



DATE: December 3, 2007

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE PARCEL MAP (P-14-06), DEVELOPMENT PLAN (D-11-07) AND CONDITIONAL USE PERMITS (C-30-06, C-14-07) TO SUBDIVIDE A 0.96-ACRE SITE, WHICH EXCEEDS THE BASE DENSITY AND HAS PANHANDLE ACCESS, INTO THREE RESIDENTIAL LOTS AND TO CONSTRUCT TWO HOMES ON PROPERTY LOCATED APPROXIMATELY 160 FEET EAST OF THE TERMINUS OF CASSIDY STREET AT BAYBERRY DRIVE. THE SITE IS ZONED RE-B (RESIDENTIAL ESTATE – B) AND IS SITUATED WITHIN THE FIRE MOUNTAIN NEIGHBORHOOD. – BAYBERRY PARCEL MAP – APPLICANT: 1800 INVESTMENTS INC.**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 32, Categorical Exemption “In-Fill Development Projects”; and,
- (2) Adopt Planning Commission Resolution No. 2007-P63 approving the Tentative Parcel Map (P-14-06), Development Plan (D-11-07), Conditional Use Permit (C-30-06) and Conditional Use Permit (C-14-07) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The subject site is an irregular shaped parcel, consisting of 0.96 acres of vacant land. The site is approximately 160 feet east of the terminus of Cassidy Street at Bayberry Drive. The site is flanked on the east by a 30 to 40-foot high natural slope, which descends west, and is flanked on the west by a 15 to 20-foot graded slope, which descends to the east. Site elevations range from approximately 70 to 112 feet Mean Sea Level. On-site vegetation consists of a substantial number of trees and shrubs.

Surrounding land uses include single-family detached residences on 10,000-square foot minimum lots. The zoning designation for the site is RE-B (Residential Estate B) District and the General Plan Land Use Category is Estate B Residential (EB-R). The larger neighborhood area encompassing the project site is the Fire Mountain Neighborhood.

Project Description: The project application is comprised of four components; Tentative Parcel Map (P-14-06), Development Plan (D-11-07), Conditional Use Permit (C-30-06), and Conditional Use Permit (C-14-07), as follows:

Tentative Parcel Map (P-14-06) represents a request for the following:

- (a) To subdivide 0.96 acres (41,818 square feet) into three residential lots pursuant to Section 302 of the Oceanside Subdivision Ordinance.

Development Plan (D-11-07) represents a request for the following:

- (a) To construct two single-family homes, pursuant to Article 10 of the Oceanside Zoning Ordinance. A third single-family home is proposed to be reviewed at a later date pursuant to Article 43.

Conditional Use Permit (C-30-06) represents a request for the following:

- (a) To permit development above the base density (1 dwelling unit per gross acre) pursuant to Section 1050(B) of the Oceanside Zoning Ordinance.

Conditional Use Permit (C-14-07) represents a request for the following:

- (a) To permit panhandle access to Parcels 1, 2, and 3 from a private drive pursuant to Section 1050(Y) of the Oceanside Zoning Ordinance.

The proposed project will consist of a three-lot subdivision. The three new parcels will be 13,137 gross square feet (Parcel 1), 14,738 gross square feet (Parcel 2), and 14,131 gross square feet (Parcel 3) in size. Parcels 1 and 2 shall be considered processed under Development Plan (D-11-07). However, if the project entitlements are implemented, but no site grading or building permit activity has occurred on either Parcel for a period of five years from the date of approval, a separate, new Administrative Development Plan shall be obtained for the undeveloped lot. This is detailed in the project conditions. Parcel 3 shall be required to obtain an Administrative Development Plan prior to issuance of any building permits.

Each of the homes created by this parcel map shall be required to meet the following development standards: Minimum lot size, 10,909 net square feet (13,137 gross square feet); minimum unit size, 2,500 square feet; garage, three car minimum; front yard, 25 feet; corner side yard, 15 feet, side yard 7.5 feet; rear yard, 20 feet; maximum height, 36

feet; maximum lot coverage, 35 percent; roofing, fire resistant concrete tile or slate (all parcels compatible); siding, stucco, architectural accents, decorative trims, etc. (all parcels compatible); color, earth tones (all parcel compatible).

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

1. General Plan Land Use Element
2. Zoning Ordinance
3. Subdivision Ordinance

ANALYSIS – KEY PLANNING ISSUES

1. General Plan conformance

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

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.

Section 1.13 Neighborhood Character

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

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

Section 1.22 Landscaping

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

Policy A: Existing mature trees shall be retained whenever possible.

Policy B: Mature trees removed for development shall be mitigated by replacement with an appropriate type, size, and number of trees.

Section 1.24 Topographic Resources

Objective: To ensure that development preserves and enhances the unique beauty and character of the City's natural topographic features and does not contribute to slope instability, flooding, or erosion hazards to life and property.

Policy E: Structures shall be designed to adapt to hillside conditions.

Policy M: The amount of impervious surfacing shall be limited and shall be designed to support the natural drainage system.

Section 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 pad areas of sufficient size and dimensions to accommodate an aesthetically pleasing and efficient dwelling unit.

Policy B: Individual residential parcels shall be organized or laid out in a fashion that promotes functional and aesthetically pleasing neighborhoods.

Policy C: Individual residential parcels shall provide building pad areas that are reflective of the minimum lot area established for the area.

Section 2.3 Residential Development

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

Section 2.32 Potential Range of Residential Densities

Policy B: Residential projects that possess an excellence of design features shall be granted the ability to achieve densities above the base density. Project characteristics that exceed standards established by City policy and those established by existing or approved developments in the surrounding area will be favorably considered in the review of acceptable density within the range. Such characteristics include, but are not limited to, the following:

- 2) Lot standards (i.e. lot area, width, depth, etc.) which exceed the minimum standards established by the City policy.
- 3) Development standards (i.e. parking, setbacks, lot coverage, etc.) which exceed the standards established by the City policy.
- 4) Superior architectural design and materials.
- 8) Floor areas that exceed the norm established by existing or approved development in the surrounding area.

2. Zoning Compliance

This project is located in the RE-B (Residential Estate – B) District and complies with the requirements of that zoning designation. The following table summarizes proposed and applicable development standards for the project site:

	Development Regulations	PARCEL 1	PARCEL 2	PARCEL 3 (pad allows)
Minimum Lot Size	10,000 sq. ft. (0.23 acres)	13,137 sq. ft. (0.30 acres)	14,738 sq. ft. (0.34 acres)	14,131 sq. ft. (0.32 acres)
Minimum Lot Width	70 feet	104 feet	84.5 feet	84.5 feet
Front Yard	25 feet	25 feet	25 feet	25 feet
Side Yard	7.5 feet	25 feet (west) 9.9 feet (east)	7.5 feet (east)	7.5 feet
Corner Side Yard	15 feet	n/a	15 feet	15 feet
Rear Yard	20 feet	20 feet	20 feet	20 feet
Height	Max. 36 feet	Max. 32 feet	20.75 feet	Max. 36 feet
Lot Coverage	Max. 35%	22.5%	31.5%	Max. 35%
Off-street Parking	2 car garage	3-car garage	3-car garage	3-car garage

3. Subdivision Ordinance

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

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

DISCUSSION

Issue: The number of existing trees on-site is substantial. It is infeasible to mitigate for all trees on the project site.

Recommendation: The previous owner of the subject site used the property for a personal horticultural hobby. He planted a plethora of trees on-site, including palm, evergreen, eucalyptus, and broadleaf trees. As a result, the site is covered with over 100 trees, 30 of which meet the General Plan definition of mature trees (trees having a caliper of 10 inches or more) and 35 of which are mature palm trees. It is infeasible to require the developer to provide a 1 to 1 replacement of all trees on-site.

In order to address this issue, staff required the applicant to have a Certified Arborist prepare a tree inventory in order to assess the situation at hand. The results of the report, in addition to the Conceptual Landscape Plan, indicate that 22 trees will be removed from the site, while 52 trees will be preserved and/or replaced. In addition, 32 palm trees will be removed from the site and 36 are proposed to be preserved and/or replaced. Any remaining trees removed from the site, shall be mitigated through in lieu fees to be determined based on an approved Arborist Report. These fees will contribute to tree placement throughout the City. The project has been conditioned accordingly.

Issue: Project compatibility with surrounding neighborhood.

Recommendation: The project site is surrounded to the north, east, south, and west with detached, single-family homes on minimum 10,000 square foot lots. The average lot size of the 72 surrounding properties is 15,620 square feet (0.35 gross acres). The median lot size is 12,557 square feet (0.285 gross acres). The applicant is proposing lots ranging in size from 13,137 square feet (0.3 gross acres) to 14,738 square feet (0.34 gross acres). This puts the proposed lots slightly below the average lot size, but above the median lot size for the surrounding neighborhood. However, when reviewing only the lots created within the last 10 years (37 properties), staff found that the average lot size is 13,775 square feet (0.314 gross acres). Staff finds that the proposed lots are compatible in size to the surrounding area.

The average home size on the 72 surrounding lots is 2,431 square feet. The home proposed for Parcel 1 is 4,266 square feet with a three car garage, and the home proposed for Parcel 2 is 2,606 square feet with a three car garage. The remaining parcel will be required to have a minimum 2,500 square foot home. When reviewing only the lots developed within the last ten years (35 properties), staff found that the average home size is 2,769 square feet. Staff finds that the proposed homes will be compatible with the surrounding neighborhood.

Issue: The project shall possess an excellence of design features to be granted the ability to achieve densities above the base density.

Recommendation: The proposed project provides lots that are larger than the required 10,000 square foot lot. In addition, the proposed homes shall be larger than the requirements of the Zoning Ordinance and larger than most homes in the vicinity of the project site. Additionally, all three homes shall have three-car garages rather than the required two-car garage. In regards to setbacks, the homes are meeting the regulations. This includes a minimum 15-foot corner side yard setback from the access driveway, which will provide for larger landscaped yard areas. The design standards for the homes include fire resistant concrete tile or slate roofing, stucco siding, architectural accents, decorative trims, etc., and earth tone colors. The project has been conditioned so that all parcels will be compatible even if they are developed at different times. Staff has found this proposed project to possess excellent design features.

Issue: The applicant has not proposed development on Parcel 3. Rather design guidelines are proposed for future development.

Recommendation: The project's *Description and justification* includes specific development standards which are incorporated into project conditions 103 through 107. Project conditions require the approval of an Administrative Development Plan(s) prior to the issuance of a building permit(s). Development proposals will be reviewed by staff in accordance with Article 43 of the Zoning Ordinance. Staff finds that the design requirements will suitably satisfy the *General Plan Land Use Element* Community Enhancement goals and the Neighborhood Character Objective 1.13 and will satisfy the *General Plan Land Use Element* Community Development goals and the Residential Development Objective 2.3.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Class 32, Article 19, Section 15332 In-Fill Development Projects, of the California Environmental Quality Act.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. As of November 28, 2007, no communication supporting or opposing the request has been received.

SUMMARY

In summary, staff believes that the proposed Tentative Parcel Map, Development Plan, and Conditional Use Permits are consistent with the requirements of the Zoning Ordinance, the Subdivision Ordinance, and the land use policies outlined in the General

Plan. The project meets or exceeds all development standards and is compatible with the surrounding development pattern and architectural styles found throughout the neighborhood. As such, staff recommends that the Planning Commission approve the project. The Commission's action should be:

- Move to approve Tentative Parcel Map (P-14-06), Development Plan (D-11-07), Conditional Use Permit (C-30-06), and Conditional Use Permit (C-14-07) and adopt Planning Commission Resolution No. 2007-P63 as attached.

PREPARED BY:


Sally Schifman
Planner II

SUBMITTED BY:

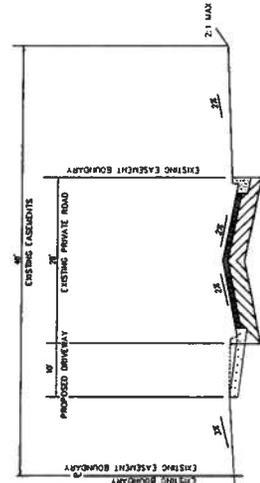

Jerry Hittleman
City Planner

JH/SS/fil

Attachments:

1. Tentative Parcel Map/ Architectural Plans/Conceptual Landscape Plans
2. Planning Commission Resolution No. 2007-P63

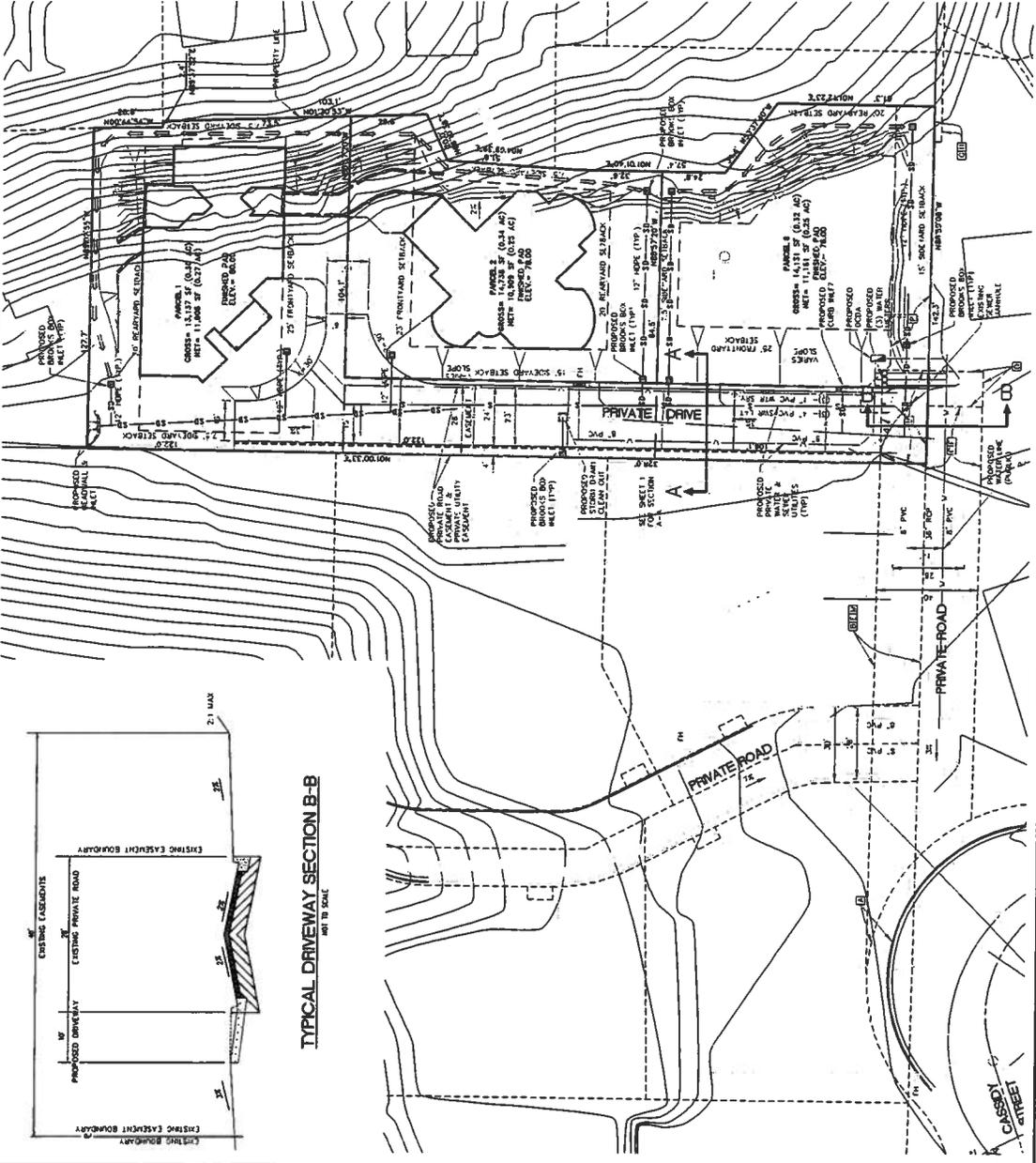
TENTATIVE PARCEL MAP P-14-06 BAYBERRY DRIVE



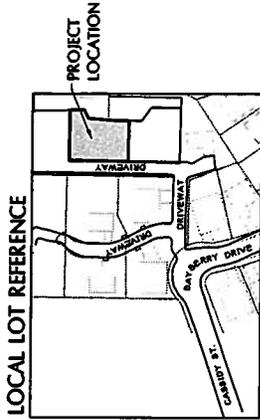
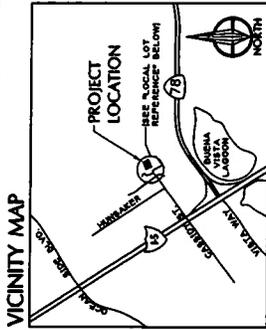
EXISTING EASEMENTS

- 1. PORTION OF CASSIDY STREET DEDICATED PER PU 1823
- 2. IMPROVED LOT WIDE SEWER, WATER AND DRAINAGE EASEMENT PER DOC 1997-030858 REC. 01-20-97
- 3. EASEMENTS SEWER, WATER AND DRAINAGE EASEMENTS TO THE CITY OF OCEANSIDE DEDICATED PER PU 17755
- 4. DEDICATED 27' WIDE SEWER, WATER AND DRAINAGE EASEMENT PER DOC 1997-030858 REC. 01-20-97
- 5. EASEMENT DEDICATED AND DESIGNATED BY A DOCUMENT ENTITLED "DECLARATION OF EASEMENT AND RESTRICTIONS" RECORDED JANUARY 14, 2004 AS INSTRUMENT NO. 01-018154 OF OFFICIAL RECORDS. THE EASEMENT IS A 20' WIDE EASEMENT FOR THE PURPOSES OF GENERAL RECREATION, LANDSCAPE, LANDSCAPE MAINTENANCE AND LANDSCAPE DESIGN. THE EASEMENT IS A 20' WIDE EASEMENT FOR THE PURPOSES OF GENERAL RECREATION, LANDSCAPE, LANDSCAPE MAINTENANCE AND LANDSCAPE DESIGN. THE EASEMENT IS A 20' WIDE EASEMENT FOR THE PURPOSES OF GENERAL RECREATION, LANDSCAPE, LANDSCAPE MAINTENANCE AND LANDSCAPE DESIGN.
- 6. AN EASEMENT OVER THE NORTH 22 FEET OF THE EAST PORTION OF LOT 10 OF BAYBERRY DRIVE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, CALIFORNIA, IS HEREBY DECLARED AND DESIGNATED BY A DOCUMENT ENTITLED "DECLARATION OF EASEMENT AND RESTRICTIONS" RECORDED JANUARY 14, 2004 AS INSTRUMENT NO. 01-018154 OF OFFICIAL RECORDS. THE EASEMENT IS A 20' WIDE EASEMENT FOR THE PURPOSES OF GENERAL RECREATION, LANDSCAPE, LANDSCAPE MAINTENANCE AND LANDSCAPE DESIGN.
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		BARGER ENGINEERING ENGINEER OF WORK 2551 GRANDELLE ST. ESCROWERS (760) 743-4217 FAX: (760) 743-4217	1800 INVESTMENT INC. DEVELOPMENT BY 1416 PHILLIPS STREET MIRA, CA 92033	TENTATIVE PARCEL MAP APR 154-90-74 BAYBERRY DRIVE OCEANSIDE, CALIFORNIA	SHEET NO. 1 DATE: 10-27-2007 DRAWN BY: AS SHOWN SCALE: AS SHOWN JOB NO.: TENTATIVE MAP PROJECT NO.: 154-90-74
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Bayberry Lot 2 Residence



DEVELOPMENT INFORMATION

ADDRESS: BAYBERRY DR, OCEANSIDE, CA 92084
 PARCEL NUMBER: 12-3-30-74
 ZONING: R-1
 EXISTING LAND USE: RESIDENTIAL
 PROPOSED LOT COVERAGE: 3,300.0 SQ. FT. (75%)
 PROPOSED LOT AREA: 4,400.0 SQ. FT.

SETBACKS:
 FRONT YARD: 10'-0"
 CONCRETE SIDE YARD: 5'-0"
 SIDE YARD: 5'-0"
 REAR YARD: 10'-0"
 GARAGE SETBACK: 10'-0"
 MAX. HEIGHT: 35'-0"

DEMOLITION - NONE

CONSTRUCTION - NEW

PERMITS REQUIRED:
 GRADING IS SPACES
 LEGAL DESCRIPTION: XX

OWNER:
 CARY
 HORMANN

OWNER'S REP:
 C/O GRI INVESTMENTS
 PO BOX 728
 OCEANSIDE, CA 92084
 (760) 435-5195

PROJECT:
 BAYBERRY
 LOT 2
 RESIDENCE

OWNER:
 CARY
 HORMANN

OWNER'S REP:
 C/O GRI INVESTMENTS
 PO BOX 728
 OCEANSIDE, CA 92084
 (760) 435-5195

OWNER'S REP:
 PAUL LONGTON
 2909 MEA DRIVE
 OCEANSIDE, CA 92084
 (760) 722-4894

RELEASE DATE:
 5/29/02

REVISIONS:

DRAWING STATUS:
 PRELIMINARY
 NOT FOR CONSTRUCTION
 NOT TO BE USED FOR PERMITS
 NOT TO BE USED FOR CONTRACTS
 NOT TO BE USED FOR BIDDING
 NOT TO BE USED FOR ANY OTHER PURPOSES
 WITHOUT WRITTEN PERMISSION OF THE ARCHITECT

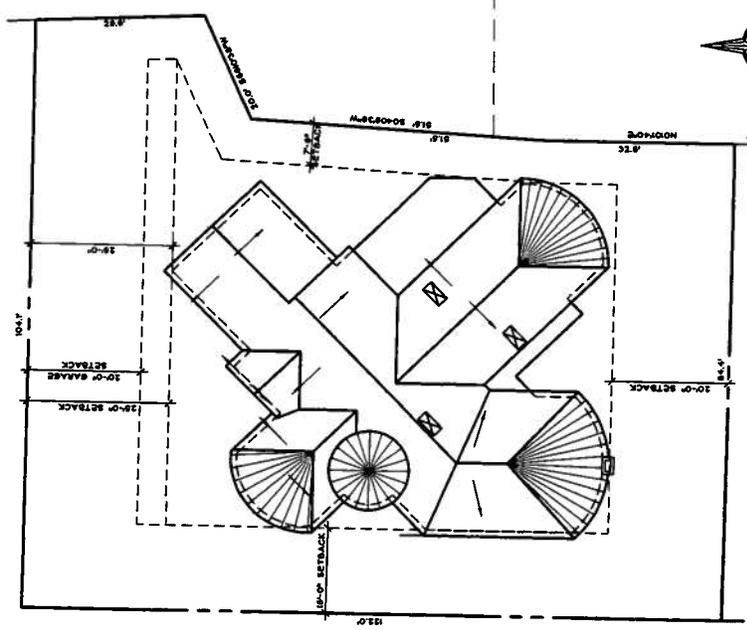
SCALE:
 1" = 10'-0"

CHECKED BY:
 PL

DATE:
 5/29/02

SHEET TITLE:
 SITE &
 ROOF PLAN

SHEET NO.:
 SP.1



1 SITE AND ROOF PLAN - LOT 2
 SCALE: 1/8" = 1'-0"

OCEANSIDE FIRE DEPARTMENT REQUIREMENTS:

- ALL AREAS WITHIN THE FIRE LANE SHALL BE MARKED WITH THE APPROPRIATE FIRE CODE SYMBOLS AND THE FIRE LANE SHALL BE MAINTAINED AT ALL TIMES.
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ATTIC VENTING NOTES:

- PROVIDE ORDER AMONG GABLE VENTS IN THE UPPER 1/3 OF THE ROOF.
- VENTS FOR 1/3 OF THE REMAINDER VENTING FOR EACH ATTIC AREA.
- PROVIDE VENTING BLOCKS AS FOLLOWS: 1. GABLES: PROVIDE 1/3 NET VENT AREA PER 1/2 GABLE OR DORMER VENT. PROVIDES AS SQUARE INCHES OF NET VENTING AREA.
- SPACE VENTS AT CORNERS AND SUBSEQUENT FROM EACH OTHER.
- SPACE VENTS WITH 1/2" INSULATED INSULATION SHALL NOT BLOCK THE FREE FLOW OF AIR THROUGH THE VENTS.
- ATTIC VENTILATION OPENINGS SHALL BE COVERED BY CORROSION-RESISTANT METAL FLASHING.

VENTING AREA REQUIREMENTS:

- ATTIC VENTING: 1/3 NET VENT AREA PER 1/2 GABLE OR DORMER VENT. PROVIDES AS SQUARE INCHES OF NET VENTING AREA.
- SPACE VENTS: 1/3 NET VENT AREA PER 1/2 GABLE OR DORMER VENT. PROVIDES AS SQUARE INCHES OF NET VENTING AREA.

DIMENSION NOTES:

- ALL DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.
- ALL DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS.

SITE NOTES

- THE CONTRACTOR MUST VERIFY ALL GRADES, CONDITIONS AND DIMENSIONS IMMEDIATELY PRIOR TO COMMENCING WORK.
- THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UTILITIES PRIOR TO COMMENCING WORK.
- AT A POINT WITHIN THE PROPERTY LINE, THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UTILITIES PRIOR TO COMMENCING WORK.
- VERIFY THE EXISTENCE AND LOCATION OF ALL UTILITIES PRIOR TO COMMENCING WORK.
- VERIFY THE EXISTENCE AND LOCATION OF ALL UTILITIES PRIOR TO COMMENCING WORK.

BUILDING CODES

THIS PROJECT SHALL COMPLY WITH THE FOLLOWING:

- 2001 CALIFORNIA BUILDING CODE (TITLE 24)
- 2000 UNIFORM PLUMBING CODE
- 2000 UNIFORM MECHANICAL CODE
- 1997 UNIFORM FIRE CODE
- 2000 NATIONAL ELECTRICAL CODE
- 1997 UNIFORM BUILDING CODE

CONSULTANTS:

STRUCTURAL:
 DAWN BAIRD, INC. STRUCTURAL
 808 S. CLEVELAND ST.
 OCEANSIDE, CA 92084

CITY ENGINEER:
 CONCRETE ENGINEERING
 835 MISSION AVE.
 OCEANSIDE, CA 92084

GEOTECHNICAL:
 HOLS REPORT
 8701 FALLBROOK WAY
 CARLSBAD, CA 92008

MOBILE ORDER #449-A-8C/1/24, 2008

MOBILE ORDER #449-A-8C/1/24, 2008

MOBILE ORDER #449-A-8C/1/24, 2008

MOBILE ORDER #449-A-8C/1/24, 2008

SHEET INDEX

SP.1 COVER SHEET / SITE PLAN
 1-4 TITLE & DENSITY CALCULATIONS
 A1 FLOOR PLANS
 A2 EXTERIOR ELEVATIONS & BLOCK SECTIONS
 A3 DETAILS
 C1 ELECTRICAL PLAN

LEGAL DESCRIPTION

SECTION 14, TOWNSHIP 33N, RANGE 12E, S4, OCEANSIDE, CALIFORNIA

OWNER'S REPRESENTATIVE

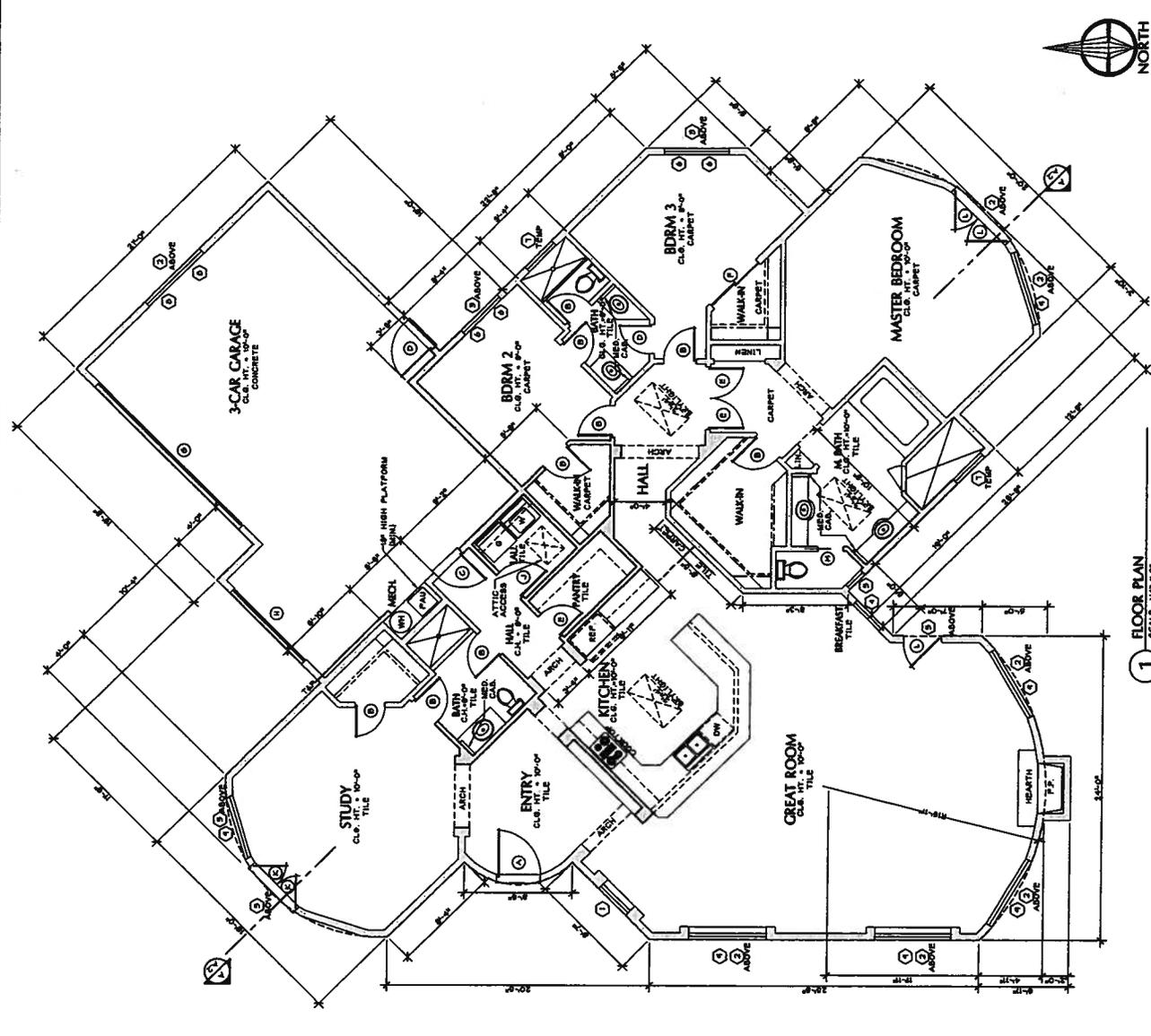
PAUL LONGTON
 2909 MEA DRIVE
 OCEANSIDE, CA 92084
 (760) 722-4894

ARCHITECT

STUDIO 4
 ARCHITECTURE
 2000 BAYBERRY DRIVE
 OCEANSIDE, CA 92084
 (760) 722-4894
 paul@studio4architect.com
 paul.studio4@gmail.com

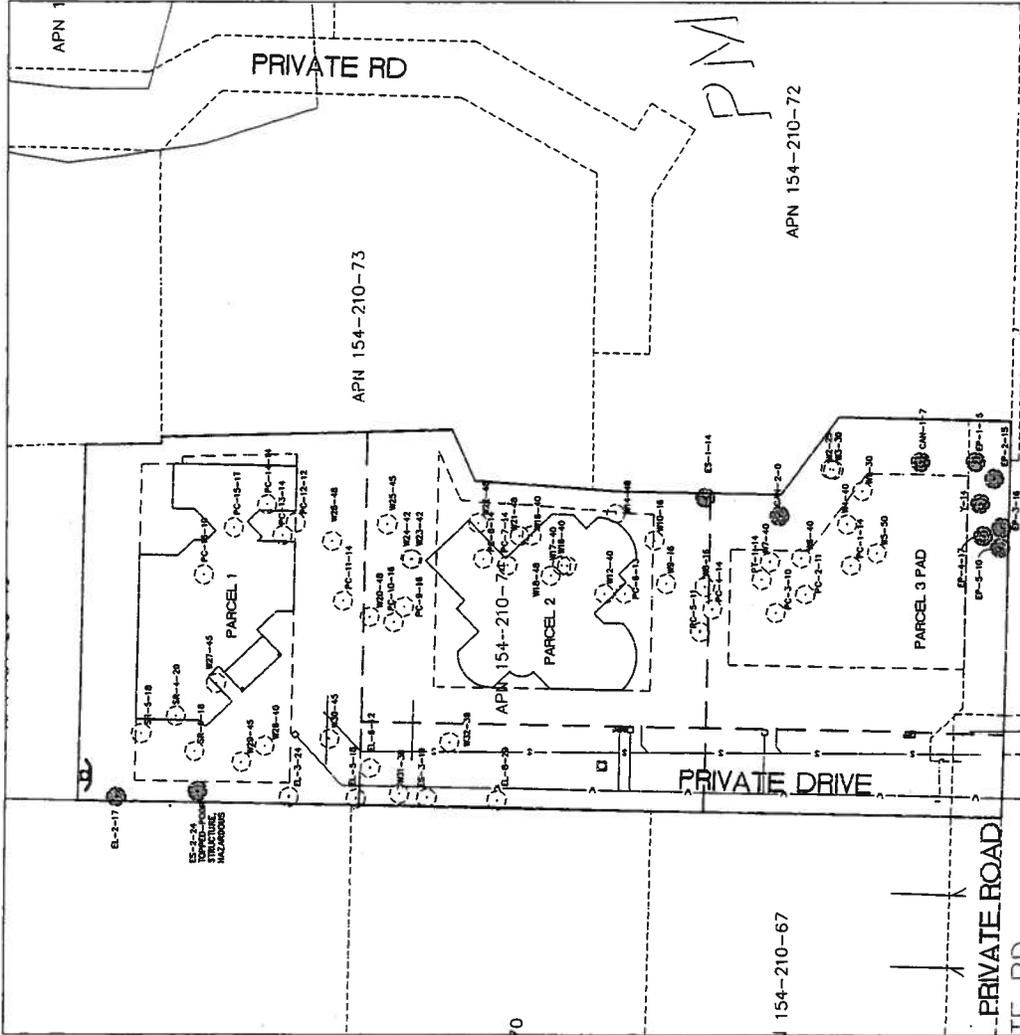
FLOOR PLAN GENERAL NOTES:

- A MISCELLANEOUS**
 - 1. ALL WINDOW SIZES ARE AS SHOWN UNLESS OTHERWISE NOTED.
 - 2. ALL WINDOW SIZES ARE AS SHOWN UNLESS OTHERWISE NOTED.
 - 3. ALL WINDOW SIZES ARE AS SHOWN UNLESS OTHERWISE NOTED.
 - 4. ALL WINDOW SIZES ARE AS SHOWN UNLESS OTHERWISE NOTED.
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 - 9. ALL WINDOW SIZES ARE AS SHOWN UNLESS OTHERWISE NOTED.
 - 10. ALL WINDOW SIZES ARE AS SHOWN UNLESS OTHERWISE NOTED.
- B KITCHEN**
 - 1. KITCHEN IS TO BE FINISHED WITH 12" X 12" POLISHED NATURAL STONE TILE.
 - 2. KITCHEN IS TO BE FINISHED WITH 12" X 12" POLISHED NATURAL STONE TILE.
 - 3. KITCHEN IS TO BE FINISHED WITH 12" X 12" POLISHED NATURAL STONE TILE.
- C BATH**
 - 1. BATH IS TO BE FINISHED WITH 12" X 12" POLISHED NATURAL STONE TILE.
 - 2. BATH IS TO BE FINISHED WITH 12" X 12" POLISHED NATURAL STONE TILE.
- D LAUNDRY**
 - 1. LAUNDRY IS TO BE FINISHED WITH 12" X 12" POLISHED NATURAL STONE TILE.
- E FIRE PROTECTION (GARAGE & STAIR)**
 - 1. FIRE PROTECTION IS TO BE PROVIDED AS SHOWN.
 - 2. FIRE PROTECTION IS TO BE PROVIDED AS SHOWN.
- F WATER HEATER & FAULT**
 - 1. WATER HEATER IS TO BE PROVIDED AS SHOWN.
- G FIREPLACE**
 - 1. FIREPLACE IS TO BE PROVIDED AS SHOWN.



1 FLOOR PLAN
 SCALE: 1/8" = 1'-0"

EXISTING TREE SURVEY MAP BAYBERRY DRIVE



GRAPHIC SCALE
1" = 20'

SPECIAL NOTES
THE INITIAL TREE SURVEY WAS PERFORMED ON MAY 10, 2007 BY KATHLEEN COMLEY, MEMBERSHIP SOCIETY OF ARBOREAL CARE CERTIFIED ARBORIST #EE-1337A. THIS INVENTORY IS FOR THE SITE DESCRIBED AND SHOWN HEREON FOR THE CITY. SECTION 407 AND 402. THESE TREE WORKS (T) OR MORE ARE SHOWN.



TREE TEXT INVENTORY LEGEND

TREE	NAME ABBREVIATION, SPECIMEN NUMBER, & CALIPER
APN	CALIPER LOCATION AND NUMBER OF THAT SPECIES BOTANICAL NAME ABBREVIATION
PALM	NAME ABBREVIATION, SPECIMEN NUMBER, BTH
DATE	BROWN TRUNK HEIGHT (BTH) LOCATION AND NUMBER OF THAT SPECIES BOTANICAL NAME ABBREVIATION

THE TREE SYMBOL LEGEND

TO BE REMOVED DUE TO SITE DEVELOPMENT

TO REMAIN IN PLACE

GENERAL NOTES

TOTAL AVERAGE FORECAST: 10,000 SF

ESTIMATED ZONING: RESIDENTIAL ESTATE B (RE-4)

PROPOSED ZONING: RESIDENTIAL ESTATE B (RE-4)

NUMBER OF LOTS: THREE (3)

NUMBER OF IMPLANTING UNITS: THREE (3)

DENSITY: 3-1

CONTOUR INTERVALS: 1 FOOT

ADJACENT SLOPE GRADIENT: 2%

PROPOSED LANDSCAPE (PERCENTS) 20%

OFF-STREET PARKING REQUIRED: 9

OFF-STREET PARKING PROPOSED: 9

AMOUNT OF GRASSING PROPOSED: 9

GENERAL PLAN DESIGNATION: ESTATE B

TOPOGRAPHIC SOURCE: 5800 CY CUT, 100 CY FILL

TOPOGRAPHIC SURVEY PERFORMED BY: J. J. HARRIS, INC. DATE: MAY 17, 2007 IN ACCORDANCE WITH THE CALIFORNIA PROFESSIONAL LAND SURVEYING ACT, CHAPTER 4, SECTION 407 AND 402.

OWNER/DEVELOPER
180 WINDMILL BLK
1418 PALMS STREET
OCEANSIDE, CA 92081

ASSESSOR'S PARCEL NUMBER
APN 154-210-74

SITE ADDRESS
BAYBERRY DRIVE
OCEANSIDE, CA 92081

LAND SURVEYOR
ORSON SURVEYING
1743 JAILLOW COURT
OCEANSIDE, CA 92081
PH: (760)931-1823
FAX: (760)931-1824

ENGINEER OF WORK
BARBARA GOODENOUGH
3801 DANIEL LANE
OCEANSIDE, CA 92081
PH: (760)934-4317
FAX: (760)934-4317

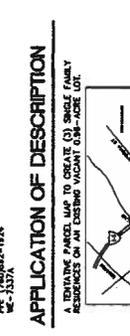
ISA CERTIFIED ARBORIST
KATHLEEN COMLEY, MESA
THE URBAN TREE PLANNING GROUP
10000 WILSON AVENUE, SUITE 230
CARLSBAD, CA 92008
PH: (760)932-1924
CE-13261A

APPLICATION OF DESCRIPTION

A TENTATIVE PARCEL MAP TO CREATE (3) SINGLE FAMILY RESIDENCES OF AN EXISTING VACANT 0.34-ACRE LOT.

TREE INVENTORY

DATE	TYPE	TRUNK DBH	HEIGHT	STATUS



1 PLANNING COMMISSION
2 RESOLUTION NO. 2007-P63

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

7 APPLICATION NO: P-14-06, D-11-07, C-30-06, and C-14-07
8 APPLICANT: 1800 Investments, Inc.
9 LOCATION: Approximately 160 feet east of the terminus of Cassidy Street at
Bayberry Drive

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms
13 prescribed by the Commission requesting a tentative parcel map, development plan, and two
14 conditional use permit under the provisions of Articles 10, 41, and 43 of the Zoning Ordinance of
15 the City of Oceanside and Articles III and IV of the Subdivision Ordinance of the City of
Oceanside to permit the following:

16 a three-lot subdivision, which exceeds base density and has panhandle access, with the
17 construction of two single-family detached homes;
18 on certain real property described in the project description.

19 WHEREAS, the Planning Commission, after giving the required notice, did on the 3rd day
20 of December, 2007 conduct a duly advertised public hearing as prescribed by law to consider said
21 application.

22 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
23 Guidelines thereto; this project is not subject to CEQA per Article 19 Section 15332, In-fill
24 Development Projects, and therefore, the project is exempt from CEQA;

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

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$2,072 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
Thoroughfare Fee (For commercial and industrial please note the .75 per cent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically \$3,746 per unit.
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Residential is typically \$4,587 per unit.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,154 per unit.
Inclusionary housing in lieu fees—Residential only.	Chapter 14-C of the City Code	\$1,000 per development project + \$100 per unit plus \$10,275 per unit

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

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

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

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

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

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

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

18 FINDINGS:

19 For the Tentative Parcel Map P-14-06:

- 20 1. The proposed map is consistent with the General Plan of the City by meeting and
21 exceeding lot size requirements or other provisions of the Zoning Ordinance and the
22 Subdivision Ordinance.
- 23 2. The 0.96-acre site has been found to be physically suitable for residential development.
- 24 3. A residential density of 3.1 dwelling units per gross acre is suitable for the site.
- 25 4. The three-lot subdivision will not cause substantial environmental damage or
26 substantially and avoidably injure fish or wildlife or their habitat and has been
27 categorically exempted from review under the California Environmental Quality Act.
- 28 5. The three-lot subdivision and the construction of two detached residential units will not
29 conflict with easements, acquired by the public at large, for access through or use of,
property within the proposed subdivision.

1 6. The Parcel Map complies with all other applicable ordinances, regulations, and
2 guidelines of the City of Oceanside.

3 For the Development Plan D-11-07:

- 4 1. The site plan and physical design of the project is consistent with the purposes of the
5 Zoning Ordinance, including Articles 10, 30, and 43.
- 6 2. The Development Plan conforms to the General Plan of the City of Oceanside, including
7 the goals and objectives of Community Development Sections 2.0, 2.02, 2.3, and 2.32
8 the Land Use Element of the General Plan.
- 9 3. The area covered by the Development Plan can be adequately, reasonably and
10 conveniently served by existing and planned public services, utilities, and public
11 facilities.
- 12 4. The proposed detached residential units are compatible with the existing and potential
13 development on adjoining properties and the surrounding Fire Mountain Neighborhood.

14 For the Conditional Use Permit C-30-06 (panhandle access):

- 15 1. The proposed use of a panhandle access design on three lots and the proposed location
16 of the lots is in accord with the objectives of the Zoning Ordinance and the purposes of
17 the district in which it is located.
- 18 2. The use of panhandle access design, and the proposed conditions under which it would
19 be established or maintained will be consistent with the General Plan; will not be
20 detrimental to the public health, safety or welfare of persons residing or working in or
21 adjacent to the neighborhood of such use; and will not be detrimental to properties or
22 improvements in the vicinity or to the general welfare of the City.
- 23 3. The use of panhandle access design will comply with the provisions of the Zoning
24 Ordinance of the City of Oceanside and any specific condition required for panhandle
25 access in the Single-Family Residential District.

26 For the Conditional Use Permit C-11-07(exceeding base density):

- 27 1. The development portion of the subject property is zoned RE-B with a corresponding
28 Land Use designation of Residential Estate-B (1-3.5 dwelling units per acre). The
29 project density of 3.1 dwelling units per acre is consistent with the density range of 1–
3.5 dwelling units per acre established by the Residential Estate–B designation.

1 2. The 0.96-acre of land located in the RE-B District and the proposed single-family
2 residential land use is consistent with the General Plan; the location and land use will not
3 be detrimental to the public health, safety, or welfare of persons residing or working in
4 or adjacent to the neighborhood of such use; and the location and land use will not be
5 detrimental to properties or improvements in the vicinity or to the general welfare of the
6 City.

7 3. The residential density will comply with the provisions of the Zoning Ordinance of the
8 City of Oceanside, including Article 10 and any specific condition required for a density
9 of 3.1 dwelling units per gross acre in the Single-Family Residential District.

10 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
11 approve Tentative Parcel Map (P-14-06), Development Plan (D-11-07), Conditional Use Permit
12 (C-30-06) and Conditional Use Permit (C-14-07) subject to the following conditions:

13 **Building:**

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

16 2. The granting of approval under this action shall in no way relieve the applicant/project
17 from compliance with all State and Local building codes.

18 3. The building plans for this project are required by State law to be prepared by a licensed
19 architect or engineer and must be in compliance with this requirement prior to submittal
20 for building plan review.

21 4. All electrical, communication, CATV, etc. service lines within the exterior lines of the
22 property shall be underground.

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

25 6. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance)
26 and shall be shielded appropriately.

27 7. The developer shall monitor, supervise and control all building construction and supporting
28 activities so as to prevent these activities from causing a public nuisance, including, but not
29 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

1 that is not inherently noise-producing. Examples of work not permitted on
2 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
3 producing nature. No work shall be permitted on Sundays and Federal Holidays
4 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
5 Christmas Day) except as allowed for emergency work under the provisions of the
6 Oceanside City Code Chapter 38 (Noise Ordinance).

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

12 8. Separate/unique addresses will/may be required to facilitate utility releases. Verification
13 that the addresses have been properly assigned by the City's Planning Division must
14 accompany the Building Permit application.

15 9. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
16 will be required at time of plans submittal to the Building Division for plan check. The
17 Soils Report & Structural Calculations must show that the hillside soils conditions are
18 suitable to support the buildings, retaining walls, etc. for this project.

19 10. A private sewer system design must be submitted to the Building Division and approved
20 prior to the construction of the sewer system. If a gravity flow system is not used, an
21 engineered mechanical system must be submitted and approved by the Planning,
22 Engineering, Water, and Building Divisions.

23 11. Documentation of properly recorded easements (for access and utilities) is required for plan
24 check review of building projects on "flagpole" or "panhandle" lots.

25 12. As part of your plan check submittal for a Building Permit, submit a "plat" drawing
26 showing the first floor elevations for each segment, the locations of the points where the
27 floor level is 6 feet above grade, and the lowest elevation within 5 feet from the building for
28 each segment.

29 13. Construction plans submitted to the Building Division after January 1st 2008 must comply
with the State adopted ICC codes.

1 **Engineering:**

- 2 14. For the demolition of any existing structures or surface improvements, grading plans shall
3 be submitted and erosion control plans be approved by the City Engineer prior to the
4 issuance of a demolition permit. No demolition shall be permitted without an approved
5 erosion control plan.
- 6 15. Design and construction of all improvements shall be in accordance with standard plans,
7 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 8 16. Legal access shall be maintained to all existing lots.
- 9 17. Unless appropriate deferral is granted by the City prior to approval of the final parcel map,
10 all improvement requirements shall be covered by a subdivision agreement and secured
11 with sufficient improvement securities or bonds guaranteeing performance and payment for
12 labor and materials, setting of monuments, and warranty against defective materials and
13 workmanship.
- 14 18. Unless they are already covered by an appropriate subdivision improvement agreement, all
15 improvement requirements shall be covered by a development agreement and secured with
16 sufficient improvement securities or bonds guaranteeing performance and payment for
17 labor and materials, setting of monuments, and warranty against defective materials and
18 workmanship prior to issuance of a building permit.
- 19 19. Prior to approval of the final parcel map or a building permit (whichever occurs first) a
20 phasing plan for the construction of public and private improvements including
21 landscaping, streets and arterials shall be approved by the City Engineer. All
22 improvements shall be under construction to the satisfaction of the City Engineer prior to
23 the issuance of any building permits. All improvements shall be completed prior to
24 issuance of any certificates of occupancy.
- 25 20. Prior to issuance of a building permit a phasing plan for the construction of public and
26 private improvements including landscaping, shall be approved by the City Engineer.
- 27 21. The subdivision shall be recorded as one. The tract may be developed in phases. A
28 construction-phasing plan for the construction of on-site public and private improvements
29 shall be reviewed and approved by the City Engineer prior to the recordation of the final
parcel map. Prior to the issuance of any building permits all offsite improvements
including landscaping, frontage improvements shall be under construction to the

1 satisfaction of the City Engineer. Prior to issuance of any certificates of occupancy the City
2 Engineer shall require the dedication and construction of necessary utilities, streets, and
3 other improvements outside the area of any particular final map, if such is needed for
4 circulation, parking, access or for the welfare or safety of future occupants of the
5 development.

6 22. Where off-site improvements, including but not limited to slopes, public utility facilities,
7 and drainage facilities, are to be constructed, the applicant shall, at his own expense, obtain
8 all necessary easements or other interests in real property and shall dedicate the same to the
9 City of Oceanside as required. The applicant shall provide documentary proof satisfactory
10 to the City of Oceanside that such easements or other interest in real property have been
11 obtained prior to the approval of the final parcel map. Additionally, the City of Oceanside,
12 may at its sole discretion, require that the applicant obtain at his sole expense a title policy
13 insuring the necessary title for the easement or other interest in real property to have vested
14 with the City of Oceanside or the applicant, as applicable.

15 23. Pursuant to the State Map Act, improvements shall be required at the time of development.
16 A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to
17 these improvement conditions and a certificate setting forth the recordation shall be placed
18 on the map. The covenant shall provide that the property is subject to this resolution, and
19 shall generally list the conditions of approval

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

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

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

29 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

1 holidays unless written permission is granted by the City Engineer with specific
2 limitations to the working hours and types of permitted operations. All on-site
3 construction staging areas shall be as far as possible (minimum 100 feet) from any
4 existing residential development. Because construction noise may still be intrusive
5 in the evening or on holidays, the City of Oceanside Noise Ordinance also prohibits
6 “any disturbing excessive or offensive noise which causes discomfort or annoyance
7 to reasonable persons of normal sensitivity”.

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

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

13 26. A traffic control plan shall be prepared according to the City traffic control guidelines and
14 be submitted to and approved by the City Engineer prior to the start of work within open
15 City rights-of-way or in the existing private road at the subdivision’s entrance. Traffic
16 control during construction shall be in accordance with construction signing, marking and
17 other protection as required by the Caltrans Traffic Manual and City Traffic Control
18 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless
19 approved otherwise.

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

28. The proposed private drive shall be improved with curb and gutter.

- 1 29. Streetlights on Bayberry Drive and Cassidy Street shall comply with City standards. The
2 developer may be required to pay applicable fees, energy charges, and/or assessments
3 associated with City-owned (LS-2 rate schedule) streetlights and shall also agree to the
4 annexation to, any appropriate street lighting district.
- 5 30. This project's proposed interior street and the existing street connecting to Bayberry Drive
6 shall remain private and shall be maintained by an association or through a reciprocal
7 Private Road Maintenance Agreement to be recorded prior to or concurrent with the Final
8 Parcel Map. The pavement sections, traffic indices, alignments, and all geometrics shall
9 meet city street standards to the satisfaction of the City Engineer.
- 10 31. Prior to approval of the grading plans, the developer shall contract with a geotechnical
11 engineering firm to perform a field investigation of the existing pavement on all streets
12 adjacent to the project boundary. The limits of the study shall be half-street plus 12 feet
13 along the project's frontage. The field investigation shall include a minimum of one
14 pavement boring per every 50 linear feet of street frontage. Should the existing AC
15 thickness be determined to be less than three inches or without underlying Class II base
16 material, the developer shall remove and reconstruct the pavement section as determined by
17 the pavement analysis submittal process detailed in Item No. 2 below.
- 18 32. Upon review of the pavement investigation, the City Engineer shall determine whether the
19 Developer shall: 1) Repair all failed pavement sections, header cut and grind per the
20 direction of the City Engineer, and construct a two-inch thick rubberized AC overlay; or 2)
21 Perform R-value testing and submit a study that determines if the existing pavement meets
22 current City standards/traffic indices. Should the study conclude that the pavement does
23 not meet current requirements, rehabilitation/mitigation recommendations shall be provided
24 in a pavement analysis report, and the developer shall reconstruct the pavement per these
25 recommendations, subject to approval by the City Engineer.
- 26 33. The proposed private street shall be improved as required the City Engineer.
- 27 34. Pavement sections for all streets and driveways within the project and along the project's
28 frontage shall be based upon approved soil tests and traffic indices. The pavement design
29 is to be prepared by the subdivider's soil engineer and must be approved by the City
Engineer, prior to approval of the appropriate engineering plans.

- 1 35. Existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
2 construction of the project, shall be repaired or replaced as directed by the City Engineer.
- 3 36. All existing or temporary overhead utility lines within the property, and all new extension
4 services for the development of the project, including but not limited to, electrical, cable
5 and telephone, shall be placed underground per Section 901.G. of the Subdivision
6 Ordinance (R91-166) and as required by the City Engineer and current City policy.
- 7 37. The developer shall comply with all the provisions of the City's cable television ordinances
8 including those relating to notification as required by the City Engineer.
- 9 38. Grading and drainage facilities shall be designed and installed to adequately accommodate
10 the local stormwater runoff and shall be in accordance with the City's Engineers Manual
11 and as directed by the City Engineer.
- 12 39. The applicant shall obtain any necessary permits and clearances from all public agencies
13 having jurisdiction over the project due to its type, size, or location, including but not
14 limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U.
15 S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
16 (including NPDES), San Diego County Health Department, prior to the issuance of grading
17 permits.
- 18 40. Prior to any grading of any part of the subdivision a comprehensive soils and geologic
19 investigation shall be conducted of the soils, slopes, and formations in the project. All
20 necessary measures shall be taken and implemented to assure slope stability, erosion
21 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
22 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by
23 the City Engineer.
- 24 41. This project shall provide year-round erosion control including measures for the site
25 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
26 control plan, designed for all proposed stages of construction, shall be reviewed, secured by
27 the applicant with cash securities and approved by the City Engineer.
- 28 42. Precise grading and private improvement plans shall be prepared, reviewed, secured and
29 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
flatwork, landscaped areas, special surfaces, curbs, gutters, footprints of all structures,
walls, drainage devices and utility services.

1 43. A precise grading and private improvement plan shall be prepared, reviewed, secured and
2 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
3 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage,
4 footprints of all structures, walls, drainage devices and utility services. Parking lot striping
5 and any on-site traffic calming devices shall be shown on all Precise Grading and Private
6 Improvement Plans.

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

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

17 46. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high
18 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose
19 height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to an arterial street
20 or state highway.

21 47. The development shall comply with all applicable regulations established by the United
22 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
23 Discharge Elimination System (NPDES) permit requirements for urban runoff and
24 stormwater discharge and any regulations adopted by the City pursuant to the NPDES
25 regulations or requirements. Further, the applicant may be required to file a Notice of
26 Intent with the State Water Resources Control Board to obtain coverage under the NPDES.
27 General Permit for Storm Water Discharges Associated with Construction Activity and
28 may be required to implement a Storm Water Pollution Prevention Plan (SWPPP)
29 concurrent with the commencement of grading activities. SWPPP shall include both
construction and post construction pollution prevention and pollution control measures and
identify funding mechanisms for post construction control measures. The developer shall

1 comply with all the provisions of the Clean Water Program during and after all phases of
2 the development process, including but not limited to: mass grading, rough grading,
3 construction of street and landscaping improvements, and construction of dwelling units.
4 The applicant shall design the Project's storm drains and other drainage facilities to include
5 Best Management Practices to minimize non-point source pollution, satisfactory to the City
6 Engineer.

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

11 49. The subdivider shall provide a copy of the title/cover page of an approved Runoff
12 Assessment Report (RAR) with the first engineering submittal package. If the project
13 triggers the City's Stormwater requirements but no approved RAR exists, the appropriate
14 document shall be submitted for review and approval by the City Engineer. The RAR shall
15 be prepared by the applicant's Civil Engineer. All stormwater documents shall be in
16 compliance with the latest edition of submission requirements.

17 50. The approval of the tentative parcel map shall not mean that closure, vacation, or
18 abandonment of any public street, right-of-way, easement, or facility is granted or
19 guaranteed to the developer. The developer is responsible for applying for all closures,
20 vacations, and abandonments as necessary. The application(s) shall be reviewed and
21 approved or rejected by the City of Oceanside under separate process(es) per codes,
22 ordinances, and policies in effect at the time of the application. The City of Oceanside
23 retains its full legislative discretion to consider any application to vacate a public street or
24 right-of-way.

25 51. Landscaping plans, including plans for the construction of walls, fences or other structures
26 at the project's entrance, must conform to intersection sight distance requirements.
27 Landscape and irrigation plans shall be approved by the City Engineer prior to the issuance
28 of occupancy permits, and a pre-construction meeting held, prior to the start of any
29 improvements.

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

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

10 53. Landscape plans, meeting the criteria of the City's Landscape Guidelines or City Engineer
11 criteria, Water Conservation Ordinance No. 91-15 and Zoning Ordinance including the
12 maintenance of such landscaping, shall be approved by the City Engineer prior to the
13 issuance of building permits. Landscaping shall not be installed until bonds have been
14 posted, fees paid, and plans signed for final approval. The following special landscaping
15 requirements shall be met:

- 16 a) The developer shall be responsible for irrigating and landscaping all embankments
17 within the project.
- 18 b) Type, circumference, and dripline of existing trees with a trunk diameter of 10
19 inches or more, measured 24 inches above existing grade, shall be identified within
20 an approved Arborist Report. Any trees proposed to be removed shall be so
21 indicated in the Arborist Report and on the Preliminary Grading Plan, Precise
22 Grading Plan, and Landscape Plan.
- 23 c) Any recommendation to remove a tree due to structure and/or disease shall be
24 supported by a report from a licensed arborist.
- 25 d) Tree removal and mitigation is subject to the approval of the City Engineer.
26 Mitigation for removed trees shall be located on-site and in accordance with the
27 current replacement schedule approved by the City Engineer.
- 28 e) Removed palm trees shall be replaced at a 1 tree to 1 tree ratio. All replacement
29 palm trees shall have a minimum 8-foot Brown Trunk Height (BTH).
- f) The existing on-site tree stock is substantial. If on-site mitigation is not possible for
all of the removed trees, then an in lieu fee shall be collected for all trees not

1 replaced on-site. The fee shall be determined based on the Arborist Report of the
2 existing tree inventory. All in lieu fees shall be paid prior to the issuance of
3 building permits. Any trees removed during grading activities that were not
4 indicated on the Preliminary Grading Plan, Precise Grading Plan, and Landscape
5 Plan shall be mitigated as conditioned herein.

6 g) The equation used to calculate the mitigation in lieu fee shall be as follows:

7 (Value of Trees to be Mitigated) – (Value of Proposed Trees) – (Value of Preserved
8 Trees) = Required In Lieu Fee

9 54. Utility easements, storm drain, sewer easements and sightline requirements shall be field
10 verified by a Landscape Architect of work and planting of all species located to meet the
11 satisfaction of the City Engineer. Trees shall be relocated or mitigated for as necessary, not
12 omitted from the approved conceptual landscape plan. Invasive species of any kind shall
13 be omitted from the landscape plan.

14 55. An irrigation system shall be provided for all landscaped areas. Irrigation system shall be
15 in compliance with Engineering, Water, and Landscape ordinances, manuals and policies.

16 56. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and in
17 any adjoining public parkways shall be permanently maintained by the owner, his assigns
18 or any successors-in-interest in the property. The maintenance program shall include
19 normal care and irrigation of the landscaping; repair and replacement of plant materials;
20 irrigation systems as necessary; and general cleanup of the landscaped and open areas,
21 parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result
22 in the City taking all appropriate enforcement actions by all acceptable means including but
23 not limited to citations and/or actual work with costs charged to or recorded against the
24 owner. This condition shall be recorded with the covenant required by this resolution.

25 **Fire:**

26 57. Palm trees must be maintained free of dead material.

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

59. Roof covering:

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

4 60. Insulation:

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

6 61. Protection of eaves:

7 a) Eave assembly must be 1 hour fire rated construction.

8 b) Eaves and soffits shall be protected on the exposed underside by materials
9 approved for a minimum 1 hour fire resistance rated construction.

10 c) Fascias are required and must be protected on the backside by materials
11 approved for a minimum of 1-hour fire resistance rated construction or two-inch
12 (51mm) nominal dimension lumber.

13 62. Exterior walls:

14 a) Exterior walls of buildings or structures shall be constructed with materials
15 approved for a minimum of 1-hour fire resistance rated construction on the
16 exterior side or constructed with approved noncombustible materials. Exterior
17 wall coverings must meet the 1-hour fire resistance requirement.

18 b) Exception: Heavy timber or log wall construction. Such material shall extend
19 from the top of the foundation to the underside of the roof sheathing.

20 63. Exterior glazing, and skylights:

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

27 b) Exterior windows, window walls, glazed doors, windows within exterior doors,
28 and skylights shall be tempered glass, multilayered glazed panels, glass block or
29 have a fire protection rating of not less than 20 minutes.

64. Vents:

- 1 a) Attic ventilation openings, foundation or under floor vents, or other ventilation
2 openings in vertical exterior walls and vents through roofs shall not exceed 144
3 square inches (0.0929 m²) each. Such vents shall be covered with
4 noncombustible corrosion resistant mesh with openings not to exceed ¼ inch (6.4
5 mm), or shall be designed and approved to prevent flame or ember penetration
6 into the structure.
- 7 b) Turbine attic vents shall be equipped to allow only one way direction rotation
8 and shall not free spin in both directions.
- 9 c) Attic ventilation openings shall not be located in soffits, in eave overhangs,
10 between rafters at eaves, or in other overhang areas. Gable end and dormer vents
11 shall be located at least 10 feet (3048 mm) from property lines. Under floor
12 ventilation openings shall be located as close to grade as practical.

13 65. Unenclosed accessory structures attached to buildings with habitable spaces and
14 projections such as deck assemblies shall be a minimum of a 1-hour fire rated assembly,
15 which includes railings.

16 66. Smoke detectors are required, and detector locations must be indicated on the plans.

17 67. A minimum fire flow of 1500 gallons per minute shall be provided.

18 68. The size of fire hydrant outlets shall be 2 ½ inches by 4 inches.

19 69. All proposed and existing fire hydrants within 400 feet of the project shall be shown on
20 the site plan.

21 70. The fire hydrants shall be installed and tested prior to placing any combustible materials
22 on the job site.

23 71. Provide on-site hydrants and mains capable of supplying the required fire flow.

24 72. Detailed plans of underground fire service mains shall be submitted to the Oceanside
25 Fire Department for approval prior to installation.

26 73. All weather access roads shall be installed and made serviceable prior to and maintained
27 during time of construction.

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

- 1 75. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per
2 Vehicle Code Section 22500.1 and in accordance with the Fire Department Standard
3 Guidelines for Emergency Access.
- 4 76. In accordance with the California Fire Code Sec. 901.4.4, approved address for
5 commercial, industrial, and residential occupancies shall be placed on the structure in
6 such a position as to be plainly visible and legible from the street or roadway fronting
7 the property. Numbers shall be contrasting with their background.
- 8 77. Single-family dwellings require 4-inch address numbers.
- 9 78. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
10 approval prior to the issuance of building permits. A site plan indicating the fire access
11 and hydrant locations must also be submitted on CD Rom.
- 12 79. Buildings shall meet Oceanside Fire Department's current codes at the time of building
13 permit application.
- 14 80. Future development of the property will require compliance with all applicable Fire
15 Department Standards.

16 **Planning:**

- 17 81. This Tentative Parcel Map (P-14-06), Development Plan (D-11-07) and Conditional Use
18 Permits (C-30-06 and C-14-07) approval shall lapse two years after the effective date of
19 approval, unless:
- 20 a) A grading permit has been issued and grading has been substantially completed;
21 or
 - 22 b) A building permit has been issued, and construction diligently pursued; or
 - 23 c) An occupancy permit has been issued; or
 - 24 d) A time extension is granted by the Planning Commission.
- 25 82. The Development Plan (D-11-07) shall be effective for an additional 24 months from the
26 date of recordation of the Final Map.
- 27 83. Development Plan (D-11-07) approves only the development of two single-family
28 homes as shown on the plans and exhibits presented to the Planning Commission for
29 review and approval. No deviation from these approved plans and exhibits shall occur
without City Planner approval. Substantial deviations shall require a revision to D-11-07 or a new Development Plan.

1 84. Conditional Use Permit (C-30-06) approves only the panhandle access to Parcels 1 and 2
2 as shown on the plans and exhibits presented to the Planning Commission for review
3 and approval. No deviation from these approved plans and exhibits shall occur without
4 City Planner approval. Substantial deviations shall require a revision to C-30-06 or a
5 new Conditional Use Permit.

6 85. Conditional Use Permit (C-11-07) approves only a density level of 3.1 homes per gross
7 acre of as shown on the plans and exhibits presented to the Planning Commission for
8 review and approval. No deviation from these approved plans and exhibits shall occur
9 without City Planner approval. Substantial deviations shall require a revision to C-11-07
10 or a new Conditional Use Permit.

11 86. The applicant, permittee, or any successor-in-interest shall defend, indemnify and hold
12 harmless the City of Oceanside, its agents, officers, or employees from any claim, action
13 or proceedings against the City, concerning Parcel Map P-14-06, Development Plan D-
14 11-07, Conditional Use Permit C-30-06, and Conditional Use Permit C-14-07. The City
15 will promptly notify the applicant of any such claim, action or proceeding against the
16 City and will cooperate fully in the defense. If the City fails to promptly notify the
17 applicant of any such claim, action, or proceeding, or fails to cooperate fully in the
18 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
19 harmless the City.

20 87. All mechanical rooftop and ground equipment shall be screened from public view as
21 required by the Zoning Ordinance. That is, on all four sides and the top. The roof jacks,
22 mechanical equipment, screen and vents shall be painted with non-reflective paint to
23 match the roof. This information shall be shown on the plans.

24 88. All single-family dwelling projects shall dispose of or recycle solid waste in a manner
25 provided in City Code Section 13.3.

26 89. Prior to the issuance of building permits, compliance with the applicable provisions of
27 the City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be
28 reviewed and approved by the City Planner. These requirements, including the
29 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.

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

5 91. Failure to meet any conditions of approval for this development shall constitute a
6 violation of the Tentative Parcel Map, Development Plan and Conditional Use Permits.

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

12 93. If any aspect of the project fencing and walls is not covered by an approved
13 Development Plan, the construction of fencing and walls shall conform to the
14 development standards of the City Zoning Ordinance. In no case, shall the construction
15 of fences and walls (including combinations thereof) exceed the limitations of the
16 zoning code, unless expressly granted by a Variance or other development approval.

17 94. Should an association be formed, Covenants, Conditions, and Restrictions (C.C. & R.'s)
18 shall provide for the maintenance of all common open space, medians, and commonly
19 owned fences and walls and adjacent parkways. The maintenance shall include normal
20 care and irrigation of landscaping, repair and replacement of plant material and irrigation
21 systems as necessary; and general cleanup of the landscaped and open areas. The C.C.
22 & R.'s shall be subject to the review and approval of the City Attorney prior to the
23 approval of the Final Parcel Map. The C.C. & R.'s are required to be recorded prior to
24 or concurrently with the Final Parcel Map. Any amendments to the C.C. & R.'s in
25 which the association relinquishes responsibility for the maintenance of any common
26 open shall not be permitted without the specific approval fo the City of Oceanside. Such
27 a clause shall be a part of the C.C. & R.'s. The C.C. & R.'s shall also contain provisions
28 for the following:

- 29
- a) Prohibition parking or storage of recreational vehicles, trailers, or boats.
 - b) Provisions regulating individual patio covers, room additions, and other appurtenances.

- c) Maintenance of median landscaping by the Association.
- d) Provisions for the maintenance of all common open-space and open-space easements on private lots, including provisions establishing mechanisms to ensure adequate and continued monetary funding for such maintenance by the homeowner's association.
- e) Provisions prohibiting the homeowner's association from relinquishing its obligation to maintain the common open space and open space easement areas without prior consent of the City of Oceanside.
- f) An acknowledgement that the City of Oceanside does not have a view preservation ordinance and views may be subject to change with maturing off-site landscape and the potential for future off-site building.

95. The street name for the private drive shall be approved by the City Planner prior to the approval of the Final Parcel Map.

96. The new panhandle access driveway shall have a minimum of 24 feet of pavement.

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

98. 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.

99. The following unit type and floor plan mix, as approved by the Planning Commission, shall be indicated on plans submitted to the Building and Planning Divisions for building permit:

Parcel Number	Unit Size	Bedrooms	Baths	Garage	Units
1	4,296 sq. ft.	4 bed	4 ½ bath	3 car/855 sq. ft.	1
2	2,606 sq. ft.	3 bed	3 bath	3 car/618 sq. ft.	1

100. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially the same as those approved by the Planning Commission. These shall be shown on plans submitted to the Building and Planning Division.

101. This project is subject to the provisions of Chapter 14C of the City Code regarding Inclusionary Housing.

1 102. This project shall comply with all provisions of the City's Affirmative Fair Housing
2 Marketing Agreement policy. Such agreement shall be submitted to and approved by
3 the Housing and Neighborhood Services Director prior to the recordation of a Final Map
4 or the issuance of a building permit for the project, whichever comes first.

5 103. Each of the homes created by this parcel map shall meet the following development
6 standards: Minimum lot size, 10,909 net square feet; minimum unit size, 2,500 square
7 feet; garage, three car minimum; front yard, 25 feet; corner side yard, 15 feet, side yard
8 7.5 feet; rear yard, 20 feet; maximum height, 36 feet; maximum lot coverage, 35
9 percent; roofing, fire resistant concrete tile or slate (all parcels compatible); siding,
10 stucco, architectural accents, decorative trims, etc. (all parcels compatible); color, earth
11 tones (all parcel compatible). An Administrative Development Plan shall be processed
12 and approved for each Parcel prior to the issuance of a building permit.

13 104. Front yard landscaping is required to be provided by the developer of each Parcel and
14 shall be shown on the Administrative Development Plan.

15 105. Parcels 1 and 2 shall be considered processed under Development Plan D-11-07.
16 However, if grading and/or building permits have been obtained and site activity has
17 commenced and been completed in earlier phases of the overall development plan, but
18 no site grading or building permit activity has occurred on the remaining undeveloped
19 portions of the site for a period of five years from the date of approval, a new
20 Administrative Development Plan shall be obtained for the undeveloped Parcel.

21 106. Once Certificates of Occupancy have been obtained for a Parcel, minor changes to that
22 Parcel (i.e. room additions, patio expansions, etc.) shall not require a revision to the
23 Administrative Development Plan. Appropriate building permits shall still be obtained,
24 as necessary. Any addition of an accessory dwelling unit shall require a revision to the
25 Administrative Development Plan.

26 107. No expansion of impervious surfaces shall occur on Parcel 1.

27 **Water Utilities:**

28 108. The developer will be responsible for developing all water and sewer utilities necessary to
29 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.

- 1 109. The property owner will maintain private water and wastewater utilities located on private
2 property.
- 3 110. Water services and sewer laterals constructed in existing right-of-way locations are to be
4 constructed by approved and licensed contractors at developer's expense.
- 5 111. All Water and Wastewater construction shall conform to the most recent edition of the
6 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
7 the Water Utilities Director.
- 8 112. All public water and/or sewer facilities not located within the public right-of-way shall be
9 provided with easements sized according to the Water, Sewer, and Reclaimed Water
10 Design and Construction Manual. Easements shall be constructed for all weather access.
- 11 113. No trees, structures or building overhang shall be located within any water or wastewater
12 utility easement.
- 13 114. All lots with a finish pad elevation located below the elevation of the next upstream
14 manhole cover of the public sewer shall be protected from backflow of sewage by installing
15 and maintaining an approved type backwater valve, per the Uniform Plumbing Code
(U.P.C.).
- 16 115. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
17 be paid to the City and collected by the Water Utilities Department at the time of Building
18 Permit issuance.

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

5 PASSED AND ADOPTED Resolution No. 2007-P63 on December 3, 2007 by the
6 following vote, to wit:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

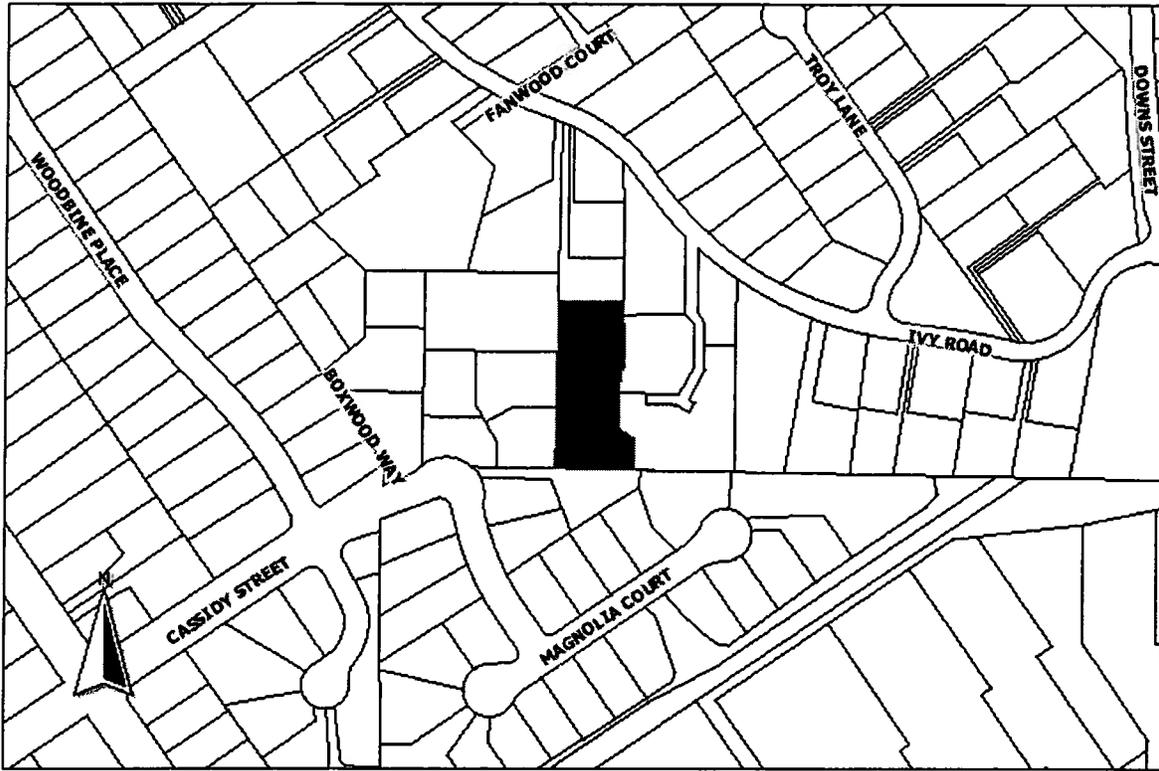
11 _____
Dennis Martinek, Chairman
Oceanside Planning Commission

12 ATTEST:

13
14 _____
Jerry Hittleman, Secretary

15 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
16 this is a true and correct copy of Resolution No. 2007-P63.
17

18 Dated: December 3, 2007
19
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29



File Number: P-14-06, D-11-07, C-30-06, C-14-07

Applicant: 1800 Investments, Inc.

Description:

TENTATIVE PARCEL MAP (P-14-06), DEVELOPMENT PLAN (D-11-07), CONDITIONAL USE PERMIT (C-30-06), and CONDITIONAL USE PERMIT (C-14-07) to subdivide a 0.96-acre site into three (3) residential lots and to construct two (2) homes on property located approximately 160 feet east of the terminus of Cassidy Street at Bayberry Drive. The project site is zoned RE-B (Residential Estate – B) and is situated within the Fire Mountain Neighborhood. – **BAYBERRY 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				STAFF USE ONLY	
Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885 Please Print or Type All Information				ACCEPTED	BY
				7/25/06	SN.
PART I - APPLICANT INFORMATION				HEARING	
1. APPLICANT		2. STATUS		GPA	
1800 Investments, Inc.		Planning Department		MASTER/SP.PLAN	
3. ADDRESS		4. PHONE/FAX		ZONE CH.	
PO Box 72, Carlsbad, CA 92018		(760) 435-1345		TENT. MAP	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)				FAR. MAP	
Cornerstone Engineering, Inc.				7-14-06	
6. ADDRESS		7. PHONE/FAX		DEV. PL.	
620 Mission Ave, Oceanside, CA 92054		(760) 722-3495		C.U.P.	
				C-30-06	
PART II - PROPERTY DESCRIPTION				VARIANCE	
				C-14-07	
				COASTAL	
				O.H.P.A.C.	
8. LOCATION				9. SIZE	
1800 Bayberry Dr., Oceanside, CA				0.96 acres	
10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER		
Estate B	RE-B	Vacant	154-210-74		
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION					
REV-4/17/07, 6/4/07, 8/15/07					
Tentative Parcel Map for a 3 lot split of the existing 0.96 acre lot.					
15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY	
Estate B	RE-B	Residential	3	3.1	
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE		
2,500 SF	9	40%	22%		
PART IV - ATTACHMENTS					
ALL APPLICATIONS			DEV. PLANS, C.U.P.s & TENT. MAPS		
24. DESCRIPTION/JUSTIFICATION		25. LEGAL DESCRIPTION		30. FLOOR PLANS AND ELEVATIONS	
26. 300-FT. RADIUS MAP		27. PROPERTY OWNERS' LIST		31. CONSTRUCTION SCHEDULE	
28. ENVIRONMENTAL ASSESSMENT		29. PLOT PLANS		32. OTHER	
PART V - SIGNATURES					
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.			SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).		
33. APPLICANT OR REPRESENTATIVE (Print):		34. DATE		37. OWNER (Print)	
Cornerstone Engineering, Inc.		07-20-06		Gary Hoffman, 1800 Investment, Inc	
Sign: <i>Steve Bauer</i> 7/24/06				38. DATE	
				07-20-06	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.					
35. APPLICANT (Print):		36. DATE		39. OWNER (Print):	
N/A				N/A	
Sign:				Sign:	

RECEIVED

JUL 25 2006

Planning Department

SALLY

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B A R G E R
E N G I N E E R I N G
CONSULTING CIVIL ENGINEERS

May 2, 2007

Sally Schifman
City of Oceanside
Planning Department
300 N. Coast Highway
Oceanside, CA 92054

RE: Bayberry Parcel Map P-14-06, C-30-06

Description and Justification for Tentative Parcel Map

This parcel map is for a 0.96-acre site located at Bayberry Drive. Proposed are three new parcels of 13,137 square feet, 14,738 square feet, and 14,131 square feet in size. The parcel is vacant yet disturbed with vehicular traffic over the years, but is now vacant with trees such as various palms, eucalyptus and a variety of evergreens and undergrowth. It slopes towards surrounding residential parcels.

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

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

The RE-B zone is in most of the area; residential neighborhoods allow minimum lot sizes of 10,000 square feet. To coordinate this requirement with the General Plan Land Use Designation of 1.0 to 3.5 dwelling units per acre, the City asks all projects with more than one unit per acre to present factors that allow that the development be "above the base density". All of the lots on this Parcel Map are well in excess of 10,000 square feet, and the site's density is at three units per acre.

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

The characteristics suggested for these factors speak to lot design standards, infrastructure improvements, home size standards, setbacks, and landscaping. This project, with its opportunity for unique custom homes is a superior candidate for making the findings of compliance with these criteria. The most important qualitative factor is that each of this project's parcels exceeds 10,000 square feet in size. The overall density is close to three [3] units per acre, which is much less than if all of the parcels were 10,000 square feet in size.

Each home will be required to be more than 2,500 square feet in size and have a three-car garage. "Up-scaled" roofs such as tile and slate will be required and the subdivision design to maintain views will be carried out with an appropriate height limitation. This project will be a unique opportunity for luxury custom homes with the requirement that views be preserved and that each new home will be required to receive an Administrative Development Plan.

LEGAL DESCRIPTION

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

PARCEL A:

PARCEL C OF CERTIFICATE OF COMPLIANCE PLA-12-03 RECORDED JANUARY 16, 2004 AS INSTRUMENT NO. 2004-0037793 DESCRIBED AS FOLLOWS:

THAT PORTION OF PARCEL 4, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SHOWN ON PARCEL MAP 14379 RECORDED JULY 23, 1986 AS INSTRUMENT NO. 86-305590 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 4; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID PARCEL 4 NORTH 0 DEGREES 28'43" EAST, 328.04 FEET (RECORD 328.04 FEET PER SAID PARCEL MAP 14379) TO THE NORTHERLY LINE OF SAID PARCEL 4; THENCE EASTERLY ALONG SAID NORTHERLY LINE SOUTH 89 DEGREES 34'45" EAST, 127.19 FEET (RECORD SOUTH 89 DEGREES 31'38" EAST, 127.51 FEET PER SAID PARCEL MAP 14379) TO THE EASTERLY LINE OF SAID PARCEL 4; THENCE SOUTHERLY ALONG SAID EASTERLY LINE SOUTH 2 DEGREES 16'44" EAST, 26.82 FEET (RECORD SOUTH 2 DEGREES 26'08" EAST 26.93 FEET PER SAID PARCEL MAP 14379) TO THE NORTHERLY LINE OF SAID PARCEL 4; THENCE EASTERLY ALONG SAID NORTHERLY LINE NORTH 89 DEGREES 06'02" EAST 2.39 FEET; THENCE LEAVING SAID NORTHERLY LINE SOUTH 2 DEGREES 02'43" EAST, 103.11 FEET; THENCE SOUTH 65 DEGREES 38'48" WEST, 19.97 FEET; THENCE SOUTH 3 DEGREES 37'49" WEST, 51.51 FEET; THENCE SOUTH 0 DEGREES 29'50" WEST, 57.40 FEET; THENCE SOUTH 54 DEGREES 09'30" EAST, 34.42 FEET; THENCE SOUTH 0 DEGREES 40'33" WEST, 61.32 FEET TO THE SOUTHERLY LINE OF SAID PARCEL 4; THENCE WESTERLY ALONG SAID SOUTHERLY LINE NORTH 89 DEGREES 30'09" WEST (RECORD NORTH 89 DEGREES 31'10" WEST PER SAID PARCEL MAP 14379), 142.30 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL B:

EASEMENT DELINEATED AND DESIGNATED IN A DOCUMENT ENTITLED "DECLARATION AND GRANT OF RECIPROCAL EASEMENTS AND MAINTENANCE ALLOCATIONS" RECORDED MAY 17, 2001 AS INSTRUMENT NO. 01-0316545 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL B1:

A "PROPOSED PRIVATE ROAD/ACCESS EASEMENT AND UTILITY EASEMENT OVER PARCELS 1 THROUGH 4 INCLUSIVE" AS DELINEATED AND DESIGNATED ON PARCEL MAP NO. 18557, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 2, 2000 AS INSTRUMENT NO. 00-0528404 OF OFFICIAL RECORDS.

PARCEL B2:

AN EASEMENT OVER THE NORTH 22 FEET OF THAT PORTION OF LOT 26 OF BUENA VISTA HIGHLANDS, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA,

ACCORDING TO MAP THEREOF NO. 13894, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 16, 1999, WHICH IS DELINEATED AND DESIGNATED ON SAID MAP AS "22' WIDE PRIVATE ACCESS EASEMENT PER DOC. 1999-0034847 REC. 01-21-9".

PARCEL C:

AS EASEMENT DELINEATED AND DESIGNATED IN A DOCUMENT ENTITLED "GRANT OF EASEMENT AND RESTRICTED USE AGREEMENT" RECORDED MAY 17, 2001 AS INSTRUMENT NO. 01-0316546 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY "FOR THE PURPOSE OF GENERAL RECREATION, GARDENING, LANDSCAPING, MAINTENANCE AND YARD USAGE" AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THOSE PORTIONS OF LOTS 19 AND 26 OF BUENA VISTA HIGHLANDS, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 13894, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 16, 1999, DESCRIBED IN SAID "GRANT OF EASEMENT..." DOCUMENT AS "THE NORTHERLY 1.25 FEET OF SAID LOT 19" AND "THE NORTHERLY 1.25 FEET OF THE EASTERLY 47.50 FEET OF SAID LOT 26".

APN: 154-210-74-00



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 12/04/2007
Removal: 06/04/2008
(180 days)

1. **APPLICANT:** 1800 Investments, Inc.
2. **ADDRESS:** P.O. Box 72, Carlsbad, CA 92018
3. **PHONE NUMBER:** (760) 435-1345
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Sally Schifman
6. **PROJECT TITLE:** Bayberry Parcel Map (P-14-06, D-11-07, C-30-06, C-14-07)
7. **DESCRIPTION:** A Tentative Parcel Map, Development Plan, and two Conditional Use Permits to subdivide a 0.94-acre site, which exceeds the base density and has panhandle access, into three residential lots and to construct two homes on property located approximately 160 feet east of the terminus of Cassidy Street at Bayberry Drive. Oceanside, CA 92054.

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. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- The project is categorically exempt, Class 32, In-Fill Development Projects (Section 15332); or,
- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section , <name> (Sections 15260-15277); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Date: December 4, 2007

Sally Schifman, Planner II

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