

STAFF REPORT



ITEM NO. 21 CITY OF OCEANSIDE

DATE: June 21, 2006

TO: Honorable Mayor and Members of the City Council

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE PARCEL MAP (P-18-04),
CONDITIONAL USE PERMITS (C-36-05, C-37-05) AND
DEFERRAL OF OVERHEAD UTILITIES UNDERGROUND
CONVERSION TO ALLOW THE SUBDIVISION OF AN EXISTING
1.7-ACRE PROPERTY INTO FOUR PARCELS AT 1763 YUCCA
ROAD – TAYLOR SUBDIVISION – APPLICANT: JOHN P.
TAYLOR**

SYNOPSIS

The item under consideration is a review of the Planning Commission's decision approving a tentative parcel map and two associated conditional use permits. The project applicant proposes to subdivide an existing 1.7-acre parcel into four lots. The site is zoned RE-B (Residential Estate-B) with an EB-R (Estate Residential-B) land use designation. The subject property is located along the west side of Yucca Road south of Fire Mountain Drive, within the Fire Mountain Neighborhood. The site is currently developed with a single-family dwelling, a secondary dwelling unit, a detached two-car garage and ancillary shed structures.

The project requires processing of a Tentative Parcel Map; a Conditional Use Permit to permit subdivision of the existing parcel at a density greater than the RE-B maximum base density of one dwelling unit per developable acre; and a second Conditional Use Permit to allow a panhandle lot configuration as part of the proposed land subdivision. Demolition of the existing secondary dwelling unit is included as part of the parcel map entitlement request. New development on the proposed parcels is not part of the project's scope.

On May 17, 2006, Council Member Chavez filed the call for review. Staff is recommending that following the review the City Council support the Planning Commission's decision and approve the project.

BACKGROUND

The Planning Commission public hearing and deliberations on the proposed subdivision

were held on May 8, 2006. The Commission approved the project on a 7-to-0 vote. Following the hearing and prior to the end of the appeal period, a call for review was filed requesting additional information to be provided to and presented to the City Council. This report identifies and addresses the issues raised by the call for review.

Project Description: The project consists of a Tentative Parcel Map and two Conditional Use Permits as follows:

Tentative Map: Pursuant to Subdivision Ordinance requirements, a Tentative Parcel Map must be processed and approved in order to subdivide the existing parcel into four legal parcels.

The proposed lots exceed the minimum lot size (10,000 sq. ft.) and lot width (70 ft.) requirements for RE-B zoned parcels. The lot areas range between 15,055 and 21,891 square feet. The minimum lot width is approximately 84.9 feet.

Direct access to three of the four new lots (Lot 1, 2, and 4) will be provided via Yucca Road. The fourth lot (Lot 3) will be accessed via a 20-foot-wide private access easement, which will be overlaid on a section of the panhandle portion of Lot 4. Right-of-way dedication, street widening and new curb and gutter improvements are proposed along Yucca Road and are included as part of the subject Tentative Map. In the past, waivers to street widening and curb and gutter improvements have been granted to other properties on Yucca Road, and may be granted by the City Council if deemed appropriate, in order to retain the rural character of the area.

The average and maximum slopes on the site are 10 percent and 12 percent respectively; therefore development of the property is not subject to compliance with Zoning Ordinance section 3039, Hillside Development Provisions.

The secondary dwelling unit structure to be demolished is in excess of 45 years old. A historic report was prepared to determine the structure's level of historic significance. The report concludes that the subject structure has no historic significance, therefore no impacts will result or mitigation is required as part of the proposed tentative parcel map proposal.

Conditional Use Permits: 1) The RE-B zone and EB-R land use designation allows for development of properties at a density between 1 (base density) and 3.5 (maximum density) dwelling units per gross acre. The General Plan Land Use Element establishes the base density as the appropriate density for development, however projects that possess excellence of design features are able to achieve densities up to the maximum density range, subject to approval of a Conditional Use Permit. For lands within the Fire Mountain Neighborhood Planning Areas, the General Plan states that a minimum lot size of 10,000 square feet is considered consistent with the underlying land use designation. As designed, the project's density is 2.3 dwelling units per acre therefore, even though the individual lot areas substantially exceed the minimum 10,000-square-foot requirement, the project is subject to approval of a Conditional Use Permit (C-36-05).

2) A panhandle lot (Lot 4) is proposed as part of the subdivision design. Pursuant to Zoning Ordinance section 1050, Property Development Regulations, a Conditional Use Permit is required to be processed and approved in conjunction with panhandle lot development requests. A Conditional Use Permit (C-37-05) has been submitted for consideration in compliance with the aforementioned Zoning Ordinance regulation.

Deferral of underground conversion of overhead utilities for the property: The applicant is requesting deferral of the requirement to underground existing overhead utilities. Section 3023 of the Zoning Ordinance requires that all new and existing electrical, telephone, CATV and similar distribution lines providing direct service to a development site be installed underground within the site and along the site's frontage in the public right-of-way, if frontage improvements are required to develop the site.

The Subdivision Ordinance includes deferral provisions for underground utility conversions and authorizes the Planning Commission/City Council to consider such requests at the time of tentative map approval. The applicant has submitted a request to defer the overhead utilities underground conversion requirements pursuant to Section 900G. of the Subdivision Ordinance.

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

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

Environmental Issues: The proposed project is categorically exempt from the California Environmental Quality Act (CEQA).

ANALYSIS

Listed below are the issues raised by the call for review, along with staff's response to each issue. Staff reviewed the issues and believes that each of the concerns raised were addressed during the many meetings held between staff, the applicant, and interested community members. As designed and conditioned, the project proposes a high quality subdivision design that is consistent with the Land Use Element of the General Plan Zoning Ordinance, and Subdivision Ordinance/Subdivision Map Act.

Issues

1) *Deferral of Overhead Utilities Underground Conversion:*

Overhead power lines exist along Yucca Road and stretch along the opposite side of the street, across from the project's street frontage. A recently approved project (Fire Mountain Estates) was required to underground existing utilities as a condition of project

approval due to the fact that overhead utility lines exist along the project's street frontage, on the same side of the street. No undergrounding of overhead utilities along Yucca Road has taken place to date.

Pursuant to the Subdivision ordinance the Planning Commission or City Council could defer all or a portion of the requirements to underground existing facilities at the time of tentative map approval if a project meets one or more of the following findings:

- a. Existing facilities are within an existing alley;
- b. The subdivision contains less than 10 residential units;
- c. A residential subdivision has less than 250 feet of existing frontage;
- d. Facilities exist along rear property line(s) within an agricultural or residential estate zoned property.
- e. Conversion as defined above creates a net increase in three or more poles over existing number of poles;
- f. 70 percent or more of the facilities required to be undergrounded exist on the opposite side of existing abutting street from the subdivision.
- g. Subdivision is within the Redevelopment Project Area and;
 - i. Subdivision is less than one-quarter (1/4) block in length (fronting street or alley) or
 - ii. Subdivider provides verification by the utility companies impacted that the subdivision's obligations can be proven to be exorbitant in cost in relationship to a larger conversion project within the same area and of similar conditions.

The subject subdivision meets findings b) and f) above and qualifies for the requested deferral and associated payment of in-lieu fees. Therefore staff has included Planning Commission Resolution No. 2006-P27, Condition #27, and requiring payment of in-lieu fees. The fees will be based upon the length of utilities to be placed underground and the rate in effect at building permit issuance or as established by the Public Works Director per Section 901.G. of the Subdivision Ordinance (R91-166) and as required by the Public Works Director and current City policy. Furthermore, pursuant to the State Map Act, and Planning Commission-imposed Resolution No. 2006-P27, Condition #15, payment of in-lieu fees will be required at the time of development.

The proposed request for deferral of overhead utility conversion and payment of in-lieu fees instead does not constitute an extraordinary or unusual request. The granting of the requested deferral will be consistent with City rules, regulations and in accordance with applicable findings, therefore staff recommends approval of the subject deferral.

2) *Timeline for Street Improvements:*

The project's frontage along Yucca Road is required to be improved with curbs and gutters. In addition Yucca Road will be widened and improved with eighteen feet half street section to the face of the new curb and gutter along the property's frontage and as identified in the submitted tentative parcel map.

Pursuant to the State Map Act, Planning Commission Resolution No. 2006-P27, Condition #15, implementation of street improvements will be required at the time of project development. A covenant is required to be reviewed and approved by the City Attorney and will be recorded attesting to all project improvements and a certificate setting forth the recordation will be placed on the tentative parcel map. In addition, pursuant to Planning Commission Resolution No. 2006-P27, Condition #13, prior to approval of the final parcel map or any increment, all improvement requirements within such increment or outside of it, if required by the Public Works Director, will be covered by a subdivision agreement and secured with sufficient improvement securities or bonds guaranteeing performance and payments for labor and materials, setting of monuments, and warranty against defective materials and workmanship.

The aforementioned street improvements and associated timelines are typical and proper for projects such as the Taylor subdivision. Staff recommends that the City Council endorse the Planning Commission's conditions of project approval related to said improvements and their timing.

3) *Non-conforming building setbacks:*

Two legal non-conforming structures, a single-family dwelling circa 1937 and an accessory secondary dwelling unit circa 1954, exist on the project site. The structures were constructed when the Fire Mountain Estates neighborhood was part of the County, under different zoning standards, and do not conform with the currently applicable 25 ft. front yard setbacks for RE-B zoned properties. Neither structure is associated with any known significant event or events or anyone of historical importance. The main house is not the work of a master architect or craftsman, nor is the secondary dwelling unit. The structures do not qualify for nomination or listing in the National Register of Historic Places or the California Register of Historical Resources.

The primary single-family dwelling is set back approximately 3 feet from the current front property line. After the required street right-of-way dedication for Yucca Road is recorded, the structure will be sited at the front property line with a zero setback and 5 feet away from the face of the newly proposed street curb. The secondary dwelling unit straddles the proposed common side property line between parcels 1 and 2 and after the street dedication is recorded, will encroach within the Yucca Road public right-of-way.

The applicant proposes, and staff and Planning Commission has required through conditions of project approval, removal of both structures. The reasons for the secondary dwelling unit's removal is twofold: 1) it is required pursuant to the State Map Act in order to permit the creation of Parcel 1 and 2 and avoid having a structure spanning two lots/straddling their side common property line; 2) to avoid encroachment of the subject structure within the public right-of-way. Planning Commission Resolution No. 2006-27, Condition #57, requires removal of the subject secondary accessory dwelling prior to final map approval.

Since the primary structure is set back 3 feet or more from the front property line along

Yucca Road, even after the requested right-of-way dedication, the dwelling will not encroach within the public street, thus its immediate removal is not required. However in order to ensure that upon future development of the subject parcel, the existing structural non-conformity is eliminated, staff has placed a condition on the project requiring removal of said structure prior to issuance of building permits for any structure on Parcel 3.

Both requirements for removal of the secondary structure prior to final map recordation and removal of the primary structure prior to issuance of building permit on Parcel 3 are typical and proper for projects such as the Taylor subdivision. Staff recommends that the City Council endorse the Planning Commission's conditions of project approval related to the timing for removal of the existing legal non-conforming structures.

FISCAL IMPACT

Not applicable.

COMMISSION OR COMMITTEE REPORT

The Planning Commission reviewed the project on May 8, 2006. After hearing considerable public testimony from area residents as well as the applicant, the Commission unanimously approved the project by a 7-0 vote. Commissioners indicated that the project site is physically suitable for the proposed density and intensity of development. The Commissioners stated that the project did provide adequate evidence that all of the development regulations were being met, and found the project to be consistent with adopted regulations. Overall, the commission found the project to meet the standards for development including, but not limited to: vehicular access, compatible grading and development, compatibility with the neighborhood, and development standards established by the Zoning Ordinance, General Plan and Subdivision Ordinance.

CITY ATTORNEY'S ANALYSIS

The City Attorney's Office has reviewed the proposed resolution and approved it as to form.

In accordance with section 4605 of the Zoning Ordinance, the City Council shall consider the same application, plans, and related project materials that were the subject of the original decision approving the project by the Planning Commission.

The City Council shall review the record of the decision and hear testimony from staff, the applicant, and/or any interested parties.

After the hearing, the City Council shall affirm, modify or reverse the Planning Commission's decision. If a decision is modified or reversed, the City Council shall state the specific reasons for the modification or reversal.

RECOMMENDATION

Staff has reviewed the issues raised under the call for review and believes that all of the concerns have been thoroughly addressed through the findings and conditions of approval as part of Resolution No. 2006-P27 and the attached City Council resolution should the project be approved. It is staff's recommendation that the City Council support the Planning Commission's decision and approve the project based on the findings contained in the attached City Council resolution.

PREPARED BY



Jerry Hittleman
Acting City Planner

SUBMITTED BY



Barry E. Martin
Interim City Manager

JH/AV/vnm

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant to the City Manager 

ATTACHMENTS:

1. Area Map, Site Plan, Elevations, Architectural Guidelines
2. City Council Resolution for Approval
3. Planning Commission Resolution No. 2006-P27
4. Planning Commission Staff Report Dated May 8, 2006
5. Call For Review Appeal

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2. Pursuant to CCP Section 1094.6 (f), notice is hereby given that the time within which judicial review must be sought on this decision is governed by CCP Section 1094.6 as set forth in Oceanside City Code Section 1.10.

PASSED and ADOPTED by the City Council of the City of Oceanside, California this ____ day of _____, 2006 by the following vote:

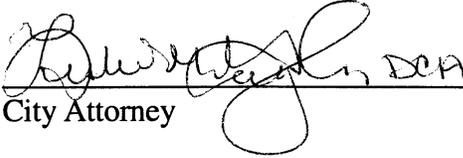
- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

Mayor of the City of Oceanside

ATTEST:

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

City Clerk



City Attorney

1 PLANNING COMMISSION
2 RESOLUTION NO. 2006-P27

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A
5 TENTATIVE PARCEL MAP, CONDITIONAL USE PERMITS,
6 AND GRANTING A DEFERRAL OF UNDERGROUND
7 CONVERSION OF OVERHEAD UTILITIES ON CERTAIN
8 REAL PROPERTY IN THE CITY OF OCEANSIDE

7 APPLICATION NO: P-18-04, C-36-05, C-37-05
8 APPLICANT: John P. Taylor
9 LOCATION: 1763 Yucca Road

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

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

16 a four-lot subdivision, panhandle access serving two lots and a deferral of the requirement
17 to underground existing facilities;

18 on certain real property described in the project description.

19 WHEREAS, the Planning Commission, after giving the required notice, did on the 8th day
20 of May, 2006 conduct a duly advertised public hearing as prescribed by law to consider said
21 application.

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

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

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

29 //////////////////////////////////////////////////////////////////

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 05-R0628-1	\$3,278 per unit
4			
5	Drainage Fee	Ordinance No. 85-23 Resolution No. 05-R0628-1	Depends on area (range=\$2,660-\$14,937/acre)
6			
7	Public Facility Fee	Ordinance No. 91-09 Resolution No. 05-R0628-1	\$1,939 per unit for residential
8			
9	School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.14 per square foot
10			
11	Traffic Signal Fee	Ordinance No. 87-19	\$14.70 per vehicle trip
12	Thoroughfare Fee	Ordinance No. 83-01	\$239 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
13			
14			
15	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Based on meter size. Residential is typically \$3,746 per unit.
16			
17			
18	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 typical \$4,587 per unit.
19			
20			
21	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-3	Based on meter size. Residential is typically \$4,154 per unit.
22			
23			
24	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.
25			
26			

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

15 FINDINGS:

16 For the Tentative Parcel Map:

- 17 1. That the proposed map is consistent with the General Plan of the City by meeting and
18 exceeding lot size requirements and other applicable provisions of the Zoning Ordinance
19 and the Subdivision Ordinance.
- 20 2. That the site is physically suitable for the type and proposed density of development by
21 providing lot areas consistent with the surrounding neighborhood.
- 22 3. That the design of the subdivision or the proposed improvements will not cause
23 substantial environment damage or substantially and avoidably injure fish or wildlife or
24 their habitat and has been categorically exempted from review under the California
25 Environmental Quality Act.
- 26 4. That the design of the subdivision or the type of improvements meets City standards and
27 will not conflict with easements, acquired by the public at large, for access through or
28 the use of property within the proposed subdivision.
- 29 5. That the subdivision complies with all other applicable ordinances, regulations and
guidelines of the City of Oceanside.

1 For the Deferral of the Requirement to Underground Facilities:

- 2 1. The subdivision contains 4-lots, which is less than the ten (10) residential unit threshold
3 for requiring undergrounding of facilities.
4 2. Seventy percent (70%) or more of the facilities required to be undergrounded exist on
5 opposite side of existing abutting street from the subdivision.

6 For the Conditional Use Permits:

7 Panhandle access:

- 8 1. The proposed use of a panhandle access design to serve two lots and the proposed
9 location of the panhandle lot is in accord with the objectives of the Zoning Ordinance
10 and the purposes of the districts in which it is located.
11 2. The use of panhandle access design, and the proposed conditions under which they
12 would be established or maintained will be consistent with the General Plan; will not be
13 detrimental to the public health, safety or welfare of persons residing or working in or
14 adjacent to the neighborhood of such use; and will not be detrimental to properties or
15 improvements in the vicinity or to the general welfare of the City.

16 Increase in base density:

- 17 1. The development portion of the subject property is zoned RE-B with a corresponding
18 Land Use designation of Residential Estate-B (1-3.5 dwelling units per acre). The
19 project density of 2.3 dwelling units per acre is consistent with the density range of 1-3.5
20 dwelling units per acre established by the Residential Estate-B designation.
21 2. The location and conditions under which the subject application must comply and insure
22 that the project will not cause detriment to the public health safety or welfare of persons
23 residing or working in or adjacent to the neighborhood of such use or to properties or
24 improvements in the vicinity.
25 3. The project has been adequately conditioned or designed to comply with applicable
26 requirements of the Zoning Ordinance.

27 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
28 approve Tentative Parcel Map (P-18-04), Conditional Use Permits (C-36-05, C-37-05), and the
29 deferral of underground conversion of underground overhead utilities subject to the following
conditions:

1 **Building:**

- 2 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
3 Building Division plan check.
- 4 2. The granting of approval under this action shall in no way relieve the applicant/project
5 from compliance with all State and local building codes.
- 6 3. Compliance with the Federal Clean Water Act must be demonstrated on the plans.
- 7 4. Separate/unique addresses shall be required for the new lots to facilitate utility leases.
8 Verification that the addresses have been properly assigned by the City's Community
9 Development Department/Planning Division must accompany the Building Permit
10 application.
- 11 5. A Building (Demolition Permit) shall be required for the demolition of any of the existing
12 structures. Plans for the Demolition Permit shall clearly show that all utilities (electric,
13 gas, water and sewer) are properly terminated/capped in accordance with the requirements
14 of the utility service provider. All/any underground septic or water storage tanks must be
15 removed or filled in accordance with the Uniform Plumbing Code and/or the City's
16 Grading Ordinance.
- 17 6. Documentation of properly recorded easements (for access and utilities) is required for
18 plan check review of buildings on panhandle lots.

19 **Engineering:**

- 20 7. If the project involves demolition of an existing structure or surface improvements, the
21 grading plans shall be approved by the Public Works Director prior to the issuance of a
22 demolition permit. No demolition shall be permitted without an approved erosion
23 control plan.
- 24 8. All right-of-way alignments, street dedications, exact geometrics and widths shall be
25 dedicated and improved as required by the Public Works Director.
- 26 9. Design and construction of all improvements shall be in accordance with standard plans,
27 specifications of the City of Oceanside and subject to approval by the Public Works
28 Director.
- 29 10. Prior to issuance of a building permit all improvement requirements shall be covered by
a development agreement and secured with sufficient improvement securities or bonds

1 guaranteeing performance and payment for labor and materials, setting of monuments,
2 and warranty against defective materials and workmanship.

3 11. The developer shall provide Yucca Road public street dedication as required to serve the
4 property.

5 12. The approval of the tentative parcel map shall not mean that closure, vacation, or
6 abandonment of any public street, right-of-way, easement, or facility is granted or
7 guaranteed to the subdivider. The subdivider is responsible for applying for all closures,
8 vacations, and abandonments as necessary. The application(s) shall be reviewed and
9 approved or rejected by the City under separate process(es) per codes, ordinances, and
10 policies in effect at the time of the application.

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

16 14. Where proposed off-site improvements, including but not limited to slopes, public utility
17 facilities (off-site sewer), and drainage facilities, are to be constructed, the applicant shall,
18 at his own expense, obtain all necessary easements or other interests in real property and
19 shall dedicate the same to the City as required. The applicant shall provide documentary
20 proof satisfactory to the City that such easements or other interest in real property have
21 been obtained prior to the approval of the final parcel map. Additionally, the City, may at
22 its sole discretion, require that the applicant obtain at his sole expense a title policy
23 insuring the necessary title for the easement or other interest in real property to have vested
24 with the City of Oceanside or the applicant, as applicable.

25 15. Pursuant to the State Map Act, improvements shall be required at the time of development.
26 A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to
27 these improvement conditions and a certificate setting forth the recordation shall be placed
28 on the map.

29 16. Prior to the issuance of a grading permit, the developer shall notify and host a
 neighborhood meeting with all of the area residents located within 300 feet of the project

1 site, and residents of property along any residential streets to be used as a "haul route", to
2 inform them of the grading and construction schedule, haul routes, and to answer
3 questions.

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

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

9 b) All grading and related site preparation and construction activities shall be
10 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No
11 engineering related construction activities shall be conducted on Saturdays,
12 Sundays or legal holidays unless written permission is granted by the Public Works
13 Director with specific limitations to the working hours and types of permitted
14 operations. All on-site construction staging areas shall be as far as possible
15 (minimum 100 feet) from any existing residential development. Because
16 construction noise may still be intrusive in the evening or on holidays, the City of
17 Oceanside Noise Ordinance also prohibits "any disturbing excessive, or offensive
18 noise which causes discomfort or annoyance to reasonable persons of normal
19 sensitivity."

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

22 d) A haul route shall be obtained at least 7 days prior the start of hauling operations
23 and must be approved by the Public Works Director. Hauling operations shall be
24 8:00 a.m. to 3:30 p.m. unless approved otherwise.

25 18. Approval of this development project is conditioned upon payment of all applicable impact
26 fees and connection fees in the manner provided in chapter 32B of the Oceanside City
27 Code. All drainage fees, traffic signal fees and contributions, highway thoroughfare fees,
28 park fees, reimbursements, and other applicable charges, fees and deposits shall be paid
29 prior to recordation of the map or the issuance of any building permits, in accordance with
City Ordinances and policies. The subdivider shall also be required to join into, contribute,

1 or participate in any improvement, lighting, or other special district affecting or affected by
2 this project. Approval of the tentative map shall constitute the developer's approval of
3 such payments, and his agreement to pay for any other similar assessments or charges in
4 effect when any increment is submitted for final map or building permit approval, and to
5 join, contribute, and/or participate in such districts.

6 19. All streets shall be improved with curbs and gutters.

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

10 21. Streetlights shall be maintained and installed on all public streets per City Standards. The
11 system shall provide uniform lighting, and be secured prior to occupancy. The developer
12 shall pay all applicable fees, energy charges, and/or assessments associated with City-
13 owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the
14 annexation to, any appropriate street lighting district.

15 22. Prior to approval of the grading plans, the developer shall contract with a geotechnical
16 engineering firm to perform a field investigation of the existing pavement on all streets
17 adjacent to the project boundary. The limits of the study shall be half-street plus twelve
18 feet along the project's frontage. The field investigation shall include a minimum of one
19 pavement boring per every fifty linear feet of street frontage. Should the existing AC
20 thickness be determined to be less than three inches or without underlying Class II base
21 material, the developer shall remove and reconstruct the pavement section as determined
22 by the pavement analysis submittal process detailed in Item No. 23 below.

23 23. Upon review of the pavement investigation, the Public Works Director shall determine
24 whether the developer shall: 1) Repair all failed pavement sections, header cut and grind
25 per the direction of the Transportation/Development Inspector, and construct a two-inch
26 thick rubberized AC overlay; or 2) Perform R-value testing and submit a study that
27 determines if the existing pavement meets current City standards/traffic indices. Should
28 the study conclude that the pavement does not meet current requirements,
29 rehabilitation/mitigation recommendations shall be provided in a pavement analysis

1 report, and the developer shall reconstruct the pavement per these recommendations,
2 subject to approval by the Public Works Director.

3 24. Yucca Road shall be improved with eighteen (18) feet half-street section to face of new
4 curb and gutter along the property as required by the Public Works Director.

5 25. Pavement sections for all streets, driveways and parking areas shall be based upon
6 approved soil tests and traffic indices. The pavement design is to be prepared by the
7 developer's soil engineer and must be approved by the Public Works Director, prior to
8 paving.

9 26. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
10 construction of the project, shall be repaired or replaced as directed by the Public Works
11 Director.

12 27. The undergrounding of the existing overhead utilities may be deferred. The developer
13 shall pay an in-lieu fee, based upon the length of utilities to be placed underground, and at
14 the rate in effect at building permit issuance or as established by the Public Works Director
15 per Section 901.G. of the Subdivision Ordinance (R91-166) and as required by the Public
16 Works Director and current City policy.

17 28. The developer shall comply with all the provisions of the City's cable television ordinances
18 including those relating to notification as required by the Public Works Director.

19 29. Grading and drainage facilities shall be designed and installed to adequately accommodate
20 the local stormwater runoff and shall be in accordance with the City's Engineers Manual
21 and as directed by the Public Works Director.

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

28 31. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic
29 investigation shall be conducted of the soils, slopes, and formations in the project. All
necessary measures shall be taken and implemented to assure slope stability, erosion

1 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
2 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by
3 the Public Works Director.

4 32. This project shall provide year-round erosion control including measures for the site
5 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
6 control plan, designed for all proposed stages of construction, shall be reviewed, secured
7 by the applicant with cash securities and approved by the Public Works Director.

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

12 34. Landscaping plans, including plans for the construction of walls, fences or other structures
13 at or near intersections, must conform to intersection sight distance requirements.
14 Landscape and irrigation plans must be submitted to the Public Works Director prior to the
15 issuance of a grading permit and approved by the Public Works Director prior to the
16 issuance of occupancy permits. All plans must be approved by the Public Works Director
17 and a pre-construction meeting held, prior to the start of any improvements.

18 35. The final design shall be based upon a hydrologic/hydraulic study to be approved by the
19 Public Works Director during final engineering. All drainage picked up in an underground
20 system shall remain underground until it is discharged into an approved channel, or as
21 otherwise approved by the Public Works Director. All public storm drains shall be shown
22 on City standard plan and profile sheets. All storm drain easements shall be dedicated
23 where required. The applicant shall be responsible for obtaining any off-site easements for
24 storm drainage facilities.

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

28 37. The development shall comply with all applicable regulations established by the United
29 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
Discharge Elimination System (N.P.D.E.S.) permit requirements for urban runoff and

1 stormwater discharge and any regulations adopted by the City pursuant to the N.P.D.E.S.
2 regulations or requirements. Further, the applicant may be required to file a Notice of
3 Intent with the State Water Resources Control Board to obtain coverage under the
4 N.P.D.E.S. General Permit for Storm Water Discharges Associated with Construction
5 Activity and may be required to implement a Storm Water Pollution Prevention Plan
6 (SWPPP) concurrent with the commencement of grading activities. SWPPPs include
7 both construction and post construction pollution prevention and pollution control
8 measures and identify funding mechanisms for post construction control measures. The
9 developer shall comply with all the provisions of the Clean Water Program during and
10 after all phases of the development process, including but not limited to: mass grading,
11 rough grading, construction of street and landscaping improvements, and construction of
12 dwelling units. The applicant shall design the Project's storm drains and other drainage
13 facilities to include Best Management Practices to minimize non-point source pollution,
14 satisfactory to the Public Works Director.

15 38. Upon acceptance of any fee waiver or reduction by the subdivider, the entire project will
16 be subject to prevailing wage requirements as specified by Labor Code section
17 1720(b)(4). The subdivider shall agree to execute a form acknowledging the prevailing
18 wage requirements prior to the granting of any fee reductions or waivers.

19 39. The developer shall prepare and submit a Runoff Assessment Report (RAR) to the
20 Public Works Department with the first submittal of engineering plans. The RAR shall
21 be prepared by the applicant's Civil Engineer. It shall be directly based on the approved
22 by the Public Works. The RAR shall be in compliance with the latest edition of
23 submission requirements.

24 40. Trees shall be spot located by Landscape Architect and City Landscape Inspector at pre
25 construction meeting, to meet the current City of Oceanside requirements. Existing trees
26 adjacent to Yucca Road impacted by the proposed street widening, shall be protected in
27 place, pruned, or removed and replaced as required by the Landscape Architect and
28 approved by the City Landscape Inspector.

29 41. A traffic control plan shall be prepared according to the City traffic control guidelines
and be submitted to and approved by the Public Works Director prior to the start of work

1 within open City rights-of-way. Traffic control during construction of streets that have
2 been opened to public traffic shall be in accordance with construction signing, marking
3 and other protection as required by the Caltrans Traffic Manual and City Traffic Control
4 Guidelines.

5 42. Traffic control during construction adjacent to or within all public streets must meet
6 Caltrans standards and City Traffic Control Guidelines. Traffic control plans shall be in
7 effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.

8 43. The applicant shall pay all applicable traffic signal and thoroughfare fees.

9 **Planning:**

10 44. This Tentative Parcel Map, Development Plan and Conditional Use Permits shall expire on
11 May 8, 2008 unless implemented as required by the Zoning Ordinance or a time extension
12 is granted by the Planning Commission.

13 45. This Tentative Parcel Map and Conditional Use Permits approve only a 4-lot subdivision,
14 panhandle access serving two lots and the deferral for conversion of underground
15 overhead utilities as shown on the plans and exhibits presented to the Planning
16 Commission for review and approval. No deviation from these approved plans and
17 exhibits shall occur without City Planner approval. Substantial deviations shall require a
18 revision to the Tentative Parcel Map and Conditional Use Permits.

19 46. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
20 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
21 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
22 annul an approval of the City, concerning Tentative Parcel Map (P-18-04), Conditional
23 Use Permits (C-36-05, C-37-05), and the deferral of underground conversion of
24 underground overhead utilities. The City will promptly notify the applicant of any such
25 claim, action or proceeding against the City and will cooperate fully in the defense. If
26 the City fails to promptly notify the applicant of any such claim action or proceeding or
27 fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible
28 to defend, indemnify or hold harmless the City.

29 47. A covenant or other recordable document approved by the City Attorney shall be prepared
by the applicant and recorded prior to the approval of the final map. The covenant shall

1 provide that the property is subject to this Resolution, and shall generally list the conditions
2 of approval.

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

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

12 50. Panhandle access ways shall have recorded joint maintenance agreements and cross
13 easements for use.

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

17 52. Development on each of the new lots created by this parcel map shall meet the following
18 development standards: minimum unit size, 2,500 square feet; front yard 25 feet; side
19 yard 7.5 feet; rear yard 20 feet; maximum height 36 feet; lot coverage, 35 percent
20 (maximum); roofing, fire resistant roof tile; garage(s) for 3 cars (min).

21 53. Administrative Development Plans shall be processed and approved by the City Planner
22 for lots 1, 2, 3, and 4 of the Tentative Parcel Map prior to the issuance of grading permits
23 for each lot. Development on each lot shall provide superior architectural, landscaping
24 design and materials compatible with those found within the Fire Mountain
25 Neighborhood. Front yard landscaping shall be provided by the developer of each lot and
26 shall be shown on each Administrative Development Plan.

27 54. Building floor plans, elevations, architectural style and color/materials palette employed
28 on the design of structures on each lot shall differ from but complement development on
29 adjoining parcels.

1 55. Development on each of the new lots created by this parcel map shall meet the following
2 design guidelines:

3 a) Use of retaining walls shall be minimized. Where use of retaining walls cannot
4 be avoided, such walls shall be screened to the maximum extent possible and use
5 of plantable walls shall be employed as part of the design solution.

6 b) Structures shall complement the surrounding natural and built environment in
7 pattern, function, scale, character and materials.

8 c) Variable setbacks shall be provided along street frontages and between adjoining
9 properties in order to establish different patterns of open space, thereby achieving
10 an aesthetically pleasing street scene and minimizing privacy loss between
11 dwellings.

12 d) Garages shall be designed to be subordinate to the main dwelling. Garages with
13 side entries, split, recessed garages or motor courts are required.

14 e) Garage doors shall incorporate multi-panel designs, windows or architectural
15 detailing to reduce their impact and scale along Yucca Road.

16 f) Garage frontages shall be setback a minimum of 5 feet from the dwelling's first
17 story façade. Garages may be recessed less or project in front of the dwelling
18 only if they occupy no more than 50 percent of the building frontage and
19 incorporate at least one of the following mitigating design features:

20 i. A porch not less than 12 feet wide and 8 feet deep in front of the living
21 area; or

22 ii. A trellis/arbor extending not less than 2 feet beyond the front of the
23 garage; or

24 iii. A balcony above the garage with a trellis or roof along the garage
25 frontage.

26 g) A minimum 15 feet wide landscaped planting area shall be provided between
27 adjacent driveways to minimize adverse visual impacts from expansive driveway
28 surfaces.

29 h) Walls and fences visible from public right-of-ways shall be architecturally
enhanced and complimented by adjoining, tiered landscaping.

- 1 i) Driveway entries on private property shall incorporate decorative paving.
- 2 j) The type and location of site and building lighting shall preclude direct glare onto
- 3 adjoining properties and streets.
- 4 k) Dwelling structures shall be designed to complement, yet be distinguishable from
- 5 adjacent structures. Buildings shall relate in terms of mass but utilize different
- 6 form and detail compositions to create a unique design statement. The same
- 7 building elevations shall not be repeated within the subject parcel map
- 8 subdivision area.
- 9 l) One story architectural elements and massing shall be incorporated into two-story
- 10 building designs to the greatest extent possible. Where two-story building
- 11 massing occurs, one or more of the following features should be used to soften
- 12 the visual impact of a two-story wall surface:
- 13 i. Variety of hip and gable roofs;
- 14 ii. Arbors, trellises and shade structures;
- 15 iii. Balconies;
- 16 iv. Catilevered building elements.
- 17 m) Roof designs shall be compatible in terms of type slope, size, materials and
- 18 colors to surrounding residential structures. Flat roofs are discouraged, unless
- 19 appropriate to the selected architectural style.
- 20 n) All building elevations shall be architecturally enhanced. The selected
- 21 architectural design shall be consistently employed on all building elevations.
- 22 o) Unarticulated building wall planes and monolithic forms are prohibited. Use of
- 23 horizontal and vertical massing offsets is required.
- 24 p) Selection and application of building materials and colors shall take into
- 25 consideration and relate to surrounding development. Use of colors that reduce
- 26 and eliminate reflectivity and blend structures into the terrain is recommended.
- 27 q) Materials shall stylistically compliment architectural details. Frequent changes in
- 28 materials shall be avoided. Changes in colors and materials shall occur at
- 29 interior corners and shall coincide with vertical and horizontal wall plane
- changes.

1 r) Landscaping shall frame, soften and embellish the quality of the residential
2 environment, buffer residences from noise and enhance privacy. Tiered planting
3 shall be used to enhance the character of the project. Preservation of existing
4 vegetation, to the maximum extent possible, and effective integration within the
5 overall landscaping plan shall be required.

6 56. Prior to issuance of building permits for any structure on Parcel 3 the existing single-family
7 dwelling and detached garage on said parcel shall be removed/ demolished.

8 57. Prior to final parcel map approval, the existing accessory dwelling unit located on Parcel 1
9 and 2 shall be removed/ demolished.

10 **Water Utilities:**

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

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

16 60. The property owner will maintain private water and wastewater utilities located on private
17 property.

18 61. The developer shall construct a public reclamation water system that will serve each lot
19 and or parcels that are located in the proposed project in accordance with the City of
20 Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be located
21 in the public right-of-way or in a public utility easement.

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

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

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

- 1 installing and maintaining an approved type backwater valve, per the Uniform Plumbing
- 2 Code (U.P.C.).
- 3 65. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
- 4 be paid to the City and collected by the Water Utilities Department at the time of Building
- 5 Permit issuance.
- 6 66. All Water and Wastewater construction shall conform to the most recent edition of the
- 7 Water, Sewer, and Reclaimed Water Design and Construction Manual, or as approved by
- 8 the Water Utilities Director.
- 9 67. All new development of single-family and multi-family residential units shall include hot
- 10 water pipe insulation and installation of a hot water recirculation device or design to
- 11 provide hot water to the tap within 15 seconds in accordance with City of Oceanside
- 12 Ordinance No. 02-OR126-1.
- 13 68. The existing 6-inch water line shall be upgraded to 8-inch along the property frontage.
- 14 69. The existing 6-inch sewer line shall be slip-lined from the point of connection to the
- 15 nearest downstream sewer manhole.

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1 70. Provide a letter from the adjacent property owner indicating their concurrence with the
2 proposed 7-foot private sewer easement required to connect to the existing public sewer.

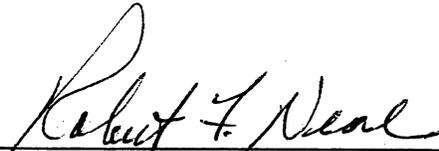
3 PASSED AND ADOPTED Resolution No. 2006-P27 on May 8, 2006 by the following
4 vote, to wit:

5 AYES: Neal, Parker, Horton, Blom, Martinek, Beach and Balma

6 NAYS: None

7 ABSENT: None

8 ABSTAIN: None

9
10 
11 _____
12 Robert F. Neal, Chairman
Oceanside Planning Commission

13 ATTEST:

14 
15 _____
16 Jerry Hittleman, Secretary

17 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
18 this is a true and correct copy of Resolution No. 2006-P27.

19 Dated: May 8, 2006
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DATE: May 8, 2006

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE PARCEL MAP (P-18-04),
CONDITIONAL USE PERMITS (C-36-05, C-37-05) AND
DEFERRAL OF OVERHEAD UTILITIES UNDERGROUND
CONVERSION TO ALLOW THE SUBDIVISION OF AN EXISTING
1.7-ACRE PROPERTY INTO FOUR PARCELS AT 1763 YUCCA
ROAD. – TAYLOR SUBDIVISION – APPLICANT: JOHN P.
TAYLOR**

RECOMMENDATION

Staff recommends that the Planning Commission approve Tentative Parcel Map (P-18-04), Conditional Use Permits (C-36-05, C-37-05) and deferral of overhead utilities underground conversion and adopt Planning Commission Resolution No. 2006-P27 as attached.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The project applicant proposes to subdivide an existing 1.7-acre parcel into four lots. The site is zoned RE-B (Residential Estate-B) with an EB-R (Estate Residential-B) land use designation. The subject property is located along the west side of Yucca Road south of Fire Mountain Drive, within the Fire Mountain Neighborhood. The site is currently developed with a single-family dwelling, a secondary dwelling unit, a detached two-car garage and ancillary shed structures.

The project requires processing of a Tentative Parcel Map; a Conditional Use Permit to permit subdivision of the existing parcel at a density greater than the RE-B maximum base density of one dwelling unit per developable acre; and a second Conditional Use permit to permit a panhandle lot configuration as part of the proposed land subdivision. Demolition of the existing secondary dwelling unit is included as part of the parcel map entitlement request. New development on the proposed parcels is not part of the project's scope.

The project is subject to conformance with the Zoning Ordinance, the General Plan, and the Subdivision Ordinance.

Project Description: The project consists of a Tentative Parcel Map, and two Conditional Use Permits as follows:

Tentative Map: Pursuant to Subdivision Ordinance requirements, a Tentative Parcel Map must be processed and approved in order to subdivide the existing parcel into four legal parcels.

The proposed lots exceed the minimum lot size (10,000 sq. ft.) and lot width (70 ft.) requirements for RE-B zoned parcels. The lot areas range between 15,055 and 21,891 square feet. The minimum lot width is approximately 84.9 feet.

Direct access to three of the four new lots (Lot 1, 2, and 4) will be provided via Yucca Road. The fourth lot (Lot 3) will be access via a 20-foot wide private access easement, which will be overlaid on a section of the panhandle portion of Lot 4. A 3.0-foot right-of-way dedication, street widening and new curb and gutter improvements are proposed along Yucca Road and are included as part of the subject Tentative Map. In the past, waivers to street widening and curb and gutter requirements have been granted to other properties on Yucca Road, and may be granted by the Planning Commission if deemed appropriate, in order to retain the rural character of the area.

The average and maximum slopes on the site are 10 percent and 12 percent respectively therefore development of the property is not subject to compliance with Zoning Ordinance section 3039, Hillside Development Provisions.

The accessory dwelling unit structure to be demolished is in excess of 45 years old. A historic report was prepared to determine the structure's level of historic significance. The report concludes that the subject structure has no historic significance, therefore no impacts will result or mitigation is required as part of the proposed tentative parcel map proposal.

Conditional Use Permits: 1) The RE-B zone and EB-R land use designation allows for development of properties at a density between 1(base density) and 3.5 (maximum density) dwelling units per gross acre. The General Plan Land Use Element establishes the base density as the appropriate density for development, however projects that possess excellence of design features are able to achieve densities up to the maximum density range, subject to approval of a Conditional Use Permit. For lands within the Fire Mountain Neighborhood Planning Areas, the General Plan states that a minimum lot size of 10,000 square feet is considered consistent with the underlying land use designation. As designed, this project density is 2.3 dwelling units per acre therefore, even though the individual lot areas substantially exceed the minimum 10,000-square foot requirement the project is subject to approval of a conditional use permit (C-36-05).

2) A panhandle lot (Lot 4) is proposed as part of the subdivision design. Pursuant to Zoning Ordinance section 1050, Property Development Regulations, a conditional use permit is required to be processed and approved in conjunction with panhandle lot development requests. A conditional use permit (C-37-05) has been submitted for consideration in compliance with the aforementioned Zoning Ordinance regulation.

Deferral of underground conversion of overhead utilities for the property: The applicant is requesting deferral of the requirement to underground existing overhead utilities. Section 3023 of the Zoning Ordinance requires that all new and existing electrical, telephone, CATV and similar distribution lines providing direct service to a development site be installed underground within the site and along the site's frontage in the public right-of-way, if frontage improvements are required to develop the site.

The Subdivision Ordinance includes deferral provisions for underground utility conversions and authorizes the Planning Commission to consider such requests at the time of tentative map approval. The applicant has submitted a request to defer the overhead utilities underground conversion requirements pursuant to Section 900G. of the Subdivision Ordinance.

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

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

ANALYSIS

KEY PLANNING ISSUES

1. Is the proposed subdivision design compatible with existing development patterns within the area?
2. Is the proposed subdivision consistent with the underlying land use and zoning designation, in terms of land use and site design standards?
3. Does the project meet the findings for granting the requested deferral of overhead utilities underground conversion?

DISCUSSION

Tentative Parcel Map and Conditional Use Permits: Staff's review has focused upon the compatibility of the subdivision design with the surrounding properties and the project's compliance with applicable land use ordinances and policies.

The site is located within the Fire Mountain neighborhood and is part of North Carlsbad Parcel Map No. 1807, recorded in August of 1924. The original subdivision was comprised of one-acre or greater parcels. Over time many parcels were further subdivided and today a few three-quarter and half-acre lots remain while 10,000 to 15,000-square foot lots comprise the majority of the lots within this almost exclusively single-family residential area. Within the immediate area there are several developments that are similar in arrangement as the proposed parcel map.

The proposed parcel map request involves subdivision of a 1.7-acre parcel into four lots, which range in size between approximately 15,000-22,000 square feet. The project has been reviewed for conformity with applicable Zoning Ordinance requirements and General Plan policies regulating residential single-family subdivisions. Staff has determined that the project meets applicable lot design standards and is consistent and compatible with other recently approved developments in the immediate vicinity (Fire Mountain Estates). With the exception of a request to permit the project's density to exceed the base density for the RE-B zoning district the project does not propose any zoning deviations and overall will meet or exceed minimum standards established for this project at this location.

Two non-conforming structures, a single-family dwelling and an accessory secondary dwelling unit, exist on the project site. The secondary unit and the primary single-family dwelling are setback approximately one and three feet respectively from the front property line. The required street right-of-way dedication of three feet will ultimately place the primary residential structure at the front property line with a zero setback. The applicant proposes to demolish the accessory secondary unit prior to final map recordation and to retain the existing single-family dwelling until Parcel 3 is developed. Staff has placed a condition on the project requiring removal of the subject single-family dwelling prior to issuance of building permits for any structure on Parcel 3.

Staff finds that the site is physically suitable for the proposed type of single-family detached residential development. Each of the proposed parcels, including the panhandle lot, will meet and exceed the minimum required lot area of 10,000 square feet. Furthermore the panhandle lot will meet all other applicable design standards and will be compatible with existing odd shaped and varying size lots in the vicinity. All future development on each one of the proposed parcels will comply with setback and coverage requirements set forth for RE-B zoned properties.

Since plans for development on the proposed parcels are not part of the subject entitlement request and the project exceeds the base density for the RE-B zoning district development and design conditions have been placed on the project to ensure high quality design and project compatibility with the unique residential character of the Fire Mountain neighborhood. Project conditions include but are not limited to requiring the minimum dwelling size to be 2,500 square feet; provision of three car garages; and review/approval of an Administrative Development Plan for each one of the lots by the City Planner prior to issuance of grading permits for each lot.

Deferral of overhead utilities underground conversion: The Planning Commission may defer all or a portion of the requirements to underground existing facilities at the time of tentative map approval solely on one or more of the following findings:

- a. Existing facilities are within an existing alley;
- b. The subdivision contains less than 10 residential units;
- c. A residential subdivision has less than 250 feet of existing frontage;
- d. Facilities exist along rear property line(s) within an agricultural or residential estate zoned property.
- e. Conversion as defined above creates a net increase in three or more poles over existing number of poles;
- f. 70 percent or more of the facilities required to be undergrounded exist on the opposite side of existing abutting street from the subdivision.
- g. Subdivision is within the Redevelopment project Area and;
 - i. Subdivision is less than one-quarter (1/4 block in length (fronting street or alley) or
 - ii. Subdivide provides verification by the utility companies impacted that the subdivision's obligations can be proven to be exorbitant in cost in relationship to a larger conversion project within the same area and of similar conditions.

The project meets findings b) and f) above and qualifies for the requested deferral and associated payment of in-lieu fees. Therefore staff has included a condition of project approval requiring payment of in-lieu fees based upon the length of utilities to be placed underground, and at the rate in effect at building permit issuance or as established by the Public Works Director per Section 901.G. of the Subdivision Ordinance (R91-166) and as required by the Public Works Director and current City policy.

ENVIRONMENTAL DETERMINATION

The project is exempt under the provisions of the California Environmental Quality Act (CEQA).

SUMMARY

Staff finds that approval of the subject parcel map will ultimately result in the development of the new parcels at a density that would be compatible with the character of the Fire Mountain neighborhood today and consistent with other recently approved subdivisions in the area. The proposed Tentative Parcel Map, and Conditional Use Permits are consistent with the requirements of the adopted Zoning Ordinance, General Plan, and Subdivision Ordinance. The project either meets or exceeds all development standards and when considered as a whole, the project is compatible with the surrounding community. Therefore, staff recommends that the Planning Commission approve the project. The Commission's action should be:

- Move to approve Tentative Parcel Map (P-18-04), Conditional Use Permits (C-36-05, C-37-05), and deferral of underground conversion of overhead utilities and adopt Planning Commission Resolution No. 2006-P27 as attached.

PREPARED BY:

SUBMITTED BY:


Amy Volzke
Senior Planner


Jerry Hittelman
Acting City Planner

JH/AV/fil

Attachments:

1. Tentative Parcel Map
2. Planning Commission Resolution No. 2006-P27
3. Correspondence from members of the public

-----Original Message-----

From: Rocky Chavez

Sent: Wednesday, May 17, 2006 3:49 PM

To: Steve Jepsen; Mike Blessing

Cc: Jennifer Topzand

Subject: Appeal of PC Res No 2006-P27

Steve and Mike,

I would like to appeal the decision of the Planning Commission on Yucca Road. The reasons for the appeal are Set back issues, time lines for street improvements, deferral of utilities under grounding and nonconforming building at 1763 Yucca Road.

Please let me know if you need any more information for this appeal.

Rocky

5/22/2006