



DATE: December 2, 2009

TO: Honorable Mayor and Members of the City Council

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE PARCEL MAP, AND TWO CONDITIONAL USE PERMITS TO SUBDIVIDE A 1.0-ACRE SITE INTO THREE RESIDENTIAL LOTS LOCATED AT 1814 AVOCADO ROAD – APPLICANT: GRAHAM FRASER**

SYNOPSIS

The item under consideration is a review of the Planning Commission's decision to deny without prejudice Tentative Parcel Map (P-2-05) and Conditional Use Permits (C-2-05 and C-40-05) requesting to subdivide a 1.0-acre site, which exceeds the base density and has panhandle access, into three residential lots located 1814 Avocado Road. Councilmembers Feller and Chavez called this application for review on October 29, 2009.

Staff is recommending that the City Council overturn the Planning Commission's decision and approve the project based on the findings contained in the attached City Council resolution.

BACKGROUND

On October 26, 2009, the Planning Commission adopted on a 5-to-2 vote, Resolution 2009-P47 denying without prejudice a Tentative Parcel Map and two Conditional Use Permits. The majority of the Commissioners voted to deny the project based on incompatibility with the surrounding neighborhood in terms of density and lack of architectural drawings. Following the Planning Commission hearing and prior to the end of the appeal period, a call for review was filed by Councilmembers Feller and Chavez requesting that the application for entitlement be presented to the City Council. This report identifies and addresses the issues raised by the Planning Commission in its action to deny the project without prejudice.

Site Review: The subject 1.0-acre lot is a portion of the North Carlsbad Annex that was created in 1926, and it is currently vacant. The existing elevation at the street is 184 feet, and the slopes on the land do not exceed 20 percent. The site gently rises to an elevation of 218 feet at the rear property line.

The proposed pad elevations are 186.0 feet on Parcel 1; 210 feet on Parcel 2; and 208 feet on Parcel 3.

Surrounding land uses include single-family detached residences on 10,000-square-foot minimum lots. The zoning designation for the site is Residential Estate B (RE-B) District and the General Plan Land Use Category is Estate B Residential (EB-R), which permits 1.0-3.5 dwelling units per gross acre.

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

Tentative Parcel Map (T-2-05) represents a request for the following:

1. To permit the division of 1.0-acre of land into three parcels pursuant to Section 302 of the Oceanside Subdivision Ordinance.

Conditional Use Permit (C-2-05) represents a request for the following:

2. To permit development above the base density (1 dwelling unit per gross acre) and to permit 3.0 dwelling units per gross acre, pursuant to Section 1050(B) of the Oceanside Zoning Ordinance.

Conditional Use Permit (C-40-05) represents a request for the following:

3. To permit panhandle access to Parcels 1, 2, and 3 from Avocado Road pursuant to Section 1050(Y) the Oceanside Zoning Ordinance.

The proposed project consists of a three-lot subdivision. The three parcels measure 11,325.6 gross square feet (Parcel 1), 15,681.6 gross square feet (Parcel 2), and 14,374.8 gross square feet (Parcel 3) in size.

The building pads would be graded and improved with undergrounding utilities, drainage improvements, paving the shared driveway, and landscaped manufactured slopes. No structures are proposed at this time; however, an Administrative Development Plan will be required prior to construction on each lot. Additionally, extensive architectural guidelines included as conditions in the project resolution would need to be followed, as described below.

ANALYSIS

Call for Review by Councilmembers Feller and Chavez

Councilmembers Feller and Chavez called the project for review to ensure that the project be compatible with the surrounding neighborhood in terms of density and architecture. The following is an analysis of how the project would meet these standards.

The property’s General Plan Land Use Map designation is Estate-B Residential (RE-B) and the zoning designation is RE-B (Residential Estate – B). The applicant proposes a density of three (3) dwelling units per gross acre, which is less than the maximum potential density within the RE-B District of 3.5 dwelling units per gross acre. The proposed unit type Single Unit – Conventional (SU-C) is consistent with the Estate-B land use designation.

This proposal to subdivide a 1.0-acre site into three residential lots will be compatible with the Fire Mountain Neighborhood, in terms of lot sizes and neighborhood character. Many of the surrounding properties in the area consist of a lot size ranging from 12,000 square feet to 25,000 square feet, and the project’s proposed lot sizes, which average 13,800 square feet) will be compatible and will complement the neighborhood. A study of lot sizes (attached) shows that the majority of the lots in Fire Mountain are below 13,800 square feet and that lots directly north and south of the project are below this average.

The following table summarizes required and proposed development standards for the project site:

	REQUIRED	PROPOSED
MINIMUM LOT SIZE (with CUP)	10,000 SF or 0.23 net acres	Parcel 1: 0.26 net acres Parcel 2: 0.36 net acres Parcel 3: 0.33 net acres
PARKING SPACES	2-car garage	2-car garage
FRONT YARD	25-feet	25-feet
CORNER SIDE YARD	15-feet	15-feet
INTERIOR SIDE YARD	7.5-feet	7.5-feet
REAR YARD	20-feet	20-feet
MINIMUM LOT WIDTH	70-feet	Parcel 1: 89 feet wide Parcel 2: 124 feet wide Parcel 3: 100 feet wide
MAXIMUM HEIGHT	36-feet	All Parcels: 36-feet

The majority of the Planning Commission denied the project without prejudice based on perceived incompatibility of the proposed lot sizes with the surrounding parcels in the neighborhood. They also were concerned that the graded pads would not guarantee or promote custom homes or “superior architecture. As stated above, Fire Mountain is essentially built-out, with a wide range of lot sizes. Due to the large number of panhandle lots and subdivisions approved by the City over the past 30 years, the majority of the lots in Fire Mountain fall within the 10,000 to 25,000 square foot range. The General Plan Land Use Element acknowledged this change in character in 1986, with the allowance of lots as small as 10,000 square feet with approval of a Conditional Use Permit. The applicant has processed a parcel map and CUP for exceeding the base density, as have many previously approved projects in Fire Mountain.

The project is also consistent with Section 1.13 B. of the Land Use Element of the General Plan, which states that the rustic and rural nature of the Fire Mountain area shall be preserved and enhanced by providing lots sizes of 10,000 square feet or greater, view preservation, and extensive landscaping. All of these requirements would be met by the proposed subdivision.

To exceed the base density, the General Plan Land Use Element requires that the future residences on the building pads have "superior" architecture. The project conditions (No. 88 and 92) are included in the project resolution to ensure that the future homes will meet this standard. Condition No. 88 requires that an Administrative Development Plan (ADP) be processed and approved prior to construction of homes on any of the 3 lots. The ADP process requires submittal of architectural plans and elevations that would be approved by the City Planner after proper legal notice to surrounding properties within 300 feet of the site. The City Planner's decision could be appealed to the Planning Commission and ultimately the City Council.

Condition No. 92 includes detailed requirements and standards that must be incorporated into the architecture of future homes on the building pads. For example, this condition requires varied setbacks, enhanced garage design, and articulation of building elevations. These standards are intended to promote superior site design and architecture. Staff believes that these conditions will ensure that the project will be compatible with the immediately surrounding area, as well as Fire Mountain Neighborhood.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Class 15, Minor Land Divisions, in Section 15315 of the California Environmental Quality Act.

FISCAL IMPACT

Not applicable.

COMMISSION OR COMMITTEE REPORT

The Planning Commission reviewed the project on October 26, 2009. After hearing considerable public testimony from area residents and the applicant, the Commission denied the project without prejudice by a 5-to-2 vote. The Commissioners established findings that concluded that the project site is not physically suitable for the proposed density and intensity of development. The Commissioners expressed that the project lacked superior design elements that would warrant approval of exceeding the base density. As a result, the project was found to be inconsistent with similar type of developments within the surrounding neighborhood.

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 denying the project without prejudice by the Planning Commission.

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

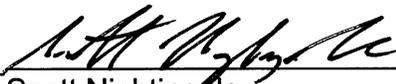
After the public hearing, the City Council shall affirm, modify or reverse the Planning Commission's decision. If a decision is modified or reversed, the City Council shall state the specific reasons for the modification or reversal.

RECOMMENDATION

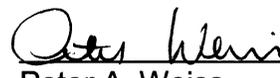
Staff is recommending that the City Council overturn the Planning Commission's decision and approve the project and adopt the resolution based on the findings contained in the attached City Council resolution.

PREPARED BY:

SUBMITTED BY:



Scott Nightingale
Acting Associate Planner



Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs-Lawrence, Deputy City Manager
George Buell, Development Services Director
Jerry Hittleman, City Planner



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ATTACHMENTS:

- 1. Site Plans
- 2. City Council Resolution
- 3. Study of Average Lot Sizes in Fire Mountain

4. Planning Commission Resolution No. 2009-P47
5. Planning Commission Staff Report dated October 26, 2009
6. Call For Review

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

3 <u>Description</u>	3 <u>Authority for Imposition</u>	3 <u>Current Estimate Fee or Calculation Formula</u>
4 Parkland Dedication/Fee	4 Ordinance No. 91-10 5 Resolution No. 06-R0334-1	4 \$3,503 per unit.
6 Drainage Fee	6 Ordinance No. 85-23 7 Resolution No. 06-R0334-1	6 Depends on area (range is 7 \$2,843-\$15,964 per acre).
8 Public Facility Fee	8 Ordinance No. 91-09 9 Resolution No. 06-R0334-1	8 \$2,072 per unit for 9 residential.
10 School Facilities 11 Mitigation Fee	10 Ordinance No. 91-34	10 \$2.63 per square foot 11 residential.
12 Traffic Signal Fee	12 Ordinance No. 87-19 13 Resolution No. 06-R0334-1	12 \$15.71 per vehicle trip.
14 Thoroughfare Fee	14 Ordinance No. 83-01 15 Resolution No. 06-R0334-1	14 \$255 per vehicle trip (based 15 on SANDAG trip 16 generation table available 17 from staff and from 18 SANDAG).
18 Water System Buy-in 19 Fees	18 Oceanside City Code §37.56.1 19 Resolution No. 87-96 20 Ordinance No. 09-OR 0093-1	18 Fee based on water meter 19 size. Residential is typically 20 \$4,597 per unit.
21 Wastewater System 22 Buy-in fees	21 Oceanside City Code § 29.11.1 22 Resolution No. 87-97 23 Ordinance No. 09-OR 0092-1	21 Based on capacity or water 22 meter size. Residential is 23 typically \$6,313 per unit.
24 San Diego County 25 Water Authority 26 Capacity Fees	24 SDCWA Ordinance No. 2005-03	24 Based on meter size. 25 Residential is typically 26 \$4,326 per unit.
26 Inclusionary housing 27 in lieu fees— 28 Residential only.	26 Chapter 14-C of the City Code	26 \$1,000 per development 27 project + \$100 per unit plus 28 \$10,275 per unit

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

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

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

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

14 WHEREAS, studies and investigations made by the City Council and in its behalf reveal the
15 following facts:

16 FINDINGS:

17 For the Tentative Parcel Map P-2-05:

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

1 For the Conditional Use Permit - Increase in base density (C-2-05):

- 2 1. The subject property is zoned RE-B with a corresponding Land Use designation of Residential
3 Estate-B (1-3.5 dwelling units per acre). The proposed density of 3.0 dwelling units per acre is
4 consistent with the density range of (1–3.5) dwelling units per acre established by the
5 Residential Estate-B designation. However, pursuant to Section 1.13 (H) of the General Plan, a
6 minimum lot size of 10,000 square feet shall be considered consistent with the underlying Land
7 Use designation of Estate-B Residential for properties within the Fire Mountain Neighborhood
8 Planning Area, despite the proposed project density. All proposed parcel sizes shall exceed the
9 10,000 square foot minimum lot size requirement and would be consistent with Section 1.13 (H)
10 for minimum lot sizes within Fire Mountain Neighborhood.
- 11 2. This project has been conditioned and designed to ensure excellence of design features through a
12 condition that an Administrative Development Plan be required to ensure that the future design of
13 the homes would be consistent with General Plan Section 2.32 for warrants of exceeding the base
14 density of the RE-B district, based on superior architecture design and materials, landscaping,
15 adequate open space areas are incorporated, and building massing would be consistent with many
16 of the surrounding homes.

17 For the Conditional Use Permit - Panhandle access (C-40-05):

- 18 1. The proposed use of a panhandle access is designed to serve the two existing lots and the three
19 new lots, and the panhandle is consistent with the objectives of Zoning Ordinance Section 1050
20 (Y). The purposes of the RE-B zoning district in terms of width, length, orientation and design as
21 specified in the Oceanside Zoning Ordinance Section 3100. The Conditional Use Permit and
22 project has been adequately conditioned and designed to comply with all provisions within 1050
23 (Y) and Section 3114 of the Zoning Ordinance, in terms of widths, clearance, length, and
24 development regulations.

25 NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as follows:

- 26 1. The Council overturns the Planning Commission action of December 2, 2009 and
27 hereby approves Tentative Parcel Map (P-2-05) and Conditional Use Permits (C-2-05, C-40-05).
- 28 2. The decision of the Planning Commission is reversed based on the City Council finding
that the project is consistent with the Land Use Element of the General Plan and the City's Zoning
Ordinance in that the project meets the density and development criteria set forth by these documents,

1 the proposed project density does not exceed the applicable maximum density of 3.5 dwelling units per
2 acre as set forth by the Residential Estate B (RE-B) zoning district, is consistent with the intensity and
3 established character found within the surrounding residential neighborhood, and as designed will not
4 cause detriment to the public health, safety, or welfare of persons residing or working in or adjacent to
5 the project area.

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

9 4. The City Council does hereby approve Tentative Parcel Map (P-2-05) and Conditional
10 Use Permits (C-2-05, C-40-05) subject to the following conditions:

11 **Building:**

- 12 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building
13 Division plan check.
- 14 2. The granting of approval under this action shall in no way relieve the property owner and or
15 developer from compliance with all State and Local building codes.
- 16 3. Compliance with the Federal Clean Water Act shall be demonstrated on the plans.
- 17 4. The developer shall monitor, supervise and control all building construction and supporting
18 activities so as to prevent these activities from causing a public nuisance, including, but not
19 limited to, strict adherence to the following:
 - 20 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m.
21 Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is
22 not inherently noise-producing. Examples of work not permitted on Saturday are
23 concrete and grout pours, roof nailing and activities of similar noise-producing nature.
24 No work shall be permitted on Sundays and Federal Holidays (New Year's Day,
25 Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day) except as
26 allowed for emergency work under the provisions of the Oceanside City Code Chapter
27 38 (Noise Ordinance).
 - 28 b) The construction site shall be kept reasonably free of construction debris as specified in
Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste
containers shall be considered compliance with this requirement. Small amounts of

1 construction debris may be stored on-site in a neat, safe manner for short periods of time
2 pending disposal.

- 3 5. Separate and unique addresses shall be required to facilitate utility releases. Verification that the
4 addresses have been properly assigned by the City's Planning Division must accompany the
5 Building Permit application.
- 6 6. Documentation of properly recorded easements (for access and utilities) is required for plan
7 check review of building projects on panhandle lots.
- 8 7. Setbacks and type of construction must comply with UBC Table 5-A.
- 9 8. A complete soils report, structural calculations, and energy calculations and documentation will
10 be required at time of plan submittal to the Building Division for plan check.

11 **Engineering:**

- 12 9. Design and construction of all improvements shall be in accordance with standard plans,
13 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 14 10. The owner/developer shall provide three (3') feet of public street dedication along the frontage
15 of Avocado Road as required serving the property.
- 16 11. With the exception of the driveway approved by the City Engineer, vehicular access rights to
17 Avocado Road shall be relinquished to the City from the abutting lot.
- 18 12. The approval of the Tentative Parcel Map shall not mean that closure, vacation, or abandonment
19 of any public street, right-of-way, easement, or facility is granted or guaranteed to the
20 owner/developer. The owner/developer responsible for applying for all closures, vacations, and
21 abandonments as necessary. The application(s) shall be reviewed and approved or rejected by
22 the City of Oceanside under separate process(es) per codes, ordinances, and policies in effect at
23 the time of the application.
- 24 13. Prior to approval of the final Parcel Map all improvement requirements shall be covered by a
25 subdivision agreement and secured with sufficient improvement securities or bonds
26 guaranteeing performance and payment for labor and materials, setting of monuments, and
27 warranty against defective materials and workmanship.
- 28 14. Where proposed off-site improvements, including but not limited to slopes, public utility
facilities, and drainage facilities, are to be constructed, the applicant shall, at their own expense,
obtain all necessary easements or other interests in real property and shall dedicate the same to

1 the City of Oceanside as required. The owner/developer shall provide documentary proof
2 satisfactory to the City of Oceanside that such easements or other interest in real property have
3 been obtained prior to issuance of any grading, building or improvement permit for the
4 development and or project. Additionally, the City, may at its sole discretion, require that the
5 applicant obtain at their sole expense a title policy insuring the necessary title for the easement
6 or other interest in real property to have vested with the City of Oceanside or the applicant, as
7 applicable.

8 15. Pursuant to the State Map Act, improvements shall be required at the time of development. A
9 covenant, reviewed and approved by the City Attorney, shall be recorded attesting to these
10 improvement conditions and a certificate setting forth the recordation shall be placed on the
11 final Parcel Map.

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

16 17. A traffic control plan shall be prepared according to the City traffic control guidelines and be
17 submitted to and approved by the City Engineer prior to the start of work within open City
18 rights-of-way. Traffic control during construction of streets that have been opened to public
19 traffic shall be in accordance with construction signing, marking and other protection as
20 required by the CalTrans Traffic Manual and City Traffic Control Guidelines. Traffic control
21 plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.

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

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

27 b) All grading and related site preparation and construction activities shall be limited to the
28 hours of 7 a.m. to 6 p.m., Monday through Friday. No engineering related construction
activities shall be conducted on Saturdays, Sundays or legal holidays unless written
permission is granted by the City Engineer with specific limitations to the working hours

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

6 c) The construction site shall accommodate the parking of all motor vehicles used by
7 persons working at or providing deliveries to the site. An alternate parking site can be
8 considered by the City Engineer in the event that the lot size is too small and cannot
9 accommodate parking of all motor vehicles.

10 d) The owner/developer shall complete a haul route permit application (if required for
11 import/export of dirt) and submit to the City of Oceanside Engineering Department forty
12 eight hours (48) in advance of beginning of work. Hauling operations (if required) shall
be 8:00 a.m. to 3:30 p.m. unless approved otherwise.

13 19. Approval of this Tentative Parcel Map is conditioned upon payment of all applicable impact
14 fees and connection fees in the manner provided in chapter 32B of the Oceanside City Code. All
15 drainage fees, traffic signal fees and contributions, highway thoroughfare fees, park fees,
16 reimbursements, and other applicable charges, fees and deposits shall be paid prior to
17 recordation of the final Parcel Map or the issuance of any building permits, in accordance with
18 City Ordinances and policies. The owner/developer shall also be required to join into,
19 contribute, or participate in any improvement, lighting, or other special district affecting or
20 affected by this project. Approval of the Tentative Parcel Map shall constitute the applicant's
21 approval of such payments, and their agreement to pay for any other similar assessments or
22 charges in effect when any increment is submitted for the final Parcel Map or building permit
approval, and to join, contribute, and or participate in such districts.

23 20. A minimum of 10 feet parkway between the face-of-curb and the right-of-way line shall be
24 provided along the property’s frontage with Avocado Road.

25 21. Sight distance requirements at the driveway or property’s entrance from Avocado Road shall
26 conform to the corner sight distance criteria as provided by San Diego Regional Standard
27 Drawings, DS-20A and or DS-20B.

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- 1 22. Streetlights shall be maintained and installed on all public streets per City Standards. The
2 system shall provide uniform lighting, and be secured prior to occupancy. The owner/developer
3 shall pay all applicable fees, energy charges, and or assessments associated with City-owned
4 (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the annexation to,
5 any appropriate street lighting district.
- 6 23. It is the responsibility of the owner/developer to evaluate and determine that all soil imported as
7 part of this development is free of hazardous and/or contaminated material as defined by the
8 City and the County of San Diego Department of Environmental Health. Exported or imported
9 soils shall be properly screened, tested, and documented regarding hazardous contamination.
- 10 24. Prior to approval of the final parcel map, the owner/developer shall contract with a geotechnical
11 engineering firm to perform a field investigation of the existing pavement on all streets adjacent
12 to the project boundary. The limits of the study shall be half-street plus twelve (12) feet along
13 the project's frontage. The field investigation shall include a minimum of one pavement boring
14 per every 50 linear feet of street frontage. Should the existing AC thickness be determined to be
15 less than three inches or without underlying Class II base material, the owner/developer shall
16 remove and reconstruct the pavement section as determined by the pavement analysis submittal
17 process detailed in Item No. b below. Upon review of the pavement investigation, the City
18 Engineer shall determine whether the owner/developer shall:
- 19 a) Repair all failed pavement sections, header cut and grind per the direction of the City
20 Engineer, and construct a two-inch thick rubberized AC overlay; or
 - 21 b) Perform R-value testing and submit a study that determines if the existing pavement
22 meets current City standards and traffic indices. Should the study conclude that the
23 pavement does not meet current requirements, rehabilitation and mitigation
24 recommendations shall be provided in a pavement analysis report, and the developer
25 shall reconstruct the pavement per these recommendations, subject to approval by the
26 City Engineer.
- 27 25. Pavement sections for Avocado Road and driveway shall be based upon approved soil tests and
28 traffic indices. The pavement design is to be prepared by the developer's soil engineer and must
be approved by the City Engineer, prior to paving.

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1 26. Any 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 27. All existing overhead utility lines within the subdivision and within the full width street or
4 right-of-way abutting the new subdivision, and all new extension services for the development
5 of the project, including but not limited to, electrical, cable and telephone, shall be placed
6 underground prior to the approval of the final Parcel Map per Section 901.G of the Subdivision
7 Ordinance (R91-166) and as required by the City Engineer and current City policy. For the
8 determination of compliance with said Section, owner/developer shall submit undergrounding
9 plans and quantity takeoff estimates for review and approval by the City Engineer. The plans
10 should be prepared by a qualified professional in full compliance with the design requirements
11 set forth by Section 901.G. Prior to submittal to the City Engineer, the plans and estimates shall
12 be approved by all utility companies whose overhead lines are required to be undergrounded.

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

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

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

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

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- 1 32. This project shall provide year-round erosion control including measures for the site required
2 for the phasing of grading. Prior to the issuance of grading permit, an erosion control plan,
3 designed for all proposed stages of construction, shall be reviewed, secured by the
4 owner/developer with cash securities and approved by the City Engineer.
- 5 33. A precise grading and private improvement plan shall be prepared, reviewed, secured and
6 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
7 flatwork, landscaped areas, special surfaces, curbs, gutters, striping, signage, drainage devices
8 and utility services.
- 9 34. Landscaping plans, including plans for the construction of walls, fences or other structures at or
10 near intersections, must conform to intersection sight distance requirements. Landscape and
11 irrigation plans must be submitted to the City Engineer prior to the issuance of a grading permit
12 and approved by the City Engineer prior to the issuance of occupancy permits. All plans must
13 be approved by the City Engineer and a pre-construction meeting held, prior to the start of any
14 improvements.
- 15 35. The drainage design on the project is conceptual only. The final design shall be based upon a
16 hydrologic and hydraulic study to be approved by the City Engineer during final engineering.
17 All drainage picked up in an underground system shall remain underground until it is
18 discharged into an approved channel, or as otherwise approved by the City Engineer. All public
19 storm drains shall be shown on City standard plan and profile sheets. All storm drain easements
20 shall be dedicated where required. The owner/developer shall be responsible for obtaining any
21 off-site easements for storm drainage facilities.
- 22 36. Sediment, silt, grease, trash, debris, and or pollutants shall be collected on-site and disposed of
23 in accordance with all state and federal requirements, prior to stormwater discharge either off-
24 site or into the City drainage system.
- 25 37. The owner/developer shall comply with the provisions of National Pollution Discharge
26 Elimination System (NPDES) General Permit for Storm Water Discharges Associated with
27 Construction Activity (General Permit) Water Quality Order 99-08-DWQ. The General Permit
28 continues in force and effect until a new General Permit is issued or the SWRCB rescinds this
General Permit. Only those owner/developers authorized to discharge under the expiring
General Permit are covered by the continued General Permit. Construction activity subject to

1 the General Permit includes clearing, grading, and disturbances to the ground such as
2 stockpiling, or excavation that results in soil disturbances of at least one acre of total land area.
3 The owner/developer shall obtain coverage under the General Permit by submitting a Notice of
4 Intent (NOI) and obtaining a Waste Discharge Identification Number (WDID#) from the State
5 Water Resources Control Board (SWRCB). In addition, coverage under the General Permit
6 shall not occur until an adequate SWPPP is developed for the project as outlined in Section A of
7 the General Permit. The site specific SWPPP and associated NOI shall be maintained on the
8 project site at all times. The SWPPP shall be provided, upon request, to the United States
9 Environmental Protection Agency (USEPA), SWRCB, Regional Water Quality Control Board
10 (RWQCB), City of Oceanside, and other applicable governing regulatory agencies. The SWPPP
11 is considered a report that shall be available to the public by the RWQCB under section 308(b)
12 of the Clean Water Act. The provisions of the General Permit and the site specific SWPPP shall
13 be continuously implemented and enforced until the owner/developer obtains a Notice of
14 Termination (NOT) for the SWRCB. The owner/developer is required to retain records of all
15 monitoring information, copies of all reports required by this General Permit, and records of all
16 data used to complete the NOI for all construction activities to be covered by the General Permit
17 for a period of at least three years from the date generated. This period may be extended by
18 request of the SWRCB and/or RWQCB.

18 38. The Owner/developer shall provide a copy of the title/cover page an approved Runoff
19 Assessment Report (RAR) with the first engineering submittal package. The RAR shall be
20 prepared by the owner/developer's Civil Engineer. All Stormwater Quality documents shall be
21 in compliance with the latest edition of submission requirements.

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

26 40. Setbacks of tops and toes of manufactured slopes to property lines shall comply with the
27 minimum requirements in the City Grading Regulations Manual.

28 41. Provide appropriate drainage facility to intercept drainage and irrigation flows at the toe of the
westerly manufactured slope on Parcel 3.

- 1 42. The private access driveway including private utilities to serve the parcels as shown on the
2 approved Tentative Parcel Map shall be constructed prior to, or concurrent with, the first
3 building permit.
- 4 43. It is the responsibility of the owner/developer to provide insurable access to future owners of
5 parcel numbers one, two and three. The following note shall be placed on the final map:
6 "RESERVING HERON A RECIPROCAL ACCESS EASEMENT FOR INGRESS AND
7 EGRESS AND FOR UTILITY PURPOSES FOR THE BENEFIT OF THE FUTURE
8 OWNERS OF PARCELS ONE, TWO AND THREE."
- 9 44. Prior or concurrent with the recordation of parcel map, the owner/developer shall reserve a
10 reciprocal access for ingress and egress over and across the common driveways for the purpose
11 of providing pedestrian and vehicular access to and from Avocado Road, and for drainage and
12 utility purposes, for the benefit of the future owners of parcels.
- 13 45. Private driveways used as access to the land being divided as well as the map being created,
14 must include a private road /driveway maintenance agreement. The following note shall be
15 placed on the parcel map reflecting the recording information: "PRIVATE DRIVEWAY (AND
16 PRIVATE DRAINAGE AND UTILITY EASEMENTS) ARE TO BE MAINTAINED IN
17 ACCORDANCE WITH THE PRIVATE DRIVEWAY MAINTENANCE AGREEMENT
18 RECORDED ----- AS DOCUMENT NUMBER -----"
- 19 46. The responsibility of private driveway maintenance shall be included as an exhibit to the
20 covenant required by Condition No. 78 of this resolution.
- 21 47. Provide the City of Oceanside with a certification from each public utility and each public entity
22 owning easements within the proposed project stating that: (a) they have received from the
23 owner/developer a copy of the proposed map; (b) they object or do not object to the filing of the
24 map without their signature; (c) in case of a street dedication affected by their existing
25 easement, they will sign a "subordination certificate" or "joint-use certificate" on the map when
26 required by the governing body. In addition, the owner/developer shall furnish proof to the
27 satisfaction of the City Engineer that no new encumbrances have been created that would
28 subordinate the City's interest over areas to be dedicated for public road purposes since
submittal of the project.

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1 48. Landscape plans, meeting the criteria of the City's Landscape Guidelines or City Engineer
2 criteria and Water Conservation Ordinance No. 91-15, and the maintenance of such
3 landscaping, shall be approved by the City Engineer prior to the issuance of building permits.
4 Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for
5 final approval.

6 a) The owner/developer shall be responsible for irrigating and landscaping all
7 embankments within the project, and all slopes along major streets.

8 b) To mitigate the loss of landmark and or mature existing trees on-site the determination
9 of replacement shall be based on tree number, type, and caliper (caliper measured 24
10 inches from the base of the tree at existing grade). The total number of tree caliper lost
11 shall be equal to the total number of caliper replaced. Replacement trees shall be a
12 minimum of 15-gallon container stock. A field survey shall be performed under the
13 supervision of the City Landscaping Section to evaluate the existing tree population and
14 the replacement requirements. The existing trees to remain or proposed for removal shall
15 be identified on the Preliminary Grading Plan, Precise Grading Plan and Landscape
16 Plan. The existing tree type, location, and caliper shall be shown on the above plans.
17 Replacement trees shall be identified and shown on the Landscape Plan and shall be
subject to review and approval by the City Engineer.

18 49. Landscape plans shall comply with the current Street Tree Memorandum and City of Oceanside
19 Guidelines and Specifications for Landscape Developments 1985, addenda 1997.

20 50. In accordance with City of Oceanside requirements, automatic irrigation shall be provided for
21 all landscaped areas in the right-of-way and on-site.

22 51. The landscape plan shall depict existing vegetation on-site.

23 52. Utility, storm drain and sewer easements, and sight-distance requirements shall be field verified
24 by the Landscape Architect and landscape placement designed to meet the satisfaction of the
City Engineer.

25 53. Landscape plans shall comply with RAR, sight-distance requirements, the Oceanside Zoning
26 Ordinance, and Fire Department requirements. Landscape plans shall match the precise grading
27 and street improvement plans.

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- 1 54. To the satisfaction of the City Engineer, native and naturalized drought tolerant plant materials
2 shall be incorporated with the Conceptual Landscape Plan plant palette.
- 3 55. The right-of-way and panhandle access shall be landscaped to the satisfaction of the City
4 Engineer and meet City of Oceanside requirements.
- 5 56. Walls, fences and gates shall be shown on the landscape plan and meet the approval of the
6 Planning Division and Fire Department.
- 7 57. All landscaping, fences, walls, etc. on the site and in any adjoining public parkways shall be
8 permanently maintained by the owner, their assigns or any successors-in-interest in the
9 property. The maintenance program shall include normal care and irrigation of the landscaping;
10 repair and replacement of plant materials; irrigation systems as necessary; and general cleanup
11 of the landscaped and open areas, and walkways, walls, fences, etc. Failure to maintain
12 landscaping shall result in the City taking all appropriate enforcement actions by all acceptable
13 means including, but not limited to, citations and or actual work with costs charged to or
14 recorded against the owner. This condition shall be recorded with the covenant required by this
15 resolution.
- 16 58. An automatic irrigation system shall be installed to provide coverage for all planting areas. Low
17 precipitation equipment shall provide sufficient water for plant growth with a minimum water
18 loss due to water run-off. Irrigation systems shall use high quality, automatic control valves,
19 controllers and other necessary irrigation equipment. All components shall be of non-corrosive
20 material. All drip systems shall be adequately filtered and regulated per the manufacturer's
21 recommended design parameters. All irrigation improvements shall follow the City of
22 Oceanside Guidelines and Water Conservation Ordinance.
- 23 59. The selection of plant material is based on cultural, aesthetic, and maintenance considerations.
24 All planting areas shall be prepared with appropriate soil amendments, fertilizers, and
25 appropriate supplements. Ground covers or bark mulch shall fill in between the shrubs to shield
26 the soil from the sun, evapotranspiration and run-off. All the flower and shrub beds shall be
27 mulched to a 3" depth to help conserve water, lower the soil temperature and reduce weed
28 growth. All landscape improvements shall follow the City of Oceanside Guidelines.
60. Existing landscaping on and adjacent to the site shall be protected in place and supplemented or
replaced to meet the satisfaction of the City Engineer.

1 61. In the event that the conceptual landscape plan (CLP) does not match the conditions of
2 approval, the resolution of approval shall govern.

3 62. In the event that the conceptual plans do not match the conditions of approval, the resolution of
4 approval shall govern.

5 **Fire Prevention:**

6 63. Oceanside Fire Department requirements shall be placed on plans in the notes section.

7 64. Fire hydrants shall be installed and tested prior to placing any combustible materials on the job
8 site.

9 65. All weather access roads shall be installed and made serviceable prior to and maintained during
10 time of construction.

11 66. Oceanside Fire Department emergency access shall not exceed 15 percent grade.

12 67. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per Vehicle
13 Code Section 22500.1 and in accordance with the Oceanside Fire Department Standard
14 Guidelines for Emergency Access. This requirement includes the hammerhead design on
15 Parcels 2 and 3.

16 68. In accordance with the California Fire Code Sec. 901.4.4, the approved address for residential
17 occupancies shall be placed on the structure in such a position as to be plainly visible and
18 legible from the street or roadway fronting the property. Numbers shall contrast with their
19 background.

20 69. Single-family dwelling units require 4-inch address numbers.

21 70. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval prior
22 to the issuance of grading permits.

23 71. The landscape plans shall show trees, shrubs, and groundcover dimensions on the planting
24 legend. Plant symbols shall be shown at 100 percent maturity in accordance with the Western
25 Garden Book.

26 72. All structural mitigation notes and details resulting from Oceanside Fire Department conditions
27 shall be included on the architectural plans when submitted to the Engineering Department for
28 grading permits.

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- 1 a) **Roof covering:** Roofs shall be a Class A assembly. Roofs shall have a Class “A” roof
2 covering. For roof coverings where the profile allows a space between the roof covering
3 and roof decking, the space at the eave ends shall be fire stopped to preclude entry of
4 flames or embers.
- 5 b) **Insulation:** In the urban wildland interface areas, paper faced insulation shall be
6 prohibited in attics or ventilated spaces.
- 7 c) **Protection of eaves:** Eave assembly must be 1 hour fire rated construction. Eaves and
8 soffits shall be protected on the exposed underside by materials approved for a minimum
9 one hour fire resistance rated construction. Fascias are required and must be protected on
10 the backside by materials approved for a minimum of one hour fire resistance rated
11 construction or 2-inch (51 mm) nominal dimension lumber.
- 12 d) **Gutters and downspouts:** Gutters and downspouts shall be constructed of
13 noncombustible material. Gutters shall be designed to reduce the accumulation of leaf
14 litter and debris that contributes to roof edge ignition.
- 15 e) **Exterior walls:** Exterior walls of buildings or structures shall be constructed with
16 materials approved for a minimum of one hour fire resistance rated construction on the
17 exterior side or constructed with approved noncombustible materials. Exterior wall
18 coverings must meet the one hour fire resistance requirement. Exception: Heavy timber
19 or log wall construction. Such material shall extend from the top of the foundation to the
20 underside of the roof sheathing.
- 21 f) **Unenclosed under floor protection:** Buildings or structures shall have all under floor
22 areas enclosed to the ground with exterior walls with a one hour fire rating. Exception:
23 Complete enclosure may be omitted where the underside of all exposed floors and all
24 exposed structural columns, beams and supporting walls are protected as required for
25 exterior one hour fire resistance rated construction or heavy timber construction.
- 26 g) **Appendages and projections:** Where fencing attached to or immediately adjacent to
27 structures face the vegetative fuels, the first 5 feet (1 524 mm) of such fencing which
28 connects to the structure, shall be constructed of noncombustible, heavy timber or fire
retardant pressure treated wood or material.

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- 1 h) **Unenclosed accessory structures** attached to buildings with habitable spaces and
2 projections such as deck assemblies shall be a minimum of a one hour fire rated
3 assembly, which includes railings. When the attached structure is located and
4 constructed so that the structure or any portion thereof projects over a descending slope
5 surface greater than 10 percent, the area below the structure shall have all under floor
6 areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall
7 construction that meets the 1 hour fire resistance rating.
- 8 i) **Exterior glazing, and skylights:** Exterior glazing or other transparent, translucent or
9 opaque glazing shall be tempered glass, multilayered glass panels, or glass block each
10 having a fire protection rating of not less than 20 minutes. Glazing frames made of vinyl
11 materials shall have welded corners, metal reinforcement in the interlock area, and be
12 certified to ANSI/AAMA/NWDA 101/I.S.2-97 structural requirements. Skylights
13 shall be tempered glass or a class "A" rated assembly. Exterior windows, window walls
14 and glazed doors, windows within exterior doors, and skylights shall be tempered glass,
15 multilayered glazed panels, glass block, or have a fire protection rating of not less than
16 20 minutes.
- 17 j) **Exterior doors:** Exterior doors shall be approved noncombustible construction, solid
18 core wood not less than 1 3/4 inches thick (45 mm), or have a fire protection rating of
19 not less than 20 minutes. Windows within doors and glazed doors shall be in accordance
20 rated in accordance with the Exterior glazing and skylights section. Exception: Vehicle
21 access doors.
- 22 k) **Vents:** Attic ventilation openings, foundation or under floor vents, or other ventilation
23 openings in vertical exterior walls and vents through roofs shall not exceed 144 square
24 inches (0.0929 m²) each. Such vents shall be covered with noncombustible corrosion
25 resistant mesh with openings not to exceed 1/4 inch (6.4 mm), or shall be designed and
26 approved to prevent flame or ember penetration into the structure. Turbine attic vents
27 shall be equipped to allow only one way direction rotation and shall not free spin in both
28 directions. Attic ventilation openings shall not be located in soffits, in eave overhangs,
between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be

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1 located at least 10 feet (3048 mm) from property lines. Under floor ventilation openings
2 shall be located as close to grade as practical.

3 l) **Detached accessory structures:** Detached accessory structures located less than 50 feet
4 (15 240 mm) from a building containing a habitable space shall be a minimum one hour
5 fire resistance rated assembly. When the detached structure is located and constructed so
6 that the structure or any portion thereof projects over a descending slope surface greater
7 than 10 percent, the area below the structure shall have all under floor areas enclosed to
8 within 6 inches (152 mm) of the ground, with exterior wall construction with a one hour
9 fire resistance rating. Exception: The enclosure may be omitted where the underside of
10 all exposed floors and all exposed structural columns, beams and supporting walls are
11 protected as required for exterior one hour fire resistance rated construction or heavy
12 timber construction.

13 m) **Site Inspection:** site inspection may reveal conditions which have changed since the
14 plan review. When such discrepancies arise, field inspection shall take precedence. Final
15 approval is contingent upon field inspection. If the field inspection reveals that the
16 conditions have not been met, you will be required to bring the project into compliance
17 with the conditions, or your final approval will be rescinded until the project is
18 compliant.

18 **Planning:**

19 73. This Tentative Parcel Map (P-2-05) shall expire two years from the effective date of the City
20 Council action, unless a time extension is granted by the City Council.

21 74. Conditional Use Permits (C-2-05) and (C-40-05) shall expire on December 2, 2012, unless
22 implemented as required by the Zoning Ordinance or a time extension is granted by the
23 Planning Commission.

24 75. The Tentative Parcel Map and the two Conditional Use Permits approve only a three-lot
25 subdivision and panhandle access as shown on the plans and exhibits presented to the Planning
26 Commission for review and approval. No deviation from these approved plans and exhibits
27 shall occur without City Planner approval. Substantial deviations shall require a revision to the
28 Tentative Parcel Map and Conditional Use Permits.

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- 1 76. The applicant, permittee, or any successor-in-interest shall defend, indemnify and hold harmless
2 the City of Oceanside, its agents, officers or employees from any claim, action or proceeding
3 against the City, its agents, officers, or employees to attack, set aside, void or annul an approval
4 of the City, concerning Tentative Parcel Map (P-2-05) and Conditional Use Permits (C-2-05, C-
5 40-05). The City will promptly notify the applicant of any such claim, action or proceeding
6 against the City and will cooperate fully in the defense. If the City fails to promptly notify the
7 applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the
8 applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.
- 9 77. All single-family dwelling units shall dispose of or recycle solid waste in a manner provided in
10 City Code Section 13.3.
- 11 78. A covenant or other recordable document approved by the City Attorney shall be prepared by
12 the applicant and recorded prior to the approval of the final Parcel Map. The covenant shall
13 provide that the property is subject to this resolution, and shall generally list the conditions of
14 approval.
- 15 79. Prior to the issuance of building permits, compliance with the applicable provisions of the City's
16 anti-graffiti (Ordinance No. 93-19, Section 20.25 of the City Code) shall be reviewed and
17 approved by the Planning Division. These requirements, including the obligation to remove or
18 cover with matching paint all graffiti within 24 hours, shall be noted on the Landscape Plan and
19 shall be recorded in the form of a covenant affecting the subject property.
- 20 80. Prior to the transfer of ownership of the property the applicant shall provide a written copy of
21 the applications, staff report(s), and resolution(s) to the new owner(s). This notification's
22 provision shall run with the life of the Tentative Parcel Map and shall be recorded as a covenant
23 on the property.
- 24 81. Failure to meet any conditions of approval for this residential subdivision shall constitute a
25 violation of the Tentative Parcel Map (P-2-05) and Conditional Use Permits (C-2-05, C-40-05).
- 26 82. Unless expressly waived, all current zoning standards and City ordinances and policies in effect
27 at the time grading permits are issued are required to be met by this project. The approval of this
28 Tentative Parcel Map constitutes the applicant's agreement with all statements in the
Description and Justification, and other materials and information submitted with this
application, unless specifically waived by an adopted condition of approval.

- 1 83. Pursuant to General Plan Objective 1.24, Policy R, topsoil from excavated areas shall be
2 stockpiled for reuse on the site where appropriate.
- 3 84. Pursuant to General Plan Objective 1.24, Policy Q, as construction proceeds groundcover shall
4 be re-established and or planted new as early as possible.
- 5 85. Panhandle access ways shall have recorded joint maintenance agreements and cross easements
6 for use.
- 7 86. The developer is prohibited from entering into any agreement with a cable television franchisee
8 of the City which gives such franchisee exclusive rights to install, operate, and or maintain its
9 cable television system in the development.
- 10 87. This Tentative Parcel Map is subject to the provisions of Chapter 14C of the City Code
11 regarding Inclusionary Housing.
- 12 88. Pursuant to Article 43, an Administrative Development Plan(s) shall be processed and approved
13 for Parcels 1, 2, and 3 of the Tentative Parcel Map prior to the issuance of building permits for
14 each lot. Development on each lot shall provide superior architectural, landscaping design and
15 materials compatible with the provisions in General Plan policy 1.12 for Land Use
16 Compatibility with the surrounding neighborhood. Front yard landscaping shall be provided by
17 the developer of each lot and shall be shown on each Development Plan application.
- 18 89. The subdivision of land does not include the construction of retaining walls. The location,
19 material, design, and construction of any retaining walls shall be constructed in conjunction
20 with future Development Plan(s) approval(s).
- 21 90. Building floor plans, elevations, architectural style and color and materials palette employed on
22 the design of structures on each lot shall differ from but compliment development on adjoining
23 parcels.
- 24 91. Development on each of the new lots created by this Tentative Parcel Map shall meet the
25 following development standards:
26 a) minimum net lot size: 10,000 square feet;
27 b) required yards are 25-foot front, 7.5-foot side, 20-foot rear, and 15-foot corner side;
28 c) maximum height of 36 feet on Parcels 2 and 3
d) maximum height of 26 feet for Parcel 1
e) maximum lot coverage: 35 percent;

1 f) roofing material is required to be fire resistant roof tile;

2 92. Development on Parcels 1, 2 and 3 created by this Tentative Parcel Map shall meet the
3 following design guidelines:

4 a) Use of retaining walls shall be avoided. Where use of retaining walls cannot be avoided,
5 such walls shall be screened to the maximum extent possible and use of plantable walls
6 shall be employed as part of the design solution, and shall meet the development
7 regulations for walls as per Zoning Ordinance Section 3039.

8 b) Front and side elevations shall be well-articulated and enhanced with high quality
9 fenestration and other architectural details along the elevations fronting vehicle access
10 routes and between adjoining properties in order to establish different patterns of open
11 space, thereby achieving aesthetically pleasing building frontages and minimizing
12 privacy loss between dwellings.

13 c) Garage doors shall incorporate multi-panel designs, windows or architectural detailing
14 to reduce their impact and scale.

15 d) Garage frontages shall be setback from the dwelling's first story façade. Garages may
16 project in front of the dwelling only if they occupy no more than 50 percent of the
17 building frontage and incorporate at least one of the following mitigating design
18 features: (i) A porch not less than 12 feet wide and 8 feet deep in front of the living area;
19 or (ii) A trellis and or arbor extending not less than 2 feet beyond the front of the garage;
20 or (iii) A balcony above the garage with a trellis or roof along the garage frontage.

21 e) Pursuant to General Plan Objective 1.24, Policy M, permeable (and all weather) surfaces
22 shall be used to pave driveways and the panhandle easement to the satisfaction of the
23 City Engineer and City Planner. The use of impervious surfacing shall be limited and
24 shall be designed to support the natural drainage system.

25 f) The type and location of site and building lighting shall preclude direct glare onto
26 adjoining properties and streets.

27 g) Dwelling structures shall be designed to compliment, yet be distinguishable from
28 adjacent structures. Buildings shall relate in terms of massing to one another, but utilize
different form and detail compositions to create a unique design statement. The same
building elevations shall not be repeated within the subdivision.

- 1 h) One story architectural elements and massing shall be incorporated into two-story
2 building designs to the greatest extent possible. Where two-story building massing
3 occurs, one or more of the following features should be used to soften the visual impact
4 of a two-story wall surface: (1) variety of hip and gable roofs; (2) arbors, trellises and
5 shade structures; (3) balconies; and (4) cantilevered building elements.
- 6 i) Roof designs shall be compatible in terms of type, slope, size, materials and colors to
7 surrounding residential structures. Flat roofs are discouraged, unless they are appropriate
8 to the selected architectural style.
- 9 j) All building elevations shall be architecturally enhanced to compliment the structure and
10 adjacent properties, in terms of building designs, materials, colors, and landscaping..
11 The selected architectural design shall be consistently employed on all building
12 elevations.
- 13 k) Unarticulated building wall planes and monolithic forms are prohibited. Use of
14 horizontal and vertical massing offsets are required.
- 15 l) Selection and application of building materials and colors shall take into consideration
16 and relate to surrounding development. Use of colors that reduce and eliminate
17 reflectivity and blend structures into the terrain is recommended.
- 18 m) Materials shall stylistically compliment architectural details. Frequent changes in
19 materials shall be avoided. Changes in colors and materials shall occur at interior
20 corners and shall coincide with vertical and horizontal wall plane changes.
- 21 n) Landscaping shall frame, soften and embellish the quality of the residential
22 environment, buffer residences from noise and enhance privacy. Tiered planting shall be
23 used to enhance the character of the project. Preservation of existing vegetation, to the
24 maximum extent possible, and effective integration within the overall landscaping plan
25 shall be required.
- 26 93. In the event any subsurface archaeological resources are encountered during grading or
27 construction activities, such activities in the locality of the find shall be halted immediately. An
28 archaeologist, certified by the Society of Professional Archaeologists (SOPA), shall be brought
in to determine the significance of the archaeological resources and implement appropriate
mitigations prior to recommending earthwork.

- 1 94. An archaeologist and a Native American monitor shall be present for a pre-grade meeting to
2 discuss the monitoring program with the grading contractor, City staff and the developer. The
3 archaeologist and the Native American monitor may determine, in coordination with City staff,
4 that the full-time presence of a monitor is not required, that checking the grading at regular
5 intervals is sufficient. Alternatively, they may determine that an archaeologist and a Native
6 American monitor be on-site during grading and trenching within the project area.
- 7 95. If archaeological materials are encountered, their importance must be evaluated to assess the
8 significance of impacts. If significant cultural resources are encountered, mitigation would be
9 accomplished through documentation and excavation of features, cataloging and analysis of
10 cultural material collected, and preparation of a report detailing the methods and results of the
11 monitoring/data recovery program.
- 12 96. Any cultural material recovered shall be accurate at an appropriate facility, except as stipulated
13 differently in the pre-excavation agreement.

13 **Water Utilities:**

- 14 97. The developer will be responsible for developing all water and sewer utilities necessary to
15 develop the property. Any relocation of water and or sewer utilities is the responsibility of the
16 developer and shall be done by an approved licensed contractor at the developer's expense.
- 17 98. The property owner will maintain private water and wastewater utilities located on private
18 property.
- 19 99. Water services and sewer laterals constructed in existing right-of-way locations are to be
20 constructed by approved and licensed contractors at developer's expense.
- 21 100. All Water and Wastewater construction shall conform to the most recent edition of the Water,
22 Sewer, and Reclaimed Water Design and Construction Manual or as approved by the Water
23 Utilities Director.
- 24 101. All public water and or sewer facilities not located within the public right-of-way shall be
25 provided with easements sized according to the Water, Sewer, and Reclaimed Water Design and
26 Construction Manual. Easements shall be constructed for all weather access.
- 27 102. No trees, structures or building overhang shall be located within any water or wastewater utility
28 easement.

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1 103. All lots with a finish pad elevation located below the elevation of the next upstream manhole
2 cover of the public sewer shall be protected from backflow of sewage by installing and
3 maintaining an approved type backwater valve, per the Uniform Plumbing Code (UPC).

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

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

10 PASSED and ADOPTED by the City Council of the City of Oceanside, California this ____ day
11 of _____, 2009 by the following vote:

12 AYES:

13 NAYS:

14 ABSENT:

15 ABSTAIN:

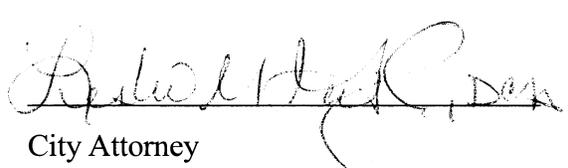
16 _____
17 Mayor of the City of Oceanside

18 ATTEST:

19 APPROVED AS TO FORM:

20 OFFICE OF THE CITY ATTORNEY

21 _____
22 City Clerk

23 
24 _____
25 City Attorney

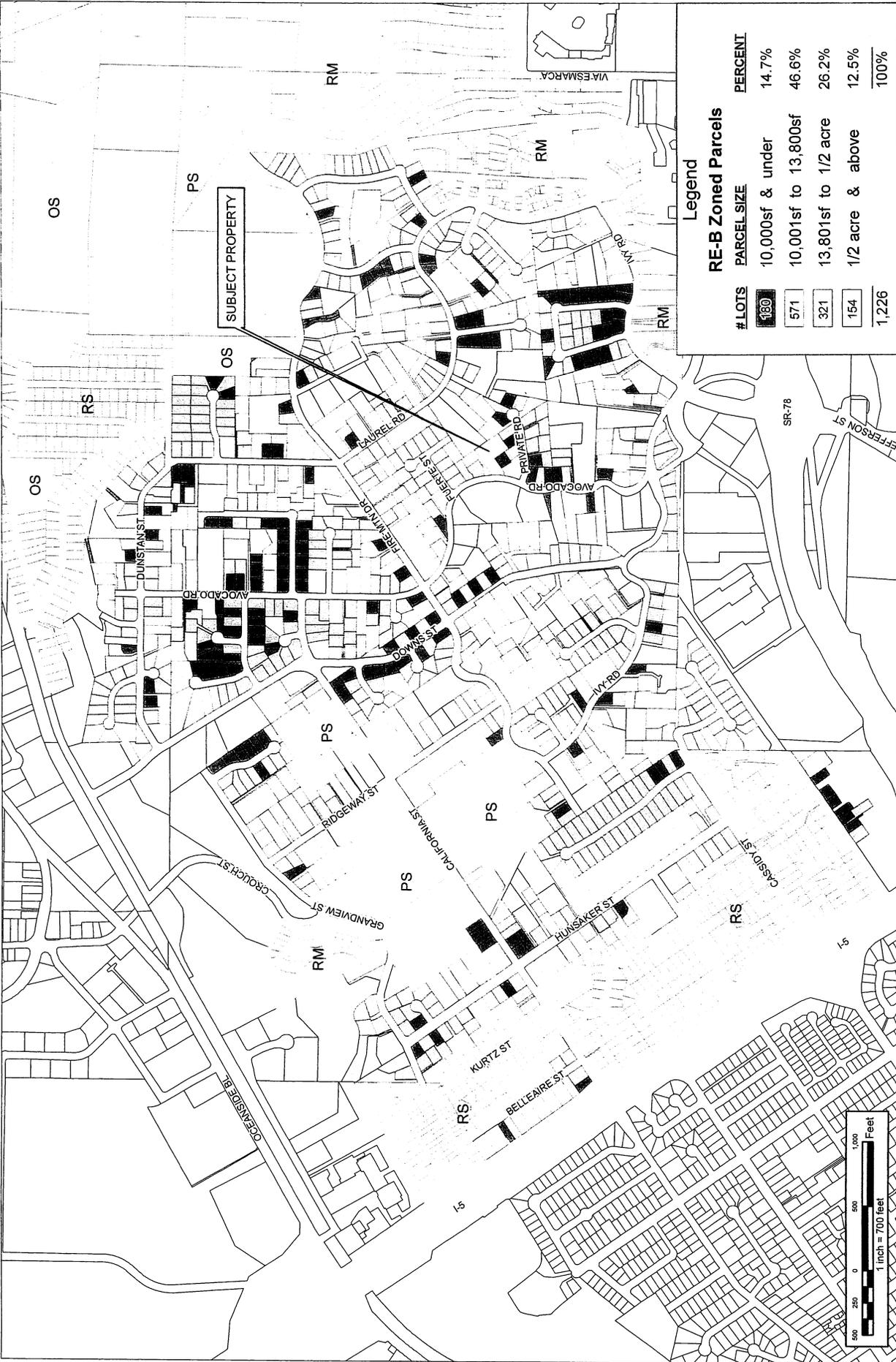
FIRE MOUNTAIN LOT SIZE COMPARISON
RE-B ZONED PARCELS



LOT SIZE
EXHIBIT

Source:
SanGIS 10.09

Map is base derived from
SanGIS 10.09
notes average > .5c.



Legend
RE-B Zoned Parcels

# LOTS	PARCEL SIZE	PERCENT
130	10,000sf & under	14.7%
571	10,001sf to 13,800sf	46.6%
321	13,801sf to 1/2 acre	26.2%
154	1/2 acre & above	12.5%
1,226		100%



PLANNING COMMISSION
RESOLUTION NO. 2009-P47

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DENYING WITHOUT PREJUDICE A TENTATIVE PARCEL MAP, AND TWO CONDITIONAL USE PERMITS ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: P-2-05, C-2-05, and C-40-05
APPLICANT: Ann and Graham Fraser
LOCATION: 1814 Avocado Road

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

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

a three-lot subdivision, which exceeds base density and has panhandle access; on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 26th day of October, 2009 conduct a duly advertised public hearing as prescribed by law to consider said application.

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

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

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

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

1 FINDINGS:

2 For the Tentative Parcel Map P-2-05:

- 3 1. The proposed map is consistent with the General Plan of the City by meeting and
4 exceeding lot size requirements or other provisions of the Zoning Ordinance and the
5 Subdivision Ordinance.
- 6 2. The 1.0 -acre site has been found to be physically suitable for residential development.
- 7 3. A residential density of 3.1 dwelling units per gross acre is not suitable for the site. The
8 future development of three single-family homes will not be suitable or compatible with
9 the surrounding neighborhood density.
- 10 4. The three-lot subdivision will not cause substantial environmental damage or
11 substantially and avoidably injure fish or wildlife or their habitat and has been
12 categorically exempted from review under the California Environmental Quality Act.
- 13 5. The three-lot subdivision will not conflict with easements, acquired by the public at
14 large, for access through or use of, property within the proposed subdivision.
- 15 6. The Parcel Map complies with all other applicable ordinances, regulations, and
16 guidelines of the City of Oceanside.

16 For the Conditional Use Permit C-2-05 (panhandle access):

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

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1 For the Conditional Use Permit C-40-05 (exceeding base density):

2 1. The development portion of the subject property is zoned RE-B with a corresponding
3 Land Use designation of Residential Estate-B (1-3.5 dwelling units per acre). The
4 project density of 3.1 dwelling units per acre is not consistent with the density ranges for
5 the surrounding area. A majority of the properties in this area have large lot sizes and by
6 allowing small lot developments to occur within this area, the semi-rural character of the
7 neighborhood would be lost.

8 2. This 1.0-acre of land located in the RE-B District and the proposed single-family
9 residential land use is not consistent with the goals and objectives of the Land Use
10 Compatibility Section (1.13) of the Land Use Element of the General Plan; the polices
11 describe the preservation of the rustic and rural nature of Fire Mountain to be ensured
12 through lot development, and this proposal to exceed the based density would take away
13 from the large lot size developments and rural nature of this area within Fire Mountain.

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1 3. The residential density of 3.1 dwelling units per gross acre will comply with the
2 provisions of the Zoning Ordinance for the City of Oceanside Residential Estate – B
3 District, but the proposed density will not be consistent with the General Plan Goals for
4 Potential Range of Residential Densities Section (2.32) for considering the base density
5 of one dwelling unit per acre for the appropriate density of developments within the RE-
6 B District.

7 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
8 deny without prejudice Tentative Parcel Map (P-2-05), Conditional Use Permit (C-2-05) and
9 Conditional Use Permit (C-40-05).

10 PASSED AND ADOPTED Resolution No. 2009-P47 on October 26, 2009 by the following
11 vote, to wit:

- 12 AYES: Neal, Bertheaud
13 NAYS: Martinek, Troisi, Balma, Rosales and Scrivener
14 ABSENT: None
15 ABSTAIN: None



16
17 Claudia Troisi, Chairperson
Oceanside Planning Commission

18 ATTEST:



19
20 Jerry Hittleman, Secretary

21 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
22 this is a true and correct copy of Resolution No. 2009-P47.

23
24 Dated: October 26, 2009

AGENDA NO. 5

PLANNING COMMISSION



CITY OF OCEANSIDE

ATTACHMENT 5

DATE: October 26, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF TENTATIVE PARCEL MAP (P-2-05) AND CONDITIONAL USE PERMITS (C-2-05, C-40-05) FOR A THREE-LOT SUBDIVISION, WHICH EXCEEDS THE BASE DENSITY, AND PANHANDLE ACCESS ON A 1.0-ACRE SITE LOCATED AT 1814 AVOCADO ROAD – AVOCADO ROAD TENTATIVE PARCEL MAP – APPLICANT: ANN AND GRAHAM FRASER**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

1. Confirm issuance of a Class 15 categorical exemption for minor land divisions pursuant to Section 15315 of the California Environmental Quality Act; and
2. Approve Tentative Parcel Map (P-2-05) and Conditional Use Permits (C-2-05, C-40-05) and adopt Planning Commission Resolution No 2009-P47 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The subject 1.0 –acre lot is a portion of the North Carlsbad Annex that was created in 1926, and it is currently vacant. The existing elevation at the street is 184 feet, and the slopes on the land do not exceed 20 percent. The site gently rises to an elevation of 218 feet at the rear property line.

The proposed pad elevations are 186.0 feet on Parcel 1; 210 feet on Parcel 2; and 208 feet on Parcel 3.

Surrounding land uses include single-family detached residences on 10,000-square-foot minimum lots. The zoning designation for the site is Residential Estate B (RE-B) District and the General Plan Land Use Category is Estate B Residential (EB-R), which permits 1.0-3.5 dwelling units per gross acre.

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

Tentative Parcel Map (T-2-05) represents a request for the following:

1. To permit the division of 1.0-acre of land into three parcels pursuant to Section 302 of the Oceanside Subdivision Ordinance.

Conditional Use Permit (C-2-05) represents a request for the following:

2. To permit development above the base density (1 dwelling unit per gross acre) and to permit 3.0 dwelling units per gross acre, pursuant to Section 1050(B) of the Oceanside Zoning Ordinance.

Conditional Use Permit (C-40-05) represents a request for the following:

3. To permit panhandle access to Parcels 1, 2, and 3 from Avocado Road pursuant to Section 1050(Y) the Oceanside Zoning Ordinance.

ANALYSIS

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

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

KEY PLANNING ISSUES

1. General Plan conformance

A. Land Use Element I. Community Enhancement

Goal: The consistent, significant, long term preservation and improvement of the environment, values, aesthetics, character and image of Oceanside as a safe, attractive, desirable and well-balanced community.

Objective 1.13 Neighborhood Character: To promote and reinforce the unique and positive attributes of individual neighborhoods of Oceanside while strengthening citywide goals, involvement, and identity.

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.

The project site is located within the Fire Mountain Neighborhood Planning Area. The applicant has applied for a conditional use permit to exceed the base density of one (1)

dwelling unit per gross acre. The proposed division of land will create three lots that are at least 10,000 square feet. Pursuant to Policy H of the General Plan, which is consistent with the underlying Land Use designation of the Estate B Residential. The proposed lot sizes are 11,403 net square feet, 15,497 net square feet, and 14,600 net square feet.

The General Plan Land Use Map designation on the subject property is Estate B Residential (EB-R). The proposed project is consistent with this designation and compatible with surrounding lot sizes. Table 1 provides comparisons with adjacent lots.

Table 1 Land Use compatibility with surrounding developments

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

The Fire Mountain Neighborhood is distinctive in Oceanside, because it is characterized by single unit-conventional (SU-C) developments, a lack of sidewalks and curbs, and subdivisions with panhandle lots. The architecture of the area is eclectic and frequently includes custom homes. The proposed subdivision of land will contribute to the character and image of the City of Oceanside as a safe, attractive desirable and well-balanced community in that it proposes residential lots that are larger than the typical 10,000-square-foot lots in the Fire Mountain Neighborhood. This proposal includes lot sizes that reinforce the unique and positive attributes of the Fire Mountain Neighborhood. As such, the proposal satisfies General Plan Community Enhancement Goal, its Objective 1.13 and Policy H.

The panhandle access has been designed and located to avoid excessive grading with respect to the existing topography. The project is specifically conditioned to limit site disturbances to a minimum; to re-establish groundcover as early as possible; and to stockpile topsoil from excavated areas for reuse on the site as appropriate. The preliminary grading plan and the tentative subdivision map are consistent with the characteristics of the Fire Mountain Neighborhood. The proposed design preserves the natural topographic features of the area and it does not contribute to slope instability and erosion hazards.

B. Land Use Element II. Community Development

Goal: The continual long term enhancement of the community through the development and use of land which is appropriate and orderly with respect to type, location, timing, and intensity.

Objective 2.3 Residential Development: 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.

2.32 Potential Range of Residential Densities Policy C: Residential projects with densities below the base density shall be considered to be consistent with the land use designation.

The applicant proposes a density of three (3) dwelling units per gross acre, which is slightly less than the maximum potential density within the RE-B District of 3.5 dwelling units per gross acre. The proposed unit type (SU-C) is consistent with the Estate B land use designation.

The proposed subdivision will contribute to the overall vitality of residential areas in Oceanside, and more particularly to the Fire Mountain Neighborhood. This proposal to subdivide a 1.0-acre site into three residential lots will be compatible with the Fire Mountain Neighborhood. As such, the proposed subdivision satisfies General Plan Community Development Goal 2.32 and Policy C.

2. Zoning Compliance

This project is located in the Residential Estate B District (RE-B) and complies with the requirements of that zone. The application does not include a proposal for development. Rather, development standards are proposed as part of the application (see the *Description and justification*) and incorporated into the conditions of approval. In accordance with Article 43 of the Oceanside Zoning Ordinance, future applicant(s) will need to submit a development plan for each of the proposed three lots. Table 2 summarizes applicable development standards for the project site.

Table 2 Development standards

	REQUIRED	PROPOSED
MINIMUM LOT SIZE	10,000 SF or 0.23 net acres	Parcel 1: 0.26 net acres Parcel 2: 0.36 net acres Parcel 3: 0.33 net acres
PARKING SPACES	2-car garage	2-car garage
FRONT YARD	25-feet	25-feet
CORNER SIDE YARD	15-feet	15-feet
INTERIOR SIDE YARD	7.5-feet	7.5-feet
REAR YARD	20-feet	20-feet
MINIMUM LOT WIDTH	70-feet	Parcel 1: 89 feet wide Parcel 2: 124 feet wide Parcel 3: 100 feet wide
MAXIMUM HEIGHT	36-feet	All Parcels: 36-feet

The proposal to create three residential lots meets the regulations of the Zoning Ordinance.

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 IX Improvements Section 901.G.4. Deferral Provisions).

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 Division.

DISCUSSION

Issue: The applicant has not proposed development. 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 79, 80, 81, and 82. Project conditions require the approval of a 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 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. The requirement to process Administrative Development Plans for future residences will ensure that the proposed design guidelines are followed and that all future development will be of the highest caliber.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Class 15, Minor Land Divisions, in Section 15315 of the California Environmental Quality Act.

PUBLIC NOTIFICATION

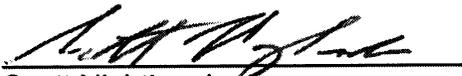
Legal notice was published in the North County Times on October 13, 2009, and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals/organizations requesting notification, applicant, and interested parties. As of October 8, 2009, no communication supporting or opposing the request had been received.

SUMMARY

The proposed Tentative Parcel Map (T-2-05) and Conditional Use Permits (C-2-05, C-40-05) are consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project meets or exceeds all applicable development standards. The project is compatible in terms of density and site design with the surrounding neighborhood. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached staff Resolution. Staff recommends that the Planning Commission:

- Move to approve Tentative Parcel Map (T-2-05) and Conditional Use Permits (C-2-05, C-40-05) and adopt Planning Commission Resolution No. 2009-P47 as attached.

PREPARED BY:



Scott Nightingale
Acting Associate Planner

SUBMITTED BY:



Jerry Hittleman
City Planner

REVIEWED BY:

Richard Greenbauer, Senior Planner _____

Attachments:

1. Plans/Site Map
2. Planning Commission Resolution No. 2009-P47

Scott Nightingale

From: George Buell
Sent: Thursday, October 29, 2009 1:07 PM
To: Jerry Hittleman; Richard Greenbauer; Scott Nightingale
Subject: FW: Call for Review

fyi

From: Michelle Skaggs-Lawrence
Sent: Thursday, October 29, 2009 11:52 AM
To: George Buell
Cc: Leslie M. Gallagher
Subject: FW: Call for Review

Michelle Skaggs Lawrence Deputy City Manager

300 North Coast Hwy.
Oceanside, CA 92054
(760) 435-3072
mlawrence@ci.oceanside.ca.us

From: Vickie Prosser
Sent: Thursday, October 29, 2009 11:51 AM
To: Barbara Riegel Wayne
Cc: Peter Weiss; Michelle Skaggs-Lawrence; Patricia Allison
Subject: Call for Review

Dear Ms. Wayne:

Please accept the attached as Councilmember Feller and Councilmember Chavez' Call for Review on the Planning Commission decision of Monday, October 26 regarding a TENTATIVE PARCEL MAP (P-2-05) and CONDITIONAL USE PERMITS (C-2-05). If anything else is required, please advise at your earliest convenience.



10-18-09 -
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Vickie A. Prosser

Aide to Councilmember Jack Feller
City of Oceanside
300 N. Coast Hwy.
Oceanside, CA 92054
(760) 435-3043

Councilmembers Jack Feller and Rocky Chavez call for review the Planning Commission decision on Article 5 of their meeting of Monday, October 26, regarding consideration of a TENTATIVE PARCEL MAP (P-2-05) and CONDITIONAL USE PERMITS (C-2-05) for a three-lot subdivision, which exceeds the base density and has panhandle access, on a 1.0-acre site located at 1814 Avocado Rd. The project site is zoned RE-B (Residential Estate B District) and is situated within the Fire Mountain Neighborhood. Staff recommended approval of the project and there were no variances. Resolution No. 2009-P47 was denied without prejudice with a vote of 5-2 due to concern the project would not be compatible with neighborhood architecture. Councilmembers Feller and Chavez hereby request appeal to the City Council to make sure the architectural conditions and guidelines will be sufficient to ensure the project will conform to neighborhood standards. It is requested this Call for Review be heard as soon as possible with the goal being the December 2 Council meeting.