



DATE: June 25, 2007

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE PARCEL MAP (P-29-06), CONDITIONAL USE PERMIT (C-56-06), VARIANCE (V-19-06) AND REGULAR COASTAL PERMIT (RC-28-06) FOR THE SUBDIVISION OF AN APPROXIMATELY .55-ACRE SITE, INTO TWO LOTS AND DEVELOPMENT OF A NEW SINGLE-FAMILY DETACHED DWELLING (FOR A TOTAL OF TWO SFDS) AT 2020 STEWART STREET. THE PROJECT SITE IS ZONED RE-B (RESIDENTIAL ESTATE - B DISTRICT) AND IS SITUATED WITHIN THE SOUTH OCEANSIDE NEIGHBORHOOD AND THE COASTAL ZONE – LAGUNA PACIFICA – PETER AND JONI BINIAZ**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

1. Confirm issuance of a Class 3, Categorical Exemption per Section 15303(a) of the California Environmental Quality Act; and
2. Adopt Planning Commission Resolution No. 2007-P33 approving Parcel Map (P-29-06), Conditional Use Permit (C-56-06), Variance (V-19-06) and Regular Coastal Permit (RC-28-06) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The project site is located along the east side and at the southerly terminus of Stewart Street (2020 Stewart Street). A portion of the .55-acre property is developed with a single-family residence. The site is just north of the Buena Vista Lagoon and is bordered by existing slopes to the east and south. The existing

ground surface elevation varies from 11 feet MSL (mean sea level) at the southeasterly portion adjacent to Buena Vista Lagoon to approximately 63 feet MSL at the northerly portion of the site.

The zoning designation for the site is Residential Estate – B (RE-B). The corresponding General Plan land use designation is Estate B - Residential (EB-R) which permits 1 – 3.5 dwelling units per gross acre. The property is surrounded by single family residential uses.

Project Description: The project application is comprised of four components: a tentative parcel map, conditional use permit, variance, and regular coastal permit.

Tentative Parcel Map No. P-29-06 represents a request for the following:

1. To subdivide an approximately .55-acre site into two parcels pursuant to Article VI of the Oceanside Subdivision Ordinance.
2. To defer the undergrounding of overhead utilities, pursuant to the City of Oceanside Subdivision Ordinance and the Subdivision Map Act

Regular Coastal Permit No. RC-28-06 represents a request for the following:

3. To develop a single-family dwelling pursuant to the Local Coastal Program (LCP).

Variance No. V-19-06 represents a request for the following:

4. To construct a two-car garage in lieu of a three-car garage and permit reduced side and rear yard setbacks.

Conditional Use Permit No. CUP-56-06 represents a request for the following:

5. To develop the site with a total of two single-family dwellings, in excess of the applicable base density of one dwelling unit per acre.

The applicant proposes to divide an existing lot into two parcels, 11,554 square feet and 12,476 square feet in size, and construct a new 3,384-square foot single-family dwelling on the southerly parcel. The existing single-family dwelling on the northerly parcel is proposed to remain. The site includes slopes in excess of 20 percent with a minimum elevation differential of 25 percent. Development on the property is subject to compliance with Hillside Development standards.

ANALYSIS

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

1. General Plan
2. Zoning Ordinance
3. Subdivision Ordinance
4. Local Coastal Program

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 1.12 Land Use Compatibility: To minimize conflicts with adjacent or related land uses.

The proposed project is consistent with the General Plan Land Use Map designation on the subject property - Estate B - Residential (EB-R) - and compatible with surrounding residential uses. Table 1 provides comparisons between existing land uses, general plan and zoning designation on adjoining properties.

Table 1. Land Use compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	EB-R	RE-B	SFD - Residential
North of the site	EB-R	RE-B	SFD - Residential
East of the site	EB-R	RE-B	SFD - Residential
South of the site	OS/ City of Carlsbad	OS/ City Of Carlsbad	Buena Vista Lagoon
West of the site	EB-R	RE-B	SFD - Residential

The subject proposal is consistent with applicable zoning and general plan designation and compatible with existing adjacent residential and open space land uses.

B. Land Use Element II. Community Development

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

Objective 2.0 Subdivision of Land or Real Property: To create legal divisions of land or real property that shall provide long-term enhancement for the community.

The proposed subdivision will implement General Plan goals and objectives through compliance with the applicable density range for the subject land use designation of 1-3.5 dwelling units per gross acre. The project will contribute to the long range enhancement of the community by incorporating adequate on-site improvements. Required project off-site improvements and payment of fees are identified in staff's resolution.

Objective 2.02 Residential Subdivision: To assure residential subdivisions of land shall be of sufficient size, dimensions, and topography to promote overall community enhancement, and the aesthetic and efficient functioning of the particular residential unit.

The design of the subject subdivision will provide two parcels with pad areas of sufficient size and dimension to accommodate the size of the existing and the newly proposed residential unit, their associated open space (private yard areas) and service areas (attached garages).

2. **Zoning Compliance**

The project is subject to compliance with Hillside Development standards. Table 2 summarizes proposed and applicable development standards for Laguna Pacifica.

Table 2. Development standards

	REQUIRED STANDARDS	PROPOSED STANDARDS
LOT SIZE	10,000 sq. ft. (min)	11,554 & 12,476 sq. ft.
PARKING SPACES	3-car garage	2-car garage
FRONT YARD	15-ft. (min)	Staggered w/ 15-ft. (min)
INTERIOR SIDE YARD	15% width (17.5 -ft.)	7.5-ft.
REAR YARD	25% depth (28.75-ft.)	24-ft.
COVERAGE	35% (max)	24% & 22%
LOT WIDTH	70-ft. (min)	98-ft. & 116.5-ft.
HEIGHT	30-ft. (max)	24-ft. (max)

3. Subdivision Ordinance

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

- A. Article VI Subdivisions of Four or Fewer Parcels Pursuant to Section 600 of the Subdivision Ordinance, this Tentative Parcel Map has been prepared in a manner acceptable to the Engineering Department.
- B. Article IX Improvements G. Underground Utilities Conversions: The applicant is requesting an underground utilities conversion deferral. Section 3023 of the Zoning Ordinance, requires that all existing new electrical, telephone, CATV and similar distribution lines providing direct service to a development site shall 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 underground utilities provisions of the Subdivision Ordinance apply to all projects requiring development plan approval. The Subdivision Ordinance requires that one or more of 7 findings must be made to grant the deferral. The findings are as follows:
1. Existing facilities are within an existing alley.
 2. The subdivision contains less than 10 residential units.
 3. A residential subdivision has less than 250 feet of existing frontage.
 4. Facilities exist along rear property line(s) within an agricultural or residential estate zoned property.
 5. Conversion as defined above creates a net increase of three (3) or more poles over existing number of poles.
 6. Seventy percent (70%) or more of the facilities required to be underground exist on opposite side of existing abutting street from the subdivision.
 7. Subdivision is within the Redevelopment Project area and;
 - (a) Subdivision is less than one-quarter block in length (fronting street or alley) or;
 - (b) Subdivider provides verification by all utility companies impacted that the subdivision's obligations can be proven to be exorbitant in cost in relation to a larger conversion project within the same area and of similar conditions.

Staff finds that item 2 and 3 of the above findings apply to this project and thus recommends granting the deferral.

DISCUSSION

Issue: The applicant proposes to construct a new single-family dwelling with a two-car garage in lieu of the required three-car garage.

Recommendation: The proposed project is located within a well established neighborhood in the South Oceanside Planning Area. The majority of the existing homes in the project's immediate area are of modest size; provide one or two-car garages and incorporate driveway areas that accommodate additional on-site parking. On-street parking is available along Stewart Street and no apparent parking issue exists along this segment of the road.

The parking ordinance requires provision of a three-car garage for single-family dwellings that exceed 2,500 square feet in area. This requirement is based on the assumption that a larger home would incorporate more bedrooms, thus occupants, and there would be a need for provision of additional automobile storage on the property. In this case the applicant proposes a 3,384-square foot three-bedroom home with customized, larger than typical living areas, to serve the specific owner's needs. A driveway, more than 70 feet in length, is proposed to provide access to a two-car garage.

Development on the site is constrained by hillside regulations and provision of a 100-foot biological buffer from Buena Vista Lagoon. Staff finds that implementation of the three-car garage zoning provision would negatively affect grading on the hillside site and would shift the proposed development at least 10 feet closer to Buena Vista Lagoon. In addition, based on the proposed floor plan and number of bedrooms, staff has determined that the proposed two-car garage will adequately serve the proposed development and construction of a two-car garage will be consistent with parking requirements for other properties in the vicinity. Therefore staff supports the applicant's request.

Issue: The applicant has requested a variance from applicable Hillside Development standards for side (7.5-ft. in lieu of 17.5-ft.) and rear yard (24-ft. in lieu of 28.75-ft.) setbacks for the new single-family dwelling.

Recommendation: The new single-family dwelling will maintain a 7.5-foot side yard setback and 24-foot rear yard setback and will be in compliance with the corresponding 7.5-foot side and 20-foot rear yard setback for the underlying RE-B zoning district. As such the project will be consistent with development in the immediate area under the same zoning classification. However due to the fact that a portion of the property is subject to Hillside Development standards, more restrictive setbacks side (7.5-ft. in lieu of 17.5-ft.) and rear yard (24-ft. in lieu of 28.75-ft.) setbacks apply to the new single-family dwelling.

As noted previously, development on the site is constrained by hillside regulations and provision of a 100-foot biological buffer from Buena Vista Lagoon. Compliance with Hillside Development side and rear yard setbacks would affect building siting, negatively impact grading of the property, and would shift the proposed development at least 10-feet closer to Buena Vista Lagoon. The benefits of approving the proposed setback variance outweigh those of requiring compliance with hillside side and rear yard setbacks. Therefore staff supports the applicant setback variance request.

ENVIRONMENTAL DETERMINATION

The proposed development is exempt for environmental review as a Class 3, Categorical Exemption per Section 15303(a) of the California Environmental Quality Act (CEQA) and is not subject to any further CEQA review procedures.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius of the subject property, residents within 100-foot radius of the subject property and individuals/organizations requesting notification, applicant, and interested parties.

SUMMARY

The proposed project is consistent with the land use policies of the General Plan and with the exception of the requested variance for garage size, side and rear yard setbacks, will meet or exceed all applicable development standards. The project is compatible in terms of density and site design within the surrounding neighborhood. As such, staff recommends that the Planning Commission:

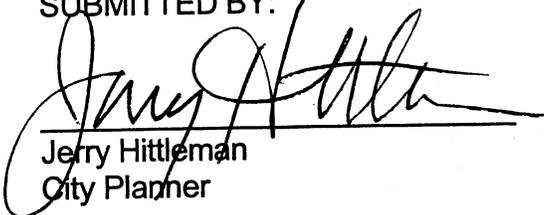
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PREPARED BY:


Amy Volzke
Principal Planner

AV/fil

SUBMITTED BY:


Jerry Hittleman
City Planner

Attachments:

1. Plans/Site Map
2. Planning Commission Resolution No. 2007-P33

LAGUNA PACIFICA TENTATIVE PARCEL MAP P-29-06, C-56-06, RC-28-06

LEGEND:

- SUBDIVISION BOUNDARY
- LOT LINE
- LOT NUMBER & ADDRESS
- EXISTING CONVEYORS
- EXISTING EASEMENTS
- EXISTING POWER POLE

REVISIONS:

DATE: 11/05/07
BY: JLD/ST
REASON: 2ND CT

LEGAL DESCRIPTION:

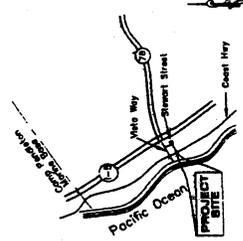
PARCEL 1, IN THE CITY OF OCEANVIEW, COUNTY OF SAN DIEGO, CALIFORNIA, AS SHOWN ON THE TENTATIVE PARCEL MAP P-29-06, C-56-06, RC-28-06, OF THE COUNTY RECORDS OF SAN DIEGO COUNTY, FEBRUARY 25, 1980, EXCEPTING THEREFROM SHALL PORTION HEREINAFTER OF HOWE LANE, BEING THE HIGH WATER MARK OF BUENA VISTA LAGOON.

SOURCE OF TOPOGRAPHY:

TOPOGRAPHY SHOWN ON THIS MAP WAS GENERATED BY PHOTO-AIR PHOTOGRAMMETRY, JANUARY 20, 2005.

OWNER/DEVELOPER:

REDFIN REALTY GROUP
OCEANVIEW, CA 92024
(760) 438-8200



GEO TECHNICAL REPORT:

PRELIMINARY GEO TECHNICAL REPORT, DATED SEPTEMBER 20, 2006 PROPOSED 3000 STEWART STREET.

DRAINAGE REPORT:

PRELIMINARY DRAINAGE REPORT, DATED DECEMBER 12, 2006 PROPOSED 3000 STEWART STREET PARCEL 1A.

STORM WATER MITIGATION PLAN

PRELIMINARY SWMP, DATED FEBRUARY 7, 2006 PROPOSED 3000 STEWART STREET PARCEL 1A.

GENERAL NOTES:

- STREET ADDRESS: 3000 STEWART STREET
- ASSessor'S PARCEL NUMBER: 100-071-30
- TOTAL ACRES: 0.55
- EXISTING ZONING: NO CHANGES
- PROPOSED ZONING: NO CHANGES
- PROPOSED PLANNING USE: SHEET FAMILY
- NUMBER OF EXISTING UNITS: 7
- NUMBER OF PROPOSED UNITS: 7
- NUMBER OF EXISTING UNITS/LOT: 1
- NUMBER OF PROPOSED UNITS/LOT: 1
- OWNER: OCEANVIEW LIMITED SERVICE DISTRICT
- PARCEL BOUNDARY: CITY OF OCEANVIEW
- SEWER: CITY OF OCEANVIEW
- WATER SUPPLY: CITY OF OCEANVIEW
- LOCAL PLANNING AGENCY: CITY OF OCEANVIEW (7-15-2007) OUTSIDE OF 500-10 FLOODPLAIN
- GIS & ELECTRIC: SDCM
- THE PROVISIONS: OCEANVIEW FIRE DEPT.
- REFERENCE: PLANNING DEPT.
- DATE REVISION: CITY CASE

LOT TABLE

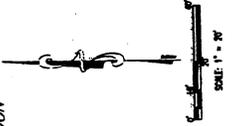
LOT	ACRES	REL. TO
1	0.55	11.564
2	0.55	11.578

INDEX TO SHEETS:

- 1. TITLE SHEET
- 2. DEVELOPMENT PLAN
- 3. EXISTING CONVEYOR MAP
- 4. EXISTING EASEMENT MAP
- 5. SWMP PARCEL 1A

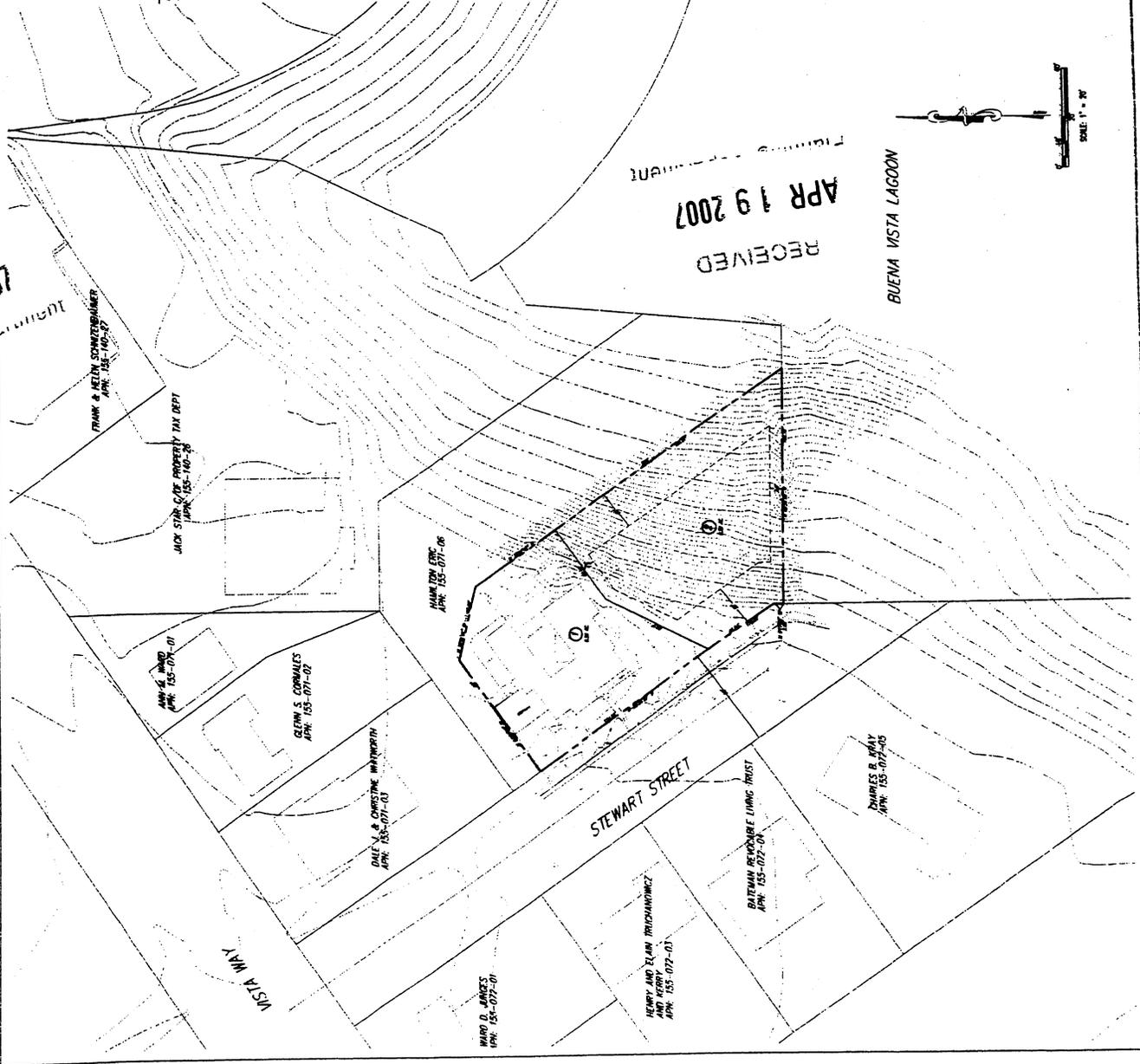
BENCHMARK:

CITY OF OCEANVIEW
BENCHMARK REFERENCE P-75
LOCATION: TOP OF CORNER BENCHMARK MARK 1000 W. HOWE LANE
ELEVATION: 68.100' DATE: APR. 1980 ADJUSTED ELEV.



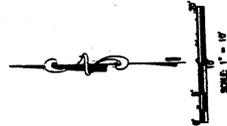
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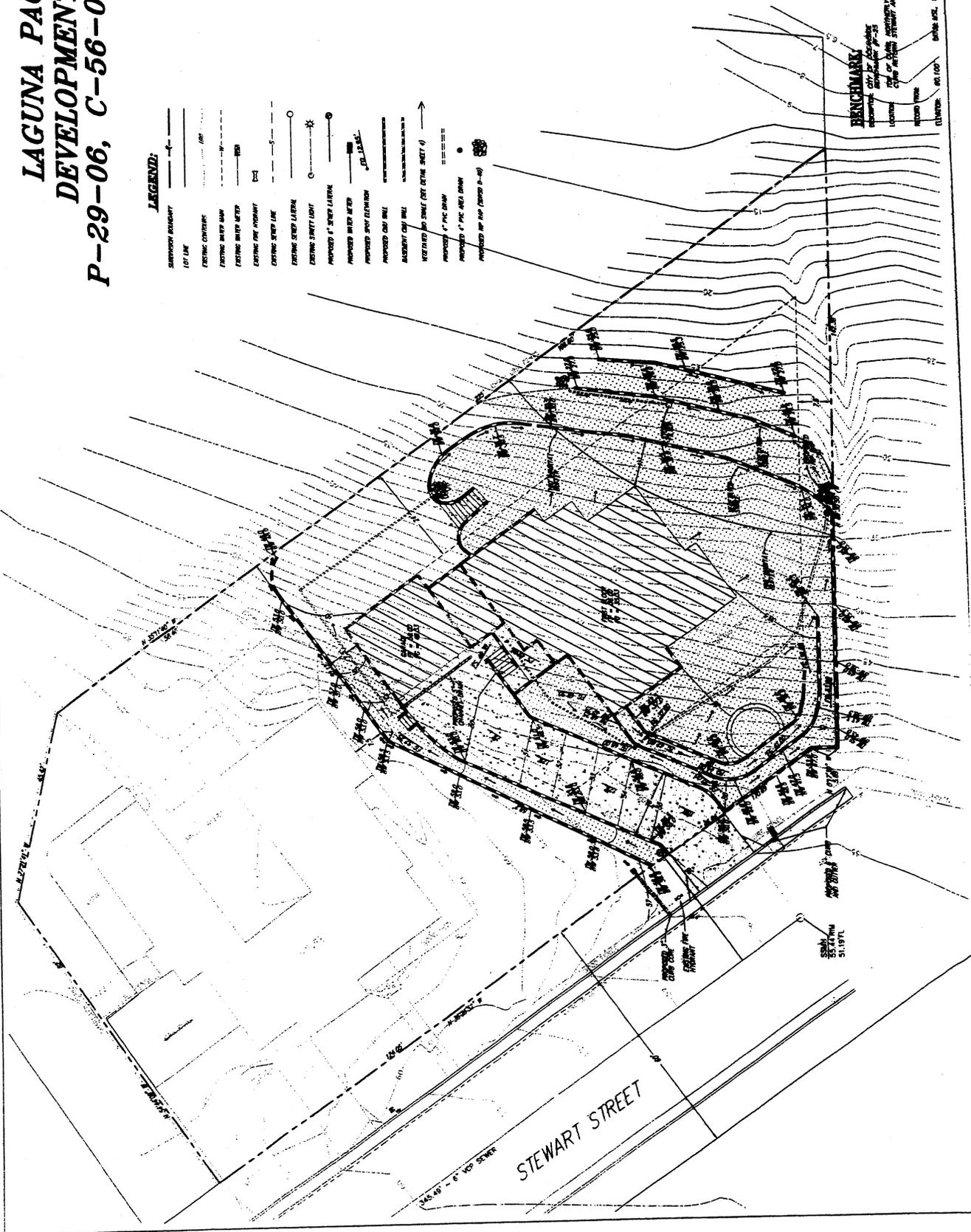


LAGUNA PACIFICA DEVELOPMENT PLAN P-29-06, C-56-06, RC-28-06

- LEGEND:**
- SUBDIVISION BOUNDARY
 - LOT LINE
 - EXISTING CENTERLINE
 - EXISTING IMPROVEMENT
 - EXISTING WATER METER
 - EXISTING FIRE HYDRANT
 - EXISTING SEWER LINE
 - EXISTING SLOPE LATERAL
 - EXISTING STREET LIGHT
 - PROPOSED 4" SEWER LATERAL
 - PROPOSED WATER METER
 - PROPOSED STREET FLEXION
 - PROPOSED CURB WALL
 - ALLEGED CURB WALL
 - RECEIVED AND SHOWN (SEE DETAIL SHEET 4)
 - PROPOSED 4" PVC DRAIN
 - PROPOSED 6" PVC DRAIN
 - PROPOSED 8" PVC DRAIN

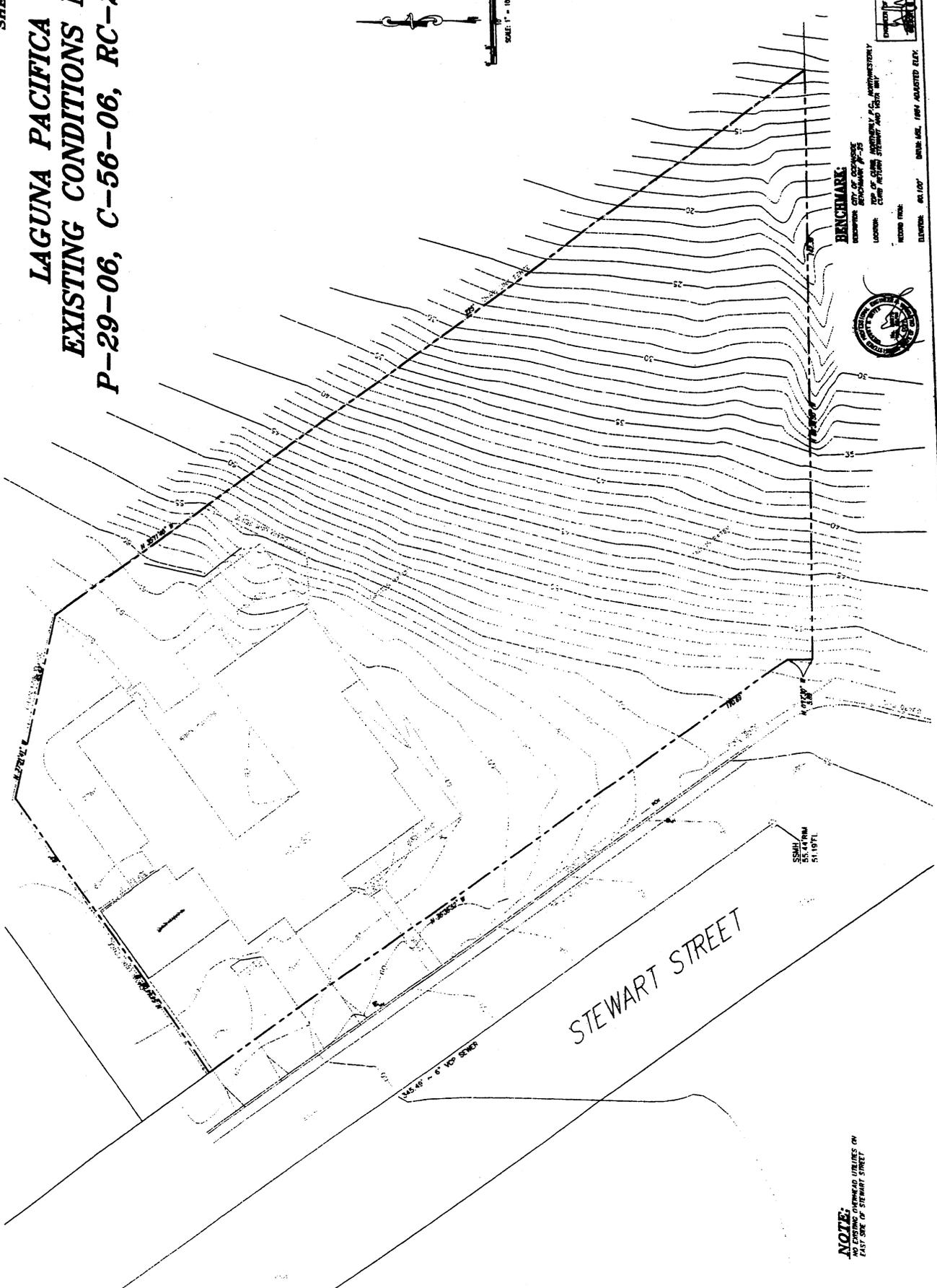
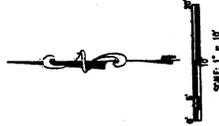


BENCHMARK
 LOCATION: 100' N. OF 100' W. CORNER OF S.W. CORNER OF SECTION 36, T.12N., R.12E., S.12E.
 ELEVATION: 100.00'
 DATE: 1/1/00



STEWART STREET

LAGUNA PACIFICA EXISTING CONDITIONS MAP P-29-06, C-56-06, RC-28-06

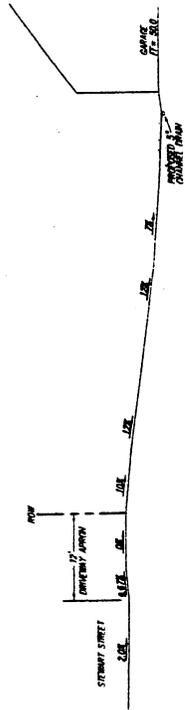


BENCHMARK
CITY OF LAGUNA
RECORD NO. P-29
LOCATION: CORNER OF STEWART AND 1ST ST
RECORD DATE: 1984
ELEVATION: 51.10' ADJUSTED ELEV.

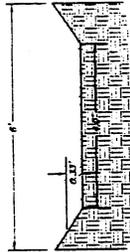


NOTE:
NO EXISTING OVERHEAD UTILITIES ON
EAST SIDE OF STEWART STREET

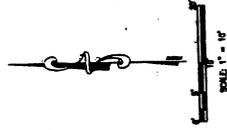
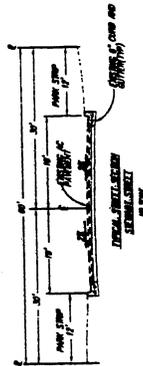
LAGUNA PACIFICA SECTIONS & DETAILS P-29-06, C-56-06, RC-28-06



DRIVEWAY PROFILE
HORIZ. SCALE 1" = 10'



VEGETATED BIO SWALE DETAIL
VERT. SCALE 1" = 1'



BENCHMARK:

DESCRIPTION: CITY OF OAKLAND
 BENCHMARK: P-25
 LOCATION: TOP OF CURB, INTERSECTION OF WASHINGTON ST. & 12TH ST.
 CORNER SECTION 28-06, RC-28-06
 RECORD PLAN:
 ELEVATION: 66.100' DATE: JUL. 1987 ADJUSTED ELEV.



LANDSCAPE CONCEPT PLAN

LAGUNA PACIFICA

P-05, D-05, RC-05

GENERAL NOTES
All landscaping will be in accordance with the City of Oceanside Landscape Design Guidelines.

IRRIGATION NOTES
An automatic irrigation system shall be installed to provide coverage for all planting areas shown on the plan. Low precipitation equipment shall provide sufficient water for plant growth with a minimum water loss due to water run-off. Irrigation systems shall use high quality, automatic control valves, timers, moisture sensing devices and other necessary irrigation equipment. All components shall be of non-corrosive materials. All drip systems shall be adequately filtered and regulated per the manufacturer's recommended design parameters. Moisture sensing devices will be installed as required to monitor soil moisture levels. PVC laterals shall be installed at a minimum below finished grade. PVC class 315 pressure mainline irrigation shall be installed as per manufacturer's specifications. All landscape and irrigation improvements shall be installed as per the provisions of the City of Oceanside Zoning Ordinance section 3019 and the City of Oceanside Landscape Design Guidelines.

PLANTING NOTES
Generally, planting within the project will be a drought tolerant combination of southern California natives and ornamentals. The selection of plant material is based on cultural, aesthetic, and maintenance considerations. All planting areas shall be prepared with soil conditioner, fertilizers, and appropriate supplements based upon soil samples taken from the site.

CONCEPTUAL PLANT PALETTE
Plants such as:
Jacaranda mimosaefolia (Jacaranda) 60" H x 40" W

SLOPE TREES
(15 gal minimum)
Chiericia arborescens (Coast Live Oak) 60" H x 60" W
Platanus racemosa (California Sycamore) 80" H x 60" W

ACCENT TREES
(15 gal minimum)
Liquidambar styraciflua (American Sweetgum) 80" H x 40" W

SHRUBS
(60% 1 gallon & 40% 5 gallon)
Agave attenuata (Century plant) 4" H x 4" W
Buxus japonica (Japanese boxwood) 4" H x 4" W
Callisanton c. 'Little John' (Dwarf Bottlebrush) 3" H x 3" W
Carmelia japonica (Carmelia) 8" H x 6" W
Dianus vegeta (Fornight Lily) 3" H x 3" W
Echium fastuosum (Pride of Madeira) 6" H x 6" W
Encelia californica (Encelia) 4" H x 4" W
Gardenia jasminoides (Gardenia) 6" H x 4" W
Hemerocallis hybridus (Daylily) 2" H x 2" W
Hemerocallis arifolia (Tropyn) 10" H x 10" W
Hemerocallis aurantiaca (Blush Monkey Flower) 3" H x 6" W
Phlox paniculata (Phlox) 4" H x 4" W
Plumbago auriculata (Crown Plumbege) 6" H x 6" W

CONCEPTUAL NATIVE COASTAL SAGE SCRUB PALETTE
Plants such as:
SHRUBS
Encelia californica (Encelia) 4" H x 4" W
Hemerocallis arifolia (Tropyn) 10" H x 10" W
Rhus integrifolia (Lemonade Berry) 10" H x 12" W
Opuntia (Picky Pear) 6" H x 6" W

CONCEPTUAL BIOWALL PALETTE
SHRUBS (from seed)
Muhlenbergia ligens (Dear Grass) 2" H x 2" W

LOT TABLE
total lot size... 13,373 sq ft (100%)
paved... 958 sq ft (7.2%)
driveway... 1272 sq ft (9.5%)
bkg. coverage... 2469 sq ft (18.5%)
landscaped area... 8691 sq ft (65.2%)

GROUND COVER
(10% & 1 gallon minimum)
Gazania sp. (Gazania) 6" H x 2" W
Trachelospermum jasminoides (Star Jasmine) 12" H x 5" W

STREET TREES
(24" Box minimum)
Jacaranda mimosaefolia (Jacaranda) 60" H x 40" W

SHRUBS
(60% 1 gallon & 40% 5 gallon)
Agave attenuata (Century plant) 4" H x 4" W
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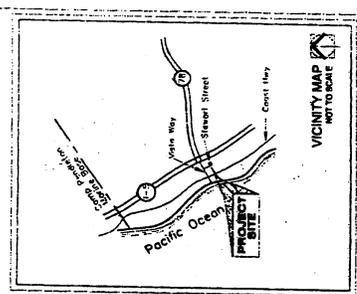
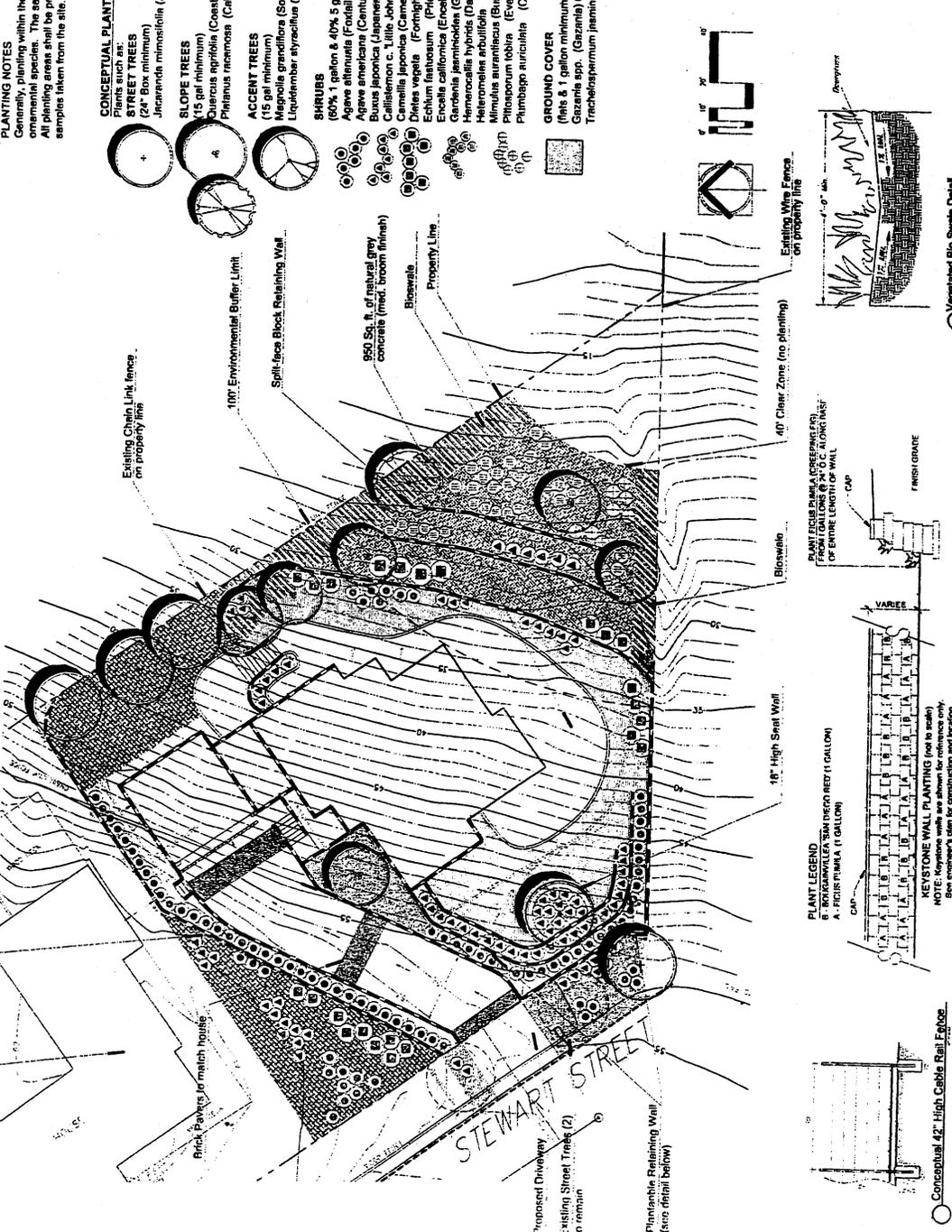
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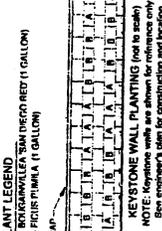
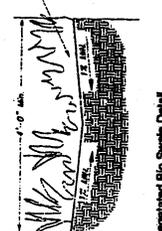
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Carmelia japonica (Carmelia) 8" H x 6" W
Dianus vegeta (Fornight Lily) 3" H x 3" W
Echium fastuosum (Pride of Madeira) 6" H x 6" W
Encelia californica (Encelia) 4" H x 4" W
Gardenia jasminoides (Gardenia) 6" H x 4" W
Hemerocallis hybridus (Daylily) 2" H x 2" W
Hemerocallis arifolia (Tropyn) 10" H x 10" W
Hemerocallis aurantiaca (Blush Monkey Flower) 3" H x 6" W
Phlox paniculata (Phlox) 4" H x 4" W
Plumbago auriculata (Crown Plumbege) 6" H x 6" W

GROUND COVER
(10% & 1 gallon minimum)
Gazania sp. (Gazania) 6" H x 2" W
Trachelospermum jasminoides (Star Jasmine) 12" H x 5" W

STREET TREES
(24" Box minimum)
Jacaranda mimosaefolia (Jacaranda) 60" H x 40" W



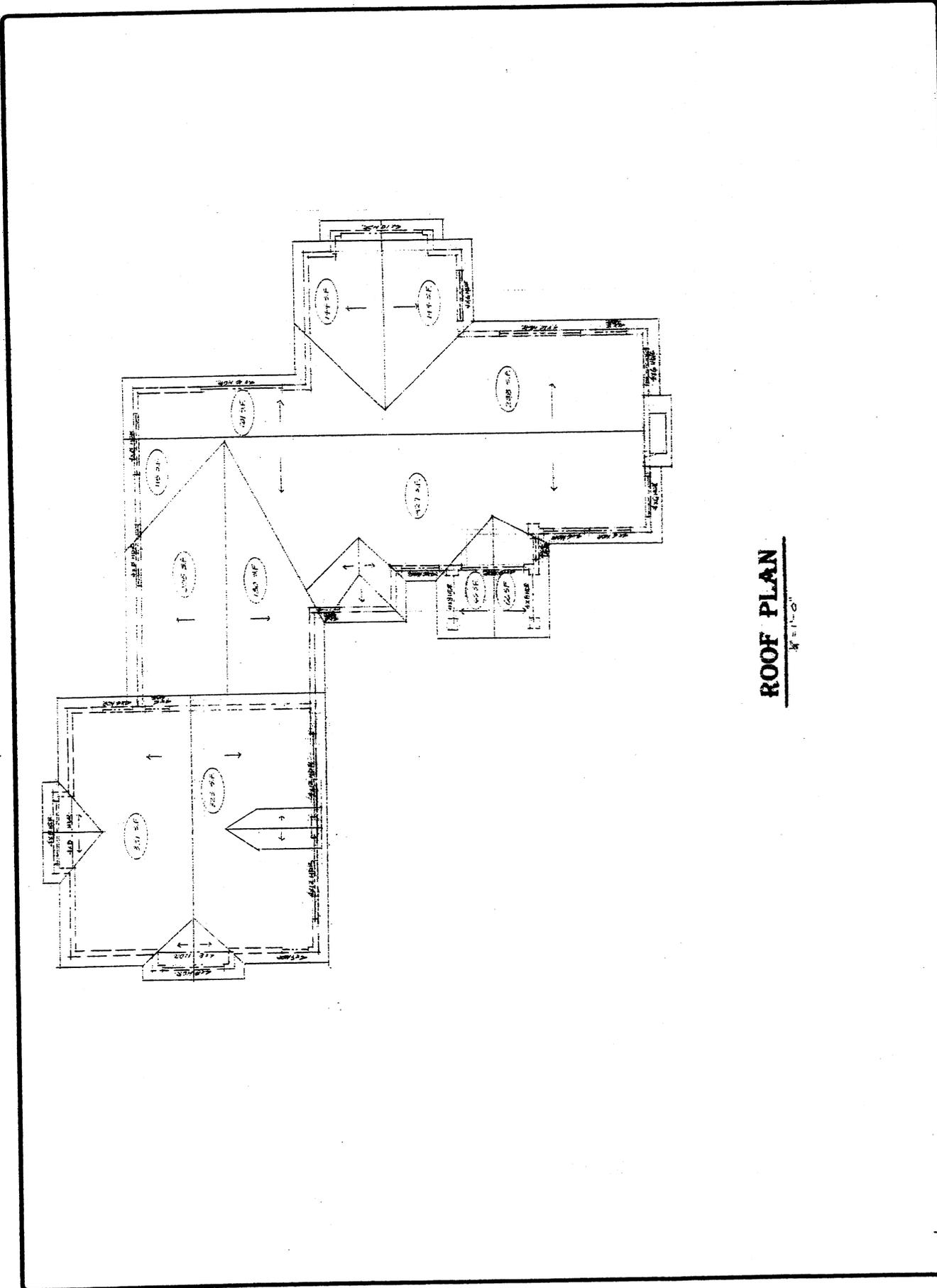
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REVISIONS	BY	DATE

	331 4522 CANTREY DRIVE DANFORTH, CA 92021 (714) 791-0882	LAGUNA - PACIFICA PROJECT	04/28/80 PETER BLUM 2200 STREET ST OCEANA BEACH, CA 92656 714-667-6200
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ROOF PLAN

1/16/80

1 PLANNING COMMISSION
2 RESOLUTION NO. 2007-P33

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A
5 TENTATIVE PARCEL MAP, CONDITIONAL USE PERMIT,
6 VARIANCE AND REGULAR COASTAL PERMIT ON
CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

7 APPLICATION NO: P-29-06, C-56-06, V-19-06, RC-28-06

8 APPLICANT: Peter and Joni Biniiaz

9 LOCATION: 2020 Stewart Street

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 approval of a Tentative Parcel Map, Conditional Use
14 Permit, Variance and Regular Coastal Permit under the provisions of Articles 10, 40, 41, and 43 of
the Zoning Ordinance of the City of Oceanside to permit the following:

15 subdivision of an approximately .55-acre site into two lots, construction of a single-family
16 detached dwelling, development on the subject site at a density in excess of the base
17 density of one dwelling unit per acre, construction of a two-car garage in lieu of a three-car
18 garage and reduced side and rear yard building setbacks;

19 on certain real property described in the project description.

20 WHEREAS, the Planning Commission, after giving the required notice, did on the 25th
21 day of June, 2007 conduct a duly advertised public hearing as prescribed by law to consider said
22 application.

23 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
24 Guidelines thereto; this project has been found to be categorically exempt per Article 19, Section
25 15303, "New Construction or Conversion of Small Structures" from further environmental review;

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

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

1 <u>Description</u>	2 <u>Authority for Imposition</u>	3 <u>Current Estimate Fee or</u> 4 <u>Calculation Formula</u>
5 Parkland Dedication/Fee	6 Ordinance No. 91-10 7 Resolution No. 06-R0334-1	\$3,503 per unit
8 Drainage Fee	9 Ordinance No. 85-23 10 Resolution No. 06-R0334-1	11 Depends on area (range is 12 \$2,843-\$15,964 per acre)
13 Public Facility Fee	14 Ordinance No. 91-09 15 Resolution No. 06-R0334-1	16 \$.713 per square foot or \$713 17 per thousand square feet for 18 non-residential uses and 19 \$2,072 per unit for residential
20 School Facilities Mitigation 21 Fee	22 Ordinance No. 91-34	23 \$.42 per square foot non- 24 residential for Oceanside 25 (\$.42 for Vista and 26 Fallbrook) 27 \$2.63 per square foot 28 residential (\$2.63 for Vista; 29 \$2.63 for Fallbrook)
30 Traffic Signal Fee	31 Ordinance No. 87-19 32 Resolution No. 06-R0334-1	33 \$15.71 per vehicle trip
34 Thoroughfare Fee 35 (For commercial and 36 industrial please note the .75 37 per cent discount)	38 Ordinance No. 83-01 39 Resolution No. 06-R0334-1	40 \$255 per vehicle trip (based 41 on SANDAG trip generation 42 table available from staff and 43 from SANDAG)
44 Water System Buy-in Fees	45 Oceanside City Code 46 §37.56.1 47 Resolution No. 87-96 48 Ordinance No. 05-OR 0611-1	49 Fee based on water meter 50 size. Residential is typically 51 \$3,746 per unit; Non- 52 residential is \$19,967 for a 2” 53 meter.
54 Wastewater System Buy-in 55 fees	56 Oceanside City Code § 57 29.11.1 58 Resolution No. 87-97 59 Ordinance No. 05-OR 0610-1	60 Based on capacity or water 61 meter size. Residential is 62 typically \$4,587 per unit; 63 Non-residential is \$24,444 64 for a 2” meter.

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,154 per unit; Non-residential is \$21,599 for a 2" meter.

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

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

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

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

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

WHEREAS, the documents or other material which constitutive 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-29-06):

- 3 1. The proposed parcel map is consistent with the General Plan and provisions of the
4 Subdivision Ordinance of the City of Oceanside. The subject subdivision creates parcels
5 that are consistent with the requirements of the RE-B (Residential Estate B) zoning
6 designation.
- 7 2. The site is physically suitable for the proposed type of development. The design of the
8 subject subdivision accommodates development of a new single-family detached
9 dwelling. The proposed project is designed to complement existing topography.
- 10 3. The site is physically suitable for the proposed density of development.
- 11 4. The design of the subdivision or the proposed improvements will not cause substantial
12 environmental damage or substantially and avoidable injure fish or wildlife or their
13 habitat. The proposed project incorporates a 100-foot buffer from Buena Vista Lagoon.
- 14 5. The design of the subdivision and type of improvements will not conflict with easements
15 acquired by the public at large, for access through or use of property within the proposed
16 subdivision.
- 17 6. The tentative parcel map complies with all other ordinances, regulations and guidelines
18 of the City of Oceanside including the Local Coastal Plan and Hillside regulations with
19 the exception of the requested variance for garage size and setback deviations.

20 For the Regular Coastal Permit (RC-28-06) with Hillside Development Plan:

- 21 1. The project is consistent with the policies of the Local Coastal Program as implemented
22 through the City Zoning Ordinance. In addition, the project will not substantially alter or
23 impact existing public views of the coastal zone area.
- 24 2. The project will not obstruct any existing or planned public beach access; therefore, the
25 project is in conformance with the policies of Chapter 3 of the Coastal Act.
- 26 3. The development plan conforms to the General Plan. The proposed grading plan
27 minimizes cut and fill.
- 28 4. The development plan complies with the land-use and development regulations of the
29 base zoning district and the Hillside Development Provisions with the exception of the
requested variance for garage size and setback deviations.

1 5. The project can be adequately, reasonably and conveniently served by public services,
2 utilities and public facilities.

3 For the Variance (V-19-06):

4 1. Because of special circumstances and conditions applicable to the development site –
5 including size, shape, topography, location and surroundings – strict application of the
6 requirements of this ordinance would deprive the subject property of privileges enjoyed
7 by other properties in the vicinity and under identical zoning classification.
8 Development on the site is constrained by hillside regulations and provision of a 100-ft.
9 biological buffer from Buena Vista Lagoon. Staff finds that implementation of the three-
10 car garage zoning provision would negatively affect grading on the hillside site and would
11 shift the proposed development at least 10-ft. closer to Buena Vista Lagoon. In addition,
12 based on the proposed floor plan and number of bedrooms, staff has determined that the
13 proposed two-car garage will adequately serve the proposed development and construction
14 of a two-car garage will be consistent with parking requirements for other properties in the
15 vicinity.

16 2. Granting the application will not be detrimental or injurious to property or improvements
17 in the vicinity of the development site, or to the public health, safety or general welfare.
18 The project's design will contribute in the enhancement of the existing neighborhood.
19 The new single family dwelling will maintain a 7.5-ft. side yard setback and 24-ft. rear
20 yard setback and will be in compliance with the corresponding 7.5-ft. side and 20-ft. rear
21 yard setback for the underlying RE-B zoning district. Most homes in the area have either
22 a one or a two-car garage. As such the project will be consistent with development in the
23 immediate area under the same zoning classification; and

24 3. Granting the application is consistent with the purposes of this ordinance and will not
25 constitute a grant of special privilege inconsistent with limitations on other properties in
26 the vicinity and in the same zoning district. The parking ordinance requires provision of a
27 three-car garage for single family dwellings that exceed 2,500 sq. ft. in area. This
28 requirement is based on the assumption that a larger home would incorporate more
29 bedrooms, thus occupants, and there would be a need for provision of additional
automobile storage on the property. In this case the applicant proposes a 3,384 sq. ft.

1 three-bedroom home with customized, larger than typical living areas, to serve the specific
2 owner's needs. A driveway, more than 70-ft. in length, is proposed to provide access to a
3 two-car garage.

4 For the Conditional Use Permit (C-56-06):

- 5 1. The proposed location for the subject land use is in accord with the objectives of this
6 ordinance and the purposes of the district in which the site is located. The development
7 portion of the subject property is zoned RE-B with a corresponding Land Use
8 designation of Residential Estate-B (1-3.5 dwelling units per acre). The project density
9 of 3.6 dwelling units per acre is consistent with the density range of 1-3.5 dwelling units
10 per acre established by the Residential Estate-B designation because the project will
11 comply with the applicable minimum 10,000 sq. ft. net site area requirement and the
12 General Plan density range is calculated based on gross density.
- 13 2. The proposed location of the conditional use and the proposed conditions under which
14 it would be maintained will be consistent with the General Plan; will not be detrimental
15 to the public health, safety or welfare of persons residing or working in or adjacent to
16 the neighborhood of such use; and will not be detrimental to properties or
17 improvements in the vicinity or to the general welfare of the city.
- 18 3. The proposed conditional use permit will comply with the provisions of the ordinance,
19 with the exception of the requested variance items, including any specific condition
20 required for the proposed conditional use permit in the district in which it will be
21 located.

22 For the Deferral of the Requirement to Underground Facilities:

- 23 1. The project contains less than 10 residential units, and the subdivision has less than 250
24 feet of frontage, all of which are qualifying finding for deferring the underground
25 conversion.

26 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
27 approve Tentative Parcel Map (P-29-06), Conditional Use Permit (C-56-06, Variance (V-19-06)
28 and Regular Coastal Permit (RC-28-06) subject to the following conditions:

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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. All electrical, communication, CATV, etc. service lines within the exterior lines of the
7 property shall be underground (City Code Sec. 6.30).
- 8 4. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the
9 plans.
- 10 5. Separate/unique addresses may be required to facilitate utility releases. Verification that
11 the addresses have been properly assigned by the City's Planning Division shall
12 accompany the Building Permit application.
- 13 6. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
14 shall be required at time of plans submittal to the Building Division for plan check to
15 show that the hillside soil conditions are suitable to support the proposed buildings,
16 retaining walls etc.
- 17 7. The developer shall monitor, supervise and control all building construction and
18 supporting activities so as to prevent these activities from causing a public nuisance,
19 including, but not 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
21 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
22 work that is not inherently noise-producing. Examples of work not permitted on
23 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
24 producing nature. No work shall be permitted on Sundays and Federal Holidays
25 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
26 Christmas Day) except as allowed for emergency work under the provisions of the
27 Oceanside City Code Chapter 38 (Noise Ordinance).
- 28 b) The construction site shall be kept reasonably free of construction debris as
29 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
approved solid waste containers shall be considered compliance with this

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

3 **Engineering:**

- 4 8. If the project involves demolition of an existing structure or surface improvements, the
5 grading plans shall be submitted and erosion control plans be approved by the City
6 Engineer prior to the issuance of a demolition permit. No demolition shall be permitted
7 without an approved erosion control plan.
- 8 9. All right-of-way alignments, street dedications, exact geometrics and widths shall be
9 dedicated and improved as required by the City Engineer.
- 10 10. Design and construction of all improvements shall be in accordance with standard plans,
11 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 12 11. Prior to issuance of a building permit all improvement requirements shall be covered by a
13 development agreement and secured with sufficient improvement securities or bonds
14 guaranteeing performance and payment for labor and materials, setting of monuments, and
15 warranty against defective materials and workmanship.
- 16 12. The approval of the tentative parcel map shall not mean that closure, vacation, or
17 abandonment of any public street, right-of-way, easement, or facility is granted or
18 guaranteed to the developer. The developer is responsible for applying for all closures,
19 vacations, and abandonments as necessary. The application(s) shall be reviewed and
20 approved or rejected by the City of Oceanside under separate process (es) per codes,
21 ordinances, and policies in effect at the time of the application.
- 22 13. Prior to approval of the parcel map or any increment, all improvement requirements,
23 within such increment or outside of it if required by the City Engineer, shall be covered by
24 a subdivision agreement and secured with sufficient improvement securities or bonds
25 guaranteeing performance and payment for labor and materials, setting of monuments, and
26 warranty against defective materials and workmanship.
- 27 14. Pursuant to the State Map Act, improvements shall be required at the time of development.
28 A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to
29 these improvement conditions and a certificate setting forth the recordation shall be placed
on the map.

- 1 15. Prior to the issuance of a grading permit, the developer shall notify and host a
2 neighborhood meeting with all of the area residents located within 300 feet of the project
3 site, and residents of property along any residential streets to be used as a "haul route", to
4 inform them of the grading and construction schedule, haul routes, and to answer
5 questions.
- 6 16. The developer shall monitor, supervise and control all construction and construction-
7 supportive activities, so as to prevent these activities from causing a public nuisance,
8 including but not limited to, insuring strict adherence to the following:
- 9 a) Dirt, debris and other construction material shall not be deposited on any public
10 street or within the City's stormwater conveyance system.
 - 11 b) All grading and related site preparation and construction activities shall be
12 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No
13 engineering related construction activities shall be conducted on Saturdays,
14 Sundays or legal holidays unless written permission is granted by the City Engineer
15 with specific limitations to the working hours and types of permitted operations.
16 All on-site construction staging areas shall be as far as possible (minimum 100
17 feet) from any existing residential development. Because construction noise may
18 still be intrusive in the evening or on holidays, the City of Oceanside Noise
19 Ordinance also prohibits "any disturbing excessive or offensive noise which
20 causes discomfort or annoyance to reasonable persons of normal sensitivity."
 - 21 c) The construction site shall accommodate the parking of all motor vehicles used by
22 persons working at or providing deliveries to the site.
 - 23 d) A haul route shall be obtained at least 7 days prior the start of hauling operations
24 and must be approved by the City Engineer. Hauling operations shall be 8:00 a.m.
25 to 3:30 p.m. unless approved otherwise.
- 26 17. A traffic control plan shall be prepared according to the City traffic control guidelines and
27 be submitted to and approved by the City Engineer prior to the start of work within open
28 City rights-of-way. Traffic control during construction of streets that have been opened to
29 public traffic shall be in accordance with construction signing, marking and other
protection as required by the Caltrans Traffic Manual and City Traffic Control Guidelines.

1 Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved
2 otherwise.

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

14 19. Stewart Street shall be improved with curbs and gutters.

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

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

22 22. Prior to approval of the grading plans, the developer shall contract with a geotechnical
23 engineering firm to perform a field investigation of the existing pavement on all streets
24 adjacent to the project boundary. The limits of the study shall be half-street plus twelve
25 (12) feet along the project's frontage. The field investigation shall include a minimum of
26 one pavement boring per every fifty (50) linear feet of street frontage. Should the existing
27 AC thickness be determined to be less than three inches or without underlying Class II base
28 material, the developer shall remove and reconstruct the pavement section as determined
29 by the pavement analysis submittal process detailed in Item No. 2 below.

- 1 23. Upon review of the pavement investigation, the City Engineer shall determine whether the
2 Developer shall: 1) Repair all failed pavement sections, header cut and grind per the
3 direction of the City Engineer, and construct a two-inch thick rubberized AC overlay; or 2)
4 Perform R-value testing and submit a study that determines if the existing pavement meets
5 current City standards/traffic indices. Should the study conclude that the pavement does
6 not meet current requirements, rehabilitation/mitigation recommendations shall be
7 provided in a pavement analysis report, and the developer shall reconstruct the pavement
8 per these recommendations, subject to approval by the City Engineer.
- 9 24. Stewart Street shall be improved as required the City Engineer.
- 10 25. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon
11 approved soil tests and traffic indices. The pavement design is to be prepared by the
12 developer's soil engineer and must be approved by the City Engineer, prior to paving.
- 13 26. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
14 construction of the project, shall be repaired or replaced as directed by the City Engineer.
- 15 27. The undergrounding of the existing overhead utilities may be deferred. The developer
16 shall pay an in-lieu fee, based upon the length of utilities to be placed underground, and at
17 the rate in effect at building permit issuance or as established by the City Engineer per
18 Section 901.G. of the Subdivision Ordinance (R91-166) and as required by the City
19 Engineer and current City policy.
- 20 28. The developer shall comply with all the provisions of the City's cable television ordinances
21 including those relating to notification as required by the City Engineer.
- 22 29. Grading and drainage facilities shall be designed and installed to adequately accommodate
23 the local storm water runoff and shall be in accordance with the City's Engineers Manual
24 and as directed by the City Engineer.
- 25 30. The applicant shall obtain any necessary permits and clearances from all public agencies
26 having jurisdiction over the project due to its type, size, or location, including but not
27 limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U.
28 S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
29 (including NPDES), San Diego County Health Department, prior to the issuance of grading
permits.

- 1 31. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic
2 investigation shall be conducted of the soils, slopes, and formations in the project. All
3 necessary measures shall be taken and implemented to assure slope stability, erosion
4 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
5 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by
6 the City Engineer.
- 7 32. This project shall provide year-round erosion control including measures for the site
8 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
9 control plan, designed for all proposed stages of construction, shall be reviewed, secured
10 by the applicant with cash securities and approved by the City Engineer.
- 11 33. A precise grading and private improvement plan shall be prepared, reviewed, secured and
12 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
13 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage,
14 footprints of all structures, walls, drainage devices and utility services. Parking lot striping
15 and any on-site traffic calming devices shall be shown on all Precise Grading and Private
16 Improvement Plans.
- 17 34. Landscaping plans, including plans for the construction of walls, fences or other structures
18 at or near intersections, must conform to intersection sight distance requirements.
19 Landscape and irrigation plans shall be approved by the City Engineer prior to the issuance
20 of occupancy permits, and a pre-construction meeting held, prior to the start of any
21 improvements.
- 22 35. The drainage design on the tentative parcel map is conceptual only. The final design shall
23 be based upon a hydrologic/hydraulic study to be approved by the City Engineer during
24 final engineering. All drainage picked up in an underground system shall remain
25 underground until it is discharged into an approved channel, or as otherwise approved by
26 the City Engineer. All public storm drains shall be shown on City standard plan and
27 profile sheets. All storm drain easements shall be dedicated where required. The applicant
28 shall be responsible for obtaining any off-site easements for storm drainage facilities.
29

- 1 36. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and
2 disposed of in accordance with all state and federal requirements, prior to stormwater
3 discharge either off-site or into the City drainage system.
- 4 37. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high
5 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose
6 height exceeds 20 feet or where the slope exceeds four feet and is adjacent to an arterial
7 street or state highway.
- 8 38. The development shall comply with all applicable regulations established by the United
9 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
10 Discharge Elimination System (NPDES) permit requirements for urban runoff and
11 stormwater discharge and any regulations adopted by the City pursuant to the NPDES.
12 regulations or requirements. Further, the applicant may be required to file a Notice of
13 Intent with the State Water Resources Control Board to obtain coverage under the NPDES.
14 General Permit for Storm Water Discharges Associated with Construction Activity and
15 may be required to implement a Storm Water Pollution Prevention Plan (SWPPP)
16 concurrent with the commencement of grading activities. SWPPPs include both
17 construction and post construction pollution prevention and pollution control measures and
18 identify funding mechanisms for post construction control measures. The developer shall
19 comply with all the provisions of the Clean Water Program during and after all phases of
20 the development process, including but not limited to: mass grading, rough grading,
21 construction of street and landscaping improvements, and construction of dwelling units.
22 The applicant shall design the Project's storm drains and other drainage facilities to include
23 Best Management Practices to minimize non-point source pollution, satisfactory to the City
24 Engineer.
- 24 39. Upon acceptance of any fee waiver or reduction by the developer, the entire project will be
25 subject to prevailing wage requirements as specified by Labor Code section 1720(b)(4).
26 The developer shall agree to execute a form acknowledging the prevailing wage
27 requirements prior to the granting of any fee reductions or waivers.
- 28 40. The developer shall prepare and submit an Operations & Maintenance (O&M) Plan to the
29 City Engineer with the first submittal of engineering plans. The O&M Plan shall be

1 prepared by the applicant's Civil Engineer. It shall be directly based on the project's Storm
2 Water Mitigation Plan (SWMP) previously approved by the project's approving authority
3 (Planning Commission/City Council/Community Development Commission). At a
4 minimum the O&M Plan shall include the designated responsible parties to manage the
5 storm water BMP(s), employee's training program and duties, operating schedule,
6 maintenance frequency, routine service schedule, specific maintenance activities, copies of
7 resource agency permits, cost estimate for implementation of the O&M Plan and any other
8 necessary elements.

9 41. The developer shall enter into a City-Standard Stormwater Facilities Maintenance
10 Agreement with the City obliging the project proponent to maintain, repair and replace the
11 Storm Water Best Management Practices (BMPs) identified in the project's approved
12 Storm Water Mitigation Plan (SWMP), as detailed in the O&M Plan into perpetuity. The
13 Agreement shall be approved by the City Attorney prior to issuance of any precise grading
14 permit and shall be recorded at the County Recorder's Office prior to issuance of any
15 building permit. Security in the form of cash (or certificate of deposit payable to the City)
16 or an irrevocable, City-Standard Letter of Credit shall be required prior to issuance of a
17 precise grading permit. The amount of the security shall be equal to 10 years of
18 maintenance costs, as identified by the O&M Plan. The applicant's Civil Engineer shall
prepare the O&M cost estimate.

19 42. At a minimum, maintenance agreements shall require the developer or any future property
20 owner(s), inspection and maintenance of all BMPs on an annual basis. The project
21 proponent shall complete and maintain O&M forms to document all maintenance
22 activities. The developer or any future property owner(s) is responsible for the O&M
23 plans, shall retain records at the subject property for at least 5 years. These documents
24 shall be made available to the City for inspection upon request at any time.

25 43. The Agreement shall include a copy of executed on-site and off-site access easements
26 necessary for the operation and maintenance of BMPs that shall be binding on the land
27 throughout the life of the project to the benefit of the party responsible for the O&M of
28 BMPs, until such time that the stormwater BMP requiring access is replaced, satisfactory
29

1 to the City Engineer. The agreement shall also include a copy of the O&M Plan approved
2 by the City Engineer.

3 44. The BMPs described in the project's approved Storm Water Mitigation Plan (SWMP) shall
4 not be altered in any way, shape or form without formal approval by either an
5 Administrative Substantial Conformance issued by the Community Development
6 Department/Planning Division or the project's final approving authority (Planning
7 Commission/Community Development Commission/City Council) at a public hearing.
8 The determination of whatever action is required for changes to a project's approved
9 SWMP shall be made by the Community Development Department/Planning Division.

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

19 46. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water
20 Conservation Ordinance No. 91-15, comply with Zoning Ordinance Article 30, Section
21 3019 including the maintenance of such landscaping, shall be reviewed and approved by
22 the City Engineer prior to the issuance of building permits. Landscaping shall not be
23 installed until bonds have been posted, fees paid, and plans signed for final approval. The
24 following special landscaping requirements shall be met:

- 25 a) Street trees shall be located 30'-0" on center per the current City of Oceanside
26 Street Tree Memorandum. Right-of-way trees and understory landscape shall be
27 irrigated and maintained by the owner of the property in perpetuity to meet the
28 satisfaction of the City Engineer. Understory planting shall, at maturity, cover at
29 a minimum 75 percent of the actual planted area and be top dressed with bark
mulch.

- 1 b) Right-of-way and on-site landscape/irrigation design shall comply with Xeriscape
2 Principles; Article V, Chapter 37 of the Oceanside City Code.
- 3 c) Fencing shall be removed from the right-of-way.
- 4 d) Plantable walls shall comply with the current City of Oceanside plantable wall
5 criteria and cells shall be planted with maximum 4-inch pots.
- 6 e) All landscaping, walls and fencing on-site shall comply with City Zoning Ordinance
7 and the City of Oceanside Guidelines and Specifications for Landscape
8 Developments 1985, addenda 1997. Approval for walls, fencing and gates shall be
9 obtained from the Planning Division.
- 10 f) Landscape plans shall comply with SWMP requirements and biological reports.

11 **Fire:**

- 12 47. Smoke detectors are required, and detector locations must be indicated on the plans.
- 13 48. In accordance with the California Fire Code Sec. 901.4.4, approved address for
14 commercial, industrial, and residential occupancies shall be placed on the structure in
15 such a position as to be plainly visible and legible from the street or roadway fronting the
16 property. Numbers shall be contrasting with their background.
- 17 49. Single-family dwellings require 4-inch address numbers.
- 18 50. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
19 approval prior to the issuance of building permits.
- 20 51. Buildings shall meet Oceanside Fire Department's current codes at the time of building
21 permit application.
- 22 52. The structure shall be required to have fire sprinklers. Covered decks and garages shall
23 be sprinklered.
- 24 53. Fire Department requirements shall be placed on plans in the notes section, and details
25 section.
- 26 54. All structural mitigation notes and details resulting from the wildland urban interface
27 report and Fire Department conditions shall be included on the architectural plans when
28 submitted to the Building Division for building permit.
- 29

- 1 55. Roofs shall be a class A assembly. Roofs shall have a class "A" roof covering. For roof
2 coverings where the profile allows a space between the roof covering and roof decking,
3 the space at the eave ends shall be fire stopped to preclude entry of flames or embers.
- 4 56. In the urban wildland interface areas, paper faced insulation shall be prohibited in attics
5 or ventilated spaces.
- 6 57. Eave assembly shall be one-hour fire rated construction. Eaves and soffits shall be
7 protected on the exposed underside by materials approved for a minimum one-hour fire
8 resistance rated construction. Fascias shall be protected on the backside by materials
9 approved for a minimum of one-hour fire resistance rated construction or 2-inch (51mm)
10 nominal dimension lumber.
- 11 58. Gutters and downspouts shall be constructed of noncombustible material. Gutters shall
12 be designed to reduce the accumulation of leaf litter and debris that contributes to roof
13 edge ignition.
- 14 59. Exterior walls of buildings or structures shall be constructed with materials approved for
15 a minimum of one-hour fire resistance rated construction on the exterior side or
16 constructed with approved noncombustible materials. Exterior wall coverings shall meet
17 the one-hour fire resistance requirement. Exception: Heavy timber or log wall
18 construction. Such material shall extend from the top of the foundation to the underside
19 of the roof sheathing.
- 20 60. Buildings or structures shall have all under floor areas enclosed to the ground with
21 exterior walls with a one-hour fire rating. Exception: Complete enclosure may be
22 omitted where the underside of all exposed floors and all exposed structural columns,
23 beams and supporting walls are protected as required for exterior one-hour fire
24 resistance rated construction or heavy timber construction.
- 25 61. Where fencing attached to or immediately adjacent to structures face the vegetative
26 fuels, the first five feet (1,524 mm) of such fencing which connects to the structure, shall
27 be constructed of noncombustible, heavy timber or fire retardant pressure treated wood
28 or material.
29

- 1 62. 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.
- 4 63. When the attached structure is located and constructed so that the structure or any
5 portion thereof projects over a descending slope surface greater than 10 percent, the area
6 below the structure shall have all under floor areas enclosed to within six inches (152
7 mm) of the ground, with exterior wall construction that meets the one-hour fire
8 resistance rating.
- 9 64. Exterior glazing or other transparent, translucent or opaque glazing shall be tempered
10 glass, multi-layered glass panels, or glass block each having a fire protection rating of
11 not less than 20 minutes. Glazing frames made of vinyl materials shall have welded
12 corners, metal reinforcement in the interlock area, and be certified to
13 ANSI/AAMA/NWDA 101/I.S.2-97 structural requirements. Skylights shall be
14 tempered glass or a class "A" rated assembly.
- 15 65. Exterior windows, window walls and glazed doors, windows within exterior doors, and
16 skylights shall be tempered glass, multilayered glazed panels, and glass block or have a
17 fire protection rating of not less than 20 minutes.
- 18 66. Exterior doors shall be approved noncombustible construction, solid core wood not less
19 than 1 3/4 inches thick (45mm), or have a fire protection rating of not less than 20
20 minutes. Windows, doors and glazed doors shall be in accordance rated in accordance
21 with the exterior glazing and skylights section. Exception: Vehicle access doors.
- 22 67. Attic ventilation openings, foundation or under floor vents, or other ventilation openings
23 in vertical exterior walls and vents through roofs shall not exceed 144 square inches
24 (0.0929 m2) each. Such vents shall be covered with noncombustible corrosion resistant
25 mesh with openings not to exceed 1/4-inch (6.4 mm), or shall be designed and approved
26 to prevent flame or ember penetration into the structure. Turbine attic vents shall be
27 equipped to allow only one way direction rotation and shall not free spin in both
28 directions.
- 29 68. 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 located

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

- 3 69. Detached accessory structures located less than 50 feet (15,240 mm) from a building
4 containing a habitable space shall be a minimum 1 hour fire resistance rated assembly.
5 When the detached structure is located and constructed so that the structure or any
6 portion thereof projects over a descending slope surface greater than 10 percent, the area
7 below the structure shall have all under floor areas enclosed to within six inches (152
8 mm) of the ground, with exterior wall construction with a one-hour fire resistance rating.
9 Exception: The enclosure may be omitted where the underside of all exposed floors and
10 all exposed structural columns, beams and supporting walls are protected as required for
11 exterior one-hour fire resistance rated construction or heavy timber construction.

12 **Planning:**

- 13 70. Tentative Parcel Map (P-29-06), Regular Coastal Permit (RC-28-06), Variance (V-19-06)
14 and Conditional Use Permit (C-56-06) shall expire on June 25, 2009 unless implemented
15 as required by the Zoning Ordinance.
- 16 71. Tentative Parcel Map (P-29-06), Regular Coastal Permit (RC-28-06), Variance (V-19-06)
17 and Conditional Use Permit (C-56-06) approves only the subdivision and development of a
18 new single-family detached dwelling as shown on the plans and exhibits presented to the
19 Planning Commission for review and approval. No deviation from these approved plans
20 and exhibits shall occur without Planning Division approval. Substantial deviations shall
21 require a revision to the Tentative Parcel Map (P-29-06), Regular Coastal Permit (RC-28-
22 06), Variance (V-19-06) and Conditional Use Permit (C-56-06) or new plans.
- 23 72. Tentative Parcel Map (P-29-06), Regular Coastal Permit (RC-28-06), Variance (V-19-06)
24 and Conditional Use Permit (C-56-06) is valid for a two-year period beginning on the date
25 of approval and is subject to possible extension pursuant to the provisions of the Zoning
26 Ordinance. The Commission may add new conditions and/or delete and/or modify existing
27 conditions, as it deems necessary to protect the general health, safety and welfare of
28 residents in the area or surrounding land uses.

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73. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Tentative Parcel Map (P-29-06), Regular Coastal Permit (RC-28-06), Variance (V-19-06) and Conditional Use Permit (C-56-06). The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

74. All mechanical rooftop and ground equipment shall be screened from public view. The roof jacks, mechanical equipment, screen and vents shall be painted with non-reflective paint to match the roof. This information shall be shown on the building plans.

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

76. Front yard landscaping with a complete irrigation system, in compliance with Water Conservation Ordinance No. 91-15, shall be required.

77. All single-family or multi-family unit dwelling projects shall dispose of or recycle solid waste in a manner provided in City Code Section 13.3.

78. 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 Parcel Map. The covenant

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

3 79. 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 80. Failure to meet any conditions of approval for this development shall constitute a violation
8 of Tentative Parcel Map (P-29-06), Regular Coastal Permit (RC-28-06), Variance (V-19-
9 06) and Conditional Use Permit (C-56-06).

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

15 82. The developer's construction of all fencing and walls associated with the project shall be in
16 conformance with the approved plans. Any substantial change in any aspect of fencing or
17 wall design from the approved plans shall require a revision to the Regular Coastal Permit
18 or a new Regular Coastal Permit.

19 83. If any aspect of the project fencing and walls is not covered by an approved plan, the
20 construction of fencing and walls shall conform to the development standards of the City
21 Zoning Ordinance. In no case, shall the construction of fences and walls (including
22 combinations thereof) exceed the limitations of the zoning code, unless expressly granted
23 by a Variance or other development approval.

24 84. Side and rear elevations and window treatments shall be trimmed to substantially match
25 the front elevations. A set of building plans shall be reviewed and approved by the
26 Planning Division prior to the issuance of building permits.

27 85. Earth-tone colors shall be utilized on the new single family dwelling building elevations
28 and associated retaining wall site improvements. A revised colors and materials palette
29

1 shall be submitted for review/ approval to the City Planner prior to issuance of grading
2 permits.

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

6 87. The two-car garage area shall be kept available and useable for vehicle parking at all times.

7 88. The new single-family dwelling shall be limited to three bedrooms. No conversion of
8 approved habitable areas to additional bedrooms or any building addition shall be
9 permitted without provision of an additional enclosed parking space.

10 89. Existing fences within the Stewart Street right-of-way, along the property's frontage, shall
11 be removed.

12 90. All retaining wall sections located within the 100-foot habitat buffer area and along the
13 northerly and southerly property line of Parcel 2 shall be plantable. Transitions from a
14 plantable to a non-plantable retaining wall shall be subject to review and approval by the
15 City Planner and City Engineer prior to issuance of grading permits.

16 91. All retaining walls visible from public right-of-way areas shall be decorative. The type of
17 retaining wall shall be subject to review and approval by the City Planner prior to issuance
18 of grading permits.

19 92. A professional archeologist, certified by the Society of Professional Archaeologists
20 (SOPA), shall monitor the earth movement related to construction activities for the project.

21 93. In the event any subsurface archaeological resources are encountered during grading or
22 construction activities, such activities in the locality of the find shall be halted immediately.
23 The archaeologist/monitor shall determine the significance of the archaeological resources
24 and implement appropriate mitigations prior to recommending earthwork.

25 94. A pre-excavation agreement shall be executed between the applicant and the San Luis
26 Rey Band of Mission Indians, specifying the disposition of human remains, grave goods,
27 or other culturally sensitive material encountered during grading, trenching or other
28 ground disturbance in conjunction with implementation of the proposed project.
29

- 1 95. An archaeologist and a Native American monitor shall be on-site during grading and
2 trenching within the project area. The monitors shall have the power to temporarily halt
3 or redirect grading if sensitive cultural material is found.
- 4 96. An archaeologist and a Native American monitor shall be present for a pre-grade
5 meeting to discuss the monitoring program with the grading contractor, City staff and the
6 developer.
- 7 97. If archaeological materials are encountered, their importance must be evaluated to assess
8 the significance of impacts. If significant cultural resources are encountered, mitigation
9 would be accomplished through documentation and excavation of features, cataloging
10 and analysis of cultural material collected, and preparation of a report detailing the
11 methods and results of the monitoring/data recovery program.
- 12 98. Any cultural material recovered shall be curated at an appropriate facility, except as
13 stipulated differently in the pre-excavation agreement.
- 14 99. Prior to the issuance of grading permits, the applicant shall establish a program with a
15 qualified paleontologist to monitor grading activities. The applicant shall provide the
16 Planning Division with a copy of the paleontological resource-monitoring program.
- 17 100. Prior to the issuance of building permits, a landscaping plan shall be approved the City
18 Engineer indicating native plants adjacent to the waterway that are compatible with the
19 vegetation adjacent to the Buena Vista Lagoon.
- 20 101. Site brushing, grading and/or removal of vegetation (including landscaping and trees)
21 within 300 feet of any potential migratory songbird nesting location shall not be
22 permitted during the spring/summer songbird breeding season, defined as from January
23 1, to August 31. Should it be necessary to conduct brushing, grading or other habitat
24 removal activities during the bird breeding season, a preconstruction nesting survey of
25 all areas within 300 feet of the proposed activity shall be required. This survey shall be
26 conducted by a qualified biologist who must submit a summary report with the findings
27 and recommendations (such as noise abatement, seasonal restrictions on vegetation
28 removal, etc.) to be approved by the City of Oceanside and the wildlife agencies prior to
29 project implementation.

- 1 102. A 100-foot habitat buffer from the edge of the lagoon, which begins approximately 10
2 feet from the southeastern property corner, shall be provided.
- 3 103. Any potential lighting shall be directed away from the lagoon and shielded as necessary
4 to prevent light pollution of the slopes below the project site.
- 5 104. Drainage from development-related hardscape surfaces shall be processed on-site and no
6 discharge of unprocessed runoff materials shall be directed into the lagoon.
- 7 105. Landscaping of the 100-foot habitat buffer area between the proposed development area
8 and the lagoon shall consist of 100 percent indigenous, native species. No invasive or
9 noxious species shall be present on the project's plant palette. To ensure this, the project
10 landscape palette shall be reviewed for consistency with a City-approved biologist.
- 11 106. The development area shall be securely fenced with temporary chain-link fence and silt
12 fencing.
- 13 107. A letter of clearance from the affected school district in which the property is located
14 shall be provided as required by City policy at the time building permits are issued.

15 **Water Utilities:**

- 16 108. The developer will be responsible for developing all water and sewer utilities necessary to
17 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
18 the developer and shall be done by an approved licensed contractor at the developer's
19 expense.
- 20 109. The property owner will maintain private water and wastewater utilities located on private
21 property.
- 22 110. 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.
- 24 111. All Water and Wastewater construction shall conform to the most recent edition of the
25 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
26 the Water Utilities Director.

27 **The following conditions shall be met prior to the approval of final engineering design plans:**

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

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

3 114. All lots with a finish pad elevation located below the elevation of the next upstream
4 manhole cover of the public sewer shall be protected from backflow of sewage by
5 installing and maintaining an approved type backwater valve, per the Uniform Plumbing
6 Code (U.P.C.).

7 **The following conditions of approval shall be met prior to issuance of building permits:**

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

11 **The following conditions of approval shall be met prior to occupancy:**

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

16 PASSED AND ADOPTED Resolution No. 2007-P33 on June 25, 2007 by the

17 following vote, to wit:

18 AYES:

19 NAYS:

20 ABSENT:

21 ABSTAIN:

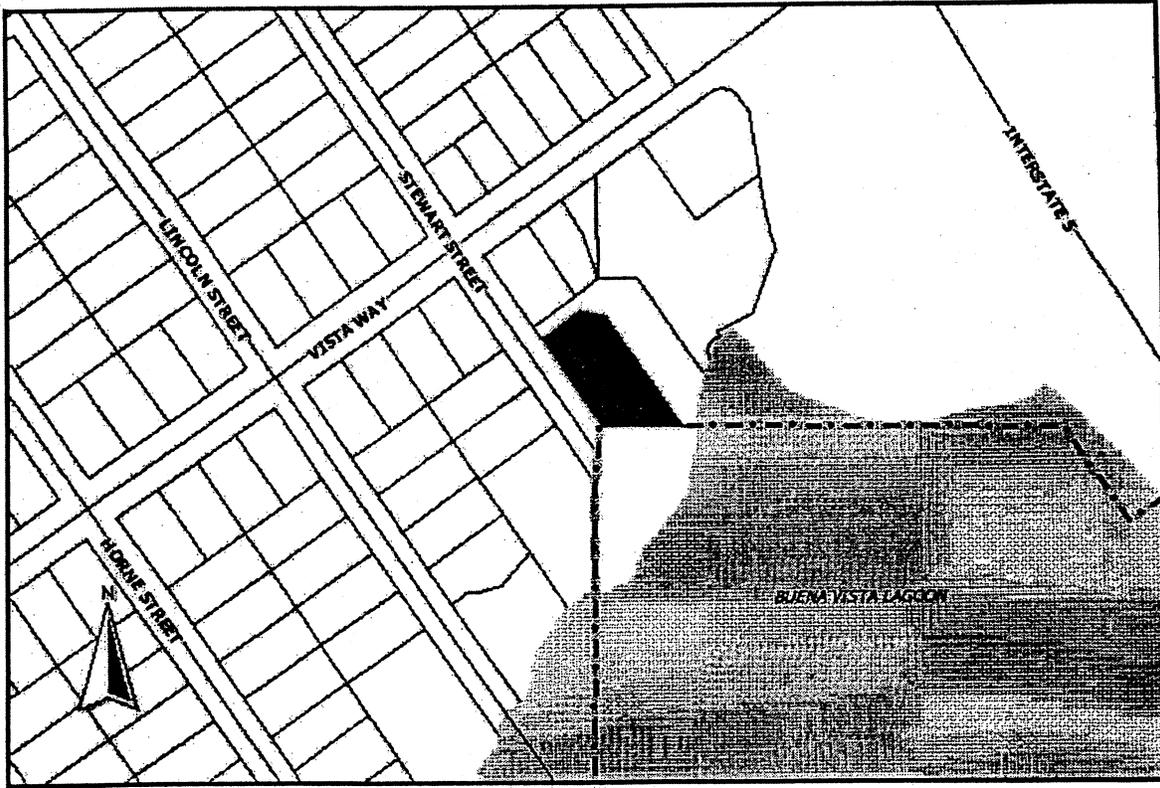
22 _____
Dennis Martinek, Chairman
Oceanside Planning Commission

23 ATTEST:

24 _____
25 Jerry Hittleman, Secretary

26 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
27 this is a true and correct copy of Resolution No. 2007-P33.

28
29 Dated: June 25, 2007



File Number: P-29-06, RC-28-06, V-19-06, C-08-06

Applicant: Peter and Joni Biniaz

Description:

PARCEL MAP (P-29-06), REGULAR COASTAL PERMIT (RC-28-06), VARIANCE (V-19-06) and CONDITIONAL USE PERMIT (C-8-06) for the subdivision of an approximately .55-acre site into two lots and development of a new single-family detached dwelling (for a total of two) at 2020 Steward Street within the South Oceanside Neighborhood and the Coastal Zone – LAGUNA PACIFICA

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

City of Oceanside, Planning Division
300 N. Coast Highway
Oceanside, CA 92054 (760) 435-3520

Date: June 11, 2007

Public Hearing Coastal Permit
Identification No. RC-28-06

**NOTICE OF PUBLIC HEARING
COASTAL DEVELOPMENT PERMIT**

This is a notice to you as an interested party that the City of Oceanside Planning Commission will hold a public hearing on the Coastal Permit application of Peter and Joni Biniarz. This application was received on December 18, 2006. The application is described as follows:

For the subdivision of an approximately .55-acre site into two lots and development of a new single-family detached dwelling (for a total of two) at 2020 Steward Street.

The project site is zoned RE-B (Residential Estate B District) and is situated within the South Oceanside Neighborhood and the Coastal zone.

Said hearing will be held on June 11, 2007, at 7:00 p.m. in the Council Chamber of City Hall, 300 North Coast Hwy., Oceanside, California at which time and place any and all interested persons may appear and be heard. Interested persons may contact the Planning Division at (760) 435-3520 after June 6, 2007, to be informed of the place on the agenda and the approximate time of hearing.

If you have any questions or comments regarding this matter, or want to be notified of the decision, contact the City of Oceanside, Planning Division at (760) 435-3520. Written comments may be submitted prior to the hearing and will be made part of the public record and provided to the Planning Commission.

If you disagree with the decision of the Planning Commission concerning this project's conformance to the Local Coastal Plan, you may appeal the decision to the City Council. The appeal, accompanied by the appropriate fee must be filed in the City Clerk's Office, 300 North Coast Hwy., Oceanside, no later than 5:00 p.m. on June 21, 2007 (10 days from the adoption of the Planning Commission Resolution).

The project is "appealable" to the California Coastal Commission under Section 30603(a) of the California Public Resources Code. An aggrieved person may appeal the decision to the Coastal Commission within ten (10) working days following the Commission receipt of the Notice of Final Action on this project. The Notice of Final Action is mailed after the City's last action, such as Planning Commission resolution, Community Development Commission resolution (for projects in the Redevelopment Area), or City Council resolution (for projects involving a zone change or which resulted in a local appeal). Please contact the Planning Department at (760) 435-3520 for this information.

Appeals must be in writing. The Coastal Commission, San Diego District Office is at 7575 Metropolitan Drive, Suite 103, San Diego, California 92108-4402. The phone number is (619) 767-2370.

Application For Planning Commission Hearing				STAFF USE ONLY	
Planning Department (760) 435-3520 Oceanside Civic Center 300 N. Coast Highway Oceanside, California 92054-2885				ACCEPTED	BY
Please print or type all information PART I - APPLICANT INFORMATION				12/18/06	SN.
1. APPLICANT Peter and Joni Biniaz				HEARING	
2. STATUS owner				GPA	
3. ADDRESS: 2020 Stewart Street Oceanside, CA 92054				MASTER/SP PLAN	
4. PHONE/FAX (760) 439-6250				ZONE CH.	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Elizabeth J. Graff, AICP				TENT. MAP	
6. ADDRESS 3528 Sea Ridge Road Oceanside, CA 92054				PAR. MAP	P-29-06
7. PHONE/FAX (760) 231-7459				DEV. PL.	
PART II - PROPERTY DESCRIPTION				C.U.P.	C-56-06
8. LOCATION : 2020 Stewart Street				VARIANCE	V-19-06
9. SIZE .55 acre				COASTAL	RC-28-06
10. GENERAL PLAN Residential Estate-B <i>EB-R</i>				O.H.P.A.C.	
11. ZONING RE-B				13. ASSESSOR'S PARCEL NUMBER 155-071-05	
12. LAND USE single family home				PART III - PROJECT DESCRIPTION	
14. GENERAL PROJECT DESCRIPTION Tentative Parcel Map, Coastal Permit, Hillside Development Plan (with a related Variance for a two-car garage) and a Conditional Use Permit for density for two parcels (11,554 and 12,476 sq. ft.) and one new home in the RE-B Zone between Stewart Street and the Buena Vista Lagoon at 2020 Stewart Street, Laguna Pacifica <i>REV-4/19/07</i>					
15. PROPOSED GENERAL PLAN n/a		16. PROPOSED ZONING n/a		17. PROPOSED LAND USE single family	
18. NO. UNITS 2 (one existing, one new)		19. DENSITY 4.3			
20. BUILDING SIZE 3384 sq. ft. plus 624 sq. ft. garage		21. PARKING SPACES 2 car garage for new home		22. % LANDSCAPE for new parcel 65.2%	
23. % LOT COVERAGE for new parcel 18.5%		PART IV - ATTACHMENTS			
ALL APPLICATIONS				DEV. PLANS, C.U.P.S & TENT. MAPS	
<input checked="" type="checkbox"/> 24. DESCRIPTION/JUSTIFICATION		<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION		<input checked="" type="checkbox"/> 30. FLOOR PLANS AND ELEVATIONS	
<input checked="" type="checkbox"/> 26. 300-FOOT RADIUS MAP		<input checked="" type="checkbox"/> 27. PROPERTY OWNER'S LIST		<input checked="" type="checkbox"/> 31. CONSTRUCTION SCHEDULE	
<input checked="" type="checkbox"/> 28. ENVIRONMENTAL ASSESSMENT		<input checked="" type="checkbox"/> 29. PLOT PLANS		<input type="checkbox"/> 32. OTHER <i>Pics</i>	
PART V - SIGNATURES					
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.				SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).	
33. APPLICANT OR REPRESENTATIVE (Print): <i>Elizabeth J. Graff, AICP</i>		34. DATE <i>12-18-06</i>			
Sign: <i>Elizabeth J. Graff</i>		37. OWNER (Print): <i>Peter Biniaz</i>		38. DATE <i>12/18/06</i>	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.				Sign: <i>[Signature]</i>	
35. APPLICANT (Print): <i>Elizabeth J. Graff</i>		36. DATE <i>12-18-06</i>		39. OWNER (Print): <i>JONI C. BINIAZ</i>	
Sign: <i>Elizabeth J. Graff</i>		Sign: <i>Joni C. Biniaz</i>		40. DATE <i>12/18/06</i>	

Amy

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 Planning Department

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Laguna Pacifica
Description and Justification

Planning Department

April, 2007

Laguna Pacifica is the development of a .55 acre parcel located at the south end of Stewart Street into two parcels. The property slopes from a relatively flat area near Stewart Street toward the Buena Vista Lagoon, where the new parcel is to be created.

A Hillside Development plan has been prepared to guide the development of a home on the new parcel and fitting it into the form of the slope to reduce grading. A two-car (rather than the required three-car) garage is proposed, to further minimize impacts on the slope.

This request includes (1) a Tentative Parcel Map with a Hillside Development Plan, (2) a Variance to carry out the intent of the Hillside Development Plan by reducing grading for the garage, (3) a Regular Coastal Permit and (4) a Conditional Use Permit for projects above the base density.

The project is located at 2020 Stewart Street in the Residential Estate B (RE-B) Zone. The underlying General Plan Land Use Element Designation is Estate B. It is in the South Oceanside Neighborhood. Presently, the site contains one older home at the top of the site facing Stewart Street.

The new lot will extend to the edge of the lagoon. A 100-foot buffer from the lagoon is being provided. A biological report was prepared for the site and the buffer area reflects the recommendations of that report.

The new parcel slope has a natural gradient in excess of 20 feet with a minimum elevation differential of 25 feet. Therefore, it is being developed using a Hillside Development Plan.

The property will be divided into two parcels, 11,554 and 12,476 square feet in size, in conformance with the zoning and general plan. A 3,384-sq. foot home has been designed for the new parcel to assure that the structures and grading preserve the natural appearance of the hillsides as required by Article 3039 of the Zoning Ordinance.

Development Standards for the RE-B Zone (with Hillside Development Regulations)

STANDARDS		Provided	Note
Lot size	10,000 sq. ft.	11,554 and 12,476	
Front Yard	15 (20 ft. for garage)	20	
Garage	Three-car	Two car	Size reduced to reduce grading
Side yard	15 % of width 10 ft. min or 17 per the Hillside Development Standards ---- --would be 7.5 in the RE-B Zone without Hillside Overlay	7.5	Reduced setback for garage to reduce grading
Rear yard	25 per cent of the depth or 28 per the Hillside Development Standards -- 20 is required in the RE-B without Hillside Overlay	24	Reduced setback for garage to reduce grading

In order to accomplish this subdivision and provide the high quality new home that the REB Zone generally demands, several factors have been balanced. Properties in the Coastal Zone and next to the Buena Vista Lagoon require a buffer area which cannot be developed. As mentioned earlier, this project has a 100-foot buffer from the lagoon. The Hillside Development regulations mandate that new structures conform to the topography and that grading be reduced. Carrying out these requirements has led to the applicant asking for a variance for a reduced garage size and for reduced setbacks for a corner of the garage.

With two parcels greater than 10,000 square feet in size, this project results in a density of 4.3 dwelling units per acre. The General Plan Land Use Category of Estate B indicates an allowed density of 1 to 3/5 dwelling units per acre with a Special Policy for several older infill neighborhoods which makes 10,000 square foot lots consistent with this category.

The Hillside Development Plan includes a site plan and architectural plan which minimizes grading. The cut and fill will be close to balancing on this site.

The house is designed with low pitched roofs sensitive in scale and proportion to adjacent and surrounding properties. The grading will begin near the top of the site so that the levels can be fitted into the landform contours protecting the existing home's view and creating views for the new home. The garage will be positioned just below the existing home. The biggest cut on the

site will be between the driveway and garage and the top of the new home, causing its rooftop to barely project above the centerline of Stewart Street.

The new home will have three levels which will terrace down the existing slope. The architectural design has Cape Cod elements to fit into the surrounding coastal ambience. It reflects some of the other newer construction near the lagoon in Oceanside and Carlsbad. The home will have concrete siding and brick trim for fire protection. The roof is a 4/12 pitch and will be constructed from heavily textured fire-retardant composition shingles.

The home, as befits the age of the computer and internet, will feature a computer/study tech center located on the lower level. There will be three bedrooms, a dining room, a family room, kitchen with a nook, laundry utility room and a workshop.

All drainage from the site will discharge via vegetated swales located around the subject property. Riprap will be placed to minimize any increase in velocity from the current condition, and reduce any possibilities of erosion. Area drains will be placed to collect runoff.

The unique setting of the lot and its close proximity to the natural landscaping of the Buena Vista Lagoon provide a great opportunity to adopt an eco-friendly approach to house design. To begin with, the wraparound deck to the south will utilize Trex Brasilia, a composite made from recycled plastic shopping bags and sawdust. The kitchen and bathroom countertops will feature a terrazzo-like material called Ice Stone, made from crushed glass and concrete. In addition, the design ensures the use of extensive passive solar design for space heating. It incorporates a great deal of thermal mass, featuring the generous use of glass windows and doors on the south-facing side of the property. The use of large photovoltaic panels will generate most of the home's electricity needs.

Laguna Pacifica's design will, first and foremost, be in harmony with Buena Vista Lagoon. To ensure that the project design is compatible with the surrounding lagoon environment, special consideration has been given to preserving and enhancing existing plants, trees, shrubs, and native vegetation. The landscaping makes full use of native plants.

Hillside and Density Issue Discussions

1. Hillside Overlay District, setback and garage.

The applicant's goal has been to have a home that will fit into the character of the neighborhood and be of superior design as required by the Land Use Element of the General Plan (see density discussion below.) However, the City's requirements for a three car garage for a home of this size would make it necessary to increase a much larger flat pad for the site, thus increasing the amount of grading. That increase in grading would create a conflict with the basic assumptions of the Hillside Overlay District.

A variance to the three car garage requirement and to the setback requirements for the garage to reduce the amount of grading is requested. The home has been designed with three bedrooms

and a two-car garage instead of the three-car garage that the zoning ordinance requires for a home larger than 2500 square feet. Reduced side and rear yards from those required in the Hillside Development Standards are also requested to fit the two car garage onto the slope. The Hillside Development Standards for side and rear yards are written in percentages of the width and depth of the lot. Side yards are required to be 15 per cent of the width and rear yards are required to be 25 per cent of the depth. This creates in cases such as this, the need to do even more grading of a site to accommodate the setbacks. The design easily meets the setback requirements of the underlying RE-B (Residential Estate B) Zone as can be seen by the Development Standards chart above.

2. Density

On page 6 of the Land Use Element, under "H" it states that:

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

This project is within the South Oceanside neighborhood and meets these requirements.

The zoning ordinance requires that several findings be met in a Conditional Use Permit to insure the quality of development when a project is above the base density of any of the land use categories. The findings for this project which the Planning Commission can make in approving it generally relate to the superior quality of the site design to minimize grading, the high quality of the proposed home which will fit into the neighborhood, add to its value and not block any views.

**Findings for the Tentative Parcel Map, the Hillside Development Plan and related
Variance for the Garage,
the Regular Coastal Permit,
and the Conditional Use Permit for Density**

For the Tentative Map or Tentative Parcel Map:

1. That the proposed map is consistent with the General Plan of the City or any applicable specific plan or other provisions of the Zoning Ordinance and the Subdivision Ordinance.

The project's size and design are consistent with the underlying RE-B Zone. The requirements of the Subdivision Ordinance are being met.

2. That the site is physically suitable for the type and proposed density of development.

One single family home is proposed for this hillside site which is designed to be fit into the slopes in a sensitive manner.

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

A biological study was completed, and a buffer designed to protect the adjacent lagoon.

4. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or the use of property within the proposed subdivision.

There are no such public easements.

5. That the subdivision complies with all other applicable ordinances, regulations and guidelines of the City of Oceanside, including but not limited to the Local Coastal Plan, Hillside regulations and the Local Floodplain Ordinance.

The project is in the Local Coastal Plan area and has a Hillside Development Plan. It has been designed using the provisions and requirements of these ordinance sections.

For the Hillside Development Plan:

1. That the Hillside Development Plan as proposed conforms to the General Plan of the City.

The grading plan minimizes the disturbance to a sensitive site facing the lagoon. A 100-foot buffer from the lagoon will not be disturbed. The size of the lot and the size and type of home both conform to the Land Use Element of the General Plan.

2. That the Hillside Development Plan as proposed complies with the land use and development regulations of the base zoning district, the Hillside Development Overlay District, and any other overlay districts applied to the property.

The Hillside Development Plan has been designed to minimize grading. The reduced setbacks requested in the related variance request to reduce the size of the garage and the setbacks will contribute to the ability to minimize disturbance to the site. The setbacks will remain in conformance with the underlying RE-B Zone.

3. That the project site can be adequately, reasonably and conveniently served by public services, utilities and public facilities.

Adequate public facilities already exist in the neighborhood for this project.

For the Variance (related to the Hillside Development Plan) for the garage size and reduced setbacks to reduce grading:

1. That because of special circumstances or conditions applicable to the development site-including size, shape, topography, location or surroundings-strict application of the

requirements of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

The special circumstances of this project relate to its hillside configuration, the size of homes that are seen as desirable in the RE-B Zone, and the sensitivity of its design to reduce grading and protect views. A three-car garage and the imposition of increased setbacks for the garage would cause additional site disturbance and view blockage.

2. That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.

There are no improvements which will be injured by this site. The public health, safety and general welfare are protected by the superior design proposed and the increased property values which will result.

3. That granting the application is consistent with the purposes of the Zoning Ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.

The project is in an older neighborhood with many other homes having no garage or a two car garage. Many of these homes are smaller than the new one proposed and are not on hillside lots.

For the Regular Coastal Permit:

1. That the project conforms to the Local Coastal Plan, including the policies of that plan.

The design has created a 100-foot buffer from the adjacent Buena Vista Lagoon.

2. That all development within the appealable area as identified in the Local Coastal Plan conforms to the public access and recreation policies of Chapter 3 of the Coastal Act.

There is no development in the appealable area proposed by this project.

For the Conditional Use Permit for the density of 4.3 dwelling units per acre:

1. That the proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.

The project is a large, well-designed single family home on a lot larger than 10,000 square feet in size in the RE-B (Residential Estate B Zone) which, in the South Oceanside Neighborhood allows parcels of 10,000 square feet in size.

2. That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will

not be detrimental to the public health, safety, welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

The site and the new home have been designed to minimize the impacts on the views of the surrounding property owners. The new home will increase the property values in the neighborhood.

3. For projects above the base density:

As outlined in the General Plan Policy in Section 2.32 of the Land Use Element the base density may be exceeded for projects which possess "an excellence of design features" and lists a number of characteristics which can be used to measure this feature.

The ones which are applicable to this project include those related to "superior architectural design and materials" and "floor areas which exceed the norm established by existing or approved development in the surrounding area."

This project's superior design relates to the care that has been taken to minimize the impacts on surrounding properties and views with the reduced grading proposed and the low roof lines. The cape code elements in the home's design will serve to fit it into the surrounding areas and match some of the other buildings around the lagoon both in Carlsbad and Oceanside.

The floor area, at 2800 square feet, is significantly larger than that found among the older homes along Stewart Street and in the neighborhood adjacent to the west which appears to be 1800 to 2000 square feet in size.

Summary

To summarize, the project meets the requirements of the Land Use Element of the General Plan, the Hillside Development Guidelines and the Local Coastal Plan. It has been sensitively designed to fit into the slope and not block any views. The architecture will enhance the area and the new project will increase property values in the neighborhood.

LEGAL DESCRIPTION
Laguna Pacifica

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Planning Department

For the property located at:

2020 Stewart Street
Oceanside, California 92054

APN: 155-071-05

The land referred to in this report is situated in the State of California, County of San Diego and is described as follows:

PARCEL 1, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SHOWN AT PAGE 9734 OF PARCEL MAPS, FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 25, 1980.

EXCEPTING THEREFROM THAT PORTION HERETOFORE OR NOW LYING BELOW THE HIGH WATER MARK OF BUENA VISTA LAGOON.



CITY OF OCEANSIDE
PLANNING DEPARTMENT

NOTICE OF EXEMPTION

TO X RECORDER/COUNTY CLERK
COUNTY OF SAN DIEGO
P.O. BOX 1750
SAN DIEGO, CA 92112-4147

PROJECT TITLE AND FILE NUMBER: **LAGUNA PACIFICA -
A TENTATIVE PARCEL MAP (P-29-06), REGULAR COASTAL PERMIT (RC-28-06), CONDITIONAL
USE PERMIT (C-56-06), VARIANCE (V-19-06) FOR THE SUBDIVISION OF AN EXISTING 0.55-ACRE
SITE INTO TWO LOTS AND DEVELOPMENT OF A SINGLE FAMILY DETACHED DWELLING (FOR
A TOTAL OF TWO SFDS)**

PROJECT LOCATION - SPECIFIC:
2020 Stewart Street

PROJECT LOCATION - GENERAL:
City of Oceanside

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:

The project site is located along the east side and at the southerly terminus of Stewart Street (2020 Stewart Street). A portion of the .55-acre property is developed with a single-family residence. The site is just north of the Buena Vista Lagoon and is bordered by existing slopes to the east and south. The existing ground surface elevation varies from 11 feet MSL (mean sea level) at the southeasterly portion adjacent to Buena Vista Lagoon to approximately 63 feet MSL at the northerly portion of the site.

The zoning designation for the site is Residential Estate – B (RE-B). The corresponding General Plan land use designation is Estate B - Residential (EB-R) which permits 1 – 3.5 dwelling units per gross acre. The property is surrounded by single family residential uses. The applicant proposes to divide the existing lot into two parcels, 11,554 square feet and 12,476 square feet in size, and construct a new 3,384-square foot single-family dwelling on the southerly parcel. The existing single-family dwelling on the northerly parcel is proposed to remain. The site includes slopes in excess of 20 percent with a minimum elevation differential of 25 percent. Development on the property is subject to compliance with Hillside Development standards.

The project requires processing of a Tentative Parcel Map; a Regular Coastal Permit, a Variance and a Conditional Use Permit.

NAME OF PUBLIC AGENCY APPROVING PROJECT:
City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:
Peter and Joni Biniatz
2020 Stewart Street
Oceanside, CA 92054
760-439-6250

Exempt Status per the Guidelines to Implement the California Environmental Quality Act (CEQA)
(Public Resources Code Section 21000 et. al.):

NOT SUBJECT TO CEQA PER THE GENERAL RULE, SECTION 15061(B)(3)

STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION(S) 15303

REASONS WHY PROJECT IS EXEMPT:

The project involves development of a single family dwelling in a residential zone.

Contact Person: Amy Volzke, Principal Planner

SIGNATURE

For: Jerry Hittleman, Acting City Planner

DATE

CITY HALL, 300 NORTH COAST HIGHWAY, OCEANSIDE CA 92054, TELEPHONE (760) 435-3520, FAX (760) 435-3538