



DATE: March 12, 2012

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF TENTATIVE PARCEL MAP (P11-00001), AND CONDITIONAL USE PERMIT (CUP11-00012) FOR A TWO-LOT RESIDENTIAL SUBDIVISION ON A .52-ACRE SITE LOCATED AT THE SOUTH EAST CORNER OF FIRE MOUNTAIN DRIVE AND RIDGEWAY ROAD – KOLOSTYAK TPM – APPLICANT: JOHN KOLOSTYAK**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

1. Confirm issuance of a Class 15 categorical exemption for minor land divisions pursuant to Section 15315 of the California Environmental Quality Act; and
2. Approve Tentative Parcel Map (P11-00001) and Conditional Use Permit (CUP11-00012) by adopting Planning Commission Resolution No 2012-P13 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The subject 0.52-acre lot is a portion of the North Carlsbad Annex Lot 23 that was created in 1924, and currently contains a four-bedroom three-bath 2,604-square foot single-family residence. The existing lot elevation at the street is approximately 180 feet above mean sea level, with slopes that do not exceed 20 percent.

Access to the existing parcel and the proposed new parcel two is via an easement road entitled Victoria Lane. Victoria Lane was established in 1960 for the purposes of access to various parcels within this area.

A recent Parcel Map (P-7-08) and Conditional Use Permit C-22-08) was recently approved on December 12, 2011 for a similar two-lot subdivision known as the Hahn Parcel Map across the street from the project site.

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

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

Tentative Parcel Map (P11-00001) represents a request for the following:

1. To subdivide an approximately 0.52-acre site into two single-family residential lots pursuant to Article VI of the Oceanside Subdivision Ordinance. Lot 1 will consist of a 0.27 (11,761 square feet) acre parcel and the existing 2,604-square foot home with a two-car garage will remain. Lot 2 will consist of a 0.25 acre (10,890 square feet) parcel and will remain vacant until developed with a single-family home. The proposed project is within the Residential Estate – B (RE-B) Zone District and as per the Oceanside Zoning Ordinance the minimum lot area in this zoning district is 10,000 square feet.

Conditional Use Permit (CUP11-00012) represents a request for the following:

2. To exceed the base density of 1.0 dwelling units per gross acre, pursuant to Section 1050(B) of the Oceanside Zoning Ordinance.

ANALYSIS

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

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

KEY PLANNING ISSUES

1. General Plan conformance

A. Land Use Element I. Community Enhancement

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

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

Policy H: For lands within the Loma Alta, Fire Mountain, and South Oceanside Neighborhood Planning Areas that are designated Estate B (1 - 3.5 dwelling unit/acre) and with the corresponding zoning of Residential Estate – B (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 (EB-R).

The project site is located within the Fire Mountain Neighborhood Planning Area. The applicant has applied for a conditional use permit to exceed the base density of one (1) dwelling unit per gross acre. The proposed division of land will create two single-family lots that are 11,761 and 10,890 square feet in size, pursuant to Policy H of the General Plan, which is consistent with the underlying Land Use designation of the Estate B Residential.

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

Table 1 Land Use compatibility with surrounding developments

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

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

Policy B: The area which includes the Fire Mountain single-family residential district shall ensure that the rustic and rural nature of the district is preserved and enhanced. A key to this objective is providing for:

- 1) Minimum lot sizes of 10,000 square feet or greater,
- 2) View preservation, and
- 3) Extensive landscaping

The proposed two-lot subdivision has taken Policy B into consideration, and is proposing to implement the three elements denoted above into the site planning and overall design of the development. This will be accomplished through the creation of similar lot sizes as many of the surrounding homes in the area and through the requirement to obtain Planning Commission approval of the home design to ensure future development of parcel 2 with a superior architectural and landscape design. This is consistent with the General Plan Land Use Element establishes polices regarding residential densities and requires that subdivisions of land that proposes to exceed the established base densities shall be favorably considered if the overall residential project possesses an excellence of design features.

2. Zoning Compliance

This project is located in the Residential Estate B District (RE-B) and complies with the requirements of that zone. The application does not include a proposal for development. Rather, development standards are proposed as part of the application (see the *Description and justification*) and incorporated into the conditions of approval. Table 2 summarizes applicable development standards for the project site.

Table 2 Development standards

	REQUIRED	PROPOSED
MINIMUM LOT SIZE	10,000 SF or 0.23 net acres	Parcel 1: 0.27 net acres Parcel 2: 0.25 net acres
PARKING SPACES	2-car garage (3-car if home exceeds 2,500 sq. ft.)	2-car garage
FRONT YARD	25-feet	25-feet
CORNER SIDE YARD	15-feet	15-feet
INTERIOR SIDE YARD	7.5-feet	7.5-feet
REAR YARD	20-feet	20-feet
MINIMUM LOT WIDTH	70-feet	Parcel 1: 76 feet wide Parcel 2: 74 feet wide
MAXIMUM HEIGHT	36-feet	All Parcels: 36-feet

The proposal to create two residential lots has been determined by staff to meet the intent of the regulations of the Zoning Ordinance for the Residential Estate –B (RE-B) zoned parcel, and subject to approval of an Administrative Development Plan (ADP) will ensure that future design and development of single-family residential structures provides superior architectural features consistent with the pattern of development within the Fire Mountain Neighborhood.

3. Subdivision Ordinance

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

A. Article VI Subdivision of Four or Fewer Parcels:

Pursuant to Section 600 of the Subdivision Ordinance, the proposed Tentative Parcel Map has been prepared to the satisfaction of the City Engineer, and as conditioned would allow for a two-lot subdivision.

DISCUSSION

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

Recommendation: Staff finds and recommends that the Planning Commission concur with staff that the overall conceptual site design of the project is consistent with the existing neighborhood character, and compatible with the surrounding developed area of Fire Mountain.

ENVIRONMENTAL DETERMINATION

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

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius of the subject property, individuals/organizations requesting notification, applicant, and interested parties. As of March 12, 2012, no communication supporting or opposing the request had been received.

SUMMARY

The proposed Tentative Parcel Map (P11-00001) and Conditional Use Permit (CUP11-00012) are consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project is compatible in terms of density and site design with the surrounding neighborhood. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached Resolution. Staff recommends that the Planning Commission:

- Move to approve Tentative Parcel Map (P11-00001) and Conditional Use Permit (CUP11-00012) by adopting Planning Commission Resolution No. 2012-P13 as attached.

PREPARED BY:


Scott Nightingale
Planner

SUBMITTED BY:


Jerry Hittleman
City Planner

JH/SN/fil

Attachments:

1. Planning Commission Resolution No. 2012-P13
2. Plans/Site Map

1 PLANNING COMMISSION
2 RESOLUTION NO. 2012-P13

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

7 APPLICATION NO: P11-0001, CUP11-00012
8 APPLICANT: John Kolostyak
9 LOCATION: Southeast corner of Fire Mountain Drive and Ridgeway Road

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

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

15 to subdivide a .52-acre lot into two new parcels, that exceeds the base density for the RE-
16 B District;
17 on certain real property described in the project description.

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 12th
19 day of March, 2012 conduct a duly advertised public hearing as prescribed by law to consider
20 said application.

21 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
22 Guidelines thereto, this project has been found to be categorically exempt per Article 19 Section
23 15315 "Minor Land Divisions" from further environmental review;

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

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

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
4			
5	Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
6			
7	Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$2,072 per unit for residential
8			
9	School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential
10			
11	Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
12			
13	Thoroughfare Fee	Ordinance No. 83-01	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
14			
15			
16	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically \$4,597 per unit.
17			
18			
19	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Residential is typically \$6,313 per unit.
20			
21	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit.
22			
23			
24	Inclusionary housing in lieu fees— Residential only.	Chapter 14-C of the City Code	\$1,000 per development project + \$100 per unit plus \$10,275 per unit
25			
26	//////////		
27	//////////		
28			

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

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

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

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

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

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

19 FINDINGS:

20 For the Tentative Parcel Map (P11-00001):

- 21 1. That the proposed Tentative Parcel Map is consistent with the General Plan of the City by
22 meeting and exceeding lot size requirements and other applicable provisions of the
23 Zoning Ordinance and the Subdivision Ordinance. The Fire Mountain Neighborhood
24 Planning Area is designated Estate B (1 - 3.5 dwelling unit/acre) and with the
25 corresponding zoning of Residential Estate – B (RE-B), a minimum lot size of 10,000
26 square feet as defined in the Zoning Ordinance is consistent with the underlying Land Use
27 designation of Estate B Residential (EB-R). The subject subdivision would create two
28 lots that are approximately 11,852 and 10,898 gross square feet in size respectively.
2. That the site is physically suitable for the type and proposed density of development by
providing lot areas consistent with the Fire Mountain Neighborhood Planning Area. The
proposed subdivision will create two lots that are approximately 11,852 and 10,898 gross

1 square feet in size, thereby making the proposal consistent with the character and pattern
2 of development in the area and the underlying land use designation.

- 3 3. That the design of the subdivision or the proposed improvements will not cause
4 substantial environmental damage or substantially and avoidably injure fish or wildlife or
5 their habitat and has been categorically exempted from review under the California
6 Environmental Quality Act.
- 7 4. That the design of the subdivision or the type of improvements meets City standards and
8 will not conflict with easements, acquired by the public at large, for access through or the
9 use of property within the proposed subdivision.
- 10 5. That the subdivision complies with all other applicable ordinances, regulations and
11 guidelines of the City of Oceanside. The proposed subdivision would not involve any
12 variances from the regulations established at the time of this approval and, subject to
13 approval of an Administrative Development Plan (ADP), would ensure that future
14 development implements superior architectural design features as required by the City's
15 ordinances and regulations.

16 For the Conditional Use Permit – For exceeding base density (CUP11-00012):

- 17 1. The subject property is zoned RE-B with a corresponding Land Use designation of
18 Estate-B Residential (1-3.5 dwelling units per acre). The density of 2.2 dwelling units per
19 acre is consistent with the density range of 1–3.5 dwelling units per acre established by
20 the Residential Estate–B designation. A requirement to process an Administrative
21 Development Plan will ensure that future developments implement and possess an
22 excellence in design features.
- 23 2. The location of the conditional use permit and proposed conditions under which the
24 Tentative Parcel Map will be implemented will not cause detriment to the public health
25 safety or welfare of persons residing or working in or adjacent to the neighborhood of
26 such use or to properties or improvements in the vicinity. The proposed two-lot
27 subdivision will improve the right-of-way areas adjacent to the site and will not result in
28 any development that would be unsafe for the persons residing or working in the area.
3. The Tentative Parcel Map has been adequately conditioned and designed to comply with
applicable requirements of the Zoning Ordinance. Approval of an Administrative

1 Development Plan prior to each parcel's development will ensure zoning ordinance
2 compliance.

- 3 4. NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
4 approve Tentative Parcel Map (P11-00001) and Conditional Use Permit (CUP11-00012)
5 subject to the following conditions:

6 **Engineering:**

- 7 5. For the demolition of any existing structure or surface improvements; grading plans shall
8 be submitted and erosion control plans shall be approved by the City Engineer prior to the
9 issuance of a demolition permit. No demolition shall be permitted without an approved
10 erosion control plan.
- 11 6. Vehicular access rights to Fire Mountain Drive shall be relinquished to the City from the
12 two proposed lots (parcel one and parcel two).
- 13 7. All right-of-way alignments, street dedications, exact geometrics and widths shall be
14 dedicated and constructed or replaced as required by the City Engineer.
- 15 8. Design and construction of all improvements shall be in accordance with the City of
16 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard
17 engineering and specifications of the City of Oceanside and subject to approval by the
18 City Engineer.
- 19 9. Prior to approval of the parcel map or any increment, all improvement requirements, within
20 such increment or outside of it if required by the City Engineer, shall be covered by a
21 subdivision agreement and secured with sufficient improvement securities or bonds
22 guaranteeing performance and payment for labor and materials, setting of monuments, and
23 warranty against defective materials and workmanship.
- 24 10. Any existing public or private pavement, concrete curb, gutter, driveways, pedestrian ramps
25 and sidewalks within the project, or adjacent to the project boundary that are damaged
26 during construction of the project, shall be repaired or replaced as directed by the City
27 Engineer.
- 28 11. Proof of legal access for parcels one and two to and from the existing 60' (feet) wide road
easement shall be provided prior to the recordation of parcel map.

- 1 12. The owner/developer shall provide public street dedication for Fire Mountain Road if
2 required to serve the property to the satisfaction of the City Engineer.
- 3 13. Where proposed off-site improvements, including but not limited to slopes, public utility
4 facilities, and drainage facilities, are to be constructed, the owner/developer shall, at his own
5 expense, obtain all necessary easements or other interests in real property and shall dedicate
6 the same to the City of Oceanside as required. The owner/developer shall provide
7 documentary proof satisfactory to the City of Oceanside that such easements or other
8 interests in real property have been obtained prior to the approval of parcel map or issuance
9 of any grading, building, or improvement permit for this project. Additionally, the City of
10 Oceanside, may at its sole discretion, require that the owner/developer obtain at his sole
11 expense a title policy insuring the necessary title for the easement or other interest in real
12 property to have vested with the City of Oceanside or the owner/developer, as applicable.
- 13 14. Pursuant to the state Subdivision Map Act, improvements shall be required at the time of
14 development. A Declaration of Covenants, Conditions and Restrictions (DCC&R) is
15 required prior to the recordation of parcel map, and will be reviewed and approved by the
16 City Attorney. The Declaration of Covenants, Conditions and Restrictions (DCC&R) shall
17 be recorded attesting to these improvement conditions prior or concurrent with the
18 recordation of parcel map.
- 19 15. A precise grading and private improvement plan shall be prepared, reviewed, secured and
20 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
21 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage,
22 footprints of all structures, walls, drainage devices and utility services.
- 23 16. This project shall provide year-round erosion control including measures for the site
24 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
25 control plan, designed for all proposed stages of construction, shall be reviewed, secured by
26 the owner/developer with cash securities and approved by the City Engineer.
- 27 17. Prior to any grading of any part of this project, a comprehensive soils and geologic
28 investigation shall be conducted of the soils, slopes, and formations in the project. All
necessary measures shall be taken and implemented to assure slope stability, erosion
control, and soil integrity. No grading shall occur until a detailed grading plan, to be

1 prepared in accordance with the Grading Ordinance and Zoning Ordinance is approved by
2 the City Engineer.

3 18. It is the responsibility of the owner/developer to evaluate and determine that all soil
4 imported as part of this development is free of hazardous and/or contaminated material as
5 defined by the City and the County of San Diego Department of Environmental Health.
6 Exported or imported soils shall be properly screened, tested, and documented regarding
7 hazardous contamination.

8 19. Prior to the issuance of a grading permit, the owner/developer shall notify and host a
9 neighborhood meeting with all of the area residents located within 300 feet of the project
10 site, to inform them of the grading and construction schedule, and to answer questions.

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

14 21. Dirt, debris and other construction material shall not be deposited on any public street or
15 within the City's stormwater conveyance system.

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

25 23. The construction site shall accommodate the parking of all motor vehicles used by persons
26 working at or providing deliveries to the site. An alternate parking site can be considered
27 by the City Engineer in the event that the lot size is too small and cannot accommodate
28 parking of all motor vehicles.

29 24. The owner/developer shall complete a haul route permit application (if required for
import/export of dirt) and submit to the City of Oceanside Engineering Department 48

1 hours in advance of beginning of work. Hauling operations (if required) shall be 8:00
2 a.m. to 3:30 p.m. unless approved otherwise.

3 25. A traffic control plan shall be prepared according to the City traffic control guidelines and
4 approved to the satisfaction of the City Engineer prior to the start of work within the
5 public right-of-way. Traffic control during construction of streets that have been opened
6 to public traffic shall be in accordance with construction signing, marking and other
7 protection as required by the Caltrans Traffic Manual and City Traffic Control
8 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless
9 approved otherwise.

10 26. Fire Mountain Drive shall be constructed with curbs and gutters along property frontage.
11 New off-site pavement taper transitions shall be constructed east and west of the proposed
12 widening, in accordance with the City of Oceanside Engineers Design standards.

13 27. The existing 60' (feet) private road easement shall be widened and paved to a minimum of
14 28 feet wide (14 feet wide from the centerline of the 60 feet private road easement) along
15 property frontage.

16 28. Fire Mountain Drive along property frontage shall provide a minimum of 10 feet graded
17 parkway between the face of curb and the right-of-way line.

18 29. Sight distance requirements at the intersection of 60' (feet) private road easement and Fire
19 Mountain Road, along Fire Mountain Road for each direction of traffic shall conform to the
20 corner sight distance criteria as provided by SDRSD, DS-20A and or DS-20B.

21 30. Pavement sections for Fire Mountain Drive, the existing 60' (feet) private road easement
22 and parking areas shall be based upon approved soil tests and traffic indices. The pavement
23 design is to be prepared by the owner/developer's/owner's soil engineer and must be in
24 compliance with the City of Oceanside Engineers Design and Processing Manual and be
25 approved by the City Engineer, prior to paving.

26 31. Prior to approval of the grading plans, the owner/developer shall contract with a
27 geotechnical engineering firm to perform a field investigation of the existing pavement on
28 the existing 60' (feet) private road easement and Fire Mountain Drive adjacent to the
project boundary. The limits of the study shall be half-street plus 12 feet along the project's
frontage. The field investigation shall include a minimum of one pavement boring per
every one 50 linear feet of street frontage. Should the existing AC thickness be determined

1 to be less than the current minimum standard for AC and Class II Base as set forth in the
2 table for City of Oceanside Pavement Design Guidelines in the City of Oceanside Engineers
3 Manual, the Owner/developer shall remove and reconstruct the pavement section as
4 determined by the pavement analysis submittal process detailed in the condition listed
5 below:

6 32. Upon review of the pavement investigation, the City Engineer shall determine whether the
7 owner/developer shall: 1) Repair all failed pavement sections, header cut and grind per the
8 direction of the City Engineer, and construct a two- inch thick rubberized AC overlay; or 2)
9 Perform R-value testing and submit a study that determines if the existing pavement meets
10 current City standards/traffic indices. Should the study conclude that the pavement does not
11 meet current requirements, rehabilitation/mitigation recommendations shall be provided in a
12 pavement analysis report, and the owner/developer shall reconstruct the pavement per these
13 recommendations, subject to approval by the City Engineer.

14 33. The drainage design shown on the preliminary grading plan and the drainage report for this
15 tentative parcel map is conceptual only. The final drainage report and drainage design shall
16 be based upon a hydrologic/hydraulic study that is in compliance with the latest San Diego
17 County Hydrology and Drainage Manual to be approved by the City Engineer during final
18 engineering. All public storm drains shall be shown on City standard plan and profile
19 sheets. All storm drain easements shall be dedicated where required. The owner/developer
20 shall be responsible for obtaining any off-site easements for storm drainage facilities.

21 34. There shall be no drainage discharge directed to adjacent properties. In particular there
22 shall be no drainage runoff directed or discharged from parcels one and two to adjacent
23 properties. The owner/developer shall place a covenant on the title sheet of the parcel
24 map agreeing to the following: "The present or future owner (s) shall indemnify and save
25 the City of Oceanside, its officers, agents, and employees harmless from any and all
26 liabilities, claims arising from any flooding that occurs on this site and adjacent
27 properties."

28 35. All **new extension services** for the development of the project, including but not limited to,
electrical, cable and telephone, shall be placed underground per Section 901.G. of the
Subdivision Ordinance (R91-166) and as required by the City Engineer and current City
policy.

- 1 36. The owner/developer shall obtain any necessary permits and clearances from all public
2 agencies having jurisdiction over the project due to its type, size, or location, including but
3 not limited to the U.S. Army Corps of Engineers, California Department of Fish & Game,
4 U.S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
5 (including NPDES), San Diego County Health Department, prior to the issuance of grading
6 permits.
- 7 37. The approval of the project shall not mean that proposed grading or improvements on
8 adjacent properties (including any City properties/right-of-way or easements) is granted
9 or guaranteed to the owner/developer. The owner/developer is responsible for obtaining
10 permission to grade to construct on adjacent properties. Should such permission be
11 denied, this tentative parcel map shall be subject to further public hearing or subject to a
12 substantial conformity review.
- 13 38. Landscaping plans, including plans for the construction of walls, fences or other structures
14 at or near intersections, must conform to intersection sight distance requirements.
15 Landscape and irrigation plans for disturbed areas shall be submitted to the City Engineer
16 prior to the issuance of a preliminary grading permit and approved by the City Engineer
17 prior to the issuance of occupancy permits. Frontage and median landscaping shall be
18 installed prior to the issuance of any certificates of occupancy. Any project fences, sound or
19 privacy walls and monument entry walls/signs shall be shown on, bonded for and built from
20 the landscape plans. These features shall also be shown on the precise grading plans for
21 purposes of location only. Plantable, segmental walls shall be designed, reviewed and
22 constructed by the grading plans and landscaped/irrigated through project landscape plans.
23 All plans must be approved by the City Engineer and a pre-construction meeting held, prior
24 to the start of any improvements.
- 25 39. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed
26 of in accordance with all state and federal requirements, prior to stormwater discharge either
27 off-site or into the City drainage system.
- 28 40. The owner/developer shall comply with the provisions of National Pollution Discharge
Elimination System (NPDES) General Permit for Storm Water Discharges Associated
with Construction Activity (General Permit) Water Quality Order 2009-0009-DWQ. The
General Permit continues in force and effect until a new General Permit is issued or the

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

- 23 41. Following approval of the Storm Water Mitigation Plan (SWMP) by the City Engineer
24 and prior to issuance of grading permits, the owner/developer shall submit and obtain
25 approval of an Operation & Maintenance (O&M) Plan, prepared to the satisfaction of the
26 City Engineer. The O&M Plan shall include an approved and executed Maintenance
27 Mechanism pursuant to Section 5 of the Standard Urban Storm Water Mitigation Plan
28 (SUSMP). The O&M shall satisfy the minimum Maintenance Requirements pursuant to
Section 5 of the SUSMP. At a minimum the O&M Plan shall include the designated
responsible party to manage the stormwater BMP(s), employee training program and
duties, operating schedule, maintenance frequency, routine service schedule, specific

1 maintenance activities, copies of resource agency permits, cost estimate for
2 implementation of the O&M Plan, a non-refundable cash (or certificate of deposit payable
3 to the City), or an irrevocable, City-Standard Letter of Credit security to provide
4 maintenance funding in the event of noncompliance to the O&M Plan, and any other
5 necessary elements. The owner/developer shall provide the City with access to site for
6 the purpose of BMP inspection and maintenance by entering into an Access Rights
7 Agreement with the City. The owner/developer shall complete and maintain O&M forms
8 to document all operation, inspection, and maintenance activities. The owner/developer
9 shall retain records for a minimum of 5 years. The records shall be made available to the
10 City upon request.

11 42. The owner/developer shall enter into a City-Standard Stormwater Facilities Maintenance
12 Agreement (SWFMA) with the City obliging the owner/developer to maintain, repair and
13 replace the Storm Water Best Management Practices (BMPs) identified in the project's
14 approved SWMP, as detailed in the O&M Plan into perpetuity. The Agreement shall be
15 approved by the City Attorney prior to issuance of any precise grading permit and shall be
16 recorded at the County Recorder's Office prior to issuance of any building permit. A
17 non-refundable Security in the form of cash (or certificate of deposit payable to the City)
18 or an irrevocable, City Standard Letter of Credit shall be required prior to issuance of a
19 precise grading permit. The amount of the non-refundable security shall be equal to 10
20 years of maintenance costs, as identified by the O&M Plan, but not to exceed a total of
21 \$25,000. The owner/developer's civil engineer shall prepare the O&M cost estimate.

22 43. At a minimum, maintenance agreements shall require the staff training, inspection and
23 maintenance of all BMPs on an annual basis. The owner/developer shall complete and
24 maintain O&M forms to document all maintenance activities. Parties responsible for the
25 O&M plan shall retain records at the subject property for at least 5 years. These
26 documents shall be made available to the City for inspection upon request at any time.

27 44. The Agreement shall include a copy of executed on-site and off-site access easement and
28 or access rights necessary for the operation and maintenance of BMPs that shall be
binding on the land throughout the life of the project to the benefit of the party
responsible for the O&M of BMPs, satisfactory to the City Engineer. The agreement
shall also include a copy of the O&M Plan approved by the City Engineer.

- 1 45. The BMPs described in the project's approved SWMP shall not be altered in any way,
2 unless reviewed and approved to the satisfaction of the City Engineer. The determination
3 of whatever action is required for changes to a project's approved SWMP shall be made
4 by the City Engineer.
- 5 46. The owner/developer shall provide a copy of the title/cover page of an approved SWMP
6 with the first engineering submittal package. If the project triggers the City's Stormwater
7 requirements but no approved Stormwater document (SWMP) exists, the appropriate
8 document shall be submitted for review and approval by the City Engineer. The SWMP
9 shall be prepared by the owner/developer's Civil Engineer. All Stormwater documents
10 shall be in compliance with the latest edition of submission requirements.
- 11 47. The owner/developer shall provide the City of Oceanside with a certification from each
12 public utility and each public entity owning easements within the proposed project
13 stating that: (a) they have received from the owner/developer a copy of the proposed
14 map; (b) they object or do not object to the filing of the map without their signature; (c) in
15 case of a street dedication affected by their existing easement, they will sign a
16 "subordination certificate" or "joint-use certificate" on the map when required by the
17 governing body. In addition, the owner/developer shall furnish proof to the satisfaction
18 of the City Engineer that no new encumbrances have been created that would subordinate
19 the City's interest over areas to be dedicated for public road purposes since submittal of
20 the project.
- 21 48. The owner/developer shall comply with all the provisions of the City's cable television
22 ordinances including those relating to notification as required by the City Engineer.
- 23 49. Approval of this development project is conditioned upon payment of all applicable impact
24 fees and connection fees in the manner provided in chapter 32B of the Oceanside City
25 Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees,
26 reimbursements, and other applicable charges, fees and deposits shall be paid prior to
27 recordation of the parcel map or the issuance of any building permits, in accordance with
28 City Ordinances and policies. The owner/developer shall also be required to join into,
contribute, or participate in any improvement, lighting, or other special district affecting or
affected by this project. Approval of the tentative parcel map shall constitute the
owner/developer's approval of such payments, and his agreement to pay for any other

1 similar assessments or charges in effect when any increment is submitted for parcel map or
2 building permit approval, and to join, contribute, and/or participate in such districts.

3 50. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire project
4 will be subject to prevailing wage requirements as specified by Labor Code section
5 1720(b) (4). The owner/developer shall agree to execute a form acknowledging the
6 prevailing wage requirements prior to the granting of any fee reductions or waivers.

7 51. In the event that the conceptual plan does not match the conditions of approval, the
8 resolution of approval shall govern.

8 **Building:**

9 52. Construction shall comply with the current addition edition of the California Codes.

10 53. Construction hours are limited to 7:00 a.m. to 6:00 p.m. Monday through Friday.

11 54. California Residential Code requires each new one and two family dwellings to install an
12 Automatic Fire Sprinkler System designed and installed in accordance with CRC Section
13 R 313.3 or NFPA 13D.

14 55. All new one and two family dwellings shall comply with the current California Green
15 Code.

16 **Fire Prevention:**

17 56. Fire Department requirements shall be placed on plans in the notes section.

18 57. All proposed and existing fire hydrants within 600 feet of the project shall be shown on
19 the site plan.

20 58. An approved fire sprinkler system must be installed throughout the residential buildings.
21 The system shall be designed per N.F.P.A. 13D.

22 **Planning:**

23 59. This Tentative Parcel Map (P11-00001) and Conditional Use Permit (CUP11-00012)
24 shall expire two years from the effective date of the Planning Commission action, unless
25 a time extension is granted by the Planning Commission.

26 60. The Tentative Parcel Map and Conditional Use Permit approves only a two-lot
27 subdivision and exceeding base density, as shown on the plans and exhibits presented to
28 the Planning Commission for review and approval. No deviation from these approved
plans and exhibits shall occur without City Planner approval. Substantial deviations shall
require a revision to the Tentative Parcel Map and Conditional Use Permits.

- 1 61. The applicant, permittee, or any successor-in-interest shall defend, indemnify and hold
2 harmless the City of Oceanside, its agents, officers or employees from any claim, action
3 or proceeding against the City, its agents, officers, or employees to attack, set aside, void
4 or annul an approval of the City, concerning Tentative Parcel Map (P11-00001) and
5 Conditional Use Permit (CUP11-00012). The City will promptly notify the applicant of
6 any such claim, action or proceeding against the City and will cooperate fully in the
7 defense. If the City fails to promptly notify the applicant of any such claim action or
8 proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be
9 responsible to defend, indemnify or hold harmless the City.
- 10 62. All single-family dwelling units shall dispose of or recycle solid waste in a manner
11 provided for in City Code Section 13.3.
- 12 63. A covenant or other recordable document approved by the City Attorney shall be
13 prepared by the applicant and recorded prior to the approval of the final Parcel Map. The
14 covenant shall provide that the property is subject to this resolution, and shall generally
15 list the conditions of approval.
- 16 64. Prior to the issuance of building permits, compliance with the applicable provisions of the
17 City's anti-graffiti (Ordinance No. 93-19, Section 20.25 of the City Code) shall be
18 reviewed and approved by the Planning Division. These requirements, including the
19 obligation to remove or cover with matching paint all graffiti within 24 hours, shall be
20 noted on the Landscape Plan and shall be recorded in the form of a covenant affecting the
21 subject property.
- 22 65. Prior to the transfer of ownership of the property the applicant shall provide a written
23 copy of the applications, staff report(s), and resolution(s) to the new owner(s). This
24 notification's provision shall run with the life of the Tentative Parcel Map and shall be
25 recorded as a covenant on the property.
- 26 66. Failure to meet any conditions of approval for this residential subdivision shall constitute
27 a violation of the Tentative Parcel Map (P-7-08) and Conditional Use Permit (C-22-08).
- 28 67. Unless expressly waived, all current zoning standards and City ordinances and policies in
effect at the time grading permits are issued are required to be met by this project. The
approval of this Tentative Parcel Map constitutes the applicant's agreement with all
statements in the Description and Justification, and other materials and information

1 submitted with this application, unless specifically waived by an adopted condition of
2 approval.

3 68. Pursuant to General Plan Objective 1.24, Policy R, topsoil from excavated areas shall be
4 stockpiled for reuse on the site where appropriate.

5 69. Pursuant to General Plan Objective 1.24, Policy Q, as construction proceeds groundcover
6 shall be re-established and or planted new as early as possible.

7 70. Panhandle access ways shall have recorded joint maintenance agreements and cross
8 easements for use.

9 71. The developer is prohibited from entering into any agreement with a cable television
10 franchisee of the City which gives such franchisee exclusive rights to install, operate, and
11 or maintain its cable television system in the development.

12 72. This Tentative Parcel Map is subject to the provisions of Chapter 14C of the City Code
13 regarding Inclusionary Housing.

14 73. Pursuant to Article 43, Development Plan(s) shall be submitted, processed, and approved
15 for Parcels 1 and 2 of the Tentative Parcel Map prior to the issuance of building permits
16 for each lot. The Development on each lot shall provide superior architectural,
17 landscaping design and materials compatible with those found within the Fire Mountain
18 Neighborhood Planning Area. Front yard landscaping shall be provided by the developer
19 of each lot and shall be shown on each Development Plan application.

20 74. Building floor plans, elevations, architectural style and color and materials palette on the
21 design of structures on each lot shall differ from but complement development on
22 adjoining parcels.

23 75. Development on Parcel 2 created by this Tentative Parcel Map shall meet the following
24 design guidelines:

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

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

c) Variable structural setbacks shall be provided along vehicle access routes and
between adjoining properties in order to establish different patterns of open space,

1 thereby achieving an aesthetically pleasing building frontages and minimizing
2 privacy loss between dwellings.

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

5 e) Garage doors shall incorporate multi-panel designs, windows or architectural
6 detailing to reduce their impact and scale.

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

13 g) A minimum 15-foot wide landscaped planting area shall be provided between
14 adjacent driveways to minimize adverse visual impacts from expansive driveway
15 surfaces.

16 h) Walls and fences visible from public rights-of-way shall be architecturally
17 enhanced and complemented by adjoining, tiered landscaping.

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

22 j) The type and location of site and building lighting shall preclude direct glare onto
23 adjoining properties and streets.

24 k) Dwelling structures shall be designed to complement, yet be distinguishable from
25 adjacent structures. Buildings shall relate in terms of mass but utilize different
26 form and detail compositions to create a unique design statement. The same
27 building elevations shall not be repeated within the subdivision.

28 l) One story architectural elements and massing shall be incorporated into two-story
building designs to the greatest extent possible. Where two-story building

1 massing occurs, one or more of the following features should be used to soften the
2 visual impact of a two-story wall surface: (1) variety of hip and gable roofs; (2)
3 arbors, trellises and shade structures; (3) balconies; and (4) cantilevered building
4 elements.

5 m) Roof designs shall be compatible in terms of type, slope, size, materials and colors
6 to surrounding residential structures. Flat roofs are discouraged, unless they are
7 appropriate to the selected architectural style.

8 n) All building elevations shall be architecturally enhanced. The selected
9 architectural design shall be consistently employed on all building elevations.

10 o) Unarticulated building wall planes and monolithic forms are prohibited. Use of
11 horizontal and vertical massing offsets is required.

12 p) Selection and application of building materials and colors shall take into
13 consideration and relate to surrounding development. Use of colors that reduce
14 and eliminate reflectivity and blend structures into the terrain is recommended.

15 q) Materials shall stylistically complement architectural details. Frequent changes in
16 materials shall be avoided. Changes in colors and materials shall occur at interior
17 corners and shall coincide with vertical and horizontal wall plane changes.

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

23 76. In the event any subsurface archaeological resources are encountered during grading or
24 construction activities, such activities in the locality of the find shall be halted
25 immediately. An archaeologist, certified by the Society of Professional Archaeologists
26 (SOPA), shall be brought in to determine the significance of the archaeological resources
27 and implement appropriate mitigations prior to recommending earthwork.

28 77. An archaeologist and a Native American monitor shall be present for a pre-grade meeting
to discuss the monitoring program with the grading contractor, City staff and the
developer. The archaeologist and the Native American monitor may determine, in
coordination with City staff, that the full-time presence of a monitor is not required, that

1 checking the grading at regular intervals is sufficient. Alternatively, they may determine
2 that an archaeologist and a Native American monitor be on-site during grading and
3 trenching within the project area.

4 78. If archaeological materials are encountered, their importance must be evaluated to assess
5 the significance of impacts. If significant cultural resources are encountered, mitigation
6 would be accomplished through documentation and excavation of features, cataloging
7 and analysis of cultural material collected, and preparation of a report detailing the
8 methods and results of the monitoring/data recovery program.

9 79. Any cultural material recovered shall be accurate at an appropriate facility, except as
10 stipulated differently in the pre-excavation agreement.

11 80. A letter of clearance from the affected school district in which the property is located
12 shall be provided as required by City policy at the time building permits are issued.

13 **Water Utilities:**

14 81. The developer will be responsible for developing all water and sewer utilities necessary to
15 develop the property. Any relocation of water and/or sewer utilities is the responsibility
16 of the developer and shall be done by an approved licensed contractor at the developer's
17 expense.

18 82. The property owner shall maintain private water and wastewater utilities located on
19 private property.

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

22 84. All water and wastewater construction shall conform to the most recent edition of the
23 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
24 the Water Utilities Director.

25 85. Residential units shall be metered individually. Private utility systems for residential
26 developments are not allowed.

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

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

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

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

8 90. All Water Utilities fees are due at the time of building permit issuance per City Code
9 Section 32B.7, unless the developer/applicant applies and is approved for a deferral of all
10 fees per City of Oceanside Ordinance No. 09-OR0676-1.

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

26 PASSED AND ADOPTED Resolution No. 2012-P13 on March 12, 2012, by the
27 following vote, to wit:

28 AYES:
NAYS:

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ABSENT:
ABSTAIN:

Tom Rosales, Chairperson
Oceanside Planning Commission

ATTEST:

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2012-P13.

Dated: March 12, 2012

Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may be required as stated herein:

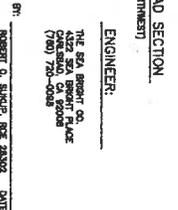
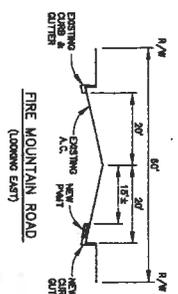
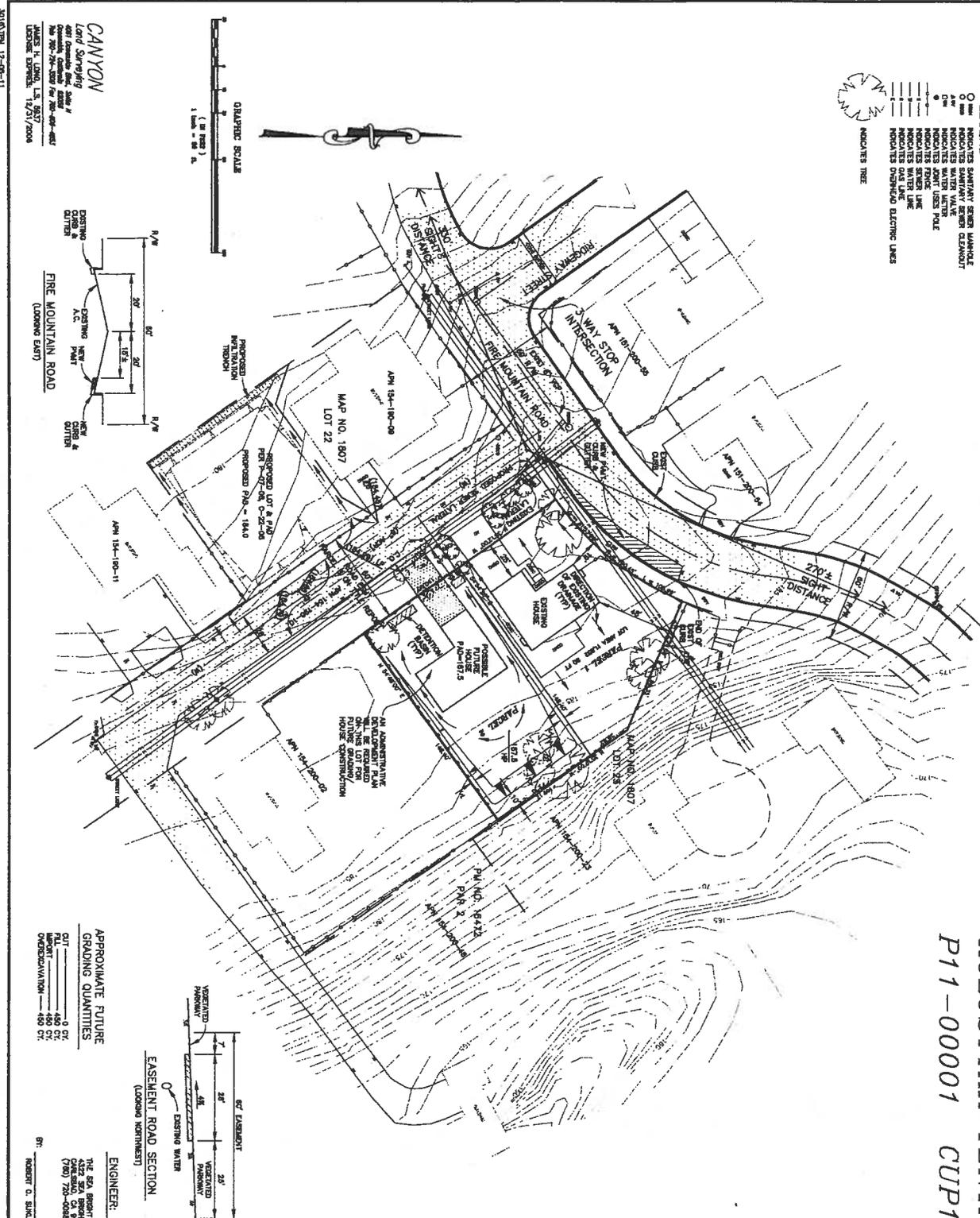
Applicant/Representative

Date

PRELIMINARY GRADING PLAN

KOLOSTYAK TENTATIVE PARCEL MAP P11-00001 CUP11-00012

- LEGEND**
- INDICATES SANITARY SEWER MANHOLE
 - INDICATES WATER VALVE
 - INDICATES SANITARY SEWER CLEANOUT
 - INDICATES FIRE HYDRANT
 - INDICATES FIRE
 - INDICATES FIRE LINE
 - INDICATES WATER LINE
 - INDICATES GAS LINE
 - INDICATES OVERHEAD ELECTRIC LINES
 - INDICATES TREE



APPROXIMATE FUTURE GRADING QUANTITIES

CUT	480 CY
FILL	480 CY
OVERSICCAVATION	480 CY

ENGINEER:
THE SEA BRIGHT CO.
4322 SEA BRIGHT BLVD.
SAN DIEGO, CALIFORNIA
(760) 720-0088

DATE:
NOVEMBER 12, 2008

OWNER/SUBDIVIDER:
JOHN KOLOSTYAK
1885 FIRE MOUNTAIN ROAD
SAN DIEGO, CALIFORNIA
(619) 591-5881

LEGAL DESCRIPTION:
PART OF PARCEL 10, LOT 22 OF MAP NO. 1807, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 24, 1984, MORE FULLY RECORDED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 22, THENCE SOUTH 24°10'00" WEST 67°00'00" FEET TO A POINT ON THE NORTHWEST LINE OF SAID SAUNDER EAST 1/4-34 FEET, THENCE NORTH 20°12'00" WEST 101.5 FEET, THENCE NORTH 67°00'00" WEST 67.0 FEET TO A POINT ON THE NORTHWEST LINE OF SAID LOT 22, THENCE SOUTH 24°10'00" WEST 101.5 FEET TO THE POINT OF BEGINNING.

GENERAL NOTES:
1. THIS EASEMENT IS FOR THE USE AND BENEFIT OF ALL OF LOTS 22 AND 23 OF NORTH AND FOR THE USE AND BENEFIT OF THE OWNERS AND FUTURE OWNERS OF ANY PORTION OF LOTS 22 AND 23 OF SAID NORTH OAKLAND.

SITE DATA:
ELEVATION: 8.5' AT CORNER (15' MIN.)
F.V.: 20' MIN.

OWNER/SUBDIVIDER:
JOHN KOLOSTYAK
1885 FIRE MOUNTAIN ROAD
SAN DIEGO, CALIFORNIA
(619) 591-5881

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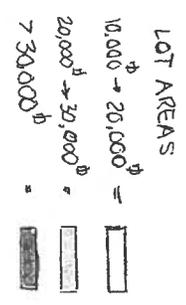
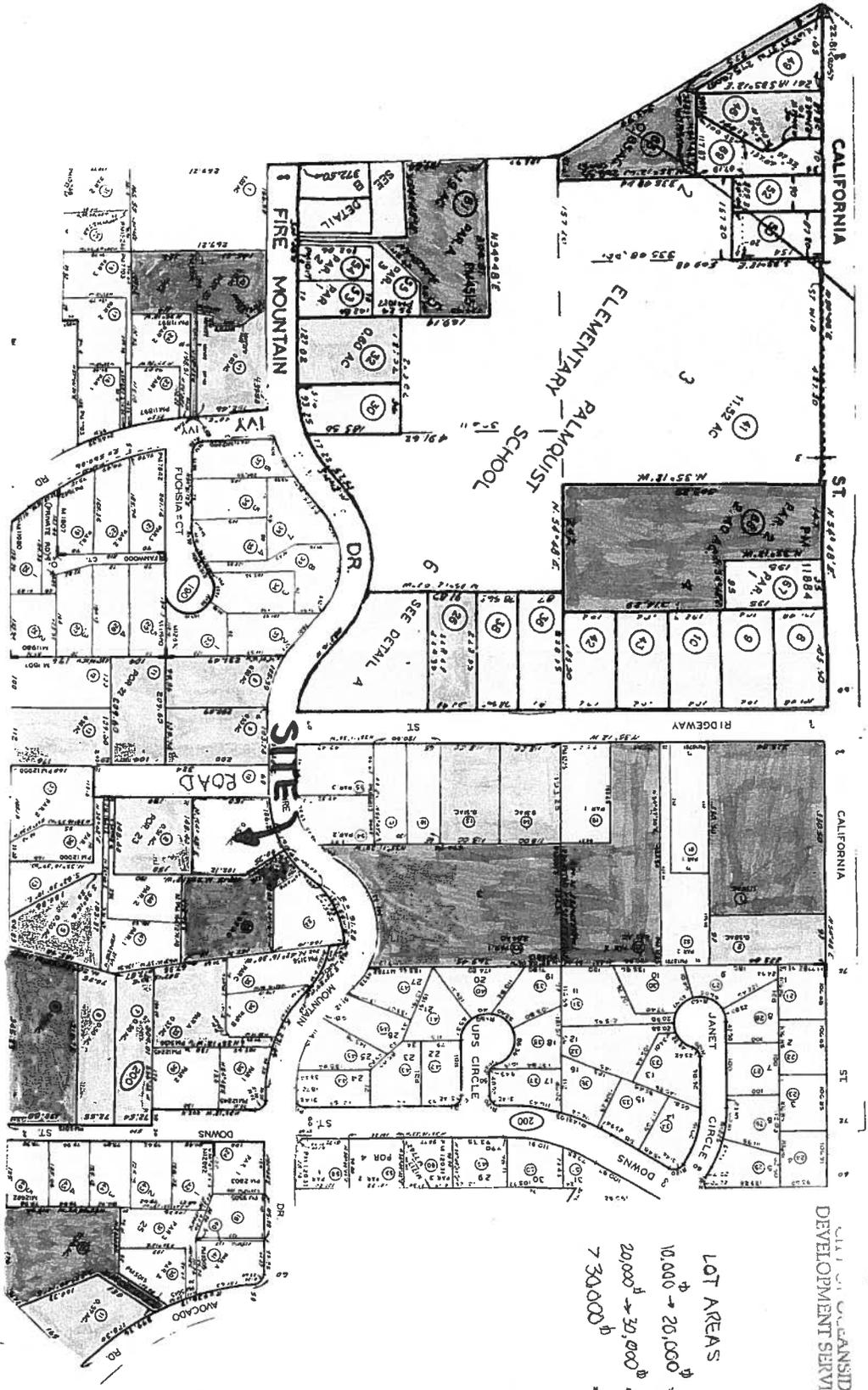
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OWNER/SUBDIVIDER:
JOHN KOLOSTYAK
1885 FIRE MOUNTAIN ROAD
SAN DIEGO, CALIFORNIA
(619) 591-5881

RECEIVED

0 2011

CITY OF OAKLAND
DEVELOPMENT SERVICES



KOLOSTYAK
P11-00001
CUP11-0001Z

KOLOSTYAK TPM

 Application for Public Hearing Community Development Department / Planning Division (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885				STAFF USE ONLY	
				ACCEPTED	BY
				6/7/11 6/13/11	SN ; DW
Please Print or Type All Information				HEARING	
PART I - APPLICANT INFORMATION				GPA	
1. APPLICANT		2. STATUS		MASTER/SP.PLAN	
JOHN KOLOSTYAK				ZONE CH.	
3. ADDRESS		4. PHONE/FAX/E-mail		TENT. MAP	
1995 FIRE MOUNTAIN RD. OCEANSIDE, CA 92054		760-757-2301		PAR. MAP P11-00001	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)				DEV. PL.	
BOB SUKUP				C.U.P. CU P11-00012	
6. ADDRESS		7. PHONE/FAX/E-mail (M)		VARIANCE	
4322 SEA BRIGHT PLACE CARLSBAD, CA 92008		760-807-9098		COASTAL	
PART II - PROPERTY DESCRIPTION				O.H.P.A.C.	
8. LOCATION				9. SIZE	
1995 FIRE MOUNTAIN ROAD				.52 Ac.	
10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER		
SFD	RE-B	SINGLE FAMILY	154-200-03		
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION					
SUBDIVIDE AN EXISTING 22,750 S.F. LOT WITH AN EXISTING RESIDENCE INTO 2 LOTS. THE EXISTING HOUSE WILL REMAIN AS IS					
15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY	
SFD	RE-B	SFD	2	3.85 DU/AC.	
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE OF FAR		
NOT KNOWN	2/LOT	NOT KNOWN	NOT KNOWN = TO BE PER CODE		
PART IV - ATTACHMENTS					
24. DESCRIPTION/JUSTIFICATION		25. LEGAL DESCRIPTION		26. TITLE REPORT	
27. NOTIFICATION MAP & LABELS		28. ENVIRONMENTAL INFO FORM		29. PLOT PLANS	
30. FLOOR PLANS AND ELEVATIONS		31. CERTIFICATION OF POSTING		32. OTHER (See attachment for required reports)	
PART V - SIGNATURES					
33. APPLICANT OR REPRESENTATIVE (Print):		34. DATE	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).		
ROBERT SUKUP		6/6/11			
Sign:	Robert Sukup	35. OWNER (Print)	36. DATE		
		JOHN KOLOSTYAK	6/6/11		
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			Sign: John Kolostyak		



KOLOSTYAK TENTATIVE PARCEL MAP

PROJECT DESCRIPTION

The above project is an existing 22,750 square foot lot on the east side of Fire Mountain Road, just north of Ridgeway Street. There is an existing single family house on the property that the Kolostyaks presently live in.

The proposed project is to subdivide the existing lot into two lots. The existing house would remain on the property. There is more than adequate room for the existing house to remain and still create the second lot. No variances are required for the proposed request. No utility mains would have to be extended. New laterals to service the proposed lot would be required.

Almost no grading is required for the new house. You could build a new house without any grading. I have shown minor grading [40 c.y. of fill and 40 c.y. of cut] to create a flat pad that would assure the driveway would flow back to the easement road.

The 2 lots proposed are 11,852 S.F. and 10,898 S.F. They meet the 10,000 S.F. minimum requirement of the Fire Mountain area.

The project also anticipates the requirement to install curb and gutter, and possibly a little additional street widening on Fire Mountain Road along the projects frontage.

klstdesc

LEGAL DESCRIPTION

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

PARCEL A:

ALL THAT PORTION OF LOT 23 OF NORTH CARLSBAD IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1807, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 24, 1924, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 23; THENCE SOUTH 35°12'00" EAST ALONG THE SOUTHWESTERLY SIDE OF SAID LOT, 150.00 FEET; THENCE NORTH 54°48'00" EAST 148.40 FEET; THENCE NORTH 35°12'00" WEST 102.12 FEET; THENCE NORTH 67°09'00" WEST 90.35 FEET TO A POINT ON THE NORTHWEST LINE OF SAID LOT 23, SAID POINT BEING A POINT ON A CURVE AND BEARING SOUTH 67°09'00" EAST FROM THE RADIUS POINT OF SAID CURVE, SAID CURVE BEING CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 190.45 FEET AND A CENTRAL ANGLE OF 31°57'00"; THENCE ALONG SAID CURVE FOR AN ARC LENGTH OF 106.20 FEET TO THE POINT OF BEGINNING.

PARCEL B:

AN EASEMENT AND RIGHT OF WAY FOR ROAD PURPOSES OVER THE NORTHEASTERLY 60.00 FEET OF THE NORTHWESTERLY 304.00 FEET OF LOT 22 OF NORTH CARLSBAD, ACCORDING TO MAP NO. 1807, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 24, 1924.

THIS EASEMENT IS FOR THE USE AND BENEFIT OF ALL OF LOTS 22 AND 23 OF NORTH CARLSBAD HEREIN DESCRIBED AND IS HEREBY DECLARED TO BE APPURTENANT TO AND FOR THE USE AND BENEFIT OF THE OWNERS AND FUTURE OWNERS OF ANY PORTION OF LOTS 22 AND 23 OF SAID NORTH CARLSBAD.

PARCEL C:

ALL THAT PORTION OF LOT 22 OF NORTH CARLSBAD, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1807, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 24, 1924, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 22; THENCE ALONG THE NORTHWESTERLY LINE OF SAID LOT, SOUTH 54 DEGREES 48' WEST, 60.00 FEET TO THE SOUTHWESTERLY LINE OF THE NORTHEASTERLY 60 FEET OF SAID LOT 22; THENCE ALONG SAID SOUTHWESTERLY LINE SOUTH 35 DEGREES 12' EAST, 324.00 FEET; THENCE NORTH 54 DEGREES 48' EAST 2.40 FEET; THENCE SOUTH 35 DEGREES 12' EAST, 16.00 FEET; THENCE NORTH 54 DEGREES 48' EAST, 57.60 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 22; THENCE NORTH 35 DEGREES 12' WEST ALONG SAID NORTHEASTERLY LINE TO THE POINT OF BEGINNING.

APN: 154-200-03-00



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 3/12/12
Removal:
(180 days)

1. **APPLICANT:** John Kolostyak
2. **ADDRESS:** 1995 Fire Mountain Dr. Oceanside CA. 92054
3. **PHONE NUMBER:** (760) 757-2301
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott nightingale, Planner
6. **PROJECT TITLE:** P11-00001 & CUP11-00012 Kolostyak Parcel Map
7. **DESCRIPTION:** A request for approval of a two lot subdivision that exceeds base density.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Associate Planner finds that the proposed project constitutes subdivision of land and the deferral of utility conversion. Therefore, the Associate Planner determined that further environmental evaluation is not required because:

- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section _____, <name> (Sections 15260-15277); or,
- The project is categorically exempt, Class 15, Section 15315 Minor Land Divisions; or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Date: March 12, 2012

Scott Nightingale, Planner

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