



DATE: June 23, 2014

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A PARCEL MAP (P14-00005) AND CONDITIONAL USE PERMITS (CUP14-00005 & CUP14-00006) FOR THE MODIFICATION OF PREVIOUSLY IMPOSED CONDITIONS OF PROJECT APPROVAL ON A FOUR-LOT SUBDIVISION KNOWN AS PARCEL MAP (P-18-04) AND CONDITIONAL USE PERMITS (C-36-05 & C-37-05) AT 1763 YUCCA ROAD. – NASH SUBDIVISION – APPLICANT: TODD & NICOLE NASH**

**RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Adopt Planning Commission Resolution No. 2014-P14 (Attachment 2) approving Parcel Map (P14-00005), Conditional Use Permit (CUP14-00005) and Conditional Use Permit (CUP14-00006) with findings and conditions of approval attached herein.

**BACKGROUND AND PROJECT DESCRIPTION**

**Background:** On May 8, 2006 the Planning Commission considered and unanimously approved a parcel map (P-18-04) and conditional use permits (C-36-05 & C37-05) for the subdivision of a 1.7-acre parcel into four lots. The proposal was subsequently called for review by the City Council and upon consideration of all evidence and hearing testimony by all interested parties approved the subject subdivision of land on a 4-1 vote. The aforementioned entitlement approvals although still valid, have not been utilized to date. The property has been sold and the new owner has requested that two previously imposed conditions of approval be reconsidered by the Planning Commission.

The subject property is located along the west side of Yucca Road south of Fire Mountain Drive, within the Fire Mountain Neighborhood. The General Plan land use designation for the parcel is EB-R (Estate Residential-B). Development and the property is subject to RE-B (Residential Estate-B) zoning standards.

**Project Description:** The applicant does not propose any modifications to the previously approved subdivision design - Parcel Map P-18-04, Conditional Use Permits entitlements C-36-05 & C-37-05.

Parcel Map P-18-04 allows the applicant to:

- (a) Subdivide a 1.7-acre parcel into four lots, ranging in area between 15,055 and 21,891 square feet. The proposed lots exceed the minimum lot size (10,000 sq. ft.) and lot width (70 ft.) requirements for RE-B zoned parcels.

The site is currently developed with a single-family dwelling, a secondary dwelling unit, a detached two-car garage and ancillary shed structures. Previously imposed conditions of approval on the subject subdivision require removal of the existing secondary dwelling (PC Resolution No. 2006-P27 - Condition #57) as well as the primary legal non-conforming dwelling unit (PC Resolution No. 2006-P27 - Condition #56). The applicant has requested modification of Condition #56 as follows:

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

Proposed condition: Concurrent with issuance of building permit(s) for improvements to any structure(s) in existence at the time of subdivision or for the construction of new structures(s) on Parcel 3, all on-site existing legal non-conforming structures shall be brought into compliance with Oceanside Zoning Ordinance requirements and conditions of project approval. Exempting therefrom permits for replacement, maintenance or repair of existing building components or systems; interior alterations; replacement of the existing two-car garage with a three-car garage (minimum); and construction of an open deck.

The applicant has also requested that Condition #27 of Resolution 2006-P27 pertaining to undergrounding of existing overhead utilities along the site's Yucca Road frontage be removed.

Conditional Use Permit C-36-05 allows the applicant to:

- (a) Subdivide the project at above base density.

The RE-B zone and EB-R land use designation allows for development of properties at a density between 1 (base density) and 3.5 (maximum density) dwelling units per gross acre. The General Plan Land Use Element establishes the base density as the

appropriate density for development; however projects that possess excellence of design features are able to achieve densities up to the maximum density range, subject to approval of a Conditional Use Permit. For lands within the Fire Mountain Neighborhood Planning Areas, the General Plan states that a minimum lot size of 10,000 square feet is considered consistent with the underlying land use designation. As designed, this project density is 2.3 dwelling units per acre therefore, even though the individual lot areas substantially exceed the minimum 10,000-square foot requirement the project is subject to approval of a conditional use permit.

Conditional Use Permit C-37-05 allows:

(a) Establishment of a panhandle lot.

A panhandle lot (Lot 4) is proposed as part of the subdivision design. Pursuant to Zoning Ordinance section 1050, Property Development Regulations, a conditional use permit is required to be processed and approved in conjunction with panhandle lot development requests.

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

1. General Plan
2. Zoning Ordinance
3. CEQA

## **ANALYSIS AND DISCUSSION**

### **KEY PLANNING ISSUES**

#### **General Plan and Zoning Ordinance conformance**

The applicant does not propose any modifications to the previously approved subdivision design. The Planning Commission and City Council evaluated the proposed subdivision in 2006 and determined that it would be in compliance with General Plan goals objectives and policies. The project met applicable lot design standards and was found to be consistent and compatible with other developments in the immediate vicinity (Fire Mountain Estates). With the exception of a request to permit the project's density to exceed the base density of the underlying EB-R land use designation, the project did not propose any zoning deviations *and as conditioned* met or exceeded applicable minimum standards.

More specifically, the site was deemed physically suitable for the proposed type of single-family detached residential development. Each of the proposed parcels, including the panhandle lot exceeded the minimum required lot area of 10,000 square feet. The panhandle lot design met all other applicable standards and was determined to be compatible with existing odd shaped and varying size lots in the vicinity. All future

development on each one of the proposed parcels was conditioned to comply with setback and coverage requirements set forth for RE-B zoned properties.

Since plans for development on the proposed parcels were not part of the subject entitlement request in 2006 and the project exceeded the base density for the RE-B zoning district, development and design conditions were placed on the project to ensure high quality design and project compatibility with the unique residential character of the Fire Mountain neighborhood. Imposed conditions include but are not limited to requiring the minimum dwelling size to be 2,500 square feet; provision of three-car garages; and review/approval of an Administrative Development Plan for each one of the lots by the City Planner prior to issuance of grading permits for each lot.

With regard to the existing non-conforming structures on-site, the original project applicant intended to demolish the accessory secondary unit prior to final map recordation and to retain the existing primary single-family dwelling until Parcel 3 was developed. As such a condition was imposed on the project in 2006 requiring removal/demolition of the primary single-family dwelling prior to issuance of building permits for any structure on Parcel 3. The applicant at this time requests that the Planning Commission consider a modification to the aforementioned condition to exempt permits issued for replacement, maintenance or repair of existing building components or systems; interior alterations; replacement of the two-car garage with a three-car garage and construction of an open deck on Parcel 3 from triggering the requirement for the removal of the legal non-conforming dwelling unit. It should be noted that new information which has recently been made available to staff indicates that the primary dwelling unit structure would encroach, once the required three-foot right-of-way dedication is granted, approximately 11 inches in the Yucca Road right-of-way.

Staff finds the applicant's request to allow minimal improvements to the existing legal non-conforming residence reasonable, as long as the building encroachment issue is addressed in a timely manner. The existing structure would maintain its legal non-conforming status since addition of the open deck or replacement of the freestanding two-car garage with a three-car garage would not increase the structure's inconsistency with applicable regulations of the zoning ordinance.

A recommended condition of project approval has been included in the draft resolution for the project requiring that the applicant enter into an Encroachment Removal Agreement (ERA) agreeing to remove, within 24 months from the date of recordation of the parcel map, the portion of the existing structure that encroaches into the newly dedicated right-of-way.

Staff also supports the applicant's request to delete condition #27 (Planning Commission Resolution No. 2006-P27) requiring undergrounding of existing overhead utilities along the Yucca Road property frontage. In accordance with City Ordinance 11-OR0487-1 which was enacted after parcel map P-18-04 was approved, the subject project is exempt from this requirement.

## **ENVIRONMENTAL DETERMINATION**

In accordance with Section 15315 Class 15, Minor Land Divisions, of the Guidelines for Implementation of the California Environmental Quality Act (CEQA), the proposed project is categorically exempt from the provisions of CEQA.

## **PUBLIC NOTIFICATION**

Legal notice was published in the newspaper and notices were sent to property owners of record within a 300-foot radius of the subject property, individuals and/or organizations requesting notification and the applicant.

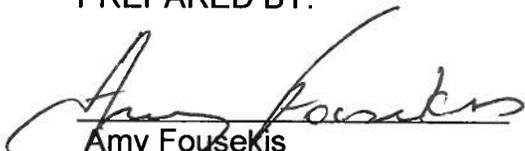
## **SUMMARY**

The proposed modifications to previously imposed conditions of project approval on the subject Parcel Map, and Conditional Use Permits would be consistent with the requirements of the adopted Zoning Ordinance, General Plan, and Subdivision Ordinance. The project, as conditioned, would meet or exceed all applicable development standards and when considered as a whole, would be compatible with the surrounding community.

Staff recommends that the Planning Commission by motion:

- Adopt Planning Commission Resolution No. 2014-P14 (Attachment 2) approving Parcel Map (P14-00005), Conditional Use Permit (CUP14-00005) and Conditional Use Permit (CUP14-00006) with findings and conditions of approval attached herein.

PREPARED BY:

  
\_\_\_\_\_  
Amy Fousekis  
Principal Planner

SUBMITTED BY:

  
\_\_\_\_\_  
Marisa Lundstedt  
City Planner

Attachments:

1. Parcel Map
2. Planning Commission Resolution No. 2014-P14
3. May 8, 2006 Planning Commission Staff Report and PC Resolution No. 2006-P-27
4. June 21, 2006 City Council Staff Report and CC Resolution No. 06.R0404-1
5. Other Attachments (Application Page, Description and Justification, Legal Description)







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PLANNING COMMISSION  
RESOLUTION NO. 2014-P14

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

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APPLICATION NO: P14-00005, CUP14-00005, CUP14-00006  
APPLICANT: Todd & Nicole Nash  
LOCATION: 1763 Yucca Road

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting modifications to previously imposed conditions of project approval by Resolution No. 2006-P27 (conditions #27 and #56) for Tentative Parcel Map P-18-04 and Conditional Use Permits C-36-05, C-37-05, approved under the provisions of Articles 10, 41 and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

a four-lot subdivision, allowing development above base density (2.3 dwelling units/acre) and panhandle access serving two lots;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 23rd day of June, 2014 conduct a duly advertised public hearing as prescribed by law to consider said application.

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

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

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

| <u>Description</u>                                 | <u>Authority for Imposition</u>   | <u>Current Estimate Fee or Calculation Formula</u>  |
|--|---|---|
| Parkland Dedication/Fee                            | Ordinance No. 91-10<br>Resolution No. 06-R0334-1                                    | \$3,503 per unit  |
| Drainage Fee                                       | Ordinance No. 85-23<br>Resolution No. 06-R0334-1                                    | Depends on area<br>(range=\$2,843-\$15,964/acre)  |
| Public Facility Fee                                | Ordinance No. 91-09<br>Resolution No. 05-R0334-1                                    | \$2,072 per unit for residential  |
| School Facilities Mitigation Fee                   | Ordinance No. 91-34   | \$2.63 per square foot  |
| Traffic Signal Fee                                 | Ordinance No. 87-19   | \$15.71 per vehicle trip  |
| Thoroughfare Fee                                   | Ordinance No. 83-01   | \$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG) |
| Water System Buy-in Fees                           | Oceanside City Code §37.56.1<br>Resolution No. 87-96<br>Ordinance No. 05-OR 0611-1  | Based on meter size.<br>Residential is typically \$4,597 per unit.                                  |
| Wastewater System Buy-in Fees                      | Oceanside City Code § 29.11.1<br>Resolution No. 87-97<br>Ordinance No. 05-OR 0610-1 | Based on capacity or water meter size. Residential is typical \$6,313 per unit.                     |
| San Diego County Water Authority Capacity Fees     | SDCWA Ordinance No. 2005-3  | Based on meter size.<br>Residential is typically \$4,326 per unit.                                  |
| Inclusionary Housing In-Lieu Fees-Residential Only | Chapter 14-C of the City Code   | \$1.72 per square foot of livable area.   |

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

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

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

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

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

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

15 FINDINGS:

16 For the Tentative Parcel Map:

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

1 For the Conditional Use Permits:

2 Panhandle access:

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

11 Increase in base density:

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

22 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
23 approve Tentative Parcel Map (P14-00005) superseding (P-18-04), and Conditional Use Permits  
24 (CUP14-00005, CUP14-00006) superseding (C-36-05, C-37-05) subject to the following  
25 conditions:

26 Building:

- 27 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
28 Building Division plan check.
- 29 2. The granting of approval under this action shall in no way relieve the applicant/project  
from compliance with all State and local building codes.

- 1 3. Compliance with the Federal Clean Water Act must be demonstrated on the plans.
- 2 4. Separate/unique addresses shall be required for the new lots to facilitate utility leases.
- 3 Verification that the addresses have been properly assigned by the City's Development
- 4 Services Department/Planning Division must accompany the Building Permit application.
- 5 5. A Building (Demolition Permit) shall be required for the demolition of any of the existing
- 6 structures. Plans for the Demolition Permit shall clearly show that all utilities (electric,
- 7 gas, water and sewer) are properly terminated/capped in accordance with the requirements
- 8 of the utility service provider. All/any underground septic or water storage tanks must be
- 9 removed or filled in accordance with the Uniform Plumbing Code and/or the City's
- 10 Grading Ordinance.
- 11 6. Documentation of properly recorded easements (for access and utilities) is required for
- 12 plan check review of buildings on panhandle lots.

13 **Engineering:**

- 14 7. If the project involves demolition of an existing structure or surface improvements, the
- 15 grading plans shall be approved by the City Engineer prior to the issuance of a
- 16 demolition permit. No demolition shall be permitted without an approved erosion
- 17 control plan.
- 18 8. All right-of-way alignments, street dedications, exact geometrics and widths shall be
- 19 dedicated and improved as required by the City Engineer.
- 20 9. Design and construction of all improvements shall be in accordance with standard plans,
- 21 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 22 10. Prior to issuance of a building permit all improvement requirements shall be covered by
- 23 a development agreement and secured with sufficient improvement securities or bonds
- 24 guaranteeing performance and payment for labor and materials, setting of monuments,
- 25 and warranty against defective materials and workmanship.
- 26 11. The developer shall provide Yucca Road public street dedication as required to serve the
- 27 property.
- 28 12. The approval of the tentative parcel map shall not mean that closure, vacation, or
- 29 abandonment of any public street, right-of-way, easement, or facility is granted or
- guaranteed to the subdivider. The subdivider is responsible for applying for all closures,

1 vacations, and abandonments as necessary. The application(s) shall be reviewed and  
2 approved or rejected by the City under separate process(es) per codes, ordinances, and  
3 policies in effect at the time of the application.

4 13. Prior to approval of the final parcel map or any increment, all improvement requirements,  
5 within such increment or outside of it if required by the City Engineer, shall be covered by  
6 a subdivision agreement and secured with sufficient improvement securities or bonds  
7 guaranteeing performance and payment for labor and materials, setting of monuments, and  
8 warranty against defective materials and workmanship.

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

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

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

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

- 1 a) Dirt, debris and other construction material shall not be deposited on any public  
2 street or within the City's stormwater conveyance system.
- 3 b) All grading and related site preparation and construction activities shall be  
4 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No  
5 engineering related construction activities shall be conducted on Saturdays,  
6 Sundays or legal holidays unless written permission is granted by the Public Works  
7 Director with specific limitations to the working hours and types of permitted  
8 operations. All on-site construction staging areas shall be as far as possible  
9 (minimum 100 feet) from any existing residential development. Because  
10 construction noise may still be intrusive in the evening or on holidays, the City of  
11 Oceanside Noise Ordinance also prohibits "any disturbing excessive, or offensive  
12 noise which causes discomfort or annoyance to reasonable persons of normal  
13 sensitivity."
- 14 c) The construction site shall accommodate the parking of all motor vehicles used by  
15 persons working at or providing deliveries to the site.
- 16 d) A haul route shall be obtained at least 7 days prior the start of hauling operations  
17 and must be approved by the City Engineer. Hauling operations shall be 8:00 a.m.  
18 to 3:30 p.m. unless approved otherwise.
- 19 18. Approval of this development project is conditioned upon payment of all applicable impact  
20 fees and connection fees in the manner provided in chapter 32B of the Oceanside City  
21 Code. All drainage fees, traffic signal fees and contributions, highway thoroughfare fees,  
22 park fees, reimbursements, and other applicable charges, fees and deposits shall be paid  
23 prior to recordation of the map or the issuance of any building permits, in accordance with  
24 City Ordinances and policies. The subdivider shall also be required to join into, contribute,  
25 or participate in any improvement, lighting, or other special district affecting or affected by  
26 this project. Approval of the parcel map shall constitute the developer's approval of such  
27 payments, and his agreement to pay for any other similar assessments or charges in effect  
28 when any increment is submitted for final map or building permit approval, and to join,  
29 contribute, and/or participate in such districts.

- 1 19. Yucca Road shall be improved with curbs and gutters.
- 2 20. Sight distance requirements at the project driveway or street shall conform to the corner  
3 sight distance criteria as provided by the California Department of Transportation Highway  
4 Design Manual.
- 5 21. Streetlights shall be maintained and installed on all public streets per City Standards. The  
6 system shall provide uniform lighting, and be secured prior to occupancy. The developer  
7 shall pay all applicable fees, energy charges, and/or assessments associated with City-  
8 owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the  
9 annexation to, any appropriate street lighting district.
- 10 22. Prior to approval of the grading plans, the developer shall contract with a geotechnical  
11 engineering firm to perform a field investigation of the existing pavement on Yucca  
12 Road adjacent to the project boundary. The limits of the study shall be half-street plus  
13 12 feet along the project's frontage. The field investigation shall include a minimum of  
14 one pavement boring per every 50 linear feet of street frontage. Should the existing AC  
15 thickness be determined to be less than three inches or without underlying Class II base  
16 material, the developer shall remove and reconstruct the pavement section as determined  
17 by the pavement analysis submittal process detailed in Item No. 23 below.
- 18 23. Upon review of the pavement investigation, the City Engineer shall determine whether  
19 the developer shall: 1) Repair all failed pavement sections, header cut and grind per the  
20 direction of the City Engineer, and construct a two-inch thick rubberized AC overlay; or  
21 2) Perform R-value testing and submit a study that determines if the existing pavement  
22 meets current City standards/traffic indices. Should the study conclude that the  
23 pavement does not meet current requirements, rehabilitation/mitigation  
24 recommendations shall be provided in a pavement analysis report, and the developer  
25 shall reconstruct the pavement per these recommendations, subject to approval by the  
26 City Engineer.
- 27 24. Yucca Road shall be improved with 18 feet half-street section to face of new curb and  
28 gutter along the property as required by the City Engineer.
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- 1 25. Pavement sections for all streets, driveways and parking areas shall be based upon  
2 approved soil tests and traffic indices. The pavement design is to be prepared by the  
3 developer's soil engineer and must be approved by the City Engineer, prior to paving.
- 4 26. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during  
5 construction of the project, shall be repaired or replaced as directed by the City Engineer.
- 6 27. The developer shall comply with all the provisions of the City's cable television ordinances  
7 including those relating to notification as required by the City Engineer.
- 8 28. Grading and drainage facilities shall be designed and installed to adequately accommodate  
9 the local stormwater runoff and shall be in accordance with the City's Engineers Manual  
10 and as directed by the City Engineer.
- 11 29. The applicant shall obtain any necessary permits and clearances from all public agencies  
12 having jurisdiction over the project due to its type, size, or location, including but not  
13 limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U.  
14 S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board  
15 (including NPDES), San Diego County Health Department, prior to the issuance of grading  
16 permits.
- 17 30. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic  
18 investigation shall be conducted of the soils, slopes, and formations in the project. All  
19 necessary measures shall be taken and implemented to assure slope stability, erosion  
20 control, and soil integrity. No grading shall occur until a detailed grading plan, to be  
21 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by  
22 the City Engineer.
- 23 31. 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  
26 by the applicant with cash securities and approved by the City Engineer.
- 27 32. A precise grading and private improvement plan shall be prepared, reviewed, secured and  
28 approved prior to the issuance of any building permits. The plan shall reflect all pavement,  
29 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, signage,  
footprints of all structures, walls, drainage devices and utility services.

- 1 33. Landscaping plans, including plans for the construction of walls, fences or other structures  
2 at or near intersections, must conform to intersection sight distance requirements.  
3 Landscape and irrigation plans must be submitted to the City Engineer prior to the issuance  
4 of a grading permit and approved by the City Engineer prior to the issuance of occupancy  
5 permits. All plans must be approved by the City Engineer and a pre-construction meeting  
6 held, prior to the start of any improvements.
- 7 34. The final design shall be based upon a hydrologic/hydraulic study to be approved by the  
8 City Engineer during final engineering. All drainage picked up in an underground system  
9 shall remain underground until it is discharged into an approved channel, or as otherwise  
10 approved by the City Engineer. All public storm drains shall be shown on City standard  
11 plan and profile sheets. All storm drain easements shall be dedicated where required. The  
12 applicant shall be responsible for obtaining any off-site easements for storm drainage  
13 facilities.
- 14 35. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and  
15 disposed of in accordance with all state and federal requirements, prior to stormwater  
16 discharge either off-site or into the City drainage system.
- 17 36. Upon acceptance of any fee waiver or reduction by the subdivider, the entire project will  
18 be subject to prevailing wage requirements as specified by Labor Code section  
19 1720(b)(4). The subdivider shall agree to execute a form acknowledging the prevailing  
20 wage requirements prior to the granting of any fee reductions or waivers.
- 21 37. Trees shall be spot located by Landscape Architect and City Landscape Inspector at pre  
22 construction meeting, to meet the current City of Oceanside requirements. Existing trees  
23 adjacent to Yucca Road impacted by the proposed street widening, shall be protected in  
24 place, pruned, or removed and replaced as required by the Landscape Architect and  
25 approved by the City Landscape Inspector.
- 26 38. A traffic control plan shall be prepared according to the City traffic control guidelines  
27 and be submitted to and approved by the City Engineer prior to the start of work within  
28 open City rights-of-way. Traffic control during construction of streets that have been  
29 opened to public traffic shall be in accordance with construction signing, marking and

1 other protection as required by the Caltrans Traffic Manual and City Traffic Control  
2 Guidelines.

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

6 40. The applicant shall pay all applicable traffic signal, drainage and thoroughfare fees.

7 41. The owner/developer may request a Deferred Improvement Agreement for the required  
8 improvements along the property frontage on Yucca Road, per the City of Oceanside  
9 Subdivision Ordinance Section 902.

10 42. The owner/developer shall execute an encroachment removal agreement (ERA) agreeing  
11 to remove the portion of the existing structure from Parcel 3 that is encroaching into the  
12 newly dedicated right-of-way, within 24 months from the date of recordation of parcel  
13 map. The encroachment removal agreement (ERA) shall be concurrently recorded with  
14 the parcel map

15 43. This project is exempt from undergrounding of utilities along property frontage on  
16 Yucca Road per the City Ordinance number 11-OR0487-1. All existing and new  
17 electrical, telephone, CATV and similar distribution lines providing direct service to this  
18 development site (4-parcels) shall be installed underground within the development site.

19 44. The owner/developer shall comply with the provisions of National Pollution Discharge  
20 Elimination System (NPDES) General Permit for Storm Water Discharges Associated  
21 with Construction Activity (General Permit) Water Quality Order 2009-0009-DWQ.  
22 The General Permit continues in force and effect until a new General Permit is issued or  
23 the SWRCB rescinds this General Permit. Only those owner/developers authorized to  
24 discharge under the expiring General Permit are covered by the continued General  
25 Permit. Construction activity subject to the General Permit includes clearing, grading,  
26 and disturbances to the ground such as stockpiling, or excavation that results in land  
27 disturbances of equal to or greater than one acre. The owner/developer shall obtain  
28 coverage under the General Permit by submitting a Notice of Intent (NOI) and obtaining  
29 a Waste Discharge Identification Number (WDID#) from the State Water Resources  
Control Board (SWRCB). In addition, coverage under the General Permit shall not

1 occur until an adequate SWPPP is developed for the project as outlined in Section A of  
2 the General Permit. The site specific SWPPP shall be maintained on the project site at  
3 all times. The SWPPP shall be provided, upon request, to the United States  
4 Environmental Protection Agency (USEPA), SWRCB, Regional Water Quality Control  
5 Board (RWQCB), City of Oceanside, and other applicable governing regulatory  
6 agencies. The SWPPP is considered a report that shall be available to the public by the  
7 RWQCB under section 308(b) of the Clean Water Act. The provisions of the General  
8 Permit and the site specific SWPPP shall be continuously implemented and enforced  
9 until the owner/developer obtains a Notice of Termination (NOT) for the SWRCB. The  
10 owner/developer is required to retain records of all monitoring information, copies of all  
11 reports required by this General Permit, and records of all data used to complete the NOI  
12 for all construction activities to be covered by the General Permit for a period of at least  
13 three years from the date generated. This period may be extended by request of the  
14 SWRCB and/or RWQCB.

- 15 45. Following the City Engineer's determination that Storm Water Mitigation Plan (SWMP)  
16 is deemed complete and prior to issuance of grading permits, the owner/developer shall  
17 submit and obtain approval of an Operation & Maintenance (O&M) Plan, prepared to the  
18 satisfaction of the City Engineer. The O&M Plan shall include an approved and  
19 executed Maintenance Mechanism pursuant to Section 5 of the Standard Urban Storm  
20 Water Mitigation Plan (SUSMP). The O&M shall satisfy the minimum Maintenance  
21 Requirements pursuant to Section 5 of the SUSMP. At a minimum the O&M Plan shall  
22 include the designated responsible party to manage the stormwater BMP(s), employee  
23 training program and duties, operating schedule, maintenance frequency, routine service  
24 schedule, specific maintenance activities, copies of resource agency permits, cost  
25 estimate for implementation of the O&M Plan, a non-refundable cash security to provide  
26 maintenance funding in the event of noncompliance to the O&M Plan, and any other  
27 necessary elements. The owner/developer shall provide the City with access to site for  
28 the purpose of BMP inspection and maintenance by entering into an Access Rights  
29 Agreement with the City. The owner/developer shall complete and maintain O&M  
forms to document all operation, inspection, and maintenance activities. The

1 owner/developer shall retain records for a minimum of 5 years. The records shall be  
2 made available to the City upon request.

3 46. The owner/developer shall enter into a City-Standard Stormwater Facilities Maintenance  
4 Agreement (SWFMA) with the City obliging the owner/developer to maintain, repair  
5 and replace the Storm Water Best Management Practices (BMPs) identified in the  
6 project's deemed complete SWMP, as detailed in the O&M Plan into perpetuity. The  
7 Agreement shall be approved by the City Attorney prior to issuance of any precise  
8 grading permit and shall be recorded at the County Recorder's Office prior to issuance of  
9 any building permit. A non-refundable Security in the form of cash shall be required  
10 prior to issuance of a precise grading permit. The amount of the non-refundable security  
11 shall be equal to 10 years of maintenance costs, as identified by the O&M Plan, but not  
12 to exceed a total of \$25,000. The owner/developer's civil engineer shall prepare the  
13 O&M cost estimate.

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

19 48. The Agreement shall include a copy of executed on-site and off-site access easement and  
20 or access rights necessary for the operation and maintenance of BMPs that shall be  
21 binding on the land throughout the life of the project to the benefit of the party  
22 responsible for the O&M of BMPs, satisfactory to the City Engineer. The agreement  
23 shall also include a copy of the deemed complete O&M Plan.

24 49. The BMPs described in the project's deemed complete SWMP shall not be altered in any  
25 way, unless reviewed and approved to the satisfaction of the City Engineer. The  
26 determination of whatever action is required for changes to a project's deemed complete  
27 SWMP shall be made by the City Engineer.

28 50. The owner/developer shall provide a copy of the title/cover page of a deemed complete  
29 SWMP with the first engineering submittal package. If the project triggers the City's  
Stormwater requirements but no deemed complete Stormwater document (SWMP)

1 exists, the appropriate document shall be submitted to the City Engineer for review. The  
2 SWMP shall be prepared by the owner/developer's Civil Engineer. All Stormwater  
3 documents shall be in compliance with the latest edition of submission requirements.

4 51. This project is subject to comply with the latest Regional Water Quality Control Board  
5 Storm Water Management Plan prior to issuance of any grading permit. A Storm Water  
6 Management Plan (SWMP) shall be submitted to the City of Oceanside, and approved  
7 prior to issuance of any grading permit.

8 **Planning:**

9 52. This Tentative Parcel Map, Development Plan and Conditional Use Permits shall expire on  
10 June 23, 2016 unless implemented as required by the Zoning Ordinance or a time  
11 extension is granted by the Planning Commission.

12 53. This Tentative Parcel Map and Conditional Use Permits approve only a 4-lot subdivision,  
13 above base density (2.3 dwelling units per acre), and panhandle access serving two lots as  
14 shown on the plans and exhibits presented to the Planning Commission for review and  
15 approval. No deviation from these approved plans and exhibits shall occur without City  
16 Planner approval. Substantial deviations shall require a revision to the Tentative Parcel  
17 Map and Conditional Use Permits.

18 54. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
19 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
20 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
21 annul an approval of the City, concerning Tentative Parcel Map (P14-00005), Conditional  
22 Use Permits (CUP14-00005, CUP14-00006). The City will promptly notify the  
23 applicant of any such claim, action or proceeding against the City and will cooperate  
24 fully in the defense. If the City fails to promptly notify the applicant of any such claim  
25 action or proceeding or fails to cooperate fully in the defense, the applicant shall not,  
26 thereafter, be responsible to defend, indemnify or hold harmless the City.

27 55. A covenant or other recordable document approved by the City Attorney shall be prepared  
28 by the applicant and recorded prior to the approval of the final map. The covenant shall  
29 provide that the property is subject to this Resolution, and shall generally list the conditions  
of approval.

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- 56. Prior to the transfer of ownership and/or operation of the site the owner shall provide a written copy of the applications, staff report and resolutions for the project to the new owner and or operator. This notification's provision shall run with the life of the project and shall be recorded as a covenant on the property.
- 57. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification, and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.
- 58. Panhandle access ways shall have recorded joint maintenance agreements and cross easements for use.
- 59. The developer is prohibited from entering into any agreement with a cable television franchisee of the City, which gives such franchisee exclusive rights to install, operate, and/or maintain its cable television system in the development.
- 60. Development on each of the new lots created by this parcel map shall meet the following development standards: minimum unit size, 2,500 square feet; front yard 25 feet; side yard 7.5 feet; rear yard 20 feet; maximum height 36 feet; lot coverage, 35 percent (maximum); roofing, fire resistant roof tile; garage(s) for 3 cars (min).
- 61. Administrative Development Plans shall be processed and approved by the City Planner for lots 1, 2, 3, and 4 of the Tentative Parcel Map prior to the issuance of grading permits for each lot. Development on each lot shall provide superior architectural, landscaping design and materials compatible with those found within the Fire Mountain Neighborhood. Front yard landscaping shall be provided by the developer of each lot and shall be shown on each Administrative Development Plan.
- 62. Building floor plans, elevations, architectural style and color/materials palette employed on the design of structures on each lot shall differ from but complement development on adjoining parcels.

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

- 3 a) Use of retaining walls shall be minimized. Where use of retaining walls cannot  
4 be avoided, such walls shall be screened to the maximum extent possible and use  
5 of plantable walls shall be employed as part of the design solution.
- 6 b) Structures shall complement the surrounding natural and built environment in  
7 pattern, function, scale, character and materials.
- 8 c) Variable setbacks shall be provided along street frontages and between adjoining  
9 properties in order to establish different patterns of open space, thereby achieving  
10 an aesthetically pleasing street scene and minimizing privacy loss between  
11 dwellings.
- 12 d) Garages shall be designed to be subordinate to the main dwelling. Garages with  
13 side entries, split, recessed garages or motor courts are required.
- 14 e) Garage doors shall incorporate multi-panel designs, windows or architectural  
15 detailing to reduce their impact and scale along Yucca Road.
- 16 f) Garage frontages shall be setback a minimum of 5 feet from the dwelling's first  
17 story façade. Garages may be recessed less or project in front of the dwelling  
18 only if they occupy no more than 50 percent of the building frontage and  
19 incorporate at least one of the following mitigating design features:
- 20 i. A porch not less than 12 feet wide and 8 feet deep in front of the living  
21 area; or
  - 22 ii. A trellis/arbor extending not less than 2 feet beyond the front of the  
23 garage; or
  - 24 iii. A balcony above the garage with a trellis or roof along the garage  
25 frontage.
- 26 g) A minimum 15 feet wide landscaped planting area shall be provided between  
27 adjacent driveways to minimize adverse visual impacts from expansive driveway  
28 surfaces.
- 29 h) Walls and fences visible from public right-of-ways shall be architecturally  
enhanced and complimented by adjoining, tiered landscaping.

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

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

6 64. Concurrent with issuance of building permit(s) for improvements to any structure(s) in  
7 existence at time of final map recordation, or for the construction of new structure(s) on  
8 Parcel 3, all on-site existing legal non-conforming structures shall be brought into  
9 compliance with Oceanside Zoning Ordinance requirements and conditions of project  
10 approval. The following improvements shall be exempt from this condition: replacement,  
11 maintenance or repair of existing building components or systems; interior alterations;  
12 replacement of the existing 2-car garage with a 3-car garage (minimum); and construction  
13 of an open deck.

14 65. Prior to final parcel map recordation, the existing accessory dwelling unit located on Parcel  
15 1 and 2 shall be removed/ demolished.

16 **Water Utilities:**

17 **General conditions:**

18 66. The developer will be responsible for developing all water and sewer utilities necessary to  
19 develop the property. Any relocation of water and/or sewer utilities is the responsibility of  
20 the developer and shall be done by an approved licensed contractor at the developer's  
21 expense.

22 67. The property owner shall maintain private water and wastewater utilities located on private  
23 property.

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

26 69. All Water and Wastewater construction shall conform to the most recent edition of the  
27 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by  
28 the Water Utilities Director.

29 70. Per the 2013 California Fire Code, all new residential units shall be fire sprinklered.

**The following conditions shall be met prior to the approval of engineering design plans.**

- 1 71. All public water and/or sewer facilities not located within the public right-of-way shall be  
2 provided with easements sized according to the Water, Sewer, and Reclaimed Water  
3 Design and Construction Manual. Easements shall be constructed for all weather access.
- 4 72. No trees, structures or building overhang shall be located within any water or wastewater  
5 utility easement.
- 6 73. All lots with a finish pad elevation located below the elevation of the next upstream  
7 manhole cover of the public sewer shall be protected from backflow of sewage by  
8 installing and maintaining an approved type backwater valve, per the latest California  
9 Plumbing Code.
- 10 74. Show on plans an independent water service connection to public water main for each lot  
11 per Water, Sewer, and Reclaimed Water Design and Construction Manual.
- 12 75. Show on plans independent sewer lateral connection to new private sewer manhole for  
13 each lot. Connect private sewer manhole to existing public manhole with private sewer  
14 pipe.
- 15 76. Proposed water service line sizes and sewer lateral sizes including connections to public  
16 mains shall be shown on plans.
- 17 77. Water service lines shall have water meter sizes that are the same size as the service lines  
18 or one City of Oceanside water meter size down.
- 19 78. Remove and replace existing 6-inch AC waterline with 8-inch PVC waterline in Yucca  
20 Road; approximately 230 feet. Replace any 6-inch valves with new 8-inch line valves at  
21 connection points per Water, Sewer, and Reclaimed Water Design and Construction  
22 Manual and replace fire hydrant connections, if connections are on 6-inch waterline.
- 23 79. The existing 6-inch sewer line shall be slip-lined from the point of connection at manhole  
24 to the nearest downstream sewer manhole in Sewer Easement Document No. 229045;  
25 approximately 260 feet.
- 26 80. Add segment of private sewer pipe between private inspection manhole and public  
27 manhole to Maintenance Agreement between property owners of four parcels.
- 28 81. All proposed easements and document reference numbers shall be provided on plans.  
29 The following conditions of approval shall be met prior to building permit issuance.



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

5 PASSED AND ADOPTED Resolution No. 20014-P14 on June 23, 2014 by the  
6 following vote, to wit:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

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Robert F. Neal, Chairman  
Oceanside Planning Commission

14 ATTEST:

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Marisa Lundstedt, Secretary

18 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify  
19 that this is a true and correct copy of Resolution No. 2014 P14.

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21 Dated: June 23, 2014  
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# AGENDA NO. 3

PLANNING COMMISSION



STAFF REPORT

DATE: May 8, 2006

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

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

## **RECOMMENDATION**

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

## **PROJECT DESCRIPTION AND BACKGROUND**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **ANALYSIS**

### **KEY PLANNING ISSUES**

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

## **DISCUSSION**

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

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

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

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

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

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

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

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

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

## **ENVIRONMENTAL DETERMINATION**

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

## **SUMMARY**

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

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

PREPARED BY:

  
Amy Volzke  
Senior Planner

SUBMITTED BY:

  
Jerry Hittlerman  
Acting City Planner

JH/AV/fil

Attachments:

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

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PLANNING COMMISSION  
RESOLUTION NO. 2006-P27

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

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

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting Tentative Parcel Map and 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:

a four-lot subdivision, panhandle access serving two lots and a deferral of the requirement to underground existing facilities;  
on certain real property described in the project description.

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

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

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

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

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| <u>Description</u>                                 | <u>Authority for Imposition</u>   | <u>Current Estimate Fee or Calculation Formula</u>  |
|--|---|---|
| Parkland Dedication/Fee                            | Ordinance No. 91-10<br>Resolution No. 05-R0628-1                                    | \$3,278 per unit  |
| Drainage Fee                                       | Ordinance No. 85-23<br>Resolution No. 05-R0628-1                                    | Depends on area<br>(range=\$2,660-\$14,937/acre)  |
| Public Facility Fee                                | Ordinance No. 91-09<br>Resolution No. 05-R0628-1                                    | \$1,939 per unit for residential  |
| School Facilities Mitigation Fee                   | Ordinance No. 91-34   | \$2.14 per square foot  |
| Traffic Signal Fee                                 | Ordinance No. 87-19   | \$14.70 per vehicle trip  |
| Thoroughfare Fee                                   | Ordinance No. 83-01   | \$239 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG) |
| Water System Buy-in Fees                           | Oceanside City Code §37.56.1<br>Resolution No. 87-96<br>Ordinance No. 05-OR 0611-1  | Based on meter size. Residential is typically \$3,746 per unit.                                     |
| Wastewater System Buy-in Fees                      | Oceanside City Code § 29.11.1<br>Resolution No. 87-97<br>Ordinance No. 05-OR 0610-1 | Based on capacity or water meter size. Residential is typical \$4,587 per unit.                     |
| San Diego County Water Authority Capacity Fees     | SDCWA Ordinance No. 2005-3  | Based on meter size. Residential is typically \$4,154 per unit.                                     |
| Inclusionary Housing In-Lieu Fees-Residential Only | Chapter 14-C of the City Code   | \$1,000 per development project + \$100 per unit plus \$10,275 per unit.                            |

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

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

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

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

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

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

15 FINDINGS:

16 For the Tentative Parcel Map:

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

1 For the Deferral of the Requirement to Underground Facilities:

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

6 For the Conditional Use Permits:

7 Panhandle access:

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

16 Increase in base density:

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

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

1 **Building:**

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

19 **Engineering:**

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

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

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

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

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

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

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

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

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

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

- 7 a) Dirt, debris and other construction material shall not be deposited on any public  
8 street or within the City's stormwater conveyance system.
- 9 b) All grading and related site preparation and construction activities shall be  
10 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No  
11 engineering related construction activities shall be conducted on Saturdays,  
12 Sundays or legal holidays unless written permission is granted by the Public Works  
13 Director with specific limitations to the working hours and types of permitted  
14 operations. All on-site construction staging areas shall be as far as possible  
15 (minimum 100 feet) from any existing residential development. Because  
16 construction noise may still be intrusive in the evening or on holidays, the City of  
17 Oceanside Noise Ordinance also prohibits "any disturbing excessive, or offensive  
18 noise which causes discomfort or annoyance to reasonable persons of normal  
19 sensitivity."
- 20 c) The construction site shall accommodate the parking of all motor vehicles used by  
21 persons working at or providing deliveries to the site.
- 22 d) A haul route shall be obtained at least 7 days prior the start of hauling operations  
23 and must be approved by the Public Works Director. Hauling operations shall be  
24 8:00 a.m. to 3:30 p.m. unless approved otherwise.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 **Planning:**

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

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

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

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

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

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

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

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

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

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

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

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

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

- 3 a) Use of retaining walls shall be minimized. Where use of retaining walls cannot  
4 be avoided, such walls shall be screened to the maximum extent possible and use  
5 of plantable walls shall be employed as part of the design solution.
- 6 b) Structures shall complement the surrounding natural and built environment in  
7 pattern, function, scale, character and materials.
- 8 c) Variable setbacks shall be provided along street frontages and between adjoining  
9 properties in order to establish different patterns of open space, thereby achieving  
10 an aesthetically pleasing street scene and minimizing privacy loss between  
11 dwellings.
- 12 d) Garages shall be designed to be subordinate to the main dwelling. Garages with  
13 side entries, split, recessed garages or motor courts are required.
- 14 e) Garage doors shall incorporate multi-panel designs, windows or architectural  
15 detailing to reduce their impact and scale along Yucca Road.
- 16 f) Garage frontages shall be setback a minimum of 5 feet from the dwelling's first  
17 story façade. Garages may be recessed less or project in front of the dwelling  
18 only if they occupy no more than 50 percent of the building frontage and  
19 incorporate at least one of the following mitigating design features:
- 20 i. A porch not less than 12 feet wide and 8 feet deep in front of the living  
21 area; or
  - 22 ii. A trellis/arbor extending not less than 2 feet beyond the front of the  
23 garage; or
  - 24 iii. A balcony above the garage with a trellis or roof along the garage  
25 frontage.
- 26 g) A minimum 15 feet wide landscaped planting area shall be provided between  
27 adjacent driveways to minimize adverse visual impacts from expansive driveway  
28 surfaces.
- 29 h) Walls and fences visible from public right-of-ways shall be architecturally  
enhanced and complimented by adjoining, tiered landscaping.

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

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

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

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

10 **Water Utilities:**

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

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

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

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

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

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

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



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

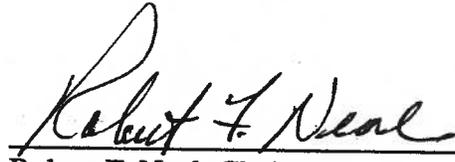
3 PASSED AND ADOPTED Resolution No. 2006-P27 on May 8, 2006 by the following  
4 vote, to wit:

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

6 NAYS: None

7 ABSENT: None

8 ABSTAIN: None

9  
10 

11 Robert F. Neal, Chairman  
12 Oceanside Planning Commission

13 ATTEST:

14   
15 Jerry Hittleman, Secretary

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

18  
19 Dated: May 8, 2006  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29



DATE: June 21, 2006

TO: Honorable Mayor and Members of the City Council

FROM: Community Development Department/Planning Division

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

**SYNOPSIS**

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

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

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

**BACKGROUND**

The Planning Commission public hearing and deliberations on the proposed subdivision

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## ANALYSIS

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

### Issues

#### 1) *Deferral of Overhead Utilities Underground Conversion:*

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

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

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

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

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

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

## 2) *Timeline for Street Improvements:*

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

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

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

3) *Non-conforming building setbacks:*

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

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

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

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

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

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

### **FISCAL IMPACT**

Not applicable.

### **COMMISSION OR COMMITTEE REPORT**

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

### **CITY ATTORNEY'S ANALYSIS**

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

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

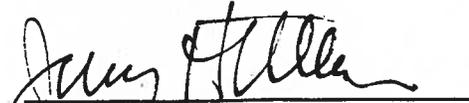
The City Council shall review the record of the decision and hear testimony from staff, the applicant, and/or any interested parties.

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

**RECOMMENDATION**

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

**PREPARED BY**

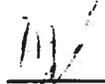
  
Jerry Hittleman  
Acting City Planner

**SUBMITTED BY**

  
Barry E. Martin  
Interim City Manager

JH/AV/vnm

**REVIEWED BY:**

Michelle Skaggs Lawrence, Assistant to the City Manager 

**ATTACHMENTS:**

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







### Application for Discretionary Permit

Development Services Department / Planning Division  
(760) 435-3520  
Oceanside Civic Center 300 North Coast Highway  
Oceanside, California 92054-2885

*Nash Subdivision*

#### STAFF USE ONLY

ACCEPTED

RECEIVED

JAN 28 2014

CITY OF OCEANSIDE  
DEVELOPMENT SERVICE

BY

AF  
e  
DW

Please Print or Type All Information

HEARING

#### PART I - APPLICANT INFORMATION

|   |  |
|---|--|
| 1. APPLICANT<br><i>TODD &amp; NICOLE NASH</i>   | 2. STATUS<br><i>OWNER</i>                  |
| 3. ADDRESS<br><i>2730 FERNGLEN CARLSBAD CA 92008</i>  | 4. PHONE/FAX/E-mail<br><i>760-518-4823</i> |
| 5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)<br><i>TODD NASH</i> |  |
| 6. ADDRESS<br><i>2730 FERNGLEN ROAD CARLSBAD CA 92008</i>   | 7. PHONE/FAX/E-mail<br><i>760-518-4823</i> |

|                            |
|----------------------------|
| GPA                        |
| MASTER/SP.PLAN             |
| ZONE CH.                   |
| TENT. MAP                  |
| PAR. MAP <i>P14-00005</i>  |
| DEV. PL.                   |
| C.U.P. <i>CU14-00005</i>   |
| VARIANCE <i>CU14-00006</i> |
| COASTAL                    |
| O.H.P.A.C.                 |

#### PART II - PROPERTY DESCRIPTION

|  |                                      |                                    |  |
|--|--------------------------------------|------------------------------------|--|
| 8. LOCATION<br><i>1763 YUCCA RD OCEANSIDE CA 92054</i> | 9. SIZE<br><i>Approx 1.7 ACRES</i>   |                                    |  |
| 10. GENERAL PLAN<br><i>EB-R</i>                        | 11. ZONING<br><i>RE-B</i>            | 12. LAND USE<br><i>RESIDENTIAL</i> | 13. ASSESSOR'S PARCEL NUMBER<br><i>165-021-41-00</i> |
| 14. LATITUDE<br><i>33.191693°</i>                      | 15. LONGITUDE<br><i>-117.339480°</i> |                                    |  |

#### PART III - PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION  
*MODIFICATION TO PARCEL MAP TO REVISE WORDING OF CONDITION #56 OF RESOLUTION 2006-P27 AND ADD OR MODIFY CONDITIONS IF NECESSARY TO PROCESS IMPROVEMENT DEFERRAL AGREEMENT.*

|                           |                     |                       |                           |                           |
|---------------------------|---------------------|-----------------------|---------------------------|---------------------------|
| 17. PROPOSED GENERAL PLAN | 18. PROPOSED ZONING | 19. PROPOSED LAND USE | 20. NO. UNITS<br><i>4</i> | 21. DENSITY<br><i>2.3</i> |
| 22. BUILDING SIZE         | 23. PARKING SPACES  | 24. % LANDSCAPE       | 25. % LOT COVERAGE or FAR |                           |

#### PART IV - ATTACHMENTS

|   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> 26. DESCRIPTION/JUSTIFICATION | <input checked="" type="checkbox"/> 27. LEGAL DESCRIPTION       | <input checked="" type="checkbox"/> 28. TITLE REPORT  |
| <input checked="" type="checkbox"/> 29. NOTIFICATION MAP & LABELS | <input checked="" type="checkbox"/> 30. ENVIRONMENTAL INFO FORM | <input checked="" type="checkbox"/> 31. PLOT PLANS  |
| <input type="checkbox"/> 32. FLOOR PLANS AND ELEVATIONS           | <input type="checkbox"/> 33. CERTIFICATION OF POSTING           | <input checked="" type="checkbox"/> 34. OTHER (See attachment for required reports) <i>photos</i> |

#### PART V - SIGNATURES

SIGNATURES FROM 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).

|  |                            |   |                            |
|--|----------------------------|---|----------------------------|
| 35. APPLICANT OR REPRESENTATIVE (Print):<br><i>TODD NASH</i> | 36. DATE<br><i>1/21/14</i> | 37. OWNER (Print)<br><i>TODD NASH &amp; NICOLE NASH</i> | 38. DATE<br><i>1/21/14</i> |
| Sign: <i>[Signature]</i>                                     | Sign: <i>[Signature]</i>   |   |                            |

- I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. FURTHER, I UNDERSTANDING THAT SUBMITTING FALSE STATEMENTS OR INFORMATION IN THIS APPLICATION MAY CONSTITUTE FRAUD, PUNISHABLE IN CIVIL AND CRIMINAL PROCEEDINGS.
- I HAVE READ AND AGREE TO ABIDE BY THE CITY OF OCEANSIDE DEVELOPMENT SERVICES DEPARTMENT AND ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT POLICY NO. 2011-01/POLICY AND PROCEDURE FOR DEVELOPMENT DEPOSIT ACCOUNT ADMINISTRATION.

June 05, 2014

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

Re: Modification to Tentative Parcel Map P-18-04

**Description:**

The Taylor Tentative Parcel Map was approved on June 21, 2006, by the Oceanside City Council. The property is located at 1763 Yucca Rd. in the Fire Mountain neighborhood. The project consists of a 1.7 acre property, subdivided into four parcels (Tentative Parcel Map P-18-04), and two Conditional Use Permits, C-36-05 and C-37-05, plus deferral of overhead utilities.

**Status of Property:**

Since being approved on June 21, 2006, the property still consists of a single family home, a guest house, and a detached two-car garage.

**Request:**

I request that Item 56 of Resolution 2006-P27 be changed as follows:

**From:**

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

**To:**

"56. Concurrent with issuance of building permit(s) for improvements to any structure(s) in existence at time of subdivision or for the construction of new structure(s) on Parcel 3, all on-site existing legal non-conforming structures shall be brought into compliance with Oceanside Zoning Ordinance requirements and conditions of project approval. Exempting therefrom permits for replacement, maintenance or repair of existing building components or systems; interior alterations; replacement of the existing 2-car garage with a 3-car garage (minimum); and construction of an open deck."

I request that Item 27 regarding the deferral of undergrounding existing overhead utilities be removed.

**Reason for the request:**

Due to the continued suppression of the general economy and local housing values, changing the requirement of Item 56: from - demolition and starting from bare dirt; to - revising the existing structure such that the eventual end result is the same as required by the original resolution, will provide needed flexibility for the marketing and sale of Parcel 3.

**Findings:**

For the Modification to the Tentative Parcel Map:

1. The proposed four-lot subdivision is consistent with the Oceanside Zoning Ordinance, the General Plan, and the Subdivision Ordinance. The residential subdivision map is consistent with the Subdivision Ordinance and the Planning Commission's May 8, 2006 previously approved map. The project does not interfere with the efficient and proper provision of City services. Pursuant to Section 601 of the Subdivision Ordinance, this Tentative Parcel Map has been prepared in a manner acceptable to the Engineering Division. The Modification to the Tentative Parcel Map (P- 18-04) proposes the same subdivision as the previously approved Tentative Map approved on May 8, 2006 and no changes have occurred.
2. The residential subdivision map is consistent with the General Plan of the City, including Sections 1.1 Community Values and 2.3 Residential Development. The site is physically suitable for the proposed subdivision and would be able to meet the needs of the proposed density, which would allow for four single family homes on these four proposed lots. The proposed lots would promote residential development and provide additional housing to the City of Oceanside.
3. That the design of the subdivision or the proposed improvements will not cause substantial environment damage with the proposed mitigation or substantially and avoidably injure fish or wildlife or their habitat.
4. That the proposed map is consistent with the General Plan of the City by meeting and exceeding lot size requirements and other applicable provisions of the Zoning Ordinance and the Subdivision Ordinance.
5. That the site is physically suitable for the type and proposed density of development by providing lot areas consistent with the surrounding neighborhood.
6. 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 and has been categorically exempted from review under the California Environmental Quality Act.
7. That the design of the subdivision or the type of improvements meets City standards and will not conflict with easements, acquired by the public at large, for access through or the use of property within the proposed subdivision.
8. That the subdivision complies with all other applicable ordinances, regulations and guidelines of the City of Oceanside.

For the Deferral of the Requirement to Underground Facilities:

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

For the Conditional Use Permits:

Panhandle access:

1. The proposed use of a panhandle access design to serve two lots and the proposed location of the panhandle lot is in accord with the objectives of the Zoning Ordinance and the purposes of the districts in which it is located.
2. The use of panhandle access design, and the proposed conditions under which they would be established or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or 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.

Increase in base density:

1. The development portion of the subject property is zoned RE-B with a corresponding Land Use designation of Residential Estate-B (1-3.5 dwelling units per acre). The project density of 2.3 dwelling units per acre is consistent with the density range of 1- 3.5 dwelling units per acre established by the Residential Estate-B designation.
2. The location and conditions under which the subject application must comply and insure that the project will not cause detriment to the public health safety or welfare of persons residing or working in or adjacent to the neighborhood of such use or to properties or improvements in the vicinity.

The project has been adequately conditioned or designed to comply with applicable requirements of the Zoning Ordinance.

Todd Nash



**LEGAL DESCRIPTION**

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

**PARCEL A:**

PARCEL 1 AND PARCEL 2 IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO STATE OF CALIFORNIA, AS DESCRIBED IN THAT DEED OF TRUST RECORDED MARCH 27, 2003 AS DOCUMENT NO. 2003-0348599 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TOGETHER WITH THE SOUTHEASTERLY 168.00 FEET, MEASURED PERPENDICULAR TO THE SOUTHEASTERLY LINE, OF THAT PARCEL IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA DESCRIBED IN QUITCLAIM DEED RECORDED DECEMBER 16, 1997 AS DOCUMENT NO. 1997-0639553 IN OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY CORNER OF LOT 37 OF MAP 1807 RECORDED OCTOBER 24, 1924 AS FILE NO. 45649;

THENCE ALONG THE NORTHWESTERLY LINE OF SAID LOT 37 NORTH 54° 48' 00" EAST, 237.35 FEET TO THE MOST NORTHERLY CORNER OF THAT PORTION OF SAID LOT 37 CONVEYED TO FRANK J. WEBER, ET. UX. BY DEED DATED FEBRUARY 20, 1934, RECORDED FEBRUARY 24, 1936 IN BOOK 467, PAGE 440, OF OFFICIAL RECORDS AND THE WESTERLY CORNER OF THAT PARCEL DESCRIBED IN SAID DOCUMENT NO. 2003-0348599 AND THE TRUE POINT OF BEGINNING;

THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL SOUTH 35° 12' 00" EAST, 130.73 FEET TO THE SOUTHERLY CORNER OF SAID PARCEL;

THENCE ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL NORTH 56° 51' 43" EAST, 278.28 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL;

THENCE ALONG THE NORTHEASTERLY LINE OF SAID PARCEL NORTH 26° 51' 07" WEST, 142.25 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL AND THE SOUTHEASTERLY LINE OF THAT PARCEL DESCRIBED IN SAID QUITCLAIM DEED;

THENCE LEAVING SAID PARCEL ALONG SAID SOUTHEASTERLY LINE NORTH 54° 48' 00" EAST, 20.21 FEET TO THE EASTERLY CORNER OF SAID QUITCLAIM DEED;

THENCE ALONG THE NORTHEASTERLY LINE OF SAID QUITCLAIM DEED NORTH 26° 51'07" WEST 169.80 FEET TO A POINT ON THE NORTHWESTERLY LINE OF THE SOUTHEASTERLY 168.00 FEET OF SAID QUITCLAIM DEED, MEASURED PERPENDICULAR TO THE SOUTHEASTERLY LINE OF SAID QUITCLAIM DEED;

THENCE ALONG SAID NORTHWESTERLY LINE OF SAID SOUTHEASTERLY 168.00 FEET SOUTH 54° 48'00" WEST, 241.08 FEET TO THE SOUTHWESTERLY LINE OF SAID QUITCLAIM DEED;

THENCE ALONG SAID SOUTHWESTERLY LINE SOUTH 35° 12' 00" EAST, 168.00 FEET TO THE SOUTHERLY CORNER OF SAID QUITCLAIM DEED AND THE NORTHWESTERLY LINE OF SAID PARCEL DESCRIBED IN DOCUMENT NO. 2003-0348599;

THENCE ALONG SAID NORTHWESTERLY LINE SOUTH 54° 48' 00" WEST, 102.54 FEET TO THE WESTERLY CORNER OF SAID PARCEL AND THE TRUE POINT OF BEGINNING.

THE ABOVE LEGAL DESCRIPTION IS PURSUANT TO AND SHOWN AS PARCEL A ON THAT CERTIFICATE OF COMPLIANCE NO. PLA-5-2004 RECORDED OCTOBER 18, 2004 AS INSTRUMENT NO. 2004-0985713

Order Number: **DIV-4256593**

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OF OFFICIAL RECORDS.

PARCEL B:

A DRAINAGE EASEMENT OVER, UNDER AND ACROSS THE SOUTHWESTERLY 10 FEET OF THE PARCEL DESCRIBED IN QUITCLAIM DEED RECORDED DECEMBER 16, 1997 AS DOCUMENT NO. 1997-0639553 OF OFFICIAL RECORDS.

APN: 165-021-41-00



# NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:  
Removal:  
(180 days)

1. **APPLICANT:** Todd and Nicole Nash
2. **ADDRESS:** 1763 Yucca Road, Oceanside, CA. 92054
3. **PHONE NUMBER:** (760)722-3292
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Amy Fousekis, Principal Planner
6. **PROJECT TITLE:** P14-00005, CUP14-00005, CUP14-00006 (Nash Subdivision)
7. **DESCRIPTION:** A Tentative Parcel Map request for the subdivision of a 1.7 acre site into four parcels; a conditional use permit to permit division of land to accommodate development at a density greater than the RE-B maximum base density of one dwelling unit per acre; and a conditional use permit to permit a panhandle lot configuration as part of the proposed land subdivision.

**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. The Environmental Coordinator has 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: June 23, 2014

\_\_\_\_\_  
Amy Fousekis, Principal Planner

cc:  Project file  Counter file  Library

Posting:  County Clerk \$50.00 Admin. Fee