



DATE: October 6, 2014

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF TENTATIVE PARCEL MAP (P14-00004) AND CONDITIONAL USE PERMIT (CUP14-00003) FOR A FOUR-LOT RESIDENTIAL SUBDIVISION OF TWO EXISTING LEGAL LOTS TOTALING 1.39 ACRES. – 1725 AVOCADO ROAD – APPLICANT: FIRE MOUNTAIN INVESTMENTS LLC.**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

1. Confirm issuance of a Class 15 categorical exemption “Minor Land Divisions” pursuant to Section 15315 of the California Environmental Quality Act; and
2. Approve Tentative Parcel Map (P14-00004) and Conditional Use Permit (CUP14-00003) by adopting Planning Commission Resolution No 2014-P25 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The proposed project is a request to subdivide two legally created lots into four new lots with private panhandle access proposed for parcels 2, 3, and 4. The subject proposal would be located on a 1.39-acre site situated south of Fire Mountain Drive and west of Avocado Road within a portion of Lot 25 of the North Carlsbad Annex that was created through Map No. 1807 on October 24, 1924. The site currently exists as two legally created parcels, with the parcel located at 1725 Avocado Road being fully developed with a single-family residence. The existing residence will remain on what is being referred to as parcel 1, with parcels 2, 3, and 4 being created and eventually built out with new custom type homes.

The existing elevation at the eastern portion of the site and what is proposed as parcel 2 is approximately 165 feet above mean sea level (AMSL), and slopes gently upward to the west where the elevation is 185 feet AMSL where parcel 4 would be located. What would be parcel 1 is fully developed with a single-family residence, and has an established pad area of 180 feet AMSL and would provide a lot size of 13,080 net square feet in size. Parcels 2 and 3 would be configured as flag lots on the southern portion of the site, with both parcels being accessed via a private access easement. Parcel 2 would establish a pad area of 174.8 feet AMSL and would be 14,006 net square feet in size, while parcel 3 would be located beyond parcel 2 and would have a pad area of 177 feet AMSL and would be 13,650 net square feet in size. Parcel 4 would also be configured as a flag lot, and would be located on the southwest portion of the site with a proposed pad elevation of 180 feet AMSL and 11,619 net square feet in size. Surrounding land uses include single-family detached residences on lots that fall within the 10,000 to 25,000-square foot range. The site has a General Plan land use designation of Estate-B Residential (EB-R) which allows a density of 1-3.5 dwelling units per gross acre and a corresponding zoning designation of Residential Estate – B (RE-B) on the City's official zoning map.

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

Tentative Parcel Map (P14-00004) represents a request for the following:

1. To subdivide an approximately 1.39-acre site into four single-family residential lots pursuant to Article VI of the Oceanside Subdivision Ordinance. The proposed project is within the Residential Estate – B (RE-B) Zone District and as per the Oceanside Zoning Ordinance the minimum lot area in this zoning district is 10,000 square feet.

Conditional Use Permit (CUP14-00003) represents a request for the following:

2. To permit panhandle access to Parcel 2, 3, and 4 from Avocado Road pursuant to Section 1050(Y) the Oceanside Zoning Ordinance; and, to exceed the base density of 1.0 dwelling units per gross acre, pursuant to Section 1050(B) of the Oceanside Zoning Ordinance and allow a density of 3.3 dwelling units per acre.

Density: The average number of residential dwelling units per gross developable acre of land expressed as "units per acre". Density is calculated by dividing the number of residential dwelling units by the total number of gross developable acres of land. Lands considered undevelopable per Section 1.25 of the Land Use Element of the General Plan shall not be included in density calculations.

ANALYSIS

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

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

KEY PLANNING ISSUES

1. General Plan conformance

A. Land Use Element I. Community Enhancement

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

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

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

The proposed residential subdivision is located within the Fire Mountain Neighborhood Planning Area identified within the General Plan. The General Plan Land Use Element acknowledged this change in character in 1988 and amended the General Plan Land Use Element text through General Plan Amendment (GPA-11-88) and in a manner that would allow for lots as small as 10,000 square feet in size, subject to approval of a Conditional Use Permit (CUP). The applicant has requested approval of a Tentative Parcel Map (P) and the required Conditional Use Permit for exceeding the base density and for flag lot configuration of parcels 2, 3, and 4, consistent with the pattern of development since 1988. Recent research and analysis of the Fire Mountain Neighborhood has revealed that approximately 751 of 1,226 Residential Estate – B lots or 61.3 percent within the planning area exist at a size of 13,800 square feet in size or less. The proposed subdivision will create four lots that are approximately 11,619 to 14,006 net square feet in size; therefore, making the proposal consistent with the character and pattern of development in the area and with the underlying land use designation for estate type lots.

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

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

The proposed four-lot subdivision has taken Policy B into consideration, and is proposing to implement the three elements denoted above into the site planning and overall design of the development. This will be accomplished through the creation of appropriately sized lots (lot 1: 14,421 gross sq. ft., Lot 2: 14,006 gross sq. ft., Lot 3: 18,440 gross sq. ft., and Lot 4: 13,509 gross sq. ft.), and through the implementation of the conceptual landscape plan and architectural design elements submitted as part of the overall projects proposal. In the event that a future purchaser of one of the lots desires to develop a lot significantly different than that proposed as part of this application, a condition of approval requiring that an Administrative Development Plan (ADP) be processed has been established. Creation of this requirement will ensure that the rustic and rural nature of the district is enhanced and that an excellence in design features is utilized in any future development on the newly created parcels. As part of the application submittal, the applicant has provided conceptual architectural renderings to be used as a base line for future development of parcels 2, 3, and 4; as well as, a conceptual landscape plan that together will ensure future development of the three parcels with custom homes are sensitive to views and are adequately landscaped. Furthermore, the General Plan Land Use Element establishes policies regarding residential densities and requires that subdivisions of land that propose to exceed the established base densities shall be favorably considered if the overall residential project possesses an excellence of design features.

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

Table 1 Land Use compatibility with surrounding developments

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

The Fire Mountain Neighborhood is distinctive in Oceanside, because it is characterized by single unit-conventional (SU-C) developments, a lack of sidewalks and curbs, and subdivision's with panhandle lots. The architecture of the area is eclectic and frequently

includes custom homes. The proposed subdivision of land will contribute to the character and image of the City of Oceanside as a safe, attractive desirable and well-balanced community in that it proposes residential lots that are larger than the minimum 10,000-square foot lots found throughout the Fire Mountain Neighborhood.

Staff further concludes that the design of the subdivision and the type of improvements proposed will not result in any serious public safety or health issues for the surrounding Fire Mountain neighborhood.

2. Zoning Compliance

This project is located within a Residential Estate-B (RE-B) designated zone district, and as conceptually proposed, will provide pad areas that are sensitive to the pattern of development within the surrounding area and that steps down as viewed from Avocado Road which is developed at 185 feet AMSL. The applicant has submitted conceptual architectural renderings and a landscape plan for potential development of the semi-custom single-family homes, but in the event that a potential purchaser desires a design other than that presented to the Planning Commission, staff has established a requirement that an Administrative Development Plan be reviewed and approved by the City Planner. The following table summarizes the required and proposed development standards for the project site:

	REQUIRED STANDARDS	PROPOSED STANDARDS
LOT SIZE	10,000 sq. ft. (min)	Lot 1: 13,359 gross sq. ft. Lot 2: 14,006 gross sq. ft. Lot 3: 18,351 gross sq. ft. Lot 4: 13,445 gross sq. ft.
PARKING SPACES	2,499 sq. ft. or less 2-car garage	2,499 sq. ft. +/- 2-car garage 3-car garage if 2,500 or >
SETBACKS	OZO	OZO
FRONT YARD	25-ft. (min)	Lot: 1 Developed @ 25-ft. Lot:2-4 > 25-ft. Min.
SIDE YARD	7.5-ft. (min)	Lot: 1 Developed 7.5-ft. or > Lot:2-4 > than 7.5-ft.
CORNER SIDE YARD	15-ft. (min)	Lot:1-4 N/A
REAR YARD	20-ft. (min)	Lot: 1 Developed >20-ft. Lot:2-4 > 20-ft. Min.
COVERAGE	35% (max)	35%
LOT WIDTH	70-ft. (min)	Lot:1 Developed @ 155ft Lot:2-4 Flag Lot Configuration
HEIGHT	36-ft. (max)	Concept Plans 24'-2" Max ADP to Determine Max

The proposal to create four residential lots has been determined by staff to meet the intent of the regulations of the Zoning Ordinance for the Residential Estate – B (RE-B) zoned parcel. Based upon conceptual architectural renderings of the future home designs, staff finds that, the overall development of three new single-family residential structures would provide superior architectural features consistent with the pattern of development within the Fire Mountain Neighborhood.

3. Subdivision Ordinance

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

A. Article VI Subdivision of Four or Fewer Parcels:

Pursuant to Section 600 of the Subdivision Ordinance, the proposed Tentative Parcel Map has been prepared to the satisfaction of the City Engineer, and as conditioned would allow for a four-lot subdivision of an existing 1.39-acre site into four parcels as follows: (lot 1: 13,359 gross sq. ft., Lot 2: 14,006 gross sq. ft., lot 3: 18,351 gross sq. ft., and lot 4: 13,445 gross sq. ft.)

DISCUSSION

Issue: Project Compatibility with the Existing Neighborhood Character: The proposed subdivision has been determined by staff to be consistent with the overall character of the Fire Mountain Neighborhood to provide large estate type lots with custom single-family homes. The subject project would provide additional housing stock for independent ownership consistent with the City's Zoning Ordinance and General Plan vision to provide for an estate type development. Although a varied mix of architectural designs exists throughout the Fire Mountain Community, no one neighborhood design characteristic dominates future direction on architectural design. In order to ensure that the project is compatible with the neighborhood character, the project has submitted conceptual architectural design plans that draw from the craftsmen theme and that provide variation in roof elements, finish materials, and overall footprint. In the event that a future purchaser of one of the lots desires to construct a custom home that significantly differs from the conceptual plans reviewed by the Planning Commission then an Administrative Development Plan will be required to be processed.

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

ENVIRONMENTAL DETERMINATION

Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California

Environmental Quality Act (CEQA), 1970. Based upon that review, staff finds that the proposed project constitutes a division of property into four or fewer parcels, and the project is categorically exempt, Class 15, "Minor Land Divisions" (Section 15315).

PUBLIC NOTIFICATION

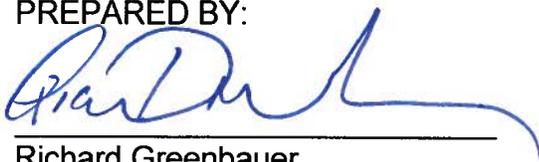
Legal notice was published in the newspaper and notices were sent to property owners of record within a 300-foot radius of the subject property, individuals/organizations requesting notification, applicant, and interested parties. As of October 1, 2014, no communication supporting or opposing the request had been received.

SUMMARY

The proposed Tentative Parcel Map (P14-00004) and Conditional Use Permit (CUP14-00003) are consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project is compatible in terms of density and site design with the surrounding neighborhood. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached Resolution. Staff recommends that the Planning Commission by motion:

- Confirm issuance of a Class 15 categorical exemption "Minor Land Divisions" pursuant to Section 15315 of the California Environmental Quality Act; and
- Approve Tentative Parcel Map (P14-00004) and Conditional Use Permit (CUP14-00003) by adopting Planning Commission Resolution No 2014-P25 with findings and conditions of approval attached herein.

PREPARED BY:



Richard Greenbauer
Senior Planner

SUBMITTED BY:



Marisa Lundstedt
City Planner

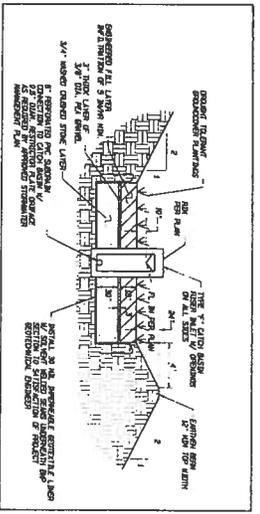
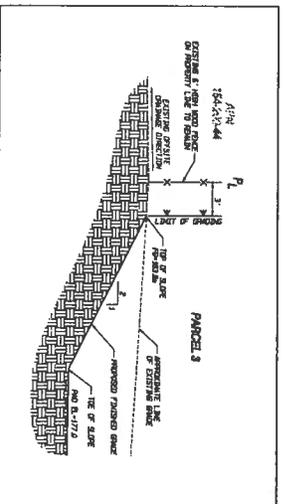
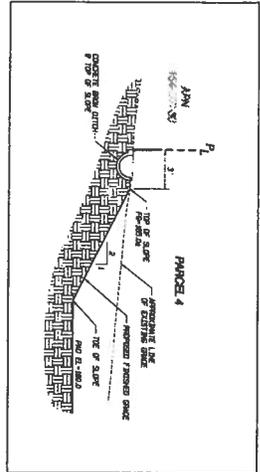
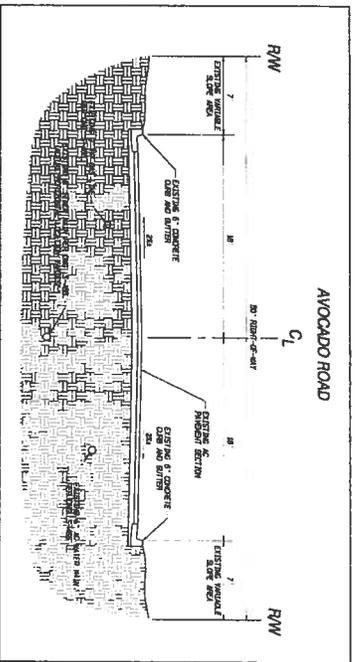
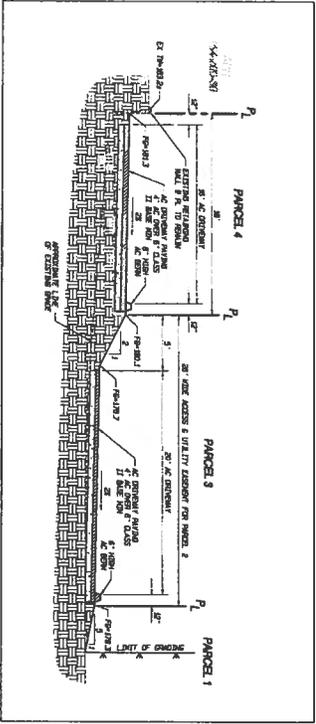
ML/RG/fil

Attachments:

1. Plans/Site Map
2. Planning Commission Resolution No. 2014-P25
3. Other Attachments (Application Page, Description and Justification, Legal Description, Notice of Exemption)

**TENTATIVE PARCEL MAP FOR
1725 AVOCADO ROAD, OCEANSIDE, CA
P-1400004 & CUP 14-00003
SECTIONS AND DETAILS**

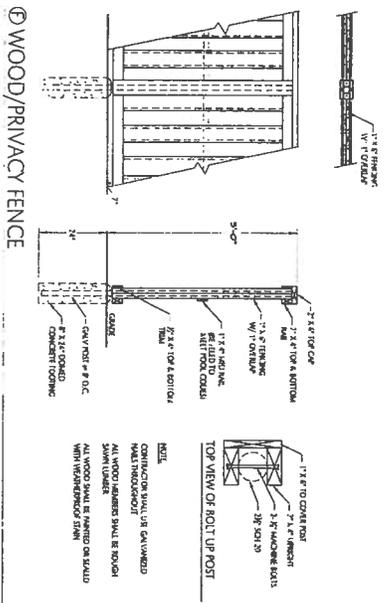
DATED: JUNE 11, 2014



PREPARED BY:
Pasco Laret Suter
DATE: 01/11/14

PASCO LARET SUTER
ENGINEERS & ASSOCIATES
CIVIL ENGINEERING • LAND PLANNING • LAND SURVEYING
215 West Highway 101, Ste. A, Solana Beach, CA 92075
Tel: 949.435.8212 | Fax: 949.435.8213 | www.pascolaret.com

CONCEPTUAL LANDSCAPE PLAN TREE SURVEY



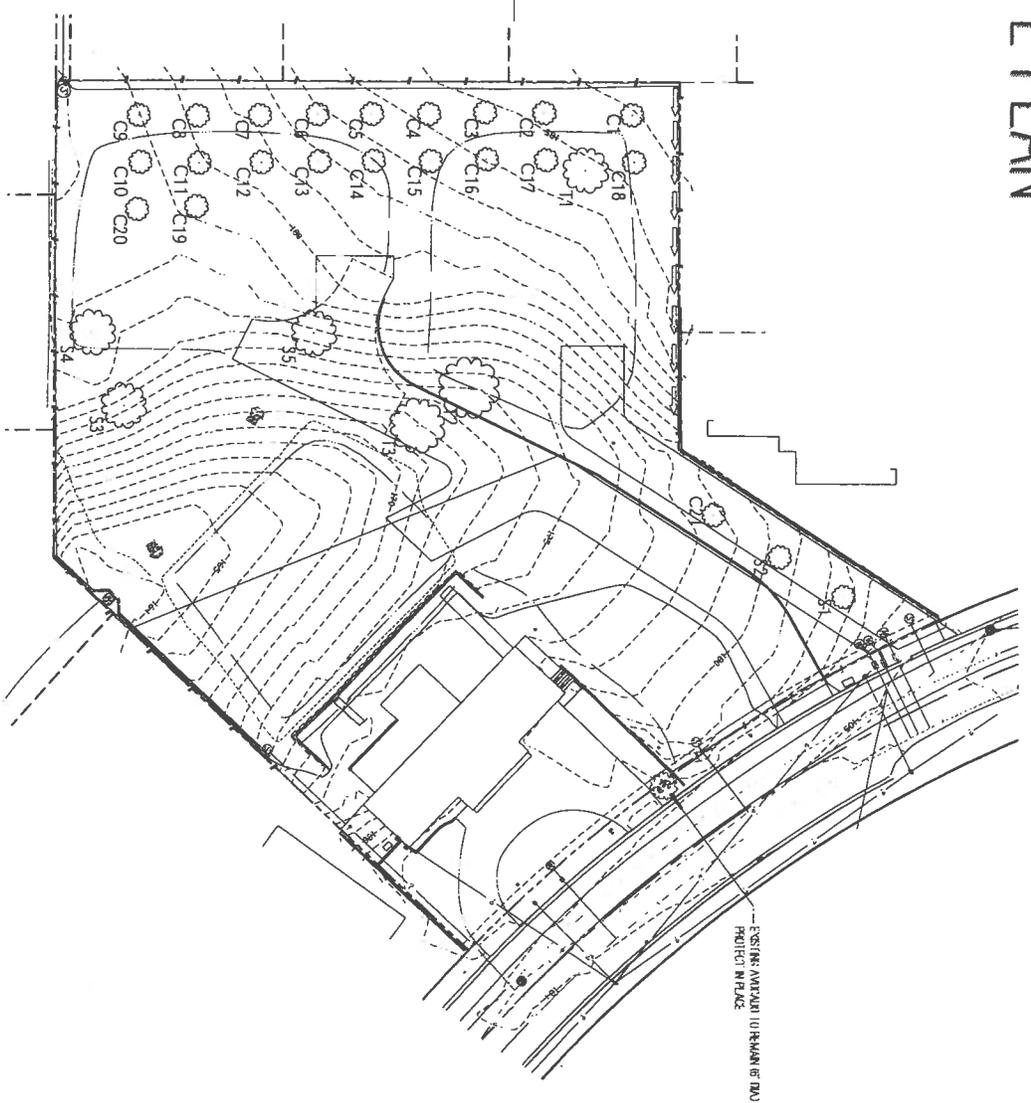
WOOD/PRIVACY FENCE

EXISTING TREE LEGEND

- C1 - CITRUS (Orange) 3' Dia. / 8' Ht.
 - C2 - CITRUS (Orange) 6' Dia. / 12' Ht.
 - C3 - CITRUS (Orange) 6' Dia. / 12' Ht.
 - C4 - CITRUS (Orange) 6' Dia. / 12' Ht.
 - C5 - CITRUS (Orange) 6' Dia. / 12' Ht.
 - C6 - CITRUS (Orange) 6' Dia. / 12' Ht.
 - C7 - CITRUS (Orange) 6' Dia. / 12' Ht.
 - C8 - CITRUS (Orange) 6' Dia. / 12' Ht.
 - C9 - CITRUS (Orange) 6' Dia. / 12' Ht.
 - C10 - CITRUS (Orange) 6' Dia. / 12' Ht.
 - C11 - CITRUS (Orange) 6' Dia. / 12' Ht.
 - C12 - CITRUS (Orange) 6' Dia. / 12' Ht.
 - C13 - CITRUS (Orange) 6' Dia. / 12' Ht.
 - C14 - CITRUS (Orange) 6' Dia. / 12' Ht.
 - C15 - CITRUS (Orange) 6' Dia. / 12' Ht.
 - C16 - CITRUS (Orange) 6' Dia. / 12' Ht.
 - C17 - CITRUS (Orange) 6' Dia. / 12' Ht.
 - C18 - CITRUS (Orange) 6' Dia. / 12' Ht.
 - C19 - CITRUS (Orange) 6' Dia. / 12' Ht.
 - C20 - CITRUS (Orange) 6' Dia. / 12' Ht.
 - T1 - SCORPUS TREBINTHICUS (Broomrape) 8' Dia. / 8' Ht. x 12' W.
 - T2 - ANCHONANT LACTUCA (Musselwort) 12' Dia. / 12' Ht. x 14' W.
 - T3 - SCORPUS TREBINTHICUS (Broomrape) 10' Dia. / 14' Ht. x 18' W.
 - S1 - RIGIDUS COMPLANIS (Cedar Beam) 7' W x 5' H
 - S2 - RIGIDUS COMPLANIS (Cedar Beam) 7' W x 5' H
 - S3 - RIGIDUS COMPLANIS (Cedar Beam) 7' W x 5' H
 - S4 - RIGIDUS COMPLANIS (Cedar Beam) 7' W x 5' H
 - S5 - RIGIDUS COMPLANIS (Cedar Beam) 7' W x 5' H
- *Tree has no trunk at 5' above grade. Measurement taken at 2' above grade
ALL DORMING TREES AND SHRUBS TO BE REMOVED

PROPOSED REPLACEMENT VALUE LEGEND

- R135 - BOX TREE - 30'
- R136 - BOX TREE - 34'
- TOTAL PROPOSED - 118'
- TOTAL REMOVED - 118'



REVISION DATE: 2011/14
 REVISION 1: 07/14
 REVISION 2: 07/14
 REVISION 3:
 PREPARED BY:
 GROVE LANDSCAPE ARCHITECTURE
 1725 Avenida del Comodoro, CA 92054
 PROJECT NUMBER:
 PROJECT NAME:
 4 Lot Subdivision / 1725 Avenida del

4 LOT SUBDIVISION
 1725 AVOCADO ROAD
 OCEANSIDE, CA 92058



GROVE
 LANDSCAPE ARCHITECTURE
 1725 AVENUE DEL COMODOR
 OCEANSIDE, CA 92054
 TEL: 760.533.9797
 WWW.GROVELA.COM

P-40004 & CP-14-0003
 DATE: 4-27-14
 SCALE: 1"=20'-0"
 DRAWN BY: BJC
 CHECKED BY: ZLF

Avocado 3 Project – Residence Profiles

Parcel 2

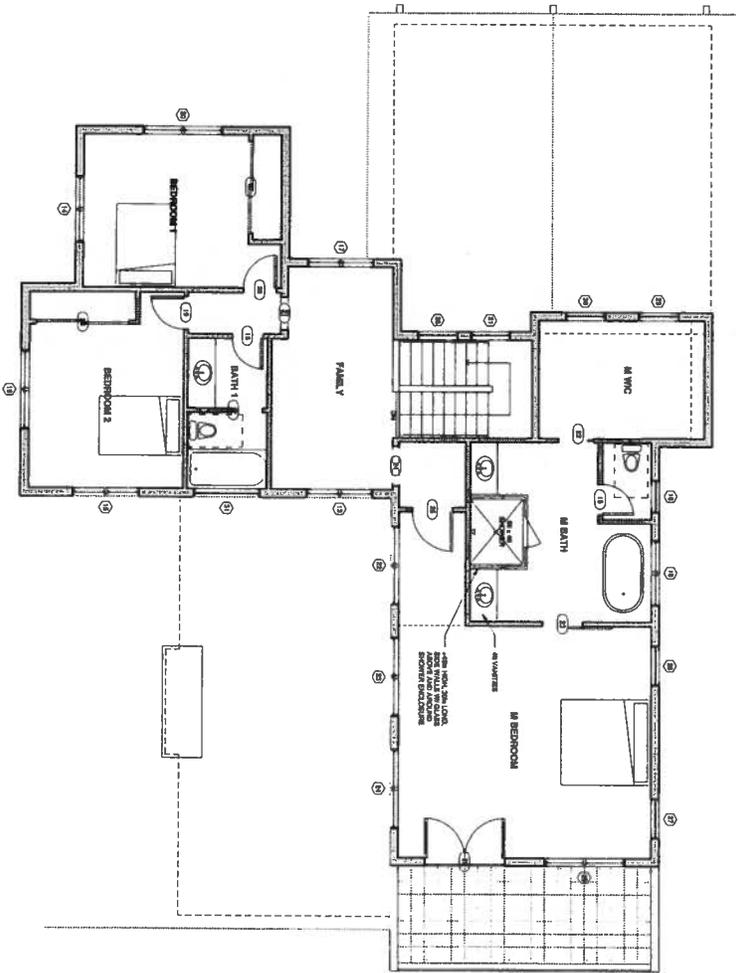
Stories:	2
Residence Area:	2499 +/- sq. ft.
Garage Area:	700 +/- sq. ft.
Bedrooms:	4
Baths:	3.5
Lot Coverage:	18% +/-

Parcel 3

Stories:	1
Residence Area:	2499 +/- sq. ft.
Garage Area:	700 +/- sq. ft.
Bedrooms:	4
Baths:	3.5
Lot Coverage:	29% +/-

Parcel 4

Stories:	2
Residence Area:	2499 +/- sq. ft.
Garage Area:	700 +/- sq. ft.
Bedrooms:	4
Baths:	3.5
Lot Coverage:	29% +/-



1 SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

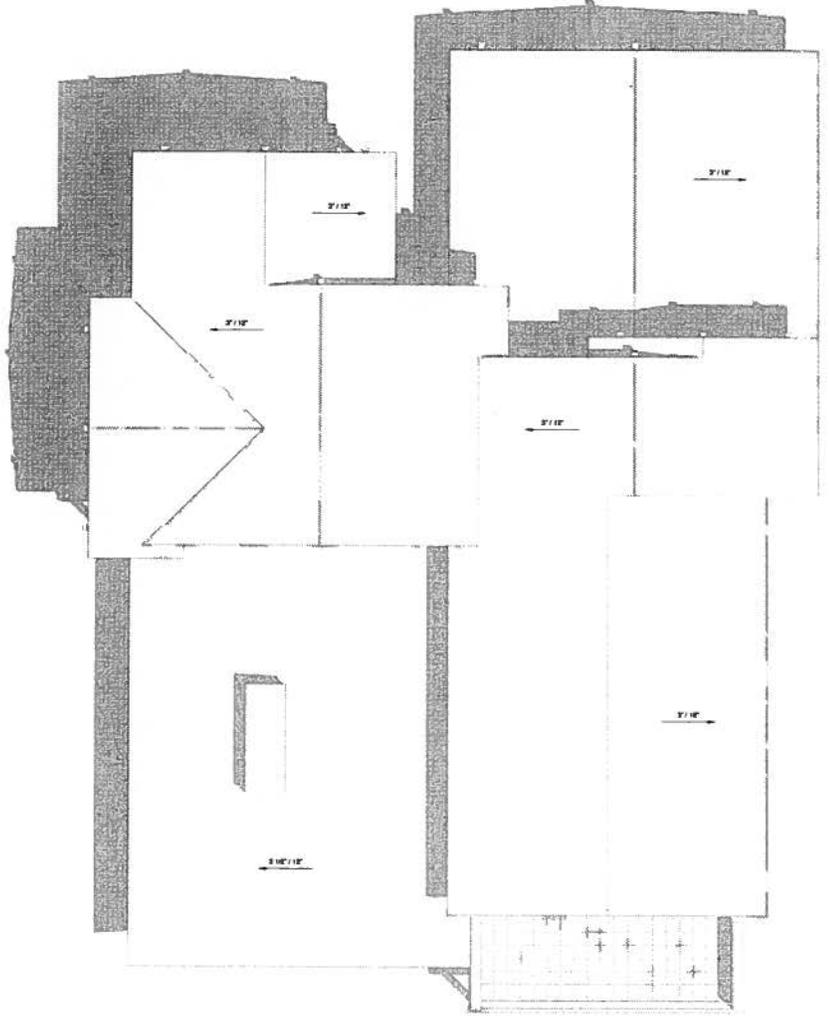
Floor plan notes:
1. Refer to notes



DZN
ARCHITECTS
4444 KENNEDY
SUITE 100
DUBLIN, CA 94568
(925) 835-1100
WWW.DZNARCHITECTS.COM

AVOCADO 3 - PARCEL 2
CITY: OCEANSIDE
JOB: 2014041
SECOND FLOOR PLAN
a2.1

1 a/ROOF PLAN
SCALE: 1/8" = 1'-0"



Roof plan notes:

1. GENERAL: THIS PLAN SHOWS THE ROOF STRUCTURE FOR THE ENTIRE PROJECT. ALL ROOFING SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITION OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS. THE ROOFING SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITION OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS. THE ROOFING SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITION OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.
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AVOCADO 3 - PARCEL 2

CITY: OCEANSIDE

JOB#: 20160401

ROOF PLAN

a2.5

DAVID N. [unreadable]

REGISTERED PROFESSIONAL ENGINEER

NO. 12345

STATE OF CALIFORNIA

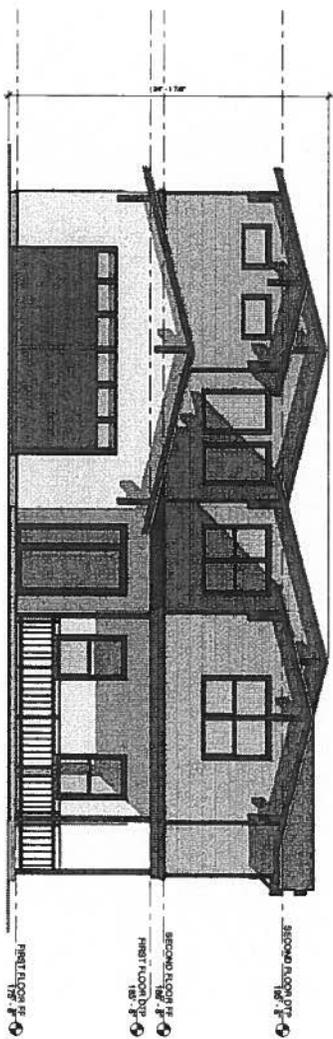
EXPIRES 12/31/2024

DATE: 08/11/2016

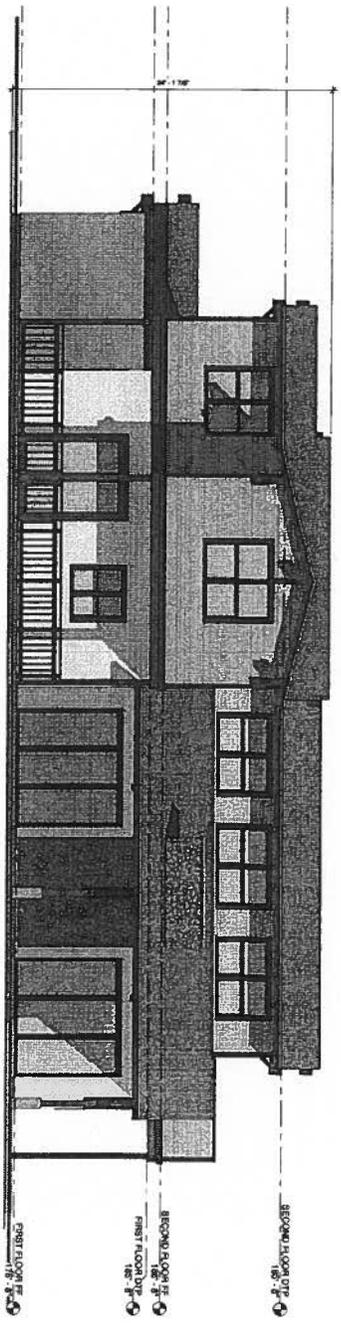
BY: [unreadable]

CHECKED: [unreadable]

SCALE: 1/8" = 1'-0"



1 WEST ELEVATION
SCALE: 1/4" = 1'-0"

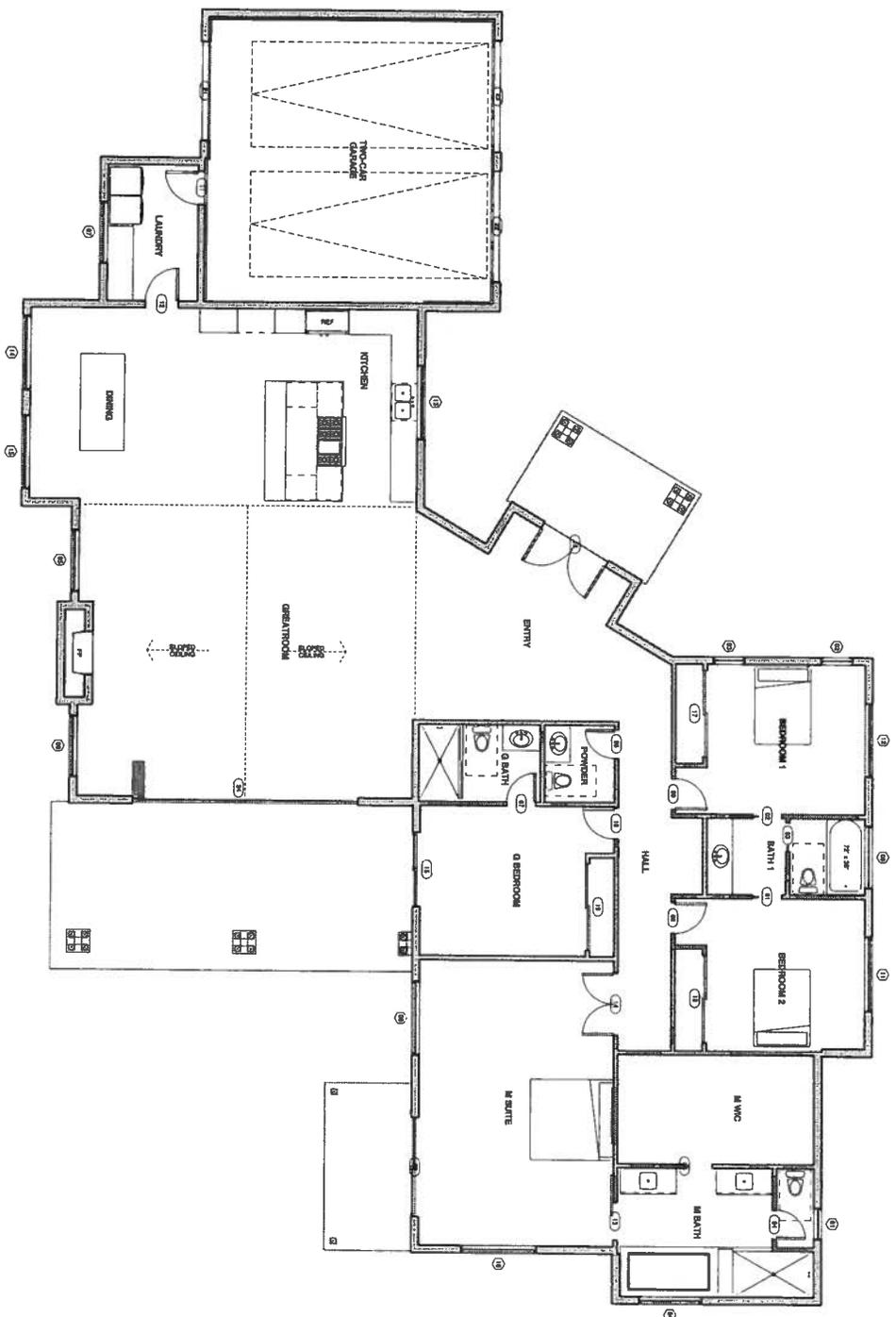


2 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



DNZ
DESIGN
ARCHITECTURE
INTERIORS
LANDSCAPE
PLANNING

AVOCADO 3 - PARCEL 2	CITY: OCEANVIEW
JOB: 2014041	
ELEVATIONS	
a3.0	



Floor plan notes:

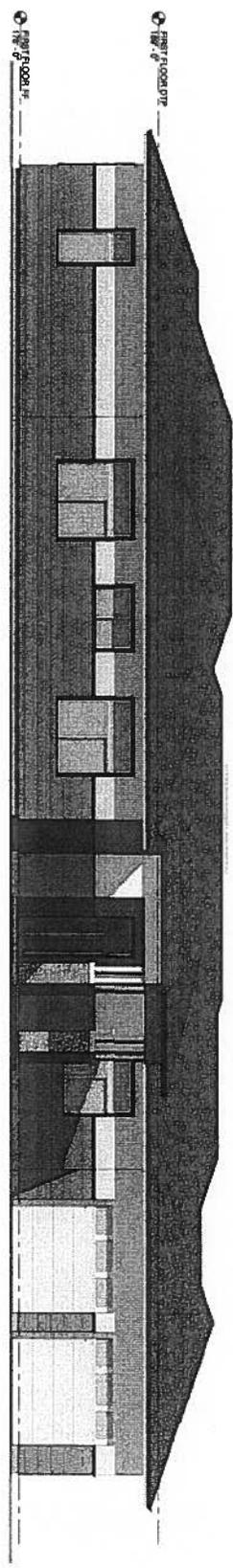
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JOB: 2010048
 FLOOR PLAN

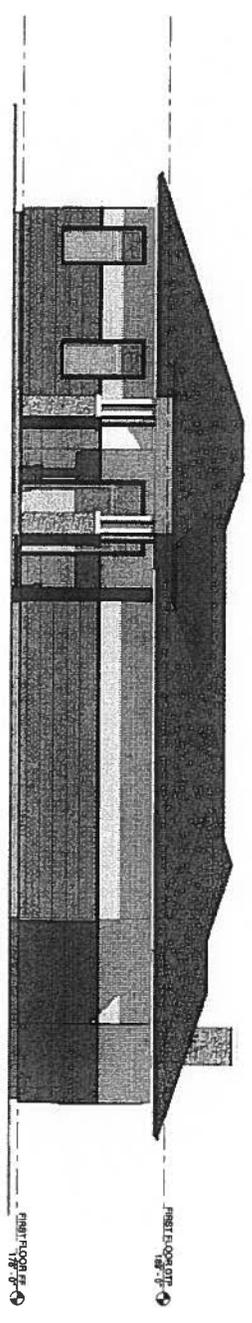
CITY: OCEANSIDE

AVOCADO 3 -
 PARCEL 3





1 EAST ELEVATION
SCALE: 1/8" = 1'-0"

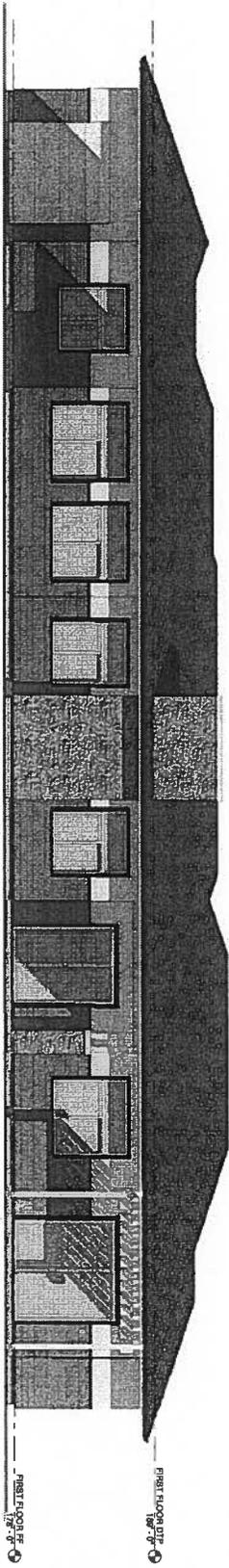


2 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

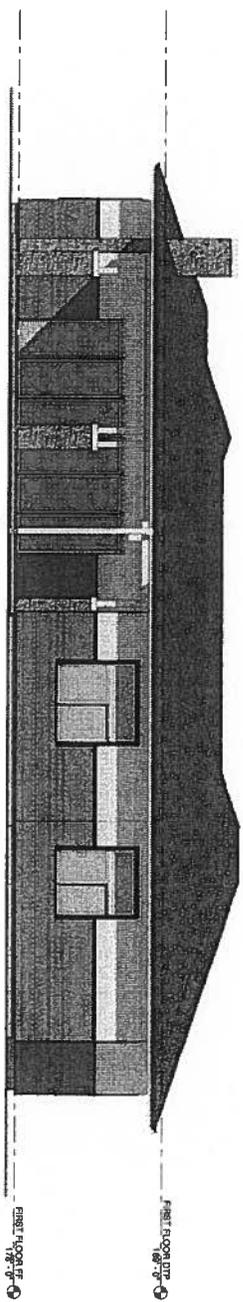


DZN
ARCHITECTS
1000 AVENUE OF THE STARS
SUITE 1000
LOS ANGELES, CA 90069
TEL: (310) 201-1100
WWW.DZNARCHITECTS.COM

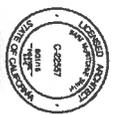
AVOCADO 3 - PARCEL 3	CITY: OCEANVIEW	DATE: 2/11/2011	ELEVATIONS	a3.0



1 WEST ELEVATION
SCALE: 1/8" = 1'-0"

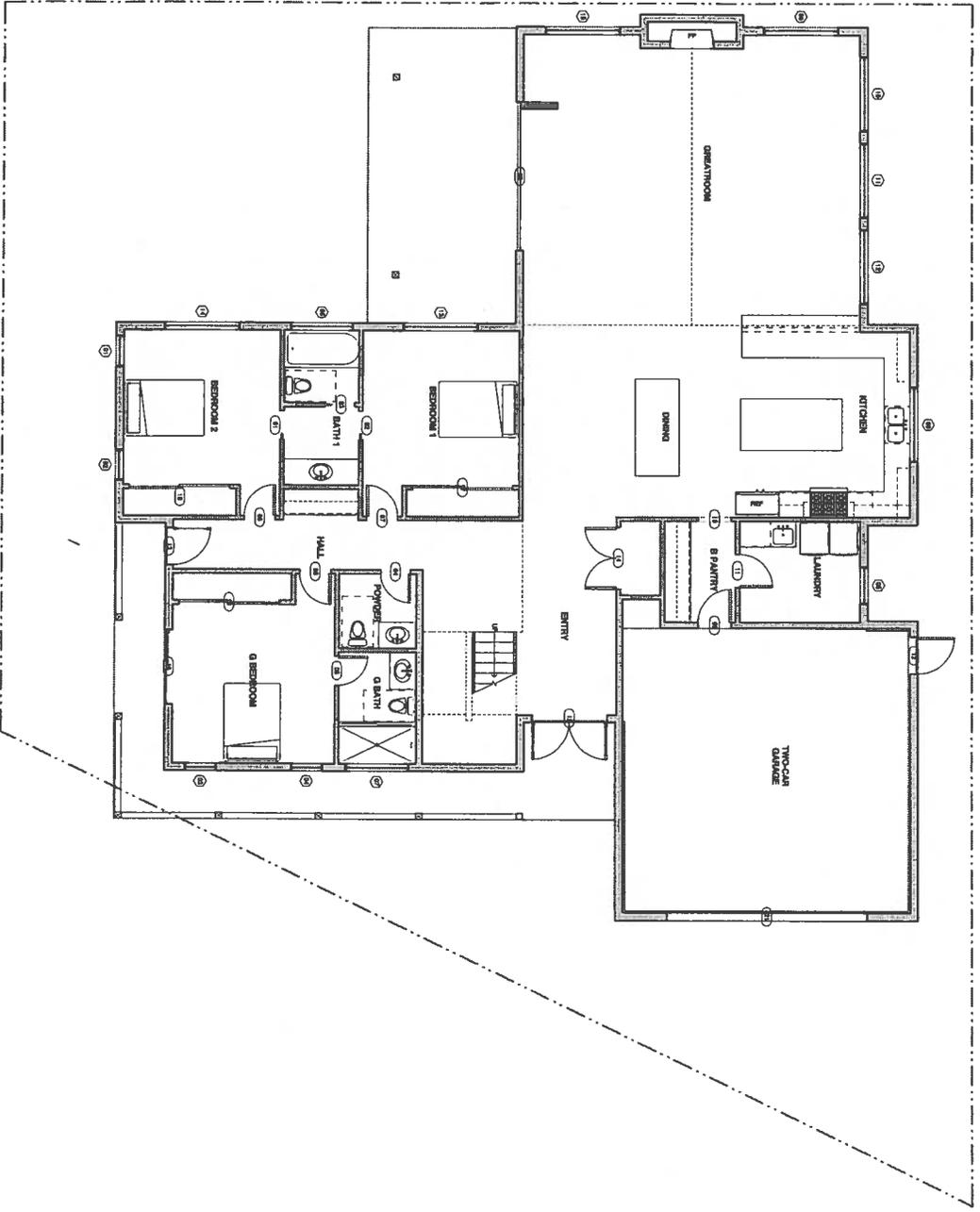


2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



AVOCADO 3 - PARCEL 3
 GUYTON OCEANBORE
 JOB: 2014041
 ELEVATIONS
 a3.1

1 a/FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

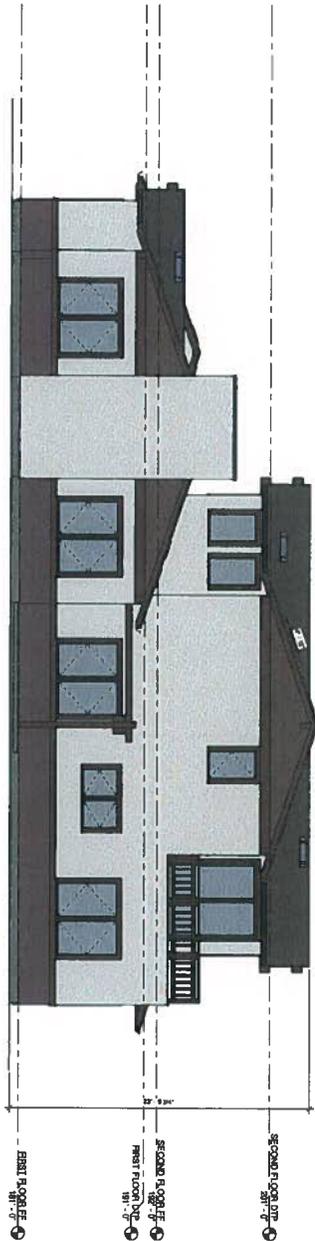


Floor plan notes:

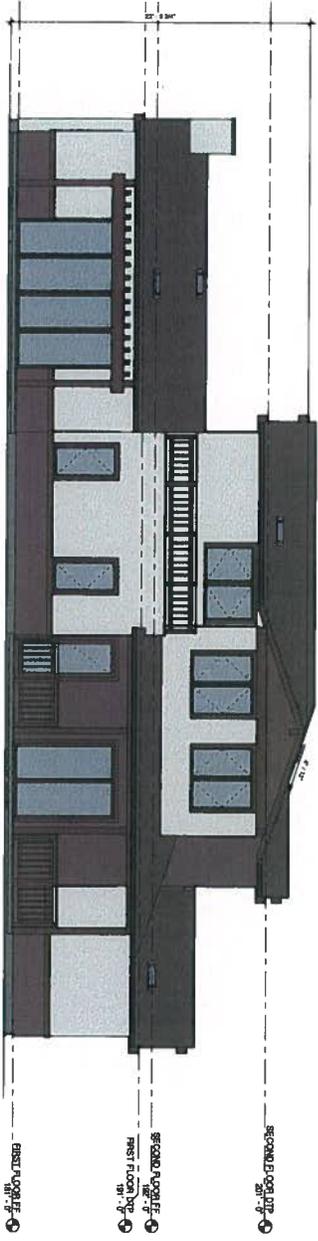


AVOCADO 3 - PARCEL 4
 CITY: OCEANSIDE
 JOB: 201/04/11
 FIRST FLOOR PLAN
 DATE: 12/31/2024

a2.0



1 WEST ELEVATION
SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



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PROJECT NO. 2014021
 CLIENT: JAMES ARCHITECTURE, P.A.
 ADDRESS: 11111 155TH AVE
 MIAMI, FL 33186

PROJECT: AVOCADO 3 - PARCEL A

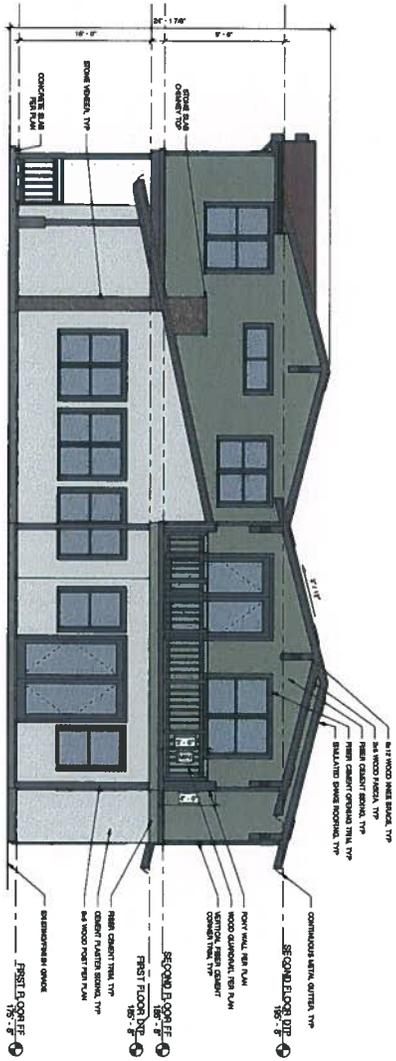
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DATE: 02/14/2011

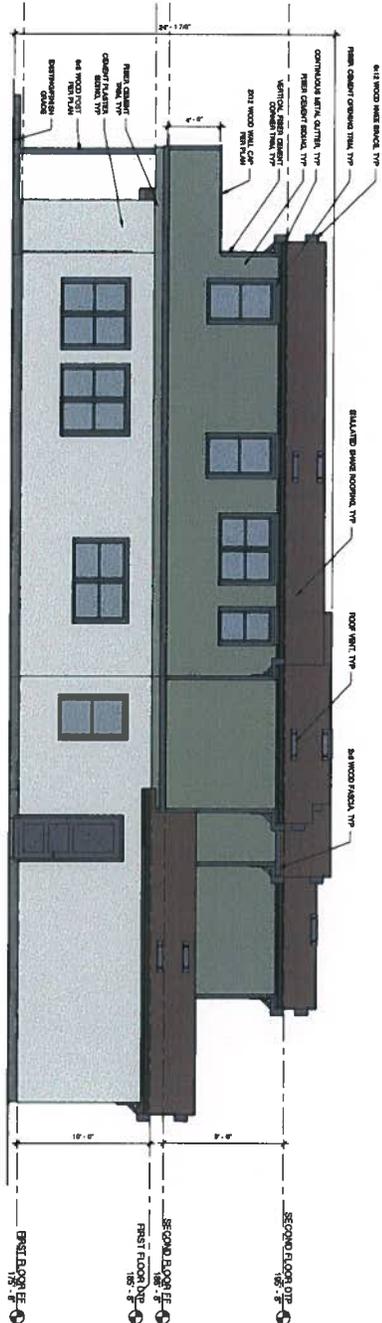
DATE: 02/14/2011

DATE: 02/14/2011

a3.1



1 EAST ELEVATION
SCALE: 1/4" = 1'-0"



2 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



THESE ELEVATIONS WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED ARCHITECT IN THE STATE OF CALIFORNIA. I AM NOT PROVIDING CONTRACT ADMINISTRATION SERVICES FOR THIS PROJECT. I AM NOT PROVIDING CONTRACT ADMINISTRATION SERVICES FOR THIS PROJECT.



AVOCADO 3
PARCEL 2

DATE: 02/24/24
JOB#: 201424R

BUILDING ELEVATIONS

a3.1

1 PLANNING COMMISSION
2 RESOLUTION NO. 2014-P25

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

7 APPLICATION NO: P14-00004, CUP14-00003
8 APPLICANT: Fire Mountain Investments LLC.
9 LOCATION: 1725 Avocado Road

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

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

16 a four-lot subdivision, that exceeds the base density for the RE-B District and has
17 panhandle access to lots 2, 3, and 4;
18 on certain real property described in the project description.

19 WHEREAS, the Planning Commission, after giving the required notice, did on the 20th
20 day of October, 2014 conduct a duly advertised public hearing as prescribed by law to consider
21 said application.

22 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
23 Guidelines thereto; this project has been found to be categorically exempt per Article 19 Section
24 15315 "Minor Land Divisions" from further environmental review;

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

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

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
4			
5	Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
6			
7	Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$2,072 per unit for residential
8			
9	School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential
10			
11	Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
12			
13	Thoroughfare Fee	Ordinance No. 83-01	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
14			
15	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically \$4,597 per unit.
16			
17			
18	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Residential is typically \$6,313 per unit.
19			
20			
21	San Diego County Water Authority	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit.
22	Capacity Fees		
23			
24	Inclusionary housing in lieu fees—Residential only.	Chapter 14-C of the City Code	\$1.72 per square foot of livable area.
25			

26 WHEREAS, the current fees referenced above are merely fee amount estimates of the
27 impact fees that would be required if due and payable under currently applicable ordinances and
28 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
10 must 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 (P14-00004):

17 1. That the proposed Tentative Parcel Map is consistent with the General Plan of the City by
18 meeting and exceeding lot size requirements and other applicable provisions of the
19 Zoning Ordinance and the Subdivision Ordinance.

- 20 • The Fire Mountain Neighborhood Planning Area is designated Estate B (1 - 3.5
21 dwelling unit/acre) and with the corresponding zoning of Residential Estate – B
22 (RE-B), a minimum lot size of 10,000 square feet as defined in the Zoning
23 Ordinance shall be considered consistent with the underlying Land Use
24 designation of Estate B Residential (EB-R). The subject subdivision would create
25 four lots that are approximately 13,509 gross square feet to 18,440 gross square
26 feet in size and would provide a density of 3.3 D.U.'s per acre.

27 2. That the site is physically suitable for the type and proposed density of development by
28 providing lot areas consistent with the Fire Mountain Neighborhood Planning Area.

- The proposed tentative parcel map is consistent with the General Plan and
provisions of the Subdivision Ordinance of the City of Oceanside. The proposed

1 density of 3.3 dwelling units/acre is within the density range for the Estate B-
2 Residential (1 - 3.5 dwelling unit/acre) land use designated parcels and through
3 implementation of project characteristics that exceeds the development and lot
4 standards minimums is within the acceptable density range.

5 3. That the design of the subdivision or the proposed improvements will not cause
6 substantial environmental damage or substantially and avoidably injure fish or wildlife or
7 their habitat and has been categorically exempted from review under the California
8 Environmental Quality Act.

- 9 • The proposed subdivision would not involve any removal of sensitive habitat and
10 proposes only minimal grading necessary to create buildable pad areas for the two
11 lots.

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

- 15 • The proposed subdivision that would involve use of a flag lot shared driveway
16 access easement is for private purposes only and would not conflict with the
17 public right-of-way along Avocado Road.

18 5. That the subdivision complies with all other applicable ordinances, regulations and
19 guidelines of the City of Oceanside.

- 20 • The proposed subdivision would not involve any variances from the regulations
21 established at the time of this approval and subject to development of three new
22 single-family residences consistent with the conceptual design plans submitted or
23 subject to approval of an Administrative Development Plan (ADP) would ensure
24 that future development implements superior architectural design features as
25 required by the City's ordinances and regulations.

26 For the Conditional Use Permit – For exceeding base density and allowing panhandle access
27 (CUP14-00003):

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

- 1 • The subject property is zoned RE-B with a corresponding Land Use designation of
2 Estate-B Residential (1-3.5 dwelling units per acre). The density of 3.3 dwelling
3 units per acre is consistent with the density range of 1–3.5 dwelling units per acre
4 established by the Residential Estate - B designation and through development of
5 three new single-family residences consistent with the conceptual design plans
6 submitted or subject to a requirement to process an Administrative Development
7 Plan will ensure that future developments implement and possess an excellence in
8 design features.
- 9 • The proposed use of a panhandle access design to serve parcels 2, 3, and 4 and the
10 proposed location of the easements are in accord with the objectives of the Zoning
11 Ordinance and the purposes of the districts in which they are located. The
12 proposed access design will be consistent with the rural and rustic pattern of
13 development found throughout the Fire Mountain neighborhood and meets the
14 development standards for private access driveways as specified in the Oceanside
Zoning Ordinance Section 3100.

15 2. That the proposed location of the conditional use and the proposed conditions under
16 which it would be operated or maintained will be consistent with the General Plan; will
17 not be detrimental to the public health, safety or welfare of persons residing or working in
18 or adjacent to the neighborhood of such use; and will not be detrimental to properties or
19 improvements in the vicinity or to the general welfare of the City.

- 20 • The location of the conditional use permit for exceeding base density and
21 proposed conditions under which the Tentative Parcel Map will be implemented
22 will not cause detriment to the public health safety or welfare of persons residing
23 or working in or adjacent to the neighborhood of such use or to properties or
24 improvements in the vicinity. The proposed four-lot subdivision will improve the
25 right-of-way areas adjacent to the site and will not result in any development that
26 would be unsafe for the persons residing or working in the area.
- 27 • The use of panhandle access design, and the proposed conditions under which
28 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

1 or working in or adjacent to the neighborhood of such use; and will not be
2 detrimental to properties or improvements in the vicinity or to the general welfare
3 of the City. The proposed panhandle access design is consistent with the
4 surrounding developed area and does not propose site distance issues relative to
5 entering and exiting off of the proposed 20'-0" wide private access road and
6 driveway.

7 3. That the proposed conditional use will comply with the provisions of the Zoning
8 Ordinance, including any specific condition required for the proposed conditional use in
9 the district in which it would be located.

- 10 • The Tentative Parcel Map has been adequately conditioned and designed to
11 comply with applicable requirements of the Zoning Ordinance. Approval of
12 conceptual architectural design plans and/or approval of an Administrative
13 Development Plan prior to each parcels development will ensure zoning ordinance
14 compliance.
- 15 • The proposed access design for lots 2, 3, and 4 will be consistent with the rural
16 and rustic pattern of development found throughout the Fire Mountain
17 neighborhood and meets the development standards for private access driveways
18 as specified in the Oceanside Zoning Ordinance Section 3100. Strict adherence to
19 Engineering conditions of approval in implementation of the proposed access
20 drives will further ensure compliance with the Zoning Ordinance.

21 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
22 approve Tentative Parcel Map (P14-00004) and Conditional Use Permit (CUP14-00003) subject
23 to the following conditions:

24 **Engineering:**

- 25 1. For the demolition of any existing structure or surface improvements; grading plans shall be
26 submitted and erosion control plans be approved by the City Engineer prior to the issuance
27 of a demolition permit. No demolition shall be permitted without an approved erosion
28 control plan.
2. Design and construction of all improvements shall be in accordance with the City of
Oceanside Engineers Design and Processing Manual, City Ordinances, and standard

1 engineering and specifications of the City of Oceanside and subject to approval by the
2 City Engineer.

3 3. All right-of-way alignments, street dedications, exact geometrics and width shall be
4 dedicated and constructed or replaced as required by the City Engineer.

5 4. All improvements shall be under construction to the satisfaction of the City Engineer prior
6 to the issuance of any building permits. All improvements shall be completed prior to
7 issuance of any certificates of occupancy.

8 5. Provide the City of Oceanside with a certification from each public utility and each public
9 entity owning easements within the proposed project stating that: (a) they have received
10 from the owner/developer a copy of the proposed parcel map; (b) they object or do not
11 object to the filing of the parcel map without their signature; (c) in case of a street
12 dedication affected by their existing easement, they will sign a "subordination certificate"
13 or "joint-use certificate" on the parcel map when required by the governing body. In
14 addition, the owner/developer shall furnish proof to the satisfaction of the City Engineer
15 that no new encumbrances have been created that would subordinate the City's interest
16 over areas to be dedicated for public road purposes since submittal of the project.

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

21 7. Prior to approval of the parcel map or any increment, all improvement requirements, within
22 such increment or outside of it if required by the City Engineer, shall be covered by a
23 Subdivision Improvement Agreement and secured with sufficient improvement securities or
24 bonds guaranteeing performance and payment for labor and materials, setting of
25 monuments, and warranty against defective materials and workmanship.

26 8. Prior or concurrent with the recordation of the parcel map, five feet (5') street dedication
27 shall be required on Avocado Road along the property frontage.

28 9. If a subdivider is required under this division or any other provision of law to make a
dedication for specified public purposes on a parcel map, the local agency shall specify
whether the dedication is to be in fee for public purposes or an easement for public
purposes.

- 1 10. A traffic control plan shall be prepared according to the City traffic control guidelines and
2 approved to the satisfaction of the City Engineer prior to the start of work within the
3 public right-of-way on Avocado Road. Traffic control during construction of streets that
4 have been opened to public traffic shall be in accordance with construction signing,
5 marking and other protection as required by the Caltrans Traffic Manual and City Traffic
6 Control Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m.
7 unless approved otherwise.
- 8 11. Vehicular access rights to Avocado Road shall be relinquished to the City from all
9 abutting lots except for the two proposed project driveways.
- 10 12. Avocado Road shall be constructed with curbs and gutters and sidewalk along property
11 frontage in accordance with the City of Oceanside Engineers Design and Processing
12 Manual. Sidewalk improvements shall be constructed in compliance with ADA Standards.
13 There shall be a minimum of 10 feet parkway between the face of curb and the right-of-way
14 line on Avocado Road along the property frontage.
- 15 13. Sight distance requirements at the two project driveways shall conform to the corner sight
16 distance criteria as provided by SDRSD DS-20A and or DS-20B. Three hundred feet (300')
17 intersectional sight distance shall be required along Avocado Road from the two proposed
18 driveways for each direction of traffic.
- 19 14. Any existing public or private pavement, concrete curb, gutter, driveways, pedestrian ramps
20 and sidewalk within the project, or adjacent to the project boundary that are already
21 damaged or damaged during construction of the project, shall be repaired or replaced as
22 directed by the City Engineer.
- 23 15. Streetlights shall be maintained and installed, if required by the City Engineer on Avocado
24 Road per City Standards. The system shall provide uniform lighting, and be secured prior
25 to occupancy. The owner/developer shall pay all applicable fees, energy charges, and/or
26 assessments associated with City-owned (LS-2 rate schedule) streetlights and shall also
27 agree to the formulation of, or the annexation to, any appropriate street lighting district.
- 28 16. This project's driveways shall remain private and shall be maintained by the future owners
of all four parcels. The pavement sections, traffic indices of Avocado Road and project
driveways shall be based on approved geotechnical report and in compliance with the City
of Oceanside Engineers Design and Processing Manual. The private project street and

1 driveway alignments and geometric layouts shall meet the City of Oceanside Engineers
2 Design and Processing Manual. The pavement design is to be prepared by the
3 owner/developer's soil engineer and must be in compliance with the City of Oceanside
4 Engineers Design and Processing Manual and be approved by the City Engineer, prior to
5 paving.

6 17. Prior to approval of the grading plans, the owner/developer shall contract with a
7 geotechnical engineering firm to perform a field investigation of the existing pavement on
8 Avocado Road adjacent to the project boundary. The limits of the study shall be half-street
9 plus 12 feet along the project's frontage. The field investigation shall include a minimum of
10 one pavement boring per 50 linear feet of street frontage. Should the existing AC thickness
11 be determined to be less than the current minimum standard for AC and Class II Base as set
12 forth in the table for City of Oceanside Pavement Design Guidelines in the City of
13 Oceanside Engineers Manual, the owner/developer shall remove and reconstruct the
14 pavement section as determined by the pavement analysis submittal process detailed in the
15 condition listed below:

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

24 19. Private driveways used as access to the land being divided as well as the parcel map being
25 created, must include a private road /driveway maintenance agreement. The following
26 note shall be placed on the parcel map reflecting the recording information:

27 **“PRIVATE DRIVEWAY/ROAD (AND PRIVATE DRAINAGE AND UTILITY**
28 **EASEMENTS) ARE TO BE MAINTAINED IN ACCORDANCE WITH THE**
PRIVATE DRIVEWAY/ROAD MAINTENANCE AGREEMENT RECORDED ---
----- AS DOCUMENT NUMBER -----“

- 1 20. A precise grading and private improvement plan shall be prepared, reviewed, secured and
2 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
3 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage,
4 footprints of all structures, walls, drainage devices and utility services.
- 5 21. Prior to the issuance of a grading permit, the owner/developer shall notify and host a
6 neighborhood meeting with all of the area residents located within 300 feet of the project
7 site, to inform them of the grading and construction schedule, and to answer questions.
- 8 22. The owner/developer shall monitor, supervise and control all construction and construction-
9 supportive activities, so as to prevent these activities from causing a public nuisance,
10 including but not limited to, insuring strict adherence to the following:
- 11 a) Dirt, debris and other construction material shall not be deposited on any public
12 street or within the City's stormwater conveyance system.
 - 13 b) All grading and related site preparation and construction activities shall be limited
14 to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering
15 related construction activities shall be conducted on Saturdays, Sundays or legal
16 holidays unless written permission is granted by the City Engineer with specific
17 limitations to the working hours and types of permitted operations. All on-site
18 construction staging areas shall be as far as possible (minimum 100 feet) from any
19 existing residential development. Because construction noise may still be
20 intrusive in the evening or on holidays, the City of Oceanside Noise Ordinance
21 also prohibits "any disturbing excessive or offensive noise which causes
22 discomfort or annoyance to reasonable persons of normal sensitivity."
 - 23 c) The construction site shall accommodate the parking of all motor vehicles used by
24 persons working at or providing deliveries to the site. An alternate parking site can
25 be considered by the City Engineer in the event that the lot size is too small and
26 cannot accommodate parking of all motor vehicles.
 - 27 d) The owner/developer shall complete a haul route permit application (if required
28 for import/export of dirt) and submit to the City of Oceanside Engineering
Division 48 hours in advance of beginning of work. Hauling operations (if
required) shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise.

- 1 23. It is the responsibility of the owner/developer to evaluate and determine that all soil
2 imported as part of this development is free of hazardous and/or contaminated material as
3 defined by the City and the County of San Diego Department of Environmental Health.
4 Exported or imported soils shall be properly screened, tested, and documented regarding
5 hazardous contamination.
- 6 24. The approval of the tentative parcel map shall not mean that proposed grading or
7 improvements on adjacent properties (including any City properties/right-of-way or
8 easements) is granted or guaranteed to the owner/developer. The owner/developer is
9 responsible for obtaining permission to grade to construct on adjacent properties. Should
10 such permission be denied, the tentative parcel map shall be subject to going back to the
11 public hearing or subject to a substantial conformity review.
- 12 25. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic
13 investigation shall be conducted of the soils, slopes, and formations in the project. All
14 necessary measures shall be taken and implemented to assure slope stability, erosion
15 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
16 prepared in accordance with the Grading Ordinance and Zoning Ordinance is approved by
17 the City Engineer.
- 18 26. The owner/developer shall place a covenant on the non-title sheet of the parcel map
19 agreeing to the following: "The present or future owner/developer shall indemnify and
20 save the City of Oceanside, its officers, agents, and employees harmless from any and all
21 liabilities, claims arising from any landslide on this site".
- 22 27. This project shall provide year-round erosion control including measures for the site
23 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
24 control plan, designed for all proposed stages of construction, shall be reviewed, secured by
25 the owner/developer with **cash securities or a letter of credit** and approved by the City
26 Engineer.
- 27 28. Landscaping plans, including plans for the construction of walls, fences or other structures
28 at or near intersections, must conform to intersection sight distance requirements.
Landscape and irrigation plans for disturbed areas shall be submitted to the City Engineer
prior to the issuance of a preliminary grading permit and approved by the City Engineer
prior to the issuance of building permits. All landscaping shall be installed and established

1 prior to the issuance of any certificates of occupancy. Securities shall be required only for
2 landscape items in the public right-of-way. Any project fences, sound or privacy walls and
3 monument entry walls/signs shall be shown on, bonded for and built from the landscape
4 plans. These features shall also be shown on the precise grading plans for purposes of
5 location only. Plantable, segmental walls shall be designed, reviewed and constructed by
6 the grading plans and landscaped/irrigated through project landscape plans. All plans must
7 be approved by the City Engineer and a pre-construction meeting held, prior to the start of
8 any improvements.

9 29. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high
10 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose
11 height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to Avocado
12 Road.

13 30. The drainage design shown on the tentative parcel map and preliminary grading plan, and
14 the drainage report for this tentative parcel map/development plan is conceptual only. The
15 final drainage report and drainage design shall be based upon a hydrologic/hydraulic study
16 that is in compliance with the latest San Diego County Hydrology and Drainage Manual to
17 be approved by the City Engineer during final engineering. All drainage picked up in an
18 underground system shall remain underground until it is discharged into an approved
19 channel, or as otherwise approved by the City Engineer. All public storm drains shall be
20 shown on City standard plan and profile sheets. All storm drain easements shall be
21 dedicated where required. The owner/developer shall be responsible for obtaining any off-
22 site easements for storm drainage facilities. Cross lot drainage easements shall be shown on
23 the parcel map, and shall be recorded with the parcel map.

24 31. Drainage facilities shall be designed and installed to adequately accommodate the local
25 stormwater runoff and shall be in accordance with the San Diego County Hydrology and
26 Design Manual and in compliance with the City of Oceanside Engineers Design and
27 Processing Manual to the satisfaction of the City Engineer.

28 32. The owner/developer shall place a covenant on the non-title sheet of the parcel map, and
the title sheet of grading plan agreeing to the following: "The present or future
owner/developer shall indemnify and save the City of Oceanside, its officers, agents, and
employees harmless from any and all liabilities, claims arising from any flooding that

1 occurs on this site, and any flooding that is caused by this site impacting adjacent
2 properties”.

3 33. Storm drain facilities shall be designed and located such that the inside travel lanes on
4 streets with collector or above design criteria shall be passable during conditions of a 100-
5 year frequency storm.

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

9 35. The owner/developer shall comply with the provisions of National Pollution Discharge
10 Elimination System (NPDES) General Permit for Storm Water Discharges Associated
11 with Construction Activity (General Permit) Water Quality Order 2009-0009-DWQ. The
12 General Permit continues in force and effect until a new General Permit is issued or the
13 SWRCB rescinds this General Permit. Only those owner/developers authorized to
14 discharge under the expiring General Permit are covered by the continued General
15 Permit. Construction activity subject to the General Permit includes clearing, grading,
16 and disturbances to the ground such as stockpiling, or excavation that results in land
17 disturbances of equal to or greater than one acre. The owner/developer shall obtain
18 coverage under the General Permit by submitting a Notice of Intent (NOI) and obtaining a
19 Waste Discharge Identification Number (WDID#) from the State Water Resources
20 Control Board (SWRCB). In addition, coverage under the General Permit shall not occur
21 until an adequate SWPPP is developed for the project as outlined in Section A of the
22 General Permit. The site specific SWPPP shall be maintained on the project site at all
23 times. The SWPPP shall be provided, upon request, to the United States Environmental
24 Protection Agency (USEPA), SWRCB, Regional Water Quality Control Board
25 (RWQCB), City of Oceanside, and other applicable governing regulatory agencies. The
26 SWPPP is considered a report that shall be available to the public by the RWQCB under
27 section 308(b) of the Clean Water Act. The provisions of the General Permit and the site
28 specific SWPPP shall be continuously implemented and enforced until the
owner/developer obtains a Notice of Termination (NOT) for the SWRCB. The
owner/developer is required to retain records of all monitoring information, copies of all
reports required by this General Permit, and records of all data used to complete the NOT

1 for all construction activities to be covered by the General Permit for a period of at least
2 three years from the date generated. This period may be extended by request of the
3 SWRCB and/or RWQCB.

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

22 37. The owner/developer shall enter into a City-Standard Stormwater Facilities Maintenance
23 Agreement (SWFMA) with the City obliging the owner/developer to maintain, repair and
24 replace the Storm Water Best Management Practices (BMPs) identified in the project's
25 deemed complete SWMP, as detailed in the O&M Plan into perpetuity. The Agreement
26 shall be approved by the City Attorney prior to issuance of any precise grading permit and
27 shall be recorded at the County Recorder's Office prior to issuance of any building
28 permit. A non-refundable **Security in the form of cash** shall be required prior to
issuance of a precise grading permit. The amount of the non-refundable security shall be
equal to 10 years of maintenance costs, as identified by the O&M Plan, but not to exceed

1 a total of \$25,000. The owner/developer's civil engineer shall prepare the O&M cost
2 estimate.

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

8 39. The agreement shall include a copy of executed on-site and off-site access easement and
9 or access rights necessary for the operation and maintenance of BMPs that shall be
10 binding on the land throughout the life of the project to the benefit of the party
11 responsible for the O&M of BMPs, satisfactory to the City Engineer. The agreement
12 shall also include a copy of the deemed complete O&M Plan.

13 40. The BMPs described in the project's deemed complete SWMP shall not be altered in any
14 way, unless reviewed and approved to the satisfaction of the City Engineer. The
15 determination of whatever action is required for changes to a project's deemed complete
16 SWMP shall be made by the City Engineer.

17 41. The owner/developer shall provide a copy of the title/cover page of a deemed complete
18 SWMP with the first engineering submittal package. If the project triggers the City's
19 Stormwater requirements but no deemed complete Stormwater document (SWMP) exists,
20 the appropriate document shall be submitted to the City Engineer for review. The SWMP
21 shall be prepared by the owner/developer's Civil Engineer. All Stormwater documents
22 shall be in compliance with the latest edition of submission requirements.

23 42. Prior to any occupancy permit, the developer/owner shall construct each and all of the
24 structural BMPs and operating in compliance with all of its specifications, plan, permits,
25 Ordinances, and the requirement of the State Regional Water Quality Control Board
26 (RWQCB), Order No. R9-2013-0001.

27 43. Open-space areas and down-sloped areas visible from a collector-level or above roadway
28 and not readily maintained by the property owner, shall be maintained by a homeowners'
association that will insure installation and maintenance of landscaping in perpetuity. These
areas shall be indicated on the final map and reserved for an association. Future buyers
shall be made aware of any estimated monthly costs. The disclosure, together with the

1 CC&R's, shall be submitted to the City Engineer for review prior to the recordation of the
2 parcel map.

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

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

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

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

26 48. In the event that the conceptual plan does not match the conditions of approval, the
27 resolution of approval shall govern.
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1 **Fire Prevention:**

2 49. Submit a copy of as-built plans on a CD for all projects on the job site. A site plan
3 indicating the fire access and hydrant locations must also be submitted on CD Rom.

4 50. A fire apparatus access road shall be provided within 150 feet of all exterior walls of the
5 first floor of the building. The route of the fire apparatus access road shall be approved
6 by the Fire Department. The 150 feet is measured by means of an unobstructed route
7 around the exterior of the building.

8 51. Apparatus access roads shall have a minimum unobstructed width of 20 feet. A
9 minimum vertical clearance of 14 feet shall be provided for the apparatus access roads.

10 52. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per
11 Vehicle Code Section 22500.1. Any markings, signs and/or fire lane identification shall
12 be in accordance with the Fire Department Standard Guidelines for Emergency Access.

13 53. An approved fire sprinkler system must be installed throughout the building. The system
14 shall be designed per N.F.P.A. 13D.

15 54. Fire access roadway must be striped and signed "No Parking Fire Lane".

16 **Landscaping:**

17 55. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines
18 and Specifications for Landscape Development (latest revision), Water Conservation
19 Ordinance No.(s) 91-15 and 10-Ordinance 0412, Engineering criteria, City code and
20 ordinances, including the maintenance of such landscaping, shall be reviewed and
21 approved by the City Engineer prior to the issuance of building permits. Landscaping
22 shall not be installed until bonds have been posted, fees paid, and plans signed for final
23 approval. A refundable cash deposit only for the preparation of the final As-built/
24 Maintenance Guarantee shall be secured with the City prior to the final approval of the
25 landscape construction plan. A landscape pre-construction meeting shall be conducted by
26 the landscape architect of record, City Public Works Inspector, developer or owner's
27 representative and landscape contractor prior to commencement of the landscape and
28 irrigation installation. The following landscaping requirements shall be required prior to
plan approval and certificate of occupancy:

- a) All required landscape areas shall be maintained by owner, Home Owners Association or successor of the project (including public rights-of-way (parkways) parallel with Avocado Rd.). The landscape areas shall be maintained per City of Oceanside requirements.
- b) Existing landscaping on and adjacent to the site shall be protected in place and supplemented or replaced to meet the satisfaction of the City Engineer.
- c) All trees, shrubs and groundcovers to be demolished/ removed shall be replaced on site to a ratio of 1:1.
- d) Final landscape plans shall accurately show placement of all plant material such as but not limited to trees, shrubs, and groundcovers.
- e) Landscape Architect shall be aware of all utility, sewer, water, gas and storm drain lines and utility easements and place planting locations accordingly to meet City of Oceanside requirements.
- f) Proposed landscape species shall fit the site and meet climate changes indicative to their planting location. The selection of plant material shall also be based on cultural, aesthetic, and maintenance considerations. In addition proposed landscape species shall be low water users as well as meet all Fire Department requirements.
- g) All planting areas shall be prepared and implemented to the required depth with appropriate soil amendments, fertilizers, and appropriate supplements based upon a soils report from an agricultural suitability soil sample taken from the site.
- h) Ground covers or bark mulch shall fill in between the shrubs to shield the soil from the sun, evapotranspiration and run-off. All landscape planter areas shall be mulched to a 3" depth to help conserve water, lower the soil temperature and reduce weed growth.
- i) The shrubs shall be allowed to grow in their natural forms. All landscape improvements shall follow the City of Oceanside Guidelines.

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- 1 j) Root barriers shall be installed adjacent to all paving surfaces, where a paving
2 surface is located within 6 feet of a trees trunk on-site (private) and within 10 feet
3 of a trees trunk in the right-of-way (public). Root barriers shall extend 5 feet in
4 each direction from the centerline of the trunk, for a total distance of 10 feet.
5 Root barriers shall be 24 inches in depth. Installing a root barrier around the
6 tree's root ball is unacceptable.
- 7 k) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall
8 obtain Planning Division approval for these items in the conditions or application
9 stage prior to 1st submittal of working drawings.
- 10 l) For the planting and placement of trees and their distances from hardscape and
11 other utilities/structures the landscape plans shall follow the City of Oceanside's
12 (current) Tree Planting Distances and Spacing Standards.
- 13 m) An automatic irrigation system shall be installed to provide coverage for all
14 planting areas shown on the plan. Low volume equipment shall provide sufficient
15 water for plant growth with a minimum water loss due to water run-off.
- 16 n) Irrigation systems shall use high quality, automatic control valves, controllers and
17 other necessary irrigation equipment. All components shall be of non-corrosive
18 material. All drip systems shall be adequately filtered and regulated per the
19 manufacturer's recommended design parameters.
- 20 o) All irrigation improvements shall follow the City of Oceanside Guidelines and
21 Water Conservation Ordinance.
- 22 p) The landscape plans shall match all plans affiliated with the project.
- 23 q) Landscape construction drawings are required to implement approved Fire
24 Department regulations, codes, and standards at the time of plan approval.
- 25 r) Landscape plans shall comply with Biological and/or Geotechnical reports, as
26 required, and shall match the grading and improvement plans.
- 27 s) The landscape plans shall comply with Storm Water Management Plan,
28 Hydromodification Plan and/or Best Management Practices and meet the
satisfaction of the City Engineer.

1 t) The As-built/Maintenance Guarantee refundable cash deposit shall not be released
2 until the as-built drawings have been approved on the final Mylar landscape plan
3 and the required maintenance period has terminated.

4 u) Access to all requisite easements on and adjacent to the project site shall be
5 required to provide access gates for maintenance purposes if enclosed by
6 topography, landscape, walls, fences, or any other obstacles that prevent ease of
7 access. Access gates for vehicles shall be double swing and access gates for a
8 maintenance person shall be single swing to the satisfaction of the City Engineer.

9 56. All landscaping, fences, walls, etc. on the site, within the public right-of-way on Ocean
10 Ranch Boulevard and within any adjoining public parkways shall be permanently
11 maintained by the owner, his assigns or any successors-in-interest in the property. The
12 maintenance program shall include: a) normal care and irrigation of the landscaping b)
13 repair and replacement of plant materials (including interior trees and street trees) c)
14 irrigation systems as necessary d) general cleanup of the landscaped and open areas e)
15 parking lots and walkways, walls, fences, etc. f) pruning standards for street trees shall
16 comply with the International Society of Arboriculture (ISA) *Standard Practices for Tree
17 Care Operations – ANSI A300, Appendix G: Safety Standards, ANSI Z133; Appendix H;
18 and Tree Pruning Guidelines, Appendix F* (most current edition). Failure to maintain
19 landscaping shall result in the City taking all appropriate enforcement actions including
20 but not limited to citations. This maintenance program condition shall be recorded with a
21 covenant as required by this resolution.

22 57. In the event that the conceptual landscape plan (CLP) does not match the conditions of
23 approval, the resolution of approval shall govern.

24 **Planning:**

25 58. This Tentative Parcel Map (P14-00004) and Conditional Use Permit (CUP14-00003)
26 shall expire two years from the effective date of the Planning Commission action, unless
27 a time extension is granted by the Planning Commission.

28 59. The Tentative Parcel Map and Conditional Use Permit approves only a four-lot
subdivision, for exceeding base density, and configured with panhandle access as shown
on the plans and exhibits presented to the Planning Commission for review and approval.
No deviation from these approved plans and exhibits shall occur without City Planner

1 approval. Substantial deviations shall require a revision to the Tentative Parcel Map and
2 Conditional Use Permit.

3 60. The applicant, permittee, or any successor-in-interest shall defend, indemnify and hold
4 harmless the City of Oceanside, its agents, officers or employees from any claim, action
5 or proceeding against the City, its agents, officers, or employees to attack, set aside, void
6 or annul an approval of the City, concerning Tentative Parcel Map (P14-00004) and
7 Conditional Use Permit (CUP14-00003). The City will promptly notify the applicant of
8 any such claim, action or proceeding against the City and will cooperate fully in the
9 defense. If the City fails to promptly notify the applicant of any such claim action or
10 proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be
11 responsible to defend, indemnify or hold harmless the City.

12 61. All single-family dwelling units shall dispose of or recycle solid waste in a manner
13 provided for in City Code Section 13.3.

14 62. A covenant or other recordable document approved by the City Attorney shall be
15 prepared by the applicant and recorded prior to the approval of the final Parcel Map. The
16 covenant shall provide that the property is subject to this resolution, and shall generally
17 list the conditions of approval.

18 63. Prior to the issuance of building permits, compliance with the applicable provisions of the
19 City's anti-graffiti (Ordinance No. 93-19, Section 20.25 of the City Code) shall be
20 reviewed and approved by the Planning Division. These requirements, including the
21 obligation to remove or cover with matching paint all graffiti within 24 hours, shall be
22 noted on the Landscape Plan and shall be recorded in the form of a covenant affecting the
23 subject property.

24 64. Prior to the transfer of ownership of the property the applicant shall provide a written
25 copy of the applications, staff report(s), and resolution(s) to the new owner(s). This
26 notification's provision shall run with the life of the Tentative Parcel Map and shall be
27 recorded as a covenant on the property.

28 65. Failure to meet any conditions of approval for this residential subdivision shall constitute
a violation of the Tentative Parcel Map (P14-00004) and Conditional Use Permit
(CUP14-00003).

- 1 66. Unless expressly waived, all current zoning standards and City ordinances and policies in
2 effect at the time grading permits are issued are required to be met by this project. The
3 approval of this Tentative Parcel Map and Conditional Use Permit constitutes the
4 applicant's agreement with all statements in the Description and Justification, and other
5 materials and information submitted with this application, unless specifically waived by
6 an adopted condition of approval.
- 7 67. Panhandle access ways shall have recorded joint maintenance agreements and cross
8 easements for use.
- 9 68. Pursuant to General Plan Objective 1.24, Policy R, topsoil from excavated areas shall be
10 stockpiled for reuse on the site where appropriate.
- 11 69. Pursuant to General Plan Objective 1.24, Policy Q, as construction proceeds groundcover
12 shall be re-established and or planted new as early as possible.
- 13 70. The developer is prohibited from entering into any agreement with a cable television
14 franchisee of the City which gives such franchisee exclusive rights to install, operate, and
15 or maintain its cable television system in the development.
- 16 71. This Tentative Parcel Map is subject to the provisions of Chapter 14C of the City Code
17 regarding Inclusionary Housing.
- 18 72. Pursuant to Article 43, If the proposed architectural design is not significantly the same as
19 reviewed and conceptually approved by the Planning Commission, an Administrative
20 Development Plan(s) shall be submitted, processed, and approved for parcels 2, 3, and 4
21 of the Tentative Parcel Map prior to the issuance of building permits for each lot. The
22 Development on each lot shall provide superior architectural, landscaping design and
23 materials compatible with those found within the Fire Mountain Neighborhood Planning
24 Area. Front yard landscaping shall be provided by the developer of each lot and shall be
25 shown on each Administrative Development Plan application.
- 26 73. Building floor plans, elevations, architectural style and color and materials palette on the
27 design of structures on each lot shall differ from but compliment development on
28 adjoining parcels.

1 74. Development on Parcels 2, 3, and 4 created by this Tentative Parcel Map shall meet the
2 following design guidelines:

- 3 a) Use of retaining walls shall be avoided. Where use of retaining walls cannot be
4 avoided, such walls shall be screened to the maximum extent possible and use of
5 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) The type and location of site and building lighting shall preclude direct glare onto
9 adjoining properties and streets.
- 10 d) Dwelling structures shall be designed to compliment, yet be distinguishable from
11 adjacent structures. Buildings shall relate in terms of mass but utilize different
12 form and detail compositions to create a unique design statement. The same
13 building elevations shall not be repeated within the four lot subdivision.
- 14 e) One story architectural elements and massing shall be incorporated into two-story
15 building designs to the greatest extent possible. Where two-story building
16 massing occurs, one or more of the following features should be used to soften the
17 visual impact of a two-story wall surface: (1) variety of hip and gable roofs; (2)
18 arbors, trellises and shade structures; (3) balconies; and (4) cantilevered building
19 elements.
- 20 f) Roof designs shall be compatible in terms of type, slope, size, materials and colors
21 to surrounding residential structures. Flat roofs are discouraged, unless they are
22 appropriate to the selected architectural style.
- 23 g) All building elevations shall be architecturally enhanced. The selected
24 architectural design shall be consistently employed on all building elevations.
- 25 h) Unarticulated building wall planes and monolithic forms are prohibited. Use of
26 horizontal and vertical massing offsets is required.
- 27 i) Selection and application of building materials and colors shall take into
28 consideration and relate to surrounding development. Use of colors that reduce
and eliminate reflectivity and blend structures into the terrain is recommended.

1 j) Materials shall stylistically compliment architectural details. Frequent changes in
2 materials shall be avoided. Changes in colors and materials shall occur at interior
3 corners and shall coincide with vertical and horizontal wall plane changes.

4 k) Landscaping shall frame, soften and embellish the quality of the residential
5 environment, buffer residences from noise and enhance privacy.

6 75. In the event any subsurface archaeological resources are encountered during grading or
7 construction activities, such activities in the locality of the find shall be halted
8 immediately. An archaeologist, certified by the Society of Professional Archaeologists
9 (SOPA), shall be brought in to determine the significance of the archaeological resources
10 and implement appropriate mitigations prior to recommending earthwork.

11 76. An archaeologist and a Native American monitor shall be present for a pre-grade meeting
12 to discuss the monitoring program with the grading contractor, City staff and the
13 developer. The archaeologist and the Native American monitor may determine, in
14 coordination with City staff, that the full-time presence of a monitor is not required, that
15 checking the grading at regular intervals is sufficient. Alternatively, they may determine
16 that an archaeologist and a Native American monitor be on-site during grading and
17 trenching within the project area.

18 77. If archaeological materials are encountered, their importance must be evaluated to assess
19 the significance of impacts. If significant cultural resources are encountered, mitigation
20 would be accomplished through documentation and excavation of features, cataloging
21 and analysis of cultural material collected, and preparation of a report detailing the
22 methods and results of the monitoring/data recovery program.

23 78. Any cultural material recovered shall be accurate at an appropriate facility, except as
24 stipulated differently in the pre-excavation agreement.

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

27 **Water Utilities:**

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

- 1 81. The property owner shall maintain private water and wastewater utilities located on private
2 property.
- 3 82. Water services and sewer laterals constructed in existing right-of-way locations are to be
4 constructed by an approved and licensed contractor at developer's expense.
- 5 83. All Water and Wastewater construction shall conform to the most recent edition of the
6 *Water, Sewer, and Reclaimed Water Design and Construction Manual* or as approved by
7 the Water Utilities Director.
- 8 84. Residential units shall be metered individually. Private utility systems for residential
9 developments are not allowed.
- 10 85. Per the latest approved California Fire Code, all new residential units shall be fire
11 sprinklered.

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

- 12 86. All public water and/or sewer facilities not located within the public right-of-way shall be
13 provided with easements sized according to the *Water, Sewer, and Reclaimed Water Design
14 and Construction Manual*. Easements shall be constructed for all weather access.
- 15 87. No trees, structures or building overhang shall be located within any water or wastewater
16 utility easement.
- 17 88. All lots with a finish pad elevation located below the elevation of the next upstream
18 manhole cover of the public sewer shall be protected from backflow of sewage by installing
19 and maintaining an approved type backwater valve, per the latest approved California
20 Plumbing Code (C.P.C.).
- 21 89. Water service lines shall have water meter sizes that are the same size as the service line or
22 one City of Oceanside water meter size down.
- 23 90. All fees the property owner has elected to pay in-lieu of constructing public facilities
24 described in these Water Utilities conditions and comments shall be paid prior to approval
25 of engineering plans.
- 26 91. Indicate on improvement plans File No. 182053 of O.R. recorded 10-17-1968, 5-foot
27 private sewer easement.

27 ///////////////
28 ///////////////

1 92. Developer has confirmed via private CCTV inspection that the existing sewer lateral for
2 Parcel 3 in private sewer easement is connected to existing 6-inch VCP sewer main in
3 Downs Street exists and will confirm sewer lateral condition prior to connection. If sewer
4 lateral requires repairs, then Developer will need to obtain and pay for licensed contractor
5 to replace or repair lateral.

6 93. The existing 6-inch AC water main in Avocado Road would need to be upsized to an 8-
7 inch PVC main as required by Section 2.4 of the City's *Water, Sewer, and Reclaimed*
8 *Water Design and Construction Manual*. The property owner has agreed to pay the in-lieu
9 fee as a condition of approval for this development. The in-lieu fee is 25% of the design and
10 construction cost estimated by the Water Utilities Department. Payment of the in-lieu fee
11 will need to be received prior to engineering plan approval.

The following conditions of approval shall be met prior to building permit issuance.

12 94. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
13 be paid to the City and collected by the Water Utilities Department at the time of Building
14 Permit issuance.

15 95. All Water Utilities fees are due at the time of building permit issuance per City Code
16 Section 32B.7.

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1 96. Provide fixture count and flow calculations per latest approved California Plumbing Code
2 to size water meter size and service lines on Building Plans.

3 **The following conditions of approval shall be met prior to occupancy.**

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

8 PASSED AND ADOPTED Resolution No. 2014-P25 on October 6, 2014 by the
9 following vote, to wit:

10 AYES:

11 NAYS:

12 ABSENT:

13 ABSTAIN:

14 _____
15 Robert Neal, Chairperson
16 Oceanside Planning Commission

17 ATTEST:

18 _____
19 Marisa Lundstedt, Secretary

20 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify that
21 this is a true and correct copy of Resolution No. 2014-P25.

22 Dated: October 6, 2014

23
24 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may
25 be required as stated herein:

26 _____
27 Applicant/Representative

28 _____
Date



Application for Discretionary Permit

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

STAFF USE ONLY

ACCEPTED

RECEIVED

JAN 16 2014

CITY OF OCEANSIDE
DEVELOPMENT SERVICES

BY

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT FIRE MOUNTAIN INVESTMENTS, LLC	2. STATUS OWNER
3. ADDRESS 1401 AIR WING ROAD SAN DIEGO, CA 92154	4. PHONE/FAX/E-mail 619 567 8086 x101
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) WILL MACK	
6. ADDRESS 535 N. HWY 101, STE A SOLANA BEACH, CA 92075	7. PHONE/FAX/E-mail 858 259 8212

GPA
MASTER/SP.PLAN
ZONE CH.
TENT. MAP
PAR. MAP P14-00004
DEV. PL.
C.U.P. CP14-00003
VARIANCE
COASTAL
O.H.P.A.C.

PART II - PROPERTY DESCRIPTION

8. LOCATION 1725 AVOCADO ROAD OCEANSIDE	9. SIZE 1.39 AC		
10. GENERAL PLAN	11. ZONING RE-B	12. LAND USE RESIDENTIAL	13. ASSESSOR'S PARCEL NUMBER 154-200-11 & 20
14. LATITUDE 33.1880°	15. LONGITUDE -117.3438°		

PART III - PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION
THE PROJECT PROPOSES TO SUBDIVIDE THE 2 EXISTING LEGAL LOTS INTO 4 NEW PARCELS. THE EXISTING SFR ON 154-200-11 IS TO REMAIN ON PROPOSED PARCEL 1, AND PARCELS 2, 3, & 4 ARE PROPOSED GRADED PADS FOR FUTURE SFR'S.

17. PROPOSED GENERAL PLAN	18. PROPOSED ZONING	19. PROPOSED LAND USE RESIDENTIAL	20. NO. UNITS 4	21. DENSITY 2.88 DU/AC
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 checked="" type="checkbox"/> 32. FLOOR PLANS AND ELEVATIONS	<input checked="" type="checkbox"/> 33. CERTIFICATION OF POSTING	<input checked="" type="checkbox"/> 34. OTHER (See attachment for required reports)

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): Andrew Greer for LFMEI	36. DATE 1/16/14	37. OWNER (Print): Andrew Greer for LFMEI	38. DATE 1/16/14
Sign:		Sign:	

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 12, 2014

RECEIVED
JUN 12 2014
CITY OF OCEANSIDE
DEVELOPMENT SERVICES

Mr. Richard Greenbauer
City of Oceanside
Planning Department
300 North Coast Highway
Oceanside, CA 92054

**Project Justification Letter for Tentative Parcel Map and Conditional Use Permit
P14-00004 & CUP14-00003, 1725 Avocado Road, Oceanside, CA**

Dear Richard,

The purpose of this letter is to provide a project description and justification demonstrating how the above project design meets the City of Oceanside General Plan Land Use Element section 2.32 so that the required findings can be made to approve to the proposed conditional use permit.

The existing project site consists of 2 legal lots which are zoned RE-B and have a combined gross area of 1.39 acres. The RE-B zone requires a base density of 1.0 DU/AC, a maximum density of 3.5 DU/AC, and a minimum lot size of 10,000 sf per Article 10 of the City of Oceanside Zoning Ordinance. Pursuant to 1.13(H) of the General Plan, lands within the Loma Alta Fire Mountain, and South Oceanside Neighborhood Planning Areas that are designated Estate B and with the corresponding zoning of RE-B, a minimum lot size of 10,000 sf as defined by the zoning ordinance shall be considered consistent with the underlying Land Use designation of Estate B residential.

The planned TPM/CUP proposes to exceed the base density of 1.0 DU/AC and would create 4 new lots with an average density of 3.3 DU/AC all of which will have a net area greater than 10,000 sf. Although this proposed subdivision will create lots that exceed base the base density of one unit per acre, it is still in considered to be in compliance with the Land Use Policies of the General Plan as noted in your comment letter.

The City of Oceanside General Plan Land Use Element Section 2.32(B) states that *“Project Characteristics that exceed standards established by City policy and those established by existing or approved developments in the surrounding area will be favorable considered in the review of acceptable density range.”* Some of the project characteristics specifically identified in this section that specifically apply to this project include *“Lot Standards which exceed the minimum standards established by City Policy”, “Development Standards which exceed the standards established by City policy”, “Superior Architectural Design and Materials, and “Superior Landscape/hardscape*

design and materials". Below is a summary of various project features that demonstrate these characteristics:

Lot Standards

- The minimum lot width required by the RE-B zone is 70 ft. The proposed lot widths range from approximately 90 ft to 140 ft and all exceed the 70 ft minimum requirement.
- The minimum lot area required by the RE-B zone is 10,000 sf. The proposed net lot areas range from 11,619 sf to 14,006 sf and all exceed the 10,000 sf requirement.

Development Standards:

- The existing single family home to remain on proposed Parcel 1 maintains front, rear, and side yard setbacks that all exceed the minimum required for the RE-B zone.

Superior Architectural Design and Materials:

- The architectural plans provided with this submittal for proposed parcels 2, 3, & 4 have been designed to allow for increased building setbacks above the minimums required by code to allow for larger side and rear yards where available. The architecture has been designed to complement the existing surrounding development and to be consistent with the community character of the Fire Mountain area. For these reasons we feel that the project has indeed provided superior architectural design.

Superior Landscape Design:

- The westerly side yard of Parcel 1 is to remain undeveloped and will be landscaped as a part of the project. This area will create a natural buffer between Avocado Road and the proposed Parcels 2, 3 & 4 which are located in the rear of the property and be screened from the street. Conceptual landscape plans have been provided which we feel demonstrate a superior landscape design.

Per Article 41, Section 4105(A) of the City of Oceanside Zoning Ordinance, the following findings must be made in order to approve a condition use permit:

1. The finding can be made that the proposed location of the use is in accord with the objectives of the zoning ordinance and the purposes of the district in which the site is located because:
 - a) The proposed density is within the allowable range for the RE-B zone
 - b) The proposed density/use is consistent with the surrounding area.

2. The finding can be made that the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to public health, safety or welfare of persons residing or working in adjacent to the neighborhood of such use; and will not be detrimental to the properties or improvements in the vicinity or to the general welfare of the city because:
 - a) The project design features meet the requirements of the General Plan Land Use element section 2.32 for projects that exceed base density
 - b) The project proposes a residential use which is allowed by the RE-B zone and consistent with the surrounding area
 - c) The project has been designed to avoid any direct impacts to adjacent properties or improvements as shown on the project drawings.

3. The finding can be made that the proposed conditional use will comply with the provisions of the zoning ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located because:
 - a) The proposed project is consistent with the allowable use and density allowed by the zoning ordinance.

In summary, the proposed project density of 3.3 DU/acre is within the allowable density range for the RE-B zone, is consistent with the surrounding area, and is consistent the City of Oceanside General Plan Land Use Element policies.

If you have any questions regarding this letter or require any additional information or clarifications in order to consider the proposed application, please do not hesitate to contact me.

Sincerely,



William G. Mack, P.E

EXHIBIT "A"

All that certain real property situated in the County of San Diego, State of California, described as follows:

Parcel 1:

That portion of Lot 25 in North Carlsbad, in the City of Oceanside, County of San Diego, State of California, according to the Map thereof No. 1807, filed in the Office of the County Recorder of San Diego County, on October 24, 1924, described as follows:

Beginning at a point in the Southeasterly line of said lot distant thereof North 54° 48' East 155 feet from the most Southerly corner of said lot; thence at right angles North 35° 12' West 220.00 feet; thence North 54° 48' East parallel with the Southeasterly line of said Lot 130.00 feet more or less to a point of intersection with a line drawn parallel with and distant 24 feet measured at right angles from the Westerly line of that property deeded to Hubert C. and Evelyn A. Hayden by Deed recorded December 9, 1938, as Document No. 205904, of Official Records of said County; thence along said parallel line North 01° 59' 12" West 125.00 feet more or less to an intersection with the said Southwesterly right of way line of Avocado Road; thence Southeasterly along said Southwesterly line to the Westerly line of said Hayden land; thence along the boundary line of said land South 1° 59' 12" East 130 feet; thence South 57° 49' 14" East 164.33 feet to the boundary line of said lot; thence along said boundary line South 8° 28' 48" West 36.72 feet to an angle point and South 54° 48' West 170 feet to the Point of Beginning.

Parcel 2:

An easement and right of way for sewer pipe line purposes and appurtenances thereto over the Southeasterly 5 feet of the Southwesterly 155 feet of said Lot 25.

Assessor's Parcel Number: 154-200-20-00



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** Fire Mountain Investments LLC.
2. **ADDRESS:** 1401 Air Wing Rd., San Diego, CA. 92154
3. **APPLICANT REP. /PHONE NUMBER:** Will Mack, (858) 259-8212
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Richard Greenbauer, Senior Planner
6. **PROJECT TITLE:** 1725 Avocado Road Subdivision
7. **DESCRIPTION:** The applicant request approval of Tentative Parcel Map (P14-00004) and Conditional Use Permit (CUP14-00003) in order to allow the subdivision of two legally created lots into four new lots with an overall density of 3.3 dwelling units per acre and to allow private panhandle access for parcels 2, 3, and 4. The subject proposal would be located on a 1.39-acre site located south of Fire Mountain Drive and west of Avocado Road. The site has a General Plan land use designation of Estate-B Residential (EB-R) which allows a density of 1-3.5 dwelling units per gross acre and a corresponding zoning designation of Residential Estate – B (RE-B) on the City's official zoning map and is situated within the Fire Mountain Planning Neighborhood.

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

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

Richard Greenbauer, Senior Planner

Date: October 6, 2014

cc: Project file Counter file Library Posting: County Clerk \$50.00 Admin. Fee