



DATE: November 19, 2008

TO: Chairman and Members of the Community Development Commission

FROM: Economic and Community Development Department

SUBJECT: **CONSIDERATION OF A RESOLUTION APPROVING TENTATIVE PARCEL MAP (P-206-07), DEVELOPMENT PLAN (D-209-07), AND REGULAR COASTAL PERMIT (RC-208-07) FOR A TWO-LOT SUBDIVISION AND THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE TO BE SITUATED ON THE NORTHERN LOT LOCATED AT 409 NORTH TREMONT STREET – HAYEK RESIDENCE - APPLICANT: ERIC HAYEK**

SYNOPSIS

The item under consideration is a Tentative Map, Development Plan and Regular Coastal Permit for a two-lot subdivision and the construction of a single-family residence to be situated on the northern lot located at 409 North Tremont Street. Staff is recommending that the Commission approve the project and adopt the resolution as attached.

BACKGROUND

The subject site consists of an existing legal parcel totaling 5,000 square feet in size that was part of original Townsite Subdivision recorded in 1885. The subject site currently maintains an approximately 2,500-square-foot single-family row house (built in 2003) situated on the southern portion of the site.

The subject site topography is relatively flat with less than 2-foot grade differential between the highest and lowest points of the site.

The subject site is situated within the North Cleveland/Tremont Street neighborhood, which consists of a mixture of single-family row homes, condominiums and old apartment buildings and single-family homes.

Land Use and Zoning: The subject site is located within Subdistrict 5 of the "D" Downtown District. Subdistrict 5 is primarily intended to provide a high-density residential neighborhood in an urban setting in close proximity to shopping, employment, transportation and recreational facilities. Row house developments are permitted. The maximum density for this zone is 43 dwelling units per acre and the project proposes a density of 17.4 dwelling units per acre.

Regular Coastal Permit: This project is situated within the Coastal Zone and requires a Regular Coastal Permit. Under the provisions of the Local Coastal Plan the project site is designated as High-Density Residential. Multifamily and single-family are primarily the uses allowed within this land use designation. The proposed project is not subject to the low/moderate replacement housing requirement because the project proposes less than three residential units.

Project Description: The project application consists of several components, which include a Tentative Parcel Map, Development Plan and Regular Coastal Permit. Each discretionary request is described as follows:

Tentative Map and Development Plan: The project proposes a two-lot subdivision and the construction of a single-family row house situated on the northern 2,500-square-foot lot (project density is 17.4 dwelling units per acre). The three-story, 2,537-square-foot single-family house proposes 3 bedrooms and 2.5 baths with a typical row house design.

Subdistrict 5 requires that a minimum of 25 percent of the site be landscaped. The project proposes that approximately 28 percent of the subject site is landscaped. The project proposes Palm trees, Texas Blossoms shrubs and groundcover consists of turf and Red Apple.

Outlined below is a comparison chart summarizing the required development criteria with the proposed project:

	MINIMUM REQUIRED	PROPOSED
LOT SIZE	2,500 s.f.	2,500 s.f.
SETBACKS Front Side Rear	10 feet 3 feet 5 feet	24 feet 3 feet 7 feet
LANDSCAPING	25%	28%
PARKING	2 spaces	2 spaces
BUILDING HEIGHT	35 feet (Maximum)	35 feet
DENSITY	43 du. Ac.(Maximum)	17.4 du. Ac.

Regular Coastal Permit: A Regular Coastal Permit is required because the project is situated within the Coastal Zone and proposes new construction that requires discretionary action.

Environmental Determination: A Certificate of Exemption has been prepared for the project. Under the provisions of the California Environmental Quality Act, the Community Development Commission will consider the exemption during its hearing on the project.

ANALYSIS

Staff's analysis focused on the compatibility of the project with existing development patterns of the area and the project's consistency with the underlying Redevelopment Plan, Zoning Ordinance, and the Local Coastal Program.

Redevelopment Plan: Section 301 of the Redevelopment Plan states that the Agency proposes to eliminate and prevent the spread of blight and deterioration by redevelopment of land through private enterprises. The proposed project is consistent with the Redevelopment Plan in that it develops vacant property by providing new residential uses.

Tentative Map/Development Plan: Staff believes that the proposed project conforms to the development standards of Section 1230 of the Downtown "D" District in that it meets all of the development standards and at 17 du. ac., is well below the maximum allowable density of 43 du. ac. The North Cleveland/Tremont Street corridor consists of several row house developments. Staff believes that the proposed product type, row house, is consistent with similar row house development that is found in the North Tremont/Cleveland Street corridors. The proposed row house design is typical of similar type of developments located on the Tremont/Cleveland Street corridors.

Local Coastal Plan: Staff's review of the project examined the consistency of the development with the underlying zoning regulations and policies of the Local Coastal Program. The project provides a 24-foot front yard setback which is far greater than the typical 10-foot front yard setback of the other row houses found on North Tremont and Cleveland streets. Staff also evaluated the proposed residence and its effect on public coastal views. The subject site is located one block east of the railroad tracks near the center of the block, therefore, the effects of the proposed project on public coastal view will be minimal.

In conclusion, staff believes that the project meets the intent of the Redevelopment Plan and goals, which encourage the development of new residential uses. The design of the project is consistent in both the height and scale of the surrounding neighborhood. The proposed project is consistent with the quality of design of the row houses that are situated along the North Cleveland/Tremont Street corridor. The proposed project is also consistent with the goals and land use policies of the Local Coastal Plan.

COMMISSION OR COMMITTEE REPORTS

The Redevelopment Design Review Committee (RDRC) approved the project on July 18, 2008, on a 5-0 vote.

The Redevelopment Advisory Committee (RAC) reviewed the project on November 12, 2008.

FISCAL IMPACT

The proposed project will add approximately \$5,000 of tax increment yearly to the project area.

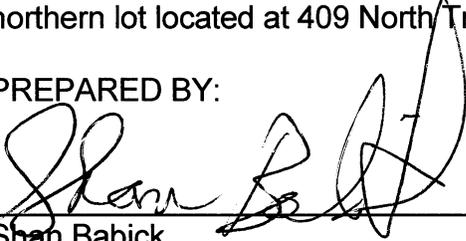
CITY ATTORNEY'S ANALYSIS

Pursuant to Oceanside Zoning Ordinance Article 41, Section 4102, and Article 43, Section 4305, the Community Development Commission is authorized to hold a public hearing on this project's applications. Consideration of the project should be based on the evidence presented at the public hearing. After conducting the public hearing, the Commission shall approve, conditionally approve, or disapprove the project. The resolution has been reviewed and approved as to form by the City Attorney.

RECOMMENDATION

Staff recommends that the Commission adopt the resolution approving Tentative Parcel Map (P-206-07), Development Plan (D-209-07) and Regular Coastal Permit (RC-208-07) for a two-lot subdivision and the construction of a single-family row house situated on the northern lot located at 409 North Tremont Street.

PREPARED BY:

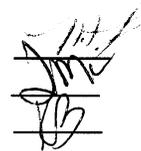

Shan Babick
Associate Planner

SUBMITTED BY:


Peter A. Weiss
Executive Director

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
Jane McVey, Economic and Community Development Director
Kathy Baker, Redevelopment Manager



EXHIBITS/ATTACHMENTS

- 1. Resolution
- 2. Notice of Exemption
- 3. Site Plan / Floor Plans / Elevations

1 RESOLUTION NO. 08-

2 A RESOLUTION OF THE COMMUNITY DEVELOPMENT
3 COMMISSION OF THE CITY OF OCEANSIDE APPROVING
4 A TENTATIVE PARCEL MAP, DEVELOPMENT PLAN AND
5 REGULAR COASTAL PERMIT FOR A TWO LOT
6 SUBDIVISION AND THE CONSTRUCTION OF A SINGLE
7 FAMILY RESIDENCE LOCATED AT 409 NORTH TREMONT
8 STREET – HAYEK RESIDENCE - APPLICANT: ERIC HAYEK

9 WHEREAS, on November 19, 2008, the Community Development Commission held its
10 duly noticed public hearing, considered an application for a Tentative Parcel Map (P-206-07),
11 Development Plan (D-209-07) and Regular Coastal Permit (RC-208-07) for a two lot
12 subdivision and the construction of a single family residence on the northern lot located at 409
13 North Tremont Street;

14 WHEREAS, the Redevelopment Design Review Committee (RDRC) of the City of
15 Oceanside did, on July 18, 2008, review and recommend approval of Tentative Parcel Map (P-
16 206-07), Development Plan (D-209-07) and Regular Coastal Permit (RC-208-07);

17 WHEREAS, the Redevelopment Advisory Committee (RAC) of the City of Oceanside
18 did, on November 12, 2008 review and recommend approval of Tentative Parcel Map (P-206-
19 07), Development Plan (D-209-07) and Regular Coastal Permit (RC-208-07);

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

22 WHEREAS, a Categorical Exemption was prepared by the Resource Officer of the City
23 of Oceanside for this application pursuant to the California Environmental Quality Act of 1970
24 and the State Guidelines implementing the Act. The project is considered an infill development
25 and will not have a detrimental effect on the environment;

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

28 WHEREAS, pursuant to Government Code §66020(d)(1), NOTICE IS HEREBY
GIVEN that 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</u>
2			<u>Calculation Formula</u>
3			
4	Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
5			
6	Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	\$2,843 per acre
7			
8	Public Facility Fee	Ordinance No. 91-09 Resolution No. 05-R0334-1	\$2,072 per unit
9			
10	School Facilities Mitigation	Ordinance No. 91-34	\$2.63 per square foot
11	Fee		
12	Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
13			
14	Thoroughfare Fee	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table)
15			
16			
17			
18	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 \$3,746 per unit;
19			
20			
21			
22	Wastewater System Buy-in	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on meter size. Residential is typically \$4,587 per unit;
23	fees		
24			
25			
26			
27	San Diego County Water	SDCWA Ordinance No.	Based on meter size.
28	Authority Capacity Fees	2005-03	Residential is typically

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or</u>
2			<u>Calculation Formula</u>
3			
4			\$4,154 per unit

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

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

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

16 WHEREAS, pursuant to Government Code §66020(d)(1), NOTICE IS FURTHER
17 GIVEN that the 90-day period to protest the imposition of any fee, dedication, reservation, or
18 other exaction described in this resolution begins on the effective date of this resolution and any
19 such protest must be in a manner that complies with Section 66020; and

20 WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes
21 effective upon its adoption.

22 NOW, THEREFORE, the Community Development Commission of the City of
23 Oceanside does resolve as follows:

24 FINDINGS:

For the Tentative Parcel Map:

1. The proposed two lot subdivision meets the requirement of the Subdistrict 5 zoning designation in that the project creates two lots from an existing legal lot as stipulated within Article 12 of the Downtown District development standards. The subdivision map is consistent with the General Plan, Redevelopment Plan, Article 12 of the Downtown District and the Subdivision Ordinance of the City of Oceanside by creating two 2,500 square foot lots.

1 2. The proposed building on the site will conform to the topography of the site,
2 therefore, making it suitable for residential development. The subject site is physically suitable to
3 allow for the development of two row houses.

4 3. The subdivision complies with all other applicable ordinances, regulations and
5 guidelines of the City.

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

9 5. The design of the subdivision or the proposed improvements will not cause
10 substantial environment damage or substantially and avoidably injure fish or wildlife or their
11 habitat because the proposed project is an infill site that does not contain any sensitive habitat, river
12 or blue stream, wildlife, cultural resources, riparian habitat, sensitive landforms and/or geologic
13 formations or minerals, sensitive fauna and marine life.

13 **For the Development Plan:**

14 1. The site plan and physical design of the project as proposed is consistent with the
15 purposes of the City's Zoning Ordinance and the "D" Downtown District in that the
16 architectural design of the proposed structure and the landscaping of the open space meets or
17 exceeds the minimum development standards of the "D" Downtown District. The proposed
18 project meets the minimum setbacks, landscape, open space, height and parking spaces as
19 stipulated within the "D" Downtown District development standards. In addition, the project is
20 consistent with the row houses found on the Cleveland/Tremont Street corridors.

21 2. The Development Plan as proposed conforms to the Redevelopment Plan, and
22 General Plan of the City in that the proposed lot split and construction of a single family row
23 house on the northern lot is consistent with the land uses of the Redevelopment Plan and the
24 project meets the minimum setbacks, landscape, open space, height and parking spaces as
25 stipulated within the "D" Downtown District development standards. In addition, the project is
26 consistent with the newer development located within the surrounding neighborhood.

27 3. The area covered by the Development Plan can be adequately, reasonably and
28 conveniently served by existing and planned public services, utilities and public facilities. The
proposed residential development project will not create public service and facility demands

1 exceeding the capacity of existing and planned infrastructure.

2 4. The proposed project, lot split and the construction of a single family row house
3 on the northern lot, is compatible with the newer development within the surrounding
4 neighborhood in that in comparing the project's product type and corresponding square footages to
5 the unit types and square footages that exist in the area, it can be found that the proposed unit sizes
6 are comparable in size and would have a positive effect on the area.

7 5. The site plan and physical design of the project is consistent with Section 1.24 and
8 1.25 of the Land Use Element of the General Plan, and Section 3039 of the Oceanside Zoning
9 Ordinance (Hillside Development Provisions), in that there is 2-foot grade differential from the
10 highest and lowest points of the subject site and therefore the project would not be subject to the
11 guidelines of the Land Use Element of the General Plan.

For the Regular Coastal Permit:

12 1. The granting of the Regular Coastal Permit is consistent with the purposes of the
13 California Coastal Act of 1976. The proposed lot split and construction of a single row house
14 on the northern lot is consistent with the High Density Land Use as depicted in the Local
15 Coastal Program Land Use Map. The project does not impede public access to the beach
16 because the subject site is located in the center of the block and east of the railroad tracks. The
17 project provides a 24-foot front yard setback which exceeds the 10-foot typical front yard
18 setbacks located on Cleveland/Tremont street corridor, therefore, impacts on public coastal
19 views is minimal.

20 2. The proposed project is consistent with the policies of the Local Coastal Program
21 as implemented through the City Zoning Ordinance. The proposed lot split and construction of a
22 single family row home on the northern lot is consistent with the High Density Land Use as
23 depicted in the Local Coastal Program Land Use Map. In addition, the project will minimally
24 impact the existing public coastal views through the public rights-of-way view corridors by
25 providing essentially a 24 foot front yard setback.

26 3. The proposed project will not obstruct any existing or planned public beach
27 access; therefore, the project is in conformance with the policies of Chapter 3 of the Coastal
28 Act. The subject site is located in the center of the block east of the railroad tracks.

1 SECTION 1. That Tentative Parcel Map (P-206-07), Development Plan (D-209-07) and
2 Regular Coastal Permit (RC-208-07) are hereby approved subject to the following conditions:

3 **Building:**

4 1. Applicable Building Codes and Ordinances shall be based on the date of
5 submittal for Building Department plan check (Currently the 2007 California Building Code
6 and 2007 California Electrical Code).

7 2. The granting of approval under this action shall in no way relieve the
8 applicant/project from compliance with all State and local building codes.

9 3. The building plans for this project are required by State law to be prepared by a
10 licensed architect or engineer and must be in compliance with this requirement prior to
11 submittal for building plan review.

12 4. All electrical, communication, CATV, etc. service lines, within the exterior lines
13 of the property shall be undergrounded. (City Code Sec. 6.30)

14 5. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on
15 the plans.

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

19 a) Building construction work hours shall be limited to between 7 a.m. and
20 6 p.m. Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not
21 inherently noise-producing. Examples of work not permitted on Saturday are concrete and
22 grout pours, roof nailing and activities of similar noise-producing nature. No work shall be
23 permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor
24 Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the
25 provisions of the Oceanside City Code Chapter 38. (Noise Ordinance)

26 b) The construction site shall be kept reasonably free of construction debris
27 as specified in Section 13.17 of the Oceanside City Code. Storage of debris in approved solid
28 waste containers shall be considered compliance with this requirement. Small amounts of
construction debris may be stored on-site in a neat, safe manner for short periods of time
pending disposal.

1 7. A complete soils report, structural and energy calculations will be required at
2 time of plans submittal to the Building Division for plan check.

3 8. Separate/unique addresses will/may be required to facilitate utility releases.
4 Verification that the addresses have been properly assigned by the City's Planning Department
5 shall accompany the Building Permit application.

6 **Engineering:**

7 9. If the project involves demolition of an existing structure or surface improvements,
8 a grading plan shall be submitted and erosion control plans shall be approved by the City Engineer
9 prior to the issuance of a demolition permit. No demolition shall be permitted without an approved
10 erosion control plan.

11 10. Vehicular access rights to North Tremont Street shall be relinquished to the City
12 from the two abutting lots.

13 11. All right-of-way alignments, street dedications, exact geometrics and widths shall
14 be dedicated and constructed or replaced as required by the City Engineer.

15 12. Design and construction of all improvements shall be in accordance with
16 standard plans, specifications of the City of Oceanside and subject to approval by the City
17 Engineer.

18 13. Prior to issuance of a building permit all improvement requirements shall be
19 covered by a development agreement and secured with sufficient improvement securities or
20 bonds guaranteeing performance and payment for labor and materials, setting of monuments,
21 and warranty against defective materials and workmanship.

22 14. Legal access shall be provided to the proposed lot prior to the filing of the parcel
23 map.

24 15. The developer shall provide public street dedication (if required) to serve the
25 property.

26 16. The approval of the tentative parcel map shall not mean that closure, vacation, or
27 abandonment of any public street, right of way, easement, or facility is granted or guaranteed to
28 the developer/owner. The developer/owner is responsible for applying for all closures,
vacations, and abandonments as necessary. The application(s) shall be reviewed and approved
or rejected by the City of Oceanside under separate process (es) per codes, ordinances, and

1 policies in effect at the time of the application.

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

7 18. Where proposed off-site improvements, including but not limited to slopes, public
8 utility facilities, and drainage facilities, are to be constructed, the developer/owner shall, at his own
9 expense, obtain all necessary easements or other interests in real property and shall dedicate the
10 same to the City of Oceanside as required. The applicant shall provide documentary proof
11 satisfactory to the City of Oceanside that such easements or other interest in real property have
12 been obtained prior to the issuance of any grading, building or improvement permit for the
13 development. Additionally, the City of Oceanside, may at its sole discretion, require that the
14 applicant obtain at his sole expense a title policy insuring the necessary title for the easement or
15 other interest in real property to have vested with the City of Oceanside or the applicant, as
16 applicable.

17 19. Prior to the issuance of a grading permit, the Developer shall notify and host a
18 neighborhood meeting with all of the area residents located within 300 feet of the project site,
19 and residents of property along any residential streets to be used as a "haul route", to inform
20 them of the grading and construction schedule, haul routes, and to answer questions.

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

- 24 a) Dirt, debris and other construction material shall not be deposited on any public
25 street or within the City's storm water conveyance system.
- 26 b) All grading and related site preparation and construction activities shall be
27 limited to the hours of 7 AM to 6 PM, Monday through Friday. No engineering
28 related construction activities shall be conducted on Saturdays, Sundays or legal
holidays unless written permission is granted by the City Engineer with specific
limitations to the working hours and types of permitted operations. All on-site

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

c) The construction site (or an alternate site to the satisfaction of the City Engineer) shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

d) A haul route shall be obtained at least 7 days prior the start of hauling operations and must be approved by the City Engineer. Hauling operations shall be 8:00 A.M. to 3:30 P.M. unless approved otherwise.

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

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

23. Approval of this development project is conditioned upon payment of all applicable impact fees and connection fees in the manner provided in chapter 32B of the Oceanside City Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees, reimbursements, and other applicable charges, fees and deposits shall be paid prior to recordation of the parcel map or the issuance of any building permits, in accordance with City Ordinances and policies. The developer/owner shall also be required to join into, contribute, or participate in any improvement, lighting, or other special district affecting or affected by this project. Approval of the tentative parcel map shall constitute the developer's approval of such payments, and his

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

4 24. North Tremont Street along the project frontage shall be constructed with curbs and
5 gutters and sidewalk according to the latest City of Oceanside design standards.

6 25. North Tremont Street along the project frontage shall provide a minimum of 10 feet
7 parkway between the face of curb and the right of way line to the satisfaction of the City Engineer.
8 Sidewalk construction shall comply with ADA requirements and all pedestrian ramps for
9 public access must be fully located within public right-of-way.

10 26. Sight distance requirements at the project driveway or street shall conform to the
11 corner sight distance criteria as provided by SDRSD DS-20A and or DS-20B.

12 27. Streetlights shall be maintained on the alley and North Tremont Street per City
13 Standards. The system shall provide uniform lighting, and be secured prior to occupancy. The
14 developer/owner shall pay all applicable fees, energy charges, and/or assessments associated with
15 City-owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the
16 annexation to, any appropriate street lighting district.

17 28. This project's streets/driveways shall remain private and shall be maintained by
18 the future owner of the proposed parcel. The pavement sections, traffic indices, alignments, and
19 all geometrics shall meet public street standards.

20 29. Prior to approval of the grading plans, the developer shall contract with a
21 geotechnical engineering firm to perform a field investigation of the existing pavement on all
22 streets adjacent to the project boundary. The limits of the study shall be half-street plus twelve
23 (12) feet along the project's frontage. The field investigation shall be performed according to a
24 specific boring plan prepared by a licensed Geotechnical Engineer and approved by the City
25 Engineer. In the absence of such approved boring plan, the field investigation shall include a
26 minimum of one pavement boring per every fifty (50) linear feet of street frontage. Should the
27 existing AC thickness be determined to be less than the current minimum standard for AC and
28 Class II Base as set forth in the table for City of Oceanside Pavement Design Guidelines in the
City's Engineers Manual, the Developer shall remove and reconstruct the pavement section as
determined by the pavement analysis submittal process detailed below.

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

9 31. Pavement sections for all streets, alleys, driveways and parking areas shall be based
10 upon approved soil tests and traffic indices. The pavement design is to be prepared by the
11 developer's/owner's soil engineer and must be approved by the City Engineer, prior to paving.

12 32. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged
13 during construction of the project, shall be repaired or replaced as directed by the City Engineer.

14 33. Full width alley construction or replacement including the installation of a
15 longitudinal concrete alley gutter maybe required for construction depending on the investigation
16 of the geotechnical report findings and in accordance with the standard plans and specifications of
17 the City of Oceanside and to the satisfaction of the City Engineer.

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

20 35. Grading and drainage facilities shall be designed and installed to adequately
21 accommodate the local storm water runoff and shall be in accordance with the City's Engineers
22 Manual and as directed by the City Engineer.

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

28 37. The approval of the tentative parcel map shall not mean that proposed grading or
improvements on adjacent properties (including any City properties/right-of-way or easements)
is granted or guaranteed to the developer/owner. The developer/owner is responsible for

1 obtaining permission to grade to construct on adjacent properties. Should such permission be
2 denied, the Tentative Map shall be subject to going back to the public hearing or subject to a
3 substantial conformity review.

4 38. Prior to any grading of any part of the tract or project, a comprehensive soils and
5 geologic investigation shall be conducted of the soils, slopes, and formations in the project. All
6 necessary measures shall be taken and implemented to assure slope stability, erosion control, and
7 soil integrity. No grading shall occur until a detailed grading plan, to be prepared in accordance
8 with the Grading Ordinance and Zoning Ordinance, is approved by the City Engineer.

9 39. This project shall provide year-round erosion control including measures for the site
10 required for the phasing of grading. Prior to the issuance of grading permit, an erosion control
11 plan, designed for all proposed stages of construction, shall be reviewed, secured by the applicant
12 with cash securities and approved by the City Engineer.

13 40. A precise grading and private improvement plan shall be prepared, reviewed,
14 secured and approved prior to the issuance of any building permits. The plan shall reflect all
15 pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and
16 signage, footprints of all structures, walls, drainage devices and utility services. Parking lot
17 striping and any on site traffic calming devices shall be shown on all Precise Grading and Private
18 Improvement Plans.

19 41. Landscaping plans, including plans for the construction of walls, fences or other
20 structures at or near intersections, must conform to intersection sight distance requirements.
21 Landscape and irrigation plans for disturbed areas must be submitted to the City Engineer prior to
22 the issuance of a preliminary grading permit and approved by the City Engineer prior to the
23 issuance of occupancy permits. Frontage and median landscaping shall be installed prior to the
24 issuance of any certificates of occupancy. Any project fences, sound or privacy walls and
25 monument entry walls/signs shall be shown on, bonded for and built from the landscape plans.
26 These features shall also be shown on the precise grading plans for purposes of location only.
27 Plantable, segmental walls shall be designed, reviewed and constructed by the grading plans and
28 landscaped/irrigated through project landscape plans. All plans must be approved by the City
Engineer and a pre-construction meeting held, prior to the start of any improvements.

1 42. The drainage design on the tentative parcel map is conceptual only. The final
2 design shall be based upon a hydrologic/hydraulic study to be approved by the City Engineer
3 during final engineering. All drainage picked up in an underground system shall remain
4 underground until it is discharged into an approved channel, or as otherwise approved by the City
5 Engineer. All public storm drains shall be shown on City standard plan and profile sheets. All
6 storm drain easements shall be dedicated where required. The applicant shall be responsible for
7 obtaining any off-site easements for storm drainage facilities.

8 43. Storm drain facilities shall be designed and located such that the inside travel lanes
9 on streets with Collector or above design criteria shall be passable during conditions of a 100-year
10 frequency storm.

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

14 45. The Landowner shall comply with the provisions of National Pollution
15 Discharge Elimination System (NPDES) General Permit for Storm Water Discharges
16 Associated with Construction Activity (General Permit) Water Quality Order 99-08-DWQ. The
17 General Permit continues in force and effect until a new General Permit is issued or the
18 SWRCB rescinds this General Permit. Only those Landowners authorized to discharge under
19 the expiring General Permit are covered by the continued General Permit. Construction activity
20 subject to the General Permit includes clearing, grading, and disturbances to the ground such as
21 stockpiling, or excavation that results in soil disturbances of at least one acre of total land area.
22 The Landowner shall obtain coverage under the General Permit by submitting a Notice of Intent
23 (NOI) and obtaining a Waste Discharge Identification Number (WDID#) from the State Water
24 Resources Control Board (SWRCB). In addition, coverage under the General Permit shall not
25 occur until an adequate SWPPP is developed for the project as outlined in Section A of the
26 General Permit. The site specific SWPPP and associated NOI shall be maintained on the
27 project site at all times. The SWPPP shall be provided, upon request, to the United States
28 Environmental Protection Agency (USEPA), SWRCB, Regional Water Quality Control Board
(RWQCB), City of Oceanside, and other applicable governing regulatory agencies. The
SWPPP is considered a report that shall be available to the public by the RWQCB under section

1 308(b) of the Clean Water Act. The provisions of the General Permit and the site specific
2 SWPPP shall be continuously implemented and enforced until the Landowner obtains a Notice
3 of Termination (NOT) for the SWRCB. The Landowner is required to retain records of all
4 monitoring information, copies of all reports required by this General Permit, and records of all
5 data used to complete the NOI for all construction activities to be covered by the General Permit
6 for a period of at least three years from the date generated. This period may be extended by
7 request of the SWRCB and/or RWQCB.

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

12 47. The BMPs described in the project's approved Runoff Assessment Report (RAR)
13 shall not be altered in any way, unless reviewed and approved to the satisfaction of the City
14 Engineer. The determination of whatever action is required for changes to a project's approved
15 RAR shall be made by the City Engineer.

16 48. The Developer/owner shall provide a copy of the title/cover page of the approved
17 Runoff Assessment Report (RAR) with the first engineering submittal package. If the project
18 triggers the City's Stormwater requirements but no approved Stormwater document (RAR)
19 exists, the appropriate document shall be submitted for review and approval by the Public
20 Works Department. The RAR shall be prepared by the applicant's Civil Engineer. All
21 Stormwater documents shall be in compliance with the latest edition of submission
22 requirements.

23 49. In the event that the conceptual plan does not match the conditions of approval,
24 the resolution of approval shall govern.

25 **Fire:**

26 50. Fire Department requirements shall be placed on plans in the notes section.

27 51. Smoke detectors are required and detector locations shall be indicated on the
28 plans.

1 52. All existing and proposed fire hydrants within 400 feet of the project shall be
2 shown on the site plan.

3 53. Provide a 13D fire sprinkler system. The system shall be designed per N.F.P.A.
4 13D, protection against the fire hazards in one and two-family dwellings and manufactured
5 homes.

6 54. In accordance with the California Fire Code Sec. 505, City approved addresses
7 for residential occupancies shall be placed on the structure in such a position as to be plainly
8 visible and legible from the street or roadway fronting the property. Numbers shall be
9 contrasting with their background.

10 55. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
11 approval prior to the issuance of building permits.

12 56. Buildings shall meet Oceanside Fire Departments current codes at the time of
13 building permit application.

14 **Economic/Redevelopment:**

15 57. This Tentative Parcel Map (T-206-07), Development Plan (D-209-07) and
16 Regular Coastal Permit (RC-208-07) shall expire on November 19, 2010, unless implemented
17 as required by the Zoning Ordinance.

18 58. This Tentative Map, Development Plan and Regular Coastal Permit approve
19 only a two lot subdivision and the construction of a single family row house to be situated on
20 the northern lot as shown on the plans and exhibits presented to the Community Development
21 Commission for review and approval. No deviation from these approved plans and exhibits
22 shall occur without Economic and Community Development Department approval. Substantial
23 deviations shall require a revision to the Tentative Parcel Map, Development Plan, and Regular
24 Coastal Permit or a new Tentative Parcel Map, Development Plan and Regular Coastal Permit.

25 59. The applicant, permittee or any successor-in-interest shall defend, indemnify and
26 hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or
27 proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul
28 an approval of the City, concerning Tentative Parcel Map (P-206-07), Development Plan (D-
209-07) and Regular Coastal Permit (RC-208-07). The City will promptly notify the applicant
of any such claim, action or proceeding against the City and will cooperate fully in the defense.

1 If the City fails to promptly notify the applicant of any such claim action or proceeding or fails
2 to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend,
3 indemnify or hold harmless the City.

4 60. All mechanical rooftop and ground equipment shall be screened from public
5 view as required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,
6 mechanical equipment, screen and vents shall be painted with non-reflective paint to match the
7 roof. This information shall be shown on the building plans.

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

10 62. All single-family unit dwelling projects shall dispose of or recycle solid waste in
11 a manner provided in City Ordinance 13.3.

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

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

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

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

28 67. Failure to meet any conditions of approval for this development shall constitute a
violation of the Tentative Parcel Map (P-206-07), Development Plan (D-209-07) and Regular
Coastal Permit (RC-208-07).

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

6 69. The following unit type and floor plan mix, as approved by the Community
7 Development Commission, shall be indicated on plans submitted to the Building Division and
8 Economic and Community Development Department for building permit:

	Sq.Ft.	# Bedrms	# Baths	# Units	%
9 Plan 1	2,537	3	2.5	1	100

10 70. Side and rear elevations and window treatments shall be trimmed to substantially
11 match the front elevations. A set of building plans shall be reviewed and approved by the
12 Economic and Community Development Department prior to the issuance of building permits.

13 71. Elevations, siding materials, colors, roofing materials and floor plans shall be
14 substantially the same as those approved by the Community Development Commission. These
15 shall be shown on plans submitted to the Building Division and Economic and Community
16 Development Department.

17 72. This project is subject to the provisions of the Local Coastal Plan for Coastal
18 Housing. The developer shall obtain a Coastal Affordable Housing Permit from the Director of
19 Housing and Neighborhood Services prior to issuance of building permits or recordation of a
20 final map, whichever occurs first.

21 **Water Utilities:**

22 73. All public water and/or sewer facilities not located within the public right-of-way
23 shall be provided with easements sized according to the Water, Sewer, and Reclaimed Water
24 Design Construction Manual.

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

27 75. The property owner will maintain private water and wastewater utilities located
28 on private property.

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

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

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

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

14 80. All Water and Wastewater construction shall conform to the most recent edition
15 of the Water, Sewer, and Reclaimed Water Design and Construction Manual, or as approved by
16 the Water Utilities Director.

17 81. All residential units of this building shall be required to be metered individually.
18 Private utility systems for residential developments are not allowed.

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

PASSED AND ADOPTED by the Oceanside Community Development Commission of the City of Oceanside this ___ day of _____ 2008 by the following vote:

AYES:

NAYS:

ABSENT:

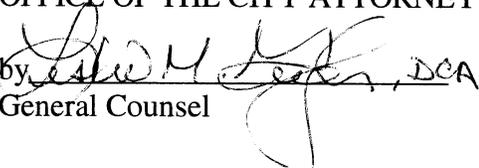
ABSTAIN:

Chairman

ATTEST:

Secretary

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

by  DCA
General Counsel

CITY OF OCEANSIDE
PLANNING DEPARTMENT

NOTICE OF EXEMPTION

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

PROJECT TITLE AND FILE NUMBER:

TENTATIVE PARCEL MAP (P-206-07), DEVELOPMENT PLAN (D-209-07) AND REGULAR COASTAL PERMIT (RC-208-07) FOR A TWO LOT SUBDIVISION AND THE CONSTRUCTION OF A SINGLE FAMILY ROW HOUSE ON THE NORTHERN LOT LOCATED AT 409 NORTH TREMONT STREET

PROJECT LOCATION - SPECIFIC:
409 North Tremont Street

PROJECT LOCATION - GENERAL:
Sportsfisher and Tremont Street

TENTATIVE PARCEL MAP (P-206-07)
DEVELOPMENT PLAN (D-209-07)
REGULAR COASTAL PERMIT (RC-208-07)

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:

For a two lot subdivision and the construction of a single family row house situated on the northern lot located at 409 North Tremont Street.

NAME OF PUBLIC AGENCY APPROVING PROJECT:

City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:

BHA
5115 Avenida Encinas-L
Carlsbad, CA 92008
(760) 931-8700

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

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

STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION 15301(b)

REASONS WHY PROJECT IS EXEMPT:

The proposed project is a Tentative Parcel Map, Development Plan and Regular Coastal Permit for a 2-lot subdivision and the construction of a single family row house situated on the northern lot located at 409 North Tremont Street. The subject site is less than 5-acres in size, therefore, it is exempt from environmental review.

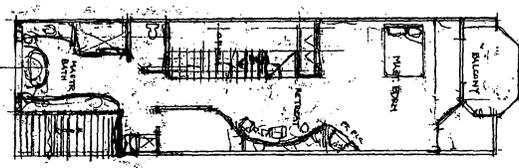
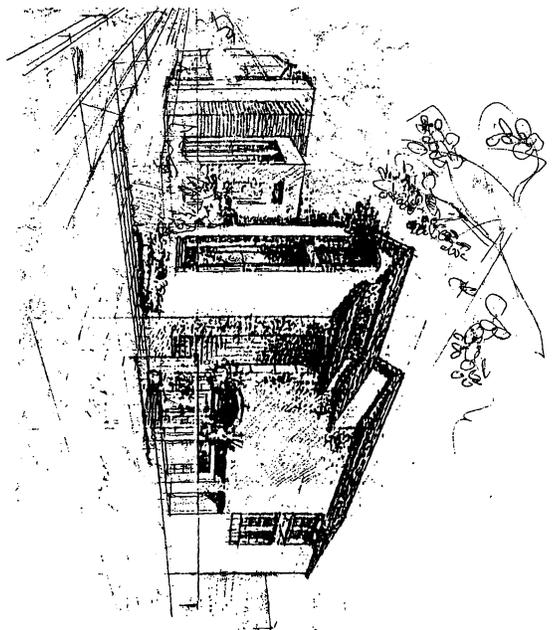
Contact Person: Shan Babick, Associate Planner

SIGNATURE

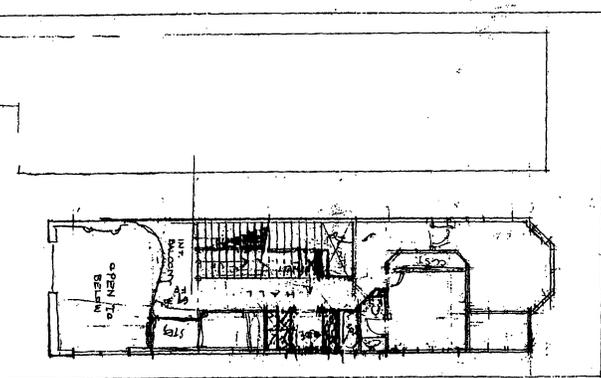
For: Jerry Littleman, Planning Director

October 22, 2008

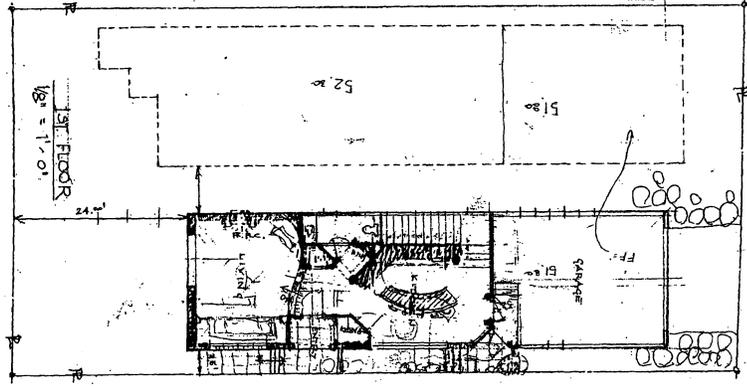
DATE



3RD FLOOR
1/8" = 1'-0"

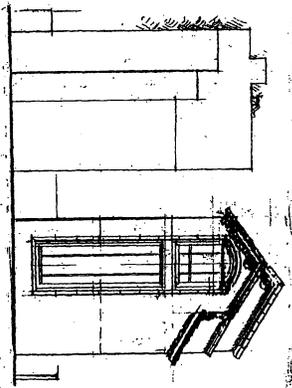
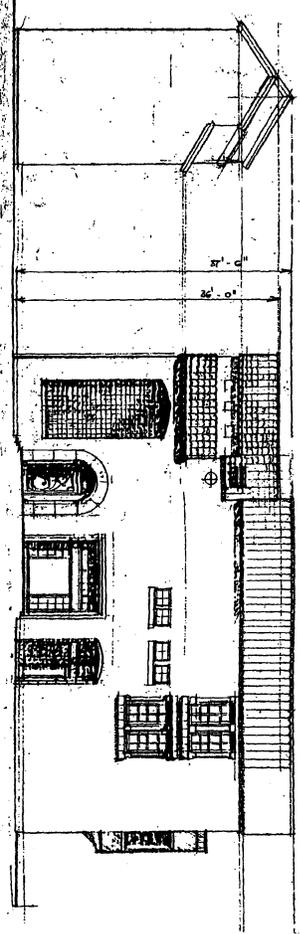


2ND FLOOR
1/8" = 1'-0"



1ST FLOOR
1/8" = 1'-0"

ALLEY

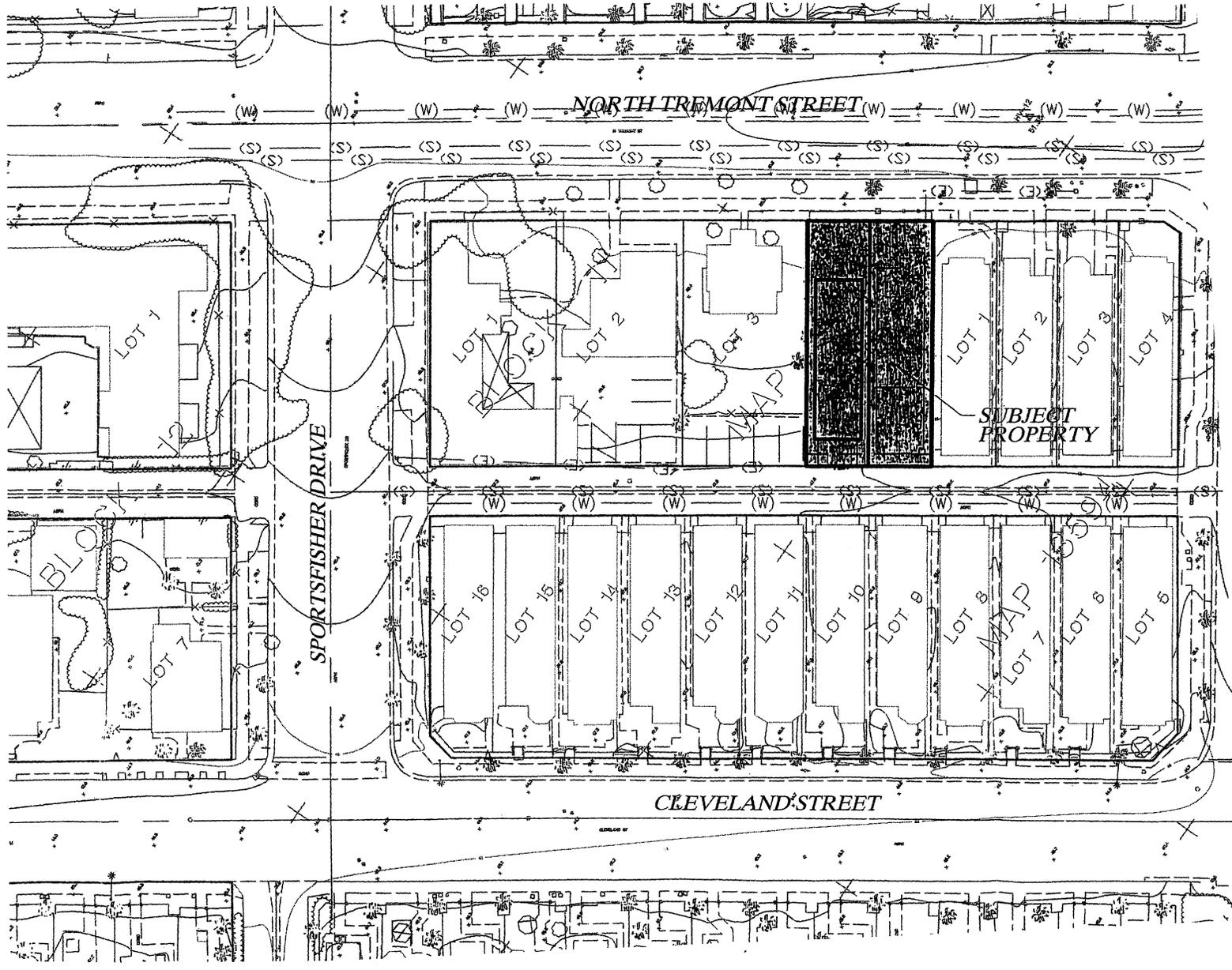


TREMONT

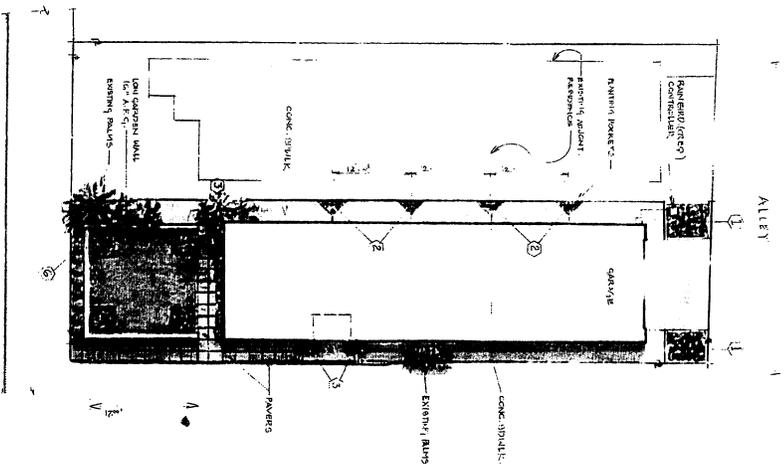
DATE: 27.10.02
 DRAWN BY: *Travis A. Deal*
 SH: 1

HAYEK RESIDENCE

DESIGN
 TRAVIS A. DEAL
 3095 STATE STREET
 SUITE 101
 CARLESEAD, CALIF
 92008
 (760) 458-8750



SYMBOL	ITEM	SIZE	QUANTITY	NOTES
(1)	RED WOOD SHRUBS (1/2\"/>	12\"/>	124 PLANTS	
(2)	SAND PADDOCK (1\"/>	1/2\"/>	4 PLANTS	
(3)	PALM TREE (1\"/>	16\"/>	5 TREES	
(4)	LAWN (1\"/>	24\"/>	225 SQ FT	
(5)	IVY 16\"/>	1/2\"/>	16 PLANTS	
(6)	SHRUBS (TEXAS KUSSAUM) 16\"/>			
	* ALL SHRUBS SHALL BE 2 MINIMUM 5-GALLON S			



<h1>HAMEN RESIDENCE</h1>	DESIGN TRAVIS A DEAL 3035 STATE STREET SUITE #1 CARLETON, CALIF. 95028
DATE: 12 AUG 87	