



DATE: May 20, 2009

TO: Chairman and Members of the Community Development Commission

FROM: Economic and Community Development Department

SUBJECT: **CONSIDERATION OF A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (C-201-09) TO ALLOW FOR THE CONVERSION OF AN EXISTING 1,030-SQUARE-FOOT COMMERCIAL BUILDING INTO A SINGLE-FAMILY RESIDENCE AND THE CONSTRUCTION OF A DETACHED 2-CAR GARAGE LOCATED AT 423 NORTH FREEMAN STREET – TETALMAN RESIDENCE - APPLICANT: JERRY AND KATHY TETALMAN, LLC**

SYNOPSIS

The item under consideration is a Conditional Use Permit for the conversion of an existing 1,030 square foot commercial building into a single-family residence and the construction of a detached 2-car garage located at 423 North Freeman 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 2,800 square feet in size that was part of the original A.J. Myers subdivision of 1885. The subject site currently maintains a 1,030-square-foot commercial building.

The subject site is flat, with a 1-foot grade differential between the highest and lowest points of the site.

The subject site is situated within the Freeman Street corridor neighborhood, which consists of old commercial buildings interspersed with some single-family and multifamily residential.

Land Use and Zoning: The subject site is located within Subdistrict 9 of the "D" Downtown District. Subdistrict 9 is to provide opportunities for commercial uses supporting other land uses within the downtown and serving the entire community. Residential uses are encouraged where appropriate. The maximum density within this zone is 43 dwelling units per acre and the project proposes a density of 15.5 dwelling units per acre.

Conditional Use Permit: This project is situated within Subdistrict 9. Subdistrict 9 allows for single-family residential uses upon approval of a Conditional Use Permit.

Project Description: The project application is a Conditional Use Permit to allow for the conversion of an existing commercial building into a single-family residence. The existing commercial building will be converted to a 3-bedroom 1-bath single-family residence. The project also proposes to construct a new detached 2-car garage situated on the western portion of the subject site. The overall project density is 15.5 dwelling units per acre.

Vehicular access to the residence will be provided from the alley and pedestrian access will be provided from North Freeman Street.

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

	MINIMUM REQUIRED	PROPOSED
LOT SIZE	5,000 square feet	*2,800 square feet
SETBACKS Front Side Rear	10 feet 3 feet **0 feet	10 feet 3 feet 0 feet
LANDSCAPING	25%	45%
PARKING	2 spaces	2 spaces
BUILDING HEIGHT	35 feet (Maximum)	15 feet
DENSITY	43 du. Ac.(Maximum)	15.5 du. Ac.

*Previously subdivided lot.

**Detached accessory structures are allowed to be placed on the property line.

Environmental Determination: A Certificate of Exemption (Section 15332 (b)) has been prepared for the project. Under the provisions of the California Environmental Quality Act, the Community Development Commission will consider the exemption (Section 15332(b)) 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 underutilized, blighted property by providing a new residential use.

Conditional Use Permit: 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 is well below the maximum allowable density of 43 du. ac. The North Freeman Street area consists of older apartment buildings interspersed with newer multifamily condominium developments. Staff believes that the proposed use is consistent with the newer condominium and row home developments that are located on North Freeman Street.

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 proposed conversion is consistent with the type of residential uses found in the North Freeman Street neighborhood.

COMMISSION OR COMMITTEE REPORTS

The Redevelopment Advisory Committee (RAC) reviewed the project at its May 13, 2009 meeting; results will be reported orally.

FISCAL IMPACT

Not applicable.

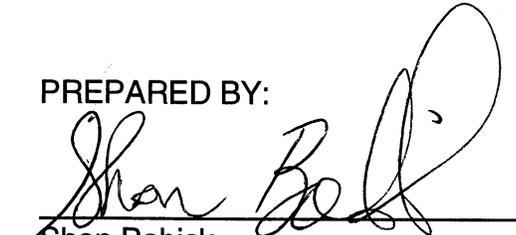
CITY ATTORNEY'S ANALYSIS

Pursuant to Oceanside Zoning Ordinance Articles 12 and 41, Section 4102, 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

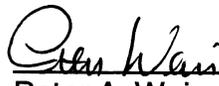
Staff recommends that the Commission adopt the resolution approving Conditional Use Permit (C-201-09) for the conversion of an existing commercial building into a single-family residence and the construction of a detached 2-car garage located at 423 North Freeman Street.

PREPARED BY:



Shan Babick
Associate Planner

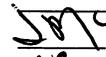
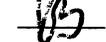
SUBMITTED BY:



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

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RESOLUTION NO. 09-

A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE APPROVING A CONDITIONAL USE PERMIT FOR THE CONVERSION OF A COMMERCIAL BUILDING INTO A SINGLE-FAMILY RESIDENCE AND THE CONSTRUCTION OF A 2-CAR GARAGE LOCATED AT 423 NORTH FREEMAN STREET – TETALMAN RESIDENCE -APPLICANT: JERRY AND KATHY TETALMAN, LLC

WHEREAS, on May 20, 2009, the Community Development Commission held its duly noticed public hearing, considered an application for Conditional Use Permit (C-201-09) for the conversion of an existing 1,030 square foot commercial building into a single-family residence and the construction of a 2-car garage located at 423 North Freeman Street;

WHEREAS, the Redevelopment Advisory Committee (RAC) of the City of Oceanside did, on May 13, 2009 review and recommend approval of Conditional Use Permit (C-201-09);

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

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

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

WHEREAS, pursuant to 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:

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<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	\$2,843 per acre
Parkland Dedication Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit

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

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

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

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

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

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

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FINDINGS:

Conditional Use Permit for the Residential Use Located Within Subdistrict 9:

1. That the proposed location of the use is in accord with the objectives and the purposes of Subdistrict 9. The location of the single-family residential use is consistent with the allowable uses within this land use district (Subdistrict 9) of the Redevelopment Plan. The purpose of Subdistrict 9 is to provide opportunities for commercial uses; however, residential uses are encouraged where appropriate.

2. That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan in that residential uses are an allowed use within Subdistrict 9. A single-family residential use will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such uses; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city. The proposed restrictions for the conditional use permit are consistent with the Zoning Ordinance, General Plan and Redevelopment Plan, will not affect neighborhood compatibility. The proposed residential use and the conditions under which it will be allowed to operate will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the subject site.

3. That the proposed conditional use will comply with the provisions including any specific condition required for the proposed conditional use located within Subdistrict 9.

SECTION 1. That Conditional Use Permit (C-201-09) is hereby approved subject to the following conditions:

Building:

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

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

1 3. All outdoor lighting must comply with Chapter 39 of the City Code. (Light
2 Pollution Ordinance) Where color rendition is important, high-pressure sodium, metal halide or
3 other such lights may be utilized and shall be shown on building and electrical plans.

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

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

9 a) Building construction work hours shall be limited to between 7 a.m. and
10 6 p.m. Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not
11 inherently noise-producing. Examples of work not permitted on Saturday are concrete and
12 grout pours, roof nailing and activities of similar noise-producing nature. No work shall be
13 permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor
14 Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the
15 provisions of the Oceanside City Code Chapter 38. (Noise Ordinance)

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

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

23 7. All electrical communication, CATV, etc. service lines within the exterior lines
24 of the property shall be underground (City Code Section 6.30).

25 8. Setbacks and Type of Construction must comply with CBC 2007. Exterior
26 openings less than five feet from the property line must be protected per table 704.8 of the CBC.

27 9. All wired glass windows or doors between three and five feet from the property
28 line must meet requirements of the new 2007 California Building Code table 715.5 and 715.5.3.

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1 **Economic/Redevelopment:**

2 10. This Conditional Use Permit (C-201-09) shall expire on May 20, 2012, unless
3 implemented as required by the Zoning Ordinance.

4 11. This Conditional Use Permit approve only the conversion of a 1,030 square foot
5 commercial building into a single-family residence and the construction of a 2-car garage as
6 shown on the plans and exhibits presented to the Community Development Commission for
7 review and approval. No deviation from these approved plans and exhibits shall occur without
8 Economic and Community Development Department approval. Substantial deviations shall
9 require a revision to the Conditional Use Permit or a new Conditional Use Permit.

10 12. The applicant, permittee or any successor-in-interest shall defend, indemnify and
11 hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or
12 proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul
13 an approval of the City, concerning Conditional Use Permit (C-201-09). The City will promptly
14 notify the applicant of any such claim, action or proceeding against the City and will cooperate
15 fully in the defense. If the City fails to promptly notify the applicant of any such claim action or
16 proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be
17 responsible to defend, indemnify or hold harmless the City.

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

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

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

1 affecting the subject property.

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

6 17. Failure to meet any conditions of approval for this development shall constitute a
7 violation of the Conditional Use Permit (C-201-09).

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

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

	Sq.Ft.	# Bedrms	# Baths	# Units	%
16 Plan 1	1,030	3	1	1	100

17 20. Side and rear elevations and window treatments shall be trimmed to substantially
18 match the front elevations. A set of building plans shall be reviewed and approved by the
19 Economic and Community Development Department prior to the issuance of building permits.

20 21. Elevations, siding materials, colors, roofing materials and floor plans shall be
21 substantially the same as those approved by the Community Development Commission. These
22 shall be shown on plans submitted to the Building Division and Economic and Community
23 Development Department.

24 22. The garage shall have roll-up doors.

25 23. The garage shall be utilized exclusively for the proposed residence and shall not
26 be leased out for commercial purposes.

27 **Water Utilities:**

28 24. 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 25. No trees, structures or building overhang shall be located within any water or
2 wastewater utility easement.

3 26. The property owner will maintain private water and wastewater utilities located
4 on private property.

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

7 28. 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 29. All Water and Wastewater construction shall conform to the most recent edition
12 of the Water, Sewer, and Reclaimed Water Design and Construction Manual, or as approved by
13 the Water Utilities Director.

14 30. The proposed garage shall not be located over the existing water main or water
15 service in the back alley of the site.

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31. Utility billing shall be contacted to adjust the site use from commercial to residential.

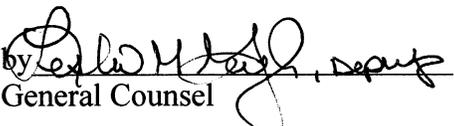
PASSED AND ADOPTED by the Oceanside Community Development Commission of the City of Oceanside this ___day of _____ 2009 by the following vote:

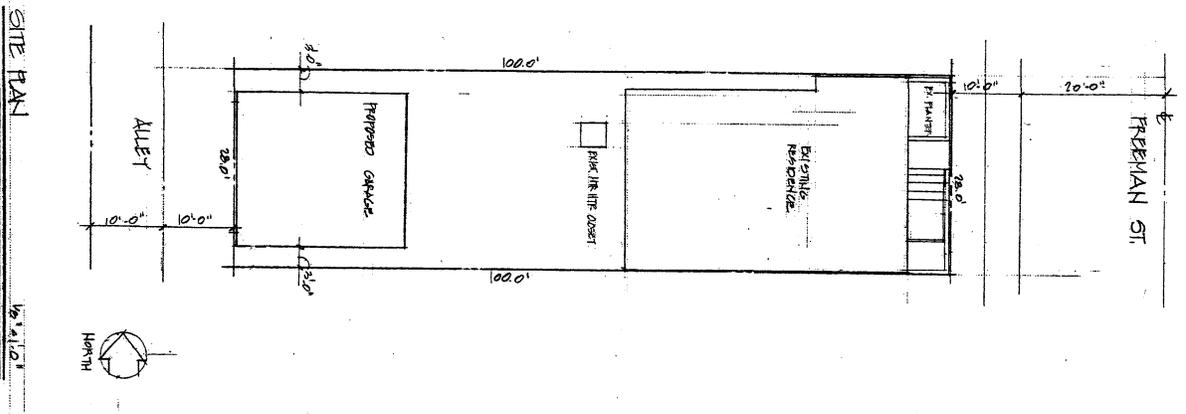
AYES:
NAYS:
ABSENT:
ABSTAIN:

Chairman

ATTEST:

Secretary

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY
by 
General Counsel



SITE PLAN

1/8" = 1'-0"

Building Department Information
 2007 California Building Code
 2007 California Mechanical Code
 2007 California Plumbing Code
 2007 California Electrical Code
 2007 Title 24 Energy Codes

Scope of Work

Proposed Detached Single Story 2 Car Garage Building

Legal Description

APN: 147-093-02-00
 Southwesterly 28 feet of Lot 2 Block 40 in the City of Oceanside, County of San Diego, State of California, according to Map thereof as portion of Oceanside, surveyed by C.J. Couls in November, 1985, No. 332, filed in the Office of the County Recorder of San Diego County, San Diego, California, on December 30, 1985, and being formerly known as Meyers and Couls Tract, shown in the City of Oceanside, County of San Diego, State of California.

Legal Owner

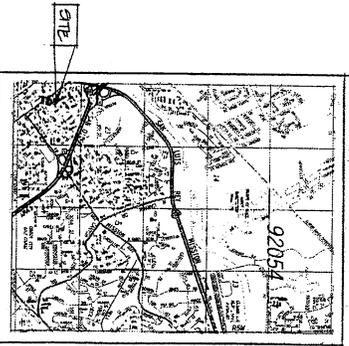
Ms. and Mrs. Jerry Tetalman
 4017 North Ocean Blvd.
 Oceanside, CA 92054
 (760) 757-6200

Designer

Michelle Golden
 2200 North Ocean Blvd.
 Escondido, CA 92029
 (619) 802-4155

Contractor

LaGarage Construction
 1455 North Ocean Blvd.
 Escondido, CA 92027
 (760) 801-7806
 Contact: Carlos LaGarage



VICINITY MAP

NO SCALE

SCALE: _____ JOB NUMBER: _____ JOB TYPE: _____ ISSUE DATE: _____ DRAWN BY: _____ APPROVAL DATE: _____

PROPOSED GARAGE FOR THE TETALMAN RESIDENCE

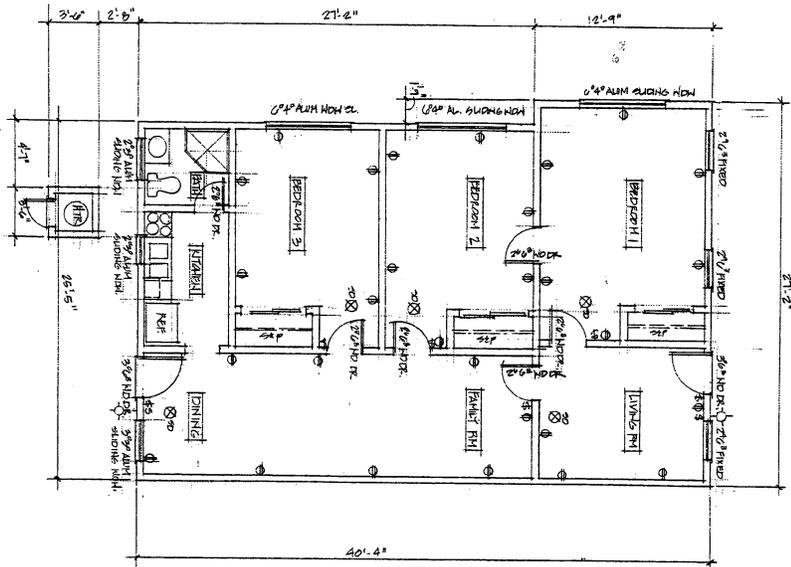
423 NORTH FREEMAN STREET
 OCEANSIDE, CALIFORNIA 92054

APPROVALS
A1

REVISIONS

EXISTING FLOOR PLAN

1/4" = 1'-0"



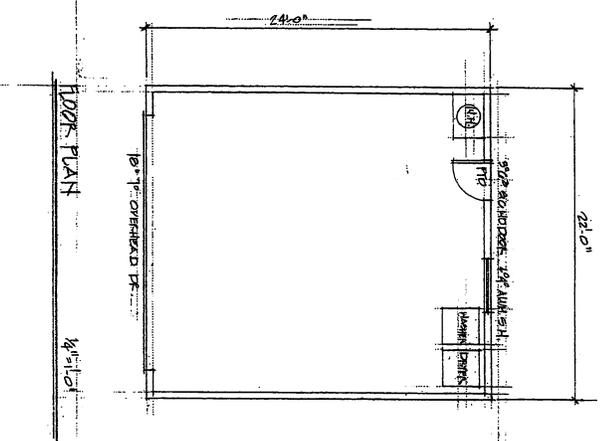
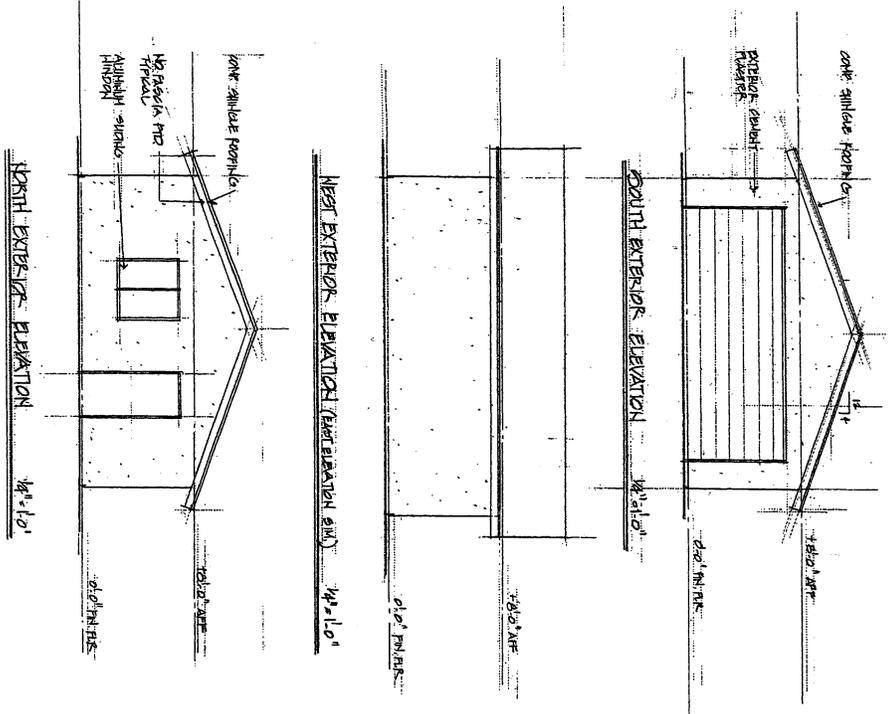
SCALE: _____ JOB NUMBER: _____ JOB TYPE: _____ ISSUE DATE: _____ DRAWN BY: _____ APPROVAL DATE: _____

A3
APPROVALS

PROPOSED GARAGE FOR THE TETALMAN RESIDENCE

423 NORTH FREEMAN STREET
OCEANSIDE, CALIFORNIA 92054

REVISIONS



RECEIVED

MAR 24 2009

OCEANSIDE
REDEVELOPMENT

SCALE: _____ JOB NUMBER: _____ JOB TYPE: _____ ISSUE DATE: _____ DRAWN BY: _____ APPROVAL DATE: _____

A2

APPROVALS

REVISIONS

**PROPOSED GARAGE FOR THE
TETALMAN RESIDENCE**

423 NORTH FREEMAN STREET
OCEANSIDE, CALIFORNIA 92054



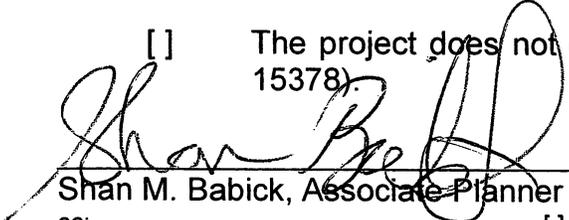
NOTICE OF EXEMPTION

City of Oceanside, California

1. **APPLICANT:** Jerry & Kathy Tetelman, LLC
2. **ADDRESS:** 4017 Isle Drive
3. **PHONE NUMBER:** (760) 757-6200
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Shan M. Babick, Associate Planner
6. **PROJECT TITLE:** Tetelman Residence (C-201-09)
7. **DESCRIPTION:** The applicant is requesting approval of a Conditional Use Permit for the conversion of a 585 square foot commercial building into a single-family residence and the construction of a 2-car garage located at 423 N. Freeman. The subject site is situated within Subdistrict 9 of the Redevelopment Project Area.

ADMINISTRATIVE DETERMINATION: Planning Department 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, staff finds that the proposed project constitutes in fill development. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section _____, <name> (Sections 15260-15277); or,
- The project is categorically exempt, Class 32, "In-Fill Development Project" (Section 15332(b)); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).


Shan M. Babick, Associate Planner

Date: April 21, 2009

cc:

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

Posting: []