



DATE: May 4, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TIME EXTENSION OF A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT (C-7-06), VARIANCE (V-4-06), AND REGULAR COASTAL PERMIT (RC-4-06) FOR THE DEVELOPMENT OF A SINGLE-FAMILY RESIDENCE ON A 2,500-SQUARE FOOT LOT WITH REDUCED EXTERIOR CORNER SIDEYARD SETBACKS (3-FT. IN LIEU OF 10-FT.) LOCATED AT 526 SOUTH CLEVELAND STREET– SCHREIBER RESIDENCE – APPLICANT: DALE & DONNA SCHREIBER**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 3, Categorical Exemption “New Construction or Conversion of Small Structures”; and,
- (2) Adopt Planning Commission Resolution No. 2009-P23 approving Conditional Use Permit (C-7-06), Variance (V-4-06), and Regular Coastal Permit (RC-4-06) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On February 26, 2007, the Planning Commission adopted Resolution No. 2007-P13 by a vote of 7-0 approving a Conditional Use Permit, Variance and Regular Coastal Permit to construct a 2,646-square foot residence on an existing 0.23-acre located at 526 South Cleveland Street within the Townsite Neighborhood.

Site Review: The 0.23-acre site is located at the northeast corner of Minnesota Avenue and Cleveland Street, within the Townsite neighborhood. The property was developed with a one-story 1,320-square foot commercial structure constructed in 1953 that is now demolished. The grade is relatively flat with a two-foot grade differential between the highest and lowest points of the site.

Surrounding land uses include multi-family residential developments to the west, single-family detached residence to the northeast and a mixture of multi-family and single-family residential to the southwest.

The subject site is currently zoned High Density Residential (RH-U). The General Plan land-use designation is Urban High-Density Residential (UHD-R), which permits (29-43) units per gross acre.

Project Description: The project application is comprised of the following entitlements:

Conditional Use Permit Time Extension (C-7-06TE09) represents a request for the following:

- (a) A time extension for the previously approved Conditional Use Permit to permit development of a single-family residence on a minimum of 2,500-square foot lot, pursuant to Article 10 (HH) of the OZO.

Variance Time Extension (V-4-06TE09) represents a request for the following:

- (a) A time extension to permit a three-foot corner side setback in lieu of the required 10-foot setback pursuant to Section 1050.

Local Coastal Permit represents a request for the following:

- (a) To permit a time extension to allow the construction of a single-family dwelling pursuant to the Local Coastal Program (LCP). Proposed floor plan information is summarized below.

No. of Units	Floor Area (Sq. Ft.)	No. of Bedrooms	Garage	Stories
1	2,646	4	2-Car	2

The applicant proposes development of a single-family residence on a 2,500-square foot lot. Access to the residence and garages will occur at the alley located directly to the rear of the property.

The proposed architecture incorporates art deco details and complimentary use of materials such as (stone veneer, standing seam metal roofing, glass block, ceramic wall tiles and an awning).

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

1. Zoning Ordinance
2. General Plan Land Use Element
3. California Environmental Quality Act (CEQA)
4. Coastal Act/ Local Coastal program

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designation on the subject property is UHD (Urban High-Density Residential). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element

Goal 1.23: Architecture

Objective: The architectural quality of all proposed projects shall enhance neighborhood and community values and City image.

Policy A: Architectural form, treatments and materials shall serve to significantly improve on the visual image of the surrounding neighborhood.

The single-family detached row home reflects an art deco architectural theme. The surrounding neighborhood includes a wide variety of single-family and multi-family dwelling designs and architectural styles. The proposed single-family residence will positively contribute to the eclectic building styles within the immediate area and will encourage redevelopment and enhancement of neighboring properties.

2. Zoning Compliance

This project is located in the Urban High-Density residential (RH-U) district and complies with the requirements of that zone. The following table summarizes proposed and applicable development standards for the project site:

	MINIMUM REQUIRED	PROPOSED
MINIMUM LOT SIZE	2500 sq. ft.	2,500 (due to lot line adjustment)
PARKING SPACES	2 –Spaces/DU within a garage	2 –Spaces/DU within a garage
FRONTYARD SETBACK	10-ft.	10-ft.
SIDEYARD SETBACK	3-ft.	3-ft.
EXTERIOR SIDE-YARD	10-ft.	3-ft. (Subject to Variance)
REARYARD SETBACK	5-ft.	5-ft.
LOT WIDTH	25-ft.	25-ft
BUILDING HEIGHT	27-ft.	27-ft.

The proposed project meets all applicable requirements of the Oceanside Zoning ordinance, with the exception of the corner side yard setback for which the applicant has requested consideration/approval of a variance.

3. Land Use Compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	UHD (Urban High-Density Residential)	RH-U (Urban High-Density Residential)	Single Family Residential
North of Subject Property	UHD (Urban High-Density Residential)	RH-U (Urban High-Density Residential)	Vacant
East of Subject Property:	RH-U (Urban High-Density Residential)	RH-U (Urban High-Density Residential)	Multi-Family Residential
South of Subject Property:	UHD (Urban High-Density Residential)	RH-U (Urban High-Density Residential)	Multi-Family Residential
West of Subject Property:	Redevelopment	D-5 (Single Family & Multi-Family)	Multi-Family Condominiums

The land use for the site is consistent with the General Plan and the Zoning Ordinance designations of urban high-density residential. Although industrial and some commercial use exist in proximity to the site as non-conforming uses, redevelopment in the immediate area has resulted in a slow transition away from these types of uses, toward the establishment of new housing.

4. Local Coastal Program compliance

The proposed project is within the appealable portion of the Coastal Zone. The proposed project complies with the zoning code and Coastal Zone requirements, and will implement the following policies of the LCP:

- Section VI: Visual Resources and Special Communities Policy 8. of the LCP The City shall ensure that all new development is compatible in height, scale, color, and form with the surrounding neighborhood.

The proposed row home design complies with the maximum height limit of 27 feet that applicable within the subject zoning district. The project will be similar in height and massing as buildings on adjacent parcels to the west, which are subject to the redevelopment zoning criteria and allow taller residential structures up to a maximum height of 35 feet.

DISCUSSION

Issue: Project Compatibility with Existing Neighborhood Character. The proposed development is in compliance with applicable row home development standards, with the exception to the corner side setback reduction. The project will be compatible with

other row home developments north of Cleveland Street, within the Redevelopment project area and will compliment the multi-family condominium developments to the west of the site.

Recommendation: The project includes a unique architecture style that will encourage development and architectural enhancements to the neighborhood. Although a very eclectic mix of designs and uses exist throughout the area, no one neighborhood characteristic dominates future direction of the community.

ENVIRONMENTAL DETERMINATION

Planning Division staff has completed a preliminary review of this project in accordance with the California Environmental Quality Act (CEQA), 1970. Based on that review staff finds the proposed project involves construction of one single-family residence, and the proposed project is categorically exempt pursuant to Class 3, Article 19, Section 15303 New Construction or Conversion of Small Structures, of the California Environmental Quality Act.

PUBLIC NOTIFICATION

Pursuant to Article 41 of the Oceanside Zoning Ordinance, a Legal notice was published in the North County Times and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals and/or organizations requesting notification, applicant and other interested parties. Copies of this agenda item have been mailed to the applicant and their representatives.

SUMMARY

In summary, staff has analyzed the proposal of a Time Extension for a Conditional Use Permit, Variance and the Regular Coastal Permit, and determined that it is consistent with the requirements of the Zoning Ordinance and the policies outlined in the General Plan. Therefore, Staff finds that allowing the applicant an additional three years to obtain permits to construct a single-family residence within an existing vacant lot would be compatible with the existing neighborhood and will not impact the surrounding neighbors. As such, Staff recommends that the Planning Commission approve the project. The Commission's action should be:

- Move to approve a Time Extension to Conditional Use Permit (C-7-06), Variance (V-4-06), and Regular Coastal Permit (RC-4-06) and adopt Planning Commission Resolution No. 2009-P23 as attached.

PREPARED BY:



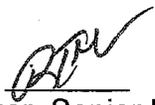
Scott Nightingale
Planner II

SUBMITTED BY:



Jerry Hittleman
City Planner

REVIEWED BY:

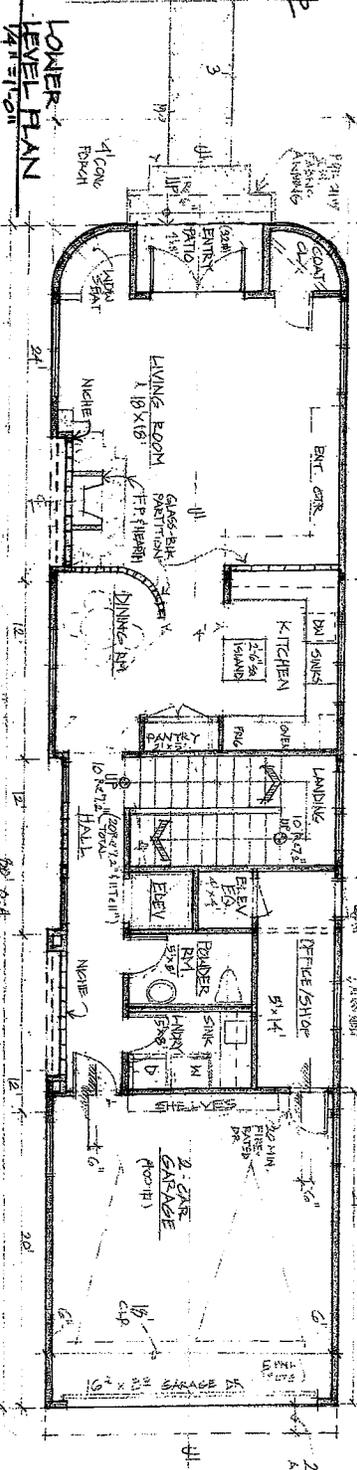
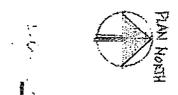

Richard Greenbauer, Senior Planner

JH/SN/fil

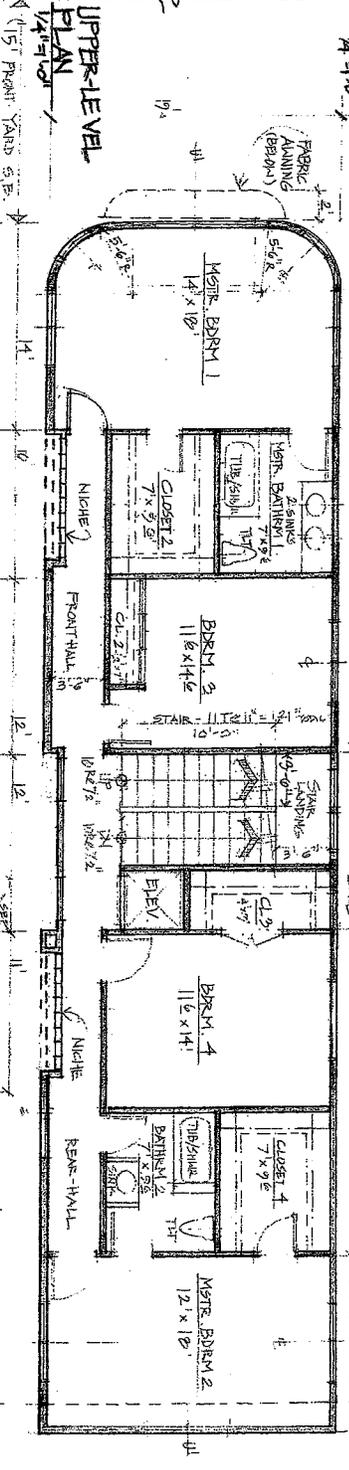
Attachments:

1. Site Plan/Architectural Plans
2. Planning Commission Resolution No. 2009-P23
3. Planning Commission Resolution No. 2007-P13
4. Planning Commission Staff Report dated February 26, 2007

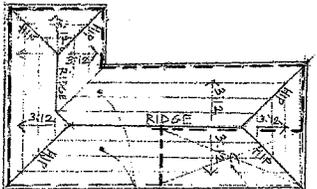
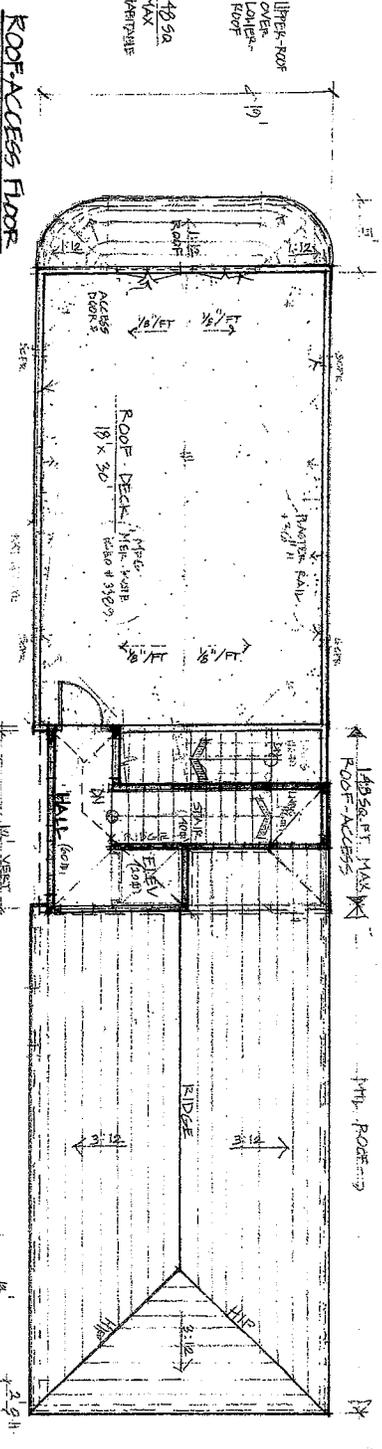
LOWER LEVEL PLAN
1/4" = 1'-0"



UPPER LEVEL PLAN
1/4" = 1'-0"

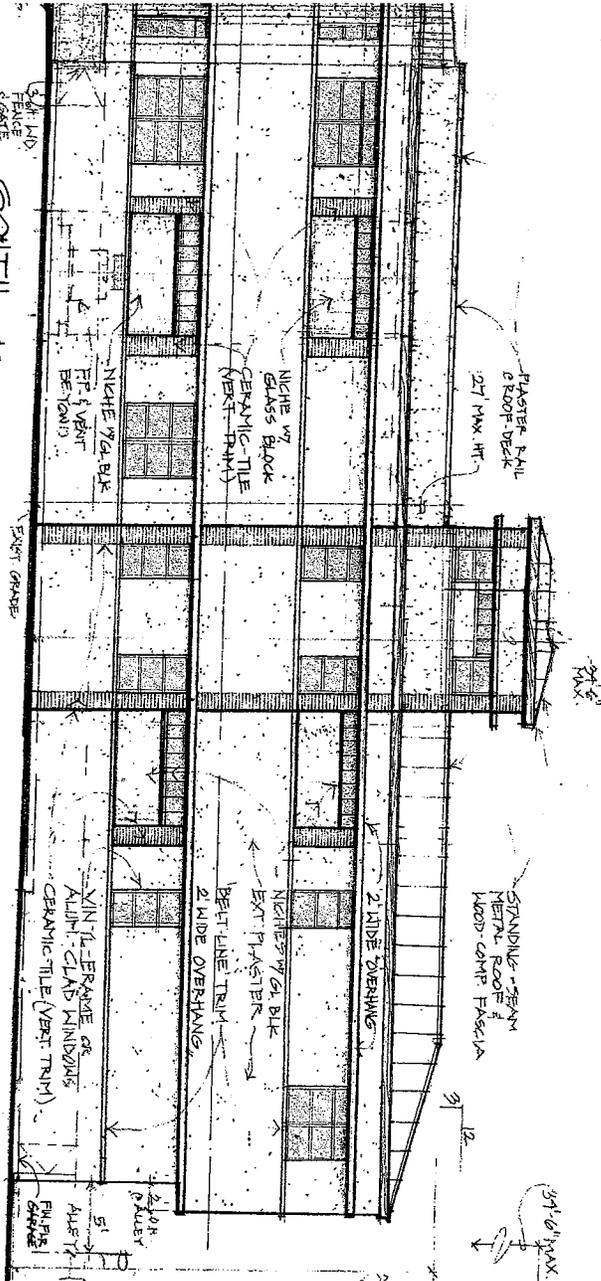


ROOF ACCESS FLOOR
1/4" = 1'-0"

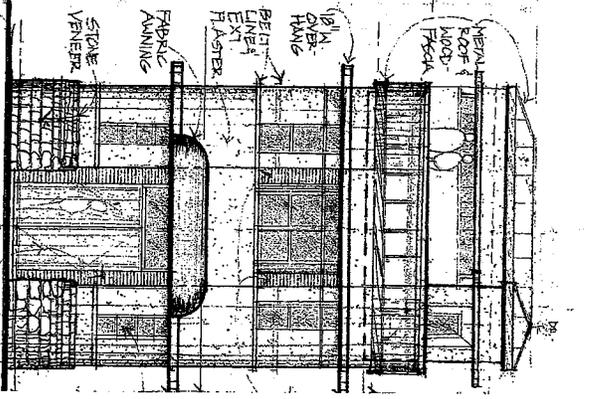


BUILDING NOTES:
1. ALL NEW DEVELOPMENT OF SINGLE-FAMILY & MULTI-FAMILY UNITS SHALL BE SUBJECT TO THE CITY OF OCEANVIEW'S DEVELOPMENT REGULATIONS AND ORDINANCES. THE CITY OF OCEANVIEW WILL PROVIDE HOT LAMINAR TO THE TYPICAL WITHIN THE ACCORDANCE WITH CITY OF OCEANVIEW ORDINANCE #

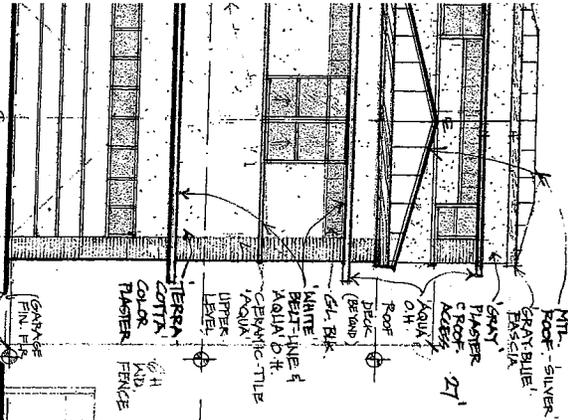
SOUTH ELEVATION
MINNESOTA AVE.



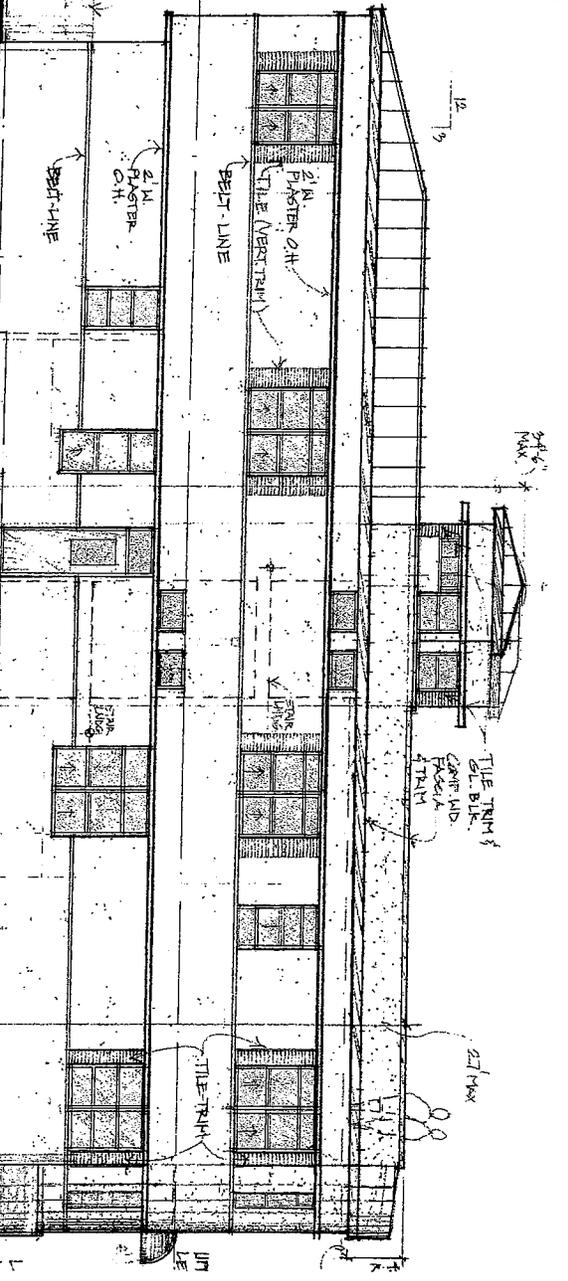
WEST ELEVATION
CLEVELAND ST.



EAST ELEVATION
ALLEY



NORTH ELEVATION
1/4\"/>



1 PLANNING COMMISSION
2 RESOLUTION NO. 2009-23

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A TIME
5 EXTENSION FOR A CONDITIONAL USE PERMIT, VARIANCE
6 AND REGULAR COASTAL PERMIT ON CERTAIN REAL
PROPERTY IN THE CITY OF OCEANSIDE

7 APPLICATION NO: C-7-06TE09, V-4-06TE09 and RC-4-06TE09

8 APPLICANT: Dale and Donna Schreiber

9 LOCATION: 526 South Cleveland Street

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 a Conditional Use Permit, a Variance and Regular
14 Coastal Permit under the provisions of Articles 10, 41, 43 of the Zoning Ordinance of the City of
Oceanside to permit the following:

15 development of a 2,500-square foot lot with a single-family row home;
16 on certain real property described in the project description.

17 WHEREAS, the Planning Commission, after giving the required notice, did on the 4th day
18 of May, 2009 conduct a duly advertised public hearing as prescribed by law to consider said
application.

19 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
20 Guidelines thereto; this project is statutorily exempt from CEQA per Section 1503 (a);

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

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

25 ////////////////

26 ////////////////

27 ////////////////

28 ////////////////

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$2,072 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
Thoroughfare Fee	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 09-OR 0093-1	Fee based on water meter size. Residential is typically \$4,697 per unit.
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 09-OR 0092-1	Based on capacity or water meter size. Residential is typically \$6,313 per unit.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,492 per unit.
Inclusionary housing in lieu fees—Residential only.	Chapter 14-C of the City Code.	\$1,000 per development project + \$100 per unit plus \$10,275 per unit.

WHEREAS, the current fees referenced above are merely fee amount estimates of the impact fees that would be required if due and payable under currently applicable ordinances and

1 resolutions, presume the accuracy of relevant project information provided by the applicant, and are
2 not necessarily the fee amount that will be owing when such fee becomes due and payable;

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

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

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

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

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

17 FINDINGS:

18 For the Time Extension of the Conditional Use Permit, Regular Coastal Permit and Variance:

- 19 1. The project has been conditioned for payment of all applicable impact fees, and therefore
20 will be paying its fair share toward needed public services. A fiscal impact analysis has
21 been conducted and the project's impact has been found to be positive or offsetting
22 benefits have been identified.
- 23 2. There have been no changes in City policy, nor have there been any substantial changes
24 affecting the surrounding area since the original approval, and therefore this time
25 extension will not adversely affect the City's General Plan or any existing applicable City
26 policy.
- 27 3. The applicant has made a diligent good faith effort to record the final map within the time
28 period originally approved.

1 Conditional Use Permit to allow for the small-lot development:

- 2 1. The proposed development is located within the Urban High-Density Residential zone
3 and with the exception of the requested variance for the proposed reduction in the corner
4 side yard setback, the project meets applicable development requirements of the subject
5 district. The proposed project is in accord with the objectives of the Zoning Ordinance
6 and purposes of the district in which it is located.
- 7 2. The location and conditions under which the subject application is approved will insure
8 that the project will not cause detriment to the public health safety or welfare of persons
9 residing or working in or adjacent to the project area.
- 10 3. The project has been adequately conditioned or designed to comply with applicable
11 requirements of the Zoning Ordinance.

11 For the Regular Coastal Permit:

- 12 1. The proposed project is consistent with the policies of the Local Coastal Program as
13 implemented through the Zoning Ordinance. Specifically, the physical aspects of the
14 project are consistent with the properties neighboring the project site. In addition, the
15 project will not substantially alter or impact existing public views of the coastal zone
16 area.
- 17 2. The proposed project will not obstruct any existing or planned public beach access;
18 including any beach areas fronting the existing property, therefore, the project is in
19 conformance with the policies of Chapter 3 of the Coastal Act.

20 For the Variance for the reduction in the corner side yard setback:

- 21 1. The proposed three-foot corner-yard setback is consistent with similar sized lots located
22 on Cleveland Street and North of Minnesota Avenue within the Coastal Zone. The strict
23 applications of the requirements of the Zoning Ordinance will deprive the subject
24 property of privileges enjoyed by other properties in the vicinity and under identical
25 zoning classification.
- 26 2. The proposed three-foot side yard setbacks will not make the property or use out-of-
27 character with properties in the vicinity. As such, granting the Variance for the proposed
28 small lot reduced setback will not be detrimental or injurious to property or

1 improvements in the vicinity of the development site, or to the public health, safety or
2 general welfare.

- 3 3. The granting of the reduction in setbacks will not constitute a grant of special privilege
4 inconsistent with limitations on other properties in the vicinity and in the same zoning
5 district.

6 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
7 approve the time extension for the Conditional Use Permit (C-7-06), Variance (V-4-06) and
8 Regular Coastal Permit (RC-4-06). Planning Commission Resolution No. 2007-P13 shall
9 continue to be effective with the approval of this time extension and all conditions established shall
10 apply with the exception of the following new conditions:

11 **Planning:**

- 12 1. This Time Extension for Conditional Use Permit (C-7-06), Variance (V-4-06) and Regular
13 Coastal Permit (RC-4-06) expires May 4, 2012.
14 2. All conditions of Planning Commission Resolution No. 2007-P13 shall apply.

15 PASSED AND ADOPTED Resolution No. 2009-P-23 on May 4, 2009 by the following
16 vote, to wit:

17 AYES:

18 NAYS:

19 ABSENT:

20 ABSTAIN:

21 _____
22 Claudia Troisi, Chairperson
23 Oceanside Planning Commission

24 ATTEST:

25 _____
26 Jerry Hittleman, Secretary

27 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
28 this is a true and correct copy of Resolution No. 2009-P23.

Dated: May 4, 2009

1 PLANNING COMMISSION
2 RESOLUTION NO. 2007-13

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

7 APPLICATION NO: C-7-06, V-4-06 and RC-4-06

8 APPLICANT: Dale and Donna Schreiber

9 LOCATION: 526 South Cleveland Street

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

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

15 development of a 2,500-square foot lot with a single family row home;
16 on certain real property described in the project description.

17 WHEREAS, the Planning Commission, after giving the required notice, did on the 26th day
18 of February, 2007 conduct a duly advertised public hearing as prescribed by law to consider said
19 application.

20 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
21 Guidelines thereto; this project is statutorily exempt from CEQA per Section 1503 (a);

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

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

26 ////////////////

27 ////////////////

28 ////////////////

29 ////////////////

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 Resolution No. 06-R0334-1	\$255 per vehicle trip
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 \$3,746 per unit.
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 \$4,587 per unit.
20			
21	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,154 per unit.
22			
23	Inclusionary housing in lieu fees—Residential only.	Chapter 14-C of the City Code.	\$1,000 per development project + \$100 per unit plus \$10,275 per unit.

25 WHEREAS, the current fees referenced above are merely fee amount estimates of the
26 impact fees that would be required if due and payable under currently applicable ordinances and
27 resolutions, presume the accuracy of relevant project information provided by the applicant, and are
28 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 calculated
2 and collected at the time and in the manner provided in Chapter 32B of the Oceanside City Code
3 and the City expressly reserves the right to amend the fees and fee calculations consistent with
4 applicable law;

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

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

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

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

15 FINDINGS:

16 Conditional Use Permit to allow for the Small-Lot Development:

- 17 1. The proposed development is located within the Urban High-Density Residential zone
18 and with the exception of the requested variance for the proposed reduction in the corner
19 side yard setback, the project meets applicable development requirements of the subject
20 district. The proposed project is in accord with the objectives of the Zoning Ordinance
21 and purposes of the district in which it is located.
- 22 2. The location and conditions under which the subject application is approved will insure
23 that the project will not cause detriment to the public health safety or welfare of persons
24 residing or working in or adjacent to the project area.
- 25 3. The project has been adequately conditioned or designed to comply with applicable
26 requirements of the Zoning Ordinance.

27 For the Regular Coastal Permit:

- 28 1. The proposed project is consistent with the policies of the Local Coastal Program as
implemented through the Zoning Ordinance. Specifically, the physical aspects of the
project are consistent with the properties neighboring the project site. In addition, the

1 project will not substantially alter or impact existing public views of the coastal zone
2 area.

- 3 2. The proposed project will not obstruct any existing or planned public beach access;
4 including any beach areas fronting the existing property, therefore, the project is in
5 conformance with the policies of Chapter 3 of the Coastal Act.

6 For the Variance for the Reduction in the Corner Side yard setback:

- 7 1. The proposed three-foot corner-yard setback is consistent with similar sized lots located
8 on Cleveland Street and North of Minnesota Avenue within the Coastal Zone. The strict
9 applications of the requirements of the Zoning Ordinance will deprive the subject
10 property of privileges enjoyed by other properties in the vicinity and under identical
11 zoning classification.
- 12 2. The proposed three-foot side yard setbacks will not make the property or use out-of-
13 character with properties in the vicinity. As such, granting the Variance for the proposed
14 small lot reduced setback will not be detrimental or injurious to property or
15 improvements in the vicinity of the development site, or to the public health, safety or
16 general welfare.
- 17 3. The granting of the reduction in setbacks will not constitute a grant of special privilege
18 inconsistent with limitations on other properties in the vicinity and in the same zoning
19 district.

20 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
21 approve Conditional Use Permit (C-7-06), Variances (V-4-06) and Regular Coastal Permit (RC-
22 4-06) subject to the following conditions:

23 Building:

- 24 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
25 Building Division plan check.
- 26 2. The granting of approval under this action shall in no way relieve the applicant/project from
27 compliance with all State and local building codes.
- 28 3. All electrical, communication, CATV, etc. service lines, within the exterior lines of the
property shall be underground (City Code Sec. 6.30).

- 1 4. The building plans for this project are required by State law to be prepared by a licensed
2 architect or engineer and must be in compliance with this requirement prior to submittal
3 for building plan review.
- 4 5. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance) and
5 shall be shielded appropriately. Where color rendition is important high-pressure sodium,
6 metal halide or other such lights may be utilized and shall be shown on final building and
7 electrical plans.
- 8 6. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the plans.
- 9 7. Separate/unique addresses will/may be required to facilitate utility releases. Verification
10 that the addresses have been properly assigned by the City's Planning Division must
11 accompany the Building Permit application.
- 12 8. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
13 will be required at time of plans submittal to the Building Division for plan check.
- 14 9. A Building (Demo) Permit will be required for the demolition of any existing structures.
15 Plans for the Demolition Permit must clearly show that all utilities (electric, gas, water, &
16 sewer) are properly terminated/capped in accordance with the requirements of the utility
17 service provider. All/any underground septic or water storage tanks must be removed or
18 filled in accordance with the Uniform Plumbing Code and/or the City's Grading
19 Ordinance.
- 20 10. The roof deck as designed equals more than 500 square feet and would require a second
21 exit per 1004.2.3.2 Exception 5 of the UBC.
- 22 11. The developer shall monitor, supervise and control all building construction and supportive
23 activities so as to prevent these activities from causing a public nuisance, including, but not
24 limited to, strict adherence to the following:
- 25 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
26 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work
27 that is not inherently noise-producing. Examples of work not permitted on Saturday
28 are concrete and grout pours, roof nailing and activities of similar noise-producing
nature. No work shall be permitted on Sundays and Federal Holidays (New Year's
Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except

1 as allowed for emergency work under the provisions of the Oceanside City Code
2 Chapter 38 (Noise Ordinance).

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

8 **Engineering:**

- 9 12. Vehicular access rights to Cleveland Street and Tremont Street shall be relinquished to the
10 City from all abutting lots.
- 11 13. Design and construction of all improvements shall be in accordance with standard plans,
12 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 13 14. The approval of the project shall not mean that closure, vacation, or abandonment of any
14 public street, right-of-way, easement, or facility is granted or guaranteed to the applicant.
15 The applicant is responsible for applying for all closures, vacations, and abandonments as
16 necessary. The application(s) shall be reviewed and approved or rejected by the City under
17 separate process(es) per codes, ordinances, and policies in effect at the time of the
18 application.
- 19 15. The developer shall monitor, supervise and control all construction and construction-
20 supportive activities, so as to prevent these activities from causing a public nuisance,
21 including but not limited to, insuring strict adherence to the following:
- 22 a) Dirt, debris and other construction material shall not be deposited on any public
23 street or within the City's storm water conveyance system.
- 24 b) All grading and related site preparation and construction activities shall be limited to
25 the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering related
26 construction activities shall be conducted on Saturdays, Sundays or legal holidays
27 unless written permission is granted by the City Engineer with specific limitations to
28 the working hours and types of permitted operations. All on-site 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

1 evening or on holidays, the City of Oceanside Noise Ordinance also prohibits “any
2 disturbing excessive, or offensive noise which causes discomfort or annoyance to
3 reasonable persons of normal sensitivity.”

4 c) The construction site shall accommodate the parking of all motor vehicles used by
5 persons working at or providing deliveries to the site.

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

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

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

26 18. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon
27 approved soil tests and traffic indices. The pavement design is to be prepared by the
28 developer's soil engineer and must be approved by the City Engineer, prior to paving.

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

- 1 20. Grading and drainage facilities shall be designed and installed to adequately accommodate
2 the local stormwater runoff and shall be in accordance with the City's Engineers Manual and
3 as directed by the City Engineer.
- 4 21. The applicant shall obtain any necessary permits and clearances from all public agencies
5 having jurisdiction over the project due to its type, size, or location, including but not
6 limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U. S.
7 Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
8 (including NPDES), San Diego County Health Department, prior to the issuance of grading
9 permits.
- 10 22. Prior to any building or grading of any part of the project, a comprehensive soils and
11 geologic investigation shall be conducted of the soils, slopes, and formations in the project.
12 All necessary measures shall be taken and implemented to assure slope stability, erosion
13 control, and soil integrity.
- 14 23. An erosion control plan shall be prepared, reviewed, secured and approved prior to the
15 issuance of any building permits. The plan shall reflect all pavement, flatwork, landscaped
16 areas, special surfaces, curbs, gutters, medians, striping, signage, footprints of all structures,
17 walls, drainage devices and utility services.
- 18 24. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed
19 of in accordance with all state and federal requirements, prior to stormwater discharge either
20 off-site or into the City drainage system.
- 21 25. Upon acceptance of any fee waiver or reduction by the Applicant, the entire project will be
22 subject to prevailing wage requirements as specified by Labor Code section 1720(b)(4).
23 The applicant shall agree to execute a form acknowledging the prevailing wage
24 requirements prior to the granting of any fee reductions or waivers.
- 25 26. Prior to issuance of grading permits, the Final Landscape Plans shall be submitted to the
26 Engineering Department for review and approval by the City Engineer and City Planner.

27 **Fire:**

- 28 27. Smoke detectors are required and detector locations must be indicated on the plans.
- 28 28. All proposed and existing fire hydrants within 400 feet of the project shall be shown on the plans.

1 29. Plans shall be submitted to the Fire Prevention Bureau for plan check and approval prior to
2 the issuance of building permits.

3 30. Buildings shall meet the Oceanside Fire Department's current codes at the time of building
4 permit application.

5 **Planning:**

6 31. This Conditional Use Permit, Variance and Regular Coastal Permit shall expire on February
7 26, 2009, unless a time extension is granted by the Planning Commission.

8 32. This Conditional Use Permit, Variance and Regular Coastal Permit approves the
9 development of a single-family row home and a reduction of the corner sideyard
10 requirement to three feet as shown on the plans and exhibits presented to the Planning
11 Commission for review and approval. No deviation from these approved plans and exhibits
12 shall occur without Planning Division approval. Substantial deviations shall require a
13 revision to the Conditional Use Permit, Variance and Regular Coastal Permit or a new
14 Conditional Use Permit, Variance and Regular Coastal Permit.

15 33. Approval of Conditional Use Permit (C-7-06), Variance (V-4-06) and Regular Coastal
16 Permit (RC-4-06) is contingent upon approval of lot line adjustment (PLA-9-05). No
17 permit shall be issued prior to the approval of the lot line adjustment.

18 34. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
19 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
20 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
21 annul an approval of the City, concerning Conditional Use Permit (C-7-06), Variance (V-
22 4-06) and Regular Coastal Permit (RC-4-06). The City will promptly notify the applicant
23 of any such claim, action or proceeding against the city and will cooperate fully in the
24 defense. If the City fails to promptly notify the applicant of any such claim action or
25 proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be
26 responsible to defend, indemnify or hold harmless the City.

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

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

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

11 38. Failure to meet any conditions of approval for this development shall constitute a violation
12 of the Conditional Use Permit, Variance and Regular Coastal Permit.

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

18 40. The developer's construction of all fencing and walls associated with the project shall be in
19 conformance with the approved Plans. Any substantial change in any aspect of fencing or
20 wall design from the approved plans shall require a revision to the project or a new Regular
21 Coastal Permit.

22 41. If any aspect of the project fencing and walls is not covered by an approved plan, the
23 construction of fencing and walls shall conform to the development standards of the City
24 Zoning Ordinance. In no case, shall the construction of fences and walls (including
25 combinations thereof) exceed the limitations of the zoning code, unless expressly granted by
26 a Variance or other development approval.

27 ///////////////
28 ///////////////
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1 42. Side and rear elevations and window treatments shall be trimmed to substantially match the
2 front elevations. A set of building plans shall be reviewed and approved by the Planning
3 Division prior to the issuance of building permits.

4 43. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially
5 the same as those approved by the Planning Commission. These shall be shown on plans
6 submitted to the Building Division and Planning Division.

7 44. The existing house is required to be photographed documented in accordance with
8 OHPAC Policy 1.

9 **Water Utilities:**

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

14 46. The property owner will maintain private water and wastewater utilities located on private
15 property.

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

18 48. All Water and Wastewater construction shall conform to the most recent edition of the
19 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
20 the Water Utilities Director.

21 49. All public water and/or sewer facilities not located within the public right-of-way shall be
22 provided with easements sized according to the Water, Sewer, and Reclaimed Water Design
23 and Construction Manual. Easements shall be constructed for all weather access prior to the
24 approval of engineering design plans.

25 50. No trees, structures or building overhang shall be located within any water or wastewater
26 utility easement prior to the approval of engineering design plans.

27 51. All lots with a finish pad elevation located below the elevation of the next upstream
28 manhole cover of the public sewer shall be protected from backflow of sewage by installing
and maintaining an approved type backwater valve, per the Uniform Plumbing Code
(U.P.C.) prior to the approval of engineering design plans.

1 52. The existing 8-inch sewerline in the alleyway will need to be sliplined from the nearest
2 upstream manhole to the nearest downstream manhole. Please show or callout on plans
3 prior to the approval of engineering design plans.

4 53. The existing 6-inch waterline in the alleyway will need to be upsized to 8 inches along the
5 property frontage to the street centerline of Minnesota Avenue to comply with current City
6 standards. Please show or callout on plans prior to the approval of engineering design
7 plans.

8 54. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
9 be paid to the City and collected by the Water Utilities Department at the time of Building
10 Permit issuance prior to issuance of building permits.

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

5 PASSED AND ADOPTED Resolution No. 2007-P-13 on February 26, 2007 by the
6 following vote, to wit:

7 AYES: Martinek, Parker, Blom and McLeod

8 NAYS: Balma

9 ABSENT: Horton

10 ABSTAIN: None

11 
12 _____
13 Dennis Martinek, Chairman
14 Oceanside Planning Commission

15 ATTEST:

16 
17 _____
18 Jerry Hittleman, Secretary

19 I Jerry Hittleman, Secretary of the Oceanside Planning Commission, hereby certify that this is a
20 true and correct copy of Resolution No. 2007-P13.

21 Dated: February 26, 2007

Order Number: DIV-1551579 (22)

Page Number: 5

LEGAL DESCRIPTION

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

Lots 9 and 10 in Block 31 of Bryan's Addition, in the City of Oceanside, County of San Diego, State of California, according to map thereof no. 219, filed in the Office of the County Recorder of San Diego County, March 10, 1887.

APN: 150-185-07-000 and 150-185-08-00



NOTICE OF EXEMPTION

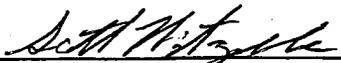
City of Oceanside, California

Post Date:
Removal:
(30 days)

1. **APPLICANT:** Dale & Donna Schreiber
2. **ADDRESS:** 7136 Argonalita Way
3. **PHONE NUMBER:** (760) 438-2140
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale
6. **PROJECT TITLE:** Schreiber Lot Line Adjustment
7. **DESCRIPTION:** A lot Line adjustment and development to a 2,500 square foot lot with a reduction in the required corner side yard setback.

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 Environmental Coordinator finds that the proposed project constitutes new construction. 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 1503 (a), (Section 15301-15329); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).



Scott Nightingale, Planner II

Date: 2/26/07

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee



DATE: February 26, 2007

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (C-7-06), VARIANCE (V-4-06) AND REGULAR COASTAL PERMIT (RC-4-06) FOR THE DEVELOPMENT OF A SINGLE-FAMILY RESIDENCE ON A 2,500-SQUARE FOOT LOT WITH REDUCED EXTERIOR CORNER SIDEYARD SETBACKS (3-FT. IN LIEU OF 10-FT.) LOCATED AT 526 SOUTH CLEVELAND STREET-SCHREIBER RESIDENCE – APPLICANT: DALE & DONNA SCHREIBER**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Approve Conditional Use Permit (C-7-06), Variance (V-4-06) and Regular Coastal Permit (RC-4-06).
- (2) Confirm issuance of a Class 3, Categorical Exemption “New Construction or Conversion of Small Structures”; and,
- (3) Adopt Planning Commission Resolution No. 2007-P13 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The 0.23-acre site is located at the northeast corner of Minnesota Avenue and Cleveland Street, within the Townsite neighborhood. The property is developed with a one-story 1,320-square foot commercial structure constructed in 1953. The grade is relatively flat with a two-foot grade differential between the highest and lowest points of the site.

Surrounding land uses include multi-family residential developments to the west, single-family detached residence to the northeast and a mixture of multi-family and single-family residential to the southwest.

The subject site is currently zoned High Density Residential (RH-U). The General Plan land-use designation is Urban High-Density Residential (UHD-R), which permits (29-43) units per gross acre.

Project Description: The project application is comprised of three components; Conditional Use Permit (C-7-06), Variance (V-4-06) and Regular Coastal Permit (RC-4-06) as follows:

Conditional Use Permit represents a request to:

- (a) Construct a single-family residence, pursuant to Article 10 (HH) of the OZO.

Variance represents a request to:

- (a) Permit a three-foot corner side setback in lieu of the required ten-foot setback pursuant to Section 1050.

Local Coastal Permit represents a request for the following:

- (a) To construct a single-family dwelling pursuant to the Local Coastal Program (LCP). Proposed floor plan information is summarized below.

Plan Type	No. of Units	Floor Area (Sq. Ft.)	No. of Bedrooms	Garage	Stories
1	1	2,646	4	2-Car	2

The applicant proposes development of a single-family residence on a 2,500-square foot lot. Access to the residence and garages will occur at the alley located directly to the rear of the property.

The proposed architecture incorporates art deco details and complimentary use of materials such as (stone veneer, standing seam metal roofing, glass block, ceramic wall tiles and an awning).

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

1. Zoning Ordinance
2. General Plan Land Use Element
3. California Environmental Quality Act (CEQA)
4. Coastal Act/ Local Coastal program

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designation on the subject property is UHD (Urban High-Density Residential). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element

Goal 1.23: Architecture

Objective: The architectural quality of all proposed projects shall enhance neighborhood and community values and City image.

Policy A: Architectural form, treatments and materials shall serve to significantly improve on the visual image of the surrounding neighborhood.

The single-family detached row home reflects an art deco architectural theme. The surrounding neighborhood includes a wide variety of single-family and multi-family dwelling designs and architectural styles. The proposed single-family residence will positively contribute to the eclectic building styles within the immediate area and will encourage redevelopment and enhancement of neighboring properties.

2. Zoning Compliance

This project is located in the Urban High-Density residential (RH-U) district and complies with the requirements of that zone. The following table summarizes proposed and applicable development standards for the project site:

	MINIMUM REQUIRED	PROPOSED
MINIMUM LOT SIZE	2500 sq. ft.	2,500 (due to lot line adjustment)
PARKING SPACES	2 –Spaces/DU within a garage	2 –Spaces/DU within a garage
FRONTYARD SETBACK	10-ft.	10-ft.
SIDEYARD SETBACK	3-ft.	3-ft.
EXTERIOR SIDE-YARD	10-ft.	3-ft. (Subject to Variance)
REARYARD SETBACK	5-ft.	5-ft.
LOT WIDTH	25-ft.	25-ft
BUILDING HEIGHT	27-ft.	27-ft.

The proposed project meets all applicable requirements of the Oceanside Zoning ordinance, with the exception of the corner side yard setback for which the applicant has requested consideration/approval of a variance.

3. Land Use Compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	UHD (Urban High-Density Residential)	RH-U (Urban High-Density Residential)	Single Family Residential
North of Subject Property	UHD (Urban High-Density Residential)	RH-U (Urban High-Density Residential)	Vacant
East of Subject Property:	RH-U (Urban High-Density Residential)	RH-U (Urban High-Density Residential)	Multi-Family Residential
South of Subject Property:	UHD (Urban High-Density Residential)	RH-U (Urban High-Density Residential)	Multi-Family Residential
West of Subject Property:	Redevelopment	D-5 (Single Family & Multi-Family)	Multi-Family Condominiums

The land use for the site has been determined by staff to be consistent with the General Plan and the Zoning Ordinance designations as urban high-density residential. Although industrial and some commercial use uses exist in proximity to the site as non-conforming uses, redevelopment in the immediate area has resulted in a slow transition away from these types of uses, toward the establishment of new housing.

4. Local Coastal Program compliance

The proposed project is within the appealable portion of the Coastal Zone. The proposed project complies with the zoning code and Coastal Zone requirements, and will implement the following policies of the LCP:

- Section VI: Visual Resources and Special Communities Policy 8. of the LCP The City shall ensure that all new development is compatible in height, scale, color, and form with the surrounding neighborhood.

The proposed row home design complies with the maximum height limit of 27 feet that applicable within the subject zoning district. The project will be similar in height and massing as buildings on adjacent parcels to the west, which are subject to the redevelopment zoning criteria and allow taller residential structures up to a maximum height of 35 feet.

DISCUSSION

Issue: Project Compatibility with Existing Neighborhood Character. The proposed development is in compliance with applicable row home development standards, with the exception to the corner side setback reduction. The project will be compatible with other row home developments north of Cleveland Street, within the Redevelopment project area and will compliment the multi-family condominium developments to the west of the site.

Recommendation: The project includes a unique architecture style that will encourage development and architectural enhancements to the neighborhood. Although a very eclectic mix of designs and uses exist throughout the area, no one neighborhood characteristic dominates future direction of the community.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Class three, Section (15303 (a)) of the California Environmental Quality Act which states that the proposed project constitutes the development of no more than three single-family residences in an urbanized area.

PUBLIC NOTIFICATION

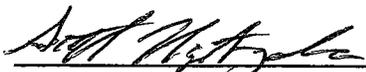
Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot and tenants within a 100-foot radius of the subject property, individuals/organizations requesting notification, applicant and their representative, and interested parties. As of February 22, 2007, no communication supporting or opposing the request has been received.

SUMMARY

The Conditional Use Permit, Variance and Regular Coastal Permit are consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project meets all applicable development standards with the exception of the required corner side yard setback for which a variance has been requested. The project is compatible in terms of residential density, architecture, type and site design elements with the surrounding eclectic residential developments. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached staff Resolution. Staff recommends that the Planning Commission:

- Move to approve Conditional Use Permit (C-7-06), Variance (V-4-06) and Regular Coastal Permit (RC-4-06) and adopt Planning Commission resolution No. 2007-P13 as attached.

PREPARED BY:



Scott Nightingale
Planner II

SUBMITTED BY:



Jerry Hittleman
City Planner

REVIEWED BY:

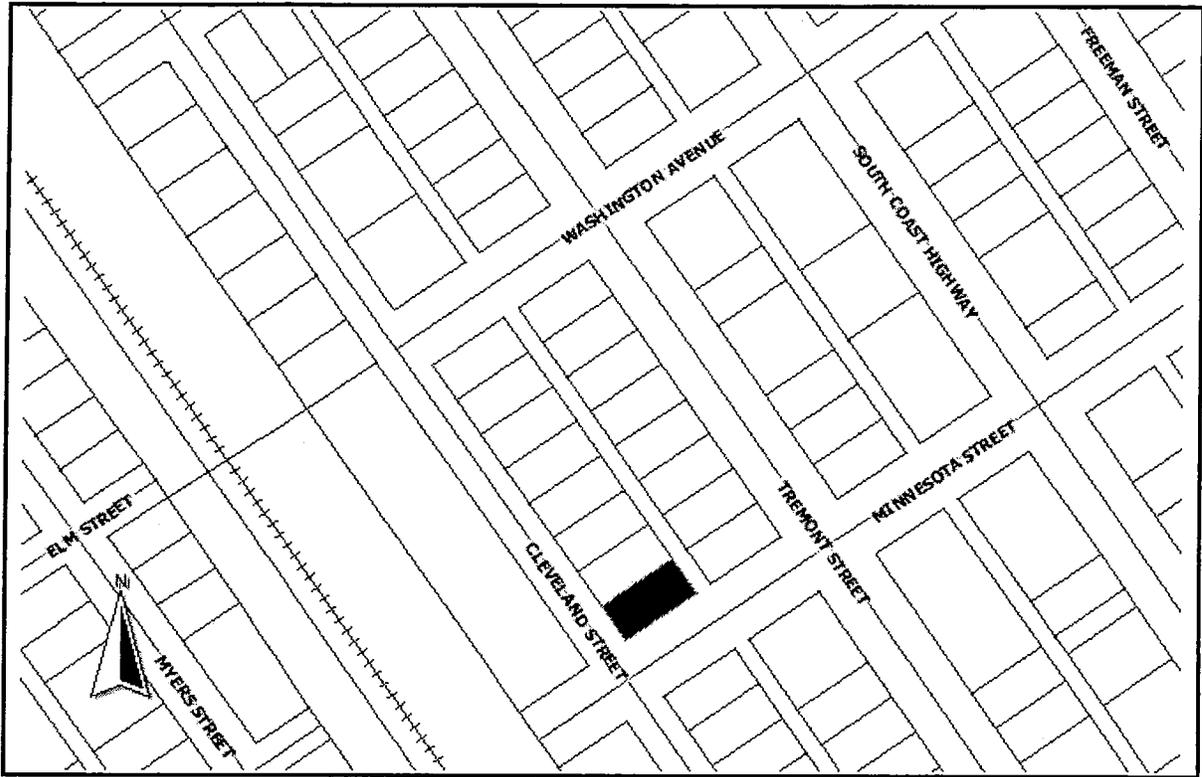


Amy Volzke, Principal Planner

JH/SN/fil

Attachments:

1. Floor/Elevation/Site Plans
2. Planning Commission Resolution No. 2007-P13
3. Historical Report
4. Site and Neighborhood photos



File Number: C-7-06TE09, V-4-06TE09, and RC-4-06TE09

Applicant: Dale Schreiber

Description:

Time Extension for CONDITIONAL USE PERMIT (C-7-06TE09), VARIANCE (V-4-06TE09) and REGULAR COASTAL PERMIT (RC-4-06TE09) to allow a previously approved project three additional years to construct a single-family residence on a 2,500-square foot lot with reduced exterior corner sideyard setbacks (3-ft. in lieu of 10-ft.) located at 526 South Cleveland Street. The project site is zoned RH-U (Urban High Density Residential) and is situated within the Townsite Neighborhood and the Coastal Zone. – **SCHREIBER RESIDENCE**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

City of Oceanside, Planning Division
300 N. Coast Highway
Oceanside, CA 92054 (760) 435-3520



Application for Public Hearing

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

STAFF USE ONLY

ACCEPTED **1/7/09** BY **SKL**
Received
JAN - 7 2009
Planning Division

Please Print or Type All Information

PART I - APPLICANT INFORMATION

1. APPLICANT DALE L. SCHREIBER	2. STATUS
3. ADDRESS 7163 ARGONAUTA WAY CARLSBAD, CA. 92009	4. PHONE/FAX/E-mail (760) 438-2140
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) TOM KOERNER	
6. ADDRESS CREW ENGINEERING & SURVEYING 5725 KEARNY VILLA RD, STE D SAN DIEGO, CA 92123	7. PHONE/FAX/E-mail (619) 571-0555

HEARING

GPA	
MASTER/SP.PLAN	
ZONE CH.	
TENT. MAP	
PAR. MAP	
DEV. PL.	
C.U.P.	C-7-06TE09
VARIANCE	V-4-06TE09
COASTAL	RC-4-06TE09
O.H.P.A.C.	

PART II - PROPERTY DESCRIPTION

8. LOCATION 526 S. CLEVELAND STREET	9. SIZE 2500 SF		
10. GENERAL PLAN UHDR	11. ZONING RH-U	12. LAND USE URBAN HIGH DENSITY	13. ASSESSOR'S PARCEL NUMBER 150-185-18 (PREVIOUSLY 150-185-08)

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION
SEE ATTACHED

15. PROPOSED GENERAL PLAN UHDR	16. PROPOSED ZONING RH-U	17. PROPOSED LAND USE URBAN HIGH DENSITY	18. NO. UNITS 1:0	19. DENSITY 2500 SF / UNIT
20. BUILDING SIZE 2646 SF	21. PARKING SPACES 2	22. % LANDSCAPE N/A	23. % LOT COVERAGE or FAR N/A	

PART IV - ATTACHMENTS

<input checked="" type="checkbox"/> 24. DESCRIPTION/JUSTIFICATION	25. LEGAL DESCRIPTION	26. TITLE REPORT
<input checked="" type="checkbox"/> 27. NOTIFICATION MAP & LABELS	28. ENVIRONMENTAL INFO FORM	<input checked="" type="checkbox"/> 29. PLOT PLANS (8 1/2 x 11 REDUCTIONS)
30. FLOOR PLANS AND ELEVATIONS	31. CERTIFICATION OF POSTING	32. OTHER (See attachment for required reports)

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print): CREW ENGINEERING AND SURVEYING TOM KOERNER	34. DATE 1/6/09	SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).	
Sign: Tom Koerner	35. OWNER (Print) DALE AND DENNA SCHREIBER	36. DATE 1-7-09	

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Sign: *Dale Schreiber* *Donna E Schreiber*
SCOTT

PROJECT DESCRIPTION

The project is a Conditional Use Permit, Variance and Regular Coastal Permit to allow the construction of a single family row home on the 2,500 square foot vacant lot adjacent to 526 South Cleveland Street. The variance is to allow for a three-foot corner-yard setback for the proposed residence adjacent to Minnesota Avenue. The proposed residence will be in a modernized "Art-Deco" style, with two stories with a total of 2,646 square feet, and a 2,500 square foot roof deck, and a two-car garage.

Received

JAN - 7 2009

Planning Division

DESCRIPTION

PARCEL B: (APN 158-080-17)

THOSE PORTIONS OF PARCELS 1 AND 2 OF PARCEL MAP 15175, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, State of California, AS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 16, 1988, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID PARCEL 1, SAID POINT LYING ON THE SOUTHEASTERLY RIGHT OF WAY OF MISSION AVENUE, DISTANT 50.00 FEET SOUTHEASTERLY FROM THE "B-2 LINE", ALL AS SHOWN ON SAID PARCEL MAP; THENCE ALONG SAID SOUTHEASTERLY RIGHT OF WAY NORTH $66^{\circ} 58' 30''$ EAST 12.00 FEET TO THE MOST SOUTHWESTERLY LINE OF PARCEL 2 OF SAID PARCEL MAP AND THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID SOUTHWESTERLY LINE AND ITS EXTENSION SOUTH $23^{\circ} 01' 30''$ EAST, 459.72 FEET; THENCE NORTH $66^{\circ} 58' 30''$ EAST, 270.00 FEET; THENCE NORTH $23^{\circ} 01' 30''$ WEST, 122.90 FEET; THENCE SOUTH $68^{\circ} 58' 30''$ WEST, 85.08 FEET TO THE SOUTHEASTERLY EXTENSION OF THE MOST SOUTHERLY SOUTHWESTERLY LINE OF PARCEL 3 OF SAID PARCEL MAP; THENCE FOLLOWING THE SOUTHWESTERLY BOUNDARY OF SAID PARCEL 3 NORTH $23^{\circ} 01' 30''$ WEST, 128.00 FEET; THENCE SOUTH $66^{\circ} 58' 30''$ WEST, 16.60 FEET; THENCE NORTH $23^{\circ} 01' 30''$ WEST, 208.82 FEET TO SAID SOUTHEASTERLY RIGHT OF WAY; THENCE ALONG SAID RIGHT OF WAY SOUTH $66^{\circ} 58' 30''$ WEST, 168.32 FEET TO THE TRUE POINT OF BEGINNING.