



DATE: June 9, 2008

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A DEVELOPMENT PLAN REVISION (D-30-05REV08), REGULAR COASTAL PERMIT REVISION (RC-3-05REV08) AND DEFERRAL OF OVERHEAD UTILITIES UNDERGROUND CONVERSION TO REVISE THE EXISTING CONDITIONS FOR A PROPERTY LOCATED AT 1925 SOUTH MYERS STREET – SMITH/SPITZ REVISION – APPLICANT: MARY SPITZ AND JAMES SMITH**

RECOMMENDATION

- (1) Confirm issuance of a Class 1 Categorical Exemption “Existing Facilities” pursuant to Section 15301 of the California Environmental Quality Act; and
- (2) Adopt Planning Commission Resolution No. 2008-P38 approving the Revision to Development Plan (D-30-05REV08) and Regular Coastal Permit (RC-3-05REV08)) with findings and conditions of approval attached herein.

BACKGROUND AND PROJECT DESCRIPTION

On April 10, 2006 the Planning Commission adopted Planning Commission Resolution 2006-P20 approving Development Plan (D-30-05) and Regular Coastal Permit (RC-3-05) to permit the development of a two-story, 1,950-square foot residential unit on a 6,000-square foot lot. The proposed residential unit would be the second unit on the property and would be considered the primary residence for the owners of the property. A 926-square foot single-family residence would remain and be considered a secondary dwelling unit.

Under the provisions of the Local Coastal Program the project site has of a land use designation of Residential High Density. The project is situated within the Coastal zone “appeal jurisdiction”. Any local action by the City on this proposed revision to the Coastal Development Permit may be appealed to the California Coastal Commission.

The underlying land use designation for the site is Urban High Density Residential (UHD-R), which allows a density range of 29 to 43 dwelling units per acre, and has a consistent zoning designation of Urban High Density Residential (RH-U) and is situated within the South Oceanside Neighborhood.

The project application consists of two components: Development Plan Revision and Regular Coastal Permit Revision as follows:

Development Plan Revision (D-30-05REV08) represents a request for the following:

- (a) To eliminate conditions of approval number 16, 17, and 22 of the approved resolution 2006-P20, which eliminates the entitlement of providing sidewalk improvements and requiring the developer to provide and maintain a street light and the request to eliminate condition 22 of the resolution and replace it with the requirement of deferring and paying the in-lieu fee for the undergrounding of utilities.

Regular Coastal Permit Revision (RC-3-05REV08) represents a request for the following:

- (a) A Regular Coastal Permit is required because the project is situated within the Coastal Zone "appeal jurisdiction," and any modifications to the project's original approval requires review for consistency with the Local Coastal Program (LCP).

Deferral of underground conversion of overhead utilities for the property:

- (a) Section 3023 of the Zoning Ordinance requires that all new and existing electrical, telephone, CATV and similar distribution lines providing direct service to a development site be installed underground within the site and along the site's frontage in the public right-of-way, if frontage improvements are required to develop the site.

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

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

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

ANALYSIS – KEY PLANNING ISSUES

1. General Plan conformance

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

I. Community Enhancement

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

Goal 1.2: Site Design

Objective: To provide high-quality site design, all proposed land development projects shall take advantage of natural or man-made environments to maximize energy conservation, natural air circulation, public safety, visual aesthetics, private and common open spaces, privacy, and land use compatibility.

Policy C: New development or land uses shall provide coordinated site design wherever possible with existing or proposed adjacent land uses to provide complimentary site design, unified circulation access, and joint use of ancillary facilities.

The development type is consistent with the surrounding area (multi-family, single-family and condominiums). Sidewalks are not provided along Myers Street and requiring the developer to construct an ADA compliant sidewalk would not be consistent to the surrounding properties and make the property out of character with the neighborhood. The City Engineer has specified that all access to the property would occur of the alley and no sidewalk improvements would be necessary. Unfortunately the previously approved plans did not provide enough information for the Engineering Staff to relieve the developer of providing a sidewalk, but after further review and a site visit, the Engineering Staff has determined that condition of placing a sidewalk is not consistent with the extent of the development and that there is no proper nexus that would entitle the developer to provide the side walk, therefore the sidewalk is not necessary

Allowing the developer to eliminate the condition that requires the street light to be constructed at the front property line would not be warrant and would not put the property out of character with the surrounding developments. A

majority of the street consist of existing street lights that are sufficient for the neighborhood. This entitlement as specified by the City Engineering is not required due to existing street lights that are provided in front of the property and directly to north.

The developer has request to defer the undergrounding of the overhead utilities and pay the in-lieu fee as specified in the City of Oceanside's Engineering Manual. Permitting the deferment and allowing the in-lieu fee to be paid will not put the property out of character with the surrounding developments and would allow the in-lieu fees to be paid for future improvements for areas of the City that are in need of improvements. It has been specified by the City Engineer that allowing the applicant to pay the in-lieu fee for deferring the undergrounding of the utilities would be warrant and would not put the property out of character with the surrounding developments.

DISCUSSION

In reviewing the applications staff's analysis focused on two issues; (1) the compatibility of the project with existing development patterns of the area, and (2) Projects consistency with the underlying zoning regulations and policies of the Local Coastal Program. The Local Coastal Program contains policies that require development to maintain the character of the existing neighborhood.

The elimination of condition 16 and 17 would exclude the development of a sidewalk and the street light respectfully and would allow the development to be similar and consistent with the surrounding neighborhood properties, in terms of the street patterns with no sidewalks and the existing street light patterns. Elimination of Conditions of approval number 22 and a request to defer the under-grounding of overhead utilities and pay the in-lieu fee can be supported based upon the following:

- Per Subdivision Ordinance section 901-G.4 the Planning Commission may defer all or a portion of the requirements to underground existing facilities at the time of Tentative Map or Development Plan per the subdivision ordinance approval solely on one or more of the following findings:
 - a. Existing facilities are within an existing alley.
 - b. The subdivision contains less than 10 residential units.
 - c. A residential subdivision has less than 250 feet of existing frontage.
 - d. Facilities exist along rear property line(s) within an agricultural or residential estate zoned property.
 - e. Conversion as defined above creates a net increase in three or more poles over existing number of poles.

- f. Seventy percent or more of the facilities required to be under grounded exist on the opposite side of existing abutting street from the subdivision.
- g. Subdivision is within the Redevelopment project Area and;
 - i. Subdivision is less than one-quarter (1/4 block in length (fronting street or alley) or
 - ii. Subdivide provides verification by the utility companies impacted that the subdivision's obligations can be proven to be exorbitant in cost in relationship to a larger conversion project within the same area and of similar conditions.

Staff Recommendation: Per Subdivision Ordinance for development plans, section 901-G.4, the project meets findings a, b and c, and qualifies for deferral and payment of in-lieu fees. Projects that have/should receive deferrals are typically smaller projects within a larger block. The deferral provisions are very specific and address this issue. In areas where a small project develops, it is appropriate to allow for a deferral. However, as the rest of the block/area begins to develop, undergrounding should be required. The deferral fee for utility undergrounding is currently \$400 per linear foot of overhead utilities. There is generally a cost savings associated with utility undergrounding projects when done on a block-to-block basis rather than on a parcel-by-parcel basis.

The elimination of the three conditions as specified by the City Engineer have no nexus connected to this development, which allows the elimination of conditions of approval numbers 16, 17 and 22 to be eliminated out of the approved Resolution 2006-P20 and permit the deferral of the undergrounding of utilities and paying the in-lieu fee.

Staff's review of the project examined the consistency of the development with the underlying zoning regulations and policies of the Local Coastal Program. The Local Coastal Program contains policies that require development to maintain the character of the existing neighborhood.

ENVIRONMENTAL DETERMINATION

Staff has reviewed the environmental assessment and determined that the proposed revision is a Class 1 Categorical Exemption, pursuant to Section 15301 *Existing Facilities* of the California Environmental Quality Act, which states "the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment... involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

PUBLIC NOTIFICATION

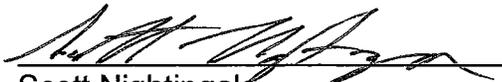
Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. As of June 9, 2008, no communication supporting or opposing the request has been received.

SUMMARY

In reviewing the proposed project staff believes that the proposed revisions and request to defer the undergrounding of utilizes and pay the in-lieu fee is consistent with development criteria of the Zoning Ordinance, Engineering Manual and the applicable land use policies of the General Plan as well as the Local Coastal Plan. Therefore, staff recommends approval of the project and the Commission's action should be:

- Move to approve Revision to Development Plan (D-30-05) and Regular Coastal Permit (RC-3-05) and permit the defer of the undergrounding of utilities and adopt Planning Commission Resolution No. 2008-P38 as attached.

PREPARED BY:



Scott Nightingale
Planner II

SUBMITTED BY:



Jerry Hittleman
City Planner

REVIEWED BY:

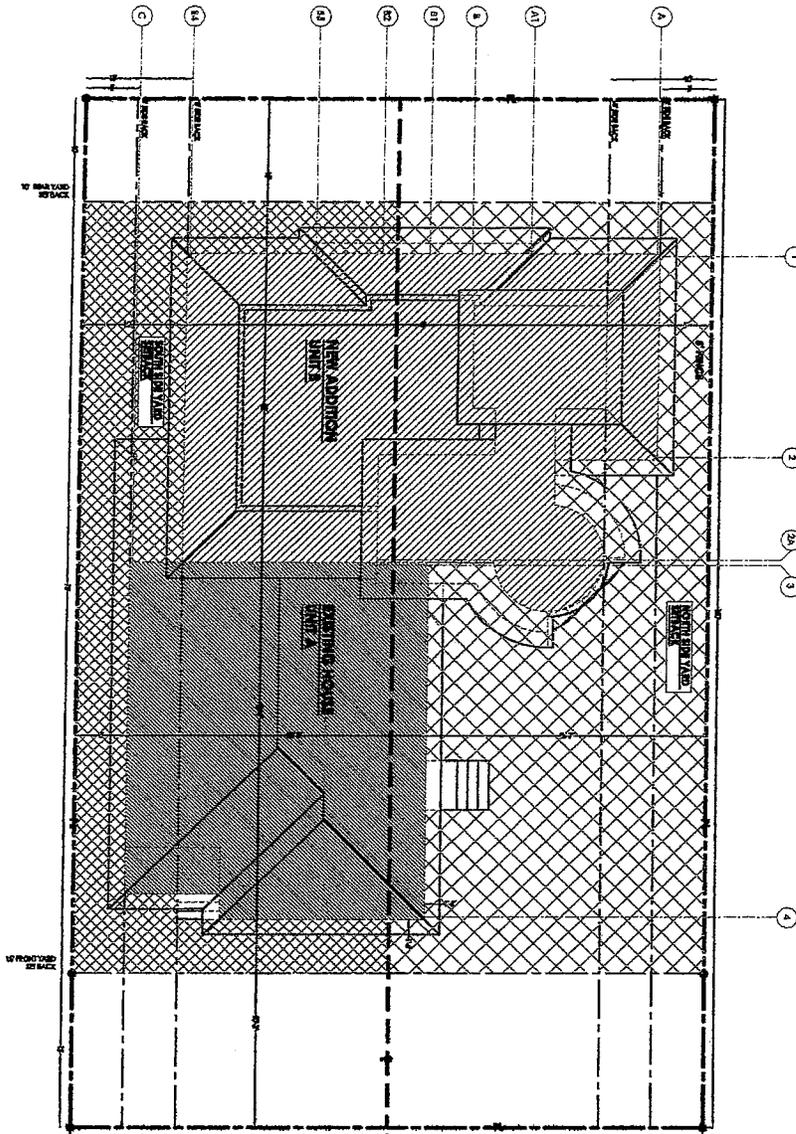
Richard Greenbauer, Senior Planner



JH/SN/fil

Attachments:

1. Site Plan
2. Planning Commission Resolution No. 2008-P38
3. Planning Commission Resolution No. 2006-P20
4. Staff Report dated April 10, 2006



LEGEND

	NEW CONTRIBUTION
	EXISTING CONTRIBUTION
	REMAINDER OF LOT/LOT AREA

SDA YARD SETBACKS
 OLD SETBACK (1986 03)
 NEW SETBACK (2018 03)
 SETBACKS ARE TO BE MEASURED FROM THE EXISTING OR PROPOSED EXTERIOR FINISH GRADE TO THE EXTERIOR FINISH GRADE OF THE ADJACENT LOT OR STREET.
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 SETBACKS ARE TO BE MEASURED TO THE EXTERIOR FINISH GRADE OF THE ADJACENT LOT OR STREET.

REVISIONS

NO.	DATE	DESCRIPTION

SA-2

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 DUPLEX
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SIDE SETBACK CALC

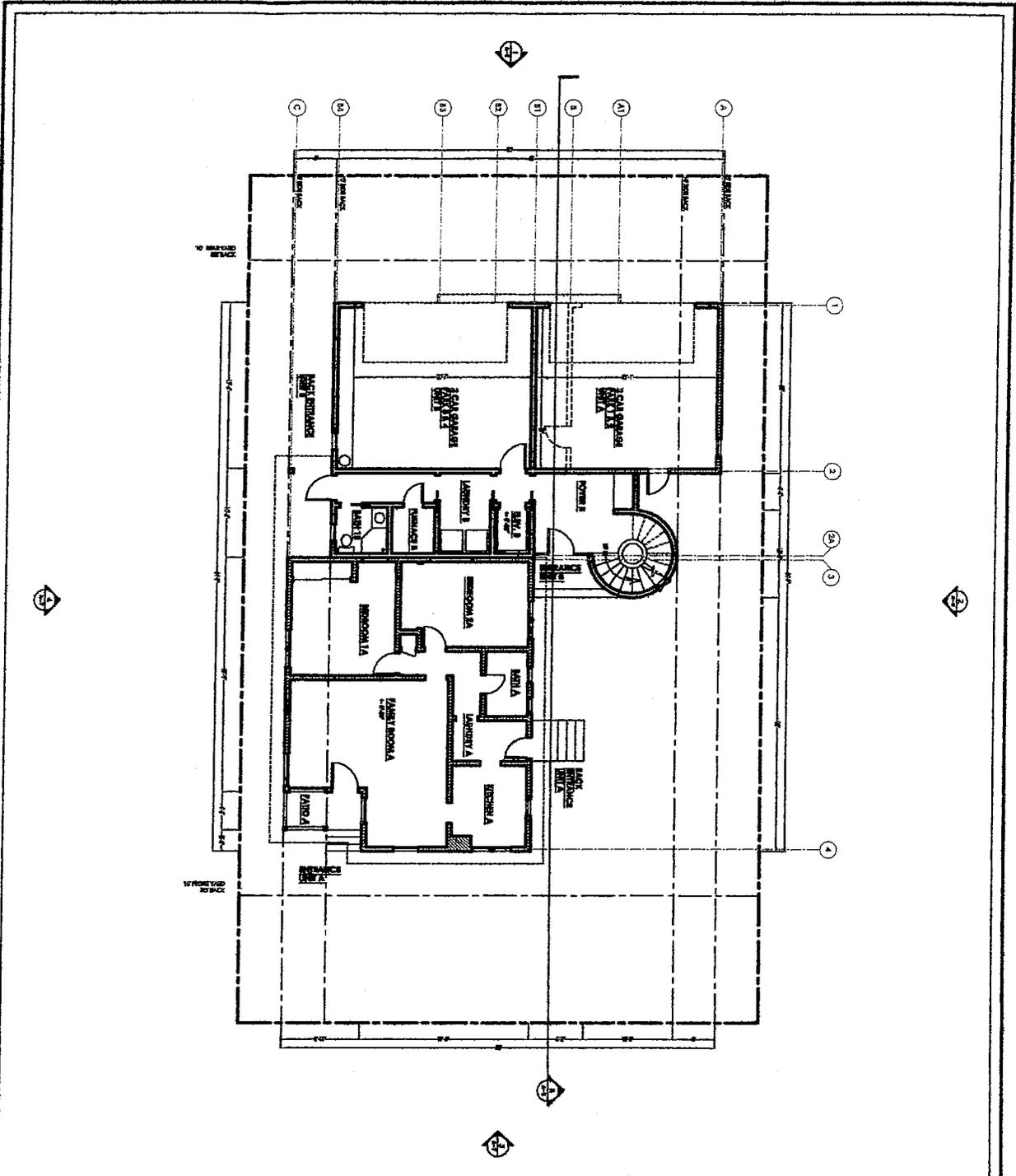
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 CHECKED: JSM

architects by chade chevy
 2777 WARD DRIVE SUITE 100 OCEANSIDE CA 92081
 619.228.1288

 chade chevy concept & design

REVISIONS

NO.	DATE	DESCRIPTION



CONCRETE
 WOOD FLOOR
 WALL
 DOOR
 WINDOW
 STAIR
 HATCH

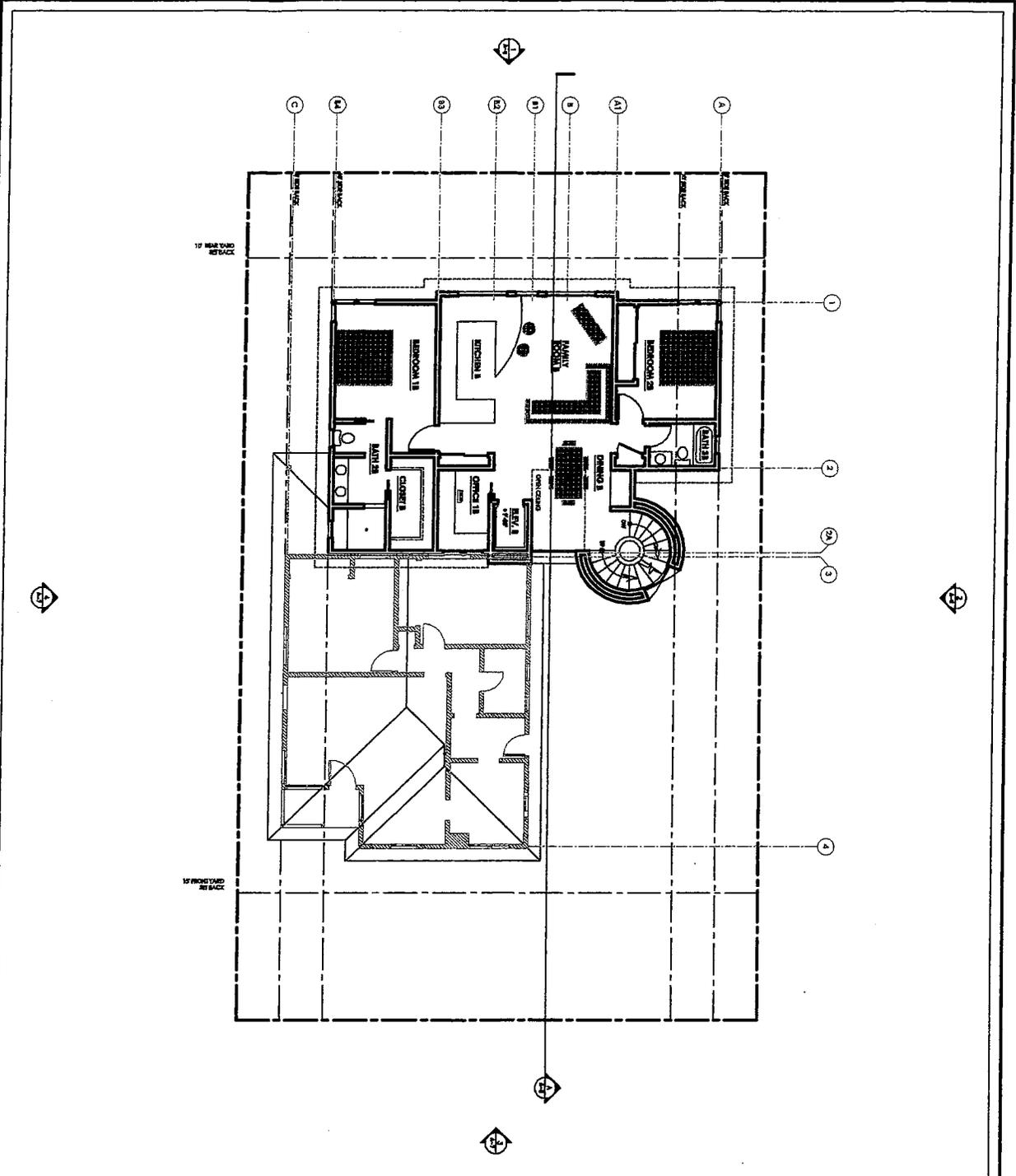
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 CHECKED BY: [Name]

SMITH - SPITZ
DUPLEX
 1225 S. MYERS STREET - OCEANSIDE, CA 92084
FIRST FLOOR PLAN

architect by claudie chery
 2270 ANTLER DRIVE, SUITE 100, SAN DIEGO, CA 92108
 619.226.1488

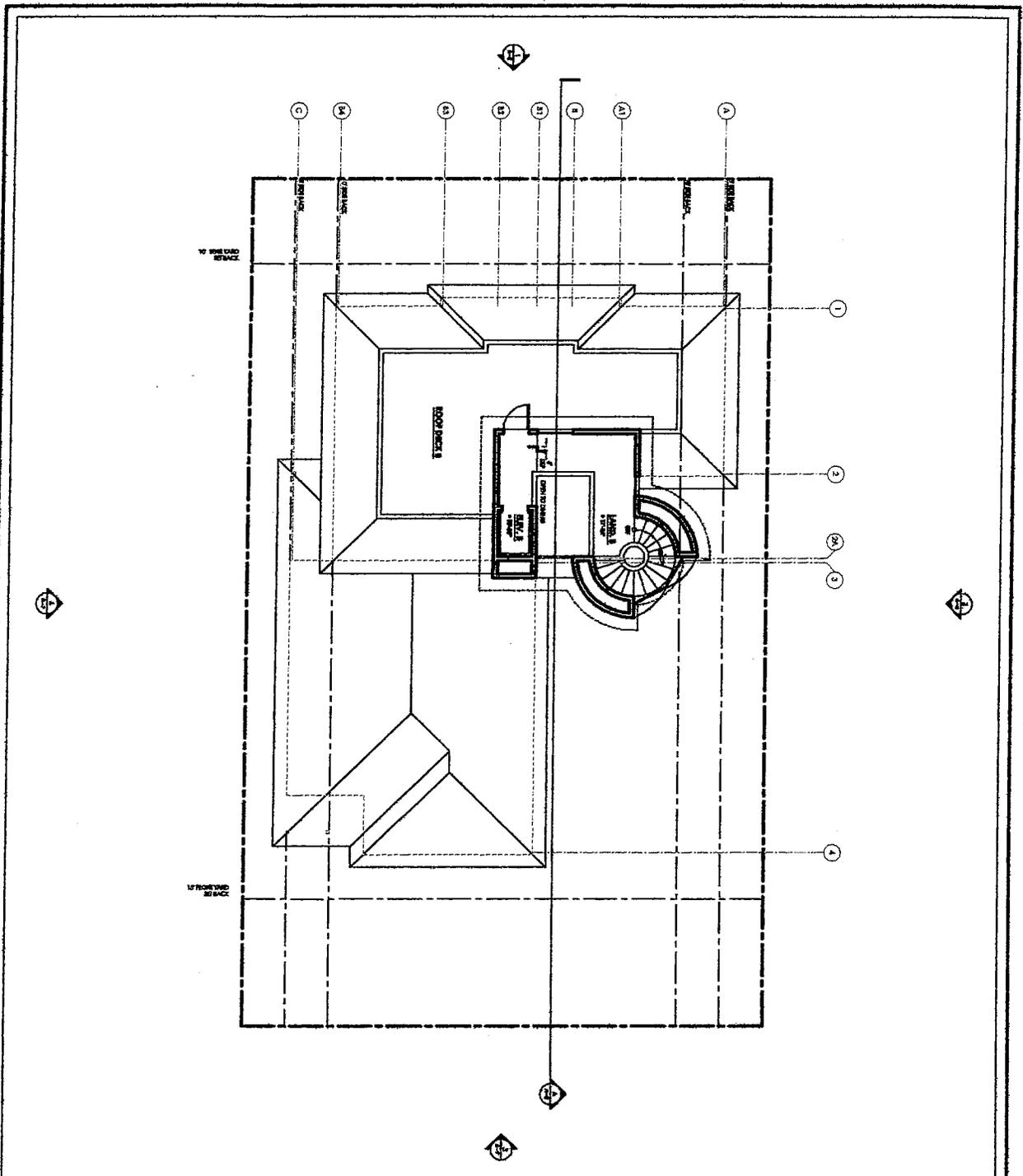
 claudie chery concept & design

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DATE	11/11/03



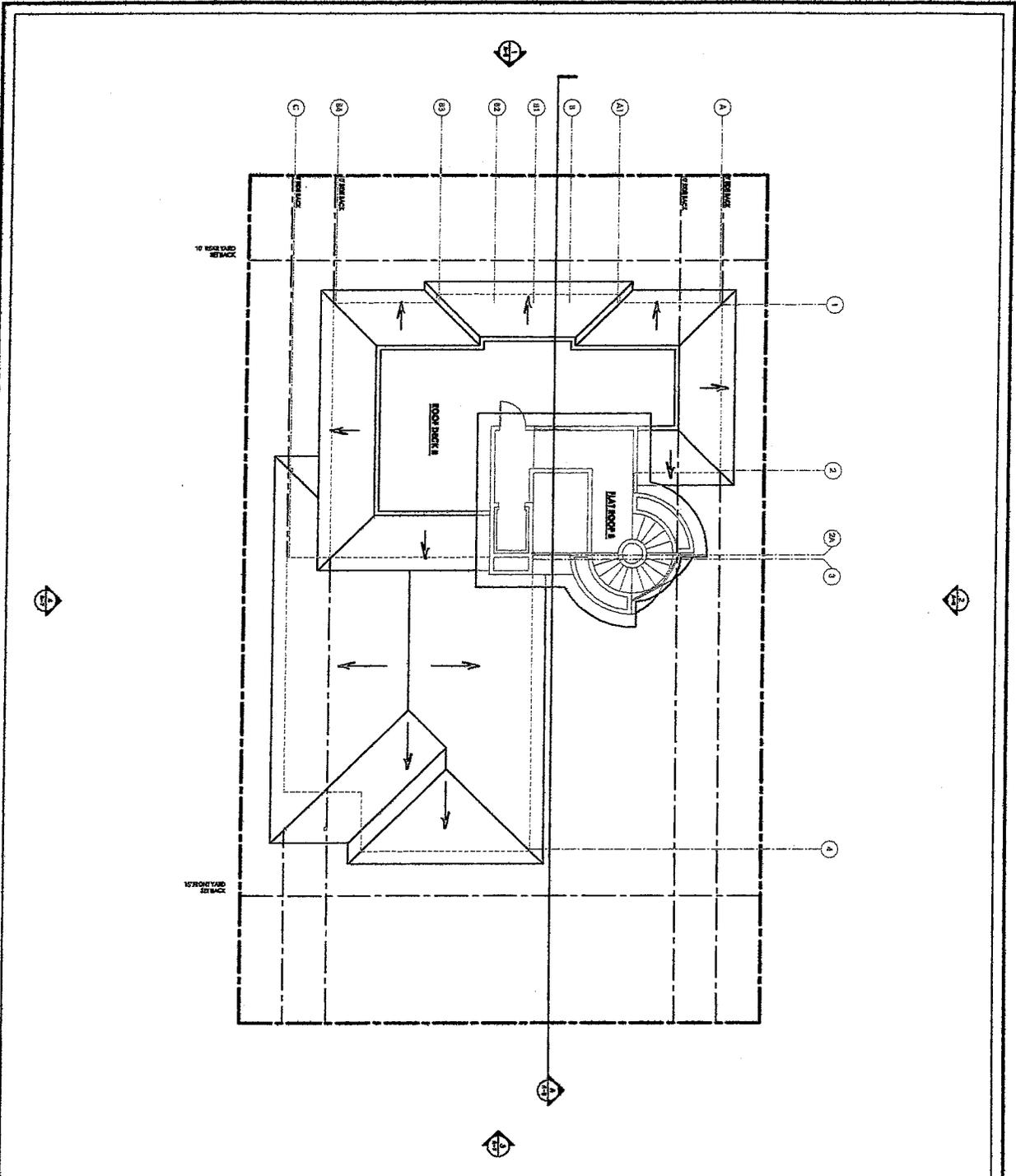
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<p>A-2</p>	<p>architecture by claudie chevey 2727 DE ANTO CORNE & COY - SAN DIEGO, CA 92108 619.729.3886</p> <p>claudie chevey concept & design</p>	<p>REVISIONS</p> <table border="1"> <tr><td> </td><td> </td></tr> </table> <p>DATE: AUGUST 16, 2005 DATE: NOVEMBER 11, 2005</p>																				



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ORIENTATION:

LEGEND:

→ 420000' ELEVATION

DATE: AUGUST 18, 2005

DATE: NOVEMBER 11, 2005

SMITH - SPITZ
DUPLEX:
 1926 S. MYERS STREET - OCEANSIDE, CA 92054

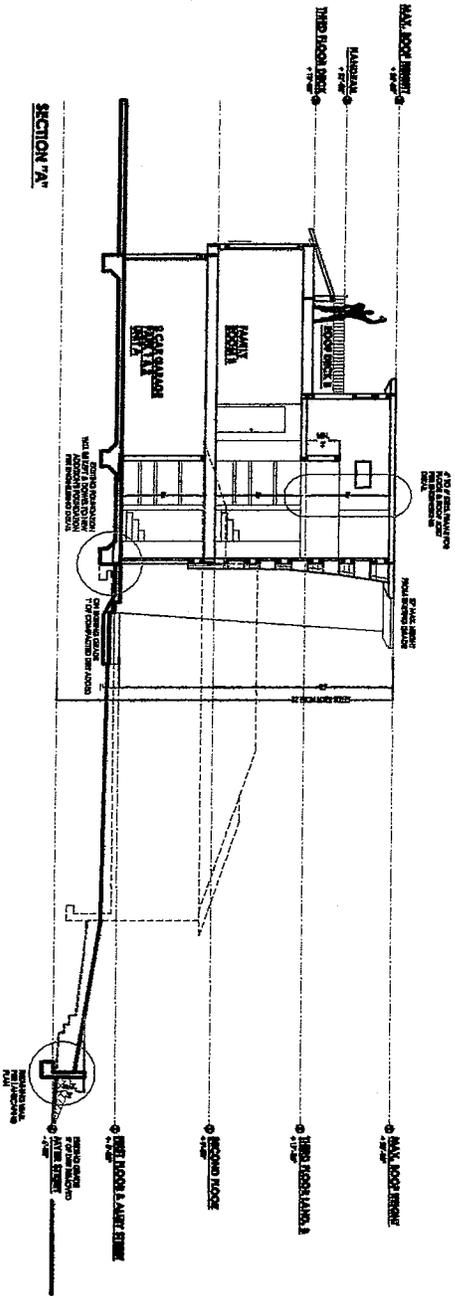
ROOF PLAN

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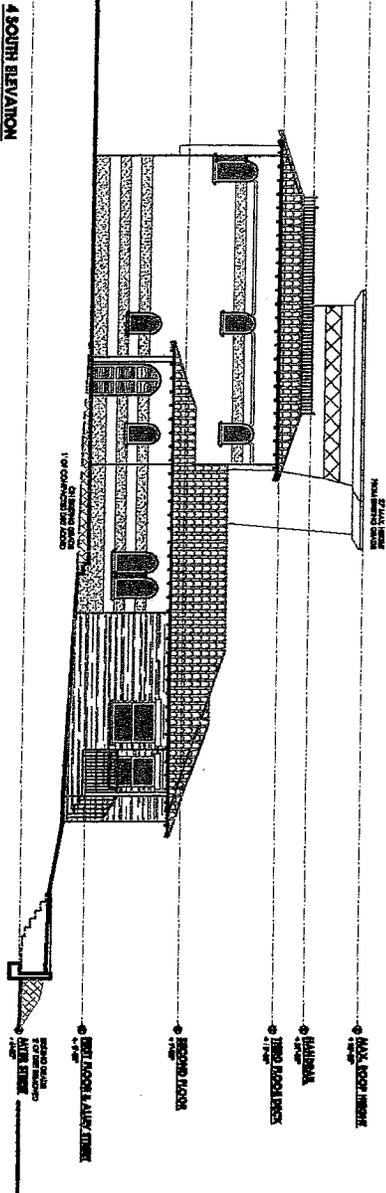
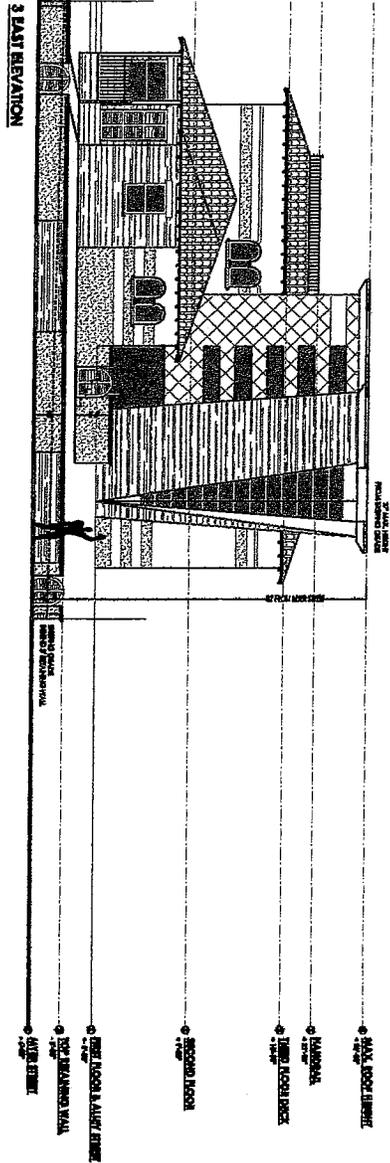
ARCHITECTURE BY: CLAUDE CHEWY
 22714 AGO COTE ROAD - JOLIET, IL 61781-CA 4107
 815.728.1588

clouds chewy  **concept & design**

A-4



1/2" = 1'-0"
 1/4" = 1'-0"
 1/8" = 1'-0"
 1/16" = 1'-0"
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A-7

SMITH - SPITZ
 DUPLEX
 1925 S. MYERS STREET - OCEANSIDE, CA 92054
EAST & SOUTH ELEVATIONS

architecture by chade chawry
 3077th Ave. Core B-207, San Diego, CA 92108
 619.723.1888

 concept & design

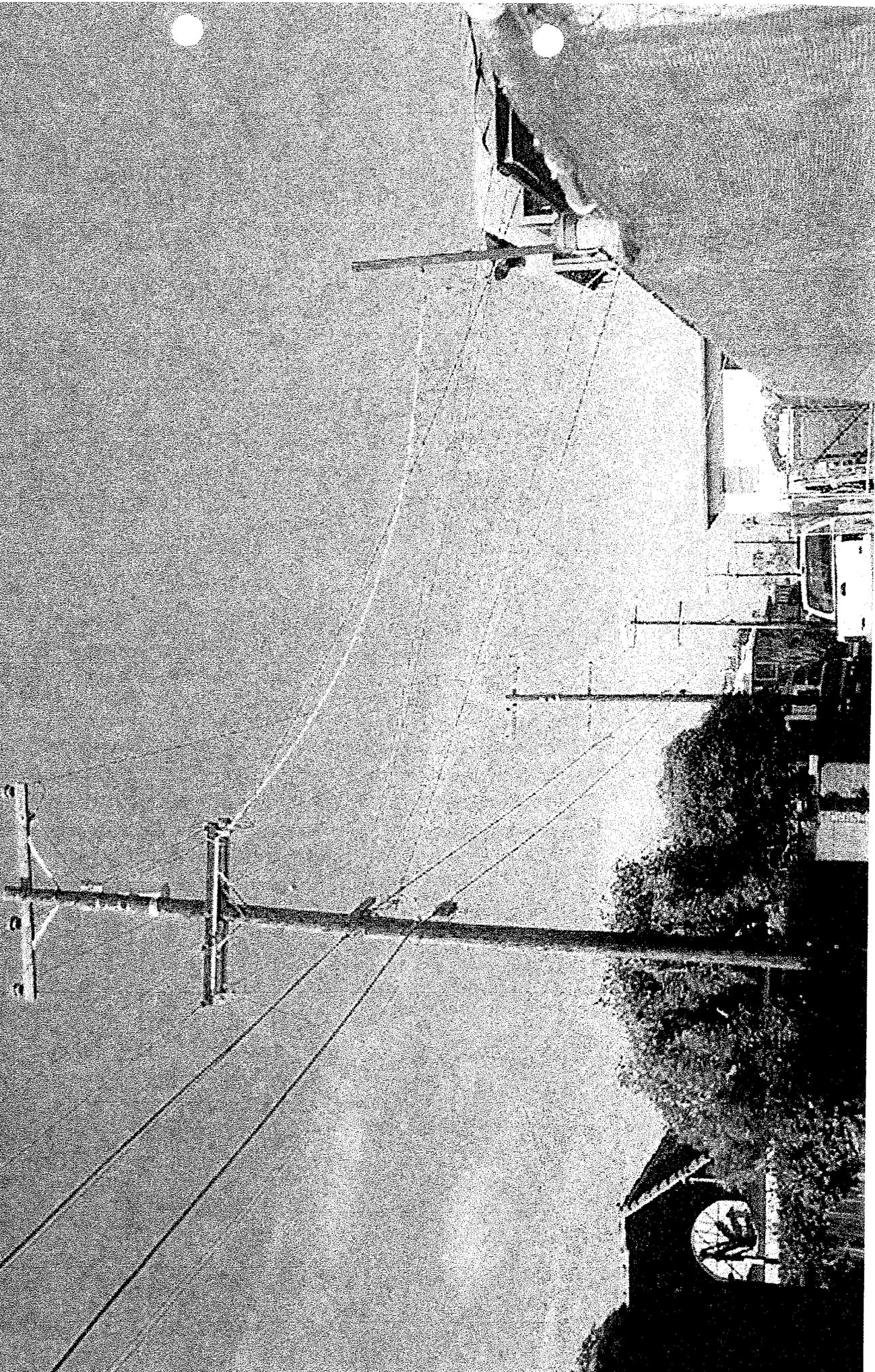
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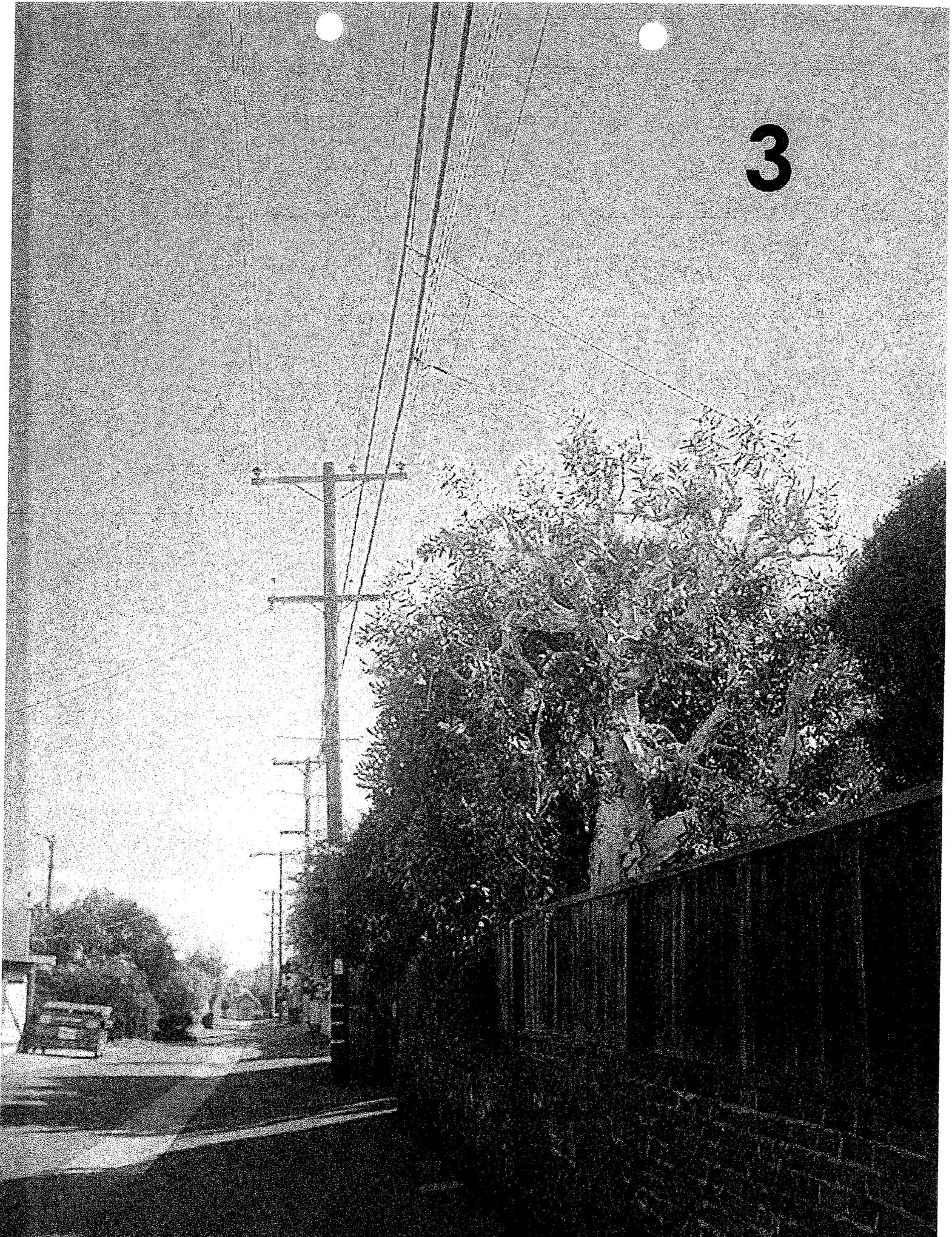
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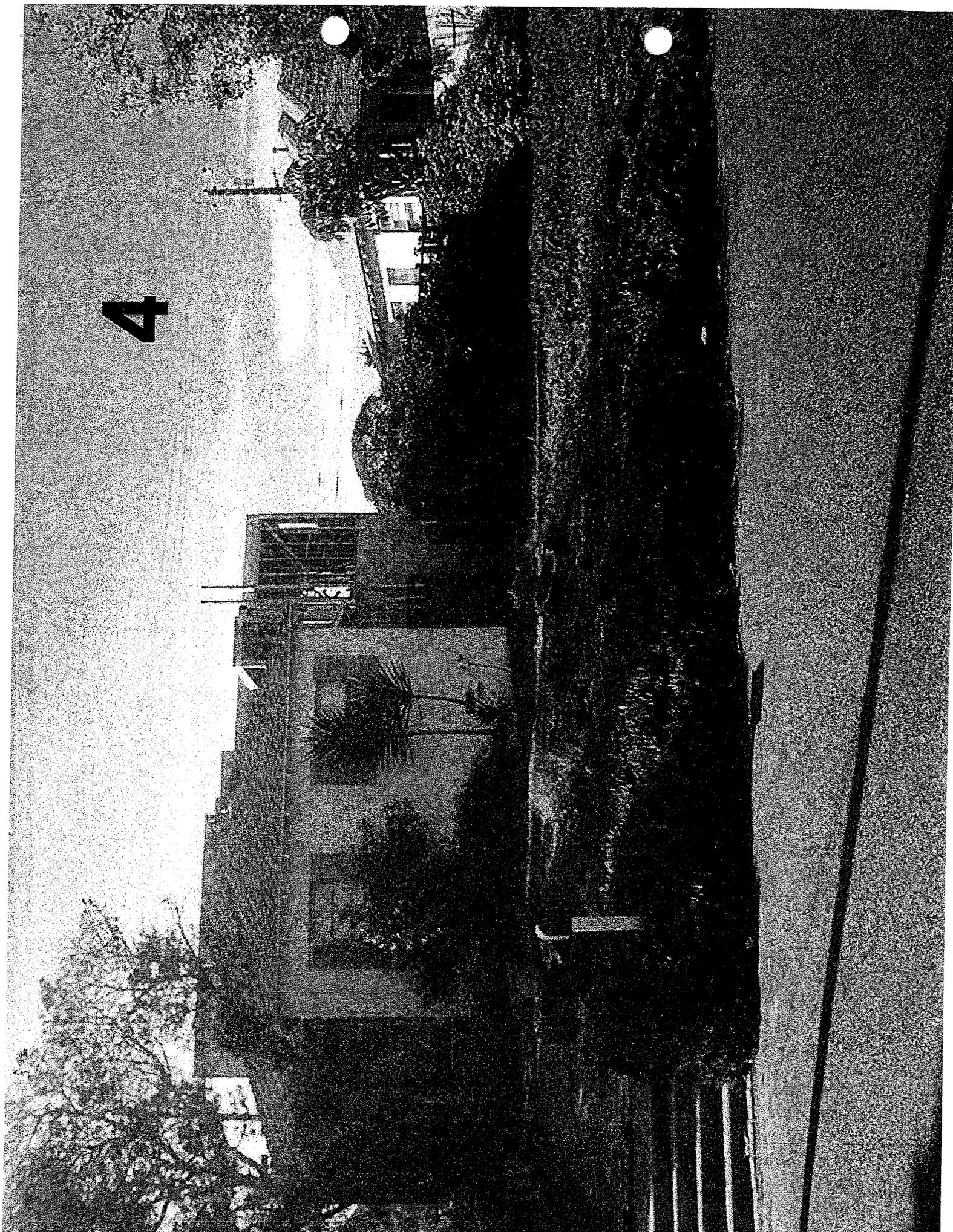
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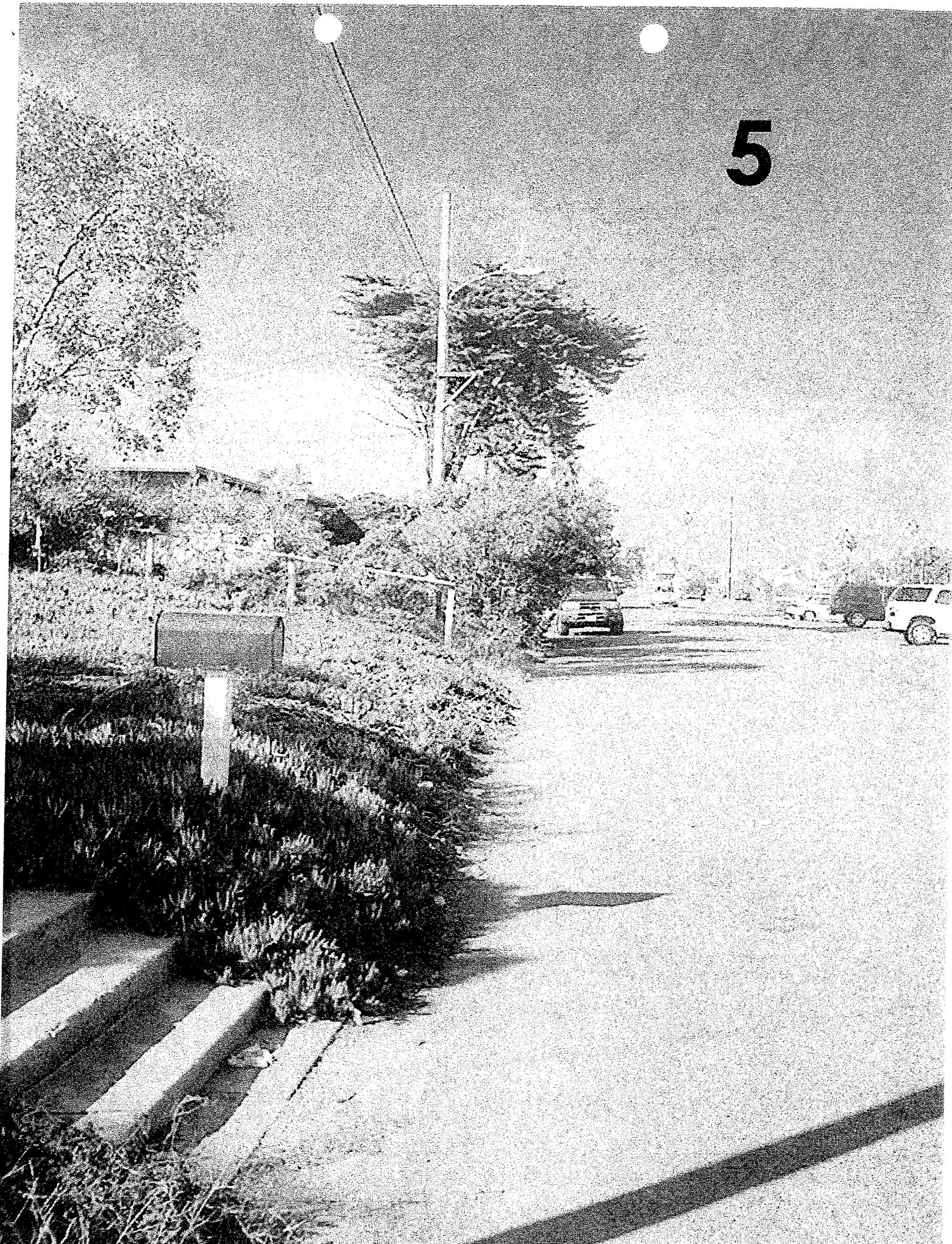
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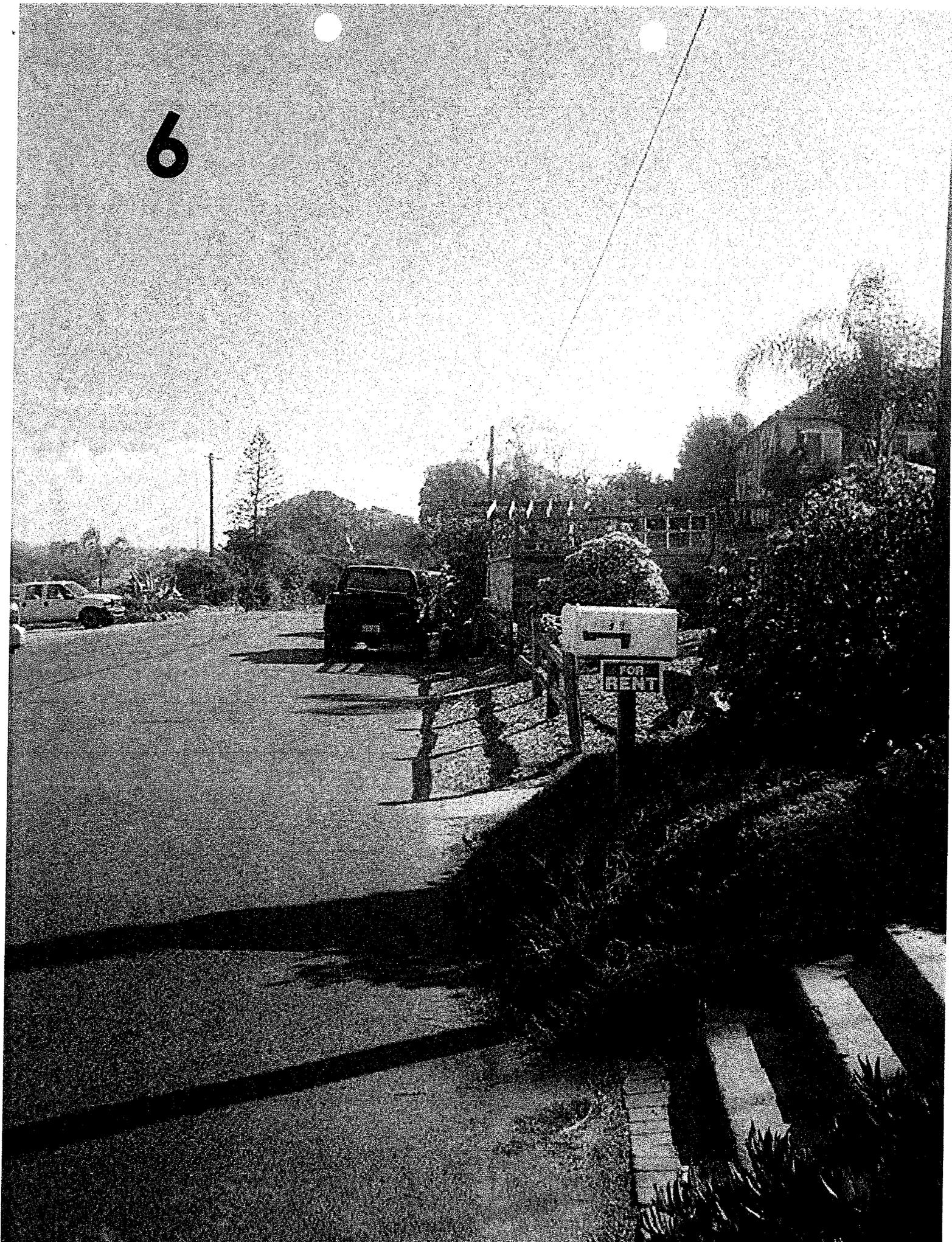
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1 PLANNING COMMISSION
2 RESOLUTION NO. 2008- P38

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING REVISION
5 TO DEVELOPMENT PLAN AND REGULAR COASTAL
6 PERMIT AND GRANTING A DEFERRAL TO
7 UNDERGROUND OVERHEAD UTILITIES ON CERTAIN
8 REAL PROPERTY IN THE CITY OF OCEANSIDE

8 APPLICATION NO: D-30-05REV08, RC-3-05REV08
9 APPLICANT: James Smith and Mary Spitz
10 LOCATION: 1925 South Myers Street

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

13 WHEREAS, there was filed with this Commission a verified petition on the forms
14 prescribed by the Commission requesting a Development Plan and Regular Coastal Permit under
15 the provisions of Articles 10 and 43 of the Zoning Ordinance of the City of Oceanside to permit
16 the following:

17 to eliminate certain conditions of the original approved Resolution No. 2006-P20 and a
18 request to defer the undergrounding of utilities;
19 on certain real property described in the project description.

20 WHEREAS, the Planning Commission, after giving the required notice, did on the 9th day
21 o June, 2008 conduct a duly advertised public hearing as prescribed by law to consider said
22 application.

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

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

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

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<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication Fee	Ordinance No. 91-10 Resolution No. 05-R0628-1	\$3,278 per unit (new)
Drainage Fee	Ordinance No. 85-23 Resolution No. 05-R0628-1	Depends on area (range is \$2,660-\$14,937 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 05-R0628-1	\$1,939 per unit (new)
School Facilities Mitigation Fee (OUSD)	Ordinance No. 91-34	\$2.14 per square foot
Traffic Signal Fee	Ordinance No. 87-19	\$14.70 per vehicle trip
Thoroughfare Fee	Ordinance No. 83-01	\$239 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)

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

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 Gov't 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;

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

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

3 FINDINGS:

4 For Revision to the Development Plan:

- 5 1. The project design and its physical aspects pertaining to height, building area, and on-site
6 parking facilities meets or exceeds the applicable zoning criteria and development
7 standards and allowing the developer to eliminate the conditions of approval to provide a
8 sidewalk, street light and allowing the developer to pay the in-lieu fee for the deferral of
9 the undergrounding of utilities will not make the property out of character with the
10 surrounding properties.
- 11 2. This Development Plan for a two-unit residential development conforms to the General
12 Plan of the City and allowing the conditions of approval to not entitle the developer to
13 underground the utilities, provide a streetlight, and provide a sidewalk will allow the
14 property to be similar in type, design and charter as all the developments along Myers
15 Street.
- 16 3. The existing public services, utilities, and public facilities within the area will adequately
17 and reasonably serve the site area covered by the Development Plan and the deferral of the
18 undergrounding of the overhead utilities to pay the in-lieu fee shall have a reasonable
19 nexus.
- 20 4. The proposed project is compatible in scale and land use with existing and approved
21 developments at the neighboring surrounding properties in the neighborhood area.

22 For Revision to the Regular Coastal Permit:

- 23 1. The proposed project is consistent with the policies of the Local Coastal Program as
24 implemented through the City Zoning Ordinance. In addition, the project will not
25 substantially alter or impact existing public views of the coastal zone area.
- 26 2. The proposed project will not obstruct any existing or planned public beach access;
27 therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act.

28 For the Deferral of the Requirement to Underground Facilities:

- 29 1. The project underground facilities conversion will not create a net increase of three or
more poles over the existing number of poles.

1 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
2 approve Revision to Development Plan (D-30-05) and Revision to Regular Coastal Permit (RC-3-
3 05) subject to the following conditions:

4 **Building:**

- 5 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
6 Building Division plan check. (Currently the 2008 California Building Standards Code)
- 7 2. The granting of approval under this action shall in no way relieve the applicant/project
8 from compliance with all State and Local building codes.
- 9 3. The building plans for this project are required by State law to be prepared by a licensed
10 architect or engineer and must be in compliance with this requirement prior to submittal
11 for building plan review.
- 12 4. All electrical, communication, CATV, etc. service lines within the exterior lines of the
13 property shall be underground (City Code Sec. 6.30).
- 14 5. Compliance with the Federal Clean Water Act must be demonstrated on the plans.
- 15 6. The developer shall monitor, supervise and control all building construction and
16 supporting activities so as to prevent these activities from causing a public nuisance,
17 including, but not limited to, strict adherence to the following:
 - 18 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
19 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
20 work that is not inherently noise-producing. Examples of work not permitted on
21 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
22 producing nature. No work shall be permitted on Sundays and Federal Holidays
23 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
24 Christmas Day) except as allowed for emergency work under the provisions of the
25 Oceanside City Code Chapter 38 (Noise Ordinance).
 - 26 b) The construction site shall be kept reasonably free of construction debris as
27 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
28 approved solid waste containers shall be considered compliance with this
29 requirement. Small amounts of construction debris may be stored on-site in a neat,
safe manner for short periods of time pending disposal.

1 **Engineering:**

- 2 7. If the project involves demolition of an existing structure or surface improvements, the
3 grading plans shall be approved by the Community Development Director prior to the
4 issuance of a demolition permit. No demolition shall be permitted without an approved
5 erosion control plan.
- 6 8. Design and construction of all improvements shall be in accordance with standard plans,
7 specifications of the City of Oceanside and subject to approval by the Community
8 Development Director.
- 9 9. Prior to issuance of a building permit all improvement requirements shall be covered by
10 a development agreement and secured with sufficient improvement securities or bonds
11 guaranteeing performance and payment for labor and materials, setting of monuments,
12 and warranty against defective materials and workmanship.
- 13 10. Prior to approval of the first engineering drawing for a site development plan a phasing
14 plan for the construction of public and private improvements including landscaping, streets
15 and arterials shall be approved by the Community Development Director. All
16 improvements shall be under construction to the satisfaction of the Community
17 Development Director prior to the issuance of any building permits. All improvements
18 shall be completed prior to issuance of any certificates of occupancy.
- 19 11. Where proposed off-site improvements, including but not limited to slopes, public utility
20 facilities, and drainage facilities, are to be constructed, the applicant shall, at his own
21 expense, obtain all necessary easements or other interests in real property and shall
22 dedicate the same to the City as required. The applicant shall provide documentary proof
23 satisfactory to the City that such easements or other interest in real property have been
24 obtained prior to the issuance of any grading, building or improvement permit for the
25 project. Additionally, the City, may at its sole discretion, require that the applicant obtain
26 at his sole expense a title policy insuring the necessary title for the easement or other
27 interest in real property to have vested with the City of Oceanside or the applicant, as
28 applicable.
- 29 12. Prior to the issuance of a grading permit, the developer shall notify and host a
neighborhood meeting with all of the area residents located within 300 feet of the project

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

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

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

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

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

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

7 16. Prior to approval of the grading plans, the developer shall contract with a Geotechnical
8 engineering firm to perform a field investigation of the existing pavement on the entire
9 existing alley that serves the project. The limits of the field investigation shall include a
10 minimum of one pavement boring per every 50 linear feet of property frontage. Should
11 the existing AC thickness be determined to be less than three inches or without
12 underlying Class II base material, the developer shall remove and reconstruct the
13 pavement section as determined by the pavement analysis submittal process detailed in
14 Item a) below:

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

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

29 18. 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 Community

1 Development Director.

2 19. Full half-width alley improvements including the installation of a longitudinal concrete
3 alley gutter shall be constructed in accordance with the standard plans and specifications of
4 the City of Oceanside and as approved by the Community Development Director.

5 20. The undergrounding of the existing overhead utilities may be deferred. The developer
6 shall pay an in-lieu fee, based upon the length of utilities to be placed underground, and at
7 the rate in effect at building permit issuance or as established by the City Engineer per
8 Section 901.G. of the Subdivision Ordinance (R91-166) and as required by the City
9 Engineer and current City policy.

10 21. The developer shall comply with all the provisions of the City's cable television ordinances
11 including those relating to notification as required by the Community Development
12 Director.

13 22. Grading and drainage facilities shall be designed and installed to adequately accommodate
14 the local stormwater runoff and shall be in accordance with the City's Engineers Manual
15 and as directed by the Community Development Director.

16 23. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic
17 investigation shall be conducted of the soils, slopes, and formations in the project. All
18 necessary measures shall be taken and implemented to assure slope stability, erosion
19 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
20 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by
21 the Community Development Director.

22 24. An erosion control plan and precise grading and private improvement plan shall be
23 prepared, reviewed, secured and approved prior to the issuance of any building permits.
24 The plan shall reflect all pavement, flatwork, landscaped areas, special surfaces, curbs,
25 gutters, medians, striping, signage, footprints of all structures, walls, drainage devices and
26 utility services. Parking lot striping and any on-site traffic calming devices shall be shown
27 on all Precise Grading and Private Improvement Plans.

28 25. A precise grading and private improvement plan shall be prepared, reviewed, secured and
29 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, signage,

1 footprints of all structures, walls, drainage devices and utility services. Parking lot striping
2 and any on-site traffic calming devices shall be shown on all Precise Grading and Private
3 Improvement Plans.

4 26. Landscaping plans, including plans for the construction of walls, fences or other structures
5 at or near intersections, must conform to intersection sight distance requirements.
6 Landscape and irrigation plans must be submitted to the Community Development
7 Director prior to the issuance of a grading permit and approved by the Community
8 Development Director prior to the issuance of building permits. All plans must be
9 approved by the Community Development Director and a pre-construction meeting held,
10 prior to the start of any improvements.

11 27. Landscaping plans, including plans for the construction of walls, fences or other structures
12 at or near intersections, must conform to intersection sight distance requirements.
13 Landscape and irrigation plans for disturbed areas must be submitted to the Community
14 Development Director prior to the issuance of a preliminary grading permit and approved
15 by the Community Development Director prior to the issuance of building permits.
16 Frontage and median landscaping shall be installed prior to the issuance of any certificates
17 of occupancy. Any project fences, sound or privacy walls and monument entry walls/signs
18 shall be shown on, bonded for and built from the landscape plans. These features shall also
19 be shown on the precise grading plans for purposes of location only. Plantable, segmental
20 walls shall be designed, reviewed and constructed by the grading plans and
landscaped/irrigated through project landscape plans.

21 28. All plans must be approved by the Community Development Director and a pre-
22 construction meeting held, prior to the start of any improvements.

23 29. The drainage design on the project/development plan/tentative map (CHOOSE ONE) is
24 conceptual only. The final design shall be based upon a hydrologic/hydraulic study to be
25 approved by the Community Development Director during final engineering. All drainage
26 picked up in an underground system shall remain underground until it is discharged into an
27 approved channel, or as otherwise approved by the Community Development Director.
28 All public storm drains shall be shown on City standard plan and profile sheets. All storm
29 drain easements shall be dedicated where required. The applicant shall be responsible for

- 1 obtaining any off-site easements for storm drainage facilities.
- 2 30. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and
3 disposed of in accordance with all state and federal requirements, prior to stormwater
4 discharge either off-site or into the City drainage system.
- 5 31. The development shall comply with all applicable regulations established by the United
6 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
7 Discharge Elimination System (N.P.D.E.S.) permit requirements for urban runoff and
8 stormwater discharge and any regulations adopted by the City pursuant to the N.P.D.E.S.
9 regulations or requirements. Further, the applicant may be required to file a Notice of
10 Intent with the State Water Resources Control Board to obtain coverage under the
11 N.P.D.E.S. General Permit for Storm Water Discharges Associated with Construction
12 Activity and may be required to implement a Storm Water Pollution Prevention Plan
13 (SWPPP) concurrent with the commencement of grading activities. SWPPPs include
14 both construction and post construction pollution prevention and pollution control
15 measures and identify funding mechanisms for post construction control measures.
- 16 32. The developer shall comply with all the provisions of the Clean Water Program during
17 and after all phases of the development process, including but not limited to: mass
18 grading, rough grading, construction of street and landscaping improvements, and
19 construction of dwelling units. The applicant shall design the Project's storm drains and
20 other drainage facilities to include Best Management Practices to minimize non-point
21 source pollution, satisfactory to the Community Development Director.
- 22 33. Upon acceptance of any fee waiver or reduction by the Project Proponent, the entire
23 project will be subject to prevailing wage requirements as specified by Labor Code
24 section 1720(b) (4). The Project Proponent shall agree to execute a form acknowledging
25 the prevailing wage requirements prior to the granting of any fee reductions or waivers.
- 26 34. The Project Proponent shall prepare and submit a Runoff Assessment Report (RAR) to
27 the Community Development and Transportation Engineering Services Department with
28 the first submittal of engineering plans. The RAR shall be approved by the Community
29 Development Director prior to approval of any plans by the Community Development
and Transportation Engineering Services Department elements.

1 35. Any BMPs described in the project's approved RAR shall not be altered in any way,
2 shape or form without formal approval by the Community Development and
3 Transportation Engineering Services Department.

4 **Fire:**

5 38. Fire Department requirements shall be placed on plans in the notes section.

6 39. All proposed and existing fire hydrants within 400 feet of the project shall be shown on
7 the site plan.

8 40. In accordance with the California Fire Code Sec. 901.4.4, approved address for
9 commercial, industrial, and residential occupancies shall be placed on the structure in
10 such a position as to be plainly visible and legible from the street or roadway fronting the
11 property. Numbers shall be contrast with their background.

12 41. Single-family dwellings require 4-inch address numbers.

13 42. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
14 approval prior to the issuance of building permits.

15 43. Smoke detectors are required and the locations must be indicated on the plans.

16 **Planning:**

17 44. This Revision to Development Plan (D-30-05REV08) and Revision to Regular Coastal
18 Permit (RC-3-05REV08) approves only the following: elimination of condition of
19 approval 16, 17 and 22 from approved Resolution No. 2006-P20 and allowing the
20 deferment of the undergrounding of utilities and paying the in lieu fee. Any substantial
21 modification in the design or layout shall require a revision or new approval for a
Development Plan and Regular Coastal Permit.

22 45. This Revision to Development Plan, and Revision to Regular Coastal Permit shall expire
23 on June 9, 2010 unless implemented as required by the Zoning Ordinance or a time
24 extension is approved as required by the Zoning Ordinance.

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

27 47. A public facilities fee shall be paid as required by City policy at the time building permits
28 are issued.
29

- 1 48. A covenant or other document approved by the City Attorney shall be prepared by the
2 developer and recorded prior to the approval of prior to issuance of building permits. The
3 covenant shall provide that the property is subject to this resolution, and shall generally list
4 the conditions of approval.
- 5 49. Prior to the issuance of building permits, compliance with the applicable provisions of the
6 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed
7 and approved by the Planning Division. These requirements, including the obligation to
8 remove all graffiti within 24 hours, shall be noted on the Landscape Plan and shall be
9 recorded in the form of a covenant affecting the subject property.
- 10 50. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
11 written copy of the applications, staff report and resolutions for the project to the new
12 owner and or operator. This notification's provision shall run with the life of the project.
- 13 51. Failure to meet any conditions of approval for this development shall constitute a violation
14 of the Development Plan.
- 15 52. Unless expressly waived, all current zoning standards and City ordinances and policies in
16 effect at the time building permits are issued are required to be met by this project. The
17 approval of this project constitutes the applicant's agreement with all statements in the
18 Description and Justification and other materials and information submitted with this
19 application, unless specifically waived by an adopted condition of approval.
- 20 53. If any aspect of the project fencing and walls is not covered by an approved development
21 plan, the construction of fencing and walls shall conform to the development standards of
22 the City Zoning Ordinance. In no case, shall the construction of fences and walls
23 (including combinations thereof) exceed the limitations of the zoning code, unless
24 expressly granted by a Variance or other development approval.
- 25 54. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
26 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
27 proceeding against the City, its agents, officers, or employees to attack, set aside, void, or
28 annul an approval of the City concerning Development Plan (D-30-05) and Regular
29 Coastal Permit (RC-3-05). The City will promptly notify the applicant of any such claim,
action, or proceeding against the City and will cooperate fully in the defense. If the City

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

4 55. OCC13.3, the requirement to designate adequate space for the storage of solid waste and
5 recycling containers on private property to include appropriate bin enclosures to adequately
6 provide for trash, green waste and other recycling containers.

7 56. OCC 13.16(h), the requirement to separate all recyclable material from solid waste for
8 separate collection.

9 57. The separation of all green waste from solid waste using the approved City collection
10 service and the collection of the material in compliance with standards as identified in the
11 City code.

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

5 PASSED AND ADOPTED Resolution No. 2008-P38 on June 9, 2008 by the following
6 vote, to wit:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

11
12 _____
13 Dennis Martinek, Chairman
Oceanside Planning Commission

14 ATTEST:

15
16 _____
17 Jerry Hittleman, Secretary

18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
19 this is a true and correct copy of Resolution No. 2008-P38.

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21 Dated: June 9, 2008
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Exhibit B

PLANNING COMMISSION
RESOLUTION NO. 2006- P20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A DEVELOPMENT PLAN AND REGULAR COASTAL PERMIT ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: D-30-05, RC-3-05
APPLICANT: James Smith and Mary Spitz
LOCATION: 1925 South Myers Street

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Development Plan and Regular Coastal Permit under the provisions of Articles 10 and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

two-unit residential development totaling 2,876 square feet; on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 10th day of April, 2006 conduct a duly advertised public hearing as prescribed by law to consider said application.

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

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

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

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Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
Parkland Dedication Fee	Ordinance No. 91-10 Resolution No. 05-R0628-1	\$3,278 per unit (new)
Drainage Fee	Ordinance No. 85-23 Resolution No. 05-R0628-1	Depends on area (range is \$2,660-\$14,937 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 05-R0628-1	\$1,939 per unit (new)
School Facilities Mitigation Fee (OUSD)	Ordinance No. 91-34	\$2.14 per square foot
Traffic Signal Fee	Ordinance No. 87-19	\$14.70 per vehicle trip
Thoroughfare Fee	Ordinance No. 83-01	\$239 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)

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

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 Gov't 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;

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

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

3 **FINDINGS:**

4 For the Development Plan:

- 5 1. The project design and its physical aspects pertaining to height, building area, and on-site
6 parking facilities meets or exceeds the applicable zoning criteria and development
7 standards.
- 8 2. The Development Plan for a two-unit residential development conforms to the General
9 Plan of the City.
- 10 3. The existing public services, utilities, and public facilities within the area will adequately
11 and reasonably serve the site area covered by the Development Plan.
- 12 4. The proposed project is compatible in scale and land use with existing and approved
13 developments at the neighboring surrounding properties in the neighborhood area.

14 For the Regular Coastal Permit:

- 15 1. The proposed two-unit residential development is consistent with the policies of the
16 Local Coastal Program as implemented through the Zoning Ordinance. In addition, the
17 project will not substantially alter or impact existing public views of the coastal zone
18 area.
- 19 2. The proposed two-unit residential development will not obstruct any existing or planned
20 public beach access; therefore, the project is in conformance with the policies of Chapter 3
21 of the Coastal Act.

22 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
23 approve Development Plan (D-30-05) and Regular Coastal Permit (RC-3-05) subject to the
24 following conditions:

25 **Building:**

- 26 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
27 Building Division plan check. (Currently the 2001 California Building Standards Code)
- 28 2. The granting of approval under this action shall in no way relieve the applicant/project
29 from compliance with all State and Local building codes.
3. The building plans for this project are required by State law to be prepared by a licensed

1 architect or engineer and must be in compliance with this requirement prior to submittal
2 for building plan review.

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

5 5. Compliance with the Federal Clean Water Act must be demonstrated on the plans.

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

9 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
10 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
11 work that is not inherently noise-producing. Examples of work not permitted on
12 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
13 producing nature. No work shall be permitted on Sundays and Federal Holidays
14 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
15 Christmas Day) except as allowed for emergency work under the provisions of the
16 Oceanside City Code Chapter 38 (Noise Ordinance).

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

21 **Engineering:**

22 7. If the project involves demolition of an existing structure or surface improvements, the
23 grading plans shall be approved by the Community Development Director prior to the
24 issuance of a demolition permit. No demolition shall be permitted without an approved
25 erosion control plan.

26 8. Design and construction of all improvements shall be in accordance with standard plans,
27 specifications of the City of Oceanside and subject to approval by the Community
28 Development Director.

29 9. Prior to issuance of a building permit all improvement requirements shall be covered by

1 a development agreement and secured with sufficient improvement securities or bonds
2 guaranteeing performance and payment for labor and materials, setting of monuments,
3 and warranty against defective materials and workmanship.

4 10. Prior to approval of the first engineering drawing for a site development plan a phasing
5 plan for the construction of public and private improvements including landscaping, streets
6 and arterials shall be approved by the Community Development Director. All
7 improvements shall be under construction to the satisfaction of the Community
8 Development Director prior to the issuance of any building permits. All improvements
9 shall be completed prior to issuance of any certificates of occupancy.

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

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

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

28 a) Dirt, debris and other construction material shall not be deposited on any public
29 street or within the City's stormwater conveyance system.

b) All grading and related site preparation and construction activities shall be

1 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No
2 engineering related construction activities shall be conducted on Saturdays,
3 Sundays or legal holidays unless written permission is granted by the Community
4 Development Director with specific limitations to the working hours and types of
5 permitted operations. All on-site construction staging areas shall be as far as
6 possible (minimum 100 feet) from any existing residential development.
7 Because construction noise may still be intrusive in the evening or on holidays,
8 the City of Oceanside Noise Ordinance also prohibits "any disturbing excessive
9 or offensive noise which causes discomfort or annoyance to reasonable persons
10 of normal sensitivity."

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

13 d) A haul route shall be obtained at least 7 days prior the start of hauling operations
14 and must be approved by the Community Development Director. Hauling
15 operations shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise.

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

27 15. All streets shall be improved with curbs and gutters.

28 16. All streets shall provide a minimum of 10 feet parkway between the face of curb and the
29 right-of-way line. Sidewalk improvements shall comply with ADA requirements.

17. Streetlights shall be maintained and installed on all public streets per City Standards. The

1 system shall provide uniform lighting, and be secured prior to occupancy. The developer
2 shall pay all applicable fees, energy charges, and/or assessments associated with City-
3 owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the
4 annexation to, any appropriate street lighting district.

5 18. Prior to approval of the grading plans, the developer shall contract with a Geotechnical
6 engineering firm to perform a field investigation of the existing pavement on the entire
7 existing alley that serves the project. The limits of the field investigation shall include a
8 minimum of one pavement boring per every fifty (50) linear feet of property frontage.
9 Should the existing AC thickness be determined to be less than three (3) inches or without
10 underlying Class II base material, the developer shall remove and reconstruct the pavement
11 section as determined by the pavement analysis submittal process detailed in Item a)
12 below:

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

23 19. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon
24 approved soil tests and traffic indices. The pavement design is to be prepared by
25 developer's soil engineer and must be approved by the Community Development
26 Director, prior to paving.

27 20. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
28 construction of the project, shall be repaired or replaced as directed by the Community
29 Development Director.

21. Full half-width alley improvements including the installation of a longitudinal concrete

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alley gutter shall be constructed in accordance with the standard plans and specifications of the City of Oceanside and as approved by the Community Development Director.

22. All existing overhead utility lines within the property shall be placed underground per Section 901.G. of the Subdivision Ordinance (R91-166) and as required by the Community Development Director and current City policy.

23. The developer shall comply with all the provisions of the City's cable television ordinances including those relating to notification as required by the Community Development Director.

24. Grading and drainage facilities shall be designed and installed to adequately accommodate the local stormwater runoff and shall be in accordance with the City's Engineers Manual and as directed by the Community Development Director.

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

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

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

28. Landscaping plans, including plans for the construction of walls, fences or other structures

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at or near intersections, must conform to intersection sight distance requirements. Landscape and irrigation plans must be submitted to the Community Development Director prior to the issuance of a grading permit and approved by the Community Development Director prior to the issuance of building permits. All plans must be approved by the Community Development Director and a pre-construction meeting held, prior to the start of any improvements.

29. Landscaping plans, including plans for the construction of walls, fences or other structures at or near intersections, must conform to intersection sight distance requirements. Landscape and irrigation plans for disturbed areas must be submitted to the Community Development Director prior to the issuance of a preliminary grading permit and approved by the Community Development Director prior to the issuance of building permits. Frontage and median landscaping shall be installed prior to the issuance of any certificates of occupancy. Any project fences, sound or privacy walls and monument entry walls/signs shall be shown on, bonded for and built from the landscape plans. These features shall also be shown on the precise grading plans for purposes of location only. Plantable, segmental walls shall be designed, reviewed and constructed by the grading plans and landscaped/irrigated through project landscape plans.

30. All plans must be approved by the Community Development Director and a pre-construction meeting held, prior to the start of any improvements.

31. The drainage design on the project/development plan/tentative map (CHOOSE ONE) is conceptual only. The final design shall be based upon a hydrologic/hydraulic study to be approved by the Community Development Director during final engineering. All drainage picked up in an underground system shall remain underground until it is discharged into an approved channel, or as otherwise approved by the Community Development Director. All public storm drains shall be shown on City standard plan and profile sheets. All storm drain easements shall be dedicated where required. The applicant shall be responsible for obtaining any off-site easements for storm drainage facilities.

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

1 33. The development shall comply with all applicable regulations established by the United
2 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
3 Discharge Elimination System (N.P.D.E.S.) permit requirements for urban runoff and
4 stormwater discharge and any regulations adopted by the City pursuant to the N.P.D.E.S.
5 regulations or requirements. Further, the applicant may be required to file a Notice of
6 Intent with the State Water Resources Control Board to obtain coverage under the
7 N.P.D.E.S. General Permit for Storm Water Discharges Associated with Construction
8 Activity and may be required to implement a Storm Water Pollution Prevention Plan
9 (SWPPP) concurrent with the commencement of grading activities. SWPPPs include
10 both construction and post construction pollution prevention and pollution control
11 measures and identify funding mechanisms for post construction control measures.

12 34. The developer shall comply with all the provisions of the Clean Water Program during
13 and after all phases of the development process, including but not limited to: mass
14 grading, rough grading, construction of street and landscaping improvements, and
15 construction of dwelling units. The applicant shall design the Project's storm drains and
16 other drainage facilities to include Best Management Practices to minimize non-point
17 source pollution, satisfactory to the Community Development Director.

18 35. Upon acceptance of any fee waiver or reduction by the Project Proponent, the entire
19 project will be subject to prevailing wage requirements as specified by Labor Code
20 section 1720(b) (4). The Project Proponent shall agree to execute a form acknowledging
21 the prevailing wage requirements prior to the granting of any fee reductions or waivers.

22 36. The Project Proponent shall prepare and submit a Runoff Assessment Report (RAR) to
23 the Community Development and Transportation Engineering Services Department with
24 the first submittal of engineering plans. The RAR shall be approved by the Community
25 Development Director prior to approval of any plans by the Community Development
26 and Transportation Engineering Services Department elements.

27 37. Any BMPs described in the project's approved RAR shall not be altered in any way,
28 shape or form without formal approval by the Community Development and
29 Transportation Engineering Services Department.

1 **Fire:**

- 2 38. Fire Department requirements shall be placed on plans in the notes section.
- 3 39. All proposed and existing fire hydrants within 400 feet of the project shall be shown on
- 4 the site plan.
- 5 40. In accordance with the California Fire Code Sec. 901.4.4, approved address for
- 6 commercial, industrial, and residential occupancies shall be placed on the structure in
- 7 such a position as to be plainly visible and legible from the street or roadway fronting the
- 8 property. Numbers shall be contrast with their background.
- 9 41. Single-family dwellings require 4-inch address numbers.
- 10 42. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
- 11 approval prior to the issuance of building permits.
- 12 43. Smoke detectors are required and the locations must be indicated on the plans.

13 **Planning:**

- 14 44. This Development Plan and Regular Coastal Permit approves only the following: a two-
- 15 unit residential development. Any substantial modification in the design or layout shall
- 16 require a revision or new approval for a Development Plan and Regular Coastal Permit.
- 17 45. The following dwelling unit specifications and minimum design features, as approved by
- 18 the Planning Commission, shall be indicated on plans submitted to the Building Division
- 19 and Planning Division for building permit:

Unit No.	Living Area	Bedrooms	Off Street Parking
2	1,950 s.f.	2	two 2-car garages (total)

- 20 Any substantial deviation from these specifications and the plans and exhibits approved by
- 21 the Planning Commission shall require a revision to the Development Plan and any other
- 22 affected applications, or a new Development Plan and any other applications as applicable.
- 23 46. This Development Plan, and Regular Coastal Permit shall expire on April 10, 2008 unless
- 24 implemented as required by the Zoning Ordinance or a time extension is approved as
- 25 required by the Zoning Ordinance.
- 26 47. Park fees shall be paid as required by City policies at the time building permits are issued.
- 27 48. A letter of clearance from the affected school district in which the property is located shall
- 28 be provided as required by City policy at the time building permits are issued.
- 29

1 49. A public facilities fee shall be paid as required by City policy at the time building permits
2 are issued.

3 50. A covenant or other document approved by the City Attorney shall be prepared by the
4 developer and recorded prior to the approval of prior to issuance of building permits. The
5 covenant shall provide that the property is subject to this resolution, and shall generally list
6 the conditions of approval.

7 51. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water
8 Conservation Ordinance No. 91-15, shall be prepared by a qualified professional and shall
9 be reviewed and approved by the City Engineer and City Planner prior to installation. A
10 standard improvement bond as security against the approved landscape improvements shall
11 not be required. However, payment for the City Engineer's and the Public Works
12 Landscape Inspector's plan check and inspection services shall be required in accordance
13 with the effective fee schedule for those services. In addition, final building inspection
14 and/or the commencement of business activities shall be contingent upon the completion
15 of the required landscape improvements. The following special landscaping requirements
16 shall be met:

17 a) Provide landscape construction documents in compliance with the approved
18 landscape conceptual plan and the City of Oceanside Guidelines and
19 Specifications for landscape Developments, 1985, addenda 1997.

20 52. The landscape improvements shall be permanently maintained by the property owner, his
21 assigns or any successors-in-interest in the approved business activities at the property.
22 The maintenance program shall include normal care and irrigation of the landscaping;
23 repair and replacement of plant materials; irrigation systems as necessary; and general
24 cleanup of the landscaped and open areas, parking lots and walkways, walls, fences, etc.

25 53. Prior to the issuance of building permits, compliance with the applicable provisions of the
26 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed
27 and approved by the Planning Division. These requirements, including the obligation to
28 remove all graffiti within 24 hours, shall be noted on the Landscape Plan and shall be
29 recorded in the form of a covenant affecting the subject property.

54. Prior to the transfer of ownership and/or operation of the site the owner shall provide a

1 written copy of the applications, staff report and resolutions for the project to the new
2 owner and or operator. This notification's provision shall run with the life of the project.

3 55. Failure to meet any conditions of approval for this development shall constitute a violation
4 of the Development Plan.

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

10 57. Side and rear elevations and window treatments shall be trimmed to substantially match
11 the front elevations. A set of building plans shall be reviewed and approved by the
12 Planning Division prior to the issuance of building permits.

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

18 59. 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 Development Plan (D-30-05) and Regular
22 Coastal Permit (RC-3-05). The City will promptly notify the applicant of any such
23 claim, action, or proceeding against the City and will cooperate fully in the defense. If
24 the City fails to promptly notify the applicant of any such claim, action, or proceeding, or
25 fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible
26 to defend, indemnify, or hold harmless the City.

26 **Solid Waste:**

27 60. OCC13.3, the requirement to designate adequate space for the storage of solid waste and
28 recycling containers on private property to include appropriate bin enclosures to adequately
29 provide for trash, green waste and other recycling containers.

1 61. OCC 13.16(h), the requirement to separate all recyclable material from solid waste for
2 separate collection.

3 62. The separation of all green waste from solid waste using the approved City collection
4 service and the collection of the material in compliance with standards as identified in the
5 City code.

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

10 PASSED AND ADOPTED Resolution No. 2006-P20 on April 10, 2006 by the
11 following vote, to wit:

12 AYES: Todd, Neal, Blom, Schaffer and Parker

13 NAYS: Chadwick

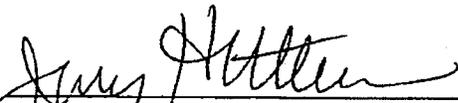
14 ABSENT: Horton

15 ABSTAIN: None

16 

17 Nancy Chadwick, Chairperson
18 Oceanside Planning Commission

19 ATTEST:

20 

21 Jerry Hittleman, Secretary

22
23 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
24 this is a true and correct copy of Resolution No. 2006-P20.

25 Dated: April 10, 2006



DATE: April 10, 2006

TO: Chairperson and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A DEVELOPMENT PLAN (D-30-05) AND REGULAR COASTAL PERMIT (RC-3-05) FOR ADDITION AND REMODEL TO AN EXISTING SINGLE-FAMILY RESIDENCE LOCATED AT 1925 SOUTH MYERS STREET – SMITH/SPITZ RESIDENCE – APPLICANT: MARY SPITZ AND JAMES SMITH**

RECOMMENDATION

Staff recommends that the Planning Commission approve Development Plan (D-30-05) and Regular Coastal Permit (RC-3-05) and adopt Planning Commission Resolution No. 2006-P20 as attached.

BACKGROUND AND PROJECT DESCRIPTION

The subject site is 6,000 square feet in size with an existing single story 926-square foot single-family residence and a detached 360-square foot two-car garage built in 1948. The site is relatively flat with site drainage primarily towards Myers Street to the east. Surrounding the site is mainly multi-family and single-family residential uses located to the north, south and west of the site. Myers Street and railroad right-of-way are situated east of the site.

Under the provisions of the Local Coastal Plan the project site is designated as Residential High Density. The project is situated within the Coastal Zone "appeal jurisdiction." Any local action by the City on this proposed coastal development permit may be appealed to the California Coastal Commission.

The underlying land use designation for the site is Urban High Density Residential, which allows a density range of 29 to 43 dwelling units per acre. The zoning for the site is Residential Urban High Density (RH-U) and the project is situated within the South Oceanside Neighborhood. The project's density is 3.99 dwelling units per acre, which is well below the base density of 29 dwelling units per acre.

The project application consists of two components, which include a Development Plan and Regular Coastal Permit. Each discretionary request is described as follows:

Development Plan: The applicant is requesting the construction of a new two-story 1,950-square foot dwelling unit with 541-square foot roof decking and a 513-square foot two-car garage. The proposed dwelling unit consists of two bedrooms, a family room, a living room, a dining room, a kitchen, three bathrooms, a laundry room and an office. Architectural features include a 541-square foot roof deck and natural stone stairwell. Exterior materials consist of exterior stucco, wood and natural stone accents and tile shingles. The exterior colors are beige, burnt orange and terra cotta stucco, with ivory and regal blue roof tiles.

The proposed structure will be attached to the existing residence. The existing residence will be remodeled to match the materials and colors of the proposed new structure. The existing garage walls and foundation will be partially removed and enhanced to support the portion of the new structure that will be constructed above it. The existing windows will be renovated to match the proposed new windows.

Vehicular access will be provided from the alley and pedestrian access will be provided from South Myers Street.

Listed below is the overall project breakdown (see floor plans and elevations for specific details):

Plan Type	Sq.Ft.	Bedrms.	Baths	Units
Unit A (existing)	926	2	1	1
Unit B (proposed)	1,950	2	3	1

The following table summarizes the relationship between the project and the applicable and most restrictive development standards:

	ZONING/LCP REQUIREMENT LIMITATION	PROPOSED
MINIMUM LOT SIZE	6,000 sq. ft.	6,000 sq. ft.
PARKING	4-parking spaces	4-garage spaces
FRONT YARD SETBACK	15 feet	20 feet, 3 inches
SIDE YARD SETBACK	5-10 average feet	5-10 average feet

REAR YARD SETBACK	5 feet	15 feet
LOT COVERAGE	60%	46%
BUILDING HEIGHT	27 feet	26 feet

Regular Coastal Permit: A Regular Coastal Permit is required because the project is situated within the Coastal Zone “appeal jurisdiction”.

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. Local Coastal Program (LCP)

ANALYSIS

KEY PLANNING ISSUES

1. Is the proposed project consistent with the underlying land use designation and zoning development criteria and the Local Coastal Plan?
2. Is the proposed project consistent with the existing neighborhood in regards to the density (RH-U)?

DISCUSSION

In reviewing the application staff's analysis focused on two issues the compatibility of the project with existing development patterns of the area, in addition to the projects consistency with the underlying zoning regulations and policies of the Local Coastal Program. The Local Coastal Program contains policies that require development to maintain the character of the existing neighborhood.

The analysis centered on the project's compatibility with the existing residential patterns. The South Oceanside Neighborhood consists of multi-family and single-family residential housing products. The primary development pattern is a combination of older apartment and new single-family development. The density (3.99 dwelling units per acre) of the proposed development is consistent and compatible with the development pattern within the surrounding neighborhood.

Staff reviewed the project for architectural compatibility with the surrounding neighborhood. The predominant architectural theme throughout the existing neighborhood is a contemporary design intermixed with bungalow and craftsman styles. Staff believes that the proposed architecture is consistent and compatible with the

surrounding neighborhood.

Staff's review of the project examined the consistency of the development with the underlying zoning regulations and policies of the Local Coastal Program. The Local Coastal Program contains policies that require development to maintain the character of the existing neighborhood.

The two-unit project is well below the base density for the Residential Urban High Density land use designation. The project conforms to the applicable zoning development standards, including application of most restrictive standards associated with the zoning criteria of the City's Local Coastal Program (LCP). Specifically, the height, structural setbacks, and the provision of on-site enclosed parking facilities meet or exceed the most restrictive zoning development standards.

In staff's opinion, the project will upgrade and redevelop the property with new construction that includes quality design features. Staff believes the finished product will be compatible with the surrounding properties and will represent an enhancement to the neighborhood area.

ENVIRONMENTAL DETERMINATION

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

SUMMARY

In reviewing the proposed project staff believes that the proposed development, creating a total of two dwelling units, is consistent with development criteria of the Zoning Ordinance and the applicable land use policies of the General Plan as well as the Local Coastal Plan. Therefore, staff recommends approval of the project and the Commission's action should be:

- Move to approve Development Plan (D-30-05) and Regular Coastal Permit (RC-3-05) and adopt Planning Commission Resolution No. 2006-P20 as attached.

PREPARED BY:

Michele R. Bush
Michele Bush
Planner II

SUBMITTED BY:

Jerry Hittleman
Jerry Hittleman
Acting City Planner

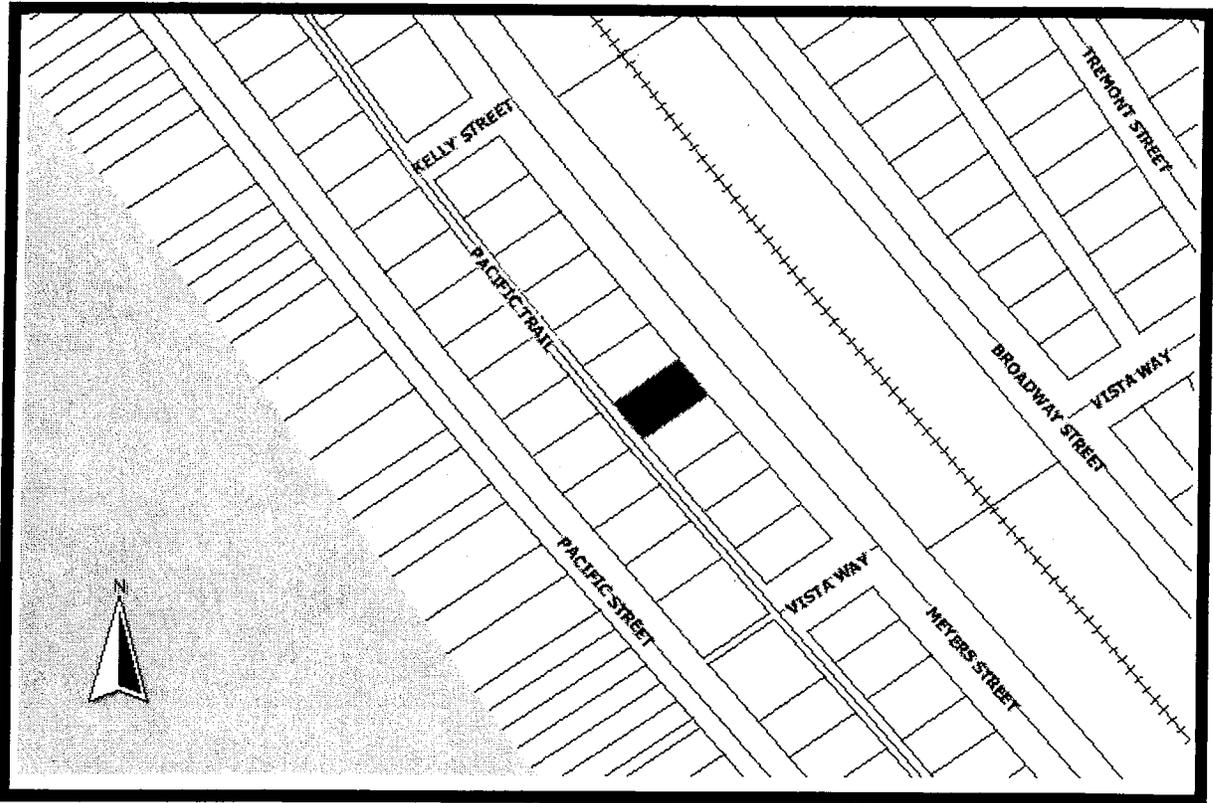
REVIEWED BY:

Roman Anissi, Senior Planner RA

JH/MB/fil

Attachments:

1. Planning Commission Resolution No. 2006-P20
2. Site Plan/Floor Plan and Elevations



File Number: D-30-05REV08 & RC-3-05REV08

Applicant: Tim & Mary Smith/Spitz

Description:

Revisions to DEVELOPMENT PLAN (D-30-05REV08) and REGULAR COASTAL PERMIT (RC-3-05REV08) to eliminate three conditions from the original approved resolution for the construction of two residential structures located at 1925 South Myers Street. The project site is zoned RH-U (Urban High Density Residential) and is situated within the South Oceanside Neighborhood and the Coastal Zone. – **SMITH/SPITZ REVISION**

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

Date: May 15, 2008

Public Hearing Coastal Permit
Identification No. RC-3-05Rev08

NOTICE OF PUBLIC HEARING
COASTAL DEVELOPMENT PERMIT

This is a notice to you as an interested party that the City of Oceanside Planning Commission will hold a public hearing on the Coastal Permit application of Tim and Mary Smith/Spitz. This application was received on January 17, 2008. The application is described as follows:

To eliminate three conditions from the original approved resolution for the construction of two residential structures located at 1925 South Myers Street.

The project site is zoned RH-U (Urban High Density Residential) and is situated within the South Oceanside Neighborhood and the Coastal Zone.

Said hearing will be held on June 9, 2008, at 7:00 p.m. in the Council Chamber of City Hall, 300 North Coast Hwy., Oceanside, California at which time and place any and all interested persons may appear and be heard. Interested persons may contact the Planning Division at (760) 435-3520 after June 4, 2008, to be informed of the place on the agenda and the approximate time of hearing.

If you have any questions or comments regarding this matter, or want to be notified of the decision, contact the City of Oceanside, Planning Division at (760) 435-3520. Written comments may be submitted prior to the hearing and will be made part of the public record and provided to the Planning Commission.

If you disagree with the decision of the Planning Commission concerning this project's conformance to the Local Coastal Plan, you may appeal the decision to the City Council. The appeal, accompanied by the appropriate fee must be filed in the City Clerk's Office, 300 North Coast Hwy., Oceanside, no later than 5:00 p.m. on June 19, 2008 (10 days from the adoption of the Planning Commission Resolution).

The project is "appealable" to the California Coastal Commission under Section 30603(a) of the California Public Resources Code. An aggrieved person may appeal the decision to the Coastal Commission within ten (10) working days following the Commission receipt of the Notice of Final Action on this project. The Notice of Final Action is mailed after the City's last action, such as Planning Commission resolution, Community Development Commission resolution (for projects in the Redevelopment Area), or City Council resolution (for projects involving a zone change or which resulted in a local appeal). Please contact the Planning Department at (760) 435-3520 for this information.

Appeals must be in writing. The Coastal Commission, San Diego District Office is at 7575 Metropolitan Drive, Suite 103, San Diego, California 92108-4402. The phone number is (619) 767-2370.



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

1/18/08

BY

RECEIVED

JAN 17 2008

SN.

Planning Department

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT

TIM & MARY SMITH/SPITZ

2. STATUS

GPA

MASTER/SP.PLAN

ZONE CH.

3. ADDRESS

1454 STEWART ST.
OSIDE CA 92054

4. PHONE/FAX/E-mail

760.433.1701

TENT. MAP

PAR. MAP

5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)

CLAUDE CHEVEY

DEV. PL.

D-30-05 RENOUE

C.U.P.

6. ADDRESS

2727 DEANERED # X 09
SD. CA 92009

7. PHONE/FAX/E-mail

619.729.1585

VARIANCE

COASTAL

RC-3-05 RENOUE

PART II - PROPERTY DESCRIPTION

8. LOCATION

1925 S. MYERS ST. OSIDE CA 92054

9. SIZE

10. GENERAL PLAN

11. ZONING

12. LAND USE

13. ASSESSOR'S PARCEL NUMBER

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION

SEE ATTACH

15. PROPOSED GENERAL PLAN

16. PROPOSED ZONING

17. PROPOSED LAND USE

18. NO. UNITS

19. DENSITY

20. BUILDING SIZE

21. PARKING SPACES

22. % LANDSCAPE

23. % LOT COVERAGE or FAR

PART IV - ATTACHMENTS

24. DESCRIPTION/JUSTIFICATION

25. LEGAL DESCRIPTION

26. TITLE REPORT

27. NOTIFICATION MAP & LABELS

28. ENVIRONMENTAL INFO FORM

29. PLOT PLANS

30. FLOOR PLANS AND ELEVATIONS

31. CERTIFICATION OF POSTING

32. OTHER (See attachment for required reports)

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print):

CLAUDE CHEVEY

34. DATE

1.18.08

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:

35. OWNER (Print)

36. DATE

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

Sign:

SCOTT

DJT

Date: January 18, 2008

To: Chairperson and Members of the Planning Commission, City of Oceanside, CA

From: Mary Spitz and James Smith

Subj: **REQUEST/SUBMITTAL OF CHANGES TO DEVELOPMENT PLAN (D-30-05)
AND REGULAR COASTAL PERMIT (RC-3-05) FOR ADDITION AND
REMODELING LOCATED AT 1925 SOUTH MYERS STREET**

RECEIVED
JAN 17 2008
Planning Commission

1. We request changes, and/or variances to the original approved plan and permit due to the following items:

A. Per paragraph 22, our need to put all existing overhead utility lines within the property to be placed underground per Section 901.G of the Subdivision Ordinance (R91-166) and as required by the Community Development Director and current City policy.

1) In discussion with the City of Oceanside Engineering Dept., we may not be required to complete this requirement due to:

- a. The utility pole has lines with multiple drops to surrounding homes around our property, and
- b. The length of linear footage between poles is less than 250 feet.

B. Per paragraph 16, our need to provide sidewalk improvements.

1) In discussion with the City of Oceanside Engineering Dept., we may not be required to complete this requirement due to:

- a. Throughout the entire length of our block on South Myers, there have not been any sidewalks provided. As well, if there were, there would need to be property changes on other's property due to embankment retaining walls, etc. Also, in discussion with our other neighbors / property owners, they have no desire and object to having sidewalks installed on their own property.

C. Per paragraph 17, our need to provide streetlight improvements.

1) In discussion with the City of Oceanside Engineering Dept., we may not be required to complete this requirement due to:

- a. Adjacent to the north of our property, there is already a streetlight in place, approx. 40 feet from our property. The standard distance for placement of streetlights is 300 feet apart.

2. We appreciate your timely review and consideration of these changes, and await your response.



FORM NO. 490 EAGLE (6/98)
A HOMEOWNER'S POLICY OF TITLE INSURANCE (6/2/98)
A HOMEOWNER'S POLICY OF TITLE INSURANCE (10/17/98)

ORDER NO. 1230642-4

EXHIBIT "A"

LOT "G" IN BLOCK 6 OF SOUTH OCEANSIDE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 622, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, FEBRUARY 7, 1890.



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(30 days)

1. **APPLICANT:** Tim & Mary Smith/Spitz
2. **ADDRESS:** 1925 S. Myers St.
Oceanside CA. 92054
3. **PHONE NUMBER:** (760) 433-1701
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** Smith/Spitz Revision
7. **DESCRIPTION:** A REQUEST OF A DEVELOPMENT PLAN REVISION (D-30-05REV08), REGULAR COASTAL PERMIT REVISION (RC-3-05REV08) AND DEFERRAL OF OVERHEAD UTILITIES UNDERGROUND CONVERSION TO REVISE THE EXISTING CONDITIONS, TO ELIMNATE THE CONDITION TO PROVIDE A STREET LIGHT AND SIDEWALK FOR A PROPERTY LOCATED AT 1925 SOUTH MYERS STREET

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 interior alterations involving such things as interior partitions, plumbing and electrical conveyances, and the project is categorically exempt. 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 1 "Existing Facilities" (Section 15301) (e); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).



Scott Nightingale, Planner II

Date: 6/9/08

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee