

STAFF REPORT



ITEM NO. 20
CITY OF OCEANSIDE

DATE: July 11, 2007

TO: Chairman and Members of the Community Development Commission

FROM: Economic Development and Redevelopment Department

SUBJECT: **CONSIDERATION OF A RESOLUTION APPROVING TENTATIVE MAP (T-201-06), DEVELOPMENT PLAN (D-203-06), CONDITIONAL USE PERMIT (C-203-06), REGULAR COASTAL PERMIT (RC-206-06) AND DEFERRAL OF THE UNDERGROUNDING OVERHEAD UTILITIES FOR THE CONVERSION OF AN EXISTING 5-UNIT RESIDENTIAL APARTMENT INTO CONDOMINIUMS LOCATED AT 221 SOUTH MYERS STREET – MYERS STREET CONVERSION – APPLICANT: MYERS STREET CONDOMINIUMS, INC**

SYNOPSIS

The item under consideration is a Tentative Map, Development Plan, Conditional Use Permit and Regular Coastal Permit for the conversion of an existing 5-unit residential apartment into condominiums located at 221 South Myers Street. Staff is recommending that the Commission approve the project and adopt the resolution as attached.

BACKGROUND

The subject site consists of a pre-existing legal parcel totaling 5,008 square feet in size that was part of the Tyson Addition subdivision of 1885. The subject site currently maintains one apartment building (5 units) which was constructed in 1986 and the units are currently occupied. The tenants are on six (6) months leases and after that time period they are on a month-to-month lease. It should be noted that the applicant has informed the current tenants (they moved in after the renovation in March 2007) that they are in the process of a condominium conversion.

The subject site is situated within the South Myers Street neighborhood, which consists of old apartment buildings interspersed with single-family and some new condominium units.

Land Use and Zoning: The subject site is located within Subdistrict 5 of the "D" Downtown District. Subdistrict 5 is primarily intended to provide a high-density residential neighborhood in an urban setting in close proximity to shopping, employment, transportation and recreational facilities. Multifamily residences are permitted. The density within this zone ranges from 29-43 dwelling units per acre. The

density of the existing apartments is 43 dwelling units per acre.

Regular Coastal Permit: This project is situated within the Coastal Zone and requires a Regular Coastal Permit. Under the provisions of the Local Coastal Plan the project site is designated as Mixed High-Density and Transient Residential. Multifamily and single-family are primarily the uses allowed within this land use designation.

The project is also 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

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

Tentative Map and Development Plan: The project consists of converting the existing 5-unit apartment building into condominiums located at 221 South Myers Street. The existing building is a 3-story-high, wood frame construction with a stucco exterior. The units are either 1,055 or 1,170 square feet in size situated on a 5,008-square-foot lot. All of the units have two bedroom and two bathrooms with street-level garages with a total of 10 parking spaces.

The applicant has recently completed extensive renovations of the existing building including new electrical system, re-stucco, new appliances and fixtures, new windows and doors, new garage doors, security and landscaping.

Vehicular access to the units is from South Myers Street, Fir Street and the alley located at the rear portion of the property. Pedestrian access is provided from Fir and South Myers Streets.

The overall project density is 43 dwelling units per acre. Outlined below is the residential unit breakdown:

Plan Type	Sq.Ft.	Bedrms.	Baths	Units
Plan 1	1,055	2	2	4
Plan 2	1,170	2	2	1
Total				5

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

	MINIMUM REQUIRED	PROPOSED
LOT SIZE	N/A (pre-existing lot)	N/A (pre-existing lot)
SETBACKS		
Front	10 feet	10 feet
Side	3 feet	3 feet
Corner Side	10 feet	10 feet
Rear	5 feet	5 feet
LANDSCAPING	25%	26%
PARKING	10 spaces	10 spaces
BUILDING HEIGHT	35 feet	30 feet
DENSITY	43 du. Ac.(Maximum)	43 du. Ac.

Regular Coastal Permit: A Regular Coastal Permit is required because the project is situated within the Coastal Zone and proposed condominium conversion requires discretionary action.

Conditional Use Permit: Section 3205 of the Oceanside Zoning Ordinance requires approval of a conditional use permit to convert an apartment building into condominiums. Article 32 of the Oceanside Zoning Ordinance provides guidelines and establishes criteria when converting apartments into condominiums. In addition, Section 3215 of the Zoning Ordinance requires that six findings must be made in order to approve a condominium conversion. The six findings are as follows:

1. That all of the provisions of the state Subdivision Map Act, this article, and other applicable provisions of the Zoning Ordinance and the City Code are met.
2. That the proposed conversion is consistent with the General Plan and the adopted Housing Element and any applicable specific plan.
3. That the proposed conversion will conform to the provisions of this ordinance and the City Code in effect at the time of the project approval, except as otherwise provided in this section.
4. That the overall design and physical condition of the condominium conversion achieves a high standard of appearance, quality and safety.
5. That the proposed conversion will not displace a significant percentage of low- or moderate-income, permanently or totally disabled or senior citizen tenants or

delete a significant number of low- and moderate-income rental units from the City's housing stock at the time when no equivalent housing is readily available in the Oceanside area.

6. That the dwelling units to be converted have been constructed and used as units for at least three years prior to the application for conversion.

In addition, in accordance to Section 3206 Application Procedures B. 2. of the Oceanside Zoning Ordinance, the proposed project has met the application requirements for condominium conversions in that, the applicant has submitted evidence that tenants have been provided information on all estimated costs, including, but not limited to, the unit cost, down-payment requirements, financing, estimated property management costs and homeowner association fees (see attachment).

Deferral of the Overhead Utilities: The applicant is required to underground approximately 150 lineal feet of overhead utilities located on both Myers Street and the alley located west of the subject site. San Diego Gas & Electric has estimated the cost of undergrounding the overhead utilities lines at approximately \$52,500 (150 lineal feet @ \$350 per lineal foot).

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

ANALYSIS

In reviewing the application staff's analysis focused on the proposed conversion meeting the criteria as established in Article 32 Oceanside Zoning Ordinance, in addition to the consistency to the Redevelopment Plan and the Local Coastal Plan.

There are over 8,000 apartment units within the City of Oceanside. The proposed conversion of only 5 units represents only a fraction (less than .06 of 1%) of the available units for the City. Staff believes that converting the 5 units would not significantly affect the overall quantity of housing, reduce the available choices for housing nor increase the overall rent for apartment housing. Since the units were recently upgraded, we believe the units are in excellent condition and they meet all current development standards.

Staff believes that the condominium conversion meets all of the requirements of Article 32 of the Zoning Ordinance, as well as the proposed criteria and will not be detrimental to the existing housing stock or significantly reduce the variety of housing choices within the City. The units are in excellent condition and the current tenants are aware of the proposed conversion. In addition, in accordance to Section 3210 of the Oceanside Zoning Ordinance the applicant is required for each dwelling unit converted to pay the City a sum equal to two percent (2%) of the sales price for each respective unit (see attached agreement). The proposed condominium conversion is also consistent with the goals and the land use policies of the Local Coastal Plan.

Deferral of the requirement to underground overhead utilities: The applicant is requesting an underground utilities conversion deferral on the basis of Section 3023 of the Zoning Ordinance which requires that all existing and new electrical, telephone, cable and similar distribution lines providing direct service to a development site are to be installed underground within the site and along the site's frontage. The underground utilities provisions of the City Subdivision Ordinance apply to all projects requiring development plan approval. The City Subdivision Ordinance requires that one or more of 7 findings must be made to grant the deferral. The findings are as follows:

- a. Existing facilities are within an existing alley.
- b. The subdivision contains less than 10 residential units.
- c. A residential subdivision has less than two hundred and fifty (250) feet of existing frontage.
- d. Facilities exist along rear property line(s) within an agriculture or residential estate zoned property.
- e. Conversion as defined above creates a net increase of three (3) or more poles over existing number of poles.
- f. Seventy percent (70%) or more of the facilities required to be underground exist on the opposite side of the existing abutting street from the subdivision.
- g. Subdivision is within the Redevelopment Project area:
 - (1) Subdivision is less than one-quarter block in length (fronting street or alley); or
 - (2) Subdivider provides verification by all utility companies impacted that the subdivision's obligations can be proven to be exorbitant in cost in relation to a larger conversion project within the same area and of similar conditions.

Staff believes that b., c. and g. (1) of the findings would apply to this project and thus warrant deferral.

COMMISSION OR COMMITTEE REPORTS

The Redevelopment Advisory Committee (RAC) reviewed the project at its April 25, 2007, and approved the project on a 6-1 vote. On June 27, 2007, the RAC approved the deferral of the undergrounding of the overhead utilities by a vote of 6-1.

FISCAL IMPACT

The proposed project will add approximately \$20,000 of tax increment yearly to the project area.

CITY ATTORNEY'S ANALYSIS

Pursuant to Oceanside Zoning Ordinance Article 4102, the Commission is authorized to hold a public hearing on this project's applications. Consideration of the project should be

based on the evidence presented at the public hearing. After conducting the public hearing, the Commission shall approve, conditionally approve, or disapprove the project. The resolution has been reviewed and approved as to form by the City Attorney.

RECOMMENDATION

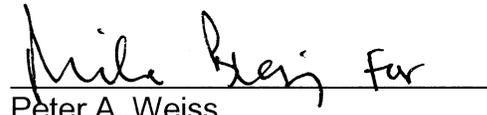
Staff recommends that the Commission adopt the resolution approving Tentative Map (T-201-06), Development Plan (D-203-06), Conditional Use Permit (C-203-06), Regular Coastal Permit (RC-206-06) and deferral of the overhead utilities for the conversion of a 5-unit residential apartment into condominiums located at 221 South Myers Street.

PREPARED BY:



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SUBMITTED BY:



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Interim Executive Director

REVIEWED BY:

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



EXHIBITS/ATTACHMENTS

1. Resolution
2. Notice of Exemption
3. Site Plan / Floor Plans / Elevations
4. Letter from Housing Department
5. Housing Assistance Fee Agreement
6. Tenant Letters

RESOLUTION NO. 07-

A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION AND CITY COUNCIL OF THE CITY OF OCEANSIDE APPROVING A TENTATIVE MAP, DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND REGULAR COASTAL PERMIT FOR THE CONVERSION OF AN EXISTING 5-UNIT RESIDENTIAL APARTMENTS INTO CONDOMINIUMS AND FOR THE DEFERRAL OF THE UNDERGROUNDING OF THE OVERHEAD UTILITIES LOCATED AT 221 SOUTH MYERS STREET - APPLICANT: MYERS STREET CONDOMINIUMS, INC.

WHEREAS, on May 9, 2007, the Community Development Commission and the City Council held its duly noticed public hearing, considered an application for a Tentative Map (T-201-06), Development Plan (D-203-06), Conditional Use Permit (C-203-06) and Regular Coastal Permit (RC-206-06) for the conversion of an existing 5-unit residential apartment building into condominiums located at 221 South Myers Street;

WHEREAS, the Redevelopment Advisory Committee (RAC) of the City of Oceanside did, on April 25, 2007, and on June 27, 2007, review and recommend approval of Tentative Map (T-201-06), Development Plan (D-203-06), Conditional Use Permit (C-203-06) and Regular Coastal Permit (RC-206-06);

WHEREAS, a Categorical Exemption was prepared by the Resource Officer of the City of Oceanside for this application pursuant to the California Environmental Quality Act (CEQA) 1970 and the State Guidelines implementing the Act. Pursuant to Section 15332(b) of the CEQA guidelines the project is considered an infill development and will not have a detrimental effect on the environment;

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

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

NOW, THEREFORE, the Community Development Commission and the City Council of the City of Oceanside do resolve as follows:

1 **For the Tentative Map:**

2 1. The proposed condominium conversion meets the requirement of the Subdistrict 5
3 zoning designation in that the project creates one 5,008 square foot lot (50 X 100.14 feet) which
4 exceeds the minimum lot size of 5,000 square feet as stipulated within Article 12 of the
5 Downtown District development standards. The subdivision map is consistent with the General
6 Plan, Redevelopment Plan, Local Coastal Program, Article 12 of the Downtown District and the
7 Subdivision Ordinance of the City of Oceanside by creating one 5,008 square foot lot which meets
8 the minimum development standards.

9 2. The existing building on the site conforms to the topography of the site, therefore, making
10 it suitable for residential development. The 5,008 square foot site is physically suitable to allow for
11 the 5-unit residential condominium conversion.

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

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

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

21 **For the Development Plan:**

22 1. The site plan and physical design of the proposed condominium conversion is
23 consistent with the purposes of the City's Zoning Ordinance and the "D" Downtown District in
24 that the existing building meets the minimum development standards of the "D" Downtown
25 District. The proposed project meets the minimum setbacks, landscape, open space, height and
26 parking spaces as stipulated within the "D" Downtown District development standards.

27 2. The Development Plan as proposed conforms to the Redevelopment Plan, Local
28 Coastal Program and General Plan of the City in that the proposed 5-unit residential
condominium conversion is consistent with the land uses of the Redevelopment Plan and the
project meets the minimum setbacks, landscape, open space, height and parking spaces as

1 stipulated within the "D" Downtown District development standards.

2 3. The area covered by the Development Plan can be adequately, reasonably and
3 conveniently served by existing and planned public services, utilities and public facilities. The
4 Proposed 5-unit residential condominium conversion project will not create public service and
5 facility demands exceeding the capacity of existing and planned infrastructure.

6 4. The proposed five unit condominium conversion, is compatible with the existing
7 and potential development within the surrounding neighborhood in that the project's product type
8 and corresponding square footages to the unit types and square footages that exist in the area, are
9 comparable in size and would have a positive effect on the area.

10 5. The site plan and physical design of the project is consistent with Section 1.24 and
11 1.25 of the Land Use Element of the General Plan, the Development Guidelines for Hillside and
12 Article 20 in that there is only one foot grade differentials from the highest and lowest points of the
13 subject site and therefore the project would not be subject to the guidelines of Article 20 and
14 Section 1.24 and 1.25 of the Land Use Element of the General Plan.

14 **For the Regular Coastal Permit:**

15 1. The granting of the Regular Coastal Permit is consistent with the purposes of the
16 California Coastal Act of 1976. The proposed five-unit condominium conversion development
17 is consistent with the High Density Land Use as depicted in the Local Coastal Program Land
18 Use Map. In addition, the project does not impede public access to the beach or impact public
19 coastal views because the apartment building already exists and there are no proposed external
20 building alterations and currently rents as apartments.

21 2. The proposed condominium conversion is consistent with the policies of the
22 Local Coastal Program as implemented through the City Zoning Ordinance. The propose five-
23 unit condominium conversion multifamily development is consistent with the High Density
24 Land Use as depicted in the Local Coastal Program Land Use Map. In addition, the project
25 will not substantially alter or impact the existing public coastal views through the public rights-
26 of-way view corridors by providing a 10 foot front yard and 10 foot corner side yard setback.

27 3. The proposed condominium conversion will not obstruct any existing or planned
28 public beach access; therefore, the project is in conformance with the policies of Chapter 3 of
the Coastal Act. The subject site is located east of South Pacific Street; therefore, the proposed

1 project will not obstruct and/or block any existing and/or proposed public beach access. In
2 addition, the building already exists and the proposed project does not increase the building
3 square footage.

4 **For the Condominium Conversion:**

5 1. The proposed 5-unit conversion conforms to the state Subdivision Map Act, the General
6 Plan, Zoning Ordinance and with all other applicable ordinances, regulations and guidelines of
7 the City.

8 2. The proposed conversion is consistent with the Redevelopment Plan, Local Coastal
9 Program, General

10 3. The proposed conversion conforms to the provisions of the Zoning Ordinance and the City
11 Code by meeting all of the requirements of Article 32 of the Oceanside Zoning Ordinance and the
12 Housing standards as established by the Municipal Code.

13 4. The project design and physical condition of the condominium is of high standard of
14 appearance, quality and safety because it has been recently upgraded in addition the project has
15 been conditioned to meet all current development standards and building codes.

16 5. The conversion of 5 units will not displace a significant percentage of low or moderate-
17 income, permanently or totally disabled or senior citizens tenants or delete a significant number of
18 low and moderate-income rental units from the City's housing stock because there are over 8,000
19 multifamily rental units located within the City of Oceanside.

20 6. The dwelling units have been constructed and used as rental housing for more than three
21 years.

22 **Conditional Use Permit for the Condominium Conversion:**

23 1. The location of the condominium conversion and associated uses within the
24 Subdistrict 5 of the "D" Downtown District zone is in accord with the objectives of the Zoning
25 Ordinance and with the purposes of the district in which the site is located.

26 2. The proposed use will not be detrimental to properties or improvements in the vicinity or
27 to the general welfare of the City.

28 3. The condominium conversion and associated uses is conditioned and is required to
comply with all provisions of the Zoning Ordinance. The proposed use is subject to specific
operational conditions that will cause the use to operate in compatibility with the surrounding
land uses.

1 **For the Deferral of the Requirements to Underground Overhead Facilities:**

2 1. The subdivision is located within the Redevelopment Project Area; Section 901 G4 of
3 the Oceanside Subdivision Ordinance provides that the Community Development Commission
4 may defer all or a portion of the requirement to underground overhead utilities at the time of the
5 Tentative Parcel Map. Based one or more findings, the subject site fits 3 of the listed criteria for
6 deferral because the subdivision is less than 10 units and is less than one-quarter block in length
7 (fronting street or alley).

8 SECTION 1. That Tentative Map (P-201-06), Development Plan (D-203-06), Conditional
9 Use Permit (C-203-06) and Regular Coastal Permit (RC-206-06) are hereby approved subject to
10 the following conditions:

11 **Building:**

12 1. Applicable Building Codes and Ordinances shall be based on the date of submittal
13 for Building Department plan check.

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

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

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

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

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

25 a) Building construction work hours shall be limited to between 7 a.m. and
26 6 p.m. Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not
27 inherently noise-producing. Examples of work not permitted on Saturday are concrete and
28 grout pours, roof nailing and activities of similar noise-producing nature. No work shall be
permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor
Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the

1 provisions of the Oceanside City Code Chapter 38. (Noise Ordinance)

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

7 7. Site development, common use areas, access and adaptability of apartments and
8 condominiums shall comply with the State's disabled Accessibility Regulations (2001
9 California Building Code (CBC) Chapter 11A).

10 8. The condominium conversion must be completed for Article 32 of the City of
11 Oceanside Zoning Ordinance. This article contains requirements that the structure be brought
12 up to the current code requirements. A report of the physical elements must be completed in
13 the following areas:

14 a) A structural or civil engineer must detail the structural condition of the building
15 and note and deferred maintenance and for foundation walls roof. etc.

16 b) A termite professional must be obtained to report on the wood members
17 whether is any damage to structural or non-structural members. The report should indicate
18 methods of elimination of an infestation.

19 c) Soils reports prepared by a licensed soils engineer must be submitted for
20 review to identify any soils problems and there remedy.

21 d) Appliances must be reviewed to be in good working condition by an
22 appliance professional they must detail the condition of all appliances.

23 e) A license painting contractor must be obtained to verify the condition of all
24 the painting throughout and make recommendations to remedy any painting problems.

25 f) A general contractor shall be obtained to review the entire property for any
26 discrepancies with any part of the building or the site.

27 g) The building walls and ceilings must be shown to meet sound transmission
28 of STC 50 rating or better.

 h) The building must be shown to meet the current energy requirements.

 i) Smoke detectors shall be installed per current code requirements.

1 j) Each unit must be served by a separate Electric and Gas meters.

2 9. For any additional retrofit work to be completed per the above reports plans shall
3 be submitted and a permit obtained prior to work commencing.

4 10. Work that has been completed prior to the reports submitted for the physical
5 condition of the building shall be documented to be in compliance with the current code. All
6 plans, calculations and permits shall be submitted for verification of compliance with the code
7 requirements.

8 11. The building shall comply with all energy and disabled access requirements of
9 the building code. At least 10% of the units shall meet the disabled access requirements.

10 12. A Certificate of Occupancy shall be approved by the Economic and
11 Redevelopment Director and issued by the Building Official prior to occupancy.

12 **Engineering:**

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

17 14. With the exception of already approved driveways, vehicular access rights to South
18 Myers Street and Fir Street shall be relinquished to the City.

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

22 16. The approval of this tentative map shall not mean that closure, vacation, or
23 abandonment of any public street, right of way, easement, or facility is granted or guaranteed to
24 the Subdivider. The Subdivider is responsible for applying for all closures, vacations, and
25 abandonments as necessary. The application(s) shall be reviewed and approved or rejected by
26 the City of Oceanside under separate process(es) per codes, ordinances, and policies in effect at
27 the time of the application.

28 17. Prior to approval of the final map all improvement requirements, within such
increment or outside of it if required by the City Engineer, shall be covered by a subdivision

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

4 18. The subdivision shall be recorded and developed as one. The City Engineer may
5 require the dedication of rights of way or easements and construction of necessary utility, street and
6 other improvements outside the area of any particular final map, if such is needed for circulation,
7 parking, access or for the welfare or safety of future occupants of the development.

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

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

21 21. Approval of this subdivision is conditioned upon payment of all applicable impact
22 fees and connection fees in the manner provided in chapter 32B of the Oceanside City Code.
23 Drainage fees, traffic signal fees and contributions, highway thoroughfare fees, park fees,
24 reimbursements, and other applicable charges, fees and deposits shall be paid prior to recordation
25 of the map in accordance with City Ordinances and policies. The Subdivider shall also be required
26 to join into, contribute, or participate in any improvement, lighting, or other special district
27 affecting or affected by this project. Approval of the tentative map shall constitute the subdivider's
28 approval of such payments, and his agreement to pay for any other similar assessments or charges
in effect when any increment is submitted for final map approval, and to join, contribute, and/or
participate in such districts.

1 22. Myers Street shall provide a minimum of 15 feet parkway between the face of curb
2 and the right of way line. Fir Street shall provide a minimum of 8 feet parkway between the face of
3 curb and the right of way line. Sidewalk improvements shall comply with ADA requirements.

4 23. Sight distance requirements at driveways and streets shall conform to the corner
5 sight distance criteria as provided by the California Department of Transportation Highway Design
6 Manual.

7 24. Streetlights shall be maintained on all public streets per City Standards. The system
8 shall provide uniform lighting. The subdivider shall pay all applicable fees, energy charges, and/or
9 assessments associated with City-owned (LS-2 rate schedule) streetlights and shall also agree to the
10 annexation to any appropriate street lighting district.

11 25. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged
12 during construction, shall be repaired or replaced as directed by the City Engineer prior to approval
13 of the Final Map. The Engineer of Record shall submit a statement regarding the condition of said
14 items and recommendations for needed repairs to the satisfaction of the City Engineer.

15 26. The undergrounding of all existing overhead utility lines within the subdivision
16 and/or within any full width streets and/or right-of-way abutting a new subdivision, and all new
17 extension services for the development of the project, including but not limited to electrical, cable
18 and telephone, is applicable per Section 901.G. of the Subdivision Ordinance (R91-166) and as
19 required by the City Engineer and current City policy.

20 27. At the Developer's request, the Deferral Provisions (Section 901.G.4.) of said
21 Ordinance shall be applied. Prior to the approval of the Final Map the subdivider shall pay an in-
22 lieu fee based upon the length of utilities to be placed underground and at the rate in effect at the
23 approval of the Final Map or as established by the City Engineer per Section 901.G. of the
24 Subdivision Ordinance (R91-166) and as required by the City Engineer and current City Policy.

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

28 29. The development shall comply with all applicable regulations established by the
United States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
Discharge Elimination System (NPDES) permit requirements for urban runoff and storm water

1 discharge and any regulations adopted by the City pursuant to the NPDES regulations or
2 requirements. The applicant shall design the Project's storm drains and other drainage facilities
3 to include Best Management Practices to minimize non-point source pollution, satisfactory to
4 the City Engineer.

5 30. Upon acceptance of any fee waiver or reduction by the Subdivider, the entire
6 project will be subject to prevailing wage requirements as specified by Labor Code section
7 1720(b)(4). The Subdivider shall agree to execute a form acknowledging the prevailing wage
8 requirements prior to the granting of any fee reductions or waivers.

9 31. Prior to approval of the Condominium map or any increment, all improvement
10 requirements, within such increment or outside of it if required by the City Engineer, shall be
11 covered by a subdivision agreement and secured with sufficient improvement securities or bonds
12 guaranteeing performance and payment for labor and materials, setting of monuments, and
warranty against defective materials and workmanship.

13 32. Pursuant to the State Map Act, improvements shall be required at the time of
14 development. A covenant, reviewed and approved by the City Attorney, shall be recorded
15 attesting to these improvement conditions and a certificate setting forth the recordation shall be
16 placed on the map.

17 33. Open space areas and down-sloped areas visible from a collector-level or above
18 roadway and not readily maintained by the property owner, shall be maintained by a
19 homeowners' association that will insure installation and maintenance of landscaping in
20 perpetuity. These areas shall be indicated on the final map and reserved for an association.
21 Future buyers shall be made aware of any estimated monthly costs. The disclosure, together
22 with the CC&R's, shall be submitted to the City Engineer for review prior to the recordation of
condominium map.

23 **Fire:**

24 34. Fire Department Requirements shall be placed on plans in the notes section.

25 35. Smoke detectors are required and detector locations shall be indicated on the
26 plans.

27 36. In accordance with the California Fire Code Sec. 901.4.4, City approved
28 addresses for residential occupancies shall be placed on the structure in such a position as to be

1 plainly visible and legible from the street or roadway fronting the property. Numbers shall be
2 contrasting with their background.

3 37. Multifamily dwellings require 6 inch address numbers.

4 38. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
5 approval prior to the issuance of building permits.

6 39. Buildings shall meet Oceanside Fire Departments current codes at the time of
7 building permit application.

8 40. Fire extinguishers are required and shall be included on the plans submitted for
9 plan check.

10 **Planning:**

11 41. This Tentative Map (T-201-06), Development Plan (D-203-06), Conditional use
12 Permit (C-203-06) and Regular Coastal Permit (RC-206-06) shall expire on July 11, 2009,
13 unless implemented as required by the Zoning Ordinance.

14 42. This Tentative Map, Development Plan, Conditional Use Permit and Regular
15 Coastal Permit approves only the conversion of a five-unit apartment building into
16 condominiums as shown on the plans and exhibits presented to the Community Development
17 Commission for review and approval. No deviation from these approved plans and exhibits
18 shall occur without Planning Department approval. Substantial deviations shall require a
19 revision to the Tentative Map, Development Plan, Conditional Use Permit and Regular Coastal
20 Permit or a new Tentative Map, Development Plan, Conditional Use Permit and Regular
21 Coastal Permit.

22 43. The applicant, permittee or any successor-in-interest shall defend, indemnify and
23 hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or
24 proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul
25 an approval of the City, concerning Tentative Map (T-201-06), Development Plan (D-203-06),
26 Conditional Use Permit (C-203-06) and Regular Coastal Permit (RC-206-06). The City will
27 promptly notify the applicant of any such claim, action or proceeding against the City and will
28 cooperate fully in the defense. If the City fails to promptly notify the applicant of any such
claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not,

1 thereafter, be responsible to defend, indemnify or hold harmless the City.

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

6 45. Landscape plans, meeting the criteria of the City's Landscape Guidelines and
7 Water Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall
8 be reviewed and approved by the City Engineer and Economic and Redevelopment Director
9 prior to the issuance of building permits. Landscaping shall not be installed until bonds have
10 been posted, fees paid, and plans signed for final approval.

11 46. All multifamily dwelling unit projects shall dispose of or recycle solid waste in a
12 manner provided in City Ordinance 13.3.

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

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

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

27 50. Failure to meet any conditions of approval for this development shall constitute a
28 violation of the Tentative Map (T-201-06), Development Plan (D-203-06), Conditional Use
Permit (C-203-06) and Regular Coastal Permit (RC-206-06).

51. Unless expressly waived, all current zoning standards and City ordinances and

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

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

	Sq.Ft.	# Bedrms	# Baths	# Units	%
8 Plan 1	1,055	2	2	4	75
9 Plan 2	1,170	2	2	1	25

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

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

17 55. Prior to the approval of the first final map for any portion of property included
18 within this, Covenants, Conditions and Restrictions (C.C. & R's) for a Homeowner Association
19 shall be prepared by the subdivider or other developer and shall be recorded prior to and/or
20 concurrently with the recordation of such first final map. All property covered by this shall be
21 included in this Homeowners Association; each portion of the property covered by the Tentative
22 Map shall be annexed into the Homeowners Association prior to the approval of the Final Map
23 for each such portion. The other portions of the property covered by this shall be annexed into
24 the Association as such property is finalized, and appropriate maintenance provisions shall be
25 added to the C.C. & R's at that time. The C.C. & R's shall contain at a minimum the following
provisions:

- 26 a. Provisions for the maintenance of all common open space, including provisions
27 establishing mechanisms to ensure adequate and continued monetary funding
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- b. for such maintenance by the Homeowners Association.
- c. Provisions establishing a management plan and management association to carry out 24-hour on-site maintenance of rental units during any period of time when non-owner occupied units exceed 20 percent. The management association shall be responsible for the management of the rental units, and
- d. shall be governed by the Homeowners Association and shall be paid for at a minimum by the owners of the non-owner occupied units. The C.C. & R's shall include mechanisms to ensure continued funding of the management of the non-owner occupied units, and shall include the designation, for projects with 16 units or more, by deed restriction or other legally binding document as may be acceptable to the City Attorney, of a manager's unit, office or other on-site area to ensure 24-hour management. For projects with 15 units or less, provision of 24-hour management by an off-site management agency shall be required. This off-site management requirement shall be identified in the management plan and recorded as a condition of approval for the project.
- e. Provisions to ensure the annexation into said Homeowners Association of each portion of the area covered by it, as it is finalized.
- f. Provisions specifying that neither the C.C. & R's nor any contract of sale, lease, or other written document or any means or method shall be established or shall attempt to establish any requirement, restriction, or limitation on this developer or any person, individual or entity which would operate, directly or indirectly, to prevent or preclude any other developers of this land or any person, individual, or entity in complying with all applicable provisions of the Tentative Map and other City ordinances, rules, policies or regulations.
- g. Provisions prohibiting the Homeowners Association from relinquishing its obligation to maintain the common open space as required in Subsection (a) above without the prior consent of the Oceanside Planning Commission or City Council.
- h. Provisions prohibiting the Homeowners Association and management association from ceasing to ensure 24-hour on-site management, 24-hour off-

- 1 i. site management or eliminating the management plan or management
2 association, without the prior consent of the Oceanside Planning Commission
3 or City Council.
- 4 j. Provisions stating that none of the above provisions of the C.C. & R's shall be
5 deleted or modified without the consent of the City Attorney, that the City shall
6 k. have the right, but not the obligation, to enforce any of the above provisions and
7 that in the event the City pursues legal action to enforce any of its rights, the
8 City shall be entitled to reasonable attorney's fees.

9 56. The City Attorney may require such additional provisions to be inserted into the
10 C.C. & R's as he or she deems may be reasonably necessary to accomplish the purpose and intent
11 of this resolution.

12 57. A fee of \$200.00 per unit shall be required as a start-up for the implementation of
13 the Homeowners' Association prior to the recording of the Final Map.

14 **Water:**

15 58. No trees, structures or building overhang shall be located within any water or
16 wastewater utility easement.

17 59. The property owner will maintain private water and wastewater utilities located
18 on private property.

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

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

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Housing:

62. Prior to approval of the final map, the subdivider shall execute that certain Housing Assistance Fee Agreement as required by Section 3210 of the Oceanside Zoning Ordinance. Said Agreement shall be recorded with the San Diego County Recorder prior to or concurrently with the final map and a certificate setting forth the recordation shall be placed on the map.

PASSED AND ADOPTED by the Oceanside Community Development Commission of the City of Oceanside this ___ day of _____ 2007 by the following vote:

AYES:

NAYS:

ABSENT:

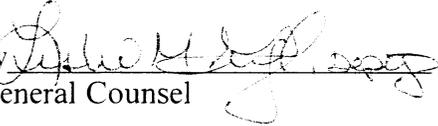
ABSTAIN:

Chairman

ATTEST:

Secretary

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

by 
General Counsel

ORDER NO.: 36330268

EXHIBIT "A"

Lot 6 in Block 13 of Tysons Addition, in the City of Oceanside, County of San Diego, State of California, according to Map thereof No. 218, filed in the Office of the County Recorder of San Diego County, October 26, 1885.

Assessors Parcel No.: 150-074-06

CITY OF OCEANSIDE
PLANNING DEPARTMENT

NOTICE OF EXEMPTION

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

PROJECT TITLE AND FILE NUMBER:

TENTATIVE MAP (T-201-06), DEVELOPMENT PLAN (D-203-06), CONDITIONAL USE PERMIT (C-203-06) and REGULAR COASTAL PERMIT (RC-206-06) for conversion of an existing 5-unit residential apartments into condominiums located at 221 South Myers Street on a 5,006 sq. ft. lot.

PROJECT LOCATION - SPECIFIC:

221 S. Myers Street

PROJECT LOCATION - GENERAL:

S. Myers and Fir streets

TENTATIVE MAP (T-201-06)
DEVELOPMENT PLAN (D-203-06)
CONDITIONAL USE PERMIT (C-203-06)
REGULAR COASTAL PERMIT (RC-206-06)

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:

The conversion of an existing 5-unit residential apartments into condominiums located at 221 South Myers Street.

NAME OF PUBLIC AGENCY APPROVING PROJECT:

City of Oceanside

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

Myers Street Community
P.O. Box 84450
San Diego, CA 92138
(858) 337-4707

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

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

STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION 15301(b)

REASONS WHY PROJECT IS EXEMPT:

The proposed project consists of the conversion of an existing 5-unit residential apartments into condominiums located at 221 South Myers Street on a 5,006 sq. ft. lot. The 5-unit residential apartment conversion is considered an infill development and the subject site is less than 5 acres.

Contact Person: Shan Babick, Associate Planner

SIGNATURE

For: Jerry Hittleman, Interim City Planning

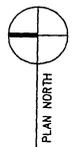
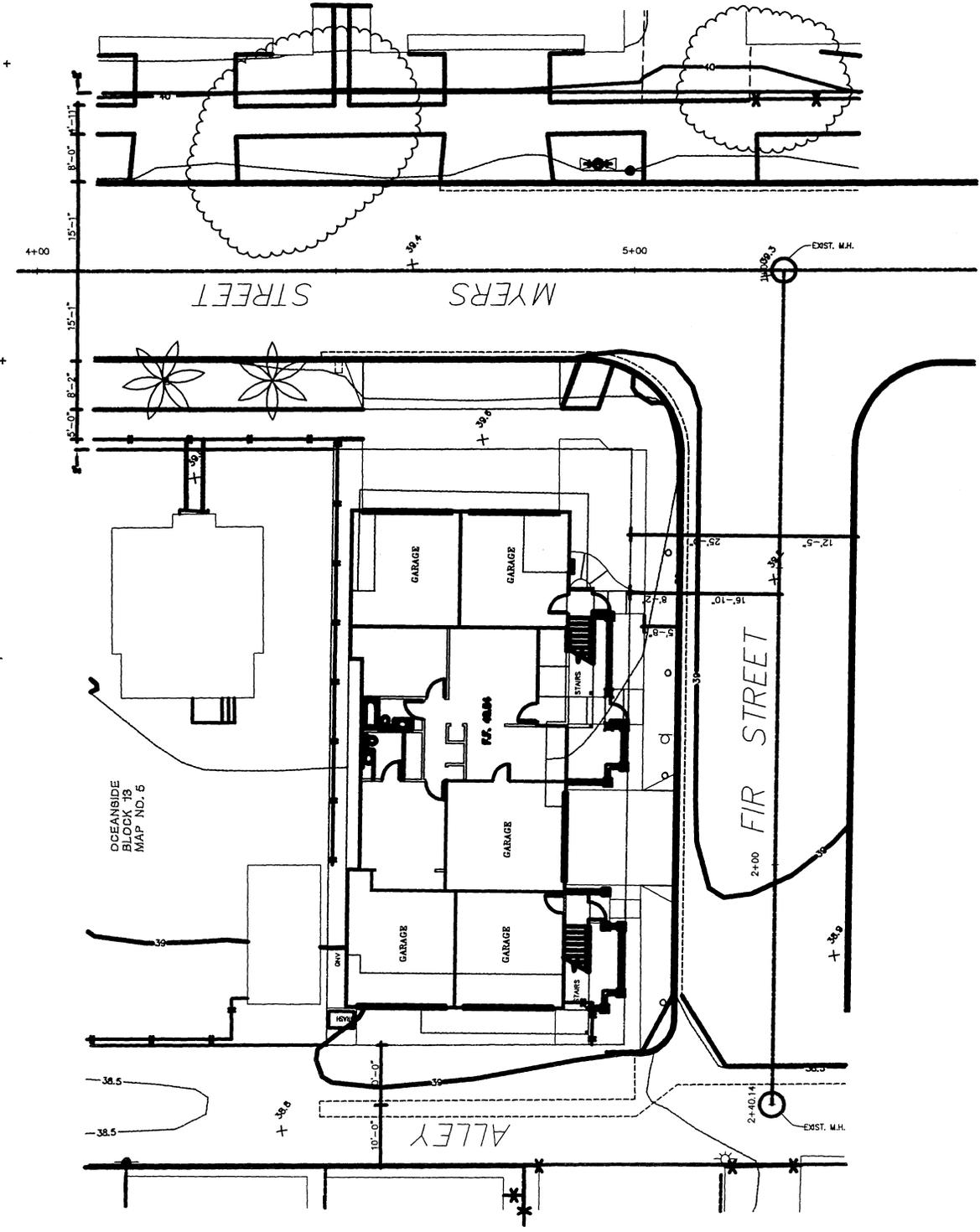
April 17, 2007

DATE

KNOX DESIGN
 221 Myers St., Oceanside, CA 92054
 Phone (619) 274-1008
 Fax (619) 274-1008
 Arthur E. Knox

LERROY YOUNG
 APARTMENT BUILDING
 RENOVATION
 221 MYERS STREET
 OCEANSIDE, CA 92054

EXIST. DATE
 EXIST. PLAN
 EXIST. ELEVATIONS
 EXIST. UTILITIES
 EXIST. SITE PLAN
 EXIST. A-SITE



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

4+00 15'-1" 8'-0" 4'-11"

15'-1" 8'-2" 15'-0" 8'-0" 10'-0" 10'-0"

5+00 11+20.3 EXIST. M.H. 2+10.14 EXIST. M.H.

MYERS STREET 15'-1" 8'-2" 15'-0" 8'-0" 10'-0" 10'-0"

FIR STREET 2+10.14 EXIST. M.H. 11+20.3 EXIST. M.H.

ALLEY 10'-0" 10'-0"

GARAGE GARAGE GARAGE GARAGE GARAGE GARAGE

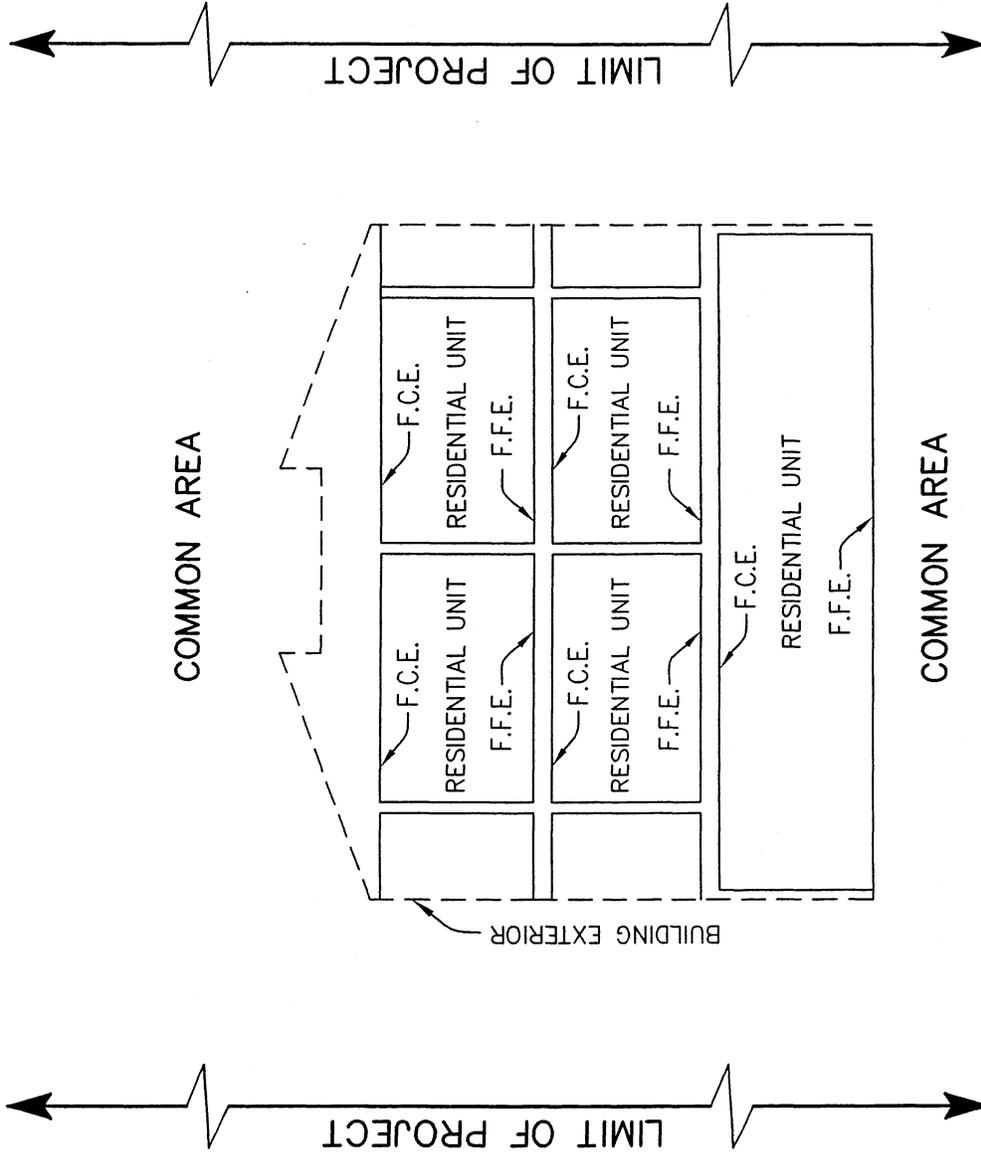
STAIRS STAIRS

38.5 38.5

OCEANSIDE BLOCK 18 MAP NO. 6

CONDOMINIUM PLAN FOR MYERS STREET CONDOMINIUMS

SHEET 7 OF 7 SHEETS



BUILDING TYPICAL SECTION

LANDSCAPE CONCEPT AS TO PROVIDE AN ATTRACTIVE SITE ENVIRONMENT AND STREET ENHANCEMENT FOR THE PROPOSED COMMERCIAL USE DEVELOPMENT.

THE CONCEPTUAL PLANTING DESIGN WILL INCLUDE A SELECTION OF PLANT MATERIALS FOR THE PLANTING AREAS AND THE STREETSCAPE PER THE CITY OF OCEANSIDE STANDARDS.

ALL TREES, SHRUBS AND BROAD LEAF PLANTS WILL BE DROUGHT RESISTANT WHILE PROVIDING FLOWERS COLOR AND COMPATIBILITY WITH ADJACENT PLANT MATERIAL.

THE STREETSCAPE PLANTING SHALL INCLUDE ONE PLANTING AREA, TREES & SHRUBS ALONG STREET.

ALL PLANTINGS ARE SHOWN SCHEMATICALLY. FINAL LOCATION OF THE PLANTS SHALL BE ADJUSTED ON SITE TO MEET CITY OF OCEANSIDE STANDARDS.

IRRIGATION CONCEPT - THE IRRIGATION SYSTEMS USED ON THE PROJECT WILL BE PERMANENT, BELOW GRADE, AND AUTOMATICALLY CONTROLLED. THE SYSTEMS WILL BE DESIGNED TO PROMOTE WATER CONSERVATION. ALL SYSTEMS SHALL BE DESIGNED TO MEET THE CITY OF OCEANSIDE STANDARDS. THE DESIGN OF THESE SYSTEMS WILL CONFORM TO ALL REQUIREMENTS, REGULATIONS AND POLICIES OF THE CITY OF OCEANSIDE.

MAINTENANCE AND INSTALLATION - IRRIGATION AND PLANTING SHALL CONFORM TO ALL CITY OF OCEANSIDE STANDARDS AND ALL OTHER APPLICABLE REGIONAL STANDARDS.

POST BARRIERS SHALL BE PROVIDED AT THE EDGE OF ALL PAVEMENT THAT IS WITHIN 10 FEET OF THE CENTER OF AN YR TREE.

LONG TERM LANDSCAPE MAINTENANCE TO BE PROVIDED BY OWNER.

ALL LANDSCAPE SHALL BE MAINTAINED IN ACCORDANCE WITH THE CITY OF OCEANSIDE'S LANDSCAPE DEVELOPMENT MANUAL.

MINIMUM TREE SEPARATION DISTANCE:

- 3' FROM TRANSFORMERS, CABLE, AND DOUBLE CHECK DETECTORS
- 7' FROM FIRE HYDRANTS (ALL SIDES)
- 5' FROM FIRE HYDRANTS (ALL SIDES)
- 10' FROM EASEMENT BOUNDARIES (SEWER, WATER, STORM DRAIN, ACCESS OR OTHER UTILITIES)
- 10' FROM UTILITY LINES (UNLESS LINE OF SIGHT IS DETERMINED BY THE TRAFFIC ENGINEER)
- 15' FROM STREET LIGHTS AND OTHER UTILITY POLES
- 15' FROM STREET LIGHTS AND OTHER UTILITY POLES
- ALL UTILITIES, COLLECTOR, AND LOCAL STREETS SHALL BE REFERRED AND DETERMINED BY THE TRAFFIC ENGINEER.

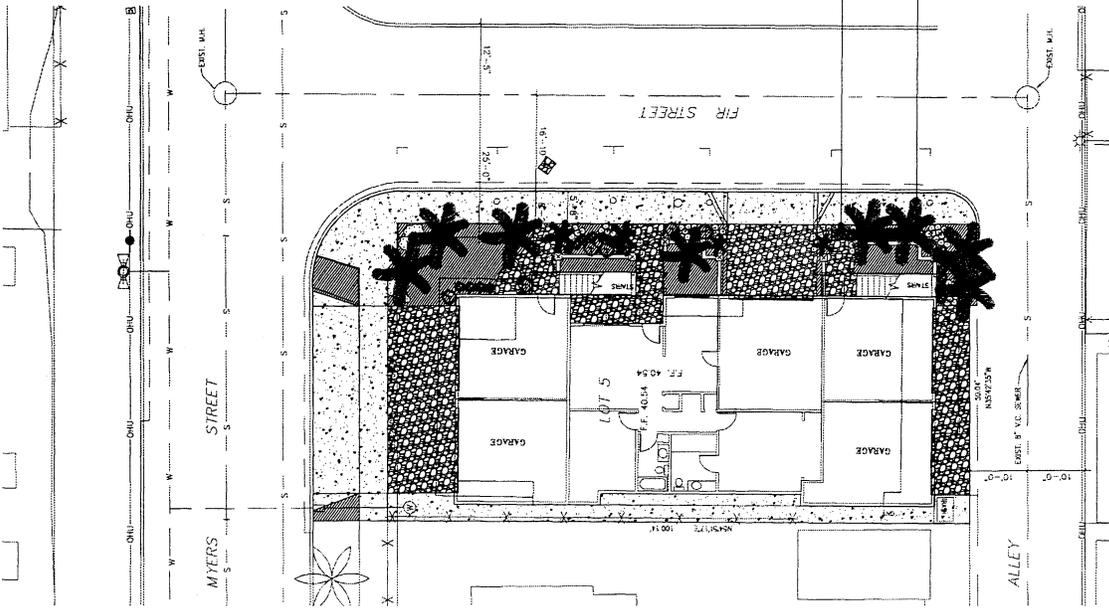
NO CHANGE, MODIFICATION OR ALTERATION SHALL BE MADE TO THE PROJECT UNLESS APPROPRIATE APPLICATION OF AMENDMENT OF THIS PERMIT SHALL HAVE BEEN GRANTED BY THE CITY.

ALL REQUIRED LANDSCAPE SHALL BE MAINTAINED IN A DISEASE, WEED AND LITTER FREE CONDITION AT ALL TIMES. SEVERE PRUNING OF "TOPPING" OF TREES SHALL BE PROHIBITED. TREES SHALL BE MAINTAINED IN A MANNER TO ALLOW EACH TREE TO GROW TO ITS MATURE HEIGHT AND SPREAD.

PRIOR TO ISSUANCE OF AN ENGINEERING PERMITS FOR RIGHT-OF-WAY IMPROVEMENTS, COMPLETE LANDSCAPE CONSTRUCTION DOCUMENTS FOR DRIVEWAYS, UTILITIES, GRASS, WATER AND SEWER LATERALS SHALL BE DESIGNED SO AS NOT TO PROHIBIT THE PLACEMENT OF STREET TREES.

PRIOR TO ISSUANCE OF ANY PERMITS FOR GRADING OF CONSTRUCTION, COMPLETE LANDSCAPE AND IRRIGATION CONSTRUCTION DOCUMENT AND IRRIGATION PLANS, DETAILS AND SPECIFICATIONS SHALL BE SUBMITTED TO THE CITY MANAGER FOR APPROVAL. THE CONSTRUCTION DOCUMENTS AND DEVELOPMENT PLAN, ON FILE IN THE DEVELOPMENT SERVICES DEPARTMENT.

IF ANY EXISTING OR PROPOSED HARDSCAPE OR LANDSCAPE INDICATED ON THE APPROVED PLANS IS DAMAGED OR REMOVED DURING DEMOLITION OF THE PROJECT, THE PERMITTEE OR SUBSEQUENT OWNER TO INSTALL SHALL BE RESPONSIBLE FOR THE REPAIR OR REPLACEMENT OF THE HARDSCAPE OR LANDSCAPE. THE PERMITTEE OR SUBSEQUENT OWNER SHALL BE OBTAINED FOR THE INSTALLATION, ESTABLISHMENT AND ONGOING MAINTENANCE OF ALL STREET TREES.

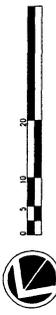


LANDSCAPE CONCEPT PLAN

SYMBOL	CATEGORY / DESCRIPTION	PERCENTAGE / SIZE
	PALM - FEATHER VERTICAL INTEREST ASCHOTHOEADIX cuneungulmans - KING PALM SYAGRUS romanzoffiana - QUEEN PALM PHOENIX (pedunculata) - PIGNON DATE PALM	100% 12" BTH
	BROADLEAF - EVERGREEN SHRUB SCREENING SHRUB MASS - TO 10' NIPAH PALM - NIPAH PALM PRUNUS caroliniana - CAROLINA LAUREL CHERRY TECOMARIA capensis - CAPE HONEYBUCKLE	100% 15 GALLON
	MOUNDING - EVERGREEN SHRUB FOCAL INTEREST SHRUB MASS - TO 4' PHOENIX PALM - NIPAH PALM RHAPHIDOLEPIS indica - JACK EVANS - INDIAN HAWTHORN	70% - 5 GALLON, 30% - 1 GALLON
	LOW GROWING - EVERGREEN SHRUB / PERENNIAL YEAR ROUND COLOR / TEXTURE / FOCAL INTEREST SHRUB MASS - TO 2' NIPAH PALM - NIPAH PALM HEMEROCALLIS hybrids - DAY LILY PITTIOSPORUM tobira - WHEELERS DWARF - N.C.N	100% 1 GALLON
	LOW GROWING - EVERGREEN GROUND COVER YEAR ROUND COVERAGE / LOW WATER USE SHRUB MASS - TO 1' FRAGARIA chianensis - WILD STRAWBERRY LANTANA montevidensis - CONFETTI - LANTANA	FLATS SPACING VARIES 18" TO 36" O.C.
	HARDSCAPE TREATMENT SEATING / DINING AREA COLORED CONCRETE / ACID ETCH FINISH TILE / STONE OVER CONCRETE	DEPTH VARIES PER TREATMENT
	HARDSCAPE TREATMENT SIDEWALK / TRAFFIC FLOW CORRIDORS NATURAL CONCRETE / BROOM FINISH	4" NOMINAL THICKNESS

ENHANCED PAVING AT ENTRIES AND DRIVES (TYP)

36" MAX. CMU WALL
STUCCO TO MATCH
36" MAX. STEEL FENCING
MIN 12" X 12" COLUMNS
STUCCO TO MATCH
PER OWNER SELECTION (TYP)



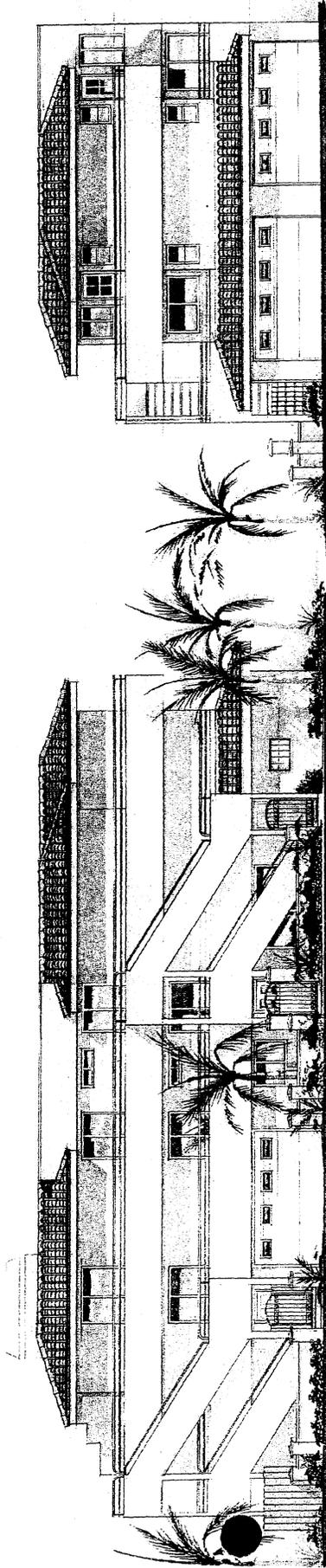
MEYERS STREET CONDOMINIUMS
LANDSCAPE CONCEPT
221 MEYERS STREET
OCEANSIDE
CALIFORNIA 92054
BY: [Signature]

DATE: 2/24/08
SCALE: AS SHOWN
DRAWN BY: [Signature]
CHECKED BY: [Signature]
JOB # 506180
SHEET 17

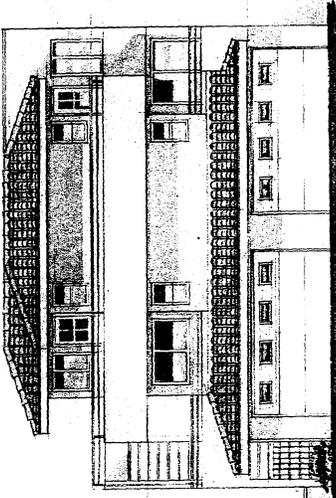
ERIC JOHNSON
 1623 Sycamore Street
 San Diego, CA 92116
 Phone: (619) 224-1829
 Fax: (619) 731-1831
 eric@ericjohnson.com

LEROY YOUNG
 APARTMENT BUILDING
 RENOVATION
 221 MYERS STREET
 OCEANSIDE, CA 92054

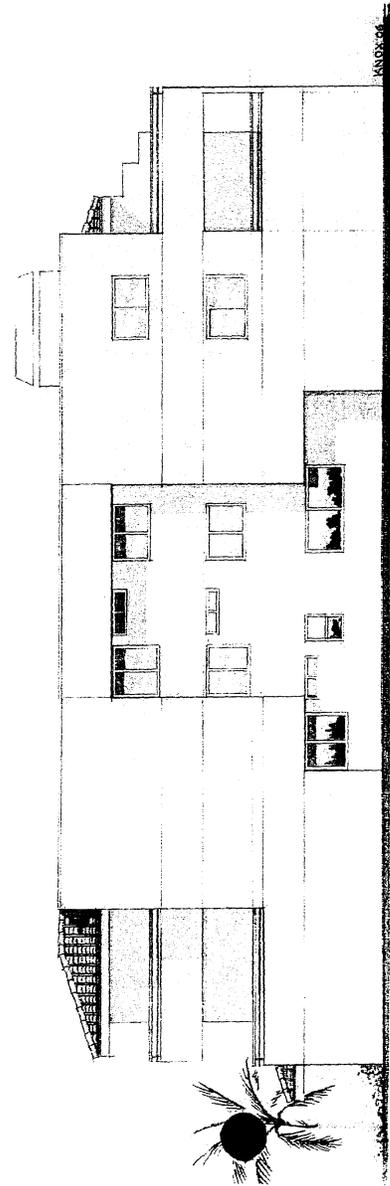
SHEET NO.:
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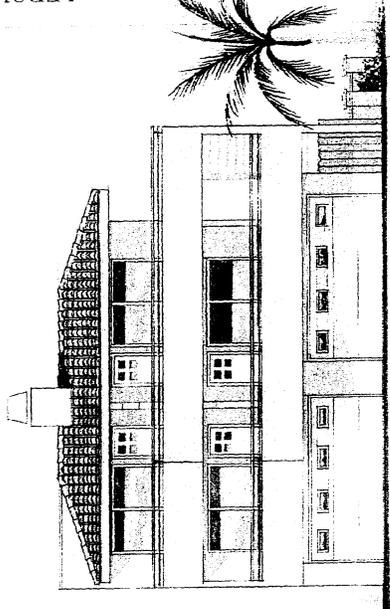
[SOUTH ELEVATION]



[EAST ELEVATION]



[NORTH ELEVATION]

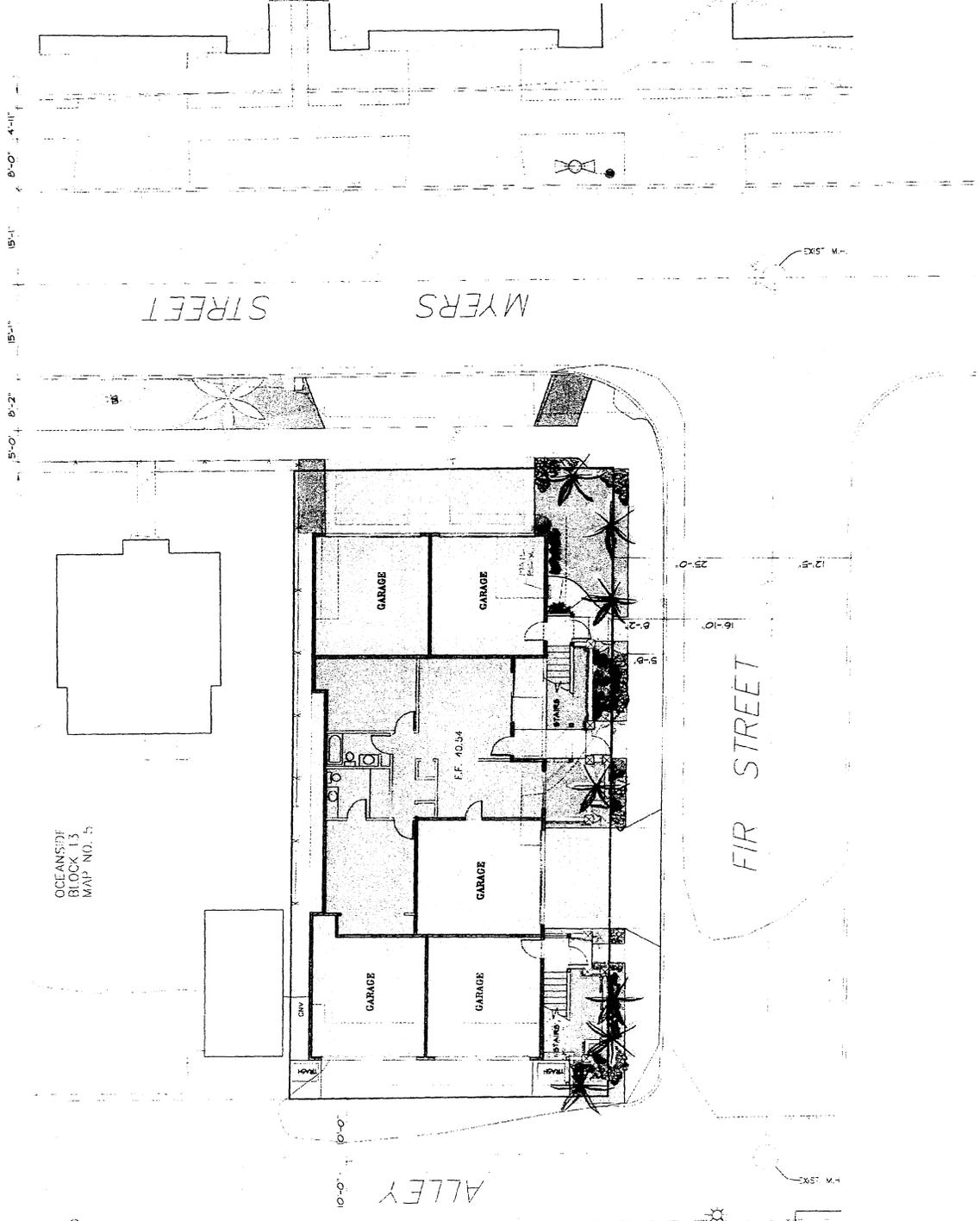
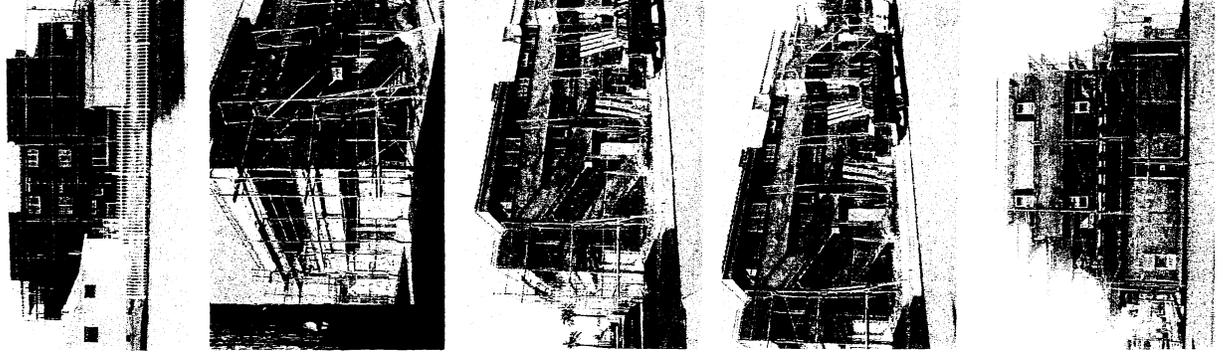


[WEST ELEVATION]

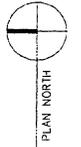
DATE: 10/15/11
 DRAWN BY: J. W. WOOD
 CHECKED BY: J. W. WOOD
 PROJECT NO.: 11-0001

LEROI YOUNG
 APARTMENT BUILDING
 RENOVATION
 221 MYERS STREET
 OCEANSIDE, CA 92034

PROJECT NO.: 11-0001
 PROJECT NAME:
 DATE:
 SHEET NO.:
 SHEET TOTAL:
 A-SIT
 AND
 ENGINEERING
 P.C.P.



OCEANSIDE
 BLOCK 13
 MAP NO. 15



PLAN NORTH

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



CITY OF OCEANSIDE

MARGERY M. PIERCE
Director of Neighborhood Services

NEIGHBORHOOD SERVICES DEPARTMENT

March 27, 2007

Shan M. Babick
Project Planner
Economic and Redevelopment Department

Re: Meyers Street Condominium Conversion
T-201-06, D-203-06, C-203-06, & RC-203-06
221 S. Meyers Street, Oceanside 92054

Neighborhood Services Department requests the following condition on this application:

Meet the requirements of Article 32 Subsection 3210 which states "As a condition of approval of the use permit, all applicants for approval of a condominium conversion shall be required to enter into an agreement with the City providing for payment of a Housing Assistance Fee, equal to 2 percent of the sales price of each converted unit, shall be paid through escrow to the City before recording a change in title in favor of the purchaser of the unit."

Frank Grana
Housing Program Manager

CC: Margery M. Pierce
Barbara L. Hamilton
Jane McVey

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

**CITY CLERK
CITY OF OCEANSIDE
300 North Coast Highway
Oceanside, CA 92054**

THIS SPACE FOR RECORDER'S USE ONLY

**HOUSING ASSISTANCE FEE AGREEMENT
BETWEEN THE CITY OF OCEANSIDE
AND MYERS STREET CONDOMINIUMS, INC.**

THIS AGREEMENT is entered by and between the CITY OF OCEANSIDE, a municipal corporation, hereinafter referred to as "City," and MYERS STREET CONDOMINIUMS, INC., a California corporation, hereinafter referred to as "Applicant."

W I T N E S S E T H

WHEREAS, Applicant desires to convert certain existing residential real property described in Exhibit "A," attached hereto and incorporated herein by reference, into condominiums; and

WHEREAS, Article 32 of the Comprehensive Zoning Ordinance of the City of Oceanside establishes certain regulations pertaining to the conversion to condominiums of existing residential real property; and

WHEREAS, in order to minimize the impact of such conversions on low and moderate income tenants, Section 3210 of Article 32 requires, as a condition of approval of a use permit, that an applicant for such a permit for conversion enter an agreement with the City providing for payment to the City through escrow of a Housing Assistance Fee equal to two percent (2%) of the sales price of each dwelling unit converted; and

WHEREAS, pursuant to the Subdivision Map Act and City Zoning Ordinance, the Applicant has submitted a tentative subdivision map and applied for a Development Plan, Conditional Use Permit and Regular Coastal Permit for the conversion of said existing residential real property, and in order to comply with the requirements of Section 3210, above, it is necessary that the Applicant and the City enter into this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, the parties agree as follows:

1. For each dwelling unit converted, Applicant shall pay the City a Housing Assistance Fee in the amount of two percent (2%) of the sales price for each respective dwelling unit.

2. Applicant shall ensure that the escrow instructions for the sale of each dwelling unit converted provide that said Housing Assistance Fee shall be paid by the escrow holder to the City of Oceanside concurrent with the close of escrow of said dwelling unit. The escrow instructions shall further provide that the escrow holder shall not close the escrow for said dwelling unit until (i) the escrow holder has received express written authorization, in the form of a partial release of this Agreement as to the dwelling unit, from the City's Director of Neighborhood Services, Housing Division, or his or her designee; (ii) the escrow holder has delivered payment of the Housing Assistance Fee to the City, pursuant to Paragraph 4 of this Agreement; and (iii) the escrow holder has provided a final HUD-1 Settlement Statement to the City, which shows the sales price upon which the Housing Assistance Fee was based.

3. Upon opening escrow for the sale of any converted dwelling unit, Applicant shall transmit to the Director of Neighborhood Services, Housing Division, a copy of the escrow instructions therefor.

4. Except as may be otherwise directed in writing by the City, all payments required hereunder shall be by certified check made payable to the City of Oceanside and delivered to:

Director
Neighborhood Services, Housing Division
300 North Coast Highway
Oceanside, California 92054

5. City agrees that the execution and performance of this Agreement by all parties thereto shall satisfy the provisions of Section 3210 of Article 32 of the Comprehensive Zoning Ordinance.

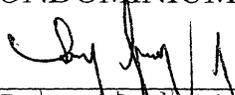
6. This Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties.

7. Should it become necessary for City to commence legal proceedings to enforce any provisions of this Agreement, City shall be entitled to legal costs in connection therewith, including reasonable attorneys' fees as determined by the court.

8. City shall cause a copy of this agreement to be recorded in the office of the Recorder of the County of San Diego.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on this 7th day of MAY, 2007.

MYERS STREET
CONDOMINIUMS, INC.



BY LARRY YOUNG JR.
PRESIDENT

CITY OF OCEANSIDE

APPROVED AS TO FORM:

City Attorney

ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego

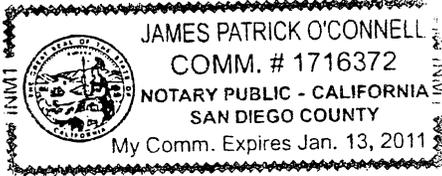
On May 7, 2007 before me, James Patrick O'Connell, a Notary Public,
personally appeared

Leroy Young Jr.

personally known to me

OR

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

James Patrick O'Connell

January 16, 2007

Department of Housing & Neighborhood Services
City of Oceanside
Nevada Street Annex
300 N. Coast Hwy.
Oceanside, CA 92054
Attn: Margery Pierce

RE: 221 S. Myers Street – Tenant Notice of Desire to Convert Apartments to
Condominiums Pursuant to Oceanside Municipal Code Article 32, Section
3206.B.2

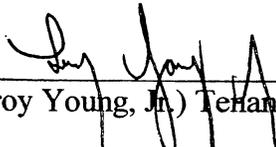
To Whom It May Concern:

Please be advised as follows:

1. As of the date of this letter, pursuant to the terms of a written lease with Myers Street Condominiums, Inc. dated January 16, 2007, I am tenant, lawfully in possession of Apartment Unit No. E located at the above-referenced premises (the "Apartment Complex").
2. I have been notified in writing of a pending application with the City of Oceanside for the conversion of the Apartment Complex to condominiums. In connection with this proposed conversion I have been provided, and I have reviewed, extensive information regarding the estimated acquisition and ownership costs associated with the purchase of my Unit. Such information includes, without limitation, estimated Unit purchase costs, down-payment requirements, financing costs, property management costs, and homeowner's association fees. Copies of the cost information I have been provided are enclosed for your files.
3. I support the proposed conversion of the Apartment Complex to condominiums and it is my current intent to purchase my Unit.

I urge your support for this project and look forward to being a taxpaying resident and homeowner within the Oceanside community.

Very truly yours,



(Leroy Young, Jr.) Tenant

1-16-07

DATE

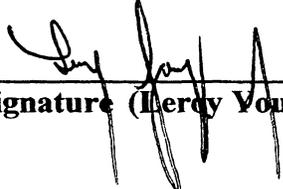
Myers St. Condominiums Inc.

221 South Myers, St. Oceanside CA 92054

Tenant document acknowledgement and check list (*Unit E*)

1. Residential lease or month-to-month rental agreement.
 2. Tenant's letter in favor of conversion to condominium ownership.
 3. Tenant 180-Day notice of intent to convert to Condominiums.
 4. Tenant 60-Day notice of intent to convert to Condominiums.
 5. Notice of 90-Day period of first right of refusal to purchase.
 6. Copy of (Article 32) City of Oceanside's condominium conversion regulations, outlining Tenant Benefits and Notification.
 7. A statement of no rent increases from application and two years after approval of final map.
 8. Draft copy of Declaration of Covenants, Conditions and Restrictions, for "221 South Myers".
 9. Draft copy's, Bylaws and Articles of Incorporation for "221 South Myers", H.O.A.
 10. California Department of Real Estate budget review and worksheet estimate of the projects monthly HOA fees and property management costs.
 11. Condominium plan for Myers Street Condominiums.
 12. Unit pricing.
 13. Financing options (CountryWide) down payment and closing costs.
 14. California Department of Real Estate, Conditional Report & Booklet of tenants rights.
-

"The undersigned tenant acknowledges and agrees that he/she has been provided copies of each of the above-referenced items (Nos. 1-14) in connection with tenant's proposed lease and potential purchase of the above-referenced condominium Unit."



Tenant signature (Leroy Young, Jr.)

1-01-07

(Dated)

March 01, 2007

Department of Housing & Neighborhood Services
City of Oceanside
Nevada Street Annex
300 N. Coast Hwy.
Oceanside, CA 92054
Attn: Margery Pierce

RE: 221 S. Myers Street – Tenant Notice of Desire to Convert Apartments to
Condominiums Pursuant to Oceanside Municipal Code Article 32, Section
3206.B.2

To Whom It May Concern:

Please be advised as follows:

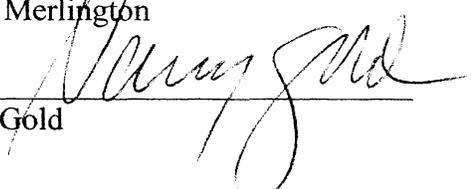
1. As of the date of this letter, pursuant to the terms of a written lease with Myers Street Condominiums, Inc. dated March 01, 2007, I am tenant, lawfully in possession of Apartment Unit No. B located at the above-referenced premises (the "Apartment Complex").
2. I have been notified in writing of a pending application with the City of Oceanside for the conversion of the Apartment Complex to condominiums. In connection with this proposed conversion I have been provided, and I have reviewed, extensive information regarding the estimated acquisition and ownership costs associated with the purchase of my Unit. Such information includes, without limitation, estimated Unit purchase costs, down-payment requirements, financing costs, property management costs, and homeowner's association fees. Copies of the cost information I have been provided are enclosed for your files.
3. I support the proposed conversion of the Apartment Complex to condominiums and it is my current intent to purchase my Unit.

I urge your support for this project and look forward to being a taxpaying resident and homeowner within the Oceanside community.

Very truly yours,



Walter Merlington



Nancy Gold

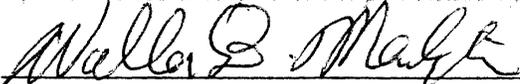
Myers St. Condominiums Inc.

221 South Myers, St. Oceanside CA 92054

Tenant document acknowledgement and check list (*Unit B*)

1. Residential lease or month-to-month rental agreement.
 2. Tenant's letter in favor of conversion to condominium ownership.
 3. Tenant 180-Day notice of intent to convert to Condominiums.
 4. Tenant 60-Day notice of intent to convert to Condominiums.
 5. Notice of 90-Day period of first right of refusal to purchase.
 6. Copy of (Article 32) City of Oceanside's condominium conversion regulations, outlining Tenant Benefits and Notification.
 7. A statement of no rent increases from application and two years after approval of final map.
 8. Draft copy of Declaration of Covenants, Conditions and Restrictions, for "221 South Myers".
 9. Draft copy's, Bylaws and Articles of Incorporation for "221 South Myers", H.O.A.
 10. California Department of Real Estate budget review and worksheet estimate of the projects monthly HOA fees and property management costs.
 11. Condominium plan for Myers Street Condominiums.
 12. Unit pricing.
 13. Financing options (CountryWide) down payment and closing costs.
 14. California Department of Real Estate, Conditional Report & Booklet of tenants rights.
-

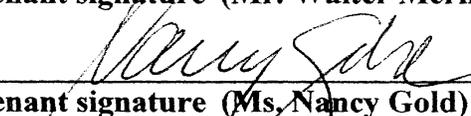
"The undersigned tenant acknowledges and agrees that he/she has been provided copies of each of the above-referenced items (Nos. 1-14) in connection with tenant's proposed lease and potential purchase of the above-referenced condominium Unit."



Tenant signature (Mr. Walter Merlington)

03-01-07

(Dated)



Tenant signature (Ms. Nancy Gold)

03-01-07

(Dated)

March 01, 2007

Department of Housing & Neighborhood Services
City of Oceanside
Nevada Street Annex
300 N. Coast Hwy.
Oceanside, CA 92054
Attn: Margery Pierce

RE: 221 S. Myers Street – Tenant Notice of Desire to Convert Apartments to
Condominiums Pursuant to Oceanside Municipal Code Article 32, Section
3206.B.2

To Whom It May Concern:

Please be advised as follows:

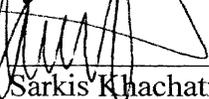
1. As of the date of this letter, pursuant to the terms of a written lease with Myers Street Condominiums, Inc. dated March 01, 2007, I am tenant, lawfully in possession of Apartment Unit No. A located at the above-referenced premises (the "Apartment Complex").
2. I have been notified in writing of a pending application with the City of Oceanside for the conversion of the Apartment Complex to condominiums. In connection with this proposed conversion I have been provided, and I have reviewed, extensive information regarding the estimated acquisition and ownership costs associated with the purchase of my Unit. Such information includes, without limitation, estimated Unit purchase costs, down-payment requirements, financing costs, property management costs, and homeowner's association fees. Copies of the cost information I have been provided are enclosed for your files.
3. I support the proposed conversion of the Apartment Complex to condominiums and it is my current intent to purchase my Unit.

I urge your support for this project and look forward to being a taxpaying resident and homeowner within the Oceanside community.

Very truly yours,



Marjorie Gegamian



Sarkis Khachatryan

03-01-07

DATE

03-01-07

DATE

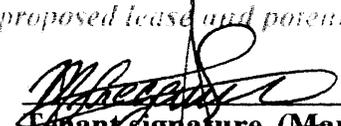
Myers St. Condominiums Inc.

221 South Myers, St. Oceanside CA 92054

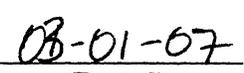
Tenant document acknowledgement and check list (*Unit A*)

1. Residential lease or month-to-month rental agreement.
 2. Tenant's letter in favor of conversion to condominium ownership.
 3. Tenant 180-Day notice of intent to convert to Condominiums.
 4. Tenant 60-Day notice of intent to convert to Condominiums.
 5. Notice of 90-Day period of first right of refusal to purchase.
 6. Copy of (Article 32) City of Oceanside's condominium conversion regulations, outlining Tenant Benefits and Notification.
 7. A statement of no rent increases from application and two years after approval of final map.
 8. Draft copy of Declaration of Covenants, Conditions and Restrictions, for "221 South Myers".
 9. Draft copy's, Bylaws and Articles of Incorporation for "221 South Myers", H.O.A.
 10. California Department of Real Estate budget review and worksheet estimate of the projects monthly HOA fees and property management costs.
 11. Condominium plan for Myers Street Condominiums.
 12. Unit pricing.
 13. Financing options (CountryWide) down payment and closing costs.
 14. California Department of Real Estate, Conditional Report & Booklet of tenants rights.
-

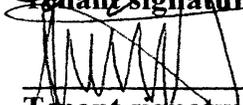
"The undersigned tenant acknowledges and agrees that he/she has been provided copies of each of the above-referenced items (Nos. 1-14) in connection with tenant's proposed lease and potential purchase of the above-referenced condominium Unit."



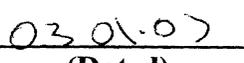
Tenant signature (Marianna Gegamian)



(Dated)



Tenant signature (Sarkis Khachatryan)



(Dated)

February 13, 2007

Department of Housing & Neighborhood Services
City of Oceanside
Nevada Street Annex
300 N. Coast Hwy.
Oceanside, CA 92054
Attn: Margery Pierce

RE: 221 S. Myers Street – Tenant Notice of Desire to Convert Apartments to
Condominiums Pursuant to Oceanside Municipal Code Article 32, Section
3206.B.2

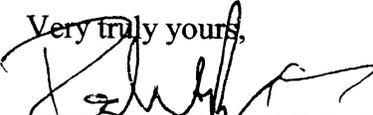
To Whom It May Concern:

Please be advised as follows:

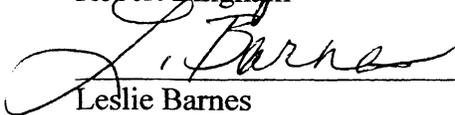
1. As of the date of this letter, pursuant to the terms of a written lease with Myers Street Condominiums, Inc. dated February 13, 2007, we are the tenants, lawfully in possession of Apartment Unit No. 4 located at the above-referenced premises (the "Apartment Complex").
2. I have been notified in writing of a pending application with the City of Oceanside for the conversion of the Apartment Complex to condominiums. In connection with this proposed conversion I have been provided, and I have reviewed, extensive information regarding the estimated acquisition and ownership costs associated with the purchase of my Unit. Such information includes, without limitation, estimated Unit purchase costs, down-payment requirements, financing costs, property management costs, and homeowner's association fees. Copies of the cost information I have been provided are enclosed for your files.
3. I support the proposed conversion of the Apartment Complex to condominiums and it is my current intent to purchase my Unit.

I urge your support for this project and look forward to being a taxpaying resident and homeowner within the Oceanside community.

Very truly yours,



Robert Bingham



Leslie Barnes

2/14/07

DATE

2-14-07

DATE

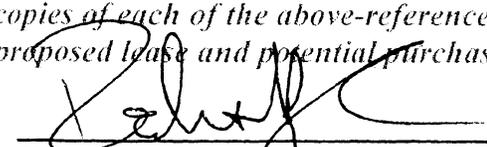
Myers St. Condominiums Inc.

221 South Myers, St. Oceanside CA 92054

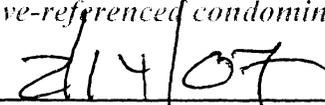
Tenant document acknowledgement and check list (Unit ^D~~E~~) 

1. Residential lease or month-to-month rental agreement.
 2. Tenant's letter in favor of conversion to condominium ownership.
 3. Tenant 180-Day notice of intent to convert to Condominiums.
 4. Tenant 60-Day notice of intent to convert to Condominiums.
 5. Notice of 90-Day period of first right of refusal to purchase.
 6. Copy of (Article 32) City of Oceanside's condominium conversion regulations, outlining Tenant Benefits and Notification.
 7. A statement of no rent increases from application and two years after approval of final map.
 8. Draft copy of Declaration of Covenants, Conditions and Restrictions, for "221 South Myers".
 9. Draft copy's, Bylaws and Articles of Incorporation for "221 South Myers", H.O.A.
 10. California Department of Real Estate budget review and worksheet estimate of the projects monthly HOA fees and property management costs.
 11. Condominium plan for Myers Street Condominiums.
 12. Unit pricing.
 13. Financing options (CountryWide) down payment and closing costs.
 14. California Department of Real Estate, Conditional Report & Booklet of tenants rights.
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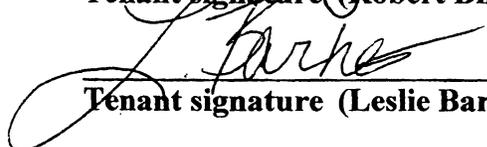
"The undersigned tenant acknowledges and agrees that he/she has been provided copies of each of the above-referenced items (Nos. 1-14) in connection with tenant's proposed lease and potential purchase of the above-referenced condominium Unit."



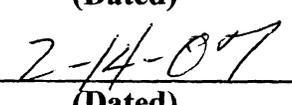
Tenant signature (Robert Bingham)



(Dated)



Tenant signature (Leslie Barnes)



(Dated)

March 01, 2007

Department of Housing & Neighborhood Services
City of Oceanside
Nevada Street Annex
300 N. Coast Hwy.
Oceanside, CA 92054
Attn: Margery Pierce

RE: 221 S. Myers Street – Tenant Notice of Desire to Convert Apartments to
Condominiums Pursuant to Oceanside Municipal Code Article 32, Section
3206.B.2

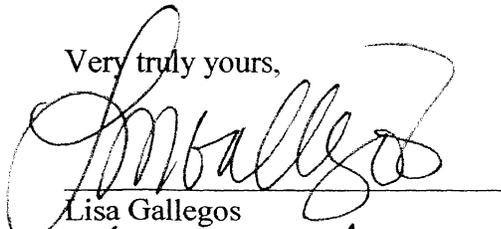
To Whom It May Concern:

Please be advised as follows:

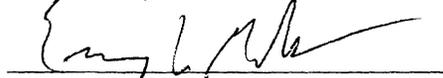
1. As of the date of this letter, pursuant to the terms of a written lease with Myers Street Condominiums, Inc. dated March 01, 2007, I am tenant, lawfully in possession of Apartment Unit No. C located at the above-referenced premises (the "Apartment Complex").
2. I have been notified in writing of a pending application with the City of Oceanside for the conversion of the Apartment Complex to condominiums. In connection with this proposed conversion I have been provided, and I have reviewed, extensive information regarding the estimated acquisition and ownership costs associated with the purchase of my Unit. Such information includes, without limitation, estimated Unit purchase costs, down-payment requirements, financing costs, property management costs, and homeowner's association fees. Copies of the cost information I have been provided are enclosed for your files.
3. I support the proposed conversion of the Apartment Complex to condominiums and it is my current intent to purchase my Unit.

I urge your support for this project and look forward to being a taxpaying resident and homeowner within the Oceanside community.

Very truly yours,



Lisa Gallegos



Eugene Gallegos

2/17/07
DATE

2/17/07
DATE

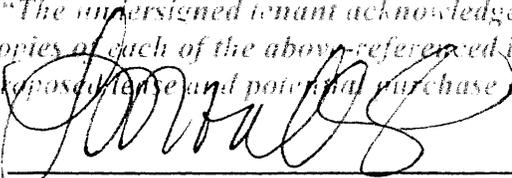
Myers St. Condominiums Inc.

221 South Myers, St. Oceanside CA 92054

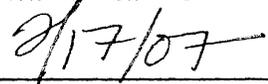
Tenant document acknowledgement and check list (*Unit C*)

1. Residential lease or month-to-month rental agreement.
 2. Tenant's letter in favor of conversion to condominium ownership.
 3. Tenant 180-Day notice of intent to convert to Condominiums.
 4. Tenant 60-Day notice of intent to convert to Condominiums.
 5. Notice of 90-Day period of first right of refusal to purchase.
 6. Copy of (Article 32) City of Oceanside's condominium conversion regulations, outlining Tenant Benefits and Notification.
 7. A statement of no rent increases from application and two years after approval of final map.
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 12. Unit pricing.
 13. Financing options (CountryWide) down payment and closing costs.
 14. California Department of Real Estate, Conditional Report & Booklet of tenants rights.
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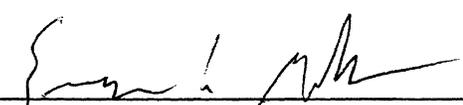
"The undersigned tenant acknowledges and agrees that he/she has been provided copies of each of the above-referenced items (Nos. 1-14) in connection with tenant's proposed lease and potential purchase of the above-referenced condominium Unit."



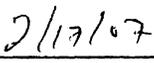
Tenant signature (Lisa Gallegos)



(Dated)



Tenant signature (Eugene Gallegos)



(Dated)