

STAFF REPORT



ITEM NO. **25**
CITY OF OCEANSIDE

DATE: August 16, 2006

TO: Chairman and Members of the Community Development Commission

FROM: Economic Development and Redevelopment Department

SUBJECT: **CONSIDERATION OF A RESOLUTION APPROVING A REGULAR COASTAL PERMIT (RC-211-05) FOR AN ADDITION TO AN EXISTING SINGLE FAMILY RESIDENCE LOCATED AT 702 NORTH CLEVELAND STREET – TAKACH RESIDENCE – APPLICANT: ERIC TAKACH**

SYNOPSIS

The item under consideration is a Regular Coastal Permit for a 1,382-square-foot addition to an existing single-family residence located at 702 North Cleveland Street. Staff is recommending that the Commission approve the project and adopt the resolution as attached.

BACKGROUND

The original structure was constructed in 1959 as commercial use (Lloyd Pest Control). On June 1, 1993, the Community Development Commission entered into a voluntary abatement agreement with the property owner to abate the nonconforming commercial use (restoring automobiles). In 1995, a building permit was issued to convert the commercial building into a single-family residence.

This item was continued from the Community Development Commission meeting of August 9, 2006 to August 16, 2006.

The subject site consists of a pre-existing legal parcel totaling 5,000 square feet in size that was part of the Oceanside Townsite Subdivision of 1885. The subject site currently maintains a 980-square foot one-story single family residence with an attached 400-square-foot garage. The subject site is flat with less than a one-foot grade differential between the highest and lowest points across the site

The subject site is situated within the North Cleveland Street neighborhood, which consists of new row homes and multifamily residential condominiums interspersed with older single and multifamily residential.

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. Single family and multifamily residences are permitted. The density within this zone ranges from 29-43 dwelling units per acre. The project proposes a density of 8.7 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.

Project Description: The project proposes to add approximately 1,382 square feet of new living area and a new 500-square-foot 2-car garage to an existing 980-square-foot single-family residence. The applicant is proposing to add two bedrooms, increase the size of the existing great room, convert the former garage into a study and construct a new 500-square-foot garage with a 500-square-foot roof deck to be situated on the roof of the garage. In addition, the project proposes to substantially increase the existing landscaping and provide a new courtyard.

The proposed design is contemporary Spanish Colonial Revival with off-white colored stucco base with chocolate-brown trim and red tiled roof.

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	*5 feet
Rear	5 feet	5 feet
LANDSCAPING	25%	34%
PARKING	2 spaces	2 spaces
BUILDING HEIGHT	35 feet	22 feet
DENSITY	43 du. Ac. (maximum)	8.7 du. Ac.

*Requires CDC approval for reduction of the corner side yard setback from 10 feet to 5feet.

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

CDC Approval: The applicant is requesting special consideration regarding relief from the development standards for encroachment into the corner side yard setback area.

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

ANALYSIS

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

Since the proposed project is an infill project, staff's initial concerns centered on the project's compatibility with the existing residential patterns. The surrounding area consists of new row homes interspersed with some newer condominium development. Staff believes that the proposed addition is consistent with the surrounding neighborhood, especially with the newer residential units.

Staff is also concerned with the project's architectural compatibility and scale with the surrounding neighborhood. Staff believes the proposed design, Spanish Colonial Revival, is consistent with the surrounding neighborhood which has a predominately Mediterranean theme. In addition, the 2,364-square-foot single-family residence is consistent with the product type and unit size in 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 subject site is located approximately 775 feet east of The Strand. The project provides a 5-foot corner side yard setback which is greater than typical corner yard setbacks found on existing units located on North Cleveland Street. Staff also evaluated the proposed residence and its effect on public coastal views. The proposed project will provide a 5-foot corner side yard setback coupled with the proposed single-story residence and will not hinder public views looking westward on Windward Way.

The applicant is also seeking relief from a development standard to reduce the corner side yard setback from 10 feet to 5 feet. Section 1231 (J) of the Downtown District Zoning Ordinance, allows for the reduction of the corner side yard setback from 10 feet to 5 feet with CDC approval provided that the landscaping and/or structures within the setback area does not exceed 30" in height and the project conforms to sight distance requirements. The project has been conditioned that the landscaping and/or structures will not exceed 30" in height and the sight distance requirement has been met due to the additional 8 feet of parkway located on Windward Way. In addition, there are

several row homes projects located on Windward Way with only 3-foot corner side yard setbacks. We believe that the proposed 5-foot corner side yard setback is consistent with the newer development located within the surrounding neighborhood.

In conclusion, staff believes that the project meets the intent of the Redevelopment Plan and the underlying subdistrict goals, which encourages the development of residential uses. The design of the project is consistent in both the height and scale of the surrounding neighborhood. The proposed project is consistent with the quality of design of the newer residences located within the North Cleveland Street area. The project also is consistent with the land use policies of the Local Coastal Plan.

COMMISSION OR COMMITTEE REPORTS

The Redevelopment Design Review Committee (RDRC) reviewed the project at its January 20, 2006 meeting and again at its meeting of July 21, 2006. The RDRC approved the project with the following changes that the railing on the proposed roof deck is re-designed with more articulation and the proposed fence located on the southern property line should undulate with columns, caps and landscaping.

The Redevelopment Advisory Committee (RAC) reviewed the project at its August 14, 2006 meeting. Their recommendations or comments on the project will be presented to the Commission during the hearing for the project.

FISCAL IMPACT

The proposed project will add approximately \$1,250 of tax increment yearly to the project area.

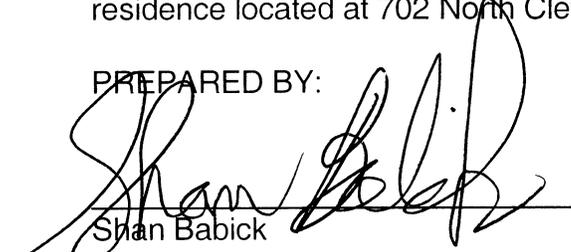
CITY ATTORNEY'S ANALYSIS

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 Regular Coastal Permit (RC-211-05) for the 1,382-square-foot addition to an existing single-family residence located at 702 North Cleveland Street.

PREPARED BY:


Shan Babick
Associate Planner

SUBMITTED BY:


Barry E. Martin
Interim Executive Director

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant to the City Manager
Kathy Baker, Redevelopment Manager



EXHIBITS/ATTACHMENTS

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

RESOLUTION NO. 06-

A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE APPROVING A REGULAR COASTAL PERMIT FOR AN ADDITION TO AN EXISTING SINGLE FAMILY RESIDENCE LOCATED AT 702 NORTH CLEVELAND STREET - APPLICANT: ERIC TAKACH

WHEREAS, on August 9, 2006, the Community Development Commission held its duly noticed public hearing, and considered an application for a Regular Coastal Permit (RC-211-05) for an addition to a single family residence located at 702 North Cleveland Street;

WHEREAS, the Community Development Commission at its duly noticed public hearing, continued the item to its August 16, 2006, meeting;

WHEREAS, the Redevelopment Design Review Committee (RDRC) of the City of Oceanside did, on January 20, 2006, and July 21, 2006, review and recommend approval of Regular Coastal Permit (RC-211-05);

WHEREAS, the Redevelopment Advisory Committee (RAC) of the City of Oceanside did, on August 14, 2006 and recommend approval of Regular Coastal Permit (RC-211-05);

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

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

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

WHEREAS, pursuant to Government Code §66020(d)(1), NOTICE IS HEREBY GIVEN that the Project is subject to certain fees, dedications, reservations and other exactions as provided below:

////////////////////////////////////

////////////////////////////////////

////////////////////////////////////

////////////////////////////////////

<u>Description</u>	<u>Authority Imposition</u>	<u>Current Estimate Fee</u>
Drainage Fee	Ordinance No. 85-23 Resolution No. 05-R0628-1	\$2,843 per acre
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot
Traffic Signal Fee	Ordinance No. 87-19	\$15.71 per vehicle trip
Thoroughfare Fee	Ordinance No. 83-01	\$255 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 amounts that will be owing when such fees become due and payable;

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

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

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

WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes

1 effective upon its adoption.

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

4 **For the Regular Coastal Permit:**

5 1. The granting of the Regular Coastal Permit is consistent with the purposes of the
6 California Coastal Act of 1976.

7 2. The proposed project is consistent with the policies of the Local Coastal Program
8 as implemented through the City Zoning Ordinance. In addition, the project will not
9 substantially alter or impact the existing coastal views through the public rights-of-way view
10 corridors.

11 3. The proposed project will not obstruct any existing or planned public beach
12 access; therefore, the project is in conformance with the policies of Chapter 3 of the Coastal
13 Act.

14 SECTION 1. That Regular Coastal Permit (RC-211-05) is hereby approved subject to
15 the following conditions:

16 **Building:**

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

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

21 3. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on
22 the plans.

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

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

28 a) Building construction work hours shall be limited to between 7 a.m. and
6 p.m. Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not
inherently noise-producing. Examples of work not permitted on Saturday are concrete and
grout pours, roof nailing and activities of similar noise-producing nature. No work shall be

1 permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor
2 Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the
3 provisions of the Oceanside City Code Chapter 38. (Noise Ordinance)

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

8 **Engineering:**

9 6. The project shall eliminate the existing driveway located on Windward Way and
10 shall construct the sidewalk, curb and gutter consistent with the existing sidewalk, curb and
11 gutter.

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

15 a) Dirt, debris and other construction material shall not be deposited on any
16 public street or within the City's storm water conveyance system.

17 b) All grading and related site preparation and construction activities shall
18 be limited to the hours of 7 a.m. to 6 p.m., Monday through Friday. No engineering related
19 construction activities shall be conducted on Saturdays, Sundays or legal holidays unless written
20 permission is granted by the Public Works Director with specific limitations to the working hours
21 and types of permitted operations. Because construction noise may still be intrusive in the
22 evening or on holidays, the City of Oceanside Noise Ordinance also prohibits "any disturbing
23 excessive or offensive noise which causes discomfort or annoyance to reasonable persons of
24 normal sensitivity."

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

28 8. Approval of this development project is conditioned upon payment of all
applicable impact fees and connection fees in the manner provided in chapter 32B of the
Oceanside City Code. All drainage fees, traffic signal contributions, highway thoroughfare

1 fees, park fees, reimbursements, and other applicable charges, fees and deposits shall be paid
2 prior to recordation of the map or the issuance of any building permits, in accordance with City
3 Ordinances and policies. The developer shall also be required to join into, contribute, or
4 participate in any improvement, lighting, or other special district affecting or affected by this
5 project. Approval of the project shall constitute the developer's approval of such payments, and
6 his agreement to pay for any other similar assessments or charges in effect when any increment
7 is submitted for final map or building permit approval, and to join, contribute, and/or participate
8 in such districts.

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

16 10. Sight distance requirements at the project driveway shall conform to the corner
17 sight distance criteria as provided by the California Department of Transportation Highway
18 Design Manual.

19 11. Any existing broken pavement, concrete curb and gutter, or sidewalk or any
20 damaged during construction of the project, shall be repaired or replaced as directed by the
21 Public Works Director.

22 12. Upon acceptance of any fee waiver or reduction by the developer, the entire
23 project will be subject to prevailing wage requirements as specified by Labor Code Section
24 1720(b) (4). The Subdivider shall agree to execute a form acknowledging the prevailing wage
25 requirements prior to the granting of any fee reductions or waivers.

26 **Fire:**

27 13. Fire Department Requirements shall be placed on plans in the notes section.

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

1 15. Buildings shall meet Oceanside Fire Departments current codes at the time of
2 building permit application.

3 **Planning:**

4 16. This Regular Coastal Permit (RC-211-05) shall expire on August 16, 2008,
5 unless implemented as required by the Zoning Ordinance.

6 17. This Regular Coastal Permit approves only the construction of a 1,382 square
7 foot addition to an existing single family residence as shown on the plans and exhibits presented
8 to the Community Development Commission for review and approval. No deviation from these
9 approved plans and exhibits shall occur without Planning Department approval. Substantial
10 deviations shall require a revision to the Regular Coastal Permit or a new Regular Coastal
11 Permit.

12 18. The applicant, permittee or any successor-in-interest shall defend, indemnify and
13 hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or
14 proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul
15 an approval of the City, concerning Regular Coastal Permit (RC-211-05). The City will
16 promptly notify the applicant of any such claim, action or proceeding against the City and will
17 cooperate fully in the defense. If the City fails to promptly notify the applicant of any such
18 claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not,
19 thereafter, be responsible to defend, indemnify or hold harmless the City.

20 19. The railing located on the roof deck shall have more articulation and the southern
21 property fence/wall shall undulate, and provide columns with caps interspersed with
22 landscaping. The re-designed fence shall be brought back before the Redevelopment Design
23 Review Committee for review and approval.

24 20. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-
25 way and in any adjoining public parkways shall be permanently maintained by the owner, his
26 assigns or any successors in interest in the property. The maintenance program shall include
27 normal care and irrigation of the landscaping; repair and replacement of plant materials;
28 irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking
lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City
taking all appropriate enforcement actions by all acceptable means including but not limited to
citations and/or actual work with costs charged to or recorded against the owner. This condition

1 shall be recorded with the covenant required by this resolution.

2 a) The public parkway located on Windward Way shall be landscaped.

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

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

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

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

19 25. Failure to meet any conditions of approval for this development shall constitute a
20 violation of Regular Coastal Permit (RC-211-05).

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Water Utilities:

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

PASSED AND ADOPTED by the Oceanside Community Development Commission of the City of Oceanside this ___ day of _____ 2006 by the following vote:

AYES:

NAYS:

ABSENT:

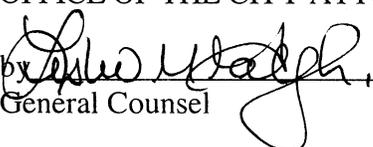
ABSTAIN:

Chairman

ATTEST:

Secretary

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

by  DCA
General Counsel

CITY OF OCEANSIDE
PLANNING DEPARTMENT

NOTICE OF EXEMPTION

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

PROJECT TITLE AND FILE NUMBER:
Takach Residence

PROJECT LOCATION - SPECIFIC:
702 North Cleveland Street

PROJECT LOCATION - GENERAL:
Intersection of Windward Way and N.
Cleveland Street
City of Oceanside

REGULAR COASTAL PERMIT (RC-211-05)

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:

REGULAR COASTAL PERMIT (RC-211-05) for a 1,382 square foot addition to an existing single family residence located at 702 North Cleveland Street.

NAME OF PUBLIC AGENCY APPROVING PROJECT:

City of Oceanside

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

Eric Takach
702 North Cleveland Street
Oceanside, CA 92054
(760) 433-3770

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)

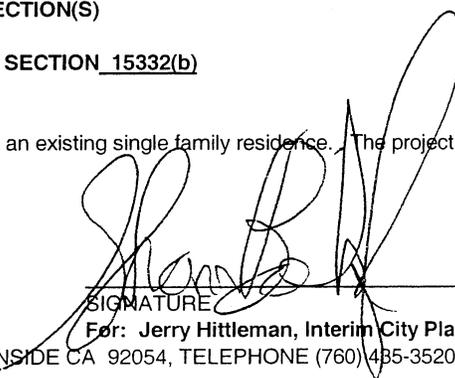
STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

X CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION 15332(b)

REASONS WHY PROJECT IS EXEMPT:

The project proposes a 1,382 square foot addition to an existing single family residence. The project is located on a less than 5-acres site within an urbanized area.

Contact Person: Shan Babick, Associate Planner

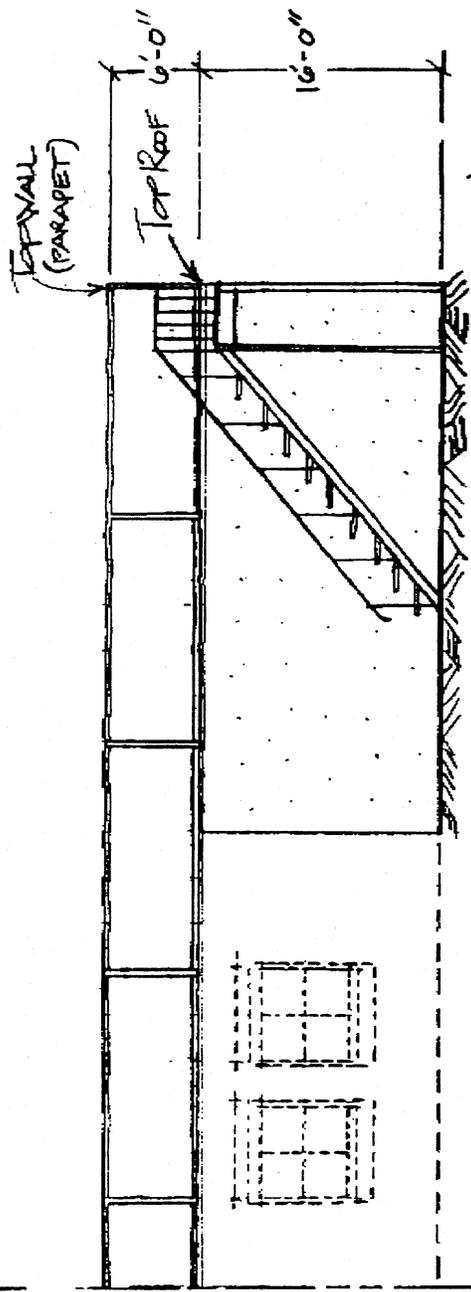

SIGNATURE

July 10, 2006

DATE

For: Jerry Hittleman, Interim City Planning

CITY HALL, 300 NORTH COAST HIGHWAY, OCEANSIDE CA 92054, TELEPHONE (760) 485-3520, FAX (760) 435-3538



STAIRWAY ELEVATION

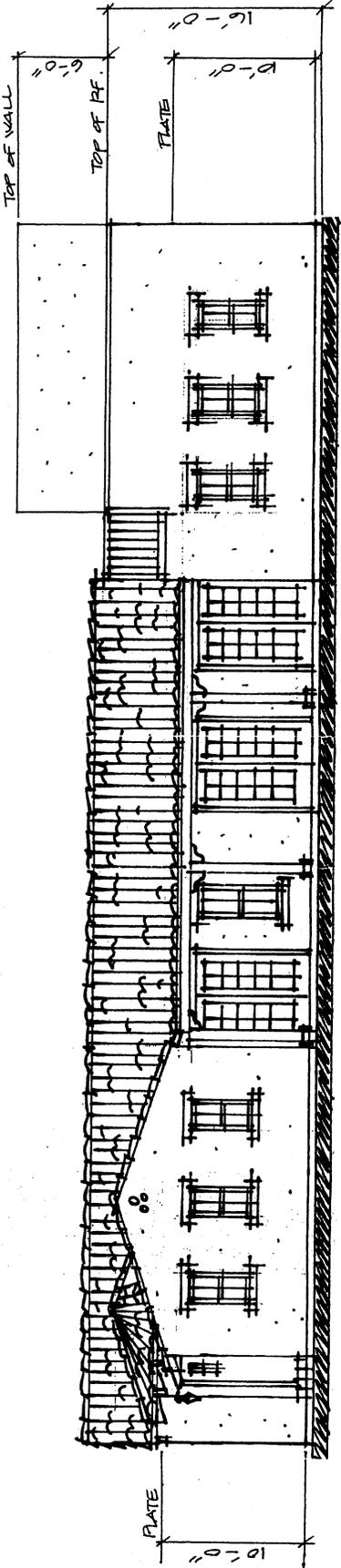


DATE:
03-17-06

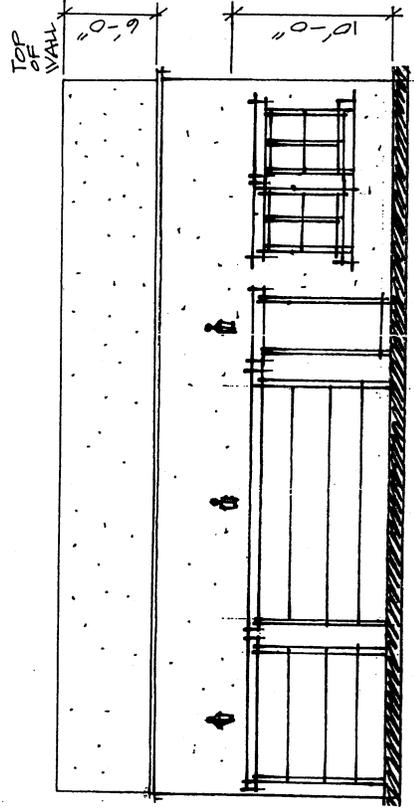
TAKACH RESIDENCE 702 CLEVELAND ST.
CONCEPTUAL ELEVATIONS

SHEET

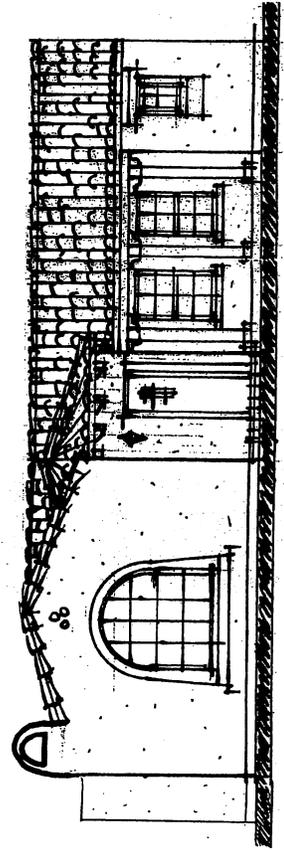
A2



WINDWARD ST. CONCEPTUAL ELEVATION



REAR CONCEPTUAL ELEVATION ALLEY



CLEVELAND ST. CONCEPTUAL ELEVATION



N.T.S.



DATE: 03-17-06

TAKACH RESIDENCE 702 CLEVELAND ST.
CONCEPTUAL FLOOR PLAN

SHEET

A1

ADJACENT PROPERTY

100' PROPERTY LINE

100' PROPERTY LINE

WINDYARD ST.

RECEIVED

MAY 2006

OCEANSIDE REDEVELOPMENT

