



DATE: August 25, 2008

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE PARCEL MAP (P-3-07),
CONDITIONAL USE PERMIT (C-16-07) AND REGULAR COASTAL
PERMIT (RC-8-07) TO SUBDIVIDE A 0.22-ACRE PARCEL INTO FOUR
LOTS AND CONSTRUCT FOUR NEW SINGLE-FAMILY RESIDENCES
AT 420 SOUTH CLEVELAND STREET — BAHAMA GARDEN —
APPLICANT: TIMOTHY EMPEY**

RECOMMENDATION

Staff Recommends that the Planning Commission by motion:

- (1) Approve Tentative Parcel Map (P-3-07), Conditional Use Permit (C-16-07) and Regular Coastal Permit (RC-8-07) and adopt Planning Commission Resolution No. 2008-P49 as attached.
- (2) Confirm issuance of a Class 15 Categorical Exemption for Minor Land Divisions pursuant to Section 15315 of the California Environmental Quality Act.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The subject site is currently vacant and consisted of a 5,590-square foot Auto Body shop that was demolished last year. The grade is relatively flat with a one-foot grade differential between the highest and lowest points.

Surrounding the subject site is an eclectic array of single-family homes and multi-family residential units interspersed throughout the neighborhood, as well as the commercial sign company to the north.

The project site is zoned RH-U (Residential High Density) and the land use designation is UH-D Urban High Density (29-43 units per acre). The project consists of 0.22 acres and is located at 420 South Cleveland Street. The subject site is situated within the Townsite Neighborhood.

Project Description: The project application consists of a Tentative Parcel Map, Conditional Use Permit, and Regular Coastal Permit. Each request is described in detail below:

Tentative Parcel Map: A Tentative Parcel Map (P-3-07) is required in order to subdivide the existing 10,000-square foot site into four parcels, each consisting of two 2,500-square foot lots and construct four single-family dwelling units pursuant to the Oceanside Zoning Ordinance. The applicant’s project includes two similar floor plans designed in a mixture of modern and Townhome designs. The specific floor plan information for the proposed units is summarized below:

Unit	Stories	Floor Area (Sq. Ft.)	No. of Bedrooms	Garage	Total Outdoor Space
A	2	2,329 s.f.	3	391 s.f.	354 s.f.
B	2	2,399 s.f.	3	391 s.f.	368 s.f.

Conditional Use Permit: A Conditional Use Permit (C-16-07) approval is required pursuant to Article 10 (HH) Section of the Zoning Ordinance to permit the Single-Family detached units on a minimum of 2,500-square foot lots within the Urban High Density Residential Districts when determined to be compatible with existing and future land uses and subject to the following development standards.

Regular Coastal Permit: A Regular Coastal Permit (RC-8-07) is required because the project is situated within the Coastal Zone. The Regular Coastal Permit will permit development of four new single-family row homes consisting of no more than 2,500 square feet of living space in each home. The four row homes will be two stories with an interior loft above the second floor, a roof top deck and shall consist of three (3) bedrooms and three and half (3 ½) baths as well as an approximate 391-square foot two-car garage.

This project is subject to the following Ordinances, Codes and Regulations:

1. The General Plan of the City of Oceanside
2. The Zoning Ordinance
3. The California Environmental Quality Act
4. The Subdivision Ordinance
5. Local Coastal Program

ANALYSIS

KEY PLANNING ISSUES

General Plan conformance

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

A. Land Use Element

Goal 1.22: Landscaping

Objective: The enhancement of community and neighborhood identity through landscaping requirements that frame and soften the built environment consistent with water and energy conservation.

Policy: C. Drought tolerant materials, including native California plant species, shall be encouraged as a landscape type.

The proposed project's landscaping theme will utilize a combination of low massing shrub and trees that will enhance the property as well as the neighborhood. The proposed landscaping as specified on the landscape plans will consist of drought tolerant plant palettes incorporated into the Mediterranean theme. The drought tolerant plant palette incorporated in the development will consist of Jacaranda trees, 25-gallon date palms, Indian hawthorn, pittosporum, Spanish lavender, New Zealand flax, day lilies, and various types of ground cover.

Goal 1.23: Architecture

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

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

The proposed single-family detached row homes are designed with a combination of modern design elements and a Mediterranean theme. The rear elevation consists of decorative wall coverings and custom garage doors that will enhance the visual appearance of the alley. The physical appearance of the units from Cleveland Street will compliment and enhance the eclectic architecture of the neighborhood. These design and material types consist of decorative wall coverings, glass railing, stone veneer along the front elevations, oversized divided metal windows, custom style doors, colored stucco wall treatments, and incorporation of flat arced roof elements.

Zoning Compliance

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

	MINIMUM REQUIRED/ MAXIMUM PERMISSIBLE	PROPOSED
LOT SIZE	2,500 sq. ft.	2,500 sq. ft.
LOT WIDTH	25 feet	25 feet
SETBACKS		
Front	10 feet	10 feet
Side	3 feet	3 feet (min)
Rear	5 feet	5 feet (min)
PARKING	2-car garage 20' x 19'	2-car garage* 21.1' x 19'
BUILDING HEIGHT	27 feet (max)	27 feet (Living Space) 30.5 feet Non-Habitable

The building height with the proposed stairway root access will be limited to a height of 30.5 feet as allowed by the Zoning Ordinance. The maximum building height will not exceed 27 feet as per the applicable requirements of the OZO.

Land Use Compatibility with surrounding developments

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

The proposed land use as High Density residential has been determined by staff to be consistent with the General Plan and Zoning Ordinance designations as urban high-density residential.

Local Coastal Program compliance

The proposed project is within a non-appealable portion of the Coastal Zone, and complies with the zoning code and Coastal Zone requirements.

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

The proposed row home design complies with the maximum height limit of 27 feet, with the exception of a stairway and elevator equipment that are above the second story and reach a maximum height of 30'-5". These improvements are allowed under the height restriction section of the Zoning Code. The property exists at an elevation that will not restrict views subject from the adjacent properties.

ENVIRONMENTAL DETERMINATION

The proposed development is exempt for environmental review as a Class 15, Categorical Exemption per Section 15315 of the California Environmental Quality Act (CEQA) and is not subject to any further CEQA review procedures.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals/organizations requesting notification, applicant and their representative, and interested parties. As of August 25, 2008, no communication supporting or opposing the request has been received.

SUMMARY

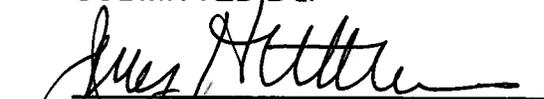
In reviewing the proposed project staff finds that the proposed project is consistent with development criteria of the Zoning Ordinance and the applicable land use policies of the General Plan. Therefore, staff recommends approval of the project. The Commission's action should be:

- Move to approve Tentative Parcel Map (P-3-07), Conditional Use Permit (C-16-07) and Regular Costal Permit (RC-8-07) and deferment of underground utilities and adopt Planning Commission Resolution No. 2008-P49 as attached.

PREPARED BY:


Scott Nightingale
Planner II

SUBMITTED BY:


Jerry Hittleman
City Planner

JH/SN/fil

Attachments:

1. Floor Plans/Elevations/Site Plan
2. Planning Commission Resolution No. 2008-P49

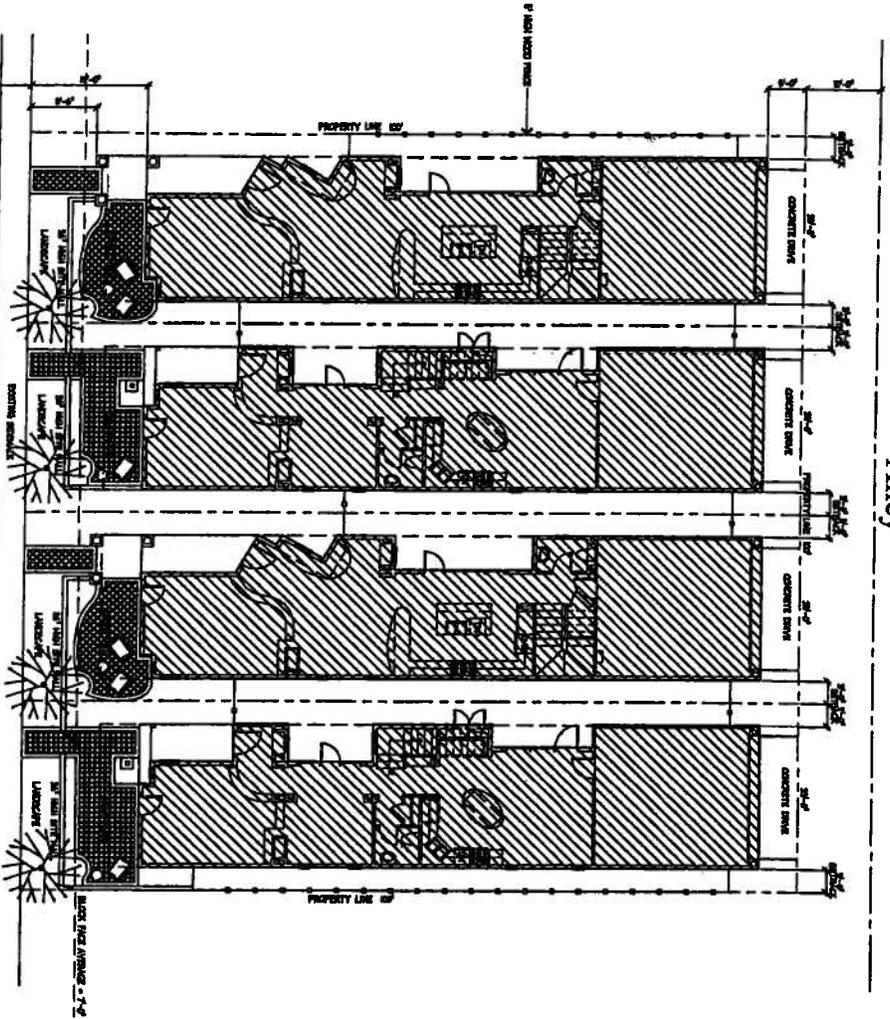


SITE PLAN

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

Cleveland Street

Alley



PROJECT ADDRESS:

420 CLEVELAND STREET
 LEGAL DESCRIPTION:
 TRACT 21 - GREEN ACRES - BLOCK 88

ASSESSOR PARCEL #:

LOT SIZE:
 3,000 SQ. FT.

BUILDING SQUARE FOOTAGE

UNIT #	TYPE	AREA
1	RESIDENTIAL	1,000 SQ. FT.
2	RESIDENTIAL	1,000 SQ. FT.
3	RESIDENTIAL	1,000 SQ. FT.
4	RESIDENTIAL	1,000 SQ. FT.
TOTAL		4,000 SQ. FT.

PROPOSED BUILDING DATA

- UNIT A:
 - TYPE: RESIDENTIAL
 - AREA: 1,000 SQ. FT.
 - CONSTRUCTION: CONCRETE
- UNIT B:
 - TYPE: RESIDENTIAL
 - AREA: 1,000 SQ. FT.
 - CONSTRUCTION: CONCRETE
- UNIT C:
 - TYPE: RESIDENTIAL
 - AREA: 1,000 SQ. FT.
 - CONSTRUCTION: CONCRETE
- UNIT D:
 - TYPE: RESIDENTIAL
 - AREA: 1,000 SQ. FT.
 - CONSTRUCTION: CONCRETE

OCCUPANCY:

RESIDENTIAL - SINGLE-FAMILY
 OCCUPANCY - 1-1

ZONING DATA

ZONE: R-1
 LOT AREA: 3,000 SQ. FT. (MIN. 2,000 SQ. FT. REQUIRED)
 HEIGHT: 35'-0" (MAX. 35'-0" ALLOWED)
 SETBACKS: 5'-0" (FRONT), 5'-0" (SIDE), 5'-0" (REAR)

CONSTRUCTION TYPE:

TYPE: CONCRETE
 FOUNDATION: CONCRETE
 ROOF: ASPH/FLT
 EXTERIOR FINISH: BRICK

RECEIVED
 NOV 07 2007
 Planning Department



COMPOSITION
 1001 W. 10TH STREET
 CARLSBAD, CALIFORNIA 92008
 TEL: 760.434.3333
 FAX: 760.434.3300
 WWW.COMPOSITIONARCHITECTS.COM

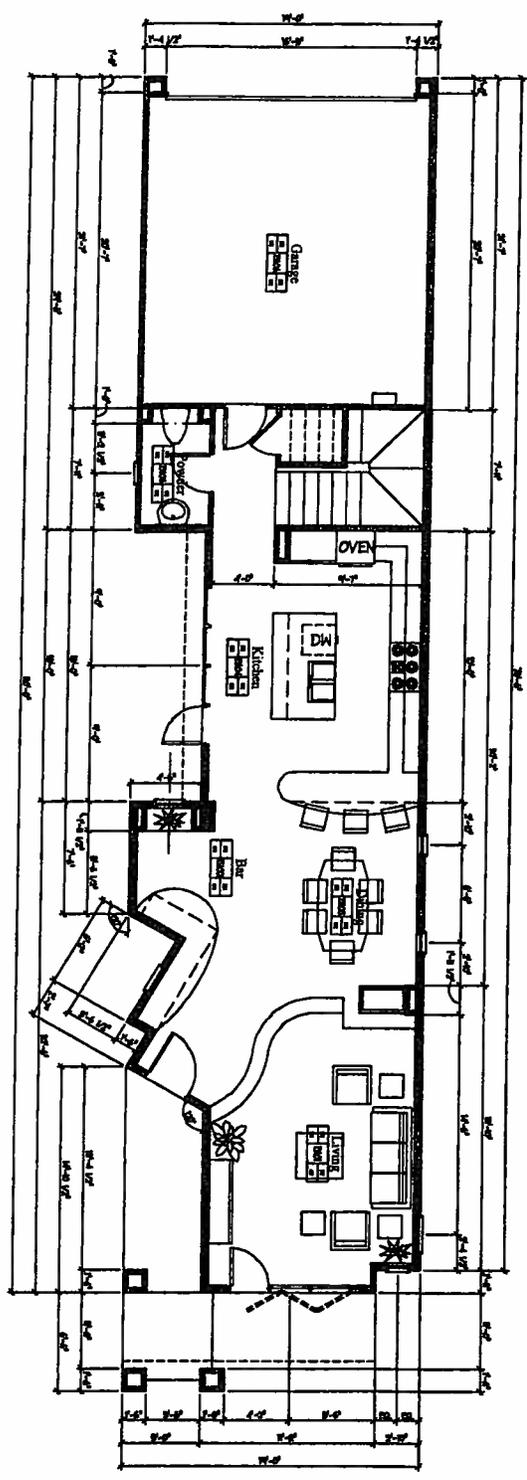
project data
 Proposed Addition and Remodel for:
Bahama Garden
 420 Cleveland
 Carlsbad, CA 92008

Revisions	Description	Date
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5		

A-1.01
 Project Number
 Date
 Author
 Checker
 Designer
 Title

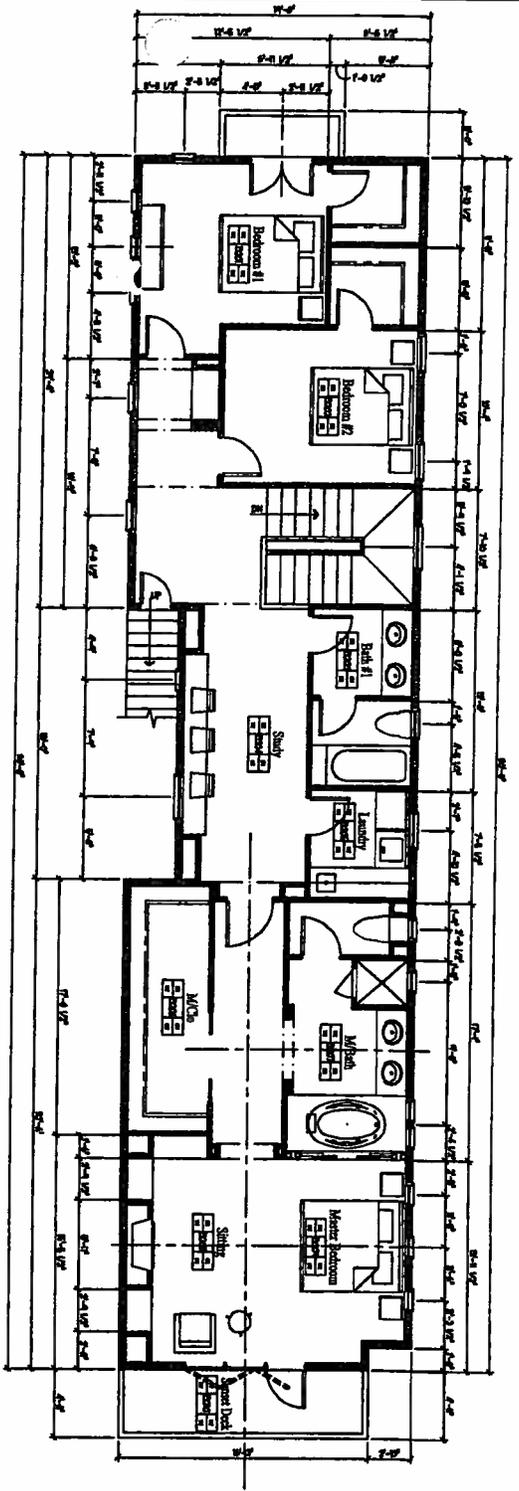
NORTH
PLAN 'B'
FIRST FLOOR PLAN

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



PLAN 'B'
SECOND FLOOR PLAN

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

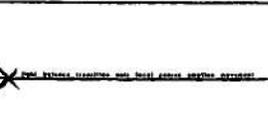


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Composition

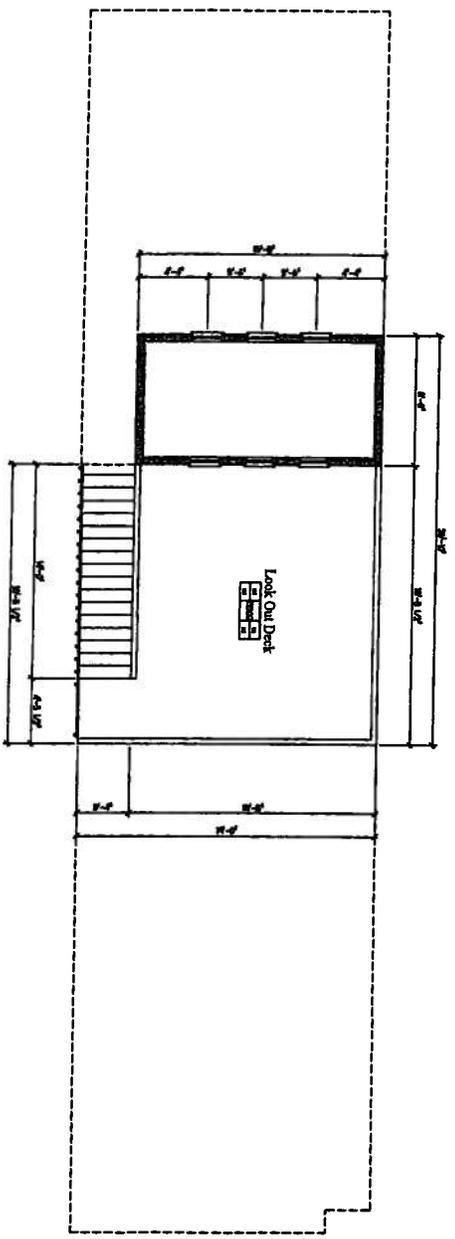
7000 PINEWOOD CHURCH
 CLEVELAND, OHIO 44130
 PH. 281.463.8222
 FAX. 281.463.2000



project data
 Proposed Addition and Remodel for:
Bahama Garden
 420 Cleveland

Revisions	Description	Date
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NORTH
PLAN 'B'
LOFT FLOOR PLAN



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

Compositum

3097/200609 CIRCLE
 CARPIS CLIFTON, CA
 PH. 708.685.8222
 FAX. 708.681.5068



project data
 Proposed Addition and Remodel for:
Bahama Garden
 420 Cleveland
 Oceanside, CA 92054

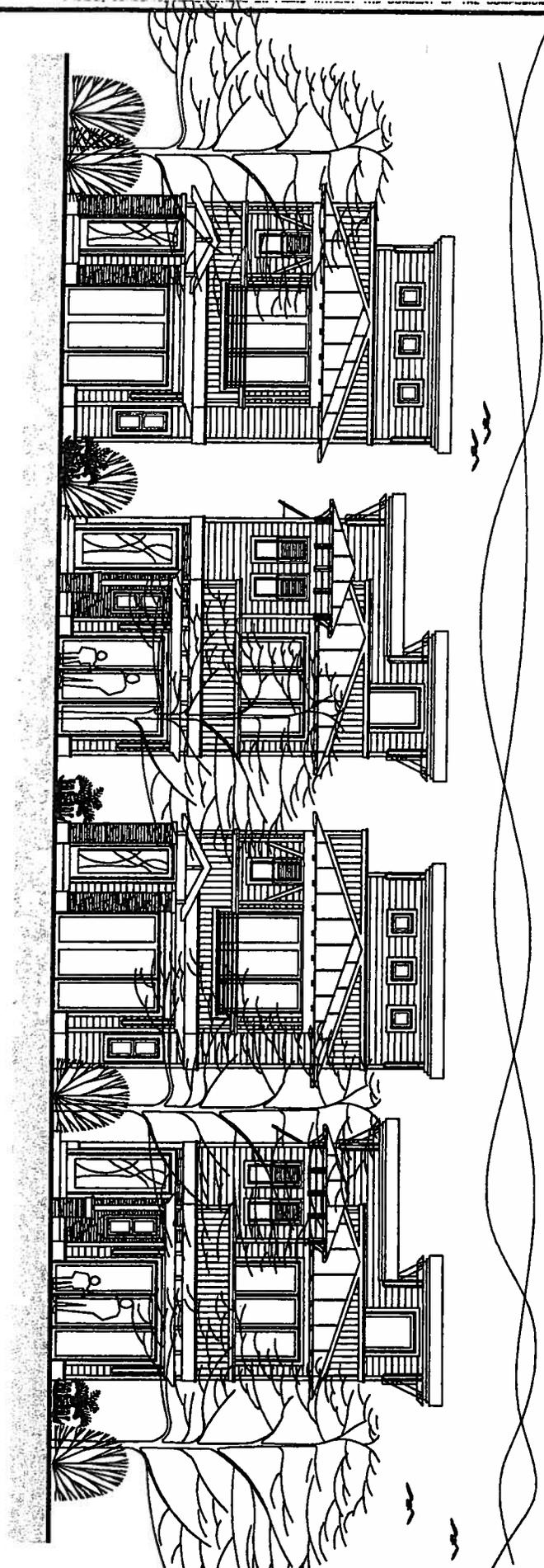
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 5. All dimensions are to the center of the member unless otherwise noted.

A-2.04

Author: J/Arch 11/10
 Date: 11/10
 Check by: J/Arch
 Date: 01/11
 Job No: 0101
 Job Name: Bahama Garden
 Client: Smpy - Clark
 Project: Plan 'B'

Cleveland Elevation



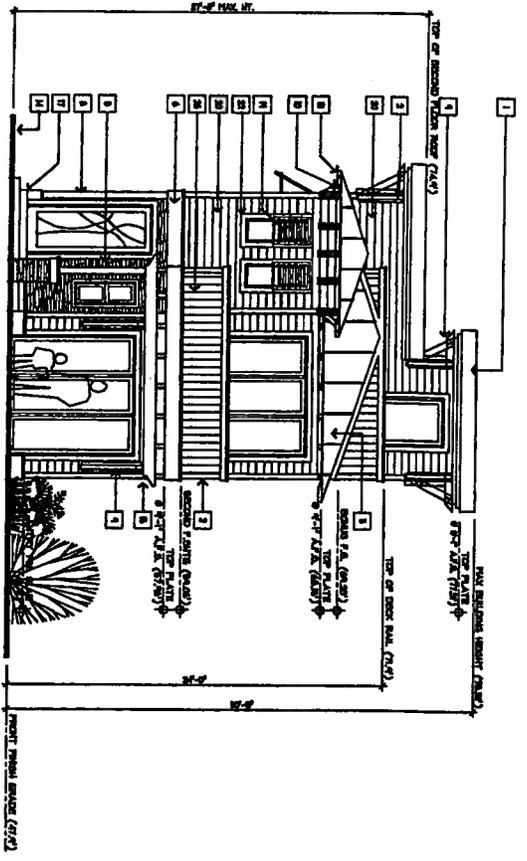
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Bahama Garden
 420 Cleveland
 Coppell, TX 75019

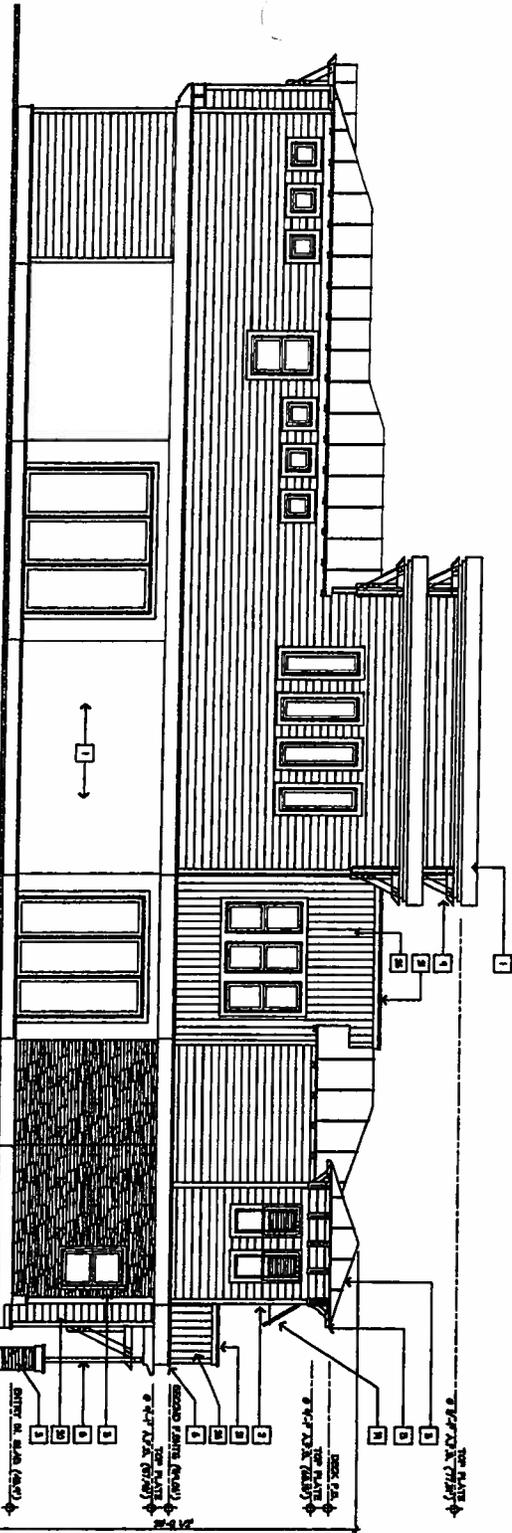
Composition
 7001 JEFFERSON CIRCLE
 CLEWIS, TEXAS 75019
 PH. 940.862.2322
 FAX. 940.862.2888
 www.compositioninteriors.com

Project Info	
Architect	JA
Client/Arch	JA
Date	08/01
Scale	1/8" = 1'-0"
Job Number	
Design - Civil	

A-3.01
 Total Number
 Pages: 11 of 11



West Elevation



North Elevation

PLAN 'A'
EXTERIOR ELEVATIONS

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

ELEVATION KEYNOTES

1. THE GENERAL PLANNING AND DESIGN SHALL BE THE RESPONSIBILITY OF THE ARCHITECT.
2. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
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ELEVATION KEYNOTES

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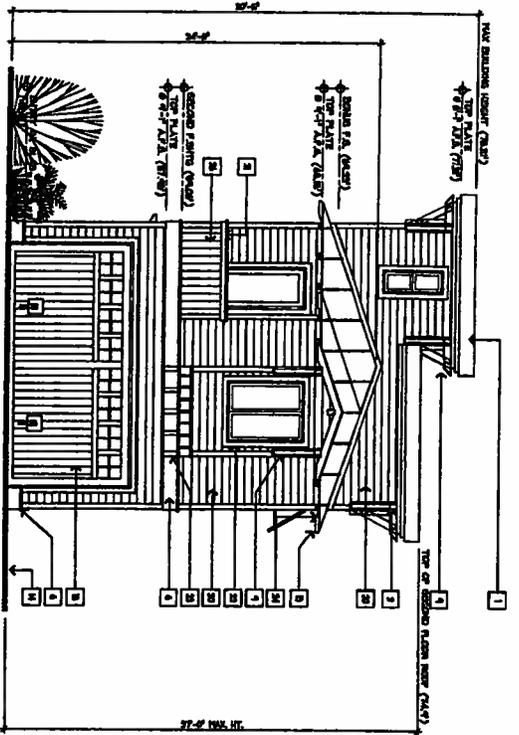
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project data
Proposed Addition and Remodel for:
Bahama Garden
420 Cleveland
Cambridge, CA 92054

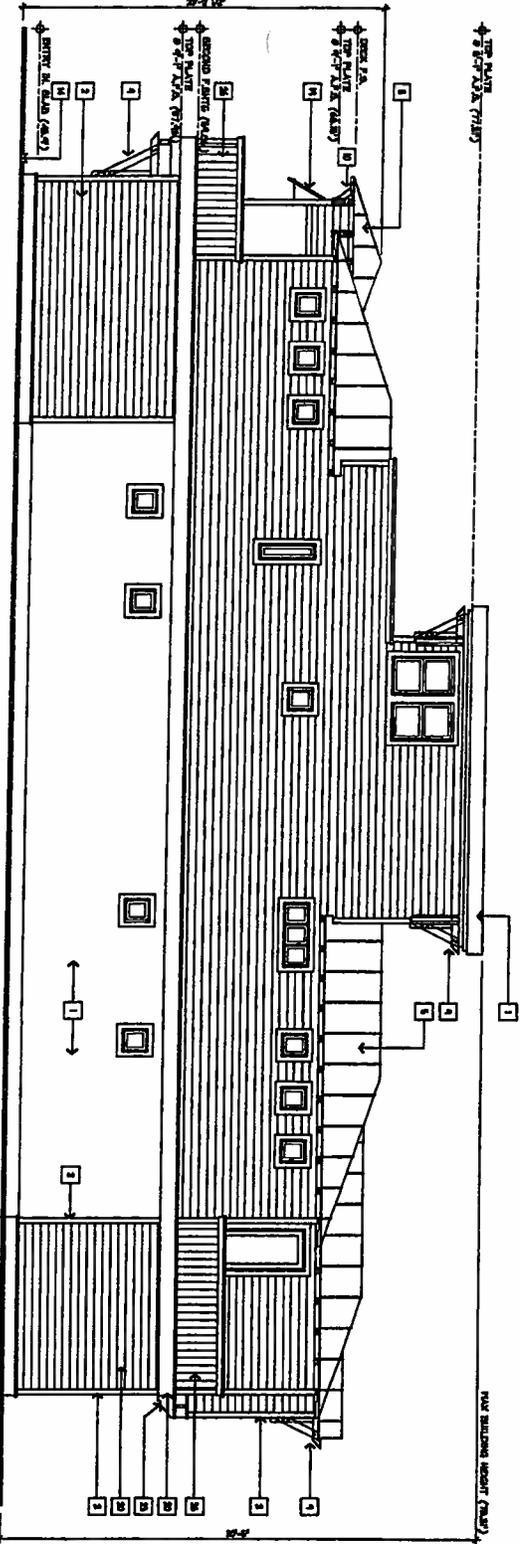


7000 UNIVERSITY CIRCLE
CARLSBAD CALIFORNIA 92008
TEL: 760.439.3333

A-3.02
Plan 'A'
Exterior Elevations



East Elevation



South Elevation

PLAN 'A'
EXTERIOR ELEVATIONS

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

ELEVATION KEYNOTES

1. THE CENTER PLASTER OVER SPAN RIBBED LATH, LEAD GLAZED WOOD ALL...
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ELEVATION KEYNOTES

1. 1/2" RIGID INSULATION, CLAY ALL SIDES AND Joints
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project data
Proposed Addition and Remodel for:
Bahama Garden
420 Cleveland

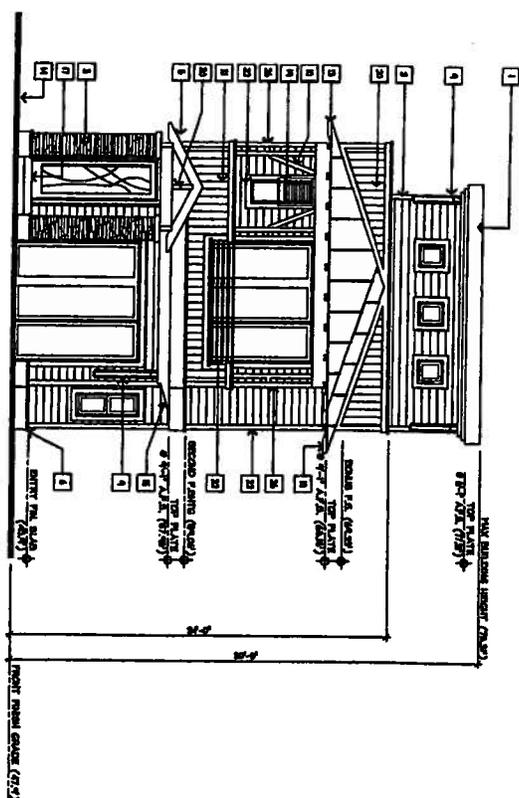


Composition
7661 78TH AVE. SUITE 100
CARLSBAD, CALIFORNIA 92008
PH. 760.945.8322
FAX. 760.945.5980

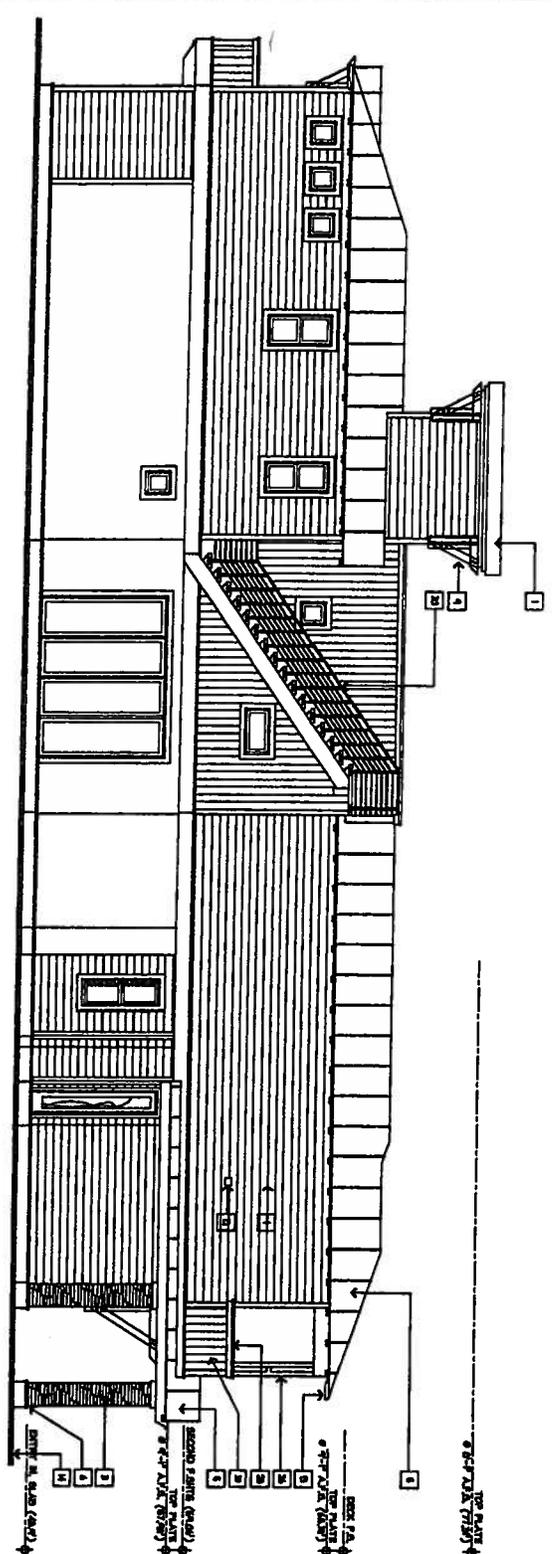
A-3.0

Project Number
Form X

Author
Checked
Designed
Drawn
Date
Scale
Job Number
Client
Project Name



West Elevation



North Elevation

PLAN 'B'
EXTERIOR ELEVATIONS

SCALE 1/4" = 1'-0"

ELEVATION KEYNOTES

1. THE GENERAL PLASTER AND FINISH SHOULD MATCH TO MATCH EXISTING.
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ELEVATION KEYNOTES

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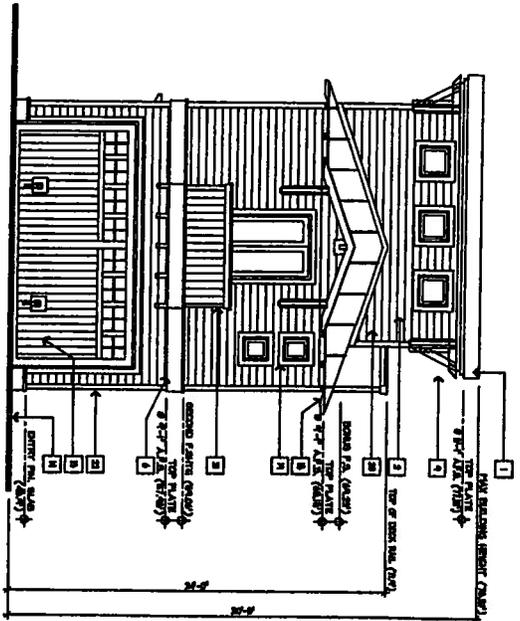
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project data
Proposed Addition and Remodel for:
Bahama Garden
420 Cleveland
Columbus, GA 31904

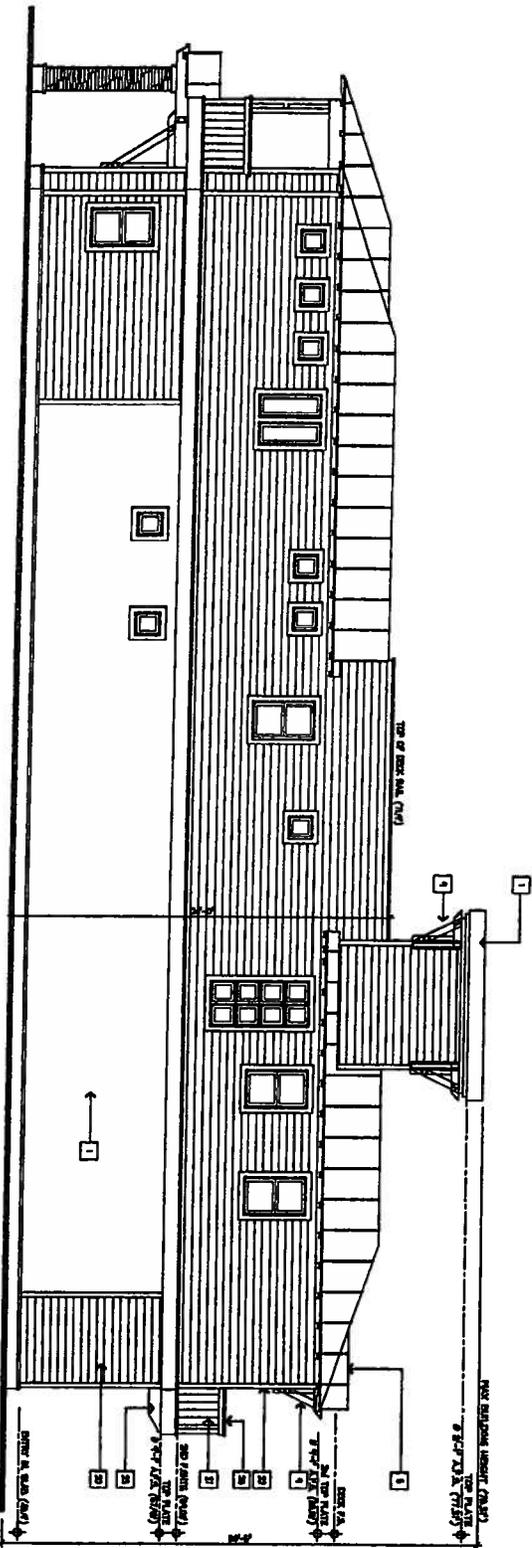


Field	Value
Author	JMA
Checked by	JMA
Date	08/11/11
Scale	1/4" = 1'-0"
Sheet	A-3.02
Project	Bahama Garden
Client	Compass

A-3.02



East Elevation



South Elevation

PLAN 'B'
EXTERIOR ELEVATIONS

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

ELEVATION KEYNOTES

1. KEY ELEVATION PLACEMENT FROM NORTH SANGRO LINES TO NORTH SIDEWALK.
2. VIEW FROM SOUTH SIDE OF ALL SIGHT LINES.
3. KEYNOTES FROM EXTERIOR VIEWS OF SIDE.
4. ALL VERTICAL DIMENSIONS MEASURED FROM FINISH FLOOR LEVEL.
5. ALL HORIZONTAL DIMENSIONS MEASURED FROM FINISH FLOOR LEVEL.
6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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ELEVATION KEYNOTES

1. KEY TO ROAD VIEW. ALL DIMENSIONS MEASURED FROM TO CENTERLINE.
2. DIMENSIONS TO FACE UNLESS OTHERWISE NOTED.
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Revision	Description	Date
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4		
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project data
Proposed Addition and Remodel for:
Bahama Garden
420 Cleveland



Composition
7000 WESTBANK CIRCLE
CARLSBAD CALIFORNIA 92008
PH. 760.939.2322
FAX. 760.939.2888

A-3.01

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PLANNING COMMISSION
RESOLUTION NO. 2008-P49

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A TENTATIVE PARCEL MAP, CONDITIONAL USE PERMIT, AND REGULAR COASTAL PERMIT ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: P-3-07, C-16-07 and RC-8-07
APPLICANT: Timothy Empey
LOCATION: 420 S. Cleveland St.

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

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

four-lot single-family subdivision;
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on 25th day of August, 2008, conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt per Article 15 from environmental review;

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

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

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<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$2,072 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
Thoroughfare Fee	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically \$4,395 per unit.
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Residential is typically \$6,035 per unit.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit.
Inclusionary housing in lieu fees—Residential only.	Chapter 14-C of the City Code.	\$1,000 per development project + \$100 per unit plus \$10,275 per unit.

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

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

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

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

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

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

15 FINDINGS:

16 For the Tentative Parcel Map:

- 17 1. The proposed subdivision creates parcels that are consistent with the requirements of the
18 RH-U zoning designation. The subdivision map is consistent with the General Plan of
19 the City.
- 20 2. The proposed building pads on the site will conform to the topography of the site,
21 therefore, making it suitable for residential development. The .22-acre site is physically
22 suitable to allow for the development of four residential lots.
- 23 3. The subdivision map is consistent with the General Plan of the City, including Sections
24 2.02 *Residential subdivision* and 2.35 *Dwelling Unit/Land Use Consistency Through*
25 *Density Reduction*. The site is physically suitable for the proposed density of
26 development, which are nine dwelling units on a 10,000-square foot lot. The proposed
27 density range of 4.8 to 9.8 dwelling per gross acre is below the base density of the UHD-
28 R designation and within the density range of the next lower residential density. The
29 density is consistent with the Multiple Unit Structures (MUS) as determined by the
"Residential Unit Type/Residential Land Use Designation Consistency Matrix."

- 1 4. The design of the subdivision or proposed improvements will not conflict with
2 easements or alleys, acquired by the public at large, for access through the use of
3 property within the subdivision, because the proposed homes are all self sufficient in
4 means of access through Cleveland Street and the alley at the rear.
- 5 5. That the design of the subdivision or the proposed improvements will not cause
6 substantial environment damage with the proposed mitigation or substantially and
7 avoidably injure fish or wildlife or their habitat.
- 8 6. The project site can be adequately served by existing public facilities, services and
9 utilities in the area and the neighborhood.
- 10 7. The project, as proposed, is compatible with the existing and potential development on
11 adjoining properties or in the surrounding neighborhood. Many row home and
12 developments are located along Cleveland Street and Multi-Family developments mirror
13 the physical design of these homes.
- 14 8. The site plan and parameters for the architecture and physical design of the project is
15 consistent with the policies contained within Sections 1.24 and 1.25 of the Land Use
16 Element of the General Plan.

17 For the Conditional Use Permit to allow for the 2,500-square foot lot Development:

- 18 1. The proposed 2,500-square foot lot development located within the Urban High Density
19 Residential Zone meets the development requirements of the RH-U zone and the
20 Zoning Ordinance. The proposed project is in accord with the objectives of the Zoning
21 Ordinance and purposes of the district in which it is located.
- 22 2. The location and conditions under which the subject application must comply insure
23 that the project will not cause detriment to the public health safety or welfare of persons
24 residing or working in or adjacent to the project area.
- 25 3. The project has been adequately conditioned or designed to comply with applicable
26 requirements of the Zoning Ordinance and the Local Costal Program, in terms of
27 development standards, and neighborhood design consistency.
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29

1 For the Regular Coastal Permit:

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

7 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
8 approve Tentative Parcel Map (P-3-07), Conditional Use Permit (C-16-07) and Regular Coastal
9 Permit (RC-8-07) subject to the following conditions:

10 Building:

- 11 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
12 Building Division plan check. (Currently the 2007 California Building Code, and 2007
13 California Electrical Code).
- 14 2. The granting of approval under this action shall in no way relieve the applicant/project
15 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 licensed
17 architect or engineer and must be in compliance with this requirement prior to submittal
18 for building plan review.
- 19 4. All electrical, communication, CATV, etc. service lines within the exterior lines of the
20 property shall be underground (City Code Sec. 6.30).
- 21 5. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution
22 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or
23 other such lights may be utilized and shall be shown on building and electrical plans.
- 24 6. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
25 plans.
- 26 7. A Building (Demo) Permit will be required for the demolition of any existing structures.
27 Plans for the Demolition Permit must clearly show that all utilities (electric, gas, water,
28 & sewer) are properly terminated/capped in accordance with the requirements of the
29 utility service provider. All/any underground septic or water storage tanks must be

1 removed or filled in accordance with the Uniform Plumbing Code and/or the City's
2 Grading Ordinance.

3 8. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
4 will be required at time of plans submittal to the Building Division for plan check.

5 9. Separate/unique addresses will/may be required to facilitate utility releases. Verification
6 that the addresses have been properly assigned by the City's Planning Division must
7 accompany the Building Permit application.

8 10. Separate/unique addresses will be required to facilitate utility releases.

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

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

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

Engineering:

25 12. For the demolition of any existing structures or surface improvements, grading plans
26 shall be submitted and erosion control plans be approved by the City Engineer prior to
27 the issuance of a demolition permit. No demolition shall be permitted without an
28 approved erosion control plan.

- 1 13. Vehicular access rights to Cleveland Street shall be relinquished by the property owner
2 to the City.
- 3 14. All right-of-way alignments, street dedications, exact geometrics and widths shall be
4 dedicated and improved as required by the City Engineer.
- 5 15. Design and construction of all improvements shall be in accordance with standard plans,
6 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 7 16. Prior to issuance of a building permit, unless already fully covered by an appropriately
8 binding subdivision agreement, all improvement requirements shall be covered by a
9 development agreement and secured with sufficient improvement securities or bonds
10 guaranteeing performance and payment for labor and materials, setting of monuments,
11 and warranty against defective materials and workmanship.
- 12 17. Legal access shall be provided to the alley prior to the filing of the final parcel map.
- 13 18. The developer shall offer irrevocable public street dedication ("I.O.D.") along the
14 property's southwesterly boundary on Cleveland Street as required. The dedication shall
15 bring the half right-of-way width (measured from the right-of-way centerline of the road)
16 to 30 feet on the developer's side of the road.
- 17 19. Prior to approval of the final parcel map, all improvement requirements, shall be covered
18 by a subdivision agreement and secured with sufficient improvement securities or bonds
19 guaranteeing performance and payment for labor and materials, setting of monuments, and
20 warranty against defective materials and workmanship.
- 21 20. Prior to approval of the final parcel map, a phasing plan for the construction of public and
22 private improvements including landscaping and streets shall be approved by the City
23 Engineer. All improvements shall be under construction to the satisfaction of the City
24 Engineer prior to the issuance of any building permits. All improvements shall be fully
25 completed prior to issuance of any certificates of occupancy.
- 26 21. The subdivision shall be recorded as one. The subdivision may be developed in phases. A
27 construction-phasing plan for the construction of on-site public and private improvements
28 shall be reviewed and approved by the City Engineer prior to the recordation of the final
29 parcel map. Prior to the issuance of any building permits all offsite improvements
including landscaping and street improvements shall be under construction to the

1 satisfaction of the City Engineer. Prior to issuance of any certificates of occupancy the
2 City Engineer shall require the dedication and construction of necessary utilities, and
3 streets and other improvements outside the area of any particular final parcel map, if such
4 is needed for circulation, parking, access or for the welfare or safety of future occupants of
5 the development.

6 22. The subdivider shall provide the City of Oceanside with a certification from each public
7 utility and each public entity owning easements within the proposed project stating that:
8 (a) they have received from the developer a copy of the proposed map; (b) they object or
9 do not object to the filing of the map without their signature; (c) in case of a street
10 dedication affected by their existing easement, they will sign a "subordination
11 certificate" or "joint-use certificate" on the map when required by the governing body.
12 In addition, the subdivider shall furnish proof to the satisfaction of the City Engineer that
13 no new encumbrances have been created that would subordinate the City's interest over
14 areas to be dedicated for public road purposes since submittal of the project.

15 23. Prior to the issuance of any permits for models, a construction-phasing plan for the entire
16 project shall be reviewed and approved by the City Planner, City Engineer, and Chief
17 Building Official. All improvements shall be under construction to the satisfaction of the
18 City Engineer prior to the issuance of any building permits. All public and private
19 improvements including landscaping and offsite streets that are found to be required to
20 serve the model complex shall be completed prior to the issuance of any certificates of
21 occupancy.

22 24. Where off-site public or private improvements, including but not limited to streets, slopes,
23 utility facilities, and drainage facilities, or on-site public facilities are to be constructed
24 and/or maintained, the developer shall, at his own expense, obtain all necessary easements
25 or other interests in real property and, in case of public facilities, shall dedicate the same to
26 the City of Oceanside or to the appropriate utility company as required. The developer
27 shall provide documentary proof satisfactory to the City of Oceanside that such easements
28 or other interest in real property have been obtained prior to the approval of the final parcel
29 map or issuance of appropriate grading, building or improvement permit for the
development. Additionally, the City of Oceanside, may at its sole discretion, require that

1 the developer obtain at his sole expense a title policy insuring the necessary title for the
2 easement or other interest in real property to have vested with the City of Oceanside or the
3 developer, as applicable.

4 25. Pursuant to the State Map Act, improvements shall be required at the time of development.
5 A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to
6 these improvement conditions and a certificate setting forth the recordation shall be placed
7 on the final parcel map.

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

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

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

1 increment is submitted for final parcel map or building permit approval, and to join,
2 contribute, and/or participate in such districts.

3 29. Cleveland Street, along the southwesterly boundary of the subject property shall be
4 improved with portland cement concrete curb and gutter with appropriate off-site
5 transitions to match existing improvements.

6 30. The subdivider shall provide a minimum of 10 feet parkway between the face of curb and
7 the right-of-way line along the subdivision's southwesterly boundary at the northeasterly
8 right-of-way line of Cleveland Street. All improvements, structures, including retaining
9 wall(s), and the landscaping of the unpaved portion of the parkway shall be maintained by
10 the owner of the subject property or by a Home Owners' Association in perpetuity.

11 31. Sight distance and clear space easement requirements at vehicular access points shall
12 conform to appropriate sight distance criteria for each direction of traffic. The project's
13 civil engineer shall submit an appropriate "Sight Distance Letter" to the City Engineer
14 certifying compliance with this requirement.

15 32. Streetlights shall be maintained and installed on all public streets along the project's
16 frontage per City Standards. The system shall provide uniform lighting, and be secured
17 prior to occupancy. The developer shall pay all applicable fees, energy charges, and/or
18 assessments associated with City-owned (LS-2 rate schedule) streetlights and shall also
19 agree to the formulation of, or the annexation to, any appropriate street lighting district.

20 33. The alignments and all geometrics for streets, alleys, and driveways shall meet the City's
21 applicable standards, unless alignment or geometric deviations are otherwise specifically
22 approved by satisfying sight distance and fire truck turning movement requirements
23 approved with the tentative parcel map and development plan.

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

28 35. Prior to approval of the grading plans, the developer shall contract with a geotechnical
29 engineer to perform a field investigation of the existing pavement on all streets adjacent
to the project boundary. The limits of the study shall be half-street (including median, if

1 any) plus 12 feet along the project's frontage. If required, the field investigation shall be
2 performed according to a specific boring plan prepared by a licensed Geotechnical
3 Engineer and approved by the City Engineer. In the absence of such approved boring
4 plan, the field investigation shall include a minimum of one pavement boring per every
5 one 100 linear feet of street frontage. Should the existing structural section be
6 determined to be less than the current minimum standard for AC and Class II Base as set
7 forth in the table for City of Oceanside Pavement Design Guidelines in the City of
8 Oceanside Engineers Manual, the developer shall remove and reconstruct the pavement
9 section as determined by the pavement analysis submittal process detailed below.

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

19 37. All proposed and/or required street improvements shall be completed to the satisfaction of
20 the City Engineer.

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

23 39. Full width alley improvements, including the installation of a longitudinal concrete alley
24 gutter shall be constructed in accordance with the standard plans and specifications of the
25 City of Oceanside and as approved by the City Engineer.

26 40. All existing overhead utility lines within the subdivision and within the full width street,
27 alley or right-of-way abutting the new subdivision, and all new extension services for the
28 development of the project, including but not limited to, electrical, cable and telephone,
29 shall be placed underground per Section 901.G. of the Subdivision Ordinance (R91-166)
and as required by the City Engineer and current City policy.

- 1 41. The developer shall comply with all the provisions of the City's cable television ordinances
2 including those relating to notification as required by the City Engineer.
- 3 42. Grading and drainage facilities shall be designed and installed to adequately accommodate
4 the local stormwater runoff and shall be in accordance with the City's Engineers Manual
5 and as directed by the City Engineer.
- 6 43. The developer shall obtain any necessary permits and clearances from all public agencies
7 having jurisdiction over the project due to its type, size, or location, including but not
8 limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U.
9 S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
10 (including NPDES), San Diego County Health Department, prior to the issuance of grading
11 permits.
- 12 44. The approval of the tentative parcel map shall not mean that proposed grading or
13 improvements on adjacent properties (including any City properties/right-of-way or
14 easements) is granted or guaranteed to the developer. The developer is responsible for
15 obtaining permission to grade or to construct on adjacent properties. Should such
16 permission be denied, the resulting changes to the Tentative Parcel Map shall be subject to
17 a Substantial Conformity review. Changes not meeting substantial conformity
18 requirements shall be submitted for appropriate public hearing action.
- 19 45. Prior to any grading of any part of the subdivision/development, a comprehensive soils and
20 geologic investigation shall be conducted of the soils, slopes, and formations in the project.
21 All necessary measures shall be taken and implemented to assure slope stability, erosion
22 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
23 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by
24 the City Engineer.
- 25 46. The extent and location of the proposed grading including "overexcavation", if any,
26 should be clearly depicted on a grading plan. The consultant shall provide
27 recommendations and the means for temporary excavations for removals during
28 construction and the sequence of construction. Appropriate cross sections depicting the
29 location of adjacent structures and public ways where the excavations would remove the
lateral support shall be part of the excavation plans.

- 1 47. It is the responsibility of the owner/developer of the subject property to evaluate and
2 determine that all soil imported as part of this development is free of hazardous and/or
3 contaminated material as defined by the City and the County of San Diego Department
4 of Environmental Health. Exported or imported soils shall be properly screened, tested,
5 and documented regarding hazardous contamination.
- 6 48. This project shall provide year-round erosion control including measures for the site
7 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
8 control plan, designed for all proposed stages of construction, shall be reviewed, secured
9 by the developer with cash securities and approved by the City Engineer.
- 10 49. Precise grading and private improvement plans shall be prepared, reviewed, secured and
11 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
12 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage,
13 footprints of all structures, walls, drainage devices and utility services.
- 14 50. Landscaping plans, including plans for the construction of walls, fences or other structures
15 at or near intersections or project entrances, must conform to intersection sight distance
16 requirements.
- 17 51. Landscape and irrigation plans must be submitted to the City Engineer prior to the
18 issuance of a preliminary/rough grading permit and approved by the City Engineer prior to
19 the issuance of occupancy permits. Frontage landscaping shall be installed prior to the
20 issuance of any certificates of occupancy. Any project fences, sound or privacy walls and
21 monument entry walls/signs shall be shown on, bonded for and built from the landscape
22 plans. These features shall also be shown on the precise grading plans for purposes of
23 location only. Plantable, segmental walls shall be designed, reviewed and constructed by
24 the grading plans and landscaped/irrigated through project landscape plans. All plans must
25 be approved by the City Engineer and a pre-construction meeting held, prior to the start of
any improvements.
- 26 52. The drainage design on the tentative parcel map is conceptual only. The final design shall
27 be based upon a hydrologic/hydraulic study to be approved by the City Engineer during
28 final engineering. All drainage picked up in an underground system shall remain
29 underground until it is discharged into an approved channel, or as otherwise approved by

1 the City Engineer. All public storm drains shall be shown on City standard plan and
2 profile sheets. All storm drain easements shall be dedicated where required. The
3 developer/subdivider shall be responsible for obtaining all easements for storm drainage
4 facilities.

5 53. All storm drains shall be designed and constructed per current editions of the City's
6 *Engineers Design and Processing Manual*, the *San Diego County Hydrology* and
7 *Drainage Design Manuals*, and *San Diego Area Regional Standard Drawings*.

8 54. For any increase of stormwater flows from the development site to other properties, the
9 developer shall secure appropriate easement(s) from and maintenance agreement(s) with
10 the owner(s) of the impacted properties to the satisfaction of the City Engineer. Upon
11 approval by City Engineer and the City Attorney, the appropriate documents shall be
12 recorded prior to issuance of any permits for the development. Should the developer be
13 unable to secure such easement(s) or agreement(s), the resulting changes to the
14 Development Plan shall be subject to a Substantial Conformity review. Changes not
15 meeting substantial conformity requirements shall be submitted for appropriate public
16 hearing action.

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

20 56. The development shall comply with all applicable regulations established by the United
21 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
22 Discharge Elimination System (NPDES) permit requirements for urban runoff and
23 stormwater discharge and any regulations adopted by the City pursuant to the NPDES.
24 regulations or requirements. Further, the developer may be required to file a Notice of
25 Intent with the State Water Resources Control Board to obtain coverage under the
26 NPDES. General Permit for Storm Water Discharges Associated with Construction
27 Activity and may be required to implement a Storm Water Pollution Prevention Plan
28 (SWPPP) concurrent with the commencement of grading activities. SWPPPs include
29 both construction and post construction pollution prevention and pollution control
measures and identify funding mechanisms for post construction control measures. The

1 developer shall comply with all the provisions of the Clean Water Program during and
2 after all phases of the development process, including but not limited to: mass grading,
3 rough grading, construction of street and landscaping improvements, and construction of
4 dwelling units. The developer shall design the Project's storm drains and other drainage
5 facilities to include Best Management Practices to minimize non-point source pollution,
6 satisfactory to the City Engineer.

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

12 58. The developer/subdivider shall prepare and submit an Operations & Maintenance
13 (O&M) Plan to the City Engineer with the first submittal of engineering plans. The
14 O&M Plan shall be prepared by the developer's Civil Engineer. It shall be directly based
15 on the project's Storm Water Mitigation Plan (SWMP) previously approved by the
16 project's approving authority (Planning Commission/City Council). At a minimum the
17 O&M Plan shall include the designated responsible parties to manage the stormwater
18 BMP(s), employee's training program and duties, operating schedule, maintenance
19 frequency, routine service schedule, specific maintenance activities, copies of resource
20 agency permits, cost estimate for implementation of the O&M Plan and any other
21 necessary elements.

22 59. The developer/subdivider shall enter into a City-Standard Stormwater Facilities
23 Maintenance Agreement with the City obliging the developer/subdivider to maintain,
24 repair and replace the Storm Water Best Management Practices (BMPs) identified in the
25 project's approved SWMP, as detailed in the O&M Plan into perpetuity. The Agreement
26 shall be approved by the City Attorney prior to issuance of any precise grading permit
27 and shall be recorded at the County Recorder's Office prior to issuance of any building
28 permit. Security in the form of cash (or certificate of deposit payable to the City) or an
29 irrevocable, City-Standard Letter of Credit shall be required prior to issuance of a precise
grading permit. The amount of the security shall be equal to 10 years of maintenance

1 costs, as identified by the O&M Plan, but not to exceed a total of \$25,000. The
2 developer's Civil Engineer shall prepare the O&M cost estimate.

3 60. At a minimum, maintenance agreements shall require the staff training, inspection and
4 maintenance of all BMPs on an annual basis. The project proponent shall complete and
5 maintain O&M forms to document all maintenance activities. Parties responsible for the
6 O&M plan shall retain records at the subject property for at least 5 years. These
7 documents shall be made available to the City for inspection upon request at any time.

8 61. The Agreement shall include a copy of executed on-site and off-site access easements
9 necessary for the operation and maintenance of BMPs that shall be binding on the land
10 throughout the life of the project to the benefit of the party responsible for the O&M of
11 BMPs, satisfactory to the City Engineer. The agreement shall also include a copy of the
12 O&M Plan approved by the City Engineer.

13 62. The BMPs described in the project's approved SWMP shall not be altered in any way,
14 shape or form without formal approval by either an Administrative Substantial
15 Conformance issued by the City Planner or the project's final approving authority
16 (Planning Commission/City Council) at a public hearing. The determination of
17 whatever action is required for changes to a project's approved SWMP shall be made by
18 the City Planner.

19 63. The developer/subdivider shall provide a copy of the title/cover page of the approved
20 SWMP with the first engineering submittal package. The appropriate document shall be
21 submitted for review and approval by the City Engineer. All Stormwater documents
22 shall be in compliance with the latest edition of submission requirements.

23 64. The approval of the tentative parcel map shall not mean that closure, vacation, or
24 abandonment of any public street, right-of-way, easement, or facility is granted or
25 guaranteed to the developer. The subdivider is responsible for applying for all closures,
26 vacations, and abandonments as necessary. The application(s) shall be reviewed and
27 approved or rejected by the City of Oceanside under separate process(es) per codes,
28 ordinances, and policies in effect at the time of the application. The City of Oceanside
29 retains its full legislative discretion to consider any application to vacate a public street
or right-of-way.

1 65. In the event that the conceptual plan of the tentative parcel map does not match the
2 conditions of approval, the resolution of approval shall govern.

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

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

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

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

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

23 **Fire:**

24 67. Smoke detectors are required, and detector locations must be indicated on the plans.

25 68. A minimum fire flow of 1500 gallons per minute shall be provided.

26 69. All proposed and existing fire hydrants within 400 feet of the project shall be shown on
27 the site plan.

28 70. Buildings shall meet Oceanside sprinkler ordinance in effect at the time of building
29 permit application.

- 1 71. In accordance with the California Fire Code Sec. 901.4.4, approved address for
2 commercial, industrial, and residential occupancies shall be placed on the structure in
3 such a position as to be plainly visible and legible from the street or roadway fronting the
4 property. Numbers shall be contrasting with their background.
- 5 72. Single-family dwellings require four-inch address numbers.
- 6 73. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
7 approval prior to the issuance of building permits. A site plan indicating the fire access
8 and hydrant locations must also be submitted on CD Rom.
- 9 74. Buildings shall meet Oceanside Fire Department's current codes at the time of building
10 permit application.

11 **Planning:**

- 12 75. This Tentative Parcel Map, Development Plan, Conditional Use Permit and Regular
13 Coastal Permit shall expire on August 25, 2010, unless a time extension is granted by the
14 Planning Commission.
- 15 76. This Tentative Parcel Map, Development Plan, Conditional Use Permit and Regular
16 Coastal Permit approves only a four-lot single-family subdivision as shown on the plans
17 and exhibits presented to the Planning Commission for review and approval. No deviation
18 from these approved plans and exhibits shall occur without City Planner approval.
19 Substantial deviations shall require a revision to the Tentative Parcel Map, Development
20 Plan, Conditional Use Permit and Regular Coastal Permit or a new Tentative Parcel Map,
21 Development Plan, Conditional Use Permit and Regular Coastal Permit.
- 22 77. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
23 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
25 annul an approval of the City, concerning Tentative Parcel Map P-3-07, Conditional Use
26 Permit C-16-07 and Regular Coastal Permit RC-8-07. The City will promptly notify the
27 applicant of any such claim, action or proceeding against the City and will cooperate
28 fully in the defense. If the City fails to promptly notify the applicant of any such claim
29 action or proceeding or fails to cooperate fully in the defense, the applicant shall not,
thereafter, be responsible to defend, indemnify or hold harmless the City.

1 78. The conceptual landscape plan approved with encroachment permits, as required, shall
2 remain on file in the Planning Division of the City of Oceanside, meeting the criteria of the
3 Water Conservation Ordinance No. 91-15, including the maintenance of such landscaping.

4 The following special landscaping requirements shall be met:

- 5 a) Existing irrigation in the right-of-way and on-site shall be protected in place;
6 repaired, updated or replaced to meet the current City of Oceanside requirements
7 and satisfaction of the City Engineer. Irrigation system shall be in compliance
8 with the current City of Oceanside ordinances, manuals and policies.
- 9 b) Existing trees in the right-of-way shall be shown on landscape plans and
10 protected in place. If damaged, replacement trees shall be provided per the City of
11 Oceanside Ordinance.
- 12 c) Right-of-way planting and landscape planter areas adjacent to pedestrian access
13 shall be protected in place and supplemented or replaced to meet the satisfaction
14 of the City Engineer.
- 15 d) All landscaping, fences, walls, etc. on the site, in medians in the public right-of-
16 way and in any adjoining public parkways shall be permanently maintained by the
17 owner, his assigns or any successors-in-interest in the property. The maintenance
18 program shall include normal care and irrigation of the landscaping; repair and
19 replacement of plant materials; irrigation systems as necessary; and general cleanup
20 of the landscaped and open areas, parking lots and walkways, walls, fences, etc.
21 Failure to maintain landscaping shall result in the City taking all appropriate
22 enforcement actions by all acceptable means including but not limited to citations
23 and/or actual work with costs charged to or recorded against the owner. This
24 condition shall be recorded with the covenant required by this resolution.

25 79. All single-family projects shall dispose of or recycle solid waste in a manner provided in
26 City Ordinance 13.3.

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

- 1 81. Prior to the issuance of building permits, compliance with the applicable provisions of the
2 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed
3 and approved by the City Planner. These requirements, including the obligation to remove
4 or cover with matching paint all graffiti within 24 hours, shall be noted on the Landscape
5 Plan and shall be recorded in the form of a covenant affecting the subject property.
- 6 82. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
7 written copy of the applications, staff report and resolutions for the project to the new
8 owner and or operator. This notification's provision shall run with the life of the project
9 and shall be recorded as a covenant on the property.
- 10 83. Failure to meet any conditions of approval for this development shall constitute a violation
11 of the Tentative Parcel Map, Development Plan, Conditional Use Permit and Regular
12 Coastal Permit.
- 13 84. Unless expressly waived, all current zoning standards and City ordinances and policies in
14 effect at the time building permits are issued are required to be met by this project. The
15 approval of this project constitutes the applicant's agreement with all statements in the
16 Description and Justification, and other materials and information submitted with this
17 application, unless specifically waived by an adopted condition of approval.
- 18 85. The developer's construction of all fencing and walls associated with the project shall be in
19 conformance with the approved Development Plan. Any substantial change in any aspect
20 of fencing or wall design from the approved Development Plan shall require a revision to
21 the Development Plan or a new Development Plan.
- 22 86. If an approved Development Plan does not cover any aspect of the project fencing and
23 walls, the construction of fencing and walls shall conform to the development standards of
24 the City Zoning Ordinance. In no case, shall the construction of fences and walls
25 (including combinations thereof) exceed the limitations of the zoning code, unless
26 expressly granted by a Variance or other development approval.
- 27 87. The following unit type and floor plan mix, as approved by the Planning Commission,
28 shall be indicated on plans submitted to the Building Division and Planning Division for
29 building permit:

	Sq.Ft.	# Bedrms.	# Baths	#Parking Spaces	# Stories
Plan 1	2,329	3	3 ½	2	2
Plan 2	2,399	3	3 ½	2	2

88. Side and rear elevations and window treatments shall be trimmed to substantially match the front elevations. A set of building plans shall be reviewed and approved by the City Planner prior to the issuance of building permits.

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

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

91. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way and within any adjoining public parkways shall be permanently maintained by the owner, his assigns or any successors-in-interest in the property. The maintenance program shall include: a) normal care and irrigation of the landscaping b) repair and replacement of plant materials c) irrigation systems as necessary d) general cleanup of the landscaped and open areas e) parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions including but not limited to citations. This maintenance program condition shall be recorded with a covenant as required by this resolution.

92. In the event that the conceptual landscape plan (CLP) does not match the conditions of approval, the resolution of approval shall govern.

93. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines and Specifications for Landscape Development (latest revision), Water Conservation Ordinance No. 91-15, Engineering criteria, City code and ordinances, including the maintenance of such landscaping, shall be reviewed and approved by the City Engineer prior to the issuance of building permits. Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for final approval. The following special landscaping requirements shall be required prior to plan approval:

- a) All landscape improvements shall follow the City of Oceanside Guidelines.

- 1 a) Final landscape plans shall accurately show placement of all plant material such
2 as but not limited to trees, shrubs, and groundcovers.
- 3 b) Landscape Architect shall demonstrate on plan, all utility, sewer, storm drain
4 easements and place planting locations accordingly to meet City of Oceanside
5 requirements.
- 6 c) All required landscape areas shall be maintained by the owner. The landscape
7 areas shall be maintained per City of Oceanside requirements.
- 8 d) Proposed landscape species shall be native or naturalized to fit the site and meet
9 climate changes indicative to their planting location. The selection of plant
10 material shall also be based on cultural, aesthetic, and maintenance
11 considerations. In addition proposed landscape species shall be low water users
12 as well as meet all fire department requirements.
- 13 e) All planting areas shall be prepared with appropriate soil amendments, fertilizers,
14 and appropriate supplements based upon a soils report from an agricultural
15 suitability soil sample taken from the site.
- 16 f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil
17 from the sun, evapotranspiration and run-off. All the flower and shrub beds
18 shall be mulched to a 3" depth to help conserve water, lower the soil temperature
19 and reduce weed growth.
- 20 g) Shrubs shall be allowed to grow in their natural forms.
- 21 h) Root barriers shall be installed adjacent to all paving surfaces, where a paving
22 surface is located within six feet of a trees trunk. Root barriers shall extend five
23 feet in each direction from the centerline of the trunk, for a total distance of 10
24 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around
the tree's root ball is unacceptable.
- 25 i) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall
26 obtain Planning Division approval for these items in the conditions or application
27 stage prior to first submittal of working drawings.
- 28
29

- 1 j) For the planting and placement of trees and their distances from hardscape and
2 other utilities/ structures the landscape plans shall follow the City of Oceanside's
3 (current) Tree Planting Distances and Spacing Standards.
- 4 k) An automatic irrigation system shall be installed to provide coverage for all
5 planting areas shown on the plan. Low precipitation equipment shall provide
6 sufficient water for plant growth with a minimum water loss due to water run-off.
- 7 l) Irrigation systems shall use high quality, automatic control valves, controllers
8 and other necessary irrigation equipment. All components shall be of non-
9 corrosive material. All drip systems shall be adequately filtered and regulated
10 per the manufacturer's recommended design parameters.
- 11 m) All irrigation improvements shall follow the City of Oceanside Guidelines and
12 Water Conservation Ordinance.
- 13 n) The landscape plans shall match all plans affiliated with the project.
- 14 o) Landscape plans shall comply with Biological and/or Geotechnical reports, as
15 required, shall match the grading and improvement plans, comply with SWMP
16 Best Management Practices and meet the satisfaction of the City Engineer.
- 17 p) Existing landscaping on and adjacent to the site shall be protected in place and
18 supplemented or replaced to meet the satisfaction of the City Engineer.

19 **Water Utilities:**

- 20 94. The developer will be responsible for developing all water and sewer utilities necessary to
21 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
22 the developer and shall be done by an approved licensed contractor at the developer's
23 expense.
- 24 95. The property owner shall maintain private water and wastewater utilities located on private
25 property.
- 26 96. Water services and sewer laterals constructed in existing right-of-way locations are to be
27 constructed by approved and licensed contractors at developer's expense.
- 28 97. All Water and Wastewater construction shall conform to the most recent edition of the
29 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
the Water Utilities Director.

- 1 98. Residential units shall be metered individually. Private utility systems for residential
2 developments are not allowed.
- 3 99. All public water and/or sewer facilities not located within the public right-of-way shall be
4 provided with easements sized according to the Water, Sewer, and Reclaimed Water
5 Design and Construction Manual. Easements shall be constructed for all weather access.
- 6 100. No trees, structures or building overhang shall be located within any water or wastewater
7 utility easement.
- 8 101. All lots with a finish pad elevation located below the elevation of the next upstream
9 manhole cover of the public sewer shall be protected from backflow of sewage by
10 installing and maintaining an approved type backwater valve, per the Uniform Plumbing
11 Code (U.P.C.).
- 12 102. The developer shall construct a public reclamation water system that will serve each lot
13 and or parcels that are located in the proposed project in accordance with the City of
14 Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be located
15 in the public right-of-way or in a public utility easement.
- 16 103. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
17 be paid to the City and collected by the Water Utilities Department at the time of Building
18 Permit issuance.

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

5 PASSED AND ADOPTED Resolution No. 2008-P49 on August 25, 2008 by the following
6 vote, to wit:

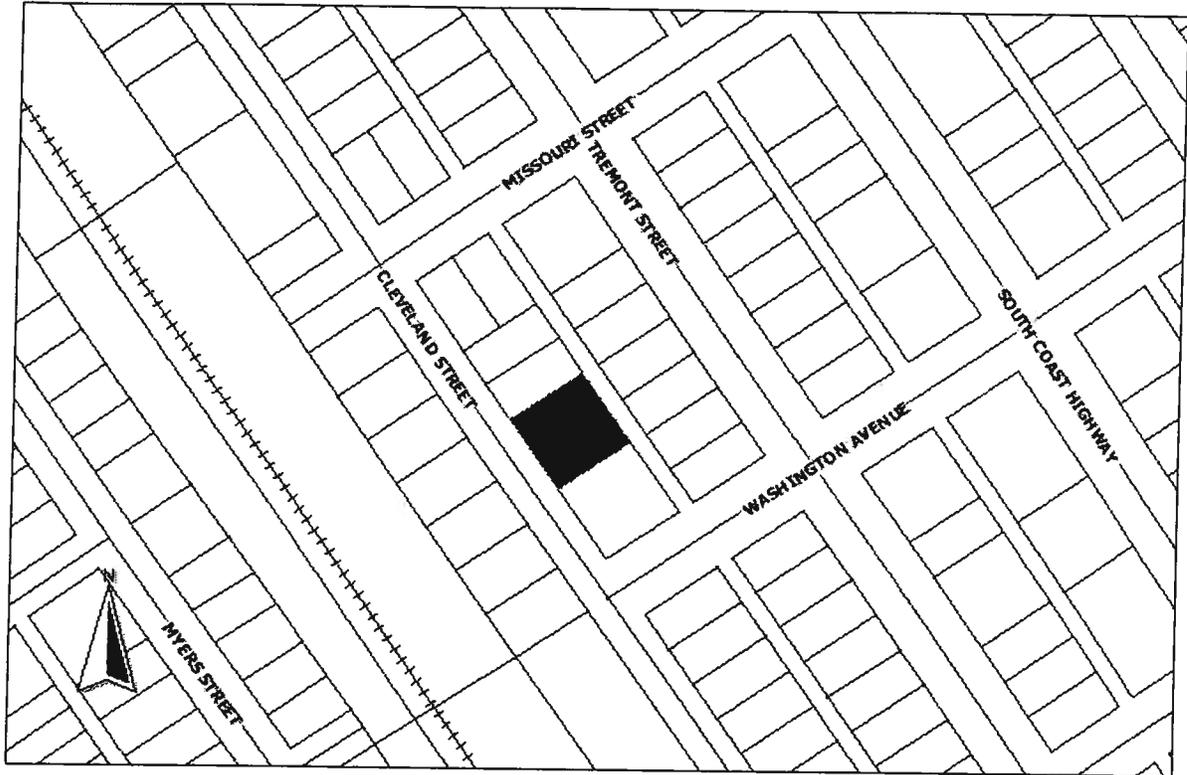
- 7 AYES:
- 8 NAYS:
- 9 ABSENT:
- 10 ABSTAIN:

11
12 _____
13 Claudia Troisi, Chairperson
14 Oceanside Planning Commission

15 ATTEST:
16 _____
17 Jerry Hittleman, Secretary

18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
19 this is a true and correct copy of Resolution No. 2008-P49.

20 Dated: August 28, 2008
21 _____



File Number: P-3-07, C-16-07, RC-8-07

Applicant: Timothy Empey

Description:

TENTATIVE PARCEL MAP (P-3-07), CONDITIONAL USE PERMIT (C-16-07) and REGULAR COASTAL PERMIT (RC-8-07) to permit the development of four single-family homes on four newly created parcels located at 420 Cleveland Street. The project site is zoned RH-U (High Density Residential District) and is situated within the Townsite Neighborhood and the Coastal Zone. – **BAHAMA GARDENS**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

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

Date: August 13, 2008

Public Hearing Coastal Permit
Identification No. RC-8-07

NOTICE OF PUBLIC HEARING
COASTAL DEVELOPMENT PERMIT

This is a notice to you as an interested party that the City of Oceanside Planning Commission will hold a public hearing on the Coastal Permit application of Timothy Empey. This application was received on April 26, 2007. The application is described as follows:

To subdivide a 0.22-acre parcel into four lots and construct four new single-family residences located at 420 South Cleveland Street.

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

Said hearing will be held on August 25, 2008, at 7:00 p.m. in the Council Chamber of City Hall, 300 North Coast Hwy., Oceanside, California at which time and place any and all interested persons may appear and be heard. Interested persons may contact the Planning Division at (760) 435-3520 after August 20, 2008, to be informed of the place on the agenda and the approximate time of hearing.

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

If you disagree with the decision of the Planning Commission concerning this project's conformance to the Local Coastal Plan, you may appeal the decision to the City Council. The appeal, accompanied by the appropriate fee must be filed in the City Clerk's Office, 300 North Coast Hwy., Oceanside, no later than 5:00 p.m. on September 4, 2008 (10 days from the adoption of the Planning Commission Resolution).

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

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

Application For Planning Commission Hearing				STAFF USE ONLY	
Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885 Please Print or Type All Information				ACCEPTED	BY
				4/26/07	SN.
PART I - APPLICANT INFORMATION				HEARING	
1. APPLICANT		2. STATUS		GPA	
Timothy Empey		OWNER		MASTER/SP.PLAN	
3. ADDRESS		4. PHONE/FAX		ZONE CH.	
205 S HOME		(760) 994-5841		TENT. MAP	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)				PAR. MAP	
				DEV. PL.	
				C.U.P.	
6. ADDRESS				VARIANCE	
				COASTAL	
				O.H.P.A.C.	
PART II - PROPERTY DESCRIPTION					
8. LOCATION				9. SIZE	
420 CLEVELAND				10,000	
10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER		
	RH-J	GARAGE / CARPAGES	150. 182.00		
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION					
4 DETACHED GARDEN TYPE HOMES APPROX. 2200 - 2500 SQUARE FEET					
REV-11/7/07, 2/21/08, 5/1/08, 6/26/08					
15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY	
	RH-J	RESIDENTIAL	4		
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE		
2200-2500	2 EA(3)	40%	54% EA.		
PART IV - ATTACHMENTS					
ALL APPLICATIONS				DEV. PLANS, C.U.P.s & TENT. MAPS	
24. DESCRIPTION/JUSTIFICATION		25. LEGAL DESCRIPTION		30. FLOOR PLANS AND ELEVATIONS	
26. 300-FT. RADIUS MAP		27. PROPERTY OWNERS' LIST		31. CONSTRUCTION SCHEDULE	
28. ENVIRONMENTAL ASSESSMENT		29. PLOT PLANS		32. OTHER	
PART V - SIGNATURES					
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.			SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).		
33. APPLICANT OR REPRESENTATIVE (Print):		34. DATE		37. OWNER (Print)	
JOHN KAYAN				38. DATE	
Sign: [Signature]				Sign:	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			39. OWNER (Print):		
35. APPLICANT (Print):		36. DATE		40. DATE	
TIMOTHY EMPEY		4-25-07			
Sign: [Signature]				Sign:	

RECEIVED

APR 26 2007

Planning Department

SCOTT

[Handwritten mark]



Quality Design and Drafting Solutions

7009 Surfbird Circle, Carlsbad California 92009
voice 760-603-8222 fax 561-760-0364
Email: opus@composiumgroup.com

Transmittal

April 12, 2007

City of Oceanside Planning
300 N. Coast Highway
Oceanside, California 92054

RECEIVED
APR 26 2007
Planning Department

Re: Description of Justification: Revised
420 Cleveland

To Whom It May Concern:

We are proposing 4 new garden type homes on an existing lot located at 420 S. Cleveland. There was an existing garage/storage facility located on this property which has been recently demolished with the city's approval. Our objective is to create an esthetically pleasing design that fits with the surrounding architecture of this community while improving this site.

The proposed scope of work will be to create 4 new, detached, 19' wide garden type homes located on an existing 100' wide property. The 100' wide property would be divided into 4 individual lots. The parking access for each unit will be from an adjacent alley with pedestrian access on the Cleveland street side. There will be two individual plans alternating on the site, plan A and plan B. Each residence is designed with the idea each unit equals a whole so that the continuity is maintained on the street side of the property. The architecture would be characterized as an island type design with wood hardboard siding, slanted shutters, metal roof and cable rails. The colors palates for each unit will be different while complementing each unit.

Our proposed addition will keep with the architectural character of the neighborhood, while improving the community. We are asking for Coastal approval of the submitted addition in order to proceed to working drawings and submit for plan check review.

Sincerely

JOHN KAVAN



Quality Design and Drafting Solutions

7009 Surfbird Circle, Carlsbad California 92009
voice 760-603-8222 fax 561-760-0364
Email: opus@composiumgroup.com

Transmittal

RECEIVED

APR 26 2007

April 12, 2007

Planning Department

City of Oceanside Planning
300 N. Coast Highway
Oceanside, California 92054

Re: Construction schedule: Bahama Garden
420 S. Cleveland

To Whom It May Concern:

We are proposing an addition and remodel to the residence located at 2008 South Pacific in Oceanside California. The following is a very loose estimation of the construction schedule for the proposed addition:

September 1st	- Prep site for construction. Install fencing and set storage and trash units
September 14th	- Begin foundation preparation - Set forms, rough plumbing, electrical etc.
October 1st	- Pour concrete foundation
October 15th	- Begin rough framing construction
January 2nd	- Start finish material - roofing, stucco etc.
March 15th	- Pour new drive and clean site
March 30th	- Projected finish date

Sincerely

JOHN KAVAN

LEGAL DESCRIPTION EXHIBIT

Policy Number: 608004175 - P01

LOTS 11 AND 12 IN BLOCK 28 OF BYRAN'S ADDITION, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 219, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 10, 1887.



NOTICE OF EXEMPTION

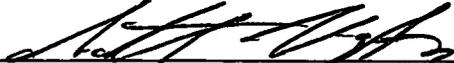
City of Oceanside, California

Post Date:
Removal:
(30 days)

1. **APPLICANT:** Timothy Empey
2. **ADDRESS:** 420 South Tremont Street, Oceanside CA. 92054
3. **PHONE NUMBER:** (760) 494-5841
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale
6. **PROJECT TITLE:** Bahama Garden (P-3-07, C-16-07, RC-8-07)
7. **DESCRIPTION:** A tentative parcel map, conditional use permit, and regular coastal permit to subdivide a 0.22 acre parcel into four lots and construct four new single family residences at 420 S. Cleveland Street.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Environmental Coordinator finds that the proposed project constitutes the demolition of an existing single-family dwelling. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section_____, <name> (Sections 15260-15277); or,
- The project is categorically exempt, Class 15, Minor Land Divisions (Section 15315 divisions of property in urbanized areas.
- The project does not constitute a "project" as defined by CEQA (Section 15378).



For Jerry Hittleman, Acting City Planner

Date: 8/25/08

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee