

STAFF REPORT



ITEM NO. 24

CITY OF OCEANSIDE

DATE: September 13, 2006

TO: Chairman and Members of the Community Development Commission

FROM: Economic Development and Redevelopment Department

SUBJECT: **CONSIDERATION OF A RESOLUTION APPROVING DEVELOPMENT PLAN (D-204-06) AND REGULAR COASTAL PERMIT (RC-205-06) FOR THE ADDITION OF A UNIT TO AN EXISTING DUPLEX LOCATED AT 706 NORTH CLEVELAND STREET – HUDSON ADDITION – APPLICANT: DARIN HUDSON**

SYNOPSIS

The item under consideration is a Development Plan and Regular Coastal Permit for the addition of a unit to an existing duplex located at 706 North Cleveland Street. Staff is recommending that the Commission approve the project and adopt the resolution as attached.

BACKGROUND

The subject site consists of a pre-existing legal parcel totaling 5,000 square feet in size. The original 1,600-square-foot commercial building was constructed in 1960. In 1975, the owner constructed a 960- square-foot addition and the building was converted into a cabinet shop and storage. In June 1987, the commercial building was converted into a residence with a 420-square-foot apartment addition situated on the first floor. In 1996, there was some interior renovation and the construction of a 5-car garage.

The subject site is situated within the North Cleveland Street neighborhood, which consists of new single-family row homes and condominium units interspersed with older apartments and single-family homes.

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 with an urban setting in close proximity to shopping, employment, transportation and recreational facilities. The maximum density within this zone is 43 dwelling units per acre. The project proposes a density of 26.1 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 application consists of several components, which include a Development Plan and Regular Coastal Permit. Each discretionary request is described as follows:

Development Plan: The project proposes to legitimize a non-permitted residential unit thereby changing the building from a duplex into a triplex. There will be no physical changes to the existing building (i.e., adding square footages) nor will there be any site changes with the exception of the elimination of the driveway located on Cleveland Street.

Subdistrict 5 requires that a minimum of 25 percent of the site be landscaped. The project proposes that approximately 23.3 percent of the subject site is landscaped. The project proposes Canary Island and Queen Palm trees; shrubs include Bird of Paradise, Lily of the Nile and Rosemary. The project requires 600 square feet of common and/or private open space and the project provides approximately 285 square feet of private open space in the form of decks. The lack of landscaping and open space is due to the orientation of the original commercial building.

Vehicular access to the units will be from the alley located between Cleveland and Tremont streets. Pedestrian access will be provided from Cleveland Street.

The overall project density is 26.1 dwelling units per acre. Outlined below is the existing residential unit breakdown:

Plan Type	Sq.Ft.	Bedrms.	Baths	Units
Plan 1	747	1	1	1
Plan 2	923	2	1	1
Plan 3	1,221	1	1 ¾	1
Total				3

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 Side Rear	10 feet 3 feet 5 feet	24 feet 0 feet 14 feet
LANDSCAPING	25%	23%
PARKING	5 spaces	5 spaces
BUILDING HEIGHT	35 feet	35 feet
DENSITY	43 du. Ac.	26.1 du. Ac.

Regular Coastal Permit: A Regular Coastal Permit is required because the project is situated within the Coastal Zone and the proposed addition of a residential unit requires discretionary action.

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.

Staff's initial concerns centered on the project's compatibility with the existing residential patterns. The surrounding area consists of older single-family residences and apartments, interspersed with some newer condominium development. Staff believes that the proposed triplex is consistent with the product type and scale with the surrounding neighborhood.

Staff's review of the project examined the consistency of the development with the underlying zoning regulations and policies of the Local Coastal Program. The subject site is located east of the railroad tracks thus it is outside of the "appealable area" which is defined as the first 300 feet east of The Strand (west side of Myers Street). The project

does not propose any western expansion of the building and with the existing 24-foot front yard setback the potential for view blockage from either the north or south will be minimal.

Staff also evaluated the proposed project and its effect on public coastal views. The subject site is located near the center of the block between Windward and Neptune Way on North Cleveland Street. Due to the 24-foot front yard building setback, public coastal views will not be blocked.

In conclusion, staff believes that the project meets the intent of the Redevelopment Plan and the underlying Subdistrict goals, and is consistent with the product type and scale of the surrounding neighborhood.

COMMISSION OR COMMITTEE REPORTS

The Redevelopment Design Review Committee (RDRC) reviewed the project at its June 23, 2006 meeting and approved the project with a recommendation to eliminate the driveway located on Cleveland Street.

The Redevelopment Advisory Committee (RAC) reviewed the project at its August 14, 2006 meeting. The RAC approved the project unanimously.

FISCAL IMPACT

Not Applicable.

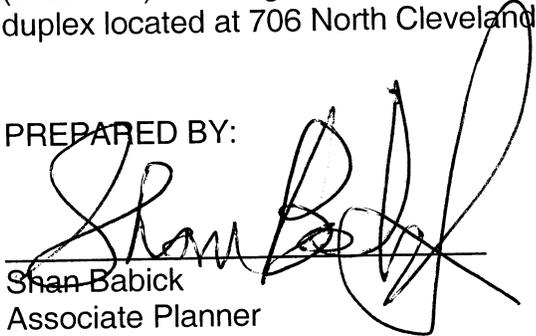
CITY ATTORNEY'S ANALYSIS

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 Development Plan (D-204-06) and Regular Coastal Permit (RC-205-06) for the addition of a unit to an existing duplex located at 706 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



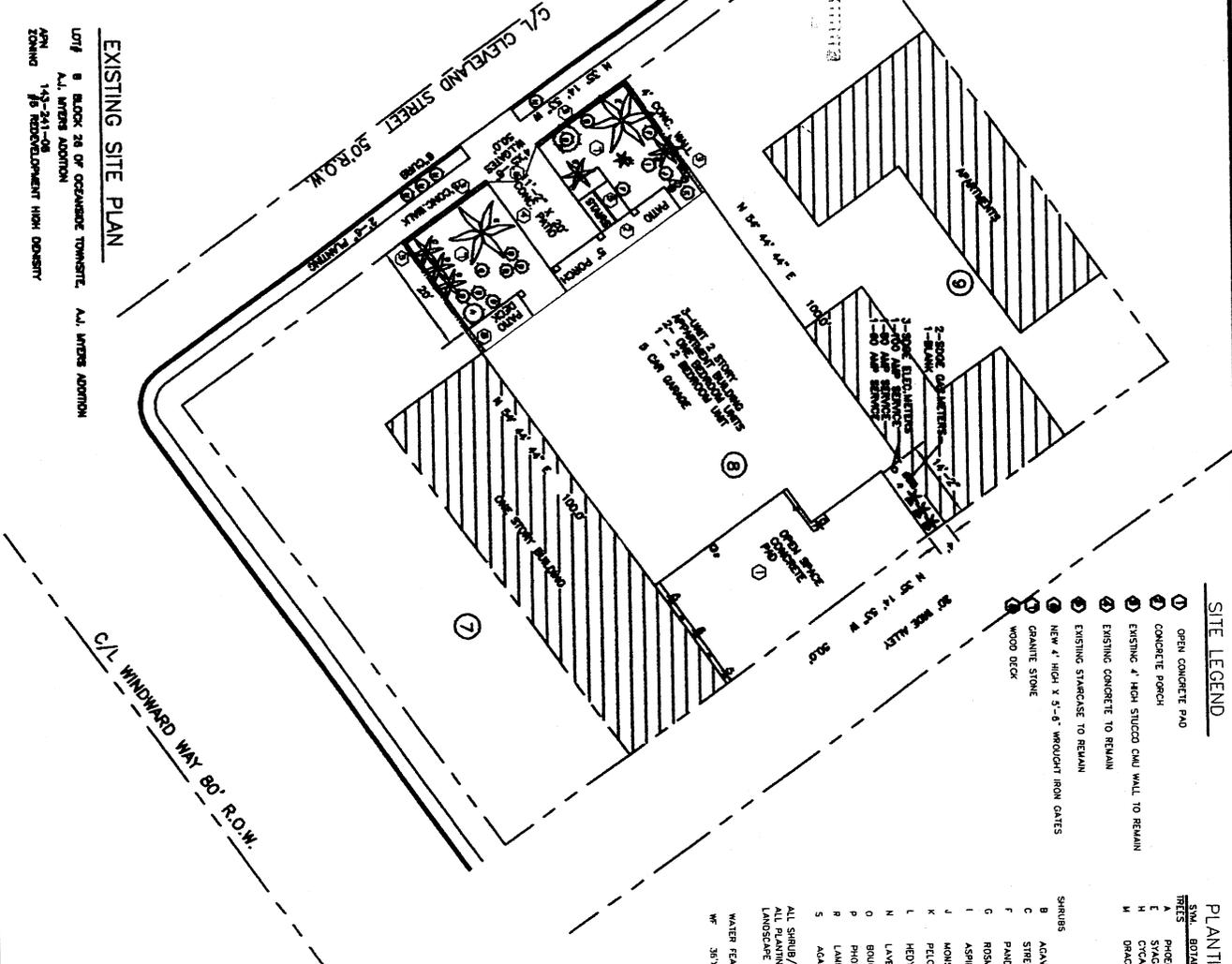
EXHIBITS/ATTACHMENTS

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

RECEIVED

JUN 06 2005

OCEANSIDE
REDEVELOPMENT



EXISTING SITE PLAN

LOT# 9 BLOCK 28 OF OCEANSIDE TOWNSITE, A.J. WATERS ADDITION
 APN 143-241-08
 ZONING RS REDEVELOPMENT HIGH DENSITY

SITE LEGEND

- ① OPEN CONCRETE PAD
- ② CONCRETE PORCH
- ③ EXISTING 4" HIGH STUCCO CMU WALL TO REMAIN
- ④ EXISTING CONCRETE TO REMAIN
- ⑤ EXISTING STAIRCASE TO REMAIN
- ⑥ NEW 4" HIGH X 3-5-6" WROUGHT IRON GATES
- ⑦ GRANITE STONE
- ⑧ WOOD DECK

PLANTING LEGEND

SITE	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
A	PHOENIX CANARIENSIS	PHOENIX CANARY ISLAND PALM	3 FT.	
B	STAGNUS ROMANZOFFIANUS	STAGNUS ROMANZOFFIANUS	10 FT.	
C	CYCAS REVOLUTA	CYCAS PALM	24" BOX	
D	BRACONIA GRAEO	BRACONIA TREE	15 GAL.	
E	ACACIA ATTENUATA	ACACIA	5 GAL.	
F	STREPTIZIA MEDICALI	STREPTIZIA	24" BOX	
G	PANDORA JASMINOIDES	PANDORA	5 GAL.	
H	ROSMARINUS OFFICINALIS	ROSEMARY	5 GAL.	
I	ASPIRISTRA ELATIOR	CAST IRON PLANT	5 GAL.	
J	MONSTERA DELTOIDA	SPLIT-LEAF PHLODENDRON	5 GAL.	
K	PELCONIUM HORTORUM	COMMON GERANIUM	5 GAL.	
L	HEDYCHILUM CONOPSEUM	WHITE GINGER	5 GAL.	
M	LAVENDULA OENANTIA	FRENCH LAVENDER	1 GAL.	
N	BOUTANVILLEA "SAN DIEGO RED"	BOUTANVILLEA	1 GAL.	
O	PROPHILIA OULET	FLAX	1 GAL.	
P	LABRANTHIS SPECIABILIS	ICERANT	1 GAL.	
Q	ACALYUTHUS	PURPLE LILY OF THE NILE	1 GAL.	

WATER FEATURES
 WF 36" DIA. WATER FOUNTAIN

ALL SHRUBS/GRASS COVER AREAS TO RECEIVE A 3" LAYER OF BARK MULCH.
 ALL PLANTING AREAS TO BE IRRIGATED BY AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
 LANDSCAPE AREAS ARE TO BE MAINTAINED BY OWNER.

LANDSCAPE CALCULATIONS

LOT SIZE	5000 SF.
BUILDING FOOTPRINT AREA	1888 SF.
OPEN SPACE	3112 SF.
LANDSCAPE AREA INCLUDING DECKS	3112 SF.
LANDSCAPE AREA EXCLUDING DECKS	1224 SF.
PERCENTAGE OF TOTAL LANDSCAPE	100%

EXISTING LANDSCAPE PLAN

DESIGNED BY: D. HETSSEL
 DRAWN BY: M. HUDSON
 DATE: 6-13-05
 SHEET NO. 1

DARIN HUDSON
 706 CLEVELAND STREET
 OCEANSIDE, CA
 760.231.1272

HETSSEL CONSULTANTS
 1362 PRINCE ROAD
 OCEANSIDE, CA 92058
 760.946.8340

REVISIONS

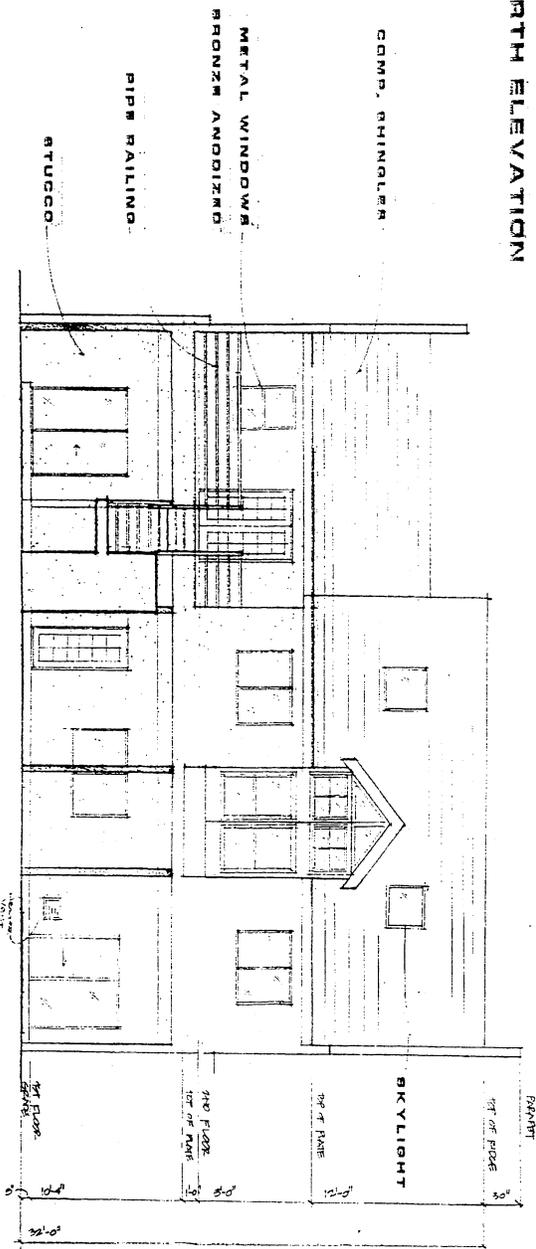
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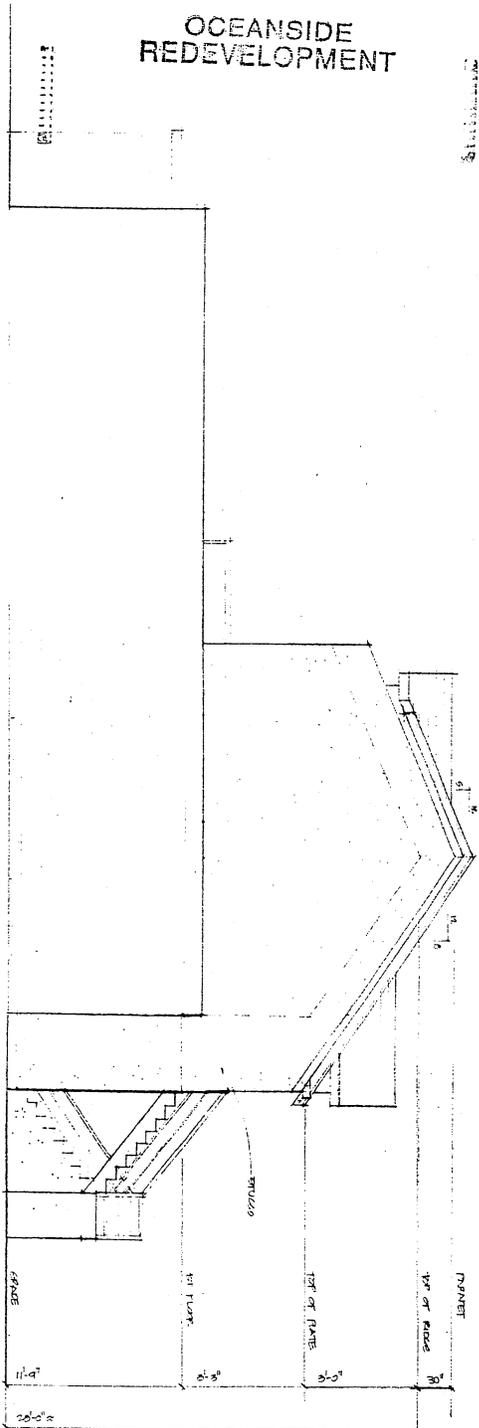
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OCEANSIDE REDEVELOPMENT

NORTH ELEVATION



WEST ELEVATION

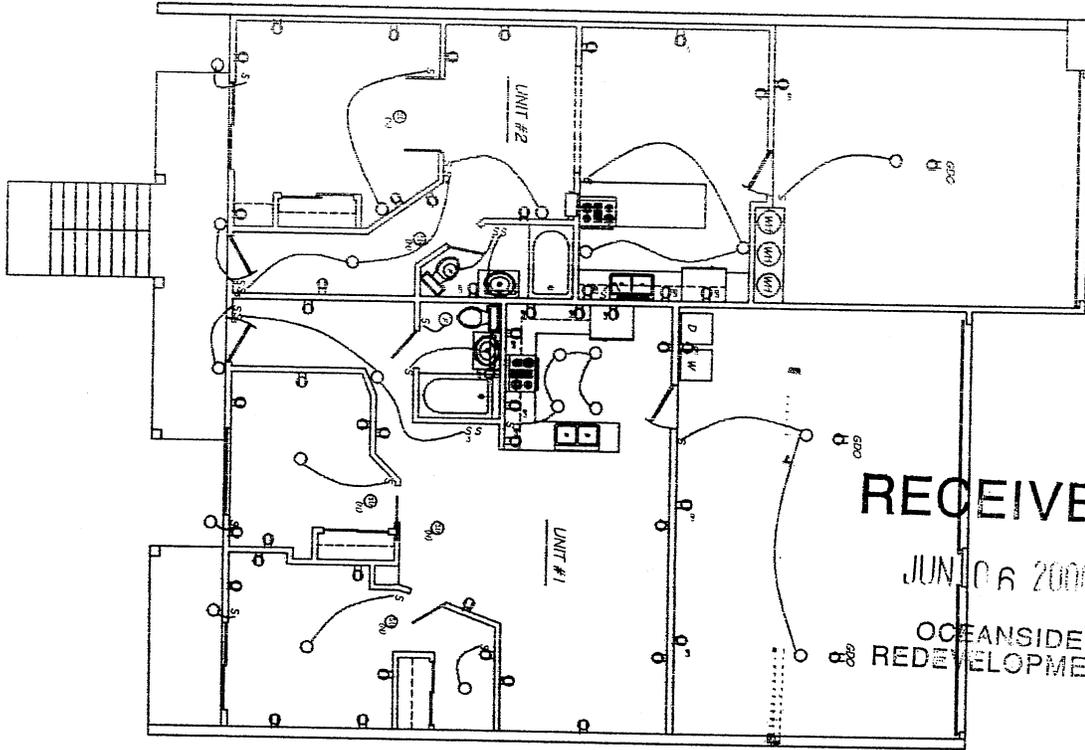


Sheet	1/11
Date	1/11
Drawn	
Checked	
Scale	
Notes	

REVISION

FIRST FLOOR ELECTRICAL PLAN

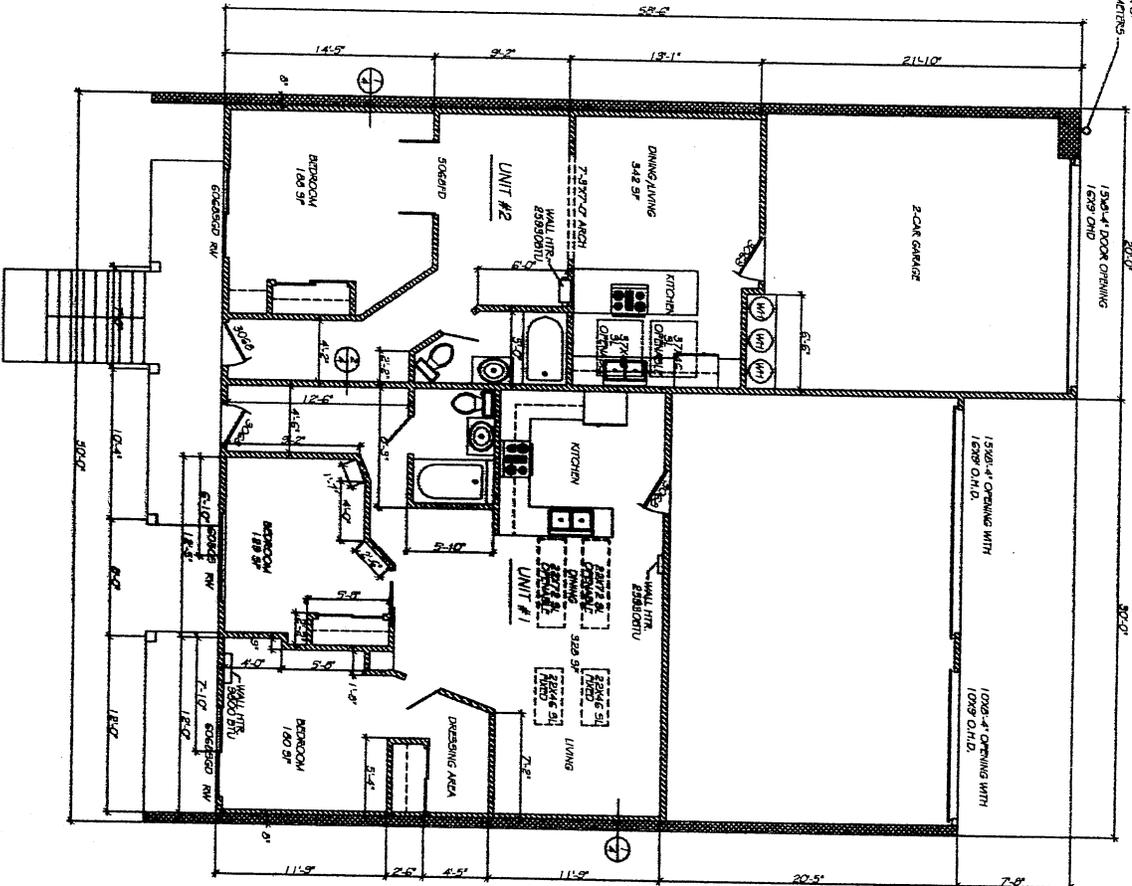
1/4" = 1'-0"



RECEIVED
 JUN 06 2006
 OCEANSIDE
 REDEVELOPMENT

FIRST FLOOR PLAN

1/4" = 1'-0"



TOTAL SQUARE FEET 2939
 LIVING SPACE 1559
 GARAGE SPACE 1380

DATE	DESCRIPTION
01/05/06	ISSUED FOR PERMITS

2

FIRST FLOOR PLAN
 FIRST FLOOR ELECTRICAL PLAN

HETZEL CONSULTANTS
 2500 BROADWAY ROAD
 OCEANSIDE, CA 92056
 TEL: 760.755.1111

REVISIONS

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:

Hudson Addition

PROJECT LOCATION - SPECIFIC:

706 North Cleveland Street

PROJECT LOCATION - GENERAL:

Intersection of Windward Way and N.
Cleveland Street
City of Oceanside

REGULAR COASTAL PERMIT (RC-205-06)
DEVELOPMENT PLAN (D-204-06)

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:

DEVELOPMENT PLAN (D-204-06) & REGULAR COASTAL PERMIT (RC-205-06) for the addition of a unit to an existing residential duplex located at 706 North Cleveland Street.

NAME OF PUBLIC AGENCY APPROVING PROJECT:

City of Oceanside

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

Darin Hudson
706 North Cleveland Street
Oceanside, CA 92054
(760) 231-1272

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)

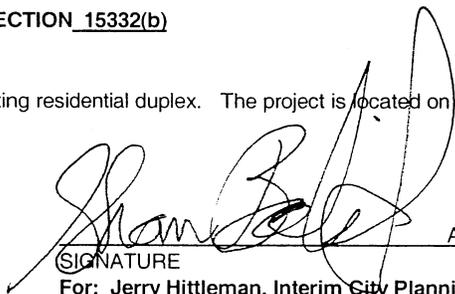
STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

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

REASONS WHY PROJECT IS EXEMPT:

The project proposes an addition of one unit to an existing residential duplex. The project is located on a less than 5-acres site within an urbanized area.

Contact Person: Shan Babick, Associate Planner


SIGNATURE

August 10, 2006

DATE

For: Jerry Hittleman, Interim City Planning

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

RESOLUTION NO. 06-

A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE APPROVING A DEVELOPMENT PLAN AND REGULAR COASTAL PERMIT FOR THE ADDITION OF A UNIT TO AN EXISTING DUPLEX LOCATED AT 706 NORTH CLEVELAND STREET – APPLICANT: DARIN HUDSON

WHEREAS, on September 13, 2006, the Community Development Commission held its duly noticed public hearing, considered an application for a Development Plan (D-204-06) and Regular Coastal Permit (RC-205-06) for the addition of a unit to an existing duplex located at 706 North Cleveland Street;

WHEREAS, the Redevelopment Design Review Committee (RDRC) of the City of Oceanside did, on June 23, 2006, review and recommend approval of Development Plan (D-204-06) and Regular Coastal Permit (RC-205-06);

WHEREAS, the Redevelopment Advisory Committee (RAC) of the City of Oceanside did, on August 14, 2006 review and recommend approval of Development Plan (D-204-06) and Regular Coastal Permit (RC-205-06);

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 for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10	\$3,503 per unit

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3			
4		Resolution No. 05-R0628-1	
5	Drainage Fee	Ordinance No. 85-23	\$2,843 per acre
6		Resolution No. 05-R0628-1	
7	Public Facility Fee	Ordinance No. 91-09	\$2,072 per unit
8		Resolution No. 05-R0628-1	
9			
10	School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot
11	Traffic Signal Fee	Ordinance No. 87-19	\$15.71 per vehicle trip
12			
13	Thoroughfare Fee	Ordinance No. 83-01	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
14			
15			
16			
17			
18	Water System Buy-in Fees	Oceanside City Code §37.56.1	Fee based on water meter size. Residential is typically
19		Resolution No. 87-96	\$3,746 per unit;
20		Ordinance No. 05-OR 0611-1	
21			
22			
23	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1	Based on meter size. Residential is typically
24		Resolution No. 87-97	\$4,587 per unit;
25		Ordinance No. 05-OR 0610-1	
26			
27	San Diego County Water	SDCWA Ordinance No.	Based on meter size.
28	Authority Capacity Fees	2005-03	Residential is typically

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or</u>
2			<u>Calculation Formula</u>
3			
4			\$4,154 per unit

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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 effective upon its adoption.

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

For the Development Plan:

1. The site plan and physical design of the project as proposed is consistent with the purposes of the City's Zoning Ordinance and the "D" Downtown District.
2. The Development Plan as proposed conforms to the Redevelopment Plan and General Plan of the City.
3. The area covered by the Development Plan can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public facilities.

1 4. The project as proposed is compatible with the existing and potential
2 development on adjoining properties or in the surrounding neighborhood.

3 5. The location of the residential triplex and proposed conditions under which this
4 use will be operated or maintained will be consistent with the General Plan and will not be
5 detrimental to the public health, safety or welfare of persons residing or working in or adjacent
6 to the neighborhood of such use and will not be detrimental to properties or improvements in
7 the vicinity or the general welfare of the City.

8 6. The project and uses will comply with the provisions of the Zoning Ordinance,
9 including any specific condition required for such use in Subdistrict 5.

10 **For the Regular Coastal Permit:**

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

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

17 SECTION 1. That Development Plan (D-204-06) and Regular Coastal Permit (RC-205-
18 06) are hereby approved subject to the following conditions:

19 **Building:**

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

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

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

27 a) Building construction work hours shall be limited to between 7 a.m. and
28 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
permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor

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

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

8 4. Separate/unique addresses will/may be required for facilitate utility releases.
9 Verification that the addresses have been properly assigned by the City's Planning must
10 accompany the Building Permit application.

11 5. As part of the applicant's plan check submittal for a building permit, submit a
12 plat drawing depicting the first floor elevations for each segment; the locations of the points
13 where the floor level is 6-feet above grade and lowest elevation within 5-feet from the building
14 for each segment.

15 6. At time of plan submittal, the plans shall depict that the 3 unit building meets all
16 requirements of an R-1 occupancy.

17 7. At time of plan submittal, an area analysis must be submitted for the building
18 showing the allowable area and the actual area per building code requirements.

19 8. At time of plan submittal, energy calculations must be submitted for an R-1
20 occupancy.

21 9. Fire resistive construction shall be depicted on all exterior walls and party
22 wall/floor assemblies.

23 10. Per the Building Code sound requirements the plans shall depict sound
24 compliance by way of a listed sound system.

25 **Engineering:**

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

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

12 14. The developer shall comply with all the provisions of the City's cable television
13 ordinances including those relating to notification as required by the Public Works Director.

14 **Fire:**

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

16 16. All proposed and existing fire hydrants within 400 feet of the project shall be
17 shown on the site plan.

18 17. In accordance with the California Fire Code Sec. 901.4.4, City approved
19 addresses for residential occupancies shall be placed on the structure in such a position as to be
20 plainly visible and legible from the street or roadway fronting the property. Numbers shall be
21 contrasting with their background.

22 18. Multifamily dwellings require 6 inch address numbers.

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

25 20. Buildings shall meet Oceanside Fire Departments current codes at the time of
26 building permit application.

27 **Planning:**

28 21. This Development Plan (D-204-06) and Regular Coastal Permit (RC-205-06)
shall expire on September 13, 2008, unless implemented as required by the Zoning Ordinance.

22. This Development Plan and Regular Coastal Permit approves only for the
addition of a unit to an existing duplex as shown on the plans and exhibits presented to the

1 Community Development Commission for review and approval. No deviation from these
2 approved plans and exhibits shall occur without Planning Department approval. Substantial
3 deviations shall require a revision to the Development Plan and Regular Coastal Permit or a new
4 Development Plan and Regular Coastal Permit.

5 23. The applicant, permittee or any successor-in-interest shall defend, indemnify and
6 hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or
7 proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul
8 an approval of the City, concerning Development Plan (D-204-06) and Regular Coastal Permit
9 (RC-205-06). The City will promptly notify the applicant of any such claim, action or
10 proceeding against the City and will cooperate fully in the defense. If the City fails to promptly
11 notify the applicant of any such claim action or proceeding or fails to cooperate fully in the
12 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless
13 the City.

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

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

27 26. All multi-family unit dwelling projects shall dispose of or recycle solid waste in
28 a manner provided in City Ordinance 13.3.

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

28 28. A covenant or other recordable document approved by the City Attorney shall be

1 prepared by the applicant developer and recorded prior to the issuance of building permits. The
2 covenant shall provide that the property is subject to this resolution, and shall generally list the
3 conditions of approval.

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

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

14 31. Failure to meet any conditions of approval for this development shall constitute a
15 violation of the Development Plan (D-204-06) and Regular Coastal Permit (RC-205-06).

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

21 33. The following unit type and floor plan mix, as approved by the Community
22 Development Commission, shall be indicated on plans submitted to the Building Division and
23 Planning Division for building permit:

	Sq.Ft.	# Bedrms	# Baths	# Stories	# Units	%
24 Plan 1	747	1	1	2	1	33
25 Plan 2	923	2	1	2	1	33
26 Plan 3	1,221	1	1 3/4	2	1	33

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

35. Elevations, siding materials, colors, roofing materials and floor plans shall be

1 substantially the same as those approved by the Community Development Commission. These
2 shall be shown on plans submitted to the Building Division and Planning Division.

3 36. The driveway located on Cleveland Street shall be removed.

4 **Water Utilities:**

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

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

11 AYES:

12 NAYS:

13 ABSENT:

14 ABSTAIN:

15 _____
16 Chairman

17 ATTEST:

18 _____
19 Secretary

20 APPROVED AS TO FORM:
21 OFFICE OF THE CITY ATTORNEY

22 by 
23 General Counsel

24
25
26
27
28