

STAFF REPORT



ITEM NO. 14
CITY OF OCEANSIDE

DATE: September 19, 2007

TO: Chairman and Members of the Community Development Commission

FROM: Economic Development and Redevelopment Department

SUBJECT: **CONSIDERATION OF A RESOLUTION APPROVING TENTATIVE PARCEL MAP (P-205-07) AND REGULAR COASTAL PERMIT (RC-207-07) FOR A 2-UNIT MULTIFAMILY CONDOMINIUM LOCATED AT THE SOUTHEAST CORNER OF NORTH TREMONT STREET AND SURFRIDER WAY - APPLICANT: BOB MORRIS**

SYNOPSIS

The item under consideration is a Tentative Parcel Map and Regular Coastal Permit for a 2-unit multifamily condominium located at southeast corner of North Tremont Street and Surfrider Way. Staff is recommending that the Commission approve the project and adopt the resolution as attached.

BACKGROUND

On January 5, 2005, the Community Development Commission approved a two-unit residential condominium at the subject site. Construction is nearing completion and will be completed by the end of the year. The Tentative Parcel Map expired on January 5, 2007; therefore, the applicant is requesting approval of a new Parcel Map in order to sell the units individually.

The subject site consists of one pre-existing legal parcel 5,009 square feet in size that was part of the original Oceanside Townsite subdivision of 1885. The subject site topography slightly slopes to the west with less than a four foot grade differential between the highest and lowest points of the site.

The subject site is situated within the North Myers Street corridor neighborhood, which consists of a mixture of some older single family interspersed with new single-family row homes and condominium units.

Land Use and Zoning: The subject site is located within Subdistrict 5 of the "D" Downtown District. Subdistrict 5 is primarily intended to provide a high-density residential neighborhood in an urban setting in close proximity to shopping, employment, transportation and recreational facilities. Multifamily residences are permitted. The density within this zone ranges from 29-43 dwelling units per acre. The project proposes a density of 17.4 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 two components, which consists of a Tentative Parcel Map and Regular Coastal Permit. Each discretionary request is described as follows:

Tentative Parcel Map: The project proposes a residential condominium duplex with the units 2,967 and 3,367 square feet in size situated on a 5,009-square-foot lot. The overall project density is 17.4 dwelling units per acre.

Regular Coastal Permit: A Regular Coastal Permit is required because the project is situated within the Coastal Zone and a new parcel map 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

Since the proposed project is an infill project, staff's review centered on the project's consistency with similar condominiums projects located within the North Tremont Street neighborhood. Staff believes that the proposed 2-unit residential condominium map is consistent with similar condominium developments located within the surrounding neighborhood. In addition, the project is consistent with the Subdivision Ordinance, Redevelopment Plan and the Local Coastal Plan.

Staff's review of the project examined the consistency of the development with the underlying zoning regulations and policies of the Local Coastal Program. Staff believes that the proposed two-unit condominium map is consistent with existing condominium developments located within the surrounding neighborhood.

In conclusion, staff believes that the proposed map is consistent with similar condominium maps located throughout the surrounding neighborhood. The project meets the intent of the Redevelopment Plan and goals, the Subdivision Ordinance as well as the Local Coastal Plan.

COMMISSION OR COMMITTEE REPORTS

The Redevelopment Advisory Committee (RAC) reviewed the project at its September 12, 2007, meeting and their action was forwarded to the Community Development Commission.

FISCAL IMPACT

The proposed project will add approximately \$17,000 of tax increment yearly to the project area.

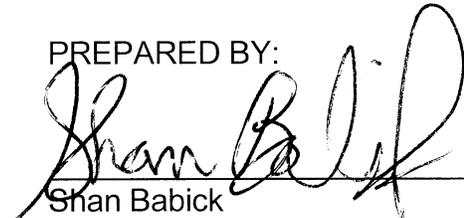
CITY ATTORNEY'S ANALYSIS

Pursuant to Oceanside Zoning Ordinance Article 4102, the Commission is authorized to hold a public hearing on this project's applications. Consideration of the project should be based on the evidence presented at the public hearing. After conducting the public hearing, the Commission shall approve, conditionally approve, or disapprove the project. The resolution has been reviewed and approved as to form by the City Attorney.

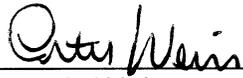
RECOMMENDATION

Staff recommends that the Commission adopt the resolution approving Tentative Parcel Map (P-205-07) and Regular Coastal Permit (RC-207-07) for the two-unit residential condominium map located at the southeast corner of North Tremont Street and Surfrider Way.

PREPARED BY:

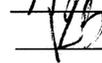

Shan Babick
Associate Planner

SUBMITTED BY:


Peter A. Weiss
Executive Director

REVIEWED BY:

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

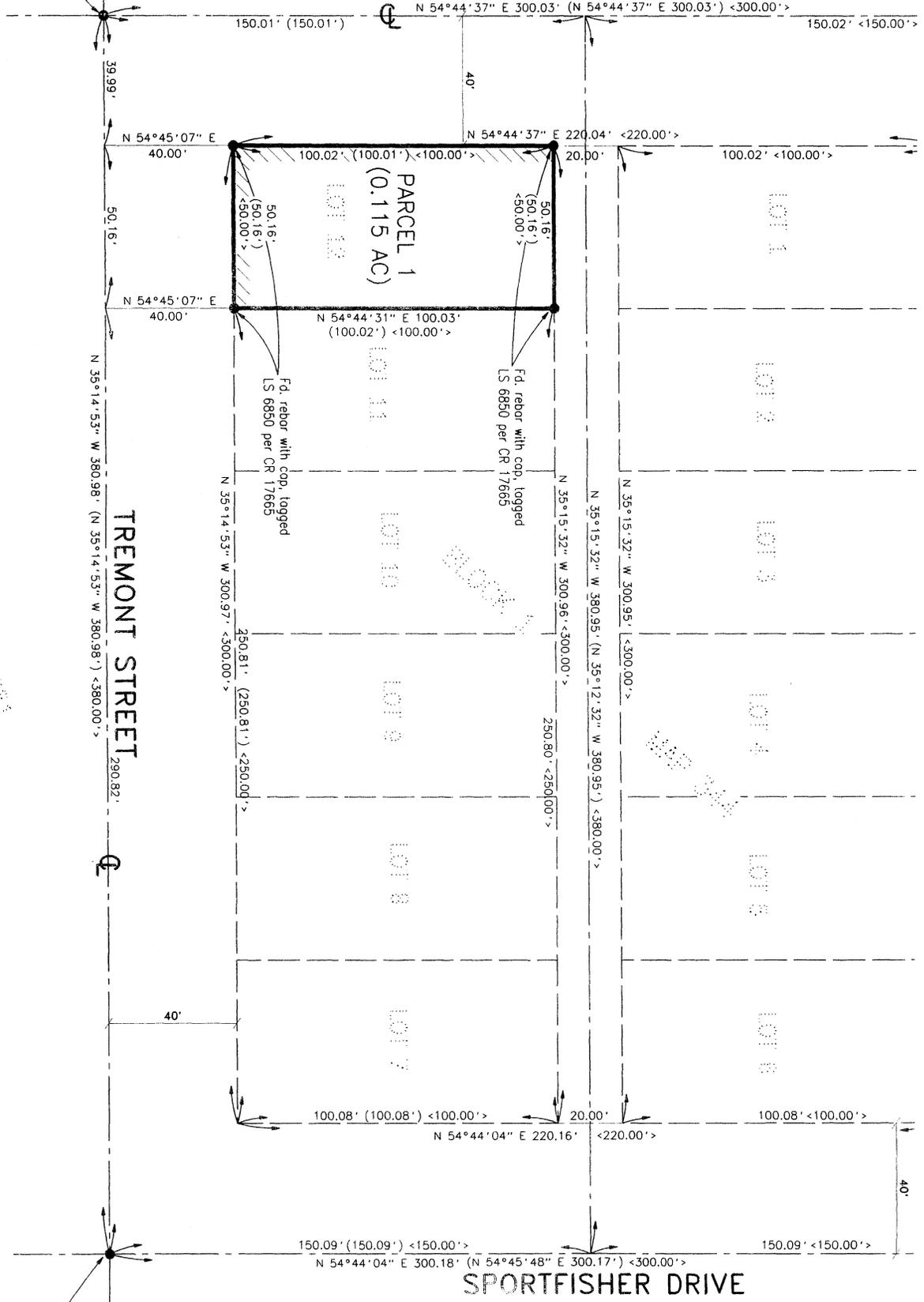

EXHIBITS/ATTACHMENTS

- 1. Resolution
- 2. Notice of Exemption
- 3. Tentative Parcel Map

MAP 12114

SURFRIDER DRIVE

1. street well mon. per 17665



SPORTFISHER DRIVE

Fd. pk with brass w/ logged LS 6788 per 17665

PM 18813

TREMONT STREET

MAP 12114

RESOLUTION NO. 07-

A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE APPROVING A TENTATIVE PARCEL MAP AND REGULAR COASTAL PERMIT FOR A RESIDENTIAL CONDOMINIUM DUPLEX LOCATED AT SOUTHEAST CORNER OF NORTH TREMONT STREET AND SURFRIDER WAY - APPLICANT: BOB MORRIS

WHEREAS, on September 19, 2007, the Community Development Commission held its duly noticed public hearing, considered an application for a Tentative Parcel Map (P-205-07) and Regular Coastal Permit (RC-207-07) for a residential condominium duplex located at North Tremont Street and Surfrider Way;

WHEREAS, the Redevelopment Advisory Committee (RAC) of the City of Oceanside did, on September 12, 2007, meeting review and recommend approval of Tentative Parcel Map (P-207-07) and Regular Coastal Permit (RC-207-07);

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 (CEQA) 1970 and the State Guidelines implementing the Act. Pursuant to Section 15332 of the CEQA guidelines the project is considered an infill development and will not have a detrimental effect on the environment;

WHEREAS, the project is exempt from the provisions of the Mello Act regarding low income housing because there are fewer than three units;

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>
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1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or</u>
2			<u>Calculation Formula</u>
3			
4			
5	Parkland Dedication/Fee	Ordinance No. 91-10	\$3,503 per unit
6		Resolution No. 05-R0628-1	
7	Drainage Fee	Ordinance No. 85-23	\$2,843 per acre
8		Resolution No. 05-R0628-1	
9	Public Facility Fee	Ordinance No. 91-09	\$2,072 per unit
10		Resolution No. 05-R0628-1	
11	School Facilities Mitigation	Ordinance No. 91-34	\$2.63 per square foot
12	Fee		
13	Traffic Signal Fee	Ordinance No. 87-19	\$15.71 per vehicle trip
14			
15	Thoroughfare Fee	Ordinance No. 83-01	\$255 per vehicle trip (based
16			on SANDAG trip generation
17			table available from staff and
18			from SANDAG)
19			
20	Water System Buy-in Fees	Oceanside City Code	Fee based on water meter
21		§37.56.1	size. Residential is typically
22		Resolution No. 87-96	\$3,746 per unit;
23		Ordinance No. 05-OR 0611-1	
24	Wastewater System Buy-in	Oceanside City Code §	Based on meter size.
25	fees	29.11.1	Residential is typically
26		Resolution No. 87-97	\$4,587 per unit;
27		Ordinance No. 05-OR 0610-1	
28			

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or</u>
2			<u>Calculation Formula</u>
3			
4			
5	San Diego County Water	SDCWA Ordinance No.	Based on meter size.
6	Authority Capacity Fees	2005-03	Residential is typically
7			\$4,154 per unit
8			

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

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

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

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

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

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

For the Tentative Parcel Map:

1. The proposed two unit residential condominium subdivision is consistent with and exceeds the requirements of the Subdistrict 5 zoning designation in that the proposed 5,000 square foot lot (50 X 100 feet) meets the minimum lot size of 5,000 square feet as stipulated within Article 12 of

1 the Downtown District development standards. The subdivision map is consistent with the
2 General Plan, Redevelopment Plan, Local Coastal Program, Article 12 of the Downtown District
3 and the Subdivision Ordinance of the City of Oceanside by creating one 5,000 square foot lot
4 which meets the minimum development standards.

5 2. The proposed building on the site will conform to the topography of the site, therefore,
6 making it suitable for residential development. The 5,000 square foot site is physically suitable to
7 allow for the development of a two unit multifamily residential project.

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

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

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

17 **For the Regular Coastal Permit:**

18 1. The granting of the Regular Coastal Permit is consistent with the purposes of the
19 California Coastal Act of 1976. The proposed two unit multifamily development is consistent
20 with the High Density Land Use as depicted in the Local Coastal Program Land Use Map. In
21 addition, the project does not impede public access to the beach or impact public coastal views.

22 2. The proposed project is consistent with the policies of the Local Coastal Program
23 as implemented through the City Zoning Ordinance. The proposed two unit multifamily
24 development is consistent with the High Density Land Use as depicted in the Local Coastal
25 Program Land Use Map. The project will not substantially alter or impact the existing coastal
26 views through the public rights-of-way view corridors by providing a ten foot front yard
27 setback.

28 3. The proposed project will not obstruct any existing or planned public beach
access; therefore, the project is in conformance with the policies of Chapter 3 of the Coastal
Act. The subject site provides an 8.5 foot corner side yard setback which meets or exceeds the
setbacks for buildings located on Surfrider Way corridor; therefore, the proposed project will

1 not obstruct and/or block any existing and/or proposed public beach access.

2 SECTION 1. That Tentative Parcel Map (P-205-07) and Regular Coastal Permit (RC-207-
3 07) are hereby approved subject to the following conditions:

4 **Engineering:**

5 1. Vehicular access rights to North Tremont Street and Surfrider Way shall be
6 relinquished to the City along property frontage.

7 2. Design and construction of all improvements shall be in accordance with
8 standard plans, specifications of the City of Oceanside and subject to approval by the City
9 Engineer.

10 3. Prior to issuance of a building permit all improvement requirements shall be
11 covered by a development agreement and secured with sufficient improvement securities or
12 bonds guaranteeing performance and payment for labor and materials, setting of monuments,
13 and warranty against defective materials and workmanship.

14 4. The approval of the tentative parcel map shall not mean that closure, vacation, or
15 abandonment of any public street, right of way, easement, or facility is granted or guaranteed to
16 the developer. The developer is responsible for applying for all closures, vacations, and
17 abandonment's as necessary. The application shall be reviewed and approved or rejected by the
18 City of Oceanside under separate process per codes, ordinances, and policies in effect at the
19 time of the application.

20 5. Prior to approval of the final map, all improvement requirements shall be covered
21 by a subdivision agreement and secured with sufficient improvement securities or bonds
22 guaranteeing performance and payment for labor and materials, setting of monuments, and
23 warranty against defective materials and workmanship.

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

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

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

4 a) Dirt, debris and other construction material shall not be deposited on any
5 public street or within the City of Oceanside’s storm water conveyance system.

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

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

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

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

1 9. Approval of this development project is conditioned upon payment of all applicable
2 impact fees and connection fees in the manner provided in chapter 32B of the Oceanside City
3 Code. All drainage fees, traffic signal fees and contributions, highway thoroughfare fees, park
4 fees, reimbursements, and other applicable charges, fees and deposits shall be paid prior to
5 recordation of the map or the issuance of any building permits, in accordance with City Ordinances
6 and policies. The developer shall also be required to join into, contribute, or participate in any
7 improvement, lighting, or other special district affecting or affected by this project. Approval of
8 the tentative map (project) shall constitute the developer's approval of such payments, and his
9 agreement to pay for any other similar assessments or charges in effect when any increment is
10 submitted for final map or building permit approval, and to join, contribute, and/or participate in
such districts.

11 10. North Tremont Street shall be improved with curb and gutter along the property
12 frontage.

13 11. North Tremont Street along the property frontage shall provide a minimum of 10
14 feet parkway between the face of curb and the right of way line. Sidewalk improvements shall
15 comply with ADA requirements.

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

19 13. Streetlights shall be maintained and installed on North Tremont Street per City
20 Standards. The system shall provide uniform lighting, and be secured prior to occupancy. The
21 developer shall pay all applicable fees, energy charges, and/or assessments associated with City-
22 owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the
annexation to, any appropriate street lighting district.

23 14. Prior to approval of the grading plans, the developer shall contract with a
24 geotechnical engineering firm to perform a field investigation of the existing pavement on all
25 streets adjacent to the project boundary. The limits of the study shall be half-street plus twelve (12)
26 feet along the project's frontage. The field investigation shall include a minimum of one pavement
27 boring per every fifty (50) linear feet of street frontage. Should the existing AC thickness be
28 determined to be less than three (3) inches or without underlying Class II base material, the

1 Developer shall remove and reconstruct the pavement section as determined by the pavement
2 analysis submittal process detailed in Item No. 2 below.

3 15. Upon review of the pavement investigation, the City Engineer shall determine
4 whether the Developer shall: 1) Repair all failed pavement sections, header cut and grind per the
5 direction of the City Engineer, and construct a two (2) inch thick rubberized AC overlay; or 2)
6 Perform R-value testing and submit a study that determines if the existing pavement meets current
7 City of Oceanside standards/traffic index. Should the study conclude that the pavement does not
8 meet current requirements, rehabilitation/mitigation recommendations shall be provided in a
9 pavement analysis report, and the Developer shall reconstruct the pavement per these
10 recommendations, subject to approval by the City Engineer.

11 16. Pavement sections for all streets, alleys, driveways and parking areas shall be based
12 upon approved soil tests and traffic indices. The pavement design is to be prepared by the
13 developer's soil engineer and must be approved by the City Engineer, prior to paving.

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

16 18. The developer shall comply with all the provisions of the City's cable television
17 ordinances including those relating to notification as required by the City Engineer.

18 19. Grading and drainage facilities shall be designed and installed to adequately
19 accommodate the local storm water runoff and shall be in accordance with the City's Engineers
20 Manual and as directed by the City Engineer.

21 20. The applicant shall obtain any necessary permits and clearances from all public
22 agencies having jurisdiction over the project due to its type, size, or location, including but not
23 limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U. S. Fish
24 and Wildlife Service and/or San Diego Regional Water Quality Control Board (including NPDES),
25 San Diego County Health Department, prior to the issuance of grading permits.

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

1 22. This project shall provide year-round erosion control including measures for the site
2 required for the phasing of grading. Prior to the issuance of grading permit, an erosion control
3 plan, designed for all proposed stages of construction, shall be reviewed, secured by the applicant
4 with cash securities and approved by the City Engineer.

5 23. A precise grading and private improvement plan shall be prepared, reviewed,
6 secured and approved prior to the issuance of any building permits. The plan shall reflect all
7 pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, signage,
8 footprints of all structures, walls, drainage devices and utility services.

9 24. Landscaping plans, including plans for the construction of walls, fences or other
10 structures at or near intersections, must conform to intersection sight distance requirements.
11 Landscape and irrigation plans shall be approved by the City Engineer prior to the issuance of
12 occupancy permits, and a pre-construction meeting held, prior to the start of any improvements.

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

20 26. The drainage design on the tentative parcel map is conceptual only. The final
21 design shall be based upon a hydrologic/hydraulic study to be approved by the City Engineer
22 during final engineering. All drainage picked up in an underground system shall remain
23 underground until it is discharged into an approved channel, or as otherwise approved by the City
24 Engineer. All public storm drains shall be shown on City of Oceanside standard plan and profile
25 sheets. All storm drain easements shall be dedicated where required. The applicant shall be
26 responsible for obtaining any off-site easements
27 for storm drainage facilities.

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

1 28. Upon acceptance of any fee waiver or reduction by the Developer, the entire
2 project will be subject to prevailing wage requirements as specified by Labor Code section
3 1720(b)(4). The Developer shall agree to execute a form acknowledging the prevailing wage
4 requirements prior to the granting of any fee reductions or waivers.

5 **Planning:**

6 29. This Tentative Parcel Map (P-205-07) and Regular Coastal Permit (RC-207-07)
7 shall expire on September 19, 2009, unless implemented as required by the Zoning Ordinance.

8 30. This Tentative Parcel Map and Regular Coastal Permit approves only a two-unit
9 condominium map for multifamily development as shown on the plans and exhibits presented to
10 the Community Development Commission for review and approval. No deviation from these
11 approved plans and exhibits shall occur without Planning Department approval. Substantial
12 deviations shall require a revision to the Tentative Parcel Map and Regular Coastal Permit or a
13 new Tentative Parcel Map and Regular Coastal Permit.

14 31. The applicant, permittee or any successor-in-interest shall defend, indemnify and
15 hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or
16 proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul
17 an approval of the City, concerning Tentative Parcel Map (P-205-07) and Regular Coastal
18 Permit (RC-207-07). The City will promptly notify the applicant of any such claim, action or
19 proceeding against the City and will cooperate fully in the defense. If the City fails to promptly
20 notify the applicant of any such claim action or proceeding or fails to cooperate fully in the
21 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless
22 the City.

23 32. A covenant or other recordable document approved by the City Attorney shall be
24 prepared by the applicant developer and recorded prior to the issuance of building permits. The
25 covenant shall provide that the property is subject to this resolution, and shall generally list the
26 conditions of approval.

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

1 34. Failure to meet any conditions of approval for this development shall constitute a
2 violation of the Tentative Parcel Map (P-205-07) and Regular Coastal Permit (RC-207-07).

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

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1 36. An Association of Homeowner (HOA) and Covenants, Conditions and
2 Restrictions (CC&R-s) shall provide for the maintenance of the adjacent parkways and common
3 area and shall be recorded against this property prior to recordation of the Final Map. The
4 maintenance shall include normal care and irrigation of landscaping, repair and replacement of
5 plant material and irrigation systems as necessary; and general cleanup of the parkway. The
6 CC&R's shall be subject to the review and approval of the City Attorney prior to the approval
7 of the final map. The CC&R's is required to be recorded prior to or concurrently with the final
8 map. Any amendments to the CC&R's in which the owners relinquish responsibility for the
9 maintenance of any common open space shall not be permitted without the prior written
10 approval of the City of Oceanside. Such a clause shall be included in the CC&R's. The
11 CC&R's shall also contain provisions for the following:

12 a) Prohibition against parking or storage of recreational vehicles, trailers, or
13 boats.

14 b) Maintenance of all common areas, parkway, and on-site and frontage
15 landscaping.

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

18 AYES:

19 NAYS:

20 ABSENT:

21 ABSTAIN:

Chairman

22 ATTEST:
23 _____
24 Secretary

25 APPROVED AS TO FORM:
26 OFFICE OF THE CITY ATTORNEY
27 by _____
28 General Counsel

CITY OF OCEANSIDE
PLANNING DEPARTMENT

NOTICE OF EXEMPTION

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

PROJECT TITLE AND FILE NUMBER:

TENTATIVE PARCEL MAP (P-206-07) AND REGULAR COASTAL PERMIT (RC-206-07) for a 2-unit multifamily condominium map situated on a 5,000 s.f. lot located at the southeast corner of North Tremont and Surfrider Streets.

PROJECT LOCATION - SPECIFIC:

Southeast corner of North Tremont Street and Surfrider Way

PROJECT LOCATION - GENERAL:

North Tremont Street and Surfrider Way

TENTATIVE PARCEL MAP (P-206-07)

REGULAR COASTAL PERMIT (RC-206-07)

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:

A 2-unit multifamily condominium map situated on a 5,000 sq. ft. lot located at the northeast corner of North Tremont Street and Surfrider Way.

NAME OF PUBLIC AGENCY APPROVING PROJECT:

City of Oceanside

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

Robert Morris
7 Bezaire
Laguna Niguel, CA 92677
(316) 721-9104

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

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

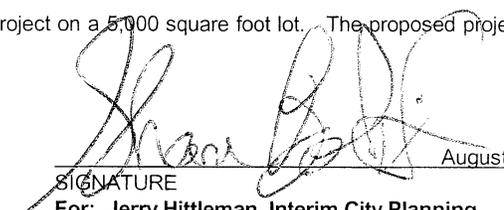
STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION 15301(b)

REASONS WHY PROJECT IS EXEMPT:

The proposed project consists of a 2-unit multifamily project on a 5,000 square foot lot. The proposed project is considered an infill project and is less than 5-acres in size.

Contact Person: Shan Babick, Associate Planner


SIGNATURE

August 27, 2007

DATE

For: Jerry Hittleman, Interim City Planner

CITY HALL, 300 NORTH COAST HIGHWAY, OCEANSIDE CA 92054, TELEPHONE (760) 435-3534, FAX (760) 435-3538