

*STAFF REPORT**CITY OF OCEANSIDE*

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DATE: October 4, 2006

TO: Chairman and Members of the Community Development Commission

FROM: Economic Development and Redevelopment Department

SUBJECT: **CONSIDERATION OF A RESOLUTION APPROVING A TENTATIVE PARCEL MAP (P-205-06), DEVELOPMENT PLAN (D-209-06), CONDITIONAL USE PERMIT (C-205-06), REGULAR COASTAL PERMIT (RC-211-06), VARIATION (V-205-06) AND DEFERRAL OF THE OVERHEAD UTILITIES FOR A 4-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT LOCATED AT 313 SOUTH MYERS STREET – SOMBRILLA CONDOMINIUM – APPLICANT: MATT SUMEK**

**SYNOPSIS**

The item under consideration is a Tentative Parcel Map, Development Plan, Conditional Use Permit, Regular Coastal Permit and Variation for a four-unit residential condominium located at 313 S. Myers Street. Staff is recommending that the Commission adopt the attached resolution approving the project.

**BACKGROUND**

On December 1, 2004, the Community Development Commission approved a four-unit residential condominium at the subject site. To date, two buildings have been demolished, grading has been completed and construction has commenced. In July 2006, the Parcel Map was recorded.

**Land Use and Zoning:** The subject site is located within Subdistrict 5 of the "D" Downtown District. Subdistrict 5 is primarily intended for 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 density is 34.8 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 High-Density Residential. Multifamily and single-family are primarily the uses allowed within this land use designation.

The project is also situated within the Coastal Zone "appeal jurisdiction". Any local action by the City on this proposed coastal development permit may be appealed to the California Coastal Commission.

**Project Description:** The project under construction consists of four-unit residential condominiums that range in size from 1,830 to 1,931 square feet, with each unit consisting of 2 bedrooms and 2.5 baths. The applicant is requesting to eliminate former Condition No. 13 and modify Condition No. 26. of Community Development Commission (CDC) Resolution No. 04-R974-3 (see attachment).

Due to the fact that the Parcel Map has been recorded, a new Tentative Parcel Map was required to be submitted in order for the applicant to change the two conditions. It should be noted that if CDC denies the “new” Tentative Parcel Map, the recorded Parcel Map is still valid and the applicant can continue with the construction of the 4-unit residential condominiums.

Condition No. 13 of former Resolution No. 04-R974-3 states the following:

The Subdivider shall widen Myers Street along the project frontage to provide a half-street pavement width of 20 feet.

Condition No. 26 states the following:

All existing overhead utility lines within the development property and/or within any full-width street or right-of-way abutting the development and all new extension services for the development of the project, including but not limited to electrical, cable and telephone, 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.

The applicant is proposing that the former Condition No. 26 would be modified as follows:

The under-grounding of the existing overhead utilities may be deferred. The developer shall pay in-lieu fee based upon the length of utilities to be placed underground and at the rate in effect at building permit issuance or as established by the City Engineer per Section 901.G. of the Subdivision Ordinance (R91-166) and as required by the City Engineer and current City policy.

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

## **ANALYSIS**

In reviewing the application staff’s analysis focused on the consistency of the modified conditions with the Subdivision Ordinance. Currently, South Myers Street at the subject site location is a one-way street which has a curb-to-curb street width of 30 feet with two 15-foot-wide parkways. Standard two-way residential streets have a 40-foot curb-to-curb width with two 10-foot-wide parkways.

The condition would require that South Myers Street curb-to-curb width be increased 5

feet at the subject site to meet the standard 40-foot curb-to-curb two-way street width (thereby reducing the current parkway width to 10 feet). Increasing the street width by 5 feet would be inconsistent with South Myers Street. In addition, the reduction of the parkway width from 15 feet to 10 feet would also mean a reduction of the landscaping strip thereby reducing the aesthetics and charms of the South Myers neighborhood.

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

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

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

**COMMISSION OR COMMITTEE REPORTS**

The Redevelopment Advisory Committee (RAC) reviewed the project at its September 18, 2006, meeting and recommended approval on a 5-0 vote.

**FISCAL IMPACT**

Not applicable.

**CITY ATTORNEY'S ANALYSIS**

This application is nearly identical to a project currently being constructed on the site. The applicant has already obtained permits for the construction of the project in reliance on the previously approved map, plan and permits. The applicant recorded the final map for the project prior to requesting the instant changes. The Oceanside Zoning Ordinance requires any deferral of undergrounding be done only at the tentative map stage, hence the requirement for a new Tentative Parcel Map, Development Plan and permits.

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. However, a disapproval of this application would not affect the entitlements already granted for the previous project. The resolution has been reviewed and approved as to form by the City Attorney.

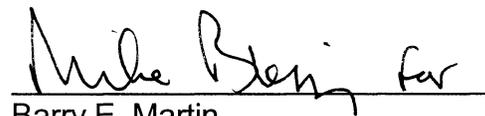
**RECOMMENDATION**

Staff recommends that the Commission adopt the resolution approving Parcel Map (P-205-06), Development Plan (D-209-06), Conditional Use Permit (C-205-06), Regular Coastal Permit (RC-211-06) and Variation (V-205-06) for the elimination of the former condition to widen S. Myers Street and for the deferral of the under-grounding of the overhead utilities.

PREPARED BY:

  
Shan Babick  
Associate Planner

SUBMITTED BY:

  
Barry E. Martin  
Interim Executive Director

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant to the City Manager  
Mike Blessing, Deputy City Manager/Community Development  
Kathy Baker, Redevelopment Manager



**EXHIBITS/ATTACHMENTS**

- 1. Resolution
- 2. Site Plan / Floor Plans / Elevations
- 3. Staff Report dated December 1, 2004
- 4. CDC Resolution No. 04-R974-3

1 RESOLUTION NO. 06-

2 A RESOLUTION OF THE COMMUNITY DEVELOPMENT  
3 COMMISSION OF THE CITY OF OCEANSIDE APPROVING  
4 A TENTATIVE MAP, DEVELOPMENT PLAN,  
5 CONDITIONAL USE PERMIT, VARIATION AND REGULAR  
6 COASTAL PERMIT FOR THE CONSTRUCTION OF A 4-UNIT  
7 RESIDENTIAL CONDOMINIUM PROJECT LOCATED AT 313  
8 SOUTH MYERS STREET – APPLICANT: MATT SUMEK

9 WHEREAS, on December 1, 2004, the Community Development Commission held a  
10 duly noticed public hearing, and adopted Resolution No. 04-R974-3 approving Tentative Parcel  
11 Map (P-200-04), Development Plan (D-200-04), Conditional Use Permit (C-200-04), Variation  
12 (V-201-04) and Regular Coastal Permit (RC-200-04) for the construction of a 4-unit residential  
13 condominium project located at 313 South Myers Street;

14 WHEREAS, the Parcel Map for the aforementioned project was recorded in July 2006,

15 WHEREAS, subsequent to the Parcel Map filing, the applicant requested changes to the  
16 conditions of approval;

17 WHEREAS, under O.C. the changes to project conditions requested by the applicant are  
18 not allowed subsequent to the file of the final map;

19 WHEREAS, a new Tentative Parcel Map, Development Plan, Conditional Use Permit,  
20 Variation and Regular Coastal Permit and deferral are requested for the new project;

21 WHEREAS, on October 4, 2006, the Community Development Commission held its  
22 duly noticed public hearing, considered an application for a Tentative Parcel Map (P-205-06),  
23 Development Plan (D-209-06), Conditional Use Permit (C-205-06), Variation (V-205-06) and  
24 Regular Coastal Permit (RC-211-06) for the construction of a 4-unit residential condominium  
25 project located at 313 South Myers Street;

26 WHEREAS, the Redevelopment Advisory Committee (RAC) of the City of Oceanside  
27 did, on September 18, 2006, review and recommend approval of Tentative Parcel Map (P-205-  
28 06), Development Plan (D-209-06), Conditional Use Permit (C-205-06), Variation (V-205-06)  
and Regular Coastal Permit (RC-211-06);

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

1 the State Guidelines implementing the Act. The project is considered an infill development and  
2 will not have a detrimental effect on the environment;

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

5 WHEREAS, pursuant to Government Code §66020(d)(1), NOTICE IS HEREBY  
6 GIVEN that the Project is subject to certain fees, dedications, reservations and other exactions  
7 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 Resolution No. 05-R0628-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 05-R0628-1	\$2,843 per acre
Public Facility Fee	Ordinance No. 91-09 Resolution No. 05-R0628-1	\$2,072 per unit
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot
Traffic Signal Fee	Ordinance No. 87-19	\$15.71 per vehicle trip
Thoroughfare Fee	Ordinance No. 83-01	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
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 \$3,746 per unit;

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3			
4			
5	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on meter size. Residential is typically \$4,587 per unit;
6			
7			
8			
9	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$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;

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20

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;

21  
22

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;

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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

26  
27

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

28

NOW, THEREFORE, the Community Development Commission of the City of

1 Oceanside does resolve as follows:

2 **For the Tentative Parcel Map:**

3 1. The proposed subdivision creates parcels that are consistent with and exceed the  
4 requirements of the Subdistrict 5 zoning designation. The subdivision map is consistent with the  
5 General Plan of the City.

6 2. The proposed building on the site will conform to the topography of the site,  
7 therefore, making it suitable for residential development. The 5,000 square foot site is physically  
8 suitable to allow for the development of four residential condominium units.

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

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

14 5. The design of the subdivision or the proposed improvements will not cause  
15 substantial environment damage or substantially and avoidably injure fish or wildlife or their  
16 habitat.

16 **For the Development Plan:**

17 1. The site plan and physical design of the project as proposed is consistent with the  
18 purposes of the City's Zoning Ordinance and the "D" Downtown District.

19 2. The Development Plan as proposed conforms to the Redevelopment Plan and  
20 General Plan of the City.

21 3. The area covered by the Development Plan can be adequately, reasonably and  
22 conveniently served by existing and planned public services, utilities and public facilities.

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

25 5. The location of the four residential condominium units and proposed conditions  
26 under which this use will be operated or maintained will be consistent with the General Plan and  
27 will not be detrimental to the public health, safety or welfare of persons residing or working in  
28 or adjacent to the neighborhood of such use and will not be detrimental to properties or  
improvements in the vicinity or the general welfare of the City.

6. The project and uses will comply with the provisions of the Zoning Ordinance,

1 including any specific condition required for such use in Subdistrict 5.

2 **Conditional Use Permit to Exceed the Base Density:**

3 1. In accordance with the zoning criteria, the project merits a density increase due to  
4 its excellent design features with clean modern lines, vibrant architectural rhythm, choice and  
5 materials and its inclusion of an underground parking facility that is at least 50 percent below grade  
6 and provides for at least 75 percent of the project's required parking for the residential component.

7 2. The proposed density will be adequately contained and facilitated within the  
8 project development. As such, the project density will not have any detrimental impact upon  
9 the public health, safety, or welfare of persons working or residing in the neighboring areas.

10 3. The project density is a part of a project development that represents a high  
11 quality urban design.

12 **Regular Coastal Permit:**

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

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

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

22 **Variation for Setback Reductions and Parking Stall Length:**

23 1. The application of certain regulations and development standards for the front  
24 and rear yard setback, wall and railing height and parking stall length would result in  
25 unnecessary hardships to accomplish the exterior urban edge design and would impact the  
26 project's ability to provide the same level of urban design qualities. Imposing the above  
27 requirements on the proposed project would be inconsistent with the land use goals for the  
28 Redevelopment Project Area.

2. The exceptional circumstances that is unique to the subject site is the several  
development standards are based on lots 6,000 square feet in size and the subject site is 5,000  
square feet in size. In addition, the urban and high density nature of the project design is

1 consistent with the Redevelopment zoning and land use goals affecting the project site.  
2 Reduced setbacks and parking stall lengths is an accepted and special design feature of this type  
3 of development.

4 3. Permitting the Variation will not be materially detrimental to the public welfare  
5 or injurious to other properties or improvements within the Subdistrict 5 zone.

6 4. Permitting the Variation will not be contrary to the objectives and goals of the  
7 Redevelopment Plan.

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

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

14 SECTION 1. That Parcel Map (P-205-06), Development Plan (D-209-06), Conditional  
15 Use Permit (C-205-06), Variation (V-205-06) and Regular Coastal Permit (RC-211-06) are hereby  
16 approved subject to the following conditions:

17 **Building:**

- 18 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
19 Building Department plan check.  
20 2. The granting of approval under this action shall in no way relieve the applicant/project  
21 from compliance with all State and local building codes.  
22 3. Site development, common use areas, access and adaptability of apartments and  
23 condominiums shall comply with the State's Disabled Accessibility Regulations (2001  
24 CBC Chapter 11A).  
25 4. All electrical, communication, CATV, etc. service lines, within the exterior lines of the  
26 property shall be underground (City Code Sec. 6.30).  
27 5. The building plans for this project are required by State law to be prepared by a licensed  
28 architect or engineer and must be in compliance with this requirement prior to submittal  
for building plan review.

- 1 6. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance)  
2 and shall be shielded appropriately. Where color rendition is important high-pressure  
3 sodium, metal halide or other such lights may be utilized and shall be shown on final  
4 building and electrical plans.
- 5 7. The developer shall monitor, supervise and control all building construction and  
6 supportive activities so as to prevent these activities from causing a public nuisance,  
7 including, but not limited to, strict adherence to the following:
- 8 a) Building construction work hours shall be limited to between 7 a.m. and 6 p.m.  
9 Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not  
10 inherently noise-producing. Examples of work not permitted on Saturday are  
11 concrete and grout pours, roof nailing and activities of similar noise-producing  
12 nature. No work shall be permitted on Sundays and Federal Holidays (New Year's  
13 Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day, Christmas Day)  
14 except as allowed for emergency work under the provisions of the Oceanside City  
15 Code Chapter 38 (Noise Ordinance).
- 16 b) The construction site shall be kept reasonably free of construction debris as  
17 specified in Section 13.17 of the Oceanside City Code. Storage of debris in  
18 approved solid waste containers shall be considered compliant with this  
19 requirement. Small amounts of construction debris may be stored on site in a neat,  
20 safe manner for short periods of time pending disposal.
- 21 8. Separate and unique addresses will be required to facilitate utility releases.
- 22 9. Verification that the addresses have been properly assigned by the City's Planning  
23 Department must accompany the Building Permit application.
- 24 10. A complete soils report, structural calculations & energy calculations/documentation will  
25 be required at the time of plans submittal to the Building Department for plan check.
- 26 11. Minimum 5-foot setbacks are required by UBC Table 5-A – any construction within the 5  
27 foot setback must be 1-hour fire-resistive construction; exterior openings in walls closer  
28 than 5 feet from the property line are not permitted. UBC Section 1203 requires increased  
setbacks in yards and courts for buildings over 2-stories in height when there are window  
openings into the yards or courts that are required for natural light and ventilation.

1 12. UBC 904.2.9 requires automatic fire sprinkler systems in a building having 3 or more  
2 stories.

3 **Engineering:**

4 13. Prior to approval of the parcel map or any increment, all improvement requirements, within  
5 such increment or outside of it if required by the Public Works Director, shall be covered  
6 by a subdivision agreement and secured with sufficient improvement securities or bonds  
7 guaranteeing performance and payment for labor and materials, setting of monuments, and  
8 warranty against defective materials and workmanship.

9 14. Prior to approval of the parcel map, a phasing plan for the construction of public and  
10 private improvements (including landscaping, streets and arterials) shall be approved by the  
11 Public Works Director. All improvements shall be substantially complete (per current City  
12 Policy) prior to the issuance of any building permits. All improvements shall be completed  
13 prior to issuance of any certificates of occupancy.

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

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

27 17. Vehicular access rights to Myers Street shall be relinquished to the City.

28 18. A precise grading plan shall be prepared, reviewed, secured and approved prior to the  
issuance of any building permits. A grading permit is required. To obtain a grading  
permit, the Developer shall submit copies of the precise grading plans, title report, drainage  
study, geotechnical analysis, erosion control plan and cost estimate to the Engineering

- 1 Division following the 10-day appeal period of this permit. The precise grading plan shall  
2 reflect all pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians,  
3 striping, signage, footprints of all structures, walls, drainage devices and utility services.
- 4 19. Public improvement plans are required to be submitted prior to approval of a grading or  
5 building permit. The improvement plans shall clearly depict all work and improvements  
6 required within the right-of-way adjacent to the development. Alley improvements and  
7 conversion of above ground utilities shall be clearly depicted on these plans.
- 8 20. 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",  
11 to inform them of the grading and construction schedule, haul routes, and to answer  
12 questions.
- 13 21. The developer shall contract with an engineering firm to perform R-value testing of the  
14 existing pavement on the adjacent streets. The limits of the study shall be half street  
15 plus 12 feet along the development frontage on Myers Street, and the alley west of the  
16 development. The Developer shall submit a study that shall analyze whether the  
17 existing pavement meets current City standards/traffic indices. If the study concludes  
18 that the pavement does not meet City standards/traffic indices, rehabilitation/mitigation  
19 recommendations shall be included in the study and the Developer shall reconstruct the  
20 street per the recommendations to the satisfaction of the Public Works Director.
- 21 22. Full width alley improvements including the installation of a longitudinal concrete alley  
22 gutter shall be constructed in accordance with the standard plans and specifications of  
23 the City of Oceanside and as approved by the Public Works Director.
- 24 23. The Developer shall install standard six-inch curb/gutter and non-contiguous sidewalk  
25 fronting the site on Myers Street.
- 26 24. The future 5-foot wide sidewalk location shall begin 2 feet east of the property line as  
27 depicted in the site plan, i.e. the future parkway between the existing curb and the  
28 sidewalk shall be 3 feet. The parkway shall be landscaped and irrigated by the  
developer and maintained by all future property owners. CC&Rs stating this  
requirement shall be prepared, approved by the City and recorded against the property

- 1 being developed. Any existing street trees are not to be removed without written  
2 consent of the Public Works Director.
- 3 25. The under grounding of the existing overhead utilities may be deferred. The developer  
4 shall pay in-lieu fee, based upon the length of utilities to be placed underground, and at  
5 the rate in effect at building permit issuance or as established by the Public Works  
6 Director per Section 901.G. of the Subdivision Ordinance (R91-166) and as required by  
7 the Public Works Director and current City Policy.
- 8 26. Design and construction of all improvements shall be in accordance with standard plans  
9 and specifications of the City of Oceanside and subject to approval by the Public Works  
10 Director.
- 11 27. The developer shall monitor, supervise and control all construction and construction-  
12 supportive activities, so as to prevent these activities from causing a public nuisance,  
13 including but not limited to, insuring strict adherence to the following:
- 14 a) Dirt, debris and other construction material shall not be deposited on any public  
15 street or within the City's storm water conveyance system.
  - 16 b) All grading and related site preparation and construction activities shall be  
17 limited to the hours of 7 a.m. to 6 p.m., Monday through Friday, and on Saturday  
18 from 7 a.m. to 6 p.m. for work that is not inherently noise-producing unless  
19 otherwise extended by the City and all work should utilize the latest technology  
20 for quiet equipment. All on-site construction staging areas shall be as far as  
21 possible from any existing residential development. Because construction noise  
22 may still be intrusive in the evening or on holidays, the City of Oceanside Noise  
23 Ordinance also prohibits "any disturbing excessive or offensive noise which  
24 causes discomfort or annoyance to reasonable persons of normal sensitivity."
  - 25 c) The construction site shall accommodate the parking of all motor vehicles used by  
26 persons working at or providing deliveries to the site to the maximum extent  
27 practicable.
- 28 28. The developer shall pay applicable fees as required by the City's Traffic Signal Fee,  
29 Thoroughfare Fee, and Drainage Fee Ordinances.
- 30 29. All traffic signal contributions, highway thoroughfare fees, park fees, reimbursements, and  
other applicable charges, fees and deposits shall be paid prior to the issuing of any building

- 1 permits, in accordance with City Ordinances and policies. The developer shall also be  
2 required to join into, contribute, or participate in any improvement, lighting, or other  
3 special district affecting or affected by this project. Approval of the project shall constitute  
4 the developer's approval of such payments, and his agreement to pay for any other similar  
5 assessments or charges in effect when any increment is submitted for final map or building  
6 permit approval, and to join, contribute, and/or participate in such districts.
- 7 30. Street improvements along the frontage of the development shall comply with the City's  
8 current engineering standards, including pavement and concrete curb and gutter unless  
9 altered by the Public Works Director.
- 10 31. Pavement sections for all streets and driveways shall be based upon approved soil tests and  
11 traffic indices. The pavement design is to be prepared by the developer's soil engineer and  
12 must be approved by the Public Works Director, prior to paving.
- 13 32. A traffic control plan shall be submitted to and approved by the Public Works Director  
14 prior to the start of work within open City rights-of-way. Traffic control during  
15 construction of streets that have been opened to public traffic shall be in accordance with  
16 construction signing, marking and other protection as required by the CalTrans Traffic  
17 Manual. Traffic control during construction adjacent to or within all public streets must  
18 also meet CalTrans standards.
- 19 33. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during  
20 construction of the project, shall be repaired or replaced as directed by the Public Works  
21 Director.
- 22 34. The project shall comply with the City's Flood Plain Management Regulations and Storm  
23 Water Management and Discharge Regulations.
- 24 35. Grading and drainage facilities shall be designed to adequately accommodate the local  
25 storm water runoff and shall be in accordance with the City's Engineers Manual and as  
26 directed by the Public Works Director.
- 27 36. The applicant shall obtain any necessary permits and clearances from all public agencies  
28 having jurisdiction over the project due to its type, size, or location, including but not  
limited to the U.S. Army Corps of Engineers, California Department of Fish and Game,  
U.S. Fish and Wildlife Service, San Diego Regional Water Quality Control Board

1 (including NPDES) and San Diego County Health Department, prior to the issuance of  
2 grading permits.

3 37. Prior to any grading of any part of the project, a comprehensive soils and geologic  
4 investigation shall be conducted of the soils, slopes, and formations in the project. All  
5 necessary measures shall be taken and implemented to assure slope stability, erosion  
6 control, and soil integrity. No grading shall occur until a detailed grading plan, to be  
7 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by  
8 the Public Works Director.

9 38. This project shall provide year-round erosion control including measures for the site  
10 required for the phasing of grading. Prior to the issuance of a grading permit, an erosion  
11 control plan, designed for all proposed stages of construction, shall be reviewed, secured by  
12 the applicant with cash securities and approved by the Public Works Director.

13 Landscape and irrigation plans for disturbed areas must be submitted to the Public Works  
14 Director prior to the issuance of a preliminary grading permit and approved by the Public  
15 Works Director prior to the issuance of building permits. Frontage landscaping shall be  
16 installed prior to the issuance of any building permits. Project fences, sound or privacy  
17 walls and monument entry walls/signs shall be shown on, bonded for and built from the  
18 landscape plans. These features shall also be shown on the precise grading plans for  
19 purposes of location only. Plantable, segmental walls shall be designed, reviewed and  
20 constructed by the grading plans and landscaped/irrigated through project landscape plans.  
21 All plans must be approved by the Public Works Director and a pre-construction meeting  
22 held, prior to the start of any improvements.

23 39. The drainage design on the development plan is conceptual only. The final design shall be  
24 based upon a drainage study to be approved by the Public Works Director during final  
25 engineering. All drainage picked up in an underground system shall remain underground  
26 until it is discharged into an approved channel, or as otherwise approved by the Public  
27 Works Director. All public storm drains shall be shown on City standard plan and profile  
28 sheets. All storm drain easements shall be dedicated where required. The applicant shall be  
responsible for obtaining any off-site easements for storm drainage facilities.

- 1 40. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed  
2 of in accordance with all state and federal requirements, prior to storm water discharge  
3 either off-site or into the City drainage system.
- 4 41. The underground parking garage shall contain a treatment unit and an approved sump  
5 pump. The discharge line from the sump pump shall terminate above ground in a standpipe  
6 on private property within 3 feet of the public right-of-way.
- 7 42. The development shall comply with all applicable regulations established by the United  
8 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant  
9 Discharge Elimination System (N.P.D.E.S.) permit requirements for urban runoff and  
10 storm water discharge and any regulations adopted by the City pursuant to the  
11 N.P.D.E.S. regulations or requirements. The developer shall comply with all  
12 applicable provisions of the N.P.D.E.S. and the Clean Water Program during and after  
13 all phases of the development process, including but not limited to: grading, construction  
14 of street and landscaping improvements, and construction of dwelling units. The  
15 applicant shall design the Project's storm drains and other drainage facilities to include  
16 Best Management Practices to minimize non-point source pollution, satisfactory to the  
17 Public Works Director. The San Diego Regional Water Quality Control Board's current  
18 Municipal Storm Water Permit includes regulations such as implementation of Standard  
19 Urban Storm Water Mitigation Plans (SUSMPS) and Numeric Sizing Criteria for new  
20 residential development. The applicant shall comply with all relevant regulations, when  
21 they become effective, including but not limited to incorporation into the design and  
22 implementation of the Project, temporary and permanent structural Best Management  
23 Practices and non-structural mitigation measures that would reduce pollution of storm  
24 water runoff to the maximum extent practicable.
- 23 Fire:
- 24 43. A minimum fire flow of 1,500 gallons per minute shall be provided.
- 25 44. Detailed plans of underground fire service mains shall be submitted to the Oceanside  
26 Fire Department for approval prior to installation.
- 27 45. An approved fire sprinkler system must be installed throughout the building. The  
28 system shall be designed per N.F.P.A. 13, and U.B.C. standard 9-1. The sprinkler  
system requires 24-hour supervision.

1 46. In accordance with the Uniform Fire Code Sec. 901.1.4.4, approved addresses for  
2 residential occupancies shall be placed on the structure in such a position as to be plainly  
3 visible and legible from the street or roadway fronting the property. Numbers shall  
4 contrast with their background.

5 47. Multi-family dwellings require 6-inch address numbers.

6 Planning:

7 48. This Tentative Parcel Map, Development Plan, Conditional Use Permit, Variation and  
8 Regular Coastal Permit approve only the following: a 4-unit residential condominium  
9 project over a subterranean garage. Any substantial modification in the design or layout  
10 shall require a revision to the Tentative Parcel Map, Development Plan, Conditional Use  
11 Permit and Variation or Regular Coastal Permit or a new Tentative Parcel Map,  
12 Development Plan, Conditional Use Permit, Variation and Regular Coastal Permit.

13 49. This Variation approves only the following: reduced front yard setback for a second  
14 level enclosed habitable space of 7 feet 6 inches, where 10 feet is required; reduced rear  
15 yard setback for second level enclosed habitable space of 2 feet, where 5 feet is required,  
16 reduced front yard projection for subterranean parking structure of 7 feet 8 inches for a  
17 length of 32 feet parallel to the property line, where 6 feet for a length of 10 feet parallel  
18 to the property line is allowed; increased wall and railing height within front yard  
19 setback area to 6 feet where 3 feet 6 inches is required; and the reduced parking stall  
20 length of 18 feet 8 inches where 19 feet is required in accordance with the plans  
21 approved by the Community Development Commission.

22 50. This Tentative Parcel Map, Development Plan, Conditional Use Permit, Variation and  
23 Regular Coastal Permit shall expire on October 4, 2008, unless implemented as required  
24 by the Zoning Ordinance, or unless a time extension is granted by the Community  
25 Development Commission.

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

28 52. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water  
Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall  
be reviewed and approved by the City Engineer and Planning Director prior to the issuance

1 of building permits. Landscaping shall not be installed until bonds have been posted, fees  
2 paid, and plans signed for final approval. The following special landscaping requirements  
3 shall be met:

4 a) Local street trees in parkways shall be planted at a minimum 15-gallon container  
5 size or 10 – 12-foot Brown Trunk Height (BTH), and spaced in accordance with the  
6 City's adopted Landscape Design Guidelines manual. Approved root barriers shall  
7 be incorporated.

8 b) All decorative pavement and hardscape materials, shown on the plans approved by  
9 the Community Development Commission, shall be included on the final landscape  
10 plans.

11 c) The final landscape plans shall be plan checked against the conceptual landscape  
12 plans approved by the Community Development Commission for numbers and  
13 sizes of units, areas, and overall qualitative features.

14 53. Trash enclosures must be provided as required by Chapter 13 of the City Code and shall  
15 also include additional space for storage and collection of recyclable materials per City  
16 standards. Recycling is required by City Ordinance. The enclosures must be built in a  
17 flat, accessible location as determined by the City Engineer and Planning Director. The  
18 enclosures shall meet City standards including being constructed of concrete block,  
19 reinforced with rebar and filled with cement. Trash enclosures and driveways and  
20 service access areas shall be shown on both the improvement and landscape plans  
21 submitted to the City Engineer. The specifications shall be reviewed and approved by  
22 the City Engineer. The City's waste disposal contractor is required to access private  
23 property to service the trash enclosures, a service agreement must be signed by the  
24 property owner and shall remain in effect for the life of the project. This design shall be  
25 shown on the landscape plans and shall be approved by the Planning Director.

26 54. All multi-family dwelling projects shall dispose of or recycle solid waste in a manner  
27 provided in City Code Section 13.3.

28 55. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
proceeding against the City, its agents, officers or employees to attack, set aside, void or  
annul an approval of the City, concerning Tentative Parcel Map (P-205-06) Development

1 Plan (D-209-06), Conditional Use Permit (C-205-06), Regular Coastal Permit (RC-211-  
2 06), Variation (V-205-06). The City will promptly notify the applicant of any such  
3 claim, action or proceeding against the City and will cooperate fully in the defense. If  
4 the City fails to promptly notify the applicant of any such claim, action or proceeding or  
5 fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible  
6 to defend, indemnify or hold harmless the City.

7 56. The developer is prohibited from entering into any agreement with a cable television  
8 franchisee of the City which gives such franchisee exclusive rights to install, operate and/or  
9 maintain its cable television system in the development.

10 57. Prior to the transfer of ownership and/or operation of the site the owner shall provide a  
11 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.

13 58. Failure to meet any conditions of approval for this development shall constitute a violation  
14 of the Tentative Parcel Map, Development Plan, Conditional Use Permit, Variation and  
15 Regular Coastal Permit.

16 59. Unless expressly waived, all current zoning standards and City ordinances and policies in  
17 effect at the time building permits are issued are required to be met by this project. The  
18 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 60. The owner of the property shall be responsible for trash abatement on the site, and shall  
22 keep the site free of litter, trash and other nuisances.

23 61. All retaining and other freestanding walls, fences, and enclosures shall be architecturally  
24 designed in a manner similar to and consistent with the primary structures (stucco block,  
25 split-face block or slump stone, whichever is appropriate as determined by the Planning  
26 Director) or unless otherwise shown on the conceptual landscape plan. These items shall  
27 be approved by the Economic and Redevelopment Department prior to the issuance of  
28 building permits.

62. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially  
the same as those approved by the Community Development Commission. These shall be

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shown on plans submitted to the Building Department and Economic and Redevelopment Department.

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

64. Purchase, lease, and rental agreements for the condominium units shall include garage area parking. Such agreements shall not allow the owner/tenant to forfeit the use of the garage.

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

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

<b>Plan Type</b>	<b>Sq.Ft.</b>	<b>Bedrms.</b>	<b>Baths</b>	<b>Units</b>
Plan A Condo	1,931	2	2.5	1
Plan B Condo	1,830	2	2.5	1
Plan C Condo	1,859	2	2.5	1
Plan D Condo	1,892	2	2.5	1

66. An association of homeowners (HOA) shall be formed and Covenants, Conditions and Restrictions (C.C.&R's) shall provide for the maintenance of all common open space, and commonly owned fences and walls and adjacent parkways. The maintenance shall include normal care and irrigation of landscaping, repair and replacement of plant material and irrigation systems as necessary; and general cleanup of the landscaped and open area, parking lots and walkways. The C.C.&R's shall be subject to the review and approval of the City Attorney prior to the approval of the final map. The C.C.&R's are required to be recorded prior to or concurrently with the final map. Any amendments to the C.C.&R's in which the association relinquishes responsibility for the maintenance of any common open space shall not be permitted without the specific approval of the City

1 of Oceanside. Such a clause shall be a part of the C.C.&R's. The C.C.&R's shall also  
2 contain provisions for the following:

- 3 a) The subterranean garage parking shall be exclusive to the residential occupancy of  
4 the site and shall not be shared or used by any other occupancy.
- 5 b) Prohibition of parking or storage of recreational vehicles, trailers, or boats.
- 6 c) Provisions regulating the use of private balcony decks and common areas.
- 7 d) Maintenance of all common areas, and onsite and frontage landscaping.

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

12 **Water Utilities:**

13 68. The property owner will maintain private water and wastewater utilities located on private  
14 property.

15 69. A separate irrigation meter and approved backflow prevention device is required.

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

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

22 72. All lots with a finish pad elevation located below the elevation of the next upstream  
23 manhole cover of the public sewer shall be protected from backflow of sewage by installing  
24 and maintaining an approved type backwater valve, per the Uniform Plumbing Code  
25 (U.P.C.).

26 73. Subterranean parking spaces shall be drained to the City's Storm Drain System and shall  
27 comply with the California Regional Water Quality Control Board Order No. 2001-01.

28 74. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are  
to be paid to the City and collected by the Water Utilities Department at the time of  
Building Permit issuance.

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75. All Water and Wastewater construction shall conform to the most recent edition of the City's Engineers Manual, or as approved by the Water Utilities Director.

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

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

AYES:

NAYS:

ABSENT:

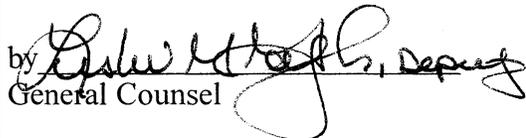
ABSTAIN:

\_\_\_\_\_  
Chairman

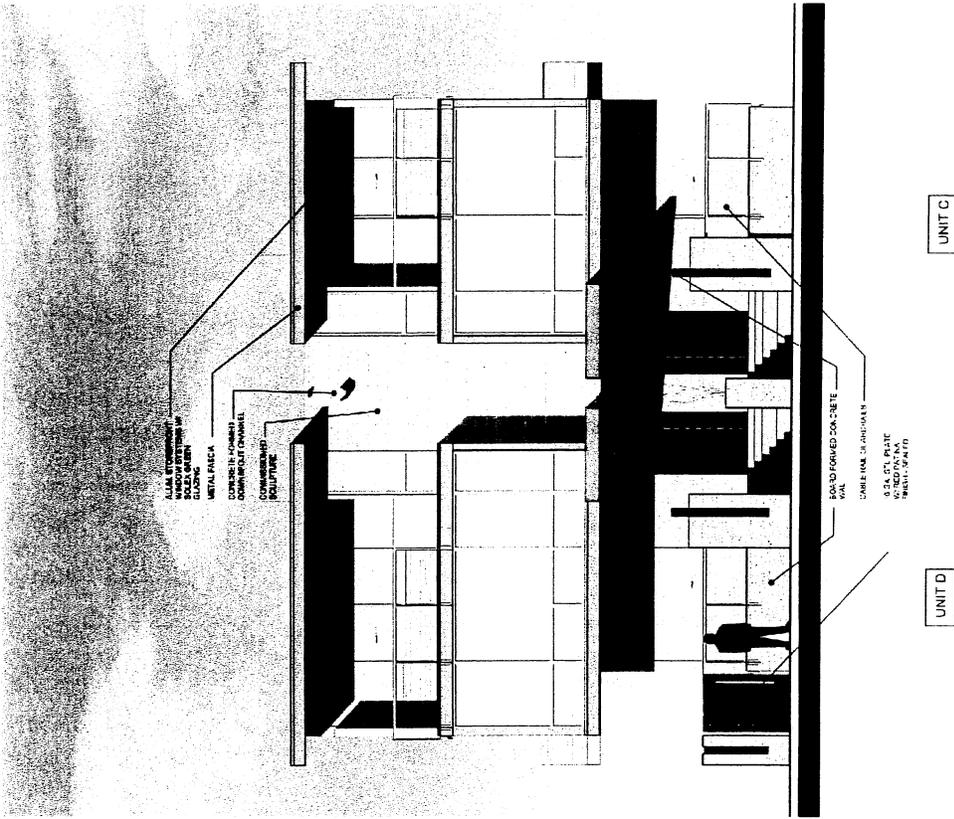
ATTEST:

\_\_\_\_\_  
Secretary

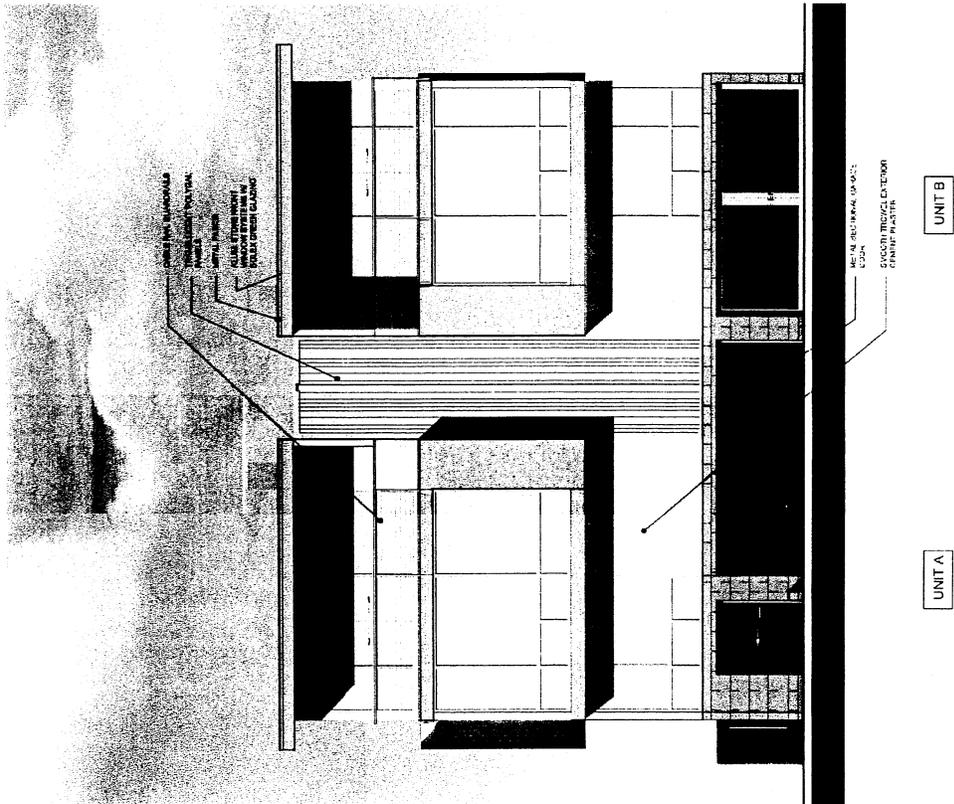
APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

by   
General Counsel

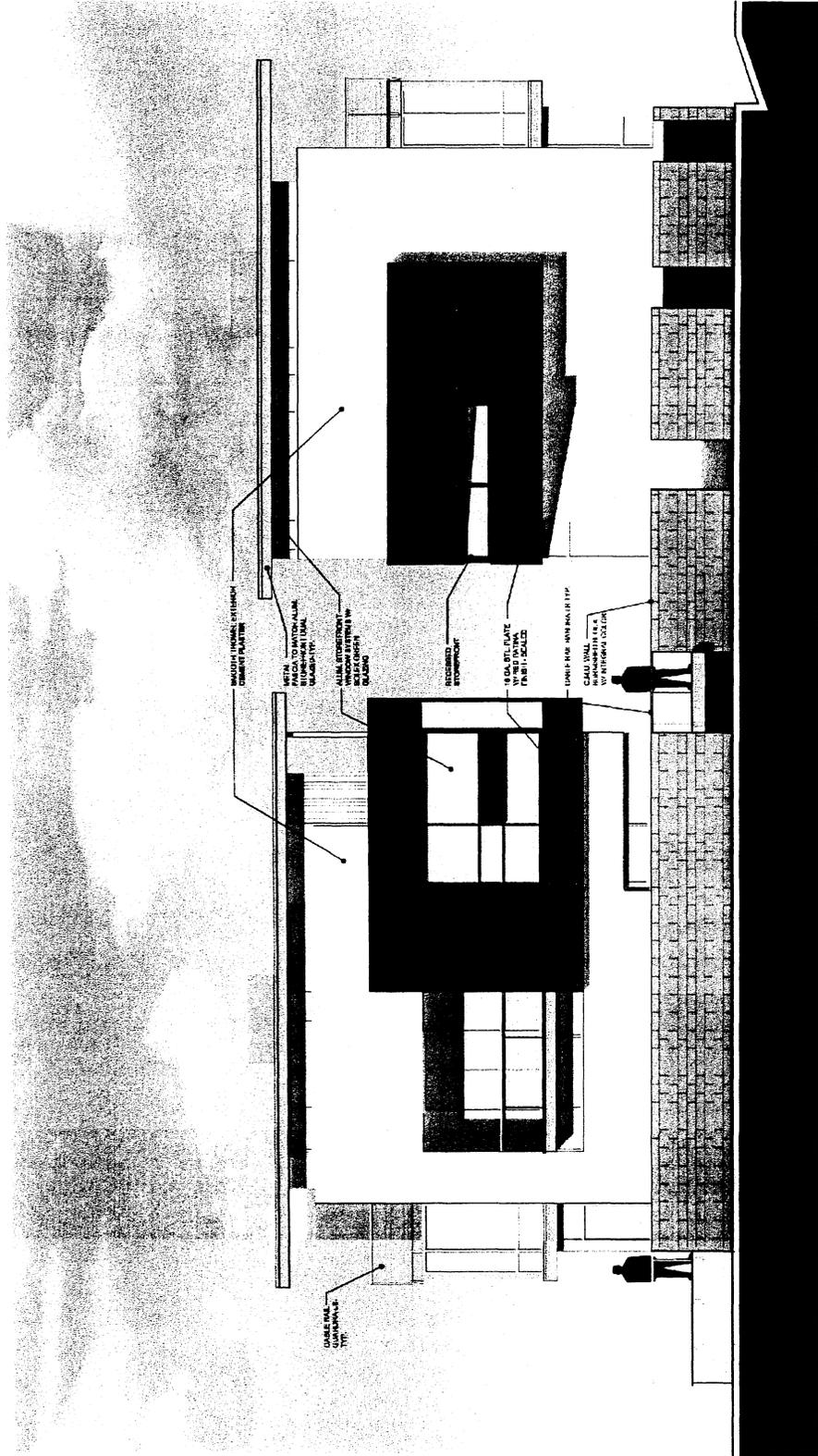




**2 WEST ELEVATION**  
1/4" = 1'-0"



**1 EAST ELEVATION**  
1/4" = 1'-0"



UNIT A

UNIT C

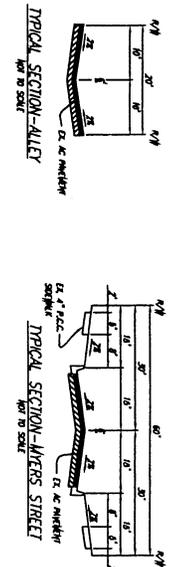
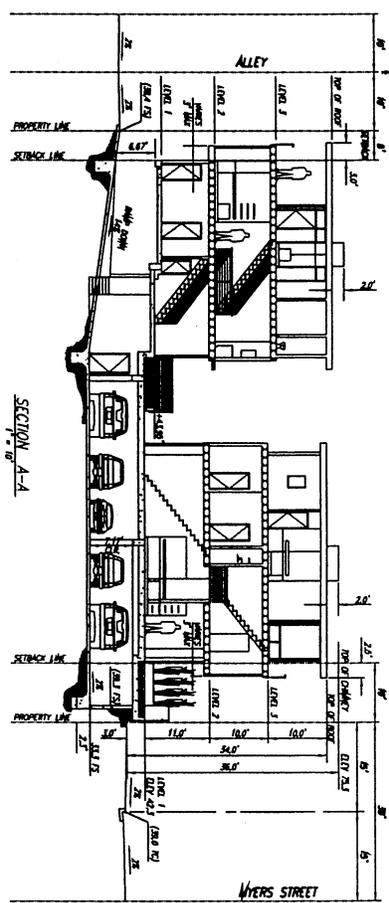
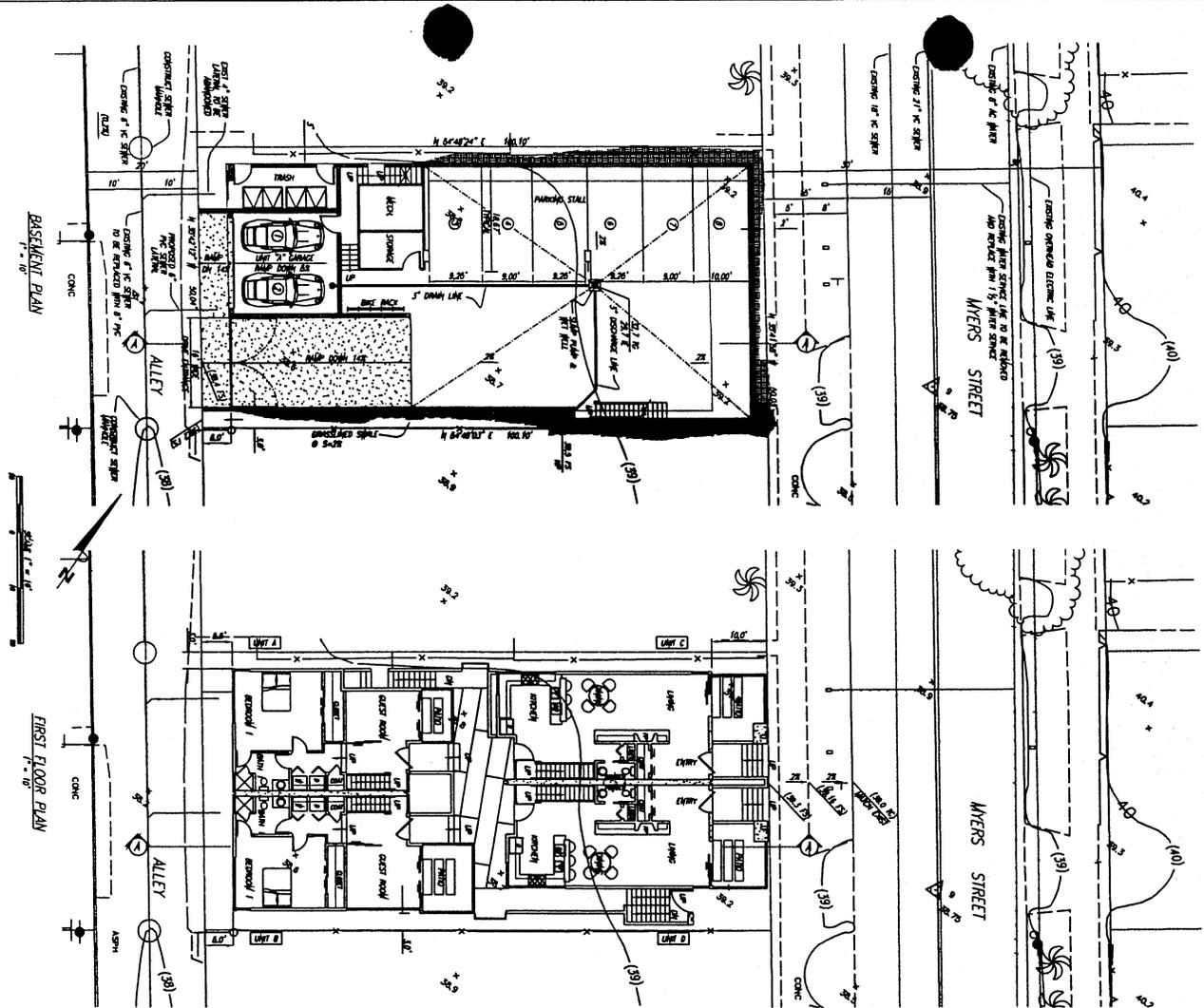
1 NORTH ELEVATION  
1/8" = 1'-0"





TENTATIVE MAP  
AND  
DEVELOPMENT PLAN  
FOR  
SOMBRILLA CONDOS  
(FOR CONDOMINIUM PURPOSES)

P-200-04  
C-200-04  
V-201-04  
RC-200-04



PREPARED IN THE OFFICE OF:  
**BUCCOLA  
ENGINEERING, Inc**  
140771-000  
3121 TOWN WAY, SUITE 301, OAKLAND, CA 94612  
PAGE 2 OF 2 SHEETS

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:  
313 South Myers Street

PROJECT LOCATION - SPECIFIC:  
Sombrilla Condominiums

PROJECT LOCATION - GENERAL:  
S. Myers and and Fir Street  
City of Oceanside

PARCEL MAP (P-200-04)  
DEVELOPMENT PLAN (D-200-04)  
CONDITIONAL USE PERMIT (C-200-04)  
REGULAR COASTAL (RC-200-04)  
VARIATION (V-201-04)

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:  
REVISION TO PARCEL MAP (P-200-04), DEVELOPMENT PLAN (D-200-04), CONDITIONAL USE PERMIT (C-200-04), VARIATION (V-201-04) AND REGULAR COASTAL PERMIT (RC-200-04) for the construction of 4 unit residential condominium project located at 313 South Myers Street.

NAME OF PUBLIC AGENCY APPROVING PROJECT:

City of Oceanside

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

Matt Sumek  
2223 Avenida de la Playa  
La Jolla, CA 92037  
(858) 551-2906

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)

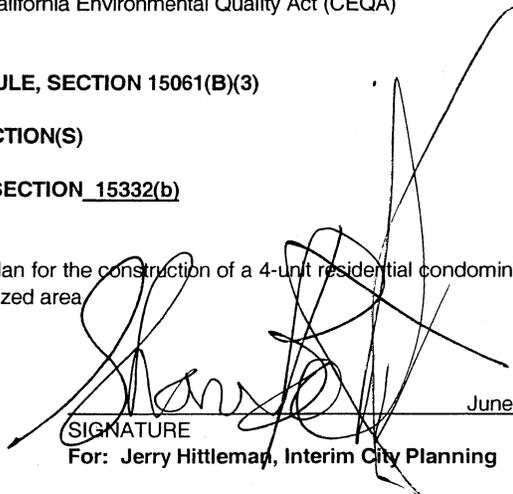
STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION 15332(b)

**REASONS WHY PROJECT IS EXEMPT:**

The project proposes a revision to the development plan for the construction of a 4-unit residential condominium project. The project is located on a less than 5-acres site within an urbanized area.

Contact Person: Shan Babick, Associate Planner

  
\_\_\_\_\_  
SIGNATURE  
For: Jerry Hittleman, Interim City Planning

\_\_\_\_\_  
June 29, 2006  
DATE

# STAFF REPORT



ITEM NO. 20

CITY OF OCEANSIDE

DATE: December 1, 2004

TO: Chairman and Members of the Community Development Commission

FROM: Planning Department

SUBJECT: **CONSIDERATION OF A TENTATIVE PARCEL MAP (P-200-04), DEVELOPMENT PLAN (D-200-04), CONDITIONAL USE PERMIT (C-200-04), VARIATION (V-201-04) AND REGULAR COASTAL PERMIT (RC-200-04) FOR A 4-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT LOCATED AT 313 SOUTH MYERS STREET – SOMBRILLA CONDOMINIUM – APPLICANT: RUSS CUNNINGHAM**

## SYNOPSIS

The item under consideration is a Tentative Parcel Map (P-200-04), Development Plan (D-200-04), Conditional Use Permit (C-200-04) Variation (V-201-04) and Regular Coastal Permit (RC-200-04) for a 4-unit condominium project situated on a 5,000-square-foot site located at 313 South Myers Street. Staff is recommending that the Community Development Commission approve the project and adopt the attached resolution.

## BACKGROUND

**Site Review:** The subject site is located mid-block on South Myers Street between Pine and Fir streets.

The site is flat and currently vacant. The Community Development Commission approved a Regular Coastal Permit on February 4, 2004, to demolish 2 small buildings that were blighted. Since these structures were over 45 years old an Historic Assessment was prepared to determine its historical significance. The buildings were photo-documented prior to demolition.

**Land Use and Zoning:** The project site is located within Subdistrict 5 of the "D" Downtown District. Subdistrict 5 is primarily intended for high-density residential uses in an urban setting in close proximity to shopping, employment, transportation and recreational facilities.

Regular Coastal Permit: This project is also situated within the coastal zone, just outside the appealable area and requires a Regular Coastal Permit.

Under the provisions of the Local Coastal Plan the project site is designated as High-Density Residential. This designation is intended to allow for a minimum of 15 units per acre and up, with the upper limits set by the Zoning Ordinance and Redevelopment Design Guidelines. Multi-family, single-family and visitor accommodations are primarily the uses allowed within this land use designation.

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

Tentative Parcel Map and Development Plan: The project consists of a four-unit condominium project. The Tentative Parcel Map proposes to re-subdivide the existing lot into an air-space condominium map.

The design of the project is a contemporary urban design theme that is three stories in height over subterranean parking and approximately 35 feet in height. Parking for the units will be provided within a subterranean garage, as well as two “at-grade” garage spaces that are accessed from the rear alley. Access to the subterranean garage is also from the alley.

Two of the dwelling units are oriented to Myers Street with elevated front porches extending towards the existing sidewalk. The other two dwelling units orient towards the west with primary entrances opening into a common open-air courtyard situated between the ocean-facing units and the street-facing units.

There are four floor plans proposed that are 1,931 square feet and 1,892 square feet in size. Each of the floor plans is comprised of two bedrooms and two and one-half baths.

The overall project density is approximately 35 dwelling units per acre. A total of 22 percent of the site is dedicated to open space and landscaping.

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

	MINIMUM REQUIRED	PROPOSED
LOT SIZE	5,000 sq.ft.	5,000 sq.ft.
SETBACKS		
Front	10 feet	7 feet 6 inches (2 <sup>nd</sup> level projection) and 7 feet 8 inches (Subterranean parking structure)
Side	5 feet	5 feet
Rear	5 feet	3 feet
LANDSCAPING	15%	22 %
PARKING	8 spaces	8 spaces
BUILDING HEIGHT	35 feet (max.)	35 feet (max.)

**Conditional Use Permit:** Current regulations establish the base density of a residential project at 15 dwelling units per acre. Densities above 29 dwelling units per acre must possess design features to warrant the density proposed. Excellent design features and its inclusion of an underground parking facility that is at least 50 percent below grade and provides for at least 75 percent of the project's required parking for the residential component warrant the density proposed.

**Variation:** The application includes a number of variations from development standards relating to setbacks and parking stall size. The requests are as follows: **reduced frontyard setback for a second-level enclosed habitable space of 7 feet 6 inches, where 10 feet is required; reduced rearward setback for second-level enclosed habitable space of 2 feet, where 5 feet is required; reduced frontyard projection for subterranean parking structure of 7 feet 8 inches for a length of 32 feet parallel to the property line, where 6 feet for a length of 10 feet parallel to the property line is allowed; increased wall and railing height within frontyard setback area to 6 feet where 3 feet 6 inches is required; and the reduced parking stall length of 18 feet 8 inches where 19 feet is required.**

**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 review of the project centered on the project's consistency with the underlying development regulations, as well as the project's compatibility with surrounding land uses.

The issue of the Variation requests was a focus of the evaluation as to whether or not the change from the development standards could be supported by staff. In evaluating these requests, staff analyzed the architectural design and options for compliance with the normal development standards. The urban design theme makes a strong, bold architectural statement. This fresh new approach was well received by the Redevelopment Design Review Committee, which involved reviewing a model of the project at two meetings to fully justify both the design and the changes from the development standards. One aspect of what is essentially a change to the street scene that typically divides the building from public space (i.e. the sidewalk) is an open, landscaped area. There is also an issue with wall and fence heights that are higher than regular standards.

In viewing the concept as a whole, staff believes that the reductions in setbacks, modulation/projection, walls and fence heights are warranted due to the unique nature of the design and the interesting streetscape that this project will produce. As with any Variation request, a project has to justify changes from development standards on a case-by-case basis and approval for those changes are not guaranteed.

The slight reduction in the parking stall length has been analyzed by the Traffic Division staff which feels that the function of the underground parking can be accomplished and

therefore the Variation to reduce, by 4 inches, the length of the parking stall is warranted in this case.

The project, as designed, meets all of the required development regulations of the "D" Downtown District. The request of the Variations, as well as the density of the project, is supportable. The project does possess design features that justify the density as requested. These design features include the subterranean parking.

In conclusion, staff believes that the project meets the intent of the Redevelopment Plan and the underlying subdistrict goals.

### **COMMISSION OR COMMITTEE REPORT**

The Redevelopment Design Review Committee (RDRC) has reviewed the project at its May 14, 2004 and June 11, 2004 meetings. RDRC unanimously approved the project.

The Redevelopment Advisory Committee (RAC) will review the project at its December 1, 2004 meeting. Formal recommendations from these bodies, including RAC, will be presented to the CDC during the public hearing for the project.

### **FISCAL IMPACT**

The proposed project will add approximately \$32,000 of tax increment yearly to the project area.

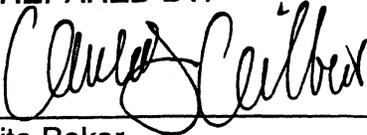
### **CITY ATTORNEY'S ANALYSIS**

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 attached resolution approving Tentative Parcel Map (P-200-04), Development Plan (D-200-04), Conditional Use Permit (C-200-04), Variation (V-201-04) and Regular Coastal Permit (RC-200-04) for a 4-unit residential condominium development located at 313 South Myers Street.

PREPARED BY:



Rita Baker  
Senior Planner



RFB/vnm

SUBMITTED BY:



Steven R. Jepsen  
Executive Director

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant to the City Manager  
Mike Blessing, Deputy City Manager  
Gerald S. Gilbert, Planning Director



**EXHIBITS/ATTACHMENTS**

1. Resolution
2. Notice of Exemption
3. Maps

## OCEANSIDE COMMUNITY DEVELOPMENT COMMISSION

## RESOLUTION NO. 04-R974-3

A RESOLUTION OF THE OCEANSIDE COMMUNITY DEVELOPMENT COMMISSION APPROVING A TENTATIVE PARCEL MAP (P-200-04), DEVELOPMENT PLAN (D-200-04), CONDITIONAL USE PERMIT (C-200-04), VARIATION (V-201-04), AND REGULAR COASTAL PERMIT (RC-200-04) FOR A 4-UNIT CONDOMINIUM PROJECT LOCATED AT 313 SOUTH MYERS STREET- APPLICANT: RUSS CUNNINGHAM

WHEREAS, the Community Development Commission, at its duly noticed public hearing held on December 1, 2004, considered an application for a Tentative Parcel Map, Development Plan, Conditional Use Permit, Variation and Regular Coastal Permit for a 4-unit condominium project; and

WHEREAS, the applicant is Russ Cunningham; and

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

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 Resolution No. R91-38	\$2,200 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 89-231	Zone 5 - \$1,705 per acre
Public Facility Fee	Ordinance No. 91-09 Resolution No. R91-39	\$1,301 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.14 per square foot residential
Traffic Signal Fee	Ordinance No. 87-19	\$62.40 per unit
Thoroughfare and Bridge Fee	Ordinance No. 83-01	\$1,416 per unit

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Water Connection Fees or Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 02-OR-332-1	Fee based on capacity or meter size. Residential is typically \$3,360 per unit for a 5/8" meter.
4			
5			
6	Sewer Connection Fees or Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 02-OR-333-1	Fee based on capacity or meter size. Residential is typically \$4,114.00 per unit for a 5/8" meter
7			
8			
9	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2000-3	Based on meter size. Residential is typically \$2,004 per unit
10			

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

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

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

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

24 WHEREAS, studies and investigations made by the Community Development Commission reveal  
 25 the following facts:

25 ///  
 26 ///  
 27 ///  
 28 ///

1 FINDINGS:

2 **For the Tentative Parcel Map and Development Plan:**

- 3 1. The proposed 4 unit condominium subdivision is consistent with the Redevelopment Plan and  
4 General Plan of the City or any applicable specific plan or other provisions of the Zoning  
5 Ordinance.
- 6 2. The subject site is physically suitable for the type and proposed density of development.
- 7 3. The design of the subdivision and the proposed improvements will not cause substantial  
8 environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- 9 4. The design of the subdivision and the project improvements will not conflict with easements,  
10 acquired by the public at large, for access through or the use of property within the proposed  
11 subdivision.
- 12 5. The subdivision complies with all other applicable ordinances, regulations and guidelines of the  
13 City of Oceanside, including but not limited to the Local Coastal Plan, Hillside regulations and  
14 the Local Floodplain Ordinance.

14 **For the Regular Coastal Permit:**

- 15 1. The proposed project is consistent with the policies of the Local Coastal Program as  
16 implemented through the City Zoning Ordinance. In addition, the project will not substantially  
17 alter or impact existing public views of the coastal zone area.
- 18 2. The proposed project will not obstruct any existing or planned public beach access; therefore,  
19 the project is in conformance with the policies of Chapter 3 of the Coastal Act.
- 20 3. That the project conforms to the Local Coastal Permit Handbook, as implemented by Ordinance  
21 No. 85-11.

21 **For the Variation for Reductions Setbacks and Parking Stall Length:**

- 22 1. The application of the effective front and rearyard setback and frontyard projection, wall and  
23 railing height and parking stall length would result in unnecessary hardships to accomplish the  
24 exterior urban edge design and would impact the project's ability to provide the same level of  
25 urban design qualities. Imposing the above requirements on the proposed project would be  
26 inconsistent with the land use goals for the Redevelopment land use area.
- 27 2. The urban and high-density nature of the project design is consistent with the Redevelopment  
28 zoning and land use goals affecting the project site. Reduced setbacks, and in this instance, the

1 parking stall length reduction, are an accepted and special design feature of this type of  
2 development.

3 3. Granting the variation in this case will not effect any material detriment to the public welfare,  
4 private property, or improvements in the area.

5 4. Granting the variation in this case would not be contrary to the objectives of the Redevelopment  
6 land use goals as it would facilitate the development of a high-quality urban project.

7 **For the Conditional Use Permit to Exceed the Base Density:**

8 1. In accordance with the zoning criteria, the project merits a density increase due to its excellent  
9 design features with clean modern lines, vibrant architectural rhythm, choice and materials and  
10 its inclusion of an underground parking facility that is at least 50 percent below grade and  
11 provides for at least 75 percent of the project's required parking for the residential component.

12 2. The proposed density will be adequately contained and facilitated within the project  
13 development. As such, the project density will not have any detrimental impact upon the public  
14 health, safety, or welfare of persons working or residing in the neighboring areas.

15 3. The proposed density is a part of a project development that represents a high-quality urban  
16 design.

17 WHEREAS, the Community Development Commission finds that the project was determined to  
18 be exempt from the provisions of the California Environmental Quality Act, and therefore, has been  
19 issued a Certificate of Exemption pursuant to the State Guidelines.

20 NOW, THEREFORE, the Community Development Commission of the City of Oceanside does  
21 resolve that Tentative Parcel Map (P-200-04), Development Plan (D-200-04), Conditional Use Permit  
22 (C-200-04) Variation (V-201-04) and Regular Coastal Permit (RC-200-04) are hereby approved subject  
23 to the following conditions:

24 Building:

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

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

3. Site development, common use areas, access and adaptability of apartments and condominiums  
shall comply with the State's Disabled Accessibility Regulations (2001 CBC Chapter 11A).

- 1 4. All electrical, communication, CATV, etc. service lines, within the exterior lines of the property  
2 shall be underground (City Code Sec. 6.30).
- 3 5. The building plans for this project are required by State law to be prepared by a licensed  
4 architect or engineer and must be in compliance with this requirement prior to submittal for  
5 building plan review.
- 6 6. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance) and shall  
7 be shielded appropriately. Where color rendition is important high-pressure sodium, metal halide  
8 or other such lights may be utilized and shall be shown on final building and electrical plans.
- 9 7. 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 a.m. and 6 p.m. Monday  
13 through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not inherently noise-  
14 producing. Examples of work not permitted on Saturday are concrete and grout pours, roof  
15 nailing and activities of similar noise-producing nature. No work shall be permitted on  
16 Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day,  
17 Thanksgiving Day, Christmas Day) except as allowed for emergency work under the  
18 provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).
  - 19 b) The construction site shall be kept reasonably free of construction debris as specified in  
20 Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste  
21 containers shall be considered compliant with this requirement. Small amounts of  
22 construction debris may be stored on site in a neat, safe manner for short periods of time  
23 pending disposal.
- 24 8. Separate and unique addresses will be required to facilitate utility releases.
- 25 9. Verification that the addresses have been properly assigned by the City's Planning Department  
26 must accompany the Building Permit application.
- 27 10. A complete soils report, structural calculations & energy calculations/documentation will be  
28 required at the time of plans submittal to the Building Department for plan check.
11. Minimum 5-foot setbacks are required by UBC Table 5-A – any construction within the 5 feet  
setback must be 1-hour fire-resistive construction; exterior openings in walls closer than 5 feet

from the property line are not permitted. UBC Section 1203 requires increased setbacks in yards and courts for buildings over 2-stories in height when there are window openings into the yards or courts that are required for natural light and ventilation.

- 12. UBC 904.2.9 requires automatic fire sprinkler systems in a building having 3 or more stories.

Engineering:

- 13. The Subdivider shall widen Myers Street along the project frontage to provide a half-street pavement width of 20 feet.

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

- 15. Prior to approval of the parcel map, a phasing plan for the construction of public and private improvements (including landscaping, streets and arterials) shall be approved by the City Engineer. All improvements shall be substantially complete (per current City Policy) prior to the issuance of any building permits. All improvements shall be completed prior to issuance of any certificates of occupancy.

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

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

- 18. Vehicular access rights to Myers Street shall be relinquished to the City.

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- 1 19. A precise grading plan shall be prepared, reviewed, secured and approved prior to the issuance of  
2 any building permits. A grading permit is required. To obtain a grading permit, the Developer  
3 shall submit copies of the precise grading plans, title report, drainage study, geotechnical analysis,  
4 erosion control plan and cost estimate to the Engineering Division following the 10-day appeal  
5 period of this permit. The precise grading plan shall reflect all pavement, flatwork, landscaped  
6 areas, special surfaces, curbs, gutters, medians, striping, signage, footprints of all structures, walls,  
7 drainage devices and utility services.
- 8 20. Public improvement plans are required to be submitted prior to approval of a grading or building  
9 permit. The improvement plans shall clearly depict all work and improvements required within the  
10 right-of-way adjacent to the development. Alley improvements and conversion of above ground  
11 utilities shall be clearly depicted on these plans.
- 12 21. Prior to the issuance of a grading permit, the Developer shall notify and host a neighborhood  
13 meeting with all of the area residents located within 300 feet of the project site, and residents of  
14 property along any residential streets to be used as a "haul-route", to inform them of the grading  
15 and construction schedule, haul routes, and to answer questions.
- 16 22. The developer shall contract with an engineering firm to perform R-value testing of the existing  
17 pavement on the adjacent streets. The limits of the study shall be half street plus 12 feet along  
18 the development frontage on Myers Street, and the alley west of the development. The  
19 Developer shall submit a study that shall analyze whether the existing pavement meets current  
20 City standards/traffic indices. If the study concludes that the pavement does not meet City  
21 standards/traffic indices, rehabilitation/mitigation recommendations shall be included in the  
22 study and the Developer shall reconstruct the street per the recommendations to the satisfaction  
23 of the City Engineer.
- 24 23. Full width alley improvements including the installation of a longitudinal concrete alley gutter  
25 shall be constructed in accordance with the standard plans and specifications of the City of  
26 Oceanside and as approved by the City Engineer.
- 27 24. The Developer shall install standard six-inch curb/gutter and non-contiguous sidewalk fronting  
28 the site on Myers Street.
- 25. The future 5-foot wide sidewalk location shall begin 2 feet east of the property line as depicted  
in the site plan, i.e. the future parkway between the existing curb and the sidewalk shall be 3

1 feet. The parkway shall be landscaped and irrigated by the developer and maintained by all  
2 future property owners. CC&Rs stating this requirement shall be prepared, approved by the City  
3 and recorded against the property being developed. Any existing street trees are not to be  
4 removed without written consent of the Public Works Director.

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

10 27. Design and construction of all improvements shall be in accordance with standard plans and  
11 specifications of the City of Oceanside and subject to approval by the City Engineer.

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

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

17 b) All grading and related site preparation and construction activities shall be limited to the  
18 hours of 7 a.m. to 6 p.m., Monday through Friday, and on Saturday from 7 a.m. to 6 p.m.  
19 for work that is not inherently noise-producing unless otherwise extended by the City and  
20 all work should utilize the latest technology for quiet equipment. All on-site  
21 construction staging areas shall be as far as possible from any existing residential  
22 development. Because construction noise may still be intrusive in the evening or on  
23 holidays, the City of Oceanside Noise Ordinance also prohibits "any disturbing  
24 excessive, or offensive noise which causes discomfort or annoyance to reasonable  
25 persons of normal sensitivity."

26 c) The construction site shall accommodate the parking of all motor vehicles used by persons  
27 working at or providing deliveries to the site to the maximum extent practicable.

28 29. The developer shall pay applicable fees as required by the City's Traffic Signal Fee, Thoroughfare  
Fee, and Drainage Fee Ordinances.

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- 1 30. All traffic signal contributions, highway thoroughfare fees, park fees, reimbursements, and other  
2 applicable charges, fees and deposits shall be paid prior to the issuing of any building permits, in  
3 accordance with City Ordinances and policies. The developer shall also be required to join into,  
4 contribute, or participate in any improvement, lighting, or other special district affecting or  
5 affected by this project. Approval of the project shall constitute the developer's approval of such  
6 payments, and his agreement to pay for any other similar assessments or charges in effect when  
7 any increment is submitted for final map or building permit approval, and to join, contribute,  
8 and/or participate in such districts.
- 9 31. Street improvements along the frontage of the development shall comply with the City's current  
10 engineering standards, including pavement and concrete curb and gutter unless altered by the City  
11 Engineer.
- 12 32. Pavement sections for all streets and driveways shall be based upon approved soil tests and traffic  
13 indices. The pavement design is to be prepared by the developer's soil engineer and must be  
14 approved by the City Engineer, prior to paving.
- 15 33. A traffic control plan shall be submitted to and approved by the City Engineer prior to the start of  
16 work within open City rights-of-way. Traffic control during construction of streets that have been  
17 opened to public traffic shall be in accordance with construction signing, marking and other  
18 protection as required by the CalTrans Traffic Manual. Traffic control during construction  
19 adjacent to or within all public streets must also meet CalTrans standards.
- 20 34. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during  
21 construction of the project, shall be repaired or replaced as directed by the City Engineer.
- 22 35. The project shall comply with the City's Flood Plain Management Regulations and Storm Water  
23 Management and Discharge Regulations.
- 24 36. Grading and drainage facilities shall be designed to adequately accommodate the local storm water  
25 runoff and shall be in accordance with the City's Engineers Manual and as directed by the City  
26 Engineer.
- 27 37. The applicant shall obtain any necessary permits and clearances from all public agencies having  
28 jurisdiction over the project due to its type, size, or location, including but not limited to the U.S.  
Army Corps of Engineers, California Department of Fish and Game, U.S. Fish and Wildlife

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1 Service, San Diego Regional Water Quality Control Board (including NPDES) and San Diego  
2 County Health Department, prior to the issuance of grading permits.

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

8 39. This project shall provide year-round erosion control including measures for the site required for  
9 the phasing of grading. Prior to the issuance of a grading permit, an erosion control plan, designed  
10 for all proposed stages of construction, shall be reviewed, secured by the applicant with cash  
11 securities and approved by the City Engineer.

12 40. Landscape and irrigation plans for disturbed areas must be submitted to the City Engineer prior to  
13 the issuance of a preliminary grading permit and approved by the City Engineer prior to the  
14 issuance of building permits. Frontage landscaping shall be installed prior to the issuance of any  
15 building permits. Project fences, sound or privacy walls and monument entry walls/signs shall be  
16 designed, reviewed and constructed by the landscape plans and shown for location only on grading  
17 plans. Plantable, segmental walls shall be designed, reviewed and constructed by the grading plans  
18 and landscaped/irrigated through project landscape plans. All plans must be approved by the City  
19 Engineer and a pre-construction meeting held, prior to the start of any improvements.

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

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

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43. The underground parking garage shall contain a treatment unit and an approved sump pump. The discharge line from the sump pump shall terminate above ground in a standpipe on private property within 3 feet of the public right-of-way.

44. The development shall comply with all applicable regulations established by the United States Environmental Protection Agency (USEPA) as set forth in the National Pollutant Discharge Elimination System (N.P.D.E.S.) permit requirements for urban runoff and storm water discharge and any regulations adopted by the City pursuant to the N.P.D.E.S. regulations or requirements. The developer shall comply with all applicable provisions of the N.P.D.E.S. and the Clean Water Program during and after all phases of the development process; including but not limited to: grading, construction of street and landscaping improvements, and construction of dwelling units. The applicant shall design the Project's storm drains and other drainage facilities to include Best Management Practices to minimize non-point source pollution, satisfactory to the City Engineer. The San Diego Regional Water Quality Control Board's current Municipal Storm Water Permit includes regulations such as implementation of Standard Urban Storm Water Mitigation Plans (SUSMPS) and Numeric Sizing Criteria for new residential development. The applicant shall comply with all relevant regulations, when they become effective, including but not limited to incorporation into the design and implementation of the Project, temporary and permanent structural Best Management Practices and non-structural mitigation measures that would reduce pollution of storm water runoff to the maximum extent practicable.

Fire:

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

46. Detailed plans of underground fire service mains shall be submitted to the Oceanside Fire Department for approval prior to installation.

47. An approved fire sprinkler system must be installed throughout the building. The system shall be designed per N.F.P.A. 13, and U.B.C. standard 9-1. The sprinkler system requires 24-hour supervision.

48. In accordance with the Uniform Fire Code Sec. 901.1.4.4, approved addresses for Commercial, Industrial, and Residential Occupancies shall be placed on the structure in such a position as to

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

49. Commercial buildings and Multi-family dwellings require 6-inch address numbers.

Planning:

50. This Tentative Parcel Map, Development Plan, Conditional Use Permit and Regular Coastal Permit approve only the following: a 4-unit residential condominium project over a subterranean garage. Any substantial modification in the design or layout shall require a revision to the Tentative Parcel Map, Development Plan, Conditional Use Permit and Variation or Regular Coastal Permit or a new Tentative Parcel Map, Development Plan, Conditional Use Permit and Regular Coastal Permit.

51. This Variation approves only the following: reduced frontyard setback for a second level enclosed habitable space of 7 feet 6 inches, where 10 feet is required; reduced rearyard setback for second level enclosed habitable space of 2 feet, where 5 feet is required, reduced frontyard projection for subterranean parking structure of 7 feet 8 inches for a length of 32 feet parallel to the property line, where 6 feet for a length of 10 feet parallel to the property line is allowed; increased wall and railing height within frontyard setback area to 6 feet where 3 feet 6 inches is required; and the reduced parking stall length of 18 feet 8 inches where 19 feet is required in accordance with the plans approved by the Community Development Commission.

52. This Tentative Parcel Map, Development Plan, Conditional Use Permit, Variation and Regular Coastal Permit shall expire on December 1, 2006, unless implemented as required by the Zoning Ordinance, or unless a time extension is granted by the Community Development Commission.

53. 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.

54. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall be reviewed and approved by the City Engineer and Planning Director 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 met:

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- 1 a) Local street trees in parkways shall be planted at a minimum 15-gallon container size or 10  
2 – 12-foot Brown Trunk Height (BTH), and spaced in accordance with the City's adopted  
3 Landscape Design Guidelines manual. Approved root barriers shall be incorporated.
- 4 b) All decorative pavement and hardscape materials, shown on the plans approved by the  
5 Community Development Commission, shall be included on the final landscape plans.
- 6 c) The final landscape plans shall be plan checked against the conceptual landscape plans  
7 approved by the Community Development Commission for numbers and sizes of units,  
8 areas, and overall qualitative features.
- 9 55. Trash enclosures must be provided as required by Chapter 13 of the City Code and shall also  
10 include additional space for storage and collection of recyclable materials per City standards.  
11 Recycling is required by City Ordinance. The enclosures must be built in a flat, accessible  
12 location as determined by the City Engineer and Planning Director. The enclosures shall meet  
13 City standards including being constructed of concrete block, reinforced with rebar and filled  
14 with cement. Trash enclosures and driveways and service access areas shall be shown on both  
15 the improvement and landscape plans submitted to the City Engineer. The specifications shall  
16 be reviewed and approved by the City Engineer. The City's waste disposal contractor is required  
17 to access private property to service the trash enclosures, a service agreement must be signed by  
18 the property owner and shall remain in effect for the life of the project. This design shall be  
19 shown on the landscape plans and shall be approved by the Planning Director.
- 20 56. All multi-family dwelling projects shall dispose of or recycle solid waste in a manner provided  
21 in City Code Section 13.3.
- 22 57. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the  
23 City of Oceanside, its agents, officers or employees from any claim, action or proceeding against  
24 the City, its agents, officers or employees to attack, set aside, void or annul an approval of the City,  
25 concerning Tentative Parcel Map (P-200-04) Development Plan (D-200-04), Conditional Use  
26 Permit (C-200-04), Regular Coastal Permit (RC-200-04), Variation (V-201-04). The City will  
27 promptly notify the applicant of any such claim, action or proceeding against the City and will  
28 cooperate fully in the defense. If the City fails to promptly notify the applicant of any such  
claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not,  
thereafter, be responsible to defend, indemnify or hold harmless the City.

- 1 58. The developer is prohibited from entering into any agreement with a cable television franchisee of  
2 the City which gives such franchisee exclusive rights to install, operate and/or maintain its cable  
3 television system in the development.
- 4 59. Prior to the transfer of ownership and/or operation of the site the owner shall provide a written  
5 copy of the applications, staff report and resolutions for the project to the new owner and or  
6 operator. This notification's provision shall run with the life of the project.
- 7 60. Failure to meet any conditions of approval for this development shall constitute a violation of the  
8 Tentative Parcel Map, Development Plan, Conditional Use Permit, Variation and Regular Coastal  
9 Permit.
- 10 61. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at  
11 the time building permits are issued are required to be met by this project. The approval of this  
12 project constitutes the applicant's agreement with all statements in the Description and  
13 Justification, and other materials and information submitted with this application, unless  
14 specifically waived by an adopted condition of approval.
- 15 62. The owner of the property shall be responsible for trash abatement on the site, and shall keep the  
16 site free of litter, trash and other nuisances.
- 17 63. All retaining and other freestanding walls, fences, and enclosures shall be architecturally designed  
18 in a manner similar to and consistent with the primary structures (stucco block, split-face block or  
19 slump stone, whichever is appropriate as determined by the Planning Director) or unless otherwise  
20 shown on the conceptual landscape plan. These items shall be approved by the Planning  
21 Department prior to the issuance of building permits.
- 22 64. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially the  
23 same as those approved by the Community Development Commission. These shall be shown on  
24 plans submitted to the Building Department and Planning Department.
- 25 65. A covenant or other recordable document approved by the City Attorney shall be prepared by the  
26 applicant (developer, subdivider) and recorded prior to the approval of the final map (or prior to  
27 issuance of building permits where no final map is required). The covenant shall provide that the  
28 property is subject to this Resolution, and shall generally list the conditions of approval.
66. Purchase, lease, and rental agreements for the condominium units shall include garage area  
parking. Such agreements shall not allow the owner/tenant to forfeit the use of the garage.

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

Plan Type	Sq.Ft.	Bedrms.	Baths	Units
Plan A Condo	1,931	2	2.5	1
Plan B Condo	1,830	2	2.5	1
Plan C Condo	1,859	2	2.5	1
Plan D Condo	1,892	2	2.5	1

68. An association of homeowners (HOA) shall be formed and Covenants, Conditions and Restrictions (C.C.&R's) shall provide for the maintenance of all common open space, and commonly owned fences and walls and adjacent parkways. The maintenance shall include normal care and irrigation of landscaping, repair and replacement of plant material and irrigation systems as necessary; and general cleanup of the landscaped and open area, parking lots and walkways. The C.C.&R's shall be subject to the review and approval of the City Attorney prior to the approval of the final map. The C.C.&R's are required to be recorded prior to or concurrently with the final map. Any amendments to the C.C.&R's in which the association relinquishes responsibility for the maintenance of any common open space shall not be permitted without the specific approval of the City of Oceanside. Such a clause shall be a part of the C.C.&R's. The C.C.&R's shall also contain provisions for the following:

- a) The subterranean garage parking shall be exclusive to the residential occupancy of the site and shall not be shared or used by any other occupancy.
- b) Prohibition of parking or storage of recreational vehicles, trailers, or boats.
- c) Provisions regulating the use of private balcony decks and common areas.
- d) Maintenance of all common areas, and onsite and frontage landscaping.

69. All mechanical rooftop and ground equipment shall be screened from public view as required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks, mechanical equipment,

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1 screen and vents shall be painted with non-reflective paint to match the roof. This information  
2 shall be shown on the building plans.

3 Water Utilities:

4 70. The property owner will maintain private water and wastewater utilities located on private  
5 property.

6 71. A separate irrigation meter and approved backflow prevention device is required.

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

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

12 74. All lots with a finish pad elevation located below the elevation of the next upstream manhole cover  
13 of the public sewer shall be protected from backflow of sewage by installing and maintaining an  
14 approved type backwater valve, per the Uniform Plumbing Code (U.P.C.).

15 75. Subterranean parking spaces shall be drained to the City's Storm Drain System and shall comply  
16 with the California Regional Water Quality Control Board Order No. 2001-01.

17 76. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to be  
18 paid to the City and collected by the Water Utilities Department at the time of Building Permit  
19 issuance.

20 77. All Water and Wastewater construction shall conform to the most recent edition of the City's  
21 Engineers Manual, or as approved by the Water Utilities Director.

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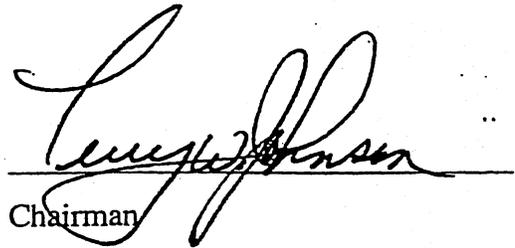
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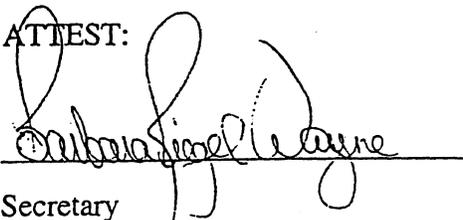
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1 78. All new development of single-family and multi-family residential units shall include hot water  
2 pipe insulation and installation of a hot water re-circulation device or design to provide hot  
3 water to the tap within 15 seconds in accordance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

5 PASSED AND ADOPTED by the Oceanside Community Development Commission of the City  
6 of Oceanside this 1st day of December, 2004 by the following vote:

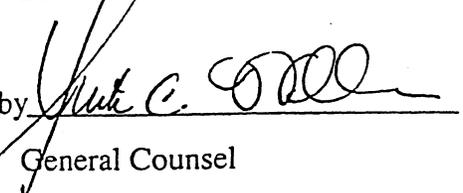
7 AYES: JOHNSON, CHAVEZ, FELLER, SANCHEZ, WOOD  
8 NAYS: NONE  
9 ABSENT: NONE  
10 ABSTAIN: NONE

11   
12 Chairman

13  
14 ATTEST:  
15   
16 \_\_\_\_\_

17 Secretary

18 APPROVED AS TO FORM:  
19 OFFICE OF THE CITY ATTORNEY

20  
21 by   
22 \_\_\_\_\_  
23 General Counsel