



DATE: December 14, 2005

TO: Chairman and Members of the Community Development Commission

FROM: Planning Department

SUBJECT: **CONSIDERATION OF A RESOLUTION APPROVING TENTATIVE MAP (T-202-04), DEVELOPMENT PLAN (D-209-04), CONDITIONAL USE PERMIT (C-205-04), VARIATIONS (V-212-05, V-213-05) AND REGULAR COASTAL PERMIT (RC-209-04) FOR THE CONSTRUCTION OF A 5-UNIT RESIDENTIAL CONDOMINIUM PROJECT LOCATED AT 402 SOUTH MYERS STREET – MYERS ESTATES – APPLICANT: MYERS ESTATE, LLC.**

**SYNOPSIS**

The item under consideration is a Tentative Map, Development Plan, Conditional Use Permit, Variations and Regular Coastal Permit for the construction of a 5-unit residential condominium project located at 402 South Myers Street. Staff is recommending that the Commission approve the project and adopt the resolution as attached.

**BACKGROUND**

The subject site consists of a pre-existing legal parcel 6,021 square feet in size that was part of the original Tyson's Addition Subdivision of 1885. The site currently maintains an approximately 750-square-foot single-family residence, which will be demolished as part of the development of this project. The subject site is relatively flat with less than 1-foot grade differential between the highest and lowest points.

The subject site is situated within the South Myers neighborhood, which is characterized mainly by old apartment buildings and single-family homes interspersed with some newer condominium developments. The subject site is also located approximately 90 feet west of the railroad tracks.

As mentioned, there is a single-family residence on the subject site. Since the structure is over 45 years old, a Historic Assessment was prepared to determine its historical significance. The Historic Assessment is attached to the staff report.

**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. Multi-family residences are permitted. The density within this zone ranges from 29-43 dwelling units per acre. The project proposes a density of 36.17 dwelling units per acre.

Regular Coastal Permit: This project is also 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. 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 and single-family are primarily the uses allowed within this land use designation.

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

Tentative Map and Development Plan: The project proposes a 3-story, 5-unit residential condominium with units ranging in size from 1,513 square feet to 2,140 square feet to be situated on a 6,021-square-foot lot. In addition, the project proposes an underground basement garage with 11 parking spaces, elevator, storage areas and trash enclosure.

The proposed design is a modern style as evident by the use of stucco, flat roof, large oversized windows and geometric forms. The proposed exterior materials are light sand stucco trimmed with gray granite.

Subdistrict 5 requires that a minimum of 25 percent of the site be landscaped. The project proposes that approximately fifteen percent (15%) of the subject site is landscaped. The project proposes Mexican Fan Palm, shrubs include Agave and New Zealand Flax and groundcover consists of turf.

Vehicular access to the units will be from South Myers Street via a single driveway situated on the southernmost portion of the lot. Pedestrian access will be provided from South Myers Street.

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

	MINIMUM REQUIRED	PROPOSED
LOT SIZE	N/A (pre-existing lot)	N/A (pre-existing lot)
SETBACKS Front Side Rear	10 feet 3 feet 5 feet	10 feet 4 feet 5 feet
LANDSCAPING	25%	15%
Parking	11 spaces	11 spaces
BUILDING HEIGHT	35 feet	38 feet

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

**Conditional Use Permit:** A Conditional Use Permit is required for exceeding Subdistrict 5 base density of 29-dwelling units per acre.

**Variations:** The applicant is requesting two Variations from the development standards for Subdistrict 5. One is for exceeding the 35-foot maximum height limitations for structures, and the other request is to include the rooftop deck as part of meeting the required 25 percent minimum site landscaping.

**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. It should be noted that due to the proximity of the railroad tracks a noise report was required for the project. The project has been conditioned to mitigate the noise generated from passing trains.

As mentioned, an Historic Assessment has been prepared to determine the cultural significance of the subject site. The Historic Assessment chronicles the creation, ownership, and development of the subject site and concludes that the site does have a long and interesting ownership history; however, no significant cultural resources exist on the site today.

## **ANALYSIS**

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

Since the proposed project is an infill project, staff's initial concerns centered on the project's compatibility with the existing residential patterns. The surrounding area consists of mainly older apartments and single-family residences interspersed with some newer condominium development. Staff believes that the proposed 5-unit condominium is consistent with the surrounding neighborhood, especially with the newer condominium units.

Staff is also concerned with the project's architectural compatibility and scale with the surrounding neighborhood. Staff has inventoried the surrounding neighborhood and has found a varied housing stock with a variety of unit types and unit sizes. In comparing the project's product type and corresponding square footages to the unit types and square footages that exist in the area, it can be found that the proposed unit sizes are comparable in size and would have a positive effect to the area.

Staff's review of the project examined the consistency of the development with the underlying zoning regulations and policies of the Local Coastal Program. The project is located east of the "appealable area" which is defined as the first 300 feet east of The Strand (west side of Myers Street). The project is located too far to the east to have any significant impact from the beach. Staff also evaluated the proposed residence and its effect on public coastal views. The proposed residence is setback 10 feet from the front property line and as such will not block public views from South Myers Street.

The project proposes a density of 36.17 dwelling units per acre that is well above the base density of 29 dwelling units per acre. Section 1231 (D) of the Downtown "D" District development standards states that for projects to exceed 33 dwelling units per acre, an underground parking structure which is 50 percent or more below grade and provides a minimum of 75 percent of the required parking is required, as well as approval of a Conditional Use Permit. Staff believes that the project meets these requirements by providing an underground parking structure which provides all of the required parking.

The applicant is requesting two Variations from the development standards. The first Variation is to exceed the maximum height limitation of 35 feet by approximately 3 feet. The project proposes a height of 34.4 feet to the top of the roof; however, the project also proposes a roof deck that requires a 3.5-foot high safety railing. The safety railing is not considered an architectural feature; therefore, a Variation is required. Staff believes that the Variation is warranted and does not represent a special privilege because there is no living area located above the 35-foot height limitation and the roof deck provides accessibility to an area that is not typically utilized. As noted, the subject site is located adjacent to the railroad tracks and staff believes that potential view blockage from the west side of Cleveland Street (Cleveland Street is the first street east of the railroad tracks) is minimal because the maximum height on the west side of Cleveland is 45 feet.

The applicant is also requesting relief from the development standards which requires that a minimum of 25 percent of the site be landscaped. The project proposes approximately 15 percent site landscaping; however, the project also proposes an additional 6 percent of planter space located on the roof deck, as well as 2,645 square feet of common and private roof deck. Staff believes that the combination of site landscaping, roof deck planters and roof deck offsets the lack of site landscaping. Staff also believes the site landscaping is consistent with the landscaping of the newer condominium developments located along the South Myers Street corridor.

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

### **COMMISSION OR COMMITTEE REPORTS**

The Redevelopment Design Review Committee (RDRC) reviewed the project at its November 12, 2004 meeting. After extensive review and discussion of the project, the Committee approved its layout and design.

The Redevelopment Advisory Committee (RAC) will review the project at its December 12, 2005 meeting. Any recommendations or comments on the project will be presented to the Commission during the hearing for the project.

### **FISCAL IMPACT**

The proposed project will add approximately \$27,000 of tax increment yearly to the project area.

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

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

**RECOMMENDATION**

Staff recommends that the Commission adopt the resolution approving Tentative Map (T-202-04), Development Plan (D-209-04), Conditional Use Permit (C-205-04), Variations (V-212-05, V-213-05) and Regular Coastal Permit (RC-209-04) for the construction of a 5-unit residential condominium project located at 402 South Myers Street.

PREPARED BY:

  
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Senior Planner

GSG/JH/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. Site Plan / Floor Plans / Elevations
4. Historic Assessment
5. Noise Report

RESOLUTION NO.

A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE APPROVING A TENTATIVE MAP, DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, VARIATIONS AND REGULAR COASTAL PERMIT FOR THE CONSTRUCTION OF A 5-UNIT RESIDENTIAL CONDOMINIUM PROJECT LOCATED AT 402 SOUTH MYERS STREET - APPLICANT: MYERS ESTATE, LLC.

WHEREAS, on December 14, 2005, the Community Development Commission held its duly noticed public hearing, considered an application by Myers Estate, LLC. for a Tentative Map (T-202-04), Development Plan (D-209-04), Conditional Use Permit (C-205-04), Variations (V-212-05, V-213-05) and Regular Coastal Permit (RC-209-04) for the construction of a 5-unit residential condominium project located at 402 South Myers Street;

WHEREAS, the Redevelopment Design Review Committee (RDRC) of the City of Oceanside did, on November 12, 2004, review and recommend approval of Tentative Map (T-202-04), Development Plan (D-209-04), Conditional Use Permit (C-205-04), Variations (V-212-05, V-213-05) and Regular Coastal Permit (RC-209-04);

WHEREAS, the Redevelopment Advisory Committee (RAC) of the City of Oceanside did, on December 12, 2005, review and recommend approval of Tentative Map (T-202-04), Development Plan (D-209-04), Conditional Use Permit (C-205-04), Variations (V-212-05, V-213-05) and Regular Coastal Permit (RC-209-04);

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

FINDINGS:

For the Tentative Map:

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

2. The proposed building on the site will conform to the topography of the site, therefore, making it suitable for residential development. The 6,021-square foot site is physically suitable to allow

1 for the development of five residential condominium units.

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

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

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

8 **For the Development Plan:**

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

11 2. The Development Plan as proposed conforms to the Redevelopment Plan and General  
12 Plan of the City.

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

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

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

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

24 **For the Conditional Use Permit for the Increase in Base Density:**

25 1. The development portion of the subject property is zoned Subdistrict 5 of the  
26 Redevelopment Project Area with a corresponding Redevelopment Plan Land Use designation of  
27 Residential (29-43 dwelling units per acre). The project density of 36.17 dwelling units per acre is  
28 consistent with the density range of 29-43 dwelling units per acre established by Subdistrict 5.

2. The location and conditions under which the subject application must comply insure that  
the project will not cause detriment to the public health safety or welfare of persons residing or working

1 in or adjacent to the project area.

2 3. The project has been adequately conditioned or designed to comply with applicable  
3 requirements of the Zoning Ordinance.

4 **For the Variation for Increase in Building Height:**

5 1. The application of the 35-foot height limitation would result in unnecessary hardships  
6 against the five-unit residential condominium and would impact the project's ability to provide a quality  
7 urban design. The project height is less than 35 feet, however, the applicant proposes a roof deck that  
8 requires 3.5 feet high safety rails which exceeds the maximum height for buildings. Such impacts and  
9 effects upon the proposed project would be inconsistent with the land use goals for the Redevelopment  
10 land use area.

11 2. The urban and high-density nature of the project design is consistent with the  
12 Redevelopment zoning and land use goals affecting the project site. Increasing the maximum height  
13 allows this project to provide a roof deck, which is an added amenity and special design feature of this  
14 type of development.

15 3. Granting the Variation, in this case, will not result in any detrimental impact to the  
16 public welfare, private property, or improvements in the area.

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

19 **For the Variation for Reduction in Site Landscaping:**

20 1. The application of the 25 percent site landscaping would result in unnecessary hardships  
21 against the proposed five unit residential condominium and would impact the project's ability to  
22 provide a quality urban design. The project provides additional landscaping and private and common  
23 open space area in the form of a roof deck. Such impacts and effects upon the proposed project would  
24 be inconsistent with the land use goals for the Redevelopment land use area.

25 2. The urban and high-density nature of the project design is consistent with the  
26 Redevelopment zoning and land use goals affecting the project site. The proposed reduced site  
27 landscaping has resulting in a superior urban design and the site landscaping with additional open space  
28 area and plantings located on the roof deck.

3. Granting the Variation, in this case, will not result in any detrimental impact to the  
public welfare, private property, or improvements in the area.

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

3 **For the Regular Coastal Permit:**

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

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

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

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

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

17 WHEREAS, pursuant to Government Code §66020(d)(1), NOTICE IS HEREBY GIVEN that  
18 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	\$1,705per 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
Traffic Signal Fee	Ordinance No. 87-19	\$13.70 per vehicle trip

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2	3 4 5 Thoroughfare Fee (For commercial and industrial please note the .75 per cent discount)	Ordinance No. 83-01	\$177 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
6	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 02-OR-332-1	Based on meter size Typical \$3,360
9	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 02-OR-333-1	Based on meter size Typical \$4,114
12	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2000-3	Based on meter size. Typical is \$2,461 per unit.

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

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

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

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

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

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

1 resolve as follows:

2 SECTION 1. That Tentative Map (T-202-04), Development Plan (D-209-04), Conditional Use  
3 Permit (C-205-04), Variations (V-212-05, V-213-05) and Regular Coastal Permit (RC-209-04) are  
4 hereby approved subject to the following conditions:

5 **Building:**

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

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

10 3. The building plans for this project are required by State law to be prepared by a licensed  
11 architect or engineer and must be in compliance with this requirement prior to submittal for building  
12 plan review.

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

15 5. All outdoor lighting must comply with Chapter 39 of the City Code. (Light Pollution  
16 Ordinance) Where color rendition is important, high-pressure sodium, metal halide or other such lights  
17 may be utilized and shall be shown on building and electrical plans.

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

21 a) Building construction work hours shall be limited to between 7 a.m. and 6 p.m.  
22 Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not inherently noise-  
23 producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and  
24 activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal  
25 Holidays (New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day, Christmas Day)  
26 except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38.  
27 (Noise Ordinance)

28 b) The construction site shall be kept reasonably free of construction debris as  
specified in Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste  
containers shall be considered compliance with this requirement. Small amounts of construction debris

1 may be stored on-site in a neat, safe manner for short periods of time pending disposal.

2 7. A complete soils report, structural and energy calculations will be required at time of  
3 plans submittal to the Building Department for plan check.

4 8. A demolition permit shall be required for the demolition of the existing structures. Plans  
5 for the demolition shall depict clearly all utilities are properly terminated/capped in accordance with the  
6 requirements of the utility service provider.

7 9. Compliance with UBC table 5-A is required - For "R-1" Occupancies the minimum  
8 setback from the property lines is 5-feet. All construction closer than 5-feet from the property lines  
9 must be a 1-Hour Fire – resistive construction.

10 10. UBC 1203.4.2 requires an additional foot of side yard setback for building over 2 stories  
11 in height when there are required windows opening into the yard.

12 11. A minimum of two (2) complying exits are required from the third and roof deck.

13 12. UBC 904.2.9 requires automatic fire sprinkler systems in building having three or more  
14 stories.

15 **Engineering:**

16 13. If the project involves demolition of an existing structure or surface improvements, the  
17 Transportation Director prior to the issuance of a demolition permit shall approve the grading plans.  
18 No demolition shall be permitted without an approved erosion control plan.

19 14. All right-of-way alignments, street dedications, exact geometrics and widths shall be  
20 dedicated and improved as required by the Transportation Director.

21 15. With the exception of the private driveway access points approved herewith, vehicular  
22 access rights to Myers Street shall be relinquished to the City.

23 16. Design and construction of all improvements shall be in accordance with standard plans,  
24 specifications of the City of Oceanside and subject to approval by the Transportation Director.

25 17. Prior to the issuance of a building permit, all improvement requirements shall be  
26 covered by a development agreement and secured with sufficient improvement securities or bonds  
27 guaranteeing performance and payment for labor and materials, setting of monuments, and warranty  
28 against defective materials and workmanship.

18. Prior to issuance of a building permit a phasing plan for the construction of public and  
private improvements including landscaping, shall be approved by the Transportation Director. All  
improvements shall be under construction to the satisfaction of the Transportation Director prior to the

1 issuance of any building permits. All improvements shall be completed prior to issuance of any  
2 certificates of occupancy.

3 19. The developer shall provide public street dedication as required to serve the property.

4 20. The approval of the Tentative Map shall not mean that closure, vacation, or  
5 abandonment of any public street, right-of-way, easement, or facility is granted or guaranteed to the  
6 developer. The subdivider is responsible for applying for all closures, vacations, and abandonments as  
7 necessary. The application(s) shall be reviewed and approved or rejected by the City under separate  
8 process (es) per codes, ordinances, and policies in effect at the time of the application.

9 21. Prior to approval of the Final Map, all improvement requirements, within such  
10 increment or outside of it if required by the Transportation Director, shall be covered by a subdivision  
11 agreement and secured with sufficient improvement securities or bonds guaranteeing performance and  
12 payment for labor and materials, setting of monuments, and warranty against defective materials and  
workmanship.

13 22. The tract shall be recorded and developed as one. The Transportation Director shall  
14 require the dedication and construction of necessary utilities, streets and other improvements outside  
15 the area of the final map, if required for circulation, parking, access or for the welfare or safety of  
16 future occupants of the development.

17 23. A construction-phasing plan for the construction of on-site public and private  
18 improvements shall be reviewed and approved by the Transportation Director prior to the issuance of  
19 any grading or improvement permits. Prior to the issuance of any building permits all offsite or  
20 frontage improvements including landscaping and any required streets or arterials shall be under  
21 construction to the satisfaction of the Transportation Director. All improvements shall be completed  
prior to issuance of any certificates of occupancy.

22 24. Where proposed off-site improvements, including but not limited to slopes, public utility  
23 facilities, and drainage facilities, are to be constructed, the applicant shall, at his own expense, obtain all  
24 necessary easements or other interests in real property and shall dedicate the same to the City as required.  
25 The applicant shall provide documentary proof satisfactory to the City that such easements or other interest  
26 in real property have been obtained prior to issuance of any grading, building or improvement permit for  
27 the project. Additionally, the City, may at its sole discretion, require that the applicant obtain at his sole  
28 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.

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

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

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

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

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

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

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

27           28. Approval of this development project is conditioned upon payment of all applicable  
28 impact fees and connection fees in the manner provided in chapter 32B of the Oceanside City Code.  
All drainage fees, traffic signal contributions, highway thoroughfare fees, park fees, reimbursements,  
and other applicable charges, fees and deposits shall be paid prior to recordation of the map or the  
issuance of any building permits, in accordance with City Ordinances and policies. The developer shall

1 also be required to join into, contribute, or participate in any improvement, lighting, or other special  
2 district affecting or affected by this project. Approval of the project shall constitute the developer's  
3 approval of such payments, and his agreement to pay for any other similar assessments or charges in  
4 effect when any increment is submitted for final map or building permit approval, and to join,  
5 contribute, and/or participate in such districts.

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

12 30. All public streets shall be improved with curbs and gutters.

13 31. All streets shall provide a minimum of 10-feet of parkway between the face of curb and  
14 the right of way line. Sidewalks improvements shall comply with ADA requirements.

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

17 33. Streetlights shall be maintained on Myers Street along the frontage of the project. The  
18 system shall provide uniform lighting, and be secured prior to building permit issuance, if a map is not  
19 recorded. The developer shall pay all applicable fees, energy charges, and/or assessments associated  
20 with City-owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the  
21 annexation to, any appropriate street lighting district.

22 34. Prior to approval of the grading plans, the developer shall contract with a geotechnical  
23 engineering firm to perform a field investigation of the existing pavement on all streets adjacent to the  
24 project boundary. The limits of the study shall be half-street plus twelve (12) feet along the  
25 subdivision's frontage. The field investigation shall include a minimum of one pavement boring per  
26 every fifty (50) linear feet of street frontage. Should the existing AC thickness be determined to be  
27 less than three (3) inches or without underlying Class II base material, the Subdivider shall remove and  
28 reconstruct the pavement section as determined by the pavement analysis analysis submittal process  
detailed in Item No. 2 below.

35. Upon review of the pavement investigation; the Transportation Director shall determine  
whether the Subdivider shall: 1) Repair all failed pavement sections, header cut and grind per the

1 direction of the Transportation/Development Inspector, and construct a two (2) inch thick rubberized  
2 AC overlay; or 2) Perform R-value testing and submit a study that determines if the existing pavement  
3 meets current City standards/traffic indices. Should the study conclude that the pavement does not  
4 meet current requirements, rehabilitation/mitigation recommendations shall be provided in a pavement  
5 analysis report, and the Subdivider shall reconstruct the pavement per these recommendations, subject  
6 to approval by the Transportation Director.

7 36. Pavement sections for all streets, alleys, driveways and parking areas shall be based  
8 upon approved soil tests and traffic indices. The pavement design is to be prepared by the developer's  
9 soil engineer and must be approved by the Transportation Director, prior to paving.

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

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

15 39. Grading and drainage facilities shall be designed and installed to adequately  
16 accommodate the local storm water runoff and shall be in accordance with the City's Engineers Manual  
17 and as directed by the Transportation Director.

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

23 41. This project shall provide year-round erosion control including measures for the site  
24 required for the phasing of grading. Prior to the issuance of grading permit, an erosion control plan,  
25 designed for all proposed stages of construction, shall be reviewed, secured by the applicant with cash  
26 securities and approved by the Transportation Director.

27 42. Precise grading and private improvement plan shall be prepared, reviewed, secured and  
28 approved prior to the issuance of any building permits. The plan shall reflect all pavement, flatwork,  
landscaped areas, special surfaces, curbs, gutters, medians, striping, signage, footprints of all structures,  
walls, drainage devices and utility services. Parking lot striping and any on site traffic calming devices  
shall be shown on all Precise Grading and Private Improvement Plans.

1           43. Landscaping plans, including plans for the construction of walls, fences or other  
2 structures at or near intersections, must conform to intersection sight distance requirements.  
3 Landscape and irrigation plans for disturbed areas must be submitted to the Deputy Public Works  
4 Director prior to the issuance of a preliminary grading permit and approved by the Deputy Public  
5 Works Director prior to the issuance of building permits. Frontage and median landscaping shall be  
6 installed prior to the issuance of any building permits. Any project fences, sound or privacy walls and  
7 monument entry walls/signs shall be shown on, bonded for and built from the landscape plans. These  
8 features shall also be shown on the precise grading plans for purposes of location only. Plantable,  
9 segmental walls shall be designed, reviewed and constructed by the grading plans and  
10 landscaped/irrigated through project landscape plans. All plans must be approved by the Deputy Public  
11 Works Director and a pre-construction meeting held, prior to the start of any improvements.

12           44. The drainage design on the project conceptual only. The final design shall be based  
13 upon a hydrologic/hydraulic study to be approved by the Deputy Public Works Director during final  
14 engineering. All drainage picked up in an underground system shall remain underground until it is  
15 discharged into an approved channel, or as otherwise approved by the Deputy Public Works Director.  
16 All public storm drains shall be shown on City standard plan and profile sheets. All storm drain  
17 easements shall be dedicated where required. The applicant shall be responsible for obtaining any off-  
18 site easements for storm drainage facilities.

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

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

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

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

11 48. All existing overhead utility lines within the frontage subdivision or within any full width  
12 street or right-of-way abutting a new subdivision and all new extension services for the development of the  
13 project, including but not limited to, electrical, cable and telephone, shall be placed underground per  
14 Section 901.G. of the Subdivision Ordinance (R91-166) and as required by the Transportation Director and  
15 current City policy.

16 **Fire:**

17 49. Submit a copy of as built plans on a CD for all projects on the job site.

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

20 51. Fire extinguishers are required and shall be included on the plans submitted for plan  
21 check.

22 52. Provide a 13R fire sprinkler system. The system shall be designed per N.F.P.A.13R and  
23 U.B.C. Standard 9-3. Installation of sprinkler systems in residential occupancies up to and including  
24 four stories in height.

25 53. Multi-family residential dwellings shall have 6-inch address numbers.

26 54. Buildings shall meet Oceanside Fire Departments current adopted codes at the time of  
27 building permit application.

28 **Planning:**

55. This Tentative Map (T-202-04), Development Plan (D-209-04), Conditional Use Permit  
(C-205-04), Variations (V-212-05, V-213-05) and Regular Coastal Permit (RC-209-04) shall expire on

1 December 14, 2007, unless implemented as required by the Zoning Ordinance.

2 56. This Tentative Map, Development Plan, Conditional Use Permit, Variations and Regular  
3 Coastal Permit approves only for the construction of a 5-unit residential condominium project as shown  
4 on the plans and exhibits presented to the Community Development Commission for review and  
5 approval. No deviation from these approved plans and exhibits shall occur without Planning  
6 Department approval. Substantial deviations shall require a revision to the Tentative Map,  
7 Development Plan, Conditional Use Permit, Variations and Regular Coastal Permit or a new Tentative  
8 Map, Development Plan, Conditional Use Permit, Variations and Regular Coastal Permit.

9 57. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
10 harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding  
11 against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the  
12 City, concerning Tentative Map (T-202-04), Development Plan (D-209-04), Conditional Use Permit  
13 (C-205-04), Variations (V-212-05, V-213-05) and Regular Coastal Permit (RC-209-04). The City will  
14 promptly notify the applicant of any such claim, action or proceeding against the City and will  
15 cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim  
16 action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be  
17 responsible to defend, indemnify or hold harmless the City.

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

22 59. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water  
23 Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall be reviewed  
24 and approved by the City Engineer and Planning Director prior to the issuance of building permits.  
25 Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for final  
26 approval.

27 60. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and  
28 in any adjoining public parkways shall be permanently maintained by the owner, his assigns or any  
successors in interest in the property. The maintenance program shall include normal care and  
irrigation of the landscaping; repair and replacement of plant materials; irrigation systems as necessary;

1 and general cleanup of the landscaped and open areas, parking lots and walkways, walls, fences, etc.  
2 Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions by all  
3 acceptable means including but not limited to citations and/or actual work with costs charged to or  
4 recorded against the owner. This condition shall be recorded with the covenant required by this  
5 resolution.

6 61. Front yard landscaping with a complete irrigation system, in compliance with Water  
7 Conservation Ordinance No. 91-15, shall be required.

8 62. All multi-family unit dwelling projects shall dispose of or recycle solid waste in a  
9 manner provided in City Ordinance 13.3.

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

12 64. A covenant or other recordable document approved by the City Attorney shall be  
13 prepared by the applicant developer and recorded prior to the issuance of building permits. The  
14 covenant shall provide that the property is subject to this resolution, and shall generally list the  
15 conditions of approval.

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

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

25 67. Failure to meet any conditions of approval for this development shall constitute a  
26 violation of the Tentative Map (T-202-04), Development Plan (D-209-04), Conditional Use Permit (C-  
27 205-04), Variations (V-212-05, V-213-05) and Regular Coastal Permit (RC-209-04).

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

1 adopted condition of approval.

2 69. The developer's construction of all fencing and walls associated with the project shall be  
3 in conformance with the approved Development Plan. Any substantial change in any aspect of fencing  
4 or wall design from the approved Development Plan shall require a revision to the Development Plan or  
5 a new Development Plan.

6 70. If any aspect of the project fencing and walls is not covered by an approved  
7 Development Plan, the construction of fencing and walls shall conform to the development standards of  
8 the City Zoning Ordinance. In no case, shall the construction of fences and walls (including  
9 combinations thereof) exceed the limitations of the zoning code, unless expressly granted by a  
10 Variation or other development approval.

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

	Sq.Ft.	# Bedrms	# Baths	# Stories	# Units	%
14 Plan 1	1,513	3	2	3	1	20
15 Plan 2	2,061	3	2.5-3.5	3	3	60
16 Plan 3	2,140	3	3	3	1	20

17 72. Side and rear elevations and window treatments shall be trimmed to substantially match  
18 the front elevations. A set of building plans shall be reviewed and approved by the Planning  
19 Department prior to the issuance of building permits.

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

23 74. This project is subject to the provisions of the Local Coastal Plan for Coastal Housing.  
24 The developer shall obtain a Coastal Affordable Housing Permit from the Director of Housing and  
25 Neighborhood Services prior to issuance of building permits or recordation of a final map, whichever  
26 occurs first.

27 75. An association of homeowners (HOA) shall be formed and Covenants, Conditions and  
28 Restrictions (CC&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;

1 and general cleanup of the landscaped and open area, parking lots and walkways. The CC&R's shall be  
2 subject to the review and approval of the City Attorney prior to the approval of the final map. The  
3 CC&R's are required to be recorded prior to or concurrently with the final map. Any amendments to  
4 the CC&R's in which the association relinquishes responsibility for the maintenance of any common  
5 open space shall not be permitted without the specific approval of the City of Oceanside. Such a clause  
6 shall be a part of the CC&R's. The CC&R's shall also contain provisions for the following:

7 a) The subterranean garage parking shall be exclusive to the residential occupancy of  
8 the site and shall not be shared or used by any other occupancy.

9 b) Prohibition of parking or storage of recreational vehicles, trailers, or boats.

10 c) Maintenance of all common areas, and on-site and frontage landscaping.

11 76. A six-foot high block wall shall be constructed on the northern, southern and eastern  
12 property lines.

13 **Water Utilities:**

14 77. All public water and/or sewer facilities not located within the public right-of-way shall  
15 be provided with easements sized according to the City's Engineers Manual. Easements shall be  
16 constructed for all weather access.

17 78. No trees, structures or building overhang shall be located within any water or  
18 wastewater utility easement.

19 79. The property owner will maintain private water and wastewater utilities located on  
20 private property.

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

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

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

83. 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

1 issuance.

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

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

7 PASSED AND ADOPTED by the Oceanside Community Development Commission of the  
8 City of Oceanside this \_\_\_\_ day of \_\_\_\_\_ 2005 by the following vote:

9 AYES:

10 NAYS:

11 ABSENT:

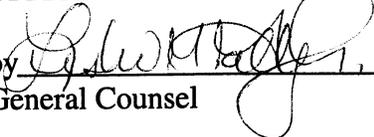
12 ABSTAIN:

13 \_\_\_\_\_  
Chairman

14 ATTEST:

15 \_\_\_\_\_  
16 Secretary

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

19 by  DCA  
20 General Counsel

21  
22  
23  
24  
25  
26  
27  
28



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:**

**MYERS ESTATES (T-202-04, D-209-04, C-205-04, RC-209-04 & V-212-05 & V-213-05 )**

**PROJECT LOCATION - SPECIFIC:**

402 South Myers

**PROJECT LOCATION - GENERAL:**

City of Oceanside

**DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:**

A 5-unit residential condominiums situated on 6,021 square foot site.

**NAME OF PUBLIC AGENCY APPROVING PROJECT:**

City of Oceanside

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

Myers Estate, LLC  
14320 Ventura Blvd. #257  
Sherman Oaks, CA 91423  
(818) 881-1191

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(S) 15332**

**REASONS WHY PROJECT IS EXEMPT:**

In accordance with CEQA Section 15332, the proposed project is consistent with the applicable general plan designation and policies and zoning designations; and the development comprises an area of no more than 5 acres in size; and has no native habitat; and will not result in any significant effects relating to traffic, noise, air quality, or water quality; and can be adequately served by existing utilities and public services.

Contact Person: ~~Shan Babick~~, Associate Planner

SIGNATURE

November 21, 2005

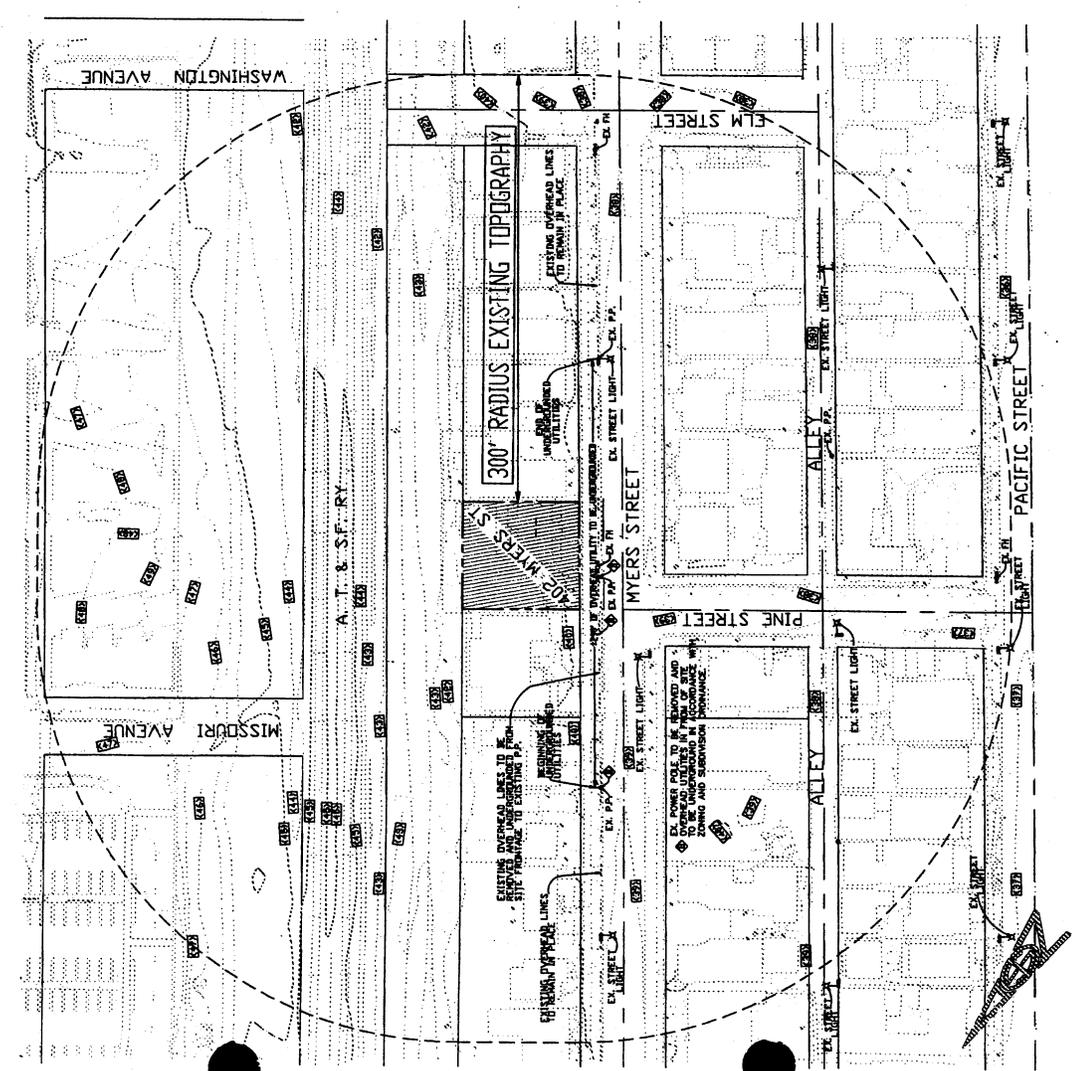
DATE

For: Gerald S. Gilbert, Planning Director



# CITY OF OCEANSIDE T202-04 TENTATIVE MAP / SITE DEVELOPMENT PLAN

402 MYERS STREET, OCEANSIDE CA 92054  
 THIS MAP IS FILED PURSUANT TO THE SUBDIVISION MAP ACT, TITLE 26, DIVISION 4 OF THE CODE OF THE STATE OF CALIFORNIA, AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT, TITLE 26, DIVISION 4 OF THE CODE OF THE STATE OF CALIFORNIA.



PLAN: 402 MYERS STREET 300' RADIUS EXISTING TOPOGRAPHY  
 SCALE: 1"=40'

APN: 100-077-12  
 LOT AREA: 6,071 SQ. FT. = 0.14 AC.  
 OWNER(S)/APPLICANT:  
 MR. TOM AYER  
 MYERS ESTATES LLC  
 THOMAS BRICK, 100-A1  
 THOMAS BRICK, 100-A1  
 P.M.  
 DATE: 2/28/05

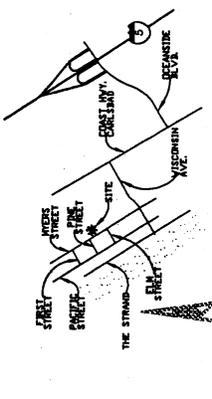
APPLICANT'S REPRESENTATIVE  
 J. J. Ayer  
 2815 BAY STREET, SUITE 200  
 OCEANSIDE, CA 92054  
 (760) 892-1835

LEGAL DESCRIPTION:  
 THAT PORTION OF LOT 1 IN BLOCK 4 OF THOMAS'S ADDITION TO OCEANSIDE, ACCORDING TO AN ORDER OF THE SUPERIOR COURT OF THE COUNTY OF SAN DIEGO, DATED JANUARY 29, 2004, AND THE CITY RECORDS OF THE CITY OF OCEANSIDE, CALIFORNIA, RECORDED UNDER INSTRUMENT NO. 1193 AS INSTRUMENT NO. 18178 OF OFFICIAL RECORD, WHICH ADJAINS SAID PORTION OF LOT 1, ABOVE DESCRIBED ON THE NORTH.

TOPOG SOURCE  
 PHOTO AERIAL PHOTOGRAPHY  
 PHOTOGRAPHIC MAPPING GROUP  
 2815 BAY STREET, SUITE 200  
 OCEANSIDE, CA 92054  
 (760) 892-1835  
 DATED: DECEMBER 2, 2004

DRAINAGE STUDIES  
 SEE REPORT ENTITLED "DRAINAGE STUDY FOR MYERS ESTATES LLC, CONDOMINIUM PROJECT AT 402 MYERS STREET OCEANSIDE CA 92054".  
 DATED: JANUARY 29, 2004  
 PREPARED BY: CDS CIVIL ENGINEERS  
 10705 PINECREST AVENUE, SUITE A  
 OCEANSIDE, CA 92054  
 (760) 434-6668 FAX (760) 434-6644

SOILS REPORT  
 REPORT OF GEOTECHNICAL INVESTIGATION, 402 S. MYERS STREET OCEANSIDE, CA.  
 DATED: APRIL 21, 2004  
 PREPARED BY: EMM COUGHAN & ASSOC. INC.



VICINITY MAP  
 THOMAS BRICK, 100-A1

- LEGEND
- BOUNDARY: Dashed line
  - RIGHT-OF-WAY: Dotted line
  - STREET CENTERLINE: Solid line
  - EXISTING PALM TREE: Circle with 'P'
  - EXISTING TREES: Circle with 'T'
  - EXISTING BUIES: Circle with 'B'
  - EX. CONTOURS 5': Dashed line with '5'
  - EX. CONTOURS 1': Dotted line with '1'
  - EX. FIRE HYDRANT: Square with 'H'
  - EX. CONTAINERS ELEVATION: Circle with 'E'
  - EX. FIRE HYDRANT: Square with 'H'
- INDEX
- SHEET 1: 300' RADIUS TOPOGRAPHY
  - SHEET 2: TENTATIVE MAP / SITE PLAN

NOTE:  
 THIS PLAN IS PROVIDED TO ALLOW FOR FULL AND ADEQUATE DISCRETIONARY REVIEW BY THE CITY ENGINEERS AND THE PUBLIC. THE CITY ENGINEERS AND THE PUBLIC ACKNOWLEDGE THAT ACCEPTANCE OR APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY DRIVING, SWAMP, WETLAND, AND OTHER REGULATORY REQUIREMENTS BEFORE COMMENCING SUCH ACTIVITY.

## CITY OF OCEANSIDE T202-04 TENTATIVE MAP / SITE DEVELOPMENT PLAN

REFERENCE NO: D209-04, C205-04 AND RC209-04

PREPARED BY:  
**CDS** CIVIL ENGINEERS  
 10705 PINECREST AVENUE, SUITE A  
 OCEANSIDE, CA 92054  
 (760) 434-6668 FAX (760) 434-6644

PROJECT ADDRESS:  
 402 MYERS STREET  
 OCEANSIDE, CA 92054

ORIGINAL DATE OF PREPARATION: 07/28/2004

REVISIONS:

NO.	DATE	DESCRIPTION	BY	DATE
1.	07/28/2004	INITIAL DEVELOPMENT REVIEW	CDS	07/28/04
2.	07/28/2004	FINAL DEVELOPMENT REVIEW	CDS	06/04/2004
3.	07/28/2004	CONFORM TO PERMITS	CDS	06/29/2004
4.				
5.				



ENGINEER OF WORK  
 J. J. Ayer  
 2815 BAY STREET, SUITE 200  
 OCEANSIDE, CA 92054  
 (760) 892-1835

PLAN: 402 MYERS STREET 300' RADIUS EXISTING TOPOGRAPHY  
 SCALE: 1"=40'

# LANDSCAPE CONCEPT PLAN

## 402 SOUTH MYERS STREET

**IRIGATION NOTES**

AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED ON ALL AREAS TO BE IRRIGATED. THE SYSTEM SHALL BE DESIGNED TO PROVIDE 1.0 INCH OF WATER PER WEEK TO ALL PLANTS AND TREES. THE SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH THE IRRIGATION DESIGN MANUAL FOR PLANT GROWTH WITH A HISTORY OF WATER LOSS DUE TO SALINITY. ALL IRRIGATION PREVENTION SHALL BE INSTALLED IN ACCORDANCE WITH THE IRRIGATION DESIGN MANUAL AND SPECIFICATIONS FOR LANDSCAPE DEVELOPMENT (REV. 10/10/00) AND WATER CONSERVATION ORDINANCE 06-11.

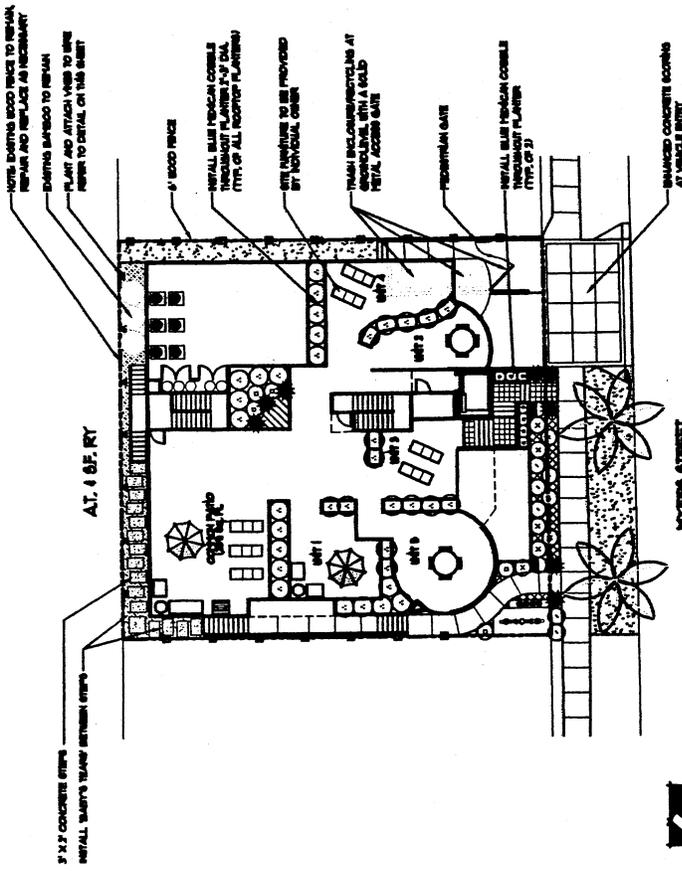
**PLANTING NOTES**

THE SELECTION OF PLANT MATERIAL IS BASED ON CULTURAL, AESTHETIC, AND MAINTENANCE CONSIDERATIONS. ALL PLANTING AREAS SHALL BE PREPARED WITH ICE, CONCRETE, OR OTHER APPROPRIATE SURFACING MATERIAL. ALL PLANTING SHALL BE INSTALLED WITHIN THE AREAS TO BE IRRIGATED. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE IRRIGATION DESIGN MANUAL AND SPECIFICATIONS FOR LANDSCAPE DEVELOPMENT (REV. 10/10/00) AND WATER CONSERVATION ORDINANCE 06-11.

### CONCEPTUAL PLANT LIST

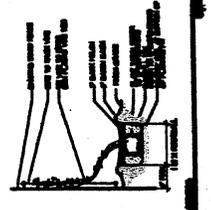
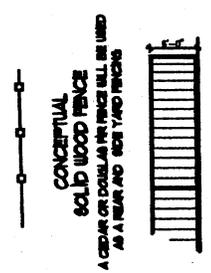


- 1. MIMULUS LEWISII
- 2. PLEISTOCENE PALM
- 3. PLEISTOCENE PALM
- 4. PLEISTOCENE PALM
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- 100. PLEISTOCENE PALM



**LANDSCAPE AREA**

SITE AREA (SQ FT)	5,000
LANDSCAPE INCLUDING ROOF PLANTERS	1,000
ROOF GARDEN AREA	1,000
TOTAL INCLUDED LANDSCAPE PERCENTAGE	33.3%



Myers Esthetic, LLC  
402 South Myers Street  
Gainesville, Florida

THE LIGHTFOOT PLANNING GROUP  
PLANNING SITE DESIGN LANDSCAPE ARCHITECTURE

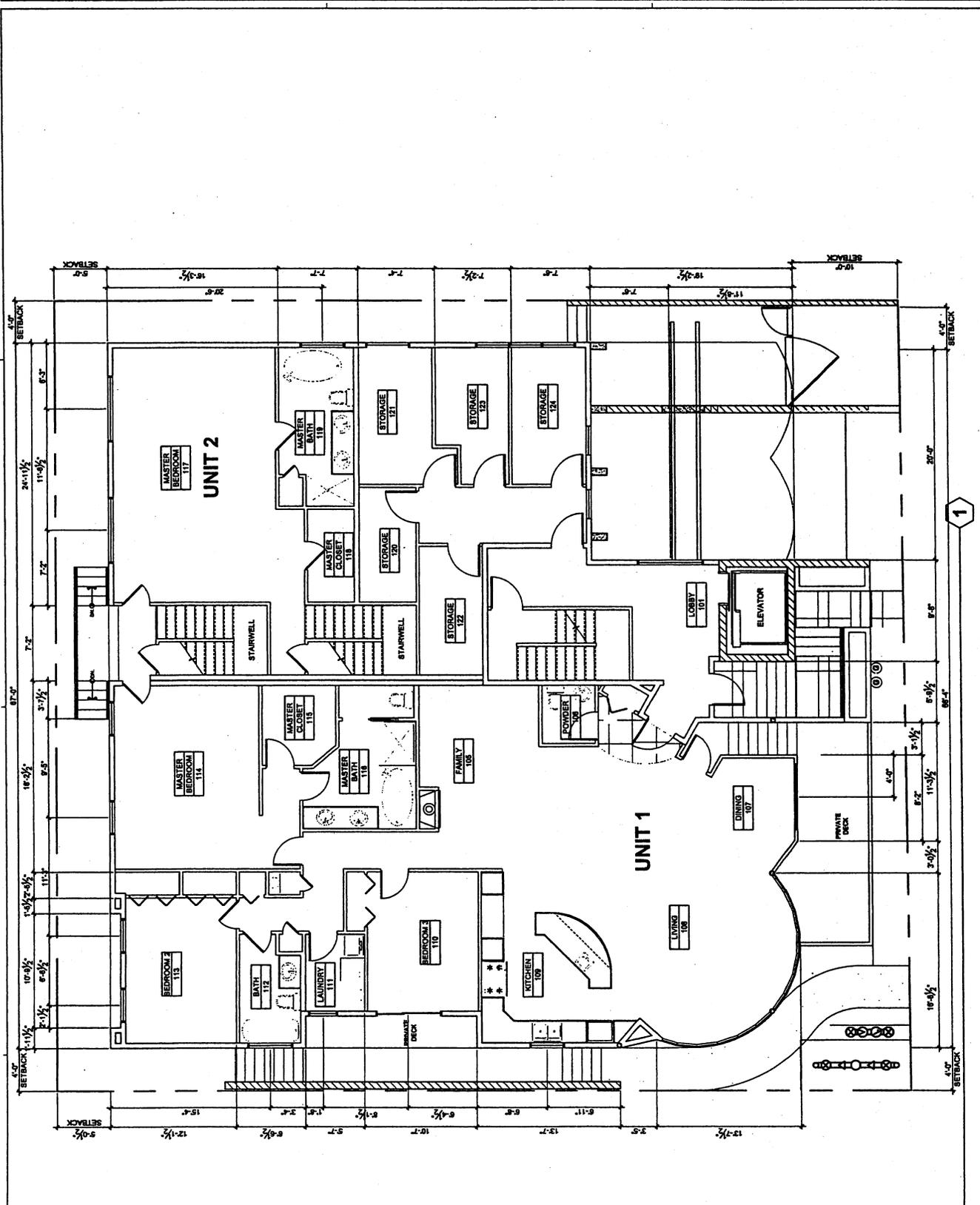
DATE: 10/10/00  
BY: [Signature]  
SCALE: 1" = 10'











**FIRST FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"

Sheet	A4
Date	
Scale	
Author	
Checker	
Reviewer	
By	

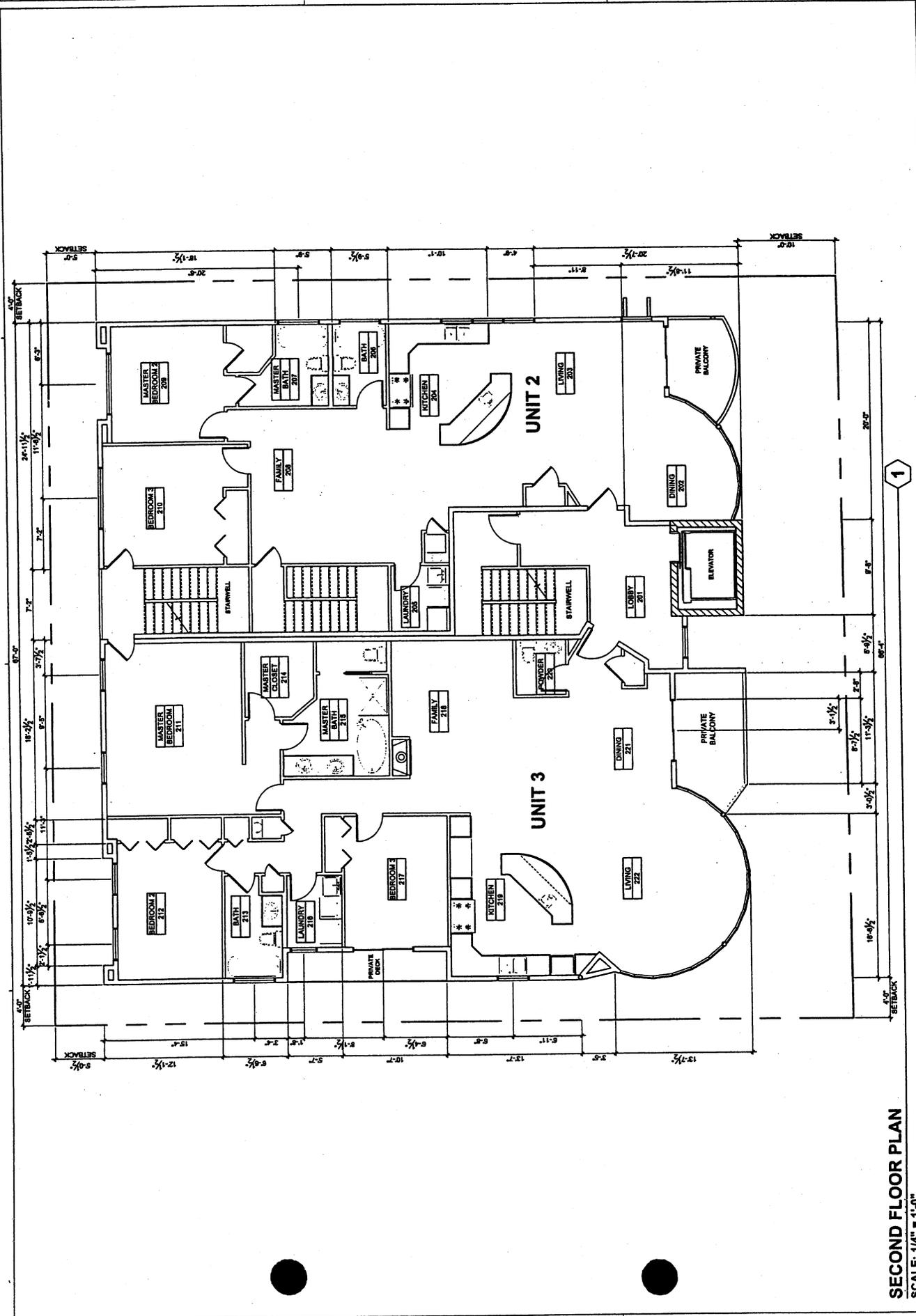
S. MYERS STREET  
 402 S. MYERS ST.  
 CONDOMINIUMS  
 OCEANSIDE, CALIFORNIA

**SECOND FLOOR PLAN**

**JON R. MASSARO ARCHITECT**  
 8335 WINNETKA AVE.  
 WINNETKA, CALIFORNIA 91306  
 OFF: 818-998-6396 FAX: 818-998-6397



NOTICE



**SECOND FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"



A7

DATE	11-03-05
BY	JRM
CHECKED	
SCALE	
PROJECT	
DESCRIPTION	

S. MYERS STREET  
 CONDOMINIUMS  
 402 S. MYERS ST.  
 OCEANSIDE, CALIFORNIA

WEST  
 ELEVATION

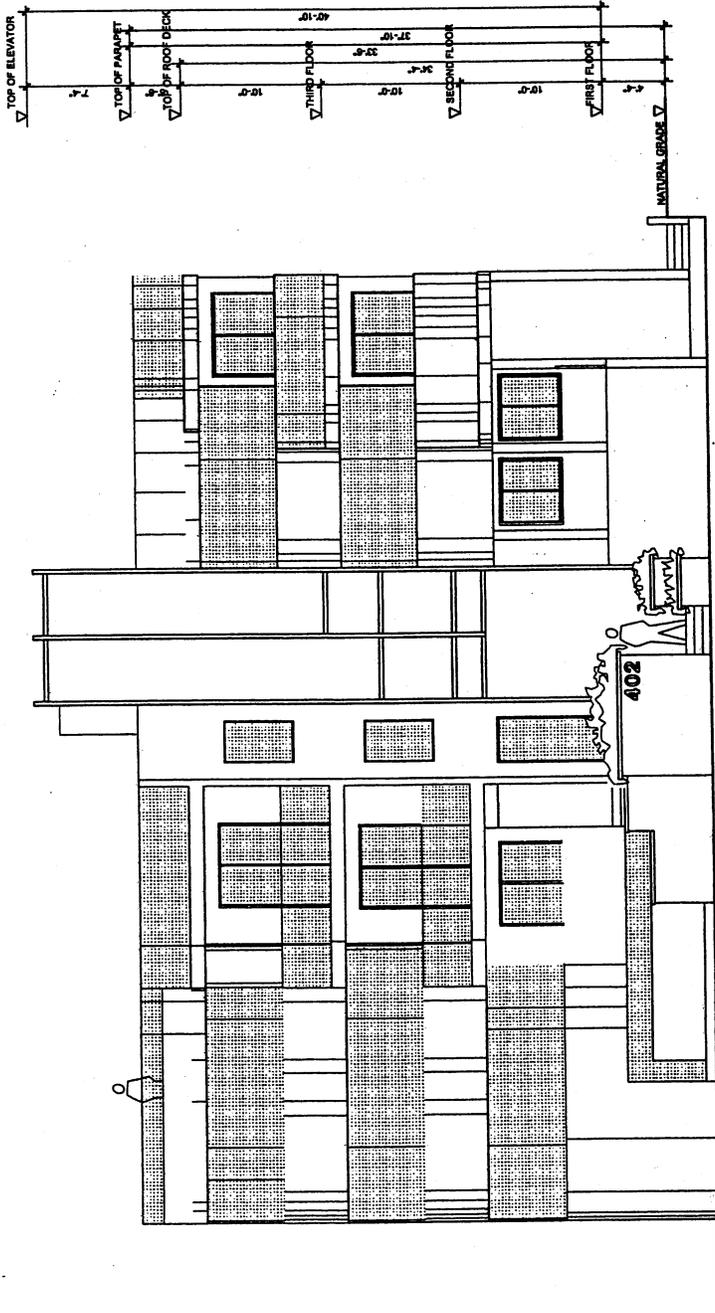
JON R. MASSARO  
 ARCHITECT  
 8335 WINNETKA AVE.  
 WINNETKA, CALIFORNIA 91306  
 OFF: 818-998-6396 FAX: 818-998-6397



NO.	DATE	REVISION

NOTICE  
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REFERENCE  
 ELEVATION NOTES  
 ON SHEET A15



1

WEST ELEVATION  
 SCALE: 1/4" = 1'-0"









State of California — The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
PRIMARY RECORD

Primary # \_\_\_\_\_  
HRI # \_\_\_\_\_  
Trinomial \_\_\_\_\_  
NRHP Status Code 6Z

Other Listings \_\_\_\_\_  
Review Code \_\_\_\_\_ Reviewer \_\_\_\_\_ Date \_\_\_\_\_

Page 1 of 3 \*Resource Name or #: (Assigned by recorder) 402 S. Myers Street

\*P1. Other Identifier: S.M. and Laura E. Morrow Residence

\*P2. Location:  Not for Publication  Unrestricted \* a. County San Diego

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

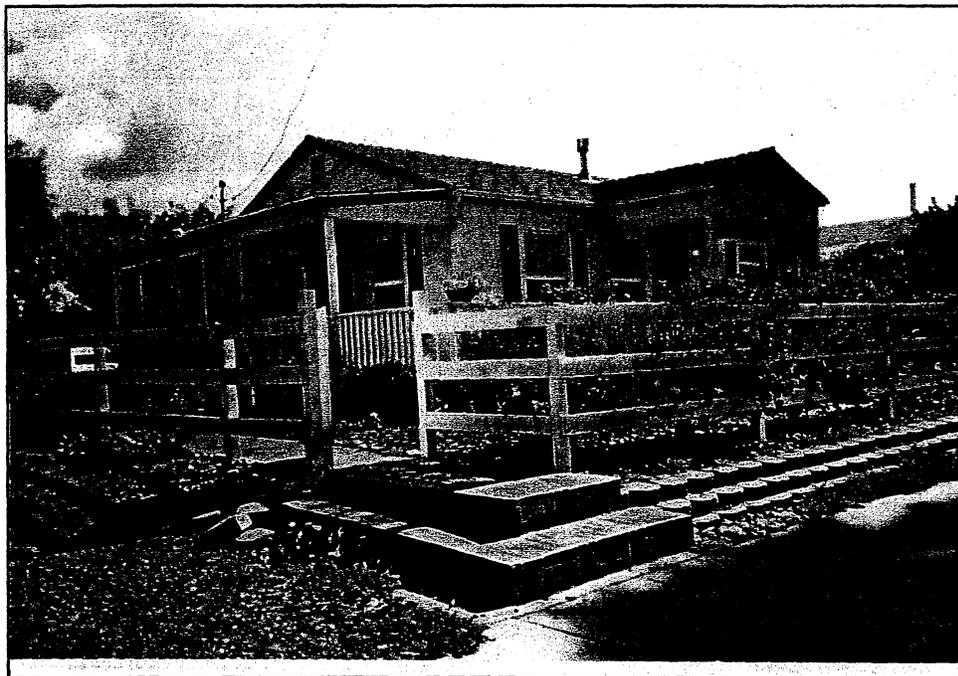
\*b. USGS 7.5' Quad San Luis Rey \*Date 1975 T 11S; R sw;     ¼ of     ¼ of Sec    ; SB B.M.

c. Address 402 S. Myers Street City Oceanside Zip 92054

d. UTM: (Give more than one for large or linear resources) Zone    ;     Me/     Mn

e. Other Locational Data (e.g., parcel #, directions to resource, elevation, etc., as appropriate): The property is located in Tyson's Addition, Lot 1, Block 4; the APN is 150-077-12.

\*P3a. Description (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries): The resource consists of a small (approximately 700 sq ft), rectangular shaped one story, Craftsmanesque/Ranch house, which rests on a concrete foundation. The exterior is clad with shiplap siding. The crested medium pitched side gabled roof is covered with composition shingles and has narrow eaves, and fascia fronting. Horizontal louvered vents are present beneath the gable ends. The fenestration consists of replaced vinyl 1 x double hungs, some framed by diamond patterned wood shutters. A shed roofed addition is located on the north side of the house and is accessed through a multi-paned sliding glass door. Primary access to the house is through a wood railed fence to a raised brick walkway, up one step, to a wood railed deck. The deck is covered by a front gabled porch roof with two wood square half posts mounted on the deck railing. The porch roof is pedimented and has three cutout windows beneath the gable apex. The house and lot are well maintained and the house appears to be in very good condition.



\*P3b. Resource Attributes: (List) HE  
Single family residence

\*P4. Resources Present:  Building  
 Structure  Object  Site  
District  Element of District  Other  
(Isolates, etc.)

P5b. Description of Photo: (View, date, accession #) Front and north facades looking southeast  
3/01/04, 898:1

\*P6. Date Constructed/ Age at Sources: Resource is 58 years old per Notice of Completion

\*P7. Owner and Address: John & Katherine Ayer  
14320 S. Ventura Blvd #250  
Sherman Oaks, CA 91423

\*P8. Recorded by (Name, affiliation and address): Ruth Alter  
Archaeos, 11209 Golden Birch Way, San Diego, CA 92116

\*P9. Date Recorded: 3/01/04 \*P1

Type of Survey: (Describe) Field check \*P11. Report Citation (Cite survey report and other sources, or enter "none".) None

Attachments:  NONE  Location Map  Sketch Map  Continuation Sheet  Building, Structure, and Object Record  
 Archaeological Record  District Record  Linear Resource Record  Milling Station Record  Rock Art Record  Artifact Record  
 Photograph Record  Other (List):

State of California — The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**CONTINUATION SHEET**

Primary # \_\_\_\_\_  
HRI # \_\_\_\_\_  
Trinomial \_\_\_\_\_

Page 2 of 3 \*Resource Name or # (Assigned by recorder) 402 S. Myers Street  
\*Recorded by Ruth C. Alter Date 3/01/04  Continuation  Update

According to the chain of title, Samuel M. Tyson sold the subject property to Andrew J. Myers in June, 1886. Mr. Tyson, one of Oceanside's pioneers, was a native Texan who fought in the Civil War on the side of the Confederacy. At wars end, he returned to Texas, earning his living first as a farmer and then as the owner of a general store. In 1883, Tyson moved his family to Oceanside after a very brief stopover in Los Angeles. At the time, the only earlier settler was Oceanside founder Andrew Jackson Meyers, to whom he sold this property, three years after its purchase. Since Mr. Tyson constructed a 14 x 28 foot house with a lean-to and Mr. Myers at that time had built only a shanty, Mr. Tyson is credited with building the first house in Oceanside. This house is not associated with the subject property.

Andrew Jackson Myers, sometimes referred to as "Uncle Jack" by early townspeople, was born in Illinois, but spent most of his life in the American west, first in California, then Arizona, and then Texas. Like Mr. Tyson, Mr. Myers was a veteran of the Confederate army. He married the former Sophia Scott in 1865 and resided in Texas until moving his family back to California - initially Los Angeles County, and then in 1881, to San Luis Rey. In 1883, he founded the community of Oceanside, which until that time had been sheep and cattle pasturage.

Myers, along with associate J. Chauncey Hayes, son of Judge Benjamin Hayes, platted the land and marketed it based heavily on its appeal as seaside property with direct railroad access to Los Angeles and San Diego. The great Oceanside land boom began about two years later, in 1885. Myers, who at one time owned over 300 acres, sold the as yet unimproved subject lot to John Bannister in September, 1886. Four years later, in September, 1890, I.R. Jacob purchased the property from Bannister. Jacob retained title for about three years before the property was purchased by Olive M. Woodward in November, 1893. The property was deeded, possibly through default, to Jane R. Jacob, likely the spouse or a relative of I.R. Jacob, in May, 1894.

Sarah Wentworth purchased the property in July, 1896 and the lot stayed within the Wentworth family for approximately the next 30 years. Sarah Wentworth was the wife of Captain A.C. Wentworth and the sister of Estevan Peters. She died only a few months after her purchase of the property at the age of 39, leaving her husband, a rancher and real estate investor, to raise their surviving five children on his own. Title to the subject property passed to three of the children, Mamie, Charles, and Doris, in October, 1902.

In December, 1925, Sylvester Kipp acquired the lot. He appears to have forfeited the property through non-payment of taxes to the County Tax Collector in October, 1933. Title was transferred from the tax collector to the City of Oceanside in February, 1945, and acquired the following month by Jimmie B. Hayes (Jemma Hayes?), and then to Barrie and Roby Hayes about six months later, likely as part of the Hayes family real estate business dealings.

Laura Morrow, wife of S.M. Morrow, purchased the as yet undeveloped lot in October, 1945. Shortly thereafter, the Morrows hired carpenter H.A. Lewis, electrical contractor Lewis Gross, and plumber R.H. Gorings to construct their residence on the property. The Notice of Completion identifies the finish date as March, 1946. The couple appear to have been long term occupants of the house. Title to the house stayed in the family until July, 1993, when the property was acquired by Joyce Lee Sherman. Tim Jones and Anthony May bought the house in June, 1994, and sold it to Samuel and Geri Shanely in October, 1999. Title to the property is currently held by John G. and Katherine B. Ayer.

\*Resource Name or # (Assigned by recorder) 402 S. Myers Street

B1. Historic Name: S.M and Laura E. Morrow Residence

B2. Common Name: None

B3. Original Use: Single family property B4. Present Use Single family property

\*B5. Architectural Style: Craftsmanesque/Ranch

\*B6. Construction History: (Construction date, alternations, and date of alterations)  
 The house was constructed in 1946 per the Notice of Completion. A shed addition is located on the north side of the house, the windows have been replaced, and the front porch appears to have been reworked.

\*B7. Moved? No Yes Unknown Date: \_\_\_\_\_ Original Location: \_\_\_\_\_

\*B8. Related Features: None

B9a. Architect: None b. Builder: H.A. Lewis (carpenter)

\*B10. Significance: Theme: Oceanside residential development Area Oceanside, California

Period of Significance 1885 to present Property Type Single family Applicable Criteria N/A

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.) The subject resource is located in the Tyson's Addition, one of the earliest of the subdivisions in Oceanside. It figured prominently in Oceanside's development as part of the initial town site and for its role as an early recreational destination. Because of its desirable coastal locale, land speculators often purchased multiple lots, hoping to capitalize on visitors appreciation of the climate and the proximity of the railroad station and the ocean. The neighborhood built up slowly, initially consisting of small vacation cottages and residences. The dominant architectural styles of the area until the 1920s were Victorian and Craftsman. These properties were frequently used as beach rentals. Following World War II, many of these buildings were torn down and replaced with multi-family units. The immediate neighborhood currently consists of post-war apartments, a few Spanish Eclectic houses, several nondescript multi-family units, Craftsmanesque bungalows, and recently constructed Neo-Craftsman single family residences. The resource is typical of the houses built in the area in the Post World War II era. The house was built as a personal residence and was subsequently owner occupied through at least the 1950s and probably much longer. The resource is not associated with any known significant historic event or events. Persons of historic standing are not directly associated with it. Its design is not distinctive; it does not represent the work of a master architect or craftsman, and it is not constructed of rare or unique materials. The building is unlikely to yield important information relevant to local, state or national history, and its research potential has been exhausted with this study. It was constructed on its present site and therefore retains its locational integrity. Its design integrity has been compromised by a shed addition on the north side of the house and by the replacement of windows. The setting has been somewhat altered by the addition of larger scale single and multi-family buildings, but the area remains residential. The resource is not eligible for nomination for listing in the National Register of Historic Places or the California Register of Historical Resources. Similarly, it does not qualify for nomination to the local register.

B11. Additional Resource Attributes: (List attributes and codes) None

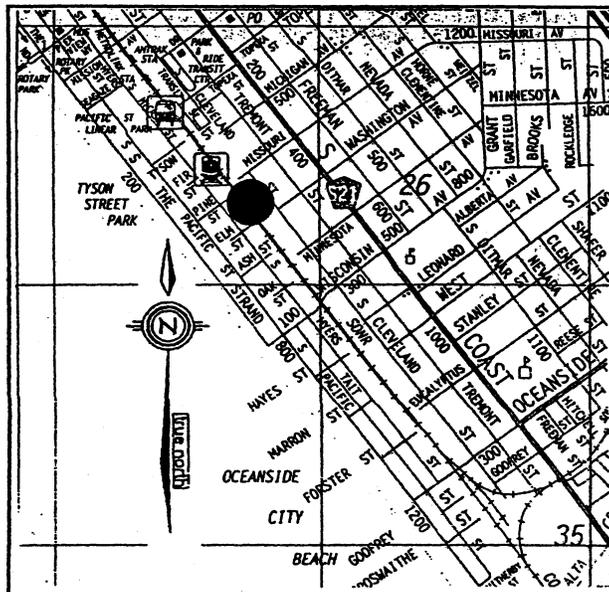
\*B12. References: City and County Directories; County Assessors records; McAlester, V. and L, A Field Guide to American Houses, 1991. Alfred A. Knopf, New York; Kristi Hawthorne, Archivist, Oceanside Historical Society

B13. Remarks:

\*B14. Evaluator: Ruth Alter, Archaeos, 11209 Golden Birch Way Way, San Diego, CA 92131

\*Date of Evaluation: 3/01/04

(This space reserved for official comments.)



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Planning Department

**NOISE IMPACT ANALYSIS UPDATE**

**402 SOUTH MYERS CONDOMINIUMS**

**OCEANSIDE, CALIFORNIA**

Prepared for:

Myers Estates, LLC  
Attn: Tom Ayer  
14320 Ventura Boulevard, #257  
Sherman Oaks, California 91423

Date:

October 6, 2004

Project No.: P04-020

## NOISE STANDARDS

The City of Oceanside General Plan Noise Element contains noise standards that establish noise exposure standards for residential and other noise-sensitive land uses. These standards have been adopted to insure that noise does not excessively intrude or interfere with the "comfort and repose" of City residents.

Noise/land use compatibility standards are expressed in terms of a parameter called the community noise equivalent level (CNEL). CNELs are measured in units of A-weighted decibels (dBA). Decibels are a logarithmic measure of sound pressure level. While each 10 dBA increase represents a ten-fold increase in sound intensity, the human ear hears a 10-dB change as an apparent doubling of loudness.

An optimum interior bedroom noise level would be around 35 dBA. Levels of 55 dBA are perceived as intrusive inside a home, and levels exceeding 65 dB make it difficult to carry on a normal conversation. These considerations influence the noise standards adopted by the City of Oceanside. The interior noise standard for all residential occupancies is 45 dBA CNEL. Because CNEL artificially weights all evening readings by +5 dB, and noise levels from 10:00 p.m. to 7:00 a.m. by +10 dB, the following interior residential noise distribution would equate to a 45 dBA LEQ exposure:

7:00 a.m. to 7:00 p.m.	45 dBA
7:00 p.m. to 10:00 p.m.	40 dBA
10:00 p.m. to 7:00 a.m.	35 dBA

Attainment of a level of 45 dBA CNEL is required by the California Building Code for all multi-family dwellings of four or more units. The City of Oceanside, as a matter of policy, requires that all residential occupancies achieve a 45 dBA CNEL interior noise level. The City's standard for exterior noise is 65 dBA CNEL, consistent with State guidelines and with those of most jurisdictions in urban or suburban environments. This standard applies to usable outdoor space such as decks, yards, patios, etc. If ambient levels exceed 65 dBA CNEL in such environments, mitigation is generally required, if feasible, to achieve the 65 dBA threshold. Residential development is not recommended if exterior levels exceed 70 dBA CNEL because it potentially requires substantial mitigation. Exterior levels exceeding 75 dBA CNEL are considered unacceptable for siting residential land uses because both the exterior and interior mitigation needed to achieve an acceptable environment becomes progressively more difficult (large block walls, triple-paned windows, etc.). A noise exposure of 65 dBA CNEL in any usable space, and an interior level of 45 dBA CNEL, are therefore the noise standards relevant to the proposed project.

The project site is exposed to train noise from Amtrak, the Coaster, and limited freight traffic. The noise environment is characterized by a brief noise "pulse" and extended periods of quiet. Although CNEL is a less perfect noise metric for trains or airplanes than it is for more continuous on-road vehicles, it is the policy of almost all agencies (FAA, FTA, FHWA, etc.) to use CNEL for land use decisions. In the absence of any better supported noise descriptor and its universal use, CNEL is used in this study to evaluate noise impact/mitigation.

## **NOISE SETTING**

Existing site noise exposures were monitored, and future noise levels were estimated based on possible maximum train activity growth. A noise monitoring test was conducted for 24+ hours on the project site at the property line facing the railroad tracks. Measurements were made at the two eastern corners of the property on February 19-20, 2004. Measurements were made with digital sound level meters calibrated before and after the measurements. Table 1 summarizes the results of the noise monitoring.

As would be expected, the two monitoring locations recorded almost identical levels. The existing 24-hour weighted CNEL was 67 dBA at both rear corners of the property closest to the tracks. A level of 67 dBA CNEL would exceed the exterior noise standard if any usable outdoor space were proposed facing the tracks. A level of 67 dBA CNEL would require 22 dB of structural attenuation to achieve a 45 dBA CNEL required interior levels. A reduction of 22 dB (plus any additional margin for rail traffic growth) requires window closure and slightly upgraded windows (production grade dual-paned) as the needed structural features.

**Table 1**

**Property Line Noise Monitoring Summary (dBA)**

<b>Parameter</b>	<b>NE Corner</b>	<b>SE Corner</b>
24-Hour CNEL	67	67
Peak 1-Hour Leq	70	68
When (?)	2-3 p.m.	2-3 p.m.
2 <sup>nd</sup> High Leq	67	66
When (?)	9-10 p.m.	9-10 p.m.
Minimum 1-Hour Leq	40	42
When (?)	2-4 a.m.	2-4 a.m.
1-Second Maximum	95	91
1-Second Minimum	34	40

## NOISE IMPACT/MITIGATION

The measured reference level of 67 dBA CNEL will increase in response to an unknown level of train traffic growth. However, noise levels are proportional to the logarithm of the source event. It takes a large increase in volume to produce only a limited change in the noise level. If the day/night distribution of future train movements (VF) remains the same as existing (VE) (only an overall increase in the numbers of trains), future noise levels at the eastern site perimeter are calculated as follows:

$$\text{CNEL (future)} = 67 \text{ (existing)} + 10 * \log (\text{VF/VE})$$

For a range of possible growth scenarios, site perimeter train noise is calculated as follows:

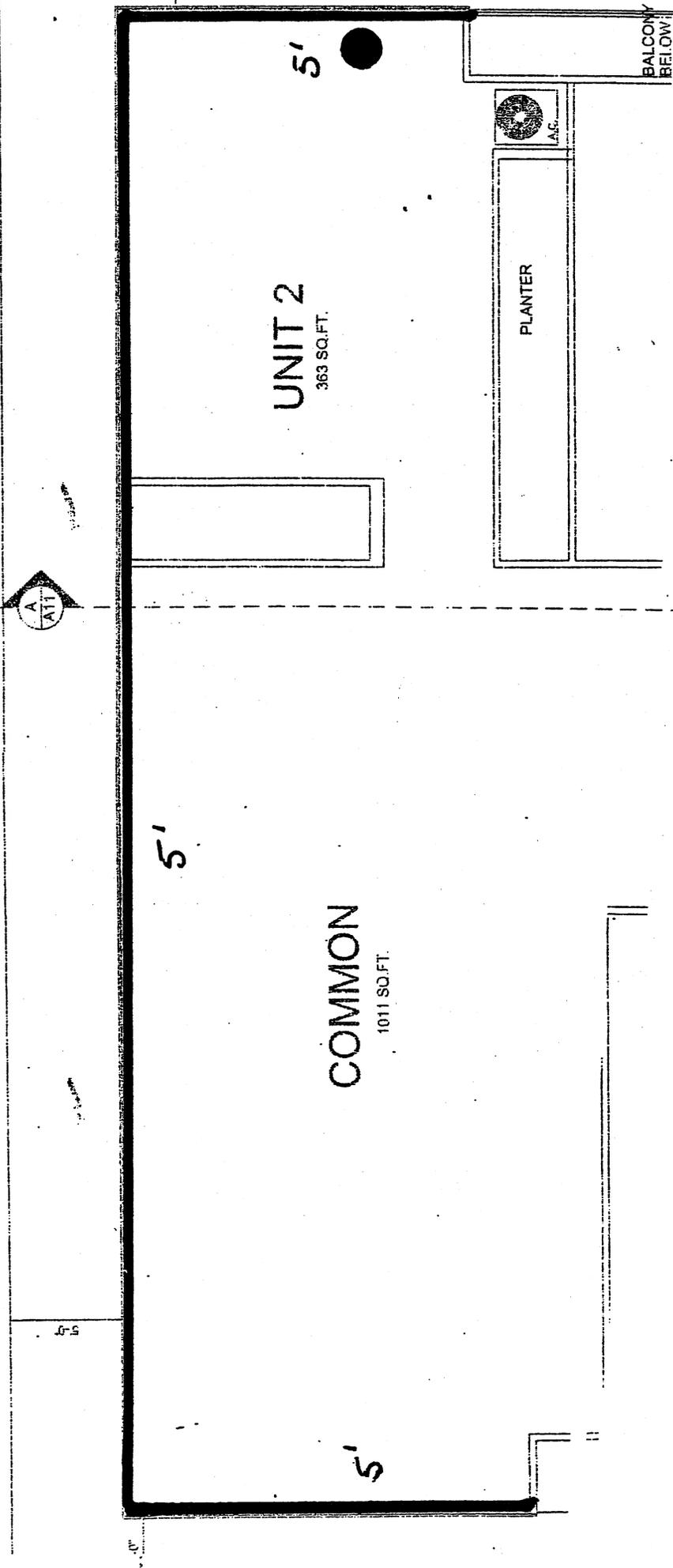
Growth Rate (%)	CNEL (future) (dBA)
25	68
50	69
100	70

Although a doubling of train movements is not reasonably expected to occur, the 70 dBA CNEL value (100% growth) was used as a worst-case future site noise loading.

## EXTERIOR COMPLIANCE

There are no exterior uses proposed to face the tracks at ground level. Each unit will have a deck/patio at roof level. The decks closest to Myers Street will be farther from the tracks, and will be shielded by the roof parapet and adjoining buildings. The affected portion of the roof area is the "common" deck area, and the "private" deck for Unit 2. These areas will require noise protection of up to 5 dB to reduce the presumed 70 dBA CNEL loading to the 65 dBA CNEL standard.

Any solid barrier that interrupts the direct line-of-sight between the source and receiver, even at grazing incidence, achieves a minimum reduction of 5 dB at mid-range frequencies. A noise barrier atop the roof parapet that extends to a height of five (5) feet above the deck elevation will achieve 65 dBA CNEL in all rooftop outdoor space. The barrier location is shown in Exhibit 1. A solid base and a glass upper section for a total height of 5 feet will meet this requirement as long as the barrier is contiguous with no gaps.



**Exhibit 1**

**Rooftop Noise Barrier Location**

## INTERIOR COMPLIANCE

Interior noise standards compliance was evaluated for all rear-facing bedrooms using the INA3.2 (Interior Noise Analysis, Version 3.2) computer model for sound transmission through structural elements. The rooms with the largest windows facing the tracks were analyzed. The computer model output is attached. The results of the interior noise analysis for a 70 dBA CNEL rear façade loading with dual-paned (STC=27) windows are as follows (dBA CNEL):

	Windows Open	Windows Closed
Unit 1-MBR	54	39*
Unit 1-BR2	56	41*
Unit 1-MBR	55	40*

\*Meets City standard of 45 dBA CNEL.

Use of dual-paned windows on the rear building facade will meet all City requirements for interior noise.

The California Building Code requires, and the City of Oceanside enforces, that shared wall assemblies (“party walls”) and floor/ceiling assemblies in stacked units, meet specified sound and impact (footfall, etc.) insulation requirements. The requirements are as follows:

1. Shared wall assemblies must be sound-rated at STC=50 or higher.
2. Floor/ceiling assemblies must be sound-rated at STC=50 or higher, and impact-rated at IIC=50 or higher.
3. Exterior doors must be solid core, minimum 1-3/8-inch thick, and weather stripped.
4. Any penetrations of sound-rated assemblies by electrical, mechanical or plumbing conduits must be isolated and protected.
5. All rated assemblies must show the rating value and the test report number on building plan detail sheets.

## **SUMMARY**

1. A 5-foot high (total height) barrier is required on the roof deck as shown in Exhibit 1.
2. Rear windows must be dual-paned. Window closure requires that supplemental ventilation be provided to all rear-facing habitable rooms. The minimum ventilation rate is two air changes per hour with at least twenty (20) percent fresh make-up air.
3. Units must meet noise requirements in the Building Code. Rated assemblies and the corresponding sound laboratory test reports must be called out on building plan detail sheets.

**APPENDIX**

**INA3.2 Model Input/Output**

TABLE 1

RESULTS OF INTERIOR NOISE ANALYSIS

Location - Unit 1 - MBR

Noise Source - RAILWAY NOISE (NBS, 1978)

Octave Band Center Frequency, Hz						
125	250	500	1000	2000	4000	
Reference Exterior A-Weighted Sound Level Spectrum (re. total of 100 dB)						
83.7	89.4	92.8	94.6	94.4	91.4	
Room Sound Absorption in sabins						
257	257	257	257	257	257	
INTERIOR A-WEIGHTED SOUND LEVEL SPECTRUM ('CLOSED WINDOWS' CONDITIONS)						
29.9	32.2	34.6	32.4	28.4	25.1	
Building Facade Reflection Correction - 3.0 dB						
Quality Correction - 1.0 dB						

SOUND TRANSMISSION THROUGH CONSTRUCTIONS

#	Building Element Information Construction	STC	AREA sq.ft.	A-Weighted Sound Level			ACorr	
				EXTERIOR	INTERIOR			
					Closed	Open	%	
1.	STUCCO WALL	46	117.0	70	29	29	0	0.0
2.	WINDOW (3/32-5/16-3/32)	27	30.0	70	39	54	10	0.0
3.	STUCCO WALL	46	0.0	67	0	0	0	0.0
TOTAL A-WEIGHTED SOUND LEVEL IN THE ROOM					39	54		

TABLE 2

## RESULTS OF INTERIOR NOISE ANALYSIS

Location - Unit 1 - BR2

Noise Source - RAILWAY NOISE (NBS, 1978)

Octave Band Center Frequency, Hz						
125	250	500	1000	2000	4000	
Reference Exterior A-Weighted Sound Level Spectrum (re. total of 100 dB)						
83.7	89.4	92.8	94.6	94.4	91.4	
Room Sound Absorption in sabins						
174	174	174	174	174	174	
INTERIOR A-WEIGHTED SOUND LEVEL SPECTRUM ('CLOSED WINDOWS' CONDITIONS)						
31.9	33.9	36.3	34.2	30.1	26.8	
Building Facade Reflection Correction - 3.0 dB						
Quality Correction - 1.0 dB						

## SOUND TRANSMISSION THROUGH CONSTRUCTIONS

#	Building Element Information Construction	STC	AREA sq.ft.	A-Weighted Sound Level		ACorr
				EXTERIOR	INTERIOR Closed Open %	
1.	STUCCO WALL	46	86.0	70	29 29	0 0.0
2.	WINDOW (3/32-5/16-3/32)	27	30.0	70	41 56	10 0.0
3.	STUCCO WALL	46	96.0	67	27 27	0 0.0
TOTAL A-WEIGHTED SOUND LEVEL IN THE ROOM				41	56	

TABLE 3

RESULTS OF INTERIOR NOISE ANALYSIS

Location - Unit 2 - MBR

Noise Source - RAILWAY NOISE (NBS, 1978)

Octave Band Center Frequency, Hz						
125	250	500	1000	2000	4000	
Reference Exterior A-Weighted Sound Level Spectrum (re. total of 100 dB)						
83.7	89.4	92.8	94.6	94.4	91.4	
Room Sound Absorption in sabins						
387	387	387	387	387	387	
INTERIOR A-WEIGHTED SOUND LEVEL SPECTRUM ('CLOSED WINDOWS' CONDITIONS)						
30.7	33.4	35.8	33.6	29.5	26.3	
Building Facade Reflection Correction - 3.0 dB						
Quality Correction - 1.0 dB						

SOUND TRANSMISSION THROUGH CONSTRUCTIONS

#	Building Element Information Construction	STC	AREA sq.ft.	A-Weighted Sound Level		ACorr
				EXTERIOR	INTERIOR Closed Open %	
1.	STUCCO WALL	46	133.0	70	28 28	0 0.0
2.	WINDOW (3/32-5/16-3/32)	27	60.0	70	40 55	10 0.0
3.	STUCCO WALL	46	128.0	67	25 25	0 0.0
TOTAL A-WEIGHTED SOUND LEVEL IN THE ROOM					40 55	