



DATE: June 11, 2007

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE PARCEL MAP (P-15-06) AND REGULAR COASTAL PERMIT (RC-9-07) FOR A 3-UNIT CONDOMINIUM ON A 0.15-ACRE SITE AT THE SOUTHWEST CORNER OF MORSE AND MYERS STREET – BUCCANEER BEACH TOWNHOMES – APPLICANT: ROGER AND DEBORAH CHAUSEE**

**RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

1. Confirm issuance of a Class 15, Categorical Exemption pursuant to Section 15315, Minor Land Divisions, of the California Environmental Quality Act;
2. Adopt Planning Commission Resolution No. 2007-P28 approving Tentative Parcel Map (P-15-06) and Regular Coastal Permit (RC-9-07) with findings and conditions of approval attached herein.

**PROJECT DESCRIPTION AND BACKGROUND**

**Background:** Development of the Buccaneer Beach Townhomes project was originally approved by the Planning Commission on July 12, 2004 under the name Morse/Myers Condominiums (Planning Commission Resolution No. 2004-P32, application P-10-03, D-17-03, and RC-14-03). The original project proposal consisted of the development and subdivision of three attached residential condominiums and complied with all applicable City ordinances, regulations, and guidelines.

On November 7, 2005, Planning Commission approved Resolution No. 2005-P57 modifying Condition 16 of Resolution No. 2004-P32. This revision of the conditions of approval addressed the recordation of the Final Map. The original Resolution called for recordation of the Final Map prior to building permits being issued. The revision to the resolution allowed for the recordation of the Final Map prior to building occupancy. As the new resolution modified the conditions of approval for the Parcel Map, the property owners wrongfully assumed an adjusted Parcel Map time line of two years beginning November 7,

2005 rather than the original July 12, 2004 date. The ability to submit the Final Map for recordation actually expired July 12, 2006.

The current property owners, Roger and Deborah Chausee, submitted a new proposal to subdivide the subject property on August 21, 2006. While the original Development Plan, Regular Coastal Permit, Building Plans, Grading Plans, and Improvement Plans had been implemented, the Parcel Map had expired. The originally approved building has been substantially constructed.

**Site Review:** The zoning designation for the site is Tourist Residential (RT); the General Plan Land Use Category is Urban High Density Residential (UHD-R); and the Local Coastal Program zoning designation is Residential Tourist (RT).

Surrounding zoning includes Open Space and Public and Semi-public to the north, the railroad and Medium Density Residential to the east, Urban High Density Residential to the south, and Residential Tourist and Single-Family Residential to the west.

**Project Description:** Substantial construction has been completed on a 3-unit residential building on the subject site. The proposed project is to subdivide the existing building into a 3-unit condominium. All development conditions pertaining to the original Morse and Myers Condominium project shall remain in effect for the subject property. The existing lot is approximately 0.15 acres.

The project application is comprised of two (2) components: a Tentative Parcel Map and a Regular Coastal Permit.

Tentative Parcel Map (P-15-06) represents a request for the following:

- (a) Subdivision of the property to permit ownership of air space in the form of a dwelling unit with an undivided share in common elements or divided for the purpose of ownerships in the form of a stock cooperative pursuant to Section 302 of the Oceanside Subdivision Ordinance.

Regular Coastal Permit RC-9-07 represents a request for the following:

- (a) To create three condominium units within a substantially constructed building.

The project is subject to the following Ordinances and City policies:

1. General Plan Land Use Element
2. Zoning Ordinance
3. Subdivision Ordinance
4. Local Coastal program
5. California Environmental Quality Act

## **ANALYSIS**

### **KEY PLANNING ISSUES**

#### **1. General Plan conformance**

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

##### **A. Land Use Element II. Community Development**

Goal: The continual long term enhancement of the community through the development and use of land which is appropriate and orderly with respect to type, location, timing, and intensity.

Objective 2.0 Subdivision of Land or Real Property: To create legal divisions of land or real property that shall provide long-term enhancement for the community.

Policy B: Any City action creating a legal division of land or real property shall identify and consider adjacent and surrounding land uses and land divisions to assure compatibility and proper integration.

The development type is consistent with the land use designation and the multi-family and condominiums developments in the area. Residential uses within the area have vehicle egress via the main street or the alley. The existing design meets development regulations and provides suitable height, bulk, mass and colors for the area.

**Land use compatibility with surrounding developments**

LOCATION	GENERAL PLAN	ZONING	LCP ZONING	LAND USE
Subject Property	UHD-R	RT	RT	Residential
North	OS UHD-R	OS	O PUT	Public Park Residential
East	OS (NCTD) MDC-R	OS RM-C	PUT R-3	NCTD RR Residential
South	UHD-R SFD	RH-U RS	R-3	Residential
West	RT UHD-R	RT RH-U	RT R-1	Residential

Objective 2.3 Residential Development: To direct and encourage the proper type, location, timing, and design of housing to benefit the community consistent with

the enhancement and establishment of neighborhoods and a well balanced and organized City.

Policy 2.35 Dwelling Unit/Land Use Consistency Through Density Reduction: A residential project may be developed using the residential unit type(s) allowed within the next lower residential land use designation provided: (1) The density of the project or that portion of the project is within the permitted range consistent with the proposed unit type as determined by the Residential Unit Type/ Residential Land Use Designation Consistency Matrix; (2) The project is consistent with the objectives of the General Plan and other City policies; (3) The project does not interfere with the efficient and proper provision of City services.

The land use designation is UHD-R which allows densities between 29 and 43 dwelling units per gross acre. The proposed density is 18.75 dwelling units per gross acre (a total of 3 dwelling units on a 0.15-acre site). The proposed unit type is a multiple unit structure (MUS). This proposal meets the criteria of Policy 2.35 of the General Plan, in terms of density consistency with the proposed unit type and project consistency with the General Plan and other City policies.

## 2. Zoning Compliance

This project is located in the Residential Tourist (RT) District and complies with the requirements of that zone. The following table summarizes proposed and applicable development standards for the project site:

**Residential Development Standards – Section 1050**

	REQUIRED	PROPOSED
MINIMUM LOT SIZE	6,000 SF	6,979 SF existing
DENSITY	29-43 units per acre	18.9 units per acre
PARKING SPACES	2 spaces per DU	1 two-car garage per DU
FRONT YARD	15 feet	15 feet
INTERIOR YARD (ALLEY)	5 feet	5 feet
CORNER YARD	10 feet	10 feet
REAR YARD	10 feet	10 feet
MINIMUM LOT WIDTH	60 feet	Approx. 90 feet
MAXIMUM HEIGHT	27 feet or 2 floors	Max. 26 feet 10 inches

### 3. Subdivision Ordinance compliance

The proposed project is subject to the Subdivision Map Act and the Oceanside Subdivision Ordinance (Article VI Subdivision of Four or Fewer Parcels).

- A. Article VI Subdivision of Four or Fewer Parcels. Pursuant to Section 601 of the Subdivision Ordinance, this Tentative Parcel Map has been prepared in a manner acceptable to the Engineering Department.

### 4. Local Coastal Program compliance

The Local Coastal Program (LCP) Zoning is Residential Tourist (RT). The LCP Land Use designation is High Density Residential. The proposed project is not within the appeal jurisdiction of the LCP. The proposed project complies with the LCP zoning code and LCP Chapter 2 goals and policies, and will implement the following policies of the LCP:

A. Local Coastal Program Land Use Plan VII New Development and Public Works.

Objective: The City endorses infilling and revitalization of the Coastal Zone for the purpose of creating an attractive, balanced, and economically sound urban environment.

Policies: The City shall approve new development in the Coastal Zone only if essential public facilities will be available to serve that development.

The proposed project is to subdivide an existing residential building into three condominium units. The development aspects of the project have already been addressed through previous review processes. It has been determined that adequate public facilities exist to serve a three unit condominium.

## DISCUSSION

Issue: Compliance with the Subdivision Ordinance.

Recommendation: The proposed tentative parcel map has been thoroughly reviewed by the City of Oceanside Engineering Department. The tentative parcel map has been found to be acceptable pursuant to the regulations of the Subdivision Ordinance.

Issue: Project Compatibility with the Surrounding Neighborhood.

Recommendation: The development type is consistent with the land use designation and the multi-family and condominiums developments in the area. The existing design of the substantially constructed residential building on the subject property meets development regulations and provides suitable height, bulk, mass and colors for the area. The land use designation for the subject site is UHD-R, which allows densities

between 29 and 43 dwelling units per gross acre. The proposed density is 18.75 dwelling units per gross acre (a total of 3 dwelling units on a 0.15-acre site). Properties to the north, south, and west are also designated UHD-R. The property to the east is the NCTD railroad and the proposed condominium project will be compatible with this existing use.

### **ENVIRONMENTAL DETERMINATION**

The proposed project is categorically exempt from the California Environmental Quality Act pursuant to a Class 15, Section 15315 Minor Land Divisions Categorical Exemption.

### **PUBLIC NOTIFICATION**

Legal notice was published in the North County Times on May 25, 2007 and notices were sent to property owners of record and tenants within 300 feet. As of June 5, 2007, no communication supporting or opposing the request had been received.

### **SUMMARY**

The proposed Tentative Parcel Map and Regular Coastal Permit are consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project meets or exceeds all applicable development standards. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached Resolution. Staff recommends that the Planning Commission:

- Move to approve Tentative Parcel Map (P-15-06) and Regular Coastal Permit (RC-9-07) and adopt Planning Commission Resolution No. 2007-P28 as attached.

PREPARED BY:

  
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Sally Schifman  
Planner II

SUBMITTED BY:

  
\_\_\_\_\_  
Jerry Hittleman  
City Planner

REVIEWED BY:

  
\_\_\_\_\_  
Amy Volzke, Principal Planner

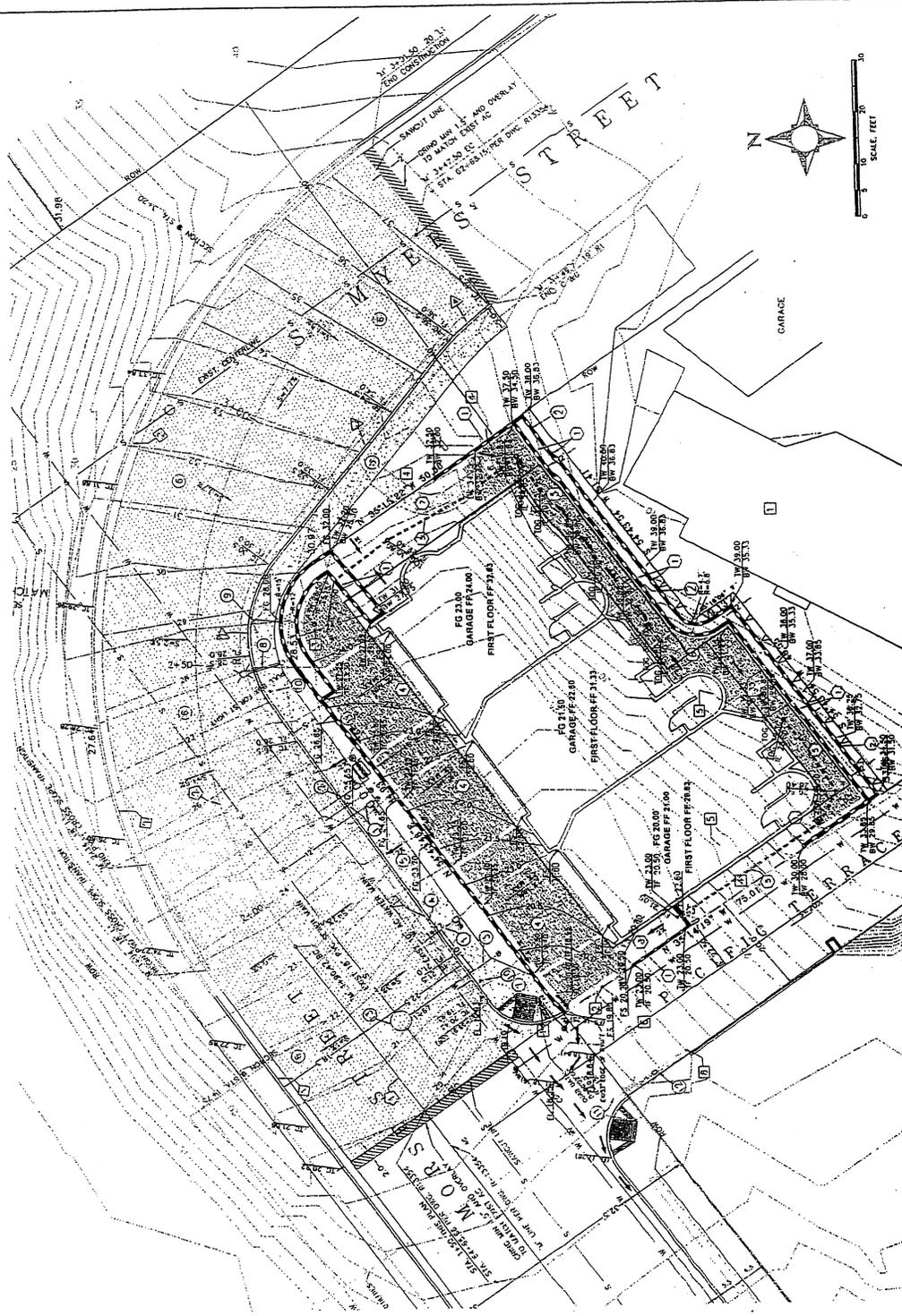
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Attachments:

1. Plans/Site Map
2. Planning Commission Resolution No. 2007-P28
3. Planning Commission Resolution No. 2005-P57
4. Planning Commission Resolution No. 2004-P32



# TENTATIVE PARCEL MAP FOR BUCCANEER BEACH TOWNHOMES, P-15-06



- LEGEND**
- 11.325 PROPOSED FINISH SURFACE ELEVATION
  - 11.315 PROPOSED GRADE ELEVATION
  - 11.305 INDICATES PROPOSED TOP OF WALL ELEVATION
  - 11.295 INDICATES PROPOSED TOP OF FOUNDATION ELEVATION
  - 11.285 INDICATES PROPOSED BOTTOM OF WALL ELEVATION
  - 11.275 INDICATES PROPOSED TOP OF CURB ELEVATION
  - 11.265 INDICATES PROPOSED FLOOR ELEVATION
  - 11.255 INDICATES PROPOSED FINISH FLOOR ELEVATION
  - 11.245 INDICATES PROPOSED INVERT ELEVATION
  - 11.235 INDICATES PROPOSED AREA DRAIN INLET
  - 11.225 INDICATES PROPOSED AREA DRAIN/STAIRWELL
  - 11.215 INDICATES PROPOSED CHU RETAINING WALL
  - 11.205 INDICATES EXISTING ELEVATION CONTOUR LINE
  - 11.195 INDICATES EXISTING WATER MAIN HOLE
  - 11.185 INDICATES EXISTING FIRE HYDRANT
  - 11.175 INDICATES EXISTING STREET LIGHT
  - 11.165 INDICATES EXISTING JOINT USE PALE
  - 11.155 INDICATES EXISTING ASPHALT SURFACE
  - 11.145 INDICATES EXISTING CONCRETE SURFACE
  - 11.135 INDICATES EXISTING SEWER LINE
  - 11.125 INDICATES EXISTING O.H. ELECTRIC LINE
  - 11.115 INDICATES PROPERTY LINE/ROW LINE

**PROPOSED EARTHWORK**

CUT: 1,200 CUBIC YARDS  
 FILL: 1,500 CUBIC YARDS  
 NET EXPORT: 1,500 CUBIC YARDS

- IMPROVEMENT CONSTRUCTION NOTES**
1. CONSTRUCT 3" DOMESTIC WATER CONNECTION AND WELTER PER ODD W-14
  2. CONSTRUCT 3" WATER CONNECTION AND WELTER PER ODD W-14 FOR LANDSCAPE IRRIGATION. INSTALL SP BACKFLOW PREVENTION PER ODD W-22
  3. CONSTRUCT 4" SEWER LATERAL (SLOPE = 0.03)
  4. CONSTRUCT 4" PVC CURB & OUTLET PER SPDS 0-2 TYPE 0
  5. CONSTRUCT 3" PVC STRENGTH PER SPDS 0-2 WITH JOINTS PER ISD 0-8
  6. CONSTRUCT 3" PVC PAVING OVER 7.5" CLASS 3 BASE
  7. CONSTRUCT REDEMPTION RAMP PER ODD W-11
  8. INSTALL 100 WATT STREET LIGHT PER SPDS 0-2 AND 100 WATT STREET LIGHT PER SPDS 0-2. INSTALL PULL BOX AND CONNECT TO ELEC. MANUAL, UNLTD. BURD. 200.
  9. INSTALL STREET NAME SIGN PER ODD T-3
  10. INSTALL "NO PARKING ANY TIME" SIGN - TYPE R16 (CA)
  11. INSTALL "NO PARKING 2 HOUR" SIGN - TYPE R16 (CA)
  12. CONSTRUCT 2" PVC CONDUIT FOR STREET LIGHT
  13. SERVICE POINT FOR STREET LIGHT
  14. CONSTRUCT 4" DIAMETER SEWER UNDRAGE PER ODD S-4

- GRADING CONSTRUCTION NOTES**
1. CONSTRUCT CHU RETAINING WALL - BY SEPARATE PERMIT (REF. BUILDING PLAN NO. 04-135)
  2. CONSTRUCT HORIZONTAL CURB (REF. BUILDING PLAN NO. 04-135)
  3. CONSTRUCT CURB RETAINING WALL - BY SEPARATE PERMIT FOR TRASH AREA FOR CURB SERVICE (REF. BUILDING PLAN NO. 04-135)
  4. CONSTRUCT PCC AND/OR CONC. PAVEMENT
  5. CONSTRUCT 4" PCC AREA DRAIN
  6. PCC & CONC. PAVEMENTS - (REF. LANDSCAPE PLAN NO. 04-135)
  7. CONC. WALKWAY (PER LANDSCAPE PLAN NO. 04-135)

- DISPOSITION NOTES**
1. PROTECT IN PLACE
  2. JOHN & MATCH EXISTING FINISHED SURFACE
  3. ABANDON EXIST. POWER POLE AND STREET LIGHT. REMOVE ABANDONED WIRES AND PULL BOX. NO SPACING ALLOWED.
  4. GRADE TO GRASS
  5. EXISTING TREES TO BE REMOVED
  6. APPROXIMATIONS COMPLETED PER CITY OF OCEANSIDE PLAN NUMBER R15211-R15212
  7. EXISTING OVERHEAD ELECTRIC LINE TO BE UNDERGROUND PER PLAN NO. 04-135A
  8. UNDERGROUNDING OF EXIST. OVERHEAD UTILITIES ON WEST SIDE OF PACIFIC TERRACE TO BE DEFERRED.

**REFERENCE PLANS**

PRECISE GRADING PLAN NO. 2561  
 IMPROVEMENT PLAN NO. 013784

**STREET "M" LINE DATA**

DELTA/BEARING	BEIGN	END	MARKS	LENGTH
1. N 84° 29' 42" E	54 11.00	54 11.00	10.00	10.00
2. N 84° 29' 42" E	54 11.00	54 11.00	10.00	10.00

**LEFT AND RIGHT CURB DATA**

DELTA/BEARING	BEIGN	END	MARKS	LENGTH
1. N 84° 29' 42" E	54 11.00	54 11.00	10.00	10.00
2. N 84° 29' 42" E	54 11.00	54 11.00	10.00	10.00

**RIGHT SIDE WALKWAY CURB DATA**

DELTA/BEARING	BEIGN	END	MARKS	LENGTH
1. N 84° 29' 42" E	54 11.00	54 11.00	10.00	10.00
2. N 84° 29' 42" E	54 11.00	54 11.00	10.00	10.00

**WATER LATERAL TABLE**

CONNECTION	STATION	DESCRIPTION
1	1+00	NEW 3/4" SERVICE & 3/4" WATER
2	1+00	NEW 3/4" SERVICE & 3/4" WATER
3	1+00	NEW 3/4" SERVICE & 3/4" WATER

**SEWER LATERAL TABLE**

CONNECTION	STATION	DESCRIPTION
1	1+00	6" SDR 35 PVC SEWER LATERAL

**DEVELOPMENT PLAN**

**REVISION DESCRIPTION**

NO.	DATE	DESCRIPTION
1	01/15/20	ISSUED FOR PERMIT

**OWNER OF PROJECT**  
 TAYLOR GROUP INC.  
 17100 Van Way  
 Oceanside, CA 92054  
 Tel: 760-731-9999  
 www.taylorgroup.com

**REGISTERED PROFESSIONAL ENGINEER**  
 GEORGE E. WATSON, INC.  
 17100 Van Way  
 Oceanside, CA 92054  
 Tel: 760-731-9999  
 www.taylorgroup.com

**PROJECT NO. 03100234**  
 SHEET NO. 03100234  
 PROJECT MANAGER, LIT  
 DATE: OCTOBER 2008  
 CHIEF ENGINEER  
 REGISTERED PROFESSIONAL ENGINEER  
 GEORGE E. WATSON, INC.

**APR. 15-02-30** SAN DIEGO COUNTY  
 SHEET 2 OF 3



1 PLANNING COMMISSION  
2 RESOLUTION NO. 2007-P28

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE  
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A  
5 TENTATIVE PARCEL MAP AND REGULAR COASTAL  
6 PERMIT ON CERTAIN REAL PROPERTY IN THE CITY  
OCEANSIDE

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7 APPLICATION NO: P-15-06 and RC-9-07  
8 APPLICANT: Roger and Deborah Chausee  
9 LOCATION: Southwest corner of Morse and Myers Street

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms  
13 prescribed by the Commission requesting approval of a Tentative Parcel Map and Regular Coastal  
14 Permit under the provisions of Article 10 and 41 of the Zoning Ordinance and Article VI of the  
15 Subdivision Ordinance of the City of Oceanside to permit the following:

16 a tentative parcel map and associated coastal permit for a 3-unit condominium;  
17 on certain real property described in the project description.

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 11th day  
19 of June, 2007 conduct a duly advertised public hearing as prescribed by law to consider said  
20 application.

21 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
22 Guidelines thereto; this project has been found to be exempt from CEQA per Article 19, Section  
23 15315 Minor Land Divisions;

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

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

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1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
4			
5	Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
6			
7	Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$.713 per square foot or \$713 per thousand square feet for non-residential uses and \$2,072 per unit for residential
8			
9			
10	School Facilities Mitigation Fee	Ordinance No. 91-34	\$.42 per square foot non- residential for Oceanside (\$.42 for Vista and Fallbrook) \$2.63 per square foot residential (\$2.63 for Vista; \$2.63 for Fallbrook)
11			
12			
13			
14			
15	Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
16			
17	Thoroughfare Fee (For commercial and industrial please note the .75 per cent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
18			
19			
20	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; Non- residential is \$19,967 for a 2" meter.
21			
22			
23	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Residential is typically \$4,587 per unit; Non-residential is \$24,444 for a 2" meter.
24			
25			
26			
27			
28			

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,154 per unit; Non-residential is \$21,599 for a 2” meter.
4			
5			
6	Inclusionary housing in lieu fees—Residential only.	Chapter 14-C of the City Code	\$1,000 per development project + \$100 per unit plus \$10,275 per unit
7			
8			

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

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

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

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

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

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

26 //

27 //

28 //

1 FINDINGS:

2 For the Tentative Parcel Map:

- 3 1. The proposed subdivision creates parcels that are consistent with and/or exceed the  
4 requirements of the RT zoning designation. The subdivision map is consistent with the  
5 General Plan of the City.
- 6 2. The subdivision complies with all other applicable ordinances, regulations and guidelines  
7 of the City.
- 8 3. The design of the subdivision or proposed improvements will not conflict with  
9 easements, acquired by the public at large, for access through the use of property within  
10 the subdivision.
- 11 4. That the design of the subdivision or the proposed improvements will not cause  
12 substantial environment damage with the proposed mitigation or substantially and  
13 avoidably injure fish or wildlife or their habitat.

13 For the Regular Coastal Permit:

- 14 1. The proposed project is consistent with the policies of the Local Coastal Program as  
15 implemented through the Zoning Ordinance. A tentative parcel map of a three-unit  
16 condominium will not alter or impact existing public access to the coastal zone area.

17 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
18 approve Tentative Parcel Map (P-15-06) and Regular Coastal Permit (RC-9-07) subject to the  
19 following conditions:

20 Engineering:

- 21 1. Vehicular access rights to Morse and South Myers Streets shall be relinquished to the City  
22 from all abutting lots.
- 23 2. All right-of-way alignments, street dedications, exact geometrics and widths shall be  
24 dedicated and improved as required by the City Engineer.
- 25 3. The developer shall provide public street dedication as required to serve the property.
- 26 4. The existing sidewalk location within the parkway shall not be altered. The subdivider shall  
27 be responsible for landscape and irrigation of the existing parkway. Maintenance of the  
28 parkway shall be the responsibility of the future homeowners. CC&R's creating this  
maintenance responsibility shall be recorded against all lots created by this subdivision and  
disclosed to all future owners prior to sale.

- 1 5. Design and construction of all improvements shall be in accordance with standard plans,  
2 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 3 6. The approval of the tentative map shall not mean that closure, vacation, or abandonment of  
4 any public street, right-of-way, easement, or facility is granted or guaranteed to the  
5 subdivider. The subdivider is responsible for applying for all closures, vacations, and  
6 abandonment's as necessary. The application(s) shall be reviewed and approved or rejected  
7 by the City under separate process(es) per codes, ordinances, and policies in effect at the  
8 time of the application.
- 9 7. Prior to approval of the final Parcel Map, all improvement requirements, shall be covered by  
10 a subdivision agreement and secured with sufficient improvement securities or bonds  
11 guaranteeing performance and payment for labor and materials, setting of monuments, and  
12 warranty against defective materials and workmanship.
- 13 8. Prior to the issuance of any building permits all engineering improvements including  
14 landscaping, landscaped medians, frontage, and drainage improvements shall be constructed  
15 to the satisfaction of the City Engineer. Prior to the issuance of a certificate of occupancy  
16 for the building, the subdivider shall record the final map.
- 17 9. Prior to issuance of any certificates of occupancy the City Engineer shall require the  
18 dedication and construction of necessary utilities, arterials and streets and other  
19 improvements outside the area of any particular final map, if such is needed for storm  
20 drainage, circulation, parking, access or for the welfare or safety of future occupants of the  
21 development and other impacted properties. The boundaries of any multiple development  
22 increment shall be subject to the approval of the City Engineer.
- 23 10. Where proposed off-site improvements, including but not limited to slopes, public utility  
24 facilities, and drainage facilities, are to be constructed, the applicant shall, at his own  
25 expense, obtain all necessary easements or other interests in real property and shall dedicate  
26 the same to the City as required. The applicant shall provide documentary proof satisfactory  
27 to the City that such easements or other interest in real property have been obtained prior to  
28 the approval of the final map or issuance of any grading, building or improvement permit  
for the development. 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

1 or other interest in real property to have vested with the City of Oceanside or the applicant,  
2 as applicable.

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

7 12. Undergrounding of all existing overhead utility lines within the development and within  
8 full width streets and rights-of-way abutting the development, and all new extension  
9 services for the development of the project, including but not limited to, electrical, cable  
10 and telephone, is required per Section 901.G. of the Subdivision Ordinance (R91-166)  
11 and as required by the City Engineer and current City policy. At the developer's request,  
12 the Deferral Provisions (Section 901.G.4) of said ordinance shall be applied. Prior to the  
13 approval of the final Parcel Map, the developer shall pay an in-lieu fee, based upon the  
14 length of utilities to be placed underground, and at the rate in effect at building permit  
15 issuance or as established by the City Engineer per Section 901.G. of the Subdivision  
16 Ordinance (R91-166) and as required by the City Engineer and current City policy. For  
17 the determination of the dollar amount of the in-lieu fee, the developer shall submit  
18 undergrounding plans and quantity takeoff estimates for review and approval by the City  
19 Engineer. The plans should be prepared by the engineer or surveyor of record in full  
20 compliance with the design requirements set forth by Section 901.G.

21 13. Any portland cement concrete (PCC) pavement areas disturbed by this project in the alley  
22 shall be repaved from joint-to-joint to the satisfaction of the City Engineer or designee.

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

25 15. Open space areas and down-sloped areas visible from a collector-level or above roadway  
26 and not readily maintained by the property owner, shall be maintained by a homeowners'  
27 association that will insure installation and maintenance of landscaping in perpetuity. These  
28 areas shall be indicated on the final map and either reserved for an association. In either  
case, future buyers shall be made aware of any estimated monthly costs. The disclosure,  
together with the CC&R's, shall be submitted to the City Engineer for review prior to the  
recordation of final map. In the event the homeowner's association dissolves, responsibility

1 for irrigation and maintenance of the slopes (open space areas) adjacent to each property  
2 shall become that of the individual property owner.

- 3 16. The drainage design on the tentative map is conceptual only. The final design shall be based  
4 upon a hydrologic/hydraulic study to be approved by the City Engineer during final  
5 engineering. All drainage picked up in an underground system shall remain underground  
6 until it is discharged into an approved channel, or as otherwise approved by the City  
7 Engineer. All public storm drains shall be shown on City standard plan and profile sheets.  
8 All storm drain easements shall be dedicated where required. The applicant shall be  
9 responsible for obtaining any off-site easements for storm drainage facilities.
- 10 17. Upon acceptance of any fee waiver or reduction by the subdivider, the entire project will  
11 be subject to prevailing wage requirements as specified by Labor Code section  
12 1720(b)(4). The subdivider shall agree to execute a form acknowledging the prevailing  
13 wage requirements prior to the granting of any fee reductions or waivers.

13 **Planning:**

- 14 18. The conditions of Planning Commission Resolution No. 2004-P32 and No. 2005-P57  
15 relating to any development on the subject site shall remain in effect as applicable, provided  
16 that the following conditions shall also apply and override in any matter pertaining to the  
17 implementation and maintenance of the project.
- 18 19. The Tentative Parcel Map and Regular Coastal Permit shall expire on June 11, 2009, unless  
19 the Planning Commission grants a time extension.
- 20 20. The Tentative Parcel Map and Regular Coastal Permit approves only a tentative parcel map  
21 for a 3-unit condominium as shown on the plans and exhibits presented to the Planning  
22 Commission for review and approval. No deviation from these approved plans and exhibits  
23 shall occur without Community Development Department/Planning Division approval.  
24 Substantial deviations shall require a revision to the Parcel Map and Regular Coastal Permit  
25 or a new Parcel Map and Regular Coastal Permit.
- 26 21. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
27 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
28 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
annul an approval of the City, concerning Parcel Map P-15-06 and Regular Coastal Permit  
RC-9-07. The City will promptly notify the applicant of any such claim, action or

1 proceeding against the city and will cooperate fully in the defense. If the City fails to  
2 promptly notify the applicant of any such claim action or proceeding or fails to cooperate  
3 fully in the defense, the applicant shall not, thereafter, be responsible to defend,  
4 indemnify or hold harmless the City.

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

9 23. Failure to meet any conditions of approval for this development shall constitute a violation  
10 of the Parcel Map and Regular Coastal Permit.

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

22 a) Prohibition of parking or storage of recreational vehicles, trailers or boats.

23 b) Provisions regulating individual patio covers, room additions and other  
24 appurtenances.

25 c) Maintenance of median landscaping by the Association.

26 d) Provisions for the maintenance of all common open space and open space easements  
27 on private lots, including provisions establishing mechanisms to ensure adequate and  
28 continued monetary funding for such maintenance by the homeowners' association.

e) Provisions that restrict any private use of open space easement areas. Restrictions  
shall include, but are not limited to, removing retaining walls, installing structures

1 such as trellises, decks, retaining walls and other hardscape and any individual  
2 landscape improvements.

3 f) Provisions prohibiting the homeowners association from relinquishing its obligation  
4 to maintain the common open space and open space easement areas without prior  
5 consent of the City of Oceanside.

6 g) An acknowledgement that the City of Oceanside does not have a view preservation  
7 ordinance and that views may be subject to change with maturing off-site landscape  
8 and the potential for future off-site building.

9 25. This project is subject to the provisions of Chapter 14C of the City Code regarding  
10 Inclusionary Housing.

11 26. This project shall comply with all provisions of the City's Affirmative Fair Housing  
12 Marketing Agreement policy. Such agreement shall be submitted to and approved by the  
13 Housing and Neighborhood Services Director prior to the issuance of a building permit or  
14 recordation of a final map, whichever comes first.

15 27. This project is subject to the provisions of the Local Coastal Plan for Coastal Housing. The  
16 developer shall obtain a Coastal Affordable Housing Permit from the Director of Housing  
17 and Neighborhood Services prior to issuance of building permits or recordation of a final  
18 map, whichever occurs first.

19 **Water Utilities:**

20 28. All public water and/or sewer facilities not located within the public right-of-way shall be  
21 provided with easements sized according to the Water, Sewer, and Reclaimed Water  
22 Design and Construction Manual. Easements shall be constructed for all weather access.

23 29. No trees, structures or building overhang shall be located within any water or wastewater  
24 utility easement.

25 30. The property owner will maintain private water and wastewater utilities located on  
26 private property.

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

32. The developer shall construct a public reclamation water system that will serve each lot  
and or parcels that are located in the proposed project in accordance with the City of  
Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be

1 located in the public right-of-way or in a public utility easement.

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

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

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

13 36. All Water and Wastewater construction shall conform to the most recent edition of the  
14 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by  
15 the Water Utilities Director.

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1 PLANNING COMMISSION  
2 RESOLUTION NO. 2005-P57

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE  
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A  
5 REVISION TO TENTATIVE PARCEL MAP, DEVELOPMENT  
6 PLAN AND REGULAR COASTAL PERMIT ON CERTAIN  
REAL PROPERTY IN THE CITY OCEANSIDE

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7 APPLICATION NO: P-10-03, D-17-03 and RC-14-03  
8 APPLICANT: Zocco Development, Inc.  
9 LOCATION: Southwest corner of Morse and Myers Street

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

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

15 a revision to a 3-unit condominium development to modify Condition No. 16 of  
16 Resolution No. 2004 P-32, to require the recordation of the Parcel Map prior to occupancy  
17 of the building;

18 on certain real property described in the project description.

19 WHEREAS, the Planning Commission, after giving the required notice, did on the 7th day  
20 of November, 2005 conduct a duly advertised public hearing as prescribed by law to consider said  
21 application.

22 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
23 Guidelines thereto; this project has been found to be exempt per Article 19 from environmental  
24 review;

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

27 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN that the  
28 project is subject to certain fees, dedications, reservations and other exactions as provided below:  
29

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or</u>
2			<u>Calculation Formula</u>
3	Parkland Dedication/Fee	Ordinance No. 91-10	\$2,200 per unit
4		Resolution No. R91-38	
5	Drainage Fee	Ordinance No. 85-23	\$9,575 per acre
6	Public Facility Fee	Resolution No. 89-231	
7		Ordinance No. 91-09	\$1,301 per unit for residential
8		Resolution No. R91-39	
9	School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.14 per square foot
10	Traffic Signal Fee	Ordinance No. 87-19	\$13.70 per vehicle trip
11	Thoroughfare Fee	Ordinance No. 83-01	\$177 per vehicle trip (based
12	(For commercial and		on SANDAG trip generation
13	industrial please note the .75		table available from staff and
14	per cent discount)		from SANDAG)
15	Water System Buy-in Fees	Oceanside City Code	Based on meter size
16		§37.56.1	Typical \$3,360
17		Resolution No. 87-96	
18		Ordinance No. 02-OR-332-1	
19	Wastewater System Buy-in fees	Oceanside City Code §	Based on meter size
20		29.11.1	Typical \$4,114
21		Resolution No. 87-97	
22		Ordinance No. 02-OR-333-1	
23	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2000-3	Based on meter size. Residential is \$2,461 per unit
24	Inclusionary housing in lieu fees—Residential only.	Chapter 14-C of the City Code	\$1,000 per development project + \$100 per unit plus \$10,275 per unit

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

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

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

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

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

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

15 FINDINGS:

16 For the Revision to Tentative Parcel Map:

- 17 1. The proposed subdivision creates parcels that are consistent and exceed the requirements  
18 of the RT zoning designation. The subdivision map is consistent with the General Plan  
19 of the City.
- 20 2. The proposed building pads on the site will conform to the topography of the site,  
21 therefore, making it suitable for residential development. The 6,900-square foot site is  
22 physically suitable to allow for the development of 3-condominium units.
- 23 3. The subdivision complies with all other applicable ordinances, regulations and  
24 guidelines of the City.
- 25 4. The design of the subdivision or proposed improvements will not conflict with  
26 easements, acquired by the public at large, for access through the use of property within  
27 the subdivision.
- 28 5. That the design of the subdivision or the proposed improvements will not cause  
29 substantial environment damage with the proposed mitigation or substantially and  
avoidably injure fish or wildlife or their habitat.

1 For the Revision to Development Plan:

- 2 1. The site plan and physical design of the project is consistent with the Zoning Ordinance  
3 and the underlying Residential Tourist (RT).  
4 2. The Development Plan conforms to the General Plan of the City.  
5 3. The project site can be adequately served by existing public facilities, services and  
6 utilities.  
7 4. The project, as proposed, is compatible with the existing and potential development on  
8 adjoining properties or in the surrounding neighborhood.  
9 5. The site plan and parameters for the architecture and physical design of the project is  
10 consistent with the policies contained within Sections 1.24 and 1.25 of the Land Use  
11 Element of the General Plan.

12 For the Revision to Regular Coastal Permit:

- 13 1. The proposed project is consistent with the policies of the Local Coastal Program as  
14 implemented through the Zoning Ordinance. Specifically, the proposed height at 27 feet,  
15 bulk and scale is consistent with the properties within the surrounding neighborhood. In  
16 addition, due to the subject site location at 180 feet east of the beach, the proposed  
17 project will not substantially alter or impact existing public views of the coastal zone  
18 area.  
19 2. The proposed project is situated 180 feet east of the beach and will not obstruct any  
20 existing or planned public beach access; therefore, the project is in conformance with the  
21 policies of Chapter 3 of the Coastal Act.

22 For the Revision to Deferral of the Requirement to Underground Facilities:

- 23 1. The subdivision contains 3-unit condominium, which are less than 10 residential units  
24 stipulated as a finding for deferring the underground conversion.

25 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
26 approve Tentative Parcel Map (P-10-03), Development Plan (D-17-03) and Regular Coastal  
27 Permit (RC-14-03) subject to the following conditions:

28 Engineering:

- 29 1. Prior to the issuance of any building permits all engineering improvements including  
landscaping, landscaped medians, frontage, and drainage improvements shall be constructed to

1 the satisfaction of the City Engineer. Prior to the issuance of a certificate of occupancy for the  
2 building, the subdivider shall record the final map.

3 **Planning:**

- 4 2. The revision to Tentative Parcel Map, Development Plan and Regular Coastal Permit  
5 shall expire July 12, 2006, unless the Planning Commission grants a time extension.
- 6 3. The conditions of Planning Commission Resolution No. 2004-P32 shall remain in effect as  
7 applicable, provided that the following conditions shall also apply and override in any  
8 matters pertaining to the implementation and maintenance of the project.
- 9 4. 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  
11 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
12 annul an approval of the City, concerning Development Plan (D-17-03), Regular Coastal  
13 Permits (RC-14-03) and Tentative Parcel Map (P-10-03). The City will promptly notify  
14 the applicant of any such claim, action or proceeding against the City and will cooperate  
15 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,  
17 thereafter, be responsible to defend, indemnify or hold harmless the City.
- 18 5. A covenant or other recordable document approved by the City Attorney shall be  
19 prepared by the subdivider and recorded prior to the approval of the final map. The  
20 covenant shall provide that the property is subject to this resolution, and shall generally  
21 list the conditions of approval.

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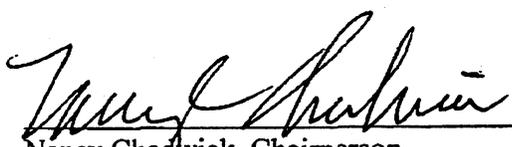
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6. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with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

PASSED AND ADOPTED Resolution No. 2005-P57 on November 7, 2005 by the following vote, to wit:

- AYES: Chadwick, Neal, Schaffer, Parker and Horton
- NAYS: None
- ABSENT: Todd, Nack
- ABSTAIN: None

  
 Nancy Chadwick, Chairperson  
 Oceanside Planning Commission

ATTEST:

  
 Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2005-P57.

Dated: November 7, 2005

PLANNING COMMISSION  
RESOLUTION NO. 2004-P32

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

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APPLICATION NO: P-10-03, D-17-03, RC-14-03  
APPLICANT: Zocco Development, Inc.  
LOCATION: Southwest corner of Myers and Morse Streets

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

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

3-unit residential condominium;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 12<sup>th</sup> day of July, 2004 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt per Article 19 from environmental review;

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

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

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1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or</u>
2			<u>Calculation Formula</u>
3	Parkland Dedication/Fee	Ordinance No. 91-10	\$2,200 per unit
4		Resolution No. R91-38	
5	Drainage Fee	Ordinance No. 85-23	\$9,575 per acre
6		Resolution No. 89-231	
7	Public Facility Fee	Ordinance No. 91-09	\$1,301 per unit
8		Resolution No. R91-39	
9	School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.14 per square foot
10	Traffic Signal Fee	Ordinance No. 87-19	\$13.70 per vehicle trip
11	Thoroughfare Fee	Ordinance No. 83-01	\$177 per vehicle trip (based
12			on SANDAG trip generation
13			table available from staff and
14			from SANDAG)
15	Water System Buy-in Fees	Oceanside City Code	Based on meter size
16		§37.56.1	Typical \$3,360
17		Resolution No. 87-96	
18		Ordinance No. 02-OR-332-1	
19	Wastewater System Buy-in fees	Oceanside City Code §	Based on capacity or water
20		29.11.1	meter size
21		Resolution No. 87-97	Typical \$4,114
22		Ordinance No. 02-OR-333-1	
23	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No.	Based on meter size.
24		2000-3	Residential is typically
25			\$2,004 per unit.
26	Inclusionary housing in lieu fees—Residential only.	Chapter 14-C of the City Code	\$1,000 per development project + \$100 per unit plus \$10,275 per unit

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

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

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

WHEREAS, pursuant to Gov't 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;

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

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

FINDINGS:

For the Tentative Parcel Map:

1. The proposed subdivision creates parcels that are consistent and exceed the requirements of the RT zoning designation. The subdivision map is consistent with the General Plan of the City.
2. The proposed building pads on the site will conform to the topography of the site, therefore, making it suitable for residential development. The 6,900-square foot site is physically suitable to allow for the development of 3-condominium units.
3. The subdivision complies with all other applicable ordinances, regulations and guidelines of the City.
4. The design of the subdivision or proposed improvements will not conflict with easements, acquired by the public at large, for access through the use of property within the subdivision.
5. That the design of the subdivision or the proposed improvements will not cause substantial environment damage with the proposed mitigation or substantially and avoidably injure fish or wildlife or their habitat.

1 For the Development Plan:

- 2 1. The site plan and physical design of the project is consistent with the Zoning Ordinance
- 3 and the underlying Residential Tourist (RT).
- 4 2. The Development Plan conforms to the General Plan of the City.
- 5 3. The project site can be adequately served by existing public facilities, services and
- 6 utilities.
- 7 4. The project, as proposed, is compatible with the existing and potential development on
- 8 adjoining properties or in the surrounding neighborhood.
- 9 5. The site plan and parameters for the architecture and physical design of the project is
- 10 consistent with the policies contained within Sections 1.24 and 1.25 of the Land Use
- 11 Element of the General Plan.

12 For the Regular Coastal Permit:

- 13 1. The proposed project is consistent with the policies of the Local Coastal Program as
- 14 implemented through the Zoning Ordinance. Specifically, the proposed height at 27-
- 15 feet, bulk and scale is consistent with the properties within the surrounding
- 16 neighborhood. In addition, due to the subject site location at 180-feet east of the beach,
- 17 the proposed project will not substantially alter or impact existing public views of the
- 18 coastal zone area.
- 19 2. The proposed project is situated 180-feet east of the beach and will not obstruct any
- 20 existing or planned public beach access; therefore, the project is in conformance with the
- 21 policies of Chapter 3 of the Coastal Act.

22 For the Deferral of the Requirement to Underground Facilities:

- 23 1. The subdivision contains 3-unit condominium, which are less than 10 residential units
- 24 stipulated as a finding for deferring the underground conversion.

25 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
26 approve Tentative Parcel Map (P-10-03), Development Plan (D-17-03) and Regular Coastal  
27 Permit (RC-14-03) subject to the following conditions:

28 Building:

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

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2. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and local building codes.
3. Site development, common use areas, access and adaptability of apartments and condominiums shall comply with Part 2, Title 24, and C.C.R. (Disabled Access and Adaptability - HCD).
4. All electrical, communication, CATV, etc. service lines, within the exterior lines of the property shall be underground (City Code Sec. 6.30).
5. The building plans for this project are required by State law to be prepared by a licensed architect or engineer and must be in compliance with this requirement prior to submittal for building plan review.
6. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance) and shall be shielded appropriately. Where color rendition is important high-pressure sodium, metal halide or other such lights may be utilized and shall be shown on final building and electrical plans.
7. The developer shall monitor, supervise and control all building construction and supportive activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence to the following:
  - a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).
  - 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 may be stored on site in a neat, safe manner for short periods of time pending disposal.

1 **Engineering:**

- 2 8. Vehicular access rights to Morse and South Myers Streets shall be relinquished to the City  
3 from all abutting lots.
- 4 9. All right-of-way alignments, street dedications, exact geometrics and widths shall be  
5 dedicated and improved as required by the City Engineer.
- 6 10. The developer shall provide public street dedication as required to serve the property.
- 7 11. The existing sidewalk location within the parkway shall not be altered. The Subdivider  
8 shall be responsible for landscape and irrigation of the existing parkway. Maintenance of  
9 the parkway shall be the responsibility of the future homeowners. CC&R's creating this  
10 maintenance responsibility shall be recorded against all lots created by this subdivision and  
11 disclosed to all future owners prior to sale.
- 12 12. Design and construction of all improvements shall be in accordance with standard plans,  
13 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 14 13. Prior to the issuance of a grading permit, the Developer shall notify and host a  
15 neighborhood meeting with all of the area residents located within 300 feet of the project  
16 site, and residents of property along any residential streets to be used as a "haul route", to  
17 inform them of the grading and construction schedule, haul routes, and to answer  
18 questions.
- 19 14. The approval of the tentative map shall not mean that closure, vacation, or abandonment of  
20 any public street, right-of-way, easement, or facility is granted or guaranteed to the  
21 subdivider. The subdivider is responsible for applying for all closures, vacations, and  
22 abandonment's as necessary. The application(s) shall be reviewed and approved or  
23 rejected by the City under separate process(es) per codes, ordinances, and policies in effect  
24 at the time of the application.
- 25 15. Prior to approval of the Parcel Map, all improvement requirements, shall be covered by a  
26 subdivision agreement and secured with sufficient improvement securities or bonds  
27 guaranteeing performance and payment for labor and materials, setting of monuments, and  
28 warranty against defective materials and workmanship.
- 29 16. Prior to the issuance of any building permits all engineering improvements including  
landscaping, landscaped medians, frontage, and drainage improvements shall be

1 constructed to the satisfaction of the City Engineer. Prior to issuance of a building permit,  
2 the subdivider shall record the final map.

3 17. Prior to issuance of any certificates of occupancy the City Engineer shall require the  
4 dedication and construction of necessary utilities, arterials and streets and other  
5 improvements outside the area of any particular final map, if such is needed for storm  
6 drainage, circulation, parking, access or for the welfare or safety of future occupants of the  
7 development and other impacted properties. The boundaries of any multiple development  
8 increment shall be subject to the approval of the City Engineer.

9 18. Prior to the issuance of any grading, improvement or building permits for a model  
10 complex, a construction-phasing plan for the entire project shall be reviewed and approved  
11 by the Planning Director, City Engineer and Building Director. All improvements shall be  
12 constructed to the satisfaction of the City Engineer prior to the issuance of any building  
13 permits. All public and private improvements including landscaping, drainage, and streets  
14 or arterials that are found to be required to serve the model complex shall be completed  
15 prior to the issuance of any certificates of occupancy.

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

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

- 1 21. The developer shall monitor, supervise and control all construction and construction-  
2 supportive activities, so as to prevent these activities from causing a public nuisance,  
3 including but not limited to, insuring strict adherence to the following:
- 4 a) Dirt, debris and other construction material shall not be deposited on any public  
5 street or within the City's storm water conveyance system.
  - 6 b) All grading and related site preparation and construction activities shall be  
7 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No  
8 earthmoving or grading operation shall be conducted on Saturdays, Sundays or  
9 legal holidays unless written permission is granted by the City Engineer with  
10 specific limitations to the working hours and types of permitted operations. All on-  
11 site construction staging areas shall be as far as possible (minimum 100 feet)  
12 from any existing residential development. Because construction noise may still  
13 be intrusive in the evening or on holidays, the City of Oceanside Noise  
14 Ordinance also prohibits "any disturbing excessive, or offensive noise which  
15 causes discomfort or annoyance to reasonable persons of normal sensitivity."
  - 16 c) The construction site shall accommodate the parking of all motor vehicles used by  
17 persons working at or providing deliveries to the site.
- 18 22. All traffic signal contributions, highway thoroughfare fees, park fees, reimbursements,  
19 and other applicable charges, fees and deposits shall be paid prior to the issuing of any  
20 building permits, in accordance with City Ordinances and policies. The subdivider shall  
21 also be required to join into, contribute, or participate in any improvement, lighting, or  
22 other special district affecting or affected by this project. Approval of the tentative map  
23 shall constitute the developer's approval of such payments, and his agreement to pay for  
24 any other similar assessments or charges in effect when any increment is submitted for  
25 final map or building permit approval, and to join, contribute, and/or participate in such  
26 districts.
- 27 23. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon  
28 approved soil tests and traffic indices. The pavement design is to be prepared by the  
29 subdivider's soil engineer and must be approved by the City Engineer, prior to paving. All  
streets shall be improved with curbs and gutters.

- 1 24. Full width alley improvements including the installation of a longitudinal concrete alley  
2 gutter shall be constructed in accordance with the standard plans and specifications of the  
3 City of Oceanside and as approved by the City Engineer. The limits of the alley  
4 improvements shall be from the northern subdivision boundary to Oceanside Boulevard.
- 5 25. Prior to approval of the grading plans, the developer shall contract with a geotechnical  
6 engineering firm to perform a field investigation of the existing pavement on all streets  
7 adjacent to the project boundary. The limits of the study shall be half-street plus twelve  
8 (12) feet along the subdivision's frontage and the adjacent alley. The field investigation  
9 shall include a minimum of one pavement boring per every fifty (50) linear feet of street  
10 frontage. Should the existing AC thickness be determined to be less than three (3)  
11 inches or without underlying Class II base material, the Subdivider shall remove and  
12 reconstruct the pavement section as determined by the pavement analysis submittal  
13 process detailed in Item No. 2 below.
- 14 26. Upon review of the pavement investigation, the City Engineer shall determine whether  
15 the Subdivider shall: 1) Repair all failed pavement sections, header cut and grind per the  
16 direction of the Public Works Inspector, and construct a two (2) inch thick rubberized  
17 AC overlay; or 2) Perform R-value testing and submit a study that determines if the  
18 existing pavement meets current City standards/traffic indices. Should the study  
19 conclude that the pavement does not meet current requirements, rehabilitation/mitigation  
20 recommendations shall be provided in a pavement analysis report, and the Subdivider  
21 shall reconstruct the pavement per these recommendations, subject to approval by the  
22 City Engineer.
- 23 27. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during  
24 construction of the project, shall be repaired or replaced as directed by the City Engineer.
- 25 28. The undergrounding of the existing overhead utilities may be deferred. The developer  
26 shall pay an in-lieu fee, based upon the length of utilities to be placed underground, and  
27 at the rate in effect at building permit issuance or as established by the City Engineer per  
28 Section 901.G. of the Subdivision Ordinance (R91-166) and as required by the City  
29 Engineer and current City policy.
- 29 29. The developer shall comply with all the provisions of the City's cable television ordinances  
including those relating to notification as required by the City Engineer.

- 1 30. Grading and drainage facilities shall be designed and installed to adequately accommodate  
2 the local storm water runoff and shall be in accordance with the City's Engineers Manual  
3 and as directed by the City Engineer.
- 4 31. The applicant shall obtain any necessary permits and clearances from all public agencies  
5 having jurisdiction over the project due to its type, size, or location, including but not  
6 limited to the U. S. Army Corps of Engineers, California Department of Fish and Game, U.  
7 S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board  
8 (including NPDES), San Diego County Health Department, prior to the issuance of grading  
9 permits.
- 10 32. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic  
11 investigation shall be conducted of the soils, slopes, and formations in the project. All  
12 necessary measures shall be taken and implemented to assure slope stability, erosion  
13 control, and soil integrity. No grading shall occur until a detailed grading plan, to be  
14 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by  
15 the City Engineer.
- 16 33. This project shall provide year-round erosion control including measures for the site  
17 required for the phasing of grading. Prior to the issuance of grading permit, an erosion  
18 control plan, designed for all proposed stages of construction, shall be reviewed, secured  
19 by the applicant with cash securities and approved by the City Engineer.
- 20 34. A precise grading and private improvement plan shall be prepared, reviewed, secured and  
21 approved prior to the issuance of any building permits. The plan shall reflect all pavement,  
22 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, signage,  
23 footprints of all structures, walls, drainage devices and utility services. Parking lot striping  
24 and any on site traffic calming devices shall be shown on all Precise Grading and Private  
Improvement Plans
- 25 35. Landscaping plans, including plans for the construction of walls, fences or other structures  
26 at or near intersections, must conform to intersection sight distance requirements.  
27 Landscape and irrigation plans for disturbed areas must be submitted to the City Engineer  
28 prior to the issuance of a preliminary grading permit and approved by the City Engineer  
29 prior to the issuance of building permits. Frontage and median landscaping shall be  
installed prior to the issuance of any building permits. Project fences, sound or privacy

walls and monument entry walls/signs shall be designed, reviewed and constructed by the landscape plans and shown for location only on grading plans. Plantable, segmental walls shall be designed, reviewed and constructed by the grading plans and landscaped/irrigated through project landscape plans. All plans must be approved by the City Engineer and a pre-construction meeting held, prior to the start of any improvements.

36. Open space areas and down-sloped areas visible from a collector-level or above roadway and not readily maintained by the property owner, shall be maintained by a homeowners' association that will insure installation and maintenance of landscaping in perpetuity. These areas shall be indicated on the final map and either reserved for an association. In either case, future buyers shall be made aware of any estimated monthly costs. The disclosure, together with the CC&R's, shall be submitted to the City Engineer for review prior to the recordation of final map. In the event the homeowner's association dissolves, responsibility for irrigation and maintenance of the slopes (open space areas) adjacent to each property shall become that of the individual property owner.

37. The drainage design on the tentative map is conceptual only. The final design shall be based upon a hydrologic/hydraulic study to be approved by the City Engineer during final engineering. All drainage picked up in an underground system shall remain underground until it is discharged into an approved channel, or as otherwise approved by the City Engineer. All public storm drains shall be shown on City standard plan and profile 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.

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

39. 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. Further, the applicant may be required to file a Notice of Intent with the State Water Resources Control Board to obtain coverage under the N.P.D.E.S. General Permit for Storm Water Discharges Associated with

1 Construction Activity and may be required to implement a Storm Water Pollution  
2 Prevention Plan (SWPPP) concurrent with the commencement of grading activities.  
3 SWPPPs include both construction and post construction pollution prevention and  
4 pollution control measures and identify funding mechanisms for post construction  
5 control measures. The developer shall comply with all the provisions of the Clean Water  
6 Program during and after all phases of the development process, including but not  
7 limited to: mass grading, rough grading, construction of street and landscaping  
8 improvements, and construction of dwelling units. The applicant shall design the  
9 Project's storm drains and other drainage facilities to include Best Management Practices  
10 to minimize non-point source pollution, satisfactory to the City Engineer.

11 40. Upon acceptance of any fee waiver or reduction by the Subdivider, the entire project will  
12 be subject to prevailing wage requirements as specified by Labor Code section  
13 1720(b)(4). The Subdivider shall agree to execute a form acknowledging the prevailing  
14 wage requirements prior to the granting of any fee reductions or waivers.

15 **Fire:**

16 41. All weather access roads shall be installed and made serviceable prior to and during time  
17 of construction. Sec. 902. Uniform Fire Code.

18 42. In accordance with the Uniform Fire Code Sec. 901.1.4.4., approved addresses for  
19 Commercial, Industrial, and Residential Occupancies shall be placed on the structure in  
20 such a position as to be plainly visible and legible from the street or roadway fronting the  
21 property. Numbers shall contrast with their background.

22 43. Multi-family dwellings require 6-inch address numbers.

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

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

27 **Planning:**

28 46. This Tentative Parcel Map, Development Plan and Regular Coastal Permit shall expire on  
29 July 12, 2006, unless the Planning Commission grants a time extension.

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47. This Tentative Parcel Map, Development Plan and Regular Coastal Permit approves only a 3-unit condominium as shown on the plans and exhibits presented to the Planning Commission for review and approval. No deviation from these approved plans and exhibits shall occur without Planning Department approval. Substantial deviations shall require a revision to the Parcel Map, Development Plan and Regular Coastal Permit or a new Parcel Map, Development Plan and Conditional Use Permit.

48. 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 Development Plan D-17-03, Regular Coastal Permit RC-14-03 and Parcel Map P-10-03. The City will promptly notify the applicant of any such claim, action or proceeding against the city and will 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.

49. 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:

- a) The developer shall be responsible for irrigating and landscaping all embankments within the project, and all slopes along major streets.
- b) Local street trees in parkways shall be planted at a minimum of 30 feet on center, each side of street, as a solitary planting. Approved root barriers shall be incorporated.

50. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and 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

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normal care and irrigation of the landscaping; repair and replacement of plant materials; irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions by all acceptable means including but not limited to citations and/or actual work with costs charged to or recorded against the owner. This condition shall be recorded with the covenant required by this Resolution.

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

52. A covenant or other recordable document approved by the City Attorney shall be prepared by the applicant 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.

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

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

55. Failure to meet any conditions of approval for this development shall constitute a violation of the Parcel Map, Regular Coastal Permit and Development Plan.

56. 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 adopted condition of approval.

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

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

59. An association shall be formed and Covenants, Conditions and Restrictions (C.C. & R's) shall provide for the maintenance of all common open space, medians 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) Prohibition of parking or storage of recreational vehicles, trailers or boats.
- b) Provisions regulating individual patio covers, room additions and other appurtenances.
- c) Maintenance of median landscaping by the Association.
- d) Provisions for the maintenance of all common open space and open space easements on private lots, including provisions establishing mechanisms to ensure adequate and continued monetary funding for such maintenance by the homeowners' association.
- e) Provisions that restrict any private use of open space easement areas. Restrictions shall include, but are not limited to, removing retaining walls, installing structures

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such as trellises, decks, retaining walls and other hardscape and any individual landscape improvements.

f) Provisions prohibiting the homeowners association from relinquishing its obligation to maintain the common open space and open space easement areas without prior consent of the City of Oceanside.

g) An acknowledgement that the City of Oceanside does not have a view preservation ordinance and that views may be subject to change with maturing off-site landscape and the potential for future off-site building.

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

	Sq.Ft.	# Bedrms.	# Baths	# Stories	#Parking Spaces	#Units	%
Unit 1	1,952	3	2 ½	2	2	1	33
Unit 2	2,075	3	2 ½	2	2	1	33
Unit 3	2,200	3	2 ½	2	2	1	33

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

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

63. This project is subject to the provisions of Chapter 14C of the City Code regarding Inclusionary Housing.

64. This project shall comply with all provisions of the City's Affirmative Fair Housing Marketing Agreement policy. Such agreement shall be submitted to and approved by the Housing and Neighborhood Services Director prior to the recordation of a final map or the issuance of a building permit for the project, whichever comes first.

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

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

3 **Water Utilities:**

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

7 68. No trees or structures or building overhang shall be located within any water or wastewater  
8 utility easement.

9 69. The property owner shall maintain private water and wastewater utilities located on private  
10 property.

11 70. A separate irrigation meter is required and approved backflow prevention device is  
12 required.

13 71. The developer shall construct a public reclamation water system that will serve each lot  
14 and or parcels that are located in the proposed project in accordance with the City of  
15 Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be located  
16 in the public streets or in a public utility easement.

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

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

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

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

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

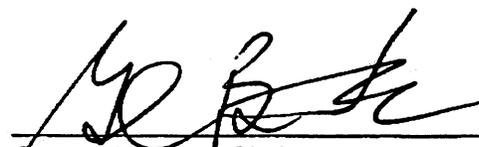
PASSED AND ADOPTED Resolution No. 2004-P32 on July 12, 2004 by the following vote, to wit:

AYES: Barrante, Chadwick, Schaffer, Todd, Neal, Nack

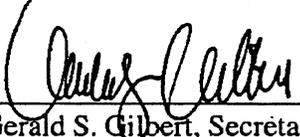
NAYS: None

ABSENT: Parker

ABSTAIN: None

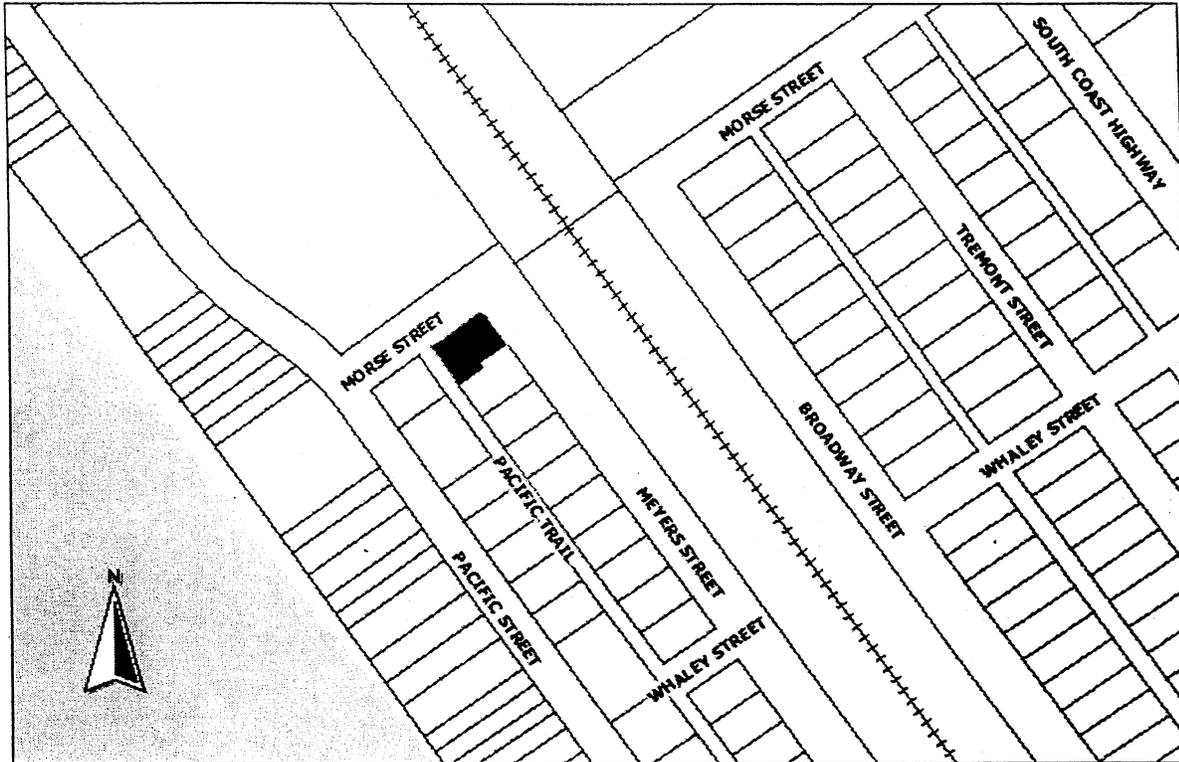
  
George Barrante, Chairman  
Oceanside Planning Commission

ATTEST:

  
Gerald S. Gilbert, Secretary

I, GERALD S. GILBERT, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2004-P32.

Dated: July 12, 2004



**File Number:** P-15-06, RC-9-07

**Applicant:** Roger and Deborah Chaussee

**Description:**

TENTATIVE PARCEL MAP (P-15-06) and REGULAR COASTAL PERMIT (RC-9-07) for the development of three attached townhomes and associated subdivision of airspace at 1601 South Myers Street. The project site is zoned RT (Residential Tourist) and is situated within the South Oceanside Neighborhood – **BUCCANEER BEACH TOWNHOMES**

**Environmental Determination:**

The project is exempt from the California Environmental Quality Act.

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

Date: May 30, 2006

Public Hearing Coastal Permit  
Identification No. RC-9-07

NOTICE OF PUBLIC HEARING  
COASTAL DEVELOPMENT PERMIT

This is a notice to you as an interested party that the City of Oceanside Planning Commission will hold a public hearing on the Coastal Permit application of Roger and Deborah Chaussee. This application was received on August 21, 2006. The application is described as follows:

For the development of three attached townhomes and associated subdivision of airspace at 1601 South Myers Street.

The project site is zoned RT (Residential Tourist) and is situated within the South Oceanside Neighborhood and the Coastal zone.

Said hearing will be held on June 11, 2007, at 7:00 p.m. in the Council Chamber of City Hall, 300 North Coast Hwy., Oceanside, California at which time and place any and all interested persons may appear and be heard. Interested persons may contact the Planning Division at (760) 435-3520 after June 6, 2007, to be informed of the place on the agenda and the approximate time of hearing.

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

If you disagree with the decision of the Planning Commission concerning this project's conformance to the Local Coastal Plan, you may appeal the decision to the City Council. The appeal, accompanied by the appropriate fee must be filed in the City Clerk's Office, 300 North Coast Hwy., Oceanside, no later than 5:00 p.m. on June 21, 2007 (10 days from the adoption of the Planning Commission Resolution).

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

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

A.H.N. Boyd

**Application For Planning Commission Hearing**

Planning Department (780) 435-2520  
Oceanside Civic Center  
300 North Coast Highway  
Oceanside, California 92054-2005

Please Print or Type All Information

STAFF USE ONLY

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PLANNING DEPARTMENT

1. APPLICANT		HEARING	
2. ADDRESS		GPA	
3. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)		MASTER/SP.PLAN	
4. ADDRESS		ZONE CH.	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)		TENT. MAP	
6. ADDRESS		PAR. MAP	
7. LOCATION		DEV. PL.	
8. GENERAL PLAN		C.U.P.	
9. ZONING		VARIANCE	
10. LAND USE		COASTAL	
11. ASSESSOR'S PARCEL NUMBER		O.R.P.A.C.	
12. GENERAL PROJECT DESCRIPTION			
13. PROPOSED GENERAL PLAN			
14. PROPOSED ZONING			
15. PROPOSED LAND USE			
16. NO. UNITS			
17. DENSITY			
18. BUILDING SIZE			
19. PARKING SPACES			
20. % LANDSCAPE			
21. % LOT COVERAGE			
22. ALL APPLICATIONS			
23. DESCRIPTION/JUSTIFICATION		24. LEGAL DESCRIPTION	
25. 300-FT. RADIIUS MAP		26. FLOOR PLANS AND ELEVATIONS	
27. ENVIRONMENTAL ASSESSMENT		28. PROPERTY OWNERS' LIST	
29. PLOT PLANS		29. CONSTRUCTION SCHEDULE	
30. OTHER		30. OTHER	
31. APPLICANT OR REPRESENTATIVE (Print):			
32. DATE			
33. OWNER (Print):			
34. DATE			
35. APPLICANT (Print):			
36. DATE			
37. OWNER (Print):			
38. DATE			

Note: residential of previously approved project. Project is substantially completed.

T.M. expired.

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Place  
initials

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OCT 31 2006  
Planning Department

OCT 31 2006

Application For Planning Commission Hearing				STAFF USE ONLY	
Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885 Please Print or Type All Information				ACCEPTED	BY
					Planning Department
PART I - APPLICANT INFORMATION				HEARING	
1. APPLICANT Roger & Deborah Chaussee Paul Zoeco		2. STATUS		GPA	
3. ADDRESS 30001 VIA MARIA ELENA, BONSAH		4. PHONE/FAX 760		MASTER/SP.PLAN	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) PAUL ZOECO		7. PHONE/FAX 760 941 0200		ZONE CH.	
6. ADDRESS 30001 VIA MARIA ELENA BONSAH		7. PHONE/FAX 760 941 0200		TENT. MAP	
PART II - PROPERTY DESCRIPTION (Call 760 717 9751)				PAR. MAP	
8. LOCATION				DEV. PL.	
9. SIZE				C.U.P.	
10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER	VARIANCE	
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION REV - 1/30/07					
15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY	
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE		
PART IV - ATTACHMENTS					
ALL APPLICATIONS			DEV. PLANS, C.U.P.s & TENT. MAPS		
24. DESCRIPTION/JUSTIFICATION		25. LEGAL DESCRIPTION		30. FLOOR PLANS AND ELEVATIONS	
26. 300-FT. RADIUS MAP		27. PROPERTY OWNERS' LIST		31. CONSTRUCTION SCHEDULE	
28. ENVIRONMENTAL ASSESSMENT		29. PLOT PLANS		32. OTHER	
PART V - SIGNATURES					
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.			SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).		
33. APPLICANT OR REPRESENTATIVE (Print):		34. DATE		37. OWNER (Print)	
Sign:				Roger Chaussee	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			Sign:		
			* See Attached		
35. APPLICANT (Print):		36. DATE		39. OWNER (Print):	
Paul Zoeco				* see Attached	
Sign:				Sign:	
Paul Zoeco				Deborah Chaussee	

October 24, 2006

Description & Justification  
Buccaneer Beach Townhomes

This project was originally approved by the Oceanside Planning Commission on July 12, 2004. (Planning Commission Resolution 2004-P32, application P-10-03, D-17-03, RC-14-03)

The project consists of three attached units. The site is near the Buccaneer Beach, south of the park, on the southwest corner of Morse & Myers Streets. At the original public hearing, it was determined that this subdivision creates parcels that are consistent and exceed requirements of the RT zoning designation. Although the zoning density allowance would have accommodated four units, the project is only three units. This previously approved subdivision complies with all applicable ordinances, regulations and guidelines of the city.

The applicant was Zocco Development, Inc. The project is currently under construction and is approximately 60% completed. While the Development Plan, Regular Coastal Permit, Building Plans, Grading Plans, and Improvement Plans remain intact, and while all bonds are posted and original conditions of approval are adhered to, the Parcel Map has inadvertently expired. The Parcel Map expiration occurred during the course of construction.

On November 7, 2005 an additional Resolution # 2005-P57 went before the Planning Commission, modifying condition #16 of the original Resolution #2004-P32. This revision of the conditions of approval addressed recordation of the Parcel Map. The original resolution called for recordation of the final map prior to obtaining a building permit. Further, a building permit could not be issued until all engineering improvements including landscaping were constructed. The new resolution required the recordation of the Parcel Map prior to building occupancy. As the new resolution modified the Parcel Map, the new owners wrongfully assumed a two year parcel map life expectancy from the second resolution date of November 7, 2005.

We ask that a Parcel Map be approved, reflecting the same project as that which was originally approved by Resolution # 2004-P32, with conditions of approval modified by Resolution 2005-P57. This project is substantially constructed.

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## EXHIBIT "ONE"

Lot "A" in Block 3 of South Oceanside, in the City of Oceanside, County of San Diego, State of California, according to Map thereof No. 622, filed in the Office of the County Recorder of San Diego County, February 7, 1890.

Together with that portion of Morse Street vacated and closed to Public Use by Resolution No. R91-10, recorded February 26, 1991 as File No. 91-0083009 of Official Records, adjacent to and adjoining said Lot "A" and being more particularly described as follows:

Beginning at the most Westerly corner of said Lot "A"; thence along the Northwesternly line of said Lot "A" North  $54^{\circ}47'00''$  East 100.00 feet to the most Northerly corner of said Lot "A", said point being also the beginning of a non-tangent 15.00 foot radius curve, concave Southerly, to which a radial line bears North  $54^{\circ}47'00''$  East; thence Northerly and Westerly along the arc of said curve 23.56 feet through a central angle of  $90^{\circ}00'00''$  to a point on the arc of said curve to which a radial line bears North  $35^{\circ}13'00''$  West; thence tangent to said curve and parallel with said Northwesternly line of said Lot "A" South  $54^{\circ}47'00''$  West 85.00 feet; thence South  $35^{\circ}13'00''$  East 15.00 feet to the Point of Beginning.

Excepting from said Lot "A" that portion thereof described as follows:

Beginning at the most Easterly corner of said Lot "A"; thence along the Northeasterly line of said Lot "A", North  $35^{\circ}15'22''$  West, 9.13 feet; thence South  $54^{\circ}43'54''$  West, 51.41 feet; thence South  $35^{\circ}16'06''$  East 9.13 feet to the Southeasterly line of said Lot "A"; thence Northeasterly along said Southeasterly line, 51.41 feet to the point of beginning.

Assessors Parcel No. 153-092-50



# NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 06/12/2007  
Removal: 12/12/2007  
(180 days)

1. **APPLICANT:** Roger and Deborah Chausee
2. **ADDRESS:** 30001 Via Maria Elena, Bonsall CA 92003
3. **PHONE NUMBER:** (760) 941-0200
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Sally Schifman
6. **PROJECT TITLE:** Buccaneer Beach Townhomes (P-15-06, RC-9-07)
7. **DESCRIPTION:** To permit a tentative parcel map and associated coastal permit for a three-unit condominium.

**ADMINISTRATIVE DETERMINATION:** Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

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

Sally Schifman  
Sally Schifman, Planner II

Date: June 12, 2007

cc:  Project file  Counter file  Library  
Posting:  County Clerk \$50.00 Admin. Fee