

# AGENDA NO. 4

**PLANNING COMMISSION**



**STAFF REPORT**

DATE: November 19, 2012

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF REGULAR COASTAL PERMIT (RC10-00013) AND TENTATIVE PARCEL MAP (P10-00005) FOR THE CONSTRUCTION OF TWO SINGLE-FAMILY DETACHED CONDOMINIUM UNITS ON A SINGLE LOT AT 1801 SOUTH MYERS STREET – BERGNA RESIDENCES – APPLICANT: MR. LOUIS BERGNA**

## **RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 3 Categorical Exemption per Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act; and
- (2) Approve Regular Coastal Permit (RC10-00013) and Tentative Parcel Map (P10-00005) by adopting Planning Commission Resolution No. 2012-P54 with findings and conditions of approval attached herein.

## **PROJECT DESCRIPTION AND BACKGROUND**

The project involves redevelopment of an improved 5,995-square foot rectangular parcel of land located at 1801 S. Myers Street. The parcel is relatively flat with a gradual slope to the east toward Myers Street. The subject lot was created in the early 1900's as part of the "Ocean Front Addition" Map 909 and is bounded by Myers Street to the east, Cassidy Street to the north, Pacific Terrace (alley) to the west, and similarly developed residential properties to the south. Existing improvements on the site include two single-family detached dwellings and associated site improvements.

The property is located within the Coastal Zone and the South Oceanside Neighborhood Planning Area. The site's Medium Density Residential (R-3) zoning designation is consistent with its land use designation of High Density Residential. These designations

are intended to accommodate multiple family as well as single-family residential development at higher densities, in a manner that would be compatible with surrounding properties.

The development proposal under consideration is subject to the City's General Plan, Local Coastal Program (LCP), 1986 Zoning Ordinance, Subdivision Ordinance and the California Environmental Quality Act (CEQA).

**Project Description:** The applicant proposes phased construction of two three-story single-family detached condominium dwellings on a single lot. Existing structures on site are proposed to be demolished, except for limited building wall segments totaling 80 linear feet, which will be retained and incorporated in the building design of the new residence fronting on Pacific Terrace. The residence on the westerly portion of the site (along Pacific Terrace) will include approximately 2,889 square feet of habitable area. The residence on the easterly portion of the site (along S. Myers Street) will include approximately 2,176 square feet of habitable area. Attached two-car garages and private yard areas are proposed to serve each dwelling.

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

1. General Plan Land Use Element
2. 1986 Zoning Ordinance and Subdivision Ordinance
3. Local Coastal Program (LCP)
4. California Environmental Quality Act (CEQA)

## **ANALYSIS**

### **KEY PLANNING ISSUES**

The proposed project has been analyzed for compliance with the General Plan, LCP and Zoning Ordinance and as conditioned, has been found to be consistent with applicable policies based on the following:

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

##### **A. Land Use Element**

###### **Goal 1.23: Architecture**

**Objective:** The architectural quality of all proposed projects shall enhance neighborhood and community values and City image.

**Policy A:** Architectural form, treatments, and materials shall serve to significantly improve on the visual image of the surrounding neighborhood.

Situated along South Myers Street, the existing single story bungalow structures feature asymmetrical building façades clad with stucco below low pitch hip roofs. Neither structures are the work of a master architect or craftsman, nor are constructed of rare or unique materials. The existing buildings do not qualify under the criteria for nomination for listing in the National Register of Historical Places, California Register of Historic resources, or the Oceanside historical resources register and are proposed to be demolished.

Each of the proposed three-story detached dwellings is designed in a contemporary Mediterranean and Spanish style respectively. Significant horizontal and vertical massing offsets, balconies, entry porch features, and well placed fenestration articulate the proposed building elevations. High quality building materials, architectural details, landscaping and decorative fence/walls are proposed to further enhance the appearance of the project from street frontages. The structures will be situated and constructed in compliance with development standards, with the exception of an existing legal non-conforming exterior side yard setback along Cassidy Street affecting the Pacific Terrace residence, which will be maintained.

Overall staff finds that the proposed form, building design and materials will contribute toward improving the visual image of the surrounding neighborhood and City image.

### **Goal 1.32: Coastal Zone**

**Objective:** To provide for the conservation of the City's coastal resources and fulfill the requirements of the California Coastal Act of 1976.

**Policy A:** The City shall utilize the certified Local Coastal Plan for review of all proposed projects within the Coastal Zone. Specifically, the goals and policies of the Local Coastal Program Land Use Plan are the guiding policy review document.

*The City shall maintain existing view corridors through public rights-of-way.*

Development of the project site will adhere to applicable development standards. Building setbacks and site landscaping improvements along Cassidy Street will enhance the existing public view corridor to the coast.

*The City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood.*

The proposed project would not exceed the maximum building height (35 ft.) permitted within the zoning district. The S. Myers and Pacific Terrace Street façades - form, scale and color palette - will positively contribute to the existing street scene. Building elevations will maintain an overall scale, complementary to adjoining buildings.

New development shall utilize optimum landscaping to accent and enhance desirable site characteristics and architectural features.

Front and exterior side yard landscaping improvements on the subject property will accent and enhance site characteristics and architectural features. The project has been conditioned to ensure that the proposed landscape palette takes into account the site's coastal location and addresses aesthetic and maintenance issues.

**2. Zoning Compliance**

The proposed project is subject to compliance with the 1986 Zoning Ordinance which identifies single-family homes, duplexes and multiple-family dwellings as land uses permitted by right within the R-3 (Medium Density Residential) Zone. With respect to development standards, the proposed project is in substantial conformance with applicable R-3 parameters. Allowing a legal non-conforming exterior side yard encroachment along Cassidy Street would not impair coastal public view corridors.

The following table illustrates the project's consistency with R-3 setback and height development standards:

**Table 1: Development Standards**

	REQUIRED	PROPOSED
FRONT YARD	15'-0"	15'-0"
SIDE YARD	10% lot width (3'-0" min-5'-0" max)	5'-0"
EXTERIOR SIDE YARD	10'-0"	5'-0" (Existing legal non-conforming)
REAR YARD	5'-0"	5'-0"
MAXIMUM HEIGHT	35 feet above average finished grade or 3 stories whichever is less	30'-3" (Pacific Terrace residence) 30'-9" (S. Myers Street residence)
COVERAGE	60%	53%

**ENVIRONMENTAL DETERMINATION**

The development proposal has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been found to be exempt as a Class 3 15303 (a), Categorical Exemption "New Construction or Conversion of Small Structures"

**PUBLIC NOTIFICATION**

A legal notice was published in the North County Times and notices were sent to property owners of record and occupants within 1,500-foot radius of the subject property, individuals and or organizations requesting notification, the applicant, and other interested parties.

**SUMMARY**

Regular Coastal Permit (RC10-00013) and Tentative Parcel Map (P10-00005) as conditioned are consistent with the requirements of the Zoning Ordinance, the land use policies of the General Plan and the policies of the Local Coastal Program. The project will comply with applicable development standards for the district in which it is situated. The project's scale and architecture are compatible with the surrounding neighborhood. Accordingly, staff recommends that the Planning Commission approve the proposal subject to the conditions contained in the attached resolution. Staff recommends that the Planning Commission:

- Approve Regular Coastal Permit (RC10-00013) and Tentative Parcel Map (P10-00005) by adopting Planning Commission Resolution No. 2012-P54 with findings and conditions of approval attached herein.

PREPARED BY:



Amy Fousekis  
Principal Planner

JH/AF/fil

SUBMITTED BY:



John Helmer  
Interim City Planner

Attachments:

1. Plans
2. Planning Commission Resolution No. 2012-P54









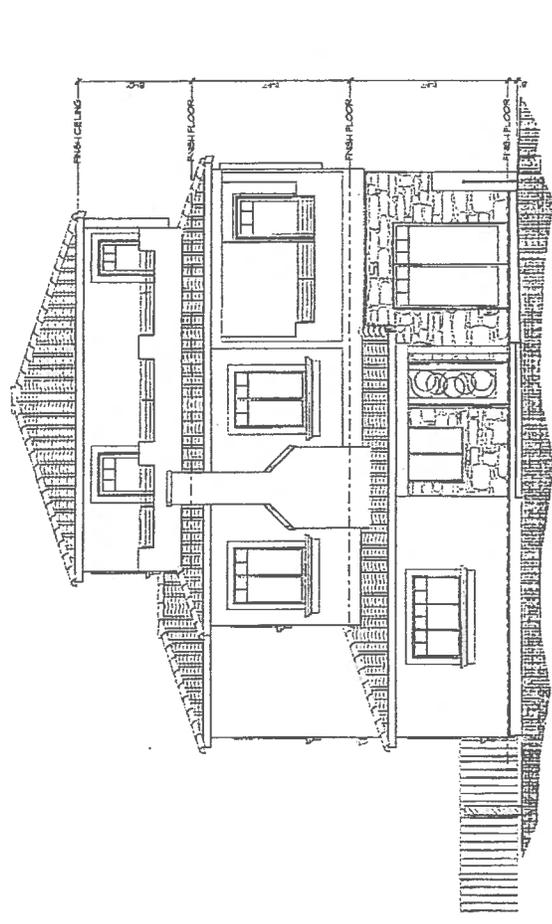
REVISIONS	B-
DATE	10/12/2011
BY	10/12/2011

PROPOSED IMPROVEMENTS FOR  
 LOUIS AND DANA BERGNA  
 1801 1/2 TETTERS STREET  
 OCEANSIDE, CA 92058

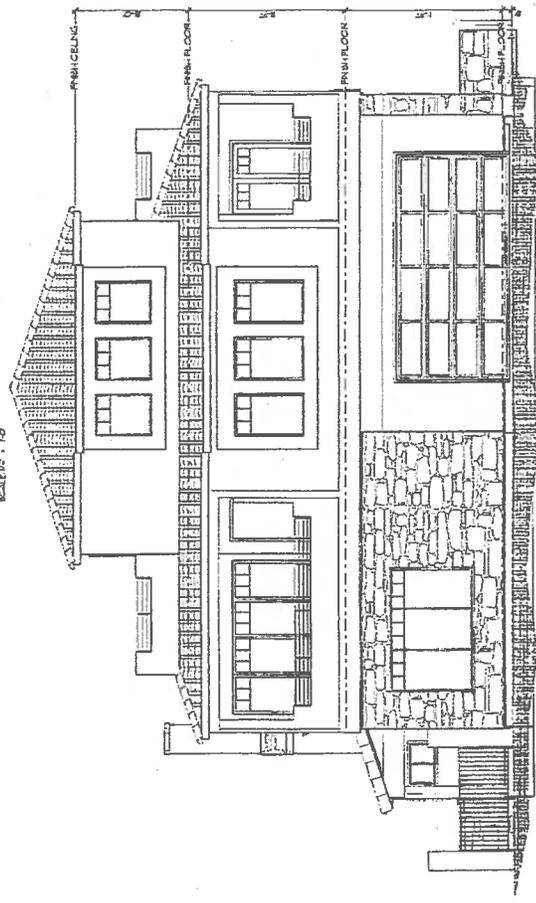


**WIEME**  
 Design/Build  
 NORMAN C. WIEME, P.E.  
 2500 WILSON AVENUE, SUITE 200  
 OCEANSIDE, CA 92058  
 TEL: 760-434-1333  
 FAX: 760-434-1334  
 www.wieme.com

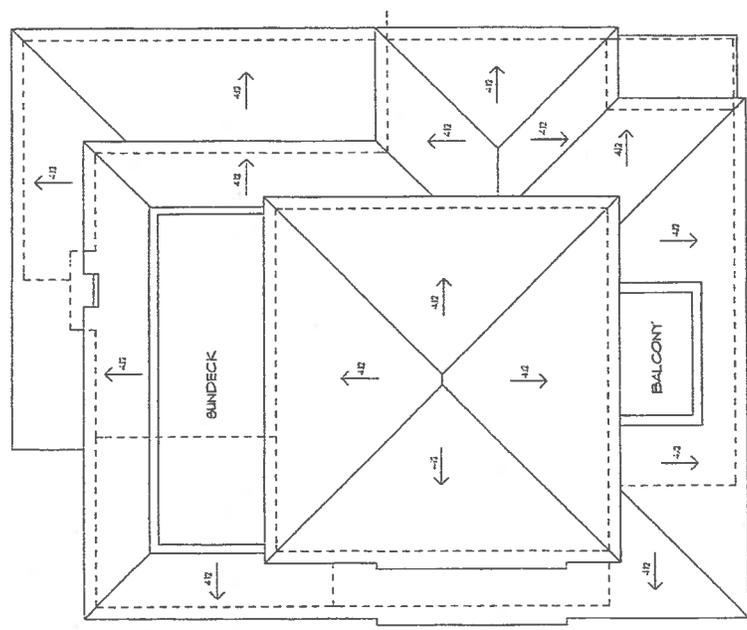
PROJECT NO.	11-0003
DATE	11-2-2009
SCALE	NOTED
NOTED	
SHEET	A-5
OF	10



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



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



SUNDECK ROOF PLAN  
SCALE: 1/4" = 1'-0"

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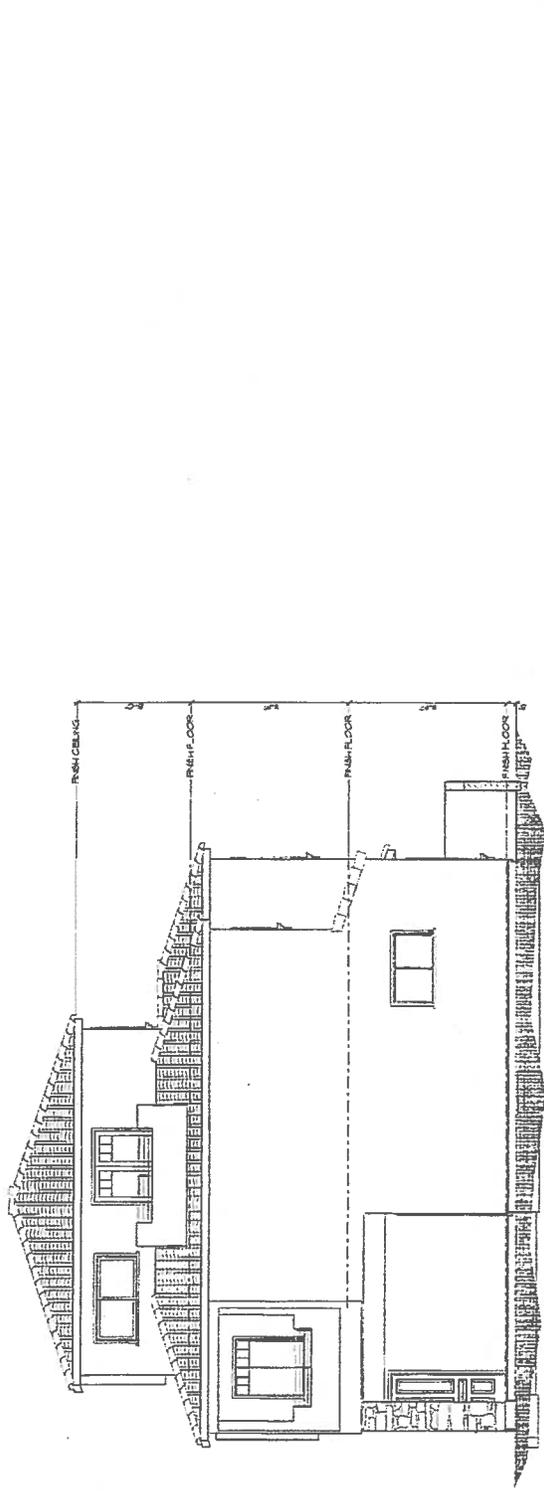
REVISED BY	6/21/2007
6/21/2007	6/21/2007
OCT 2 8 2011	

PROPOSED IMPROVEMENTS FOR  
 LOUIS AND DANA BERGNA  
 1201-1/2 METERS STREET  
 OCEANSIDE, CA 92055

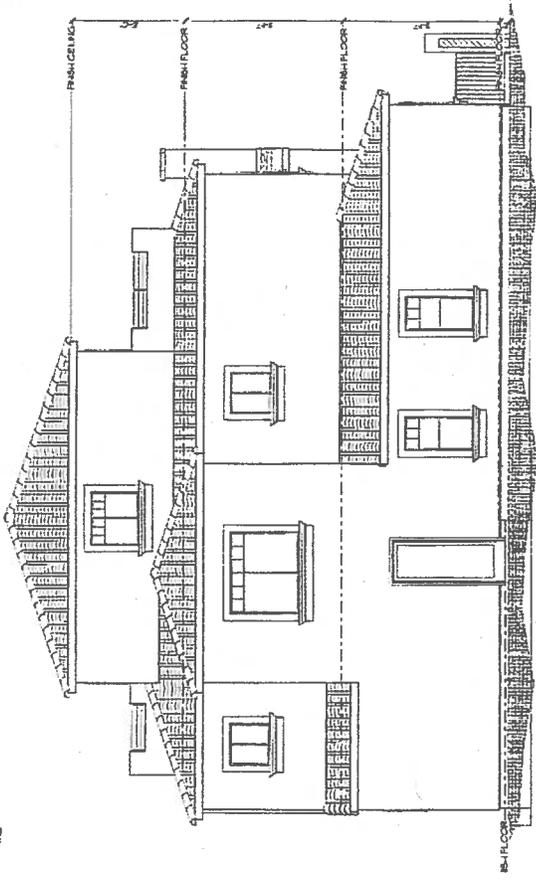


**WIEME**  
 DesignBuild  
 ARMANDO WIMBALIA  
 ARCHITECT  
 125 W. 17th Ave. Ste 204  
 San Diego, CA 92103  
 Tel: 619.444.0000  
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DRAWN	ERIC DAHL
CHECKED	ERIC DAHL
DATE	11-16-2009
SCALE	NOTED
NOTED	AS NOTED
REVISION	AS NOTED
<b>A-6</b>	
CS 2010-08-27-11	



SOUTH ELEVATION  
 SCALE 1/4" = 1'-0"



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

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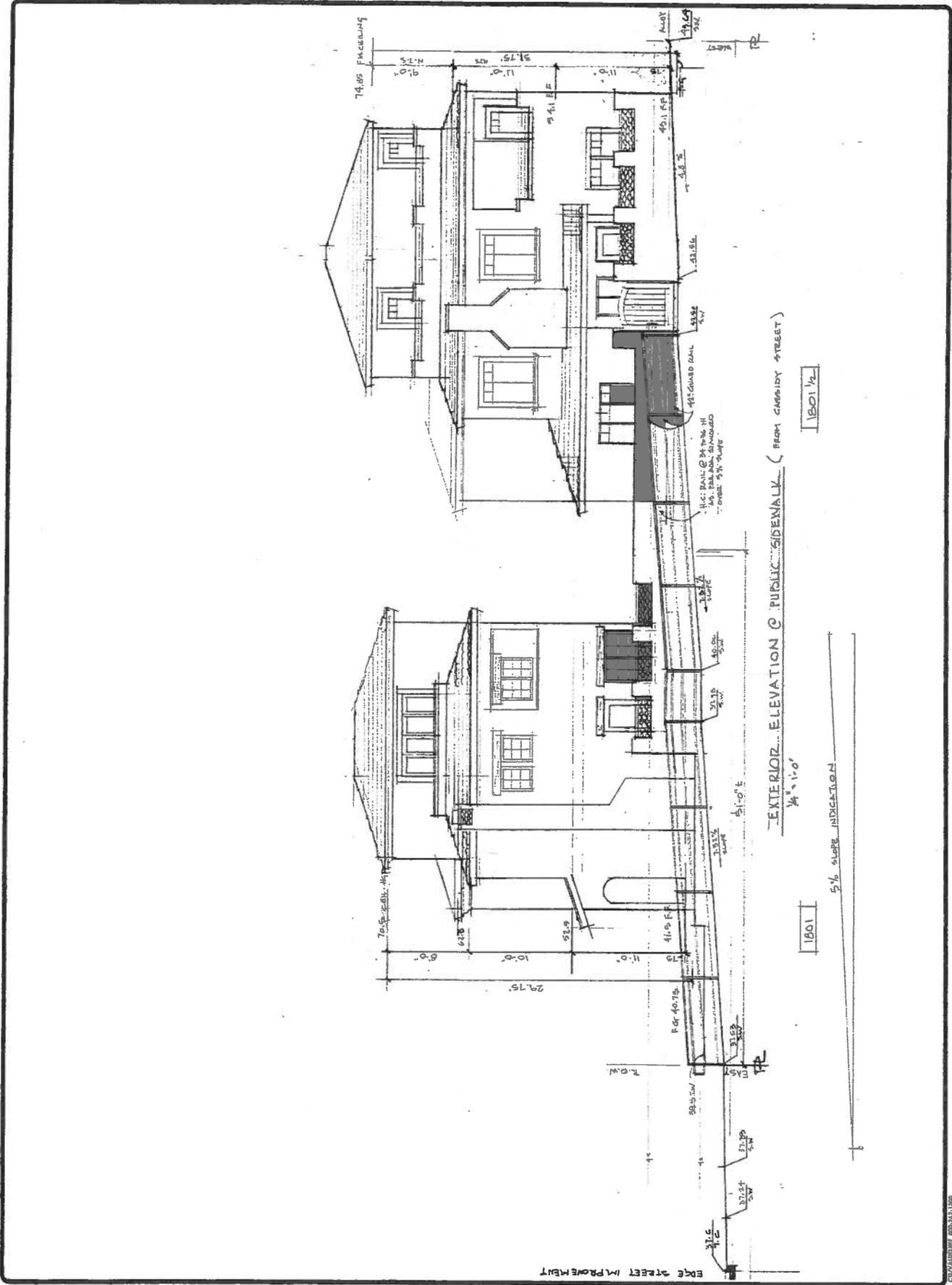
REVISIONS	BY
JUN 1 2011	
JUL 5 2011	

PROPOSED IMPROVEMENT FOR  
 LUIS AND DANA BERGNA  
 OCEANSIDE CA 92055



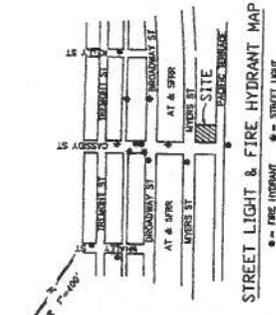
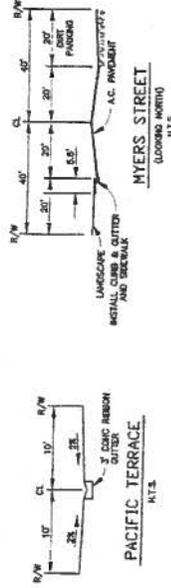
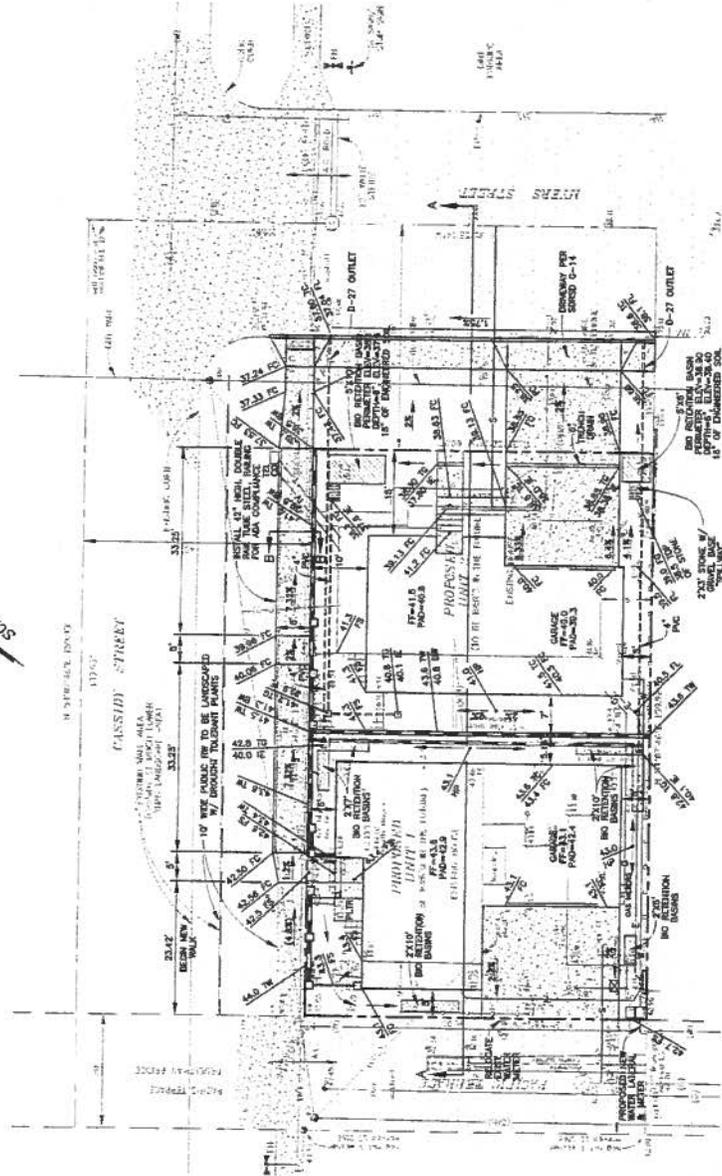
**WIEME**  
 DesignBuild  
 12100 Hillside St. #207  
 San Diego, CA 92130  
 Tel: 619.451.1111  
 Fax: 619.451.1112

DATE: 6-15-11  
 DRAWN BY: W. BERGNA  
 CHECKED BY: W. BERGNA  
 SHEET: A-10  
 OF 10 SHEETS





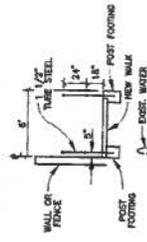
**ONE LOT - 2 UNIT CONDOMINIUM PLAN  
BERGNA HOMES TENTATIVE PARCEL MAP  
P10-00005, RC10-00013**



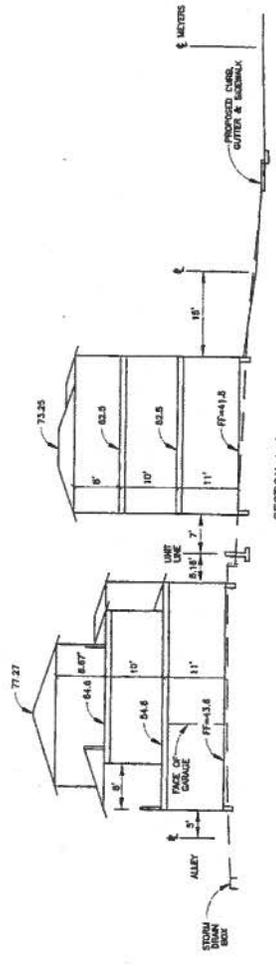
NOTE:  
1) NO VARIATIONS OR AMENDMENTS ARE PROPOSED AT THIS TIME.  
2) OVERHEAD UTILITIES ARE TO REMAIN. SERVICES TO UNITS ARE TO BE UNDERGROUND

**ABBREVIATIONS**

- FD = FINISHED CONCRETE
- FS = FINISHED SURFACE
- TS = TOP OF SLAB
- MS = MOUNT ELEVATION
- FL = FLOOR LINE
- BL = BOTTOM OF WALL
- BT = TOP OF WALL
- CE = GARAGE AREA
- PC = PROPOSED TRANSPORTATION



SECTION B-B  
1" = 8'



SECTION A-A  
1" = 10' HWY



1 PLANNING COMMISSION  
2 RESOLUTION NO. 2012-P54

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

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7 APPLICATION NO: RC10-00013, P10-00005  
8 APPLICANT: Mr. Louis Bergna  
9 LOCATION: 1801 S. 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 Regular Coastal Permit (RC10-00013) and Tentative  
14 Parcel Map (P10-00005) under the provisions of the City of Oceanside Local Coastal Program to  
15 permit the following:

16 demolition of two structures (two residential units) and construction of two new detached  
17 three-story condominium single-family dwellings on a single lot;  
18 on certain real property described in the project description;

19 WHEREAS, the Planning Commission, after giving the required notice, did on the 19th  
20 day of November, 2012 conduct a duly advertised public hearing as prescribed by law to consider  
21 said 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, Class 3 15303 (a),  
24 "New Construction or Conversion of Small Structures" Categorical Exemption from  
25 environmental review;

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

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

1	Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
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	\$.47 per square foot non-residential for Oceanside (\$.42 for Vista and Fallbrook) \$2.97 per square foot residential (\$2.63 for Vista; \$2.63 for Fallbrook)
11			
12			
13			
14			
15	Thoroughfare Fee (For commercial and industrial please note the 75 percent 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)
16			
17			
18	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 09-OR 0093-1	Fee based on water meter size. Residential is typically \$4,597 per unit; Non-residential is \$36,775 for a 2" meter.
19			
20			
21			
22	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 09-OR 0092-1	Based on capacity or water meter size. Residential is typically \$6,313 per unit; Non-residential is \$50,501 for a 2" meter.
23			
24			
25	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit; Non-residential is \$22,495 for a 2" meter.
26			
27			
28			
29			

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

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

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

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

15           WHEREAS, action on this resolution becomes final 10 days after its adoption, unless  
16 appealed to the City Council, and shall become effective after the 10 working-day appeal period to  
17 the Coastal Commission has expired; and

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

20 FINDINGS:

21 For the Regular Coastal Permit:

- 22 1. The two proposed three-story detached single-family dwellings, as conditioned, are  
23 consistent with the land use policies of the Local Coastal Program as implemented  
24 through the Zoning Ordinance. The project, as designed, will not substantially alter or  
25 impact existing public views of the coastal zone area or from adjoining properties and  
26 the physical aspects of the project are consistent with existing development on  
27 neighboring sites.
- 28 2. The proposed development, as designed, will not obstruct an existing, planned, or  
29 required public beach access and conforms to the public access and recreation policies of  
Chapter 3 of the Coastal Act.

1 3. The project will not result in the loss of any on-street public parking spaces or take away  
2 from the existing parking fronting the project site.

3 For the Tentative Parcel Map:

- 4 1. The proposed subdivision creates a two-unit condominium development on a single lot,  
5 consistent with the requirements of the R-3 (Medium Density Residential) zoning  
6 designation. The subdivision map is consistent with the General Plan of the City.
- 7 2. The proposed building pad on the site will conform to the topography of the site,  
8 therefore making it suitable for residential development. The site is physically suitable  
9 for the development of a two-unit condominium on a single lot.
- 10 3. The subdivision, as conditioned, complies with all other applicable ordinances,  
11 regulations and guidelines of the City.
- 12 4. The design of the subdivision, or proposed improvements, as conditioned, will not  
13 conflict with easements, acquired by the public at large, for access through the use of  
14 property within the subdivision.
- 15 5. The design of the subdivision or the proposed improvements, as conditioned, will not  
16 cause substantial environment damage or substantially and avoidably injure fish or  
17 wildlife or their habitat.
- 18 6. The proposal, as conditioned, complies with all other applicable ordinances, regulations  
19 and guidelines of the City of Oceanside, including but not limited to the Local Coastal  
20 Plan.

21 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
22 approve Regular Coastal Permit (RC10-00013) and Tentative Parcel Map (P10-00005) subject to  
23 the following conditions:

24 Building:

- 25 1. Construction shall comply with the latest edition of the California Codes.
- 26 2. Construction hours shall be limited to 7:00 a.m. to 6:00 p.m. Monday through  
27 Saturday.

28 Planning:

- 29 3. Regular Coastal Permit (RC10-00013) and Tentative Parcel Map (P10-00005) shall expire  
on November 19, 2014, unless implemented per the Zoning Ordinance or unless the  
Planning Commission grants a time extension.

- 1 4. This Regular Coastal Permit and Tentative Parcel Map, as conditioned, approves a series of  
2 building and site improvements establishing two detached single-family condominium  
3 dwellings on one lot as presented to the Planning Commission for review and approval. No  
4 deviation from these approved plans and exhibits shall occur without Planning Division  
5 approval. Substantial deviations shall require a revision to the Regular Coastal Permit,  
6 Tentative Parcel Map or a new Regular Coastal Permit, Tentative Parcel Map.
- 7 5. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
8 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
9 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
10 annul an approval of the City, concerning Regular Coastal Permit (RC10-00013) and  
11 Tentative Parcel Map (P10-00005). The City will promptly notify the applicant of any  
12 such claim, action or proceeding against the City and will cooperate fully in the defense.  
13 If the City fails to promptly notify the applicant of any such claim action or proceeding  
14 or fails to cooperate fully in the defense, the applicant shall not, thereafter, be  
15 responsible to defend, indemnify or hold harmless the City.
- 16 6. All mechanical rooftop and ground equipment shall be screened from public view as  
17 required by the Zoning Ordinance that is, on all four sides and top. The roof jacks,  
18 mechanical equipment, screen and vents shall be painted with non-reflective paint to match  
19 the roof. This information shall be shown on the building plans.
- 20 7. Prior to issuance of building permits, compliance with the applicable provisions of the  
21 City's anti-graffiti ordinance (Ordinance No. 93-19/Section 20.25 of the City Code) shall be  
22 reviewed and approved by the Planning Division. These requirements, including the  
23 obligation to remove or cover with matching paint all graffiti within 24 hours, shall be  
24 noted on the Architectural Site Plan and shall be recorded in the form of a covenant  
25 affecting the subject property. A covenant or other recordable document approved by the  
26 City Attorney shall be prepared by the applicant and recorded prior to the issuance of  
27 building permits. The covenant shall provide that the property is subject to this  
28 resolution, and shall generally list the conditions of approval.
- 29 8. 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.

9. Failure to meet any conditions of approval for this development shall constitute a violation of the Regular Coastal Permit and Tentative Parcel Map.
10. 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.
11. Elevations, exterior building 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 Division and Planning Division.
12. Prior to issuance of a building permit, the applicant and landowner shall execute and record a covenant, in a form and content acceptable to the City Attorney, providing that the property is subject to this resolution and all conditions of approval.
13. Photo documentation of existing building resources on-site shall be completed in compliance with OHPAC Policy 1, prior to issuance of demolition permits for the first structure on the subject property.

**Fire:**

14. All proposed and existing fire hydrants within 400 feet of the project shall be shown on the site plan.
15. Approved addresses for residential occupancies shall be placed on the structure in such a position as to be plainly visible and legible from the street or roadway on which the residence is addressed. Numbers shall be contrasting with their background.
16. Single-family dwellings shall provide 4-inch address numbers.
17. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval prior to the issuance of building permits.
18. An approved fire sprinkler system installed per NFPA 13D standard shall be installed in both buildings.

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1 **Water:**

- 2 19. The developer shall be responsible for developing all water and sewer utilities necessary to  
3 develop the property. Any relocation of water and/or sewer utilities is the responsibility of  
4 the developer and shall be done by an approved licensed contractor at the developer's  
5 expense.
- 6 20. The property owner shall maintain private water and wastewater utilities located on private  
7 property.
- 8 21. Water services and sewer laterals constructed in existing right-of-way locations shall be  
9 constructed by approved and licensed contractors at developer's expense.
- 10 22. All Water and Wastewater construction shall conform to the most recent edition of the  
11 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by  
12 the Water Utilities Director.
- 13 23. Residential units shall be metered individually. Private utility systems for residential  
developments are not allowed.

14 **The following conditions shall be met prior to the approval of engineering design plans.**

- 15 24. All public water and/or sewer facilities not located within the public right-of-way shall be  
16 provided with easements sized according to the Water, Sewer, and Reclaimed Water  
17 Design and Construction Manual. Easements shall be constructed for all weather access.
- 18 25. No trees, structures or building overhang shall be located within any water or wastewater  
19 utility easement.
- 20 26. All lots with a finish pad elevation located below the elevation of the next upstream  
21 manhole cover of the public sewer shall be protected from backflow of sewage by installing  
22 and maintaining an approved type backwater valve, per the Uniform Plumbing Code  
(U.P.C.).
- 23 27. The following conditions of approval shall be met prior to building permit issuance.
- 24 28. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to  
25 be paid to the City and collected by the Water Utilities Department at the time of Building  
26 Permit issuance.
- 27 29. All Water Utilities Fees are due at the time of building permit issuance per City Code  
28 Section 32B.7, unless the developer/applicant applies and is approved for a deferral of all  
29 fees per City of Oceanside Ordinance No. 09-OR0676-1.

1 The following conditions of approval shall be met prior to occupancy.

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

6 **Engineering:**

7 31. For the demolition of any existing structure or surface improvements; grading plans shall  
8 be submitted and erosion control plans be approved by the City Engineer prior to the  
9 issuance of a demolition permit. No demolition shall be permitted without an approved  
10 erosion control plan.

11 32. Vehicular access rights to Cassidy Street and Myers Street shall be relinquished to the City  
12 for the two proposed parcels except for the project driveway.

13 33. All right-of-way alignments, street dedications, exact geometrics and widths shall be  
14 dedicated and constructed or replaced as required by the City Engineer.

15 34. Design and construction of all improvements shall be in accordance with the City of  
16 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard  
17 engineering and specifications of the City of Oceanside and subject to approval by the City  
18 Engineer.

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

24 36. Prior to approval of any grading plan/permit, and approval of parcel map, the  
25 owner/developer shall provide public street dedication required for Cassidy Street, Myers  
26 Street, and the alley (Pacific Terrace). During the final engineering review, if it is  
27 determined that an inaccurate street right-of-way width is shown on the conceptual grading  
28 plan to serve the property, this project shall be reconsidered at a public hearing.

29 37. Where proposed off-site improvements, including but not limited to slopes, public utility  
facilities, and drainage facilities, are to be constructed, the owner/developer shall, at his  
own expense, obtain all necessary easements or other interests in real property and shall

1 dedicate the same to the City of Oceanside as required. The owner/developer shall provide  
2 documentary proof satisfactory to the City of Oceanside that such easements or other  
3 interest in real property have been obtained prior to approval of any grading, building or  
4 improvement plan and prior to approval of the parcel map. Additionally, the City of  
5 Oceanside, may at its sole discretion, require that the owner/developer obtain at his sole  
6 expense a title policy insuring the necessary title for the easement or other interest in real  
7 property to have vested with the City of Oceanside or the owner/developer, as applicable.

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

12 39. Prior to the issuance of a grading permit, the owner/developer shall notify and host a  
13 neighborhood meeting with all of the area residents located within 300 feet of the project  
14 site, to inform them of the grading and construction schedule, and to answer questions.

15 40. The owner/developer shall monitor, supervise and control all construction and  
16 construction-supportive activities, so as to prevent these activities from causing a public  
17 nuisance, including but not limited to, insuring strict adherence to the following:

- 18 a) Dirt, debris and other construction material shall not be deposited on any public  
19 street or within the City's stormwater conveyance system;
- 20 b) All grading and related site preparation and construction activities shall be limited  
21 to the hours of 7:00 am to 6:00 pm, Monday through Friday. No engineering  
22 related construction activities shall be conducted on Saturdays, Sundays or legal  
23 holidays unless written permission is granted by the City Engineer with specific  
24 limitations to the working hours and types of permitted operations. All on-site  
25 construction staging areas shall be as far as possible (minimum 100 feet) from any  
26 existing residential development. Because construction noise may still be intrusive  
27 in the evening or on holidays, the City of Oceanside Noise Ordinance also prohibits  
28 "any disturbing excessive or offensive noise which causes discomfort or annoyance  
29 to reasonable persons of normal sensitivity."
- c) The construction site shall accommodate the parking of all motor vehicles used by  
persons working at or providing deliveries to the site. An alternate parking site can

1 be considered by the City Engineer in the event that the lot size is too small and  
2 cannot accommodate parking of all motor vehicles.

3 d) The owner/developer shall complete a haul route permit application (if required for  
4 import/export of dirt) and submit to the City of Oceanside Engineering Division 48  
5 hours in advance of beginning of work. Hauling operations (if required) shall be  
6 8:00 a.m. to 3:30 p.m. unless approved otherwise.

7 41. It is the responsibility of the owner/developer to evaluate and determine that all soil  
8 imported as part of this development is free of hazardous and/or contaminated material as  
9 defined by the City and the County of San Diego Department of Environmental Health.  
10 Exported or imported soils shall be properly screened, tested, and documented regarding  
11 hazardous contamination.

12 42. All non-conforming soil shall be removed and re-compacted for the entire lot to meet the  
13 requirements of the City of Oceanside Engineers Manual for structural Fill. Minimum  
14 compaction shall be 90 percent.

15 43. The wall shown on the parcel map can remain with a condition that the existing footing be  
16 deepened to the applicable structural standards to satisfaction of the City Engineer.

17 44. All other footings and slabs shall be new and conform to the new CBC 2010, and shall be  
18 designed based on the recommendations of the geotechnical engineer and structural  
19 engineer.

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

26 46. Cassidy Street and Myers Street shall be constructed with curbs, gutters and sidewalk.  
27 There shall be a minimum of 10-foot parkway between the face of curb and the right-of-  
28 way line. Sidewalk improvements shall comply with ADA requirements. Publicly  
29 maintained pedestrian ramps (maintained by the City of Oceanside must be fully located  
within public right-of-way. Minimum curb return radius shall comply with the City of  
Oceanside Engineers Design and Processing Manual.

- 1 47. Sight distance requirements at the project driveway with Myers Street, Cassidy Street, and  
2 the alley (Pacific Terrace) shall conform to the corner sight distance criteria as provided by  
3 SDRSD DS-20A and or DS-20B.
- 4 48. The project's driveways and common areas shall remain private and shall be maintained by  
5 an association. The pavement sections, traffic indices shall be based on approved  
6 geotechnical report and in compliance with the City of Oceanside Engineers Design and  
7 Processing Manual. The private driveway design, grades, alignments and geometric  
8 layouts shall meet the City of Oceanside Engineers Design and Processing Manual.
- 9 49. Pavement sections for Cassidy Street, Myers Street, the alley, driveways and parking areas  
10 shall be based upon approved soil tests and traffic indices. The pavement design is to be  
11 prepared by the owner/developer's soil engineer and must be in compliance with the City  
12 of Oceanside Engineers Design and Processing Manual and be approved by the City  
13 Engineer, prior to paving.
- 14 50. Prior to approval of the grading plans, the owner/developer shall contract with a  
15 geotechnical engineering firm to perform a field investigation of the existing pavement on  
16 Myers Street adjacent to the project boundary. The limits of the study shall be half-street  
17 plus 12 feet along the project's frontage for Myers Street. The field investigation shall be  
18 performed according to a specific boring plan prepared by a licensed Geotechnical  
19 Engineer and approved by the City Engineer. In the absence of such approved boring plan,  
20 the field investigation shall include a minimum of one pavement boring per every one  
21 hundred (50) linear feet of street frontage. Should the existing AC thickness be determined  
22 to be less than the current minimum standard for AC and Class II Base as set forth in the  
23 table for City of Oceanside Pavement Design Guidelines in the City's Engineers Manual,  
24 the owner/developer shall remove and reconstruct the pavement section as determined by  
25 the pavement analysis submittal process detailed below.
- 26 51. Upon review of the pavement investigation, the City Engineer shall determine whether the  
27 owner/developer shall: 1) Repair all failed pavement sections, header cut and grind per the  
28 direction of the City Engineer, and construct a two-inch thick rubberized AC overlay; or 2)  
29 Perform R-value testing and submit a study that determines if the existing pavement meets  
current City standards/traffic indices. Should the study conclude that the pavement does  
not meet current requirements, rehabilitation/mitigation recommendations shall be provided

1 in a pavement analysis report, and the owner/developer shall reconstruct the pavement per  
2 these recommendations, subject to approval by the City Engineer.

3 52. Any existing public or private pavement, concrete curb, gutter, driveways, pedestrian  
4 ramps and sidewalk within the project, or adjacent to the project boundary that are already  
5 damaged or damaged during construction of the project, shall be repaired or replaced as  
6 directed by the City Engineer.

7 53. Full width alley (Pacific Terrace) replacement including the installation of a longitudinal  
8 concrete alley gutter shall be constructed in accordance with the City of Oceanside  
9 Engineers Design and Processing Manual, the City Standards plans and specifications as  
10 approved by the City Engineer.

11 54. The approval of the parcel map shall not mean that proposed grading or improvements on  
12 adjacent properties (including any City properties/right-of-way or easements) is granted or  
13 guaranteed to the owner/developer. The owner/developer is responsible for obtaining  
14 permission to grade to construct on adjacent properties. Should such permission be denied,  
15 the parcel map/project shall be subject to going back to the public hearing or subject to a  
16 substantial conformity review.

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

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

27 57. A precise grading and private improvement plan shall be prepared, reviewed, secured and  
28 approved prior to the issuance of any building permits. The plan shall reflect all pavement,  
29 flatwork, landscaped areas, special surfaces, curbs, and gutters, footprints of all structures,  
walls, drainage devices and utility services.

- 1 58. Landscape and irrigation plans for disturbed areas shall be submitted to the City Engineer  
2 prior to the issuance of a preliminary grading permit and approved by the City Engineer  
3 prior to the issuance of occupancy permits. Frontage landscaping shall be installed prior to  
4 the issuance of any certificates of occupancy. Any project fences, sound or privacy walls  
5 and monument entry walls/signs shall be shown on, bonded for and built from the  
6 landscape plans. These features shall also be shown on the precise grading plans for  
7 purposes of location only. Plantable, segmental walls shall be designed, reviewed and  
8 constructed by the grading plans and landscaped/irrigated per project landscape plans. All  
9 plans must be approved by the City Engineer and a pre-construction meeting shall be held,  
10 prior to the start of any improvements.
- 11 59. Open space areas, common driveways, common areas, and down-sloped areas visible from  
12 a collector-level or above roadway and not readily maintained by the property owner, shall  
13 be maintained by a homeowners' association or a management company that will insure  
14 installation and maintenance of landscaping in perpetuity. These areas shall be indicated  
15 on the parcel map and reserved for an association or a management company. Future  
16 buyers shall be made aware of any estimated monthly costs. The disclosure, together with  
17 the CC&R's, shall be submitted to the City Engineer for review prior to the recordation of  
18 parcel map.
- 19 60. The drainage design shown on the site plan or preliminary grading plan, and the drainage  
20 report for this project is conceptual only. The final drainage report and drainage design  
21 shall be based upon a hydrologic/hydraulic study that is in compliance with the latest San  
22 Diego County Hydrology and Drainage Manual to be approved by the City Engineer  
23 during final engineering. All drainage picked up in an underground system shall remain  
24 underground until it is discharged into an approved channel, or as otherwise approved by  
25 the City Engineer. All public storm drains shall be shown on City standard plan and profile  
26 sheets. All storm drain easements shall be dedicated where required. The owner/developer  
27 shall be responsible for obtaining any off-site easements for storm drainage facilities.
- 28 61. Drainage facilities shall be designed and installed to adequately accommodate the local  
29 stormwater runoff and shall be in accordance with the San Diego County Hydrology and  
Design Manual and in compliance with the City of Oceanside Engineers Design and  
Processing Manual to the satisfaction of the City Engineer.

- 1 62. The owner/developer shall place a covenant on the title sheet of the parcel map, and the  
2 grading plan agreeing to the following: "The present or future owner/developer shall  
3 indemnify and save the City of Oceanside, its officers, agents, and employees harmless  
4 from any and all liabilities, claims arising from any flooding that occurs on this site."
- 5 63. Storm drain facilities shall be designed and located such that the inside travels lanes on  
6 Cassidy Street and Myers Street shall be passable during conditions of a 100-year  
7 frequency storm.
- 8 64. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed  
9 of in accordance with all state and federal requirements, prior to stormwater discharge  
10 either off-site or into the City drainage system.
- 11 65. Prior to approval of a grading plan and issuance of any grading permit the owner/developer  
12 shall submit a Stormwater Management Plan-Standard Development Plan (SWMP-SDP).
- 13 66. The approval of the parcel map shall not mean that closure, vacation, or abandonment of  
14 any public street, right-of-way, easement, or facility is granted or guaranteed to the  
15 owner/developer. The owner/developer is responsible for applying for all closures,  
16 vacations, and abandonments as necessary. The application(s) shall be reviewed and  
17 approved or rejected by the City of Oceanside under separate process (es) per codes,  
18 ordinances, and policies in effect at the time of the application. The City of Oceanside  
19 retains its full legislative discretion to consider any application to vacate a public street or  
20 right-of-way.
- 21 67. If a subdivider is required under this division or any other provision of law to make a  
22 dedication for specified public purposes on the parcel map, the local agency shall specify  
23 whether the dedication is to be in fee for public purposes or an easement for public  
24 purposes.
- 25 68. Provide the City of Oceanside with a certification from each public utility and each public  
26 entity owning easements within the proposed project stating that: (a) they have received  
27 from the owner/developer a copy of the proposed parcel map; (b) they object or do not  
28 object to the filing of the parcel map without their signature; (c) in case of a street  
29 dedication affected by their existing easement, they will sign a "subordination certificate"  
or "joint-use certificate" on the parcel map when required by the governing body. In  
addition, the owner/developer shall furnish proof to the satisfaction of the City Engineer

1 that no new encumbrances have been created that would subordinate the City's interest over  
2 areas to be dedicated for public road purposes since submittal of the project.

3 69. The owner/developer shall comply with all the provisions of the City's cable television  
4 ordinances including those relating to notification as required by the City Engineer.

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

16 71. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high  
17 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose  
18 height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to any streets, an  
19 arterial street.

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

26 73. A digital file of the parcel map in a format consistent with the City's requirements for  
27 digital submittals, detailed in the Engineers Design and Processing Manual shall be  
28 submitted to the City of Oceanside concurrently with the final submittal of the map for  
29 recordation."

74. A digital file of the as-built grading plan, and as-built improvement plan in a format  
consistent with the City's requirements for digital submittals, detailed in the Engineers

1 Design and Processing Manual shall be submitted to the City of Oceanside prior to  
2 occupancy permit.

3 75. In the event that the conceptual plan does not match the conditions of approval, the  
4 resolution of approval shall govern.

5 **Landscaping:**

6 76. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines  
7 and Specifications for Landscape Development (latest revision), Water Conservation  
8 Ordinance No.(s) 91-15 and 10-Ordinance 0412, Engineering criteria, City code and  
9 ordinances, including the maintenance of such landscaping, shall be reviewed and  
10 approved by the City Engineer prior to the issuance of building permits. Landscaping  
11 shall not be installed until bonds have been posted, fees paid, and plans signed for final  
12 approval. A landscape pre-construction meeting shall be conducted by the landscape  
13 architect of record, Public Works Inspector, developer or owner's representative and  
14 landscape contractor prior to commencement of the landscape and irrigation installation.  
15 The following landscaping requirements shall be required prior to plan approval and  
certificate of occupancy:

- 16 a) Final landscape plans shall accurately show placement of all plant material such  
17 as but not limited to trees, shrubs, and groundcovers.
- 18 b) Landscape Architect shall be aware of all utility, sewer, gas and storm drain lines  
19 and utility easements and shall place planting locations accordingly to meet City  
20 of Oceanside requirements.
- 21 c) All required landscape areas shall be maintained by owner (including public  
22 rights-of-way). The landscape areas shall be maintained per City of Oceanside  
23 requirements.
- 24 d) Proposed landscape species shall be native or naturalized to fit the site and meet  
25 climate changes indicative to their planting location. The selection of plant  
26 material shall also be based on cultural, aesthetic, and maintenance  
27 considerations. In addition proposed landscape species shall be low water users  
28 as well as meet all Fire Department requirements.  
29

- 1 e) All planting areas shall be prepared with appropriate soil amendments, fertilizers,  
2 and appropriate supplements based upon a soils report from an agricultural  
3 suitability soil sample taken from the site.
- 4 f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil  
5 from the sun, evapotranspiration and run-off. All the flower and shrub beds shall  
6 be mulched to a 3" depth to help conserve water, lower the soil temperature and  
7 reduce weed growth.
- 8 g) The shrubs shall be allowed to grow in their natural forms. All landscape  
9 improvements shall follow the City of Oceanside Guidelines.
- 10 h) Root barriers shall be installed adjacent to all paving surfaces, where a paving  
11 surface is located within 6 feet of a trees trunk on site (private) and within 10 feet  
12 of a trees trunk in the right-of-way (public). Root barriers shall extend 5 feet in  
13 each direction from the centerline of the trunk, for a total distance of 10 feet.  
14 Root barriers shall be 24 inches in depth. Installing a root barrier around the  
15 tree's root ball is unacceptable.
- 16 i) The existing bollards parallel to Cassidy Street, above the gunite retaining wall  
17 and street level shall remain in place and protected during construction activities.  
18 If damaged during construction, the bollards and chain shall be replaced in kind.
- 19 j) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall  
20 obtain Planning Division approval for these items in the conditions or application  
21 stage prior to 1st submittal of working drawings.
- 22 k) For the planting and placement of trees and their distances from hardscape and  
23 other utilities/structures the landscape plans shall follow the City of Oceanside's  
24 (current) Tree Planting Distances and Spacing Standards.
- 25 l) The four existing Washingtonia Robusta/Mexican Fan palms located above the  
26 gunite retaining wall and under the overhead wires shall be removed and  
27 replaced with three new Phoenix roebelenii/Pigmy Date palm trees. A minimum  
28 of 3-foot brown trunk height palms shall be required.
- 29 m) An automatic irrigation system shall be installed to provide coverage for all  
planting areas shown on the plan. Low volume equipment shall provide

1 sufficient water for plant growth with a minimum water loss due to water run-  
2 off.

3 n) Irrigation systems shall use high quality, automatic control valves, controllers  
4 and other necessary irrigation equipment. All components shall be of non-  
5 corrosive material. All drip systems shall be adequately filtered and regulated  
6 per the manufacturer's recommended design parameters.

7 o) All irrigation improvements shall follow the City of Oceanside Guidelines and  
8 Water Conservation Ordinance.

9 p) The landscape plans shall match all plans affiliated with the project.

10 77. Landscape plans shall comply with Biological and/or Geotechnical reports, as required,  
11 shall match the grading and improvement plans, comply with SWMP Best Management  
12 Practices and meet the satisfaction of the City Engineer.

13 78. Existing landscaping on and adjacent to the site shall be protected in place and  
14 supplemented or replaced to the satisfaction of the City Engineer.

15 79. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way  
16 and within any adjoining public parkways shall be permanently maintained by the  
17 owner, his assigns or any successors-in-interest in the property. The maintenance  
18 program shall include:

19 a) normal care and irrigation of the landscaping;

20 b) repair and replacement of plant materials (including interior trees and street  
21 trees);

22 c) irrigation systems as necessary;

23 d) general cleanup of the landscaped and open areas;

24 e) parking lots and walkways, walls, fences, etc.;

25 f) pruning standards for street trees shall comply with the International Society of  
26 Arboriculture (ISA) Standard Practices for Tree Care Operations – ANSI A300,  
27 Appendix G: Safety Standards, ANSI Z133; Appendix H; and Tree Pruning  
28 Guidelines, Appendix F (most current edition). Failure to maintain landscaping  
29 shall result in the City taking all appropriate enforcement actions including but  
not limited to citations. This maintenance program condition shall be recorded  
with a covenant as required by this resolution.

1 80. In the event that the conceptual landscape plan (CLP) does not match the conditions of  
2 approval, the resolution of approval shall govern.

3 PASSED AND ADOPTED Resolution No. 2012-P54 on November 19, 2012 by the  
4 following vote, to wit:

- 5 AYES:
- 6 NAYS:
- 7 ABSENT:
- 8 ABSTAIN:

9  
10 \_\_\_\_\_  
Tom Rosales, Chairperson  
Oceanside Planning Commission

11  
12 ATTEST:  
13  
14 \_\_\_\_\_  
Amy Fousekis, Secretary

15 I, AMY FOUSEKIS, Secretary of the Oceanside Planning Commission, hereby certify that this  
16 is a true and correct copy of Resolution No. 2012-P54.

17  
18 Dated: November 19, 2012  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**LEGAL DESCRIPTION**

**EXHIBIT "ONE"**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lot A in Block 5, 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.

Assessor's Parcel No: 153-251-20



# NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:  
Removal:  
(180 days)

1. **APPLICANT:** Mr. Louis Bergna
2. **ADDRESS:** 1801 S. Myers St
3. **PHONE NUMBER:** (951) 218-0817
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Amy Fousekis
6. **PROJECT TITLE:** RC10-00013, P10-00005 (Bergna Residences)
7. **DESCRIPTION:** The project involves demolition of 2 residential units and construction of two three-story single family condominium dwellings on a single lot at 1801 S. Myers St. Situated within the South Oceanside Neighborhood Planning Area and the Coastal Zone, the subject property bears a land use designation of High Density Residential and a zoning designation of Medium Density Residential (R-3).

**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. Based on this review, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- The project is categorically exempt as a Class 3, 15303 (a) for New Construction;
- "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 , \_\_\_\_ ( Sections 15260-15277); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Date: November 19, 2012

\_\_\_\_\_  
Amy Fousekis, Principal Planner

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



### Application for Public Hearing

Community Development Department / Planning Division  
(760) 435-3520  
Oceanside Civic Center 300 North Coast Highway  
Oceanside, California 92054-2885

**STAFF USE ONLY**

ACCEPTED

10-7-10

BY

RC

**Please Print or Type All Information**

HEARING

**PART I - APPLICANT INFORMATION**

1. APPLICANT

LOUIS BERGMA

2. STATUS

OWNER

3. ADDRESS

P.O. Box 20354  
RIVERSIDE CA 92516

4. PHONE/FAX/E-mail

951 218-0817

5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)

NORMAN C. WIEME

6. ADDRESS

325 W. THIRD AVE #204  
ESCONDIDO CA 92025

7. PHONE/FAX/E-mail

760 745 6125

**PART II - PROPERTY DESCRIPTION**

8. LOCATION

1801 S. MYERS OCEANSIDE

9. SIZE

6000 S.F.

10. GENERAL PLAN

UHD

11. ZONING

R-3 ✓

12. LAND USE

RESIDENTIAL

13. ASSESSOR'S PARCEL NUMBER

153-251-20-00

**PART III - PROJECT DESCRIPTION**

14. GENERAL PROJECT DESCRIPTION

MAJOR REMOVAL OF EXISTING 2 RESIDENCES

15. PROPOSED GENERAL PLAN

N/A

16. PROPOSED ZONING

N/A

17. PROPOSED LAND USE

N/A

18. NO. UNITS

2

19. DENSITY

2

20. BUILDING SIZE

3274

21. PARKING SPACES

4

22. % LANDSCAPE

45%

23. % LOT COVERAGE or FAR

55%

**PART IV - ATTACHMENTS**

24. DESCRIPTION/JUSTIFICATION

25. LEGAL DESCRIPTION

26. TITLE REPORT

27. NOTIFICATION MAP &amp; LABELS

28. ENVIRONMENTAL INFO FORM

29. PLOT PLANS

30. FLOOR PLANS AND ELEVATIONS

31. CERTIFICATION OF POSTING

32. OTHER (See attachment for required reports)

**PART V - SIGNATURES**

33. APPLICANT OR REPRESENTATIVE (Print):

NORMAN C. WIEME

34. DATE

10-7-10

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).

Sign:

35. OWNER (Print)

Louis H. Bergma

36. DATE

6/9/10

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Sign:

Louis H. Bergma

June 14, 2011

Re Proposed Development at 1801 and 18011/2 South Myers Street

Description and Justification Narrative

To Whom It May Concern:

We have owned the above named property for many years and purchased it with the intent of retirement in mind.

The minimum lot size in the R-3 zone is 6000 square feet even though density is allowed to one unit per 1000 square feet.

For our purposes we would like to develop the site with two units but not be a landlord and have to deal with a rental for the second unit. The solution to do this is a two unit, one lot condominium, which is allowed by City Codes. This is accomplished with a Parcel and Condo Map that divides the ownership into two legal areas on one site.

In order to maximize the ocean view it is most desirable to site the west house (18011/2) on the existing footprint. We are allowed to do this if we retain part of the existing structure and do a major remodel of that house. We have designed the structure that utilizes the north and east walls and parts of the concrete floor. The second house (1801) will not be a remodel and will conform to all the R-3 zoning setbacks and requirements.

We have designed two separate houses that conform to the present R-3 zone code with the necessary parking, setbacks, height limits, and other requirements, including parking in the driveways. Both houses will be three stories within the height limits allowed.

We are submitting a revised Tentative Map, with the completion of information and or corrections, that show the street and sidewalk improvements on S. Myers. We are also showing the upgrading of the public sidewalk to ADA standards These plans also show the topography of the existing site and the final drainage and grading plan per the State requirements.

We have included a Conceptual Landscape Plan that indicates areas of work, including the public right of way at Cassidy Ave. and the landscaping of them.

When we obtain the Coastal Review approval we will submit final structural drawing to the Building Division standards.

The underground of services will be done on site and the main services will conform to the City's Ordinances.

Sincerely

Norman C. Wieme Architect representing the owner Louis and Dana Bergna

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