

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2019-P07

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

6 APPLICATION NO: RC18-00008  
7 APPLICANT: Robert Sergeant  
8 LOCATION: 303 Eaton Street (APN: 155-034-09)

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

11 WHEREAS, there was filed with this Commission a verified petition on the forms prescribed  
12 by the Commission requesting a Regular Coastal Permit (RC18-00008) under the provisions of the  
City of Oceanside Local Coastal Program to permit the following:

13 to construct an addition to an existing 1,453-square-foot single-family residence and an  
14 accessory dwelling unit;  
15 on certain real property located at 303 Eaton Street;

16 WHEREAS, the Planning Commission, after giving the required notice, did on the 25<sup>th</sup> day  
17 of March, 2019 conduct a duly advertised public hearing as prescribed by law to consider said  
18 application;

19 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
20 Guidelines thereto; this project has been found to be categorically exempt from environmental  
21 review per Article 19, Class 1, Section 15301, "Existing Facilities; "

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

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

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|    |                             |                                 | <u>Current Estimate Fee or Calculation</u> |
|----|-----------------------------|---------------------------------|--------------------------------------------|
|    | <u>Description</u>          | <u>Authority for Imposition</u> | <u>Formula</u>                             |
| 1  |                             |                                 |                                            |
| 2  |                             |                                 |                                            |
| 3  | Inclusionary Housing        | Chapter 14C.9 of the MC         | \$1,000 per development plus \$100         |
| 4  | Administration Fee          | Resolution No. 03-R175-1        | per unit plus \$5.80 per sq. ft.           |
| 5  |                             | Resolution No. 11-R0483-1       |                                            |
| 6  | Drainage and Flood Control  | Ordinance No. 85-23             | \$467-\$6,191 per unit Residential         |
| 7  | Fee                         | Resolution No. 16-R0638-1       | \$.458-\$1.117 per SF Non-Res.             |
| 8  | Public Facility Fee         | Ordinance No. 91-09             | Residential: \$2,621 per dwelling          |
| 9  |                             | Resolution No. 15-R0638-1       | unit.                                      |
| 10 |                             |                                 | Non-Residential: \$0.902 per sq. ft.       |
| 11 |                             |                                 | or \$902 per 1,000 sq. ft.                 |
| 12 | Parks (Residential only)    | Ordinance No. 91-09             | \$4,431 per dwelling unit.                 |
| 13 |                             | Resolution No. 15-R0638-1       |                                            |
| 14 | School District Fee         | Ordinance No. 91-34             | \$3.20/sq. ft. Oceanside, Vista            |
| 15 | (Residential)               | OUSD Resolution No. 13          | \$3.79/sq. ft. Carlsbad                    |
| 16 |                             | (12-13)                         | \$3.36/sq. ft. Fallbrook                   |
| 17 |                             | CUSD Resolution No. 33-         |                                            |
| 18 |                             | 1516                            |                                            |
| 19 | School District Fee         | Ordinance No. 91-34             | \$0.51/sq. ft. Oceanside, Vista            |
| 20 | (Commercial/Industrial/     | OUSD Resolution No. 13          | \$0.61/sq. ft. Carlsbad                    |
| 21 | Senior Housing)             | (12-13)                         |                                            |
| 22 |                             | CUSD Resolution No. 33-         |                                            |
| 23 |                             | 1516                            |                                            |
| 24 | School District Fee         | CUSD Resolution No. 21-         | \$0.30/sq. ft. Carlsbad                    |
| 25 | (Hotel/Motel)               | 1314                            |                                            |
| 26 | Traffic Signal and          | Ordinance No. 87-19             | \$2,357-\$4,339 per dwelling unit          |
| 27 | Thoroughfare Fee            | Resolution No. 16-R0324-1       |                                            |
| 28 | (Single-Family Residential) |                                 |                                            |
| 29 | Traffic Signal and          | Ordinance No. 83-01             | \$2,357-\$2,893 per dwelling unit          |
| 30 | Thoroughfare Fee            | Resolution No. 16-R0324-1       |                                            |
| 31 | (Multi Family Residential)  | Resolution No. 12-R0626-1       |                                            |
| 32 | Wastewater System           | Oceanside MC §32.7.29           | \$7,794                                    |
| 33 | Capacity Buy-In Fee         | Resolution No. 87-97            |                                            |
| 34 | (Single-Family Residential) | Ordinance No.15-OR0479-1        |                                            |

| <u>Description</u>                                                                  | <u>Authority for Imposition</u> | <u>Current Estimate Fee or Calculation</u><br><u>Formula</u> |
|-------------------------------------------------------------------------------------|---------------------------------|--------------------------------------------------------------|
| Wastewater System<br>Capacity Buy-In Fees<br>(Non-Residential and Multi-<br>Family) | Oceanside MC §32.7.29           | 5/8" to 2" = \$7,794                                         |
|                                                                                     | Resolution No. 87-97            | 3/4" = \$11,691                                              |
|                                                                                     | Ordinance No.15-OR0479-1        | 1" = \$19,486                                                |
|                                                                                     |                                 | 1 1/2" = \$38,971                                            |
|                                                                                     |                                 | 2" = \$62,354                                                |
|                                                                                     |                                 | 3" = \$116,914                                               |
|                                                                                     |                                 | 4" = \$194,856                                               |
|                                                                                     |                                 | (see Water Utilities Dept. for other<br>meter costs)         |
|                                                                                     |                                 | (For larger meters, see Water<br>Utilities).                 |
| Water System Capacity<br>Buy-In Fees (Residential<br>and Non-Residential)           | Oceanside MC §37.7.37           | 5/8" = \$5,680                                               |
|                                                                                     | Resolution No. 87-96            | 3/4" = \$8,520                                               |
|                                                                                     | Ordinance No.15-OR0480-1        | 1" = \$14,200                                                |
|                                                                                     |                                 | 1 1/2" = \$28,400                                            |
|                                                                                     |                                 | 2" = \$45,440                                                |
|                                                                                     |                                 | (see Water Utilities Dept. for other<br>meter costs)         |

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;

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

1 described in this resolution begins on the effective date of this resolution and any such protest must  
2 be in a manner that complies with Section 66020;

3 WHEREAS, action on this resolution becomes final 20 days after its adoption, unless  
4 appealed to the City Council, and shall become effective after the 10 working-day appeal period to  
5 the Coastal Commission has expired; and

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

8 FINDINGS:

9 For the Regular Coastal Permit (RC18-00008):

- 10 1. The granting of the Regular Coastal Permit is consistent with the purposes of the  
11 California Coastal Act of 1976. The proposed two-story single-family residence and  
12 accessory dwelling unit are consistent with the Low Density Residential land use  
13 designation as depicted in the Local Coastal Program Land Use Map.
- 14 2. The proposed project is consistent with the policies of the Local Coastal Program and with  
15 the applicable provisions of the Zoning Ordinance, in that the project conforms with all  
16 applicable land use and development standards for the R-1 (Single-Family Residential)  
17 District.
- 18 3. The proposed project will not impact or obstruct any existing public views or planned  
19 public beach access, consistent with the policies of Chapter 3 of the Coastal Act.

20 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
21 approve Regular Coastal Permit (RC18-00008) subject to the following conditions:

- 22 1. This Regular Coastal Permit shall expire on March 25, 2021, unless implemented per the  
23 Zoning Ordinance or unless the Planning Commission grants a time extension.
- 24 2. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
25 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
26 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
27 annul an approval of the City, concerning Regular Coastal Permit (RC18-00008). The City  
28 will promptly notify the applicant of any such claim, action or proceeding against the City  
29 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.

- 1 3. Prior to the transfer of ownership and/or operation of the site, the owner shall provide a  
2 written copy of the applications, staff report and resolutions for the project to the new owner  
3 and/or operator. This notification's provision shall run with the life of the project and shall  
4 be recorded as a covenant on the property.
- 5 4. Prior to issuance of a building permit, the applicant and landowner shall execute and record  
6 a covenant, in a form and content acceptable to the City Attorney, providing that the property  
7 is subject to this resolution and all conditions of approval.
- 8 5. Failure to meet any conditions of approval for this development shall constitute a violation  
9 of the Regular Coastal Permit.

10 **Building:**

- 11 6. The granting of approval under this action shall in no way relieve the applicant/project from  
12 compliance with all State and local building codes.

13 2016 Triennial Edition of California Code of Regulations (CCR), Title 24

14 The 2016 triennial edition of the California Code of Regulations, Title 24 (California  
15 Building Standards Code) applies to all occupancies that applied for a building permit on  
16 or after January 1, 2017, and remains in effect until the effective date of the 2019 triennial  
17 edition which will be January 1, 2020. The California Building Standards Commission  
18 website at <http://www.bsc.ca.gov/codes.aspx> has links to where the codes can be viewed  
19 online as well as information on where the codes can be purchased; Parts 6, 11, and 12  
20 can be directly downloaded for free.

21 There are 12 parts to Title 24 and the applicable parts for most Building Division permit  
22 applications are listed below.

- 23 • Part 2: The 2016 California Building Code (CBC).
- 24 • Part 2.5: The 2016 California Residential Code (CRC).
- 25 • Part 3: The 2016 California Electrical Code (CEC).
- 26 • Part 4: The 2016 California Mechanical Code (CMC).
- 27 • Part 5: The 2016 California Plumbing Code (CPC).
- 28 • Part 6: The 2016 California Energy Code

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The 2016 CA Energy Code is based on the 2016 Building Energy Efficiency Standards, please visit the California Energy Commission website at <http://www.energy.ca.gov/title24/2016standards/> where additional information can be found and Compliance manuals can be downloaded for free. Also check [www.EnergyCodeAce.com](http://www.EnergyCodeAce.com) for helpful information on how to meet the requirements of Title 24, Part 6.

- Part 9: The 2016 California Fire Code (CFC)
- Part 11: The 2016 California Green Building Standards Code (CALGreen Code)  
This Part is known as the California Green Building Standards Code, and it is intended that it shall also be known as the CALGreen Code.
- Amendments to the City of Oceanside Administrative Code for Building Regulations

7. The building plans for this project shall be prepared by a licensed architect or engineer and shall be in compliance with this requirement prior to submittal for building plan review.
8. The building plan submittal shall include documentation for construction waste management per 2016 CALGreen section 4.408 Construction Waste Reduction, Disposal and Recycling. Documentation must be provided and the plans must be clearly noted as to which method in section 4.408 will be used, see section 4.408.5 Documentation.
9. 4.503.1 Any installed gas fireplace shall be a direct-vent sealed-combustion type. Any installed woodstove or pellet stove shall comply with U.S. EPA New Source Performance Standards (NSPS) emission limits as applicable, and shall have a permanent label indicating they are certified to meet the emission limits. Woodstoves, pellet stoves and fireplaces shall also comply with applicable local ordinances.
10. 4.406.1 Rodent proofing. Annular spaces around pipes, electric cables, conduits or other openings in plates at exterior walls shall be protected against the passage of rodents by closing such openings with cement mortar, concrete masonry or similar method acceptable to the enforcing agency.
11. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the plans.

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- 1 12. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation  
2 shall be required at time of plans submittal to the Building Division for plan check.
- 3 13. The existing garage that will be removed and used for the new habitable area must be  
4 waterproofed by a listed product or system.
- 5 14. A form or foundation survey shall be required prior to the placement of concrete to show  
6 the location of the new structure in respect to the property lines, known easements, and  
7 known setback lines. By obtaining a form survey the location of the foundation is checked  
8 prior to the placement of concrete, and can save costly corrective measures in case of an  
9 encroachment of a property line.
- 10 15. The developer shall monitor, supervise and control all building construction and  
11 supportive activities so as to prevent these activities from causing a public nuisance,  
12 including, but not limited to, strict adherence to the following:
- 13 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
14 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for  
15 work that is not inherently noise-producing. Examples of work not permitted on  
16 Saturday are concrete and grout pours, roof nailing and activities of similar noise-  
17 producing nature. No work shall be permitted on Sundays and Federal Holidays  
18 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and  
19 Christmas Day) except as allowed for emergency work under the provisions of the  
20 Oceanside City Code Chapter 38 (Noise Ordinance).
- 21 b) The construction site shall be kept reasonably free of construction debris as  
22 specified in Section 13.17 of the Oceanside City Code. Storage of debris in  
23 approved solid waste containers shall be considered compliance with this  
24 requirement. Small amounts of construction debris may be stored on-site in a neat,  
25 safe manner for short periods of time pending disposal.

26 **Engineering:**

- 27 16. Prior to any construction, obtain a right-of-way & Traffic Control Permit to close the  
28 driveway on Eaton Street.
- 29 17. Prior to any construction, obtain a right-of-way and Traffic Control Permit to build a new  
driveway on Broadway Street.

1 18. Comply with the sight distance requirements for the new project driveway on Broadway  
2 Street.

3 **Fire:**

4 19. Smoke and carbon monoxide alarms required on all levels in locations per California  
5 Residential Code.

6 20. Minimum four inches high building address numbers must be located on the dwelling and  
7 visible from Holly Street.

8 **Planning:**

9 21. This Regular Coastal Permit, as conditioned, approves the construction of a two-story  
10 addition and the conversion of an existing garage into an accessory dwelling unit as shown  
11 on the plans and exhibits presented to the Planning Commission for review and approval.  
12 No deviation from these approved plans and exhibits shall occur without Planning Division  
13 approval. Substantial deviations shall require a revision to the Regular Coastal Permit.

14 22. Elevations, exterior wall materials, colors, roofing materials and floor plans shall be  
15 substantially the same as those approved by the Planning Commission. These shall be shown  
16 on plans submitted to the Building Division and Planning Division.

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

22 24. The existing driveway apron and curb cut on Eaton Street shall be removed and replaced  
23 with concrete curb and gutter. The design and construction shall be in accordance with the  
24 standard plans and specifications of the City of Oceanside and subject to approval by the City  
25 Engineer.

26 25. All lighting showcasing building architecture shall be shown on the building plans.

27 26. All mechanical rooftop and ground equipment shall be screened from public view as required  
28 by the Zoning Ordinance, on all four sides and top. The roof jacks, mechanical equipment,  
29 screen and vents shall be painted with non-reflective paint to match the roof. This  
information shall be shown on the building plans.

27. Garage will be kept available for parking.

**Water Utilities:**

**General conditions:**

28. For developments requiring new water service or increased water service to a property, the landowner must enter into an agreement with the City providing for landowner's assignment of any rights to divert or extract local groundwater supplies for the benefit of the property to receive new or increased water service, in return for water service from the City, upon such terms as may be provided by the Water Utilities Director.
29. The developer will be responsible for developing all water and sewer utilities necessary to develop the property. Any relocation of water and/or sewer utilities is the responsibility of the developer and shall be done by an approved licensed contractor at the developer's expense.
30. All Water and Wastewater construction shall conform to the most recent edition of the *Water, Sewer, and Recycled Water Design and Construction Manual* or as approved by the Water Utilities Director.
31. The property owner shall maintain private water and wastewater utilities located on private property.
32. Water services and sewer laterals constructed in existing right-of-way locations are to be constructed by an approved and licensed contractor at developer's expense.
33. Each new residential dwelling unit shall be metered individually.
34. If fire sprinkler system is required by the Fire Department, then a dual check valve after the water meter must be installed.

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

35. Any water and/or sewer improvements required to develop the proposed property will need to be included in the engineering plans and designed in accordance with the *Water, Sewer, and Recycled Water Design and Construction Manual*.
36. Verify existing water service, water meter size, and location of sewer lateral prior to showing on engineering design plans.
37. If the existing water service connection is inadequate, then the Owner/Developer will be required to abandon the existing water service and hire a City-approved licensed contractor to construct a new one. This shall be shown on the engineering design plans.

1 38. Show any proposed or abandoned water services and sewer laterals on the engineering  
2 design plans.

3 39. Provide stationing and offsets for existing and proposed water service connections and  
4 sewer laterals on engineering design plans.

5 40. Any unused water services or sewer laterals by the proposed development or  
6 redevelopment, shall be abandoned in accordance with Water Utilities requirements.

7 **The following conditions of approval shall be met prior to building permit issuance:**

8 41. Show location and size of existing and/or proposed water meter(s) on site plan of building  
9 plans.

10 42. Show location and size of existing and/or proposed sewer laterals from property line to  
11 existing dwelling unit.

12 43. Show proposed size and location of private sub-meter for each residential unit on building  
13 plans. Location of private sub-meters are to be located such that they can be read and  
14 maintained without entering the premises.

15 44. Provide table of fixture count and flow calculations per the latest adopted California  
16 Plumbing Code to size water meter and service lines on building plans.

17 45. If a larger water meter is required, then the incremental increase in water and sewer buy-  
18 in fees between the existing and proposed meter sizes will be charged.

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1 46. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are  
2 to be paid to the City at the time of Building Permit issuance per City Code Section 32B.7.

3 PASSED AND ADOPTED Resolution No. 2019-P07 on March 25, 2019 by the following

4 vote, to wit:

5 AYES: Krahel, Goodkind, Balma, Balch and Rosales

6 NAYS: None

7 ABSENT: None

8 ABSTAIN: Busk

9   
10 Kyle Krahel, Chairperson  
Oceanside Planning Commission

11 ATTEST:

12   
13 Jeff Hunt, Secretary

14  
15 I, JEFF HUNT, Secretary of the Oceanside Planning Commission, hereby certify that this is a true  
16 and correct copy of Resolution No. 2019-P07.

17 Dated: March 25, 2019

18  
19 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may  
20 be required as stated herein:

21  
22 Applicant/Representative

23 Date

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

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

Lot 9 in St. Malo Terrace, in the City of Oceanside, County of San Diego, State of California, according to Map thereof No. 2743, filed in the office of the County Recorder of San Diego County, January 24, 1951, together with that portion of the Northeasterly 10 feet of Broadway Adjacent to Lot 9, as vacated and described in an instrument recorded December 30, 1991 as Instrument No. 91-677342 of Official Records.

**APN: 155-034-09-00**



## NOTICE OF EXEMPTION

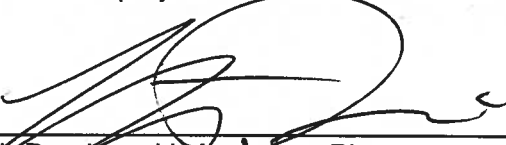
City of Oceanside, California

Post Date:  
Removal:  
(180 days)

1. **APPLICANT:** Robert Sergeant
2. **ADDRESS:** 303 Eaton Street, Oceanside, CA 92054
3. **PHONE NUMBER:** (760) 579-3996; Applicant Rep.- Andrew Carlos, AIA
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Rob Dmohowski, Associate Planner
6. **PROJECT TITLE:** Sergeant Residence
7. **DESCRIPTION:** A request for approval of Regular Coastal Permit (RC18-00008) to construct and addition and remodel an existing 1,453 square-foot single-family residence, including a second story addition and an accessory dwelling unit, located at 303 Eaton Street. The project site is zoned R-1 (Single-Family Residential) and is situated within the South Oceanside Neighborhood Planning Area and the Appealable Area of the Coastal Zone.

**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 1, "Existing Facilities," Section 15301; 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 \_\_\_\_\_, \_\_\_\_\_ ; or,
- ☐ The project does not constitute a "project" as defined by CEQA (Section 15378).

  
\_\_\_\_\_  
Rob Dmohowski, Associate Planner

Date: March 25, 2019

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