ITEM NO. 17

STAFF REPORT

CITY OF OCEANSIDE

DATE: January 14, 2009

TO: Chairman and Members of the Community Development Commission

FROM: Economic and Community Development Department

SUBJECT: **CONSIDERATION OF A RESOLUTION APPROVING A REGULAR COASTAL PERMIT (RC-206-08) FOR THE CONSTRUCTION OF TWO DECKS TOTALING APPROXIMATELY 850 SQUARE FEET ON AN EXISTING RESIDENTIAL DUPLEX LOCATED AT 909 NORTH PACIFIC STREET - NEUMEYER RESIDENCE - APPLICANT: ED NEUMEYER**

SYNOPSIS

The item under consideration is a Regular Coastal Permit for the construction of two decks totaling approximately 850 square feet on an existing residential duplex located at 909 North Pacific Street. Staff is recommending that the Commission approve the project and adopt the resolution as attached.

BACKGROUND

The subject site consists of an existing legal parcel totaling 5,000 square feet in size that was part of the original Townsite Annex recorded in 1904. The subject site currently maintains a 2,400-square-foot residential duplex built in 1953.

The topography on the eastern portion of the subject site is relatively flat; however, the grade drops steeply down the western bluff approximately 20 feet in a southwesterly direction.

The subject site is situated within the North Pacific Street neighborhood, which consists of a mixture of single-family homes, condominiums and old apartment buildings.

Land Use and Zoning: The subject site is located within Subdistrict 5 of the "D" Downtown District. Subdistrict 5 is primarily intended to provide a high-density residential neighborhood in an urban setting in close proximity to shopping, employment, transportation and recreational facilities. The maximum density for this zone is 43 dwelling units per acre and the subject site has a density of 17.4 dwelling units per acre.

Regular Coastal Permit: This project is situated within the Coastal Zone and requires a Regular Coastal Permit. Under the provisions of the Local Coastal Plan the project site is designated as High-Density Residential. Multifamily and single-family are primarily the uses allowed within this land use designation. The proposed project is not subject to the

low/moderate replacement housing requirement because the project is not adding any units.

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

Project Description: The project proposes the construction of two decks totaling approximately 850 square feet on an existing two-story residential duplex located at 909 North Pacific Street. The proposed lower level deck is 460 square feet in size and extends approximately 12 feet westward from the existing building. This proposed deck is approximately 12 feet above grade and cantilevers over the steep slopes of the existing bluff located in the western portion of the subject site. Access to this deck will be from the living room. The proposed second story deck is 375 square feet in size and extends approximately 5 feet westward of the existing building. This deck will be accessed near the stairway adjacent to the bedroom. Both decks consist of steel framing with composite decking and cable railings.

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

	MINIMUM REQUIRED	PROPOSED
LOT SIZE	5,000 s.f.	5,000 s.f.
SETBACKS Front Side Rear	 10 feet 3 feet 5 feet	 16 feet 5.5 feet 25 feet
BUILDING HEIGHT	27 feet (Maximum)	20 feet

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

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

ANALYSIS

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

Staff's concerns centered on the project's compatibility with the existing building architecture. The proposed balcony and railings will match the existing design of the building. Staff believes that the proposed project is consistent with the existing building as well as the surrounding neighborhood.

Redevelopment Plan: Section 301 of the Redevelopment Plan states that the Agency proposes to eliminate and prevent the spread of blight and deterioration by redevelopment of land through private enterprises. The proposed project is consistent with the Redevelopment Plan in that it renovates the existing residential duplex by providing new balconies thereby making the existing building more economically viable.

Local Coastal Plan: Staff's review of the project examined the consistency of the development with the underlying zoning regulations and policies of the Local Coastal Program. The existing residential duplex will remain unchanged with the exception of the proposed decks and railings. The decks will be set back 25 feet from the rear property line, therefore, public view impacts from either the existing northern or southern properties adjacent to the subject site, will be minimal.

In conclusion, staff believes that the project meets the intent of the Redevelopment Plan and the underlying subdistrict goals, which encourages the development of residential uses. The proposed balconies are consistent with the existing building design as well as the surrounding neighborhood. The project is also consistent with the land use policies of the Local Coastal Plan.

COMMISSION OR COMMITTEE REPORTS

The Redevelopment Advisory Committee (RAC) approved the project on December 10, 2008 by a 7-0 vote with an added condition that should the bluff landscaping be removed due to construction, the bluff slope shall be re-vegetated. This condition has been added.

FISCAL IMPACT

Not applicable.

CITY ATTORNEY'S ANALYSIS

Pursuant to Public Resources Code 30200 et seq., and the City of Oceanside Local Coastal Program Land Use Plan, the Community Development Commission is authorized to hold a public hearing on this project's applications. Consideration of the project should be based on the evidence presented at the public hearing. After conducting the public hearing, the Commission shall approve, conditionally approve, or disapprove the project. The resolution has been reviewed and approved as to form by the City Attorney.

RECOMMENDATION

Staff recommends that the Commission adopt the resolution approving the construction of two decks totaling approximately 850 square feet for an existing residential duplex located at 909 North Pacific Street.

PREPARED BY:

Shan Babick
Associate Planner

SUBMITTED BY:

Peter A. Weiss
Executive Director

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
Jane McVey, Economic and Community Development Director
Kathy Baker, Redevelopment Manager

EXHIBITS/ATTACHMENTS

1. Resolution
2. Notice of Exemption
3. Site Plan / Floor Plans / Elevations
4. Letter dated December 9, 2008

RESOLUTION NO. 09-

A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE APPROVING A REGULAR COASTAL PERMIT FOR THE CONSTRUCTION OF TWO DECKS TOTALING APPROXIMATELY 850 SQUARE FEET TO AN EXISTING RESIDENTIAL DUPLEX LOCATED AT 909 NORTH PACIFIC STREET – APPLICANT: ED NEUMEYER

WHEREAS, on January 14, 2009, the Community Development Commission held its duly noticed public hearing, and considered an application for a Regular Coastal Permit (RC-206-08) for the construction of two decks totaling approximately 850 square feet to an existing residential duplex located at 909 North Pacific Street;

WHEREAS, the Redevelopment Advisory Committee (RAC) of the City of Oceanside did, on December 10, 2008, recommend approval of Regular Coastal Permit (RC-206-08);

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

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

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

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

NOW, THEREFORE, the Community Development Commission of the City of Oceanside does resolve as follows:

For the Regular Coastal Permit:

1. The granting of the Regular Coastal Permit is consistent with the purposes of the California Coastal Act of 1976. The proposed 850 square foot deck addition provides a 25-foot rear yard setback, therefore, public view impacts from either the northern or southern properties

will be minimal. The project does not impede public access because the subject site is located in the center of the block.

2. The proposed project is consistent with the policies of the Local Coastal Program as implemented through the City Zoning Ordinance by not impeding public coastal views and public access. The project will not substantially alter or impact the existing coastal views through the public rights-of-way view corridors because the proposed additions will not alter the existing roofline nor will it add any living area and the subject site is located near the middle of the block. In addition, the proposed decks will be setback 25-feet from the rear property line, therefore, public view impacts from either the northern or southern properties adjacent to the subject site, will be minimal.

3. The proposed project will not obstruct any existing or planned public beach access; therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act. The subject site is located near the middle of the block and on the east side of North Pacific Street, therefore, the proposed project will not obstruct and/or block any existing and/or proposed public beach access.

SECTION 1. That Regular Coastal Permit (RC-206-08) is hereby approved subject to the following conditions:

Building:

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Department plan check (Currently the 2007 California Building Code and 2007 California Electrical Code).

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

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

a) Building construction work hours shall be limited to between 7 a.m. and 6 p.m. Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be

permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38. (Noise Ordinance)

b) The construction site shall be kept reasonably free of construction debris as specified in Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste containers shall be considered compliance with this requirement. Small amounts of construction debris may be stored on-site in a neat, safe manner for short periods of time pending disposal.

4. Structural calculations will be required at time of plans submittal to the Building Department for plan check.

5. Setbacks and type of construction shall comply with the 2007 California Building Code. Exterior opening less than five feet from the property line shall be protected per table 704.8 of the CBC. Exterior walls less than five feet to the property line shall be one hour rated per table 602 of the CBC.

6. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the plans.

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

Economic/Redevelopment :

8. This Regular Coastal Permit (RC-206-08) shall expire on January 14, 2011, unless implemented as required by the Zoning Ordinance.

9. This Regular Coastal Permit approves only the construction of two decks totaling approximately 850 square feet to an existing residential duplex as shown on the plans and exhibits presented to the Community Development Commission for review and approval. No deviation from these approved plans and exhibits shall occur without Economic and Community Development Department approval. Substantial deviations shall require a revision to the Regular Coastal Permit or a new Regular Coastal Permit.

10. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or

proceeding against the City, its agents, officers, or employees to attack, set aside, void or annual approval of the City, concerning Regular Coastal Permit (RC-206-08). The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

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

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

13. 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.

14. Failure to meet any conditions of approval for this development shall constitute a violation of Regular Coastal Permit (RC-206-08).

15. 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.

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

17. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially the same as those approved by the Community Development Commission. These shall be shown on plans submitted to the Building Division and Economic and Community Development Department.

18. The proposed decks shall not be converted into living area without approval of a Regular Coastal Permit.

19. Should landscaping located on the slope be removed due to construction of the deck, the slope shall be re-vegetated.

PASSED AND ADOPTED by the Oceanside Community Development Commission of the City of Oceanside this _____day of _____ 2008 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

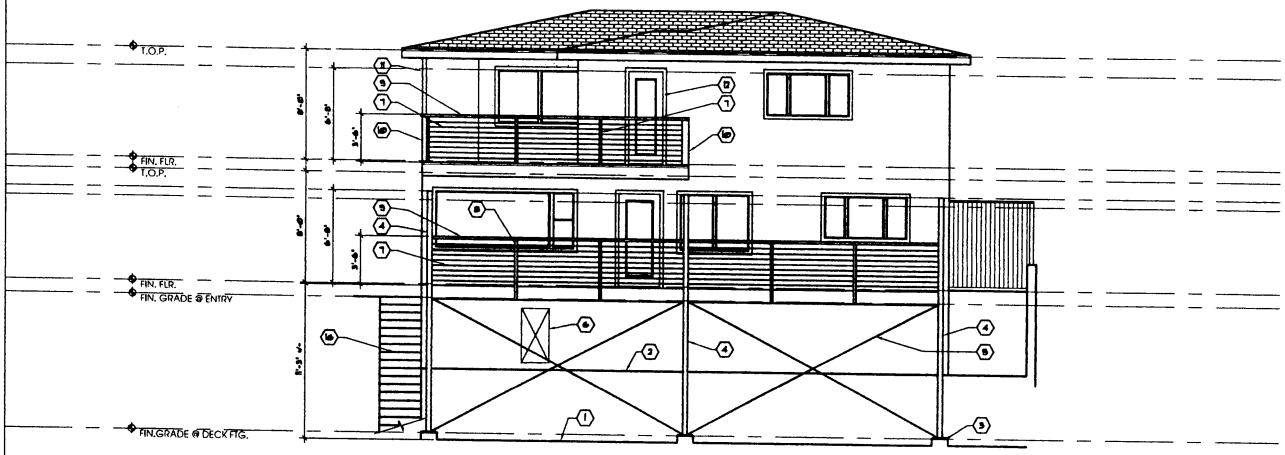
_____
Chairman

ATTEST:

_____
Secretary

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

by _____
General Counsel



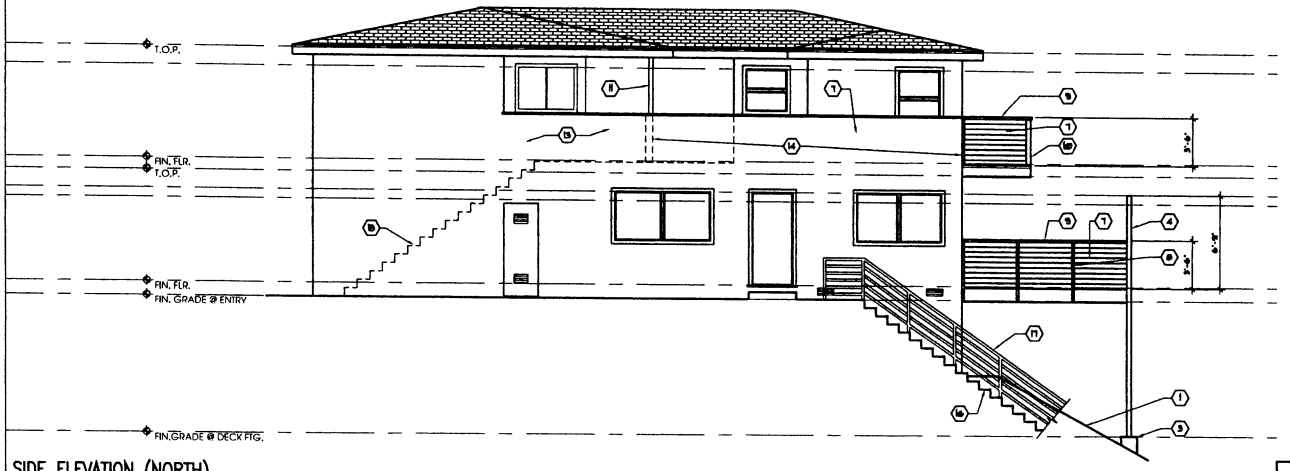
REAR ELEVATION (WEST)

1/4" = 1'-0" 6

KEY NOTES

1. LINE OF FINISHED GRADE @ DECK FTG.
2. LINE OF FIN. GRADE @ REAR OF BLDG.
3. CONC. FTG. AND PIER SUPPORTING STL. TUBE COL.
4. 4" SQ. STL. TUBE COLUMN EXTENDING FULL HT. FROM FOUNDATION TO 8'-8" A.F.F. (TYP. OF 3)
5. STL. TENSION CABLES
6. EXIST. UNDERFLOOR CRAWL SPACE ACCESS
7. STAINLESS STL. ROD RAILING SPACED SUCH THAT A 4"ø SPHERE CANNOT PASS THROUGH ANY OPENING
8. 2" SQ. STL. TUBE INTERMEDIATE RAIL SUPPORT, 42" HT.
9. 2" x 2" STL. TUBE TOP CAP
10. 4" SQ. STL. TUBE COLUMN AT DECK CORNERS
11. EXIST. 4x4 WD. SUPPORT POST TO REMAIN
12. NEW 2'-6" x 6'-8" DOOR FOR ACCESS TO UPPER DECK FROM RESIDENCE
13. EXIST. WD. FRAMED SOLID GUARDRAIL W/ EXT. STUCCO FINISH
14. EXTENSION OF SOLID GUARDRAIL @ NEW DECK
15. EXIST. ACCESS STAIRCASE TO UPPER LEVEL (BEYOND)
16. EXIST. CONC. STAIRWAY W/ HANDRAIL TO LOWER YARD AND PATIO

ELEVATION NOTES 2



SIDE ELEVATION (NORTH)

1/4" = 1'-0" 8

4

Architectural Drafting Services

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Neumeyer
Deck Addition

Ed Neumeyer
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760.250.5050

revisions:

1
2
3

job no.: 08012
date: 27 SEPT 2008
title: ELEVATIONS

A 3.1

CITY OF OCEANSIDE
PLANNING DEPARTMENT

NOTICE OF EXEMPTION

TO: X RECORDER/COUNTY CLERK
COUNTY OF SAN DIEGO
P.O. BOX 1750
SAN DIEGO, CA 92112-4147

PROJECT TITLE AND FILE NUMBER:
REGULAR COASTAL PERMIT (RC-206-08) FOR THE CONSTRUCTION OF TWO DECKS TOTALING 850 SQUARE FEET FOR AN EXISTING RESIDENTIAL DUPLEX LOCATED AT 909 NORTH PACIFIC STREET

PROJECT LOCATION - SPECIFIC:
909 North Pacific Street

PROJECT LOCATION - GENERAL:
N. Pacific & Neptune Way

REGULAR COASTAL PERMIT (RC-206-08)

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:
For the construction of two decks totaling 850 square feet for an existing residential duplex located at 909 North Pacific Street.

NAME OF PUBLIC AGENCY APPROVING PROJECT:
City of Oceanside
NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:
Tim Mazy
1637 Winterwarm Road
Fallbrook, CA 92028
(760) 390-9513

Exempt Status per the Guidelines to Implement the California Environmental Quality Act (CEQA)
(Public Resources Code Section 21000 et. al.):

__NOT SUBJECT TO CEQA PER THE GENERAL RULE, SECTION 15061(B)(3)

_STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

X _CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION 15301(b)

REASONS WHY PROJECT IS EXEMPT:
The proposed project is a Regular Coastal Permit for the construction of two decks totaling 850 square feet located at 909 North Pacific Street. The subject site is less than 5-acres in size; therefore, it is exempt from environmental review.

Contact Person: Shan Babick, Associate Planner

December 2, 2008
SIGNATURE DATE
For: Jerry Hittleman, Planning Director