STAFF REPORT

ITEM NO. 11

CITY OF OCEANSIDE

DATE: January 5, 2011

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF AN APPEAL TO A REGULAR COASTAL PERMIT (RC10-00007) FOR THE CONSTRUCTION OF A 232-SQUARE-FOOT DECK EXPANSION ATTACHED TO AN EXISTING DECK AT THE WESTERN BUILDING ELEVATION LOCATED AT 1011 SOUTH PACIFIC STREET – DILLON RESIDENCE- APPLICANT: KIM DILLON**

SYNOPSIS

The item under consideration is an appeal of the Planning Commission decision to approve a 232-square foot deck addition attached to the first level of an existing single-family residence located at 1011 South Pacific Street. Staff is recommending that the City Council affirm the Planning Commission's decision and adopt the resolution.

BACKGROUND

The item under consideration is a review of the Planning Commission's decision approving Regular Coastal Permit (RC10-00007) by a 6-0 vote on September 13, 2010. The proposal involves the expansion of an existing 96-square-foot deck accessed through the first-level dining area by 232 square feet to the west and south.

The project was appealed on October 7, 2010, by an interested party. The required appeal fee was received and a letter of appeal (Attachment No. 5) describing reasons for denial was submitted to the City Clerk's Office within the 10-day appeal period.

Site Review: This 3,750-square-foot lot accommodates a two-story, 3,066-square-foot single-family residence with a basement. The legal lot is substandard in width and area per the 1986 zoning code.

The General Plan Land Use designation is Urban High Density Residential (UHD-R) and the corresponding zoning classification is RT (Residential Tourist Zone). Being situated within the coastal zone, the project requires a Regular Coastal Permit. The property is also within the "appeal jurisdiction" of the local coastal zone. Under the certified Local Coastal Program (LCP), any local action by the City on this proposed coastal development permit may be appealed to the California Coastal Commission.

The surrounding land uses include a mix of single-family detached residential development, multifamily apartments to the north, south and east, and the Pacific Ocean to the west.

Project Description: The project consists of a Regular Coastal Permit (RC10-00007) to allow the following:

> This project would allow the construction of an approximately 232-square-foot deck expansion attached to the first level of an existing single-family residence located at 1011 South Pacific Street. The balcony deck would be an expansion to the existing 96-square-foot deck accessed through the first-level dining area. The deck will be constructed at a height of 13.5 feet with 3.5 feet of this height consisting of glass railing. The proposed deck would be an extension to the existing deck westward approximately 8 feet from the face of the building. The property owner has angled the southern portion of the deck at a 45-degree away from the southern elevation, to reduce potential visual impacts from the adjoining property to the south.

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

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

Environmental Issues: The proposed project is categorically exempt pursuant to Class 3, New Construction or Conversion of Small Structures, Section 15303(a) of the California Environmental Quality Act.

ANALYSIS

Call for Appeal of the Planning Commission Decision by a member of the general public

Listed below are the issues raised by the Appellant, along with staff's response to each issue. Staff reviewed the issues and believes that each of the concerns raised were addressed during staff's review of the proposed project. As designed and conditioned, the project proposes a high-quality deck addition to an existing single-family home that is consistent with the Land Use Element of the General Plan, the Zoning Ordinance, and the Local Coastal Program.

Issues

1) The proposed deck and the intended use will substantially impair the appellant's view of the pier from their first and second floors of their existing residence located at 1015 South Pacific Street.

The zoning ordinance in effect in the Coastal Zone is the 1986 Zoning Ordinance, which states in Section 1703 (e) that decks, balconies, and other appurtenances are allowed to extend seaward of the stringline setback line, providing that they do not substantially impair the views from adjoining properties.

The proposed 232-square-foot deck expansion has been designed in a manner to ensure that public and private views from properties to the south would be minimal. This balcony deck would be an expansion to the existing 96-square-foot deck accessed through the first-level dining area. The vertical deck elements would be mostly transparent, through the use of a glass railing and narrow posts. The existing home located to the south at 1015 South Pacific Street exists further westward than the established stringline and the proposed deck. The neighboring property extends approximately 15 feet further westward than the existing residence located at 1011 South Pacific Street. The proposed deck would be set back at least seven feet from the adjoining property's deck to the south. Therefore, the proposed deck would have a minimal effect on views toward the pier from the property to the south.

2) The construction of the deck past the established stringline is not consistent with the Coastal Commission's intended use of the 1992 regulations for the established stringline.

The 1986 Oceanside Zoning Ordinance is in effect for those areas in the Coastal Zone. Again, the 1986 Oceanside Zoning Ordinance Section 1703 (e) allows decks, balconies, and other appurtenances to extend seaward of the stringline setback line, providing that they do not substantially impair the views from adjoining properties. The Local Coastal Program's established stringline exists directly 1'-6' to the west from the existing home, and the proposed deck would encroach 6'-6" into the established stringline. The proposed deck would not extend westward beyond the neighboring property's building footprint to the south. Please see the attached photographs that show the project site and property to the south.

3) The City of Oceanside Zoning Ordinance does not allow windows opposite or adjacent to one another. Why then allow a deck opposite of a bedroom window?

The appellant references the 1992 Oceanside Zoning Ordinance. However, the 1986 Zoning Ordinance is in effect, which does not include a restriction on windows being placed opposite or adjacent to one another.

FISCAL IMPACT

The applicant has paid all fees required for the consideration of this application.

COMMISSION OR COMMITTEE REPORT

The Planning Commission reviewed the project on September 13, 2010. After hearing public testimony from area residents, as well as the applicant, the Commission unanimously approved the project by a 7-0 vote. Commissioners indicated that the project site is physically suitable for the proposed development. The Commissioners stated that the project did provide adequate evidence that all of the development regulations were being met and found the project to be consistent with adopted regulations. Overall, the commission found the project to meet the standards for development established by the Zoning Ordinance, General Plan, and Local Coastal Program and found the project to be compatible with the surrounding homes in the surrounding neighborhood.

CITY ATTORNEY'S ANALYSIS

The City Attorney's Office has reviewed the proposed resolution and approved it as to form.

In accordance with Section 4605 of the Zoning Ordinance, the City Council shall consider the same application, plans, and related project materials that were the subject of the original decision approving the project by the Planning Commission.

The City Council shall review the record of the decision and hear testimony from staff, the applicant, and/or any interested parties.

After the public hearing, the City Council shall affirm, modify or reverse the Planning Commission's decision. If a decision is modified or reversed, the City Council shall state the specific reasons for the modification or reversal.

RECOMMENDATION

Staff has reviewed the issues raised under the appeal and believes that all of the concerns have been thoroughly addressed through the findings and conditions of approval as part of Resolution 2010-P30. It is staff's recommendation that the City Council support the Planning Commission's decision and approve the project based on the findings contained in the attached City Council resolution.

PREPARED BY

Scott Nightingale
Planner II

SUBMITTED BY

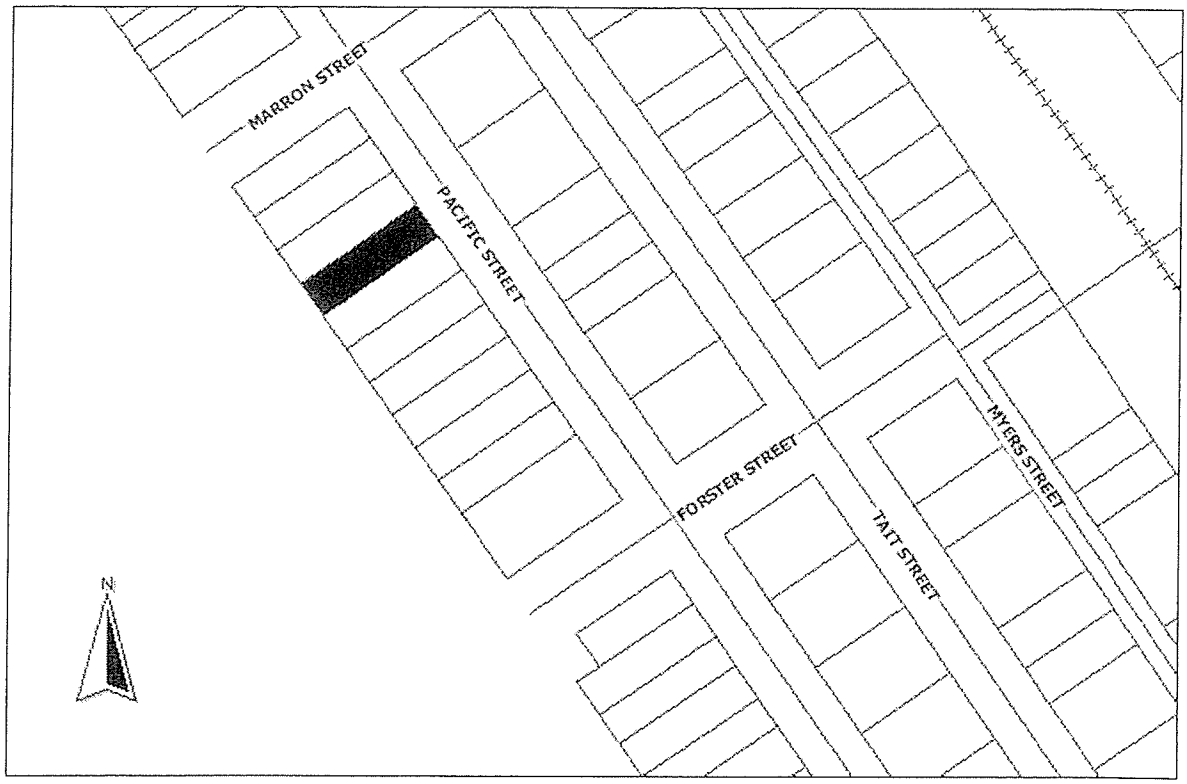
Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
George Buell, Development Services Director
Jerry Hittleman, City Planner

ATTACHMENTS:

1. Area Map, Site Plan
2. City Council Resolution for Approval
3. Planning Commission Resolution No. 2010-P30
4. Planning Commission Staff Report Dated September 13, 2010
5. Reason for appeal



File Number: RC10-00007

Applicant: Kim Dillon

Description:

REGULAR COASTAL PERMIT (RC10-00007) for the construction of a 248-square foot deck expansion attached to an existing deck at the western building elevation located at 1011 South Pacific Street. The project site is zoned RT (Residential Tourist District) and is within the Townsite Neighborhood and the Coastal Zone. – **DILLON RESIDENCE @ 1101 S. Pacific Street**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

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

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE SUPPORTING PLANNING COMMISSION RESOLUTION NO. 2010-P30 AND APPROVING A REGULAR COASTAL PERMIT (RC10-00007) FOR THE EXPANSION OF AN EXISTING REAR DECK BY 248 SQUARE FEET TO AN EXISTING SINGLE-FAMILY RESIDENCE LOCATED AT 1011 SOUTH PACIFIC STREET

(Kim Dillon - Applicants)

WHEREAS, an application was filed for a Regular Coastal Permit (RC10-00007) for a 248-square foot deck addition to an existing single-family residence;

WHEREAS, on September 13, 2010, the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, adopted Resolution No. 2010-P30, approving said Regular Coastal Permit (RC10-00007);

WHEREAS, an appeal of the Planning Commission's decision was timely filed by the appellant requesting to review the Planning Commission decision;

WHEREAS, on January 5, 2011, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered evidence and testimony by all interested parties concerning the review of the Planning Commission approval on the above identified Regular Coastal Permit; and

WHEREAS, based on such evidence, testimony and staff reports, this Council makes the findings of fact as set forth in Planning Commission Resolution No. 2010-P30 as attached hereto as Exhibit "A", and incorporates them by reference as if fully set forth herein;

WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and the State Guidelines thereto as amended to date, and approved by the Planning Commission in conjunction with its actions on the applications

NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

1. The Council supports the Planning Commission action of September 13, 2010 and the application for Regular Coastal Permit (RC10-00007) and Resolution No. 2010-P30 attached hereto as Exhibit "A" and incorporated herein by this reference;

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2. Pursuant to CCP Section 1094.6 (f), notice is hereby given that the time within which judicial review must be sought on this decision is governed by CCP Section 1094.6 as set forth in Oceanside City Code Section 1.10.

PASSED and ADOPTED by the City Council of the City of Oceanside, California this ____day of _____, 2011 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Mayor of the City of Oceanside

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

_____
City Attorney

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE SUPPORTING PLANNING COMMISSION RESOLUTION NO. 2010-P30 AND APPROVING A REGULAR COASTAL PERMIT (RC10-00007) FOR THE EXPANSION OF AN EXISTING REAR DECK BY 248 SQUARE FEET TO AN EXISTING SINGLE-FAMILY RESIDENCE LOCATED AT 1011 SOUTH PACIFIC STREET

Exhibit A

PLANNING COMMISSION
RESOLUTION NO. 2010-P30

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

APPLICATION NO:	RC10-00007
APPLICANT:	Kim Dillon
LOCATION:	1011 South Pacific Street

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Regular Coastal Permit (RC-3-09) under the provisions of Article 32 of the Zoning Ordinance of the City of Oceanside to permit the following:

construction of a 232-square foot (8' x 31') deck expansion attached to the first level of the western elevation to an existing single-family residence located at 1011 South Pacific Street;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 27th day of September, 2010 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be exempt per Article 19, Section 15303 (b) from environmental review;

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

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

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Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is $2,843-$15,964 per acre)
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
School Facilities Mitigation Fee	Ordinance No. 91-34	$.42 per square foot non-residential for Oceanside ($.42 for Vista and Fallbrook) $2.63 per square foot residential ($2.63 for Vista; $2.63 for Fallbrook)
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)
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically $4,597 per unit; Non-residential is $36,775 for a 2" meter.
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Residential is typically $6,313 per unit; Non-residential is $50,501 for a 2" meter.
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.

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

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

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

FINDINGS:

For the Regular Coastal Permit:

1. The proposed deck expansion to an existing permitted single-family residence is consistent with the land use policies of the Local Coastal Program as implemented through the Zoning Ordinance. Specifically, the project will not substantially alter or impact existing public views of the coastal zone area and the physical aspects of the project are consistent with existing development on neighboring sites.
2. The proposed deck expansion will not obstruct any existing, planned, or required public beach access; therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act.
3. The project will not result in the loss of any on street public parking spaces, as the 232-square foot deck addition will not trigger additional parking or take away from the existing parking fronting the project site.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve Regular Coastal Permit (RC10-00007) subject to the following conditions:

Building:

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Division plan check. (As of January 1, 2008 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. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the plans.
4. The developer shall monitor, supervise and control all building construction and supporting activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence to the following:
   a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 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.
5. For all new construction, setbacks and Type of Construction must comply with the 2007 California Building Code. New Exterior openings less than five feet from the property line must be protected per table 704.8 of the CBC. New Exterior walls less than five feet to the property line must be one hour rated per Table 602 of the CBC.

Fire:

6. Fire Department requirements shall be placed on plans in the notes section.

Planning:

7. This Regular Coastal Permit shall expire on September 27, 2013, unless implemented per the Zoning Ordinance or unless the Planning Commission grants a time extension.

8. This Regular Coastal Permit approves only a 232-square foot deck expansion to an existing 96-square foot first level deck at the western elevation of the existing home, as presented to the Planning Commission for review and approval. No deviation from these approved plans and exhibits shall occur without Planning Division approval. Substantial deviations shall require a revision to the Regular Coastal Permit or a new Regular Coastal Permit.

9. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Regular Coastal Permit (RC10-00007). 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.

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

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

14. 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.

15. Failure to meet any conditions of approval for this development shall constitute a violation of the Regular Coastal Permit.

16. 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.

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

18. The 248-square foot addition shall be substantially the same material, colors, and design as the existing deck and the single-family residence.

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19. 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.

PASSED AND ADOPTED Resolution No. 2010-P30 on September 27, 2010 by the following vote, to wit:

AYES: Neal, Rosales, Troisi, Balma, Bertheaud and Scrivener
NAYS: None
ABSENT: Martinek
ABSTAIN: None

Robert Neal, Chairperson
Oceanside Planning Commission

ATTEST:

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2010-P30.

Dated: September 27, 2010

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

Applicant/Representative

Date

PLANNING COMMISSION
RESOLUTION NO. 2010-P30

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

APPLICATION NO:	RC10-00007
APPLICANT:	Kim Dillon
LOCATION:	1011 South Pacific Street

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WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Regular Coastal Permit (RC-3-09) under the provisions of Article 32 of the Zoning Ordinance of the City of Oceanside to permit the following:

construction of a 232-square foot (8' x 31') deck expansion attached to the first level of the western elevation to an existing single-family residence located at 1011 South Pacific Street;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 27th day of September, 2010 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be exempt per Article 19, Section 15303 (b) from environmental review;

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

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

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Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
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Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is $2,843-$15,964 per acre)
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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.

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

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

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

FINDINGS:

For the Regular Coastal Permit:

1. The proposed deck expansion to an existing permitted single-family residence is consistent with the land use policies of the Local Coastal Program as implemented through the Zoning Ordinance. Specifically, the project will not substantially alter or impact existing public views of the coastal zone area and the physical aspects of the project are consistent with existing development on neighboring sites.
2. The proposed deck expansion will not obstruct any existing, planned, or required public beach access; therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act.
3. The project will not result in the loss of any on street public parking spaces, as the 232-square foot deck addition will not trigger additional parking or take away from the existing parking fronting the project site.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve Regular Coastal Permit (RC10-00007) subject to the following conditions:

Building:

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Division plan check. (As of January 1, 2008 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. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the plans.
4. The developer shall monitor, supervise and control all building construction and supporting activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence to the following:
   a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 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.
5. For all new construction, setbacks and Type of Construction must comply with the 2007 California Building Code. New Exterior openings less than five feet from the property line must be protected per table 704.8 of the CBC. New Exterior walls less than five feet to the property line must be one hour rated per Table 602 of the CBC.

Fire:

6. Fire Department requirements shall be placed on plans in the notes section.

Planning:

7. This Regular Coastal Permit shall expire on September 27, 2013, unless implemented per the Zoning Ordinance or unless the Planning Commission grants a time extension.

8. This Regular Coastal Permit approves only a 232-square foot deck expansion to an existing 96-square foot first level deck at the western elevation of the existing home, as presented to the Planning Commission for review and approval. No deviation from these approved plans and exhibits shall occur without Planning Division approval. Substantial deviations shall require a revision to the Regular Coastal Permit or a new Regular Coastal Permit.

9. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Regular Coastal Permit (RC10-00007). 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.

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

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

14. 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.

15. Failure to meet any conditions of approval for this development shall constitute a violation of the Regular Coastal Permit.

16. 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.

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

18. The 248-square foot addition shall be substantially the same material, colors, and design as the existing deck and the single-family residence.

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19. 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.

PASSED AND ADOPTED Resolution No. 2010-P30 on September 27, 2010 by the following vote, to wit:

AYES: Neal, Rosales, Troisi, Balma, Bertheaud and Scrivener

NAYS: None

ABSENT: Martinek

ABSTAIN: None

Robert Neal, Chairperson
Oceanside Planning Commission

ATTEST:

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2010-P30.

Dated: September 27, 2010

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

Applicant/Representative Date

PLANNING COMMISSION — STAFF REPORT

DATE: September 27, 2010 (Continued from the September 13, 2010 public hearing)

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A REGULAR COASTAL PERMIT (RC10-00007) FOR THE CONSTRUCTION OF A 232-SQUARE FOOT DECK EXPANSION ATTACHED TO AN EXISTING DECK AT THE WESTERN BUILDING ELEVATION LOCATED AT 1011 SOUTH PACIFIC STREET – DILLON RESIDENCE – APPLICANT: KIM DILLON**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

(1) Confirm issuance of a Class 3 Categorical Exemption for New Construction or Conversion of Small Structures; and adopt Planning Commission Resolution No. 2010-P30 approving Regular Coastal Permit (RC10-00007) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: The subject property is located on Lot A of Map 15886, at 1011 South Pacific Street. The existing home was constructed in 1998 and was approved by the Planning Commission under Regular Coastal Permit (RC-12-98). On October 26, 2009 a Regular Coastal Permit (RC-3-09) was approved by the Planning Commission for the construction of a 532-square foot master bedroom expansion into the second-story deck space at the western elevation of an existing single-family home. This proposed Regular Coastal Permit application to add 232 square feet of deck space to an existing 96-square foot deck at the western elevation of the first level of the existing home was filed on June 7, 2010.

Site Review: This 3,750-square foot lot accommodates a two-story 3,066-square foot single-family residence with basement below. The legal lot is substandard in width and area.

The Land Use designation is Urban High Density Residential (UHD-R) and the corresponding zoning classification is RT (Residential Tourist Zone). Being situated within the coastal zone, the project requires a Regular Coastal Permit, pursuant to Section III.D.1 of the Coastal Permit Handbook adopted May 8, 1985. The property is also within the "appeal jurisdiction" of the local coastal zone. Under the certified Local Coastal Program (LCP), any local action by the City on this proposed coastal development permit may be appealed to the California Coastal Commission.

Project Description: The project application is comprised of a Regular Coastal Permit.

Regular Coastal Permit (RC10-00007) represents a request for the following:

(a) This project would allow the construction of a 232-square foot approximate (8' x 31') deck expansion attached to the first level of an existing single-family residence located at 1011 South Pacific Street. The balcony deck would be an expansion to the existing 96-sqaure foot deck accessed through the first level dining area. The deck will be constructed at a height of 13.5 feet with 3.5 feet of this height consisting of glass railing. The proposed deck would be an extension to the existing deck westward approximately 8 feet from the face of the building. The property owner has angled the southern portion of the deck at a 45-degree away from the southern elevation, to reduce potential visual impacts from the adjoining property to the south.

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

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

ANALYSIS

KEY PLANNING ISSUES

1. General Plan Compliance

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 the visual image of the surrounding neighborhood.
The Local Coastal Program's established stringlinge exists 1'-6" to the west from the western elevation of the existing home, and the proposed deck would encroach 6'-6" into the established stringline. The proposed deck would not extend westward beyond the neighboring properties building footprint to the south. The 1986 Oceanside Zoning Ordinance Section 1703 (e) allows decks, balconies, and other appurtenances to extend seaward of the stringline setback line, providing that they do not substantially impair the views from adjoining properties.

The proposed addition would not alter public views or any views of adjoining neighbors, because the deck would be constructed at a maximum height of 13.5 feet in height and a majority of the deck is open and transparent. The proposed project is in conformance with the General Plan; therefore the project is compatible to the surrounding properties and neighborhood character.

2. **Zoning Ordinance Compliance**

The existing structure and the proposed addition meet all of the development regulations of the underlying RT zone per the 1986 Oceanside Zoning Ordinance in effect in the coastal zone. Such projects are reviewed for compatibility with existing and surrounding development, as well as applicable public beach access regulations.

The purpose of the RT District is to provide opportunities for tourist and year-round visitor-serving facilities, including permanent and transient residential and related uses, within the City's Coastal Zone. In the RT District, the maximum allowable density for residential uses is 29-43.0 dwelling units per gross acre. There are no new units or bedrooms proposed with this development proposal.

Table 1 compares the existing structure to local property development regulations pursuant to Article 32, Residential Tourist Zone Property Development Regulations.

Table 1 Development Standards

Requirement	Required	Existing	Proposed
Front	10 feet	3 feet 7 inches (section 3204)	No change
Side	Any combination of 6 feet on a substandard lot	3 feet per each side	No change

Requirement	Required	Existing	Proposed
Minimum rear yard pursuant to 1703 (e)	Stringline (for habitable structures)	1 foot 6 inches from the Stringline	6 feet 6 inches into the established Stringline with a balcony as per OZO 1703(e)
Height	35 feet	35 feet	13.5 feet for the balcony

3. **Local Coastal Program Compliance**

The proposed project is within the appeal jurisdiction of the Local Coastal Program (LCP) and complies with all provisions of this program. The proposed 232-square foot first level deck addition will not exceed the 35-foot height restriction within the Residential Tourist District (RT), nor extend past the Stringline.

DISCUSSION

Issue: Project Compatibility with the Existing Neighborhood and surrounding properties
Will all improvements to the property be consistent with, and compatible to, the existing residence and the adjoining homes in the surrounding area?

Recommendation: Staff finds that (in terms of height, design, bulk and distance from the established stringline) the deck addition would be consistent with the existing residence and will be consistent with the surrounding neighborhood. Many of the adjoining neighbors in the area have similar first level decks and balconies. The 13.5-foot tall deck would be attached to the fist level of the western elevation and would be an extension of the existing 96-square foot deck off of the family room and dining room. The proposed deck railings and structure would be open and transparent to limit visual impacts.

ENVIRONMENTAL DETERMINATION

The project is exempt under the provisions of the California Environmental Quality Act (CEQA) Class 3, Section 15303(b) New Construction or Conversion of Small Structures.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to residents within a 300-foot radius, and property owners of record within a 100-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant and other interested parties.

SUMMARY

The proposed Regular Coastal Permit (RC10-00007), as conditioned, is consistent with the land use policies of the General Plan, the requirements of the Zoning Ordinance, and the policies of the Local Coastal Program. The project has been conditioned to meet or exceed all applicable standards. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached Resolution. Staff recommends that the Planning Commission:

-- Move to approve Regular Coastal Permit (RC10-00007) and adopt Planning Commission Resolution No. 2010-P30 as attached.

PREPARED BY:

Scott Nightingale
Planner II

SUBMITTED BY:

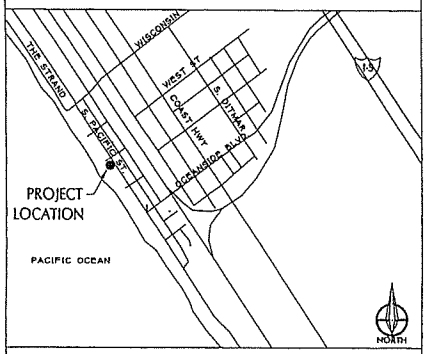
Jerry Hittleman
City Planner

Attachments:

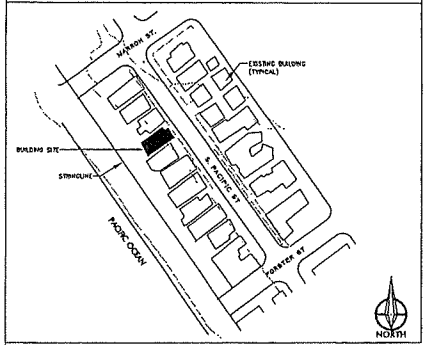
1. Site Plan/Floor Plan and Elevations
2. Planning Commission Resolution No. 2010-P30
3. Correspondence/letters from neighbors

Dillon Residence Deck Addition, 1011 S. Pacific - Oceanside, California

VICINITY MAP



SITE LOCATION MAP



OCEANSIDE SPECIAL INSPECTION PROGRAM

I, AS THE ENGINEER/ ARCHITECT OF RECORD, CERTIFY THAT I HAVE PREPARED THE FOLLOWING SPECIAL INSPECTION PROGRAM AS REQUIRED BY CBC SECTION 106.3.5 (UNIFORM ADMINISTRATIVE CODE SECTION 302.5) FOR THIS CONSTRUCTION PROJECT.

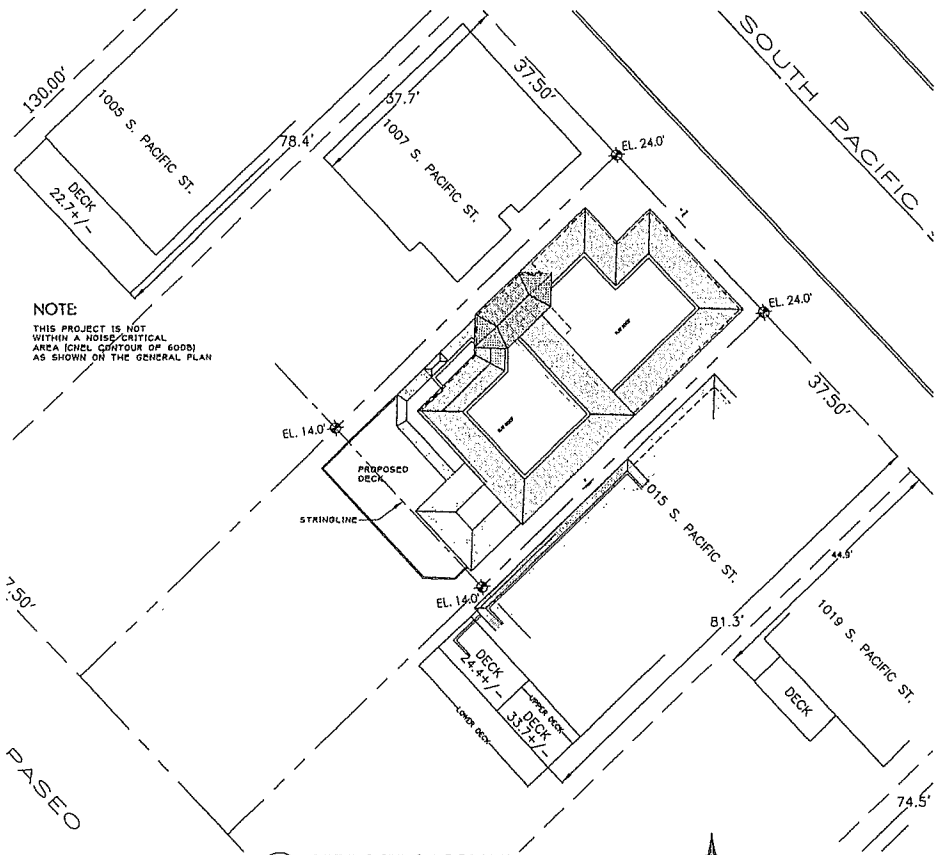
ENGINEER'S / ARCHITECT'S SEAL & SIGNATURE HERE

I HAVE INFORMED THE OWNER OF THESE REQUIREMENTS, INCLUDING ITEMS 1 THROUGH 3 BELOW.

LIST OF WORK REQUIRING SPECIAL INSPECTION	INDIVIDUAL / FIRM RESONSIBLE FOR SPECIAL INSPECTION
☐ SOILS COMPLIANCE PRIOR TO FOUNDATION INSPECTION	
☐ STRUCTURAL CONCRETE	
☐ PRESTRESSED CONCRETE	
☐ STRUCTURAL MASONRY	
☐ STRUCTURAL WELDING	
☐ HIGH STRENGTH BOLTING	
☐ SPRAYED-ON FIREPROOFING	
☐ EXPANSION/ EPOXY ANCHORS	
☐ DESIGNER SPECIFIED	
☐ OTHER	

DUTIES OF THE SPECIAL INSPECTORS FOR THE WORK LISTED ABOVE

1. THE OWNER OR THE ARCHITECT/ ENGINEER OF RECORD, WILL BE RESPONSIBLE FOR EMPLOYING THE SPECIAL INSPECTOR(S). (NOTE: CONTRACTORS MAY NOT EMPLOY THE SPECIAL INSPECTOR)
2. SPECIAL INSPECTORS SHALL CHECK IN WITH THE CITY, PRESENT THEIR CREDENTIALS, AND BE APPROVED PRIOR TO BEGINNING WORK ON THE JOB SITE.
3. SPECIAL INSPECTORS SHALL CONFORM TO, AT A MINIMUM, THE GUIDELINES CONTAINED IN THE CITY OF OCEANSIDE PROCEDURES FOR SPECIAL INSPECTION.



1 EXISTING SITE & ROOF PLAN
SCALE: 1"=10'-0"

NOTE:
THIS PROJECT IS NOT WITHIN A NOISE/CRITICAL AREA (CNEL CONTOUR OF 60DB) AS SHOWN ON THE GENERAL PLAN

SITE NOTES:

1. THE CONTRACTOR MUST VERIFY ALL GRADES, CONDITIONS, AND DIMENSIONS PRIOR TO COMMENCING WORK. THE OWNER SHALL BE NOTIFIED IMMEDIATELY OF ANY DISCREPENCIES.
2. THE CONTRACTOR SHALL VERIFY THE EXISTANCE AND LOCATION OF ALL UTILITIES PRIOR TO COMMENCING WORK.
3. THE SURFACE WATER SHALL DRAIN AWAY FROM THE BUILDING STRUCTURES @ NO LESS THAN ¼" PER FOOT FOR A MIN. OF 5'-0" OR ⅓ THE DISTANCE TO THE PROPERTY LINE.
4. WATER AND SEWER LATERAL PER CITY OF OCEANSIDE'S WATER AND SEWER DEPARTMENT.
5. ALL EXTERIOR LIGHTING SHALL COMPLY WITH THE CITY OF OCEANSIDE'S ORDINANCE #031-46.

DEVELOPMENT INFORMATION

ZONING:	RT
OCCUPANCY:	R3
EXISTING LAND USE:	SINGLE FAMILY RESIDENCE
PROPOSED LAND USE:	SINGLE FAMILY RESIDENCE
LOT SIZE:	37.5'x 100' = 3,750 SQ. FT.
EXISTING LOT COVERAGE:	49%
PROPOSED BLDG. COVERAGE:	51%

SETBACKS (EXISTING):

FRONT YARD	15'-0" OR BLOCK FACE AVERAGE (3'-7")
SIDE YARD	3'-0"
REAR YARD	10'-0" OR STRINGLINE - STRINGLINE IS 115' WEST OF THE PROPERTY BOUNDARY THAT IS CONTIGUOUS WITH S. PACIFIC ST.
HEIGHT MAX.	AVERAGE OF ELEVATIONS AT 4 CORNERS, 2 AT PACIFIC ST. AND 2 AT STRINGLINE= 19.0' HEIGHT MAX. = 38.0'= EL. 54.0'
DEMOLITION:	NONE
CONSTRUCTION (NEW):	ADD 8'X3I' DECK OFF STREET LEVEL, WEST SIDE.

TOTALS:

HABITABLE	=2553 SQ. FT.
GARAGE	=474 SQ. FT.
DECK	=182 SQ. FT. + 228 SF OF NEW DECK= 410 SF DECK TOTAL

PROJECT INFORMATION

OWNER:
MARK & KIM DILLON
1011 S. PACIFIC ST.
OCEANSIDE, CA 92054

PROJECT ADDRESS:
1011 S. PACIFIC ST.
OCEANSIDE, CA 92054

ASSESSOR'S PARCEL #:
152-076-04

PROJECT SUMMARY
ADD 232 SF OF NEW DECK OFF DINING AND LIVING ROOMS

CONSULTANTS:
STRUCTURAL:
SWANSON & ASSOCIATES
17055 VIA DEL CAMPO
SUITE 100
SAN DIEGO, CA 92127
PH: 858-487-7600

SERVICE AGENCIES

WATER	OCEANSIDE WATER & SEWER
SCHOOL	OCEANSIDE UNIFIED SCHOOL DISTRICT
FIRE	OCEANSIDE FIRE DEPARTMENT
GAS/ELEC	SAN DIEGO GAS & ELECTRIC
SEWER	OCEANSIDE WATER & SEWER

BUILDING CODES
"THIS PROJECT SHALL COMPLY WITH THE 2007 EDITION OF THE CALIFORNIA CODE OF REGULATIONS TITLE 24 (WHICH IS COMPOSED OF 12 PARTS) REFERRED TO AS THE CALIFORNIA BUILDINGS STANDARDS CODE WHICH ADOPTS THE FOLLOWING MODEL CODES WITH CALIFORNIA AMENDMENTS:

THE 2006 INTERNATIONAL BUILDING CODE (IBC)
THE 2008 CALIFORNIA ENERGY COMMISSION STANDARDS
THE 2006 UNIFORM MECHANICAL CODE (UMC)
THE 2006 UNIFORM PLUMBING CODE (UPC) AND
THE 2005 NATIONAL ELECTRICAL CODE (NEC).

SHEET INDEX

TS1.0 TITLE SHEET & SITE PLAN
A.1 EXISTING BEACH & ENTRY FLOOR PLANS
A.2 EXISTING SECOND FLOOR & ROOF PLANS
A.3 EXISTING ELEVATIONS

1986 ZONING ORDINANCE
(ALLOWS DECK WEST OF THE STRINGLINE)

SECTION 1703: REAR YARDS. THE FOLLOWING MINIMUM REAR YARD SETBACKS SHALL BE MET; (FOR SPECIAL CONDITIONS AND EXCEPTIONS SEE FURTHER PROVISIONS IN THIS ARTICLE).

(a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, BUILDINGS OR STRUCTURES LOCATED ON LOTS CONTIGUOUS TO THE SHORELINE SHALL BE COMPATIBLE IN SCALE WITH EXISTING DEVELOPMENT AND SHALL NOT EXTEND FURTHER SEAWARD THAN THE LINE ESTABLISHED ON THE "STRINGLINE SETBACK MAP" WHICH IS KEPT ON FILE IN THE PLANNING DIVISION. APPURTENANCES SUCH AS OPEN DECKS, PATIOS, AND BALCONIES MAY BE ALLOWED TO EXTEND SEAWARD OF THE STRINGLINE SETBACK LINE, PROVIDING THAT THEY DO NOT SUBSTANTIALLY IMPAIR THE VIEWS FROM ADJOINING PROPERTIES.

ARCHITECT:
STUDIO 4
2909 MESA DRIVE
OCEANSIDE, CA 92054
(760) 722-4904 PH
(760) 722-4903 FX
PJLONGTON@GMAIL.COM
PAUL LONGTON
PRINCIPAL

PROJECT:
DILLON RESIDENCE DECK ADDITION
OCEANSIDE, CA

OWNER:
MARK & KIM DILLON
1011 S. PACIFIC
OCEANSIDE, CA 92054

OWNER'S REP:
PAUL LONGTON
STUDIO 4 ARCHITECTS
2909 MESA DRIVE
OCEANSIDE, CA 92054
(760) 722-4904

RELEASE DATES:
ISSUED: 9/14/10
REVISIONS:

DRAWING STATUS:
(NOT FOR CONSTRUCTION)
☐ INFORMATION DRAWINGS
☐ PLANNING DRAWINGS
☐ DESIGN DEVELOPMENT DRAWINGS
☐ CHECK SET
☐ PROGRESS DRAWINGS
☐ PLAN CHECK DRAWINGS
☐ BID SET DRAWINGS
☐ CONSTRUCTION DOCUMENTS
☐ OTHER

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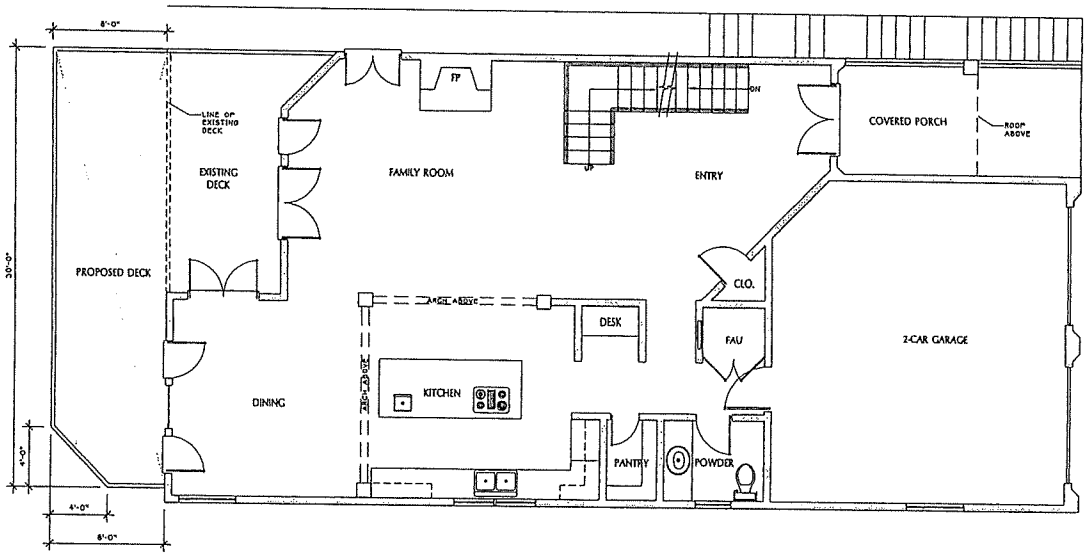
JOB NO:
DRAWN BY: B.JE
CHECKED BY: PL

SHEET TITLE:
TITLE SHEET

SHEET NO:
TS1.0



2 EXISTING STREET/ 1ST FLOOR LEVEL
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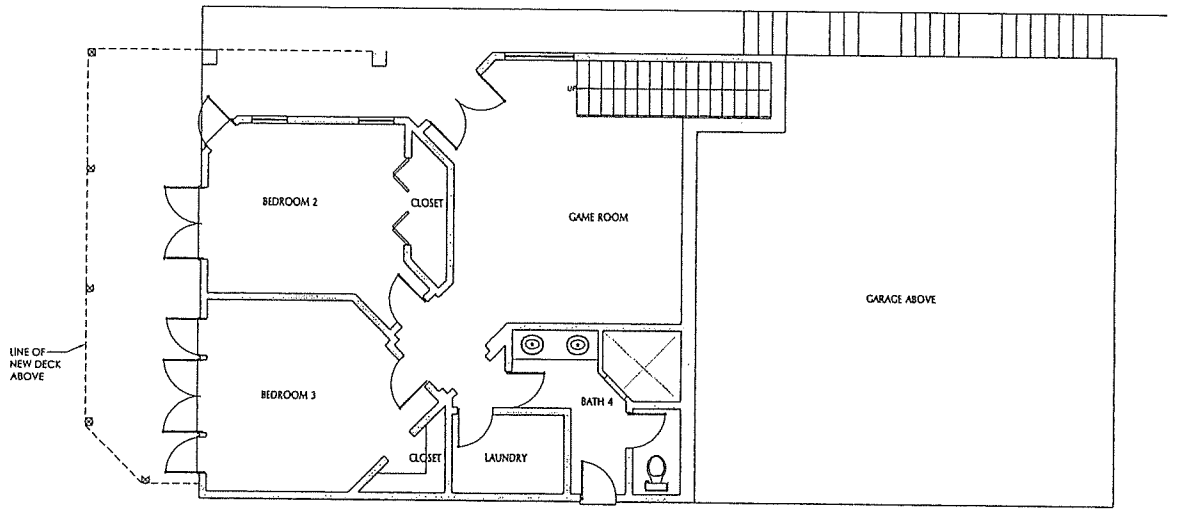

1 EXISTING BEACH/ BASEMENT LEVEL
SCALE: 1/4"=1'-0"

NORTH

ARCHITECT:
STUDIO 4
2909 MESA DRIVE
OCEANSIDE, CA 92054
(760) 722-4904 PH
(760) 722-4903 FX
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PAUL LONGTON
PRINCIPAL

PROJECT:
DILLON RESIDENCE DECK ADDITION

OCEANSIDE, CA

OWNER:
MARK & KIM DILLON

1011 S. PACIFIC
OCEANSIDE, CA 92054

OWNER'S REP:
PAUL LONGTON
STUDIO 4 ARCHITECTS

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OCEANSIDE, CA 92054

(760) 722-4904

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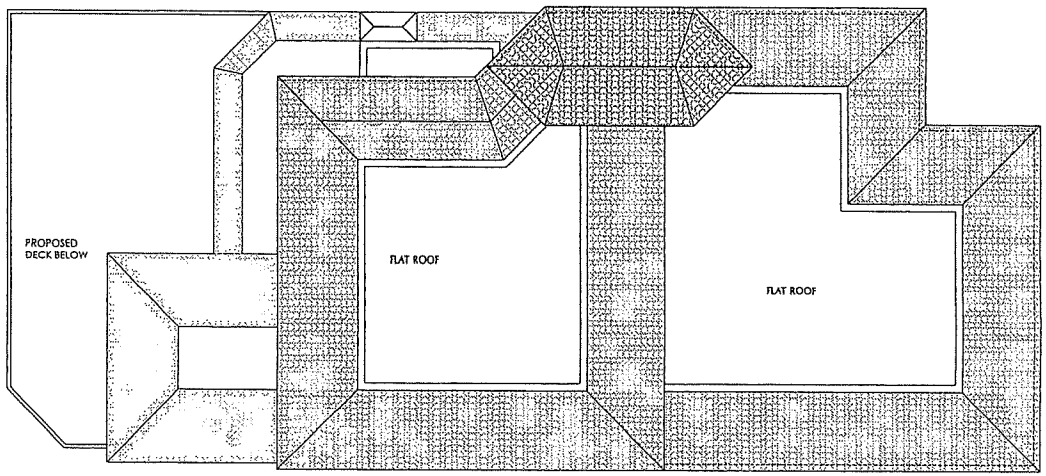
DRAWN BY: B.JE

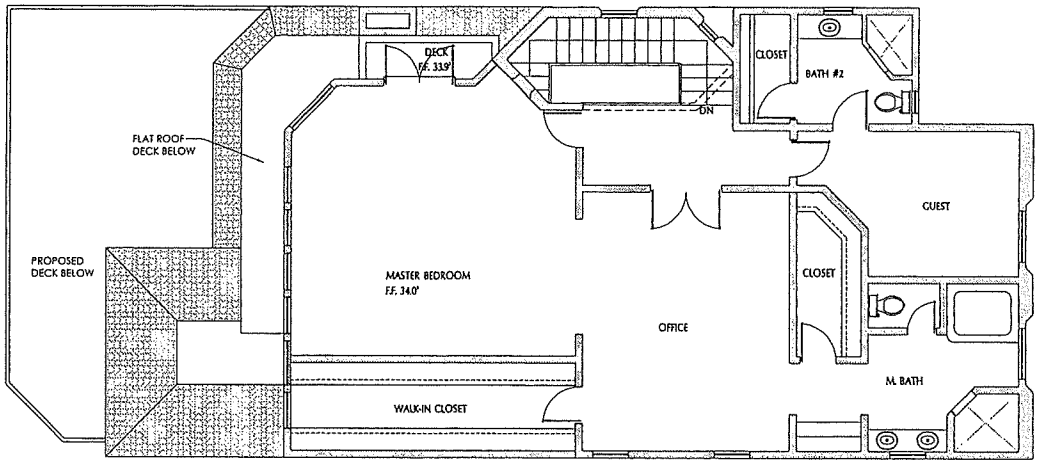
CHECKED BY: PL

SHEET TITLE:
EX. BEACH & STREET LEVEL FLOORPLANS

SHEET NO:
A1.0



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



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

NORTH

ARCHITECT:
STUDIO 4
2909 MESA DRIVE
OCEANSIDE, CA 92054
(760) 722-4904 PH
(760) 722-4903 FX
PJLONGTON@GMAIL.COM
PAUL LONGTON
PRINCIPAL

PROJECT:
DILLON
RESIDENCE
DECK ADDITION

OCEANSIDE, CA

OWNER:
MARK & KIM
DILLON

1011 S. PACIFIC
OCEANSIDE, CA 92054

OWNER'S REP:
PAUL LONGTON
STUDIO 4 ARCHITECTS

2909 MESA DRIVE
OCEANSIDE, CA 92054

(760) 722-4904

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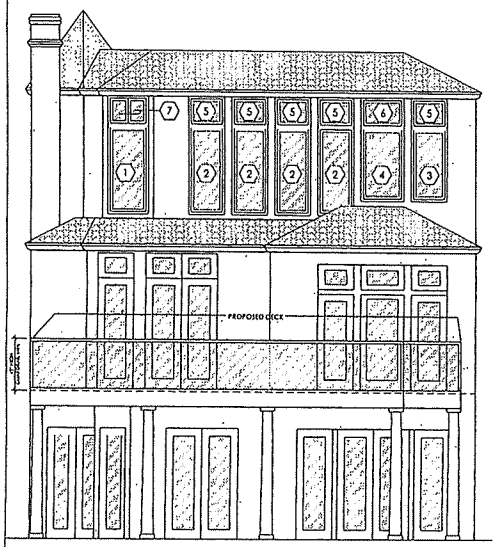
JOB NO:

DRAWN BY: B.J.E.

CHECKED BY: P.L.

SHEET TITLE:
EXIST.
SECOND FLOOR
& ROOF PLAN

SHEET NO:
A2.0



1 PROPOSED WEST ELEVATION
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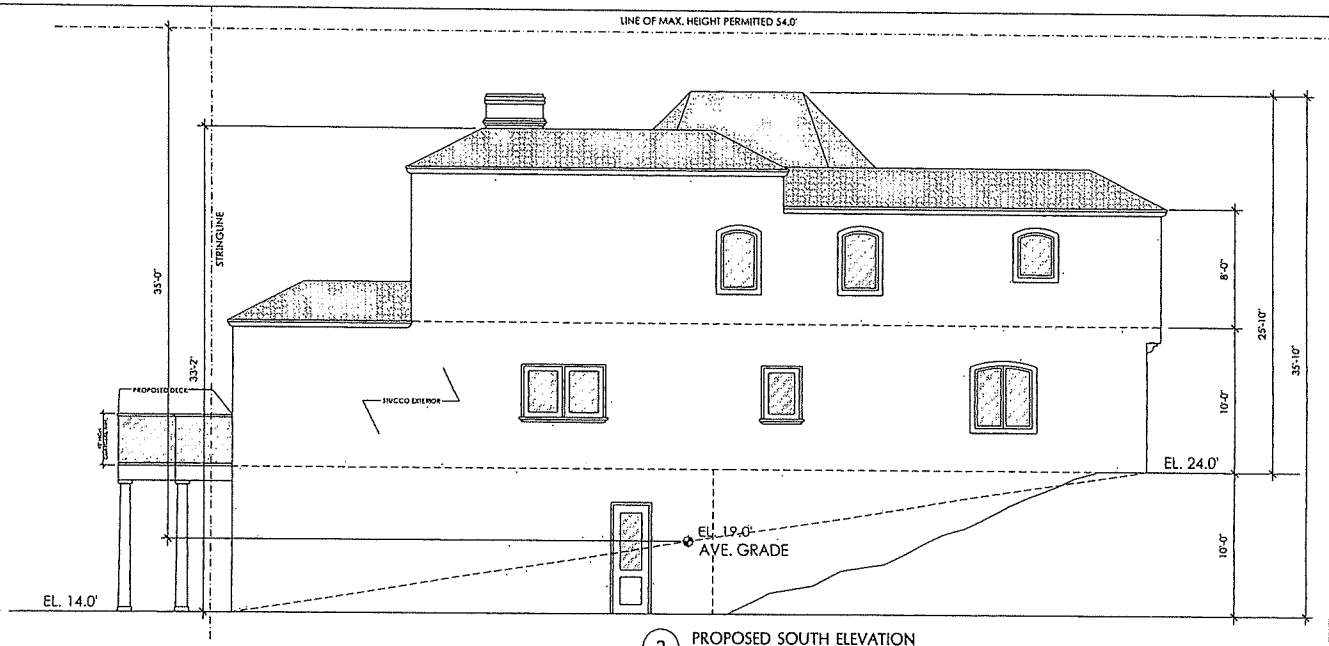

2 PROPOSED SOUTH ELEVATION
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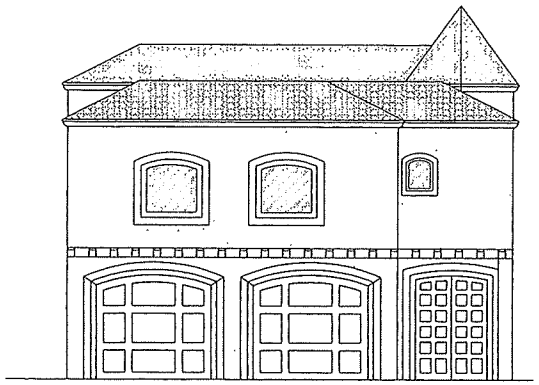
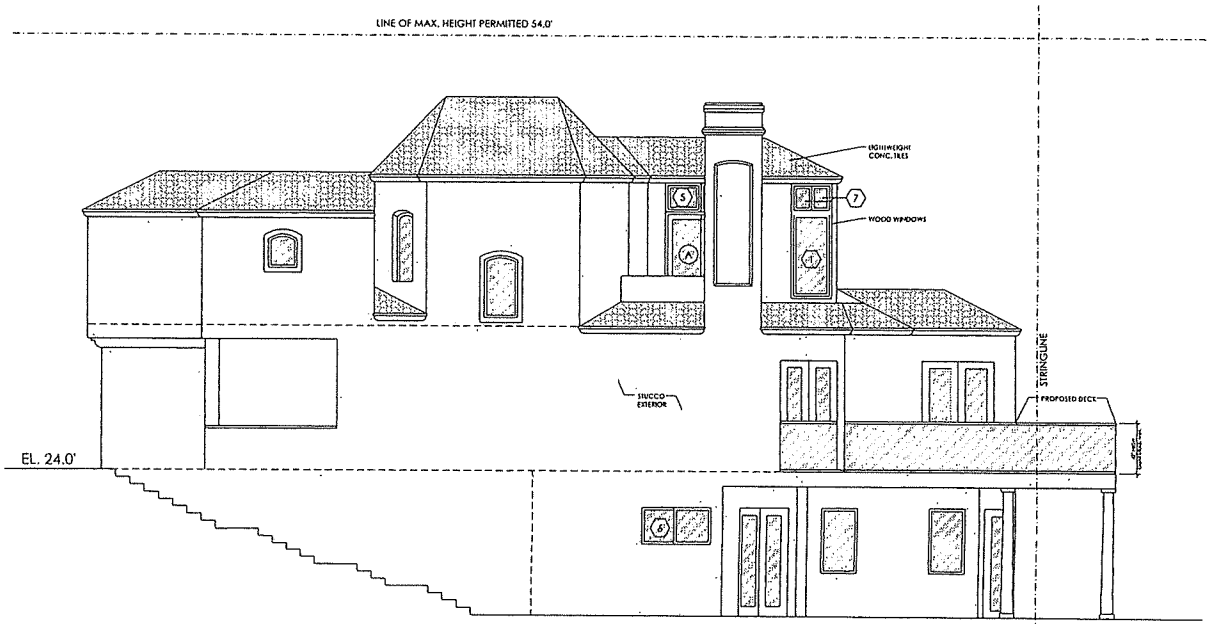


3 EXISTING EAST ELEVATION
SCALE: 1/4"=1'-0"



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

ARCHITECT:
STUDIO 4
2909 MESA DRIVE
OCEANSIDE, CA 92054
(760) 722-4804 PH
(760) 722-4803 FX
PJLONGTON@GMAIL.COM
PAUL LONGTON
PRINCIPAL

PROJECT:
DILLON RESIDENCE DECK ADDITION

OCEANSIDE, CA

OWNER:
MARK & KIM DILLON
1011 S. PACIFIC
OCEANSIDE, CA 92054

OWNER'S REP:
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☐ CONSTRUCTION DOCUMENTS
☐ OTHER

STUDIO 4 EXPRESSLY RESERVES ITS COMMON LAW AND OTHER PROPERTY RIGHTS IN THIS DOCUMENT. THIS DOCUMENT SHALL NOT BE REPRODUCED, COPIED, CHANGED OR DISCLOSED IN ANY FORM OR MANNER WHATSOEVER WITHOUT FIRST OBTAINING THE EXPRESSED WRITTEN CONSENT OF STUDIO 4.

JOB NO:
DRAWN BY: BJE
CHECKED BY: PL

SHEET TITLE:
EXISTING ELEVATIONS

SHEET NO:
A3.0

To the City of Oceanside,

My name is George Yellich and I am the property owner of 1005 So Pacific Street. I am the property owner directly north of the Dillon's property. I approve of their request and application to extend their deck. My existing deck and the deck of the Dillon's adjacent neighbor to the south both currently extend farther seaward than the proposed deck of the Dillon's. For this reason, the Dillon's proposed deck will not impair my views nor the views of anyone else.

To the City of Oceanside,

I am the property owner of 1001 So Pacific Street, a neighbor of the Dillons at 1011 so Pacific. I approve of the Dillons request and application to extend their deck. It will not impair any views. My home and deck currently extend farther seaward than the proposed deck extension of the Dillons.

To the City of Oceanside,

I am the property owner of 1007 So Pacific Street, directly adjacent to the proposed deck extension. I approve of Kim Dillons request and application to extend her deck. It will not impair any views.

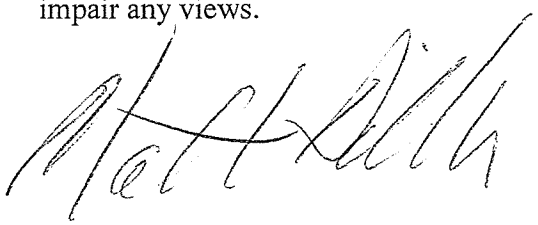
To the City of Oceanside,

My name is Lisa Hoyt and I am the property owner of 1021 So Pacific Street. I am the property owner south of the Dillon's property. I approve of their request and application to extend their deck. My existing deck and the decks of the Dillon's adjacent neighbors to the north and south all currently extend farther seaward than the proposed deck of the Dillon's. For this reason, the Dillon's proposed deck will not impair my views nor the views of anyone else.

Lisa Hoyt Lisa Hoyt

To the City of Oceanside,

I am the property owner of 1019 So Pacific Street, 40 feet south of the proposed deck extension. I approve of Kim Dillons request and application to extend her deck. It will not impair any views.



To the City of Oceanside,

I am the property owner of 1014 So Pacific Street. I approve of the Dillons request and application to extend their deck. Just about every home and deck on the west side of our block extend farther seward than the Dillons. Their request to extend their deck at 1011 will not impair any views.

Jane Hamlet

To the City of Oceanside,

I am the property owner of 1006 So Pacific Street. I approve of the Dillons request and application to extend their deck. Just about every home and deck on the west side of our block extend farther seward than the Dillons. Their request to extend their deck at 1011 will not impair any views.

Jane Hamlet

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: 6/7/10	BY: SM.

Please Print or Type All Information

HEARING	
GPA	
MASTER/SP.PLAN	
ZONE CH.	
TENT. MAP	
PAR. MAP	
DEV. PL.	
C.U.P.	
VARIANCE	
COASTAL	RC10-00007
O.H.P.A.C.	

PART I – APPLICANT INFORMATION

1. APPLICANT	2. STATUS
Kim Dillon	owner
3. ADDRESS 1011 S. Pacific St. Oceanside 92054	4. PHONE/FAX/E-mail 760 722 1866
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Paul Longton	
6. ADDRESS 2909 Mesa Drive Oceanside, CA 92054	7. PHONE/FAX/E-mail 760 722 4904 PJlongton@gmail.com

PART II – PROPERTY DESCRIPTION

8. LOCATION	9. SIZE
1011 S. Pacific St.	3,750 SF

10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER
	RT	SFR	152 076 04

PART III – PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION
Add 248 SF of new deck off dining & living rooms

15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY
No Change	No Change	No Change	1	16 du/ac

20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE or FAR
3596 SF	2	25%	51%

PART IV – ATTACHMENTS

	24. DESCRIPTION/JUSTIFICATION		25. LEGAL DESCRIPTION		26. TITLE REPORT
	27. NOTIFICATION MAP & 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):	34. DATE	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).
Paul Longton	6/3/10	
Sign:		35. OWNER (Print): Kim Dillon — 36. DATE: 6/3/10
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		Sign:

Addendum to Citywide Application for Regular Coastal Permits

FEE: $1,361.00

The following addendum is to be filed on any project located within the City's Coastal Zone. All coastal projects must be in compliance with all applicable policies adopted in the City's Coastal Land Use Plan.

Please answer ALL questions. Where questions do not apply to your project, indicate "Not Applicable" or "N.A.".

1. If residential, state:
   (a) Number of units 1
   (b) Number of bedrooms per unit 4
   (c) Type of ownership proposed: ( ) Rental
   ( ) Condominium
   ( ) Stock cooperative
   ( ) Time share
   (✓) Other

2. If land division, number of lots to be created and size:
   NA

3. Present use of property
   (a) Are there existing structures on the property? (✓) Yes ( ) No

   If yes, describe (including number of residential units, occupancy status, monthly rental/lease rates for each unit for residential projects only. If there are existing motel/hotel/visitor accommodations on the property, please describe.
   1 · SFR

(b) Will any existing structure be demolished? ( ) Yes (✓) No

Will any existing structure be removed? ( ) Yes (✓) No

If yes to either question, describe the type of development to be demolished or removed, including the relocation site, if applicable.

_____

_____

4. Estimated cost of development: Land _____ Improvements $10,000

5. Has any application for a development on this site been submitted previously to the California Coastal Commission or the City of Oceanside? (✓) Yes ( ) No

If yes, state previous application number _____

6. Project height: Maximum height of structure 33' ft.

Maximum height of structure as measured from centerline of frontage road 21' ft.

7. Total number of floors in structure, including subterranean floors, lofts, and mezzanines: 3

8. Gross floor area including covered parking and accessory buildings 4070 sq. ft.

Gross floor area excluding parking 3596 sq. ft.

9. Lot area (within property lines) 3750 SF sq. ft. or acres.

Lot Coverages	Existing	New Proposed	Total
Building Coverage	1837 sq. ft.	248 sq. ft.	2085 sq. ft.
Paved area	375 sq. ft.	0 sq. ft.	375 sq. ft.
Landscaped area	750 sq. ft.	0 sq. ft.	750 sq. ft.
Unimproved area	960 sq. ft.	0 sq. ft.	960 sq. ft.

10. Parking:
Number of existing spaces 2
Number of new spaces proposed 0
TOTAL: 2
Number of covered spaces 2
Number of uncovered spaces 0
Number of standard spaces 2 Size 10 x 20
Number of compact spaces NA Size NA

11. Are utility extensions for the following proposed to serve the project?

(a) Water ( ) Yes (✓) No
(b) Gas ( ) Yes (✓) No
(c) Electric ( ) Yes (✓) No
(d) Sewer ( ) Yes (✓) No
(e) Telephone ( ) Yes (✓) No

If yes to any of the above, would extensions be above ground?

( ) Yes ( ) No NA

The relationship of the development to the applicable item below must be explained fully. Attach additional sheets if necessary.

1. If the development is between the first public road and the sea, is public access to the shoreline and along the coast currently available near the site? (✓) Yes ( ) No

If yes, indicate the location of the nearby access, including the distance from the project site.

Marron St cul de Sac ± 150'

2. Is any grading proposed? ( ) Yes (✓) No If yes, complete the following:

(a) Amount of cut _____ cu. yds.
(b) Amount of fill _____ cu yds.
(c) Maximum height of fill slope _____ ft.
(d) Maximum height of cut slope _____ ft.
(e) Amount of import or export _____ cu. yds.
(f) Location of borrow or disposal site _____

Grading and drainage plans must be included with this application. In certain areas, an engineering geology report must also be included. Consult the City Engineering Department representative for a determination.

3. Does the development involve diking, filling, dredging or placing structures in open coastal waters, wetlands, estuaries or lakes?

(a) Diking ( ) Yes (✓) No
(b) Filling ( ) Yes (✓) No
(c) Dredging ( ) Yes (✓) No
(d) Placement of structures ( ) Yes (✓) No

Amount of material to be dredged or filled NA cu. yds.

Location of dredged material disposal site NA

Has a U.S. Army Corps of Engineers' permit been applied for?

( ) Yes (✓) No

4. Will the development extend onto or adjoin any beach, tidelands, submerged lands or public trust lands? (✓) Yes ( ) No

   For projects on State-owned lands, additional information may be required. Consult the staff representative in the Planning Department.

5. Will the development project existing lower-cost visitor and recreation facilities?
   ( ) Yes (✓) No

   Will the development provide public or private recreational opportunities?
   ( ) Yes (✓) No

   If yes, explain _____

   _____

6. Is the proposed development in or near:

   (a) A sensitive habitat area ( ) Yes (✓) No (Biological survey may be required)

   (b) A 100-year floodplain ( ) Yes (✓) No (Hydrologic mapping may be required)

   (c) A park or recreation area (✓) Yes ( ) No – Beach

7. Is the proposed development visible from:

   (a) Any park, beach, or recreation area (✓) Yes ( ) No

   (b) Harbor area ( ) Yes (✓) No

8. Does the site contain any:

   (a) Historic resources ( ) Yes (✓) No

   (b) Archaeological resources ( ) Yes (✓) No

   (c) Paleontological resources ( ) Yes (✓) No

   If yes to any of the above, please explain on an attached sheet.

9. Would the project in any way alter or divert a streambed or drainage course?
   ( ) Yes (✓) No

   If yes, please describe on a separate sheet of paper.

   Under certain circumstances, additional material may be required prior to issuance of a Coastal Development Permit. For example, preliminary title reports, land surveys, legal descriptions, subordination agreements, and other outside agreements may be required prior to issuance of the permit; and on the beachfront, a wave-action report will be required.

6/3/10 _____

Date

_____

Signature of Authorized Agent or Applicant

Description & Justification
For A Deck Addition to
An existing Single Family Residence
At
1011 S Pacific St, Oceanside, 92054

June 3, 2010
Owner: Mark and Kim Dillon

Statistics at a glance

Address –	1011 S Pacific St
APN –	152-076-04
Zoning –	RT
Proposed zoning –	No Change
Lot Size –	3,750 SF (.075 Acres)
Existing Land Use –	Single Family Residential
Proposed Land Use –	No Change
Number of units –	1
Density/acre –	11.6 units/acre
Existing lot coverage -	49%
Proposed Lot Coverage	51%
Existing Landscaping –	25%

Existing Building Size:

Beach (Basement) Level	945 SF
Street Level (Entry)	1223 SF
Second Floor	1428 SF
Total Existing Habitable	3596 SF

Existing Deck 197 SF

Existing Garage (2-spaces) 474 SF

Proposed Deck	32 ~~248~~ SF
Total Deck (existing plus proposed) =	445 SF

Parking required – 2 spaces
Parking provided – 2 spaces

This proposed project will extend the existing street level deck on the west side of the house – 8' westward.

The deck will not go out to the stringline. The west most edge of the deck will be about 10' east of the stringline. The deck will not go as far westward as the deck on the neighboring house to the south nor as far westward as 1005 S Pacific St (house to the north)

The Architecture is by Paul Longton, Architect

Regular Coastal

The proposed project is consistent with the policies of the Local Coastal Program as implemented through the Zoning Ordinances. Specifically the physical aspects of the project are consistent with the adjoining properties and those in the neighborhood. The project will not substantially alter or impact existing public views of the coastal zone area.

The proposed project will not obstruct any existing planned public beach access including any beach areas fronting the existing property; therefore the proposed project is in conformance with the policies of Chapter 3 of the Coastal Act.

LEGAL DESCRIPTION

EXHIBIT "A"

Received
DEC 29 2008
Planning Division

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

LOT 1 IN BLOCK H OF TERRACE ANNEX, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1044, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, APRIL 29, 1907.

EXCEPTING THEREFROM ANY PORTION THEREOF NOW OR HERETOFORE LYING BELOW THE MEAN HIGH LINE OF THE PACIFIC OCEAN.

NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** Kim Dillon
2. **ADDRESS:** 1011 S. Pacific Street
3. **PHONE NUMBER:** (760) 722-1866
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale
6. **PROJECT TITLE:** RC10-00007 - Dillon Residence
7. **DESCRIPTION:** A Regular Coastal Permit to allow a 248 square foot deck expansion to an existing home located at 1011 South Pacific Street. The project site is zoned RT (Residential Tourist) and is situated within the South Oceanside Neighborhood and 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. Based on this review, the Environmental Coordinator has determined that further environmental evaluation is not required because:

[**x**] The project is categorically exempt, Class 3, for New Construction, Section 15303 (b); or,

[ ] "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,

[ ] The project is statutorily exempt, Section , <name> (Sections 15260-15277); or,

[ ] The project does not constitute a "project" as defined by CEQA (Section 15378).

Date: September 13, 2010

Scott Nightingale, Planner II

cc: [**x**] Project file [**x**] Counter file [**x**] Library Posting: [ ] County Clerk $50.00 Admin. Fee

Attachment 5

Copy: George Buell
Jerry Hittleman
Reso 2010-P30

RECEIVED
OCT 07 2010
CITY OF OCEANSIDE
DEVELOPMENT SERVICES

Jim & Nancy Bailey
1015 S Pacific St
Oceanside, CA 92054

October 6, 2010

TO: City Clerk, City of Oceanside, CA
RE: Appeal of Planning Commission Approval of Coastal Permit (RC10-00007)

We need a transcript and/or video of Planning Commission Hearings of September 13th and 27th as they relate to this Agenda item. The posted minutes are incomplete and contain inaccuracies. Please advise as to procedures to obtain ASAP.

We are out of town and can be reached only as follows:
Phone 626-379-1705
Email SBAssocs@yahoo.com

Reasons for Appeal:

- The proposed deck, and it's intended usage will substantially impair our view of the pier from both our 1st and 2nd floors, including our bedroom area:
- Natural sources, such as dirt and fog are ongoing.
- Typical uses and objects occupying space on decks block views, and the city has no control, after deck approval, to remove such items.
- City has not been effective in controlling illegal deck modifications along the coast in the past.
- The request for this deck as proposed flies in the face of the Coastal Commission's intended use of the stringline.
- City seldom, if ever, approves windows opposite each other on adjacent properties. Why then a deck off of petitioners' entertaining permitted off of our bedroom windows?
- Applicants' built on an empty lot (meeting all restrictions of the 1992 code) up to the stringline and all front and side setbacks in 1999. A deck could have been incorporated at that time to go behind the stringline—as a commissioner suggested since their windows are doors.
- Our home's footprint was grandfathered in – as were the footprints of all but one of the homes of letters written in support of their project, that one from a relative.
- We have numerous concerns over the relevance of letters presented to the Commission.
- Size of old + new deck would be massive!!
- Our view of the pier from our bedroom (2nd floor) will be totally interrupted, as it already is from our 1st floor windows by their view-blocking fence.
- We were not properly notified of the September 27th meeting.

- Plan check by city staff failed to identify inconsistencies and misrepresentations in their plans (see 1999 plans).
- No record of a certified survey of their property relative to the stringline (unless you go back to 1999 plans). No architect's or engineer's stamp on plans.
- The stringline is not being properly regarded consistent with the manner in which the Coastal Commission entrusted care of the coast to the City of Oceanside.
- The past history of view blocking of Bailey's property by petitioner, of which this is a continuation, and City's response/lack of response creates a fear that the City is authorizing the potential of creating a vehicle that will permit/encourage continued aggressive acts of view-blocking by petitioner
- The intent of the 1992 codes, and the city's action or lack of, makes utilizing the 1986 document ambiguous. With this being said, permits regarding utilization of the stringline at best, should be put on hold until the City, with Public input, clarifies coastal concerns as addressed by the codes. But certainly not issued based on the previously rejected 1986 code being utilized with unprecedented latitude that includes:
  --1st Not a thorough plan check of Dillon's request by City Staff—inconsistencies, misrepresentations by the petitioners—"piggy-backing" on the reason for staff's request to continue the September 13th hearing??
  --2nd City Staff presenting inaccuracies to the Commission, especially when responding to questions of individual Commission members.
  --3rd Inconsistencies/inaccuracies in Project Description and Background on which staff recommendations are based.

- Appropriateness of this request not substantiated by any acceptable measurement, e.g. story poles—it will block our view of the pier from both our 1st and 2nd floors, while there are no structures to the north of them which have any possibility of blocking their view (the also own the home immediately to the north (1007), as well as the one to the south of us!
- The familiarity of petitioners and Commission members—hugging, etc. before and after meeting fails to instill confidence in their findings.

Enclosed is check #3790 in the amount of $1,281 for this appeal

Thank you for your consideration.

Jim D. Bailey Nancy Bailey

10-6-10 10-6-10

RECEIPT

DATE 10-7-10

FROM Jim and Nancy Bailey $1,281

One thousand Two Hundred Eighty One DOLLARS

☐ FOR RENT
☐ FOR PC Appeal RC10-00007

ACCT.	
PAID	
DUE	

☐ CASH
☒ CHECK
☐ MONEY ORDER

Check # 3790

FROM _____ TO _____

BY J Breitenfeldt

TOPS FORM 4161