

# AGENDA NO. 6

PLANNING COMMISSION



CITY OF OCEANSIDE

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DATE: October 26, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF VARIANCE (V-3-09) AND REGULAR COASTAL PERMIT (RC-14-07) TO PERMIT THE DEMOLITION OF A MULTI-UNIT COMPLEX TO ENABLE THE CONSTRUCTION OF AN ATTACHED DUPLEX CONSISTING OF 2,100 SQUARE FEET FOR UNIT ONE AND 3,364 SQUARE FEET FOR UNIT TWO WITH A SHARED EIGHT-CAR TANDEM GARAGE LOCATED AT 833 SOUTH PACIFIC STREET – 833 SOUTH PACIFIC STREET LOT 18 – APPLICANT: BEACH CITY, LLC**

## **RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 3 Categorical Exemption for New Construction pursuant to Section 15303(a) of the California Environmental Quality Act; and
- (2) Adopt Planning Commission Resolution No. 2009-P39 approving Variance (V-3-09) and Regular Coastal Permit (RC-14-07) with findings and conditions of approval attached herein.

## **PROJECT DESCRIPTION AND BACKGROUND**

**Background:** The subject property is Lot 18, and is located at the northwest corner of Pacific Street and Hayes Street at 833 South Pacific Street. The property was subdivided in 1906, under a recordation of map known as the Myers Addition, and the present structures on the property were built in 1931. An application for a Regular Coastal Permit was filed on July 11, 2007. A Variance application was filed on March 17, 2009.

**Site Review:** This 0.075-acre lot has an existing multi-unit complex that is currently used as beach rentals. Lot 18 is a legal lot that is substandard in width and area. The site is bordered to the east by Pacific Street, to the west by a riprap seawall and the shoreline, and to the north and south by existing residential developments. The site is within 100 feet of the Pacific Ocean. The existing ground surface elevation at the site varies from 23 feet Mean Sea Level (MSL) in the easternmost portion to approximately 13 feet MSL in the westernmost portion of the land.

The Land Use designation is Urban High Density Residential (UH-D) and the corresponding zoning classification is RT (Residential Tourist District) and is situated within the coastal zone. This property is within the Townsite Neighborhood and requires a Regular Coastal Permit based on its location. The property is also within the “appeal jurisdiction” of the local coastal zone, and 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 two components: a Variance and Regular Coastal Permit.

Variance (V-3-09) represents a request for the following:

To permit the eight-car tandem parking design pursuant to Section 3103 and 3110 of the Zoning Ordinance.

Regular Coastal Permit (RC-14-07) represents a request for the following:

The demolition of an existing multi-family residential complex to allow for the construction of an attached unit duplex consisting of 2,100 square feet for unit one and 3,364 square feet for unit two, with a shared eight-car tandem garage located within the appeal jurisdiction of the Local Coastal Program pursuant to Section III.D.1 of the Coastal Permit Handbook adopted May 8, 1985.

The proposed garage would be designed to allow two rows of cars to be parked side-by-side in a tandem configuration with an elevator that would elevate the cars to enable an additional four cars to be parked beneath. Proposed floor plan information is summarized below.

| Unit No. | Floor Area (Sq. Ft.) | No. of Bathrooms | No. of Bedrooms | Garage   | Stories |
|----------|----------------------|------------------|-----------------|--|---------|
| 1        | 2,100                | 4                | 4               | Shared 4-Car tandem with a 4 car lift that could possibly provide a total of 8 spaces. | 3       |
| 2        | 3,364                | 7                | 7               | Shared 4-Car tandem with a 4 car lift that could possibly provide a total of 8 spaces. | 3       |

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: The two-unit attached duplex is designed with a contemporary Mediterranean architectural theme. The surrounding neighborhood includes a wide variety of single-family and multi-family dwelling designs and architectural styles that are similar to the proposed development. The proposed duplex will conform to the eclectic building styles within the immediate area and could encourage redevelopment and enhancement of neighboring properties.

**2. Zoning Compliance**

This project is located in the Urban High-Density residential (RH-U) district and complies with the requirements of that zone. The following table summarizes proposed and applicable development standards for the project site:

|                       | MINIMUM REQUIRED                  | PROPOSED  |
|-----------------------|-----------------------------------|---|
| MINIMUM LOT SIZE      | 6,000 sq. ft.                     | 3,250 sq. ft. (Existing)                            |
| <b>PARKING SPACES</b> | 2 –Spaces/DU within a garage      | 8 –Spaces/DU within a tandem garage with a car lift |
| FRONTYARD SETBACK     | 4 feet 1 inch (Blockface Average) | 4 feet 1 inch (Blockface Average)                   |
| SIDEYARD SETBACK      | 6 feet combined                   | 6 feet combined                                     |
| REARYARD SETBACK      | String line                       | String line   |
| LOT WIDTH             | 60-ft.                            | 25-ft   |
| BUILDING HEIGHT       | 35-ft.                            | 31-ft.  |

The proposed project meets all applicable requirements of the Oceanside Zoning ordinance.

**3. Land Use Compatibility with surrounding developments**

| LOCATION                   | GENERAL PLAN                          | ZONING                                | LAND USE                  |
|----------------------------|---------------------------------------|---------------------------------------|---------------------------|
| Subject Property:          | UHD (Urban High-Density Residential)  | RH-U (Urban High-Density Residential) | Single Family Residential |
| North of Subject Property  | UHD (Urban High-Density Residential)  | RH-U (Urban High-Density Residential) | Vacant                    |
| East of Subject Property:  | RH-U (Urban High-Density Residential) | RH-U (Urban High-Density Residential) | Multi-Family Residential  |
| South of Subject Property: | UHD (Urban High-Density Residential)  | RH-U (Urban High-Density Residential) | Multi-Family Residential  |
| West of Subject Property:  | Redevelopment                         | D-5 (Single Family & Multi-Family)    | Multi-Family Condominiums |

The land use for the site is consistent with the General Plan and the Zoning Ordinance designations of Residential Tourist District.

**4. Local Coastal Program compliance**

The proposed project is within the appeal jurisdiction of the Local Coastal Program (LCP) and complies with all requirements of this zone. Projects within the Coastal Zone are required to meet the provisions of the adopted LCP and the underlying RT zone. Such projects must be compatible with surrounding development. The proposed project will increase the size of the view corridor down Hayes Street, and improvements shall be made to the northern portion of the cul-de-sac to mirror the curb, gutter, sidewalk and landscaping on the southern portion of the cul-de-sac at Hayes Street. This improvement to the cul-de-sac will greatly improve maneuverability for fire trucks and other vehicles, and visually enhance the access route to the beach.

The proposed duplex is within the 35-foot height restriction within the Coastal Zone. The project site is designated as High Density on the Land Use Map of the Local Coastal Program (LCP) and it is situated within the RT District of the LCP Zoning Map. Pursuant to Section III.D.1 of the LCP, the project requires a Regular Coastal Permit from the City of Oceanside because it includes shoreline structures and requests a Variance.

**DISCUSSION:**

*Issue: The off-street parking limitations on existing narrow shoreline properties.*

*Recommendation:* Many of the residential lots along the west side of Pacific Street are narrow. The narrowness of the proposed project site can only accommodate a two-car garage. By allowing tandem spaces along shore fronting properties, additional off-street parking spaces are created, which provide a benefit to the surrounding area by taking cars off the street. The proposed elevator car lift would allow four vehicles to be parked within the garage and lifted to a height that would allow four additional vehicles to be parked under the lifted vehicles. Therefore, the proposed eight-car elevator garage with tandem spaces would exceed the required parking needed to meet the development regulation, and would result in a design that would give the impression of a two-car garage from the street.

*Issue: Removal of public parking along Pacific Street.*

*Recommendation:* The proposed project would not remove any public parking along Pacific Street, since a fire hydrant at the corner of Hayes Street and South Pacific Street exists and currently prohibits on street parking in their area. According to the State of California DMV code 22514, parking is prohibited 15 feet from the hydrant. Therefore, public parking does not exist at the front of this property.

*Issue: Change to the character of the 800 block of South Pacific Street as new construction is completed.*

*Recommendation:* The Zoning Ordinance allows for an average front yard setback within a block to replace the front yard depth required by Section 1050 known as a “blockface average.” The average depth of building setbacks along the 800 block of South Pacific Street is currently 3.88 feet. This is an allowed reduction from the otherwise required 15-foot front yard depth. As development occurs within the 800 block of South Pacific Street, the average structural setback distance will change (be reduced). Therefore, the proposed four-foot one-inch front yard setback would be consistent with many of the neighboring properties.

**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**

Pursuant to Article 41 of the Oceanside Zoning Ordinance, a legal notice was published in the North County Times and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals and/or organizations requesting

notification, applicant and other interested parties. Copies of this agenda item have been mailed to the applicant and their representatives.

**SUMMARY**

The proposed Variance and Regular Coastal Permit, 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:

- (1) Confirm issuance of a Class 3 Categorical Exemption for New Construction pursuant to Section 15303(a) of the California Environmental Quality Act; and
- (2) Adopt Planning Commission Resolution No. 2009-P39 approving Variance (V-3-09) and Regular Coastal Permit (RC-14-07) with findings and conditions of approval attached herein.

PREPARED BY:

  
Scott Nightingale  
Acting Associate Planner

SUBMITTED BY:

  
Jerry Hittleman  
City Planner

REVIEWED BY:

Richard Greenbauer, Senior Planner



Attachments:

- 1. Site Plan/Floor Plan and Elevations
- 2. Planning Commission Resolution No. 2009-P39
- 3. Primary Report
- 4. Blockface Average Application
- 5. BMB Car Lift Specifications
- 6. Letters from public



ARCHITECT  
**STUDIO 4**  
 3000 MEHA DRIVE  
 SUITE 100  
 OCEANSIDE, CA 92054  
 (760) 751-1004 FAX  
 (760) 751-1003 PM  
 P.L. LONGTON@STUDIO4.COM  
 LONGTON  
 ARCHITECTS

PROJECT:  
**LOT 18**  
 833 S. PACIFIC ST.  
 OCEANSIDE, CA

OWNER:  
 Beach City LLC  
 301 S. COAST HWY  
 OCEANSIDE, CA 92054

OWNER'S REP:  
 PAUL LONGTON  
 STUDIO 4 ARCHITECTS  
 3000 MEHA DRIVE  
 OCEANSIDE, CA 92054  
 (760) 751-1004

RELEASE DATES:  
 08/08 09/09/09  
 08/08 09/09/09

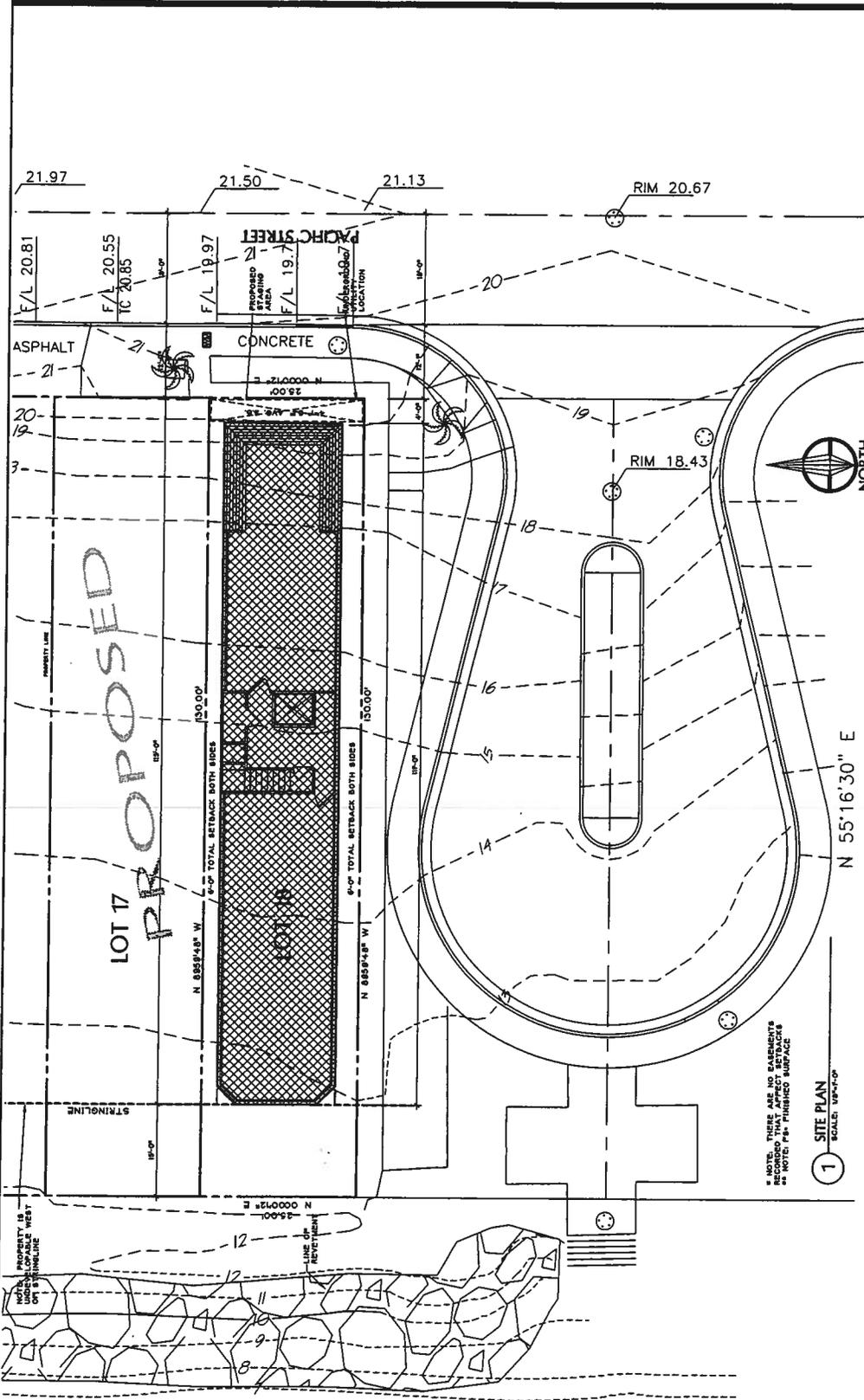
DRAWING STATUS:  
 PRELIMINARY DRAWING  
 NOT FOR CONSTRUCTION  
 ALL DIMENSIONS AND ELEVATIONS ARE AS SHOWN UNLESS OTHERWISE NOTED  
 ALL DIMENSIONS ARE IN FEET AND INCHES  
 ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED  
 ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED  
 ALL DIMENSIONS ARE TO SURFACE UNLESS OTHERWISE NOTED  
 ALL DIMENSIONS ARE TO FINISHED SURFACE UNLESS OTHERWISE NOTED

NO. 11 (SHEET)  
 NO. 12 (SHEET)  
 NO. 13 (SHEET)  
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TYPICAL SYMBOLS:  
 1. 1" = 1' SCALE  
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DRAWN BY: MJC  
 CHECKED BY: PL  
 SHEET TITLE:  
**SITE PLAN**

SHEET NO.:  
**SP.1**



**SITE NOTES**

- 1 THE CONTRACTOR MUST VERIFY ALL GRADES, CONDITIONS AND DIMENSIONS PRIOR TO COMMENCING WORK. THE OWNER SHALL BE NOTIFIED IMMEDIATELY IF ANY DISCREPANCIES ARE FOUND.
- 2 THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UTILITIES PRIOR TO COMMENCING WORK.
- 3 SWAPAGE WATER SHALL DRAIN AWAY FROM BUILDING STRUCTURES @ NO LESS THAN 2% SLOPE.
- 4 EXISTING SEWER LATERAL PER CITY OF OCEANSIDE ENGINEERING DEPARTMENT SHALL BE MAINTAINED.
- 5 EXISTING WATER LATERAL PER CITY OF OCEANSIDE WATER & SEWER DEPARTMENT SHALL BE MAINTAINED.
- 6 ALL PROPERTY LINE, EASEMENTS AND ENCUMBRANCES, BOTH EXISTING AND PROPOSED, ARE SHOWN ON THIS SITE PLAN.

**GRADING NOTE**

THE ORIGINAL GRADING PLANS ARE NOT AVAILABLE. EXISTING SITE ELEVATIONS ARE BASED ON EXISTING SITE CONDITIONS.







ARCHITECT:  
**STUDIO 4**  
 300 N. MIAMI BEACH BLVD.  
 OCEANVIEW, CA 90654  
 (714) 721-1600 FAX  
 P: PAUL LONGTON  
 P: PAUL LONGTON  
 PRINCIPAL

PROJECT:  
**LOT 18**  
 833 S. PACIFIC ST.  
 OCEANVIEW, CA

OWNER:  
 Beach City LLC  
 1821 S. COAST HWY  
 OCEANVIEW, CA 90654

OWNER'S REP:  
 PAUL LONGTON  
 STUDIO 4 ARCHITECTS  
 2800 AREA DRIVE  
 OCEANVIEW, CA 90654  
 (714) 721-1600

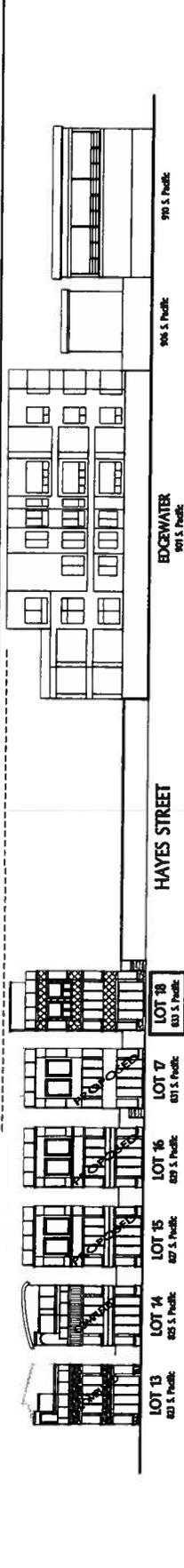
RELEASE DATE:  
 08/09/09  
 09/09/09  
 09/09/09

DRAWING STATUS:  
 ( ) NOT FOR CONSTRUCTION  
 ( ) PRELIMINARY DRAWING  
 ( ) CONTRACT DOCUMENTS  
 ( ) CONTRACT SET  
 ( ) FINAL CONTRACT SET  
 ( ) FOR PERMITS  
 ( ) FOR RECORDS  
 ( ) FOR ARCHIVE  
 ( ) FOR OTHER

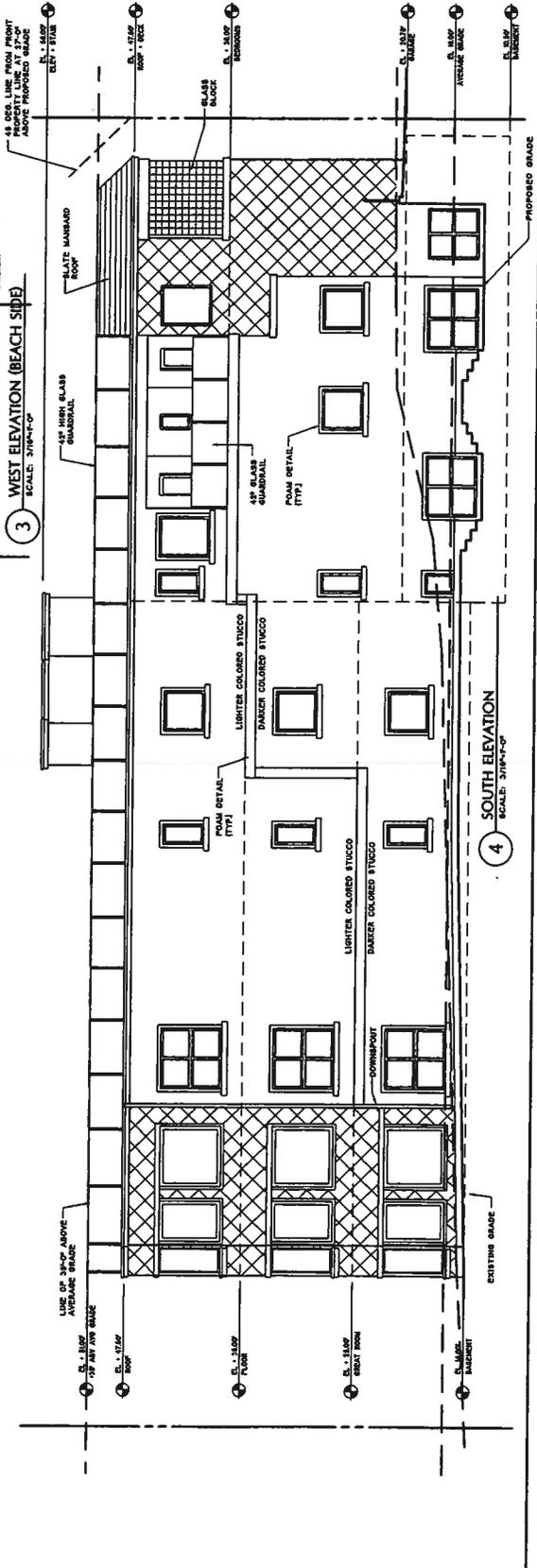
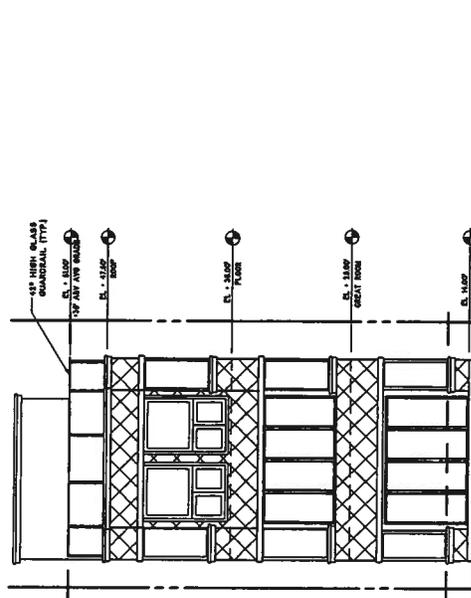
DATE PLOTTED:  
 08/09/09  
 09/09/09  
 09/09/09

DRAWN BY: MGR  
 CHECKED BY: PL  
 SHEET TITLE:  
**EXTERIOR ELEVATIONS**

SHEET NO.:  
**A.3-B**



**THE STRAND - WEST ELEVATION**











1 PLANNING COMMISSION  
2 RESOLUTION NO. 2009-P39

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

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6 APPLICATION NO: V-3-09, RC-14-07  
7 APPLICANT: Beach City, LLC  
8 LOCATION: 833 South Pacific Street  
Lot 18 in Block C of Myers' Annex to Oceanside

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

11 WHEREAS, there was filed with this Commission a verified petition on the forms  
12 prescribed by the Commission requesting a Variance and Regular Coastal Permit under the  
13 provisions of Articles 10, 40, and 41 of the Zoning Ordinance of the City of Oceanside to permit  
14 the following:

15 demolition of existing structures, to allow for the construction of an attached duplex  
16 consisting of 2,100 square feet for unit one and 3,364 square feet for unit two, with a  
17 shared eight-car tandem garage located at 833 South Pacific Street;

18 on certain real property described in the project description.

19 WHEREAS, the Planning Commission, after giving the required notice, did on the 26<sup>th</sup>  
20 day of October, 2009 conduct a duly advertised public hearing as prescribed by law to consider  
21 said application.

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

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

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

29 ///

| <u>Description</u>  | <u>Authority for Imposition</u>   | <u>Current Estimate Fee or Calculation Formula</u>   |
|---|---|--|
| Parkland Dedication/Fee   | Ordinance No. 91-10<br>Resolution No. 06-R0334-1                                    | \$3,503 per unit.  |
| Drainage Fee  | Ordinance No. 85-23<br>Resolution No. 06-R0334-1                                    | Depends on area (range is \$2,843-\$15,964 per acre).  |
| Public Facility Fee   | Ordinance No. 91-09<br>Resolution No. 06-R0334-1                                    | \$2,072 per unit for residential.  |
| School Facilities Mitigation Fee  | Ordinance No. 91-34   | \$2.63 per square foot residential.  |
| Traffic Signal Fee  | Ordinance No. 87-19<br>Resolution No. 06-R0334-1                                    | \$15.71 per vehicle trip.  |
| Thoroughfare Fee<br>(For commercial and industrial please note the 75 percent discount) | Ordinance No. 83-01<br>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<br>Resolution No. 87-96<br>Ordinance No. 05-OR 0611-1  | Fee based on water meter size. Residential is typically \$4,597 per unit.                            |
| Wastewater System Buy-in fees   | Oceanside City Code § 29.11.1<br>Resolution No. 87-97<br>Ordinance No. 05-OR 0610-1 | Based on capacity or water meter size. Residential is typically \$6,313 per unit.                    |
| San Diego County Water Authority Capacity Fees  | SDCWA Ordinance No. 2005-03   | Based on meter size. Residential is typically \$4,326 per unit.                                      |

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

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

1 City Code and the City expressly reserves the right to amend the fees and fee calculations  
2 consistent with applicable law;

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

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

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

11 WHEREAS, the documents or other material which constitute the record of  
12 proceedings upon which the decision is based will be maintained by the City of Oceanside  
13 Planning Division, 300 North Coast Highway, Oceanside, California 92054.

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

16 FINDINGS:

17 For the Variance (V-3-09) to allow for a four-car tandem garage in lieu of the required  
18 horizontal three-car garage requirement pursuant to Section 3103 and 3110.

19 1. That because of special circumstances or conditions applicable to 833 South Pacific  
20 Street (a 25-foot wide legal lot where 60 feet is required) strict application of the  
21 requirements of the Zoning Ordinance (Sections 3103, 3113, and 1050) deprives such  
22 property of privileges enjoyed by other property in the vicinity and under the  
23 Residential Tourist (RT) District classification. New residences with more than 2,500  
24 square feet are required to provide three off-street parking spaces; the use of tandem  
25 parking layout is an acceptable means of providing off-street parking spaces when a  
26 legal lot's width -- 25-feet -- is too narrow to accommodate three parking spaces side-  
27 by-side. Further, a tandem layout allows the property owner to enjoy vehicular access  
28 what would otherwise not be possible given the lot's width.

29 2. That granting the Variance (V-3-09) will not be detrimental or injurious to the property  
or improvements in the vicinity of the proposed two unit attached duplex, or to the  
public health, safety or general welfare. A reduction in the required width of the garage

1 and access to the required third parking space (tandem layout) are granted because of  
2 the narrow width of the existing legal lot. Reductions in the required front yard in the  
3 RT District is permitted based upon the average depth of building set backs from the  
4 public right-of-way. The characteristic of the 800 block of South Pacific Street includes  
5 an average front yard depth of 3.88 feet.

- 6 3. That granting the Variance (V-3-09) is consistent with the purposes of the Zoning  
7 Ordinance and will not constitute a grant of special privilege inconsistent with  
8 limitations on other properties in the vicinity and in the RT District. Granting a  
9 Variance to allow a reduction in the required garage width, a modification to the  
10 required parking access, and a reduction in the required garage set back is acceptable  
11 under the provisions of the Zoning Ordinance and the RT District and will not adversely  
12 affect the General Plan or the Local Coastal Program. The tandem parking layout will  
13 not pose a traffic problem nor be detrimental to the adjacent properties and the Townsite  
14 Neighborhood.

15 For the Regular Coastal Permit (RC-14-07) to allow construction of a new single-family  
16 residence:

- 17 1. The proposed duplex conforms to the Local Coastal Program (LCP), including the  
18 policies of that plan; for example, the proposal conforms to LCP II *Recreation and*  
19 *visitor serving facilities* policies 13 and 17 (regarding off-street parking) and LCP III  
20 *Water and marine resources; diking, dredging, filling, and shoreline structures; and*  
21 *hazard areas* policy 13 (requires assurance that development will not be imperiled by  
22 erosion during the expected life of the structure).
- 23 2. The project site, 833 South Pacific Street, is situated within the appeal area of the LCP  
24 and conforms to the public access and recreation policies of Chapter 3 of the Coastal  
25 Act. The 800 block of South Pacific Street is 450 feet in length. This adequately  
26 satisfies the requirement that every 500 feet public beach access be accommodated.  
27 Public access is provided at Wisconsin Avenue and Hayes Street.

28 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
29 confirm issuance of a Categorical Exemption pursuant to Section 15303 of the California  
Environmental Quality Act and approve Variance (V-3-09) and Regular Coastal Permit (RC-14-  
07) subject to the following conditions:

1 **Building:**

- 2 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
3 Building Division plan check (Currently the 2007 California Building Code, and 2007  
4 California Electrical Code).
- 5 2. The granting of approval under this action shall in no way relieve the applicant/project  
6 from compliance with all State and Local building codes.
- 7 3. The building plans for this project are required by State law to be prepared by a licensed  
8 architect or engineer and must comply with this requirement prior to submittal for building  
9 plan review.
- 10 4. All electrical, communication, CATV, etc. service lines within the exterior lines of the  
11 property shall be underground (City Code Sec. 6.30).
- 12 5. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the  
13 plans.
- 14 6. The developer shall monitor, supervise and control all building construction and  
15 supporting activities so as to prevent these activities from causing a public nuisance,  
16 including, but not limited to, strict adherence to the following:
- 17 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
18 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for  
19 work that is not inherently noise-producing. Examples of work not permitted on  
20 Saturday are concrete and grout pours, roof nailing and activities of similar noise-  
21 producing nature. No work shall be permitted on Sundays and Federal Holidays  
22 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and  
23 Christmas Day) except as allowed for emergency work under the provisions of the  
24 Oceanside City Code Chapter 38 (Noise Ordinance).
- 25 b) The construction site shall be kept reasonably free of construction debris as  
26 specified in Section 13.17 of the Oceanside City Code. Storage of debris in  
27 approved solid waste containers shall be considered compliance with this  
28 requirement. Small amounts of construction debris may be stored on-site in a neat,  
29 safe manner for short periods of time pending disposal.
7. Construction plans submitted to the Building Division after January 1, 2008 must comply  
with the State adopted California Building Codes.

- 1 8. Separate/unique addresses will be required to facilitate utility releases. Verification that  
2 the addresses have been properly assigned by the City's Planning Division must  
3 accompany the Building Permit application.
- 4 9. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation  
5 will be required at time of plans submittal to the Building Division for plan check.
- 6 10. A Building (Demo) Permit will be required for the demolition of any existing structures.  
7 Plans for the Demolition Permit must clearly show that all utilities (electric, gas, water, &  
8 sewer) are properly terminated/capped in accordance with the requirements of the utility  
9 service provider. All/any underground septic or water storage tanks must be removed or  
10 filled in accordance with the Uniform Plumbing Code and/or the City's Grading  
11 Ordinance.
- 12 11. As part of your plan check submittal for a Building Permit, submit a "plat" drawing  
13 showing the first floor elevations for each segment, the locations of the points where the  
14 floor level is six feet above grade, and the lowest elevation within five feet from the  
15 building for each segment or property line.
- 16 12. Setbacks and Type of Construction must comply with the 2007 California Building Code.  
17 Exterior openings less than five feet from the property line must be protected per table  
18 704.8 of the CBC. Exterior walls less than five feet to the property line must be one hour  
19 rated per Table 602 of the CBC.
- 20 13. All wired glass windows or doors between three and five feet from the property line must  
21 meet requirements of the new 2007 California Building Code table 715.5 and 715.5.3.
- 22 14. Building levels below grade (on all sides) shall be provided with a mechanical drainage  
23 system that provides drainage to an approved location/receptor.
- 24 15. Window wells must be installed per section 1026 of The CBC.

**Fire:**

- 25 16. The size of fire hydrant outlets shall be 2 ½ "X 4".
- 26 17. Blue hydrant identification markers shall be placed as per Oceanside's Engineers Design  
27 and Processing Manual Standard Drawing No. M-13.
- 28 18. Single-family dwellings require four-inch address numbers.
- 29 19. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval  
prior to the issuance of building permits.

- 1 20. Buildings shall meet Oceanside Fire Department's current codes at the time of building  
2 permit application.
- 3 21. Future development of the property will require compliance with all applicable Fire  
4 Department standards.
- 5 22. A minimum fire flow of 1750 gallons per minute shall be provided.
- 6 23. Fire sprinklers are required as per NFPA13-D.
- 7 24. Fire Department requirements shall be placed on the plans and in the note section of the  
8 plans.

9 **Engineering:**

- 10 25. For the demolition of any existing structures or surface improvements, grading plans shall  
11 be submitted and erosion control plans be approved by the City Engineer prior to the  
12 issuance of a demolition permit. No demolition shall be permitted without an approved  
13 erosion control plan.
- 14 26. This project involves demolition of an existing structure or surface improvements; an  
15 erosion control plan shall be submitted and approved by the City Engineer before  
16 issuance of any demolition permit. No grading operation shall be allowed in  
17 conjunction with the demolition operation without an approved grading plan. No  
18 demolition shall be permitted without an approved erosion control plan.
- 19 27. All right-of-way alignments, street dedications, exact geometrics and widths shall be  
20 dedicated and improved as required by the City Engineer.
- 21 28. Design and construction of all improvements shall be in accordance with standard  
22 plans, specifications of the City of Oceanside and subject to approval by the City  
23 Engineer.
- 24 29. Prior to issuance of a building permit all improvement requirements shall be covered by  
25 a development agreement and secured with sufficient improvement securities or bonds  
26 guaranteeing performance and payment for labor and materials, setting of monuments,  
27 and warranty against defective materials and workmanship.
- 28 30. Where proposed off-site improvements, including but not limited to slopes, public  
29 utility facilities, and drainage facilities, are to be constructed, the owner/developer shall,  
at his own expense, obtain all necessary easements or other interests in real property  
and shall dedicate the same to the City of Oceanside as required. The owner/developer

1 shall provide documentary proof satisfactory to the City of Oceanside that such  
2 easements or other interest in real property have been obtained prior to issuance of any  
3 grading permit for the development. Additionally, the City of Oceanside, may at its  
4 sole discretion, require that the owner/developer obtain at his sole expense a title policy  
5 insuring the necessary title for the easement or other interest in real property to have  
6 vested with the City of Oceanside or the owner/developer, as applicable.

7 31. Prior to the issuance of a grading permit, the owner/developer shall notify and host a  
8 neighborhood meeting with all of the area residents located within 300 feet of the  
9 project site, to inform them of the grading and construction schedule, and to answer  
10 questions.

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

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

23 34. Approval of this development is conditioned upon payment of all applicable impact fees  
24 and connection fees in the manner provided in chapter 32B of the Oceanside City Code.  
25 All traffic signal fees and contributions, highway thoroughfare fees, park fees,  
26 reimbursements, and other applicable charges, fees and deposits shall be paid prior to  
27 the issuance of any building permits, in accordance with City Ordinances and policies.

28 35. Sidewalk improvements shall comply with ADA requirements. The parkway shall be  
29 landscaped and maintained by the owner of the subject property in perpetuity to the  
satisfaction of the City Engineer.

- 1 36. Sight distance requirements at the project driveway shall conform to the corner sight  
2 distance criteria as provided by SDRSD DS-20A and or DS-20B.
- 3 37. Streetlights shall be maintained and installed as required along the project's frontage,  
4 Pacific Street per City Standards. The system shall provide uniform lighting, and be  
5 secured prior to occupancy. The owner/developer shall pay all applicable fees, energy  
6 charges, and/or assessments associated with City-owned (LS-2 rate schedule)  
7 streetlights and shall also agree to the formulation of, or the annexation to, any  
8 appropriate street lighting district.
- 9 38. Pavement sections for Pacific Street and driveways areas shall be based upon approved  
10 soil tests and traffic indices. The pavement design is to be prepared by the  
11 owner's/developer's soil engineer and must be approved by the City Engineer, prior to  
12 paving.
- 13 39. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged  
14 during construction of the project, shall be repaired or replaced as directed by the City  
15 Engineer.
- 16 40. The owner/developer shall comply with all the provisions of the City's cable television  
17 ordinances including those relating to notification as required by the City Engineer.
- 18 41. Grading and drainage facilities shall be designed and installed to adequately  
19 accommodate the local storm water runoff and shall be in accordance with the City's  
20 Grading Ordinance and current San Diego County Hydrology Manual.
- 21 42. The owner/developer shall obtain any necessary permits and clearances from all public  
22 agencies having jurisdiction over the project due to its type, size, or location, including  
23 but not limited to the U. S. Army Corps of Engineers, California Department of Fish &  
24 Game, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality  
25 Control Board (including NPDES), San Diego County Health Department, prior to the  
26 issuance of grading permits.
- 27 43. The approval of the development shall not mean that proposed grading or improvements  
28 on adjacent properties is granted or guaranteed to the owner/developer. The  
29 owner/developer is responsible for obtaining permission to grade to construct on  
adjacent properties. Should such permission be denied, the development shall be  
subject to going back to the public hearing or subject to a substantial conformity review.

- 1 44. A precise grading and improvement plan shall be prepared, reviewed, secured and  
2 approved prior to the issuance of any building permits. The plan shall reflect all  
3 pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping,  
4 and signage, footprints of all structures, walls, drainage devices and utility services.
- 5 45. Prior to any grading of any part of the project, a comprehensive soils and geologic  
6 investigation shall be conducted of the soils, slopes, and formations in the project. All  
7 necessary measures shall be taken and implemented to assure slope stability, erosion  
8 control, and soil integrity. No grading shall occur until a detailed grading plan, to be  
9 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved  
10 by the City Engineer.
- 11 46. The project Geotechnical Engineer shall review and approve the detailed shoring,  
12 foundation, site work plans prior to issuance of any permits. This approval shall be by  
13 wet signature which clearly indicates that the Geotechnical Engineer have reviewed the  
14 plans prepared by the Design Engineer and that plans are in conformance with the  
15 recommendation contained in their Geotechnical Report.
- 16 47. The approval of the Preliminary Grading Plan is predicated on the construction of a mat  
17 foundation. The approval of a grading permit will be assumed to be with the  
18 recommendation of a mat foundation as provided by the Geotechnical Engineer. The  
19 Engineering Division must be informed as to any changes as to this recommendation at  
20 the time of submittal for the grading permit.
- 21 48. An "As-Built" report prepared by the project Geotechnical Engineer must be submitted  
22 to the City for review. The report must include the results of all compaction tests as  
23 well as a map depicting the limits of over excavation, observed geological conditions,  
24 locations of all density tests, location and elevation of all retaining wall back-drains and  
25 outlets.
- 26 49. This project shall provide year-round erosion control including measures for the site  
27 required for the phasing of grading. Prior to the issuance of grading permit, an erosion  
28 control plan, designed for all proposed stages of construction, shall be reviewed,  
29 secured by the owner/developer with cash securities and approved by the City Engineer.
50. Landscaping plans, including plans for the construction of walls, fences or other  
structures at or near intersections, must conform to intersection sight distance

1 requirements. Landscape and irrigation plans for disturbed areas must be submitted to  
2 the City Engineer prior to the issuance of a preliminary grading permit and approved by  
3 the City Engineer prior to the issuance of occupancy permits. Frontage and median  
4 landscaping shall be installed prior to the issuance of any certificates of occupancy.  
5 Any project fences, sound or privacy walls and monument entry walls/signs shall be  
6 shown on, bonded for and built from the landscape plans. These features shall also be  
7 shown on the precise grading plans for purposes of location only. Plantable, segmental  
8 walls shall be designed, reviewed and constructed by the grading plans and  
9 landscaped/irrigated through project landscape plans. All plans must be approved by  
10 the City Engineer and a pre-construction meeting held, prior to the start of any  
11 improvements.

12 51. The drainage design on the development plan is conceptual only. The final design shall  
13 be based upon a hydrologic/hydraulic study to be approved by the City Engineer during  
14 final engineering. All drainage picked up in an underground system shall remain  
15 underground until it is discharged into an approved channel, or as otherwise approved  
16 by the City Engineer. All public storm drains shall be shown on City standard plan and  
17 profile sheets. All storm drain easements shall be dedicated where required. The  
18 owner/developer shall be responsible for obtaining any off-site easements for storm  
19 drainage facilities.

20 52. Storm drain facilities shall be designed and located such that the inside traveling lanes  
21 on streets with Collector or above design criteria shall be passable during conditions of  
22 a 100-year frequency storm.

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

26 54. The owner/developer shall comply with applicable FEMA regulations. The  
27 owner/developer shall record a covenant against the property indemnifying and holding  
28 the City harmless from any claims regarding drainage and flooding prior to issuance of  
29 any grading or building permit

55. Following approval of the SWMP by the City Engineer and prior to issuance of grading  
permits, the owner/developer shall submit and obtain approval of an Operation &

1 Maintenance (O&M) Plan, prepared to the satisfaction of the City Engineer. The O&M  
2 Plan shall include an approved and executed Maintenance Mechanism pursuant to  
3 Section 4.1 of the Interim Standard Urban Storm Water Mitigation Plan (ISUSMP).  
4 The O&M shall satisfy the minimum Maintenance Requirements pursuant to Section  
5 4.3 of the ISUSMP. At a minimum the O&M Plan shall include the designated  
6 responsible party to manage the stormwater BMP(s), employee training program and  
7 duties, operating schedule, maintenance frequency, routine service schedule, specific  
8 maintenance activities, copies of resource agency permits, cost estimate for  
9 implementation of the O&M Plan, a security to provide maintenance in the event of  
10 noncompliance to the O&M Plan, and any other necessary elements. The  
11 owner/developer shall provide the City with access to site for the purpose of BMP  
12 inspection and maintenance by entering into an Access Rights Agreement with the City.  
13 The owner/developer shall complete and maintain O&M forms to document all  
14 operation, inspection, and maintenance activities. The owner/developer shall retain  
15 records for a minimum of 5 years. The records shall be made available to the City upon  
16 request.

16 56. The owner/developer shall enter into a City-Standard Stormwater Facilities  
17 Maintenance Agreement with the City obliging the owner/developer to maintain, repair  
18 and replace the Storm Water Best Management Practices (BMPs) identified in the  
19 project's approved SWMP, as detailed in the O&M Plan into perpetuity. The  
20 Agreement shall be approved by the City Attorney prior to issuance of any precise  
21 grading permit and shall be recorded at the County Recorder's Office prior to issuance  
22 of any building permit. Security in the form of cash (or certificate of deposit payable to  
23 the City) or an irrevocable, City-Standard Letter of Credit shall be required prior to  
24 issuance of a precise grading permit. The amount of the security shall be equal to 10  
25 years of maintenance costs, as identified by the O&M Plan, but not to exceed a total of  
26 \$25,000. The owner/developer's Civil Engineer shall prepare the O&M cost estimate.

26 57. At a minimum, maintenance agreements shall require the staff training, inspection and  
27 maintenance of all BMPs on an annual basis. The owner/developer shall complete and  
28 maintain O&M forms to document all maintenance activities. Parties responsible for  
29

1 the O&M plan shall retain records at the subject property for at least 5 years. These  
2 documents shall be made available to the City for inspection upon request at any time.

3 58. The Agreement shall include a copy of executed on-site and off-site access rights  
4 necessary for the operation and maintenance of BMPs that shall be binding on the land  
5 throughout the life of the project to the benefit of the party responsible for the O&M of  
6 BMPs, satisfactory to the City Engineer. The agreement shall also include a copy of the  
7 O&M Plan approved by the City Engineer.

8 59. The BMPs described in the project's approved SWMP shall not be altered in any way,  
9 unless reviewed and approved to the satisfaction of the City Engineer. The  
10 determination of whatever action is required for changes to a project's approved SWMP  
11 shall be made by the City Engineer.

12 60. The owner/developer shall provide a copy of the cover page of approved SWMP with  
13 the first engineering submittal package. All Stormwater documents shall be in  
14 compliance with the latest edition of submission requirements.

15 61. The approval of the development shall not mean that closure, vacation, or abandonment  
16 of any public street, right-of-way, easement, or facility is granted or guaranteed to the  
17 owner/developer. The owner/developer is responsible for applying for all closures,  
18 vacations, and abandonments as necessary. The application(s) shall be reviewed and  
19 approved or rejected by the City of Oceanside under separate process (es) per codes,  
20 ordinances, and policies in effect at the time of the application. The City of Oceanside  
21 retains its full legislative discretion to consider any application to vacate a public street  
22 or right-of-way.

23 62. The application(s) shall be reviewed and approved or rejected by the City of Oceanside  
24 under separate process (es) per codes, ordinances, and policies in effect at the time of  
25 the application. The City of Oceanside retains its full legislative discretion to consider  
26 any application to vacate a public street or right-of-way.

27 63. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire  
28 project will be subject to prevailing wage requirements as specified by Labor Code  
29 section 1720(b) (4). The owner/developer shall agree to execute a form acknowledging  
the prevailing wage requirements prior to the granting of any fee reductions or waivers.

1 64. In the event that the conceptual plan does not match the conditions of approval, the  
2 resolution of approval shall govern.

3 65. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines  
4 and Specifications for Landscape Development (latest revision), Water Conservation  
5 Ordinance No. 91-15, Engineering criteria, City code and ordinances, including the  
6 maintenance of such landscaping, shall be reviewed and approved by the City Engineer  
7 prior to the issuance of building permits. Landscaping shall not be installed until bonds  
8 have been posted, fees paid, and plans signed for final approval. The following  
9 landscaping requirements shall be required prior to plan approval and certificate of  
10 occupancy:

- 11 a) Final landscape plans shall accurately show placement of all plant material such  
12 as but not limited to trees, shrubs, and groundcovers.
- 13 b) Landscape Architect shall be aware of all utility, sewers, storm drain easement  
14 and place planting locations accordingly to meet City of Oceanside  
15 requirements.
- 16 c) All required landscape areas shall be maintained by owner. The landscape areas  
17 shall be maintained per City of Oceanside requirements.
- 18 d) Proposed landscape species shall be native or naturalized to fit the site and meet  
19 climate changes indicative to their planting location. The selection of plant  
20 material shall also be based on cultural, aesthetic, and maintenance  
21 considerations. In addition proposed landscape species shall be low water users  
22 as well as meet all fire department requirements.
- 23 e) All planting areas shall be prepared with appropriate soil amendments,  
24 fertilizers, and appropriate supplements based upon a soils report from an  
25 agricultural suitability soil sample taken from the site.
- 26 f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil  
27 from the sun, evapotranspiration and run-off. All the flower and shrub beds  
28 shall be mulched to a 3" depth to help conserve water, lower the soil  
29 temperature and reduce weed growth.
- g) The shrubs shall be allowed to grow in their natural forms. All landscape  
improvements shall follow the City of Oceanside Guidelines.

- 1 h) Root barriers shall be installed adjacent to all paving surfaces, where a paving  
2 surface is located within six feet of a trees trunk on-site (private) and within 10  
3 feet of a trees trunk in the right-of-way (public). Root barriers shall extend five  
4 feet in each direction from the centerline of the trunk, for a total distance of 10  
5 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around  
6 the tree's root ball is unacceptable.
- 7 i) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall  
8 obtain planning department approval for these items in the conditions or  
9 application stage prior to 1st submittal of working drawings.
- 10 j) For the planting and placement of trees and their distances from hardscape and  
11 other utilities/structures the landscape plans shall follow the City of Oceanside's  
12 (current) Tree Planting Distances and Spacing Standards.
- 13 k) An automatic irrigation system shall be installed to provide coverage for all  
14 planting areas shown on the plan. Low precipitation equipment shall provide  
15 sufficient water for plant growth with a minimum water loss due to water run-  
16 off.
- 17 l) Irrigation systems shall use high quality, automatic control valves, controllers  
18 and other necessary irrigation equipment. All components shall be of non-  
19 corrosive material. All drip systems shall be adequately filtered and regulated  
20 per the manufacturer's recommended design parameters.
- 21 m) All irrigation improvements shall follow the City of Oceanside Guidelines and  
22 Water Conservation Ordinance.
- 23 n) The landscape plans shall match all plans affiliated with the project.
- 24 o) Landscape plans shall comply with Biological and/or Geotechnical reports, as  
25 required, shall match the grading and improvement plans, comply with SWMP  
26 Best Management Practices and meet the satisfaction of the City Engineer.
- 27 p) Existing landscaping on and adjacent to the site shall be protected in place and  
28 supplemented or replaced to meet the satisfaction of the City Engineer.
- 29 66. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-  
way and within any adjoining public parkways shall be permanently maintained by the  
owner, his assigns or any successors-in-interest in the property. The maintenance

1 program shall include: a) normal care and irrigation of the landscaping b) repair and  
2 replacement of plant materials c) irrigation systems as necessary d) general cleanup of  
3 the landscaped and open areas e) parking lots and walkways, walls, fences, etc. Failure  
4 to maintain landscaping shall result in the City taking all appropriate enforcement  
5 actions including but not limited to citations. This maintenance program condition shall  
6 be recorded with a covenant as required by this resolution.

7 67. In the event that the conceptual landscape plan (CLP) does not match the conditions of  
8 approval, the resolution of approval shall govern.

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

- 12 a) Dirt, debris and other construction material shall not be deposited on any public  
13 street or within the City's storm water conveyance system.
- 14 b) All grading and related site preparation and construction activities shall be  
15 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No  
16 engineering related construction activities shall be conducted on Saturdays,  
17 Sundays or legal holidays unless written permission is granted by the City  
18 Engineer with specific limitations to the working hours and types of permitted  
19 operations. All on-site construction staging areas shall be as far as possible  
20 (minimum 100 feet) from any existing residential development. Because  
21 construction noise may still be intrusive in the evening or on holidays, the City  
22 of Oceanside Noise Ordinance also prohibits "any disturbing excessive or  
23 offensive noise which causes discomfort or annoyance to reasonable persons of  
24 normal sensitivity."
- 25 c) The construction site shall accommodate the parking of all motor vehicles used  
26 by persons working at or providing deliveries to the site. An alternate parking  
27 site can be considered by the City Engineer in the event that the lot size is too  
28 small and cannot accommodate parking of all motor vehicles.
- 29 d) The owner/developer shall complete a haul route permit application (if required  
for import/export of dirt) and submit to the City of Oceanside Engineering

1                    Division 48 hours in advance of beginning of work. Hauling operations (if  
2                    required) shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise.

3     **Planning:**

4     69.     The Variance (V-3-09) and Regular Coastal Permit (RC-14-07) shall expire on October  
5                    26, 2012 unless implemented as required by the Zoning Ordinance.

6     70.     The Variance V-3-09 and Regular Coastal Permit RC-14-07 are granted for the  
7                    following purposes only:

8                    a)     Locating a required off-street parking space in an 850-sqaure foot four-car  
9                    tandem garage with four additional spaces provided through a hydraulic car lift  
10                    that would provide a total of eight parking spaces within the garage. All spaces  
11                    are required to be enclosed and egress from South Pacific Street.

12                    b)     The demolition of the existing structures on the property located on Lot 18, to  
13                    allow the construction of a two unit attached duplex consisting of a 2,100-  
14                    square-foot unit and a 3,364-square-foot unit with an eight-car tandem garage.  
15                    No deviation from these approved plans and exhibits shall occur without Planning  
16                    Commission approval. Substantial deviations shall require a revision to the  
                  Regular Coastal Permit or a new Coastal Permit.

17     71.     Variance V-3-09 and Regular Coastal Permit RC-14-07 shall lapse three years after the  
18                    effective date of approval unless implemented as provided in Section 4108.A of the  
19                    Zoning Ordinance and as provided in the conditions as adopted herein.

20     72.     Variance V-3-09 and Regular Coastal Permit RC-14-07 shall be called for review by the  
21                    Planning Commission if complaints are filed and verified as valid by the City Planner or  
22                    the Code Enforcement Officer concerning the violation of any of the approved  
23                    conditions or the project assumptions demonstrated under the application approval.

24     73.     The validity of Variance V-3-09 and Regular Coastal Permit RC-14-07 shall not be  
25                    affected by changes in ownership or tenants.

26     74.     Variance V-3-09 and Regular Coastal Permit RC-14-07 shall lapse if the exercise of  
27                    rights granted by it is discontinued for six consecutive months.

28     75.     Variance V-3-09 and Regular Coastal Permit RC-14-07 that are exercised in violation  
29                    of a condition of approval or a provision of the Zoning Ordinance may be revoked, as  
                  provided in Section 4706.

1 76. A request for changes in conditions of approval of a variance, or a change to the  
2 approved plans that would affect a condition of approval shall be treated as a new  
3 application. The City Planner may waive the requirements for a new application if the  
4 changes requested are minor, do not involve substantial alterations or addition to the  
5 plan or the conditions of approval, and are consistent with the intent of the project's  
6 approval or otherwise found to be in substantial conformance.

7 77. Variance V-3-09 and Regular Coastal Permit RC-14-07 may be revised or renewed in  
8 accordance with the provisions of the Zoning Ordinance. The application for V-3-09  
9 and RC-14-07 revision or renewal shall also be evaluated against the existing land use  
10 policies and any site area and neighborhood changes.

11 78. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
12 harmless the City of Oceanside, its agents, officers or employees from any claim, action  
13 or proceeding against the City, its agents, officers, or employees to attack, set aside,  
14 void or annul an approval of the City, concerning Variance (V-3-09) and Regular  
15 Coastal Permit (RC-14-07). The City will promptly notify the applicant of any such  
16 claim, action or proceeding against the City and will cooperate fully in the defense. If  
17 the City fails to promptly notify the applicant of any such claim action or proceeding or  
18 fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible  
19 to defend, indemnify or hold harmless the City.

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

24 80. Prior to issuance of a building permit, the applicant and landowner, shall execute and  
25 record a covenant, in a form and content acceptable to the City Attorney, which shall  
26 provide:

27 a) That the applicant understands that the site may be subject to extraordinary  
28 hazard from waves during storms and from erosion and the applicants assumes  
29 the liability from those hazards.

b) That the applicant unconditionally waives any claim of liability on the part of  
the City and agrees defend and indemnify and hold harmless the City and its

1 advisors relative to the City's approval of the project for any damage due to  
2 natural hazards.

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

7 82. Failure to meet any conditions of approval for this project shall constitute a violation of  
8 the Variance V-3-09 and Regular Coastal Permit RC-14-07.

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

14 84. Side and rear elevations and window treatments shall be trimmed to match the front  
15 elevations. A set of building plans shall be reviewed and approved by the City Planner  
16 prior to the issuance of building permits.

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

20 86. All mechanical rooftop and ground equipment shall be screened from public view as  
21 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,  
22 mechanical equipment, screen and vents shall be painted with non-reflective paint to  
23 match the roof. All roof top surfaces shall have a non-reflective surface and mechanical  
24 appurtenances shall be painted to match the roof color. This information shall be shown  
25 on the building plans.

26 87. The HVAC case shall be fully enclosed and not project into a required yard or project  
27 above the district's height requirement.

28 88. Any metallic material (i.e. copper) shall be treated at the time that it is installed, or  
29 earlier, so that its surface does not reflect light. Non-metallic roofing material is  
preferred and non-reflective roofing material is required. The copper roofing shall be  
treated to have a non-reflective surface (patina) at the time it is installed.

- 1 89. Lots is situated on the westerly side of the 800 block of South Pacific Street have an  
2 average front yard depth of 3.88 feet. The structure shall be set back from the front  
3 property line a minimum of 4.1 feet.
- 4 90. Buildings, structures, fences or walls located on lots contiguous to the shoreline, shall  
5 be compatible in scale with the existing development and shall not extend further  
6 seaward than the line established on the Stringline Setback Map.
- 7 91. Fence height limitations and opacity requirements are subject to Section 1050(U) of the  
8 Zoning Ordinance and required front yards. Fence materials shall be 75 percent  
9 transparent.
- 10 92. All wood fences adjacent to public right-of-way, visible from the public right-of-way,  
11 or facing the shore will be stained or otherwise finished with a waterproof material.
- 12 93. The developer's construction of all fencing and walls associated with the project shall  
13 be in conformance with the approved Regular Coastal Permit. Any substantial change  
14 in any aspect of fencing or wall design from the approved Regular Coastal Permit shall  
15 require a revision to the Regular Coastal Permit or a new Regular Coastal Permit.
- 16 94. If any aspect of the project fencing and walls is not covered by an approved Regular  
17 Coastal Permit, the construction of fencing and walls shall conform to the development  
18 standards of the City Zoning Ordinance. In no case, shall the construction of fences and  
19 walls (including combinations thereof) exceed the limitations of the zoning code, unless  
20 expressly granted by a Variance or other development approval.
- 21 95. A minimum of 50 percent of a required yard adjoining a street shall be planting areas  
22 and landscaped.
- 23 96. Compliance with Oceanside Zoning Ordinance 1050(T) shall be required. Fifty percent  
24 of the required interior side yard shall be landscaped.
- 25 97. The project shall dispose of or recycle solid waste in a manner provided in City  
26 Ordinance 13.3.
- 27 98. In the event any subsurface archaeological resources are encountered during grading or  
28 construction activities, such activities in the locality of the find shall be halted  
29 immediately. An archaeologist, certified by the Society of Professional Archaeologists  
(SOPA), shall be brought in to determine the significance of the archaeological  
resources and implement appropriate mitigations prior to recommending earthwork.

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

3 100. Prior to the issuance of building permits the developer or owner shall make an  
4 irrevocable offer of dedication to the City of Oceanside an easement for lateral public  
5 access and passive recreational use along the shoreline adjacent to this property. The  
6 document shall provide that the offer of dedication shall not be used or construed to  
7 allow anyone, prior to acceptance of the offer, to interfere with any rights of public  
8 access acquired through a use which may exist on the property. The easement shall be  
9 located along the entire width of the property line to the toe of the bluff (toe of the  
10 seawall, a line 25 feet inland of the daily high water line, which is understood to be  
11 ambulatory from day to day). The easement shall be recorded free of prior liens and  
12 free of any other encumbrances which may affect said interest. The easement shall run  
13 with the land in favor of the City of Oceanside, and is binding to all successors and  
14 assignees.

15 101. Photo documentation of structures shall be accomplished in the following manner:  
16 Format (4" X 5") to include black and white shots of all exterior elevations of the  
17 cultural resource, producing archival quality negatives and contacts. Interior shots shall  
18 be accomplished in the same format. Color slide photo documentation shall be  
19 required, the number of shots to be determined by the OHPAC. All photo  
20 documentation shall be accomplished under the direction of a designated member of the  
21 OHPAC and to the satisfaction of the City Planner.

22 102. A management plan for the duplex shall be reviewed and approved by the City Planner  
23 prior to the issuance of an occupancy permit.

24 103. If the residential units are used as vacation rentals, a business license shall be obtained  
25 by the owner prior to issuance of an occupancy permit.

26 **Water:**

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

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- 105. The property owner shall maintain private water and wastewater utilities located on private property.
- 106. Water services and sewer laterals constructed in existing right-of-way locations are to be constructed by approved and licensed contractors at developer's expense.
- 107. All Water and Wastewater construction shall conform to the most recent edition of the Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by the Water Utilities Director.
- 108. Residential units shall be metered individually. Private utility systems for residential developments are not allowed.
- 109. All public water and/or sewer facilities not located within the public right-of-way shall be provided with easements sized according to the Water, Sewer, and Reclaimed Water Design and Construction Manual. Easements shall be constructed for all weather access.
- 110. No trees, structures or building overhang shall be located within any water or wastewater utility easement.
- 111. All lots with a finish pad elevation located below the elevation of the next upstream manhole cover of the public sewer shall be protected from backflow of sewage by installing and maintaining an approved type backwater valve, per the Uniform Plumbing Code (U.P.C.).
- 112. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to be paid to the City and collected by the Water Utilities Department at the time of Building Permit issuance.

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

PASSED AND ADOPTED Resolution No. 2009-P39 on October 26, 2009 by the following vote, to wit:

- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Claudia Troisi, 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. 2009-P39.

Dated: October 26, 2009

State of California - The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary #  
HRI #  
Trinomial  
NRHP Status Code

Other Listings  
Review Code

Reviewer

Date

\*Resource Name or #- 835 S. Pacific St., Lot 18

P1. Other Identifier: none

\*P2. Location:  Not for Publication  Unrestricted

\*a. County: San Diego

and (132b and 132c or P2d. Attach a Location Map as necessary.)

\*b. USGS 7.5" Quad:

Date: 1975 T11s, R4w, 1/4 of 1/4 of Sec ; M.D. B.M.S.B

c. Address: 835 S. Pacific St., Lot 18

City: Oceanside

Zip: 92054

d. UTM: Zone: 10, mE/ mN (G.P.S.)

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) Elevation:  
APN# 150-356-18

\*133a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

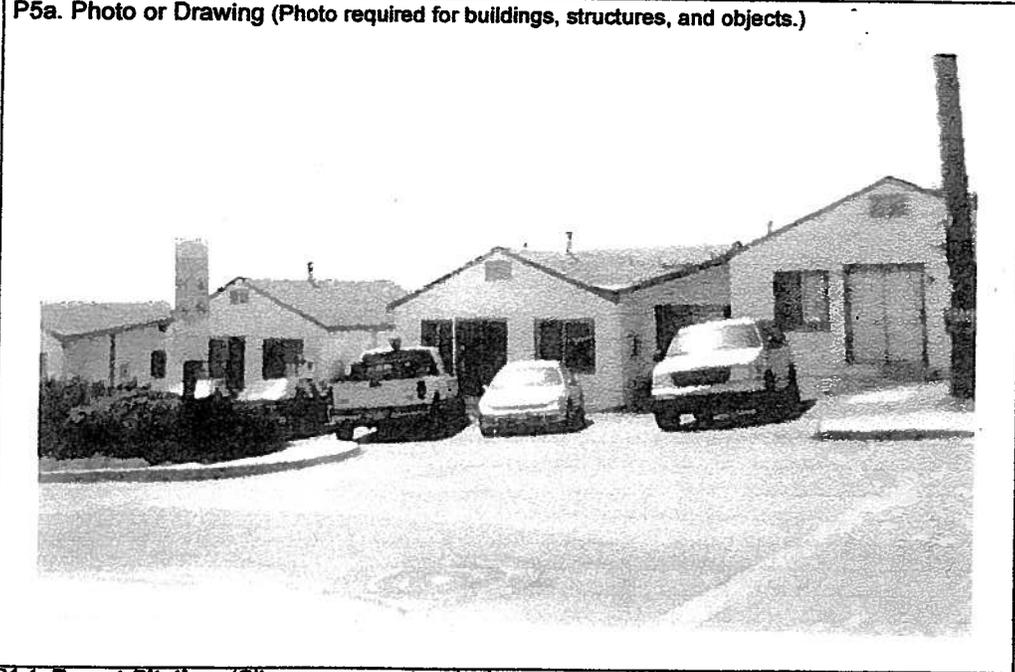
The subject resource consists of four units in two buildings. The property is located on the corner of S. Pacific St. and Hayes St., with its western boundary, the Pacific Ocean. The buildings cover most of the lot, following the sloping terrain down to the beach. There is no landscaping. Each unit has a separate gable roof with a shed roof connecting the units. When the buildings were built, the exterior walls were covered with 1x10 wooden siding and the interior walls were knotty pine and plywood. At the present time, the exterior walls are stucco and the interior walls are plaster. The windows have been replaced. The four units are similar, although different in layout because of the stepped down terrain. The front unit on S. Pacific St. has 2 bedrooms with one of the bedrooms lower than the rest of the apartment. The next two units are one bedroom each. The beach front unit has 2 bedrooms. It is the only unit to feature a beamed ceiling as well as a patio on the beach. Kitchens and bathrooms have been replaced.

The building was remodeled in 1987. It is in good condition.

\*P3b. Resource Attributes: (List attributes and codes) HP3 Multi family property

\*P4. Resources Present:  Building  Structure  Object  Site  District  Element of District  Other (isolates, etc.)

P5a. Photo or Drawing (Photo required for buildings, structures, and objects.)



P5b. Description of Photo: (View, date, accession #)

south facade  
6/20/07

\*P6. Date Constructed/Age and Sources:  Historic

Prehistoric  Both

1934-County Assessor

\*P7. Owner and Address:

Beach City, LLC  
835 S. Pacific St.  
Oceanside, CA 92054

\*P8. Recorded by: (Name, affiliation, and address)

Mary Taschner  
322 N. Nevada St.  
Oceanside, CA 92054

\*P9. Date Recorded: 7/12/07

\*P10. Survey Type: (Describe)

Intensive

\*P11. Report Citation: (Cite survey report and other sources, or enter "none.")

none

\*Attachments:  NONE  Location Map  Sketch Map  Continuation Sheet  Building, Structure, and Object Record  
 Archaeological Record  District Record  Linear Feature Record  Milling Station Record  Rock Art Record  
 Artifact Record  Photograph Record  Other (List):

CONTINUATION SHEET

\*Recorded by: Mary Taschner

\*Date: 7/12/07

Continuation

Update

Type in here!

The subject resource is located in the Myers Addition subdivided in 1906. Originally, the lot was owned by Emily Martha Hayes, a member of the prominent Hayes family. J. Chauncey Hayes was one of the founders of Oceanside and the pioneer real estate man of Oceanside. The Hayes Land Company was established in 1883. At one time, the company holdings included all the beach frontage between the Oceanside pier and Carlsbad. In 1906, Emily Hayes was one of the directors of the company. The 1907 Oceanside Blade featured large ads from the Hayes Land Company offering beach front lots for \$300 each with terms of 2/3 down and the balance to be paid in 6 and 12 months. The interest rate was 6 percent.

In 1907, Emily Hayes sold the land to Joseph E. Myers, a member of another prominent Oceanside family. Myers' father, Andrew J. Myers, is considered to be the "father of Oceanside". He was the first to file a patent on a 160 acre parcel of land in what is now Oceanside. Myers had nine children, but only two survived to adulthood, Edward and Joseph.

Joseph Myers owned the subject property for two years before he sold it to Fred Hayes in 1909. Fred Hayes was one of the fourteen children of J. Chauncey Hayes and Felipa Marron Hayes. He was instrumental in much of the development of the Oceanside area. Along with his father, he was one of the founders of the Hayes Land Company which eventually had offices in Oceanside, San Diego and Los Angeles. Fred Hayes had two children, Roby and Berry, who were also involved in real estate.

The property was deeded to the Hayes Land Company in 1910, then back to Fred Hayes later in the year. In 1912, Fred sold the land to Adam Layer, who was probably a land speculator.

Layer held the property for four years, selling it to Emily M. Arguello in 1916. Emily was also one of the fourteen children of J. Chauncey Hayes and Felipa Marron Hayes. Emily immediately sold the land to Los Angeles resident Clara M. Howard. Clara held the property for eight years. During that time, she married and as Clara M. Shepard, she sold it to William and Lilly Mercer in 1924. The Mercers' were also Los Angeles residents and both of them were real estate agents.

In 1931, the land was sold to Desire J. Forteville and his wife, Bertha. The Fortevilles' were the builders of the subject property which they named El Sereno Cottages.

**CONTINUATION SHEET**

\*Recorded by: Mary Taschner

\*Date: 7/12/07

Continuation

Update

Type in here!

Desire was born in Calais, France and moved to the United States in 1924. He was a carpenter and may have helped with the construction of the cottages. According to his obituary, he took considerable interest in the development of a clean, safe beach.

One year before Desire's death in 1947, the Fortevilles' sold the cottages to Joseph and Bernice Thomas. Joseph Thomas was a building contractor who owned a construction company.

William and Gladys Settle bought the property in 1948. They had originally lived in Lancaster, where they owned a grocery store. After their Oceanside purchase, they lived in the El Sereno Cottages.

IN 1955, Elmer and Rita Peters became the new owners of El Sereno. They did not live on the property, but managed it, along with the Sea Spray Cottages at 806 N. The Strand. Elmer also owned Peters' Wholesale Nurseries.

Elmer retired in 1962 and the Peters' sold the property to Jerry Greben in 1963. One year later, he sold it to Vista residents Ernest and Margaret Pechstein. The Pechsteins' kept the property for five years, selling to Oceanside residents, Gordon and Mildred Hardwick, in 1969. The Hardwicks' originally came to Oceanside, because Gordon was in the Marine Corps. After his military retirement, he became a probation officer in San Diego. Mildred was a real estate broker with Milton Properties.

In 1976, the property went to Liv R. Collier by agreement. The Hardwicks' deeded it to her on December 14, 1947. On the same day, several transactions moved the property from Liv R. Collier to Geoffrey A. Collier and then to David and Rose Housh.

Another series of transactions transferred the property from David and Rose Housh to Pacific Palms Associates LTD and back to the Houshes. In 1986, by order of the court, Rose Housh deeded the property to Cel Obert Inc. Cel Obert Inc. sold it to Oceanside Pacific Palms in 1988. By trustee's deed, the property went to Epsilon Properties Inc. in 1994. The company sold the property in 1995 to Gramp1 Calif Reo Assoc II, LLC.

In 1995, Pierre and Deborah Andre became the owners of the property.





Received  
MAR 17 2009  
Planning Division

**City of Oceanside  
BLOCKFACE AVERAGE APPLICATION**

**Date:** March 11, 2009

**APPLICANT:** BEACH CITY, LLC

1821 S. COAST HIGHWAY

**(Street Address)**

OCEANSIDE CA 92054

**(City) (State) (Zip Code)**

(760) 453-2474

**(PHONE NUMBER)**

**Contact Person:** DAVID FISCHBACH **Phone Number:** (760) 453-2474

**Project Name/I.D.:** RC-14-07

**Project Address:** 833 S. PACIFIC STREET (LOT 18)

**Assessor Parcel Number(s):** 150-356-09-00

**Calculated Front Yard Average:** 4.01 FEET

- **Please include an 8 1/2" x 11" site plan and/or aerial image of the neighborhood block that depicts the front yard setbacks for all homes and/or properties on the subject block.**
- **Block Face Applications must include front yard setback dimensions and the addresses within subject block. All Block Face Applications must include a signed copy of a the proposed average front yard setback from a Licensed Engineer or a Licensed Surveyor.**

**CITY PLANNER DETERMINATION:** This project has been evaluated by the City Planner of the City of Oceanside in accordance with the Section 3016 of the Oceanside Zoning Ordinance. This project (Circle one) will or will not have a potentially significant adverse effect to the neighborhood and shall be in conjunction with the surrounding neighborhood.

For : Jerry Hittleman, City Planner

Date:

G:\Application Forms  
2007  
SN

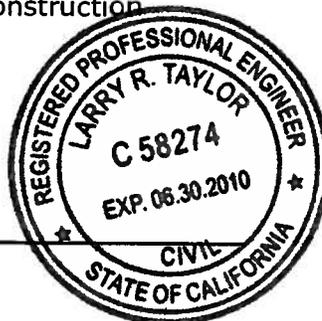
**Block Face Average Calculations  
833 S. Pacific Street (Lot 18)  
Project Number G07.00465**

| No.                         | Lot No. | APN        | Address               | PL to Bldg.<br>Face<br>(ft) <sup>1</sup> | Setback Used<br>for BFA<br>(ft) <sup>2</sup> | Notes |
|-----------------------------|---------|------------|-----------------------|--|--|-------|
| PIQ                         | 18      | 150-356-09 | 833 S. Pacific Street | -0.10                                    | -0.10  | 5     |
| 1                           | 1-3     | 150-356-12 | 801 S. Pacific Street | 9.60                                     | 9.60   |       |
| 2                           | 4       | 150-356-02 | 805 S. Pacific Street | 5.30                                     | 5.30   |       |
| 3                           | 5-7     | 150-356-13 | 809 S. Pacific Street | 7.60                                     | 7.60   |       |
| 4                           | 8       | 150-356-14 | 811 S. Pacific Street | 3.70                                     | 3.70   |       |
| 5                           | 9       | 150-356-15 | 813 S. Pacific Street | 3.80                                     | 3.80   |       |
| 6                           | 10      | 150-356-16 | 815 S. Pacific Street | 3.80                                     | 3.80   |       |
| 7                           | 11      | 150-356-22 | 817 S. Pacific Street | 0.60                                     | 0.60   | 3     |
| 8                           | 12      | 150-356-23 | 819 S. Pacific Street | 0.60                                     | 0.60   |       |
| 9                           | 13      | 150-356-21 | 823 S. Pacific Street | 8.75                                     | 8.75   |       |
| 10                          | 14      | 150-356-20 | 825 S. Pacific Street | 1.00                                     | 3.88   | 6     |
| 11                          | 15      | 150-356-17 | 827 S. Pacific Street | Vacant/undeveloped                       |  | 4     |
| 12                          | 16      | 150-356-18 | 829 S. Pacific Street | Vacant/undeveloped                       |  | 4     |
| 13                          | 17      | 150-356-19 | 831 S. Pacific Street | 0.60                                     | 0.60   |       |
| Sum of Front Yard Setbacks: |         |            |                       |  | 48.13 ft                                     |       |
| Number of Properties:       |         |            |                       |  | 12   |       |
| Block Face Average Setback: |         |            |                       |  | 4.01 ft                                      |       |

**NOTES/COMMENTS:**

- 1 Measurements from survey by David Jolly Land Surveying revised 10/17/2007
- 2 Setback for BFA calculation per Z.O. Section 3016.
- 3 Setback to 2nd floor face.
- 4 Undeveloped lots excluded from BFA calculation per Z.O. Section 3016.
- 5 Structure extends 0.1' into ROW.
- 6 Approved setback for building under construction.

Larry R. Taylor  
R.C.E. 58274, Expires 06/30/2010



## 'MaximumOne' Single Post Parking Lift



### Benefits and Features

#### SPACE-SAVING SINGLE POST DESIGN:

Requires less garage space than two-post and four-post parking/storage lifts. Offers unrestricted access. No worries about multiple posts to scratch your car or ding your wing mirrors during entry/exit

#### STURDY LIFTING CAPACITY:

Easily lifts most cars, trucks, vans and SUV's.

#### POSITIVE LOCKING MECHANISM:

Precision-engineered mechanism automatically engages locks for maximum safety when lift is raised.

#### NON-SAG STEEL TRACKS WITH SAFETY WHEEL GUIDES:

Gives you easy access for oil changes and underbody work.

#### SUPERIOR LIFTING HEIGHT

With up to 82" of clearance on its top lock, the MaximumOne accommodates virtually any car, truck, van and SUV on the market!

#### POWER UNIT:

220V.

#### ADJUSTABLE TRACK WIDTH:

You can increase or decrease the width between tracks to fit virtually any size vehicle you want!

#### INSTALLATION:

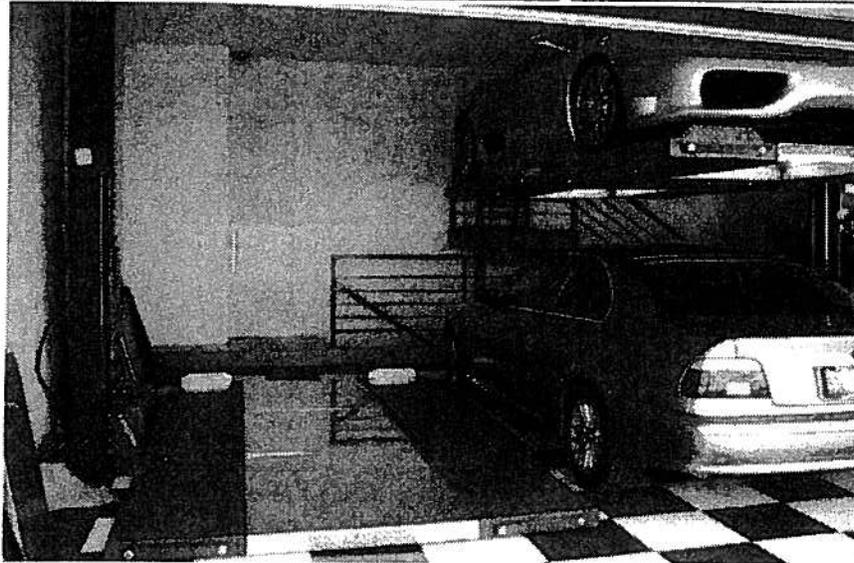
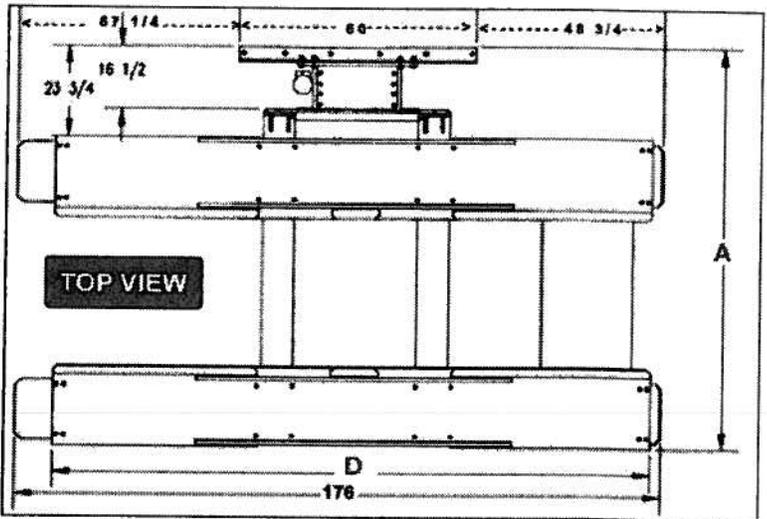
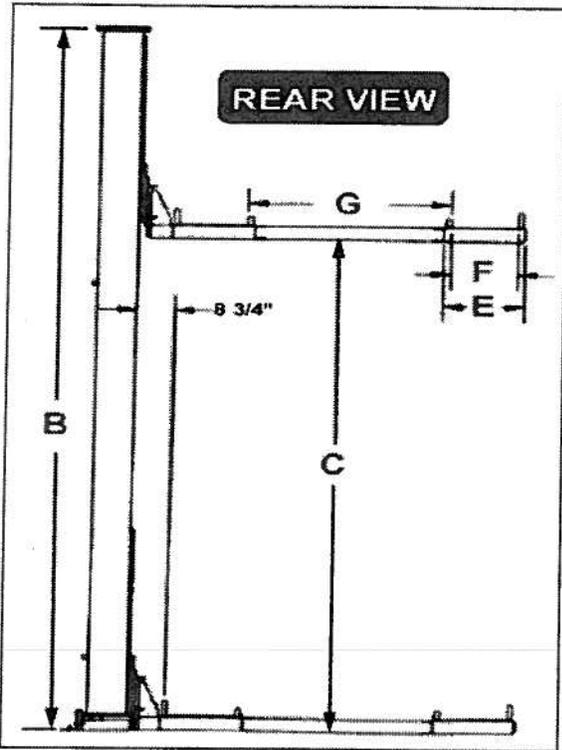
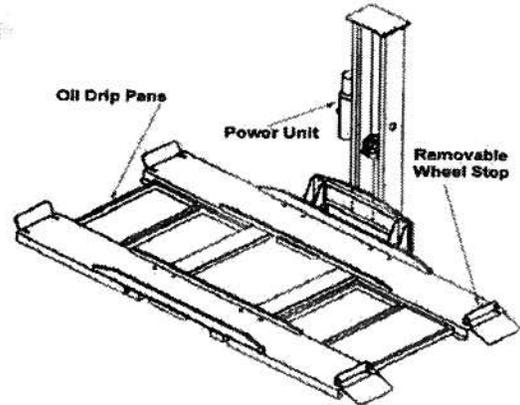
Mounts on standard concrete foundation using anchor bolts. Install yourself or use our nationwide professional installation service.

American Lift Systems, Inc.

CDA

# AMERICAN Custom Lifts

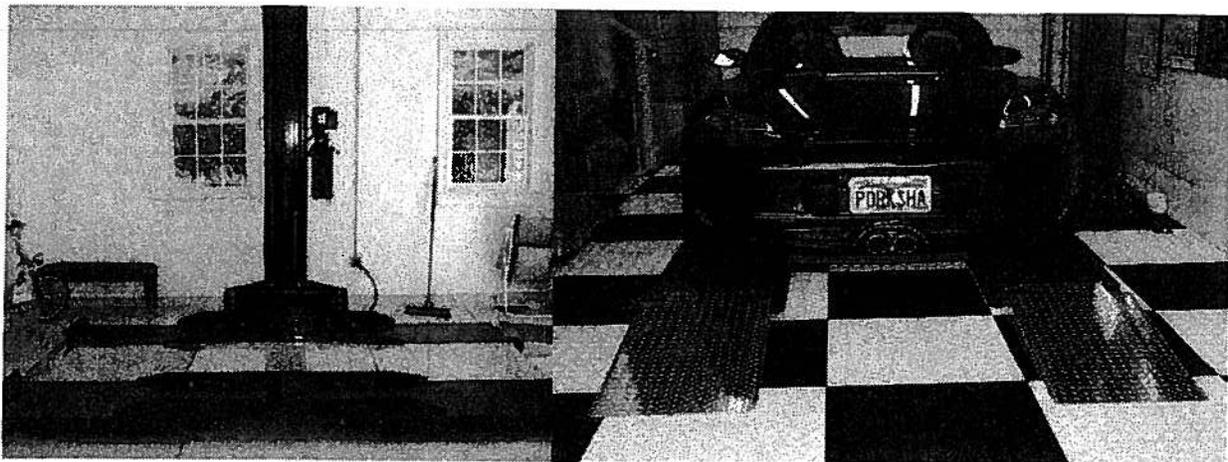
## Maximum-One specifications:



**American Lift Systems, Inc.**  
DBA:  
**AMERICAN**  
*Custom Lifts*

| Maximum-One                                      | Key      | M1-4.5              | M1-6.5             |
|--|----------|---------------------|--------------------|
| Overall Length (incl. drive-on ramps)            |          | 188"                | 188"               |
| Overall Width                                    | <b>A</b> | 104"                | 104"               |
| Overall Height                                   | <b>B</b> | 113"                | 143"               |
| Max. Clearance (for lower vehicle)               | <b>C</b> | <b>70 1/2"</b>      | <b>82 1/2"</b>     |
| Track Length                                     | <b>D</b> | 12' 8"              | 12' 8"             |
| Track Width                                      | <b>E</b> | 24"                 | 24"                |
| Runway Width                                     | <b>F</b> | 24"                 | 24"                |
| Adjustable Width Between Tracks                  | <b>G</b> | (0" - 37")          | (0" - 37")         |
| Lifting Capacity                                 |          | <b>4,500 lbs.</b>   | <b>6,500 lbs.</b>  |
| Lifting Speed (varies with load)                 |          | 60 seconds          | 80 Seconds         |
| Power Unit                                       |          | *220V, 1 ph, 30 amp | 220V, 1 ph, 30 amp |
| Price * Excluding tax, shipping and installation |          | <b>\$5,495*</b>     | <b>\$5,795*</b>    |

CONCRETE: 3000 PSI, 5" thick. Reinforced w/ steel bar or wire mesh.  
 Specifications subject to change without notice or liability



**OPTIONAL ALUMINUM CENTERS: \$985**  
**ALUMINUM DRIVE ON RAMPS: Included**

# *Citizens for the Preservation of Parks and Beaches*

August 22, 2009

City of Oceanside

Planning Department 300 N. Coast Hwy

Oceanside, CA 92054

Attn: Scott Nightingale with copy to Planning Commissioners and Other Interested Parties

RE: Planning Commission Meeting August 24, 2009: Item #6 – 831 S. Pacific St. Lot 17 V-2-09 and Item #7 – 833 S. Pacific St. Lot 18 V-3-09

Dear Scott,

We apologize in advance for not being able to attend the August 24, 2009 Planning Commission Meeting to voice our concerns about the projects as proposed and thank you for the opportunity to comment on the above mentioned agenda items (two developments) through this submittal. Please make this communication a part of the public record and distribute this to Commissioners even if the projects are pulled from the agenda. The concerns (as discussed with the developer and staff) we have are related to the historical significance of the properties as they relate to existing and future supply of Classic California Beach Bungalows in Oceanside, the projects' consistency with city zoning ordinances (ZONING ORDINANCE: Single-Family Detached Single Unit – RT District; LCP: one-for-one beach parking requirement) and the Coastal Act (Low/moderate cost shorefront visitor serving uses – beach access). We briefly address these issues below.

As written, we feel the Staff Report did not properly address the historical significance or include a historical evaluation of the bungalows proposed to be demolished (SEQUA). Adjacent to these properties are additional historical inventory. The staff report fails to address the consistency of the historical value of these properties with respect to the adjacent properties (LCP). Further, a denser and more intensive use is proposed yet the project does not provide adequate buffers or transition zones between developments (LCP). The projects as proposed create two massive "rectangular boxes" (ratio of building square footage as compared to substandard lot size) without articulation and appropriate setbacks.

Additionally, these bungalows are shorefront low/moderate cost visitor serving uses, and with the destruction of the bungalows, more low/moderate cost visitor serving uses will be eliminated at the shorefront; therefore eliminating/restricting public access for low/moderate cost visitor serving uses (LCP).

The proposed projects are presented as single-family residences within a RT District. Regulations for a single-family unit the RT District include Additional Use Regulation item "C": "Rooms in a dwelling unit may be rented for occupancy BY NOT MORE THAN FOUR PERSONS WHO ARE NOT MORE THAN FOUR PERSONS WHO ARE NOT MEMBERS OF A SINGLE HOUSEKEEPING UNIT, provided that NOT MORE THAN TWO BEDROOMS SHALL BE RENTED IN EACH UNIT." (Zoning Ordinance 10-12). After reviewing the plans, it appears that the **project has eleven bedrooms, not six** as the staff report states; the staff report fails to address Additional Use Regulation (for single-family residences) "C" as it pertains to this development and the consistency of the proposed single-family dwellings with eleven bedrooms and six bathrooms each within the RT District.

Both projects displace beach parking and are not in compliance with the LCP beach parking one-for-one beach parking requirement. Additionally, a fire hydrant is located on the north-west corner (east of the lot) of Hayes and South Pacific Streets where the curb is red-striped. The loss of parking due to the hydrant (fifteen feet north and south) is not addressed in the staff report. Additionally, it appears that these projects will be rented out as beach vacation rentals rather than occupied as single-family residences which are not consistent with the zoning requirements or parking regulations. It appears that this project proposes to construct an eleven bedroom, six bathroom vacation rental versus a single-family dwelling in the RT district. Staff fails to address how the parking will be compromised by the addition of the bedrooms and visitors to vacationers. The LCP states that parking requirements must be "strictly enforced" specifically it states the city REQUIRE that "...all new residential development provides adequate on-site parking" especially in areas where beach parking demand is critical and that parking requirements shall be strictly enforced (LCP). The staff report does not adequately address the loss of parking, the RT district restrictions and enforcement of the restrictions.

Again, we thank you for the opportunity to discuss these projects as they come forward for review by the commission in hopes that these issues can be resolved prior to development approvals.

Sincerely,



Shari Mackin

Carolyn Krammer

cc: Planning Commission (via Staff)

Coastal Commission

904 Leonard Avenue ★ Oceanside ★ CA ★ 92054

## **Scott Nightingale**

---

**From:** Tony Ditty [tditty@gdandb.com]  
**Sent:** Friday, September 04, 2009 7:45 AM  
**To:** Scott Nightingale  
**Subject:** 833 South Pacific Street

To whom it may concern;

My wife and I own the property located at 1421 South Pacific Street and have been asked to comment on the proposed development for the property at 833 South Pacific. Though we typically do not involve ourselves in such matters, because we are in favor of the plans for the property and believe it would be an improvement that would reflect well on the neighborhood and on the city in general, we have made an exception here.

We hope you will take our comments into consideration in your review of this proposed development and if you should have any questions for us, please feel free to write.

Anthony T. Ditty

1421 S. Pacific

Oceanside, Ca

## **Scott Nightingale**

---

**From:** Ryan Zajda [ryanzajda@gmail.com]  
**Sent:** Friday, September 04, 2009 9:44 AM  
**To:** Scott Nightingale  
**Subject:** Support of Project @ 833 S. Pacific St.

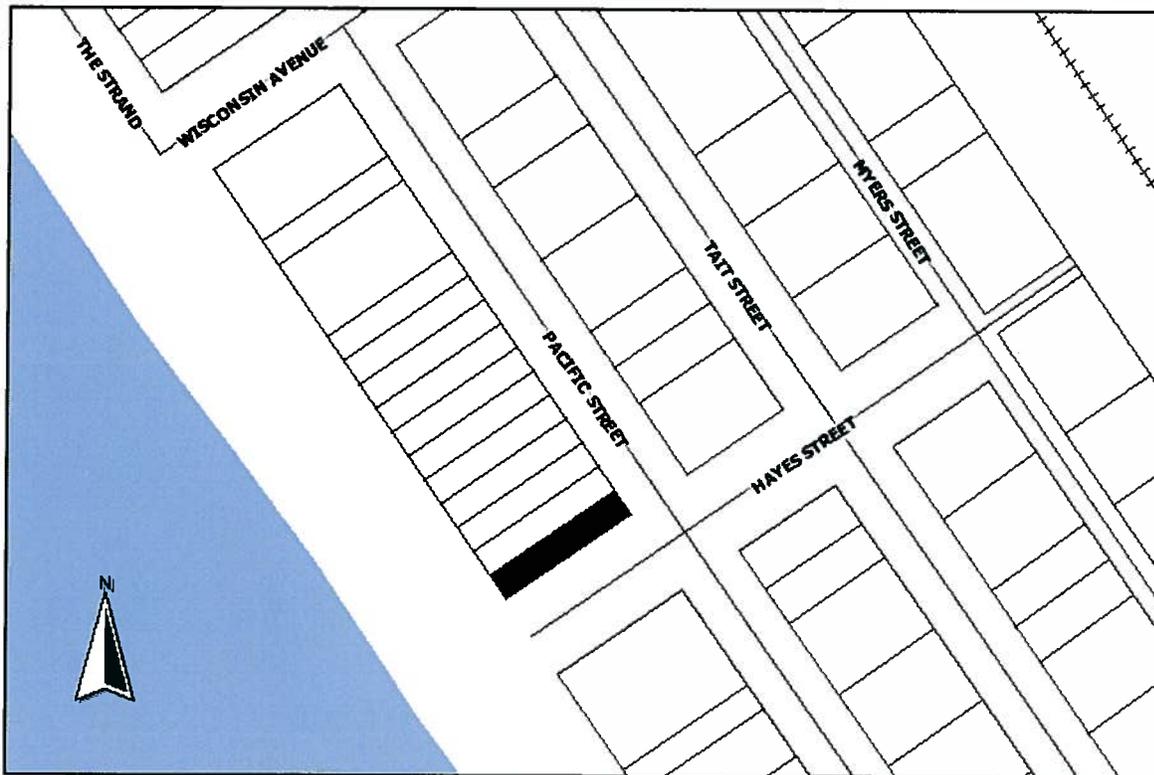
Hey Scott,

How is everything going? I have heard from some of our neighbors that David Fischbach is receiving some objections on his project at 833 South Pacific Street. From our property we directly view the entire 800 block and have nothing but good things to say about the redevelopment that David is doing. It is really great to see other property owners taking the initiative to improve the neighborhood we live in. We are in full support of the entire project at 833 South Pacific Street as planned and wish to make our comments part of the public record.

Best regards,

--

Ryan Zajda  
916 Tait St.  
Oceanside, CA 92054  
(760) 815-6766



**File Number: V-3-09, RC-14-07**

**Applicant: David P. Fischbach**

**Description:**

Consideration of a VARIANCE (V-3-09) and REGULAR COASTAL PERMIT (RC-14-07) to permit the demolition of an existing multi-unit residential complex to enable the construction of an attached two-unit duplex consisting of 2,100 square feet for unit one and 3,364 square feet for unit two, with a shared eight-car tandem garage located at 833 South Pacific Street. The project site is zoned RT (Residential Tourist) and is situated within the Townsite and the Coastal Zone. – **833 SOUTH PACIFIC STREET LOT 18 – Applicant – Beach City, LLC**

**Environmental Determination:**

The project is exempt from the California Environmental Quality Act.

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

Date: October 13, 2009

Public Hearing Coastal Permit  
Identification No. RC-14-07

NOTICE OF PUBLIC HEARING  
COASTAL DEVELOPMENT PERMIT

This is a notice to you as an interested party that the City of Oceanside Planning Commission will hold a public hearing on the Coastal Permit application of Beach City, LLC. This application was received on July 11, 2007. The application is described as follows:

To permit the demolition of an existing multi-unit residential complex to enable the construction of an attached two-unit duplex consisting of 2,100 square feet for unit one and 3,364 square feet for unit two, with a shared eight-car tandem garage located at 833 South Pacific Street, Lot 18.

The project site is zoned RT (Residential Tourist) and is situated within the Townsite Neighborhood and the Coastal Zone.

Said hearing will be held on October 26, 2009, at 7:00 p.m. in the Council Chamber of City Hall, 300 North Coast Hwy., Oceanside, California at which time and place any and all interested persons may appear and be heard. Interested persons may contact the Planning Division at (760) 435-3520 after October 21, 2009, to be informed of the place on the agenda and the approximate time of hearing.

If you have any questions or comments regarding this matter, or want to be notified of the decision, contact the Project Planner (Scott Nightingale) at (760) 435-3526 or email at [snightingale@ci.oceanside.ca.us](mailto:snightingale@ci.oceanside.ca.us). Written comments may be submitted prior to the hearing and will be made part of the public record and provided to the Planning Commission.

If you disagree with the decision of the Planning Commission concerning this project's conformance to the Local Coastal Plan, you may appeal the decision to the City Council. The appeal, accompanied by the appropriate fee must be filed in the City Clerk's Office, 300 North Coast Hwy., Oceanside, no later than 5:00 p.m. on November 5, 2009 (10 days from the adoption of the Planning Commission Resolution).

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

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

LOT 18



**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          | BY |
| Received          |    |
| MAR 17 2009       | SS |
| Planning Division |    |

**Please Print or Type All Information**

**PART I - APPLICANT INFORMATION**

|   |   |
|---|---|
| 1. APPLICANT<br>Beach City LLC  | 2. STATUS<br>Owner                                  |
| 3. ADDRESS<br>1821 S. Coast Hwy<br>Oceanside, 92054   | 4. PHONE/FAX/E-mail 760<br>453-2470                 |
| 5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)<br>Paul Longton |   |
| 6. ADDRESS<br>2909 Mesa Dr.<br>Oceanside 92054  | 7. PHONE/FAX/E-mail 760<br>722-4904 ph<br>-4903 fax |

|                                    |
|------------------------------------|
| HEARING                            |
| GPA                                |
| MASTER/SP.PLAN                     |
| ZONE CH.                           |
| TENT. MAP                          |
| PAR. MAP                           |
| DEV. PL.                           |
| C.U.P.                             |
| VARIANCE 1-3-09 <del>1-19-07</del> |
| COASTAL RC-14-07                   |
| O.H.P.A.C.                         |

**PART II - PROPERTY DESCRIPTION**

|                                   |                    |                             |   |
|-----------------------------------|--------------------|-----------------------------|---|
| 8. LOCATION<br>833 S. Pacific St. | 9. SIZE<br>3250 SF |                             |   |
| 10. GENERAL PLAN<br>No Change     | 11. ZONING<br>RT   | 12. LAND USE<br>Residential | 13. ASSESSOR'S PARCEL NUMBER<br>150-356-09-00 |

**PART III - PROJECT DESCRIPTION** Rev-3/17/09, 4/23/09

14. GENERAL PROJECT DESCRIPTION  
 Construction of a new single family home

|  |                                  |                                    |                                  |                             |
|--|----------------------------------|------------------------------------|----------------------------------|-----------------------------|
| 15. PROPOSED GENERAL PLAN<br>No Change | 16. PROPOSED ZONING<br>No Change | 17. PROPOSED LAND USE<br>No Change | 18. NO. UNITS<br>1               | 19. DENSITY<br>13.4 du/acre |
| 20. BUILDING SIZE<br>4595 SF           | 21. PARKING SPACES<br>4          | 22. % LANDSCAPE<br>25%             | 23. % LOT COVERAGE or FAR<br>63% |                             |

**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):<br>Paul Longton | 34. DATE<br>3/17/09 | SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY). |
| Sign:  |                     |  |

|                                   |                     |
|-----------------------------------|---------------------|
| 35. OWNER (Print)<br>Irma Bennett | 36. DATE<br>3/17/09 |
| Sign:                             |                     |

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

**Description & Justification  
For A  
New Duplex  
At  
Lot 18, 833 S Pacific St, Oceanside, 92054**

September 16, 2009  
Owner: Beach Walk LLC

**Statistics at a glance**

|                                   |                       |
|-----------------------------------|-----------------------|
| Address –                         | 833 S Pacific St      |
| APN –                             | 150-356-09-00         |
| Zoning –                          | RT                    |
| Proposed zoning –                 | No Change             |
| Lot Size –                        | 3,250 SF (.075 Acres) |
| Existing Land Use –               | 4-Residential Units   |
| Proposed Land Use –               | Duplex                |
| Number of units –                 | 2                     |
| Density/acre –                    | 26.8 units/acre       |
| Existing lot coverage -           | 78%                   |
| Proposed Lot Coverage             | 63.2%                 |
| Proposed Landscaping –            | 25%                   |
| Proposed Building Size:           |                       |
| Unit #1 –                         |                       |
| Beach level (Total)               | 2100 SF               |
| Unit #2                           |                       |
| Pacific St Level                  | 1315 SF               |
| Second Floor                      | 2049 SF               |
| <u>Total Heated</u>               | <u>3364 SF</u>        |
| Garage (8-spaces)<br>(with lifts) | 857 SF                |
| Decks (Unit #2)                   | 1779 SF               |

Existing Parking – 0 spaces  
Parking required – 4 spaces  
Parking to be provided – 8 covered spaces, 2 regular parking spaces and two tandem spaces and 4-spaces above – accessible by lifts

This proposed project calls for the existing residential units to be demolished and replaced with the proposed building

The Architecture is by Paul Longton, Architect  
The Grading Plan and Soil's Report is by The Taylor Group.  
The Historic Report is by Mary Taschner  
The Wave Run-Up Study is by Dave Skelly (GeoSoils)  
The Landscape Plan is by The Lightfoot Group

The proposed project will be a duplex. One unit will have 2100 SF with 4-bedrooms and 4-baths. The second unit will have 3373 SF with 7-bedrooms and 7-baths.

## **Existing Buildings**

The property is located at the southwest corner of S Pacific St and Hayes. The property is in the Myers Addition and was subdivided in 1906. The present, substandard-structures, were built in 1931.

There is no landscaping on the lot. The buildings cover most of the lot (78%). The buildings extend over the property lines and onto public property as well as into the string-line setback to the west. Presently there are 4-units in two buildings with no onsite parking. The two buildings are connected with a shed roof connecting the two buildings. The buildings have been painted and refinished on the inside but 78-years of moisture and salt air have made the buildings the substandard structures they are.

The Historic Report notes that the building has been remodeled extensively, thus changing it from any historic character to a style noted as "non-descript with elements of California ranch". The report also notes it was built of average materials and the sub-standard construction typical of rental property at the time. The resource building was not designed by a master architect with a national reputation. It was not constructed of rare or unique materials. The building is not directly associated with any known historic event. Persons of historic standing are not directly associated with it. The building is unlikely to offer any information which would be of local, state or national importance. The building is not eligible for nomination to national, California or local historic registers.

## **Compatibility with Neighborhood**

The new, proposed building will fit in with the newer structures that have been built in the last 5-years on the same block. The height of the building will be 8' or more lower than the Edgewater Condominiums to the south. The architectural style and building materials used in this home are designed to enhance and compliment the character of the neighborhood. The proposed mass of the new building is in character with the immediate neighborhood on the west side of Pacific St. Its mass and bulk are smaller than the Edgewater Condos.

## **Parking**

No public parking spots will be taken up with this proposed building. The lot is 25' wide. There is a fire hydrant at the southeast corner of the property. The required "no-parking" distance from the hydrant doesn't allow for a parking space in front of the proposed project. The curb cut for the garage will not affect the hydrant.

The proposed project is required to have a minimum of 4-parking spaces. There are eight proposed parking spaces. That equals a net gain of 8 more parking spaces at the beach, since the existing structures have no onsite parking spaces.

The two-car wide garage is sized to allow parking eight vehicles. Two of the spaces are tandem and four are accessible by lifts. However the space is designed for function and consideration to keep the homeowners vehicles from parking on South Pacific Street. The 25' wide lot prohibits a wider garage or any other layout that provides more parking without using the tandem plan. A variance for the required 3<sup>rd</sup> and 4<sup>th</sup> parking spots is a request made with this proposal.

The importance of having 8-inside parking spaces cannot be emphasized enough with parking at a premium along the coast.

## **Preservation of Public Views**

The proposed building will enhance public views on all sides. The existing building sits slightly over (.06') the south property line. The new building will sit 3.5' north of the property line. The existing building sits .02' over the property line to the east and the new building will be pulled back 4' west of the east property line. The existing building sits 9.3' west of the string-line setback to the west. The new building will be pulled back those 9.3' as well as the north and south corners of the west end will have 3' angled (45°) corners. The existing building sits .5' into the min. yard setback to the north. The new building will maintain the proper setback.

Pulling the building back from its current locations and clipping the west corners will improve the view corridor and will improve lateral beach access for all of those who walk, jog or bicycle next to the beach.

The proposed improvements include completing the sidewalk, curb and gutter of the cul de sac – mirroring the south side adjacent to the Edgewater Condominiums. The cul de sac improvements will increase public safety with the sidewalk and will allow better access by emergency vehicles and trash trucks. The improvements also include landscaping that will “green-up” the north side of the cul de sac. The improvements will also eliminate the illegal parking in the City’s Right of Way that happens now on Hayes.

### **Proposed Materials**

Some of the features of the home are: a 50 year roof, copper flashings, elevator, laminated glass for sound proofing and UV protection, non-corrosive materials for prolonged life and low maintenance beachfront living, maintenance of north/south access at the beach level so the public access is maintained at all times and tides.

The interior materials will be superior for ease of living, low maintenance and energy efficiency. The furnace will be high efficiency. The appliances are all Energy Star approved. The water heaters are of the “Instant” variety that are much more energy efficient than the “tank” type. Bathroom floors are heated. Lights and fans in the bathrooms are occupant initiated for convenience and, ultimately, for energy efficiency.

Extra care is taken to use materials that isolate sound from floor to floor and from inside to outside, or the reverse.

### **Taxes and other Cost Considerations**

The new project will bring in \$35,000 in Transient Occupancy Taxes in its first year. It will also bring in \$10,000/year in property taxes. The costs per bedroom range from \$300 - \$600/night depending on the time of year. The cost per bedroom compares favorably to the substandard cottages that currently exist on the lot.

In keeping with the Coastal Commission’s desire to maximize the numbers of tourists who visit the beach this project has the potential to bring hundreds of visitors per year to Oceanside. Not only does this auger well for the taxes the City will collect, but those same visitors (who return year after year) spend money at the various merchants in town.

## **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.

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**Local Coastal Program Findings  
For A  
New Duplex  
At  
Lot 18, 833 S Pacific St, Oceanside, 92054**

***Appendix B***

***I Coastal Access***

***C. Objective and Policies***

***1C.*** *When a major private development occurs between Wisconsin Street and the southerly terminus of Pacific St, require the owner to dedicate and construct vertical access. Major developments shall mean any development with 70 feet or more of ocean frontage or duplex/multi-family development. Access need not be provided if existing vertical public access exists within 250 feet either to the north or south of the proposed development.*

**Response** – The proposed duplex is adjacent to Hayes Street which provides vertical access to the beach.

***II Recreation and Visitor Serving Facilities***

***C. Objectives and Policies***

***Parking***

***12.*** *If existing beach parking is removed for any reason, one to one replacement parking shall be provided west of the railroad right-of-way*

**Response** – No parking will be removed from this proposed project. Currently there is a fire hydrant at the corner of Hayes and S Pacific St. State DMV Code 22514 prohibits parking closer to the hydrant than 15'. The property is only 25' wide and no parking space exists in front of (to the east of) of the property.

Additionally, the proposed project, when complete, will have 4-parking spots beyond the minimum number required.

***17.*** *The City shall require that all new residential development provides adequate on-site parking. In areas where beach parking demand is critical, parking requirements for new residential development shall be strictly enforced. Curb cuts for new development shall be held to a minimum to preserve existing on-street parking.*

**Response** – The required parking for the proposed project is 4 spots (2-for each duplex). The proposed parking is 8-spots total – 4-spots beyond the minimum required.

*26. The City shall protect a minimum of 375 lower cost hotel and motel units and 220 recreational vehicle/camping sites within the coastal zone. Twenty percent of those hotel/motel units shall be maintained in shorefront locations. The City shall not allow any demolitions of affordable hotel/motel units which would allow the coastal zone inventory of such units to drop below the number required by this policy. In order to verify its compliance with this policy, the City shall report the inventory of affordable hotel/motel units to the Coastal Commission on an annual basis.*

**Response** – The existing units on the property are not part of Oceanside's inventory of low cost units. Demolition of these units will not make any change to the inventory.

Additionally, the existing units currently rent for \$299/night for the one-bedroom and \$598/night for the two-bedroom, hardly qualifying them to be low-cost units. The proposed project will have similar rates per bedroom.

## **VI. Visual Resources and Special Communities**

### **A. Coastal Act Policies**

*The Coastal Act requires that the visual qualities of the Coastal Zone shall be protected and that new development to be sited and designed to be visually compatible with the character of the surround areas.*

**Response** – The proposed project opens up the view corridor down Hayes, it completes the cul de sac improvements begun by the Edgewater Condominiums to the south, across Hayes. The improvements include curb, gutter, sidewalk and landscaping. The improved cul de sac will greatly improve the ability of emergency vehicles and trash trucks to negotiate Hayes.

### **B. Summary of Major Findings.**

*9. There are several buildings in the Coastal Zone that have local historic or architectural significance. However, the Traveler's Hotel at 322 North Cleveland Street is the only structure presently designated as a National Registry Landmark.*

**Response** – "It (the buildings on site) was built of average materials and the sub-standard construction typical of rental property at the time". - Taken from the Historic Review of the property.

### **C. Objectives and Policies**

*2. The City shall encourage the preservation and/or rehabilitation of buildings of historical or architectural significance.*

**Response** – Per the Historical Report the existing buildings have neither historical nor architectural significance. More specifically, the author of the report found the buildings to have been remodeled and revised so many times over the years that any small part of architectural significance that may have once existed is long gone.

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

**Response** – The existing view corridor down Hayes is not only maintained but will be vastly improved with the proposed improvements. The open space will also become wider (in a north/south direction) between the Edgewater Condominiums and the proposed project due to the existing buildings that are over the southerly property line. The new building's south wall will be pulled back 3.56' northward – thus gaining that amount to the Hayes view corridor.

*6. Open space buffers or greenbelts shall be provided along major scenic corridors.*

**Response** – The open space on Hayes will be improved with the addition of landscaping on north portion of the cul de sac.

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

**Response** – The proposed building is in the mid range of height and scale between the Edgewater Condominiums to the south and the recently constructed buildings to the north. The proposed building is 8 or more feet shorter than the Edgewater Condos and its scale is greatly reduced.

The color and form of the proposed project is keeping in with the character of the neighborhood.

*9. In areas where a change to a more intensive use is proposed, adequate buffers or transition zones (such as increased setbacks, landscaped barriers or decorative walls) shall be provided.*

**Response** – The proposed project will provide the additional landscape improvements of the Hayes cul de sac as well as provide decorative property walls.

**13. New development shall utilize optimum landscaping to achieve the following effects.**

- a) *Accent and enhance desirable site characteristics and architectural features.*
- b) *Soften, shade, and screen parking and other problem areas.*
- c) *Frame and accent (but not obscure) coastal views.*
- d) *Create a sense of spaciousness, where appropriate*
- e) *In areas where significant natural vegetation exists, replant, as appropriate, developed areas with native drought-tolerant species.*

**Response**

- a) The proposed building will be pulled back from the property lines in all directions thus enhancing the view corridor down Hayes. The new design will provide a pleasing addition over the existing buildings.
- b) All eight parking spots will be inside the building.
- c) The landscaping will frame and accent the view corridor
- d) The roof decks and pulling the building back from where the existing buildings now stand will create a sense of spaciousness.
- e) The proposed landscape plan provides appropriate plants for the beach location.

Revised 9/9/09

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**LEGAL DESCRIPTION**

Real property in the City of Oceanside, County of San Diego, State of California, described as follows:

LOT 18 IN BLOCK "C" OF MYERS ANNEX TO OCEANSIDE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 984, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 13, 1906.

EXCEPTING THEREFROM THAT PORTION, IF ANY HERETOFORE OR NOW LYING BELOW THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN.

APN: 150-356-09-00



## NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 10/26/2009  
Removal: 04/24/2010  
(180 days)

1. **APPLICANT:** David P. Fischbach
2. **ADDRESS:** P.O. Box 1454  
Rancho Santa Fe, CA. 92067
3. **PHONE NUMBER:** (858) 759-0381
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale
6. **PROJECT TITLE:** (V-3-09 & RC-14-07) 833 S. Pacific St. Lot 18 .
7. **DESCRIPTION:** A Regular Coastal Permit and Variance for the demolition of an existing multi-family residential complex to allow for the construction of a 4,739-square foot single-family residence with an attached 857-square foot four car tandem garage with a four car lift for a total of eight spaces, and 1,573 square feet of deck space located within the appeal jurisdiction of the Local Coastal Program.

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

- The project is categorically exempt, 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).

  
\_\_\_\_\_  
Scott Nightingale, Planner II

Date: October 26, 2009

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