



# AGENDA NO. 5

## CITY OF OCEANSIDE

COMMUNITY DEVELOPMENT DEPARTMENT / PLANNING DIVISION

DATE: April 6, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A REGULAR COASTAL PERMIT (RC-12-08) FOR AN EXTENSION OF TWO WEST FACING BALCONIES, AN ADDITION OF 44 SQUARE FEET, AND A REMODEL ON A TWO-UNIT RESIDENCE LOCATED AT 1301 SOUTH PACIFIC STREET. THE PROJECT SITE IS ZONED RT (RESIDENTIAL TOURIST DISTRICT) AND IS WITHIN THE SOUTH OCEANSIDE NEIGHBORHOOD AND THE COASTAL ZONE – DILLION RESIDENCE – APPLICANT: CINDY DILLION**

### 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.
- (2) Adopt Planning Commission Resolution No. 2009-P16 approving Regular Coastal Permit (RC-10-08) with findings and conditions of approval attached herein.

### PROJECT DESCRIPTION AND BACKGROUND

**Background:** The subject property is located on Lot 1 in Block H of Terrace Annex, and located at 1301 South Pacific Street. An application for a Regular Coastal Permit was filed on December 29, 2008. The application was deemed complete February, 2009.

**Site Review:** This 0.11-acre lot has an existing two-unit residence. The duplex was constructed in 1974 and is currently a legal non-conforming structure due to the lack of parking and the garage located at a zero side yard setback. There are building permits on record for the construction of this duplex. The legal lot is substandard in width and area.

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

**Project Description:** The project application is comprised of a regular coastal permit.

Regular Coastal Permit (RC-12-08) represents a request for the following:

- (a) Consideration of a regular coastal permit for interior and exterior remodeling, to include an addition totaling 44 square feet and the extension of two western facing balconies 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 applicant proposes to extend two existing balconies seaward, perform an interior remodel to include an addition of 44 square feet, and convert the two one-car garages into a two-car garage and replace the gates which currently swing into the right-of-way with roll up doors. The applicant is also proposing to enclose portions of the balcony areas, remove and replace all windows and a variety of doors, and restructuring the roof and adding skylights.

Additional internal changes are being made including the replacement of doors and windows and re-configuring the kitchen and living room layouts.

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

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

## **ANALYSIS**

### **KEY PLANNING ISSUES**

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

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

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

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

The proposed project, located on a fairly level lot (no hillside conditions) proposes to extend two existing balconies seaward and remodel the two-unit residential structure, maintaining the land use, utilities, and access. The design of the proposed project is consistent and in conformance with the General Plan. Every effort has been made to design a project that is sensitive to the neighboring properties, an aesthetic enhancement to the area.

**2. Zoning Ordinance Compliance**

The project meets all of the established development regulations of the underlying RT zone including, but not limited to the maximum 27-foot and/or two-story height standard, stringline criteria, blockface average, setbacks, and density calculations for projects situated within the Coastal Overlay Zone and regulated by the adopted Local Coastal Program. Such projects are reviewed for compatibility with existing and surrounding development, while concurrently addressing applicable public access and public benefits when new development is proposed.

The purpose of the RT District is to provide opportunities for tourist and year-round visitor-serving facilities, including permanent and transient residential and related uses, within the City's Coastal Zone. In the RT District, the base density for residential uses is 29.0 dwelling units per gross acre and the maximum potential density is 43.0 dwelling units per gross acre.

Pursuant to Section 1050 Residential District Property Development Regulations, Table 1 compares the proposal to local property development regulations.

**Table 1. Development Standards Chart**

Requirement	Required	Existing	Proposed
Front	15 feet	4 feet (section 3106 blockface average)	No change
Side	Any combination of 6 feet on a substandard lot	4 feet 10 inches	No change
Side Street	For a substandard lot any combination of 6	3 feet 4 inches	No change
Minimum rear yard pursuant to 1050(R)	Stringline	Stringline	Stringline

The applicant is required to provide a minimum of four enclosed off-street parking spaces. The structure was originally permitted for two units and was approved with two

enclosed parking spaces and one car port. Due to the substandard conditions of the lot width, a four-car garage would not be feasible. The applicant would be not changing the number of bedrooms within the duplex therefore the required garage space in accordance to the current zoning ordinance does not apply. This is a legal non-conforming structure. The applicant is proposing to remodel the structure to improve the appearance of the building. The interior two units would not be altered to allow for more bedroom space.

### **3. Local Coastal Program Compliance**

The proposed project is within the appeal jurisdiction of the Local Coastal Program (LCP) and complies with all provision of this zone. Projects within the Coastal Zone are required to meet the provisions of the adopted Local Coastal Program and the underlying RT zone. Such projects must provide for sensitive development in order to promote and achieve compatibility with surrounding development. The existing and evolving character of the neighborhood within the Coastal Zone and site-specific design elements have been considered at length throughout the design and review of this project.

The proposed extension of two existing balconies and a remodel on the interior and exterior of the structure is not exceeding the 27-foot height restriction within the Coastal Zone and will not be extended past the Stringline. There would be no additional bedrooms constructed on the two-unit structure. The project site is located in the original jurisdiction of the California Coastal Commission. As such, it 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.

### **4. California Environmental Quality Act (CEQA) Compliance**

Article 19 of CEQA identifies Categorical Exemptions, including Class 3 exemptions for minor projects that will not have a significant effect on the environment. This proposal qualifies for a Categorical Exemption under CEQA Guidelines Section 15303(a) because it involves an expansion of an existing second story deck that will not adversely affect the site or surrounding area.

## **DISCUSSION**

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

Recommendation: Many of the residential lots along the shore are narrow and do not provide an accurate amount of off street parking. The Zoning Ordinance requires that multi-family residential structures have 1.5 spaces, to include covered for studios and one-bedroom units: two parking spaces including one covered for units with two

bedrooms or more. This duplex was legally permitted with two enclosed garage spaces and one car port. There will be no addition to the number of bedrooms and there will be extensive interior and exterior upgrades to the structure. This will enhance the quality of the neighborhood while maintaining the original intent of the structure.

**ENVIRONMENTAL DETERMINATION**

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

**PUBLIC NOTIFICATION**

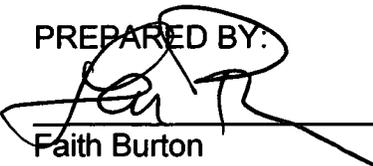
Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius of the subject property, individuals and/or organizations requesting notification, applicant and other interested parties.

**SUMMARY**

The proposed Regular Coastal Permit (RC-12-08), as conditioned, is consistent with the land use policies of the General Plan, the requirements of the Zoning Ordinance, and the policies of the Local Coastal Program. The project has been conditioned to meet or exceed all applicable standards. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached Resolution. Staff recommends that the Planning Commission:

- Move to approve Regular Coastal Permit (RC-12-08) and adopt Planning Commission Resolution No. 2009-P16 as attached.

PREPARED BY:

  
Faith Burton  
Planner I

SUBMITTED BY:

  
Jerry Hittlerman  
City Planner

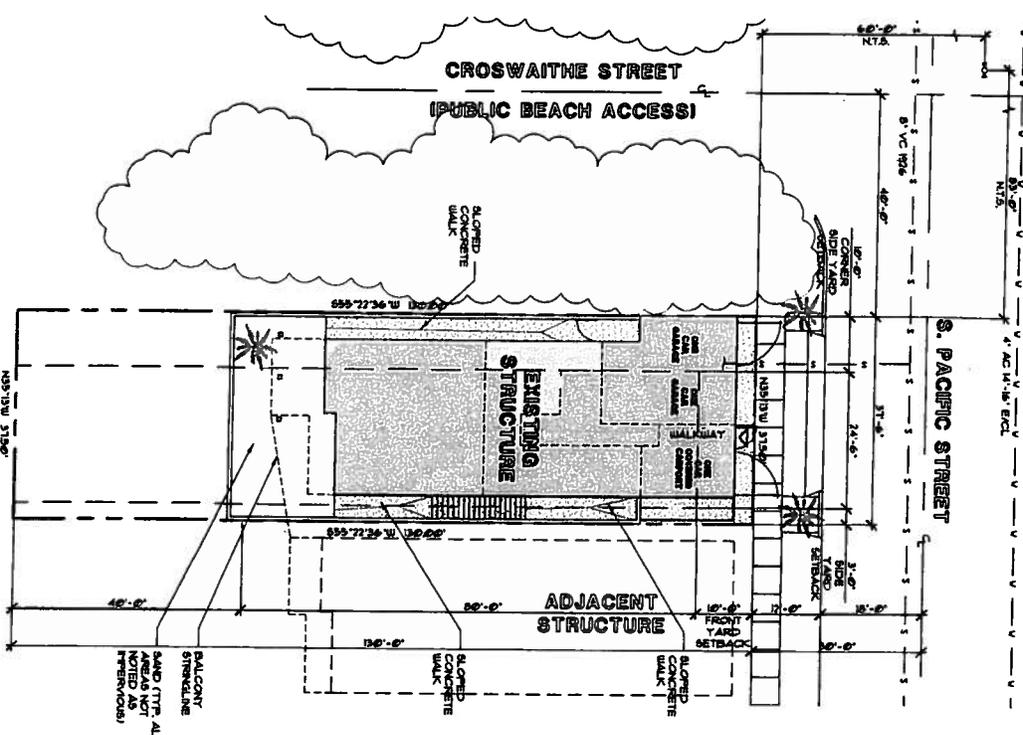
REVIEWED BY:

  
Richard Greenbauer, Senior Planner

JH/FB/fil

Attachments:

1. Site Plan/Floor Plan and Elevations
2. Planning Commission Resolution No. 2009-P16



**SITE PLAN**  
 SCALE: 1" = 10'-0"  
 PACIFIC OCEAN

**PROJECT DESCRIPTION.**

1. EXTENDING THE BEST BALCONIES
2. ENCLOSED PORTIONS OF THE BALCONIES
3. RESTORING AND REPLACING THE BALCONY DOORS
4. RESTORING AND REPLACING ALL WINDOWS WITH NEW WINDOWS OF THE SAME SIZE
5. RESTORING THE ROOF AND ADDING NEW SKYLIGHTS
6. CONVERTING TWO ONE-CAR GARAGES TO ONE TWO-CAR GARAGE
7. INSTALLING NEW ENTRY DOOR AND GARAGE DOORS

**PROJECT DATA.**

**SITE INFORMATION:** J. ACRES (4,929 SQ. FT.)  
 AREA OF SITE: 4,929 SQ. FT.  
 PERCENTAGE OF BLDG. COVERAGE: 14.4%  
 GROUND COVERED BY BLDG.: 710 SQ. FT.  
 BUILDING HEIGHT ALLOWED: 31'-0"

**SETBACKS:**  
 FRONT YARD: 5'-0"  
 REAR YARD: 5'-0"  
 CORNER SIDE YARD: 5'-0"  
 EXISTING NON-CONFORMING REAR YARD: 5'-0"  
 EXISTING NON-CONFORMING CORNER SIDE YARD: 5'-0"

**ZONING MAP:** RESIDENTIAL TOURIST RT

**GENERAL PLAN:** RESIDENTIAL TOURIST RT

**BUILDING INFORMATION:**  
 BASEMENT: 648 SQ. FT.  
 LOWER FLOOR: 771 SQ. FT.  
 LOWER INTL: 1718 SQ. FT.  
 UPPER FLOOR: 178 SQ. FT.  
 CORTEX: 1226 SQ. FT.  
 TOTAL BUILDING AREA: 3,633 SQ. FT.

**PROPOSED ADDITION TO EXISTING STRUCTURE:**  
 LOWER LEVEL: 710 SQ. FT.  
 UPPER LEVEL: 24 SQ. FT.  
 TOTAL PROPOSED ADDITION: 734 SQ. FT.

**TOTAL PROPOSED SQUARE FOOTAGE OF BUILDING:** 4,367 SQ. FT.

**PARKING:**  
 STALLS REQUIRED: 3 STALLS  
 EXISTING STALLS: 3 STALLS  
 (1) 1-CAR GARAGE  
 (2) 1-CAR GARAGE  
 TOTAL EXISTING STALLS: 3 STALLS

**PROPOSED STALLS:**  
 (1) 1-CAR GARAGE  
 (1) 1-CAR GARAGE  
 TOTAL PROPOSED STALLS: 3 STALLS

**LEGEND:**

- PROPERTY LINE
- SETBACK LINE
- SEWER LINE
- WATER LINE
- EXISTING FIRE HYDRANT
- EXISTING PLANTING
- TERRAZZO SURFACE

**SHEET SCHEDULE:**

- A-1 SITE PLAN
- A-2 CONTINUAL SITE PLAN
- A-3 45-DEGREE FLOOR PLANS AND EXT. ELEVATIONS
- A-4 PROPOSED FLOOR PLANS
- A-5 PROPOSED FLOOR PLANS
- A-6 PROPOSED EXTERIOR ELEVATIONS
- A-7 BALCONY STRUCTURE EXHIBIT

**LEGAL DESCRIPTION:**

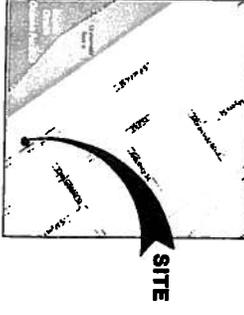
LOT 1 IN BLOCK 11 OF TRINIDAD AVENUE, IN THE CITY OF OCEANSIDE, CALIFORNIA, ACCORDING TO THE STATE OF CALIFORNIA, ACCORDING TO THE RECORDS OF THE COUNTY OF SAN DIEGO, THEREIN NO. 844, FILED IN THE OFFICE OF THE COUNTY CLERK OF SAN DIEGO COUNTY, CALIFORNIA, ON 08/11/1988. THEREFORE ANY PORTION THEREOF NOW OR HERETOFORE LYING BELOW THE BEACH HIGH LINE OF THE PACIFIC OCEAN.

**PROJECT ADDRESS:**

1301 S. PACIFIC STREET  
 OCEANSIDE, CA 92054

**APN:**

82-141-01



**CLIENT/APPLICANT:**

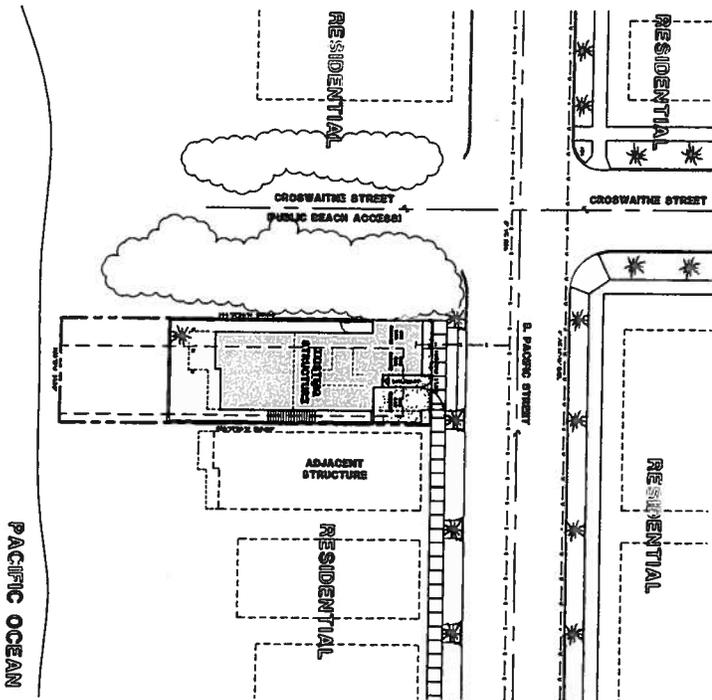
CANDY DILLON  
 1301 S. PACIFIC STREET  
 OCEANSIDE, CA 92054

**ARCHITECT:**

4 DESIGN ARCHITECTURE & PLANNING  
 KENNETH L. CARROLL, ARCHITECT  
 ALISON PARKER, PROJECT MANAGER  
 OCEANSIDE, CA 92054  
 PHONE: (760) 433-1155  
 FAX: (760) 433-2182

**SITE PLAN**

A-1  
 09-0164

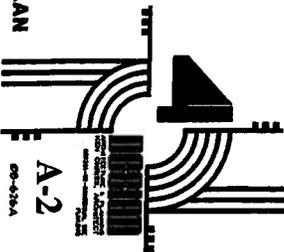


**CONTEXTUAL SITE PLAN**



SCALE: 1" = 40'-0"

CONTEXTUAL SITE PLAN

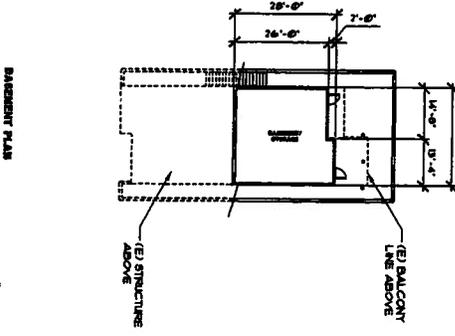
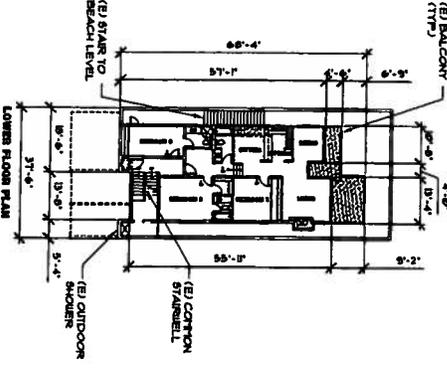
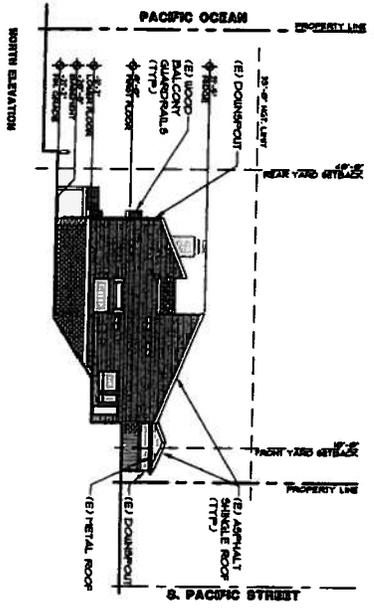
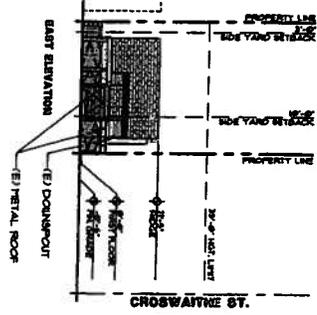
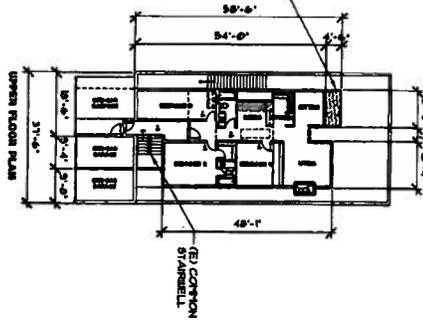
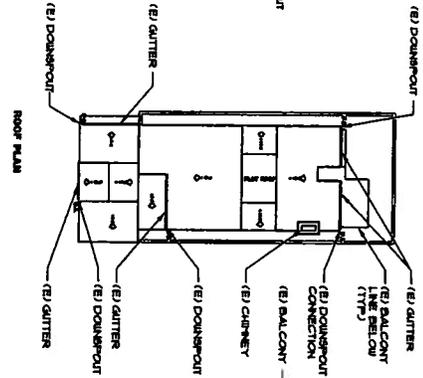
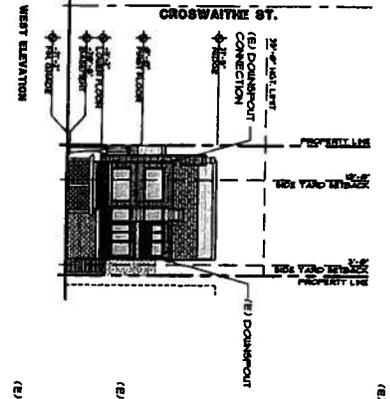
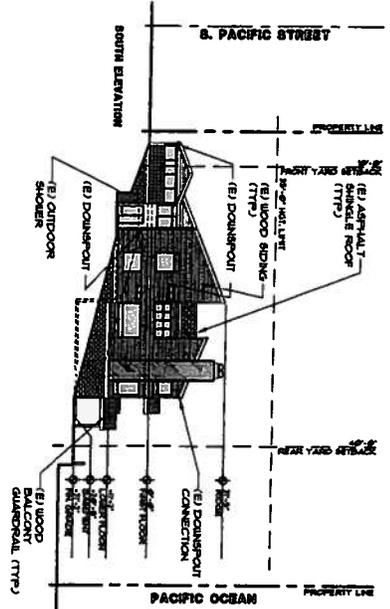


**1301 S. PACIFIC STREET - OCEANSIDE, CA**

07/2008

A-2

08-4384



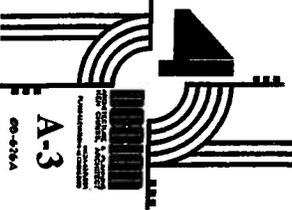
**EXTERIOR ELEVATIONS**  
SCALE: 1/8" = 1'-0"

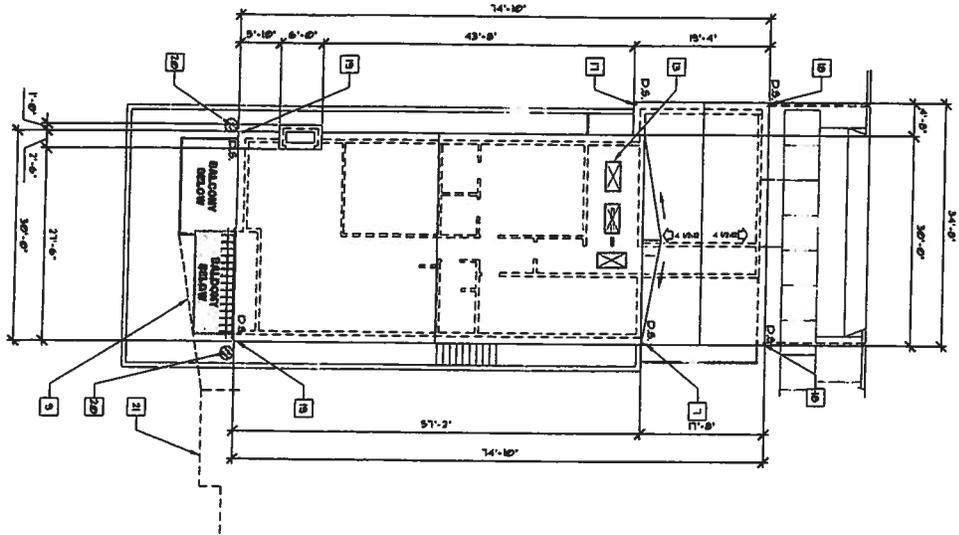
**FLOOR PLANS AND EXTERIOR ELEVATIONS - AS BUILT**

**FLOOR PLANS**  
SCALE: 1/8" = 1'-0"

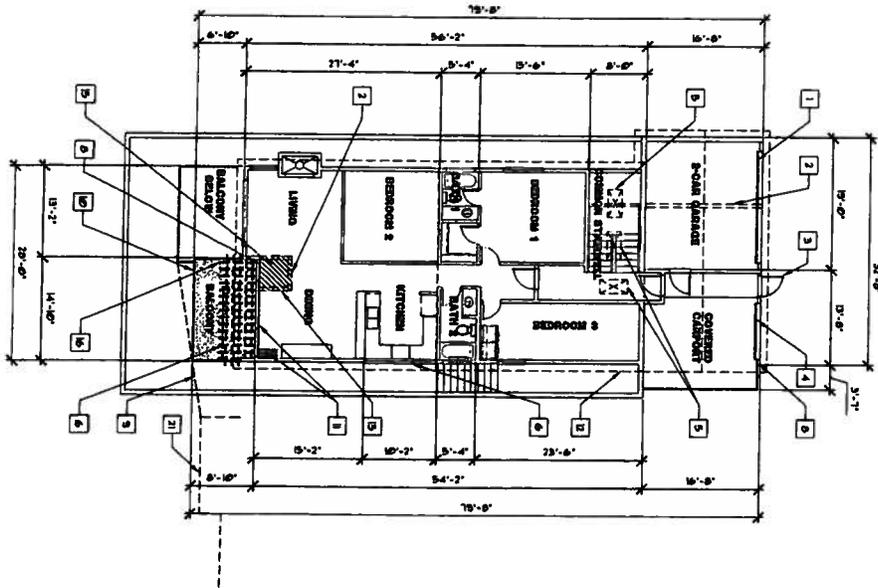
**NOTE:**  
ALL EXISTING DOWNPOUTS DAYLIGHT AT GRADE.

**AS-BUILT FLOOR PLANS AND ELEVATIONS**





ROOF / DRAINAGE PLAN



OPEN FLOOR PLAN

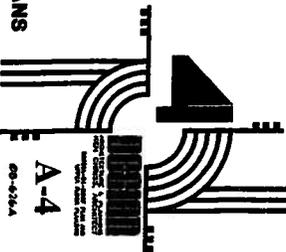
**PLAN NOTES:**

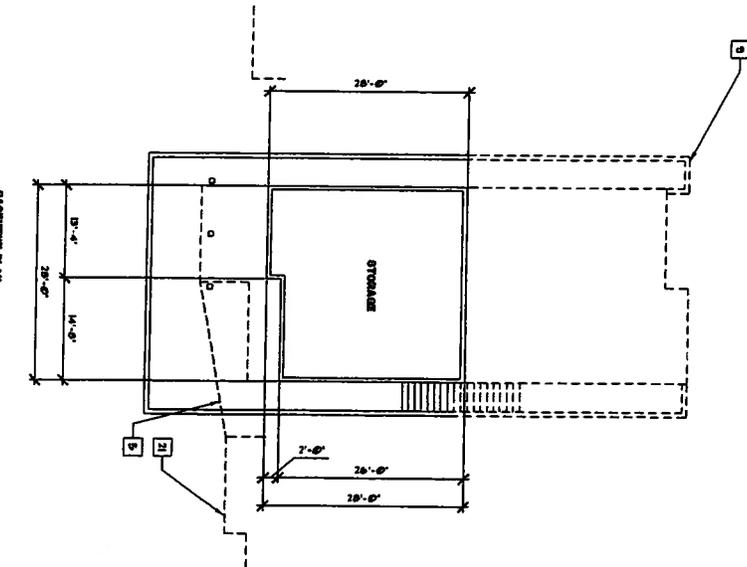
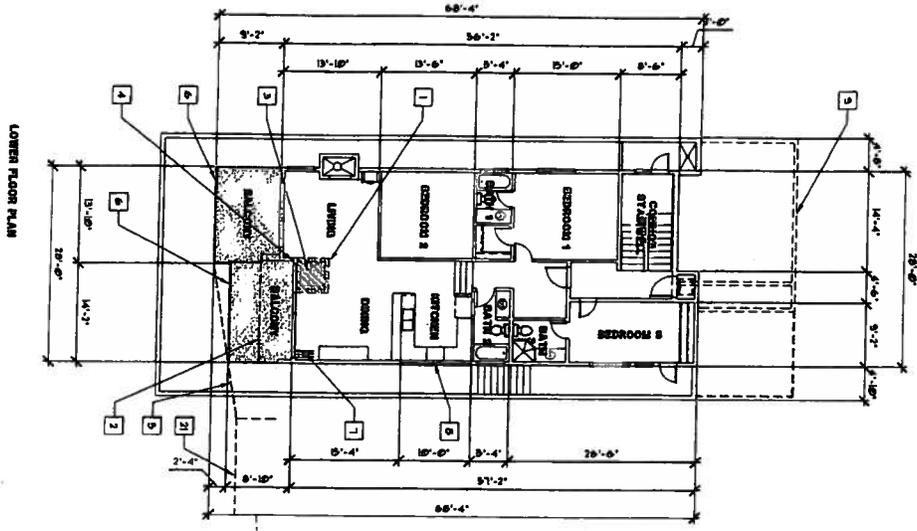
1. (N) 8'-0" GARAGE DOOR
2. (R) WALLS TO BE REMOVED
3. (N) ENTRY DOOR IN (N) FINISHED WALL
4. (N) 8'-0" GARAGE DOOR IN (N) FINISHED WALL
5. (N) SKYLIGHT ABOVE
6. LINE OF EXISTING BALCONY TO BE EXTENDED
7. DAMAGED LINES INDICATE WALLS BELOW
8. (N) EXTERIOR WALL (ADJON TO MATCH EXISTING)
9. BALCONY STRUCTURE
10. (N) GLASS BALCONY GUARDRAIL
11. (N) HOLDING GLASS DOOR
12. ROOF ABOVE
13. (N) SKYLIGHT IN (N) SLOPED ROOF
14. (N) GLASS BLOCK WINDOW
15. ADDITION TO SQUARE FOOTAGE (73 SQ. FT.)
16. (N) WOOD TRELLIS
17. POUR/POUT TO DAYLIGHT INTO EXISTING BLOWN CONCRETE SHALE AND LET INTO NEW GRAVEL BASIN AT TERMINATION OF SHALE
18. POUR/POUT TO RAIN INTO DRAIN UNDER CONCRETE DRIVEWAY/DECK AND INTO EXISTING STREET DRAINAGE
19. POUR/POUT TO LET INTO NEW GRAVEL BASIN
20. 12" DIA. X 4'-0" DEEP GRAVEL BASIN IN EXISTING BASIN
21. BALCONY LINE OF ADJACENT STRUCTURE

**FLOOR PLANS - PROPOSED**



**PROPOSED FLOOR PLANS**



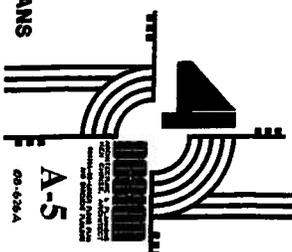


- PLAN NOTES:**
1. (B) WALLS TO BE REMOVED
  2. LINE OF EXISTING BALCONY TO BE EXTENDED
  3. ADDITION TO SQUARE FOOTAGE (77 SQ. FT.)
  4. (N) EXTERIOR WALL (RISING TO HATCH EXISTING)
  5. BALCONY STRUCTURE LINE
  6. (N) GLASS BALCONY SUBSTRATE
  7. (N) FOLDING GLASS DOOR
  8. (N) GLASS BLOCK WINDOW
  9. DASHED LINES INDICATE WALLS ABOVE
  10. BALCONY LINE OF ADJACENT STRUCTURE

**FLOOR PLANS - PROPOSED**

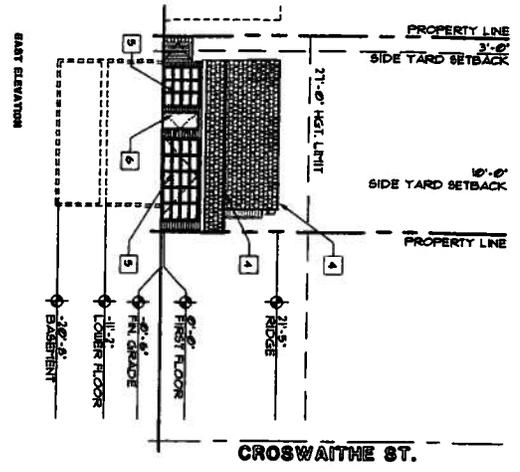
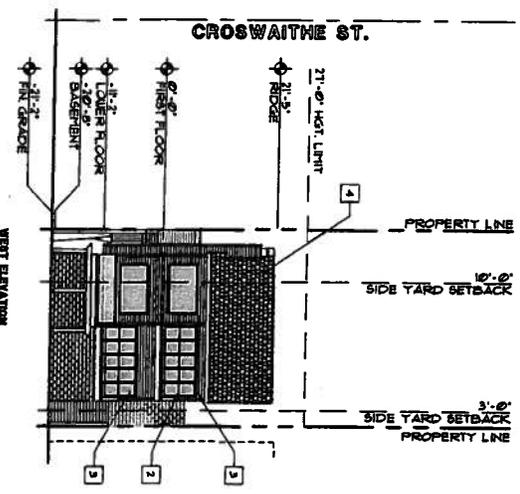
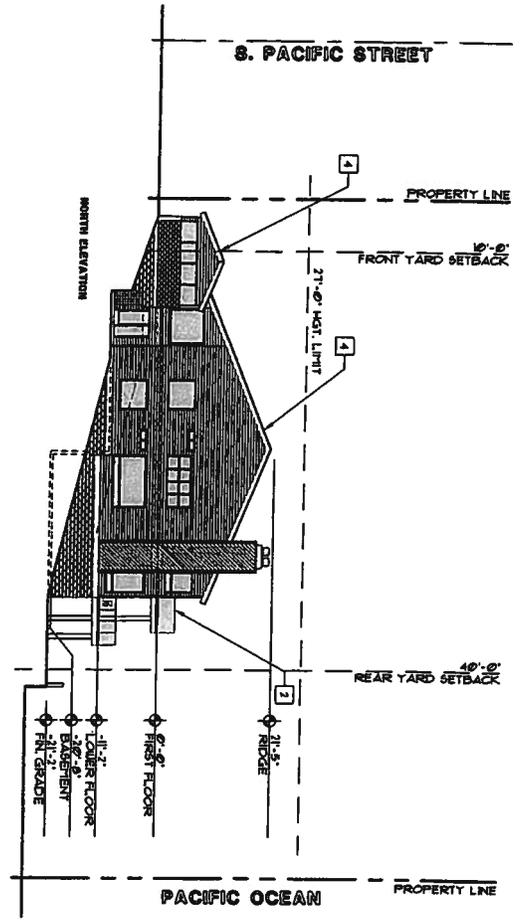
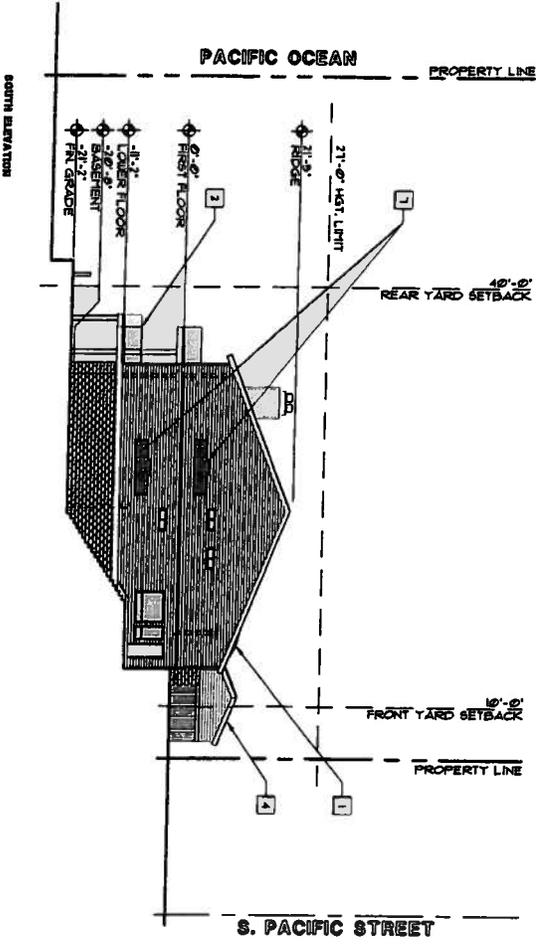
SCALE: 1/8" = 1'-0"

**PROPOSED FLOOR PLANS**



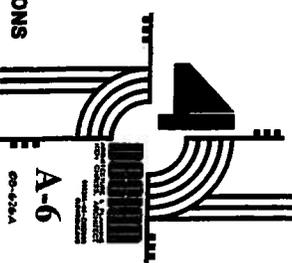
# EXTERIOR ELEVATIONS

SCALE: 1/8" = 1'-0"



- ELEVATION NOTES:**
1. (N) SKYLIGHT (TYP)
  2. (N) GLASS BALCONY GUARDRAIL
  3. (N) FOLDING WINDOW WALL
  4. (N) ASPHALT SHINGLE ROOF (TYP)
  5. (N) GARAGE DOOR
  6. (N) ENTRY DOOR
  7. (N) GLASS BLOCK WINDOW

# PROPOSED EXTERIOR ELEVATIONS

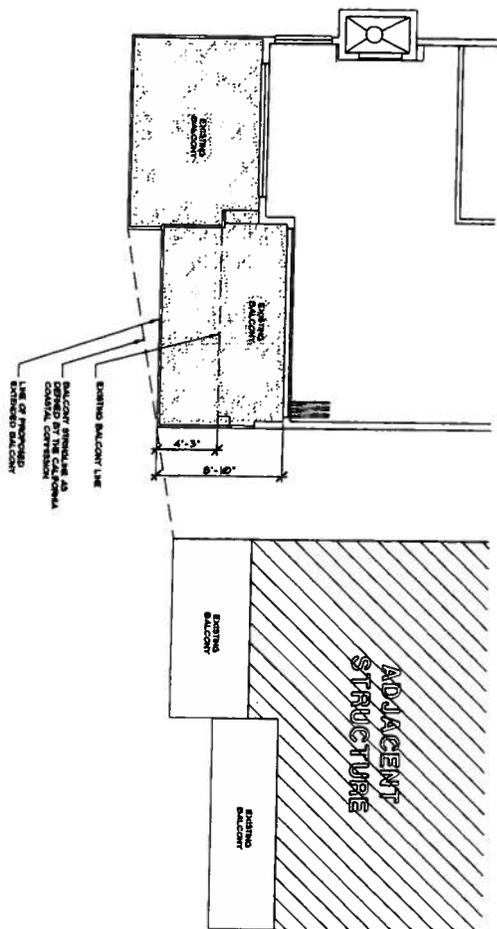


1301 S. PACIFIC STREET - OCEANSIDE, CA

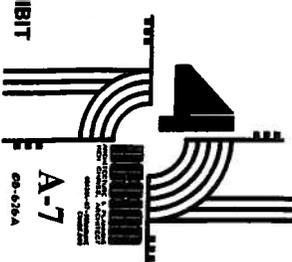
2/24/05

# BALCONY STRINGLINE EXHIBIT

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



STRINGLINE EXHIBIT



1301 S. PACIFIC STREET - OCEANSIDE, CA

A-7  
08-032A



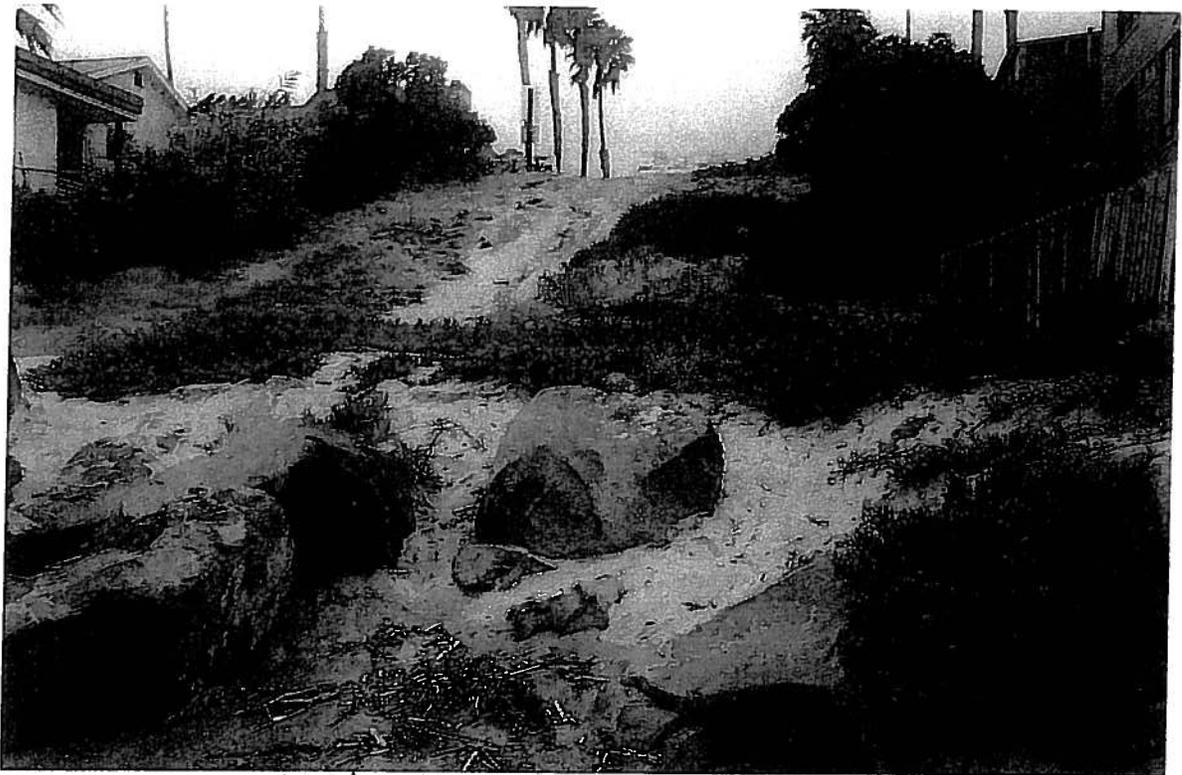
VIEW TOWARD SOUTH ON EAST (FRONT) SIDE OF STRUCTURE



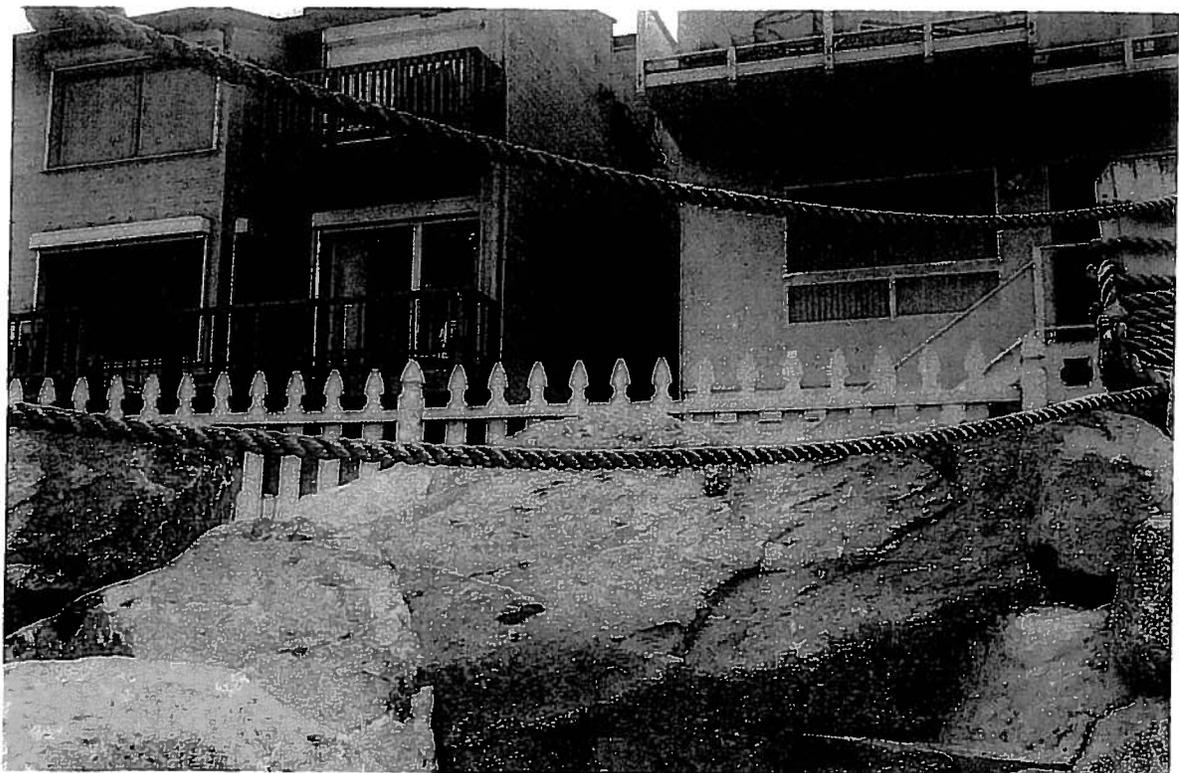
PARTIAL NORTH ELEVATION



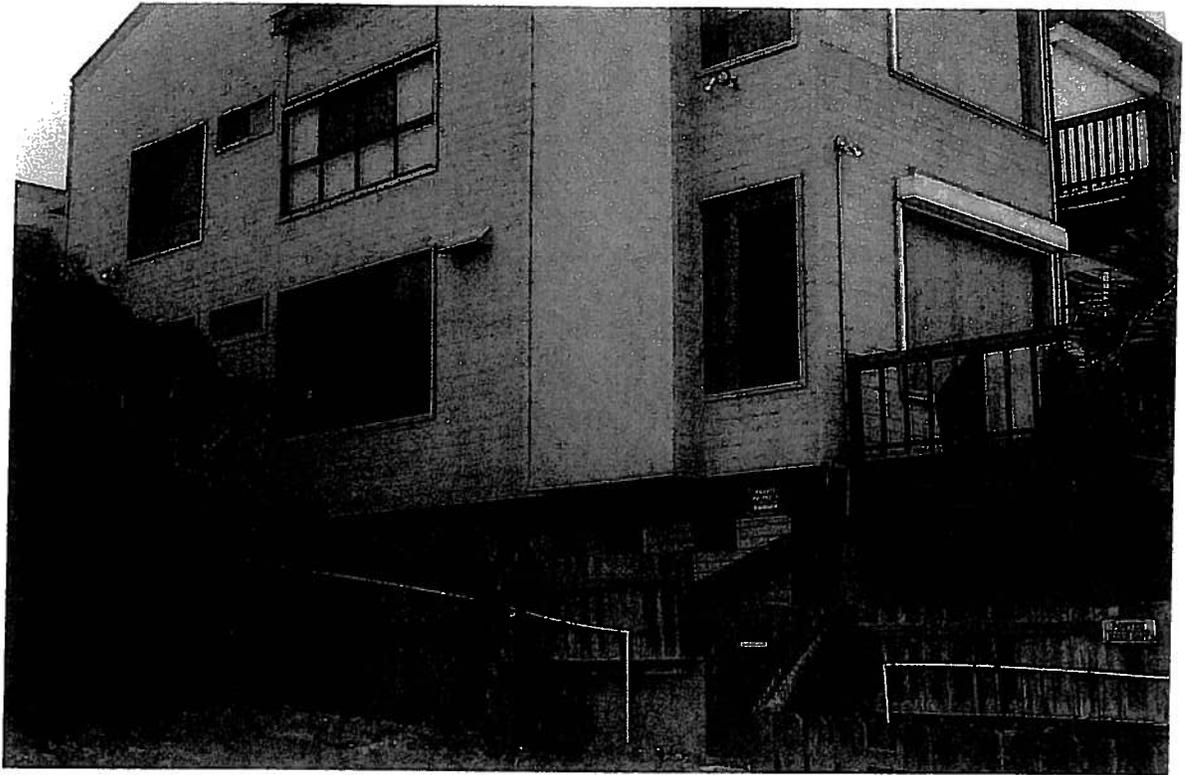
EAST ELEVATION



VIEW OF CROSWHITE STREET LOOKING EASTWARD FROM  
NORTHWEST OF SITE



WEST ELEVATIONS OF STRUCTURE AND ADJACENT BUILDING.



NORTHWEST CORNER OF STRUCTURE

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2009-P16

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

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7 APPLICATION NO: RC-12-08  
8 APPLICANT: Cindy Dillion  
9 LOCATION: 1301 South Pacific Street

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms  
13 prescribed by the Commission requesting a Regular Coastal Permit (RC-12-08) under the  
14 provisions of Article 10 of the Zoning Ordinance of the City of Oceanside to permit the following:

15 remodel of an existing permitted duplex to include an extension of two existing west  
16 facing balconies.

17 on certain real property described in the project description.

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 6th<sup>day</sup>  
19 of April, 2009 conduct a duly advertised public hearing as prescribed by law to consider said  
20 application.

21 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
22 Guidelines thereto; this project has been found to be exempt per Article 19 Sections 15302 and  
23 15303 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 the  
27 project is subject to certain fees, dedications, reservations and other exactions as provided below:  
28  
29

Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$.713 per square foot or \$713 per thousand square feet for non-residential uses and \$2,072 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	\$.42 per square foot non-residential for Oceanside (\$.42 for Vista and Fallbrook) \$2.63 per square foot residential (\$2.63 for Vista; \$2.63 for Fallbrook)
Thoroughfare Fee (For commercial and industrial please note the 75 percent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically \$4,395 per unit; Non-residential is \$35,160 for a 2" meter.
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Residential is typically \$6,035 per unit; Non-residential is \$48,280 for a 2" meter.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit; Non-residential is \$22,495 for a 2" meter.

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

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

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

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

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

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

19           FINDINGS:

20           For the Regular Coastal Permit:

- 21           1.       The proposed remodel of an existing permitted duplex is consistent with the land use  
22 policies of the Local Coastal Program as implemented through the Zoning Ordinance.  
23 Specifically, the project will not substantially alter or impact existing public views of the  
24 coastal zone area and the physical aspects of the project are consistent with the  
properties neighboring the project site.
- 25           2.       The proposed remodel will not obstruct any existing, planned, or required public beach  
26 access; therefore, the project is in conformance with the policies of Chapter 3 of the  
27 Coastal Act.

28           NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
29 approve Regular Coastal Permit (RC-12-08) subject to the following conditions:

1 **Building:**

- 2
- 3 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
- 4 Building Division plan check. (As of January 1, 2008 the 2007 California Building
- 5 Code, and 2007 California Electrical Code)
- 6 2. The granting of approval under this action shall in no way relieve the applicant/project
- 7 from compliance with all State and Local building codes.
- 8 3. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
- 9 plans.
- 10 4. The developer shall monitor, supervise and control all building construction and
- 11 supporting activities so as to prevent these activities from causing a public nuisance,
- 12 including, but not limited to, strict adherence to the following:
- 13 a) Building construction work hours shall be limited to between 7:00 a.m. and
- 14 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m.
- 15 for work that is not inherently noise-producing. Examples of work not
- 16 permitted on Saturday are concrete and grout pours, roof nailing and activities
- 17 of similar noise-producing nature. No work shall be permitted on Sundays and
- 18 Federal Holidays (New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day,
- 19 Thanksgiving Day, Christmas Day) except as allowed for emergency work
- 20 under the provisions of the Oceanside City Code Chapter 38 (Noise
- 21 Ordinance).
- 22 b) The construction site shall be kept reasonably free of construction debris as
- 23 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
- 24 approved solid waste containers shall be considered compliance with this
- 25 requirement. Small amounts of construction debris may be stored on-site in a
- 26 neat, safe manner for short periods of time pending disposal.
- 27 5. Setbacks and Type of Construction must comply with the 2007 California Building
- 28 Code. New Exterior openings less than five feet from the property line must be
- 29 protected per table 704.8 of the CBC. New Exterior walls less than five feet to the
- property line must be one hour rated per Table 602 of the CBC.

1 **Fire:**

- 2 6. Smoke detectors are required, and detector locations must be indicated on the plans.  
3 7. Plans shall be submitted to the Fire Prevention Bureau for plan check review and  
4 approval prior to the issuance of building permits.

5 **Planning:**

- 6 8. This Regular Coastal Permit shall expire on April 6, 2012, unless the Planning  
7 Commission grants a time extension.
- 8 9. This Regular Coastal Permit approves only a remodel and extension of two balconies  
9 seaward presented to the Planning Commission for review and approval. No deviation  
10 from these approved plans and exhibits shall occur without Planning Division approval.  
11 Substantial deviations shall require a revision to the Regular Coastal Permit or a new  
12 Coastal Permit.
- 13 10. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
14 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
15 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
16 annul an approval of the City, concerning Regular Coastal Permit (RC-12-08). The City  
17 will promptly notify the applicant of any such claim, action or proceeding against the  
18 City and will cooperate fully in the defense. If the City fails to promptly notify the  
19 applicant of any such claim action or proceeding or fails to cooperate fully in the  
20 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold  
21 harmless the City.
- 22 11. All mechanical rooftop and ground equipment shall be screened from public view as  
23 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,  
24 mechanical equipment, screen and vents shall be painted with non-reflective paint to match  
25 the roof. This information shall be shown on the building plans.
- 26 12. All single-family projects shall dispose of or recycle solid waste in a manner provided in  
27 City Ordinance 13.3.
- 28 13. A letter of clearance from the affected school district in which the property is located  
29 shall be provided as required by City policy at the time building permits are issued.

1 14. A covenant or other recordable document approved by the City Attorney shall be prepared  
2 by the applicant and recorded prior to the issuance of building permits where no final map  
3 is required. The covenant shall provide that the property is subject to this resolution, and  
4 shall generally list the conditions of approval.

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

11 16. Prior to the transfer of ownership and/or operation of the site the owner shall provide a  
12 written copy of the applications, staff report and resolutions for the project to the new  
13 owner and or operator. This notification's provision shall run with the life of the project  
14 and shall be recorded as a covenant on the property.

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

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

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

25 ///////////////  
26 ///////////////  
27 ///////////////  
28 ///////////////  
29 ///////////////

1 20. Prior to issuance of a building permit, the applicant and landowner, shall execute and  
2 record a covenant, in a form and content acceptable to the City Attorney.

3 PASSED AND ADOPTED Resolution No. 2009-P16 on April 6, 2009 by the following

4 vote, to wit:

5 AYES:

6 NAYS:

7 ABSENT:

8 ABSTAIN:

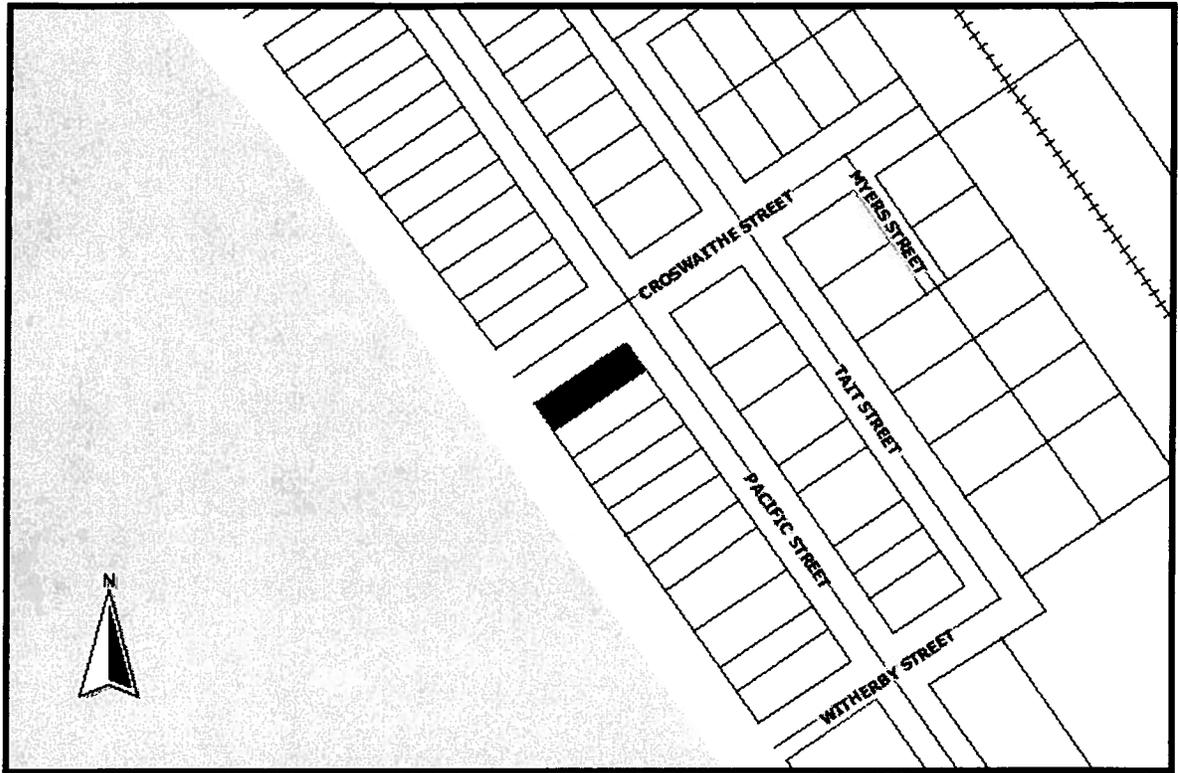
9  
10 \_\_\_\_\_  
11 Claudia Troisi, Chairperson  
12 Oceanside Planning Commission

13 ATTEST:

14 \_\_\_\_\_  
15 Jerry Hittleman, Secretary

16 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
17 this is a true and correct copy of Resolution No. 2009-P16.

18  
19 Dated: April 6, 2009  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29



**File Number: RC-12-08**

**Applicant: Cindy Dillion**

**Description:**

REGULAR COASTAL PERMIT (RC-12-08) to permit the remodel of an existing duplex and to extend two west facing balconies located at 1301 South Pacific Street in Oceanside, California. The project site is zoned RT (Residential Tourist District) and is within the South Oceanside Neighborhood and the Coastal Zone. – **DILLION RESIDENCE**

**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



**Application for Public Hearing**

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

**FF USE ONLY**

ACCEPTED	BY
12/29/08	S.S.

Please Print or Type All Information

**PART I - APPLICANT INFORMATION**

1. APPLICANT Cindy Dillion	2. STATUS Owner
3. ADDRESS 7 Bodega Bay Dr. Corona Del Mar, CA 92625	4. PHONE/FAX/E-mail (949) 295-0521
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) 4 Design Architecture and Planning Allison Parker	
6. ADDRESS 707 Mission Avenue Oceanside, CA 92054	7. PHONE/FAX/E-mail (760) 433-1785

HEARING
GPA
MASTER/SP.PLAN
ZONE CH.
TENT. MAP
PAR. MAP
DEV. PL.
C.U.P.
VARIANCE
COASTAL <b>RE-12-08</b>
O.H.P.A.C.

**PART II - PROPERTY DESCRIPTION**

8. LOCATION 1301 S. Pacific Street Oceanside, CA 92054	9. SIZE 11 acres (4,875 square feet)		
10. GENERAL PLAN Residential Tourist	11. ZONING RT	12. LAND USE Residential	13. ASSESSOR'S PARCEL NUMBER 152-142-01

**PART III - PROJECT DESCRIPTION**

14. GENERAL PROJECT DESCRIPTION  
 Extend the west balconies; flatten west exterior wall (remove notch); add new glass guardrails to balconies; remove & replace balcony doors; reconfigure kitchen and living areas; remove and replace all windows with new windows of the same size; restructure the roof and add new skylights; install new garage doors and new entry door.

15. PROPOSED GENERAL PLAN N/A	16. PROPOSED ZONING N/A	17. PROPOSED LAND USE N/A	18. NO. UNITS 2	19. DENSITY 19 D.U. acre
20. BUILDING SIZE 3,457 SQ. FT.	21. PARKING SPACES 3	22. % LANDSCAPE 57%	23. % LOT COVERAGE or FAR 43%	

**PART IV - ATTACHMENTS**

<input checked="" type="checkbox"/> 24. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION	<input checked="" type="checkbox"/> 26. TITLE REPORT
<input checked="" type="checkbox"/> 27. NOTIFICATION MAP & LABELS	<input checked="" type="checkbox"/> 28. ENVIRONMENTAL INFO FORM	<input checked="" type="checkbox"/> 29. PLOT PLANS
<input checked="" type="checkbox"/> 30. FLOOR PLANS AND ELEVATIONS	<input checked="" type="checkbox"/> 31. CERTIFICATION OF POSTING	<input checked="" type="checkbox"/> 32. OTHFR (See attachment for required reports)

**PART V - SIGNATURES**

33. APPLICANT OR REPRESENTATIVE (Print): ALLISON PARKER	34. DATE 12.18.2008	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) Gregory L. Dillion	36. DATE 12-19-08
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		Sign:

FAITH

## DESCRIPTION AND JUSTIFICATION

Regular Coastal Permit

1301 S. PACIFIC ST.

December 2008

The owner of this two-unit beachfront vacation rental property at the southwest corner of Croswaithe and Pacific Streets is proposing a remodel which will include several small changes to the both the building's exterior and interior configurations.

- Exterior changes involving this Coastal Permit are:
- Extending two existing balconies seaward.
- Converting the two one- car garages into a two-car garage and replacing the gates which currently swing into the right-of-way with roll-up doors.
- Enclosing portions of the balcony areas.
- Removing and replacing all windows and some doors.
- Restructuring the roof and adding skylights.

Additional internal changes are being made including the replacement of doors and windows and re-configuring the kitchen and living room layouts.

The project is located in the Residential Tourist (RT Zone.) It is regulated by the requirements of that zone and by the Stringline Setback Ordinance of the California Coastal Commission.

The building appears to have been constructed in the 60's or early 70's and has some pre-existing non-conformities with the existing RT Zone, none of which will be expanded with this modification. The RT Zone, prior to the currently enforced zoning ordinance (adopted in 1988), allowed 3-foot side yard setbacks and 5-foot side street setbacks. The existing side street setback may be the result of an ambiguity at the time about the future of the existing right of way on Croswaithe Street and its use for beach access.

## DEVELOPMENT STANDARDS CHART

REQUIREMENT	REQUIRED	EXISTING	PROPOSED
Front	15'-0"	4'-0" (see section 3106 blockface averaging)	n/a
Side	5'-0" (3'-0" when constructed)	4'-10"	n/a
Side Street	10'-0"	3'-4"	n/a
Rear (stringline)	within	within	Additional balcony space conforms

The first change, extends the two balconies 4'-5" seaward. This extension is within the requirements of the zoning ordinance which reads as follows:

1050 (R

### *Stringline Setback*

*Buildings, structures, fences or walls located on lots contiguous to the shoreline, shall be compatible in scale with the existing development and shall not extend further seaward than the line established on the Stringline Setback Map.*

Because the stringline map stops at the north side, the City of Oceanside Planning Director has determined that the stringline in the area of this project would be determined by the California Coastal Commission's standards. The California Coastal Commission's stringline method allows decks and other appurtenances to be permitted as far seaward as a line drawn between those on the adjacent structures to the north and south. This 4'-5" extension is within this restriction, as is demonstrated on the Balcony Stringline Exhibit on Sheet A-7 of the architectural drawings.

The change that restructures the roof and adds skylights is taking place toward the center of the structure and will improve the appearance and weather protection of the building from the side without increasing its height or changing the roof's current predominant pitch of 4½:12.

The conversion of the two one-car garages into a single car garage and replacing the current garage swing gates will not only improve the overall appearance of

the structure from the front, but it will also eliminate the current encroachment of the gate swings into the public right-of-way. These changes are compatible with the surrounding properties in scale.

Below are the findings for the Regular Coastal Permit.

1. That the project conforms to the Local Coastal Plan, including the policies of that plan.

The project is in the RT zone which has its purpose: *“To provide opportunities for tourist and year-round visitor-serving facilities including permanent and transient residential and related uses within the City’s Coastal Zone.”* (Article 10 of the Zoning Ordinance.) This project enhances that purpose as it provides vacation opportunities. The addition to the outside of the structure is within the envelope of the stringline method, which was deferred to the California Coastal Commission’s standards due to the lack of a LCP stringline map for the area of the project. The building is compatible with surrounding structures.

2. That all development within the appealable area as identified in the Local Coastal Plan conforms to the public access and recreation policies of Chapter 3 of the Coastal Act.

No additional public access requirements have been identified for this project.

**LEGAL DESCRIPTION**

**EXHIBIT "A"**

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

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

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



# NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:4/6/09  
Removal:10/6/09  
(30 days)

1. **APPLICANT:** Cindy Dillion  
7 Bodega Bay Dr.  
Corona Del Mar, CA. 92625
2. **ADDRESS:** 1301 S. Pacific Street  
Oceanside, CA. 92054
3. **PHONE NUMBER:** (949) 295-0521
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Faith Burton, Planner I
6. **PROJECT TITLE:** 1301 S. Pacific Street
7. **DESCRIPTION:** A request to extend two west facing balconies, add 44 square feet, and the interior remodel of an existing duplex.

**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 that review, the Environmental Coordinator finds that the proposed project constitutes interior alterations involving such things as interior partitions, plumbing and electrical conveyances, and the project is categorically exempt. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- "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 is categorically exempt, Class 1 "Existing Facilities" (Section 15301) (e); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

  
Faith Burton, Planner I

Date: 4/6/09

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