



DATE: May 19, 2008

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A VARIANCE (V-7-07) AND REGULAR COASTAL PERMIT (RC-1-08) TO EXCEED THE MAXIMUM HEIGHT FOR A SINGLE-FAMILY RESIDENCE LOCATED AT 517 SOUTH TREMONT STREET – NEWMAN ADDITION VARIANCE– APPLICANT: JEANINE NEWMAN**

RECOMMENDATION

Staff recommends that the Planning Commission, by motion:

- (1) Adopt Planning Commission Resolution No. 2008-P35 denying Variance V-7-07) and Regular Coastal Permit (RC-1-08) with findings attached herein

PROJECT DESCRIPTION AND BACKGROUND

Background: The subject site is part of the Bryant's Addition subdivision created in 1914. The original residence was constructed in 1957 as a single story, 800-square foot house. In 2000, a three-car garage and living area was added to the western elevation with approval of a building permit. In January 2004, a 1,320-square foot second floor addition above the garage was added with approval of a building permit and no discretionary action was taken. During the completion of the second story addition, the Building Department measured the residence and that the structure was built in excess of the 27-foot height specified on building plans for the permit. The overall height as measured from finish grade to top of roof revealed a total height of 30'-0", which is inconsistent with the approved plans. The applicant applied for a Variance (V-18-04) in 2004 and was subsequently denied the request by the Planning Commission on February 28, 2005. The Variance request was appealed to the City Council and was denied the Variance request on March 7, 2005. The applicant re-applied for the Variance after waiting one year as required by the Zoning Ordinance.

Site Review: The site is located at 517 South Tremont Street and within the townsite neighborhood, and is zoned RH-U (Urban High Density Residential). Surrounding the subject site are multi-family and single-family residential units to the north, south, and west .

Project Description: The requested Variance is to exceed the maximum height of 27 feet for a single-family residence within the Townsite Neighborhood. The maximum height of the western (rear) portion of the residence is approximately 30 feet. This roof height allows access to a loft above the second floor, which in turn provides access to a deck.

The applicant has submitted a Variance request to exceed the maximum allowable height of 27 feet and permit the existing 30 feet for an existing non-conforming residential structure. This Variance request requires a Regular Coastal Permit due to its location within the coastal zone and its discretionary action.

To bring the project into conformance with the development standards an Administrative Coastal Permit approval would be required as per the Local Coastal Program.

The project application is comprised of two components; a Variance and a Regular Coastal Permit as follows:

Variance (V-7-07) represents a request for the following:

- (a) To exceed the Development Standard height limit of 27 feet pursuant Section 1050 of the OZO; and

Regular Coastal Permit (RC-1-08) represents a request for the following:

- (a) To permit the existing remodel to the existing single-family home. A regular Coastal Permit is required due to the project location within the Coastal Zone.

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

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

ANALYSIS

KEY PLANNING ISSUES

1. **General Plan conformance**

The General Plan Land Use Map designation on the subject property is UHD (Urban High Density Residential). The proposed project is not consistent with the goals and objectives of the City's General Plan as follows:

A. Land Use Element

Goal 1.32: Coastal Zone

Objective: To provide for the conservation of the City's coastal resources and fulfill the requirements of the California Coastal Act of 1976.

Policy A: The City shall utilize the certified Local Coastal Plan and supporting documentation for review of all proposed projects within the Coastal Zone. Specifically, the goals and policies of the Local Coastal Program Land Use Plan shall be the guiding policy review document.

The project is proposing a 30-foot height requirement in lieu of the minimum required 27-foot height requirement. This will result in a more intense use of the subject property that will not be consistent with the surrounding neighborhood and may set a precedence for other height variances in the surrounding area.

2. **Zoning Compliance**

This project is located in the RH-U zone (Urban High Density Residential) and does not comply with the requirements of that zone in regards to the proposed height. The following table summarizes the minimum required development standards for the project site and what actually exist:

	MINIMUM REQUIRED	EXISTING
MINIMUM LOT SIZE	10,000 sq. ft.	5,000 sq. ft. (Existing)
FRONTYARD SETBACK	15 feet	20 feet
SIDEYARD SETBACK	5;10 feet	5 feet
REARYARD SETBACK	5 feet (alley)	10 feet
BUILDING HEIGHT	Max. 27 feet	30 feet

The project meets all the development standards with the exception of the maximum building height. The Variance for the proposed 30-foot height structure is not warranted due to lack of physical constraints to building within the height limit. The property possess

no unique characteristics to allow the height of structures to be built at a 30-foot height and would establish a precedent to maximum heights allowed within the Townsite District.

3. Land Use Compatibility with surrounding developments

The proposed project is consistent in terms of building type (single-family dwelling) with the surrounding neighborhood. Adjacent properties consist of a mix of single-family homes and condominiums and multi-family apartment buildings. However, the proposed height of 30 feet is not consistent with the homes in the immediate area and surrounding neighborhood.

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	UHD	RHU	Single-Family Residential
North, West, and South of Subject Property:	UHD	RHU	Single-Family Residential Multi-Family Residential
East of Subject Property:	GC	CG	Commercial and Industrial

4. Local Coastal Program compliance

The proposed project is within a non-appealable portion of the Coastal Zone. The following objectives and policies of the LCP apply to the project:

Section VI: Visual Resources and Special Communities

Objective: The City shall, through its land use and public works decisions, seek to protect, enhance, and restore visual quality of urban environment.

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

Policy 11: The City shall encourage variety, creativity, and site-responsive design for all new development.

The proposed project is compatible in color and building type with the surrounding neighborhood, and would add to the variety of custom single-family homes along South Tremont Street and within the Coastal zone. However, as per the Local Coastal Program the proposed height of 30 feet is not consistent with the homes on the east, north and south of Tremont Street and adjacent to the subject property. Permitting a deviation to the maximum height requirement of 27 feet would create a design inconsistency within the neighborhood, and would establish a precedent for all coastal developments

DISCUSSION

Issue: Land Use Consistency with Findings for Granting Variance.

Recommendation: In reviewing the application for a Variance, the Planning Commission must make all of the following findings:

1. That because of special circumstances or conditions applicable to the development site, including size, shape, topography, location or surroundings strict application of the requirements of the Zoning Ordinance deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
2. That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.
3. That granting the application is consistent with the purposes of the Zoning Ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.

In evaluating this Variance request, it is staff's opinion that the property does not possess a special or unique circumstance warranting the granting of a variance. The subject property is a typical single-family residential zone with a maximum height requirement of 27 feet. The required 27-foot height limit will not deprive the property of an adequate livable floor area and second story addition similar to the neighboring properties. In addition the incompatible height of 30 feet was due to incorrect information placed on the building plans, which does not cause a physical constraint of the lot. The approval of the Variance would cause a potential precedent that may open the door to allowing neighboring properties to exceed the maximum allowable height requirement. Staff believes an approval of the Variance request in the absence of any special property limitations would establish a poor precedence inconsistent with the purposes of the Zoning Ordinance. Granting this Variance would constitute a grant of special privilege.

ENVIRONMENTAL DETERMINATION

Per the California Environmental Quality Act Section 15378 (CEQA) the Variance denial is not considered a project that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies, so the Variance denial does not require CEQA approval.

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. As of May 12, 2008, no communication supporting or opposing the request has been received.

SUMMARY

In staff's opinion there are no unique physical constraints about the applicant's property precluding an option for design alternatives in height. Such alternatives are not reliant upon any deviation from the zoning standards. Therefore, staff recommends that the Planning Commission deny the project. The Commission's action should be:

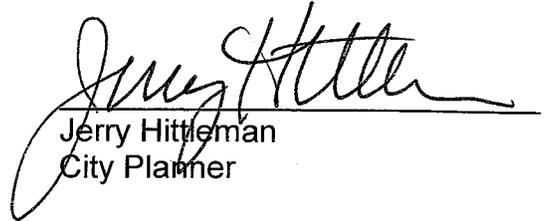
- Move to deny Variance (V-7-07) and Regular Coastal Permit (RC-1-08) and adopt Planning Commission Resolution 2008-P35 as attached.

PREPARED BY:



Scott Nightingale
Planner II

SUBMITTED BY:



Jerry Hittleman
City Planner

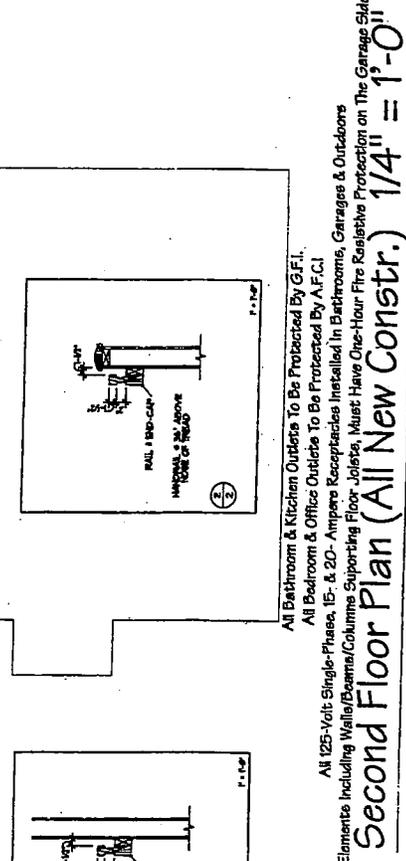
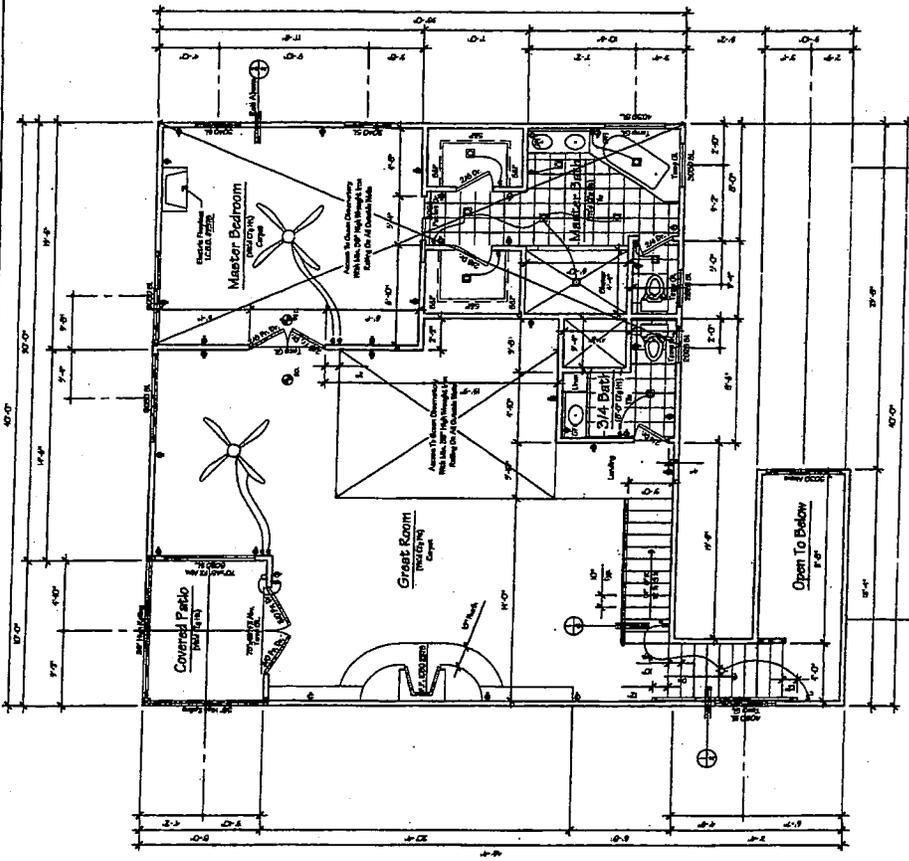
REVIEWED BY: 

Richard Greenbauer, Senior Planner

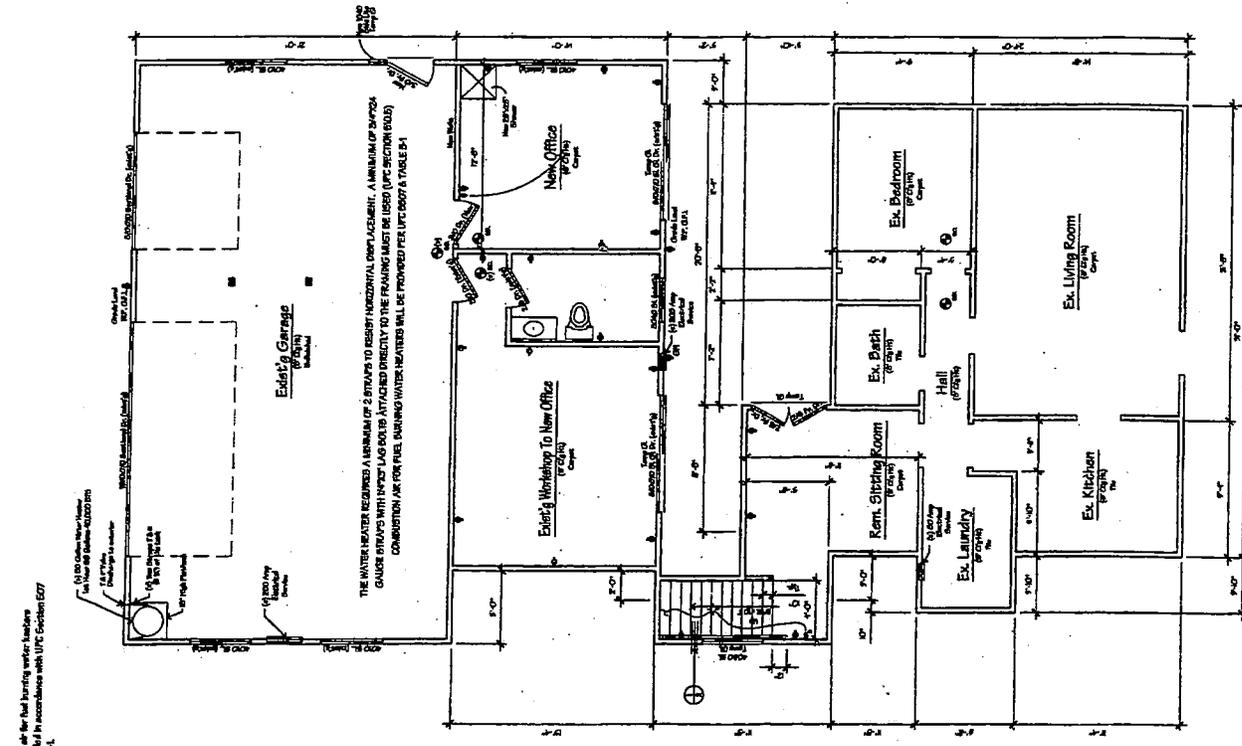
JH/SN/fil

Attachment:

1. Site Plan, Elevations
2. Planning Commission Resolution No. 2008-P35
3. Planning Commission Resolution No. 2005-P18
4. Staff Report dated February 28, 2005



All Bathroom & Kitchen Outlets To Be Protected By G.F.I.
 All Bedroom & Office Outlets To Be Protected By A.F.C.I.
 All 125-Volt Single-Phase, 15- & 20- Ampere Receptacles Installed In Bedrooms, Garages & Outdoors
 All Elements Including Walls/Dwalls/Columns Supporting Floor Joists, Must Have One-Hour Fire Resistive Protection on The Garage Side
Second Floor Plan (All New Constr.) 1/4" = 1'-0"



First Floor Plan (Changes Apply) 1/4" = 1'-0"

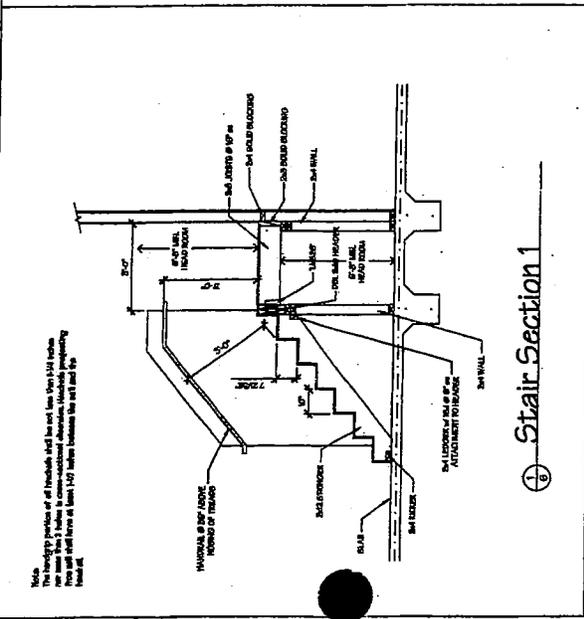
Notes:
 Construction of the building exterior finish
 shall be in accordance with UBC Edition 2007
 and Table 5-1.

THE WATER HEATER REQUIRES A MINIMUM OF 2 BRAYS TO BESET HORIZONTAL OVERLAPMENT. A MINIMUM OF THREE
 GAUGE BRAYS WITH NUTS AND WASHERS ATTACHED DIRECTLY TO THE FRAMING MUST BE USED (SPECIFIC BRANDS)
 CONSTRUCTION FOR FUEL BURNING WATER HEATERS WILL BE PROVIDED PER UBC 2007 TABLE 5-1

Brian C. Nagle
 Brian C. Nagle Design
 1000 S. Main St.
 Santa Ana, CA 92701
 Phone: 714-241-1111
 Fax: 714-241-1112
 Email: brian@briancnagle.com

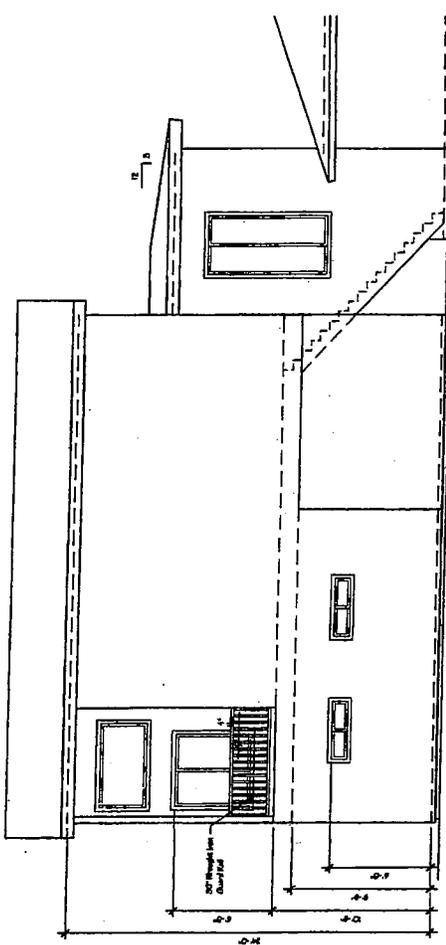
PROJECT
 Newnman, Janine
 517 Tremont St
 Oceanside, CA 92056

DATE: Dec. 10, 2003
 FILE:
 DRAWN BY: BCN
 JOB: 03-005-02-00
 SHEET: 6
 OF 6 SHEETS



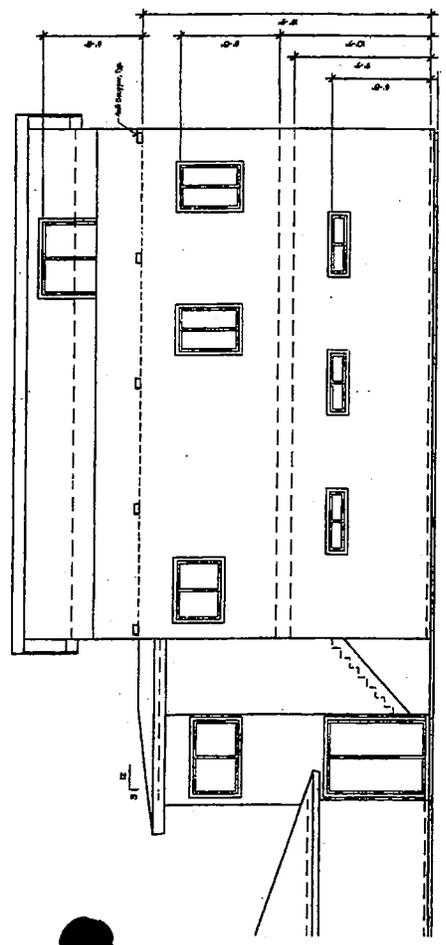
Note:
 The finished portion of all thresholds shall be not less than 1/2" above
 the finish floor level in concrete construction. Thresholds protruding
 more than 1/2" above the finish floor shall be beveled between the 1/2" and 1/4"
 above the finish floor.

⊕ Stair Section 1



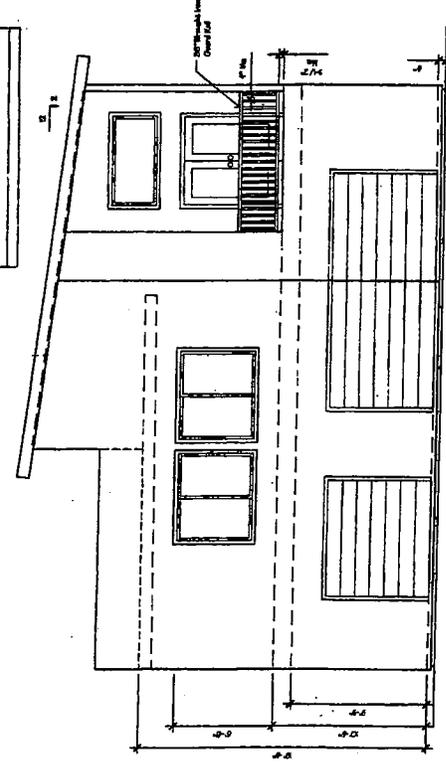
Left Side Elevation

1/4" = 1'-0"



Right Side Elevation

1/4" = 1'-0"



Rear Elevation

1/4" = 1'-0"

REVISION	DATE	BY	DESCRIPTION
01	12/10/03	BCN	ISSUE FOR PERMIT
02	12/10/03	BCN	REVISED PER PERMIT COMMENTS
03	12/10/03	BCN	REVISED PER PERMIT COMMENTS
04	12/10/03	BCN	REVISED PER PERMIT COMMENTS
05	12/10/03	BCN	REVISED PER PERMIT COMMENTS
06	12/10/03	BCN	REVISED PER PERMIT COMMENTS

1 PLANNING COMMISSION
2 RESOLUTION NO. 2008-P35

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA DENYING A VARIANCE
5 ON CERTAIN REAL PROPERTY IN THE CITY OF
6 OCEANSIDE

6 APPLICATION NO: V-1-07, RC-1-08
7 APPLICANT: Jeanine Newman
8 LOCATION: 517 S. Tremont Street

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

10 WHEREAS, there was filed with this Commission a verified petition on the forms
11 prescribed by the Commission requesting a Variance and Regular Coastal Permit under the
12 provisions of Articles 10, 43 and 41 of the Zoning Ordinance of the City of Oceanside to permit
13 the following:

14 to exceed the 27-foot maximum height limit for residential structures in the costal zone;
15 on certain real property described in the project description.

16 WHEREAS, the Planning Commission, after giving the required notice, did on the 19th day
17 of May, 2008 conduct a duly advertised public hearing as prescribed by law to consider said
18 application.

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

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

23 FINDINGS:

24 For denying the Variance:

- 25 1. There are no special circumstances or conditions applicable to the development site,
26 including size, shape, topography, location and surroundings that warrant the granting of
27 a variance for an approximately 30-foot high residential structure that exceeds the
28 maximum 27-foot height limit for residential structures in the Townsite Neighborhood as
stipulated in the development standards of the Zoning Ordinance. The strict application

1 of the height requirements of the Zoning Ordinance would not deprive the property of
2 privileges enjoyed by other property in the vicinity and under identical zoning
3 classifications.

- 4 2. The proposed increase in structure height makes the property or use out-of-character with
5 property improvements in the vicinity. As such, granting the variance will be detrimental
6 or injurious to property and improvements in the vicinity of the development site.

7 For the Regular Coastal Permit:

- 8 3. The proposed project is not consistent with the policies of the Local Coastal Program as
9 implemented through the Zoning Ordinance. Specifically, the physical aspects of the
10 project are not consistent with the properties neighboring the project site in terms of
11 building heights. In addition, the project will substantially alter or impact existing public
views of the coastal zone area.

- 12 4. That granting the application is not consistent with the purposes of this ordinance and
13 will constitute a grant of special privilege inconsistent with limitations on other properties
14 in the vicinity and in the same zoning district. The proposed 30-foot addition will set
15 precedent and will not be consistent with the Local Coastal Plan height requirements.
16 The base district height requirement of 27 feet can be addressed by alternative site
17 designs that comply with the Zoning Ordinance and Local Coastal Plan.

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1 5. The increase in residential structure height is inconsistent with the existing residences in
2 the surrounding neighborhood and would be a grant of special privilege inconsistent with
3 limitations on those existing residences.

4 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
5 deny Variance (V-7-07).

6 PASSED AND ADOPTED Resolution No. 2008-P35 on May 19, 2008 by the following
7 vote, to wit:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

12
13
14 _____
Dennis Martinek, Chairman
Oceanside Planning Commission

15 ATTEST:

16
17 _____
18 Jerry Hittleman, Secretary

19 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
20 this is a true and correct copy of Resolution No. 2008-P35.

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22 Dated: May 19, 2008
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1 PLANNING COMMISSION
2 RESOLUTION NO. 2005-P18

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA DENYING A VARIANCE
5 ON CERTAIN REAL PROPERTY IN THE CITY OF
6 OCEANSIDE

7 APPLICATION NO: V-18-04
8 APPLICANT: Jeanine Newman
9 LOCATION: 517 S. Tremont Street

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 Variance under the provisions of Articles 10 and 41
14 of the Zoning Ordinance of the City of Oceanside to permit the following:

15 to exceed the 27-foot maximum height limit for residential structures;
16 on certain real property described in the project description.

17 WHEREAS, the Planning Commission, after giving the required notice, did on the 28th day
18 of February, 2005 conduct a duly advertised public hearing as prescribed by law to consider said
19 application.

20 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
21 Guidelines thereto; this project is categorically exempt from CEQA per Article 19, Section 15332;

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

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

26 FINDINGS:

27 For denying the Variance:

- 28 1. There are no special circumstances or conditions applicable to the development site,
including size, shape, topography, location and surroundings that warrant the granting of
a variance for an approximately 30-foot high residential structure that exceeds the
maximum 27-foot height limit for residential structures in the Townsite Neighborhood as

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3. The increase in residential structure height is inconsistent with the existing residences in the surrounding neighborhood and would be a grant of special privilege inconsistent with limitations on those existing residences.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby deny Variance (V-18-04).

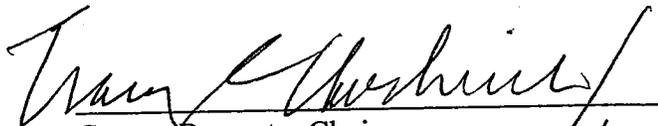
PASSED AND ADOPTED Resolution No. 2005-P18 on February 28, 2005 by the following vote, to wit:

AYES: Chadwick, Parker, Todd, Neal and Nack

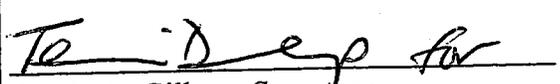
NAYS: None

ABSENT: Barrante, Schaffer

ABSTAIN: None


George Barrante, Chairman
Oceanside Planning Commission *for*

ATTEST:


Gerald S. Gilbert, Secretary

I, GERALD S. GILBERT, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2005-P18.

Dated: February 28, 2005

File No: 03405927

EXHIBIT "A"

All that certain real property situated in the County of San Diego, State of California, described as follows:

Lot 5 in Block 31 of Bryan's Addition, in the City of Oceanside, County of San Diego, State of California, according to Map thereof No. 219, filed in the Office of the County Recorder of San Diego County on March 10, 1987.

Assessor's Parcel Number: **150-185-12**

RECEIVED
OCT 11 2004
Planning Department



CITY OF OCEANSIDE
PLANNING DEPARTMENT

NOTICE OF EXEMPTION

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

PROJECT TITLE AND FILE NUMBER:
NEWMAN VARIANCE (V-18-04)

PROJECT LOCATION - SPECIFIC:
517 S. Tremont Street

PROJECT LOCATION - GENERAL:
City of Oceanside

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:
An increase in structural height for an existing single-family residence.

NAME OF PUBLIC AGENCY APPROVING PROJECT:
City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:
Jeanine Newman
517 S. Tremont Street
Oceanside, CA 92054
(760) 967-7714

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

- NOT SUBJECT TO CEQA PER THE GENERAL RULE, SECTION 15061(B)(3)
 STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)
 CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION(S) 15305

REASONS WHY PROJECT IS EXEMPT:

The project involves only a minor alteration of land use limitation and will not result in any changes in land use or density.

Contact Person: Shan Babick, Associate Planner

SIGNATURE

For: Gerald S. Gilbert, Planning Director

February 8, 2005

DATE

CITY HALL, 300 NORTH COAST HIGHWAY, OCEANSIDE CA 92054, TELEPHONE (760) 435-3520, FAX (760) 754-2958



DATE: February 28, 2005

TO: Chairman and Members of the Planning Commission

FROM: Planning Department

SUBJECT: **CONSIDERATION OF VARIANCE (V-18-04) TO EXCEED THE MAXIMUM HEIGHT FOR A SINGLE-FAMILY RESIDENCE LOCATED AT 517 SOUTH TREMONT STREET – NEWMAN ADDITION VARIANCE– APPLICANT: JEANINE NEWMAN**

RECOMMENDATION

Staff recommends that the Planning Commission deny the Variance (V-18-04) and adopt Planning Commission Resolution No. 2005-P18 as attached.

PROJECT DESCRIPTION AND BACKGROUND

Background: The subject site is part of the Bryant's Addition subdivision created in 1914. In 1957, the original 800-square foot residence was built on the subject site. In 2000, a three-car garage and living area was added to the western portion of the building. In January 2004, a 1,320-square foot second floor addition above the garage was added.

During construction of the second floor addition it was brought to the Building Department's attention that the roof height might exceed the maximum height limit of 27 feet. The building inspector measured the height of the house and ascertained that the house was approximately 30 feet high. Upon review of the plans, it was discovered that the existing ceiling height of the garage is actually nine (9) feet instead of eight (8) feet as depicted in the building plans. In addition, the pitch of the second floor addition's roof is inconsistent with the approved plans (two different roof pitches were noted on the plans). These two errors on the building plans resulted in a house that is being constructed approximately three-feet over the 27-foot maximum height limit.

The subject site is zoned RH-U (High Density Urban Residential) and is situated in the Townsite Neighborhood. Surrounding the subject site are multi-family and single-family residential units. The railroad tracks are located west of the site beyond Cleveland Street.

Site Review: The subject site is located at 517 S. Tremont Street. The site is relatively flat.

Project Description: The requested Variance is to exceed the maximum height of 27 feet for residential buildings within the Townsite Neighborhood. The maximum height of the western (rear) portion of the residence is approximately 30 feet. This roof height allows access to a loft above the second floor, which in turn provides access to a deck.

ANALYSIS

KEY PLANNING ISSUE

Is the Variance request supported by following required findings as specified under Section 4105(B) of the Zoning Ordinance?

- That because of special circumstances or conditions applicable to the development site, including size, shape, topography, location or surroundings strict application of the requirements of the Zoning Ordinance deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
- That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.
- That granting the application is consistent with the purposes of the Zoning Ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.

DISCUSSION

In evaluating the circumstances of this Variance request in relation to the findings that are necessary for its approval, it is staff's opinion that the findings cannot be supported.

Staff believes that the applicant's request does not meet the findings for the Variance. There are no special circumstances or conditions that exist at the subject site. Application of the 27-foot height limit would not deprive the property of adequate livable floor area and a second story addition. The additional height of the residence was due to incorrect information placed on the building plans and not caused by physical constraints of the lot or any existing circumstances. The additional three-feet in height is inconsistent with the heights of residential structures within the surrounding neighborhood. In addition, staff is concerned that approval of the Variance would be viewed as setting a potential precedent of allowing additional height for a residence without any physical constraints. Approving this Variance would constitute a grant of special privilege not enjoyed by other residential properties in the area and same zoning district.

ENVIRONMENTAL DETERMINATION

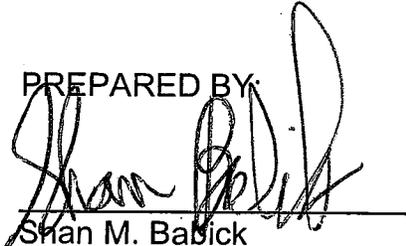
The project is exempt under the provisions of the California Environmental Quality Act (CEQA).

SUMMARY

In staff's opinion, the required Variance findings cannot be met in this case. The lack of physical constraints on the subject site, the inconsistency of the height with the residences in the surrounding neighborhood and the grant of special privilege are the reasons to deny the requested Variance. Therefore, staff recommends that the Planning Commission deny the Variance request. The Commission's action should be:

- Move to deny Variance (V-18-04) and adopt Planning Commission Resolution No. 2005-P18 as attached.

PREPARED BY:



Shan M. Babick
Associate Planner

SUBMITTED BY:



Gerald S. Gilbert
Planning Director

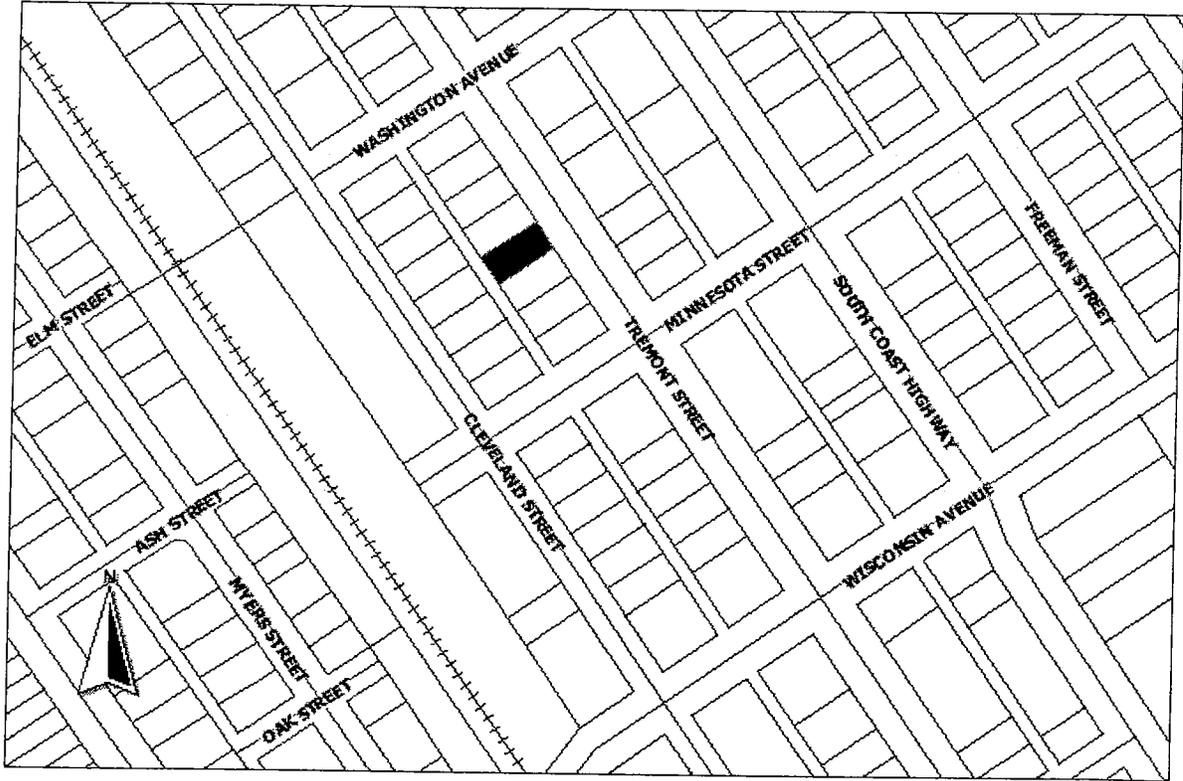
REVIEWED BY:

Teri Delcamp, Senior Planner T.D.

GSG/SMB/fil

Attachments:

1. Site Plan/Floor and Elevations
2. Planning Commission Resolution No. 2005-P18



File Number: V-7-07, RC-1-08

Applicant: Jeanine Newman

Description:

VARIANCE (V-7-07) and REGULAR COASTAL PERMIT (RC-1-08) to permit a residential structure to exceed the maximum height requirement located at 517 South Tremont Street. The project site is zoned RS (Residential Single-Family) and is situated within the Townsite Neighborhood and the Coastal Zone. – **NEWMAN 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

Date: May 7, 2008

Public Hearing Coastal Permit
Identification No. RC-1-08

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 Jeanine Newman. This application was received on September 4, 2007. The application is described as follows:

To permit a residential structure to exceed the maximum height requirement located at 517 South Tremont Street.

The project site is zoned RS (Residential Single-Family) and is situated within the Townsite Neighborhood and the Coastal Zone.

Said hearing will be held on May 19, 2008, 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 May 14, 2008, 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 City of Oceanside, Planning Division at (760) 435-3520. 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 May 29, 2008 (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.



Application for Public Hearing

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

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STAFF USE ONLY

ACCEPTED

8/29/07

BY

SS

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT <i>Jeanine Newman-Reynolds</i>	2. STATUS <i>owner</i>
3. ADDRESS <i>517 S. Tremont St</i>	4. PHONE/FAX/E-mail <i>(760) 967-7764</i>
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) <i>Jeanine Newman-Reynolds</i>	
6. ADDRESS <i>517 S. Tremont St</i>	7. PHONE/FAX/E-mail <i>(760) 967-7764</i>

GPA	
MASTER/SP.PLAN	
ZONE CH.	
TENT. MAP	
PAR. MAP	
DEV. PL.	
C.U.P.	
VARIANCE	<i>V-7-07</i>
COASTAL	<i>RC-1-08</i>
O.H.P.A.C.	

PART II - PROPERTY DESCRIPTION

8. LOCATION <i>Single Family Home</i>	9. SIZE
10. GENERAL PLAN	11. ZONING
12. LAND USE	13. ASSESSOR'S PARCEL NUMBER

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION
Remodel to Residential Home

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15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE or FAR	

PART IV - ATTACHMENTS

24. DESCRIPTION/JUSTIFICATION	25. LEGAL DESCRIPTION	26. TITLE REPORT
27. NOTIFICATION MAP & LABELS	28. ENVIRONMENTAL INFO FORM	29. PLOT PLANS
30. FLOOR PLANS AND ELEVATIONS	31. CERTIFICATION OF POSTING	32. OTHER (See attachment for required reports)

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print):	34. DATE	SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).
Sign: <i>Jeanine Newman-Reynolds</i>	35. OWNER (Print) <i>Jeanine Newman-Reynolds</i>	

36. DATE *7-30-07*

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

Sign:

SCOTT

10

Mary J. Webb
Jeanine Newman
517 S. Tremont St.
Oceanside, CA 92054
(760) 967-7764

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10/01/04

To Whom It May Concern:

We are applying for a Variance due to the fact that our addition turned out to be higher than we thought it would be, and higher than allowed by the current code. The height overage is due to many unnoticed mistakes during the building of our garage, and now the addition. The Variance is needed now because the mistake was not caught until the structure was already built and roofed. Therefore correcting it would create a hardship on us due to the expense of lowering the roof. We would also have to change the design, which would cause us to lose very important features of our design, in order for other codes to be right.

We believe the Variance should be granted due to the following conditions:

- (1) The current building situation does not conform to the typical tier-down Height effect found in most beach communities. For example most beach Community allow the height further from the Ocean higher so that more People can enjoy the view. Due to the fact that there are a mixture of Residential and Commercial properties there is already a mixture of heights. And the different codes between Redevelopment and non-redevelopment (right next to each other) adds even more height different. Therefore ~~what~~ there is the opposite of the Tier down height effect, and there are now the highest structures closer to the Ocean which block the Views for the ones behind them (in this area). Therefore even with the extra 3 feet that we are requesting, we are still lower than the structures behind us.
- (2) Due to #1 we are not blocking anyone's view. Even with the extra 3 feet.
- (3) Our height will actually fit in better with the area due to what is being built around us, and what is already there.
- (4) The property directly in front of our property is commercial, therefore even if this property was torn down and something new was built in it's place, it

JEANINE NEWMAN
517 S. TREMONT ST.
OCEANSIDE, CA 92054
(760) 967-7764

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City of Oceanside Planning Dept.
300 N. Coast Hwy.
Oceanside, CA 92054

RE: Addendum to Description and Justification Letter

Dear City of Oceanside,

Per your request:

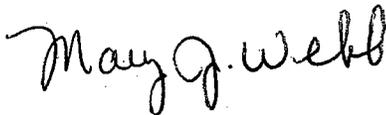
1. The subject original home was built in 1957.
2. The original home was about 800 sq. feet.
3. The 3-car garage and workshop was added, which consist of 1,331 sq. feet. The garage and workshop was permit was granted on or about 8/21/2000, all phrases of building per permit were approved and signed off (except for roof , which was not added due to plan to build second story).
4. Garage and workshop were incorporated on 3/3/2003
5. The new addition permit was approved on January 14, 2004, approving adding a office to the garage area (still leaving 3-car garage), and connection area (To joint front house to new addition which is 48 sq. feet); The stairs (191 sq. feet); new addition (above garage, adding another 1,320 sq. feet to the home); 2 patios. Thereby making the home's total of about 2,359 sq. feet of living space plus 80 sq. feet of patio area.
6. The new addition footings, setbacks, stern walls, floor framing, and roof was signed off on 2/3/04 (but then later stopped by the building dept.), and has been stopped ever since, while we continue to make payments on money borrowed to build without the use of the space.
7. The 3 -car garage, workshop, and office remain a total of 1,331 sq. feet.
8. The reason for the addition was to add more living space. The home only had 1 bedroom (of only about 10 X 10), on other small

could be taller than ours because the commercial codes allow it to taller, therefore we cannot block their views.

- (5) The properties behind us are in the re-development area (with higher codes 30 feet), therefore we cannot block them with our extra 3 feet because they can still be taller..
- (6) Allowing others on this part of Tremont Street to go a extra 3 feet will not block anyone else's view for the same reasons as shown above.
- (7) The most recent building on Cleveland which is now under construction, is going to be 4 stories and 47 feet (17 feet higher than we are requesting) and does block the little bit of view we were going to have on the North side.
- (8) The massive height differences now being allowed could create a problem on Tremont, whereas this part of Tremont is going to start to look out of place with the rest of the City, because there will be these short little houses struck in the middle of these tall structures, Therefore allowing us the extra 3 feet will allow this structures to fit in better with the new development, and the old commercial properties which now make up this area.
- (9) Also our structure is not over in height all over but just in the middle peak.

Due to the hardship that lowering our structure will cause us, and the fact that allowing the extra height would not hurt anyone, but only add to the cosmetic appearance Of Oceanside. We believe that a Variance is in order on this property, and is not at all a special allowance for this property that is out of line with what other properties are being allowed in the surrounding area. Therefore This Variance should be granted.

Mary J. Webb



Owner

Jeanine Newman



Owner/Agent

Description when complete:

2 story Residential Home
with 2 Bedrooms, 4 Bath,
loft, 3 car Garage, office,
workshop, Deck

room (not big enough for a bed) one bathroom, and no sizeable closet space. Not big enough for any family size to live comfortable in. We have relatives from out of town, and wanted space for them to stay, as well as more needed space for us.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanine Newman", written over the typed name.

Jeanine Newman

1 JEANINE NEWMAN-REYNOLDS
2 517 S. TREMONT ST.
3 OCEANSIDE, CA 92054
4 (760)967-7764
5 Applicant

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8 JEANINE NEWMAN-REYNOLDS) CASE NO. V-18-04
9 Applicant)
10 City of Oceanside City) DESCRIPTION/JUSTIFICATION
11 Council) RE: VARIANCE FOR HEIGHT INCREASE
ON NEWMAN ADDITION

12 I, JEANINE NEWMAN-REYNOLDS, applicant, hereby describes the property
13 process as follows:

14 STATEMENT OF FACTS

15 Mary Webb and Jeanine Newman purchased the property known as
16 517 S. Tremont St., Oceanside, CA 92054, or about 9/01/99. At the time
17 the property had a home towards the front of the property which was about
18 800 sq. ft. (2 bedroom, 1 bath), built in 1957.

19 On or about 8/2003, Parties applies for and received a building permit
20 to build a 3- car garage/art studio and deck (permit #150318). Structure was
21 built and all phrases of construction were signed off , except for the roof. The roof of
22 the project was not completed because parties intended to add a second story
23 addition. Garage project was engineered and built to accommodate a second story as
24 planned. Project was built in 2 phrases due to the fact that the property did not have
25 enough value to get financing for the entire project at the time of starting the first
26 phrase (garage). A temporary roof was installed to protect the structure. At the time
27 the parties did not know that the second phrase would take so long to get through the

1 building department for approval. The garage project was 35' X 40' in size, detached
2 from the existing home, with garage doors for entry from the alley behind the
3 property.

4 During the garage project, new electric meters, and panels were installed
5 in the existing home and garage. Also new gas meter and lines were ran.

6 Parties paid for plans to be drafted to add a "Granny Suite" above the
7 garage. At the time of building the garage this type of structure was allowed
8 on this property. When submitted (after garage was completed) The City of
9 Oceanside building department denied the application. This started a year or so
10 of complications to prepare for a different type of addition.

11 First, the building department demanded that the driveway at the front of
12 the property was removed because there could not be 2 entrances to the property.
13 This resulted in a complete re-landscaping and design of the front yard.

14 Second, the building department demanded that the second bedroom closet
15 in the existing home be removed, because it was not permitted to entry into the
16 new addition through a bedroom.

17 Third, Plans for an addition was submitted and rejected several times, resulting
18 in many plans being drawn, until finally permits for the addition were granted (Permit
19 #150318 granted 1/14/04). None of the rejections were related to height issues , or
20 wrong numbers on the plans.

21 During all the problems associated with getting the permits to build the
22 addition, the temporary roof was not holding up. We had 2 very rainy seasons
23 in which we spent hundreds of dollars on plastic to protect our things inside
24 garage. We lost many irreplaceable items such as family photos ruined by
25 water damage.

26 The addition was built, and all phrases were signed off by the inspector,
27 except for the final (2/04/04. Parties were notified at the stage of dry

1 walling that the roof was too high in one area. After many meetings and research, city
2 inspector agreed to sign off the drywall up to 10', and a Variance was applied for.

3 Prior to the Variance hearing, during research into the problem with the
4 height issue, it was found that the garage was not at the height as shown on the
5 plans, as signed off by inspector.

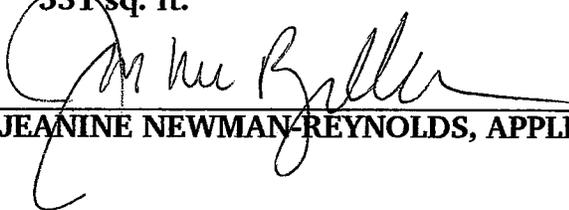
6 The building department's recommendation was to reject the request for
7 Variance. The City Counsel voted 2 for, 2 against. Applicant filed a timely Appeal,
8 which was denied by the building department. Thereby allowing for applicant to
9 return for second fair hearing for Variance with 5 members voting.

10 Prior to the Variance hearing, some additions were submitted to the plans
11 such as: office in garage area, beach shower in garage, new door in garage, and
12 the garage project permit was incorporated with the room addition so that it
13 would not expire.

14 The new addition is described as follows:

15 Room addition	1,320 sq. ft
16 covered patio	80 sq. ft
17 covered stairs	191 sq. ft. or 46 sq. ft (2 different numbers on plans)
18 Interior deck	149 sq. ft. (loft)
19 Exterior deck	531 sq. ft.

20 Dated: 9/01/07

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22 _____
23 JEANINE NEWMAN-REYNOLDS, APPLICANT
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1 JEANINE NEWMAN-REYNOLDS
2 517 S. TREMONT ST.
3 OCEANSIDE, CA 92054
4 (760)967-7764
5 Applicant

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8 JEANINE NEWMAN-REYNOLDS) CASE NO. V-18-04
9 Applicant)
10 City of Oceanside City) ADDENDUM TO APPLICATION
11 Council) ON VARIANCE FOR HEIGHT INCREASE
ON NEWMAN ADDITION

12 I, JEANINE NEWMAN-REYNOLDS, applicant, hereby add to my application for
13 a Variance for an increase in the 27' Height allowance on the following:

14 (G) ARCHITECTURAL ENHANCEMENT/FEATURE:

15 CODE 3018 "EXCEPTION TO HEIGHT LIMITS": Towers....theaters scenery
16 lofts,... and similar structures covering not more than 10 percent of the ground
17 area covered by structure to which they are accessory may exceed the maximum
18 permitted height in the district in which site is located. Such exceptions shall be
19 subject to the following:

20 . A structure may exceed the district limit by 10 feet and a use permit may
21 be approved for features extending more than 10 feet above the base
22 district limitation. Living are shall not be permitted in that portion of a
23 structure which exceed the height limit.

24 The shape of the roof on the structure in question (over the height) is sloped
25 in design. This architectural feature creates a design to keep the structure from
26 looking like a square box, giving interest and style. The shape of the roof line also
27 allows for the needed height room in the stairway leading to the "loft", so that the

1 stairway in the loft is within the allowed code.

2 The portion of the roof that exceeds the height (about 3 ') is not living
3 space. There is living space below it, such as in the case of other structures
4 with "Architectural Features" that enhance the structures (staircases, lofts,
5 and towers). But there is not living space in that certain 3' portion of the
6 structure, but ceiling.

7 The portion of the roof that exceeds the 27' height allowance is equal to
8 195 sq. ft. of the roof footprint. The total footprint of the structure (existing and
9 remodel, including overhangs) is 2,776.7 sq. ft., as follows:

10 Existing house/roof overhangs	974.8
11 Addition/outside deck/roof overhangs	1,697.6
12 Stairway/roof overhangs	104.5
13 Total of roof footprint	2,776.7

14 Therefore, the amount of the roof that exceeds the 27' height allowance is
15 less than 10 percent. The percent of the roof footprint that exceeds the 27'
16 height allowance is equal to about 7 percent.

17 The existing shape of the roof is architecturally more appealing looking than,
18 2 flat roofs side by side. The roof over the North side is already flat with a deck.
19 Therefore if the south side of the roof was also flat, there would be 2 flat square roofs
20 side by side. Which would result in a very unattractive design. The slope of the roof
21 is the only feature that keeps the structure from looking like a big square box.
22 There are no overhangs, or pop-outs to give the structures character.

23 Therefore, as permitted "An Exception for Height Increase" should be permitted
24 on the said structure, due to the fact that the height increase does not exceed more
25 than 10 percent of the roof footprint.

26 **H. ENGINEERING:**

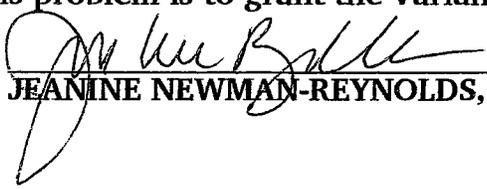
27 The structures was engineered with weights and balance to make sure
28 that the structure will be sound. Dropping a portion of the roof without taking in
any account for the engineering of the structures could prove to be a nightmare.

1 This should also be considered with taking on the believe that lowering the roof
2 is no problem.

3 I. RESOLUTION:

4 The building department must give a owner of property a Resolution to
5 their problem when a "mistake" occurs in building, that does not create a hardship
6 on the owner, and that will truly solve the problem caused by the mistake. The
7 only true resolution to this problem is to grant the Variance.

8 Dated: 9/02/07


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JEANINE NEWMAN-REYNOLDS, APPLICANT

File No: 03405927

EXHIBIT "A"

All that certain real property situated in the County of San Diego, State of California, described as follows:

Lot 5 in Block 31 of Bryan's Addition, in the City of Oceanside, County of San Diego, State of California, according to Map thereof No. 219, filed in the Office of the County Recorder of San Diego County on March 10, 1987.

Assessor's Parcel Number: **150-185-12**

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