



DATE: May 5, 2008

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A VARIANCE (V-12-07) AND A REGULAR COASTAL PERMIT (RC-12-07) FOR THE CONSTRUCTION OF A 5,372-SQUARE FOOT SINGLE-FAMILY HOME AND TANDEM OFF-STREET PARKING LOCATED IN THE 800 BLOCK OF SOUTH PACIFIC STREET AND SITUATED WITHIN THE RESIDENTIAL TOURIST DISTRICT, THE APPEAL JURISDICTION OF THE LOCAL COASTAL PROGRAM, AND THE TOWNSITE NEIGHBORHOOD. – POWERS RESIDENCE – APPLICANT: PHILIP POWERS**

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. 2008-P28 approving Variance (V-12-07) and Regular Coastal Permit (RC-12-07) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: The subject property is Lot 13, located in Block C of the Myers Annex to Oceanside and has been recently addressed as 823 South Pacific Street. An application for a Regular Coastal Permit was filed on July 6, 2007. A variance application was filed on November 15, 2007. The application was deemed complete April 10, 2008.

Site Review: This 0.07-acre lot has an existing two-bedroom house. The structure was constructed in 1948. Lot 13 is a legal lot that is substandard in width and area. Historically Lot 13 and Lot 14 have been identified together as 825 South Pacific Street.

The site is bordered to the east by Pacific Street, to the west by a riprap seawall and the shoreline, and to the north and south by existing residential developments. The site is within 100 feet of the Pacific Ocean. The existing ground surface elevation at the site varies from 23 feet Mean Sea Level (MSL) in the easternmost portion to approximately 13 feet MSL in the westernmost portion of the land.

Project Description: The project application is comprised of two components: a variance and a regular coastal permit.

Variance V-12-07 represents a request for the following:

- (a) A reduction in the required garage width pursuant to Section 3103.
- (b) Modification to required parking access pursuant to Section 3113.
- (c) A reduction in the required garage setback pursuant to Section 1050(X).

Regular Coastal Permit RC-12-07 represents a request for the following:

- (a) Consideration of a variance application and new construction of a 5,372 square-foot single-family residence 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, Mr. Phillip Powers, proposes to remove the existing structures and construct a new single-family home with tandem off-street parking spaces.

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 conformance

The General Plan Land Use Map designation on the subject property is Urban High Density Residential (UHD-R). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

Land Use Element I. Community Enhancement

Goal: The consistent, significant, long term preservation and improvement of the environment, values, aesthetics, character and image of Oceanside as a safe, attractive, desirable and well-balanced community.

Objective 1.3 Special Management Areas: To provide special management of sensitive historical, cultural, recreational, and environmental areas and areas with unique planning considerations within the City.

Objective 1.32 Coastal Zone: 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.

By affirming Oceanside Historic Preservation Advisory Committee's (O.H.P.A.C.) recommendation that the project's approval include requiring the existing structures be photographed, the proposed demolition of the 1948 two-bedroom house is consistent with the long-term preservation of the image of Oceanside.

The review of the proposed construction of a single-family residence has been reviewed by staff for compliance with the certified Local Coastal Program (see Key Planning Issue Item 3).

Objective 2.3 Residential Development: To direct and encourage the proper type, location, timing, and design of housing to benefit the community consistent with the enhancement and establishment of neighborhoods and a well balanced and organized City.

Objective 2.32: Potential Range of Residential Densities

Policy C: Residential projects with densities below the base density shall be considered to be consistent with the land use designation.

The applicant proposes a density that is below the base density of the UHD-R land use designation of 29.0 dwelling units per gross acre or 2 dwelling units on a site of similar size. The applicant proposes one single-family residence. While there is a variety of residential development types and densities in the area, single-family structures are frequently built on shoreline properties.

The characteristics of the surrounding properties are: (1) on average, there are 2.4 residential units on each assessed parcel. (2) The average year built is 1970 according to SD County Records. (3) The average building size is 1,951 square

feet (reported by SD County Records). (4) The residential units have on average 3.2 bedrooms and 2.8 bathrooms. (5) The 800-block's multi-family structures are older than the surrounding area. Single-family units are much more recently constructed.

2. Zoning Ordinance conformance

The project is located in the Residential Tourist District (RT) and complies with the requirements of that zone.

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 1040 *Residential District Land Use Regulations*, a single-family residence is a permitted land use. Section 1040(C) states that rooms in a dwelling unit may be rented for occupancy by not more than four persons who are not members of a single housekeeping unit, provided that not more than two bedrooms shall be rented in each unit.

Pursuant to Section 1050 *Residential District Property Development Regulations*, Table 1 compares the proposal to local property development regulations. Please note that even though the lot's width and area do not meet the minimum requirements, the Lot 13 is an existing legal lot. The applicant's Civil Engineer of Record has demonstrated that no structure is partially sited on a contiguous lot. Therefore, the site is not subject to Section 3013 *Development on Substandard Lots*.

Table 1. RT District property development regulation compliance

Development regulation	Requirement	Proposal
Minimum lot area	6,000 SF or 0.13 AC	3,250 SF or 0.07 AC
Minimum lot width	60 feet	25 feet
Minimum front yard pursuant to 1050(H)	8.75-feet	8.75 feet
Minimum side yard pursuant to 1050(L)(M)	6 feet combined	6 feet combined
Minimum rear yard pursuant to 1050(R)	Stringline	Stringline
Maximum height	27 feet	27 feet
Maximum height pursuant to 1050(O)	10 additional feet	10 additional feet
Maximum nonresidential FAR	1.0 FAR	0.41 FAR
Minimum site landscaping pursuant to 1050(T)	Planting areas for yards adjoining streets and interior yards.	a recommended condition of project approval
Fences and walls pursuant to 1050(U)		a recommended condition of project approval

Development regulation	Requirement	Proposal
Off-street parking (see variance discussion)	3 spaces	4 spaces
Screening of mechanical equipment	Section 3021	a recommended condition of project approval
Refuse storage areas	Section 3022	a recommended condition of project approval
Vehicular access	8-feet	16-feet

Pursuant to 1050(H) and Section 3016 *Front yards in R Districts*, the applicant requested the City Planner determine the average depth of front yards within the 800 block of South Pacific Street. It has been determined that this average depth is 8.75 feet. The proposed residence will be setback 8.75 feet from the Pacific Street property line.

Pursuant to 1050(R), staff has determined that the location of the Stringline is 115 feet west of property boundary contiguous with South Pacific Street and that its orientation is at a right angle to the northern property line.

Pursuant to 1050(V)(EE)(HH) the proposal is subject to Off-street parking and loading requirements. Due to the narrow width of the existing lot, the applicant has requested a variance from some of the dimensional requirements for off-street parking.

- One of the requirements is that the interior dimension of the garage be 20 feet wide. The applicant proposes an interior width of 18 feet. This allows the applicant to comply with the minimum six-foot required side yard on their 25-foot wide lot.
- The applicant is required to provide a minimum of three enclosed off-street parking spaces. The typical arrangement is one two-car garage and one additional garage space. Pursuant to Section 3113, it is required that direct access from the street to the garage be provided. The proposal is to provide indirect access by providing two enclosed parking spaces tandem -- or in front of -- two additional parking spaces.
- Section 1050(DD) requires that the front of a garage be set back a minimum of 20 feet. Setbacks shall be measured from the front of a garage to the property line. The applicant has requested consideration of the average depth of front yards within the block. This distance is 8.75 feet and the City Planner recommends approval. The applicant requests that the 8.75 feet be applied to the required set back of a garage because the distance is typical of the 800 block of South Pacific Street.

In 1986, the Planning Commission found that setback reductions in the RT District were permitted based upon the compatibility of the project to the adjacent properties and the architectural appearance of the structure (Resolution 86-P76) for development on the

northeast corner of Pacific and Eighth Streets). Further, Resolution 86-P76 states that the proposed tandem parking layout would not pose a traffic problem nor be detrimental to the adjacent properties and the neighborhood.

3. Local Coastal Program conformance

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.

The proposal is subject to the LCP *Land Use Plan Summary of Findings and Policies*, as follows:

Local Coastal Program II. Recreation and visitor serving facilities

Coastal Act Policy: The Coastal Act requires adequate distribution of public facilities such as parking areas, provision of lower cost visitor facilities, protection of ocean-front areas for Coastal recreation, granting of priority to commercial recreation uses, reservation of upland areas to support coastal recreation, and distribution of visitor facilities throughout the Coastal zone.

Objective C: The City shall provide and maintain a wide range of public recreation areas, beach support facilities, and visitor-serving facilities, commensurate with need.

Policy 13: Efforts shall be made to provide additional public beach parking facilities to serve anticipated future demand. Priority should be given for new parking facilities to serve the following locations: ... b. The beach area between Wisconsin and Witherby Streets.

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

The subject site is 25 feet wide and proposes a 16-foot wide curb cut and driveway apron. This is similar to the existing characteristic of the lot, which includes a curb cut, driveway apron, and two off-street parking spaces.

The proposed residential development will provide four off-street parking spaces, where three are required. All four spaces will be enclosed. Two of the spaces will be situated in front of (or tandem to) the other two spaces. The dimension of the garage will be reduced two feet (in width) from the current requirement of 20 feet.

Local Coastal Program III. Water and marine resources; diking, dredging, filling, and shoreline structures; and hazard areas

Coastal Act Policies: The Coastal Act requires maintenance, protection, and restoration of marine resources and coastal water quality, as well as control of discharges and runoff into the ocean and coastal wetlands. ... Shoreline structures, such as breakwaters, groins, and seawalls, are permitted to serve coastal dependent uses, or protect existing structures or public beaches. Impacts on shoreline sand transport must be mitigated. Local agencies are required to control risks in areas subject to geologic, flood, and fire hazard. New development must not create or contribute to erosion or geologic instability.

Policy 13: The City shall require applicants for new development on the Strand between Breakwater Way (Ninth Street) and Wisconsin Street; and west of Pacific Street from Wisconsin to the south City Limits to provide a report prepared by a licensed civil engineer or geologist experienced in coastal processes that development as proposed would not be imperiled by erosion during the expected life of the structure (generally 75 years for new residential development).

The applicant has submitted a wave run up analysis and geotechnical report. These documents have been reviewed by staff and found acceptable.

DISCUSSION

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

Recommendation: Many of the residential lots along the shore are narrow. Similar to this proposal, the lot's width may merely accommodate a two-car garage. The Zoning Ordinance requires that new single-family homes greater than 2,500 square feet provide three off-street parking spaces. This has the potential of limiting the size of new single-family residences on shoreline properties to 2,500 square feet. This development standard may not allow future development to sufficiently address the demand for parking in the area. By allowing tandem spaces along shore fronting properties, additional off-street parking spaces are created. This may provide a benefit to the surrounding area.

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

Recommendation: One characteristic that will change is a reduction in the setback of buildings from the street. The Zoning Ordinance provides for an average front yard depth within a block to replace the front yard depth required by Section 1050. For example, the average depth of structural set backs along the 800 block of South Pacific Street is currently 8.75 feet. This is an allowed reduction from the otherwise required 15-foot front yard depth. As development occurs within the 800 block of South Pacific

Street, the average structural setback distance will change (be reduced). Planning Commission recently approved the demolition of existing structures within the 800 block of South Pacific Street. When the Lots 15 and 16 are vacant, then staff estimates that the average front yard depth will be 5.8 feet. When construction of 823 South Pacific Street is complete, then the average front yard depth could be 4.32 feet. This exemplifies how over time new homes will be constructed closer to the public right-of-way. As new development occurs, buildings will be constructed closer to the street and the pedestrian experience will become more urbanized.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Class 3, *new construction or conversion of small structures*, Section 150303(a). This section states "One single-family residence... in urbanized areas, up to three single-family residences may be constructed or converted under this exemption."

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. Since the application is for a single-family residence, a 300-foot radius is appropriate. As of April 25, 2008, no communication supporting or opposing the request has been received.

SUMMARY

The proposed Variance (V-12-07) and Regular Coastal Permit (RC-12-07), 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:

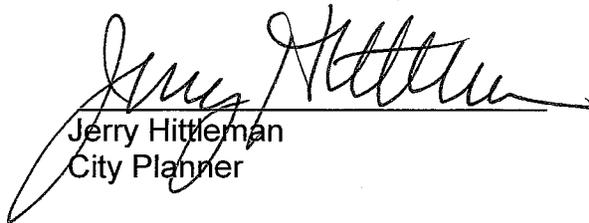
- Adopt Planning Commission Resolution No. 2008-P28 approving Variance (V-12-07) and Regular Coastal Permit (RC-12-07) with findings and conditions of approval attached herein.

PREPARED BY:

SUBMITTED BY:



Juliana von Hacht
Associate Planner



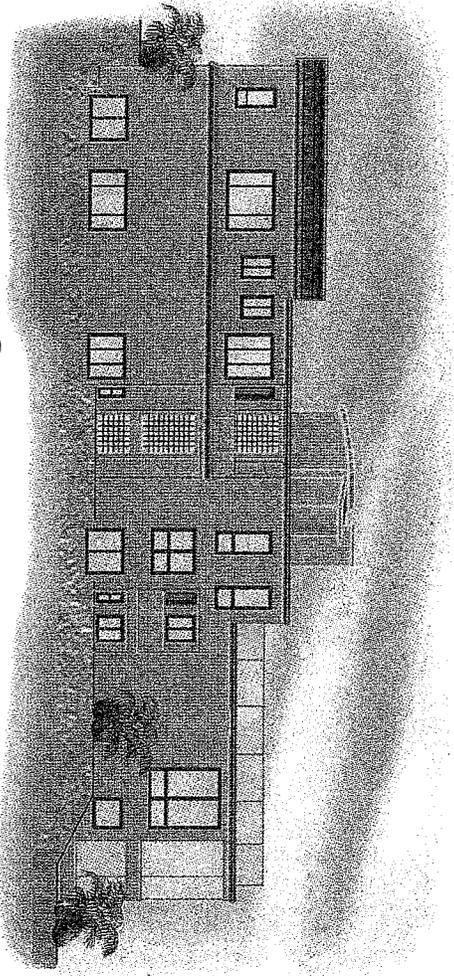
Jerry Hittleman
City Planner

REVIEWED BY: 
Richard Greenbauer, Senior Planner

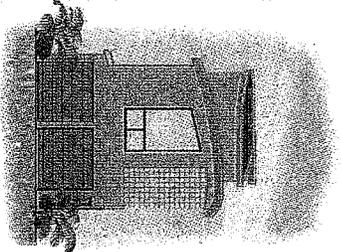
JH/JH/fil

Attachments:

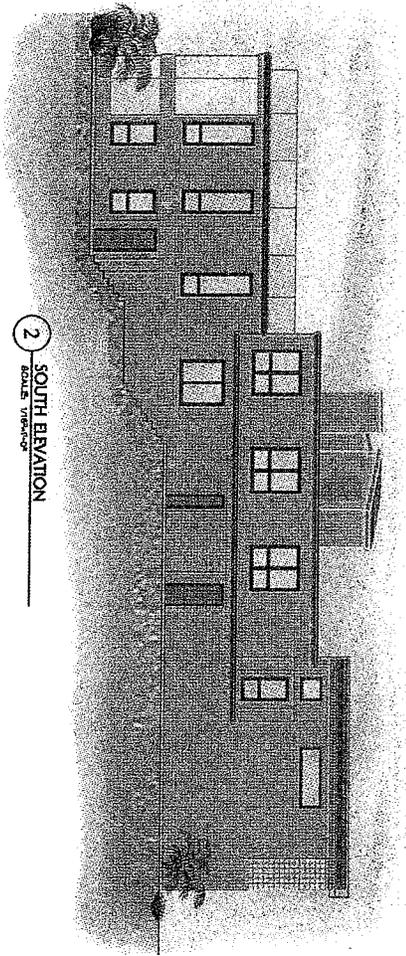
1. Site Plan and Elevations
2. Planning Commission Resolution No. 2008-P28



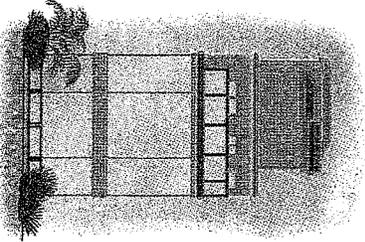
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1 EAST ELEVATION
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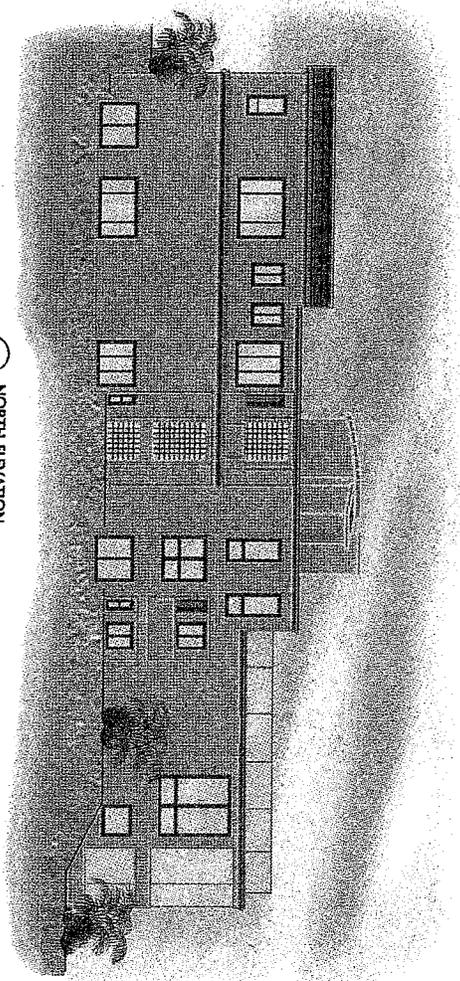


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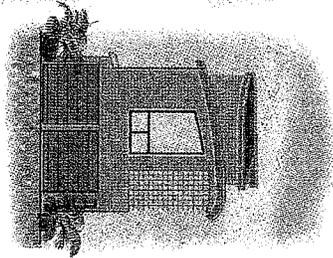


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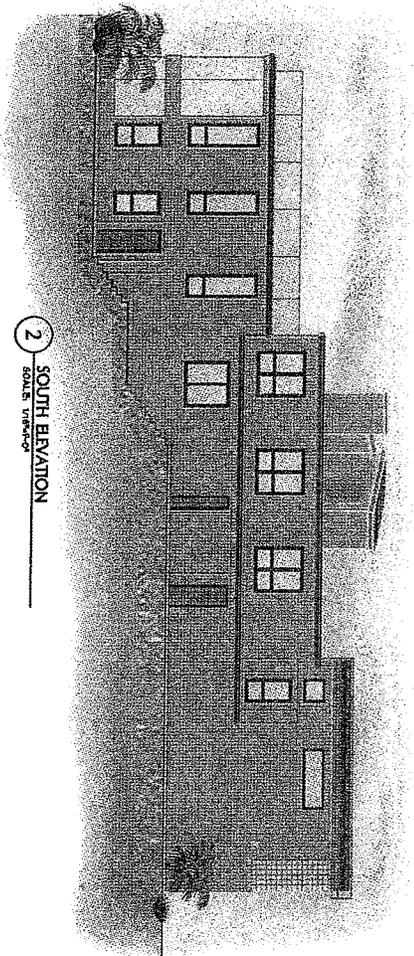
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JUL 06 2007
Planning Department



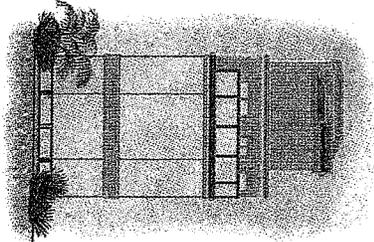
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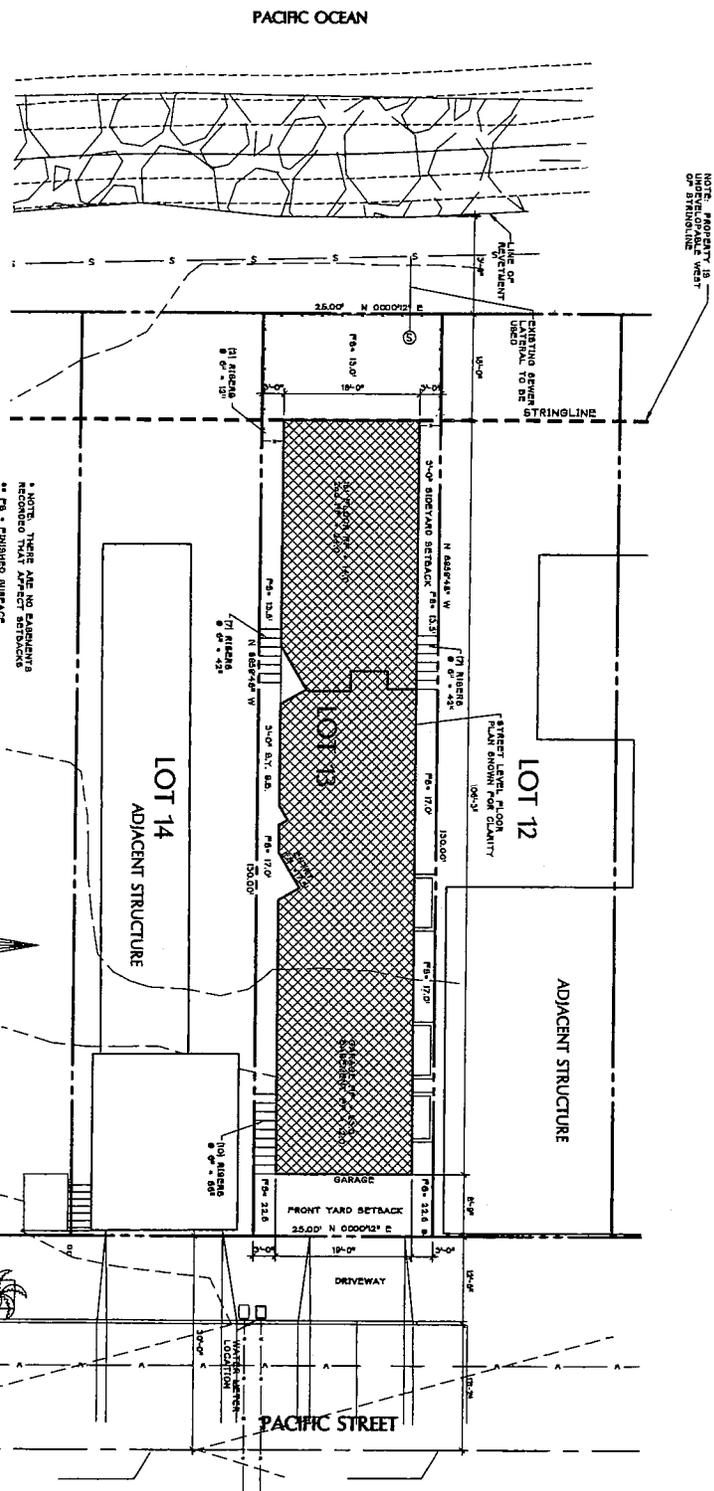
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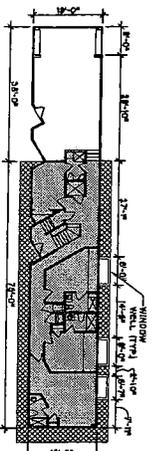
3 WEST ELEVATION
SCALE: 1/8"=1'-0"

RECEIVED
JUL 06 2007
Planning Department

GRADING NOTE:
 THE ORIGINAL GRADING PLANS, CIRCA 1980, ARE NOT AVAILABLE. EXISTING
 SITE ELEVATIONS ARE BASED ON EXISTING SITE CONDITIONS.



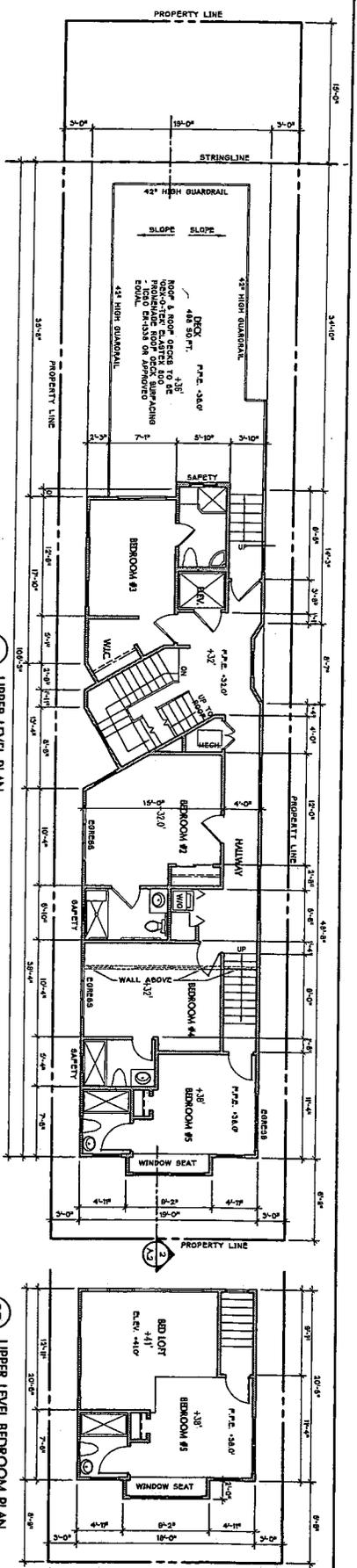
1 SITE PLAN
 SCALE: 1/8" = 1'-0"



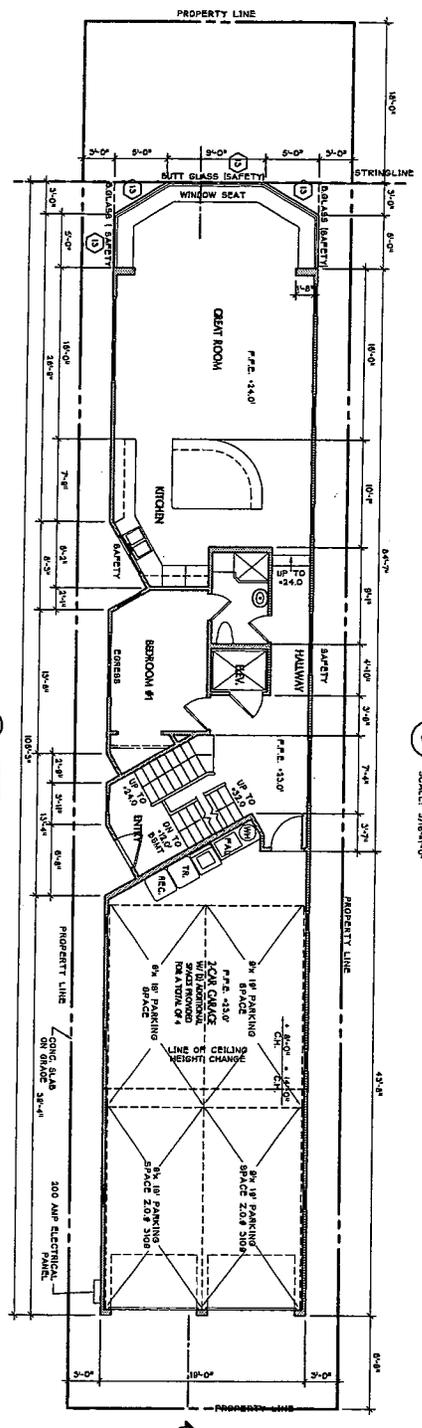
BASEMENT CLASSIFICATION:
 FINISHED OR UNFINISHED BASEMENT WITH LESS THAN 8'
 OF COVER ABOVE SHOWN MATRONS - 100 L.F.
 TOTAL PERIMETER OF BASEMENT - 1332 L.F.
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 OF COVER ABOVE SHOWN MATRONS - 100 L.F.
 TOTAL PERIMETER OF BASEMENT - 1332 L.F.

- SITE NOTES**
1. THE CONTRACTOR SHALL VERIFY ALL GRADE, CONDITION AND DIMENSIONS OF ANY EXISTING WORK. THE OWNER SHALL BE NOTIFIED IMMEDIATELY.
 2. THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UTILITIES PRIOR TO COMMENCING WORK.
 3. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OCEANVIEW AND THE COUNTY OF SAN DIEGO.
 4. EXISTING WATER LATERAL, PER CITY OF OCEANVIEW ENGINEERING DEPARTMENT.
 5. EXISTING WATER LATERAL, PER CITY OF OCEANVIEW WATER & SEWER DEPARTMENT.
 6. EXISTING WATER LATERAL, PER CITY OF OCEANVIEW WATER & SEWER DEPARTMENT.
 7. EXISTING WATER LATERAL, PER CITY OF OCEANVIEW WATER & SEWER DEPARTMENT.
 8. EXISTING WATER LATERAL, PER CITY OF OCEANVIEW WATER & SEWER DEPARTMENT.
 9. EXISTING WATER LATERAL, PER CITY OF OCEANVIEW WATER & SEWER DEPARTMENT.
 10. EXISTING WATER LATERAL, PER CITY OF OCEANVIEW WATER & SEWER DEPARTMENT.

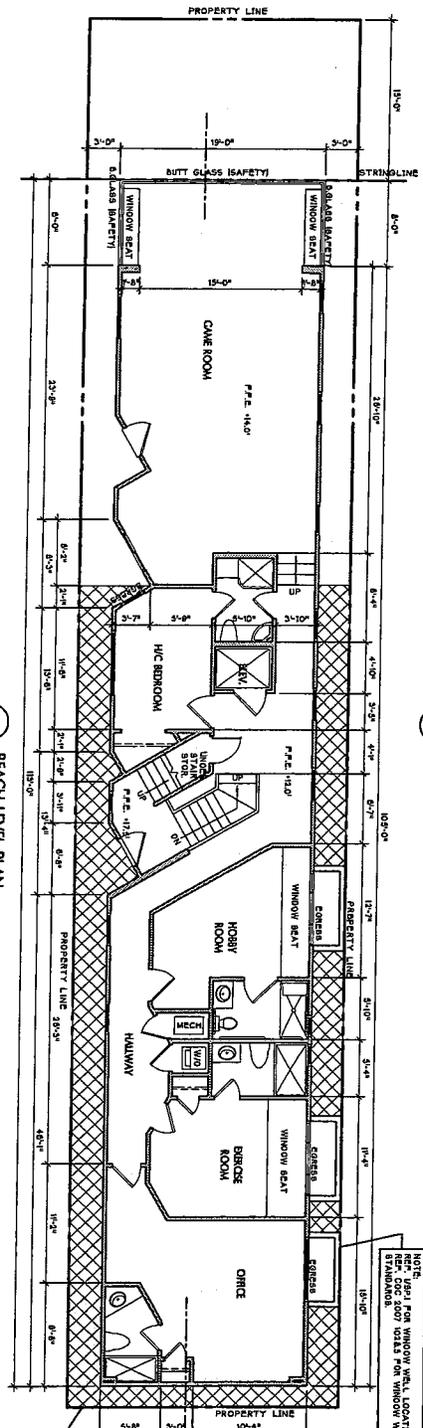
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3B UPPER LEVEL BEDROOM PLAN
SCALE: 3/8"=1'-0"



2 STREET LEVEL PLAN
SCALE: 3/8"=1'-0"



1 BEACH LEVEL PLAN
SCALE: 3/8"=1'-0"

ARCHITECT: **STUDIO 4**
3400 NEVA DRIVE
OCCASION, CA 92024
TEL: 760-773-4400
FAX: 760-773-4400
P: PAUL LANGTON
P: PAUL LANGTON
P: PAUL LANGTON

PROJECT: **POWERS RESIDENCE**
823 S. PACIFIC
OCCASION, CA 92024

OWNER: **PHILIP POWERS**

OWNER'S REP: **PAUL LANGTON**
3099 KAMA DRIVE
OCCASION, CA 92024
(949) 722-9494

RELEAS DATE: **2/2/08**

ISSUE: **2/2/08**

DATE: **2/2/08**

BY: **PAUL LANGTON**

SCALE: **3/8"=1'-0"**

SHEET NO: **A-1.10**

FLOOR PLAN

DATE: **2/2/08**

SCALE: **3/8"=1'-0"**

PROJECT: **POWERS RESIDENCE**

OWNER: **PHILIP POWERS**

OWNER'S REP: **PAUL LANGTON**

RELEAS DATE: **2/2/08**

ISSUE: **2/2/08**

DATE: **2/2/08**

BY: **PAUL LANGTON**

SCALE: **3/8"=1'-0"**

SHEET NO: **A-1.10**

FLOOR PLAN

DATE: **2/2/08**

SCALE: **3/8"=1'-0"**

PROJECT: **POWERS RESIDENCE**

OWNER: **PHILIP POWERS**

OWNER'S REP: **PAUL LANGTON**

RELEAS DATE: **2/2/08**

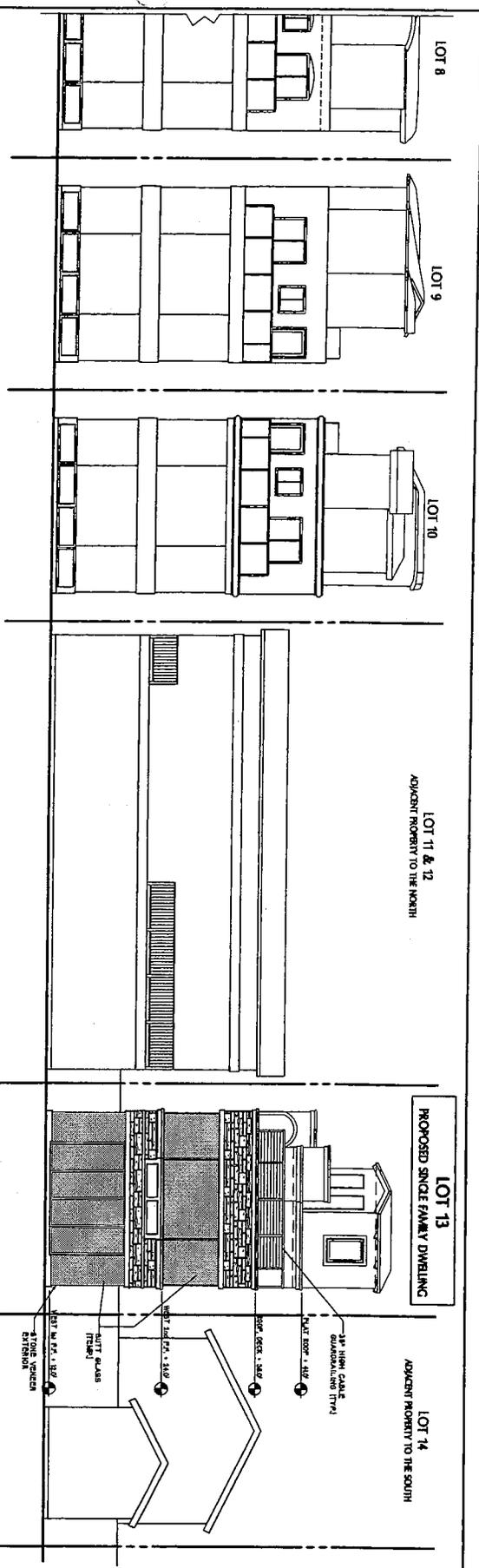
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DATE: **2/2/08**

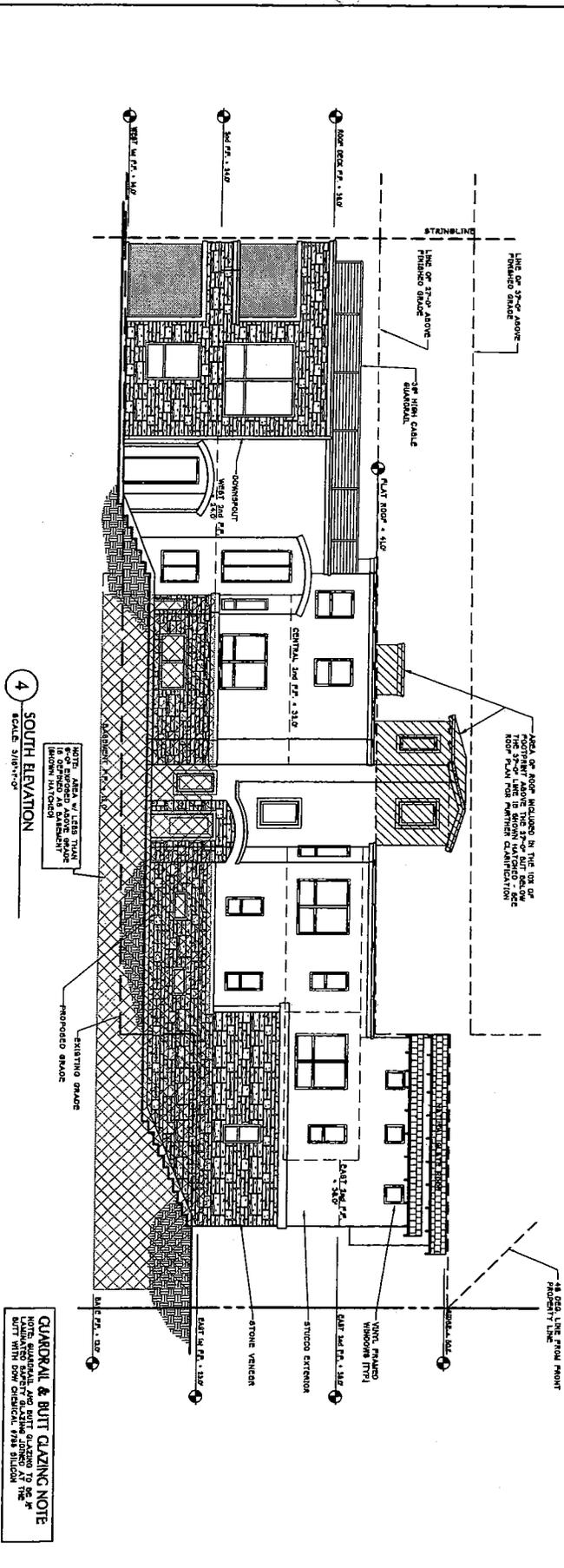
BY: **PAUL LANGTON**

SCALE: **3/8"=1'-0"**

SHEET NO: **A-1.10**



3 WEST ELEVATION (BEACH SIDE)
SCALE 3/8"=1'-0"



4 SOUTH ELEVATION
SCALE 3/8"=1'-0"

CHIMNEYPILL & BUTT CLAZING NOTE
CHIMNEYPILL & BUTT CLAZING TO BE
MATCHED TO EXISTING CLAZING TO BE
BUILT WITH BROWN OCHREAL VENEER SLICED

ARCHITECT:
STUDIO 4
3800 LUNA DRIVE
OCEANVIEW, CA 92081
TEL: 760-463-1111
WWW.STUDIO4ARCHITECTS.COM

PROJECT:
POWERS RESIDENCE
422 S. MOORE
OCEANVIEW, CA 92081

OWNER:
PHILIP POWERS

OWNER'S REP:
PAUL LONGTON
2001 LISA DRIVE
OCEANVIEW, CA 92081
(760) 722-8844

DESIGN PARTS:
BOB & JESSIE PO
ARCHITECTS

DRAWING STATUS:
NOT FOR CONSTRUCTION
PRELIMINARY DRAWING
NOT TO BE USED FOR PERMITS
NOT TO BE USED FOR CONTRACTS
NOT TO BE USED FOR OTHER PURPOSES

DATE:
11/11/2011

REVISIONS:
11/11/2011: INITIAL DESIGN
11/11/2011: REVISED DESIGN
11/11/2011: REVISED DESIGN
11/11/2011: REVISED DESIGN

DESIGNED BY: MLR
CHECKED BY: PL

SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NO.:
A.3-B

Landscape Concept Plan

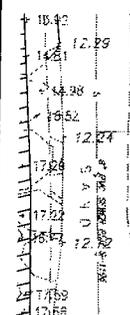
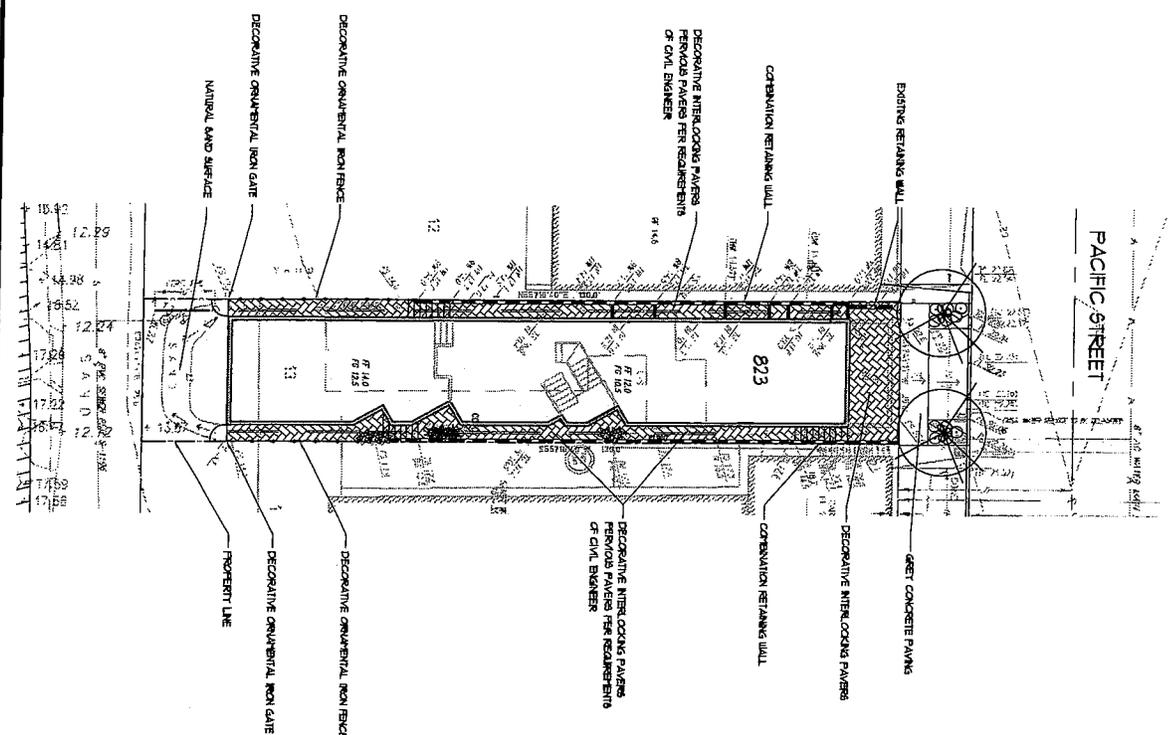
823 S. Pacific Street

GENERAL NOTES:

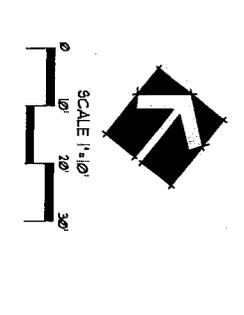
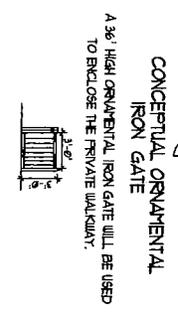
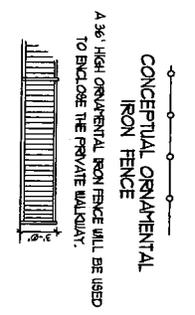
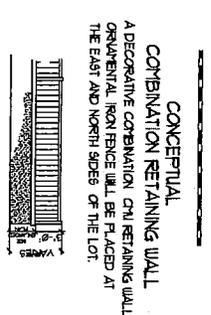
1. FINAL LANDSCAPE PLANS SHALL ACCURATELY SHOW PLACEMENT OF TREES, TREES AND GRASS COVERS.
2. TREES AND GRASS COVERS TO BE PLANTED BY THE CITY OF OCEANSIDE POLICE WHICH REQUIREMENTS, TREE AND SPECIFICATIONS, AND SPECIFICATIONS FOR THE PROJECT IN ACCORDANCE WITH THE REQUIREMENTS FOR THE EXISTING AND UTILITY INFORMATION RECEIVED FROM THE PROJECT.
3. ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY OWNER UNLESS NOTED OTHERWISE.
4. LANDSCAPE AREAS SHALL BE MAINTAINED PER THE CITY OF OCEANSIDE REQUIREMENTS. AN AUTOMATIC IRRIGATION SHALL BE INSTALLED AS REQUIRED TO PROVIDE COMPARE FOR PLANTING AREAS WHICH REQUIRE IRRIGATION WITHIN A THREE (3) YEAR PERIOD TO MAINTAIN OR REPLACE TREES AND OTHER NECESSARY EQUIPMENT FOR PROPER IRRIGATION. VALVES, TRENCHES AND SHALL BE OF NON-CORROSIVE MATERIAL, AND ANY OTHER SYSTEMS SHALL BE ACCORDANT WITH THE CITY OF OCEANSIDE REQUIREMENTS. ALL IRRIGATION SHALL BE BUILT TO A DEPTH OF 18" TO 24" IN ORDER TO MAINTAIN THE IRRIGATION SYSTEM THROUGHOUT THE LIFE OF THE PROJECT. ALL IRRIGATION SHALL BE INSTALLED WITHIN THE CITY OF OCEANSIDE REQUIREMENTS AND SHALL BE MAINTAINED BY THE OWNER.

PLANTING NOTES:

THE SELECTION OF PLANT MATERIAL IS BASED ON CLIMATE, AESTHETIC PLANTING, SEASONAL INTEREST AND MAINTENANCE CONSIDERATIONS. ALL PLANTING SHALL BE INSTALLED WITHIN THE CITY OF OCEANSIDE REQUIREMENTS AND SHALL BE MAINTAINED BY THE OWNER. ALL PLANTING SHALL BE INSTALLED WITHIN THE CITY OF OCEANSIDE REQUIREMENTS AND SHALL BE MAINTAINED BY THE OWNER.



- CONCEPTUAL PLANT LIST**
- TREESA DE GALLICANUS (INSTALLED WITH ROOT BARRIERS)
 - ERGONOTRIA DELEDA - BROCKE LOCAL
 - SERRA AND GRANDCOVERS - FLATS 1 GAL. 5 GAL. 5 GAL.
 - HELICTOTRICKIA BENTHAMIANA - BLUE OAK GRASS
 - NASSELLA TERRESTRIA - MEXICAN FEATHER GRASS
 - POTTED PLANTS - 1 GAL. PLACED IN DECORATIVE POTS TO BE HAND MAINTAINED
 - CYDAS REVOLUTA - SAGO PALM
 - ★ PACHIRA ROSEBELLENI - PINK DATE PALM



1 PLANNING COMMISSION
2 RESOLUTION NO. 2008-P28

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

7 APPLICATION NO: V-12-07, RC-12-07

8 APPLICANT: Phillip Powers, Successor Trustee under the Lillian Hemsley Powers Trust

9 LOCATION: 823 South Pacific Street

10 Lot 13 in Block C of Myers' Annex to Oceanside

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

13 WHEREAS, there was filed with this Commission a verified petition on the forms
14 prescribed by the Commission requesting a Variance and Regular Coastal Permit under the
15 provisions of Articles 10, 21, 30, 31, 40, and 41 of the Zoning Ordinance of the City of Oceanside
16 to permit the following:

17 demolition of existing structures, construction of a 5,372-square foot single-family
18 dwelling, and a variance allowing a third off-street parking space tandem to two other
19 spaces;

20 on certain real property described in the project description.

21 WHEREAS, the Planning Commission, after giving the required notice, did on the 5th day
22 of May, 2008 conduct a duly advertised public hearing as prescribed by law to consider said
23 application.

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

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

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

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	\$2,072 per unit for residential.
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential.
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip.
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.
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.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit.

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

WHEREAS, unless otherwise provided by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside

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

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

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

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

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

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

16 FINDINGS:

17 For the Variance (V-12-07) to allow a reduction in the required garage width pursuant to
18 Section 3103; to allow a modification to the required parking access pursuant to Section 3113;
19 and to reduce the required garage setback pursuant to Section 1050(DD):

- 20 1. That because of special circumstances or conditions applicable to 823 South Pacific
21 Street (a 25-foot wide legal lot where 60 feet is required) strict application of the
22 requirements of the Zoning Ordinance (Sections 3103, 3113, and 1050) deprives such
23 property of privileges enjoyed by other property in the vicinity and under the Residential
24 Tourist (RT) District classification. New residences with more than 2,500 square feet
25 are required to provide three off-street parking spaces; the use of tandem parking layout
26 is an acceptable means of providing off-street parking spaces when a legal lot's width --
27 25-feet -- is too narrow to accommodate three parking spaces side-by-side. Further, a
28 tandem layout allows the property owner to enjoy vehicular access what would
29 otherwise not be possible given the lot's width. The property owner would otherwise

1 suffer a unique hardship if required to set back the garage more than the average front
2 yard depth within the 800 block of South Pacific Street.

3 2. That granting the Variance (V-12-07) will not be detrimental or injurious to the property
4 or improvements in the vicinity of the new 5,372-square foot single-family home, or to
5 the public health, safety or general welfare. A reduction in the required width of the
6 garage and access to the required third parking space (tandem layout) are granted
7 because of the narrow width of the existing legal lot. Reductions in the required front
8 yard in the RT District is permitted based upon the average depth of building set backs
9 from the public right-of-way. The characteristic of the 800 block of South Pacific Street
10 includes an average front yard depth of 8.75 feet.

11 3. That granting the Variance (V-12-07) is consistent with the purposes of the Zoning
12 Ordinance and will not constitute a grant of special privilege inconsistent with
13 limitations on other properties in the vicinity and in the RT District. Granting a variance
14 to allow a reduction in the required garage width, a modification to the required parking
15 access, and a reduction in the required garage set back is acceptable under the
16 provisions of the Zoning Ordinance and the RT District and will not adversely affect the
17 General Plan or the Local Coastal Program. The tandem parking layout will not pose a
18 traffic problem nor be detrimental to the adjacent properties and the Townsite
19 Neighborhood.

20 For the Regular Coastal Permit (RC-12-07) to allow construction of a single-family residence
21 on a shoreline property:

22 1. The proposed single-family residence conforms to the Local Coastal Program (LCP),
23 including the policies of that plan; for example, the proposal conforms to LCP II
24 *Recreation and visitor serving facilities* policies 13 and 17 (regarding off-street parking)
25 and LCP III *Water and marine resources; diking, dredging, filling, and shoreline*
26 *structures; and hazard areas* policy 13 (requires assurance that development will not be
27 imperiled by erosion during the expected life of the structure).

28 2. The project site, 823 South Pacific Street, is situated within the appeal area of the LCP
29 and conforms to the public access and recreation policies of Chapter 3 of the Coastal
Act. The 800 block of South Pacific Street is 450-feet in length. This adequately

1 satisfies the requirement that every 500 feet public beach access be accommodated.
2 Public access is provided at Wisconsin Avenue and Hayes Street.

3 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
4 confirm issuance of a Categorical Exemption pursuant to Section 15303 of the California
5 Environmental Quality Act and approve Variance (V-12-07) and Regular Coastal Permit (RC-12-
6 07) subject to the following conditions:

7 **Building:**

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

- 1 b) The construction site shall be kept reasonably free of construction debris as
2 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
3 approved solid waste containers shall be considered compliance with this
4 requirement. Small amounts of construction debris may be stored on-site in a neat,
5 safe manner for short periods of time pending disposal.
- 6 7. Construction plans submitted to the Building Division after January 1st 2008 must comply
7 with the State adopted California Building Codes.
- 8 8. Separate/unique addresses will/may be required to facilitate utility releases. Verification
9 that the addresses have been properly assigned by the City's Planning Division must
10 accompany the Building Permit application.
- 11 9. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
12 will be required at time of plans submittal to the Building Division for plan check.
- 13 10. A Building (Demo) Permit will be required for the demolition of any existing structures.
14 Plans for the Demolition Permit must clearly show that all utilities (electric, gas, water, &
15 sewer) are properly terminated/capped in accordance with the requirements of the utility
16 service provider. All/any underground septic or water storage tanks must be removed or
17 filled in accordance with the Uniform Plumbing Code and/or the City's Grading
18 Ordinance.
- 19 11. As part of your plan check submittal for a Building Permit, submit a "plat" drawing
20 showing the first floor elevations for each segment, the locations of the points where the
21 floor level is six feet above grade, and the lowest elevation within five feet from the
22 building for each segment or property line.
- 23 12. Setbacks and Type of Construction must comply with the 2007 California Building Code.
24 Exterior openings less than five feet from the property line must be protected per table
25 704.8 of the CBC. Exterior walls less than five feet to the property line must be one hour
26 rated per Table 602 of the CBC.
- 27 13. All wired glass windows or doors between three and five feet from the property line must
28 meet requirements of the new 2007 California Building Code table 715.5 and 715.5.3.
- 29 14. Building levels below grade (on all sides) shall be provided with a mechanical drainage
 system that provides drainage to an approved location/receptor.

- 1 15. Window wells must be installed per section 1026 of The CBC.
2 16. Eight bathrooms would require that the Plumbing drainage system must drain into a four-
3 inch minimum size drainage pipe.

4 **Fire:**

- 5 17. Smoke detectors are required, and detector locations must be indicated on the plans.
6 18. The size of fire hydrant outlets shall be 2 ½ "X 4".
7 19. All proposed and existing fire hydrants within 400 feet of the project shall be shown on
8 the site plan.
9 20. Blue hydrant identification markers shall be placed as per Oceanside's Engineers Design
10 and Processing Manual Standard Drawing No. M-13.
11 21. In accordance with the California Fire Code Sec. 901.4.4, approved address for residential
12 occupancies shall be placed on the structure in such a position as to be plainly visible and
13 legible from the street or roadway fronting the property. Numbers shall be contrasting
14 with their background.
15 22. Single-family dwellings require four-inch address numbers.
16 23. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval
17 prior to the issuance of building permits.
18 24. Buildings shall meet Oceanside Fire Department's current codes at the time of building
19 permit application.
20 25. Future development of the property will require compliance with all applicable Fire
Department Standards.

21 **Engineering:**

- 22 26. For the demolition of any existing structures or surface improvements, grading plans shall
23 be submitted and erosion control plans be approved by the City Engineer prior to the
24 issuance of a demolition permit. No demolition shall be permitted without an approved
25 erosion control plan.
26 27. With the exception of the approved access points, vehicular access rights to South Pacific
27 Street shall be relinquished by the property owner to the City.
28
29

- 1 28. No permit shall be issued for the development prior to the City Engineer's approval of the
2 exact alignment, geometrics, and widths of all right-of-way dedications and street
3 improvements.
- 4 29. The project shall have no vertical obstructions greater the 30 inches in height within three
5 feet of the proposed project driveway and no vertical obstructions greater than 30 inches in
6 height within 10 feet of the proposed project driveway.
- 7 30. Design and construction of all improvements shall be in accordance with standard plans,
8 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 9 31. Prior to issuance of a building permit, all improvement requirements shall be covered by a
10 development agreement and secured with sufficient improvement securities or bonds
11 guaranteeing performance and payment for labor and materials, setting of monuments, and
12 warranty against defective materials and workmanship.
- 13 32. The approval of the development shall not mean that closure, vacation, or abandonment of
14 any public street, right-of-way, easement, or facility is granted or guaranteed to the
15 developer. The developer is responsible for applying for all closures, vacations, and
16 abandonments as necessary. The application(s) shall be reviewed and approved or
17 rejected by the City of Oceanside under separate process(es) per codes, ordinances, and
18 policies in effect at the time of the application.
- 19 33. A construction phasing plan for all public and private improvements shall be reviewed and
20 approved by the City Engineer prior to the issuance of any grading or improvement
21 permits. Prior to the issuance of any building permits, all off-site or frontage
22 improvements including landscaping and any required streets or arterials shall be under
23 construction to the satisfaction of the City Engineer. All improvements shall be
24 completed prior to issuance of any certificates of occupancy.
- 25 34. Where off-site improvements, including but not limited to slopes, public utility facilities,
26 and public drainage facilities, are to be constructed, the applicant shall, at his own
27 expense, obtain all necessary easements or other interests in real property and, in case of
28 public easements or rights-of-way, shall dedicate the same to the City of Oceanside as
29 required. The applicant shall provide documentary proof satisfactory to the City of
Oceanside that such easements or other interest in real property have been obtained prior

1 to issuance of any grading, building or improvement permit for the development.
2 Additionally, the City of Oceanside, may at its sole discretion, require that the applicant
3 obtain at his sole expense a title policy insuring the necessary title for the easement or
4 other interest in real property to have vested with the City of Oceanside or the applicant, as
5 applicable.

6 35. Prior to the issuance of a grading permit, the developer shall notify and host a
7 neighborhood meeting with all of the area residents located within 300 feet of the project
8 site, and residents of property along any residential streets to be used as a "haul route", to
9 inform them of the grading and construction schedule, haul routes, and to answer
10 questions.

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

14 a) Dirt, debris and other construction material shall not be deposited on any public
15 street or within the City's stormwater conveyance system.

16 b) All grading and related site preparation and construction activities shall be limited
17 to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering
18 related construction activities shall be conducted on Saturdays, Sundays or legal
19 holidays unless written permission is granted by the City Engineer with specific
20 limitations to the working hours and types of permitted operations. All on-site
21 construction staging areas shall be as far as possible (minimum 100 feet) from any
22 existing residential development. Because construction noise may still be intrusive
23 in the evening or on holidays, the City of Oceanside Noise Ordinance also
24 prohibits "any disturbing excessive or offensive noise which causes discomfort or
25 annoyance to reasonable persons of normal sensitivity."

26 c) The developer shall provide parking for all motor vehicles used by persons
27 working at or providing deliveries to the site. The construction site shall
28 accommodate said parking to practicable extent. The developer may also utilize
29 legal parking areas on other nearby properties under his control by ownership or
permission.

1 d) A haul route shall be obtained at least 7 days prior the start of hauling operations
2 and must be approved by the City Engineer. Hauling operations shall be 8:00 a.m.
3 to 3:30 p.m. unless approved otherwise.

4 37. A traffic control plan shall be prepared according to the City traffic control guidelines and
5 be submitted to and approved by the City Engineer prior to the start of work within open
6 City rights-of-way. Traffic control during construction of streets that have been opened to
7 public traffic shall be in accordance with construction signing, marking and other
8 protection as required by the Caltrans Traffic Manual and City Traffic Control Guidelines.
9 Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved
10 otherwise.

11 38. Approval of this development project is conditioned upon payment of all applicable
12 impact fees and connection fees in the manner provided in chapter 32B of the Oceanside
13 City Code. All drainage fees, traffic signal fees and contributions, highway thoroughfare
14 fees, park fees, reimbursements, and other applicable charges, fees and deposits shall be
15 paid prior to the issuance of any building permits, in accordance with City Ordinances and
16 policies. The developer shall also be required to join into, contribute, or participate in any
17 improvement, lighting, or other special district affecting or affected by this project.
18 Approval of the development project shall constitute the developer's approval of such
19 payments, and his agreement to pay for any other similar assessments or charges in effect
20 when any increment is submitted for building permit approval, and to join, contribute,
21 and/or participate in such districts.

22 39. The improvements on South Pacific Street along the frontage of the development shall
23 include portland cement concrete curb, gutter, and sidewalk, unless such improvement is
24 specifically exempted by current General Plan, City code, or ordinance.

25 40. Sidewalk improvements shall comply with ADA requirements. The parkway shall be
26 landscaped and maintained by the owner of the subject property in perpetuity to the
27 satisfaction of the City Engineer.

28 41. Sight distance and clear space easement requirements at the project driveways shall
29 conform to the corner sight distance criteria as provided by San Diego County Standards

1 DS-20A and/or DS-20B. The project's civil engineer shall submit an appropriate "Sight
2 Distance Letter" to the City Engineer certifying compliance with this requirement.

3 42. Streetlights shall be maintained and installed on all public streets within the project and
4 along the project's frontage per City Standards. The system shall provide uniform
5 lighting, and be secured prior to occupancy. The developer shall pay all applicable fees,
6 energy charges, and/or assessments associated with City-owned (LS-2 rate schedule)
7 streetlights and shall agree to the formulation of, or the annexation to, any appropriate
8 street lighting district.

9 43. Pavement sections for all streets, driveways and parking areas within the project and along
10 the project's frontage shall be based upon approved soil tests and traffic indices. The
11 pavement design is to be prepared by the developer's soil engineer and must be approved
12 by the City Engineer, prior to paving.

13 44. Prior to approval of the grading plans, the developer shall provide appropriate
14 documentation from a geotechnical engineer on the current state of the street's structural
15 section to the satisfaction of the City Engineer. If such documentation is not available, the
16 developer's geotechnical engineer shall perform a field investigation of the existing
17 pavement on all streets adjacent to the project boundary. The limits of the study shall be
18 half-street (including median, if any) plus 12 feet along the project's frontage. If required,
19 the field investigation shall be performed according to a specific boring plan prepared by a
20 licensed Geotechnical Engineer and approved by the City Engineer. In the absence of
21 such approved boring plan, the field investigation shall include a minimum of one
22 pavement boring per every 100 linear feet of street frontage. Should the existing structural
23 section be determined to be less than the current minimum standard for AC and Class II
24 Base as set forth in the table for City of Oceanside Pavement Design Guidelines in the
25 City of Oceanside Engineers Manual, the developer shall remove and reconstruct the
26 pavement section as determined by the pavement analysis submittal process detailed
27 below.

28 45. Upon review of the pavement investigation, the City Engineer shall determine whether the
29 developer shall: 1) Repair all failed pavement sections, header cut and grind per the
direction of the City Engineer, and construct a two-inch thick rubberized AC overlay; or 2)

1 Perform R-value testing and submit a study that determines if the existing pavement meets
2 current City standards/traffic indices. Should the study conclude that the pavement does
3 not meet current requirements, rehabilitation/mitigation recommendations shall be
4 provided in a pavement analysis report, and the developer shall reconstruct the pavement
5 per these recommendations, subject to approval by the City Engineer.

6 46. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
7 construction of the project, shall be repaired or replaced as directed by the City Engineer.

8 47. The developer shall comply with all the provisions of the City's cable television
9 ordinances including those relating to notification as required by the City Engineer.

10 48. Grading and drainage facilities shall be designed and installed to adequately accommodate
11 the local stormwater runoff and shall be in accordance with the City's Engineers Manual
12 and as directed by the City Engineer.

13 49. The developer shall obtain any necessary permits and clearances from all public agencies
14 having jurisdiction over the project due to its type, size, or location, including but not
15 limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U.
16 S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
17 (including NPDES), San Diego County Health Department, prior to the issuance of
18 grading permits.

19 50. The approval of the development project shall not mean that proposed grading or
20 improvements on adjacent properties (including any City properties/rights-of-way or
21 easements) is granted or guaranteed to the developer. The developer is responsible for
22 obtaining permission to grade or to construct on adjacent properties. Should such
23 permission be denied, the resulting changes to the Development Plan shall be subject to a
24 Substantial Conformity review. Changes not meeting substantial conformity requirements
25 shall be submitted for appropriate public hearing action.

26 51. Prior to any grading of any part of the development/project, a comprehensive soils and
27 geologic investigation shall be conducted of the soils, slopes, and formations in the
28 project. All necessary measures shall be taken and implemented to assure slope stability,
29 erosion control, and soil integrity. No grading shall occur until a detailed grading plan, to

1 be prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved
2 by the City Engineer.

3 52. The Geotechnical consultants shall review and approve the detailed shoring/
4 foundation/grading/site work plans prior to issuance of any permits. This approval shall be
5 by wet signature which clearly indicates that the Geotechnical Consultants have reviewed
6 the plans prepared by the design engineer and that plans are in conformance with the
7 recommendations contained in their Geotechnical Report

8 53. An "as-built" report prepared by the consultant must be submitted to the City for review.
9 The report must include the results of all compaction tests as well as a map depicting the
10 limits of over excavation, observed geologic conditions, locations of all density tests,
11 locations and all removal bottoms, and location and elevation of all retaining wall back
12 drains and outlets.

13 54. Print the name, address, and phone number of the Project Geotechnical consultant and list
14 all applicable geotechnical reports on the building/grading plans.

15 55. The foundation plans and foundation details shall clearly depict the embedment material
16 and minimum depth of embedment for the foundations.

17 56. The following note must appear on all the foundation plans: "*All foundation excavations*
18 *must be observed and approved by the Project Geotechnical Consultant prior to*
19 *placement of reinforcing steel.*"

20 57. The final shoring, Grading, drainage, and foundation plans should be reviewed, signed and
21 wet stamped by the project geotechnical consultants.

22 58. It is the responsibility of the owner/developer to evaluate and determine that all soil
23 imported as part of this development is free of hazardous and/or contaminated material as
24 defined by the City and the County of San Diego Department of Environmental Health.
25 Exported or imported soils shall be properly screened, tested, and documented regarding
26 hazardous contamination.

27 59. This project shall provide year-round erosion control including measures for the site
28 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
29 control plan, designed for all proposed stages of construction, shall be reviewed, secured
by the applicant with cash securities and approved by the City Engineer.

- 1 60. Precise grading and private improvement plans shall be prepared, reviewed, secured and
2 approved prior to the issuance of any building permits. The plan shall reflect all
3 pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping,
4 and signage, footprints of all structures, walls, drainage devices and utility services.
5 Parking lot striping and any on site traffic calming devices shall be shown on all Precise
6 Grading and Private Improvement Plans.
- 7 61. The drainage design on the development plan is conceptual only. The final design shall be
8 based upon a hydrologic/hydraulic study to be approved by the City Engineer during final
9 engineering. All drainage picked up in an underground system shall remain underground
10 until it is discharged into an approved channel, or as otherwise approved by the City
11 Engineer. All public storm drains shall be shown on City standard plan and profile sheets.
12 All storm drain easements shall be dedicated where required. The applicant shall be
13 responsible for obtaining any off-site easements for storm drainage facilities.
- 14 62. All storm drains shall be designed and constructed per current editions of the City's
15 *Engineers Design and Processing Manual*, the *San Diego County Hydrology and*
16 *Drainage Design Manuals*, and *San Diego Area Regional Standard Drawings*.
- 17 63. For any increase of storm water flows from the development site to other properties, the
18 developer shall secure appropriate easement(s) from and maintenance agreement(s) with
19 the owner(s) of the impacted properties to the satisfaction of the City Engineer. Upon
20 approval by City Engineer and the City Attorney, the appropriate documents shall be
21 recorded prior to issuance of any permits for the development. Should the developer be
22 unable to secure such easement(s) or agreement(s), the resulting changes to the
23 Development Plan shall be subject to a Substantial Conformity review. Changes not
24 meeting substantial conformity requirements shall be submitted for appropriate public
25 hearing action.
- 26 64. The developer shall comply with applicable FEMA regulations. The developer shall
27 record a covenant against the property indemnifying and holding the City harmless from
28 any claims regarding drainage and flooding prior to issuance of any grading, building or
29 improvement permit.

- 1 65. Storm drain facilities shall be designed and located such that the inside travel lanes on
2 streets with collector or above design criteria shall be passable in both directions during
3 conditions of a 100-year frequency storm.
- 4 66. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and
5 disposed of in accordance with all state and federal requirements, prior to stormwater
6 discharge either off-site or into the City drainage system.
- 7 67. The development shall comply with all applicable regulations established by the United
8 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
9 Discharge Elimination System (NPDES) permit requirements for urban runoff and
10 stormwater discharge and any regulations adopted by the City pursuant to the NPDES.
11 regulations or requirements. Further, the applicant may be required to file a Notice of
12 Intent with the State Water Resources Control Board to obtain coverage under the
13 NPDES. General Permit for Storm Water Discharges Associated with Construction
14 Activity and may be required to implement a Storm Water Pollution Prevention Plan
15 (SWPPP) concurrent with the commencement of grading activities. SWPPPs include both
16 construction and post construction pollution prevention and pollution control measures
17 and identify funding mechanisms for post construction control measures. The developer
18 shall comply with all the provisions of the Clean Water Program during and after all
19 phases of the development process, including but not limited to: mass grading, rough
20 grading, construction of street and landscaping improvements, and construction of
21 dwelling units. The applicant shall design the Project's storm drains and other drainage
22 facilities to include Best Management Practices to minimize non-point source pollution,
23 satisfactory to the City Engineer.
- 24 68. Upon acceptance of any fee waiver or reduction by the developer, the entire project will be
25 subject to prevailing wage requirements as specified by Labor Code section 1720(b)(4).
26 The developer shall agree to execute a form acknowledging the prevailing wage
27 requirements prior to the granting of any fee reductions or waivers.
- 28 69. The developer shall prepare and submit an Operations & Maintenance (O&M) Plan to the
29 City Engineer with the first submittal of engineering plans. The O&M Plan shall be
prepared by the applicant's Civil Engineer. It shall be directly based on the project's

1 SWMP previously approved by the project's approving authority (Planning
2 Commission/City Council). At a minimum the O&M Plan shall include the designated
3 responsible parties to manage the stormwater BMP(s), employee's training program and
4 duties, operating schedule, maintenance frequency, routine service schedule, specific
5 maintenance activities, copies of resource agency permits, cost estimate for
6 implementation of the O&M Plan and any other necessary elements.

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

18 71. At a minimum, maintenance agreements shall require the staff training, inspection and
19 maintenance of all BMPs on an annual basis. The project proponent shall complete and
20 maintain O&M forms to document all maintenance activities. Parties responsible for the
21 O&M plan shall retain records at the subject property for at least 5 years. These
22 documents shall be made available to the City for inspection upon request at any time.

23 72. The Agreement shall include a copy of executed on-site and off-site access easements
24 necessary for the operation and maintenance of BMPs that shall be binding on the land
25 throughout the life of the project to the benefit of the party responsible for the O&M of
26 BMPs, satisfactory to the City Engineer. The agreement shall also include a copy of the
27 O&M Plan approved by the City Engineer.

28 73. The BMPs described in the project's approved SWMP shall not be altered in any way,
29 shape or form without formal approval by either an Administrative Substantial
Conformance issued by the City Planner or the project's final approving authority

1 (Planning Commission/City Council) at a public hearing. The determination of whatever
2 action is required for changes to a project's approved SWMP shall be made by the City
3 Planner.

4 74. The developer shall provide a copy of the title/cover page of the approved SWMP with the
5 first engineering submittal package.

6 75. Landscape improvements shall meet the criteria of the City of Oceanside Landscape
7 Guidelines and Specifications for Landscape Development (latest revision), Water
8 Conservation Ordinance No. 91-15, Engineering criteria, City code and ordinances,
9 including the maintenance of such landscaping. The following landscaping conditions
10 shall be required prior to certificate of occupancy as follows:

- 11 a) All planting areas shall have an automatic irrigation system to properly distribute
12 water evenly and accurately to the plant material. Low precipitation equipment
13 shall provide sufficient water for plant growth with a minimum water loss due to
14 water run-off.
- 15 b) Irrigation systems shall use high quality, automatic control valves, controllers and
16 other necessary irrigation equipment. All components shall be of non-corrosive
17 material. All drip systems shall be adequately filtered and regulated per the
18 manufacturer's recommended design parameters.
- 19 c) All irrigation improvements shall follow the City of Oceanside Guidelines and
20 Water Conservation Ordinance.
- 21 d) Root barriers shall be installed adjacent to all paving surfaces, where a paving
22 surface is located within six feet of a trees trunk. Root barriers shall extend five
23 feet in each direction from the centerline of the trunk, for a total distance of 10 feet.
24 Root barriers shall be 24 inches in depth. Installing a root barrier around the tree's
25 root ball is unacceptable.
- 26 e) All required landscape areas shall be maintained by the owner. The landscape areas
27 shall be maintained per City of Oceanside requirements.
- 28 f) Existing landscaping on and adjacent to the site shall be protected in place and
29 supplemented or replaced to meet the satisfaction of the City Engineer.

1 76. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way and
2 within any adjoining public parkways shall be permanently maintained by the owner, his
3 assigns or any successors-in-interest in the property. The maintenance program shall include:
4 a) normal care and irrigation of the landscaping b) repair and replacement of plant materials c)
5 irrigation systems as necessary d) general cleanup of the landscaped and open areas e) parking
6 lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City
7 taking all appropriate enforcement actions including but not limited to citations. This
8 maintenance program condition shall be recorded with a covenant as required by this
9 resolution.

10 **Planning:**

11 77. Variance V-12-07 is granted for the following purposes only:

- 12 a) Locating a required off-street parking space in tandem to an 18 feet wide by 19
13 feet deep off-street parking space (interior dimensions). All spaces are required
14 to be enclosed and egress from South Pacific Street.
- 15 b) Allowing a reduction in the interior width of the two-car garage from 20 feet to
16 18 feet wide.
- 17 c) Allow the garage to be set back from the front property line the average depth of
18 front yards within the 800 block of South Pacific Street (pursuant to Section
19 3018 and condition no. 97).

20 78. Regular Coastal Permit RC-12-07 is granted for the following purpose only:
21 construction of a 5,398-square foot residence with three enclosed, off-street parking
22 spaces. No deviation from these approved plans and exhibits shall occur without Planning
23 Division approval. Substantial deviations shall require a revision to the Regular Coastal
24 Permit or a new Coastal Permit.

25 79. Variance V-12-07 and Regular Coastal Permit RC-12-07 shall lapse two years after the
26 effective date of approval unless implemented as provided in Section 4108.A of the
27 Zoning Ordinance and as provided in the conditions as adopted herein.

28 80. Variance V-12-07 and Regular Coastal Permit RC-12-07 shall be called for review by
29 the Planning Commission if complaints are filed and verified as valid by the City
Planner or the Code Enforcement Officer concerning the violation of any of the

1 approved conditions or the project assumptions demonstrated under the application
2 approval.

3 81. The validity of Variance V-12-07 and Regular Coastal Permit RC-12-07 shall not be
4 affected by changes in ownership or tenants.

5 82. Variance V-12-07 and Regular Coastal Permit RC-12-07 shall lapse if the exercise of
6 rights granted by it is discontinued for six consecutive months.

7 83. Variance V-12-07 and Regular Coastal Permit RC-12-07 that are exercised in violation
8 of a condition of approval or a provision of the Zoning Ordinance may be revoked, as
9 provided in Section 4706.

10 84. A request for changes in conditions of approval of a variance, or a change to the
11 approved plans that would affect a condition of approval, shall be treated as a new
12 application. The City Planner may waive the requirements for a new application if the
13 changes requested are minor, do not involve substantial alterations or addition to the
14 plan or the conditions of approval, and are consistent with the intent of the project's
15 approval or otherwise found to be in substantial conformance.

16 85. Variance V-12-07 and Regular Coastal Permit RC-12-07 may be revised or renewed in
17 accordance with the provisions of the Zoning Ordinance. The application for V-12-07
18 and RC-12-07 revision or renewal shall also be evaluated against the existing land use
19 policies and any site area and neighborhood changes.

20 86. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
21 harmless the City of Oceanside, its agents, officers or employees from any claim, action
22 or proceeding against the City, its agents, officers, or employees to attack, set aside,
23 void or annul an approval of the City, concerning Variance (V-12-07) and Regular
24 Coastal Permit (RC-12-07). The City will promptly notify the applicant of any such
25 claim, action or proceeding against the City and will cooperate fully in the defense. If
26 the City fails to promptly notify the applicant of any such claim action or proceeding or
27 fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible
28 to defend, indemnify or hold harmless the City.

29 87. A covenant or other recordable document approved by the City Attorney shall be
prepared by the applicant and recorded prior to the issuance of building permits. The

1 covenant shall provide that the property is subject to this resolution, and shall generally
2 list the conditions of approval.

3 88. Prior to issuance of a building permit, the applicant and landowner, shall execute and
4 record a covenant, in a form and content acceptable to the City Attorney, which shall
5 provide:

6 a) That the applicant understands that the site may be subject to extraordinary
7 hazard from waves during storms and from erosion, and the applicants assumes
8 the liability from those hazards.

9 b) That the applicant unconditionally waives any claim of liability on the part of the
10 City and agrees defend and indemnify and hold harmless the City and its
11 advisors relative to the City's approval of the project for any damage due to
12 natural hazards.

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

17 90. Failure to meet any conditions of approval for this project shall constitute a violation of
18 the Variance V-12-07 and Regular Coastal Permit RC-12-07.

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

24 92. Side and rear elevations and window treatments shall be trimmed to match the front
25 elevations. A set of building plans shall be reviewed and approved by the Development
26 Services Department, Planning Division prior to the issuance of building permits.

27 93. Elevations, siding materials, colors, roofing materials and floor plans shall be
28 substantially the same as those approved by the Planning Commission. These shall be
29 shown on plans submitted to the Building Division for building permits.

- 1 94. All mechanical rooftop and ground equipment shall be screened from public view as
2 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,
3 mechanical equipment, screen and vents shall be painted with non-reflective paint to
4 match the roof. All roof top surfaces shall have a non-reflective surface and mechanical
5 appurtenances shall be painted to match the roof color. This information shall be shown
6 on the building plans.
- 7 95. The HVAC case shall be fully enclosed and not project into a required yard or project
8 above the district's height requirement.
- 9 96. Any metallic material (i.e. copper) shall be treated at the time that it is installed, or
10 earlier, so that its surface does not reflect light. Non-metallic roofing material is
11 preferred and non-reflective roofing material is required. The copper roofing shall be
12 treated to have a non-reflective surface (patina) at the time it is installed.
- 13 97. Lots situated on the westerly side of the 800 block of South Pacific Street have an
14 average front yard depth of 8.75 feet. The structure shall be set back from the front
15 property line a minimum of 8.75 feet.
- 16 98. Buildings, structures, fences or walls located on lots contiguous to the shoreline, shall
17 be compatible in scale with the existing development and shall not extend further
18 seaward than the line established on the Stringline Setback Map. On Lot 13 the line
19 established on the Stringline Setback Map is located 115-feet west of the lot's Pacific
20 Street property line. This is measured from the middle of the front property line and
21 perpendicular to the southerly property line.
- 22 99. Fence height limitations and opacity requirements are subject to Section 1050(U) of the
23 Zoning Ordinance and required front yards. Fence materials shall be 75% transparent.
- 24 100. All wood fences adjacent to public right-of-way, visible from the public right-of-way, or
25 facing the shore will be stained or otherwise finished with a waterproof material.
- 26 101. The developer's construction of all fencing and walls associated with the project shall
27 be in conformance with the approved Regular Coastal Permit. Any substantial change in
28 any aspect of fencing or wall design from the approved Regular Coastal Permit shall
29 require a revision to the Regular Coastal Permit or a new Regular Coastal Permit.

- 1 102. If any aspect of the project fencing and walls is not covered by an approved Regular
2 Coastal Permit, the construction of fencing and walls shall conform to the development
3 standards of the City Zoning Ordinance. In no case, shall the construction of fences and
4 walls (including combinations thereof) exceed the limitations of the zoning code, unless
5 expressly granted by a Variance or other development approval.
- 6 103. A minimum of 50 percent of a required yard adjoining a street shall be planting areas
7 and landscaped.
- 8 104. Compliance with Oceanside Zoning Ordinance 1050(T) shall be required. Fifty percent
9 of the required interior side yard shall be landscaped.
- 10 105. The project shall dispose of or recycle solid waste in a manner provided in City
11 Ordinance 13.3.
- 12 106. In the event any subsurface archaeological resources are encountered during grading or
13 construction activities, such activities in the locality of the find shall be halted
14 immediately. An archaeologist, certified by the Society of Professional Archaeologists
15 (SOPA), shall be brought in to determine the significance of the archaeological
16 resources and implement appropriate mitigations prior to recommending earthwork.
- 17 107. A letter of clearance from the affected school district in which the property is located
18 shall be provided as required by City policy at the time building permits are issued.
- 19 108. Prior to the issuance of building permits the developer or owner shall make an
20 irrevocable offer of dedication to the City of Oceanside an easement for lateral public
21 access and passive recreational use along the shoreline adjacent to this property. The
22 document shall provide that the offer of dedication shall not be used or construed to
23 allow anyone, prior to acceptance of the offer, to interfere with any rights of public
24 access acquired through a use which may exist on the property. The easement shall be
25 located along the entire width of the property line to the toe of the bluff (toe of the
26 seawall, a line 25 feet inland of the daily high water line, which is understood to be
27 ambulatory from day to day). The easement shall be recorded free of prior liens and free
28 of any other encumbrances which may affect said interest. The easement shall run with
29 the land in favor of the City of Oceanside, and is binding to all successors and assignees.
109. This project does not propose any modifications to the existing sea wall.

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

8 **Water:**

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

13 112. The property owner shall maintain private water and wastewater utilities located on
14 private property.

15 113. Water services and sewer laterals constructed in existing right-of-way locations are to be
16 constructed by approved and licensed contractors at developer's expense.

17 114. All Water and Wastewater construction shall conform to the most recent edition of the
18 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
19 the Water Utilities Director.

20 115. The following conditions shall be met prior to the approval of engineering design plans.
21 All public water and/or sewer facilities not located within the public right-of-way shall be
22 provided with easements sized according to the Water, Sewer, and Reclaimed Water
23 Design and Construction Manual. Easements shall be constructed for all weather access.

24 116. The following conditions shall be met prior to the approval of engineering design plans.
25 No trees, structures or building overhang shall be located within any water or wastewater
26 utility easement.

27 117. The following conditions shall be met prior to the approval of engineering design plans.
28 All lots with a finish pad elevation located below the elevation of the next upstream
29 manhole cover of the public sewer shall be protected from backflow of sewage by

1 installing and maintaining an approved type backwater valve, per the Uniform Plumbing
2 Code (U.P.C.).

3 118. The following conditions of approval shall be met prior to building permit issuance.
4 Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
5 be paid to the City and collected by the Water Utilities Department at the time of Building
6 Permit issuance.

7 119. The following conditions of approval shall be met prior to occupancy. All new
8 development of single-family and multi-family residential units shall include hot water
9 pipe insulation and installation of a hot water recirculation device or design to provide hot
10 water to the tap within 15 seconds in accordance with City of Oceanside Ordinance No.
11 02-OR126-1.

12 PASSED AND ADOPTED Resolution No. 2008-P28 on May 5, 2008 by the following

13 vote, to wit:

14 AYES:

15 NAYS:

16 ABSENT:

17 ABSTAIN:

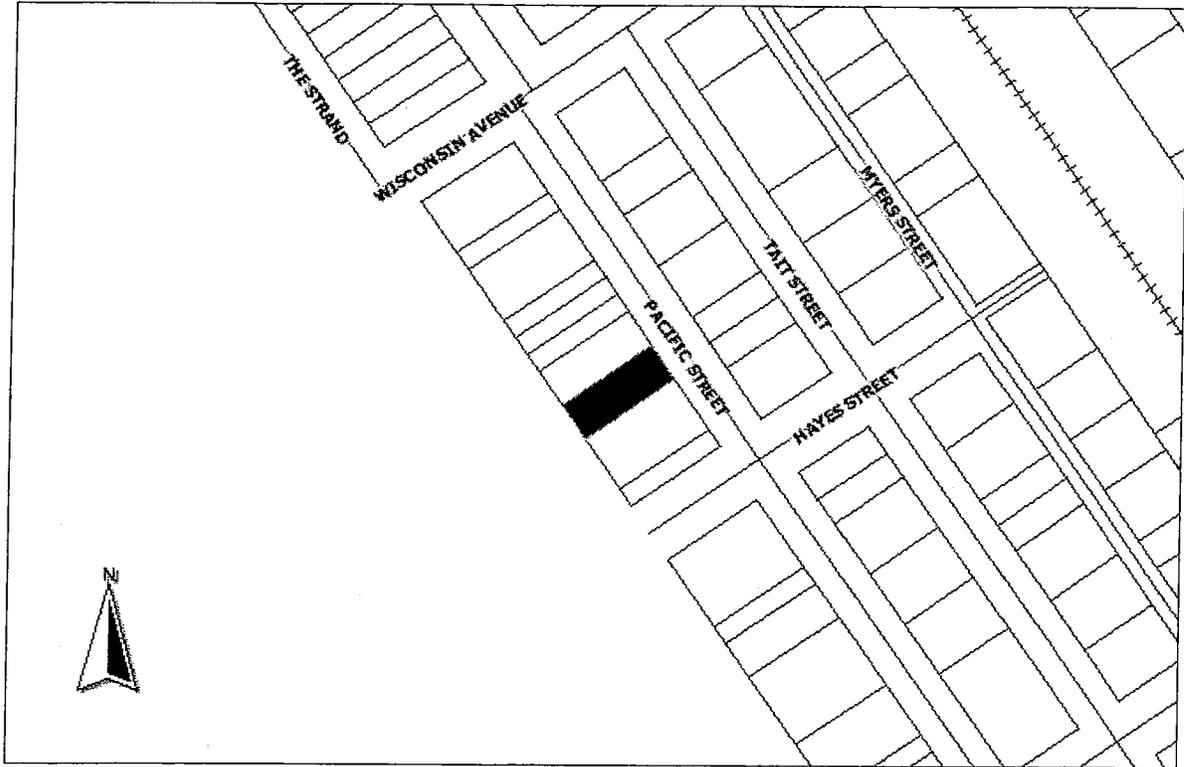
18
19 _____
20 Dennis Martinek, Chairman
Oceanside Planning Commission

21 ATTEST:

22
23 _____
24 Jerry Hittleman, Secretary

25 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
26 this is a true and correct copy of Resolution No. 2008-P28.

27
28 Dated: _____
29



File Number: V-12-07 and RC-12-07

Applicant: Philip Powers

Description:

VARIANCE (V-12-07) and REGULAR COASTAL PERMIT (RC-12-07) for the construction of a 5,372-square foot single-family home and tandem off-street parking located in the 800 block of South Pacific Street and situated within the RT District, the Townsite Neighborhood and the Coastal Zone. – **POWERS 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: April 22, 2008

Public Hearing Coastal Permit
Identification No. RC-12-07

NOTICE OF PUBLIC HEARING
COASTAL DEVELOPMENT PERMIT

This is a notice to you as an interested party that the City of Oceanside Planning Commission will hold a public hearing on the Coastal Permit application of Philip Powers. This application was received on July 6, 2007. The application is described as follows:

For the construction of a 5,372-square foot single-family home and tandem off-street parking located in the 800 block of South Pacific Street.

The project is situated within the RT District, the Townsite Neighborhood and the Coastal Zone.

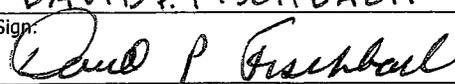
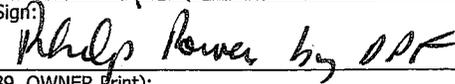
Said hearing will be held on May 5, 2008, at 7:00 p.m. in the Council Chamber of City Hall, 300 North Coast Hwy., Oceanside, California at which time and place any and all interested persons may appear and be heard. Interested persons may contact the Planning Division at (760) 435-3520 after April 30, 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 15, 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 Planning Commission Hearing				STAFF USE ONLY	
Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885 Please Print or Type All Information				ACCEPTED	BY
				7/6/07	FB
PART I - APPLICANT INFORMATION				HEARING	
1. APPLICANT		2. STATUS		GPA	
Philip Powers				MASTER/SP.PLAN	
3. ADDRESS		4. PHONE/FAX		ZONE CH.	
Lot #13 - 825 S. Pacific, Oceanside		858.759.0381 858.759.0306		TENT. MAP	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)				PAR. MAP	
David P. Fischbach				DEV. PL.	
6. ADDRESS				C.U.P.	
PO Box 1454 Rancho Santa Fe, CA 92067		7. PHONE/FAX		VARIANCE	V-12-07
		858.759.0381 858.759.0306		COASTAL	RC-12-07
PART II - PROPERTY DESCRIPTION				O.H.P.A.C.	
8. LOCATION				9. SIZE	
Lot #13 of the 800 block of S. Pacific St. ^{Ocean side}				.075 acres	
10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER		
Urban High density	Rt	Residential	150-356-21		
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION					
Rev. 9/6/07, 11/15/07, 1/15/08, 3/14/08 construction of a single family residence					
15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY	
N/A	same	same	1	13.40 unit / acres	
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE		
4501 SF	4	25%	63%		
PART IV - ATTACHMENTS					
ALL APPLICATIONS				DEV. PLANS, C.U.P.s & TENT. MAPS	
24. DESCRIPTION/JUSTIFICATION		<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION	<input checked="" type="checkbox"/> 30. FLOOR PLANS AND ELEVATIONS		
<input checked="" type="checkbox"/> 26. 300-FT. RADIUS MAP	<input checked="" type="checkbox"/> 27. PROPERTY OWNERS' LIST	31. CONSTRUCTION SCHEDULE			
<input checked="" type="checkbox"/> 28. ENVIRONMENTAL ASSESSMENT	<input checked="" type="checkbox"/> 29. PLOT PLANS	32. OTHER			
PART V - SIGNATURES					
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.			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).		
33. APPLICANT OR REPRESENTATIVE (Print):		34. DATE			
DAVID P. FISCHBACH		7/6/07			
Sign: 		37. OWNER (Print)		38. DATE	
		Philip Powers		7/6/07	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			Sign: 		
35. APPLICANT (Print):		36. DATE		39. OWNER (Print):	
DAVID P. FISCHBACH		7/6/07		Philip Powers	
Sign: 		36. DATE		40. DATE	
		7/6/07		7/6/07	

SALLY
RECEIVED

JUL - 6 2007

Planning Department

10



Addendum to Citywide Application for Regular Coastal Permits

FEE: \$1,361.00

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

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

1. If residential, state:

(a) Number of units one unit

(b) Number of bedrooms per unit _____

(c) Type of ownership proposed: () Rental

() Condominium

() Stock cooperative

() Time share

(✓) Other - SINGLE FAMILY HOME

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Planning Department

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

N/A - single lot

3. Present use of property

(a) Are there existing structures on the property? (X) Yes () No

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

one house

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

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

Demo old home, build a new one

4. Estimated cost of development: Land 1,000,000 Improvements \$435,000
5. Has any application for a development on this site been submitted previously to the California Coastal Commission or the City of Oceanside? () Yes () No
 If yes, state previous application number
6. Project height: Maximum height of structure 27 ft.
 Maximum height of structure as measured from centerline of frontage road 26 ft.
7. Total number of floors in structure, including subterranean floors, lofts, and mezzanines:
2 floors with basement
8. Gross floor area including covered parking and accessory buildings 5392 sq. ft.
 Gross floor area excluding parking 4501 sq. ft.
9. Lot area (within property lines) _____ sq. ft. or acres.

Lot Coverages	Existing	New Proposed	Total
Building Coverage	<u>1487</u> sq. ft.	<u>2054</u> sq. ft.	_____ sq. ft.
Paved area	<u>1243</u> sq. ft.	<u>821</u> sq. ft.	_____ sq. ft.
Landscaped area	<u>520</u> sq. ft.	<u>375</u> sq. ft.	_____ sq. ft.
Unimproved area	<u>0</u> sq. ft.	<u>0</u> sq. ft.	_____ sq. ft.

10. Parking: Number of existing spaces _____
 Number of new spaces proposed 2 legally covered spaces
 TOTAL: _____
- Number of covered spaces 2
 Number of uncovered spaces none
 Number of standard spaces 2 Size 9' x 19'
 Number of compact spaces none Size _____

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

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

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

- Yes No

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

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

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

Access is available at Wisconsin and at Hayes
Each of these points of access is approx. 200' from the property

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

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

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

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

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

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

Location of dredged material disposal site _____

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

- Yes No

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

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

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

Will the development provide public or private recreational opportunities?

- () Yes (✓) No

If yes, explain _____

6. Is the proposed development in or near:

- (a) A sensitive habitat area () Yes (✓) No (Biological survey may be required)
(b) A 100-year floodplain () Yes (✓) No (Hydrologic mapping may be required)
(c) A park or recreation area () Yes (✓) No

7. Is the proposed development visible from:

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

8. Does the site contain any:

- (a) Historic resources () Yes (✓) No
(b) Archaeological resources () Yes (✓) No
(c) Paleontological resources () Yes (✓) No

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

9. Would the project in any way alter or divert a streambed or drainage course?

- () Yes (✓) No

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

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

Date

7/6/2007

Signature of Authorized Agent or Applicant

David Furbach

File - Rooting
Dan Cruz
Gabor
WTR

Project Description and Justification

For One Single Family Residence at
823 South Pacific Street, Oceanside
APN: 150-356-21-00

January 7, 2008

Owner: Philip Powers, successor Trustee under the Lillian Hemsley Powers dated
November 26, 1996

Submitted by: David Fischbach, Owner representative

This project proposes construction of a 4544 SF Single Family Residence on a 0.075-acre lot. This two-story home will sit over a 2112 SF basement with an 828 SF garage and will conform to the string line set-back.

The string-line setback is 115' east of the westerly property line. The Architectural style and building materials used in this home are designed to enhance and compliment the character of the neighborhood.

Some of the features of the home are: slate roof, copper flashing, elevator, laminated glass for sound proofing and UV protection, non-corrosive materials for prolonged life and low maintenance beachfront living, maintenance of north/south access at the beach level so even at high tide the public can walk north/south on the west side of the building.

Neighboring views are considered and maintained by angling the structure on the ocean elevation. The project conforms to the twenty-seven foot height and a less than ten percent protrusion for architectural features limitation.

The two-car garage for this home is sized to allow parking four vehicles. Two of the spaces are tandem. It is understood that in this zoning tandem spaces do not count towards required parking. However, the space is designed for function and consideration to keep the homeowners vehicles from parking on South Pacific Street. Currently 823 S. Pacific St. provides an uncovered concrete slab as it's off street parking, the building on site does not have a garage and therefore does not conform to existing parking requirements.

The proposed two car garage is 18' wide x 19' deep. The required third enclosed parking space is to be located in tandem to the two-car garage and its interior dimensions are 18' wide x 19' deep.

A variance is requested to allow for the narrow garage width and to allow the requirement of a 3-car garage to be satisfied by a tandem parking design.

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The findings for the variance request are as follows:

1. The special circumstance is the narrowness of the 25' wide lot that allows only for a 19' interior width of the garage. The 19' width meets neither the requirement for a 2-car garage or a 3-car garage. This narrow lot is a circumstance and a width shared by many other lots on Pacific Street and those lots that have been developed for row homes,
2. The granting of this 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 in that the end result will be a garage that is similar to many other garages in the vicinity.
3. The granting of this application is consistent with the purposes of this 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. The garage would be consistent with garages on other properties in the vicinity.

The intended land use for the property is a single family residence. Although there is a possibility that the end use could be a vacation rentals (as there could be with any single family residence in the RT zone), one of the investment partners has expressed an interest in making the property his primary residence and the property would not be used as a vacation rental in that case.

For Regular Coastal Permit:

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

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

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JAN 15 2008

Planning Department

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

Primary #
HRI #
Trinomial
NRHP Status Code

Other Listings
Review Code

Reviewer

Date

Page 1 of 4

*Resource Name or #- 825 S. Pacific St., Lot 13

P1. Other Identifier:

*P2. Location: Not for Publication Unrestricted

*a. County: San Diego

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

*b. USGS 7.5' Quad:

Date: 1975 T 11sR4w, 1/4 of 1/4 of Sec ; M.D. B.M.S.]

c. Address: 825 S. Pacific St., Lot 13

City: Oceanside

Zip: 92054

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

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

APN# 150-356-07

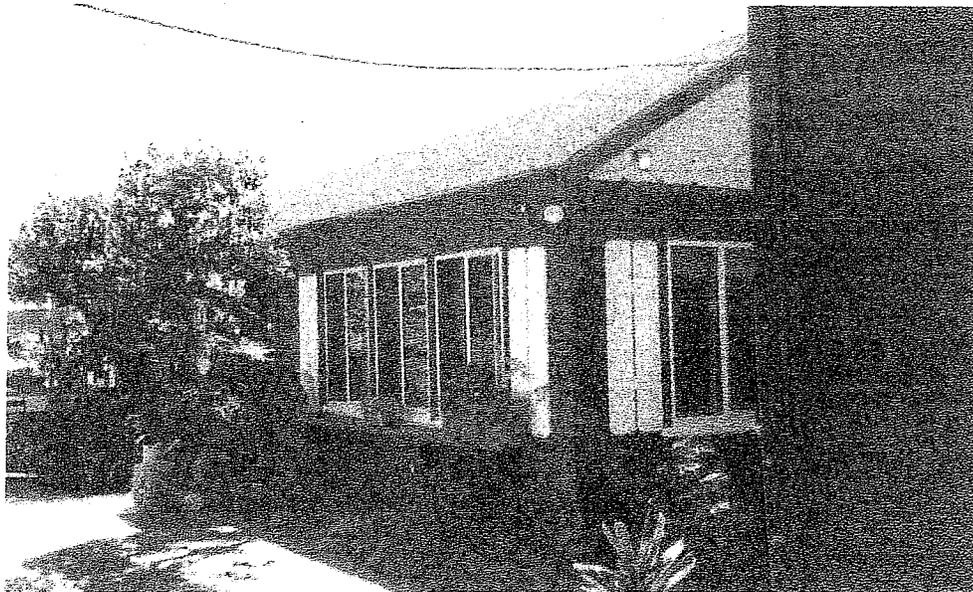
*133a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

The subject resource is a small 2-bedroom house located between S. Pacific St. and the Pacific Ocean. The long, narrow structure is located on the beach front at the northwest corner of the lot. A paved patio is located along the entire length of the house. The house is located at beach level. However, a paved parking lot is located at the street level on S. Pacific St. It is accessed by an exterior stairway. The original house was 44'x12'. Two small additions towards S. Pacific St. added 232 sq. ft. to the house. The building is covered with its original horizontal wooden siding. The gable roof is shingled and has exposed rafter tails. Windows have been changed to aluminum, although original wooden moldings remain. Decorative features include shutters and shelves under the windows. A small gable roof delineates the main entrance. Since most of the house is only 12' wide, it is arranged shotgun style, with each room opening into the next. The interior of the house has the original knotty pine walls and high ceilings with exposed beams. Although the house was built on the beach, it does not have windows which provide an ocean view. The house is in good condition.

*P3b. Resource Attributes: (List attributes and codes) HP2 single family residence

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

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



P5b. Description of Photo: (View, date, accession #)
north facade
6/20/07

*P6. Date Constructed/Age and Sources: Historic Prehistoric Both
1948-County Assessor

*P7. Owner and Address:
Philip Powers
825 S. Pacific, Oceanside,
92054

*P8. Recorded by: (Name, affiliation, and address)
Mary Taschner
322 N. Nevada, Oceanside, C

*P9. Date Recorded: 7/12/07

*P10. Survey Type: (Describe)
Intensive

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

none

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

DPR 523A (1/95)

*Required information

CONTINUATION SHEET

*Recorded by: Mary Taschner

*Date: 7/12/07

Continuation

Update

Type in here!

The subject resource is located in the Myers Addition, subdivided in 1906. Originally, the lot was owned by Emily Martha Hayes, a member of the prominent Hayes family. J. Chauncey Hayes was one of the founders of Oceanside and the pioneer real estate man of the town. The Hayes Land Company was established in 1883. Emily Hayes was one of the directors of the company in 1906. At one time, the Hayes Land Company holdings included the entire beach frontage between the Oceanside pier and Carlsbad.

The 1907 Oceanside Blade featured prominent advertisements from Hayes Land Company offering beach front lots for \$300 each with terms of 2/3 down and the balance to be paid in 6 and 12 months. The interest rate was 6 per cent.

Emily Hayes sold the subject property to Joseph E. Myers in 1907. Myers' father, Andrew J. Myers, is considered to be the "father of Oceanside". He was the first to file a patent on a 160 acre parcel of land which became the foundation of the city of Oceanside. Myers had nine children, but only two survived to adulthood, Edward and Joseph. Joseph owned the subject property only a few days before he sold it to Alex Layer, who was probably a real estate speculator. Layer held the property one year and then sold it to J.R. Rice, a San Diego real estate broker.

Rice immediately sold the land to Los Angeles resident Edith Vance in 1908. Vance owned the land until 1927, when she deeded it to James Vance. He in turn deeded the property back to Edith six months later. The Vance's were also in the real estate business.

In 1930, the land was sold to another real estate man, Frank J. Faust, of San Diego. After a lawsuit with someone named Armstrong, the property went by decree to San Diego legal secretary, Helen Belshe. Within two days, the property went back and forth between Belshe and Faust. After another lawsuit with someone named McConnell, Faust again received the property by decree.

The next owner was Albert Zaiser, a local Oceanside resident. He was a builder, the president of the Beachlake Company, Zaiser Building Supply and also Al's Trailer Sales. He sold the property to real estate broker, Roby Hayes in February 1948. Roby was the grandson of J. Chauncey Hayes. He was a graduate of Stanford University and received his law degree from Balboa College of Law in San Diego. He was an attorney as well as being involved in real estate.

Hayes sold the vacant land to Dr. O.M. McCray and Anna Mae McCray. They were the builders of the house which currently exists on the site. Notice of completion was filed on May 3, 1948.

Anna Mae sold the house within a month to Irene McCray Heffron, who was probably her daughter. She was an agent for the Henie Hills Development.

CONTINUATION SHEET

*Recorded by: Mary Taschner

*Date: 7/12/07

Continuation

Update

Type in here!

Both Heffron and McCray lived on the property until 1955, when it was granted to Bennet Gordon Powers and Lillian Hemsley Powers by agreement. The property was deeded to the Powers in 1969. Bennet Powers was a retired Lieutenant Colonel (USMC). After his military retirement, he worked as a design engineer at Exact Engineering and Manufacturing. He died in 1970. Mrs. Powers transferred the property to the Lillian Hemsley Powers Trust in 1996. She later moved to Hawaii, where she died in 2006.

BUILDING, STRUCTURE, AND OBJECT RECORD

Page of 4 of 4

*NRHP Status Code

*Resource Name or # (Assigned by recorder) 825 S. Pacific St., Lot13

B1. Historic Name: none

B2. Common Name: none

B3. Original Use: residential

B4. Present Use: residential

*B5. Architectural Style: California ranch

*1916. Construction History: (Construction date, alterations, and date of alterations)

House-1948

Additions-1948, 1979

*137. Moved? No Yes Unknown Date:

Original Location:

*138. Related Features: none

139a. Architect: none

b. Builder: L.E. Lantz

*1310. Significance: Theme: residential

Area: Oceanside

Period of Significance: 1948-present

Property Type: residential

Applicable Criteria: n/a

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

The subject resource is located on the Pacific Ocean. The land was originally bought by speculators who hoped to capitalize on this close proximity to the water. However, the land remained undeveloped for 41 years, although it changed owners frequently. At the present time, the area is a mix of older multi-family units and new condos. Because beach property is so desirable, the trend for new buildings will continue. The building retains the integrity of its construction. It was built of average materials typical of the time frame when it was built. The resource building was not designed by a master architect with a national reputation. It was not constructed of rare or unique materials. The building is not directly associated with any known historic events. Persons of historic standing are not directly associated with it. The building is unlikely to offer any information which would be of local, state or national importance. This study has effectively exhausted all research potential which may have existed for this building. The building is not eligible for nomination to national, California or local historic registers.

131 1. Additional Resource Attributes: (List attributes and codes) HP2 residential

*1312. References: SD County Assessor; Blade Tribune, various; US Census Records 1900-1930; Foley, Mary Mix, The American Home, Harper & Roe, New York, 1980; Oceanside Phone Director. various; SD City & County Directories, various

B13. Remarks:

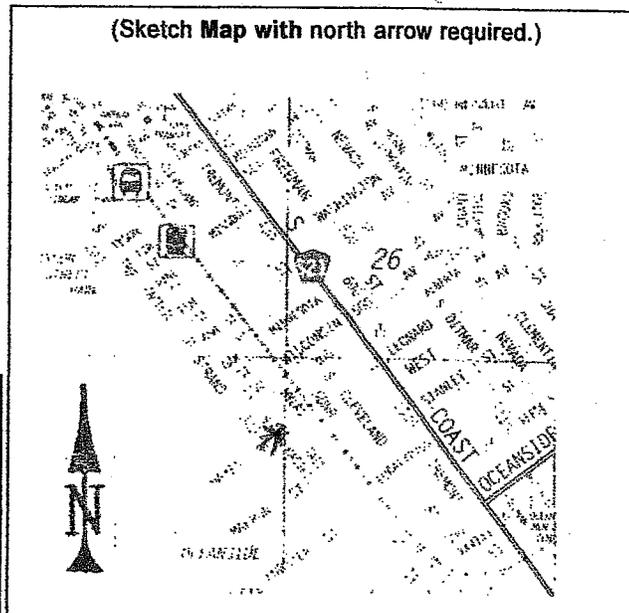
*1314. Evaluator: Mary Taschner

Mary Taschner

*Date of Evaluation: 7/12/07

(this space reserved for official comments.)

(Sketch Map with north arrow required.)



LEGAL DESCRIPTION

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

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

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

APN: 150-356-21-00



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(30 days)

1. **APPLICANT:** Phillip Powers
2. **ADDRESS:** 825 S Pacific Street, Oceanside, CA 92054
3. **PHONE NUMBER:** (858) 759-0381
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Juliana von Hacht
6. **PROJECT TITLE:** Powers Variance and Residence
7. **DESCRIPTION:** Consideration of a Variance (V-12-07) and a Regular Coastal Permit (RC-12-07) for the construction of a 5,372-square foot single-family home and tandem off-street parking.

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 new construction of a single-family residence. 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 3, Section 153031(a) one single-family residence... in urbanized areas, and up to three single-family residences may be constructed or converted under this exemption.
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Juliana von Hacht, Associate Planner

Date: 5-May-2008

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee