ITEM NO. 15

STAFF REPORT

CITY OF OCEANSIDE

DATE: August 20, 2008

TO: Honorable Mayor and Members of the City Council

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF AN APPEAL OF THE DENIAL OF VARIANCE (V-7-07) AND REGULAR COASTAL PERMIT (RC-1-08) FOR EXCEEDING THE MAXIMUM TWENTY-SEVEN-FOOT HEIGHT LIMITATIONS FOR RESIDENCES WITHIN A RESIDENTIAL ZONE LOCATED AT 517 SOUTH TREMONT STREET – NEWMAN VARIANCE - APPLICANT: JEANINE NEWMAN – APPELLANT: JEANINE NEWMAN**

SYNOPSIS

The item under consideration is an appeal of the Planning Commission's decision denying the Variance for exceeding the maximum twenty-seven-foot height for residences within a residential zone located at 517 South Tremont Street. The appeal has been filed by Jeanine Newman. Staff is recommending that the City Council affirm the Planning Commission's decision and deny the appeal.

BACKGROUND

The subject site is part of the Bryant's Addition subdivision created in 1914. The original residence was constructed in 1957 as a single story, 800-square-foot house. In 2000, a three-car garage and 48 square feet of living area was added to the western elevation with approval of a building permit. In January 2004, a 1,320-square-foot second floor addition above the garage was added with a building permit and no discretionary action was required. In response to a complaint, during the completion of the second story addition, the Building Department measured the residence and found that the structure was built in excess of the 27-foot height specified on building plans for the permit. The overall height as measured from finish grade to top of roof revealed a total height of 30'-0", which is inconsistent with the approved plans. The applicant applied for a Variance (V-18-04) in 2004 which was denied by the Planning Commission on February 28, 2005. The decision was appealed to the City Council but the City Council upheld the Planning Commission decision and denied the Variance on April 20, 2005.

The applicant has re-applied for the Variance and Regular Coastal Permit after waiting one year as required by the Zoning Ordinance with no changes in the design.

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

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

The applicant has appealed a denial of a request for a Variance and Regular Coastal permit to exceed the maximum allowable height of 27 feet and permit the existing 30-foot residential structure to remain. This Variance request requires a Regular Coastal Permit due to its location within the Coastal Zone and its discretionary action.

ANALYSIS

In order to grant a Variance, the agency must make all three of the following findings:

First, that because of special circumstances or conditions applicable to the development site, including size, shape, topography, location or surroundings, strict application of the requirements of the zoning ordinance deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;

Second, that granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare; and

Third, that granting the application is consistent with the purposes of the zoning ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.

In this case, the Planning Commission found the appeal to be inconsistent with the above findings. The Planning Commission found no special circumstances or conditions based on the property's size, topography and location. The Planning Commission found the proposed variance height of 30 feet to be out of character with the surrounding 27-foot-height requirement in this neighborhood. The Planning Commission established that approving this application would constitute in a determent to the surrounding properties and would not be consistent with the height requirements of the Local Costal Program. Granting the application would also constitute a special privilege as specified by the Oceanside Zoning Ordinance, and permitting this height would set a precedent for this area.

The appellant disagrees with the Planning Commission's findings. The issues raised by appellant and staff's responses are listed below.

1. Issue

The Applicant believes that approving this Variance will not set a precedent because the structure is in compliance with the 27-foot height allowance, except for a portion of the roof, which does not exceed 10 percent of the footprint of the property allowed by Code Section 3018 "Exceptions to Height Limits".

The Planning Department has thoroughly reviewed the application for the Variance and the Oceanside Zoning Ordinance for alternative code sections to allow the structure to remain, but Code Section 3018 of the Oceanside Zoning Ordinance, Exceptions to Height Limits, only allows appurtenant structures with no habitable spaces to exceed the minimum height limit.

2. Issue

The applicant believes that the portion of the addition that exceeds the height limit will not be detrimental or injurious to the property and will not affect the neighboring properties.

Planning staff recommended denial to the Planning Commission for the Variance request based on the inconsistency with the surrounding properties, and that there are no special circumstances or conditions to warrant the findings for the Variance. All the properties in the area meet the 27-foot height requirement, and allowing a structure with a height of 27 feet would set a precedent.

3. Issue

Granting this Variance should be considered for special circumstances due to the fact that the home is surrounded by many different heights, codes, and uses of property which creates special circumstances, whereas this property should be allowed to exceed the height. Denying this owner the Variance would result in losing access to the deck and loft of the home, thereby depriving the owners of the right to an ocean view, or scenery loft as others in the area share.

Planning staff has surveyed the area and discovered that all the properties in proximity to the site have been constructed under the 27-foot height limitation. Allowing the nonconforming addition to remain at 30 feet height in-lieu of the required 27-foot height requirement would set a precedent and will not be consistent with the Zoning Ordinance and the neighboring properties constructed at heights less than the 27-foot height requirement.

The Planning Commission expressed concerns regarding the inability to make the findings (special circumstances or conditions) for the Variance. In addition, the Planning Commission was concerned that approval of the Variance would be viewed as setting a potential precedent of allowing additional height for a residence without any physical constraints.

4. Issue

The applicant believes that the home is consistent with the Zoning Ordinance as any home should be, taking into consideration the mixed allowance of codes in this area. There are many different structures and applicable codes surrounding this home.

The maximum height limitation for structures situated within this property's zoning designation and area is 27 feet. However, the west side of Cleveland Street (one block west of the subject site) is located within the Redevelopment Area and has a maximum height limitation of 45 feet. The Community Development Commission approved the additional height for structures located within the Redevelopment Area in the early 1990s to encourage new development. The appellant's references to new higher residential development are projects actually situated within the Redevelopment Area. The structures around the subject site and in the same zone are primarily one or two stories.

5. Issue

Granting this Variance would not create a special privilege for this owner, as most other properties surrounding this property already have a special privilege over this home in terms of height and visual access to a view of the ocean. Denying this Variance will create a special privilege to other property owners over this owner. This property is not and will not have the ability in the future to block neighboring properties' views, or deprive anyone of any privileges by this structure.

The Planning Commission denied this Variance and Regular Coastal Permit because all of the findings cannot be made. The structure does not conform to the plans and specifications submitted to the City and there are no physical characteristics unique to this property that would support a Variance on these facts. The property does not consist of irregular topography. The property only has a slight grade differential (less than two feet from the high to the low points of the subject site) and, therefore, does not have physical limitations that would grant the approval of the Variance and Regular Coastal Permit. Allowing the Variance and Regular Coastal Permit to be approved would create a special privilege and put the property out of character with the neighborhood. Denying the Variance would require the homeowner to bring the addition into compliance and demolish the portion of the roof that is above the 27-foot maximum height requirement. The Building Division has evaluated the requirements to bring the building into conformance with the height regulations, and the shingles, roof, 2' x 2' or 2' x 4' trusses

will need to be removed, and reconfigured to the lower height of the roof to meet the 27-foot height requirement. Since the addition was constructed at a height that exceeded the approved plans and the maximum allowable height requirements for this neighborhood according to the Oceanside Zoning Ordinance, additional building permits will be necessary for the renovations of to bring the addition into conformance with the zoning codes and building codes.

FISCAL IMPACT

Not applicable.

COMMISSION OR COMMITTEE REPORT

The Planning Commission reviewed the project on May 19, 2008. After hearing testimony from several area residents the Commission denied the Variance on a 6-to-1 vote. The Commission expressed a desire for the appellant to work with staff and with their architect and contractor on a potential design solution that could reduce the pitch of the roof to comply with the 27-foot height limitation.

CITY ATTORNEY'S ANALYSIS

In accordance with Section 4605 of the Zoning Ordinance, the City Council shall consider only the issues raised in the appeal and shall consider the same application, plans, and related project materials that were the subject of the original decision denying the Variance and Regular Coastal Permit by the Planning Commission. The City Council shall review the record of the decision and hear testimony of the appellant, the applicant, and any other interested party.

After the hearing, the City Council shall affirm, modify or reverse the original decision. If a decision is modified or reversed, the City Council shall state the specific reasons for the modification or reversal. The resolution has been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff has reviewed the issues raised by the appellant and finds no compelling reason to support the appeal. The Planning Commission felt that the additional height of the residence is inconsistent with the surrounding neighborhood and could potentially set a precedent allowing additional height for a residence without any physical constraints. As such, staff recommends that the City Council uphold the Planning Commission's decision and adopt the resolution denying the appeal.

PREPARED BY

Scott Nightingale
Planner II

SUBMITTED BY

Peter A. Weiss
City Manager

SN/JH/vnm

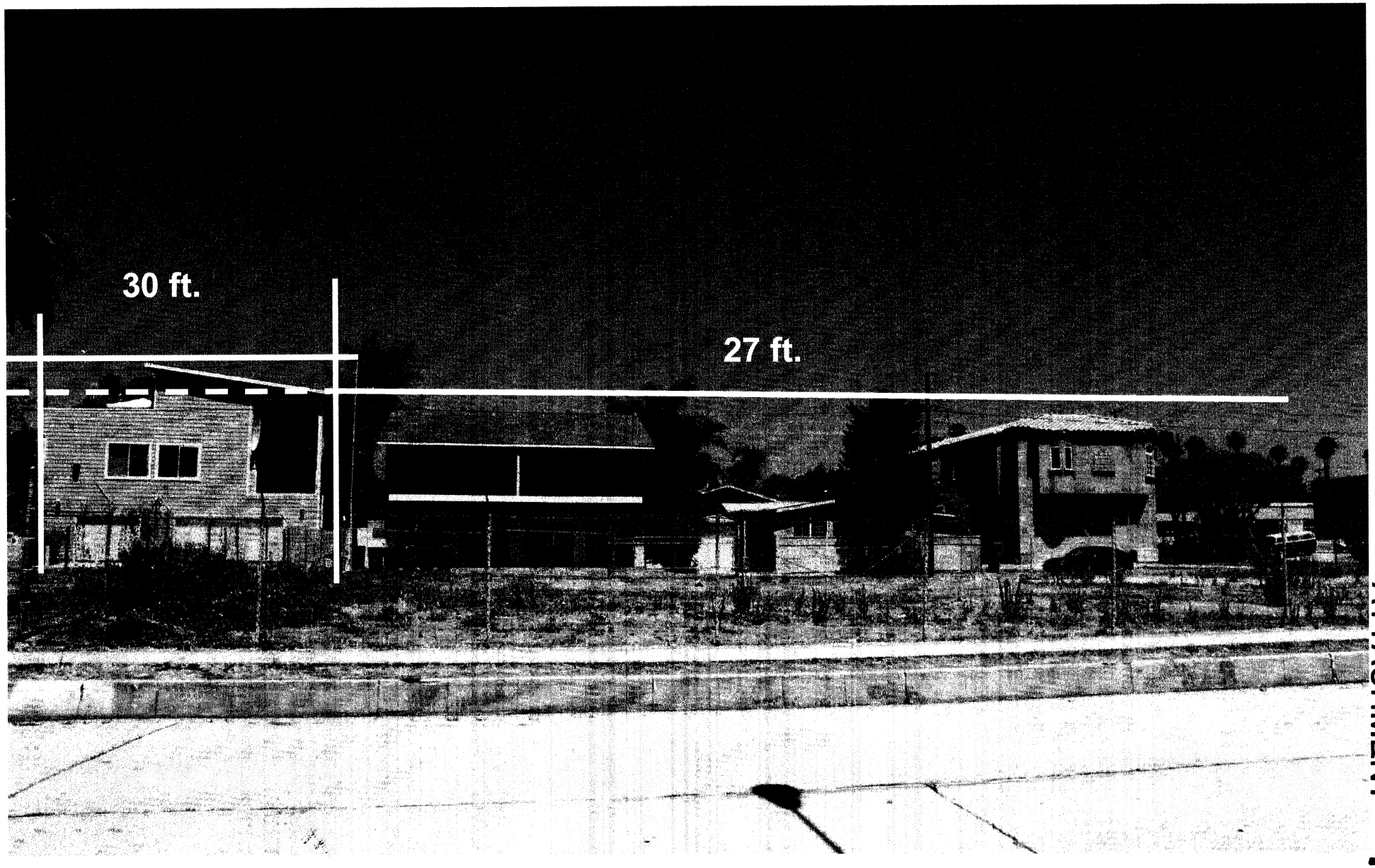
REVIEWED BY:

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

ATTACHMENTS:

1. Area Map and Plans
2. City Council Resolution denying the appeal
3. Planning Commission Resolution No. 2008-P35
4. Planning Commission Staff Report dated May 19, 2008
5. Appeal

Measurements of Height



ATTACHMENT 1

WINDOW EGRESS:

SLEEPING ROOMS SHALL HAVE A WINDOW OR EXTERIOR DOOR FOR EMERGENCY ESCAPE. SILL HEIGHT SHALL NOT EXCEED 44" ABOVE THE FLOOR. WINDOWS MUST HAVE AN OPERABLE AREA OF AT LEAST 5.7 SQ. FT. WITH THE MINIMUM OPERABLE WIDTH 20" AND MINIMUM OPERABLE HEIGHT 24". THE EMERGENCY DOOR OR WINDOW SHALL BE OPERABLE FORM THE INSIDE TO PROVIDE A FULL CLEAR OPENING WITHOUT THE USE OF SEPARATE TOOLS. SECTION 310A

MECHANICAL NOTES:

ALL FORCED AIR UNITS WILL TAKE COMBUSTION AIR FROM VENTED ATTIC SPACE.

A PASSAGE WAY TO THE ATTIC FURNACE SHALL BE UNOBSTRUCTED AND HAVE CONTINUOUS SOLID FLOORING NOT LESS THAN 24" WIDE, NOT MORE THAN 20 FEET IN LENGTH THROUGH THE ATTIC. SECTION 315A, UMC

FOUNDATION NOTE:

THE ALL HOLD DOWN, REBAR, AND BASES IN PLACE PRIOR TO FOUNDATION INSPECTION.

[illegible] TO FOUNDATION INSPECTION SOILS COMPLIANCE SHALL BE CHECKED IN ACCORDANCE WITH SECTION 1701 OF THE UNIFORM BUILDING CODE

[illegible]ERAL NOTES:

[illegible] PLANS AND ALL WORK SHALL COMPLY WITH THE CALIFORNIA BUILDING STANDARDS CODE FOUND IN THE STATE OF CALIFORNIA TITLE 24 CCR, AS AMENDED AND ADOPTED BY THE COUNTY OF SAN DIEGO, TO INCLUDE THE 1997 CBC, UMC AND UPC AND THE 1999 NEC.

TRUSS CALCULATIONS SHALL HAVE A DEFERRED SUBMITTAL PER SECTION 106.3.4.2.
SUBMITTAL DOCUMENTS FOR DEFERRED SUBMITTAL ITEMS SHALL BE SUBMITTED TO THE ARCHITECT OR ENGINEER OF RECORD, WHO SHALL REVIEW THEM AND FORWARD THEM TO THE BUILDING OFFICIAL WITH A NOTATION INDICATING THAT THE DEFERRED SUBMITTAL DOCUMENTS HAVE BEEN REVIEWED AND THAT THEY HAVE BEEN FOUND TO BE IN GENERAL CONFORMANCE WITH THE DESIGN OF THE BUILDING. THE DEFERRED SUBMITTAL ITEMS SHALL NOT BE INSTALLED UNTIL THEIR DESIGN AND SUBMITTAL DOCUMENTS HAVE BEEN APPROVED BY THE BUILDING OFFICIAL.

EACH TRUSS SHALL BE LEGIBLY STAMPED, MARKED OR OTHERWISE HAVE PERMANENTLY AFFIXED THERETO THE FOLLOWING INFORMATION LOCATION WITHIN 2 FEET OF THE CENTER OF THE SPAN ON THE FACE OF THE BOTTOM CHORD.
A) IDENTITY OF THE COMPANY MANUFACTURING THE TRUSS.
B) TRUSS LOAD
C) SPACING OF THE TRUSSES

DOORS BETWEEN DWELLING AND GARAGE TO BE 1-3/4" SOLID CORE WITH SELF CLOSER.

COMMON WALLS BETWEEN DWELLING AND GARAGE TO BE 5/8" TYPE "X" GYPSUM BOARD CONTINUOUS FROM FLOOR TO ROOF SHEATHING.

ALL NEW GLAZING (FENESTRATIONS) WILL BE INSTALLED WITH A CERTIFYING LABEL ATTACHED, SHOWING THE U-VALUE

THE WATER HEATER REQUIRES A MINIMUM OF 2 STRAPS TO RESIST HORIZONTAL DISPLACEMENT. A MINIMUM OF 22 GAUGE STRAPS WITH 1/2" LAG BOLTS ATTACHED DIRECTLY TO THE FRAMING MUST BE USED (UPC SECTION 510.5)

IN SHOWERS AND TUB/SHOWER COMBINATIONS, CONTROL VALVES MUST BE PRESSURE BALANCED OR THERMOSTATIC MIXING VALVES. UPC SECTION 410.7.

NEW WATER CLOSETS AND ASSOCIATED FLUSHOMETER VALVES, IF ANY SHALL USE NO MORE THAN 1.6 GALLONS PER FLUSH AND SHALL MEET PERFORMANCE STANDARDS ESTABLISHED BY THE AMERICAN NATIONAL STANDARDS INSTITUTE STANDARD A112.19.2M & 6 CODES, SECTION 17921.3(V)

GAS VENTS AND NON-COMBUSTIBLE PIPING IN WALLS, PASSING THROUGH THREE FLOORS OR LESS, SHALL EFFECTIVELY DRAFT STOPPED AT EACH FLOOR OR CEILING. UMC SECTION 713.3.

ALL WEATHER EXPOSED SURFACES SHALL HAVE A WEATHER RESISTIVE BARRIER TO PROTECT THE INTERIOR WALL COVERING AND THAT EXTERIOR OPENINGS SHALL BE FLASHED IN SUCH A MANNER AS TO MAKE THEM WATERPROOF. SECTION 2517.5

[illegible]UAL CONCRETE OR MASONRY PIERS SHALL PROJECT AT LEAST 8" ABOVE EXPOSED GROUND UNLESS THE COLUMNS OR POSTS WHICH [illegible]PORT ARE OF APPROVED WOOD OF NATURAL RESISTANCE TO DECAY OR TREATED WOOD IS USED. SECTION 2517.5

[illegible]R POSTS LOCATED ON CONCRETE OR MASONRY FLOORS OR DECKS EXPOSED TO THE WEATHER OR TO WATER SPLASH OR IN [illegible] AND WHICH SUPPORT PERMANENT STRUCTURES SHALL BE SUPPORTED BY CONCRETE PIERS OR METAL PEDESTALS PROJECTING [illegible] ABOVE FLOOR UNLESS APPROVED WOOD OF NATURAL RESISTANCE TO DECAY OR TREATED WOOD IS USED. SECTION 2517.5

FIRE STOPS ARE TO BE PLACED AT THE FOLLOWING LOCATIONS:
A) IN CONCEALED SPACES OF STUD WALLS AND PARTITIONS, INCLUDING FURRED SPACES, AT THE CEILING AND FLOOR LEVELS AND AT 10' INTERVALS BOTH VERTICAL AND HORIZONTAL
B) AT ALL INTERCONNECTIONS BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES SUCH AS OCCUR AT SOFFITS, DROP CEILINGS AND COVE CEILINGS.
C) IN CONCEALED SPACES OF WRITEN STAIR STRINGERS AT THE TOP, BOTTOM OF THE RUN, AND BETWEEN STUDS ALONG AN INCLINE WITH THE RUN OF STAIRS IF THE WALLS UNDER THE STAIRS ARE UNSHEATHED.
D) IN OPENINGS AROUND VENTS, PIPES, DUCTS, CHIMNEYS, FIREPLACES, AND SIMILAR OPENINGS WHICH AFFORD A PASSAGE FOR FIRE AT CEILING AND FLOOR LEVELS, WITH NON-COMBUSTIBLE MATERIALS.
E) AT OPENINGS BETWEEN ATTIC SPACES AND CHIMNEY CHASES FOR FACTORY BUILT CHIMNEYS.

FIREPLACES WITH GAS LOG LIGHTERS ARE REQUIRED TO HAVE THE FLUE DAMPER FIXED IN THE OPEN POSITION AND FIREPLACES WITH LPG LOG LIGHTERS ARE TO HAVE NO "PILOT" OR "SLIDE" COMBINATIONS. (UMC SECTION 801.1) AND SECTION 304.5)

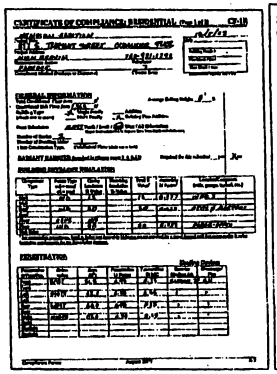
RECEPTACLE OUTLET LOCATIONS WILL COMPLY WITH THE NEC. SECTION 210.52(a).

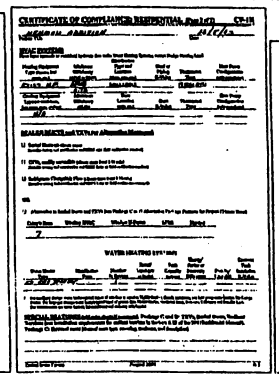
BATHROOM RECEPTACLE OUTLETS SHALL BE SUPPLIED BY A MINIMUM OF ONE 20 AMP BRANCH CIRCUIT. SUCH CIRCUITS SHALL HAVE NO OTHER OUTLETS. THIS CIRCUIT MAY SERVE MORE THAN ONE BATHROOM. NEC ART. SECTION 210-52(d).

THE RETURN AIR PLENUM SERVING THE MECHANICAL EQUIPMENT MUST BE FULLY DUCTED FROM THE EQUIPMENT TO THE CONDITIONED SPACE. DROP CEILINGS/WALL CAVITIES AND EQUIPMENT PLATFORMS MAY NOT BE USED AS PLENUMS

THE MANUFACTURED WINDOWS SHALL HAVE A LABEL ATTACHED CERTIFIED BY THE NATIONAL FENESTRATION RATING COUNCIL (NFRC) AND SHOWING COMPLIANCE WITH THE ENERGY CALCULATIONS

MECHANICAL DUCT TAPE USED FOR DUCTING CONNECTIONS SHALL MEET OR EXCEED MINIMUM REQUIREMENTS OF UL181 UL/CR 181B. OR ADDITIONAL ATTACHMENT DEVICES SUCH AS TIE WRAPS OR MASTIC WILL BE REQUIRED FOR INSTALLATION OF MECHANICAL DUCTING.


CERTIFICATE OF COMPLIANCE: RESIDENTIAL (Page 1 of 2) CF-1R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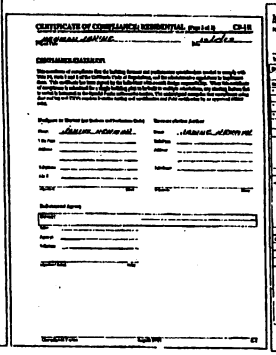
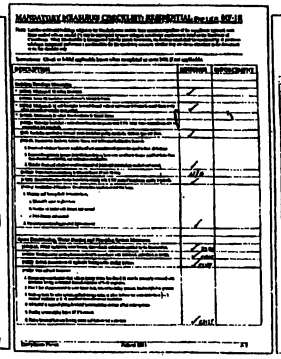
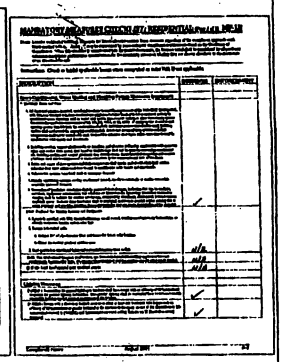

CERTIFICATE OF COMPLIANCE: RESIDENTIAL (Page 1 of 2) CF-1R


MANDATORY MEASURES CHECKLIST: RESIDENTIAL (Page 1 of 2) MF-1R


MANDATORY MEASURES CHECKLIST: RESIDENTIAL (Page 2 of 2) MF-1R

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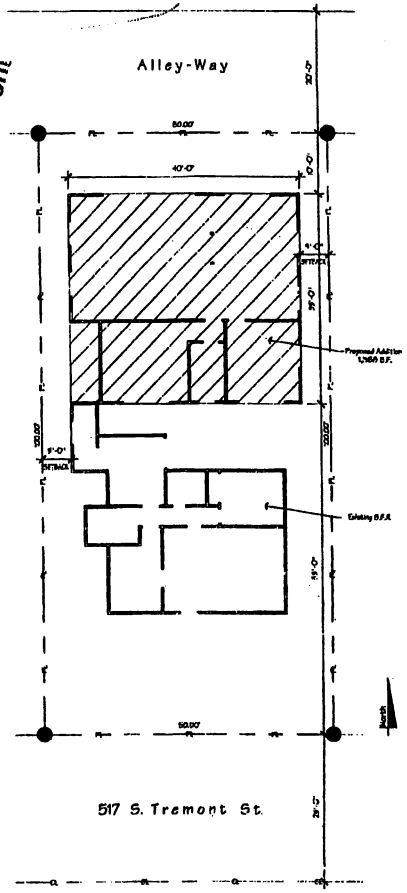
OCT 11 2004
Planning Department



Site Plan (A.P.N. 150-185-12) Scale 1:10

SOILS TYPE: SANDY
ALLOWABLE BEARING VALUE: 1000 PSF

PRIOR TO THE CONTRACTOR REQUESTING A BUILDING DEPARTMENT FOUNDATION INSPECTION, THE SOILS ENGINEER SHALL ADVISE THE BUILDING OFFICIAL IN WRITING THAT:

A) THE EXISTING PAD WAS PREPARED IN ACCORDANCE WITH THE SOILS REPORT

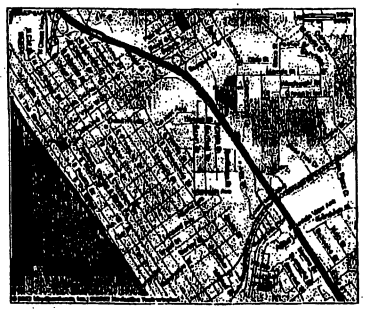
B) THE ENTIRE EXCAVATION HAS BEEN PROPERLY UNCOVERED AND EXCAVATED

C) THE FOUNDATION EXCAVATIONS, THE SOIL'S EXPANSIVE CHARACTERISTICS AND BEARING CAPACITY CONFORM TO THE SOILS REPORT

THESE PLANS AND ALL WORK SHALL COMPLY WITH THE CALIFORNIA BUILDING STANDARDS CODE FOUND IN THE STATE OF CALIFORNIA TITLE 24 CCR AS AMENDED AND ADOPTED BY THE COUNTY OF SAN DIEGO. TO INCLUDE THE 1997 UBC, UMC AND UPC AND THE 1999 NEC

THE INSPECTOR WILL RECHECK FOR EXPANSIVE SOILS AND/OR CRACKING REQUIREMENTS AT THE FIRST FOUNDATION INSPECTION.

THIS PROJECT SHALL COMPLY WITH THE 2001 EDITION OF THE CALIFORNIA BUILDING CODE (TITLE 24), WHICH ADOPTS THE 1997 UBC, 2000 UMC, 2000 UPC AND THE 1999 NEC.



Vicinity Map No Scale

Legal

Owner:	Mary J. Webb c/o Janine Newman
A.P.N.	150-185-12-00
Address:	517 S. Tremont
Exist'g House:	Sq. Ft.
Garage:	1331 Sq. Ft.
1st Floor Addition:	48 Sq. Ft.
2nd Floor Addition:	1320 Sq. Ft.
Exterior Patio:	80 Sq. Ft.
Interior Deck:	149 Sq. Ft.
Exterior Deck:	531 Sq. Ft.
Covered Stairs:	46 Sq. Ft.

SPECIAL INSPECTION PROGRAM

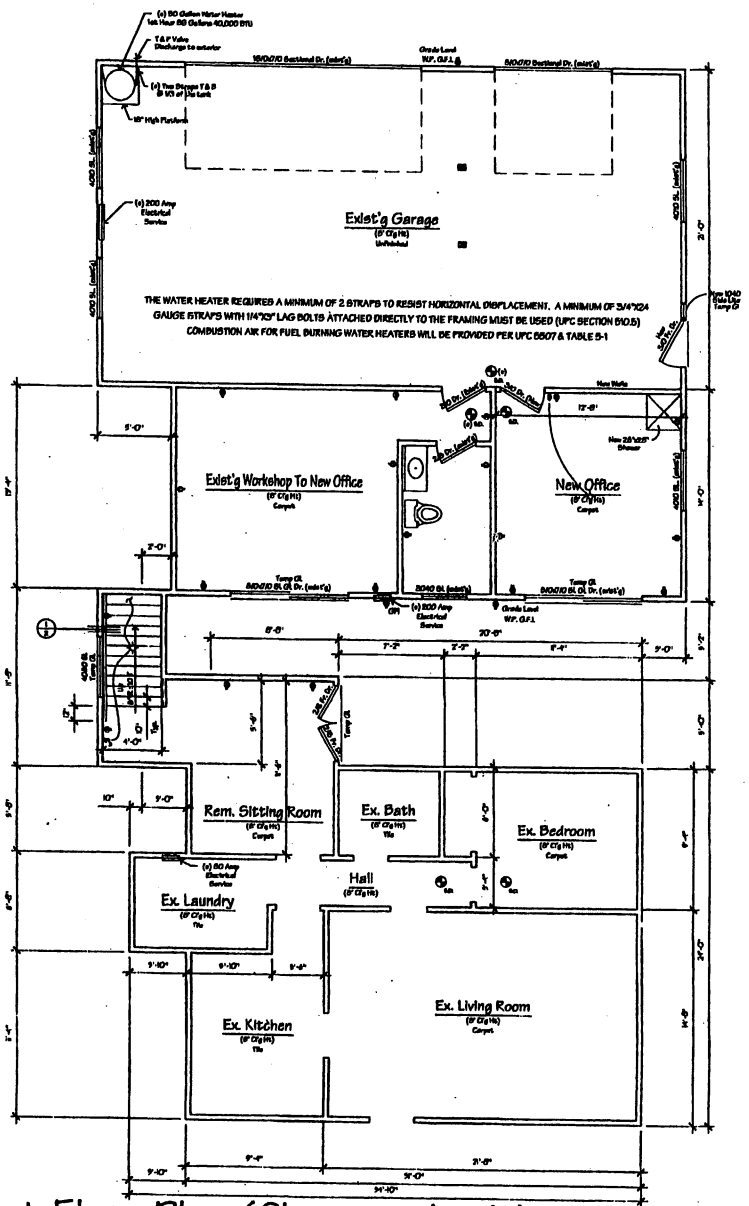
1. EPOXY ANCHOR BOLTS TO EXISTING FOUNDATION WITH SIMPSON SET EPOXY. ICBO #ER-5719. INSPECTIONS BY SERVIN ENGINEERING.
2. EPOXY HOLDOWN ANCHORS TO EXISTING FOUNDATION WITH SIMPSON SET EPOXY, ICBO #ER-5719. INSPECTIONS BY SERVIN ENGINEERING.
3. SPECIAL INSPECTION TO BE REGISTERED WITH OCEANSIDE BLDG. DEPARTMENT

Brian C. Nagle
Brian C. Nagle Design
Building Designs
Residential Designs
Phone 760-945-9551
Fax 760-758-1445
Email brian@nagledesign.com
Date
Check Nagle Design Website for updated Building Codes, Forms, Handouts and Tips
Brian C. Nagle

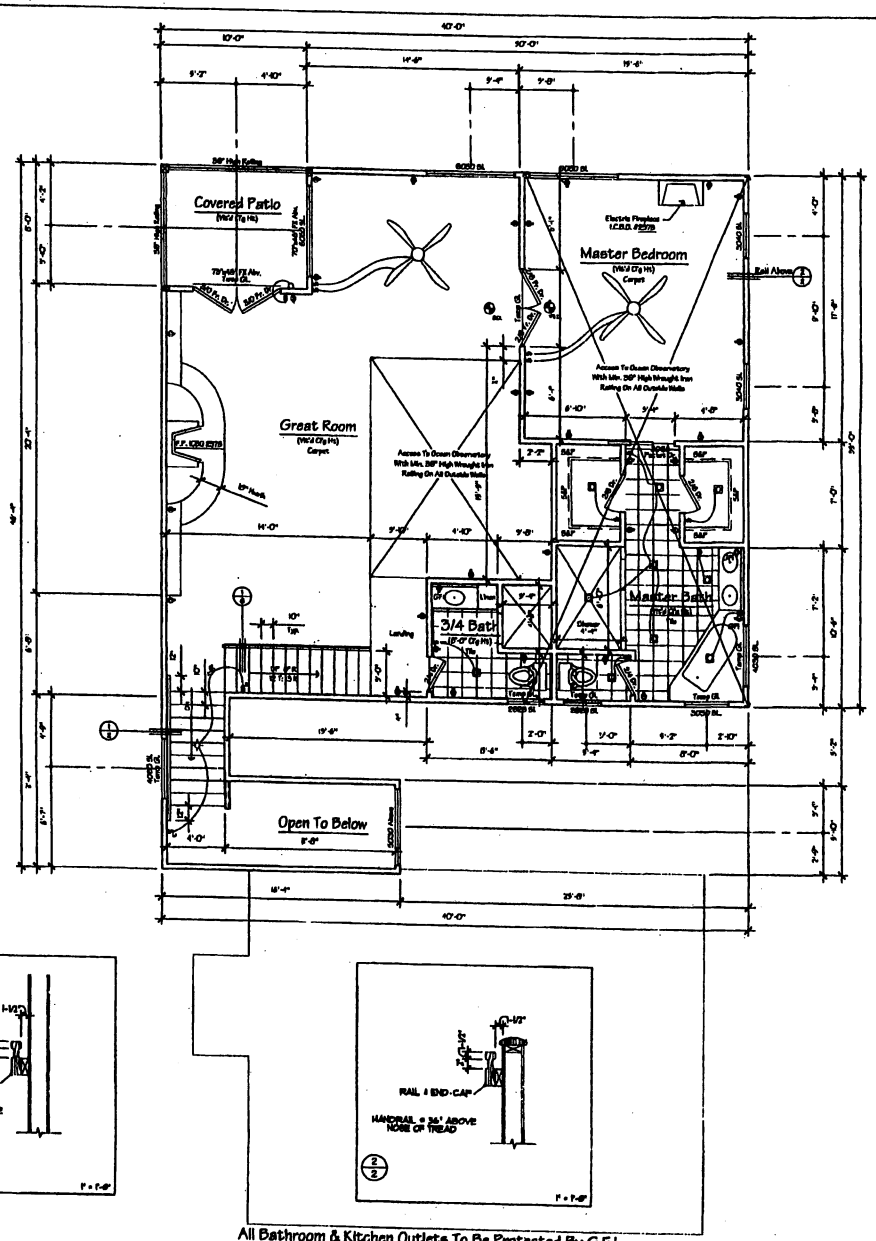
PROJECT:
Newman, Janine
517 Tremont St
Oceanside, Ca 92054

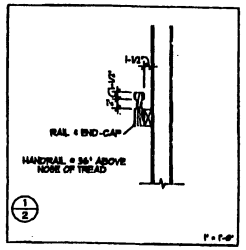
DATE	Dec. 11, 2003
FILE	
DRAWN BY	BCN
JOB	150-185-12-00
SHEET	1
OF	6 SHEETS

Note:
Combustion air for fuel burning water heaters will be provided in accordance with UPC Section 507 and Table 5-1.



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





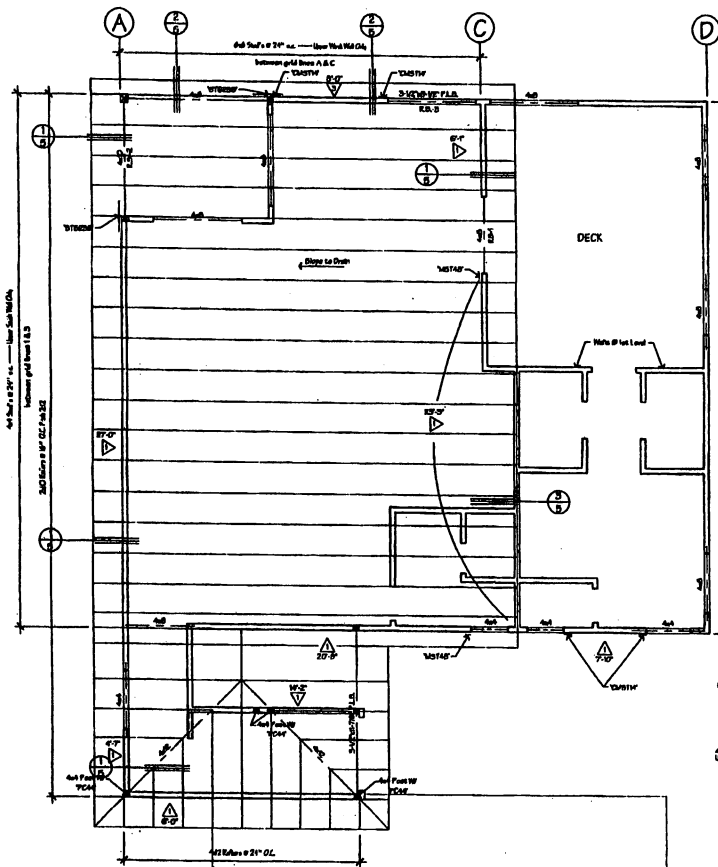
All Bathroom & Kitchen Outlets To Be Protected By G.F.I.
All Bedroom & Office Outlets To Be Protected By A.F.C.I
All 125-Volt Single-Phase, 15- & 20- Ampere Receptacles Installed In Bathrooms, Garages & Outdoors
All Elements Including Walls/Beams/Columns Suporting Floor Joists, Must Have One-Hour Fire Resistive Protection on The Garage Side

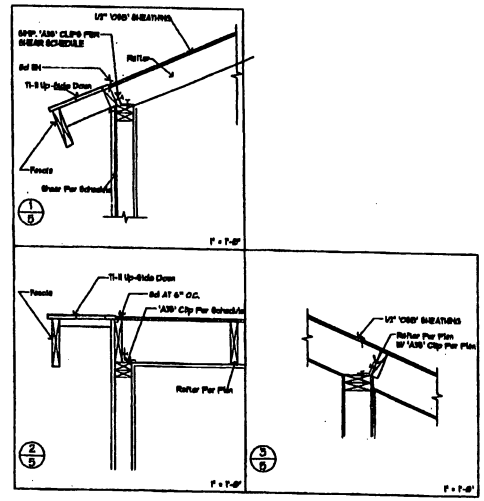
Second Floor Plan (All New Constr.) 1/4" = 1'-0"

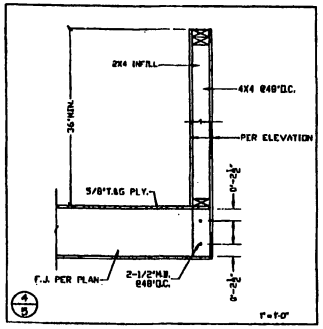
Brian C. Nagle
Brian C. Nagle Design

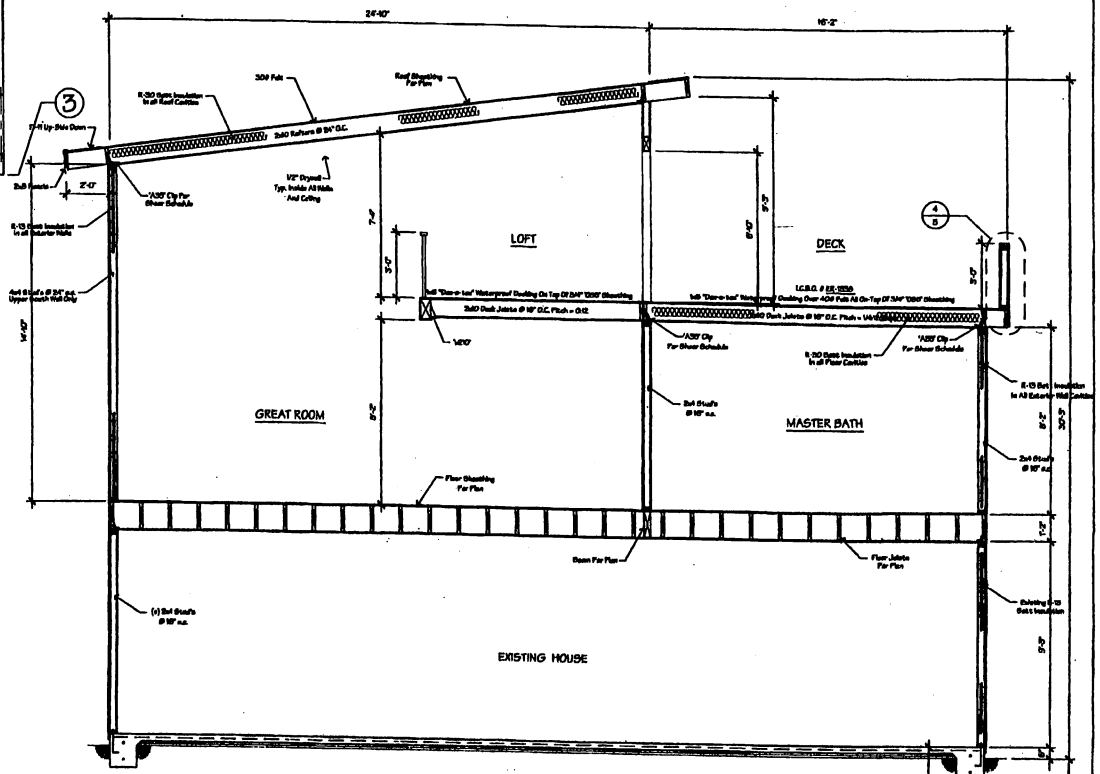
PROJECT:
Newman, Janine
517 Tremont St.
Oceanside, Ca 92054

DATE	Dec. 11, 2003
FILE	
DRAWN BY	BCN
JOB	150-185-12-00
SHEET	2 OF 6 SHEETS







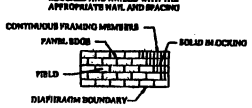


DIAPHRAGM REQUIREMENTS

ROOF DIAPHRAGM
- 1/2" 'OSB' (24/16) SHEATHING
- 8d @ 6" oc BOUNDARY NAILING (BN)
- 8d @ 6" oc PANEL EDGE NAILING (EN)
- 8d @ 12" oc FIELD NAILING (FN)

FLOOR DIAPHRAGM
- 1/2" 'OSB' (24/16) SHEATHING
- 8d @ 6" oc BOUNDARY NAILING (BN)
- 8d @ 6" oc PANEL EDGE NAILING (EN)
- 8d @ 12" oc FIELD NAILING (FN)

NOTE:
ALL PANEL EDGES TO BE SOLID BLOCKED AND NAILED WITH THE APPROPRIATE NAIL AND SPACING



SHEAR WALL SCHEDULE–SINGLE SIDED SHEATHING

SHEAR WALL MARK	MATERIAL PLY OR OSB	BOUNDARY NAILING (BN) Inches oc	ANCHOR BOLTS 3/8" x 10" Inches oc	SOLE PLATE NAILING (EN) Inches oc	BLOCKABLE A35 CLIPS Inches oc	ALLOWABLE SHEAR (pf)
1	3/8" STD	8d @ 6	48	16d @ 6	24	220
2	3/8" STD	8d @ 6	36	16d @ 6	20	280
3	3/8" STD	8d @ 6	33	16d @ 6	16	320
4	3/8" STD	8d @ 6	24	16d @ 6	14	370
5	3/8" STD	8d @ 3	22	16d @ 3	12	430
6	3/8" STD	8d @ 3	16	16d @ 3	8	640
7	3/8" STRUCTURAL I	8d @ 3	14	(4) 16d @ 6	6	720
8	3/8" STRUCTURAL I	8d @ 3	12	(4) 16d @ 6	6	870

NOTES:
- A FIELD NAILING (FN) TO BE AT 12" oc, MINIMUM
- B A35 INDICATES 'SIMPSON' A35 OR A35F FRAMING ANCHOR, OR EQUIVALENT
- C ALL BOLTS, STRAPS AND HOLDOWN ANCHORS SHALL BE SET PRIOR TO POURING OF CONCRETE OR FOUNDATION INSPECTION
- D FOR SHEARWALLS 'I' THRU 8' USE 3x STUDS AND PLATES TO AVOID WOOD SPLITTING
- E COMPOSITE PARTICLE BOARD PANELS MAY BE SUBSTITUTED GRADE 2x4W
- F PROVIDE 1"x1"x3/16" PLATE WASHERS AT EACH BOLT, EMBED BOLTS A MINIMUM OF 7" INTO CONCRETE

Roof Framing Plan 1/4" = 1'-0"

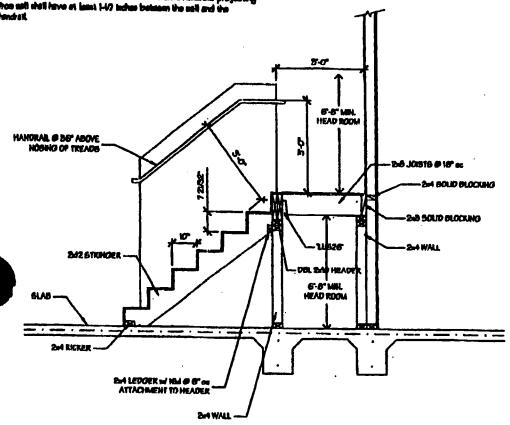
Section A-5 3/8" = 1'-0"

Brian C. Nagle
Brian C. Nagle Design

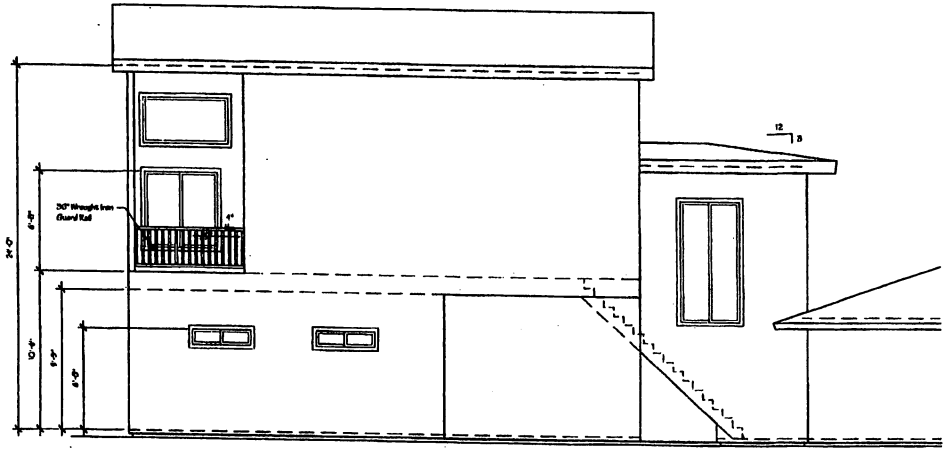
PROJECT:
Newman, Jarine
517 Tremont St
Oceanside, Ca 92056

DATE	Dec. 11, 2003
FILE	
DRAWN BY	BCN
JOB	150-188-12-00
SHEET	5
OF	6 SHEETS

Note:
The handgrip portion of all handrails shall be not less than 1-1/4 inches nor more than 2 inches in cross-sectional dimension. Handrails projecting from walls shall have at least 1-1/2 inches between the wall and the handrail.

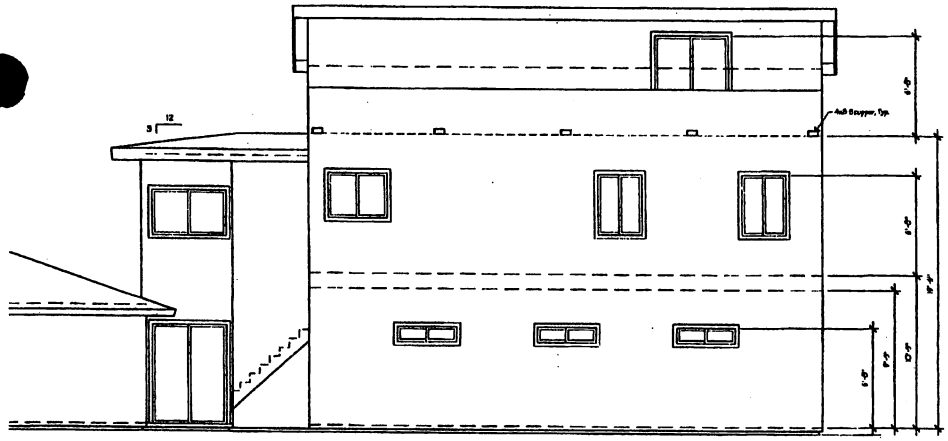


Stair Section 1

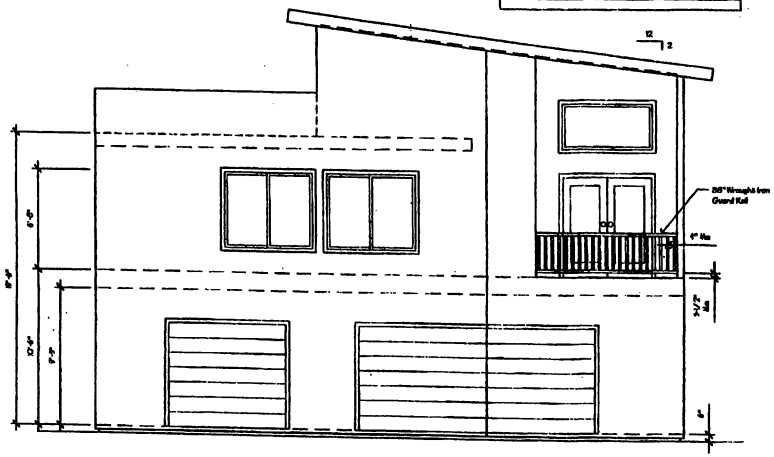


Left Side Elevation 1/4" = 1'-0"

Ventilation Schedule	
Area -- Total Or Additional	0.00 Sq.
Vents Needed -- Roof/Gable (Area /300)	0.00 Sq.
Vents Needed -- Under Eaves (Area /150)	0.00 Sq.
Vents Used	0.00 Sq.
Notes:	
No Attic Space To Vent.	



Right Side Elevation 1/4" = 1'-0"



Rear Elevation 1/4" = 1'-0"

Brian C. Nagle
Brian C. Nagle Design

PROJECT:
Newman, Janine
517 Tremont St
Oceanside, Ca 92054

DATE	Dec. 11, 2003
FILE	
DRAWN BY	BCN
JOB	150-186-12-00
SHEET	6
OF	6 SHEETS

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE DENYING THE APPEAL OF PLANNING COMMISSION RESOLUTION NO. 2008-P35 AND DENYING VARIANCE (V-7-07) AND REGULAR COASTAL PERMIT (RC-1-08) FOR EXCEEDING THE MAXIMUM 27-FOOT HEIGHT LIMITATION FOR RESIDENCES WITHIN A RESIDENTIAL ZONE LOCATED AT 517 SOUTH TREMONT STREET

(Jeanine Newman - Applicant)
(Jeanine Newman - Appellant)

WHEREAS, an application was filed for a Variance (V-7-07) and Regular Coastal Permit (RC-1-08) for exceeding the 27-foot height limitation for a residence located at 517 South Tremont Street, which such real property is more particularly described in EXHIBIT "A", attached hereto and incorporated herein by reference;

WHEREAS, on May 19, 2008 the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, adopted Resolution No. 2008-P35, denying said Variance;

WHEREAS, on May 23, 2008, an appeal was timely filed by Jeanine Newman of the Planning Commission decision with the City Clerk of the City of Oceanside;

WHEREAS, on August 13, 2008, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered evidence and testimony by all interested parties concerning the appeal of the denial of the above identified Variance and Regular Coastal Permit; and

WHEREAS, based on such evidence and testimony, this Council finds that the decision of the Planning Commission adequately and properly addresses concerns raised by the appellants;

NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as follows:

The appeal of Planning Commission Resolution No. 2008-P35 is denied based upon review of the entire record, including the public testimony provided at the Planning Commission

and the City Council public hearings and all records in the file.

1. There are no special circumstances or conditions applicable to the development site, including size, shape, topography, location and surroundings that warrant the granting of a variance for an approximately 30-foot high residential structure that exceeds the maximum 27-foot height limit for residential structures in the Townsite Neighborhood as stipulated in the development standards of the Zoning Ordinance. The strict application of the height requirements of the Zoning Ordinance would not deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

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

For the Regular Coastal Permit:

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

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

Further, denial of the requested Variance would not deprive the appellant's property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. The appellant has failed to state a case under the above standards to warrant a Variance and the

arguments in the applicant's appeal filed on May 23, 2008 are generally based upon the public testimony presented at the Planning Commission and do not address the incompatibility of the height with the surrounding residential neighborhood.

1. The appeal of the Planning Commission decision is hereby denied.

2. The Variance and Regular Coastal Permit are denied as set forth in Planning Commission Resolution No. 2008-P35 incorporated herein by this reference.

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

PASSED and ADOPTED by the City Council of the City of Oceanside, California this day _____ of _____, 2008 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

Mayor of the City of Oceanside

ATTEST:

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

_____

City Clerk

City Attorney

File No: 03405927

EXHIBIT "A"

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

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

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

RECEIVED
OCT 11 2004
Planning Department

ATTACHMENT 3

PLANNING COMMISSION
RESOLUTION NO. 2008-P35

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

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

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

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

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

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

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

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

FINDINGS:

For denying the Variance:

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

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

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

For the Regular Coastal Permit:

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

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

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

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

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

AYES: Martinek, Parker, Neal, Troisi, Bertheaud and Rosales

NAYS: Balma

ABSENT: None

ABSTAIN: None

Dennis Martinek, Chairman
Oceanside Planning Commission

ATTEST:

Jerry Hittleman, Secretary

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

Dated: May 19, 2008

ATTACHMENT 4

PLANNING COMMISSION

STAFF REPORT

DATE: May 19, 2008

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

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

RECOMMENDATION

Staff recommends that the Planning Commission, by motion:

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

PROJECT DESCRIPTION AND BACKGROUND

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

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

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

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

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

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

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

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

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

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

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

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

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

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

A. Land Use Element

Goal 1.32: Coastal Zone
Objective: To provide for the conservation of the City's coastal resources and fulfill the requirements of the California Coastal Act of 1976.
Policy A: The City shall utilize the certified Local Coastal Plan and supporting documentation for review of all proposed projects within the Coastal Zone. Specifically, the goals and policies of the Local Coastal Program Land Use Plan shall be the guiding policy review document.

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

2. Zoning Compliance

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

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

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

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

3. Land Use Compatibility with surrounding developments

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

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

4. Local Coastal Program compliance

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

Section VI: Visual Resources and Special Communities
Objective: The City shall, through its land use and public works decisions, seek to protect, enhance, and restore visual quality of urban environment.
Policy 8: The City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood.
Policy 11: The City shall encourage variety, creativity, and site-responsive design for all new development.

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

DISCUSSION

Issue: Land Use Consistency with Findings for Granting Variance.

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

1. That because of special circumstances or conditions applicable to the development site, including size, shape, topography, location or surroundings strict application of the requirements of the Zoning Ordinance deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

2. That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.

3. That granting the application is consistent with the purposes of the Zoning Ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.

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

ENVIRONMENTAL DETERMINATION

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

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. As of May 12, 2008, no communication supporting or opposing the request has been received.

SUMMARY

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

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

PREPARED BY:

Scott Nightingale
Planner II

SUBMITTED BY:

Jerry Hittleman
City Planner

REVIEWED BY:
Richard Greenbauer, Senior Planner

JH/SN/fil

Attachment:

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

J. Hillerman
M. Blessing
B. Wayne

ATTACHMENT 5

Approved 6-1
2008-P35
5/19/08

ACCEPTANCE OF APPEAL

(OFFICE USE ONLY)

RECEIVED
MAY 2 3 2008
CITY CLERK OFFICE

RECEIVED
MAY 2 3 2008
Planning Department

Appeal of: Newman Resipence Variance

Date of Final Action: 5-19-08 Date Filed: 5-23-08

Form of Appeal: $820 Appeal Fee _____ Petition ✓

Person Submitting Appeal: Jeanine Newman-Reynolds

Company/Developer Representative, Company Name: _____

Name of Person who Prepared the Appeal: Jeanine Newman-Reynolds

Name of Spokesperson for the Appeal: Jeanine Newman-Reynolds

Address: 517 S. Tremont ST, Oceanside, Ca 92054

Phone Number: (760) 967-7764

E-mail and/or Fax: Jeaninenewmen@SBCGlobal.net

Appeals must be filed within 10 days of the date of final action. **Section 4604**: To appeal by petition for a waiver of the appeal fee, the appeal must be accompanied by the signatures of 50% of the property owners within the noticed area or 25 signatures of the property owners or tenants within the noticed area, whichever is less.

I hereby certify that this appeal is being submitted in accordance with the Zoning Ordinance and meets the criteria specified in Section 4604 for an appeal by petition.

Signature: _____ Date: 5-22-08

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

JEANINE NEWMAN Applicant	)	CASE NO. V-7-07
City of Oceanside City Planning Commission	)	APPEAL RE: VARIANCE FOR HEIGHT INCREASE ON NEWMAN ADDITION

By right of appeal by Section 4601:

I, JEANINE NEWMAN, applicant, hereby appeal the Variance decision made by the Planning Commission board on Monday May 19, 2008 on the above entitled case for reasons as follows:

REASONS FOR APPEAL

(1) All but one of The Planning Commission board members failed to acknowledge applicant's facts supporting her reasons for this Variance to be approved;

(2) One of the Planning Commission board members strongly stated his personal feelings against the applicant prior to the applicant being given the chance to state her case, thereby robbing the applicant of a fair hearing;

(3) Applicant set forth, and satisfied required elements for the approval of the Variance, such as:

a) Precedence:
Approving this Variance will not set a precedence for the fact that the structure is in compliance with the 27' height allowance, except for a portion of the roof, which does not exceed 10% of the footprint of the property as allowed by Code 3018 "Exception to Height Limits";

The area where property is located is already surrounded by structures that are above the 27' height. Therefore this would not create precedence problem;

Each Variance is based on it's own merits. if compared to this Variance would present a problem for others to use as a precedence for building higher, since the structure is only higher in one area. Again comparable to the allowance for "Towers" as allowed by Code 3018;

b) Detrimental or injurious to property improvement:

Due to the fact that the home is located in an area that has structures with all different codes and uses, most of the structures are already higher (much higher), Therefore the extra high is not injurious to any property or owner in this area;

Due to the fact that the home was re-modeled with the existing home (one story) left. The home now fits in with the older homes; the new structures coming in the future, apartments and business properties of the area;

As shown by the attached 25+ signatures of support from owners, residences, and business properties in the area, People are not effected by the extra height on this home and are in support of this Variance;

The property is an asset to this area, not a detriment.

c) Special Circumstances:

Due to fact that the home is surrounded by many different heights, codes and uses of property which creates a Special Circumstance, whereas this property should be allowed to exceed the height;

Denying this owner the Variance would result in losing access to the deck and loft of the home, thereby depriving the owners of the right to a ocean view ,or Scenery loft as others in the area are allowed to have;

d) Consistent with Zoning Ordinance:

This home is as consistent with the zoning ordinance as any home could be, taking into consideration the mixed allowance of codes in this area. There are many different structures and applicable codes surrounding this home;

Noted by the Planning Department: the home is consistent with color, style and overall appearance with the surrounding area. This home does not stand out or create a eye-sore for this area.

e) Special Privilege:

Granting this Variance would not create a special privilege for this owner, as most other properties surrounding this property already have a special privilege over this home in terms of height and visual access to a view of the ocean;

Denying this Variance will create a special privilege to other property owners over this owner;

This property is not (and will not have the ability in the future) to block anyone's view, or deprive anyone of any privilege by whatever is built. Due to the fact that in front of the property the properties have higher height codes than 27' already.

Even thought all of the above was presented in the hearing, The Planning Commission still denied the Applicant's request for a Variance.

4) Applicant set forth the fact that the portion of the roof on this property exceeding the height of 27' is already demonstrated and allowed by other properties in the area, with the use of Towers, and Scenery Lofts (Per Codes 3018: "Exception to Height Limit"). These facts were ignored by the Planning Dept. and again by The Commission Board. Thereby depriving Applicant of the same exception given to other properties in the area.

Despite, the reason that this Variance became necessary or whom is to blame, a Variance is the best solution for this home. Therefore the Applicant is requesting the Variance decision to be based on the facts, and not on the fact that the Applicant made the mistake of saying things to people in the City to make them mad.

THEREFORE, the Applicant hereby respectfully request the City Council to hear her case, consider her facts, and finally approve her Variance.

By right of Section 4604: Applicant shall submit this Appeal without any fee, due to the fact that her filing will be accompanied by signatures of 25 owners or residences in the area of the property.

Dated: 5/22/08

JEANINE NEWMAN, APPLICANT

Newman Addition

517 S. Tremont St.
Oceanside, CA 92054

RE: Variance for Height
V-7-07

5/21/08

TO THE CITY OF OCEANSIDE
PLANNING DEPT. AND CITY COUNCIL

We, are neighbors, or owners of property near 517 S. Tremont St. We are aware that the addition located at 517 S. Tremont St. is presently 3 feet higher on a portion of the roof line than the code allows. We believe a Variance should be approved as the height on the home is not detrimental, or injurious to the vicinity. This home fits in well with the new and old structures of the neighborhood, and does not block anyone's view. We believe the City is being unreasonable to this owner if they deny their request for a variance.

We, the undersigned support the approval of the above Variance by our signatures below:

1 Name: ANNA ZIERA
Address: 529 S. TREMONT ST., OCEANSIDE, CA 92054
Dated: 05-21-2008
Signature

2 Name: YAROSLAW PODOLSKI
Address: 1037 S. TREMONT ST #16
Dated: 5-21-08 [signature]
Signature

3 Name: Chris Olszewski
Address: 253 S. Tremont
Dated: 5-21-08 [signature]
Signature

4 Name: [signature]
Address: 602 S. Tremont St
Dated: 5-21-08 [signature]
Signature

5 Name: Joe Smith
Address: 4845 Yuma Ave
Dated: 5/21/08 [signature]
Signature

6 Name: TRAVIS DURKEE
Address: 403 WISCONSIN STE A
Dated: 5-21-08 [signature]
Signature

7 Name: Thomas Yeossley
Address: 314 Wisconsin Suit A
Dated: 5/21/08 [signature]
Signature

8 Name: Nicola Cinco
Address: 621 S. Tremont St.
Dated: 5/21/08 Nicola D. Cinco
Signature

9 Name: Abraham Pelton
Address: 621 S. Tremont St.
Dated: 5/21/08 Abe Pelton
Signature

10 Name: DAVID CASTRO
Address: 307 MISSOURI
Dated: 5/21/08
Signature

11 Name: Romeo Kiss
Address: 406 So. Cleveland St
Dated: 5-21-08
Signature

12 Name: Thomas A. Charbonneau
Address: 421 S. Tremont ST
Dated: 5/21/08
Signature 760-802-1940

13 Name: JUDY Wade
Address: 431 S. Tremont
Dated: 5-21-08 Judy Wade
Signature

14 Name: RAY BERNARD
Address: 501 S. COAST HWY OCEANSIDE CA 92054
Dated: 5/21/08
Signature

15 Name: Dick Price
Address: 604 S. Freeman st
Dated: 5/21/08 Dick Price
Signature

16 Name: Dan Cullaway
Address: 524 S. Co. Hy Oside
Dated: 5-21-08
Signature

17 Name: Barbara Uwcanwich
Address: 618 S. Coast Hwy
Dated: 5/20/08
Signature

18 Name: CARLOS HENRIQUE F. CAVALCANTE
Address: 624 S COAST HWY
Dated: 5-21-08
Signature

19 Name: Ray RaBan
Address: 202 Wisconsin ave Oceanside CA
Dated: 5-21-08
Signature

20 Name: MARY Molennicall
Address: 205 Wisconsin
Dated: 5-21-08
Signature

21 Name: ALAN SARLTON
Address: 619 S. CLEVELAND
Dated: 5/21/08
Signature

22 Name: Justine Shelton
Address: 619 S Cleveland St.
Dated: 5/21/08 Justine Shelton
Signature

23 Name: Courtney Bagwell
Address: 620 S. Cleveland St.
Dated: 5-21-08 Courtney Bagwell
Signature

24 Name: Charles Perkins
Address: 625 S. Cleveland 92049
Dated: 05-22-08 Charles Perkins
Signature

25 Name: Babette Aguilera (Aguilera)
Address: 4027 Verde Dr. Oside
Dated: 5/22/08
Signature Babette Aguilera

26 Name: Eddies Automotive
Address: 510 S. Tremont St. O'side 92054
Dated: 5-22-08 Eddie Gomez Jr.
Signature

27 Name: Linda Gomez
Address: 1404 San Simeon
Dated: 5-22-08 Linda Gomez
Signature

28 Name: Nicole Mount
Address: 4027 Verde Dr.
Dated: 5/22/08 Nicole Mount
Signature

29 Name: Rena Wallenius Rena Wallenius
Address: 1236 S. Pacific #5 AND
Dated: 5/22/08 215 S. Coast Hwy #205
Signature Rena Wallenius