

# AGENDA NO. 3

**PLANNING COMMISSION**



**STAFF REPORT**

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DATE: August 24, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

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

## **RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 3 Categorical Exemption for New Construction or Conversion of Small Structures, pursuant to Section 15303(b) of the California Environmental Quality Act (CEQA).
- (2) Adopt Planning Commission Resolution No. 2009-P44 approving Regular Coastal Permit (RC-12-08) with findings and conditions of approval attached herein.

## **PROJECT DESCRIPTION AND BACKGROUND**

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

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

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

**Project Description:** The project application is comprised of a Regular Coastal Permit.

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

- (a) Extending two existing balconies to the west four feet-five inches while maintaining compliance with the established stringline, and the enclosed portions of the balconies are within the three-foot height restriction.
- (b) Converting the two existing one-car garages into a two-car garage and replacement of the existing gates that swing into the right-of-way with a roll-up door.
- (c) The addition of 44 square feet of living area.
- (d) Remove and replace all windows and some doors.
- (e) Internal changes to re-configure the kitchen and living room layouts.
- (f) Restructuring the roof and adding skylights.

The project site is 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.

No new bedrooms are proposed. No on-street public parking spaces will be lost as a result of this project.

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

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

## **ANALYSIS**

### **KEY PLANNING ISSUES**

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

##### Goal 1.23: Architecture

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

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

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

#### **2. Zoning Ordinance Compliance**

The existing structure meets all of the established development regulations of the underlying RT zone except for parking, garage setback, lot width and lot area. The duplex is a legal non-conforming structure. Such projects are reviewed for compatibility with existing and surrounding development, while concurrently addressing applicable public access and public benefits when new development is proposed.

The purpose of the RT District is to provide opportunities for tourist and year-round visitor-serving facilities, including permanent and transient residential and related uses, within the City's Coastal Zone. In the RT District, the density for residential uses is 43.0 dwelling units per gross acre which the project complies with. No new units or bedrooms are proposed.

Table 1 compares the existing structure to local property development regulations pursuant to Article 32, Residential Tourist Zone Property Development Regulations.

Table 1. Development Standards Chart

Requirement	Required	Existing	Proposed
Front	10 feet	4 feet (section 3106 blockface average)	No change
Side	Any combination of 6 feet on a substandard lot	4 feet 10 inches	No change
Side Street	Any combination of 6 feet for a substandard lot	3 feet 4 inches	No change
Minimum rear yard pursuant to 1050(R)	Stringline	Stringline	No change
Height	35 feet	36 feet	No change

The applicant is required to provide a minimum of four off-street parking spaces; two covered and two open. The structure was originally permitted for two units and was approved with two enclosed parking spaces and one car port. Due to the substandard conditions of the lot width, a traditional (side by side) four-car garage would not be feasible. The applicant is not proposing to change the number of bedrooms within the duplex thereby maintaining the intent of the original approval so the required garage space in accordance to the current zoning ordinance does not apply. This is a legal non-conforming structure. The applicant is proposing to remodel the structure to improve the appearance and functionality of the building. The interior of the two units would not be altered to allow for more bedroom space.

### 3. Local Coastal Program Compliance

The proposed project is within the appeal jurisdiction of the Local Coastal Program (LCP) and complies with all provision of this zone. Projects within the Coastal Zone are required to meet the provisions of the adopted Local Coastal Program and the underlying RT zone, and the 1986 City of Oceanside Zoning Code which was in place at the time of the LCP Adoption. Such projects must provide for sensitive development in order to promote and achieve compatibility with surrounding development. The existing and evolving character of the neighborhood within the Coastal Zone and site-specific design elements have been considered at length throughout the design and review of this project.

The proposed extension of two existing balconies will not exceed the three-foot height restriction within the Coastal Zone and a remodel on the interior and exterior of the structure will not be extended past the Stringline. There would be no additional bedrooms constructed within the two-unit structure. The project site is located in the original jurisdiction of the California Coastal Commission. As such, it is designated as High Density on the Land Use Map of the Local Coastal Program (LCP) and it is

situated within the RT District of the LCP Zoning Map. Pursuant to Section III.D.1 of the LCP, the project requires a Regular Coastal Permit from the City of Oceanside because it is a shoreline structure. The project will not result in the loss of any public parking spaces.

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

Article 19 of CEQA identifies Categorical Exemptions, including Class 3 exemptions for minor projects that will not have a significant effect on the environment. This proposal qualifies for a Categorical Exemption under CEQA Guidelines Section 15303(b) because it involves minor construction/additions to an existing multi-family structure that will not adversely affect the site or surrounding area.

#### **DISCUSSION**

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

Recommendation: Many of the residential lots along the shore are narrow and do not provide an accurate amount of off-street parking. The Zoning Ordinance requires that multi-family residential structures have 1.5 spaces, to include covered for studios and one-bedroom units: two parking spaces including one covered for units with two bedrooms or more. This duplex was legally permitted with two enclosed garage spaces and one car port. There will be no addition to the number of units or bedrooms and there will be extensive interior and exterior upgrades to the structure. This will enhance the quality of the neighborhood while maintaining the original intent of the structure. The removal of the gates that swing into the public right-of-way will be a benefit to the public. In addition, this project will not result in the loss of any on street public parking spaces.

#### **ENVIRONMENTAL DETERMINATION**

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

#### **PUBLIC NOTIFICATION**

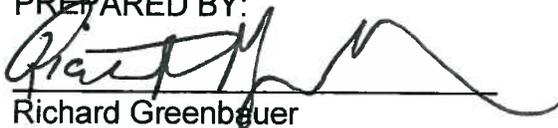
Legal notice was published in the North County Times and notices were sent to residents within a 300-foot radius, and property owners of record within a 100-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant and other interested parties.

**SUMMARY**

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

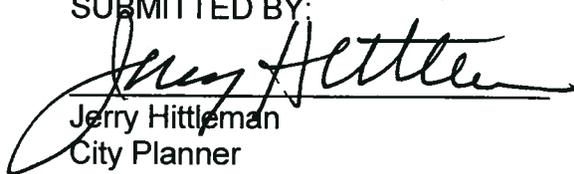
- Move to approve Regular Coastal Permit (RC-12-08) and adopt Planning Commission Resolution No. 2009-P44 as attached.

PREPARED BY:



Richard Greenbauer  
Senior Planner

SUBMITTED BY:

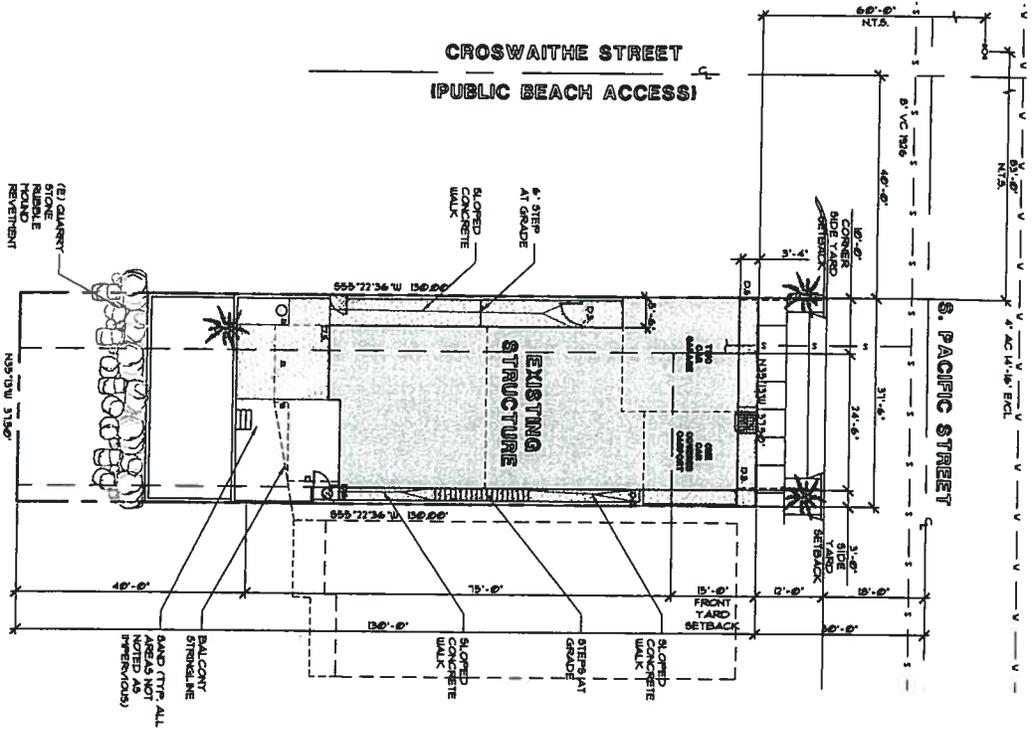


Jerry Hittleman  
City Planner

JH/RG/fil

Attachments:

1. Site Plan/Floor Plan and Elevations
2. Planning Commission Resolution No. 2009-P44



**SITE PLAN**

SCALE: 1" = 10'-0"



**PROJECT DESCRIPTION:**

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

**PROJECT DATA:**

**SITE INFORMATION:**  
 AREA OF SITE: 1.1 ACRES (4875 SQ. FT.)  
 PERCENTAGE OF BLDG. COVERAGE: N/A (0%)  
 GRADING PROPOSED: N/A (0%)  
 EXISTING TREES: 10  
 EXISTING TREES ALLOWED: 35-50

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

**ZONING:** RESIDENTIAL, TOURIST  
 LOCAL COASTAL PROGRAM

**BUILDING INFORMATION:**  
 LOWER FLOOR: 1711 SQ. FT.  
 LOWER UNIT: 1711 SQ. FT.  
 UPPER FLOOR: 1711 SQ. FT.  
 CORNER: 1711 SQ. FT.  
 TOTAL BUILDING AREA: 3,422 SQ. FT.

**PROPOSED ADDITION TO EXISTING FOOTAGE:**  
 LOWER UNIT: 22 SQ. FT.  
 UPPER UNIT: 22 SQ. FT.  
 TOTAL PROPOSED ADDITION: 44 SQ. FT.

**TOTAL PROPOSED SQUARE FOOTAGE OF BUILDING:** 3,466 SQ. FT.

**PARKING:**  
 STALLS REQUIRED: 3 STALLS  
 EXISTING STALLS: 1 STALL  
 (2) CAR GARAGES  
 TOTAL EXISTING STALLS: 3 STALLS

**PROPOSED STALLS:**  
 (1) CAR GARAGE  
 (1) COVERED CARPORT  
 TOTAL PROPOSED STALLS: 3 STALLS

**LEGEND:**

- PROPERTY LINE: - - - - -
- SETBACK LINE: - - - - -
- SEWER LINE: - - - - -
- WATER LINE: - - - - -
- EXISTING FIRE HYDRANT: HO
- EXISTING PLANTING: [Palm tree symbol]
- TYPE/NO. OF SURFACE: [Symbol]

**SHEET SCHEDULE:**

- A-1 SITE PLAN
- A-2 CONTIGUAL SITE PLAN
- A-3 AS-BUILT FLOOR PLANS AND EXT. ELEVATIONS
- A-4 PROPOSED FLOOR PLANS
- A-5 PROPOSED FLOOR PLANS
- A-6 PROPOSED EXTERIOR ELEVATIONS
- A-7 BALCONY STRUKLINE EXHIBIT

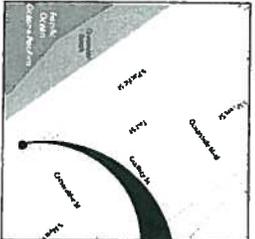
**LEGAL DESCRIPTION:**

LOT 1 IN BLOCK H OF TERRACE ANNEX IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, CALIFORNIA, PARCEL NUMBER 001-001-001-001, TRACT OF 10.844 ACRES IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, CALIFORNIA, TRACT MAP NO. 100,000, HEREBY OPENED AND LOTS 1 AND 2 BELOW THE MEAN HIGH LINE OF THE PACIFIC OCEAN.

**PROJECT ADDRESS:**

1301 S. PACIFIC STREET  
 OCEANSIDE, CA 92051  
 APN: 05-142-001

**LOCATION MAP:**



**CLIENT/APPLICANT:**

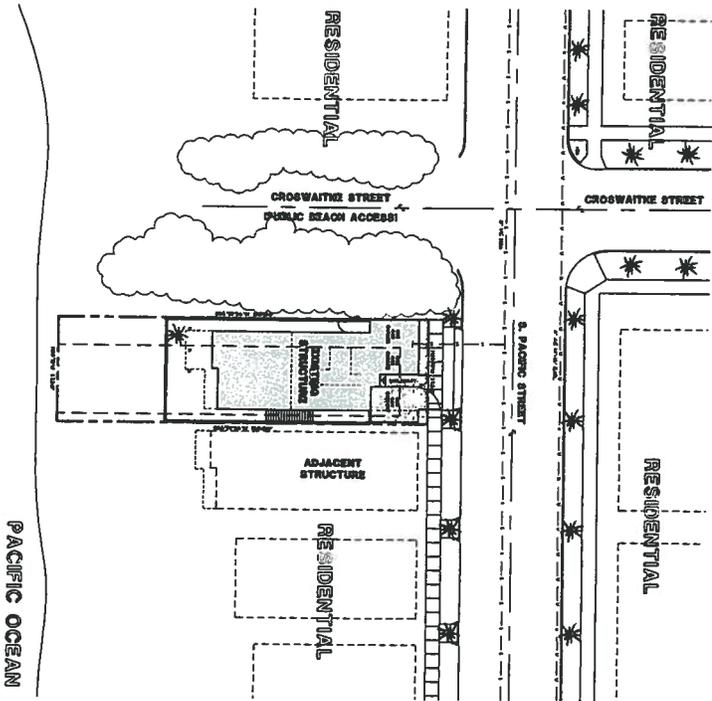
CANDY DILLON  
 1300 DESEA BAY DRIVE  
 CORONA DEL MAR, CA 92626

**ARCHITECT:**

4 DESIGN ARCHITECTURE & PLANNING  
 KENNETH L. CHERRY, ARCHITECT  
 ALLISON PARKER, PROJECT MGR.  
 2200 W. 17TH STREET  
 OCEANSIDE, CA 92054  
 PHONE: (760) 433-1180  
 FAX: (760) 433-2180

**SITE PLAN**

A-1  
 00-030A



**CONTEXTUAL SITE PLAN**

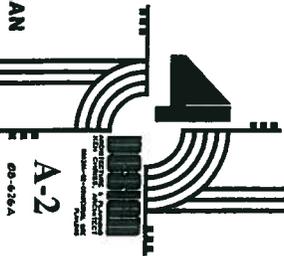


RESERVE NORTH

SCALE: 1" = 40'-0"

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

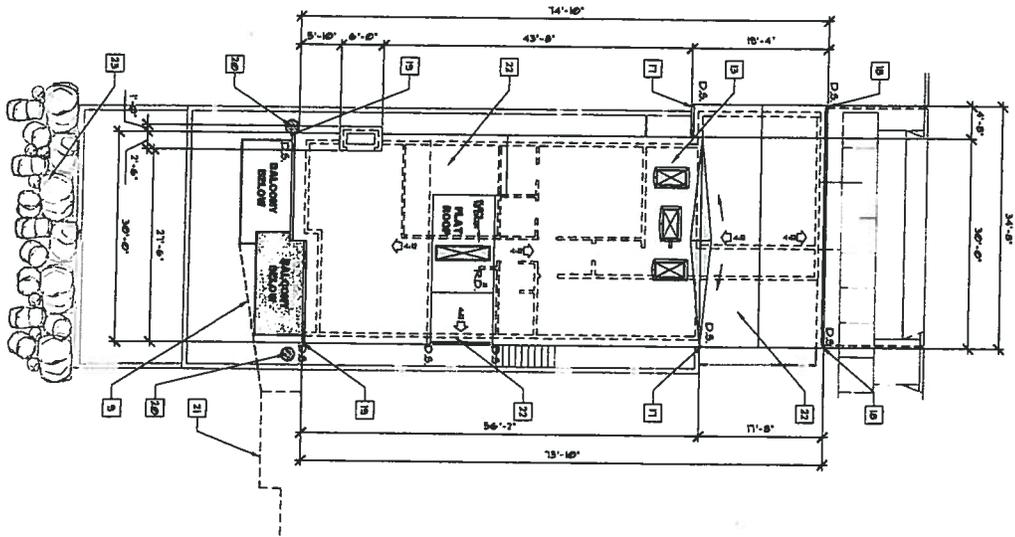
CONTEXTUAL SITE PLAN



A-2

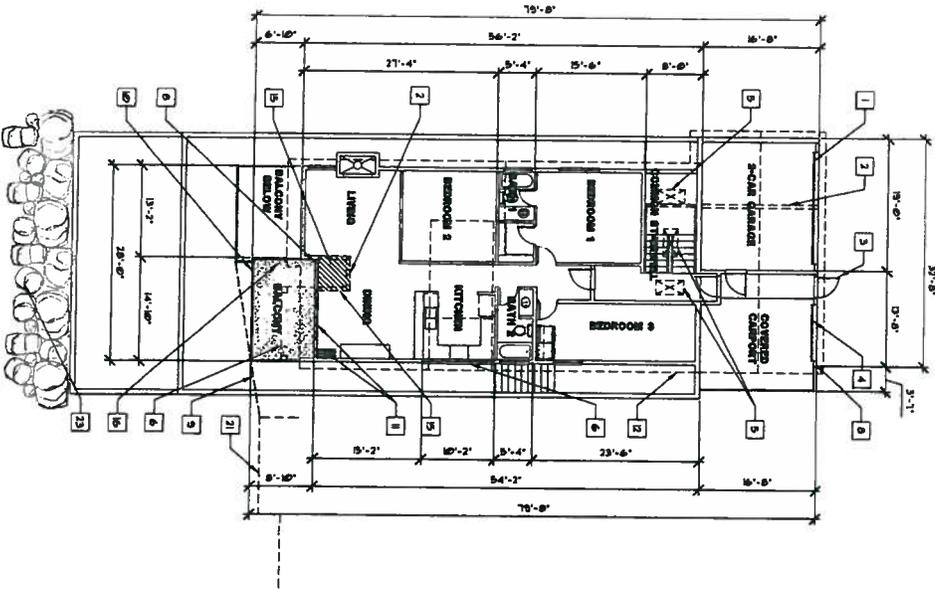
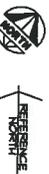
09-026A





ROOF / DECK AREA PLAN

**FLOOR PLANS - PROPOSED**

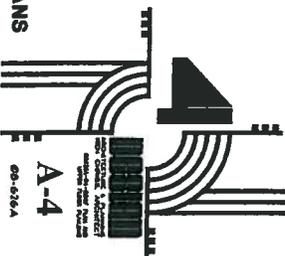


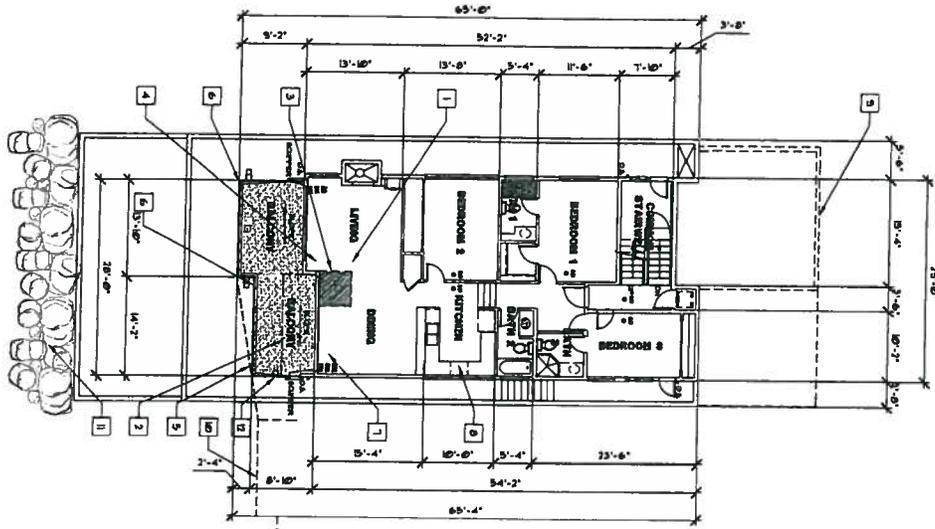
UPPER FLOOR PLAN

**PLAN NOTES:**

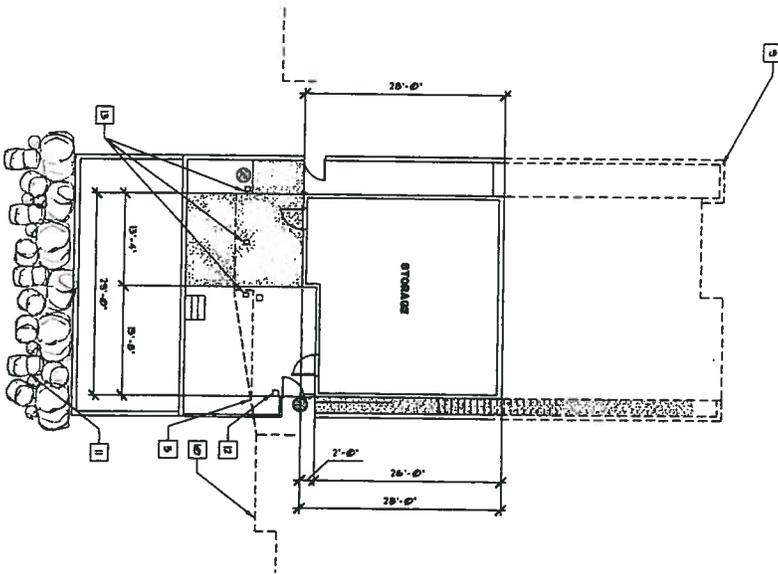
1. (N) 8'-0" GARAGE DOOR
2. (E) WALLS TO BE REMOVED
3. REPLACE (E) ENTRY GATE
4. (N) 8'-0" GARAGE DOOR IN (N) FRAMED WALL
5. (N) SKYLIGHT ABOVE
6. LINE OF EXISTING BALCONY TO BE EXTENDED
7. DASHED LINES INDICATE WALLS BELOW
8. (N) EXTERIOR WALL (RINGS TO MATCH EXISTING)
9. BALCONY STRINGLINE
10. (N) GLASS BALCONY GUARDRAIL
11. (N) FOLDING GLASS DOOR
12. ROOF ABOVE
13. (N) SKYLIGHT IN (N) SLOPED ROOF
14. (N) GLASS BLOCK WINDOW
15. ADDITION TO SQUARE FOOTAGE (77 SQ. FT.)
16. (N) WOOD TRILLIS
17. DOWNPOUT TO DRAIN INTO EXISTING GRAVEL BASIN AT TERMINATION OF RAILE
18. DOWNPOUT TO RUN INTO DRAIN UNDER CONCRETE DRIVE AND INTO EXISTING STREET DRAINAGE
19. DOWNPOUT TO LET INTO NEW GRAVEL BASIN IN EXISTING SAND
20. 3'-0" DIA. X 4'-0" DEEP GRAVEL BASIN IN EXISTING SAND
21. BALCONY LINE OF ADJACENT STRUCTURE
22. (N) ASPHALT SHINGLE ROOFING
23. (E) QUARRY STONE RUBBLE REVENEMENT BELOW

**PROPOSED FLOOR PLANS**





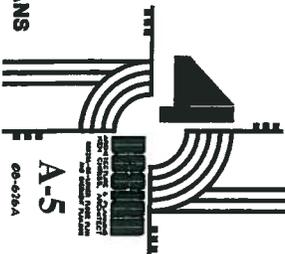
LOWER FLOOR PLAN  
**FLOOR PLANS - PROPOSED**  
 SCALE: 1/8" = 1'-0"



BASEMENT PLAN

- PLAN NOTES:**
1. (R) WALLS TO BE REMOVED
  2. LINE OF EXISTING BALCONY TO BE EXTENDED
  3. ADDITION TO SQUARE FOOTAGE (22 SQ. FT.) EXISTING
  4. (N) EXTERIOR WALL (SIDING TO MATCH EXISTING)
  5. BALCONY STRIKELINE
  6. (N) GLASS BALCONY GUARDRAIL
  7. (N) FOLDING GLASS DOOR
  8. (N) GLASS BLOCK WINDOW
  9. DASHED LINES INDICATE WALLS ABOVE
  10. BALCONY LINE OF ADJACENT STRUCTURE
  11. QUARRY STONE RUBBLE TOUND REVENUE: SEE EXTERIOR ELEVATIONS, SHEET A-6.
  12. (N) WOOD POST
  13. (R) WOOD POST

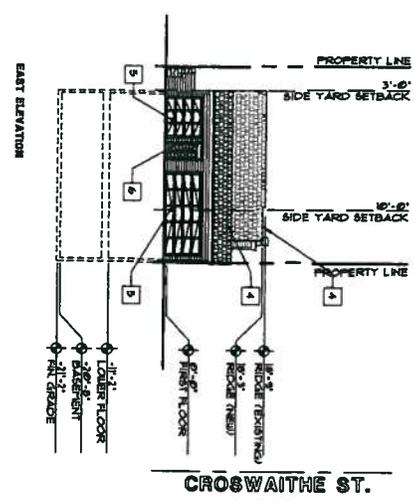
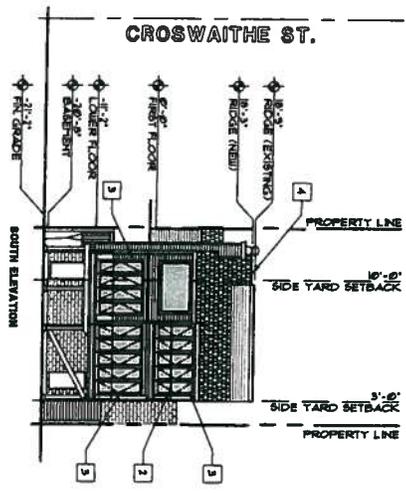
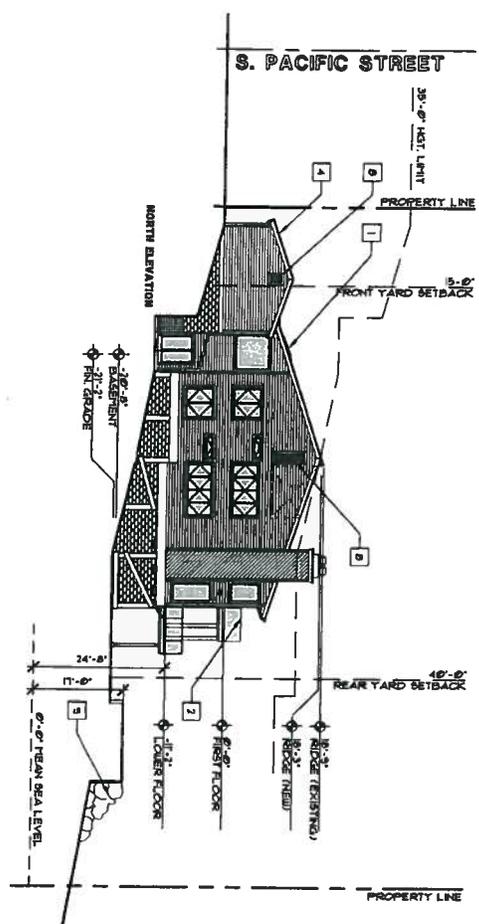
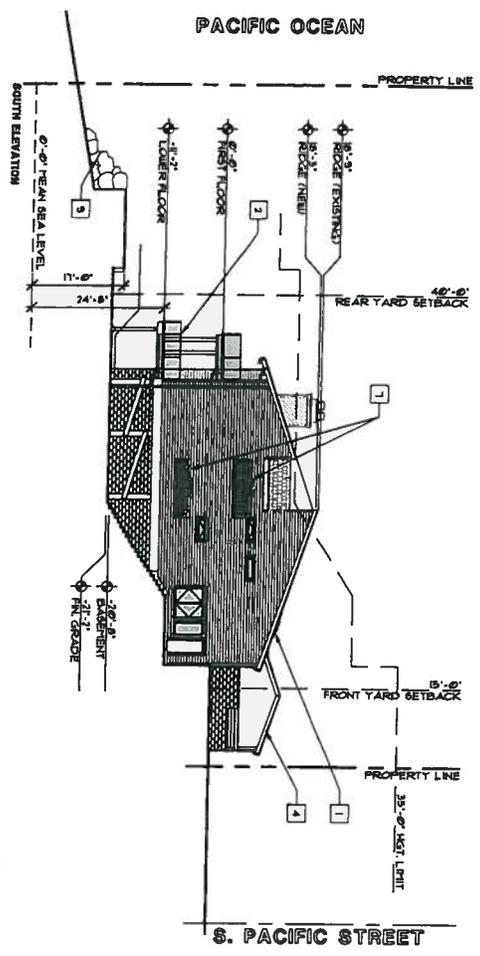
PROPOSED FLOOR PLANS



A-5  
 00-0784

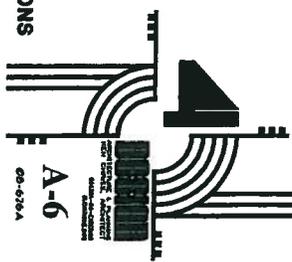
# EXTERIOR ELEVATIONS

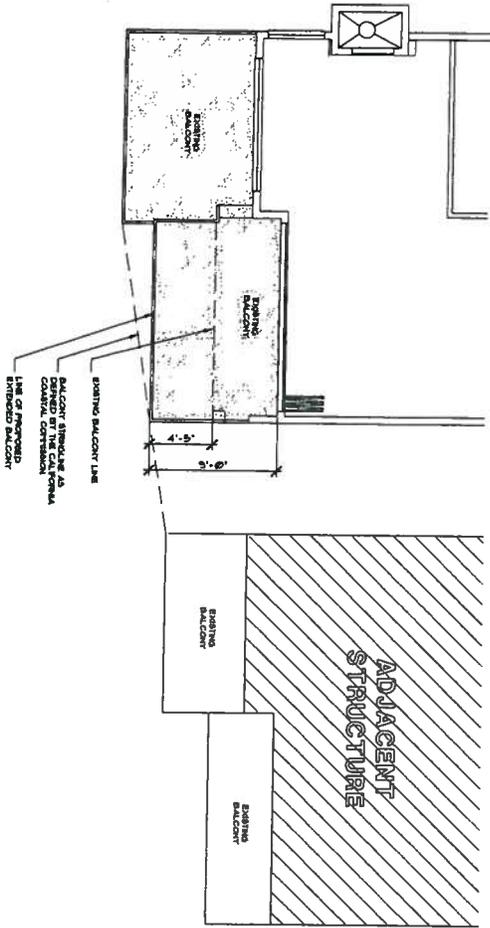
SCALE: 3/32" = 1'-0"



- ELEVATION NOTES:**
1. (N) SKTLIGHT (TYP)
  2. (N) GLASS BALCONY GUARDRAIL
  3. (N) HOLDING WINDOW WALL
  4. (N) ASPHALT SHINGLE ROOF (TYP)
  5. (N) GARAGE DOOR
  6. REPLACE (E) ENTRY GATE
  7. (N) GLASS BLOCK WINDOW
  8. (N) ATTIC VENT
  9. (E) QUARRY STONE RESURF POUND REVISION

# PROPOSED EXTERIOR ELEVATIONS

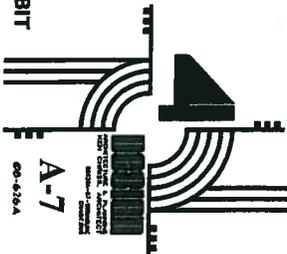




**BALCONY STRINGLINE EXHIBIT**

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

STRINGLINE EXHIBIT



A-7  
00-432A

1301 S. PACIFIC STREET - OCEANSIDE, CA

4.5.07

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2009-P44

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

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

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms  
13 prescribed by the Commission requesting a Regular Coastal Permit (RC-12-08) under the  
14 provisions of Article 32 of the Zoning Ordinance of the City of Oceanside to permit the following:  
15 an interior, exterior, roof and garage remodel of an existing permitted duplex, the addition  
16 of 44 square feet of living area, and the extension of two existing west facing balconies  
17 on certain real property described in the project description.

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 24<sup>th</sup> day  
19 of August, 2009 conduct a duly advertised public hearing as prescribed by law to consider said  
20 application.

21 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
22 Guidelines thereto; this project has been found to be exempt per Article 19, Section 15303 (b)  
23 from environmental review;

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

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

28 ///////////////  
29 ///////////////  
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1	Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
2			
3	Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
5	Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
7	Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$.713 per square foot or \$713 per thousand square feet for non-residential uses and \$2,072 per unit for residential
10	School Facilities Mitigation Fee	Ordinance No. 91-34	\$.42 per square foot non-residential for Oceanside (\$.42 for Vista and Fallbrook) \$2.63 per square foot residential (\$2.63 for Vista; \$2.63 for Fallbrook)
15	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)
18	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 \$4,597 per unit; Non-residential is \$36,775 for a 2" meter.
22	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 \$6,313 per unit; Non-residential is \$50,501 for a 2" meter.
26	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit; Non-residential is \$22,495 for a 2" meter.

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

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

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

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

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

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

19 FINDINGS:

20 For the Regular Coastal Permit:

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

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

3 **Building:**

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

1 property line must be protected per table 704.8 of the CBC. New Exterior walls less  
2 than five feet to the property line must be one hour rated per Table 602 of the CBC.

3 **Fire:**

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

7 **Planning:**

- 8 8. This Regular Coastal Permit shall expire on August 24, 2011, unless the Planning  
9 Commission grants a time extension.
- 10 9. This Regular Coastal Permit approves only an interior, exterior, roof and garage remodel,  
11 the addition of 44 square feet of living area, and the extension of two balconies seaward as  
12 presented to the Planning Commission for review and approval. No deviation from these  
13 approved plans and exhibits shall occur without Planning Division approval. Substantial  
14 deviations shall require a revision to the Regular Coastal Permit or a new Coastal Permit.
- 15 10. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
16 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
17 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
18 annul an approval of the City, concerning Regular Coastal Permit (RC-12-08). The City  
19 will promptly notify the applicant of any such claim, action or proceeding against the  
20 City and will cooperate fully in the defense. If the City fails to promptly notify the  
21 applicant of any such claim action or proceeding or fails to cooperate fully in the  
22 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold  
23 harmless the City.
- 24 11. All mechanical rooftop and ground equipment shall be screened from public view as  
25 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,  
26 mechanical equipment, screen and vents shall be painted with non-reflective paint to match  
27 the roof. This information shall be shown on the building plans.
- 28 12. All multi-family projects shall dispose of or recycle solid waste in a manner provided in  
29 City Ordinance 13.3.

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

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

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

13 16. 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 17. Failure to meet any conditions of approval for this development shall constitute a violation  
18 of the Regular Coastal Permit.

19 18. 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 this  
23 application, unless specifically waived by an adopted condition of approval.

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

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

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

3 PASSED AND ADOPTED Resolution No. 2009-P44 on August 24, 2009 by the  
4 following vote, to wit:

5 AYES:

6 NAYS:

7 ABSENT:

8 ABSTAIN:

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

13 ATTEST:

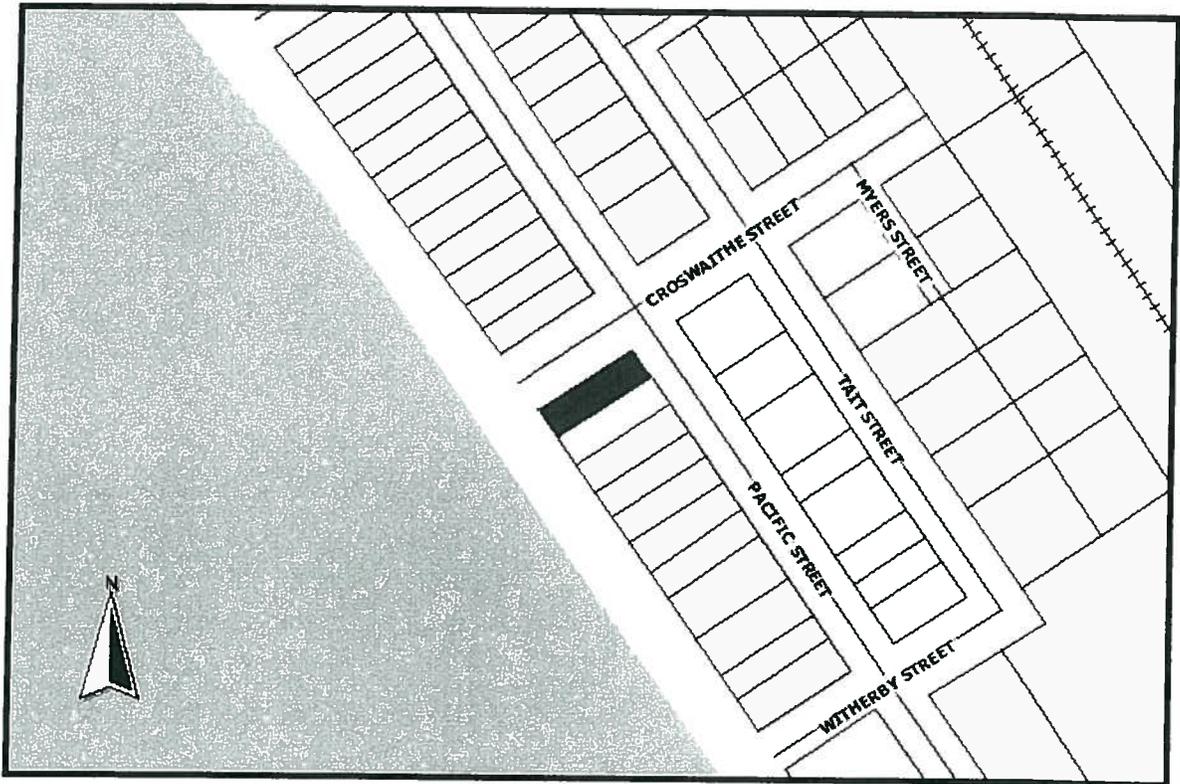
14 \_\_\_\_\_  
15 Jerry Hittleman, Secretary

16 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
17 this is a true and correct copy of Resolution No. 2009-P44.

18  
19 Dated: August 24, 2009  
20  
21  
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29

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

The project qualifies for a Class 3 Categorical Exemption for new construction pursuant to Section 15303 (b) of the California Environmental Quality Act.



If you should wish to challenge any of these projects in court, at some future time, you may be limited to raising only those issues you or someone else raised at the public hearing described in the notice or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

Copies of the environmental documents are available at the Planning Division at the Civic Center, 300 North Coast Highway during regular working office hours 7:30 a.m. to 5:00 p.m. Monday through Thursday and alternate Fridays hours 7:30 a.m. to 4:00 p.m. Written comments may be submitted at the above address prior to the hearing and will be made part of the public record and provided to the Planning Commission.

For further information on the above hearings, contact the Planning Division at the Civic Center, 300 North Coast Highway or telephone (760) 435-3520.

Dated: August 6, 2009

Published: August 14, 2009

OCEANSIDE PLANNING COMMISSION

Received

DEC 29 2008



Planning Division STAFF USE ONLY

Application for Public Hearing

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

ACCEPTED
12/29/08

BY
S.S.

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT: Cindy Dillion; 2. STATUS: Owner; 3. ADDRESS: 7 Bodega Bay Dr., Corona Del Mar, CA 92625; 4. PHONE/FAX/E-mail: (949) 295-0521; 5. APPLICANT'S REPRESENTATIVE: Allison Parker; 6. ADDRESS: 707 Mission Avenue, Oceanside, CA 92054; 7. PHONE/FAX/E-mail: (760) 433-1785

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

PART II - PROPERTY DESCRIPTION

8. LOCATION: 1301 S. Pacific Street, Oceanside, CA 92054; 10. GENERAL PLAN: Residential Tourist; 11. ZONING: RT; 12. LAND USE: Residential

9. SIZE: 11 acres (4,875 square feet); 13. ASSESSOR'S PARCEL NUMBER: 152-142-01

PART III - PROJECT DESCRIPTION

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

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

PART IV - ATTACHMENTS

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

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print): ALLISON PARKER; 34. DATE: 12.18.2008; SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED.

Sign: [Signature]; 35. OWNER (Print): Gregory L. Dillion; 36. DATE: 12-18-08

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

Sign: [Signature]

FATH Juliana

## DESCRIPTION AND JUSTIFICATION

Regular Coastal Permit

1301 S. PACIFIC ST.

June 2009

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

Exterior changes involving this Coastal Permit are:

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

Additional internal changes are being made including the re-configuration of the kitchen and living room layouts.

The project is located in the Residential Tourist (RT) Zone. It is regulated by the requirements of the 1986 Zoning Ordinance, the Local Coastal Program, and by the Stringline Setback Ordinance of the California Coastal Commission.

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

Received

JUN 16 2009

Planning Division

## DEVELOPMENT STANDARDS CHART

REQUIREMENT	REQUIRED	EXISTING	PROPOSED
Front Setback	15'-0"	3'-4" (see section 3106 blockface averaging)	n/a
Side Setback	5'-0" (3'-0" when constructed)	3'-0"	n/a
Side Street Setback	10'-0"	5'-6"	n/a
Rear Setback (stringline)	within	within	Additional balcony space conforms
Height	35'-0" max.	36'-0"	35'-0"

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

1050 (R)

### *Stringline Setback*

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

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

The change that restructures the roof and adds skylights is taking place toward the center of the structure and will improve the appearance and weather protection of the building from the side without increasing its height or changing the roof's current predominant pitch of 4:12.

The conversion of the two one-car garages into a single car garage and replacing the current garage swing gates will not only improve the overall appearance of the structure from the front, but it will also eliminate the current encroachment of the gate swings into the public right-of-way. These changes are compatible with the surrounding properties in scale.

Below are the findings for the Regular Coastal Permit.

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

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

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

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

**LEGAL DESCRIPTION**

Received

**EXHIBIT "A"**

DEC 29 2008

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

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

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



## NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 08/25/2009  
Removal: 02/25/2010  
(180 days)

1. **APPLICANT:** Cindy Dillion
2. **ADDRESS:** 7 Bodega Bay Drive, Corona Del Mar, CA 92625
3. **PHONE NUMBER:** (949) 295-0521
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Jerry Hittleman
6. **PROJECT TITLE:** RC-12-08 - Dillion Residence
7. **DESCRIPTION:** A Regular Coastal Permit to allow the addition of 44 square feet of living space to an existing multi-family residence, interior, exterior, roof and garage modifications, and the westward expansion of two existing balconies located at 1301 South Pacific Street. The project site is zoned RT (Residential Tourist) and is situated within the South Oceanside Neighborhood and the Coastal Zone.

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

- The project is categorically exempt, Class 3, for New Construction, Section 15303 (b); or,
- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section , <name> ( Sections 15260-15277); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Date: August 24, 2009

\_\_\_\_\_  
Jerry Hittleman, City Planner

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