



DATE: April 23, 2007

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A VARIANCE (V-18-06) AND REGULAR COASTAL PERMIT (RC-27-06) REQUEST FOR THE RENOVATION OF AN EXISTING FAMILY RESIDENCE WITH REDUCED FRONTYARD SETBACKS (13.4 FT. IN LIEU OF 15 FT.) AT 1235 SOUTH PACIFIC STREET- ZINN RESIDENCE- APPLICANT: TIM & ELLEN ZINN**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Approve Regular Coastal Permit (RC-27-06) and Variance (V-18-06)
- (2) Confirm issuance of a Class 3, Categorical Exemption "New Construction or Conversion of Small Structures" ; and
- (3) Adopt Planning Commission Resolution No. 2007-P23 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: The 4,874-square foot project site is developed with a 1,590-square foot two-story, single-family residence circa 1960. During a recent remodel of the house the original single car garage collapsed and a two-car garage was constructed, without permits that do not meet the current front yard garage setback requirements.

The subject site is currently zoned Residential Tourist (RT). The General Plan land use designation is Urban High Density (UH-D), which permits 29-43 units per gross acre with a minimum lot size of 6,000 square feet.

Surrounding land uses include Residential Tourist (RT) developments to the east, south and north. The Pacific Ocean is located directly to the rear of the property to the west.

Project Description: The project application is comprised of two components; a Variance (V-18-06) and Regular Coastal Permit (RC-27-06) as follows:

Variance (V-18-06) represents a request to:

- (a) Permit a 13.4-foot front yard setback from the face of the curb in lieu of the required 20 feet setback for garages and 15 feet front yard setback pursuant to Section 3100 and 1050.

Local Coastal Permit (RC-27-06) represents a request for the following:

- (a) Permit a two-car garage and exterior renovations to an existing single-family residence pursuant to the Local Coastal Program (LCP). Existing floor plan information is summarized below.

Plan Type	No. of Units	Floor Area (Sq. Ft.)	No. of Bedrooms	Garage	Stories
1	1	1,590	3	2-Car	1 story

The proposed architecture incorporates contemporary design details and complimentary use of materials such as stone tiles, treated metal roofing and vinyl windows.

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 RT (Residential Tourist). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element

Goal 1.23: Architecture

Objective: The architectural quality of all proposed projects shall enhance the neighborhood, 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 configuration and design of the proposed two-car garage will be consistent with the design of custom homes in the surrounding neighborhood. The garage configuration will be consistent in orientation with other properties along Pacific Street. The project design will positively contribute to the eclectic building styles within the immediate area and will enhance neighboring properties.

2. Zoning Compliance

This project is located in the Residential Tourist (RT) district and complies with the requirements of that zone. The following table summarizes proposed and applicable development standards for the project site:

	MINIMUM REQUIRED	PROPOSED
MINIMUM LOT SIZE	6,000 sq. ft.	4,874 (Existing)
PARKING SPACES	2 –Spaces/DU within a garage	2 –Spaces/DU within a garage
FRONTYARD SETBACK	15-ft.	13.4-ft.
GARAGE FRONTYARD SETBACK	20-ft.	13.4-ft.
SIDEYARD SETBACK	3-ft.	3-ft.
REARYARD SETBACK	String Line	67'-7.9-ft.
LOT WIDTH	60-ft.	37.5-ft (Existing)
BUILDING HEIGHT	27-ft.	27-ft

The proposed project meets all applicable requirements of the Oceanside Zoning ordinance, with the exception of the front yard setback for which the applicant has requested consideration/approval of a variance.

3. Land Use Compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	UH-D (Urban High Density)	RT (Residential Tourist)	Single Family Residential
North of Subject Property	UH-D (Urban High Density)	RT (Residential Tourist)	Single Family Residential
East of Subject Property:	UH-D (Urban High Density)	RT (Residential Tourist)	Single Family Residential
South of Subject Property:	UH-D (Urban High Density)	RT (Residential Tourist)	Single Family Residential
West of Subject Property:	OS (Open Space)	OS (Open Space)	Pacific Ocean

The subject land use is consistent with the underlying General Plan and the Zoning Ordinance residential designations.

4. Local Coastal Program compliance

The proposed project is within the appealable portion of the Coastal Zone. The proposed project complies with the zoning code and Coastal Zone requirements, and will implement the following policies of the LCP:

- Section VI: Visual Resources and Special Communities Policy 8. of the LCP The City shall ensure that all new development is compatible in height, scale, color, and form with the surrounding neighborhood.

The proposed design complies with the maximum height limit of 27 feet that is applicable within the subject zoning district and will be similar in height and massing with buildings on adjacent parcels to the west and north.

DISCUSSION

Issue: Project Compatibility with Existing Neighborhood Character. The proposed project is in compliance with single-family residential development standards with the exception of the front yard garage setback requirement. The two-car garage square footage is the same as that of the previous one car garage and attached storage shed. Existing physical constraints such as lot configuration and neighborhood consistency warrants the consideration/approval of the request for the variance.

Recommendation: The project is compatible with development in the surrounding neighborhood. The site is constrained by the existing building orientation and topography. Circumstances applicable to this particular site warrant granting of the requested variance.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Class three, Section (15303 (a) of the California Environmental Quality Act.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot and tenants within a 100-foot radius of the subject property, individuals/organizations requesting notification, applicant and their representative, and interested parties. No communication supporting or opposing the request has been received to date.

SUMMARY

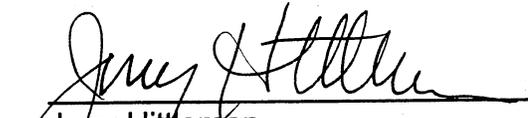
The proposal is consistent with the intent and land use policies of the General Plan and in substantial compliance with applicable development standards with the exception of the required front yard setback for which a variance has been requested. The project is compatible in terms of residential density, architecture and site design elements with surrounding residential developments. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached staff Resolution. Staff recommends that the Planning Commission:

- Move to approve Variance (V-18-06) and Regular Coastal Permit (RC-27-06) and adopt Planning Commission Resolution No. 2007-P23 as attached.

PREPARED BY:


 Scott Nightingale
 Planner II

SUBMITTED BY:


 Jerry Hittleman
 City Planner

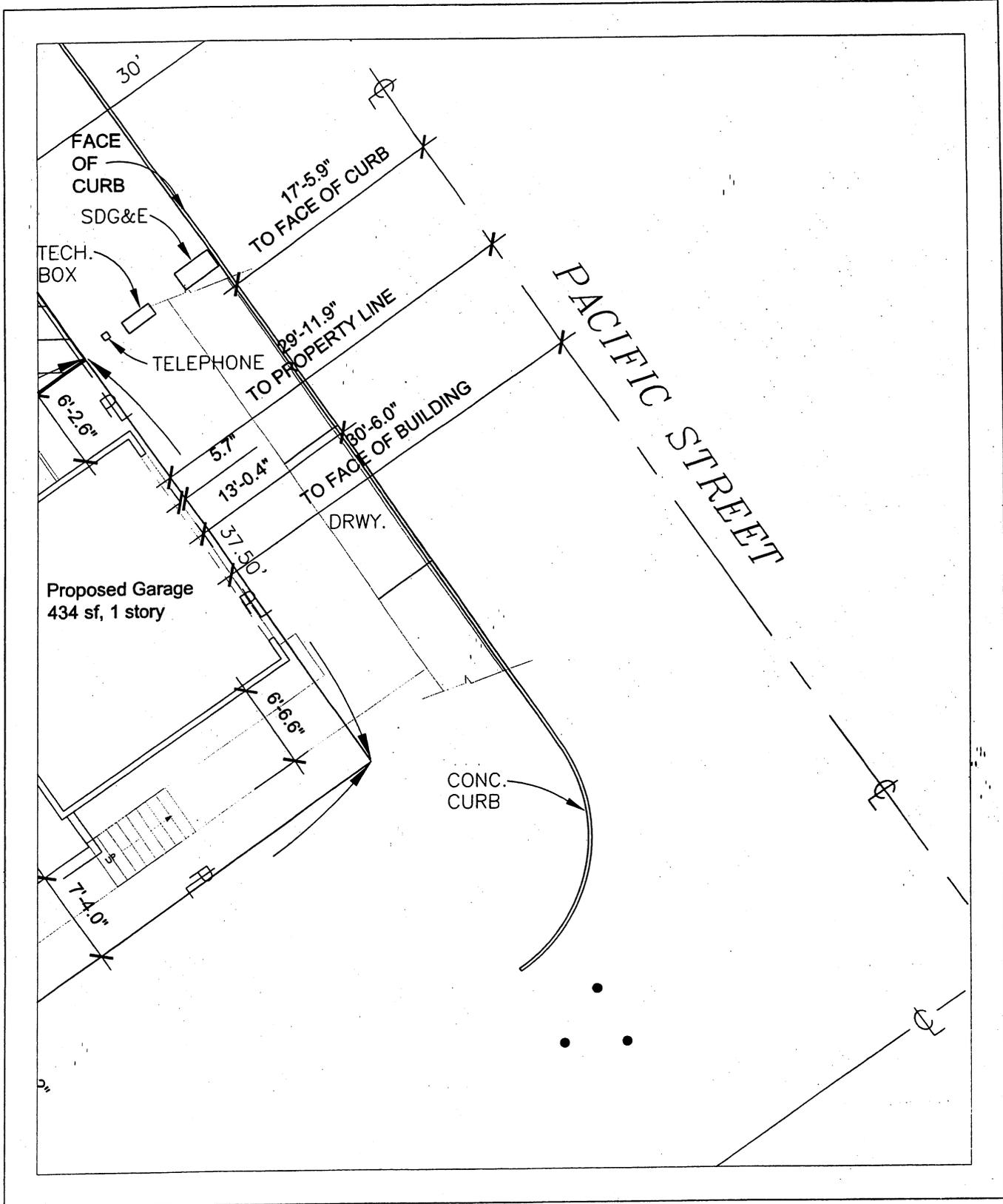
REVIEWED BY:


 Amy Volzke, Principal Planner

JH/SN/fil

Attachments:

1. Floor/Elevation/Site Plans
2. Planning Commission Resolution No. 2007-P23
3. Pictures of neighborhood and existing conditions



Street Center Line Study (1" = 10' - 0")

1

Zinn Residence
 1235 S. Pacific St.
 Oceanside, California

Paul Benton Engineer & Architect
 8080 El Paseo Grande, Suite D
 La Jolla, California
 pbenton@sbglobal.net
 858-459-9040 fax 858-459-9035

April 16, 2007



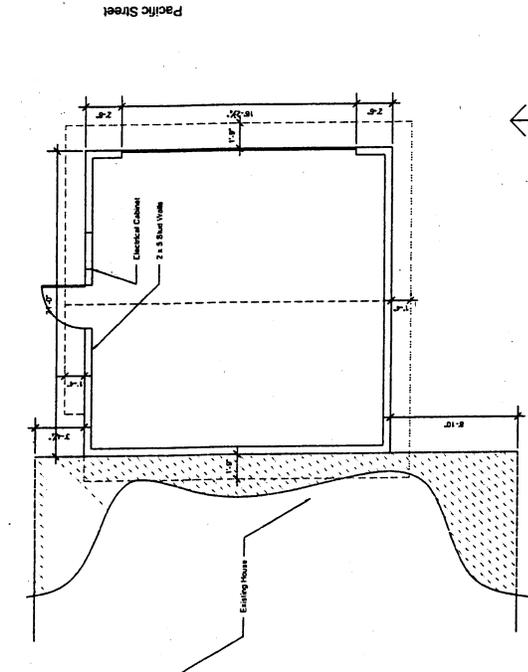
Paul Benton Engineer & Architect
 1240 El Prado Center, Suite D
 La Jolla, California
 619-451-9414
 619-451-9415

Garage Plan
 Roof Plan
 Garage East and West Elevations

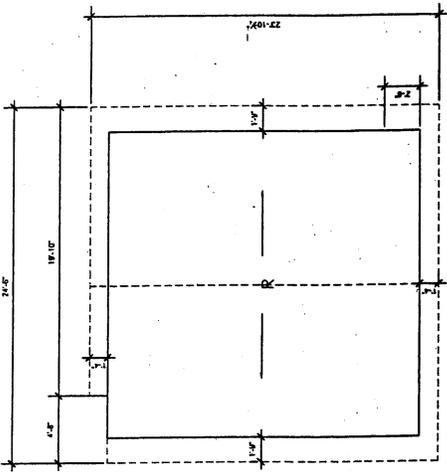
Coastal Development Permit Application
 Tim & Ellen Zinn Residence
 1215 South Pacific Street
 Carmel, California

3

February 4, 2007

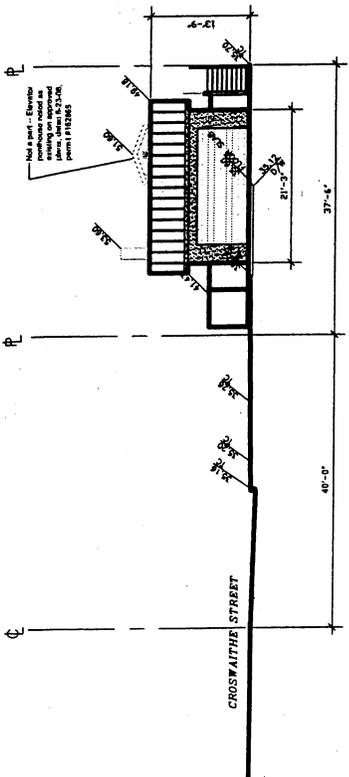


3 Floor Plan
 1/8" = 1'-0"

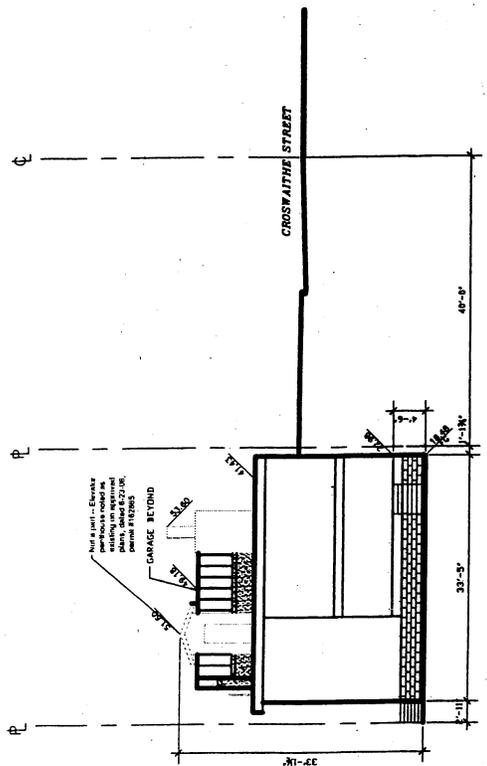


4 Roof Plan
 1/8" = 1'-0"

Materials & Colors	
Roof	Copper Standing Seam Roof
Walls	Stucco - Senegay #425 Medium Texture
Doors & Garage	Stained Wood - Medium Brown



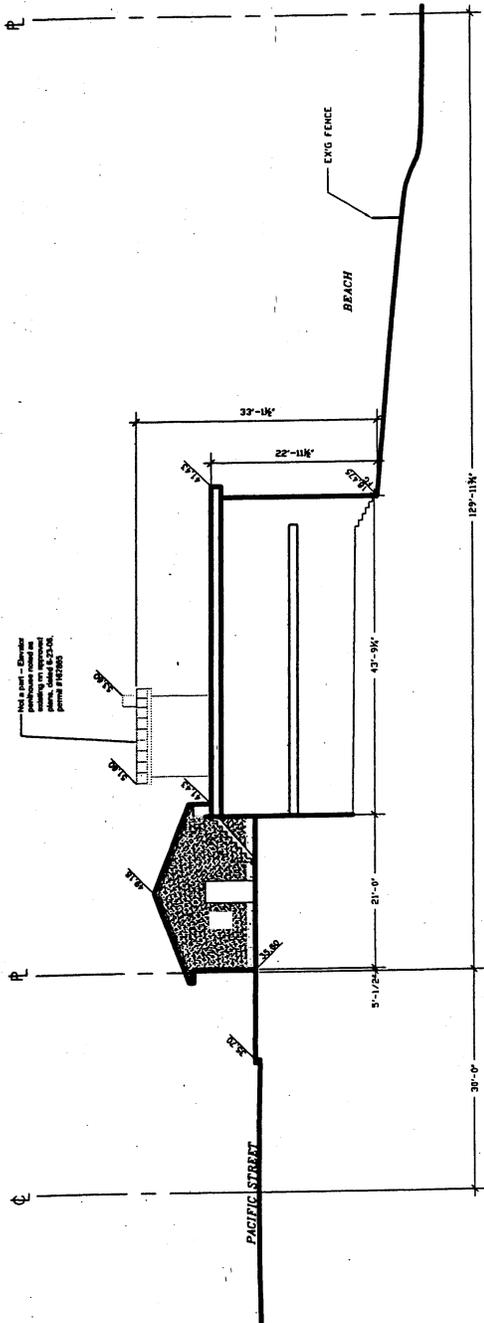
1 East Elevation
 1/8" = 1'-0"



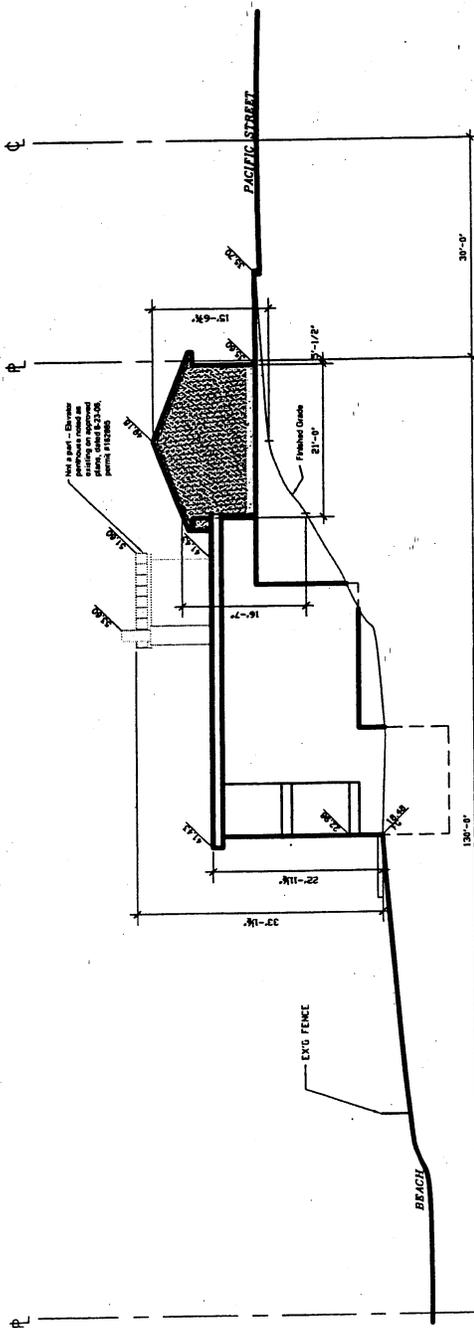
2 West Elevation
 1/8" = 1'-0"



Materials & Colors	
Roofing	Asph/Flt Shingles
Exterior Walls	Light Tan Stucco
Trim	White
Windows	White
Doors	White
Decking	Composite
Fencing	White
Lighting	White
Paint	White



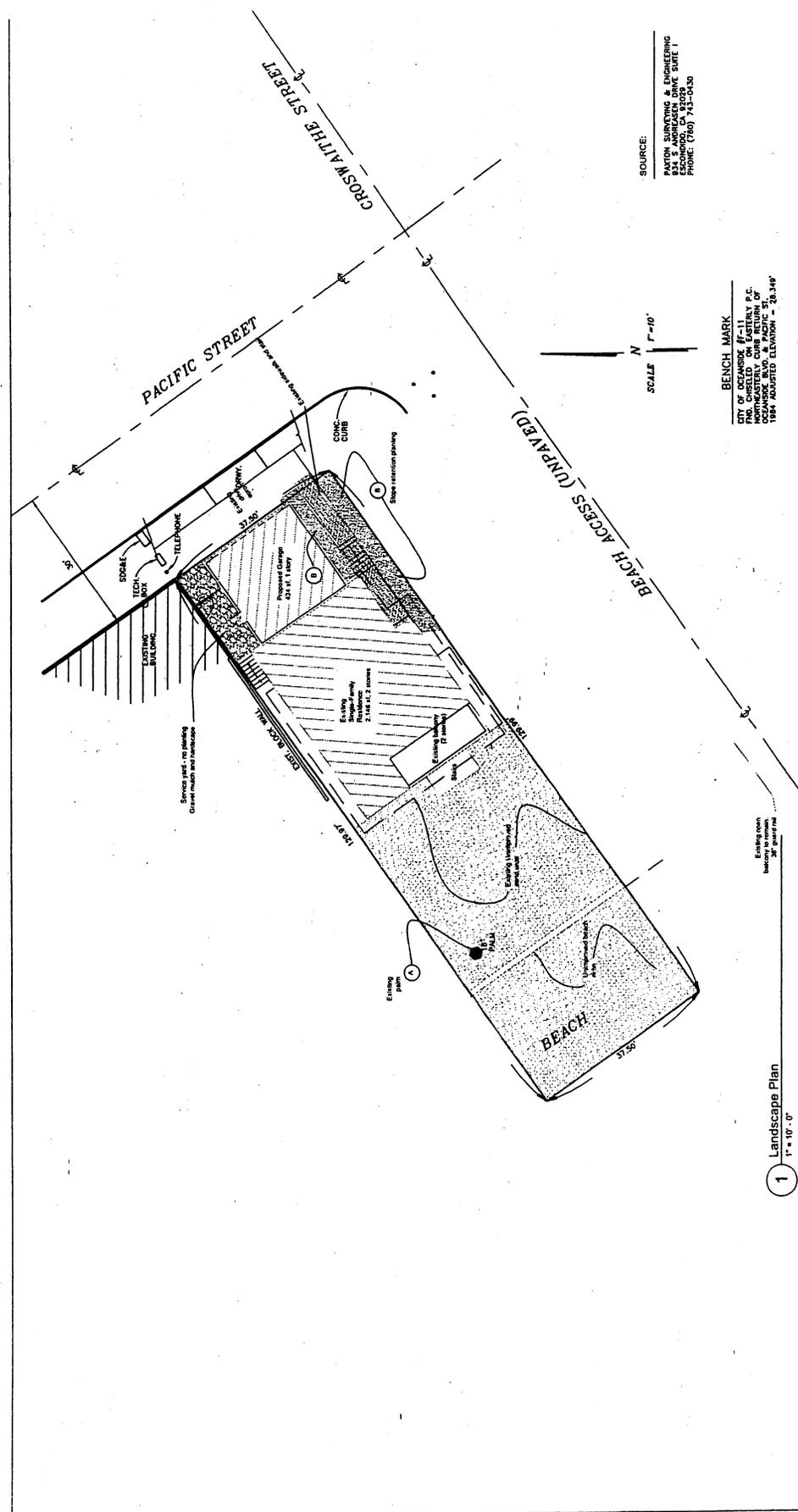
1 North Elevation
1/8" = 1'-0"



2 South Elevation
1/8" = 1'-0"

LANDSCAPE PLAN -
EXISTING RESIDENCE AND NEW GARAGE

Paul Benton
Engineer & Architect
1215 South Pacific Street
Oceanside, California
760-439-8815



SOURCE:
PATON SURVEYING & ENGINEERING
1215 SOUTH PACIFIC STREET
OCEANSIDE, CALIFORNIA
PHONE: (760) 743-0430

SCALE 1" = 10'
N

BENCH MARK
CITY OF OCEANSIDE
1984 ADJUSTED ELEVATION = 28.340'

1 Landscape Plan
1" = 10' - 0"

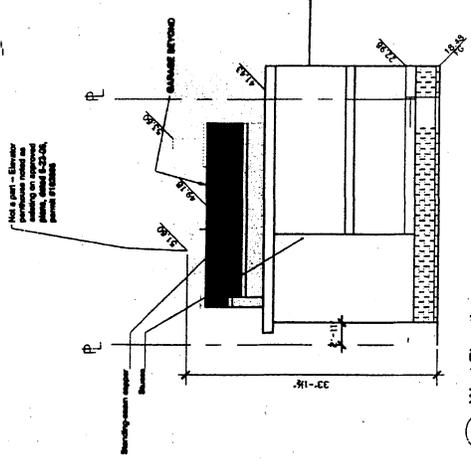
Plant Schedule

Plant	Quantity	Notes
1	1	See notes
2	1	See notes
3	1	See notes
4	1	See notes
5	1	See notes
6	1	See notes
7	1	See notes
8	1	See notes
9	1	See notes
10	1	See notes
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100	1	See notes

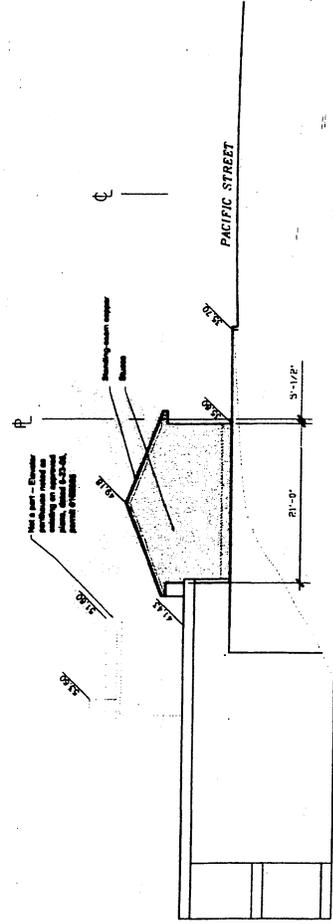
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954-939-9023



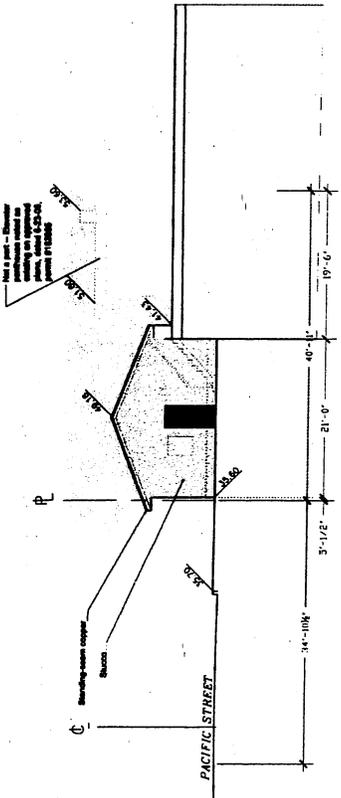
4 West Elevation
1/8" = 1'-0"



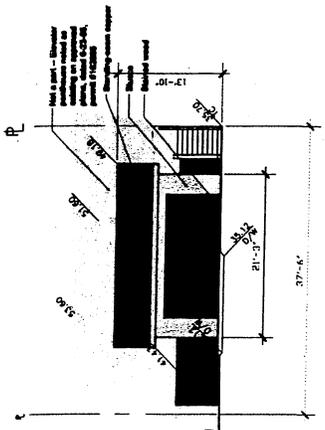
3 South Elevation
1/8" = 1'-0"



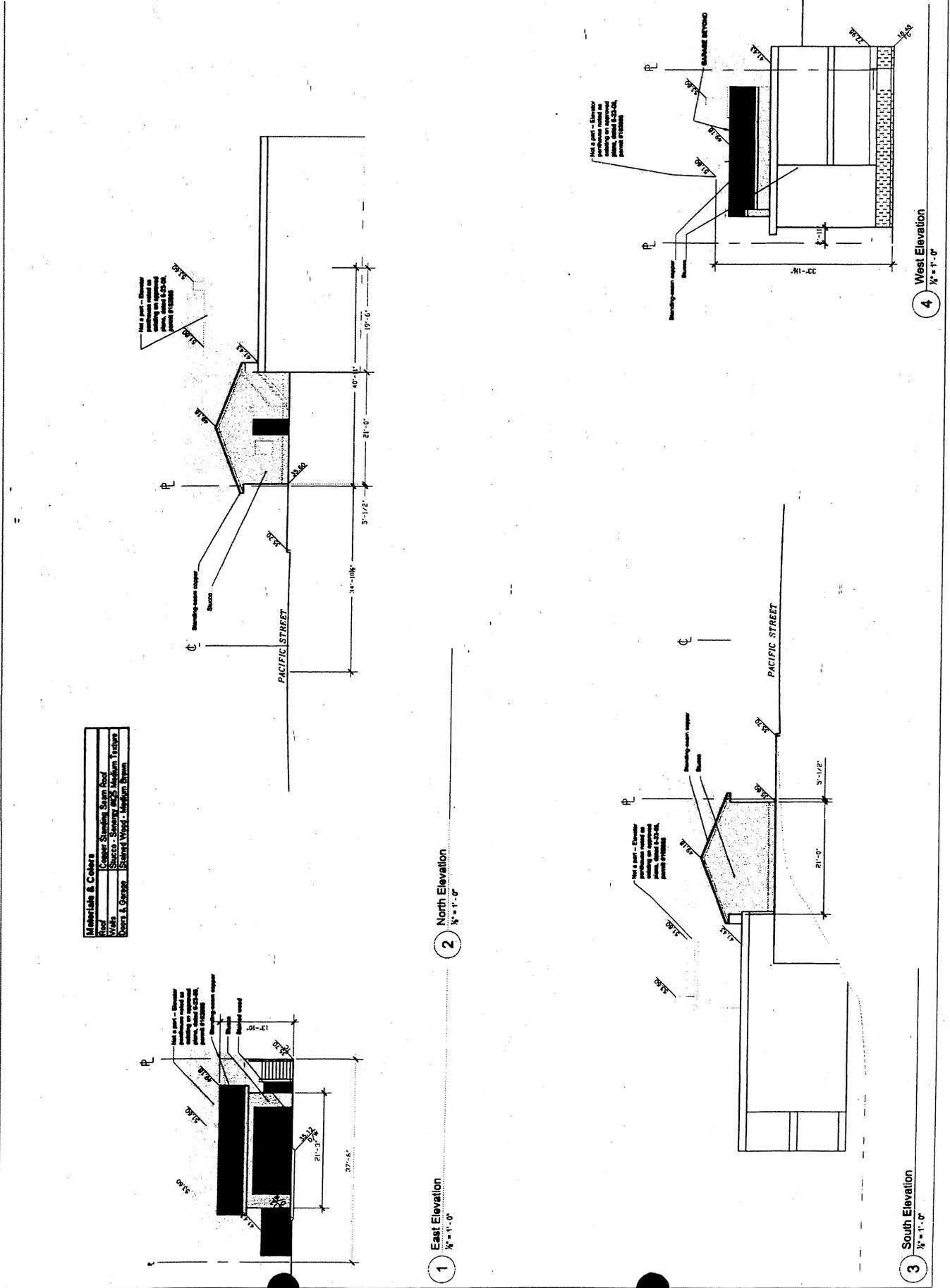
2 North Elevation
1/8" = 1'-0"



1 East Elevation
1/8" = 1'-0"



Materials & Colors
Roof - Cedar Shingles - Sun Roof
Walls - Stucco - Romanus #25 Medium Tan
Doors & Garage - Stained Wood - Medium Brown





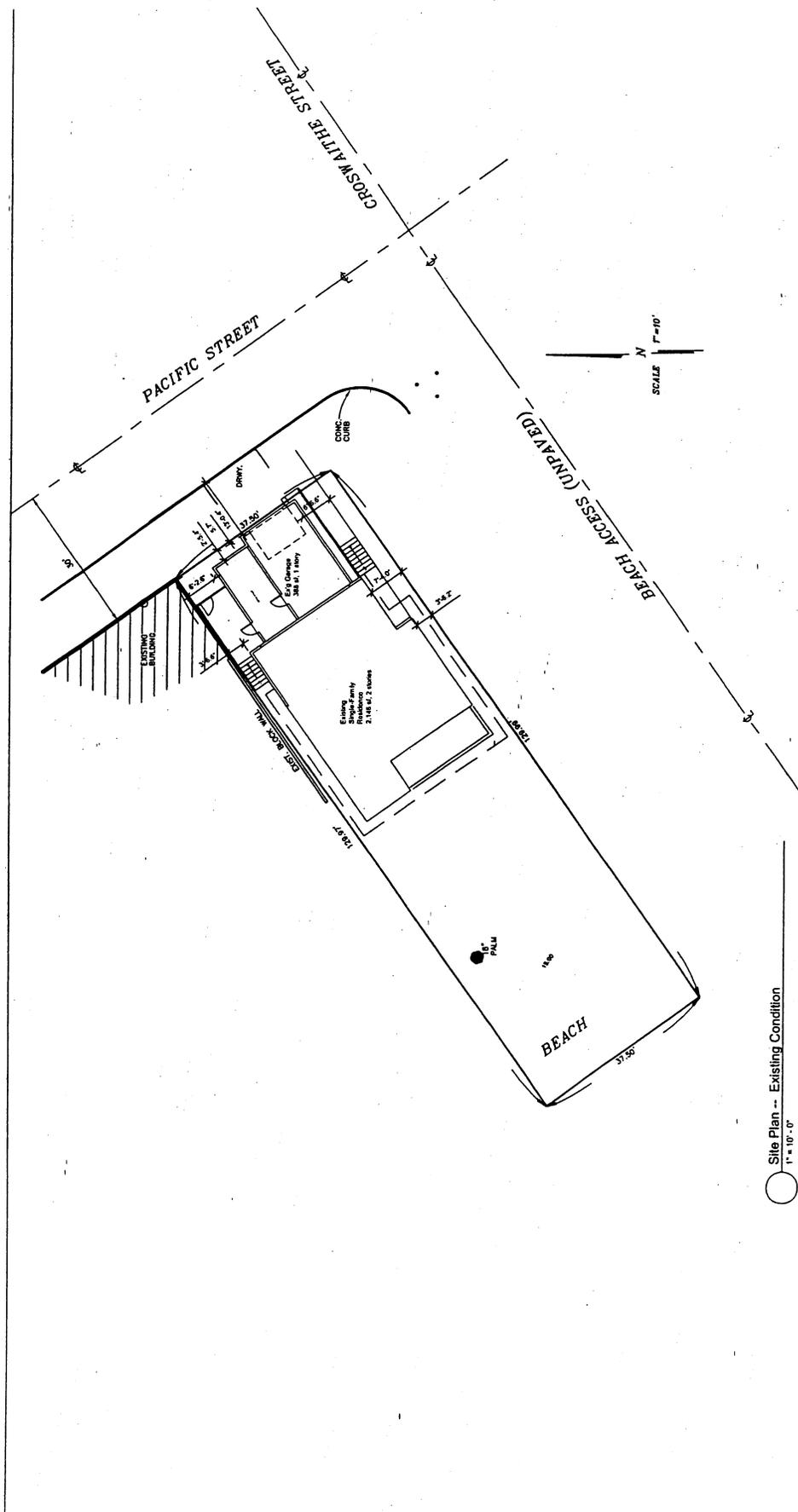
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 92037-3400
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EXISTING CONDITION

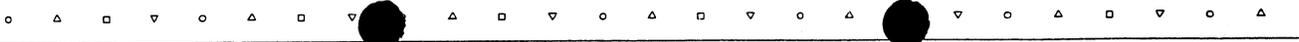
Coastal Development Permit Application

Tim & Ellen Zinn Residence
 1235 South Pacific Street
 Oceanside, California

7



Site Plan -- Existing Condition
 1" = 10\''



1 PLANNING COMMISSION
2 RESOLUTION NO. 2007-P23'

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

6 APPLICATION NO: V-18-06, RC-27-06
7 APPLICANT: Tim and Ellen Zinn
8 LOCATION: 1235 S. Pacific Street

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

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

14 renovation of an existing single-family residence and construction of a two-car garage with
15 reduced front setbacks;
16 on certain real property described in the project description.

17 WHEREAS, the Planning Commission, after giving the required notice, did on the 23rd day
18 of April, 2007 conduct a duly advertised public hearing as prescribed by law to consider said
19 application.

20 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
21 Guidelines thereto; this project is categorically exempt from CEQA per class 3 Section 15303 (a);

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

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

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

Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$2,072 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
Thoroughfare Fee	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip
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 \$3,746 per unit.
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Residential is typically \$4,587 per unit.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,154 per unit.
Inclusionary housing in lieu fees—Residential only.	Chapter 14-C of the City Code.	\$1,000 per development project + \$100 per unit plus \$10,275 per unit.

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

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

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

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

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

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

15 FINDINGS:

16 For the Regular Coastal Permit:

- 17 1. The proposed project is consistent with the policies of the Local Coastal Program as
18 implemented through the Zoning Ordinance. Specifically, the physical aspects of the
19 project are consistent with the properties neighboring the project site. In addition, the
20 project will not substantially alter or impact existing public views of the coastal zone
21 area.
- 22 2. The proposed project will not obstruct any existing or planned public beach access;
23 including any beach areas fronting the existing property, therefore, the project is in
24 conformance with the policies of Chapter 3 of the Coastal Act.

25 For the Variance for the reduction in the front yard setback:

- 26 1. The proposed 13.4-foot front yard garage setback is consistent with similar sized lots
27 located along the west side of Pacific Street and within the Coastal Zone. The
28 irregular/narrow lot configuration and existing building constraints warrants
consideration and granting of the variance request. The strict applications of the

1 requirements of the Zoning Ordinance deprive such property of privileges enjoyed by
2 other property in the vicinity and under identical zoning classification.

- 3 2. The proposed 13.4-foot front yard setback will not be out-of-character with existing
4 developments in the vicinity. The granting of the variance will allow for the required
5 parking per the Oceanside Zoning Ordinance. As such, granting the variance for the
6 proposed reduced setback will not be detrimental or injurious to property or
7 improvements in the vicinity of the development site, or to the public health, safety or
8 general welfare.
- 9 3. The granting of the reduction in setbacks will not constitute a grant of special privilege
10 inconsistent with limitations on other properties in the vicinity and in the same zoning
11 district.

12 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
13 approve Regular Coastal Permit (RC-18-06) and Variance (V-27-06) subject to the following
14 conditions:

15 **Building:**

- 16 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
17 Building Division plan check.
- 18 2. The granting of approval under this action shall in no way relieve the applicant/project from
19 compliance with all State and Local building codes.
- 20 3. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the plans.
- 21 4. The one-hour separation between the garage and living area must be constructed per the
22 Uniform Building Code.
- 23 5. The developer shall monitor, supervise and control all building construction and supportive
24 activities so as to prevent these activities from causing a public nuisance, including, but not
25 limited to, strict adherence to the following:
- 26 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
27 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work
28 that is not inherently noise-producing. Examples of work not permitted on Saturday
are concrete and grout pours, roof nailing and activities of similar noise-producing
nature. No work shall be permitted on Sundays and Federal Holidays (New Year's

1 Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except
2 as allowed for emergency work under the provisions of the Oceanside City Code
3 Chapter 38 (Noise Ordinance).

- 4 b) The construction site shall be kept reasonably free of construction debris as
5 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
6 approved solid waste containers shall be considered compliance with this
7 requirement. Small amounts of construction debris may be stored on-site in a neat,
8 safe manner for short periods of time pending disposal.

8 **Engineering:**

- 9 6. The developer shall monitor, supervise and control all construction and construction-
10 supportive activities, so as to prevent these activities from causing a public nuisance,
11 including but not limited to, insuring strict adherence to the following:
- 12 a) Dirt, debris and other construction material shall not be deposited on any public
13 street or within the City's stormwater conveyance system.
- 14 b) All grading and related site preparation and construction activities shall be limited to
15 the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering related
16 construction activities shall be conducted on Saturdays, Sundays or legal holidays
17 unless written permission is granted by the City Engineer with specific limitations to
18 the working hours and types of permitted operations. All on-site construction
19 staging areas shall be as far as possible (minimum 100 feet) from any existing
20 residential development. Because construction noise may still be intrusive in the
21 evening or on holidays, the City of Oceanside Noise Ordinance also prohibits "any
22 disturbing excessive or offensive noise which causes discomfort or annoyance to
23 reasonable persons of normal sensitivity."
- 24 c) The construction site shall accommodate the parking of all motor vehicles used by
25 persons working at or providing deliveries to the site.
- 26 d) A haul route shall be obtained at least 7 days prior the start of hauling operations
27 and must be approved by the City Engineer. Hauling operations shall be 8:00 a.m.
28 to 3:30 p.m. unless approved otherwise.

- 1 7. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon
2 approved soil tests and traffic indices. The pavement design is to be prepared by the
3 developer's soil engineer and must be approved by the City Engineer, prior to paving.
- 4 8. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
5 construction of the project, shall be repaired or replaced as directed by the City Engineer.
- 6 9. Prior to any building or grading of any part of the project, a comprehensive soils and
7 geologic investigation shall be conducted of the soils, slopes, and formations in the project.
8 All necessary measures shall be taken and implemented to assure slope stability, erosion
9 control, and soil integrity.
- 10 10. An erosion control plan shall be prepared, reviewed, secured and approved prior to the
11 issuance of any building permits. The plan shall reflect all pavement, flatwork, landscaped
12 areas, special surfaces, curbs, gutters, medians, striping, signage, footprints of all structures,
walls, drainage devices and utility services.

13 **Planning:**

- 14 11. This Regular Coastal Permit and Variance shall expire on April 23, 2009, unless a time
15 extension is granted by the Planning Commission.
- 16 12. This Regular Coastal Permit and Variance approves the renovation of a single-family home,
17 construction of a two-car garage with reduced front yard garage setback to 13.4 feet instead
18 of the required 20 feet from the property line as shown on the plans and exhibits presented
19 to the Planning Commission for review and approval. No deviation from these approved
20 plans and exhibits shall occur without Planning Division approval. Substantial deviations
21 shall require a revision to the Regular Coastal Permit and Variance and or a new Regular
Coastal Permit and Variance.
- 22 13. Landscape plans, meeting the criteria of the City's Landscape Guidelines or City Engineer
23 criteria and Water Conservation Ordinance No. 91-15, including the maintenance of such
24 landscaping, shall be submitted, a cost estimate for improvements approved and
25 bonds/fees paid prior to building permit issuance.
- 26 14. Existing trees on site and/or in the right-of-way shall be shown on landscape plans and
27 protected in place. Damaged trees shall be replaced to meet the satisfaction of the City
28

1 Engineer. Replacement trees shall be installed and approved by the City Engineer prior to
2 bond release.

3 15. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and
4 in any adjoining public parkways shall be permanently maintained by the owner, his
5 assigns or any successors-in-interest in the property. The maintenance program shall
6 include normal care and irrigation of the landscaping; repair and replacement of plant
7 materials; irrigation systems as necessary; and general cleanup of the landscaped and
8 open areas, parking lots and walkways, walls, fences, etc. Failure to maintain
9 landscaping shall result in the City taking all appropriate enforcement actions by all
10 acceptable means including but not limited to citations and/or actual work with costs
11 charged to or recorded against the owner. This condition shall be recorded with the
12 covenant required by this resolution.

13 16. Landscaping shall not be installed until bonds have been posted, fees paid, and plans
14 signed for final approval. The following special landscaping requirements shall be met:

- 15 a) Street trees shall be provided every 30'-0" on center, meeting the requirements of
16 the current street tree memorandum.
- 17 b) One front yard tree of a minimum 15-gallon container size shall be provided.
- 18 c) Existing irrigation shall be protected in place; repaired, updated or replaced to
19 meet the current City of Oceanside requirements and satisfaction of the City
20 Engineer.
- 21 (d) The existing irrigation system shall be protected in place and upgraded to meet the
22 current City of Oceanside requirements and the approval of the City Engineer.

23 17. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
24 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
25 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
26 annul an approval of the City, concerning Regular Coastal Permit (RC-18-06) and
27 Variance (V-27-06). The City will promptly notify the applicant of any such claim,
28 action or proceeding against the City and will cooperate fully in the defense. If the City
fails to promptly notify the applicant of any such claim action or proceeding or fails to

1 cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend,
2 indemnify or hold harmless the City.

3 18. A covenant or other recordable document approved by the City Attorney shall be prepared
4 by the subdivider and recorded prior to the approval of the final map. The covenant shall
5 provide that the property is subject to this resolution, and shall generally list the conditions
6 of approval.

7 19. 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 Landscape Plan and shall be recorded in the form of a covenant affecting the subject
12 property.

13 20. 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 owner
15 and or operator. This notification's provision shall run with the life of the project and shall
16 be recorded as a covenant on the property.

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

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

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

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

1 **Water Utilities:**

2 25. All public water and/or sewer facilities not located within the public right-of-way shall be
3 provided with easements sized according to the Water, Sewer, and Reclaimed Water Design
4 and Construction Manual. Easements shall be constructed for all weather access.

5 26. No trees, structures or building overhang shall be located within any water or wastewater
6 utility easement.

7 27. The property owner will maintain private water and wastewater utilities located on private
8 property.

9 PASSED AND ADOPTED Resolution No. 2007-P23 on April 23, 2007 by the following

10 vote, to wit:

11 AYES:

12 NAYS:

13 ABSENT:

14 ABSTAIN:

15 _____
16 Dennis Martinek, Chairman
17 Oceanside Planning Commission

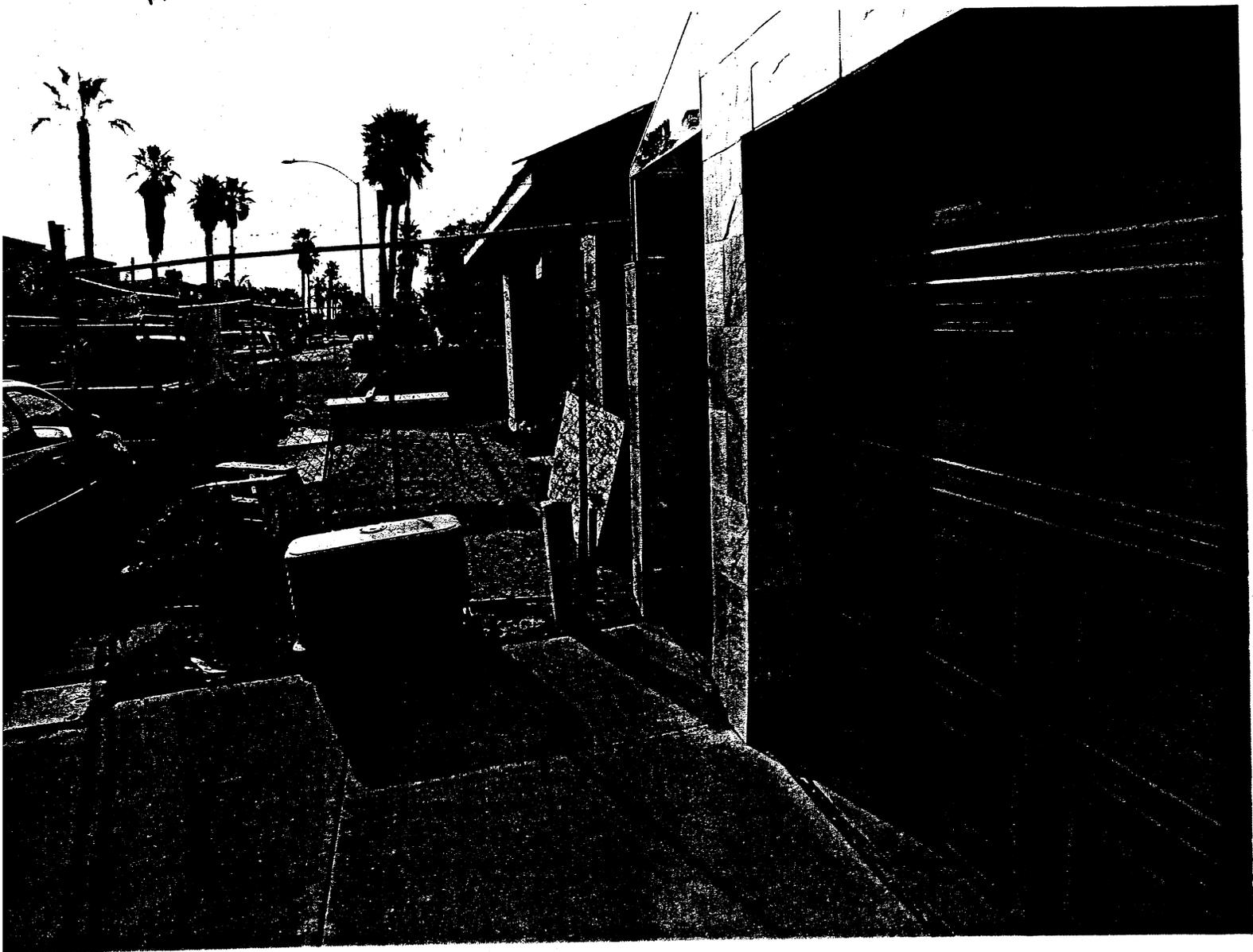
18 ATTEST:

19 _____
20 Jerry Hittleman, Secretary

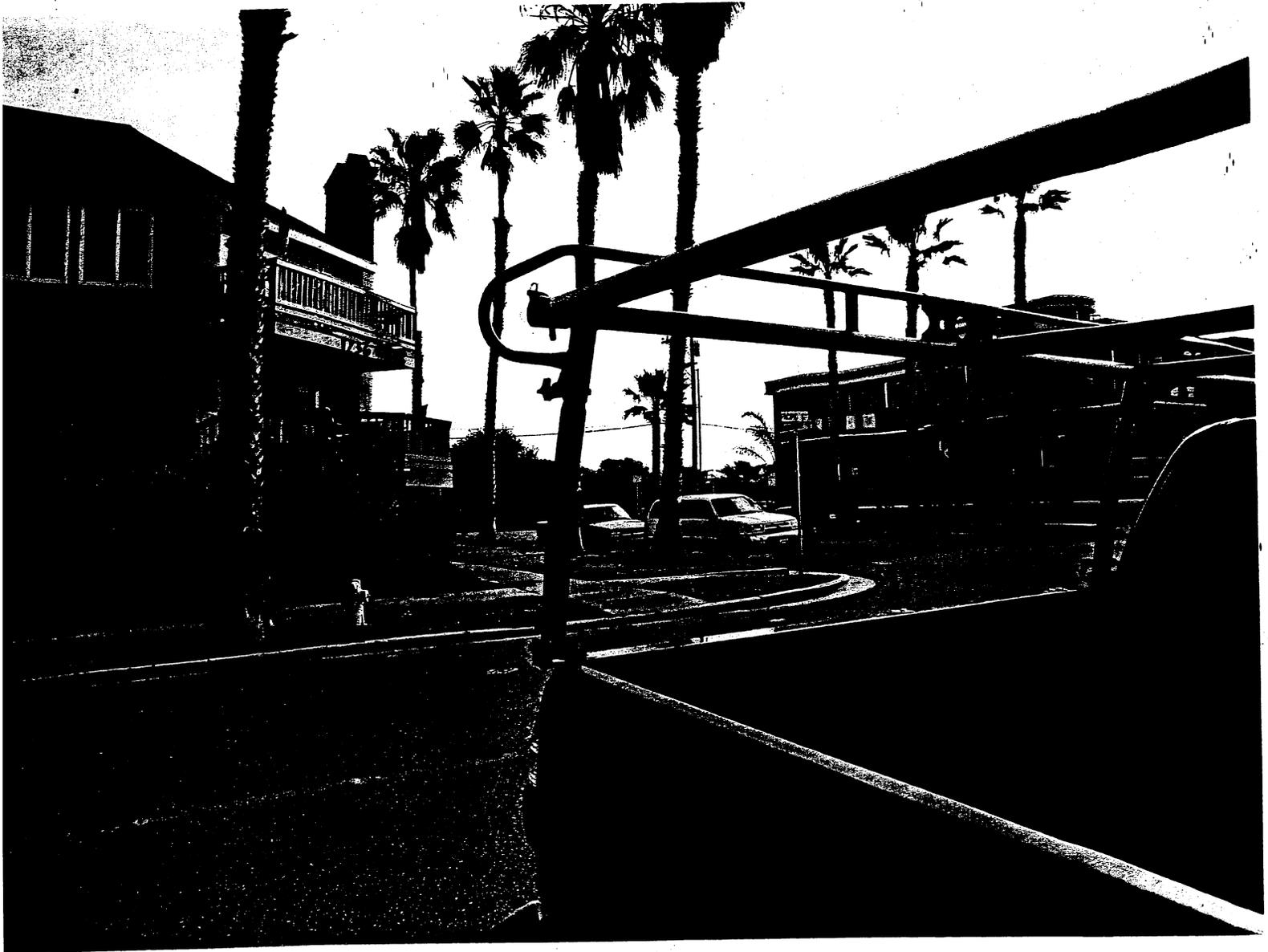
21 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
22 this is a true and correct copy of Resolution No. 2007-P23.

23 Dated: April 23, 2007
24
25
26
27
28

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Planning Department

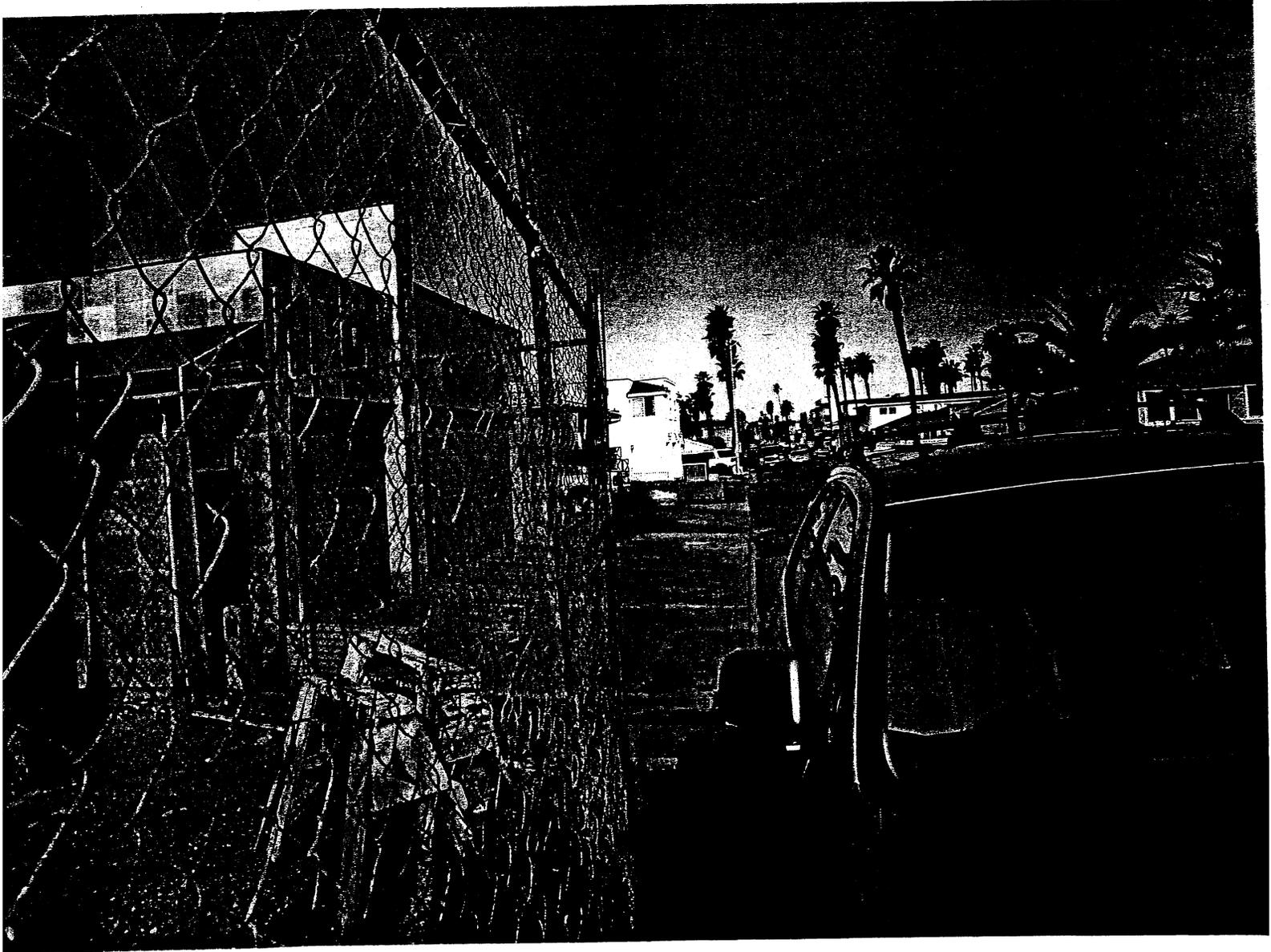


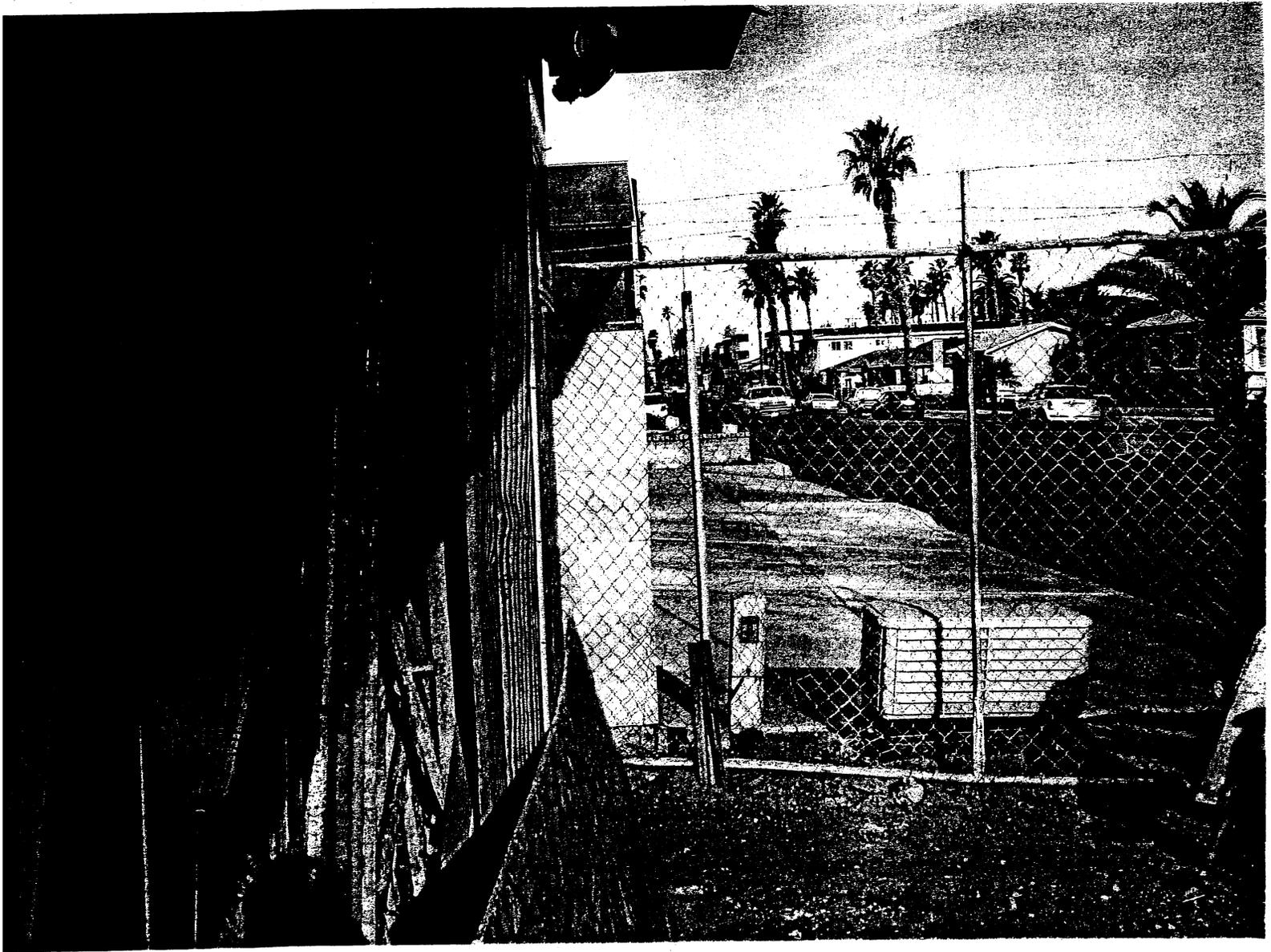
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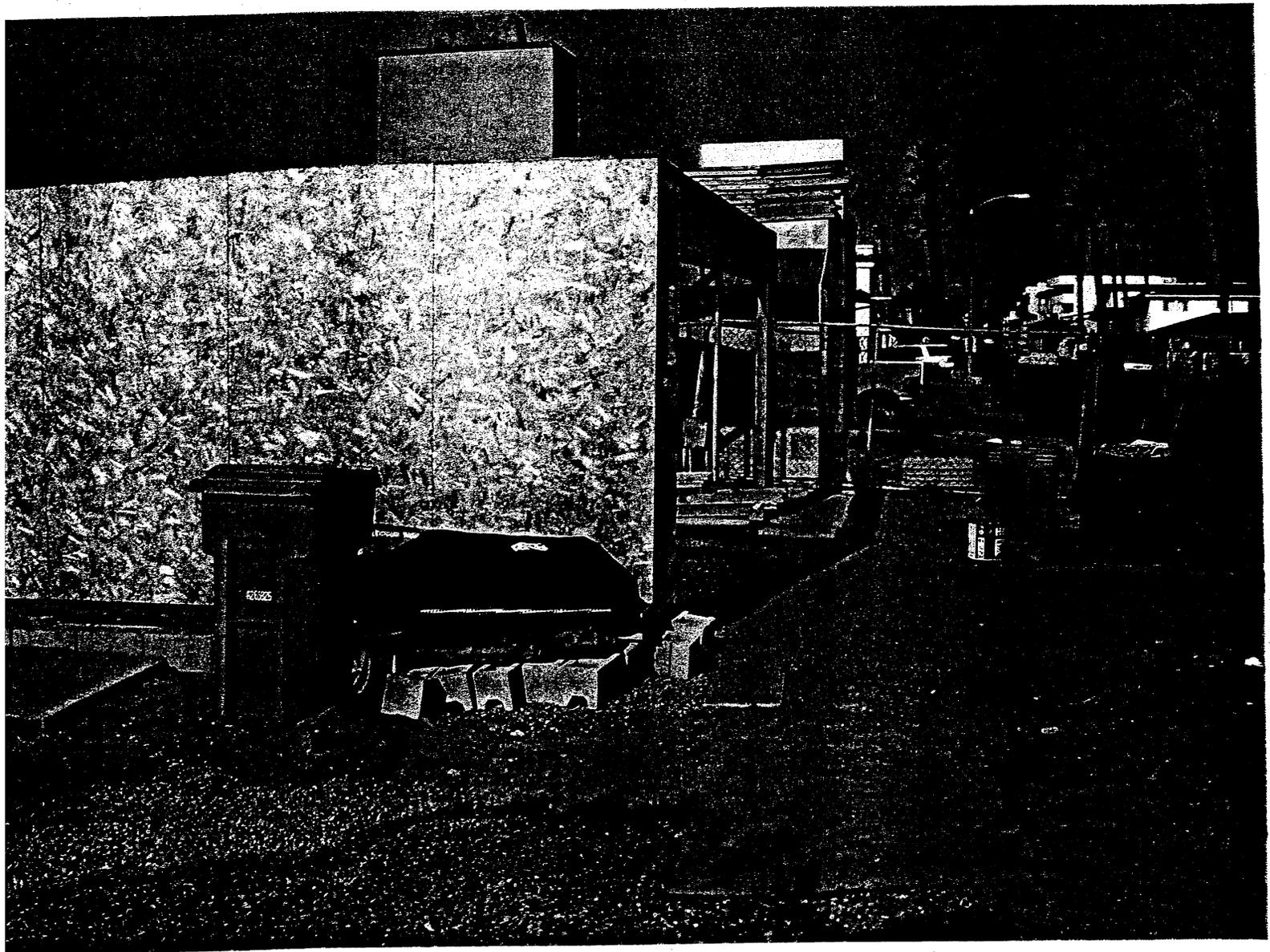






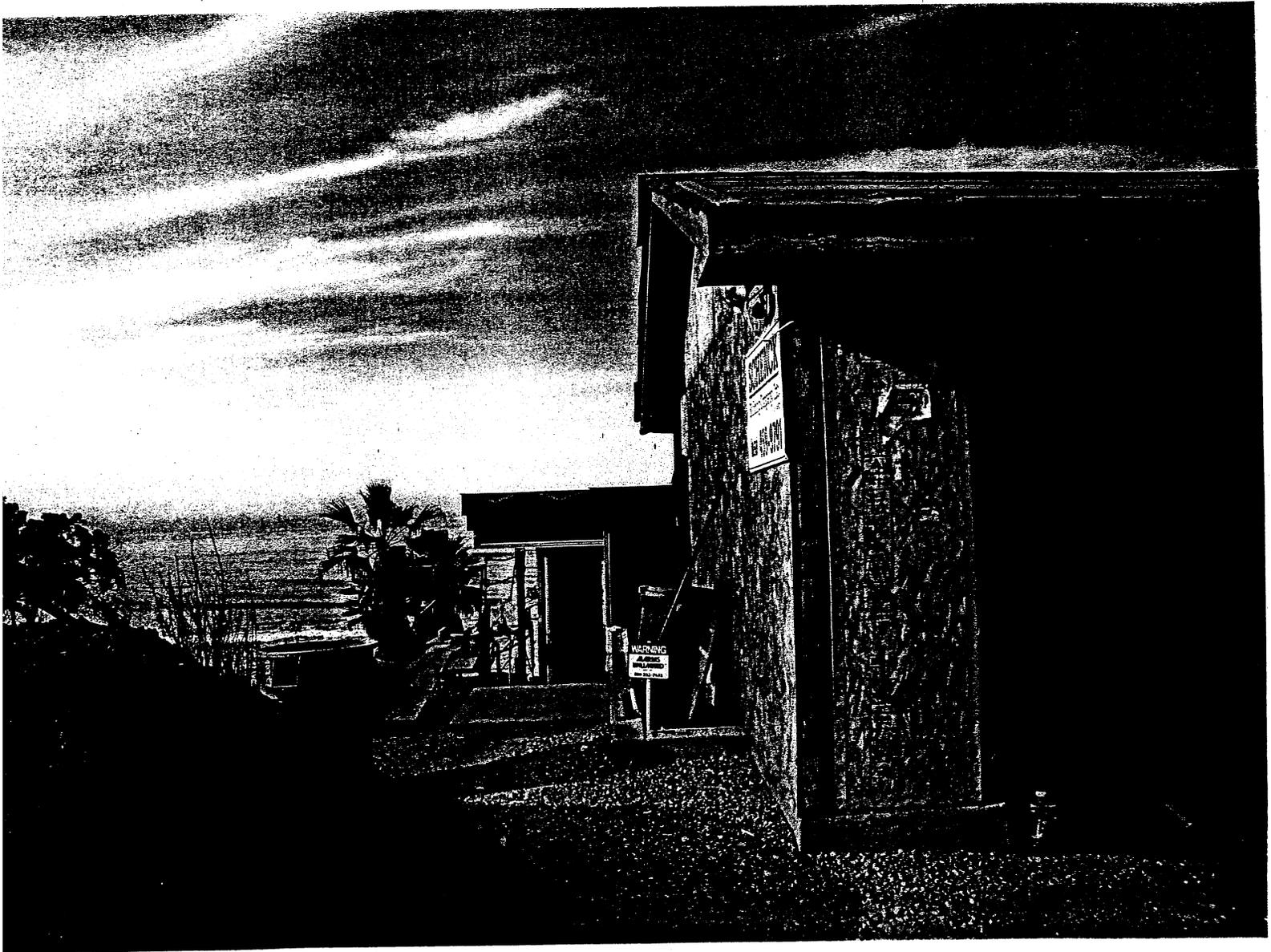


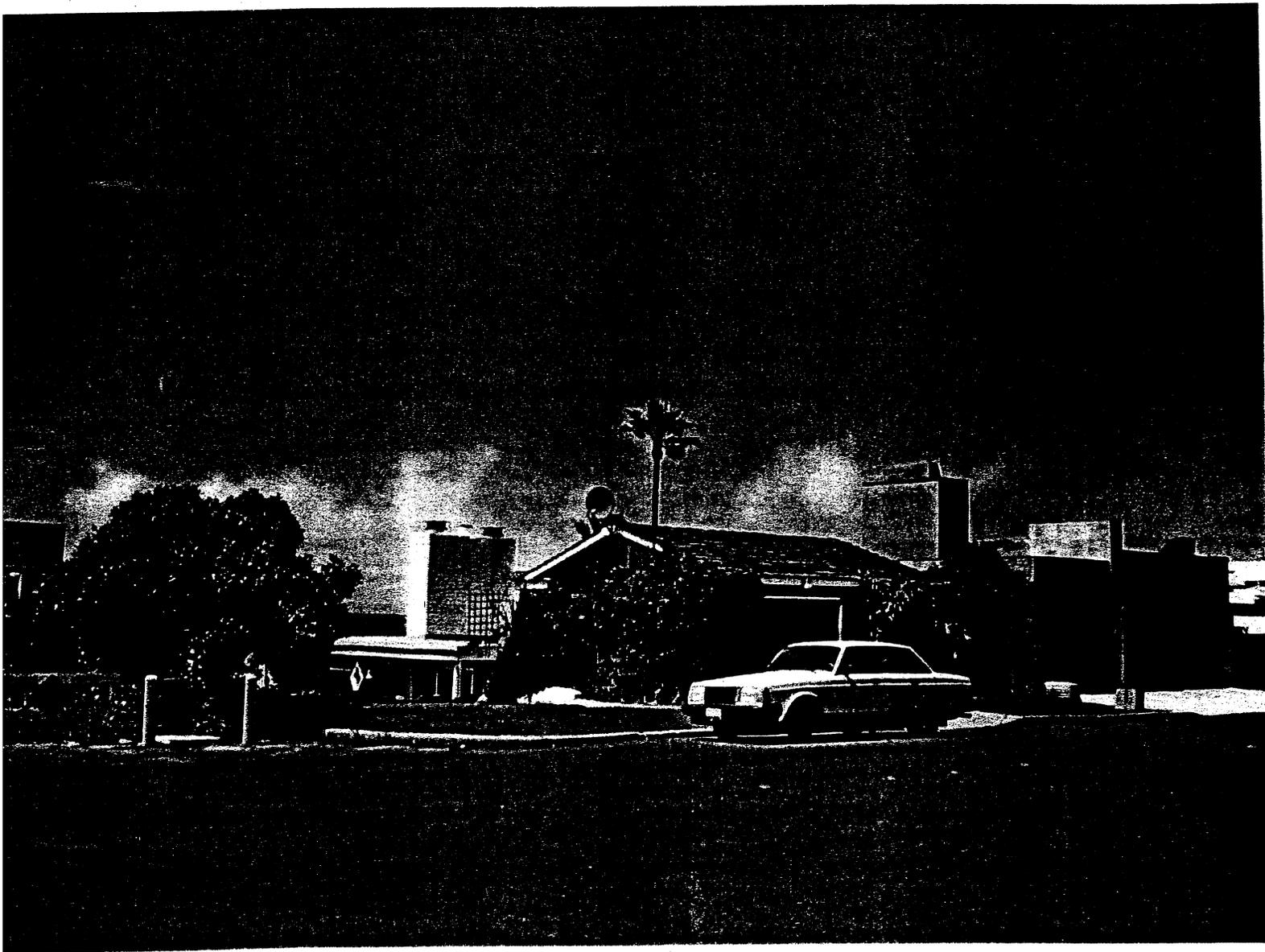


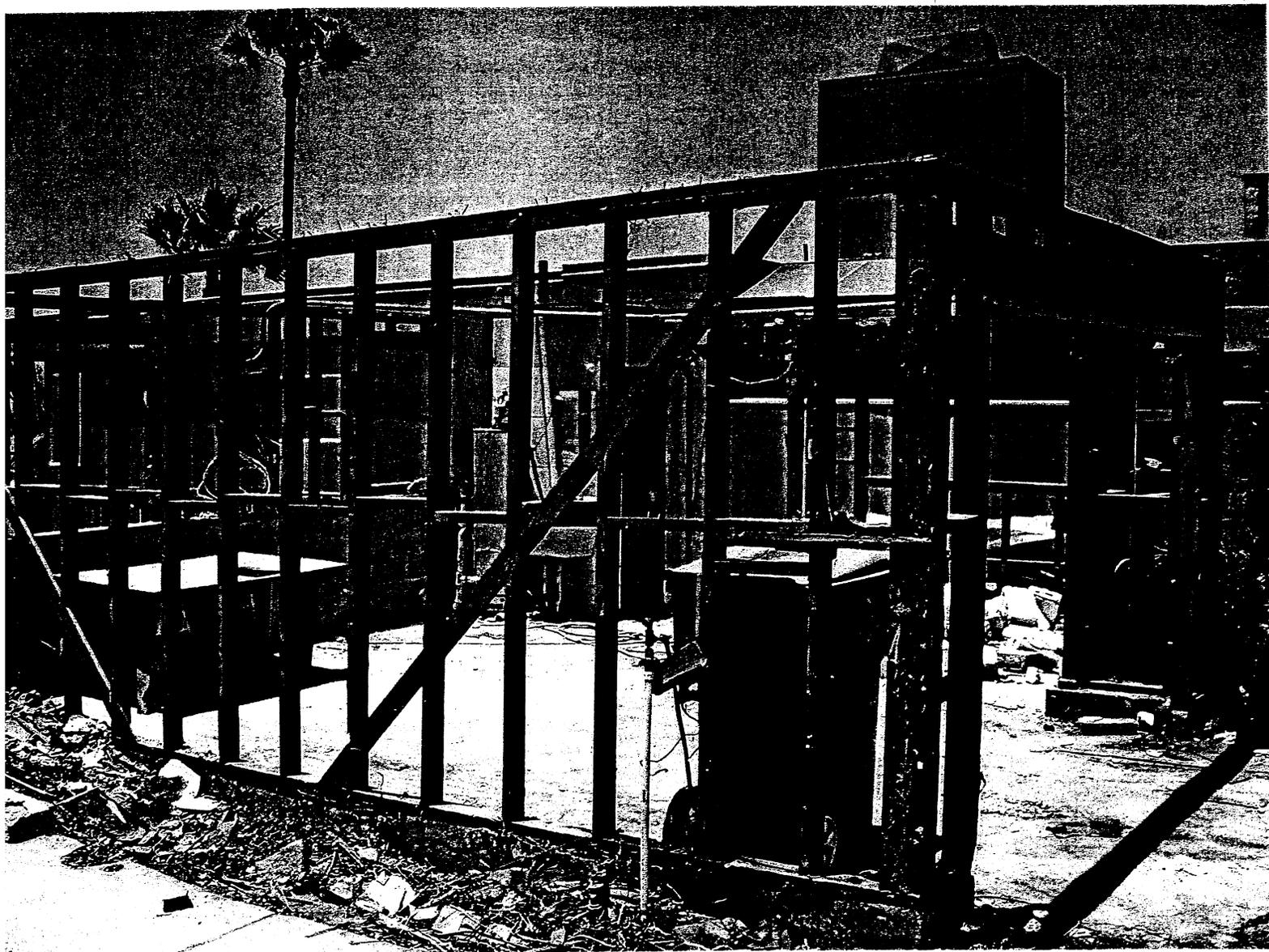


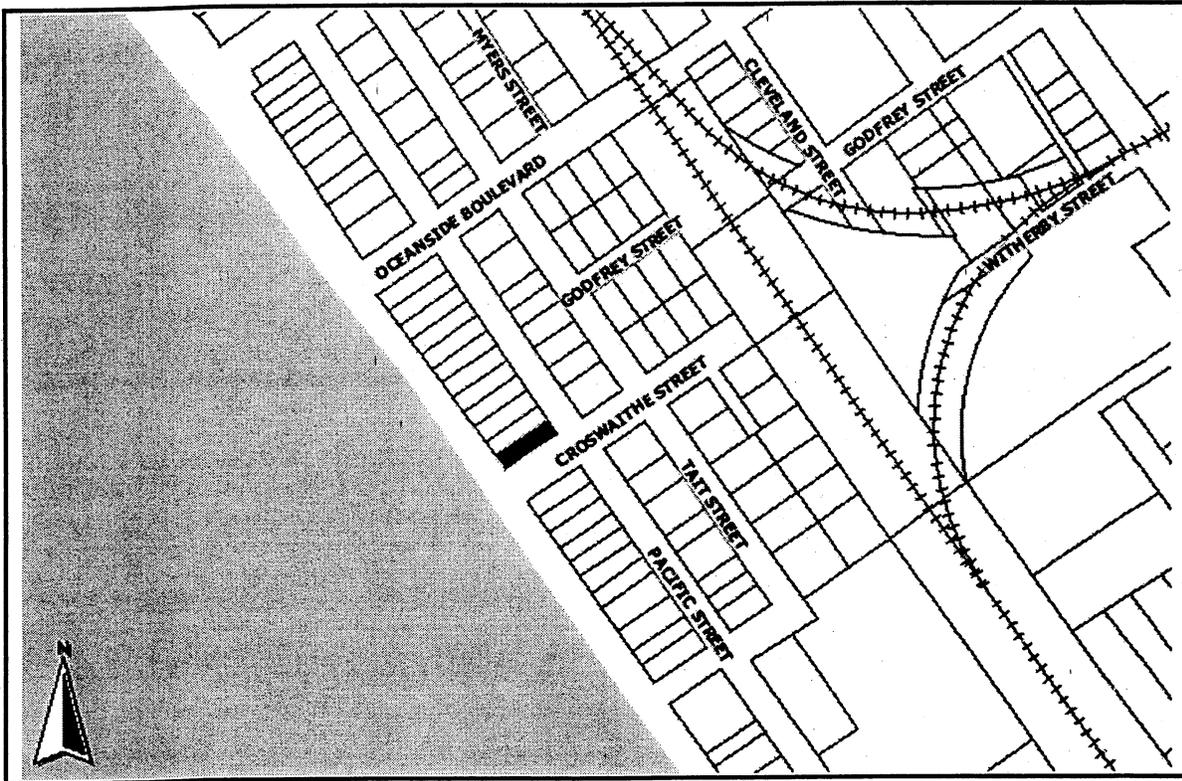












File Number: RC-27-06, V-18-06

Applicant: Tim and Ellen Zinn

Description:

REGULAR COASTAL PERMIT (RC-27-06) and VARIANCE (V-18-06) to allow an addition to an existing single-family residence and a front yard setback deviation (13'4" in lieu of 15') as 1235 South Pacific Street. The project site is zoned RT (Residential Tourist) and is situated within the South Oceanside Neighborhood and the Coastal zone.
ZINN RESIDENCE

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

City of Oceanside, Planning Department
300 N. Coast Highway
Oceanside, CA 92054 (760) 435-3520

Date: April 12, 2007

Public Hearing Coastal Permit
Identification No. RC-27-06

NOTICE OF PUBLIC HEARING
COASTAL DEVELOPMENT PERMIT

This is a notice to you as an interested party that the City of Oceanside Planning Commission will hold a public hearing on the Coastal Permit application of Tim and Ellen Zinn. This application was received on November 27, 2006. The application is described as follows:

To allow an addition to an existing single-family residence and a front yard setback deviation (13'-4" in lieu of 15") at 1235 South Pacific Street.

The project site is zoned RT (Residential Tourist) and is situated within the South Oceanside Neighborhood and the Coastal Zone.

Said hearing will be held on April 23, 2007, at 7:00 p.m. in the Council Chamber of City Hall, 300 North Coast Hwy., Oceanside, California at which time and place any and all interested persons may appear and be heard. Interested persons may contact the Planning Division at (760) 435-3520 after April 18, 2007, to be informed of the place on the agenda and the approximate time of hearing.

If you have any questions or comments regarding this matter, or want to be notified of the decision, contact the City of Oceanside, Planning Division at (760) 435-3520. Written comments may be submitted prior to the hearing and will be made part of the public record and provided to the Planning Commission.

If you disagree with the decision of the Planning Commission concerning this project's conformance to the Local Coastal Plan, you may appeal the decision to the City Council. The appeal, accompanied by the appropriate fee must be filed in the City Clerk's Office, 300 North Coast Hwy., Oceanside, no later than 5:00 p.m. on May 3, 2007 (10 days from the adoption of the Planning Commission Resolution).

The project is "appealable" to the California Coastal Commission under Section 30603(a) of the California Public Resources Code. An aggrieved person may appeal the decision to the Coastal Commission within ten (10) working days following the Commission receipt of the Notice of Final Action on this project. The Notice of Final Action is mailed after the City's last action, such as Planning Commission resolution, Community Development Commission resolution (for projects in the Redevelopment Area), or City Council resolution (for projects involving a zone change or which resulted in a local appeal). Please contact the Planning Department at (760) 435-3520 for this information.

Appeals must be in writing. The Coastal Commission, San Diego District Office is at 7575 Metropolitan Drive, Suite 103, San Diego, California 92108-4402. The phone number is (619) 767-2370.

Application For Planning Commission Hearing				STAFF USE ONLY	
Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885				ACCEPTED	BY
RECEIVED NOV 27 2006 Planning Department				11/27/06	S.S.
Please Print or Type All Information				HEARING	
PART I - APPLICANT INFORMATION				GPA	
1. APPLICANT		2. STATUS		MASTER/SP.PLAN	
Tim and Ellen Zinn		Owner		ZONE CH.	
3. ADDRESS		4. PHONE/FAX		TENT. MAP	
P.O. Box 9050 Rancho Santa Fe, CA 92067		858-342-4850		PAR. MAP	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)				DEV. PL.	
Allen Matkins - Heather Riley <i>hriley@allmatkins.com</i>				C.U.P.	
6. ADDRESS		7. PHONE/FAX		VARIANCE	
501 W. Broadway, 15th Floor San Diego, CA 92101		619-235-1564		V-18-06	
PART II - PROPERTY DESCRIPTION				COASTAL	
8. LOCATION				O.H.P.A.C.	
1235 S. Pacific Street, Oceanside, California				9. SIZE	
				4,874 SF	
10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER		
UHD	RT	Residential Single-Family	152-141-12		
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION					
Rebuilding an attached single-family garage within the footprint of the previous garage. <i>REV-2/8/07</i>					
15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY	
n/a	n/a	n/a	1	1	
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE		
434 SF (garage)	2	40%	34%		
PART IV - ATTACHMENTS					
ALL APPLICATIONS			DEV. PLANS, C.U.P.s & TENT. MAPS		
<input checked="" type="checkbox"/> 24. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION	<input checked="" type="checkbox"/> 30. FLOOR PLANS AND ELEVATIONS			
<input checked="" type="checkbox"/> 26. 300-FT. RADIUS MAP	<input checked="" type="checkbox"/> 27. PROPERTY OWNERS' LIST	<input type="checkbox"/> 31. CONSTRUCTION SCHEDULE			
<input checked="" type="checkbox"/> 28. ENVIRONMENTAL ASSESSMENT	<input checked="" type="checkbox"/> 29. PLOT PLANS	<input type="checkbox"/> 32. OTHER			
PART V - SIGNATURES					
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.			SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).		
33. APPLICANT OR REPRESENTATIVE (Print):		34. DATE		37. OWNER (Print)	
Tim Zinn		11/20/06		Tim Zinn	
Sign: <i>Tim Zinn</i>				38. DATE	
				11/20/06	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.					
35. APPLICANT (Print):		36. DATE		39. OWNER (Print):	
Tim Zinn		11/20/06		Ellen E. Zinn	
Sign: <i>Tim Zinn</i>				40. DATE	
				11/20/06	
				Sign: <i>Ellen E Zinn</i>	

RECEIVED
 NOV 27 2006
 Planning Department

SCOTT

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
501 West Broadway, 15th Floor | San Diego, CA 92101-3541
Telephone: 619.233.1155 | Facsimile: 619.233.1158
www.allenmatkins.com

Heather S. Riley
E-mail: hriley@allenmatkins.com
Direct Dial: 619.235.1564 File Number: Z9511-002/SD662469.01

Via Hand Delivery

November 27, 2006

City of Oceanside Planning Department
300 North Coast Highway
Oceanside, California 92054

RECEIVED
NOV 27 2006
Planning Department

**Re: Zinn Beach House, Oceanside, California -- Project
Description/Justification and Variance Findings**

Dear Sir or Madam:

This office represents Tim and Ellen Zinn, the applicants of a Coastal Development Permit to the City of Oceanside ("City") for the property at 1235 South Pacific Street in Oceanside, California (APN: 152-141-12-00). The legal description of the property is as follows:

Lot 12, Block "G" 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 San Diego County, April 29, 1907.

Except therefrom that portion thereof, if any, now or heretofore lying below the mean high tide line of the Pacific Ocean or which may have been ended to said property other than by natural accretion.

The attached application includes a request for a variance from the applicable front yard setback. The project in question is the "Rebuilding of an attached single-family garage within the footprint of the previous garage." The permit is necessary to allow construction of the garage to continue. During the remodel of the house, which previously was approved by the City, the former single car garage collapsed due to inferior construction methods employed by the prior owner of the home. As a result of the collapse, the garage was rebuilt within the former footprint to allow parking for two vehicles inside the garage.

The rebuilt garage meets the City's current parking requirements, in that it allows for two cars to be parked on-site. However, even though the garage was reconstructed within the same footprint as the former garage, the project does not meet the City's applicable front yard setback requirements. As a result, a variance from the applicable front yard setback is requested. To assist

City of Oceanside Planning Department
November 27, 2006

Page 2

the City in analyzing the project pursuant to Oceanside Zoning Ordinance § 4105(B), we offer the following findings.

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

The garage, which is the subject of this application, is approximately 434 square feet and will provide two standard parking spaces (9 foot by 19 foot). The two-car garage will be rebuilt to replace the former one-car garage on the applicant's 4,874 square foot property, which is a substandard, legal nonconforming lot pursuant to the City's Zoning Ordinance. Specifically, the property is less than the 6,000 square foot required minimum lot size identified in Zoning Ordinance § 1050 for property within the Residential Tourist ("RT") zone. The property in question is beachfront property, so construction on the seaward side of the lot is limited. The applicable rear yard setback in the RT zone is 10 feet, which setback is being met for the project. Moreover, the project abuts the public beach access at Croswaithe Street, limiting development to the south side of the lot. According to the Oceanside Zoning Ordinance § 1050(DD), the applicable front yard setback for garages in the RT zone is 20 feet from the garage to the back of the curb, the back of the sidewalk or the property line, whichever is the most restrictive. This project will allow for an approximately 13-foot 4.5-inch setback from the garage to the back of the curb, to accommodate the construction of a two-car garage in the same footprint as the existing single-family home's former one-car garage. During the remodel of the house, which was previously approved by the City of Oceanside, the former single car garage collapsed due to inferior construction methods employed by the prior owner of the home. As a result of the collapse, the garage was rebuilt within the former footprint to allow parking for two vehicles inside the garage.

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;

The variance will allow for construction of a 2-car garage, where previously, the home had parking for just one car. The project site sits on a substandard, legal nonconforming lot that abuts the public beach access. The addition of a second parking space will meet the current parking requirements of the City's Zoning Ordinance § 3103 and will allow for on-street public parking adjacent to beach access. In addition, a two-car garage on-site will meet the Local Coastal Program's recommendation to provide adequate on-site parking in the South Pacific Street beach area. The requested variance from the applicable front yard will not injure the public's health, safety or general welfare, as lateral access to the existing sidewalk will be maintained.

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

City of Oceanside Planning Department
November 27, 2006

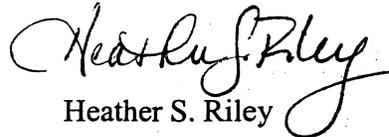
Page 3

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

The requested variance will allow the project applicant to develop a two-car garage on the site of their single-family home, consistent with the City's current parking requirements outlined in the Zoning Ordinance. Moreover, the variance will not grant a special privilege to this property as multiple homes on this block of South Pacific Street maintain nonconforming setbacks. As a result, strict application of the front yard setback requirement would deprive the property in question from privileges enjoyed by other properties in the vicinity.

In addition to the above information, the attached application packet contains the documents necessary to submit this project. If more information is needed, or if you have any questions, please do not hesitate to contact me.

Very truly yours,



Heather S. Riley

HSR
Enclosures

Order Number: DIV-2599103 (4)

Page Number: 6

LEGAL DESCRIPTION

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

LOT 12, BLOCK "G" 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 SAN DIEGO COUNTY, APRIL 29, 1907.

EXCEPT THEREFROM THAT PORTION THEREOF, IF ANY, NOW OR HERETOFORE LYING BELOW THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN OR WHICH MAY HAVE BEEN ENDED TO SAID PROPERTY OTHER THEN BY NATURAL ACCRETION.

APN: 152-141-12-00



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(30 days)

1. **APPLICANT:** Tim & Ellan Zinn
2. **ADDRESS:** P.O. Box 9050
Rancho Santa Fe 92067
3. **PHONE NUMBER:** (858) 342-4850
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** ZINN RESIDENCE (V-18-06 & RC-27-06)
7. **DESCRIPTION:** A request to remodel an existing single family residence and construct a two car garage located at 1235 S. Pacific St.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Environmental Coordinator finds that the proposed project constitutes interior alterations involving such things as interior partitions, plumbing and electrical conveyances, and the project is categorically exempt. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

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



Scott Nightingale, Planner II

Date: 4/23/06

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee