



DATE: April 25, 2011

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF VARIANCES (V11-00001 AND V11-00002) AND REGULAR COASTAL PERMITS (RC10-00002 AND RC10-00010) FOR THE CONVERSION OF AN EXISTING SIX-UNIT MULTI-FAMILY DEVELOPMENT INTO TWO DETACHED SINGLE-FAMILY RESIDENCES AT 817 AND 819 SOUTH PACIFIC STREET – BEACHWALK LLC AND LEEDS LLC**
APPLICANTS: BEACHWALK LLC AND LEEDS LLC

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Approve Variances (V11-00001 and V11-00002) and Regular Coastal Permits (RC10-00002 and RC10-00010) by adopting Planning Commission Resolution Numbers 2011-P15 and 2011-P16 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: Situated within the Coastal Zone and the Townsite Neighborhood Planning Area, the subject properties comprise two contiguous beachfront lots, each measuring 25 feet in width and 130 feet in depth. The two lots are developed with a six-unit apartment complex, portions of which straddle the common property line. Featuring two stories over a daylight basement, the apartment complex and associated parking facilities were constructed in 1970. The current proposal is subject to the City's General Plan, Local Coastal Program and 1986 Zoning Ordinance, which was formally reinstated for Coastal Zone properties outside of the Downtown Redevelopment Area in May 2009.

Site Review: Per the 1986 Zoning Ordinance, the subject properties bear a zoning designation of Residential-Tourist (R-T). The land use designation of both properties is Urban High-Density Residential (UHD-R)). These designations provide for single and multi-family residential uses serving both residents and visitors. The subject properties

abut single-family residences to the north and south, bungalow-style apartments to the east and the Pacific Ocean to the west. Each lot measures 25 feet in width and 130 feet in length, which is typical of beachfront properties south of Wisconsin Avenue. The properties occupy a portion of coastal bluff that descends approximately 10 vertical feet from South Pacific Street to the beach immediately inland of the revetment. Like other properties in the 800 Block of South Pacific Street, the subject sites were excavated to allow beach-level development to extend eastward to the front yard setback. Beach-level development on the subject sites has little to no visibility from South Pacific Street, depending upon one's vantage point within the public right-of-way.

Existing development on the subject sites consists of three separate two-story buildings, each accommodating two stacked flats. Together, these six comparably-sized dwelling units comprise roughly 5,000 square feet of habitable space. The building at the eastern edge of the properties presents two stories at South Pacific Street and includes a daylight basement at the beach level. This building features a large, steeply-pitched mansard adorned with slate tile, three street-facing garages (with a total of five enclosed parking spaces) and a beach-facing open deck from which the upstairs dwelling unit is accessed. A second building is situated at the midsection of the two lots, close to the southernmost side yard property line. Attached to the street-facing building, this second building features a second-story open deck, accessed from exterior stairs. A third building, identical in size and style to the second building, is situated farther westward, approximately ten feet behind the coastal stringline. This third building is laterally off-set from the second building, thereby affording visual access to the beach from the second building. Photographs of existing site conditions are included with this staff report as Attachment 3.

Project Description: The applicant seeks to convert the existing multi-family structures into two detached single-family homes, each sited on a separate legal lot. Comprised of two stories over a daylight basement at the beach level, each of the proposed single-family homes would include 5,385 square feet of habitable space and 815 square feet of garage area. Each garage would allow for tandem parking of four vehicles. As part of the proposed project, the applicant intends to preserve elements of the existing development (e.g. foundation, retaining walls, portions of the above-grade framing on the front elevation), allowing both residences to maintain a legal nonconforming front yard setback of approximately three feet, where setbacks of roughly six feet (817 South Pacific St.) and nine feet (819 South Pacific St.) would otherwise be required.

While identical in floor plan, the two proposed residences would feature slightly different front elevations. One residence would display a gabled roof element at the street frontage, while the other would present a hipped roof element. Additionally, the residences would exhibit different finish materials, including different stucco colors, different roof tiles and different molding. These differences will be shown on materials boards that will be presented at the public hearing.

Each residence would include six bedrooms, eight bathrooms, an expansive common area at the western end of each building level, a kitchen, two wet bars and an open roof deck. The primary entrance to each residence would be located along the south-facing side elevation at the street (i.e. middle) level, with a secondary entrance placed along the same elevation at the beach level. Vertical access would be provided by both stairs and an elevator.

The stairwell would rise to the roof deck from an uncovered portion of the second story, and the elevator would not extend to the roof deck. Consequently, the residences would not have stair or elevator enclosures projecting above their rooflines.

The beach level of each residence would qualify as a basement in accordance with both the 1986 Zoning Ordinance and the 2010 California Building Code, which require that basements be sufficiently buried such that the average separation between adjacent finished grade and the finished floor of the story above amounts to less than six feet. Situated entirely below South Pacific Street, habitable space at the beach level would be substantially buried beneath adjacent finished grade by means of elevated walkways and raised planters similar to those found on surrounding properties to the north and south.

Taken together, the two proposed residences would nearly double the amount of enclosed square footage on the subject properties, primarily by occupying portions of the building envelope currently devoted to internal and beach-adjacent courtyard areas.

Like similar single-family development in the 800 Block of South Pacific Street, each residence is intended serve as a vacation rental, though each unit could also function as a long-term rental or an owner-occupied home.

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

1. General Plan Land Use Element
2. 1986 Zoning Ordinance
3. Local Coastal Program
4. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. General Plan

The General Plan Land Use Map designation for the subject property is Urban High Density Residential (UHD-R). The proposed project is consistent with this land use designation as well as 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 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.

It is staff's position that, relative to existing development on the subject properties, the proposed project would constitute a significant architectural improvement. While the existing multi-family complex exhibits a somewhat dated and monolithic appearance, featuring a bulky mansard that cantilevers over the ground floor façade and beyond the front property line, the proposed residences would display highly articulated front elevations with prominent windows, recessed roof elements, inset garage doors, decorative banding and copper gutters and downspouts.

Although slightly taller than the existing apartment complex, the proposed residences would be no more than 22 feet in height at the front building line, consistent with adjacent single-family homes to the north and south that were approved under the more restrictive height standards of the previously-applicable 1992 Zoning Ordinance. Taller elements (e.g. parapets and roof deck railing) would be situated farther westward, toward the middle of the lots. It is staff's position that the terraced height of the proposed residences would have reduced massing impacts on South Pacific Street relative to those occasioned by the existing apartment complex. Staff finds that massing impacts would be further reduced by the replacement of 44 lateral feet of uninterrupted two-story development with two detached structures, each measuring less than 19 feet in width. This change would result in a new six-foot-wide corridor between the two existing lots, providing for light, air circulation and visual access to the ocean from South Pacific Street.

Goal 1.32: Coastal Zone

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

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

The proposed project has been reviewed by staff for compliance with the policies of the Local Coastal Program (LCP). Staff finds that the application complies with applicable policies of the LCP, as follows:

Adequate access to and along the coast shall be provided and maintained.

Proposals that constitute multi-family development or involve at least 70 feet of street frontage are required to dedicate and construct public access to the beach when such access is not already present within 250 feet of the proposed project. The subject request does not involve multi-family development; the subject properties together comprise less than 70 feet of street frontage; and existing public access to the beach is located within 200 feet, at the Hayes Street right-of-way. Consequently, the proposed project is not required to provide additional public beach access.

The City shall maintain existing view corridors through public rights-of-way.

Located on interior lots substantially removed from both Wisconsin Avenue and Hayes Street, the proposed project would not impact any existing view corridors through public rights-of-way. Furthermore, conversion of the existing multi-family complex into two detached single-family homes would enhance visual access to the ocean from South Pacific Street, given that a new six-foot-wide view corridor would be established between the proposed residences.

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

The proposed residences would be consistent with existing single-family development located immediately to the north and south of the subject properties, in terms of both architecture and site design. The height and overall scale of the proposed residences would accord with that of adjacent structures on both sides of South Pacific Street. Exterior wall treatments, fenestration and other finish materials would complement that displayed by other recently approved and developed projects in the vicinity (e.g. 811, 813 and 815 South Pacific Street).

New development shall utilize optimum landscaping to accent and enhance desirable site characteristics and architectural features.

As evidenced by existing development along South Pacific Street between Wisconsin Avenue and the City's southern boundary, front yard landscaping is highly constrained by the narrowness of the typical lot, which often affords only enough lateral dimension for driveways and pedestrian access. Such is the case with the two subject properties. Nevertheless, the proposed project would improve the curb appeal of the properties with enhanced paving on the driveway and new planting areas in the public right-of-way. Specifically, 2' x 6' planter strips would be located in front of each garage door (four total planter strips) and a 3' x 6' planter would be situated between the two properties. While not reflected on the site plan, these hardscape and landscape improvements have been established as conditions of approval.

The City shall require that all new residential development provides adequate on-site parking.

While only required to furnish two enclosed parking spaces, each residence would provide four enclosed parking spaces in a tandem configuration. The two residences would thus be served by a total of eight enclosed parking spaces, compared to the five enclosed spaces now serving the existing six-unit apartment complex. Combined with the proposed reduction in dwelling units, the addition of three on-site parking spaces would likely reduce demand for on-street parking spaces now being utilized by occupants and guests of the existing apartment complex.

2. Zoning Compliance

As noted above, the proposed project is subject to the standards of the 1986 Zoning Ordinance, which was reinstated for properties in those portions of the Coastal Zone located outside of the Downtown Redevelopment Area. The 1986 Zoning Ordinance identifies both single-family homes and vacation rentals as land uses permitted by right within the R-T (Residential-Tourist) Zone. With respect to development standards, staff finds that the proposed project complies with all applicable R-T parameters, with maintenance of the existing legal nonconforming front yard setback allowed due to the proposal's classification as an addition to existing development. The proposal would not intensify this or any other legal nonconformity. The following table illustrates the proposal's conformance to R-T development standards:

Table 1: Development Standards

	REQUIRED	PROPOSED
FRONT YARD	Stringline, calculated per Section 1716*	8 inches (No change)
SIDE YARD	3 feet	3 feet
REAR YARD	Coastal stringline	Coastal stringline
MAXIMUM LOT COVERAGE	40%	64%
MAXIMUM HEIGHT	35 feet above average finished grade	29.8 feet above average finished grade

* This stringline provision places the required front yard setback approximately three (3) feet farther westward of the existing building line at 817 South Pacific Street and approximately six (6) feet farther westward of the existing building line at 819 South Pacific Street. The stringline angles toward the interior of both properties from the near corner of the existing residence at 815 South Pacific Street to the near corner of the existing residence at 821 South Pacific Street.

Maintenance of the existing legal nonconforming front yard setback would align the proposed residences with the three single-family homes immediately to the north (811, 813 and 815 South Pacific Street). The proposed residences would be situated roughly

six feet forward of the single-family home immediately to the south (821 South Pacific Street). Staff finds that this variation from the front yard setback at 821 South Pacific Street would benefit the streetscape by relieving the monotony occasioned by previous projects that have implemented the blockface averaging provision of the superseded 1992 Zoning Ordinance.

As noted in the table above, the proposed residences would remain more than five feet below the maximum allowable building height of 35 feet above average finished grade. For a depth of 33 feet westward of the front building line, the height of the residences would not exceed 22 feet as measured from existing street grade. As viewed from South Pacific Street, the perceived height of the residences would not exceed 25 feet (with the additional three feet of perceived height occasioned by stepped roof elements near the building's midsection, designed to provide vertical articulation). Only at points nearly 70 feet removed from the front building line would the residences achieve an actual profile of 35 feet, and only for a span of less than 36 feet. At the coastal stringline, the residences would be terraced back at the third level, incorporating an open deck and pitched roof element to reduce massing impacts on the beach. With no stair or elevator enclosures projecting above the primary roofline, the residences would remain below the maximum height of adjacent development to the north and south.

Because the proposed project involves single-family development, it is subject to the development standards of the R-1 zoning designation, even though the subject properties are located within an R-T zoning district. Consequently, while multi-family development in the surrounding zone does not live under a lot coverage maximum, new single-family homes are restricted to maximum lot coverage of 40 percent.

The five existing single-family homes in the 800 Block of South Pacific Street were approved and developed under the previously-applicable 1992 Zoning Ordinance, which does not require that single-family development in R-T zones abide by single-family development standards. All five of these existing residences maintain lot coverage of more than 60 percent, akin to that evidenced by multi-family development at 809, 831 and 833 South Pacific Street. Of the 12 developed properties in the 800 Block of South Pacific Street, eight exhibit lot coverage in excess of 60 percent. The existing development pattern in the 800 Block of South Pacific Street is illustrated in an aerial photograph included with this staff report as Attachment 4.

Each of the proposed residences would result in lot coverage of 63 percent. While this percentage of lot coverage significantly exceeds the 40 percent maximum allowed under R-1 development standards, it is consistent with existing development in the 800 Block of South Pacific Street and, in staff's estimation, would not result in adverse massing impacts on adjacent properties or the public right-of-way. Thus, staff is supportive of the Variance request. Findings associated with the Variance request have been articulated in the resolution of approval.

DISCUSSION

Issue: Project compatibility with the existing neighborhood and surrounding properties: Is the proposed conversion of multi-family development to single-family detached units consistent with the existing pattern of beachfront development along the 800 Block of South Pacific Street?

Recommendation: Staff finds that the proposed residences would be compatible in bulk and scale with the surrounding built environment. Furthermore, staff finds that the proposed residences would constitute an architectural enhancement of the subject properties and an aesthetic complement to both the streetscape and adjacent structures. While the proposed residences would nearly double the amount of enclosed building area on the subject properties, it is staff's position that these residences would reduce massing impacts on South Pacific Street relative to those now occasioned by the existing apartment complex.

Issue: Project consistency with development standards of the 1986 Zoning Ordinance: Do the proposed residences conform to the applicable development standards of the surrounding zone?

Recommendation: Although sited within an R-T zoning district, the proposed residences must conform to R-1 (Single-Family Residential) development standards, as previously noted. The proposed residences comply with all applicable R-1 development standards with the exception of maximum lot coverage, proposing 63 percent lot coverage where no more than 40 percent is permitted. Staff is supportive of the Variance request to allow lot coverage above the maximum permitted, given that all other single-family development in the 800 Block of South Pacific Street maintains lot coverage in excess of 60 percent.

ENVIRONMENTAL DETERMINATION

The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and the project is exempt under the provisions of the California Environmental Quality Act (CEQA) Class 1 15301 (e), Categorical Exemption "Existing Facilities"

PUBLIC NOTIFICATION

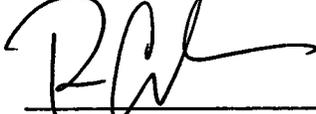
In advance of the Planning Commission public hearing on the proposal, legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius and occupants within a 100-foot radius of the subject property, individuals and or organizations requesting notification, the applicant, and other interested parties. No additional notification is required for further consideration of the proposal following the tie vote at the previous public hearing, in accordance with Municipal Code 2.1.34.

SUMMARY

Variances (V11-00001 and V11-00002) and Regular Coastal Permits (RC10-00004 and RC10-00010) are consistent with the requirements of the Zoning Ordinance as well as the applicable policies of the City's General Plan and Local Coastal Program. With the exception of lot coverage maximum, for which Variances are requested and supported by staff, the proposed residences meet all applicable development standards for the surrounding zoning district. The project's scale and architecture are compatible with the surrounding neighborhood and complementary to adjacent structures. Accordingly, staff recommends that the Planning Commission approve the proposal subject to the conditions contained in the attached resolution. Staff recommends that the Planning Commission:

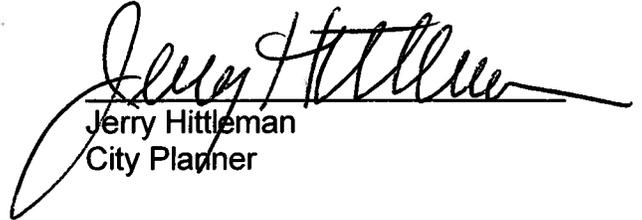
- Confirm issuance of Class 1, Categorical Exemption for Existing Facilities of the California Environmental Quality Act.
- Move to approve Variances (V11-0001 and V11-00002) and Regular Coastal Permits (RC10-00004 and RC10-00010) and adopt Planning Commission Resolution Numbers 2011-P15 and 2011-P16 as attached.

PREPARED BY:



Russ Cunningham
Senior Planner

SUBMITTED BY:

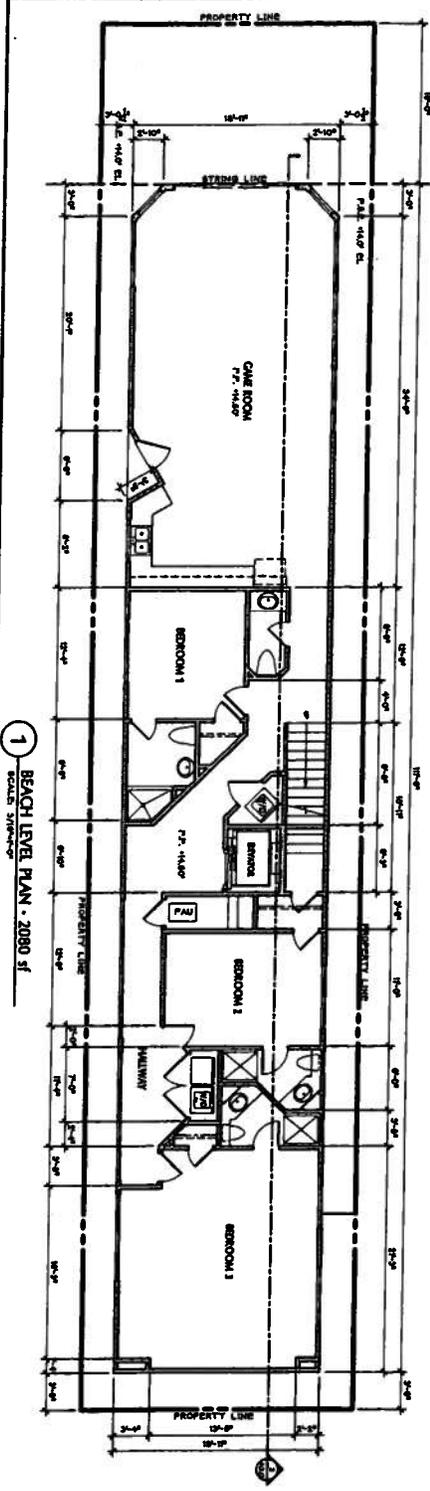
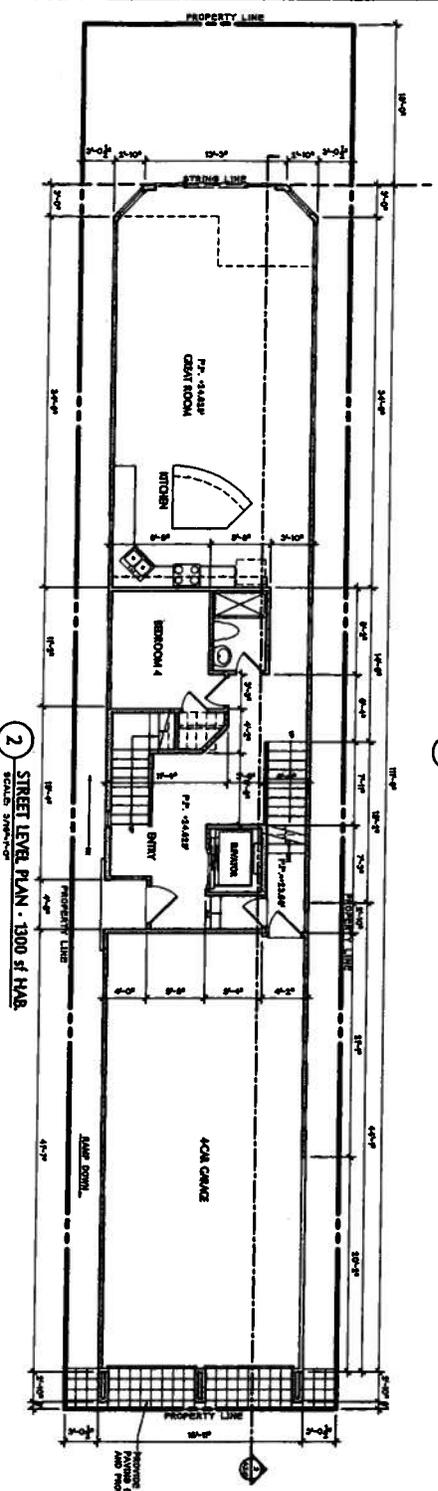
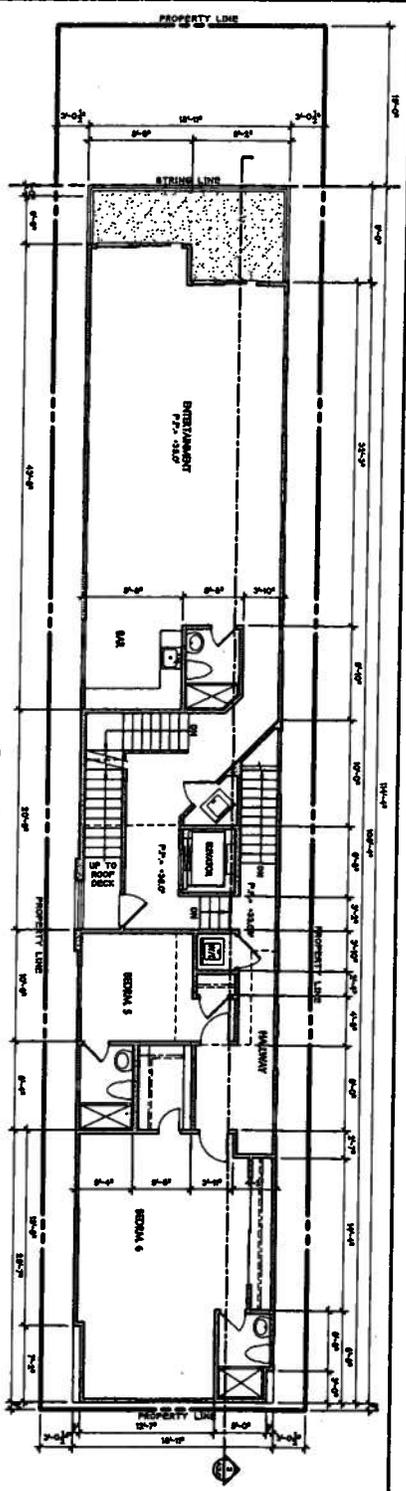


Jerry Hittleman
City Planner

JH/RC/fil

Attachments:

1. Plans
2. Planning Commission Resolution Numbers 2011-P15
3. Planning Commission Resolution Numbers 2011-P16
4. Site Photos
5. Aerial Photo



ASSUMPTIONS THIS PLAN:
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. ALL WALLS ARE 1/2" THICK UNLESS NOTED OTHERWISE.
3. ALL DOORS ARE 3'0" WIDE UNLESS NOTED OTHERWISE.

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PROJECT:
ADDITION AT
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OWNER:
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LIMITED, LLC
MANAGING MEMBER:
JAMES DOBSON
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OWNER'S REP:
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DATE:
10/1/05
SCALE:
3/8"=1'-0"

REVISIONS:

NO.	DATE	DESCRIPTION

DEVELOPING STATUS:
 PRELIMINARY
 PERMITTED
 UNDER CONSTRUCTION
 COMPLETED

DATE:
10/1/05
SCALE:
3/8"=1'-0"

SHEET NO.:
A-10

1 PLANNING COMMISSION
2 RESOLUTION NO. 2011-P15

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

6 APPLICATION NO: V11-00001, RC10-00002
7 APPLICANT: Strands End, LLC
8 LOCATION: 817 South Pacific Street
APN 150-356-22-00

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

11 WHEREAS, there was filed with this Commission a verified petition on the forms
12 prescribed by the Commission requesting a Variance and Regular Coastal Permit under the
13 provisions of the City of Oceanside Local Coastal Program and 1986 Zoning Ordinance to permit
14 the following:

15 replacement of an existing six-unit multi-family complex with two detached single-family
16 residences;
17 on certain real property described in the project description.

18 WHEREAS, the subject request constitutes one of the two aforementioned detached
19 single-family residences, located at 817 South Pacific Street;

20 WHEREAS, the Planning Commission, after giving the required notice, did on the 25th
21 day of April 2011 conduct a duly advertised public hearing as prescribed by law to consider said
application;

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

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

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

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit.
4			
5	Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre).
6			
7	Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$2,072 per unit for residential.
8			
9	School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential.
10			
11	Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip.
12			
13	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).
14			
15	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.
16			
17			
18	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.
19			
20			
21	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit.
22			
23			

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

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

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

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

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

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

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

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

16 FINDINGS:

17 For the Variance (V11-00001) to allow lot coverage in excess of the maximum allowed for
18 single-family residences pursuant to Sections 1707 and 3202 of the 1986 Zoning Ordinance:

- 19 1. That because of special circumstances or conditions applicable to 817 South Pacific
20 Street – i.e., a 40 percent lot coverage maximum not applicable to multi-family
21 development in the same block, nor to existing single-family development in the same
22 block – strict application of the requirements of the 1986 Zoning Ordinance (Sections
23 1707 and 3202) deprives such property of rights enjoyed by other property in the
24 vicinity and within the Residential Tourist (R-T) District. Zoning Ordinance Section
25 3202 establishes that single-family development in R-T zones is subject to R-1
26 development standards, which specify a lot coverage maximum of forty percent (40%).
27 Multi-family development in R-T zones is not subject to a lot coverage maximum.
28 Existing single-family development in R-T zones approved under the previously-
29 applicable 1992 Zoning Ordinance was not subject to a lot coverage maximum. The
west side of the 800 Block of South Pacific Street accommodates five single-family
homes approved under the 1992 Zoning Ordinance, all of which exceed 40 percent lot

1 coverage. With the lone exception of the existing multi-family project at 807 South
2 Pacific Street, all other development on the west side of the 800 Block exceeds 40
3 percent lot coverage. Like all beachfront properties between Wisconsin Avenue and
4 Witherby Street, properties in the 800 Block of South Pacific Street maintain a lot depth
5 of 130 feet, which in most cases extends to the eastern edge of the rock revetment.
6 South of Witherby Street, beachfront properties have rear property lines determined by
7 the mean high tide line (last calculated in the mid 1960's), which adds more than 100
8 feet of lot depth to these beachfront properties relative to those situated between
9 Wisconsin Avenue and Witherby Street. This additional lot depth, and the concurrent
10 increase in overall lot size, result in development projects with equivalent footprints
11 having vastly different lot coverage percentages, depending upon which side of
12 Witherby Street they inhabit.

13 2. That granting the Variance (V11-00001) will not be materially detrimental or injurious
14 to surrounding properties nor to the general development pattern of the neighborhood.
15 An allowance for lot coverage in excess of 40 percent will result in development
16 consistent with the existing development pattern along the west side of South Pacific
17 Street. The project will maintain all required setbacks and conform to the coastal
18 stringline, thereby alleviating massing impacts, allowing for sufficient light and air
19 between adjacent buildings and enhancing visual access to the beach from South Pacific
20 Street. The project will comply with all building and safety standards applicable to
21 single-family development, including those intended to mitigate hazards associated with
22 fire, wave run-up and geological instability.

23 3. That granting the Variance (V11-00001) is consistent with the purposes of the Zoning
24 Ordinance and will not constitute a grant of special privilege inconsistent with
25 limitations on other properties in the vicinity and within the R-T District. Granting a
26 variance to allow lot coverage beyond 40% of the site area is consistent with lot
27 coverage achieved by most existing development along the west side of South Pacific
28 Street. Of the twelve developed properties in the 800 Block of South Pacific Street,
29 eleven accommodate development that exceeds 40% lot coverage.

4. That granting the Variance (V11-00001) will not adversely affect the General Plan. The
proposed project is consistent with applicable policies of the Land Use Element of the

1 City of Oceanside General Plan, including those pertinent to site design (Policy 1.2),
2 architecture (Policy 1.23) and topographic resources (Policy 1.24).

3 For the Regular Coastal Permit (RC10-00002) to allow construction of a new single-family
4 residence:

5 1. The proposed single-family residence conforms to the policies of the Local Coastal
6 Program (LCP), including those pertinent to coastal access (Article 2), recreation
7 (Article 3), land resources (Article 5) and development (Article 6), in that it:

- 8 • Does not interfere with the public's right to access to the coastline and
9 ocean, given that dedicated public access ways exist within 500 feet of
10 the subject site;
- 11 • Provides for recreational use of private oceanfront land;
- 12 • Does not impact environmentally sensitive habitat area or prime
13 agricultural land;
- 14 • Occurs in an already-developed area with adequate public services;
- 15 • Protects views to and along the ocean;
- 16 • Is visually compatible with the character of surrounding areas.

17 2. The project site, at 817 South Pacific Street, is situated within the Appeal Area of the
18 Coastal Zone and conforms to the public access and recreation policies of Chapter 3 of
19 the Coastal Act. The 800 Block of South Pacific Street is 450 feet in length. This
20 adequately satisfies the requirement that public beach access be provided within 500
21 feet. Public access is provided at both ends of the 800 Block of South Pacific Street, at
22 Wisconsin Avenue and Hayes Street.

23 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
24 confirm issuance of a Categorical Exemption pursuant to Section 15303 of the California
25 Environmental Quality Act and approve Variance (V11-00001) and Regular Coastal Permit
26 (RC10-00002) subject to the following conditions:

27 **Building:**

28 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
29 Building Division plan check (Currently the 2007 California Building Code, and 2007
California Electrical Code).

- 1 2. The granting of approval under this action shall in no way relieve the applicant/project
2 from compliance with all State and Local building codes.
- 3 3. The building plans for this project are required by State law to be prepared by a licensed
4 architect or engineer and must comply with this requirement prior to submittal for building
5 plan review.
- 6 4. All electrical, communication, CATV, etc. service lines within the exterior lines of the
7 property shall be underground (City Code Sec. 6.30).
- 8 5. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
9 plans.
- 10 6. The developer shall monitor, supervise and control all building construction and
11 supporting activities so as to prevent these activities from causing a public nuisance,
12 including, but not limited to, strict adherence to the following:
- 13 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
14 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
15 work that is not inherently noise-producing. Examples of work not permitted on
16 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
17 producing nature. No work shall be permitted on Sundays and Federal Holidays
18 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
19 Christmas Day) except as allowed for emergency work under the provisions of the
20 Oceanside City Code Chapter 38 (Noise Ordinance).
- 21 b) The construction site shall be kept reasonably free of construction debris as
22 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
23 approved solid waste containers shall be considered compliance with this
24 requirement. Small amounts of construction debris may be stored on-site in a neat,
25 safe manner for short periods of time pending disposal.
- 26 7. Construction plans submitted to the Building Division after January 1, 2008 must comply
27 with the State adopted California Building Codes.
- 28 8. Separate/unique addresses will be required to facilitate utility releases. Verification that
29 the addresses have been properly assigned by the City's Planning Division must
accompany the Building Permit application.

- 1 9. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
2 will be required at time of plans submittal to the Building Division for plan check.
- 3 10. A Building (Demo) Permit will be required for the demolition of any existing structures.
4 Plans for the Demolition Permit must clearly show that all utilities (electric, gas, water, &
5 sewer) are properly terminated/capped in accordance with the requirements of the utility
6 service provider. All/any underground septic or water storage tanks must be removed or
7 filled in accordance with the Uniform Plumbing Code and/or the City's Grading
8 Ordinance.
- 9 11. As part of your plan check submittal for a Building Permit, submit a "plat" drawing
10 showing the first floor elevations for each segment, the locations of the points where the
11 floor level is six feet above grade, and the lowest elevation within five feet from the
12 building for each segment or property line.
- 13 12. Setbacks and Type of Construction must comply with the 2007 California Building Code.
14 Exterior openings less than five feet from the property line must be protected per table
15 704.8 of the CBC. Exterior walls less than five feet to the property line must be one hour
16 rated per Table 602 of the CBC.
- 17 13. All wired glass windows or doors between three and five feet from the property line must
18 meet requirements of the new 2007 California Building Code table 715.5 and 715.5.3.
- 19 14. Building levels below grade (on all sides) shall be provided with a mechanical drainage
20 system that provides drainage to an approved location/receptor.
- 21 15. Window wells must be installed per section 1026 of The CBC.

Fire:

- 22 16. Fire Department requirements shall be placed on plans in the notes section.
- 23 17. Smoke alarms required per CFC 907.2.10. Locations must be indicated on the plans.
- 24 18. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval
25 prior to the issuance of building permits.
- 26 19. Single-family dwellings require 4-inch address numbers.
- 27 20. In accordance with the Oceanside Fire Code Section 505, approved addresses for
28 commercial, industrial, and residential occupancies shall be placed on the structure in such
29 a position as to be plainly visible and legible from the street or roadway fronting the

1 property. Numbers shall be contrasting with their background and meet the current City of
2 Oceanside size and design standard.

3 21. Buildings shall meet Oceanside Fire Department's current codes at the time of building
4 permit application.

5 22. Future development of the property will require compliance with all applicable Fire
6 Department Standards.

7 23. A minimum fire flow of 1,000 gallons per minute shall be provided. Fire flow shall be
8 determined at the time of building permit application.

9 24. Fire sprinklers are required as per NFPA13-D.

10 25. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval
11 prior to the issuance of building permits.

12 **Engineering:**

13 26. This project involves demolition of an existing structure or surface improvements; an
14 erosion control plan shall be submitted and approved by the City Engineer before
15 issuance of any demolition permit. No grading operation shall be allowed in
16 conjunction with the demolition operation without an approved grading plan. No
demolition shall be permitted without an approved erosion control plan.

17 27. Design and construction of all improvements shall be in accordance with standard
18 plans, specifications of the City of Oceanside and subject to approval by the City
19 Engineer.

20 28. The owner/developer shall obtain a precise grading permit per the City Grading
21 Regulations Manual. This project may qualify to prepare a minor grading plan instead
22 of a precise grading plan, if the project meets the minor grading permit requirements.
23 The grading permit requires a comprehensive soils and geologic investigation of the
24 soils, slopes, and formations in the project. All necessary measures shall be taken and
25 implemented to assure slope stability, erosion control, and soil integrity. No grading
26 shall occur until a detailed grading plan, to be prepared in accordance with the Grading
Ordinance and Zoning Ordinance, is approved by the City Engineer.

27 29. Prior to the issuance of a grading permit, the owner/developer shall notify and host a
28 neighborhood meeting with all of the area residents located within 300 feet of the
29

1 project site, to inform them of the grading and construction schedule, and to answer
2 questions.

3 30. The owner/developer shall monitor, supervise and control all construction and
4 construction-supportive activities, so as to prevent these activities from causing a public
5 nuisance, including but not limited to, insuring strict adherence to the following:

6 a) Dirt, debris and other construction material shall not be deposited on any public
7 street or within the City's storm water conveyance system.

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

17 c) The construction site shall accommodate the parking of all motor vehicles used by
18 persons working at or providing deliveries to the site. An alternate parking site can
19 be considered by the City Engineer in the event that the lot size is too small and
20 cannot accommodate parking of all motor vehicles.

21 d) The owner/developer shall complete a haul route permit application (if required for
22 import/export of dirt) and submit to the City of Oceanside Engineering Department
23 forty eight (48) hours in advance of beginning of work. Hauling operations (if
24 required) shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise by the City.

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

- 1 32. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and
2 disposed of in accordance with all state and federal requirements, prior to stormwater
3 discharge either off-site or into the City drainage system.
- 4 33. A traffic control plan shall be prepared according to the City traffic control guidelines
5 and approved to the satisfaction of the City Engineer prior to the start of work within
6 the public right-of-way. Traffic control during construction of streets that have been
7 opened to public traffic shall be in accordance with construction signing, marking and
8 other protection as required by the Caltrans Traffic Manual and City Traffic Control
9 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless
10 approved otherwise.
- 11 34. Sidewalk improvements shall comply with ADA requirements. The parkway shall be
12 landscaped and maintained by the owner of the subject property in perpetuity to the
13 satisfaction of the City Engineer.
- 14 35. Sight distance requirements at the project driveway shall conform to the corner sight
15 distance criteria as provided by the SDRSD.
- 16 36. Pavement sections for South Pacific Street and driveways areas shall be based upon
17 approved soil tests and traffic indices. The pavement design is to be prepared by the
18 owner's/developer's soil engineer and must be approved by the City Engineer, prior to
19 paving.
- 20 37. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged
21 during construction of the project, shall be repaired or replaced as directed by the City
22 Engineer.
- 23 38. The owner/developer shall comply with all the provisions of the City's cable television
24 ordinances including those relating to notification as required by the City Engineer.
- 25 39. Grading and drainage facilities shall be designed and installed to adequately
26 accommodate the local storm water runoff and shall be in accordance with the City's
27 Grading Ordinance and current San Diego County Hydrology Manual.
- 28 40. The owner/developer shall obtain any necessary permits and clearances from all public
29 agencies having jurisdiction over the project due to its type, size, or location, including
but not limited to the U. S. Army Corps of Engineers, California Department of Fish &
Game, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality

1 Control Board (including NPDES), San Diego County Health Department, prior to the
2 issuance of grading permits.

3 41. The approval of the development shall not mean that proposed grading or improvements
4 on adjacent properties is granted or guaranteed to the owner/developer. The
5 owner/developer is responsible for obtaining permission to grade to construct on
6 adjacent properties. Should such permission be denied, the development shall be
7 subject to going back to the public hearing or subject to a substantial conformity review.

8 42. A comprehensive geotechnical report is required prior to approval of any grading plan and
9 permit. If shoring is required for the construction of this development, the shoring design
10 and structural calculations shall be included in the geotechnical report. The Geotechnical
11 Engineer shall be responsible to prepare the report, and seal/stamp, and sign the report, and
12 is fully responsible for all the proposed mitigations and recommendations.

13 43. The approval of the Preliminary Grading Plan is predicated on the construction of a mat
14 foundation. The approval of a grading permit will be assumed to be with the
15 recommendation of a mat foundation as provided by the Geotechnical Engineer. The
16 Engineering Division must be informed as to any changes to this recommendation at the
17 time of submittal for the grading permit.

18 44. This project shall provide year-round erosion control including measures for the site
19 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
20 control plan, designed for all proposed stages of construction, shall be reviewed,
21 secured by the owner/developer with cash securities and approved by the City Engineer.

22 45. The drainage design on the development plan is conceptual only. The final design shall
23 be based upon a hydrologic/hydraulic study to be approved by the City Engineer during
24 final engineering. All drainage picked up in an underground system shall remain
25 underground until it is discharged into an approved channel, or as otherwise approved
26 by the City Engineer. All public storm drains shall be shown on City standard plan and
27 profile sheets. All storm drain easements shall be dedicated where required. The
28 owner/developer shall be responsible for obtaining any off-site easements for storm
29 drainage facilities.

46. The owner/developer shall comply with applicable FEMA regulations. The
owner/developer shall record a covenant against the property indemnifying and holding

1 the City harmless from any claims regarding drainage and flooding prior to issuance of
2 any grading permit. During final engineering design, the Engineer of Record shall
3 evaluate potential impact to flood hazard areas. Elevation and flood proofing shall be in
4 accordance with the City of Oceanside Ordinance 94-03 and Federal Emergency
5 Management Agency (FEMA) requirements.

6 47. Following approval of the SWMP by the City Engineer and prior to issuance of grading
7 permits, the owner/developer shall submit and obtain approval of an Operation &
8 Maintenance (O&M) Plan, prepared to the satisfaction of the City Engineer. The O&M
9 Plan shall include an approved and executed Maintenance Mechanism pursuant to
10 Section 4.1 of the Interim Standard Urban Storm Water Mitigation Plan (ISUSMP).
11 The O&M shall satisfy the minimum Maintenance Requirements pursuant to Section
12 4.3 of the ISUSMP. At a minimum the O&M Plan shall include the designated
13 responsible party to manage the stormwater BMP(s), employee training program and
14 duties, operating schedule, maintenance frequency, routine service schedule, specific
15 maintenance activities, copies of resource agency permits, cost estimate for
16 implementation of the O&M Plan, a security to provide maintenance in the event of
17 noncompliance to the O&M Plan, and any other necessary elements. The
18 owner/developer shall provide the City with access to site for the purpose of BMP
19 inspection and maintenance by entering into an Access Rights Agreement with the City.
20 The owner/developer shall complete and maintain O&M forms to document all
21 operation, inspection, and maintenance activities. The owner/developer shall retain
22 records for a minimum of five years. The records shall be made available to the City
23 upon request.

24 48. The owner/developer shall enter into a City-Standard Stormwater Facilities
25 Maintenance Agreement with the City obliging the owner/developer to maintain, repair
26 and replace the Storm Water Best Management Practices (BMPs) identified in the
27 project's approved SWMP, as detailed in the O&M Plan into perpetuity. The
28 Agreement shall be approved by the City Attorney prior to issuance of any precise
29 grading permit and shall be recorded at the County Recorder's Office prior to issuance
of any building permit. Security in the form of cash (or certificate of deposit payable to
the City) or an irrevocable, City-Standard Letter of Credit shall be required prior to

1 issuance of a precise grading permit. The amount of the security shall be equal to 10
2 years of maintenance costs, as identified by the O&M Plan, but not to exceed a total of
3 \$25,000. The owner/developer's Civil Engineer shall prepare the O&M cost estimate.

4 49. At a minimum, maintenance agreements shall require the staff training, inspection and
5 maintenance of all BMPs on an annual basis. The owner/developer shall complete and
6 maintain O&M forms to document all maintenance activities. Parties responsible for
7 the O&M plan shall retain records at the subject property for at least five years. These
8 documents shall be made available to the City for inspection upon request at any time.

9 50. The Agreement shall include a copy of executed on-site and off-site access rights
10 necessary for the operation and maintenance of BMPs that shall be binding on the land
11 throughout the life of the project to the benefit of the party responsible for the O&M of
12 BMPs, satisfactory to the City Engineer. The agreement shall also include a copy of the
13 O&M Plan approved by the City Engineer.

14 51. The BMPs described in the project's approved SWMP shall not be altered in any way,
15 unless reviewed and approved to the satisfaction of the City Engineer. The
16 determination of whatever action is required for changes to a project's approved SWMP
17 shall be made by the City Engineer.

18 52. The owner/developer shall provide a copy of the cover page of approved SWMP with
19 the first engineering submittal package. All Stormwater documents shall be in
20 compliance with the latest edition of submission requirements.

21 53. Approval of this development is conditioned upon payment of all applicable impact fees
22 and connection fees in the manner provided in chapter 32B of the Oceanside City Code.
23 All traffic signal fees and contributions, highway thoroughfare fees, park fees,
24 reimbursements, and other applicable charges, fees and deposits shall be paid prior to the
25 issuance of any building permits, in accordance with City Ordinances and policies.

26 54. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire
27 project will be subject to prevailing wage requirements as specified by Labor Code
28 section 1720(b) (4). The owner/developer shall agree to execute a form acknowledging
29 the prevailing wage requirements prior to the granting of any fee reductions or waivers.

55. In the event that the conceptual plan does not match the conditions of approval, the
resolution of approval shall govern.

1 56. All information pertaining to landscape within the public right-of-way is to be placed on
2 either a separate landscape exhibit or the project site plan which shall meet the criteria of
3 the City of Oceanside Landscape Guidelines and Specifications for Landscape
4 Development (latest revision), Water Conservation Ordinance No. 91-15, Engineering
5 criteria, City code and other ordinances, including the maintenance of such landscaping.
6 The landscape information shall be made available to the city inspector assigned to your
7 project prior to installation. All landscape items, including but not limited to, plant
8 material and proper irrigation shall be installed and approved prior to final project walk-
9 through. The following landscaping requirements shall be required prior to certificate of
10 occupancy:

- 11 a) The Landscape Development Manual (current version) requires a street tree –
12 minimum one tree per unit.
- 13 b) Provide a 3-foot wide and 6-foot long landscaped and irrigated planter area
14 consolidated with adjacent property (819 S. Pacific) allowing for a minimum 3-
15 foot walkway for pedestrian access. Include a palm in this planter narrow in crown
16 width and adapted to the coastal conditions such as Phoenix roebelenii/Pigmy Date
17 Palm, Trachycarpus fortunei/Windmill Palm, Chamaerops humilis/Mediterranean
Fan Palm, or Brahea edulis/Guadalupe Palm.

18 57. If the street tree requirement cannot be properly implemented (one tree per unit) due to, but
19 not limited to, planter area size or existing utilities, a combination of the following below
20 shall be used to enhance the aesthetic of the public right-of-way in these tight spaces.

- 21 a) The addition of small planting pockets.
- 22 b) Provide a minimum of a 2-foot wide and 6-foot long landscaped and irrigated
23 planter area centered in the middle of each garage door. Planter shall start closest
24 to the garage door terminating 6 feet toward the driveway apron allowing for a
25 minimum 3-foot walkway for lateral pedestrian access. Plant material shall consist
26 of a low profile native or ornamental grass or grass-like plants (not to exceed 10-
27 inches in height at maturity). Example of such plants to consider may be: Festuca
28 glauca/Blue Fescue, Carex pansa/Calif Meadow Grass, or Ophiopogon planiscapus
29 'Nigrescens'/Black Mondo Grass.
- c) Decorative pots with climate appropriate plant material.

- 1 d) Provide a minimum of three high quality (size) decorative pots that are to match
2 the architectural style of the building façade at completion. Place within the pots
3 plant material appropriate for the location. Drainage and irrigation are to be
4 installed within the pots.
- 5 e) Decorative/enhanced paving
- 6 f) Provide a decorative concrete, enhanced paving, or an interlocking paver for the
7 driveway approaches for the proposed project. All surfaces are to be rated for
8 vehicles per the City of Oceanside Engineering and Traffic Guidelines and
9 Specifications.

10 58. For all planting areas. Root barriers shall be installed to a 24" depth adjacent to all paving
11 surfaces for trees only. Owner shall be aware of all utility, sewer, gas, water and storm
12 drain easements and place planting locations accordingly to meet City of Oceanside
13 requirements. Proposed landscape species shall be native or naturalized to fit the site and
14 meet climate changes indicative to their planting location. In addition proposed landscape
15 species shall be low water users as well as meet all Fire Department requirements. All
16 planting areas shall be prepared with appropriate soil amendments, fertilizers, and
17 appropriate supplements to encourage plant growth. Ground covers or bark mulch shall
18 fill in between the shrubs to shield the soil from the sun, evapotranspiration and run-off.
19 All planter areas shall be mulched to a 3" depth to help conserve water, lower the soil
20 temperature and reduce weed growth. Existing landscaping adjacent to the site shall be
21 protected in place and supplemented or replaced to meet the satisfaction of the City
22 Engineer.

23 59. An automatic irrigation system shall be installed to provide coverage for all planting areas
24 shown on the plan. Low volume equipment shall provide sufficient water for plant growth
25 with minimum water loss due to water run-off. All irrigation improvements shall follow
26 the City of Oceanside Guidelines (including backflow prevention) and Water Conservation
27 Ordinance.

28 60. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way
29 and within any adjoining public parkways shall be permanently maintained by the owner,
his assigns or any successors-in-interest in the property. The maintenance program shall
include: a) normal care and irrigation of the landscaping; b) repair and replacement of

1 general cleanup of the landscaped and open areas; and e) clean up of parking lots and
2 walkways, walls, fences, etc... Failure to maintain landscaping shall result in the City
3 taking all appropriate enforcement actions including but not limited to citations.

4 **Planning:**

5 61. The Variance (V11-00001) and Regular Coastal Permit (RC10-00002) shall expire on
6 April 25, 2014 unless implemented as required by the Zoning Ordinance.

7 62. The Variance (V11-00001) and Regular Coastal Permit (RC10-00002) is granted for the
8 following purposes only:

9 a) The replacement of portions of an existing six-unit multi-family complex with a
10 detached single-family home, in conjunction with another detached single-
11 family home on the adjacent lot to the south (APN 150-356-23-00).

12 b) Lot coverage in excess of 40 percent of the site area, which is the maximum
13 allowed under R-1 standards (applicable to single-family development in R-T
14 zones).

15 No deviation from these approved plans and exhibits shall occur without Planning
16 Commission approval. Substantial deviations shall require a revision to the Regular
17 Coastal Permit or a new Coastal Permit.

18 63. Variance (V11-00001) and Regular Coastal Permit (RC10-00002) shall be called for
19 review by the Planning Commission if complaints are filed and verified as valid by the
20 City Planner or the Code Enforcement Officer concerning the violation of any of the
21 approved conditions or the project assumptions demonstrated under the application
22 approval.

23 64. The validity of Variance (V11-00001) and Regular Coastal Permit (RC10-00002) shall
24 not be affected by changes in ownership or tenants.

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

1 66. Variance (V11-00001) and Regular Coastal Permit (RC10-00002) may be revised or
2 renewed in accordance with the provisions of the Zoning Ordinance. The application
3 for V11-00001 and RC10-00002 revision or renewal shall also be evaluated against the
4 existing land use policies and any site area and neighborhood changes.

5 67. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
6 harmless the City of Oceanside, its agents, officers or employees from any claim, action
7 or proceeding against the City, its agents, officers, or employees to attack, set aside,
8 void or annul an approval of the City, concerning Variance (V11-00001) and Regular
9 Coastal Permit (RC10-00002). The City will promptly notify the applicant of any such
10 claim, action or proceeding against the City and will cooperate fully in the defense. If
11 the City fails to promptly notify the applicant of any such claim action or proceeding or
12 fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible
13 to defend, indemnify or hold harmless the City.

14 68. A covenant or other recordable document approved by the City Attorney shall be
15 prepared by the applicant and recorded prior to the issuance of building permits. The
16 covenant shall provide that the property is subject to this resolution, and shall generally
17 list the conditions of approval.

18 69. Prior to issuance of a building permit, the applicant and landowner shall execute and
19 record a covenant, in a form and content acceptable to the City Attorney, which shall
20 provide:

21 a) That the applicant understands that the site may be subject to extraordinary
22 hazard from waves during storms and from erosion and the applicants assumes
23 the liability from those hazards.

24 b) That the applicant unconditionally waives any claim of liability on the part of
25 the City and agrees to defend, indemnify and hold harmless the City and its
26 advisors relative to the City's approval of the project for any damage due to
27 natural hazards.

28 70. Prior to the transfer of ownership and or operation of the site, the owner shall provide a
29 written copy of the applications, staff report and resolutions for the project to the new
owner and or operator. This notification provision shall run with the life of the project
and shall be recorded as a covenant on the property.

- 1 71. Failure to meet any conditions of approval for this project shall constitute a violation of
2 the Variance V11-00001 and Regular Coastal Permit RC10-00002.
- 3 72. Unless expressly waived, all current zoning standards and City ordinances and policies
4 in effect at the time building permits are issued are required to be met by this project.
5 The approval of this project constitutes the applicant's agreement with all statements in
6 the Description and Justification and other materials and information submitted with
7 this application, unless specifically waived by an adopted condition of approval.
- 8 73. Elevations, siding materials, colors, roofing materials and floor plans shall be
9 substantially the same as those approved by the Planning Commission. These shall be
10 shown on plans submitted to the Building Division for building permits.
- 11 74. All mechanical rooftop and ground equipment shall be screened from public view as
12 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,
13 mechanical equipment, screening and vents shall be painted with non-reflective paint to
14 match the roof. All roof top surfaces shall have a non-reflective surface and mechanical
15 appurtenances shall be painted to match the roof color. This information shall be shown
16 on the building plans.
- 17 75. HVAC casings shall be fully enclosed and shall not project into a required yard or
18 project above the district's height requirement.
- 19 76. Any metallic material (i.e. copper) shall be treated at the time that it is installed, or
20 earlier, so that its surface does not reflect light. Non-metallic roofing material is
21 preferred and non-reflective roofing material is required. The copper roofing shall be
22 treated to have a non-reflective surface (patina) at the time it is installed.
- 23 77. Buildings, structures, fences or walls located on lots contiguous to the shoreline, shall
24 be compatible in scale with the existing development and shall not extend further
25 seaward than the line established on the Stringline Setback Map.
- 26 78. Fence height limitations and opacity requirements are subject to Section 1050(U) of the
27 Zoning Ordinance and required front yards. Fence materials shall be 75 percent
28 transparent.
- 29 79. All wood fences adjacent to public right-of-way, visible from the public right-of-way,
or facing the shore will be stained or otherwise finished with a waterproof material.

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

1 with the land in favor of the City of Oceanside, and is binding to all successors and
2 assignees.

3 **Water:**

- 4 87. The developer will be responsible for developing all water and sewer utilities necessary to
5 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
6 the developer and shall be done by an approved licensed contractor at the developer's
7 expense.
- 8 88. The property owner shall maintain private water and wastewater utilities located on private
9 property.
- 10 89. Water services and sewer laterals constructed in existing right-of-way locations are to be
11 constructed by approved and licensed contractors at developer's expense.
- 12 90. All Water and Wastewater construction shall conform to the most recent edition of the
13 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
14 the Water Utilities Director.
- 15 91. Residential units shall be metered individually. Private utility systems for residential
16 developments are not allowed.
- 17 92. All public water and/or sewer facilities not located within the public right-of-way shall be
18 provided with easements sized according to the Water, Sewer, and Reclaimed Water
19 Design and Construction Manual. Easements shall be constructed for all weather access.
- 20 93. No trees, structures or building overhang shall be located within any water or wastewater
21 utility easement.
- 22 94. All lots with a finished pad elevation located below the elevation of the next upstream
23 manhole cover of the public sewer shall be protected from backflow of sewage by
24 installing and maintaining an approved type backwater valve, per the Uniform Plumbing
25 Code (U.P.C.).
- 26 95. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
27 be paid to the City and collected by the Water Utilities Department at the time of Building
28 Permit issuance.
- 29 96. All Water Utilities Fees are due at the time of building permit issuance per City Code
Section 32B.7, unless the developer/applicant applies and is approved for a deferral of all
fees per City of Oceanside Ordinance No. 09-OR0676-1.

1 97. All new development of single-family and multi-family residential units shall include hot
2 water pipe insulation and installation of a hot water recirculation device or design to
3 provide hot water to the tap within 15 seconds in accordance with City of Oceanside
4 Ordinance No 02-OR126-1.

5 PASSED AND ADOPTED Resolution No. 2011-P15 on April 25, 2011 by the
6 following vote, to wit:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

11
12 _____
13 Robert Neal, Chairperson
14 Oceanside Planning Commission

15 ATTEST:

16 _____
17 Jerry Hittleman, Secretary

18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
19 this is a true and correct copy of Resolution No. 2011-P15.

20 Dated: April 25, 2011

21
22 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees
23 may be required as stated herein:

24
25 _____
26 Applicant/Representative

25 _____
26 Date

1 PLANNING COMMISSION
2 RESOLUTION NO. 2011-P16

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

6 APPLICATION NO: V11-00002, RC10-00010
7 APPLICANT: Strands End, LLC
8 LOCATION: 819 South Pacific Street
APN 150-356-23-00

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

11 WHEREAS, there was filed with this Commission a verified petition on the forms
12 prescribed by the Commission requesting a Variance and Regular Coastal Permit under the
13 provisions of the City of Oceanside Local Coastal Program and 1986 Zoning Ordinance to permit
14 the following:

15 replacement of an existing six-unit multi-family complex with two detached single-family
16 residences;
17 on certain real property described in the project description.

18 WHEREAS, the subject request constitutes one of the two aforementioned detached
19 single-family residences, located at 819 South Pacific Street;

20 WHEREAS, the Planning Commission, after giving the required notice, did on the 25th
21 day of April 2011 conduct a duly advertised public hearing as prescribed by law to consider said
application;

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

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

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

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit.
4			
5	Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre).
6			
7	Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$2,072 per unit for residential.
8			
9	School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential.
10			
11	Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip.
12			
13	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).
14			
15	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.
16			
17			
18	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.
19			
20			
21	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit.
22			
23			

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

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

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

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

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

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

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

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

16 FINDINGS:

17 For the Variance (V11-00002) to allow lot coverage in excess of the maximum allowed for
18 single-family residences pursuant to Sections 1707 and 3202 of the 1986 Zoning Ordinance:

- 19 1. That because of special circumstances or conditions applicable to 817 South Pacific
20 Street – i.e., a 40 percent lot coverage maximum not applicable to multi-family
21 development in the same block, nor to existing single-family development in the same
22 block – strict application of the requirements of the 1986 Zoning Ordinance (Sections
23 1707 and 3202) deprives such property of rights enjoyed by other property in the
24 vicinity and within the Residential Tourist (R-T) District. Zoning Ordinance Section
25 3202 establishes that single-family development in R-T zones is subject to R-1
26 development standards, which specify a lot coverage maximum of forty percent (40%).
27 Multi-family development in R-T zones is not subject to a lot coverage maximum.
28 Existing single-family development in R-T zones approved under the previously-
29 applicable 1992 Zoning Ordinance was not subject to a lot coverage maximum. The
west side of the 800 Block of South Pacific Street accommodates five single-family
homes approved under the 1992 Zoning Ordinance, all of which exceed 40 percent lot

1 coverage. With the lone exception of the existing multi-family project at 807 South
2 Pacific Street, all other development on the west side of the 800 Block exceeds 40
3 percent lot coverage. Like all beachfront properties between Wisconsin Avenue and
4 Witherby Street, properties in the 800 Block of South Pacific Street maintain a lot depth
5 of 130 feet, which in most cases extends to the eastern edge of the rock revetment.
6 South of Witherby Street, beachfront properties have rear property lines determined by
7 the mean high tide line (last calculated in the mid 1960's), which adds more than 100
8 feet of lot depth to these beachfront properties relative to those situated between
9 Wisconsin Avenue and Witherby Street. This additional lot depth, and the concurrent
10 increase in overall lot size, result in development projects with equivalent footprints
11 having vastly different lot coverage percentages, depending upon which side of
12 Witherby Street they inhabit.

13 2. That granting the Variance (V11-00002) will not be materially detrimental or injurious
14 to surrounding properties nor to the general development pattern of the neighborhood.
15 An allowance for lot coverage in excess of 40 percent will result in development
16 consistent with the existing development pattern along the west side of South Pacific
17 Street. The project will maintain all required setbacks and conform to the coastal
18 stringline, thereby alleviating massing impacts, allowing for sufficient light and air
19 between adjacent buildings and enhancing visual access to the beach from South Pacific
20 Street. The project will comply with all building and safety standards applicable to
21 single-family development, including those intended to mitigate hazards associated with
22 fire, wave run-up and geological instability.

23 3. That granting the Variance (V11-00002) is consistent with the purposes of the Zoning
24 Ordinance and will not constitute a grant of special privilege inconsistent with
25 limitations on other properties in the vicinity and within the R-T District. Granting a
26 variance to allow lot coverage beyond 40 percent of the site area is consistent with lot
27 coverage achieved by most existing development along the west side of South Pacific
28 Street. Of the twelve developed properties in the 800 Block of South Pacific Street,
29 eleven accommodate development that exceeds 40 percent lot coverage.

4. That granting the Variance (V11-00002) will not adversely affect the General Plan. The
proposed project is consistent with applicable policies of the Land Use Element of the

1 City of Oceanside General Plan, including those pertinent to site design (Policy 1.2),
2 architecture (Policy 1.23) and topographic resources (Policy 1.24).

3 For the Regular Coastal Permit (RC10-00010) to allow construction of a new single-family
4 residence:

5 1. The proposed single-family residence conforms to the policies of the Local Coastal
6 Program (LCP), including those pertinent to coastal access (Article 2), recreation
7 (Article 3), land resources (Article 5) and development (Article 6), in that it:

- 8 • Does not interfere with the public's right to access to the coastline and
9 ocean, given that dedicated public access ways exist within 500 feet of
10 the subject site;
- 11 • Provides for recreational use of private oceanfront land;
- 12 • Does not impact environmentally sensitive habitat area or prime
13 agricultural land;
- 14 • Occurs in an already-developed area with adequate public services;
- 15 • Protects views to and along the ocean;
- 16 • Is visually compatible with the character of surrounding areas.

17 2. The project site, at 819 South Pacific Street, is situated within the Appeal Area of the
18 Coastal Zone and conforms to the public access and recreation policies of Chapter 3 of
19 the Coastal Act. The 800 Block of South Pacific Street is 450 feet in length. This
20 adequately satisfies the requirement that public beach access be provided within 500
21 feet. Public access is provided at both ends of the 800 Block of South Pacific Street, at
22 Wisconsin Avenue and Hayes Street.

23 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
24 confirm issuance of a Categorical Exemption pursuant to Section 15303 of the California
25 Environmental Quality Act and approve Variance (V11-00002) and Regular Coastal Permit
26 (RC10-00010) subject to the following conditions:

27 **Building:**

28 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
29 Building Division plan check (Currently the 2007 California Building Code, and 2007
California Electrical Code).

- 1 2. The granting of approval under this action shall in no way relieve the applicant/project
2 from compliance with all State and Local building codes.
- 3 3. The building plans for this project are required by State law to be prepared by a licensed
4 architect or engineer and must comply with this requirement prior to submittal for building
5 plan review.
- 6 4. All electrical, communication, CATV, etc. service lines within the exterior lines of the
7 property shall be underground (City Code Sec. 6.30).
- 8 5. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
9 plans.
- 10 6. The developer shall monitor, supervise and control all building construction and
11 supporting activities so as to prevent these activities from causing a public nuisance,
12 including, but not limited to, strict adherence to the following:
- 13 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
14 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
15 work that is not inherently noise-producing. Examples of work not permitted on
16 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
17 producing nature. No work shall be permitted on Sundays and Federal Holidays
18 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
19 Christmas Day) except as allowed for emergency work under the provisions of the
20 Oceanside City Code Chapter 38 (Noise Ordinance).
- 21 b) The construction site shall be kept reasonably free of construction debris as
22 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
23 approved solid waste containers shall be considered compliance with this
24 requirement. Small amounts of construction debris may be stored on-site in a neat,
25 safe manner for short periods of time pending disposal.
- 26 7. Construction plans submitted to the Building Division after January 1, 2008 must comply
27 with the State adopted California Building Codes.
- 28 8. Separate/unique addresses will be required to facilitate utility releases. Verification that
29 the addresses have been properly assigned by the City's Planning Division must
accompany the Building Permit application.

- 1 9. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
2 will be required at time of plans submittal to the Building Division for plan check.
- 3 10. A Building (Demo) Permit will be required for the demolition of any existing structures.
4 Plans for the Demolition Permit must clearly show that all utilities (electric, gas, water, &
5 sewer) are properly terminated/capped in accordance with the requirements of the utility
6 service provider. All/any underground septic or water storage tanks must be removed or
7 filled in accordance with the Uniform Plumbing Code and/or the City's Grading
8 Ordinance.
- 9 11. As part of your plan check submittal for a Building Permit, submit a "plat" drawing
10 showing the first floor elevations for each segment, the locations of the points where the
11 floor level is six feet above grade, and the lowest elevation within five feet from the
12 building for each segment or property line.
- 13 12. Setbacks and Type of Construction must comply with the 2007 California Building Code.
14 Exterior openings less than five feet from the property line must be protected per table
15 704.8 of the CBC. Exterior walls less than five feet to the property line must be one hour
16 rated per Table 602 of the CBC.
- 17 13. All wired glass windows or doors between three and five feet from the property line must
18 meet requirements of the new 2007 California Building Code table 715.5 and 715.5.3.
- 19 14. Building levels below grade (on all sides) shall be provided with a mechanical drainage
20 system that provides drainage to an approved location/receptor.
- 21 15. Window wells must be installed per section 1026 of The CBC.

22 **Fire:**

- 23 16. Fire Department requirements shall be placed on plans in the notes section.
- 24 17. Smoke alarms required per CFC 907.2.10. Locations must be indicated on the plans.
- 25 18. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval
26 prior to the issuance of building permits.
- 27 19. Single family dwellings require 4 inch address numbers.
- 28 20. In accordance with the Oceanside Fire Code Section 505, approved addresses for
29 commercial, industrial, and residential occupancies shall be placed on the structure in such
a position as to be plainly visible and legible from the street or roadway fronting the

1 property. Numbers shall be contrasting with their background and meet the current City of
2 Oceanside size and design standard.

3 21. Buildings shall meet Oceanside Fire Department's current codes at the time of building
4 permit application.

5 22. Future development of the property will require compliance with all applicable Fire
6 Department Standards.

7 23. A minimum fire flow of 1,000 gallons per minute shall be provided. Fire flow shall be
8 determined at the time of building permit application.

9 24. Fire sprinklers are required as per NFPA13-D.

10 25. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval
11 prior to the issuance of building permits.

12 **Engineering:**

13 26. This project involves demolition of an existing structure or surface improvements; an
14 erosion control plan shall be submitted and approved by the City Engineer before
15 issuance of any demolition permit. No grading operation shall be allowed in
16 conjunction with the demolition operation without an approved grading plan. No
demolition shall be permitted without an approved erosion control plan.

17 27. Design and construction of all improvements shall be in accordance with standard
18 plans, specifications of the City of Oceanside and subject to approval by the City
19 Engineer.

20 28. The owner/developer shall obtain a precise grading permit per the City Grading
21 Regulations Manual. This project may qualify to prepare a minor grading plan instead
22 of a precise grading plan, if the project meets the minor grading permit requirements.
23 The grading permit requires a comprehensive soils and geologic investigation of the
24 soils, slopes, and formations in the project. All necessary measures shall be taken and
25 implemented to assure slope stability, erosion control, and soil integrity. No grading
26 shall occur until a detailed grading plan, to be prepared in accordance with the Grading
Ordinance and Zoning Ordinance, is approved by the City Engineer.

27 29. Prior to the issuance of a grading permit, the owner/developer shall notify and host a
28 neighborhood meeting with all of the area residents located within 300 feet of the
29

1 project site, to inform them of the grading and construction schedule, and to answer
2 questions.

3 30. The owner/developer shall monitor, supervise and control all construction and
4 construction-supportive activities, so as to prevent these activities from causing a public
5 nuisance, including but not limited to, insuring strict adherence to the following:

6 a) Dirt, debris and other construction material shall not be deposited on any public
7 street or within the City's storm water conveyance system.

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

17 c) The construction site shall accommodate the parking of all motor vehicles used by
18 persons working at or providing deliveries to the site. An alternate parking site can
19 be considered by the City Engineer in the event that the lot size is too small and
20 cannot accommodate parking of all motor vehicles.

21 d) The owner/developer shall complete a haul route permit application (if required for
22 import/export of dirt) and submit to the City of Oceanside Engineering Department
23 forty eight (48) hours in advance of beginning of work. Hauling operations (if
24 required) shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise by the City.

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

- 1 32. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and
2 disposed of in accordance with all state and federal requirements, prior to stormwater
3 discharge either off-site or into the City drainage system.
- 4 33. A traffic control plan shall be prepared according to the City traffic control guidelines
5 and approved to the satisfaction of the City Engineer prior to the start of work within
6 the public right-of-way. Traffic control during construction of streets that have been
7 opened to public traffic shall be in accordance with construction signing, marking and
8 other protection as required by the Caltrans Traffic Manual and City Traffic Control
9 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless
10 approved otherwise.
- 11 34. Sidewalk improvements shall comply with ADA requirements. The parkway shall be
12 landscaped and maintained by the owner of the subject property in perpetuity to the
13 satisfaction of the City Engineer.
- 14 35. Sight distance requirements at the project driveway shall conform to the corner sight
15 distance criteria as provided by the SDRSD.
- 16 36. Pavement sections for South Pacific Street and driveways areas shall be based upon
17 approved soil tests and traffic indices. The pavement design is to be prepared by the
18 owner's/developer's soil engineer and must be approved by the City Engineer, prior to
19 paving.
- 20 37. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged
21 during construction of the project, shall be repaired or replaced as directed by the City
22 Engineer.
- 23 38. The owner/developer shall comply with all the provisions of the City's cable television
24 ordinances including those relating to notification as required by the City Engineer.
- 25 39. Grading and drainage facilities shall be designed and installed to adequately
26 accommodate the local storm water runoff and shall be in accordance with the City's
27 Grading Ordinance and current San Diego County Hydrology Manual.
- 28 40. The owner/developer shall obtain any necessary permits and clearances from all public
29 agencies having jurisdiction over the project due to its type, size, or location, including
but not limited to the U. S. Army Corps of Engineers, California Department of Fish &
Game, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality

1 Control Board (including NPDES), San Diego County Health Department, prior to the
2 issuance of grading permits.

3 41. The approval of the development shall not mean that proposed grading or improvements
4 on adjacent properties is granted or guaranteed to the owner/developer. The
5 owner/developer is responsible for obtaining permission to grade to construct on
6 adjacent properties. Should such permission be denied, the development shall be
7 subject to going back to the public hearing or subject to a substantial conformity review.

8 42. A comprehensive geotechnical report is required prior to approval of any grading plan and
9 permit. If shoring is required for the construction of this development, the shoring design
10 and structural calculations shall be included in the geotechnical report. The Geotechnical
11 Engineer shall be responsible to prepare the report, and seal/stamp, and sign the report, and
12 is fully responsible for all the proposed mitigations and recommendations.

13 43. The approval of the Preliminary Grading Plan is predicated on the construction of a mat
14 foundation. The approval of a grading permit will be assumed to be with the
15 recommendation of a mat foundation as provided by the Geotechnical Engineer. The
16 Engineering Division must be informed as to any changes to this recommendation at the
17 time of submittal for the grading permit.

18 44. This project shall provide year-round erosion control including measures for the site
19 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
20 control plan, designed for all proposed stages of construction, shall be reviewed,
21 secured by the owner/developer with cash securities and approved by the City Engineer.

22 45. The drainage design on the development plan is conceptual only. The final design shall
23 be based upon a hydrologic/hydraulic study to be approved by the City Engineer during
24 final engineering. All drainage picked up in an underground system shall remain
25 underground until it is discharged into an approved channel, or as otherwise approved
26 by the City Engineer. All public storm drains shall be shown on City standard plan and
27 profile sheets. All storm drain easements shall be dedicated where required. The
28 owner/developer shall be responsible for obtaining any off-site easements for storm
29 drainage facilities.

46. The owner/developer shall comply with applicable FEMA regulations. The
owner/developer shall record a covenant against the property indemnifying and holding

1 the City harmless from any claims regarding drainage and flooding prior to issuance of
2 any grading permit. During final engineering design, the Engineer of Record shall
3 evaluate potential impact to flood hazard areas. Elevation and flood proofing shall be in
4 accordance with the City of Oceanside Ordinance 94-03 and Federal Emergency
5 Management Agency (FEMA) requirements.

6 47. Following approval of the SWMP by the City Engineer and prior to issuance of grading
7 permits, the owner/developer shall submit and obtain approval of an Operation &
8 Maintenance (O&M) Plan, prepared to the satisfaction of the City Engineer. The O&M
9 Plan shall include an approved and executed Maintenance Mechanism pursuant to
10 Section 4.1 of the Interim Standard Urban Storm Water Mitigation Plan (ISUSMP).
11 The O&M shall satisfy the minimum Maintenance Requirements pursuant to Section
12 4.3 of the ISUSMP. At a minimum the O&M Plan shall include the designated
13 responsible party to manage the stormwater BMP(s), employee training program and
14 duties, operating schedule, maintenance frequency, routine service schedule, specific
15 maintenance activities, copies of resource agency permits, cost estimate for
16 implementation of the O&M Plan, a security to provide maintenance in the event of
17 noncompliance to the O&M Plan, and any other necessary elements. The
18 owner/developer shall provide the City with access to site for the purpose of BMP
19 inspection and maintenance by entering into an Access Rights Agreement with the City.
20 The owner/developer shall complete and maintain O&M forms to document all
21 operation, inspection, and maintenance activities. The owner/developer shall retain
22 records for a minimum of five years. The records shall be made available to the City
23 upon request.

24 48. The owner/developer shall enter into a City-Standard Stormwater Facilities
25 Maintenance Agreement with the City obliging the owner/developer to maintain, repair
26 and replace the Storm Water Best Management Practices (BMPs) identified in the
27 project's approved SWMP, as detailed in the O&M Plan into perpetuity. The
28 Agreement shall be approved by the City Attorney prior to issuance of any precise
29 grading permit and shall be recorded at the County Recorder's Office prior to issuance
of any building permit. Security in the form of cash (or certificate of deposit payable to
the City) or an irrevocable, City-Standard Letter of Credit shall be required prior to

1 issuance of a precise grading permit. The amount of the security shall be equal to 10
2 years of maintenance costs, as identified by the O&M Plan, but not to exceed a total of
3 \$25,000. The owner/developer's Civil Engineer shall prepare the O&M cost estimate.

4 49. At a minimum, maintenance agreements shall require the staff training, inspection and
5 maintenance of all BMPs on an annual basis. The owner/developer shall complete and
6 maintain O&M forms to document all maintenance activities. Parties responsible for
7 the O&M plan shall retain records at the subject property for at least five years. These
8 documents shall be made available to the City for inspection upon request at any time.

9 50. The Agreement shall include a copy of executed on-site and off-site access rights
10 necessary for the operation and maintenance of BMPs that shall be binding on the land
11 throughout the life of the project to the benefit of the party responsible for the O&M of
12 BMPs, satisfactory to the City Engineer. The agreement shall also include a copy of the
13 O&M Plan approved by the City Engineer.

14 51. The BMPs described in the project's approved SWMP shall not be altered in any way,
15 unless reviewed and approved to the satisfaction of the City Engineer. The
16 determination of whatever action is required for changes to a project's approved SWMP
17 shall be made by the City Engineer.

18 52. The owner/developer shall provide a copy of the cover page of approved SWMP with
19 the first engineering submittal package. All Stormwater documents shall be in
20 compliance with the latest edition of submission requirements.

21 53. Approval of this development is conditioned upon payment of all applicable impact fees
22 and connection fees in the manner provided in chapter 32B of the Oceanside City Code.
23 All traffic signal fees and contributions, highway thoroughfare fees, park fees,
24 reimbursements, and other applicable charges, fees and deposits shall be paid prior to the
25 issuance of any building permits, in accordance with City Ordinances and policies.

26 54. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire
27 project will be subject to prevailing wage requirements as specified by Labor Code
28 section 1720(b) (4). The owner/developer shall agree to execute a form acknowledging
29 the prevailing wage requirements prior to the granting of any fee reductions or waivers.

55. In the event that the conceptual plan does not match the conditions of approval, the
resolution of approval shall govern.

1 56. All information pertaining to landscape within the public right-of-way is to be placed on
2 either a separate landscape exhibit or the project site plan which shall meet the criteria of
3 the City of Oceanside Landscape Guidelines and Specifications for Landscape
4 Development (latest revision), Water Conservation Ordinance No. 91-15, Engineering
5 criteria, City code and other ordinances, including the maintenance of such landscaping.
6 The landscape information shall be made available to the city inspector assigned to your
7 project prior to installation. All landscape items, including but not limited to, plant
8 material and proper irrigation shall be installed and approved prior to final project walk-
9 through. The following landscaping requirements shall be required prior to certificate of
10 occupancy:

- 11 a) The Landscape Development Manual (current version) requires a street tree –
12 minimum one tree per unit.
- 13 b) Provide a 3-foot wide and 6-foot long landscaped and irrigated planter area
14 consolidated with adjacent property (817 S. Pacific) allowing for a minimum 3-
15 foot walkway for pedestrian access. Include a palm in this planter narrow in crown
16 width and adapted to the coastal conditions such as Phoenix roebelenii/Pigmy Date
17 Palm, Trachycarpus fortunei/Windmill Palm, Chamaerops humilis/Mediterranean
Fan Palm, or Brahea edulis/Guadalupe Palm.

18 57. If the street tree requirement cannot be properly implemented (one tree per unit) due to, but
19 not limited to, planter area size or existing utilities, a combination of the following below
20 shall be used to enhance the aesthetic of the public right-of-way in these tight spaces.

- 21 a) The addition of small planting pockets.
- 22 b) Provide a minimum of a 2-foot wide and 6-foot long landscaped and irrigated
23 planter area centered in the middle of each garage door. Planter shall start closest
24 to the garage door terminating 6 feet toward the driveway apron allowing for a
25 minimum 3-foot walkway for lateral pedestrian access. Plant material shall consist
26 of a low profile native or ornamental grass or grass-like plants (not to exceed 10-
27 inches in height at maturity). Example of such plants to consider may be: Festuca
28 glauca/Blue Fescue, Carex pansa/Calif Meadow Grass, or Ophiopogon planiscapus
‘Nigrescens’/Black Mondo Grass.
- 29 c) Decorative pots with climate appropriate plant material.

1 d) Provide a minimum of three high quality (size) decorative pots that are to match
2 the architectural style of the building façade at completion. Place within the pots
3 plant material appropriate for the location. Drainage and irrigation are to be
4 installed within the pots.

5 e) Decorative/enhanced paving

6 f) Provide a decorative concrete, enhanced paving, or an interlocking paver for the
7 driveway approaches for the proposed project. All surfaces are to be rated for
8 vehicles per the City of Oceanside Engineering and Traffic Guidelines and
9 Specifications.

10 58. For all planting areas. Root barriers shall be installed to a 24" depth adjacent to all paving
11 surfaces for trees only. Owner shall be aware of all utility, sewer, gas, water and storm
12 drain easements and place planting locations accordingly to meet City of Oceanside
13 requirements. Proposed landscape species shall be native or naturalized to fit the site and
14 meet climate changes indicative to their planting location. In addition proposed landscape
15 species shall be low water users as well as meet all Fire Department requirements. All
16 planting areas shall be prepared with appropriate soil amendments, fertilizers, and
17 appropriate supplements to encourage plant growth. Ground covers or bark mulch shall
18 fill in between the shrubs to shield the soil from the sun, evapotranspiration and run-off.
19 All planter areas shall be mulched to a 3" depth to help conserve water, lower the soil
20 temperature and reduce weed growth. Existing landscaping adjacent to the site shall be
21 protected in place and supplemented or replaced to meet the satisfaction of the City
22 Engineer.

23 59. An automatic irrigation system shall be installed to provide coverage for all planting areas
24 shown on the plan. Low volume equipment shall provide sufficient water for plant growth
25 with minimum water loss due to water run-off. All irrigation improvements shall follow
26 the City of Oceanside Guidelines (including backflow prevention) and Water Conservation
27 Ordinance.

28 60. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way
29 and within any adjoining public parkways shall be permanently maintained by the owner,
his assigns or any successors-in-interest in the property. The maintenance program shall
include: a) normal care and irrigation of the landscaping; b) repair and replacement of

1 plant materials (including trees and palms); c) repair of irrigation systems as necessary; d)
2 general cleanup of the landscaped and open areas; and e) clean up of parking lots and
3 walkways, walls, fences, etc... Failure to maintain landscaping shall result in the City
4 taking all appropriate enforcement actions including but not limited to citations.

5 **Planning:**

6 61. The Variance (V11-00002) and Regular Coastal Permit (RC10-00010) shall expire on
7 April 25, 2014 unless implemented as required by the Zoning Ordinance.

8 62. The Variance (V11-00002) and Regular Coastal Permit (RC10-00010) is granted for the
9 following purposes only:

10 a) The replacement of portions of an existing six-unit multi-family complex with a
11 detached single-family home, in conjunction with another detached single-
12 family home on the adjacent lot to the south (APN 150-356-22-00).

13 b) Lot coverage in excess of 40 percent of the site area, which is the maximum
14 allowed under R-1 standards (applicable to single-family development in R-T
15 zones).

16 No deviation from these approved plans and exhibits shall occur without Planning
17 Commission approval. Substantial deviations shall require a revision to the Regular
18 Coastal Permit or a new Coastal Permit.

19 63. Variance (V11-00002) and Regular Coastal Permit (RC10-00010) shall be called for
20 review by the Planning Commission if complaints are filed and verified as valid by the
21 City Planner or the Code Enforcement Officer concerning the violation of any of the
22 approved conditions or the project assumptions demonstrated under the application
23 approval.

24 64. The validity of Variance (V11-00002) and Regular Coastal Permit (RC10-00010) shall
25 not be affected by changes in ownership or tenants.

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

1 66. Variance (V11-00002) and Regular Coastal Permit (RC10-00010) may be revised or
2 renewed in accordance with the provisions of the Zoning Ordinance. The application
3 for V11-00002 and RC10-00010 revision or renewal shall also be evaluated against the
4 existing land use policies and any site area and neighborhood changes.

5 67. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
6 harmless the City of Oceanside, its agents, officers or employees from any claim, action
7 or proceeding against the City, its agents, officers, or employees to attack, set aside,
8 void or annul an approval of the City, concerning Variance (V11-00002) and Regular
9 Coastal Permit (RC10-00010). The City will promptly notify the applicant of any such
10 claim, action or proceeding against the City and will cooperate fully in the defense. If
11 the City fails to promptly notify the applicant of any such claim action or proceeding or
12 fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible
13 to defend, indemnify or hold harmless the City.

14 68. A covenant or other recordable document approved by the City Attorney shall be
15 prepared by the applicant and recorded prior to the issuance of building permits. The
16 covenant shall provide that the property is subject to this resolution, and shall generally
17 list the conditions of approval.

18 69. Prior to issuance of a building permit, the applicant and landowner shall execute and
19 record a covenant, in a form and content acceptable to the City Attorney, which shall
20 provide:

- 21 a) That the applicant understands that the site may be subject to extraordinary
22 hazard from waves during storms and from erosion and the applicants assumes
23 the liability from those hazards.
- 24 b) That the applicant unconditionally waives any claim of liability on the part of
25 the City and agrees to defend, indemnify and hold harmless the City and its
26 advisors relative to the City's approval of the project for any damage due to
27 natural hazards.

28 70. Prior to the transfer of ownership and or operation of the site, the owner shall provide a
29 written copy of the applications, staff report and resolutions for the project to the new
owner and or operator. This notification provision shall run with the life of the project
and shall be recorded as a covenant on the property.

- 1 71. Failure to meet any conditions of approval for this project shall constitute a violation of
2 the Variance V11-00002 and Regular Coastal Permit RC10-00010.
- 3 72. Unless expressly waived, all current zoning standards and City ordinances and policies
4 in effect at the time building permits are issued are required to be met by this project.
5 The approval of this project constitutes the applicant's agreement with all statements in
6 the Description and Justification and other materials and information submitted with
7 this application, unless specifically waived by an adopted condition of approval.
- 8 73. Elevations, siding materials, colors, roofing materials and floor plans shall be
9 substantially the same as those approved by the Planning Commission. These shall be
10 shown on plans submitted to the Building Division for building permits.
- 11 74. All mechanical rooftop and ground equipment shall be screened from public view as
12 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,
13 mechanical equipment, screening and vents shall be painted with non-reflective paint to
14 match the roof. All roof top surfaces shall have a non-reflective surface and mechanical
15 appurtenances shall be painted to match the roof color. This information shall be shown
16 on the building plans.
- 17 75. HVAC casings shall be fully enclosed and shall not project into a required yard or
18 project above the district's height requirement.
- 19 76. Any metallic material (i.e. copper) shall be treated at the time that it is installed, or
20 earlier, so that its surface does not reflect light. Non-metallic roofing material is
21 preferred and non-reflective roofing material is required. The copper roofing shall be
22 treated to have a non-reflective surface (patina) at the time it is installed.
- 23 77. Buildings, structures, fences or walls located on lots contiguous to the shoreline, shall
24 be compatible in scale with the existing development and shall not extend further
25 seaward than the line established on the Stringline Setback Map.
- 26 78. Fence height limitations and opacity requirements are subject to Section 1050(U) of the
27 Zoning Ordinance and required front yards. Fence materials shall be 75 percent
28 transparent.
- 29 79. All wood fences adjacent to public right-of-way, visible from the public right-of-way,
or facing the shore will be stained or otherwise finished with a waterproof material.

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

1 with the land in favor of the City of Oceanside, and is binding to all successors and
2 assignees.

3 **Water:**

4 87. The developer will be responsible for developing all water and sewer utilities necessary to
5 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
6 the developer and shall be done by an approved licensed contractor at the developer's
7 expense.

8 88. The property owner shall maintain private water and wastewater utilities located on private
9 property.

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

12 90. All Water and Wastewater construction shall conform to the most recent edition of the
13 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
14 the Water Utilities Director.

15 91. Residential units shall be metered individually. Private utility systems for residential
16 developments are not allowed.

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

20 93. No trees, structures or building overhang shall be located within any water or wastewater
21 utility easement.

22 94. All lots with a finished pad elevation located below the elevation of the next upstream
23 manhole cover of the public sewer shall be protected from backflow of sewage by
24 installing and maintaining an approved type backwater valve, per the Uniform Plumbing
25 Code (U.P.C.).

26 95. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
27 be paid to the City and collected by the Water Utilities Department at the time of Building
28 Permit issuance.

29 96. All Water Utilities Fees are due at the time of building permit issuance per City Code
Section 32B.7, unless the developer/applicant applies and is approved for a deferral of all
fees per City of Oceanside Ordinance No. 09-OR0676-1.

1 97. All new development of single-family and multi-family residential units shall include hot
2 water pipe insulation and installation of a hot water recirculation device or design to
3 provide hot water to the tap within 15 seconds in accordance with City of Oceanside
4 Ordinance No 02-OR126-1.

5 PASSED AND ADOPTED Resolution No. 2011-P16 on April 25, 2011 by the
6 following vote, to wit:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

11
12 _____
13 Robert Neal, Chairperson
14 Oceanside Planning Commission

15 ATTEST:

16 _____
17 Jerry Hittleman, Secretary

18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
19 this is a true and correct copy of Resolution No. 2011-P16.

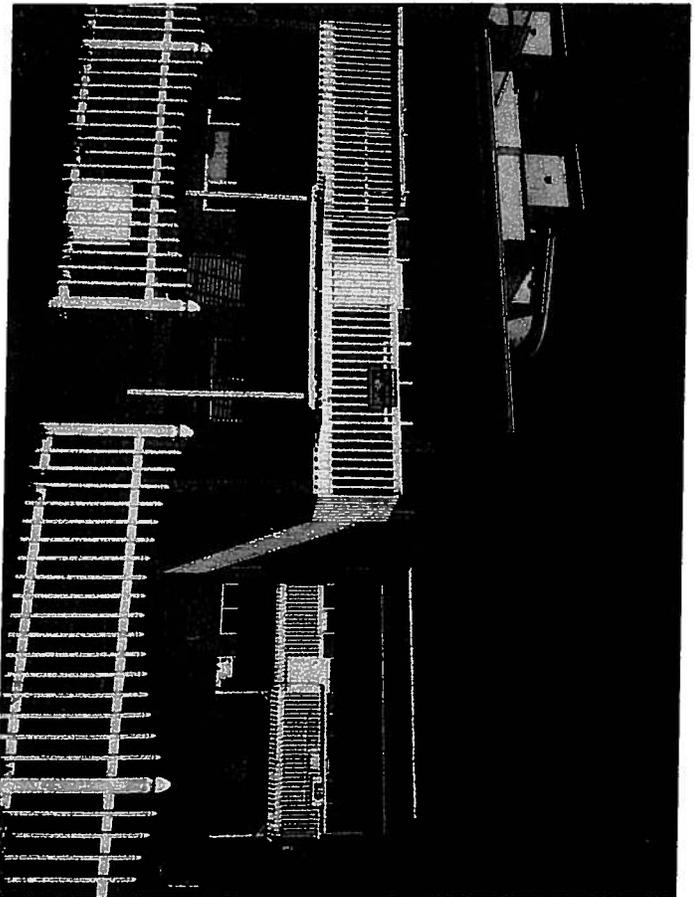
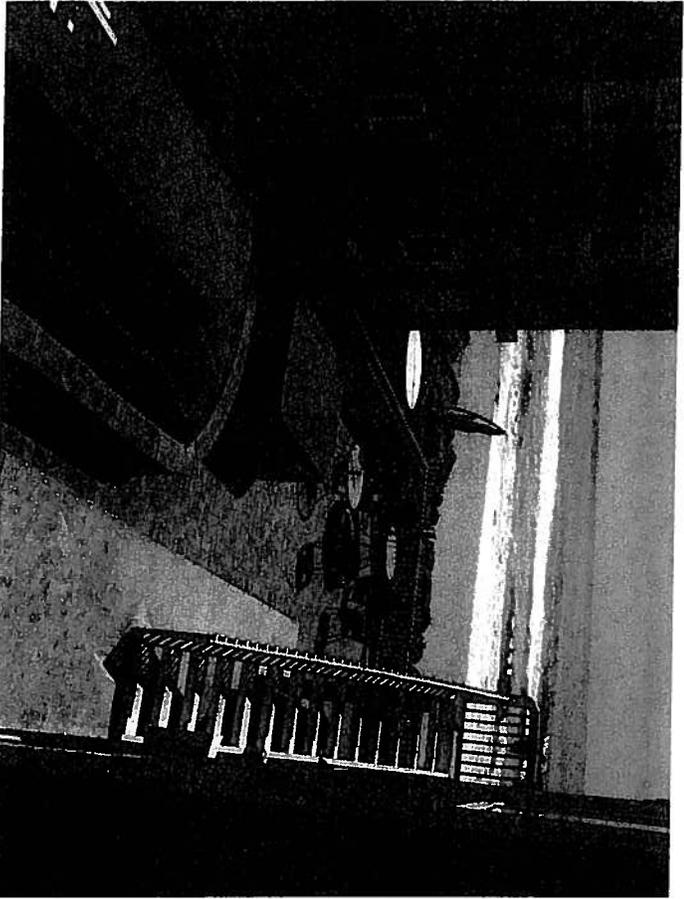
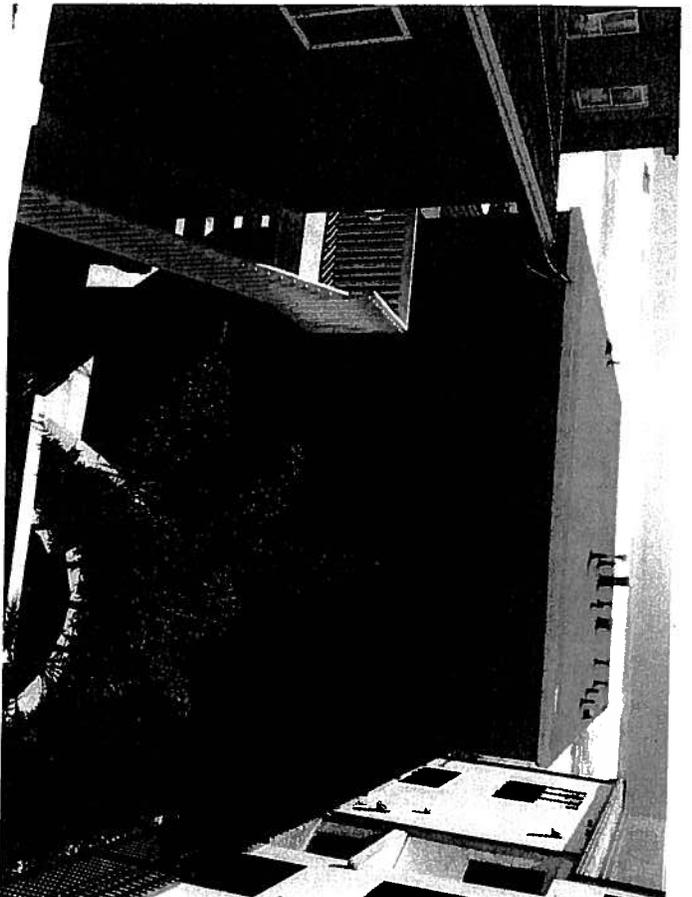
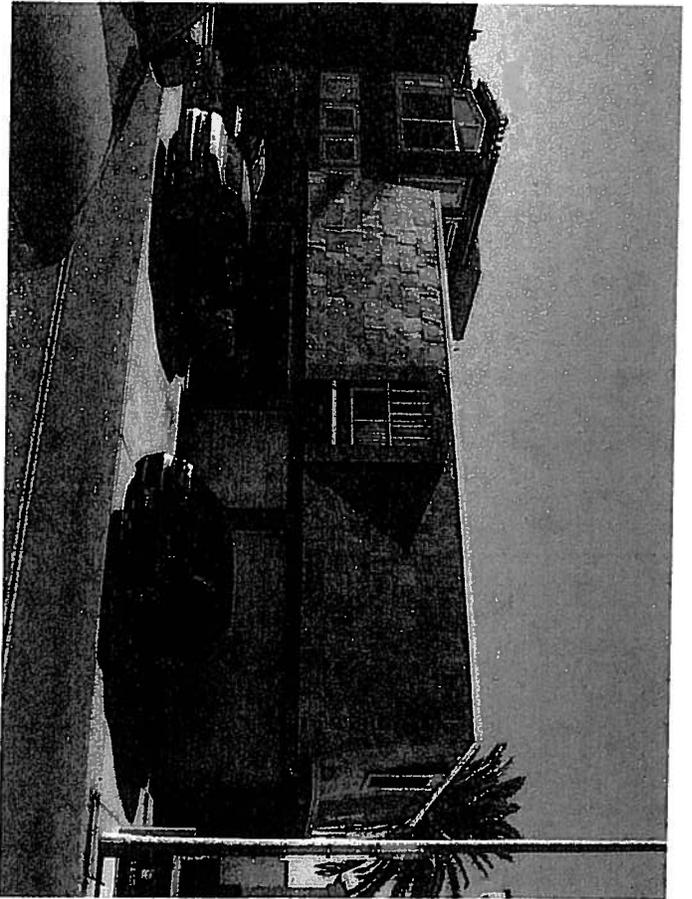
20 Dated: April 25, 2011

21
22 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees
23 may be required as stated herein:
24

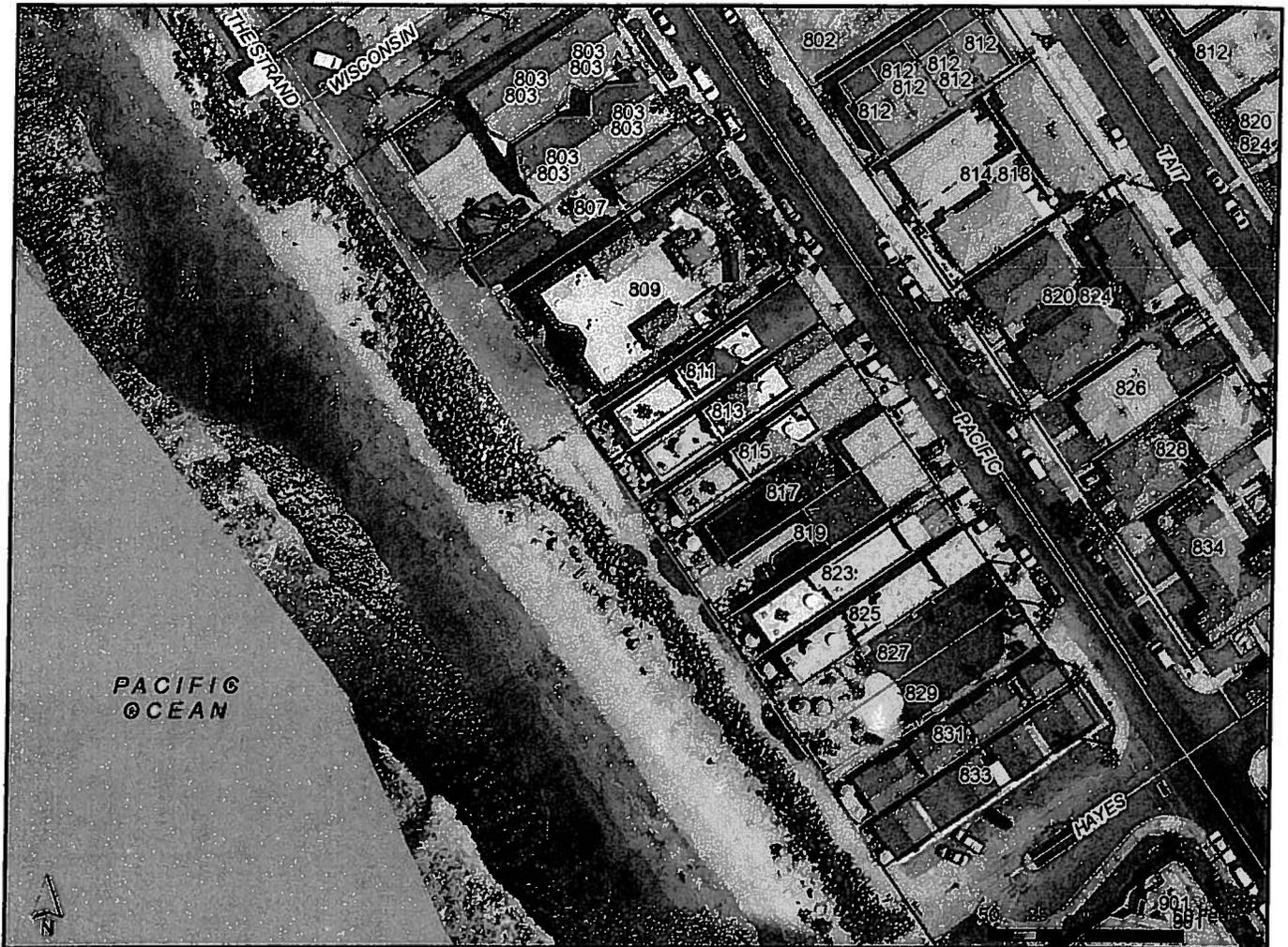
25 _____
26 Applicant/Representative

25 _____
26 Date

817/819 South Pacific Street: Existing Site Conditions



City of Oceanside



City of Oceanside

Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Oceanside and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use. The GIS database and data in the viewer is subject to constant change and the accuracy and completeness cannot be and is not guaranteed. THE CITY OF OCEANSIDE MAKES NO WARRANTIES OR GUARANTEES, EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS, ACCURACY, OR CORRECTNESS OF SUCH PRODUCT, NOR ACCEPTS ANY LIABILITY, ARISING FROM ANY INCORRECT, INCOMPLETE OR MISLEADING INFORMATION CONTAINED THEREIN.

Sources:
Orthophoto 2005 Merrick, 2009 DM1



Application for Public Hearing

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

STAFF USE ONLY

ACCEPTED

10-12-10
RCV'D 11-17-10

BY

RC
&
DW

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

GPA

MASTER/SP.PLAN

ZONE CH.

TENT. MAP

PAR. MAP

DEV. PL.

C.U.P.

VARIANCE

X COASTAL RC10-00010

O.H.P.A.C.

1. APPLICANT

Leads Properties, LLC

2. STATUS

Owner

3. ADDRESS

284 Sunset Drive
Encinitas, CA 92024

4. PHONE/FAX/E-mail 760

801.1227

5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)

Paul Longton

6. ADDRESS

2909 Mesa Dr.
Oceanside, CA 92054

7. PHONE/FAX/E-mail 760

722.4904

PART II - PROPERTY DESCRIPTION

8. LOCATION

819 S. Pacific St.

9. SIZE

3,250 SF

10. GENERAL PLAN

UHD

11. ZONING

RT

12. LAND USE

Tri-plex

13. ASSESSOR'S PARCEL NUMBER

150.356.23.00

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION

Remodel & Addition to existing tri-plex. Final products will be a single family dwelling

15. PROPOSED GENERAL PLAN

No change

16. PROPOSED ZONING

No Change

17. PROPOSED LAND USE

S.F.R.

18. NO. UNITS

1

19. DENSITY

13.4 du/ac

20. BUILDING SIZE

5385 SF

21. PARKING SPACES

4

22. % LANDSCAPE

20%

23. % LOT COVERAGE or FAR

64%

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):

Paul Longton

34. DATE

9/30/10

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). Managing member

Sign:

35. OWNER (Print)

Nancy Imbertson

36. DATE

9/30/10

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

Sign:

**Description & Justification
For A Triplex to be remodeled to a
Single Family Residence
At
Lot 12, 819 S Pacific St, Oceanside, 92054**

January 24, 2011
Owner: Strands End LLC

Statistics at a glance

Address –	819 S Pacific St
APN –	150-356-23-00
Zoning –	RT
Proposed zoning –	No Change
Lot Size –	3,250 SF (.075 Acres)
Existing Land Use –	3-Residential Units
Proposed Land Use –	Single Family Residence
Number of units –	1
Density/acre –	13.4 du/acre
Existing lot coverage -	48%
Proposed Lot Coverage	63.2%
Proposed Landscaping –	20%
<u>Existing Construction</u>	
Beach/Basement Level	1074 SF
Pacific St Level/1 st Floor	1074 SF
Second Floor	500 SF
<u>New Construction</u>	
Beach/Basement Level	1026 SF
Pacific St Level/1 st Floor	241 SF
Second Floor	1594 SF
<u>Garage</u>	
Existing Garage	500 SF
Additional Garage	315 SF
New Decks	1180 SF

Total Construction When Complete

Habitable 5385 SF

Garage 815 SF

Decks 1180 SF

Existing Parking – 2 spaces

Parking required – 2 spaces

Parking to be provided – 4 covered spaces, 2 regular parking spaces and two tandem spaces.

The Architecture is by Paul Longton, Architect

The Soil's Report is by The Taylor Group.

The proposed project will replace the existing 3-units and combine it into one single family residence.

Existing Buildings

The property is located on the west side and in the middle of the block of Pacific St. between Wisconsin and Hayes. The property is in the Myers Addition and was subdivided in 1906. The present structures were built in 1970.

Presently there are 3-units in two buildings with two onsite parking spots.

Demolition

The existing construction at the street will remain. This includes; the Pacific St level garage (including floor joists, concrete topping and walls), the floor above and its roof. The remainder of the buildings (to the west) will be demolished for the new construction. The existing grade level slabs (west of the buildings that have the current garages) will form the bottom of the new mat slab.

Compatibility with Neighborhood

The new, proposed building will fit in with the newer structures that have been built in the last 5-years on the same block. The height of the building will be 8' or more lower than the Edgewater Condominiums to the south. The architectural style and building materials used in this home are designed to enhance and compliment the character of the neighborhood. The proposed mass of the new building is in character with the immediate neighborhood on the west side of Pacific St. Its mass and bulk are smaller than the Edgewater Condos.

Parking

No public parking spots will be taken up with this proposed building. There is an existing curb cut for the existing garages.

The proposed project is required to have a minimum of 2-parking spaces. There are four proposed parking spaces.

The two-car wide garage is sized to allow parking four vehicles. The 25' wide lot prohibits a wider garage or any other layout that provides more parking without using the tandem plan.

The importance of having 4-inside parking spaces cannot be emphasized enough with parking at a premium along the coast.

Proposed Materials

Some of the features of the home are: a 50 year roof, copper flashings, elevator, laminated glass for sound proofing and UV protection, non-corrosive materials for prolonged life and low maintenance beachfront living, maintenance of north/south access at the beach level so the public access is maintained at all times and tides.

The interior materials will be superior for ease of living, low maintenance and energy efficiency. The furnace will be high efficiency. The appliances are all Energy Star approved. The water heaters are of the "Instant" variety that are much more energy efficient than the "tank" type. Bathroom floors are heated. Lights and fans in the bathrooms are occupant initiated for convenience and, ultimately, for energy efficiency.

Extra care is taken to use materials that isolate sound from floor to floor and from inside to outside, or the reverse.

Regular Coastal

The proposed project is consistent with the policies of the Local Coastal Program as implemented through the Zoning Ordinances. Specifically the physical aspects of the project are consistent with the adjoining properties and those in the neighborhood. The project will not substantially alter or impact existing public views of the coastal zone area.

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

LEGAL DESCRIPTION

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

LOT 12 IN BLOCK "C" OF MYERS ANNEX TO OCEANSIDE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 984, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 13, 1906

APN: 150-356-23



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 04/9/2007
Removal: 10/9/2007
(180 days)

1. **APPLICANT:** Leeds LLC
2. **ADDRESS:** 284 Sunset Drive Encinitas, CA 92024
3. **PHONE NUMBER:** (760) 722-4904
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Russ Cunningham
6. **PROJECT TITLE:** Leeds LLC (V11-00002, RC10-00010)
7. **DESCRIPTION:** To obtain a Variance and Regular Coastal Permit for the conversion of an existing six-unit apartment complex to two single-family residences at 817 and 819 South Pacific Street.

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. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- The project is categorically exempt, Class 1, Existing Facilities (Section 15301); 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: April 20, 2011

Russ Cunningham, Senior Planner

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



Application for Public Hearing

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

STAFF USE ONLY

ACCEPTED

3/15/10
Received
MAR 15 2010

BY

SM.

Planning Division

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT

Beachwalk LLC

2. STATUS

Owner

3. ADDRESS 1821 S. Coast Highway
Oceanside 92052

4. PHONE/FAX/E-mail 760
580-1986

5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)

Paul Longton

6. ADDRESS 2909 Mesa Drive
Oceanside 92054

7. PHONE/FAX/E-mail 760
722-4904

PART II - PROPERTY DESCRIPTION

8. LOCATION

817 S. Pacific St.

9. SIZE

3,250 SF

10. GENERAL PLAN

11. ZONING

RT

12. LAND USE

Residential

13. ASSESSOR'S PARCEL NUMBER

150-356-22-00

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION

Remodel Existing Triplex to a single family RS.

15. PROPOSED GENERAL PLAN

no change

16. PROPOSED ZONING

no change

17. PROPOSED LAND USE

no change

18. NO. UNITS

1

19. DENSITY

13.4 du/ac

20. BUILDING SIZE

21. PARKING SPACES

8

22. % LANDSCAPE

25

23. % LOT COVERAGE or FAR

63.2% lot coverage

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):

Paul Longton

34. DATE

3/12/10

SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).

Sign:

35. OWNER (Print)

572 AND S END LLC

36. DATE

3/12/10

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

Sign:

**Description & Justification
For A Triplex to be remodeled to a
Single Family Residence
At
Lot 11, 817 S Pacific St, Oceanside, 92054**

March 15, 2010
Owner: Beach Walk LLC

Statistics at a glance

Address –	817 S Pacific St
APN –	150-356-22-00
Zoning –	RT
Proposed zoning –	No Change
Lot Size –	3,250 SF (.075 Acres)
Existing Land Use –	3-Residential Units
Proposed Land Use –	Single Family Residence
Number of units –	1
Density/acre –	13.4 units/acre
Existing lot coverage -	48%
Proposed Lot Coverage	63.2%
Proposed Landscaping –	25%
<u>Existing Construction</u>	
Beach/Basement Level	1074 SF
Pacific St Level	1074 SF
Second Floor	500 SF
<u>New Construction</u>	
Beach/Basement Level	1026 SF
Pacific St Level	241 SF
Second Floor	1594 SF
<u>Existing Garage</u>	
(2 Spaces)	500 SF
<u>New Garage area</u>	
(6 Spaces)	265 SF

New Roof Deck 1817 SF

Existing Parking – 2 spaces
Parking required – 2 spaces
Parking to be provided – 8 covered spaces, 2 regular parking spaces and two tandem spaces and 4-spaces above – accessible by lifts

The Architecture is by Paul Longton, Architect
The Soil's Report is by The Taylor Group.

The proposed project will replace the existing 3-units and combine it into one single family residence.

Existing Buildings

The property is located on the west side and in the middle of the block of Pacific St. between Wisconsin and Hayes. The property is in the Myers Addition and was subdivided in 1906. The present structures were built in 1970.

Presently there are 3-units in two buildings with two onsite parking spots.

Compatibility with Neighborhood

The new, proposed building will fit in with the newer structures that have been built in the last 5-years on the same block. The height of the building will be 8' or more lower than the Edgewater Condominiums to the south. The architectural style and building materials used in this home are designed to enhance and compliment the character of the neighborhood. The proposed mass of the new building is in character with the immediate neighborhood on the west side of Pacific St. Its mass and bulk are smaller than the Edgewater Condos.

Parking

No public parking spots will be taken up with this proposed building. There is an existing curb cut for the existing garage.

The proposed project is required to have a minimum of 2-parking spaces. There are eight proposed parking spaces. That equals a net gain of 6 more parking spaces at the beach, since the existing structures have no onsite parking spaces.

The two-car wide garage is sized to allow parking eight vehicles. Two of the spaces are tandem and four are accessible by lifts. However the space is designed for function and consideration to keep the homeowners vehicles from parking on South Pacific Street. The 25' wide lot prohibits a wider garage or any other layout that provides more parking without using the tandem plan.

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

LEGAL DESCRIPTION

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

LOT 11 IN BLOCK "C" OF MYERS ANNEX TO OCEANSIDE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 984, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 13, 1906

APN: 150-356-22



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 04/9/2007
Removal: 10/9/2007
(180 days)

1. **APPLICANT:** Beachwalk LLC
2. **ADDRESS:** 421 Q Street Beaver City, NE 68926
3. **PHONE NUMBER:** (760) 722-4904
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Russ Cunningham
6. **PROJECT TITLE:** Beachwalk LLC (V11-00001, RC10-00002)
7. **DESCRIPTION:** To obtain a Variance and Regular Coastal Permit for the conversion of an existing six-unit apartment complex to two single-family residences at 817 and 819 South Pacific Street.

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. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- The project is categorically exempt, Class 1, Existing Facilities (Section 15301); 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: April 20, 2011

Russ Cunningham, Senior Planner

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