



DATE: August 31, 2011

TO: Chairman and Members of the Community Development Commission

FROM: Economic and Community Development Department

SUBJECT: **A RESOLUTION APPROVING REGULAR COASTAL PERMIT (RRP-11-00001) FOR AN APPROXIMATELY 550-SQUARE-FOOT ROOF DECK ADDITION TO AN EXISTING SINGLE-FAMILY HOUSE LOCATED AT 609 NORTH PACIFIC STREET – 609 NORTH PACIFIC STREET ROOF DECK - APPLICANT: GARY CHARLEBOIS**

SYNOPSIS

The item under consideration is a Regular Coastal Permit to allow for an approximately 550-square-foot roof deck addition to an existing single-family house located at 609 North Pacific Street. Staff is recommending that the Commission adopt a resolution of approval for this project.

BACKGROUND

On September 10, 2008, the Commission adopted Resolution No. 08-R0539-3 approving four single-family residential units situated on two separate legal lots. In June of 2009, construction commenced on the development project and was completed in June of 2010.

Land Use and Zoning: The subject site is located within Subdistrict 5 of the "D" Downtown District. Subdistrict 5 is primarily intended to provide a high-density residential neighborhood in an urban setting in close proximity to shopping, employment, transportation and recreational facilities. The maximum density within this zone is 43 dwelling units per acre and the project proposes a density of 17.4 dwelling units per acre.

Regular Coastal Permit: This project is situated within the Coastal Zone and requires a Regular Coastal Permit. Under the provisions of the Local Coastal Plan the project site is designated as Mixed High-Density and Transient Residential. Multifamily and single-family are primarily the uses allowed within this land use designation.

The project is also situated within the Coastal Zone "appeal jurisdiction". Any local action by the City on this proposed coastal development permit may be appealed to the California Coastal Commission.

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Project Description: The project application requires a coastal permit for the proposed roof deck addition to an existing single-family residence. In order to take advantage of the sweeping views of the ocean, the applicant wishes to add a 550-square-foot roof deck. It should be noted that three of the four units of the original development were constructed with roof decks, however, this unit (609 North Pacific Street) was the only one built without a roof deck.

The roof deck will be accessed from the second floor adjacent to the master bedroom via a stairway. There will not be any improvements to the roof with the exception of the access stairs. The proposed access stairs do not extend above the existing roof parapet.

Outlined below is a comparison chart summarizing the required development criteria with the proposed project:

	MINIMUM REQUIRED	PROPOSED
LOT SIZE	5,000 square feet	5,000 square feet
SETBACKS Front Side Rear	10 feet 3 feet 5 feet	10 feet 3 feet 11 feet
LANDSCAPING	25%	27%
PARKING	2 spaces	2 spaces
BUILDING HEIGHT	27 feet (Maximum)	26 feet
DENSITY	43 du. Ac.(Maximum)	17.4 du. Ac.

Regular Coastal Permit: This project requires a coastal permit because the subject site is situated within the appealable area of the coastal zone.

ANALYSIS

Staff's analysis focused on the compatibility of the project with existing development patterns of the area and the project's consistency with the underlying Redevelopment Plan, Zoning Ordinance, and the Local Coastal Program.

Redevelopment Plan: Section 301(2) of the Redevelopment Plan states that the Agency proposes to eliminate and prevent the spread of blight and a deterioration of the Downtown Project Area by, among other things, providing the rehabilitation of structures

and improvements by present owners, their successors, or the Agency. The proposed project is consistent with and advances the goals and objectives of the Redevelopment Plan in that by adding a roof deck it increases the value of the building and helps the surrounding neighborhood.

Local Coastal Plan: Staff's review of the project examined the consistency of the development with the underlying zoning regulations and policies of the Local Coastal Program. The project is located within the "appealable area" which is defined as the first 300 feet east of The Strand (west side of Myers Street). The subject site is situated in the middle of the block between two existing public coastal accesses; Surfrider Way, (located on the south) and Windward Way (located on the north); therefore, the proposed project will not obstruct and/or block any existing and/or proposed public beach access. Staff also evaluated the proposed project and its effect on public coastal views. The project proposes a roof deck that will not increase the height of the unit nor does the access stairway extend above the existing roof parapet, therefore, the effects of the proposed project on public coastal views will be minimal.

Staff believes that this roof deck addition improves the residence and does not detract from the North Pacific Street neighborhood.

COMMISSION OR COMMITTEE REPORTS

On August 3, 2011, the Redevelopment Advisory Committee reviewed the project and approved it on a 6-0 vote.

FISCAL IMPACT

Not applicable.

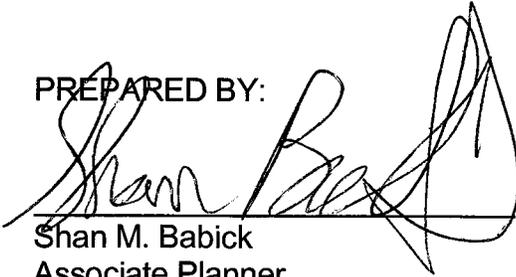
CITY ATTORNEY'S ANALYSIS

Pursuant to Oceanside Zoning Ordinance Article 43, Section 4305, the Community Development Commission is authorized to hold a public hearing on this project's applications. Consideration of the project should be based on the evidence presented at the public hearing. After conducting the public hearing, the Commission shall approve, conditionally approve, or disapprove the project. The resolution has been reviewed and approved as to form by the City Attorney.

RECOMMENDATION

Staff recommends that the Commission adopt the resolution approving a Regular Coastal Permit (RRP-11-00001) for an approximately 550-square-foot roof deck addition to an existing single-family house located at 609 North Pacific Street.

PREPARED BY:



Shan M. Babick
Associate Planner

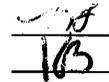
SUBMITTED BY:



Peter A. Weiss
Executive Director

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
Kathy Baker, Redevelopment Manager



EXHIBITS/ATTACHMENTS

1. Resolution
2. Site Plan and Elevations
3. Certificate of Exemption

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RESOLUTION NO. 11-

A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE APPROVING A REGULAR COASTAL PERMIT FOR THE CONSTRUCTION OF A ROOF DECK ON AN EXISTING SINGLE-FAMILY HOUSE LOCATED AT 609 NORTH PACIFIC STREET – 609 NORTH PACIFIC STREET ROOF DECK - APPLICANT: GARY CHARLEBOIS

WHEREAS, on August 31, 2011, the Community Development Commission held its duly noticed public hearing, considered an application for a Regular Coastal Permit (RRP-11-00001) for the construction of a roof deck on an existing single-family house located at 609 North Pacific Street;

WHEREAS, the Redevelopment Advisory Committee (RAC) of the City of Oceanside did, on August 3, 2011, review and recommended approval of Regular Coastal Permit (RRP-11-00001);

WHEREAS, a Categorical Exemption was prepared by the Resource Officer of the City of Oceanside for this application pursuant to the California Environmental Quality Act of 1970 and the State Guidelines implementing the Act. Pursuant to Section 15301 (B) of the CEQA guidelines the project is situated in an area (infill) that is not environmentally sensitive and therefore will not have a detrimental effect on the environment.

WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes effective upon its adoption.

NOW, THEREFORE, the Community Development Commission of the City of Oceanside does resolve as follows:

FINDINGS:

For the Regular Coastal Permit:

1. The granting of the Regular Coastal Permit is consistent with the purposes of the California Coastal Act of 1976. The proposed roof deck is to be situated on the roof of an existing single-family house and therefore, will not impede public access to the beach or impact public coastal views.

2. The proposed project is consistent with the policies of the Local Coastal Program as implemented through the City Zoning Ordinance. The proposed roof deck will not

1 substantially alter or impact the existing coastal views through the public rights-of-way view
2 corridors because the project does not propose to increase the size or height of the existing
3 building. In addition, the access stairway to the deck is located below the existing roof parapet.

4 3. The proposed project will not obstruct any existing or planned public beach
5 access; therefore, the project is in conformance with the policies of Chapter 3 of the Coastal
6 Act. The subject site is situated in the middle of the block between two existing public coastal
7 accesses; Surfider (located on the south) and Windward Way (located on the north); therefore,
8 the proposed project will not obstruct and/or block any existing and/or proposed public beach
9 access.

10 SECTION 1. That Regular Coastal Permit (RRP-11-00001) is hereby approved subject
11 to the following conditions:

12 **Building:**

- 13 1. Construction shall comply with the 2010 edition of the California Building
14 codes.
15 2. Construction hours are limited to 7:00 a.m. 6 p.m. Monday through Friday.
16 3. Any increase in building height will require height certificates from a registered
17 engineer to verify maximum height compliance.

18 **Fire:**

- 19 4. Plans for modifications to the existing fire sprinkler system shall be submitted to
20 the Fire Prevention Bureau for plan check review and approval prior to the issuance of building
21 permits.

22 **Economic/Redevelopment:**

- 23 5. This Regular Coastal Permit (RRP-11-00001) shall expire on August 31, 2013,
24 unless implemented as required by the Zoning Ordinance.
25 6. This Regular Coastal Permit approve only the roof deck as shown on the plans
26 and exhibits presented to the Community Development Commission for review and approval.
27 No deviation from these approved plans and exhibits shall occur without Economic and
28 Community Development Department approval. Substantial deviations shall require a revision
to the Regular Coastal Permit or a new Regular Coastal Permit.

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

9 8. All mechanical rooftop and ground equipment shall be screened from public
10 view as required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,
11 mechanical equipment, screen and vents shall be painted with non-reflective paint to match the
12 roof. This information shall be shown on the building plans.

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

17 10. Prior to the transfer of ownership and/or operation of the site the owner shall
18 provide a written copy of the applications, staff report and resolutions for the project to the new
19 owner and or operator. This notification's provision shall run with the life of the project and
20 shall be recorded as a covenant on the property.

21 11. Failure to meet any conditions of approval for this development shall constitute a
22 violation of the Regular Coastal Permit (RRP-11-00001).

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

6
7 PASSED AND ADOPTED by the Oceanside Community Development Commission of
8 the City of Oceanside this ___ day of _____ 2011 by the following vote:

9 AYES:

10 NAYS:

11 ABSENT:

12 ABSTAIN:

13 _____
Chairman

14 ATTEST:

15 _____
16 Secretary

17 APPROVED AS TO FORM:
18 OFFICE OF THE CITY ATTORNEY

19 by John P. Nulb
20 General Counsel

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CITY OF OCEANSIDE
PLANNING DEPARTMENT

NOTICE OF EXEMPTION

TO: RECORDER/COUNTY CLERK
COUNTY OF SAN DIEGO
P.O. BOX 1750
SAN DIEGO, CA 92112-4147

PROJECT TITLE AND FILE NUMBER:

REGULAR COASTAL PERMIT (RRP-11-00001) FOR A ROOF DECK TO BE SITUATED ON AN EXISTING SINGLE-FAMILY HOUSE LOCATED AT 609 NORTH PACIFIC STREET

PROJECT LOCATION - SPECIFIC:
609 North Pacific Street

PROJECT LOCATION - GENERAL:
Surfrider and North Pacific Street

REGULAR COASTAL PERMIT (RRP-11-00001)

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:

For a roof deck situated on an existing single-family house located at 609 North Pacific Street.

NAME OF PUBLIC AGENCY APPROVING PROJECT:

City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:

Gary Charlebois
609 North Pacific Street
Oceanside, CA 92054
(760) 435-3354

Exempt Status per the Guidelines to Implement the California Environmental Quality Act (CEQA)
(Public Resources Code Section 21000 et. al.):

NOT SUBJECT TO CEQA PER THE GENERAL RULE, SECTION 15061(B)(3)

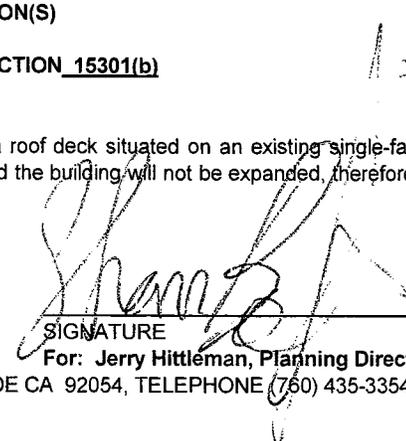
STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION 15301(b)

REASONS WHY PROJECT IS EXEMPT:

The proposed project is a Regular Coastal Permit for a roof deck situated on an existing single-family house located at 609 North Pacific Street. The subject site is an existing building and the building will not be expanded, therefore, it is exempt from environmental review.

Contact Person: Shan Babick, Associate Planner


SIGNATURE

July 23, 2011

DATE

For: Jerry Hittleman, Planning Director

CITY HALL, 300 NORTH COAST HIGHWAY, OCEANSIDE CA 92054, TELEPHONE (760) 435-3354, FAX (760) 722-1057

