City of Oceanside
Development Services Department
Planning Division

Memorandum

AGENDA NO. 3

Date: September 26, 2011

To: Chairperson and Members of the Planning Commission

From: Jerry Hittleman, City Planner

Subject: **Altman Residence Resolution and Revised Window Plan (RC10-00009, V11-00004)**

Attached please find the resolution of approval for the Altman Residence (RC10-00009, V11-00004) and revised window plan for the south-facing, third story master bedroom window. This item was continued from the September 19, 2011 Planning Commission public hearing to allow staff to craft the attached resolution of approval and work with the applicant on a revised window design. Staff supports the revised window design for the proposed third story master bedroom suite that protects the privacy of the neighbor to the south while maintaining the integrity of the original building design.

Attachments:
Resolution of Approval
Revised Window Plan

JH/vm

PLANNING COMMISSION
RESOLUTION NO. 2011-P30

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

APPLICATION NO:	RC10-00009, V11-00004
APPLICANT:	Deena Altman
LOCATION:	1823 South Pacific Street

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Regular Coastal Permit (RC10-00009) and Variance (V11-00004) under the provisions of the City of Oceanside Local Coastal Program and 1986 Zoning Ordinance to permit the following:

the addition of enclosed habitable space and open deck area to an existing single-family detached residence located at 1823 South Pacific Street;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 12th day of September, 2011 conduct a duly advertised public hearing as prescribed by law to consider said application;

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

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

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

Description	**Authority for Imposition**	**Current Estimate Fee or Calculation Formula**
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is $2,843-$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	$.713 per square foot or $713 per thousand square feet for non-residential uses and $2,072 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	$.42 per square foot non-residential for Oceanside ($.42 for Vista and Fallbrook) $2.63 per square foot residential ($2.63 for Vista; $2.63 for Fallbrook)
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)
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically $4,597 per unit; Non-residential is $36,775 for a 2" meter.
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Residential is typically $6,313 per unit; Non-residential is $50,501 for a 2" meter.

San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically $4,326 per unit; Non-residential is $22,495 for a 2" meter.

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

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

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

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

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

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

FINDINGS:

For the Regular Coastal Permit:

1. The proposed addition to an existing permitted single-family residence is consistent with the land use policies of the Local Coastal Program as implemented through the Zoning Ordinance. Specifically, the project will not compromise existing public views within the Coastal Zone area nor produce adverse massing impacts on neighboring properties.
2. The proposed expansion will not obstruct any existing, planned or required public beach access, thereby conforming with the policies of Chapter 3 of the Coastal Act.

3. The proposed expansion will not result in the loss of any on-street public parking resources, nor occasion additional on-site parking requirements.

For the Variance:

1. That there are special circumstances warranting approval of a variance due to the steep topography of the lot precluding the creation of a double basement resulting in three stories where two stories are allowed by the 1986 Zoning Ordinance. Strict application of the 2-story limit would deprive the applicant such property rights enjoyed by other property in the vicinity and in the same zone classification that have residences with the appearance of similar bulk, scale, and mass as other homes in the neighborhood.
2. The granting of the variance will not constitute a special privilege to the property. Other similar variances for exceeding the 2-story limit have been granted for homes in the vicinity.
3. The granting of this variance will not adversely affect any Specific Plan, Precise Plan, or General Plan standards adopted or being studied for the area. The project site is not subject to any of the aforementioned plans.
4. The granting of the variance will not be materially detrimental or injurious to the surrounding property nor to the general development pattern of the neighborhood. A south facing window on the third story in the master bedroom has been redesigned to protect the privacy of the neighbor to the south.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve Regular Coastal Permit (RC10-00009) and Variance (V11-00004) subject to the following conditions:

Building:

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Division plan check. (As of January 1, 2008 the 2007 California Building Code, and 2007 California Electrical Code).
2. Construction shall comply with the 2010 edition of the California Codes.
3. Construction hours are limited to 7:00 a.m. to 6:00 p.m. Monday through Friday.
4. The developer shall monitor, supervise and control all building construction and supporting activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence to the following:

a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).

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

Fire:

5. Fire Department requirements shall be placed on plans in the notes section.

Planning:

6. This Regular Coastal Permit shall expire on September 26, 2013, unless implemented per the Zoning Ordinance or unless the Planning Commission grants a time extension.

7. This Regular Coastal Permit approves only a 460-square foot third story addition to an existing single-family home and expansion of decks on the front and rear of the home, as presented to the Planning Commission for review and approval. No deviation from these approved plans and exhibits shall occur without Planning Division approval. Substantial deviations shall require a revision to the Regular Coastal Permit or a new Regular Coastal Permit.

8. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Regular Coastal Permit (RC10-00009) and Variance (V11-00004). The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City

fails to promptly notify the applicant of any such claim action or proceeding, or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

9. All mechanical rooftop and ground equipment shall be screened from public view as required by the Zoning Ordinance: that is, on all four sides. Roof jacks, mechanical equipment, screens and vents shall be painted with non-reflective paint to match the roof. This information shall be shown on the building plans.

10. Prior to the issuance of building permits, compliance with the applicable provisions of the City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed and approved by the Planning Division. These requirements, including the obligation to remove or cover with matching paint all graffiti within 24 hours, shall be noted on the Architectural Site Plan and shall be recorded in the form of a covenant affecting the subject property. A covenant or other recordable document approved by the City Attorney shall be prepared by the applicant and recorded prior to the issuance of building permits. The covenant shall provide that the property is subject to this resolution, and shall generally list the conditions of approval.

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

12. Failure to meet any conditions of approval for this development shall constitute a violation of the Regular Coastal Permit.

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

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

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

16. Prior to issuance of building permits, if it is determined by the Building Official that more than 50 percent of the building is to be demolished, the project must conform to current parking standards.

PASSED AND ADOPTED Resolution No. 2011-P30 on September 26, 2011 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Tom Rosales, Chairperson
Oceanside Planning Commission

ATTEST:

_____
Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2011-P30.

Dated: September 26, 2011

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

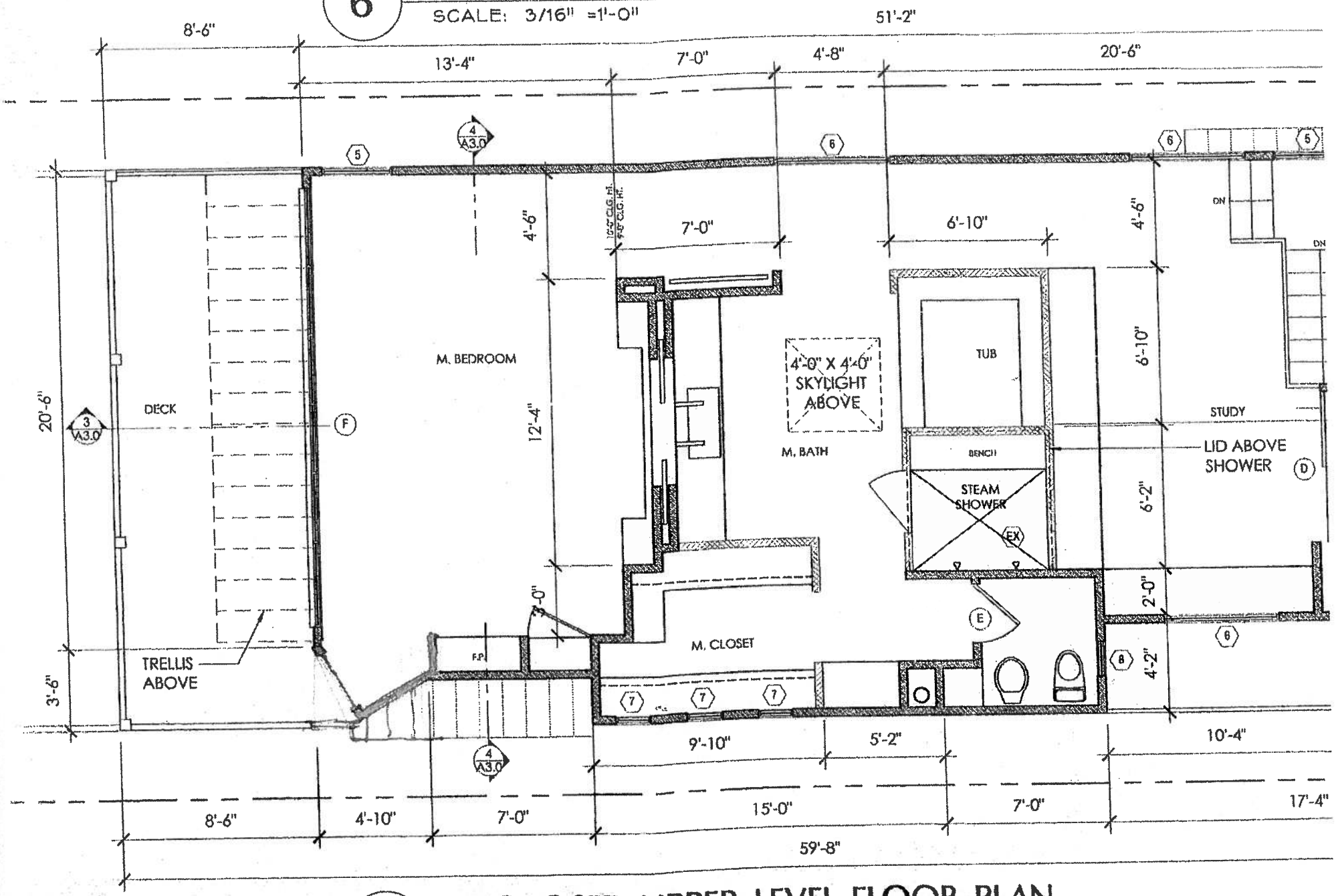
_____ _____
Applicant/Representative Date

LEGAL DESCRIPTION

Lot 12 Block F of Ocean Front Addition in the City of Oceanside and County of San Diego

6 PROPOSED ROOF PLAN

SCALE: 3/16" =1'-0"



4 PROPOSED UPPER LEVEL FLOOR PLAN

SCALE: 3/16" =1'-0"

HABITABLE- 1003 SF
DECKS- 401 SF