

*STAFF REPORT**CITY OF OCEANSIDE*

---

DATE: November 30, 2011

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION DECISION TO DENY A REGULAR COASTAL PERMIT (RC11-00004) TO ALLOW AN EXISTING OPEN FRONT BALCONY TO BE ENCLOSED AT AN EXISTING RESIDENCE LOCATED AT 1639 SOUTH PACIFIC STREET – MACDONALD RESIDENCE – APPLICANT: JOHN MACDONALD**

**SYNOPSIS**

Under consideration is an appeal of the Planning Commission's recent denial of a Regular Coastal Permit for a request to enclose an east-facing 64-square-foot second story street-facing balcony on an existing single-family residence located at 1639 South Pacific Street.

**BACKGROUND AND PROJECT DESCRIPTION**

The project site is situated within the South Oceanside Neighborhood, west of South Pacific Street and contains an attached 3,981-square-foot single-family residence and attached two-car garage constructed in 1990. The proposed project is a request to enclose a 64-square-foot portion of a second story deck facing Pacific Street.

On October 18, 2010, the Planning Commission approved Regular Coastal Permit RC-2-06 to allow the existing building to be re-roofed with slate roofing tiles, removal of the wood trim for the replacement of stucco siding and replacement of windows and doors by a 6-0 vote of approval. The Planning Commission voted separately on a separate request to enclose the second story west-facing balcony with a one-foot offset. This request was denied without prejudice by a 4-2 vote. It was concluded that an offset of one foot from the building façade would not provide sufficient articulation on the building façade and created a sense of massing that was not compatible with surrounding properties on Pacific Street. The applicant did not appeal the denial to the City Council at this time.

The applicant submitted the same request for an enclosed balcony in spring 2011 under Regular Coastal Permit (RC11-00004). On August 8, 2011, the Planning Commission denied Regular Coastal Permit by a 4-2 vote, based on the fact that the project did not provide an adequate building offset along the east-facing elevation for the single-family home located on 1639 South Pacific Street.

Additional project description details and drawings are provided in Attachment 3, the Planning Commission staff report.

## **ANALYSIS**

### **Discussion**

The Planning Commission findings for denial stated that the project is not consistent with the City's Local Coastal Program because insufficient building façade offsets are provided along Pacific Street that would render the residence incompatible with the attached unit to the north and other surrounding properties. City staff and Applicant are not in agreement with this finding for the reasons stated below.

Staff's position is that the proposed 64-square-foot addition will be consistent with the overall design of the existing home in terms of architectural style, colors and materials. The attached single-family home to the north has some articulation at the side entryway, but does not have a balcony similar to the subject property. Existing homes to the south and north of the subject property, both new and old, do not have significant articulation on their front facades as well. The Zoning Ordinance, Local Coastal Program (LCP), and the General plan do not regulate the architecture of street-facing façades along Pacific Street or any location in the Coastal Zone.

In 2010, at the request of the City Council, City staff brought forth recommendations for adjustments to height and building facades along Pacific Street. Staff recommended a minimum 5-foot offset for new and remodeled portions of the residential buildings above street level. These recommendations were not approved or codified by the City Council at that time.

The proposed project, as originally submitted, did not propose any articulation on the street-facing elevation. In response to staff comments and prior to the Planning Commission denial, the Applicant revised the balcony enclosure plan to provide a one foot deviation from the street level garage façade that provides a visual break in the Pacific Street elevation. Therefore, staff's position is that the proposed project with a proposed one-foot offset for the second story enclosure is in compliance with all policies of the Local Coastal Program (LCP) Land Use Plan such as compatibility with the character of the surrounding area. The LCP does not contain specific design guidelines for residences in the Coastal Zone or on Pacific Street.

## **FISCAL IMPACT**

Applicable fees for the processing of the appeal, have been paid by the applicant for the consideration of this application.

**COMMISSION OR COMMITTEE REPORT**

The Planning Commission reviewed the project on August 11, 2011. After considering public testimony from area residents, as well as the Applicant, the Commission denied the project by a 4-2 vote. Two Commissioners previously supported the proposal (at the October 18, 2010, public hearing) and indicated their subsequent support. Another Commissioner opined that the proposed addition and pergola would be aesthetic improvements to the existing residence. One of Commissioners was absent at both of the two Planning Commission public hearings on the proposal.

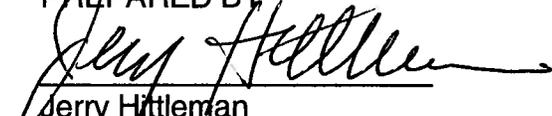
**CITY ATTORNEY'S ANALYSIS**

The City Council is authorized to hold a public hearing in this matter. Consideration of the matter should be based on the testimony and evidence presented at the hearing. After conducting the public hearing, the Council shall affirm, modify or deny the project. The supporting document(s) has been reviewed and approved as to form by the City Attorney.

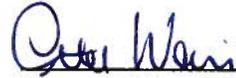
**RECOMMENDATION**

Staff has reviewed the issues raised under the appeal and finds that all of these issues have been addressed through the findings established in PC Resolution 2011-P25. Staff therefore recommends that the City Council reverse the Planning Commission's decision and adopt the resolution approving the proposed project.

PREPARED BY

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

SUBMITTED BY

  
\_\_\_\_\_  
Peter A. Weiss  
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager  
George Buell, Development Services Director

  
\_\_\_\_\_  
  
\_\_\_\_\_

ATTACHMENTS:

- 1. Plans
- 2. City Council Resolution for Approval
  - A. Planning Commission Resolution No. 2011-P25
- 3. Planning Commission Staff Report Dated August 8, 2011
- 4. Applicant's Appeal Letter

















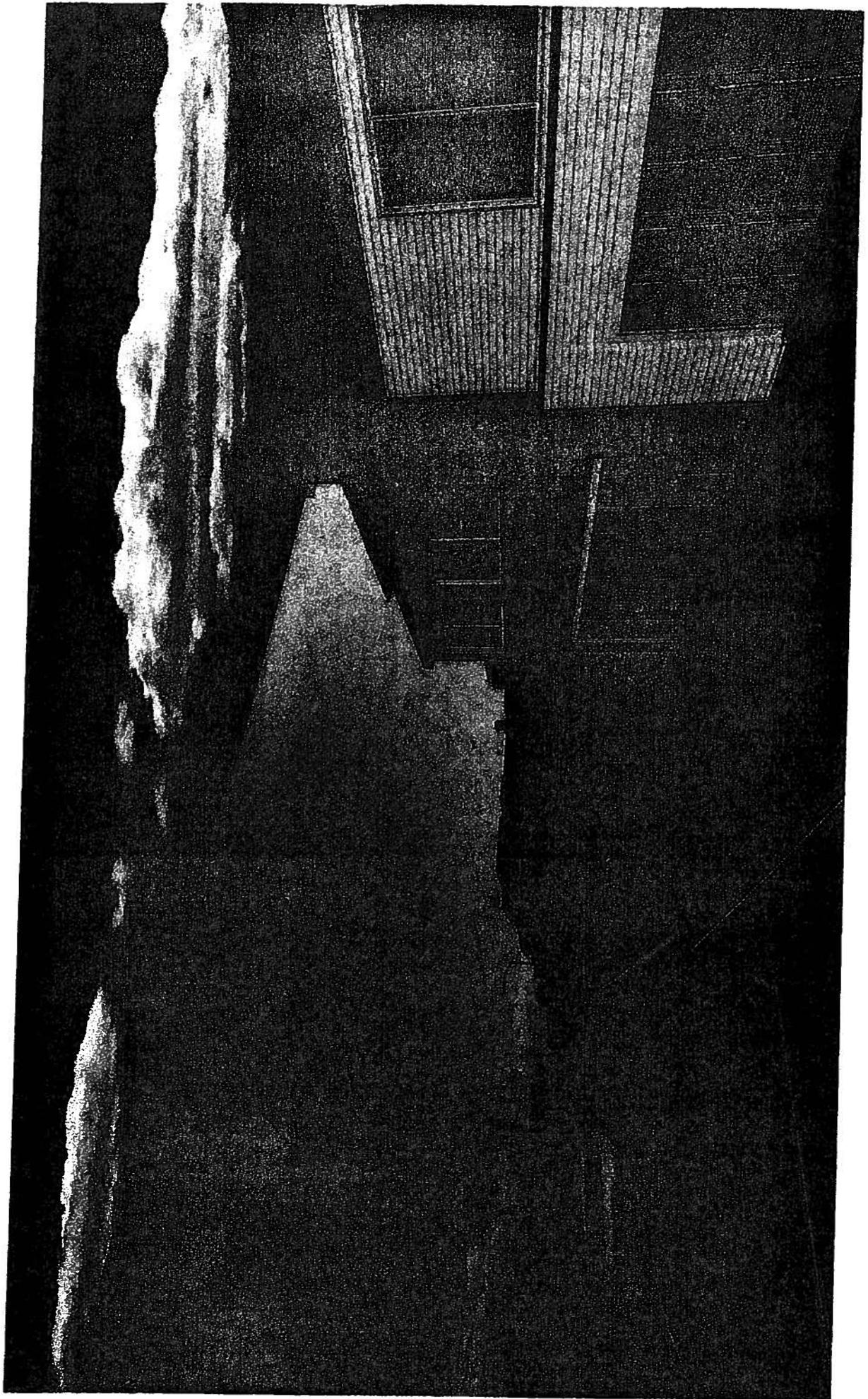


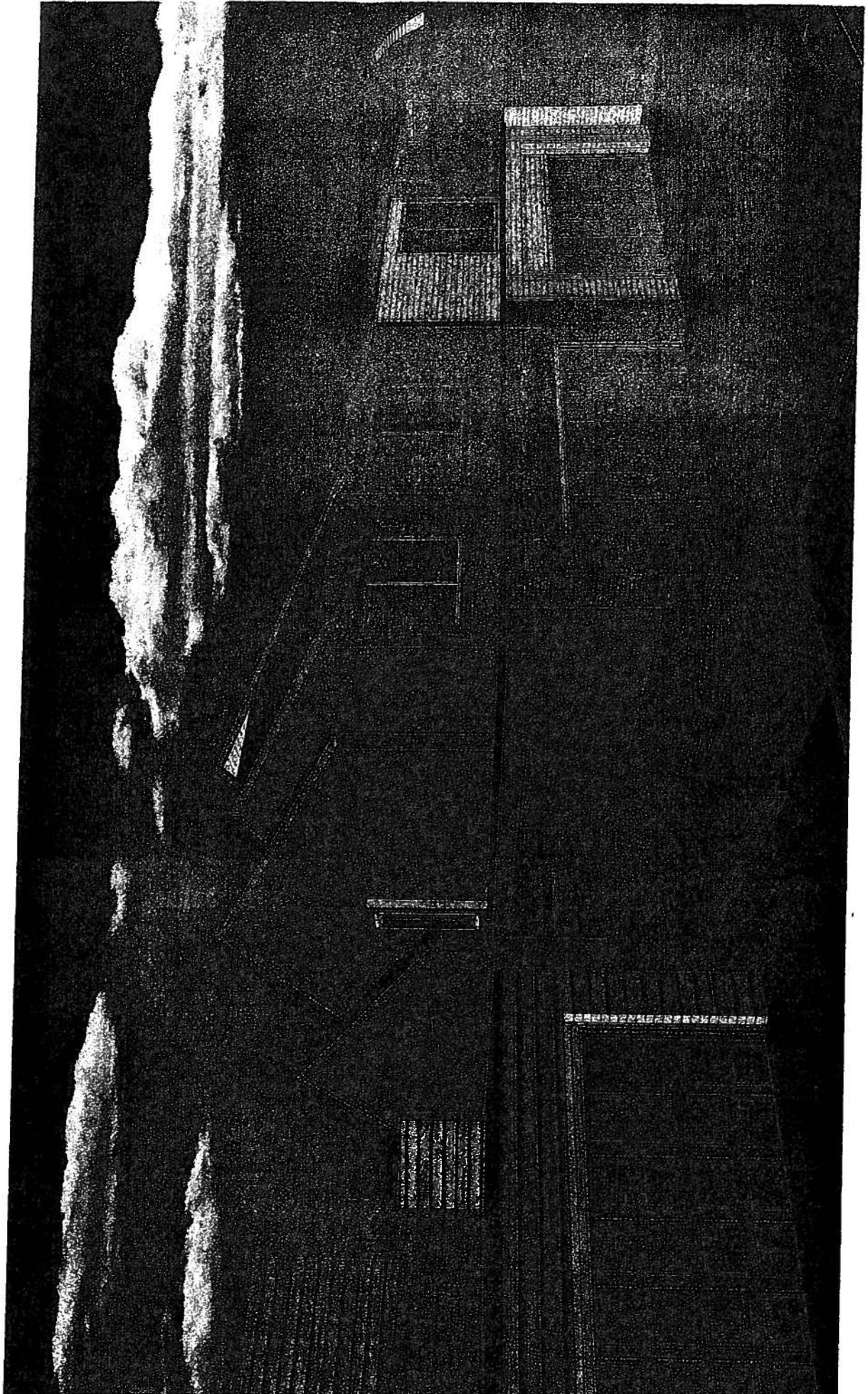














1 FINDINGS:

2 The Regular Coastal Permit:

- 3 1. To allow an existing second story open front balcony to be enclosed at an existing  
4 residence 1639 South Pacific Street is consistent with the land use policies of the Local  
5 Coastal Program as implemented through the Zoning Ordinance. Specifically, the  
6 project will not substantially alter or impact existing public views of the coastal zone  
7 area and the physical aspects of the project are consistent with existing development on  
8 neighboring sites. The Applicant has designed the enclosure to ensure that front  
9 elevation will provide architectural articulation and elements to elevate the massing of  
10 the front building elevations.
- 11 2. The proposed improvements will not obstruct any existing, planned, or required public  
12 beach access; therefore, the project is in conformance with the policies of Chapter 3 of  
13 the Coastal Act.
- 14 3. The project will not result in the loss of any on-street public parking spaces, as the  
15 82-square foot open patio conversion to living space would be within the existing foot  
16 print of the existing home and it will not trigger additional parking or take away from  
17 the existing parking fronting the project site.

18 CONDITIONS:

19 Building:

- 20 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
21 Building Division plan check. (As of January 1, 2008, the 2007 California Building  
22 Code, and the 2007 California Electrical Code).
- 23 2. The granting of approval under this action shall in no way relieve the applicant/project  
24 from compliance with all State and Local building codes.
- 25 3. Compliance with the Federal Clean Water Act (BMPs) must be demonstrated on the plans.
- 26 4. The developer shall monitor, supervise and control all building construction and  
27 supporting activities so as to prevent these activities from causing a public nuisance,  
28 including, but not limited to, strict adherence to the following:

- 1 a) Building construction work hours shall be limited to between 7:00 a.m. and  
2 6:00 p.m., Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m.,  
3 for work that is not inherently noise-producing. Examples of work not permitted  
4 on Saturday are concrete and grout pours, roof nailing and activities of similar  
5 noise-producing nature. No work shall be permitted on Sundays and Federal  
6 Holidays (New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving  
7 Day, and Christmas Day) except as allowed for emergency work under the  
8 provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).
- 9 b) The construction site shall be kept reasonably free of construction debris as  
10 specified in Section 13.17 of the Oceanside City Code. Storage of debris in  
11 approved solid waste containers shall be considered compliance with this  
12 requirement. Small amounts of construction debris may be stored on-site in a  
13 neat, safe manner for short periods of time pending disposal.

- 14 5. For all new construction, setbacks and Type of Construction must comply with the  
15 2007 California Building Code. New Exterior openings less than five feet from the  
16 property line must be protected per table 704.8 of the CBC. New Exterior walls less  
17 than five feet to the property line must be one hour rated per Table 602 of the CBC.

18 **Fire:**

- 19 6. Fire Department requirements shall be placed on plans in the notes section.

20 **Planning:**

- 21 7. This Regular Coastal Permit shall expire on November 30, 2013, unless implemented per  
22 the Zoning Ordinance or unless the Planning Commission grants a time extension.
- 23 8. This Regular Coastal Permit approves the conversion of an existing open second-story  
24 balcony to living space by enclosing the balcony and the removal of the wood siding to  
25 allow a stucco wall finish, as presented to the Planning Commission for review and  
26 approval. No deviation from these approved plans and exhibits shall occur without  
27 Planning Division approval. Substantial deviations shall require a revision to the Regular  
28 Coastal Permit or a new Regular Coastal Permit.

- 1 9. The Applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
2 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  
4 annul an approval of the City, concerning Regular Coastal Permit (RC11-00004). The City  
5 will promptly notify the applicant of any such claim, action or proceeding against the  
6 City and will cooperate fully in the defense. If the City fails to promptly notify the  
7 applicant of any such claim action or proceeding or fails to cooperate fully in the  
8 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold  
9 harmless the City.
- 10 10. Prior to the issuance of building permits, compliance with the applicable provisions of the  
11 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed  
12 and approved by the Planning Division. These requirements, including the obligation to  
13 remove or cover with matching paint all graffiti within 24 hours, shall be noted on the  
14 Architectural Site Plan and shall be recorded in the form of a covenant affecting the subject  
15 property. A covenant or other recordable document approved by the City Attorney shall  
16 be prepared by the applicant and recorded prior to the issuance of building permits. The  
17 covenant shall provide that the property is subject to this resolution, and shall generally  
18 list the conditions of approval.
- 19 11. Prior to the transfer of ownership and/or operation of the site the owner shall provide a  
20 written copy of the applications, staff report and resolutions for the project to the new  
21 owner and or operator. This notification's provision shall run with the life of the project  
22 and shall be recorded as a covenant on the property.
- 23 12. Failure to meet any conditions of approval for this development shall constitute a violation  
24 of the Regular Coastal Permit.
- 25 13. Unless expressly waived, all current zoning standards and City ordinances and policies  
26 in effect at the time building permits are issued are required to be met by this project.  
27 The approval of this project constitutes the applicant's agreement with all statements in  
28 the Description and Justification and other materials and information submitted with this

1 application, unless specifically waived by an adopted condition of approval.

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

5 15. The balcony conversion to living space shall be substantially the same material, colors,  
6 and design as the existing single-family residence.

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

9 NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

10 1. The Council overturns the Planning Commission action of August 8, 2011, and  
11 Resolution No. 2011-P25, and approves Regular Coastal Permit (RC11-00004), subject to the  
12 Conditions in this Resolution.

13 2. Pursuant to CCP Section 1094.6 (f), notice is hereby given that the time within  
14 which judicial review must be sought on this decision is governed by CCP Section 1094.6 as  
15 set forth in Oceanside City Code Section 1.10.

16 PASSED and ADOPTED by the City Council of the City of Oceanside, California this  
17 \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the following vote:

18 AYES:

19 NAYS:

20 ABSENT:

21 ABSTAIN:

22 \_\_\_\_\_  
23 Mayor of the City of Oceanside

24 ATTEST:

25 APPROVED AS TO FORM:  
26 OFFICE OF THE CITY ATTORNEY

27 \_\_\_\_\_  
28 City Clerk

\_\_\_\_\_  
City Attorney

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE DENYING PLANNING  
COMMISSION RESOLUTION NO. 2011-P25 AND APPROVING A REGULAR COASTAL PERMIT  
(RC11-00004) TO ALLOW AN EXISTING OPEN FRONT BALCONY TO BE ENCLOSED AT AN EXISTING  
RESIDENCE LOCATED AT 1639 SOUTH PACIFIC STREET - MACDONALD RESIDENCE.

PLANNING COMMISSION  
RESOLUTION NO. 2011-P25

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

APPLICATION NO: RC11-00004  
APPLICANT: John MacDonald  
LOCATION: 1639 S. 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 under the provisions of Articles 5 & 17 of the Zoning Ordinance of the City of Oceanside to permit the following:

the conversion of an existing west facing open second story balcony to living space by enclosing the balcony;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 8th day of August, 2011, conduct a duly advertised public hearing as prescribed by law to consider said application.

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. To allow an existing second story open front balcony to be enclosed at an existing residence 1639 South Pacific Street is not consistent with the land use policies of the Local Coastal Program as implemented through the Zoning Ordinance. Specifically, the physical aspects of the project are not consistent with existing development on neighboring sites and approving the balcony enclosure will create front elevation that

1 would set a precedence that would be detrimental to massing of building views along  
2 Pacific Street.

3 2. The proposed improvements will not obstruct any existing, planned, or required public  
4 beach access; therefore, the project is in conformance with the policies of Chapter 3 of  
5 the Coastal Act.

6 3. The project will not result in the loss of any on-street public parking spaces, as the 82-  
7 square foot open patio conversion to living space would be within the existing foot print  
8 of the existing home and it will not trigger additional parking or take away from the  
9 existing parking fronting the project site.

10 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
11 deny Regular Coastal Permit (RC11-00004).

12 PASSED on August 8, 2011 by the following vote, to wit:

13 AYES: Rosales, Neal, Ross

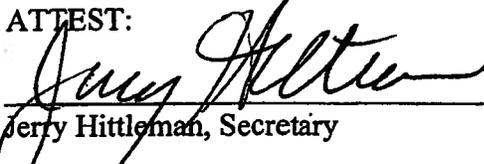
14 NAYS: Balma, Martinek, Troisi, Scrivener

15 ABSENT: None

16 ABSTAIN: None

17 ADOPTED Resolution No. 2011-P25 on September 19, 2011.

18   
19 \_\_\_\_\_  
20 Tom Rosales, Chairperson  
21 Oceanside Planning Commission

22 ATTEST:  
23   
24 \_\_\_\_\_  
25 Jerry Hittleman, Secretary

26 I, Jerry Hittleman, Secretary of the Oceanside Planning Commission, hereby certify that this is a  
27 true and correct copy of Resolution No. 2011-P25.

28 Dated: September 19, 2011  
29



***PLANNING COMMISSION***

***STAFF REPORT***

DATE: August 8, 2011 (Continued from the July 11, 2011 Planning Commission public hearing)

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A REGULAR COASTAL PERMIT (RC11-00004) TO ALLOW AN EXISTING OPEN FRONT BALCONY TO BE ENCLOSED AT AN EXISTING RESIDENCE LOCATED AT 1639 SOUTH PACIFIC STREET – MACDONALD RESIDENCE – APPLICANT: JOHN MACDONALD**

**RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 3, Categorical Exemption per Section 15303 "New construction or of small structures" of the California Environmental Quality Act; and
- (2) Approve Regular Coastal Permit (RC11-00004) by adopting Planning Commission Resolution No. 2011-P25 with findings and conditions of approval attached herein.

**PROJECT DESCRIPTION AND BACKGROUND**

**Background:** The project site is situated within the South Oceanside Neighborhood, west of South Pacific Street and exists with an attached 3,981-square foot single-family residence with an attached two-car garage constructed in 1990.

On October 18, 2010 the Planning Commission approved a Regular Coastal Permit RC-2-06 to allow the existing building to be re-roofed with slate roofing tiles, removal of the wood trim for the replacement of stucco siding and replacement of windows and doors by a 6-0 vote of approval. As a part of the approval the Planning Commission voted separately on a separate request to enclose the second story west facing balcony with a one foot off-set.

This request was denied without prejudice by a 4-2 vote. It was concluded that an off-set of one foot from the building façade would not provide sufficient articulation on the building façade and created a sense of massing that was not compatible with surrounding properties on Pacific Street.

The request for the balcony extension has been requested once again by this Regular Coastal Permit (RC11-00004), and due to the fact that the General Plan and Zoning regulations do not limit additions based on articulation and massing, Staff is able to support the regular Coastal Permit request. The project was next heard by the Planning Commission at their July 11, 2011 meeting where there was a 3-3 vote, which resulted in no decision and the item was automatically continued to the August 8, 2011 meeting.

**Site Review:** The site is zoned RT (Residential Tourist) and has a land use designation of Urban High Density Residential (UHD-R). The underlying neighborhood district is South Oceanside and surrounding land uses include: Urban High Density Residential homes (RH-U) to the East, Residential Single-Family Tourist (RT) homes to the south and north, and the Pacific Ocean to the west.

The site is relatively flat at the street level and slopes down at the southwestern portion of the property towards the Pacific Ocean. The subject residence is located on a 7,191-square foot lot that shares a common wall at the property line with the adjoining neighboring home located to the north. The property is located at 1639 South Pacific Street and is surrounded by similar type of single-family developments.

**Project Description:** The project application is comprised of the following required entitlement:

Regular Coastal Permit (RC-2-06) represents a request for the following:

The proposed project involves an approximately 64-square foot addition to the existing second floor balcony currently facing Pacific Street. The balcony conversion to living space would be designed with materials and colors compatible with the existing residence. The proposed eastern building face along Pacific Street will be setback one foot as will the south-facing elevation of the addition. The roof will be modified to match the pitch and materials of the existing roof.

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

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

## **ANALYSIS**

### **KEY PLANNING ISSUES**

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

The General Plan Land Use Map designation on the subject property is Urban High Density Residential (UHD-R). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

##### **A. Land Use Element**

###### **Goal 1.23: Architecture**

**Objective:** The architectural quality of all proposed projects shall enhance 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.

All architectural features proposed will be consistent with the overall design of the existing home. Many of the surrounding homes along the coast share similar second stories that are built to the front property line with limited to no offsets. The proposed addition will be off-set a minimum of one foot from the front and side building façades, to provide some building articulation.

###### **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 proposed project was reviewed by staff for compliance with the policies of the Local Coastal Program (LCP) Land Use Plan. Staff finds that the application complies with said policies in the Local Coastal program, such as compliance development regulations and compatibility with the character of the surrounding areas, pursuant to Section 30251 of the Local Coastal Program. The LCP does not contain specific design guidelines for residences in the Coastal Zone or along Pacific Street.

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

This project is located in the Residential Tourist District (RT) and complies with the requirements of that zone. All improvements will be in compliance with the Zoning Ordinance.

### **3. Local Coastal Program compliance**

The proposed project is within the appeal jurisdiction of the Local Coastal Program and complies with all provisions of this zone. Projects within the Coastal Zone are required to meet the provisions of the adopted Local Coastal Program and the underlying RT zone. The proposed project meets all land use compatibility criteria in the LCP.

#### **DISCUSSION**

*Issue: Project Compatibility with the Existing Neighborhood and surrounding properties:* All improvements to the property will be consistent with, and compatible to, the existing residence and the adjoining homes in the surrounding area.

*Recommendation:* Staff finds that the improvements to the property are consistent with the existing residence and would be compatible with the surrounding neighborhood, in terms of building design, materials, articulation, and setback from the front property line.

#### **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 3 15303 (e), Categorical Exemption "Accessory Structures"

#### **PUBLIC NOTIFICATION**

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. As of July 11, 2011, no communication supporting or opposing the request had been received.

#### **SUMMARY**

Regular Coastal Permit (RC11-00004) is consistent with the requirements of the Zoning Ordinance, the land use policies of the General Plan, and the policies of the Local Coastal Program. The proposed project design is compatible with the surrounding neighborhood and existing residence. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached resolution. Staff recommends that the Planning Commission:

- Confirm issuance of Class 3, Categorical Exemption for Accessory Structures of the California Environmental Quality Act.

- Move to approve Regular Coastal Permit RC11-00004 and adopt Planning Commission Resolution No. 2011-P25 as attached.

PREPARED BY AND SUBMITTED BY:



Jerry Hittleman  
City Planner

JH//fil

Attachments:

1. Site Map
2. Planning Commission Resolution No. 2011-P25



**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 BY  
 4/27/11 S.N.

**Please Print or Type All Information**

**PART I - APPLICANT INFORMATION**

1. APPLICANT: JOHN MACDONALD  
 2. STATUS: [Blank]  
 3. ADDRESS: 1639 S. Pacific St  
 4. PHONE/FAX/E-mail: (760) 967-8054  
 5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing): JEFF WINDERS  
 6. ADDRESS: P.O. BOX 1520 LAGUNA BEACH  
 7. PHONE/FAX/E-mail: [Blank]

HEARING: [Blank]  
 GPA: [Blank]  
 MASTER/SP.PLAN: [Blank]  
 ZONE CH.: [Blank]  
 TENT. MAP: [Blank]  
 PAR. MAP: [Blank]  
 DEV. PL.: [Blank]  
 C.U.P.: [Blank]  
 VARIANCE: [Blank]  
 COASTAL: RC11-00004  
 O.H.P.A.C.: [Blank]

**PART II - PROPERTY DESCRIPTION**

8. LOCATION: 1639 S. Pacific St  
 10. GENERAL PLAN: [Blank]  
 11. ZONING: [Blank]  
 12. LAND USE: [Blank]

9. SIZE: [Blank]  
 13. ASSESSOR'S PARCEL NUMBER: 153-091-43

**PART III - PROJECT DESCRIPTION**

14. GENERAL PROJECT DESCRIPTION: ENLARGE EXISTING BED ROOM BY ENLARGING EXISTING DECK 56 sf

15. PROPOSED GENERAL PLAN: [Blank]  
 16. PROPOSED ZONING: [Blank]  
 17. PROPOSED LAND USE: [Blank]  
 18. NO. UNITS: [Blank]  
 19. DENSITY: [Blank]  
 20. BUILDING SIZE: [Blank]  
 21. PARKING SPACES: [Blank]  
 22. % LANDSCAPE: [Blank]  
 23. % LOT COVERAGE or FAR: [Blank]

**PART IV - ATTACHMENTS**

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

**PART V - SIGNATURES**

33. APPLICANT OR REPRESENTATIVE (Print): JEFF WINDERS  
 34. DATE: 04-23-11  
 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).  
 35. OWNER (Print): JOHN MACDONALD  
 36. DATE: 4-23-11

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

Sign: [Signature]

**LEGAL DESCRIPTION**

**Lots 29 and 30 in Block E of Ocean Front Addition in the City of Oceanside, in the County of San Diego, State of California, according to map thereof No. 909 filed in the office of County Recorder of San Diego, June 8, 1904.**

**RECEIVED**  
**FEB 16 2006**  
Planning Department



**NOTICE OF EXEMPTION**  
City of Oceanside, California

Post Date:  
Removal:  
(180 days)

1. **APPLICANT:** John MacDonald
2. **ADDRESS:** 1639 S. Pacific Street
3. **PHONE NUMBER:** (818) 846-7941
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale
6. **PROJECT TITLE:** RC11-00004 ( MacDonald Addition)
7. **DESCRIPTION:** The project involves enclosing an existing 64-square foot second floor balcony to enable additional den space. The balcony conversion to living space would be designed with materials and colors consistent with those of the existing residence.

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

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

  
\_\_\_\_\_  
Scott Nightingale, Planner II

Date: July 11, 2011

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



"There are no problems, only solutions!"

ATTACHMENT 4

**RECEIVED**

AUG 17 2011

OCEANSIDE CITY CLERK

**RECEIVED**

SEP 21 2011

OCEANSIDE CITY CLERK

LETTER OF APPEAL

August 10, 2011

Property address:  
1639 South Pacific Street  
Oceanside, CA

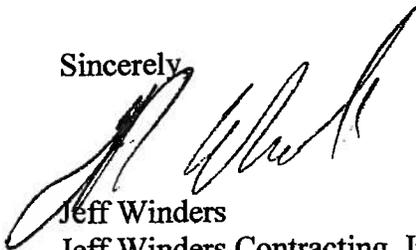
Owners: John and Annette Macdonald  
Agent: Jeff Winders

We request an appeal for the commissioners denial of coastal permit RC-11-00004 based on the fact there are no complete guidelines set forth by the city to justify this decision. Also this permit request was found to be consistent with the requirements of the zoning ordinance, and use policies of the general plan and the policies of the local coastal program. It also is compatible with the surrounding neighborhood and existing residence and has much support by the neighbors. This project was recommended to be approved by staff as stated in their summary.

The findings found by staff were; the design for the enclosure did in fact provide architectural articulation and elements to elevate the massing of the front building elevations, nor will the enclosure obstruct any existing, planned, or required public beach access.

Based on all the above information we are requesting that the city council reverse this decision and approve the request for permit RC-11-00004.

Sincerely,



Jeff Winders  
Jeff Winders Contracting, Inc.

P.O. Box 1520  
LAGUNA BEACH, CA 92652  
(949) 376-1628 OFFICE & FAX