



DATE: February 27, 2012

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A REGULAR COASTAL PERMIT (RC11-00016) FOR THE CONSTRUCTION OF A 558-SQUARE FOOT DECK TO PROVIDE ACCESS TO A FUTURE ACCESSORY UNIT LOCATED WITHIN THE LOWER LEVEL OF A SINGLE-FAMILY RESIDENCE LOCATED AT 2012 STEWART STREET – ZOHAR RESIDENCE – APPLICANT: TIBI ZOHAR**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 3 Categorical Exemption for New Construction or Conversion of Small Structures; and adopt Planning Commission Resolution No. 2012-P08 approving Regular Coastal Permit (RC11-00016) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: The 0.47-acre site is located at the southeast side of Stewart Street, within the South Oceanside Neighborhood and directly north of the Buena Vista Lagoon. The property contains a single-family residence constructed in 2008 and approved for a Regular Coastal Permit (RC-5-06) and Variance (V-5-06) on April 9, 2007 to permit the construction of the residence and a reduced in the front yard setback.

The property slopes to the south with a grade differential of 50 feet between the highest and lowest points of the site. Surrounding land uses include single-family residential (R1) developments to the west and north, visitor serving commercial uses (CV) to the east and the Buena Vista Lagoon/ Open Space (OS) to the south.

The subject site is currently zoned Single-Family Residential (R1) and the General Plan land use designation is Residential.

Site Review: This 0.47-acre lot accommodates a single-story 2,492-square foot single-family residence with basement storage below.

The Land Use designation is Residential and the corresponding zoning classification is R1 (Single-Family Residential). Being situated within the coastal zone, the project requires a Regular Coastal Permit, pursuant to Section III.D.1 of the Coastal Permit Handbook adopted May 8, 1985. The property is also within the "appeal jurisdiction" of the City's Coastal Zone. Under the certified Local Coastal Program (LCP), any local action by the City on this proposed coastal development permit may be appealed to the California Coastal Commission.

Project Description: The project application is comprised of a Regular Coastal Permit.

Regular Coastal Permit (RC11-00016) represents a request for the following:

- (a) This project would allow the construction of a 558-square foot approximate (10' x 53.6') deck expansion attached to the first level of an existing single-family residence located at 2012 Stewart Street. The deck/balcony would be approximately 10 feet wide at the narrowest part of the deck and 14 feet in width at the wider portions of the deck further to the east. This deck/balcony will be consistent in size, shape, design, colors, and materials as the existing upper level balcony. The foot print of the home will not be altered with the construction of the balcony, because the balcony will be entirely within the same square footage as the existing balcony above. This balcony/deck will provide the access to the proposed accessory dwelling unit that is being incorporated within the lower level basement/storage area. Access to the accessory dwelling unit shall be accomplished through the proposed stairwell to the west of the home, which will lead to the proposed balcony off the lower level of the home at the south. New windows and doors shall be incorporated into the lower south facing façade. This will allow access and the appropriate ingress and egress for the secondary unit below. The accessory unit does not require a Regular Coastal Permit, because the construction of the unit is entirely within the interior space of the existing single family residence.

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

ANALYSIS

KEY PLANNING ISSUES

1. General Plan Compliance

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 the visual image of the surrounding neighborhood.

The proposed deck would not extend southward or westward beyond the existing balcony/deck that exist off the upper level of the single-family residence. No established stringline is established near this property, and views shall not be obstructed from the all directions due to the limited amount of homes in this area.

The proposed addition would not alter public views or any views of adjoining neighbors, because the deck would be constructed at a maximum height of 3.5 feet in height and a majority of the deck is open and transparent. The proposed project is in conformance with the General Plan; therefore the project is compatible to the surrounding properties and neighborhood character.

2. Zoning Ordinance Compliance

The existing structure and the proposed addition meet all of the development regulations of the underlying R1 zone per the 1986 Oceanside Zoning Ordinance in effect in the Coastal Zone. Such projects are reviewed for compatibility with existing and surrounding development, as well as applicable public beach access regulations.

The purpose of the R1 District is to provide opportunities for tourist and year-round visitor-serving facilities, including permanent and transient residential and related uses, within the City's Coastal Zone.

Table 1 compares the existing structure to local property development regulations pursuant to Article 32, Residential Tourist Zone Property Development Regulations.

Table 1 Development Standards

Requirement	Required	Existing	Proposed
Front	20 feet	7 feet 6 inches (section 3204) Approved through Variance (V-5-06)	No change
Side	5 feet	9 feet	No change
Minimum Rear Yard	15 feet & outside of the 100 feet habitat buffer	142 feet	No change
Height	35 feet	27 feet	No change

3. Local Coastal Program Compliance

The proposed project is within the appeal jurisdiction of the Local Coastal Program (LCP) and complies with all provisions of this program. The proposed 558-square foot lower level deck addition will not exceed the 35-foot height limit within the Single Family Residential (R1).

DISCUSSION

Issue: Project Compatibility with the Existing Neighborhood and surrounding properties

Will all improvements to the property be consistent with, and compatible to, the existing residence and the adjoining homes in the surrounding area?

Recommendation: Staff finds that (in terms of height, design, bulk and distance from the established setback areas) the deck addition would be consistent with the existing residence and will be consistent with the surrounding neighborhood. Many of the adjoining neighbors in the area have similar lower level decks and balconies. The deck would be attached to the first level of the southern elevation and provides the needed access for the proposed accessory dwelling unit located within the lower level of the residence. The proposed deck railings and structure would be open and transparent to limit visual impacts, which will be consistent with the deck design of the existing deck at the main level of the home.

ENVIRONMENTAL DETERMINATION

The project is exempt under the provisions of the California Environmental Quality Act (CEQA) Class 3, Section 15303(b) New Construction or Conversion of Small Structures.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to residents within a 300-foot radius, and property owners of record within a 100-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant and other interested parties.

SUMMARY

The proposed Regular Coastal Permit (RC11-00016), as conditioned, is consistent with the land use policies of the General Plan, the requirements of the Zoning Ordinance, and the policies of the Local Coastal Program. The project has been conditioned to meet or exceed all applicable standards. 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:

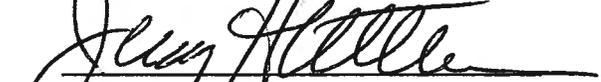
- Move to approve Regular Coastal Permit (RC11-00016) and adopt Planning Commission Resolution No. 2012-P08 as attached.

PREPARED BY:



Scott Nightingale
Planner II

SUBMITTED BY:

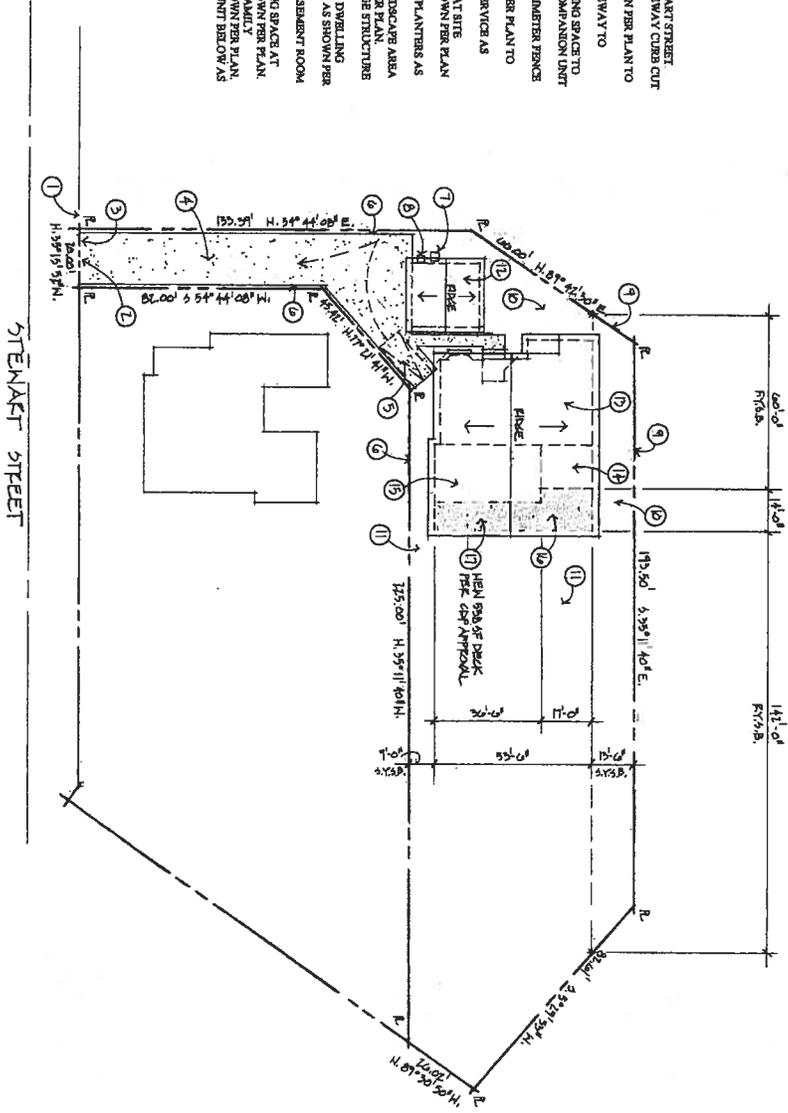


Jerry Hittleman
City Planner

Attachments:

1. Site Plan/Floor Plan and Elevations
2. Planning Commission Resolution No. 2012-P08

- SITE PLAN NOTES**
- EXISTING RIGHT OF WAY AT STEWART STREET
 - EXISTING CONCRETE PAVED DRIVEWAY CURB CUT TO REMAIN, WATER METERS AS SHOWN PER PLAN TO REMAIN.
 - EXISTING CONCRETE PAVED DRIVEWAY TO REMAIN.
 - EXISTING CONCRETE PAVED PARKING SPACES TO REMAIN PER PLAN TO REMAIN.
 - EXISTING CONCRETE MASONRY PERIMETER FENCE AS SHOWN PER PLAN TO REMAIN.
 - EXISTING GAS METERS AND SERVICE AS SHOWN PER PLAN TO REMAIN.
 - EXISTING 6 FT HIGH WOOD FENCE AT SITE PERIMETER AT SIDE YARDS AS SHOWN PER PLAN TO REMAIN.
 - EXISTING LANDSCAPE AREAS AND PLANTERS AS SHOWN PER PLAN TO REMAIN.
 - EXISTING STORDED REAR YARD LANDSCAPE AREA TO BE UNDISTURBED AS SHOWN PER PLAN.
 - EXISTING DETACHED 2-CAR GARAGE STRUCTURE AS SHOWN PER PLAN TO REMAIN.
 - EXISTING 1-STORY SINGLE FAMILY DWELLING AS SHOWN PER PLAN TO REMAIN.
 - EXISTING TULL BASEMENT TO REMAIN AS SHOWN PER PLAN.
 - EXISTING PERMITTED FINISHED BASEMENT ROOM AS SHOWN PER PLAN TO REMAIN.
 - PROPOSED COMPANION UNIT LIVING SPACE AT DWELLING AT FIRST LEVEL AS SHOWN PER PLAN.
 - EXISTING DECK AREA AT SINGLE FAMILY DWELLING AT FIRST LEVEL AS SHOWN PER PLAN.
 - NEW DECK AREA AT COMPANION UNIT BELOW AS SHOWN PER PLAN.



SITE PLAN - BMP PLAN

- Site Plan Notes**
- All impervious surfaces shall be protected from building and driveway. Run-off shall be directed to the storm sewer.
 - Verify all utility locations (existing or new) prior to start of construction.
 - The best management practices (BMPs) shall have approved back flow prevention.
 - Compliance to comply with all OSHA requirements.

MINIMUM CONSTRUCTION BMPs

USE STEP 6.

USE PERMITS: PPLT 089 DC-L, 26-3, TC-3, NH-1, NH-1, 6-257, 184-3, NH-6, NH-5, NH-3, 12-1-1, 85-19, 52-11, 52-12A

CONTRACTOR QUALITY CONTROL

THE CONTRACTOR SHALL COMPLY WITH ALL REQUIREMENTS OF THE CITY OF SEASIDE, CALIFORNIA, AND THE QUALITY CONTROL, SAFETY AND RECORDS DEPARTMENT.

FOR THE QUALITY CONTROL OF ALL WORKMANSHIP FOR THE CONSTRUCTION WORK, THE CONTRACTOR SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:

1. ALL WORK SHALL BE INSPECTED BY THE CONTRACTOR'S QUALITY CONTROL PERSONNEL PRIOR TO THE START OF EACH DAY'S WORK.
2. ALL WORK SHALL BE INSPECTED BY THE CONTRACTOR'S QUALITY CONTROL PERSONNEL PRIOR TO THE START OF EACH DAY'S WORK.
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TBM DESIGN

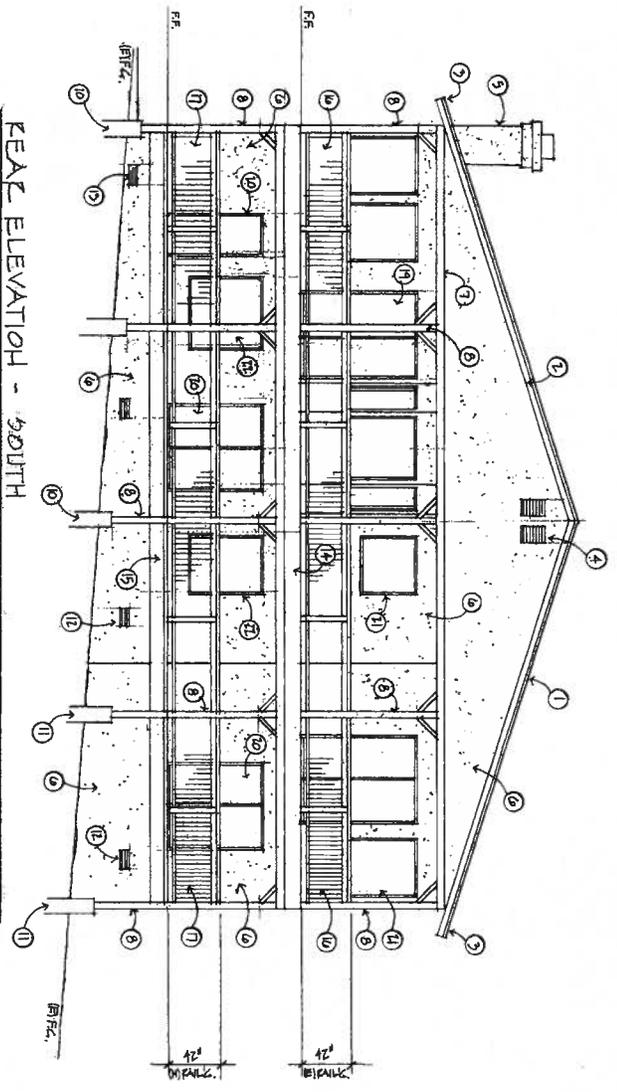
- BMP LEGEND**
- ① OPEN DITCH → → → →
 - ② SEED → → → →
 - ③ SCALE PATTERNS → → → →
 - ④ WHITE (STRAK)
 - ⑤ EXPOSED
 - ⑥ ORGANIZED CONSTRUCTION ENTRANCE
 - ⑦ MATERIAL DELIVERY STORAGE
 - ⑧ SOIL WARE MANAGEMENT
 - ⑨ HYDROLOGICAL WARE MANAGEMENT
 - ⑩ CONCRETE WARE MANAGEMENT
 - ⑪ SALINITY WARE MANAGEMENT
 - ⑫ CONCRETE WARE

CONTRACTORS TO FIELD VERIFY ALL CONDITIONS PRIOR TO BEGINNING CONSTRUCTION AND CONSULT WITH DESIGNER IF THERE ARE ANY DISCREPANCIES WITH THESE CONSTRUCTION AND BMP NOTES.

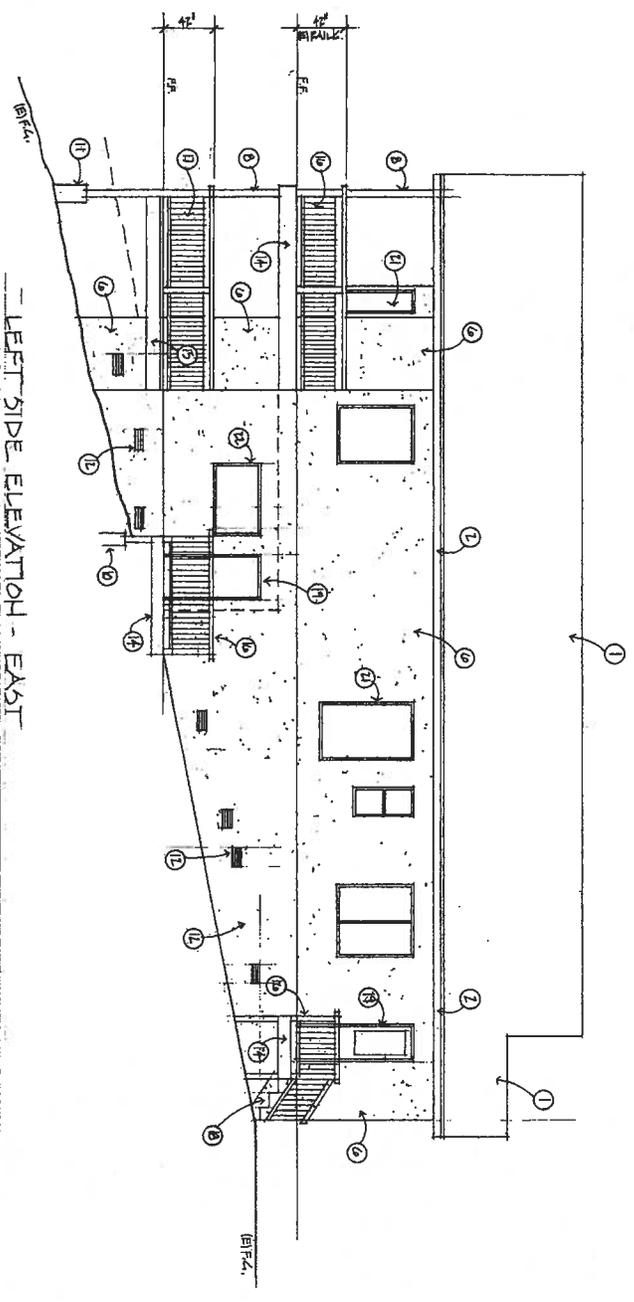
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BY	
CHECKED	
APPROVED	

EXTERIOR ELEVATION NOTES

1. EXISTING CLASS A ROOF ASSEMBLY CONCRETE ROOF TILES, DET. NO. AS SHOWN ON PLAN.
2. EXISTING 1" X FASCIA BOARD WITH RAFT CUTTERS SHOWN AS SHOWN ON PLAN.
3. EXISTING GABLE OVERHANG AS SHOWN PER PLAN.
4. EXISTING ATIC VENTS AT GABLE ENDS AS SHOWN PER PLAN.
5. EXISTING CHIMNEY STRUCTURE AS SHOWN PER PLAN.
6. EXISTING EXTERIOR STUCCO FINISH AS SHOWN PER PLAN.
7. EXISTING EXTERIOR WOOD SILL AT COVERED PORCH AS SHOWN PER PLAN.
8. EXISTING WOOD PORTS AT COVERED PORCH AND DECK AS SHOWN PER PLAN.
9. EXISTING CONCRETE FLOOR ROOFING WITH WOOD POST AS SHOWN PER PLAN TO MATCH EXISTING.
10. EXISTING CONCRETE FLOOR ROOFING WITH WOOD POST AS SHOWN PER PLAN TO MATCH EXISTING.
11. NEW CONCRETE FLOOR ROOFING WITH WOOD POST AND BEAM STRUCTURE AS SHOWN PER PLAN IF REQUIRED.
12. EXISTING GABLE BRACE VENTS AS SHOWN PER PLAN.
13. NEW GABLE BRACE VENTS AS SHOWN PER PLAN TO MATCH EXISTING.
14. EXISTING DECK STRUCTURE AT MAIN LEVEL, AS SHOWN PER PLAN.
15. NEW DECK STRUCTURE AT LOWER LEVEL, COMPANION UNIT AS SHOWN PER PLAN TO MATCH EXISTING.
16. EXISTING DECK BALING AT MAIN LEVEL, AS SHOWN PER PLAN.
17. NEW DECK BALING AT LOWER LEVEL, COMPANION UNIT AS SHOWN PER PLAN TO MATCH EXISTING.
18. EXISTING WOOD STAIR STRUCTURE AS SHOWN PER PLAN.
19. NEW WOOD STAIR STRUCTURE AS SHOWN PER PLAN.
20. NEW DOORS AS SHOWN PER PLAN TO MATCH EXISTING.
21. EXISTING WINDOWS AS SHOWN PER PLAN.
22. NEW WINDOWS AS SHOWN PER PLAN TO MATCH EXISTING.



REAR ELEVATION - SOUTH

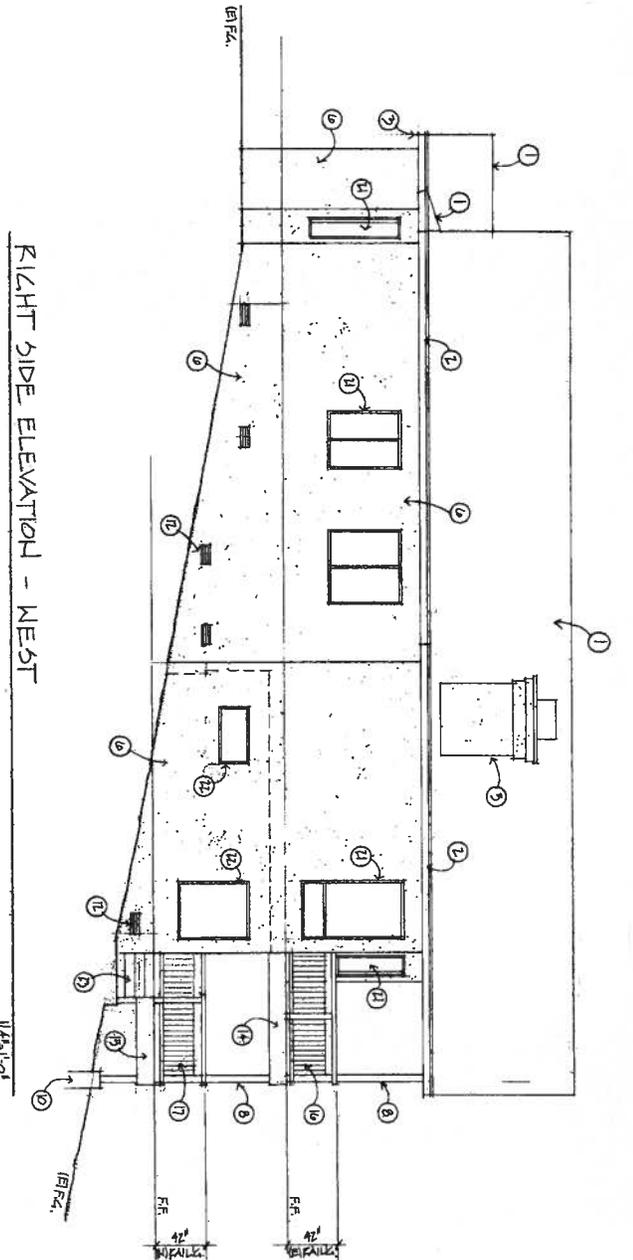


LEFT SIDE ELEVATION - EAST

CONTRACTOR TO FIELD VERIFY ALL CONDITIONS PRIOR TO BEGINNING CONSTRUCTION AND CONSULT WITH DESIGNER FOR ANY CHANGES IN EXISTING CONDITIONS AND THE PLAN.

TBM DESIGN

ARCHITECT



RIGHT SIDE ELEVATION - WEST

EXTERIOR ELEVATION NOTES

1. EXISTING CLASS A ROOF ASSEMBLY CONCRETE ROOF THICK LOC. NO. AS SHOWN ON PLANS
2. EXISTING 2 X 4 BRICK ROWLINS WITH MAIN GUTTERS SHOWN PER PLAN
3. EXISTING 2 X 4 BRICK ROWLINS WITH MAIN GUTTERS SHOWN PER PLAN
4. EXISTING ATTC. VENTS AT GABLE ENDS AS SHOWN PER PLAN
5. EXISTING GABLE VENTS AT GABLE ENDS AS SHOWN PER PLAN
6. EXISTING INTERIOR STUCCO FINISH AS SHOWN PER PLAN
7. EXISTING WOOD BEAM AT COVERED PORCH AS SHOWN PER PLAN
8. EXISTING WOOD BRACKS AS SHOWN PER PLAN
9. NEW WOOD POSTS AT LOWER LEVEL TO BE REQUIRED AS SHOWN PER PLAN
10. EXISTING CONCRETE FIBER ROUTINGS WITH WOOD POST AS SHOWN PER PLAN
11. EXISTING CONCRETE FIBER ROUTINGS WITH WOOD POST AND BEAM STRUCTURE AS SHOWN PER PLAN
12. EXISTING CONCRETE FIBER ROUTINGS WITH WOOD POST AND BEAM STRUCTURE AS SHOWN PER PLAN
13. EXISTING CONCRETE FIBER ROUTINGS WITH WOOD POST AND BEAM STRUCTURE AS SHOWN PER PLAN
14. EXISTING DECK STRUCTURE AT MAIN LEVEL AS SHOWN PER PLAN
15. NEW DECK STRUCTURE AT LOWER LEVEL COMPANION UNIT AS SHOWN PER PLAN
16. NEW DECK STRUCTURE AT MAIN LEVEL AS SHOWN PER PLAN
17. NEW DECK RAILING AT LOWER LEVEL COMPANION UNIT AS SHOWN PER PLAN
18. EXISTING DOORS AS SHOWN PER PLAN
19. EXISTING WINDOWS AS SHOWN PER PLAN
20. NEW WINDOWS AS SHOWN PER PLAN
21. NEW WINDOWS AS SHOWN PER PLAN
22. NEW WINDOWS AS SHOWN PER PLAN

CONTRACTORS TO FIELD VERIFY ALL CONDITIONS PRIOR TO BEGINNING CONSTRUCTION AND CONSULT WITH DESIGNER FOR ANY CHANGES TO THE PLAN UNDER EXISTING CONDITIONS AND THE PACE

Date: 7-15-11
 Scale: 1/4" = 1'-0"
 Drawn: TBM
 Checked: TBM
 Project: 12044
 Sheet: A-5
 of 7

TBM DESIGN

APPENDIX

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PLANNING COMMISSION
RESOLUTION NO. 2012-P08

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

APPLICATION NO: RC11-00016
APPLICANT: Tibi Zohar
LOCATION: 2012 Stewart 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 (RC11-00016) under the provisions of the City of Oceanside Local Coastal Program to permit the following:

the construction of a lower level balcony and exterior steps
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 27th day of February, 2012 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 categorically exempt from environmental review per Article 19, Section 15303 (a) "New Construction or Conversion of Small Structures";

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

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:

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1	Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
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	\$.713 per square foot or \$713 per thousand square feet for non-residential uses and \$2,072 per unit for residential
8			
9			
10	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)
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15	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)
16			
17			
18	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.
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22	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.
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25	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.
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1 WHEREAS, the current fees referenced above are merely fee amount estimates of the
2 impact fees that would be required if due and payable under currently applicable ordinances and
3 resolutions, presume the accuracy of relevant project information provided by the applicant, and
4 are not necessarily the fee amount that will be owing when such fee becomes due and payable;

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

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

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

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

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

19 FINDINGS:

20 For the Regular Coastal Permit:

- 21 1. The proposed construction of a lower level balcony at an existing residence at 2012
22 Stewart Street is consistent with the land use policies of the Local Coastal Program as
23 implemented through the Zoning Ordinance. Specifically, the project will not
24 substantially alter or impact existing public views of the coastal zone area and the
25 physical aspects of the project are consistent with existing development on neighboring
26 sites. The applicant has designed the balcony within the confines of the existing upper
27 level balcony of the existing single family home, and the balcony is of a transparent
28 material that should avoid a massing of the building elevations.
- 29 2. The proposed improvements will not obstruct any existing, planned, or required public
beach access; therefore, the project is in conformance with the policies of Chapter 3 of
the Coastal Act.

1 3. The project will not result in the loss of any on-street public parking spaces, as the 558-
2 square foot open balcony at the lower level of an existing single family residence, which
3 will provide access to a proposed accessory dwelling unit within the existing lower level
4 storage area, will not trigger additional parking or take away from the existing parking
5 fronting the project site.

6 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
7 approve Regular Coastal Permit (RC11-00016) subject to the following conditions:

8 **Building:**

- 9 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
10 Building Division plan check.
- 11 2. Construction shall comply with the latest edition of the California Codes.
- 12 3. Construction hours are limited to 7:00 a.m. to 6:00 p.m. Monday through Friday.
- 13 4. The developer shall monitor, supervise and control all building construction and
14 supporting activities so as to prevent these activities from causing a public nuisance,
15 including, but not limited to, strict adherence to the following:
 - 16 a) Building construction work hours shall be limited to between 7:00 a.m. and
17 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00
18 p.m. for work that is not inherently noise-producing. Examples of work not
19 permitted on Saturday are concrete and grout pours, roof nailing and activities
20 of similar noise-producing nature. No work shall be permitted on Sundays and
21 Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor Day,
22 Thanksgiving Day, Christmas Day) except as allowed for emergency work
23 under the provisions of the Oceanside City Code Chapter 38 (Noise
24 Ordinance).
 - 25 b) The construction site shall be kept reasonably free of construction debris as
26 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
27 approved solid waste containers shall be considered compliance with this
28 requirement. Small amounts of construction debris may be stored on-site in a
29 neat, safe manner for short periods of time pending disposal.

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1 **Fire:**

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

3 **Planning:**

4 6. This Regular Coastal Permit shall expire two years from its effective date (i.e., on February
5 27, 2014 if not appealed), unless implemented per the Zoning Ordinance or unless the
6 Planning Commission grants a time extension.

7 7. This Regular Coastal Permit approves the construction of a lower level balcony and
8 exterior stairs for access to a proposed accessory dwelling unit within the existing lower
9 level storage area square footage, as presented to the Planning Commission for review and
10 approval. No deviation from these approved plans and exhibits shall occur without
11 Planning Division approval. Substantial deviations shall require a revision to the Regular
12 Coastal Permit or a new Regular Coastal Permit.

13 8. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
14 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
15 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
16 annul an approval of the City, concerning Regular Coastal Permit (RC11-00016). The City
17 will promptly notify the applicant of any such claim, action or proceeding against the
18 City and will cooperate fully in the defense. If the City fails to promptly notify the
19 applicant of any such claim action or proceeding or fails to cooperate fully in the
20 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
21 harmless the City.

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

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- 1 10. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
- 2 written copy of the applications, staff report and resolutions for the project to the new
- 3 owner and or operator. This notification's provision shall run with the life of the project
- 4 and shall be recorded as a covenant on the property.
- 5 11. Failure to meet any conditions of approval for this development shall constitute a violation
- 6 of the Regular Coastal Permit.
- 7 12. Unless expressly waived, all current zoning standards and City ordinances and policies
- 8 in effect at the time building permits are issued are required to be met by this project.
- 9 The approval of this project constitutes the applicant's agreement with all statements in
- 10 the Description and Justification and other materials and information submitted with this
- 11 application, unless specifically waived by an adopted condition of approval.
- 12 13. Elevations, siding materials, colors, roofing materials and floor plans shall be
- 13 substantially the same as those approved by the Planning Commission. These shall be
- 14 shown on plans submitted to the Building Division and Planning Division.
- 15 14. The balcony conversion to living space shall be substantially the same material, colors,
- 16 and design as the existing single-family residence.

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

PASSED AND ADOPTED Resolution No. 2012-P08 on February 27, 2012 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. 2012-P08.

Dated: February 27, 2012

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

Applicant/Representative

Date



Application for Discretionary Permit

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

STAFF USE ONLY

ACCEPTED

12/15/11

BY

SN
-
TM

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT TIBI ZOHAR	2. STATUS OWNER
3. ADDRESS 2012 STEWART ST.	4. PHONE/FAX/E-mail 760-443-1401
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) THOMAS B. MORLEY	

GPA
MASTER/SP.PLAN
ZONE CH.
TENT. MAP
PAR. MAP
DEV. PL.
C.U.P.
VARIANCE
COASTAL RC1110016
O.H.P.A.C.

PART II - PROPERTY DESCRIPTION

8. LOCATION 2012 STEWART ST. OCEANSIDE, CA. NORTH OF BUENA VISTA LACON WEST OF I-5	7. PHONE/FAX/E-mail 619-731-8070
10. GENERAL PLAN	11. ZONING R-1
12. LAND USE LOW DENSITY RESIDENTIAL	13. ASSESSOR'S PARCEL NUMBER 155-071-06 00

9. SIZE 21,780 SQ.FT.	14. LATITUDE N 32° 17' 51.70"	15. LONGITUDE W 117° 35' 25.56"
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PART III - PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION
PROPOSED NEW DECK AT REAR OF EXISTING STRUCTURE TO MATCH EXISTING DECK ABOVE INSIDE EXISTING FOOTPRINT. DECK TO CONNECT TO NEW ACCESSORY DWELLING UNIT.

17. PROPOSED GENERAL PLAN LOW DENSITY RESIDENTIAL	18. PROPOSED ZONING R-1	19. PROPOSED LAND USE LOW DENSITY RESIDENTIAL	20. NO. UNITS (1)	21. DENSITY (2) TWO
22. BUILDING SIZE 985 # / DECK / 558 #	23. PARKING SPACES (3)	24. % LANDSCAPE N/A	25. % LOT COVERAGE or FAR FAR 0.16%	

PART IV - ATTACHMENTS

<input checked="" type="checkbox"/> 26. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/> 27. LEGAL DESCRIPTION	<input checked="" type="checkbox"/> 28. TITLE REPORT
<input checked="" type="checkbox"/> 29. NOTIFICATION MAP & LABELS	<input checked="" type="checkbox"/> 30. ENVIRONMENTAL INFO FORM	<input checked="" type="checkbox"/> 31. PLOT PLANS
<input checked="" type="checkbox"/> 32. FLOOR PLANS AND ELEVATIONS	<input checked="" type="checkbox"/> 33. CERTIFICATION OF POSTING	34. OTHER (See attachment for required reports)

PART V - SIGNATURES

SIGNATURES FROM 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 PAGE AS NECESSARY).

35. APPLICANT OR REPRESENTATIVE (Print): THOMAS B. MORLEY	36. DATE 11-30-11	37. OWNER (Print): TIBI ZOHAR	38. DATE 12/15/11
Sign:		Sign:	

- I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. FURTHER, I UNDERSTANDING THAT SUBMITTING FALSE STATEMENTS OR INFORMATION IN THIS APPLICATION MAY CONSTITUTE FRAUD, PUNISHABLE IN CIVIL AND CRIMINAL PROCEEDINGS.
- I HAVE READ AND AGREE TO ABIDE BY THE CITY OF OCEANSIDE DEVELOPMENT SERVICES DEPARTMENT AND ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT POLICY NO. 2011-01/POLICY AND PROCEDURE FOR DEVELOPMENT DEPOSIT ACCOUNT ADMINISTRATION.

ZOHAR RESIDENCE-DECK ADDITION RC11-00016

COASTAL DEVELOPMENT PERMIT#RC-5-06/U-5-06 to amended

DESCRIPTION AND JUSTIFICATION

The purpose for the proposed construction of a deck addition of 558 square feet is to provide access to the future accessory dwelling unit to be built within the unfinished basement beneath the existing single family dwelling. This deck will provide an outdoor space for the converted living area and will remain inside the original footprint of the structure and the existing deck above. The deck will help provide a pedestrian access to the rear of the property as well as keeping all activities and foot traffic from impacting the natural vegetation and habitat. The deck will be elevated from the grade allowing entry on one side only which will be used as the main entrance to the future accessory dwelling unit.

The deck construction will be conventionally framed onto the existing structure with out the need for new support elements, such as posts and footings which in turn will have no impact or disturbance of the existing grade. No existing sensitive vegetation, natural habitat or steep hillside areas will be affected in the least with the proposal of a new deck at the rear elevation of this structure. The design, materials, colors and railings shall match the existing deck above in size and shape and will give the overall look of this elevation a much better balance visually.

For all intents and purposes this project remains consistent with the Zoning Ordinance and will conform to the General Plan of the City of Oceanside. It is our opinion that this proposed project shall conform to all policy within the Local Coastal Plan and that all development within the appealable area conforms to the public access and recreation policies of Chapter 3 of the Coastal Act.

This project as proposed is compatible with existing and potential development on properties adjoining, adjacent or surrounding the site or within the neighborhood. The physical design of the project is consistent with the policies contained within Section 1.24 and 1.25 of the Land Use Element of the General Plan, the Development Guidelines for Hillsides, and Section 3039 of this ordinance.

Escrow No.: 00010553 - 018 - Linda Villa

EXHIBIT "A"

846

PARCEL 2 OF PARCEL MAP 9734, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA,
FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 25, 1980.

For APN/Parcel ID(s): 155-071-06-00



NOTICE OF EXEMPTION
City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** Tibi Zohar
2. **ADDRESS:** 2012 Stewart St., Oceanside CA. 92056
3. **PHONE NUMBER:** (760) 443-1401
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner
6. **PROJECT TITLE:** RC11-00016 Zohar Deck
7. **DESCRIPTION:** A Regular Coastal Permit (RC11-00016) to allow the construction of a lower level balcony/deck and stair case to permit access to a proposed assessor dwelling unit located at the lower level of an existing single family residence at 2012 Stewart Street. The project site has a General Plan Land Use Designation of Single Family Residential (SFD-R) with a zoning designation of Single Family (R1), and is situated within the South Oceanside Neighborhood Planning Area.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Environmental Coordinator finds that the proposed project is generally for an internal modification of an existing building, with a parking lot modification. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- Per Article 19, the project is categorically exempt, in accordance with Section 15301, Existing Facilities, Class 1 (a), interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances.
- "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 of section] (Section xxxxx); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).



Scott Nightingale, Planner

Date: 2/27/12

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