



DATE: June 27, 2012

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department/Planning Division

SUBJECT: **REVIEW OF AN APPEAL OF PLANNING COMMISSION APPROVAL OF DEVELOPMENT PLAN (D12-00001)/REGULAR COASTAL PERMIT (RC12-00001), DEVELOPMENT PLAN (D12-00002)/REGULAR COASTAL PERMIT (RC12-00002), AND DEVELOPMENT PLAN (D12-00003)/REGULAR COASTAL PERMIT (RC12-00003) FOR THE CONVERSION OF THREE EXISTING SINGLE-FAMILY RESIDENCES TO DUPLEXES WITH THE ADDITION OF 1,409 SQUARE FEET AND A NEW THIRD STORY TO EACH STRUCTURE AT 811, 813, AND 815 SOUTH PACIFIC STREET – BEACHWALK, LLC, AND LEEDS, LLC – APPLICANTS: REVX Pacific South LLC, Evergreen Hebron LP, REVX Pacific North LLC**

SYNOPSIS

Under review is the appeal of the Planning Commission's recent approval of the proposed conversion of three single-family residences to duplexes, with the addition of 1,409 square feet and a new third story to each existing building. The appeal is brought by Beachin, LLC, an enterprise owned by individuals who own a condominium unit within the 300-foot public notification radius. The subject properties are three separate legal lots located on the beachfront side of South Pacific Street between Wisconsin Avenue and Hayes Street. Each of the existing single-family homes comprises 4,501 square feet of habitable space with a four-vehicle tandem garage. Constructed in 2006, these homes function as vacation rentals. It is staff's expectation that the proposed duplexes would also operate as vacation rentals, consistent with the purpose and intent of the surrounding Residential-Tourist (R-T) zoning district. Staff recommended approval of the subject proposals when they came before the Planning Commission on April 23, 2012.

BACKGROUND

The subject properties comprise three abutting legal lots, each measuring 25 feet in width and 130 feet in length. The lots slope downward from South Pacific Street to the coastal revetment, exhibiting a grade differential of approximately ten feet. The existing homes present two levels of habitable space above South Pacific Street and a basement level that daylights at the western end of each residence. Identical in floor plan, the existing homes are distinguished by different roof elements and fenestration.

Prior to the construction of the existing single-family homes, these three properties accommodated a six-unit apartment complex. The apartment complex had no on-site parking facilities, and thus there were no driveways along the street frontage. With the construction of the existing homes, three new driveways were added to the street frontage, each providing access to a four-vehicle garage. Due to the narrowness of the lots, virtually all front yard areas are occupied by driveways and paved walkways, affording little space for landscape. To partially mitigate the lack of landscape in front yard areas, the driveways and walkways are composed of colored interlocking pavers.

Additional information regarding existing development on the subject properties is provided in the Planning Commission staff report, appended as Attachment 2.

In the spring of 2011, the City was made aware that the single-family homes at 811, 813, and 815 South Pacific Street had been converted to duplexes, allowing the basement level of each residence to serve as a separate rental unit independent of the first and second-story floor area. In response to code enforcement action, the property owners have removed unpermitted cooking facilities, removed door signage indicating multiple dwelling units in each structure, and made other changes necessary to reestablish the existing buildings as single-family residences.

On April 23, 2012, the proposals went before the Planning Commission with a staff recommendation for approval. The proposals were approved by a vote of 6-0. Public testimony provided at the Planning Commission public hearing is discussed in the next section of this report.

The Planning Commission approvals were appealed by Erik Shraner, Esq., on behalf of Beachin, LLC. Beachin, LLC, is the property of owners of a condominium unit within the Edgewater development at 901 South Pacific Street, approximately 250 feet to the south of 815 South Pacific Street.

ANALYSIS

Detailed analysis of the proposals, including response to the Letter of Appeal, is provided in the Planning Commission staff report, appended as Attachment 2. Additional analysis furnished below is intended to address public input offered to the Planning Commission at the April 23rd public hearing.

Issue: *Are lodging uses on these properties consistent with the purpose and intent of the Residential-Tourist (R-T) zoning designation?*

Yes. As established in Zoning Ordinance Section 3200, the purpose of the R-T zoning designation is to “accommodate tourist and year-round visitor-serving facilities by providing permanent and transient residential and related uses to serve all income levels.” Section 3200 further says that the R-T zoning designation is intended to “optimize public access to the beach.” The R-T zoning designation implements key policies of the City’s Local Coastal Program, including “the granting of priority to commercial recreation uses...and distribution of visitor facilities throughout the coastal zone.” It is staff’s position that the

provision of additional lodging opportunities within the Coastal Zone is consistent with the purpose and intent of the R-T zoning designation.

Issue: *Will the proposed projects adversely impact vehicle circulation and on-street parking in the vicinity?*

No. While the proposed projects would add a total of three new dwelling units, the number of bedrooms in each of the existing structures (nine) would not be increased. Thus, each property would maintain its current lodging capacity. While the addition of a dwelling unit would increase the parking requirement for each property, the existing parking resources on each property exceed this increased requirement by one parking space.

In response to stakeholder complaints about parked vehicles extending into the public right-of-way, making it difficult and unsafe for pedestrians to traverse the street frontage, staff recommends that project approval be conditioned upon the installation of signage prohibiting parking in the driveways. Without this condition of approval in place, parking in the driveways would continue to be permissible.

Issue: *Would the proposals result in adverse visual impacts on adjacent properties or the public realm?*

No. As demonstrated in photographs and renderings, the proposed additions would have minimal visibility from South Pacific Street, and would be substantially recessed from the coastal stringline. The proposed additions would occur within the existing building footprints and fall below the applicable building height limit (35 feet, as measured from average finished grade).

FISCAL IMPACT

Does not apply.

COMMISSION OR COMMITTEE REPORT

On April 23, 2012, the Planning Commission approved the subject requests by a 6-0 vote. In approving the subject requests, the Planning Commission acknowledged that vacation rentals are consistent with the purpose and intent of the surrounding R-T zoning district and that the proposed duplex conversions and additions meet applicable development standards.

CITY ATTORNEY'S ANALYSIS

The City Attorney's Office has reviewed the proposed resolution and approved it as to form.

In accordance with section 4605 of the Zoning Ordinance, the City Council shall consider the same application, plans, and related project materials that were the subject of the original decision approving the project by the Planning Commission.

The City Council shall review the record of the decision and hear testimony from staff, the applicant, and/or any interested parties.

After the public hearing, the City Council shall affirm, modify or reverse the Planning Commission's decision. If a decision is modified or reversed, the City Council shall state the specific reasons for the modification or reversal.

RECOMMENDATION

Staff has determined that the requests are consistent with applicable General Plan and Local Coastal Program policies and that they meet all of the required findings for approval of a Development Plan and Regular Coastal Permit. Staff therefore recommends that the City Council adopt the resolution approving the proposed project.

PREPARED BY



Russ Cunningham
Senior Planner

SUBMITTED BY



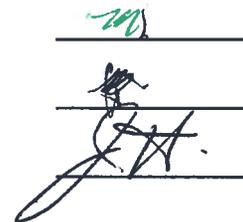
Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

George Buell, Development Services Director

Jerry Hittleman, City Planner



ATTACHMENTS:

1. Plans
2. Planning Commission Staff Report (April 23, 2012)
3. Planning Commission Resolution Nos. 2012-P15, 2012-P16, and 2012-P17
4. Letter of Appeal
5. Planning Commission Staff PowerPoint Presentation (March 26, 2012)

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE APPROVING PLANNING COMMISSION RESOLUTION NO. 2012-P15 AND APPROVING DEVELOPMENT PLAN (D12-00001) AND REGULAR COASTAL PERMIT (RC12-00001) TO ALLOW THE CONVERSION OF AN EXISTING SINGLE-FAMILY RESIDENCE TO A DUPLEX WITH THE ADDITION OF 1,409 SQUARE FEET OF HABITABLE SPACE AND A NEW THIRD STORY AT 815 SOUTH PACIFIC STREET - SOUTH PACIFIC DUPLEX CONVERSIONS

(REVS Pacific South, LLC – Applicant)

(Beachin, LLC – Appellant)

WHEREAS, an application was filed for a Regular Coastal Permit (RC11-00011) for the conversion of an existing single-family residence to a duplex, with the addition of 1,409 square feet of habitable space and a new third story; and

WHEREAS, on November 7, 2012, the Planning Commission of the City of Oceanside, after holding a duly-advertised public hearing, adopted Resolution No. 2011-P41, approving said Regular Coastal Permit (RC11-00011); and

WHEREAS, following the timely appeal of the Regular Coastal Permit, the Planning Division determined that said proposal requires approval of a Development Plan, in addition to the Regular Coastal Permit; and

WHEREAS, on December 20, 2012, the applicant did withdraw said proposal; and

WHEREAS, on January 20, 2012, said proposal was resubmitted to the Planning Division for review and approval of both a Regular Coastal Permit and a Development Plan; and

WHEREAS, on March 26, 2012, the Planning Commission of the City of Oceanside, after holding a duly-advertised public hearing, adopted Resolution No. 2012-P15, approving Development Plan (D12-00001) and Regular Coastal Permit (RC12-00001); and

WHEREAS, the Planning Division subsequently determined that required mailed notification of property owners and occupants within the legally-prescribed notification radii had not been conducted for the public hearing held on March 26, 2012, thus necessitating another duly advertised public hearing on said proposal; and

1 WHEREAS, on April 23, 2012, the Planning Commission of the City of Oceanside, after
2 holding a duly-advertised public hearing, adopted Resolution No. 2012-P15, approving
3 Development Plan (D12-00001) and Regular Coastal Permit (RC12-00001);

4 WHEREAS, a timely appeal of the Planning Commission's decision was filed by Erik
5 Shraner, Esq., on behalf of Beachin, LLC, requesting City Council review of the Planning
6 Commission decision;

7 WHEREAS, on June 27, 2012, the City Council of the City of Oceanside held a duly-
8 noticed public hearing and heard and considered evidence and testimony by all interested parties
9 concerning the review of the Planning Commission approval of said Development Plan and
10 Regular Coastal Permit; and

11 WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of
12 Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and the
13 State Guidelines thereto as amended to date, and approved by the Planning Commission in
14 conjunction with its actions on the applications.

15 WHEREAS, studies and investigations made by the City Council and in its behalf reveal
16 the following facts and findings:

17
18 FINDINGS:

19
20 For Development Plan (D12-00001) to allow conversion of an existing single-family residence to
21 a duplex with the addition of 1,409 square feet of habitable space comprising a new third story:

22 The Regular Coastal Permit:

- 23 1. The approval of the proposed duplex conversion and associated addition of habitable
24 space will be subject to conditions that, in view of the size and shape of the parcel and
25 the present zoning and use of the subject property, provide the same degree of protection
26 to adjoining properties, including protection from unreasonable interference with the use
27 and enjoyment of said properties, depreciation of property values, and any potentially
28 adverse impacts on the public peace, health, safety, and welfare. The proposed project
would be consistent with applicable land use and development standards, including on-

1 site parking requirements, and approval would be conditioned upon the prohibition of
2 parking in the driveways.

3 For Regular Coastal Permit (RC12-00001) to allow conversion of an existing single-family
4 residence to a duplex with the addition of 1,409 square feet of habitable space comprising a new
5 third story:

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

- 9 • Does not interfere with the public's right to access to the coastline and ocean,
10 given that dedicated public access ways exist within 250 feet of the subject site;
- 11 • Provides for recreational use of private oceanfront land;
- 12 • Does not impact environmentally sensitive habitat area or prime agricultural land;
- 13 • Occurs in an already-developed area with adequate public services;
- 14 • Protects views to and along the ocean;
- 15 • Is visually compatible with the character of surrounding areas.

16 2. The project site, at 815 South Pacific Street, is situated within the Appeal Area of the
17 Coastal Zone and conforms to the public access and recreation policies of Chapter 3 of
18 the Coastal Act. The entire 800 Block of South Pacific Street measures 450 feet in
19 length, with public beach access located at both ends (where South Pacific Street
20 intersects with Wisconsin Avenue and Hayes Street). Thus, all properties in the 800
21 Block of South Pacific Street are situated within 250 feet of existing public beach
22 access.

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24 CONDITIONS:

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26 Building:

27 1. Construction shall comply with the 2010 edition of the California Codes.
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1 2. The developer shall monitor, supervise and control all building construction and supporting
2 activities so as to prevent these activities from causing a public nuisance, including, but not
3 limited to, strict adherence to the following:

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

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

17 3. Separate/unique addresses will be required to facilitate utility releases. Verification that the
18 addresses have been properly assigned by the City's Planning Division must accompany
19 the Building Permit application.

20 **Fire:**

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

22 **Water Utilities:**

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

27 6. The property owner shall maintain private water and wastewater utilities located on private
28 property.

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

23 **Planning:**

- 24 15. Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001) shall expire two
25 years from the effective date unless implemented as required by the Zoning Ordinance.
26 Absent the timely appeal of this approval, it will expire on November 7, 2013 unless
27 implemented as required by the Zoning Ordinance.
- 28 16. Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001) is granted for the
following purposes only:

- 1 a) Conversion of an existing single-family residence to a duplex, involving the relocation
2 of primary entrances and the modification of interior stairs;
- 3 b) Addition of 1,409 square feet of new habitable space, 825 square feet of which
4 will constitute a new third story above basement.

5 No deviation from these approved plans and exhibits shall occur without Planning
6 Commission approval. Substantial deviations shall require a revision to the Development
7 Plan and/or Regular Coastal Permit or entirely new entitlements.

8 17. Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001) shall be called
9 for review by the Planning Commission if complaints are filed and verified as valid by
10 the City Planner or the Code Enforcement Officer concerning the violation of any of the
11 approved conditions or the project assumptions demonstrated under the application
12 approval.

13 18. The validity of Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001)
14 shall not be affected by changes in ownership or tenants.

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

21 20. Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001) may be revised
22 or renewed in accordance with the provisions of the Zoning Ordinance. Any application
23 for Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001) revision or
24 renewal shall also be evaluated against existing land use and development policies as
25 well as any intervening changes to the site area and/or neighborhood.

26 21. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
27 harmless the City of Oceanside, its agents, officers or employees from any claim, action
28 or proceeding against the City, its agents, officers, or employees to attack, set aside, void
or annul an approval of the City concerning Development Plan (D12-00001)/Regular

1 Coastal Permit (RC12-00001). The City will promptly notify the applicant of any such
2 claim, action or proceeding against the City and will cooperate fully in the defense. If
3 the City fails to promptly notify the applicant of any such claim action or proceeding or
4 fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible
5 to defend, indemnify or hold harmless the City.

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

10 23. Prior to issuance of a building permit, the applicant and landowner shall execute and
11 record a covenant, in a form and content acceptable to the City Attorney, which shall
12 provide:

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

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

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

24 25. Failure to meet any conditions of approval for this project shall constitute a violation of
25 Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001).

26 26. Unless expressly waived, all current zoning standards and City ordinances and policies
27 in effect at the time building permits are issued are required to be met by this project.
28 The approval of this project constitutes the applicant's agreement with all statements in

1 the Description and Justification and other materials and information submitted with this
2 application, unless specifically waived by an adopted condition of approval.

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

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

12 29. HVAC casings shall be fully enclosed and shall not project into a required yard or
13 project above the district's height requirement.

14 30. Any metallic material (i.e., copper) shall be treated at the time that it is installed, or
15 earlier, so that its surface does not reflect light. Non-metallic roofing material is
16 preferred and non-reflective roofing material is required. The copper roofing shall be
17 treated to have a non-reflective surface (patina) at the time it is installed.

18 31. Buildings, structures, fences or walls located on lots contiguous to the shoreline, shall be
19 compatible in scale with the existing development and shall not extend further seaward
20 than the line established on the Stringline Setback Map.

21 32. Fence height limitations and opacity requirements are subject to Section 1721 of the
22 Zoning Ordinance. Fencing materials shall be 75 percent transparent.

23 33. All wood fences adjacent to public right-of-way, visible from the public right-of-way, or
24 facing the shore will be stained or otherwise finished with a waterproof material.

25 34. The developer's construction of all fencing and walls associated with the project shall be
26 in conformance with the approved Regular Coastal Permit. Any substantial change in
27 any aspect of fencing or wall design from the approved Regular Coastal Permit shall
28 require a revision to the Regular Coastal Permit or a new Regular Coastal Permit.

1 35. If any aspect of the project fencing and walls is not covered by an approved Regular
2 Coastal Permit, the construction of fencing and walls shall conform to the development
3 standards of the City Zoning Ordinance. In no case shall the construction of fences and
4 walls (or combinations thereof) exceed the limitations of the Zoning Ordinance, unless
5 expressly granted by a Variance or other development approval.

6 36. The project shall dispose of or recycle solid waste in a manner provided in City
7 Ordinance 13.3.

8 37. A letter of clearance from the affected school district in which the property is located
9 shall be provided as required by City policy at the time building permits are issued.

10 38. The applicant shall revise the proposed additions at the second and third stories to
11 incorporate angled walls/windows that conform to the angled walls/windows at the
12 beach and street levels of the existing building.

13 39. The applicant shall post signage no more than 1.5 square feet in area indicating that
14 parking is not permitted in the driveway in front of the garages and providing contact
15 information for property management. The applicant shall work with Planning Division
16 staff to determine the most appropriate size, design and material for said signage.

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

18 1. The Council approves the Planning Commission action of April 23, 2012, and
19 Resolution No. 2012-P15, and approves Regular Coastal Permit (RC12-00001), subject to the
20 Conditions in this Resolution.

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

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE APPROVING PLANNING COMMISSION RESOLUTION NO. 2012-P16 AND APPROVING DEVELOPMENT PLAN (D12-00002) AND REGULAR COASTAL PERMIT (RC12-00002) TO ALLOW THE CONVERSION OF AN EXISTING SINGLE-FAMILY RESIDENCE TO A DUPLEX WITH THE ADDITION OF 1,409 SQUARE FEET OF HABITABLE SPACE AND A NEW THIRD STORY AT 813 SOUTH PACIFIC STREET - SOUTH PACIFIC DUPLEX CONVERSIONS

(Evergreen Hebron, L.P. – Applicant)

(Beachin, LLC – Appellant)

WHEREAS, an application was filed for a Regular Coastal Permit (RC11-00010) for the conversion of an existing single-family residence to a duplex, with the addition of 1,409 square feet of habitable space and a new third story; and

WHEREAS, on November 7, 2012, the Planning Commission of the City of Oceanside, after holding a duly-advertised public hearing, adopted Resolution No. 2011-P40, approving said Regular Coastal Permit (RC11-00010); and

WHEREAS, following the timely appeal of the Regular Coastal Permit, the Planning Division determined that said proposal requires approval of a Development Plan, in addition to the Regular Coastal Permit; and

WHEREAS, on December 20, 2012, the applicant did withdraw said proposal; and

WHEREAS, on January 20, 2012, said proposal was resubmitted to the Planning Division for review and approval of both a Regular Coastal Permit and a Development Plan; and

WHEREAS, on March 26, 2012, the Planning Commission of the City of Oceanside, after holding a duly-advertised public hearing, adopted Resolution No. 2012-P16, approving Development Plan (D12-00002) and Regular Coastal Permit (RC12-00002); and

WHEREAS, the Planning Division subsequently determined that required mailed notification of property owners and occupants within the legally-prescribed notification radii had not been conducted for the public hearing held on March 26, 2012, thus necessitating another duly-advertised public hearing on said proposal; and

1 WHEREAS, on April 23, 2012, the Planning Commission of the City of Oceanside, after
2 holding a duly-advertised public hearing, adopted Resolution No. 2012-P16, approving
3 Development Plan (D12-00002) and Regular Coastal Permit (RC12-00002);

4 WHEREAS, a timely appeal of the Planning Commission's decision was filed by Erik
5 Shraner, Esq., on behalf of Beachin, LLC, requesting City Council review of the Planning
6 Commission decision;

7 WHEREAS, on June 27, 2012, the City Council of the City of Oceanside held a duly-
8 noticed public hearing and heard and considered evidence and testimony by all interested parties
9 concerning the review of the Planning Commission approval of said Development Plan and
10 Regular Coastal Permit; and

11 WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of
12 Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and the
13 State Guidelines thereto as amended to date, and approved by the Planning Commission in
14 conjunction with its actions on the applications.

15 WHEREAS, studies and investigations made by the City Council and in its behalf reveal
16 the following facts and findings:

17
18 FINDINGS:

19
20 For Development Plan (D12-00002) to allow conversion of an existing single-family residence to
21 a duplex with the addition of 1,409 square feet of habitable space comprising a new third story:

22 The Regular Coastal Permit:

- 23 1. The approval of the proposed duplex conversion and associated addition of habitable
24 space will be subject to conditions that, in view of the size and shape of the parcel and
25 the present zoning and use of the subject property, provide the same degree of protection
26 to adjoining properties, including protection from unreasonable interference with the use
27 and enjoyment of said properties, depreciation of property values, and any potentially
28 adverse impacts on the public peace, health, safety, and welfare. The proposed project
would be consistent with applicable land use and development standards, including on-

1 site parking requirements, and approval would be conditioned upon the prohibition of
2 parking in the driveways.

3 For Regular Coastal Permit (RC12-00002) to allow conversion of an existing single-family
4 residence to a duplex with the addition of 1,409 square feet of habitable space comprising a new
5 third story:

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

- 9 • Does not interfere with the public's right to access to the coastline and ocean,
10 given that dedicated public access ways exist within 250 feet of the subject site;
- 11 • Provides for recreational use of private oceanfront land;
- 12 • Does not impact environmentally sensitive habitat area or prime agricultural land;
- 13 • Occurs in an already-developed area with adequate public services;
- 14 • Protects views to and along the ocean;
- 15 • Is visually compatible with the character of surrounding areas.

16 2. The project site, at 813 South Pacific Street, is situated within the Appeal Area of the
17 Coastal Zone and conforms to the public access and recreation policies of Chapter 3 of
18 the Coastal Act. The entire 800 Block of South Pacific Street measures 450 feet in
19 length, with public beach access located at both ends (where South Pacific Street
20 intersects with Wisconsin Avenue and Hayes Street). Thus, all properties in the 800
21 Block of South Pacific Street are situated within 250 feet of existing public beach
22 access.

23
24 CONDITIONS:

25
26 Building:

27 1. Construction shall comply with the 2010 edition of the California Codes.
28

1 2. The developer shall monitor, supervise and control all building construction and supporting
2 activities so as to prevent these activities from causing a public nuisance, including, but not
3 limited to, strict adherence to the following:

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

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

17 3. Separate/unique addresses will be required to facilitate utility releases. Verification that the
18 addresses have been properly assigned by the City's Planning Division must accompany
19 the Building Permit application.

20 **Fire:**

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

22 **Water Utilities:**

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

27 6. The property owner shall maintain private water and wastewater utilities located on private
28 property.

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

23 **Planning:**

- 24 15. Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002) shall expire two
25 years from the effective date unless implemented as required by the Zoning Ordinance.
26 Absent the timely appeal of this approval, it will expire on November 7, 2013, unless
27 implemented as required by the Zoning Ordinance.
- 28 16. Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002) is granted for the
following purposes only:

- 1 a) Conversion of an existing single-family residence to a duplex, involving the
- 2 relocation of primary entrances and the modification of interior stairs;
- 3 b) Addition of 1,409 square feet of new habitable space, 825 square feet of which
- 4 will constitute a new third story above basement.

5 No deviation from these approved plans and exhibits shall occur without Planning
6 Commission approval. Substantial deviations shall require a revision to the Development
7 Plan and/or Regular Coastal Permit or entirely new entitlements.

8 17. Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002) shall be called
9 for review by the Planning Commission if complaints are filed and verified as valid by
10 the City Planner or the Code Enforcement Officer concerning the violation of any of the
11 approved conditions or the project assumptions demonstrated under the application
12 approval.

13 18. The validity of Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002)
14 shall not be affected by changes in ownership or tenants.

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

21 20. Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002) may be revised
22 or renewed in accordance with the provisions of the Zoning Ordinance. Any application
23 for Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002) revision or
24 renewal shall also be evaluated against existing land use and development policies as
25 well as any intervening changes to the site area and/or neighborhood.

26 21. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
27 harmless the City of Oceanside, its agents, officers or employees from any claim, action
28 or proceeding against the City, its agents, officers, or employees to attack, set aside, void
or annul an approval of the City concerning Development Plan (D12-00002)/Regular

1 Coastal Permit (RC12-00002). The City will promptly notify the applicant of any such
2 claim, action or proceeding against the City and will cooperate fully in the defense. If
3 the City fails to promptly notify the applicant of any such claim action or proceeding or
4 fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible
5 to defend, indemnify or hold harmless the City.

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

10 23. Prior to issuance of a building permit, the applicant and landowner shall execute and
11 record a covenant, in a form and content acceptable to the City Attorney, which shall
12 provide:

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

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

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

24 25. Failure to meet any conditions of approval for this project shall constitute a violation of
25 Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002).

26 26. Unless expressly waived, all current zoning standards and City ordinances and policies
27 in effect at the time building permits are issued are required to be met by this project.
28 The approval of this project constitutes the applicant's agreement with all statements in

1 the Description and Justification and other materials and information submitted with this
2 application, unless specifically waived by an adopted condition of approval.

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

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

12 29. HVAC casings shall be fully enclosed and shall not project into a required yard or
13 project above the district's height requirement.

14 30. Any metallic material (i.e., copper) shall be treated at the time that it is installed, or
15 earlier, so that its surface does not reflect light. Non-metallic roofing material is
16 preferred and non-reflective roofing material is required. The copper roofing shall be
17 treated to have a non-reflective surface (patina) at the time it is installed.

18 31. Buildings, structures, fences or walls located on lots contiguous to the shoreline, shall be
19 compatible in scale with the existing development and shall not extend further seaward
20 than the line established on the Stringline Setback Map.

21 32. Fence height limitations and opacity requirements are subject to Section 1721 of the
22 Zoning Ordinance. Fencing materials shall be 75 percent transparent.

23 33. All wood fences adjacent to public right-of-way, visible from the public right-of-way, or
24 facing the shore will be stained or otherwise finished with a waterproof material.

25 34. The developer's construction of all fencing and walls associated with the project shall be
26 in conformance with the approved Regular Coastal Permit. Any substantial change in
27 any aspect of fencing or wall design from the approved Regular Coastal Permit shall
28 require a revision to the Regular Coastal Permit or a new Regular Coastal Permit.

1 35. If any aspect of the project fencing and walls is not covered by an approved Regular
2 Coastal Permit, the construction of fencing and walls shall conform to the development
3 standards of the City Zoning Ordinance. In no case shall the construction of fences and
4 walls (or combinations thereof) exceed the limitations of the Zoning Ordinance, unless
5 expressly granted by a Variance or other development approval.

6 36. The project shall dispose of or recycle solid waste in a manner provided in City
7 Ordinance 13.3.

8 37. A letter of clearance from the affected school district in which the property is located
9 shall be provided as required by City policy at the time building permits are issued.

10 38. The applicant shall revise the proposed additions at the second and third stories to
11 incorporate angled walls/windows that conform to the angled walls/windows at the
12 beach and street levels of the existing building.

13 39. The applicant shall post signage no more than 1.5 square feet in area indicating that
14 parking is not permitted in the driveway in front of the garages and providing contact
15 information for property management. The applicant shall work with Planning Division
16 staff to determine the most appropriate size, design and material for said signage.

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

18 1. The Council approves the Planning Commission action of April 23, 2012, and
19 Resolution No. 2012-P16, and approves Development Plan (D12-00002) and Regular Coastal
20 Permit (RC12-00002), subject to the Conditions in this Resolution.

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

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1 PASSED and ADOPTED by the City Council of the City of Oceanside, California this
2 27th day of June, 2012, by the following vote:

- 3
- 4 AYES:
- 5 NAYS:
- 6 ABSENT:
- 7 ABSTAIN:
- 8

9 _____
Mayor of the City of Oceanside

10 ATTEST:

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

11 _____
12 _____
13 City Clerk


14 _____
15 City Attorney

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE APPROVING PLANNING COMMISSION RESOLUTION NO. 2012-P17 AND APPROVING DEVELOPMENT PLAN (D12-00003) AND REGULAR COASTAL PERMIT (RC12-00003) TO ALLOW THE CONVERSION OF AN EXISTING SINGLE-FAMILY RESIDENCE TO A DUPLEX WITH THE ADDITION OF 1,409 SQUARE FEET OF HABITABLE SPACE AND A NEW THIRD STORY AT 811 SOUTH PACIFIC STREET - SOUTH PACIFIC DUPLEX CONVERSIONS

(REVS Pacific North, LLC – Applicant)

(Beachin, LLC – Appellant)

WHEREAS, an application was filed for a Regular Coastal Permit (RC11-00011) for the conversion of an existing single-family residence to a duplex, with the addition of 1,409 square feet of habitable space and a new third story; and

WHEREAS, on November 7, 2012, the Planning Commission of the City of Oceanside, after holding a duly-advertised public hearing, adopted Resolution No. 2011-P39, approving said Regular Coastal Permit (RC11-00009); and

WHEREAS, following the timely appeal of the Regular Coastal Permit, the Planning Division determined that said proposal requires approval of a Development Plan, in addition to the Regular Coastal Permit; and

WHEREAS, on December 20, 2012, the applicant did withdraw said proposal; and

WHEREAS, on January 20, 2012, said proposal was resubmitted to the Planning Division for review and approval of both a Regular Coastal Permit and a Development Plan; and

WHEREAS, on March 26, 2012, the Planning Commission of the City of Oceanside, after holding a duly-advertised public hearing, adopted Resolution No. 2012-P17, approving Development Plan (D12-00003) and Regular Coastal Permit (RC12-00003); and

WHEREAS, the Planning Division subsequently determined that required mailed notification of property owners and occupants within the legally-prescribed notification radii had not been conducted for the public hearing held on March 26, 2012, thus necessitating another duly advertised public hearing on said proposal; and

1 WHEREAS, on April 23, 2012, the Planning Commission of the City of Oceanside, after
2 holding a duly-advertised public hearing, adopted Resolution No. 2012-P17, approving
3 Development Plan (D12-00003) and Regular Coastal Permit (RC12-00003);

4 WHEREAS, a timely appeal of the Planning Commission's decision was filed by Erik
5 Shraner, Esq., on behalf of Beachin, LLC, requesting City Council review of the Planning
6 Commission decision;

7 WHEREAS, on June 27, 2012, the City Council of the City of Oceanside held a duly-
8 noticed public hearing and heard and considered evidence and testimony by all interested parties
9 concerning the review of the Planning Commission approval of said Development Plan and
10 Regular Coastal Permit; and

11 WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of
12 Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and the
13 State Guidelines thereto as amended to date, and approved by the Planning Commission in
14 conjunction with its actions on the applications.

15 WHEREAS, studies and investigations made by the City Council and in its behalf reveal
16 the following facts and findings:

17
18 FINDINGS:

19
20 For Development Plan (D12-00003) to allow conversion of an existing single-family residence to
21 a duplex with the addition of 1,409 square feet of habitable space comprising a new third story:

22 The Regular Coastal Permit:

- 23 1. The approval of the proposed duplex conversion and associated addition of habitable
24 space will be subject to conditions that, in view of the size and shape of the parcel and
25 the present zoning and use of the subject property, provide the same degree of protection
26 to adjoining properties, including protection from unreasonable interference with the use
27 and enjoyment of said properties, depreciation of property values, and any potentially
28 adverse impacts on the public peace, health, safety, and welfare. The proposed project
would be consistent with applicable land use and development standards, including on-

1 site parking requirements, and approval would be conditioned upon the prohibition of
2 parking in the driveways.

3 For Regular Coastal Permit (RC12-00003) to allow conversion of an existing single-family
4 residence to a duplex with the addition of 1,409 square feet of habitable space comprising a new
5 third story:

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

- 9 • Does not interfere with the public's right to access to the coastline and ocean,
10 given that dedicated public access ways exist within 250 feet of the subject site;
- 11 • Provides for recreational use of private oceanfront land;
- 12 • Does not impact environmentally sensitive habitat area or prime agricultural land;
- 13 • Occurs in an already-developed area with adequate public services;
- 14 • Protects views to and along the ocean;
- 15 • Is visually compatible with the character of surrounding areas.

16 2. The project site, at 811 South Pacific Street, is situated within the Appeal Area of the
17 Coastal Zone and conforms to the public access and recreation policies of Chapter 3 of
18 the Coastal Act. The entire 800 Block of South Pacific Street measures 450 feet in
19 length, with public beach access located at both ends (where South Pacific Street
20 intersects with Wisconsin Avenue and Hayes Street). Thus, all properties in the 800
21 Block of South Pacific Street are situated within 250 feet of existing public beach
22 access.

23
24 CONDITIONS:

25
26 Building:

27 1. Construction shall comply with the 2010 edition of the California Codes.
28

1 2. The developer shall monitor, supervise and control all building construction and supporting
2 activities so as to prevent these activities from causing a public nuisance, including, but not
3 limited to, strict adherence to the following:

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

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

17 3. Separate/unique addresses will be required to facilitate utility releases. Verification that the
18 addresses have been properly assigned by the City's Planning Division must accompany
19 the Building Permit application.

20 **Fire:**

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

22 **Water Utilities:**

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

26 6. The property owner shall maintain private water and wastewater utilities located on private
27 property.

28 7. Water services and sewer laterals constructed in existing right-of-way locations are to be
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- 1 8. All Water and Wastewater construction shall conform to the most recent edition of the
2 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
3 the Water Utilities Director.
- 4 9. Residential units shall be metered individually. Private utility systems for residential
5 developments are not allowed.
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7 provided with easements sized according to the Water, Sewer, and Reclaimed Water
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14 Code (U.P.C.).
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16 be paid to the City and collected by the Water Utilities Department at the time of Building
17 Permit issuance.
- 18 14. All Water Utilities Fees are due at the time of building permit issuance per City Code
19 Section 32B.7, unless the developer/applicant applies and is approved for a deferral of all
20 fees per City of Oceanside Ordinance No. 09-OR0676-1.

21 **Planning:**

- 22 15. Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003) shall expire two
23 years from the effective date unless implemented as required by the Zoning Ordinance.
24 Absent the timely appeal of this approval, it will expire on November 7, 2013 unless
25 implemented as required by the Zoning Ordinance.
- 26 16. Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003) is granted for the
27 following purposes only:
 - 28 a) Conversion of an existing single-family residence to a duplex, involving the
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2 will constitute a new third story above basement.

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4 Commission approval. Substantial deviations shall require a revision to the Development
5 Plan and/or Regular Coastal Permit or entirely new entitlements.

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7 for review by the Planning Commission if complaints are filed and verified as valid by
8 the City Planner or the Code Enforcement Officer concerning the violation of any of the
9 approved conditions or the project assumptions demonstrated under the application
10 approval.

11 18. The validity of Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003)
12 shall not be affected by changes in ownership or tenants.

13 19. A request for changes in conditions of approval or a change to the approved plans that
14 would affect conditions of approval shall be treated as a new application. The City
15 Planner may waive the requirements for a new application if the changes requested are
16 minor, do not involve substantial alterations or addition to the plan or the conditions of
17 approval, and consistent with the intent of the project's approval or otherwise found to
18 be in substantial conformance.

19 20. Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003) may be revised
20 or renewed in accordance with the provisions of the Zoning Ordinance. Any application
21 for Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003) revision or
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23 well as any intervening changes to the site area and/or neighborhood.

24 21. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
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3 to defend, indemnify or hold harmless the City.

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

8 23. Prior to issuance of a building permit, the applicant and landowner shall execute and
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11 a) That the applicant understands that the site may be subject to extraordinary
12 hazard from waves during storms and from erosion and the applicants assumes
13 the liability from those hazards.

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15 City and agrees to defend, indemnify and hold harmless the City and its advisors
16 relative to the City's approval of the project for any damage due to natural
17 hazards.

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19 written copy of the applications, staff report and resolutions for the project to the new
20 owner and or operator. This notification provision shall run with the life of the project
21 and shall be recorded as a covenant on the property.

22 25. Failure to meet any conditions of approval for this project shall constitute a violation of
23 Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003).

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

- 1 27. Elevations, siding materials, colors, roofing materials and floor plans shall be
2 substantially the same as those approved by the Planning Commission. These shall be
3 shown on plans submitted to the Building Division for building permits.
- 4 28. All mechanical rooftop and ground equipment shall be screened from public view as
5 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,
6 mechanical equipment, screening and vents shall be painted with non-reflective paint to
7 match the roof. All roof top surfaces shall have a non-reflective surface and mechanical
8 appurtenances shall be painted to match the roof color. This information shall be shown
9 on the building plans.
- 10 29. HVAC casings shall be fully enclosed and shall not project into a required yard or
11 project above the district's height requirement.
- 12 30. Any metallic material (i.e., copper) shall be treated at the time that it is installed, or
13 earlier, so that its surface does not reflect light. Non-metallic roofing material is
14 preferred and non-reflective roofing material is required. The copper roofing shall be
15 treated to have a non-reflective surface (patina) at the time it is installed.
- 16 31. Buildings, structures, fences or walls located on lots contiguous to the shoreline, shall be
17 compatible in scale with the existing development and shall not extend further seaward
18 than the line established on the Stringline Setback Map.
- 19 32. Fence height limitations and opacity requirements are subject to Section 1721 of the
20 Zoning Ordinance. Fencing materials shall be 75 percent transparent.
- 21 33. All wood fences adjacent to public right-of-way, visible from the public right-of-way, or
22 facing the shore will be stained or otherwise finished with a waterproof material.
- 23 34. The developer's construction of all fencing and walls associated with the project shall be
24 in conformance with the approved Regular Coastal Permit. Any substantial change in
25 any aspect of fencing or wall design from the approved Regular Coastal Permit shall
26 require a revision to the Regular Coastal Permit or a new Regular Coastal Permit.
- 27 35. If any aspect of the project fencing and walls is not covered by an approved Regular
28 Coastal Permit, the construction of fencing and walls shall conform to the development
standards of the City Zoning Ordinance. In no case shall the construction of fences and

1 walls (or combinations thereof) exceed the limitations of the Zoning Ordinance, unless
2 expressly granted by a Variance or other development approval.

3 36. The project shall dispose of or recycle solid waste in a manner provided in City
4 Ordinance 13.3.

5 37. A letter of clearance from the affected school district in which the property is located
6 shall be provided as required by City policy at the time building permits are issued.

7 38. The applicant shall revise the proposed additions at the second and third stories to
8 incorporate angled walls/windows that conform to the angled walls/windows at the
9 beach and street levels of the existing building.

10 39. The applicant shall post signage no more than 1.5 square feet in area indicating that
11 parking is not permitted in the driveway in front of the garages and providing contact
12 information for property management. The applicant shall work with Planning Division
13 staff to determine the most appropriate size, design and material for said signage.

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

15 1. The Council approves the Planning Commission action of April 23, 2012, and
16 Resolution No. 2012-P17, and approves Regular Coastal Permit (RC12-00003), subject to the
17 Conditions in this Resolution.

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

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1 PASSED and ADOPTED by the City Council of the City of Oceanside, California this
2 27th day of June, 2012, by the following vote:

3
4 AYES:

5 NAYS:

6 ABSENT:

7 ABSTAIN:

8
9 _____
Mayor of the City of Oceanside

10 ATTEST:

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

11
12 _____
City Clerk

Barbara Samuels

City Attorney

ADVISE
STUDIO 4
 1000 W. 10TH ST.
 SUITE 100
 OAKLAND, CA 94612
 PHONE 772-8825 FAX
 PHONE 772-8825 FAX
 FAX 772-8825 FAX
 FAX 772-8825 FAX
 FAX 772-8825 FAX
 FAX 772-8825 FAX

PROJECT:
 REPAIR &
 ADDRESS: 123
 123 456 789
 1000 W. 10TH ST.
 OAKLAND, CA 94612

OWNER:
 ERIC
 PACIFIC NORTH INC.
 1000 W. 10TH ST.
 OAKLAND, CA 94612

OWNER'S REP:
 PAUL LONGTON
 1000 W. 10TH ST.
 OAKLAND, CA 94612

DESIGNER:
 1000 W. 10TH ST.
 OAKLAND, CA 94612

DATE:
 10/10/00

SCALE:
 1" = 10'-0"

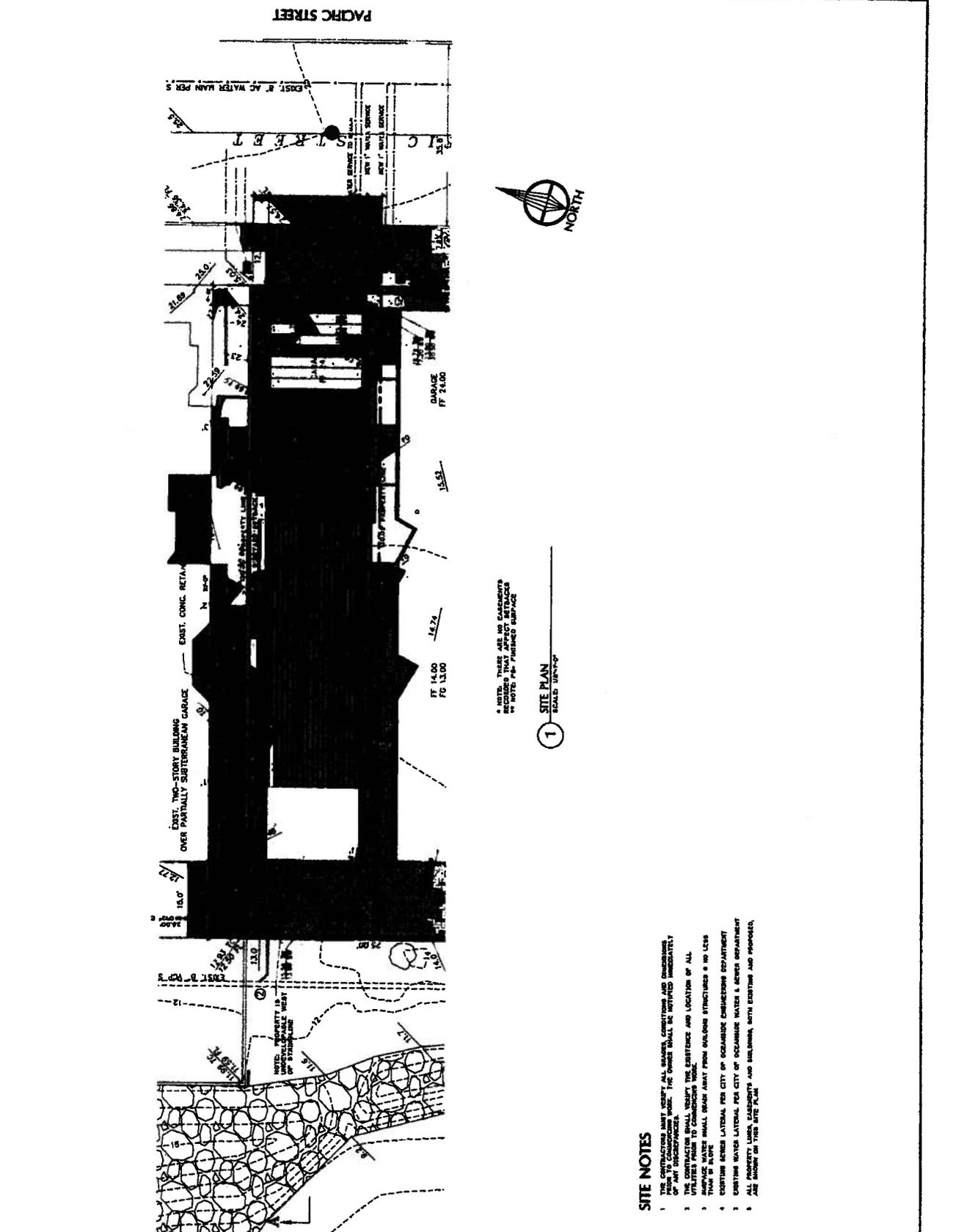
PROJECT NO.:
 1000 W. 10TH ST.

DATE:
 10/10/00

SCALE:
 1" = 10'-0"

PROJECT NO.:
 1000 W. 10TH ST.

DATE:
 10/10/00



SITE NOTES

1. THE CONTRACTOR MUST VERIFY ALL GRADES, CONDITIONS AND DIMENSIONS PRIOR TO COMMENCING WORK. THE OWNER SHALL BE NOTIFIED IMMEDIATELY IF ANY DISCREPANCIES ARE FOUND.
2. THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UTILITIES PRIOR TO COMMENCING WORK.
3. SURFACE WATER SHALL DRAIN AWAY FROM BUILDING STRUCTURES & NO LESS THAN 6 INCHES.
4. EXISTING WATER LATERALS PER CITY OF OAKLAND'S ENGINEERING DEPARTMENT.
5. EXISTING WATER LATERALS PER CITY OF OAKLAND'S WATER & SEWER DEPARTMENT.
6. ALL PROPERTY, LAND, EASEMENTS AND ENCUMBRANCES, WITH EXISTING AND PROPOSED, ARE SHOWN ON THIS SITE PLAN.

* NOTE: THESE ARE NO GUARANTEES RECORDS THAT AFFECT UTILITIES OR NOTES FOR FINISHED SURFACE

1 SITE PLAN
 SCALE 1/4" = 10'-0"

ARCHITECT
STUDIO 4
 1000 W. 10th St., Suite 100
 San Francisco, CA 94118
 Phone: 415-774-4444
 Fax: 415-774-4445
 www.studio4.com
 PAUL LANGRISH, AIA
 ARCHITECT

PROJECT:
 BRADDOCK &
 ADDISON T.O.
 675 S. PACIFIC ST.
 OAKLAND, CA 94608

OWNER:
 REVV
 PACIFIC SOUTH LLC

MANAGEMENT/OWNER:
 JOHN FORD
 400 CLIFTON
 SAN FRANCISCO, CA 94118

CONTRACT NO.:

DATE: 12/15/09

DESIGN AREA NAME:
 OAKLAND, CA 94608

RELAY DATES:
 12/15/09

REVISIONS:

DATE:

BY:

DATE:

DATE:

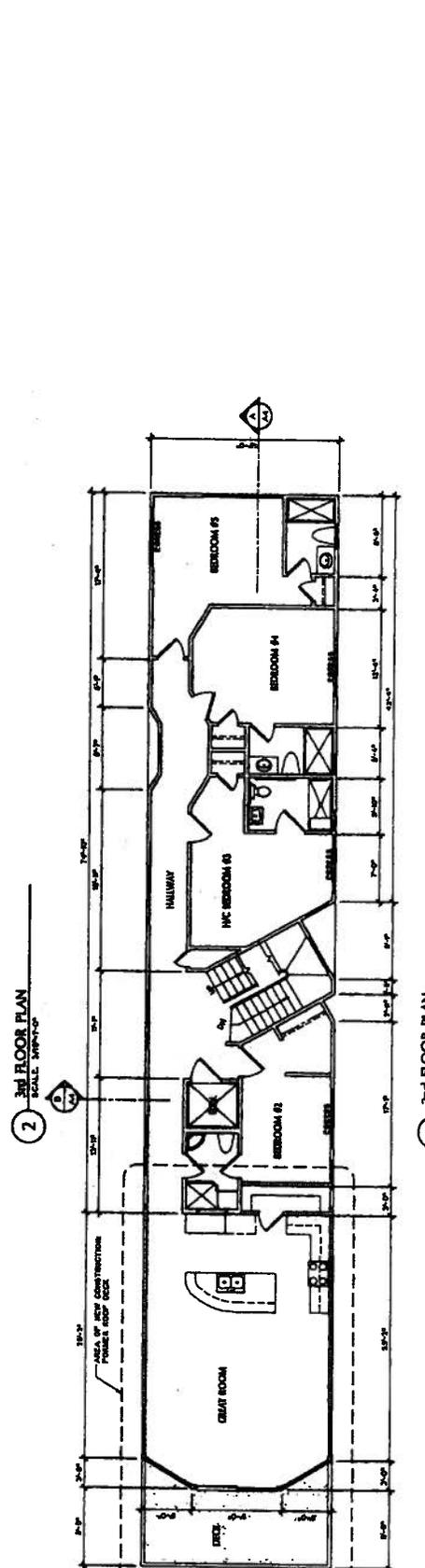
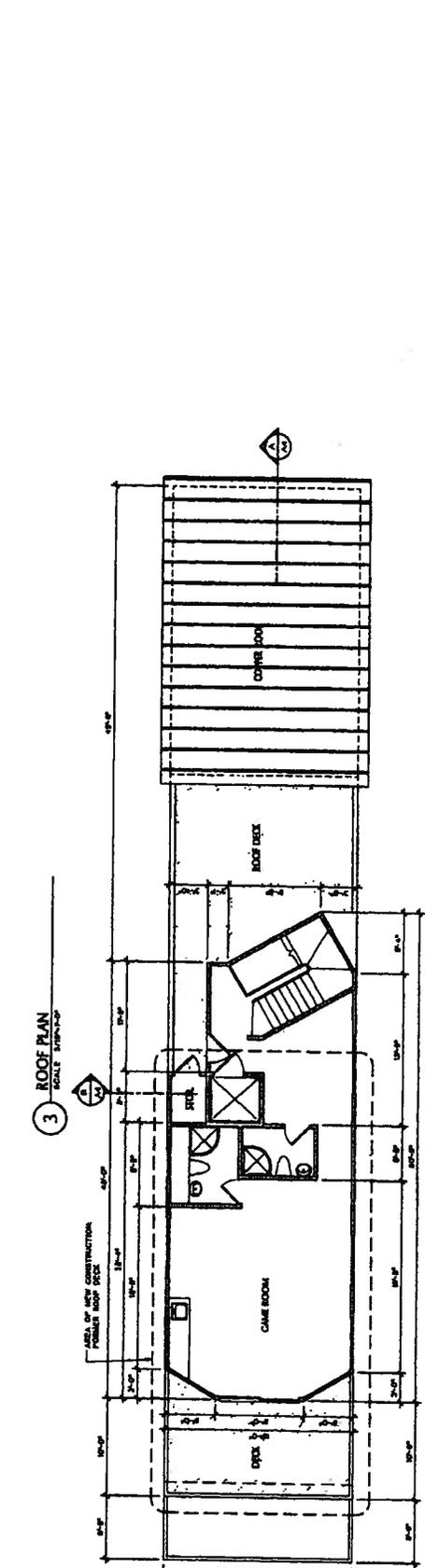
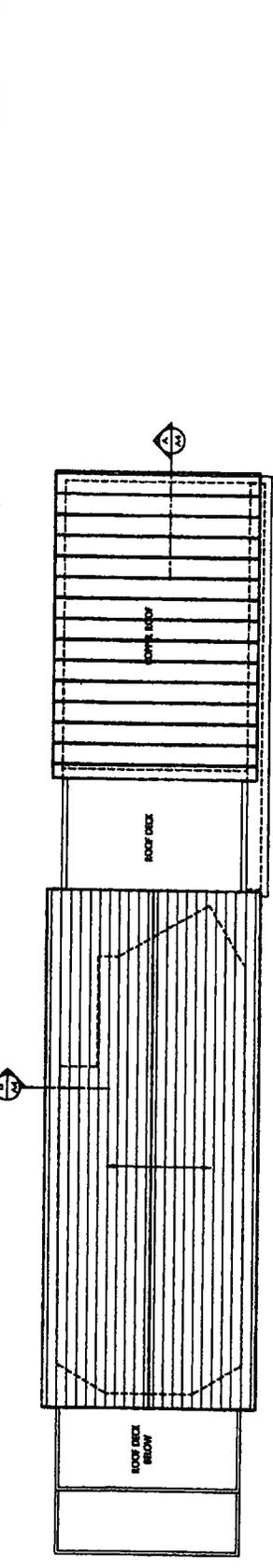
DATE:

DATE:

DATE:

DATE:

DATE:



UNIT B - 2nd AND 3rd STORIES

FLOOR PLANS
 SHEET NO. A-2.0

STUDIO 4
 ARCHITECTS
 10000 WILSON AVENUE
 SUITE 100
 BOSTON, MA 02116
 TEL: 617-552-1100
 FAX: 617-552-1101
 WWW.STUDIO4ARCHITECTS.COM
 PAUL LONGERON
 PRINCIPAL

PROJECT:
 RENOVATE &
 ADDITION TO
 835 S. INDIAN ST.
 OCEANVIEW, CA 92650

OWNER:
 BVA
 PACIFIC SOUTH LLC

DESIGNER:
 PAUL LONGERON
 STUDIO 4 ARCHITECTS
 10000 WILSON AVENUE
 SUITE 100
 BOSTON, MA 02116
 TEL: 617-552-1100
 FAX: 617-552-1101
 WWW.STUDIO4ARCHITECTS.COM

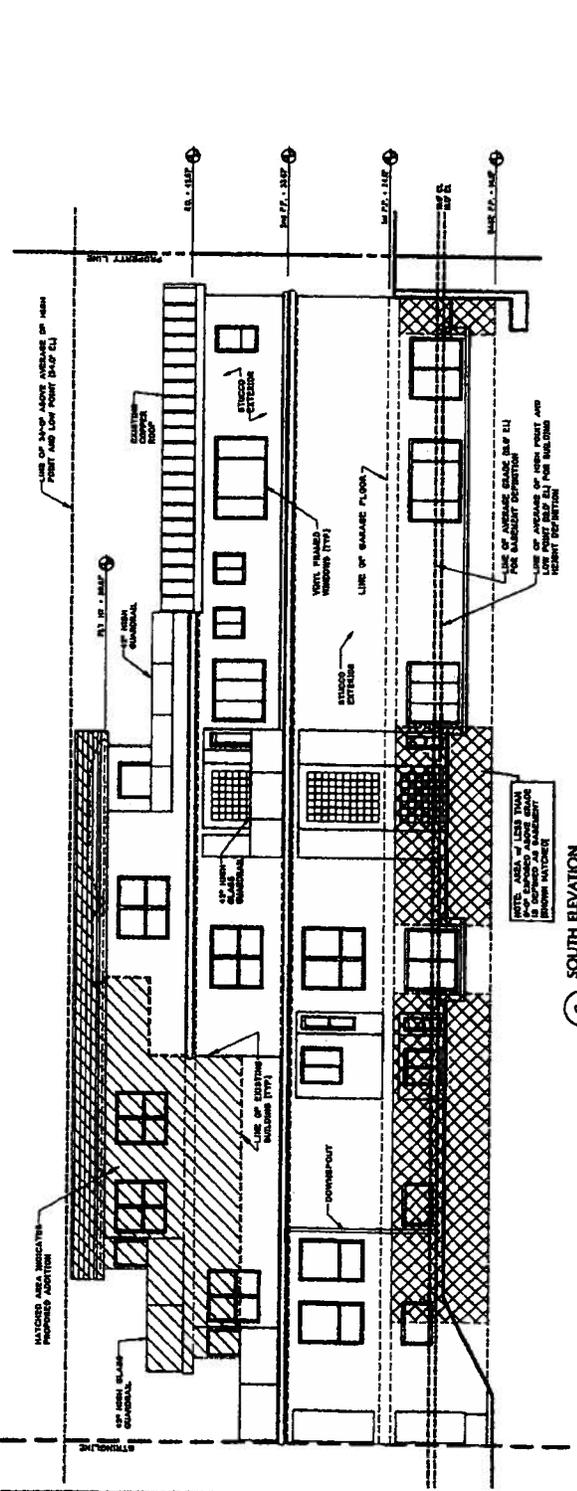
DATE:
 08/20/2014

SCALE:
 1/8" = 1'-0"

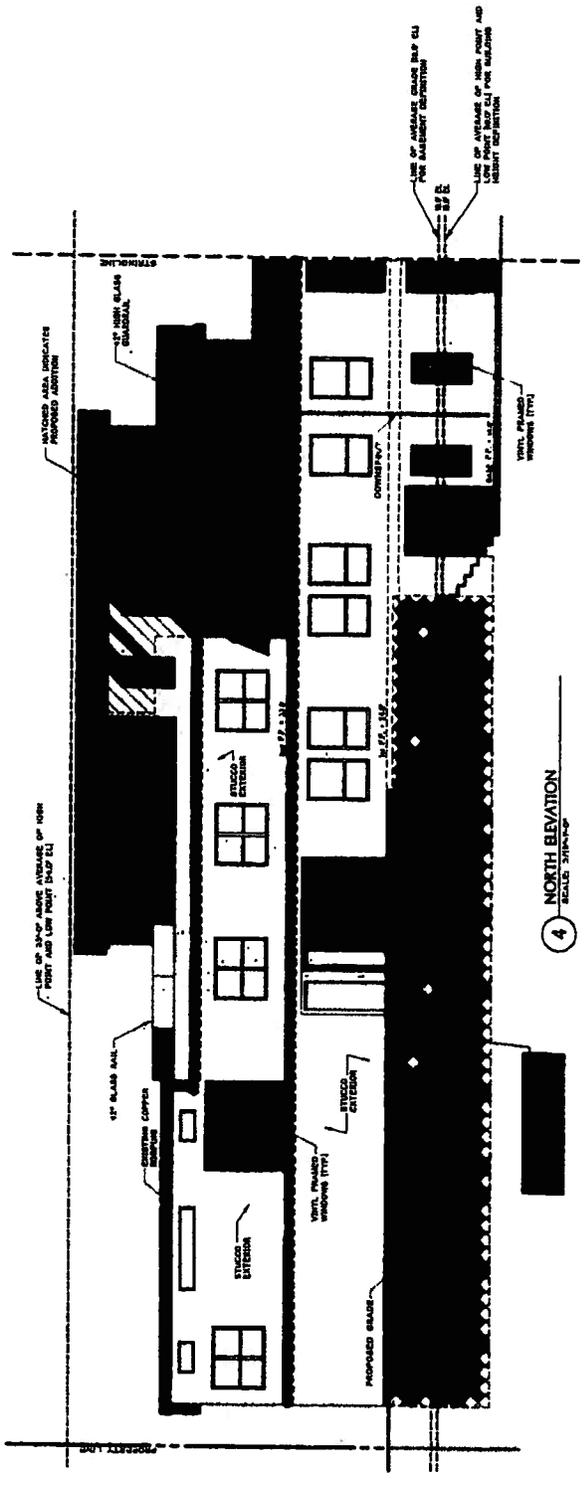
PROJECT NO.:
 14-001

DATE:
 08/20/2014

PROJECT NO.:
 14-001



2 SOUTH ELEVATION
 SCALE: 3/8"=1'-0"



4 NORTH ELEVATION
 SCALE: 3/8"=1'-0"

EXTERIOR ELEVATIONS
 SHEET NO. **A-3.0**

STUDIO 4
 ARCHITECTS
 1000 AVENUE 24
 OAKLAND, CA 94612
 TEL: 415-764-7000
 FAX: 415-764-7001
 WWW.STUDIO4ARCHITECTS.COM
 P.A.M. LONGTON
 ARCHITECT

PROJECT:
 BEDROOM A
 BEDROOM 10
 100 S. PACIFIC ST.
 OAKLAND, CA 94612

OWNER:
 MEYX
 PACIFIC SOUTH LLC
 1000 AVENUE 24
 OAKLAND, CA 94612

DESIGNER:
 P.A.M. LONGTON
 ARCHITECT
 1000 AVENUE 24
 OAKLAND, CA 94612

DATE:
 08/10/10

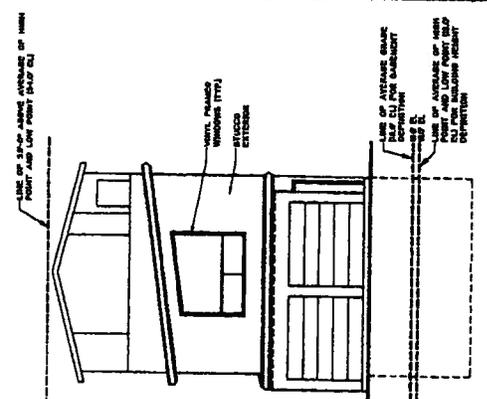
SCALE:
 1/8" = 1'-0"

DATE:
 08/10/10

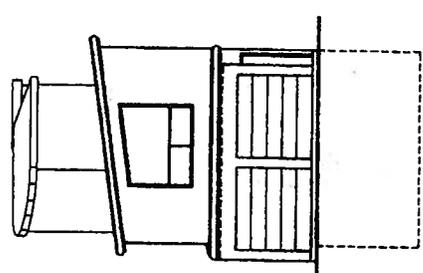
DATE:
 08/10/10

DATE:
 08/10/10

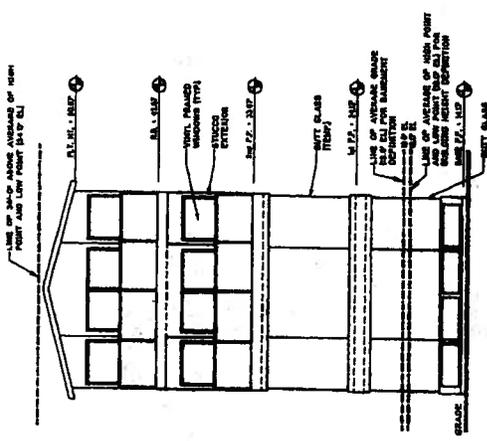
DATE:
 08/10/10



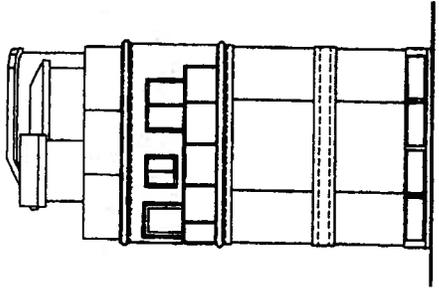
1 PROPOSED EAST ELEVATION
 SCALE: 3/8" = 1'-0"



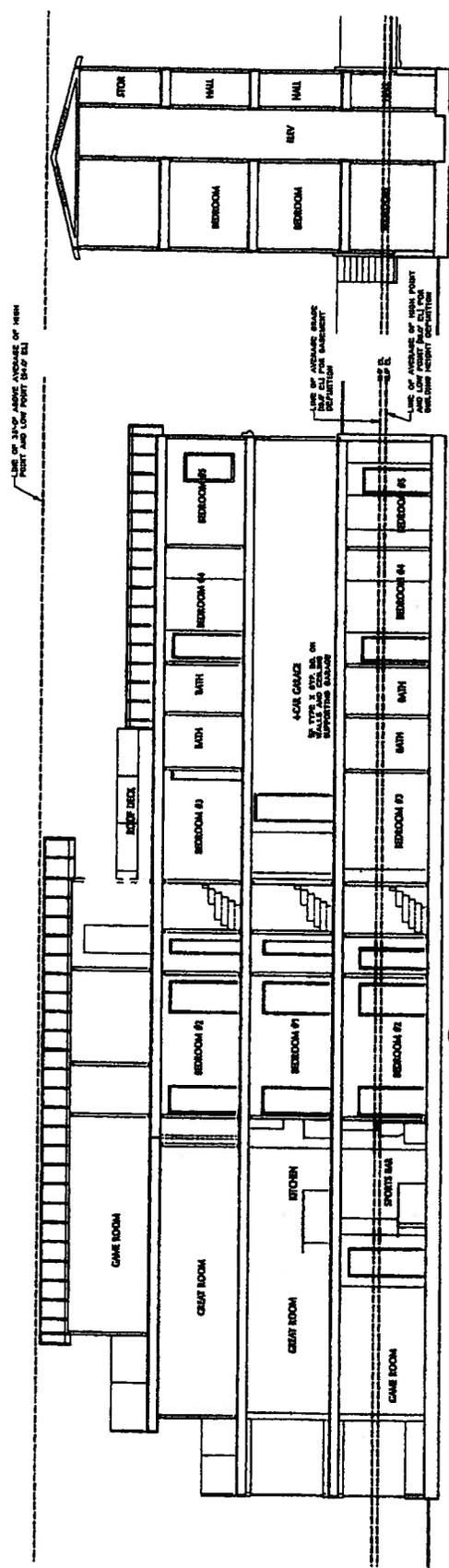
X1 EXISTING EAST ELEVATION
 SCALE: 3/8" = 1'-0"



2 PROPOSED WEST ELEVATION
 SCALE: 3/8" = 1'-0"



X2 EXISTING WEST ELEVATION
 SCALE: 3/8" = 1'-0"



B BUILDING SECTION
 SCALE: 3/8" = 1'-0"

A BUILDING SECTION
 SCALE: 3/8" = 1'-0"

A-4.0

ARCHITECT:
STUDIO 4
 1000 10TH AVENUE
 OCEANVIEW, CA 92081
 TEL: 619-435-1000
 FAX: 619-435-1001
 P:ALBERT@STUDIO4.COM
 PAUL LANGSTON
 PRINCIPAL

PROJECT:
 GARAGE A
 ADDITION TO
 215 S PACIFIC BL
 OCEANVIEW, CA 92081

OWNER:
 BERKSEN
 KERRON LP
 4000 10TH AVENUE
 OCEANVIEW, CA 92081
 PH: 619-435-1000

CONTRACT NO.:
 PAUL LANGSTON
 STUDIO 4 ARCHITECTS
 215 S PACIFIC BL
 OCEANVIEW, CA 92081
 PH: 619-435-1000

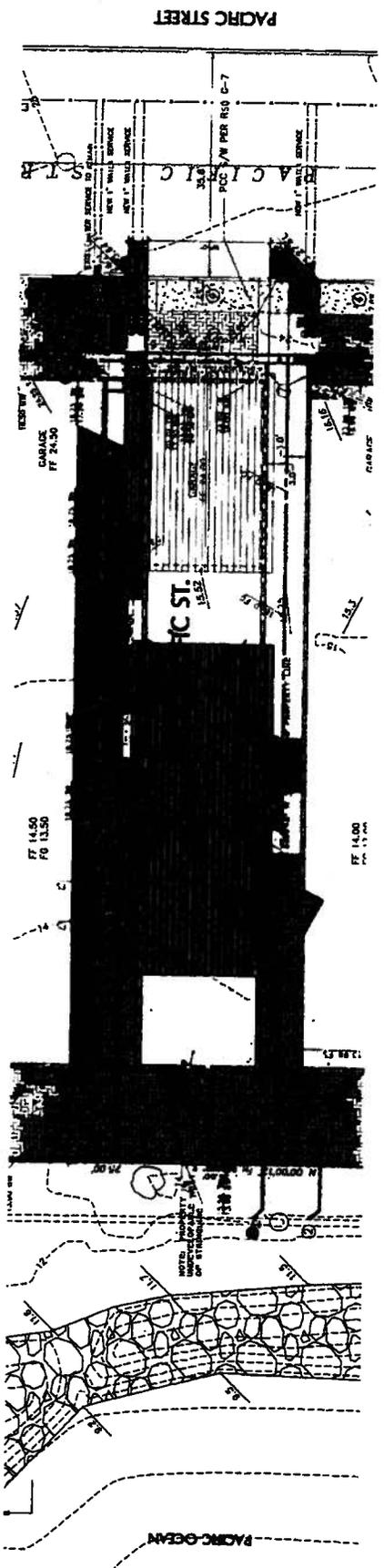
ISSUE DATE:
 08/20/10
DATE:
 08/20/10

CONTRACT STATUS:
 CONTRACT UNDERWAY
 CONTRACT COMPLETE
 CONTRACT ON HOLD
 CONTRACT CANCELLED
 CONTRACT ON PAUSE
 CONTRACT ON REVIEW
 CONTRACT ON APPROVAL
 CONTRACT ON REVISION
 CONTRACT ON REDESIGN
 CONTRACT ON RECONSTRUCTION

PROJECT NO.:
 1000
DATE:
 08/20/10
SCALE:
 1/8" = 1'-0"

PROJECT NAME:
 GARAGE A
PROJECT NO.:
 1000
DATE:
 08/20/10
SCALE:
 1/8" = 1'-0"

SHEET NO.:
 SP.1



1. NOTE: THESE ARE NOT NEARLY AS ACCURATE AS THE SURVEY DATA AS NOTED IN THE PHASED SURFACE

1 SITE PLAN
 SCALE: 1/8" = 1'-0"

SITE NOTES

1. THE CONTRACTOR SHALL VERIFY ALL GRADES, CONDITIONS AND DIMENSIONS OF ALL EXISTING WORK. THE OWNER SHALL BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES.
2. THE CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UTILITIES PRIOR TO COMMENCING WORK.
3. SURFACE WATER SHALL DRAIN AWAY FROM BUILDING STRUCTURES 6' OR LESS FROM THE EXTERIOR WALLS.
4. EXISTING SEWER LATERAL PER CITY OF OCEANVIEW CONSTRUCTION DEPARTMENT.
5. EXISTING WATER LATERAL PER CITY OF OCEANVIEW WATER & SEWER DEPARTMENT.
6. ALL EXISTING UTILITIES AND DIMENSIONS WITH EXISTING AND PROPOSED, ARE SHOWN ON THIS SITE PLAN.

PROJECT:
 BRICKER &
 ADDITION TO
 80 S. PACIFIC BL.
 OCEANVIEW, CA 92081

OWNER:
 EVERGREEN
 HERBON LP
 10000 C. STREET
 OCEANVIEW, CA 92081

CONTRACT NO.:
 PAUL LONGSTON
 STUDIO 4 ARCHITECTS
 10000 C. STREET
 OCEANVIEW, CA 92081

DATE:
 01/15/04
 DRAWN BY:
 J. L. LONGSTON
 CHECKED BY:
 P. L.

SCALE:
 1/8" = 1'-0"

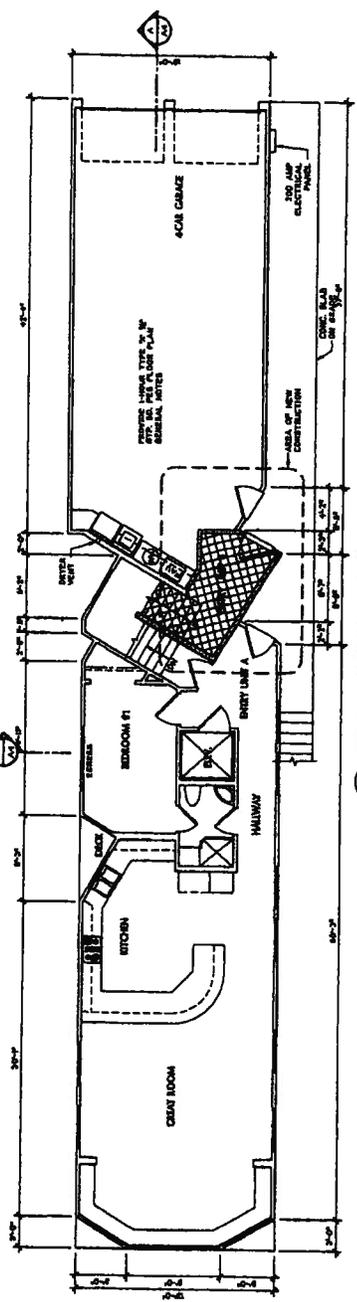
DATE:
 01/15/04

PROJECT NO.:
 04-001

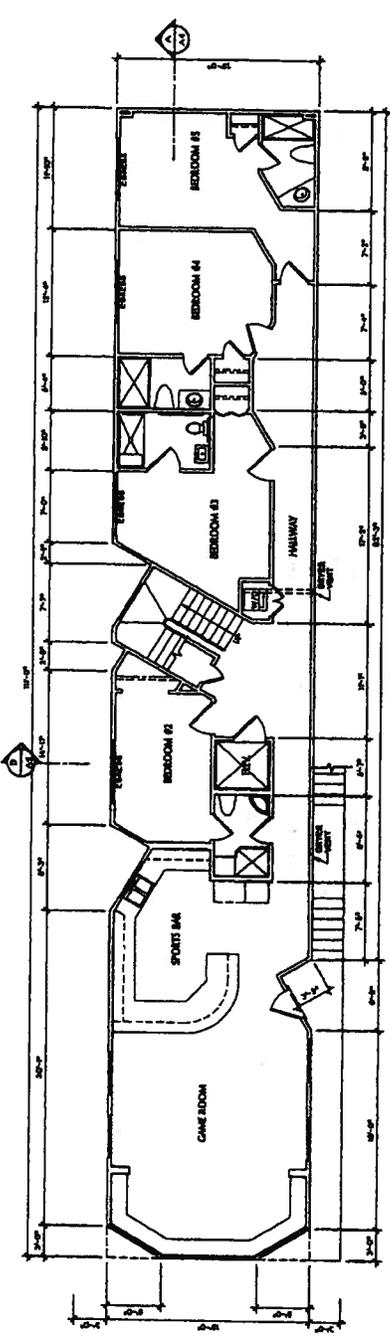
DATE:
 01/15/04

FLOOR
 PLANS
 SHEET NO.:
 A-1.0

ENTRANCES AND STAIRWELLS TO UNIT A AND B ARE SEPARATE THE STAIRS TO UNIT A ARE DOWNWARD TO THE BEACH LEVEL. THE STAIRS TO UNIT B ARE UPWARD TO THE BEACH LEVEL. THE ELEVATOR FOR UNIT B WILL BE LOCATED BETWEEN THE 2ND FLOOR AND THE 3RD FLOOR. THERE WILL BE A LOCK TO PREVENT THE ELEVATOR TO RUN BETWEEN THE UNITS.



2 STREET LEVEL PLAN - 1st STORY
 SCALE: 1/8" = 1'-0"



1 BEACH LEVEL PLAN - BASEMENT
 SCALE: 1/8" = 1'-0"

ADDITIONS TO THE FACE
 P.L. LONGSTON ARCHITECTS
 10000 C. STREET
 OCEANVIEW, CA 92081

ARCHITECT
STUDIO 4
 3200 N. 10TH AVE.
 ANAHEIM, CA 92806
 TEL: 714-771-1000
 FAX: 714-771-1001
 WWW.STUDIO4ARCHITECT.COM
 PAUL LANGSTON
 ARCHITECT

PROJECT:
 REMODEL &
 ADDITION TO
 834 S. BAYVIEW ST.
 OCEANVIEW, CA 92661

OWNER:
 FIVEBEEKEN
 HERRON, LP
 4000 S. BAYVIEW, SUITE 100
 OCEANVIEW, CA 92661
 (714) 771-1000

OWNER'S REP:
 PAULA LANGSTON
 STUDIO 4 ARCHITECT
 3200 N. 10TH AVE.
 ANAHEIM, CA 92806
 (714) 771-1000

DESIGNED BY:
 BRUCE DANER
 BRUCE DANER ARCHITECTS
 1000 S. BAYVIEW, SUITE 100
 OCEANVIEW, CA 92661
 (714) 771-1000

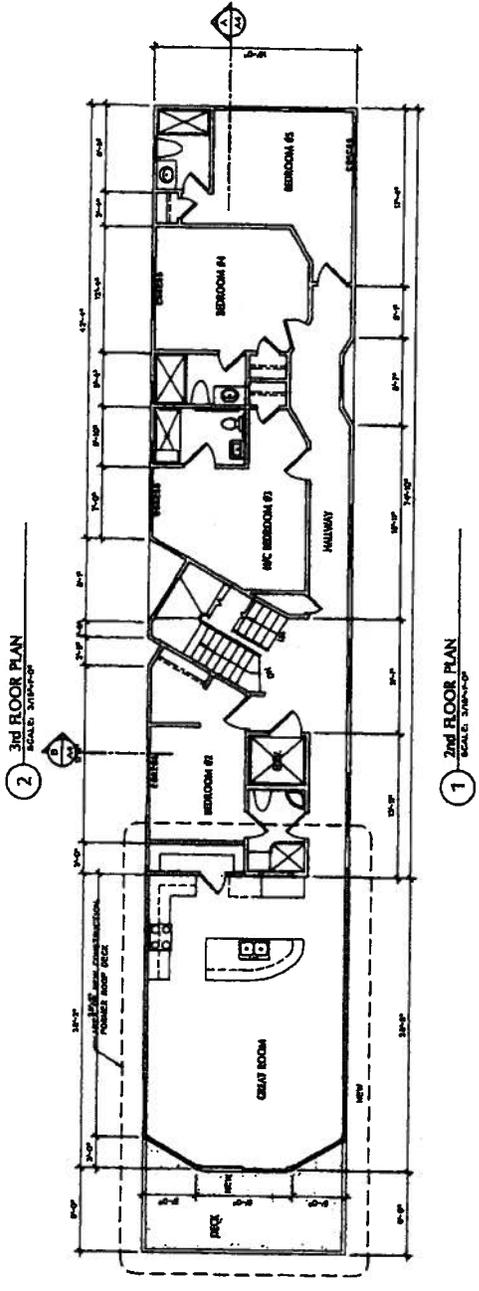
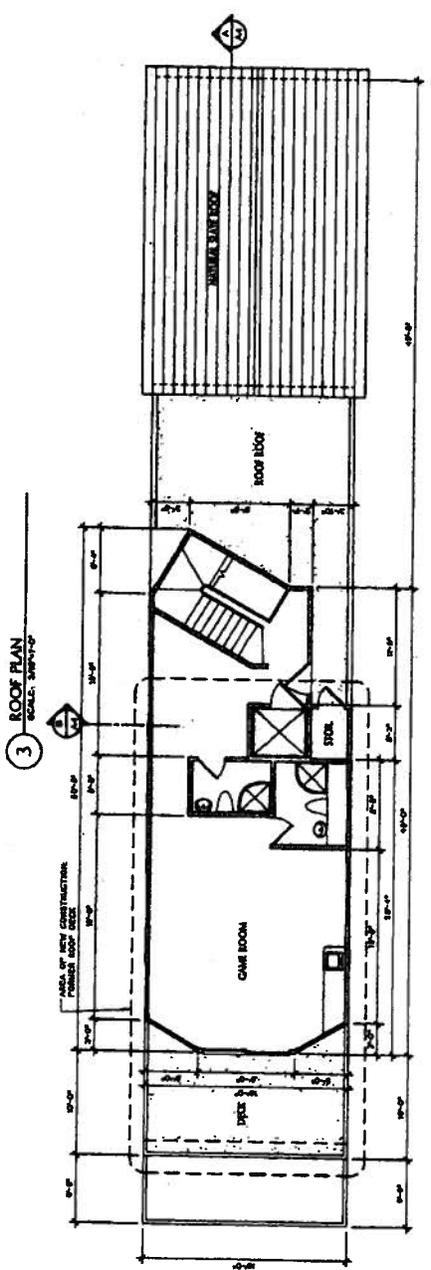
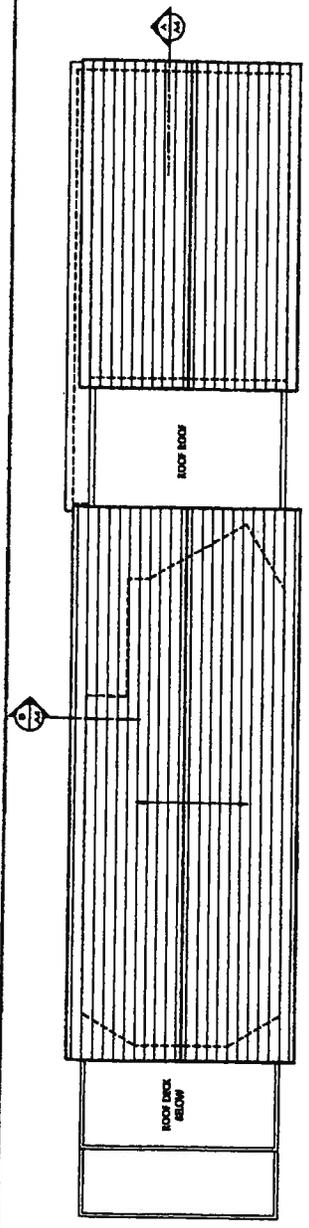
DATE:
 08/14/08

DESCRIPTION:
 ARCHITECTURAL
 FLOOR PLANS
 UNIT B - 2ND AND 3RD STORIES

DATE:
 08/14/08

PROJECT NO.:
 08-001

SHEET NO.:
 A-2.0



UNIT B - 2nd AND 3rd STORIES

ARCHITECT
STUDIO 4
 1000 AVILA DRIVE
 OCEANVIEW, CA 90291
 TEL: 310-434-1111
 FAX: 310-434-1112
 P.O. BOX 10000
 OCEANVIEW, CA 90291

PROJECT:
 REMODEL &
 ADDITION TO
 85 S. PACIFIC ST.
 OCEANVIEW, CA 90291

OWNER:
 EVERGREEN
 HERBON, LP
 2000 LINDEN AVENUE
 SUITE 100
 OCEANVIEW, CA 90291

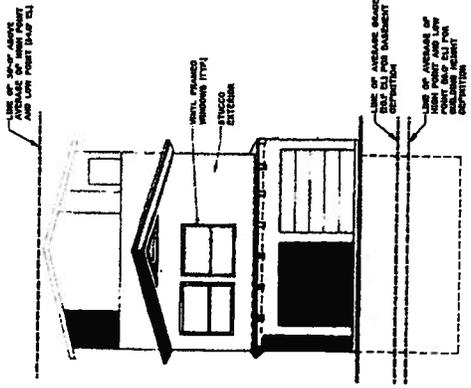
DESIGNER:
 PAUL LONGCO
 STUDIO 4 ARCHITECTS
 1000 AVILA DRIVE
 OCEANVIEW, CA 90291
 (310) 434-1111

PERMITS:
 PLUMBING PERMIT
 ELECTRICAL PERMIT
 MECHANICAL PERMIT
 CONSTRUCTION PERMIT
 FIRE PERMIT
 HEALTH PERMIT
 ENVIRONMENTAL PERMIT
 HISTORIC PERMIT
 OTHER PERMIT

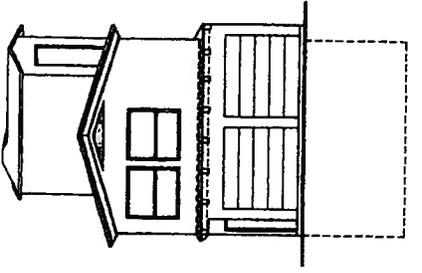
DATE:
 10/15/03
SCALE:
 1/8" = 1'-0"

PROJECT TITLE:
 EXT. ELEV. &
 BLDG. SECT.

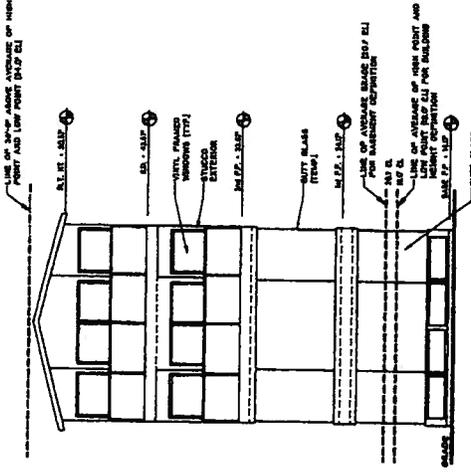
SHEET NO.:
A-4.0



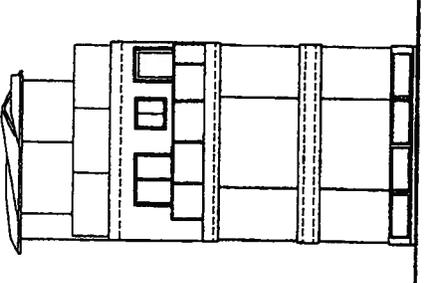
1 PROPOSED EAST ELEVATION
 SCALE: 3/8"=1'-0"



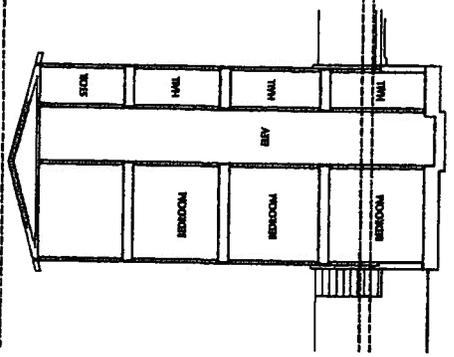
X1 EXISTING EAST ELEVATION
 SCALE: 3/8"=1'-0"



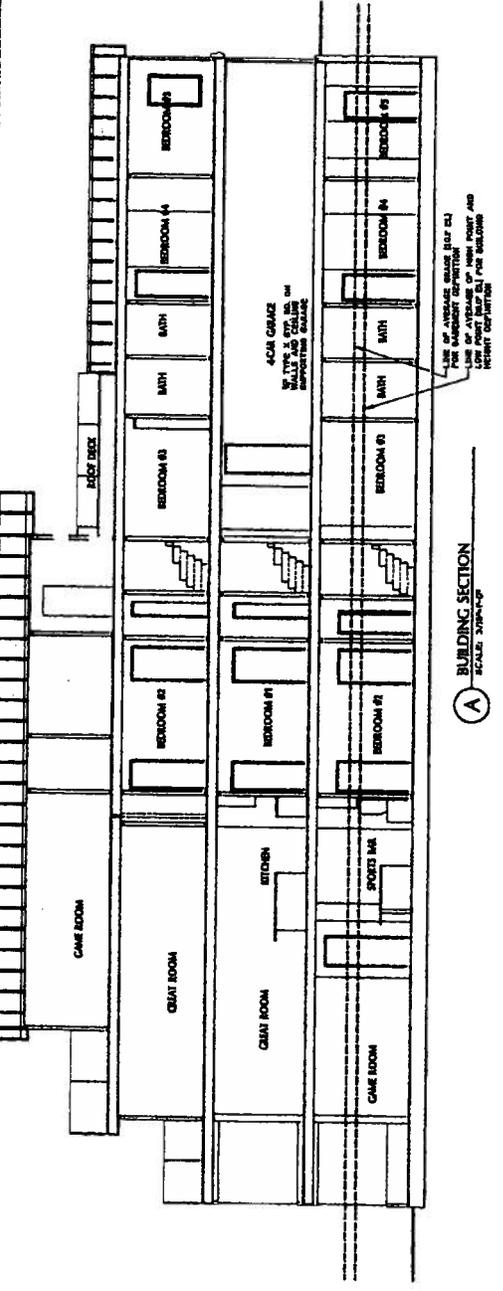
2 PROPOSED WEST ELEVATION
 SCALE: 3/8"=1'-0"



X2 EXISTING WEST ELEVATION
 SCALE: 3/8"=1'-0"

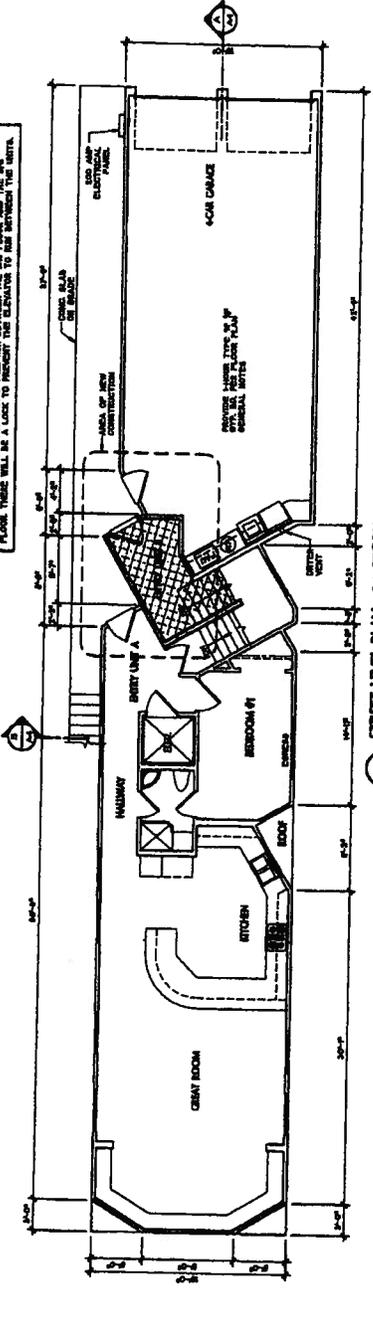


B BUILDING SECTION
 SCALE: 3/8"=1'-0"

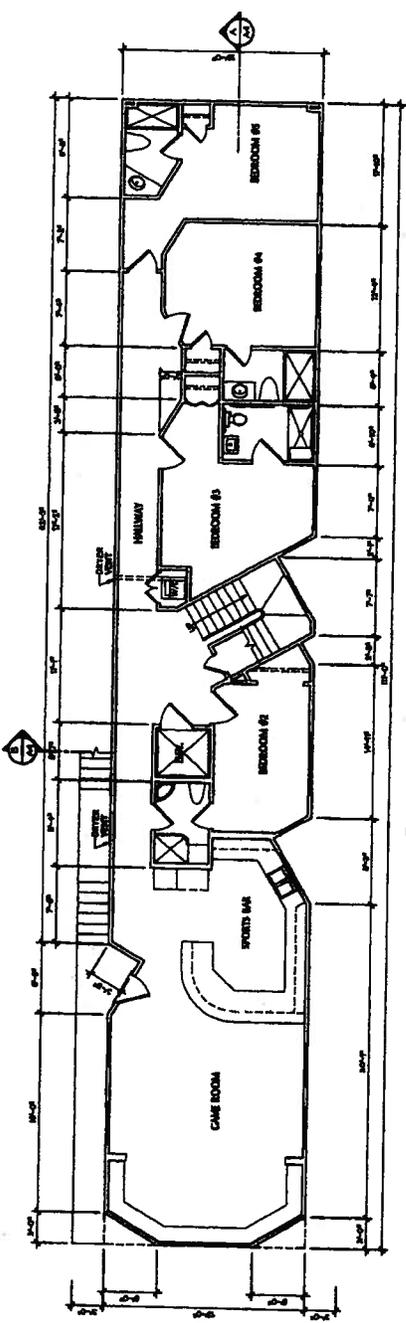


A BUILDING SECTION
 SCALE: 3/8"=1'-0"

DIMENSIONS AND DIMENSIONS TO UNIT A AND UNIT B ARE SHOWN TO THE CENTER OF THE WALL UNLESS NOTED OTHERWISE. THE PLANS TO UNIT A AND UNIT B ARE SHOWN TO THE CENTER OF THE WALL UNLESS NOTED OTHERWISE. THE PLANS TO UNIT A AND UNIT B ARE SHOWN TO THE CENTER OF THE WALL UNLESS NOTED OTHERWISE.



2 STREET LEVEL PLAN - 1st STORY
 SCALE: 1/8"=1'-0"

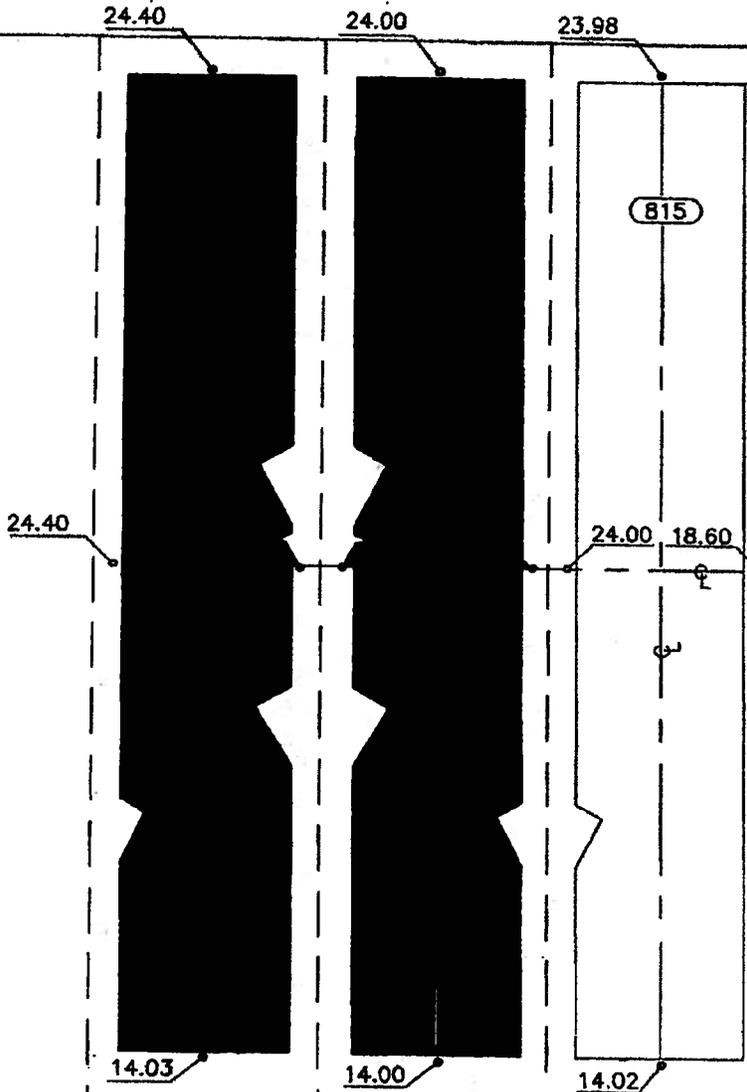
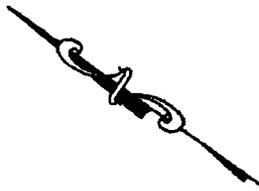


1 BEACH LEVEL PLAN - BASEMENT
 SCALE: 1/8"=1'-0"

DIMENSIONS TO THE FACE
 P.L. - CENTER
 C.A.P. - CENTER
 S.E. - CORNER

UNIT A - BASEMENT AND 1st STORY

S. PACIFIC STREET



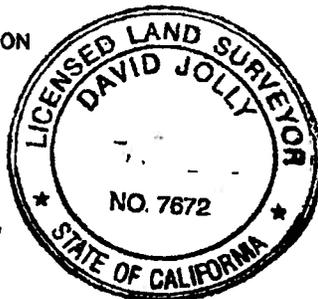
BENCH MARK:

CITY OF OCEANSIDE #F-5
 BRASS CAP STAMPED "COS
 BM F-5" ON TOP CURB
 N.P.C., NORTHWESTERLY
 CURB RETURN AT WISCONSII
 AND PACIFIC STREETS
 1984 ADJUSTED ELEVATION
 = 28.835 FEET

LEGEND

- 24.00 INDICATES EXISTING SPOT ELEVATION
- INDICATES CENTERLINE
- (811) INDICATES STREET ADDRESS

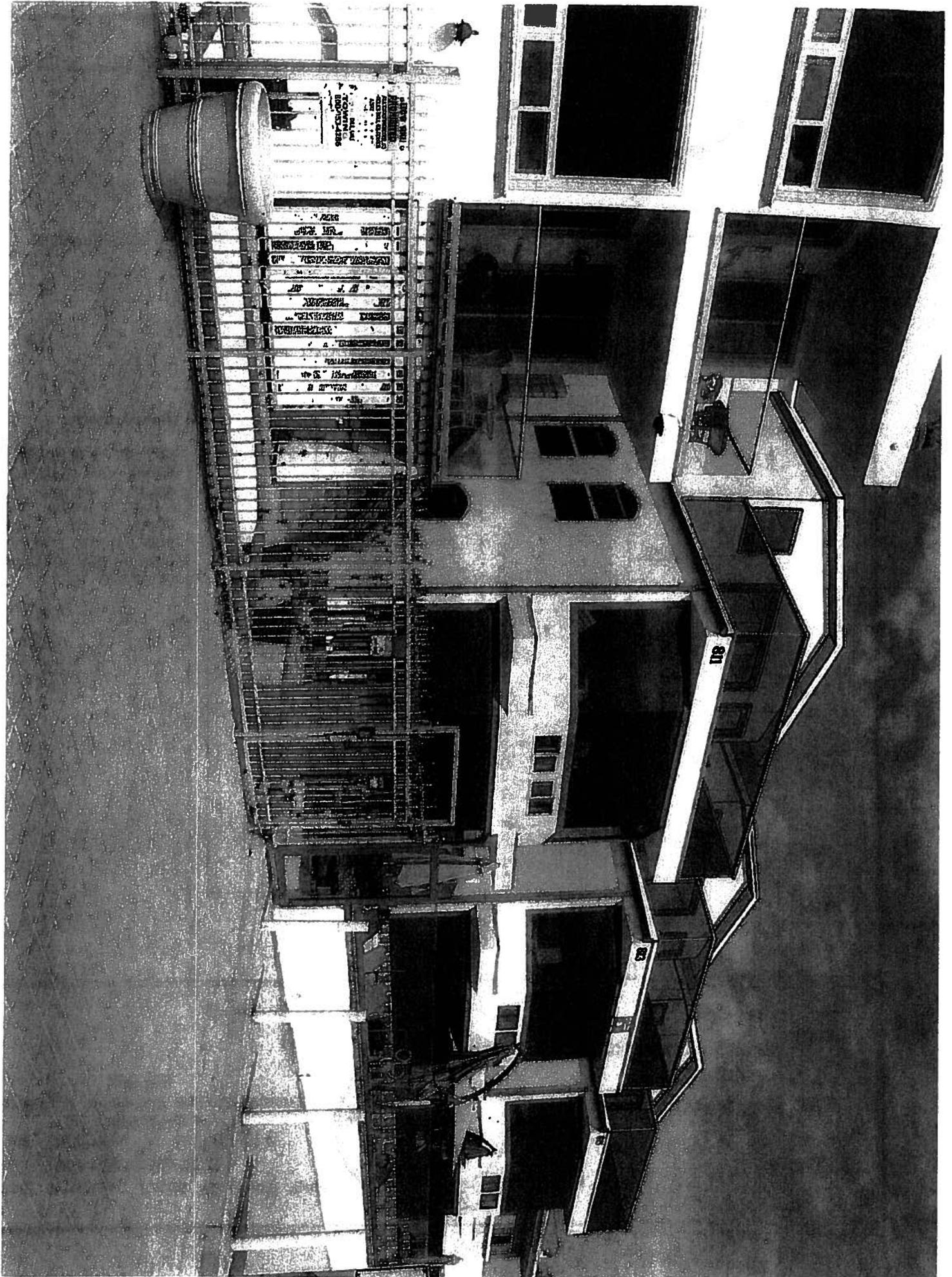
David Jolly



P a c i f i c O c e a n

EXHIBIT
 SHOWING EXISTING ELEVATIONS AT CENTER OF
 EXTERIOR WALLS OF
 811-815 S. PACIFIC ST.
 OCEANSIDE, CA

DATE: MARCH 20, 2012 DRAWN: D. JOLLY, L.S.



DATE: April 23, 2012

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF DEVELOPMENT PLAN (D12-00001)/REGULAR COASTAL PERMIT (RC12-00001), DEVELOPMENT PLAN D12-00002)/REGULAR COASTAL PERMIT (RC12-00002) AND DEVELOPMENT PLAN (D12-00003)/REGULAR COASTAL PERMIT (RC12-00003) TO ALLOW THE CONVERSION OF THREE EXISTING SINGLE-FAMILY HOMES TO DUPLEXES WITH THE ADDITION OF 1,409 SQUARE FEET OF HABITABLE SPACE AND A NEW THIRD STORY ON EACH DUPLEX BUILDING AT 811, 813 AND 815 SOUTH PACIFIC STREET – SOUTH PACIFIC DUPLEX CONVERSIONS – APPLICANTS: REVX PACIFIC NORTH LLC; REVX PACIFIC SOUTH LLC; STEVE LOOMIS**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Approve Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001), Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002) and Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003) by adopting Planning Commission Resolution Nos. 2012-P15, 2012-P16, and 2012-P17.

PROJECT DESCRIPTION AND BACKGROUND

Background: Situated within the Coastal Zone and the Townsite Neighborhood Planning Area, the subject properties comprise three contiguous beachfront lots, each measuring 25 feet in width and 130 feet in depth. Each lot is presently developed with a 4,501-square foot single-family home. Comprised of two stories over a daylight basement, each residence includes nine bedrooms and nine bathrooms. Each residence is served by four enclosed parking spaces, configured as two pairs of tandem stalls. All three of these homes were approved in March 2005 under the provisions of the then-applicable 1992 Zoning Ordinance. The existing tandem parking configuration required approval of a

Variance, as the parking standards of the 1992 Zoning Ordinance require that single-family homes comprised of more than 2,500 square feet of habitable space furnish three independently-accessible enclosed parking spaces.

Since their construction, these homes have functioned as vacation rental properties. In the spring of 2011, the City was made aware that the homes had been converted to duplexes, allowing the basement level of each residence to serve as a separate rental unit independent of the first and second-story floor area. In response to code enforcement action, the property owners have removed unpermitted cooking facilities, removed door signage indicating multiple dwelling units in each structure, and made other changes necessary to reestablish the existing buildings as single-family residences.

The current proposal is subject to the City's General Plan, Local Coastal Program and 1986 Zoning Ordinance, which was formally reinstated for Coastal Zone properties outside of the Downtown Redevelopment Area in May 2009.

On November 7, 2011, the Planning Commission unanimously approved proposals identical to those that are the subject of this staff report – i.e., the conversion of the three existing single-family homes to duplexes, with the addition of 1,409 square feet of enclosed habitable space and a new third story on each duplex building. The Planning Commission's approval was appealed by representatives of property owners at 901 South Pacific Street – a three-story condominium complex with a semi-subterranean parking garage. Among its 25 points of contention, the appeal established that the proposal required approval of a Development Plan as well as issuance of a Regular Coastal Permit. Upon further analysis of the 1986 Zoning Ordinance, staff determined that, indeed, within the R-T zoning district, residential projects involving two or more dwelling units require approval of a Development Plan (in addition to a Regular Coastal Permit). To address this requirement for an additional entitlement, the applicant chose to withdraw the original application and formally re-apply for both Regular Coastal Permit and Development Plan approval.

On March 26, 2011, the Planning Commission unanimously approved the same proposals previously reviewed and approved in November 2011. Subsequent to this second public hearing on the proposed projects, staff determined that required mailed notification of property owners and residents in proximity to the three project sites had not been conducted. To ensure that stakeholders within the legally-prescribed notification radius are apprised of the proposals and afforded the opportunity to comment upon them, staff scheduled the proposals for a third public hearing and implemented the required notification process. The Planning Commission is thus obligated to review and render a formal decision on the proposals a third time.

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

apartments to the east and the Pacific Ocean to the west. The legal nonconforming 25' x 130' dimensions of each lot are typical of beachfront properties south of Wisconsin Avenue. The properties occupy a portion of coastal bluff that descends approximately 10 vertical feet from South Pacific Street to the beach immediately inland of the revetment.

Like other properties in the 800 Block of South Pacific Street, the subject sites were excavated to allow beach-level habitable space (defined as basement) to extend eastward to the front yard setback. Beach-level development on the subject sites has little to no visibility from South Pacific Street, depending upon one's vantage point within the public right-of-way.

All three of the existing residences are situated six inches from the front property line, in accordance with the blockface averaging provisions of the 1992 Zoning Ordinance. All three homes maintain three-foot side yard setbacks, and all three homes extend westward to the coastal stringline, which is approximately 15 feet inland of the rear property line. The homes achieve lot coverage of 63 percent, where 40 percent lot coverage is the maximum allowed for single-family development under the now-applicable 1986 Zoning Ordinance.

The existing residences exhibit a similar architecture, with each presenting a different roof configuration; one residence displays a gabled roof on the front elevation; another displays a rounded barrel roof; and another displays a shed roof. The front elevations of the residences are further distinguished by different second-story window configurations. The rear elevations are essentially identical, featuring extensive fenestration at the basement and street levels and substantially recessed second stories that provide for open deck areas to the west.

Photographs of existing site conditions are attached to this staff report as Exhibit 2.

Project Description: The applicants seek to convert the existing single-family residences to duplexes. The proposed conversions would be achieved by reconfiguring primary entrances and stairwells such that habitable space at the beach and street levels of each structure would be segregated from habitable space above street level.

As part of the proposed conversions, the applicants seek to enclose much of the open deck area on the existing second story, while adding an entirely new third story. As proposed, the conversions would add 546 square feet of habitable space to the existing second story and an additional 825 square feet of habitable space on the new third story. The existing second story would be extended westward another 29 feet, bringing it to within eight feet of the rear building line at the street level. The expanded portions of the second story would accommodate a great room and a kitchen. The remaining eight feet above the street level would serve as open deck area. The new third story would extend westward of an existing roof projection that serves as a stair enclosure and storage space. The western extent of the new third story would come to within eight feet of the rear building line of the second story, with the remaining eight feet above the second story utilized as open deck area. Habitable space on the third story would consist of a game room and two bathrooms.

The basement and street levels of each structure would function as one independent unit, with the second and third stories serving as a second independent unit. The lower unit would include five bedrooms and five bathrooms. The upper unit would include four bedrooms and six bathrooms.

The proposed project would not alter the existing parking configuration; each structure would continue to be served by four enclosed parking spaces, arranged as two pairs of tandem stalls. While the space within the existing garage would not be partitioned, each pair of tandem stalls would be assigned to a specific unit.

Exterior wall finishes, roof materials and window products associated with the proposed additions would match those of the existing structures: exterior walls would be finished with sand float stucco; new roof elements would be finished with natural slate tile; and new windows would be composed of dual-paned glass in vinyl frames.

The proposed project would not alter existing hardscape, landscape or other exterior features.

Upon conversion, the duplex structures are expected to continue to serve as vacation rentals, though each unit could also function as a long-term rental or an owner-occupied residence.

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

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

ANALYSIS

KEY PLANNING ISSUES

1. General Plan

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

A. Land Use Element

Goal 1.23: Architecture

Objective: The architectural quality of all proposed projects shall enhance neighborhood and community values and City image.

Policy A: Architectural form, treatments, and materials shall serve to significantly improve on the visual image of the surrounding neighborhood.

It is staff's position that the proposed project would maintain the architectural integrity of the existing structures, both in terms of building form and finish materials. As viewed from South Pacific Street, the structures would read essentially as they do now, given that the proposed additions would be more than 42 feet removed from the front property line and largely screened by existing development.

As measured from street grade, the proposed duplexes would be only 18 inches taller than the existing single-family homes, which are roughly 22 feet above the street at the front building line and roughly 28.5 feet above the street at their highest point (48 feet removed from the front property line). As viewed from the beach, the tallest elements of the proposed duplexes would be situated 15 feet eastward of the coastal stringline (30 feet from the rear property line). It is staff's position that the terraced design of the proposed duplexes would mitigate potential massing impacts on both South Pacific Street and the public beach areas to the west. The proposed additions would have the most significant massing impacts on the adjacent properties to the north and south, which are managed by the same vacation rental company.

Goal 1.32: Coastal Zone

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

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

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

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

Proposals that constitute multi-family development or involve at least 70 feet of street frontage are required to dedicate and construct public access to the beach when such access is not already present within 250 feet of the proposed project. With each lot maintaining only 25 feet of street frontage, the proposed projects are not subject to this public beach access requirement. Furthermore, existing public beach access is located within 250 feet of all three properties, at Wisconsin Avenue to the north and Hayes Street to the south.

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

Located on interior lots substantially removed from existing public view corridors at Wisconsin Avenue and Hayes Street, the proposed projects would not impact any existing public view corridors. Existing ocean views within the required side yard setback areas would be maintained.

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

The proposed improvements would be consistent with existing development on the west side of the 800 Block of South Pacific Street, in terms of both architecture and site design. Neighborhood compatibility would be achieved by situating additional building height away from the public right-of-way, thereby reducing potential massing impacts and maintaining the terraced design characteristic of the rear elevations of existing beachfront development in the immediate area.

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

As evidenced by existing development along South Pacific Street between Wisconsin Avenue and the City's southern boundary, front yard landscaping is highly constrained by the narrowness of the typical lot, which often affords only enough width for driveways and pedestrian access. Such is the case with the subject properties. Additional landscaping at the street frontage would further compromise pedestrian circulation along the west side of South Pacific Street, which is already made difficult by the absence of sidewalk. For this reason, staff is not recommending that additional landscaping be required in conjunction with the proposed projects.

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

Duplex development on each of the subject properties is required to provide three enclosed parking spaces (1.5 spaces per unit), with no requirement that all of these spaces be side-by-side or independently accessible. Each proposed duplex would be served by the existing four-vehicle garage, where parking is configured as two pairs of tandem stalls. The existing four-vehicle garage on each property would thus supply one more stall than is minimally required under current parking standards. However, as shown on the proposed plans, the garages are not presently of sufficient dimension to provide the requisite 9' x 20' clear space for each of the four parking stalls.

Consequently, staff has included a condition of approval that requires that western portions of the garages be redesigned to accommodate a minimum clear space depth of 40 feet from the garage doors to the walls that separate the garages from adjacent habitable spaces. Staff has consulted with the applicant to verify that this condition can be met with relatively minor changes to the orientation of walls and doorways.

The proposed projects would not impact on-street parking resources in the immediate area, as existing driveway curb-cuts would be maintained at their current dimensions.

Beachfront development shall provide a report prepared by a licensed civil engineer or geologist experienced in coastal processes [stating] that development as proposed will not be imperiled by erosion during the expected life of the structure.

In conjunction with the review and approval of the existing single-family residences, the applicant provided geotechnical analysis and wave run-up studies demonstrating that the residences would not be threatened by erosion or wave action. As the proposed duplex conversions and associated additions would not expand the footprints of the existing single-family residences, City staff required only that the applicant demonstrate that existing geologic conditions are capable of supporting the increased structural load that would be occasioned by the proposed additions. Such assurances were provided by a licensed civil engineer in written correspondence to City staff.

2. Zoning Compliance

As noted above, the proposed project is subject to the standards of the 1986 Zoning Ordinance, which was reinstated for properties in those portions of the Coastal Zone located outside of the Downtown Redevelopment Area. The 1986 Zoning Ordinance identifies both multi-family residences and vacation rentals as land uses permitted within the R-T (Residential-Tourist) Zone. Staff finds that the proposed project complies with all applicable development standards for the R-T Zone, including the reduced front yard setback allowed through calculation of a stringline that accounts for the front yard setbacks of existing structures on abutting sites. Per the stringline provision, the minimum required front yard setback for the subject properties is roughly two feet less restrictive than the front yard setback now maintained by the existing single-family homes.

The following table illustrates the proposal's conformance to R-T development standards:

Table 1: Development Standards

	REQUIRED	PROPOSED
MINIMUM FRONT YARD	2 feet, 3 inches ¹	4 feet (No change)
MINIMUM SIDE YARD	3 feet	3 feet
MINIMUM REAR YARD	Coastal stringline	Coastal stringline
MAXIMUM HEIGHT	35 feet above average finished grade	35 feet above average finished grade
MINIMUM PARKING SPACES	3	4

¹ As established by the stringline calculation methodology outlined in Zoning Ordinance Section 1716.

² While Zoning Ordinance Section 1723 requires that primary entrances facing side yards maintain a minimum setback of 10 feet from side yard property lines, Section 3204(1) allows for reduced setbacks when they are deemed to be architecturally compatible with development on adjacent parcels. Given the narrowness of beachfront lots on South Pacific Street, side-facing primary entrances are common. The vast majority of these side-facing primary entrances maintain side yard setbacks of substantially less than 10 feet.

As noted in the table above, the proposed duplexes would rise to the maximum allowable building height of 35 feet above average finished grade. For a depth of 48 feet westward of the front building line, the height of the proposed duplexes would not exceed that of the existing single-family homes (i.e. 22.5 feet above street grade).

Furthermore, only at a point nearly 70 feet removed from the front building line would the proposed duplexes achieve an actual profile of 35 feet relative to adjacent grade (rising to as much as 40 feet above adjacent grade at a point roughly 82 feet removed from the front building line). On the rear elevation, the proposed duplexes would be terraced back at the third and fourth levels above the beach, incorporating open deck areas and pitched roof elements to reduce massing impacts.

While applicable R-T development standards allow for certain ancillary features (e.g. parapet walls, stair and elevator enclosures, architectural elements, chimneys) to project above the 35-foot height maximum, the proposed duplexes would not include any such height projections.

Under an exemption granted to properties with total lot area of less than 7,500 square feet, duplexes on the subject sites require a total of three parking spaces (1.5 spaces per unit). As noted earlier, each duplex building would furnish four parking spaces, in a tandem configuration. The 1986 Zoning Ordinance does not prohibit tandem parking for residential uses other than single-family detached homes.

Garbage and recyclable bins for the existing single-family homes are currently stored within the garage of each residence. The applicant intends to continue to maintain these receptacles within the garages, utilizing the clear space that lies beyond the required parking areas. With reconfiguration of the interior clear space of each garage, as discussed in a subsequent section of this staff report, additional clear space would be afforded for storage of garbage and recyclable materials. Being stored indoors, the garbage and recyclable bins would not be subject to screening and containment requirements applicable to receptacles located outdoors.

DISCUSSION

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

Recommendation: The proposed duplexes would provide for tourist-serving facilities in keeping with the purpose and intent of the Residential-Tourist zoning designation. The proposed duplexes would be compatible in bulk and scale with the surrounding built environment, as established in previous sections of this staff report.

Issue: Project consistency with development standards of the 1986 Zoning Ordinance: Do the proposed residences conform to the setback, height, parking and landscaping requirements of the R-T zone?

Recommendation: The proposed duplexes would be consistent with all applicable R-T development standards, with the exception of landscape requirements specified in Zoning Ordinance Section 1731. Because virtually all of the front and side yard setback areas must be utilized for pedestrian circulation and vehicular access, it is not possible to meet the codified requirement that a minimum of 60 percent of required front and side yard setback areas be landscaped. Furthermore, underground utilities at the street frontage make it impossible to install tree species or deep-rooted shrubbery in the small triangular planter areas that now lie between the existing driveways. Staff thus sees no practical way to augment the existing landscape on the subject properties.

Issue: Appropriate definition and calculation of "basement":

Do the respective beach levels of the three existing residences qualify as basements under the definition thereof in the 1986 Zoning Ordinance?

Recommendation: In written correspondence provided to the Planning Division, an attorney representing property owners at 901 South Pacific Street has argued that the beach level of the three existing residences does not qualify as a basement under the definition thereof in the 1986 Zoning Ordinance, which reads as follows: "...that portion of a building between floor and ceiling which is partly above and partly below ground but so located that the vertical distance from grade to the floor below is [more] than the vertical distance from grade to ceiling." It is the attorney's contention that this definition precludes daylighted basements, given that portions of daylighted basements are wholly above-ground.

Staff can find no evidence that such a restrictive interpretation of "basement" has ever been applied in Oceanside, where many residential buildings include daylighted basements. Were the City to adopt such a restrictive interpretation, a substantial percentage of beachfront development south of Wisconsin Street would be rendered inconsistent with current zoning standards – including the three-story condominium at 901 South Pacific Street. In the context of the basement definition found in the 1986 Code, the Planning Division views the terms "ground" and "grade" to be interchangeable, with both referring to the average of the finished ground level at the center of all walls of a building. In the absence of any definition of "ground" in the 1986 Code, and in light of the prevalence of daylighted basements on beachfront properties, the Planning Division finds it appropriate to continue to interpret "ground" and "grade" as being synonymous in the context of the definition of "basement" in the 1986 Code.

The attorney representing property owners at 901 South Pacific Street further argues that, for the purposes of defining the respective beach levels of the three structures as basements, the applicant has applied inaccurate grade elevations in the calculation of average finished grade. In response to this complaint, staff required the applicant to provide topographic survey data from a licensed surveyor that confirms the grade elevations used to determine average finished grade. Appended to this staff report as

Attachment 3 is a topographic exhibit, stamped and signed by licensed surveyor David Jolly, which shows the grade elevations at the center of all walls of the three existing residences. When average finished grade for each property is calculated from these grade elevations, the respective beach levels of the three existing residences qualify as basements per the definition thereof in the 1986 Zoning Ordinance.

ENVIRONMENTAL DETERMINATION

The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and State Guidelines thereto (Section 15303(b)) and found to qualify for a Class 3 categorical exemption (New Construction or Conversion of Small Structures), as it involves the construction of a duplex or similar multi-family residential structure, totaling no more than four dwelling units

PUBLIC NOTIFICATION

Ten days in advance of the Planning Commission public hearing on the proposal, legal notice was published in the North County Times and notices were sent to occupants and property owners of record within a 300-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant, and other interested parties.

SUMMARY

Development Plan (D12-00001)/Regular Coastal Permit (RC11-00001), Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002), Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003) are consistent with the requirements of the Zoning Ordinance, the land use policies of the General Plan and the policies of the Local Coastal Program, which encourage visitor-serving uses in the surrounding R-T zoning district. The proposed projects meet all applicable development standards for the surrounding R-T zoning district. The scale and architecture of the proposed projects would comport with the surrounding neighborhood, avoid adverse massing impacts, and preserve existing public views of the ocean or coastline. Accordingly, staff recommends that the Planning Commission approve the proposals subject to the conditions contained in the attached resolutions. Staff recommends that the Planning Commission:

- Confirm issuance of Class 3 Categorical Exemption for New Construction or Conversion of Small Structures, pursuant to CEQA Guidelines Section 153030(b).
- Move to approve Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001), Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002) and Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003) and adopt Planning Commission Resolution Nos. 2012-P, 2012-P and 2012-P as attached.

PREPARED BY:



Russ Cunningham
Senior Planner

SUBMITTED BY:



Jerry Hittleman
City Planner

JH/RC/fil

Attachments:

1. Planning Commission Resolution Nos. 2012-P15, 2012-P16 and 2012-P17
2. Plans
3. Topographic Survey Data
4. Renderings
5. Letter from Erik L. Schraner, Esq.

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PLANNING COMMISSION
RESOLUTION NO. 2012-P15

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

APPLICATION NO: D12-00001/RC12-00001
APPLICANT: REVX Pacific South, LLC
LOCATION: 815 South Pacific Street
APN 150-356-16-00

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 the City of Oceanside Local Coastal Program and 1986 Zoning Ordinance to permit the following:

conversion of an existing single-family residence to a duplex, with the addition of 1,409 square feet of new habitable space and a new third story;
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 7th day of November 2011 conduct a duly advertised public hearing as prescribed by law to consider said proposal; and

WHEREAS, the Planning Commission did unanimously approve said proposal through the issuance of a Regular Coastal Permit; and

WHEREAS, following the timely appeal of the Regular Coastal Permit, the Planning Division determined that said proposal requires approval of a Development Plan, in addition to a Regular Coastal Permit; and

WHEREAS, on the 20th day of December 2011, the applicant did withdraw said project; and

WHEREAS, on the 20th day of January 2012, said proposal was resubmitted to the Planning Division for review and approval of both a Regular Coastal Permit and Development Plan; and

1 WHEREAS, the Planning Commission did on the 26th day of March 2012 conduct a
2 public hearing to consider said proposal; and

3 WHEREAS, the Planning Commission did on the 26th day of March 2012 unanimously
4 approve said proposal; and

5 WHEREAS, the Planning Division subsequently determined that required mailed
6 notification of property owners and occupants within the legally-prescribed notification radii had
7 not been conducted for the public hearing held on the 26th day of March 2012, thus necessitating
8 another duly advertised public hearing on said proposal; and

9 WHEREAS, the Planning Commission, after giving the required notice, did on the 23rd
10 day of April 2012 conduct a duly advertised public hearing as prescribed by law to consider
11 said proposal; and

12 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
13 Guidelines thereto (Section 15303(b)); this project qualifies for a Class 3 categorical exemption
14 (New Construction or Conversion of Small Structures), as it involves the construction of a
duplex or similar multi-family residential structure, totaling no more than four dwelling units;

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

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
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	\$2,072 per unit for residential.
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential.
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip.

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<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
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.
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.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit.

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;

1 WHEREAS, this resolution becomes effective 10 days from its adoption in the absence of
2 the filing of an appeal or call for review;

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

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

8 FINDINGS:

9 For the Development Plan (D12-00001) to allow conversion of an existing single-family
10 residence to a duplex with the addition of 1,409 square feet of new habitable space comprising
11 a new third story:

- 12 1. The approval of the proposed duplex conversion and associated addition will be subject
13 to conditions that, in view of the size and shape of the parcel and the present zoning and
14 use of the subject property, provide the same degree of protection to adjoining
15 properties, including protection from unreasonable interference with the use and
16 enjoyment of said properties, depreciation of property values, and any potentially
17 adverse impacts on the public peace, health, safety and welfare.
- 18 2. The application for Development Plan approval has been processed in a manner
19 consistent with Article 21 of the 1986 Zoning Ordinance (Procedures, Hearings, Notices
20 and Fees).

21 For the Regular Coastal Permit (RC12-00001) to allow conversion of an existing single-family
22 residence to a duplex with the addition of 1,409 square feet of new habitable space comprising
23 a new third story:

- 24 1. The proposed duplex conversion conforms to the policies of the Local Coastal Program
25 (LCP), including those pertinent to coastal access (Article 2), recreation (Article 3),
26 land resources (Article 5) and development (Article 6), in that it:
 - 27 • Does not interfere with the public's right to access to the coastline and ocean,
28 given that dedicated public access ways exist within 250 feet of the subject site;
 - 29 • Provides for recreational use of private oceanfront land;
 - Does not impact environmentally sensitive habitat area or prime agricultural
land;

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- Occurs in an already-developed area with adequate public services;
- Protects views to and along the ocean;
- Is visually compatible with the character of surrounding areas.

2. The project site, at 815 South Pacific Street, is situated within the Appeal Area of the Coastal Zone and conforms to the public access and recreation policies of Chapter 3 of the Coastal Act. The entire 800 Block of South Pacific Street measures 450 feet in length, with public beach access located at both ends (where South Pacific Street intersects with Wisconsin Avenue and Hayes Street). Thus, all properties in the 800 Block of South Pacific Street are situated within 250 feet of existing public beach access.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby confirm issuance of a Categorical Exemption pursuant to Section 15303 of the California Environmental Quality Act and approve Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001) subject to the following conditions:

Building:

1. Construction shall comply with the 2010 edition of the California Codes.
2. 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

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requirement. Small amounts of construction debris may be stored on-site in a neat, safe manner for short periods of time pending disposal.

- 3. Separate/unique addresses will be required to facilitate utility releases. Verification that the addresses have been properly assigned by the City's Planning Division must accompany the Building Permit application.

Fire:

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

Water Utilities:

- 5. The developer will be responsible for developing all water and sewer utilities necessary to develop the property. Any relocation of water and/or sewer utilities is the responsibility of the developer and shall be done by an approved licensed contractor at the developer's expense.
- 6. The property owner shall maintain private water and wastewater utilities located on private property.
- 7. Water services and sewer laterals constructed in existing right-of-way locations are to be constructed by approved and licensed contractors at developer's expense.
- 8. All Water and Wastewater construction shall conform to the most recent edition of the Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by the Water Utilities Director.
- 9. Residential units shall be metered individually. Private utility systems for residential developments are not allowed.
- 10. All public water and/or sewer facilities not located within the public right-of-way shall be provided with easements sized according to the Water, Sewer, and Reclaimed Water Design and Construction Manual. Easements shall be constructed for all weather access.
- 11. No trees, structures or building overhang shall be located within any water or wastewater utility easement.
- 12. All lots with a finish pad elevation located below the elevation of the next upstream manhole cover of the public sewer shall be protected from backflow of sewage by installing and maintaining an approved type backwater valve, per the Uniform Plumbing Code (U.P.C.).

- 1 13. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
2 be paid to the City and collected by the Water Utilities Department at the time of Building
3 Permit issuance.
- 4 14. All Water Utilities Fees are due at the time of building permit issuance per City Code
5 Section 32B.7, unless the developer/applicant applies and is approved for a deferral of all
6 fees per City of Oceanside Ordinance No. 09-OR0676-1.

7 **Planning:**

- 8 15. Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001) shall expire two
9 years from the effective date unless implemented as required by the Zoning Ordinance.
10 Absent the timely appeal of this approval, it will expire on November 7, 2013 unless
11 implemented as required by the Zoning Ordinance.
- 12 16. Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001) is granted for
13 the following purposes only:
- 14 a) Conversion of an existing single-family residence to a duplex, involving the
15 relocation of primary entrances and the modification of interior stairs;
 - 16 b) Addition of 1,409 square feet of new habitable space, 825 square feet of which
17 will constitute a new third story above basement.

18 No deviation from these approved plans and exhibits shall occur without Planning
19 Commission approval. Substantial deviations shall require a revision to the Development
20 Plan and/or Regular Coastal Permit or entirely new entitlements.

- 21 17. Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001) shall be called
22 for review by the Planning Commission if complaints are filed and verified as valid by
23 the City Planner or the Code Enforcement Officer concerning the violation of any of the
24 approved conditions or the project assumptions demonstrated under the application
25 approval.
- 26 18. The validity of Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001)
27 shall not be affected by changes in ownership or tenants.
- 28 19. A request for changes in conditions of approval or a change to the approved plans that
29 would affect conditions of approval shall be treated as a new application. The City
Planner may waive the requirements for a new application if the changes requested are
minor, do not involve substantial alterations or addition to the plan or the conditions of

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approval, and consistent with the intent of the project's approval or otherwise found to be in substantial conformance.

20. Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001) may be revised or renewed in accordance with the provisions of the Zoning Ordinance. Any application for Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001) revision or renewal shall also be evaluated against existing land use and development policies as well as any intervening changes to the site area and/or neighborhood.

21. 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 Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001). 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.

22. 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.

23. 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, which shall provide:

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

- 1 24. 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 provision shall run with the life of the project
4 and shall be recorded as a covenant on the property.
- 5 25. Failure to meet any conditions of approval for this project shall constitute a violation of
6 Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001).
- 7 26. 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
11 this application, unless specifically waived by an adopted condition of approval.
- 12 27. 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 for building permits.
- 15 28. All mechanical rooftop and ground equipment shall be screened from public view as
16 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,
17 mechanical equipment, screening and vents shall be painted with non-reflective paint to
18 match the roof. All roof top surfaces shall have a non-reflective surface and mechanical
19 appurtenances shall be painted to match the roof color. This information shall be shown
20 on the building plans.
- 21 29. HVAC casings shall be fully enclosed and shall not project into a required yard or
22 project above the district's height requirement.
- 23 30. Any metallic material (i.e. copper) shall be treated at the time that it is installed, or
24 earlier, so that its surface does not reflect light. Non-metallic roofing material is
25 preferred and non-reflective roofing material is required. The copper roofing shall be
26 treated to have a non-reflective surface (patina) at the time it is installed.
- 27 31. Buildings, structures, fences or walls located on lots contiguous to the shoreline, shall
28 be compatible in scale with the existing development and shall not extend further
29 seaward than the line established on the Stringline Setback Map.
32. Fence height limitations and opacity requirements are subject to Section 1721 of the
Zoning Ordinance. Fencing materials shall be 75 percent transparent.

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- 33. All wood fences adjacent to public right-of-way, visible from the public right-of-way, or facing the shore will be stained or otherwise finished with a waterproof material.
- 34. The developer's construction of all fencing and walls associated with the project shall be in conformance with the approved Regular Coastal Permit. Any substantial change in any aspect of fencing or wall design from the approved Regular Coastal Permit shall require a revision to the Regular Coastal Permit or a new Regular Coastal Permit.
- 35. If any aspect of the project fencing and walls is not covered by an approved Regular Coastal Permit, the construction of fencing and walls shall conform to the development standards of the City Zoning Ordinance. In no case shall the construction of fences and walls (or combinations thereof) exceed the limitations of the Zoning Ordinance, unless expressly granted by a Variance or other development approval.
- 36. The project shall dispose of or recycle solid waste in a manner provided in City Ordinance 13.3.
- 37. A letter of clearance from the affected school district in which the property is located shall be provided as required by City policy at the time building permits are issued.
- 38. The applicant shall revise the proposed additions at the second and third stories to incorporate angled walls/windows that conform to the angled walls/windows at the beach and street levels of the existing building.
- 39. The applicant shall post signage no more than 1.5 square feet in area indicating that parking is not permitted in the driveway in front of the garages and providing contact information for property management. The applicant shall work with Planning Division staff to determine the most appropriate size, design and material for said signage.

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40. The applicant shall revise the proposed plans to show the clear space within the garage maintaining a minimum depth of 40 feet, in compliance with Section 2702 of the 1986 Zoning Ordinance. These plans shall be reviewed and approved by the City Planner prior to the issuance of building permits.

PASSED AND ADOPTED Resolution No. 2012-P15 on April 23, 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-P15.

Dated: April 23, 2012

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

Applicant/Representative

Date

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PLANNING COMMISSION
RESOLUTION NO. 2012-P16

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

APPLICATION NO: D12-00002/RC12-00002
APPLICANT: Evergreen Hebron, LP
LOCATION: 813 South Pacific Street
APN 150-356-15-00

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 the City of Oceanside Local Coastal Program and 1986 Zoning Ordinance to permit the following:
conversion of an existing single-family residence to a duplex, with the addition of 1,409 square feet of new habitable space and a new third story;
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 7th day of November 2011 conduct a duly advertised public hearing as prescribed by law to consider said proposal; and

WHEREAS, the Planning Commission did unanimously approve said proposal through the issuance of a Regular Coastal Permit; and

WHEREAS, following the timely appeal of the Regular Coastal Permit, the Planning Division determined that said proposal requires approval of a Development Plan, in addition to a Regular Coastal Permit; and

WHEREAS, on the 20th day of December 2011, the applicant did withdraw said project; and

WHEREAS, on the 20th day of January 2012, said proposal was resubmitted to the Planning Division for review and approval of both a Regular Coastal Permit and Development Plan; and

1 WHEREAS, the Planning Commission did on the 26th day of March 2012 conduct a
2 public hearing to consider said proposal; and

3 WHEREAS, the Planning Commission did on the 26th day of March 2012 unanimously
4 approve said proposal; and

5 WHEREAS, the Planning Division subsequently determined that required mailed
6 notification of property owners and occupants within the legally-prescribed notification radii
7 had not been conducted for the public hearing held on the 26th day of March 2012, thus
8 necessitating another duly advertised public hearing on said proposal; and

9 WHEREAS, the Planning Commission, after giving the required notice, did on the 23rd
10 day of April 2012 conduct a duly advertised public hearing as prescribed by law to consider
11 said proposal; and

12 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
13 Guidelines thereto (Section 15303(b)); this project qualifies for a Class 3 categorical exemption
14 (New Construction or Conversion of Small Structures), as it involves the construction of a
15 duplex or similar multi-family residential structure, totaling no more than four dwelling units;

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

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
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	\$2,072 per unit for residential.
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential.
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip.

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3			
4	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).
5			
6			
7	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.
8			
9			
10	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.
11			
12			
13	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit.
14			
15			

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

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

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

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

1 WHEREAS, this resolution becomes effective 10 days from its adoption in the absence of
2 the filing of an appeal or call for review;

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

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

8 FINDINGS:

9 For the Development Plan (D12-00002) to allow conversion of an existing single-family
10 residence to a duplex with the addition of 1,409 square feet of new habitable space comprising
11 a new third story:

- 12 1. The approval of the proposed duplex conversion and associated addition will be subject
13 to conditions that, in view of the size and shape of the parcel and the present zoning and
14 use of the subject property, provide the same degree of protection to adjoining
15 properties, including protection from unreasonable interference with the use and
16 enjoyment of said properties, depreciation of property values, and any potentially
17 adverse impacts on the public peace, health, safety and welfare.
- 18 2. The application for Development Plan approval has been processed in a manner
19 consistent with Article 21 of the 1986 Zoning Ordinance (Procedures, Hearings, Notices
20 and Fees).

21 For the Regular Coastal Permit (RC12-00002) to allow conversion of an existing single-family
22 residence to a duplex with the addition of 1,409 square feet of new habitable space comprising
23 a new third story:

- 24 1. The proposed duplex conversion conforms to the policies of the Local Coastal Program
25 (LCP), including those pertinent to coastal access (Article 2), recreation (Article 3),
26 land resources (Article 5) and development (Article 6), in that it:
 - 27 • Does not interfere with the public's right to access to the coastline and ocean,
28 given that dedicated public access ways exist within 250 feet of the subject site;
 - 29 • Provides for recreational use of private oceanfront land;
 - Does not impact environmentally sensitive habitat area or prime agricultural
land;

- 1 • Occurs in an already-developed area with adequate public services;
- 2 • Protects views to and along the ocean;
- 3 • Is visually compatible with the character of surrounding areas.

4 2. The project site, at 813 South Pacific Street, is situated within the Appeal Area of the
5 Coastal Zone and conforms to the public access and recreation policies of Chapter 3 of
6 the Coastal Act. The entire 800 Block of South Pacific Street measures 450 feet in
7 length, with public beach access located at both ends (where South Pacific Street
8 intersects with Wisconsin Avenue and Hayes Street). Thus, all properties in the 800
9 Block of South Pacific Street are situated within 250 feet of existing public beach
10 access.

11 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
12 confirm issuance of a Categorical Exemption pursuant to Section 15303 of the California
13 Environmental Quality Act and approve Development Plan (D12-00002)/Regular Coastal Permit
14 (RC12-00002) subject to the following conditions:

15 **Building:**

- 16 1. Construction shall comply with the 2010 edition of the California Codes.
- 17 2. The developer shall monitor, supervise and control all building construction and
18 supporting activities so as to prevent these activities from causing a public nuisance,
19 including, but not limited to, strict adherence to the following:
 - 20 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
21 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
22 work that is not inherently noise-producing. Examples of work not permitted on
23 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
24 producing nature. No work shall be permitted on Sundays and Federal Holidays
25 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
26 Christmas Day) except as allowed for emergency work under the provisions of the
27 Oceanside City Code Chapter 38 (Noise Ordinance).
 - 28 b) The construction site shall be kept reasonably free of construction debris as
29 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
approved solid waste containers shall be considered compliance with this

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requirement. Small amounts of construction debris may be stored on-site in a neat, safe manner for short periods of time pending disposal.

3. Separate/unique addresses will be required to facilitate utility releases. Verification that the addresses have been properly assigned by the City's Planning Division must accompany the Building Permit application.

Fire:

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

Water Utilites:

5. The developer will be responsible for developing all water and sewer utilities necessary to develop the property. Any relocation of water and/or sewer utilities is the responsibility of the developer and shall be done by an approved licensed contractor at the developer's expense.
6. The property owner shall maintain private water and wastewater utilities located on private property.
7. Water services and sewer laterals constructed in existing right-of-way locations are to be constructed by approved and licensed contractors at developer's expense.
8. All Water and Wastewater construction shall conform to the most recent edition of the Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by the Water Utilities Director.
9. Residential units shall be metered individually. Private utility systems for residential developments are not allowed.
10. All public water and/or sewer facilities not located within the public right-of-way shall be provided with easements sized according to the Water, Sewer, and Reclaimed Water Design and Construction Manual. Easements shall be constructed for all weather access.
11. No trees, structures or building overhang shall be located within any water or wastewater utility easement.
12. All lots with a finish pad elevation located below the elevation of the next upstream manhole cover of the public sewer shall be protected from backflow of sewage by installing and maintaining an approved type backwater valve, per the Uniform Plumbing Code (U.P.C.).

- 1 13. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
2 be paid to the City and collected by the Water Utilities Department at the time of Building
3 Permit issuance.
- 4 14. All Water Utilities Fees are due at the time of building permit issuance per City Code
5 Section 32B.7, unless the developer/applicant applies and is approved for a deferral of all
6 fees per City of Oceanside Ordinance No. 09-OR0676-1.

7 **Planning:**

8 15. Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002) shall expire two
9 years from the effective date unless implemented as required by the Zoning Ordinance.
10 Absent the timely appeal of this approval, it will expire on November 7, 2013 unless
11 implemented as required by the Zoning Ordinance.

- 12 16. Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002) is granted for
13 the following purposes only:
- 14 a) Conversion of an existing single-family residence to a duplex, involving the
15 relocation of primary entrances and the modification of interior stairs;
 - 16 b) Addition of 1,409 square feet of new habitable space, 825 square feet of which
17 will constitute a new third story above basement.

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

21 17. Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002) shall be called
22 for review by the Planning Commission if complaints are filed and verified as valid by
23 the City Planner or the Code Enforcement Officer concerning the violation of any of the
24 approved conditions or the project assumptions demonstrated under the application
25 approval.

26 18. The validity of Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002)
27 shall not be affected by changes in ownership or tenants.

28 19. A request for changes in conditions of approval or a change to the approved plans that
29 would affect conditions of approval shall be treated as a new application. The City
Planner may waive the requirements for a new application if the changes requested are
minor, do not involve substantial alterations or addition to the plan or the conditions of

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approval, and consistent with the intent of the project's approval or otherwise found to be in substantial conformance.

20. Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002) may be revised or renewed in accordance with the provisions of the Zoning Ordinance. Any application for Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002) revision or renewal shall also be evaluated against existing land use and development policies as well as any intervening changes to the site area and/or neighborhood.

21. 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 Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002). 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.

22. 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.

23. 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, which shall provide:

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

- 1 24. 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 provision shall run with the life of the project
4 and shall be recorded as a covenant on the property.
- 5 25. Failure to meet any conditions of approval for this project shall constitute a violation of
6 Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002).
- 7 26. 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
11 this application, unless specifically waived by an adopted condition of approval.
- 12 27. 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 for building permits.
- 15 28. All mechanical rooftop and ground equipment shall be screened from public view as
16 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,
17 mechanical equipment, screening and vents shall be painted with non-reflective paint to
18 match the roof. All roof top surfaces shall have a non-reflective surface and mechanical
19 appurtenances shall be painted to match the roof color. This information shall be shown
20 on the building plans.
- 21 29. HVAC casings shall be fully enclosed and shall not project into a required yard or
22 project above the district's height requirement.
- 23 30. Any metallic material (i.e. copper) shall be treated at the time that it is installed, or
24 earlier, so that its surface does not reflect light. Non-metallic roofing material is
25 preferred and non-reflective roofing material is required. The copper roofing shall be
26 treated to have a non-reflective surface (patina) at the time it is installed.
- 27 31. Buildings, structures, fences or walls located on lots contiguous to the shoreline, shall
28 be compatible in scale with the existing development and shall not extend further
29 seaward than the line established on the Stringline Setback Map.
- 30 32. Fence height limitations and opacity requirements are subject to Section 1721 of the
31 Zoning Ordinance. Fencing materials shall be 75 percent transparent.

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- 33. All wood fences adjacent to public right-of-way, visible from the public right-of-way, or facing the shore will be stained or otherwise finished with a waterproof material.
- 34. The developer's construction of all fencing and walls associated with the project shall be in conformance with the approved Regular Coastal Permit. Any substantial change in any aspect of fencing or wall design from the approved Regular Coastal Permit shall require a revision to the Regular Coastal Permit or a new Regular Coastal Permit.
- 35. If any aspect of the project fencing and walls is not covered by an approved Regular Coastal Permit, the construction of fencing and walls shall conform to the development standards of the City Zoning Ordinance. In no case shall the construction of fences and walls (or combinations thereof) exceed the limitations of the Zoning Ordinance, unless expressly granted by a Variance or other development approval.
- 36. The project shall dispose of or recycle solid waste in a manner provided in City Ordinance 13.3.
- 37. A letter of clearance from the affected school district in which the property is located shall be provided as required by City policy at the time building permits are issued.
- 38. The applicant shall revise the proposed additions at the second and third stories to incorporate angled walls/windows that conform to the angled walls/windows at the beach and street levels of the existing building.
- 39. The applicant shall post signage no more than 1.5 square feet in area indicating that parking is not permitted in the driveway in front of the garages and providing contact information for property management. The applicant shall work with Planning Division staff to determine the most appropriate size, design and material for said signage.

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40. The applicant shall revise the proposed plans to show the clear space within the garage maintaining a minimum depth of 40 feet, in compliance with Section 2702 of the 1986 Zoning Ordinance. These plans shall be reviewed and approved by the City Planner prior to the issuance of building permits.

PASSED AND ADOPTED Resolution No. 2012-P16 on April 23, 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-P16.

Dated: April 23, 2012

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

Applicant/Representative

Date

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PLANNING COMMISSION
RESOLUTION NO. 2012-P17

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

APPLICATION NO: D12-00003/RC12-00003
APPLICANT: REVX North Pacific, LLC
LOCATION: 811 South Pacific Street
APN 150-356-14-00

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 the City of Oceanside Local Coastal Program and 1986 Zoning Ordinance to permit the following:
conversion of an existing single-family residence to a duplex, with the addition of 1,409 square feet of new habitable space and a new third story;
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 7th day of November 2011 conduct a duly advertised public hearing as prescribed by law to consider said proposal; and

WHEREAS, the Planning Commission did unanimously approve said proposal through the issuance of a Regular Coastal Permit; and

WHEREAS, following the timely appeal of the Regular Coastal Permit, the Planning Division determined that said proposal requires approval of a Development Plan, in addition to a Regular Coastal Permit; and

WHEREAS, on the 20th day of December 2011, the applicant did withdraw said project; and

WHEREAS, on the 20th day of January 2012, said proposal was resubmitted to the Planning Division for review and approval of both a Regular Coastal Permit and Development Plan; and

1 WHEREAS, the Planning Commission did on the 26th day of March 2012 conduct a
2 public hearing to consider said proposal; and

3 WHEREAS, the Planning Commission did on the 26th day of March 2012 unanimously
4 approve said proposal; and

5 WHEREAS, the Planning Division subsequently determined that required mailed
6 notification of property owners and occupants within the legally-prescribed notification radii
7 had not been conducted for the public hearing held on the 26th day of March 2012, thus
8 necessitating another duly advertised public hearing on said proposal; and

9 WHEREAS, the Planning Commission, after giving the required notice, did on the 23rd
10 day of April 2012 conduct a duly advertised public hearing as prescribed by law to consider
11 said proposal; and

12 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
13 Guidelines thereto (Section 15303(b)); this project qualifies for a Class 3 categorical exemption
14 (New Construction or Conversion of Small Structures), as it involves the construction of a
duplex or similar multi-family residential structure, totaling no more than four dwelling units;

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

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
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	\$2,072 per unit for residential.
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential.
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip.

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<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
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.
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.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit.

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;

1 WHEREAS, this resolution becomes effective 10 days from its adoption in the absence of
2 the filing of an appeal or call for review;

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

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

8 FINDINGS:

9 For the Development Plan (D12-00003) to allow conversion of an existing single-family
10 residence to a duplex with the addition of 1,409 square feet of new habitable space comprising
11 a new third story:

- 12 1. The approval of the proposed duplex conversion and associated addition will be subject
13 to conditions that, in view of the size and shape of the parcel and the present zoning and
14 use of the subject property, provide the same degree of protection to adjoining
15 properties, including protection from unreasonable interference with the use and
16 enjoyment of said properties, depreciation of property values, and any potentially
17 adverse impacts on the public peace, health, safety and welfare.
- 18 2. The application for Development Plan approval has been processed in a manner
19 consistent with Article 21 of the 1986 Zoning Ordinance (Procedures, Hearings, Notices
and Fees).

20 For the Regular Coastal Permit (RC12-00003) to allow conversion of an existing single-family
21 residence to a duplex with the addition of 1,409 square feet of new habitable space comprising
22 a new third story:

- 23 1. The proposed duplex conversion conforms to the policies of the Local Coastal Program
24 (LCP), including those pertinent to coastal access (Article 2), recreation (Article 3),
25 land resources (Article 5) and development (Article 6), in that it:
 - 26 • Does not interfere with the public's right to access to the coastline and ocean,
27 given that dedicated public access ways exist within 250 feet of the subject site;
 - 28 • Provides for recreational use of private oceanfront land;
 - 29 • Does not impact environmentally sensitive habitat area or prime agricultural
land;

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- Occurs in an already-developed area with adequate public services;
- Protects views to and along the ocean;
- Is visually compatible with the character of surrounding areas.

2. The project site, at 811 South Pacific Street, is situated within the Appeal Area of the Coastal Zone and conforms to the public access and recreation policies of Chapter 3 of the Coastal Act. The entire 800 Block of South Pacific Street measures 450 feet in length, with public beach access located at both ends (where South Pacific Street intersects with Wisconsin Avenue and Hayes Street). Thus, all properties in the 800 Block of South Pacific Street are situated within 250 feet of existing public beach access.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby confirm issuance of a Categorical Exemption pursuant to Section 15303 of the California Environmental Quality Act and approve Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003) subject to the following conditions:

Building:

1. Construction shall comply with the 2010 edition of the California Codes.
2. 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

1 requirement. Small amounts of construction debris may be stored on-site in a neat,
2 safe manner for short periods of time pending disposal.

3 3. Separate/unique addresses will be required to facilitate utility releases. Verification that
4 the addresses have been properly assigned by the City's Planning Division must
5 accompany the Building Permit application.

6 **Fire:**

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

8 **Water Utilities:**

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

13 6. The property owner shall maintain private water and wastewater utilities located on private
14 property.

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

17 8. All Water and Wastewater construction shall conform to the most recent edition of the
18 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
19 the Water Utilities Director.

20 9. Residential units shall be metered individually. Private utility systems for residential
21 developments are not allowed.

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

25 11. No trees, structures or building overhang shall be located within any water or wastewater
26 utility easement.

27 12. All lots with a finish pad elevation located below the elevation of the next upstream
28 manhole cover of the public sewer shall be protected from backflow of sewage by
29 installing and maintaining an approved type backwater valve, per the Uniform Plumbing
Code (U.P.C.).

- 1 13. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
2 be paid to the City and collected by the Water Utilities Department at the time of Building
3 Permit issuance.
- 4 14. All Water Utilities Fees are due at the time of building permit issuance per City Code
5 Section 32B.7, unless the developer/applicant applies and is approved for a deferral of all
6 fees per City of Oceanside Ordinance No. 09-OR0676-1.

7 **Planning:**

8 15. Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003) shall expire two
9 years from the effective date unless implemented as required by the Zoning Ordinance.
10 Absent the timely appeal of this approval, it will expire on November 7, 2013 unless
11 implemented as required by the Zoning Ordinance.

12 16. Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003) is granted for
13 the following purposes only:

- 14 a) Conversion of an existing single-family residence to a duplex, involving the
15 relocation of primary entrances and the modification of interior stairs;
16 b) Addition of 1,409 square feet of new habitable space, 825 square feet of which
17 will constitute a new third story above basement.

18 No deviation from these approved plans and exhibits shall occur without Planning
19 Commission approval. Substantial deviations shall require a revision to the Development
20 Plan and/or Regular Coastal Permit or entirely new entitlements.

21 17. Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003) shall be called
22 for review by the Planning Commission if complaints are filed and verified as valid by
23 the City Planner or the Code Enforcement Officer concerning the violation of any of the
24 approved conditions or the project assumptions demonstrated under the application
25 approval.

26 18. The validity of Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003)
27 shall not be affected by changes in ownership or tenants.

28 19. A request for changes in conditions of approval or a change to the approved plans that
29 would affect conditions of approval shall be treated as a new application. The City
Planner may waive the requirements for a new application if the changes requested are
minor, do not involve substantial alterations or addition to the plan or the conditions of

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approval, and consistent with the intent of the project's approval or otherwise found to be in substantial conformance.

20. Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003) may be revised or renewed in accordance with the provisions of the Zoning Ordinance. Any application for Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003) revision or renewal shall also be evaluated against existing land use and development policies as well as any intervening changes to the site area and/or neighborhood.

21. 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 Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003). 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.

22. 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.

23. 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, which shall provide:

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

- 1 24. 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 provision shall run with the life of the project
4 and shall be recorded as a covenant on the property.
- 5 25. Failure to meet any conditions of approval for this project shall constitute a violation of
6 Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003).
- 7 26. 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
11 this application, unless specifically waived by an adopted condition of approval.
- 12 27. 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 for building permits.
- 15 28. All mechanical rooftop and ground equipment shall be screened from public view as
16 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,
17 mechanical equipment, screening and vents shall be painted with non-reflective paint to
18 match the roof. All roof top surfaces shall have a non-reflective surface and mechanical
19 appurtenances shall be painted to match the roof color. This information shall be shown
20 on the building plans.
- 21 29. HVAC casings shall be fully enclosed and shall not project into a required yard or
22 project above the district's height requirement.
- 23 30. Any metallic material (i.e. copper) shall be treated at the time that it is installed, or
24 earlier, so that its surface does not reflect light. Non-metallic roofing material is
25 preferred and non-reflective roofing material is required. The copper roofing shall be
26 treated to have a non-reflective surface (patina) at the time it is installed.
- 27 31. Buildings, structures, fences or walls located on lots contiguous to the shoreline, shall
28 be compatible in scale with the existing development and shall not extend further
29 seaward than the line established on the Stringline Setback Map.
32. Fence height limitations and opacity requirements are subject to Section 1721 of the
Zoning Ordinance. Fencing materials shall be 75 percent transparent.

1 40. The applicant shall revise the proposed plans to show the clear space within the garage
2 maintaining a minimum depth of 40 feet, in compliance with Section 2702 of the 1986
3 Zoning Ordinance. These plans shall be reviewed and approved by the City Planner
4 prior to the issuance of building permits.

5 PASSED AND ADOPTED Resolution No. 2012-P17 on April 23, 2012 by the
6 following vote, to wit:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

11
12 _____
13 Tom Rosales, Chairperson
14 Oceanside Planning Commission

15 ATTEST:

16 _____
17 Jerry Hittleman, Secretary

18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
19 this is a true and correct copy of Resolution No. 2012-P17.

20 Dated: April 23, 2012

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

25 _____
26 Applicant/Representative

27 _____
28 Date
29

WWW.SCMV.COM 2100 SYMPHONY TOWERS
619.685.3003 750 B STREET
619.685.3100 FAX SAN DIEGO, CALIFORNIA 92101

SELTZER | CAPLAN | McMAHON | VITEK
A LAW CORPORATION

ERIK L. SCHRANER, ESQ.
schranner@scmv.com
619.685.3187
619.702.6848 FAX

March 6, 2012

Mr. Russ Cunningham
City of Oceanside
300 North Coast Highway
Oceanside, California 92054

Via Email & U.S. Mail

Office of the City Attorney
City of Oceanside
300 North Coast Highway
Oceanside, California 92054

Re: 811, 813, and 815 South Pacific Street

Dear Mr. Cunningham & Office of the City Attorney:

We represent Beachin, LLC, concerning the applications for a coastal permit and a development plan for 811, 813, and 815 South Pacific Street.

Requested Action.

We request that the City require that the applicant for 811, 813, and 815 South Pacific Street comply with the certified Local Coastal Program by (1) limiting the structures to three stories or less, (2) complying with the 35-foot height limit, (3) providing the required 10-foot side yard setback, (4) complying with the Americans with Disabilities Act and 2010 Building Code accessibility requirement for "transient" lodging, (5) no tandem parking spaces, (6) submitting a beach erosion report, and (7) providing refuse storage.

Discussion.

811, 813, and 815 South Pacific Street are existing 4,501 square foot single-family residences used as transient hotel/motel operations. The applicant proposes to add: (1) a fourth story, (2) a 1,371 square foot addition, and (3) a second unit to each of the three existing single-family buildings. With the proposed additions, the 3,250 square foot lots will be developed with 5,872 square foot buildings rising up four stories from the beach.

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Applicant intends to operate a six-unit hotel/motel operation with transient occupancy in the three residential buildings. These facilities also qualify as a "place of lodging". The vacation rental management company operating the three buildings also operates 817, 819, 821, 823, 825, 831, and 833 South Pacific Street. These operations, and the pending applications for 817 and 819 South Pacific and 833 South Pacific, should all be addressed in one master development plan and analyzed as one project in accordance with the California Environmental Quality Act.

The applications submitted for these three properties violate the following regulations:

1. Four-Story Structures Are Forbidden.

Applicant proposes to add a new fourth floor to the three existing structures. The 1986 Zoning Ordinance, however, limits buildings on the project sites to three stories.¹ The City's 1986 Zoning Ordinance defines a "story" as that portion of a building included between the surface of any floor and the surface of the floor next above it.² Although a basement does not count as a story, a basement is limited to that portion of a building between floor and ceiling which is partly below and partly above ground.³

Section 207: Basement. "Basement" means that portion of a building between floor and ceiling which is partly below and partly above ground but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Thus, only the portion of the buildings located partly below and partly above ground qualifies as a basement.

The bottom floor of applicant's structures fail to qualify as a basement for two reasons. First, applicant's plans show that the western portion of the existing structures is located entirely above ground. Since the area located entirely above-ground cannot qualify as a basement, the above-ground portion of the bottom floor qualifies as a story.

¹ 1986 Zoning Ordinance §1709.

² 1986 Zoning Ordinance §274.

³ 1986 Zoning Ordinance §207.

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Second, "if the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story."⁴ The first step is to calculate "grade". Grade is defined as:

Section 234: Grade. "Grade" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above-ground level shall be measured at the sidewalks.

The applicant's plans calculated "grade" using the following measurements:

Center East Wall	24 Feet
Center South Wall	18.4 Feet
Center West Wall	14 Feet
Center North Wall	24 Feet

The resulting average as stated on the plans is 20.1 feet. These measurements, however, do not comply with the City's definition for "grade".

Grade must be measured using "finished ground level" at the center of the walls. According to the plans, finished ground level is 13-feet MSL. Thus, the measurements at the center of the west wall cannot be 14-feet MSL. It is 13-feet MSL.

Applicant makes a different error on the south and north wall measurements. Although the location of these measurements for the south and north walls are not specified on the plans, the measurements appear to be taken from the top of the walkways located along the south and north walls. Applicant, however, must measure from the center of the north and south walls, not the walkways.

While the 1986 Zoning Ordinance walls allows grade for walls parallel to and within five feet of a sidewalk to be measured from the above-ground level at the sidewalks, the areas to the north and south of the structures do not qualify as a sidewalk. Although the 1986 Zoning Ordinance does not define "sidewalk," the California Building Code in effect in 1986 (copy attached) defines a "sidewalk" as:

"Sidewalk is a surfaced pedestrian way contiguous to a street used by the public. NOTE: See definition for a walk."⁵

⁴ 1986 Zoning Ordinance §274.

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And defines a "walk" as:

"Walk is a surfaced pedestrian way not located contiguous to a street used by the public. (See definition for 'sidewalk'.)"⁶

This is consistent with the common definition for sidewalks, which defines a sidewalk as a paved walk for pedestrians at the side of a street.⁷

To qualify as a sidewalk, a sidewalk must be contiguous to a street. "Contiguous" means to be in actual contact, touching along a boundary or at a point.⁸ The areas along the south and side wall are not contiguous to a street used by the public and cannot, therefore, qualify as sidewalks. Thus, the south and north wall must be measured from finished ground level at the center of these wells.

This results in the following measurements:

Center East Wall	24 Feet
Center South Wall	13 Feet
Center West Wall	13 Feet
Center North Wall	13 Feet

Average grade is therefore 15.75-foot MSL. Thus, the finished floor directly above the basement is more than six feet above grade and the bottom floor qualifies as a story.

2. Building Height.

Applicant's proposed structures do not comply with the RT zone height restriction. The RT zoning regulations restrict "building height" to 35 feet⁹ and define "building height" as "the vertical distance measured from the average level of the highest and lowest point of that portion of the building site covered by the building to the ceiling of the uppermost story."¹⁰

⁵ 2010 California Building Code section 2-420(d).

⁶ 2010 California Building Code section 2-424(a).

⁷ Merriam-Webster Dictionary.

⁸ Merriam Webster Dictionary.

⁹ 1986 Zoning Ordinance §3203.

¹⁰ 1986 Zoning Ordinance §211 (emphasis added.).

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The plans submitted by the applicant claim that the average level of the highest and lowest point is 19-feet MSL. This is incorrect.

The finished grade for the portion of the building site covered by the building is 13-feet MSL. The average level of the highest and lowest point of the portion of the building site covered by the building is therefore 13-feet MSL.

The plans identify the height of the ceiling of the uppermost story as 50.67-feet MSL. The proposed building height is therefore 37.67 feet, which exceeds the 35-foot height limit.

c. Other adopted plans or policy of the City.

In addition, the 1986 Zoning Ordinance imposes the following additional height restriction: **"No building or structure shall exceed any adopted height restrictions that may appear in any other adopted Plan or Policy of the City ..."**¹¹ The Zoning Ordinance adopted in 1988 by the City Council is another adopted City plan or policy. The 1988 Zoning Ordinance restricts building height to 27 feet. The projects exceed this height limit by more than 10 feet.

3. Increase of Side Yard Where Dwelling Unit Fronts Upon a Side Yard.

To add an additional unit, each of the projects must provide a 10 foot side yard setback on the side where the primary entrance is located. Section 1723 of the Zoning Ordinance requires the following side yard setback:

The minimum width of the side yard upon which a primary entrance to a dwelling unit is provided shall be no less than ten (10) feet.¹²

Since applicant proposes to locate two primary entrances within the side yard, applicant must provide a 10-foot side yard on the side yard where the primary entrances will be located. Applicant proposes to only provide a 3-foot side yard setback on the side yard with both primary entrances.

¹¹ 1986 Zoning Ordinance §3203.

¹² 1986 Zoning Ordinance §1723.

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4. Americans with Disabilities Act.

Applicant will operate the proposed structures as a hotel/motel and an assembly hall used by transient renters, which qualifies the proposed structures as a "place of lodging" and as "transient" occupancy. New ADA regulations require "places of lodging" to comply with ADA accessibility regulations and structures used for "transient" occupancy must comply with the 2010 California Building Code accessibility regulations. Applicant's projects qualify as "places of lodging" and "transient" occupancies. Thus, to operate a structure used by transient renters using the premises for fewer than 30 days, the three structures will have to comply with the Americans with Disabilities Act and the 2010 California Building Code accessibility regulations.

5. Tandem Parking Spaces.

Applicant proposes to provide four tandem parking spaces to comply with the minimum parking requirements. The City shall require that all new residential development provides adequate on-site parking. In areas where beach parking demand is critical, parking requirements for new residential development shall be strictly enforced.¹³ Nothing in the 1986 Zoning Ordinance, however, authorizes the use of tandem parking spaces to comply with the parking requirements.

In addition, tandem parking spaces do not comply with the requirement that parking spaces "be provided with adequate ingress and egress" and the General Plan requirement that "developments shall design parking areas to maximize efficiency, safety, convenience, and open space."¹⁴ Tandem parking spaces do not provide adequate ingress and egress, particularly in structures that will be used as vacation rental by transient renters.

6. Beach Erosion Report.

The Local Coastal Program requires new development west of Pacific Street from Wisconsin to the south City limits to provide a report prepared by a licensed civil engineer or geologist experienced in coastal processes that development as proposed would not be imperiled by erosion during the expected life of the structure (generally 75 years for new residential development). Applicant has not submitted the required beach erosion report.

¹³ Local Coastal Program Policy 17.

¹⁴ 1986 Zoning Ordinance §2702; General Plan Policy 1.20.

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7. Refuse Storage.

The 1986 Zoning Ordinance requires refuse storage that is 5-feet high, 6-feet deep, and 8-feet wide constructed of concrete block or masonry walls with gates.¹⁵ The plans do not identify a refuse storage that meets these criteria.

Conclusion.

The applicant has proposed a structure using interpretations from the 1992 Zoning Ordinance, which is no longer applicable within the Coastal Zone. We request that the City require the applicant to comply with the certified Local Coastal Program – the 1986 Zoning Ordinance.

Thank you.

Very truly yours,

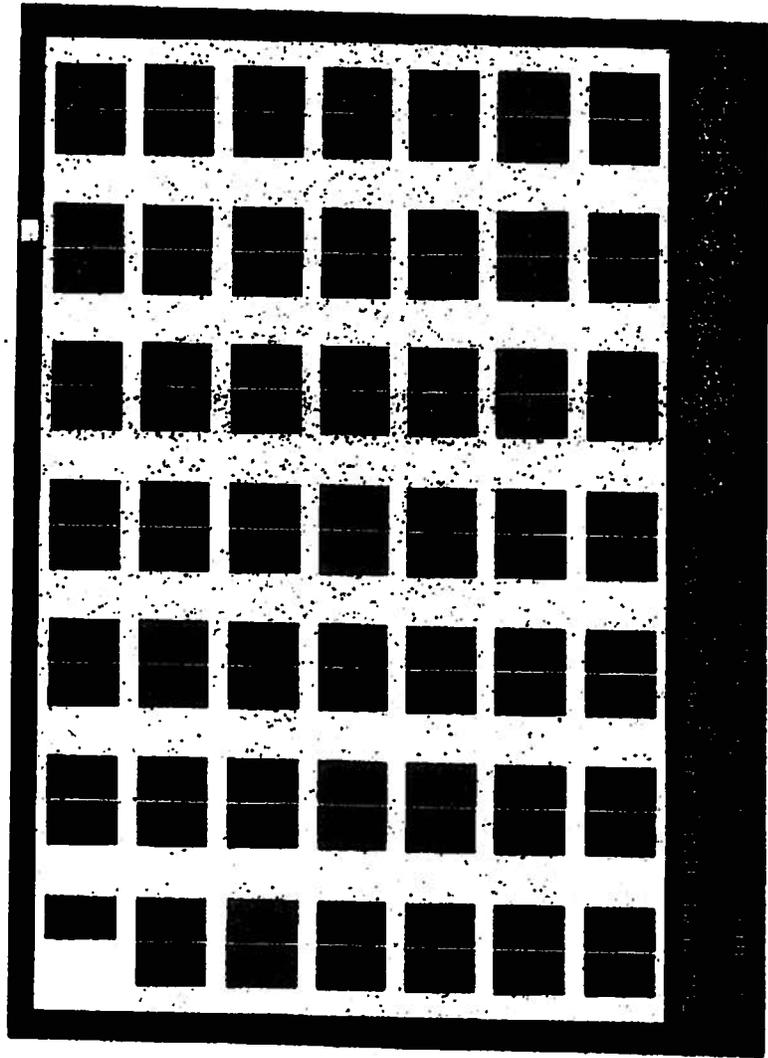


Erik L. Schraner, Esq.
Seltzer Caplan McMahon Vitek
A Law Corporation

ELS/cli
Enclosure

cc: Beachin, LLC (w/enclosure)
California Coastal Commission, San Diego Coast District Office (w/enclosure)

¹⁵ 1986 Zoning Ordinance §1730.



TITLE 24

BUILDING STANDARDS

(Register 01, No. 11-34401)

(p. ix)

TITLE 24. BUILDING STANDARDS

(Originally filed 8-14-89)

(Revision filed 7-9-93)

- PART 1. STATE BUILDING STANDARDS COMMISSION**
- PART 2. BASIC BUILDING REGULATIONS**
- PART 3. BASIC ELECTRICAL REGULATIONS**
- PART 4. BASIC MECHANICAL REGULATIONS**
- PART 5. BASIC PLUMBING REGULATIONS**
- PART 6. SPECIAL BUILDING REGULATIONS**
- PART 7. ELEVATOR SAFETY REGULATIONS**
- PART 8. STATE HISTORICAL BUILDING CODE**

S

Sec. 2-422. (a) **Sanitary Facility** is any single unit or a combination of water closets, urinals, lavatories, bathtubs or showers, together with the room or space in which they are housed.

(b) **Shopping Center** one or more sales establishments or stores.

(c) **Shoulder**

NOTE: See Recommendation.

(d) **Sidewalk** is a surfaced pedestrian way contiguous to a street used by the public.

NOTE: See definition for "Walk".

(e) **Single Accommodation Sanitary Facility** is a room that has not more than one of each type of sanitary fixture, is intended for use by only one person at a time, has no partition around the toilet, and has a door that can be locked on the inside by the room occupant.

NOTES: 1. See Section 2-1711.

2. For bathrooms serving Group B Occupancies, see Section 2-423.

(f) **Site Development** is "on site" and "off site" work including, but not limited to, walks, sidewalks, ramps, curbs, curb ramps, parking facilities, stairs, planting areas, pools, promenades, exterior gathering or assembly areas and raised or depressed paved areas.

(g) **Smoke Detector** is a device which senses visible or invisible particles of combustion.

(h) **Special Access Lift** is a hoisting and lowering mechanism equipped with a car or platform, or support which serves two landings of a building or structure and is designed to carry a passenger or passengers and (or) luggage or other material a vertical distance as may be allowed.

T

Sec. 2-421. (a) **Temporary** shall mean buildings and facilities intended for use at one location for not more than one year and seats intended for use at one location for not more than 90 days.

(b) **Tread** is the horizontal surface of a step in a stair.

U

Sec. 2-422. (a) **UBC** shall mean the 1979 Edition of the Uniform Building Code as published by the International Conference of Building Officials.

EXCEPTIONS: 1. UBC as it relates to the jurisdiction of the Office of the State Architect relative to public school buildings and in reference to Chapter 2-21 through 2-36, inclusive, 2-32, 2-37, 2-47 and 2-44 of Part 2 and in Division T21 of Part 6 shall be construed to mean the 1976 Edition.

2. UBC as it relates to the jurisdiction of the Office of Statewide Health Planning and Development relative to hospital buildings and in reference to Chapters 2-23 through 2-30, inclusive, 2-32, 2-37 and 2-47 of Part 2 and in Division T22 of Part 6 shall be construed to mean the 1976 Edition.

3. UBC as it is used in reference to the State Housing Law, Building Standards for hotels, motels, lodging houses, apartment houses, and dwellings, or portions thereof, and buildings and structures accessory thereto shall comply with provisions contained in the 1979 Uniform Building Code. See Chapter 2-12.

(b) **UBC Standards** shall mean the 1979 Edition of the Uniform Building Code Standards as published by the International Conference of Building Officials.

EXCEPTION: Exceptions (1), (2) and (3) of Section 2-422(a) relating to UBC shall apply to UBC Standards.

(c) **Unreasonable Hardship:** An unreasonable hardship exists when the enforcing agency finds that compliance with the building standard would make the specific

work of the project affected by the building standard, unfeasible based upon an overall evaluation of the following factors:

1. The cost of providing access.
2. The cost of all construction contemplated.
3. The impact of proposed improvements on financial feasibility of the project.
4. The nature of the accessibility which would be gained ~~or lost~~.
5. The nature of the use of the facility under construction and its availability to handicapped persons.

The details of any finding of unreasonable hardship shall be recorded and entered in the files of the enforcing agency.

W

Sec. 2-424. (a) Walk is a surfaced pedestrian way not located contiguous to a street used by the public. (See definition for "Sidewalk".)

(b) Wheelchair is a chair mounted on wheels to be propelled by its occupant manually or with the aid of electric power, of a size and configuration conforming to the recognized standard models of the trade.

(c) Wheelchair Occupant or Wheelchair User is an individual who, due to a physical impairment or disability, utilizes a wheelchair for mobility.



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 **RECEIVED** BY
J. 20 2012
 CITIC
 DEVID

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT **REV X Pacific South LLC** 2. STATUS **Owner**
 3. ADDRESS **421 Q Street Beaver City, NE 68926** 4. PHONE/FAX/E-mail
 5. APPLICANT'S REPRESENTATIVE (of person to be contacted for information during processing) **Paul Longton**
 6. ADDRESS **2909 Mesa Drive Oceanside, CA 92054** 7. PHONE/FAX/E-mail **760 722-2904**

GPA
 MASTER/SP.PLAN
 ZONE CH.
 TENT. MAP
 PAR. MAP
 DEV. PL. **D12-00001**
 C.U.P.
 VARIANCE
 COASTAL **RC12-00001**
 O.H.P.A.C.

PART II - PROPERTY DESCRIPTION

8. LOCATION **815 S. Pacific St.**
 10. GENERAL PLAN 11. ZONING **RT** 12. LAND USE **Single Family Res.**

9. SIZE **3,250 SF (.075 Acres)**
 13. ASSESSOR'S PARCEL NUMBER **150-356-16-00**

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION
Convert existing single family residence to a duplex. Add 'Guest Room' to the 2nd floor and a 'Game Room' to the 1st floor.

15. PROPOSED GENERAL PLAN 16. PROPOSED ZONING **RT (no change)** 17. PROPOSED LAND USE **Duplex** 18. NO. UNITS **2** 19. DENSITY **26.8 Du/acre**
 20. BUILDING SIZE **5910 SF** 21. PARKING SPACES **1** 22. % LANDSCAPE **20%** 23. % LOT COVERAGE or FAR **1.63.2%**

PART IV - ATTACHMENTS

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

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print): **Paul Longton** 34. DATE **1/4/12**
 Sign: 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) **James Dolson** 36. DATE **1/2/12**
 Sign: Managing Member

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

**Description & Justification
To Convert an Existing Single Family Res to
A Duplex
At
Lot 8, 811 S Pacific St, Oceanside, 92054**

January 17, 2012

Owner:

REVX
Pacific North LLC

Managing Member
James Dodson

421 Q Street
Beaver City, NE 68926

Statistics at a glance

Address –	811 S Pacific St
APN –	150-356-14-00
Zoning –	RT
Proposed zoning –	No Change
General Plan	UHD
Proposed Gen Plan	No change
Lot Size –	3,250 SF (.075 Acres)
Existing Land Use –	Single Family Residence
Proposed Land Use –	Duplex
Number of units –	2
Density/acre –	26.8 units/acre
Existing lot coverage -	63.2%
Proposed Lot Coverage	No Change
Existing Building Size:	
Beach Level	2054 SF
Street Level	1079 SF
Second Story	1368 SF
<u>Total Habitable</u>	<u>4501 SF</u>

Pertinent Definitions (per Oceanside City Ordinance)

Article 32: Residential Tourist Zone (R-T Zone)

Section 3200: Purpose. The R-T Zone is intended to accommodate tourist and year round visitor serving facilities by providing permanent and transient residential and related use to serve all income levels. The R-T Zone is primarily designated on the shorefront property in order to optimize public access to the beach.

Section 234: Grade. "Grade" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above-ground level shall be measured at the sidewalks.

Section 207: Basement. "Basement" means that portion of a building between floor and ceiling which is partly below and partly above ground but so located that the vertical distance from grade, see section 234 above, to the floor below is less than the vertical distance from grade to ceiling.

Section 211: Building Height. "Building Height" means that the vertical distance measured from the average level of the highest and lowest point of that portion of the building-site covered by the building to the ceiling of the uppermost story.

Section 3203: Height of buildings. Building Height is Limited to 35 feet unless a conditional use permit is issued in accordance with Article 15.

Permitted Height to ceiling of top story = EL 19.22' + 35' = EL 54.22'

Proposed Height to ceiling of top story = EL 51.15'

Proposed Building is 3.07' Below maximum permitted

Proposed Construction

The proposed construction will remodel the existing single family residence to a duplex. There will be no change to the eastern (Pacific Street side) portion of the building. The view of the building as seen from the street will be unchanged. Currently the stair and elevator tower go to the roof deck. All of the proposed construction will be west of the stair and elevator tower.

There will be no increase in bedrooms. The building will add a "Great Room" to the 2nd Floor. This Great Room will be the kitchen and living room for the 2nd Unit. There will be a deck to the west of the new Great Room. The second floor steps back from the west - giving the elevation a "tiered" look.

The construction will add a Game Room as the 3rd floor construction. The Game Room will have a deck to the west. The 3rd floor will step back from the west adding to the "tiered appearance"

The new construction at the 3rd floor will not change the height of the building. The new Game Room will be at the height of existing stair and elevator tower.

Parking

Parking for the building will remain unchanged at 4 covered parking spots. The intensity of use will not change with the number of bedrooms remaining unchanged.

Preservation of Public Views

The public view corridors will remain unchanged. The corners of the building at the west end are "clipped" to allow better views. The proposed construction at the 2nd and 3rd stories will step back from the west face.

Proposed Materials

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

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

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

The new construction will maintain this high standard of materials.

Engineering

The existing residence was built using a "mat slab". Per the conversations with the structural engineer, there will be no need to upgrade the existing foundation. Similarly since the footprint of the building will not change, the civil engineering need not change nor would there be any need for a Wave Up-rush Study.

Regular Coastal

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

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

Development Plan Findings

Adoption of the Development Plan may be subject to conditions and it may be amended in the same manner as it was first adopted pursuant to Oceanside zoning ordinance, section 1611.f.1. Additionally, the City Planner may approve by the endorsement on the approved Development Plan, minor modifications in design which do not substantially alter the approved plan or the use permitted. Such minor modifications shall be reported to the authority which has approved the Development Plan. (Section 1611.g).

The Development plan for the proposed construction to remodel and convert the existing single family residence to a duplex has taken into consideration the surrounding properties and is consistent with the land use policies of the Local Coastal Program as implemented through the Zoning Ordinance. The project will not compromise existing public views within the Coastal Zone area nor produce adverse massing or property depreciation impacts on neighboring properties.

The proposed Development plan will not substantially depreciate or interfere with the use or enjoyment of property in the vicinity, nor will it endanger the public peace, health, safety or general welfare.

The application for a Development Plan shall be heard by the Planning Commission and their action shall be final unless appealed to the City Council under the manner as specified in Article 21 of the City of Oceanside's Zoning Ordinance.

LEGAL DESCRIPTION

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

LOT 8 IN BLOCK "C" OF MYER'S ANNEX TO OCEANSIDE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 984, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 13, 1906.

EXCEPTING THEREFROM THAT PORTION, IF ANY, NOW OR HERETOFORE LYING BELOW THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN.

APN: 150-356-14-00

811



NOTICE OF EXEMPTION
City of Oceanside, California

Post Date:
(180 days)

- 1. **APPLICANT:** Paul Longton, Studio 4 Architects
- 2. **ADDRESS:** 2909 Mesa Drive Oceanside, CA 92054
- 3. **PHONE NUMBER:** (760) 722-4904
- 4. **LEAD AGENCY:** City of Oceanside
- 5. **PROJECT MGR.:** Russ Cunningham, Senior Planner
- 6. **PROJECT TITLE:** Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001), South Pacific Duplex Conversion (815 South Pacific Street)
- 7. **DESCRIPTION:** Request to allow conversion of an existing single-family residence to a duplex, with the addition of 1,409 square feet of habitable space and a new third story. Situated within the Coastal Zone and the Townsite Neighborhood Planning Area, the project site bears a Local Coastal Plan designation of High-Density Residential and a zoning designation of Residential-Tourist (R-T).

ADMINISTRATIVE DETERMINATION: The proposal involves the construction of a duplex or similar multi-family residential structure totaling no more than four dwelling units. Pursuant to the California Environmental Quality Act (CEQA) and applicable state guidelines, the proposal is not subject to further environmental review, consistent with the following determination:

- "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 is categorically exempt, Class 3, "New Construction or Conversion of Small Structures" (Section 15303); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Russ Cunningham, Senior Planner

Date: March 26, 2012

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



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

STAFF USE ONLY

ACCEPTED	BY
	RC

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT Evergreen Hebron, L.P.	2. STATUS Owner	GPA
3. ADDRESS 1821 S. Coast Hwy Oceanside, CA 92054	4. PHONE/FAX/E-mail	MASTER/SP.PLAN
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing): Paul Longton		ZONE CH.
6. ADDRESS 2909 Mesa Dr. Oceanside 92054	7. PHONE/FAX/E-mail 760 722-4908	TENT. MAP
		PAR. MAP
		DEV. PL D12-00002
		C.U.P.
		VARIANCE
		COASTAL RC12-00002

PART II - PROPERTY DESCRIPTION

8. LOCATION 813 S. Pacific St	9. SIZE 3,250 SF (.075 acres)		
10. GENERAL PLAN UHD	11. ZONING RT	12. LAND USE Single Family Res	13. ASSESSOR'S PARCEL NUMBER 150-356-15-00

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION Convert existing single family residence to a duplex. Add a 'Great Room' to the 2nd story and a 'Game Room' to the 3rd story				
15. PROPOSED GENERAL PLAN No Change	16. PROPOSED ZONING No Change	17. PROPOSED LAND USE Duplex	18. NO. UNITS 2	19. DENSITY 26.8 Du/Acre
20. BUILDING SIZE 5910	21. PARKING SPACES 4	22. % LANDSCAPE 20%	23. % LOT COVERAGE OF FAR 63.2%	

PART IV - ATTACHMENTS

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

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print): Paul Longton	34. DATE 1/4/12	SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).	
Sign:			
		35. OWNER (Print) Steve Loomis Managing Partner	36. DATE 1/2/12
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		Sign:	

**Description & Justification
To Convert an Existing Single Family Res to
A Duplex
At
Lot 9, 813 S Pacific St, Oceanside, 92054**

January 17, 2012

Owner:

Evergreen Hebron, LP

Managing Member
Steve Loomis

813 S. Pacific Street
Oceanside, CA 92054

Statistics at a glance

Address –	813 S Pacific St
APN –	150-356-15-00
Zoning –	RT
Proposed zoning –	No Change
General Plan	UHD
Proposed Gen Plan	No Change
Lot Size –	3,250 SF (.075 Acres)
Existing Land Use –	Single Family Residence
Proposed Land Use –	Duplex
Number of units –	2
Density/acre –	26.8 units/acre
Existing lot coverage -	63.2%
Proposed Lot Coverage	No Change
Existing Building Size:	
Beach Level	2054 SF
Street Level	1079 SF
Second Story	1368 SF
<u>Total Habitable</u>	<u>4501 SF</u>

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Section 211: Building Height. "Building Height" means that the vertical distance measured from the average level of the highest and lowest point of that portion of the building-site covered by the building to the ceiling of the uppermost story.

Section 3203: Height of buildings. Building Height is Limited to 35 feet unless a conditional use permit is issued in accordance with Article 15.

Permitted Height to ceiling of top story = EL 19.0' + 35' = EL 54.0'

Proposed Height to ceiling of top story = EL 51.5'

Proposed Building is 2.5' Below maximum permitted

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

Development Plan Findings

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LEGAL DESCRIPTION

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

LOT 9 IN BLOCK "C" OF MYER'S ANNEX TO OCEANSIDE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 984, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 13, 1906.

EXCEPTING THEREFROM THAT PORTION, IF ANY, NOW OR HERETOFORE LYING BELOW THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN.

APN: 150-356-15-00

813



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
(180 days)

1. **APPLICANT:** Paul Longton, Studio 4 Architects
2. **ADDRESS:** 2909 Mesa Drive Oceanside, CA 92054
3. **PHONE NUMBER:** (760) 722-4904
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Russ Cunningham, Senior Planner
6. **PROJECT TITLE:** Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002), South Pacific Duplex Conversion (813 South Pacific Street)
7. **DESCRIPTION:** Request to allow conversion of an existing single-family residence to a duplex, with the addition of 1,409 square feet of habitable space and a new third story. Situated within the Coastal Zone and the Townsite Neighborhood Planning Area, the project site bears a Local Coastal Plan designation of High-Density Residential and a zoning designation of Residential-Tourist (R-T).

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- "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 is categorically exempt, Class 3, "New Construction or Conversion of Small Structures" (Section 15303); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

A handwritten signature in black ink, appearing to read "Russ Cunningham".

Russ Cunningham, Senior Planner

Date: March 26, 2012

cc: Project file Counter file Library Posting: County Clerk \$50.00 Adm'n. Fee



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

STAFF USE ONLY

ACCEPTED **1-20-2012** BY **PC**

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT REV X Pacific North LLC	2. STATUS Owner	GPA
3. ADDRESS 421 Q street Beaver City, NE 68926	4. PHONE/FAX/E-mail	MASTER/SP.PLAN
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Paul Longton		ZONE CH.
6. ADDRESS 2909 Mesa Drive Oceanside, CA 92054	7. PHONE/FAX/E-mail 722.4902	TENT. MAP
		PAR. MAP
		DEV. PL. D12-00003
		C.U.P.
		VARIANCE
		COASTAL PC12-00003

PART II - PROPERTY DESCRIPTION

8. LOCATION 811 S. Pacific St.	9. SIZE 3,250 SF (.075 Acres)
10. GENERAL PLAN	11. ZONING RT
12. LAND USE Single Family Res.	13. ASSESSOR'S PARCEL NUMBER 150.356.14.00

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION
Convert existing single family residence to a duplex. Add a 'Great Room' to the 2nd floor and a 'Game Room' to the 1st floor.

15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING RT (no change)	17. PROPOSED LAND USE Duplex	18. NO. UNITS 2	19. DENSITY 26.8 Dp/acre
20. BUILDING SIZE 5910 SF	21. PARKING SPACES 4	22. % LANDSCAPE 20%	23. % LOT COVERAGE or FAR 63%	

PART IV - ATTACHMENTS

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

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print): Paul Longton	34. DATE 1/4/12	SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).
Sign:		
	35. OWNER (Print): James Dodson	36. DATE 1/2/12
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		Sign:

**Description & Justification
To Convert an Existing Single Family Res to
A Duplex
At
Lot 10, 815 S Pacific St, Oceanside, 92054**

January 17, 2012

Owner:

REVX
Pacific South LLC

Managing Member
James Dodson

421 Q Street
Beaver City, NE 68926

Statistics at a glance

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APN --	150-356-16-00
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Number of units --	2
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Proposed Lot Coverage	No Change

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Street Level	1079 SF
Second Story	1368 SF
<u>Total Habitable</u>	<u>4501 SF</u>

Pertinent Definitions (per Oceanside City Ordinance)

Article 32: Residential Tourist Zone (R-T Zone)

Section 3200: Purpose. The R-T Zone is intended to accommodate tourist and year round visitor serving facilities by providing permanent and transient residential and related use to serve all income levels. The R-T Zone is primarily designated on the shorefront property in order to optimize public access to the beach.

Section 234: Grade. "Grade" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above-ground level shall be measured at the sidewalks.

Section 207: Basement. "Basement" means that portion of a building between floor and ceiling which is partly below and partly above ground but so located that the vertical distance from grade, see section 234 above, to the floor below is less than the vertical distance from grade to ceiling.

Section 211: Building Height. "Building Height" means that the vertical distance measured from the average level of the highest and lowest point of that portion of the building-site covered by the building to the ceiling of the uppermost story.

Section 3203: Height of buildings. Building Height is Limited to 35 feet unless a conditional use permit is issued in accordance with Article 15.

Permitted Height to ceiling of top story = EL 19.0' + 35' = EL 54.0'

Proposed Height to ceiling of top story = EL 50.67'

Proposed Building is 3.33' Below maximum permitted

Proposed Construction

The proposed construction will remodel the existing single family residence to a duplex. There will be no change to the eastern (Pacific Street side) portion of the building. The view of the building as seen from the street will be unchanged. Currently the stair and elevator tower go to the roof deck. All of the proposed construction will be west of the stair and elevator tower.

There will be no increase in bedrooms. The building will add a "Great Room" to the 2nd Floor. This Great Room will be the kitchen and living room for the 2nd Unit. There will be a deck to the west of the new Great Room. The second floor steps back from the west – giving the elevation a "tiered" look.

The construction will add a Game Room as the 3rd floor construction. The Game Room will have a deck to the west. The 3rd floor will step back from the west adding to the "tiered appearance"

The new construction at the 3rd floor will not change the height of the building. The new Game Room will be at the height of existing stair and elevator tower.

Parking

Parking for the building will remain unchanged at 4 covered parking spots. The intensity of use will not change with the number of bedrooms remaining unchanged.

Preservation of Public Views

The public view corridors will remain unchanged. The corners of the building at the west end are "clipped" to allow better views. The proposed construction at the 2nd and 3rd stories will step back from the west face.

Proposed Materials

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

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

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

The new construction will maintain this high standard of materials.

Engineering

The existing residence was built using a "mat slab". Per the conversations with the structural engineer, there will be no need to upgrade the existing foundation. Similarly since the footprint of the building will not change, the civil engineering need not change nor would there be any need for a Wave Up-rush Study.

Regular Coastal

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

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

Development Plan Findings

Adoption of the Development Plan may be subject to conditions and it may be amended in the same manner as it was first adopted pursuant to Oceanside zoning ordinance, section 1611.f.1. Additionally, the City Planner may approve by the endorsement on the approved Development Plan, minor modifications in design which do not substantially alter the approved plan or the use permitted. Such minor modifications shall be reported to the authority which has approved the Development Plan. (Section 1611.g).

The Development plan for the proposed construction to remodel and convert the existing single family residence to a duplex has taken into consideration the surrounding properties and is consistent with the land use policies of the Local Coastal Program as implemented through the Zoning Ordinance. The project will not compromise existing public views within the Coastal Zone area nor produce adverse massing or property depreciation impacts on neighboring properties.

The proposed Development plan will not substantially depreciate or interfere with the use or enjoyment of property in the vicinity, nor will it endanger the public peace, health, safety or general welfare.

The application for a Development Plan shall be heard by the Planning Commission and their action shall be final unless appealed to the City Council under the manner as specified in Article 21 of the City of Oceanside's Zoning Ordinance.

LEGAL DESCRIPTION

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

LOT 10 IN BLOCK "C" OF MYER'S ANNEX TO OCEANSIDE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 984, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 13, 1906.

EXCEPTING THEREFROM THAT PORTION, IF ANY, NOW OR HERETOFORE LYING BELOW THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN.

APN: 150-356-16-00

815



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
(180 days)

1. **APPLICANT:** Paul Longton, Studio 4 Architects
2. **ADDRESS:** 2909 Mesa Drive Oceanside, CA 92054
3. **PHONE NUMBER:** (760) 722-4904
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Russ Cunningham, Senior Planner
6. **PROJECT TITLE:** Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003), South Pacific Duplex Conversion (811 South Pacific Street)
7. **DESCRIPTION:** Request to allow conversion of an existing single-family residence to a duplex, with the addition of 1,409 square feet of habitable space and a new third story. Situated within the Coastal Zone and the Townsite Neighborhood Planning Area, the project site bears a Local Coastal Plan designation of High-Density Residential and a zoning designation of Residential-Tourist (R-T).

ADMINISTRATIVE DETERMINATION: The proposal involves the construction of a duplex or similar multi-family residential structure totaling no more than four dwelling units. Pursuant to the California Environmental Quality Act (CEQA) and applicable state guidelines, the proposal is not subject to further environmental review, consistent with the following determination:

- "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 is categorically exempt, Class 3, "New Construction or Conversion of Small Structures" (Section 15303); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

A handwritten signature in black ink, appearing to read "Russ Cunningham".

Russ Cunningham, Senior Planner

Date: March 26, 2012

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee

Received by: Cathy
Via: County
Copy to: G. Buell, J. Hittman
S. Wayne, H. Trabueh,
A. Ehrlich, P. Allison

RECEIVED
MAY 02 2012
OCEANSIDE CITY CLERK

ACCEPTANCE OF APPEAL
(OFFICE USE ONLY)

Appeal of: Resolution Numbers 2012 - P15, 2012 - P16 & 2012-017

Date of Final Action: APRIL 23RD 2012 Date Filed: May 2, 2012

Form of Appeal: \$1,750 Appeal Fee _____ Petition

Person Submitting Appeal: Rachel Walker

Company/Developer Representative, Company: _____

Name: KARLA EDWARDS

Name of Person who Prepared the Appeal: KARLA EDWARDS

Name of Spokesperson for the Appeal: KARLA EDWARDS

Address: 3355 Mission Ave #111 Oceanside CA 92058

Phone Number: 760 859 5916 / 818 599 9846

E-mail and/or Fax: ketmi@aol.com / 760 859 5953

Appeals must be filed within 10 days of the date of final action. **Section 4604:** To appeal by petition for a waiver of the appeal fee, the appeal must be accompanied by the signatures of 50% of the property owners within the noticed area or 25 signatures of the property owners or tenants within the noticed area, whichever is less.

I hereby certify that this appeal is being submitted in accordance with the Zoning Ordinance and meets the criteria specified in Section 4604 for an appeal by petition.

Signature: 

Date: 5-2-12

MAY 02 2012

OCEANSIDE CITY CLERK

APPEAL OF PLANNING COMMISSION DECISION
DEVELOPMENT PLAN (D12-00001)/REGULAR COASTAL PERMIT (RC12-00001), DEVELOPMENT PLAN D12-00002/REGULAR COASTAL PERMIT (RC12-00002) AND DEVELOPMENT PLAN (D12-00003)/REGULAR COASTAL PERMIT (RC12-00003) ALLOWING THE CONVERSION OF THREE (3) EXISTING SINGLE-FAMILY HOMES TO DUPLEXES WITH THE ADDITION OF 1,409 SQUARE FEET OF HABITABLE SPACE AND A NEW THIRD STORY ON EACH DUPLEX BUILDING AT 811, 813 AND 815 SOUTH PACIFIC STREET - SOUTH PACIFIC DUPLEX CONVERSIONS - APPLICANTS: REVX PACIFIC NORTH LLC; REVX PACIFIC SOUTH LLC; STEVE LOOMIS
PLANNING COMMISSION RESOLUTIONS NOS. 2012-P15, 2012-P16 AND 2012-017

TO: MAYOR JIM WOOD AND CITY COUNCIL MEMBERS JACK FELLER, JERRY KERN, GARY FELIEN AND ESTHER SANCHEZ

WE, residents and taxpayers of the City of Oceanside, hereby appeal the April 23, 2012 decisions of the Planning Commission referenced above.

We respectfully request that the Oceanside City Council DENY DEVELOPMENT PLAN (D12-00001)/REGULAR COASTAL PERMIT (RC12-00001), DEVELOPMENT PLAN D12-00002/REGULAR COASTAL PERMIT (RC12-00002) AND DEVELOPMENT PLAN (D12-00003)/REGULAR COASTAL PERMIT (RC12-00003), which would essentially convert 3 single residential lots into a six-unit hotel/motel operation, with up to 5 bedrooms in each unit for a possible total of 30 bedrooms on 3 single residential lots, on the following grounds:

1. We hereby incorporate by reference the letters sent to Mr. Russ Cunningham, City Planner for the City of Oceanside and/or the Planning Commission for the City of Oceanside by Erik L. Schraner, Esq., of Seltzer, Caplan, McMahon & Vitek, dated March 6, 2012, March 23, 2012 and April 20, 2012, describing in detail specific reasons why the project(s) should be denied, including, but not limited to, specific violations of the City's 1986 Zoning Ordinance and CEQA.
2. In addition to the above specific reasons, we believe the(se) project(s) Violate the city's Local Coastal Plan on the grounds that they are inconsistent with the character of our neighborhood; that our LCP never contemplated the creation of high-density hotels/motels on such small footprints; and that the tremendous impacts to street parking for this up to 30 bedroom project will negatively impact beach parking and beach access.

Please DENY the(se) outrageous project(s) that will have a huge negative impact on our residential streets; will become a significant cost to Oceanside taxpayers as a result of the creation of huge demands on and costs of city services; and is being allowed without requiring proper monetary mitigation for the significant impacts to our neighborhood's character and environment.

Thank you,

NAME

ADDRESS

1. Janet Thieme B.T. 812 Tait St. #12 Oceanside, CA
2. Bob Traylor B.T. 803 Pacific #8 Oceanside
3. JACK COX Jack Cox 803 S Pacific #7 OCEANSIDE CA 92054
4. PATTIE COX Pattie Cox 803 S Pacific #7 Oceanside
5. ANA ELLIS Ana Ellis 803 S. Pacific St. # 8 OCEANSIDE CA
6. Shirley Oliver Sunge Ableser 834 S. Tait St #4 Oceanside
7. SAM J. OLIVER Sam J. Oliver 834 TAIT ST #4 OCEANSIDE
8. Jeana Godwin Jeana Godwin 261 Wisconsin St #6
9. MARGARET GRANQUIST 828 SOUTH PACIFIC #6
10. MARY GRAY MARY GRAY 828 South Pacific Oceanside

**APPEAL OF PLANNING COMMISSION DECISION
 DEVELOPMENT PLAN (D12-00001)/REGULAR COASTAL PERMIT (RC12-00001), DEVELOPMENT PLAN D12-00002/REGULAR COASTAL PERMIT (RC12-00002) AND DEVELOPMENT PLAN (D12-00003)/REGULAR COASTAL PERMIT (RC12-00003) ALLOWING THE CONVERSION OF THREE (3) EXISTING SINGLE-FAMILY HOMES TO DUPLEXES WITH THE ADDITION OF 1,409 SQUARE FEET OF HABITABLE SPACE AND A NEW THIRD STORY ON EACH DUPLEX BUILDING AT 811, 813 AND 815 SOUTH PACIFIC STREET – SOUTH PACIFIC DUPLEX CONVERSIONS – APPLICANTS: REVX PACIFIC NORTH LLC; REVX PACIFIC SOUTH LLC; STEVE LOOMIS PLANNING COMMISSION RESOLUTIONS NOS. 2012-P15, 2012-P16 AND 2012-017**

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Thank you,

	NAME	ADDRESS
1.	Matt Thomas	834 Tait St # Oceanside CA 92054
2.	Rynn Weber	834 TAIT ST #1 Oceanside CA 92054
3.	Tom Boren	904 S PACIFIC
4.	Suzanne Rector	1006 S. MEYERS ST. Oceanside
5.	Kathy Palmer	9025 Pacific B Oceanside
6.	Susan Palmer	9025 Pacific #3 Oceanside, CA
7.	Cassandra Weber	834 Tait St. #1 Oceanside CA
8.	Jeanne McDonald	834 S. Tait St. #1
9.	Debby Martin	834 S. Pacific St apt B 92054
10.	TOM BOREN	844 S. Pacific # D 92054

**APPEAL OF PLANNING COMMISSION DECISION
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Thank you,

	NAME	ADDRESS
1.	Jason Korszeniewski	812 S. Pacific #6 Oceanside CA 920
2.	BRENDA GIBLIN	812 #4 S Pacific St Oceanside Ca 920
3.	Randy McNabb	812 #5 S Pacific St Oceanside 9205
4.	Deed Allen	812 #4 S Pacific St Oceanside 9205
5.	Joel & Jones	812 S Pacific #3 O.S., 9205
6.	Casey Waller	812 S Pacific #7, Oside 9205
7.	Pat Smith	820 A S Pacific St Oside
8.	Shannon Dambman	834 S Pacific St Apt C.
9.	THOMAS MARINO	828 7A17, #K, 92054
10.	SUZANNE COURSE	828 7A17 #K, 92054

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Thank you,

	NAME	ADDRESS
1.	Betty Stuart <i>Betty Stuart</i>	816 S. Pacific St. #C
2.	CHAD SPONER <i>[Signature]</i>	818 S. PACIFIC ST. #A
3.	Andrea Costa <i>Andrea Costa</i>	818 S. Pacific St #A.
4.	KEISTINA LUCKETT <i>[Signature]</i>	816 S. PACIFIC ST #B
5.	Pamela Mennery <i>[Signature]</i>	818 S. Pacific #B
6.	Jill Shiney <i>Jill Shiney</i>	816 S. Pacific St #D
7.	Christopher Thomas <i>[Signature]</i>	816 S Pacific #A
8.	Michelle McClary <i>[Signature]</i>	816 S. Pacific #A
9.	Miguel <i>[Signature]</i>	822A S Pacific St
10.	Abigail Frech <i>[Signature]</i>	822A S Pacific St.
11.	Dreg Lafreniere <i>[Signature]</i>	822B S. Pacific St

www.scmv.com 2100 SYMPHONY TOWERS
619.685.3003 750 B STREET
619.685.3100 FAX SAN DIEGO, CALIFORNIA 92101

SELTZER | CAPLAN | McMAHON | VITEK
A LAW CORPORATION

ERIK L. SCHRANER, ESQ.

schraner@scmv.com
619.685.3187
619.702.6848 FAX

April 20, 2012

Planning Commission
City of Oceanside
300 North Coast Highway
Oceanside, California 92054

Via Electronic Mail

**Re: 811, 813, and 815 South Pacific Street
April 23, 2012 Planning Commission Agenda Item No. 3**

Dear Members of the Planning Commission:

We represent Beachin, LLC concerning the proposed conversion of 811, 813, and 815 South Pacific Street from single-family residences to duplexes. Our firm submitted two letters to the City of Oceanside at the previous hearing – a March 6, 2012 and a March 23, 2012 letter – requesting that the City apply the applicable zoning regulations to the three structures. We resubmit these letters to the Planning Commission (copies attached) and request that the Planning Commission deny the applications to convert 811, 813, and 815 South Pacific Street.

Sincerely,



Erik L. Schraner, Esq.
SELTZER CAPLAN McMAHON VITEK
A Law Corporation

ELS/cll:ejg
Enclosures

cc: Karla Edwards (w/enclosures)
Russ Cunningham, City of Oceanside (w/enclosures)
Barbara Hamilton, Deputy City Attorney for the City of Oceanside (w/enclosures)

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619.685.3100 FAX SAN DIEGO, CALIFORNIA 92101

S E L T Z E R | C A P L A N | M C M A H O N . | V I T E K
A LAW CORPORATION

ERIK L. SCHRANER, ESQ.
schraner@scmv.com
619.685.3187
619.702.6848 FAX

March 6, 2012

Mr. Russ Cunningham
City of Oceanside
300 North Coast Highway
Oceanside, California 92054

Via Email & U.S. Mail

Office of the City Attorney
City of Oceanside
300 North Coast Highway
Oceanside, California 92054

Re: **811, 813, and 815 South Pacific Street**

Dear Mr. Cunningham & Office of the City Attorney:

We represent Beachin, LLC, concerning the applications for a coastal permit and a development plan for 811, 813, and 815 South Pacific Street.

Requested Action.

We request that the City require that the applicant for 811, 813, and 815 South Pacific Street comply with the certified Local Coastal Program by (1) limiting the structures to three stories or less, (2) complying with the 35-foot height limit, (3) providing the required 10-foot side yard setback, (4) complying with the Americans with Disabilities Act and 2010 Building Code accessibility requirement for "transient" lodging, (5) no tandem parking spaces, (6) submitting a beach erosion report, and (7) providing refuse storage.

Discussion.

811, 813, and 815 South Pacific Street are existing 4,501 square foot single-family residences used as transient hotel/motel operations. The applicant proposes to add: (1) a fourth story, (2) a 1,371 square foot addition, and (3) a second unit to each of the three existing single-family buildings. With the proposed additions, the 3,250 square foot lots will be developed with 5,872 square foot buildings rising up four stories from the beach.

Mr. Russ Cunningham and Office of the City Attorney

City of Oceanside

March 6, 2012

Page 2

Applicant intends to operate a six-unit hotel/motel operation with transient occupancy in the three residential buildings. These facilities also qualify as a "place of lodging". The vacation rental management company operating the three buildings also operates 817, 819, 821, 823, 825, 831, and 833 South Pacific Street. These operations, and the pending applications for 817 and 819 South Pacific and 833 South Pacific, should all be addressed in one master development plan and analyzed as one project in accordance with the California Environmental Quality Act.

The applications submitted for these three properties violate the following regulations:

1. Four-Story Structures Are Forbidden.

Applicant proposes to add a new fourth floor to the three existing structures. The 1986 Zoning Ordinance, however, limits buildings on the project sites to three stories.¹

The City's 1986 Zoning Ordinance defines a "story" as that portion of a building included between the surface of any floor and the surface of the floor next above it.² Although a basement does not count as a story, a basement is limited to that portion of a building between floor and ceiling which is partly below and partly above ground.³

Section 207: Basement. "Basement" means that portion of a building between floor and ceiling which is partly below and partly above ground but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Thus, only the portion of the buildings located partly below and partly above ground qualifies as a basement.

The bottom floor of applicant's structures fail to qualify as a basement for two reasons. First, applicant's plans show that the western portion of the existing structures is located entirely above ground. Since the area located entirely above-ground cannot qualify as a basement, the above-ground portion of the bottom floor qualifies as a story.

¹ 1986 Zoning Ordinance §1709.

² 1986 Zoning Ordinance §274.

³ 1986 Zoning Ordinance §207.

Mr. Russ Cunningham and Office of the City Attorney
City of Oceanside
March 6, 2012
Page 3

Second, "if the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story."⁴ The first step is to calculate "grade". Grade is defined as:

Section 234: Grade. "Grade" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above-ground level shall be measured at the sidewalks.

The applicant's plans calculated "grade" using the following measurements:

Center East Wall	24 Feet
Center South Wall	18.4 Feet
Center West Wall	14 Feet
Center North Wall	24 Feet

The resulting average as stated on the plans is 20.1 feet. These measurements, however, do not comply with the City's definition for "grade".

Grade must be measured using "finished ground level" at the center of the walls. According to the plans, finished ground level is 13-feet MSL. Thus, the measurements at the center of the west wall cannot be 14-feet MSL. It is 13-feet MSL.

Applicant makes a different error on the south and north wall measurements. Although the location of these measurements for the south and north walls are not specified on the plans, the measurements appear to be taken from the top of the walkways located along the south and north walls. Applicant, however, must measure from the center of the north and south walls, not the walkways.

While the 1986 Zoning Ordinance walls allows grade for walls parallel to and within five feet of a sidewalk to be measured from the above-ground level at the sidewalks, the areas to the north and south of the structures do not qualify as a sidewalk. Although the 1986 Zoning Ordinance does not define "sidewalk," the California Building Code in effect in 1986 (copy attached) defines a "sidewalk" as:

"Sidewalk is a surfaced pedestrian way contiguous to a street used by the public. NOTE: See definition for a walk."⁵

⁴ 1986 Zoning Ordinance §274.

Mr. Russ Cunningham and Office of the City Attorney
City of Oceanside
March 6, 2012
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And defines a "walk" as:

"Walk is a surfaced pedestrian way not located contiguous to a street used by the public. (See definition for 'sidewalk'.)"⁶

This is consistent with the common definition for sidewalks, which defines a sidewalk as a paved walk for pedestrians at the side of a street.⁷

To qualify as a sidewalk, a sidewalk must be contiguous to a street. "Contiguous" means to be in actual contact, touching along a boundary or at a point.⁸ The areas along the south and side wall are not contiguous to a street used by the public and cannot, therefore, qualify as sidewalks. Thus, the south and north wall must be measured from finished ground level at the center of these wells.

This results in the following measurements:

Center East Wall	24 Feet
Center South Wall	13 Feet
Center West Wall	13 Feet
Center North Wall	13 Feet

Average grade is therefore 15.75-foot MSL. Thus, the finished floor directly above the basement is more than six feet above grade and the bottom floor qualifies as a story.

2. Building Height.

Applicant's proposed structures do not comply with the RT zone height restriction. The RT zoning regulations restrict "building height" to 35 feet⁹ and define "building height" as "the vertical distance measured from the average level of the highest and lowest point of that portion of the building site covered by the building to the ceiling of the uppermost story."¹⁰

⁵ 2010 California Building Code section 2-420(d).

⁶ 2010 California Building Code section 2-424(a).

⁷ Merriam-Webster Dictionary.

⁸ Merriam Webster Dictionary.

⁹ 1986 Zoning Ordinance §3203.

¹⁰ 1986 Zoning Ordinance §211 (emphasis added.).

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The plans submitted by the applicant claim that the average level of the highest and lowest point is 19-feet MSL. This is incorrect.

The finished grade for the portion of the building site covered by the building is 13-feet MSL. The average level of the highest and lowest point of the portion of the building site covered by the building is therefore 13-feet MSL.

The plans identify the height of the ceiling of the uppermost story as 50.67-feet MSL. The proposed building height is therefore 37.67 feet, which exceeds the 35-foot height limit.

c. Other adopted plans or policy of the City.

In addition, the 1986 Zoning Ordinance imposes the following additional height restriction: "No building or structure shall exceed any adopted height restrictions that may appear in any other adopted Plan or Policy of the City ..." ¹¹ The Zoning Ordinance adopted in 1988 by the City Council is another adopted City plan or policy. The 1988 Zoning Ordinance restricts building height to 27 feet. The projects exceed this height limit by more than 10 feet.

3. Increase of Side Yard Where Dwelling Unit Fronts Upon a Side Yard.

To add an additional unit, each of the projects must provide a 10 foot side yard setback on the side where the primary entrance is located. Section 1723 of the Zoning Ordinance requires the following side yard setback:

The minimum width of the side yard upon which a primary entrance to a dwelling unit is provided shall be no less than ten (10) feet. ¹²

Since applicant proposes to locate two primary entrances within the side yard, applicant must provide a 10-foot side yard on the side yard where the primary entrances will be located. Applicant proposes to only provide a 3-foot side yard setback on the side yard with both primary entrances.

¹¹ 1986 Zoning Ordinance §3203.

¹² 1986 Zoning Ordinance §1723.

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4. Americans with Disabilities Act.

Applicant will operate the proposed structures as a hotel/motel and an assembly hall used by transient renters, which qualifies the proposed structures as a "place of lodging" and as "transient" occupancy. New ADA regulations require "places of lodging" to comply with ADA accessibility regulations and structures used for "transient" occupancy must comply with the 2010 California Building Code accessibility regulations. Applicant's projects qualify as "places of lodging" and "transient" occupancies. Thus, to operate a structure used by transient renters using the premises for fewer than 30 days, the three structures will have to comply with the Americans with Disabilities Act and the 2010 California Building Code accessibility regulations.

5. Tandem Parking Spaces.

Applicant proposes to provide four tandem parking spaces to comply with the minimum parking requirements. The City shall require that all new residential development provides adequate on-site parking. In areas where beach parking demand is critical, parking requirements for new residential development shall be strictly enforced.¹³ Nothing in the 1986 Zoning Ordinance, however, authorizes the use of tandem parking spaces to comply with the parking requirements.

In addition, tandem parking spaces do not comply with the requirement that parking spaces "be provided with adequate ingress and egress" and the General Plan requirement that "developments shall design parking areas to maximize efficiency, safety, convenience, and open space."¹⁴ Tandem parking spaces do not provide adequate ingress and egress, particularly in structures that will be used as vacation rental by transient renters.

6. Beach Erosion Report.

The Local Coastal Program requires new development west of Pacific Street from Wisconsin to the south City limits to provide a report prepared by a licensed civil engineer or geologist experienced in coastal processes that development as proposed would not be imperiled by erosion during the expected life of the structure (generally 75 years for new residential development). Applicant has not submitted the required beach erosion report.

¹³ Local Coastal Program Policy 17.

¹⁴ 1986 Zoning Ordinance §2702; General Plan Policy 1.20.

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7. Refuse Storage.

The 1986 Zoning Ordinance requires refuse storage that is 5-feet high, 6-feet deep, and 8-feet wide constructed of concrete block or masonry walls with gates.¹⁵ The plans do not identify a refuse storage that meets these criteria.

Conclusion.

The applicant has proposed a structure using interpretations from the 1992 Zoning Ordinance, which is no longer applicable within the Coastal Zone. We request that the City require the applicant to comply with the certified Local Coastal Program – the 1986 Zoning Ordinance.

Thank you.

Very truly yours,



Erik L. Schraner, Esq.
Seltzer Caplan McMahon Vitek
A Law Corporation

ELS/cll

Enclosure

cc: Beachin, LLC (w/enclosure)
California Coastal Commission, San Diego Coast District Office (w/enclosure)

¹⁵ 1986 Zoning Ordinance §1730.

TITLE 24

BUILDING STANDARDS

(Register 04, No. 11-5745)

(p. ix)

TITLE 24. BUILDING STANDARDS

(Originally filed 8-14-89)

(Revision filed 7-9-93)

- PART 1. STATE BUILDING STANDARDS COMMISSION**
- PART 2. BASIC BUILDING REGULATIONS**
- PART 3. BASIC ELECTRICAL REGULATIONS**
- PART 4. BASIC MECHANICAL REGULATIONS**
- PART 5. BASIC PLUMBING REGULATIONS**
- PART 6. SPECIAL BUILDING REGULATIONS**
- PART 7. ELEVATOR SAFETY REGULATIONS**
- PART 8. STATE HISTORICAL BUILDING CODE**

S

Sec. 2-420. (a) Sanitary Facility is any single unit or a combination of water closets, urinals, lavatories, bathtubs or showers, together with the room or space in which they are located.

(b) Shopping Center is one or more sales establishments or stores.

(c) **Should:**

NOTE: See Recommendation.

(d) Sidewalk is a surfaced pedestrian way contiguous to a street used by the public.

NOTE: See definition for "Walk".

(e) Single Accommodation Sanitary Facility is a room that has not more than one of each type of sanitary fixture, is intended for use by only one person at a time, has no partition around the toilet, and has a door that can be locked on the inside by the room occupant.

NOTES: 1. See Section 2-1711.

2. For bathrooms serving Group A Occupancies, see Section 2-1213.

(f) Site Development is "on site" and "off site" work including, but not limited to, walks, sidewalks, ramps, curbs, curb ramps, parking facilities, stairs, planting areas, pools, promenades, exterior gathering or assembly areas and raised or depressed paved areas.

(g) Smoke Detector is a device which senses visible or invisible particles of combustion.

(h) Special Access Lift is a hoisting and lowering mechanism equipped with a car or platform, or support which serves two landings of a building or structure and is designed to carry a passenger or passengers and (or) luggage or other material a vertical distance as may be allowed.

T

Sec. 2-421. (a) Temporary shall mean buildings and facilities intended for use at one location for not more than one year and seats intended for use at one location for not more than 90 days.

(b) Tread is the horizontal surface of a step in a stair.

U

Sec. 2-422. (a) UBC shall mean the 1979 Edition of the Uniform Building Code as published by the International Conference of Building Officials.

EXCEPTIONS: 1. UBC as it relates to the jurisdiction of the Office of the State Architect relative to public school buildings and in reference to Chapter 2-25 through 2-30, inclusive, 2-32, 2-37, 2-47 and 2-54 of Part 2 and in Division T21 of Part 6 shall be construed to mean the 1976 Edition.

2. UBC as it relates to the jurisdiction of the Office of Statewide Health Planning and Development relative to hospital buildings and in reference to Chapter 2-23 through 2-30, inclusive, 2-32, 2-37 and 2-47 of Part 2 and in Division T22 of Part 6 shall be construed to mean the 1976 Edition.

3. UBC as it is used in reference to the State Housing Law, Building Standards for hotels, motels, lodging houses, apartment houses, and dwellings, or portions thereof, and buildings and structures accessory thereto shall comply with provisions contained in the 1979 Uniform Building Code. See Chapter 2-12.

(b) UBC Standards shall mean the 1979 Edition of the Uniform Building Code Standards as published by the International Conference of Building Officials.

EXCEPTION: Exceptions (1), (2) and (3) of Section 2-422(a) relating to UBC shall apply to UBC Standards.

(c) Unreasonable Hardship: An unreasonable hardship exists when the enforcing agency finds that compliance with the building standard would make the life

work of the project affected by the building standard, unfeasible based upon an overall evaluation of the following factors:

1. The cost of providing access.
2. The cost of all construction contemplated.
3. The impact of proposed improvements on financial feasibility of the project.
4. The nature of the accessibility which would be gained or lost.
5. The nature of the use of the facility under construction and its availability to handicapped persons.

The details of any finding of unreasonable hardship shall be recorded and entered in the files of the enforcing agency.

W

Sec. 2-424. (a) Walk is a surfaced pedestrian way not located contiguous to a street used by the public. (See definition for "Sidewalk".)

(b) Wheelchair is a chair mounted on wheels to be propelled by its occupant manually or with the aid of electric power, of a size and configuration conforming to the recognized standard models of the trade.

(c) Wheelchair Occupant or Wheelchair User is an individual who, due to a physical impairment or disability, utilizes a wheelchair for mobility.

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March 23, 2012

Planning Commission
City of Oceanside
300 North Coast Highway
Oceanside, California 92054

Via Email

Re: **811, 813, and 815 South Pacific Street**
March 26, 2012 Planning Commission Agenda Item No. 7

Dear Members of the Planning Commission:

We represent Beachin, LLC concerning the proposed conversion of 811, 813, and 815 South Pacific Street from a single-family residence to duplexes. Our firm submitted a letter to the City of Oceanside on March 6, 2012 requesting that the City apply the applicable zoning regulations to the three structures. We have not received a response from the City to our request and just received the Staff Report to the Planning Commission yesterday.

In response to the Staff Report, we have the following comments:

- Height Measurement. The application incorrectly measures height by calculating average grade using grade measurements taken from points located outside the structure. Under the certified Local Coastal Program height must be measured from the center of all walls. Three applications instead measure from points located outside the walls and the buildings.
- Height Measurement from a Sidewalk. Only walls within 5 feet of a sidewalk allow height to be measured from the sidewalk. The only sidewalk is located along the east wall fronting South Pacific Street.
- Incorrect Measurements. The grade calculations for 813 South Pacific incorrectly state that the center of the north wall is 24 feet. Height according to the drawings appears to be 16.3 feet (the drawings released to the public are blurry).
- Basements. In determining if a floor qualifies as a basement, the Staff Report claims that ground means grade. This makes no sense. First, instead of using the term ground in the definition for a basement, the City would have simply used

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Members of the Planning Commission

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the term "grade". Second, if the City had intended that ground meant grade, the City would have defined ground to mean grade. Third, ground level is used to calculate grade. Ground, therefore, cannot be the same as grade.

- **Development Plan.** To approve the required development plan, the Planning Commission must consider the present and proposed zoning. The City adopted a new zoning ordinance for the coastal zone in 1988 and 1992, and until recently applied the proposed new zoning to all development in the Coastal Zone.¹ The three structures do not comply with the proposed zoning, including (1) the 27-foot or two stories, whichever is less, height restriction, and (2) the daylight plane requirement for front yards on streets.
- **Front Yard Setback.** The City has processed the application with the assumption that the applicant has a right to a front yard setback based on the block face average. The 1986 Zoning Ordinance's RT zone does not grant the applicant such a right. The 1986 Zoning Ordinance imposes a 10-foot front yard setback. Although the setback may be decreased, the City can only do so based on the standards specified in the RT zoning regulations. Using the required standard, a decreased setback can only be approved based on architectural compatibility. While the structures in the neighborhood do not all provide a 10-foot front yard setback, the setbacks in the neighborhood average more than 4 feet.
- **Landscaping.** According to the City, the proposed projects do not comply with the Local Coastal Program's landscaping requirements. In part, this is because the applicant has installed concrete walkways on both sides of the structures. Alternative to walkways that allow landscaping to be installed are required.
- **Compatibility In Height And Scale.** The LCP requires all development to be compatible in height, scale, color, and form with the surrounding neighborhood.² Applicant's proposed structures are incompatible with existing development because (1) the project incorrectly measures "grade" (the beginning point for measuring height) and (2) the structures are over 40 feet tall on the west (beach) side and include four stories.

¹ Assuming the City's position that the 1986 Zoning Ordinance is the certified Local Coastal Plan is correct.

² Local Coastal Program; 1986 Zoning Ordinance §1703(e).

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- **Design Standards.** The Local Coastal Program requires the Planning Commission to apply the design standards in the Coastal Development Design Standards manual. This includes the following design standards:
 1. Proposed new development should consider surrounding views when designing building height. Coastal Development Design Standards IV.A.3.
 2. Ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood. Coastal Development Design Standards V.1.
 3. Buildings are seen together as a total effect that defines the City/neighborhood. Emphasize this special character further through distinctive landscaping and other features. Coastal Development Design Standards V.5.
 4. Pedestrian scale can be achieved at the base of large vertical building surfaces by the use of arcades, by emphasizing horizontal divisions, surface textures and other architectural details. Coastal Development Design Standards VI.A.1.
 5. Relate the height of buildings to important attributes of the City pattern and to the height and character of surrounding development. Coastal Development Design Standards VI.A.3.

The proposed structure would include four stories, more than any other building in the surrounding neighborhood, fail to comply with the height regulations, and will block surrounding views and be out of scale with the height and character of surrounding development.

- **City Rescinded the 1986 Zoning Ordinance.** In 1988, the City rescinded Ordinance No. 58-01, the then existing Zoning Ordinance. The Zoning Ordinance therefore no longer has any legal effect.
- **Notices.** The City did not issue the required public notices to the public or interested persons.

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California Environmental Quality Act.

In addition, the projects do not comply with the California Environmental Quality Act ("CEQA"). City claims that the projects qualify for a Class 3 categorical exemption and is therefore exempt from CEQA. The Class 3 categorical exemption, however, only applies to the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.³ The proposed conversion, however, includes major modifications to the exterior of the structure and therefore does not qualify for the Class 3 categorical exemption.

In addition, the Class 3 categorical exemption is qualified by location, cumulative impact, and significant effects due to unusual circumstances.⁴ The proposed structures do not qualify for a categorical exemption for the following reasons:

- Due to their location on a public right-of-way and public view corridor, the projects will impact public views in violation of the Local Coastal Program.
- The project does not provide adequate parking to meet the parking demands of a vacation rental with a 30-person sleeping occupancy that will host events for 75 persons or more.
- The project does not provide parking for employees.
- The project is incompatible with the bulk and scale of the surrounding neighborhood.
- Applicant has pending applications for 817, 819, 831 and 833 South Pacific Street. These seven projects (including 811, 813, and 815) cannot be piecemealed and must be reviewed under CEQA as one project.
- Development of vacation rentals and assembly halls on South Pacific Street over time has caused and will cause significant cumulative impacts to parking, street parking, views, density, bulk, and scale.

³ CEQA Guidelines §15303.

⁴ CEQA Guidelines §15300.2.

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- Applicant proposes to rent the proposed structures as vacation rentals for 30 persons, or more, and to host parties, weddings, and corporate retreats for 75 persons or more. Past parties, weddings, and corporate retreats on applicant's nearby properties included dj's and live music, in addition to the crowd noise, causing excessive noise levels that disturbed the surrounding residences. Since no walls will block noise originating from the fourth story roof deck, the noise impacts will be even greater than a back yard party.
- Holding parties, weddings, and corporate retreats will cause noise impacts to the surrounding residences and disturb the surrounding neighbors sleep.

These items support a fair argument that the project may have a significant environmental effect on the environment. For these reasons, the City is required to prepare a mitigated negative declaration or an environmental impact report.

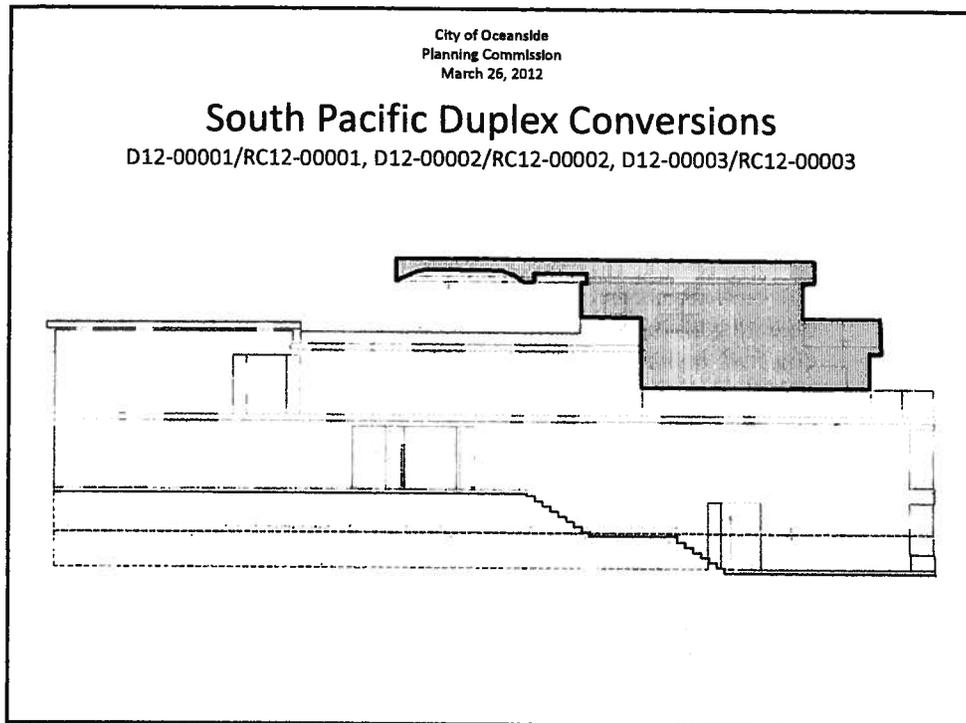
Sincerely,



Erik L. Schraner, Esq.
SELTZER CAPLAN McMAHON VITEK
A Law Corporation

ELS/cl:ejg

cc: Karla Edwards
Russ Cunningham, City of Oceanside
John Mullen, City Attorney for the City of Oceanside



City of Oceanside
Planning Commission
March 26, 2012

South Pacific Duplex Conversions

D12-00001/RC12-00001, D12-00002/RC12-00002, D12-00003/RC12-00003

Project Description

- Conversion of three existing single-family residences to duplexes
 - Three contiguous 25' x 130' beachfront lots
 - Reconfiguration of primary entrances
 - Segregation of basement and first story from second and third stories
 - New kitchen on the second story
- Partial enclosure of existing second-story deck area, adding 546 square feet of habitable space
- New third story (fourth level above the beach) comprised of 825 square feet of habitable space
- No change to existing footprint
- No additional bedrooms
- New windows, wall finishes and roofing to match existing

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South Pacific Duplex Conversions

D12-00001/RC12-00001, D12-00002/RC12-00002, D12-00003/RC12-00003

Code Enforcement Action

- City receives citizen complaint that single-family homes are operating as duplexes (June 14, 2011)
- City staff meets with property representatives, who agree to restore structures to single-family residences (July 1, 2011)
- City Attorney sends formal correspondence inquiring as to the status of the agreed-upon corrections (July 22, 2011)
- Code Enforcement conducts inspections to confirm that units have been restored to single-family residences (August 18th – September 7th 2011)

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South Pacific Duplex Conversions

D12-00001/RC12-00001, D12-00002/RC12-00002, D12-00003/RC12-00003

Existing Conditions

- Three 4,501 square-foot single-family residences
 - Approved in 2005 (under the 1992 Zoning Ordinance)
 - Two stories over beach-level basement
 - Four-vehicle garage (two pairs of tandem stalls)
 - Expansive open deck area at second story
 - Front elevations distinguished by different roof elements
 - Stair enclosures projecting above rooflines
- Sloping lot comparable to others in the 800 Block of South Pacific Street (10-foot downward slope from street to the beach)
- Coastal stringline roughly 35 feet east of revetment

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South Pacific Duplex Conversions
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Existing Conditions

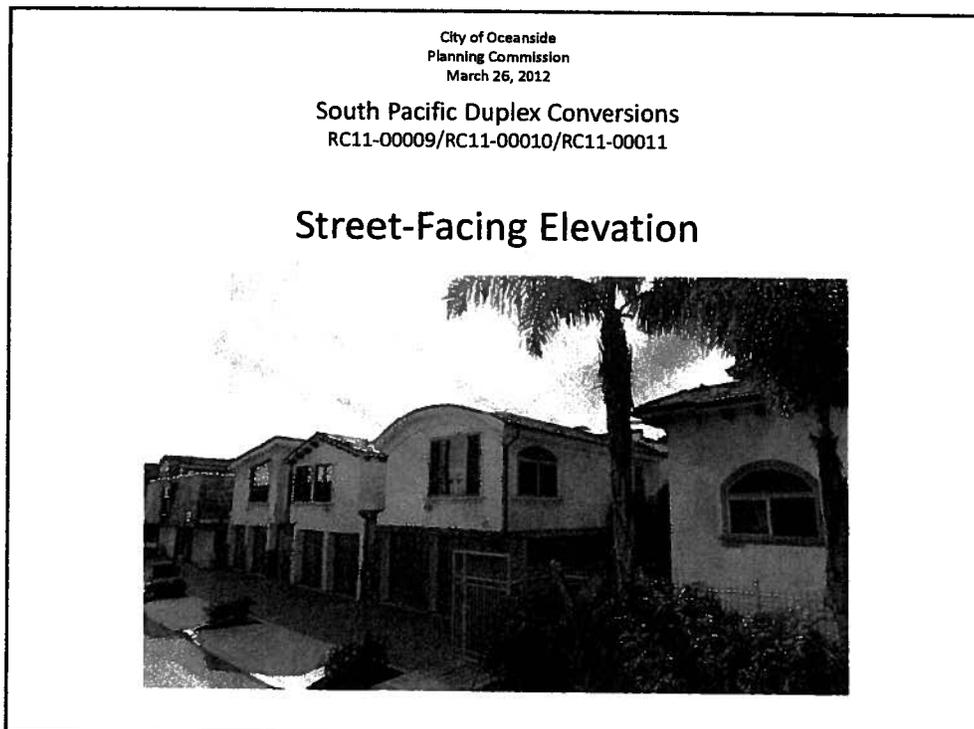
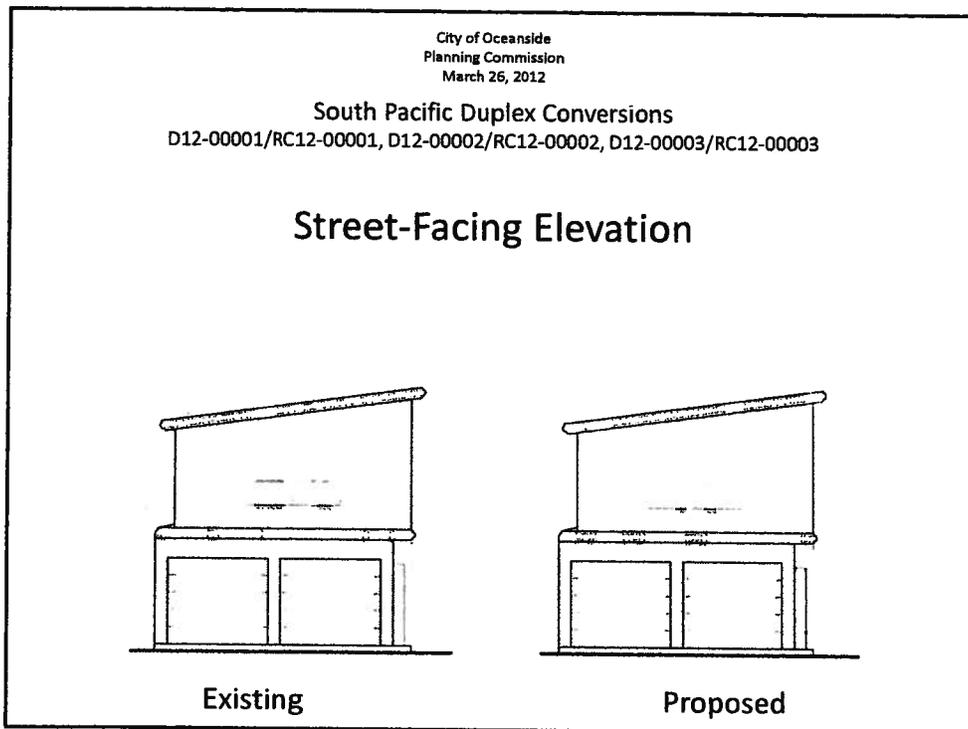


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South Pacific Duplex Conversions
D12-00001/RC12-00001, D12-00002/RC12-00002, D12-00003/RC12-00003

Existing Conditions





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South Pacific Duplex Conversions
RC11-00009/RC11-00010/RC11-00011

Beach-Facing Elevation



City of Oceanside
Planning Commission
November 7, 2011

South Pacific Duplex Conversions
D12-00001/RC12-00001, D12-00002/RC12-00002, D12-00003/RC12-00003

R-T Zone

- **Purpose & Intent:** "To accommodate tourist and year-round visitor-serving facilities by providing permanent and transient residential and related uses to serve all income levels. The R-T Zone is primary designated on shorefront property to optimize public access to the beach."
- **Maximum Density:** Maximum 43 d.u./acre
- **Maximum Height:** 35 feet and three stories
- **Minimum Front Yard Setback:** 10 feet or stringline
- **Minimum Parking:** 1.5 spaces per multi-family dwelling unit (per exception for lots of less than 7,500 square feet)

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South Pacific Duplex Conversions
D12-00001/RC12-00001, D12-00002/RC12-00002, D12-00003/RC12-00003

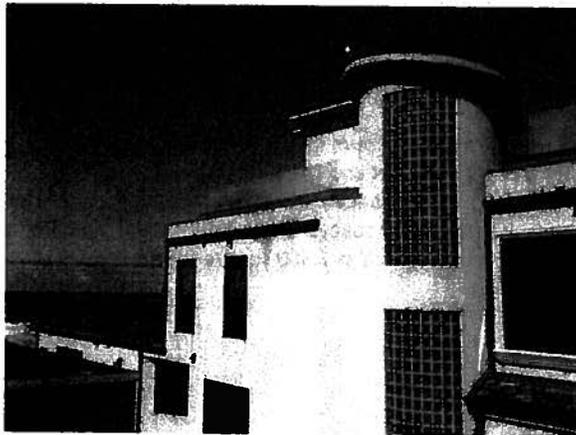
Potential View Impacts



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South Pacific Duplex Conversions
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Potential View Impacts



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South Pacific Duplex Conversions
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Correspondence from Beachin LLC

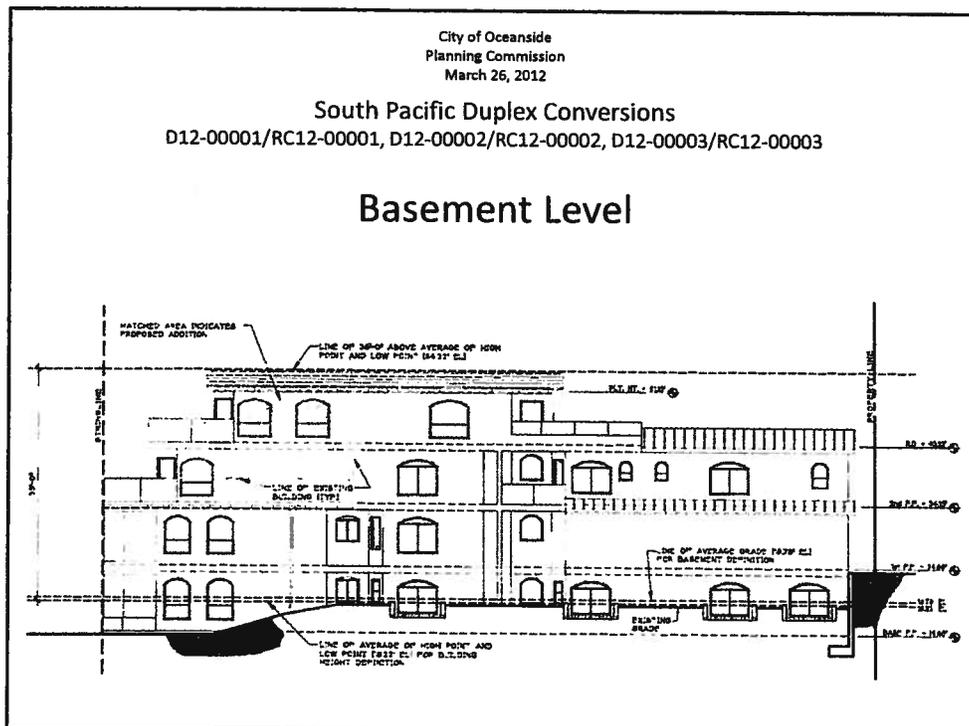
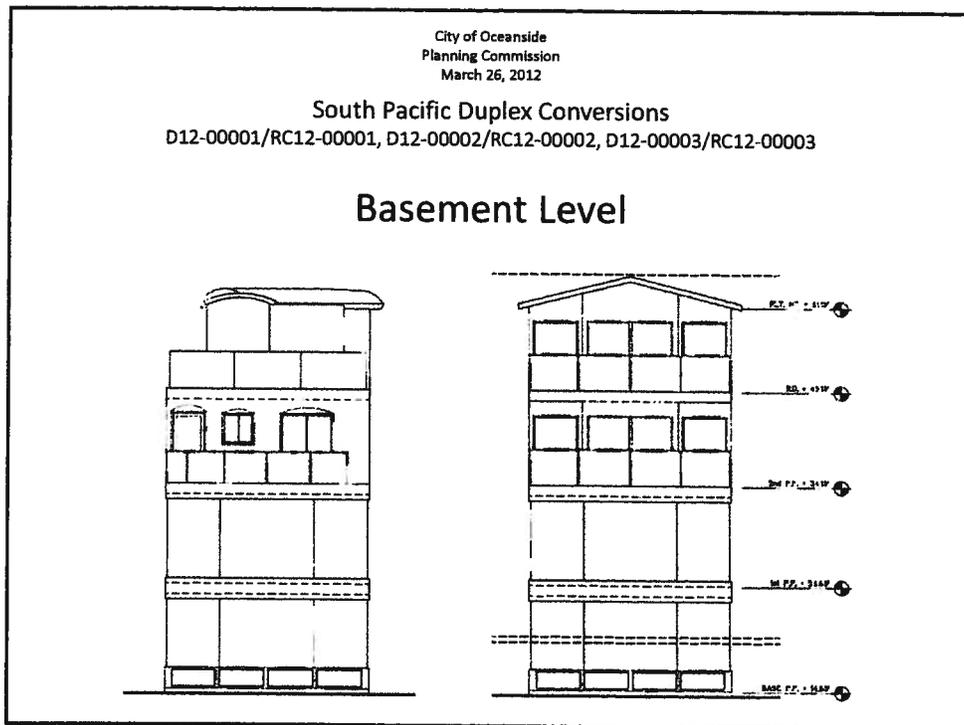
- **Height measurement**
 - ZO Section 211: Building Height. "Building height" means the vertical distance measured from the average level of the highest and lowest point of that portion of the building site covered by the building to the ceiling of the uppermost story.
 - City has historically required applicants to show highest and lowest points adjacent to the building
 - Grade points have been re-surveyed and found to be accurate
- **Incorrect grade point on plans**
 - 16.3' grade point along north elevation of 813 S. Pacific is incorrect
 - Correct grade point provided in recent survey

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South Pacific Duplex Conversions
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Correspondence from Beachin LLC

- **Basements**
 - ZO Section 207: "Basement" means that portion of a building between floor and ceiling which is partly below and partly above ground but so located that the vertical distance from grade to the floor below is [more] than the vertical distance from grade to ceiling.
 - City interprets "grade" and "ground" to be synonymous in this definition
 - Zoning ordinance provides no definition of "ground"
 - Distinguishing "grade" from "ground" would disallow daylighted basements
- **Proposed zoning/Applicable zoning standards**
 - Following a nearly year-long public discourse on Coastal Zone building height, the City Council has signaled no intention of revising or replacing the 1986 ZO
- **Front yard setback**
 - Existing front yard setbacks were approved on the basis of the block face average
 - Proposals do not impact front yard setbacks



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Correspondence from Beachin LLC

- **Landscaping**
 - ZO Section 1731: "All open areas with the exception of vehicular accessways and parking areas, pedestrian walkways, and recreational facilities shall be landscaped. A minimum of sixty (60) percent landscaping shall be provided within the required front and side street side yard setback areas, respectively. All landscaped areas shall have a permanent irrigation system providing one hundred (100) percent coverage.
 - Front yards occupied entirely by driveways and pedestrian walkways
 - Enhanced paving and small planters in ROW required as part of approval of existing residences
 - Side yard areas hold some potential for potted plants
 - Plantings in the ROW have not been well maintained; staff could work with the applicant to improve the appearance and viability of these plantings
- **Compatibility in height and scale**
 - Projects meets building height and story-count limitations
 - Projects are consistent with LCP design guidelines
 - Projects would not impede existing public views

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South Pacific Duplex Conversions
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Correspondence from Beachin LLC

- **CEQA**
 - Both individually and collectively, the projects qualify for a Class 3 CEQA exemption
 - Even with the proposed conversions, development on the subject properties would not exceed prior density on the sites
 - While previous development on the subject sites furnished no on-site parking, existing parking resources exceed current parking standards
 - Assembly uses are not permitted in R-T zone
 - Projects conform to applicable policies and standards

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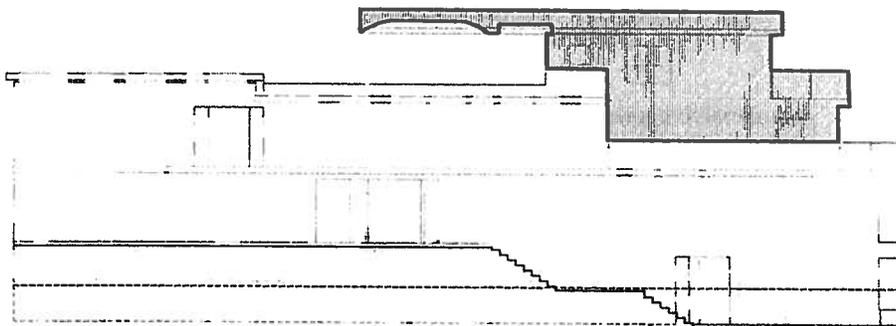
South Pacific Duplex Conversions
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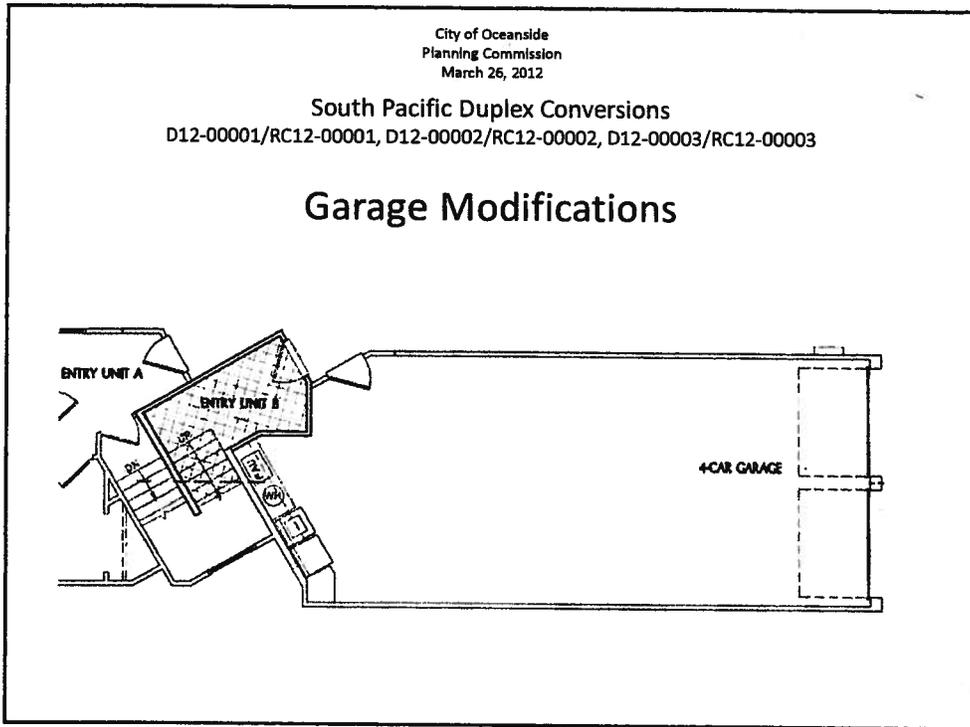
Recommendation

Staff finds the proposed duplex conversions and associated additions to be consistent with the policies of the Local Coastal Program as well as the purpose and intent of the R-T zoning designation. It is staff's position that the proposed additions would be compatible with the surrounding built environment and would avoid adverse massing impacts on South Pacific Street, public beach areas and adjacent properties. Accordingly, staff recommends approval of the proposals.

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South Pacific Duplex Conversions
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Residential Occupancy Type

Optional Condition of Approval to Address
Concerns about Transient Occupancy

This permit is approved only for a non-transient residential occupancy as defined in the 2010 California Building Code and as represented on the proposed plans. Any other occupancy type, including but not limited to transient occupancy (as defined in Chapter 3, Section 310, Residential Group R), may require structural modifications in order to comply with all applicable building codes, regulations and other laws.