



DATE: January 30, 2013

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF AN APPEAL TO A REGULAR COASTAL PERMIT (RC11-00002), DEVELOPMENT PLAN (D12-00015), AND PARCEL MAP (P12-00002) FOR THE CONSTRUCTION OF A THREE-STORY DUPLEX CONDOMINIUM AT 1513 SOUTH PACIFIC STREET – BURGESS/JOURNIGAN RESIDENCES – APPLICANT: CHRIS BURGESS – CONTINUED FROM JANUARY 2, 2013**

SYNOPSIS

Under consideration is an appeal of the Planning Commission's recent approval of a three-story duplex condominium development at 1513 S. Pacific Street. Staff has determined that all issues raised by the appellant have been addressed through the project findings and conditions adopted in Planning Commission (PC Resolution 2012-P49). Staff recommends that the City Council adopt the resolution denying the appeal and affirming the Planning Commission's decision to conditionally approve the subject development.

BACKGROUND

The Planning Commission conditionally approved Regular Coastal Permit (RC11-00002), Development Plan (D12-00015), and Parcel Map (P12-00002) by a 5-1 vote (Neal – No) on October 22, 2012. The Commission required project modifications to a) avoid building, deck and balcony encroachments seaward of the stringline (PC Resolution Planning Condition 7) and b) ensure building compliance with permitted height provisions (PC Resolution Planning Condition 9). The project was appealed on October 26, 2012, by the project applicant. The letter of appeal is included with the January 2, 2013, City Council staff report as Attachment 6. Additional project detail is provided in the Planning Commission staff report, Attachment 5 of the same report.

On January 2, 2013, the City Council heard presentations by staff and the applicant and considered public testimony regarding the subject appeal. The item was continued to the January 30, 2013, Council meeting to allow staff time to consult with Coastal Commission staff and evaluate new information (a missing segment of the stringline map) which was brought forward by the applicant a few days prior to the public hearing on the appeal.

ANALYSIS

Stringline location

In coordination with the City Engineer, Planning staff reviewed and evaluated the submitted copy of the stringline map portion which had been missing from the City's and Coastal Commission's archives. Additional information derived from the subject stringline map confirmed that the previously identified location of the stringline, as described in the January 2, 2013, City Council staff report, extends along the building façade of the condominium at 1601 S. Pacific Street. It was further determined that the stringline connects northward to the previously established Coastal Commission-approved stringline location at 1507 S. Pacific Street. Coastal Commission staff concurs with the City's stringline location assessment.

Stringline development limits:

Section 1703 (e) of the 1986 Zoning Ordinance prohibits seaward extensions of buildings or structures beyond the stringline setback and provides an exception for appurtenances such as open decks, patios and balconies, which may be allowed to extend seaward of the stringline if they do not substantially impair the views from adjoining properties.

If approved as proposed by the applicant, the proposed development would encroach seaward of the stringline with habitable building as well as balcony areas and would impair views from adjoining properties to the north of the site. Therefore, staff recommends that the City Council affirm the Planning Commission decision requiring project design modifications to ensure that the main building structure and its balconies will remain east of the stringline. The Planning Commission's conditional approval of the proposed project discourages unwarranted seaward building, balcony, deck and other projections west of the stringline, consistent with prior Planning Commission actions on similar projects. It should be noted that informal discussions with Coastal staff on this project have indicated support for Planning Commission's determination.

No additional information is available for consideration and no modifications to staff's recommendations have been made on the other two items of the appeal (rooftop trellis and revetment findings), as referenced in the January 2, 2013 staff report.

FISCAL IMPACT

None.

COMMISSION OR COMMITTEE REPORT

The Planning Commission reviewed the project on October 22, 2012. The Commission heard testimony by the public, considered the applicant's request to modify proposed conditions of project approval, and on a 5-1 vote the Commission approved the development proposal with no revisions to the proposed conditions except for certain conditions that are not pertinent to the pending appeal.

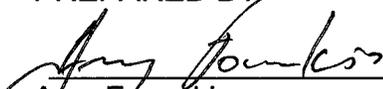
CITY ATTORNEY'S ANALYSIS

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

RECOMMENDATION

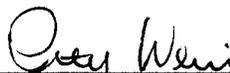
Staff has reviewed the issues raised under the appeal and finds that all of these issues have been addressed through the findings established in PC Resolution 2012-P49. Staff, therefore, recommends that the City Council adopt the resolution denying the appeal and affirming the Planning Commission's decision to conditionally approve the subject development.

PREPARED BY



Amy Fousekis
Principal Planner

SUBMITTED BY



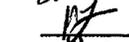
Peter A. Weiss
City Manager

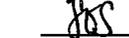
REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
George Buell, Development Services Director
Marisa Lundstedt, City Planner
Scott Smith, City Engineer









ATTACHMENTS:

1. City Council Resolution for Approval
2. Exhibit "A" Legal Description
3. City Council Staff Report dated January 2, 2013

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE DENYING THE APPEAL OF PLANNING COMMISSION RESOLUTION NO. 2012-P49 AND APPROVING REGULAR COASTAL PERMIT (RC11-00002) DEVELOPMENT PLAN (D12-00015) AND PARCEL MAP (P12-00002) FOR A THREE-STORY DUPLEX RESIDENTIAL CONDOMINIUM LOCATED AT 1513 SOUTH PACIFIC STREET

(Chris Burgess - Applicant)
(Chris Burgess - Appellant)

WHEREAS, an application was filed for a Regular Coastal Permit (RC11-00002), Development Plan (D12-00015) and Parcel Map (P12-00002) for the construction of a duplex residential condominium located at 1513 South Pacific Street, which real property is more particularly described in EXHIBIT "A", attached hereto and incorporated herein by reference;

WHEREAS, on October 22, 2012 the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, adopted Resolution No. 2012-P49, approving said Regular Coastal Permit, Development Plan and Parcel Map;

WHEREAS, on October 26, 2012, an appeal was timely filed by the project applicant of the Planning Commission decision with the City Clerk of the City of Oceanside;

WHEREAS, on January 2, 2013, and on January 30, 2013 the City Council of the City of Oceanside held duly noticed public hearings and heard and considered evidence and testimony by all interested parties concerning the appeal of certain conditions of approval of the above identified Regular Coastal Permit, Development Plan and Parcel Map ; and

WHEREAS, it has been determined that the stringline location for the subject site is established by connecting the northwest corner of the condominium building at 1601 S. Pacific Street to the south and the Coastal Commission approved stringline location at 1507 S. Pacific Street to the north; and

WHEREAS, based on such evidence and testimony, this Council finds that the decision of the Planning Commission adequately and properly addresses concerns raised by the appellant;

NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as follows:

- 1. The appeal of Planning Commission Resolution No. 2012-P49 is denied based upon the conclusion that the conditions of approval challenged by the appellants are necessary and

1 appropriate in order for the proposed project to conform to the Local Coastal Plan,
2 including the policies of that plan, and to the public access and recreation policies of
3 Chapter 3 of the Coastal Act. Regular Coastal Permit (RC11-00002), Development Plan
4 (D12-00015) and Parcel Map (P12-00002) are hereby approved subject to all conditions
5 set forth in Planning Commission Resolution No. 2012-P49 incorporated herein by this
6 reference.

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

10 PASSED and ADOPTED by the City Council of the City of Oceanside, California this
11 30th day of January, 2013 by the following vote:

12 AYES:

13 NAYS:

14 ABSENT:

15 ABSTAIN:

16
17
18 _____
19 Mayor of the City of Oceanside

20
21 ATTEST:

22 APPROVED AS TO FORM:
23 OFFICE OF THE CITY ATTORNEY

24 _____
25 City Clerk

26
27
28 _____
29 *Robert James Conroy, ASST.*
City Attorney

LEGAL DESCRIPTION **EXHIBIT "A"**

LOT 7 IN BLOCK "E" OF OCEAN FRONT ADDITION IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 909, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 8, 1904, EXCEPTING THEREFROM ANY PORTION NOW OR HERETOFORE LYING BELOW THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN.

APN: 153-012-41

END OF LEGAL DESCRIPTION

STAFF REPORT*CITY OF OCEANSIDE*

DATE: January 2, 2013

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF AN APPEAL TO A REGULAR COASTAL PERMIT (RC11-00002), DEVELOPMENT PLAN (D12-00015), AND PARCEL MAP (P12-00002) FOR THE CONSTRUCTION OF A THREE-STORY DUPLEX CONDOMINIUM AT 1513 SOUTH PACIFIC STREET – BURGESS/JOURNIGAN RESIDENCES – APPLICANT: CHRIS BURGESS**

SYNOPSIS

Under consideration is an appeal of the Planning Commission's recent approval of a three-story duplex condominium development, consisting of 6,424 square feet of habitable area and accommodating parking for four vehicles in two tandem garages, at 1513 S. Pacific Street. Staff has determined that all issues raised by the appellant have been addressed through the project findings and conditions adopted in Planning Commission (PC Resolution 2012-P49). Staff recommends that the City Council adopt the resolution denying the appeal and affirming the Planning Commission's decision to conditionally approve the subject development.

BACKGROUND

The Planning Commission conditionally approved Regular Coastal Permit (RC11-00002), Development Plan (D12-00015), and Parcel Map (P12-00002) by a 5-1 vote (Neal – No) on October 22, 2012. The Commission required project modifications to a) avoid building and balcony encroachments westward of the stringline (PC Resolution Planning Condition 7) and b) ensure building compliance with permitted height provisions (PC Resolution Planning Condition 9). The project was appealed on October 26, 2012, by the project applicant. The letter of appeal is included with this staff report as Attachment 6. Additional project detail is provided in Attachment 5, the Planning Commission staff report.

ANALYSIS**Basis for Appeal**

Outlined below are the three issues put forth by the applicant in support of the project's appeal. Staff has provided commentary on each of these issues.

1) "City staff's interpretation of the location of the western stringline of the subject property and the restriction of building development limiting the westward projection of balconies past the stringline."

Stringline location:

Section 30251 of the California Coastal Act, states: "*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas.*" The City's Local Coastal Program (LCP) Land Use Plan establishes the following visual resource objective: "*The City shall protect, enhance and maximize public enjoyment of Coastal Zone scenic resources.*" To that end, Section 1703 (e) of the 1986 Zoning Ordinance sets forth building setbacks for properties contiguous to the coastline by means of a certified "Stringline Setback Map".

The "Stringline Setback Map" is comprised of four sections and was created in 1983 by overlaying a stringline on an aerial photo of Oceanside's shoreline from Wisconsin Street to the Buena Vista Lagoon. The stringline location was based on existing building patterns and anticipated future developments.

The proposed site at 1513 S. Pacific Street is located within a segment of the coastline for which the stringline setback location is clearly defined to the south by the 1983 certified stringline at the building façade of the condominium at 1601 S. Pacific Street and to the north by the Coastal Commission-approved stringline location at 89 feet directly west of the front property line at 1507 S. Pacific Street. As seen in Attachment 8, the northern point described above was confirmed by the Coastal Commission upon approval of a project at 1507 S. Pacific Street.

The applicant contends that the stringline setback for the subject project should be established by connecting a line from a point at the most westerly deck/balcony of the condominium development at 1601 S. Pacific Street to the south with a point 91 feet westerly of the center of the front property line at 1507 S. Pacific Street.

Attachment 7 depicts the City of Oceanside stringline location and the applicant's stringline. Determination of the City's stringline location for the subject project has been reviewed and approved by the City Engineer, who is a Professional Land Surveyor.

Stringline development limits:

Section 1703 (e) of the 1986 Zoning Ordinance prohibits seaward extensions of buildings or structures beyond the stringline setback and provides an exception for appurtenances such as open decks, patios and balconies, which may be allowed to extend seaward of the stringline if they do not substantially impair the views from adjoining properties.

Based on the stringline location identified by staff, the proposed development will encroach seaward of the stringline with habitable building as well as balcony areas by approximately 7 to 11 feet. As such, the adopted Planning Commission conditions of approval require project design modifications to ensure that the main building structure and its balconies will remain behind the stringline. The Planning Commission's conditions of approval were established to discourage unwarranted seaward building balcony, deck and other projections west of the stringline. This condition is consistent with prior Planning Commission actions on similar projects.

2) "Removal of roof-top trellis from the roof plan (condition #9)."

Pursuant to Section 1709 (b) of the Zoning Ordinance, the maximum building height on the subject property is limited to 35 feet or three stories, whichever is less.

As proposed, the three-story, 35-foot high structure takes full advantage of maximum allowances for building height provisions. The applicant also proposes to construct a 222-square-foot utility room to house a stairwell, elevator, and storage area at the fourth level adding six additional feet of height to the building. Furthermore, a 25-foot by 15-foot trellis covering 375 square feet is proposed to be attached to the utility structure and serve as a permanent roof structure amenity for the proposed fourth level roof deck.

The aforementioned utility room enclosure is permitted under Section 1709 (c) of the Zoning Ordinance which allows utility structures and architectural element features to exceed the maximum building height limits of a zoning district. Specifically the subject ordinance section states: "Penthouses or roof structures for the housing of elevators, stairways, ventilators, air conditioning or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, church steeples, flag poles, chimneys, antennas and similar structures may be erected above the height limits prescribed hereinabove provided the same may be safely erected and maintained at such height, in view of the surrounding conditions and circumstances, but no penthouses or roof structures or any space above the height limit shall be allowed for the purpose of providing additional floor space." Since the proposed roof trellis is not a utility structure and its primary purpose would not be to serve as an architectural enhancement (e.g., a cupola or stairwell) but rather supports the provision of additional floor deck space, the Planning Commission finds that the structure will be inconsistent with the intent of the zoning ordinance and required its removal.

3) "Based on a number of recent appeals by the Coastal Commission on projects on the beachfront in Oceanside, we believe that Planning should be instructed to add additional findings regarding the revetment to the Staff report and/or Resolution to mitigate the potential that the Coastal Commission will appeal the project."

Because this issue does not take exception with any project-related development standard or any determination by the Planning Commission or staff, this issue is not appealable. However, staff does recognize the importance of mitigating potential for appeals to the Coastal Commission. As a result, staff has initiated discussions with Coastal staff to better understand projects from Coastal's perspective and include appropriate conditions of

approval. All projects are reviewed thoroughly on a case-by-case basis, and all conditions of approval are subject to review by the City Attorney's office. It is important to note, however, that Coastal staff indicated that it is impossible to predict which projects may be appealed by the Coastal Commission.

FISCAL IMPACT

None.

COMMISSION OR COMMITTEE REPORT

The Planning Commission reviewed the project on October 22, 2012. The Commission heard testimony by the public, considered the applicant's request to modify conditions of project approval, and on a 5-1 vote the Commission approved the development proposal with no revisions to the project's conditions pertinent to appeal issues.

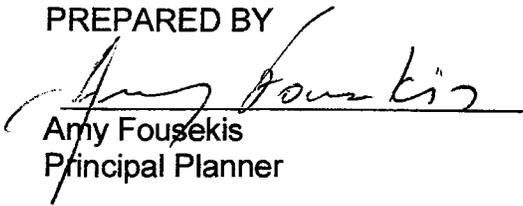
CITY ATTORNEY'S ANALYSIS

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

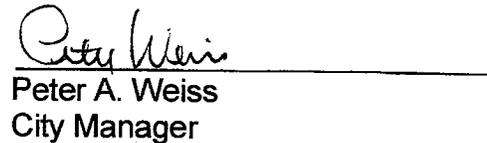
RECOMMENDATION

Staff has reviewed the issues raised under the appeal and finds that all of these issues have been addressed through the findings established in PC Resolution 2012-P49. Staff, therefore, recommends that the City Council uphold the Planning Commission's decision and adopt a resolution approving the proposed project.

PREPARED BY


Amy Fousekis
Principal Planner

SUBMITTED BY


Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
George Buell, Development Services Director
John Helmer, Interim City Planner
Scott Smith, City Engineer



ATTACHMENTS:

1. Plans
2. City Council Resolution for Approval
3. Exhibit "A" Legal Description
4. Planning Commission Resolution No. 2012-P49
5. Planning Commission Staff Report Dated October 22, 2012
6. Reasons for Appeal
7. Stringline Exhibit
8. Coastal Commission Application A-6-OCN-06-134 (Mary Ann and Duke Stroud) Special Condition of Approval III.1.c

ARCHITECT
STUDIO 4
 2100 NEBA DRIVE
 OCEANSIDE, CA 92064
 TEL: 760-444-4444
 FAX: 760-444-4444
 P: p@studio4.com
 PAUL LONGTON
 PRINCIPAL

PROJECT
BURGESS & JOURNIGAN RESIDENCES
 1311 S. PACIFIC ST
 OCEANSIDE, CA 92064

OWNER
BURGESS JOURNIGAN
 1311 S. PACIFIC ST
 OCEANSIDE, CA 92071

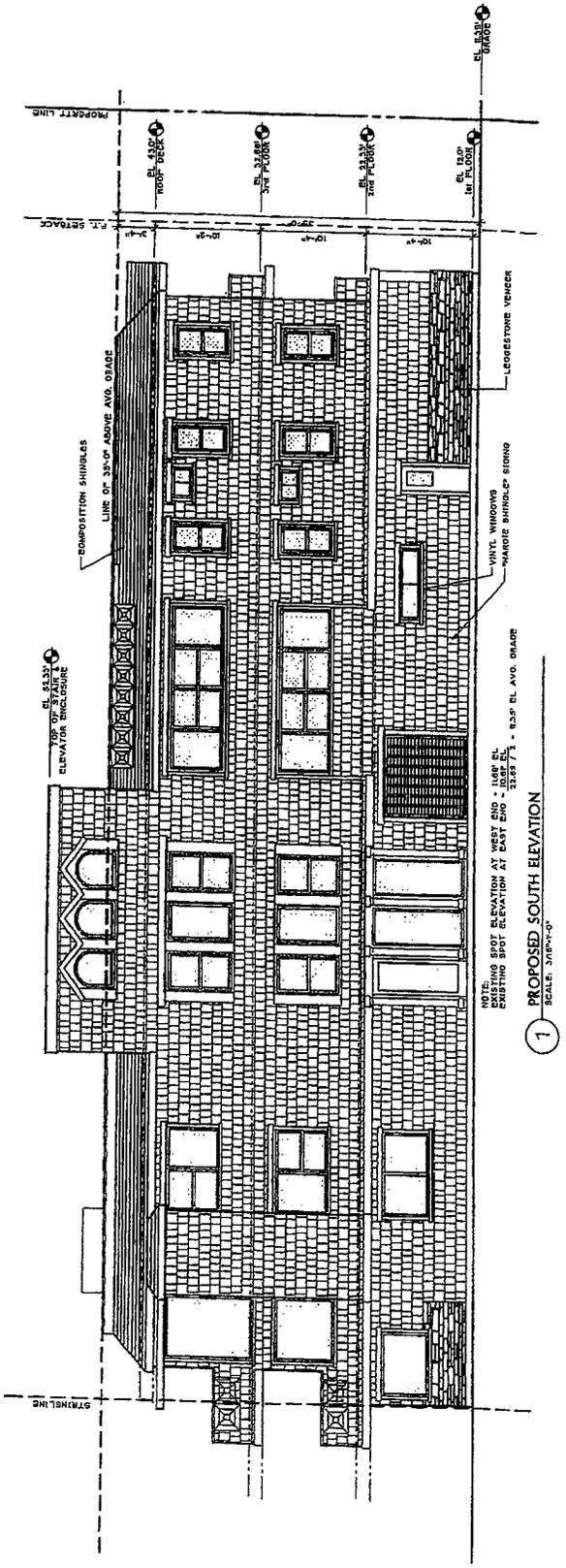
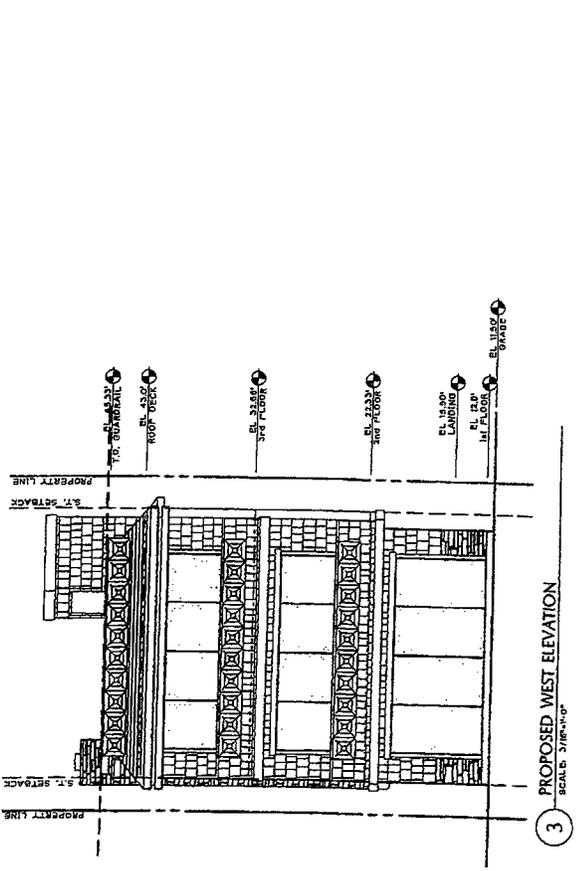
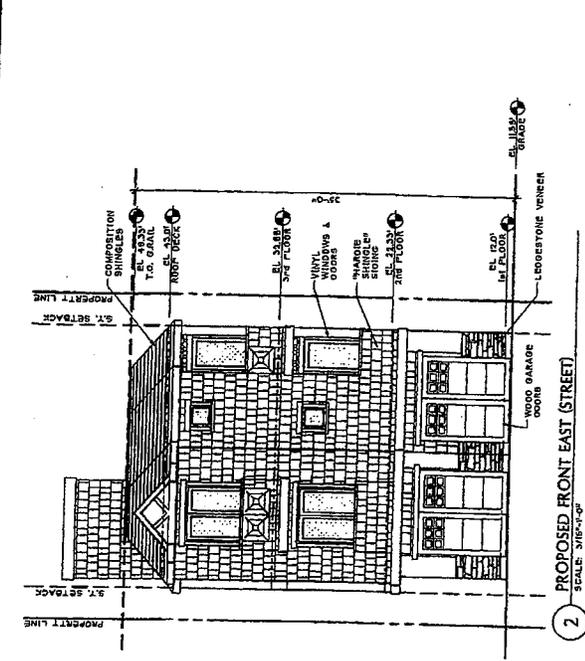
OWNER'S REP
PAUL LONGTON STUDIO 4 ARCHITECTS
 1465 14TH AVE
 OCEANSIDE, CA 92064
 (760) 771-4101

PERMIT DATES
 BURR 06/18/12
 APPROV

DRAWING STATUS:
 EXISTING WORK
 NEW WORK
 DELETED WORK
 REVISIONS
 APPROVED FOR PERMIT
 AS SHOWN
 AS NOTED

REVISIONS:
 1. REVISIONS TO PERMIT
 2. REVISIONS TO PERMIT
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 10. REVISIONS TO PERMIT

DATE PLOTTED: MAR 11 11:11 AM
 PLOT BY: PL
 SHEET TITLE: EXTERIOR ELEVATIONS
 SHEET NO.: A.3



ARCHITECT:
STUDIO 4
 2809 MESA DRIVE
 OCEANSIDE, CA 92054
 (619) 732-4100
 paul@studio4.com
 paul.lanigan@studio4.com
 PAUL LANIGAN
 PRINCIPAL

PROJECT:
BURGESS & JOURNIGAN RESIDENCES
 1511 S. PACIFIC ST
 OCEANSIDE, CA 92054

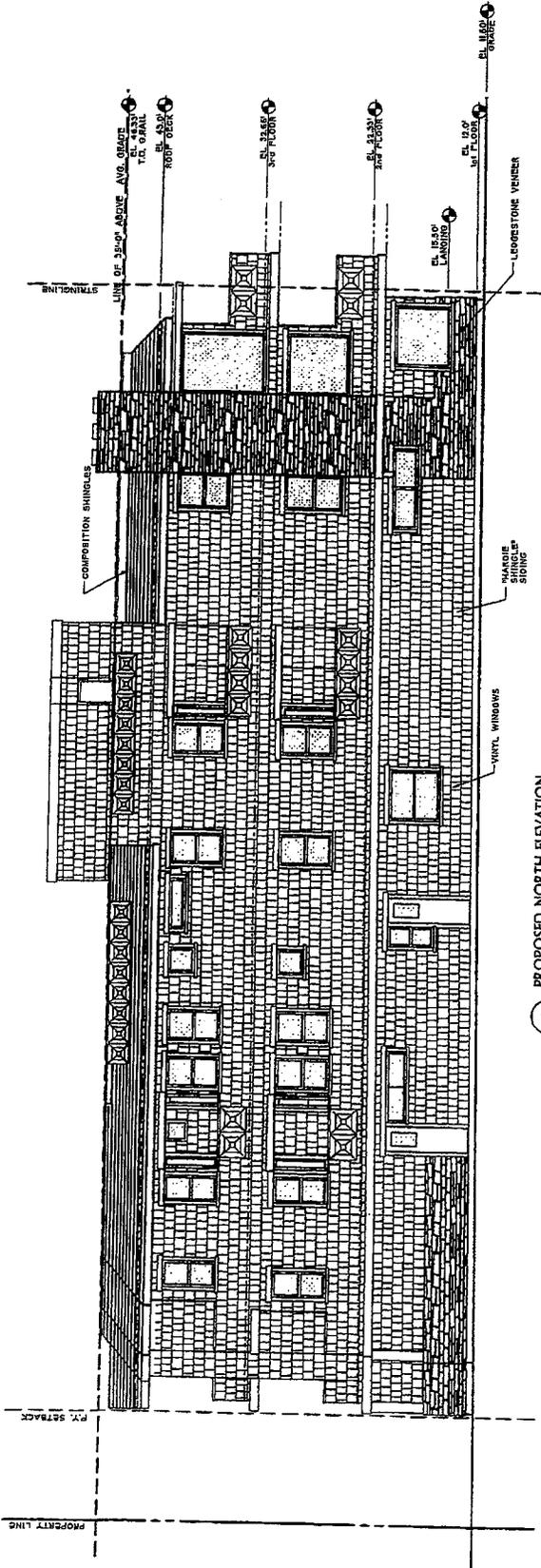
OWNER:
BURGESS JOURNIGAN
 1511 S. PACIFIC ST
 OCEANSIDE, CA 92054

OWNER'S REP:
PAUL LANIGAN STUDIO 4 ARCHITECTS
 2809 MESA DRIVE
 OCEANSIDE, CA 92054
 (619) 732-4100

ISSUE DATES:
 08/17/11
 08/17/11
 08/17/11

DRAWING STATUS:
 NOT FOR CONSTRUCTION
 PRELIMINARY
 FOR PERMIT
 FOR RECORD
 FOR ARCHIVE

DATE: 08/17/11
 DRAWN BY: MGC
 CHECKED BY: PL
 SHEET TITLE:
EXTERIOR ELEVATION
 SHEET NO.:
A.4



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

ARCHITECT: **STUDIO 4**
 1800 NINA DRIVE
 OCEANSIDE, CA 92054
 (760) 752-4004 FAX
 (760) 752-4004
 PHOTOS@STUDIO4.COM
 PAUL LONGTON
 PRINCIPAL

PROJECT: **BURGESS & JOURNIGAN RESIDENCES**
 1515 S PACIFIC ST
 OCEANSIDE, CA 92054

OWNER: **BURGESS JOURNIGAN**
 1515 S PACIFIC ST
 OCEANSIDE, CA 92051

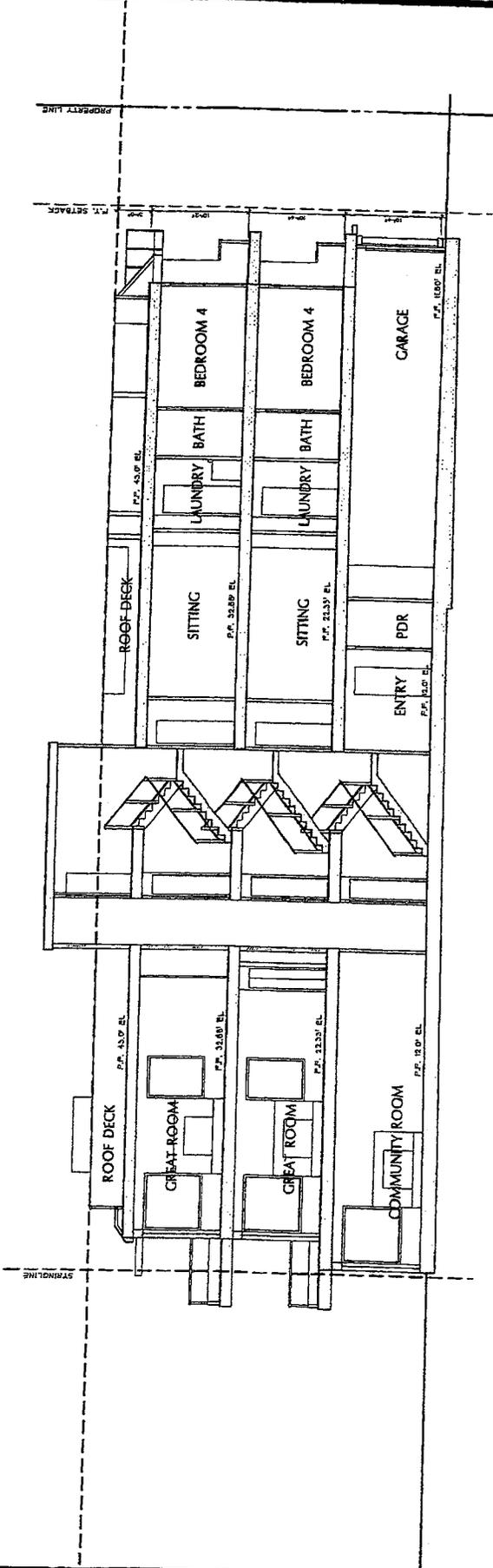
OWNER'S REP: **PAUL LONGTON STUDIO 4 ARCHITECTS**
 1800 NINA DRIVE
 OCEANSIDE, CA 92054
 (760) 752-4004

RELEASE DATE: 06/19/12
 DRAWN BY: MHR
 CHECKED BY: PL

DRAWING STATUS:
 PRELIMINARY
 CONTRACT DOCUMENTS
 PERMITS
 CONSTRUCTION DOCUMENTS
 AS-BUILT

STUDIO 4 ARCHITECTS, A PROFESSIONAL CORPORATION
 ARCHITECTS REGISTERED IN THE STATE OF CALIFORNIA
 ARCHITECT NO. 50818
 1800 NINA DRIVE, OCEANSIDE, CA 92054
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DATE: 06/19/12
 DRAWN BY: MHR
 CHECKED BY: PL
 SHEET TITLE: **BUILDING SECTION**
 SHEET NO.: **A.5**



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

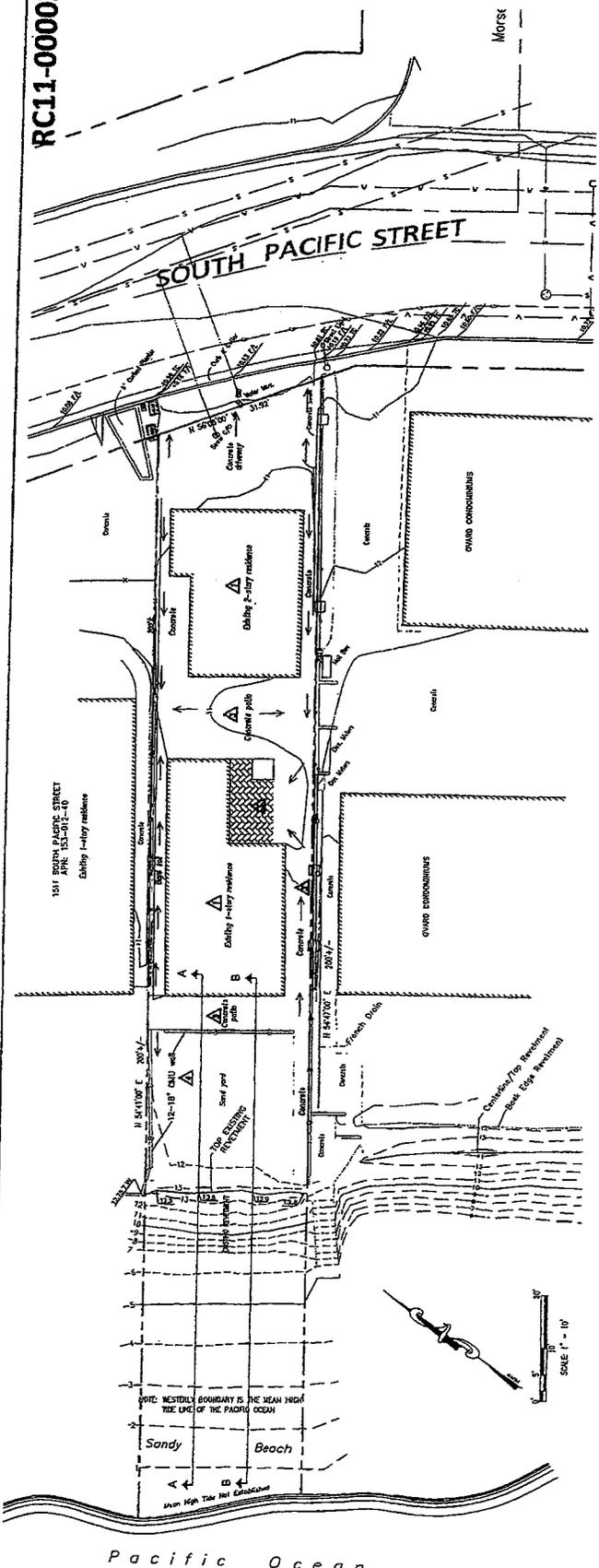
RC11-00002

PREPARED BY:
TGI TAYLOR GROUP, INC.
 ARCHITECT & ENGINEERING CONSULTANTS
 301 Market Avenue, Suite 201, Costa Mesa, CA 92626
 (714) 762-1990
 www.tginc.com

EXISTING CONDITIONS MAP
 PROPOSED JOURNAN / BURGESS TWIN HOME
 1513 South Pacific Street, Oceanside, California

EXISTING
 CONDITIONS MAP

SHEET NUMBER:
E.1



LEGEND:
 EXISTING BUILDING
 EXISTING CONCRETE APRON
 EXISTING STREET
 EXISTING WATER METER
 EXISTING CURB
 EXISTING SEWER LINE
 EXISTING WATER METER
 EXISTING UTILITY
 DIRECTION OF FLOW

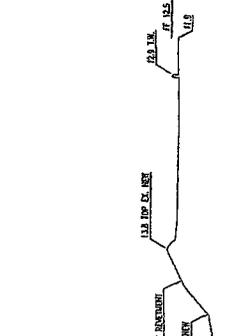
DEMOLITION NOTES:
 1. DEMOLISH EXISTING 1-1/2 STORY RESIDENCE AND UNDERGROUND UTILITY.
 2. DEMOLISH EXISTING CONCRETE APRON AT LARGER SIDE OF ALLEYWAY.
 3. DEMOLISH ALL EXISTING HYDROCARBON AREAS ON SITE INCLUDING DRUMS, TANKS AND PAILS.
 4. DEMOLISH EXISTING GUY WAILS.

LEGAL DESCRIPTION:
 LOT 7 A BEARING S 67° 00' 00" WEST 151.33 FEET OF THE CORNER OF THE SW 1/4 SECTION 16, T4N, R11E, S10E, COUNTY OF CALIFORNIA, ACCORDING TO MAP 1513-00002-01, FILED ON THE COUNTY CLERK'S OFFICE OF SAN DIEGO COUNTY, CALIFORNIA, ON 08/14/2012, BEING THE SAME AS DESCRIBED IN MAP 1513-00002-01, FILED ON THE COUNTY CLERK'S OFFICE OF SAN DIEGO COUNTY, CALIFORNIA, ON 08/14/2012, BEING THE SAME AS DESCRIBED IN MAP 1513-00002-01, FILED ON THE COUNTY CLERK'S OFFICE OF SAN DIEGO COUNTY, CALIFORNIA, ON 08/14/2012, BEING THE SAME AS DESCRIBED IN MAP 1513-00002-01, FILED ON THE COUNTY CLERK'S OFFICE OF SAN DIEGO COUNTY, CALIFORNIA, ON 08/14/2012.

BENCHMARK:
 CITY OF OCEANSIDE 4458
 BENCH MARK: 1/4" OF BRASS ONE SHOWN IN 1513-00002-01, BEING THE SAME AS DESCRIBED IN MAP 1513-00002-01, FILED ON THE COUNTY CLERK'S OFFICE OF SAN DIEGO COUNTY, CALIFORNIA, ON 08/14/2012, BEING THE SAME AS DESCRIBED IN MAP 1513-00002-01, FILED ON THE COUNTY CLERK'S OFFICE OF SAN DIEGO COUNTY, CALIFORNIA, ON 08/14/2012.

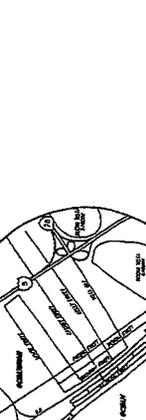
UNDERGROUNDING OF UTILITIES:
 ALL UTILITIES ARE CURRENTLY UNDERGROUND IN UNDERGROUNDING TRENCHES.

REPORTS:
 PRELIMINARY GEOTECHNICAL REPORT, PROPOSED LOT 7 A BEARING S 67° 00' 00" WEST 151.33 FEET OF THE CORNER OF THE SW 1/4 SECTION 16, T4N, R11E, S10E, COUNTY OF CALIFORNIA, ACCORDING TO MAP 1513-00002-01, FILED ON THE COUNTY CLERK'S OFFICE OF SAN DIEGO COUNTY, CALIFORNIA, ON 08/14/2012, BEING THE SAME AS DESCRIBED IN MAP 1513-00002-01, FILED ON THE COUNTY CLERK'S OFFICE OF SAN DIEGO COUNTY, CALIFORNIA, ON 08/14/2012, BEING THE SAME AS DESCRIBED IN MAP 1513-00002-01, FILED ON THE COUNTY CLERK'S OFFICE OF SAN DIEGO COUNTY, CALIFORNIA, ON 08/14/2012.



NOTE:
 REVISIONS PROVIDED W/REVISION 08-14-12

GENERAL REFERENCE AND REGULATIONS



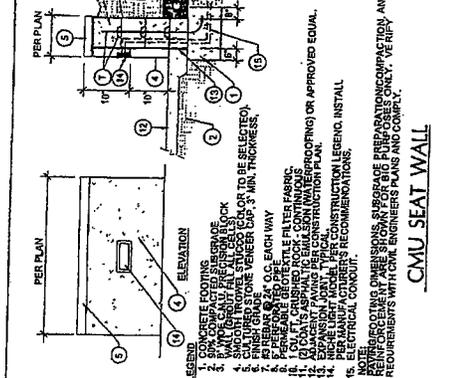
ENGINEER OF WORK:
 GREGORY R. TAYLOR
 LICENSE NO. 5674, EXPIRES 06-30-2012

LANDSCAPE PLANTING & IRRIGATION NOTES:

1. IRRIGATION AND IRRIGATION INSTALLATIONS SHALL BE MADE IN ACCORDANCE WITH THE IRRIGATION DESIGN MANUAL.
2. ALL SOILS SHALL BE PROPERLY AMENDED TO PROMOTE VIGOROUS GROWTH AND SURFACE WATER RETENTION.
3. FIELD REVISIONS AND/OR ALTERNATE SELECTIONS BY THE LANDSCAPE ARCHITECT.
4. ALL IRRIGATION TO TREES AND SHRUBS SHALL BE BY GRP EMITTERS.
5. ALL IRRIGATION TO GRASS AND/OR FLOWERS SHALL BE BY LOW FLOW POP-UP MISTERS OR SPRINKLERS OR POP-UP ROTATORS (MISTERS).
6. THE SYSTEMATIC CONTROLLERS ON TIME CLOCKS.
7. WATERING DURING RAINY PERIODS. SENSORS TO REDUCE OR SUSPEND CONCRETE DRIVEWAY BAND & WALKS SHALL BE INTEGRAL COLORED CONCRETE BASE AND IS TO MATCH COLOR AND TEXTURE OF DECORATIVE PATIOS.
8. HOMEOWNERS ARE EXPECTED TO HAVE POTTED PLANTS ON THEIR PATIOS.
9. ALL LANDSCAPING & IRRIGATION SHALL BE EQUALLY DIVIDED & SOUTH SIDE BY UNIT & NORTH SIDE BY UNIT A.
10. NO FIRE SUPPRESSION ZONE OR BRUSH MANAGEMENT IS REQUIRED OR PROVIDED.
11. INCLUDE ORNAMENTAL COLORED CONCRETE WALKWAYS (DOES NOT INCLUDE DRIVEWAY).
12. ALL ON DECK/STRUCTURE PLANTERS AND CONTAINER PLANTS WILL BE IRRIGATED USING SUB IRRIGATION WATERING SYSTEM BY GARDEN ART LIGHTWEIGHT POTTING SOIL.
13. LIGHTWEIGHT POTTING SOIL.
14. 6" HIGH STAINED WOOD FENCE TO RUN ALONG BUILDING NORTH AND SOUTH PROPERTY LINE WITH GATES AT EAST AND WEST OF THE NORTH AND SOUTH OF BUILDING.

CITY OF OCEANSIDE LANDSCAPE CLP NOTES:

1. FINAL LANDSCAPE PLANS SHALL ACCURATELY SHOW PLACEMENT OF TREES, SHRUBS, AND GROUNDCOVERS.
 2. LANDSCAPE ARCHITECT SHALL BE AWARE OF ALL UTILITY, SEWER, GAS, AND CABLE LINES AND PLACE PLANTING LOCATIONS ACCORDINGLY TO MEET CITY AND PLACE PLANTING LOCATIONS.
 3. ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED INCLUDING PUBLIC RIGHT-OF-WAY BY OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED PER CITY OF OCEANSIDE REQUIREMENTS.
- CITY OF OCEANSIDE REQUIRED IRRIGATION NOTICE**
1. AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED TO PROVIDE VOLUME EQUIVALENT TO THE VOLUME OF WATER SHOWN ON THE PLAN. LOW VOLUME EQUIVALENT TO THE VOLUME OF WATER SHOWN ON THE PLAN. IRRIGATION SYSTEMS SHALL USE HIGH QUALITY, AUTOMATIC CONTROL. ALL COMPONENTS SHALL BE OTHER NECESSARY IRRIGATION EQUIPMENT. SYSTEMS SHALL BE ADEQUATELY FILTERED AND REGULATED. ALL MANUFACTURERS SHALL BE ADEQUATELY DESIGN PARAMETERS. ALL SYSTEMS SHALL FOLLOW THE CITY OF OCEANSIDE GUIDELINES AND WATER CONSERVATION ORDINANCE.
- CITY OF OCEANSIDE REQUIRED PLANTING NOTICE**
1. THE SELECTION OF PLANT MATERIAL IS BASED ON CULTURAL, AESTHETIC, AND MAINTENANCE CONSIDERATIONS. PLANTING MATERIALS SHALL BE PREPARED WITH APPROPRIATE SOIL AMENDMENTS, FERTILIZERS, AND AGROCHEMICALS. PLANTING MATERIALS SHALL BE REPORT FROM AN AGRICULTURAL SUPPLIER. PLANTING MATERIALS SHALL BE REPORT FROM AN AGRICULTURAL SUPPLIER. PLANTING MATERIALS SHALL BE REPORT FROM AN AGRICULTURAL SUPPLIER. PLANTING MATERIALS SHALL BE REPORT FROM AN AGRICULTURAL SUPPLIER.



LANDSCAPE INFO

BUILDING COVERAGE: 5,497 SF PROPOSED
 PAVEMENT COVERAGE: 337.5 SF PROPOSED
 LANDSCAPING COVERAGE: 1,393.9 SF PROPOSED
 SAND: 480.4 SF EXISTING
 SAND: 1,353.5 SF EXISTING

LOT WIDTH: 28.82'
 LOT DEPTH: 115.54 FT. AT NORTH PROPERTY LINE
 125.00 FT. SOUTH PROPERTY LINE

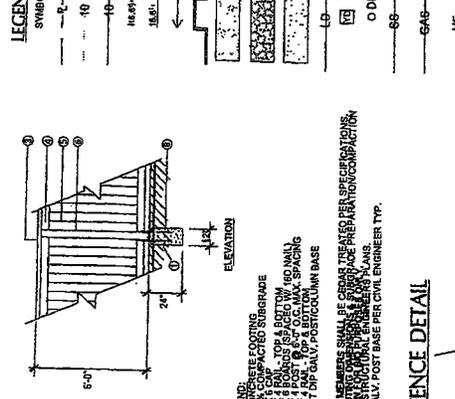
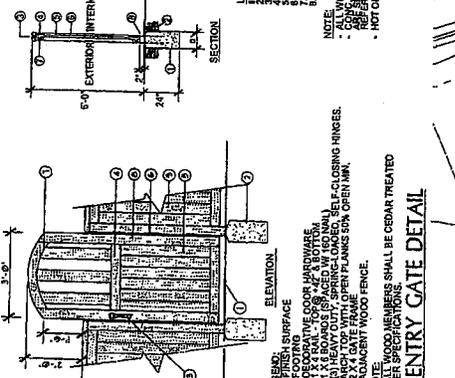
SETBACKS:
 FRONT YARD: 10'-0"
 SIDE YARD: 5'-0"
 REAR YARD: STRINGLINE LIMIT OBSERVED

TOPOGRAPHY:
 MICHAEL C. SPRING, DATED MAY 4, 2011

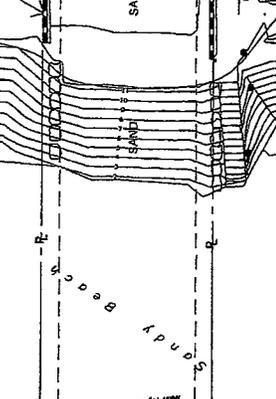
LANDSCAPE LEGEND

PLANTER	PLANTER LOCATION	SYMBOL	PLANT NAME	PLANT QUANTITY	PLANT SIZE
1	DRIVE SOUTH WALL	(Symbol)	CREeping FIG ESPALERS	6	2-5 GAL
2	NORTH WALKWAY	(Symbol)	BEACH PEBBLE BETWEEN DECORATIVE STEPPING STONES	1	1-5 GAL
3	SOUTH WALKWAY	(Symbol)	CREeping FIG ESPALERS	1	2-5 GAL
4	STREET PLANTER	(Symbol)	CREeping THYME GROUND COVER ROSELINI PALM	3-FLATS	3-4" CAL 12 BPH
5	GARAGE PLANTER	(Symbol)	UNIONIA PEREZII ON 5" HIGH STAINED WOOD FENCE	6-1 GAL	6-1 GAL

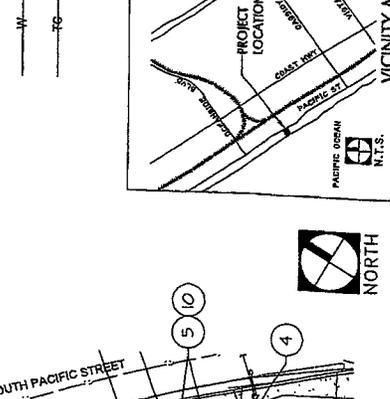
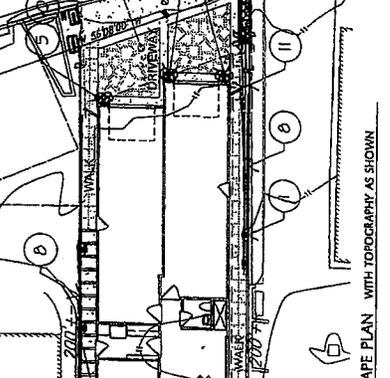
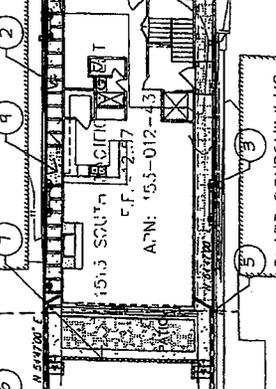
6. PROPOSED 16" HIGH DECORATIVE CMU SLUMP BLOCK EXISTING OUTSTANDING CMU WALL TO REPLACE
7. PROPOSED 16" HIGH DECORATIVE CMU SLUMP BLOCK EXISTING OUTSTANDING CMU WALL TO REPLACE
8. 5" HIGH WOOD STAINED WOOD FENCE. COLOR TRD.
9. OUTDOOR SHOWER WITH WOOD/COMPOSITE DECK SET ON CONCRETE PIERS ON GRADE
10. 6" INTEGRAL COLOR CONCRETE CHIBB TO SURROUND! PROTECT PLANTER AND LANDSCAPE MATERIAL
11. ENTRY GATE PER DETAIL



ENTRY GATE DETAIL



FENCE DETAIL



MBR designs
 1700 PASEO DEL MAR, CARLSBAD, CA 92008
 (760) 439-9999
 www.mbrdesigns.com

BURGESS / JOURNIGAN RES
 1513 SOUTH PACIFIC STREET
 OCEANSIDE, CA 92054

CONCEPTUAL LANDSCAPE PLAN
 SHEET NO. 11-01
 DATE: 05/11/11

CLP-1

NO.	REVISIONS

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE DENYING THE APPEAL OF PLANNING COMMISSION RESOLUTION NO. 2012-P49 AND APPROVING REGULAR COASTAL PERMIT (RC11-00002) DEVELOPMENT PLAN (D12-00015) AND PARCEL MAP (P12-00002) FOR A THREE STORY DUPLEX RESIDENTIAL CONDOMINIUM LOCATED AT 1513 SOUTH PACIFIC STREET

(Chris Burgess - Applicant)
(Chris Burgess - Appellant)

WHEREAS, an application was filed for a Regular Coastal Permit (RC11-00002), Development Plan (D12-00015) and Parcel Map (P12-00002) for the construction of a duplex residential condominium located at 1513 South Pacific Street, which real property is more particularly described in EXHIBIT "A", attached hereto and incorporated herein by reference;

WHEREAS, on October 22, 2012 the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, adopted Resolution No. 2012-P49, approving said Regular Coastal Permit, Development Plan and Parcel Map;

WHEREAS, on October 26, 2012, an appeal was timely filed by the project applicant of the Planning Commission decision with the City Clerk of the City of Oceanside;

WHEREAS, on January 2, 2013, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered evidence and testimony by all interested parties concerning the appeal of certain conditions of approval of the above identified Regular Coastal Permit; and

WHEREAS, based on such evidence and testimony, this Council finds that the decision of the Planning Commission adequately and properly addresses concerns raised by the appellant;

NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as follows:

- 1. The appeal of Planning Commission Resolution No. 2012-P49 is denied based upon the conclusion that the conditions of approval challenged by the appellants are necessary and appropriate in order for the proposed project to conform to the Local Coastal Plan,

1 including the policies of that plan, and to the public access and recreation policies of
2 Chapter 3 of the Coastal Act. Regular Coastal Permit (RC11-00002), Development Plan
3 (D12-00015) and Parcel Map (P12-00002) are hereby approved subject to all conditions
4 set forth in Planning Commission Resolution No. 2012-P49 incorporated herein by this
5 reference.

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

9 PASSED and ADOPTED by the City Council of the City of Oceanside, California this
10 2nd day of January, 2013 by the following vote:

11 AYES:

12 NAYS:

13 ABSENT:

14 ABSTAIN:

15
16
17
18 _____
Mayor of the City of Oceanside

19
20 ATTEST:

21 APPROVED AS TO FORM:
22 OFFICE OF THE CITY ATTORNEY

23 _____
City Clerk

24
25
26
27
28
29 _____
Robert Samuelson, ASST.
City Attorney

LEGAL DESCRIPTION

LOT 7 IN BLOCK "E" OF OCEAN FRONT ADDITION IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 909, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 8, 1904, EXCEPTING THEREFROM ANY PORTION NOW OR HERETOFORE LYING BELOW THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN.

APN: 153-012-41

END OF LEGAL DESCRIPTION

PLANNING COMMISSION
RESOLUTION NO. 2012-P49

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

APPLICATION NO: RC11-00002, D12-00015, P12-00002
APPLICANT: Mr. Chris Burgess
LOCATION: 1513 S. Pacific Street

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Regular Coastal Permit (RC11-00002), Tentative Parcel Map (P12-00002) and Development Plan (D12-00015) under the provisions of the City of Oceanside Local Coastal Program to permit the following:

demolition of two structures (three residential units) and construction of two dwellings within a three-story structure with building extensions seaward of the stringline setback; on certain real property described in the project description;

WHEREAS, the Planning Commission, after giving the required notice, did on the 22nd day of October, 2012 conduct a duly advertised public hearing as prescribed by law to consider said application;

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be exempt per Article 19, Class 3 15303 (b), "New Construction or Conversion of Small Structures" Categorical Exemption from environmental review;

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

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

1	Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
2			
3	Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
4			
5	Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
6			
7	Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$.713 per square foot or \$713 per thousand square feet for non-residential uses and \$2,072 per unit for residential
8			
9			
10	School Facilities Mitigation Fee	Ordinance No. 91-34	\$.47 per square foot non-residential for Oceanside (\$.42 for Vista and Fallbrook) \$2.97 per square foot residential (\$2.63 for Vista; \$2.63 for Fallbrook)
11			
12			
13			
14			
15	Thoroughfare Fee (For commercial and industrial please note the percent discount) 75	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
16			
17			
18	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 09-OR 0093-1	Fee based on water meter size. Residential is typically \$4,597 per unit; Non-residential is \$36,775 for a 2" meter.
19			
20			
21			
22	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 09-OR 0092-1	Based on capacity or water meter size. Residential is typically \$6,313 per unit; Non-residential is \$50,501 for a 2" meter.
23			
24			
25	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit; Non-residential is \$22,495 for a 2" meter.
26			
27			
28			
29			

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

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

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

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

15 WHEREAS, action on this resolution becomes final 10 days after its adoption, unless
16 appealed to the City Council, and shall become effective after the 10 working-day appeal period to
17 the Coastal Commission has expired; and

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

20 FINDINGS:

21 For the Regular Coastal Permit:

- 22 1. The proposed duplex development within a three story structure, as conditioned, is
23 consistent with the land use policies of the Local Coastal Program as implemented
24 through the Zoning Ordinance. Specifically, the project, as conditioned, will not
25 substantially alter or impact existing public views of the coastal zone area or from
26 adjoining properties and the physical aspects of the project are consistent with existing
27 development on neighboring sites. The project has been conditioned to limit the
28 seaward extension of the building to the stringline setback. Design, permitting, use,
29 construction, maintenance, work, and repair of the project's shoreline protection
structure(s) shall conform to Chapter 19A of the Oceanside City Code.

- 1 2. The proposed development, as conditioned, will not obstruct an existing, planned, or
2 required public beach access and conforms to the public access and recreation policies of
3 Chapter 3 of the Coastal Act.
- 4 3. The project will not result in the loss of any on-street public parking spaces or take away
5 from the existing parking fronting the project site.

6 For the Development Plan:

- 7 1. The site plan and physical design of the project is consistent with the purposes of the
8 Zoning Ordinance. The proposed building and site improvements, as conditioned, will
9 comply with the underlying Residential Tourist (RT) zoning designation development
10 standards, including building height and setbacks.
- 11 2. The Development Plan conforms to the General Plan of the City. The project is located
12 within an existing residential neighborhood and is consistent with the underlying land
13 use designation.
- 14 3. The project site can be adequately served by existing public facilities, services and
15 utilities.
- 16 4. The project is compatible with existing and potential development on adjoining
17 residential properties and the surrounding neighborhood. The new building and site
18 improvements will provide an aesthetically superior structure to those existing on site, as
19 well as landscaping, hardscape and other site amenities.
- 20 5. The approval of the proposed duplex will be subject to conditions that, in view of the
21 size and shape of the parcel and the present zoning and use of the subject property,
22 provide the same degree of protection to adjoining properties, including protection from
23 unreasonable interference with the use and enjoyment of said properties, depreciation of
24 property values, and any potentially adverse impacts on the public peace, health, safety
25 and welfare.
- 26 6. The application for Development Plan approval has been processed in a manner
27 consistent with Article 21 of the 1986 Zoning Ordinance (Procedures, Hearings, Notices
28 and Fees).

29 ////////////////

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1 For the Tentative Parcel Map:

- 2 1. The proposed subdivision creates a two-unit condominium development on a single lot,
3 consistent with the requirements of the RT (Residential Tourist) zoning designation.
4 The subdivision map is consistent with the General Plan of the City.
- 5 2. The proposed building pad on the site will conform to the topography of the site,
6 therefore making it suitable for residential development. The site is physically suitable
7 for the development of a two-unit condominium on a single lot.
- 8 3. The subdivision, as conditioned, complies with all other applicable ordinances,
9 regulations and guidelines of the City.
- 10 4. The design of the subdivision, or proposed improvements, as conditioned, will not
11 conflict with easements, acquired by the public at large, for access through the use of
12 property within the subdivision.
- 13 5. The design of the subdivision or the proposed improvements, as conditioned, will not
14 cause substantial environment damage or substantially and avoidably injure fish or
15 wildlife or their habitat.
- 16 6. The proposal, as conditioned, complies with all other applicable ordinances, regulations
17 and guidelines of the City of Oceanside, including but not limited to the Local Coastal
18 Plan.

19 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
20 approve Regular Coastal Permit (RC11-00002), Tentative Parcel Map (P12-00002) and
21 Development Plan (D12-00015) subject to the following conditions:

22 Building:

- 23 1. Construction shall comply with the latest edition of the California Codes.
- 24 2. Construction hours shall be limited to 7:00 a.m. to 6:00 p.m. Monday through
25 Saturday.
- 26 3. Each floor elevation shall be certified by a licensed Civil Engineer or Land Surveyor.
27 An Elevation Certificate is required at time of Final Inspection.
- 28 4. The first floor plan configuration shall be revised to ensure compliance with current
29 Building Codes and use of the building as a two-unit residential structure. (CBC
Chapter 2. Dwelling Unit. A single unit providing complete, independent living

1 facilities for one or more persons, including permanent provisions for living, sleeping,
2 eating, cooking and sanitation.

3 **Planning:**

- 4 5. Regular Coastal Permit (RC11-00002), Tentative Parcel Map (P12-00002) and
5 Development Plan (D12-00015) shall expire on October 22, 2014, unless implemented per
6 the Zoning Ordinance or unless the Planning Commission grants a time extension.
- 7 6. This Regular Coastal Permit, Tentative Parcel Map and Development Plan, as conditioned,
8 approves a series of building and site improvements for a duplex within a three-story
9 structure, as presented to the Planning Commission for review and approval. No deviation
10 from these approved plans and exhibits shall occur without Planning Division approval.
11 Substantial deviations shall require a revision to the Regular Coastal Permit, Tentative
12 Parcel Map or a new Regular Coastal Permit.
- 13 7. The location of the stringline shall be verified and revised plans depicting the confirmed
14 stringline location shall be submitted to the Planning Division prior to submittal for
15 building permits. Seaward building development, including but not limited to balconies
16 shall be limited to the stringline setback.
- 17 8. The project shall comply with the 1986 Zoning Ordinance, Section 1720, Permitted
18 intrusions, into required yards. Any encroachments into the minimum 3'-0" side yard shall
19 maintain a minimum 30-inch clearance from side yard lot lines.
- 20 9. The roof-top trellis shall be removed from the roof plan.
- 21 10. Existing landscape planter(s) and fence(s) that obstruct pedestrian travel on public right-of-
22 way areas shall be removed.
- 23 11. A Declaration of Covenants, Conditions and Restrictions (DCC&Rs) shall be submitted for
24 review and approval to the City Attorney prior to issuance of building permits. The
25 DCC&Rs shall specify that approval of project entitlements is limited to development of a
26 two-unit residential condominium. The street level habitable area shall be identified as
27 common space for the two condominium units and shall not be utilized, leased or rented as
28 a separate dwelling unit.
- 29 12. 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.

1 13. The first floor plan shall be revised to provide a minimum depth of 40 feet in clear space
2 within the garages, in compliance with 1986 Zoning Ordinance, Section 2702.

3 14. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
4 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
5 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
6 annul an approval of the City, concerning Regular Coastal Permit (RC11-00002), Tentative
7 Parcel Map (P12-00002) and Development Plan (12-00015). The City will promptly
8 notify the applicant of any such claim, action or proceeding against the City and will
9 cooperate fully in the defense. If the City fails to promptly notify the applicant of any
10 such claim action or proceeding or fails to cooperate fully in the defense, the applicant
11 shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

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

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

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

29 18. Failure to meet any conditions of approval for this development shall constitute a violation
of the Regular Coastal Permit, Tentative Parcel Map and Development Plan.

- 1 19. Unless expressly waived, all current zoning standards and City ordinances and policies
2 in effect at the time building permits are issued are required to be met by this project.
3 The approval of this project constitutes the applicant's agreement with all statements in
4 the Description and Justification and other materials and information submitted with this
5 application, unless specifically waived by an adopted condition of approval.
- 6 20. Elevations, siding materials, colors, roofing materials and floor plans shall be
7 substantially the same as those approved by the Planning Commission. These shall be
8 shown on plans submitted to the Building Division and Planning Division.
- 9 21. Prior to issuance of a building permit, the applicant and landowner shall execute and
10 record a covenant, in a form and content acceptable to the City Attorney, providing that
11 the property is subject to this resolution and all conditions of approval.
- 12 22. Photo documentation of existing building resources on-site shall be completed in
13 compliance with OHPAC Policy 1, prior to issuance of demolition permits for the first
14 structure on the subject property.

14 **Coastal:**

- 15 23. Design, permitting, use, construction, maintenance, work, and repair of the project's
16 shoreline protection structure(s) shall conform to Chapter 19A of the Oceanside City
17 Code.
- 18 24. All existing and/or proposed shoreline protection structure(s) for this project shall be
19 monumented sufficiently to accurately record horizontal location and elevation of said
20 structure(s). Monument locations and survey control points/network shall be approved
21 by the City Engineer prior to placement of monuments. Monument data shall be
22 recorded on a final/parcel map, record of survey, or other acceptable document (as
23 approved by the City Engineer). The shoreline protection structure monuments will
24 serve as baseline control points to be used as reference for future repair or maintenance
25 activities which require a coastal development permit. Future seaward extension of
26 approved shoreline protection structures shall not be permitted.
- 27 25. Outdoor patios, decks, and other similar fixed accessory improvements shall not exist in
28 a hazardous condition. Repair, replacement or removal construction activities require
29 that all relevant permits be obtained from the City and all other applicable agencies.

1 26. Prior to issuance of building permits, the property owner shall execute and record
2 against the project property a Declaration of Restrictive Covenants designed to preserve
3 lateral public access and passive recreational use along the shoreline adjacent to the
4 property. The document shall provide that the property shall be held, transferred,
5 conveyed, leased or otherwise disposed of, occupied, and used subject to lawful public
6 access to and passive recreational use of the entire width of the property line. The
7 Declaration of Restrictive Covenants shall be recorded free of prior liens and free of any
8 other encumbrances which may affect said interest, and shall run with the land and be
9 binding on Declarant's heirs, successors in interest, administrators, assigns, lessees, and
10 other occupiers and users of the property or any portion of it. The location and
11 geometrics of the restrictive covenant shall be in accordance with the City's Local
12 Coastal Program (LCP).

13 27. This project is subject to payment of an in-lieu fee toward the Beach Sand Mitigation
14 Program, as required by Coastal Commission staff.

15 **Fire:**

16 28. Interconnected smoke alarms powered by the building electrical system and provided with
17 battery back up are required in each unit.

18 29. Interconnected carbon monoxide alarms powered by the building electrical system and
19 provided with battery back up are required in each unit.

20 30. An approved fire sprinkler system must be installed throughout the building. The system
21 shall be designed per N.F.P.A. 13D and California Residential Code.

22 31. Approved four inches high address numbers visible from Pacific Street are required to be
23 placed on the building.

24 **Water:**

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

29 33. The property owner shall maintain private water and wastewater utilities located on private
property.

- 1 34. 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 35. 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 36. Residential units shall be metered individually. Private utility systems for residential
7 developments are not allowed.
- 8 37. Per the 2010 California Fire Code, all new residential units shall be fire sprinklered. The
9 minimum allowable water meter for a fire sprinklered home is 3/4-inch.

10 The following conditions shall be met prior to the approval of engineering design plans.

- 11 38. All public water and/or sewer facilities not located within the public right-of-way shall be
12 provided with easements sized according to the Water, Sewer, and Reclaimed Water
13 Design and Construction Manual. Easements shall be constructed for all weather access.
- 14 39. No trees, structures or building overhang shall be located within any water or wastewater
15 utility easement.
- 16 40. All lots with a finish pad elevation located below the elevation of the next upstream
17 manhole cover of the public sewer shall be protected from backflow of sewage by installing
18 and maintaining an approved type backwater valve, per the Uniform Plumbing Code
(U.P.C.).

19 The following conditions of approval shall be met prior to building permit issuance.

- 20 41. This lot has an existing 5/8-inch water meter. Since upsizing of the water meter and service
21 will be required to comply with current codes, a credit for the existing water meter will be
22 applied once building permits are pulled.
- 23 42. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees shall
24 be paid to the City and collected by the Water Utilities Department at the time of Building
25 Permit issuance.
- 26 43. All Water Utilities Fees are due at the time of building permit issuance per City Code
27 Section 32B.7, unless the developer/applicant applies and is approved for a deferral of all
28 fees per City of Oceanside Ordinance No. 09-OR0676-1.
29

1 The following conditions of approval shall be met prior to occupancy.

2 44. All new development of single-family and multi-family residential units shall include hot
3 water pipe insulation and installation of a hot water recirculation device or design to
4 provide hot water to the tap within 15 seconds in accordance with City of Oceanside
5 Ordinance No. 02-OR126-1.

6 **Engineering:**

7 45. For the demolition of any existing structure or surface improvements; grading plans shall
8 be submitted and erosion control plans shall be approved by the City Engineer prior to the
9 issuance of a demolition permit. No demolition shall be permitted without an approved
10 erosion control plan.

11 46. Design and construction of all improvements shall be in accordance with the City of
12 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard
13 engineering and specifications of the City of Oceanside and subject to approval by the City
14 Engineer.

15 47. Prior to approval of the parcel map, all improvement requirements, within such increment
16 or outside of it if required by the City Engineer, shall be covered by a subdivision
17 agreement and secured with sufficient improvement securities or bonds guaranteeing
18 performance and payment for labor and materials, setting of monuments, and warranty
19 against defective materials and workmanship.

20 48. Pursuant to the State Map Act, improvements shall be required at the time of development.
21 A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to
22 these improvement conditions and a certificate setting forth the recordation shall be placed
23 on the map.

24 49. Prior to the issuance of a grading permit, the owner/developer shall notify and host a
25 neighborhood meeting with all of the area residents located within 300 feet of the project
26 site, to inform them of the grading and construction schedule, and to answer questions.

27 50. The owner/developer shall monitor, supervise and control all construction and
28 construction-supportive activities, so as to prevent these activities from causing a public
29 nuisance, including but not limited to, insuring strict adherence to the following:

51. Dirt, debris and other construction material shall not be deposited on any public street or
within the City's stormwater conveyance system.

- 1 52. All grading and related site preparation and construction activities shall be limited to the
2 hours of 7:00 am to 6:00 pm Monday through Friday. No engineering related construction
3 activities shall be conducted on Saturdays, Sundays or legal holidays unless written
4 permission is granted by the City Engineer with specific limitations to the working hours
5 and types of permitted operations. All on-site construction staging areas shall be as far as
6 possible (minimum 100 feet) from any existing residential development. Because
7 construction noise may still be intrusive in the evening or on holidays, the City of
8 Oceanside Noise Ordinance also prohibits "any disturbing excessive or offensive noise
9 which causes discomfort or annoyance to reasonable persons of normal sensitivity."
- 10 53. The construction site shall accommodate the parking of all motor vehicles used by persons
11 working at or providing deliveries to the site. An alternate parking site can be considered
12 by the City Engineer in the event that the lot size is too small and cannot accommodate
13 parking of all motor vehicles.
- 14 54. The owner/developer shall complete a haul route permit application (if required for
15 import/export of dirt) and submit to the City of Oceanside Engineering Department 48
16 hours in advance of beginning of work. Hauling operations (if required) shall be 8:00 a.m.
17 to 3:30 p.m. unless approved otherwise.
- 18 55. It is the responsibility of the owner/developer to evaluate and determine that all soil
19 imported as part of this development is free of hazardous and/or contaminated material as
20 defined by the City and the County of San Diego Department of Environmental Health.
21 Exported or imported soils shall be properly screened, tested, and documented regarding
22 hazardous contamination.
- 23 56. If shoring is required during construction of the proposed development, the shoring design
24 plans and structural calculations shall be submitted to the Engineering Division and
25 approved by the City prior to issuance of a building permit.
- 26 57. A traffic control plan shall be prepared according to the City traffic control guidelines and
27 approved to the satisfaction of the City Engineer prior to the start of work within the public
28 right-of-way. Traffic control during construction of streets that have been opened to public
29 traffic shall be in accordance with construction signing, marking and other protection as
required by the Caltrans Traffic Manual and City Traffic Control Guidelines. Traffic
control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.

- 1 58. Sight distance requirements at the project driveway along Pacific Street shall conform to
2 the corner sight distance criteria as provided by SDRSD, DS-20.
- 3 59. Pavement sections for Pacific Street shall be based upon approved soil tests and traffic
4 indices. The pavement design is to be prepared by the owner/developer's soil engineer and
5 must be in compliance with the City of Oceanside Engineers Design and Processing
6 Manual and be approved by the City Engineer, prior to paving.
- 7 60. Prior to approval of the grading plans, the owner/developer shall contract with a
8 geotechnical engineering firm to perform a field investigation of the existing pavement on
9 Pacific Street adjacent to the project boundary. The limits of the study shall be half-street
10 plus 12 feet along the project's frontage. The field investigation shall include a minimum
11 of one pavement boring. Should the existing AC thickness be determined to be less than
12 the current minimum standard for AC and Class II Base as set forth in the table for City of
13 Oceanside Pavement Design Guidelines in the City of Oceanside Engineers Manual, the
14 owner/developer shall remove and reconstruct the pavement section as determined by the
15 pavement analysis submittal process detailed in the condition listed below:
- 16 61. Upon review of the pavement investigation, the City Engineer shall determine whether the
17 Owner/developer shall: 1) Repair all failed pavement sections, header cut and grind per the
18 direction of the City Engineer, and construct a two-inch thick rubberized AC overlay; or 2)
19 Perform R-value testing and submit a study that determines if the existing pavement meets
20 current City standards/traffic indices. Should the study conclude that the pavement does
21 not meet current requirements, rehabilitation/mitigation recommendations shall be provided
22 in a pavement analysis report, and the owner/developer shall reconstruct the pavement per
23 these recommendations, subject to approval by the City Engineer.
- 24 62. Any existing public or private pavement, concrete curb, gutter, driveways, pedestrian
25 ramps and sidewalk within the project, or adjacent to the project boundary that are already
26 damaged or damaged during construction of the project, shall be repaired or replaced as
27 directed by the City Engineer.
- 28 63. The approval of the project shall not mean that proposed grading or improvements on
29 adjacent properties (including any City properties/right-of-way or easements) is granted or
guaranteed to the owner/developer. The owner/developer is responsible for obtaining

1 permission to grade to construct on adjacent properties. Should such permission be denied,
2 the project shall be subject to a public hearing or substantial conformity review.

3 64. Prior to any grading of any part of the project, a comprehensive soils and geologic
4 investigation shall be conducted of the soils, slopes, and formations on the project site. All
5 necessary measures shall be taken and implemented to assure slope stability, erosion
6 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
7 prepared in accordance with the Grading Ordinance and Zoning Ordinance is approved by
8 the City Engineer.

9 65. This project shall provide year-round erosion control including measures for the site
10 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
11 control plan, designed for all proposed stages of construction, shall be reviewed, secured by
12 the owner/developer with cash security and approved by the City Engineer.

13 66. A precise grading and private improvement plan shall be prepared, reviewed, secured and
14 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
15 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, footprints of all
16 structures, walls, drainage devices and utility services.

17 67. Landscaping plans, including plans for the construction of walls, fences or other structures
18 at or near intersections, must conform to intersection sight distance requirements.
19 Landscape and irrigation plans for disturbed areas shall be submitted to the City Engineer
20 prior to the issuance of a preliminary grading permit and approved by the City Engineer
21 prior to the issuance of occupancy permits. Frontage and median landscaping shall be
22 installed prior to the issuance of any certificates of occupancy. Any project fences, sound
23 or privacy walls and monument entry walls/signs shall be shown on, bonded for and built
24 from the landscape plans. These features shall also be shown on the precise grading plans
25 for purposes of location only. Plantable, segmental walls shall be designed, reviewed and
26 constructed per the grading plans and landscaped/irrigated per project landscape plans. All
27 plans must be approved by the City Engineer at a pre-construction meeting held, prior to
28 the start of any improvements.

29 68. The drainage design shown on the preliminary grading plan and the drainage report for this
project is conceptual only. The final drainage report and drainage design shall be based
upon a hydrologic/hydraulic study that is in compliance with the latest San Diego County

1 Hydrology and Drainage Manual to be approved by the City Engineer during final
2 engineering. All drainage picked up in an underground system shall remain underground
3 until it is discharged into an approved channel, or as otherwise approved by the City
4 Engineer. All public storm drains shall be shown on City standard plan and profile sheets.
5 All storm drain easements shall be dedicated where required. The owner/developer shall be
6 responsible for obtaining any off-site easements for storm drainage facilities.

7 69. The owner/developer shall place and sign a covenant on the title sheet of the precise
8 grading agreeing to the following: "The present or future owner/developer shall indemnify
9 and save the City of Oceanside, its officers, agents, and employees harmless from any and
10 all liabilities, claims arising from any flooding that occur on this site."

11 70. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed
12 of in accordance with all state and federal requirements, prior to stormwater discharge
13 either off-site or into the City drainage system.

14 71. After the Storm Water Mitigation Plan (SWMP) has been deemed complete by the City
15 Engineer and prior to issuance of grading permits, the owner/developer shall submit and
16 obtain approval of an Operation & Maintenance (O&M) Plan, prepared to the satisfaction
17 of the City Engineer. The O&M Plan shall include an approved and executed Maintenance
18 Mechanism pursuant to Section 5 of the Standard Urban Storm Water Mitigation Plan
19 (SUSMP). The O&M shall satisfy the minimum Maintenance Requirements pursuant to
20 Section 5 of the SUSMP. At a minimum the O&M Plan shall include the designated
21 responsible party to manage the stormwater BMP(s), employee training program and
22 duties, operating schedule, maintenance frequency, routine service schedule, specific
23 maintenance activities, copies of resource agency permits, cost estimate for implementation
24 of the O&M Plan, a non-refundable cash security to provide maintenance funding in the
25 event of noncompliance to the O&M Plan, and any other necessary elements. The
26 owner/developer shall provide the City with access to the site for the purpose of BMP
27 inspection and maintenance by entering into an Access Rights Agreement with the City.
28 The owner/developer shall complete and maintain O&M forms to document all operation,
29 inspection, and maintenance activities. The owner/developer shall retain records for a
minimum of 5 years. The records shall be made available to the City upon request.

1 72. The owner/developer shall enter into a City-Standard Stormwater Facilities Maintenance
2 Agreement (SWFMA) with the City obliging the owner/developer to maintain, repair and
3 replace the Storm Water Best Management Practices (BMPs) identified in the project's
4 approved SWMP, as detailed in the O&M Plan into perpetuity. The Agreement shall be
5 approved by the City Attorney prior to issuance of any precise grading permit and shall be
6 recorded at the County Recorder's Office prior to issuance of any building permit. A non-
7 refundable Security in the form of cash shall be required prior to issuance of a precise
8 grading permit. The amount of the non-refundable security shall be equal to 10 years of
9 maintenance costs, as identified by the O&M Plan, but not to exceed a total of \$25,000.
10 The owner/developer's civil engineer shall prepare the O&M cost estimate.

11 73. At a minimum, maintenance agreements shall require the staff training, inspection and
12 maintenance of all BMPs on an annual basis. The owner/developer shall complete and
13 maintain O&M forms to document all maintenance activities. Parties responsible for the
14 O&M plan shall retain records at the subject property for at least 5 years. These documents
15 shall be made available to the City for inspection upon request at any time.

16 74. The Agreement shall include a copy of executed on-site and off-site access easement and or
17 access rights necessary for the operation and maintenance of BMPs that shall be binding on
18 the land throughout the life of the project to the benefit of the party responsible for the
19 O&M of BMPs, satisfactory to the City Engineer. The agreement shall also include a copy
20 of the O&M Plan approved by the City Engineer.

21 75. The BMPs described in the project's approved SWMP shall not be altered in any way,
22 unless reviewed and approved to the satisfaction of the City Engineer. The determination
23 of whatever action is required for changes to a project's approved SWMP shall be made by
24 the City Engineer.

25 76. The project is located in a Zone AE FEMA Special Flood Hazard Area (SFHA) and shall
26 comply with the applicable provisions of the City of Oceanside Floodplain Management
27 Regulations (Chapter 6, Article IX of the Oceanside City Code). Unless the project is
28 removed from the SFHA by obtaining the appropriate Letter of Map Change, it will be
29 subject to the mandatory National Flood Insurance Program (NFIP) purchase requirement
applicable to properties with flood risk designations.

- 1 77. The approval of the project shall not mean that closure, vacation, or abandonment of any
2 public street, right-of-way, easement, or facility is granted or guaranteed to the
3 owner/developer. The owner/developer is responsible for applying for all closures,
4 vacations, and abandonments as necessary. The application(s) shall be reviewed and
5 approved or rejected by the City of Oceanside under separate process (es) per codes,
6 ordinances, and policies in effect at the time of the application. The City of Oceanside
7 retains its full legislative discretion to consider any application to vacate a public street or
8 right-of-way.
- 9 78. The application(s) shall be reviewed and approved or rejected by the City of Oceanside
10 under separate process (es) per codes, ordinances, and policies in effect at the time of the
11 application. The City of Oceanside retains its full legislative discretion to consider any
12 application to vacate a public street or right-of-way.
- 13 79. The owner/developer shall comply with all the provisions of the City's cable television
14 ordinances including those relating to notification as required by the City Engineer.
- 15 80. Approval of this development project is conditioned upon payment of all applicable impact
16 fees and connection fees in the manner provided in chapter 32B of the Oceanside City
17 Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees,
18 reimbursements, and other applicable charges, fees and deposits shall be paid prior to
19 recordation of the parcel map or the issuance of any building permits, in accordance with
20 City Ordinances and policies. The owner/developer shall also be required to join into,
21 contribute, or participate in any improvement, lighting, or other special district affecting or
22 affected by this project. Approval of the project shall constitute the owner/developer's
23 approval of such payments, and his/her agreement to pay for any other similar assessments
24 or charges in effect when any increment is submitted for building permit approval, and to
25 join, contribute, and/or participate in such districts.
- 26 81. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high
27 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose
28 height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to any streets, an
29 arterial street or state highway.
82. The owner/developer shall obtain any necessary permits and clearances from all public
agencies having jurisdiction over the project due to its type, size, or location, including but

1 not limited to the U. S. Army Corps of Engineers, FEMA, California Department of Fish &
2 Game, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control
3 Board (including NPDES), San Diego County Health Department, prior to the issuance of
4 grading permits.

5 83. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire project
6 may be subject to prevailing wage requirements as specified by Labor Code section
7 1720(b) (4). The owner/developer shall agree to execute a form acknowledging the
8 prevailing wage requirements prior to the granting of any fee reductions or waivers.

9 84. A digital file of the as-built grading plan, and as-built improvement plan in a format
10 consistent with the City's requirements for digital submittals, shall be submitted to the City
11 of Oceanside prior to occupancy permit.

12 85. In the event that the conceptual plan does not match the conditions of approval, the
13 resolution of approval shall govern.

14 **Landscaping:**

15 86. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines
16 and Specifications for Landscape Development (latest revision), Water Conservation
17 Ordinance No.(s) 91-15 and 10-Ordinance 0412, Engineering criteria, City code and
18 ordinances, including the maintenance of such landscaping, shall be reviewed and
19 approved by the City Engineer prior to the issuance of building permits. Landscaping
20 shall not be installed until bonds have been posted, fees paid, and plans signed for final
21 approval. A landscape pre-construction meeting shall be conducted by the landscape
22 architect of record, Public Works Inspector, developer or owner's representative and
23 landscape contractor prior to commencement of the landscape and irrigation installation.
24 The following landscaping requirements shall be required prior to plan approval and
25 certificate of occupancy:

- 26 a) Final landscape plans shall accurately show placement of all plant material such
27 as but not limited to trees, shrubs, and groundcovers.
28 b) Landscape Architect shall be aware of all utility, sewer, gas and storm drain lines
29 and utility easements and shall place planting locations accordingly to meet City
of Oceanside requirements.

- 1 c) All required landscape areas shall be maintained by owner (including public
2 rights-of-way). The landscape areas shall be maintained per City of Oceanside
3 requirements.
- 4 d) Proposed landscape species shall be native or naturalized to fit the site and meet
5 climate changes indicative to their planting location. The selection of plant
6 material shall also be based on cultural, aesthetic, and maintenance
7 considerations. In addition proposed landscape species shall be low water users
8 as well as meet all Fire Department requirements.
- 9 e) All planting areas shall be prepared with appropriate soil amendments, fertilizers,
10 and appropriate supplements based upon a soils report from an agricultural
11 suitability soil sample taken from the site.
- 12 f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil
13 from the sun, evapotranspiration and run-off. All the flower and shrub beds shall
14 be mulched to a 3" depth to help conserve water, lower the soil temperature and
15 reduce weed growth.
- 16 g) The shrubs shall be allowed to grow in their natural forms. All landscape
17 improvements shall follow the City of Oceanside Guidelines.
- 18 h) Root barriers shall be installed adjacent to all paving surfaces, where a paving
19 surface is located within 6 feet of a trees trunk on site (private) and within 10 feet
20 of a trees trunk in the right-of-way (public). Root barriers shall extend 5 feet in
21 each direction from the centerline of the trunk, for a total distance of 10 feet.
22 Root barriers shall be 24 inches in depth. Installing a root barrier around the
23 tree's root ball is unacceptable.
- 24 i) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall
25 obtain Planning Division approval for these items in the conditions or application
26 stage prior to 1st submittal of working drawings.
- 27 j) For the planting and placement of trees and their distances from hardscape and
28 other utilities/structures the landscape plans shall follow the City of Oceanside's
29 (current) Tree Planting Distances and Spacing Standards.
- k) An automatic irrigation system shall be installed to provide coverage for all
planting areas shown on the plan. Low volume equipment shall provide

1 sufficient water for plant growth with a minimum water loss due to water run-
2 off.

- 3 l) Irrigation systems shall use high quality, automatic control valves, controllers
4 and other necessary irrigation equipment. All components shall be of non-
5 corrosive material. All drip systems shall be adequately filtered and regulated
6 per the manufacturer's recommended design parameters.
- 7 m) All irrigation improvements shall follow the City of Oceanside Guidelines and
8 Water Conservation Ordinance.
- 9 n) The landscape plans shall match all plans affiliated with the project.
- 10 o) Landscape plans shall comply with Biological and/or Geotechnical reports, as
11 required, shall match the grading and improvement plans, comply with SWMP
12 Best Management Practices and meet the satisfaction of the City Engineer.
- 13 p) Existing landscaping on and adjacent to the site shall be protected in place and
14 supplemented or replaced to the satisfaction of the City Engineer.

15 87. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way
16 and within any adjoining public parkways shall be permanently maintained by the
17 owner, his assigns or any successors-in-interest in the property. The maintenance
18 program shall include:

- 19 a) normal care and irrigation of the landscaping.
- 20 b) repair and replacement of plant materials (including interior trees and street
21 trees).
- 22 c) irrigation systems as necessary.
- 23 d) general cleanup of the landscaped and open areas.
- 24 e) parking lots and walkways, walls, fences, etc.
- 25 f) pruning standards for street trees shall comply with the International Society of
26 Arboriculture (ISA) Standard Practices for Tree Care Operations – ANSI A300,
27 Appendix G: Safety Standards, ANSI Z133; Appendix H; and Tree Pruning
28 Guidelines, Appendix F (most current edition). Failure to maintain landscaping
29 shall result in the City taking all appropriate enforcement actions including but
not limited to citations. This maintenance program condition shall be recorded
with a covenant as required by this resolution.

1 88. In the event that the conceptual landscape plan (CLP) does not match the conditions of
2 approval, the resolution of approval shall govern.

3 PASSED AND ADOPTED Resolution No. 2012-P49 on October 22, 2012 by the
4 following vote, to wit:

5 AYES: Rosales, Scrivener, Troisi, Martinek and Balma

6 NAYS: Neal

7 ABSENT: Ross

8 ABSTAIN: None

9 

10 Tom Rosales, Chairperson
11 Oceanside Planning Commission

12 ATTEST:

13 

14 Richard Greenbauer, Secretary

15 I, RICHARD GREENBAUER, Secretary of the Oceanside Planning Commission, hereby
16 certify that this is a true and correct copy of Resolution No. 2012-P49.
17

18 Dated: October 22, 2012
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NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** Mr. Chris Burgess
2. **ADDRESS:** 1513 S. Pacific St
3. **PHONE NUMBER:** (714) 349-0838
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Amy Fousekis
6. **PROJECT TITLE:** RC11-00002, P12-00002, D12-00015 (Burgess/Journigan Residences)
7. **DESCRIPTION:** The project involves demolition of 3 residential units and construction of a three-story duplex at 1513 S. Pacific St. Situated within the South Oceanside Neighborhood Planning Area and the Coastal Zone, the subject property bears a land use designation of High Density Residential and a zoning designation of Residential Tourist (RT).

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

- The project is categorically exempt as a Class 3, 15303 (b) for New Construction,;
- "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 , ____ (Sections 15260-15277); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Amy Fousekis, Principal Planner

Date: October 22, 2012

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

AGENDA NO. 3

PLANNING COMMISSION



STAFF REPORT

ATTACHMENT 5

DATE: October 22, 2012 (Continued from the October 8, 2012 Planning Commission meeting)

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF REGULAR COASTAL PERMIT (RC11-00002) TENTATIVE PARCEL MAP (TPM12-00002) AND DEVELOPMENT PLAN (D12-00015) FOR THE CONSTRUCTION OF A THREE-STORY BEACHFRONT DUPLEX AT 1513 SOUTH PACIFIC STREET – BURGESS/JOURNIGAN RESIDENCES – APPLICANT: MR. CHRIS BURGESS**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Approve Regular Coastal Permit (RC11-00002), Tentative Parcel Map (TPM12-00002) and Development Plan (D12-00015) by adopting Planning Commission Resolution No. 2012-P49 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

The 30-foot wide beachfront lot was created in the early 1900's as part of the "Ocean Front Addition" Map 909, La Salina Tract. It is located approximately 90 feet south of the Buccaneer Park beach access and immediately north of the intersection of Morse and S. Pacific Street. The site slopes downward approximately five feet from the S. Pacific Street frontage to the toe of the existing revetment on the beach. The rear boundary of the site is established by the mean high tide line, which results in a lot depth of approximately 240 feet.

A quarry stone shore protection revetment runs the entire length of the property's seaward width. The crest elevation of the revetment is currently at or above +13.5 feet MSL. The original construction of the revetment is not known, but based upon review of aerial photographs (California Coastal Records Project Photographs), it is estimated that it was constructed prior to 1972. Further seaward encroachment of the revetment is generally considered to be contrary to the public access and recreational policies of the Coastal Act.

Work was performed on the revetment between February 10, 2010, when the project's wave run-up study, coastal hazard and coast protection study was issued, and June 11, 2012 when a letter report was issued by GeoSoils Inc. (Attachment 3). The June 11, 2012, report indicates that the revetment structure is in good condition, in conformance with the wave run-up study and not in need of further maintenance at this time. It also states that additional shore protection will not be required to protect the proposed development over the next 75 years. Based on staff's assessment the aforementioned revetment work appears to have exceeded the 20 percent maximum allowed under provisions for maintenance of seawall structures.

The coastal stringline setback precludes new development from extending beyond 112 - 119 feet westward from the northernmost and southernmost point of the front property line respectively. The westernmost extent of the existing home on the subject site lies approximately six inches (min.) to 3.5 feet (max.) inland of the coastal stringline. The adjacent single-family home to the north is situated approximately 4.5 (min.) to eight feet (max.) inland of the coastal stringline, while the adjacent condominium building to the south extends to the stringline and includes projecting balcony areas beyond the stringline.

Two residential structures exist on the property. The easternmost structure consists of an approximately 950-sq. ft. two-story, two-unit building with an attached garage. One of the units is located above the garage; the other is at the street level. The westernmost structure is a smaller 814-sq. ft. one-story single-family residence. Both "ranchesque" design structures were constructed in the late 1950's, replacing an earlier beach house that was constructed on the property in 1934.

The property is located within the Coastal Zone and the South Oceanside Neighborhood Planning Area. The site's Residential-Tourist (R-T) zoning designation is consistent with its land use designation of High Density Residential. These designations are intended to accommodate tourist and year-round visitor serving facilities by providing permanent and transient residential uses to serve all income levels. Single-family and multiple-family residences are permitted within the RT zoning district.

The project under consideration is subject to the City's General Plan, Local Coastal Program (LCP), 1986 Zoning Ordinance, Subdivision Ordinance and the California Environmental Quality Act (CEQA).

Project Description: The applicant proposes construction of a three-story condominium duplex. Each residence will include approximately 2,350 square feet of habitable area. A common area of approximately 1,402 square feet and two 2-car garages are proposed to be provided at the street level.

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

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

ANALYSIS

KEY PLANNING ISSUES

The proposed project has been analyzed for compliance with the General Plan, LCP and Zoning Ordinance and as conditioned, has been found to be consistent with applicable policies based on the following:

1. General Plan

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.

Situated along South Pacific Street, the existing “ranchesque” style structures feature a two-story symmetrical building façade clad with wood siding and stucco below a gable roof along S. Pacific Street and an asymmetrical single story elevation, clad in rough sawn wood siding, on the seaward side. Neither structures are the work of a master architect or craftsman, nor are constructed of rare or unique materials. The existing buildings do not qualify under the criteria for nomination for listing in the National Register of Historical Places, California Register of Historic resources, or the Oceanside historical resources register and are proposed to be demolished.

The proposed three-story condominium structure’s design maintains the required 10-foot front yard setback and provides a 4.5-foot horizontal mass offset at the street level between the garages as well as additional offsets for balconies on the second and third floor levels. The building’s exterior, clad in “Hardie Shingle” siding, and its decorative garage doors and railing design convey a “beachhouse” appearance along the street scene as well as from the waterfront.

Overall staff finds that the proposed form, treatments and materials will contribute toward improving the visual image of the surrounding neighborhood. As conditioned by staff, seaward building improvements will be limited to the stringline setback to ensure proper development along the beachfront, in compliance with General Plan and Local Coastal Program policies. The stringline location be verified and any required modifications to the building design will be submitted to the Development Services Department for final approval prior to submittal of building permits.

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.

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

- a) Vertical beach access: Proposals that constitute multi-family development or involve at least 70 feet of street frontage are required to dedicate and construct vertical public access to the beach when such access is not already present within 250 feet of the proposed project. The subject request involves construction of a two-unit condominium on a beachfront lot with a 30-foot street frontage. Existing public access to the beach is located approximately 90 feet to the north, at Buccaneer Beach. Therefore the project is not subject to the vertical beach access provision.
- b) Lateral beach access: Seawall structures are vital in protecting health and safety of beach residents but also tend to impede the public's ability to laterally access the sandy beach and limit opportunity for passive recreational use along the shoreline. Submitted plans indicate that the top of the required protection revetment, as recently modified, lies approximately 32 feet seaward from the proposed building's westernmost façade and the toe of the revetment is located approximately 70 feet from the mean high tide line. Staff finds that the subject shoreline structure is sited as far inland as practicable. Seawall public access impacts have been addressed through conditions of project approval that would maintain lateral public access and use rights along the shoreline in perpetuity, payment of shoreline sand replenishment fees and monitoring/ maintenance of the existing revetment structure.

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

The proposed project, as conditioned, will prevent building encroachments seaward of the stringline setback yielding a project that would maintain existing view corridors through public rights-of-way.

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

The proposed project would not exceed the maximum height (35 ft.) permitted within the zoning district. The Pacific Street façade's form, scale and color palette will positively contribute to the existing street scene. The westerly facing elevation, as conditioned by staff, will maintain an overall scale, complementary to adjoining buildings.

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

Front yard landscaping improvements on the subject property are constrained by the parcel's 30-ft. width which only affords enough lateral dimension for driveway and pedestrian access. Nevertheless, decorative hardscape treatment of the proposed driveway areas would mitigate for the lack of landscaping along the street frontage.

2. Zoning Compliance

The proposed project is subject to compliance with the 1986 Zoning Ordinance which identifies single-family homes, duplexes and vacation rentals as land uses permitted by right within the R-T (Residential-Tourist) Zone. With respect to development standards, the proposed project is in substantial conformance with applicable R-T parameters. Limiting seaward building extensions to the stringline setback ensures that views from the public right-of-way and adjoining properties will not be substantially impaired and future seaward encroachments to maintain existing private viewsheds from properties to the north and south of the project will be prevented.

The following table illustrates the project's consistency with R-T setback and height development standards:

Table 1: Development Standards

	REQUIRED	PROPOSED
FRONT YARD	10'-0" or per approved development plan - OZO Section 3204	10'-6"
SIDE YARD	3'-0" or per approved development plan - OZO Section 3204	3'-0"
REAR YARD	Coastal stringline	Building encroachment seaward of coastal stringline
MAXIMUM HEIGHT	35 feet above average finished grade	31.5 ft

ENVIRONMENTAL DETERMINATION

The development proposal has been reviewed pursuant to the California Environmental Quality Act (CEQA) and has been found to be exempt as a Class 3 15303 (b), Categorical Exemption "New Construction or Conversion of Small Structures"

PUBLIC NOTIFICATION

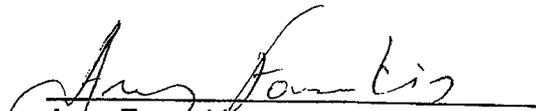
A legal notice was published in the North County Times and notices were sent to property owners of record and occupants within 1,500-foot radius of the subject property, individuals and or organizations requesting notification, the applicant, and other interested parties.

SUMMARY

Regular Coastal Permit (RC11-00002), Tentative Parcel Map (TPM12-00002) and Development Plan (D12-00015) as conditioned, 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. The project will comply with applicable development standards for the district in which it is situated. The project's scale and architecture are compatible with the surrounding neighborhood. Accordingly, staff recommends that the Planning Commission approve the proposal subject to the conditions contained in the attached resolution. Staff recommends that the Planning Commission:

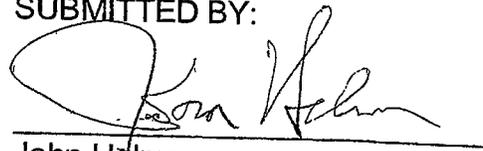
- Approve Regular Coastal Permit (RC11-00002), Tentative Parcel Map (TPM12-00002) and Development Plan (D12-00015) by adopting Planning Commission Resolution No. 2012-P49 with findings and conditions of approval attached herein.

PREPARED BY:



Amy Fousekis
Principal Planner

SUBMITTED BY:



John Helmer
Interim City Planner

JH/AF/fil

Attachments:

1. Plans
2. Planning Commission Resolution No. 2012-P49
3. Wave run-up study, coastal hazard and coast protection study documentation
4. Letters in opposition and in support

Received by: Holly
Via: Chris Burgess - hand delivered
Copy to: G. Buell, J. Helman
H. Trobaugh, A. Ehrlich,
P. Allison

ACCEPTANCE OF APPEAL (OFFICE USE ONLY)

Planning Commission Resolution No. 2012-P49 incorporating Application

Appeal of: Nos. RC11-00002, TPM12-00002 and D12-00015 (see pg. 2)

Date of Final Action: 10/22/12 Date Filed: 10/26/12

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

Person Submitting Appeal: Chris Burgess

Company/Developer Representative, Company: _____
Paul Longton (Architect)

Name: Paul Longton

Name of Person who Prepared the Appeal: Chris Burgess

Name of Spokespersons for the Appeal: Chris Burgess, Paul Longton
and Larry Taylor

Address: 2909 Mesa Drive, Oceanside, CA 92054

Phone Number: 760-722-4904 or 714-349-0838

E-mail and/or Fax: chrisbe@arcadiacontract.com or
pjlongton@gmail.com

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: Chris Burgess

Date: 10/26/12

Acceptance of Appeal

Page 2

Planning Commission Resolution # 2012-P49
Project Name: Burgess Journigan Residence

The appeal consists of certain Conditions of Approval placed in the Resolution which include, but not limited to:

- 1) City Staff's interpretation of the location of the western stringline of the subject property and the restriction of building development limiting the westward projection of balconies past the stringline. (Planning Item #7)
- 2) Removal of roof-top trellis from the roof plan. (Planning Item #9)
- 3) Based on a number of recent appeals by the Coastal Commission on projects on the beach front in Oceanside, we believe that Planning should be instructed to add additional findings regarding the revetment to the Staff Report and/or Resolution to mitigate the potential that the Coastal Commission will appeal the project. (Coastal Item #25)

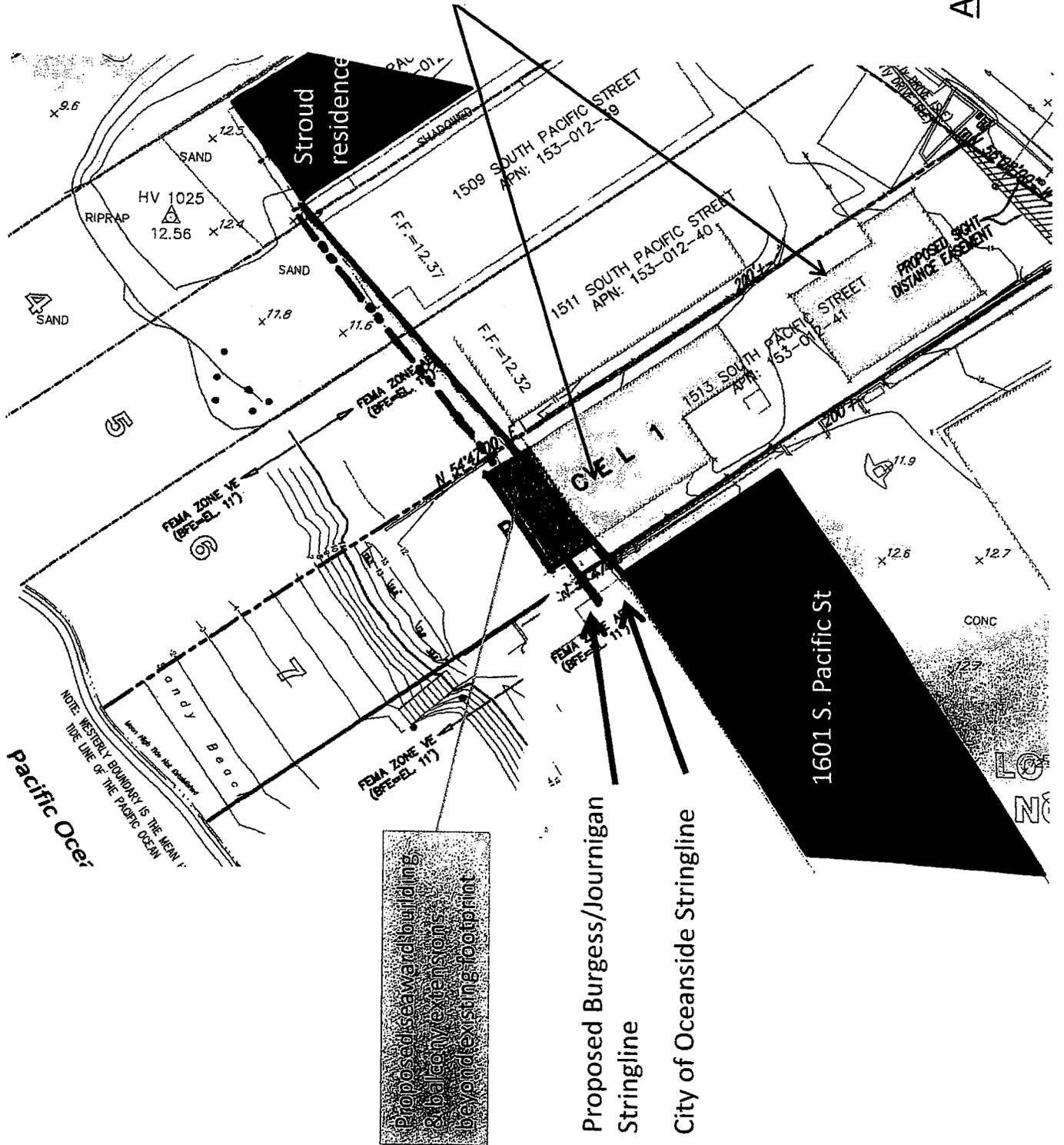
Chris Burgess
10/26/12

REMOVED

OCT 26 2012

CITY OF OCEANSIDE

Existing structures footprint @ Burgess/Journigan site



Pacific Ocean

Proposed seaward building & balcony extensions beyond existing footprint

Proposed Burgess/Journigan Stringline

City of Oceanside Stringline

1601 S. Pacific St

lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Revised Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval full-size final plans for the permitted development that are in substantial conformance with the plans for the project by David Lee Soanes, received October 12, 2006. However, the plans shall be first approved by the City of Oceanside and shall be revised as follows:

- a. Removal of trash receptacle and the 18" copper column located within the southern section of the front yard set back.
- b. Modifications showing the front yard set back of the second story shall be increased to be **equal to or greater than** the front yard set back of the first story. Final plans shall clearly indicate the second level no longer overhanging the first level of the proposed residence. The location of the first-story front yard set back shall not be altered.

- c. Indication of the western stringline at 89' west of the front property line (the same stringline specified in the site plans approved by the City of Oceanside Planning Commission dated October 12, 2006).

The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from wave overtopping and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission,

