



DATE: February 23, 2015

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A VARIANCE (V14-00004) TO ALLOW TWO DRIVEWAYS ON A SINGLE-FAMILY PROPERTY LOCATED AT THE NORTHEAST CORNER OF BROOKS STREET AND WEITZEL STREET, WITHIN THE TOWNSITE NEIGHBORHOOD PLANNING AREA – MITCHELL RESIDENCE – APPLICANTS: ROSS AND DENISE MITCHELL**

RECOMMENDATION

Staff recommends that the Planning Commission, by motion:

- (1) Confirm issuance of a Class 3 categorical exemption, consistent with CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures);
- (2) Adopt Planning Commission Resolution No. 2015- P08, with findings attached herein, approving Variance (V14-00004).

BACKGROUND

Originally part of Wilson’s Subdivision, incorporated into the City of Oceanside on October 14, 1887, the subject property had its present boundaries established in 1973 by Parcel Map 2018, which shows the property absorbing a vacated portion of Brooks Street.

Although situated within a well-established single-family neighborhood, the subject property has never been developed.

Due to the presence of steep slopes, the subject property is subject to the City’s Hillside Development Provisions (Zoning Ordinance Section 3039). These provisions preclude residential development on slopes in excess of 40 percent, while establishing special development standards and design criteria for residential projects proposed on slopes between 20 and 40 percent.

On May 29, 2014, Ross and Denise Mitchell submitted an application for a variance to allow reduction of the minimum interior side yard setback for a new single-family home on the subject property. Established under the City's Hillside Development Provisions, this setback requirement is significantly more restrictive than the minimum interior side yard setback applicable to other properties in the vicinity.

PROJECT SITE

Located within the Townsite Neighborhood Planning Area, the project property bears a General Plan land use designation of Single-Family Detached Residential (SFD-R) and a zoning designation of Single-Family Residential (RS). The project site is located at the eastern terminus of Wisconsin Avenue, where it intersects with Weitzel Street. The property is bounded on all sides by other single-family residences.

The subject property is situated on the edge of a canyon that drains in a southeasterly direction toward the Oceanside Boulevard corridor and Loma Alta Creek. Comprising more than 22,000 square feet, the property is substantially larger than most single-family lots in the vicinity. However, more than 80 percent of the property is undevelopable, due to slopes that exceed the 40 percent threshold established in the City's Hillside Development Provisions. At its southwest corner, the property includes approximately 3,500 square feet of relatively flat land. Roughly triangular in shape, this flat area abuts the intersection of Wisconsin Avenue and Weitzel Street, where the property maintains just over 60 feet of street frontage. The remainder of the property descends steeply into the adjacent canyon. The differential between the highest and lowest grade elevations on the property is more than 54 feet. The topography of the property is illustrated on a slope map appended to this staff report as Attachment 1.

PROJECT DESCRIPTION

The applicant proposes construct a new single-family home at the southwest corner of the subject property. Due to the hillside conditions on the project site, the new residence would be confined to a developable area of less than 4,500 square feet.

The proposed two-story, 2,245-square-foot residence would include a 475-square-foot garage, a 169-square-foot storage space, a 315-square-foot open deck on the ground floor, a 50-square-foot open deck on the second floor, and a 420-square-foot roof deck. Reflecting a mid-century modern aesthetic, the residence would feature a series of flat roof elements that terrace away from the canyon edge on the north and east-facing elevations. To conform to the triangular shape of the developable lot area, the footprint of the home would taper from front to back through a series of indentations on the east-facing elevation. The primary entrance would be set within an alcove on the west-facing elevation, while the garage would face toward the south, separated from the front property line by a 20-foot deep driveway composed of permeable pavers.

Roof access would be provided by a projecting stair enclosure. The enclosure would extend as much as 4.5 feet above the 27-foot building height limit, as permitted under Zoning Ordinance Section 3018.

Exterior finish materials would include hand-trowelled stucco, cementitious lap siding, and stone veneer. Open deck areas would be rimmed with stainless steel cable railing. Glazing would include dual-paned windows, glass slider doors, and glass block accents.

The applicant proposes to install five-foot open fencing at the street frontage and along a segment of the western side yard property line.

As depicted on the attached conceptual landscape plan, a portion of the canyon slope to the east of the building pad would be vegetated with native and naturalized shrubbery. This additional landscape would serve to protect the slope from erosion and subsidence.

More than 75 percent of the subject property would remain undeveloped. Grading activity would not extend into those portions of the property with slopes in excess of 40 percent.

On the west side of the property, the home would maintain a 7.5-foot interior side yard setback. The proposed 7.5-foot interior side yard setback is consistent with the minimum interior side yard setback requirement for the surrounding RS zoning district, but because the project constitutes hillside development as defined by the City's Hillside Development Provisions, a minimum interior side yard setback of 10 feet is required. Consequently, the proposed 7.5-foot interior side yard setback can only be approved through the issuance of a variance, for which specific findings must be made.

On the east side of the property, facing the canyon, the home would feature an open deck that would extend as much as 3.5 feet over a portion of the lot with slopes in excess of 40 percent. The City's Hillside Development Provisions prohibit development on slopes in excess of 40 percent. Thus, a variance is required to allow the proposed deck to extend beyond the no-build line established on the slope map.

The project is subject to the following City policies, regulations, and guidelines:

1. Zoning Ordinance
2. General Plan
3. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. General Plan Conformance

Staff finds the proposed project to be consistent with the goals and objectives of the City's General Plan, as follows:

A. Land Use Element

Section 1.12: Land Use Compatibility

Objective: To minimize conflicts with adjacent or related land uses.

Policy B: The use of land shall not create negative visual impacts to surrounding land uses.

Exhibiting congruent design elements and quality finish materials, the proposed single-family home is expected to be an attractive addition to the neighborhood. The bulk and scale of the new home would be comparable to that of other single-family dwellings in the vicinity, many of which feature two stories and split-level construction. The finished floor elevation of the new home would be roughly two feet below the adjacent street grade and more than four feet below the building pads of adjacent homes to the west, thereby reducing the profile of the home as viewed from nearby vantage points. Potential massing impacts would be further minimized by varied roof elements and highly articulated wall planes. Sited to the north of the intersection of Wisconsin Avenue and Weitzel Street, the new home would not substantially impact existing canyon views from eastbound Wisconsin Avenue.

Section 1.24: Topographic Resources

Objective: To ensure that development preserves and enhances the unique beauty and character of the City's natural topographic features and does not contribute to slope instability, flooding, or erosion hazards to life and property.

Policy E: Structures shall be designed to adapt to hillside conditions

The proposed site improvements would be limited to less than 25 percent of the total lot area, with the remaining lot area preserved as open space. With the exception of a small portion of a cantilevered deck, site improvements would not extend over slopes in excess of 40 percent, nor would these improvements disturb any watercourses, significantly rock outcroppings, or native vegetation.

Policy J: Potential hazards of flooding, erosion, and sedimentation shall be reduced by designing the site drainage system to accommodate the existing upstream storm runoff and to coordinate with existing downstream conditions.

Consistent with the requirements of the San Diego Regional Water Quality Control Board, the stormwater management plan for the proposed development incorporates a number of best management practices (BMPs) meant to control both the flow and content of stormwater runoff from the project site. Prior to exiting the project site, most runoff would be captured and treated in one of two on-site detention basins. Runoff leaving the detention basins would then pass through rip-rap energy dissipaters before reaching the natural slope, thereby reducing the potential for off-site flooding and soil erosion. Additionally, the slope immediately east of the new home would be further stabilized by new landscape, comprised entirely of native and naturalized plant species.

2. Zoning Compliance

The proposed project is subject to the development standards of the surrounding RS zoning district as well as the City's Hillside Development Provisions. As proposed, the new single-family home would conform to all applicable RS development standards, including minimum building setbacks, lot coverage, maximum building height, and minimum on-site parking spaces.

Relative to the underlying RS development standards, the Hillside Development Provisions establish more restrictive side and rear yard setbacks, restrict the length of unarticulated wall surfaces, and limit the area of individual roof planes. With respect to minimum setback standards, the Hillside Development Provisions require a minimum interior side yard setback of 10 feet, where the underlying RS development standards require only a 7.5-foot interior side yard setback.

While the proposal is required to conform to the Hillside Development Provisions, the property owners maintain the fundamental right to construct one single-family home on the site, irrespective of the limitations typically placed on hillside development. As stated in Zoning Ordinance Section 3030(E), "Neither the classification of land as "undevelopable" nor any density calculation made pursuant to this ordinance shall be construed so as to prohibit the development...of one single-family residential dwelling on any existing residentially zoned lot, provided the structure complies with the minimum requirements established for the development of single-family residential structures in this ordinance other than density or lot size requirements." Consequently, even if the subject property were comprised entirely of slopes in excess of 40 percent, the City would still have to allow for the development of one single-family home.

Were the applicant not requesting relief from applicable setback standards and the prohibition of development on slopes in excess of 40 percent, the proposed new residence would not require discretionary review and approval, given that single-family homes are permitted by-right in RS zoning districts.

Grading

The City's Hillside Development Provisions stipulate that "alterations of existing natural or artificial contours of land shall be minimized" on residential sites exhibiting conditions (i.e., slopes in excess of 20 percent with a total grade differential of at least 25 feet). These provisions further state that "grading shall follow the natural topographic contours as much as possible, and standard pads requiring extensive cut-and-fill grading shall not be allowed." Manufactured slopes on hillside properties cannot exceed 30 feet in height or 400 feet in length.

Consistent with these provisions, the proposed project would involve minimal grading, with less than 20 cubic yards of cut and fill. To minimize site grading, eastern portions of the home would be elevated above the canyon slope on exposed caissons and stem walls. While stem wall segments would be as much as eight feet above the adjacent grade, these walls would have minimal off-site visibility, given their orientation toward the canyon. Furthermore, the massing of the walls would be substantially mitigated by their terraced design and their placement beneath a cantilevered deck. Staff finds that proposed grading scheme would preserve the natural appearance of the hillside and maintain the environmental equilibrium of the project site by avoiding significant impacts on existing vegetation, soils, and drainage patterns.

Architecture

Although the City's Hillside Development Provisions do not prescribe an architectural style for hillside development, these provisions do establish that "conventional flatland building styles should be avoided on portions of any site with slopes of 20 percent or greater." Under the Hillside Development Provisions, "alternative building styles are encouraged and may include...pier foundations, stilt construction...and split-level construction." In terms of specific development standards, the Hillside Development Provisions require 4' x 6' wall plane offsets every 40 feet and limit individual roof planes to no more than 600 square feet.

The proposed single-family residence would exhibit a terraced design, with horizontal offsets and substantially recessed second story elements on the east elevation. The home would rest upon a series of exposed caissons and stem walls, with western portions of the structure lying at grade and eastern portions supported on a raised foundation. The caissons and stem walls would be screened by wood or vinyl skirt fencing and recessed beneath a cantilevered deck. As viewed from the north and south, the new home would essentially step with the slope of the adjacent canyon. As viewed from the opposite side of the canyon (i.e., from homes addressed on Brooks Street and Rockledge Street), the home would display both single and two-story elements. It is staff's position that the home would exhibit an "alternative building style" befitting the topographic features of the project site.

Required Findings for Variance Approval

In approving the variance, the review authority must find that: 1) the project site is subject to unique constraints that preclude the exercise of property rights enjoyed by other properties in the vicinity; 2) the proposed project will not result in detrimental or injurious

impacts to public health, safety, or general welfare, or property or improvements in the immediate area; and 3) the variance does not constitute a special privilege inconsistent with limitations placed on other nearby properties.

Staff finds that development on the project site is uniquely constrained by the site's extreme topography. As previously noted, less than 25 percent of the site is considered developable under the City's Hillside Development Provisions, and much of the developable portions of the site exhibit considerable slope. While a few properties in the vicinity (located on the east side of Weitzel Street) exhibit similar topography, these properties have already been developed with single-family homes. Development is further limited by the site's irregular shape and orientation to the public right-of-way, as well as the presence of a public storm drain at its southern boundary. The site is particularly constrained in its east-to-west dimensions, where developable portions of the site average less than 40 feet in width. When the required 10-foot interior side yard setback is included, the developable width of the site is reduced to an average width of less than 30 feet.

In staff's estimation, allowing a 2.5-foot reduction in the required 10-foot interior side yard setback, along with a 2.5-foot deck extension over 40-percent slope, would afford the applicants a reasonably sized home and a reasonable amount of private open space without resulting in any adverse impacts on adjacent properties or the public right-of-way. Furthermore, given the significant constraints on development encountered on the project site, staff does not consider the two requested variances to constitute a special privilege inconsistent with limitations placed on other nearby properties.

ENVIRONMENTAL DETERMINATION

Involving the construction of one single-family home, the proposed project is categorically exempt from environmental review pursuant to CEQA Guidelines Article 19, Section 15303 (New Construction or Conversion of Small Structures).

PUBLIC NOTIFICATION

Legal notice was published in the newspaper and notices were sent to property owners of record and tenants within a 300-foot radius of the subject property.

SUMMARY

The requested variances for interior side yard setback reduction and deck extension over areas exhibiting 40-percent slope are both consistent with the policies of the General Plan and the purpose and intent of the Zoning Ordinance. The variances are warranted by significant physical constraints on development that are unique to the subject property.

Consequently, staff recommends that the Planning Commission approve the project based on the findings contained in the attached resolution. Staff recommends that the Planning Commission:

- Move to approve Variance (V14-00004) by adopting Planning Commission Resolution No. 2015-P08.

PREPARED BY:



Russ Cunningham
Senior Planner

SUBMITTED BY:

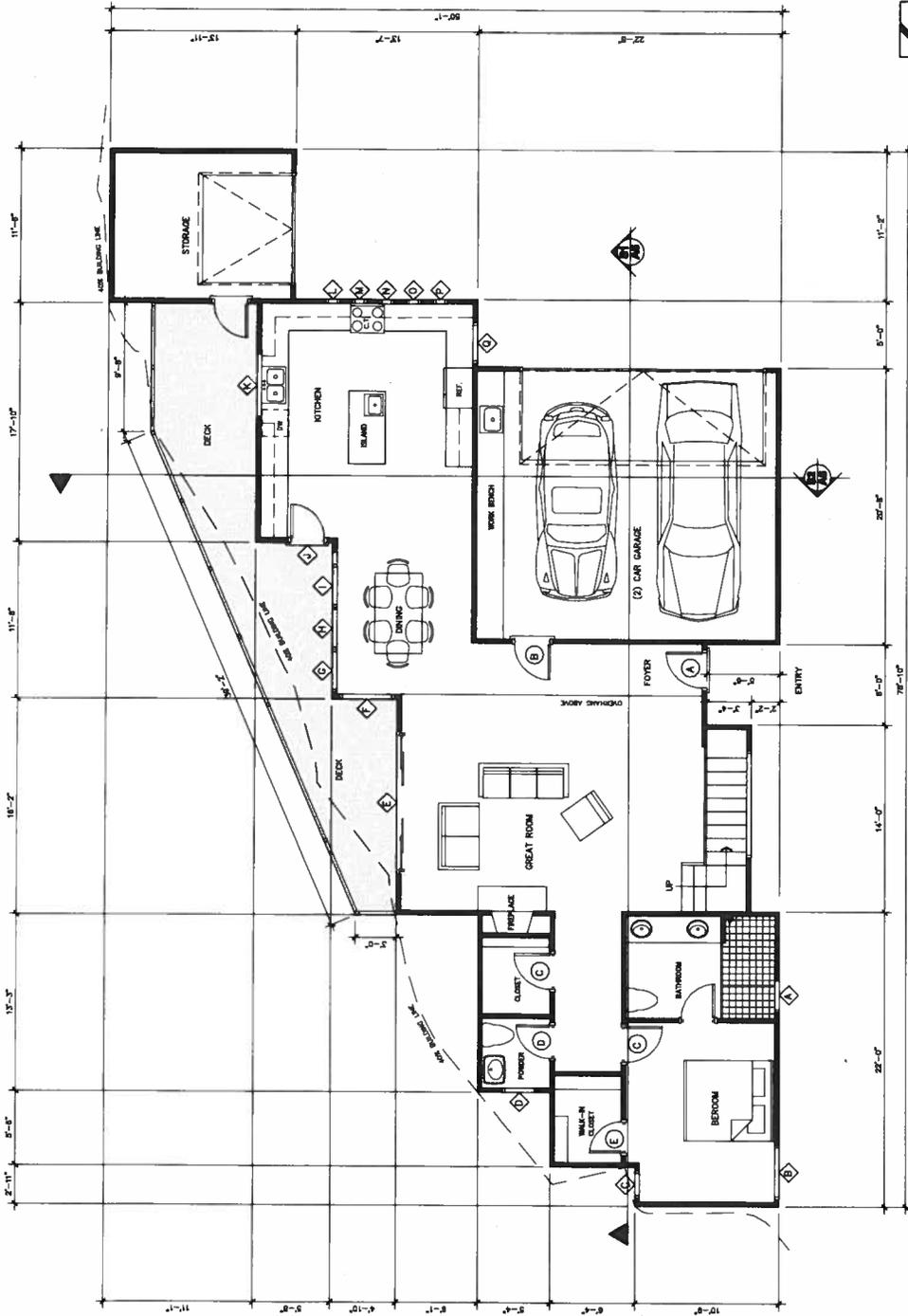


Jeff Hunt
Interim City Planner

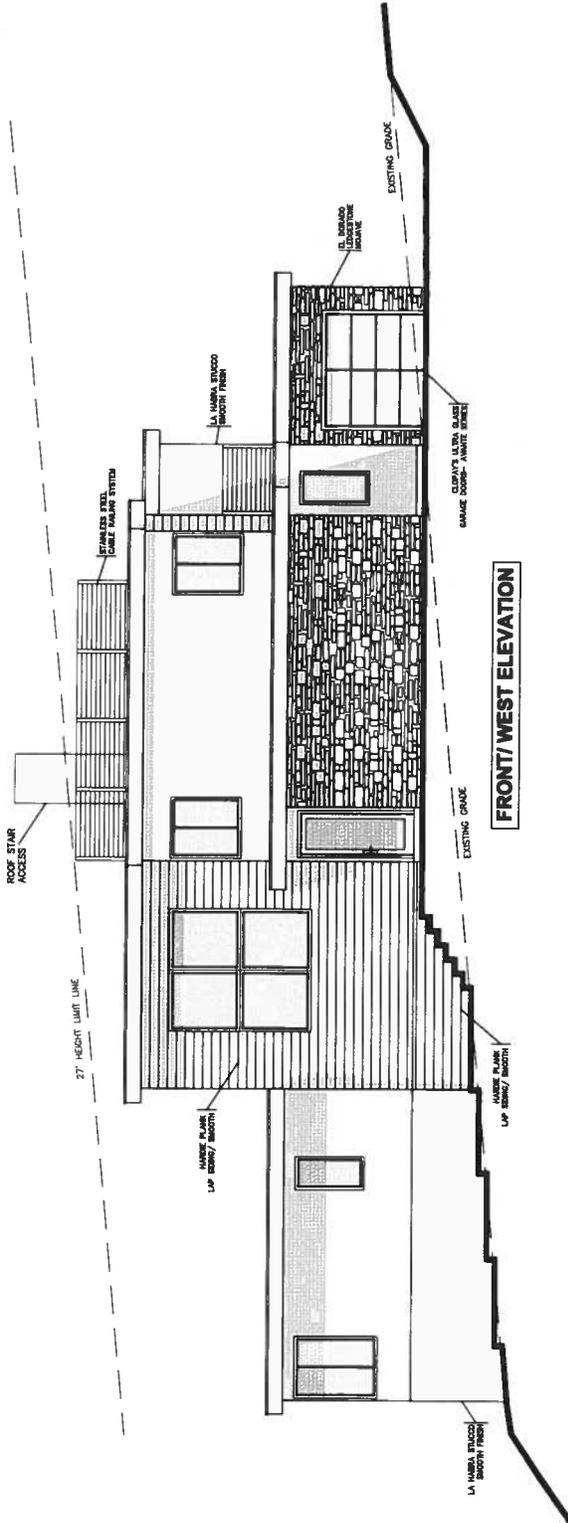
JH/RC/fil

Attachments:

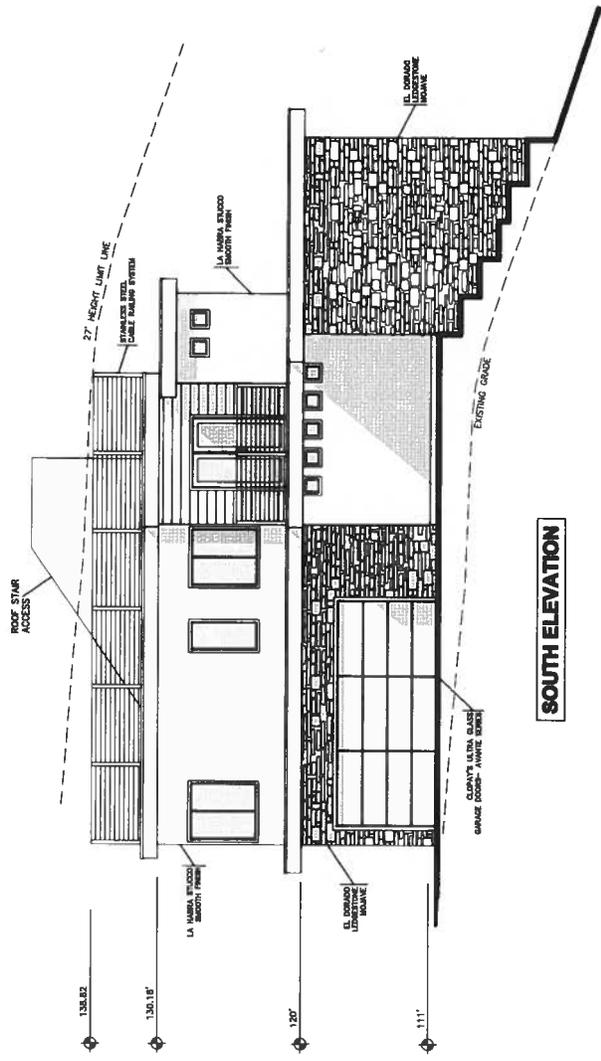
1. Plans and Slope Map
2. Planning Commission Resolution No. 2015-P08
3. Site Photographs
4. Other Attachments (Application Page, Description and Justification, Legal Description, Notice of Exemption)



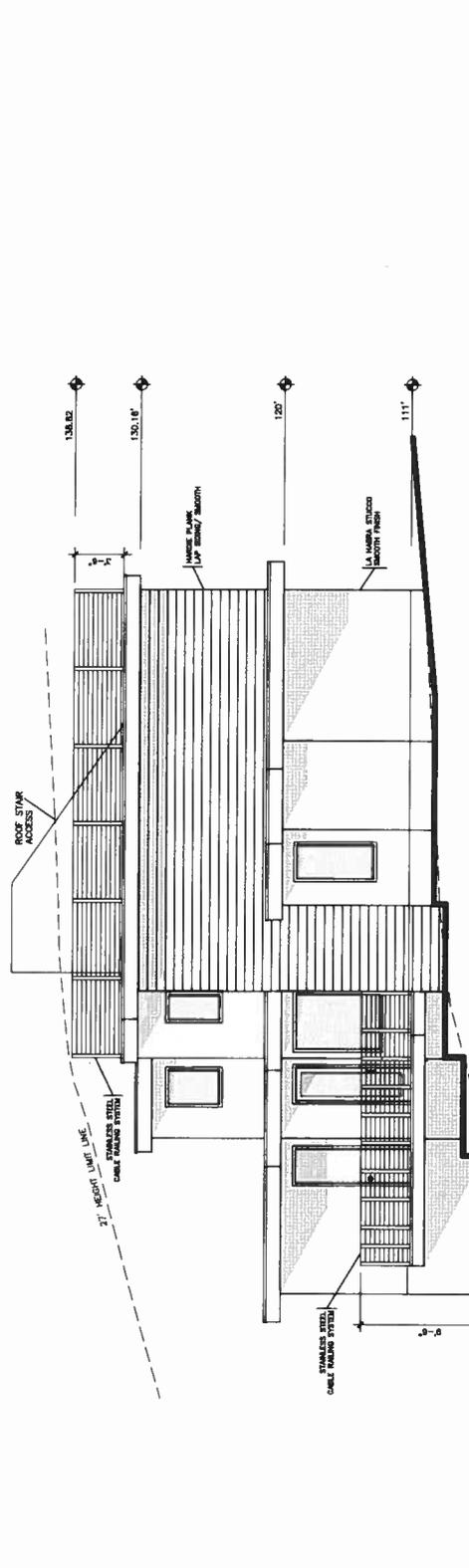
FIRST FLOOR PLAN



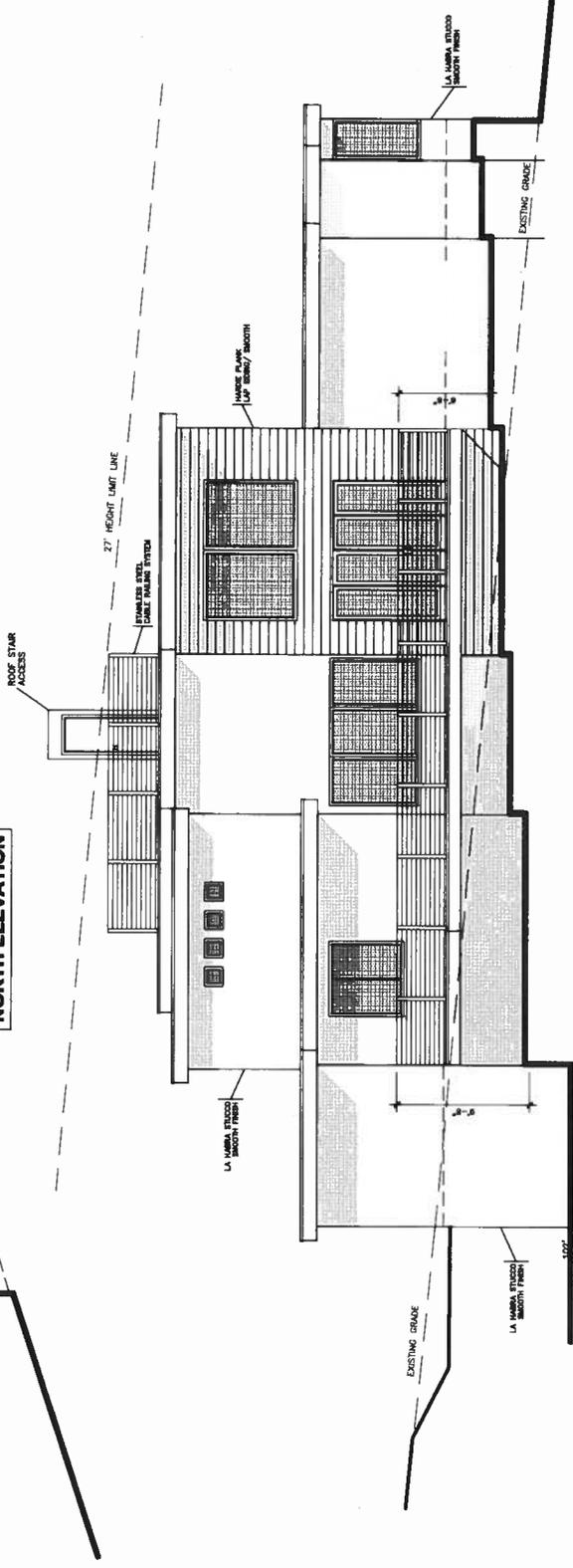
FRONT/WEST ELEVATION



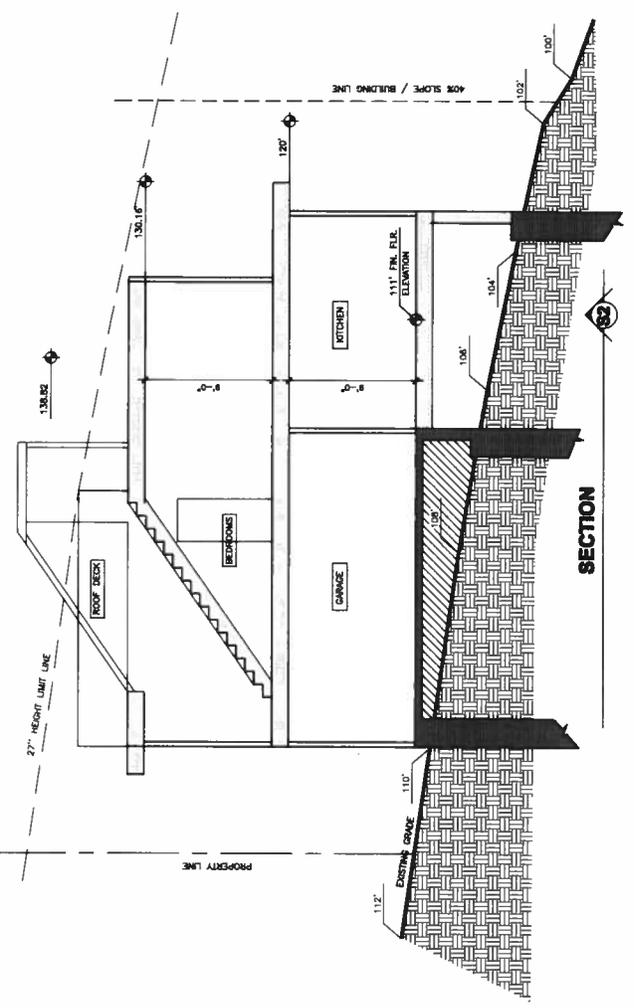
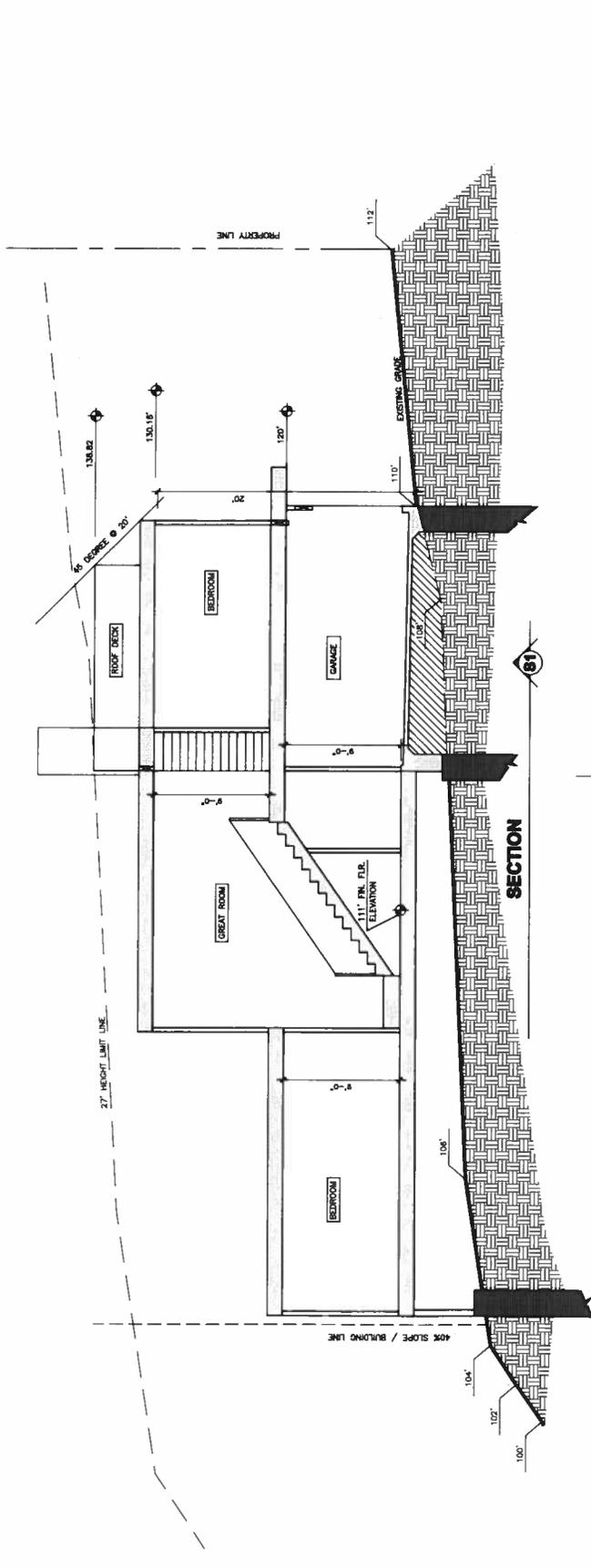
SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



LANDSCAPE EXHIBIT PLAN FOR:

1506 E. WISCONSIN AVENUE

CITY OF OCEANSIDE GENERAL NOTES

- All construction and installation of landscape items are subject to the City of Oceanside Guidelines and Specifications for Landscape Development (1985, addenda 1977) and the most current City of Oceanside Approved Street Tree List.
- The Contractor shall be responsible for obtaining all permits necessary for installation prior to beginning work. This includes, but is not limited to, grading, utility, and construction and tree removal permits.
- The contractor is responsible for knowing all conditions and all underground utilities, pipes and conduits, and shall be responsible for identifying and marking them prior to any excavation. Before excavation, verify the location of underground utilities. Call Dig Alert (underground services alert) (609)422-4133 or (800)277-2800.
- The Landscape or Irrigation Contractor is to verify existing PSI at the job site prior to installing the landscape.
- Discrepancies between the design parameters shown on the plan and existing site conditions shall be reported to the project Landscape Designer (LD) immediately. The Contractor shall be responsible for the verification of the site conditions and shall be responsible for the design changes. The Contractor shall bear the cost of necessary revisions due to failure to give such notification, and no change in contract price will be allowed for actual working days) prior to starting construction. Within the 48 hours (2 working days) notice, prior to beginning landscape construction, the job Superintendent, Landscape Contractor, Landscape Designer, and the City Engineer shall meet for a pre-construction site meeting. Any work not meeting the approval of the Owner, Owner's representative or the approved landscape plan shall be corrected at the Contractor's expense.
- All property and lot lines shall be verified and marked in an obvious manner prior to construction.
- All required pressure boundary penetrators and pressure vacuum breaker assemblies shall be tested by a City approved certified tester after installation, relocation, or repairs. Notify the Oceanside Water Utilities Department for a current list (760-455-5800). The original backflow certification shall be submitted to the New City Engineer.
- The Developer/Owner is responsible for supplying a copy of the last reads to the City Engineer.
- Approved landscape plans and specifications, and the City of Oceanside Guidelines and Specifications for Landscape Development (1985, addenda 1977) shall be at the job site location at all times.
- The Contractor or Developer is required to fully maintain all landscaping for 1 (one) year prior to City Engineer final sign-off. The maintenance period shall begin when the "As-Built" plans have been completed and approved by the City Engineer.
- Turfed areas shall have a maximum design slope of 4:1. Ground cover areas shall have a maximum design slope of 2:1.
- Plantings shall be installed within 30 days of occurrence.
- Wall footings are shown for general information only. Refer to Precise Grading Plan for final location of all types of slope, base, property lines and easements. (Final location of walls and fences shall be approved in writing by the project Landscape Designer and City Engineer prior to installation.) Notify the City Engineer of any discrepancies between the plan and actual site conditions prior to commencing work.
- For details not referenced or shown on these plans, please refer to manufacturer's specifications for installation.
- The Landscape Designer is aware of the City of Oceanside policy which prohibits trees and permanent structures in utility easements and has designed the project landscape plan in accordance with this requirement, based on the assessment information I have received from the project Engineer of work. I have verified that these plans meet the requirements of said policy.
- The Contractor shall be responsible for verifying the location of all easements and shall install the project in accordance with the requirement. The Contractor shall verify the location of all easements, properly mark or stake all easements and verify the scope of work within the easement prior to installing improvements within any easement.
- The Contractor shall obtain and/or flow sensor certification (if applicable) prior to termination of Contractor's maintenance period.

HOLD HARMLESS AND INDEMNIFICATION CLAUSE

Contractor agrees that he shall assume sole responsibility for job site conditions during the course of construction of this project, including safety of all persons & property; that the requirement shall apply continuously & not be limited to normal working hours & that the Contractor shall defend, indemnify, & the City of Oceanside shall be held harmless from and against all claims, damages, losses, and expenses of work on this project, excepting for liability arising from sole negligence of the Owner, the City/County of local jurisdiction, or the Landscape Designer.

ALL DRAWINGS AND MATERIALS APPEARING HEREIN CONSTITUTE THE ORIGINAL & UNPUBLISHED WORK OF THE OWNER & THE SAME MAY NOT BE REPLICATED, USED OR REPRODUCED WITHOUT WRITTEN CONSENT OF Cynthia S. Benoit. ALL RIGHTS RESERVED BY Cynthia S. Benoit.

LANDSCAPE EXHIBIT AS-BUILT CERTIFICATION

I hereby certify that all landscaping and irrigation have been installed in accordance with the approved landscape plan and specifications set forth in the project agricultural soil report, the City of Oceanside Guidelines and Specifications for Landscape Development, & any other applicable ordinances & requirements.

I hereby certify that these landscape plans reflect an accurate & correct representation of the As-Built conditions

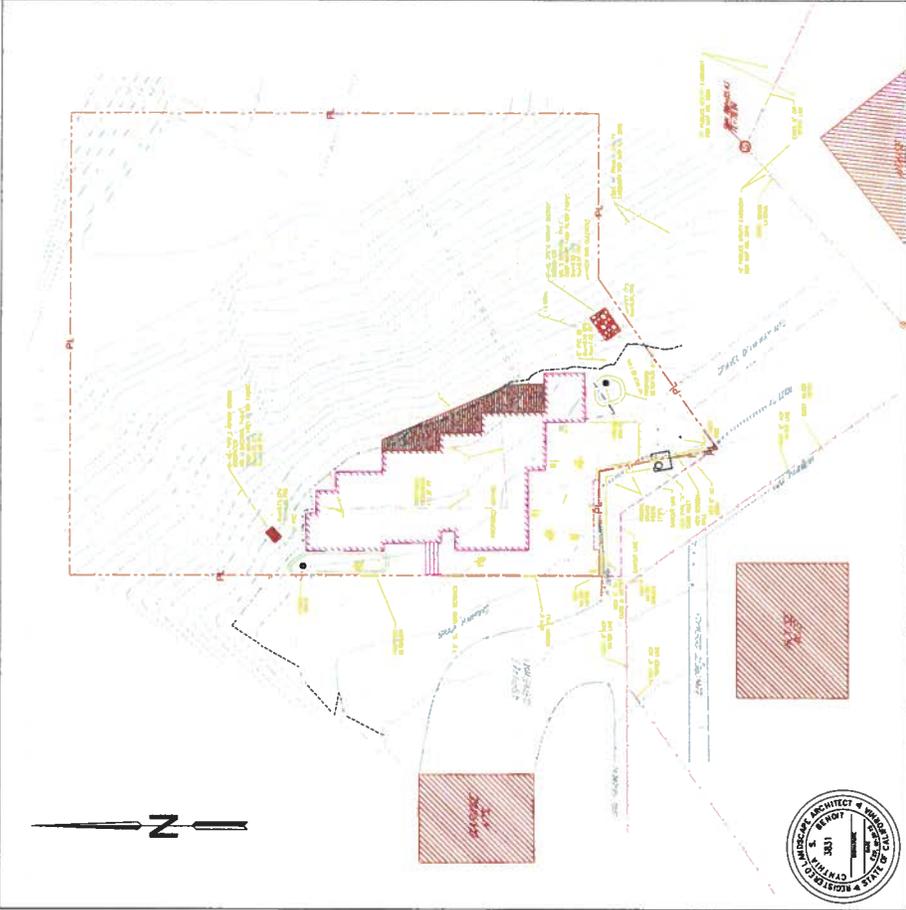
Landscape Contractor: _____ Lic. Number: _____ Date: _____

Name of Landscape Contractor: _____ Lic. Number: _____

DECLARATION OF RESPONSIBLE CHARGE

I hereby declare that I am the Landscape Contractor of work for this project, that I have exercised responsible charge over the design of the project as defined in section 6703 of the Business and Professions Code, and that I am duly licensed as a Landscape Architect by the City of Oceanside and the County of San Diego Department of Environmental Health is continued to a review only and does not relieve me of my responsibilities for the design of the project.

As the Landscape Contractor of Work I indemnify the City of Oceanside, its officers, agents and employees to be held harmless from and against all claims, damages, losses, and expenses of work on this project, excepting for liability arising from sole negligence of the Owner, the City/County of local jurisdiction, or the Landscape Designer of Work, my employees, agents or contractors.



SITE PLAN

ROW AREA
PROVIDE: MAINTAINED

PRIVATE AREA
PROVIDE: MAINTAINED

Ross and Denise Mitchell
OWNER

Cynthia S. Benoit
LANDSCAPE ARCHITECT

N.T.S.

CITY OF OCEANSIDE PLANNING STAMP

SHEET	1	CITY OF OCEANSIDE	OF	4
LANDSCAPE EXHIBIT PLAN FOR:	1506 E. Wisconsin Avenue			
PROJECT NO.	V14-0004			
PROJECT NAME	Mitchell Residence			
PROJECT ADDRESS	1506 E. Wisconsin Avenue OCEANSIDE, CALIFORNIA			
Checked by				
Approved date				

SHEET NO.	SHEET NAME
---	TITLE SHEET
C-100	SITE PLAN
C-101	PLANTING PLAN
C-102	CONCEPT PLAN



Owner:
Ross and Denise Mitchell
3535 Linda Vista, Suite 330
San Marcos, CA 92078
Phone: (619) 940-2220
Contact: Ross Mitchell
Email: rossmitchell100@gmail.com

Landscape Architect:
Cynthia S. Benoit
Beach Exterior Design
340 Cambridge Village Drive, Suite 106-111
Carlsbad, CA 92008
Phone: (760) 448-5372
Email: cbenoit@beachexteriordesign.com

Civil Engineer:
James A. Turpin
855 Boardwalk Suite 203
Oceanside, CA 92054
Phone: (760) 415-1188
Email: jturpin@jamesat.com

REVISIONS	BY

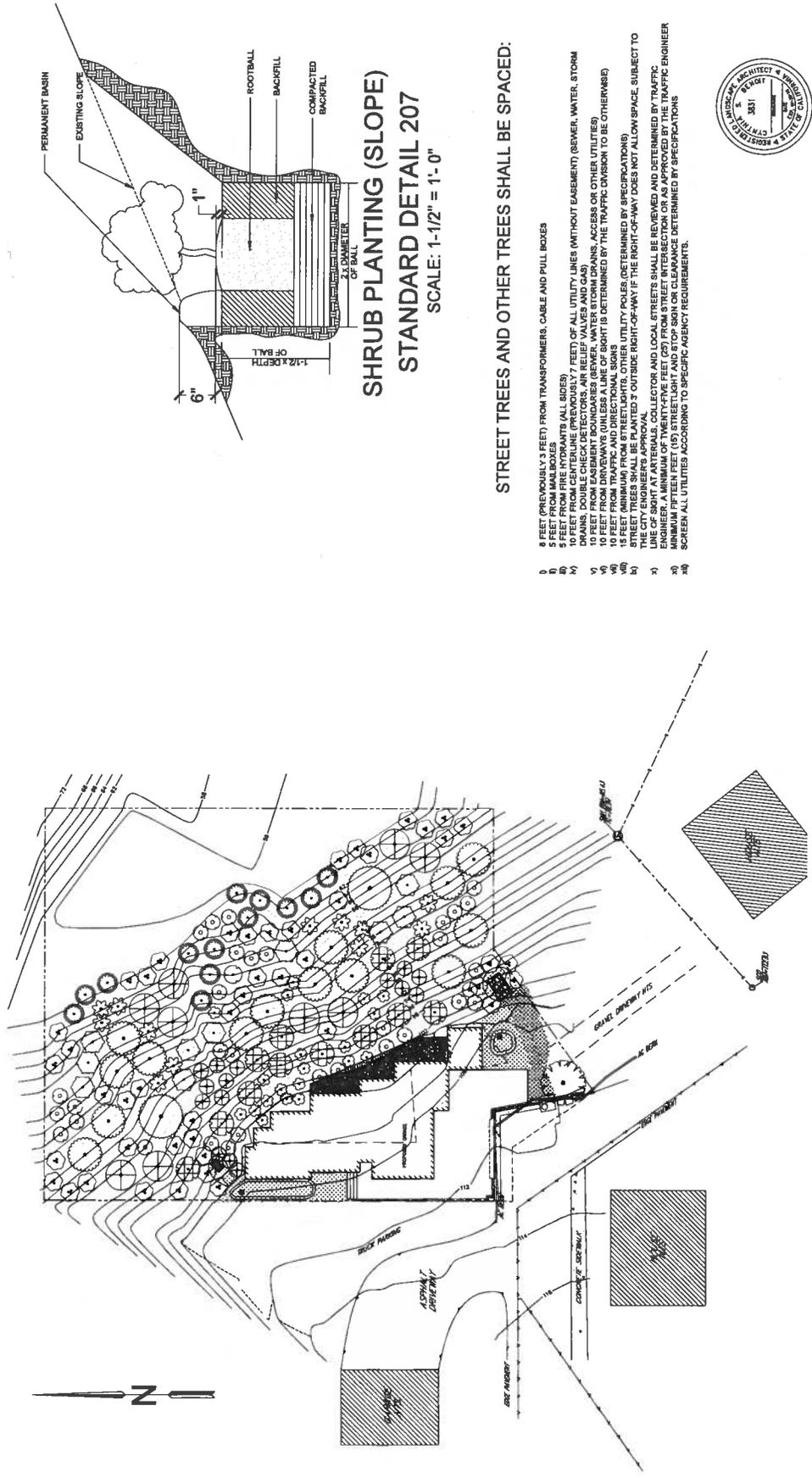
(460) 448-8292
 300 Carlsbad Village Drive, Suite 108-111
 Carlsbad, CA 92008

Landscape Architecture
 Benoit Exterior Design

DATE: _____
 CHECKED: _____
 TITLE: _____

1" = 1'-0"
 SCALE

CONCEPT PLAN
C-102



SHRUB PLANTING (SLOPE)
STANDARD DETAIL 207
 SCALE: 1-1/2" = 1'-0"

STREET TREES AND OTHER TREES SHALL BE SPACED:

- 0 8 FEET (PREVIOUSLY 3 FEET) FROM TRANSFORMERS, CABLE AND PULL BOXES
- 10 5 FEET FROM MALEBOXES
- 20 10 FEET FROM FIRE HYDRANTS (ALL SIDES)
- 30 10 FEET FROM CENTERLINE (PREVIOUSLY 7 FEET) OF ALL UTILITY LINES (WITHOUT EASEMENT) (SEWER, WATER, STORM
- 40 10 FEET FROM EASEMENT BOUNDARIES (SEWER, WATER, STORM DRAINS, ACCESS OR OTHER UTILITIES)
- 50 10 FEET FROM DRIVEWAYS (UNLESS A LINE OF SORT IS DETERMINED BY THE TRAFFIC DIVISION TO BE OTHERWISE)
- 60 10 FEET FROM TRAFFIC AND DIRECTIONAL SIGNS
- 70 10 FEET FROM TRAFFIC AND DIRECTIONAL SIGNS
- 80 STREET TREES SHALL BE PLANTED 2' OUTSIDE RIGHT-OF-WAY IF THE RIGHT-OF-WAY DOES NOT ALLOW SPACE, SUBJECT TO THE CITY ENGINEER'S APPROVAL.
- 90 THE CITY ENGINEER'S APPROVAL.
- 100 LINE OF SORT AT INTERSECTIONS, COLLECTOR AND LOCAL STREETS SHALL BE REVIEWED AND DETERMINED BY TRAFFIC ENGINEER
- 110 LINE OF SORT AT INTERSECTIONS, COLLECTOR AND LOCAL STREETS SHALL BE REVIEWED AND DETERMINED BY TRAFFIC ENGINEER
- 120 MINIMUM FIFTEEN FEET (15') STREET LIGHT AND STOP SIGN OR CLEARANCE DETERMINED BY SPECIFICATIONS
- 130 SCREEN ALL UTILITIES ACCORDING TO SPECIFIC AGENCY REQUIREMENTS.
- 140
- 150
- 160
- 170
- 180
- 190
- 200



SHEET 4 OF 4
 CITY OF OCEANSIDE
 Development Division

LANDSCAPE EXHIBIT PLAN FOR: XXXXX-XXXX
Mitchell Residence
 1508 E. Wisconsin Avenue
 OCEANSIDE, CALIFORNIA

Checked by: _____
 Approved: 4/16/16

CONCEPT PLAN
 SCALE: 1/16" = 1'-0"

1 PLANNING COMMISSION
2 RESOLUTION NO. 2015-P08

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A
5 VARIANCE ON CERTAIN REAL PROPERTY IN THE CITY OF
6 OCEANSIDE

6 APPLICATION NO: V14-00004

7 APPLICANT: Russ and Denise Mitchell

8 LOCATION: Northeast corner of Wisconsin Avenue and Weitzel Street
9 APN 150-335-30-00

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

11 WHEREAS, there was filed with this Commission a verified petition on the forms
12 prescribed by the Commission requesting a Variance under the provisions of the City of Oceanside
13 Zoning Ordinance to permit two driveways on certain real property described in the project
14 description.

15 WHEREAS, the Planning Commission, after giving the required notice, did on the 23rd day
16 of February, 2015, conduct a duly advertised public hearing as prescribed by law to consider said
17 application;

18 WHEREAS, the documents or other material which constitute the record of proceedings
19 upon which the decision is based will be maintained by the City of Oceanside Planning Division,
20 300 North Coast Highway, Oceanside, California 92054.

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

22 FINDINGS:

23 For the proposed Variance (V14-00004) to allow a reduced interior side yard setback and a deck
24 extension over lot area exhibiting greater than 40-percent slope:

- 25 1. Relative to other properties in the vicinity, there are special circumstances extant on the
26 subject property, in terms of the property's size, shape, topography, or location that
27 warrant deviation from zoning standards that limit residential properties to one driveway.
28 In accordance with the City's Hillside Development Provisions, less than 25 percent of

1 the subject property is developable, due to the presence of slopes in excess of 40 percent.
2 Because hillside conditions exist on the project site, development is subject to a more
3 restrictive interior side yard setback than that applicable to development on other
4 properties in the vicinity (i.e., 10 feet, where the minimum interior side yard setback for
5 the underlying RS zoning district is 7.5 feet). Coupled with the narrowness of
6 developable portions of the project site, the increased interior side yard setback results in
7 a developable area of less than 30 feet in average width. Reducing the interior side yard
8 setback to the standard minimum for the surrounding zoning district would allow the
9 applicant to construct a reasonably sized home. Allowing the proposed deck extension
10 over lot area exhibiting greater than 40-percent slope would, in turn, afford the applicant
11 with a reasonable amount of private open space.

12 2. The granting of the variance would not be detrimental or injurious to property or
13 improvements in the vicinity of the development site, or to the public health, safety, or
14 general welfare. The proposed reduced interior side yard setback would be comparable to
15 those exhibited by neighboring homes and would not result in significant massing
16 impacts on adjacent properties. The proposed deck extension would not result in ground
17 disturbance in undevelopable portions of the property, nor would the extended deck result
18 in significant massing impacts on adjacent properties. It is staff's position that the
19 extended deck would soften the appearance of the adjacent stem wall and thereby
20 improve the visual quality of the residence as viewed from the opposite side of the
21 canyon.

22 3. The granting of the variance is consistent with the purposes of the Zoning Ordinance and
23 does not constitute a special privilege inconsistent with limitations on other properties in
24 the vicinity and in the same zoning district. Relative to other properties in the vicinity,
25 the subject property presents unique constraints upon development, due to its steep
26 topography, irregular shape, and unusual street frontage. Without reasonable flexibility in
27 development standards, the property would be virtually undevelopable.

28 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby grant
Variance (V14-00004), subject to the following conditions:

1 **Planning:**

- 2 1. This resolution approves only the reduction of the minimum interior side yard setback and
3 the extension of an open deck over lot area exhibiting greater than 40-percent slope, for the
4 purpose of constructing a new single-family residence on a vacant lot, as described in the
5 project description and justification and as shown on the plans and exhibits presented to the
6 Planning Commission for review and approval. No deviation from the project description
7 and justification, approved plans and exhibits shall occur without Planning Division
8 approval. Substantial deviations shall require a revision to the Variance.
- 9 2. A covenant or other recordable document approved by the City Attorney shall be prepared
10 by the applicant and recorded prior to the refund of securities for off-site improvements.
11 The covenant shall provide that the property is subject to this resolution.
- 12 3. Prior to the transfer of ownership of the site, the owner shall provide a written copy of the
13 application, staff report, and resolution for the Variance to the new owner. This
14 notification's provision shall run with the life of the project and shall be recorded as a
15 covenant on the property.
- 16 4. Unless expressly waived, all current zoning standards and City ordinances and policies in
17 effect at the time building permits are issued are required to be met by this project. The
18 approval of this project constitutes the applicant's agreement with all statements in the
19 Description and Justification and other materials and information submitted with this
20 application, unless specifically waived by an adopted condition of approval.

21 **Water Utilities:**

- 22 5. The developer will be responsible for developing all water and sewer utilities necessary to
23 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
24 the developer and shall be done by an approved licensed contractor at the developer's
25 expense.
- 26 6. All Water and Wastewater construction shall conform to the most recent edition of the
27 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
28 the Water Utilities Director.
7. The property owner shall maintain private water and wastewater utilities located on private
property.

- 1 8. 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 9. Residential units shall be metered individually and be equipped with a dual check valve per
4 Oceanside Standard Drawing W-30.
- 5 10. Per the latest approved California Fire Code, all new residential units shall be equipped with
6 fire sprinkler system.

7 **The following conditions shall be met prior to the approval of engineering design plans:**

- 8 11. All public water and/or sewer facilities not located within the public right-of-way shall be
9 provided with easements sized according to the Water, Sewer, and Reclaimed Water Design
10 and Construction Manual. Easements shall be constructed for all weather access.
- 11 12. Any water and/or sewer improvements required to develop the proposed property will need
12 to be included in the improvement plans and designed in accordance with the Water, Sewer,
13 and Reclaimed Water Design and Construction Manual.
- 14 13. No trees, structures or building overhang shall be located within any water or wastewater
15 utility easement.
- 16 14. 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 latest approved California
19 Plumbing Code.
- 20 15. A new minimum 4" sewer lateral located at south side of property shall connect to existing
21 sewer manhole through an existing private utility easement and existing 10' wide public
22 utility easement per Map No. 2018.
- 23 16. Water service lines shall have same diameter as meter size on either side of meter or one
24 City of Oceanside meter size increment larger.
- 25 17. New water service is shown at southwest corner of property off of the 6" ACP water main
26 in Weitzel Street. Abandon existing water meter per Oceanside Standard Drawing W-6 and
27 show new water service and meter on improvement plans.
- 28 18. Provide stationing and offsets for existing and proposed meters and sewer laterals on plans.

1 19. Water service connection and meter box shall be provided by developer/owner. City forces
2 will install water meter. Location of meter boxes shall be placed in accordance with the
3 City's Water, Sewer, and Reclaimed Water Design and Construction Manual.

4 **The following conditions of approval shall be met prior to building permit issuance:**

5 20. Provide existing and proposed fixture count and flow calculations per latest California
6 Plumbing Code to determine if existing meter size will need to be upsized.

7 21. Show location of water service and call out meter size on Building Plans.

8 22. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
9 be paid to the City and collected by the Water Utilities Department at the time of Building
10 Permit issuance.

11 23. All Water Utilities Fees are due at the time of building permit issuance per City Code
12 Section 32B.7.

13 **The following conditions of approval shall be met prior to occupancy:**

14 24. All new development of single-family and multi-family residential units shall include hot
15 water pipe insulation and installation of a hot water recirculation device or design to provide
16 hot water to the tap within 15 seconds in accordance with City of Oceanside Ordinance No.
17 02-OR126-1.

18 **Building:**

19 25. The granting of approval under this action shall in no way relieve the applicant/project from
20 compliance with all Current State and local building codes.

21 2013 Triennial Edition of CCR, Title 24

22 The 2013 triennial edition of the California Code of Regulations, Title 24 (California
23 Building Standards Code) applies to all occupancies that applied for a building permit on or
24 after January 1, 2014, and remains in effect until the effective date of the 2016 triennial
25 edition which will be January 1, 2017. The California Building Standards Commission
26 website at <http://www.bsc.ca.gov/codes.aspx> has links to where the codes can be viewed
27 online as well as information on where the codes can be purchased; Parts 6, 11, and 12 can
28 be directly downloaded for free.

1 There are 12 parts to Title 24 and the applicable parts for most Building Division permit
2 applications are listed below.

- 3 • Part 2: The 2013 California Building Code (CBC) is based on the 2012 IBC, but
4 includes numerous State of California amendments.
- 5 • Part 2.5: The 2013 California Residential Code (CRC) is based on the 2012 IRC,
6 but includes numerous State of California amendments and does not include the
7 electrical, energy, mechanical, or, plumbing portions of the IRC, and instead parts 3
8 through 6 of Title 24 as listed below apply.
- 9 • Part 3: The 2013 California Electrical Code (CEC) is based on the 2011 NEC with
10 State of California amendments.
- 11 • Part 4: The 2013 California Mechanical Code (CMC) is based on the 2012 UMC
12 with State of California amendments.
- 13 • Part 5: The 2013 California Plumbing Code (CPC) is based on the 2012 UPC with
14 State of California amendments.
- 15 • Part 6: The 2013 California Energy Code is currently based on the 2013 Building
16 Energy Efficiency Standards, and please visit the California Energy Commission
17 website at <http://www.energy.ca.gov/title24/2013standards/> where additional
18 information can be found and Compliance manuals can be downloaded for free.
19 Effective Date July 1, 2014.
- 20 • Part 9: The 2013 California Fire Code (CFC) is based on the 2012 IFC with State of
21 California amendments.
- 22 • Part 11: The 2013 California Green Building Standards Code (CALGreen Code)
23 This Part is known as the California Green Building Standards Code, and it is
24 intended that it shall also be known as the CALGreen Code.
- 25 • Amendments to the City of Oceanside Administrative Code for Building
26 Regulations Ordinance No. 13-ORO752-1 Effective Date 01/01/2014 a copy of
27 which can be downloaded from the Building Division website at
28 <http://www.ci.oceanside.ca.us/gov/dev/bldg/codes.asp>

26. The building plans for this project shall be prepared by a licensed architect or engineer and shall be in compliance with this requirement prior to submittal for building plan review.

- 1 27. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the plans.
2 Separate/unique addresses may be required to facilitate utility releases. Verification that the
3 addresses have been properly assigned by the City's Planning Division shall accompany the
4 Building Permit application.
- 5 28. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
6 shall be required at time of plans submittal to the Building Division for plan check.
- 7 29. The developer shall monitor, supervise and control all building construction and supportive
8 activities so as to prevent these activities from causing a public nuisance, including, but not
9 limited to, strict adherence to the following:
- 10 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
11 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work
12 that is not inherently noise-producing. Examples of work not permitted on Saturday
13 are concrete and grout pours, roof nailing and activities of similar noise-producing
14 nature. No work shall be permitted on Sundays and Federal Holidays (New Year's
15 Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day)
16 except as allowed for emergency work under the provisions of the Oceanside City
17 Code Chapter 38 (Noise Ordinance).
- 18 b) The construction site shall be kept reasonably free of construction debris as
19 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
20 approved solid waste containers shall be considered compliance with this
21 requirement. Small amounts of construction debris may be stored on-site in a neat,
22 safe manner for short periods of time pending disposal

21 **Engineering:**

- 22 30. For the demolition of any existing structure or surface improvements; grading plans shall be
23 submitted and erosion control plans be approved by the City Engineer prior to the issuance
24 of a demolition permit. No demolition shall be permitted without an approved erosion
25 control plan.
- 26 31. Design and construction of all improvements shall be in accordance with the City of
27 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard
28

1 engineering and specifications of the City of Oceanside and subject to approval by the City
2 Engineer.

3 32. All right-of-way alignments, street dedications, exact geometrics and width shall be
4 dedicated and constructed or replaced as required by the City Engineer.

5 33. Prior to approval of the grading plan or any increment, all improvement requirements,
6 within such increment or outside of it if required by the City Engineer, shall be covered by a
7 Development Improvement Agreement, and secured with sufficient improvement securities
8 or bonds guaranteeing performance and payment for labor and materials, setting of
9 monuments, and warranty against defective materials and workmanship.

10 34. The owner/developer shall provide public street dedication on Wisconsin Avenue and
11 Weitzel Street, if required to serve the property.

12 35. A traffic control plan shall be prepared according to the City traffic control guidelines and
13 approved to the satisfaction of the City Engineer prior to the start of work within the public
14 right-of-way on Wisconsin Avenue and Weitzel Street. Traffic control during construction
15 of streets that have been opened to public traffic shall be in accordance with construction
16 signing, marking and other protection as required by the Caltrans Traffic Manual and City
17 Traffic Control Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30
18 p.m. unless approved otherwise.

19 36. One and half inch (1 ½") grind and pavement overlay is required on Wisconsin Avenue and
20 Weitzel Street along property frontage to the satisfaction of the City Engineer.

21 37. The driveway grade for this project within public right-of-way shall be six percent (6%) or
22 less in accordance with the City of Oceanside Engineers Design Standards, Drawing
23 number T-2.

24 38. Sight distance requirements at the project driveway and Wisconsin Avenue shall conform to
25 the corner sight distance criteria as provided by SDRSD DS-20A and or DS-20B.

26 39. The owner/developer shall install adequate traffic warning/safety signs, crash posts with
27 chevrons in front and along the proposed retaining wall at the end of Wisconsin Avenue
28 (along Weitzel Street) to the satisfaction of the City Engineer.

30 40. Pavement sections for project driveway and parking areas shall be based upon approved soil
31 tests and traffic indices. The pavement design is to be prepared by the owner/developer's

1 soil engineer and must be in compliance with the City of Oceanside Engineers Design and
2 Processing Manual and be approved by the City Engineer, prior to paving.

3 41. Any existing public or private pavement, concrete curb, gutter, driveways, pedestrian ramps
4 and sidewalk on , or adjacent to the project boundary on t Wisconsin Avenue and Weitzel
5 Street hat are already damaged or damaged during construction of the project, shall be
6 repaired or replaced as directed by the City Engineer.

7 42. A Precise grading plan (project might qualify for a Minor grading plan), and private
8 improvement plan shall be prepared, reviewed, secured and approved prior to the issuance
9 of any building permits. The plan shall reflect all pavement, flatwork, landscaped areas,
10 special surfaces, curbs, gutters, medians, striping, and signage, footprints of all structures,
11 walls, drainage devices and utility services. Parking lot striping and any on-site traffic
calming devices shall be shown on all precise grading and private improvement plans.

12 43. This project shall provide year-round erosion control including measures for the site
13 required for the grading operation. Prior to the issuance of grading permit, an erosion
14 control plan, designed for all proposed stages of construction, shall be reviewed and
15 approved by the City Engineer.

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

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

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

23 b) All grading and related site preparation and construction activities shall be limited to
24 the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering related
25 construction activities shall be conducted on Saturdays, Sundays or legal holidays
26 unless written permission is granted by the City Engineer with specific limitations to
27 the working hours and types of permitted operations. All on-site construction
28 staging areas shall be as far as possible (minimum 100 feet) from any existing

1 residential development. Because construction noise may still be intrusive in the
2 evening or on holidays, the City of Oceanside Noise Ordinance also prohibits “any
3 disturbing excessive or offensive noise which causes discomfort or annoyance to
4 reasonable persons of normal sensitivity.”

5 c) The construction site shall accommodate the parking of all motor vehicles used by
6 persons working at or providing deliveries to the site. An alternate parking site can
7 be considered by the City Engineer in the event that the lot size is too small and
8 cannot accommodate parking of all motor vehicles.

9 d) The owner/developer shall complete a haul route permit application (if required for
10 import/export of dirt) and submit to the City of Oceanside Engineering Division 48
11 hours in advance of beginning of work. Hauling operations (if required) shall be
12 8:00 a.m. to 3:30 p.m. unless approved otherwise.

13 46. It is the responsibility of the owner/developer to evaluate and determine that all soil
14 imported as part of this development is free of hazardous and/or contaminated material as
15 defined by the City and the County of San Diego Department of Environmental Health.
16 Exported or imported soils shall be properly screened, tested, and documented regarding
17 hazardous contamination.

18 47. The approval of the development plan shall not mean that proposed grading or
19 improvements on adjacent properties (including any City properties/right-of-way or
20 easements) is granted or guaranteed to the owner/developer. The owner/developer is
21 responsible for obtaining permission to grade to construct on adjacent properties. Should
22 such permission be denied, the development plan shall be subject to going back to the
23 public hearing or subject to a substantial conformity review.

24 48. Prior to any grading of this project, a comprehensive soils and geologic investigation shall
25 be conducted of the soils, slopes, and formations in the project. All necessary measures
26 shall be taken and implemented to assure slope stability, erosion control, and soil integrity.
27 No grading shall occur until a detailed grading plan, to be prepared in accordance with the
28 Grading Ordinance and Zoning Ordinance is approved by the City Engineer.

49. The owner/developer shall place a covenant on the non-title sheet of the Precise grading
plan, or Minor grading plan (if project qualifies for MGP) agreeing to the following: “The

1 present or future owner/developer shall indemnify and save the City of Oceanside, its
2 officers, agents, and employees harmless from any and all liabilities, claims arising from
3 any landslide on this site”.

4 50. Where proposed off-site improvements, including but not limited to slopes, public utility
5 facilities, and drainage facilities, are to be constructed, the owner/developer shall, at his own
6 expense, obtain all necessary easements or other interests in real property and shall dedicate
7 the same to the City of Oceanside as required. The owner/developer shall provide
8 documentary proof satisfactory to the City of Oceanside that such easements or other
9 interest in real property have been obtained prior to the approval of the issuance of any
10 grading, building or improvement permit for this development plan. Additionally, the City
11 of Oceanside, may at its sole discretion, require that the owner/developer obtain at his sole
12 expense a title policy insuring the necessary title for the easement or other interest in real
13 property to have vested with the City of Oceanside or the owner/developer, as applicable.

14 51. Landscaping plans, including plans for the construction of walls, fences or other structures
15 at or near intersections, must conform to intersection sight distance requirements.
16 Landscape and irrigation plans for disturbed areas shall be submitted to the City Engineer
17 prior to the issuance of a preliminary grading permit and approved by the City Engineer
18 prior to the issuance of building permits. Frontage and landscaping shall be installed and
19 established prior to the issuance of any certificates of occupancy. Securities shall be
20 required only for landscape items in the public right-of-way. Any project fences, sound or
21 privacy walls and monument entry walls/signs shall be shown on, bonded for and built from
22 the landscape plans. These features shall also be shown on the Precise (or Minor grading
23 plan, if qualifies for a MGP) for purposes of location only. Plantable, segmental walls shall
24 be designed, reviewed and constructed by the grading plans and landscaped/irrigated
25 through project landscape plans. All plans must be approved by the City Engineer and a
26 pre-construction meeting held, prior to the start of any improvements.

27 52. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high
28 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose
height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to any streets, an
arterial street or state highway.

- 1 53. Shoring might be required for the construction of this proposed development. The shoring
2 design plans and structural calculations shall be submitted concurrently with the Precise
3 grading or Minor grading plan (if it qualifies for a MGP).
- 4 54. The drainage design shown on the conceptual grading plan and the drainage report for this
5 development plan is conceptual only. The final drainage report and drainage design shall be
6 based upon a hydrologic/hydraulic study that is in compliance with the latest San Diego
7 County Hydrology and Drainage Manual to be approved by the City Engineer during final
8 engineering. All drainage picked up in an underground system shall remain underground
9 until it is discharged into an approved channel, or as otherwise approved by the City
10 Engineer. All public storm drains shall be shown on City standard plan and profile sheets.
11 All storm drain easements shall be dedicated where required. The owner/developer shall be
12 responsible for obtaining any off-site easements for storm drainage facilities.
- 13 55. Drainage facilities shall be designed and installed to adequately accommodates the local
14 storm water runoff and shall be in accordance with the San Diego County Hydrology and
15 Design Manual and in compliance with the City of Oceanside Engineers Design and
16 Processing Manual to the satisfaction of the City Engineer.
- 17 56. The owner/developer shall place a covenant on the non-title sheet of the grading plan
18 agreeing to the following: "The present or future owner/developer shall indemnify and save
19 the City of Oceanside, its officers, agents, and employees harmless from any and all
20 liabilities, claims arising from any flooding that occurs on this site, and any flooding that is
21 caused by this site impacting adjacent properties".
- 22 57. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed
23 of in accordance with all state and federal requirements, prior to stormwater discharge either
24 off-site or into the City drainage system.
- 25 58. Prior to approval of a grading plan and issuance of any grading permit the owner/developer
26 shall submit a Stormwater Management Plan-Standard Development Plan (SWMP-SDP).
- 27 59. The owner/developer shall obtain any necessary permits and clearances from all public
28 agencies having jurisdiction over the project due to its type, size, or location, including but
not limited to the U. S. Army Corps of Engineers, California Department of Fish &
Wildlife, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control

1 Board (including NPDES), San Diego County Health Department, prior to the issuance of
2 grading permits.

3 60. The owner/developer shall comply with all the provisions of the City's cable television
4 ordinances including those relating to notification as required by the City Engineer.

5 61. Approval of this development project is conditioned upon payment of all applicable impact
6 fees and connection fees in the manner provided in chapter 32B of the Oceanside City
7 Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees,
8 reimbursements, and other applicable charges, fees and deposits shall be paid prior to the
9 issuance of any building permits, in accordance with City Ordinances and policies. The
10 owner/developer shall also be required to join into, contribute, or participate in any
11 improvement, lighting, or other special district affecting or affected by this project.
12 Approval of the development plan/project shall constitute the owner/developer's approval of
13 such payments, and his agreement to pay for any other similar assessments or charges in
14 effect when any increment is submitted for building permit approval, and to join, contribute,
15 and/or participate in such districts.

16 62. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire project
17 will be subject to prevailing wage requirements as specified by Labor Code section 1720(b)
18 (4). The owner/developer shall agree to execute a form acknowledging the prevailing wage
19 requirements prior to the granting of any fee reductions or waivers.

20 63. In the event that the conceptual plan does not match the conditions of approval, the
21 resolution of approval shall govern.

22 **Landscape:**

23 64. Landscape exhibit, shall meet the criteria of the City of Oceanside Landscape Guidelines
24 and Specifications for Landscape Development (latest revision), Water Conservation
25 Ordinance No.(s) 91-15 and 10-Ordinance 0412, Engineering criteria, City code and
26 ordinances, including the maintenance of such landscaping, shall be reviewed and approved
27 by the City Planner prior to the issuance of building permits. Landscaping shall not be
28 installed until fees have been paid, and landscape exhibit stamped and wet signed by a
landscape architect licensed in the State of California and signed by planning for final
approval. A landscape pre-construction meeting shall be conducted by the landscape

1 architect of record, Public Works Inspector, developer or owner's representative and
2 landscape contractor prior to commencement of the landscape and irrigation installation.

3 The following landscaping items shall be required prior to plan approval and certificate of
4 occupancy:

- 5 a) Final landscape exhibit shall accurately show placement of all plant material such as
6 but not limited to trees, shrubs, and groundcovers.
- 7 b) Landscape Architect shall be aware of all utility, sewer, gas and storm drain lines
8 and utility easements and place planting locations accordingly to meet City of
9 Oceanside requirements.
- 10 c) All required landscape areas shall be maintained by owner or successor of the
11 project including public rights-of-way (parkways). The landscape areas shall be
12 maintained per City of Oceanside requirements.
- 13 d) Proposed landscape species shall fit the site and meet climate changes indicative to
14 their planting location. The selection of plant material shall also be based on
15 cultural, aesthetic, and maintenance considerations. In addition proposed landscape
16 species shall be low water users as well as meet all Fire Department requirements.
- 17 e) All planting areas shall be prepared and implemented to the required depth with
18 appropriate soil amendments, fertilizers, and appropriate supplements based upon a
19 soils report from an agricultural suitability soil sample taken from the site.
- 20 f) The shrubs shall be allowed to grow in their natural forms. All landscape
21 improvements shall follow the City of Oceanside Guidelines.
- 22 g) Root barriers shall be installed adjacent to all paving surfaces, where a paving
23 surface is located within 6 feet of a trees trunk on-site (private) and within 10 feet of
24 a trees trunk in the right-of-way (public). Root barriers shall extend 5 feet in each
25 direction from the centerline of the trunk, for a total distance of 10 feet. Root
26 barriers shall be 24 inches in depth. Installing a root barrier around the tree's root
27 ball is unacceptable.
- 28 h) For the planting and placement of trees and their distances from hardscape and other
utilities/structures the landscape exhibit shall follow the City of Oceanside's
(current) Tree Planting Distances and Spacing Standards.

- 1 i) An automatic irrigation system shall be installed to provide coverage for all planting
2 areas shown on the plan. Low volume equipment shall provide sufficient water for
3 plant growth with a minimum water loss due to water run-off.
- 4 j) Irrigation systems shall use high quality, automatic control valves, controllers and
5 other necessary irrigation equipment. All components shall be of non-corrosive
6 material. All drip systems shall be adequately filtered and regulated per the
7 manufacturer's recommended design parameters.
- 8 k) The irrigation system to be installed on the back slope can be temporary. The
9 irrigation system is to be equipped with a flow sensor, master valve and smart
10 controller working together for added slope safety.
- 11 l) When the plant material has been deemed established by the landscape architect of
12 work the irrigation system can begin to be dialed back until eventually turned off.
- 13 m) When the irrigation system is no longer needed for plant establishment it is to be
14 removed from the slope.
- 15 n) All irrigation improvements shall follow the City of Oceanside Guidelines and
16 Water Conservation Ordinance.
- 17 o) The landscape exhibit shall match all plans affiliated with the project.
- 18 p) Landscape exhibit is required to implement approved Fire Department regulations,
19 codes, and standards at the time of plan approval.
- 20 q) Landscape exhibit shall comply with Biological and/or Geotechnical reports, as
21 required, shall match the grading and improvement plans, comply with SWMP Best
22 Management Practices and meet the satisfaction of the City Engineer.
- 23 r) Existing landscaping on and adjacent to the site shall be protected in place and
24 supplemented or replaced to meet the satisfaction of the City Engineer.
- 25 65. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way
26 and within any adjoining public parkways shall be permanently maintained by the owner,
27 his assigns or any successors-in-interest in the property. The maintenance program shall
28 include: a) normal care and irrigation of the landscaping b) repair and replacement of plant
materials (including interior trees and street trees) c) irrigation systems as necessary d)
general cleanup of the landscaped and open areas e) parking lots and walkways, walls,

1 fences, etc. f) pruning standards for street trees shall comply with the International Society
2 of Arboriculture (ISA) Standard Practices for Tree Care Operations – ANSI A300,
3 Appendix G: Safety Standards, ANSI Z133; Appendix H; and Tree Pruning Guidelines,
4 Appendix F (most current edition). Failure to maintain landscaping shall result in the City
5 taking all appropriate enforcement actions including but not limited to citations. This
6 maintenance program condition shall be recorded with a covenant as required by this
7 resolution.

8 66. In the event that the conceptual landscape plan (CLP) does not match the conditions of
9 approval, the resolution of approval shall govern.

10 PASSED AND ADOPTED Resolution No. 2015-P08 on February 23, 2015 by the
11 following vote, to wit:

12 AYES:

13 NAYS:

14 ABSENT:

15 ABSTAIN:

16 _____
17 Robert Neal, Chairperson
18 Oceanside Planning Commission

19 ATTEST:

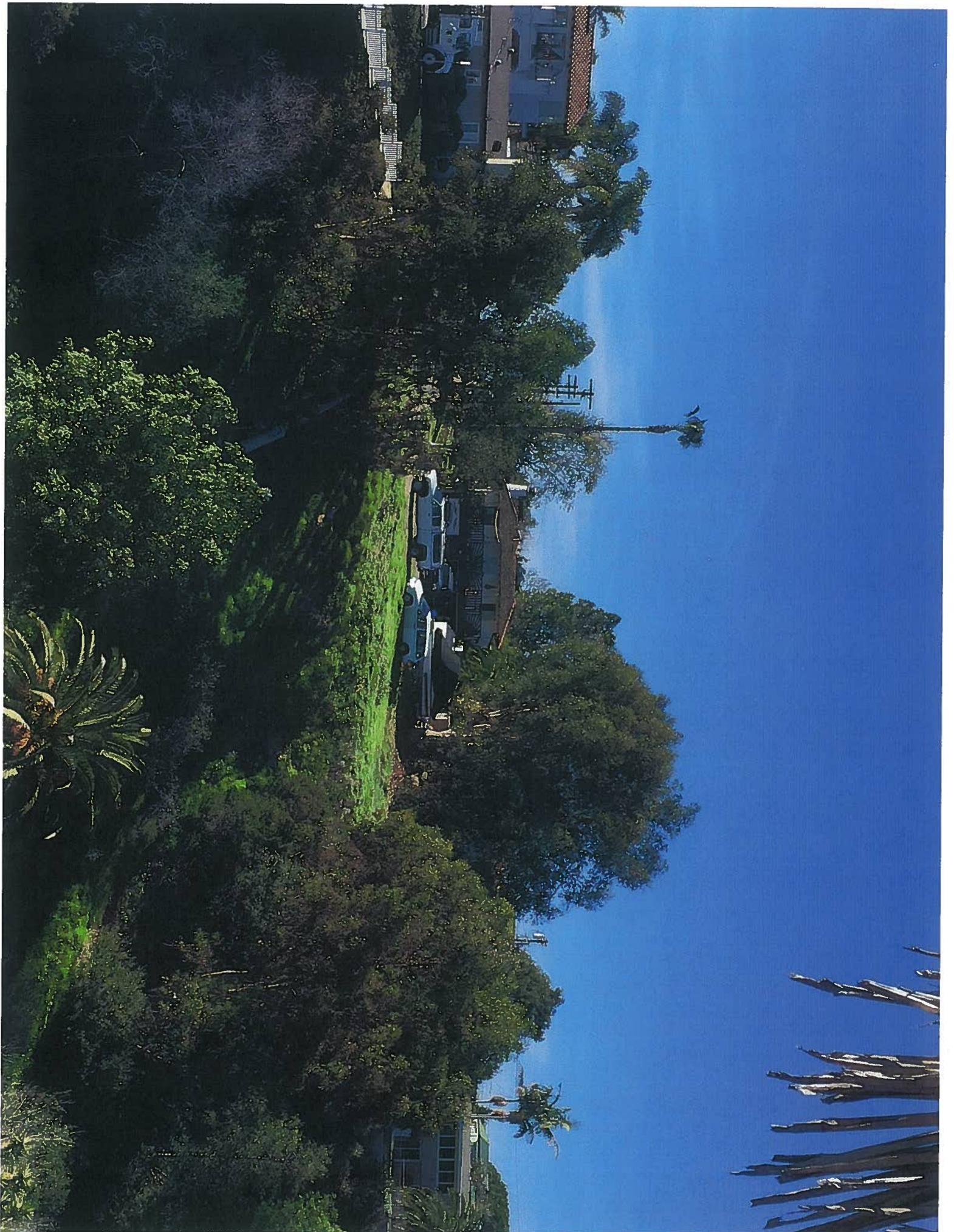
20 _____
21 Jeff Hunt, Secretary

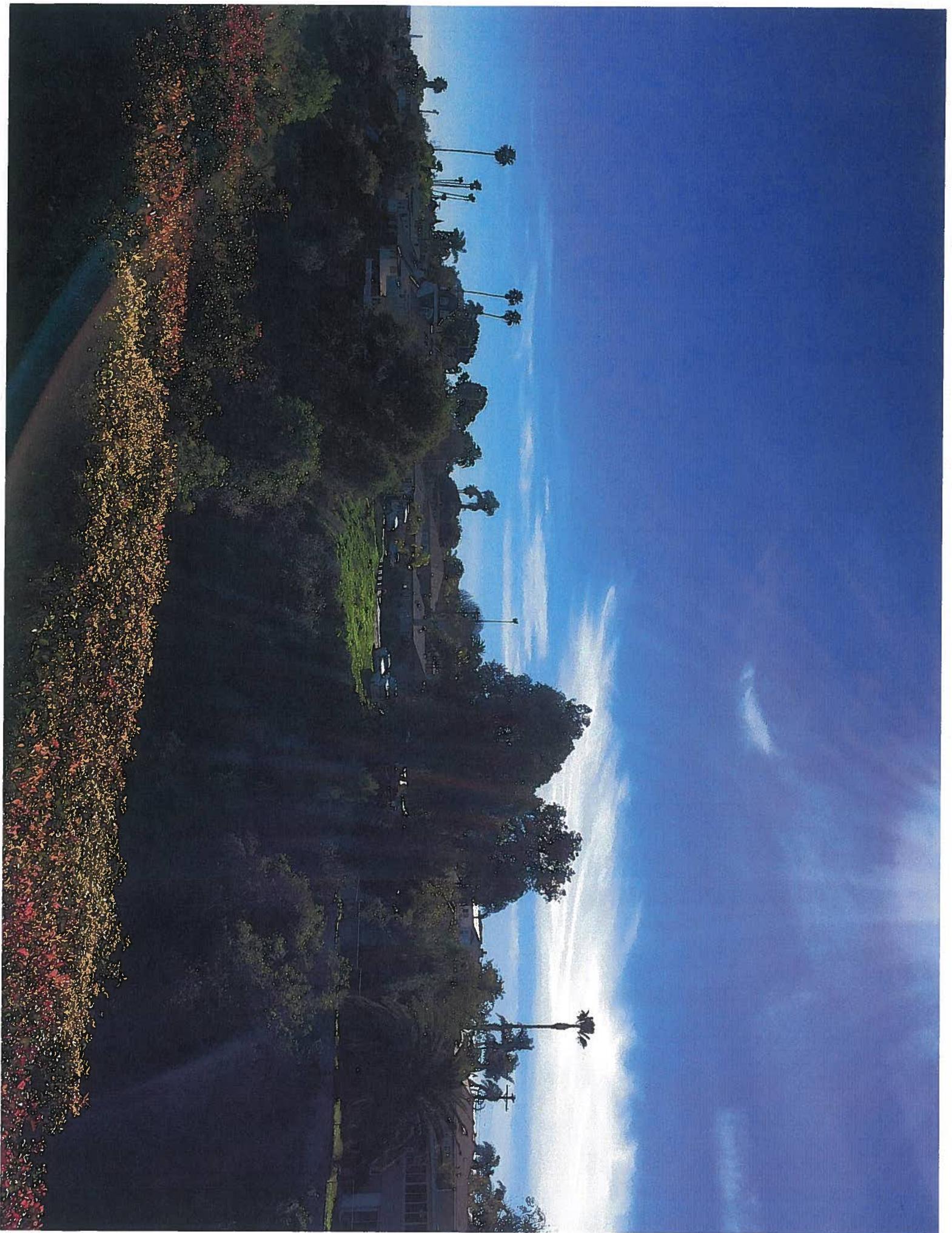
22 I, JEFF HUNT, Secretary of the Oceanside Planning Commission, hereby certify that this is a
23 true and correct copy of Resolution No. 2015-P08.

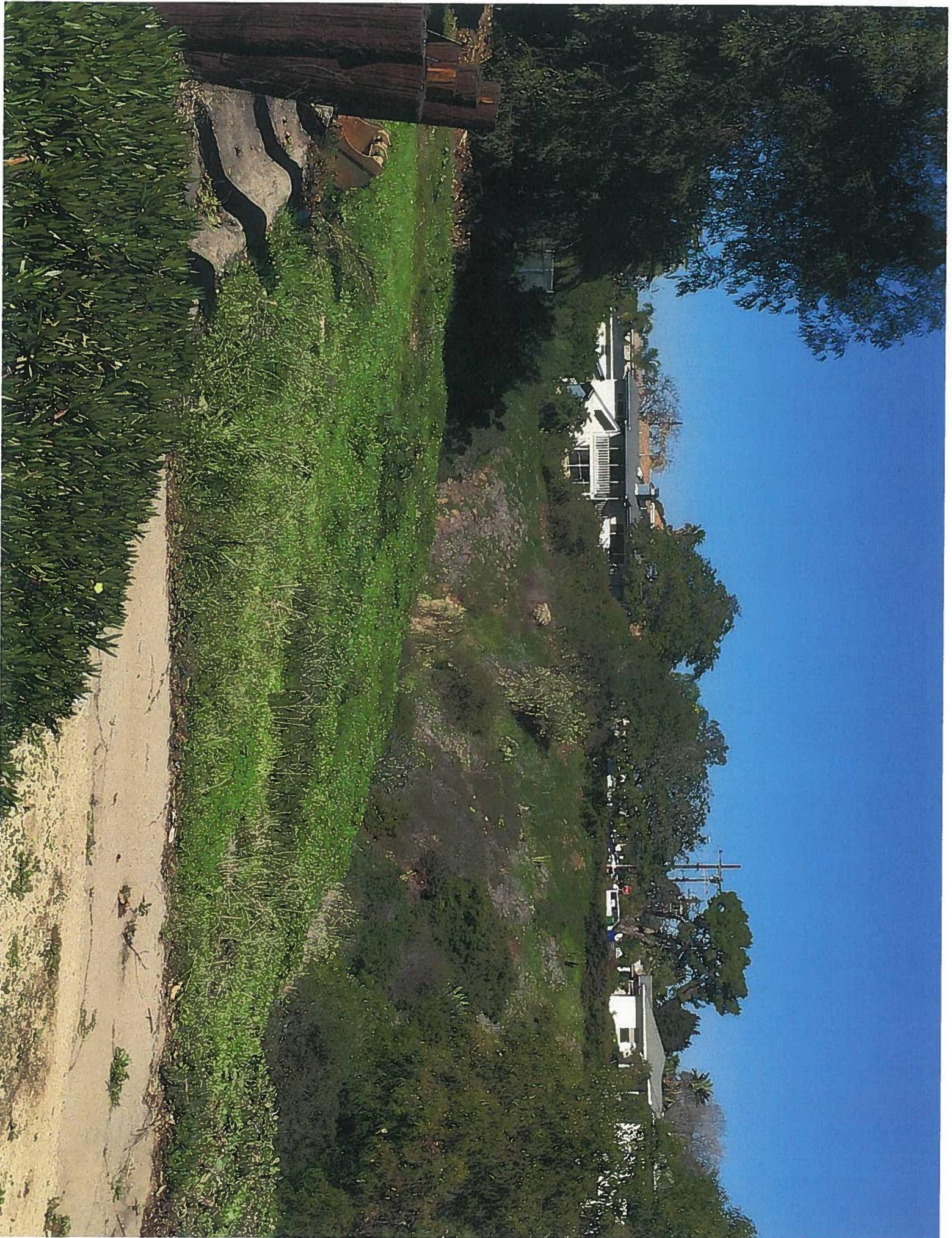
24 Dated: February 23, 2015

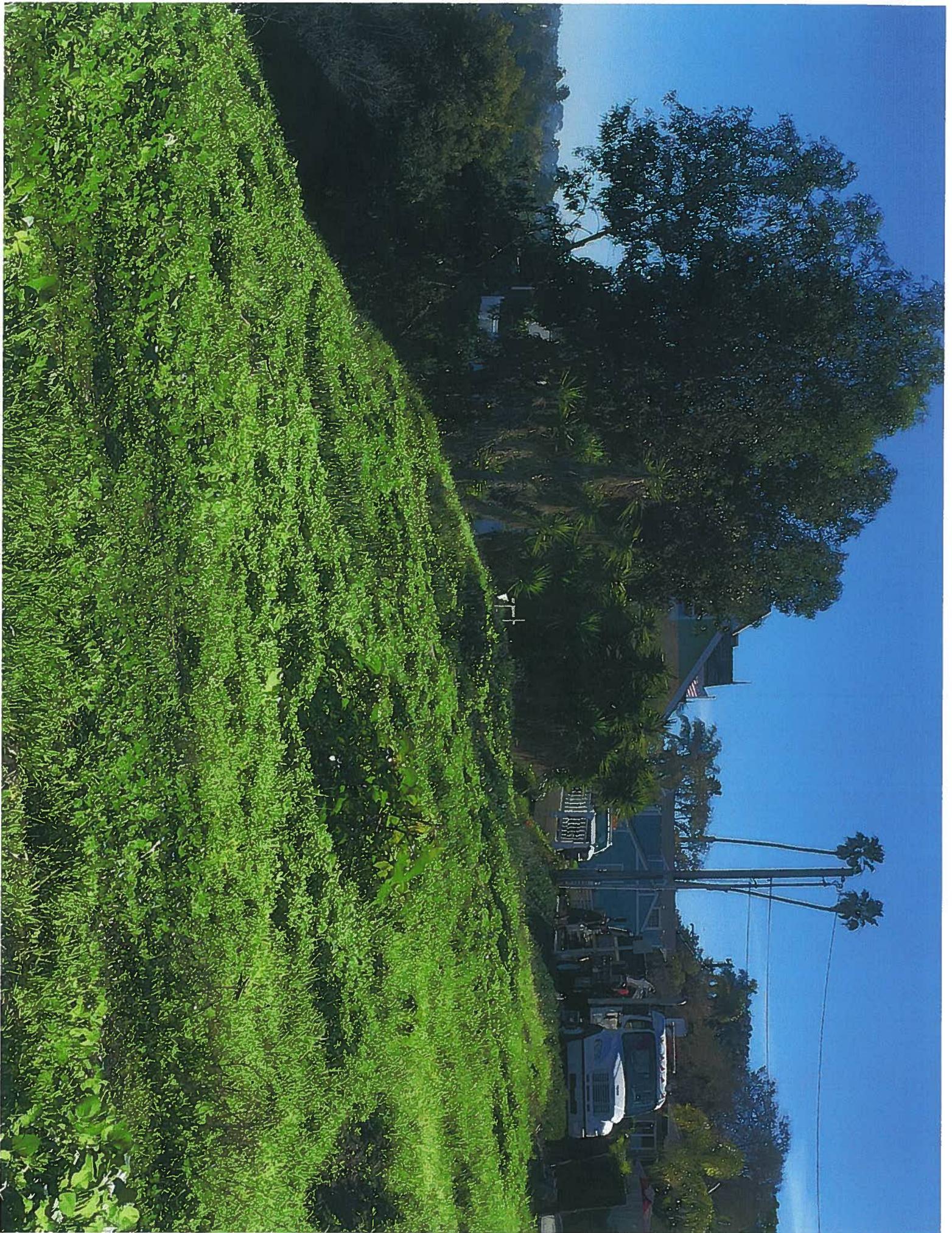
25 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may
26 be required as stated herein:

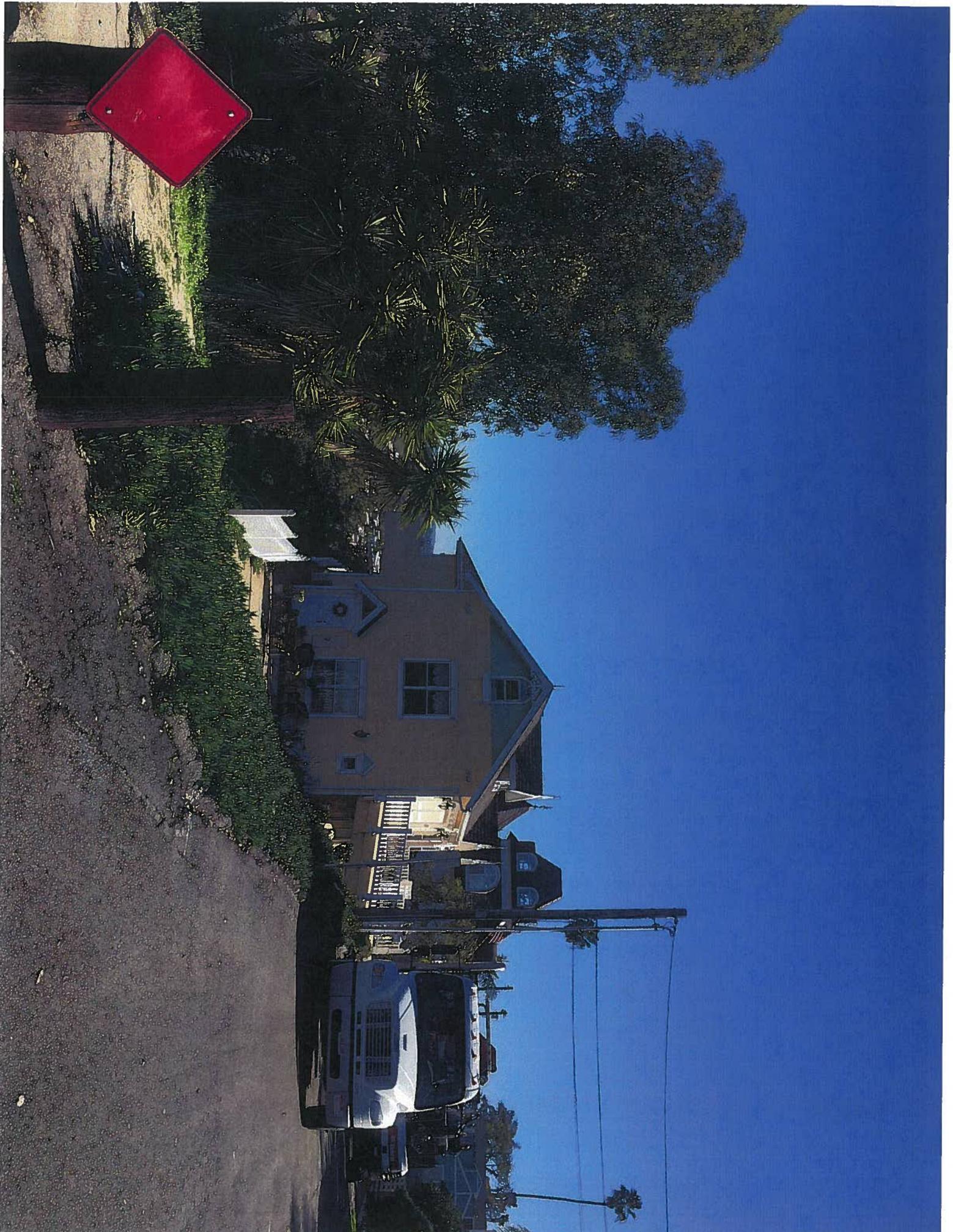
27 _____
28 Applicant/Representative Date















Application for Discretionary Permit

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

STAFF USE ONLY

ACCEPTED

RECEIVED

MAY 29 2014

CITY OF OCEANSIDE
DEVELOPMENT SERVICES

BY

SN
3
TM

Please Print or Type All Information

PART I – APPLICANT INFORMATION

1. APPLICANT Ross & Denise Mitchell	2. STATUS Owners
3. ADDRESS 3535 Linda Vista Dr., #330 San Marcos, CA	4. PHONE/FAX/E-mail (619) 990-2220
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Phil Weatherly	
6. ADDRESS 1458 Faith Circle, Oceanside	7. PHONE/FAX/E-mail (760) 529-9340

GPA
MASTER/SP.PLAN
ZONE CH.
TENT. MAP
PAR. MAP
DEV. PL.
C.U.P.
VARIANCE V14-00004
COASTAL
O.H.P.A.C.

PART II – PROPERTY DESCRIPTION

8. LOCATION Brooks Street		
10. GENERAL PLAN SFD-R	11. ZONING R-S	12. LAND USE Vacant Land

9. SIZE 0.47 AC.
13. ASSESSOR'S PARCEL NUMBER 150-335-30-00

14. LATITUDE 33°11'27.30"N

15. LONGITUDE 117°22'4.32"W

PART III – PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION Construct a new single family residence, attached garage, driveway, minor flat work Variance to reduce Side Yard Setback from 13 feet to 7-1/2 feet Variance to allow exterior deck overhang on Hillside Slope

17. PROPOSED GENERAL PLAN	18. PROPOSED ZONING	19. PROPOSED LAND USE
		SFD
22. BUILDING SIZE 2,245 SF	23. PARKING SPACES 4	24. % LANDSCAPE 11%

20. NO. UNITS 1	21. DENSITY 2.13 DUA
25. % LOT COVERAGE or FAR 11%	

PART IV – ATTACHMENTS

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

PART V – SIGNATURES

SIGNATURES FROM ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).

35. APPLICANT OR REPRESENTATIVE (Print): Phil Weatherly	36. DATE	37. OWNER (Print) Ross Mitchell	38. DATE
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Sign: *Phil Weatherly*

Sign:

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

RECEIVED

MAY 29 2014

CITY OF OCEANSIDE
DEVELOPMENT SERVICES

5-19-2014

Variance request City of Oceanside, Ca.

We appreciate the opportunity to present this request for variance for the planned construction of our home on 00 Brooks Street.

We are requesting a variance for the west side set back which is currently 13 feet according to the hillside regulations (10% of the lot width) to a 7.5 foot setback. This 13 foot setback requirement creates a hardship for development of this legal lot, in that it equates to nearly twice the standard side yard setback for the RS zoning district and cuts substantially into what is already a very constrained developable pad area of only 1,500 square feet. While the lot is almost half an acre in size, the vast majority of it is undevelopable due to the presence of slopes in excess of 40 percent. Those portions of the lot exhibiting less than 40 percent slope are triangle shaped, tapering to a point at the rear of the building pad. The average width of this triangular pad is only about 40 feet. With the strict application of the requirements per the hillside regulations, we would have to build a very small, triangle shaped house that would comprise less than a fraction of the habitable space.

Our goal is to build a beautiful home that we can be proud of, as well as enhancing the visual character of the neighborhood and the City of Oceanside. Reducing the setback requirement will have no negative visual effect on the neighborhood, as the neighbor's home on the west side of the lot is approximately 60 feet from our property line. The 7.5-foot side yard setback would be consistent with the standard requirement for RS development and similar to side yard setbacks for existing development in the vicinity. The reduced setback would not result in any encroachment into any public or private view sheds, nor would it result in building forms incompatible with the sloping terrain of the lot.

A 7.5 foot setback allows us to build a conventional home with a small bedroom downstairs. As we approach our retirement years, this becomes a huge factor. Additionally, we have a father who is 93 years old and walks with a cane. If he ever has to live with us, the downstairs bedroom would accommodate him.

Second Variance request

Because of the unique physical constraints of this lot, we would like to request a slight variance from the hillside development standards that prohibit any encroachment into portions of the lot exhibiting slope of greater than 40 percent. The size and shape of the lot, as well as the topography greatly restricts the size and the shape of the house we can build. Due to this shape and the 20 foot setback required for the driveway, the back of our house will immediately abut a canyon, and thus there will be no functional

yard area. In lieu of a rear yard, we would like to add an open deck of modest dimensions that would encroach no more than 6 feet over the no-build line. This open deck would not only afford some functional outdoor space but also provide a means of exiting the home in the event of a fire or other emergency. What we would like to do is cantilever a deck off the back of the house several feet over the 40% line. The extent of the encroachment would vary depending upon the adjacent topography, but the average encroachment would be less than 3 feet.

The proposed deck would add articulation to the east-facing elevation of the home without having a significant shadowing effect on the adjacent slope. Several of the neighbors across the canyon as well as our neighbor to the South have decks that are hanging over the no-build line, so this really does not set a precedent. Due to the shape of the buildable pad and consequently the way the house will have to sit, there are only several places where anyone could ever see this deck (e.g., the two neighbors directly across the canyon, who already have decks over the 40% line).

We are asking for your approval to build a modest deck that would make the house more pleasing to the eye, while keeping within the general intent of the regulations, all the while giving us the safety and functionality needed.

Thank you

Denise and Ross Mitchell

EXHIBIT "A"

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Parcel 4 of Parcel Map No. 2018, in the City of Oceanside, County of San Diego, State of California, filed in the office of the County Recorder of San Diego, October 29, 1973.

APN: 150-335-30-00



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** Ross and Denise Mitchell
2. **ADDRESS:** 3535 Linda Vista Drive #330 San Marcos, CA 92078
3. **PHONE NUMBER:** (760) 529-9340 (Phil Weatherly, Representative)
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Russ Cunningham
6. **PROJECT TITLE:** Mitchell Residence (V14-00004)
7. **DESCRIPTION:** Request for a reduced side yard setback and deck extension over a 40 percent slope in conjunction with the development of a new single-family residence on a hillside property at the northeast corner of Brooks Street and Weitzel Street

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). The City's Environmental Coordinator has determined that further environmental evaluation is not required because:

- The project is categorically exempt, Class 1 (Existing Facilities), CEQA Guidelines Section 15301; or,
- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, per Article 18, Section 15270 (Projects Which Are Disapproved); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Russ Cunningham, Senior Planner

Date: February 23, 2015

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