



DATE: April 22, 2015

TO: Chairperson and Members of the Community Development Commission

FROM: Development Services Department

SUBJECT: **ADOPTION OF A RESOLUTION APPROVING A REGULAR COASTAL PERMIT (RRP14-00005) TO ALLOW A 142-SQUARE-FOOT BALCONY EXPANSION LOCATED AT 602 SOUTH THE STRAND – NESS BALCONY PROJECT – APPLICANT: JAMES NESS**

SYNOPSIS

Staff and the Downtown Advisory Committee (DAC) recommend that the Community Development Commission adopt a resolution approving a Regular Coastal Permit (RRP14-00005) for the construction of a 142-square-foot balcony expansion to the west facing elevation of an existing single-family home located at 602 South The Strand.

BACKGROUND

The 0.11-acre project site is located at 602 South The Strand within the appeal jurisdiction of the Coastal Zone. The property is fully developed with a 2,980-square-foot two-story residence constructed in 1996.

Land Use and Zoning: The subject site is located within the Townsite Neighborhood area along South The Strand, which consists of a mixture of single-family dwellings, multi-family residential, and vacation rentals. The project site is located within Subdistrict (D4A) of the "D" Downtown District. Subdistrict (D4A) is primarily intended to provide opportunities for single-family and multi-family residential.

Project Description: The project proposes to expand a portion of the existing west facing trapezoidal-shaped balcony approximately seven feet westward, and four feet southward. In order to create a rectangular balcony with an additional 142 square feet of useable space.

The home exists with a 264-square-foot west facing balcony with stucco and glass railings. The added balcony square footage would balance the overall west facing facade and design, while providing additional shade areas for the driveway below. Expansion of the balcony would not expand further westward than the northwest corner of the existing balcony and the required setbacks would be maintained. The existing balcony design and configuration has enabled the support beams and materials to become weathered, due to

the direct contact with the elements. The existing balcony was designed with a trapezoidal-shaped configuration, and the expansion of the balcony would provide a well balanced rectangular design that would be consistent with the architecture of the existing home and many of the neighboring properties. Due to the location within the jurisdictional boundaries of the appealable area of the Coastal Zone, a Regular Coastal Permit is required.

ANALYSIS

The General Plan Land Use Map designation for the subject property is Downtown (D4A), which permits residential developments and balcony expansions. Staff has determined that the proposed development is consistent with the goals and objectives of the City's General Plan, Local Coastal Program, and the requirements of the Zoning Ordinance. A detailed analysis for compliance with the General Plan, Local Coastal Program, and Downtown Zoning Ordinance is attached; see DAC Staff Report: (Agenda No. 4B).

Environmental Determination: A Notice of Exemption has been prepared for the project and pursuant to Article 19; Categorical Exemption Class 3, Section 15303(b) New Construction or Conversion of Small Structures of the California Environmental Quality Act (CEQA) Guidelines, the project is considered exempt and no further environmental review is required. The Community Development Commission will consider the exemption during its hearing on the project.

COMMISSION OR COMMITTEE REPORTS

On March 4, 2015, the Downtown Advisory Committee (DAC) reviewed this project and voted unanimously to recommend that the Community Development Commission approve the project.

CITY ATTORNEY'S ANALYSIS

Pursuant to Oceanside Downtown Zoning Ordinance Article 12, and the City of Oceanside Local Coastal Program Land Use Plan, the Community Development Commission is authorized to hold a public hearing and consider the evidence presented at the public hearing. After conducting the public hearing, the Commission shall approve, conditionally approve, or deny the project. The resolution has been reviewed and approved as to form by the City Attorney.

RECOMMENDATION

Staff and the Downtown Advisory Committee recommend that the Community Development Commission adopt a resolution approving a Regular Coastal Permit (RRP14-00005) for the construction of a 142-square-foot balcony expansion to the west facing elevation of an existing single-family home located at 602 South The Strand.

PREPARED BY:



Scott Nightingale
Associate Planner

SUBMITTED BY:



Michelle Skaggs Lawrence
Executive Director

REVIEWED BY:

Peter Weiss, Assistant City Manager
Rick Brown, Interim Development Services Director
Jeff Hunt, Interim City Planner



EXHIBITS/ATTACHMENTS

1. Resolution
2. Site Plan / Building Elevations / Photos
3. DAC Staff Report dated March 4, 2015
4. Other Attachments (Application page, Description and Justification, Notice of Exemption)

RESOLUTION NO.

A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE APPROVING A REGULAR COASTAL PERMIT FOR THE ADDITION OF A 142-SQUARE-FOOT BALCONY EXPANSION TO AN EXISTING SINGLE-FAMILY HOME LOCATED AT 602 SOUTH THE STRAND – APPLICANT: JAMES NESS

WHEREAS, on April 22, 2015, the Community Development Commission held its duly noticed public hearing, considered an application for a Regular Coastal Permit (RRP14-00005) for a 142-square-foot balcony expansion to an existing residence located at 602 South The Strand;

WHEREAS, the Downtown Advisory Committee of the City of Oceanside did, on March 4, 2015, review and recommend approval of a Regular Coastal Permit (RRP14-00005);

WHEREAS, a Categorical Exemption was prepared by the City of Oceanside for this application pursuant to the California Environmental Quality Act of 1970 and the State Guidelines implementing the Act. The project is considered a New Construction or Conversion of Small Structures pursuant to Title 14, Section 15303(b) and will not have a significant effect on the environment;

NOW, THEREFORE, the Community Development Commission of the City of Oceanside does resolve as follows:

FINDINGS:

For the Regular Coastal Permit:

1. The granting of the Regular Coastal Permit is consistent with the purposes of the California Coastal Act of 1976. The proposed 142-square foot balcony addition is consistent with the residential Land Use as depicted in the Local Coastal Program Land Use Map.

2. The proposed project is consistent with the policies of the Local Coastal Program and with the applicable provisions of the City Downtown Zoning Ordinance. The proposed 142-square-foot balcony addition is consistent with the residential Land Use as depicted in the Local Coastal Program Land Use Map.

3. The proposed project will not obstruct any existing or planned public beach access; therefore, the project is in conformance with the public access and recreation policies of Chapter 3 of the Coastal Act. The project does not impede public access to the beach because

1 the subject site is located approximately 130 feet south of an existing pedestrian public access
2 way.

3 SECTION 1. That Regular Coastal Permit (RRP14-00005) is hereby approved subject
4 to the following conditions:

5 **Building:**

6 1. Applicable Building Codes and Ordinances shall be based on the date of
7 submittal for Building Division plan check (Currently the 2013 California Building Code and
8 2013 California Electrical Code).

9 2. The granting of approval under this action shall in no way relieve the
10 applicant/project from compliance with all State and local building codes.

11 3. The building plans for this project are required by State law to be prepared by
12 a licensed architect or engineer and must be in compliance with this requirement prior to
13 submittal for building plan review.

14 4. Site development, common use areas, access and adaptability of
15 condominiums shall comply with the State's Disabled Accessibility Regulations (2013
16 California Building Code (CBC) Chapter 11A).

17 5. All electrical, communication, CATV, etc. service lines, within the exterior
18 lines of the property shall be undergrounded. (City Code Sec. 6.30)

19 6. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated
20 on the plans.

21 7. The developer shall monitor, supervise and control all building construction and
22 supportive activities so as to prevent these activities from causing a public nuisance, including, but
23 not limited to, strict adherence to the following:

24 a) Building construction work hours shall be limited to between 7 a.m. and
25 6 p.m. Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not
26 inherently noise-producing. Examples of work not permitted on Saturday are concrete and
27 grout pours, roof nailing and activities of similar noise-producing nature. No work shall be
28 permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor
Day, Thanksgiving Day, and Christmas Day) except as allowed for emergency work under the
provisions of the Oceanside City Code Chapter 38. (Noise Ordinance)

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

6 **Fire:**

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

8 **Planning:**

9 9. This Regular Coastal Permit (RRP14-00005) shall expire two years after
10 becoming effective (i.e., on April 22, 2017, if not appealed) unless implemented as required by
11 the Zoning Ordinance.

12 10. This Regular Coastal Permit approves a 142-square-foot balcony expansion to
13 the west facing elevation of an existing home located at 602 South The Strand, as shown on the
14 plans and exhibits presented to the Community Development Commission for review and
15 approval. No deviation from these approved plans and exhibits shall occur without City Planner
16 approval. Substantial deviations shall require a revision to this Regular Coastal Permit or a new
17 Regular Coastal Permit.

18 11. The applicant, permittee or any successor-in-interest shall defend, indemnify
19 and hold harmless the City of Oceanside, its agents, officers or employees from any claim,
20 action or proceeding against the City, its agents, officers, or employees to attack, set aside, void
21 or annul an approval of the City, concerning Regular Coastal Permit (RRP14-00005). The City
22 will promptly notify the applicant of any such claim, action or proceeding against the City and
23 will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such
24 claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not,
25 thereafter, be responsible to defend, indemnify or hold harmless the City.

26 12. A covenant or other recordable document approved by the City Attorney shall
27 be prepared by the applicant developer and recorded prior to the issuance of building permits.
28 The covenant shall provide that the property is subject to this resolution, and shall generally list
the conditions of approval.

1 13. Prior to the transfer of ownership and/or operation of the site the owner shall
2 provide a written copy of the applications, staff report and resolutions for the project to the new
3 owner and or operator. This notification provision shall run with the life of the project and shall
4 be recorded as a covenant on the property.

5 14. Failure to meet any conditions of approval for this development shall
6 constitute a violation of the Regular Coastal Permit (RRP14-00005).

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

12 16. A set of building plans shall be reviewed and approved by the Development
13 Services Department prior to the issuance of building permits.

14 17. Elevations, siding materials, colors, roofing materials, unit types and floor
15 plans shall be substantially the same as those approved by the Community Development
16 Commission. These shall be shown on plans submitted to the Building Division and
17 Development Services Department.

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1 18. The proposed building shall not exceed the height of the centerline of Pacific
2 Street located immediately east of the subject site.

3 PASSED AND ADOPTED by the Community Development Commission of the City of
4 Oceanside this _____ day of _____ 2015 by the following vote:

5 AYES:

6 NAYS:

7 ABSENT:

8 ABSTAIN:

9 _____
Chairman

10 ATTEST:
11 _____
12 Secretary

14 APPROVED AS TO FORM:
15 OFFICE OF THE CITY ATTORNEY

17 by *Burton J. Hamilton, Esq.*
18 General Counsel

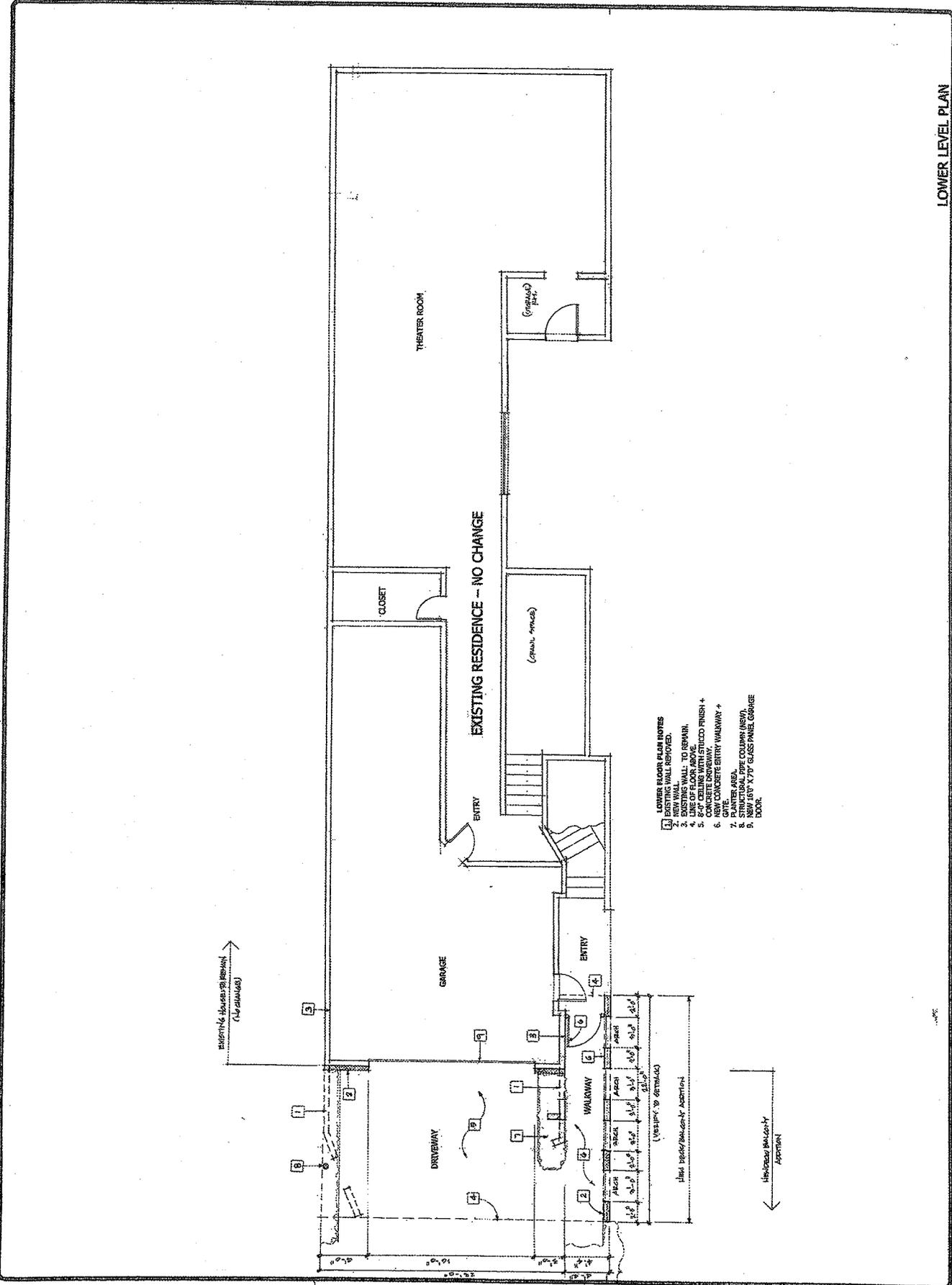
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NESS RESIDENCE BALCONY/DECK ADDITION
602 THE STRAND SOUTH OCEANSIDE, CA

PAUL T. OLSON ARCHITECT
1090 Ford Street, Redwood City, CA 94063
Phone: 780.720.8081

DATE	1/23/15
PROJECT	NESS RESIDENCE BALCONY/DECK ADDITION
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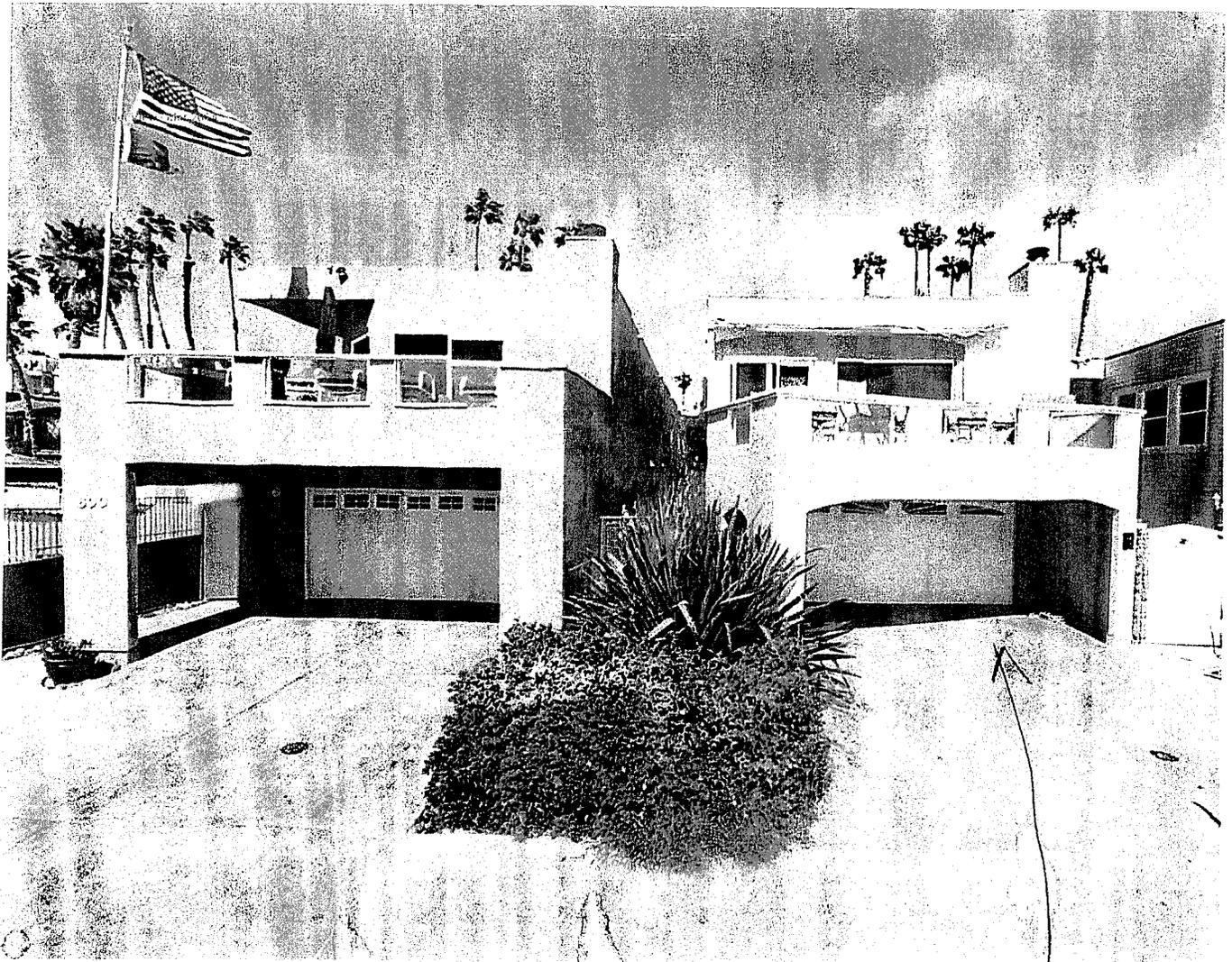
LOWER LEVEL PLAN

602 S The Strand, Oceanside, CA 92054

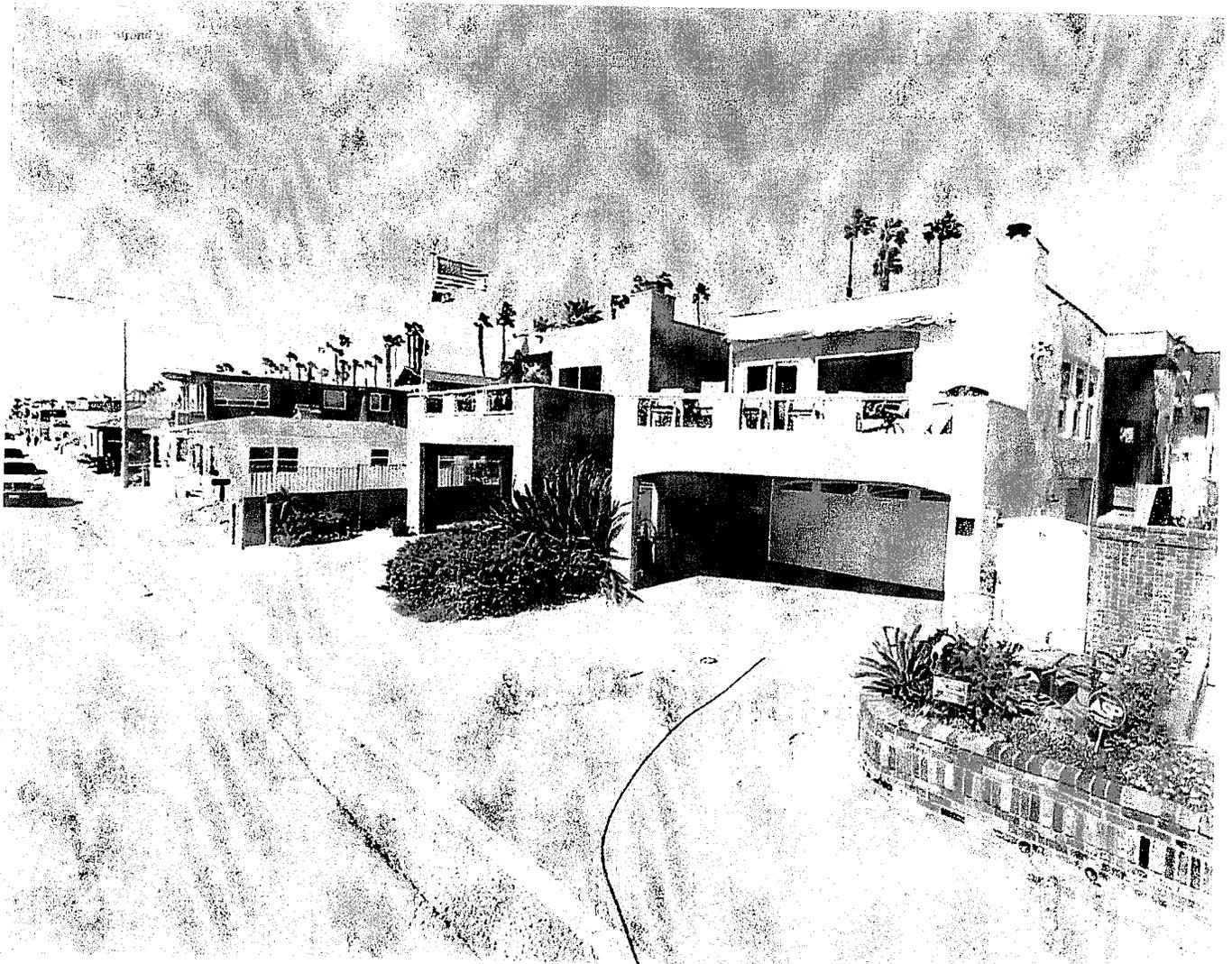
Street View Search nearby



meta 276 20



602 S. The
Strand
(Deck/Balcony)



602, the island
(Dok/Esplanade)

City of Oceanside

Development Services Department

Memorandum

DATE: March 4, 2015

TO: Development Advisory Committee

FROM: Development Services Department-Planning Division

SUBJECT: Consideration of a Redevelopment Regular Coastal Permit (RRP14-00005) to allow a 142-square-foot balcony expansion to the west facing elevation of an existing home located at 602 South The Strand in the "D" (Downtown) District Sub district (4A) – Ness Balcony Project

RECOMMENDATION

Staff recommends that the Development Advisory Committee review and comment on the proposed project and recommend that the Community Development Commission approve the project.

PROJECT DESCRIPTION AND BACKGROUND

The 0.11-acre project site is located at 602 South The Strand within the appeal jurisdiction of the Coastal Zone. The property is fully developed with a 2,980-square-foot two story residence constructed in 1996. The home exists with a 264-square-foot west facing balcony with stucco and glass railings. The owner wishes to expand the balcony approximately 7-feet westward and 4-feet southward to provide 142-square-feet of additional useable space. The added balcony square footage would balance the overall west facing facade and design, while providing additional shade areas for the driveway below. Expansion of the balcony would not expand further westward than the existing balcony and the required setbacks would be maintained. The existing balcony design and configuration has enabled the support beams and materials to become weathered, due to the direct contact with elements. The existing balcony was designed with a diamond-shaped configuration, and the expansion of the balcony would provide a well balanced quadrilateral design that would be consistent with the architecture of the existing home and many of the neighboring properties.

ANALYSIS

1. General Plan Compliance

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 the visual image of the surrounding neighborhood.

The proposed balcony expansion would not extend westward beyond the existing footprint of the balcony footprint and the materials and colors would be similar to the existing design of the home. The added balcony square footage would balance the west facing facade, while establishing a symmetrical building projection that would enhance the property and the neighborhood.

The proposed addition would not alter public views or any views of adjoining neighbors, because the improvements are within the footprint of the existing balcony and not within proximity of public beach access areas. The proposed project is in conformance with the General Plan, in terms of land use compatibility and architecture; therefore the project is compatible to the surrounding properties and neighborhood character.

2. Zoning Compliance

The proposed project is subject to the provisions of the Downtown Zoning Ordinance Article 12, Downtown District. The existing structure and the proposed addition shall meet all of the development regulations of the underlying Downtown (D4A) district per the Downtown Zoning Ordinance in effect in the Coastal Zone. Such projects are reviewed for compatibility with existing and surrounding development, as well as applicable public beach access regulations. The purpose of the (D4A) district is to provide opportunities for tourist and year-round visitor-serving facilities, including permanent, transient residential, and single family residential within the City's Coastal Zone.

Table 1 compares the existing structure to local property development regulations pursuant to Article 12, Residential Development Regulations.

Table 1 Development Standards

Requirement	Required	Existing	Proposed
Front	10 feet	10 feet	No change
Side	3 feet	3 feet	No change
Minimum Rear Yard	5 feet	15 feet (Existing)	No change
Height	No tall than Pacific Street Elevation *	20 feet (Home) 13 feet (Balcony)	No change

*Structures and buildings on the Strand are limited to a height no taller than the Pacific Street elevation to the east, per Ordinance 86-P13.

3. Local Coastal Program Compliance

The proposed project is within the appeal jurisdiction of the Local Coastal Program (LCP) and complies with all provisions of this program. The proposed balcony addition will not exceed the height limit within the Downtown (D4A) district. The coastal string line is not established within this area of the strand and the proposed balcony addition would not expand further westward than the existing balcony location. Public coastal views would not be impacted by the balcony expansion due to the location of the property situated outside of a public coastal view access area.

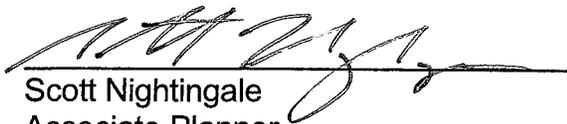
ENVIRONMENTAL DETERMINATION

The project is exempt under the provisions of the California Environmental Quality Act (CEQA) Class 3, Section 15303(b) New Construction or Conversion of Small Structures. In the event the project is ultimately approved, the applicant will be issued a Notice of Exemption (NOE) for posting with the San Diego County Clerk-Recorder.

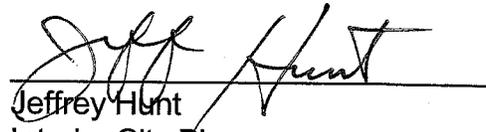
PUBLIC NOTIFICATION

Public notification of the Development Advisory Committee meeting has been provided consistent with State law and local requirements through the posting of the meeting agenda.

PREPARED BY:


 Scott Nightingale
 Associate Planner

SUBMITTED BY:


 Jeffrey Hunt
 Interim City Planner

Attachments:

1. Project Description and Justification
2. Site plans and elevations
3. Photos of Residence



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

9/23/14

BY

SN
:
TM,

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT JAMES NESS	2. STATUS OWNER
3. ADDRESS 22498 Whirlway Ct Canyon Lake CA	4. PHONE/FAX/E-mail (951) 587-1219
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) JAME 92587	
6. ADDRESS same	7. PHONE/FAX/E-mail

GPA
MASTER/SP.PLAN
ZONE CH.
TENT. MAP
PAR. MAP
DEV. PL.
C.U.P.
VARIANCE
COASTAL RRP14-00005
O.H.P.A.C.

PART II - PROPERTY DESCRIPTION

8. LOCATION 602 South Strand, Oceanside	9. SIZE 4583 sq ft (1.1 Acres)
10. GENERAL PLAN	11. ZONING Res
12. LAND USE	13. ASSESSOR'S PARCEL NUMBER 150-260-31-00
14. LATITUDE 33.18768	15. LONGITUDE -117.578120

PART III - PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION
Replace Deck/Balcony Addition

17. PROPOSED GENERAL PLAN	18. PROPOSED ZONING	19. PROPOSED LAND USE	20. NO. UNITS	21. DENSITY
22. BUILDING SIZE	23. PARKING SPACES	24. % LANDSCAPE	25. % LOT COVERAGE or FAR	

PART IV - ATTACHMENTS

26. DESCRIPTION/JUSTIFICATION	27. LEGAL DESCRIPTION	28. TITLE REPORT
29. NOTIFICATION MAP & LABELS	30. ENVIRONMENTAL INFO FORM	31. PLOT PLANS
32. FLOOR PLANS AND ELEVATIONS	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): JAMES NESS	36. DATE 9/3/14	37. OWNER (Print) JAMES NESS	38. DATE 9/3/14
Sign: <i>[Signature]</i>		Sign: <i>[Signature]</i>	

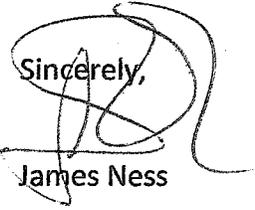
• I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. FURTHER, I UNDERSTANDING THAT SUBMITTING FALSE STATEMENTS OR INFORMATION IN THIS APPLICATION MAY CONSTITUTE FRAUD, PUNISHABLE IN CIVIL AND CRIMINAL PROCEEDINGS.
 • I HAVE READ AND AGREE TO ABIDE BY THE CITY OF OCEANSIDE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

Description/Justification

The purpose of this letter is to explain the nature and description of the work that needs to be done at my home at 602 South Strand, Oceanside. Although our home is not that old, the main purpose is to remove my existing deck/balcony that has suffered from the constant elements from the ocean climate. The deck wood has become weathered and the bolts and screws have rusted along with the plaster which has begun to bubble and crack. Further, the design of the deck allowed moisture underneath the structure to come in direct contact with the supporting beams of the deck/balcony causing constant maintenance. Finally, we would like to bring the deck to a more appealing look from the Strand to blend into the newer constructed homes along the beach.

I hired an architect to design the replacement balcony and give the house a look that is consistent with the other newer homes along the strand. As you can see on the drawings, he has used the same architectural styling on the deck/balcony that Irving Gill used on our City Hall here in Oceanside. Although we are only replacing our existing deck/balcony, by squaring off the current 80's looking deck, we will pick up an additional 142 Sq. ft. staying well within the property boundary lines. As our home already featured a lot of the same architectural look Gill incorporated into our City Hall, we felt that our replacement deck fits right into our great city. The plans include a rendering on the first page reflecting the architectural styling on the replacement on the deck/balcony.

Sincerely,



James Ness

Homeowner

EXHIBIT A

The land referred to is situated in the County of San Diego, City of Oceanside, State of California, and is described as follows:

Lot 43 in Block "B", Terrace Annex to Oceanside, in the City of Oceanside, County of San Diego, State of California, according to map thereof No. 1044, filed in the Office of the County Recorder of San Diego County, April 29, 1907.

Reserving therefrom, an easement for public utility purposes over the Easterly 10 feet of the above mentioned lots.

Excepting therefrom, that portion thereof that lies above the line of the bluff and below the ordinary high tide line of the Pacific Ocean.



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** James Ness (Owner)
2. **ADDRESS:** 602 South The Strand, Oceanside CA. 92054
3. **PHONE NUMBER:** (951) 587-1219
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT PLANNER:** Scott Nightingale, Associate Planner
6. **PROJECT TITLE:** Ness Balcony (RRP14-00005)

7. **DESCRIPTION:** REGULAR COASTAL PERMIT (RRP14-00005) to expand the existing west-facing balcony approximately 7-feet westward and 4-feet southward to provide 142-square-feet of additional useable space. The home exists with a 264-square-foot west facing balcony with stucco and glass railings. The added balcony square footage would balance the overall west facing facade and design, while providing additional shade areas for the driveway below. Expansion of the balcony would not expand further westward than the existing balcony and the required setbacks would be maintained. The project site is located at 602 South The Strand. Situated within the Townsite Neighborhood Planning Area, the subject property bears a land use and zoning designation of Downtown (4A).

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

- The project qualifies for a Class 3 categorical exemption under Section 15303(b) (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).


Scott Nightingale, Associate Planner

Date: April 23, 2015