

CALIFORNIA COASTAL COMMISSION

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W14b

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49th Day: WAIVED
Staff: T. Ross
Staff Report: May 26, 2011
Hearing Date: June 15-17, 2011

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of Oceanside

DECISION: Approved with Conditions

APPEAL NO.: A-6-OCN-11-028

APPLICANT: Thor Stensrud

PROJECT DESCRIPTION: Construction of a 240 sq. ft. enclosed second-story addition and the construction of a 288 sq. ft. open pergola to an existing 3,571 sq. ft. single-family home on a 6,900 sq. ft tri-level oceanfront lot.

PROJECT LOCATION: 1705 South Pacific St., Oceanside, San Diego County.

APPELLANTS: Daniel Matlach

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that **no substantial issue** exists with respect to the grounds on which the appeal has been filed. The appellant raises several issues, but the focus of the appeal is that the approved development is inconsistent with the City's LCP in that the construction of the addition will result in impacts to public access, views, and recreation along the sandy beach west of the subject site, and that the addition will create a structure inconsistent with the surrounding community character.

Based on review of the City's file and information provided by the appellant and applicant, staff has concluded that the development, as approved by the City, is consistent with all applicable LCP provisions as it is in character with the overall surrounding community and will not result in any significant adverse impacts to public access, recreation, or public views.

Staff Notes:

The City of Oceanside's LCP was certified by the Commission in 1986 and the City has been issuing coastal development permits for development in the City's Coastal Zone since that time. Recently, through a joint review process between the City of Oceanside staff and Commission staff, it became apparent that, sometime between 1991 and 1992, the City of Oceanside significantly updated/replaced its zoning ordinance without benefit of review and/or approval by the Coastal Commission. This oversight was realized in 2007; and, directly following, the City began using the previously approved, and *Commission certified* version of its zoning document, dating back to 1986, to review developments within the coastal zone. Among other things, the two versions contain significantly different provisions regarding height restrictions and development beyond the western "stringline" boundary; with the 1992 version being more restrictive. Consequently, the City has observed a significant influx in coastal development permit applications along the shoreline to take advantage of the less restrictive provisions. This has further resulted in strong public interest/concern.

Standard of Review: The City of Oceanside's certified Local Coastal Program and the public access and recreation policies the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS: Appeal by Daniel Matlach, Oceanside Coastal Development Permit RC 10-00004; the City of Oceanside's certified Local Coastal Program; Appellant's submittals dated May 2, 2011 and May 31, 2011; the applicant's submittal dated April 16, 2011.

I. Appellant Contends That: The appellant contends that the approval of the construction of the addition and pergola is inconsistent with the City's LCP in several different ways. The appellant raises several separate but related issues. These issues include loss of public views to the southeast, shadowing ultimately contributing to the privatization of a public beach; loss of use of a public recreational resource; cumulative detrimental effects on a public beach resource; change of character of the community through additional massing, bulk and scale of the existing structure; additional "wallification" of existing structures impacting a public beach. These factors can be combined into three separate and distinct concerns and include: 1) the approved addition will impacts public access to the beach; 2) the addition will result in impact to public views; 3) the approved development will change the community character and is out of scale with the surrounding homes.

II. Local Government Action.

The coastal development permit application was the subject of a 3-3 Planning Commission vote on October 25, 2010. Planning Commissioners who opposed the proposed development cited the as-yet-unresolved issue of Coastal Zone Building height limits as a principal reason for voting against the proposal (the coastal zone building

height issue is discussed in greater detail in the “Staff Notes” section above). Because the votes were split evenly, no action was taken. In accordance with the City’s Municipal Code, the proposal was automatically placed on the agenda of the next regularly-scheduled Planning Commission meeting for further consideration. However, pursuant to the applicant’s request, the hearing was postponed until after the City Council acted on the City’s staff recommendation to reenact the 27 foot height limit in the City’s Coastal Zone. On December 8, 2010, the City Council rejected the Planning Commissions’ recommendation, maintaining the 35 foot height limit in the Coastal Zone. The subject project was then heard and unanimously approved by the Planning Commission on January 10, 2011. The approved coastal development permit was appealed on January 19, 2011. On March 16, 2011, the City council voted 3-2 in favor of upholding the Planning Commissions’ January 10th approval.

III. Appeal Procedures/Substantial Issue Analysis. After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits.

Section 30604(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to the de novo portion of the hearing on the merits of the project then, or at a later date. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts the de novo portion of the hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

In addition, for projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Act requires that a finding must be made by the approving

agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo hearing, any person may testify.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs. titl. 14 section 13155(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City does not raise a substantial issue with regard to the appellant's contentions regarding coastal resources.

IV. Staff Recommendation On Substantial Issue.

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission determine that Appeal No. A-6-OCN-11-028 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. A-6-OCN-11-028 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan.

V. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description and Site History. The subject site is a 6,900 sq. ft. (0.158 acres) beachfront lot currently developed with a 3,811 sq. ft. tri-level single family residence and a 444 sq. ft. garage. The home is comprised of two stories over a daylight basement constructed in 2005. The project site is surrounded by a single-family residence to the north, a vacant lot to the south, the Pacific Ocean to the west, and multifamily residences to the east. The residence extends westward over a coastal bluff, and the home steps down mirroring the contours of the bluff. As the bluff descends toward the beach, the residence includes an additional level comprised of a “daylight basement” (a basement in a house situated on a slope, so that part of the level is below ground, and part of the level is above ground, with an opening to the outside) (ref. Exhibit #3). The first and second stories end respectively 11 feet and 23.5 feet inland of the City’s “stringline” with open deck areas extending over the enclosed spaces below. At its most western point, the home is 11 feet inland of the City’s western development boundary or “stringline.”

The “stringline” in this case is a line on a map loosely following the line of development on the beach-fronting homes along the City’s coast. The certified “Stringline Setback Map” was developed in 1983 by overlaying an imaginary stringline on an aerial photo of the

shoreline in the City of Oceanside. The map shows how far new development may extend towards the ocean. The stringline map was based on existing building patterns, as well as anticipated future developments and remodels/expansions. This “stringline” was certified by the Commission in 1986 as part of the City’s Local Coastal Program. These maps are kept on file in the City’s Planning Division and are used to determine the westernmost boundary for any proposed development along the shoreline. The goal of limiting new development to extend no further seaward than the stringline is to restrict encroachment onto the shoreline and preserve private and public views along the shoreline.

In 2002, the Commission reviewed the existing development as an appealable City-issued permit, and did not pursue an appeal (ref. 6-OCN-02-166), nor did any other interested party. The construction of the home in 2005 was approved under the land use and development standards of the City’s 1992 Zoning Ordinance, which is no longer the City’s certified implementation plan. The subject addition, as reviewed by the City, was evaluated under the standards of the 1986 Zoning Ordinance, which *is* the current certified implementation plan and was formally reapplied by the City to coastal zone properties in May, 2009.

The subject development approved by the City includes a 240 sq. ft. addition to the second story achieved by enclosing what now serves as part of the above mentioned open deck area. The project as approved by the City would extend the enclosed portion of the second story an additional 10’ toward the western stringline. However, the enclosed area would still be inland of the western extent of the first level, as well as the daylighted basement. The applicant further seeks to place an open beam pergola over the remaining portions of the open deck area, also on the second story (ref. Exhibit #3).

2. Consistency with Certified LCP. As previously stated, the appellant raises several separate, but related, issues. These issues include loss of public views to the southeast, shadowing ultimately contributing to the privatization of a public beach; loss of use of a public recreational resource; cumulative detrimental effects on a public beach resource; change of character of the community through additional massing, bulk and scale of the existing structure; additional “wallification” of existing structures impacting a public beach. These factors can be combined into three separate and distinct concerns and include; 1) the approved addition will impact public access to the beach; 2) the addition will result in impacts to public views; 3) the approved development will change the community character and is out of scale with the surrounding homes. These three main LCP inconsistencies are asserted by the appellant; they are discussed separately and in greater detail below.

A. **Public Access/Recreation**. Because the project is located between the sea and the first coastal roadway, both the City of Oceanside and the Coastal Act have applicable policies pertaining to public access that state:

Coastal Act Policies:

30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The City of Oceanside's Land Use Plan contains findings, objectives and policies providing for the regulation and protection of public access, protection of public views and maintenance of community character. These policies can be found in Sections I (Coastal Access) and II (Recreation and Visitor Serving Facilities) and are listed, in part, below.

City of Oceanside Local Coastal Program Policies:

I. Coastal Access

A. Coastal Act Policies

The Coastal Act requires that development not interfere with the public right of access to and along the shoreline. New development may be required to provide public access to the shoreline.

B. Summary of Major Findings:

1. Virtually the full length of Oceanside beach can be reached by the public, and has, in fact, been used by the public for many years.
2. Seventy-two percent of Oceanside's beach is in public ownership. This is relatively high percentage of public beach, when compared to the State-wide proportion of 47%.
3. Lateral access along the beach is presently restricted because of the severely eroded condition of the beach from the southerly end of The Strand to the Buena Vista Lagoon. Restoration of the beach will greatly improve lateral access, as well as enlarging the useable beach area...

C. Objectives and Policies:

The City shall protect, enhance and maximize public enjoyment of Coastal Zone scenic resources.

II. Recreation and Visitor Serving Facilities

A. Coastal Act Policies:

The Coastal Act requires adequate distribution of public facilities such as parking areas, provision of lower cost visitor serving facilities, protection of ocean-front areas for coastal recreation, granting of priority to commercial recreational uses, reservation of upland area to support coastal recreation, and distribution of visitor facilities throughout the coastal zone.

10. Summary of Major Findings:

1. There has been a periodic decline in beach usage in Oceanside which corresponds to the seriousness of the beach erosion problem.
2. Generally, only about one-third of the persons primarily using Oceanside's beaches live in the City. In fact, the City's beaches attract as many out-of-county visitors as residents.

[...]

5. The beach user survey revealed that primary beach activities are sunning and swimming. Most users expressed a need for only basic support services, such as restrooms, parking, and trash containers. New recreational equipment and eating establishments were a low priority.
6. Future growth in beach usage in Oceanside will depend on:

- a. Restoration of the beach.
 - b. Local and regional population growth
 - c. Changes in recreational participation rates
 - d. Development of new support services and amenities
7. Present day beach attendance (typically a hot summer Sunday) is about 12,000. Assuming the beach is restored, this figure is expected to grow at a rate of 5.5% annually.
 8. The saturation capacity of Oceanside's beach (when restored) is estimated to be about 30,000 persons per peak day. Any additional use beyond that level could be expected to cause severe congestion and degradation of the beach environment. Saturation is expected to occur around 1995.

10. Objectives and Policies:

Objective: The City shall provide and maintain a wide range of public recreation areas, beach support facilities, and visitor-serving facilities, commensurate with need.

Policies:

[...]

6. Lower cost visitor and recreational facilities shall be protected, encouraged and, where feasible, provided.
7. In granting approvals for new development within the Coastal Zone, the City shall give priority to visitor serving commercial recreational facilities over private residential, general industrial or general commercial uses.

[...]

10. The City shall continue to promote coastal tourism through the revitalization of the coastal area and upgrading of visitor amenities.

The City of Oceanside's LCP also contains a section titled "Coastal Development Design Standards." The applicable policies contained within the certified document are listed, in part, below.

III. Overall Objectives

[...]

- 3) The City shall maximize the use of recreational areas for recreational purposes....

The appellant contends that the addition, as approved by the City, will result in impacts to public access and recreational opportunities on the sandy beach west of the subject site and, more specifically, a portion of this beach area, located northwest of the subject site currently protected by a public access easement held by the City of Oceanside (ref Exhibit #X). The appellant is contending that the addition to the home and pergola will impact public access and recreation opportunities through its increased size and shading on the beach. Specifically, the appellant contends that the addition will add to the cumulative “wallification” of the area. To further explain, when referring to “wallification” the appellant is indicating that the intensity of development in the surrounding area is such that a beachgoer gets the sense that the adjacent developments wall off the beach and therefore deters the public from using the beach. The appellant had provided a previous San Diego Coastal Regional Commission (the predecessor to the Coastal Commission) staff report, dated from 1975, approving the construction of a single family home directly to the north (ref. Exhibit #7). The staff report includes findings that address concerns similar to the appellant’s contentions and states in part:

A continuous wall of home structures such as the applicant proposes on the typically 45 ft. lots along this portion of the coast would by their mass inhibit public use and enjoyment of the beach in violation of the requirement of the Coastal Act...Development of this entire ocean front area with structures of the sizes and massiveness of that proposed by the applicant would result in cumulative effects that would be inconsistent with the Coastal Act.

The second contention raised by the appellant is that increasing the size of the home will cast a larger shadow on the beach. This shadow will then increase the length of time the sand remains wet, and thus will deter the public from utilizing the beach. To further explain the appellant’s contentions regarding the impact of wet sand on the beach, an excerpt from the appeal is included below.

As little as one hour less of morning sunlight attempting to dry out the sand on the public beach on a slow dry rate day may mean the public beach might never reach a useable state until 3:00 or 4:00 p.m. in the afternoon when the recreation daylight hours are almost exhausted.

Staff has reviewed the appellant’s submittals and exhibits and has determined that while the appellant’s contentions have some merit in theory, it is important to also consider the scale of the approved development. The project includes a 240 sq. ft. addition, and the construction of a 288 sq. ft. open pergola. As such, the increased mass and shading will be minimal. Furthermore, the home, including the proposed addition, will still have articulations, and is set back 32 feet from the existing revetment (ref. Exhibit #3). Thus, the wall effect raised by the appellant does not result in a significant concern. Moreover, while the Regional Commission report was addressing the appropriate scale of development in this neighborhood in isolation, looking at only one project, the Commission considered these issues in a more holistic manner when it certified the City’s LCP and established the setbacks, height limits, stringline, etc. for this neighborhood. Thus, the issue is not whether this project is consistent with a prior staff

report, but whether it is consistent with the certified LCP, which was certified after the staff report referenced by the appellant.

Additionally, regarding impacts associated with wet sand, staff is unsure how wet sand would be a deterrent to the public. It could be interpreted that some public may seek out sand with moisture on hot days, as the wet sand will be less hot. Many members of the public, in fact, prefer to walk or run on wet sand. Additionally, neither the Coastal Act nor the City's LCP differentiates between wet and dry sand, or protects the preservation of dry sand. The project can therefore be found consistent with the City's LCP and the applicable policies of the Coastal Act, and therefore, does not raise a substantial issue on the grounds filed by the appellant relative to potential impacts to public access and recreation.

B. Public Views. The appellant contends that the project, as approved by the City, will result in impacts to existing public views to the southeast. The City has LUP provisions for protection of public views that are applicable and state:

VI. Visual Resources and Special Communities:

A. Coastal Act Policies:

The Coastal Act requires that the visual qualities of the Coastal Zone shall be protected and that new development be sited and designed to be visually compatible with the character of the surrounding communities.

B. Summary of Major Findings:

1. Oceanside's Coastal Zone is blessed with several important natural aesthetic resources including the ocean, San Luis Rey River and Buena Vista Lagoon...

C. Objectives and Policies

Objectives

The City shall protect, enhance and maximize public enjoyment of the Coastal Zone scenic resources.

The City shall, through its land use and public works decisions, seek to protect, enhance, and restore visual quality of urban environment.

Policies

1. In areas of significant natural aesthetic value, new developments shall be subordinate to the natural environment.

[...]

3. All new development shall be designed in a manner which minimizes disruption of natural land forms and significant vegetation.

The City of Oceanside's LCP also contains a section titled "Coastal Development Design Standards." The applicable policies contained within the certified document are listed, in part, below.

III. Overall Objectives

1. The City shall protect, enhance and maximize public enjoyment of the Coastal Zone scenic resources.
2. The City shall, through its land use and public works decisions, seek to protect, enhance and restore the visual quality of the urban environment.
3. The City shall maximize the use of recreational areas for recreational purposes.
4. The City shall encourage a continuing awareness of the long term effects of the physical forms of individual projects on the overall image of Oceanside.

IV. Preserving and Creating Views

The visual orientation to the Pacific Ocean is a major factor for the City of Oceanside. Traditional view corridors should be preserved and reinforced in the placement of buildings and landscaping. Additionally, some views not presently recognized, deserve consideration in the design and location of future coastal improvements.

View areas can be preserved and reinforced by:

A. Removing Obstructions

[...]

3. Proposed new development should consider surrounding views when designing building height.

The appellant's second contention is related to impacts to public views of the ocean. As previously stated, the subject site is an ocean-fronting lot currently developed with a tri-level approximately 3,500 sq. ft. home. As such, additional construction at this location may result in blockage of public and private views. Specifically, if the addition includes increasing the height of the home, views may be obstructed from a publicly used elevated sidewalk directly east and above Pacific St., across the lot, and to the ocean. Additionally, if the proposed development included development west of the existing structure view impacts may also occur while one travels north and south along the beach west of the structure. The proposed project includes a 240 sq. ft. enclosed addition and the construction of a 288 sq. ft. open pergola, both of which are to be constructed on the second level of the home. Currently, the existing home steps down following the

contours of the bluff, and, because of this, the front of the home is at the highest elevation. As such, the approval of the addition on the western side of the second level will remain below the height of the front of the home and thus not impact any public ocean view opportunities across the property and to the ocean. The project does include adding additional square footage on the west side of the second level. However, the lower level of the home is already constructed as far seaward as the approved second level addition. Thus, the same building footprint will be maintained (ref. Exhibit #3), and the western boundary of the second level of the home will only change nominally. Therefore, construction of the addition will not result in impacts to public views while travelling north and south along the sandy beach, west of the subject site. Commission staff has visited the site, and the surrounding beach, and has verified that the addition to the home will not result in any adverse impacts to existing public ocean views. The project can therefore be found consistent with the City's LCP and does not raise a substantial issue on the grounds filed by the appellant relative to potential impacts to existing public vantages to and along the ocean.

C. Community Character/Scale of Development. The City of Oceanside's LCP has Land Use Plan (LUP) provisions that address the appropriate scale of development. These provisions state, in part:

VI. Visual Resources and Special Communities - Policies

1. In areas of significant natural aesthetic value, new development shall be subordinate to the natural environment.
- [...]
8. The City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood.

The City of Oceanside's LCP also contains a section titled "Coastal Development Design Standards." The applicable policies contained within the certified document are listed, in part, below.

Coastal Development Design Standards- II Existing Coastal Landscape; Preserving Oceanside's Neighborhoods

Significant Areas

[...]

5. South Oceanside – The area known as South Oceanside encompasses several different neighborhoods and land uses. For the purposed of this discussion, South Oceanside is broken down into sub-neighborhoods of: the beach residential area

(west of Hill Street); Hill Street Corridor; St. Malo; the residential area east of Hill Street; and the properties fronting on Buena Vista Lagoon.¹

- a. Beach Residential Neighborhood – This area consists of a mixture of residential densities and housing types. Most architecture in the area is contemporary, and styles range from austere stucco box apartments to large, modern beach front luxury homes. Natural vegetation is sparse in this area, and introduced landscaping is confined to salt tolerant species due to the influence of coastal breezes and salt air. *Because of the narrow frontage lots, many of the beach front lots have been developed with “boxy” buildings.* Stucco and wood are the predominant building materials, and colors on the more modern buildings are generally muted earth tones. (emphasis added)

The third of the appellant’s contentions included in the appeal pertain to the bulk and scale of the structure versus the surrounding community character. Specifically, the appellant contends that between the years of 1992-2009, the City was utilizing a more conservative standard for development that lead to a specific community character in the area, and that this approved addition, if constructed, will allow for a residence of larger bulk and scale than the surrounding homes, thereby inconsistent with the City’s LCP. Additionally, the appellant contends that the approved addition will result in a more boxy structure, also inconsistent with the City’s LCP. However, contained as a component in the City’s LCP is a section of design standards, which is cited above. These design standards are neighborhood/community specific. In this case, the subject site is located within the Beach Residential Area of South Oceanside. This document describes the character of the area as “many of these beach homes have been developed with “boxy buildings.” As such, a larger scaled/bulkier home would not be out of character with the surrounding community. Furthermore, the property, including the construction of the approved addition, maintains architectural designs and articulations such that the building is not a typical “boxy building.” Additionally, the additional square footage will remain within the scale of the surrounding community. As such, the City’s approval of the addition and pergola can be found consistent with the City’s LCP and therefore does not raise a substantial issue on the grounds cited by the appellant.

3. Other Appellant Contentions. The appellant’s contentions have been summarized into three primary issue concerns and are discussed separately above. The entire appeal as submitted by the applicant can be reviewed directly as Exhibit #4. Included in the remaining contentions are concerns regarding public access impacts to Catamaran Beach, the precedent set by this project’s approval and the lack of a shadow impact study. Regarding impacts associated with Catamaran Beach, while the applicant has submitted two copies of minutes (one from the Superior Court dated 1985 and the second from an Oceanside City Council meeting in 2002), both of which discuss the existence and general location of Catamaran Beach, it is unclear where this beach is precisely located or if the beach still exists. It appears through discussions with the appellant that the area considered Catamaran Beach has since been developed. Regardless of the history, or

¹ Since the time of this policies’ certification, Hill Street has been renamed Pacific Street

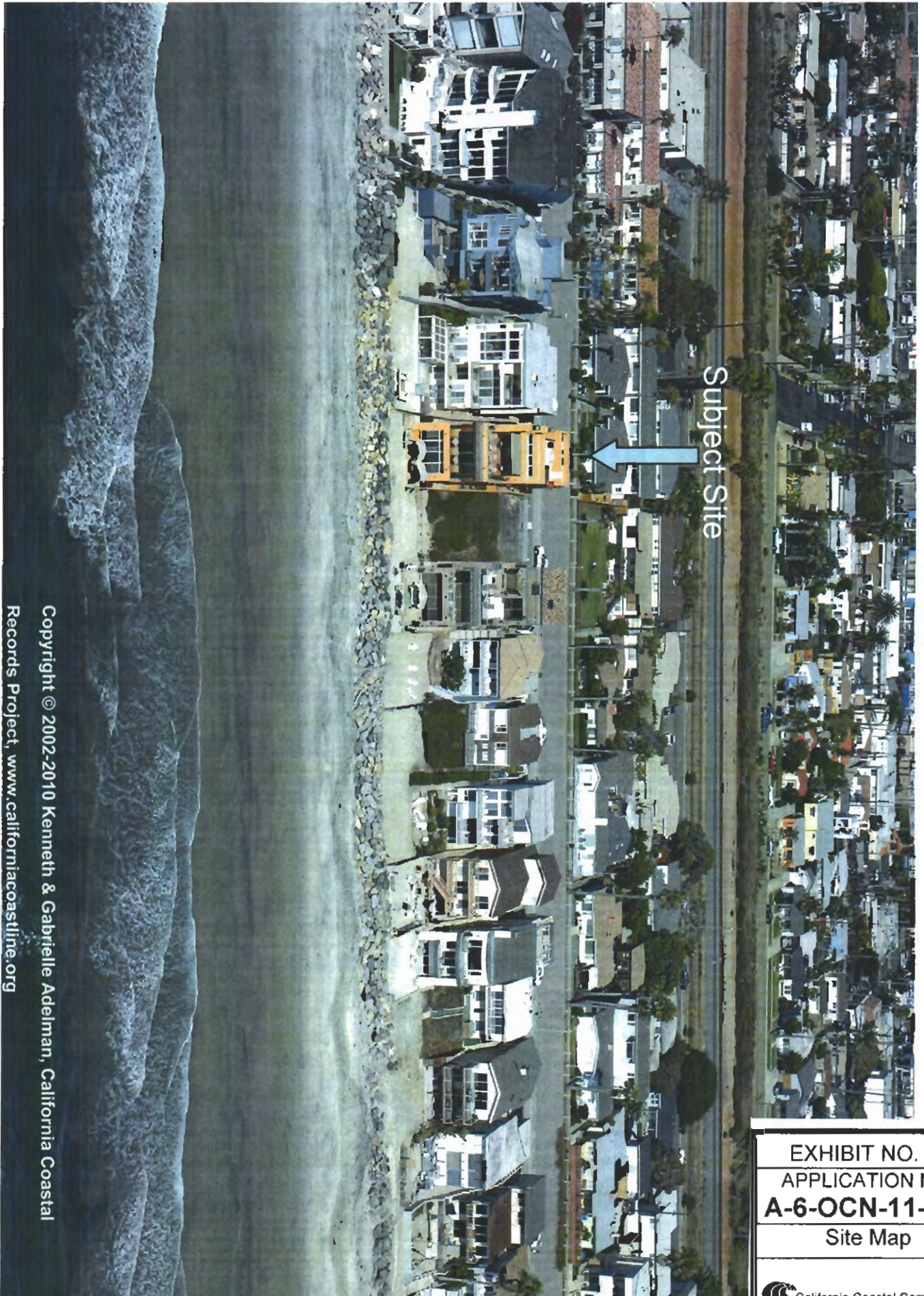
lack thereof, the City's LCP does not include any distinction for "Catamaran Beach," and the only distinguished beach in this general vicinity is Buccaneer Beach, which is located 19 homes to the north. As such, the contention regarding public access impacts to Catamaran Beach specifically are not applicable, and general impacts to public access and recreation associated with the subject development have been adequately addressed starting on Page 10 of this staff report. Additionally, the appellant's contentions included that the applicant should have provided a "shadowing impact study" associated with the proposed development. Neither the City's LCP, nor the Coastal Act requires any such study to be completed; as such, this contention is not relevant. The appellant also cites the precedent set by this approval as a final contention. The development, as approved by the City, requires no variances, and can be found consistent with the City's LCP, and as such, no such adverse precedent will be set. Lastly, the appellant also cited numerous Coastal Act policies that are not contained within the public access and recreation chapters of the Coastal Act, and thus are not the standard of review.

4. Conclusions. In conclusion, the proposed addition and the construction of the pergola will not substantially impact the public's access and recreational opportunities to the sandy beach area west of the subject site. While the appellant contends that the additional mass to the home will increase the shading on the beach, potentially not allowing the sand to dry, Commission staff disagrees that the shading of a beach, or the resulting wet sand, is a deterrent to the public. Additionally, the protection of dry sand is not included in the City's LCP. Commission staff has visited the site and has concluded that the 240 sq. ft. enclosed addition and the construction of a 288 sq. ft. open pergola will not impact any coastal views from the elevated sidewalk east of Pacific Street west across the subject site, or views along the beach north and south of the subject site. Lastly, the home, including the approved addition and pergola are consistent with the community character for this region of the City, as described by the City's LCP. As such, the proposed development does not raise substantial issue on any of the grounds filed by the appellants.

5. Substantial Issue Factors. Generally speaking, the Commission considers five specific findings when considering whether a project raises a "substantial issue." These factors are listed on Page 4 of this staff report and none of them support a finding of substantial issue in this case. As discussed above, there is strong factual and legal support for the City's determination that the proposed development is consistent with the certified LCP. The subject appeal is for a minimal development located in an area with an established line of development beyond that approved by the subject development. Therefore, the objections to the project suggested by the appellants do not raise any significant *coastal resource or public access* concerns, and as such, do not raise any substantial issues of regional or statewide significance. Finally, the City's approval of this coastal development permit will not create an adverse precedent for future interpretation of this LCP.



EXHIBIT NO. 1
 APPLICATION NO.
A-6-OCN-11-028
 Location Map

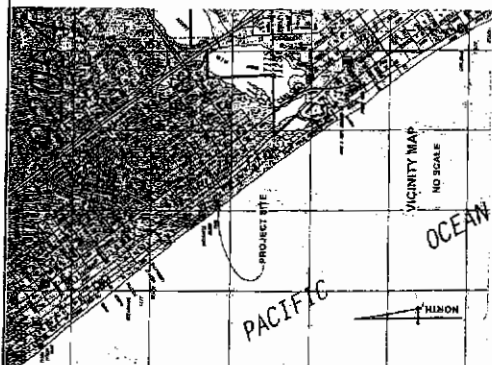


Subject Site

EXHIBIT NO. 2
APPLICATION NO.
A-6-OCN-11-028
Site Map



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Records Project, www.californiacoastline.org



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114 4712 901
LARRY TAYLOR, TAYLOR DESIGN, INC.
GEOTECHNICAL & CIVIL ENGINEERING CONSULTANTS
114 4712 901
114 4712 901
MAYNARD & CO.
DIRECT DOCUMENTATION, TITLE # 24
114 4712 901

PROJECT DESCRIPTION:
TO CONSTRUCT A 2nd FLOOR ADDITION TO THE EXISTING SECOND FLOOR MASTER SUITE AND TO CONSTRUCT A 2nd FLOOR PERGOLA OVER THE REMAINING EXISTING ROOF TERRACE

PROPERTY OWNER:
WHITNEY STERNHAUD,
s/o David J. Stern, Beverly Hills, California 90212
1400 Wilshire Blvd, Suite 2000
Los Angeles, CA 90017

PROJECT ADDRESS:
1705 SOUTH PACIFIC STREET, OCEANSIDE CA

LEGAL DESCRIPTION: LOT 34, BLOCK 8, PALMBO ST. SOUTH

A.P.N.: 180-081-44

ZONING: R-2, Single-Family Residential

LAND USE: SINGLE FAMILY RESIDENTIAL

LOT SIZE: 8600 SF (0.196 acre)

BUILDING DATA: 1473 SF BALCONY
1285 SF FIRST FLOOR
1316 SF SECOND FLOOR
444 SF TOTAL LIVING AREA
285 SF COLONNAD
285 SF COLONNAD (non-habitable)

LOT COVERAGE: 1880 SF (21.3% of lot area ± 45%) DK

HEIGHT: 33 FT ABOVE FINISH GRADE AS MAINTAINED VERTICALLY THROUGH THE STRUCTURE

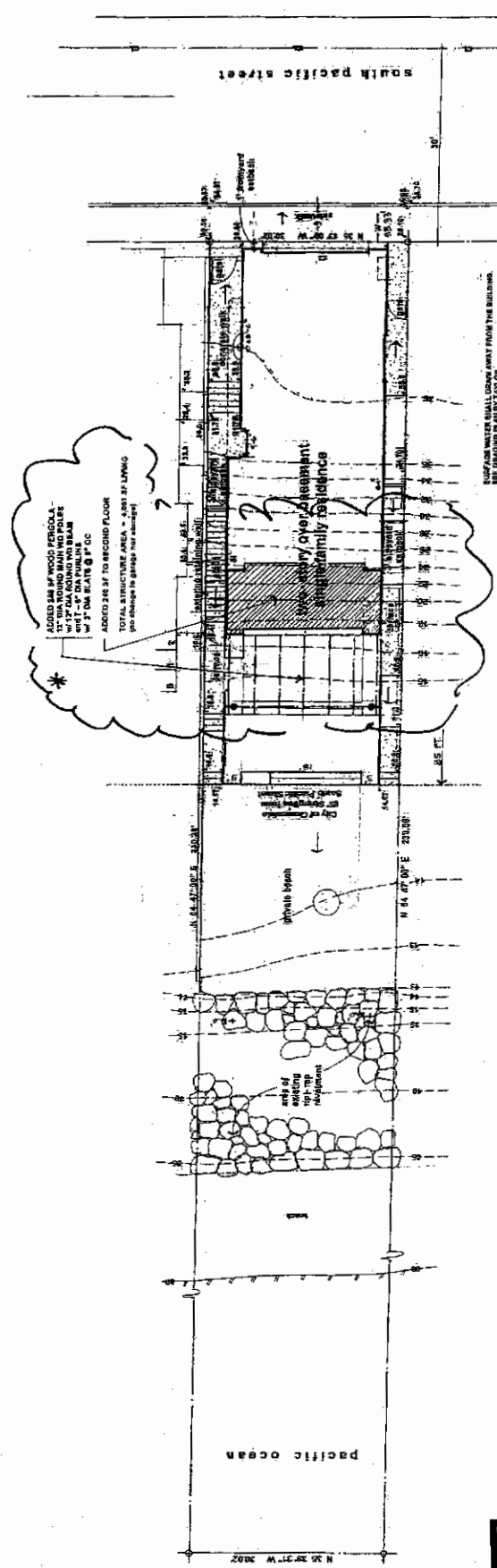
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CITY OF OCEANSIDE
DEVELOPMENT SERVICES

REVISION

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1705 South Pacific Street
The Sternwald Residence
Property Owner: Whitney Sternwald
City of Oceanside, California 92054

David Lee Soanes, Ltd.
8378 Price Avenue, Carlsbad, CA 92009
Phone: 760.476.0523, Fax: 760.476.0527, Email: david@lee-soanes.com



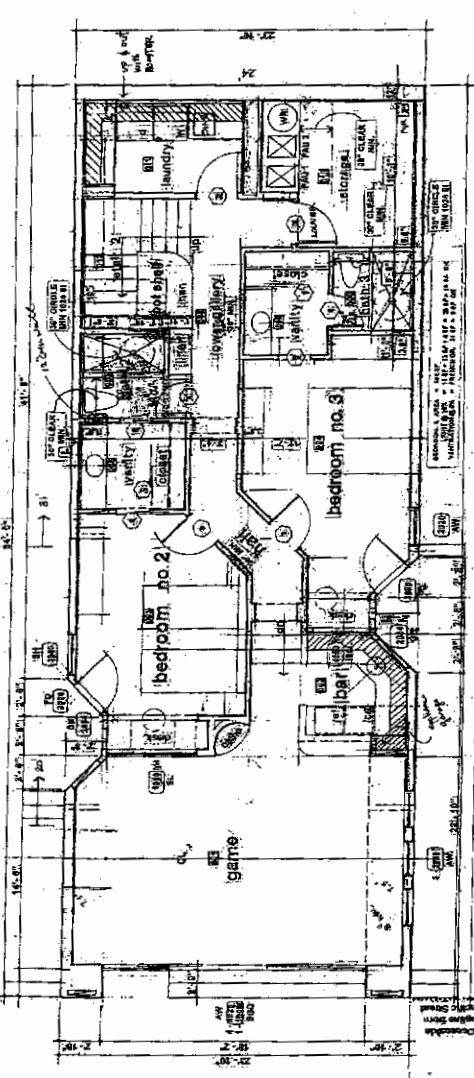
site plan
NO CHANGE TO EXISTING LANDSCAPING (AS PER PERMIT).

EXHIBIT NO. 3
APPLICATION NO.
A-6-OCN-11-028
Site Plans
Page 1 of 6
California Coastal Commission

the sternrud residence
 1705 south pacific street
 oceanview, california
 project by: sternrud
 architect: david lee soanes, ltd.
 6375 three rivers, carlsbad, ca 92009
 phone: 760.476.0933, fax: 760.476.0937, email: ds@lee-soanes.com

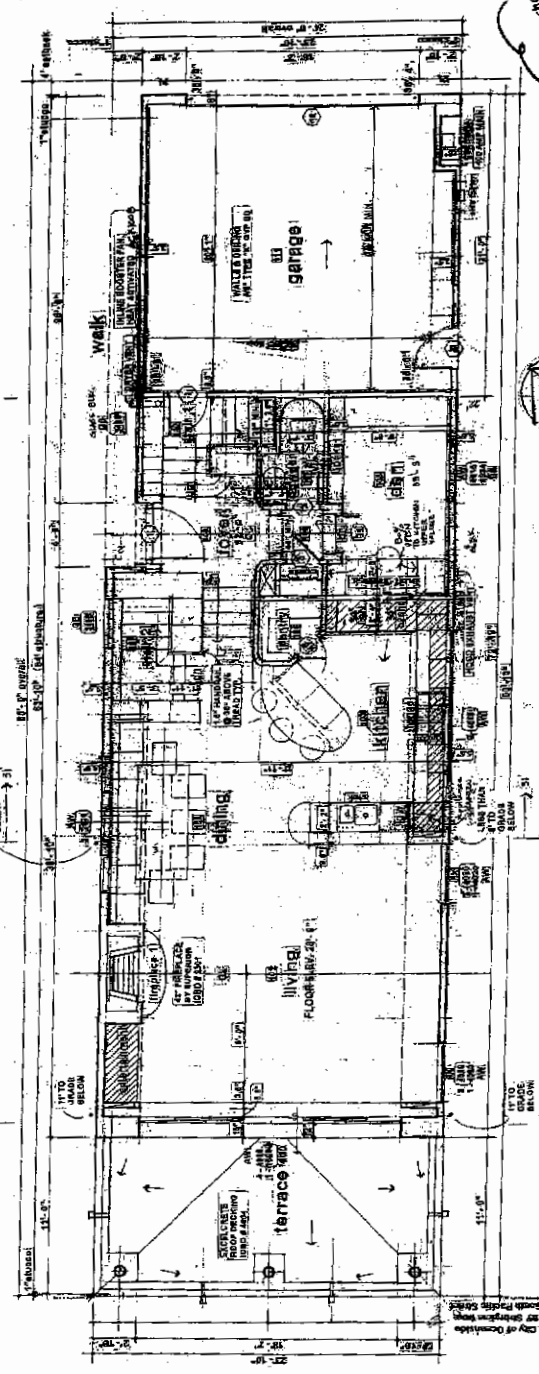
Amendment to RC-13-00

NEVERHOMA
 1705-001



no change only
 (for reference only)

basement plan



no change only
 (for reference only)

first floor plan



FIRST STORY DIMENSIONS (MEASUREMENT BELOW)
 LESS THAN 5 FT ABOVE ADJACENT SPACE FOR
 MORE THAN 60% OF STORY PERMITS. 8" x 10" (MAX) CMU
 NOT BENEATH 14 FT ABOVE GRADE AT FIRST POINT.
 11'-0" x 10'-0" (MIN)

APPROXIMATE DIMENSIONS (MEASUREMENT BELOW)
 LESS THAN 5 FT ABOVE ADJACENT SPACE FOR
 MORE THAN 60% OF STORY PERMITS. 8" x 10" (MAX) CMU
 NOT BENEATH 14 FT ABOVE GRADE AT FIRST POINT.
 11'-0" x 10'-0" (MIN)

City of Oceanview
 1705 South Pacific Street
 Oceanview, CA 92051

City of Oceanview
 1705 South Pacific Street
 Oceanview, CA 92051

RECEIVED

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370 FAX (619) 767-2384

APR 04 2011

CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: DANIEL MATLACH

Mailing Address: 1709 SOUTH PACIFIC STREET

City: OCEANSIDE

Zip Code: 92054

Phone: 760-967-9894

SECTION II. Decision Being Appealed

1. Name of local/port government:

CITY OF OCEANSIDE, CA

2. Brief description of development being appealed:

APPROVAL TO CONSTRUCT 240-SQUARE-FOOT ADDITION AND 288-SQUARE-FOOT PERGOLA ATTACHED TO THIRD LEVEL (SECOND STORY) OF AN EXISTING SINGLE FAMILY RESIDENCE IMPACTING A PUBLIC BEACH 45 FEET NORTH BY SHADOWING AND LOSS OF PUBLIC VIEW TO THE SOUTHEAST.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

1705 SOUTH PACIFIC STREET, OCEANSIDE, CA 92054

4. Description of decision being appealed (check one.):

- Approval; no special conditions
Approval with special conditions:
Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: 4/4/11

DISTRICT: _____

EXHIBIT NO. 4
APPLICATION NO.
A-6-OCN-11-028
Appeal Document
Page 1 of 16
California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: MARCH 16, 2011 (NOFA - 3-30-11)

7. Local government's file number (if any): RC10-00004

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

WHITNEY STENSRUD 7458 E. GREEN LAKE DRIVE N. SEATTLE, WA. 98115

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) DANIEL MATLACH 1709 SOUTH PACIFIC STREET, OCEANSIDE, CA 92054

(2) THOR AND LYNNE STENSRUD 1705 SOUTH PACIFIC STREET, OCEANSIDE, CA 92054

(3) ELIZABETH SHARP 1643 SOUTH PACIFIC STREET, OCEANSIDE, CA 92054

(4) SHARON LIST 16200 DAVIS ROAD, MORENO VALLEY, CA 92555
CHARLENE KERCHEVALL 533 SOUTH NEVADA STREET, OCEANSIDE, CA 92054
JIMMY KNOTT 127 SHERRI LANE. OCEANSIDE, CA 92054
ROBERT MARKLEY 200 NORTH EL CAMINO REAL, OCEANSIDE, CA 92054
GARY KAHLER 1637 SOUTH PACIFIC STREET, OCEANSIDE, CA 92054
JOE KULKE 1629 SOUTH PACIFIC STREET, OCEANSIDE, CA 92054
LARRY TAYLOR 301 MISSION AVENUE, SUITE 201, OCEANSIDE, CA 92054
CAROLYN WILT 1719 SOUTH PACIFIC STREET, OCEANSIDE, CA 92054

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

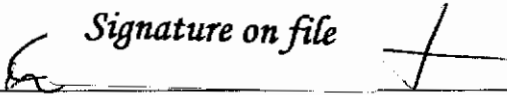
SEE ATTACHED APPENDIX A

SEE ATTACHED EXHIBIT A

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature on file 

Signature of Appellant(s) or Authorized Agent

Date: APRIL 4, 2011

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

Appendix A

Appeal of City of Oceanside Coastal Development Permit: 1705 South Pacific ST

The proposed project appealed includes the construction of a second story (3rd level) addition to the master bedroom. The bedroom addition of 240 square feet and a 288 square foot pergola will extend westward 22 feet and contribute significantly to the impact on the character of the neighborhood and most notably the public beach 45 feet to the north, known as Catamaran Beach. The beach in front of 1705 South Pacific Street is private to the mean high tide line or 230 feet from Pacific Street and 30 feet wide.

The bulk, scale, mass and wallification of the Stensrud addition will contribute to five already massive properties immediately to the north and adjacent to the public beach. The total cumulative massing effect will in essence create an uninterrupted massive wall of structures and establish a harmful precedent. This addition will continue the trend to the detriment of the public beach. Privatizing of the public beach will be the ultimate outcome due to less dry sand which would deter the public from utilizing the public beach.

THE APPLICANT'S PROPERTY CURRENTLY IMPACTS THE PUBLIC BEACH TODAY WITH SHADOWING OF THE PUBLIC BEACH THAT PLANNING STAFF NEGLECTED TO ADDRESS IN 2002 UNDER THE ORIGINAL REGULAR COASTAL PERMIT APPROVAL.

City of Oceanside staff analysis dated, March 16, 2011, is incomplete and wholly deficient and neglects to address Land Use Program (LUP) issues within the certified Local Coastal Program (LCP) and the California Coastal Act of 1976. (LCP adopted May 8, 1985 certified by the California Coastal Commission July 10, 1985.)

Specifically under coastal development design standards of the LCP, the overall objectives state:

1. "The City shall protect, enhance and maximize public enjoyment of the Coastal Zone scenic resources."

2. "The City shall, through its land use and public works decisions, seek to protect, enhance and restore the visual quality of the urban environment."

3. "The City shall maximize the use of recreation areas from recreation purposes."

4. "The City shall encourage a continuing awareness of the long term effects of the physical forms of individual projects on the overall image of Oceanside."

Under the section Preserving and Creating Views the LCP states:

X "The visual orientation to the Pacific Ocean is a major identity factor for the City of Oceanside. Traditional view corridors should be preserved and reinforced in the placement of building and landscaping. Additionally, some views not presently recognized, deserve consideration in the design and location for further coastal improvements. "

Proposed new development should consider surrounding views when designing building height.

OUR LCP STATES:

V. ACTION ON PROJECTS

A. Required Findings:

The following findings must be made before coastal permits are granted:

1. That the project conforms to the Local Coastal Plan, including the policies of
2. That all development within the appeal area conforms to the public access and recreation policies of Chapter 3 of the Coastal Act.

BASIS FOR APPEAL

This appellant is relying upon and guided by some of the same factors that the commission uses to determine if a “substantial issue” exists.

1. “The degree of factual and legal support for the local government’s decision that the development is consistent or inconsistent with the certified LCP.”

City planning staff submitted no factual or legal support that the local government decision was consistent with the certified LCP.

In fact, staff neglected to identify key elements of the LUP that directly addressed the LCP and the California Coastal Act of 1976. Specifically they are:

Section: 30211
30213
30221
30250
30251)
30253)

2. “The extent and scope of the development as approved or denied by the local government.”

While the size of the addition may appear minor in the plans submitted, the significant impact on the public beach of the shadowing that currently exists coupled with the addition will severely increase the total impact of shadowing to an unacceptable level thereby contributing to privatization of the public beach.

3. “The significance of the coastal resources affected by the decision.”

The public beach at 1639 South Pacific Street (Catamaran Beach) is only 90 feet wide. The total combined wallification of the 5 properties to the north including the Stensrud addition will be 210 feet. The cumulative mass of the buildings does impact a coastal resource which the city is required to protect.

4. "The precedential value of the local government's decision for future interpretations of its LCP."

If this addition is allowed and other projects are proposed adjacent to public resources a detrimental domino effect will occur jeopardizing public resources and violating the city's LUP under the LCP. The city approval of this addition will create an adverse precedent for the future interpretation of the LCP.

5. "Whether the appeal raises only local issues, or those of regional or statewide significance."

While this may be only a local issue, other municipalities may face some of the same problems with shadowing of public beaches as there is less and less coastal area to develop responsibly.

The factors stated above trigger a "substantial issue" determination.

CHANGING THE CHARACTER OF THE COMMUNITY

This addition if built, will tie into the "FACE" or wall of the existing property immediately to the north. This addition will not be consistent with the character of the community. It will, through massing, bulk and scale, contribute to a much larger look when compared to the surrounding homes to the south. This is a dramatic departure from the last 22 years when all other homes within the coastal zone were built at a 27 foot profile as directed by the city's 1992 zoning ordinance that was never sent to the California Coastal Commission for certification. Within 500 feet of the applicant's residence 4 homes were built at height, bulk, and scale parameters that resonated in harmony with the character of the neighborhood.

This addition will create wallification of 210 feet when combined with the 5 properties immediately to the north significantly impacting the public beach by shadowing of the beach and sand. The shadowing effect of this addition would lead to less dry sand which would deter the public use essentially privatizing the public beach.

The City of Oceanside requires every public beach to be unencumbered from any detrimental effects of new development. The City's LUP dated April 24, 1985 and certified by the California Coastal Commission July 10, 1985 states:

Recreation Coastal Act Policies

"The Coastal Act requires adequate..... protection of ocean front areas for coastal recreation."

The LUP states (1985):

"Present peak day beach attendance (typically a hot summer Sunday) is about 12,000. Assuming the beach is restored, this figure is expected to grow at a rate of 5.5% annually."

"The saturation capacity of Oceanside's beach (when restored) is estimated to be about 30,000 persons per peak day. Any additional use beyond that level could be expected to cause severe congestion and degradation of the beach environment. Saturation is expected to occur around 1995. "

In five separate meetings with City councilmen regarding the appeal hearing of March 16, 2011, three standing councilmen were unaware that there were any private beaches in Oceanside. They believed all of Oceanside's beaches were public with maybe the exception of the Saint Malo neighborhood.

Per our LUP "Coastal Access" states:

I. COASTAL ACCESS

A. COASTAL ACT POLICIES:

The Coastal Act requires that development not interfere with the public right of access to and along the shoreline. New developments may be required to provide public access to the shoreline.

B. SUMMARY OF MAJOR FINDINGS:

1. Virtually the full length of the Oceanside beach can be reached by the public, and has, in fact, been used by the public for many years.
2. Seventy-two percent of Oceanside's beach is in public ownership. This is relatively high percentage of public beach, when compared to the State-wide proportion of 47%.
3. Lateral access along the beach is presently restricted because of the severely eroded condition of the beach from the southerly end of The Strand to the Buena Vista Lagoon. Restoration of the beach will greatly improve lateral access, as well as enlarging the usable beach area.

The applicant, applicant's representative and family members all voice the same indifference regarding the fact their property could possibly be impacting the public beach just 45 feet to the north. The applicant cannot state that no impact will exist from shadowing when the mother of the applicant (Lynn Stensrud) stated at the appeal hearing March 16, 2011:

"My name is Lynn Stensrud. I reside at 1705 S. Pacific Street"....

"I don't understand shadowing, that, when they made referencing to shadowing on the beach"....

"The public can only walk below the revetment wall and westward of the revetment wall is private property in that area." "It's not public beach"....

"And I don't know that our house interferes with any public view that we are ahhh disturbing any public view"....

LACK OF DRY SAND

The problem that exists for the public is the lack of dry sand on the public beach. The community enters the public beach via the access from Pacific Street at 1639 South Pacific Street and migrates north or south seeking dry sand. If someone meanders more than 45 feet south of the public beach access they immediately walk onto private property. The majority of the private property owners are happy to share the beach with the public and the local neighborhood community.

The minority find the need to inform the public they are trespassing and will be cited or arrested if they remain on private property. Not very neighborly. Case in point, is a letter that cites the opinion of the applicant's representative (Exhibit A).

If the applicant's representative did indeed vote for the California Coastal Act of 1976 as indicated in the letter dated July 7, 2005, addressed to a standing City Councilman, then the applicant's representative should be willing to abide by each and every provision of the Act and most notably the certified LCP that protects a public beach as a recreational resource from shadowing.

The lack of understanding that the impact of shadowing will have on the public beach by the applicant's representative underscores the need for the applicant to provide a bonafide shadowing impact study of the public beach to determine whether or not their property does indeed impact a public beach. The residence as it currently exists today is impacting the public beach with significant shadowing .

Modeling applications for building shadow impact studies are available to assist an applicant in determining whether their property does or does not impact the public beach. Of course, any research data provided to the commission would have to be independently verified. Once the addition is built and shadowing impacts the public beach recreation area, it will be lost forever.

This Appellant Contends That:

1. City staff never made required findings proving the proposed addition and pergola will not substantially impact the public beach from shadowing and contribute to wet sand.

Section 30211 states:

“Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the **use of dry sand** and rocky coastal beaches to the first line of terrestrial vegetation.”

2. City staff never made required findings proving the proposed addition would not affect preferred public recreational opportunities.

Section 30213 states:

“Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.”

3. City staff never made required findings proving all the elements of the LUP that address protection of recreational oceanfront land had been investigated.

Section 30221 states:

“Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.”

4. City staff never made required findings proving the addition coupled with the additional five properties to the north would not cumulatively increase the massing effect of adjacent properties increasing shadowing on a public beach and thereby ultimately privatizing the public beach.

Section 30250 states:

“New residences... will not have significant adverse effects either individually or cumulatively on coastal resources.”

5. City staff never made required findings proving the proposed addition would not impact public views parallel to and along the coast, including southeast from the public beach. The palm lined Pacific Street is a noted coastal feature always exclusively mentioned by the Visitor Center and Chamber of Commerce in numerous publications. The “*Tropical*” or “*South Pacific*” ambiance as suggested as a lure for beach visitors and vacationers when one walks on Oceanside beaches will be lost and obscured by the addition to this residence. A view does exist now, not only west, but north and southeast.

Section 30251 states:

“The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alternation of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

6. City staff never made required findings proving the proposed addition would protect special communities and neighborhoods including popular recreational destination points.

Section 30253 states:

“New development shall:
Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.”

7. Staff never made required findings, in three total presentations to the Oceanside Planning Commission and the City Council , that the objective within the Coastal zone “*to provide for the conservation of the City coastal resources and fulfill the requirements of the California Coastal Act of 1976*” was fulfilled.

Staff should have reviewed other key elements not just architecture. If staff had reviewed the goals and policies of the entire Local Coastal Program Land Use Plan as the guiding policy review document they would have arrived at a much different decision on this project. Staff’s findings were of such a general nature addressing essentially only architecture and exhibiting a blind eye to our LCP. One has to ask why no intense scrutiny on all local coastal permits is not taking place? What

additional coastal issues of public concern are falling through the cracks and not being properly addressed?

Two of the many key technical elements staff never addressed regarding the shadowing impact the addition and pergola will have on the public beach are:

- Predicted shadowing patterns of the addition and pergola.
- The **Duration** of the shadow impact, a key indicator when assessing **Degree** of impact.

As little as one hour less of morning sunlight attempting to dry out the sand on the public beach on a slow dry rate day may mean the public beach might never reach a useable state until 3:00 or 4:00 p.m. in the afternoon when the recreation daylight hours are almost exhausted.

This is essentially privatizing the public beach through massive wallification of adjacent properties. Massing, bulk and scale currently impact this public beach.

Privatizing Catamaran Beach would force the public north or south to the overcrowded saturated public beaches at Buccaneer and Cassidy Street.

The City of Oceanside can no longer allow the wholesale destruction of sunlit public beaches by allowing shadowing to be advanced to and along a public beach. 1705 S. Pacific currently creates a shadowing impact. The applicant's residence should not be allowed additional impact on a public coastal resource.

This appellant respectfully requests you find a "significant issue" does exist as to the:

- Loss of public views to the southeast
- Shadowing ultimately contributing to the privatization of a public beach
- Loss of use of a public recreation resource
- Cumulative detrimental effect on a public beach resource
- Change of character of the community through additional massing, bulk and scale of 1705 S Pacific St.
- Additional wallification of existing structures impacting a public beach

In summary staff's report, findings and conclusions dated March 16, 2011 are not consistent with the LUP as they relate to our LCP and Chapter 3 of the California Coastal Act of 1976.

Therefore the decision reached by the City Council is wholly inconsistent as well. This appellant respectfully requests you deny the applicant's regular coastal permit (RC10-00004).

THOR A. STENSRUD
1705 SOUTH PACIFIC STREET
OCEANSIDE, CA 92054

July 7, 2005

Ms. Shari Mackin
Councilmember
City Council, City of Oceanside
300 N Coast Hwy
Oceanside, CA, 92054

Dear Ms Mackin

We have owned our property for 29 years and have taken the same pride in our prior cottage as we do now in our new home. We have maintained and protected our property with the same diligence and precision, which included sweeping the front sidewalks and raking the sand west towards the mean high tide, our westerly property boundary. Mean high tide information can be obtained from the California Lands Commission, the state agency for certification.

During this period, we have taken care to inform everyone of the difference between public and private beach. The beach upon which we live is private. Not public. It was surprising that the lifeguards and police were not kept informed of this fact, except by us. Over the years, we have had to direct many to Mr. Ray Duncan, Lifeguard Manager, and the City Attorney to clarify any confusion. It has been done cordially, effectively, and with notification. We have never attempted to curtail cross-access as provided for in the California Coastal Act, for which we voted. The case law and citations are clear on this property issue, a fact I've shared with the Coastal Commission and City Attorney many times.

It isn't unusual for people to covet the property of others, but it is surprising to see others attempt to use and abuse the property of others without permission, as we have seen in our beach property. We have protected our property and have informed the public. A number of years ago, we formed a homeowners' association, Association of Concerned Oceanfront Homeowners, and have had extensive communication with the Coastal Commission and the City of Oceanside to that end.

Last Sunday, you were observed standing on our westerly property taking pictures of our umbrellas and revetment. I trust you know it is private property. If you had rung our doorbell, I would have invited you in, offered you refreshments, and answered any of your questions.

As I mentioned in my opening, we have continuously maintained and protected our property to our westerly boundary as provided for in our recorded deed. This fact was reported in the Blade Tribune back in the 1980's.

All we ask is that we be treated as we treat others. We won't allow loitering. We won't accept the inherent liability and the consequent trash issues. Loiterers are trespassers and we expect the City to enforce the No Trespassing Laws. We inform the trespassers of this fact in polite and respectful terms. Unfortunately, cordiality and respect are not returned. We expect and demand the City's assistance in this regard.

Ms. Mackin, next time, please knock on the door and visit. Thank you very much and best wishes on your new career.

Very truly yours,

Thor A. Stensrud

Signature on file



TAS/lds

Cc: Mayor, City Council, Planning Director, City Attorney, Life Guard Manager, & Association of Concerned Oceanfront Homeowners

THOR A. STENSRUD
1705 South Pacific Street
Oceanside, CA
92054

April 16, 2011

Ms. Toni Ross, Coastal Program Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, California 92108

Re: Commission Appeal # A-6-OCN-11-028-STENSRUD

Dear Ms. Ross,

Preamble:

I am the Power of Attorney for the Applicant, Ms. Whitney Stensrud, for Regular Coastal Permit RC 10- 00004. A copy of the Power of Attorney is on record with the City of Oceanside and a copy is hereby enclosed.

I am writing this letter as a response document to the subject appeal of the project, as described by the Appellant as "impacting a public beach 45 feet north by shadowing and loss of public view to the southeast" in his Notice of Appeal. It is difficult to present a precise response because the Appellant's Sec IV Reasons for Supporting This Appeal, as presented as Appendix A and Exhibit A, meanders from one issue to another as if it is covering every page of the Coastal Act. The Appellant then wildly misinterprets the applicability of §30211, §30213, §30221, and other sections of the Coastal Act as they relate to the findings of the City's staff report. It is reminiscent of a "jail-house" attorney scrutinizing every page of a law looking for a sentence or two, which when taken out of context, presents what he thinks is grounds for a legal appeal. Nonetheless, we shall attempt to focus on the issues and comment on them even though most are different from that what the appellant brought up in his prior appeal to the City Council, which was denied, and his opposition comments which were overruled by a unanimous Planning Commission approval.

RECEIVED

APR 18 2011

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

EXHIBIT NO. 5
APPLICATION NO.
A-6-OCN-11-028
Applicant's submittal dated April 16, 2011
Page 1 of 21
 California Coastal Commission

In response to the referenced Appeal, the Applicant respectfully requests the Commission to find that the appeal is unfounded and frivolous and dismiss it immediately, in accordance with provisions of the Act. Short of this request, the Applicant respectfully requests that the Commission find that the appeal does not raise a "substantial issue" relative to conformance with the certified Local Coastal Program (LCP) and the Coastal Act public access policies, and based on these grounds, deny the appeal. The Applicant's request is based on this letter and exhibits, both herewith included or submitted to you separately, and the City Planning Department's recommendations and certifications regarding the hearings of the Planning Commission and the City Council of Oceanside, which led to a unanimous approval by the Planning Commission and a denial of the appeal by the City Council. I understand that these City documents have been sent to you separately.

Background:

We started project RC 10-00004 in September 2009 and now twenty months later, we're still dealing with it. First we were caught up in a height debate which delayed us for about five months despite the fact we fell under the 86 ZO and four other projects had been processed and approved under the 86 ZO. Finally, after two community height restriction meetings and a dead-locked Planning Commission meeting, The Planning Commission approved Regular Coastal Permit (RC 10-00004) by a 5-0 vote on January 10, 2010.

As stated, the same proposal was the subject of a 3-3 Planning Commission vote on October 25, 2010. Planning Commissioners who opposed the proposal at the at the October 25 public hearing cited the as-yet –unresolved issue of Coastal Zone residential building height limits as a principal reason for voting against the project, which proposes building height in excess of the previously-applicable twenty-seven-foot height limit (under the 1992 Zoning Ordinance) but below the now-applicable thirty-five-foot height limit (under the reinstated 1986 Zoning Ordinance). Planning Commissioner Louise Balma, an architect, summed it up by stating "this beautiful project uses only a tiny portion of the allowable envelop;

they could have tried to push the envelop to the allowable envelop limits. They didn't. We must support this project".

On December 8, 2010, the City Council rejected (by a 3-2 vote) a Planning Commission recommendation to reestablish twenty-seven feet as the maximum building height for residential development in the Coastal Zone. This City council decision provided explicit policy direction to both the Planning Commission and Planning Division staff in their review of residential projects subject to the building height standards of the reinstated 1986 Zoning Ordinance. Planning Commissioners cited this policy direction in their unanimous approval of Regular Coastal Permit (RC 10-00004) on January 10, 2011.

The Regular Coastal Permit (RC 10-00004) was appealed on January 19, 2011, by a private party. The Appellant was granted a waiver of required appeal fees on the basis of a petition that included requisite number of signatures from property owners and tenants residing within the 300-foot public notification radius of the subject site. The Applicant protested the legitimacy of the appeal, pointed out that signatures were obtained illicitly, but decided not to continue protesting the legitimacy of the appeal because it dealt with waiving of fees not with the substance of the appeal. It was made part of the record nonetheless.

On March 18, 2011, the City Council voted 3-2 to deny the appeal of the Planning Commission's Approval of RC 10-00004.

Planning Department Site Review:

Per the 1986 Zoning Ordinance, the subject site bears a zoning designation of R-1 (Single Family Residential). The land use designation of the subject site is Single Family Detached Residential (SFD-R). The site abuts a single-family residence to the north, a vacant lot to the south, multi-family dwellings to the east and the Pacific Ocean to the west. Measuring 30 feet width and 230 feet in length, the site occupies a portion of coastal bluff that exhibits a significant downward slope from South Pacific Street to the coastal stringline. While relatively flat within 30 feet of South Pacific Street, the property slopes steeply through the midsection of its developable length, descending nearly 21 feet below the adjacent street grade to that portion of the beach immediately

eastward of the rock revetment that stretches from Wisconsin Street to the mouth of Buena Vista Lagoon.

The existing residence exhibits a terraced design, with separate levels of habitable space stepping down the coastal bluff. At the South Pacific Street frontage, the residence presents two stories, comprised of a master bedroom/bathroom over a street-facing garage. As the residence extends westward over the coastal bluff, both of these stories step down with the slope of the lot, such that their finished floors end up 4 1/2 to 7 feet below their respective heights at the street frontage. Additionally, both of these stories are set back from the western extent of the daylight basement, which reaches to the coastal stringline; the first story terminates 11 feet eastward of the coastal stringline, while the second story terminates 23 1/2 feet from this point. Where the first and second stories terminate on the rear elevation, open deck areas extend over the enclosed spaces below. These open deck areas are rimmed with glass safety railing. The open deck adjacent to the first is covered by an open-beam pergola.

Planning Department Project Description:

The project is a 240-square foot addition to the second story of the existing residence, which would be achieved by enclosing what now serves as open deck area. The project would extend the enclosed portion of the second story an additional 10 feet toward the coastal stringline and place an open-beam pergola over the remaining portions of open deck area immediately westward of the proposed expansion.

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

- General Plan Land Use Element
- 1986 Zoning Ordinance
- Local Coastal Program
- California Environmental Quality Act (CEQA)

Planning Department Analysis:

Key Planning Issues

General Plan

The General Plan Land Use Map designation for the subject property is Single-Family Detached Residential (SFD-R). The proposed project is consistent with this designation as well as the goals and objectives of the City's General Plan as follows:

Land Use Element

Goal 1.23: Architecture

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

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

The proposed improvements would be architecturally consistent with the existing residence, in that they would maintain its terraced profile as well as its exterior wall color and texture. Even with the proposed expansion, the second story would continue to be offset 12.5 feet from the western extent of the first story and 23 feet from the western extent of the daylight basement. Furthermore, it is staff's position that the proposed expansion would better integrate an existing chimney into the overall building form and thereby create a more balanced structure along both the north and south elevations.

The proposed improvements would not impact the scale or form of the residence as viewed from South Pacificc Street, nor would they significantly increase massing impacts on adjacent properties to the north and south.

Goal 1.32 Coastal Zone

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

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

The proposed project was reviewed by staff for compliance with the policies of the Local Coastal Program Land Use Pan. Staff finds that the application complies with said policies in the Local Coastal program, including those that speak to: the preservation and enhancement of the visual quality of the urban environment; the preservation of public views; compatibility with the surrounding neighborhood; and creative design. The proposed addition would not alter the existing landscape, compromise existing public views or diminish the architectural integrity of the existing residence.

(SEE PHOTO POSTERS & PROJECTED VISUALS 1, 1a, 2, 2a)

Zoning Compliance

Staff finds that ed addition complies with the requirements of R-1 (Single Family Residential) Zone. The Following table illustrates the proposal’s conformance with R-1 development standards:

	<u>Development Standard</u>	
	<u>REQUIRED</u>	<u>PROPOSED</u>
FRONT YARD	Blockface Average	No Change
SIDE YARD	3 feet	3 feet
REAR YARD	Coastal Stringline	No Change
MAZIMUM HEIGHT	35 feet above the avg. finished grade	28.5 feet above avg. finished grade

The proposed improvements would meet all development standards in terms of height, setbacks, and design as specified in the Oceanside Zoning Ordinance

Planning Department Further Comments:

Staff finds that the proposed improvements to the property would be architecturally consistent with the existing residence as well as consistent with the bulk and scale of surrounding neighborhood. The 240-square foot addition would fall more than six feet below the allowable height limit of 35 feet, while maintaining the terraced design of the existing residence.

As noted earlier, the proposed addition falls well below the maximum allowable building height as established by the 1986 Zoning Ordinance. In addition to its conformance to the currently applicable building height standards, the proposed addition demonstrates compatibility with bulk and scale of adjacent development. Consequently, on the basis of both conformance and compatibility, staff is supportive of the proposal.

Environmental Determination:

The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) Class 1 15301 (e), Categorical Exemption "Existing Facilities".

PLANNING DEPARTMENT SUMMARY & RECOMMENDATION

"Regular Coastal Permit (RC 10-00004) is consistent with the requirements of the Zoning Ordinance, the land use policies of the General Plan and the policies of the Local Coastal Program. The project meets all applicable development standards for the district in which it is situated. The project's scale and architecture are compatible with the surrounding neighborhood and complementary to the existing residence. Accordingly, staff recommends that the Planning Commission approve the proposal. "

Counter Arguments to Appellants:

THE PROJECT DOES NOT IMPACT NEGATIVELY THE BEACH

It appears that one of the prime issues in the appeal is an allegation that the project negatively impacts the beach. The appellant makes these allegations without any evidence or quantification.

There is no Alleged Shadowing

The appeal states the “the residence as it exists today is impacting the beach with **significant** shadowing “and further states that this “coupled with the addition will **severely increase** the total impact of shadowing to an **unacceptable level”**. However, the appellant makes no attempt in his appeal to quantify shadowing, its impact or what constitutes acceptable and unacceptable levels of shadowing. Therefore, it’s not possible to assess that basis by which he concludes that extending a mid-level portion of the existing structure less than 10 foot westward will “severely increase” an impact that has not been quantified. He does however say that because we lack an understanding of the impact of shadowing that we need to provide a “bonafide” study. So, let us see if we follow his logic here.....he fully understands the impacts to the extent that he can claim a severe and unacceptable impact even though he has presented no evidence and has not performed a study, but we need to determine “whether or not” there is an impact. This is completely illogical and nonsensical. Further, we find it odd that he emphasizes these issues because his house is virtually identical to ours with regard to its location, height, orientation and profile as observed from the beach and therefore it will impact the beach with regard to shadowing.

Reviewing all the exhibits presented with this letter and walking the beach area suggests he has no justification for this appeal allegation. Nonetheless, we’re submitting further countering evidence in a specific shadowing comparison of 1709 and 1705 which substantiates our claim of no substance. This simplified analysis by Larry Taylor, RCE,GE (see Figure 1) shows that both residences (1709 & 1705) shadow the beach below the revetment in almost exactly the same manner and duration and that there is no significant shadowing of the area below

the revetment from either structure for sun altitude angles of more than about 40 degrees (this occurs here about 8 am in the summer) at an ENE azimuth angle. The attached figure is not based on a precise analysis as it only considers the sun's altitude angle and not temporal changes to azimuth, so it's generally conservative and probably fairly reasonable for summertime since the azimuth angles between 6am and 8am in the summer are pretty much along the long axis of the house.

There is no Alleged Prevention of Dry Sand

The appellant attempts to link shadowing to "dry sand" by saying the shadows will not allow the sand to dry until 3 or 4pm, thereby impacting negatively the public's enjoyment. This is a ridiculous and factually challenged argument. First, there is no definition of "dry sand" in the Coastal Act and we don't believe anything in the Act relates to the speed at which sand dries. The Act does define "Backbeach (dry beach)" as the "sand area inundated only by storm tides or extreme high tides. These areas supply sands to the dune system". This has nothing to do with shadows and dry beach area is really related to tidal levels, not damp sand and sunlight.

There is no Alleged Wallification

The appellant attempts to criticize the project by stating "the bulk, scale, mass and wallification of the Stensrud addition will contribute to five already massive properties immediately to the north and adjacent to the public beach. The total cumulative massing effect will in essence create an uninterrupted massive wall of structures and establish a harmful precedent." Staff thoroughly analyzed the suitability and compatibility of the enclosure to the existing structure, the community, and the environment. Because we can't find a definition of "wallification", no precise counter can be given. One thing is certain, it doesn't pertain to this project. The exhibits presented herewith clearly show no massing effect. Rather, the design created by David Lee Soanes, the architect, shows the project, because of the articulation, terraced design, nooks, angles, and step down, has improved the visual balance from any view angle. This is the opposite of "wallification", whatever that may be.

There is no Privatization of the Public Beach

How, as the appeal asserts, shadows “privatize” a public beach is not really defined or described. We guess he’s suggesting that the public will go to where there are no shadows on the beach leaving the shadowy areas for the exclusive use of the beachfront homeowners. The appellant provides no evidence of his allegations of a “privatization” conspiracy. He does, however, indulge in a personal attack on the applicant’s representative and his wife and provides questionable statements of fact regarding the location of a so-called public beach named “Catamaran Beach”.

The appellant states “the public beach at 1639 South Pacific Street (Catamaran Beach) is only 90 feet wide” and then he states “be impacting public beach 45 feet to the North”. We, nor the City, nor the residents at the adjacent building to the 5-foot wide public access 1637/1639, nor the 60-year resident at 1629 have ever heard of a beach called “Catamaran Beach” and understand that the only beach at the foot of the public access is that 5 foot width which extends westward. Further, the public access is not 45 feet north of the applicant’s residence; it is 90 feet north of the residence.

It is not known where the appellant got his numbers from. It could be that he obtained stale information going back many decades when the City owned the property of 1637/1639 and this beachfront property might have been called “Catamaran Beach”. However, this property was swapped by the City and the new owner built 1637/1639.

Regardless of the accuracy of his dimensions and nomenclature, his argument is specious, over-the-top, and has little to no substance. His allegations cannot, in any way, show that the applicant’s footprint extends westward, in any manner, to impact any beach.

THE APPELLANT MISINTERPRETS APPLICABILITY OF SECTIONS OF COASTAL ACT

As mentioned in our introduction, appellant wildly misinterprets the applicability of Sections 30211, 30213, 30221, 30250, 30251, & 30253 of the Coastal Act as they relate to the findings of the City's staff report. The following comments on each of the Sections:

30211

Not applicable. Project doesn't alter footprint or interfere with right of access.

30213

Appellant is citing policy not applicable to subject property. Totally specious to suggest increase shadow is an impediment to public access.

30221

In applicable to land-use. Inapplicable to project. Deals with amenities.

30250

Inapplicable. Project not straining infrastructure. Not a new residence. Footprint doesn't extend into access nor negatively impacts access.

30251

Scenic and visual qualities of coastal area not impacted. Character and setting are preserved.

30253


Inapplicable. Taken out of context. Deals with special habitats such as San Luis Rey River, etc.

As I showed you in our meeting in San Diego, I have voluminous documentation of the Appellant's repetitive violations of code and the provisions of the Act in his own building, which I am not providing, unless asked to, because it is only germane to the veracity of the appellant's comments and allegations and not to the merits of the Applicant's project.

Conclusion:

The Applicant respectfully requests that the Commission Staff recommend that the Commission find no "substantial issue" exists as to the appellant issues raised in the appeal.

Appreciatively yours,

Signature on file 

Thor A. Stensrud
Power of Attorney

TAS/l ds

Enclosures:

Exhibits: See following page Index of Exhibits and Figures

INDEX OF EXHIBITS AND FIGURES

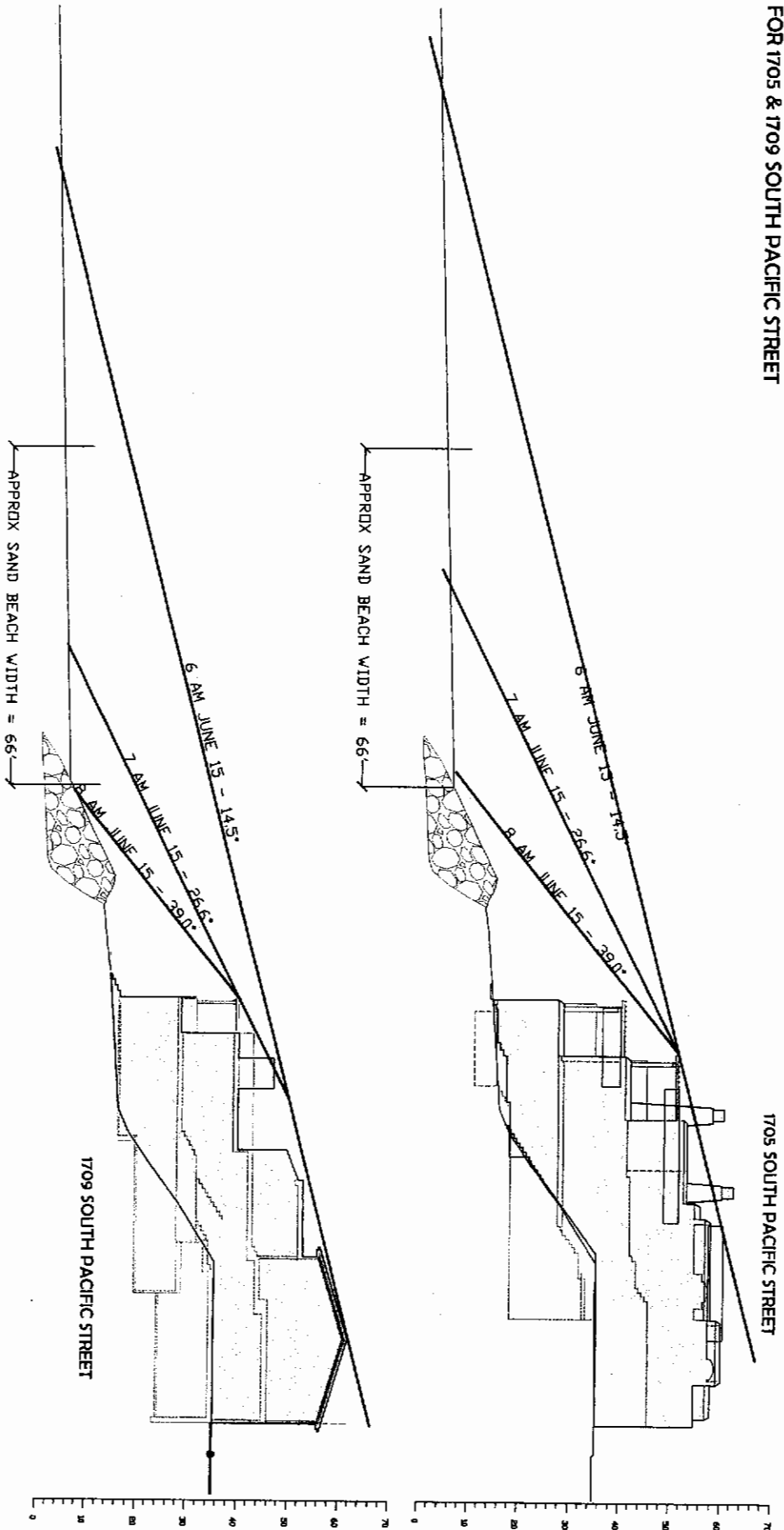
Photo Poster 1	Front of House	(SUBMITTED @ MEETING		
		"	"	
Photo Poster 2	Rear of House			
Photo Poster 3	View towards the East	"	"	
Photo Poster 4	View From Cassidy Street Access (south) towards Project	"	"	"
Photo Poster 5	View From Public Access (north) towards Project	"	"	"
Photo Poster 6	View from rear of house towards revetment, w,sw,&nw	"	"	"

Photos E-Mail Attachmnt. 6 From across street on upper level Looking Back

PROJECTED VISUAL 1, 1a
PROJECTED VISUAL 2, 2a.

COMPARISON OF "SHADOWING"

FOR 1705 & 1709 SOUTH PACIFIC STREET



SCALE: 1 inch = 20 feet

1/20/11 (RC10-00004) VISUAL 1

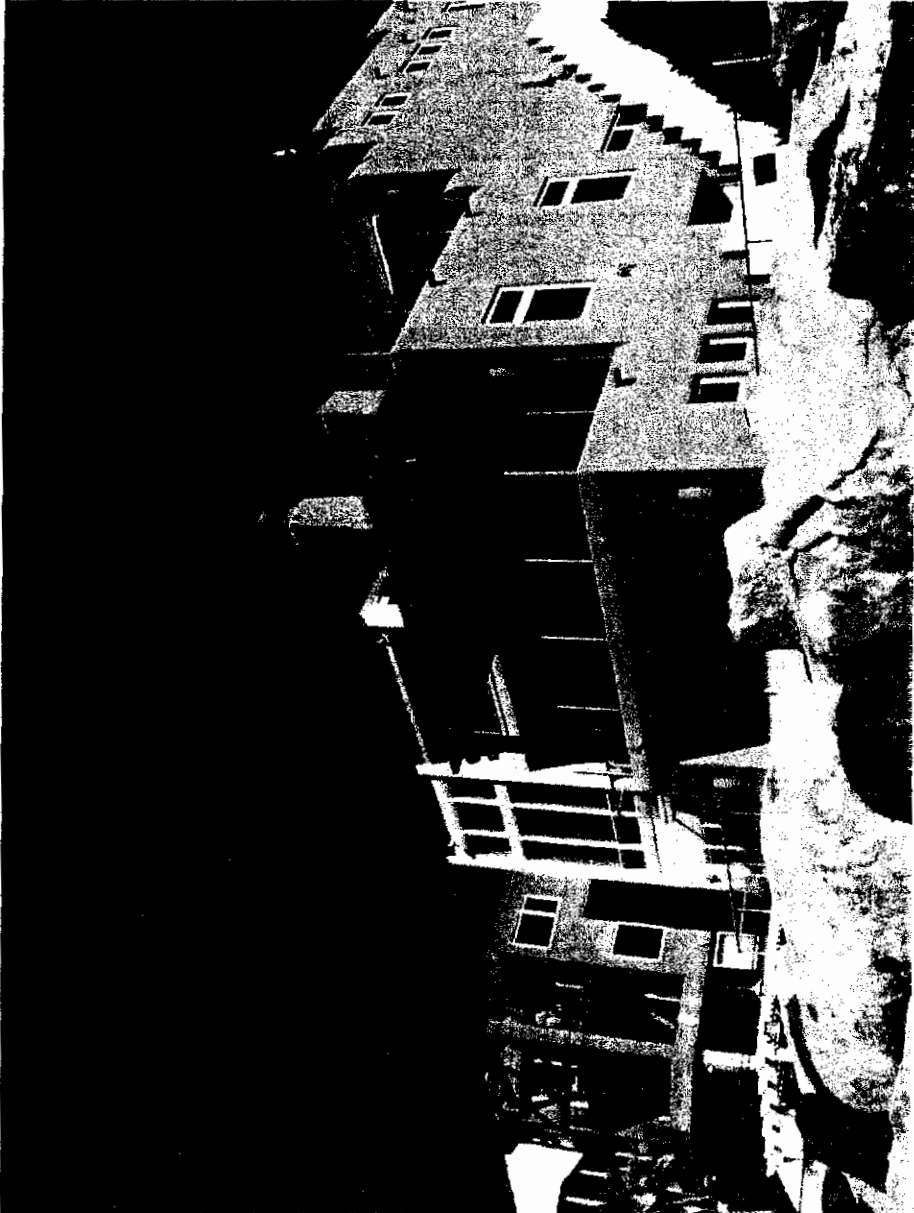
City of Oceanside

City Council Public Hearing

March 16, 2011

Stensrud Addition

Regular Coastal Permit (RC10-00004)



PROJECTED VISUAL 1a

**City of Oceanside
City Council Public Hearing**

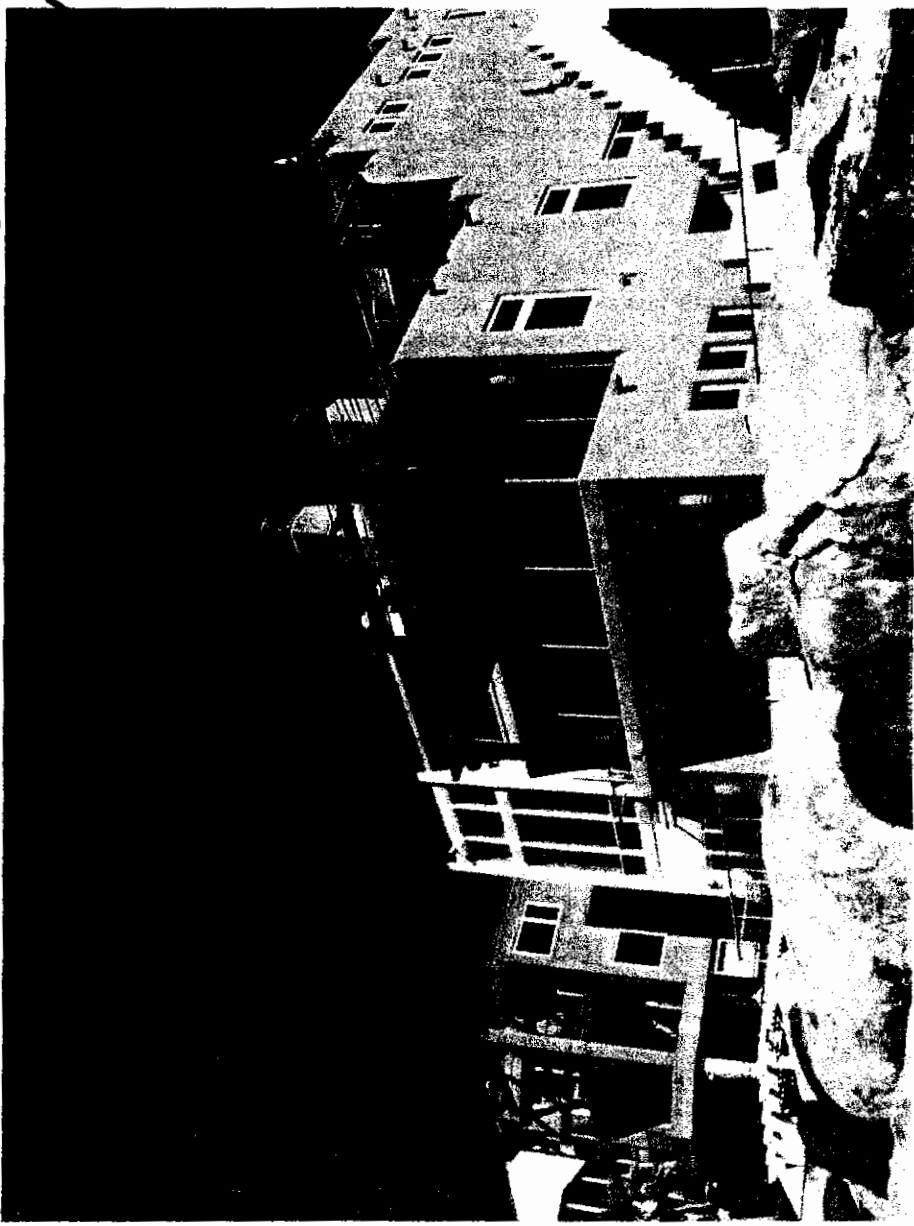
March 16, 2011

Stensrud Addition

Regular Coastal Permit (RC10-00004)

**PROJECTED
VISUAL IMPACT**

✓
✓



Proposed Visual 2

City of Oceanside
City Council Public Hearing

March 16, 2011

Stensrud Addition Regular Coastal Permit (RC10-00004)

View Impacts from Sharpe Residence



View to the southeast from enclosed space at 2nd level above the beach



View to the southeast from open deck area at 3rd level above the beach

PROTECTED VISUA 2a

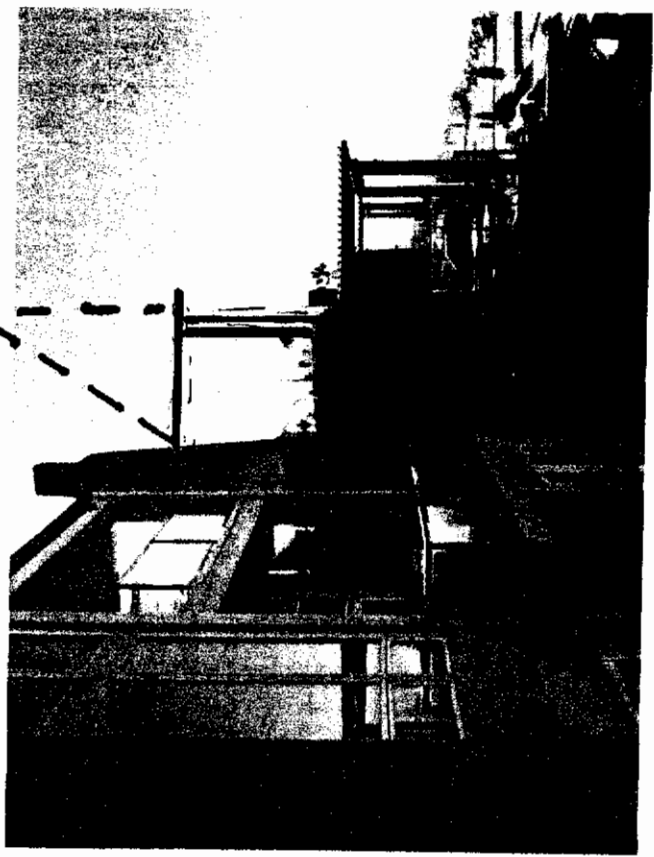
City of Oceanside
City Council Public Hearing

March 16, 2011

Stensrud Addition
Regular Coastal Permit (RC10-00004)

View Impacts from Sharpe Residence

PROTECTED VISUAL IMPACT



View to the southeast from enclosed space at 2nd level above the beach



View to the southeast from open deck area at 3rd level above the beach

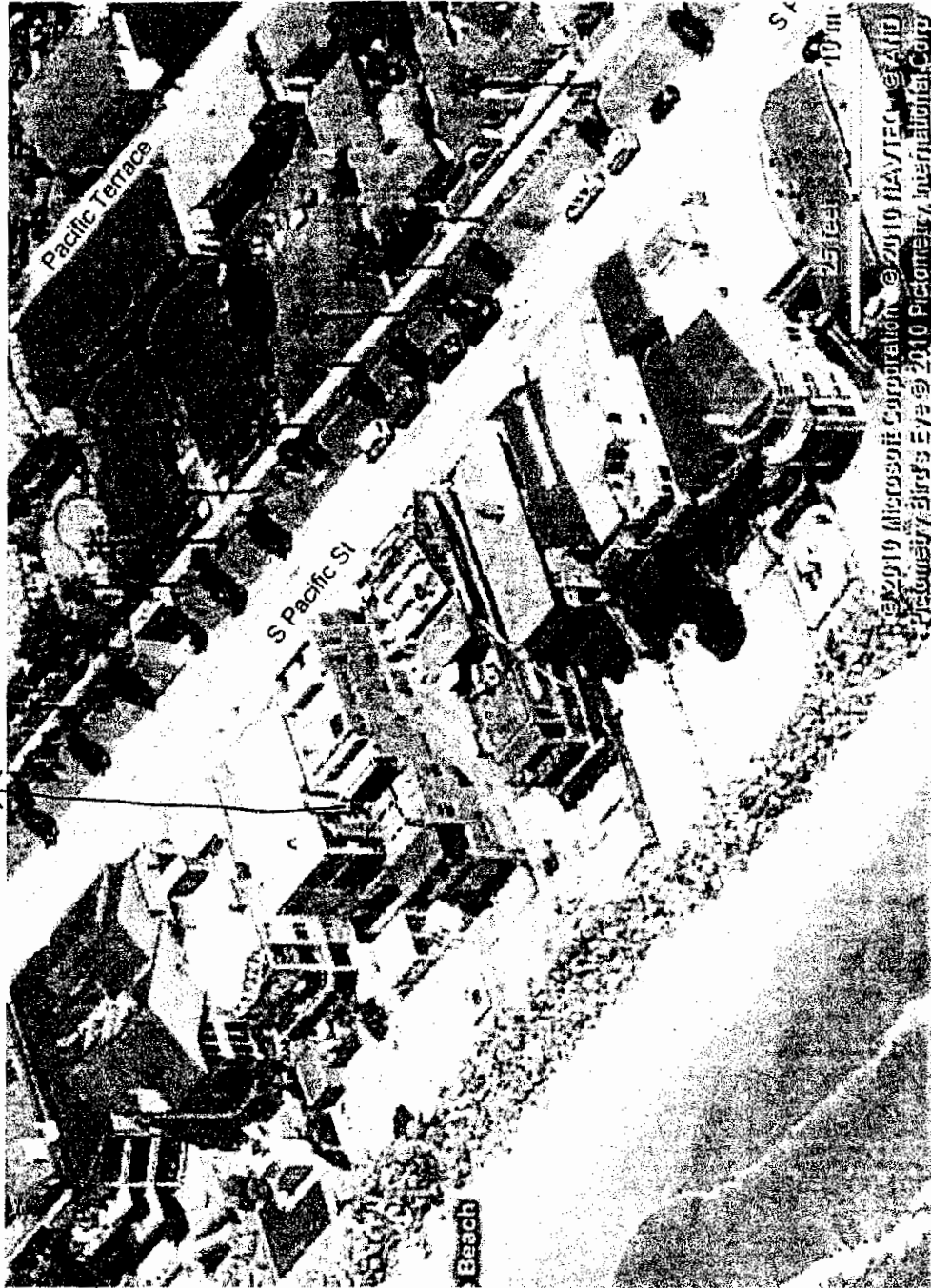
City of Oceanside
City Council Public Hearing

March 16, 2011

Stensrud Addition

Regular Coastal Permit (RC10-00004)

NO VISUAL & ACCESS IMPEDIMENT



RECEIVED

APR 15 2011

California Legislative Commission
San Diego Coastal District

**City of Oceanside
City Council Public Hearing**

March 16, 2011

Stensrud Addition

Regular Coastal Permit (RC10-00004)

NO VISUAL ACCESS IMPROVEMENT



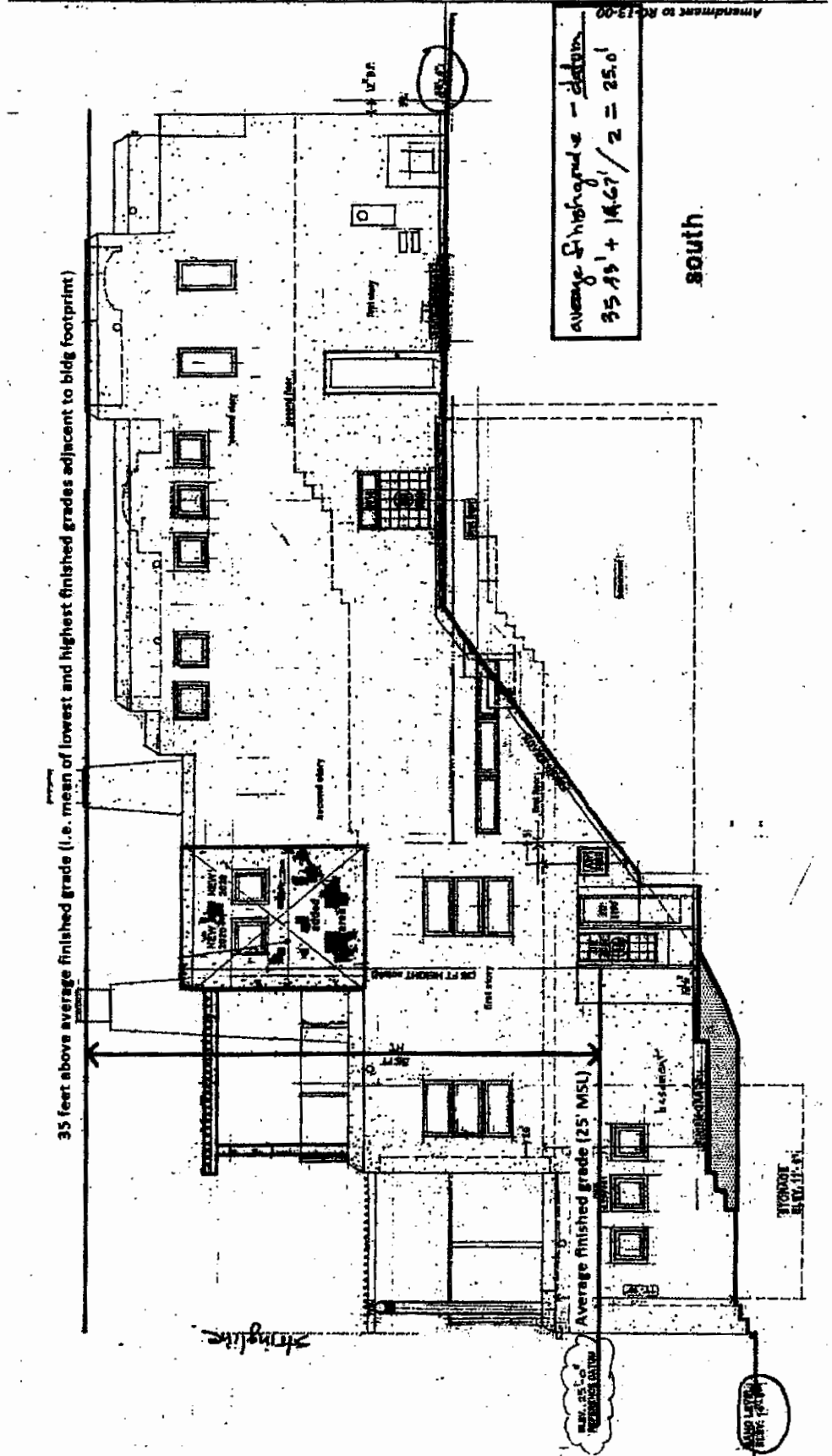
RECEIVED

APR 15 2011

City Council Public Hearing

March 16, 2011

Stensrud Addition Regular Coastal Permit (RC10-000004)



Dan Matlach
1709 S Pacific St
Oceanside, CA 92054
760-967-9894
dmatlach@cox.net

May 2, 2011

California Coastal Commission
San Diego Coast District
7575 Metropolitan Dr, Suite 103
San Diego, CA 92108

RECEIVED
MAY 02 2011
California Coastal Commission
San Diego Coast District

Attn: Toni Ross
Regarding: Supplement #1 and Exhibits #1 through #17

To Whom it May Concern:

One week prior to the March 16, 2011 Oceanside City Council appeal hearing of the Stensrud Addition at 1705 S Pacific St, Oceanside I met with 4 of the 5 sitting council members. Two council members appeared to have little or no knowledge concerning current coastal issues or our Local Coastal Program.

A neighbor, residing at 1643 S Pacific Street, and I discussed various issues concerning the Local Coastal Program, the CA Coastal Act of 1976 and how this relates to the coastal zone in Oceanside. In particular we discussed the issues at Catamaran Beach (1639 S Pacific St, Oceanside) and the impact any additional wallification in this area would have on the public beach. There seemed to be little interest in the core issues with our Local Coastal Program and the oversight retained by the CA Coastal Commission.

Exhibit #12 (4 pages): 87 documents requested on April 5, 2011, through the Freedom of Information Act made of the City Clerk regarding Offer to Dedicate (OTD).

Exhibit #13 (19 pages): Staff Report, dated may15, 2002, Item No 28, purports to "adopt a resolution accepting certain offers to dedicate public coastal access easements". Properties #4 and #6 in the OTD make up in part Catamaran Beach adjacent to the Stensrud addition.

Exhibit #14 (1 page): Resolution No 02-R348-1, was adopted with all 5 council members voting in the affirmative.


Exhibit #15 (7 pages): On July 8, 2002, Resolution # 02-R348-1 was recorded with the San Diego County Recorder's office.

Exhibit #16 (1 page): On July 31, 2002, a letter was sent to Mr. Kim Burrafato from Douglas E Eddow confirming the recorded resolution as requested by the commission.

A council member who accepted the OTD for Catamaran Beach refuses, by his vote, to abide by the rules of the CA Coastal Act of 1976 and protect the public beach and abide by the Local Coastal Program of Oceanside. The decision to deny the appeal on March 16, 2011 is further evidence proving inconsistency with the Local Coastal Program of Oceanside.

Exhibit #17 (8 pages): Staff Recommendation of Appeal No 84-75, held on May 13, 1975, Paragraph I
Declarations – b. Precedent: The recommendation is discussing the same issue raised today. If the Stensrud
allowed it will confirm the negative precedent suggested in 1975 would or could occur sometime in the

The Stensrud addition is inconsistent with the Local Coastal Program and the CA Coastal Act of 1976 and
Appendix A of the Appeal filed April 4, 2011. The city council and the planning department of Oceanside

EXHIBIT NO. 6
APPLICATION NO.
A-6-OCN-11-028
Appellant's response
dated May 2, 2011
Page 1 of 42
 California Coastal Commission

to ignore their municipal responsibilities relating to the Local Coastal Program because they disagree with the CA Coastal Act of 1976.

Additional Exhibits # 1 - #11 (1 page each) are submitted for a visual understanding of the "shadow impact issue" at Catamaran Beach.

Exhibit #7: The red line is running across the face of the approved Stensrud addition, now 22 feet west of the existing structure built under the accepted code for 22 years.

Exhibit #8: For 22 years the City promoted and enforced a reduced roof string line setback changing the character of the neighborhood from "massive" wall like structures at the string line to an open and airy skyline with reduced articulation roof top setbacks. This is depicted by the red line. The City now is reverting back to the old massive wallification thereby changing the character of the neighborhood promoted 22 years ago. The black line signifies the extent to which the Stensrud addition was approved by City council on March 16, 2011. The blue line is the string line.

Exhibit #9: Displays the extent of the addition. City staff's reports and drawings never revealed an analysis of the impact of the "shadowing" on the public beach. There will be an additional loss of the south east view skyline.

Exhibit #10: The appellant received the CA Coastal Records Project Image #200407424 from the second city staff planner assigned to the Stensrud addition. This depicts the shadow impact on the street wall beginning at 1633 S pacific St to 1705 S Pacific St taken at 5:11 PM on Oct 23, 2004. The reciprocal shadow is projected on to the public beach in the morning with a greater impact.

Exhibit #11: Is a table displaying all images viewed from 1972 until Sept. 23, 2010 for 1705 S pacific St and adjacent properties noted in Exhibits #1 through #10.

Sincerely,

Signature on file 

Dan Matlach
Appellant

Encl: 24 sets Exhibits #1 - #10
1 set Exhibits #11 - #17

* color copies of Exhibits #1-11 associated with the submittal are included at the end of the staff report *

California Coastal Records Project
Images Applicable To This Appeal As Found In The Dataset Of
californiacoastline.org

<u>Image #</u>	<u>Day</u>	<u>Date</u>	<u>Time</u>	<u>Year</u>	<u>Comments</u>
201003557	Thu	Sep 23	15:14:35	2010	
200804120	Fri	Sep 19	13:57:40	2008	
200604125	Thu	Oct 19	12:53:14	2006	
200407424	Sat	Oct 23	17:11:35	2004	EXB # <i>10</i>
8988	Wed	Oct 30	12:30:41	2002	
8921017		Jan		1989	
8702171		Jun		1987	
7954086	Thu	May 3	15:21:00	1979	
7240051				1972	



CITY OF OCEANSIDE

DEPARTMENT OF THE CITY CLERK
BARBARA RIEGEL WAYNE

April 22, 2011

Dan Matlach
1709 S. Pacific St.
Oceanside, CA 92054

SUBJECT: Public Records Request

Dear Mr. Matlach:

This letter is in response to your Public Records Request received April 5, 2011 requesting copies of materials from Bill Marquis' file regarding City beach documentation. Copies are ready for pickup at the City Clerk's Office, 300 North Coast Highway, 2nd floor.

I left messages for you on April 11, 2011 and April 20, 2011 to let you know that the materials you requested are ready for pickup. Attached is an invoice for the cost of the materials.

If you have any questions, please contact our office at (760) 435-3000.

Sincerely,

Signature on file

Angella Ehrlich
Administrative Secretary

cc: John Mullen, City Attorney
Barbara Riegel Wayne, City Clerk



CITY OF OCEANSIDE

DEPARTMENT OF THE CITY CLERK
BARBARA RIEGEL WAYNE

Invoice Date: 4/11/11

CITY CLERK DEPARTMENT		
INVOICE		
Dan Matlach 1709 S. Pacific Street Oceanside, CA 92054		Make checks payable to: City of Oceanside Remit to: City Clerk 300 North Coast Highway Oceanside, CA 92054
DATE	DESCRIPTION	AMOUNT
4/11/2011	81 pgs. (8 ½ x 11) @ \$0.10 each page 6 pgs. (11 x 17 maps) @ \$0.20 each page (Copies of City Beach documentation from Bill Marquis' file)	\$ 8.10 \$ 1.20
TOTAL DUE		\$ 9.30

Expiration Date	Accession Type	Community	Permit Number	Applicant Name	Street Number	Street Name
	Other Legal Document (Other)	Oceanside	F-7815	Zanderson, John	1031	Forster & South Pacific Streets
4/25/2007	Offer to Dedicate (Lateral)	Oceanside	6-85-599	Harraway, Charley & Gail	999	North Pacific Street
	Deed Restriction (Lateral)	Oceanside	6-84-481	North Coast Village		Pacific Street
	Deed Restriction (Other)	Oceanside	6-83-494	Bush, Robert, Et Al	1007, 1213, 1215, 1229,	Pacific Street
7/1/2004	Offer to Dedicate (Lateral)	Oceanside	6-82-460	Westvig, Roger T. & Ann K.	1121	Pacific Street
10/20/2003	Offer to Dedicate (Lateral)	Oceanside	6-81-214	Lembas, Gerald	1737	Pacific Street
	Other Legal Document (Trail)	Oceanside	F-3633	Good, Don		South Hill Street
8/20/2003	Offer to Dedicate (Lateral)	Oceanside	6-82-205	McGowan, Thomas J.	1111	South Pacific Street
11/4/2006	Offer to Dedicate (Lateral)	Oceanside	6-85-433	Stoner, William R.	1219	South Pacific Street
	Deed Restriction (Lateral)	Oceanside	6-84-455	Cheadle, George et al	1305-1313	South Pacific Street
8/25/2002	Offer to Dedicate (Lateral)	Oceanside	F-8916	Gardner, Lynn & Lois	1307	South Pacific Street
6/19/2006	Offer to Dedicate (Lateral)	Oceanside	6-83-163	Lembas, Gerald, et al	1315	South Pacific Street
1/22/2002	Offer to Dedicate (Lateral)	Oceanside	F-9336	Ruden	1323	South Pacific Street
	Offer to Dedicate (Lateral)	Oceanside	F-9749	Call, Bob	1445-1455	South Pacific Street
11/12/2002	Offer to Dedicate (Lateral)	Oceanside	F-8058	Michell, John D.	1619	South Pacific Street
7/23/2000	Offer to Dedicate (Lateral)	Oceanside	6-82-429	Gillette, Parter, McClain	1633-1635	South Pacific Street
12/23/2003	Offer to Dedicate (Lateral)	Oceanside	6-85-408	Sharp, Jacob	1643	South Pacific Street
10/31/2006	Offer to Dedicate (Lateral)	Oceanside	A-84-075	Handy, Cilne	1701	South Pacific Street
7/15/1986	Offer to Dedicate (Lateral)	Oceanside	6-82-158	Owens, Harvey & Norma	1803	South Pacific Street
7/19/2003	Offer to Dedicate (Lateral)	Oceanside	F-7499	Brandt, Roy	1919	South Pacific Street
	Offer to Dedicate (Vertical)	Oceanside	F-8204	Chandler, Jeff & Ann Charlotte	1945	South Pacific Street
1/3/2001	Offer to Dedicate (Lateral)	Oceanside	6-83-193	Alger, Jean S.	913-915	South Pacific Street
8/25/2007	Offer to Dedicate (Lateral)	Oceanside	6-83-193			South Pacific Street

STAFF REPORT



ITEM NO. 28
CITY OF OCEANSIDE

DATE: May 15, 2002
TO: Honorable Mayor and City Councilmembers
FROM: Public Works Department
SUBJECT: **ADOPT A RESOLUTION ACCEPTING CERTAIN OFFERS TO DEDICATE PUBLIC COASTAL ACCESS EASEMENTS**

SYNOPSIS

Staff recommends that the City Council adopt a resolution accepting ten separate Irrevocable Offers of Public Access Easements on certain real properties along the coastal area of the City of Oceanside in connection with the California Coastal Act and the City's certified Local Coastal Plan, and authorize the City Clerk to file a certified copy of the resolution with the San Diego County Recorder.

BACKGROUND

Between 1981 and 1986, a total of ten Irrevocable Offer to Dedication Public Access Easement and Declaration of Restrictions documents ("Documents") were entered into by various property owners to provide an easement over a portion of their respective properties for public access and passive recreational use along the shoreline ("Properties"). A list of the Properties and a location map are attached as Exhibit "A", incorporated herein by this reference.

These documents were entered into as a condition to the development of the Properties as defined by the California Coastal Act of 1976 ("Act"). The Documents burden the Properties with an easement and are considered covenants and restrictions, which limit the use of the Properties. The respective owners of the Properties are restricted from interfering with the use of the Properties by the public for access and passive recreational use along the shoreline.

ANALYSIS

The Documents are originally for the benefit of the State of California. The Irrevocable Offer of Dedication Public Access Easement, with respect to the each of the individual documents, is binding for a period of 21 years. Prior to the expiration of each of the 21-year periods, the State has the right to offer each of the respective easements in perpetuity to other public agencies or private associations acceptable to the California Coastal Commission. Inasmuch as the various ten offers are to expire within a period of time relatively close to one another, staff is requesting approval of the ten offers pursuant to this one resolution.

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OCEANSIDE ACCEPTING CERTAIN OFFERS TO
DEDICATE PUBLIC COASTAL ACCESS EASEMENTS

WHEREAS, the California Coastal Commission and the City of Oceanside, pursuant to the California Coastal Act of 1976 (hereinafter the "Act"), have required property owners issued various coastal development permits to grant irrevocable offers to dedicate easements for public access on portions of the owners' real property; and

WHEREAS, property owners have irrevocably offered to dedicate the easements identified in Exhibit "A", attached hereto and incorporated herein by the reference, and that these irrevocable offers may be accepted during the period of time specified in each such offer, usually measured forward from the date of recording, after which time the offers expire; and

WHEREAS, the City of Oceanside wishes to accept these public access easements on those certain portions of real property in the City of Oceanside, in connection with the Act and with the City's certified Local Coastal Program (hereinafter "LCP"); and

WHEREAS, it is in the City of Oceanside's interest to accept these public access easements, which will run with the land and will be binding on the grantor(s), their heirs, successors, and assigns; and

WHEREAS, pursuant to the California Environmental Quality Act (hereinafter "CEQA"), Public Resources Code, Section 21000 et. seq., the acceptance of these easements is exempt under CEQA guidelines Section 15061(b)(3); and

1 SECTION 4. That the Clerk of the City of Oceanside hereby is authorized
2 and directed to record this resolution in the County Recorder for San Diego County.
3

4 PASSED AND ADOPTED by the City Council of the City of Oceanside,
5 California, this _____ day of _____, 2002, by the following vote:

6 AYES:
7 NAYS:
8 ABSENT:
9 ABSTAIN:

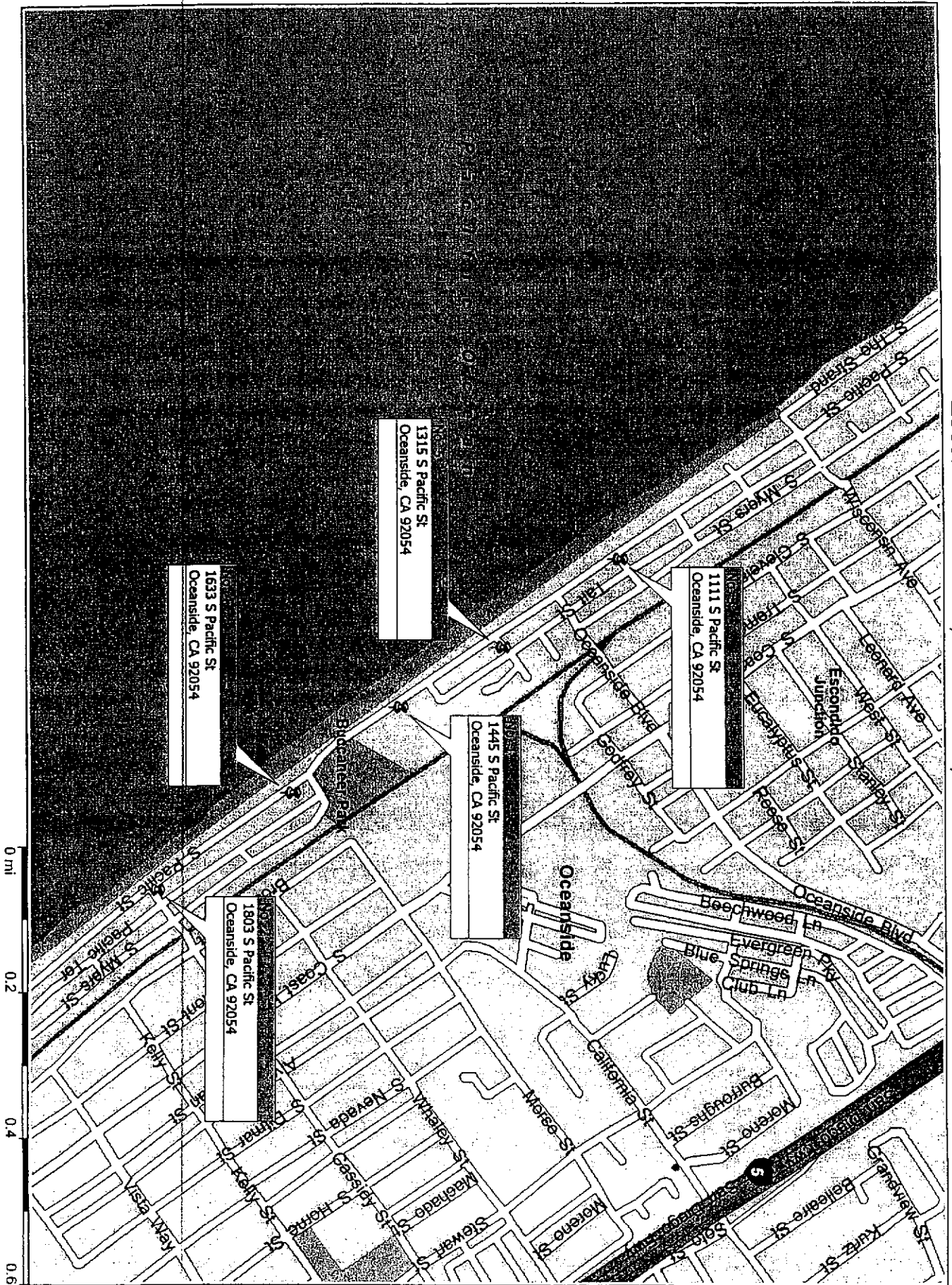
10
11 MAYOR OF THE CITY OF OCEANSIDE
12 APPROVED AS TO FORM:

13
14 CITY ATTORNEY

15 ATTEST:

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19 CITY CLERK

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1315 S Pacific St
Oceanside, CA 92054

1633 S Pacific St
Oceanside, CA 92054

1111 S Pacific St
Oceanside, CA 92054

1445 S Pacific St
Oceanside, CA 92054

1803 S Pacific St
Oceanside, CA 92054

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To LEGAL DEPT
ON 5/15

DATE: May 15, 2002
TO: Honorable Mayor and City Councilmembers
FROM: Public Works Department
SUBJECT: **ADOPTION OF A RESOLUTION BY THE CITY COUNCIL TO ACCEPT CERTAIN OFFERS TO DEDICATE PUBLIC COASTAL ACCESS EASEMENTS**

SYNOPSIS

The City Council is requested to adopt a resolution accepting nine separate Irrevocable Offers of Public Access Easements on certain real properties along the coastal area of the City of Oceanside, in connection with the California Coastal Act and the City's certified Local Coastal Plan and authorize the City Clerk to record the resolution with the County Recorder's Office of San Diego County.

BACKGROUND

Between 1981 and 1986 a total of nine Irrevocable Offer to Dedication Public Access Easement and Declaration of Restrictions documents ("Documents") were entered into by various property owners to provide an easement over a portion of their respective properties for public access and passive recreational use along the shoreline ("Properties"). A list of the Properties and a location map are attached as Exhibit "A", incorporated herein by this reference.

These documents were entered into as a condition to the development of the Properties as defined by the California Coastal Act of 1976 ("Act"). The Documents burden the Properties with an easement and are considered covenants and restrictions, which limit the use of the Properties. The respective owners of the Properties are restricted from interfering with the use of the Properties by the public for access and passive recreational use along the shoreline.

ANALYSIS

The Documents are originally for the benefit of the State of California. The irrevocable offer of dedication, with respect to the each of the individual documents are binding for a period of 21 years. Prior to the expiration of each of the 21-year periods, the State has

the right to offer each of the respective easements in perpetuity to other public agencies or private associations acceptable to the California Coastal Commission. Inasmuch as the various nine offers are to expire within a period of time relatively close to one another, Staff is requesting approval of the nine offers pursuant to this one Resolution.

The adoption of a Resolution by the City to accept the respective public access easements as set forth in the Documents will provide continued public access to the shoreline and the public land seaward of the mean high tide line. The acceptance of the real property as described in the Documents is consistent with the Act and the City's Local Coastal Plan.

FISCAL IMPACT

There is no fiscal impact to the City's general fund by acceptance of the offers. Typically lateral coastal access easements of this type do not require physical improvements. The City would be responsible for public health and safety issues, which may arise in these areas.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

The City Attorney's Office has reviewed the Documents and the Resolution and has approved the Resolution as to form.

RECOMMENDATION

The Public Works Director recommends that the City Council:

- 1) Direct the City Clerk to adopt a Resolution to accept the real property interests as described in the Documents for public access and passive recreational use along the shoreline.
- 2) Direct the City Clerk to authorize and direct the recordation of the Resolution in the County Recorder's Office of San Diego County.

PREPARED BY:

SUBMITTED BY:

DOUGLAS E. EDDOW
Senior Property Agent

STEVEN R. JEPSEN
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant to the City Manager

Peter A. Weiss, Public Works Director

Don Hadley, Director of Harbor and Beaches

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 OCEANSIDE ACCEPTING CERTAIN OFFERS TO
4 DEDICATE PUBLIC COASTAL ACCESS EASEMENTS
5

6 WHEREAS, the State Coastal Commission and the City of Oceanside, pursuant
7 to the California Coastal Act of 1976 (hereinafter the "Act"), have required property
8 owners issued various coastal development permits to grant irrevocable offers to
9 dedicate easements for public access on portions of the owners' real property; and
10

11 WHEREAS, property owners have irrevocably offered to dedicate the
12 easements identified in Exhibit A-1 through A-9, attached hereto and incorporated
13 herein by the reference, and that these irrevocable offers may be accepted during the
14 period of time specified in each such offer, usually measured forward from the date of
15 recording, after which time the offers expire; and
16

17 WHEREAS, the City of Oceanside wishes to accept these public access
18 easements on those certain portions of real property in the City of Oceanside, in
19 connection with the Act and with the City's certified Local Coastal Program (hereinafter
20 "LCP"); and
21

22 WHEREAS, it is in the City of Oceanside's interest to accept these public access
23 easements, which will run with the land and will be binding on the grantor(s), their
24 heirs, successors, and assigns; and
25

26 WHEREAS, pursuant to the California Environmental Quality Act (hereinafter
27 "CEQA"), Public Resources Code, Section 21000 et. seq., the acceptance of these
28 easements is exempt under CEQA guidelines Section 15061(b)(3); and

1 WHEREAS, Government Code Section 7050 of the State of California provides
2 that offers of dedication may be timely accepted by the City Council.

3
4 NOW, THEREFORE, the City Council of the City of Oceanside does hereby find,
5 determine and resolve as follows with regard to those easements described by
6 documents listed in the attached Exhibits A-1 through A-9:

7
8 SECTION 1. That the above recitals are true and correct.

9
10 SECTION 2. That all of these public access easements are located with
11 the Coastal Zone and that their acceptance is consistent with the Act and the City of
12 Oceanside's LCP, which strongly favors public access to the shoreline and the public
13 land seaward of the mean high tide line.

14
15 SECTION 3. That on behalf of the People of the State of California and the
16 City of Oceanside, the City Council for the City of Oceanside, County of San Diego,
17 State of California hereby accepts the real property interests as described in the
18 irrevocable offers to dedicate public access easements as recorded in the official
19 records of the County Recorder for San Diego County, and more specifically described
20 in the documents listed on attached Exhibits A-1 through A-9.

21
22 SECTION 4. That the Clerk of the City of Oceanside hereby is authorized
23 and directed to record this resolution in the County Recorder for San Diego County.

24
25 PASSED AND ADOPTED by the City Council of the City of Oceanside,
26 California, this _____ day of _____, 2002, by the following vote:

27 AYES:

28 NAYS:

 ABSENT:

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ABSTAIN:

MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

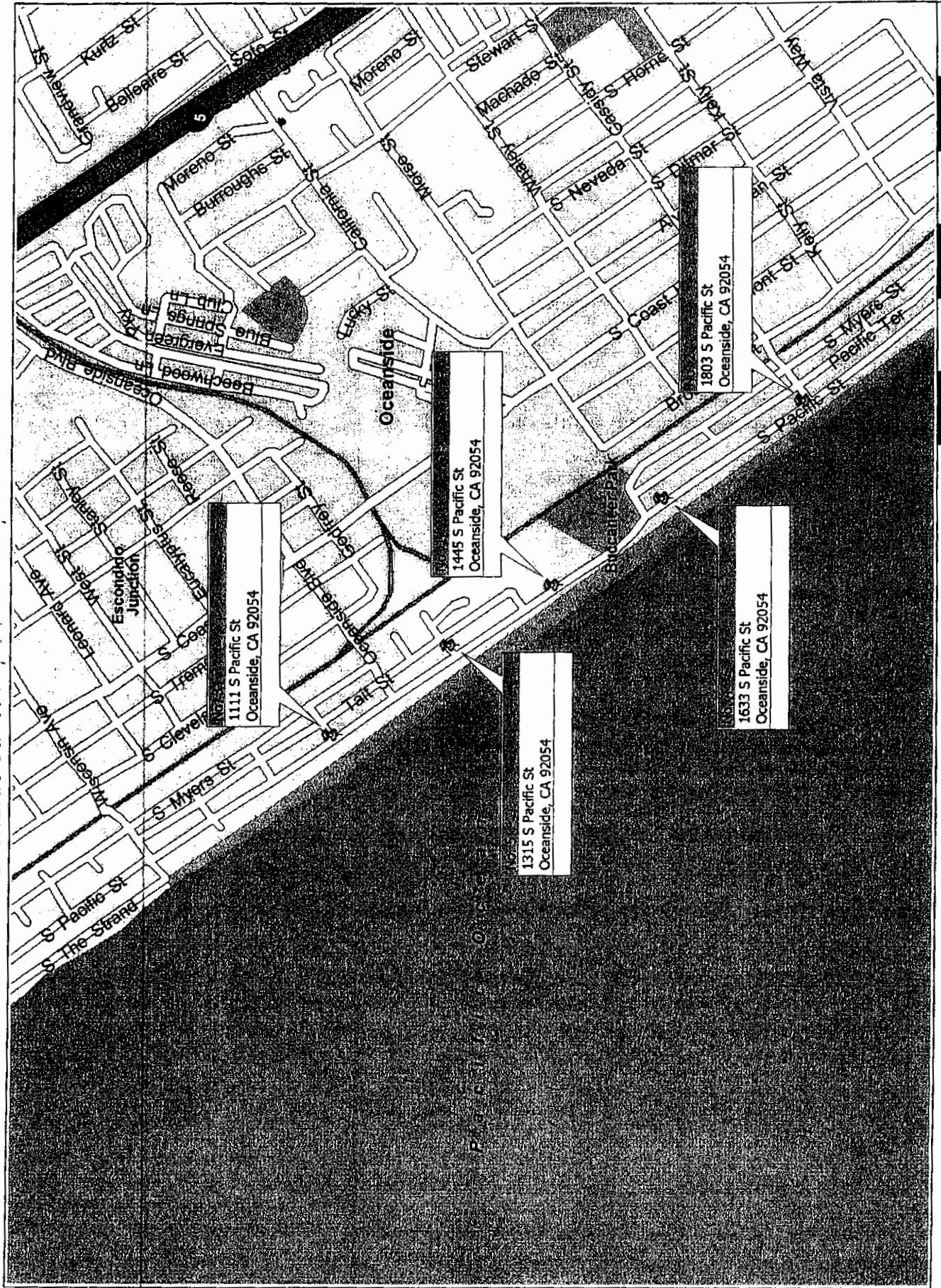
APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY

OFFERS TO DEDICATE ("OTD") PUBLIC COASTAL ACCESS EASEMENTS

No.	Original Grantor/Applicant	Location	Assessor's Parcel No.	History
1.	White Water Village, a CA LP (by Bob Call)	1445-1455 S. Pacific St.	153-012-044 (formerly parcels 022-028)	OTD rec: 11/12/81 expires: 11/12/02
2.	Owen, Harvey S. & Norma M.	1803 S. Pacific St.	153-250-002	OTD rec: 7/19/82 expires: 7/19/03
3.	McGown, Thomas J. & Sylvia S.	1111 S. Pacific St.	152-075-004	OTD rec: 8/20/82 expires: 8/20/03
4.	Gillette, Richard H. & Joan L.; Panther, James B. & Marie B.; and McLain, John A. & Barbara B.	1633-1635 S. Pacific St.	153-091-013 & 014	OTD rec: 12/23/82 expires: 12/23/03
5.	Lembas, Gerald A.	1315 S. Pacific St.	152-142-008	OTD rec: 6/19/85 expires: 6/19/06
6.	Sharp, Jacob & Kellogg-Sharp, Ann	1643 S. Pacific St.	153-091-017	OTD rec: 10/31/85 expires: 10/31/06
7.	Stoner, William R. & Virginia	1219 S. Pacific St.	152-141-007	OTD rec: 11/04/85 expires: 11/04/06
8.	1031 South Pacific Shores, Ltd, a CA LP (by Charley E. & Gail Harraway)	NWC S. Pacific St. & Forster St.	152-076-014 (formerly parcels 012 & 013)	OTD rec: 4/25/86 expires: 4/25/07
9.	The Algert Family Trust dated 11/8/1974 by Jean S. Algert, trustee	913-915 S. Pacific St.	150-355-014 (formerly parcels 004 & 012)	OTD rec: 8/25/86 expires: 8/25/07



1111 S Pacific St
Oceanside, CA 92054

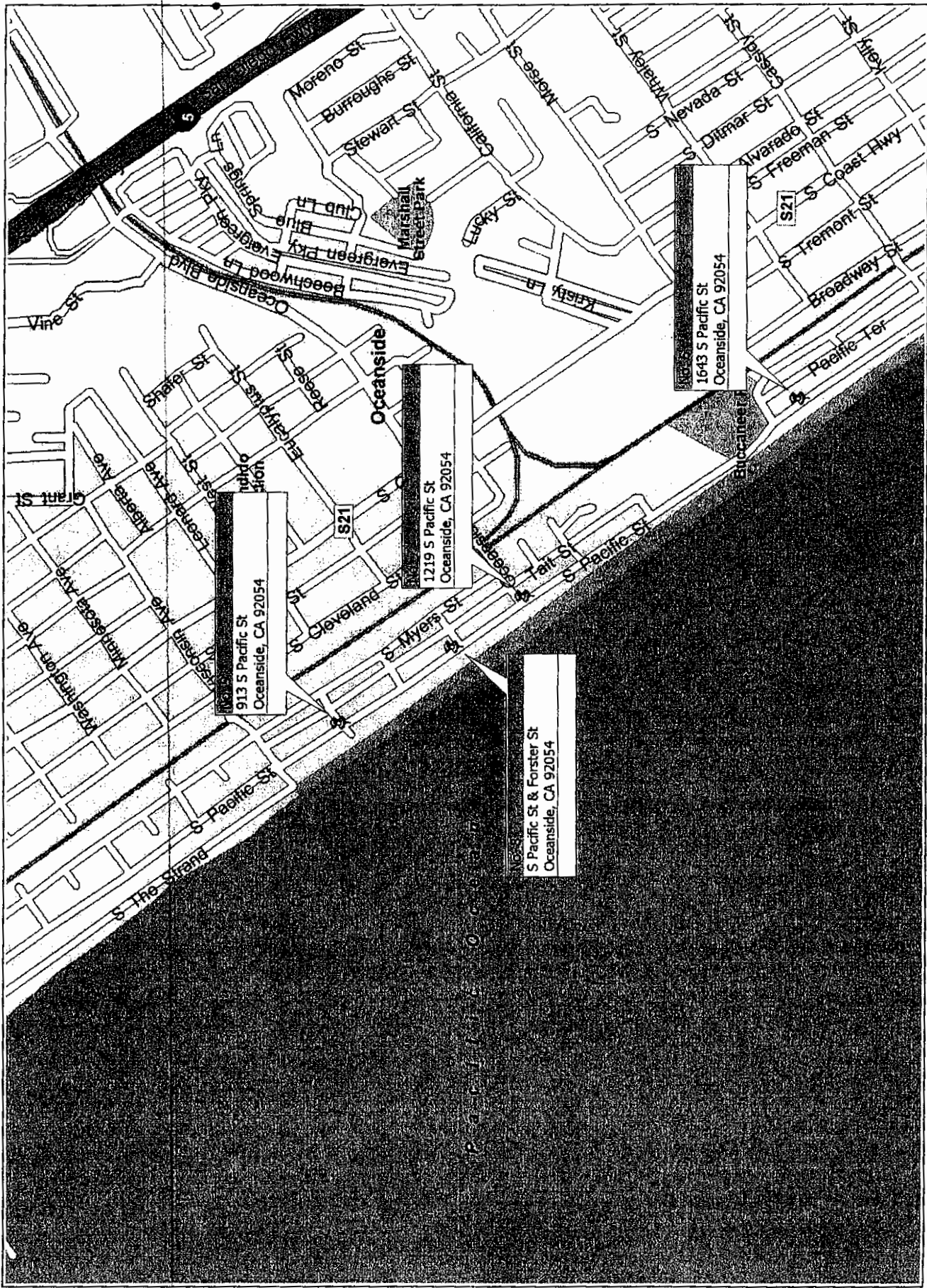
1445 S Pacific St
Oceanside, CA 92054

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Oceanside, CA 92054

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Oceanside, CA 92054

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913 S Pacific St
Oceanside, CA 92054

1219 S Pacific St
Oceanside, CA 92054

1643 S Pacific St
Oceanside, CA 92054

S Pacific St & Forster St
Oceanside, CA 92054

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RESOLUTION NO. 02-R348-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OCEANSIDE ACCEPTING CERTAIN OFFERS TO
DEDICATE PUBLIC COASTAL ACCESS EASEMENTS

WHEREAS, the California Coastal Commission and the City of Oceanside, pursuant to the California Coastal Act of 1976 (hereinafter the "Act"), have required property owners issued various coastal development permits to grant irrevocable offers to dedicate easements for public access on portions of the owners' real property; and

WHEREAS, property owners have irrevocably offered to dedicate the easements identified in Exhibit "A", attached hereto and incorporated herein by the reference, and that these irrevocable offers may be accepted during the period of time specified in each such offer, usually measured forward from the date of recording, after which time the offers expire; and

WHEREAS, the City of Oceanside wishes to accept these public access easements on those certain portions of real property in the City of Oceanside, in connection with the Act and with the City's certified Local Coastal Program (hereinafter "LCP"); and

WHEREAS, it is in the City of Oceanside's interest to accept these public access easements, which will run with the land and will be binding on the grantor(s), their heirs, successors, and assigns; and

WHEREAS, pursuant to the California Environmental Quality Act (hereinafter "CEQA"), Public Resources Code, Section 21000 et. seq., the acceptance of these easements is exempt under CEQA guidelines Section 15061(b)(3); and

1 WHEREAS, Government Code Section 7050 of the State of California provides
2 that offers of dedication may be timely accepted by the City Council.

3
4 NOW, THEREFORE, the City Council of the City of Oceanside does hereby find,
5 determine and resolve as follows with regard to those easements described by
6 documents listed in the attached Exhibit "A":

7
8 SECTION 1. That the above recitals are true and correct.

9
10 SECTION 2. That all of these public access easements are located within
11 the Coastal Zone and that their acceptance is consistent with the Act and the City of
12 Oceanside's LCP, which strongly favors public access to the shoreline and the public
13 land seaward of the mean high tide line.

14
15 SECTION 3. That on behalf of the People of the State of California and the
16 City of Oceanside, the City Council for the City of Oceanside hereby accepts the real
17 property interests as described in the irrevocable offers to dedicate public access
18 easements as recorded in the official records of the County Recorder for San Diego
19 County, and more specifically described in the documents listed on attached Exhibit
20 "A".

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1 SECTION 4. That the Clerk of the City of Oceanside hereby is authorized
2 and directed to record this resolution in the County Recorder for San Diego County.
3

4 PASSED AND ADOPTED by the City Council of the City of Oceanside,
5 California, this 15th day of May, 2002, by the following vote:

6 AYES: JOHNSON, FELLER, HARDING, McCAULEY, SANCHEZ
7 NAYS: NONE
8 ABSENT: NONE
9 ABSTAIN: NONE

10 *Signature on file* ?

11 ~~Mayor of the City of Oceanside~~
12 APPROVED AS TO FORM:

13 *Signature on file*

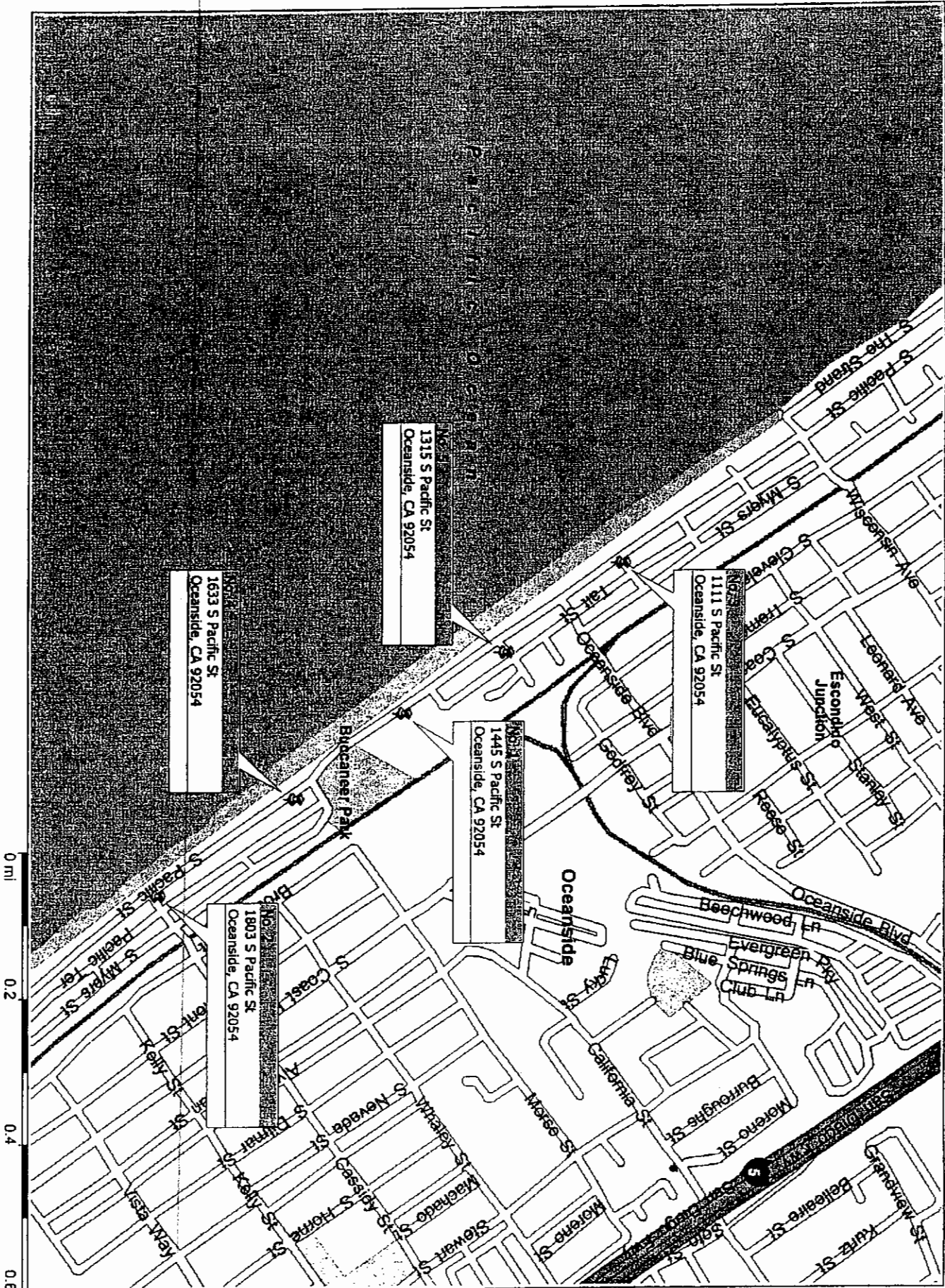
14 ~~CITY ATTORNEY~~ *Conf*

15
16 ATTEST:

17 *Barbara Regal Payne*
18
19 ~~Barbara Regal Payne~~
20 CITY CLERK

OFFERS TO DEDICATE ("OTD") PUBLIC COASTAL ACCESS EASEMENTS

No.	Original Grantor/Applicant	Location & Assessor No.	Parcel No.	Permit No.	Recording No.
1.	White Water Village, a CA LP (by Bob Call)	1445-1455 S. Pacific St. 153-012-044 (formerly parcels 022-028)		F 9749	81-357557
2.	Owen, Harvey S. & Norma M.	1803 S. Pacific St. 153-250-002		6-82-158	82-220633
3.	McGown, Thomas J. & Sylvia S.	1111 S. Pacific St. 152-075-004		6-82-205	82-259248
4.	Gillette, Richard H. & Joan L.; Panther, James B. & Marie B; and McLain, John A. & Barbara B.	1633-1635 S. Pacific St. 153-091-013 & 014		6-82-429	82-393483
5.	Lembas, Gerald A.	1315 S. Pacific St. 152-142-008		6-83-163	85-219033
6.	Sharp, Jacob & Kellogg- Sharp, Ann	1643 S. Pacific St. 153-091-017		6-85-408	85-409558
7.	Stoner, William R. & Virginia	1219 S. Pacific St. 152-141-007		6-85-433	85-413321
8.	1031 South Pacific Shores, Ltd, a CA LP (by Charley E. & Gail Harraway)	NWC S. Pacific St. & Forster St. 152-076-014 (formerly parcels 012 & 013)		6-85-599	86-161022
9.	The Algert Family Trust dated 11/8/1974 by Jean S. Algert, trustee	913-915 S. Pacific St. 150-355-014 (formerly parcels 004 & 012)		6-83-193	83-301363
10.	Lembas, Gerald A.	1737 S. Pacific St. 153-091-034		6-81-214	82-322893



1315 S Pacific St
Oceanside, CA 92054

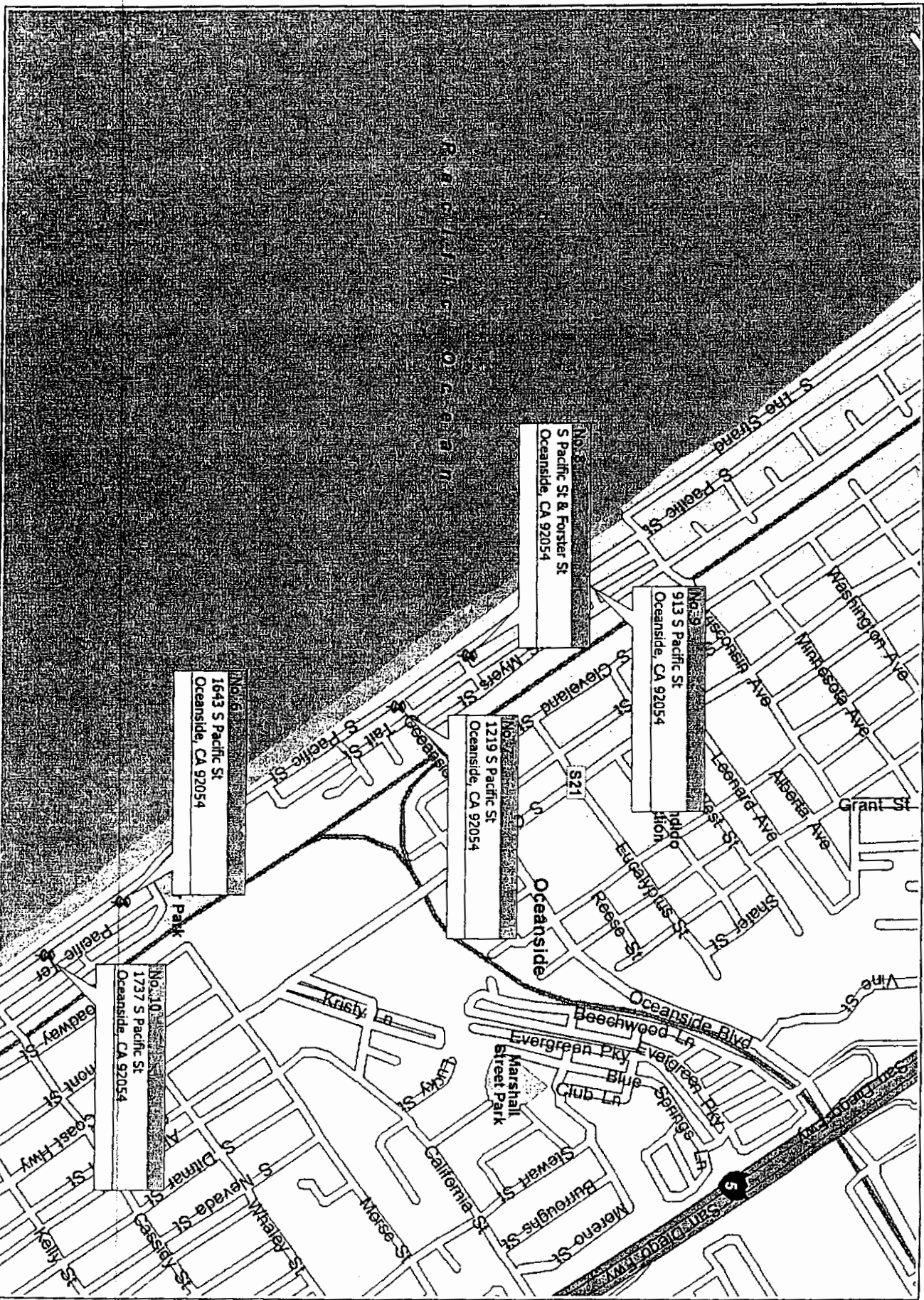
1111 S Pacific St
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28. Adoption of a resolution by the City Council to accept certain offers to dedicate public coastal access easements and authorization for the City Clerk to record the resolution with the County Recorder's Office of San Diego County

Resolution No. 02-R348-1 - Approved 5-0
Document No. 02-D349-1 [recorded Resolution No. 02-R348-1]
Document No. 02-D350-1 [White Water Village]
Document No. 02-D351-1 [Owen]
Document No. 02-D352-1 [McGown]
Document No. 02-D353-1 [Gillette, Panther & McLain]
Document No. 02-D354-1 [Lembas, 152-142-008]
Document No. 02-D355-1 [Sharp]
Document No. 02-D356-1 [Stoner]
Document No. 02-D357-1 [1031 S. Pacific Shores, Ltd.]
Document No. 02-D358-1 [Algert Family Trust]
Document No. 02-D359-1 [Lembas, 153-091-034]

29. Adoption of a resolution to forgive one-fifth of the \$300,000 forgivable loan made by the City to Poinsettia Center for the Arts to purchase the Star Theater and provide community theater activities for the benefit of the citizens of Oceanside

Resolution No. 02-R360-1 - Approved 5-0

PUBLIC COMMUNICATIONS ON CITY COUNCIL MATTERS (OFF AGENDA ITEMS)

No action will be taken by the City Council on matters in this category unless it is determined that an emergency exists or that there is a need to take action that became known subsequent to the posting of the agenda.

Advance written requests to speak: None

30. Communications from the public regarding items not on this agenda

5 speakers

MAYOR AND/OR COUNCILMEMBER ITEMS

31. Request by Mayor Johnson for introduction of San Diego County Board of Supervisor [Chairman Ron Roberts and] Supervisor Bill Horn for presentation on regional governance; discussion and if desired, action and direction to staff

Supervisor Horn explained the County's position

32. Request by Councilmember Sanchez for an update on the status of the satellite senior center, discussion, and direction to staff if needed

Discussed status

EXHIBIT 14

JUL 08, 2002 11:14 AM

Recording Requested By:

City of Oceanside

And When Recorded Mail To:

City Clerk
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 0.00

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Document No. 02-D349-1
5/15/02 (28)

RESOLUTION NO. 02-R348-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OCEANSIDE ACCEPTING CERTAIN OFFERS TO
DEDICATE PUBLIC COASTAL ACCESS EASEMENTS

WHEREAS, the California Coastal Commission and the City of Oceanside,
pursuant to the California Coastal Act of 1976 (hereinafter the "Act"), have required
property owners issued various coastal development permits to grant irrevocable
offers to dedicate easements for public access on portions of the owners' real
property; and

WHEREAS, property owners have irrevocably offered to dedicate the
easements identified in Exhibit "A", attached hereto and incorporated herein by the
reference, and that these irrevocable offers may be accepted during the period of time
specified in each such offer, usually measured forward from the date of recording, after
which time the offers expire; and

WHEREAS, the City of Oceanside wishes to accept these public access
easements on those certain portions of real property in the City of Oceanside, in
connection with the Act and with the City's certified Local Coastal Program (hereinafter
"LCP"); and

WHEREAS, it is in the City of Oceanside's interest to accept these public access
easements, which will run with the land and will be binding on the grantor(s), their
heirs, successors, and assigns; and

WHEREAS, pursuant to the California Environmental Quality Act (hereinafter
"CEQA"), Public Resources Code, Section 21000 et. seq., the acceptance of these
easements is exempt under CEQA guidelines Section 15061(b)(3); and

EXHIBIT 15

1 WHEREAS, Government Code Section 7050 of the State of California provides
2 that offers of dedication may be timely accepted by the City Council.

3
4 NOW, THEREFORE, the City Council of the City of Oceanside does hereby find,
5 determine and resolve as follows with regard to those easements described by
6 documents listed in the attached Exhibit "A":

7
8 SECTION 1. That the above recitals are true and correct.

9
10 SECTION 2. That all of these public access easements are located within
11 the Coastal Zone and that their acceptance is consistent with the Act and the City of
12 Oceanside's LCP, which strongly favors public access to the shoreline and the public
13 land seaward of the mean high tide line.

14
15 SECTION 3. That on behalf of the People of the State of California and the
16 City of Oceanside, the City Council for the City of Oceanside hereby accepts the real
17 property interests as described in the irrevocable offers to dedicate public access
18 easements as recorded in the official records of the County Recorder for San Diego
19 County, and more specifically described in the documents listed on attached Exhibit
20 "A".

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1 SECTION 4. That the Clerk of the City of Oceanside hereby is authorized
2 and directed to record this resolution in the County Recorder for San Diego County.

3
4 PASSED AND ADOPTED by the City Council of the City of Oceanside,
5 California, this 15th day of May, 2002, by the following vote:

6 AYES: JOHNSON, FELLER, HARDING, McCAULEY, SANCHEZ
7 NAYS: NONE
8 ABSENT: NONE
9 ABSTAIN: NONE

10 *Signature on file*
11 ~~MAYOR OF THE CITY OF OCEANSIDE~~
12 ~~APPROVED AS TO FORM:~~

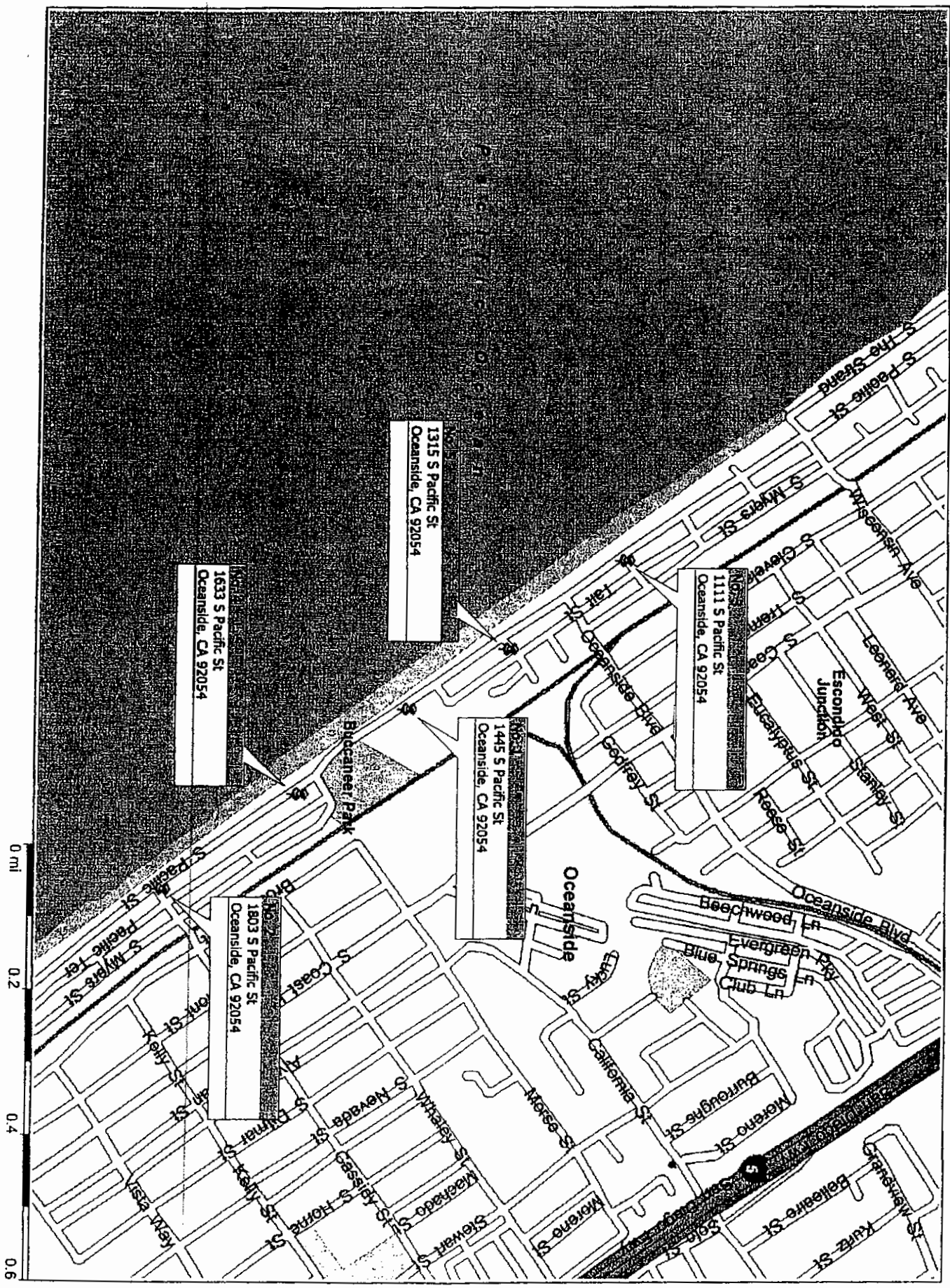
13 *Signature on file*
14 ~~CITY ATTORNEY~~ *Con*

15
16 ATTEST:

17 *Signature on file*
18 *Signature*
19 CITY CLERK

OFFERS TO DEDICATE ("OTD") PUBLIC COASTAL ACCESS EASEMENTS

No.	Original Grantor/Applicant	Location & Assessor Parcel No.	Permit No.	Recording No.
1.	White Water Village, a CA LP (by Bob Call)	1445-1455 S. Pacific St. 153-012-044 (formerly parcels 022-028)	F 9749	81-357557
2.	Owen, Harvey S. & Norma M.	1803 S. Pacific St. 153-250-002	6-82-158	82-220633
3.	McGown, Thomas J. & Sylvia S.	1111 S. Pacific St. 152-075-004	6-82-205	82-259248
4.	Gillette, Richard H. & Joan L.; Panther, James B. & Marie B; and McLain, John A. & Barbara B.	1633-1635 S. Pacific St. 153-091-013 & 014	6-82-429	82-393483
5.	Lembas, Gerald A.	1315 S. Pacific St. 152-142-008	6-83-163	85-219033
6.	Sharp, Jacob & Kellogg- Sharp, Ann	1643 S. Pacific St. 153-091-017	6-85-408	85-409558
7.	Stoner, William R. & Virginia	1219 S. Pacific St. 152-141-007	6-85-433	85-413321
8.	1031 South Pacific Shores, Ltd, a CA LP (by Charley E. & Gail Harraway)	NWC S. Pacific St. & Forster St. 152-076-014 (formerly parcels 012 & 013)	6-85-599	86-161022
9.	The Algert Family Trust dated 11/8/1974 by Jean S. Algert, trustee	913-915 S. Pacific St. 150-355-014 (formerly parcels 004 & 012)	6-83-193	83-301363
10.	Lembas, Gerald A.	1737 S. Pacific St. 153-091-034	6-81-214	82-322893



1315 S Pacific St
Oceanside, CA 92054

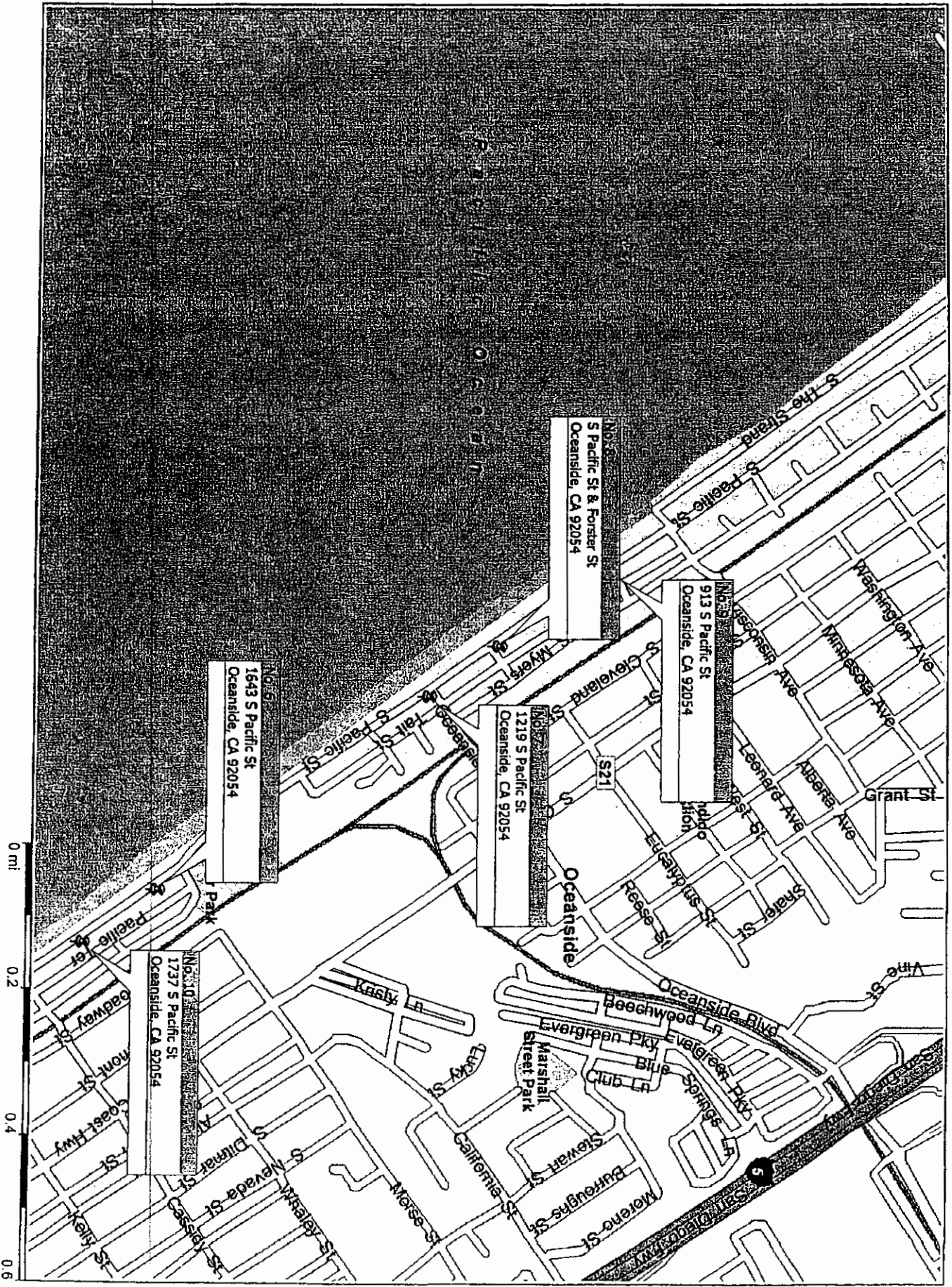
1111 S Pacific St
Oceanside, CA 92054

1445 S Pacific St
Oceanside, CA 92054

1633 S Pacific St
Oceanside, CA 92054

1803 S Pacific St
Oceanside, CA 92054

0 mi
0.2
0.4
0.6



5 Pacific St & Forster St
Oceanside, CA 92054

913 S Pacific St
Oceanside, CA 92054

1219 S Pacific St
Oceanside, CA 92054

1643 S Pacific St
Oceanside, CA 92054

1737 S Pacific St
Oceanside, CA 92054

0 mi
0.2
0.4
0.6



CITY OF OCEANSIDE

DEPARTMENT OF THE CITY CLERK
BARBARA RIEGEL WAYNE

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF OCEANSIDE)

I, Barbara Riegel Wayne, City Clerk of the City of Oceanside, hereby certify that the foregoing is a true and correct copy of **Resolution No. 02-R348-1** dated **May 15, 2002** and approved by the Oceanside City Council.

Signature on file
B, FOR
Barbara Riegel Wayne, City Clerk
City of Oceanside, California

Dated: June 27, 2002



CITY OF OCEANSIDE

PUBLIC WORKS DEPARTMENT
PROPERTY MANAGEMENT

July 31, 2002

Mr. Kim Burrafato
Coastal Program Analyst
CALIFORNIA COASTAL COMMISSION
45 Fremont Street, Suite 2000
San Francisco, California 94105-2219

Re: City of Oceanside Resolution Accepting Offers to Dedicate Public Coastal Access
Easement

Dear Kim:

As requested, enclosed is a copy of the recorded "Resolution of the City Council of the City of Oceanside Accepting Certain Offers to Dedicate Public Coastal Access Easements". Should you have any questions, please do not hesitate to give me a call at (760) 435-5012. Again, thank you for your help in this matter.

Very Truly Yours,

Signature on file

Douglas E. Eddow
Senior Property Agent

w/enclosures

EXHIBIT 16

CALIFORNIA COASTAL ZONE CONSERVATION COMMISSION

1540 Market Street, San Francisco 94102 — (415) 557-1001

P.A.
[C. *Handy*]

STAFF RECOMMENDATION

Appeal No. 84-75
(Handy)
60th Day: 6/19/75

DECISION OF REGIONAL COMMISSION: Permit granted by San Diego Coast Regional Commission

PERMIT APPLICANT: Gline A. Handy

APPELLANT: Oceanside Environmental Action Group

DEVELOPMENT LOCATION: ^{SD} 15 S. Pacific St., City of Oceanside, San Diego County (Exhibit 1; aerial photographs of the area will be available at the Commission meeting)

DEVELOPMENT DESCRIPTION: Single-family home (Exhibit 2)

PUBLIC HEARING: Held on May 13, 1975 in Inglewood

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby approves a permit for the proposed development on the grounds the proposed development, as conditioned below, would not have any substantial adverse environmental or ecological effects and would be consistent with the findings, declarations, and objectives of the California Coastal Zone Conservation Act of 1972.

II. Conditions.

1. Beach Construction. The applicant shall not construct fencing or any other permanent installations on the sandy beach seaward of the toe of the bluff.
2. Public Access. The applicant shall offer to make a dedication to the public of a 6 ft. strip of his lot immediately landward of and contiguous to the existing rock revetment. This offer shall remain open for 10 years and may be accepted by the City or County of San Diego or the State of California. Evidence of recrdation of the offer shall be submitted to the Executive Director of the San Diego Coast Regional Commission prior to commencement of construction.
3. All other conditions imposed by the San Diego Regional Commission not inconsistent with the above remain in full force and effect.

EXHIBIT 17

III. Findings and Declarations.

1. Impact on Public Use of Beach.

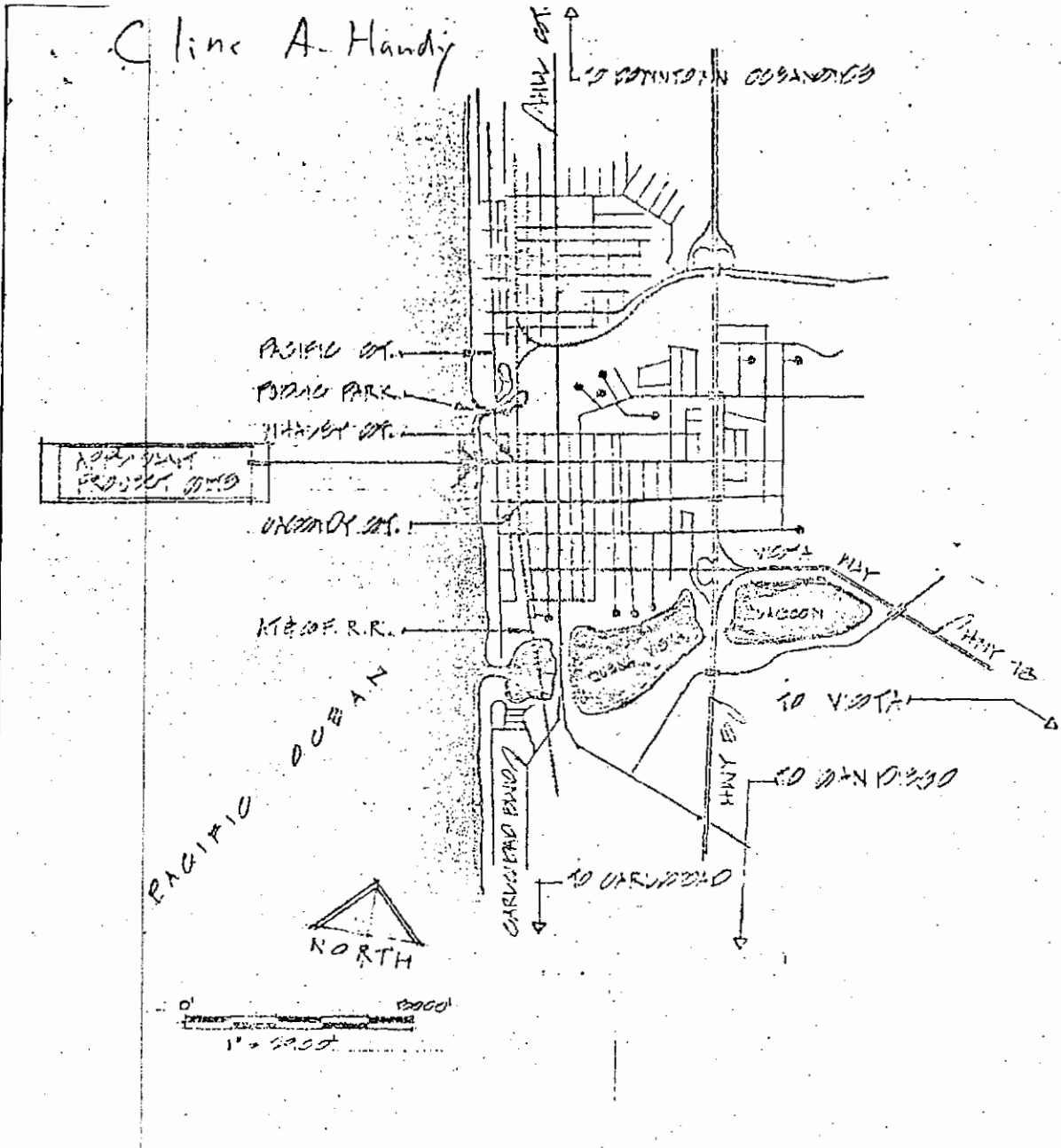
a. Description. Oceanfront lots in the neighborhood, including the applicant's are on a narrow bluff top strip along S. Pacific St. with a steep slope dropping 24 ft. to a sandy beach area. The beach extends to a rock revetment, seaward of which it is almost constantly wet, if not actually underwater; but nonetheless it is used by the public (Exhibit 3).

The applicant's proposed house covers the entire bluff top and the face of the lot. His original proposal (Appeal No. 137-74) has been revised to set the house back an additional 8' from the ocean so it no longer extends past the bluff toe. The house was also lowered 6 ft. by setting it deeper into the bluff face. Nonetheless, the house rises 40 ft. above the beach. The applicant has reduced the house from 4000 sq. ft. to 3000 sq. ft. and states he cannot further reduce it as he has 3 children. The Regional Commission permit limited the height on the structure to 20 ft. on S. Pacific St. (Exhibit 2). Newer construction in the area is of the same massive design as that proposed by the applicant. Older houses are much smaller and often confined to the bluff top portions of the lots (Exhibit 3).

b. Precedent. A continuous wall of home structures such as the applicant proposes on the typically 45 ft. lots along this portion of the coast would by their mass inhibit public use and enjoyment of the beach in violation of the requirement of the Coastal Act that the overall quality of the coastal zone environment be maintained, restored and enhanced (Pub. Res. Code Section 27302 (a)). As there are only 5 other vacant lots in the vicinity, the precedential effect of approval of this project will be minimal if limited to new construction. This approval should not be considered a precedent for replacing existing smaller houses with structures comparable to that proposed by the applicant. Development of this entire ocean front area with structures of the size and massiveness of that proposed by the applicant would result in cumulative effects that would be inconsistent with the Coastal Act.

2. Lateral Access. Access parallel to the ocean seaward of the rock revetment is presently unimpeded. The applicant does not propose to interfere with use by the public of this portion of the beach. Due to the loss of the beach in recent years (the reason for the revetment), this portion is usually wet, if not actually underwater. The appellants desire a lateral access way landward of the revetment. While this would clearly be desirable, it would not be achieved by requiring the applicant to dedicate an access strip across his property as many of the neighboring houses have fences extending from the bluff toe to the revetment. Condition 2 provides for the eventuality of lateral access across all of the lots becoming feasible. In the event a public agency undertakes to acquire a continuous access strip landward of the revetment, the applicant will be required to dedicate the necessary portion of his lot. Condition 1 prevents the applicant from installing more obstructions on the sand that would decrease the likelihood of acquiring a public access strip. These conditions are required by the provisions of the Coastal Act which subject permits to reasonable terms and conditions to ensure access to publicly used beaches and reservation of adequate and properly located public recreation areas (Pub. Res. Code Section 27403 (a)(b)).

C line A-Handy

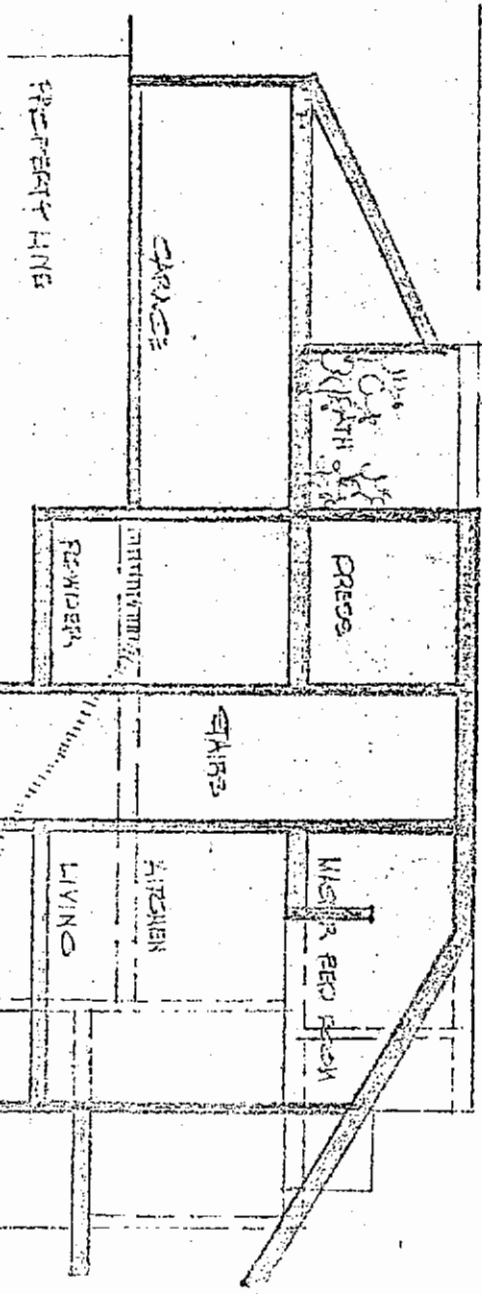
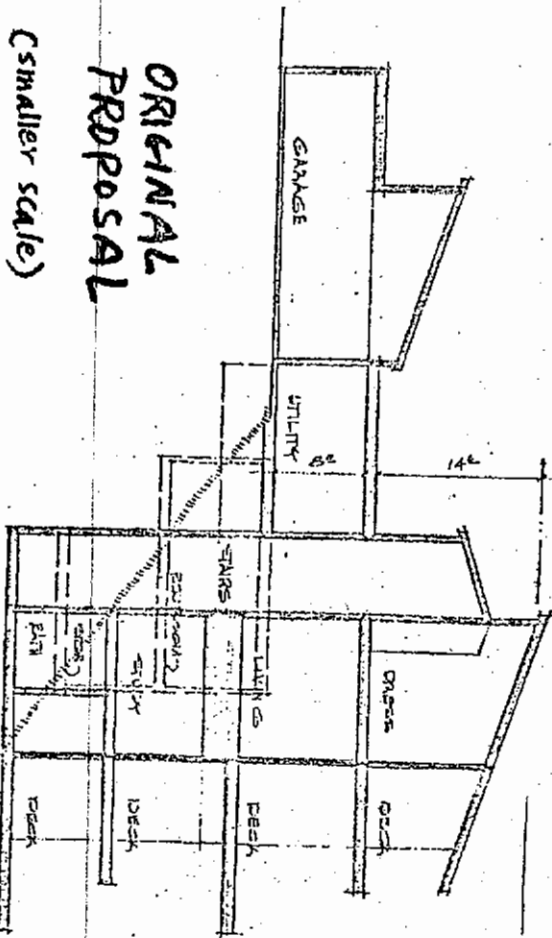


VICINITY MAP

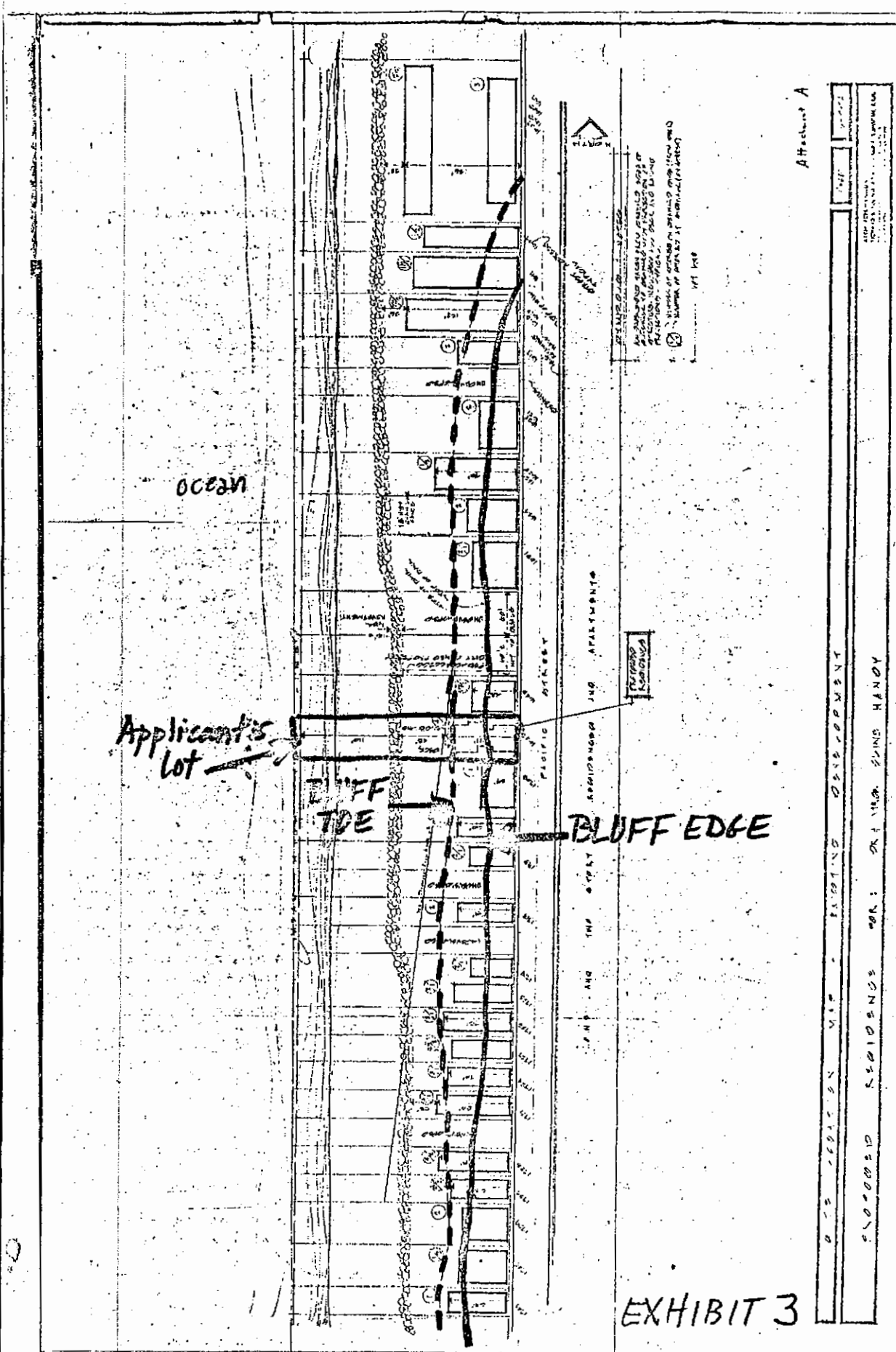
<p>ARCHITECTS PLANNERS RICHARD S. YOUNG, A.I.A. RICHARD A. LUMSDEN, A.I.A. 2172 H. GARDING BLVD., FIVE FORT OCEANS BE, CA. 92654 2012 W. 10TH ST., LOS ANGELES, CA. 90024</p>	<p>APPLICANT: PRINCE JOHN HANDY OCEANSIDE, CALIFORNIA</p>
--	---

EXHIBIT I

ORIGINAL
PROPOSAL
(smaller scale)



REVISED PROPOSAL



Attachment A

PROJECT NO.	DATE	SCALE
2500000210	5/20/2010	AS SHOWN
DESIGNER: [Name]		
CHECKER: [Name]		
DATE: [Date]		
PROJECT: [Name]		
SHEET NO.: [Number]		
SHEET TOTAL: [Number]		

EXHIBIT 3

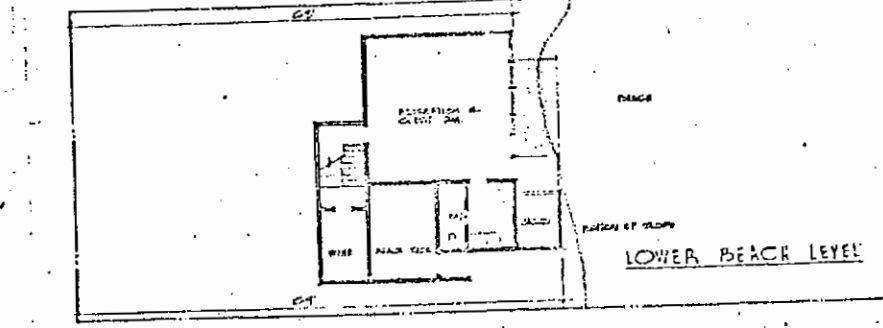
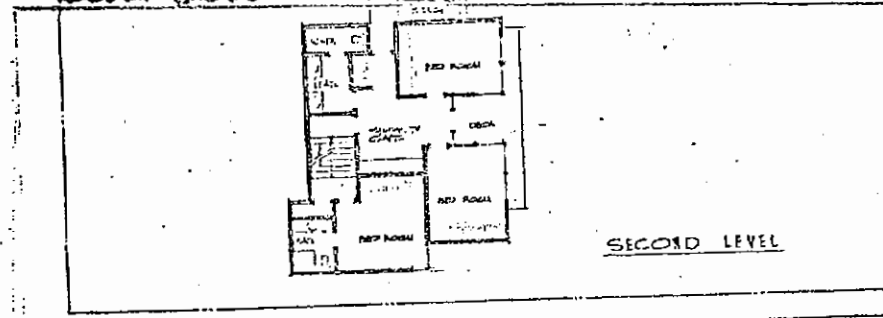
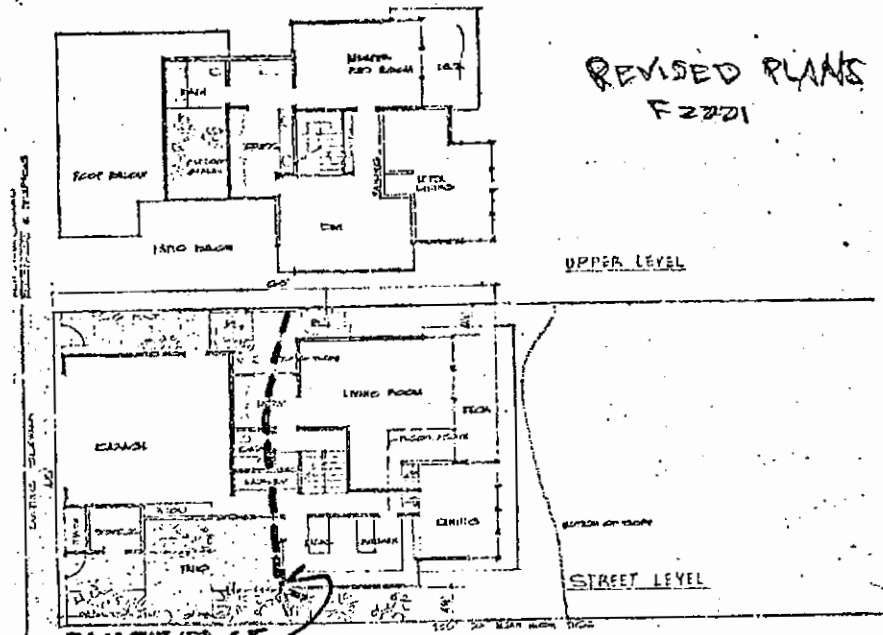


EXHIBIT 4

27-JAN-2005 01:56PM FROM-Ticor of CA

6186867388

T-184 P.002/003 F-142

BEST IMAGE

WHEN RECORDED MAIL TO: 602

DAURNEY, BANCHE, PATTERSON & REED
A Professional Corporation
P. O. Box 393
Oceanside, Calif. 92054

76-223290
FILE/PAGE NO.
BOOK 157C
RECORDED REQUEST BY

ADDRESSEE
JUL 15 3 35 PM '76

OFFICIAL RECORDS
SAN DIEGO COUNTY, CALIF.
HARLEY F. BLOOM
RECORDER

OFFER TO GRANT EASEMENT

\$ 1.00

The undersigned, owners of real property described as

"All of Lot 33 and the Southeasterly half
of Lot 32, Block "B" Ocean Front Addition,
to Oceanside, in the City of Oceanside,
County of San Diego, State of California,
according to Map No. 909, filed in the Office
of the County Recorder of San Diego County,
June 8, 1904.

Excepting that portion, if any heretofore or now,
lying below the mean high tide line of the
Pacific Ocean"

heraby offer to dedicate a six foot strip of land immediately
landward of, and contiguous to the existing rock revetment
from the Northernmost property line to the Southernmost property
line, of the above described property, in the eventuality that
a public agency should undertake to acquire a continuous access
strip landward of the existing rock revetment from all lots served
by the revetment. The offer to dedicate shall extend to the City
or County of San Diego, or to the State of California, and shall
expire, automatically, ten (10) years from date of recordation.

Signature on file *[Signature]*
CLINE A. HANDY

Signature on file *[Signature]*
NORMA H. HANDY

STATE OF CALIFORNIA)
) SS
COUNTY OF SAN DIEGO)

On the 14th day of July, 1976, before me, a
Notary Public in and for said County and State, personally

No 223290

Daniel E Matlach

May 31, 2011

Chairperson and Commissioners
California Coastal Commission
San Diego Coast District
7575 Metropolitan Dr, Suite 103
San Diego, CA 92108

Regarding: Appellant's response to the Applicant's Representative's letter dated April 16, 2011.
Supplement #2
Commission Appeal #A-6-OCN-11-028
1705 S Pacific St, Oceanside
APN 153-091-46
Local Permit #RC-10-00004

Dear Chairperson Wan and Commissioners:

The applicant's representative has skirted the issues of this appeal in a 21 page response citing mostly word for word from city staff's report of October 25, 2010. No new additional facts or evidence is introduced by the applicant's representative except a 1 page comparison of shadowing (Figure #1) between the applicant's home and the appellant's home. This is not the issue the appellant is raising. The issue being raised is the impact the addition and pergola will have on all public beach areas directly west and north of the applicant's home.

The appellant has suggested viable alternatives. The applicant's representative has not responded in good faith to any suggestions made by the appellant or councilmen and has not suggested one alternative. Councilman Kern during the march 16th 2011 City council appeal hearing suggested during a site visit pulling back the pergola to the western most fireplace as an alternative. Mr. Kern stated he was told by the applicant's representative "you can't because that's where the support, the underlying structural walls are, the support walls, the load bearing walls". If what the applicant's representative said to Councilman Kern during the site visit is true, then with certainty the load bearing walls would not support a bedroom addition with weight roughly 4 times that of the pergola. Reference Exhibit #2.

The applicant's representative's credibility should be questioned as he has not been upfront with all parties concerned including a councilman attempting to propose a viable solution. The appellant will not dignify the animated insults and comments the applicant's representative attempts to serve in his response to this appeal. Instead the appellant will continue to remain focused on the core issues.

Although there are numerous exhibits supporting the appellant's assertions of a substantial issue the appellant will focus on the following exhibits to sum up this appeal.

1. Exhibit #17 – California Coastal Zone Conservation Commission, Staff Recommendation, May 13, 1975. This exhibit references the main issues we are raising today. These issues were of concern 36 years ago. Reference page 2: III. Findings and Declarations, 1. Impact on Public Use of Beach, 2. Lateral Access.
2. Exhibit #21 – Shadow Impact Study by R. Bouwmeester & Associates (resume included as Exhibit #22) The study and the pictures, Exhibits #1 - #10, pictorially and analytically indicate the impact on the beach.
3. Exhibits #18, #19 and #20 are full size plans being submitted by the appellant because the smaller plans submitted by the applicant's representative to coastal commission staff are incorrect. Upon review of the documents received by the coastal commission staff from the applicant's representative the appellant discovered the incorrect copy of the plans. This error warranted further investigation held by the City of Oceanside Planning Department. On May 10, 2011 upon review of these

EXHIBIT NO. 7
APPLICATION NO.
A-6-OCN-11-028
Appellant's response dated May 31, 2011
Page 1 of 58
 California Coastal Commission

Daniel E Matlach

appellant discovered inconsistent stamped sets "Approved by Planning Commission" and "Approved by City Council". Appellant went directly to the City of Oceanside's attorney's office requesting a review of the Stensrud file be completed immediately and Barbara Hamilton, assistant city attorney, met with appellant immediately in the planning department. Appellant requested a copy of all 3 sets of plans. Barbara Hamilton stated appellant was not entitled to receive copies of the plans as they were considered property of the architect. Appellant proved Ms Hamilton incorrect and received copies of the 3 sets of plans. Reference Exhibit #23 and #24.

The Commission Notification of Appeal dated April 28, 2011, demanded the City of Oceanside planning department deliver "all relevant documents and materials used in the City of Oceanside's consideration of this coastal development permit must be delivered to the San Diego Coast District office of the Coastal Commission (California Administrative Code Section 13112)", reference Exhibit #25. The City of Oceanside's Planning Department provided a reduced copy of Exhibit #18. They neglected to supply Exhibit #19 and #20 as demanded. On May 19, 2011, the appellant requested Russ Cunningham, planning department staff, forward a copy of all 3 sets of plans, in the presence of Barbara Hamilton, Russ Cunningham refused stating he would not send without an additional request from the California Coastal Commission.

The relevance of exhibit #19 (these are the same plans submitted by applicant's representative to coastal staff except the copy submitted does not contain the stamp "Approved by Planning Commission, dated this 10th day of January 2011, Case No RC-10-00004, signed by Russ Cunningham. Pages A-8 and A-9 reference elevation note 12 - a depicted height that is 35 feet from finish grade at the street level. This erroneous height is false and misleading.

The relevance of exhibit #20 is the stamped set Approved by City Council, this 16th day of March 2011, Case No RC-10-00004, signed by Russ Cunningham and they contain pages A-8 and A-9 with a different height shown for note 12.

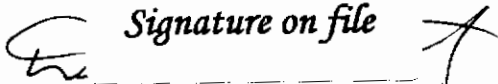
After many months of review by City of Oceanside Planning Department and 3 separate city planning department staff presentations to the planning commission and city council one would expect extreme care in the management and oversight of such documents governing the issuance of a Local Coastal Permit should exist. The opposite has taken place creating confusion and questions for coastal staff and possibly commissioners.

This same confusion and mishandling of documents took place in 2002 on this project with erroneous elevations. To this day city staff has stated they "do not know what [the decision makers] were thinking in 2002".

This appellant respectfully requests you find a "significant issue" does exist as to the:

- Loss of public views to the southeast
- Shadowing ultimately contributing to the privatization of a public beach
- Loss of use of a public recreation resource
- Cumulative detrimental effect on a public beach resource
- Change of character of the community through additional massing, bulk and scale of 1705 S Pacific St.
- Additional wallification of existing structures impacting a public beach

Sincerely,

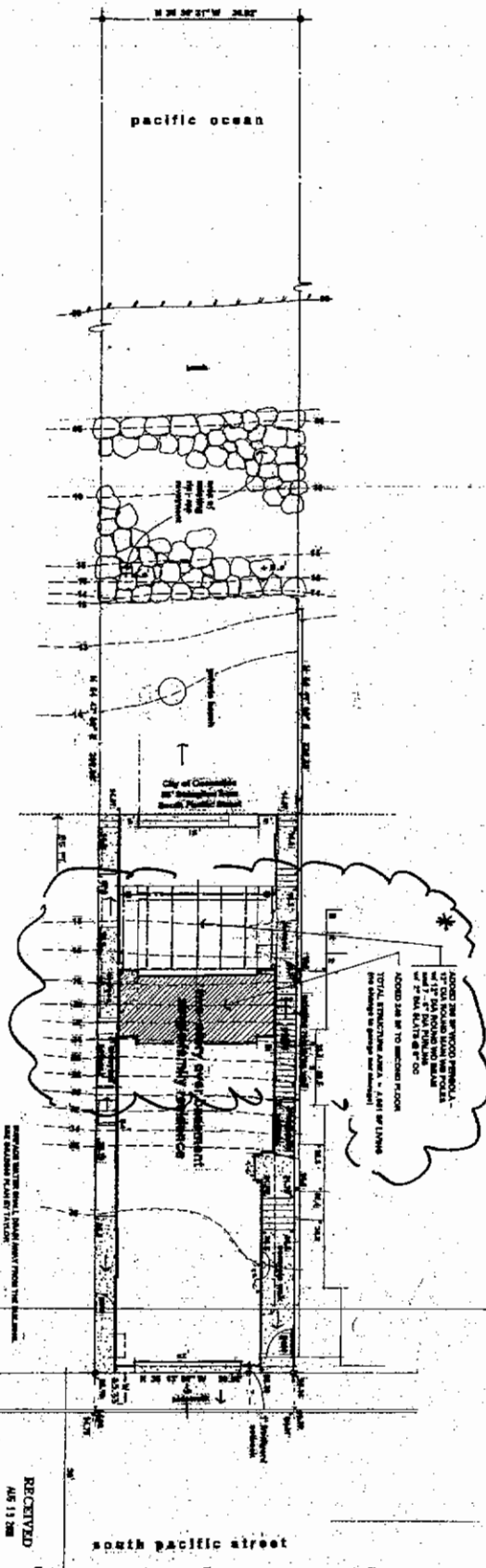
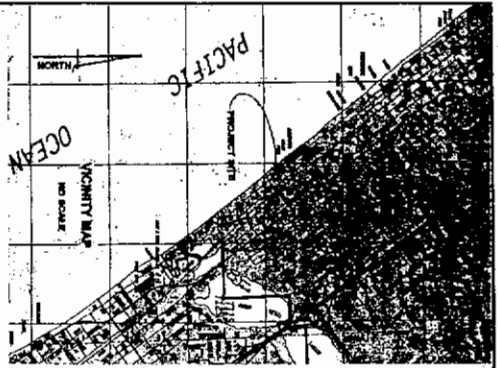
 *Signature on file*

Daniel E Matlach
Appellant

Daniel E Matlach

Cc: Sherilyn Sarb, CA Coastal Commission Deputy Director
Lee McEachern, Ca Coastal Commission District Regulatory Supervisor

Encl: 1 Full size set each of Exhibits #18, #19 and #20
1 set (8 ½ x 11) each of Exhibits #18, #19 and #20
Exhibit #21 – Shadow Impact Study by R. Bouwmeester & Associates, delivered electronically to Coastal staff
Exhibit #22 – Resume of R Bouwmeester
Exhibit #23 – letter dated may 12, 2011 from City of Oceanside Assistant City Attorney Barbara Hamilton
Exhibit #24 – Transmittal letter, dated May 20, 2011
Exhibit #25 – Commission notification of Appeal dated April 28, 2011
Exhibit #26 – Oceanside City Council Meeting dated Sept 4, 2002, pages 1 and 7, Catamaran Beach
Exhibit #27 – Transcript of Proceedings before the Oceanside Planning Commission, dated Sept 17, 1984, reference page 43,
Catamaran Beach



OWNER: DAVID LEE SCOTT, INC.
ARCHITECT: DAVID LEE SCOTT ARCHITECTS
 1000 10TH AVENUE, SUITE 1000, SAN FRANCISCO, CA 94103
 TEL: 415.774.1000
ENGINEER: JAMES H. HARRIS, INC.
 1000 10TH AVENUE, SUITE 1000, SAN FRANCISCO, CA 94103
 TEL: 415.774.1000
PLANNING & DESIGN: JAMES H. HARRIS, INC.
 1000 10TH AVENUE, SUITE 1000, SAN FRANCISCO, CA 94103
 TEL: 415.774.1000

PROJECT DESCRIPTION:
 TO CONSTRUCT A 240 SF ROOM ADDITION TO THE EXISTING SECOND FLOOR LAYERS BAY AND TO CONSTRUCT A 240 SF WOOD PERIODICALLY
 INSULATED ROOF DURING ROOF REPAIR.

PROPERTY OWNER:
 DAVID LEE SCOTT, INC.
 1000 10TH AVENUE, SUITE 1000
 SAN FRANCISCO, CA 94103
 TEL: 415.774.1000

PRELIMINARY ADDRESS:
 317 ALMOND STREET, OAKLAND, CA

LEGAL DESCRIPTION: LOT 24, BLOCK 8, PARKING ST. NORTH
 A. P. N. 151 - 081 - 40

SCHEME: F. E. SHERMAN & COMPANY

LAND USE: SHELTER & RESIDENTIAL

LOT AREA: 8000 SF (AS SHOWN)

EXISTING DATA: 1473 SF EXISTING SECOND FLOOR
 1130 SF EXISTING ROOF

2011 SF TOTAL LIVING AREA

441 SF GARAGE

240 SF ADDITION (SEE SCHEDULE)

LET DEVELOPER: 1900 SF (24.5% OF LOT AREA < 40%) OK

REMARKS: 317 ALMOND STREET, OAKLAND, CA 94612
 VERTICALLY THROUGH THE STRUCTURE

ADD 240 SF WOOD PERIODICALLY INSULATED ROOF DURING ROOF REPAIR AND TO CONSTRUCT A 240 SF WOOD PERIODICALLY INSULATED ROOF DURING ROOF REPAIR.

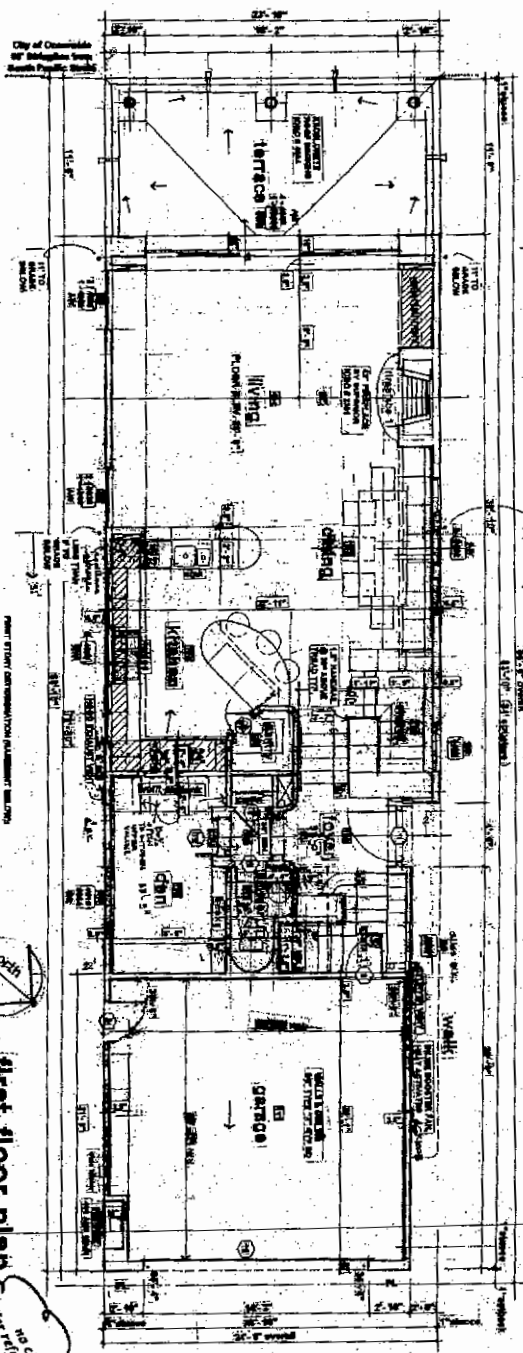


site plan

NO CHANGE TO EXISTING LANDSCAPING REQUIREMENTS

EXHIBIT 18

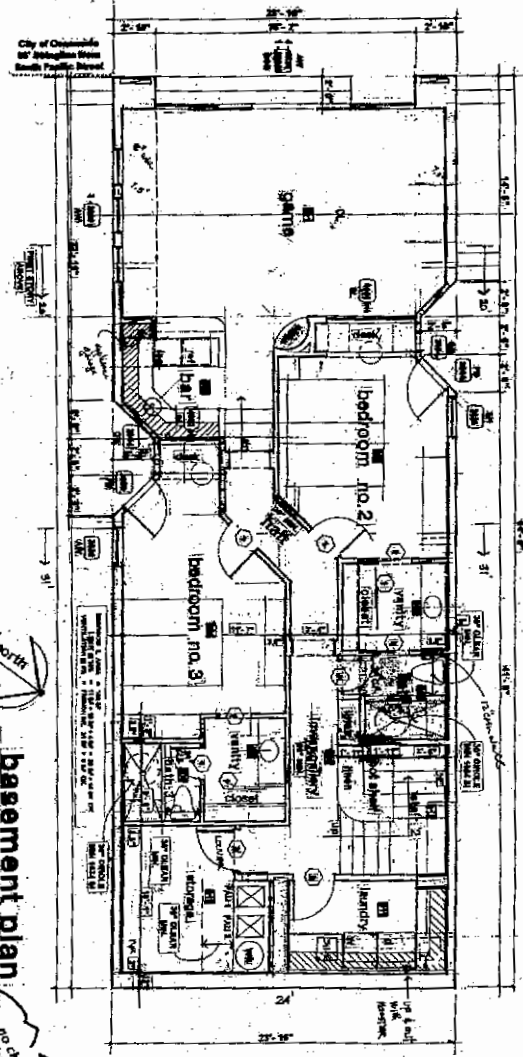
EXHIBIT 18



City of Oxnard
 88 1/2 Douglas Way
 South Pacific Hotel

first floor plan
 (for reference only)

EXHIBIT 18-A



basement plan
 (for reference only)

EXHIBIT 18-B

Amendment to RC-13-00

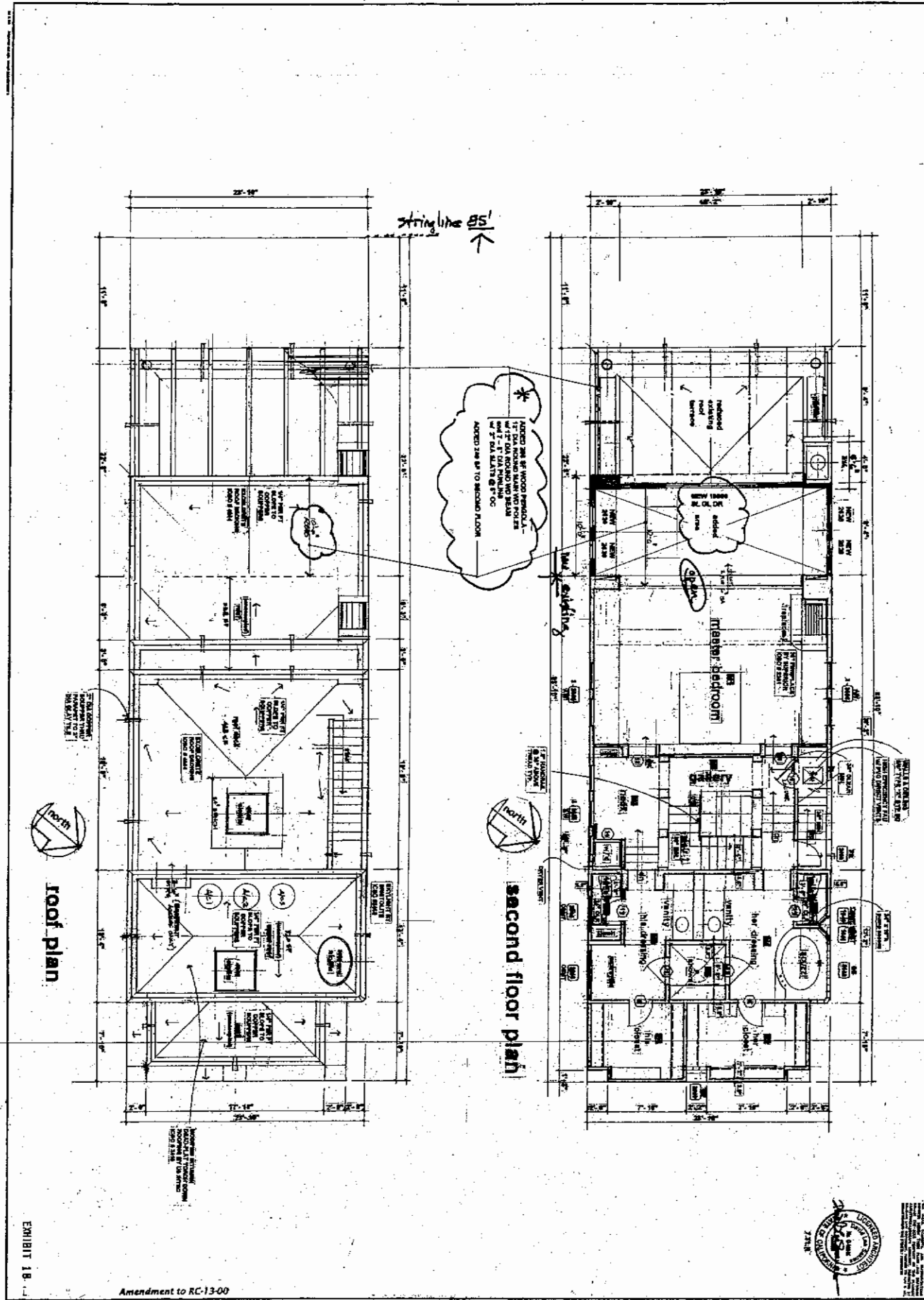
the stensrud residence

preparing architect
 Wilbur Smith and

david lee soanes, ltd.



EXHIBIT 18



roof plan



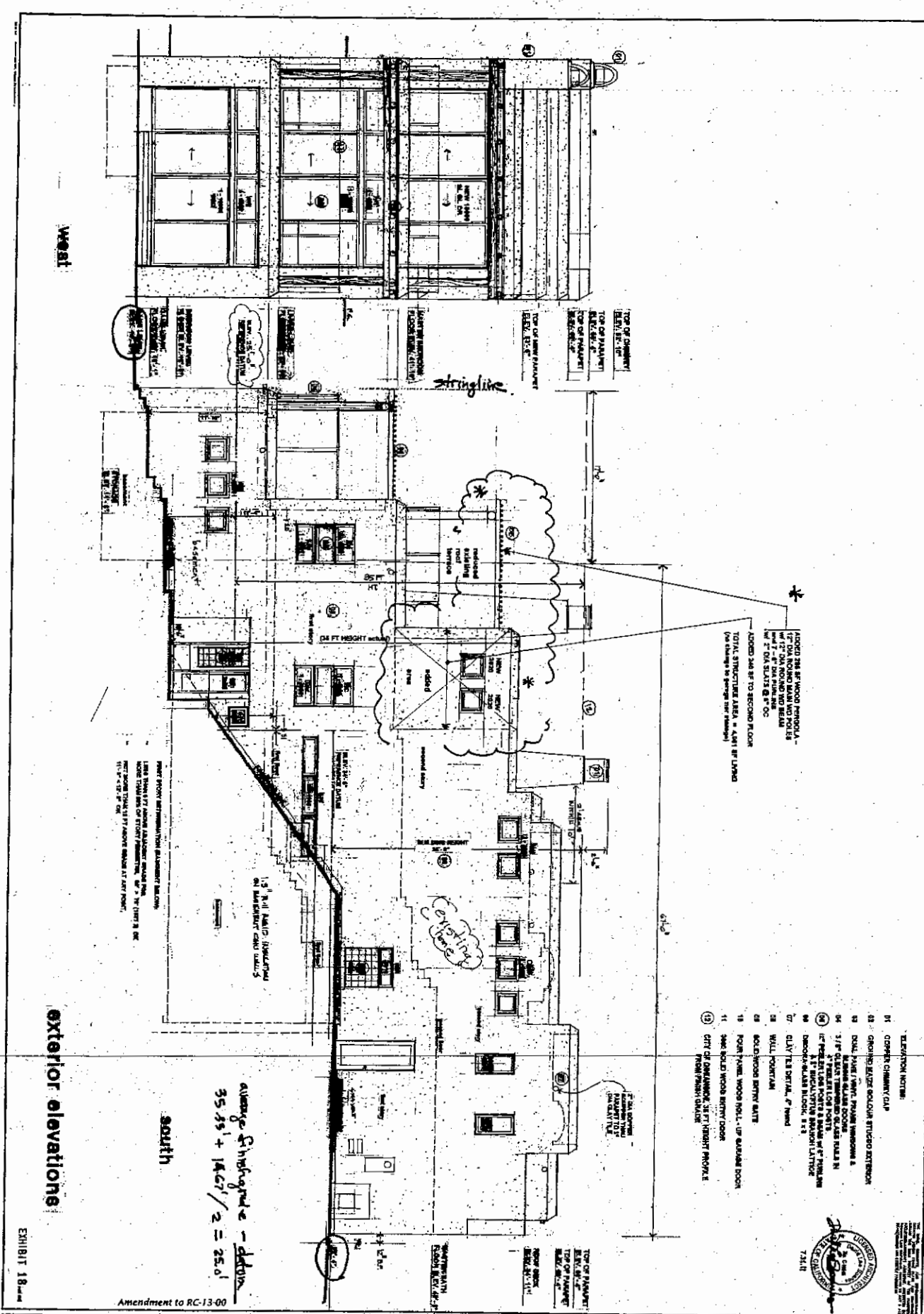
second floor plan

* ADDED 2x6 WOOD PENNULA - 1" DIA. NOUNDED BLUNT END FOR THE 2" DIA. PENNULA AND 2" DIA. SLATS @ 8" OC ADDED 2x6 @ TO SECOND FLOOR

EXHIBIT 18

Amendment to RC-13-00





West

exterior elevations

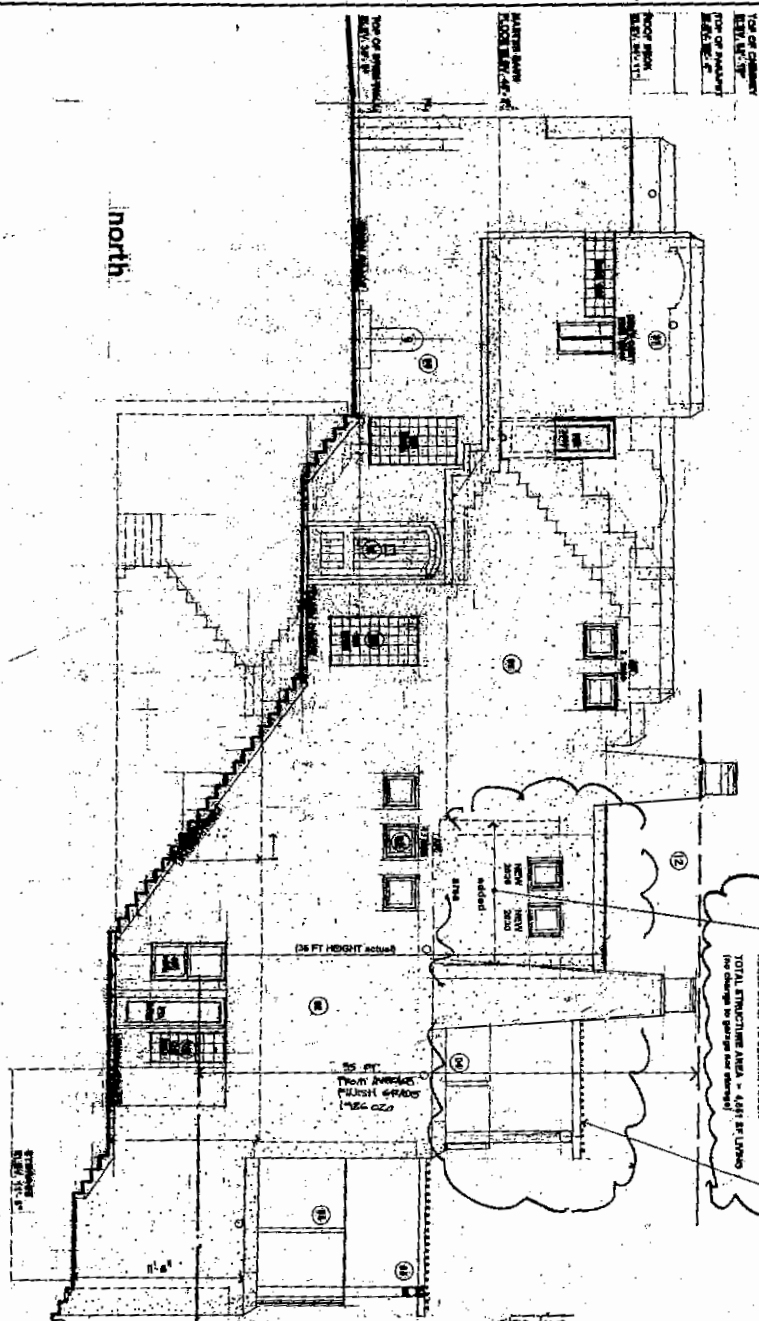
South

average finish grade - elevation
 $35.85' + 14.67' / 2 = 25.0'$

ADDED 2x8 SF WOOD PENNOLA -
 w/ 1" 4" DWS FINISH
 w/ 2" OAS SLABS @ 8" OC
 TOTAL STRUCTURE AREA = 4,811 SF LINDS
 (No change to garage use stamped)

- SECTION NOTES
- 01 CORNER CHIMNEY CAP
 - 02 GROUND LEVEL SOLICIT STUDIO EXTERIOR
 - 03 DUAL PAINT / WHITE FINISH INTERIOR
 - 04 3/4" SLAT FINISH FLOOR
 - 05 1/2" PENNOLA PORTS & SOLICIT W/ FINISH
 - 06 DUAL PAINT FLOOR
 - 07 2" OAS SLABS @ 8" OC
 - 08 WALL PENNOLA
 - 09 SOLICIT PORTS
 - 10 2x8 SOLID WOOD INTERIOR
 - 11 2" OAS SLABS @ 8" OC
 - 12 CITY OF DANAWONG 28 FT HEIGHT FROM FLOOR DIVIDE





ADD: 3/4" WOOD ROOF A-1
 1" DIA. ROUND NAIL AND POLLS
 1/2" DIA. NAIL @ 12" OC
 1/2" DIA. NAIL @ 12" OC
 TOTAL STRUCTURE AREA = 4481 SQ. FT.
 (no change in grossing area indicated)

exterior elevations:

east
 no change
 (for reference only)

Amendment to RC-13-00



the stensrud residence
 1705 south pacific street

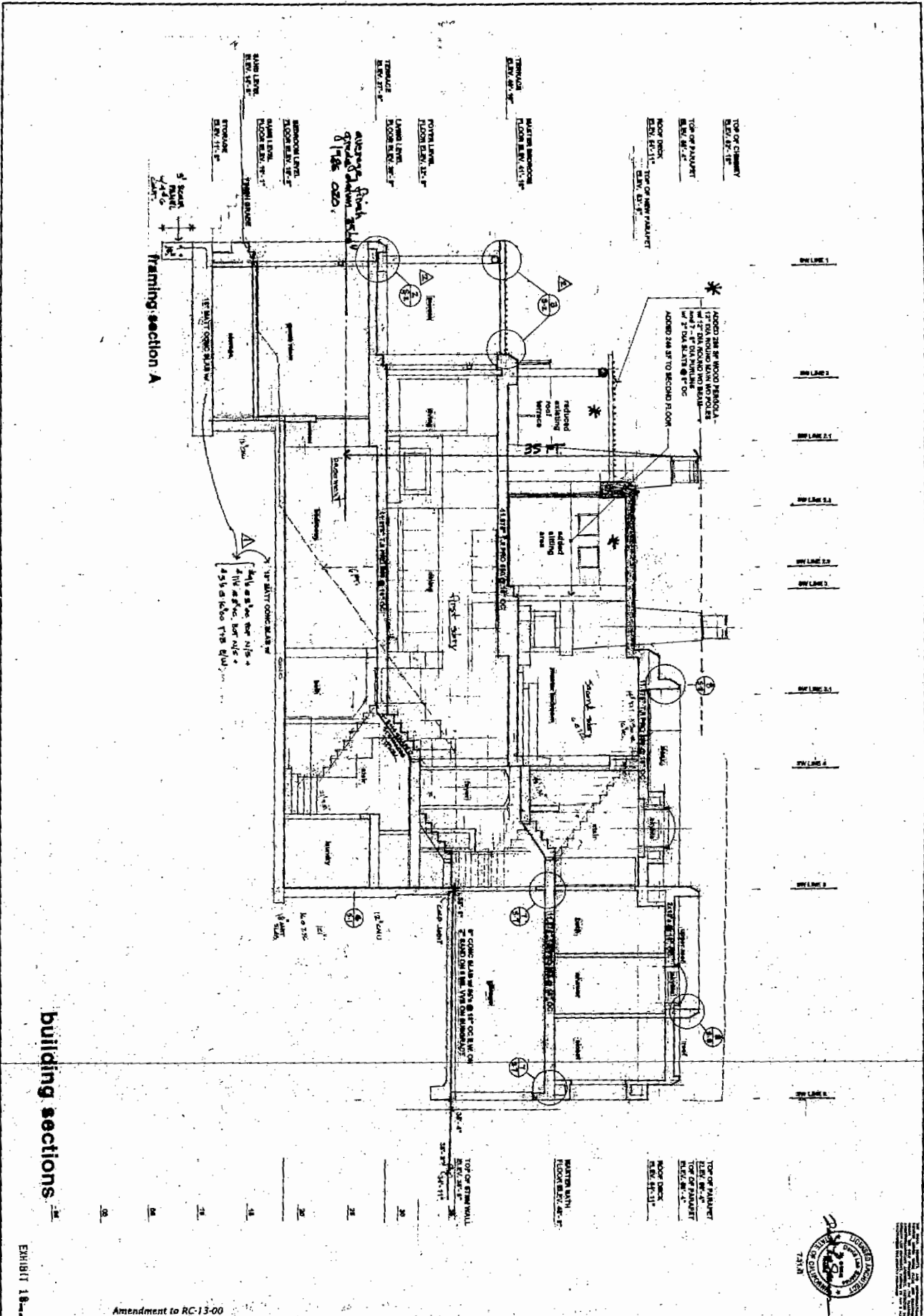
Property Owner:
 Whiskey Warehouse

david lee soanes, ltd.

650 David A. North, Englewood
 1580 Avenue of the Stars, Suite 201
 Phone: 760 436 0000

6378 Paseo Patino, Carlsbad, CA 92008
 Phone: 760 436 0000

EXHIBIT 18-4
 A.S.



framing section A

building sections

EXHIBIT 18

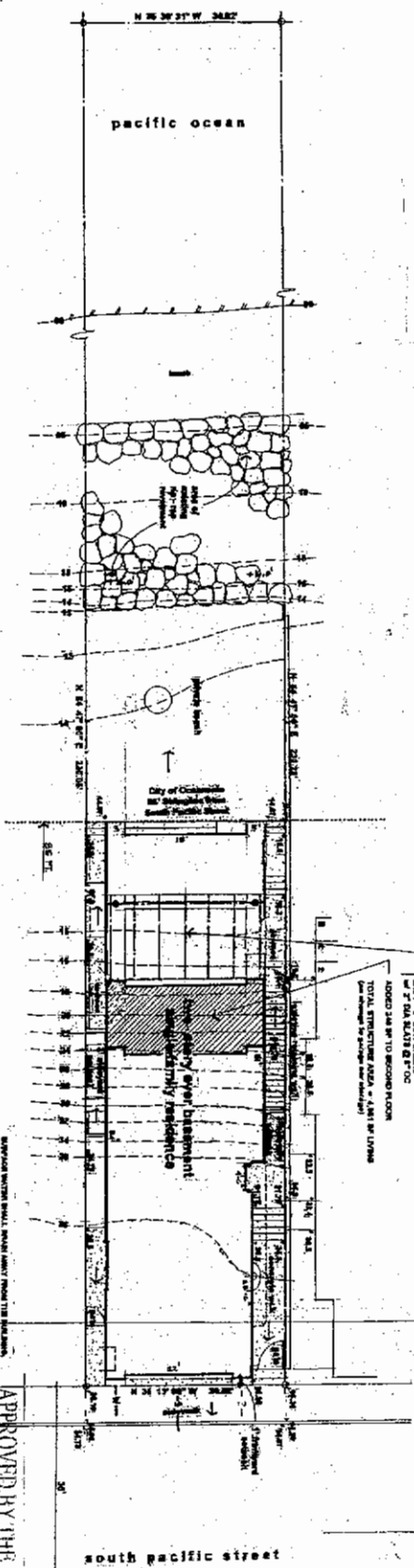
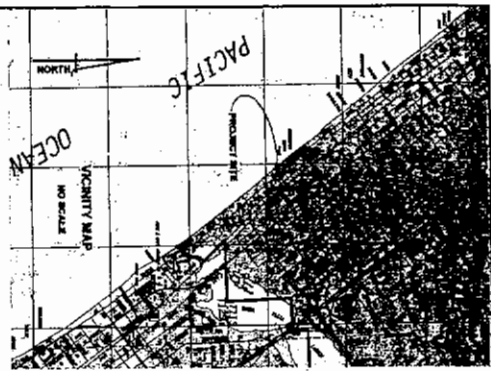
Amendment to RC-13-00



the standard residence david lee spang ltd

property owner

EXHIBIT 18



OWNER:
DAVID LEE SOANES
ARCHITECT & LANDSCAPE ARCHITECT
3740 W. 17th St.
OCEANSIDE, CA 92051

DESIGNER:
THEORY 1 ARCHITECTURE, INC.
1000 N. LAKE AVENUE, SUITE 100
OCEANSIDE, CA 92051

APPLICANT:
DAVID LEE SOANES
3740 W. 17th St.
OCEANSIDE, CA 92051

PROJECT ADDRESS:
1705 SOUTH PACIFIC STREET, OCEANSIDE, CA 92051

PROJECT DESCRIPTION:
TO CONSTRUCT A 2ND FLOOR ADDITION TO THE EXISTING SECOND FLOOR MASTER SUITE AND TO CONSTRUCT A 2ND FLOOR PORCH OVER THE REMAINING EXISTING ROOF SERVICE

PROPERTY OWNER:
DAVID LEE SOANES
3740 W. 17th St.
OCEANSIDE, CA 92051

LEGAL DESCRIPTION:
LOT 14, BLOCK 8, MAP 80, SOUTH PACIFIC STREET, OCEANSIDE, CA

APPROVED 2ND FLOOR TO SECOND FLOOR
TOTAL STRUCTURE AREA = 4,981 SF LIVING (Per change to garage lot coverage)

APPROVED 2ND FLOOR TO SECOND FLOOR
TOTAL STRUCTURE AREA = 4,981 SF LIVING (Per change to garage lot coverage)



site plan
NO CHANGE TO EXISTING LANDSCAPE OR NON-REVENUE

APPROVED BY THE PLANNING COMMISSION

10th day of December, 2011

RECEIVED
CASE NO. RC-13-00004
SIGNED: [Signature]
DATE: 12/14/11

Amendment to RC-13-00

the stensrud residence
1705 south pacific street
oceanside, california

Property Owner:
Whitney Stensrud
1000 Avenue of the Stars, Suite 2430
Los Angeles, CA 90007

david lee soanes, ltd.
6378 Paseo Pico, Carlsbad, CA 92009
phone: 760.476.0933; fax: 760.478.0937; email: dsoanes@earthlink.net

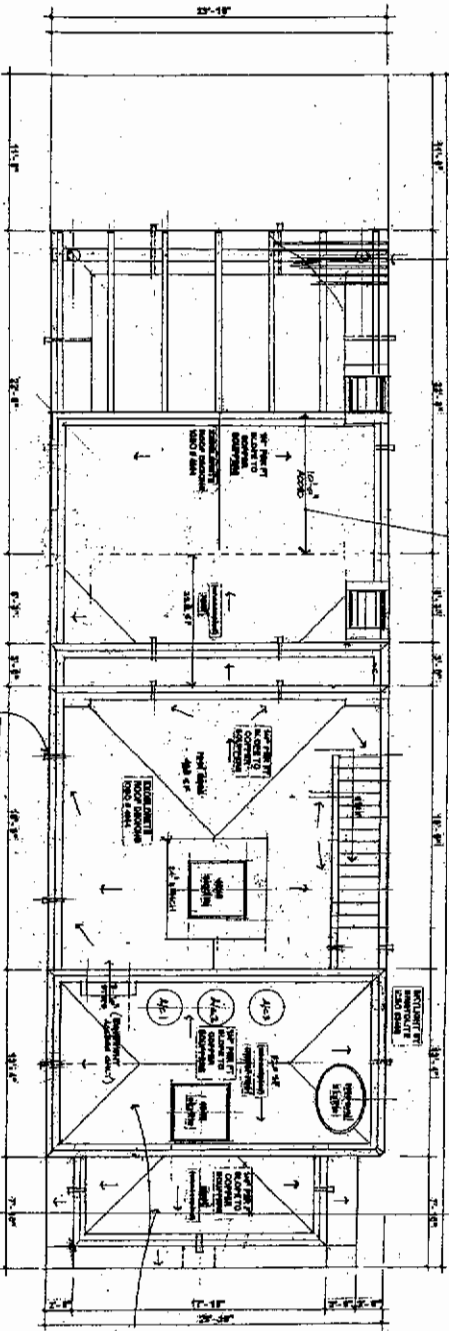
architecture * golf course architecture * land planning * civil engineering
construction management * landscape architecture * interior design

EXHIBIT 19

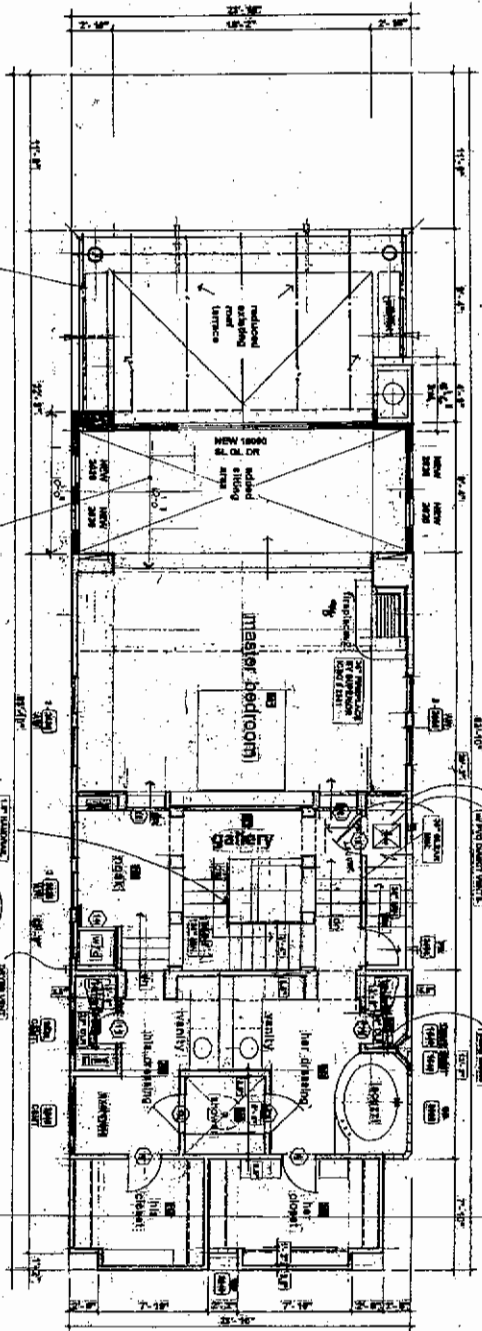
A-5

EXHIBIT 19

EXHIBIT 19



roof plan



second floor plan

* ADDED 2x8 W/ WOOD PENNY-TILE
 12" DIA. ROUND WOOD JOISTS
 W/ 1" DIA. RAFTERS
 W/ 2" DIA. SLATS @ 4" OC
 ADDED 2x8 W/ TO BEDROOM ROOM

Amendment to RC-13-00

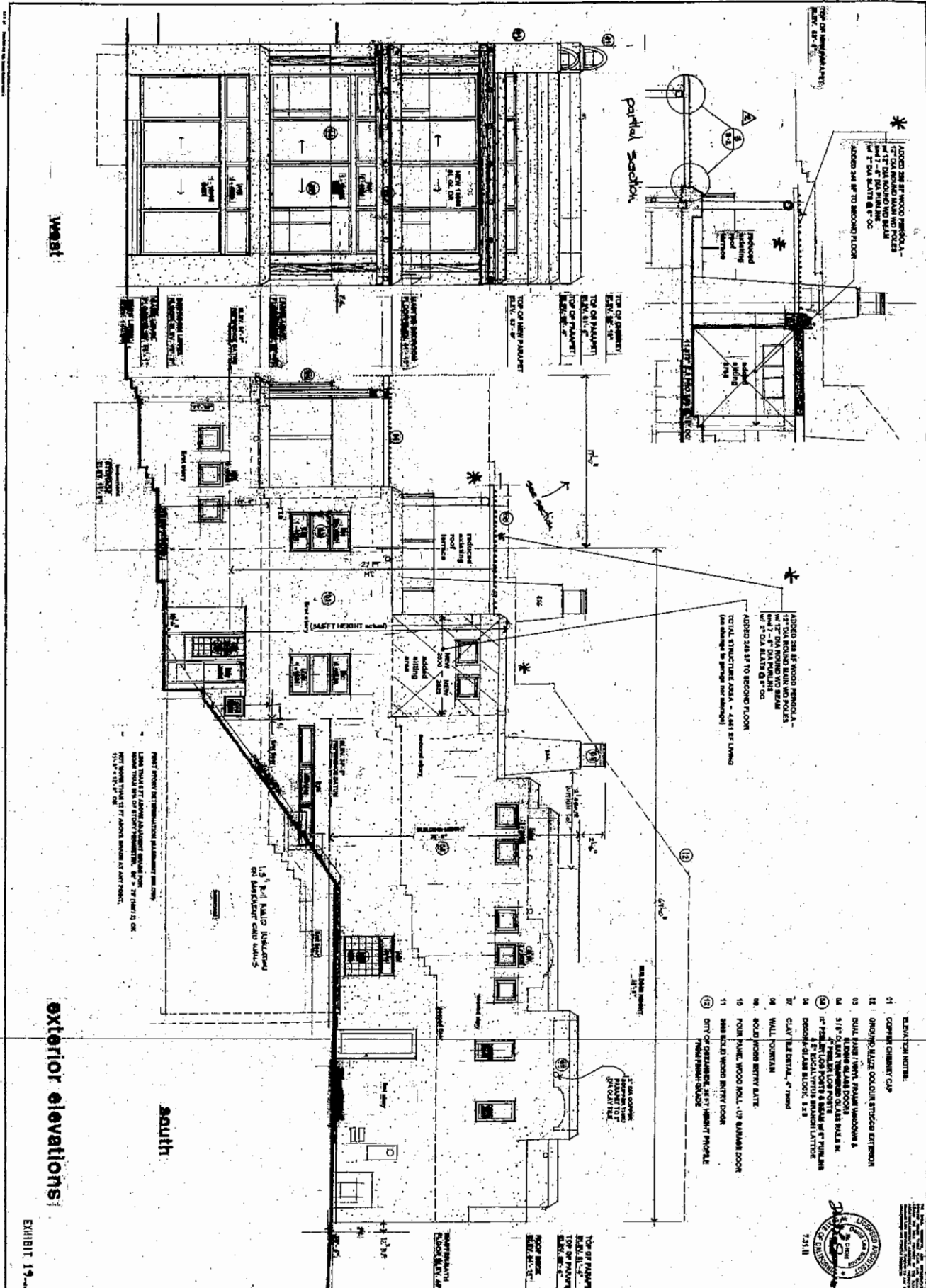
the stensrud residence
 1705 south pacific street
 oceanside, california

property owner:
 Wesley Stewart
 c/o David L. Soanes, Esquire
 1500 Avenue of the Stars, Suite 62438
 Los Angeles, CA 90047

david lee soanes, ltd.
 6378 Paseo Povero, Carlsbad, CA 92009
 phone: 760.476.0933; fax: 760.476.0937; email: dsoanes@zondacomm.com
 architects * golf courses architecture * land planning * civil engineering
 construction management * landscape architecture * interior design



DATE: 10/11/07
 DRAWN BY: [illegible]
 CHECKED BY: [illegible]
 PROJECT NO.: [illegible]



West

South

partial section

exterior elevations

EXHIBIT 19

Amendment to RC-13-00

the stensrud residence
1705 south pacific street
oceanside, california

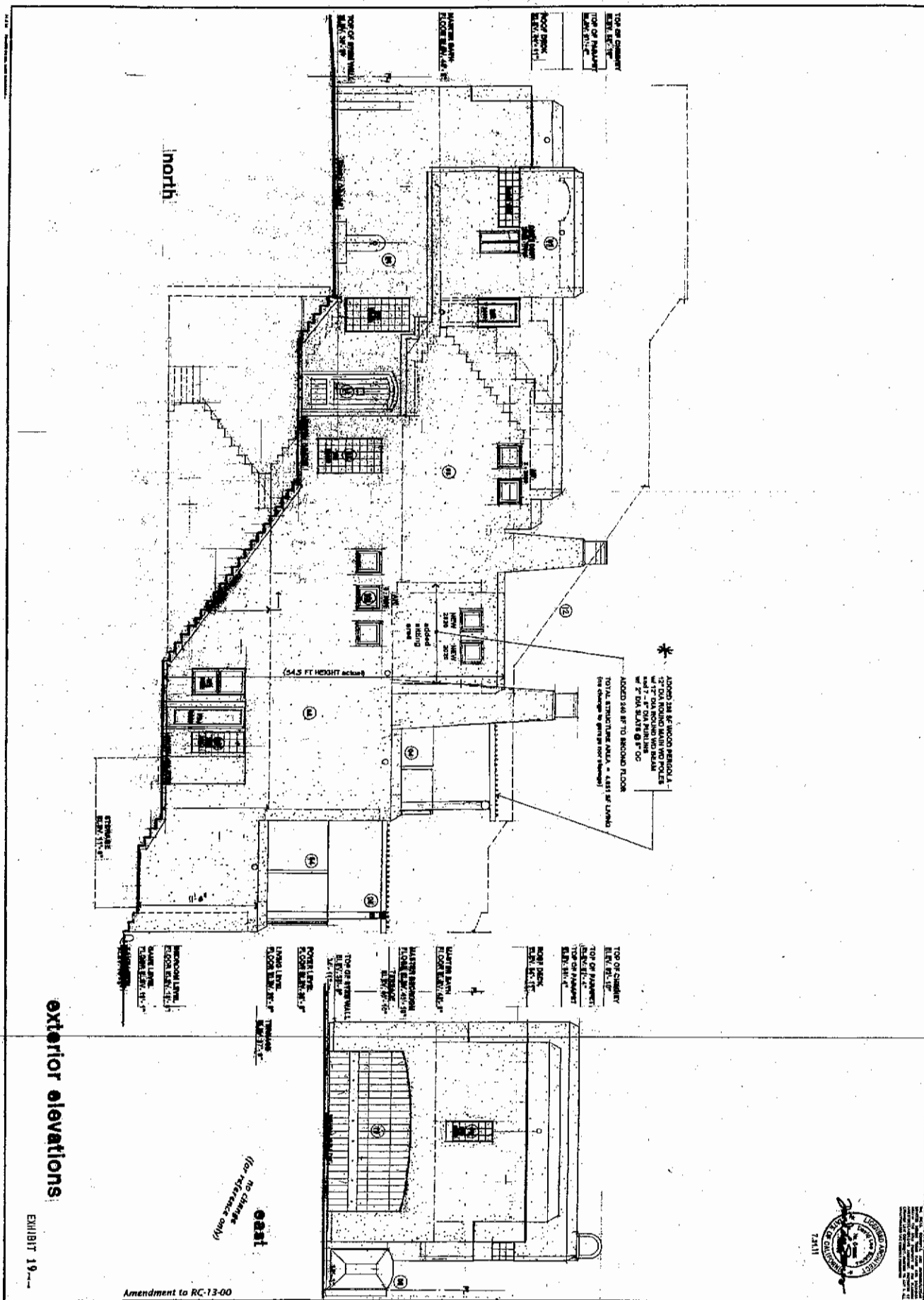
property owner:
Whitney Stensrud
c/o David L. Soanes, Esquire
1500 Avenue of the Stars, Suite #2628
Los Angeles, CA 90097

david lee soanes, ltd.
6378 Paseo Pico, Carlsbad, CA 92009
phone: 760.476.0533; fax: 760.476.0537; email: dsoanes@dlsoanestd.com
architecture * golf course architecture * landscape architecture * interior design

Sheet	A-8
Date	04/02/2009
Scale	1/8" = 1'-0"
Drawn	DL
Checked	DL



NO.	DATE	REVISION



exterior elevations:

EXHIBIT 19

Amendment to RC-13-00

the stensrud residence
 1705 south pacific street
 oceanside, california

property owner:
 Whitney Stensrud
 616 David L. Evans, Engineer
 1406 Avenue of the Stars, Suite 2343B
 Los Angeles, CA 90067

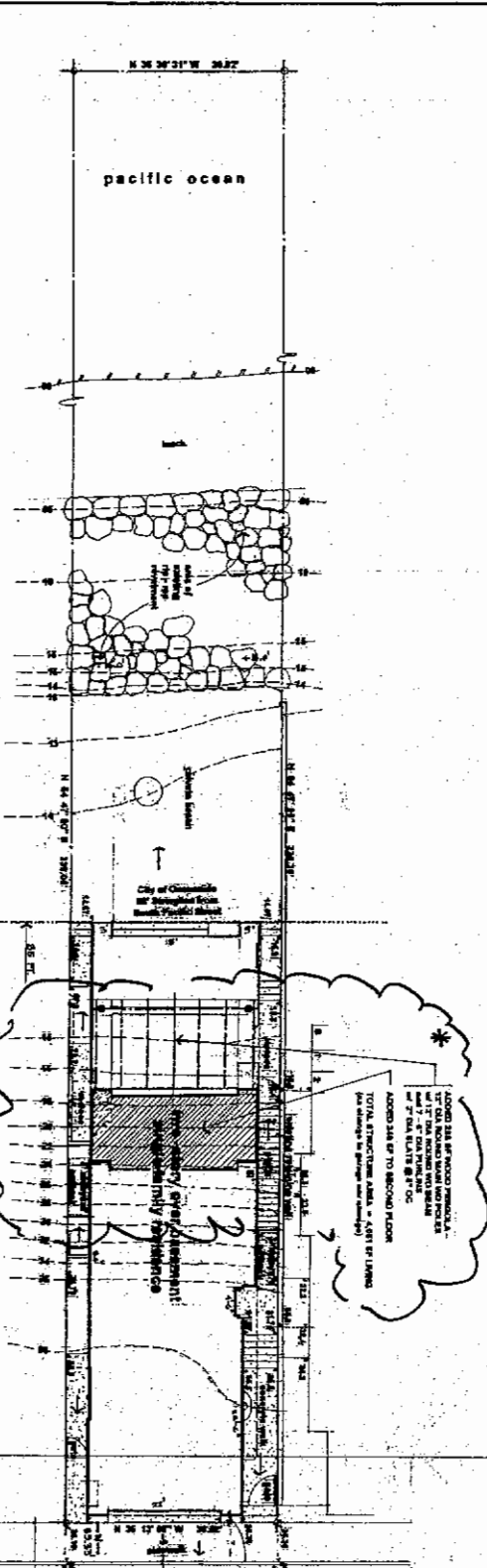
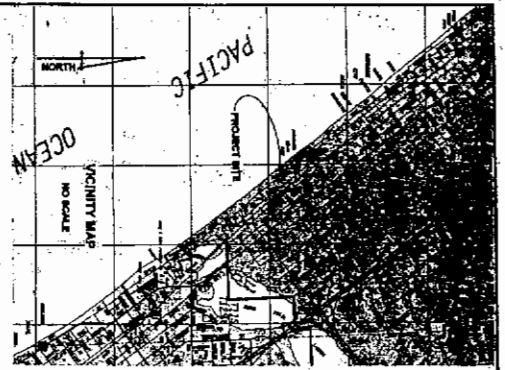
david lee soanes, ltd.
 6378 Paseo Paterano, Carlsbad, CA 92009
 phone: 760.476.0933; fax: 760.476.0937; email: soanes@stansrud.com
 architecture * golf course architecture * land planning * civil engineering
 construction management * landscape architecture * interior design



DATE	14 OCT 2009
SCALE	AS SHOWN
BY	DLB
APP'D	DLB
PROJECT	1705 SOUTH PACIFIC STREET
CLIENT	WHITNEY STENSRUD
NO.	A-9

NO.	1
DATE	
DESCRIPTION	

EXHIBIT 19



OWNER: THE STENSURD RESIDENCE
ARCHITECT: DAVID LEE SOANES, LTD.
 6376 PASEO PONTON, CARLSBAD, CA 92008
 TEL: 760.476.0933
PROJECT NO.: 2011-00001
DATE: 05/13/2011
PROJECT NAME: THE STENSURD RESIDENCE
ADDRESS: 1705 SOUTH PACIFIC STREET, OCEANSIDE, CA 92051
PERMIT NO.: 2011-00001
ISSUE DATE: 05/13/2011

PROJECT DESCRIPTION:
 TO CONSTRUCT A 2ND ST. FLOOR ADDITION TO THE EXISTING SECOND FLOOR OF THE STENSURD RESIDENCE OVER THE REMAINING EXISTING ROOF TRUSS AREA.
PROPERTY OWNER:
 David L. Stensrud
 1705 South Pacific Street
 Oceanside, CA 92051
PROPERTY ADDRESS:
 1705 SOUTH PACIFIC STREET, OCEANSIDE, CA 92051
LEGAL DESCRIPTION: LOT 24, BLOCK 8, PACIFIC ST. HEIGHTS
A. P. N.: 188-041-04
Zoning: R-2 Single-Family Residential
LAND USE: SINGLE-FAMILY RESIDENTIAL
LOT AREA: 5,000 SF (1,191 SQ. METERS)
PLANNING DATA: 1,200 SF SECOND FLOOR
 1,200 SF SECOND FLOOR
 1,200 SF TOTAL LIVING AREA
448 SF GARAGE
200 SF STORAGE (NON-HABITABLE)
LOT COVERAGE: 100% SF (20% of lot area - 40%) OK
REMARKS:
 1. ALL WORK SHALL BE COMPLETED AND INSPECTED VERTICALLY THROUGH THE STRUCTURE.

APPROVED FOR RECORD FLOOR TOTAL STRUCTURE AREA = 4,488 SF LIVING (As Shown on Plans - See Appendix)

APPROVED BY THE CITY COUNCIL
 SIGNED: [Signature]
 DATE: 05/13/2011
 BASE NO. 2011-00001
 RECEIVED: 05/13/2011
 AMENDMENT TO RC-13-00



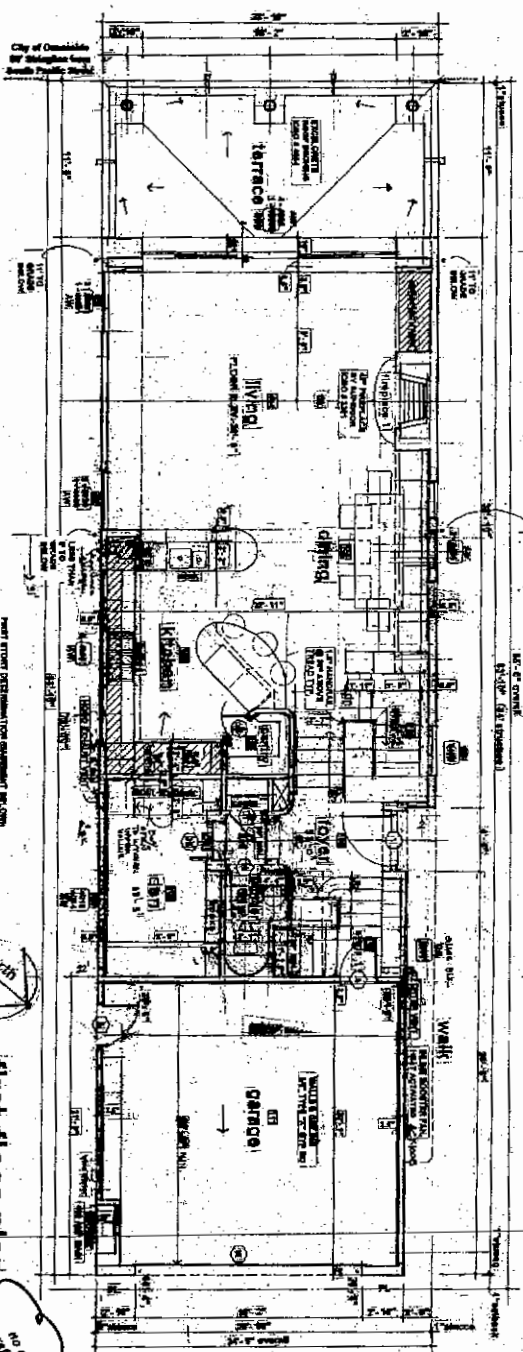
site plan

(NO CHANGE TO EXISTING LANDSCAPING WAS REQUESTED)

EXHIBIT 20

EXHIBIT 20

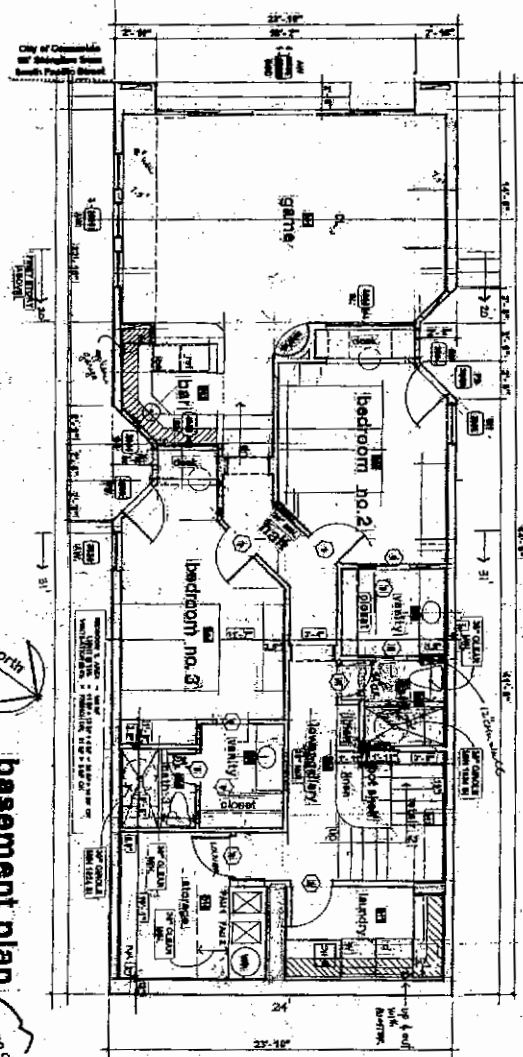
<p>the stensrud residence 1705 south pacific street oceanside, california</p>	<p>Property Owner: William Stensrud Eric David L. Stensrud, Esquire 1508 Avenue of the Stars, Suite 2243B Los Angeles, CA 90067</p>	<p>DAVID LEE SOANES, LTD. 6376 PASEO PONTON, CARLSBAD, CA 92008 phone: 760.476.0933; fax: 760.476.0937; email: soanes@soandesign.com architecture * golf course architecture * land planning * civil engineering construction management * landscape architecture * interior design</p>	<p>REVISIONS NO. DATE BY</p>
--	---	--	---



NEXT STORY: EXISTING FROM SUBMITTAL NO. 001
 THIS PLAN IS NOT TO BE CONSIDERED AS A PART OF THE PERMITTING PROCESS
 AND SHALL NOT BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN
 AND SIGNED APPROVAL OF THE ARCHITECT.

first floor plan
 (for reference only)

EXHIBIT 20



basement plan

(for reference only)

ALL DIMENSIONS ARE IN FEET AND INCHES
 UNLESS OTHERWISE SPECIFIED

Amendment to RC-13-00

the stensrud residence
 1705 south pacific street
 oceanside, california

project architect
 William Stensrud
 c/o David J. Soanes, Esq.
 1000 Avenue of the Stars, Suite 4200
 Los Angeles, CA 90067

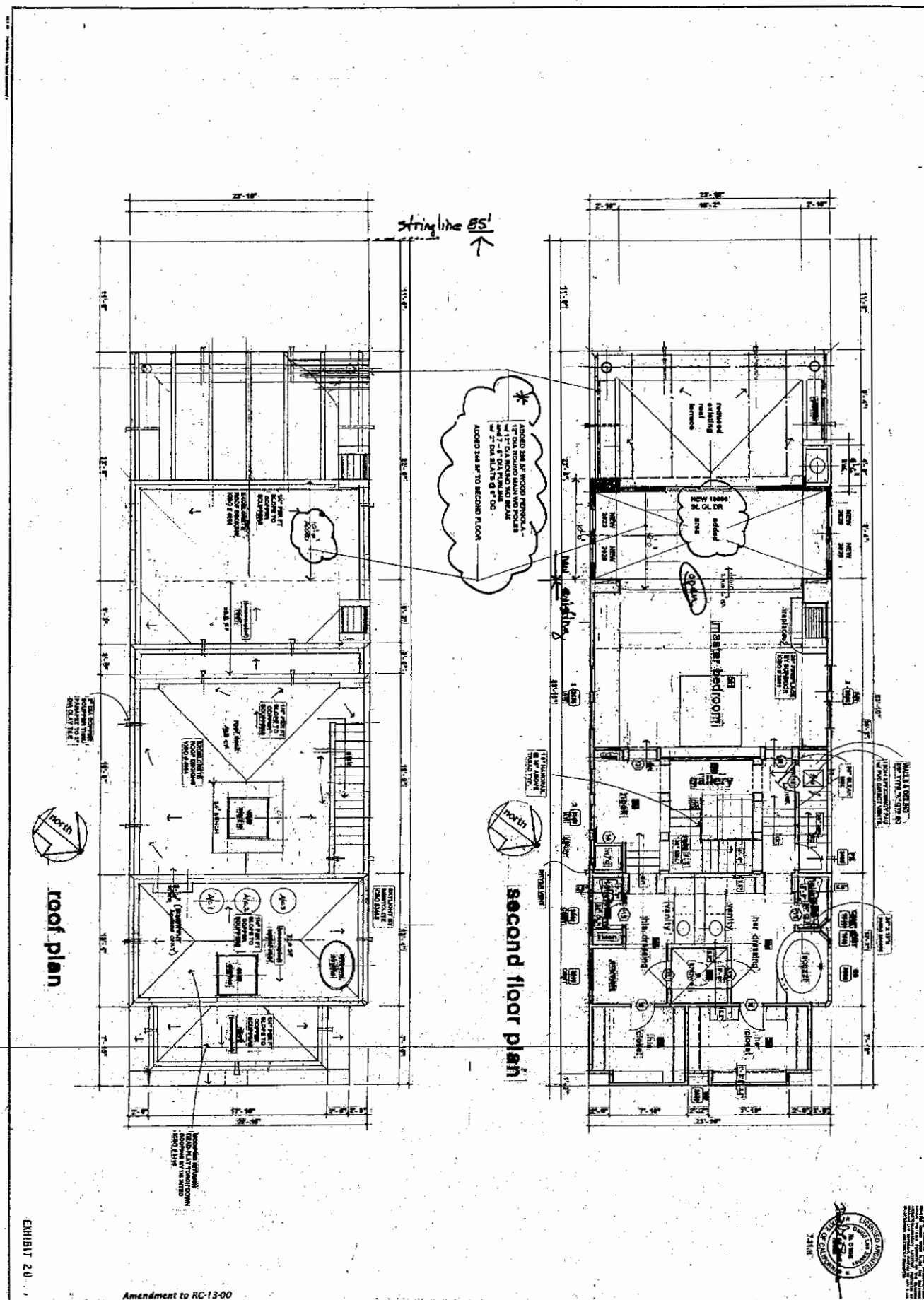
david lee soanes, ltd.

6378 Paseo Nuevo, Carlsbad, CA 92009
 phone: 760.476.0033; fax: 760.476.0937; email: soanes@pdfruncc.com
 architecture * golf course architecture * land planning * civil engineering
 construction management * landscape architecture * interior design



EXHIBIT 20

A-6



roof plan

second floor plan

EXHIBIT 20

Amendment to RC-13-00

the stensrud residence
 1705 south pacific street
 oceanside, california

preparatory drawn
 Whitney Stensrud
 Dale Threlkoff, M.Arch, F.A.S.A.
 1500 Avenida of the Stars, Suite 22438
 Las, Arlington, VA 22202

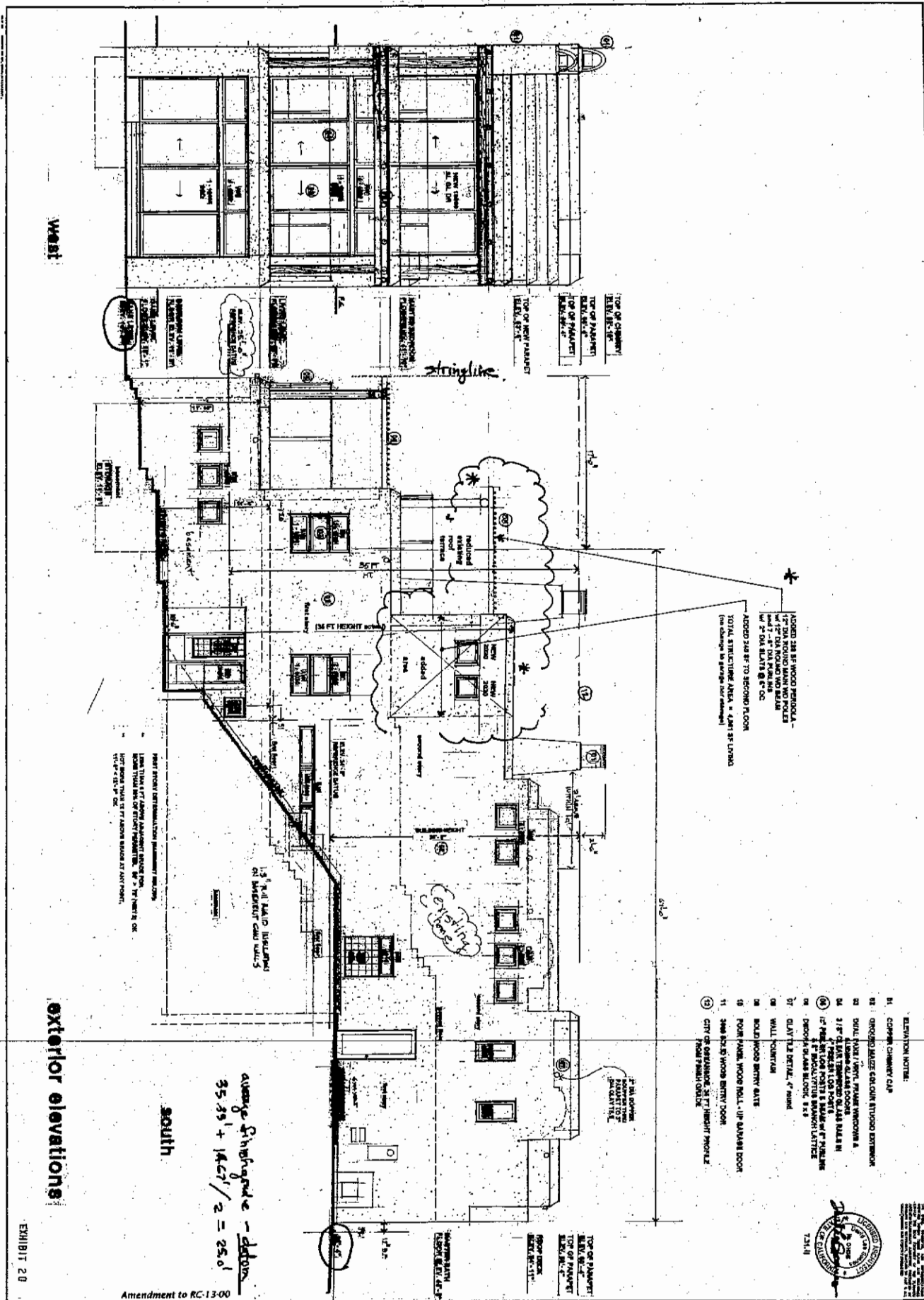
david lee soanes, ltd.
 6378 Paseo Potosi, Carlsbad, CA 92009
 phone: 760.476.0993; fax: 760.476.0937; email: dsoanes@dlsoanes.com
 architecture * golf course architecture * land planning * civil engineering
 construction management * landscape architecture * interior design



DATE	10/1/00
BY	DL
SCALE	AS SHOWN
PROJECT	STENSURD RESIDENCE
NO.	A-7

REVISIONS	BY

EXHIBIT 20



West

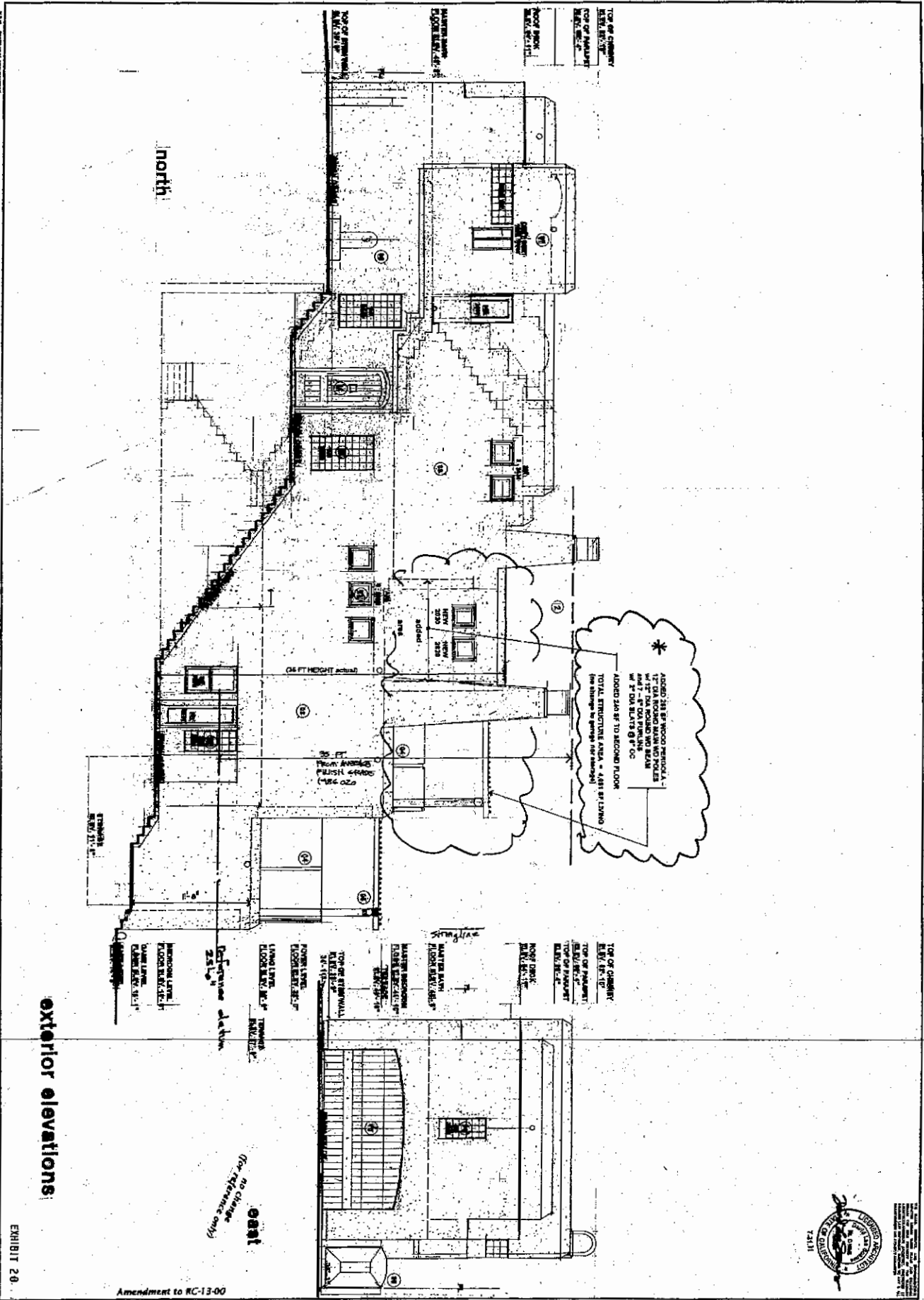
exterior elevations

South

average Shingled - dition
 $35.35' + 14.67' / 2 = 25.0'$

- ELEVATION NOTES:
- 01: COPPER CHIMNEY CLIP
 - 02: GROUND MAIZE CALSOLITE STUCCO EXTENSION
 - 03: DUAL GLAZE WHITE PINE WINDOWS &
 - 04: 3 1/2" x 1/2" DUAL TEMPERED GLASS SLATE IN
 - 05: 12" PINE STYLON POSTS & SQUARES OF PINE
 - 06: DROPPED SLATE BLOCK, 8x8
 - 07: CLAY TILE DETAIL, 4" round
 - 08: WALL COURSE
 - 09: BOLD WOOD ENTRY GATE
 - 10: FOUR PANEL WOOD INCL. UP SLANED DOOR
 - 11: 2x4x8x12 WOOD ENTRY DOOR
 - 12: CITY OF OAKLAND, 24" TYP. HERSHIFT PROFILE, FOOD PRESHIELD





exterior elevations

EXHIBIT 20

Amendment to RC-13-00

the stensrud residence
1705 south pacific street
oceanside, california

Property owner:
Whitney Stewart
C/O David J. Soanes, Esquire
1900 Avenue of the Stars, Suite 2342B
Los Angeles, CA 90067

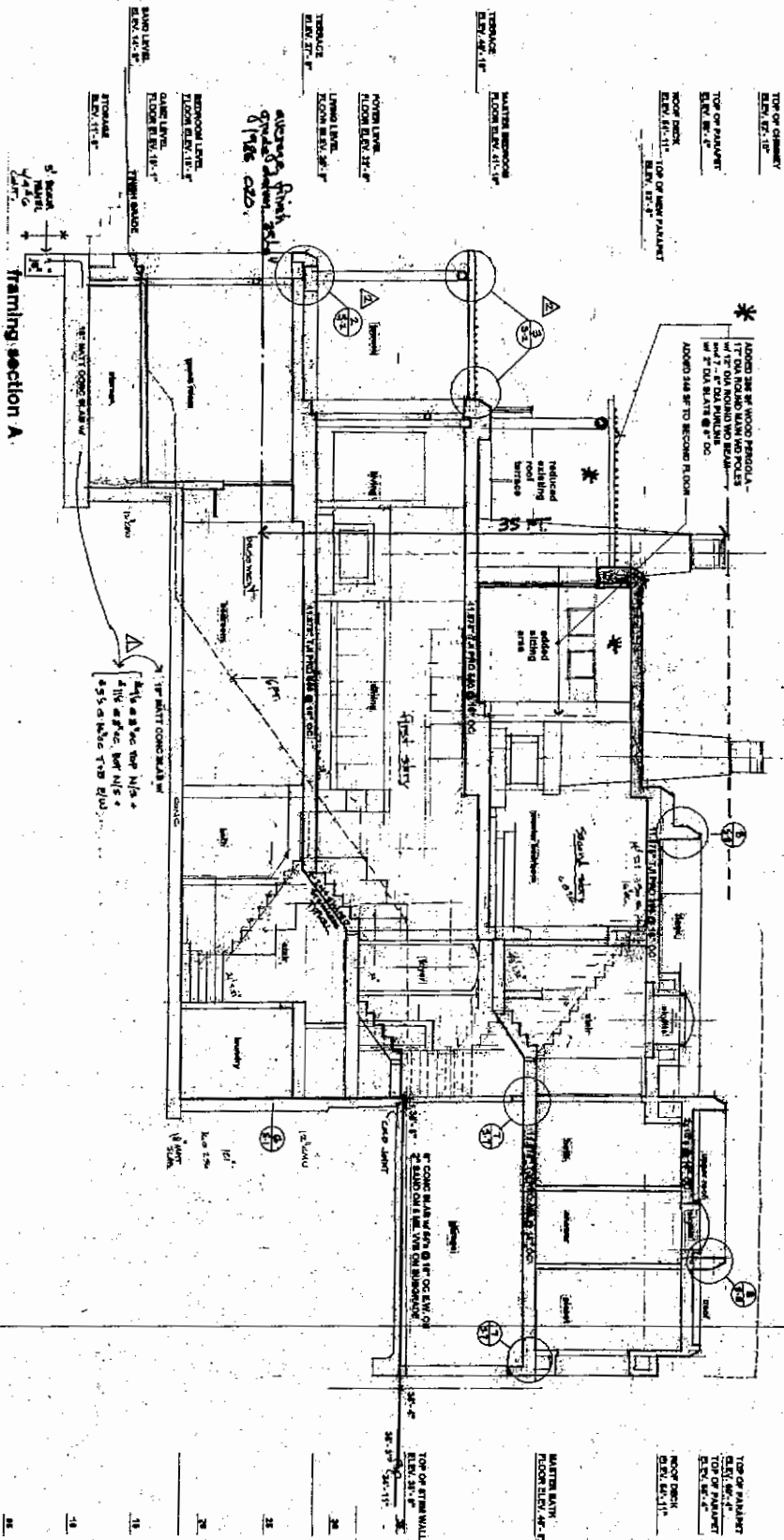
david lee soanes, ltd.
6378 Paseo Povero, Carlsbad, CA 92008
phone: 760.476.0533; fax: 760.476.0937; email: soanes@dsl.computer.com
architecture * golf course architecture * land planning * civil engineering
construction management * landscape architecture * interior design



DATE	10/11/05
BY	DL
PROJECT	1705 SOUTH PACIFIC STREET
SCALE	AS SHOWN
DATE	04 OCT 2005
BY	DL
PROJECT	1705 SOUTH PACIFIC STREET
SCALE	AS SHOWN
DATE	10/11/05
BY	DL

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10/11/05

EXHIBIT 20



Framing section A

Building sections

EXHIBIT 20

Amendment to RC-13-00

the stensrud residence
 1705 south pacific street
 oceanside, california.

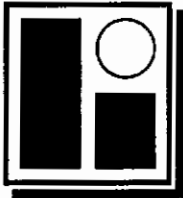
property owner:
 Whitney Stensrud
 c/o David L. Soanes, Esquire
 1900 Avenue of the Stars, Suite 2243
 Los Angeles, CA 90067

david lee soanes, ltd.
 6376 Paseo Putres, Carlsbad, CA 92008
 phone: 760.478.0933; fax: 760.478.0937; email: soanes@dlsoanes.com
 architecture * golf course architecture * land planning * civil engineering
 construction management * landscape architecture * interior design



DATE: 10/20/2008
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: AS SHOWN

EXHIBIT 20



R. BOUWMEESTER & ASSOCIATES

Sun and Shadow Position Specialists

165 Browning Trail
Barrie, Ontario, Canada L4N 5E7

tel/fax (705) 726-3392

E-mail: rba@sunposition.com

Website: www.sunposition.com

Shadow Impact & Solar Access Studies • Site Planning & Building Design Input • Accident Investigation Input

File: S11011

May 30, 2011

Chairperson and Commissioners
California Coastal Commission
San Diego Coast District
7575 Metropolitan Dr, Suite 103
San Diego, CA 92108

Dear Chairperson Wan and Commissioners:

**Re: Shadow Impact Study – Exhibit #21
Commission Appeal #A-6-OCN-11-028
1705 S Pacific St, Oceanside
APN 153-091-46
Local Permit #RC-10-00004**

Our firm was recently retained by Mr. Daniel E. Matlach, appellant in the above appeal, to review the shadow impacts on Oceanside Beach of the subject building additions. We understand the proposal consists of the addition of a pergola and 2nd storey house extension overtop of the existing one-storey portion (i.e. west portion) of the existing dwelling.

Our analysis is based on a review of the site plan and elevations of the proposal (Drawings A-5 and A-8 as contained in City of Oceanside Planning Commission Staff Report dated January 10, 2011) and a copy of Drawing A-8 dated April 22, 2003, signed/sealed by the architect on July 31, 2005, showing pre-addition conditions, all as provided to me by my Client, Mr. Matlach. Site dimensions and orientation and building location were derived from Drawing A-5. Building heights, existing and proposed, were derived from the two versions of Drawing A-8.

Our review and analysis is explained in the following sections and relate to the shadow diagrams, roof height plan, sun position tables and sunrise/sunset tables attached.

Overview

The attached shadow diagrams show shadow patterns on each of the following dates:

- June 21
- September 21
- December 21.

Times are shown in Pacific Daylight Time on June 21st and September 21st; Pacific Standard Time applies in December.

June 21 is representative of summer conditions, December 21 represents winter, and the September 21 drawing represents both spring and fall. We note that shadow patterns on March 21 are reasonably similar to those on September 21, therefore, for the purpose of this analysis the September patterns can be applied to March.

Site orientation with respect to north was derived from the #1705 south property line bearing shown as N 54° 47' E on the site plan (Drawing A-5). This orientation matches the general orientation of the area as shown on Google Earth air photos (see diagrams).

The limits of the #1705 property are shown on the diagrams by dashed line; property dimensions were derived from the site plan (Drawing A-5).

The site is geographically located at:

Latitude 33° 10' 28" N

Longitude 117° 22' 00" W

The above coordinates were derived from Google Earth and verified with other mapping sources. They are sufficiently accurate for the purpose of this shadow study. They define the location of the site on the earth's surface, and they are necessary in order to carry out shadow modeling since shadow patterns change from place to place.

Roof Height Plan

Building heights, existing and proposed, were derived from the two copies of Drawing A-8 referred to earlier. The heights (shown in meters) are summarized on the attached roof height plan and relate to the height above sea level as datum. In other words, the shadow lengths shown on our diagrams assume a flat ground plane at sea level.

The pergolas, both existing and proposed, have been modeled with open sides and solid flat roofs (i.e. no walls or support posts). The 2nd storey building addition is solid throughout. The areas of proposed change are shaded in grey on the attached roof height plan.

Shadow Diagrams

The shadow diagrams show shadow patterns from the existing dwelling at 1705 South Pacific Street (with and without the proposed additions) in hourly intervals during the morning period. The solid black lines show the shadow limits from existing #1705, and the additional shadowing due to the proposed additions (2nd storey pergola and building extension) is highlighted in red.

Incremental (i.e. new, additional) shadowing on the beach will occur on June 21st from about 7:30 a.m. PDT to just before 9:00 a.m. Sunrise occurs at 5:41 a.m. PDT.

Incremental shadowing on the beach will occur on September 21st from just before 8:00 a.m. PDT to just before 9:00 a.m. - north of the June positions. Sunrise occurs at 6:37 a.m. PDT.

Sunrise on December 21st occurs in Oceanside at 6:49 a.m. PST. By 8:00 a.m. the incremental shadow appears to have moved off the beach, north of the positions in both June and September.

The incremental shadow impact of the proposed additions is most apparent on the June and September diagrams. As indicated earlier, since March 21 and September 21 shadow patterns are similar, the impacts in March are similar to those shown for September.

It is implicit from the diagrams that the impact area (highlighted in red) moves up and down the beach, particularly around 8:00 a.m., all year long. For example, by interpolating between the 8:00 a.m. impact areas in June and September we can visualize the area impacted in July and August (and similarly in March, April and May). Likewise, by comparing the 8:00 a.m. impact areas on the September and December diagrams we can get a sense of where the impact will be in October and November, and similarly in January and February. The impact is year-round.

Sun Position Tables

The directions of the shadows are dependant on the daily motion of the sun, varying throughout the day, higher in summer, lower in winter. Details for each of the three study dates are provided in the sun position tables attached. 'Alt' denotes 'altitude' or height of the sun in degrees above horizontal, 'Az' denotes 'azimuth' or direction of sun in degrees clockwise from astronomic (true) north, and 'SLF' denotes 'Shadow Length Factor', the factor by which an object's height is multiplied to find its shadow length.

The tables show sun altitude and azimuth data in one-hour intervals on each of the study dates.

Sunrise / Sunset Times

We have attached tables showing the times and directions of sunrise and sunset in Oceanside for the months of June, September and December.

Summary

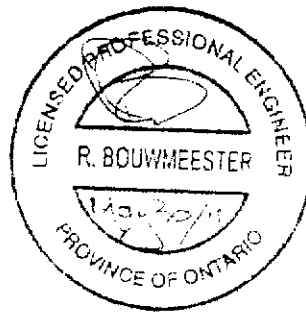
In summary, based on my analysis, it is my opinion that the proposed house additions at 1705 South Pacific Street will have a negative impact on potential sun access to Oceanside Beach all year long, particularly prior to 9:00 a.m. and for periods up to about 1.5 hours.

Yours very truly,

R. BOUWMEESTER & ASSOCIATES

Signature on file

Ralph Bouwmeester, P. Eng.
Principal



Attach:

- Title Page and Key Map
- Roof Height Plan
- Shadow Impact Study Diagrams – Jun 21, Sep 21 and Dec 21
- Sun Position Tables – Jun 21, Sep 21 and Dec 21
- Sunrise/Sunset Times - Jun, Sep and Dec
- CV (Exhibit #22 - under separate cover)

cc. Mr. Daniel E. Matlach

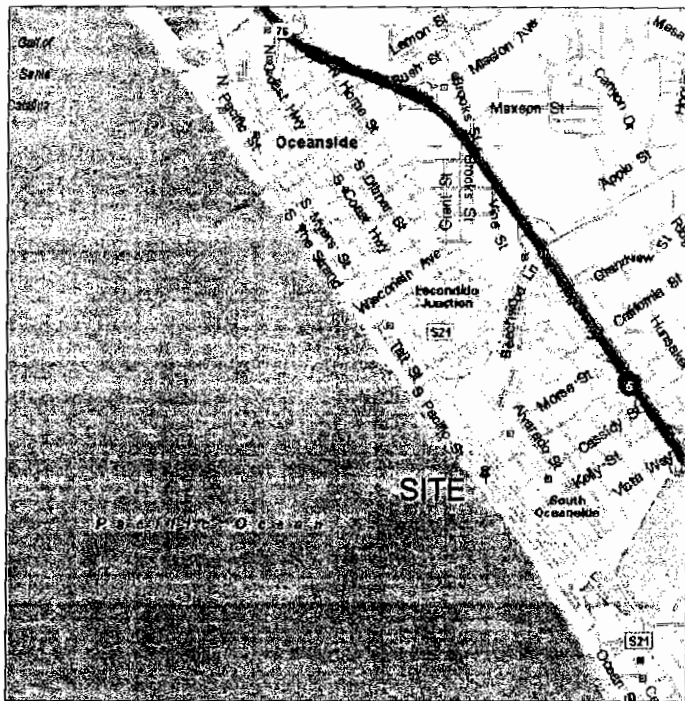


EXHIBIT #21

SHADOW IMPACT STUDY *OCEANSIDE BEACH*

PROPOSED BUILDING ADDITION
1705 SOUTH PACIFIC STREET
OCEANSIDE, CALIFORNIA

MAY 30, 2011

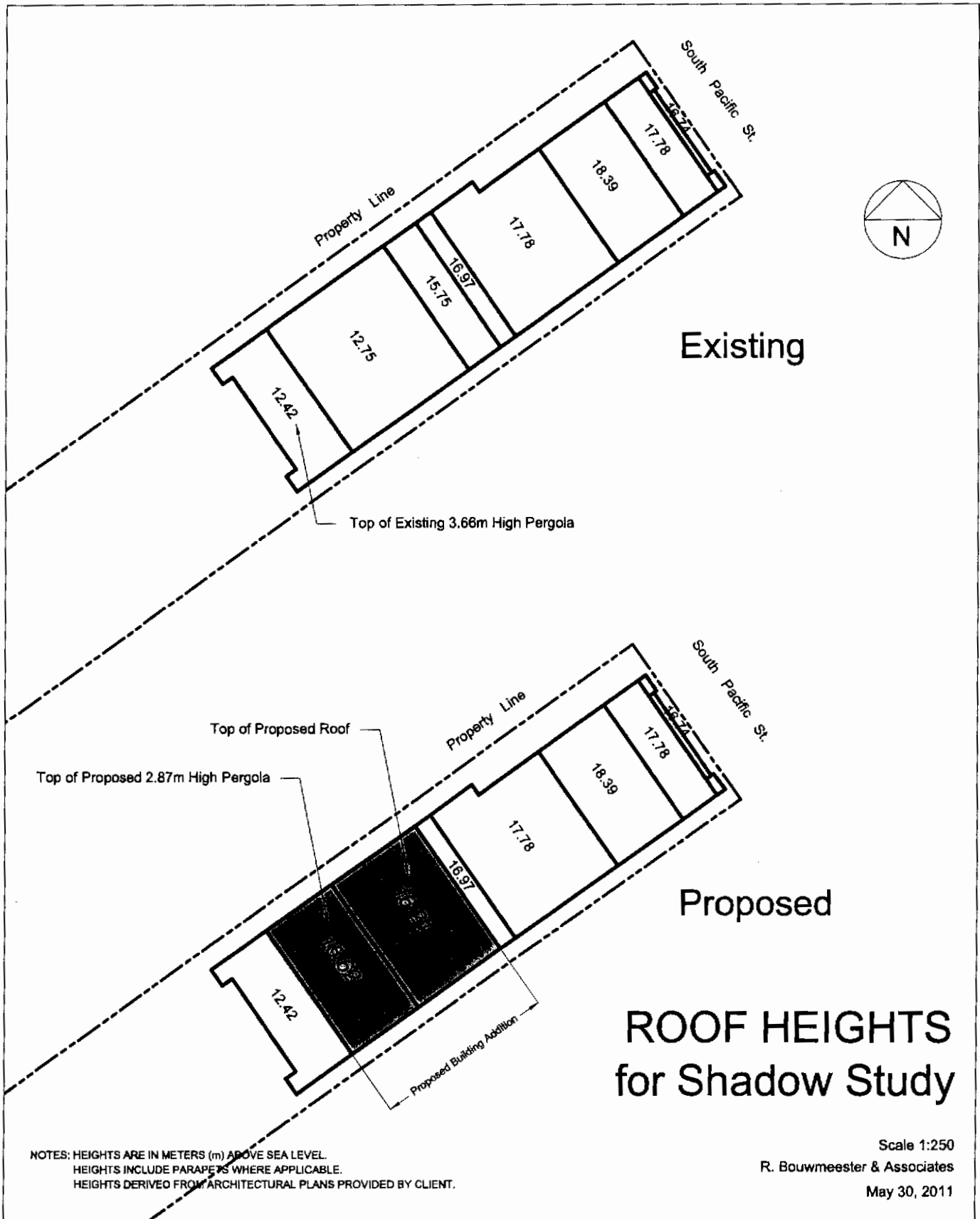


R. BOUWMEESTER & ASSOCIATES

Sun & Shadow Position Specialists

185 Browning Trail, Bante ON Tel/Fax (705) 726-3382

Web: www.sunposition.com Email: rba@sunposition.com



Property Line

South Pacific St.

Existing

Top of Existing 3.66m High Pergola

Property Line

South Pacific St.

Proposed

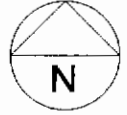
Top of Proposed Roof

Top of Proposed 2.87m High Pergola

Proposed Building Addition

NOTES: HEIGHTS ARE IN METERS (m) ABOVE SEA LEVEL.
HEIGHTS INCLUDE PARAPETS WHERE APPLICABLE.
HEIGHTS DERIVED FROM ARCHITECTURAL PLANS PROVIDED BY CLIENT.

Scale 1:250
R. Bouwmeester & Associates
May 30, 2011



LEGEND

—— LIMIT OF GROUND PLANE SHADOW AT SEA LEVEL

■ INCREMENTAL SHADOW AT SEA LEVEL DUE TO PROPOSED HOUSE ADDITION

SITE COORDINATES

LATITUDE: 33° 10' 28" N
LONGITUDE: 117° 22' 00" W

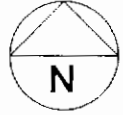
Shadow Study

Jun 21

Scale 1:1000

R. Bouwmeester & Associates

May 30, 2011



LEGEND

— LIMIT OF GROUND PLANE SHADOW AT SEA LEVEL



INCREMENTAL SHADOW AT SEA LEVEL DUE TO PROPOSED HOUSE ADDITION

SITE COORDINATES

LATITUDE: 33° 10' 28" N
LONGITUDE: 117° 22' 00" W

Shadow Study

Sep 21

Scale 1:1000

R. Bouwmeester & Associates

May 30, 2011



LEGEND

— LIMIT OF GROUND PLANE SHADOW AT SEA LEVEL

■ INCREMENTAL SHADOW AT SEA LEVEL DUE TO PROPOSED HOUSE ADDITION

SITE COORDINATES

LATITUDE: 33° 10' 28" N
LONGITUDE: 117° 22' 00" W

Shadow Study

Dec 21

Scale 1:1000

R. Bouwmeester & Associates

May 30, 2011

R. Bouwmeester & Associates

165 Browning Trail
 Barrie, Ontario Canada
 L4N 5E7

Tel/Fax (705) 726-3392
 E-mail: rba@sunposition.com
 Website: www.sunposition.com

Sun Position Table

Copyright (c) R. Bouwmeester 2011

Study Date:

June 21, 2011

Interval:

60 minutes

City	Latitude (North +ve)			Dec. Deg.	Longitude (East +ve)			Dec. Deg.
	Deg	Min	Sec		Deg	Min	Sec	
1705 S. Pacific St. Oceanside, CA	33	10	28	33.1744	-117	-22	0	-117.3667

Time Zone GMT + -7 hours

Date (mm/dd/yyyy)	Sun Position			Geographical Sun Location	
	Alt (deg)	Az (deg)	SLF	Latitude (deg) (North +ve)	Longitude (deg) (East +ve)
6/21/11					
Local Time (dec. hrs.)					
6.0000	2.72	63.60	21.01	23.44	-14.57
7.0000	14.31	71.11	3.92	23.44	-29.57
8.0000	26.40	78.11	2.01	23.44	-44.57
9.0000	38.82	85.18	1.24	23.44	-59.56
10.0000	51.36	93.25	0.80	23.44	-74.56
11.0000	63.75	104.56	0.49	23.44	-89.56
12.0000	75.12	127.59	0.27	23.44	-104.56
13.0000	80.08	-168.28	0.17	23.44	-119.55
14.0000	72.05	-118.42	0.32	23.44	-134.55
15.0000	60.18	-100.66	0.57	23.44	-149.55
16.0000	47.70	-90.71	0.91	23.44	-164.55
17.0000	35.17	-83.07	1.42	23.44	-179.54
18.0000	22.84	-76.09	2.37	23.44	-194.54
19.0000	10.87	-69.00	5.21	23.44	-209.54
20.0000	-0.52	-61.24	-110.15	23.44	-224.54
21.0000	-11.02	-52.30	-5.13	23.44	-239.54

R. Bouwmeester & Associates

165 Browning Trail
 Barrie, Ontario Canada
 L4N 5E7

Tel/Fax (705) 726-3392
 E-mail: rba@sunposition.com
 Website: www.sunposition.com

Sun Position Table

Copyright (c) R. Bouwmeester 2011

Study Date:

September 21, 2011

Interval:

60 minutes

City	Latitude (North +ve)			Dec. Deg.	Longitude (East +ve)			Dec. Deg.
	Deg	Min	Sec		Deg	Min	Sec	
1705 S. Pacific St. Oceanside, CA	33	10	28	33.1744	-117	-22	0	-117.3667

Time Zone GMT + -7 hours

Date (mm/dd/yyyy)	Sun Position			Geographical Sun Location	
	Alt (deg)	Az (deg)	SLF	Latitude (deg) (North +ve)	Longitude (deg) (East +ve)
9/21/11					
Local Time (dec. hrs.)					
6.0000	-8.51	83.52	-6.68	0.72	-16.71
7.0000	4.02	91.79	14.23	0.70	-31.71
8.0000	16.49	100.29	3.38	0.68	-46.72
9.0000	28.60	109.91	1.83	0.67	-61.72
10.0000	39.89	121.92	1.20	0.65	-76.72
11.0000	49.52	138.20	0.85	0.63	-91.73
12.0000	55.94	160.76	0.68	0.62	-106.73
13.0000	57.17	-171.93	0.65	0.60	-121.73
14.0000	52.67	-146.84	0.76	0.59	-136.74
15.0000	44.13	-128.14	1.03	0.57	-151.74
16.0000	33.38	-114.64	1.52	0.55	-166.75
17.0000	21.53	-104.23	2.53	0.54	-181.75
18.0000	9.16	-95.42	6.20	0.52	-196.75
19.0000	-3.40	-87.17	-16.85	0.50	-211.76
20.0000	-15.86	-78.68	-3.52	0.49	-226.76
21.0000	-27.93	-69.04	-1.89	0.47	-241.76

R. Bouwmeester & Associates

165 Browning Trail
 Barrie, Ontario Canada
 L4N 5E7

Tel/Fax (705) 726-3392
 E-mail: rba@sunposition.com
 Website: www.sunposition.com

Sun Position Table

Copyright (c) R. Bouwmeester 2011

Study Date:

December 21, 2011

Interval:

60 minutes

City	Latitude (North +ve)			Dec. Deg.	Longitude (East +ve)			Dec. Deg.
	Deg	Min	Sec		Deg	Min	Sec	
1705 S. Pacific St. Oceanside, CA	33	10	28	33.1744	-117	-22	0	-117.3667

Time Zone GMT + -8 hours

Date (mm/dd/yyyy)	Sun Position			Geographical Sun Location	
	Alt (deg)	Az (deg)	SLF	Latitude (deg) (North +ve)	Longitude (deg) (East +ve)
12/21/11					
Local Time (dec. hrs.)					
6.0000	-10.11	111.48	-5.61	-23.44	-30.51
7.0000	1.23	119.29	46.61	-23.44	-45.50
8.0000	11.66	128.32	4.85	-23.44	-60.50
9.0000	20.75	139.09	2.64	-23.44	-75.49
10.0000	27.86	152.02	1.89	-23.44	-90.49
11.0000	32.27	167.09	1.58	-23.44	-105.48
12.0000	33.31	-176.58	1.52	-23.44	-120.48
13.0000	30.82	-160.61	1.68	-23.44	-135.47
14.0000	25.19	-146.38	2.13	-23.44	-150.47
15.0000	17.17	-134.38	3.24	-23.44	-165.46
16.0000	7.46	-124.40	7.63	-23.44	-180.46
17.0000	-3.39	-115.93	-16.89	-23.44	-195.45
18.0000	-15.01	-108.47	-3.73	-23.44	-210.45
19.0000	-27.12	-101.48	-1.95	-23.44	-225.44
20.0000	-39.55	-94.39	-1.21	-23.44	-240.44
21.0000	-52.09	-86.22	-0.78	-23.44	-255.43

Sunrise/Sunset Times

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City	Latitude (North +ve)			Dec. Deg.	Longitude (East +ve)			Dec. Deg.
	Deg	Min	Sec		Deg	Min	Sec	
1705 S. Pacific St. Oceanside, CA	33	10	28	33.1744	-117	-22	0	-117.3667

Time Zone GMT + -7 hours

Date (mm/dd/yy)	Local Time		Azimuth at Rise (dec. deg.)	Azimuth at Set (dec. deg.)
	Sunrise (hh:mm:ss)	Sunset (hh:mm:ss)		
6/01/11	5:41:22	19:53:27	62.7	297.4
6/02/11	5:41:06	19:54:03	62.6	297.5
6/03/11	5:40:51	19:54:36	62.4	297.7
6/04/11	5:40:38	19:55:09	62.3	297.8
6/05/11	5:40:26	19:55:41	62.1	298.0
6/06/11	5:40:16	19:56:12	62.0	298.1
6/07/11	5:40:08	19:56:42	61.9	298.2
6/08/11	5:40:01	19:57:11	61.8	298.3
6/09/11	5:39:56	19:57:39	61.6	298.4
6/10/11	5:39:52	19:58:06	61.5	298.5
6/11/11	5:39:49	19:58:31	61.5	298.6
6/12/11	5:39:49	19:58:56	61.4	298.7
6/13/11	5:39:49	19:59:19	61.3	298.7
6/14/11	5:39:51	19:59:42	61.2	298.8
6/15/11	5:39:55	20:00:03	61.2	298.9
6/16/11	5:40:00	20:00:23	61.1	298.9
6/17/11	5:40:07	20:00:41	61.1	298.9
6/18/11	5:40:15	20:00:58	61.0	299.0
6/19/11	5:40:24	20:01:14	61.0	299.0
6/20/11	5:40:35	20:01:29	61.0	299.0
6/21/11	5:40:47	20:01:42	61.0	299.0
6/22/11	5:41:00	20:01:54	61.0	299.0
6/23/11	5:41:15	20:02:04	61.0	299.0
6/24/11	5:41:31	20:02:13	61.0	298.9
6/25/11	5:41:48	20:02:20	61.1	298.9
6/26/11	5:42:07	20:02:26	61.1	298.9
6/27/11	5:42:27	20:02:31	61.1	298.8
6/28/11	5:42:47	20:02:34	61.2	298.8
6/29/11	5:43:09	20:02:35	61.3	298.7
6/30/11	5:43:33	20:02:35	61.3	298.6
7/01/11	5:43:57	20:02:33	61.4	298.5

Notes:

1. Rise and set times are based on an observer at sea level with no obstructions to horizon.
2. Apparent times may vary by several minutes depending on the observer's altitude.
3. Apparent times may vary on account of atmospheric conditions.

Sunrise/Sunset Times

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City	Latitude (North +ve)			Dec. Deg.	Longitude (East +ve)			Dec. Deg.
	Deg	Min	Sec		Deg	Min	Sec	
1705 S. Pacific St. Oceanside, CA	33	10	28	33.1744	-117	-22	0	-117.3667

Time Zone GMT + -7 hours

Date (mm/dd/yy)	Local Time		Azimuth at Rise (dec. deg.)	Azimuth at Set (dec. deg.)
	Sunrise (hh:mm:ss)	Sunset (hh:mm:ss)		
9/01/11	6:23:39	19:14:43	79.5	280.2
9/02/11	6:24:19	19:13:26	80.0	279.8
9/03/11	6:24:58	19:12:07	80.4	279.4
9/04/11	6:25:38	19:10:48	80.9	278.9
9/05/11	6:26:17	19:09:29	81.3	278.5
9/06/11	6:26:57	19:08:09	81.7	278.0
9/07/11	6:27:36	19:06:49	82.2	277.6
9/08/11	6:28:15	19:05:28	82.6	277.1
9/09/11	6:28:54	19:04:07	83.1	276.7
9/10/11	6:29:34	19:02:46	83.5	276.2
9/11/11	6:30:13	19:01:25	84.0	275.8
9/12/11	6:30:52	19:00:04	84.5	275.3
9/13/11	6:31:31	18:58:42	84.9	274.8
9/14/11	6:32:11	18:57:20	85.4	274.4
9/15/11	6:32:50	18:55:58	85.8	273.9
9/16/11	6:33:29	18:54:36	86.3	273.5
9/17/11	6:34:09	18:53:14	86.8	273.0
9/18/11	6:34:48	18:51:52	87.2	272.5
9/19/11	6:35:28	18:50:29	87.7	272.1
9/20/11	6:36:07	18:49:07	88.1	271.6
9/21/11	6:36:47	18:47:45	88.6	271.2
9/22/11	6:37:27	18:46:23	89.1	270.7
9/23/11	6:38:07	18:45:01	89.5	270.2
9/24/11	6:38:47	18:43:39	90.0	269.8
9/25/11	6:39:28	18:42:17	90.5	269.3
9/26/11	6:40:08	18:40:56	90.9	268.8
9/27/11	6:40:49	18:39:34	91.4	268.4
9/28/11	6:41:30	18:38:13	91.9	267.9
9/29/11	6:42:11	18:36:52	92.3	267.4
9/30/11	6:42:52	18:35:32	92.8	267.0
10/01/11	6:43:33	18:34:11	93.3	266.5

Notes:

1. Rise and set times are based on an observer at sea level with no obstructions to horizon.
2. Apparent times may vary by several minutes depending on the observer's altitude.
3. Apparent times may vary on account of atmospheric conditions.

Sunrise/Sunset Times

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City	Latitude (North +ve)			Dec. Deg.	Longitude (East +ve)			Dec. Deg.
	Deg	Min	Sec		Deg	Min	Sec	
1705 S. Pacific St. Oceanside, CA	33	10	28	33.1744	-117	-22	0	-117.3667

Time Zone GMT + -8 hours

Date (mm/dd/yy)	Local Time		Azimuth at Rise (dec. deg.)	Azimuth at Set (dec. deg.)
	Sunrise (hh:mm:ss)	Sunset (hh:mm:ss)		
12/01/11	6:34:37	16:42:08	115.7	244.2
12/02/11	6:35:28	16:42:04	115.9	244.0
12/03/11	6:36:19	16:42:02	116.1	243.8
12/04/11	6:37:08	16:42:01	116.3	243.7
12/05/11	6:37:57	16:42:01	116.4	243.5
12/06/11	6:38:45	16:42:04	116.6	243.3
12/07/11	6:39:33	16:42:08	116.7	243.2
12/08/11	6:40:19	16:42:15	116.9	243.1
12/09/11	6:41:05	16:42:23	117.0	243.0
12/10/11	6:41:50	16:42:33	117.1	242.8
12/11/11	6:42:33	16:42:45	117.2	242.7
12/12/11	6:43:16	16:42:58	117.3	242.7
12/13/11	6:43:58	16:43:14	117.4	242.6
12/14/11	6:44:38	16:43:31	117.5	242.5
12/15/11	6:45:17	16:43:50	117.5	242.4
12/16/11	6:45:56	16:44:10	117.6	242.4
12/17/11	6:46:32	16:44:33	117.7	242.3
12/18/11	6:47:08	16:44:56	117.7	242.3
12/19/11	6:47:42	16:45:22	117.7	242.3
12/20/11	6:48:15	16:45:49	117.7	242.2
12/21/11	6:48:46	16:46:18	117.8	242.2
12/22/11	6:49:16	16:46:48	117.8	242.2
12/23/11	6:49:45	16:47:20	117.7	242.3
12/24/11	6:50:12	16:47:53	117.7	242.3
12/25/11	6:50:37	16:48:28	117.7	242.3
12/26/11	6:51:01	16:49:04	117.7	242.4
12/27/11	6:51:23	16:49:41	117.6	242.4
12/28/11	6:51:44	16:50:20	117.6	242.5
12/29/11	6:52:03	16:51:00	117.5	242.5
12/30/11	6:52:20	16:51:42	117.4	242.6
12/31/11	6:52:36	16:52:24	117.3	242.7

Notes:

1. Rise and set times are based on an observer at sea level with no obstructions to horizon.
2. Apparent times may vary by several minutes depending on the observer's altitude.
3. Apparent times may vary on account of atmospheric conditions.

Curriculum Vitae

Ralph Bouwmeester, B. Sc., P. Eng.

165 Browning Trail
Barrie, Ontario, Canada L4N 5E7
telephone: (705) 726-3392
fax: (705) 726-3392

Ralph Bouwmeester is a professional civil engineer registered with Professional Engineers Ontario (PEO), with over thirty years of experience in urban development, municipal servicing design and sun and shadow position modeling. He is a member in good standing of PEO as well as the Canadian Society for Civil Engineering and the Engineering Institute of Canada. In addition, he has enjoyed membership in the Association of Ontario Land Surveyors.

Education

Georgian College	<i>Level II - On-Site Collision Investigation</i>	1997
MOE Certificate Course	<i>Environmental Noise Assessment in Land Use Planning</i>	1987
University of Toronto	Survey Science Courses	1979
Queen's University	B. Sc. (Civil Engineering)	1976

Specialty Courses

Astronomy	University of Toronto
Geodesy	University of Toronto
Land Surveying	University of Toronto
Photogrammetry	University of Toronto, Queen's University
Remote Sensing	Queen's University
Survey Control	University of Toronto

Professional Affiliations

Professional Engineers Ontario
Association of Ontario Land Surveyors (Retired)
Canadian Society for Civil Engineering
Engineering Institute of Canada

Professional Background

Principal	R. Bouwmeester & Associates Barrie, Ontario	1995 to Present
Senior Project Manager	R. G. Robinson & Associates Barrie, Ontario	1993 to 1995

Development Manager	Liza Development Corp. Richmond Hill, Ontario	1991 to 1993
Corp. Development Engineer	Graywood Developments Ltd. Toronto, Ontario	1988 to 1991
Project Manager	Proctor and Redfern Group Don Mills, Ontario	1982 to 1988
Project Engineer/OLS	M. D. Brown Limited Bowmanville, Ontario	1976 to 1982

Relevant Experience

Prepare:

evidence for the Ontario Municipal Board.
evidence for the Alaska Criminal Superior Court.
evidence for Ontario Court of Justice
evidence for (Ontario) Provincial Court Criminal Division.
evidence for U.S. District Court.
evidence for U.S. Judicial District Court.
evidence for United Nations Claims Commission.
sun position analyses related to accident and criminal investigations - including sun position tables and charts, opinion letters, reports, drawings, exhibit photos showing superimposed sun position, driver's eye perspective drawings and 3D views.
shadow impact drawings and reports related to development proposals.
solar access drawings and reports related to site planning and building design.
time and date analyses from photos and videos.
sun position tables (historical, current and future).
sunrise/sunset tables (historical, current and future)

Present:

expert witness testimony...
...shadow impact studies before...
...Ontario Municipal Board.
...sun/shadow position modeling before...
...Alaska Criminal Superior Court, Fairbanks AK (vehicle/pedestrian fatality)
...Ontario Court of Justice, Orangeville ON (fatal multi-vehicle collision)
...U.S. District Court, Charleston WV (photo time and date analysis) (deposition)
...Provincial Court Criminal Division, Barrie ON (vehicle/pedestrian collision).
expert witness testimony by sworn affidavit...
...sun/shadow position modeling...
...U.S. District Court, Atlanta GA (motor vehicle collision)
...Judicial District Court, St. Tammany, LA (motor vehicle collision).

Assess:

sun position related to visibility issues...sports facilities, motor vehicle collisions.
shadow impacts...development proposals.
shadow positions in photos and videos for time and date verification.
solar access...indoor & outdoor

Provide:

input related to...
...collision investigation and reconstruction
...site planning
...building design, siting, orientation
...sports facility planning and design
...film production planning.
expert witness testimony

Recommend:

mitigation measures...shadowing, glare, blinding.
optimization measures...solar access

Representative Projects

Accident Reconstruction •

Criminal Court expert witness testimony...
...sun position and reflective glare (fatal multi-vehicle collision), Orangeville ON
...sun position (vehicle / pedestrian fatality), Fairbanks AK
...sun position (vehicle / pedestrian collision), Barrie ON.
sun position analysis and reports...
... car / pedestrian collision, Wellington, New Zealand
...motor vehicle collision, Avon Park FL
...pedestrian fatality, York ON
...car / pedestrian collision, Westtown NJ
...pedestrian fatality, Fairbanks AK
...fatal multi-vehicle collision, Orangeville ON
...head-on collision, Islip NY
...rear-end collision, Atlanta GA
...head-on triple fatality, Pioneer CA
...pedestrian fatality, Barrie ON
...car / pedestrian collision, Tempe AZ
...fatal head-on collision, West Paterson NJ
...car / train level crossing collision, Woodlawn ON
...two-vehicle collision, Covington LA
...fatal head-on motor vehicle collision, Seven Valleys PA
...fuel tanker truck / school bus rear-end collision, Head Lake ON.
sun position analysis, calculate equivalent dates and times for video reconstructions of traffic collisions, London, Toronto.
sun position analysis, calculate equivalent dates and times for jury visit, San Diego CA.
sun position analysis for U.S. Air Force re: crash of two U.S. F-15 fighter jets, Scotland.
sun and shadow position analysis for a "trip and fall" civil suit, Jacksonville Beach FL.
sun position data and/or letters of opinion for traffic accident investigations, various locations in Canada, England, Norway, Scotland, and USA.
presentation - "Sun and Shadow Modeling in Accident Reconstruction", Ontario Region, Canadian Association of Technical Accident Investigators and Reconstructionists (CATAIR), Toronto.
presentation - "Superimposing Sun Position and Total Station Survey Data into Driver's Eye Perspective Photographs - A Case Study ", Ontario Region, CATAIR, Toronto

Shadow Impact Studies

- Ontario Municipal Board (OMB) expert witness testimony...
 - ...impact of infill housing, Kawartha Lakes
 - ...impact of building additions, Markham, Toronto
 - ...impact of proposed multi-storey condos, Bradford, Mississauga, Orillia, Toronto.
- drawings and reports for OMB hearings in support of proposed high-rises, Bradford, Mississauga, Orillia, Toronto.
- drawings and reports for OMB hearings in support of proposed single-family residential projects, Kawartha Lakes, Markham, Rosedale (Toronto), Toronto.
- peer review of shadow studies, supplemental analyses...
 - ...Five Condos, DiamondCorp - 5 St. Joseph, Toronto
 - ...Art Gallery of Ontario (AGO) expansion - 317 Dundas Street West, Toronto
 - ...College Park III, Candereel Stoneridge - Yonge/Gerrard, Toronto
 - ...Four Seasons Hotel/Condo - Bay/Yorkville, Toronto
 - ...Minto Towers - Yonge/Eglinton, Toronto
 - ...Minto/Victoria University - Charles/St. Thomas, Toronto.
- peer review of shadow studies...
 - ...Pier 27 Phase II - Toronto
 - ...Ordnance Street Condos - Toronto
 - ...Deer Park Condos - Toronto
 - ...Karita Towers - 15 Maple Avenue, Barrie
 - ...1 St. Thomas Street - Toronto
 - ...Canada Life - 180 Queen Street West, Toronto
 - ...Canadian Tire - Yonge/Church Streets, Toronto
 - ...Wind Farm shadow flicker, Melancthon ON.
- prepare sun position charts for use in shadow impact studies, Town of Lacombe AB.
- provide input to Proposed Guidelines for Shadow Studies, Town of Whitby ON.
- shadow impact drawings and reports in support of development proposals, Aberdeen Scotland, Agincourt, Ajax, Alameda CA, Barrie, Berkeley CA, Bradford, Calgary, Mississauga, North York, Oakland CA, Oakville, Orillia, Richmond Hill, Scarborough, Toronto, Vaughan.
- shadow impact drawings showing building demolition/preservation options related to the protection of a vest pocket park in Midtown Manhattan NY.
- shadow animation for re-development of Princess Margaret Hospital lands, Toronto.
- shadow impact drawings for Committee of Adjustment hearing in support of proposed semi-detached residential re-development project, Toronto (The Annex).
- shadow impact drawings for Committee of Adjustment hearing in support of proposed single-family residential re-development project, Toronto (Forest Hill).
- shadow impact drawings for Committee of Adjustment hearing in opposition to proposed single-family residential re-development project, Toronto (Lawrence Park).
- shadow impact drawings for OMB hearing in opposition to proposed townhouse development project, Toronto.
- shadow impact drawings for OMB hearing in opposition to proposed single-family residential re-development projects, East York, Etobicoke, Toronto.
- shadow impact drawings for planning hearing in opposition to proposed addition to single-family residential dwelling, Cambridgeshire UK.
- shadow impact drawings for planning hearing in opposition to proposed addition to 4-storey apartment building, Hoboken NJ

Solar Access Studies

lightwell solar access to proposed condo units, Toronto ON
sun/shade analysis of tree root zones in teak plantation, Pemalang, Indonesia
solar shade design for proposed residence, Eden NC
solar access study for proposed residence, Sunset Ridge, Park City UT
sunlight analysis for interior court units of proposed condo, Toronto
daylight analysis for interior bedrooms of proposed condo units, Toronto
skylight design for proposed house addition, Toronto (Forest Hill)
proposed housing project, Phoenix AZ.
proposed housing project, Monroe NJ.
proposed housing project, Springdale UT.
proposed pool and residence, Ft. Lauderdale FL, Oro-Medonte, Rosemere PQ.
proposed residential pool, Pickering.
proposed office building interior renovation, Manhattan NY.
solar orientation input for proposed...
 ...vineyard, Gainesville TX
 ...solar energy installation, Whitehorse YK

Miscellaneous

photo / shadow “time and date analysis” for criminal investigation, Rescue CA.
ballpark sun screen analysis, Meadowview Diamonds, St. Albert, AB
solar (shadow-animated) billboard design, Frito-Lay *SunChips*, Oakland CA.
verify sun directions for plume audit (EPA Method 9), U.S. Steel, Ecorse MI.
sundial design for Air India Flight 182 memorial unveiled on Toronto waterfront by
 Prime Minister Stephen Harper on June 23, 2007.
presentation - “Virtual Modeling of Tall Buildings – Sun & Shadows” – part of workshop
 session entitled, *High-Tech Tools for Design and Development Review*, presented at
 the Higher Learning Symposium, Toronto, October 2006.
photo / shadow “time and date analysis” for criminal investigation, Charleston WV.
photo / shadow “time and date analysis” of historical photo for Errol Morris Films.
video / shadow “time and date analysis” for (confidential) UN investigation, The Hague.
confirm sunset time for criminal trial involving suspect identification issues, Toronto.
prepare sun position graphic for commuter page, Fort Worth Star-Telegram, TX.
prepare sun position graphics for articles, Des Moines Register, Des Moines IA.
review published sun charts used by the cities of North York and Toronto.
assess available daylight hours for bussing students under alternative school hour
 proposal, Plano Independent School District, Plano TX.
assess available daylight hours and rate of change for medical patient, Concord MA.
assess available “on-location” daylight hours and sun position for motion picture firm,
 Banff AB.
assess available daylight hours for golf course operations and scheduling, Barrie.
sunrise/sunset tables for locations throughout Canada and the United States, as well as
 Africa, Antarctica, Asia, Australia, Europe, Great Britain, Middle East, New Zealand,
 South America.
sunrise and sunset times for telephone InfoLine, CNIB Durham Region.
sunrise times and directions for Y2K Sunrise broadcast locations, New Zealand TV



CITY OF OCEANSIDE

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(760) 435-3991

May 12, 2011

Mr. Dan Matlach
1709 S. Pacific Street
Oceanside, CA 92054

Re: Public Records Request No. 2011PR151
1705 S. Pacific Street

Dear Mr. Matlach:

I am writing in response to your Public Records Act request dated May 10, 2011 for copies of certain pages of the full-size drawings on the Stensrud addition at 1705 S. Pacific Street. As you noted when you and I spoke about your request while looking at the project file, the City is bound by California Health & Safety Code section 19851 with respect to plans maintained by the building department. That section requires that such plans be "open for inspection only on the premises of the building department as a public record." Moreover, the official copy of the plans "may not be duplicated in whole or in part except (1) with the written permission... of the certified, licensed or registered professional or his or her successor, if any, who signed the original documents and the written permission of the original or current owner of the building..., or (2) by order of a proper court or upon the request of any state agency."

The Code section sets out a specific procedure the City is required to follow when it receives a request to duplicate the official plans. The building department must furnish the form of an affidavit to be completed and signed by the person requesting the copy. The City must then send the completed affidavit to the professional who signed the plans and to the owner of the building, along with the request for permission to duplicate the plans. As you mentioned yesterday, because the architect who signed the plans, Mr. David Soanes, is now deceased, it may be difficult to obtain the written permission required by Health & Safety Code section 19851. More importantly, however, the affidavit prescribed by Section 19851—to be signed by the person requesting the copy—must contain a statement that "the copy of the plans shall only be used for the maintenance, operation, and use of the

EXHIBIT 23

Mr. Dan Matlach
Re: Public Records Request
May 12, 2011
Page 2

building,” and that “drawings are instruments of professional service and are incomplete without the interpretation of the certified, licensed, or registered professional of record.” These statements do not appear to apply to your request for copies of the plans.

My understanding is that you have requested copies of the plans in connection with your appeal of the Stensrud project to the Coastal Commission. When we met on May 10, 2011, you pointed out to me several inconsistencies among and between the three sets of plans in the project file. Of particular concern is your observation that the plan set stamped “Approved by Planning Commission” and the set stamped “Approved by City Council” are not identical. You also mentioned that a project plan set that appears in the Coastal Commission file is not the plan set that was considered by the Planning Commission and the City Council.

I took the opportunity to speak with Planning staff about these discrepancies and obtained the following explanation. Those plans found in the project file on May 10, 2011 bearing a Planning Commission approval stamp are not the plans reviewed and approved by the Planning Commission and the City Council, nor are they the plans distributed to the public via the Internet in advance of the Planning Commission and City Council public hearings on this item (January 10, 2011 and March 16, 2011, respectively). Furthermore, these are not the plans that the City forwarded to the California Coastal Commission on appeal of the project.

The plans bearing the Planning Commission approval stamp are an earlier iteration, submitted to the City on May 7, 2010, which were subsequently revised and resubmitted to the City on August 13, 2010. The plans submitted on August 13th are those that were reviewed and approved by the Planning Commission and the City Council, and those made available to the general public.

Staff had intended to keep the outdated plans (those dated May 7th) in the file as part of the historical record, and inadvertently stamped that plan set as having been approved by the Planning Commission. City staff noticed this error a few weeks ago, while organizing the project file prior to sending its contents to Coastal Commission staff. At that time, City staff reserved another set of the approved plans for stamping (i.e. the third set of plans in the file), but failed to stamp this set upon completion of the file organizing task. The staff member had not had occasion to revisit the file since that time, so the error was never corrected.

There are three differences between the May 7th and August 13th plans: The latter plans better distinguish the proposed addition from the existing residence (primarily through the clouding of notations related to the proposed addition); amend the vertical building envelope in accordance with the building height standards of the 1986 Zoning Ordinance;

Mr. Dan Matlach
Re: Public Records Request
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Page 3

and include Sheets A-6 and S-4, with Sheet A-6 being first floor and basement floor plans and Sheet S-4 being a building section. The proposed project is precisely the same on both plans.

Since you brought this matter to our attention, staff has made no changes to the project file. The erroneously stamped plan set remains in the file, as does the unstamped plan set that staff intended to stamp a few weeks ago. Staff is poised to rectify this clerical error when given direction to do so. Given your concern about the integrity of the file, we are offering you the opportunity to be present when the error is corrected. To avoid further confusion, we would like to make the correction as soon as possible. Please contact me if you would like to observe, and we can schedule a mutually convenient time to accomplish the task while you are present. In any event, we plan to make the correction no later than close of business on May 23, 2011.

Yesterday morning, City staff spoke with Toni Ross of the Coastal Commission, who confirmed that the plans received in formal correspondence from the City (i.e., attached to the Notice of Final Action and included with the rest of the contents of the project file as mailed to Coastal Commission staff last week) are those dated August 13, 2010. Ms. Ross did say that the applicant (Mr. Stensrud) had provided her with a large-format set of the outdated (i.e. May 7th) plans. Ms. Ross has not distributed these plans to any other party. She now understands that the May 7th plans were superseded by the August 13th plans and will see to it that the latter plans are the ones distributed to the Coastal Commission and other interested parties.

Thank you for bringing these matters to our attention. I hope this letter addresses your concerns about the discrepancies in the file. Please do not hesitate to contact me should you have further questions.

Sincerely,

JOHN P. MULLEN
City Attorney

Signature on file

By: BARBARA L. HAMILTON
Assistant City Attorney

BLH/jp

cc: George Buell, Development Services Director
Angelina Ehrlich, City Clerk's Office



CITY OF OCEANSIDE

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TRANSMITTAL LETTER

TO: Dan Matlach

FROM: Barbara L. Hamilton, Assistant City Attorney

DATE: May 20, 2011

RE: Public Records Request No. 2011PR151
1705 S. Pacific Street

The following item is being transmitted: Acknowledgement and Hold Harmless

- | | | | |
|-------------------------------------|----------------------|--------------------------|---------------------------|
| <input checked="" type="checkbox"/> | for your files | <input type="checkbox"/> | per contract dated: _____ |
| <input type="checkbox"/> | for your review | <input type="checkbox"/> | per your request |
| <input type="checkbox"/> | for your approval | <input type="checkbox"/> | Subpoena Duces Tecum |
| <input type="checkbox"/> | for your information | <input type="checkbox"/> | Discovery Motion |
| | | <input type="checkbox"/> | Other _____ |

Enclosures

Transmitted by: Sherri Hedrick, Legal Secretary *sh*

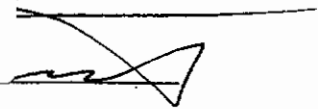
G:\Word Documents\PUBLIC RECORDS REQUESTS\Matlach\Transmittal Letter.5-20-11.doc

EXHIBIT 24

ACKNOWLEDGEMENT AND HOLD HARMLESS

By his signature below, Dan Matlach ("Requestor") hereby acknowledges receipt of one set of copies of certain drawings contained in the Planning Division file regarding property located at 1705 S. Pacific Street, and confirms that two duplicate sets of said copies are attached hereto. Requestor further acknowledges that said copies are those requested by his Public Records Act request dated May 10, 2011. Requestor hereby agrees to indemnify and hold harmless the City of Oceanside, its officers, agents and employees from any claims, loss or damage by third parties arising out of or related to the City's release of the attached copies to Requestor.

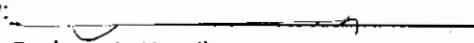
Date: 5/19/11

Signature on file

DAN MATLACH

One set of the two copies attached hereto will be retained by the Oceanside City Attorney's Office, and the other set will be retained by the Oceanside City Manager's Office, each for a period of two (2) years.

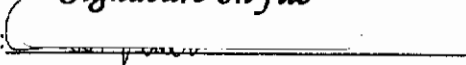
OCEANSIDE CITY ATTORNEY

Date: 5-19-11

Signature on file
By: 
Barbara L. Hamilton
Assistant City Attorney

OCEANSIDE CITY MANAGER

Date: 5-20-11

Signature on file
By: 
Peter Weiss
City Manager

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT
7675 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370 FAX (619) 767-2364
www.coastal.ca.gov

**COMMISSION NOTIFICATION OF APPEAL**

DATE: April 28, 2011
TO: Russ Cunningham
City of Oceanside
300 No. Coast Hwy
Oceanside, CA 92054
FROM: Toni Ross, Coastal Program Analyst
RE: **Commission Appeal No. A-6-OCN-11-028**

Please be advised that the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to Public Resources Code Section 30623.

Local Permit #: RC 10-00004
Applicant(s): Mr. Thor Stensrud
Description: A 240 sq. ft. addition of enclosed habitable space with a 288 sq. ft. open pergola to an existing oceanfront single-family home.
Location: 1705 South Pacific St., Oceanside (San Diego County) (APN(s) 153-091-46)
Local Decision: Approved w/ Conditions
Appellant(s): Daniel Matlach
Date Appeal Filed: 4/14/2011

The Commission appeal number assigned to this appeal is A-6-OCN-11-028. The Commission hearing date has been tentatively set for June 15-17, 2011 in . Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the City of Oceanside's consideration of this coastal development permit must be delivered to the San Diego Coast District office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, and a list, with addresses, of all who provided verbal testimony.

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Toni Ross at the San Diego Coast District office.

cc: Mr. Thor Stensrud

EXHIBIT 25

OCEANSIDE CITY COUNCIL MEETING
SEPTEMBER 4, 2002

ITEM #46

SUBJECT: APPEAL OF PLANNING COMMISSION RESOLUTION NO. 2002-P28 APPROVING REGULAR COASTAL PERMIT (RC-13-00) FOR THE DEMOLITION OF AN EXISTING SINGLE-FAMILY RESIDENCE AND THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE LOCATED AT 1705 SOUTH PACIFIC STREET -- APPLICANT: WHITNEY STENSRUD; APPELLANT: RENNY DOWLING

CITY COUNCIL AND CITY EMPLOYEES IN ATTENDANCE

MAYOR: TERRY JOHNSON
DEPUTY MAYOR: JACK FELLER

COUNCILMEMBERS:
ESTAR SANCHEZ
CAROL McCAULEY
BETTY HARDING

CITY CLERK: BARBARA REGEL WAYNE
CITY TREASURER: ROSEMARY JONES
CITY ATTORNEY: DUANE BENNETT
CITY MANAGER: STEVE JEPSEN

OCEANSIDE CITY COUNCIL MEETING
SEPTEMBER 4, 2002

(Preliminary noise, chatter)

MAYOR JOHNSON: Members, please be seated. We're about to begin our 6 o'clock city council business meeting. And welcome to the city council chambers -- your city council chambers. Mrs. Wayne, this meeting is now called to order.

(SEGMENT NOT RECORDED)

MAYOR JOHNSON: Mrs. Wayne, we have a motion and a second. It's time to vote.

This has been a -- as you well know, has been an ongoing process along the coastline because of this stringline that we have, and then helping define bulk and scale. Defining bulk and scale -- there is no definition. One of the things that we look at is we look at the volume of the structure. You'll hear some testimony tonight that this is a big structure -- 3800 square feet. But I could take that same structure and reduce that by half and have the same structure, but not having a two-story structure; having a one-story element. But the structure and the volume would still have the same bulk and scale.

So it's a real tough definition I'd -- you know -- and what we really compare to is what is currently existing out there, and more importantly, what our LCP allows. And -- and that's really what the test is here.

In regards to the issues of "violates the visual impact, compatibility, stringline, and the LUP policies of 1, 4 and 8," there are no public rights-of-way view corridors at this site, so that particular policy would not apply. That would apply at the -- at the -- if -- if the property was adjacent to a public right of way. For instance, the stairways down at Cassidy Street, there would be some issue or some -- a case being made that the view corridors at that element would need to take into consideration what were to be built.

There are public access ways. There's one at the formerly known as -- it's -- it's four blocks down and -- and I'm trying to remember what we used to call it. Catamaran Beach. That's what it used to be called when I was growing up. Your Catamaran Beach that we owned, that we sold, and we retained a public access through the side of that that's still maintained.

An issue -- an issuance with "compatible in height, scale, color and form," you can see that this design element's been used throughout this area, and we believe that it's consistent.

"The City shall protect, enhance and maximize public enjoyment of coastal zone scenic resources." **This is private property being developed under our LCP, and they're -- they're -- they are proposing a project that's consistent with our LCP, and -- and asking for no special consideration.** So we -- we don't think that the scenic resource issues would apply.

In addition, "visual quality of the urban development." This is, you know, as you can see, it's a call shot on do you think that this is an attractive building or not, when you talk about the urban environment. **This is a single-family residence that's built at 27-, you know, foot height limit, it's within the confines of the LCP, it's consistent in the form and character of adjacent properties.**

So that -- and from our perspective, the project, you know, is pretty straightforward, it has -- is not asking for any special considerations, it has taken into consideration existing development patterns, it has -- the

1 C. DANIEL CARROLL, ESQ.
2 PANTHER, PINES, MCCANN & GOLDSSTEIN
3 1905 Apple Street, Suite 5
4 Oceanside, California 92054
5 Telephone: (619) 433-7270

FEB 13 9 13 AM '85

5 Attorneys for Petitioner
6 JAMES B. PANTHER

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN DIEGO, NORTH COUNTY JUDICIAL DISTRICT

11 JAMES B. PANTHER,) Case No. N 27652
12)
13) Petitioner,)
14) vs.) DECLARATION OF C. DANIEL
15)) CARROLL IN SUPPORT OF
16)) PETITION FOR WRIT OF
17)) MANDATE
18)
19) CITY COUNCIL OF THE CITY OF
20) OCEANSIDE, LARRY BAGLEY, TED
21) MARIONCELLI, SAM WILLIAMSON,
22) JOHN MacDONALD, WALTER GILBERT,
23) as members thereof, PLANNING
24) COMMISSION OF THE CITY OF
25) OCEANSIDE, and DOES I through XX,
26) Inclusive,)
27) Respondents.)
28)
29) AZTEC FINANCIAL CORPORATION,)
30) a California corporation, and)
31) GARY ADCOCK,)
32) Real Party In Interest.)

Date: 3-1-85
Time: 2:00 p.m.
Dept: D

24 I, C. DANIEL CARROLL, do hereby declare:

25 1. I am an attorney at law duly admitted to practice before
26 all of the Courts of the State of California and one of the
27 attorneys of record for Plaintiff, JAMES B. PANTHER, herein. I
28 am a member of the law firm of PANTHER, PINES, MCCANN &

PANTHER, PINES,
MCCANN &
GOLDSSTEIN
ATTORNEYS AT LAW
1905 APPLE STREET
SUITE 5
OCEANSIDE,
CALIFORNIA 92054

EXHIBIT 27

1 GOLDSTEIN. If called to testify as a witness in this matter, I
2 could, and would, testify truthfully and competently to the facts
3 contained herein.

4 2. Attached hereto and marked as Exhibit "A" is a true and
5 correct copy of the transcript of oral proceedings before the
6 Oceanside Planning Commission which were held on September 17,
7 1984. In their opposition to the instant Petition for Writ of
8 Mandate, Respondents object that Petitioner has not supplied the
9 Court with the full and complete administrative record.
10 Petitioner, by oversight, omitted to file this transcript of oral
11 proceedings with the Court when this matter was originally filed.
12 With the filing of this administrative record of oral
13 proceedings, the Court now has the entire administrative record
14 before it.

15 I declare under penalty of perjury that the foregoing is
16 true and correct.

17 EXECUTED this 14th day of February, 1985, at Oceanside, San
18 Diego County, California.

Signature on file

C. Daniel Carroll
C. DANIEL CARROLL

PANTHER, HINES
& MCCAN
GOLDSSTEIN
ATTORNEYS AT LAW
1008 APPLE STREET
SUITE 205
OCEANSIDE
CALIFORNIA 92054

Mr. Revlett: Yes, whenever the decision was final.

Chairman Heyenga: The motion is to revoke conditional use permit C-27-81 with an effective date, 30 days from the adoption of the resolution, as the findings indicate.

AYES: Commissioners - Sullivan, Jakovac, Wilson, Hollister, Ramsey, Burgeson, Heyenga

NAYES: None

ABSENT: None

ABSTAIN: None

- | | | |
|-----|---|---|
| 11. | <p>VARIANCE V-10-84 FOR TWO SINGLE FAMILY HOMES WITH ZERO SIDE YARDS ON ONE SIDE AND OPPOSITE SIDE YARDS OF 7 FEET 5 INCHES AND 3 FEET, RATHER THAN THE 10 FEET REQUIRED IN THE SINGLE FAMILY ZONES WITH ZERO SIDE YARD HOMES, LOCATED IN THE 1600 BLOCK OF SOUTH PACIFIC STREET ON THE BEACH SIDE APPROXIMATELY 750 FEET NORTH OF CASSIDY STREET -- GARY M. ADCOCK</p> | <p>ACTION TAKEN:
 Motion to Approve Variance 4-3
 Motion to send advisory to City Council regarding beach access failed 3-4</p> |
|-----|---|---|

Mr. Gentles: There are few other staff members here to assist us in the application of it. It does involve coastal access and Ms. Whitsch is here to answer those questions. The Redevelopment staff is here to explain, if they need to, how this application came about. What the actual variance request is for in this case, is for a variance for the side yard setbacks, for a zero on one side and a three foot on the other side. The zoning in this area is in the RT zone, which is Residential Tourist. Back on June of 1983 is when we had all the Coastal Zone hearings. This property, which came from R-2 to RT. The project has been determined to be categorically exempt from the provision of California Environmental Quality Act. This project is not subject to the Fiscal analysis because it only contains two units. In the Zoning Ordinance it does allow for zero side yard setbacks for R-1, R-A, R-2, R-3 and the SP zone. By the Zoning Ordinance, in addition up to five feet of the setback, which is dedicated for parkland and access purposes, can be used as setback. In the R-T zone when single family homes are built the R-1 standards are used. The parcels we are talking about are owned by the City of Oceanside. And they were actually created way back in the early 1900's. Those old lots, were approved as roughly 35 foot wide lots. In most cases down there, if a person happens to own two of the lots, he either builds a single unit on each of the lots, or he builds over the lot line with a two unit condominium project. In this case here they are building on the lots but they are also asking for minor lot line adjustment, so that they can keep the covered parking space on the separate lots. One issue that is not clear on the maps that were given to you in the packet, it would appear that the existing stairway, instead of going down to the beach or outside of that property in the additional 7 1/2 feet would be added bringing the total

September 17, 1984

to 12 1/2 feet. That map is drawn in error and it is really a total of 7 1/2 feet of public access right-of-way. So, really we are adding an additional 2 1/2 feet to that setback, to the existing stairways that are there. So, there is not going to be a dual set of stairs going down. This project, we did a very detailed field check. We looked at it in regards to the Stringline Ordinance and it met that requirement. What is happening here is that we are looking into the feasibility, it hasn't happened yet and the Council hasn't approved the final details of it, but what is going to be happening here is that we would like to be able to trade this parcel for two parcels along the Strand. The Redevelopment staff can go into more detail on how that came about. It is staff's recommendation that strictly on the variance issues and the stringline issues plus the access to the beach that the appropriate findings can be made to grant the variance, because there are special circumstances that are applicable to the property because of size and shape that is out of the ordinary. That would deprive the property of rights that were enjoyed by other properties in the immediate area. We have attached a series of the additions to be attached to the variance if it is approved.

Chairman Heyenga: I have a question on this public cement stairs down the seawall. Are there stairs being constructed in other public access points across the seawalls?

DANA BIELD WHITSON (Director of Special Projects): Cassidy Street is one location where the stairs go all the way to the base. There are a lot of accessways where the seawalls are just continuous and don't have them, so there are locations where that has been done.

Chairman Heyenga: Where stairs have been constructed?

Ms. Whitson: Across the seawalls, yes.

Chairman Heyenga: How much are we talking about for cost?

PATRICIA HIGHTMAN (Redevelopment Project Planner): I have no idea what the cost is at this moment.

Chairman Heyenga: It seems like I haven't climbed over this riprap very often. It seems like it is a very difficult thing for a family, here you have these nice steps, and the family has to negotiate it's equipment over the riprap. Am I grazing over this?

Ms. Whitson: It is possible for something like to be done for several thousand dollars, depending if we use City crews, something not too elaborate.

Chairman Heyenga: How many times has the Stringline Ordinance been applied so far.

Mr. Gentles: This is the first time the Stringline Ordinance has been applied where there is some Commission action that is required. We have, I think, looked at a couple of other projects that have met all the zoning ordinances.

Chairman Heyenga: Could you describe in some detail how you did it?

Mr. Gentles: It is strictly an interpretation of the official map that shows where that line is.

Commissioner Ramsey: Has that Stringline been changed any?

Mr. Gentles: No. It is how it was adopted.

Commissioner Ramsey: I mean, in that area, has it been subjected to the Stringline Ordinance and their setback further than anyone else down there?

Mr. Gentles: It wouldn't change the actual wording even if all the rest of it was to be built out.

Ms. Graff: If you will notice in this area, it is really interesting that the Stringline is quite a ways up from almost all of the units, especially along that area, that block.

Chairman Heyenga: Shall we find out about this swap? In other words is the swap relevant to the issue before us in terms of approving the application?

Ms. Hightman: I think it might give you a little history. It is part of the Offsetting Benefits Program. The Council had given staff direction in trying to accomplish the Coastal Conservancy plan to negotiate with the property owners on the property between First and Tyson Street, in order to purchase that. The two options that we were looking at were either a time payment plan in trying to talk property owners into letting us pay as we go, so to speak. Or trade easements using City property for the property on the Strand. So, though these two lots are currently owned by the City and would be traded for private property, private development, the City in exchange would receive 95 feet of frontage on the beach immediately south of the Tossa del Mar. The subject property is 54 feet wide and the 7 1/2 foot easement would be retained. So, there is significant amount of beachfront property that would become dedicated public parkland and improve this beachfront park, if this project were to go through.

Commissioner Wilson: Where is the beachfront property, does it show on the photograph here?

Ms. Hightman: No, it is down on the Strand. The property we would be exchanging for immediately south of the Tossa right at the jog on Pacific Street. It is 95.6 feet on the Strand. Currently, it is partially fenced and there is some building foundations that were never removed, immediately south of the Tossa. It is adjacent to the Tossa on the south.

Commissioner Hollister: These three letters. I guess you had a chance to hear them. Maybe they don't quite understand some of these things involved regarding the access.

Ms. Gulati: I haven't read the letters.

Chairman Heyenga: Let's give staff a chance to look at those letters. I had a question earlier about the staff report mentioning the problem building stairs over the seawall, or the riprap. Do you have any idea on the cost of that?

Mr. Herrell: I don't think you can build over. I think it is going to have to be a concrete stairway built down through the riprap. The easement is actually protection and a stairway at the same time.

Chairman Heyenga: What happens if we take rocks out and put in the cement stairs and make that part of the riprap on the seawall?

Mr. Herrell: You can down along the beach and find a number of them in that manner.

Commissioner Ramsey: Why the condition on night lighting the beach access? I don't know of any other access down to the beaches that are lit up at night.

Mr. Gentles: It is mainly so that we don't see the creation of a dark area. I guess there is no such thing as more safe, but safer.

Commissioner Wilson: You say the property on Pacific Street is vacant at this time?

Mr. Gentles: Yes, I might also add

Commissioner Ramsey: Is this the stuff that is right across from 1620?

Mr. Gentles: Very, very close to it. Right at this point everything north of this property is zoned RT. Everything south is zoned as R-1.

Ms. Bightman: The letters, they all refer to the access and that the access going to a revetment without the existing sand at the top of the riprap would be a dangerous situation and that they would prefer to have that access eliminated completely. The first letter refers to some incorrect totals. They have taken the 49 feet and reduced it by 7 1/2 feet. The original width is 54 feet, it was originally 60 feet or just about 60 feet, there were five feet lost by lot line adjustment several years ago, so the lot size now is 54 feet. And from that 7 1/2 foot easement would be retained for the accessway allowing 47 feet for development, not starting from this 47 feet and going back down to 39 feet, as referred to in the letter.

Ms. Whitson: I was going to say as far as wanting to close the access and that would require the Coastal Commission's approval plus it would require an amendment to your LCP. That part of south Oceanside really

lacks adequate access right now. The only accesses in that area, Buccaneer Beach's particular access, and Cassidy Street, and those are the only three accesses south of Witherby Street. I don't know the distance offhand although I can look at the 100 scale map. There is 750 feet from Cassidy.

Chairman Beyenga: This is the only access within that range?

Ms. Whitson: That is the only access in that range. The other problem in getting additional access in the future is that most of that area is built out and we are not likely to see new access develop in the single family residential area down there.

Commissioner Ramsey: Is it correct in here that that is all private beach down in there?

Ms. Whitson: The situation is that the beach is private to the mean high tide line, which generally runs up to the seawall, so that they are correct, that during high tide that access is really functional because people go down and there is no accessible beach because the water is up to the seawall and the seawalls are on the people's private property, and the public would not be allowed to walk on those. But, at low tide the public beach is accessible and people can go down there and use it and enjoy it.

Commissioner Hollister: I think some of the confusion is at that site. As people go down the stairway, as Dana pointed out, at high tide people cannot get down to the beach, so they play around at that sandy area there in back of the seawall. And I think that is part of the confusion there. That is why I raise the point.

Ms. Whitson: That was improved by the City. The sand was placed there for public enjoyment.

Mr. Revlett: I think we have had some real problems with enforcement down in that whole area in the past. I know the concern has been expressed to me, by at least one of the owners down there, is by maintaining the public access, by taking these two lots out of public ownership, in reality there is no public beach to get to a large part of the time, no dry sand. So, what is going to happen is that when the public goes down there on this public access, if there is no dry public beach, they are probably going to be on adjacent private beaches. And that is a concern to the adjacent property owners.

Commissioner Sullivan: Can we post that?

Ms. Whitson: It is posted. In fact, there were signs that said "Respect Private Property" that are posted. I believe right at the street and adjacent to the seawall.

Commissioner Sullivan: That sounds like one of the ten commandments. Can't you put something in there that says basically that the public beach is only on the ocean side of the seawall?

Ms. Whitson: I think if you go down there it is fairly evident that the seawall and that you are in somebody's yard, it would take somebody that is really ignorant to know that they are not in someone's yard.

Commissioner Sullivan: Let's pretend we are from Escondido and using Oceanside beaches and we are ignorant and what I am saying, basically, is that people don't understand those issues. Most people just see the beach and it's theirs.

Ms. Whitson: This is not beach.

Commissioner Sullivan: I understand that. All I am asking and all I am saying is can we not post a sign on the stairwell that states that the public beach lies on that portion of the beach, on the ocean side of the seawall? I mean something that would notify them that in turn, if you are a private property owner to either side, you have something there where you won't get into a screaming, yelling, hollering match and call the police by some citizen, who thinks they are well within their rights to maintain their place where they are at, and the property owner who also thinks himself that they get certain rights to their property. Because right now, if I were going on it and I saw a sign that said "Respect Private Property", that is a nice thought I would support it and I vote for it.

Ms. Whitson: We have arrows pointing to the private property.

Commissioner Sullivan: I think we need a little bit more.

Mr. Gentles: Does the actual seawall go all the way along, or is there a hole in there?

Ms. Whitson: It is pretty much continuous. You can see it from the aerial.

Commissioner Ramsey: It starts at Buccaneer and goes all the way south. Do the stairs go all the way down to the beach, or do they stop on top of the seawall?

Ms. Hightman: They stop somewhat back of the seawall. They go down to the sand area.

Commissioner Ramsey: That is what the problem is right there, is you are allowing people to stop in somebody's yard. That doesn't preclude them from going on either side and going where they want to.

Commissioner Jakovac: Without the stairway how could they get out there?

Ms. Hightman: They are currently fenced on either side of the City property to the rocks, the seawall.

Chairman Reynolds: Do we have in our Coastal Plan, with emphasis on access, plans to not create the access, to include cement stairs down those seawalls, where we cross seawalls. Is that part of our design?

Mr. Wilson: I think that the access standards are somewhat general, and provide adequate access, that if you felt it was necessary to have those cement extension of the stairs down to the beach, that that would be something you would do as a provision of the IAP.

Chairman Reynolds: Are you going to refer to the other letters specifically?

Mr. Highman: No, I think they all raise the same issues as far as access, or recommend the elimination of the access.

GARY ADCOCK (applicant): I am not going to give a full blown presentation. I think the basics have already been given by staff. We really were, or have been, for some period of time negotiating with the City of OceanSide for either the purchase of our property on the Strand or, as it turned out, the potential exchange of the City-owned property for our property. One of the reasons for the potential exchange is the fact that the City of OceanSide or the Redevelopment Department, or whoever is in charge in that area, just doesn't have any funds to go out purchase properties that they would desire to have. I guess my real objective would be to have the property that I presently own and be able to develop that instead of another piece of property that is much larger, and so forth and so on. But, as it's turned out I think that the Redevelopment Department and myself have come to an understanding as to this particular transaction. Part of the transaction was based on the fact that I would be able to develop something of the type that we have proposed. Originally, when I was talking to the city in reference to this trade, they were under the impression that they had a 50 foot lot, two 30 foot lots. And when you look at the old plot plans and so forth, it was somewhat confusing. It wasn't until really we had reached an agreement on that particular transaction that we discovered, through a survey, that the City didn't have 50 foot, they had 35 feet approximately, which changed our thinking considerably in reference to the property. That little bit of difference in footage made a big difference in the way we would be able to develop that property. We put together another plan and came back to city staff and went through the various departments to make sure we would meet all the various criteria that were required for this development. We basically came down to one problem, that was that we're having these units had to back without the center setbacks. We could handle it one of two ways. One, we ask for the variances we have asked for tonight. Two, go through a condominium tentative map plan. Both of them would really be the same purpose and be back to you or City Council in either case. The reason we have went in the direction we have in this particular regard would allow us to have 100 individual houses as opposed to a condominium type development. And I thought that would be better for this particular property. We would be happy to answer any questions that you might have if you have something that I can help you with other than that, that is my presentation.

Chairman Heyenga: You have seen the conditions that are in the staff report?

Mr. Adcock: By the way I have. In fact I heard something in reference to lighting on this public accessway and although I had this mentioned to me I didn't think much about it. I have not seen the staff recommendations. I am not sure on that lighting, by the way, on the public accessway, were they intending that the City put that in or if I put it in, I don't know.

Chairman Heyenga: The access is a concept and the location and the dimensions and everything, you are in agreement with?

Mr. Adcock: Yes.

Chairman Heyenga: That is part of the plan?

Mr. Adcock: Right. Basically, we submitted these drawings, concepts, to the City, so they would understand what we were trying to build and develop. Because their concern is to what was going to be going on with the property.

Chairman Heyenga: Are there any parts in the plan of the staff report besides the conditions you haven't seen, that you object to?

Mr. Adcock: My quick review, I would say no, I don't see anything there. I would like to mention one thing, because you were concerned about this accessway and the separation between private properties, I agree with one of the gentlemen here that spoke. What happens is that there is an existing old sidewalk that has been there for many years, that goes down to this leveled area, let's call it, and stops prior to getting to this riprap wall. I think a development like this, when it occurs, and it is going to define, in some way, shape or form, an area that is taking it out to the beach or the riprap wall and I would envision that we will have some kind of a fence between our property line, on the 7 1/2 foot easement, theoretically to keep the public off the private property.

Commissioner Hollister: I would imagine.

Chairman Heyenga: I have a question on condition #3, where it says existing seawall shall be upgraded to the requirements of the City Engineer.

Mr. Herrell: That was placed in there because the seawall varies in height down through there, where it is less than about four, as I recall the elevations, it was accepted as the elevation of 14 above sea level. I don't know this elevation.

Chairman Heyenga: That is what it means, that it will have to drop to the height that is acceptable, that is expected of seawalls in that area.

Mr. Herrell: We came up with a pretty firm elevation when we were having bad storms, so we know pretty close what it has to be.

Mr. Adcock: It appears visually out there, I haven't measure of anything, that the seawall on either side of this particular property seems like they are all about the same level. Now, there may be a variance, but you would have to measure, but I wouldn't think that is a problem.

Commissioner Jakovac: I would like to know something about the colors and the whole thing. I hope we don't get another blue building.

Mr. Gentles: We are going for setbacks, we are not going for the colors.

Mr. Adcock: The building that I have noticed on Pacific, about the 4 or 500 block on S. Pacific on the east side, is sort of a lapboard. That particular color is a color I like, I think it blends in well, I think that particular building is a nice-looking building. The elevations that we are proposing for our particular site and what we are trying to do is create something there that is a nice-looking product. Of course, that is always open to discussion, because everybody has their likes and dislikes. Some people do like blue, I guess. But, this sort of gives you the feeling that we are going, as far as color, that is the direction that I like. I think you call it driftwood color.

At this time Chairman Beyenga opened the public hearing.

BOB CARPENTER (1632 S. Pacific St.): Number one, the lot we are talking about I think originally was the Whaley's Street Inn. South Oceanside, for the last 25 years, it has been known as Catamaran Beach. The property itself has been beach. It has taken all the overflow from Buccaneer, which is the only beach which is in South Oceanside. This summer if you come near the beach there is no way that beach could accommodate the people that were coming in there. They would now come in and use Catamaran Beach which they have, I have lived there for the last 12 years. That property has been used as public beach. In 1973, the people on the terrace got together because the same battle of having a right-of-way to the street, pooled in their money and built the stairs down to the beach. Originally, they went clear to the beach, years later they came back, filled in with sand, the City did, they built the riprap across the front and created the problem that you have right now, because of the tides coming in. If the mean high tide now came in without that wall being there it would probably come back 30 to 40 feet into that property. I oppose two things. Selling or exchanging of property because there isn't any property in South Oceanside that can be used as beach for people who use it. If you live down there and see the hundreds of people who walk that terrace every day, looking at the beaches, it is one of the few places you can stop and see the ocean that is left. We don't have room at Buccaneer to accommodate the people now. So, we are going to build two more typical high-rises, abutting them together, like you did next door to it, they built all this driveway

across the front when somebody can park. This place here now will take up four parking places with all that driveway exactly like the ones next door. So, you eliminate all the parking on the street and have to use the other side of the street. You have done it over and over and over. I protest the selling of it, I would protest eliminating the stairway to the beach. Property owners now think they own the Pacific Ocean. And they would totally block it off if you let them. There is too little beachfront left for people to use and we need the property for beach users, not for just owners of the property.

Chairman Boyenga: You don't think that the proposed accessway is an acceptable substitute for the stairway that is there now?

Mr. Carpenter: No, you have to have another way down.

NICK RAMIRE (Attorney, representing Mr. & Mrs. James Panther): I am confused by the memorandum to Bob Gentile, which indicates that the Redevelopment Agency has approved the project since the Council already approved the project appealing your decision, that is an interesting concept.

Mr. Hightman: They approved the concept of the exchange, not the project itself.

Mr. Panther: Mr. Chairman, you and Commissioner Jukovac have expressed some concern about private deals in the past and I assume that if your concern lies not only the private deals as between developers, but also private deals with the City of OceanSide, and potential developers. This property has an interesting history. I have probably more questions than I would like to raise and probably I can provide answers. Not, at any rate, I was involved in the 1974 property line adjustment. I believe that it was Doctor and Mrs. Randy who were going to build a house down on the 1600 block and it turned out that sometime in the 1800's when the surveyor who laid out those lots, he made a mistake. The city at that time gave about 20 feet to the Randys in order that they might build a house with the understanding that they had public access to the beach, that the public was already using these two lots as a beach. So, it was highly unlikely that they would ever be able to do anything other than provide access to the beach, to the public, and provide some sand for the public to use. You heard testimony from your own staff, the public does in fact use those two lots for beach purposes and this gentleman testified that they have been using it for 13 years. That gives rise to questions on the beach situation, so far as I am able to understand. The goal here, pure and simple, is the gentleman wants to swap some land that's planned for either visitor serving commercial or for some form of recreation. He can't do anything other than that down on the Strand, but he finds a willing participant in the City who would like to build some more condominiums down on the Strand and would like to show the Coastal Commission and give them something. So, they are giving this gentleman some land that he can build on with a little help from the City in return for land that he can't do anything with right now, and \$85,000. Mr. Panther is here and I will

Chairperson and Commissioners
California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive
San Diego, California 92108-4402

May 22 2011

Re: Commission repeal # A-6-OCN-11-028

Location: 1705 South Pacific Street, Oceanside (San Diego County)
APN 153-091-46

Dear Commissioners

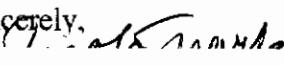
We reside at 1643 S. Pacific Street, directly in front of the public beach, where we have lived for forty years, twenty years in our current home. You will find us listed as an interested party. We will be unable to attend the June hearing but wish to present some pertinent facts to the Commission.

We wish to oppose the Stensrud addition for the following reasons:

- 1) We have now come to realize the impact that massive properties will have on beaches as a whole, including beaches designated as public.
- 2) The shadowing in the morning hours that contribute to a deficiency of dry sand in the public beach is significant in this area. We witness this for ourselves as well as for visitors, almost weekly, weather and tide conditions permitting.
- 3) From a personal standpoint the Stensrud addition (pergola) will completely wipe out our remaining view of the entire southern coastal panorama. We understand that this does not affect the public, however it is a poor precedent to establish.
- 4) Any such addition to the Stensrud residence on the upper level will impose an impact on the public beach and surely contribute to an already stressed beach environment here in Oceanside. This is not in the best interest of the public at large or the community.

We feel that the Stensrud addition, if allowed, will change the character of the neighborhood. It will allow our area to revert back to the excessive type of development through bulk scale and mass that was the very core issue fought over in the last forty years

Please uphold the intent of prior commission findings. We respectfully request that you find that a substantial issue does exist as it pertains to the Stensrud addition.

Sincerely,

Signature on file

Jacob and Liz Shafer
1643 S. Pacific St.
Oceanside, CA 92054. 760 433 8856


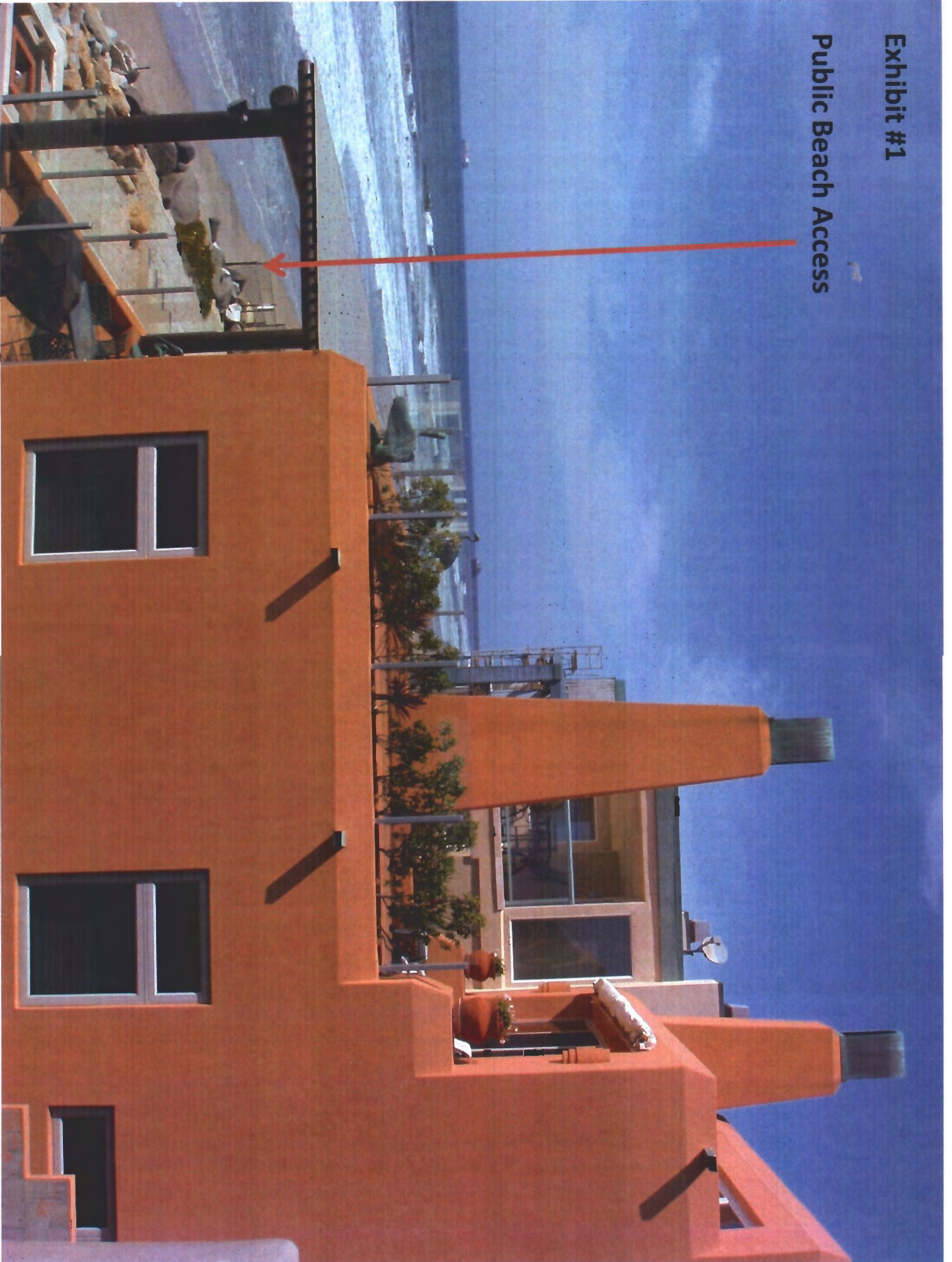
EXHIBIT NO. 8
APPLICATION NO. A-6-OCN-11-028
Letter opposing City approved project
 California Coastal Commission

Exhibit #1

Public Beach Access



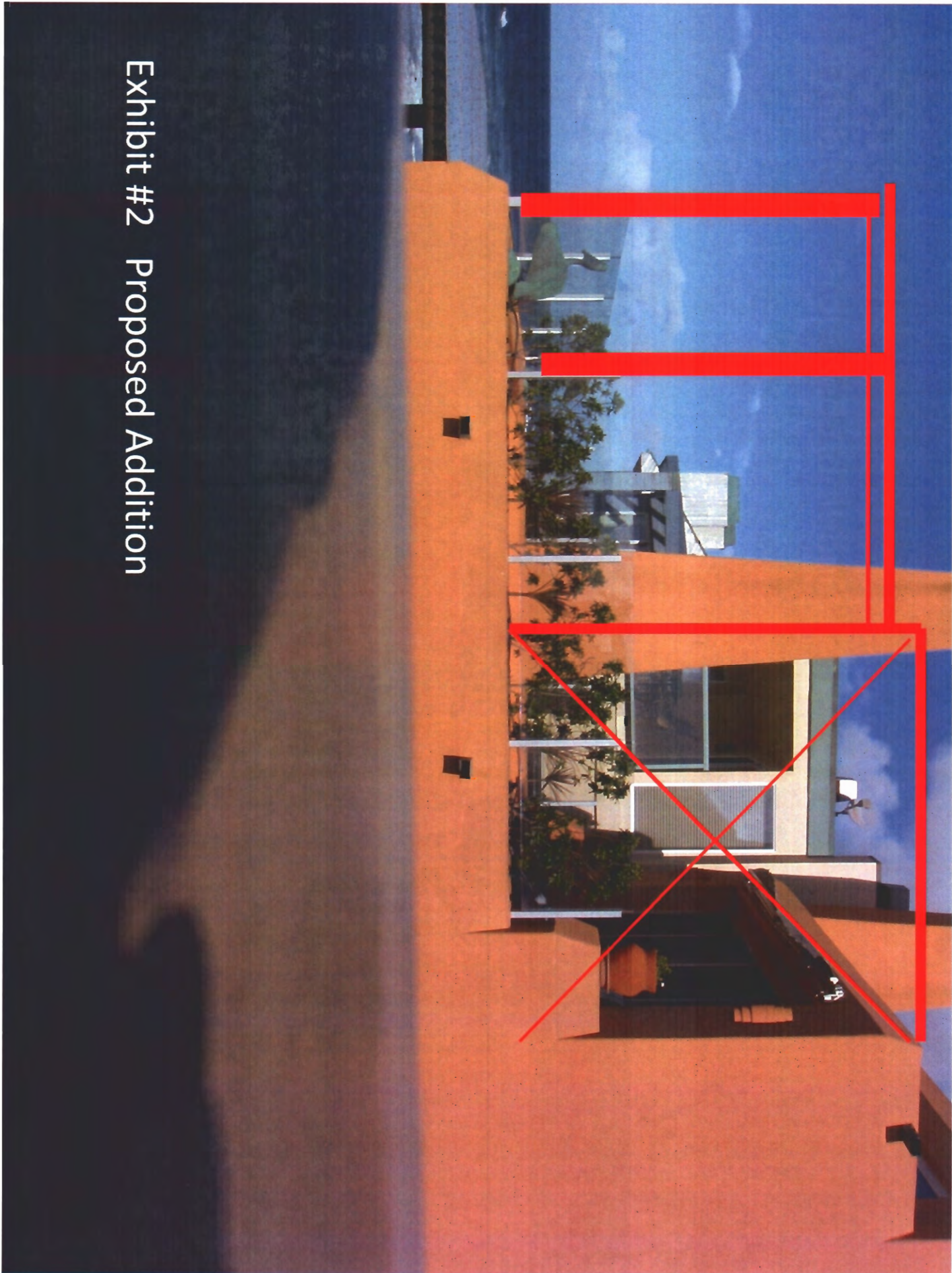


Exhibit #2 Proposed Addition

Exhibit # 3 – Shadow Impact on Public Beach from Existing Properties

1637 S Pacific St

1639 S Pacific St

1643 S Pacific St

1701 S Pacific St

1705 S Pacific St

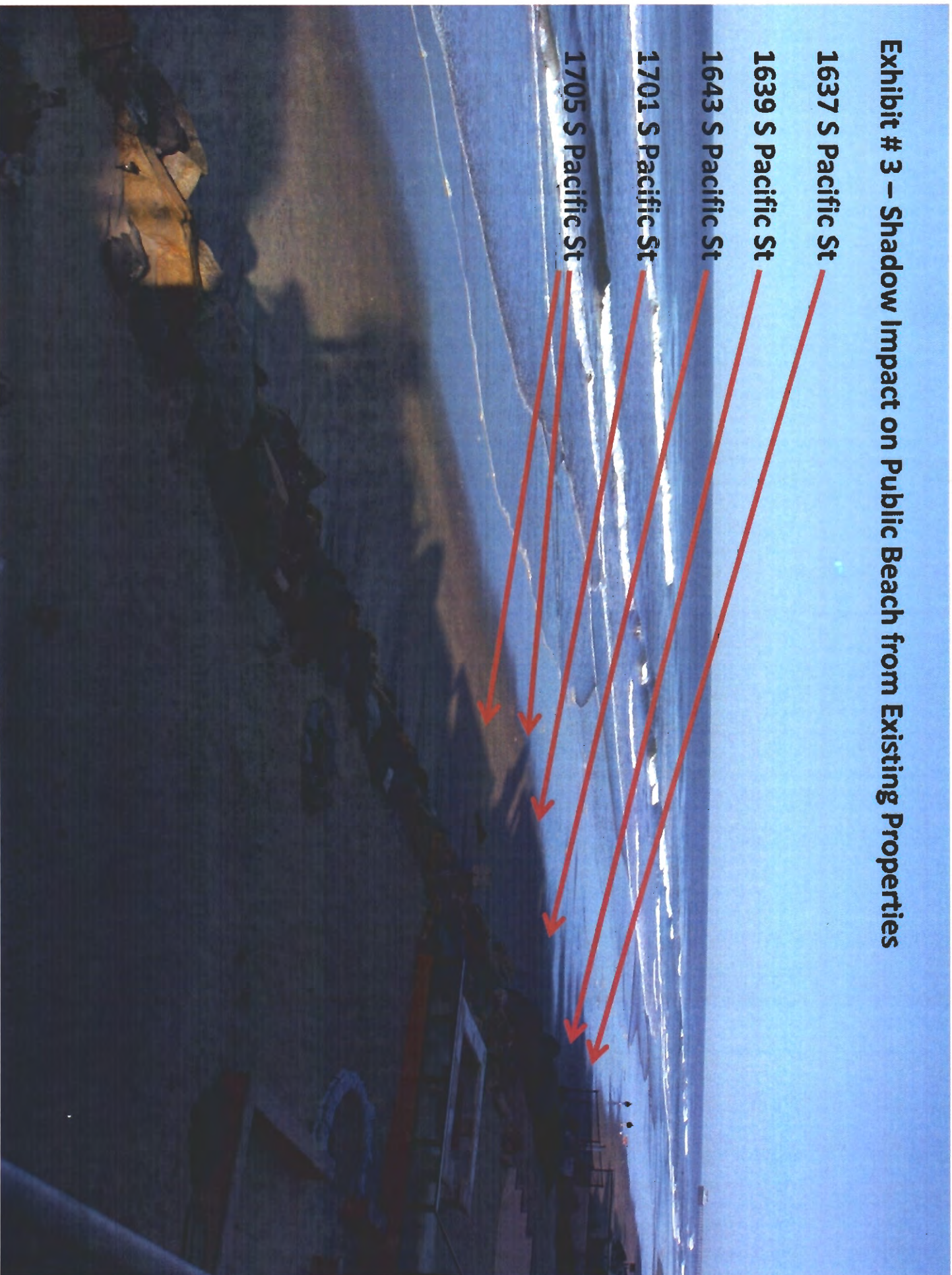


Exhibit # 4 – Shadow Impact on Public Beach from Existing Properties

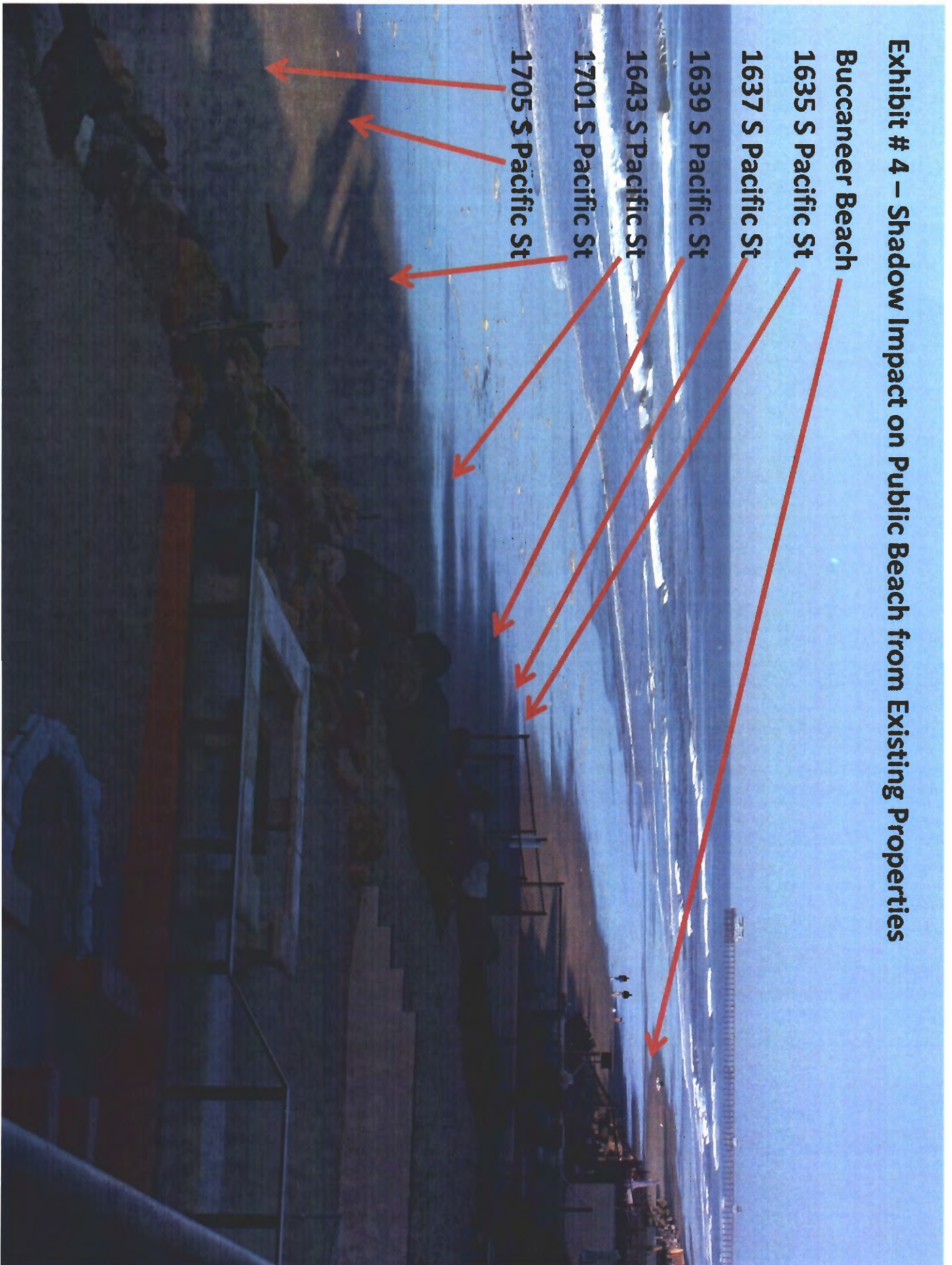


Exhibit # 5 – Shadow Impact on Public Beach from Existing Properties

Public Beach Access

1643 S Pacific St

1701 S Pacific St

1705 S Pacific St



Exhibit # 6 – Shadow Impact on Public Beach from Existing Properties

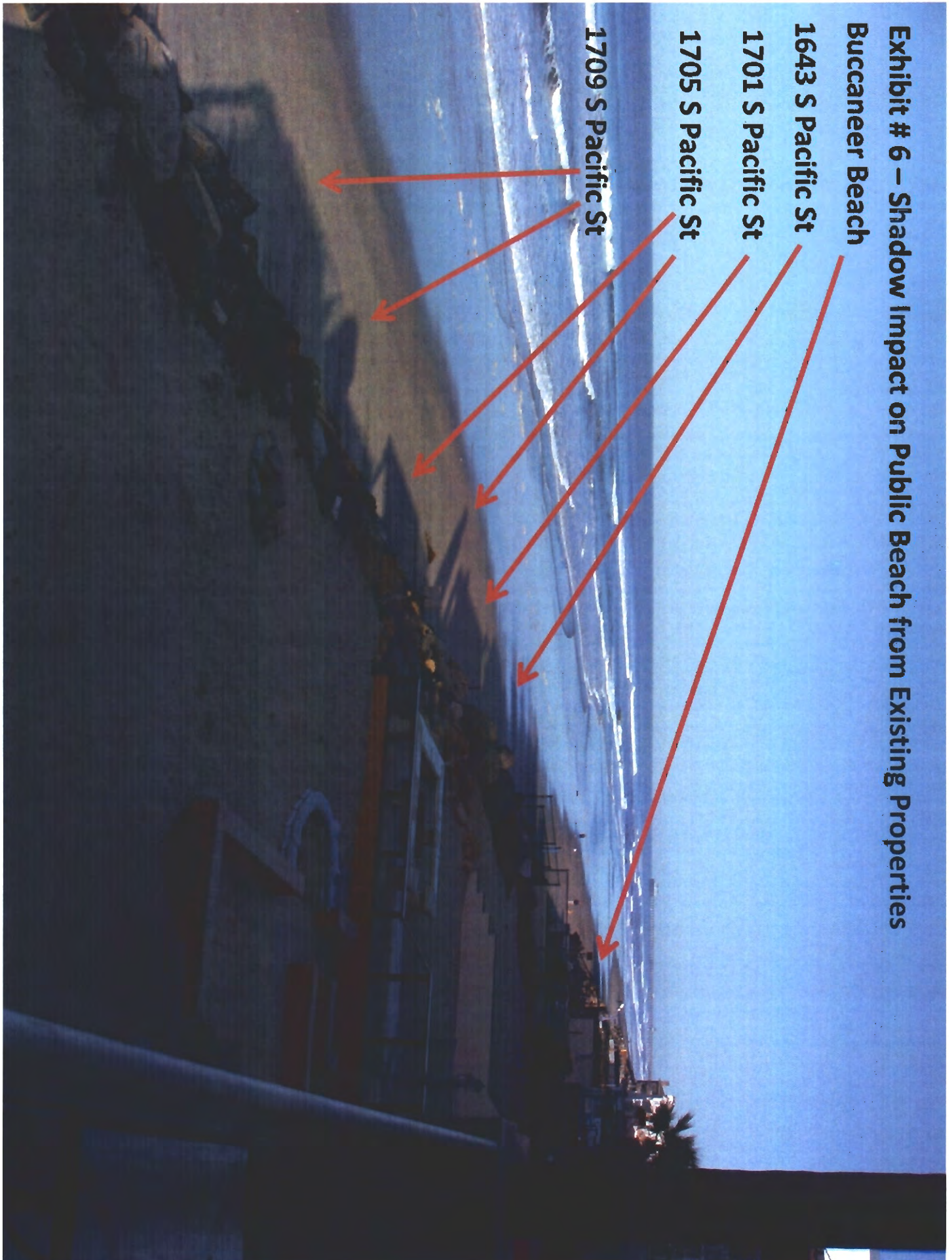
Buccaneer Beach

1643 S Pacific St

1701 S Pacific St

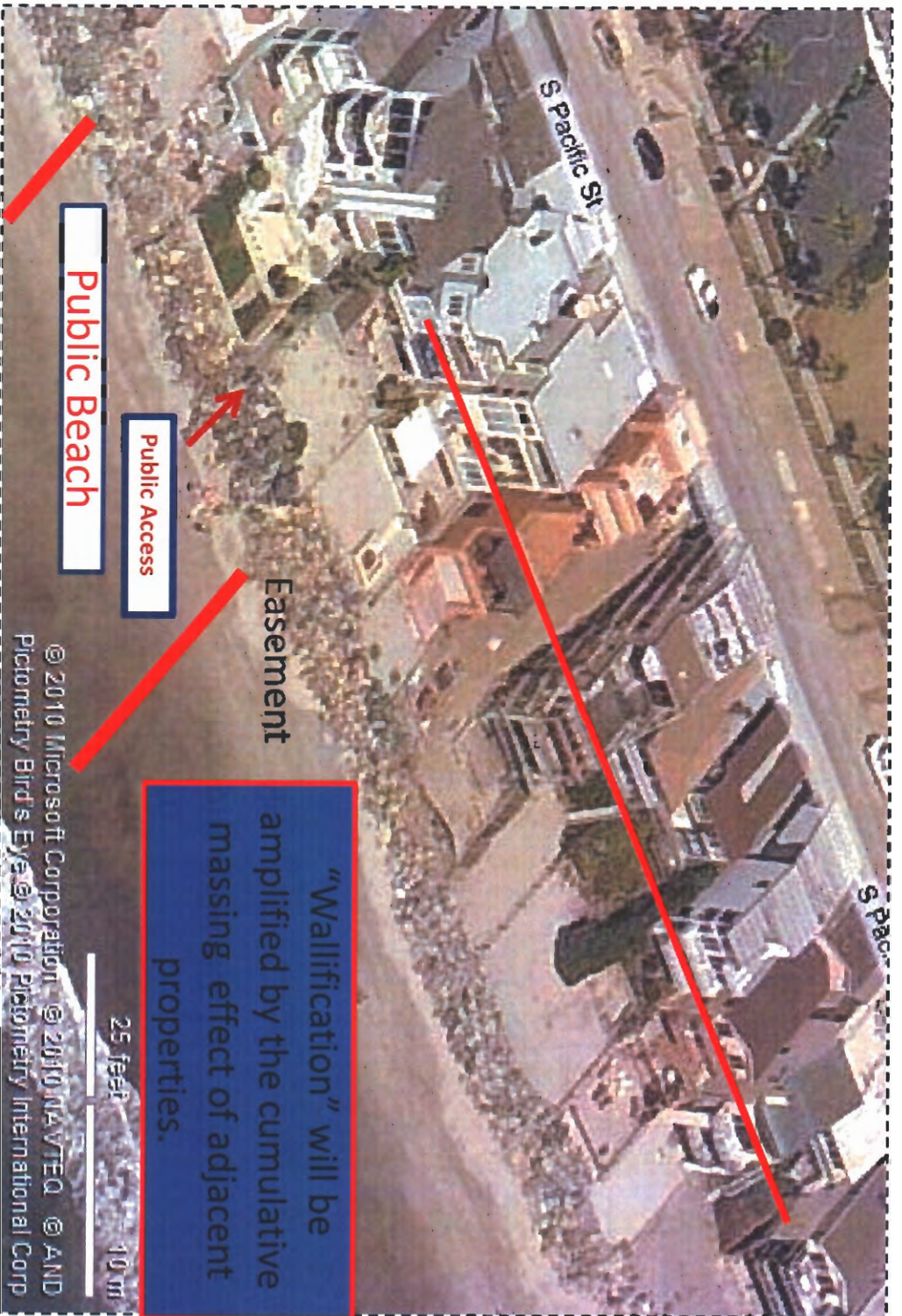
1705 S Pacific St

1709 S Pacific St



Stensrud Addition

Regular Coastal Permit (RC10-00004)



**City of Oceanside
Planning Commission Public Hearing
October 25, 2010**

Exhibit # 8

Stensrud Addition

Regular Coastal Permit (RC10-00004)

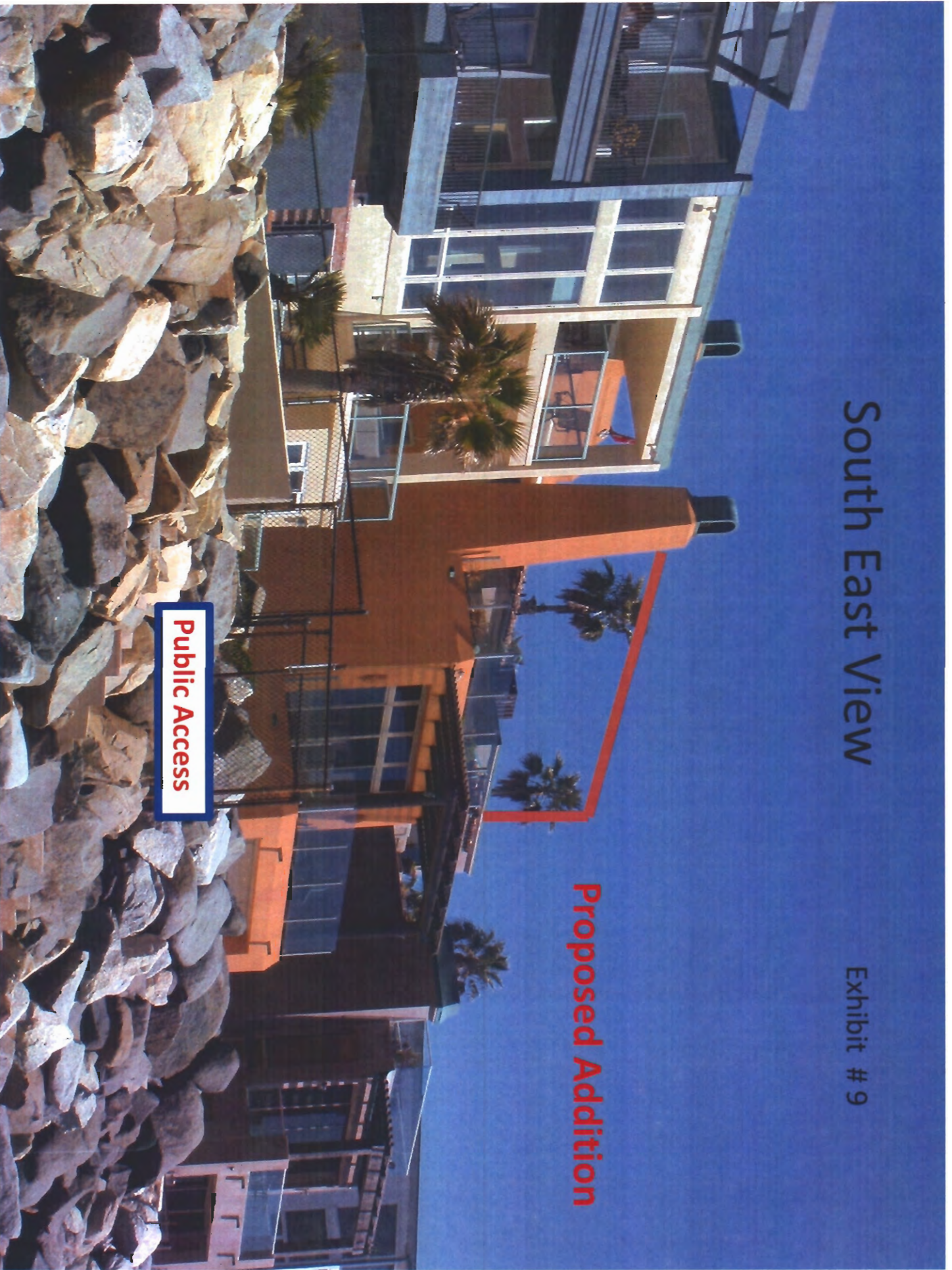


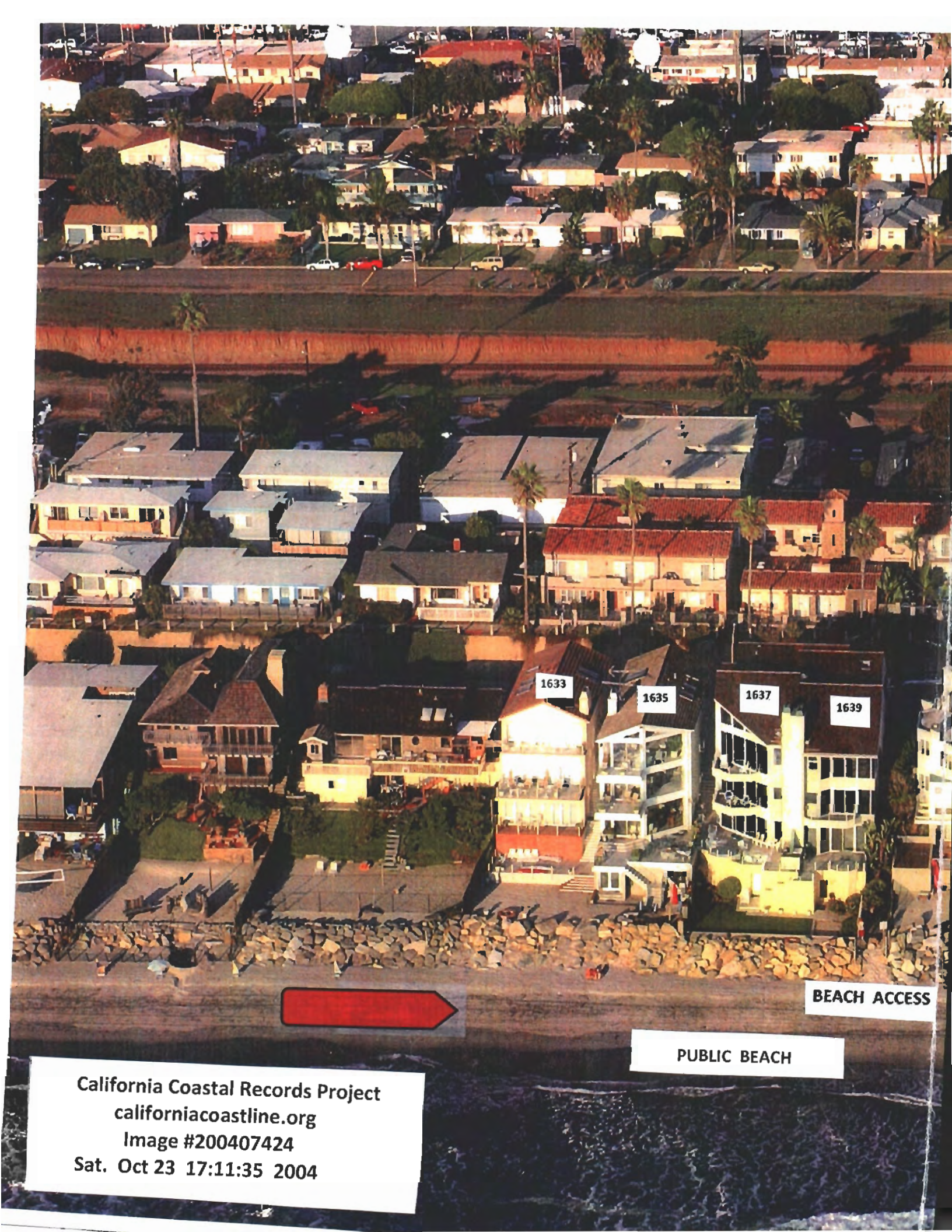
South East View

Exhibit # 9

Proposed Addition

Public Access





1633

1635

1637

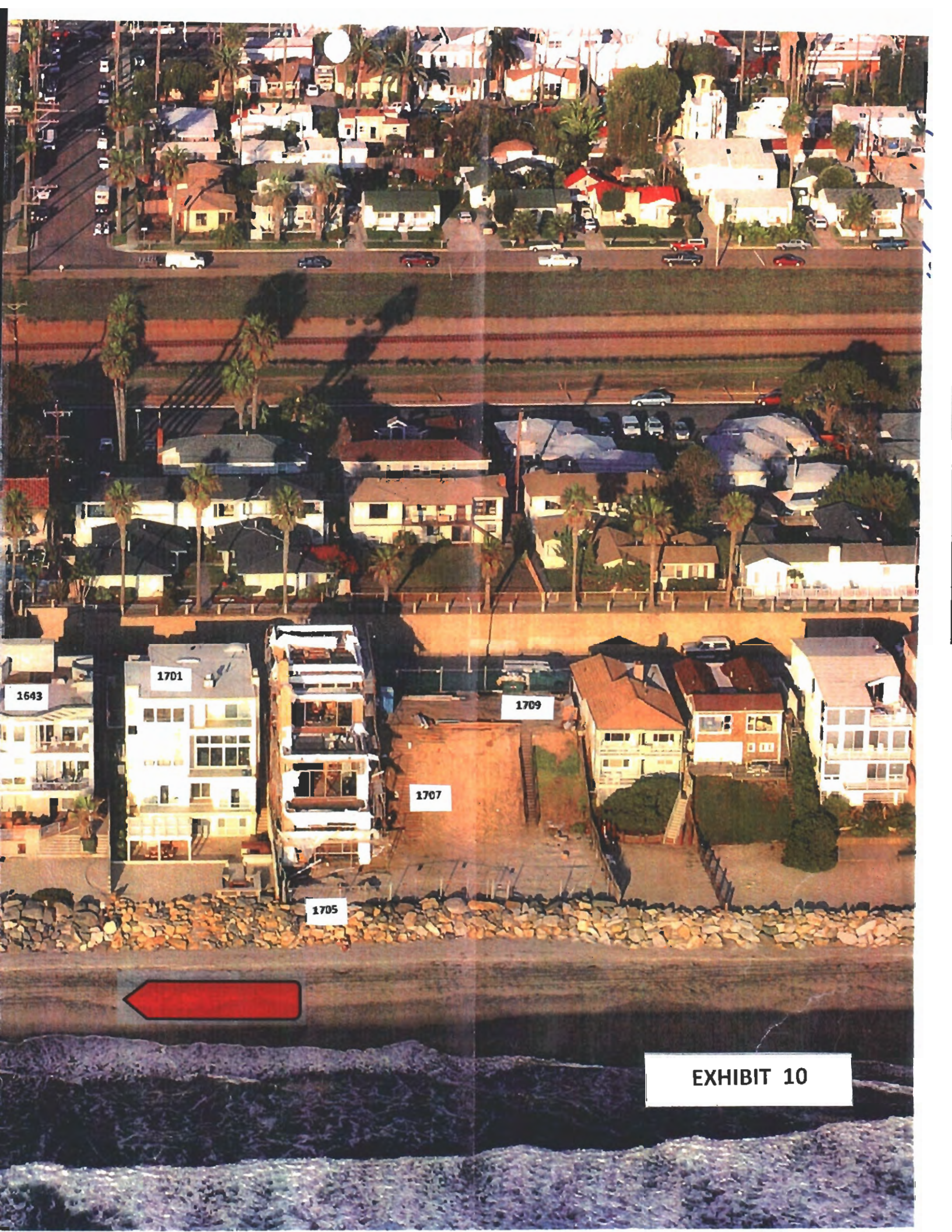
1639



BEACH ACCESS

PUBLIC BEACH

California Coastal Records Project
californiacoastline.org
Image #200407424
Sat. Oct 23 17:11:35 2004



1643

1701

1709

1707

1705



EXHIBIT 10