

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



# W11a&W11b

Filed: 4/2/13  
49th Day: WAIVED  
Staff: T. Ross-SD  
Staff Report: 9/25/14  
Hearing Date: 10/8-10/14

## **STAFF REPORT: RECOMMENDATION ON APPEAL** **SUBSTANTIAL ISSUE & DE NOVO**

**Local Government:** City of Oceanside

**Decision:** Approved with Conditions

**Appeal Number:** A-6-OCN-13-017 & A-6-OCN-13-018

**Applicant:** Strands End LLC (A-6-OCN-13-017), Leeds Properties LLC (A-6-OCN-13-018)

**Location:** 817 & 819 South Pacific Street, Oceanside, San Diego County.  
(APN Nos. 150-356-022, -023)

**Project Description:** The partial demolition and remodel of an existing three level duplex (eastern building), and the complete demolition of two existing 2-level duplexes (center and western buildings) for a total demolition of 6 units developed as three buildings on two parcels; construction of two new duplexes (one duplex on each parcel) each comprised of 6,564 sq. ft. of habitable space, with a 815 sq. ft. garage, and a 471 sq. ft. deck area. The buildings will be designed with three stories over a daylighted basement level.

**Appellants:** Beachin LLC

**Staff Recommendation:** Substantial Issue; Approval with Conditions on De Novo

---

## **PROCEDURAL NOTES:**

**The Commission will NOT take public testimony during the substantial issue phase of the appeal hearing unless at least three Commissioners request it. Unless the Commission finds that the appeal raises “no substantial issue,” it will then hear the de novo phase of the appeal hearing, during which it will take public testimony. Written comments may be submitted to the Commission regarding either phase of the appeal hearing.**

## **SUMMARY OF STAFF RECOMMENDATION**

The appellants raise a number of LCP consistency issues primarily focusing on concerns that the approved development will be above the LCP maximum allowed height and out of character with the surrounding community, and that the use of tandem parking will result in impacts to public access. The appellants also assert that the City misinterpreted definitions of “basement,” “story,” “grade,” and “building height” in order to approve the proposed development. Staff has reviewed the appellant’s contentions in detail, and agrees that while the definitions in the certified LCP are subject to interpretation, the City’s interpretation is reasonable, consistent with numerous past actions by the City, including several that have been reviewed by the Commission on appeal. The development as approved by the City would not be out of character with the surrounding community and is consistent with redevelopment of other residential structures often used as vacation rentals, located in the Residential-Tourist zone and within the coastal zone, and allowing required parking in tandem configuration is consistent with the City’s certified parking requirements.

The appellants also contend that the size and height of the buildings will obstruct public views. However, there are no existing views to the ocean across the site. The existing development is located along the entire frontage of the parcel, completely obstructing any views of the ocean. However, as proposed, the newly constructed buildings would include a 6 foot setback between the two structures. This setback would create a new view from Pacific Street to the ocean. Thus, the proposed development will create and not obstruct public views to the ocean.

The appellants have also raised a concern regarding the legality of the parcels as two separate and legal lots. Specifically, the appellants contend that the lots have never been legally subdivided and thus are only one legal lot. The subject site was part of a large-scale subdivision that occurred in 1906. Since 1906, these two parcels have been bought and sold together until 2008. Then, in 2008, the site was given two separate assessor parcel numbers and subsequently sold as two lots. As discussed in greater detail, below, Commission staff has reviewed the history of the two parcels and agrees with the appellants that the two parcels described by the City have never been legally subdivided and have never been conveyed as separate and legal lots, and as such, only one legal lot currently exists. However, in this particular case, the classification as two lots instead of one does not result in any specific LCP inconsistencies or impacts to coastal resources. The two proposed duplex structures could be approved on one lot since the zoning designation allows for the proposed density. As noted, the development is consistent with the established character of the community and will not impacts public views or

public access. The only remaining concern is that a negative precedent would be set for the development of future sites if the Commission accepted these parcels as two separate legal lots. As previously mentioned, the subject site is one of many that were subdivided in 1906. Thus, there is potential that other oceanfront parcels could be incorrectly considered and developed as if they were more than a single legal lot. Staff did a preliminary study for the surrounding area and found that at least three parcels within the subject block had similar history and thus could result in lot legality concerns. Thus, while in this particular case, the subject development would not result in coastal resource impacts, other, future developments, if interpreted in the same manner, could be developed with a greater number of structures that are larger, and more dense than would be permitted on a single lot, block existing public views, impacting public access and adversely affecting the character of the surrounding community. Therefore, staff recommends that the Commission determine that **a substantial issue exists** relative to the appellants' contentions pertaining to Coastal Development Permit Appeal Nos. A-6-OCN-13-017 and A-6-OCN-13-018.

Commission staff further recommends APPROVAL of the application on de novo. The primary concerns raised during the substantial issue component of the staff report is the question of whether the two lots, as described by the City, are in fact, separate and legal parcels. Commission staff has determined that at no point were the two lots legally subdivided. After the project was appealed, the City issued an unconditional certificate of compliance authorizing the lots as two separate parcels. However, for Coastal Act purposes, the issuance of the certificate of compliance does not properly subdivide the parcels unless it was conditioned, at a minimum, with the requirement to obtain a Coastal Development Permit for the subdivision. Since the City has CDP jurisdiction over this property, only the City could issue a CDP for the subdivision, with the Commission maintaining appellate jurisdiction over such a CDP. In this case, however, the City did not issue a CDP for the subdivision, but, rather, just for the proposed structures. As such, Commission staff maintains that the subject site was not legally subdivided and contains only one legal parcel. In addition, the subdivision of this parcel into two separate lots would be inconsistent with the City's LCP, because the parcel is not large enough to be subdivided without creating substandard lots.

As noted, the project does not raise coastal resource impact concerns outside of the lot legality question. Therefore, special conditions have been included to memorialize the site as one legal parcel and to protect the newly created view of the ocean between the two proposed structures. Specifically, **Special Condition Nos. 2** serve to advise all future property owners that these two buildings are constructed on one legal parcel, and that any future development and/or subdivision on the site would require an amendment to this permit. In addition, **Special Condition Nos. 1 & 3** require the submittal of final building and landscaping plans that include the setback between the two structures and limit the fencing and landscaping between the proposed structures to protect the newly created public ocean view. Finally, **Special Condition Nos. 4, 5, & 6** restrict staging and construction schedule to prevent any potential impacts to coastal access and regulate drainage on the property ensure no water quality impacts occur associated with the newly constructed impervious respectively. These conditions will ensure that the structure is built as approved by the Commission, and that all future development will also be designed consistent with the City's LCP (**Special Condition No. 7**), as well as, applicable policies of the Coastal Act.

A-6-OCN-13-017; A-6-OCN-13-018 (Strands End LLC, Leeds Properties LLC)

Therefore, staff recommends that the Commission, on de novo, **approve as conditioned**, coastal development permit application A-6-OCN-13-017/A-6-OCN-13-018.

The standard of review: Certified Oceanside LCP and the public access and public recreation policies of the Coastal Act.



## TABLE OF CONTENTS

<b>I.</b>	<b>MOTIONS AND RESOLUTIONS.....</b>	<b>6</b>
<b>II.</b>	<b>APPELLANTS' CONTENTIONS .....</b>	<b>7</b>
<b>III.</b>	<b>LOCAL GOVERNMENT ACTION .....</b>	<b>7</b>
<b>IV.</b>	<b>APPEAL PROCEDURES/SUBSTANTIAL ISSUE ANALYSIS .....</b>	<b>7</b>
<b>V.</b>	<b>FINDINGS AND DECLARATIONS.....</b>	<b>9</b>
	A. PROJECT DESCRIPTION.....	9
	B. HISTORY OF PARCELS/LOT LEGALITY.....	10
	C. COMMUNITY CHARACTER/SCALE OF DEVELOPMENT.....	13
	D. PUBLIC VIEWS.....	17
	E. PUBLIC ACCESS/PARKING.....	19
	F. ADDITIONAL CONTENTIONS.....	21
	G. CONCLUSIONS.....	21
	H. SUBSTANTIAL ISSUE FACTORS.....	22
<b>VI.</b>	<b>MOTION AND RESOLUTION ON DE NOVO.....</b>	<b>22</b>
<b>VII.</b>	<b>STANDARD CONDITIONS.....</b>	<b>23</b>
<b>VIII.</b>	<b>SPECIAL CONDITIONS.....</b>	<b>24</b>
<b>IX.</b>	<b>FINDINGS AND DECLARATIONS.....</b>	<b>29</b>
	A. PROJECT DESCRIPTION.....	29
	B. LOT LEGALITY.....	29
	C. PUBLIC VIEWS.....	30
	D. PUBLIC ACCESS.....	30
	E. WATER QUALITY.....	31
	F. LOCAL COASTAL PLANNING.....	31
	G. CEQA.....	32

## APPENDICES

Appendix A – Substantive File Documents

## EXHIBITS

Exhibit 1 – Location Maps

Exhibit 2 – Site Plans

Exhibit 3 – City's Resolutions of Approval

Exhibit 4 – Appeal Forms

Exhibit 5 – Aerial Photo of Site

Exhibit 6 – Applicant's rendering of proposed and surrounding development

Exhibit 7 – Realquest parcel history for the 800 block of South Pacific Street

Exhibit 8 – Letter from the Appellant dated May 17, 2013

Exhibit 9 – City of Oceanside Zoning Map

Exhibit 10 – Photos of dirt section of The Strand

Exhibit 11 – Letter from Appellant dated April 5, 2013

## **I. MOTIONS AND RESOLUTIONS**

### **A. Motion:**

*I move that the Commission determine that Appeal No. A-6-OCN-13-017 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

Staff recommends a **NO** 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:**

*The Commission hereby finds that Appeal No. A-6-OCN-13-017 presents 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 and/or the public access and recreation policies of the Coastal Act.*

---

### **B. Motion:**

*I move that the Commission determine that Appeal No. A-6-OCN-13-018 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

Staff recommends a **NO** 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:**

*The Commission hereby finds that Appeal No. A-6-OCN-13-018 presents 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 and/or the public access and recreation policies of the Coastal Act.*

---

## **II. APPELLANT CONTENTS**

The appellants contend that the developments approved by the City are inconsistent with the certified LCP for the following reasons:

1. The City of Oceanside unjustly denied the appellants appeal to the City Council.
2. The project will block public views
3. The project does not comply with the minimum required front yard setback
4. The project does not provide a sufficient number of parking spaces
5. The project will depreciate the property values in the vicinity
6. The project does not comply with the certified height regulations
7. The project should not have been exempted from CEQA
8. The project site is one legal lot, and has been incorrectly identified as two legal lots.

## **III. LOCAL GOVERNMENT ACTION**

On April 25, 2011 the Planning Commission adopted Planning Commission Resolution Nos. 2011-P15 and 2011-P16 denying variances (V11-00001 and V11-00002) and Regular Coastal Permits (RC10-00002 and RC10-00010). The original resolution indicated that the subject denial was without prejudice and was based upon the proposed projects request to exceed the maximum allowable lot coverage established for single family development proposals. Since that time, the applicant redesigned the project to propose a 2-unit duplex on each parcel instead of a single family home. The City's LCP does not regulate lot coverage for multiple-family development proposals. The Planning Commission approved the proposed project, including the modification from single family homes to duplex structures on March 11, 2013. The approved project includes a number of specific conditions which, among other things, require the applicant to provide 75% open sideyard fencing in order to protect existing ocean views between the structures, limits all buildings, structures, fences and walls to be located no further seaward than the line of development established by the Stringline Setback Map, and requires the applicant to record a covenant waiving any rights of the applicant to liability claims on the part of the City associated with natural hazards.

## **IV. 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 30603(a) of the Coastal Act identifies which types of development are appealable. Section 30603(a) states, in part:

- (a) *After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:*

- (1) *Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.*
- (2) *Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.*

Section 30603(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, in relevant part, that the Commission shall hear an appeal unless it determines:

*(2) 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 then, or at a later date, reviewing the project de novo in accordance with sections 13057-13096 of the Commission's regulations. 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 (LCP).

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 applicable Chapter 3 policies when reviewing a project at the de novo stage.

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 portion of the 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 as to conformity with the certified local coastal program" or, if applicable, the public access and public recreation policies of Chapter 3 of the Coastal Act (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.

The City of Oceanside has a certified Local Coastal Program (LCP) and the subject site is located in an area where the Commission retains appeal jurisdiction because it is located between the first public road and the sea. Therefore, before the Commission considers the appeal de novo, the appeal must establish that a substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603. In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City does raise a substantial issue with regard to the appellants' contentions regarding coastal resources and, therefore, does not conform to the standards set forth in the City's certified LCP.

## **V. FINDINGS AND DECLARATIONS**

### **A. PROJECT DESCRIPTION**

The subject properties are located south of The Strand and west of Pacific Street (ref Exhibit #1, #5) in the City of Oceanside. The proposed development involves 2 adjacent parcels that are currently developed with three separate duplexes. Going east to west, the first duplex straddles both lots. The second duplex is located solely on the north lot. The third and most western

duplex is located only on the southern lot. Thus, there are a total of six units. There are also 8 number of off-street parking spaces to service these units. As proposed, the central duplex and pad and western duplex (pad to remain) would be completely demolished. The westernmost duplex would be partially demolished, but will maintain the façade for the front of the structure, in order to maintain an existing and nonconforming front yard setback of 3.5 feet. Subsequent to the proposed demolition, the parcels would be developed with two separate three-story duplexes. Each duplex will consist of 6,564 sq. ft. of habitable space, a 815 sq. ft. garage, and 471 sq. ft. of outdoor decks. Each garage will provide four parking spaces configured as tandem parking. In summary, the project consists of the demolition of 3 duplex buildings providing a total of six units, and the subsequent construction of two duplex buildings providing a total of four units.

The project site is adjacent to Pacific Street to the east, an abandoned City right-of-way, the beach and Pacific Ocean to the west, three residential lots and then The Strand to the north. The lots to the south are currently developed with quasi-residential/vacation rental residences which are comprised of single and multi-family developments and are generally three stories in height. The three residential lots to the north of the subject sites (811, 813, and 815 South Pacific Street) are currently each developed with identical structures comprised of 9-bedroom, 9-bathroom single family homes. However, each of these structures is currently being converted into three separate duplexes with some additional square footage authorized through three coastal development permits issued by the City of Oceanside. These CDPs were appealed to the Commission on July 25, 2012. In March 2013, the Commission found that the coastal development permits issued for the above-stated development proposals raised no substantial issue (ref. Appeal Nos. A-6-OCN-12-054; -055; -056). The subject project includes a very similar configuration to those projects, including the large number of bedrooms and bathrooms, square footage, number of levels and overall height.

As previously stated, there is an existing City right-of-way on the west side of the properties that extends The Strand right-of-way to the south. However, this section of the right-of-way is unimproved sand which currently provides access to the public west of the existing structures and east of an existing, city-owned, rock revetment (ref. Exhibit #6). Because the unimproved sandy accessway is located directly south of and in alignment with The Strand, and because the sandy beach can be shallow or non-existent during high tides, the protected accessway provided by the right-of-way is highly utilized by the public. No modifications to this existing accessway or the city-owned revetment are proposed for the subject development.

The subject properties are located within the Residential-Tourist (R-T) zoning designation and an Urban High-Density land use designation (UHD-R). These designations allow single and multi-family residential structures serving both residential and visitor serving uses and would allow for a density of up to 40.21 dwelling units per acre (du/a). The proposed development would have a density of 28.8 du/a.

## **B. HISTORY OF PARCELS/LOT LEGALITY**

The most substantial contention raised by the appellant is that of lot legality. As described by the City, the subject development includes two separate legal lots. However, the appellant contends that these parcels were never legally subdivided and instead contends that the subject site is only

one legal lot. Specifically, the appellant is asserting that a map recorded prior to 1909 as legal only if (1) the map was recorded consistent with the grandfather clause of the Subdivision Map Act ("SMA") or (2) the lot was actually conveyed separately from any other lots. Commission staff agrees with the appellants' contention because case law indicates that subdivisions created before 1915 do not constitute valid lots for purposes of establishing legal lots under the grandfather provision of the SMA. On the second option for creating legal lots, the SMA provides that the creation of up to four parcels, by deed, prior to 1972 are presumed to be valid for purposes of the SMA. Since the subject lots were not independently conveyed by deed prior to 1972, the subject lots cannot be legal lots under this provision. (see Govt. Code, section 66412.6(a).)

The subject site was part of a large-scale subdivision that occurred in 1906. Since the 1906 subdivision that created these lots, the subject lots have been bought and sold as one lot until 2008. Then, in 2008, the site was given two separate assessor parcel numbers and subsequently sold as two lots. The applicants, after purchasing the property, sought an unconditional Certificate of Compliance from the City to formally acknowledge the individual parcel as two parcels which can only be issued if the City finds that the property complies with the provisions of the SMA and of the local ordinances adopted pursuant to the SMA. (Government Code § 66499.35.) A local government may issue an unconditional Certificate of Compliance for lots created under earlier versions of the SMA if the earlier version regulated "the design and improvement of subdivisions at the time the subdivision was established." (Government Code § 66499.30(d) ("grandfather clause").) Or, as mentioned above, if the lots were created by deed prior to 1972, which is not the case here since the two lots were sold together from 1906 until 2008.

On the first issue of whether or not a subdivision complies with design and improvement elements of the SMA, the SMA includes definitions of "design and improvement." Design is defined as: "(1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) other specific physical requirements in the plan and configuration of the entire subdivision that are necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan . . . ." (Government Code § 66418.) Similarly, "improvement" is defined as either (1) "any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof" or (2) "any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency, or by a combination thereof, is necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan." (Government Code § 66419.) Courts have determined that the SMA in effect prior to 1915 did not regulate the design and improvement of subdivisions. (*Witt Home Ranch, Inc. v. County of Sonoma* (2008) 165 Cal.App.4<sup>th</sup> 543, 564.)

Thus, the City could only issue an unconditional Certificate of Compliance if a subdivision created lots consistent with a version of the SMA that regulated the design and improvement of the subdivision. That was not the case, here, because the subdivision was created in 1906 and the SMA in effect at the time did not regulate design and improvement of subdivisions. (*Ibid.*) The City, instead, should have issued a conditional Certificate of Compliance, imposing “conditions that would have been applicable to the division of the property at the time the applicant acquired his or her interest therein”<sup>1</sup> including the requirement to obtain a CDP for the division of land, which is a form of development pursuant to section 30106 of the Coastal Act. As a result, the subject lots are not two legal lots because, at a minimum, they have not received the benefit of a CDP.

It is important to note here, that in this particular circumstance, the proposed 4-unit development as two duplex structures is consistent with the City LCP regardless of the property being one lot or two, and the development as proposed does not result in any coastal resource impacts. In fact, by demolishing the existing structures and constructing the two proposed separate buildings, a view to the ocean approximately six feet wide will be created between the two duplex buildings.

The primary concern associated with the legal status of the parcel/lots is the precedent that may be set by accepting the City's interpretation. As previously discussed, the 1906 subdivision included a large majority of the oceanfront parcels within the City of Oceanside. Thus, it is likely that the question of lot legality could be an issue on other properties. Commission staff conducted a review of the lot history for just this block and found that there is at least one more example of a 1906 subdivision that may come into question in the future. Specifically, there are three properties (identified as separate parcels on the County Assessor's Parcel Maps) located on the southern terminus of the subject block have a similar history. The property was subdivided into three lots in 1906 and was then developed with one multi-unit structure. Since the time the property was improved with this structure it was sold as one property, until in 2007, when another reallocation of APNs was given to the property similar to the subject site (ref. Exhibit #7). In this case, the way the property has been developed, with a large majority left as open space area, affords an expansive view of the ocean from both Pacific Street and Hayes Street (ref. Exhibit #6). The classification of the property as three separate lots could allow for three separate developments that would significantly obstruct the existing view of the ocean. Thus, the precedent set by the subject development could have cumulative and future impacts on coastal resources.

Since the time of the original appeal by the Commission, the property owner, and the City have all been attempting to find a process to adequately subdivide the property and allow for the development to move forward as proposed. However, the subject parcel is 6,500 sq. ft., and the minimum lot size for this zone is 6,000 sq. ft. Thus, subdivided the parcel into to two lots a maximum of 3,250 sq. ft. each would result in two sub-standard lots, inconsistent with the City's LCP. Approval of the sub-standard lots through the issuance of a variance would also not be appropriate in this case, as there are no circumstances specific to this lot that would provide for the issuance of a variance. As such, were the applicant to include the subdivision of the property into the current proposal, approval of the development would result in an LCP prejudice issue.

---

<sup>1</sup> Government Code § 66499.35(b).



In conclusion, the proposed characterization of the subject parcel as two separate legal lots would be inconsistent with the minimum lot size required in the LCP, and create an adverse precedent for development on improperly subdivided lots that could result in future development that negatively effects public views and public access. Therefore, the appeal raises a substantial issue regarding conformity with the certified LCP.

### **C. COMMUNITY CHARACTER/SCALE OF DEVELOPMENT**

The appellants contend that the project, as approved, will permit the construction of three buildings that will not be consistent with the established surrounding community character. The City has a number of LCP policies protecting existing community character and zoning ordinances establishing height restrictions and state in part:

City of Oceanside Visual Resources and Special Communities, Policy 1 states:

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

City of Oceanside Visual Resources and Special Communities, Policy 3 states:

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

City of Oceanside Visual Resources and Special Communities, Policy 8 states:

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

City of Oceanside Visual Resources and Special Communities, Policy 13 states:

*New development shall utilize optimum landscaping to achieve the following effects:*

- a. Accent and enhance desirable site characteristics and architectural features.*
- b. Soften, shade and screen parking and other problem areas.*
- c. Frame and accent (but not obscure) coastal views*

*[...]*

City of Oceanside Zoning Ordinance Section 1709 – Height, states in part:

*No buildings or structures shall be erected or enlarged unless such building or structure complies with the height regulations for the zone in which the building or structure is*

*located. For purposes of determining height, of a building or structure, the average finished grade of the parcel on which the building or structure is located shall be used:*

*The maximum permitted heights of any building or structure shall be as follows:*

*[...]*

*(b) No building or structure in the R-3, O-P, R-T, R-C, PRD, or SP zones shall exceed a height of 35 feet or three stories, whichever is less.*

*[...]*

*Penthouses or roof structures for the housing of elevators, stairways, ventilator fans, air conditioning or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, church steeples, flag poles, chimneys, antennas, and similar structures may be erected above the height limits prescribed hereinabove provided the same may be safely erected and maintained at such height, in view of the surrounding conditions and circumstances, but no penthouse or roof structures or any space above the height limit shall be allowed for the purpose of providing additional floor space.*

The appellants contend that the scale of the approved development is inconsistent with the City's certified development standards pertaining to height and number of stories and as such, is out of character with the surrounding community. The City of Oceanside limits development in this area to three stories or 35 feet in height, whichever is greatest. The City has definitions that serve to determine the number of stories and the measured height of a structure. The appellants contend that the City interpretation of definitions of "story," "basement," "grade" and "building height" are incorrect, resulting in structures with a greater number of levels and higher height than allowed in the LCP, and are therefore inconsistent with the LCP.

As proposed, the newly constructed duplexes will include a total of four levels. As noted, the LCP limits structures in this area to three stories. However, the lowest level of each structure was approved by the City as a basement, not a story. When the first level of the home meets the definition of a basement, it is not included in the calculation of the number of stories. The appellants contend that four levels are not allowed in the subject duplexes because the first level of the duplexes does not meet the definition of basement and therefore must be considered a story. The City's zoning ordinance defines a "basement" as follows:

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

As written, this definition of a basement requires that less of a basement's air space be located below ground than above ground, which is contrary to the common sense definition of a basement. The City has indicated that the definition was supposed to require that more air space be below ground than above, and the definition in the ordinance is simply a mistake. The City

has further indicated that it has been the established practice to require basements to be mostly below grade, as is the case with the proposed duplexes. To interpret the code otherwise would render most of the existing homes with basements in the City as non-conforming, as well as being counterintuitive to what is generally accepted as a basement. For example, in 1999, the Commission appealed a shorefront development in Oceanside (ref. A-6-OCN-99-133/Liguori where the Commission found that since the first level of the structure appeared to be more above grade than below, it might not qualify as a basement. Commission staff reviewed previously approved projects located on the shorefront, and concurs that the City's established practice has been to require the bulk of lower level's volume or square footage to be more below than above the adjacent grade.

In addition, the appellant contends the proposed duplexes' bottom floors would also not qualify as a basement because the entire bottom floor would not be located partially below and partially above ground; rather, a portion of the basement is fully above ground—that is, daylighted. Daylighting a basement means that on the western side of the structure the entire level is exposed to light. While that the definition of basement could be interpreted to require that the entire floor area be at least partially underground, the City's has stated such a restrictive interpretation of "basement" has never been applied in Oceanside, and rather, a substantial percentage of beachfront homes have been approved with daylighted basements. Commission staff has reviewed previously approved developments in the City of Oceanside, and concurs with the City that the common practice is to consider daylighted ground levels on the shorefront as basements.

The lower level of the proposed duplexes could theoretically have been designed such that all portions of the basement were at least partially below grade, or designed such that more of the basement was above ground than below ground. However, this would have no impact on the height, bulk, or scale of the proposed duplex structures. The structures as proposed do not block public views, and are consistent with surrounding development. As previously noted, in 2012, the three structures located directly north of the subject site were appealed to the Commission by the subject appellant, who made the same contentions regarding the definition of basement (ref. A-6-OCN-12-054, -055, -056). In those cases, the Commission found that the method by which the City defined and approved the basement for those homes, which was identically applied here, did not raise a substantial issue.

The appellants are also contending that the City misinterpreted the definition of the term "grade." The City's certified definition of "grade" states:

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

Specifically, the appellants contend that the City accepted the finished "grade" instead of the finished "ground" level in order to measure the elevation of the center of all walls, as described above. The appellants further contend if the City used the *ground* level instead of the *grade* level, the definitions for "story" and "building height" would be calculated differently and are therefore also inaccurate. The City has indicated that in review of development, the terms ground and grade or used interchangeably. In addition, the above cited zoning ordinance Section

1709 – Height references “finished grade,” which clearly implies that an altered grade level, not just a natural or pre-existing grade is used when establishing building elevation.

However, in any case, again as noted, in 2012, a similar appeal was heard by the Commission, including the same contentions regarding the calculation of grade and the Commission determined there was no substantial issue with the City’s approval. The basis for the appeal needs to establish impacts to coastal resources. For the subject project, Commission staff visited the subject site on numerous occasions and verified that the approved building will not obstruct any public views of the coast and ocean; and thus, the matter by which the City defines “grade” does not raise a substantial issue.

The appellants are also contending that the City misinterpreted the City’s definition of “story”. The City’s definition of “story” states:

Story. “Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is not floor above it, then the space between such floor and the ceiling next above it shall be considered a story. If the finished floor level directly above the basement or cellar is more than six feet above *grade*, such basement or cellar shall be considered s story. [emphasis added]

The appellants contend that if the term “grade” as defined above, was measured accurately to the ground level at the center of all walls and not finished grade, the finished floor level would be more than six feet above grade. They assert that if the first level is more than six feet above ground, it cannot be considered a basement and must be considered a story. If the first floor was considered a story, and not a basement, the project would be four levels and thus would not be consistent with the restriction for development in the R-T zone to three stories. As previously discussed, the City has indicated that the terms ground and grade are used interchangeably. There is no evidence that the manner in which the City has interpreted the definition of grade would result in impacts to coastal resources. The approved buildings will not obstruct any public views of the coast and ocean, or be inconsistent with community character; thus, the matter by which the City defined “grade” does not raise a substantial issue.

Another contention raised by the appellants is that the overall height of the buildings was measured incorrectly and that the structures, as approved by the City, are taller than the maximum height limits for the area. Specifically, the appellants contend that the City accepted a calculation for height that is inaccurate. The height limit for the Residential Tourist (R-T) designation is 35 feet. Building height is defined by the City as:

Building Height. “Building height” means the vertical distance measured from the average level of the highest and lowest point of that portion of the building-site *covered by the building* to the ceiling of the uppermost story. [emphasis added]

The appellants contend that the City accepted a calculation for the height of the buildings inaccurately. The City accepted the points of the building site to be measured from lowest and highest points *adjacent to the building*, and the appellants contend that the height should have

been measured from the lowest and highest points *covered by the building*. Again, the City has stated that they have traditionally accepted points adjacent to the building.

There is always the potential that various LCP definitions and policies will be interpreted in different ways by different people, or even change over the years. Regardless of whichever interpretation of these definitions is “correct,” the overarching and primary *coastal resource* concern regarding all of the above listed contentions is whether or not the height, and the overall scale, of the structures will be out of scale with the surrounding development. As such, the remainder of this section will focus on the potential coastal resource impacts associated with structures that total four levels each and are 35 feet tall.

Commission staff has visited the site on numerous occasions in order to assess the current character of the community. Both four-level, as well as 35-foot tall structures are common in this area. All of the three structures located immediately north of the subject site include these same specifications. Additionally, even if the fourth level wasn’t permitted, the 35-foot height would still be permissible, which is consistent with the surrounding community, thus, no negative precedent would be established by the approval of these duplexes. Furthermore, the structures, as approved by the City, include stepping back the height from Pacific Street to the ocean. Thus, while the tallest section of the duplex structures will be 35 feet tall, for 19 feet starting from Pacific Street west to the ocean, the height of the structures will be 23 feet tall. Additionally, the western edge of the duplexes are also stepped back with glass balconies on the third and fourth levels, further reducing massing impacts. As noted, the proposed duplexes would not block any public views of the coast and/or ocean, but would result in a new view corridor between the structures.

In conclusion, the appellant has identified a number of technical challenges related to the City’s application of their code that pertain to the height of the structures and their compatibility to the surrounding community. However, as approved by the City, and reaffirmed through numerous visits to the surrounding community by Commission staff, it is clear that the proposed structures are consistent with the surrounding community and will not result in any adverse impacts to coastal resources. The project, therefore, does not raise a substantial issue on the grounds filed pertaining specifically to community character.

#### **D. PUBLIC VIEWS**

The City has several LUP policies protecting coastal visual resources which state in relevant part:

City of Oceanside LUP - Visual Resources and Special Communities - Objectives

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

City of Oceanside LUP - Visual Resources and Special Communities - Major Findings.

[...]

*2. The City's grid street pattern allows public views of these water bodies from several vantage points. Most east-west streets in the Coastal Zone offer views of the ocean...*

#### City of Oceanside LUP - Visual Resources and Special Communities - Policies

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

*[...]*

*4. The city shall maintain existing view corridors through public rights-of-way.*

*[...]*

*13. New development shall utilize optimum landscaping to achieve the following effects:*

*[...]*

- c. Frame and accent (but not obscure) coastal views*
- d. Create a sense of spaciousness, where appropriate.*

#### City of Oceanside LUP – Design Standards for Preserving and Creating Views

*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 buildings and landscaping. Additionally, some views not presently recognized, deserve consideration in the design and location of further coastal improvements.*

##### *A. Removing Obstructions*

*2. Proposed new development should consider surrounding height when designing a building*

##### *B. Framing/Direction Views*

*2. Street right-of-way carried through to the water and views along the waterfront provide a desirable sense of contact with the water.*

In addition, the following LCP provisions are applicable :

#### City of Oceanside LUP - Design Standards for Beach Accessways

*Definition: A view corridor is an unobstructed line of view to be preserved for passing motorists, pedestrians and bicyclists from the nearest public road to the ocean, lagoon or other scenic landscape.*

*Specifications: View corridors should be considered as “visual access” and an integral part of coastal access. Open space buffers or greenbelts should be provided along major view corridors. Efforts should be made to integrate view corridors with vertical access points whenever possible.*

*Location and Distribution: Because of the recreational and scenic value of the coastal landscape, view corridors should be provided wherever possible, along linear greenbelts or internal streets. In the event of proposed new development or redevelopment, structures should be sited so as to protect existing view corridors and/or provide new corridors.*

The appellants contend that the City’s approval is inconsistent with its certified LCP because the development as proposed will impact existing public views. Specifically, the appellants contend that the larger and taller structures proposed will obstruct views from Pacific Street. Additionally, the appellants contend that the front yard setback will further obstruct these views. To restate, the subject CDP consists of the construction of two four level structures 35 feet tall that maintain a 3-foot, 6-inch, front yard setback. As previously discussed, the size as well as the setback for the structures is typical for this area of Oceanside. The existing structure has the same setback and currently does not provide any views from Pacific Street across the site and to the ocean. Specifically, the existing development spans the width of the site, and thus there are no views as one walks along Pacific Street across the site and to the ocean. However, as approved by the City, the proposed development would consist of two detached structures, each only 19 feet in width. Thus, the proposed development will create a 6-foot wide slot view from Pacific Street to the ocean within the sideyard setbacks for each structure (ref. Exhibit #6). As such, the proposed development will result in *improved* public views to the ocean, and thus does not raise a substantial issue on the grounds filed pertaining specifically to protection of public views.

## **E. PUBLIC ACCESS/PARKING**

Because the project is located between the sea and the first coastal roadway, and because the appellants are raising contentions regarding impacts to public access due to lack of adequate onsite parking, both the City of Oceanside and the Coastal Act policies pertaining to public access are applicable and state:

### **Coastal Act Policies:**

Section 30210 of the Coastal Act states:

*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.*

In addition Section 30211 of the Act is applicable and 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.*

Finally Section 30212 of the Act is applicable and states:

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*
- (2) adequate access exists nearby....*

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:**

Section I - Coastal Access - Coastal Act Policies – state in part:

*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.*

Section I - Coastal Access - Coastal Act Policies - Summary of Major Findings states:

- 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...*

Section I - Coastal Access - Objectives and Policies states:

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



## City of Oceanside Zoning Section 27 – Off-Street Parking

UseParking Spaces Required*Apartments, Duplexes, and Condominiums**1 Bedroom**1 ½ spaces per unit**2 bedrooms or more**2 spaces per unit*Exceptions

*(1) The above provisions for R-2, R-3, O-P, R-T, and R-C zones shall not be applicable to any lot legally subdivided prior to January 20, 1958, where the combination of such lots has a total area for each lot of 7,5000 square feet or less. Off-street parking requirements for such a lot or combination thereof shall be the same as required by Ordinance No. 69-39 and shall be as follows:*

*[...]**3 bedrooms or more**1 ½ space for each unit*

The project includes the construction of two duplexes, for a total of four units. As noted above, the City's certified LCP requires 1 ½ spaces per unit for residences with 3 or more bedrooms; thus, a total of 6 spaces must be provided. As proposed, each duplex would provide 4 parking spaces, for a total of eight off-street spaces. These spaces would be configured as two parking and two tandem (behind) for each duplex. The City of Oceanside's LCP allows the use of tandem parking and tandem parking is utilized in many San Diego County beach communities. As such, the provided parking is greater than what is required by the City's certified LCP and does not raise a substantial issue on the grounds filed pertaining specifically to public access associated with parking.

**F. ADDITIONAL 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 that the approval would substantially depreciate the property values in the vicinity. The appeal also includes contentions pertaining to CEQA in that the buildings have been exempted from CEQA and thus cumulative impacts were not adequately addressed. However, these contentions are not related to consistency with the certified LCP, and thus, do not raise a substantial issue.

**G. CONCLUSION**

In summary, the appellants have raised a number of contentions regarding LCP consistency, most of which do not raise substantial coastal resource impact concerns. As described in detail above, the proposed development would be of compatible height and scale to the surrounding community. In addition, the proposed project would not result in the blockage of any public

views and would, in fact, create new views to the ocean. The project can also be found to provide adequate parking such that no impacts to public access are anticipated.

However, the City incorrectly determined that the two lots were legally subdivided at the time of their creation in 1906. As described above, the lots that were part of a subdivision in 1906 cannot be grandfathered in under the grandfather clause of the SMA. And, since the lots were conveyed as one interest from 1906 until 2008, when the parcel was sold as two separate lots, they cannot be considered two legal lots under Government Code section 66412.6(a), either. Thus, any proposed subdivision would have to go through the procedures afforded for new subdivision under the SMA. Thus, at the time of buying the two lots independently, a new owner could seek a legal subdivision by going to the City and obtaining a conditional Certificate of Compliance, requiring the subdivider, at a minimum in relation to Coastal Act purposes, to obtain a CDP prior to recordation of the two-lot subdivision. The City, however, did not require such a condition, resulting in an illegal subdivision. Considering this is a new subdivision, the potential lots would result in two potential inconsistencies with the LCP. First, the size of the subject site is not large enough to accommodate two separate lots and meet the minimum lot size under the certified LCP. In addition, there are other parcels that were created in a similar manner as the subject site. Unlike the current project, allowing other parcels in more sensitive locations to be developed as multiple lots could result in the construction of structures out of scale with the community that obstruct public access and public views, thus creating a prejudice for future implementation of the City's LCP. As such, the subdivision of the subject site raises a substantial issue regarding conformity with the LCP.

## **H. SUBSTANTIAL ISSUE FACTORS**

As discussed above, there is inadequate factual and legal support for the City's determination that the proposed development is consistent with the certified LCP. The other factors that the Commission normally considers when evaluating whether a local government's action raises a substantial issue also support a finding of substantial issue. The objections to the project suggested by the appellants raise substantial issues of regional or statewide significance and the decision creates an adverse precedent with respect to the interpretation of the City's LCP, and will prejudice future implementation of the City's LCP.

## **VI. STAFF RECOMMENDATION ON THE COASTAL PERMIT**

The staff recommends the Commission adopt the following resolutions:

**MOTION:** *I move that the Commission approve Coastal Development Permit No. A-6-OCN-13-017 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the certified LCP and the public access policies of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**MOTION:** *I move that the Commission approve Coastal Development Permit No. A-6-OCN-13-018 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the certified LCP and the public access policies of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

---

**VII. STANDARD CONDITIONS**

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in

a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## VIII. SPECIAL CONDITIONS

The permit is subject to the following conditions:

1. **Final Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, full-size final plans for the permitted development that are in substantial conformance with the plans for the project by Studio 4 Architects, stamped approved by the Planning Commission March 11, 2013.

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

### 2. Lot Combination

A. By acceptance of this permit, the applicant agrees, on behalf of itself and all successors and assigns with respect to the subject property, that: (1) All portions of the parcels known as APNs 150-356-022 and 150-356-023 shall be recombined and unified, and shall henceforth be considered and treated as a single parcel of land for all purposes, including but not limited to sale, conveyance, lease, development, taxation or encumbrance; and (2) the single parcel created thereby shall not be divided, and none of the parcels existing at the time of this permit approval shall be alienated from each other or from any portion of the combined and unified parcel hereby created.

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction against each parcel described above, in a form acceptable to the Executive Director, reflecting the restrictions set forth above. The deed restriction shall include a legal description and graphic depiction of the two parcels being recombined and unified. The deed restriction shall run with the land, binding all successors and

assigns, and shall be recorded free of prior liens, including tax liens, that the Executive Director determines may affect the enforceability of the restriction.

3. **Revised Final Landscape Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, final landscape plans for the proposed development that have been approved by the City of Oceanside. Said plans shall be in substantial conformance with the plans submitted to the City by the Lightfoot Planning Group, stamped approved by the Planning Commission March 11, 2013, but shall be revised with notes on the plan indicating the following:
- a. All proposed landscaping in the side and front yard areas shall be maintained at a height of three feet or lower (including raised planters) to preserve views from the street toward the ocean.
  - b. All landscaping shall be drought-tolerant native, non-invasive plant species that are obtained from local stock, if available. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.
  - c. Any fencing in the side yard setback areas shall permit public views and have at least 75 percent of its surface area open to light.
  - d. A written commitment by the applicant that five years from the date of the issuance of the coastal development permit for the residential structure, the applicant will submit for the review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.
  - e. If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

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

4. **Erosion Control and Construction BMPs Plan. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and approval of the Executive Director, an Erosion Control and Construction Best Management Practices Plan, prepared by licensed professional<sup>2</sup>. The licensed professional shall certify in writing that the Erosion Control and Construction Best Management Practices (BMPs) Plan includes the following items:

1. Erosion Control Plan.
  - a. The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas.
  - b. Include a narrative report describing all temporary run-off and erosion control measures to be used during construction.
  - c. The plan shall identify and delineate on a site or grading plan the locations of all temporary erosion control measures.
  - d. The applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps); temporary drains and swales; sand bag barriers; silt fencing; stabilize any stockpiled fill with geofabric covers or other appropriate cover; install geotextiles or mats on all cut or fill slopes; and close and stabilize open trenches as soon as possible.
  - e. The plan shall specify that grading shall not take place during the rainy season (November 1 – March 31).
  - f. The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site, unless removed to an appropriate, approved dumping location either outside of the coastal zone or within the coastal zone to a site permitted to receive fill.
  - g. The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.
2. Construction Best Management Practices

---

<sup>2</sup> A licensed professional may be a California Registered Professional Civil Engineer, Geologist or Engineering Geologist, Hydrogeologist, or Landscape Architect, qualified to complete this work.

- a. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
- b. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
- c. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
- d. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- e. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
- f. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
- g. All stock piles and construction materials shall be contained so that materials cannot be conveyed to drain inlets and any waterway, and shall not be stored in contact with the soil.
- h. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- i. The discharge of any hazardous materials into any receiving waters shall be prohibited.
- j. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- k. The applicant shall provide a map delineating the construction site, construction phasing boundaries, and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).

The final Erosion Control and Construction Best Management Practices Plan shall be in conformance with the site/development plans approved by the Coastal Commission. Any changes to the Coastal Commission approved site/development plans required by the consulting civil engineer/water quality professional shall be reported to the Executive Director. No changes to the Coastal Commission approved final site/development plans shall occur without an amendment to the coastal development permit, unless the Executive Director determines that no amendment is legally required.

5. **Construction Schedule/Staging Areas/Access Corridors.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, detailed plans identifying the location of access corridors to the construction site and staging areas, and a final construction schedule. Said plans shall include the following criteria specified via written notes on the plan:
- a. Use of sandy beach and public parking areas outside the actual construction site, including on-street parking, for the interim storage of materials and equipment is prohibited.
  - b. No work shall occur on the beach during the summer peak months (start of Memorial Day weekend to Labor day) of any year.
  - c. Equipment used on the beach shall be removed from the beach at the end of each workday.
  - d. Access corridors shall be located in a manner that has the least impact on public access and existing public parking areas. Use of public parking areas for staging/storage areas is prohibited.

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

6. **Drainage Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a drainage and runoff control plan documenting that the runoff from the roof, driveway and other impervious surfaces shall be collected and directed into pervious areas on the site for infiltration and/or percolation in a non-erosive manner, prior to being collected, and conveyed off-site to storm drain(s) within South Pacific Street.

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

7. **Future Development.** This permit is only for the development described in coastal development permit No. A-6-OCN-13-017 & A-6-OCN-13-018. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply. Accordingly, any future improvements to the proposed duplexes, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Code section 30610(d) and Title 14 California Code of Regulations section 13252(a)-(b), shall require an amendment to permit



No. A-6-OCN-13-008 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

## **IV. FINDINGS AND DECLARATIONS.**

The Commission finds and declares as follows:

### **A. PROJECT DESCRIPTION**

The detailed project description and history is described above under the substantial issue findings of this report and is incorporated herein by reference.

Since the time of the appeal, and in an effort to resolve the concern regarding the legality of the site as two lots, the City of Oceanside has issued an unconditional certificate of compliance identifying the site as two separate parcels. However, for purposes of the Coastal Act, any issuance of a new certificate of compliance is regarded as a subdivision, and thus also requires the issuance of an accompanying coastal development permit. In this case, no coastal development permit was issued. Thus, Commission staff maintains the position that the subject site includes only one legal lot. Therefore, the two duplex structures are considered to be on one lot.

### **B. LOT LEGALITY**

The primary concern regarding the proposed development is the history of the number of lots that comprise the subject site. As discussed in Section V.B. above, the City describes and approved the development as two duplex structures on two legal lots. However, through the review of the subject appeal it was determined that the lots were never, in fact, legally divided. Specifically, the lots were first created through a large-scale subdivision in 1906 though never sold independently until 2008, at which time a determination of whether or not the two lots sold separately should be considered legal lots under the current grandfather clause in the Subdivision Map Act (SMA). As previously discussed at greater length in the Substantial Issue portion of the appeal and incorporated by reference herein, the two lots are not legal lots under the SMA. Thus, the Commission has determined that for the purposes of the Coastal Act, the subject site is comprised of only one legal lot.

In addition, the size of the subject site is approximately 6,500 sq. ft. Should the site be subdivided to two parcels would then be a maximum of 3,250 sq. ft. each. However, the City's certified LCP requires that the minimum lot size within the Residential-Tourist Zone (R-T), and states:

*Section 3206: Area. The minimum required area of a lot in the R-T zone shall not be less than 6,000 square feet, unless otherwise shown on the zoning map.*

Thus, unless otherwise indicated on the zoning map, the subdivision of the subject site would result in a substandard lot, inconsistent with the City's LCP. Commission staff has reviewed the City's Zoning Map and this section of the City is clearing identified as R-T, and does not include any allowance for smaller lot sizes (ref, Exhibit #9), thus; the subdivision of the lot would be inconsistent with the minimum lot size certified for this area, and would result in a prejudice to the City's LCP. As such, it can be concluded that for purposes of the Coastal Act, the existing site is only one legal lot, and is not eligible for any future subdivision.

Therefore, in order to prevent confusion on the site **Special Condition #2** has been included to memorialize to ensure that future owners are on notice that the subject site consists of only one lot notwithstanding the City's issuance of the unconditional Certificate of Compliance. Thus any future potential purchasers of the site the legal number of lots on the subject site, even though there are two Accessor's Parcel Numbers, and how the number of lots was determined. In addition **Special Condition #7** requires that any future development on the site, such as a subdivision, require amending the subject Coastal Development Permit. Only as conditioned is it clear what currently exists onsite, as well as what could be approved in the future.

### C. PUBLIC VIEWS

The LCP policies pertaining to public views are included above under the substantial issue findings of this report are incorporated herein by reference.

The proposed development includes the demolition of three existing duplex structures (one 3-level, two 2-level) and the subsequent construction of two 4-level duplexes. Currently, the existing development on site does not provide any public views of the ocean from Pacific Street, as the easternmost structure on the site extends across the entire frontage of the lot. The western side of the lot also does not provide any current views of the ocean as existing adjacent development is located as far or further west than the western extent of the proposed structures.

The development as proposed includes two duplex structures, one on the north and one on the southern portion of the site. Between the two structures would be a 6-foot wide sideyard setback. As previously discussed, the current development provides no public views to the ocean. The proposed 6-foot wide sideyard setback would create a view from Pacific Street across the site and to the ocean. Thus, the proposed development will improve the public view opportunities at this location. However, improvements such as fencing and landscaping within the setback, if not properly designed and maintained, could obstruct this public viewing opportunity. As such, **Special Condition #3** requires that all vegetation be limited to 3' and require that all fencing in this area have 75 percent of its surface area open to light. This landscaping height limit and fencing requirement will protect the ocean view opportunities within the side yard setback overtime. With the condition modifications, the development is in conformance to the City of Oceanside's public view policies.

### D. PUBLIC ACCESS

The LCP and Coastal Act policies pertaining to public access are included above under the substantial issue findings of this report are incorporated herein by reference.

The subject site is located on the seaward side of South Pacific Street. To the west of the subject site is the southern terminus of The Strand. This section of the roadway is not improved, is currently maintained as dirt/sand, and is open to pedestrian traffic only. To the west of The Strand there is a city-owned and maintained rock revetment. The existing pre-coastal revetment is located adjacent to a public beach utilized by local residents and visitors for a variety of recreational activities. The existing revetment is but protects the pedestrian path section of The Strand protection from high tide and storm waves. Thus, the revetment provides the public with an opportunity for unobstructed lateral access west of the subject site at all times of the year. and the proposed project will have no impact on the revetment.

The lot itself is developed and there is no public access across the site. As previously discussed, lateral access is currently available to the public along the dirt portion of The Strand. Vertical access to the public beach is provided less than 150 feet to the south at the terminus of Hayes Street. Thus, there is currently adequate access to the beach, and the proposed development will not have any effect on public access.

However, there remains a concern that the construction activities associated with the proposed development, including staging, construction crew parking, hauling of materials, etc., especially during peak summer months, could result in impacts to public access. As such, **Special Condition #5** requires that construction access and staging not affect public access and prohibits construction on the sandy beach on weekends and holidays during the summer months between Memorial Day to Labor Day of any year. Therefore, impacts to the public will be minimized to the greatest extent feasible. Thus, as conditioned, the Commission finds the project consistent with the public access and recreation policies of the Coastal Act.

## **E. WATER QUALITY.**

The certified Oceanside LCP contains a policy that addresses water quality. City of Oceanside LUP - Water and Marine Resources; Diking, Dredging, Filling, and Shoreline Structures and Hazard Areas - Policy 2 states:

*As part of its environmental review process, the City shall establish measures on a project-by-project basis to minimize the introduction of dissolved grease, oil, paints, pesticides, construction, waste, and other pollutants into the urban runoff*

The majority of the project site drains to the beach. The proposed project will result in an increase in impervious surfaces. In its approval of the project, the City required the site to comply with the National Pollutant Discharge Elimination System (NPDES) permit requirements for urban runoff and stormwater discharge, and prepare an Operations and Maintenance Plan that includes stormwater BMPs.

Consistent with the LCP, new development must use best management practices to ensure that water quality will not be adversely affected by new development. In this case, the Commission finds that to conform to the above LUP policy, runoff leaving the site must be filtered through vegetation or another best management practice before it enters the beach portion of the site.

Directing on-site runoff through landscaping for filtration is a well-established best management practice for treating runoff from small developments such as the subject project. **Special Condition #6** requires a final drainage plan that indicates that runoff from impervious surfaces will be collected and directed towards on-site vegetation before being discharged off-site in a non-erosive manner. In addition, without the use of appropriate BMPs during the construction phase of the proposed development, there is the potential for construction debris and activities to result in short-term water quality impacts. To prevent any potential impacts to water quality during construction, **Special Condition #4** requires the applicant to submit and implement an erosion control and construction BMPs plan. Therefore, the Commission finds that, as conditioned, the project minimizes adverse impacts to coastal resources in a manner consistent with the water quality policy of the certified LCP.

#### **F. LOCAL COASTAL PLANNING.**

Pursuant to Sections 30170(f) and 30171 of the Public Resources Code, the Commission prepared and approved the City of Oceanside's LCP in 1986. The certified LCP contains a number of land use and implementation, which has been discussed in this report. The project site is designated Urban High Density Residential and zoned RT (Residential Tourist). The proposed project is consistent with these designations. Additionally, the conditions of approval confirm that the site consists of one legal lot. The size of the lot is not of adequate to accommodate two lots, and any such subdivision would result in substandard lots, therefore creating potential prejudicing future LCP action. However, as conditioned herein, the development is consistent with all applicable provisions of the certified LCP as well as with the public access policies of Chapter 3 of the Coastal Act.

#### **G. CEQA**

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned to be found consistent with the public view policies of the Oceanside LCP and the public access policies of the Coastal Act. Mitigation measures will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of CEQA.

## **APPENDIX A**

### **SUBSTANTIVE FILE DOCUMENTS:**

- Certified City of Oceanside Local Coastal Program
- Appeal Form submitted by Beachin LLC
- Staff Reports to the City of Oceanside Community Development Commission dated March 11, 2013
- Previous Coastal Commission Appeal item Nos. A-6-OCN-12-054, A-6-OCN-12-055, and A-6-OCN-12-056.

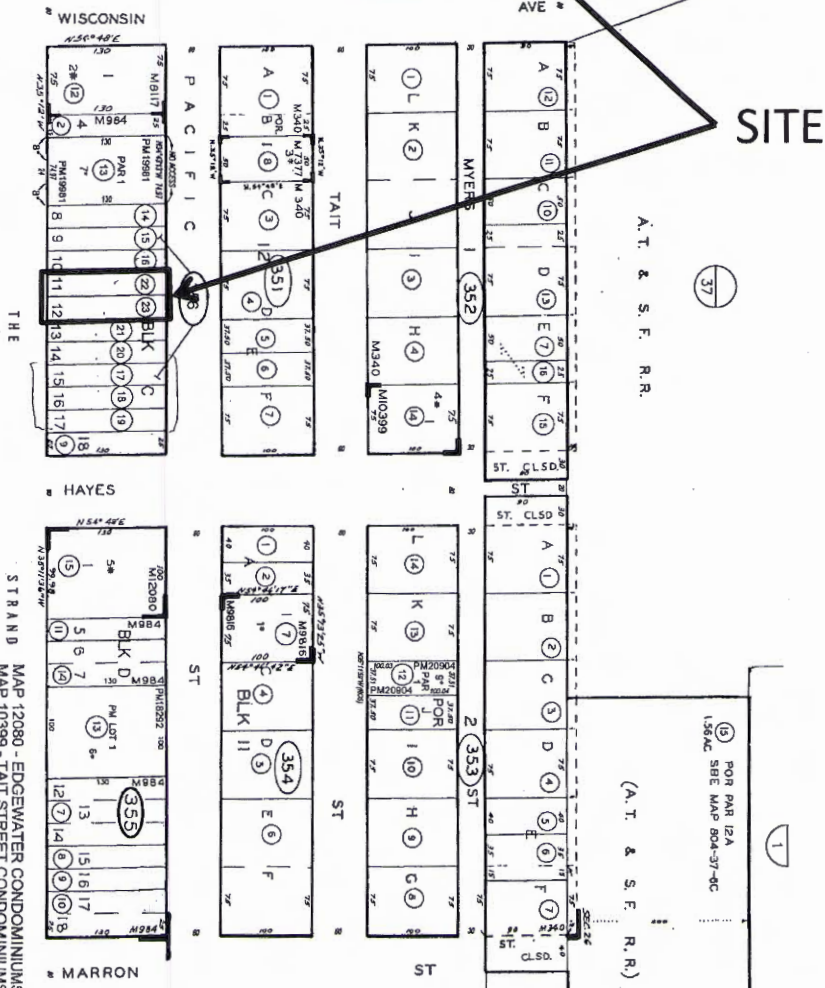


EXHIBIT NO. 1
APPLICATION NO.
<b>A-6-OCN-13-017/-18</b>
Vicinity Maps
Page 1 of 2
California Coastal Commission

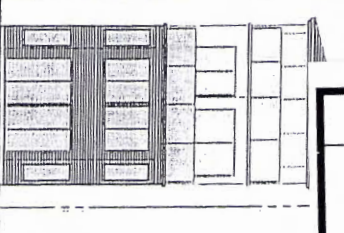
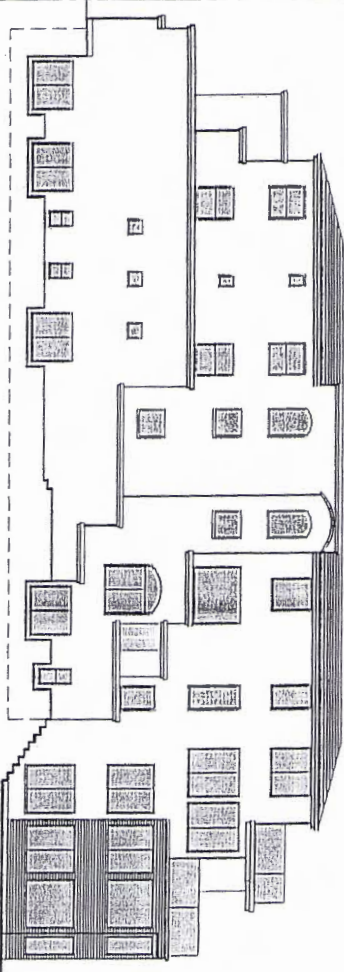




Copyright (C) 2002-2013 Kenneth & Gabrielle Adelman, California Coastal Records Project,  
[www.Californiacoastline.org](http://www.Californiacoastline.org)



This architectural drawing shows a side elevation of a building. On the left, there is a large, multi-paned window with a curved top. To the right of the window is a door with a small, rectangular window above it. The building has a simple, rectangular form with a flat roof. The drawing is a line sketch, showing the basic structure and proportions.



California Coastal Commission

A map showing the project location. The map includes Pacific St, Coast Hwy, and S. 1st St. The project location is marked with a black triangle on Pacific St. A north arrow is in the bottom left corner.

GENERAL AVE  
OCCUPANCY  
EXISTING LAND USE:  
PROPOSED LAND USE:  
LOT SIZE  
EXISTING LOT COVERAGE  
REPERCED LOT COVERAG:ADJ:

TR-PLCY  
220 RESIDENCES  
3250 SQ FT / .075 ACRES  
1247/2150 + 48X  
1000/2150 = 46%

3 STRANDS END LIMITED, LLC  
MANAGING MEMBER: JAMES DOOSOO  
431 D STREET  
BEAVER CITY, NE 68026

EX-1	EXHIBIT SHEET
A-1.0	FLOOR PLANS
A-2.0	FLOOR PLANS
A-3.0	ROOF PLAN & D

[illegible]

2809 MESA DRIVE  
OCEANSIDE, CA 92054  
O7601 772-6904

CONSTRUCTION		T.B.O.		S.B.A.B.		S.C.C.	
EXISTING CONSTRUCTION		T.B.O.		S.B.A.B.		S.C.C.	
1ST P.I.S.O.N.	1074 SF	0 SF	0 SF	0 SF	0 SF	0 SF	0 SF
2ND P.I.S.O.N.	500 SF	0 SF	0 SF	0 SF	0 SF	0 SF	0 SF
TOTAL -	1674 SF	0 SF	0 SF	0 SF	0 SF	0 SF	0 SF
NEW CONSTRUCTION		T.B.O.		S.B.A.B.		S.C.C.	
1ST P.I.S.O.N.	840 SF	0 SF	0 SF	0 SF	0 SF	0 SF	0 SF
2ND P.I.S.O.N.	1345 SF	0 SF	0 SF	0 SF	0 SF	0 SF	0 SF
3RD P.I.S.O.N.	350 SF	0 SF	0 SF	0 SF	0 SF	0 SF	0 SF
TOTAL -	2535 SF	0 SF	0 SF	0 SF	0 SF	0 SF	0 SF
TOTAL AFTER CONSTRUCTION		4209 SF		0 SF		0 SF	

REGULAR COASTAL APPLICATION NUMBER:  
AC2-00003  
DEVELOPMENT APPLICATION NUMBER:  
0-0-0000

## APPENDIX

[illegible]

NOV 06 2012

RECEIVED

TITLE  
 SHEET  
 SHEET NO.:  
 T-1.0



ADDITION AT  
87 S. PACIFIC ST.  
OCEASIDE, CA

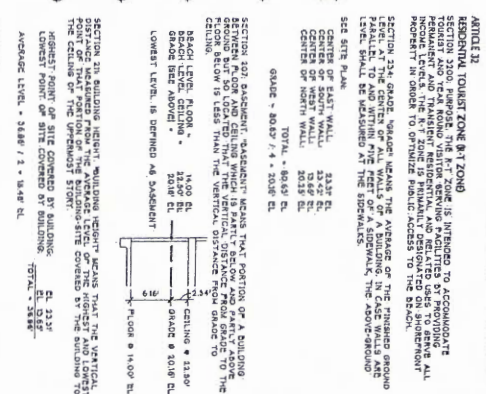
MANAGING MEMBER  
JAMES DOBSON  
471 Q STREET  
BEAVER CITY, NE 68926

RELEASE DATE: 10/05/12  
REMARK:   
NEW YORK

- ☐ CONSTRUCTION DOCUMENTS
- ☐ FIELD SET DRAWINGS
- ☐ PLAN CHECK DRAWINGS
- ☐ CHECK SET
- ☐ DESIGN DEVELOPMENT DRAWING
- ☐ PRELIMINARY DRAWINGS
- ☐ MATERIAL TAKE OFF
- ☐ ESTIMATE

SHEET NO:  
SP.1

ARCHITECT:  
**STUDIO 4**



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



1 SITE PLAN  
SCALE: VARIOUS



**ARCHITECT:**  
**STUDIO 4**  
2809 NECA DRIVE  
OCEANSIDE, CA 92038  
T/601 723-4804 FAX  
T/601 723-4803 FAX  
pl@studio4nyc.com  
**PATRICIA LONGTON**  
PRINCIPAL

PROJECT:  
ADDITION AT  
87 S. PACIFIC ST  
OCEASIDE, CA

OWNERS:  
STRANDS END  
LIMITED, LLC  
MANAGING MEMBER:  
JAMES DODSON

421 Q STREET  
BEAVER CITY, NE 68301  
OWNER'S REP:

**PAUL LONGTON**  
STUDIO & ARCHITECTS  
2909 MESA DRIVE  
OCEANSIDE, CA 92054  
(760) 772-4904

RELEASE DATE:  
CERK: ED/05/72  
RECORDS:

---

---

---

---

---

---

---

---

---

---

**DRAWING STATUS:**

(NOT FOR CONSTRUCTION)

☐ INFORMATION DRAWINGS

☐ PRELIMINARY DRAWINGS

☐ DESIGN DEVELOPMENT DRAWINGS

☐ PRELIMINARY SET

☐ PRELIMINARY DRAWINGS

☐ FINAL SET DRAWINGS

☐ BID SET DRAWINGS

☐ CONSTRUCTION OCCASIONS  
☐ OTHER

DATE/TIME THE EXERCISE  
WAS/IS CURRENTLY IN EFFECT

1.

POST NO:

DRAWN BY: M5R

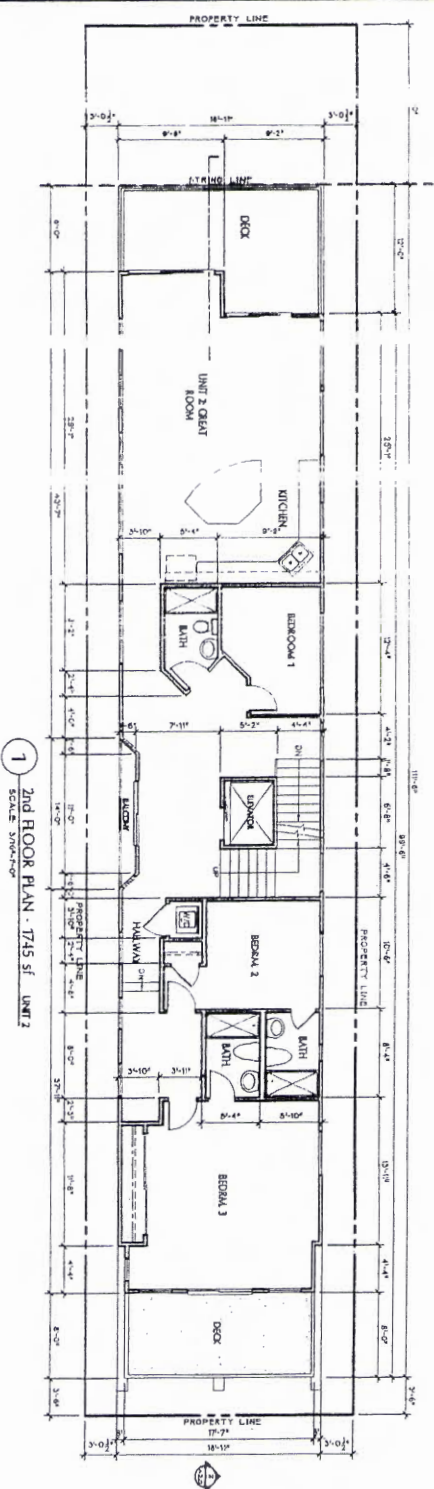
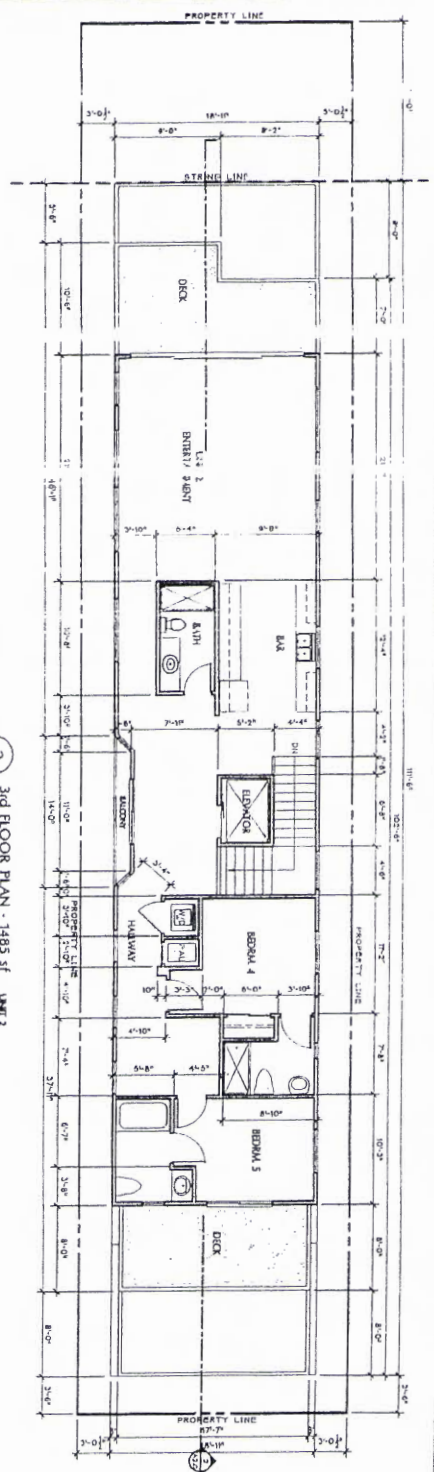
DRAWN BY: JPI

**EXHIBIT**

EX.1







ARCHITECT:

2809 MESA DRIVE  
OCEANSIDE, CA 92054  
17601 722-4804 PH  
17601 723-4803 FX  
plongton@gmail.com  
**PALL LONGTON**  
PRINCIPAL

PROJECT:  
ADDITION AT  
875 S. PACIFIC ST  
OCEANSIDE, CA

OWNER:  
STRANDS END  
LIMITED, LLC  
MANAGING MEMBER:  
JAMES DOODSON

**PAUL LONGTON**  
STUDIO 4 ARCHITECTS  
2809 MESA DRIVE  
OCEANSIDE, CA 92054  
(760) 771-4904

RELEASE DATE: 10/05/12  
ISSUED:  
BY: NIVSOPH

**DRAWING STATUS:**

- ☐ NOT FOR CONSTRUCTION
- ☐ INFORMATION DRAWINGS
- ☐ PRELIMINARY DRAWINGS
- ☐ DESIGN DEVELOPMENT DRAWINGS
- ☐ ORDER SET
- ☐ PROPOSED DRAWINGS
- ☐ FINAL ORDER DRAWINGS

☐ BID SET DRAWINGS

☐ CONSTRUCTION DOCUMENTS

☐ OTHER

STUDY 4. CONFINEDLY RECOVERED THE CONFINED LAW AND OTHER PROPERTY RIGHTS IN THE DOCUMENT. THIS DOCUMENT SHALL NOT BE RECOVERED, CIRCULATED OR DISCLOSED IN ANY FORM OR MANNER WHATSOEVER WITHOUT FIRST OBTAINING THE CONFINED WRITTEN CONSENT OF STUDY 4.

COLOUR ST:	M/R
SECOND ST:	PL
SHEET TITLE	

**FLOOR  
PLANS**

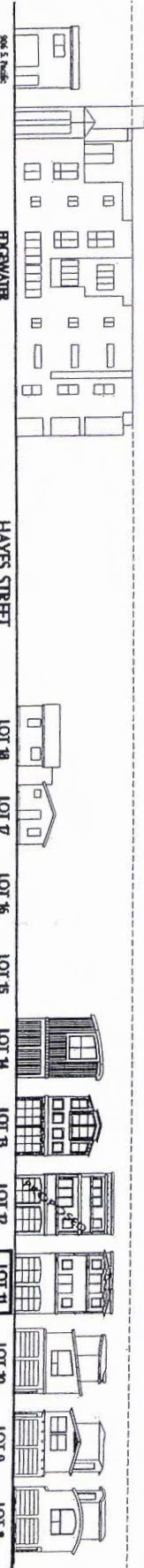
**SHEET NO.:**

A-2.0



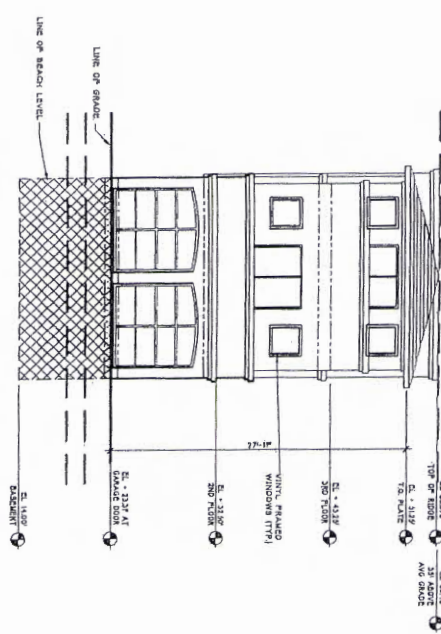




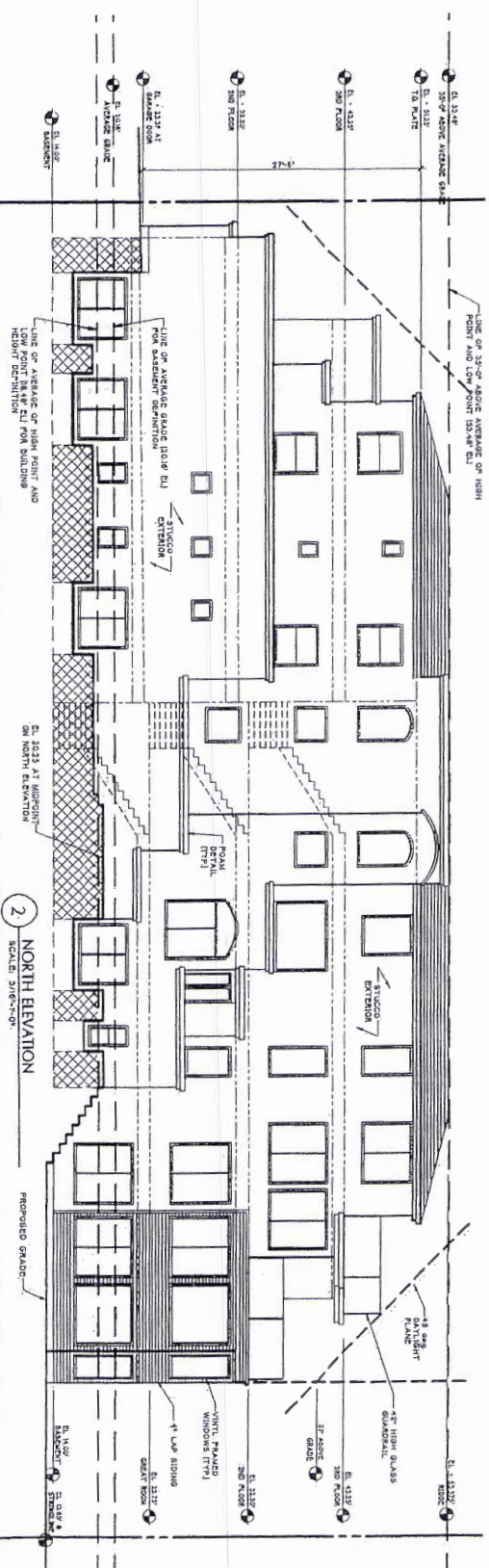


# SOUTH PACIFIC - EAST ELEVATION

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



1 EAST ELEVATION (STREET SIDE)  
SCALE: 3/16" = 1'-0"



2 NORTH ELEVATION  
SCALE: 3/16" = 1'-0"

ARCHITECT:  
**STUDIO 4**  
3800 RIVER DRIVE  
OAKLAND, CA 94612  
PH: 510-486-1000  
WWW.STUDIO4ARCHITECTS.COM  
PALL LONGTON  
PRINCIPAL

PROJECT:  
ADDITION AT  
877 S. PACIFIC ST.  
OAKLAND, CA

OWNER:  
STRANDS BND  
LABELED, LLC  
MANAGING MEMBER  
JAMES DOOSON  
401 Q STREET  
BEAVER CITY, NE 68304

OWNER'S REP:  
PALL LONGTON  
STUDIO 4 ARCHITECTS  
3800 RIVER DRIVE  
OAKLAND, CA 94612  
PH: 510-486-1000

RELEASE DATE:  
8/10/2017  
REVISION:  
1/10/2017

DRAWING STATUS:  
NOT FOR CONSTRUCTION  
THIS DRAWING IS THE PROPERTY OF STUDIO 4 ARCHITECTS  
IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED  
IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS  
ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM  
WITHOUT THE WRITTEN PERMISSION OF STUDIO 4 ARCHITECTS

1. DESIGN & CONSTRUCTION  
2. PERMITTING  
3. CONSTRUCTION  
4. POST-CONSTRUCTION  
5. MAINTENANCE  
6. DEMOLITION  
7. REPAIRS  
8. RENOVATIONS  
9. ADDITIONS  
10. EXPANSIONS  
11. RELOCATIONS  
12. RECONSTRUCTIONS  
13. REDEMPTIONS  
14. REDEMPTIONS  
15. REDEMPTIONS  
16. REDEMPTIONS  
17. REDEMPTIONS  
18. REDEMPTIONS  
19. REDEMPTIONS  
20. REDEMPTIONS  
21. REDEMPTIONS  
22. REDEMPTIONS  
23. REDEMPTIONS  
24. REDEMPTIONS  
25. REDEMPTIONS  
26. REDEMPTIONS  
27. REDEMPTIONS  
28. REDEMPTIONS  
29. REDEMPTIONS  
30. REDEMPTIONS  
31. REDEMPTIONS  
32. REDEMPTIONS  
33. REDEMPTIONS  
34. REDEMPTIONS  
35. REDEMPTIONS  
36. REDEMPTIONS  
37. REDEMPTIONS  
38. REDEMPTIONS  
39. REDEMPTIONS  
40. REDEMPTIONS  
41. REDEMPTIONS  
42. REDEMPTIONS  
43. REDEMPTIONS  
44. REDEMPTIONS  
45. REDEMPTIONS  
46. REDEMPTIONS  
47. REDEMPTIONS  
48. REDEMPTIONS  
49. REDEMPTIONS  
50. REDEMPTIONS  
51. REDEMPTIONS  
52. REDEMPTIONS  
53. REDEMPTIONS  
54. REDEMPTIONS  
55. REDEMPTIONS  
56. REDEMPTIONS  
57. REDEMPTIONS  
58. REDEMPTIONS  
59. REDEMPTIONS  
60. REDEMPTIONS  
61. REDEMPTIONS  
62. REDEMPTIONS  
63. REDEMPTIONS  
64. REDEMPTIONS  
65. REDEMPTIONS  
66. REDEMPTIONS  
67. REDEMPTIONS  
68. REDEMPTIONS  
69. REDEMPTIONS  
70. REDEMPTIONS  
71. REDEMPTIONS  
72. REDEMPTIONS  
73. REDEMPTIONS  
74. REDEMPTIONS  
75. REDEMPTIONS  
76. REDEMPTIONS  
77. REDEMPTIONS  
78. REDEMPTIONS  
79. REDEMPTIONS  
80. REDEMPTIONS  
81. REDEMPTIONS  
82. REDEMPTIONS  
83. REDEMPTIONS  
84. REDEMPTIONS  
85. REDEMPTIONS  
86. REDEMPTIONS  
87. REDEMPTIONS  
88. REDEMPTIONS  
89. REDEMPTIONS  
90. REDEMPTIONS  
91. REDEMPTIONS  
92. REDEMPTIONS  
93. REDEMPTIONS  
94. REDEMPTIONS  
95. REDEMPTIONS  
96. REDEMPTIONS  
97. REDEMPTIONS  
98. REDEMPTIONS  
99. REDEMPTIONS  
100. REDEMPTIONS

SHEET TITLE:  
EXTERIOR  
ELEVATIONS  
SHEET NO.:  
A-5.0





## Landscape Concept Plan

**ASSOCIATION NOTES:**  
ALL PLANTING POTS SHALL BE SELF-WATERING

**THE PROJECT LOCUS: PROJECT IS A**

PROJECT SHORT-TERM FINANCIAL PLAN (5)



ALL PLASTER AREAS TO RECEIVE 3" DEPTH BACK FILL

ALL PLASTER AREAS TO RECEIVE 3" DEPTH BACK FILL

1000

[illegible]

SELF WATERING OR SOIL

CYRILS REVOULTA - SÁIGO PAUT

FELAGGJAFN X DÖRSLAUF - GERMAN

LEGAL COUNSEL

100

FOR CIVIL BOOKS

GATE

 $\frac{1}{2} \epsilon_0 \epsilon_r \int_V |\nabla \phi|^2 dV$ 

DEBILITATED

L  
C

**Strands End Limited, LLC**  
817 S. Pacific Street  
Oceanside California

**PLANNING  
SITE DESIGN  
LANDSCAPE  
ARCHITECTURE**

THE  
LIGHTFOOT  
PLANNING  
GROUP

123B.011 817 S. Pacific Street

### Land Use Concept Plan

ALL PLANTING NOTES SHALL BE SELF-WATERING

THE SELECTION OF PLANT MATERIAL IS BASED ON CULTURAL, AESTHETIC, ENVIRONMENTAL, RESISTANCE TO PLANT DISEASE CONSIDERATIONS. ALL LANDSCAPE IMPROVEMENTS SHALL CONFORM TO THE CURRENT CITY OF OCEANSIDE GUIDELINE 5.

[illegible]

PROJECT SITES WATER MANAGEMENT PLAN (WMP)  
LANDSCAPING AND COPY WITH THE APPROVED STOREFRONT MANAGEMENT PLAN



POTTED PLANTS - 1 GAL PLACED IN DECORATIVE POTS  
SELF WATERING OR EQUAL

 CYCAS REVOLUTA - SAGO PALM

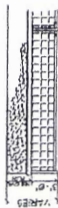
⊙ PELARGONIUM X DOMESTICUM - GERANIUM



CONCEPTUAL GLASS BLOCK  
COMBINATION RETAINING WALL  
(PER CIVIL ENGINEER)

HERMAN BERNER

A DECORATIVE COMBINATION OF RETAINING WALL  
AND GLASS BLOCK



CONCEPTUAL GLASS PANEL  
COMBINATION RETAINING WALL  
(PER CIV. ENGINEER)

SEPER CIVIL ENGINEER

A DECORATIVE COMBINATION CHU RETAINING WALL AND GLASS PANEL.

答曰：



CONCEPTUAL GLASS PANEL  
GATE



A 5' HIGH GLASS PANEL GATE WILL BE  
TO ENCLOSE THE PRIVATE WALKWAY.



**THE  
LIGHTFOOT  
PLANNING  
GROUP**

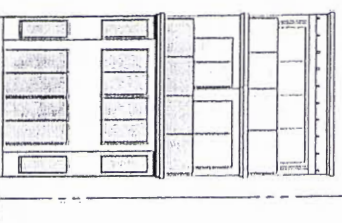
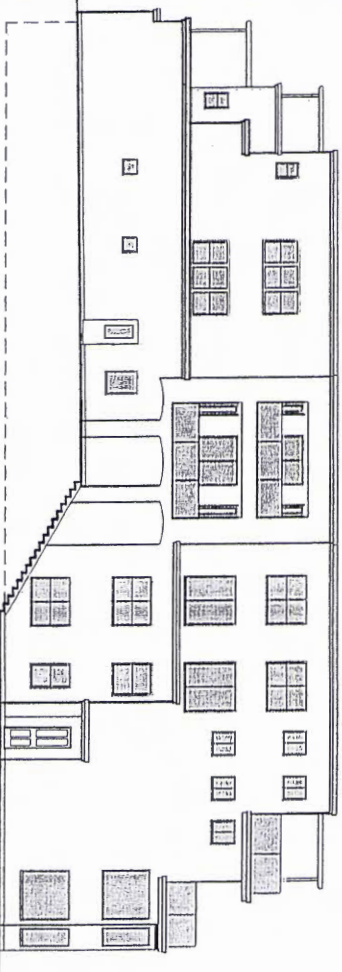
**PLANNING  
SITE DESIGN  
LANDSCAPE  
ARCHITECTURE**

19404 ALSTINE CIRCLE, STE. 100  
DALLAS, TEXAS 75244  
(214) 462-7171  
info@lightfootplanning.com

**Strands End Limited, LLC**  
**817 S. Pacific Street**  
**Oceanside California**

Landscape  
Concept Plan





A map showing the project location. The map includes Pacific St, The Strand, Coast Hwy, Highway 1, and Serrano Blvd. A north arrow is located in the bottom left corner. A small black triangle on Pacific St indicates the project location.

[illegible]

**OWNER:**  
LEWIS PROPERTY GROUP, LLC  
10000 WILLOW CREEK BLVD  
214 SUITE 200  
CINCINNATI, OH 45241

**AP.N:**  
160-256-22-06

**PROJECT ADDRESS:**  
816 S. PACIFIC ST.  
EMERYVILLE, OH 44024

**LEGAL DESCRIPTION:**  
LOT 1 IN BLOCK 2 OF WILLOW CREEK TO  
BE SUBDIVIDED, COUNTY OF SHELBY, OHIO, STATE  
OF OHIO

**PROJECT SCOPE**  
THE EXISTING TRINITY BUILDING WILL BE RENOVATED AND CONVERTED TO TWO RESIDENCES.

**SERVICE AGENCIES:**

- 9P-10 SITE PLAN
- G-30 EXHIBIT SHEET
- A-1-0 FLOOR PLANS
- A-1-20 FLOOR PLANS
- A-1-30 ROOF PLAN, A-1-40 SECTION
- A-1-40 EXISTING EXTERIOR ELEVATIONS
- A-1-50 EXTERIOR ELEVATIONS
- A-1-60 EXTERIOR ELEVATIONS

THESE ARE LISTED BY TITLE AND THE APPLICABLE PARTS FOR MOST  
THREE-DIGIT PLANT IDENTIFICATION ARE LISTED BELOW.

1. 2008 CALIFORNIA, BUILDING CODE (CB) IS BASED ON THE  
2008 IBC.

2. 2007 CALIFORNIA, BUILDING CODE (CB) IS BASED ON THE  
2006 IBC.

3. 2006 CALIFORNIA, BUILDING CODE (CB) IS BASED ON THE  
2003 IBC AND 2002 ELECTRICAL, MECHANICAL, OR PLUMBING  
CODES (CE, CM, OR CP) AND PARTS 3 THROUGH 8 OF TITLE 24,  
AS AMENDED BY THE 2006 ACT.

4. THE 2005 CALIFORNIA, BUILDING CODE (CB) IS BASED ON  
THE 2003 IBC WITH AMENDMENTS.

5. 2004 CALIFORNIA, MECHANICAL CODE (CM) IS BASED ON  
PART 6 OF THE 2004 CALIFORNIA BUILDING CODE (CB) IS BASED ON  
PART 5 OF THE 2004 CALIFORNIA PLUMBING CODE (CP) IS BASED ON THE  
PART 6 OF THE 2004 CALIFORNIA BUILDING CODE (CB) IS BASED ON THE 2004  
BUILDING STANDARDS CONFERENCE STANDARDS.

6. THE 2003 CALIFORNIA, MECHANICAL CODE (CM) IS BASED ON  
THE 2001 IBC WITH AMENDMENTS.

7. THE 2003 CALIFORNIA, MECHANICAL CODE (CM) IS BASED ON  
THE 2001 IBC WITH AMENDMENTS.

8. 2003 CALIFORNIA, MECHANICAL CODE (CM) IS BASED ON THE 2000  
CALIFORNIA CODE.

EXISTING CONSTRUCTION		DECK	
PAINT PLUG -	500 SF	0 SF	0 SF
SECOND FLOOR -	500 SF	0 SF	0 SF
TOTAL -	1,000 SF	0 SF	0 SF
NEW CONSTRUCTION:		DECK:	
PAINT PLUG -	500 SF	0 SF	0 SF
SECOND FLOOR -	500 SF	0 SF	0 SF
TOTAL -	1,000 SF	0 SF	0 SF
TOTAL NEW CONSTRUCTION -		0 SF	0 SF
TOTAL -		1,000 SF	0 SF

AREA OF BUILDING 35'0" ABOVE AVERAGE GRADE - 0 SQ. FT.

PAINTING REQUIRED IN SPACES - 2475 SQ. FT.

PAINTING REQUIRED IN SPACES - 2475 SQ. FT.

UNDEVELOPABLE AREA PROPERTY EAST OF STATIONING - 219 SQ. FT.

REGAL COASTAL APPLICATION NUMBER:  
MOL-000003  
DEVELOPMENT APPLICATION NUMBER:  
00-000000

RECEIVED  
NOV 02 2012  
OCEANSIDE  
MENT SERVICE

WORK REQUIRING SPECIAL INSPECTION 1. <input type="checkbox"/> KNOWLEDGE DISSEMINATE DATA AND 2. <input type="checkbox"/> PROTECTIVE AND PAIN-RESISTANT 3. <input type="checkbox"/> STRUCTURAL, MASONRY 4. <input type="checkbox"/> STRUCTURAL, WELDING 5. <input type="checkbox"/> NON-DESTRUCTIVE TESTING 6. <input type="checkbox"/> SOILS 7. <input type="checkbox"/> PAINT PENETRATION 8. <input type="checkbox"/> TEST RECORDS 9. <input type="checkbox"/> OTHER OBSERVATIONS 10. <input type="checkbox"/> OTHER		1. <input type="checkbox"/> SHORE EARTHQUAKE 2. <input type="checkbox"/> BRIDGE OR STRUCTURE 3. <input type="checkbox"/> BRIDGE OR STRUCTURE 4. <input type="checkbox"/> BRIDGE OR STRUCTURE 5. <input type="checkbox"/> BRIDGE OR STRUCTURE 6. <input type="checkbox"/> BRIDGE OR STRUCTURE 7. <input type="checkbox"/> BRIDGE OR STRUCTURE 8. <input type="checkbox"/> BRIDGE OR STRUCTURE 9. <input type="checkbox"/> BRIDGE OR STRUCTURE 10. <input type="checkbox"/> BRIDGE OR STRUCTURE
---	--	--

RECEIVED  
NOV 02 2012  
CITY OF OCEANSIDE  
DEVELOPMENT SERVICE

[illegible]





$$\begin{array}{r} 22.83 \\ \text{TW } 2. \\ \hline \text{BW } 14.52 \\ \hline \text{BW } 14.5 \end{array}$$

CONCRE

TC 52.57
F/L 22.37
F/L 22.23

3.54



PACIFIC STREET

ARTICLE 12. RESIDENTIAL TOURIST ZONE (RT ZONE)  
SECTION 2203. HEIGHT OF BUILDINGS. BUILDING HEIGHT IS LIMITED TO 35 FEET UNLESS A CONDITIONAL USE PERMIT IS ISSUED IN ACCORDANCE WITH ARTICLE 15.  
PROPOSED HEIGHT TO CEILING OF TOP STORY =  $CL. 8.38' \pm .33' \approx CL. 8.71'$   
PROPOSED HEIGHT TO CEILING OF TOP STORY =  $CL. 8.71'$   
PROPOSED BUILDING IS 139' BELOW MAXIMUM PERMITTED

SECTION 25. BUILDING HEIGHT. BUILDING HEIGHT\* MEANS THAT THE VERTICAL DISTANCE MEASURED FROM THE AVERAGE LEVEL OF THE HIGHEST AND LOWEST POINT OF THAT PORTION OF THE BUILDING-SITE COVERED BY THE BUILDING TO THE CEILING OF THE UPDRAUGHT STACK.

HIGHEST POINT OF SITE COVERED BY BUILDING: 23.07'

LOWEST POINT OF SITE COVERED BY BUILDING: 21.93'

AVERAGE LEVEL = 24.50' ± 1.04' CL.

TOTAL = 23.07'

SECTION 207, BASINMENT. BASINMENT MEANS THAT PORTION OF A BUILDING BETWEEN FLOOR AND CEILING WHICH IS PARTLY BELOW AND PARTLY ABOVE GRADE. IT IS LOCATED THAT THE VERTICAL DISTANCE FROM GRADE TO THE LOWEST LEVEL IS LESS THAN THE VERTICAL DISTANCE FROM GRADE TO THE

CENTER OF SOUTH WALL	7873 EL
CENTER OF WEST WALL	8249 EL
CENTER OF NORTH WALL	2510 EL
TOTAL =	7842 EL
GRADE x 7843 / 4 =	1961 EL

SECTION 33-4: "GRADE" MEANS THE AVERAGE OF THE FINISHED GROUND LEVEL AT THE CENTER OF ALL WALLS OF A BUILDING. IN CASE WALLS ARE PARALLEL TO AND WITHIN FIVE FEET OF A SIDEWALK, THE ABOVE-GROUND LEVEL SHALL BE MEASURED AT THE SIDEWALKS.

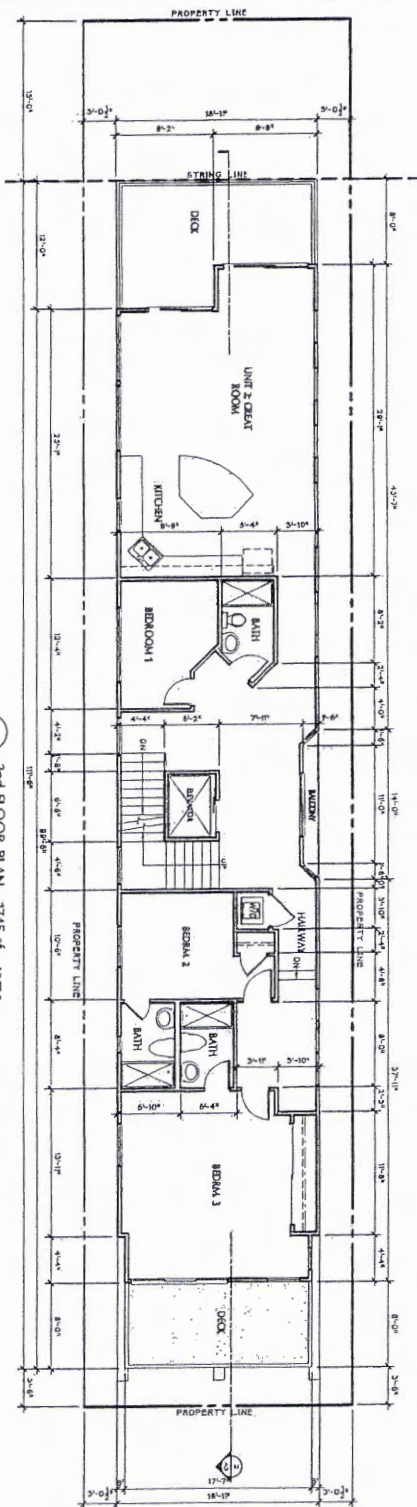
SECTION 3200. PURPOSE: THE N-T ZONE IS INTENDED TO ACCOMMODATE TOURIST AND YEAR ROUND VISITOR SERVING FACILITIES BY PROVIDING PERMANENT AND TRANSIENT RESIDENTIAL AND RELATED USES TO SERVE ALL INCOME LEVELS. THE N-T ZONE IS PRIMARILY DESIGNATED ON SHOREFRONT PROPERTY IN ORDER TO OPTIMIZE PUBLIC ACCESS TO THE BEACH.

## ORDINANCE

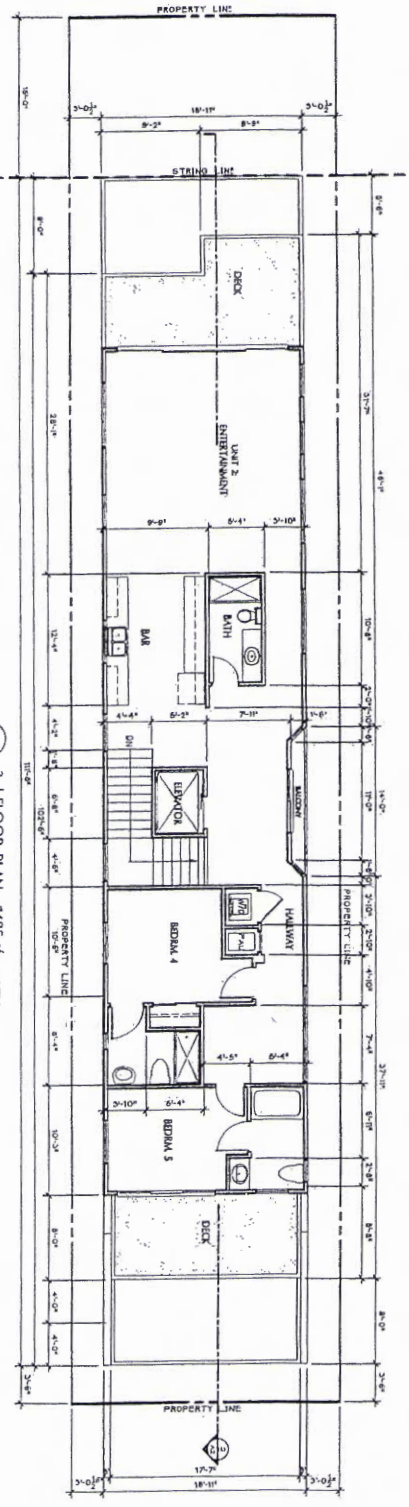
---

[REDACTED]





1 2nd FLOOR PLAN - 745 SF UNIT 2  
SCALE: 3/8"=1'-0"



2 3rd FLOOR PLAN - 7485 SF UNIT 2  
SCALE: 3/8"=1'-0"

ARCHITECT:  
STUDIO 4  
3800 NECA DRIVE  
DANFORTH, CA 94524  
(925) 753-4853  
FAX (925) 753-4853  
PALL LONDON  
ARCHITECTS

PROJECT:  
STRANDS BND III  
LOT 12  
89 S. PACIFIC ST.  
OAKLAND, CA

OWNER:  
Lands Properties, LLC  
MANAGING MEMBER:  
NANCY ABERTSON  
284 SUNSET DR.  
BENICUM, CA 94504

OWNER'S REP:  
PAUL LONDON  
STUDIO 4 ARCHITECTS  
2800 NECA DRIVE  
OAKLAND, CA 94612  
PH 722-6944

RELATE DATES:  
DATE: 10/20/12  
REVISION:

DRAWING STATUS:

DESIGNED BY: MSB  
CHECKED BY: PL  
DATE: 10/20/12

FLOOR  
PLANS

SHEET NO.:  
A-2.0



1 ROOF PLAN  
SCALE: 3/16"=1'-0"

2 BUILDING SECTION  
SCALE: 3/16"=1'-0"

ARCHITECT:  
STUDIO 4

PLONGTON PACCELNE  
PAUL LONGTON  
PRINCIPAL  
(760) 722-4804 PH  
(760) 722-4803 FX

PROJECT:

LOT 12  
819 S. PACIFIC ST.  
OCEANSIDE, CA

Lueds Properties, LLC

284 SUNSET DR  
ENCINITAS, CA 92024

**PAUL LONGTON**  
STUDIO 4 ARCHITECTS  
2809 MESA DRIVE  
OCEANSIDE, CA 92054

DATE	7/15/2014
TIME	
LOCATION	
REMARKS	

--	--

**DRAWING STATUS:**

☐ CONSTRUCTION EQUIPMENTS  
☐ OTHER

ATTACHED 1. EXPOSURE Y. NUMBER(S)

JOE MO:

ROOF PLAN

0.0000



ARCHITECT:  
**STUDIO 4**  
3483 BUCKLE DRIVE  
OAKLAND, CA 94618  
PH: 510-438-4004  
F: 510-438-4005  
WWW.STUDIO4ARCHITECTS.COM

PROJECT:  
**STRANDS END I**  
LOT 12  
879 S. PACIFIC ST.  
OAKLAND, CA

OWNER:  
**Local Properties, LLC**  
MARIONNE KASBERG  
KIMMY KASBERG  
344 LINCOLN DR.  
BERKELEY, CA 94704

OWNER'S REP:  
**PAUL LONGTON**  
STUDIO 4 ARCHITECTS  
2099 MISSION DRIVE  
OAKLAND, CA 94612  
PH: 510-772-0804

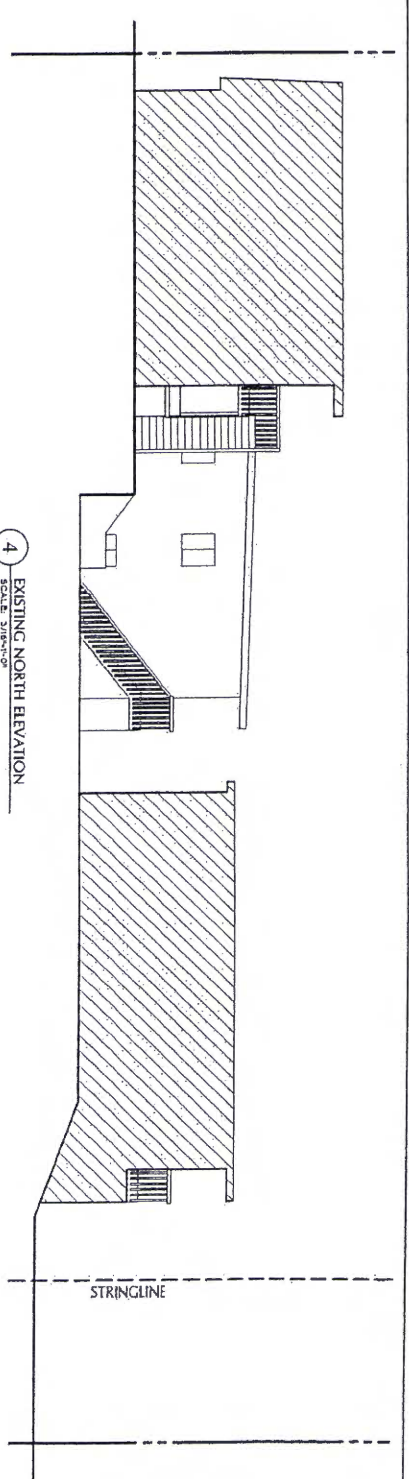
PREPARED BY:  
**MSR**  
DATE: 11/05/12  
REVISIONS:

DRAWING STATUS:  
NOT FOR CONSTRUCTION  
THIS DRAWING IS THE PROPERTY OF STUDIO 4 ARCHITECTS AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF STUDIO 4 ARCHITECTS.

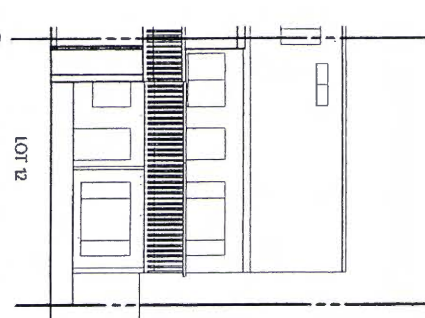
DRAWING BY: MSR  
CHECKED BY: PHL  
SHEET TITLE:  
**EXISTING ELEVATIONS**

SHEET NO.:  
**A-4.0**

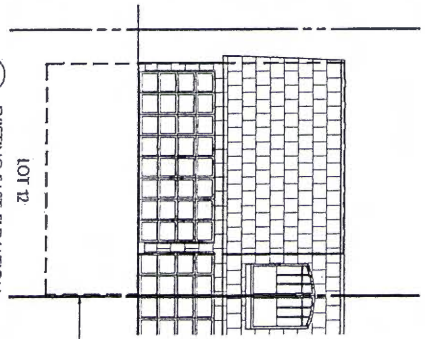
4 EXISTING NORTH ELEVATION  
SCALE: 3/16"=1'-0"



3 EXISTING WEST ELEVATION  
SCALE: 3/16"=1'-0"

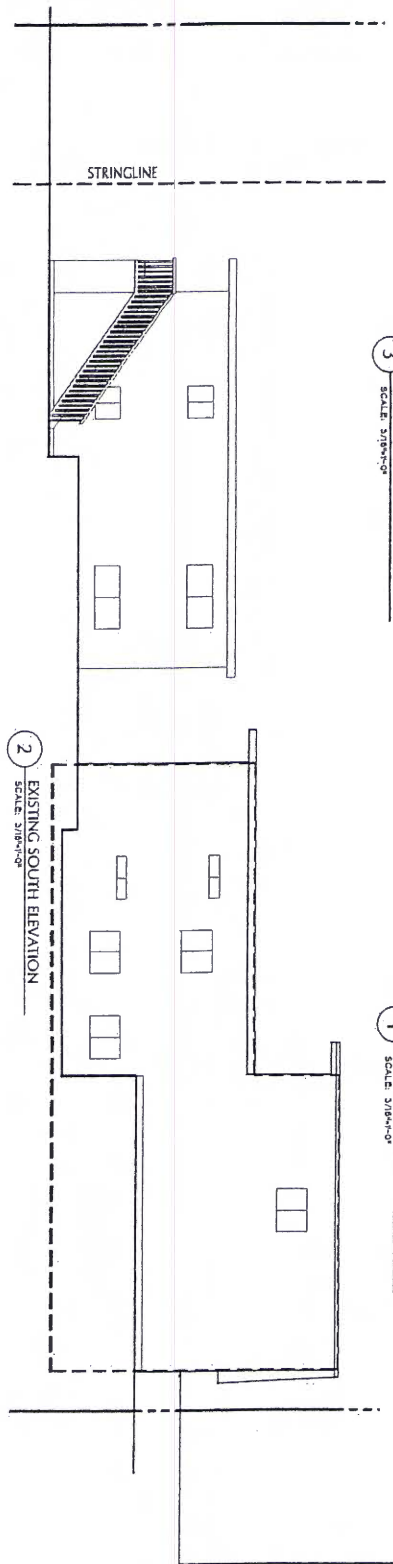


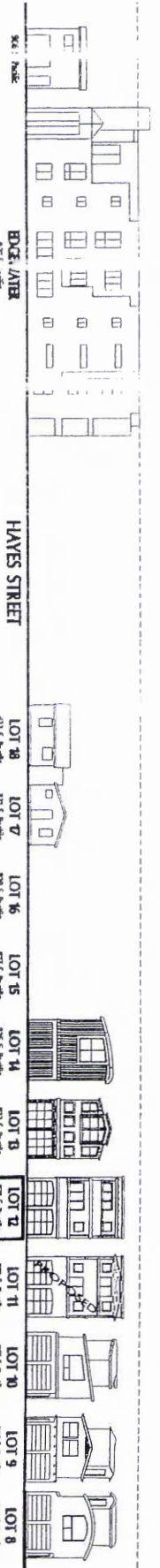
1 EXISTING EAST ELEVATION  
SCALE: 3/16"=1'-0"



NOTE DASHED LINES INDICATE AREAS OF FRAMING AND FOUNDATION TO BE RETAINED AND REUSED FOR PROPOSED ADDITION

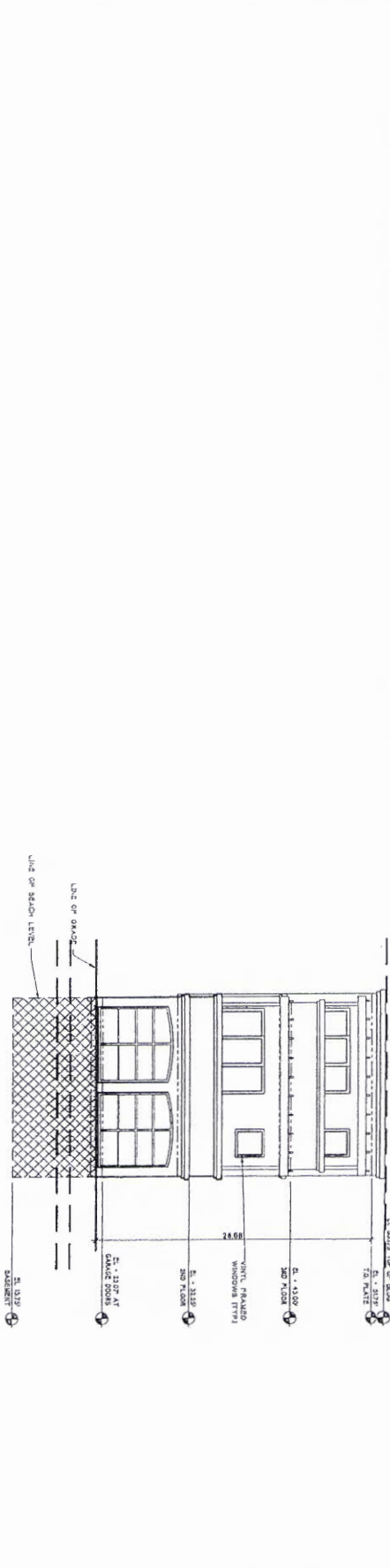
2 EXISTING SOUTH ELEVATION  
SCALE: 3/16"=1'-0"



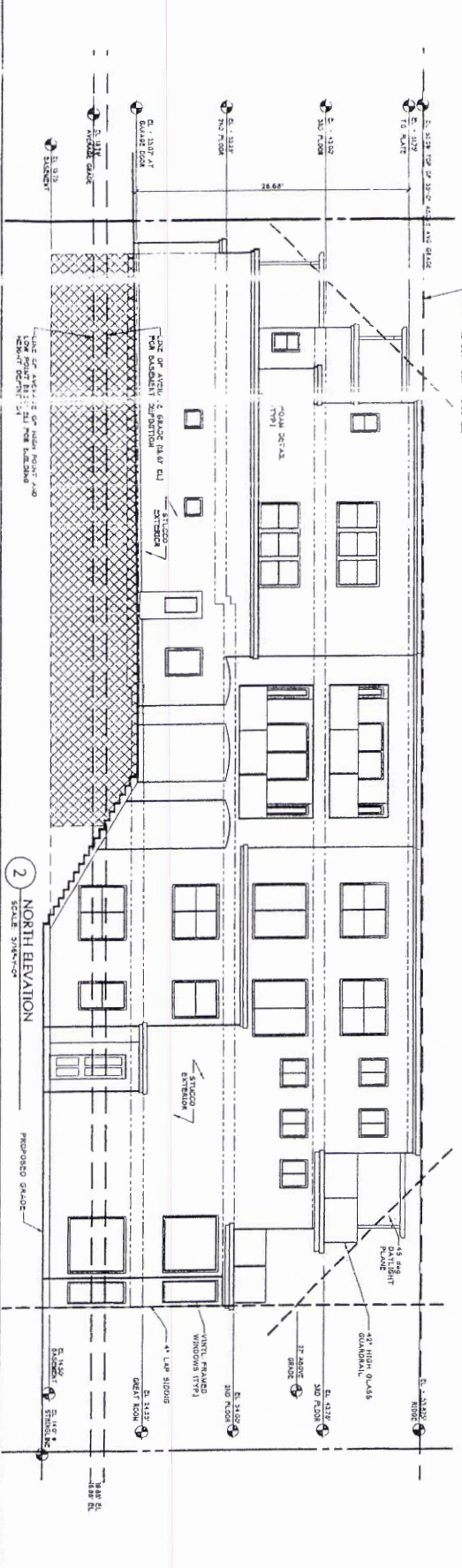


# **SOUTH PACIFIC - EAST ELEVATION**

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



**1 EAST ELEVATION (STREET SIDE)**  
SCALE: 3/8" = 1'-0"



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

**STUDIO 4**  
ARCHITECTS  
1000 72nd Street  
Palo Alto, CA 94304  
PALL LONGTON  
PRINCIPALS

**PROJECT:**  
STRANDS BND III  
1000 72nd Street  
Palo Alto, CA 94304

**OWNER:**  
Lands Properties, LLC

**DESIGNER:**  
MAYNARD LEBER  
NANCY LEBERSON  
284 SUNSET DR  
BENICUEN, CA 95004

**OWNER'S REP:**  
PAUL LONGTON  
STUDIO 4 ARCHITECTS  
2800 AUBURN  
OCCIDENTAL, CA 90669  
Paul 714 404

**RELEASE DATE:**  
10/05/07

**DATE:**  
10/05/07

**DRAWING STATUS:**  
01 PRELIMINARY  
02 CONCEPT  
03 Schematic Design  
04 Preliminary Design  
05 Design Development  
06 Construction Documents  
07 Construction Documents  
08 Construction Documents  
09 Construction Documents  
10 Construction Documents  
11 Construction Documents  
12 Construction Documents  
13 Construction Documents  
14 Construction Documents  
15 Construction Documents  
16 Construction Documents  
17 Construction Documents  
18 Construction Documents  
19 Construction Documents  
20 Construction Documents  
21 Construction Documents  
22 Construction Documents  
23 Construction Documents  
24 Construction Documents  
25 Construction Documents  
26 Construction Documents  
27 Construction Documents  
28 Construction Documents  
29 Construction Documents  
30 Construction Documents  
31 Construction Documents  
32 Construction Documents  
33 Construction Documents  
34 Construction Documents  
35 Construction Documents  
36 Construction Documents  
37 Construction Documents  
38 Construction Documents  
39 Construction Documents  
40 Construction Documents  
41 Construction Documents  
42 Construction Documents  
43 Construction Documents  
44 Construction Documents  
45 Construction Documents  
46 Construction Documents  
47 Construction Documents  
48 Construction Documents  
49 Construction Documents  
50 Construction Documents  
51 Construction Documents  
52 Construction Documents  
53 Construction Documents  
54 Construction Documents  
55 Construction Documents  
56 Construction Documents  
57 Construction Documents  
58 Construction Documents  
59 Construction Documents  
60 Construction Documents  
61 Construction Documents  
62 Construction Documents  
63 Construction Documents  
64 Construction Documents  
65 Construction Documents  
66 Construction Documents  
67 Construction Documents  
68 Construction Documents  
69 Construction Documents  
70 Construction Documents  
71 Construction Documents  
72 Construction Documents  
73 Construction Documents  
74 Construction Documents  
75 Construction Documents  
76 Construction Documents  
77 Construction Documents  
78 Construction Documents  
79 Construction Documents  
80 Construction Documents  
81 Construction Documents  
82 Construction Documents  
83 Construction Documents  
84 Construction Documents  
85 Construction Documents  
86 Construction Documents  
87 Construction Documents  
88 Construction Documents  
89 Construction Documents  
90 Construction Documents  
91 Construction Documents  
92 Construction Documents  
93 Construction Documents  
94 Construction Documents  
95 Construction Documents  
96 Construction Documents  
97 Construction Documents  
98 Construction Documents  
99 Construction Documents  
100 Construction Documents

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

**SHEET TITLE:**  
EXTERIOR ELEVATIONS

**SHEET NO.:**  
A-5.0





CHECKED BY: PL

SHEET TITLE

EXTERIOR  
ELEVATION

SHEET NO.:

A-6.0

Landscaping Concept Plan  
**819 S. Pacific Street**  
 Oceanside, CA

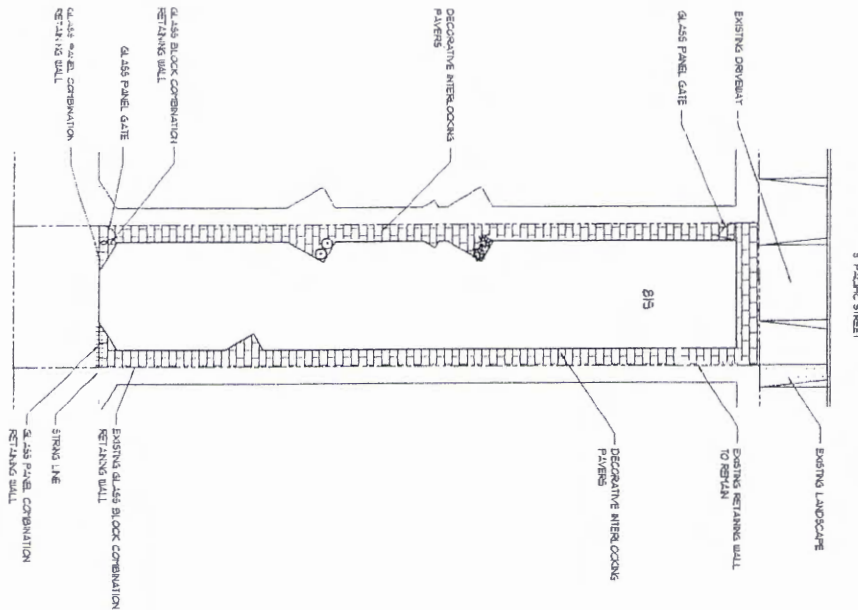
**GENERAL NOTES:**  
 1. LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 2. LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 3. LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 4. LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 5. LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 6. LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 7. LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 8. LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 9. LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 10. LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.

**REMARKS:**  
 ALL PLANTING SHALL BE SELF-WATERING.

**PLANTING NOTES:**  
 1. PLANTING SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 2. PLANTING SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 3. PLANTING SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 4. PLANTING SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 5. PLANTING SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 6. PLANTING SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 7. PLANTING SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 8. PLANTING SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 9. PLANTING SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 10. PLANTING SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.

**EXISTING:**  
 1. EXISTING LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 2. EXISTING LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 3. EXISTING LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 4. EXISTING LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 5. EXISTING LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 6. EXISTING LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 7. EXISTING LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 8. EXISTING LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 9. EXISTING LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 10. EXISTING LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.

**PROPOSED:**  
 1. PROPOSED LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 2. PROPOSED LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 3. PROPOSED LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 4. PROPOSED LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 5. PROPOSED LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 6. PROPOSED LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 7. PROPOSED LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 8. PROPOSED LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 9. PROPOSED LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.  
 10. PROPOSED LANDSCAPE SHALL BE PLANNED TO COMPLEMENT THE ARCHITECTURE AND BUILDING MATERIALS.



**CONCEPTUAL PLANT LEGEND**

- POPPED PLANTS - 1 GAL. PLANTED IN DECORATIVE POTS
- SELF-WATERING OR EQL
- CYCLAS REVOLUTA - 3 GAL. POTTED
- PLANTING NOTES - 1 GAL. POTTED
- PLANTING NOTES - 1 GAL. POTTED

CONCEPTUAL GLASS BLOCK COMBINATION RETAINING WALL

A DECORATIVE COMBINATION CHU RETAINING WALL AND GLASS BLOCK

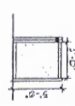
CONCEPTUAL GLASS PANEL COMBINATION RETAINING WALL

A DECORATIVE COMBINATION CHU RETAINING WALL AND GLASS PANEL



CONCEPTUAL GLASS PANEL GATE

A 3' HIGH GLASS PANEL GATE WILL BE USED TO ENCLOSE THE PRIVATE DRIVEWAY.



**THE LIGHTFOOT PLANNING GROUP**

PLANNING  
 SITE DESIGN  
 LANDSCAPE ARCHITECTURE  
 3001 WESTERN AVENUE  
 SUITE 100  
 OCEANSIDE, CA 92054  
 (760) 771-1111  
 INFO@LIGHTFOOTPLAN.COM

**Strands End Limited, LLC**  
 819 S. Pacific Street  
 Oceanside California

Scale: 1"=10'  
 Date: 9/02/21  
 Drawn: [Signature]  
 Title: [Signature]

**Landscape Concept Plan**

Job # 029201  
 1  
 1238.01.1 819 S. Pacific Street

1236.011 810 8, Pacific Street



1 PLANNING COMMISSION  
2 RESOLUTION NO. 2013-P09

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

7 APPLICATION NO: D12-00011 and RC12-00009

8 APPLICANT: Strands End, LLC

9 LOCATION: 817 South Pacific Street  
APN 150-356-22-00

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms  
13 prescribed by the Commission requesting a Development Plan and Regular Coastal Permit under  
14 the provisions of the City of Oceanside Local Coastal Program and 1986 Zoning Ordinance to  
15 permit the following:

16 the partial demolition and remodel of an existing multi-family triplex residence into a  
17 three-story stacked duplex residential structure, that will add 3,916 square feet of new  
18 habitable space for a total combined square footage of 6,564 on the 3,250-square foot lot;  
on certain real property described in the project description.

19 WHEREAS, the Planning Commission, after giving the required notice, did on the 11th  
20 day of March 2013 conduct a duly advertised public hearing as prescribed by law to consider said  
21 application;


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

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

28 EXHIBIT NO. 3  
APPLICATION NO.  
A-6-OCN-13-  
017/-018

29 City Resolutions of  
Approval

Page 1 of 34

 California Coastal Commission

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit.
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre).
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$2,072 per unit for residential.
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential.
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip.
Thoroughfare Fee (For commercial and industrial please note the 75 percent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG).
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically \$4,597 per unit.
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Residential is typically \$6,313 per unit.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit.

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

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

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

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

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

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

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

22 FINDINGS:

23 For the Development Plan (D12-00011) to allow conversion of an existing multi-family triplex  
24 residential unit into a duplex with the addition of 3,916 square feet of new habitable space  
25 including a new third story:

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



1 2. The application for Development Plan approval has been processed in a manner  
2 consistent with Article 21 of the 1986 Zoning Ordinance (Procedures, Hearings, Notices  
3 and Fees).

4 For the Regular Coastal Permit (RC12-00009) to allow conversion of an existing multi-family  
5 triplex residential unit into a duplex with the addition of 3,916 square feet of new habitable  
6 space including a new third story:

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

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

18 2. The project site, at 817 South Pacific Street, is situated within the Appeal Area of the  
19 Coastal Zone and conforms to the public access and recreation policies of Chapter 3 of  
20 the Coastal Act. The entire 800 Block of South Pacific Street measures 450 feet in  
21 length, with public beach access located at both ends (where South Pacific Street  
22 intersects with Wisconsin Avenue and Hayes Street). Thus, all properties in the 800  
23 Block of South Pacific Street are situated within 250 feet of existing public beach  
24 access.

25 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
26 confirm issuance of a Categorical Exemption pursuant to Section 15303(a) of the California  
27 Environmental Quality Act and approves Development Plan (D12-00011) and Regular Coastal  
28 Permit (RC12-00009) subject to the following conditions:  
29

**Building:**

1. Construction shall comply with the 2010 edition of the California Codes including the California Green Building Standards. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and local building codes.
2. The building plans for this project are required by State law to be prepared by a licensed architect or engineer and must be in compliance with this requirement prior to submittal for building plan review.
3. Exterior lighting must comply with Chapter 39 of the Oceanside Code of Ordinances and Section 5.106.8 of the 2010 California Green Building Code.
4. The developer shall monitor, supervise and control all building construction and supporting activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence to the following:
  - a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).
  - b) The construction site shall be kept reasonably free of construction debris as specified in Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste containers shall be considered compliance with this requirement. Small amounts of construction debris may be stored on-site in a neat, safe manner for short periods of time pending disposal.
5. Separate/unique addresses will be required to facilitate utility releases. Verification that the addresses have been properly assigned by the City's Planning Division must accompany the Building Permit application.

6. Site development, common use areas, access and adaptability of apartments and condominiums shall comply with Part 2, Title 24, and C.C.R. (Disabled Access & Adaptability - HCD).

7. All electrical, communication, CATV, etc. service lines, within the exterior lines of the property shall be underground (City Code Sec. 6.30).

**Fire:**

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

**Water Utilities:**

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

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

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

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

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

14. Per the 2010 California Fire Code, all new residential units shall be fire sprinklered. The minimum allowable water meter for a fire sprinklered home is 3/4-inch.

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

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

17. All lots with a finish pad elevation located below the elevation of the next upstream manhole cover of the public sewer shall be protected from backflow of sewage by



installing and maintaining an approved type backwater valve, per the Uniform Plumbing Code (U.P.C.).

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

19. All Water Utilities Fees are due at the time of building permit issuance per City Code Section 32B.7, unless the developer/applicant applies and is approved for a deferral of all fees per City of Oceanside Ordinance No. 09-OR0676-1.

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

**Engineering:**

21. This project involves demolition of an existing structure or surface improvements; an erosion control plan shall be submitted and approved by the City Engineer before issuance of any demolition permit. No grading operation shall be allowed in conjunction with the demolition operation without an approved grading plan. No demolition shall be permitted without an approved erosion control plan.

22. Design and construction of all improvements shall be in accordance with standard plans, specifications of the City of Oceanside and subject to approval by the City Engineer.

23. The owner/developer shall obtain a precise grading permit per the City Grading Regulations Manual. This project may qualify to prepare a minor grading plan instead of a precise grading plan, if the project meets the minor grading permit requirements. The grading permit requires a comprehensive soils and geologic investigation of the soils, slopes, and formations in the project. All necessary measures shall be taken and implemented to assure slope stability, erosion control, and soil integrity. No grading shall occur until a detailed grading plan, to be prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by the City Engineer.

24. Prior to the issuance of a grading permit, the owner/developer shall notify and host a neighborhood meeting with all of the area residents located within 300 feet of the

1 project site, to inform them of the grading and construction schedule, and to answer  
2 questions.

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

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

8 b) All grading and related site preparation and construction activities shall be  
9 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No  
10 engineering related construction activities shall be conducted on Saturdays,  
11 Sundays or legal holidays unless written permission is granted by the City  
12 Engineer with specific limitations to the working hours and types of permitted  
13 operations. All on-site construction staging areas shall be as far as possible  
14 (minimum 100 feet) from any existing residential development. Because  
15 construction noise may still be intrusive in the evening or on holidays, the City  
16 of Oceanside Noise Ordinance also prohibits "any disturbing excessive or  
17 offensive noise which causes discomfort or annoyance to reasonable persons of  
18 normal sensitivity."

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

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

27 26. Grading and drainage facilities shall be designed and installed to adequately  
28 accommodate the local stormwater runoff and shall be in accordance with the City's  
29 Grading Ordinance and current San Diego County Hydrology Manual.

27. It is the responsibility of the owner/developer to evaluate and determine that all soil  
imported as part of this development is free of hazardous and/or contaminated material



as defined by the City and the County of San Diego Department of Environmental Health. Exported or imported soils shall be properly screened, tested, and documented regarding hazardous contamination.

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

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

30. The developer/owner shall construct private driveway to serve this project in accordance with the City of Oceanside Engineers Design and Processing Manual.

31. The developer/owner shall construct curb and gutter and sidewalk on South Pacific Street along the property frontage in accordance with the City of Oceanside Engineers Design and Processing Manual. Sidewalk improvements shall comply with ADA requirements.

32. Sight distance requirements at the project driveway shall conform to the corner sight distance criteria as provided by SDRSD.

33. Pavement sections Pacific Street and project driveway shall be based upon approved soil tests. The pavement design is to be prepared by the owner's/developer's soil engineer and must be approved by the City Engineer, prior to paving.

34. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during construction of the project, shall be repaired or replaced as directed by the City Engineer.

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

36. The owner/developer shall obtain any necessary permits and clearances from all public agencies having jurisdiction over the project due to its type, size, or location, including but not limited to the U. S. Army Corps of Engineers, California Department of Fish &

Game, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board (including NPDES), San Diego County Health Department, prior to the issuance of a grading permit.

37. The approval of the development shall not mean that proposed grading or improvements on adjacent properties (including any City properties/Right-of-Way or easements) is granted or guaranteed to the owner/developer. The owner/developer is responsible for obtaining permission to grade to construct on adjacent properties. Should such permission be denied, the development shall be subject to going back to the public hearing or subject to a substantial conformity review.

38. A comprehensive geotechnical report is required prior to approval of any grading plan and permit. If shoring is required for the construction of this development, the shoring design and structural calculations shall be included in the geotechnical report. The Geotechnical Engineer shall be responsible to prepare the report, and seal/stamp, and sign the report, and is fully responsible for all the proposed mitigations and recommendations.

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

40. The drainage design on the development plan is conceptual only. The final design shall be based upon a hydrologic/hydraulic study to be approved by the City Engineer during final engineering. All drainage picked up in an underground system shall remain underground until it is discharged into an approved channel, or as otherwise approved by the City Engineer. The owner/developer shall be responsible for obtaining any off-site easements for storm drainage facilities.

41. The owner/developer shall comply with applicable FEMA regulations. The owner/developer shall record a covenant against the property indemnifying and holding the City harmless from any claims regarding drainage and flooding prior to issuance of any grading permit. During final engineering design, the Engineer of Record shall evaluate potential impact to flood hazard areas. Elevation and flood proofing shall be in



1 accordance with the City of Oceanside Ordinance 94-03 and Federal Emergency  
2 Management Agency (FEMA) requirements.

3 42. Following approval of the Storm Water Mitigation Plan (SWMP) by the City Engineer  
4 and prior to issuance of grading permits, the owner/developer shall submit and obtain  
5 approval of an Operation & Maintenance (O&M) Plan, prepared to the satisfaction of  
6 the City Engineer. The O&M Plan shall include an approved and executed  
7 Maintenance Mechanism pursuant to Section 5 of the Standard Urban Storm Water  
8 Mitigation Plan (SUSMP). The O&M shall satisfy the minimum Maintenance  
9 Requirements pursuant to Section 5 of the SUSMP. At a minimum the O&M Plan shall  
10 include the designated responsible party to manage the storm water BMP(s), employee  
11 training program and duties, operating schedule, maintenance frequency, routine service  
12 schedule, specific maintenance activities, copies of resource agency permits, cost  
13 estimate for implementation of the O&M Plan, a non-refundable cash (or certificate of  
14 deposit payable to the City), or an irrevocable, City-Standard Letter of Credit security to  
15 provide maintenance funding in the event of noncompliance to the O&M Plan, and any  
16 other necessary elements. The owner/developer shall provide the City with access to  
17 site for the purpose of BMP inspection and maintenance by entering into an Access  
18 Rights Agreement with the City. The owner/developer shall complete and maintain  
19 O&M forms to document all operation, inspection, and maintenance activities. The  
20 owner/developer shall retain records for a minimum of 5 years. The records shall be  
21 made available to the City upon request.

22 43. The owner/developer shall enter into a City-Standard Stormwater Facilities  
23 Maintenance Agreement with the City obliging the owner/developer to maintain, repair  
24 and replace the Storm Water Best Management Practices (BMPs) identified in the  
25 project's approved SWMP, as detailed in the O&M Plan into perpetuity. The  
26 Agreement shall be approved by the City Attorney prior to issuance of any precise  
27 grading permit and shall be recorded at the County Recorder's Office prior to issuance  
28 of any building permit. Security in the form of cash (or certificate of deposit payable to  
29 the City) or an irrevocable, City-Standard Letter of Credit shall be required prior to  
issuance of a precise grading permit. The amount of the security shall be equal to 10



- years of maintenance costs, as identified by the O&M Plan, but not to exceed a total of \$25,000. The owner/developer's Civil Engineer shall prepare the O&M cost estimate.
44. At a minimum, maintenance agreements shall require the staff training, inspection and maintenance of all BMPs on an annual basis. The owner/developer shall complete and maintain O&M forms to document all maintenance activities. Parties responsible for the O&M plan shall retain records at the subject property for at least 5 years. These documents shall be made available to the City for inspection upon request at any time.
45. The Agreement shall include a copy of executed on-site and off-site access rights necessary for the operation and maintenance of BMPs that shall be binding on the land throughout the life of the project to the benefit of the party responsible for the O&M of BMPs, satisfactory to the City Engineer. The agreement shall also include a copy of the O&M Plan approved by the City Engineer.
46. The BMPs described in the project's approved SWMP shall not be altered in any way, unless reviewed and approved to the satisfaction of the City Engineer. The determination of whatever action is required for changes to a project's approved SWMP shall be made by the City Engineer.
47. The owner/developer shall provide a copy of the cover page of approved SWMP with the first engineering submittal package. All Stormwater documents shall be in compliance with the latest edition of submission requirements.
48. Approval of this development is conditioned upon payment of all applicable impact fees and connection fees in the manner provided in chapter 32B of the Oceanside City Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees, reimbursements, and other applicable charges, fees and deposits shall be paid prior to the issuance of any building permits, in accordance with City Ordinances and policies.
49. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire project will be subject to prevailing wage requirements as specified by Labor Code section 1720(b) (4). The owner/developer shall agree to execute a form acknowledging the prevailing wage requirements prior to the granting of any fee reductions or waivers.
50. In the event that the conceptual plan does not match the conditions of approval, the resolution of approval shall govern.

**Planning:**

- 1 51. Development Plan (D12-00011) and Regular Coastal Permit (RC12-00009) shall expire  
2 two years from the effective date unless implemented as required by the Zoning  
3 Ordinance. Absent the timely appeal of this approval, it will expire on March 11, 2015  
4 unless implemented as required by the Zoning Ordinance.
- 5 52. Development Plan (D12-00011) and Regular Coastal Permit (RC12-00009) is granted  
6 for the following purposes only:
- 7 a) Partial demolition and conversion of an existing multi-family triplex residence  
8 to a freestanding three-story over basement duplex;
  - 9 b) Addition of 3,916 square feet of new habitable space, 815 square feet of garage  
10 area that can accommodate four vehicles in a tandem configuration.
- 11 53. No deviation from these approved plans and exhibits shall occur without Planning  
12 Commission approval. Substantial deviations shall require a revision to the Development  
13 Plan and Regular Coastal Permit or a new Development Plan and Regular Coastal Permit.
- 14 54. Development Plan (D12-00011) and Regular Coastal Permit (RC12-00009) shall be  
15 called for review by the Planning Commission if complaints are filed and verified as  
16 valid by the City Planner or the Code Enforcement Officer concerning the violation of  
17 any of the approved conditions or the project assumptions demonstrated under the  
18 application approval.
- 19 55. The validity of Development Plan (D12-00011) and Regular Coastal Permit (RC12-  
20 00009) shall not be affected by changes in ownership or tenants.
- 21 56. A request for changes in conditions of approval or a change to the approved plans that  
22 would affect conditions of approval shall be treated as a new application. The City  
23 Planner may waive the requirements for a new application if the changes requested are  
24 minor, do not involve substantial alterations or addition to the plan or the conditions of  
25 approval, and consistent with the intent of the project's approval or otherwise found to  
26 be in substantial conformance.
- 27 57. Development Plan (D12-00011) and Regular Coastal Permit (RC12-00009) may be  
28 revised or renewed in accordance with the provisions of the Zoning Ordinance. Any  
29 application for Development Plan (D12-00011) and Regular Coastal Permit (RC12-  
00009) revision or renewal shall also be evaluated against existing land use and



development policies as well as any intervening changes to the site area and/or neighborhood.

58. The applicant, permittee, or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City concerning Development Plan (D12-00011) and Regular Coastal Permit (RC12-00009). The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

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

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

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

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

62. Failure to meet any conditions of approval for this project shall constitute a violation of Development Plan (D12-00011) and Regular Coastal Permit (RC12-00009).

63. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.
64. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially the same as those approved by the Planning Commission. These shall be shown on plans submitted to the Building Division for building permits.
65. All mechanical rooftop and ground equipment shall be screened from public view as required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks, mechanical equipment, screening and vents shall be painted with non-reflective paint to match the roof. All roof top surfaces shall have a non-reflective surface and mechanical appurtenances shall be painted to match the roof color. This information shall be shown on the building plans.
66. HVAC casings shall be fully enclosed and shall not project into a required yard or project above the district's height requirement.
67. Prior to issuance of any building permit, the applicant shall submit a detailed plan that delineates public access laterally across the front of the 25-foot wide lot (e.g. different color/texture for sidewalk than driveway) and that provides additional landscape that functions as parkway. Subject to review and final approval by the City Engineer and City Planner.
68. Any metallic material (i.e. copper) shall be treated at the time that it is installed, or earlier, so that its surface does not reflect light. Non-metallic roofing material is preferred and non-reflective roofing material is required. The copper roofing shall be treated to have a non-reflective surface (patina) at the time it is installed.
69. Buildings, structures, fences or walls located on lots contiguous to the shoreline, shall be compatible in scale with the existing development and shall not extend further seaward than the line established on the String-line Setback Map.
70. Fence height limitations and opacity requirements are subject to Section 1050(U) of the Zoning Ordinance and required front yards. Fence materials shall be 75 percent transparent.



- 1 71. All wood fences adjacent to public right-of-way, visible from the public right-of-way,  
2 or facing the shore will be stained or otherwise finished with a waterproof material.
- 3 72. The developer's construction of all fencing and walls associated with the project shall  
4 be in conformance with the approved Development Plan and Regular Coastal Permit.  
5 Any substantial change in any aspect of fencing or wall design from the approved  
6 Development Plan and Regular Coastal Permit shall require a revision to the  
7 Development Plan and Regular Coastal Permit or a new Development Plan and Regular  
8 Coastal Permit.
- 9 73. If any aspect of the project fencing and walls is not covered by the approved  
10 Development Plan and Regular Coastal Permit, the construction of fencing and walls  
11 shall conform to the development standards of the City Zoning Ordinance. In no case  
12 shall the construction of fences and walls (or combinations thereof) exceed the  
13 limitations of the Zoning Ordinance, unless expressly granted by a Variance or other  
14 development approval.
- 15 74. The project shall dispose of or recycle solid waste in a manner provided in City  
16 Ordinance 13.3.
- 17 75. A letter of clearance from the affected school district in which the property is located  
18 shall be provided as required by City policy at the time building permits are issued.
- 19 76. Prior to the issuance of building permits the developer or owner shall make an  
20 irrevocable offer of dedication to the City of Oceanside an easement for lateral public  
21 access and passive recreational use along the shoreline adjacent to this property. The  
22 document shall provide that the offer of dedication shall not be used or construed to  
23 allow anyone, prior to acceptance of the offer, to interfere with any rights of public  
24 access acquired through a use which may exist on the property. The easement shall be  
25 located along the entire width of the property line to the toe of the bluff (toe of the  
26 seawall, a line 25 feet inland of the daily high water line, which is understood to be  
27 ambulatory from day to day). The easement shall be recorded free of prior liens and  
28 free of any other encumbrances which may affect said interest. The easement shall run  
29 with the land in favor of the City of Oceanside, and is binding to all successors and  
assignees.



1 77. The applicant shall posted signage no more than 1.5 square feet in area that indicates  
2 that parking is not permitted in the driveway in front of the garages and provides  
3 contact information for both property management and the City of Oceanside Parking  
4 Enforcement Division. The applicant shall work with Planning Division staff to  
5 determine the most appropriate size, design and material for said signage.

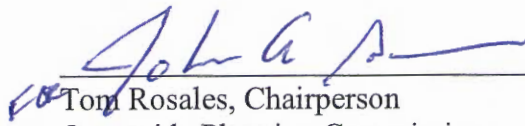
6 PASSED AND ADOPTED Resolution No. 2013-P09 on March 11, 2013 by the  
7 following vote, to wit:

8 AYES: Scrivener, Neal, Martinek, Troisi, Balma and Ross

9 NAYS: None

10 ABSENT: Rosales

11 ABSTAIN: None

12   
13 Tom Rosales, Chairperson  
14 Oceanside Planning Commission

15 ATTEST:

16   
17 Marisa Lundstedt, Secretary

18 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify  
19 that this is a true and correct copy of Resolution No. 2013-P09.

20  
21 Dated: March 11, 2013

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

25  
26 Applicant/Representative

26 Date

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

PLANNING COMMISSION  
RESOLUTION NO. 2013-P10

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

---

APPLICATION NO: D12-00012 and RC12-00008  
APPLICANT: Leeds Properties, LLC.  
LOCATION: 819 South Pacific Street  
APN 150-356-23-00

---

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

WHEREAS, there was filed with this Commission a verified petition on the forms  
prescribed by the Commission requesting a Development Plan and Regular Coastal Permit under  
the provisions of the City of Oceanside Local Coastal Program and 1986 Zoning Ordinance to  
permit the following:

the partial demolition and remodel of an existing multi-family triplex residence into a  
three story stacked duplex residential structure, that will add 3,916 square feet of new  
habitable space for a total combined square footage of 6,564 on the 3,250-square foot lot;  
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 11<sup>th</sup>  
day of March 2013 conduct a duly advertised public hearing as prescribed by law to consider said  
application;

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

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

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit.
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre).
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$2,072 per unit for residential.
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential.
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip.
Thoroughfare Fee (For commercial and industrial please note the 75 percent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG).
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically \$4,597 per unit.
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Residential is typically \$6,313 per unit.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit.



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

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

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

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

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

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

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

22 FINDINGS:

23 For the Development Plan (D12-00012) to allow conversion of an existing multi-family triplex  
24 residential unit into a duplex with the addition of 3,916 square feet of new habitable space  
25 including a new third story:

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

1 2. The application for Development Plan approval has been processed in a manner  
2 consistent with Article 21 of the 1986 Zoning Ordinance (Procedures, Hearings, Notices  
3 and Fees).

4 For the Regular Coastal Permit (RC12-00008) to allow conversion of an existing multi-family  
5 triplex residential unit into a duplex with the addition of 3,916 square feet of new habitable  
6 space including a new third story:

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

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

18 2. The project site, at 819 South Pacific Street, is situated within the Appeal Area of the  
19 Coastal Zone and conforms to the public access and recreation policies of Chapter 3 of  
20 the Coastal Act. The entire 800 Block of South Pacific Street measures 450 feet in  
21 length, with public beach access located at both ends (where South Pacific Street  
22 intersects with Wisconsin Avenue and Hayes Street). Thus, all properties in the 800  
23 Block of South Pacific Street are situated within 250 feet of existing public beach  
access.

24 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
25 confirm issuance of a Categorical Exemption pursuant to Section 15303(a) of the California  
26 Environmental Quality Act and approves Development Plan (D12-00012) and Regular Coastal  
27 Permit (RC12-00008) subject to the following conditions:  
28  
29



**Building:**

1. Construction shall comply with the 2010 edition of the California Codes including the California Green Building Standards. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and local building codes.
2. The building plans for this project are required by State law to be prepared by a licensed architect or engineer and must be in compliance with this requirement prior to submittal for building plan review.
3. Exterior lighting must comply with Chapter 39 of the Oceanside Code of Ordinances and Section 5.106.8 of the 2010 California Green Building Code.
4. The developer shall monitor, supervise and control all building construction and supporting activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence to the following:
  - a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).
  - b) The construction site shall be kept reasonably free of construction debris as specified in Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste containers shall be considered compliance with this requirement. Small amounts of construction debris may be stored on-site in a neat, safe manner for short periods of time pending disposal.
5. Separate/unique addresses will be required to facilitate utility releases. Verification that the addresses have been properly assigned by the City's Planning Division must accompany the Building Permit application.

6. Site development, common use areas, access and adaptability of apartments and condominiums shall comply with Part 2, Title 24, and C.C.R. (Disabled Access & Adaptability - HCD).

7. All electrical, communication, CATV, etc. service lines, within the exterior lines of the property shall be underground (City Code Sec. 6.30).

**Fire:**

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

**Water Utilities:**

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

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

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

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

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

14. Per the 2010 California Fire Code, all new residential units shall be fire sprinklered. The minimum allowable water meter for a fire sprinklered home is 3/4-inch.

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

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

17. All lots with a finish pad elevation located below the elevation of the next upstream manhole cover of the public sewer shall be protected from backflow of sewage by

installing and maintaining an approved type backwater valve, per the Uniform Plumbing Code (U.P.C.).

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

19. All Water Utilities Fees are due at the time of building permit issuance per City Code Section 32B.7, unless the developer/applicant applies and is approved for a deferral of all fees per City of Oceanside Ordinance No. 09-OR0676-1.

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

**Engineering:**

21. This project involves demolition of an existing structure or surface improvements; an erosion control plan shall be submitted and approved by the City Engineer before issuance of any demolition permit. No grading operation shall be allowed in conjunction with the demolition operation without an approved grading plan. No demolition shall be permitted without an approved erosion control plan.

22. Design and construction of all improvements shall be in accordance with standard plans, specifications of the City of Oceanside and subject to approval by the City Engineer.

23. The owner/developer shall obtain a precise grading permit per the City Grading Regulations Manual. This project may qualify to prepare a minor grading plan instead of a precise grading plan, if the project meets the minor grading permit requirements. The grading permit requires a comprehensive soils and geologic investigation of the soils, slopes, and formations in the project. All necessary measures shall be taken and implemented to assure slope stability, erosion control, and soil integrity. No grading shall occur until a detailed grading plan, to be prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by the City Engineer.

24. Prior to the issuance of a grading permit, the owner/developer shall notify and host a neighborhood meeting with all of the area residents located within 300 feet of the



1 project site, to inform them of the grading and construction schedule, and to answer  
2 questions.

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

6 a) Dirt, debris and other construction material shall not be deposited on any public  
7 street or within the City's storm water conveyance system.

8 b) All grading and related site preparation and construction activities shall be  
9 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No  
10 engineering related construction activities shall be conducted on Saturdays,  
11 Sundays or legal holidays unless written permission is granted by the City  
12 Engineer with specific limitations to the working hours and types of permitted  
13 operations. All on-site construction staging areas shall be as far as possible  
14 (minimum 100 feet) from any existing residential development. Because  
15 construction noise may still be intrusive in the evening or on holidays, the City  
16 of Oceanside Noise Ordinance also prohibits "any disturbing excessive or  
17 offensive noise which causes discomfort or annoyance to reasonable persons of  
normal sensitivity."

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

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

25 26. Grading and drainage facilities shall be designed and installed to adequately  
26 accommodate the local storm water runoff and shall be in accordance with the City's  
27 Grading Ordinance and current San Diego County Hydrology Manual.

28 27. It is the responsibility of the owner/developer to evaluate and determine that all soil  
29 imported as part of this development is free of hazardous and/or contaminated material

as defined by the City and the County of San Diego Department of Environmental Health. Exported or imported soils shall be properly screened, tested, and documented regarding hazardous contamination.

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

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

30. The developer/owner shall construct private driveway to serve this project in accordance with the City of Oceanside Engineers Design and Processing Manual.

31. The developer/owner shall construct curb and gutter and sidewalk on South Pacific Street along the property frontage in accordance with the City of Oceanside Engineers Design and Processing Manual. Sidewalk improvements shall comply with ADA requirements.

32. Sight distance requirements at the project driveway shall conform to the corner sight distance criteria as provided by SDRSD.

33. Pavement sections Pacific Street and project driveway shall be based upon approved soil tests. The pavement design is to be prepared by the owner's/developer's soil engineer and must be approved by the City Engineer, prior to paving.

34. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during construction of the project, shall be repaired or replaced as directed by the City Engineer.

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

36. The owner/developer shall obtain any necessary permits and clearances from all public agencies having jurisdiction over the project due to its type, size, or location, including but not limited to the U. S. Army Corps of Engineers, California Department of Fish &



Game, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board (including NPDES), San Diego County Health Department, prior to the issuance of a grading permit.

37. The approval of the development shall not mean that proposed grading or improvements on adjacent properties (including any City properties/Right-of-Way or easements) is granted or guaranteed to the owner/developer. The owner/developer is responsible for obtaining permission to grade to construct on adjacent properties. Should such permission be denied, the development shall be subject to going back to the public hearing or subject to a substantial conformity review.

38. A comprehensive geotechnical report is required prior to approval of any grading plan and permit. If shoring is required for the construction of this development, the shoring design and structural calculations shall be included in the geotechnical report. The Geotechnical Engineer shall be responsible to prepare the report, and seal/stamp, and sign the report, and is fully responsible for all the proposed mitigations and recommendations.

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

40. The drainage design on the development plan is conceptual only. The final design shall be based upon a hydrologic/hydraulic study to be approved by the City Engineer during final engineering. All drainage picked up in an underground system shall remain underground until it is discharged into an approved channel, or as otherwise approved by the City Engineer. The owner/developer shall be responsible for obtaining any off-site easements for storm drainage facilities.

41. The owner/developer shall comply with applicable FEMA regulations. The owner/developer shall record a covenant against the property indemnifying and holding the City harmless from any claims regarding drainage and flooding prior to issuance of any grading permit. During final engineering design, the Engineer of Record shall evaluate potential impact to flood hazard areas. Elevation and flood proofing shall be in

1 accordance with the City of Oceanside Ordinance 94-03 and Federal Emergency  
2 Management Agency (FEMA) requirements.

3 42. Following approval of the Storm Water Mitigation Plan (SWMP) by the City Engineer  
4 and prior to issuance of grading permits, the owner/developer shall submit and obtain  
5 approval of an Operation & Maintenance (O&M) Plan, prepared to the satisfaction of  
6 the City Engineer. The O&M Plan shall include an approved and executed  
7 Maintenance Mechanism pursuant to Section 5 of the Standard Urban Storm Water  
8 Mitigation Plan (SUSMP). The O&M shall satisfy the minimum Maintenance  
9 Requirements pursuant to Section 5 of the SUSMP. At a minimum the O&M Plan shall  
10 include the designated responsible party to manage the storm water BMP(s), employee  
11 training program and duties, operating schedule, maintenance frequency, routine service  
12 schedule, specific maintenance activities, copies of resource agency permits, cost  
13 estimate for implementation of the O&M Plan, a non-refundable cash (or certificate of  
14 deposit payable to the City), or an irrevocable, City-Standard Letter of Credit security to  
15 provide maintenance funding in the event of noncompliance to the O&M Plan, and any  
16 other necessary elements. The owner/developer shall provide the City with access to  
17 site for the purpose of BMP inspection and maintenance by entering into an Access  
18 Rights Agreement with the City. The owner/developer shall complete and maintain  
19 O&M forms to document all operation, inspection, and maintenance activities. The  
20 owner/developer shall retain records for a minimum of 5 years. The records shall be  
21 made available to the City upon request.

22 43. The owner/developer shall enter into a City-Standard Stormwater Facilities  
23 Maintenance Agreement with the City obliging the owner/developer to maintain, repair  
24 and replace the Storm Water Best Management Practices (BMPs) identified in the  
25 project's approved SWMP, as detailed in the O&M Plan into perpetuity. The  
26 Agreement shall be approved by the City Attorney prior to issuance of any precise  
27 grading permit and shall be recorded at the County Recorder's Office prior to issuance  
28 of any building permit. Security in the form of cash (or certificate of deposit payable to  
29 the City) or an irrevocable, City-Standard Letter of Credit shall be required prior to  
issuance of a precise grading permit. The amount of the security shall be equal to 10



- years of maintenance costs, as identified by the O&M Plan, but not to exceed a total of \$25,000. The owner/developer's Civil Engineer shall prepare the O&M cost estimate.
44. At a minimum, maintenance agreements shall require the staff training, inspection and maintenance of all BMPs on an annual basis. The owner/developer shall complete and maintain O&M forms to document all maintenance activities. Parties responsible for the O&M plan shall retain records at the subject property for at least 5 years. These documents shall be made available to the City for inspection upon request at any time.
45. The Agreement shall include a copy of executed on-site and off-site access rights necessary for the operation and maintenance of BMPs that shall be binding on the land throughout the life of the project to the benefit of the party responsible for the O&M of BMPs, satisfactory to the City Engineer. The agreement shall also include a copy of the O&M Plan approved by the City Engineer.
46. The BMPs described in the project's approved SWMP shall not be altered in any way, unless reviewed and approved to the satisfaction of the City Engineer. The determination of whatever action is required for changes to a project's approved SWMP shall be made by the City Engineer.
47. The owner/developer shall provide a copy of the cover page of approved SWMP with the first engineering submittal package. All Stormwater documents shall be in compliance with the latest edition of submission requirements.
48. Approval of this development is conditioned upon payment of all applicable impact fees and connection fees in the manner provided in chapter 32B of the Oceanside City Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees, reimbursements, and other applicable charges, fees and deposits shall be paid prior to the issuance of any building permits, in accordance with City Ordinances and policies.
49. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire project will be subject to prevailing wage requirements as specified by Labor Code section 1720(b) (4). The owner/developer shall agree to execute a form acknowledging the prevailing wage requirements prior to the granting of any fee reductions or waivers.
50. In the event that the conceptual plan does not match the conditions of approval, the resolution of approval shall govern.

**Planning:**

51. Development Plan (D12-00012) and Regular Coastal Permit (RC12-00008) shall expire two years from the effective date unless implemented as required by the Zoning Ordinance. Absent the timely appeal of this approval, it will expire on March 11, 2015 unless implemented as required by the Zoning Ordinance.
52. Development Plan (D12-00012) and Regular Coastal Permit (RC12-00008) is granted for the following purposes only:
  - a) Partial demolition and conversion of an existing multi-family triplex residence to a freestanding three story over basement duplex;
  - b) Addition of 3,916 square feet of new habitable space, 815 square feet of garage area that can accommodate four vehicles in a tandem configuration.
53. No deviation from these approved plans and exhibits shall occur without Planning Commission approval. Substantial deviations shall require a revision to the Development Plan and Regular Coastal Permit or a new Development Plan and Regular Coastal Permit.
54. Development Plan (D12-00012) and Regular Coastal Permit (RC12-00008) shall be called for review by the Planning Commission if complaints are filed and verified as valid by the City Planner or the Code Enforcement Officer concerning the violation of any of the approved conditions or the project assumptions demonstrated under the application approval.
55. The validity of Development Plan (D12-00012) and Regular Coastal Permit (RC12-00008) shall not be affected by changes in ownership or tenants.
56. A request for changes in conditions of approval or a change to the approved plans that would affect conditions of approval shall be treated as a new application. The City Planner may waive the requirements for a new application if the changes requested are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and consistent with the intent of the project's approval or otherwise found to be in substantial conformance.
57. Development Plan (D12-00012) and Regular Coastal Permit (RC12-00008) may be revised or renewed in accordance with the provisions of the Zoning Ordinance. Any application for Development Plan (D12-00012) and Regular Coastal Permit (RC12-00008) revision or renewal shall also be evaluated against existing land use and



development policies as well as any intervening changes to the site area and/or neighborhood.

58. The applicant, permittee, or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City concerning Development Plan (D12-00012) and Regular Coastal Permit (RC12-00008). The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

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

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

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

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

62. Failure to meet any conditions of approval for this project shall constitute a violation of Development Plan (D12-00012) and Regular Coastal Permit (RC12-00008).

63. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.
64. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially the same as those approved by the Planning Commission. These shall be shown on plans submitted to the Building Division for building permits.
65. All mechanical rooftop and ground equipment shall be screened from public view as required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks, mechanical equipment, screening and vents shall be painted with non-reflective paint to match the roof. All roof top surfaces shall have a non-reflective surface and mechanical appurtenances shall be painted to match the roof color. This information shall be shown on the building plans.
66. HVAC casings shall be fully enclosed and shall not project into a required yard or project above the district's height requirement.
67. Prior to issuance of any building permit, the applicant shall submit a detailed plan that delineates public access laterally across the front of the 25-foot wide lot (e.g. different color/texture for sidewalk than driveway) and that provides additional landscape that functions as parkway. Subject to review and final approval by the City Engineer and City Planner.
68. Any metallic material (i.e. copper) shall be treated at the time that it is installed, or earlier, so that its surface does not reflect light. Non-metallic roofing material is preferred and non-reflective roofing material is required. The copper roofing shall be treated to have a non-reflective surface (patina) at the time it is installed.
69. Buildings, structures, fences or walls located on lots contiguous to the shoreline, shall be compatible in scale with the existing development and shall not extend further seaward than the line established on the String-line Setback Map.
70. Fence height limitations and opacity requirements are subject to Section 1050(U) of the Zoning Ordinance and required front yards. Fence materials shall be 75 percent transparent.



- 1 71. All wood fences adjacent to public right-of-way, visible from the public right-of-way,  
2 or facing the shore will be stained or otherwise finished with a waterproof material.
- 3 72. The developer's construction of all fencing and walls associated with the project shall  
4 be in conformance with the approved Development Plan and Regular Coastal Permit.  
5 Any substantial change in any aspect of fencing or wall design from the approved  
6 Development Plan and Regular Coastal Permit shall require a revision to the  
7 Development Plan and Regular Coastal Permit or a new Development Plan and Regular  
8 Coastal Permit.
- 9 73. If any aspect of the project fencing and walls is not covered by the approved  
10 Development Plan and Regular Coastal Permit, the construction of fencing and walls  
11 shall conform to the development standards of the City Zoning Ordinance. In no case  
12 shall the construction of fences and walls (or combinations thereof) exceed the  
13 limitations of the Zoning Ordinance, unless expressly granted by a Variance or other  
14 development approval.
- 15 74. The project shall dispose of or recycle solid waste in a manner provided in City  
16 Ordinance 13.3.
- 17 75. A letter of clearance from the affected school district in which the property is located  
18 shall be provided as required by City policy at the time building permits are issued.
- 19 76. Prior to the issuance of building permits the developer or owner shall make an  
20 irrevocable offer of dedication to the City of Oceanside an easement for lateral public  
21 access and passive recreational use along the shoreline adjacent to this property. The  
22 document shall provide that the offer of dedication shall not be used or construed to  
23 allow anyone, prior to acceptance of the offer, to interfere with any rights of public  
24 access acquired through a use which may exist on the property. The easement shall be  
25 located along the entire width of the property line to the toe of the bluff (toe of the  
26 seawall, a line 25 feet inland of the daily high water line, which is understood to be  
27 ambulatory from day to day). The easement shall be recorded free of prior liens and  
28 free of any other encumbrances which may affect said interest. The easement shall run  
29 with the land in favor of the City of Oceanside, and is binding to all successors and  
assignees.

1 77. The applicant shall posted signage no more than 1.5 square feet in area that indicates  
2 that parking is not permitted in the driveway in front of the garages and provides  
3 contact information for both property management and the City of Oceanside Parking  
4 Enforcement Division. The applicant shall work with Planning Division staff to  
5 determine the most appropriate size, design and material for said signage.

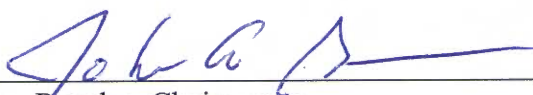
6 PASSED AND ADOPTED Resolution No. 2013-P10 on March 11, 2013 by the  
7 following vote, to wit:

8 AYES: Scrivener, Neal, Martinek, Troisi, Balma and Ross


9 NAYS: None

10 ABSENT: Rosales

11 ABSTAIN: None

12  
13   
14 for Tom Rosales, Chairperson  
Oceanside Planning Commission

15 ATTEST:

16   
17 Marisa Lundstedt, Secretary

18 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify  
19 that this is a true and correct copy of Resolution No. 2013-P10.

20  
21 Dated: March 11, 2013

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

25  
26 Applicant/Representative

26 Date



**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

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

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

**SECTION I. Appellant(s)**

Name: Beachin, LLC

Mailing Address: c/o Karla Edwards, Transcontinental Management 3355 Mission Avenue #111

City: Oceanside

Zip Code: 92058

Phone: (760) 439-8611

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

City of Oceanside

2. Brief description of development being appealed:

Conversion of an existing 6-unit multi-family development into two freestanding duplex units at 817 and 819 South Pacific Street

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

819 South Pacific Street in 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:

A-6-OCN-018

DATE FILED:

4/2/13

DISTRICT:

San Diego

RECEIVED  
APR 02 2013  
CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

EXHIBIT NO. 4  
APPLICATION NO.  
**A-6-OCN-13-  
017/-018**  
Appeal Forms

**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 11, 2013

7. Local government's file number (if any): D12-00012; RC12-00008

**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:

Leeds LLC

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) Karla Edwards on behalf of Beachin LLC

(2)

(3)

(4)

## 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 sheets.



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.

C. Campbell, managing member  
Signature of Appellant(s) or Authorized Agent

Date: 4-2-13

**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: \_\_\_\_\_



The reasons or justifications for Beachin LLC's appeal of 817 and 819 South Pacific Street include the following:

1. Appeal Process. The City of Oceanside rejected Beachin LLC's appeal to the City Council filed within 20 days of the Planning Commission's decision in accordance with the certified Local Coastal Program ("LCP"). City claims that appeals must be filed within 10 days of the Planning Commission's decision. City's position directly contradicts the certified LCP, including Sections 2114 and 2115 of the LCP and the Coastal Permit Handbook (a component of the certified LCP).
2. Visual Impact. The projects will block public views of the ocean from South Pacific Street because the proposed buildings are bigger, taller, and more massive than the current buildings. The projects are also incompatible with the community's character.
3. Front Setback. The projects must comply with the front yard setback. The certified LCP requires any additions, alterations or changes to a nonconforming building to conform to all provisions of the Zoning Ordinance.<sup>1</sup> The additions, alterations, and changes to the existing nonconforming buildings must, therefore, comply with all zoning regulations, including the front yard setback requirements.
4. Parking. The projects do not provide a sufficient number of parking spaces for a vacation rental and will further contribute to the public parking shortage in the neighborhood.
5. Findings. The projects cannot be approved because the projects would substantially depreciate property values in the vicinity and would unreasonably interfere with the use of property in the vicinity by the occupants for lawful purposes, and would endanger the public peace, health, safety or general welfare as evidenced by the raucous parties, noise complaints, use of public parking spaces, and other activities that endanger the public peace.<sup>2</sup>
6. Height Regulations. The projects do not comply with the certified LCP's height regulations, including the calculations to determine grade, the number of stories, and the 35-foot height limit. In addition, the bottom floors do not satisfy the requirements to qualify as a basement.
7. California Environmental Quality Act. The Class 3 CEQA categorical exemption is qualified by location, cumulative impact, and significant effects due to unusual circumstances.<sup>3</sup> The projects do not qualify for a Class 3 categorical exemption for the following reasons:
  - a. Due to their location on a public right-of-way and public view corridor, the projects will impact public views in violation of the certified LCP.
  - b. The projects do not provide adequate parking to meet the parking demands of a vacation rental with an intended occupancy of up to 3 persons per bedroom.

---

<sup>1</sup> City of Oceanside Zoning Ordinance §1803.

<sup>2</sup> City of Oceanside Zoning Ordinance §1611(f)(3).

<sup>3</sup> CEQA Guidelines §15300.2.

- c. The projects do not provide parking for employees.
  - d. The projects are incompatible with the bulk and scale of the surrounding neighborhood.
  - e. Vacation rentals cause noise impacts to the surrounding residences and disturb the surrounding neighbors sleep.
8. Subdivision Map Act Violation. 817 and 819 South Pacific Street are one legal lot. Applicant asserts that the Myers Annex map recorded in 1906 created two lots and that these are legal nonconforming lots. Old maps are a recurring problem. Property owners routinely discover old maps recorded before 1929 and assume that the old map created legal lots. The resulting disagreement over whether an old map created two or more legal lots has resulted in a California Supreme Court Case and several Court of Appeals opinions.<sup>4</sup> 817 and 819 South Pacific Street do not qualify as separate legal lots under these Court of Appeal opinions.

---

<sup>4</sup> *Gardner v. County of Sonoma* (2003) 29 Cal.4<sup>th</sup> 990, at 1001, 1002-1003; *Witt Home Ranch, Inc. v. County of Sonoma* (2008) 165 Cal.App.4<sup>th</sup> 543; *Abernathy Valley, Inc. v. County of Solana* (2009) 173 Cal.App.4<sup>th</sup> 42.

**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

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

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

**SECTION I. Appellant(s)**

Name: Beachin, LLC

Mailing Address: c/o Karla Edwards, Transcontinental Management 3355 Mission Avenue #111

City: Oceanside

Zip Code: 92058

Phone: (760) 439-8611

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

City of Oceanside

2. Brief description of development being appealed:

Conversion of an existing 6-unit multi-family development into two freestanding duplex units at 817 and 819 South Pacific Street

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

817 South Pacific Street in Oceanside, CA 92054

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

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

**RECEIVED**

APR 02 2013

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

**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: A-6-CCN-13-017

DATE FILED: 4/02/13

DISTRICT: San Diego

**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 11, 2013

7. Local government's file number (if any): D12-00011; RC12-00009

**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:

Strands End LLC

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) Karla Edwards on behalf of Beachin LLC

(2)

(3)

(4)



## 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 sheets.

**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]* managing member  
Signature of Appellant(s) or Authorized Agent

Date: \_\_\_\_\_

**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: \_\_\_\_\_

The reasons or justifications for Beachin LLC's appeal of 817 and 819 South Pacific Street include the following:

1. Appeal Process. The City of Oceanside rejected Beachin LLC's appeal to the City Council filed within 20 days of the Planning Commission's decision in accordance with the certified Local Coastal Program ("LCP"). City claims that appeals must be filed within 10 days of the Planning Commission's decision. City's position directly contradicts the certified LCP, including Sections 2114 and 2115 of the LCP and the Coastal Permit Handbook (a component of the certified LCP).
2. Visual Impact. The projects will block public views of the ocean from South Pacific Street because the proposed buildings are bigger, taller, and more massive than the current buildings. The projects are also incompatible with the community's character.
3. Front Setback. The projects must comply with the front yard setback. The certified LCP requires any additions, alterations or changes to a nonconforming building to conform to all provisions of the Zoning Ordinance.<sup>1</sup> The additions, alterations, and changes to the existing nonconforming buildings must, therefore, comply with all zoning regulations, including the front yard setback requirements.
4. Parking. The projects do not provide a sufficient number of parking spaces for a vacation rental and will further contribute to the public parking shortage in the neighborhood.
5. Findings. The projects cannot be approved because the projects would substantially depreciate property values in the vicinity and would unreasonably interfere with the use of property in the vicinity by the occupants for lawful purposes, and would endanger the public peace, health, safety or general welfare as evidenced by the raucous parties, noise complaints, use of public parking spaces, and other activities that endanger the public peace.<sup>2</sup>
6. Height Regulations. The projects do not comply with the certified LCP's height regulations, including the calculations to determine grade, the number of stories, and the 35-foot height limit. In addition, the bottom floors do not satisfy the requirements to qualify as a basement.
7. California Environmental Quality Act. The Class 3 CEQA categorical exemption is qualified by location, cumulative impact, and significant effects due to unusual circumstances.<sup>3</sup> The projects do not qualify for a Class 3 categorical exemption for the following reasons:
  - a. Due to their location on a public right-of-way and public view corridor, the projects will impact public views in violation of the certified LCP.
  - b. The projects do not provide adequate parking to meet the parking demands of a vacation rental with an intended occupancy of up to 3 persons per bedroom.

---

<sup>1</sup> City of Oceanside Zoning Ordinance §1803.

<sup>2</sup> City of Oceanside Zoning Ordinance §1611(f)(3).

<sup>3</sup> CEQA Guidelines §15300.2.



- c. The projects do not provide parking for employees.
  - d. The projects are incompatible with the bulk and scale of the surrounding neighborhood.
  - e. Vacation rentals cause noise impacts to the surrounding residences and disturb the surrounding neighbors sleep.
8. Subdivision Map Act Violation. 817 and 819 South Pacific Street are one legal lot. Applicant asserts that the Myers Annex map recorded in 1906 created two lots and that these are legal nonconforming lots. Old maps are a recurring problem. Property owners routinely discover old maps recorded before 1929 and assume that the old map created legal lots. The resulting disagreement over whether an old map created two or more legal lots has resulted in a California Supreme Court Case and several Court of Appeals opinions.<sup>4</sup> 817 and 819 South Pacific Street do not qualify as separate legal lots under these Court of Appeal opinions.

---

<sup>4</sup> *Gardner v. County of Sonoma* (2003) 29 Cal.4<sup>th</sup> 990, at 1001, 1002-1003; *Witt Home Ranch, Inc. v. County of Sonoma* (2008) 165 Cal.App.4<sup>th</sup> 543; *Abernathy Valley, Inc. v. County of Solana* (2009) 173 Cal.App.4<sup>th</sup> 42.



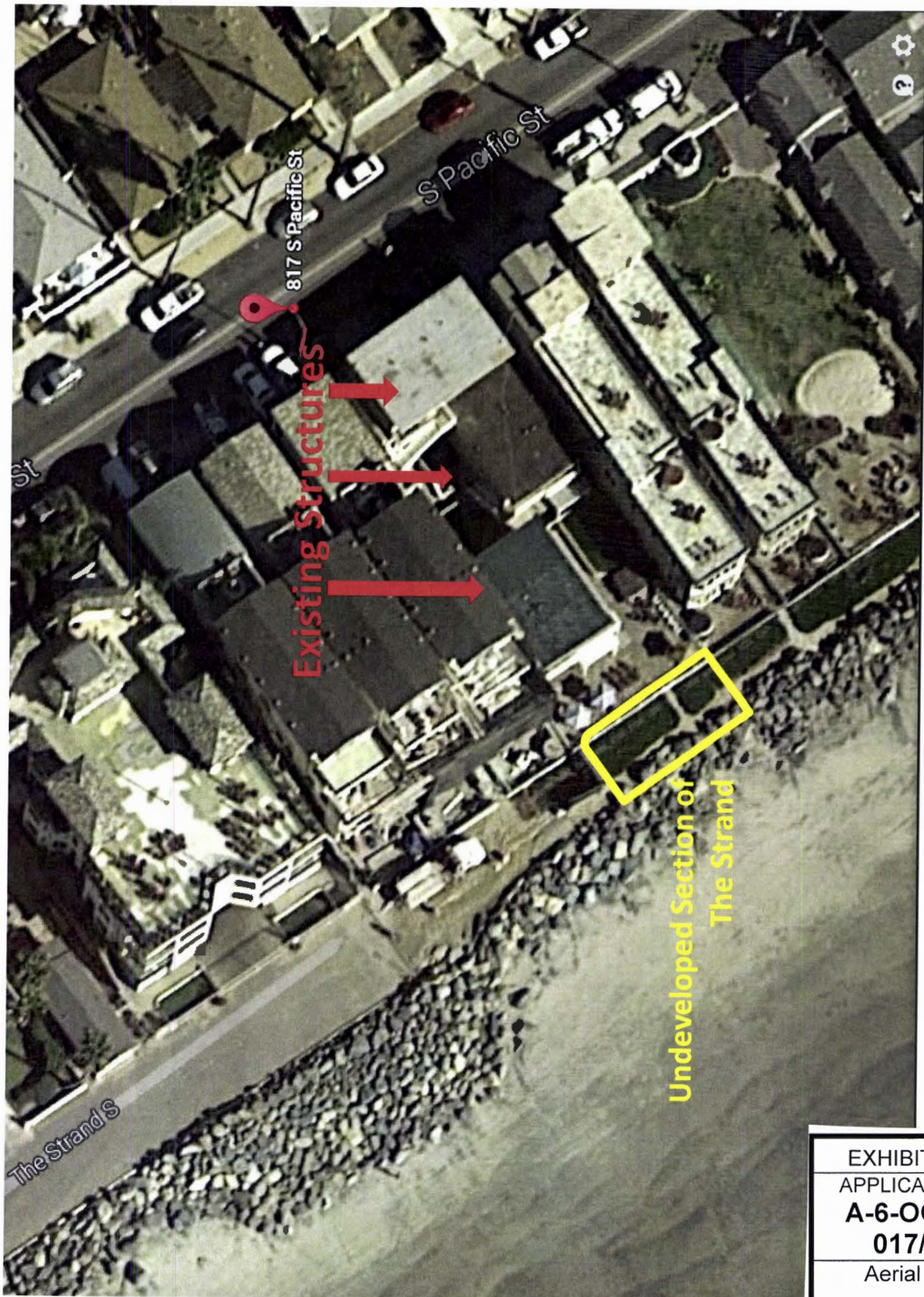


EXHIBIT NO. 5  
APPLICATION NO.  
**A-6-OCN-13-  
017/-018**  
Aerial of Site



ARCHITECT:  
**STUDIO 4**  
 2805 MESA DRIVE  
 OCEANSIDE, CA 92054  
 TEL: 760.722.4600  
 FAX: 760.722.4603  
 paul@studio4.com  
**PAUL LONGTON**  
 ARCHITECT

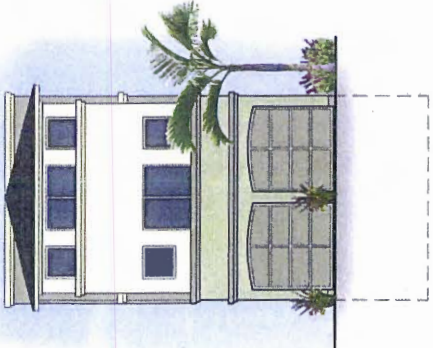
PROJECT:  
 ADDITION AT  
 877 S. PACIFIC ST.  
 OCEANSIDE, CA

OWNER:  
 STANDS END  
 LIMITED, LLC  
 MANAGING MEMBER  
 JAMES DODSON  
 4211 S STREET  
 BEAVER CITY, NE 68824

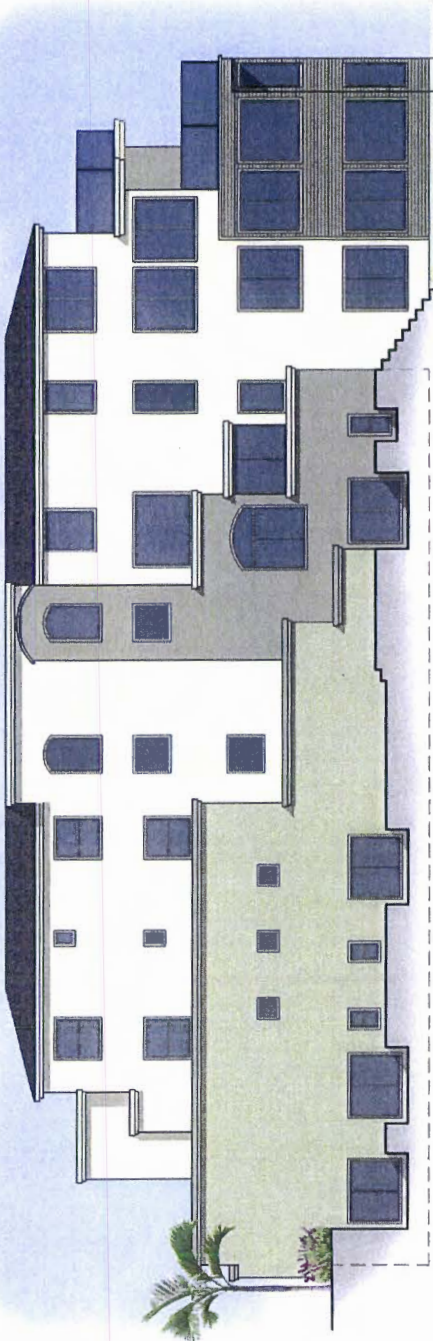
OWNER'S REP:  
**PAUL LONGTON**  
 STUDIO 4 ARCHITECTS  
 2805 MESA DRIVE  
 OCEANSIDE, CA 92054  
 760.722.4604

RELEASE DATE:  
 ISSUED: 03/17/12  
 NOTED:

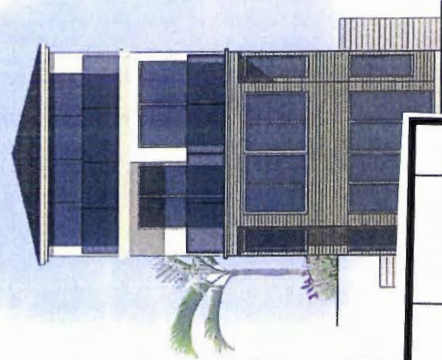
DRAWING STATUS:  
☐ NOT FOR CONSTRUCTION  
☐ PRELIMINARY  
☐ FOR PERMIT  
☐ FOR RECORD  
☐ FOR AS-BUILT  
☐ FOR ARCHIVE  
☐ FOR OTHER  
 DRAWN BY: MJS  
 CHECKED BY: PL  
 SHEET TITLE:  
 EXTERIOR  
 ELEVATIONS  
 SHEET NO.:  
**A-4.0**



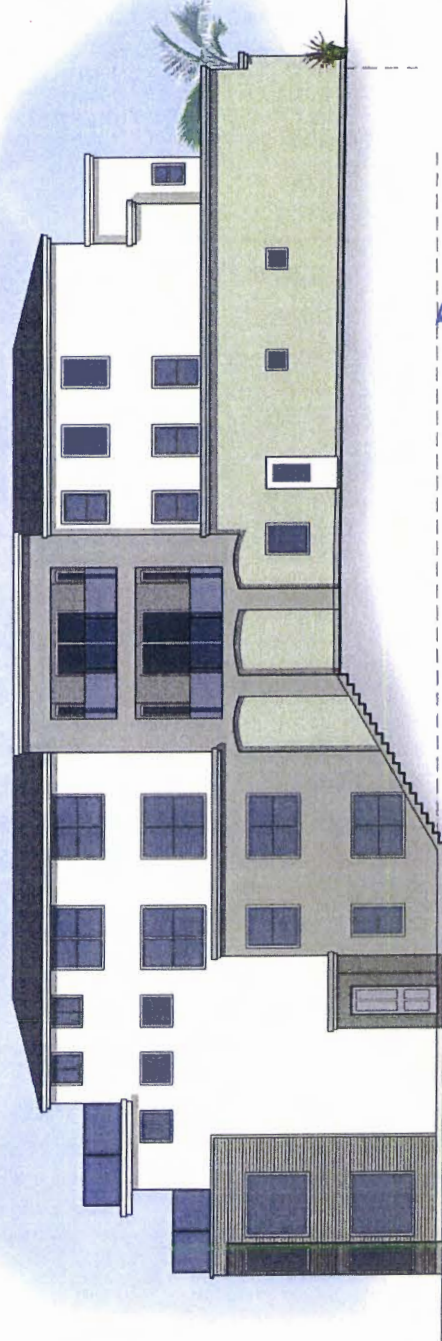
1 EAST ELEVATION (STREET SIDE)  
 SCALE: 3/16"=1'-0"



2 NORTH ELEVATION  
 SCALE: 3/16"=1'-0"



(BEACH SIDE)



4 SOUTH ELEVATION  
 SCALE: 3/16"=1'-0"

**RECEIVED**  
 JUL 17 2012  
 CITY OF OCEANSIDE  
 DEVELOPMENT SERVICES

EXHIBIT NO. 6
APPLICATION NO.
<b>A-6-OCN-13-</b>
<b>017/-018</b>
Applicant's Renderings
Page 1 of 6
California Coastal Commission



**ARCHITECT:**  
**STUDIO 4**  
2609 MESA DRIVE  
OCEANSIDE, CA 92054  
(760) 722-4804 FH  
(760) 723-4803 FX  
p.blanton@gmail.com  
**PAUL BLANTON**  
PRINCIPAL

**PROJECT:**  
ADDITION AT  
817 S. PACIFIC ST.  
OCEANSIDE, CA

**OWNER:**  
**STRANDS END  
LIMITED, LLC**  
**MANAGING MEMBER**  
**JAMES DODSON**  
**421 Q STREET**  
**BEAVER CITY, NE 68926**

**OWNER'S REP:**  
**PAUL LONGTON**  
**STUDIO 4 ARCHITECTS**  
2909 MESA DRIVE  
OCEANSIDE, CA 92054  
(760) 772-4304

RELEASE DATES:  
ISSUED: 03/14/72  
REVISED:

**DRAWING STATUS:**

- ☐ (U)T (U)NTERED (NEW)
- ☐ (P)RINTED (NEW)
- ☐ (E)DIT (NEW)
- ☐ (A)LL (NEW)
- ☐ (O)PEN (NEW)

STUDENT'S NAME: \_\_\_\_\_

STUDENT'S ID: \_\_\_\_\_

STUDENT'S GRADE: \_\_\_\_\_

STUDENT'S SIGNATURE: \_\_\_\_\_

STUDENT'S DATE: \_\_\_\_\_

STUDENT'S PHONE: \_\_\_\_\_

STUDENT'S EMAIL: \_\_\_\_\_

STUDENT'S ADDRESS: \_\_\_\_\_

STUDENT'S CITY: \_\_\_\_\_

STUDENT'S STATE: \_\_\_\_\_

STUDENT'S ZIP: \_\_\_\_\_

STUDENT'S COUNTRY: \_\_\_\_\_

STUDENT'S BIRTHDAY: \_\_\_\_\_

STUDENT'S GENDER: \_\_\_\_\_

STUDENT'S RELIGION: \_\_\_\_\_

STUDENT'S OCCUPATION: \_\_\_\_\_

STUDENT'S INTERESTS: \_\_\_\_\_

STUDENT'S HOBBIES: \_\_\_\_\_

STUDENT'S SPORTS: \_\_\_\_\_

STUDENT'S MUSIC: \_\_\_\_\_

STUDENT'S BOOKS: \_\_\_\_\_

STUDENT'S MOVIES: \_\_\_\_\_

STUDENT'S TV SHOWS: \_\_\_\_\_

STUDENT'S GAMES: \_\_\_\_\_

STUDENT'S TOYS: \_\_\_\_\_

STUDENT'S CLOTHING: \_\_\_\_\_

STUDENT'S SHOES: \_\_\_\_\_

STUDENT'S ACCESSORIES: \_\_\_\_\_

STUDENT'S PET: \_\_\_\_\_

STUDENT'S CAR: \_\_\_\_\_

STUDENT'S HOUSE: \_\_\_\_\_

STUDENT'S GARDEN: \_\_\_\_\_

STUDENT'S POOL: \_\_\_\_\_

STUDENT'S TRAVEL: \_\_\_\_\_

STUDENT'S FOOD: \_\_\_\_\_

STUDENT'S DRINKS: \_\_\_\_\_

STUDENT'S SWEETS: \_\_\_\_\_

STUDENT'S SALT: \_\_\_\_\_

STUDENT'S PEPPER: \_\_\_\_\_

STUDENT'S HERBS: \_\_\_\_\_

STUDENT'S OILS: \_\_\_\_\_

STUDENT'S VINEGARS: \_\_\_\_\_

STUDENT'S SPICES: \_\_\_\_\_

STUDENT'S YEAST: \_\_\_\_\_

STUDENT'S BAKING: \_\_\_\_\_

STUDENT'S COOKING: \_\_\_\_\_

STUDENT'S CLEANING: \_\_\_\_\_

STUDENT'S MAINTENANCE: \_\_\_\_\_

STUDENT'S REPAIRS: \_\_\_\_\_

STUDENT'S ASSEMBLY: \_\_\_\_\_

STUDENT'S DISASSEMBLY: \_\_\_\_\_

STUDENT'S TESTING: \_\_\_\_\_

STUDENT'S MEASUREMENTS: \_\_\_\_\_

STUDENT'S CALCULATIONS: \_\_\_\_\_

STUDENT'S RECORDING: \_\_\_\_\_

STUDENT'S ANALYSIS: \_\_\_\_\_

STUDENT'S CONCLUSIONS: \_\_\_\_\_

STUDENT'S RECOMMENDATIONS: \_\_\_\_\_

STUDENT'S EVALUATION: \_\_\_\_\_

STUDENT'S FEEDBACK: \_\_\_\_\_

STUDENT'S COMMENTS: \_\_\_\_\_

STUDENT'S SUGGESTIONS: \_\_\_\_\_

STUDENT'S IDEAS: \_\_\_\_\_

STUDENT'S QUESTIONS: \_\_\_\_\_

STUDENT'S ANSWERS: \_\_\_\_\_

STUDENT'S EXPLANATIONS: \_\_\_\_\_

STUDENT'S EXAMPLES: \_\_\_\_\_

STUDENT'S COUNTEREXAMPLES: \_\_\_\_\_

STUDENT'S PROOFS: \_\_\_\_\_

STUDENT'S REFUTATIONS: \_\_\_\_\_

STUDENT'S CONJECTURES: \_\_\_\_\_

STUDENT'S HYPOTHESES: \_\_\_\_\_

STUDENT'S THEOREMS: \_\_\_\_\_

STUDENT'S LEMMAS: \_\_\_\_\_

STUDENT'S COROLLARIES: \_\_\_\_\_

STUDENT'S DEFINITIONS: \_\_\_\_\_

STUDENT'S NOTATIONS: \_\_\_\_\_

STUDENT'S SYMBOLS: \_\_\_\_\_

STUDENT'S OPERATORS: \_\_\_\_\_

STUDENT'S RELATIONS: \_\_\_\_\_

STUDENT'S FUNCTIONS: \_\_\_\_\_

STUDENT'S SETS: \_\_\_\_\_

STUDENT'S NUMBERS: \_\_\_\_\_

STUDENT'S ALGEBRA: \_\_\_\_\_

STUDENT'S GEOMETRY: \_\_\_\_\_

STUDENT'S TRIGONOMETRY: \_\_\_\_\_

STUDENT'S CALCULUS: \_\_\_\_\_

STUDENT'S STATISTICS: \_\_\_\_\_

STUDENT'S PROBABILITY: \_\_\_\_\_

STUDENT'S LOGIC: \_\_\_\_\_

STUDENT'S PHILOSOPHY: \_\_\_\_\_

STUDENT'S ETHICS: \_\_\_\_\_

STUDENT'S POLITICS: \_\_\_\_\_

STUDENT'S ECONOMICS: \_\_\_\_\_

STUDENT'S HISTORY: \_\_\_\_\_

STUDENT'S SCIENCE: \_\_\_\_\_

STUDENT'S ART: \_\_\_\_\_

STUDENT'S MUSIC: \_\_\_\_\_

STUDENT'S DANCE: \_\_\_\_\_

STUDENT'S THEATRE: \_\_\_\_\_

STUDENT'S FILM: \_\_\_\_\_

STUDENT'S VIDEO: \_\_\_\_\_

STUDENT'S AUDIO: \_\_\_\_\_

STUDENT'S PHOTOGRAPHY: \_\_\_\_\_

STUDENT'S JOURNALISM: \_\_\_\_\_

STUDENT'S WRITING: \_\_\_\_\_

STUDENT'S SPEECH: \_\_\_\_\_

STUDENT'S DEBATE: \_\_\_\_\_

STUDENT'S NEGOTIATION: \_\_\_\_\_

STUDENT'S MEDIATION: \_\_\_\_\_

STUDENT'S CONFLICT RESOLUTION: \_\_\_\_\_

STUDENT'S LEADERSHIP: \_\_\_\_\_

STUDENT'S TEAMWORK: \_\_\_\_\_

STUDENT'S COMMUNICATION: \_\_\_\_\_

STUDENT'S INTERPERSONAL SKILLS: \_\_\_\_\_

STUDENT'S SOCIAL SKILLS: \_\_\_\_\_

STUDENT'S LIFE SKILLS: \_\_\_\_\_

STUDENT'S PERSONAL SKILLS: \_\_\_\_\_

STUDENT'S PROFESSIONAL SKILLS: \_\_\_\_\_

STUDENT'S ACADEMICAL SKILLS: \_\_\_\_\_

STUDENT'S TECHNICAL SKILLS: \_\_\_\_\_

STUDENT'S CREATIVE SKILLS: \_\_\_\_\_

STUDENT'S CRITICAL THINKING: \_\_\_\_\_

STUDENT'S PROBLEM SOLVING: \_\_\_\_\_

STUDENT'S DECISION MAKING: \_\_\_\_\_

STUDENT'S TIME MANAGEMENT: \_\_\_\_\_

STUDENT'S ORGANIZATION: \_\_\_\_\_

STUDENT'S PRIORITY SETTING: \_\_\_\_\_

STUDENT'S GOAL SETTING: \_\_\_\_\_

STUDENT'S ACTION PLANNING: \_\_\_\_\_

STUDENT'S MONITORING: \_\_\_\_\_

STUDENT'S EVALUATION: \_\_\_\_\_

STUDENT'S ADJUSTMENT: \_\_\_\_\_

STUDENT'S IMPROVEMENT: \_\_\_\_\_

STUDENT'S GROWTH: \_\_\_\_\_

STUDENT'S DEVELOPMENT: \_\_\_\_\_

STUDENT'S PROGRESS: \_\_\_\_\_

STUDENT'S ACHIEVEMENT: \_\_\_\_\_

STUDENT'S SUCCESS: \_\_\_\_\_

STUDENT'S SATISFACTION: \_\_\_\_\_

STUDENT'S HAPPINESS: \_\_\_\_\_

STUDENT'S WELL-BEING: \_\_\_\_\_

STUDENT'S HEALTH: \_\_\_\_\_

STUDENT'S FITNESS: \_\_\_\_\_

STUDENT'S NUTRITION: \_\_\_\_\_

STUDENT'S EXERCISE: \_\_\_\_\_

STUDENT'S REST: \_\_\_\_\_

STUDENT'S SLEEP: \_\_\_\_\_

STUDENT'S STRESS: \_\_\_\_\_

STUDENT'S ANXIETY: \_\_\_\_\_

STUDENT'S DEPRESSION: \_\_\_\_\_

STUDENT'S BURNOUT: \_\_\_\_\_

STUDENT'S RESILIENCE: \_\_\_\_\_

STUDENT'S PERSISTENCE: \_\_\_\_\_

STUDENT'S DETERMINATION: \_\_\_\_\_

STUDENT'S COMMITMENT: \_\_\_\_\_

STUDENT'S DEDICATION: \_\_\_\_\_

STUDENT'S PASSION: \_\_\_\_\_

STUDENT'S ENTHUSIASM: \_\_\_\_\_

STUDENT'S MOTIVATION: \_\_\_\_\_

STUDENT'S INSPIRATION: \_\_\_\_\_

STUDENT'S IDEAS: \_\_\_\_\_

STUDENT'S VISION: \_\_\_\_\_

STUDENT'S MISSION: \_\_\_\_\_

STUDENT'S PURPOSE: \_\_\_\_\_

STUDENT'S MEANING: \_\_\_\_\_

STUDENT'S VALUE: \_\_\_\_\_

STUDENT'S PRINCIPLE: \_\_\_\_\_

STUDENT'S ETHICS: \_\_\_\_\_

STUDENT'S MORALS: \_\_\_\_\_

STUDENT'S BELIEFS: \_\_\_\_\_

STUDENT'S FAITH: \_\_\_\_\_

STUDENT'S TRUST: \_\_\_\_\_

STUDENT'S HOPE: \_\_\_\_\_

STUDENT'S LOVE: \_\_\_\_\_

STUDENT'S COMPASSION: \_\_\_\_\_

STUDENT'S KINDNESS: \_\_\_\_\_

STUDENT'S GENEROSITY: \_\_\_\_\_

STUDENT'S HUMILITY: \_\_\_\_\_

STUDENT'S PATIENCE: \_\_\_\_\_

STUDENT'S TOLERANCE: \_\_\_\_\_

STUDENT'S FORGIVENESS: \_\_\_\_\_

STUDENT'S MERCY: \_\_\_\_\_

STUDENT'S GRACE: \_\_\_\_\_

STUDENT'S PEACE: \_\_\_\_\_

STUDENT'S JOY: \_\_\_\_\_

STUDENT'S BLISS: \_\_\_\_\_

STUDENT'S EUPHORIA: \_\_\_\_\_

STUDENT'S ECSTASY: \_\_\_\_\_

STUDENT'S TRANSCENDENT EXPERIENCE: \_\_\_\_\_

STUDENT'S SPIRITUALITY: \_\_\_\_\_

STUDENT'S RELIGION: \_\_\_\_\_

STUDENT'S BELIEFS: \_\_\_\_\_

STUDENT'S FAITH: \_\_\_\_\_

STUDENT'S TRUST: \_\_\_\_\_

STUDENT'S HOPE: \_\_\_\_\_

STUDENT'S LOVE: \_\_\_\_\_

STUDENT'S COMPASSION: \_\_\_\_\_

STUDENT'S KINDNESS: \_\_\_\_\_

STUDENT'S GENEROSITY: \_\_\_\_\_

STUDENT'S HUMILITY: \_\_\_\_\_

STUDENT'S PATIENCE: \_\_\_\_\_

STUDENT'S TOLERANCE: \_\_\_\_\_

STUDENT'S FORGIVENESS: \_\_\_\_\_

STUDENT'S MERCY: \_\_\_\_\_

STUDENT'S GRACE: \_\_\_\_\_

STUDENT'S PEACE: \_\_\_\_\_

STUDENT'S JOY: \_\_\_\_\_

STUDENT'S BLISS: \_\_\_\_\_

STUDENT'S EUPHORIA: \_\_\_\_\_

STUDENT'S ECSTASY: \_\_\_\_\_

STUDENT'S TRANSCENDENT EXPERIENCE: \_\_\_\_\_

STUDENT'S SPIRITUALITY: \_\_\_\_\_

STUDENT'S RELIGION: \_\_\_\_\_

STUDENT'S BELIEFS: \_\_\_\_\_

STUDENT'S FAITH: \_\_\_\_\_

STUDENT'S TRUST: \_\_\_\_\_

STUDENT'S HOPE: \_\_\_\_\_

STUDENT'S LOVE: \_\_\_\_\_

STUDENT'S COMPASSION: \_\_\_\_\_

STUDENT'S KINDNESS: \_\_\_\_\_

STUDENT'S GENEROSITY: \_\_\_\_\_

STUDENT'S HUMILITY: \_\_\_\_\_

STUDENT'S PATIENCE: \_\_\_\_\_

STUDENT'S TOLERANCE: \_\_\_\_\_

STUDENT'S FORGIVENESS: \_\_\_\_\_

STUDENT'S MERCY: \_\_\_\_\_

STUDENT'S GRACE: \_\_\_\_\_

STUDENT'S PEACE: \_\_\_\_\_

STUDENT'S JOY: \_\_\_\_\_

STUDENT'S BLISS: \_\_\_\_\_

STUDENT'S EUPHORIA: \_\_\_\_\_

STUDENT'S ECSTASY: \_\_\_\_\_

STUDENT'S TRANSCENDENT EXPERIENCE: \_\_\_\_\_

STUDENT'S SPIRITUALITY: \_\_\_\_\_

STUDENT'S RELIGION: \_\_\_\_\_

STUDENT'S BELIEFS: \_\_\_\_\_

STUDENT'S FAITH: \_\_\_\_\_

STUDENT'S TRUST: \_\_\_\_\_

STUDENT'S HOPE: \_\_\_\_\_

STUDENT'S LOVE: \_\_\_\_\_

STUDENT'S COMPASSION: \_\_\_\_\_

STUDENT'S KINDNESS: \_\_\_\_\_

STUDENT'S GENEROSITY: \_\_\_\_\_

STUDENT'S HUMILITY: \_\_\_\_\_

STUDENT'S PATIENCE: \_\_\_\_\_

STUDENT'S TOLERANCE: \_\_\_\_\_

STUDENT'S FORGIVENESS: \_\_\_\_\_

STUDENT'S MERCY: \_\_\_\_\_

STUDENT'S GRACE: \_\_\_\_\_

STUDENT'S PEACE: \_\_\_\_\_

STUDENT'S JOY: \_\_\_\_\_

STUDENT'S BLISS: \_\_\_\_\_

STUDENT'S EUPHORIA: \_\_\_\_\_

STUDENT'S ECSTASY: \_\_\_\_\_

STUDENT'S TRANSCENDENT EXPERIENCE: \_\_\_\_\_

STUDENT'S SPIRITUALITY: \_\_\_\_\_

STUDENT'S RELIGION: \_\_\_\_\_

STUDENT'S BELIEFS: \_\_\_\_\_

STUDENT'S FAITH: \_\_\_\_\_

STUDENT'S TRUST: \_\_\_\_\_

STUDENT'S HOPE: \_\_\_\_\_

STUDENT'S LOVE: \_\_\_\_\_

STUDENT'S COMPASSION: \_\_\_\_\_

STUDENT'S KINDNESS: \_\_\_\_\_

STUDENT'S GENEROSITY: \_\_\_\_\_

STUDENT'S HUMILITY: \_\_\_\_\_

STUDENT'S PATIENCE: \_\_\_\_\_

STUDENT'S TOLERANCE: \_\_\_\_\_

STUDENT'S FORGIVENESS: \_\_\_\_\_

STUDENT'S MERCY: \_\_\_\_\_

STUDENT'S GRACE: \_\_\_\_\_

STUDENT'S PEACE: \_\_\_\_\_

STUDENT'S JOY: \_\_\_\_\_

STUDENT'S BLISS: \_\_\_\_\_

STUDENT'S EUPHORIA: \_\_\_\_\_

STUDENT'S ECSTASY: \_\_\_\_\_

STUDENT'S TRANSCENDENT EXPERIENCE: \_\_\_\_\_

STUDENT'S SPIRITUALITY: \_\_\_\_\_

STUDENT'S RELIGION: \_\_\_\_\_

STUDENT'S BELIEFS: \_\_\_\_\_

STUDENT'S FAITH: \_\_\_\_\_

STUDENT'S TRUST: \_\_\_\_\_

STUDENT'S HOPE: \_\_\_\_\_

STUDENT'S LOVE: \_\_\_\_\_

STUDENT'S COMPASSION: \_\_\_\_\_

STUDENT'S KINDNESS: \_\_\_\_\_

STUDENT'S GENEROSITY: \_\_\_\_\_

STUDENT'S HUMILITY: \_\_\_\_\_

STUDENT'S PATIENCE: \_\_\_\_\_

STUDENT'S TOLERANCE: \_\_\_\_\_

STUDENT'S FORGIVENESS: \_\_\_\_\_

STUDENT'S MERCY: \_\_\_\_\_

STUDENT'S GRACE: \_\_\_\_\_

STUDENT'S PEACE: \_\_\_\_\_

STUDENT'S JOY: \_\_\_\_\_

STUDENT'S BLISS: \_\_\_\_\_

STUDENT'S EUPHORIA: \_\_\_\_\_

STUDENT'S ECSTASY: \_\_\_\_\_

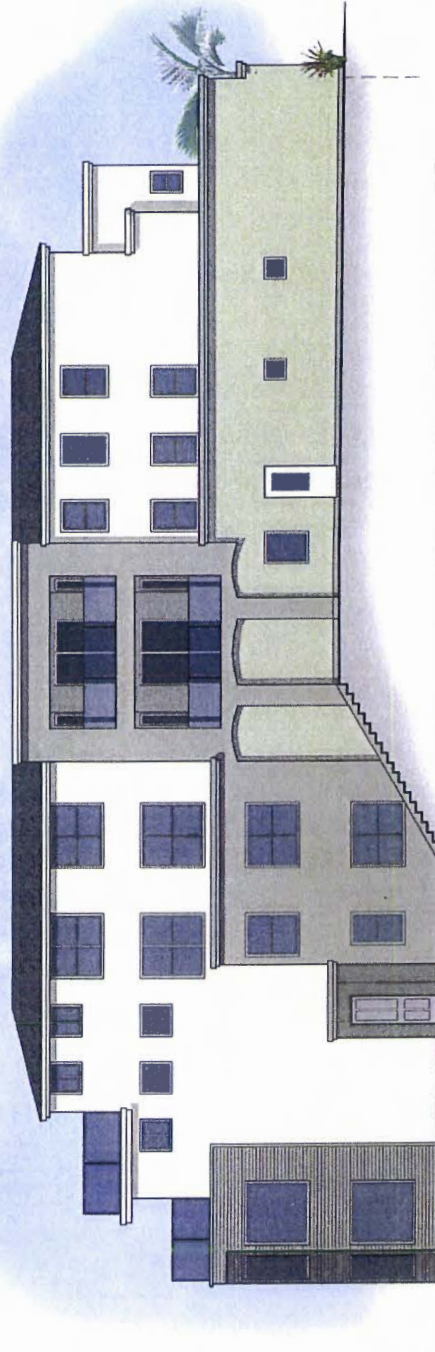
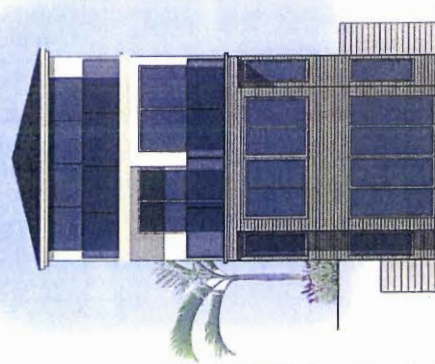
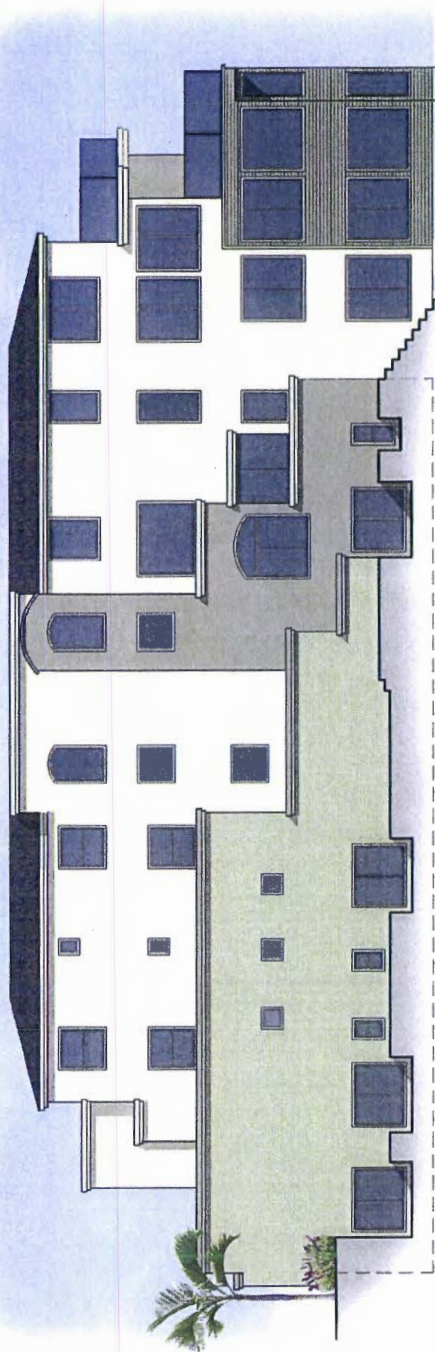
STUDENT'S TRANSCENDENT EXPERIENCE: \_\_\_\_\_

STUDENT'S SPIRITUAL

JOB NO.	MSR
DRAWN BY	MSR
CHECKED BY	MSR

**EXTERIOR  
ELEVATIONS**

**SHEET NO.:**

















# Proposed Project

800 Block, S. Pacific St.

						
<b>LOT 14</b> 825 S. Pacific	<b>LOT 13</b> 823 S. Pacific	<b>LOT 12</b> 821 S. Pacific <i>819</i>	<b>LOT 11</b> 819 S. Pacific <i>817</i>	<b>LOT 10</b> 815 S. Pacific <i>815</i>	<b>LOT 9</b> 813 S. Pacific	<b>LOT 8</b> 811 S. Pacific
						
						
						





EXHIBIT NO. 7  
APPLICATION NO.  
**A-6-OCN-13-  
017/-018**

### Realquest Parcel History

150-35  
SHT 1 OF 3

$$\frac{152}{1}$$
 $1''=100'$ 

10/11/11 MGC

CHANGES			
BULK	OLD	NEW	YR CUT
3352	84.9	1.3	70.3313
3351	2	8	73.144
3351	8	ANDY	73.567
3356	1	10.11	74.2310
3356	10.11	12	76.36
3356	12	CHRYL	76.422
3355	54.6	1.3	80.1793
3354	3	1	81.223
3352	5	14	83.44
3352	7	ANDY	83.618
3353	7	SAME	83.6163
3353	7	14	84.388
3352	14	CONDR	86.503
3352	14	CONDR	86.503
3355	16.2	15	89.53
3355	16.2	15	89.53
3355	15	CONDR	89.686
3356	3.14	13	96.1377
3352	6	154.16	100.1079
3355	13	CONDO	100.650
3356	5	14-16	101.1815
3356	13	CONDR	101.07.5818
3356	8	17-19	107.1558
3356	7	204.21	108.1281
3356	6	224.23	109.1112
3353	12	CONDO	112.539

CONCLUSIONS

CONDIM  
BLUEWATER PROPERTIES  
DOC81-369181  
(SEE SHT. 3)

2\* CASA DEL MAR CONDM  
(SEE SHT 2)

3. CONDM

SEA SPRAY VILLAS  
(SEE LIST 2)

1. COND

4 • CONDOM  
TAIT STREET

DOC 84-471497

CONFIRM (SEE SHT. 3)

5# CONDM  
EDGEWATER

DOC89-027854

(SEE SHT. 3)

6\* CONDO

PACIFIC VIEW  
DOC99-764894

(SEE SHT 3)

7<sup>th</sup> CONDO (PEND)809 SOUTH PACIFIC S  
PO BOX 200474

DOC2006-0291174

8° NO ACCESS

9\* CONDO

916 TAIT ST

DOC11-0373724  
(SEE SHT 3)

(סכך 111)

07

MYERS ST

353

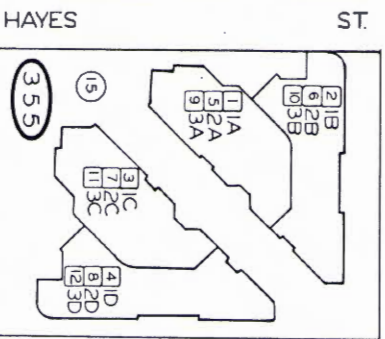
A 01 B 02

TAIT ST

916 TAIT ST  
DOC 11-0373724  
PAR 1-PM20904

ASSESSMENT PAR NO  
150-353-12 SUB ID 01 - 02

PACIFIC ST.

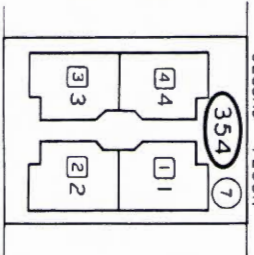


THE STRAND

EDGEWATER  
DOC 89-027854  
LOT 1  
ASSESSMENT PAR NO  
150-355-15 SUB ID 01 - 12

TAIT ST.

SECOND FLOOR



PACIFIC ST.

ASSESSMENT PAR. NO.  
150-354-07 SUB ID 01 - 06

150-35  
SHT. 3

NO SCALE

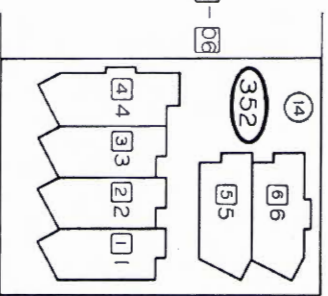
10/11/11 MGC

BLUEWATER PROPERTIES  
DOC 81-369181  
LOT 1

MYERS ST.

TAIT STREET  
DOC 84-471497  
LOT 1

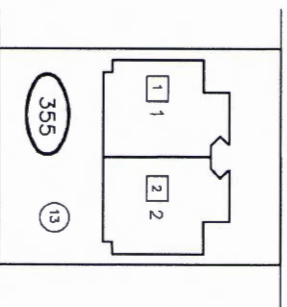
ASSESSMENT PAR. NO  
150-352-14 SUB ID 01 - 06



HAYES ST.

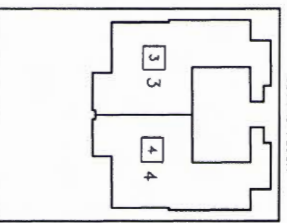
PACIFIC ST

FIRST FLOOR



THE STRAND

SECOND FLOOR



PACIFIC VIEW  
DOC 99-764894  
PM LOT 1

ASSESSMENT PAR NO  
150-355-13 SUB ID 01 - 04

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES

SAN DIEGO COUNTY  
ASSESSOR'S MAP  
BOOK 150, PAGE 35, SHT. 3

CONDOMINIUMS  
2\*MAP 10399 - TAIT STREET CONDOMINIUMS  
1\*MAP 9816 - BLUEWATER PROPERTIES

www.scmv.com  
619.685.3003  
619.685.3100 FAX

750 B STREET, SUITE 2100  
SAN DIEGO, CALIFORNIA 92101

4  
SELTZER | CAPLAN | McMAHON | VITEK  
A LAW CORPORATION

Erik L. Schraner  
SCHRANER@SCMV.COM  
(619) 685-3187  
(619) 702-6848 FAX

May 17, 2013

RECEIVED

MAY 20 2013

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT  
Via E-mail & U.S. Mail

Toni Ross  
Coastal Program Analyst  
San Diego Coast District  
California Coastal Commission  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4402

Re: 817 and 819 South Pacific Street, Oceanside, California

Dear Ms. Ross:

The applicant for the coastal permit application for 817 and 819 South Pacific Street claims that 817 and 819 South Pacific Street are two separate legal lots. For the reasons discussed in this letter, Beachin LLC believes that 817 and 819 South Pacific Street are one legal lot.

Applicant asserts that the Myers Annex map recorded in 1906 created two separate lots – lots 11 and 12 in Block C of the Myers Annex map – and that these are legal nonconforming lots.

Old maps are a recurring problem. Property owners routinely discover old maps recorded before 1929 and assume that the old map created legal lots. The resulting disagreement has resulted in a California Supreme Court Case and several Court of Appeals opinion. In *Gardner*, the California Supreme Court ruled that maps recorded before the effective date of the first statewide map legislation enacted in 1893 do not create legal lots unless the lot was conveyed in accordance with the subdivision laws then in effect.<sup>1</sup> *Witt Home Ranch* extended this rule to maps recorded in 1915 or earlier<sup>2</sup> and *Abernathy Valley* extended the rule to maps recorded in 1909 or earlier.<sup>3</sup>

A map recorded in 1909 or earlier can only create a legal lot if (1) a map was recorded and (2) the lot was actually conveyed separately from any other lots in compliance with the law in effect at the time of the conveyance. This is different than modern maps, which create legal lots upon recordation of the map.

<sup>1</sup> *Gardner v. County of Sonoma* (2003) 29 Cal.4<sup>th</sup> 990, at 1001, 1002-1003.


<sup>2</sup> *Witt Home Ranch, Inc. v. County of Sonoma* (2008) 165 Cal.App.4<sup>th</sup> 543.

<sup>3</sup> *Abernathy Valley, Inc. v. County of Solana* (2009) 173 Cal.App.4<sup>th</sup> 42.

EXHIBIT NO. 8  
APPLICATION NO.  
**A-6-OCN-13-**  
**017/-018**

Letter from Appellant  
dated May 17, 2013

Page 1 of 23

 California Coastal Commission



Toni Ross

May 17, 2013

Page 2

The Coastal Commission has addressed this issue before, including Coastal Commission Appeal A-2-HMB-10-001. In this appeal, Coastal Commission staff recommended that the Commission determine that a substantial issue exists because the applicant had not provided sufficient evidence that a 1907 tract map created separate legal lots. The Staff Report (copy attached as **Attachment A** (exhibits excluded)) included the following discussion of the information needed to evaluate the 1907 map:

Because appearance on a 1907 map does not establish lot legality and there is evidence that the property to be developed was historically transferred as a single parcel and is in single ownership, further analysis of both the legality and the development potential of the property proposed for development is required before any development may be authorized on the property. This analysis must include, but is not limited to, the following:

- A. The historic chain of title for all undeveloped property held by either the current or previous landowner or the previous landowner's management company in the Ocean Shore Tract, including the property to be developed and all adjacent property;
- B. Information to establish the legality of all undeveloped property held by either the current or previous landowner or the previous landowner's management company in the Ocean Shore Tract, including the property to be developed and all adjacent property. Such information shall include certificates of compliance, grant deeds and information demonstrating whether all such property complies with the provisions of the Subdivision Map Act and the County Ordinances enacted pursuant.

For 817 and 819 South Pacific Street, this means that each "lot" on the 1906 Meyers Annex Map would have to have been conveyed independent of each other before the State enacted the first Subdivision Map Act in 1929. Attached as **Attachment B** are grant deeds tracing the ownership of 817 and 819 South Pacific back to 1960. It appears that 817 and 819 South Pacific Street were not conveyed independent of each other until 2008 and the appellant believes that the 2008 conveyance resulted in a sale between common ownership interests or related parties.

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

Toni Ross

May 17, 2013

Page 3

In the event that the parties to the 2008 transfer were good faith purchasers, the Subdivision Map Act would require the purchaser to apply for and obtain a certificate of compliance in accordance with the Subdivision Map Act.<sup>4</sup> The applicant has not done so; therefore, 817 and 819 South Pacific Street appear to be one lot.

**Conclusion.**

This appeal is identical to the appeal described in the attached Half Moon Bay appeal. Because appearance on a 1906 map does not establish lot legality and there is evidence that the property to be developed was historically transferred as a single parcel (see Attachment B), further analysis of both the legality and the development potential is required. We, therefore, request that the Coastal Commission determine that a substantial issue exists so the legality and development potential of the property can be determined.

Very truly yours,



Erik L. Schraner  
Seltzer Caplan McMahon Vitek  
A Law Corporation

cc: Beachin, LLC

---

<sup>4</sup> Gov. Code §66412.6(b)

# **ATTACHMENT A**



## CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400

**W10b**

Filed: January 8, 2010  
49 Days: February 26, 2010  
Staff: M. Cavalieri  
Staff Report: January 28, 2010  
Hearing Date: February 10, 2010

**STAFF REPORT: APPEAL**  
**SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: City of Half Moon Bay

LOCAL DECISION: Approval with conditions

APPEAL NUMBER: Appeal A-2-HMB-10-001

APPLICANT: Marcos and Esther Hernandez

APPELLANTS: Commissioners Mark Stone and Steve Blank

PROJECT LOCATION: 306 Ralston Avenue, Half Moon Bay, San Mateo County

PROJECT DESCRIPTION: Construction of a new two-story single-family residence with road extension and associated infrastructure

---

**Recommendation:** Staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which appeal A-2-HMB-10-001 was filed. Staff recommends a **NO** vote on the following motion & resolution:

***Motion & Resolution.** I move that the Commission determine and resolve that: Appeal Number A-2-HMB-10-001 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Coastal Act Section 30603 regarding consistency with the certified Local Coastal Program and/or the public access policies of the Coastal Act.*

Following the staff recommendation via a NO vote will result in the Commission conducting a *de novo* hearing on the application and adoption of the following findings. Passage of this motion, via a YES vote, thereby rejecting the staff recommendation, will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.



**Findings:** On December 7, 2009, the City of Half Moon Bay approved a coastal development permit to authorize the construction of a new, two-story single-family residence with road extension and associated infrastructure located within an R-1-B-2 district. The development site consists of one assessor's parcel number (APN) that is purportedly made up of five, 25' wide lots. The City's approval includes a condition requiring three of those purportedly divided lots to be merged. The appellants, Commissioners Mark Stone and Steve Blank, claim the approved development is inconsistent with the policies of the City's certified Local Coastal Program, including policies related to coastal development permit (CDP) requirements, public access, visual resources, development, and infrastructure.

Coastal Act section 30625(b) requires the Commission to hear an appeal unless it determines that no substantial issue exists with respect to the grounds on which the appeal has been filed.<sup>1</sup> Commission staff has analyzed the City's Final Local Action Notice for the development (Exhibit 1), appellant's claims (Exhibit 2), and the relevant requirements of the LCP (Exhibit 3). The appeal raises a substantial issue of conformance with the LCP as explained below.

#### A Division of Land Requires A CDP

The five purportedly divided 25' lots are shown on a map of the Ocean Shore Tract dated 1907. However, appellate case law has definitively instructed that appearance on such a map does not establish that the property was legally divided. Instead, the Court of Appeal decisions in both *Witt Home Ranch v. County of Sonoma* (2008) and *Abernathy Valley, Inc. v. County of Solano* (2009) instruct that the legal status of lots appearing on these ancient subdivision maps is that they are still in common ownership. In addition, because there is evidence that the subject property was historically transferred as a single parcel and because it is currently in single ownership, the development potential of the parcel may be limited to a single economic unit. Further, there is no evidence that the applicant obtained a CDP for land division when they purchased the subject property, even though the property was a portion of a larger property in the same Ocean Shore Tract, dated 1907, that was historically transferred as a single parcel. Additional analysis of both the legality and the development potential of the property proposed for development is required before any development may be authorized on the property, thereby raising a substantial issue of conformance of the approved development with coastal development permit requirements of the certified LCP.

In addition, the R-1-B-2 development standards require at least a 7,500 square foot site area and a 75-foot site width. The City's decision to require the merger of three of the five lots that were purportedly divided would create one standard-sized, 7,500 square foot, 75-foot wide parcel, and either one 50-foot wide substandard parcel, or two 25-foot wide severely substandard parcels.

---

<sup>1</sup> The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues, or those of regional or statewide significance.





However, if the five lots comprising the single assessor parcel that was purportedly divided constitute a developable parcel, the requirement to merge three of the five lots that were purportedly divided may instead constitute a division of a legal parcel into two legal parcels, one of which does not conform to the current zoning requirements. Further, it is unclear if the subject property even comprises one legal parcel, because there is no evidence of a CDP for the division of the subject property from the adjacent property.

An approved division of land is considered development under section 18.20.020.C of the certified Implementation Plan (IP), and therefore requires a coastal development permit. Pursuant to IP section 18.20.070, a CDP may only be approved after the approving authority has made findings that the development conforms to the LCP, that it is consistent with the property development standards of the zoning ordinance, and that the proposed development would be provided with adequate services and infrastructure.

The Commission finds that the appeal raises a substantial issue regarding conformity of the approved development with LCP section 18.20.020 et seq. because a land division of the property: (1) has not been evaluated for consistency with the LCP; (2) has not been authorized through a CDP; and (3) could conflict with the site area requirements of the zoning ordinance. Further, the City did not make the findings required in IP section 18.20.070.

#### Public Access and Road Capacity

The LUP contains policies that require new development to be served by adequate road facilities that must also serve priority uses such as public access and recreation. These LCP policies, including Policies 9-2, 9-4, 10-4, and 10-25, carry out the requirements of Coastal Act Sections 30250(a) and 30252, which the City has adopted as guiding policies to the LCP (See Exhibit 3 for the text of these provisions).

Residential development in the Mid-Coast region is the primary cause of the severe traffic congestion on Mid-Coast Highways 1 and 92. Any increase in the potential level of build-out caused by new subdivisions will lead to even greater demands on infrastructure that cannot support build-out of the existing supply of legal lots in the region. Because there are no alternative access routes to and along the coastline in this area of the coast, the extreme traffic congestion on Highways 1 and 92 significantly interferes with the public's ability to access the area's substantial public beaches and other visitor serving coastal resources in conflict with these policies.

The Commission finds that the appeal raises a substantial issue with regard to LCP policies related to public access, infrastructure and road capacity, including the above mentioned policies, because it could result in an increase in the supply of existing legal lots in Half Moon Bay causing significant adverse cumulative impacts to regional traffic congestion and the public's ability to access the coast.

#### Infrastructure





As discussed above, LUP Policies 9-2, 9-4, and IP section 18.20.070.D require that development shall be served with adequate services and that lack of adequate services shall be grounds for denial of a development permit or reduction in the density otherwise allowed under the LUP.

The Commission finds that the appeal raises a substantial issue of conformance of the approved development with the LCP because the City did not evaluate whether adequate services would be available for the newly created lots and the City did not make the required findings.

#### Visual Resources

The City has adopted various Coastal Act sections as guiding policies for the LCP, including Coastal Act section 30251, Visual resources LUP policy 7-5, and Chapter 18.37 of the certified IP. These policies establish visual resource protection standards that apply to all new development. (Exhibit 3)

The City did not evaluate the land division resulting from the required lot merger for consistency with the visual resources policies of the LCP. The approved land division could result in development of substandard or severely substandard residential lots, potentially leading to more numerous and taller homes that may not be in character with the surrounding neighborhood, thereby raising a substantial issue of conformance with Coastal Act section 30251, LUP policy 7-5, and IP Chapter 18.37. Therefore, the Commission finds that the appeal raises a substantial issue of conformity of the approved development with the visual resources policies of the certified LCP.

#### Substantial Issue Conclusion

The City has not provided factual and legal evidence to support its approval of a new single-family residence and a lot merger at this location. The appeal raises a substantial issue with respect to the conformity of the approved development with the development, public access, infrastructure and visual resources policies of the LUP. These issues are issues of statewide concern addressed in Sections 30210, 30211, 30212 and 30251 of the Coastal Act.

Therefore, for the reasons stated above, the Commission finds that Appeal Number A-2-HMB-10-001 presents a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency of the approved development with the certified Local Coastal Program and the public access policies of the Coastal Act.

#### Information Needed for *De Novo* Review of Application

As stated above, Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue exists with respect to the grounds on which an appeal has been filed. Section 30621 of the Coastal Act instructs the Commission to provide for a *de novo* hearing on all appeals where it has determined that a substantial issue exists with respect to the grounds on which an appeal has been filed. If the Commission finds substantial issue as recommended above, staff also recommends that the Commission continue



the *de novo* hearing to a subsequent date. The *de novo* portion of the appeal must be continued because the Commission does not have sufficient information to determine what, if any, development can be approved, consistent with the certified LCP.

Given that the project the Commission will be considering *de novo* has come to the Commission after an appeal of a local government action, the Commission has not previously been in the position to request information from the applicant needed to determine if the project can be found to be consistent with the certified LCP. Following is a discussion of the information needed to evaluate the development.

Information Needed to Evaluate the Legality of the parcel

Because appearance on a 1907 map does not establish lot legality and there is evidence that the property to be developed was historically transferred as a single parcel and is in single ownership, further analysis of both the legality and the development potential of the property proposed for development is required before any development may be authorized on the property. This analysis must include, but is not limited to, the following:

- A. The historic chain of title for all undeveloped property held by either the current or previous landowner or the previous landowner's management company in the Ocean Shore Tract, including the property to be developed and all adjacent property;
- B. Information to establish the legality of all undeveloped property held by either the current or previous landowner or the previous landowner's management company in the Ocean Shore Tract, including the property to be developed and all adjacent property. Such information shall include certificates of compliance, grant deeds and information demonstrating whether all such property complies with the provisions of the Subdivision Map Act and the County Ordinances enacted pursuant.



# **ATTACHMENT B**



FRED E. HALLFELD and DOROTHY HALLFELD,

husband and wife,

DO HEREBY GRANT TO SIDNEY J. NEWMAN, a widower,

ALL THAT REAL PROPERTY situated in the City of Oceanside,  
County of San Diego, State of California, bounded and described as follows:

Lots 11 and 12 in Block C of Myer's Annex to Oceanside, in  
the City of Oceanside, County of San Diego, State of California,  
according to Map thereof No. 984, filed in the office of the  
County Recorder of said San Diego County, April 13, 1906.  
EXCEPTING THEREFROM all that portion of the herein described  
property heretofore or now lying below the Mean High Tide Line of the  
Pacific Ocean.

WITNESS our hands and seals this 26th day of July 1960

FRED E. HALLFELD

(Seal)

(Seal)

DOROTHY HALLFELD

(Seal)

State of California  
County of San Diego

55.

On July 26, 1960  
before me, the undersigned, a Notary Public in and for said  
County and State, personally appeared  
Fred E. Hallfeld and  
Dorothy Hallfeld  
known to me to be the person whose name is subscribed to the within instrument and acknowledged that  
they executed the same.  
WITNESS my hand and official seal

(Seal)

Notary Public in and for said County and State

After recording, mail to FIRST NATIONAL BANK OF SAN DIEGO  
SAVINGS  
OCEANSIDE BRANCH  
840 South Hill St. P. O. Box 91  
Oceanside, California

SPACE BELOW FOR RECORDER'S USE ONLY

FILE/PAGE NO. 277553  
RECORDED REQUEST OF  
UNION TITLE INSURANCE CO.  
SEP 1 9:00 AM '60  
SERIES 1 BOOK 100  
OFFICIAL RECORDS  
SAN DIEGO COUNTY, CALIF.  
RECORDED



SIDNEY J. NEWMAN, a widower,  
DO HEREBY GRANT TO KENNETH E. WAGGENER and WINIFRED WAGGENER,  
Husband and Wife, as Joint Tenants,

ALL THAT REAL PROPERTY situated in the ..... City of Oceanside, .....  
County of San Diego, State of California, bounded and described as follows:

Lots 11 and 12 in Block "C" of MYER'S ANNEX TO OCEANSIDE, In the City of  
Oceanside, County of San Diego, State of California, according to Map thereof No.  
984, filed in the Office of the County Recorder of said San Diego County April 13,  
1906.

Excepting therefrom all that portion of the herein described property  
heretofore or now lying below the mean high tide line of the Pacific Ocean.

WITNESS hand and seal this Thirtieth day of July 1963

*Sidney J. Newman* (Seal)  
SIDNEY J. NEWMAN (Seal)  
(Seal)

State of California }  
County of San Diego } ss.

On 30th day of July, 1963  
before me, the undersigned, a Notary Public in and for said  
County and State, personally appeared  
SIDNEY J. NEWMAN

known to me to be the person whose name is  
subscribed to the within instrument and acknowledged that  
he executed the same.  
WITNESS my hand and official seal

Notary Public in and for said County and State  
MY COMMISSION EXPIRES 5-7-67

After recording, mail to:

FIRST NATIONAL BANK  
OF SAN DIEGO  
840 South Third Street, Room 91  
Oceanside, California

SPACE BELOW FOR RECORDER'S USE ONLY

FILE/PAGE NO. 136482  
RECORDED IN 111  
SECURITY TITLE INDEX 111  
AUG 5 1963  
SAN DIEGO  
AUGUST 5, 1963

RECORDING REQUESTED BY

73-054994

FILE/PAGE NO. \_\_\_\_\_  
BOOK 1973  
RECORDED REQUEST OF  
Security Title Insurance Company

MAR 2 8:00 AM '73

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

AND WHEN RECORDED MAIL TO

NAME Mr. and Mrs. John D. Durrant Sr.  
ADDRESS 1229 S. Pacific St., Apt. D  
CITY & STATE Oceanside, Calif. 92054

MAIL TAX STATEMENTS TO

NAME Address given Above  
ADDRESS  
CITY & STATE

Assessor's Parcel No. 150-356-06

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Documentary transfer tax \$ 176.00 TRANSFER TAX PAID  
☒ Computed on full value of property conveyed, or  
☐ Computed on full value less liens & encumbrances  
remaining thereon at time of sale.  
Signature of declarant or agent determining tax - firm name  
☐ Unincorporated area ☒ City of Oceanside

## Grant Deed

THIS FORM FURNISHED BY SECURITY TITLE INSURANCE COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Roy T. Breyer and Marty M. Breyer, husband and wife

hereby GRANT(S) to John Dyer Durrant, Sr. and Flora Jean Durrant, husband and wife  
as Joint Tenants

the following described real property in the City of Oceanside  
county of San Diego, state of California:

Lots 11 and 12 in Block "C" of Myer's Annex to Oceanside, City of Oceanside,  
County of San Diego, State of California, according to Map thereof No. 984,  
filed in the Office of the County Recorder of San Diego County, April 13, 1906.

Dated December 5, 1972

Roy T. Breyer

Marty M. Breyer

STATE OF CALIFORNIA } ss.  
COUNTY OF San Diego

On Dec 20, 1972 before me, the under  
signed, a Notary Public in and for said County and State, personally  
appeared

Roy T. Breyer and  
Marty M. Breyer

known to me  
to be the person(s) whose name(s) are subscribed to the within  
instrument and acknowledged that they executed the same.

Signature of Notary

Name (Typed or Printed) of Notary

FOR NOTARY SEAL OR STAMP



Title Order No. H 497344

Escrow No.



RECORDING REQUESTED BY

75-022840  
FILE/PAGE NO.  
BOOK 1975  
RECORDING REQUEST OF  
SAPSCO Title Insurance Company  
JAN 31 8:00 AM '75  
OFFICIAL RECORDS  
SAN DIEGO COUNTY, CALIF.  
MARLEY F. BLOOM  
RECORDER

AND WHEN RECORDED MAIL TO

NAME Waldo H. Adams  
ADDRESS 3402 Centinele Avenue  
CITY & STATE Los Angeles, Ca. 90066

MAIL TAX STATEMENTS TO

NAME  
ADDRESS As directed above  
CITY & STATE

SPACE ABOVE THIS LINE FOR RECORDER'S USE

TRANSFER TAX PAID

Documentary transfer tax \$ 48.40 MARLEY F. BLOOM, RECORDER  
☐ Computed on full value of property conveyed, or  
☒ Computed on full value less liens & encumbrances  
remaining thereon at time of sale.

San Diego Federal *James M. Miller*  
Signature of declarant or agent determining tax - firm name  
☐ Unincorporated area ☒ City of Oceanside

## Grant Deed

AP 7000-150-356-C6

L-1

THIS FORM FURNISHED BY SECURITY TITLE INSURANCE COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
JOHN DYER DURRANT, SR. AND FLORA JEAN DURRANT, HUSBAND AND WIFE,

hereby GRANT(S) to

WALDO H. ADAMS AND DANNETTE E. ADAMS, HUSBAND AND WIFE AS JOINT TENANTS

the following described real property in the City of Oceanside  
county of San Diego, state of California:

Lots 11 and 12 in Block "C" of Myers Annex to Oceanside, City of Oceanside, County  
of San Diego, State of California, according to Map thereof No. 984, filed in the  
Office of the County Recorder of San Diego County April 13, 1906.

Dated January 24, 1975

*John Dyer Durrant, Sr.*  
JOHN DYER DURRANT, SR.  
*Flora Jean Durrant*  
FLORA JEAN DURRANT

STATE OF CALIFORNIA

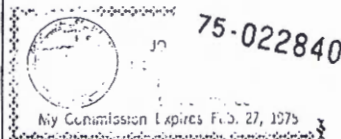
COUNTY OF San Diego } SS.

On January 24, 1975 before me, the under-  
signed, a Notary Public in and for said County and State, personally  
appeared John Dyer Durrant, Sr. and  
Flora Jean Durrant

known to me  
to be the persons whose names are subscribed to the within  
instrument and acknowledged that they executed the same.

*Joanne M. Miller*  
Signature of Notary  
JOANNE M. MILLER  
Name (Typed or Printed) of Notary

FOR NOTARY SEAL OR STAMP



Title Order No. D-530108 94

Escrow No. 3428

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME Lazy Dolphin North, LTD.  
ADDRESS c/o Rod M. Toothacre  
CITY & STATE 7755 Fay Avenue, Suite "I"  
La Jolla, California 92037

75-319755  
FILE/PAGE NO. BOOK 1975  
RECORDED REQUEST OF  
SAFECO Title Insurance Company  
NOV 14 8:00 AM '75  
OFFICIAL RECORDS  
SAN DIEGO COUNTY, CALIF.  
HARLEY F. BLOOM  
RECORDER

MAIL TAX STATEMENTS TO

NAME same address as stated above  
ADDRESS  
CITY & STATE

SPACE ABOVE THIS LINE FOR RECORDER'S USE.

Documentary transfer tax \$.....89.65 TRANSFER TAX PAID  
☐ Computed on full value of property conveyed, or  
☒ Computed on full value less liens & encumbrances  
remaining thereon at time of sale.  
Signature of declarant or agent determining tax - firm name  
☐ Unincorporated area ☒ City of Oceanside

## Grant Deed

Code 7000  
Tax Parcel No. 150-356-06

L-1

THIS FORM FURNISHED BY SECURITY TITLE INSURANCE COMPANY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

WALDO H. ADAMS and DANNETTE E. ADAMS, husband and wife,

hereby GRANT(S) to Limited  
LAZY DOLPHIN NORTH, LTD., a partnership

the following described real property in the City of Oceanside,  
county of San Diego, state of California:

Lots 11 and 12 in Block "C" of MYERS ANNEX TO OCEANSIDE, according to Map thereof  
No. 984, filed in the office of the County Recorder of said San Diego County,  
April 13, 1906.

Dated October 27, 1975

Waldo H. Adams

STATE OF CALIFORNIA  
COUNTY OF Los Angeles } SS.

On November 6, 1975 before me, the under-  
signed, a Notary Public in and for said County and State, personally  
appeared  
Waldo H. Adams and  
Dannette E. Adams

known to me  
to be the persons whose names are subscribed to the within  
instrument and acknowledged that they executed the same.

Joseph C. Truncale  
Signature of Notary  
Joseph C. TRUNCALÉ  
Name (Typed or Printed) of Notary

Dannette E. Adams

FOR NOTARY SEAL OR STAMP



75-319755

Title Order No. A-441405

Escrow No.

RECORDING REQUESTED BY

77-071181  
FILE/PAGE NO.

BOOK 1977  
RECORDED REQUEST OF  
SAFECO TITLE INSURANCE COMPANY

FEB 28 8:00 AM '77

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

AND WHEN RECORDED MAIL TO

NAME Marilyn J. Abigt  
ADDRESS 2337 Gum Tree Lane  
CITY & STATE Fallbrook, California 92028

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO

NAME SAME ADDRESS AS STATED ABOVE  
ADDRESS  
CITY & STATE

Documentary transfer tax \$ 63.80  
☐ Computed on full value of property conveyed, or  
☒ Computed on full value less liens & encumbrances  
remaining thereon at time of sale.

Signature of declarant or agent determining tax - firm name  
☐ Unincorporated area & City of Oceanside

TRANSFER TAX PAID  
HARLEY F. BLOOM, RECORDER

Tax Parcel 150-356-06 Code 7000

## Grant Deed

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
LAZY DOLPHIN NORTH, LTD., a limited partnership

hereby GRANT(S) to

MARILYN J. ABIGT, an unmarried woman,

the following described real property in the City of Oceanside,  
county of San Diego, state of California:

Lots 11 and 12 in Block "C" of MYERS ANNEX TO OCEANSIDE, according to Map thereof  
No. 984, filed in the office of the County Recorder of said San Diego County,  
April 13, 1906.

LAZY DOLPHIN NORTH, LTD., a limited  
partnership

Dated February 4, 1977

BY: T. L. & L., INC., a Corporation

BY: *Rod M. Toothacre*

BY:

TO 446 C  
(Corporation as a Partner of a Partnership)

STATE OF CALIFORNIA  
COUNTY OF San Diego } SS.

On February 17, 1977, before me, the undersigned, a Notary Public in and for  
said State, personally appeared Rod M. Toothacre, known to me to be the  
President, and T. L. & L., Inc., known to me to be the  
Secretary of the within instrument and known to me to be the persons who  
executed the within instrument on behalf of said corporation;

said corporation being known to me to be one of the partners of  
Lazy Dolphin North, Ltd., the partnership  
that executed the within instrument, and acknowledged to me  
that said corporation executed the same as such partner and  
that said partnership executed the same.

WITNESS my hand and official seal.

Signature *[Signature]*  
Name (Typed or Printed)



(This area for official notarial seal)

OR STAMP

NO  
71181



RECORDING REQUESTED BY

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

NAME Theodore K. Gregory and  
ADDRESS Rosalyn M. Gregory  
CITY & STATE 6371 Meadowcrest Drive  
ZIP Huntington Beach, California  
92647

Title Order No. Escrow No. 2933REC77

FILE/PAGE NO. 77-071184  
BOOK 1977  
RECORDED REQUEST OF  
SAFECO TITLE INSURANCE COMPANY  
FEB 28 8:00 AM '77  
OFFICIAL RECORDS  
SAN DIEGO COUNTY, CALIF.  
HARLEY F. BLOOM  
RECORDER

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

Tax Parcel No. 150-356-06  
Code 7000

The undersigned declares that the documentary transfer tax is \$ 41.80 TRANSFER TAX PAID  
☐ computed on the full value of the interest or property conveyed, or is  
☒ computed on the full value less the value of liens or encumbrances remaining thereon at the time of sale. The land,  
tenements or realty is located in  
☐ unincorporated area ☒ city of Oceanside.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

MARILYN J. ABIGT, an unmarried woman,

hereby GRANT(S) to

THEODORE K. GREGORY and ROSALYN M. GREGORY, husband and wife, as joint tenants,

the following described real property in the City of Oceanside  
county of San Diego state of California:

Lots 11 and 12 in Block "C" of MYERS ANNEX TO OCEANSIDE, according to Map thereof  
No. 984, filed in the office of the County Recorder of said San Diego County,  
April 13, 1906.

Dated February 3, 1977

Marilyn J. Abigt  
Marilyn J. Abigt

STATE OF CALIFORNIA }  
COUNTY OF San Diego } SS.

On Feb 3, 1977 before me, the undersigned, a Notary Public in and for said County and State, personally appeared Marilyn J. Abigt.

known to me  
to be the person whose name is subscribed to the within  
instrument and acknowledged that she executed the same.

Marjorie Swallow  
Signature of Notary

FOR NOTARY SEAL OR STAMP



NO 71184

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE. IF NO PARTY SO SHOWN, MAIL AS DIRECTED

Name Street Address City & State  
L-1 (GS.) (Rev. 4-75) 8 pt.

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

Name Mr. and Mrs. A. Sether

Street Address P.O. Box 401

City & State Gig Harbor, Washington 98335 *BP*

MAIL TAX STATEMENTS TO

Name

Street Address

City & State

Grantee at address shown above

SPACE ABOVE THIS LINE FOR RECORDER'S USE

FILE/PAGE NO. **78-467442**

BOOK 1978

RECORDED REQUEST OF  
SAFECO TITLE INSURANCE COMPANY

OCT 30 8:00 AM '78

OFFICIAL RECORDS  
SAN DIEGO COUNTY, CALIF.

RECORDER

*44-586988*  
*(7000) 150-356-06*

## Grant Deed

The undersigned grantor(s) declare(s): **TRANSFER TAX PAID**  
Documentary transfer tax is \$ 140.80 **SAN DIEGO COUNTY RECORDER**  
( ) computed on full value of property conveyed, or  
(XX) computed on full value less value of liens and encumbrances remaining at time of sale.  
( ) Unincorporated area: (XX) City of Oceanside, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

THEODORE K. GREGORY AND ROSALYN M. GREGORY, husband and wife

hereby GRANT(S) to

A. SETHER AND GEIL SETHER, husband and wife as joint tenants

the following described real property in the City of Oceanside  
County of San Diego, State of California:

Lots 11 and 12 in Block "C" of MYERS ANNEX TO OCEANSIDE, in the City of Oceanside,  
County of San Diego, State of California, according to Map thereof No. 984, filed  
in the office of the County Recorder of San Diego County, April 13, 1906.

SUBJECT TO:

1. All General and Special taxes for fiscal year 1978/1979, a lien not yet payable.
2. Covenants, conditions, restrictions, reservations, rights, rights of way and easements of record.

Dated September 15, 1978

*Theodore K. Gregory*  
Theodore K. Gregory

STATE OF CALIFORNIA  
COUNTY OF Orange

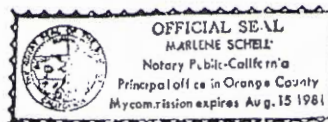
On 10-5-78, before me, the under-  
signed, a Notary Public in and for said State, personally appeared  
Theodore K. Gregory and Rosalyn M. Gregory

*Rosalyn M. Gregory*  
Rosalyn M. Gregory

known to me  
to be the person(s) whose name(s) are subscribed to the within  
instrument and acknowledged that they executed the same.  
WITNESS my hand and official seal.

Signature

Name (Typed or Printed)



3-937

Escrow or Loan No.

MAIL TAX STATEMENTS AS DIRECTED ABOVE

No 467442

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

Name Mr. Stanley M. Rosen  
Street Address 1565 Corsica  
City & State Laguna Beach, CA 92651

MAIL TAX STATEMENTS TO  
Name Grantee at address shown above  
Street Address  
City & State

FILE/PW/ 78-467443

BOOK 2178

RECORDED REQUEST OF  
SAFECO TITLE INSURANCE COMPANY

OCT 30 8:00 AM '78

OFFICIAL RECORDS  
SAN DIEGO COUNTY, CALIF.

RECORDER

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Grant Deed

The undersigned grantor(s) declare(s): TRANSFER TAX PAID  
Documentary transfer tax is \$140.80 SAN DIEGO COUNTY RECORDER  
( ) computed on full value of property conveyed, or  
(XX) computed on full value less value of liens and encumbrances remaining at time of sale.  
( ) Unincorporated area: (XX) City of Oceanside, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
A. SETHER AND GEIL SETHER, husband and wife as joint tenants

hereby GRANT(S) to  
STANLEY M. ROSEN, a single man

the following described real property in the City of Oceanside  
County of San Diego, State of California:

Lots 11 and 12 in Block "C" of MYERS ANNEX TO OCEANSIDE, in the City of Oceanside,  
County of San Diego, State of California, according to Map thereof No. 984, filed  
in the office of the County Recorder of San Diego County, April 13, 1906.

SUBJECT TO:

1. General and Special taxes for fiscal year 1978/1979, a lien not yet payable.
2. Covenants, conditions, restrictions, reservations, rights, rights of way and easements of record.

Dated September 15, 1978

WASH.  
STATE OF CALIFORNIA  
COUNTY OF PIERRE  
On 9/20/78

before me, the under-  
signed, a Notary Public in and for said State, personally appeared  
A. Sether and Geil Sether

A. Sether

Geil Sether

known to me  
to be the person(s) whose name(s) are subscribed to the within  
instrument and acknowledged that they executed the same  
WITNESS my hand and official seal.

Signature THOS. G. MORRIS

THOS. G. MORRIS

Name (Typed or Printed)

(Residing at 516 Harbor Way 92331)

3-937

Escrow or Loan No.

MAIL TAX STATEMENTS AS DIRECTED ABOVE

No 467443



RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

Name Stanley Marshall Rosen, Trustee  
Street Address 1565 Via Corsica  
City & State Laguna Beach, California

Name Stanley Marshall Rosen, Trustee  
Street Address 1565 Via Corsica  
City & State Laguna Beach, California

2068

86-252842  
86-252842

RECORDED IN  
OFFICIAL RECORDS  
OF SAN DIEGO COUNTY, CA.

1986 JUN 23 PM 12:51

VERA L. LYLE  
COUNTY RECORDER

RF	3
AR	1
MG	1
UF	1
OC	1
TXPD	1

SPACE ABOVE THIS LINE FOR RECORDER'S USE

## Grant Deed

GD 054 G1

THIS FORM FURNISHED BY TRUSTORS SECURITY SERVICE

150-356-06

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ None

( ) computed on full value of property conveyed, or

( ) computed on full value less value of liens and encumbrances remaining at time of sale.

( ) Unincorporated area: ( ) City of \_\_\_\_\_, and

FOR NO CONSIDERATION

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

STANLEY M. ROSEN, a single man

"This conveyance transfers the grantor's interest into his or her revocable living trust, R&T 11911."

hereby GRANT(S) to STANLEY MARSHALL ROSEN, as Trustee of the STANLEY MARSHALL ROSEN LIVING TRUST established April 3, 1986

the following described real property in the City of Oceanside  
County of San Diego, State of California:

Lots 11 and 12 in Block "C" of MYERS ANNEX TO OCEANSIDE, in the City of Oceanside, County of San Diego, State of California, according to Map thereof No. 984, filed in the office of the County Recorder of San Diego County, April 13, 1906.

SUBJECT TO:

1. Covenants, conditions, restrictions, reservations, rights, rights of way and easements of record.

Dated 6 12 86

Stanley M. Rosen

STANLEY M. ROSEN

STATE OF CALIFORNIA

COUNTY OF Orange

On 6/12/86 before me, the undersigned, a Notary Public in and for said State, personally appeared

Stanley M. Rosen

known to me to be the person whose name he subscribed to the within instrument and acknowledged that he executed the same.  
WITNESS my hand and official seal.



Signature Lisa L. Frieze

(This area for official Notarial seal)

Title Order No. \_\_\_\_\_

File, Escrow or Loan No. \_\_\_\_\_

REAL RECORDS, SAN DIEGO COUNTY, VERA L. LYLE, RECORDER

5797

DOC # 2008-0405035



**RECORDING REQUESTED BY**  
First American Title Company

**AND WHEN RECORDED MAIL DOCUMENT  
AND TAX STATEMENT TO:**

Strands End Limited, LLC  
1821 S. Coast Highway  
Oceanside, CA 92054

FC  
3P  
ND  
TT

JUL 29, 2008 2:12 PM

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

FEES: 15.00  
OC: OC TAX: N.D.

**PAGES: 3**



Space Above This Line for Recorder's Use Only

A.P.N.: 150-356-06-00 (W.O.P.)

File No.: DEN-3054917 (PH)

150-356-06 (new)

**GRANT DEED**

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$ / Non-Disclosure  
SURVEY MONUMENT FEE \$ ; CITY TRANSFER TAX \$0.00;

- [ ☒ ] computed on the consideration or full value of property conveyed, OR  
[ ] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,  
[ ] unincorporated area; [ ☒ ] City of **Oceanside**, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Stanley Marshall Rosen,**  
**Trustee of the Stanley Marshall Rosen Living Trust Established April 3, 1986**

hereby GRANTS to **Strands End Limited, LLC, a California limited liability company**

the following described property in the City of **Oceanside**, County of **San Diego**, State of **California**:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**

Dated: 04/29/2008

Stanley Marshall Rosen, Trustee of the  
Stanley Marshall Rosen Living Trust  
Established April 3, 1986

Stanley Marshall Rosen  
Stanely Marshall Rosen, Trustee

Date: 04/29/2008

5798

STATE OF California )SS  
COUNTY OF Orange )On June 6 2008, before me, Lisa Elias, Notary  
Public, personally appeared Stanley Marshall Rosenwho proved to me on the basis of satisfactory evidence to  
be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized capacity(ies); and that by his/her/their signature(s) on  
the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is  
true and correct.

WITNESS my hand and official seal.

Signature

My Commission Expires: 1/20/2011

This area for official notarial seal

Notary Name: Lisa EliasNotary Phone: 949) 497 9799Notary Registration Number: 1712282County of Principal Place of Business: Orange



5  
**5799**

**EXHIBIT 'A'**

Date: **April 29, 2008**

File No.: **DEN-3054917 ( PH)**

**LOT 11 IN BLOCK "C" OF MYERS ANNEX TO OCEANSIDE, IN THE CITY OF OCEANSIDE, COUNTY OF  
SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 984, FILED IN THE OFFICE  
OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 13, 1906.  
A.P.N. 150-356-06-00**





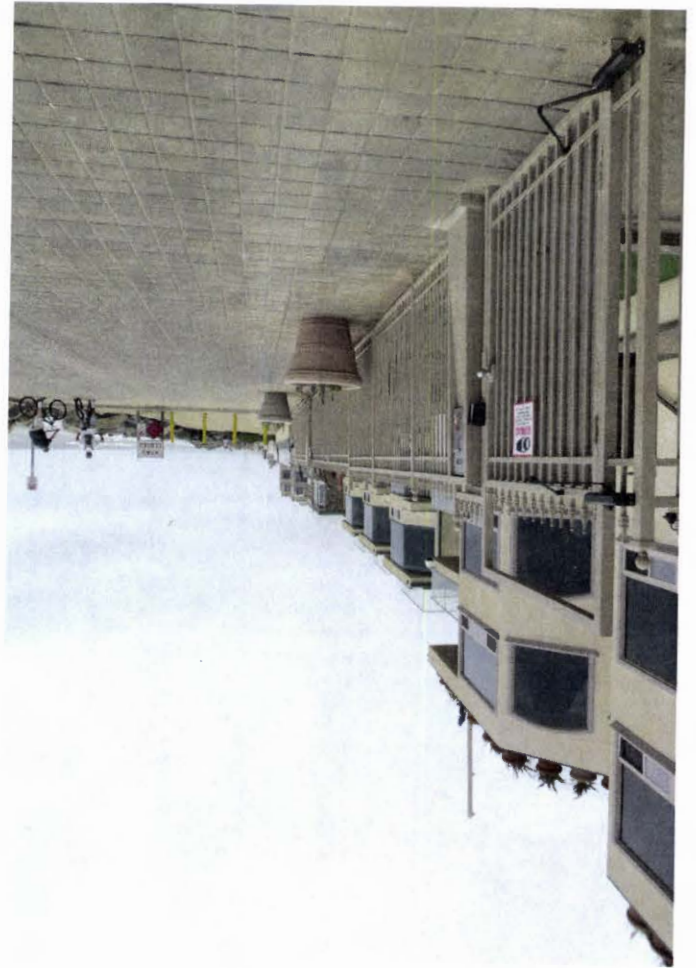


EXHIBIT NO. 10  
APPLICATION NO.  
**A-6-OCN-13-  
017/-018**

Photos of dirt section  
of The Strand





RECEIVED

APR 08 2013

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

www.scmv.com

619.685.3003

619.685.3100 FAX

2100 SYMPHONY TOWERS

750 B STREET

SAN DIEGO, CALIFORNIA 92101

SELTZER | CAPLAN | McMAHON | VITEK  
A LAW CORPORATION

ERIK L. SCHRANER, ESQ.

schraner@scmv.com

619.685.3187

619.702.6848 FAX

April 5, 2013

Via E-Mail and U.S. Mail

Toni Ross  
Coastal Commission  
7575 Metropolitan Drive, #103  
San Diego, CA 92108

**Re: Appeal of Coastal Permits for 817 and 819 South Pacific Street, Oceanside**

Dear Ms. Ross:

We represent Beachin LLC concerning the appeal of the City of Oceanside approval of two coastal permits for 817 and 819 South Pacific Street. Enclosed is a copy of (1) Beachin LLC's appeal of the Oceanside Planning Commission decision to the Oceanside City Council and (2) a letter from the City's refusing to accept the appeal. We submit these letters to the Coastal Commission in support of Beachin LLC's appeal application.

Sincerely,



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

ELS/  
Enclosures

cc: Karla Edwards (w/o enclosures)

EXHIBIT NO. 11
APPLICATION NO.
<b>A-6-OCN-13-</b>
<b>017/-018</b>
Letter from Appellant
 California Coastal Commission



# CITY OF OCEANSIDE

DEPARTMENT OF THE CITY CLERK  
ZACK BECK

April 3, 2013

Carla Edwards  
Beachin LLC  
3355 Mission Avenue, Suite 111  
Oceanside, CA 92058

Subject: Return of Appeal and Check #90-3820  
Appeal of Planning Commission Resolution Nos. 2013-P09 and 2013-P10

Dear Ms. Edwards:

The Planning Commission considered this project on March 11, 2013, and the date an appeal must have been received was March 21, 2013. You attempted to file an appeal on March 28, 2013. Unfortunately, because the appeal deadline has past, your application cannot be accepted. Therefore, we are returning your appeal letter and Check #90-3820 in the amount of \$1,750.

As discussed between you and Development Services Director George Buell on March 29, 2013, the ten-day appeal period is specified in the public hearing notice and the projects' resolutions. For the purposes of implementing administrative sections of the Zoning Ordinance (those sections that do not pertain to land use, design and development standards), the City utilizes the provisions of the 1992 Zoning Ordinance. Included among those provisions is the appeals process. Therefore, as described in that ordinance, the time frame in which a person must file an appeal of a Planning Commission decision is within ten days of that decision (Oceanside Zoning Ordinance, Article 46, Section 4603.B). However, you may still have a right to appeal this project before the California Coastal Commission, and you are encouraged to contact Coastal staff to explore this further.

Sincerely,

Holly Trobaugh  
Assistant City Clerk

Enclosures (2)

Date	Invoice	Remark	Prp Accounts	1314 Amounts
03/28/13	1	APPEAL FILING FEE	OBC 6245	1,750.00
03/28/13	001314	CITYOS BEACHIN L.L.C. 3355 MISSION AVE #111		1,750.00

OBC

BEACHIN L.L.C.  
C/O TRANSCONTINENTAL MGT  
3355 MISSION AVE #111  
OCEANSIDE CA 92054

PACIFIC WESTERN BANK  
1690 SOUTH MELROSE DR.  
VISTA  
CA 92083

1314

90-3820  
1222

PAY EXACTLY ONE THOUSAND SEVEN HUNDRED FIFTY DOLLARS AND 00 CENTS.

DATE  
03/28/2013

AMOUNT  
\$1,750.00

Memo: APPEAL FILING FEE

To the CITY OF OCEANSIDE  
order of 300 NORTH COAST HIGHWAY  
OCEANSIDE CA 92054

*SSA*

⑈001314⑈ ⑈122238200⑈03105120⑈



March 28, 2013

City Clerk's Office  
City of Oceanside  
300 North Coast Highway  
Oceanside, CA 92054

RECEIVED

MAR 29 2013

OCEANSIDE CITY CLERK

Re: Appeal of Planning Commission Resolution No 2013-P09 and 2013-P10  
817 & 819 Pacific Street, Oceanside, CA.

Dear Office of the City Clerk:

We represent Beachin, LLC concerning the proposed demolition of three (3) existing dwelling units in order to allow the construction of a \$6,564 square foot duplex with an 815 square foot car garage at 817 & 819 South Pacific Street. On behalf of Beachin, LLC we appeal the Planning Commission decisions to approve these demolitions and construction to the Oceanside City Council.

The Planning Commission decisions being appealed include: (1) Planning Commission Resolution No. 2013-P09 (2) Planning Commission Resolution No. 2013-P10. The Resolutions approve Development Plan D12-00011 and Regular Coastal Permit RC12-00009 and Development Plan D12-00012 and Regular Coastal Permit RC12-00008.

Beachin LLC appeals the Planning Commission decision to approve two development plans and two regular coastal permits for 817 and 819 South Pacific Street.

The reasons or justifications for the appeal include the following:

1. Visual Impact. The projects will block public views of the ocean from South Pacific Street because the proposed buildings are bigger, taller, and more massive than the current buildings. The projects are also incompatible with the community's character.
2. Front Setback. The projects must comply with the front yard setback. The certified LCP requires any additions, alterations or changes to a nonconforming building to conform to all provisions of the Zoning Ordinance.<sup>1</sup> The additions, alterations, and changes to the existing nonconforming buildings must, therefore, comply with all zoning regulations, including the front yard setback requirements.
3. Findings. The projects cannot be approved because the projects would substantially depreciate property values in the vicinity and would unreasonably interfere with the use of property in the vicinity by the occupants for lawful purposes, and would endanger the public peace, health, safety or general

---

<sup>1</sup> City of Oceanside Zoning Ordinance §1803.

welfare as evidenced by the raucous parties, noise complaints, use of public parking spaces, and other activities that endanger the public peace.<sup>2</sup>

4. Parking. The projects do not provide a sufficient number of parking spaces for a vacation rental and will further contribute to the public parking shortage in the neighborhood.
5. Parking Requirements. The certified LCP authorizes the Planning Department to impose a parking requirement based on the requirements for the most comparable use specified in the parking regulations. The parking demand for vacation rentals is higher than for a residence and is most similar to rooming houses, lodging houses, or clubs and fraternity houses.
6. Height Regulations. The projects do not comply with the certified LCP's height regulations, including the calculations to determine grade, the number of stories, and the 35-foot height limit. In addition, the bottom floors do not satisfy the requirements to qualify as a basement.
7. Special Events. The existing property owners have held special events, such as weddings, corporate retreats, and parties at both project sites. Both 817 and 819 South Pacific Street should be conditioned to forbid such special events in accordance with the certified LCP.
8. California Environmental Quality Act. The Class 3 CEQA categorical exemption is qualified by location, cumulative impact, and significant effects due to unusual circumstances.<sup>3</sup> The projects do not qualify for a Class 3 categorical exemption for the following reasons:
  - a. Due to their location on a public right-of-way and public view corridor, the projects will impact public views in violation of the certified LCP.
  - b. The projects do not provide adequate parking to meet the parking demands of a vacation rental with an intended occupancy of up to 3 persons per bedroom.
  - c. The projects do not provide parking for employees.
  - d. The projects are incompatible with the bulk and scale of the surrounding neighborhood.
  - e. Vacation rentals cause noise impacts to the surrounding residences and disturb the surrounding neighbors sleep.
9. Subdivision Map Act Violation. 817 and 819 South Pacific Street are one legal lot. Applicant asserts that the Myers Annex map recorded in 1906 created two lots and that these are legal nonconforming lots. Old maps are a recurring problem. Property owners routinely discover old maps recorded before 1929 and assume that the old map created legal lots. The resulting disagreement has resulted in a California Supreme Court Case and several Court of Appeals

---

<sup>2</sup> City of Oceanside Zoning Ordinance §1611(f)(3).

<sup>3</sup> CEQA Guidelines §15300.2.

opinions.<sup>4</sup> 817 and 819 South Pacific Street do not qualify as separate legal lots under these Court of Appeal opinions.

---

<sup>4</sup> *Gardner v. County of Sonoma* (2003) 29 Cal.4<sup>th</sup> 990, at 1001, 1002-1003; *Witt Home Ranch, Inc. v. County of Sonoma* (2008) 165 Cal.App.4<sup>th</sup> 543; *Abernathy Valley, Inc. v. County of Solana* (2009) 173 Cal.App.4<sup>th</sup> 42.

Thank you for Processing this Appeal.

Sincerely,

  
Karla Edwards

760 859 5916



WWW.SCMV.COM  
619.685.3003  
619.685.3100 FAX

750 B STREET, SUITE 2100  
SAN DIEGO, CALIFORNIA 92101

SELTZER | CAPLAN | MCMAHON | VITEK  
A LAW CORPORATION

Erik L. Schraner  
SCHRANER@SCMV.COM  
(619) 685-3187  
(619) 702-6848 FAX

September 18, 2014

**Via E-mail & U.S. Mail**

California Coastal Commission  
Attn: Diana Lilly  
San Diego Coast District  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108

Re: Appeal of Coastal Permits Issued by the City of Oceanside  
Oceanside Coastal Permit Numbers: RC 12-00009 & RC 12-00008

Dear California Coastal Commission:

We represent Beachin LLC, the owner of a condominium unit located on South Pacific Street in Oceanside. Beachin has appealed two development projects – 817 and 819 South Pacific Street – because the two projects do not comply with City of Oceanside's certified local coastal program (the "LCP").

**Requested Action.**

We request that the Coastal Commission determine that the appeals raise substantial issues because (1) a coastal development permit is required to divide 817 and 819 South Pacific Street into two lots and the applicants have not applied for a coastal permit, (2) the division of 817 and 819 South Pacific Street does not comply with the Subdivision Map Act or the LCP, and (3) the proposed developments exceed the building height and 3 story limitations imposed by the LCP.

**Discussion.**

The issues in this appeal arise out of the illegal division of one lot into two lots to create 817 and 819 South Pacific Street and noncompliance with the City of Oceanside's certified LCP. The two development projects fail to comply with the Coastal Act and Oceanside LCP for the following reasons:

**A. The division of the project site into two lots requires a coastal development permit.**

The Coastal Act requires a coastal development permit to be obtained before any "development" can occur within the coastal zone.<sup>1</sup> The Coastal Act defines "development" to include a "subdivision pursuant to the Subdivision Map Act, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use ..."<sup>2</sup> Compliance with the Subdivision Map Act does not satisfy the Coastal Act's requirement to obtain a coastal permit to divide an existing lot or to do a lot split.

Presumably in response to our appeal of the matter to the Coastal Commission, the applicants submitted a new coastal development permit application to the City of Oceanside. This application will be heard by the Oceanside Planning Commission on September 22<sup>nd</sup>. The City of Oceanside staff report for this application states:

According to the Court of Appeals opinions, the project does not qualify as a project on two separate legal lots, but rather one project on one legal lot. In response, the applicant has resubmitted the project application as a six-unit multi residential conversion on one lot.

A copy of this staff report without the exhibits is enclosed.

The applicants split a single lot into two lots by recording grant deeds dividing the existing legal lot into two lots and then conveying those two lots to different parties. In violation of the Coastal Act, the applicants have not obtained and have not applied for a coastal development permit to (1) authorize this lot split and (2) to authorize the conveyances to different parties of the lot split.

**B. The division of the project site does not comply with the Subdivision Map Act.**

Applicant asserts that the Myers Annex map recorded in 1906 created two separate lots – lots 11 and 12 in Block C of the Myers Annex map – and that these are legal nonconforming lots.

The Coastal Commission has addressed this issue several times. For example, a Coastal Commission staff report prepared for Appeal A-2-HMB-10-001 stated:

Because appearance on a 1907 map does not establish lot legality and there is evidence that the property to be developed was historically transferred as a single parcel and is in single ownership, further analysis of both the legality and

---

<sup>1</sup> Public Resources Code Section 30600.

<sup>2</sup> Public Resource Code Section 30106.

the development potential of the property proposed for development is required before any development may be authorized on the property.

We have not been made aware of any new information that supports a claim that the 1909 map created two legal lots (a legal lot for 817 South Pacific and a legal lot for 819 South Pacific).

**C. Grade is measured incorrectly.**

The applicants did not measure “grade” as required by the LCP. Grade is an important measurement because many of the development restrictions imposed by the LCP are measured from grade. The LCP defines grade as:

“Grade” means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above-ground level shall be measured at the sidewalks.<sup>3</sup> (emphasis added.)

Instead of measuring ground level at the center of all walls, applicants measured ground level outside the building envelope. The correct grade level for both projects is:

**817 South Pacific:**            **16.08 feet above mean sea level.**<sup>4</sup>  
(13.66 + 13.66 + 13.66 + 23.37) / 4  
13.66 is finished ground level for the bottom floor  
23.37 is the ground level listed on the plans for the east wall

**819 South Pacific:**            **15.85 feet above mean sea level**  
(13.44 + 13.44 + 13.44 + 23.07) / 4  
13.44 is the finished ground level for the bottom floor  
23.07 is the ground level listed on the plans for the east wall

**D. The projects exceed the three story limitation.**

The LCP limits buildings to no more than three stories.<sup>5</sup> The proposed buildings, however, have four floors and can only satisfy the three story limitation if the bottom floor does not qualify as a “story”, as defined in the LCP.

---

<sup>3</sup> City of Oceanside Zoning Ordinance §234.

<sup>4</sup> The numbers on the site plans available for review are blurry so the exact measurements could not be confirmed from the plans.

<sup>5</sup> 1986 Zoning Ordinance §1709(b).



The LCP's definition of a story excludes a basement or cellar. But if the "finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story."<sup>6</sup>

Although both sets of available plans do not provide an elevation for the finished surface of the floor, the plans do provide the height of the ceiling for the floor level directly above the alleged basement. No matter which floor elevation you use, the finished floor is more than 6 feet (the distance is greater than 7 feet) above the correct grade for both projects.

**817 South Pacific:**      **7.62 feet is the distance from grade to ceiling**  
(23.7 ceiling height – 16.08 grade height)  
(The ceiling is lower than the finished floor so the distance is actually greater)

**819 South Pacific:**      **7.22 feet is the distance from grade to ceiling**  
(23.07 ceiling height – 15.85 grade height)  
(The ceiling is lower than the finished floor so the distance is actually greater)

Thus, the basement must be counted as story and the proposed buildings have four stories in a zone in which only three stories are allowed.

**E. The two structures will exceed the 35 foot height limit.**

The LCP limits "building height" in the RT zone to 35 feet.<sup>7</sup> The certified LCP defines building height as:

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

Applicant's plans identify the highest and lowest point of the portion of the building site covered by the building as less than 14 feet above mean sea level.

---

<sup>6</sup> 1986 Zoning Ordinance §274.

<sup>7</sup> 1986 Oceanside Zoning Ordinance Section 3203.

**817 South Pacific Street:**     **37.59 feet** is the distance from ceiling (51.25 feet) to the average level of the highest and lowest point (13.66) (13.66 is the highest and lowest point of the building site covered by the building so the average is 13.66)

**819 South Pacific Street:**     **38.34 feet** is the distance from ceiling (51.78 feet) to the average level (13.44) (13.44 is the highest and lowest point of the building site covered by the building so the average is 13.44)

817 South Pacific has a building height of 37.59 feet and, therefore, exceeds the 35 foot building height limit. Likewise, 819 South Pacific Street has a building height of 38.34 feet and exceeds the 35 foot building height.

The projects also fail to comply with the second building height measurement specified in Section 1709 of the Oceanside Zoning Ordinance. This height restriction requires building height to be measured from average finished grade to the top of the structure with exceptions for specified structures, such as penthouses or roof structures for air conditioning or similar equipment. This results in the following building heights:

817 South Pacific:                    36.9 feet building height  
(53.375 feet to ridge – 16.45 finished grade level)

819 South Pacific:                    36.6 feet building height  
(53.05 feet to ridge – 15.85 finished grade level)

817 and 819 South Pacific Street, therefore, exceed the allowed building height using both building height restrictions specified in the LCP.

**Conclusion.**

The Coastal Commission has addressed the requirements to divide lots numerous times. Failure to enforce the requirement to obtain a coastal permit and to comply with the Subdivision Map Act would set a precedent that lots can be split in the coastal zone without complying with the

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

California Coastal Commission

September 18, 2014

Page 6

Coastal Act or the Subdivision Map Act. In addition, both projects exceed the LCP's three-story limitation and the 35 foot building height restrictions.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Schraner".

Erik L. Schraner

Seltzer Caplan McMahon Vitek

A Law Corporation

ELS:mb

cc: Beachin LLC