

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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SAN DIEGO, CA 92108-4402
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original staff report

Th23a & b

Addendum

August 11, 2015

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Th23a & b**, Coastal Commission Permit Application
#A-6-OCN-15-0043 & 0044 (KCS Properties), for the Commission
Meeting of August 13, 2015

Staff recommends the following changes be made to the above-referenced staff report. Deletions shall be marked by a ~~strike through~~ and additions shall be underlined:

1. On Page 1 of the staff report, the APN number shall be corrected as follows:

APN No. 153-091-12 (Lots 25 and 26)

2. On page 11, after the first paragraph on the top of the page, the following new paragraphs shall be added:

After the staff report was released, the appellant submitted a comment letter asserting that the staff recommendation on this item is inconsistent with the preliminary staff recommendation for a recent Carlsbad appeal (A-6-CII-15-0039/Tierra Del Oro). That project, which is a currently pending appeal and has not yet been acted upon the Commission, involves conformance with the setback and stringline policies of the City of Carlsbad certified Local Coastal Program (LCP). However, the cities of Oceanside and Carlsbad both have certified LCPs. The stringline requirements and policies of the City of Carlsbad are individual and distinct and are not applicable to development in Oceanside and are not the standard of review for the proposed development. The subject project has been reviewed for consistency with the Oceanside LCP.

Second, the appellant contends that the proposed development will not be compatible in scale with existing development. Each of the proposed two new homes will be 3,947 sq. ft. in size. Staff used the realty website Realquest to ascertain that of the 10 homes closest to the subject site; one home is approximately 1,900 sq. ft., one home is approximately 2,900 sq. ft., and the remaining eight homes range from 3,500 sq. ft. to 4,500 sq. ft. Thus, the two proposed 3,947 sq. ft. homes are compatible in scale with the pattern of existing development in the community.

Third, the appellant contends that the City's approval did not address the existing armoring at the site and that the proposed development is not consistent with the Commission's draft Sea Level Rise guidance document. However, the appellant did not bring up either of these issues during the ten working day appeal period. Because this assertion was not raised during the appeal period, it is not a valid ground for appeal.

Fourth, the appellant argues that in 1999, the Commission accepted a stringline setback distance of 85 ft. for a home approximately 13 homes south of the subject site (A-6-OCN-99-020/Wilt) and therefore the stringline setback should also be 85 ft. for the subject site. However, as explained above, the stringline setback is not a fixed distance for the entire shoreline. The stringline setback is a line drawn on a map that reflects the location of development that existed at the time the LCP was approved. It has been accepted to be as large as 96 ft. for the home located just three homes north of the subject site, and it can also be smaller than 85 ft., based on the stringline exhibit in the certified LCP. The proposed new structures are consistent with the stringline established by the LCP.

3. On page 13, the first paragraph on the top of the page shall be modified as follows:

The appellant has cited Policy 12 of the certified LCP and contends that the reduction in available public on-street parking must be replaced at a one-to-one ratio west of the railroad right-of-way. In its approval of the proposed homes, the City found that the new proposed two-car garages would ensure adequate off-street parking would be available to serve the residences of the two homes, and replacement at a one-to-one ratio was not required by the LCP. The Commission agrees that the LCP policy which requires replacement at a one-to-one ratio is not intended to apply to single family homes with the construction of a required garage. Furthermore, the Commission is not aware of any past single family home development projects in the City that were required to offset on-street parking lost to access a garage. Over the past ten years there have been at least four residential development projects approved on South Pacific Street that resulted in a loss of public on-street parking and no replacement parking was required by the City or the Commission (Ref: City Permit Nos. RC-4-05/931 S. Pacific, RC-4-05/933 S. Pacific, RC-11-05/1621 S. Pacific, and RC-10-00008/1707 S. Pacific). It would not be practical or feasible for a private property owner to buy or construct a new public parking area for just one or two spaces, nor does the LCP establish or require any type of parking mitigation area or in-lieu fee program for private property owners to contribute to. The intent of Policy 12 is to conserve public parking and prohibit commercial, large-scale residential or City infrastructure and development projects from displacing available public parking used to access the beach without providing replacement spaces. Thus, replacement of lost parking in this case is not required.

RESPONSE TO:

CALIFORNIA COASTAL COMMISSION, SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103 SAN DIEGO, CA 92108-4421

**STAFF REPORT AND RECOMMENDATION ON APPEAL SUBSTANTIAL ISSUE
DETERMINATION**

Appeal Number: A-6-OCN-15-0043 & A-6-OCN-15-0044

The Appellant objects to the Staffs report as to being overly simplified and lacking in research of recent rulings and findings dealing with the policies, practices and information which have been appealed.

Currently there exists what Appellant considers an Implemented Stringline which has been used by the City of Oceanside for construction of properties currently on this particular strand of beach. The only exception to this Implemented Stringline, are 2 structures which in the past have received exemption status. These 2 exemptions do not include habitable or enclosed development beyond the 'Implemented Stringline'. Please see attached 'Google Earth' map of development area and current 'Implemented Stringline', 'Implemented Stringline' due North from Appellant's property and 'Implemented Stringline' due South from Appellant's property.

The Appellant has raised a number of contentions that are of "A Substantial Issue" matter. All contentions raised are extremely similar to those raised on a most recent appeal.

Appeal Number: A-6-CII-15-0039 dated 6/25/2015 wherein, the Appellants were Commissioner Dayna Bochco, Commissioner Jana Zimmerby.

The Coastal Commission Staff (hereafter Staff) has made a finding on this appeal of "No Substantial Issue".

The Appellant find it questionable that staff members from the same SD Coastal Commission office, working under the same guidelines, could possibly come to 2, totally different positions, all within a 30 day period.

Reference Appeal Number: A-6-CII-15-0039 dated 6/25/2015

Parker Appeal: Reference Appeal Number: A-6-OCN-15-0043 & A-6-OCN-15-0044

The Appellant asked that special notice be taken and review of staff report for Appeal Number: A-6-CII-15-0039 dated 6/25/2015 be done.

The Staff writing in Appeal Number: A-6-CII-15-0039 finds the stringline issue to be considered as a "Substantial Issue". The Staff in Appeal Number: A-6-CII-15-0039 also found "The City's certified LCP prohibits new development from extending further seaward than a "stringline" drawn between adjacent developments. This stringline rule not only applies to habitable (enclosed) development, but also applies to decks or other appurtenances, which shall not be permitted further seaward than those allowed by a line

drawn between those appurtenances on the adjacent structures to the north and south.” Yet in Appeal Number: A-6-OCN-15-0043 & A-6-OCN-15-0044, the Staff issues are addressed exactly opposite, even though the properties involved in both Appeals are located only 4 1/2 blocks apart in distance.

Appellants request the SD Coastal Commission to consider this a “Substantial Issue”.

The Staff in Appeal Number: A-6-CII-15-0039 found. “New development fronting the ocean shall observe at a minimum, an ocean setback based on “stringline” method of measurement. No enclosed portions of a structure shall be permitted further seaward than allowed by a line drawn between the adjacent structures to the north and south, no decks or other appurtenances shall be permitted further seaward than those allowed by a line drawn between those on the adjacent structure to the north and south. (Emphasis Added) A greater ocean setback may be required for geological reasons and if specified in the Local Coastal Program.”

In Appeal Number: A-6-OCN-15-0043 & A-6-OCN-15-0044 this Staff finds exactly the opposite of their peer. The Staff did not consider any of the following factors;

1. This stringline rule not only applies to habitable (enclosed) development, but also applies to decks or other appurtenances.
2. Development shall not be permitted further seaward than those allowed by a line drawn between those appurtenances on the adjacent structures to the north and south.
3. No enclosed portions of a structure shall be permitted further seaward than allowed by a line drawn between the adjacent structures to the north and south, no decks or other appurtenances shall be permitted further seaward than those allowed by a line drawn between those on the adjacent structure to the north and south.
4. Appurtenances such as open decks, patios and balconies may be allowed to extend seaward of the Stringline Setback line, providing that they do not substantially impair the views from adjoining properties.

In Appeal Number: A-6-CII-15-0039, Appellant will quote from Section 21.204.050B of the Coastal Shoreline Development Overlay Zone which states: “New development fronting the ocean shall observe at a minimum, an ocean setback based on “stringline” method of measurement. No enclosed portions of a structure shall be permitted further seaward than allowed by a line drawn between the adjacent structure to the north and south, no decks or other appurtenances shall be permitted further seaward than those allowed by a line drawn between those on the adjacent structure to the north and south. A greater ocean setback may be required for geological reasons and if specified in the Local Coastal Program.”

In Appeal Number: A-6-OCN-15-0043 & A-6-OCN-15-0044 the Appellant quotes the following Section in the City of Oceanside’s Zoning ordinance of 1986, Section 1703(e) page 17-4, “Notwithstanding any other provisions of this Section, buildings or structures located on lots contiguous to the shoreline shall be compatible in scale with existing development (Emphasis Added) and shall not extend further seaward than the line established on the “Stringline Setback Map,” which is kept on file in the Planning Division. Appurtenances such as open decks, patios and balconies may be allowed to extend seaward of the Stringline Setback line, providing that they do not substantially impair the views from adjoining properties.” (Emphasis Added) The Appellant finds the City of Oceanside is ignoring the language “shall be compatible in scale with existing development.”

In Appeal Number: A-6-CII-15-0039, the Appellants contend that the project, as approved by the City, is inconsistent with the City of Carlsbad's certified LCP regarding the interpretation of the western boundary of the deck/other appurtenances "stringline". The appellants contend that the deck stringline (which includes the proposed pool, pool deck, and terrace) allows for seaward encroachment on the subject site. The certified LCP prohibits new development along the ocean from extending further seaward than a "stringline" drawn between adjacent developments. Specifically Section 21.204.050B of the Coastal Shoreline Development Overlay Zone states: New development fronting the ocean shall observe at a minimum, an ocean setback based on "stringline" method of measurement. No enclosed portions of a structure shall be permitted further seaward than allowed by a line drawn between the adjacent structure to the north and south, no decks or other appurtenances shall be permitted further seaward than those allowed by a line drawn between those on the adjacent structure to the north and south. A greater ocean setback may be required for geological reasons and if specified in the Local Coastal Program.

In Appeal Number: A-6-OCN-15-0043 & A-6-OCN-15-0044, the Appellants contend that the deck stringline allows for seaward encroachment on the subject site. The certified LCP Section in the City of Oceanside's Zoning ordinance of 1986, Section 1703(e) page 17-4, clearly states buildings or structures located on lots contiguous to the shoreline to be compatible in scale with existing development and shall not extend further seaward than the line established on the "Stringline Setback Map. The Appellant finds the City of Oceanside is ignoring the language "shall be compatible in scale with existing development.

The Appellant would like to point attention to the 2 City's LCP. The Appellant in this case, contended that the development as approved by the City of Oceanside, allows for encroachment seaward. This is much different than the Commission's historic interpretation of the City's stringline provisions.

It is the Appellants position that the seaward movement of the Oceanside Planning Commission from the existing implemented stringline would create a 4 to 8 foot seaward disparity among all other homes on that strand of beach.

The Appellant also contends that the stringline was sited incorrectly in the Oceanside Planning Departments literature; which could allow for future development beyond that permissible by the City of Oceanside's LCP.

The Appellant contends that the project, as approved by the City, is inconsistent with the City of Oceanside's certified LCP regarding the interpretation of the western boundary of the "stringline". The appellants contend that the Stringline allows for seaward encroachment on the subject site. The certified LCP prohibits new development along the ocean from extending further seaward than a "stringline" drawn between adjacent developments. New development fronting the ocean shall observe at a minimum, an ocean setback based on "stringline" method of measurement.

In Appeal Number: A-6-CII-15-0039 it was stated, no enclosed portions of a structure shall be permitted further seaward than allowed by a line drawn between the adjacent structure to the north and south, no decks or other appurtenances shall be permitted further seaward than those allowed by a line drawn between those on the adjacent structure to the north and south.

In Appeal Number: A-6-OCN-15-0043 & A-6-OCN-15-0044, Appellant argues the development should not be subject to the interpretation of the City of Oceanside's Planning Department, but should fall to the Coastal Commission as it is the responsibility of the Coastal Commission to maintain standards and consistency throughout the coast of California. The City of Oceanside did not consider Staff's Aerial View photograph,

but if they had they would quickly ascertain all homes in the area are “compatible in scale with existing development”. Also it is clear by reviewing the Staff’s Aerial View photograph, there is no question there is a stringline opportunity that exists to the south and north. The proposed development will be seaward of the implemented stringline between the northern and southern adjacent properties and, thus creates a major visual impact. This decision to allow new development in the same location could perpetuate this impact greatly.

The Coastal Commission has historically applied all Cities implemented stringline provisions to any new development along the shoreline, which has resulted in previous appeals of CDPs within the SD Coastal Commission’s preview. In this particular case, the City of Oceanside’s interpretation would allow the development to encroach between 4 to 8 feet seaward of the implemented stringline between the northern and southern adjacent properties, which is inconsistent with Coastal Commission’s ruling in the past.

In Appeal Number: A-6-CII-15-0039, Appellants stated “Setbacks provide visual relief from the cluster of private development lining the shoreline, stepping back primary residences and accessory development in a measured, consistent manner while preserving open space and scenic vistas as viewed from the adjacent beach and public access points. Allowing the encroachment of development beyond the implemented stringline would create a precedent for shifting the pattern of development seaward along this stretch of coastline, and would represent a significant change in the community character and scenic quality of the area. Thus, the project raises a substantial issue regarding conformity with the LCP.”

The Appellant in Appeal Number: A-6-OCN-15-0043 & A-6-OCN-15-0044 could not agree more. With the properties involved in these 2 Appeals being only 4 blocks apart it is realistic to believe the Coastal Commission would agree that “setbacks provide visual relief from the cluster of private development lining the shoreline, stepping back primary residences and accessory development in a measured, consistent manner while preserving open space and scenic vistas as viewed from the adjacent beach and public access points.”

Appellant in Appeal Number: A-6-OCN-15-0043 & A-6-OCN-15-0044 request this matter be changed to ‘A Substantial Issue’. To start is the City of Oceanside’s 1986 Zoning Ordinance on Section 1703 (e) which states; “Notwithstanding any other provisions of this Section, buildings or structures located on lots contiguous to the shoreline shall be compatible in scale with existing development and shall not extend further seaward than the line established on the "Stringline Setback Map," which is kept on file in the Planning Division. Appurtenances such as open decks, patios and balconies may be allowed to extend seaward of the Stringline Setback line, providing that they do not substantially impair the views from adjoining properties”.

There is no question the intent of these words as written were to carry full force and definition to the phrase “buildings or structures located on lots contiguous to the shoreline shall be compatible in scale with existing development and shall not extend further seaward.” There exists over 30 plus homes along this stretch of beach and all are consistent with an implemented stringline, whether that stringline is 85 feet or 90 feet or whatever, these buildings or structures are located on lots contiguous to the shoreline and are currently compatible in scale and harmony with existing development. Except those homes whose owners received special dispensation from this implemented stringline. The development as proposed by the City of Oceanside would allow the enclosed portions of 2 homes on this beach to jut seaward at least 5 feet beyond all others homes as viewed by the Staff’s Aerial Photograph and Google Earth’s Photograph as submitted by the Appellant.

E. SUBSTANTIAL ISSUE FACTORS

As discussed above, the factors the Coastal Commission often considers when evaluating whether a local government's action raise a substantial issue also support a finding of substantial issue. First, there is inadequate factual and legal support for the City of Oceanside's determination that the proposed development is consistent with the certified LCP. In this case, the development, as approved by the City of Oceanside, raises several LCP consistency issues with regard to stringline setbacks and previously permitted development. While the extent and scope of development is for a 2 single family residences, the coastal resources affected may be significant. The local government's approval sets poor precedent for future interpretations of its LCP because it avoided using the implemented string line to evaluate setback, it ignored a violation of the City of Oceanside's Zoning ordinance of 1986, Section 1703(e) page 17-4, clearly stating buildings or structures located on lots contiguous to the shoreline to be compatible in scale with existing development. The objections to the project raised by the Appellant identify substantial issues of regional and or statewide significance, due to the intensely debated issues of stringline issues and sea level rise impacts and how they affect development up and down the California coast.

Appellant request Commissioners to look at the attached Google Earth photograph as it shows most all homes to be within an implemented stringline. Regardless of the disputed distance of the "stringline", all properties line up as perfect little dominos, except those having received exemption status. All of these homes have at one time or the other been approved by the City of Oceanside's Planning Department and Planning Commission. The City of Oceanside's LCD places special significance to Section 1703(e) page 17-4, "Appurtenances such as open decks, patios and balconies may be allowed to extend seaward of the Stringline Setback line, providing that they do not substantially impair the views from adjoining properties." The City of Oceanside took special interest in the preservation of views when writing this sentence. It appears the drafters of this document were very interested in making sure developers would not do just that "impair the views from adjoining properties". In this case the development of these 2 single family homes will extend past Appellants most seaward deck by approximately 5 feet, regardless of any appurtenances such as open decks, patios, and balconies which might be added now or in the future.

Furthermore, the decision fails to adequately address the reliance of new development on existing shoreline protective devices and is inconsistent with recent Commission guidance on this issue, especially as it relates to analysis necessary in the face of anticipated future sea level rise.

The Staff has stated in Appeal Number: A-6-OCN-15-0043 & A-6-OCN-15-0044;

"As stated above, rear yard setbacks on oceanfront lots are determined by the City's "Stringline Setback Map." The "stringline" in this case is a line on a map generally following the line of development on the beach-fronting homes along the City's coast. The certified "Stringline Setback Map" was developed in 1983 by overlaying an imaginary stringline on an aerial photo of the shoreline in the City of Oceanside. The stringline map was based on existing building patterns, as well as anticipated future developments and remodels/expansions. This "stringline" was certified by the Commission in 1986 as part of the City's Local Coastal Program. These maps are kept on file in the City's Planning Division and are used to determine the westernmost boundary for any proposed development along the shoreline. The goal of limiting new development to extend no further seaward than the stringline is to restrict encroachment onto the shoreline and preserve private and public views along the shoreline." (Emphasis Added)

Appellant agrees with Staff as to the following. The "stringline" in this case is a line on a map generally following the line of development on the beach-fronting homes along the City's coast." "The stringline map

was based on existing building patterns, as well as anticipated future developments and remodels/expansions.” “These maps are kept on file in the City’s Planning Division and are used to determine the westernmost boundary for any proposed development along the shoreline. The goal of limiting new development to extend no further seaward than the stringline is to restrict encroachment onto the shoreline and preserve private and public views along the shoreline.” The operative words are EXISTING BUILDING PATTERNS. The proposed development will reach beyond anyone’s conception of EXISTING BUILDING PATTERNS, by extending seaward almost 5’. Here again all these properties line up like perfect little dominos, except those having received exemption status.

The Staff stated; “The goal of limiting new development to extend no further seaward than the stringline is to restrict encroachment onto the shoreline and preserve private and public views along the shoreline.” The operative words in this statement are PRESERVE PRIVATE AND PUBLIC VIEWS. Appellant’s home is located at 1633 S. Pacific Street and would absolutely fall into preservation of Private Views. The beach view to the North would totally vanish if the developer is allowed to build 5’ seaward beyond the length of Appellants most seaward deck.

The Staff stated; “The appellant also contends that the construction of the subject homes will adversely impact his private views. Specifically, the new homes will be located further seaward than the appellant’s home and will reduce his private ocean view to the north. The City’s LCP allows for new development to be cited as far seaward as the line established by the stringline setback map. The subject homes will be located approximately three feet landward of the stringline setback. Even after construction of the two new homes, the appellant will retain unimpeded views of the ocean and therefore the proposed development does not substantially impair his private ocean view. (Emphasis Added) In addition, there is no potential for public view blockage in this location with regard to the stringline setback, because no public vantage points are located adjacent to the western portion of the proposed new homes. Therefore, the appellant’s assertion does not appear valid and does not raise a substantial issue.”

The Appellant finds this statement from Staff to be terribly misleading and bordering on mockery. Which cannot be tolerated, characterized and has neither place, nor use in a public forum.

The Appellants view which is enjoyed today will be gone and even from the most seaward point of the property’s deck, the view will at best only be no more than 15 to 20 degrees to the north. It’s like putting a blinder on a race horse so it can’t see anything except what is directly in front of them. Staff characterization that the “will retain unimpeded views of the ocean” is false and misleading.

The Staff stated; “The appellant also contends that the construction of the subject homes will adversely impact his private views. Specifically, the new homes will be located further seaward than the appellant’s home and will reduce his private ocean view to the north.” This statement was never made in the Appellant’s Appeal. What Appellant did state is “my home will have no view except directly at the ocean to the west and will be confined to a tunnel atmosphere.” Yet the Staff chose to eliminate that language and replace it with “will reduce his private ocean view to the north.” The Staff goes on to state “Even after construction of the two new homes, the appellant will retain unimpeded views of the ocean and therefore the proposed development does not substantially impair his private ocean view”. To make this statement implies to the reader that no view impairment will take place. Again an extremely misleading and false statement made by Staff.

The Appellant, due to this type of misleading and misrepresentation of the facts plus Staff's poor choice of words, has spurred this Appellant to request of the SD Coastal Commission that a staff member other than the drafter of this response be charged with reviewing of this Appeal response.

In Appeal Number: A-6-CII-15-0039 the Staff found just the opposite, "New development fronting the ocean shall observe at a minimum, an ocean setback based on "stringline" method of measurement. No enclosed portions of a structure shall be permitted further seaward than allowed by a line drawn between the adjacent structure to the north and south, (Emphasis Added) no decks or other appurtenances shall be permitted further seaward than those allowed by a line drawn between those on the adjacent structure to the north and south." (Emphasis added)

This is the difference between the 2 Coastal Commission's Staff's understanding and grasping of the situation at hand. It must be noted again these 2 properties are only 4 1/2 blocks apart.

Staff stated; "The appellant has made multiple contentions related to the western stringline. First, the appellant contends that Coastal Commission staff told him on a phone call that the stringline setback for the subject property was 85 ft. from the western edge of South Pacific Street. At the time of the phone call, Commission staff did not have the information about the location of the stringline for the subject property and did not tell the appellant the location of the stringline. Second, the appellant contends that he has reviewed various permits and variances issued or approved by the Oceanside Planning Commission that establish the stringline at 85 ft. from the western edge of South Pacific Street. The appellant did not provide documentation of any of the referenced approvals. However, Commission staff obtained copies of various City staff reports for development projects between 1990 and 2008 that referenced the stringline for the nearby properties."

The Appellant reiterates the Staff's statement; "did not tell the appellant the location of the stringline". The Appellant does not mean the following statement to be taken as arbitrary, capricious or argumentative, but at 71 years of age I'm not in the habit of lying, especially on an official document. Toni Ross stated to me via a telephone conversation, that to her knowledge "the stringline was 85 feet". I take great umbrage to the Staff's remark that my statement is something other than truthful.

Staff Stated; "The appellant did not provide documentation of any of the referenced approvals." Below are the appeals which I reviewed before filing my appeal. These Appeals state the numbers and conditions which I find were approved by the Coastal Commission.

APPEAL NO: A-6-OCN-99-20 contains this language on page 4, "No construction is proposed beyond the "stringline" which is measured 85 feet seaward from Pacific Street." and this language on page 5, "In this case the City approved the project by finding the project was within the limits of the development stringline as established in the certified LCP which was found to be 85 feet seaward of the inland right-of-way of Pacific Street, the fronting street. "

APPEAL NO. A-6-OCN-13-008 contains this language on page 26, "by allowing development beyond the established stringline (projecting further west), the project will block existing views, inconsistent with the City's LCP and the Coastal Act." Also the language in this Appeal states; "the project is consistent with LCP policies regarding protection of public views, is consistent with the scale and character of the area, and would not allow for seaward encroachment beyond the established line of development in this area of Oceanside."

Staff stated, "Commission staff also reviewed an approval granted by the City in 2008 for expansion of the rear deck at the appellant's property (1633 South Pacific Street), which is the site adjacent to the subject site to the south. The City staff report for this project does not provide the stringline distance, but states that the deck would be consistent with the stringline. In addition, the staff report includes a site plan showing the location of the stringline in relation to the home. An as-built certification letter was also submitted by the appellant for the deck addition (David Jolly, Land Surveying, dated 12/7/2009). In the as-built certification letter, the surveyor hired by the appellant states that the new rear deck is landward of the stringline shown on the project plans and that the plan stringline was depicted at approximately 85 ft. However, the surveyor also stated that he believed that the stringline actually should be located at approximately 89.5 ft., thus implying that the stringline shown on the appellant's site plan may have been drawn further inland than necessary. (City Permit RC-9-08)

The Appellant here again questions the Staff failure to fully research City Permit RC-9-08. Had Staff done so, Staff would have found the City Of Oceanside would not approve the survey of David Jolly, dated 12/7/2009, showing the 89.5 feet. Because of this refusal the City Planning Department of Oceanside forced the Appellant to remove a stairway that led to the back yard from the new deck, plus remove a brick facade because the Oceanside City Building Inspectors stated it was "3/4 of an inch past the stringline". The City staff report for this project does not provide the stringline distance, but states that the deck would be consistent with the stringline. The City of Oceanside is not entitled to have it both ways neither is the Staff.

Staff states; "For the subject project, the applicant prepared a survey of the stringline location which shows that the stringline is located at 89.4 ft. along the southern property line and at 89.5 ft. along the northern property line (Exhibit 8). The stringline location shown on the survey for the subject site is consistent with the stringline location used for the property three sites to the north of the subject site, with the statements of the surveyor in the as- built certification letter for the site directly adjacent to the south, and with the stringline used for the property two sites to the south of the subject site."

The Appellant strongly disagrees with Staff that the "stringline location shown on the survey for the subject site is consistent with the stringline location used for the property three sites to the north of the subject site, with the statements of the surveyor in the as- built certification letter for the site directly adjacent to the south, and with the stringline used for the property two sites to the south of the subject site."

The Appellant has attached several pictures clearly showing the conformity of the sites both South and North. The pictures are exposed showing the most seaward position on Appellants deck. The line cannot be clearer for both north and south exposures. These photographs clearly show "buildings or structures located on lots contiguous to the shoreline are compatible in scale with existing development and does not extend further seaward than that of the line established on the implemented stringline. Only the appurtenances such as open decks, patios, and balconies extend seaward of the Stringline Setback line, and do not substantially impair the views from adjoining properties. Appellant adamantly disagrees with the Staff's interpretations. Please see attached photographs marked as exhibit B.

The Staff stated; "Commission staff has also compared the survey of the stringline setback approved for the subject site with the certified stringline map approved by the Commission in 1986 and found it to be generally consistent. As stated previously, the certified stringline map was created with the use of aerial photographs and is not exact. Therefore, each development project must undertake a site-specific survey and determine the stringline using the best available information. Based on the consistency of the subject stringline location survey with past project approvals at adjacent sites and the comparison of the certified

stringline map to the stringline survey for the subject site, the appellant's assertion does not appear valid and does not raise a substantial issue."

The Appellant must disagree with Staff and enters language from the Appeal Number: A-6-CII-15-0039. "The appellants contend that the project, as approved by the City, is inconsistent with the City's certified LCP regarding the interpretation of the western boundary of the "stringline". The appellants contend that the "NEW" Stringline allows for seaward encroachment on the subject site. The certified LCP prohibits new development along the ocean from extending further seaward than a "stringline" drawn between adjacent developments. (Emphasis Added) Specifically Section 21.204.050B of the Coastal Shoreline Development Overlay Zone states: New development fronting the ocean shall observe at a minimum, an ocean setback based on "stringline" method of measurement. No enclosed portions of a structure shall be permitted further seaward than allowed by a line drawn between the adjacent structure to the north and south, no decks or other appurtenances shall be permitted further seaward than those allowed by a line drawn between those on the adjacent structure to the north and south. (Emphasis Added) A greater ocean setback may be required for geological reasons and if specified in the Local Coastal Program.

The City of Oceanside made the finding that the proposed development is to be allowed to extend beyond the adjacent structures, again NOT in Accordance with Section 30250 "Location; existing developed area". An absolute stringline opportunity exists to the south and north as there is an existing structure both north and south of the proposed development. However, the proposed development is seaward of the required deck stringline between the northern and southern adjacent properties and, thus creates a visual impact. Allowing new development in the same location would perpetuate this impact.

The Commission has historically applied the City's stringline provisions to any new development along the shoreline, which has resulted in previous appeals of CDPs the most recent being the property located 5039 Tierra Del Oro, Carlsbad, San Diego County (APN No. 210-020-08). In this particular case, the City's interpretation would allow the development to encroach seaward of the stringline between the northern and southern adjacent properties, which is inconsistent with the Coastal Shoreline Development Overlay Zone. (Emphasis Added)

Setbacks provide visual relief from the cluster of private development lining the shoreline of this community, stepping back primary residences and accessory development in a measured, consistent manner while preserving open space and scenic vistas as viewed from the adjacent beach and public access points. Allowing the encroachment of development beyond the required stringline would create a precedent for shifting the pattern of development seaward along this stretch of coastline, and would represent a significant change in the community character and scenic quality of the area. Thus, the project raises a substantial issue regarding conformity with the LCP.

The Commission's historic interpretation of the City's stringline provisions has been that new development fronting the ocean shall observe at a minimum, an ocean setback based on "stringline" method of measurement. No enclosed portions of a structure shall be permitted further seaward than allowed by a line drawn between the adjacent structure to the north and south, the City of Oceanside's interpretation would allow the development to encroach between 4 to 8 feet seaward of the stringline between the northern and southern adjacent properties, which is inconsistent the Coastal Commission's interpretation.

C. Loss of Public Beach Parking

Staff stated “The project is located between the sea and the first coastal roadway and the appellant asserts there will be impacts to public access due to the loss of one or two existing public beach parking spaces.” The City of Oceanside and the Coastal Act policies pertaining to public access are applicable and state: 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 30212 of the Act is applicable and states, in part:

(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....

Public beach parking is protected by the City of Oceanside’s Land Use Plan and includes the following provisions in Chapter two – Policy Group Summaries on pages 10 and 11:

Policy 12 - If existing beach parking is removed for any reason, one-to-one replacement parking shall be provided west of the railroad right-of-way.

Staff states; “Based on discussions with City staff, common sense by the public is used to ensure that private garages are not blocked. Often, property owners will park in front of their own garages.”

The Appellant wishes it was that simple, but as a resident of this area realizes rules and regulations are required because not all people have “the common sense” The City of Oceanside and Staff so believes in.

Staff states; “Each of the two new homes will have its own garage. As designed, the new garages will be located approximately 18 feet apart, which will allow enough space for one public street parking space in between the driveways (Exhibit 6). Thus, 1-2 public on-street parking spaces will be lost.”

The Appellant agrees with Staff that at least 2 parking spaces will be lost, but disagrees with Staff’s understanding of the parking issue currently existing in the immediate area.

Staff states; “Adequate public access to the beach exists nearby. There is public beach area along the shoreline directly fronting the subject site and Buccaneer Beach, a small but highly used public beach, is located approximately 500 ft. north of the subject site. In addition, there is a public beach access way located four homes to the south of the subject site. “

The Appellant would like to correct Staff as the Public Beach Access is only 3 houses away or a total of 90 feet from the proposed development. It also must be understood the development will consist of 2 homes having 6 bedrooms each. Appellant is unaware of any homes in this area with 6 or more bedrooms. With 6 bedrooms it would be difficult to imagine less than 3 cars per residence would be involved. In other words with this development the neighborhood will lose one 3 bedroom structure and it will be replaced by 2, 6 bedroom structures. While trading 3 bedrooms for 12 bedrooms and the street loses 2 or more parking spaces yet the demand will increase by much more than 2.

Staff states; “The appellant has cited Policy 12 of the certified LCP and contends that the reduction in available public on-street parking must be replaced at a one-to-one ratio west of the railroad right-of-way. In its approval of the proposed homes, the City found that the new proposed two-car garages would ensure adequate off-street parking would be available to serve the residences of the two homes, and replacement at a one-to-one ratio was not required by the LCP. The Commission agrees that the LCP policy which requires replacement at a one-to-one ratio is not intended to apply to single family homes with the construction of a required garage. Furthermore, the Commission is not aware of any past single family home development projects in the City that were required to offset on-street parking lost to access a garage. It would not be practical or feasible for a private property owner to buy or construct a new public parking area for just one or two spaces, nor does the LCP establish or require any type of parking mitigation area or in-lieu fee program for private property owners to contribute to. The intent of Policy 12 is to conserve public parking and prohibit commercial, large-scale residential or City infrastructure and development projects from displacing available public parking used to access the beach without providing replacement spaces. Thus, replacement of lost parking in this case is not required.”

The Appellant would like to remind Staff that these statements fly directly into the face of the City of Oceanside’s LCP Policy 12. There is no language in the LCP that would allow for distinctions to be made for different types of construction rather commercial, industrial or residential. The LCP was written by the City of Oceanside, then approved by the Coastal Commission and it clearly states, “Policy 12 - If existing beach parking is removed for any reason, one-to-one replacement parking shall be provided west of the railroad right-of-way.” (Emphasis Added)

Staff states; “In summary, while public parking is at a premium in this beachfront area, the applicant is not required to replace lost on-street parking associated with this project and has designed the proposed homes in a manner to minimize impacts to public parking. Therefore, the proposed project does not raise a substantial issue on the grounds filed pertaining specifically to public access.”

The Appellant would ask Staff to explain why “the applicant is not required to replace lost on-street parking associated with this project”. The City of Oceanside’s requirement is “If existing beach parking is removed for any reason, one-to-one replacement parking shall be provided west of the railroad right-of-way.” (Emphasis Added)

The Appellant would ask Staff to explain why “the proposed project does not raise a substantial issue on the grounds pertaining specifically to public access”. The Public is losing several parking spaces and Staff continues to ignore the real victims, who are the public. The City of Oceanside’s has an absolute obligation to conform to their policy 12. But Staff instead, makes other statements that have nothing to do with the obligation and enforcement of the policy. The Staff is ignoring and abetting the City of Oceanside’s requirement to replace these parking spaces.

D. Conclusion

Staff stated; “In summary, the appellant has raised a number of contentions regarding LCP consistency, none of which raise substantial coastal resource impact concerns. As described in detail above, the proposed development is compliant with the western stringline setback and has been designed to minimize impacts to public beach parking, such that the new homes will not adversely impact public access. Therefore, the Commission finds that the appeal does not raise a substantial issue regarding the proposed development’s conformity with the certified LCP or with public access policies of the Coastal Act.”

The Appellant response to this Staff statement it that the Appellant 'HAS' raised a number of contentions that are absolutely "A Substantial Issue", all contentions raised by the Appellant are in some cases the same or closely resembling those raised in Appeal Number: A-6-CII-15-0039 dated 6/25/2015. Appellants in the Appeal were Commissioner Dayna Bochco and Commissioner Jana Zimmerby. Listed below are appealable actions filed by Appellants in Appeal Number: A-6-CII-15-0039 and their comparison to the Appellants appeal in Appeal Number: A-6-OCN-15-0043 & A-6-OCN-15-0044.

The Appellants asserted the following in Appeal Number: A-6-CII-15-0039;

1. "The appellants contend that the project, as approved by the City, is inconsistent with the City of Carlsbad's certified LCP regarding the interpretation of the western boundary of the deck/other appurtenances "stringline". The appellants contend that the deck stringline (which includes the proposed pool, pool deck, and terrace) allows for seaward encroachment on the subject site. The certified LCP prohibits new development along the ocean from extending further seaward than a "stringline" drawn between adjacent developments. Specifically Section 21.204.050B of the Coastal Shoreline Development Overlay Zone states:
2. New development fronting the ocean shall observe at a minimum, an ocean setback based on "stringline" method of measurement. No enclosed portions of a structure shall be permitted further seaward than allowed by a line drawn between the adjacent structure to the north and south, no decks or other appurtenances shall be permitted further seaward than those allowed by a line drawn between those on the adjacent structure to the north and south. A greater ocean setback may be required for geological reasons and if specified in the Local Coastal Program.
3. The City made the finding that for the proposed swimming pool, deck and patio, no stringline opportunity exists to the south because there is not an existing, detached and permitted deck, or other appurtenance, seaward of the main residence on the lot south of the subject site, and that because the new pool, deck and patio are proposed to be located within an area of existing development (i.e. the existing concrete terrace and previous basement footprint), the stringline method does not apply to the subject proposal.

The Appellants assert the following in Appeal Number: A-6-OCN-15-0043 & A-6-OCN-15-0044.

Appellant argues the development does not comply with the City of Oceanside's Zoning Ordinance – Section 1703, Rear Yards and specifically the development is not "compatible in scale with existing structures" and allows substantially impairing the views from adjoining properties. Although the City of Oceanside's LCP is not as definitive as that of the City of Carlsbad, it may be time for the Coastal Commission to begin review and standardization of the coastal cities LCP's.

"Rear yard stringline setbacks are regulated through the provision of the City of Oceanside Zoning Ordinance – Section 1703, Rear Yards, which states:

City of Oceanside Zoning Ordinance – Section 1703, Rear Yards. The following minimum rear yard setbacks shall be met: [...]

(e) notwithstanding any other provisions of this Section, buildings or structures located on lots contiguous to the shoreline shall be compatible in scale with existing development and shall not extend further seaward that the line established on the "Stringline Setback Map," which is kept on file in the Planning Division. Appurtenances such as open decks, patios, and balconies may be allowed to extend

seaward of the Stringline Setback line, provided that they do not substantially impair the views from adjoining properties.

The Appellants asserted the following in Appeal Number: A-6-CII-15-0039;

1. However, the existing development is seaward of the required deck stringline between the northern and southern adjacent properties and, thus creates a visual impact (ref. Exhibit 5). Allowing new development in the same location would perpetuate this impact. The Commission has historically applied the City's stringline provisions to any new development along the shoreline, which has resulted in previous appeals of CDPs within the City of Carlsbad, the most recent being the property located at 5015 Tierra Del Oro (CDP No. A-6-CII-08-028/Moss) among others (ref. CDP Nos. A-6-CII-07-17/Riley; A-6-CII-03-26/Kiko; 6-90-25/Kunkel; 6-90-299/Rowe; 6-92-107/Phillips; and 6-95- 144/Bownes). In this particular case, the City's interpretation would allow the development to encroach between 7-30 feet seaward of the deck stringline between the northern and southern adjacent properties, which is inconsistent with the Coastal Shoreline Development Overlay Zone.
2. Setbacks provide visual relief from the cluster of private development lining the shoreline of the Tierra Del Oro community, stepping back primary residences and accessory development in a measured, consistent manner while preserving open space and scenic vistas as viewed from the adjacent beach and public access points. Allowing the encroachment of development beyond the required stringline would create a precedent for shifting the pattern of development seaward along this stretch of coastline, and would represent a significant change in the community character and scenic quality of the area. Thus, the project raises a substantial issue regarding conformity with the LCP. Allowing development beyond the established stringline (projecting further west), the project will block existing views, inconsistent with the City's LCP and the Coastal Act." Also the language in this Appeal states; "the project is consistent with LCP policies regarding protection of public views, is consistent with the scale and character of the area, and would not allow for seaward encroachment beyond the established line of development in this area of Oceanside."

The Appellants assert the following in Appeal Number: A-6-OCN-15-0043 & A-6-OCN-15-0044.

1. The City of Oceanside made the finding that the proposed development is to be allowed to extend beyond the adjacent structures, again NOT in Accordance with Section 30250 "Location; existing developed area". An absolute stringline opportunity exists for the City of Oceanside to the south and north. This because there is an existing structure both north and south of the proposed development. However, the proposed development is seaward of the required deck stringline between the northern and southern adjacent properties and, thus creates a visual impact. Allowing new development in the same location would perpetuate this impact.
2. The Commission has historically applied the City's stringline provisions to any new development along the shoreline, which has resulted in previous appeals of CDPs the most recent being the property located 5039 Tierra Del Oro, Carlsbad, San Diego County (APN No. 210-020-08). In this particular case, the City of Oceanside's interpretation would allow the development to encroach seaward of the implemented stringline between the northern and southern adjacent properties, which is inconsistent with the Coastal Shoreline Development Overlay Zone.

3. Setbacks provide visual relief from the cluster of private development lining the shoreline of this community, stepping back primary residences and accessory development in a measured, consistent manner while preserving open space and scenic vistas as viewed from the adjacent beach and public access points. Allowing the encroachment of development beyond the implemented stringline would create a precedent for shifting the pattern of development seaward along this stretch of coastline, and would represent a significant change in the community character and scenic quality of the area. Thus, the project raises a 'Substantial issue' regarding conformity with the LCP.

E. SUBSTANTIAL ISSUE FACTORS

Staff States; "As discussed above, there is strong factual and legal support for the City's determination that the proposed development is consistent with the certified LCP. The other factors that the Commission normally considers when evaluating whether a local government's action raises a substantial issue also support a finding of no substantial issue. The project is minor in extent and scope, and coastal resources are not affected. The project will not create an adverse precedent for interpretation of the City's LCP. Finally, the objections to the project suggested by the appellant do not raise any substantial issues of regional or statewide significance.

The Appellants asserted the following in Appeal Number: A-6-CII-15-0039;

1. As discussed above, the factors that the Commission often considers when evaluating whether a local government's action raise a substantial issue also support a finding of substantial issue. First, there is inadequate factual and legal support for the City's determination that the proposed development is consistent with the certified LCP. In this case, the development, as approved by the City, raises several LCP consistency issues with regard to stringline setbacks, geologic stability analysis, bluff edge determination, and previously unpermitted development. While the extent and scope of development is for a single family residence, the coastal resources affected are significant; in particular, the bluff face and geological stability in the area. The local government's approval sets poor precedent for future interpretations of its LCP because it avoided using the string line to evaluate setback, it miscalculated the bluff edge, and it ignored a potential violation caused by the unpermitted construction of the new staircase. The objections to the project raised by the appellants identify substantial issues of regional or statewide significance, due to the intensely debated issues of geological stability and sea level rise impacts and how they affect development on bluffs up and down the California coast.
2. Furthermore, the decision fails to adequately address the reliance of new development on existing shoreline protective devices and is inconsistent with recent Commission guidance on this issue, especially as it relates to analysis necessary in the face of anticipated future sea level rise.

The Appellants assert the following in Appeal Number: A-6-OCN-15-0043 & A-6-OCN-15-0044.

1. As discussed above, the factors that the Commission often considers when evaluating whether a local government's action raise a substantial issue also support a finding of substantial issue. First, there is inadequate factual and legal support for the City of Oceanside's determination that the proposed development is consistent with the certified LCP. In this case, the development, as approved by the City of Oceanside, raises several LCP consistency issues with regard to stringline setbacks, parking and existing conformity issues. The local government's approval sets poor precedent for future interpretations of its LCP because it avoided using the common setbacks already provided, allowing visual relief from the cluster of private development lining the shoreline of this community, stepping

back primary residences and accessory development in a measured, consistent manner while preserving open space and scenic vistas as viewed from the adjacent beach, public and private access points. The objections to the project raised by the Appellants identify substantial issues of regional or statewide significance, due to the intensely debated issues of stringline locations, beach parking and sea level rise impacts up and down the California coast.

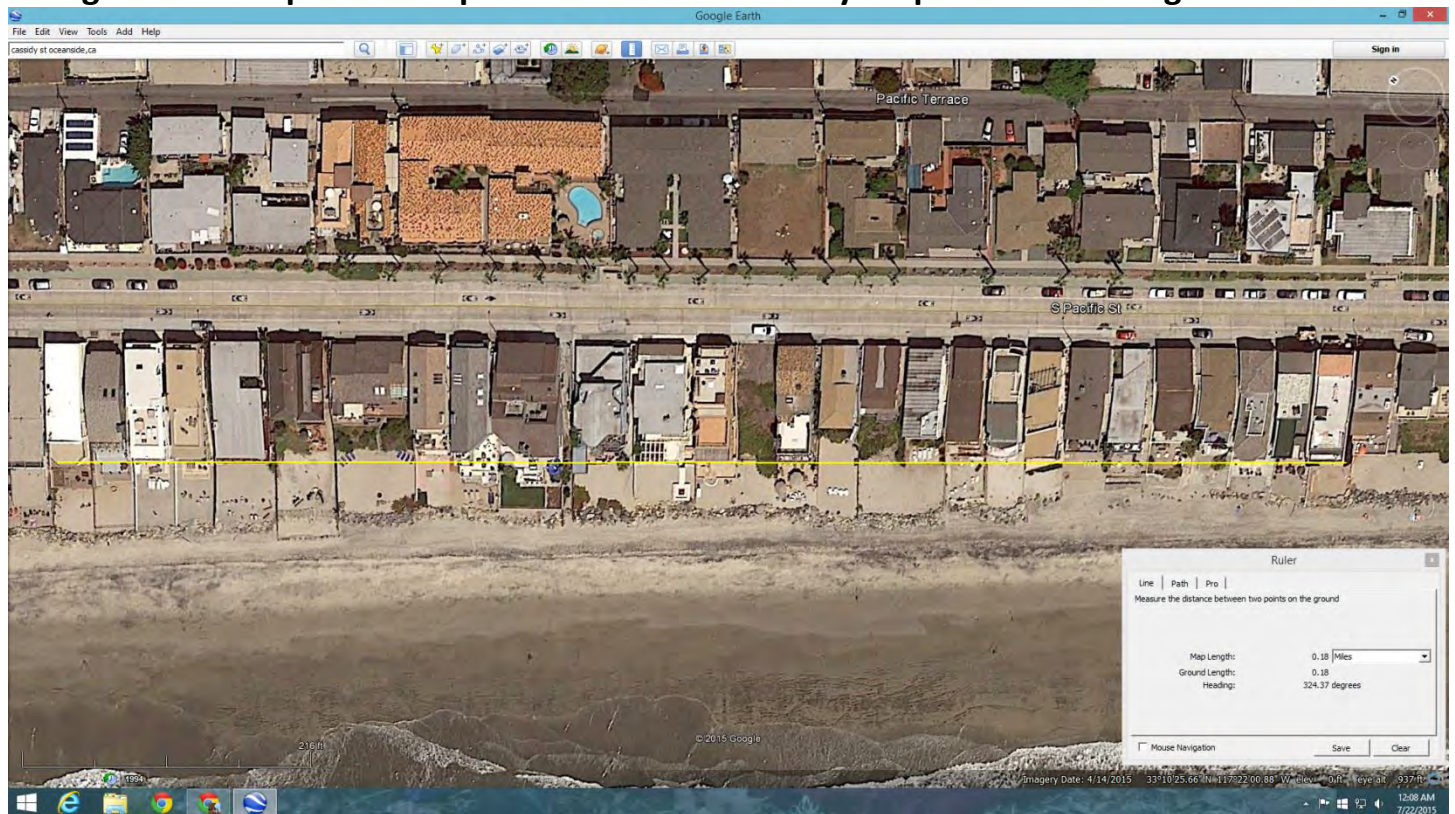
2. The project will create an adverse precedent for interpretation of the City's LCP. Finally, the objections to the project suggested by the Appellant raise Substantial issues of regional and statewide significance.

In closing the Appellant would like to emphasis in Appeal Number: A-6-CII-15-0039; filed by Commissioner Dayna Bochco and Commissioner Jana Zimmerby, the word CONFORMITY is used 8 times, the word SIMILAR is used 9 times, the word VIEWS is used 4 times and the word SETBACKS is used 17 times.

This Appellant believes the Coastal Commission which seeks to protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations, can only do so by establishing uniformity, constancy, consistency, conformity, invariability, stability, regularity, evenness, homogeneity, equality and harmony throughout the Coast of California.

Therefore it is requested the matters discussed in this Appeal response be elevated to 'Substantial Issues' and treated in accordance with that established policy.

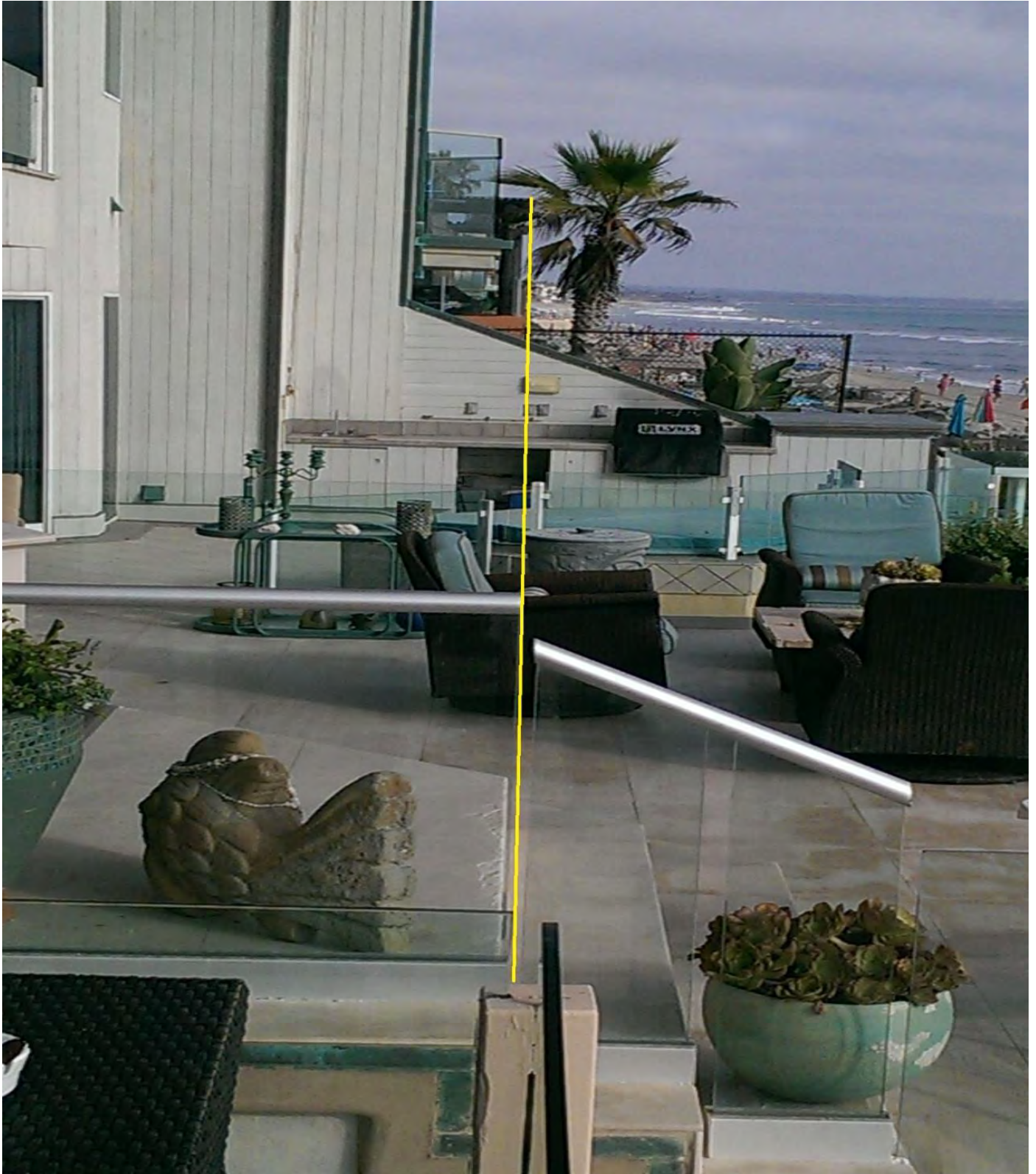
'Google Earth' map of development area and currently 'Implemented Stringline'



Implemented Stringline due North from Appellant's property



Implemented Stringline due South from Appellant's property



CALIFORNIA COASTAL COMMISSION

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Th23a & b

Filed: 07/06/15
 49th Day: 08/24/15
 Staff: E.Stevens-SD
 Staff Report: 07/23/15
 Hearing Date: 08/13/15

STAFF REPORT AND RECOMMENDATION ON APPEAL SUBSTANTIAL ISSUE DETERMINATION

Local Government: City of Oceanside

Decision: Approved with Conditions

Appeal Number: A-6-OCN-15-0043 & A-6-OCN-15-0044

Applicant: KCS Properties LLC

Location: 1631 South Pacific Street, Oceanside, San Diego County
 (APN No. 153-09-112 (Lots 25 and 26))

Project Description: Demolition of an existing single-family residence covering two approximately 5,400 sq. ft. parcels and construction of a new detached single family residence on each parcel as described below:

Lot 25/Northern Parcel: Construction of a 3,947 sq. ft., 2-story over basement, single family residence with an attached 452 sq. ft. 2-car garage and a 183 sq. ft. subterranean storage area on an approximately 5,400 sq. ft. parcel. (A-6-OCN-15-0043)

Lot 26/Southern Parcel: Construction of a 3,947 sq. ft., 2-story over basement, single family residence with an attached 452 sq. ft. 2-car garage and a 183 sq. ft. subterranean storage area on an approximately 5,400 sq. ft. parcel. (A-6-OCN-15-0044)

Appellants: Steve and Susan Parker

Staff Recommendation: No Substantial Issue

IMPORTANT HEARING PROCEDURE NOTE

This is a substantial issue only hearing. Testimony will be taken only on the question of whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify. Others may submit comments in writing. If the Commission determines that the appeal does raise a substantial issue, the de novo phase of the hearing will occur at a future Commission meeting, during which it will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission, after public hearing, determine that NO substantial issue exists with respect to the grounds on which the appeal has been filed.

The subject project involves the demolition of one single-family residence and the construction of two new single-family residences on two adjacent parcels. Each home was approved by the City as a separate permit; however, the two structures are owned by the same entity and raise identical issues, thus, the appeals are being analyzed in a single staff report.

The appellant has raised two Local Coastal Program (LCP) consistency issues related to the western (seaward) stringline and the reduction of available public street parking. Specifically, the appellant contends that the stringline used to site the new residences is located 4.5 ft. seaward of the stringline certified by the Coastal Commission in 1986. The appellant also contends that the project does not include replacement of the 1-2 existing public on-street parking spaces that will be eliminated in order to provide access to the proposed garages for the new homes. Staff has reviewed the appellant's contentions in detail, and based on review of the City's file and information provided by the applicant, concluded that the development, as approved by the City, is consistent with all applicable LCP provisions. The proposed structures are consistent with the City's certified stringline maps and with past project approvals for homes adjacent to the subject site. There are no public views available on or around the seaward side of the proposed structure that could be impacted by the proposed development. The two new homes will each have one garage, which is the minimum necessary to provide off-street parking for the two structures. The LCP does not require single-family residences to replace on-street parking that will be eliminated to accommodate the minimum required amount of parking.

Because there are no identified inconsistencies with the LCP and the Coastal Act, staff recommends that the Commission determine that the project raises no substantial issue regarding conformance with the certified LCP and the Chapter 3 policies of the Coastal Act.

A-6-OCN-15-0043 & A-6-OCN-15-0044 (KCS Properties LLC)

Standard of Review: Certified City of Oceanside Local Coastal Program and the public access and recreation policies of Chapter 3 of the Coastal Act.

TABLE OF CONTENTS

| | |
|--|----------|
| I. APPELLANTS CONTEND..... | 5 |
| II. LOCAL GOVERNMENT ACTION | 5 |
| III. APPEAL PROCEDURES..... | 5 |
| IV. SUBSTANTIAL ISSUE MOTIONS AND RESOLUTIONS | 7 |
| V. SUBSTANTIAL ISSUE FINDINGS AND DECLARATION | 8 |
| A. PROJECT DESCRIPTION..... | 8 |
| B. REAR-YARD STRINGLINE SETBACK..... | 9 |
| C. LOSS OF PUBLIC BEACH PARKING | 11 |
| D. CONCLUSION..... | 13 |
| E. SUBSTANTIAL ISSUE FACTORS | 14 |

APPENDICES

[Appendix A – Substantive File Documents](#)

EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Site Plan](#)

[Exhibit 3 – Site Photo](#)

[Exhibit 4 – Aerial Site Photo](#)

[Exhibit 5 – Photo Looking East](#)

[Exhibit 6 – East Elevation Plan](#)

[Exhibit 7 – Public Ocean View](#)

[Exhibit 8 – Stringline Survey](#)

[Exhibit 9 – City’s Resolutions of Approval](#)

[Exhibit 10 – Appeals](#)

I. APPELLANTS CONTEND

The appellant contends that the development approved by the City is inconsistent with the City of Oceanside's certified Local Coastal Program (LCP) for the following reasons:

1. The "stringline" used to site the new homes is located 89.4 to 89.5 ft. from the eastern property line, which is 4.5 ft. seaward of the "stringline" certified by the Coastal Commission in 1986.
2. The City of Oceanside did not require that the applicant replace, at a 1:1 ratio, the existing public on-street parking spaces that will be eliminated in order to provide access to the proposed garages for the new homes.

II. LOCAL GOVERNMENT ACTION

On June 8, 2015 the Planning Commission adopted Planning Commission Resolution Nos. 2015-P14 and 2015-P15 and Regular Coastal Development Permit Nos. RC12-00020 and RC12-00021. The Planning Commission action was not appealed to the City Council. The appellants have standing to appeal to the Coastal Commission as they participated in the local hearing. They were not required to appeal locally due to the fees charged by the City for its appeals. (Cal. Code of Regs., tit. 14, § 13573(a)(4).)

The specific conditions required by the Planning Commission require the applicant to provide 50% open side yard fencing in order to protect existing ocean views and to provide a new ocean view corridor, limit all habitable building envelope and balconies to be located no further seaward than the line of development established by the Stringline Setback Map, and require 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.

III. APPEAL PROCEDURES

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

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

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

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

If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to the de novo portion of the hearing on the merits of the project, then, or at a later date. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, those allowed to testify at the hearing 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 standard of review 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 of the Coastal Act. 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 on appeal.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo 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., tit. 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 a 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 to determine that the development approved by the City does not raise a substantial issue with regard to the appellant's contentions regarding coastal resources.

IV. SUBSTANTIAL ISSUE MOTIONS AND RESOLUTIONS

The staff recommends the Commission adopt the following resolutions:

- A. **MOTION:** *I move that the Commission determine that Appeal No. A-6-OCN-15-0043 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

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

- RESOLUTION:** *The Commission hereby finds that Appeal No. A-6-OCN-15-0043 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan 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-15-0044 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

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

RESOLUTION: *The Commission hereby finds that Appeal No. A-6-OCN-15-0044 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

V. SUBSTANTIAL ISSUE FINDINGS AND DECLARATION

The Commission finds and declares as follows:

A. Project Description

The subject property is located in the City of Oceanside adjacent to South Pacific Street to the east, the beach and Pacific Ocean to the west, and residential homes to the north and south (Exhibits 1-6). The proposed development involves two adjacent approximately 5,400 sq. ft. parcels, which are currently developed with one single family home spanning both lots. As proposed, the existing home would be completely demolished and the parcels would be developed with two separate detached single family homes. Each home would be two stories over a basement and would consist of 3,947 sq. ft. of habitable space, 183 sq. ft. of subterranean storage, and a 452 sq. ft. garage. The existing development spans nearly the entire width of the site parallel to South Pacific Street, and thus the only views as one walks along South Pacific Street is along the north and south side yard view corridors across the site to the ocean and a small view over the south side of the structure (Exhibits 7). As approved by the City, the proposed development would consist of two separate, taller structures. Thus, the proposed development will eliminate the existing view over the structure, but create a 6-foot wide slot view from South Pacific Street to the ocean between the structures that does not currently exist.

As approved by the City, the two new single family homes will be located approximately three feet landward of the western stringline setback and no balconies will extend past the stringline. The homes will be staggered along the rear of the property and each story will be located further landward from the stringline creating a “step back” from the beach. The subject property is located within the Residential-Tourist (R-T) zoning designation and an Urban High-Density land use designation (UHD-R).

B. Rear-Yard Stringline Setback

Rear yard stringline setbacks are regulated through the provision of LCP Section 1703, which states:

City of Oceanside Zoning Ordinance – Section 1703

Rear Yards. The following minimum rear yard setbacks shall be met:

[...]

(e) notwithstanding any other provisions of this Section, buildings or structures located on lots contiguous to the shoreline shall be compatible in scale with existing development and shall not extend further seaward that the line established on the “Stringline Setback Map,” which is kept on file in the Planning Division. Appurtenances such as open decks, patios, and balconies may be allowed to extend seaward of the Stringline Setback line, provided that they do not substantially impair the views from adjoining properties.

As stated above, rear yard setbacks on oceanfront lots are determined by the City’s “Stringline Setback Map.” The “stringline” in this case is a line on a map generally following the line of development on the beach-fronting homes along the City’s coast. The certified “Stringline Setback Map” was developed in 1983 by overlaying an imaginary stringline on an aerial photo of the shoreline in the City of Oceanside. The stringline map was based on existing building patterns, as well as anticipated future developments and remodels/expansions. This “stringline” was certified by the Commission in 1986 as part of the City’s Local Coastal Program. These maps are kept on file in the City’s Planning Division and are used to determine the westernmost boundary for any proposed development along the shoreline. The goal of limiting new development to extend no further seaward than the stringline is to restrict encroachment onto the shoreline and preserve private and public views along the shoreline.

The appellant has made multiple contentions related to the western stringline. First, the appellant contends that Coastal Commission staff told him on a phone call that the stringline setback for the subject property was 85 ft. from the western edge of South Pacific Street. At the time of the phone call, Commission staff did not have the information about the location of the stringline for the subject property and did not tell

the appellant the location of the stringline. Second, the appellant contends that he has reviewed various permits and variances issued or approved by the Oceanside Planning Commission that establish the stringline at 85 ft. from the western edge of South Pacific Street. The appellant did not provide documentation of any of the referenced approvals. However, Commission staff obtained copies of various City staff reports for development projects between 1990 and 2008 that referenced the stringline for the nearby properties. None of the city approvals for the adjacent projects were appealed to the Commission. A summary of the city approvals reviewed by Commission staff is as follows (Reference Exhibit 4 for a labeled aerial photo of the properties discussed below):

- In 2006, the City approved demolition of a duplex straddling two lots located three properties to the north of the subject site and construction of two new single family homes (1621 and 1623 South Pacific Street). The survey for this approval found that the stringline was at 89.5 ft. along the southern property line and 96 ft. along the northern property line. (City Permit RC-14-06 and RC-15-06)
- In 1990, the City approved an addition and deck construction at a site two properties to the south from the subject site (1635 South Pacific Street). This is the example cited by the appellant in his appeal. The appellant states that this property obtained a variance to construct the deck 9.5 feet seaward of the stringline. However, the variance obtained for the approval was to construct a third story. The deck located seaward of the stringline did not require a variance because decks are permitted past the stringline if they do not impact public or private views. The survey for this approval found that the stringline was at 89 ft. 4 in. (City Permit RC-26-89)
- Commission staff also reviewed an approval granted by the City in 2008 for expansion of the rear deck at the appellant's property (1633 South Pacific Street), which is the site adjacent to the subject site to the south. The City staff report for this project does not provide the stringline distance, but states that the deck would be consistent with the stringline. In addition, the staff report includes a site plan showing the location of the stringline in relation to the home. An as-built certification letter was also submitted by the appellant for the deck addition (David Jolly, Land Surveying, dated 12/7/2009). In the as-built certification letter, the surveyor hired by the appellant states that the new rear deck is landward of the stringline shown on the project plans and that the plan stringline was depicted at approximately 85 ft. However, the surveyor also stated that he believed that the stringline actually should be located at approximately 89.5 ft., thus implying that the stringline shown on the appellant's site plan may have been drawn further inland than necessary. (City Permit RC-9-08)

For the subject project, the applicant prepared a survey of the stringline location which shows that the stringline is located at 89.4 ft. along the southern property line and at 89.5 ft. along the northern property line (Exhibit 8). The stringline location shown on the survey for the subject site is consistent with the stringline location used for the property three sites to the north of the subject site, with the statements of the surveyor in the as-built certification letter for the site directly adjacent to the south, and with the stringline used for the property two sites to the south of the subject site.

Commission staff has also compared the survey of the stringline setback approved for the subject site with the certified stringline map approved by the Commission in 1986 and found it to be generally consistent. As stated previously, the certified stringline map was created with the use of aerial photographs and is not exact. Therefore, each development project must undertake a site-specific survey and determine the stringline using the best available information. Based on the consistency of the subject stringline location survey with past project approvals at adjacent sites and the comparison of the certified stringline map to the stringline survey for the subject site, the appellant's assertion does not appear valid and does not raise a substantial issue.

The appellant also contends that the construction of the subject homes will adversely impact his private views. Specifically, the new homes will be located further seaward than the appellant's home and will reduce his private ocean view to the north. The City's LCP allows for new development to be cited as far seaward as the line established by the stringline setback map. The subject homes will be located approximately three feet landward of the stringline setback. Even after construction of the two new homes, the appellant will retain unimpeded views of the ocean and therefore the proposed development does not substantially impair his private ocean view. In addition, there is no potential for public view blockage in this location with regard to the stringline setback, because no public vantage points are located adjacent to the western portion of the proposed new homes. Therefore, the appellant's assertion does not appear valid and does not raise a substantial issue.

C. Loss of Public Beach Parking

The project is located between the sea and the first coastal roadway and the appellant asserts there will be impacts to public access due to the loss of one or two existing public beach parking spaces. The City of Oceanside and the Coastal Act policies pertaining to public access are applicable and state:

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 30212 of the Act is applicable and states, in part:

(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....

Public beach parking is protected by the City of Oceanside's Land Use Plan and includes the following provisions in Chapter two – Policy Group Summaries on pages 10 and 11:

Policy 12 - If existing beach parking is removed for any reason, one-to-one replacement parking shall be provided west of the railroad right-of-way.

Policy 17 - The City shall require that all new residential development provides adequate on-site parking. In areas where beach parking demand is critical, parking requirements for new residential development shall be strictly enforced. Curb cuts shall be held to a minimum to preserve existing on-street parking.

The area of South Pacific Street where the subject site is located has a rolled curb and no curb cuts or curb aprons are required to access private garages. Public on-street parking is currently available on both sides of South Pacific Street. There is little to no signage or red curb areas along this stretch of South Pacific Street to designate where street parking is permitted and where it is prohibited. Nevertheless property owners must be able to access their garages. Based on discussions with City staff, common sense by the public is used to ensure that private garages are not blocked. Often, property owners will park in front of their own garages.

The subject site is currently developed with an existing single family home with one driveway, which leaves the remainder of the site's street frontage open to public parking. Thus, 2-3 parking spaces are currently available to the public fronting the subject site. As proposed, the existing home will be demolished and the applicant will construct two new single family homes. Each of the two new homes will have its own garage. As designed, the new garages will be located approximately 18 feet apart, which will allow enough space for one public street parking space in between the driveways (Exhibit 6). Thus, 1-2 public on-street parking spaces will be lost.

The availability of public parking in this area of the City is a major concern for the Commission, as parking can be highly impacted during the peak beach periods in the summer months. Adequate public access to the beach exists nearby. There is public beach area along the shoreline directly fronting the subject site and Buccaneer Beach, a small but highly used public beach, is located approximately 500 ft. north of the subject site. In addition, there is a public beach accessway located four homes to the south of the subject site. The primary public parking in the immediate vicinity of the site is located on the street. In addition, there is a free public parking lot for this stretch of beach and for Buccaneer Beach located approximately 500 ft. north of the site. The City has numerous other free and pay parking lots, but the majority of the parking lots are located near the Oceanside Pier and the Oceanside Transit Center, approximately 1.5 miles north of the subject site. Thus, there are various opportunities for public parking in the vicinity of the site, and both on and off-street spaces contribute to the reservoir of beach parking.

The appellant has cited Policy 12 of the certified LCP and contends that the reduction in available public on-street parking must be replaced at a one-to-one ratio west of the railroad right-of-way. In its approval of the proposed homes, the City found that the new proposed two-car garages would ensure adequate off-street parking would be available to serve the residences of the two homes, and replacement at a one-to-one ratio was not required by the LCP. The Commission agrees that the LCP policy which requires replacement at a one-to-one ratio is not intended to apply to single family homes with the construction of a required garage. Furthermore, the Commission is not aware of any past single family home development projects in the City that were required to offset on-street parking lost to access a garage. It would not be practical or feasible for a private property owner to buy or construct a new public parking area for just one or two spaces, nor does the LCP establish or require any type of parking mitigation area or in-lieu fee program for private property owners to contribute to. The intent of Policy 12 is to conserve public parking and prohibit commercial, large-scale residential or City infrastructure and development projects from displacing available public parking used to access the beach without providing replacement spaces. Thus, replacement of lost parking in this case is not required.

The appellant has also cited LCP Policy 17, which requires that curb cuts shall be held to a minimum to preserve existing on-street parking in areas where beach parking demand is critical. The Commission agrees that beach parking demand is critical in this area and that any loss of existing parking should be avoided to the extent feasible. As stated previously, the garages for the two homes have been located such that an approximately 18 ft. long public parking space will be available between them. The applicant is proposing to construct a two-car garage for each residence, which is reasonable and results in the minimal amount of lost on-street parking for the construction of the two single family homes.

In summary, while public parking is at a premium in this beachfront area, the applicant is not required to replace lost on-street parking associated with this project and has designed the proposed homes in a manner to minimize impacts to public parking. Therefore, the proposed project does not raise a substantial issue on the grounds filed pertaining specifically to public access.

D. Conclusion

In summary, the appellant has raised a number of contentions regarding LCP consistency, none of which raise substantial coastal resource impact concerns. As described in detail above, the proposed development is compliant with the western stringline setback and has been designed to minimize impacts to public beach parking, such that the new homes will not adversely impact public access. Therefore, the Commission finds that the appeal does not raise a substantial issue regarding the proposed development's conformity with the certified LCP or with public access policies of the Coastal Act.

E. Substantial Issue Factors

As discussed above, there is strong factual and legal support for the City's determination that the proposed development is consistent with the certified LCP. The other factors that the Commission normally considers when evaluating whether a local government's action raises a substantial issue also support a finding of no substantial issue. The project is minor in extent and scope, and coastal resources are not affected. The project will not create an adverse precedent for interpretation of the City's LCP. Finally, the objections to the project suggested by the appellant do not raise any substantial issues of regional or statewide significance.

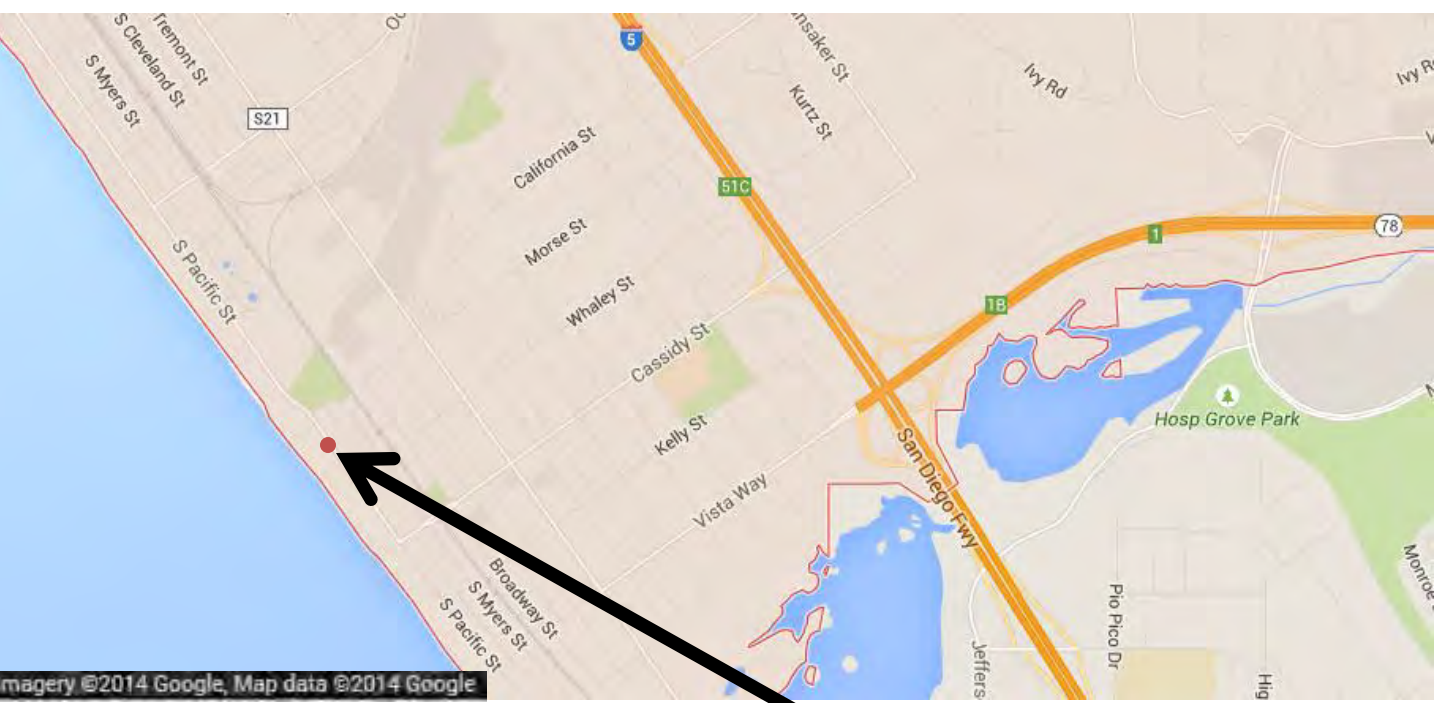
(G:\San Diego\Reports\Appeals\2015\A-6OCN-15-0043 & 0044 KCS Properties SI staff report.docx)

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS:

- Certified City of Oceanside Local Coastal Program
- Appeal Form submitted by Steve and Susan Parker, received 6/6/2015
- Building Plans by Safdie Rabines Architects, dated 4/29/2015
- City Permit Nos. RC12-00020 and RC12-00021, dated 6/8/2015
- Planning Commission Resolution Nos. 2015-P14 and 2015-P15, dated 6/8/2015
- City Permit Nos. RC-14-06 and RC-15-06, dated 9/11/2006
- City Permit No. RC-26-89, dated 4/11/1990
- City Permit No. RC-9-08, dated 12/1/2008
- As-built certification letter for 1633 South Pacific Street by David Jolly, Land Surveying, dated 12/07/2009

PROJECT LOCATION



imagery ©2014 Google, Map data ©2014 Google

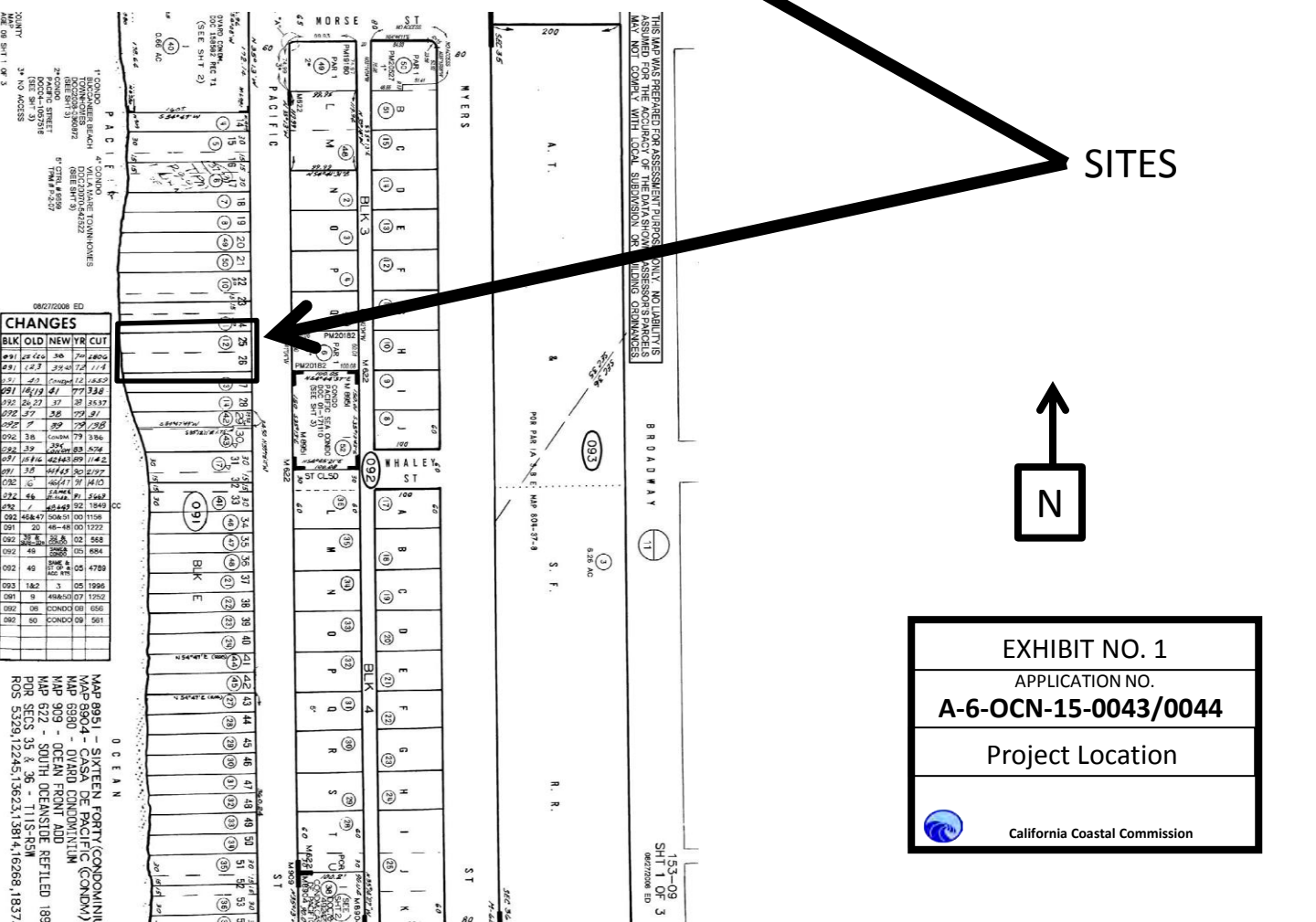


EXHIBIT NO. 1

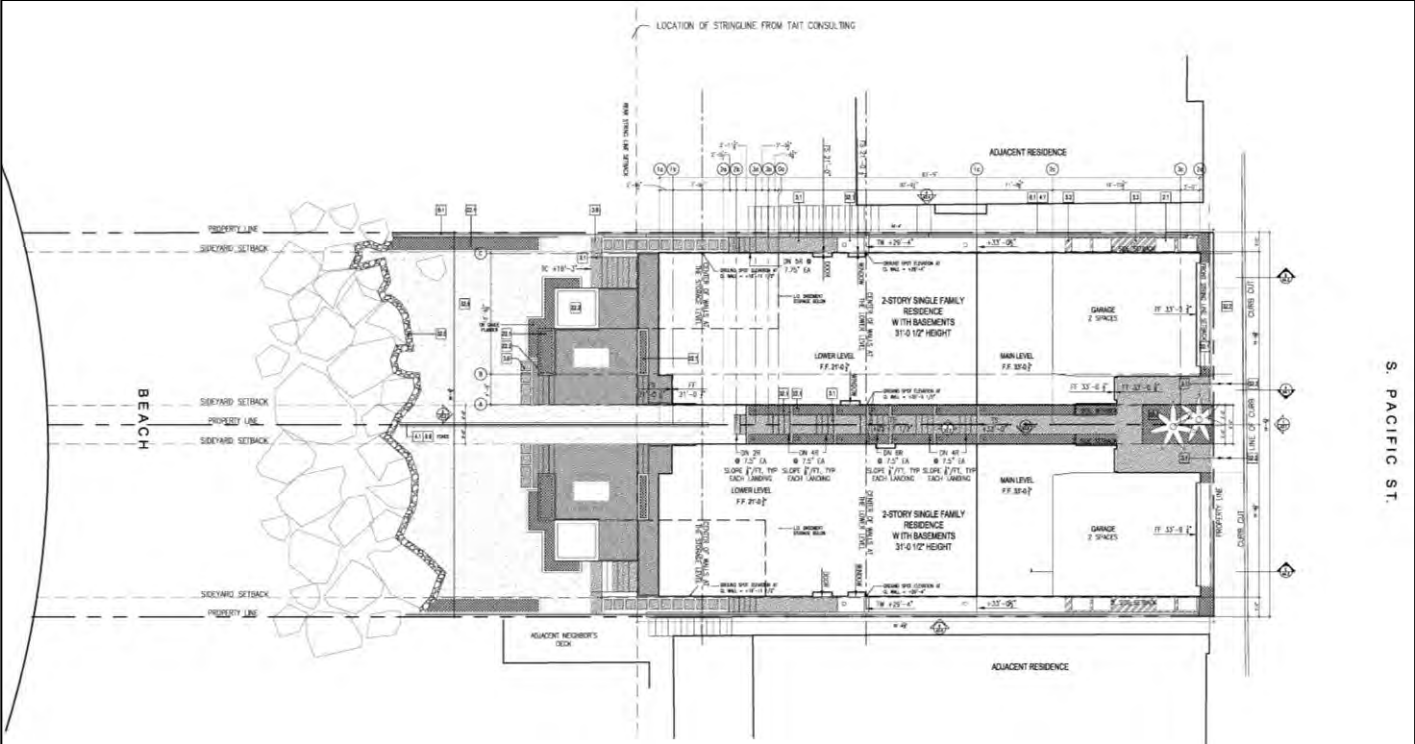
APPLICATION NO.

A-6-OCN-15-0043/0044

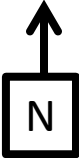
Project Location

California Coastal Commission

SITE PLAN



← Ocean



| |
|---|
| EXHIBIT NO. 2 |
| APPLICATION NO. |
| A-6-OCN-15-0043/0044 |
| Site Plan |
|  California Coastal Commission |

SITE PHOTO

**1633 South Pacific Street
(Appellant's Property)**



**1631 South Pacific Street
(Subject Site)**



Imagery ©2014 Google, Map data ©2014 Google

| |
|---|
| EXHIBIT NO.3 |
| APPLICATION NO. A-6-OCN-15-0043/0044 |
| Site Photo |
|  California Coastal Commission |

AERIAL SITE PHOTO



1621 S. Pacific Street

1623 S. Pacific Street

1631 S. Pacific Street
(Subject Site)

1633 S. Pacific Street
(Appellant's Property)

1635 S. Pacific Street

Imagery ©2014 Google, Map data ©2014 Google



| |
|--|
| EXHIBIT NO. 4 |
| APPLICATION NO. A-6-OCN-15-0043/0044 |
| Aerial Site Photo |
|  California Coastal Commission |

PHOTO LOOKING EAST

**1633 South Pacific Street
(Appellant's Property)**

**1631 South Pacific Street
(Subject Site)**



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EXHIBIT NO. 5

APPLICATION NO.

A-6-OCN-15-0043/0044

Photo Looking East



California Coastal Commission

PUBLIC OCEAN VIEW

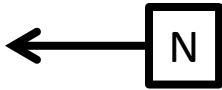


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|---|
| EXHIBIT NO. 7 |
| APPLICATION NO. |
| A-6-OCN-15-0043/0044 |
| Public Ocean View |
|  California Coastal Commission |

STRINGLINE SURVEY



SUBJECT PROPERTY
1631 SOUTH PACIFIC STREET
OCEANSIDE, CALIFORNIA
(LOTS 25 & 26 OF MAP 909)



| |
|---|
| EXHIBIT NO. 8 |
| APPLICATION NO. |
| A-6-OCN-15-0043/0044 |
| Stringline Survey |
|  California Coastal Commission |

CITY RESOLUTIONS OF APPROVAL

EXHIBIT NO. 9

APPLICATION NO.

A-6-OCN-15-0043/0044

City Resolutions



California Coastal Commission

1 PLANNING COMMISSION
2 RESOLUTION NO. 2015-P14

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

6 APPLICATION NO: RC12-00020
7 APPLICANT: KCS Properties LLC.
8 LOCATION: 1631 S. Pacific Street

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

11 WHEREAS, there was filed with this Commission a verified petition on the forms
12 prescribed by the Commission requesting a Regular Coastal Permit (RC12-00020) under the
13 provisions of the City of Oceanside Local Coastal Program to permit the following:

14 demolition of an existing single-family dwelling and construction of a two-story over
15 basement single-family dwelling;

16 on certain real property described in the project description;

17 WHEREAS, the Planning Commission, after giving the required notice, did on the 20th
18 day of April, 2015, conduct a duly advertised public hearing as prescribed by law to consider said
19 application and continued the hearing on this matter to the 8th day of June, 2015;

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

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

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

28 //////////////

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

//////////

//////////

| Description | Authority for Imposition | Current Estimate Fee or Calculation Formula |
|--|---|--|
| 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 | \$2.97 per square foot residential (Oceanside, Vista, Fallbrook and Bonsall) \$3.20 per sq. ft. (Carlsbad) |
| Traffic Signal Fee | Ordinance No. 83-01 Resolution No. 06-R0334-1 | \$15.71 per vehicle trip |
| Thoroughfare Fee | Ordinance No. 83-01 | \$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. 09-OR 0093-1 | 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. 09-OR 0092-1 | 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 \$4,492 per unit. |
| Inclusionary housing in lieu fees – Residential only | Chapter 14-C of the City Code | \$1,000 per development project, \$100 per unit, plus \$1.31 per square foot of livable area. |

WHEREAS, the current fees referenced above are merely fee amount estimates of the impact fees that would be required if due and payable under currently applicable ordinances and

1 resolutions, presume the accuracy of relevant project information provided by the applicant, and
2 are not necessarily the fee amount that will be owing when such fee becomes due and payable;

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

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

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

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

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

18 FINDINGS:

19 For the Regular Coastal Permit:

- 20 1. The proposed development, as conditioned, is consistent with the land use policies of the
21 Local Coastal Program as implemented through the Zoning Ordinance. Specifically, the
22 project, as conditioned, will not substantially alter or impact existing public views of the
23 coastal zone area or from adjoining properties and the physical aspects of the project are
24 consistent with existing development on neighboring sites. No seaward extension of the
25 habitable building envelope or balconies beyond the coastal stringline setback will be
26 constructed. Design, permitting, use, construction, maintenance, work, and repair of the
27 project's shoreline protection structure(s) shall conform to Chapter 19A of the
28 Oceanside City Code.
- 29 2. The proposed development, as conditioned, will not obstruct an existing, planned, or
required public beach access and conforms to the public access and recreation policies of
Chapter 3 of the Coastal Act.

1 3. The portion of the existing single-family dwelling structure on the subject property does
2 not include a garage. The new single-family dwelling will provide a two-car garage,
3 thus offsetting the loss of on-street parking fronting the project site.

4 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
5 approve Regular Coastal Permit (RC12-00020) subject to the following conditions:

6 **Building:**

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

9 **2013 Triennial Edition of CCR, Title 24**

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

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

- 19 • Part 2: The 2013 California Building Code (CBC) is based on the 2012 IBC, but
20 includes numerous State of California amendments.
- 21 • Part 2.5: The 2013 California Residential Code (CRC) is based on the 2012 IRC,
22 but includes numerous State of California amendments and does not include the
23 electrical, energy, mechanical, or, plumbing portions of the IRC, and instead parts
24 3 through 6 of Title 24 as listed below apply.
- 25 • Part 3: The 2013 California Electrical Code (CEC) is based on the 2011 NEC with
26 State of California amendments.
- 27 • Part 4: The 2013 California Mechanical Code (CMC) is based on the 2012 UMC
28 with State of California amendments.
- 29 • Part 5: The 2013 California Plumbing Code (CPC) is based on the 2012 UPC with
State of California amendments.

- 1 • Part 6: The 2013 California Energy Code is currently based on the 2013 Building
2 Energy Efficiency Standards, and please visit the California Energy Commission
3 website at <http://www.energy.ca.gov/title24/2013standards/> where additional
4 information can be found and Compliance manuals can be downloaded for free.
5 Effective Date July 1, 2014.
- 6 • Part 9: The 2013 California Fire Code (CFC) is based on the 2012 IFC with State
7 of California amendments.
- 8 • Part 11: The 2013 California Green Building Standards Code (CALGreen Code)
9 This Part is known as the California Green Building Standards Code, and it is
10 intended that it shall also be known as the CALGreen Code.
- 11 • Amendments to the City of Oceanside Administrative Code for Building
12 Regulations Ordinance No. 13-ORO752-1 Effective Date 01/01/2014 a copy of
13 which can be downloaded from the Building Division website at
14 <http://www.ci.oceanside.ca.us/gov/dev/bldg/codes.asp>.

- 15 2. The building plans for this project shall be prepared by a licensed architect or
16 engineer and shall be in compliance with this requirement prior to submittal for
17 building plan review.
- 18 3. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the
19 plans. Separate/unique addresses may be required to facilitate utility releases.
20 Verification that the addresses have been properly assigned by the City's Planning
21 Division shall accompany the Building Permit application.
- 22 4. A complete Soils Report, Structural Calculations, & Energy Calculations /
23 documentation shall be required at time of plans submittal to the Building Division
24 for plan check.
- 25 5. All exterior wall construction shall comply with California Residential Code Section
26 302 Fire-Resistant Construction Table R302.1.
 - 27 a) Less than 3'-0" to a property line, shall be of one hour fire resistance
28 construction. No openings allowed.
- 29 6. The project shall comply with Building Division Procedure I-10 Survey requirement-
Coastal Zone. A California Licensed Surveyor shall perform verification of

1 construction in progress at the following points of construction: foundation, each
2 floor, roof and final (prior to final building inspection approval).

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

6 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
7 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
8 work that is not inherently noise-producing. Examples of work not permitted on
9 Saturday are concrete and grout pours, roof nailing and activities of similar
10 noise-producing nature. No work shall be permitted on Sundays and Federal
11 Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving
12 Day, Christmas Day) except as allowed for emergency work under the
13 provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).

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

18 **Planning:**

19 8. Regular Coastal Permit (RC12-00020) shall expire on June 8, 2017, unless implemented
20 per the Zoning Ordinance or unless the Planning Commission grants a time extension.

21 9. This Regular Coastal Permit, as conditioned, approves a series of building and site
22 improvements for a two-story over basement single-family dwelling, as presented to the
23 Planning Commission for review and approval. No deviation from these approved plans
24 and exhibits shall occur without Planning Division approval. Substantial deviations shall
25 require a revision to the Regular Coastal Permit.

26 10. Habitable building envelope and balconies shall be limited to the coastal stringline setback,
27 as indicated on the "Stringline Plan" dated January 29, 2015, prepared by Tait Consulting
28 Inc.
29

- 1 11. The project shall comply with the 1986 Zoning Ordinance, Section 1720, Permitted
2 intrusions, into required yards. Any encroachments into the minimum 3'-0" side yard shall
3 maintain a minimum 30-inch clearance from side yard lot lines.
- 4 12. A Declaration of Covenants, Conditions and Restrictions (DCC&Rs) shall be submitted for
5 review and approval to the City Attorney prior to issuance of building permits.
- 6 13. All mechanical rooftop and ground equipment shall be screened from public view as
7 required by the Zoning Ordinance that is, on all four sides and top. The roof jacks,
8 mechanical equipment, screen and vents shall be painted with non-reflective paint to match
9 the roof. This information shall be shown on the building plans.
- 10 14. Prior to the issuance of building permits, compliance with the applicable provisions of the
11 City's anti-graffiti ordinance (Ordinance No. 93-19/Section 20.25 of the City Code) shall be
12 reviewed and approved by the Planning Division. These requirements, including the
13 obligation to remove or cover with matching paint all graffiti within 24 hours, shall be
14 noted on the Architectural Site Plan and shall be recorded in the form of a covenant
affecting the subject property.
- 15 15. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
16 written copy of the applications, staff report and resolutions for the project to the new
17 owner and or operator. This notification's provision shall run with the life of the project
18 and shall be recorded as a covenant on the property.
- 19 16. Failure to meet any conditions of approval for this development shall constitute a violation
20 of the Regular Coastal Permit.
- 21 17. Unless expressly waived, all current zoning standards and City ordinances and policies
22 in effect at the time building permits are issued are required to be met by this project.
23 The approval of this project constitutes the applicant's agreement with all statements in
24 the Description and Justification and other materials and information submitted with this
application, unless specifically waived by an adopted condition of approval.
- 25 18. Elevations, siding materials, colors, roofing materials and floor plans shall be
26 substantially the same as those approved by the Planning Commission. These shall be
27 shown on plans submitted to the Building Division and Planning Division.
28
29

- 1 19. Prior to issuance of a building permit, the applicant and landowner shall execute and
2 record a covenant, in a form and content acceptable to the City Attorney, providing that
3 the property is subject to this resolution and all conditions of approval.
- 4 20. Photo documentation of existing building resources on-site shall be completed in
5 compliance with OHPAC Policy 1, prior to issuance of demolition permits for the
6 existing structure on the subject property.
- 7 21. Any/all design, permitting, use, construction, maintenance, work, and repair of the
8 project's shoreline protection structure(s) shall conform to Chapter 19A of the
9 Oceanside City Code.
- 10 22. All existing and/or proposed shoreline protection structure(s) for this project shall be
11 monumented sufficiently to accurately record horizontal location and elevation of said
12 structure(s). Monument locations and survey control points/network shall be approved
13 by the City Engineer prior to placement of monuments. Monument data shall be
14 recorded on a final/parcel map, record of survey, or other acceptable document (as
15 approved by the City Engineer). The shoreline protection structure monuments will
16 serve as baseline control points to be used as reference for future repair or maintenance
17 activities which require a coastal development permit. Future seaward extension of
18 approved shoreline protection structures shall not be permitted.
- 19 23. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
20 harmless the City of Oceanside, its agents, officers or employees from any claim, action
21 or proceeding against the City, its agents, officers, or employees to attack, set aside, void
22 or annul an approval of the City, concerning Regular Coastal Permit (RC12-00020).
23 The City will promptly notify the applicant of any such claim, action or proceeding
24 against the City and will cooperate fully in the defense. If the City fails to promptly
25 notify the applicant of any such claim action or proceeding or fails to cooperate fully in
26 the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or
27 hold harmless the City.
- 28 24. By acceptance of this permit the applicant acknowledges and agrees (i) that the site may
29 be subject to hazards from wave overtopping and flooding; (ii) to assume the risks to the
applicant and the property that is the subject of this permit of injury and damage from
such hazards in connection with this permitted development; (iii) to unconditionally

1 waive any claim of damage or liability against the City, its officers, agents, and
2 employees for injury or damage from such hazards; and (iv) to indemnify and hold
3 harmless the City, its officers, agents, and employees with respect to the City's approval
4 of the project against any and all liability, claims, demands, costs (including costs and
5 fees incurred in defense of such claims) expenses, and amounts paid in settlement
6 arising from any injury or damage due to such hazards.

7 25. Fences and gates in the side yard setback areas shall be designed to maintain views to
8 the ocean and shall have at least 50 percent of its surface area open to light.

9 26. Ocean front deck railing systems, fences, screen walls and gates subject to this permit
10 shall use materials designed to minimize bird-strikes with the deck railing, fence or gate.
11 Such materials may consist, all or in part, of wood; wrought iron; frosted or partially
12 frosted glass; Plexiglass or other visually permeable barriers that are designed to prevent
13 creation of a bird-strike hazard. Clear glass or Plexiglass shall not be installed unless
14 appliques (e.g. stickers/decals) designed to reduce bird-strikes by reducing reflectivity
15 and transparency are also used. Any appliques used shall be installed to provide
16 coverage consistent with manufacturer specifications (e.g. one applique for every 3 foot
17 by 3 foot area). All materials and appliques shall be maintained throughout the life of the
18 development to ensure continued effectiveness at addressing bird-strikes and shall be
19 maintained at a minimum in accordance with manufacturer specifications.

20 27. All proposed deck and stair railing systems seaward of the stringline which are not
21 required to be installed for safety reasons by Building Code shall be removed.

22 28. All proposed landscaping (except trees) in the side and front yard areas shall be
23 maintained at a height of three feet or lower (including raised planters) for the life of the
24 proposed development.

25 29. Outdoor patios, decks, and other similar fixed accessory improvements shall not exist in
26 a hazardous condition. Repair, replacement or removal construction activities require
27 that all relevant permits be obtained from the City and all other applicable agencies.

28 30. Prior to issuance of building permits, the property owner shall execute and record
29 against the project property a Declaration of Restrictive Covenants designed to preserve
lateral public access and passive recreational use along the shoreline adjacent to the
property. The document shall provide that the property shall be held, transferred,

1 conveyed, leased or otherwise disposed of, occupied, and used subject to lawful public
2 access to and passive recreational use of the entire width of the property line. The
3 Declaration of Restrictive Covenants shall be recorded free of prior liens and free of any
4 other encumbrances which may affect said interest, and shall run with the land and be
5 binding on Declarant's heirs, successors in interest, administrators, assigns, lessees, and
6 other occupiers and users of the property or any portion of it. The location and
7 geometrics of the restrictive covenant shall be in accordance with the City's Local
8 Coastal Program (LCP).

- 9 31. This project is subject to payment of an in-lieu fee toward the Beach Sand Mitigation
10 Program.

11 **Fire:**

- 12 32. Dwellings must be fire sprinklered per NFPA 13D. Water meter supplying domestic and
13 fire sprinkler needs must be a minimum ¾ inch.

14 **Water:**

15 **General conditions:**

- 16 33. The developer will be responsible for developing all water and sewer utilities necessary to
17 develop the property. Any relocation of water and/or sewer utilities shall be the
18 responsibility of the developer and shall be done by an approved licensed contractor at the
19 developer's expense.
- 20 34. The property owner shall maintain private water and wastewater utilities located on private
21 property.
- 22 35. Water services and sewer laterals constructed in existing right-of-way locations shall be
23 constructed by an approved and licensed contractors at developer's expense.
- 24 36. All Water and Wastewater construction shall conform to the most recent edition of the
25 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
26 the Water Utilities Director.
- 27 37. Per the latest approved California Fire Code, all new residential units shall be equipped
28 with fire sprinkler system.
- 29 38. Each new single-family residential dwelling unit shall be water metered separately and
shall have a separate sewer lateral.

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

- 2 39. All public water and/or sewer facilities not located within the public right-of-way shall be
3 provided with easements sized according to the Water, Sewer, and Reclaimed Water
4 Design and Construction Manual. Easements shall be constructed for all weather access.
- 5 40. No trees, structures or building overhang shall be located within any water or wastewater
6 utility easement.
- 7 41. Show size and location of existing and proposed water services and sewer laterals on
8 engineering plans.
- 9 42. Water services shall not be located in driveway.
- 10 43. Proposed water service lines shall have water meter sizes that are the same size as the
11 service line or one City of Oceanside water meter size down.
- 12 44. Existing water service shall be abandoned in accordance with the City of Oceanside's
13 Water, Sewer, and Reclaimed Water Design and Construction Manual.
- 14 45. Existing sewer lateral that would need to be abandoned per developer's design shall be
15 disconnected and capped at sewer main in South Pacific Street and ends of sewer lateral
16 plugged.
- 17 46. Since the building has been defined as two stories instead of three stories, a separate
18 dedicated fire service connection with a double check detector assembly is not required.
- 19 47. Provide stationing and offsets for existing and proposed water service connections and
20 sewer laterals on plans.
- 21 48. All lots with a finish pad elevation located below the elevation of the next upstream
22 manhole cover of the public sewer shall be protected from backflow of sewage by installing
23 and maintaining an approved type backwater valve, per the latest approved California
24 Plumbing Code.
- 25 49. Sewer lateral connections shall be at right angle to public sewer main per Section 3.4 G. of
26 Water, Sewer, and Reclaimed Water Design and Construction Manual. Show size and
27 station location of existing and proposed sewer laterals on plans.
- 28 50. Provide dual check valve per City of Oceanside Standard Drawing W-30 after water meter.
29 Check valve shall be owned and maintained by property owner.

1 51. Subterranean parking structures shall be designed with a drainage system that conveys
2 runoff to the City's Storm Drain System and shall comply with the California Regional
3 Water Quality Control Board order No. 2007-0001.

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

5 52. The existing single-family home is supplied by an existing 5/8-inch water meter off of the
6 8-inch AC water main in South Pacific Street. Show the location and meter size of existing
7 and proposed meter on building plans to determine the exchange and incremental increase
8 in buy-in fees for the new meter.

9 53. The residential unit shall provide irrigation demand through the domestic water meter.

10 54. The first floor plan for each residential unit is shown as having a sleeping area, eating area,
11 living area, and wet bar. Should the wet bar area be converted to a kitchen and used as a
12 separate dwelling, then it is no longer a single-family residence and will be billed as multi-
13 family or be separately metered.

14 55. Provide table of proposed fixture count and flow calculations per latest California
15 Plumbing Code to size water meter size for new residential building on Building Plans and
16 verify water service line sizes proposed in engineering plans.

17 56. Existing and proposed water service line size, meter size, and connection to public water
18 main shall be shown on building plans.

19 57. Water service line shall have water meter size that is the same size as the service line or one
20 City of Oceanside water meter size down.

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

24 59. All Water Utilities Fees are due at the time of building permit issuance per City Code
25 Section 32B.7.

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

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

1 **Engineering:**

- 2 61. For the demolition of any existing structure or surface improvements; grading plans shall
3 be submitted and erosion control plans be approved by the City Engineer prior to the
4 issuance of a demolition permit. No demolition shall be permitted without an approved
5 erosion control plan.
- 6 62. Design and construction of all improvements shall be in accordance with the City of
7 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard
8 engineering and specifications of the City of Oceanside and subject to approval by the City
9 Engineer.
- 10 63. All right-of-way alignments, street dedications, exact geometrics and width shall be
11 dedicated and constructed or replaced as required by the City Engineer.
- 12 64. Pursuant to the State Map Act, improvements shall be required at the time of development.
13 A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to
14 these improvement conditions and a certificate setting forth the approval shall be placed on
15 the grading and improvement plan.
- 16 65. Prior to approval of the grading plan or any increment, all improvement requirements,
17 within such increment or outside of it if required by the City Engineer, shall be covered by
18 a Development Improvement Agreement, and secured with sufficient improvement
19 securities or bonds guaranteeing performance and payment for labor and materials, setting
20 of monuments, and warranty against defective materials and workmanship.
- 21 66. The owner/developer shall provide public street dedication on South Pacific Street (if
22 required) to serve the property.
- 23 67. A traffic control plan shall be prepared according to the City traffic control guidelines and
24 approved to the satisfaction of the City Engineer prior to the start of work within the public
25 right-of-way. Traffic control during construction of streets that have been opened to public
26 traffic shall be in accordance with construction signing, marking and other protection as
27 required by the Caltrans Traffic Manual and City Traffic Control Guidelines. Traffic
28 control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.
- 29 68. South Pacific Street shall be constructed with curbs and gutters and sidewalk with a
minimum of 5 feet parkway between the face of curb and the right of way line. Sidewalk
improvements shall comply with ADA requirements.

- 1 69. Sight distance requirements at the intersection of two proposed project driveways along
2 South Pacific Street for each direction of traffic shall conform to the corner sight distance
3 criteria as provided by SDRSD DS-20A and or DS-20B.
- 4 70. The private driveway alignments and geometric layouts shall meet the City of Oceanside
5 Engineers Design and Processing Manual.
- 6 71. Pavement sections for South Pacific Street and the proposed driveway and parking area
7 shall be based upon approved soil tests and traffic indices. The pavement design is to be
8 prepared by the owner/developer's soil engineer and must be in compliance with the City
9 of Oceanside Engineers Design and Processing Manual and be approved by the City
10 Engineer, prior to paving.
- 11 72. Any existing public or private pavement, concrete curb, gutter, driveways, pedestrian
12 ramps and sidewalk within the project that are already damaged or damaged during
13 construction of the project, shall be repaired or replaced as directed by the City Engineer.
- 14 73. A precise grading and private improvement plan shall be prepared, reviewed, secured and
15 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
16 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage,
17 footprints of all structures, walls, drainage devices and utility services. Parking lot striping
18 and any on-site traffic calming devices shall be shown on all precise grading and private
19 improvement plans.
- 20 74. This project shall provide year-round erosion control including measures for the site
21 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
22 control plan, designed for all proposed stages of construction, shall be reviewed, secured by
23 the owner/developer with cash securities or a letter of credit and approved by the City
24 Engineer.
- 25 75. Prior to the issuance of a grading permit, the owner/developer shall notify and host a
26 neighborhood meeting with all of the area residents located within 300 feet of the project
27 site, to inform them of the grading and construction schedule, and to answer questions.
- 28 76. The owner/developer shall monitor, supervise and control all construction and
29 construction-supportive activities, so as to prevent these activities from causing a public
nuisance, including but not limited to, insuring strict adherence to the following:

- 1 77. Dirt, debris and other construction material shall not be deposited on any public street or
2 within the City's storm water conveyance system.
- 3 78. All grading and related site preparation and construction activities shall be limited to the
4 hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering related
5 construction activities shall be conducted on Saturdays, Sundays or legal holidays unless
6 written permission is granted by the City Engineer with specific limitations to the working
7 hours and types of permitted operations. All on-site construction staging areas shall be as
8 far as possible from any existing residential development. Because construction noise may
9 still be intrusive in the evening or on holidays, the City of Oceanside Noise Ordinance also
10 prohibits "any disturbing excessive or offensive noise which causes discomfort or
11 annoyance to reasonable persons of normal sensitivity."
- 12 79. The construction site shall accommodate the parking of all motor vehicles used by persons
13 working at or providing deliveries to the site. An alternate parking site can be considered
14 by the City Engineer in the event that the lot size is too small and cannot accommodate
15 parking of all motor vehicles.
- 16 80. The owner/developer shall complete a haul route permit application (if required for
17 import/export of dirt) and submit to the City of Oceanside Engineering Division 48 hours in
18 advance of beginning of work. Hauling operations (if required) shall be 8:00 a.m. to 3:30
19 p.m. unless approved otherwise.
- 20 81. It is the responsibility of the owner/developer to evaluate and determine that all soil
21 imported as part of this development is free of hazardous and/or contaminated material as
22 defined by the City and the County of San Diego Department of Environmental Health.
23 Exported or imported soils shall be properly screened, tested, and documented regarding
24 hazardous contamination.
- 25 82. The approval of the development plan shall not mean that proposed grading or
26 improvements on adjacent properties (including any City properties/right-of-way or
27 easements) is granted or guaranteed to the owner/developer. The owner/developer is
28 responsible for obtaining permission to grade to construct on adjacent properties. Should
29 such permission be denied, the development plan shall be subject to going back to the
public hearing or subject to a substantial conformity review.

- 1 83. Prior to any grading of this project, a comprehensive soils and geologic investigation shall
2 be conducted of the soils, slopes, and formations in the project. All necessary measures
3 shall be taken and implemented to assure slope stability, erosion control, and soil integrity.
4 No grading shall occur until a detailed grading plan, to be prepared in accordance with the
5 Grading Ordinance and Zoning Ordinance is approved by the City Engineer.
- 6 84. The owner/developer shall place a covenant on the non-title sheet of the grading plan
7 agreeing to the following: "The present or future owner/developer shall indemnify and
8 save the City of Oceanside, its officers, agents, and employees harmless from any and all
9 liabilities, claims arising from any landslide on this site".
- 10 85. Where proposed off-site improvements, including but not limited to slopes, public utility
11 facilities, and drainage facilities, are to be constructed, the owner/developer shall, at his
12 own expense, obtain all necessary easements or other interests in real property and shall
13 dedicate the same to the City of Oceanside as required. The owner/developer shall provide
14 documentary proof satisfactory to the City of Oceanside that such easements or other
15 interest in real property have been obtained prior to the approval of the issuance of any
16 grading, building or improvement permit for this development plan. Additionally, the City
17 of Oceanside, may at its sole discretion, require that the owner/developer obtain at his sole
18 expense a title policy insuring the necessary title for the easement or other interest in real
19 property to have vested with the City of Oceanside or the owner/developer, as applicable.
- 20 86. Landscaping plans, including plans for the construction of walls, fences or other structures
21 at or near intersections, shall conform to intersection sight distance requirements.
22 Landscape and irrigation plans for disturbed areas shall be submitted to the City Engineer
23 prior to the issuance of a preliminary grading permit and approved by the City Engineer
24 prior to the issuance of building permits. Frontage and landscaping shall be installed and
25 established prior to the issuance of any certificates of occupancy. Securities shall be
26 required only for landscape items in the public right-of-way. Any project fences, sound or
27 privacy walls and monument entry walls/signs shall be shown on, bonded for and built
28 from the landscape plans. These features shall also be shown on the precise grading plans
29 for purposes of location only. Plantable, segmental walls shall be designed, reviewed and
constructed by the grading plans and landscaped/irrigated through project landscape plans.

1 All plans must be approved by the City Engineer and a pre-construction meeting held, prior
2 to the start of any improvements.

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

7 88. Shoring is required for the construction of the proposed development. The shoring design
8 plans and structural calculations shall be submitted concurrently with the precise grading
9 plan.

10 89. The drainage design shown on the conceptual grading/site plan and the drainage report for
11 this development plan are conceptual only. The final drainage report and drainage design
12 shall be based upon a hydrologic/hydraulic study that is in compliance with the latest San
13 Diego County Hydrology and Drainage Manual to be approved by the City Engineer
14 during final engineering. All drainage picked up in an underground system shall remain
15 underground until it is discharged into an approved channel, or as otherwise approved by
16 the City Engineer. All public storm drains shall be shown on City standard plan and profile
17 sheets. All storm drain easements shall be dedicated where required. The owner/developer
18 shall be responsible for obtaining any off-site easements for storm drainage facilities.

19 90. Drainage facilities shall be designed and installed to adequately accommodate the local
20 storm water runoff and shall be in accordance with the San Diego County Hydrology and
21 Design Manual and in compliance with the City of Oceanside Engineers Design and
22 Processing Manual to the satisfaction of the City Engineer.

23 91. The owner/developer shall place a covenant on the non-title sheet of the grading plan
24 agreeing to the following: "The present or future owner/developer shall indemnify and save
25 the City of Oceanside, its officers, agents, and employees harmless from any and all
26 liabilities, claims arising from any flooding that occurs on this site, and any flooding that is
27 caused by this site impacting adjacent properties".

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

1 93. The owner/developer shall comply with the provisions of National Pollution Discharge
2 Elimination System (NPDES) General Permit for Storm Water Discharges Associated with
3 Construction Activity (General Permit) Water Quality Order 2009-0009-DWQ. The
4 General Permit continues in force and effect until a new General Permit is issued or the
5 SWRCB rescinds this General Permit. Only those owner/developers authorized to
6 discharge under the expiring General Permit are covered by the continued General Permit.
7 Construction activity subject to the General Permit includes clearing, grading, and
8 disturbances to the ground such as stockpiling, or excavation that results in land
9 disturbances of equal to or greater than one acre. The owner/developer shall obtain
10 coverage under the General Permit by submitting a Notice of Intent (NOI) and obtaining a
11 Waste Discharge Identification Number (WDID#) from the State Water Resources Control
12 Board (SWRCB). In addition, coverage under the General Permit shall not occur until an
13 adequate SWPPP is developed for the project as outlined in Section A of the General
14 Permit. The site specific SWPPP shall be maintained on the project site at all times. The
15 SWPPP shall be provided, upon request, to the United States Environmental Protection
16 Agency (USEPA), SWRCB, Regional Water Quality Control Board (RWQCB), City of
17 Oceanside, and other applicable governing regulatory agencies. The SWPPP is considered
18 a report that shall be available to the public by the RWQCB under section 308(b) of the
19 Clean Water Act. The provisions of the General Permit and the site specific SWPPP shall
20 be continuously implemented and enforced until the owner/developer obtains a Notice of
21 Termination (NOT) for the SWRCB. The owner/developer is required to retain records of
22 all monitoring information, copies of all reports required by this General Permit, and
23 records of all data used to complete the NOT for all construction activities to be covered by
24 the General Permit for a period of at least three years from the date generated. This period
25 may be extended by request of the SWRCB and/or RWQCB.

26 94. Following the City Engineer's determination that Storm Water Mitigation Plan (SWMP) is
27 deemed complete and prior to issuance of grading permits, the owner/developer shall
28 submit and obtain approval of an Operation & Maintenance (O&M) Plan, prepared to the
29 satisfaction of the City Engineer. The O&M Plan shall include an approved and executed
Maintenance Mechanism pursuant to Section 5 of the Standard Urban Storm Water
Mitigation Plan (SUSMP). The O&M shall satisfy the minimum Maintenance

1 Requirements pursuant to Section 5 of the SUSMP. At a minimum the O&M Plan shall
2 include the designated responsible party to manage the stormwater BMP(s), employee
3 training program and duties, operating schedule, maintenance frequency, routine service
4 schedule, specific maintenance activities, copies of resource agency permits, cost estimate
5 for implementation of the O&M Plan, a non-refundable cash security to provide
6 maintenance funding in the event of noncompliance to the O&M Plan, and any other
7 necessary elements. The owner/developer shall provide the City with access to site for the
8 purpose of BMP inspection and maintenance by entering into an Access Rights Agreement
9 with the City. The owner/developer shall complete and maintain O&M forms to document
10 all operation, inspection, and maintenance activities. The owner/developer shall retain
11 records for a minimum of 5 years. The records shall be made available to the City upon
12 request.

13 95. The owner/developer shall enter into a City-Standard Stormwater Facilities Maintenance
14 Agreement (SWFMA) with the City obliging the owner/developer to maintain, repair and
15 replace the Storm Water Best Management Practices (BMPs) identified in the project's
16 deemed complete SWMP, as detailed in the O&M Plan into perpetuity. The Agreement
17 shall be approved by the City Attorney prior to issuance of any precise grading permit and
18 shall be recorded at the County Recorder's Office prior to issuance of any building permit.
19 A non-refundable Security in the form of cash shall be required prior to issuance of a
20 precise grading permit. The amount of the non-refundable security shall be equal to 10
21 years of maintenance costs, as identified by the O&M Plan, but not to exceed a total of
22 \$25,000. The owner/developer's civil engineer shall prepare the O&M cost estimate.

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

28 97. The Agreement shall include a copy of executed onsite and offsite access easement and or
29 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

1 O&M of BMPs, satisfactory to the City Engineer. The agreement shall also include a copy
2 of the deemed complete O&M Plan.

3 98. The BMPs described in the project's deemed complete SWMP shall not be altered in any
4 way, unless reviewed and approved to the satisfaction of the City Engineer. The
5 determination of whatever action is required for changes to a project's deemed complete
6 SWMP shall be made by the City Engineer.

7 99. The owner/developer shall provide a copy of the title/cover page of a deemed complete
8 SWMP with the first engineering submittal package. If the project triggers the City's
9 Stormwater requirements but no deemed complete Stormwater document (SWMP) exists,
10 the appropriate document shall be submitted to the City Engineer for review. The SWMP
11 shall be prepared by the owner/developer's Civil Engineer. All Stormwater documents
12 shall be in compliance with the latest edition of submission requirements.

13 100. Prior to any occupancy permit, the developer/owner shall construct each and all of the
14 structural BMPs and operating in compliance with all of its specifications, plan, permits,
15 Ordinances, and the requirement of the State Regional Water Quality Control Board
16 (RWQCB), Order No. R9-2013-0001

17 101. The owner/developer shall obtain any necessary permits and clearances from all public
18 agencies having jurisdiction over the project due to its type, size, or location, including but
19 not limited to the U. S. Army Corps of Engineers, California Department of Fish &
20 Wildlife, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control
21 Board (including NPDES), San Diego County Health Department, prior to the issuance of
22 grading permits.

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

25 103. Approval of this development project is conditioned upon payment of all applicable impact
26 fees and connection fees in the manner provided in chapter 32B of the Oceanside City
27 Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees,
28 reimbursements, and other applicable charges, fees and deposits shall be paid prior to the
29 issuance of any building permits, in accordance with City Ordinances and policies. The
owner/developer shall also be required to join into, contribute, or participate in any
improvement, lighting, or other special district affecting or affected by this project.

1 Approval of the development plan/project shall constitute the owner/developer's approval
2 of such payments, and his agreement to pay for any other similar assessments or charges in
3 effect when any increment is submitted for building permit approval, and to join,
4 contribute, and/or participate in such districts.

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

9 105. In the event that the conceptual plan does not match the conditions of approval, the
10 resolution of approval shall govern.

11 **Landscaping:**

12 106. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines
13 and Specifications for Landscape Development (latest revision), Water Conservation
14 Ordinance No.(s) 91-15 and 10-Ordinance 0412, Engineering criteria, City Code and
15 ordinances, including the maintenance of such landscaping, shall be reviewed and
16 approved by the City Engineer prior to the issuance of building permits. Landscaping
17 shall not be installed until bonds have been posted, fees paid, and plans signed for final
18 approval. In addition, a refundable cash deposit for the preparation of the final As-built/
19 Maintenance Guarantee shall be secured with the City prior to the final approval of the
20 landscape construction plan. A landscape pre-construction meeting shall be conducted
21 by the landscape architect of record, Public Works Inspector, developer or owner's
22 representative and landscape contractor prior to commencement of the landscape and
23 irrigation installation. The following landscaping items shall be required prior to plan
24 approval and certificate of occupancy:

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

- 1 c) All required landscape areas shall be maintained by owner (including public
2 rights-of-way -parkways- parallel with South Pacific Street). The landscape
3 areas shall be maintained per City of Oceanside requirements.
- 4 d) The As-built/Maintenance Guarantee (refundable cash deposit) shall not be
5 released until the as-built drawings have been approved on the original approved
6 mylar landscape plan and the required maintenance period has been successfully
7 terminated.
- 8 e) Proposed landscape species shall fit the site and meet climate changes indicative
9 to their planting location. The selection of plant material shall also be based on
10 cultural, aesthetic, and maintenance considerations. In addition proposed
11 landscape species shall be low water users as well as meet all Fire Department
12 requirements.
- 13 f) All planting areas shall be prepared and implemented to the appropriate depth
14 with appropriate soil amendments, fertilizers, and appropriate supplements based
15 upon a soils report from an agricultural suitability soil sample taken from the
16 site.
- 17 g) Ground covers or bark mulch shall fill in between the shrubs to shield the soil
18 from the sun, evapotranspiration and run-off. All the flower and shrub beds shall
19 be mulched to a 3” depth to help conserve water, lower the soil temperature and
20 reduce weed growth.
- 21 h) The shrubs shall be allowed to grow in their natural forms. All landscape
22 improvements shall follow the City of Oceanside Guidelines.
- 23 i) Root barriers shall be installed adjacent to all paving surfaces, where a paving
24 surface is located within six feet of a tree trunk on-site (private) and within 10
25 feet of a tree trunk in the right-of-way (public). Root barriers shall extend five
26 feet in each direction from the centerline of the trunk, for a total distance of 10
27 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around
28 the tree’s root ball is unacceptable.
- 29 j) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall
obtain Planning Division approval for these items in the conditions or application
stage prior to 1st submittal of working drawings.

- 1 k) For the planting and placement of trees and their distances from hardscape and
- 2 other utilities/structures the landscape plans shall follow the City of Oceanside's
- 3 (current) Tree Planting Distances and Spacing Standards.
- 4 l) An automatic irrigation system shall be installed to provide coverage for all
- 5 planting areas shown on the plan. Low volume equipment shall provide
- 6 sufficient water for plant growth with a minimum water loss due to water run-
- 7 off.
- 8 m) Irrigation systems shall use high quality, automatic control valves, controllers
- 9 and other necessary irrigation equipment. All components shall be of non-
- 10 corrosive material. All drip systems shall be adequately filtered and regulated
- 11 per the manufacturer's recommended design parameters.
- 12 n) All pot containers located on the balcony shall be self-watering contained pots.
- 13 o) All irrigation improvements shall follow the City of Oceanside Guidelines and
- 14 Water Conservation Ordinance.
- 15 p) The landscape plans shall match all plans affiliated with the project.
- 16 q) Landscape construction drawings are required to implement approved Fire
- 17 department regulations, codes, and standards at the time of plan approval.
- 18 r) Landscape plans shall comply with Biological and/or Geotechnical reports, as
- 19 required, shall match the grading and improvement plans, comply with SWMP
- 20 Best Management Practices and meet the satisfaction of the City Engineer.
- 21 s) Existing landscaping on and adjacent to the site shall be protected in place and
- 22 supplemented or replaced to the satisfaction of the City Engineer.

107. All landscaping, fences, walls, etc. on the site, within the public right-of-way and within any adjoining public parkways parallel to South Pacific Street shall be permanently maintained by the owner, his assigns or any successors-in-interest in the property. The maintenance program shall include:

- 25 a) Normal care and irrigation of the landscaping.
- 26 b) Repair and replacement of plant materials (including interior trees and street
- 27 trees).
- 28 c) Irrigation systems as necessary.
- 29 d) General cleanup of the landscaped and open areas.

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

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

11 PASSED AND ADOPTED Resolution No. 2015-P14 on June 8, 2015 by the following

12 vote, to wit:

13 AYES: Balma, Rosales, Martinek, Troisi, Morrissey, Balch and Scrivener

14 NAYS: None

15 ABSENT: None

16 ABSTAIN: None

17 

18 Louise Balma, Chairperson
19 Oceanside Planning Commission

20 ATTEST:

21 
22 Jeff Hunt, Secretary

23 I, JEFF HUNT, Secretary of the Oceanside Planning Commission, hereby certify that this is a
24 true and correct copy of Resolution No. 2015-P14.

25 Dated: June 8, 2015
26
27
28
29

EXHIBIT A

LEGAL DESCRIPTION

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

LOTS 25 AND 26 IN BLOCK "E" OF OCEAN FRONT ADDITION, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 909, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 8, 1904.

EXCEPTING THEREFROM THAT PORTION, IF ANY NOW OR HEREFORRE LYING BELOW THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN.

APN: 153-091-12-00



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** KCS Properties LLC
2. **ADDRESS:** 1631 S. Pacific St.
3. **PHONE NUMBER:** (650) 868-4860
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Amy Fousekis
6. **PROJECT TITLE:** RC12-00020 (KCS Properties LLC @ 1631 S. Pacific St)
7. **DESCRIPTION:** The project involves demolition of a single-family dwelling and construction of a new two-story over basement residence on a beachfront lot at 1631 S. Pacific Street. Situated within the Coastal Zone and the South Oceanside Neighborhood Planning Area, the subject property bears a Local Coastal Program land use designation of High Density Residential and a zoning designation of Single-Family Residential (R-T).

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

- The project is categorically exempt as a Class 3, 15303 (a) for New Construction;
- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section , ____ (Sections 15260-15277); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Date: April 20, 2015

Amy Fousekis, Principal Planner

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

1 PLANNING COMMISSION
2 RESOLUTION NO. 2015-P15

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

6 APPLICATION NO: RC12-00021
7 APPLICANT: KCS Properties LLC.
8 LOCATION: 1631 S. Pacific Street

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

11 WHEREAS, there was filed with this Commission a verified petition on the forms
12 prescribed by the Commission requesting a Regular Coastal Permit (RC12-00021) under the
13 provisions of the City of Oceanside Local Coastal Program to permit the following:

14 demolition of an existing single-family dwelling and construction of a two-story over
15 basement single-family dwelling;

16 on certain real property described in the project description;

17 WHEREAS, the Planning Commission, after giving the required notice, did on the 20th
18 day of April, 2015, conduct a duly advertised public hearing as prescribed by law to consider said
19 application and continued the hearing on this matter to the 8th day of June, 2015;

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

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

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

28 //////////////

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

//////////

//////////

| 1 | Description | Authority for Imposition | Current Estimate Fee or Calculation Formula |
|----|--|---|--|
| 2 | | | |
| 3 | Parkland Dedication/Fee | Ordinance No. 91-10 Resolution No. 06-R0334-1 | \$3,503 per unit |
| 4 | | | |
| 5 | Drainage Fee | Ordinance No. 85-23 Resolution No. 06-R0334-1 | Depends on area (range is \$2,843-\$15,964 per acre) |
| 6 | | | |
| 7 | Public Facility Fee | Ordinance No. 91-09 Resolution No. 06-R0334-1 | \$2,072 per unit for residential |
| 8 | | | |
| 9 | School Facilities Mitigation Fee | Ordinance No. 91-34 | \$2.97 per square foot residential (Oceanside, Vista, Fallbrook and Bonsall) \$3.20 per sq. ft. (Carlsbad) |
| 10 | | | |
| 11 | | | |
| 12 | Traffic Signal Fee | Ordinance No. 83-01 Resolution No. 06-R0334-1 | \$15.71 per vehicle trip |
| 13 | | | |
| 14 | Thoroughfare Fee | Ordinance No. 83-01 | \$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG) |
| 15 | | | |
| 16 | | | |
| 17 | Water System Buy-in Fees | Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 09-OR 0093-1 | Fee based on water meter size. Residential is typically \$4,597 per unit. |
| 18 | | | |
| 19 | | | |
| 20 | Wastewater System Buy-in fees | Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 09-OR 0092-1 | Based on capacity or water meter size. Residential is typically \$6,313 per unit. |
| 21 | | | |
| 22 | | | |
| 23 | San Diego County Water Authority Capacity Fees | SDCWA Ordinance No. 2005-03 | Based on meter size. Residential is typically \$4,492 per unit. |
| 24 | | | |
| 25 | | | |
| 26 | Inclusionary housing in lieu fees – Residential only | Chapter 14-C of the City Code | \$1,000 per development project, \$100 per unit, plus \$1.31 per square foot of livable area. |
| 27 | | | |
| 28 | | | |
| 29 | | | |

WHEREAS, the current fees referenced above are merely fee amount estimates of the impact fees that would be required if due and payable under currently applicable ordinances and

1 resolutions, presume the accuracy of relevant project information provided by the applicant, and
2 are not necessarily the fee amount that will be owing when such fee becomes due and payable;

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

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

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

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

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

18 FINDINGS:

19 For the Regular Coastal Permit:

- 20 1. The proposed development, as conditioned, is consistent with the land use policies of the
21 Local Coastal Program as implemented through the Zoning Ordinance. Specifically, the
22 project, as conditioned, will not substantially alter or impact existing public views of the
23 coastal zone area or from adjoining properties and the physical aspects of the project are
24 consistent with existing development on neighboring sites. No seaward extension of the
25 habitable building envelope or balconies beyond the coastal stringline setback will be
26 constructed. Design, permitting, use, construction, maintenance, work, and repair of the
27 project's shoreline protection structure(s) shall conform to Chapter 19A of the
28 Oceanside City Code.
- 29 2. The proposed development, as conditioned, will not obstruct an existing, planned, or
required public beach access and conforms to the public access and recreation policies of
Chapter 3 of the Coastal Act.

1 3. The project will not result in the loss of any on-street public parking spaces or take
2 away from the existing parking fronting the site. A single curb cut along South Pacific
3 Street will be utilized for access to the proposed two car garage.

4 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
5 approve Regular Coastal Permit (RC12-00021) subject to the following conditions:

6 **Building:**

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

9 **2013 Triennial Edition of CCR, Title 24**

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

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

- 19 • Part 2: The 2013 California Building Code (CBC) is based on the 2012 IBC, but
20 includes numerous State of California amendments.
- 21 • Part 2.5: The 2013 California Residential Code (CRC) is based on the 2012 IRC,
22 but includes numerous State of California amendments and does not include the
23 electrical, energy, mechanical, or, plumbing portions of the IRC, and instead parts
24 3 through 6 of Title 24 as listed below apply.
- 25 • Part 3: The 2013 California Electrical Code (CEC) is based on the 2011 NEC with
26 State of California amendments.
- 27 • Part 4: The 2013 California Mechanical Code (CMC) is based on the 2012 UMC
28 with State of California amendments.
- 29 • Part 5: The 2013 California Plumbing Code (CPC) is based on the 2012 UPC with
State of California amendments.

- Part 6: The 2013 California Energy Code is currently based on the 2013 Building Energy Efficiency Standards, and please visit the California Energy Commission website at <http://www.energy.ca.gov/title24/2013standards/> where additional information can be found and Compliance manuals can be downloaded for free. Effective Date July 1, 2014.
- Part 9: The 2013 California Fire Code (CFC) is based on the 2012 IFC with State of California amendments.
- Part 11: The 2013 California Green Building Standards Code (CALGreen Code) This Part is known as the California Green Building Standards Code, and it is intended that it shall also be known as the CALGreen Code.
- Amendments to the City of Oceanside Administrative Code for Building Regulations Ordinance No. 13-ORO752-1 Effective Date 01/01/2014 a copy of which can be downloaded from the Building Division website at <http://www.ci.oceanside.ca.us/gov/dev/bldg/codes.asp>.

2. The building plans for this project shall be prepared by a licensed architect or engineer and shall be in compliance with this requirement prior to submittal for building plan review.
3. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the plans. Separate/unique addresses may be required to facilitate utility releases. Verification that the addresses have been properly assigned by the City's Planning Division shall accompany the Building Permit application.
4. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation shall be required at time of plans submittal to the Building Division for plan check.
5. All exterior wall construction shall comply with California Residential Code Section 302 Fire-Resistant Construction Table R302.1.
 - a) Less than 3'-0" to a property line, shall be of one hour fire resistance construction. No openings allowed.
6. The project shall comply with Building Division Procedure I-10 Survey requirement-Coastal Zone. A California Licensed Surveyor shall perform verification of

1 construction in progress at the following points of construction: foundation, each
2 floor, roof and final (prior to final building inspection approval).

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

6 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
7 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
8 work that is not inherently noise-producing. Examples of work not permitted on
9 Saturday are concrete and grout pours, roof nailing and activities of similar
10 noise-producing nature. No work shall be permitted on Sundays and Federal
11 Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving
12 Day, Christmas Day) except as allowed for emergency work under the
13 provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).

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

18 **Planning:**

19 8. Regular Coastal Permit (RC12-00021) shall expire on June 8, 2017, unless implemented
20 per the Zoning Ordinance or unless the Planning Commission grants a time extension.

21 9. This Regular Coastal Permit, as conditioned, approves a series of building and site
22 improvements for a two-story over basement single-family dwelling, as presented to the
23 Planning Commission for review and approval. No deviation from these approved plans
24 and exhibits shall occur without Planning Division approval. Substantial deviations shall
25 require a revision to the Regular Coastal Permit.

26 10. Habitable building envelope and balconies shall be limited to the coastal stringline setback,
27 as indicated on the "Stringline Plan" dated January 29, 2015, prepared by Tait Consulting
28 Inc.
29

- 1 11. The project shall comply with the 1986 Zoning Ordinance, Section 1720, Permitted
2 intrusions, into required yards. Any encroachments into the minimum 3'-0" side yard shall
3 maintain a minimum 30-inch clearance from side yard lot lines.
- 4 12. A Declaration of Covenants, Conditions and Restrictions (DCC&Rs) shall be submitted for
5 review and approval to the City Attorney prior to issuance of building permits.
- 6 13. All mechanical rooftop and ground equipment shall be screened from public view as
7 required by the Zoning Ordinance that is, on all four sides and top. The roof jacks,
8 mechanical equipment, screen and vents shall be painted with non-reflective paint to match
9 the roof. This information shall be shown on the building plans.
- 10 14. Prior to the issuance of building permits, compliance with the applicable provisions of the
11 City's anti-graffiti ordinance (Ordinance No. 93-19/Section 20.25 of the City Code) shall be
12 reviewed and approved by the Planning Division. These requirements, including the
13 obligation to remove or cover with matching paint all graffiti within 24 hours, shall be
14 noted on the Architectural Site Plan and shall be recorded in the form of a covenant
affecting the subject property.
- 15 15. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
16 written copy of the applications, staff report and resolutions for the project to the new
17 owner and or operator. This notification's provision shall run with the life of the project
18 and shall be recorded as a covenant on the property.
- 19 16. Failure to meet any conditions of approval for this development shall constitute a violation
20 of the Regular Coastal Permit.
- 21 17. Unless expressly waived, all current zoning standards and City ordinances and policies in
22 effect at the time building permits are issued are required to be met by this project. The
23 approval of this project constitutes the applicant's agreement with all statements in the
24 Description and Justification and other materials and information submitted with this
application, unless specifically waived by an adopted condition of approval.
- 25 18. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially
26 the same as those approved by the Planning Commission. These shall be shown on plans
27 submitted to the Building Division and Planning Division.
- 28
29

- 1 19. Prior to issuance of a building permit, the applicant and landowner shall execute and record
2 a covenant, in a form and content acceptable to the City Attorney, providing that the
3 property is subject to this resolution and all conditions of approval.
- 4 20. Photo documentation of existing building resources on-site shall be completed in
5 compliance with OHPAC Policy 1, prior to issuance of demolition permits for the existing
6 structure on the subject property.
- 7 21. Any/all design, permitting, use, construction, maintenance, work, and repair of the project's
8 shoreline protection structure(s) shall conform to Chapter 19A of the Oceanside City Code.
- 9 22. All existing and/or proposed shoreline protection structure(s) for this project shall be
10 monumented sufficiently to accurately record horizontal location and elevation of said
11 structure(s). Monument locations and survey control points/network shall be approved by
12 the City Engineer prior to placement of monuments. Monument data shall be recorded on a
13 final/parcel map, record of survey, or other acceptable document (as approved by the City
14 Engineer). The shoreline protection structure monuments will serve as baseline control
15 points to be used as reference for future repair or maintenance activities which require a
16 coastal development permit. Future seaward extension of approved shoreline protection
17 structures shall not be permitted.
- 18 23. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
19 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
20 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
21 annul an approval of the City, concerning Regular Coastal Permit (RC12-00021). The City
22 will promptly notify the applicant of any such claim, action or proceeding against the City
23 and will cooperate fully in the defense. If the City fails to promptly notify the applicant of
24 any such claim action or proceeding or fails to cooperate fully in the defense, the applicant
25 shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.
- 26 24. By acceptance of this permit the applicant acknowledges and agrees (i) that the site may be
27 subject to hazards from wave overtopping and flooding; (ii) to assume the risks to the
28 applicant and the property that is the subject of this permit of injury and damage from such
29 hazards in connection with this permitted development; (iii) to unconditionally waive any
claim of damage or liability against the City, its officers, agents, and employees for injury
or damage from such hazards; and (iv) to indemnify and hold harmless the City, its

1 officers, agents, and employees with respect to the City's approval of the project against
2 any and all liability, claims, demands, costs (including costs and fees incurred in defense of
3 such claims) expenses, and amounts paid in settlement arising from any injury or damage
4 due to such hazards.

5 25. Fencing and gates in the side yard setback areas shall be designed to maintain views to the
6 ocean and shall have at least 50 percent of its surface area open to light.

7 26. Ocean front deck railing systems, fences, screen walls and gates subject to this permit shall
8 use materials designed to minimize bird-strikes with the deck railing, fence or gate. Such
9 materials may consist, all or in part, of wood; wrought iron; frosted or partially frosted
10 glass; Plexiglass or other visually permeable barriers that are designed to prevent creation
11 of a bird-strike hazard. Clear glass or Plexiglass shall not be installed unless appliques (e.g.
12 stickers/decals) designed to reduce bird-strikes by reducing reflectivity and transparency
13 are also used. Any appliques used shall be installed to provide coverage consistent with
14 manufacturer specifications (e.g. one applique for every 3 foot by 3 foot area). All materials
15 and appliques shall be maintained throughout the life of the development to ensure
16 continued effectiveness at addressing bird-strikes and shall be maintained at a minimum in
accordance with manufacturer specifications.

17 27. All proposed deck and stair railing systems seaward of the stringline which are not required
18 to be installed for safety reasons by Building Code shall be removed.

19 28. All proposed landscaping (except trees) in the side and front yard areas shall be maintained
20 at a height of three feet or lower (including raised planters) for the life of the proposed
21 development.

22 29. Outdoor patios, decks, and other similar fixed accessory improvements shall not exist in a
23 hazardous condition. Repair, replacement or removal construction activities require that all
24 relevant permits be obtained from the City and all other applicable agencies.

25 30. Prior to issuance of building permits, the property owner shall execute and record against
26 the project property a Declaration of Restrictive Covenants designed to preserve lateral
27 public access and passive recreational use along the shoreline adjacent to the property. The
28 document shall provide that the property shall be held, transferred, conveyed, leased or
29 otherwise disposed of, occupied, and used subject to lawful public access to and passive
recreational use of the entire width of the property line. The Declaration of Restrictive

1 Covenants shall be recorded free of prior liens and free of any other encumbrances which
2 may affect said interest, and shall run with the land and be binding on Declarant's heirs,
3 successors in interest, administrators, assigns, lessees, and other occupiers and users of the
4 property or any portion of it. The location and geometrics of the restrictive covenant shall
5 be in accordance with the City's Local Coastal Program (LCP).

- 6 31. This project is subject to payment of an in-lieu fee toward the Beach Sand Mitigation
7 Program.

8 **Fire:**

- 9 32. Dwellings must be fire sprinklered per NFPA 13D. Water meter supplying domestic and
10 fire sprinkler needs must be a minimum 3/4 inch.

11 **Water:**

12 **General conditions:**

- 13 33. The developer will be responsible for developing all water and sewer utilities necessary to
14 develop the property. Any relocation of water and/or sewer utilities shall be the
15 responsibility of the developer and shall be done by an approved licensed contractor at the
16 developer's expense.
- 17 34. The property owner shall maintain private water and wastewater utilities located on private
18 property.
- 19 35. Water services and sewer laterals constructed in existing right-of-way locations shall be
20 constructed by approved and licensed contractors at developer's expense.
- 21 36. All Water and Wastewater construction shall conform to the most recent edition of the
22 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
23 the Water Utilities Director.
- 24 37. Per the latest approved California Fire Code, all new residential units shall be equipped
25 with fire sprinkler system.
- 26 38. Each new single-family residential dwelling unit shall be water metered separately and
27 shall have a separate sewer lateral.

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

- 29 39. 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.

- 1 40. No trees, structures or building overhang shall be located within any water or wastewater
2 utility easement.
- 3 41. Show size and location of existing and proposed water services and sewer laterals on
4 engineering plans.
- 5 42. Water services shall not be located in driveway.
- 6 43. Proposed water service lines shall have water meter sizes that are the same size as the
7 service line or one City of Oceanside water meter size down.
- 8 44. Existing water service shall be abandoned in accordance with the City of Oceanside's
9 Water, Sewer, and Reclaimed Water Design and Construction Manual.
- 10 45. Existing sewer lateral that would need to be abandoned per developer's design shall be
11 disconnected and capped at sewer main in South Pacific Street and ends of sewer lateral
12 plugged.
- 13 46. Since the building has been defined as 2-stories instead of 3-stories, a separate dedicated
14 fire service connection with a double check detector assembly is not required.
- 15 47. Provide stationing and offsets for existing and proposed water service connections and
16 sewer laterals on plans.
- 17 48. All lots with a finish pad elevation located below the elevation of the next upstream
18 manhole cover of the public sewer shall be protected from backflow of sewage by installing
19 and maintaining an approved type backwater valve, per the latest approved California
20 Plumbing Code.
- 21 49. Sewer lateral connections shall be at right angle to public sewer main per Section 3.4 G. of
22 Water, Sewer, and Reclaimed Water Design and Construction Manual. Show size and
23 station location of existing and proposed sewer laterals on plans.
- 24 50. Provide dual check valve per City of Oceanside Standard Drawing W-30 after water meter.
25 Check valve shall be owned and maintained by property owner.
- 26 51. Subterranean parking structures shall be designed with a drainage system that conveys
27 runoff to the City's Storm Drain System and shall comply with the California Regional
28 Water Quality Control Board order No. 2007-0001.
- 29 The following conditions of approval shall be met prior to building permit issuance.
52. The existing single-family home is supplied by an existing 5/8-inch water meter off of the
8-inch AC water main in South Pacific Street. Show the location and meter size of existing

1 and proposed meter on building plans to determine the exchange and incremental increase
2 in buy-in fees for the new meter.

3 53. The residential unit shall provide irrigation demand through the domestic water meter.

4 54. The first floor plan for each residential unit is shown as having a sleeping area, eating area,
5 living area, and wet bar. Should the wet bar area be converted to a kitchen and used as a
6 separate dwelling, then it is no longer a single-family residence and will be billed as multi-
7 family or be separately metered.

8 55. Provide table of proposed fixture count and flow calculations per latest California
9 Plumbing Code to size water meter size for new residential building on Building Plans and
10 verify water service line sizes proposed in engineering plans.

11 56. Existing and proposed water service line size, meter size, and connection to public water
12 main shall be shown on building plans.

13 57. Water service line shall have water meter size that is the same size as the service line or one
14 City of Oceanside water meter size down.

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

18 59. All Water Utilities Fees are due at the time of building permit issuance per City Code
19 Section 32B.7.

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

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

25 **Engineering:**

26 61. For the demolition of any existing structure or surface improvements; grading plans shall
27 be submitted and erosion control plans be approved by the City Engineer prior to the
28 issuance of a demolition permit. No demolition shall be permitted without an approved
29 erosion control plan.

62. Design and construction of all improvements shall be in accordance with the City of
Oceanside Engineers Design and Processing Manual, City Ordinances, and standard

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

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

5 64. Pursuant to the State Map Act, improvements shall be required at the time of development.
6 A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to
7 these improvement conditions and a certificate setting forth the approval shall be placed on
8 the grading and improvement plan.

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

14 66. The owner/developer shall provide public street dedication on South Pacific Street (if
15 required) to serve the property.

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

22 68. South Pacific Street shall be constructed with curbs and gutters and sidewalk with a
23 minimum of 5 feet parkway between the face of curb and the right of way line. Sidewalk
24 improvements shall comply with ADA requirements.

25 69. Sight distance requirements at the intersection of two proposed project driveways along
26 South Pacific Street for each direction of traffic shall conform to the corner sight distance
27 criteria as provided by SDRSD DS-20A and or DS-20B.

28 70. The private driveway alignments and geometric layouts shall meet the City of Oceanside
29 Engineers Design and Processing Manual.

71. Pavement sections for South Pacific Street and the proposed driveway and parking area
shall be based upon approved soil tests and traffic indices. The pavement design is to be

1 prepared by the owner/developer's soil engineer and must be in compliance with the City
2 of Oceanside Engineers Design and Processing Manual and be approved by the City
3 Engineer, prior to paving.

4 72. Any existing public or private pavement, concrete curb, gutter, driveways, pedestrian
5 ramps and sidewalk within the project, or adjacent to the project boundary that are already
6 damaged or damaged during construction of the project, shall be repaired or replaced as
7 directed by the City Engineer.

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

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

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

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

25 77. Dirt, debris and other construction material shall not be deposited on any public street or
26 within the City's storm water conveyance system.

27 78. All grading and related site preparation and construction activities shall be limited to the
28 hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering related
29 construction activities shall be conducted on Saturdays, Sundays or legal holidays unless
written permission is granted by the City Engineer with specific limitations to the working
hours and types of permitted operations. All on-site construction staging areas shall be as

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

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

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

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

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

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

29 84. The owner/developer shall place a covenant on the non-title sheet of the grading plan
agreeing to the following: “The present or future owner/developer shall indemnify and

1 save the City of Oceanside, its officers, agents, and employees harmless from any and all
2 liabilities, claims arising from any landslide on this site”.

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

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

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

- 1 88. Shoring is required for the construction of the proposed development. The shoring design
2 plans and structural calculations shall be submitted concurrently with the precise grading
3 plan.
- 4 89. The drainage design shown on the conceptual grading/site plan and the drainage report for
5 this development plan are conceptual only. The final drainage report and drainage design
6 shall be based upon a hydrologic/hydraulic study that is in compliance with the latest San
7 Diego County Hydrology and Drainage Manual to be approved by the City Engineer
8 during final engineering. All drainage picked up in an underground system shall remain
9 underground until it is discharged into an approved channel, or as otherwise approved by
10 the City Engineer. All public storm drains shall be shown on City standard plan and profile
11 sheets. All storm drain easements shall be dedicated where required. The owner/developer
12 shall be responsible for obtaining any off-site easements for storm drainage facilities.
- 13 90. Drainage facilities shall be designed and installed to adequately accommodate the local
14 storm water runoff and shall be in accordance with the San Diego County Hydrology and
15 Design Manual and in compliance with the City of Oceanside Engineers Design and
16 Processing Manual to the satisfaction of the City Engineer.
- 17 91. The owner/developer shall place a covenant on the non-title sheet of the grading plan
18 agreeing to the following: "The present or future owner/developer shall indemnify and save
19 the City of Oceanside, its officers, agents, and employees harmless from any and all
20 liabilities, claims arising from any flooding that occurs on this site, and any flooding that is
21 caused by this site impacting adjacent properties".
- 22 92. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed
23 of in accordance with all state and federal requirements, prior to stormwater discharge
24 either off-site or into the City drainage system.
- 25 93. The owner/developer shall comply with the provisions of National Pollution Discharge
26 Elimination System (NPDES) General Permit for Storm Water Discharges Associated with
27 Construction Activity (General Permit) Water Quality Order 2009-0009-DWQ. The
28 General Permit continues in force and effect until a new General Permit is issued or the
29 SWRCB rescinds this General Permit. Only those owner/developers authorized to
discharge under the expiring General Permit are covered by the continued General Permit.
Construction activity subject to the General Permit includes clearing, grading, and

1 disturbances to the ground such as stockpiling, or excavation that results in land
2 disturbances of equal to or greater than one acre. The owner/developer shall obtain
3 coverage under the General Permit by submitting a Notice of Intent (NOI) and obtaining a
4 Waste Discharge Identification Number (WDID#) from the State Water Resources Control
5 Board (SWRCB). In addition, coverage under the General Permit shall not occur until an
6 adequate SWPPP is developed for the project as outlined in Section A of the General
7 Permit. The site specific SWPPP shall be maintained on the project site at all times. The
8 SWPPP shall be provided, upon request, to the United States Environmental Protection
9 Agency (USEPA), SWRCB, Regional Water Quality Control Board (RWQCB), City of
10 Oceanside, and other applicable governing regulatory agencies. The SWPPP is considered
11 a report that shall be available to the public by the RWQCB under section 308(b) of the
12 Clean Water Act. The provisions of the General Permit and the site specific SWPPP shall
13 be continuously implemented and enforced until the owner/developer obtains a Notice of
14 Termination (NOT) for the SWRCB. The owner/developer is required to retain records of
15 all monitoring information, copies of all reports required by this General Permit, and
16 records of all data used to complete the NOT for all construction activities to be covered by
17 the General Permit for a period of at least three years from the date generated. This period
18 may be extended by request of the SWRCB and/or RWQCB.

19 94. Following the City Engineer's determination that Storm Water Mitigation Plan (SWMP) is
20 deemed complete and prior to issuance of grading permits, the owner/developer shall
21 submit and obtain approval of an Operation & Maintenance (O&M) Plan, prepared to the
22 satisfaction of the City Engineer. The O&M Plan shall include an approved and executed
23 Maintenance Mechanism pursuant to Section 5 of the Standard Urban Storm Water
24 Mitigation Plan (SUSMP). The O&M shall satisfy the minimum Maintenance
25 Requirements pursuant to Section 5 of the SUSMP. At a minimum the O&M Plan shall
26 include the designated responsible party to manage the storm water BMP(s), employee
27 training program and duties, operating schedule, maintenance frequency, routine service
28 schedule, specific maintenance activities, copies of resource agency permits, cost estimate
29 for implementation of the O&M Plan, a non-refundable cash security to provide
maintenance funding in the event of noncompliance to the O&M Plan, and any other
necessary elements. The owner/developer shall provide the City with access to site for the

1 purpose of BMP inspection and maintenance by entering into an Access Rights Agreement
2 with the City. The owner/developer shall complete and maintain O&M forms to document
3 all operation, inspection, and maintenance activities. The owner/developer shall retain
4 records for a minimum of 5 years. The records shall be made available to the City upon
5 request.

6 95. The owner/developer shall enter into a City-Standard Stormwater Facilities Maintenance
7 Agreement (SWFMA) with the City obliging the owner/developer to maintain, repair and
8 replace the Storm Water Best Management Practices (BMPs) identified in the project's
9 deemed complete SWMP, as detailed in the O&M Plan into perpetuity. The Agreement
10 shall be approved by the City Attorney prior to issuance of any precise grading permit and
11 shall be recorded at the County Recorder's Office prior to issuance of any building permit.
12 A non-refundable Security in the form of cash shall be required prior to issuance of a
13 precise grading permit. The amount of the non-refundable security shall be equal to 10
14 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.

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

20 97. The Agreement shall include a copy of executed onsite and offsite access easement and or
21 access rights necessary for the operation and maintenance of BMPs that shall be binding on
22 the land throughout the life of the project to the benefit of the party responsible for the
23 O&M of BMPs, satisfactory to the City Engineer. The agreement shall also include a copy
of the deemed complete O&M Plan.

24 98. The BMPs described in the project's deemed complete SWMP shall not be altered in any
25 way, unless reviewed and approved to the satisfaction of the City Engineer. The
26 determination of whatever action is required for changes to a project's deemed complete
27 SWMP shall be made by the City Engineer.

28 99. The Owner/developer shall provide a copy of the title/cover page of a deemed complete
29 SWMP with the first engineering submittal package. If the project triggers the City's

1 Stormwater requirements but no deemed complete Stormwater document (SWMP) exists,
2 the appropriate document shall be submitted to the City Engineer for review. The SWMP
3 shall be prepared by the owner/developer's Civil Engineer. All Stormwater documents
4 shall be in compliance with the latest edition of submission requirements.

5 100. Prior to any occupancy permit, the developer/owner shall construct each and all of the
6 structural BMPs and operating in compliance with all of its specifications, plan, permits,
7 Ordinances, and the requirement of the State Regional Water Quality Control Board
8 (RWQCB), Order No. R9-2013-0001

9 101. The owner/developer shall obtain any necessary permits and clearances from all public
10 agencies having jurisdiction over the project due to its type, size, or location, including but
11 not limited to the U. S. Army Corps of Engineers, California Department of Fish &
12 Wildlife, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control
13 Board (including NPDES), San Diego County Health Department, prior to the issuance of
grading permits.

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

16 103. Approval of this development project is conditioned upon payment of all applicable impact
17 fees and connection fees in the manner provided in chapter 32B of the Oceanside City
18 Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees,
19 reimbursements, and other applicable charges, fees and deposits shall be paid prior to the
20 issuance of any building permits, in accordance with City Ordinances and policies. The
21 owner/developer shall also be required to join into, contribute, or participate in any
22 improvement, lighting, or other special district affecting or affected by this project.
23 Approval of the development plan/project shall constitute the owner/developer's approval
24 of such payments, and his agreement to pay for any other similar assessments or charges in
25 effect when any increment is submitted for building permit approval, and to join,
contribute, and/or participate in such districts.

26 104. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire project
27 shall be subject to prevailing wage requirements as specified by Labor Code section
28 1720(b) (4). The owner/developer shall agree to execute a form acknowledging the
29 prevailing wage requirements prior to the granting of any fee reductions or waivers.

1 105. In the event that the conceptual plan does not match the conditions of approval, the
2 resolution of approval shall govern.

3 **Landscaping:**

4 106. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines
5 and Specifications for Landscape Development (latest revision), Water Conservation
6 Ordinance No.(s) 91-15 and 10-Ordinance 0412, Engineering criteria, City Code and
7 ordinances, including the maintenance of such landscaping, shall be reviewed and
8 approved by the City Engineer prior to the issuance of building permits. Landscaping
9 shall not be installed until bonds have been posted, fees paid, and plans signed for final
10 approval. In addition, a refundable cash deposit for the preparation of the final As-built/
11 Maintenance Guarantee shall be secured with the City prior to the final approval of the
12 landscape construction plan. A landscape pre-construction meeting shall be conducted
13 by the landscape architect of record, Public Works Inspector, developer or owner's
14 representative and landscape contractor prior to commencement of the landscape and
15 irrigation installation. The following landscaping items shall be required prior to plan
16 approval and certificate of occupancy:

- 17 a) Final landscape plans shall accurately show placement of all plant material such
18 as but not limited to trees, shrubs, and groundcovers.
- 19 b) Landscape Architect shall be aware of all utility, sewer, gas and storm drain lines
20 and utility easements and shall place planting locations accordingly to meet City
21 of Oceanside requirements.
- 22 c) All required landscape areas shall be maintained by owner (including public
23 rights-of-way -parkways- parallel with South Pacific Street). The landscape
24 areas shall be maintained per City of Oceanside requirements.
- 25 d) The As-built/Maintenance Guarantee (refundable cash deposit) shall not be
26 released until the as-built drawings have been approved on the original approved
27 mylar landscape plan and the required maintenance period has been successfully
28 terminated.
- 29 e) Proposed landscape species shall fit the site and meet climate changes indicative
to their planting location. The selection of plant material shall also be based on
cultural, aesthetic, and maintenance considerations. In addition proposed

1 landscape species shall be low water users as well as meet all Fire Department
2 requirements.

3 f) All planting areas shall be prepared and implemented to the appropriate depth
4 with appropriate soil amendments, fertilizers, and appropriate supplements based
5 upon a soils report from an agricultural suitability soil sample taken from the
6 site.

7 g) Ground covers or bark mulch shall fill in between the shrubs to shield the soil
8 from the sun, evapotranspiration and run-off. All the flower and shrub beds shall
9 be mulched to a 3" depth to help conserve water, lower the soil temperature and
10 reduce weed growth.

11 h) The shrubs shall be allowed to grow in their natural forms. All landscape
12 improvements shall follow the City of Oceanside Guidelines.

13 i) Root barriers shall be installed adjacent to all paving surfaces, where a paving
14 surface is located within six feet of a tree trunk on-site (private) and within 10
15 feet of a tree trunk in the right-of-way (public). Root barriers shall extend five
16 feet in each direction from the centerline of the trunk, for a total distance of 10
17 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around
18 the tree's root ball is unacceptable.

19 j) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall
20 obtain Planning Division approval for these items in the conditions or application
21 stage prior to 1st submittal of working drawings.

22 k) For the planting and placement of trees and their distances from hardscape and
23 other utilities/structures the landscape plans shall follow the City of Oceanside's
24 (current) Tree Planting Distances and Spacing Standards.

25 l) An automatic irrigation system shall be installed to provide coverage for all
26 planting areas shown on the plan. Low volume equipment shall provide
27 sufficient water for plant growth with a minimum water loss due to water run-
28 off.

29 m) Irrigation systems shall use high quality, automatic control valves, controllers
and other necessary irrigation equipment. All components shall be of non-

1 corrosive material. All drip systems shall be adequately filtered and regulated
2 per the manufacturer's recommended design parameters.

- 3 n) All pot containers located on the balcony shall be self-watering contained pots.
- 4 o) All irrigation improvements shall follow the City of Oceanside Guidelines and
5 Water Conservation Ordinance.
- 6 p) The landscape plans shall match all plans affiliated with the project.
- 7 q) Landscape construction drawings are required to implement approved Fire
8 department regulations, codes, and standards at the time of plan approval.
- 9 r) Landscape plans shall comply with Biological and/or Geotechnical reports, as
10 required, shall match the grading and improvement plans, comply with SWMP
11 Best Management Practices and meet the satisfaction of the City Engineer.
- 12 s) Existing landscaping on and adjacent to the site shall be protected in place and
13 supplemented or replaced to the satisfaction of the City Engineer.

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

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

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

3 PASSED AND ADOPTED Resolution No. 2015-P15 on June 8, 2015 by the following vote, to
4 wit:

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

6 NAYS: None

7 ABSENT: None

8 ABSTAIN: None

9
10 
11

Louise Balma, Chairperson
Oceanside Planning Commission

12 ATTEST:

13 
14 _____
Jeff Hunt, Secretary

15 I, JEFF HUNT, Secretary of the Oceanside Planning Commission, hereby certify that this is a
16 true and correct copy of Resolution No. 2015-P15.

17
18 Dated: June 8, 2015
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**LEGAL DESCRIPTION
1631 SOUTH COAST HIGHWAY**

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

**LOTS 25 AND 26 IN BLOCK "E" OF OCEAN FRONT ADDITION, IN THE CITY OF OCEANSIDE,
COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 909,
FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 8, 1904.
EXCEPTING THEREFROM THAT PORTION, IF ANY NOW OR HEREFOR LIVING BELOW THE
MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN.**

APN: 153-091-12-00



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** KCS Properties LLC
2. **ADDRESS:** 1631 S. Pacific St.
3. **PHONE NUMBER:** (650) 868-4860
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Amy Fousekis
6. **PROJECT TITLE:** RC12-00021 (KCS Properties LLC @ 1631 S. Pacific St)
7. **DESCRIPTION:** The project involves demolition of a single-family dwelling and construction of a new two-story over basement residence on a beachfront lot at 1631 S. Pacific Street. Situated within the Coastal Zone and the South Oceanside Neighborhood Planning Area, the subject property bears a Local Coastal Program land use designation of High Density Residential and a zoning designation of Single-Family Residential (R-T).

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

- The project is categorically exempt as a Class 3, 15303 (a) for New Construction;
- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section , _____(Sections 15260-15277); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Date: April 20, 2015

Amy Fousekis, Principal Planner

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

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: Steve and Susan Parker

Mailing Address: PO Box 8074

City: Rancho Santa Fe

Zip Code: 92067

Phone: 619.921.3500

SECTION II. Decision Being Appealed

1. Name of local/port government:

San Diego Coastal Commission

2. Brief description of development being appealed:

Revised Notice of Final Action

Local Application No. RC12-00021

Local Jurisdiction City of Oceanside

Applicant(s) KCS Properties LLC

CCC Post-Cert No. 6-OCN-15-0604

Local Application No. RC12-00020

Local Jurisdiction City of Oceanside

Applicant(s) KCS Properties LLC

CCC Post-Cert No. 6-OCN-15-0610

Demolition of an existing single-family residence and construction of a new two-story over basement, Approximately 3,947 sq. ft. residence on a 10,800 sq. ft. Oceanfront parcel (Lot 25) Consideration of Regular Coastal Permits (RC12-00020) and (RC12-00021) MONDAY, JULY 2, 2015

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

1631 South Pacific Street AP Number 153-091-12 (Lot 25)

1631 South Pacific Street AP Number 153-091-12 (Lot 26)

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:

RECEIVED
JUL 06 2015
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

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 NO: | <u>A-6-OCN-15-0043</u> |
| DATE FILED: | <u>7/6/19</u> |
| DISTRICT: | <u>San Diego Coast</u> |

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 NO: | A-6-OCN-15-0044 |
| DATE FILED: | 7/6/15 |
| DISTRICT: | San Diego Coast |

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: June 8, 2015

7. Local government's file number (if any): _____

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:

KCS Properties 130 E. El Camino Real #343 Sunnyvale CA 94087

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) Steve Parker PO Box 8074 Rancho Santa Fe CA 92067

(2) Susan Parker PO Box 8074 Rancho Santa Fe CA 92067

(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.

Local Application No. RC12-00021
Local Jurisdiction City of Oceanside
Applicant(s) KCS Properties LLC
CCC Post-Cert No. 6-OCN-15-0604

Local Application No. RC12-00020
Local Jurisdiction City of Oceanside
Applicant(s) KCS Properties LLC
CCC Post-Cert No. 6-OCN-15-0610

Demolition of an existing single-family residence and construction of a new two-story over basement, Approximately 3,947 sq. ft. residence on a 10,800 sq. ft. Oceanfront parcel (Lot 25) Consideration of Regular Coastal Permits (RC12-00020) and (RC12-00021) MONDAY, JULY 2, 2015

Dear Commissioner's,

Our names are Steve and Susan Parker; our home is located at 1633 South Pacific Street and immediately next door and south of the subject property located at 1631 South Pacific Street. We are extremely concerned with the Oceanside Planning Department's attempt to re-draw the existing "string line" that has been in effect and approved by the San Diego Coastal Commission since 1985/6.

After discussions with Tony Ross from the San Diego Coastal Commission, I was told the string line in my area of Oceanside was 85' and any extension to that measurement would have to be approved by the San Diego Coastal Commission. I question how the Oceanside Planning Commission can approve Regular Coastal Permits (RC12-00020) and (RC12-00021), before the Commission seeks approval of a new string line measurement from the San Diego Coastal Commission.

After speaking with Oceanside's Principal Planner, Amy Fousekis, it appears the string line is now 89' 6" instead of the approved 85'. This is based on Amy Fousekis belief that "the width of the pencil line on the aerial map could not be truly scaled." In the Oceanside Planning Commission meeting on June 8, 2015, Ms. Amy Fousekis stated to Commissioner Mr. Tom Rosales that the new project is "within the string line". She also stated to Commissioner Ms. Claudia Troisi of the Oceanside Planning Commission when asked "If the Coastal Commission were to review this project would they be acknowledging the same sting line as the city". Ms. Fousekis stated the San Diego Coastal Commission and the City of Oceanside were "pretty much aligned" about where the string line currently is located. Ms. Fousekis

currently states that the string line for this project is between 89' 5" and 89' 4". Ms. Fousekis also stated that the digitized string would "hopefully be presented for approval to the San Diego Coastal Commission later this year".

After reviewing several permits and variances issued or approved by the Oceanside Planning Commission since 1986. It is confirmed that the Oceanside Planning Commission has clearly established the string line, which in this case is the 85' that Tony Ross told me and has been approved by the San Diego Coastal Commission. A great example is the variance received by my immediate neighbor to the south at 1635 South Pacific Street. On April 11, 1990, Mr. Michael J. Blessing, the then Oceanside City Planning Director established the current existing string line. In the third paragraph, 4th line of the first page, of this correspondence (attachment A) it clearly states, "The proposed first level deck projects 9 feet 6 inches beyond the Coastal Stringline Setback". This property is still located at 1635 South Pacific Street and anyone who was truly interested could simply take the measurements from that existing home and quickly see where the string line had been established since at least 1990. Any interested party; by simply looking northward can see all of the existing homes were not built beyond this 1990 established string line. This string line has been established and cannot be exceeded without a variance.

The issuance of the referenced permits listed above does not include any variance and will absolutely exceed the existing string line.

We have personally experienced that the established string line of 1990 has been judiciously enforced by the Oceanside Building Department. While extending the lower deck on our residence in 2009, the inspectors from the Oceanside City Building Department made our contractor remove a brick façade because it surpassed the established string line by three quarters of one inch. In addition our entire stairway to the back yard was shortened because one rung of the stairway also exceed the established string line.

By issuing these permits, the City of Oceanside will have single handily lowered my homes value by \$500,000 to \$1,250,000. Simply because my home will have no view except directly at the ocean to the west and be confined to a tunnel atmosphere. If the permits are allowed to stand the string line will be much more than 89' 6" and more like 95'.

In another area which was raised at the Planning Commission's hearing was parking, after reviewing The City of Oceanside LCP Land Use Policies -Parking. I find they have made no provisions to their own LCP policies.

Paragraph 12, If existing beach parking is removed for any reason, one-to-one replacement parking shall be provided west of the railroad right-of-way.

Paragraph 17, The City shall require that all new residential development provides adequate on-site parking. In areas where beach parking demand is critical, requirements for new residential development shall be strictly enforced. Curb cuts for new development shall be held to a minimum to preserve existing on street parking.

This project will remove nearly 40 feet of curb which is equal to about 3 legitimate parking spaces. In addition the projects call for the construction 2 each 3,947 sq. ft. homes with 6 bedrooms each. A total of nearly 8 thousand square feet and each property having only a 2 car garage, which will simply be used by the home owners, yet takes away 3 street parking spaces. The public beach access lies just 30 ft. from

this project and will create even more parking problems to an area already in severe need of additional parking. When Ms. Fousekis was asked by Commissioner Ms. Claudia Troisi "So this project is in compliance with the parking standards", Ms. Fousekis replied "this project is in compliance".

Realizing that any Commission must have full trust and confidence in their staff, I must question the lack of veracity in the answers given by Ms. Fousekis when replying to the questions dealing with the Coastal Commission's compliance and their own City of Oceanside LCP Land Use Policies. I have requested and received an audio copy of the Planning Commissions Meeting which took place on June 8, 2015. This CD is included for your review.

Respectfully,

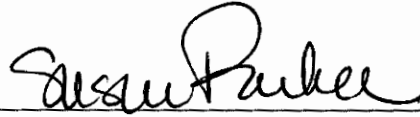
Steve and Susan Parker

Handwritten signatures of Susan Parker and Steve Parker. The signature for Susan Parker is written in a cursive style, and the signature for Steve Parker is also in cursive, appearing as a stylized 'SP'.

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 of Appellant(s) or Authorized Agent

Date: July 6, 2015

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: _____

ATTACHMENT 'A'
STAFF REPORT



ITEM NO. 45
CITY OF OCEANSIDE

DATE: April 11, 1990

TO: Honorable Mayor and City Council

FROM: Michael J. Blessing, Planning Director

SUBJECT: CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S
CONDITION OF APPROVAL WITHIN RESOLUTION NO. 90-P21 FOR
VARIANCE V-56-89 AND REGULAR COASTAL PERMIT RC-26-89
(APPELLANT: JAMES B. PANTHER)

PURPOSE

To review and take action on an appeal of the Planning Commission's decision to impose Condition No. 20 which requires that a proposed deck addition not extend beyond the Coastal Stringline Setback.

ANALYSIS

An appeal has been filed by the project applicant regarding the Planning Commission's decision to apply a condition of approval to his home addition project. The condition requires that a proposed patio deck addition not project beyond the coastal stringline setback line. The Commission otherwise approved the project, which included a 1,041 square foot addition of living area and multi-level open decks all behind the stringline setback.

On February 26, 1990 the Planning Commission reviewed the appellant's proposal for a three-story multi-level deck addition to his residence located at 1635 South Pacific Street. ~~The proposed first level deck projects 9 feet-6 inches beyond the Coastal Stringline Setback.~~ The residence is located on a lot which has a street frontage to ocean frontage grade height differential of approximately minus 18 feet. The proposed deck has a finished floor height which is seven feet above grade at the perched beach end of the lot. The enclosed area below the finished floor of the deck is intended for storage space.

12

Staff recommended that the Planning Commission approve the total project addition as submitted. Staff based its recommendation on the provisions of Section 1050(Q) of the Zoning Ordinance. The provisions of the Section require that buildings or structures located on lots contiguous to the shoreline shall be compatibly scaled with the existing developments, and that they shall not project beyond the Stringline Setback. Additionally, the Planning Commission may approve appurtenances such as open decks, patios, and balconies to extend beyond the Stringline when it is determined that they do not substantially impair the views of the adjoining properties.

The proposed deck area also includes a 3 foot-6 inch high integrated barbecue and spa. The height of the built-in structures will match the finished height of similarly built deck structures which exist on the adjacent lot to the south. Additionally, the built-in deck structures will measure about one foot above the finished floor height of the deck which exists at the residence located adjacent to the north.

Staff recognized the total finished height of the deck, including the built-in structures, to be consistent with height elevations of the adjoining decks and structures. Additionally, it was staff's opinion that the designed height of the proposed deck demonstrates a sensitivity for the preservation of the views of the adjoining residences. As a result, staff determined that the Zoning Ordinance allowances for projections beyond the Stringline Setback are applicable to this project.

However, the Planning Commission determined that the projection of ~~this~~ particular deck design beyond the stringline would constitute a view impairment to the adjoining residence on the north, and that it appeared to be more of a structure than a deck and therefore was not consistent with the Zoning Ordinance provision for coastal projections beyond the Stringline. During their discussion the Commission expressed its prior difficulties in considering coastal projections beyond the stringline. The Commission also expressed an intention to consider the stringline setback as the absolute projection point for future coastal reviews. With a vote of 5-0, the Planning Commission moved to approve the project, as submitted, with the added condition (Number 20) that the proposed deck shall not extend beyond the stringline setback.

FISCAL IMPACT

The appellant has paid all necessary processing fees for the consideration of this project.

RECOMMENDATION

Staff shares the Commission's concerns and frustrations in dealing with deck extension issues beyond the stringline and this provision of the Zoning Ordinance will be reviewed in the overall Zone Text refinement hearings this summer. However, it is staff's belief that the proposed deck extension beyond the stringline setback does meet ordinance requirements and was designed with coastal view preservation sensitivity and therefore it is staff's recommendation that the City Council grant the appeal and delete condition Number 20 from the Commission Resolution No. 90-P21.

James F. Turner
Deputy City Manager *JFT*

PREPARED BY:

Michael J. Blessing

Michael J. Blessing
Planning Director

SUBMITTED BY:

Ronald E. Bradley

for Ronald E. Bradley
City Manager

MJB/gd

ATTACHMENTS

1. Planning Commission Resolution No. 90-P21
2. Planning Commission Staff Report dated February 26, 1990
3. Appeal Letter