

**CALIFORNIA COASTAL COMMISSION**

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# Wed 9f

Staff: Diana Lilly-SD  
Staff Report: March 23, 2006  
Hearing Date: April 12-14, 2006

## STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of Oceanside

DECISION: Approval with Conditions

APPEAL NO.: A-6-OCN-06-13

APPLICANT: Don & Joyce Ratkowski

PROJECT DESCRIPTION: Construction of a Construction of a 3,526 sq. ft., two-story over basement single-family residence on a vacant 3,250 sq. ft. ocean fronting lot, and placement of approximately three new 4-ton stones to supplement an existing unpermitted rock revetment in front of the residence.

PROJECT LOCATION: 933 South Pacific Street, Oceanside, San Diego County.  
APN 150-355-09

APPELLANTS: Commissioners Steve Padilla and Sara Wan

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### STAFF NOTES:

At its March 7, 2006 hearing, the Commission found Substantial Issue exists with respect to the grounds on which the appeal was filed. This report represents the de novo staff recommendation.

### Summary of Staff's Preliminary Recommendation:

Staff recommends the Commission approve the de novo permit with several special conditions. The project involves construction of a new single-family residence on a vacant lot at the shoreline. There is an existing unpermitted revetment seaward of the applicant's property line. Approximately three new 4-ton stones will be imported to create an engineered revetment consistent with the City of Oceanside requirements. The City's certified LCP permits the construction of shoreline protective devices for new development.

The existing revetment encroaches approximately 10 feet seaward of the western property line onto public beach. The applicant has indicated that the revetment can be pulled back such that the majority of the revetment will be inland of the property line. Thus, encroachment on the beach will be minimized. However, in order to further mitigate the impacts that the revetment will have on public access and recreation and

shoreline sand supply, staff recommends the Commission include a special condition which requires the applicant to pay an in-lieu fee, in the amount of \$9,607.50.

Other special conditions on the project require final plans documenting the permitted seaward extent of the revetment and requiring yearly monitoring of the revetment to ensure that no additional seaward encroachment occurs, and a requirement for maintenance of the revetment to ensure that public access and recreation are not adversely impacted in the future.

Standard of Review: Certified City of Oceanside LCP and the public access policies of the Coastal Act.

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Substantive File Documents: Certified City of Oceanside Local Coastal Program (LCP); Proposed Revetment Footprint, Ratkowski Residence, dated 2/13/05 by GeoSoils, Inc; City of Oceanside RC 4-05.

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**      *I move that the Commission approve Coastal Development Permit No. A-6-OCN-06-13 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

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

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of the certified LCP and the public access policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## II. Standard Conditions.

See attached page.

## III. Special Conditions.

The permit is subject to the following conditions:

1. Final Surveyed Revetment Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** the applicant shall submit to the Executive Director for review and written approval, final revetment plans for the proposed project that have been approved by the City of Oceanside. Said plans shall be in substantial conformance with the plans prepared by GeoSoils, Inc. dated 2/13/06, that show the revetment relocated inland of the private property line, with the exception of a transition area on the south side of the subject site. The plans shall identify permanent benchmarks from the property line or another fixed reference point from which the elevation and seaward limit of the revetment can be referenced for measurements in the future, and shall specifically indicate the following:

- a. The toe of the revetment shall extend no further seaward than the western property line at a slope of 2:1 to 1.5:1, as shown on the above referenced plans (except for the south transition area).
- b. The top of the revetment shall not exceed elevation +16 feet MSL at any point.
- c. During construction of the approved development, disturbance to sand and intertidal areas shall be minimized to the maximum extent feasible. All excavated beach sand shall be redeposited on the beach. Local sand, cobbles or shoreline rocks shall not be used for backfill or for any other purpose as construction material.

2. Long-Term Monitoring Program. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director, a long-term monitoring plan for the proposed shoreline protection. The purpose of the plan is to monitor and identify damage/changes to the revetment such that repair and maintenance is completed in a timely manner to avoid further encroachment of the revetment on the beach. The monitoring plan shall incorporate, but not be limited to the following:

- a. An evaluation of the current condition and performance of the revetment, addressing any migration or movement of rock which may have occurred on the site and any significant weathering or damage to the revetment that may adversely impact its future performance.
- b. Measurements taken from the benchmarks established in the survey as required in Special Condition #1 of CDP #A-6-OCN-06-13 to determine settling or seaward

movement of the revetment. Changes in the beach profile fronting the site shall be noted and the potential impact of these changes on the effectiveness of the revetment evaluated.

- c. Recommendations on any necessary maintenance needs, changes or modifications to the revetment to assure its continued function and to assure no encroachment beyond the permitted toe.

The above-cited monitoring information shall be summarized in a report prepared by a licensed engineer familiar with shoreline processes and submitted to the Executive Director for review and written approval. The report shall be submitted to the Executive Director and the City of Oceanside Engineering Department after each winter storm season but prior to May 1st of each year starting with May 1, 2007. Monitoring shall continue throughout the life of the revetment or until the revetment is removed or replaced under a separate coastal development permit.

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

3. Mitigation for Impacts to Sand Supply. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall provide evidence, in a form and content acceptable to the Executive Director, that a fee of \$9,607.50 has been deposited in an interest bearing account designated by the Executive Director, in-lieu of providing the total amount of sand to replace the sand and beach area that would be lost due to the impacts of the proposed protective structure. The methodology used to determine the appropriate mitigation fee for the subject site(s) is that described in the staff report prepared March 2006 for Coastal Development Permit #A-6-OCN-06-13. All interest earned shall be payable to the account for the purposes stated below.

The purpose of the account shall be to establish a beach sand replenishment fund to aid SANDAG, or a Commission-approved alternate entity, in the restoration of the beaches within San Diego County. The funds shall solely be used to implement projects that provide sand to the region's beaches, not to fund operations, maintenance or planning studies. The funds shall be released only upon approval of an appropriate project by the Executive Director of the Coastal Commission. The funds shall be released as provided for in a MOA between SANDAG, or a Commission-approved alternate entity and the Commission, setting forth terms and conditions to assure that the in-lieu fee will be expended in the manner intended by the Commission. If the MOA is terminated, the Commission can appoint an alternative entity to administer the fund.

4. Storage and Staging Areas/Access Corridors. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final plans indicating the location of

access corridors to the construction site and staging areas. The final plans shall indicate that:

- a) No overnight storage of equipment or materials shall occur on sandy beach or public parking spaces.
- b) Access corridors shall be located in a manner that has the least impact on public access to and along the shoreline.
- c) No work shall occur on the beach between Memorial Day weekend and Labor Day of any year.
- d) The staging site shall be removed and/or restored immediately following completion of the development.

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

5. Maintenance Activities. The permittee shall be responsible for the maintenance of the existing riprap revetment in its approved state, until such time as the revetment is relocated or removed under an approved coastal development permit. However, if it is determined that repair and/or maintenance to the revetment is necessary, the permittee shall contact the Commission office to determine whether an amendment to this permit is necessary. Based on the information and recommendations contained in the monitoring report required in Special Condition #2 of CDP #A-6-OCN-06-13 above, any stones or materials that become dislodged or any portion of the revetment that is determined to extend beyond the approved toe shall be removed from the beach, after authorization by the Commission.

6. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; (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 waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

7. Future Relocation of the Revetment: **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director for review and written approval, a written agreement to relocate the portion of the approved revetment located seaward of the western property line, to inland of the western property line at such a time when the adjacent revetment to the south is moved similarly inland.

8. Deed Restriction: **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction(s), in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

9. No Future Seaward Extension of Shoreline Protective Device

By acceptance of this Permit, the applicant agrees, on behalf of himself and all successors and assigns, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device approved pursuant to Coastal Development Permit #A-6-OCN-06-13, as shown on Exhibit #5 (Seaward Extent of Revetment), shall be undertaken if such activity extends the footprint seaward of the subject shoreline protective device as specified in Special Condition #1 of CDP #A-6-OCN-06-13. By acceptance of this Permit, the applicant waives, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, any rights to such activity that may exist under Public Resources Code Section 30235.

10. Public Rights. The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that exist or may exist on the property.

11. Condition Compliance. **WITHIN 90 DAYS OF COMMISSION ACTION ON THIS CDP APPLICATION**, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

12. Relocation of the Revetment. **WITHIN 6 MONTHS OF ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT** or within such additional time as the Executive Director may grant for good cause, the applicants shall implement the required revetment relocation consistent with the requirements of Special Condition #1 of this permit.

#### IV. Findings and Declarations.

1. Project Description/History. The proposed project involves the construction of a two-story over basement, 3,526 sq. ft., two-story over basement single-family residence on a vacant 3,250 sq. ft. ocean fronting lot in the City of Oceanside. The site is located on the west side of South Pacific Street, between Hayes and Marron Streets.

The subject site is currently vacant and there is an existing unengineered riprap revetment located along the western portion of the site extending out approximately 10 ft. onto the public beach. The subject site and the site adjacent to the north (on which a single-family residence is simultaneously being reviewed by the Commission, see CDP #A-6-OCN-06-12) are the only remaining vacant lots on this stretch of shoreline. The rock in front of the site is part of a continuous revetment along the shoreline in front of the entire block. Based on review of aerial photos, the revetment appears to have been constructed between 1979 and 1987. There is no evidence that coastal development permits were issued for the existing revetment. The proposed project includes re-engineering the existing revetment in front of the two adjacent lots currently proposed for development, including importing a total of six new 4-ton rocks (approximately 3 in front of each of the two individual sites).

Public access to the beach is available at the street end approximately 50 feet south of the subject site, and at the street end approximately 425 feet north of the site.

2. Shoreline Protective Device/Beach Encroachment. Currently riprap exists along the shoreline to protect the subject site as well as adjacent properties. Based on review of aerial photos, the revetment was constructed between 1979 and 1987. As noted, the revetment appears to have been constructed without the benefit of a coastal development permit.

Section 19.B.18 of the City's certified Seawall Ordinance requires that shoreline protective devices not have an adverse impact on sand supply and coastal resources.

**Shoreline structures as defined in Article II shall be allowed when required to serve coastal dependent uses or to protect proposed or existing structures in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and other coastal resources, and where the construction is in conformance with the City's Local Coastal Plan.**

Section 19.B.19 of the certified Seawall Ordinance (Access and Recreation) requires that:

**The proposed project shall not interfere with the public's right of access to the sea where acquired through use of legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Every Coastal Development Permit issued for any development between the nearest public road and the sea or the shoreline of any body of water within the coastal zone shall include a specific finding that such development is in conformance with the public access and recreational policies of the City's Local Coastal Plan.**

The need for shoreline protection has been well established along the shoreline in Oceanside, and rock revetment has been the established form of protection for existing structures in portions of Oceanside for many years. However, when reviewing projects for repairs to an existing revetment, the Commission has reviewed the need for any new rock and the impacts that new rock may have on public access and recreation and shoreline sand supply. Thus, while the certified LCP allows shoreline protective devices to protect new development (when it has been determined that the new structure needs such protection), in general, new development cannot be found consistent with the certified LCP or the public access and recreation policies of the Coastal Act if it has not been designed to minimize the amount of construction on beaches, and to eliminate or mitigate adverse impacts on local shoreline sand supply.

A wave hazard study was prepared in 2005 analyzing the existing revetment in front of the two adjacent lots currently proposed for development. The study concludes that the existing revetment does not conform to the City's seawall detail and that improvements to the existing revetment are necessary to adequately protect the proposed residence from flooding of the lowest floor and resulting nuisance water damage. The study further recommends that the revetment be reconfigured to include the placement of filter fabric and the addition of approximately six new 4-ton stones. As such, the City, in its review of the project, conditioned the permit to require this work with a limitation that the revetment not extend any further seaward than what currently exists.

However, the subject site is currently vacant and the existing toe of the revetment is approximately 10 ft. seaward of the westerly property line on the public beach. In order to meet the requirements of the LCP and Coastal Act that impacts to public access and recreation be minimized, the revetment should be pulled back as far inland as possible. The applicants have submitted additional geotechnical information demonstrating that the revetment in front of both of the two adjacent lots currently proposed for development by the applicant could be relocated inland of the identified western property line, except for a small transition area on the north and south sides of the two lots, where the revetment would transition to the existing revetment on either side.

The Commission's staff coastal engineer has reviewed the geotechnical reports submitted by the applicant and agrees that development on the subject site would be subject to wave action no matter where it is sited. The area seaward of the revetment would be public trust lands at those times when the mean high tide line reaches inland to the revetment.

If pulled back as described above, the revetment would both minimize risks to the site and proposed development, and limit encroachment on the sandy beach available for public use.

Nevertheless, although the relocating the revetment would minimize the amount of development on the beach, there would still be impacts to public access and recreation and sand supply. First, some rock would remain seaward of the applicant's property line, taking up beach area that would otherwise be available for public use. Second, the majority of the subject site consists of sandy material that, in the absence of any shoreline protection, would be contributing to the shoreline sand supply. The proposed revetment will prevent this sand from entering the littoral cell. The Commission notes that with future rising sea level and episodic storm events, the area seaward of the revetment could erode significantly, resulting in all of the area seaward of the proposed revetment becoming public tidelands.

The applicant for the subject site is also the applicant/owner for the new residential project immediately adjacent to the north that is simultaneously being reviewed by the Commission (#A-6-OCN-06-12). The applicant's engineer for these two projects has reviewed the projects and the impacts to recreation and shoreline sand supply expected from the revetment that would be located across the two sites. For simplicity in calculating the impacts, the two adjacent sites were reviewed together. The applicant's engineer estimates that the volume of sand/material that would be trapped by the revetment across the two sites is 1,425 cubic yards. Since not all of this material is expected to be beach quality sand (some is likely fines and other debris), the Commission's engineer, working with the applicant's engineer, has calculated that approximately 10 % of the material is comprised of fines and other non-sand materials. Thus, multiplying the total amount of material (1,425 cubic yards) by 90% or 0.9 (to eliminate fines and other non-sand materials) results in an accurate estimate of the total amount of beach quality sand that would be prevented from reaching the littoral cell by the proposed revetment. Thus, the revetment across the two sites would indirectly impact 1,282.5 cubic yards of sand.

As noted, there would also be a direct impact on recreational beach area from the small portion of the revetment that would be located seaward of the applicant's western property line, in order to transition the revetment into the existing revetment on either side of the lots. The applicant's engineer has calculated this encroachment at 100 cubic yards for the two adjacent lots. (The footprint of the revetment landward of the property line will be, once relocated, 1,350 sq.ft.). The volume of sand necessary to recreate 100 sq.ft. of beach would be 90 cubic yards, again taking into consideration the estimated 10% fines and other non-sand materials.

In total, the amount (volume) of beach sand that would be lost as a result of the revetment on the two adjacent projects would be 1,372.5 cubic yards (1,282.5 + 90). A recently approved project (#6-05-72/Las Brisas) determined that the cost to purchase and deliver sand to the beach can be estimated at \$14 a cubic yard; thus, the value of the sand for these two projects would be \$19,215.00. Therefore, for the individual subject site,

Special Condition #4 requires the applicant to deposit an in-lieu fee of \$9,607.50 (686.5 cubic yards x \$14.00), as mitigation for the direct and indirect impacts of the proposed shoreline protective device on public access, public recreation, and beach sand supply.

The San Diego Association of Governments (SANDAG) has adopted the Shoreline Preservation Strategy for the San Diego region and is currently working on techniques toward its implementation. The Strategy considers a full range of shoreline management tactics, but emphasizes beach replenishment to preserve and enhance the environmental quality, recreational capacity, and property protection benefits of the region's shoreline. Funding from a variety of sources will be required to implement the beach replenishment and maintenance programs identified in the SANDAG Strategy. In this particular case, SANDAG has agreed to administer a program that would identify projects that may be appropriate for support from the beach sand replenishment fund, through input from the Shoreline Erosion Committee, which is made up of representatives from all the coastal jurisdictions in San Diego County. The Shoreline Erosion Committee is currently monitoring several large-scale projects, both in and out of the coastal zone, they term "opportunistic sand projects," that will generate large quantities of beach quality material suitable for replenishing the region's beaches. The purpose of the account is to aid in the restoration of the beaches within San Diego County. One means to do this would be to provide funds necessary to get such "opportunistic" sources of sand to the shoreline.

The applicant is being required to pay a fee in-lieu of directly depositing the sand on the beach, because the benefit/cost ratio of such an approach would be too low. Many of the adverse effects of the seawall on sand supply will occur gradually. In addition, the adverse effects impact the entire littoral cell but to different degrees in different locations throughout the cell (based upon wave action, submarine canyons, etc.) Therefore, mitigation of the adverse effects on sand supply is most effective if it is part of a larger project that can take advantage of the economies of scale and result in quantities of sand at appropriate locations in the affected littoral cell in which it is located. The funds will be used only to implement projects that benefit the area where the fee was derived, and provide sand to the region's beaches, not to fund operations, maintenance or planning studies. Such a fund will aid in the long-term goal of increasing the sand supply and thereby reduce the need for additional armoring of the shoreline in the future. The fund also will insure available sandy beach for recreational uses. The methodology, as proposed, ensures that the fee is roughly proportional to the impacts to sand supply attributable to the proposed revetment. The methodology provides a means to quantify the sand and beach area that would be available for public use, were it not for the presence of the revetment.

Given the impacts to public access and recreation associated with placing rock on the public beach, the Commission finds that no further seaward encroachment of the revetment can be permitted. Should additional revetment work be proposed in the future, it must be found there is adequate area landward of it to accommodate such work. As relocated inland of the western property line, there would be approximately 22 feet between the inland extent of the revetment and the residence. This area is proposed as a patio; however, it could be used as additional area to accommodate expansion of the

revetment were it necessary in the future. Thus, there is adequate area inland of the existing revetment to accommodate any future revetment maintenance.

The Commission is interested in establishing the seaward extent of shoreline protective devices in this area to preserve public access. Special Condition #1 requires that the revetment be relocated as described above, and that the surveyed toe of the revetment be shown on a final site plan to establish the seaward extent of the permitted revetment. The survey must document the buried toe of the revetment relative to a fixed reference point such as a surveyed property line or street monument. It must be drawn on a beach profile with cross-section that shows the configuration of the existing rock in relation to the current level of beach sand to determine the elevation of visible rock and the toe of buried rock. The Commission has previously imposed this requirement in Coastal Development Permit #A-6-OCN-00-71/Alanis.

Special Condition #2 requires a long-term monitoring plan to monitor and record the changes in beach profile fronting the site and to identify damage/changes to the revetment such that repair and maintenance is completed in a timely manner to avoid further encroachment of the revetment on the beach. This condition will assure revetment maintenance will occur in a timely and orderly way and without adverse impacts to public access.

Special Condition #5 provides that the permittee is responsible for removing any stones or materials that become dislodged or any portion of the revetment that is determined to extend beyond the approved toe. The permittee must first contact the Coastal Commission district office to determine if a coastal development permit is necessary. If the survey indicates that rocks have fallen from the revetment seaward of its toe, then the rocks must be replaced in a location that is landward of the toe.

In order to assure that the proposed development will not result in any seaward extension of the revetment, Special Condition #10 requires the applicant to agree not to undertake any repair or maintenance activities on the revetment that would result in any seaward extension of the revetment. The condition also provides that by accepting the permit, the applicant waives on behalf of himself and all future successors any rights that may exist under Coastal Act Section 30235 or the certified LCP to extend the revetment seaward. Special Condition #7 requires the applicant to submit an agreement that should the adjacent revetment to the south be moved inland in the future, the applicant will similarly move inland the portion of the revetment proposed to remain seaward of the property line.

Although the wave uprush study finds the existing revetment would protect the proposed project, there is still a possibility of damage from wave uprush, storm surge and high tides particularly in the future as sea level continues to rise. Therefore, Special Condition #6 requires the applicant to acknowledge that the site is subject to hazards based on its location on the coast and that the applicant assumes the risk of developing the property. Special Condition #12 requires the applicants to record the permit conditions in order to cause the title to the property to reflect the obligations of the subject permit conditions.

In summary, it has been determined that the proposed home cannot be located on the subject site without some form of shoreline protection. Thus, a riprap revetment is proposed. The proposed revetment will be located such that it is largely inland of the applicant's western property line. Mitigation in the form of an in-lieu fee will compensate for public access and recreational impacts that will result from the portion of the revetment that will be located seaward of the applicant's property line, and for the loss of sand to the littoral cell resulting from the revetment. Special conditions make it clear that any future maintenance must be on the seaward side of the revetment and in no case shall the revetment be permitted to extend beyond the surveyed toe approved herein. As conditioned, the Commission finds the proposed project conforms to the certified Oceanside LCP.

3. Visual Impacts/Compatibility/String line. Three LUP Policies ( #1, #4 and #8) of the "Visual Resources and Special Communities" Section of the certified Oceanside Land Use Plan (LUP) are applicable to the proposed development and state:

1. In areas of significant natural aesthetic value, new developments shall be subordinate to the natural environment.
4. The City shall maintain existing view corridors through public rights-of-way;
8. The City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood.

Additionally, two objectives of the same section provide:

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

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

Regarding rear yard (ocean) setbacks, the certified LCP contains a requirement that new development along the ocean not extend further seaward than a "string line". The goal of limiting new development to extend no further seaward than the string line is to restrict encroachment onto the shoreline and preserve public views along the shoreline. Section 1703 of the certified implementing ordinances (zoning code) provides:

Section 1703 (e) (Rear Yard Setbacks)

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 "String line 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 String line Setback line, providing that they do not substantially impair the views from adjoining properties.

The certified “Coastal Development Design Standards” (“Preserving and Creating Views” section) of the City’s Implementation Program identifies that:

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

The certified “String line Setback Map” was developed in 1983 by overlaying an imaginary string line on an aerial photo of the shoreline in the City of Oceanside. The map shows how far new development may extend towards the ocean. The string line map was based on existing building patterns, as well as anticipated future developments and remodels/expansions.

In its approval the City found the project would not extend beyond the limits of the 88-foot string line as depicted on the certified String line Map. An at-grade concrete terrace will be located west of the stringline, but Section 1703 of the certified implementing ordinances states that appurtenances such as open decks, patios and balconies may be allowed to extend seaward of the String line Setback line, providing that they do not substantially impair the views from adjoining properties. In this case the structures are at grade and should not substantially impair private views from adjoining properties.

The Commission has found in other actions on appealable developments in Oceanside that the maximum string line is not a development “right” the applicant is entitled to automatically (CDP #s A-6-OCN-99-20/Wilt; A-6-OCN-99-033/Liguori; A-6-OCN-00-71/Alanis). The Commission has found instead that buildout to the maximum string line is only appropriate if it can be achieved consistent with all other provisions of the certified LCP; most importantly the visual resource policies and any adverse visual effects the proposed improvements could have on public coastal views.

In the case of the proposed project, the Commission has determined that from beach level near the project site, there will be no adverse visual impact as the existing revetments obstructs inland views as one walks seaward of it. Public views originating from the south at the Marron Street vertical access way looking north to and beyond the project site and views originating from the north at the Hays street end looking south to and beyond the project site would not be significantly altered because the project’s proposed visual appearance does not represent a major change in height, bulk or seaward encroachment compared to surrounding residences. Thus, the proposed project will not have an adverse impact on public views.

Policy #8 of the LUP provides that all new development be compatible in height, scale, color and form with the surrounding neighborhood. The proposed new single-family residence will be similar in size to existing structures in the Residential Tourist (RT) zone, which contains a mix of single and multiple family structures. The project meets all of the City requirements for setbacks, height, and maximum lot coverage, which are

designed to assure the scale and bulk of new development does not impact views or community character. Therefore, the project is consistent with the LCP requirement that development must be compatible in scale and form with the surrounding neighborhood.

In summary, the Commission finds the proposed project would not adversely affect up coast or downcast public views, is compatible in scale and form with existing development in the neighborhood and is consistent with LCP development and design standards. Thus, the Commission finds the project is consistent with the visual resource policies of the certified LCP.

4. Public Access/Recreation. Pursuant to Section 30604 (c), the Coastal Act emphasizes the need to protect public recreational opportunities and to provide public access to and along the coast. Section 30210 of the Coastal Act is applicable to the proposed development and states:

Section 30210

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

Section 30211

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

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....

Section 30213

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

### Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

The subject site is located on the seaward side of Pacific Street. The existing unpermitted revetment is located on a public beach utilized by local residents and visitors for a variety of recreational activities. The lot itself is vacant, but the existing revetment on the site and the fact that lateral public access to the beach is available just 50 feet to the south limits the site's attractiveness as an access point. There is no evidence of public use of the site to access the beach. Lateral access is available to the public along the beach seaward of the existing revetment, and pulling the revetment inland will increase lateral access opportunities. As noted, vertical access to the public beach is also provided about 425 feet north of the project site at Hayes Street.

As stated elsewhere in these findings, the certified LCP allows for the construction of a shoreline protective device to protect new development where it has been designed to mitigate adverse impacts upon shoreline sand supply. Special Conditions #1 and #3, discussed in a previous section of the staff report, require the applicant to provide mitigation for adverse impacts on beach and sand area resulting from the proposed revetment, which will also serve to mitigate the impact of the loss of beach access. The applicant is required to move the revetment inland, and pay an in-lieu fee that will be utilized for beach replenishment projects within the same littoral cell. This stretch of beach has historically been used by the public for access and recreation purposes. Special Condition #10 acknowledges that the issuance of this permit does not waive the public rights that may exist on the property.

Special Condition #4 requires that construction access and staging not affect public access and prohibits construction on the sandy beach during the summer months between Memorial Day to Labor Day of any year. Therefore, impacts to the public will be minimized to the greatest extent feasible. Thus, as conditioned, the Commission finds the project consistent with the public access and recreation policies of the Coastal Act.

5. Water Quality. The certified Oceanside LCP contains a policy that addresses water quality.

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

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

The Commission has been requiring that new development use best management practices to ensure that water quality will not be adversely affected by new development. In this case, the Commission finds that to conform to the above LUP policy, runoff leaving the site must be filtered through vegetation or another best management practice before it enters the beach portion of the site. Directing on-site runoff through landscaping for filtration is a well-established best management practice for treating runoff from small developments such as the subject project. Special Condition #8 requires a final drainage plan that indicates that runoff from impervious surfaces will be collected and directed towards on-site vegetation. The Commission finds that as conditioned the project minimizes adverse impacts to coastal resources in a manner consistent with the water quality policy of the certified LCP.

6. Unpermitted Development. Development has occurred on the subject site consisting of the placement of a rock revetment without the required coastal development permits. To ensure that the unpermitted development component of this application is resolved in a timely manner, Special Condition #11 requires that the applicant satisfy all conditions of this permit that are prerequisite to the issuance of this permit within 90 days of Commission action. Special Condition #1 requires the applicant to relocate the revetment inland of the applicant's western property line. In order to ensure the revetment is relocated in a timely manner, Special Condition #12 requires the applicant to implement relocation within 6 months of the issuance of this permit unless additional time is granted by the Executive Director for good cause. The unusually long period allowed for relocation of the revetment is due to the prohibition on work being done on the site within the summer season. Allowing the work on the revetment to be completed within 6 months will ensure the relocation will occur as required, but outside the prohibited period.

Although development has taken place prior to the submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

7. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. As conditioned, such a finding can be made for the proposed project.

The City of Oceanside has a certified LCP. The project is designated Urban High Density Residential, zoned RT (Residential Tourist), and is situated within the Townsite Neighborhood. The proposed project is consistent with these designations. As conditioned, the development is consistent with all applicable provisions of the certified LCP as well as with the public access policies of Chapter 3 of the Coastal Act. The

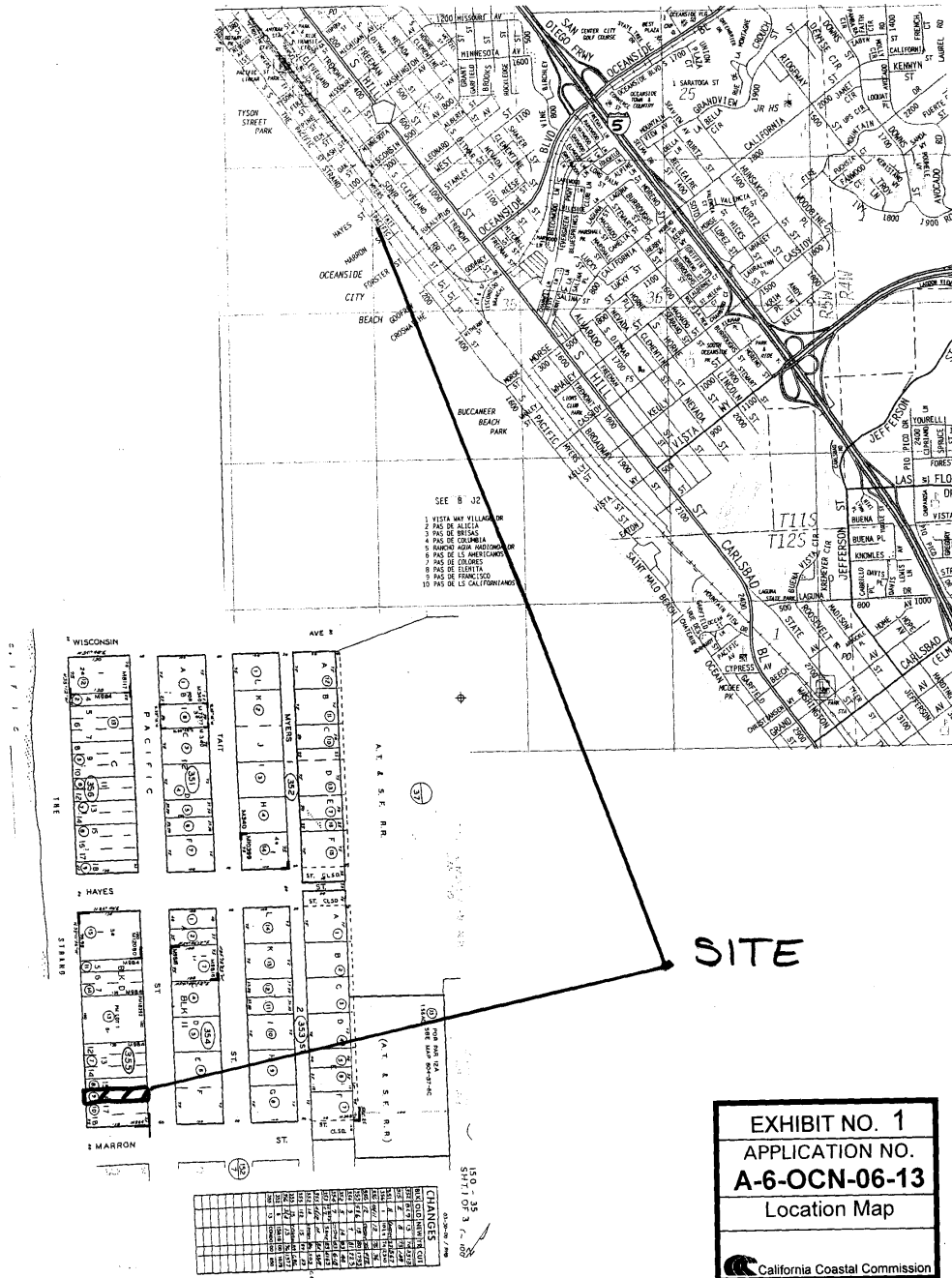
Commission, therefore, finds that approval of the proposed development, as conditioned, will not prejudice the ability of the City of Oceanside to continue to implement its certified Local Coastal Program.

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

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

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.




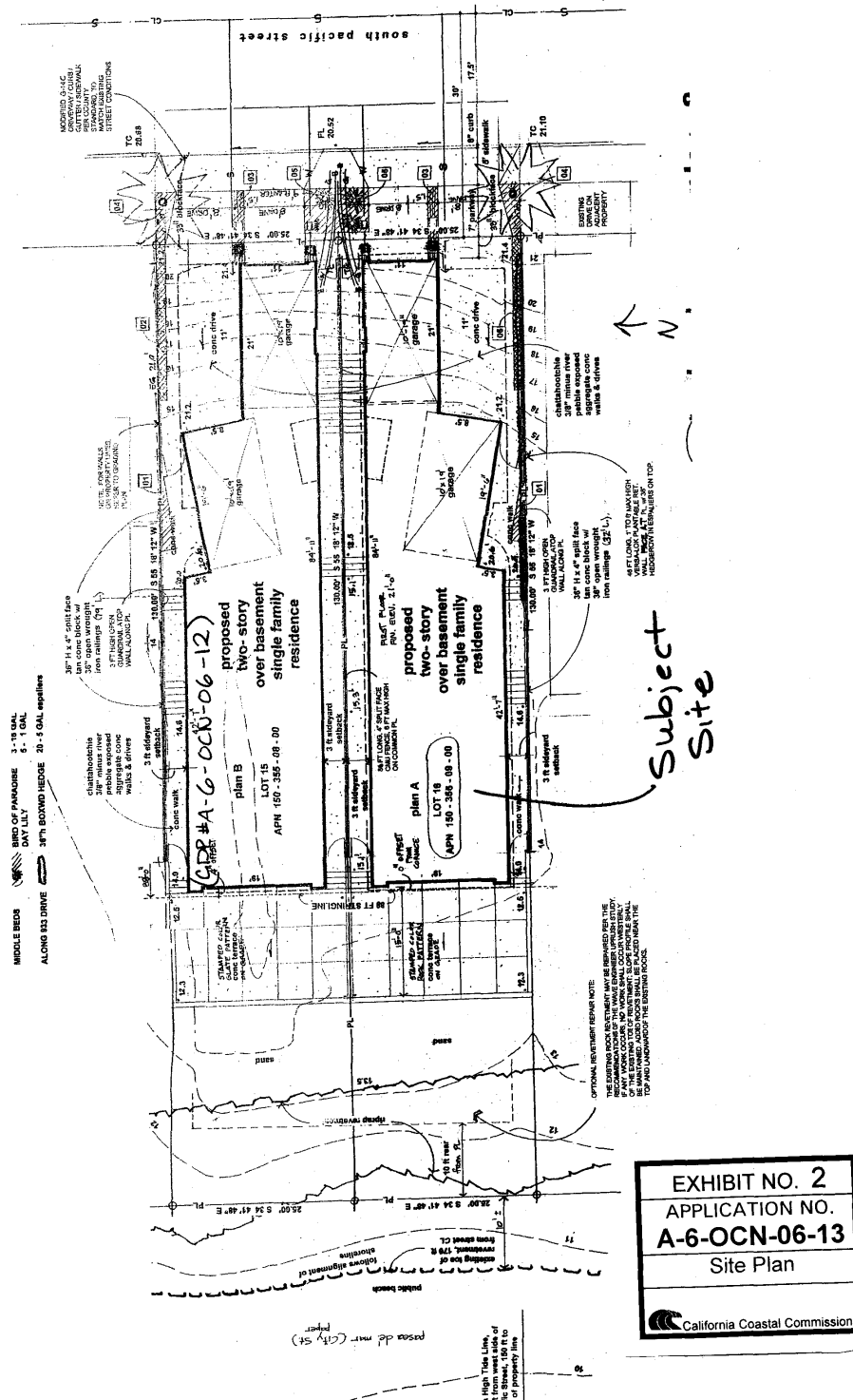
**EXHIBIT NO. 1**

**APPLICATION NO.**

**A-6-OCN-06-13**

**Location Map**

 **California Coastal Commission**



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**GeoSoils Inc.**

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CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

February 13, 2006

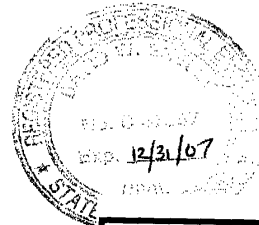
Mr. David Soanes  
soanes ltd.  
6378 Paseo Potrero  
Carlsbad, CA 92009-3021SUBJECT: Proposed Revetment Footprint, Ratkowski Residence, 931 & 933 S. Pacific  
Street, Oceanside, San Diego County, 6-OCN-06-006, & 6-OCN-06-007

Dear Mr. Soanes:

At your request we are pleased to provide additional information regarding the relocation and reconstruction of the revetment fronting the subject sites. The proposed relocation will move the revetment landward approximately 10 feet and raise the top of revetment elevation to about +16 feet MSL. The revetment will be reconfigured to be in significant conformance with City of Oceanside standard drawing M-19, shown here as Figure 1. The slope will vary from 2/1 to 1.5/1 (horizontal / vertical). The total revetment height is approximately 16 feet with an on-offshore footprint of less than 32 feet. The revetment fronting the properties to either side of the subject sites are protected by the same continuous revetment that is presently in front of the subject properties. Because the applicant cannot impact these adjacent sections of revetment, it will be necessary to transition the revetment from the adjacent properties (with the seaward toe) to the subject properties (with the new landward toe). Figure 2 illustrates this transition between the revetment sections. The structure will be located on private property with the exception of the transitions. The transitions are configured to minimize encroachment of the transition area on the portions of the beach seaward of the subject sites property lines. In the future, if the adjacent revetments are moved landward, the stones in the transition area can be removed without jeopardizing the performance of the revetment at the subject sites.

If you have any questions or comments please contact me at the number below.

Sincerely,

David W. Skelly MS, PE  
RCE#47857

5741 Palmer Way, Suite D, Carlsbad CA 92010 W.O. S4713 PI

EXHIBIT NO. 3
APPLICATION NO.
<b>A-6-OCN-06-13</b>
Engineer's Report on
Revetment Relocation
California Coastal Commission

3 PAGES  
Lee  
McEachern  
# 6-OCN-06-006  
A-6-OCN-06-12 + 13

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GeoSoils Inc.

3



SHEET 1 OF 1

CALCULATED BY: DATE:

CHECKED BY: DS DATE: 2/10/06

CLIENT: RAT KOWSKI PROJECT: 931-933 S. Pacific W.O. S4713 SCALE: 1" = 10'

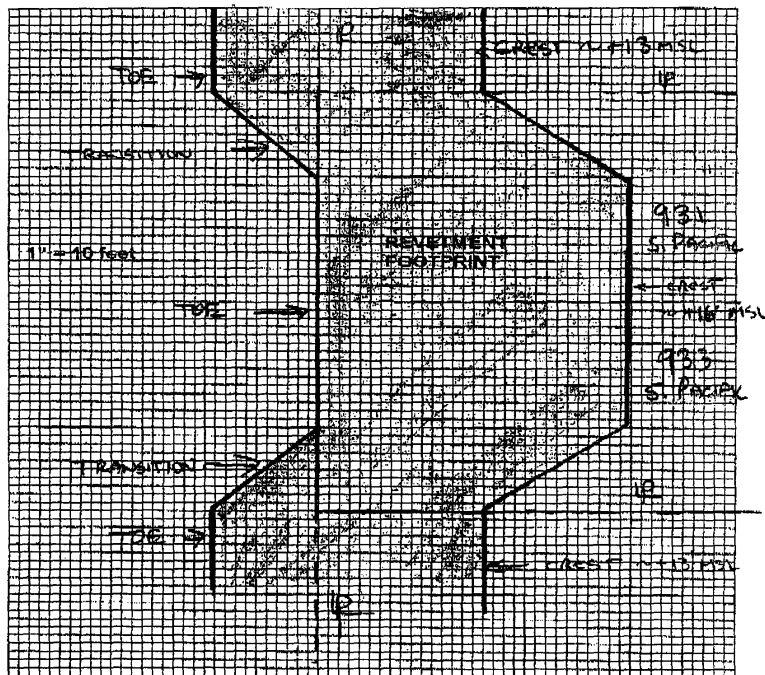


Figure 2. Scale plan of landward relocation of the revetment and of transition to the adjacent sections of revetment.

5741 Palmer Way, Suite D, Carlsbad CA 92010 W.O. S4713 Phone 760-438-3155

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## GeoSoils Inc.

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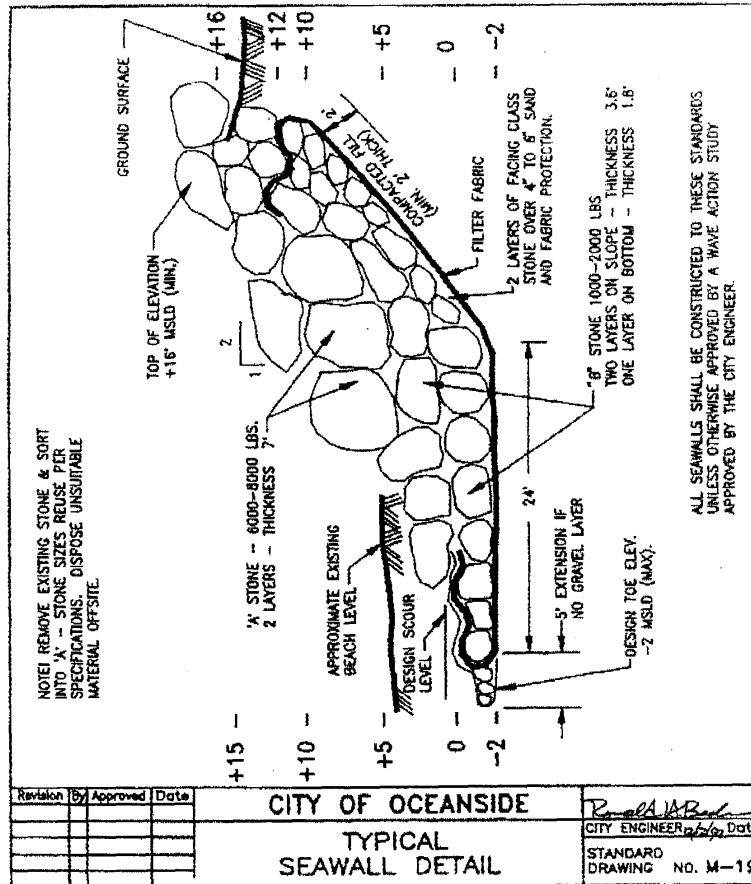


Figure 1. City of Oceanside standard revetment section drawing M-19.

5741 Palmer Way, Suite D, Carlsbad CA 92010 W.O. S4713 Phone 760-438-3155

PLANNING COMMISSION  
RESOLUTION NO. 2005-P67

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

APPLICATION NO: RC-4-05

APPLICANT: Don and Joyce Ratkowski

LOCATION: 933 South Pacific Street

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

WHEREAS, there was filed with this Commission a verified petition on the forms  
prescribed by the Commission requesting Regular Coastal Permit (RC-4-05) under the provisions  
of Articles 10 of the Zoning Ordinance of the City of Oceanside to permit the following:

construct a 3,526-square foot single-family residence;  
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 19<sup>th</sup> day  
of December, 2005 conduct a duly advertised public hearing as prescribed by law to consider said  
application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
Guidelines thereto; this project has been found to be categorically exempt per Article 19 from  
environmental review;

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


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

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EXHIBIT NO. 4
APPLICATION NO.
<b>A-6-OCN-06-13</b>
City Approval
 California Coastal Commission

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. R91-38	\$2,200 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 89-231	\$1,705 per acre
Public Facility Fee	Ordinance No. 91-09 Resolution No. R91-39	\$1,301 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.14 per square foot
Traffic Signal Fee	Ordinance No. 87-19	\$13.70 per vehicle trip
Thoroughfare Fee (For commercial and industrial please note the .75 per cent discount)	Ordinance No. 83-01	\$177 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. 02-OR-332-1	Based on meter size Typical \$3,360
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 02-OR-333-1	Based on water meter size Typical \$4,114
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2000-3	Based on meter size. Residential is typically \$2,461 per unit;

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

WHEREAS, unless otherwise provided by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside City Code

1 and the City expressly reserves the right to amend the fees and fee calculations consistent with  
2 applicable law;

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

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

9 WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes  
10 effective 10 days from its adoption in the absence of the filing of an appeal or call for review;

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

13 FINDINGS:

14 For the Regular Coastal Permit:

- 15 1. The proposed single-family residence is consistent with the land use policies of the  
16 Local Coastal Program. Specifically, the physical aspects of the project is consistent  
17 with the properties neighboring the project site.
- 18 2. The single-family residence will not obstruct any existing, planned, or required public  
19 beach access, including any beach areas fronting the existing seawall at the property;  
20 therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act.

21 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
22 approve Regular Coastal Permit (RC-4-05) subject to the following conditions:

23 Building:

- 24 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
25 Building Department plan check.
- 26 2. The granting of approval under this action shall in no way relieve the applicant/project from  
27 compliance with all State and local building codes.
- 28 3. All electrical, communication, CATV, etc. service lines, within the exterior lines of the  
29 property shall be underground (City Code Sec. 6.30).

- 1 4. The building plans for this project are required by State law to be prepared by a licensed  
2 architect or engineer and must be in compliance with this requirement prior to submittal  
3 for building plan review.
- 4 5. Compliance with the Federal Clean Water Act must be demonstrated on the plans.
- 5 6. The developer shall monitor, supervise and control all building construction and supportive  
6 activities so as to prevent these activities from causing a public nuisance, including, but not  
7 limited to, strict adherence to the following:
  - 8 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
9 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for  
10 work that is not inherently noise-producing. Examples of work not permitted on  
11 Saturday are concrete and grout pours, roof nailing and activities of similar noise-  
12 producing nature. No work shall be permitted on Sundays and Federal Holidays  
13 (New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day,  
14 Christmas Day) except as allowed for emergency work under the provisions of the  
15 Oceanside City Code Chapter 38 (Noise Ordinance).
  - 16 b) The construction site shall be kept reasonably free of construction debris as  
17 specified in Section 13.17 of the Oceanside City Code. Storage of debris in  
18 approved solid waste containers shall be considered compliance with this  
19 requirement. Small amounts of construction debris may be stored on site in a neat,  
20 safe manner for short periods of time pending disposal.
- 21 7. Building levels below grade shall be provided with a mechanical drainage system that  
22 provides drainage to an approved location.
- 23 8. A complete soils report, structural calculations, and energy calculations/documentation will  
24 be required at time of plans submitted to the Building Department for plan check.
- 25 9. If a mechanical pump is used instead of a gravity flow sewer system, the pump must be  
26 designed by a licensed Engineer and routed and approved by all Departments.
- 27 10. Documentation of properly recorded easements is required for plan check review of  
28 building projects.
- 29 11. As part of your plan check submittal for a building permit, a "plat" drawing depicting the  
first floor elevations for each segment, the locations of the points where the floor level is

1 six feet above grade and the lowest elevation within five feet from the building for each  
2 segment.

3 **Engineering:**

- 4 12. If the project involves demolition of an existing structure or surface improvements, the  
5 grading plans shall be approved by the Deputy Public Works Director prior to the  
6 issuance of a demolition permit. No demolition shall be permitted without an approved  
7 erosion control plan.
- 8 13. All right-of-way alignments, street dedications, exact geometrics and widths shall be  
9 dedicated and improved as required by the Deputy Public Works Director.
- 10 14. Design and construction of all improvements shall be in accordance with standard plans,  
11 specifications of the City of Oceanside and subject to approval by the Deputy Public  
12 Works Director.
- 13 15. Prior to the issuance of a grading permit, the Developer shall notify and host a  
14 neighborhood meeting with all of the area residents located within 300 feet of the project  
15 site, and residents of property along any residential streets to be used as a "haul route", to  
16 inform them of the grading and construction schedule, haul routes, and to answer  
17 questions.
- 18 16. The approval of the project shall not mean that closure, vacation, or abandonment of any  
19 public street, right-of-way, easement, or facility is granted or guaranteed to the  
20 developer. The developer is responsible for applying for all closures, vacations, and  
21 abandonments as necessary. The application shall be reviewed and approved or rejected  
22 by the City under separate process (es) per codes, ordinances, and policies in effect at the  
23 time of the application.
- 24 17. A construction-phasing plan for the construction of on-site public and private  
25 improvements shall be reviewed and approved by the Deputy Public Works Director  
26 prior to the issuance of any grading or improvement permits. Prior to the issuance of any  
27 building permits all off-site or frontage improvements including landscaping and any  
28 required streets or arterials shall be constructed to the satisfaction of the Deputy Public  
29 Works Director. All improvements shall be completed prior to issuance of any  
certificates of occupancy.

- 1 18. The developer shall monitor, supervise and control all construction and construction-  
2 supportive activities, so as to prevent these activities from causing a public nuisance,  
3 including but not limited to, insuring strict adherence to the following:
- 4 a) Dirt, debris and other construction material shall not be deposited on any public  
5 street or within the City's storm water conveyance system.
- 6 b) All grading and related site preparation and construction activities shall be  
7 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No  
8 engineering related construction activities shall be conducted on Saturdays,  
9 Sundays or legal holidays unless written permission is granted by the Deputy  
10 Public Works Director with specific limitations to the working hours and types of  
11 permitted operations. All on-site construction staging areas shall be as far as  
12 possible (minimum 100 feet) from any existing residential development.  
13 Because construction noise may still be intrusive in the evening or on holidays,  
14 the City of Oceanside Noise Ordinance also prohibits "any disturbing excessive,  
15 or offensive noise which causes discomfort or annoyance to reasonable persons  
16 of normal sensitivity."
- 17 c) The construction site shall accommodate the parking of all motor vehicles used by  
18 persons working at or providing deliveries to the site.
- 19 d) A haul route shall be obtained at least 7 days prior to the start of hauling operations  
20 and must be approved by the Deputy Public Works Director. Hauling operations  
21 shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise.
- 22 19. All drainage fees, traffic signal fees and contributions, highway thoroughfare fees, park  
23 fees, reimbursements, and other applicable charges, fees and deposits shall be paid prior to  
24 recordation of the map or the issuance of any building permits, in accordance with City  
25 Ordinances and policies. The developer shall also be required to join into, contribute, or  
26 participate in any improvement, lighting, or other special district affecting or affected by  
27 this project. Approval of the project shall constitute the developer's approval of such  
28 payments, and his agreement to pay for any other similar assessments or charges in effect  
29

1 when any increment is submitted for final map or building permit approval, and to join,  
2 contribute, and/or participate in such districts.

- 3 20. A traffic control plan shall be prepared according to the City traffic control guidelines and  
4 be submitted to and approved by the Deputy Public Works Director prior to the start of  
5 work within open City rights-of-way. Traffic control during construction of streets that  
6 have been opened to public traffic shall be in accordance with construction signing,  
7 marking and other protection as required by the Caltrans Traffic Manual and City Traffic  
8 Control Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m.  
9 unless approved otherwise.
- 10 21. Sight distance requirements at the project driveway shall conform to the corner sight  
11 distance criteria as provided by the California Department of Transportation Highway  
12 Design Manual.
- 13 22. The developer shall pay all applicable fees, energy charges, and/or assessments associated  
14 with City-owned (LS-2 rate schedule) streetlights and shall also agree to the formulation  
15 of, or the annexation to, any appropriate street lighting district.
- 16 23. Any streets shall be improved as required the Deputy Public Works Director. Pavement  
17 sections for all streets, alleys, driveways and parking areas shall be based upon approved  
18 soil tests and traffic indices. The pavement design is to be prepared by the soil engineer  
19 and must be approved by the Deputy Public Works Director, prior to paving.
- 20 24. Any existing broken pavement, concrete curb and gutter, or sidewalk or any damaged  
21 during construction of the project, shall be repaired or replaced as directed by the Deputy  
22 Public Works Director.
- 23 25. The developer shall comply with all the provisions of the City's cable television ordinances  
24 including those relating to notification as required by the Deputy Public Works Director.
- 25 26. Grading and drainage facilities shall be designed and installed to adequately accommodate  
26 the local storm water runoff and shall be in accordance with the City's Engineers Manual  
27 and as directed by the Deputy Public Works Director.
- 28 27. The applicant shall obtain any necessary permits and clearances from all public agencies  
29 having jurisdiction over the project due to its type, size, or location, including but not

1 limited to the U. S. Army Corps of Engineers, California Department of Fish and Game, U.  
2 S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board  
3 (including NPDES), San Diego County Health Department, prior to the issuance of grading  
4 permits.

5 28. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic  
6 investigation shall be conducted of the soils, slopes, and formations in the project. All  
7 necessary measures shall be taken and implemented to assure slope stability, erosion  
8 control, and soil integrity. No grading shall occur until a detailed grading plan, to be  
9 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by  
10 the Deputy Public Works Director.

11 29. This project shall provide year-round erosion control including measures for the site  
12 required for the phasing of grading. Prior to the issuance of grading permit, an erosion  
13 control plan, designed for all proposed stages of construction, shall be reviewed, secured  
14 by the applicant with cash securities and approved by the Deputy Public Works Director.

15 30. Precise grading and private improvement plan shall be prepared, reviewed, secured and  
16 approved prior to the issuance of any building permits. The plan shall reflect all pavement,  
17 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, signage,  
18 footprints of all structures, walls, drainage devices and utility services. Parking lot striping  
19 and any on site traffic calming devices shall be shown on all Precise Grading and Private  
20 Improvement Plans.

21 31. Landscaping plans, including plans for the construction of walls, fences or other structures  
22 at or near intersections, must conform to intersection sight distance requirements.  
23 Landscape and irrigation plans for disturbed areas must be submitted to the Deputy Public  
24 Works Director prior to the issuance of a preliminary grading permit and approved by the  
25 Deputy Public Works Director prior to the issuance of building permits. Frontage and  
26 median landscaping shall be installed prior to the issuance of any building permits. Any  
27 project fences, sound or privacy walls and monument entry walls/signs shall be shown on,  
28 bonded for and built from the landscape plans. These features shall also be shown on the  
29 precise grading plans 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. All plans must be approved by the Deputy Public Works Director and a pre-construction meeting held, prior to the start of any improvements.

32. The drainage design on the project conceptual only. The final design shall be based upon a hydrologic/hydraulic study to be approved by the Deputy Public Works Director during final engineering. All drainage picked up in an underground system shall remain underground until it is discharged into an approved channel, or as otherwise approved by the Deputy Public Works Director. All public storm drains shall be shown on City standard plan and profile sheets. All storm drain easements shall be dedicated where required. The applicant shall be responsible for obtaining any off-site easements for storm drainage facilities.

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

34. The development shall comply with all applicable regulations established by the United States Environmental Protection Agency (USEPA) as set forth in the National Pollutant Discharge Elimination System (N.P.D.E.S.) permit requirements for urban runoff and stormwater discharge and any regulations adopted by the City pursuant to the N.P.D.E.S. regulations or requirements. Further, the applicant may be required to file a Notice of Intent with the State Water Resources Control Board to obtain coverage under the N.P.D.E.S. General Permit for Storm Water Discharges Associated with Construction Activity and may be required to implement a Storm Water Pollution Prevention Plan (SWPPP) concurrent with the commencement of grading activities. The SWPPP include both construction and post construction pollution prevention and pollution control measures and identify funding mechanisms for post construction control measures. The developer shall comply with all the provisions of the Clean Water Program during and after all phases of the development process, including but not limited to: mass grading, rough grading, construction of street and landscaping improvements, and construction of dwelling units. The applicant shall design the Project's storm drains and other drainage facilities to include Best Management Practices

- 1 to minimize non-point source pollution, satisfactory to the Deputy Public Works  
2 Director.
- 3 35. Upon acceptance of any fee waiver or reduction by the Developer the entire project will  
4 be subject to prevailing wage requirements as specified by Labor Code section  
5 1720(b)(4). The Developer shall agree to execute a form acknowledging the prevailing  
6 wage requirements prior to the granting of any fee reductions or waivers.
- 7 36. The Developer shall prepare and submit an Operations and Maintenance (O&M) Plan to  
8 the Engineering Division with the first submittal of engineering plans. The O&M Plan  
9 shall be prepared by the applicant's Civil Engineer. It shall be directly based on the  
10 project's Storm Water Mitigation Plan (SWMP) previously approved by the project's  
11 approving authority (Planning Commission). The O&M Plan shall be approved by the  
12 Deputy Public Works Director prior to approval of any plans by the Engineering  
13 Division. At a minimum the O&M Plan shall include the designated responsible parties  
14 to manage the storm water BMP(s), employee's training program and duties, operating  
15 schedule, maintenance frequency, routine service schedule, specific maintenance  
16 activities, copies of resource agency permits, cost estimate for implementation of the  
17 O&M Plan and any other necessary elements.
- 18 37. The Developer shall enter into a City-Standard Stormwater Facilities Maintenance  
19 Agreement with the City obliging the project proponent to maintain, repair and replace the  
20 storm water Best Management Practices (BMPs) identified in the project's approved Storm  
21 Water Mitigation Plan (SWMP), as detailed in the O&M Plan into perpetuity. The  
22 Agreement shall be approved by the City Attorney prior to issuance of any precise grading  
23 permit and shall be recorded at the County Recorder's Office prior to issuance of any  
24 building permit. Security in the form of cash (or certificate of deposit payable to the City)  
25 or an irrevocable, City-Standard Letter of Credit shall be required prior to issuance of a  
26 precise grading permit. The amount of the security shall be equal to ten years of  
27 maintenance costs, as identified by the O&M Plan. The applicant's Civil Engineer shall  
28 prepare the O&M cost estimate. The O&M cost estimate shall be approved by the Deputy  
29 Public Works Director prior to approval of any engineering plans for the project.

- 1 38. At a minimum, maintenance agreements shall require the staff training, inspection and  
2 maintenance of all BMPs on an annual basis. The project proponent shall complete and  
3 maintain O&M forms to document all maintenance activities. Parties responsible for the  
4 O&M plan shall retain records at the subject property for at least five years. These  
5 documents shall be made available to the City for inspection upon request at any time.
- 6 39. The agreement shall include a copy of executed on-site and off-site access easements  
7 necessary for the operation and maintenance of BMPs that shall be binding on the land  
8 throughout the life of the project to the benefit of the party responsible for the O&M of  
9 BMPs, until such time that the storm water BMP requiring access is replaced,  
10 satisfactory to the City Engineer. The agreement shall also include a copy of the O&M  
11 Plan approved by the Deputy Public Works Director.
- 12 40. The BMPs described in the project's approved Storm Water Mitigation Plan (SWMP)  
13 shall not be altered in any way, shape or form without formal approval by the project's  
14 final approving authority (Planning Commission) at a public hearing, if such hearing was  
15 required for the approval of the project.
- 16 41. ADA complaint pedestrian access shall be provided at all project driveways.
- 17 42. All driveways and sidewalks shall be constructed per City Standards to the satisfaction  
18 of the Deputy Public Works Director.
- 19 **Fire:**
- 20
- 21 43. Prior to approval of the final inspection, a CD of the project's as-built plans, prepared in  
22 a format compatible with the Fire Department's mapping program, shall be submitted to  
23 the Fire Department. Information on acceptable format types is available from the Fire  
24 Prevention Bureau.
- 25 44. Fire Department requirements shall be placed on the plans in the notes section.
- 26 45. All proposed and existing fire hydrants within 400 feet of the project shall be shown on  
27 the site plan.
- 28 46. In accordance with the Uniform Fire Code Sec. 901.1.4.4, approved addresses for  
29 residential occupancies shall be placed on the structure in such a position as to be plainly

1 visible and legible from the street or roadway fronting the property. Numbers shall  
2 contrast with their background.

3 47. Single-family dwellings require 4-inch address numbers.

4 48. Plans shall be submitted to the Fire Prevention Bureau for plan check review and  
5 approval prior to the issuance of building permits.

6 49. Buildings shall meet Oceanside Fire Departments current adopted codes at the time of  
7 building permit application.

8 **Planning:**

9 50. This Regular Coastal Permit shall expire on December 19, 2007, unless the Planning  
10 Commission grants a time extension.

11 51. This Regular Coastal Permit approves only the construction of a 3,526-square foot single-  
12 family residence as shown on the plans and exhibits presented to the Planning Commission  
13 for review and approval. No deviation from these approved plans and exhibits shall occur  
14 without Planning Department Approval. Substantial deviations shall require a revision to  
15 the Regular Coastal Permit or a new Coastal Permit.

16 52. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
17 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
18 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
19 annul an approval of the City, concerning Regular Coastal Permit (RC-4-05). The City  
20 will promptly notify the applicant of any such claim, action or proceeding against the  
21 City and will cooperate fully in the defense. If the City fails to promptly notify the  
22 applicant of any such claim action or proceeding or fails to cooperate fully in the  
23 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold  
24 harmless the City.

25 53. All mechanical rooftop and ground equipment shall be screened from public view as  
26 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,  
27 mechanical equipment, screen and vents shall be painted with non-reflective paint to match  
28 the roof. This information shall be shown on the building plans.  
29

- 1 54. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water  
2 Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall  
3 be reviewed and approved by the City Engineer and Planning Director prior to the issuance  
4 of building permits. Landscaping shall not be installed until bonds have been posted, fees  
5 paid, and plans signed for final approval. The following special landscaping requirements  
6 shall be met:
- 7 a) The developer shall be responsible for irrigating and landscaping all embankments  
8 within the project, and all slopes along major streets.
- 9 55. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and in  
10 any adjoining public parkways shall be permanently maintained by the owner, his assigns  
11 or any successors-in-interest in the property. The maintenance program shall include  
12 normal care and irrigation of the landscaping; repair and replacement of plant materials;  
13 irrigation systems as necessary; and general cleanup of the landscaped and open areas,  
14 parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result  
15 in the City taking all appropriate enforcement actions by all acceptable means including but  
16 not limited to citations and/or actual work with costs charged to or recorded against the  
17 owner. This condition shall be recorded with the covenant required by this resolution.
- 18 56. Front yard landscaping with a complete irrigation system, in compliance with Water  
19 Conservation Ordinance No. 91-15, shall be required.
- 20 57. All single-family units dwelling projects shall dispose of or recycle solid waste in a  
21 manner provided in City Ordinance 13.3.
- 22 58. A letter of clearance from the affected school district in which the property is located  
23 shall be provided as required by City policy at the time building permits are issued.
- 24 59. A covenant or other recordable document approved by the City Attorney shall be prepared  
25 by the applicant and recorded prior to the issuance of building permits. The covenant shall  
26 provide that the property is subject to this Resolution, and shall generally list the conditions  
27 of approval.
- 28 60. Prior to the issuance of building permits, compliance with the applicable provisions of the  
29 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed  
and approved by the Planning Department. These requirements, including the obligation to

1 remove or cover with matching paint all graffiti within 24 hours, shall be noted on the  
2 Landscape Plan and shall be recorded in the form of a covenant affecting the subject  
3 property.

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

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

14 63. The developer's construction of all fencing and walls associated with the project shall be in  
15 conformance with the approved Development Plan. Any substantial change in any aspect  
16 of fencing or wall design from the approved Development Plan shall require a revision to  
17 the Development Plan or a new Development Plan.

18 64. If any aspect of the project fencing and walls is not covered by an approved  
19 Development Plan, the construction of fencing and walls shall conform to the  
20 development standards of the City Zoning Ordinance. In no case, shall the construction  
21 of fences and walls (including combinations thereof) exceed the limitations of the zoning  
22 code, unless expressly granted by a Variance or other development approval.

23 65. Side and rear elevations and window treatments shall be trimmed to substantially match  
24 the front elevations. A set of building plans shall be reviewed and approved by the  
25 Planning Department prior to the issuance of building permits.

26 66. Elevations, siding materials, colors, roofing materials and floor plans shall be  
27 substantially the same as those approved by the Planning Commission. These shall be  
28 shown on plans submitted to the Building Department and Planning Department.  
29

- 1 67. 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, which shall  
3 provide:
- 4 a) That the applicant understands that the site may be subject to extraordinary hazard  
5 from waves during storms and from erosion, and the applicants assumes the  
6 liability from those hazards.
- 7 b) That the applicant unconditionally waives any claim of liability on the part of the  
8 City and agrees defend and indemnify and hold harmless the City and its advisors  
9 relative to the City's approval of the project for any damage due to natural hazards.
- 10 68. The revetment shall be reconfigured to improve shore protection. The reconstruction  
11 would include the importation of approximately six new 4-ton (min) stones and the  
12 placement of filter fabric per the standard drawing. The revetment shall be reconfigured  
13 without any further seaward encroachment. The reconstruction shall be performed under  
14 the supervision of a licensed engineer specializing in coastal structures. In addition, any  
15 work performed on the revetment may require a separate permit from the California  
16 Coastal Commission.
- 17 69. Storm shields shall be used at the residence lowest floor (basement) to reduce or prevent  
18 flooding.
- 19 **Water Utilities:**
- 20 70. All public water and/or sewer facilities not located within the public right-of-way shall be  
21 provided with easements sized according to the City's Engineers Manual. Easements shall  
22 be constructed for an all weather access.
- 23 71. No trees or structures or building overhang shall be located within any water or wastewater  
24 utility easement.
- 25 72. The property owner shall maintain private water and wastewater utilities located on private  
26 property.
- 27 73. Water services and sewer laterals constructed in existing right-of-way locations are to be  
28 constructed by approved and licensed contractors at developer's expense.
- 29 74. The developer shall be responsible for developing all water and sewer facilities necessary  
to develop the property. Any relocation of water and/or sewer lines is the responsibility of

- 1 the developer and shall be done by an approved licensed contractor at the developer's  
2 expense.
- 3 75. All lots with a finish pad elevation located below the elevation of the next upstream  
4 manhole cover of the public sewer shall be protected from backflow of sewage by  
5 installing and maintaining an approved type backwater valve, per of the Uniform Plumbing  
6 Code.
- 7 76. The water and wastewater buy-in fees and the San Diego County Water Authority Fees are  
8 to be paid to the City and collected by the Water Utilities Department at the time of  
9 building permit issuance.
- 10 77. All water and wastewater construction shall conform to the most recent edition of the  
11 City's Engineers Manual, or as approved by the Water Utilities Director.
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1 78. All new development of single-family residential units shall include hot water pipe  
2 insulation and installation of a hot water recirculation device or design to provide hot water  
3 to the tap within 15 seconds in accordance with City of Oceanside Ordinance No. 02-  
4 OR126-1.

5 PASSED AND ADOPTED Resolution No. 2005-P67 on December 19, 2005 by the  
6 following vote, to wit:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

11  
12 \_\_\_\_\_  
13 Nancy Chadwick, Chairperson  
14 Oceanside Planning Commission

15 ATTEST:

16 \_\_\_\_\_  
17 Jerry Hittleman, Secretary

18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
19 this is a true and correct copy of Resolution No. 2005-P67.

20  
21 Dated: December 19, 2005  
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