

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
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**T7c**

Staff: Toni Ross-SD  
Staff Report: March 23, 2007  
Hearing Date: April 10-13, 2007

**STAFF REPORT AND RECOMMENDATION ON APPEAL**

Application No.: A-6-OCN-06-134

Applicant: Mary Anne and Duke Stroud Agent: David Lee Soanes

Description: Demolish an existing 948 sq. ft. home and construct a 4,050 sq. ft. two-story home with a 500 sq. ft. garage on a 5,700 sq. ft. oceanfront lot.

Lot Area	5,700 sq. ft.
Building Coverage	2,006 sq. ft. (35%)
Pavement Coverage	750 sq. ft. (13%)
Landscape Coverage	438 sq. ft. ( 8%)
Revetment Coverage	1,200 sq. ft. (21%)
Deck Coverage	300 sq. ft. ( 5%)
Unimproved Area (Sand)	1,006 sq. ft. (18%)

Site: 1507 South Pacific Street, Oceanside, San Diego County  
APN 153-012-38

Substantive File Documents: Certified City of Oceanside Local Coastal Program, Appeal Forms submitted by Josephine Gluzman, Jerry and Gayle Heller, Linda Morgan, Patty Richenberger, Mr. & Mrs. Roger D. Chaussee, Staff Report to the City of Oceanside Community Development Commission dated October 9, 2006; Wave Hazard Study for 1507 Pacific by Skelly Engineering dated August, 2003; Blockface Measurement Report by Larry Taylor dated August 21, 2006; Substantial Issue Staff Report CDP #A-6-OCN-134 dated December 21, 2006 Letter of opposition with signatures dated February 10, 2007.

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**STAFF NOTES:****Summary of Staff's Preliminary Recommendation:**

Staff recommends the Commission approve the de novo permit with several special conditions. The primary issue raised by the proposed development relates to protection of public views of the ocean. The project involves demolition of an existing single-family residence and construction of a new much larger single-family residence on an oceanfront lot. The proposed reconstruction is located in close proximity to numerous public coastal amenities including Buccaneer Beach, Buccaneer Park, the Coastal Rail

Trail, and an elevated public sidewalk on the east side of South Pacific Street. The development as proposed will impact portions of the ocean views from various vantage points along these above stated public amenities and public access ways. While the City's LCP does not contain provisions which specifically protect all public ocean views, it does call for protection of visual resources in areas of natural aesthetic value.

Currently the second story of the proposed home overhangs the first floor between 5 and 7 feet depending on the location. It is the overhanging portion of the house that would block a substantial portion of blue water views from off-site vantage points. As such, Special Condition #1 requires the project be revised so that the second story's front yard set back be **increased** to **equal or greater** than the proposed set back of the first story. The final plans must also show the removal of the trash receptacle and copper column currently proposed within this front yard setback. While the increase in set back will not completely eliminate impacts to ocean views, it will significantly decrease the scale of the impacts.

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 final landscape plan including requirements for fence opacity, side yard vegetation height, and the requirement for only native and non-invasive vegetation.

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

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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-06-134 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 certified Local Coastal Program and the public access and recreation 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. Revised Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director for review and written approval full-size final plans for the permitted development that are in substantial conformance with the plans for the project by David Lee Soanes, received October 12, 2006. However, the plans shall be first approved by the City of Oceanside and shall be revised as follows:

- a. Removal of trash receptacle and the 18" copper column located within the southern section of the front yard set back.
- b. Modifications showing the front yard set back of the second story shall be increased to be **equal to or greater than** the front yard set back of the first story. Final plans shall clearly indicate the second level no longer overhanging the first level of the proposed residence. The location of the first-story front yard set back shall not be altered.
- c. Indication of the western stringline at 89' west of the front property line (the same stringline specified in the site plans approved by the City of Oceanside Planning Commission dated October 12, 2006).

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

2. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of this permit, the applicants acknowledge and agree (i) that the site may 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 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.

3. Permitted Density. No portion of the residence permitted on this site shall be rented, leased, occupied, sold or otherwise used as a second separate dwelling unit without the prior review and approval of the Coastal Commission or its successor in interest.

4. Deed Restriction. **PRIOR TO THE 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, 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.

5. Revised Final Landscape Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit for review and written approval of the Executive Director, final landscape plans for the proposed development that have been approved by the City of Oceanside. Said plans shall be in substantial conformance with the plans submitted to the City by David Lee Soanes, received October 12, 2006, but shall be revised as follows:

- a. All proposed landscaping in the side and front yard areas (including raised planters) shall be maintained at a height of three feet or lower to preserve views from the street toward the ocean.

All landscaping shall be drought-tolerant native, non-invasive plant species that are obtained from local stock, if available. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.

- c. Any fencing in the side yard setback areas shall permit public views and

have at least 75 percent of its surface area open to light.

- d. A written commitment by the applicants that five years from the date of the issuance of the coastal development permit for the residential structure, the applicant will submit for the review and written approval of the Executive Director a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicants, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

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

6. Survey of Shoreline Protection. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit a geological survey of the existing revetment, prepared by a licensed geologist, or civil or geotechnical engineer for the review and written approval of the Executive Director. The survey 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 indicate the following:

- a. The toe of the revetment shall extend no further seaward than 122' feet west of the eastern property line at the northern edge of the property and 133' west at the eastern property line at the southern edge of the property, at a slope of 2/1.
- b. The top of the revetment shall not exceed elevation +14.4' MSL at any point.

7. 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 existing shoreline protection. The purpose of the plan is to monitor and identify damage or 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 #6 of CDP #A-6-OCN-06-134 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.
- d. An agreement that the permittee shall apply for a coastal development permit within 90 days of submission of the report required in subsection c. above for any necessary maintenance, repair, changes or modifications to the project recommended by the report that require a coastal development permit and implement the repairs, changes, etc. approved in any such permit.

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, 2008. 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.

8. Other Special Conditions of the RC 16-03 and Resolution No. 2006-P55. Except as provided by this coastal development permit, this permit has no effect on conditions imposed by the City of Oceanside pursuant to an authority other than the Coastal Act. The conditions contained in this coastal development permit are in addition to the conditions imposed and required by the City of Oceanside. In case of conflict, the conditions contained in the subject coastal development permit shall be controlling.

9. Future Development. This permit is only for the development described in coastal development permit No. A-6-OCN-06-134. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply. Accordingly, any future improvements to the proposed single family residence, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Code section 30610(d) and Title 14 California Code of Regulations section 13252(a)-(b), shall require an amendment to permit No. A-6-OCN-06-134 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

10. As-Built Plans. Within 60 days following completion of the project, the permittees shall submit as-built plans approved by the City of Oceanside, to be reviewed and approved in writing by the Executive Director documenting that the residential structure was constructed consistent with the Executive Director approved construction plans

11. Future Maintenance. The permittees shall maintain the existing revetment in their approved state. Any change in the design of the revetment or future additions/reinforcement of the revetment beyond exempt maintenance as defined in Section 13252 of Title 14 of the California Code of Regulations to restore the structure to its original condition will require a coastal development permit. **However, in all cases, if after inspection, it is apparent that repair and maintenance is necessary, the permittee shall contact the Executive Director to determine whether a coastal development permit or an amendment to this permit is legally required, and, if required, shall subsequently apply for a coastal development permit or permit amendment for the required maintenance.**

12. No Future Seaward Extension of Shoreline Protective Devices. 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 existing shoreline protective device, as shown on Exhibit #3, 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-06-134. By acceptance of this Permit, the applicants waive, on behalf of themselves and all successors and assigns, any rights to such activity that may exist under Public Resources Code Section 30235 or the certified Local Coastal Program.

13. Protection of Accessory Structures. In the event that erosion or flooding threatens the outdoor patios, decks or other similar accessory improvements associated with the proposed home, they shall be removed. The patios and decks associated with the proposed home are authorized to remain in place only until they are threatened by erosion or flooding. Prior to removal of the outdoor patios and decks or other similar accessory improvements, the permittee shall obtain a coastal development permit for such removal unless the Executive Director determines that no permit is required.

14. Construction Schedule/Staging Areas/Access Corridors. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval detailed plans identifying the location of access corridors to the construction site and staging areas, and a final construction schedule. Said plans shall include the following criteria specified via written notes on the plan:

- a. Use of sandy beach and public parking areas outside the actual construction site, including on-street parking, for the interim storage of materials and equipment is prohibited.
- b. No work shall occur on the beach during the summer peak months (start of Memorial Day weekend to Labor Day) of any year.
- c. Equipment used on the beach shall be removed from the beach at the end of each workday.
- d. Access corridors shall be located in a manner that has the least impact on public access and existing public parking areas. Use of public parking areas for staging/storage areas is prohibited.

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

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

The permittees 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.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:



1. Detailed Project Description. The proposed project includes the demolition of the existing 948 sq. ft. single story home and the construction of a new two-story 4,050 sq. ft. single-family residence with a 500 sq. ft. garage and a 30 sq. ft. storage area on a 5,700 sq. ft. beachfront lot.<sup>1</sup> The height of the development was approved at 27', not including the elevator shaft to the roof-deck, which will reach 35'. The proposed development includes a large decrease in front yard setback. The existing residence currently maintains a front yard setback of approximately 30'. As proposed, the new residence will observe a front yard setback of 4' 3". The project site is located at 1507 South Pacific Street, just north of Morse Street in the City of Oceanside (ref. Exhibit #2).

The subject site is flat; however, some excavation will be necessary for the garage pad. Directly south of the subject site are three single family residences that are smaller-scale than the proposed residence. Beyond them are a large condominium complex and then larger single family residences. To the north is Buccaneer Beach, Loma Alta Creek, then a condominium complex and larger single family residences (ref. Exhibit #2). The lot is bordered by rip-rap to the north and the west of the property. No alterations to the western rip-rap are proposed and the northern section of rip-rap is not within the applicant's property line and is maintained by the city.

The project site is located adjacent to and directly south of Buccaneer Beach (ref. Exhibit #2). Buccaneer Beach is an easily accessible and highly used public beach. It has a wide sandy bank that extends all the way east to the sidewalk alongside South Pacific Street and reaches capacity during the summer months. The unobstructed sandy shoreline extends approximately 200 feet measuring from north to south along South Pacific Street. Buccaneer Park is located east of Buccaneer Beach (ref. Exhibit #2) and the subject site. Buccaneer Park is approximately four times the size of Buccaneer Beach. The amenities at the park include a free parking lot consisting of 57 spaces, restrooms, a basketball court and a play area for children. The parking lot is often used by locals as a pleasant place to sit in their car and eat lunch while viewing the ocean. During the summer months the parking lot reaches full capacity very early in the day, often with large Recreational Vehicles (RVs) parking there to enjoy the amenities that the combination of park and beach provide. The western front of the park has a small walk-up style café that beach and park-goers alike enjoy.

There is an elevated sidewalk south of Buccaneer Park on the eastern side of South Pacific Street. This sidewalk begins at the Saint Malo development and extends approximately ½ mile, terminating across the street from the proposed development at the intersection of Morse and South Pacific Streets (ref. Exhibit #2). The sidewalk is located at the top of a shotcrete retaining wall. According to the City, this walkway was constructed due to the limited space for public right-of-ways on South Pacific Street.

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<sup>1</sup> The City of Oceanside's permit describes the project as a 3,102 sq. ft. addition to a 948 sq. ft. home, however, substantial demolition is proposed in this project, thus, the Commission considers the proposed project as a demolition and new construction. Further, there are inconsistencies between the square footage described in the City's staff report, site plan and resolution. The square footage from the resolution will be used for this report given that it is the square footage that was approved by the City of Oceanside Planning Commission.

This elevated sidewalk is used by pedestrians on a daily basis, and is the main safe passage on South Pacific Street from South Oceanside northward. Just east of Buccaneer Park, adjacent to the North County Transit District Railroad tracks, is a segment of the Coastal Rail Trail; bicyclists and pedestrians utilize this trail often directing their path west down Morse Street, to the junction with South Pacific Street or to enjoy the views at Buccaneer Beach.

The City of Oceanside has a certified local coastal program. The subject project is on a site located between the first public road and the sea. As such, the standard of review is the certified Oceanside Local Coastal Program and the public access and recreation policies of the Coastal Act.

2. Protection of Public Views. There are two main components of the proposed development that may have impacts on public ocean view: The design of the development and the landscaping. The following City of Oceanside LCP policies and applicable and state:

a. Public View Blockage.

Several LUP Findings and Policies (#1, 3) of the “Visual Resources and Special Communities” Section of the certified Oceanside Land Use Plan (LUP) and various design standards within the certified LCP are applicable to the proposed development and state:

**City of Oceanside LCP Land Use Policies for Visual Resources**

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

Major Findings: The City’s grid system street pattern allows public views of these water bodies from several vantage points. Most east-west streets in the Coastal Zone offer views of the ocean.

1. In areas of significant natural aesthetic value, new developments shall be subordinate to the natural environment.
3. All new development shall be designed in a manner which minimizes disruption of natural land forms and significant vegetation.

**Design Standards for Preserving and Creating Views**

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

A. Removing Obstructions.

1. Visibility of major destinations and other orientation points should be enhanced through signage, planting and upgrading of site and structural design.
2. Proposed new development should consider surrounding height when designing building height.

B. Framing/Directing Views.

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

**Design Standards for Street Scape**

2. Building forms can be designed to respect and improve the integrity of open space and other public spaces.

The project approved by the City of Oceanside includes the demolition of a smaller single-story residence, and the construction of a much larger scale two-story residence. The increase in size will affect some public views of Buccaneer Beach and the ocean. Surrounding the development are three smaller sized single family residences to the south, Buccaneer Beach to the north, and Buccaneer Park and Morse Street to the east. The coastal and ocean views exist in this area because of the smaller scale homes, and the surrounding open spaces which allow for views across the front of the homes through to open space (Buccaneer Beach). Further north and south of the proposed development are larger scale homes and the majority of coastal and ocean views are limited to views in between residences.

The most significant view impacts will result from the decrease in front yard set back of the new home compared to the existing setback and the additional story (ref. Exhibit #5). As stated above the current residence observes approximately a 30 ft. setback from South Pacific Street. As proposed, the new residence will observe a 4'3" set back. The City LCP requires that new development in the R District provide a 15 ft. front yard setback. However, the LCP also contains a provision which allows the setback to be determined based on a block face average if more than 40 percent of the lots on a particular block are developed. In this case, more than 40 percent of the block is developed. However, by bringing the proposed home closer to South Pacific Street and by adding the second story, views of the ocean from both Morse Street and the public elevated sidewalk will be impacted.

Due to the lower elevation of Buccaneer Park and existing vegetation, blue water views do not exist from the southern portion of the park across the proposed development to the ocean. However, the northern portions of the park and the parking lot for the park have expansive blue water views, and these views will not be impacted by the proposed

development. As one is walking west along Morse Street towards South Pacific Street and looking to the northwest, only intermittent view of the ocean are available because of tall vegetation located between Morse Street and Buccaneer Beach Park. The proposed development would obscure those intermittent views for approximately 94 feet along the south side of Morse Street, and approximately 70 feet along the north side of Morse Street. Existing development blocks views directly west from Morse Street.

Relative to the elevated sidewalk located on the east side of South Pacific Street, other than at its terminus at Morse Street, currently coastal views from this elevated sidewalk are only available *in between* the various residences or at the Cassidy Street crossing further south of the subject site. As one travels along this walkway from south to north, approximately 72 feet of public ocean views will be obstructed as a result of the proposed home. The low elevation and large front yard setback on the existing residence allows for more unobstructed ocean views as one travels along the northern end of this approximately ½ mile-long walkway. The existing residence is one of the few remaining single-story homes with a large front yard setback. The proposed two-story home with only a 4' 3" front yard setback will partially to fully obstruct the viewing opportunities from this vantage point. A pedestrian will not resume the views from the elevated sidewalk or Morse street until just north of the intersection of Morse and Pacific; a distance of approximately 30'.

It is important to note that, while some ocean views will be blocked by the proposed development, the accessways where the view blockage will occur lead directly to uninterrupted ocean views. Those traveling on both Morse Street and the elevated sidewalk are most likely to continue on to Buccaneer Beach where the ocean views are expansive. So while the views may be impacted while continuing along these accessways, the impacts are ancillary. Thus, public views of the ocean will be interrupted, but not eliminated. The elevated sidewalk and Morse Street should be viewed as facilities directing the public to a destination (Buccaneer Beach) and not the destination themselves. When faced with these kinds of proposals, the **scale** of view impacts has to become the determining factor. Buccaneer Beach, Buccaneer Park and South Pacific Street all offer unobstructed blue water views next to the proposed development and will continue to offer such views after the subject development is constructed.

However, public views impacts can be significantly reduced by increasing the front yard setback of the second story. As proposed, the second story would have a setback of 4' 3" and the first floor would have a setback of almost 10' depending on the specific location. It is this overhang of the second story that results in a good portion of the public view impacts from the off-site locations. As such, Special Condition #1 requires the applicant to re-design the second-story setback to be equal to or greater than the setback observed by the first floor (ref. Exhibit #6). This condition also requires the applicant to remove the proposed trash enclosure and the copper column located within the front yard setback, leaving the views across the front yard to the ocean unobstructed. While this increase in setback does not preserve **all** ocean views, it does significantly decrease impacts to views of the blue water and represents a compromise that allows for view impacts to be

minimized without requiring the applicant to significantly redesign their home (ref. Exhibits 5& 6).

b. Landscaping. The city of Oceanside Zoning Ordinance has provisions for landscape and state:

### **3019 Landscaping, Irrigation and Hydroseeding**

Plant material shall be selected for: energy efficiency and drought tolerance; adaptability and relationship to Oceanside environment; color; form and pattern; ability to provide shade; soil retention, fire resistiveness, etc. The overall landscape plan shall be integrated with all elements of the project, such as buildings, parking, lots and streets, to achieve desirable microclimate and minimize energy demand.

The development as proposed provides for the removal of vegetation along the north fence in order to open up public views. These provisions are inadequate to ensure drought tolerance or to protect public views. As such, Special Condition #5 requires the applicant to plant only native/non-invasive vegetation. This condition also requires the applicant to plant and maintain front and side yard vegetation to a height of three feet or less. As virtually all native vegetation is drought tolerant the use of native plants will minimize water use and potential impacts to the vegetation surrounding Loma Alta Creek. Further by limiting the vegetation to 3' height in side and front yards, the views from side yard set backs, and across the front yard setback will be protected.

The City of Oceanside approved the development with conditions pertaining to the removal of vegetation and the reduction of fencing. Currently a white fence covered in vegetation in the front yard obstructs ocean views. The conditions placed by the city require the western most section of vegetated fencing to be removed, thus opening up ocean views that currently don't exist (ref. Exhibit #5). These conditions will increase the viewing opportunities for the public across the site from offsite locations. Therefore, the development, as conditioned, is consistent with the city's policies regarding landscaping

This project with the incorporation of design features and permit conditions decreases the bulk of the home, allowing for public ocean views, **and** the desires of the resident to be maintained. Special Condition #1 requires the home to be modified to increase the front yard setback of the second story and remove other features within the setback area that result in public view blockage. Special Condition #5 requires that all vegetation be limited to 3'. This height limit will increase the ocean view opportunities within the side yard setback over such vegetation. With the condition modifications, the development is in conformance to the City of Oceanside's public view policies.

3. Scale of Development/Stringline. The City of Oceanside's certified LCP has policies and standards to address the scale of development relating to the surrounding community and state:

## **Scale**

### **Costal Development Design Standards – Provisions for Land Use Plan**

#### **5. South Oceanside**

##### **(a) Beach Residential Neighborhood**

This area consists of a mixture of residential densities and housing types. Most architecture in the area is contemporary, and styles range from austere stucco apartments to large, modern beach front luxury homes. Natural vegetation is sparse in this area, and introduced landscaping is often confined to salt tolerant species due to the influence of coastal breezes and salt air. **Because of narrow frontage lots, many of the beach front lots have been developed with boxy buildings.**

### **City of Oceanside LCP policy – Visual Resources and Special Communities**

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

### **City of Oceanside Zoning Ordinance 3016 – Front Yard in R Districts**

Where lots comprising 40 percent of the frontage on a blockface in an R district are improved with buildings, the required front yard shall be the average of the front yard depths for structures other than garages and carports on each developed site in the same district on the blockface.

### **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 size of a development located on the western portion of Pacific Street is restricted by the western “string-line” boundary.

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.

### **Design Standards for Street Scape**

2. Building forms can be designed to respect and improve the integrity of open space and other public spaces.

In this case, the subject lot currently contains an existing one-story home approximately 948 sq. ft. and the development approved by the city will replace it with a new two-story, approximately 4,050 sq. ft. home. As stated in the above design standards for the South Oceanside Residential Beach Community, the small size of frontage lots leads to homes within this region attempting to maximize the square footage possible for their given lot, thus the “boxy” style design, and large building envelope. To address bulk and scale, the City of Oceanside’s Certified LCP combines height with building coverage to establish the building envelope. Coverage is a ratio of the total building footprint (including roof overhangs) as compared to the total lot area. Since the project is located in the Residential Tourist (RT) zone, there is no coverage maximum for residential use. The South Pacific Street neighborhood has a large number of recently constructed homes blended with older cottage homes built in the fifties and sixties. Structures on this block range in size from 1,250 sq. ft. single-family homes to over 40,000 sq. ft. multi-unit condominium structures, with the median size at 6,400 sq. ft., placing the proposed structure as “average” or “mid-range” in size, bulk and scale.

The design of the building has included a number of features to decrease the obtrusiveness of the residence (ref. Exhibits 7& 8). These features include five balcony areas on the second floor, copper flashing and planter boxes, a rooftop deck, and lush landscaping. The rooftop deck is recessed into the roof. There is a parapet made of stucco with a height of 27’ (required maximum by the city). The deck itself sits below this at 24’ with the parapet providing a 3’ railing for the deck. The railing for the rooftop deck does not further impact any of the ocean views. The applicant has also incorporated a large solar clock in the proposed development. This solar clock would be located at the highest point of the building (elevator shaft) and is designed to provide a landmark for meeting and a public clock for beach and park goers alike. These features minimize the rectangular box effect thus increasing public views, and create a more visitor-friendly feel for those enjoying the adjoining shoreline.

The City LCP requires that new development in the R District generally provide a 15 ft. front yard setback. However, as cited above, the LCP also contains a provision which allows the setback to be determined based on a block face average if more than 40 percent of the lots on a particular block are developed. In this case, more than 40 percent of the block is developed.

To determine the block face average of an area, a survey is taken of the surrounding community. The survey is required to extend a distance of 300 feet in each direction, for a minimum of 10 homes surveyed on each side of the street. The front yard setback measurement does not include accessory buildings such as garages and carports, but rather considers the beginning of the habitable area of a particular structure, the standard for setback. Once the necessary number of homes has been surveyed, and the front yard setback determined for each home, an average is taken, and this number becomes the required minimum for front yard setback for the proposed development. Certain zones within the City of Oceanside are permitted to determine front yard setbacks by blockface average.

A survey was conducted by a Civil Engineer to determine the blockface average as it relates to the subject site. Based on this survey, the City of Oceanside approved the development with a front yard setback of 4 feet 3 inches. The Commission has also reviewed the applicant's survey and concurs that the 4 ft. 3-inch front yard setback approved by the City is consistent with the policies pertaining to front yard setbacks. The approved site plans also show the setback for the front yard as staggered into 2 sections, and lies on a diagonal lot, with only the most protruding areas of the second floor of the home being setback 4 feet 3 inches from the property line (ref. Exhibit # 4). Thus the entirety of the first floor and portions of the second floor are setback further than required. As noted above, due to public view impacts resulting from this smaller front yard setback, Special Condition #1 requires that the applicant increase the setback of the second floor to be equal to or greater than the setback of the first floor. This will not only minimize the ocean view impacts, it will also lessen the bulk and scale of the building.

The proposed home is not only limited on its street frontage, but also along its western beach frontage. 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. The western stringline for the proposed development was set at 91 feet west of the property line (erf. Exhibit #3). The design of the house as approved by the City placed the residence 89 feet west of the property line, thus designing the residence further east than the stringline requirement. The proposed residence also meets the required side yard setback requirements of the certified LCP.

In conclusion the proposed development has stayed within the front yard, rear yard (ocean) and side yard minimum setback regulations as well as within the City height requirements; no variances from City development regulations are proposed. Special Condition #1 requires the applicant to retain the 89' rear setback understanding that pushing the residence further west is not an option to regain the square footage that will be lost with the increased front yard set back. With the above condition in combination with the conditions for increased front yard setback, and the side yard fencing requirements, the building will conform to all City of Oceanside policies regarding bulk, scale and minimum setbacks.

4. Shoreline Protection Devices/Beach Encroachment. The City of Oceanside has specific ordinances that address seawalls and other shoreline protective devices. As noted, the existing revetment on the subject site was constructed prior to passage of the Coastal Act and the applicant is not proposing any changes to the existing riprap. In addition, the applicant did prepare a wave run up analysis for the development which concluded that the riprap is necessary for the protection of the proposed new home and therefore, the proposed development is subject to the following:

**Sec. 19A.18. Seawalls and other such structures allowed.**

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.

(Ord. No. 83-11, § 1, 4-13-83)

**Sec. 19A.19. Access and recreation.**

The proposed project 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. Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located 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.

(Ord. No. 83-11, § 1, 4-13-83)

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. As stated above, the riprap located on the western boundary of the property was installed prior to the Coastal Act. The western property line for the subject site extends to the mean high tide line (MHTL). The MHTL is not fixed in this location, and does migrate over time. However, although the site has not been recently surveyed to determine the current location of the MHTL, given the historic MHTL and the pattern of erosion and sand accretion in this area, it appears that the revetment is located well inland of the MHTL. Thus, no portion of the existing revetment is located on public property at this time.

This applicant is not proposing any alterations to the existing riprap and as such, no impacts to public access will occur as a result of the proposed development. However, the run-up analysis prepared for the development cites the riprap as necessary.

The combination of the revetment and pile supported foundation can provide adequate protection for the proposed remodel provided that the finished floor elevation is a minimum of 2 ft. above the finished grade...

The proposed development is located directly south of Loma Alta Creek and directly inland to the Pacific Ocean. Historically this lot has been affected by both flooding of Loma Alta Creek and overtopping waves during storm events. While the applicant's analysis indicates that the proposed home will be safe, because of the high likelihood of heavy wave action, precaution needs to be taken to ensure the riprap is properly maintained and not impacting public access along the beach. If left unchecked, the riprap is likely to migrate westward, thus resulting in not only potential public access impacts, but also potentially subjecting the home to threat.

Given the impacts to public access and recreation associated with rock on the public beach, the Commission finds that no further seaward encroachment of the revetment can be permitted. Should additional revetment work be necessary and proposed in the future, it must be found there is adequate area landward of it to accommodate such work. There

will be approximately 40 feet between the inland extent of the revetment and the residence which 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.

It is necessary to establish the seaward extent of shoreline protective devices in this area to preserve public access. Special Condition #6 requires that the revetment be surveyed and that the surveyed toe of the revetment be shown on a final site plan to establish the seaward extent of the permitted revetment. Special Condition #7 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 #11 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 amendment is necessary. If the survey indicates that rocks have shifted from the revetment seaward of its toe, then the rocks must be relocated 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 #12 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 applicants waive on behalf of themselves and all future successors any rights that may exist under Coastal Act Section 30235 or the certified LCP to extend the revetment seaward.

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 #2 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 #4 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 homes cannot be located on the subject site without some form of shoreline protection, but that the existing pre-Coastal Act revetment that is currently located on the applicant's private property is adequate to provide that necessary protection and no modifications to the revetment are proposed. Special conditions make it clear than any future maintenance must be on the landward 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.

5. 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 South Pacific Street. The existing pre-coastal revetment is located adjacent to a public beach utilized by local residents and visitors for a variety of recreational activities. The lot itself is developed and 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. As noted, vertical access to the public beach is also provided directly adjacent to the subject site to the north at Buccaneer Beach.

As stated elsewhere in these findings, the certified LCP allows for shoreline protective devices to protect new development where it has been designed to mitigate adverse impacts upon shoreline sand supply. In this particular case, the existing revetment was constructed prior to the Coastal Act and no work is proposed to the revetment with this application. This stretch of beach has historically been used by the public for access and recreation purposes. However, since the revetment is existing and is not located on public beach, in this particular case, no significant impacts to recreation will occur.

Special Condition #14 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.

The development, as proposed, includes a full kitchen on the first floor and a wet bar on the second. As such, it would be possible for the applicant to convert the single-family residence in to a multi-family residence with interior alterations. This would lead to an increase in intensity of use. The project as proposed includes a 2 car garage. If the applicant chose to redesign the residence to accommodate more than one family, the purposed parking would not be sufficient to accommodate this increase. Given the close proximity to a highly utilized beach and park, the parking could not be accommodated off site without impacts to public access. Condition #3 requires the applicant to seek prior review and approval of the Coastal Commission or its successor in interest for such modifications. Any concerns for parking or increase use intensity could be addressed at that time. Thus, as conditioned, the Commission finds the project consistent with the public access and recreation policies of the Coastal Act.

6. 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 #15 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.

7. Local Coastal Planning. The City of Oceanside has a certified LCP. The project site is designated Urban High Density Residential and zoned RT (Residential Tourist). 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.

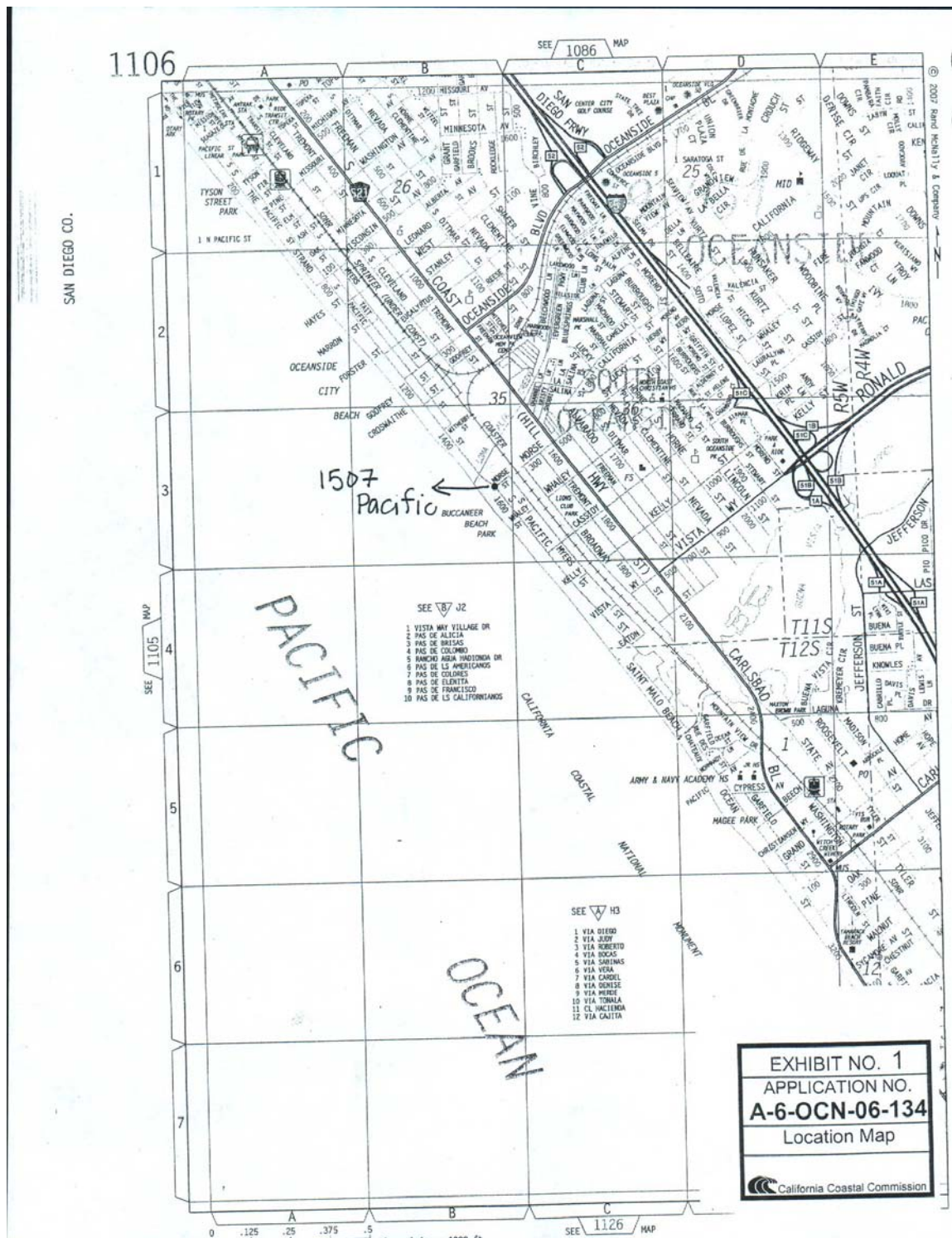
8. Consistency with the California Environmental Quality Act (CEQA). The City of Oceanside is the lead agency and the Commission is a responsible agency for the purposes of CEQA review. The City determined project to be exempt. Section 13096 of the Commission's administrative regulations requires Commission 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 view policies of the Oceanside LCP and the public access policies of the Coastal Act. Mitigation measures will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of CEQA.

#### 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.





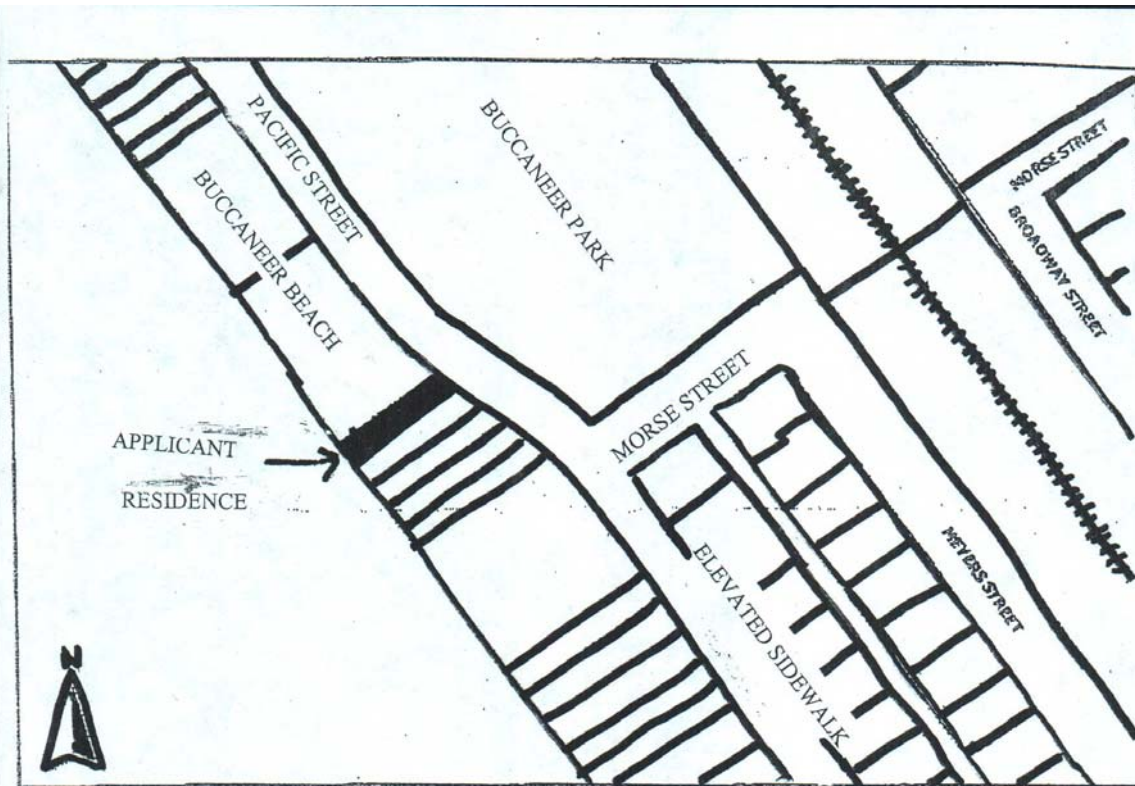
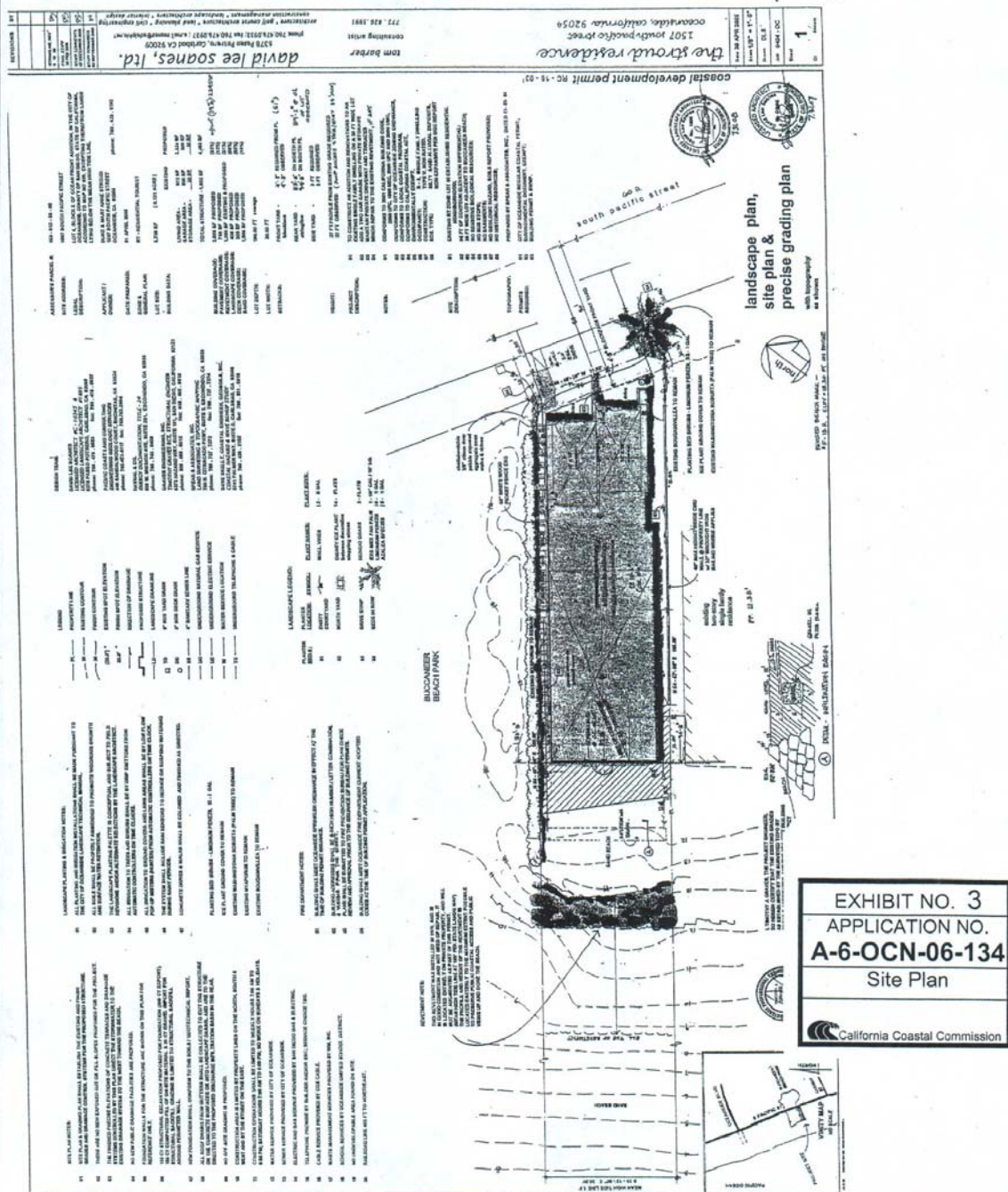
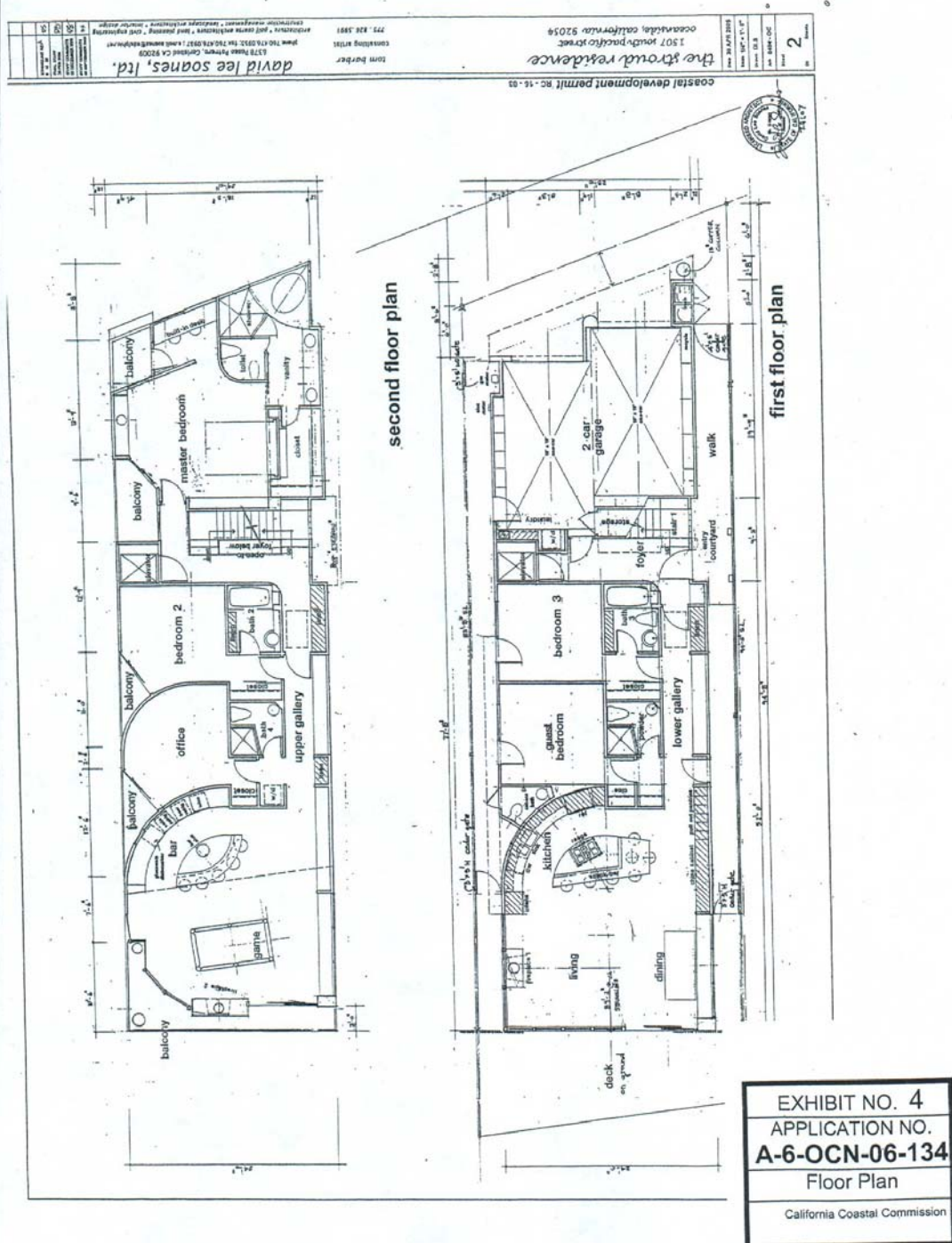


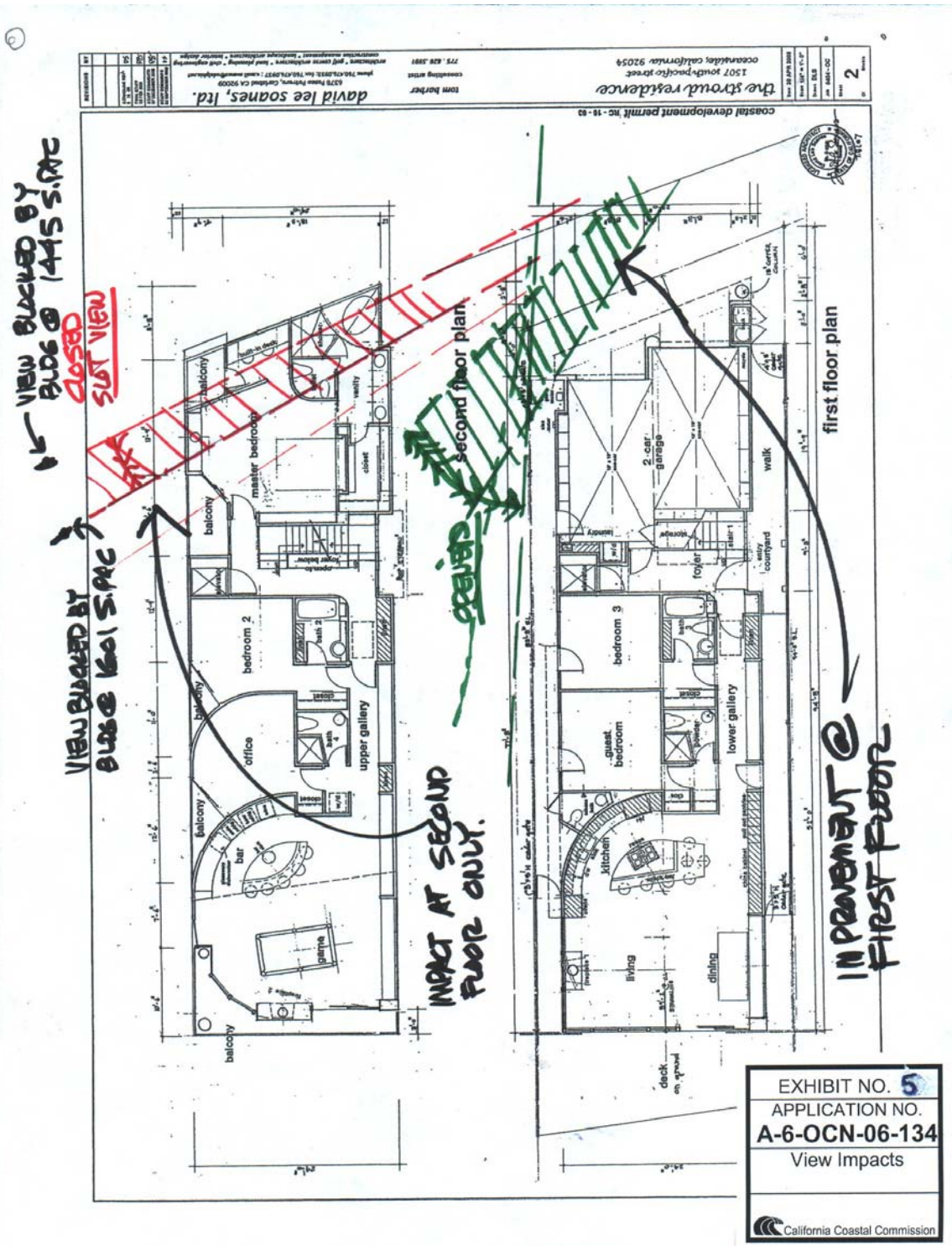
EXHIBIT NO. 2
APPLICATION NO.
<b>A-6-OCN-06-134</b>
Site Plan
 California Coastal Commission

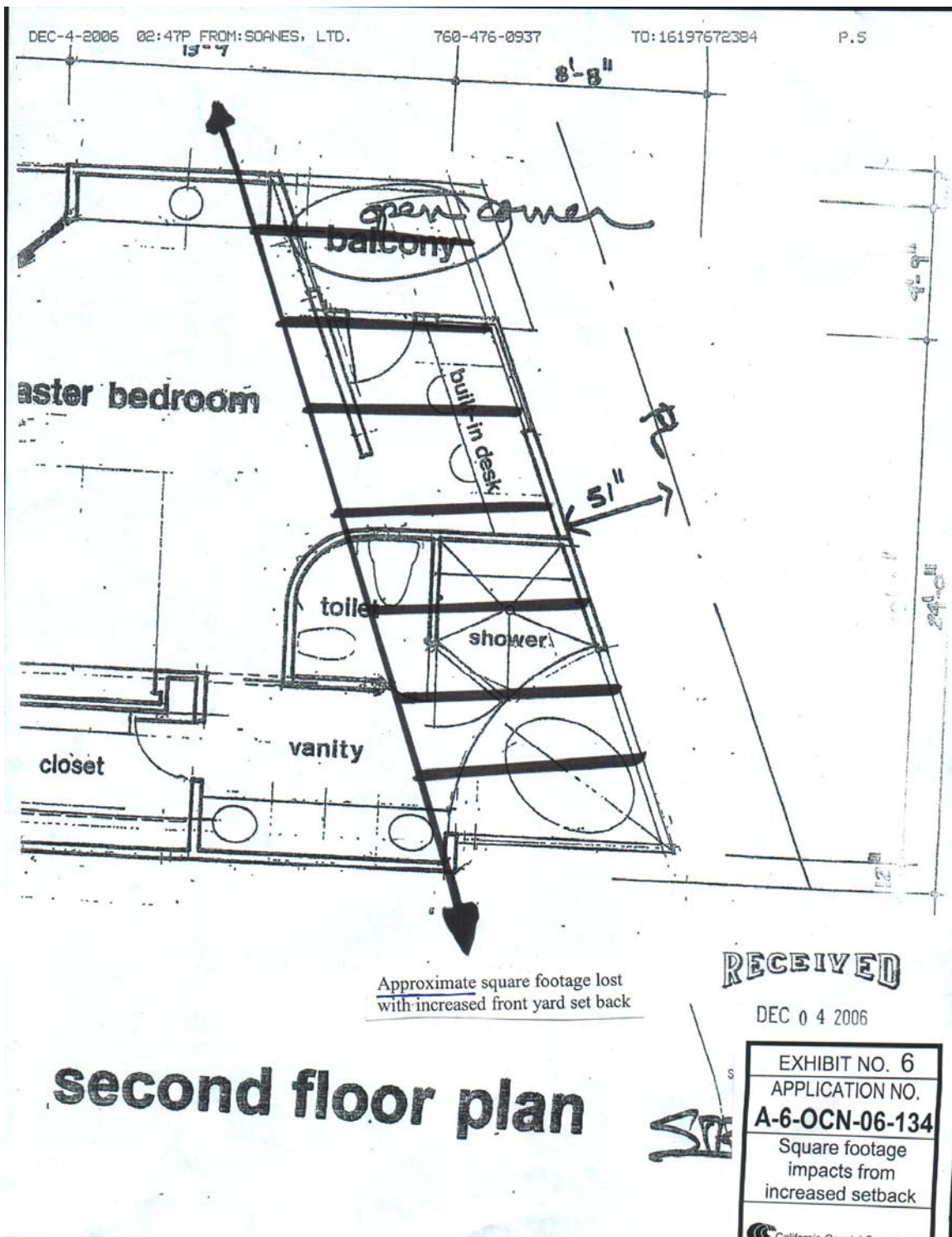






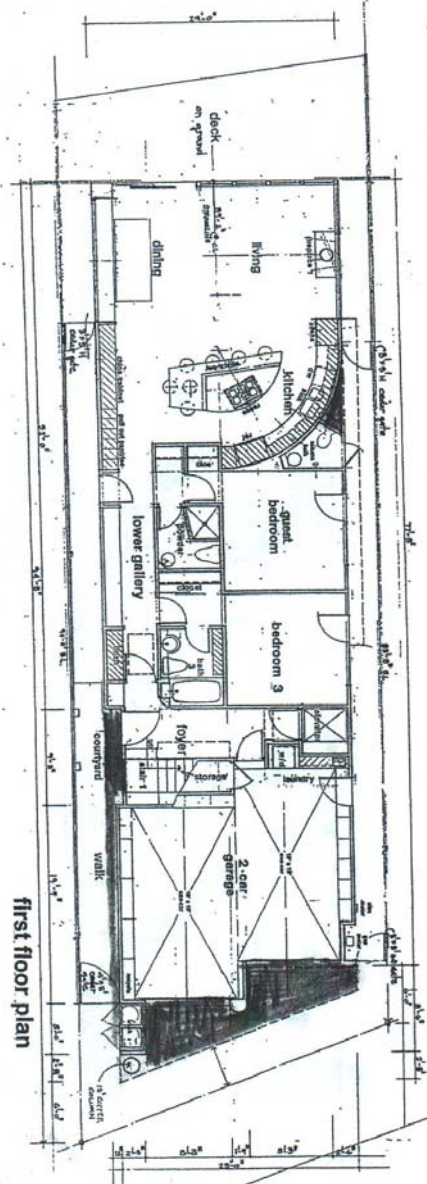




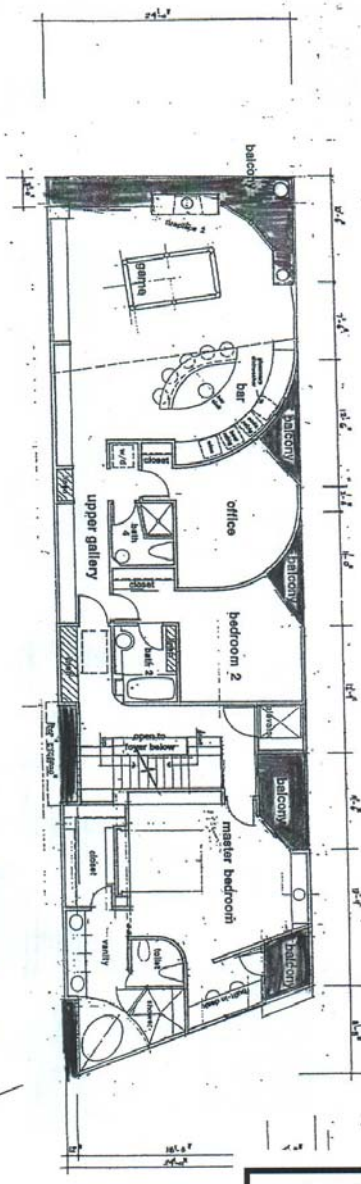




SHAPED APERTURES (NOTICATE BUILDING ENVELOPE NOT USED, CUT OUTS, RECESSES IN BUILDING ELEVATIONS FOR VISUAL INTEREST.



first floor plan



second floor plan



coastal development permit no. 16-03

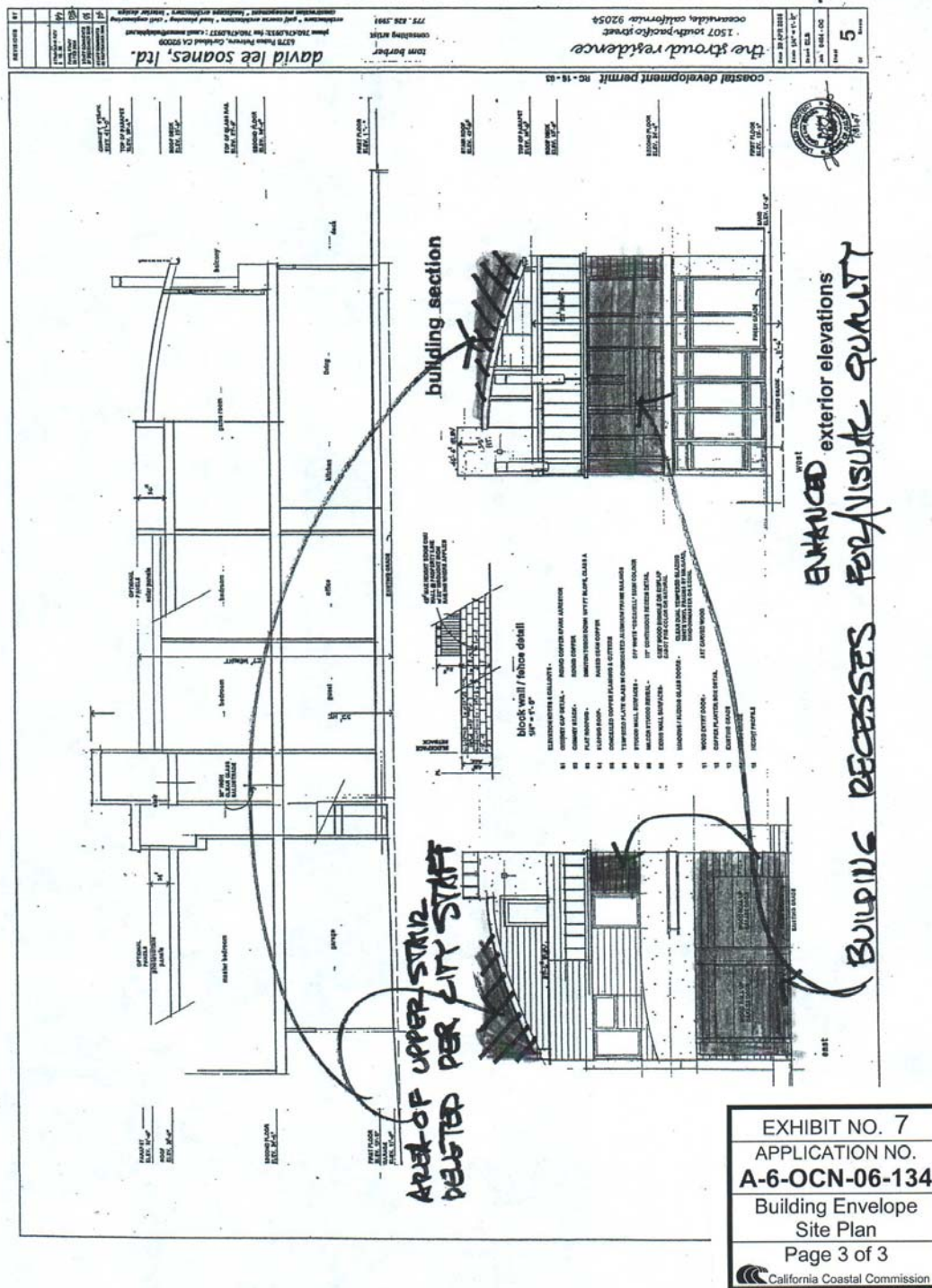
the stroud residence  
1507 south pacific street  
oceanside, california 92054

tom barber  
consulting architect  
775 - 628 - 3891

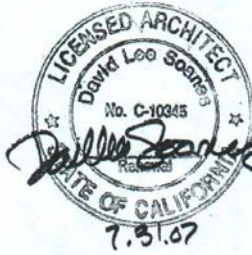
david lee soar  
6278 Paseo Petronio, Carlsbad  
phone 760.476.0932 fax 760.476.0937  
architects + interior architects + landscape architects

EXHIBIT NO. 7
APPLICATION NO.
<b>A-6-OCN-06-134</b>
Building Envelope Site Plan
1 of 3

California Coastal Commission







## soanes, ltd

6378 Paseo Potrero, Carlsbad, California 92009-3021  
phone: 760.476.0933 \* fax: 760.476.0937 \* email: soanes@adelphia.net

### THE STROUD RESIDENCE Project Approval Data



A.P.N.: 153 - 012 - 38 - 00  
Property Address: 1507 South Pacific Street, Oceanside, CA 92054

Lot Size: 5,700 SF (0.131 acre)  
Lot Width: 30 ft  
Lot Depth: 190 ft to mean high tide line

Zone: RT - Residential Tourist (multi-family or single family)

Setbacks: Front - 4'- 3" (51") blockface average required & observed  
Side - 3'- 0" (36") minimum required & observed  
Rear - 89'- 2" stringline at property center from street ROW

Coverage: 39% observed is less than 40% maximum allowed

Height Limit: 27 ft above finish grade maximum & observed  
10% of footprint maximum floor area above 27 ft, 35 ft max.  
147 sf observed is less than 204 sf allowed

Building Area: First Floor: 1,393 sf living  
500 sf garage  
30 sf storage  
Second Floor: 1,836 sf living  
Upper Stair: 147 sf  
Total Structure Area: 3,906 sf < 4,050 sf approved

Development Envelope: 85 ft L x 24 ft W x 27 ft H = 55,080 cf max  
3,229 sf x 11 ft H floor to floor = 35,519 cf  
(9,654 cf of building recesses)  
Plus Garage Volume, 500 sf x 12' + 6,000 cf  
Plus Upper Stair volume + 882 cf  
Total Building Envelope = 42,401 cf actual  
(MEDIUM SIZE HOME) (77% of allowed)

**BUILDING ENVELOPE IS 3 / 4 ths OF ALLOWABLE MASS**

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

EXHIBIT NO. 8
APPLICATION NO.
<b>A-6-OCN-06-134</b>
Building Envelope Calculations
1 of 2
California Coastal Commission

**soanes, ltd**

6378 Paseo Potrero, Carlsbad, California 92009-3021  
 phone: 760.476.0933 \* fax: 760.476.0937 \* email: soanes@adelphia.net

**THE STROUD RESIDENCE**  
**Planning & Design Concessions already**  
**Incorporated into final approval at City**

- |    |   |   |
|----|---|---|
| 01 | increased Blockface                                     | 39" preliminary, to 48" to 51" final<br>Per City Staff request  |
| 02 | reduced Sringline                                       | 94 ft angled reduced 89'- 2" at rear<br>Per Lee McEchran, Coastal Meeting   |
| 03 | reduced Roof Deck @ front                               | Per request of Gluzman  |
| 04 | added Copper Roof @ front                               | Per request of Gluzman  |
| 05 | reduced Elevator &<br>upper stair volume                | Per request of Gluzman  |
| 06 | cut down Stroud shrubbery                               | Per request of Gluzman  |
| 07 | cut down Neighbor's tree                                | Per request of Gluzman  |
| 08 | reduced & revised upper roof                            | Per request of City Staff   |
| 09 | offset & recessed garage doors                          | Per design vision of Architect  |
| 10 | cut out @ upper rear Game<br>room for NW balcony        | Per design principle of Architect to open<br>public view cone from Buccaneer<br>Beach to West & Southwest, and<br>Per request of Owner      |
| 11 | dropped roof deck                                       | 3 ft below height, parapet will observe<br>27 ft max, Per City Staff request  |
| 12 | cut out & recessed balconies                            | to soften west, north & east public views<br>of structure, Per design of Architect<br>to enhance visual character                           |
| 13 | arching copper roof                                     | to enhance visual character and beach<br>architecture "prow" theme, Per Arch.   |
| 14 | added Clock on Elev Shaft                               | clocktower for public benefit and create<br>"regional locator" visual element in<br>structure, Per design of Architect and<br>gift of Owner |
| 15 | will remove 12 ft white fence<br>and shrubs @ NE corner | to enhance meaningful public view cone<br>at the approach to Buccaneer Beach<br>Per City Staff, LCP, Arch & Owner                           |



2.31.07  
 architecture \* golf course architecture \* land planning \* civil engineer  
 construction management \* landscape architecture \* interior design

EXHIBIT NO. 8
APPLICATION NO.
<b>A-6-OCN-06-134</b>
Building Envelope Calculations
2 of 2



FROM : LCF

FAX NO. : 8584571442

Mar. 13 2007 10:10AM P3

2

Therefore, let us repeat again:  
a set back of less than 10 feet is totally unacceptable and goes against the  
consent of the commissioners' forum that was clearly expressed at the Jan.  
'07 hearing, as posted on the website of the Coastal Commission:

"Substantial Issue has been found"!

As you know by now, our "Coalition" has been very reasonable in their  
request right from the start, but if forced to, we are prepared to display a  
very strong resistance at the April hearing, with a big turn out from  
supporters, who will loudly oppose a 'soft' approach towards the developer,  
and challenge him on every single aspect of the project that violates the  
coastal act, Oceanside's LCP's, and the interest of the  
community.

With so many people's interests involved, developers who are not willing to  
compromise and negotiate are bound to be defeated!  
Such is the sign of our time of rising consciousness!

We count on our local coastal office to take a strong stand in this matter and  
to not let the interest of one individual over run the interest of thousands!

The "Commission" spoke loud & clear at the Jan. hearing, and entrusted  
you, the local staff, with the power to make a difference:  
please help common sense and good will prevail!

Pamela Myers 910 N. Pacific St. #35 Oceanside 92034  
John DeStefano 850 State St #207 92011 619-269-2211  
Bonnie Allison 900 N. Cleveland St #89 Oceanside, CA 92035  
Richard Brian 900 N Cleveland St #96 Oceanside, CA 92035  
Robert Miller 125B El Camino Real, S  
Jaedra Plummer 7638 Heatherly Lane,  
Rebecca Andersen 1319 Kibbinnes Rd  
Josephine Gluzman 1602 S. Pac

EXHIBIT NO. 9
APPLICATION NO.
<b>A-6-OCN-06-134</b>
Letters of Opposition
2 of 12
California Coastal Commission

**RECEIVED**

MAR 20 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

2-10-07

**The Coalition For Preservation of Ocean Views from Pacific St.**  
**P.O. Box 102**  
**Carlsbad, Ca 92008**  
**(760)439-7988**

To: California Coastal Commissioners & San Diego coastal staff:  
 RE: Proposed development @ 1507 S. Pacific St. Oceanside, Ca 92054  
 (Appeal No. A-6-OCN-06-134)

On Saturday, Feb. 3<sup>rd</sup>, '07, our coalition held a community meeting discussing and reviewing the Coastal Commission hearing of Jan. 11<sup>th</sup>, regarding the above proposed project and its impact on public ocean views in the surrounding Buccaneer Beach and Park areas.

Coastal activists, such as the Deputy Mayor Shari Mackin, Dr. Jacob & Linda Morgan, Peter & Josephine Gluzman, Pamela Myers, and many others were present to acknowledge the stand that the Coastal Commissioners took in this matter:

recognizing it as a "**Significant Issue**" and in strong words (see the minutes of the meeting) expressing their dissatisfaction with the self serving approach taken by the developer / applicant.

The Commissioners also expressed a desire to see the views from "Pacific Terrace Promenade", (the elevated side walk of Pacific St.), and the surrounding areas to be protected for the enjoyment of thousands of locals and visitors.

Shari Mackin (much like Commissioner Steve Kinsey at the hearing) brought attention to the massiveness and bulkiness of the structure, proposed in such an environmentally important area: right in front of Buccaneer Park, adjacent to Buccaneer Beach.

Commissioner Steve Kinsey noted the fact that there is almost no open space left on this property, due to its absolutely **maximized interior square footage** (4,050 sf) for its **lot size of only 0.1 acre**.

It's important to note that, in order to maximize every sq. inch of the lot, the developer has avoided providing for any open space on the ground level of the property, and instead has designated the **entire roof** as its **only open space!**

EXHIBIT NO. 9
APPLICATION NO.
<b>A-6-OCN-06-134</b>
Letters of Opposition
3 of 12
California Coastal Commission



And the **deck can not be considered as open space** (please see 'summary').  
As matter of fact the approval of the deck is:

#1- A clear violation of the coastal zone regulations and Oceanside's own requirement that a new structure must be in harmony with adjacent properties and the surrounding neighborhood,

#2- In the entire stretch of the multitude of homes on S. Pacific, south of Buccaneer Park, to our knowledge, there is no any such roof top decks ever approved or built!

Also, the massive roof deck of the above mentioned development is approved for an **elevator shaft**, which further **imposes on the adjacent beach and the public views** from the surrounding streets.

(Please note that there is currently no city regulations as to control the size of such potentially massive objects as trees, large plants, cabanas, or umbrellas, etc., that home owners may wish to place on their roof decks... This, needless to say, can increase the height of the building, and adds to the problem of public ocean view blockage, especially in the very highly public area of Buccaneer Beach!

One of the biggest problems with the above proposed project is that the frontal **set back of only 4' ft.** creates a **total blockage** of the corridor views from the highly popular 'Pacific Terrace Promenade' (elevated / sloped):

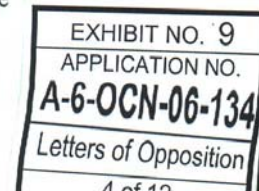
This has been deemed unacceptable, not only by the community (please see all signed petitions & letters), but specially by Commissioner Mary Shallenberger, who admirably took such a strong stand at the hearing, helping to make this public appeal a '**substantial issue**', and made us all face this clear fact:

We are rapidly loosing our few remaining ocean views along the California Coast!

And what is lost--- is lost forever!!!

Toni Ross has clearly mentioned in her initial report that the ocean views from the elevated 'Pacific Promenade', which will be covered by the proposed development, are the only real sustainable views in the entire half mile length of the Promenade!!!

We urge you to consider that this view is absolutely precious for the



locals, who enjoy it on daily basis and the thousands of tourists, who come here to visit the Buccaneer Beach.

We would like to bring to your attention the following facts:


- 1- Toni Ross's "Staff Report" mentions factual blockages from all of the streets surrounding Buccaneer park (see the specific measurements of ocean view coverage in the report), while...
- 2- In the "Staff Report" of Oceanside's planning department, there is not even a word mentioned about protection of the public ocean views from Pacific St. to the ocean (east to west).  
(All that is mentioned is just a few words of compliance with view coverage along the sand).
- 3- There is **no posted sign** of "Application for Permit", on the above property (needless to say, this is a lack of notification to the public who visit the beach!).
- 4- The city of Oceanside mailed out planning commission hearing notices that were **dated wrong!**
- 5- Please note this **lot size mistake** in Toni Ross's "Staff Report": the lot size of the proposed project is stated as 5700 ft. in her report, whereas it is stated as being 0.1 acre, in Oceanside's planning dept. "Staff Report".

Such facts as the above, have made members of our "Coalition" very upset about the level of carelessness that exists, especially at the city planning level.

This is why we are counting on the Coastal Commission to protect public interest in this matter.

Please remember that there are **many people** who are counting on the Coastal Commission to take a strong stand with the developer / applicant, and to not let him get away with doing what he wishes... as he already has done so many times in Oceanside.

Just as Commissioners like Mary Shallenberger, and Steve Kinsey, spoke clearly and justly against the coverage of ocean views in a very publicly sensitive area, the San Diego local Coastal Staff must follow those footsteps, and send a strong message not only to this developer, but to all developers along the California Coast.

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 California Coastal Commission

This would specially be a timely message sent to the developers of the multitude of projects proposed for coastal Oceanside. The message must be communicated that the local San Diego Coastal Staff truly understands and cares about public ocean view coverage:

Regardless of whether it's about a big hotel, or a private residence development, **every remaining public ocean view is a priceless one!!!**

Again, our "Coalition" is counting on you to take as a strong stand in this case as the message sent by the Commissioners at the January '07 hearing.

**Summary:**

After an extensive meeting / conversation with the prominent attorney at "Coast Law", Marco Gonzalez, and a very dedicated local public activist, Deputy Mayor, Shari Mackin, we would like to bring some of their insights, as well as the following (from Oceanside's LCP's) text to you attention:

Section VII: Site Development / Building Design Standards, Section A.:

Sit[ting and Setbacks, #2.:


**"Varying building setbacks create special variety. Designing a large building with varying setbacks adds interest and creates small intimate spaces"(p.9).**

Policy #9:

**"In areas where a change to a more intensive use is proposed adequate buffers or transition zones (such as increased set backs, landscaped barriers, or decorative walls)shall be provided" (p.37).**

Please note the important fact that the proposed project at 1507 S. Pacific st., suggests a more intensive use for this property:

an **increase** to the overall **intensity** of the present sq. ft. of approx. **900(+) ft.**, by approx. **four times, (4,050ft.):**

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An increased set back in excess of the proposed 4 ft. should be required due to the major increase of intensity on this site!

Not to mention that an increased set back will save the ocean views from the elevated side walk of Pacific St., ("Pacific Terrace Promenade"), which was the key in finding "Substantial Issue" in this appeal.

Please note that a good example / implementation of the above text is the development at 804 N. Strand.

This property went to a more intense use and created special variety.

Please refer to this property, and note that they have patios and open space within this development, as well as large set backs also!

- Patty Richenberger  
1200 Harbor Dr. N.  
Oceanside 92054
- LINDA FORREST  
445 CHESTNUT AVE,  
CARLSBAD, CA 92008  
760-607-9700 x268
- Carolyn Krammen  
964 Leonard  
Oside, 92054  
439-0863
- Virginia Power  
136 S. Pacific St.  
Oceanside, CA 92054
- Judy Davis  
7030 Avenida Encina  
Carlsbad Ca 92011  
760-472-3156
- Linda Morgan  
140 So. Pacific  
Oceanside, CA 92054
- Josephine Shuman  
1602-100 S. Pacific St.  
Oceanside, ca 92054
- Eva Robbins  
804 N. The Strand, #18  
Oceanside, CA 92054
- Wang  
1935 Radford St  
Oceanside, CA 92056  
(760) 945-8263
- Molly Baiter  
1789 Avenue  
Oceanside  
41 m/24

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California Coastal Commission

FROM : LCF

FAX NO. : 8584571442

Mar. 20 2007 01:32PM P3

**The coalition for preservation of the public ocean views from Pacific St.**

11-11-06

To: California Coastal Commission

In reference to the proposed house at 1507 S. Pacific, please consider the following facts:

The proposed project is:

- 1- Right next to a public beach, the only public beach in S. Oceanside,
- 2- In front of Buccaneer park, which is heavily used by locals, tourists and all of North County San Diego.
- 3- Blocking views from large areas of Buccaneers Park,
- 4- Blocking side views from the elevated sidewalks of S. Pacific St., and from both sides of Morse St.,
- 5- Blocking expansive views from large portions of Buccaneer Park, and the adjacent sidewalks.

The property owners of the above address must be willing to accept a normal (in most cases) set back of 15 feet from their property line.


As of now, their plan calls for only a 4 feet set back!

In accordance to the California Coastal Act, the proposed building must be set back from Pacific St. by at least 15 feet, in order to satisfy the following: "protection of public views", and "structural compatibility with the surrounding areas".

Looking at the provided photos, one can clearly see that even an additional set back of only 10 feet will make an ENORMOUS difference!

If the owners of the above mentioned property are so privileged as to be given a permit to build what they wish, at such an environmentally sensitive location, they must be held accountable for the IMPACT of their building on the surrounding area, and on the public!

In the more responsible and strictly regulated cities such as La Jolla, D Mar, or Solana Beach, this project would've never gotten a pass from city planning commission!!!

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FROM : LCF

FAX NO. : 8584571442

Mar. 20 2007 01:33PM P4

2

Unlike its neighboring coastal cities, the city of Oceanside certainly does not protect its public by mandating story poles, or even requiring the applicant to post a sign of "application for permit", (NO NOTIFICATION SIGN of any kind has ever been posted at above property).

Additionally, the city of Oceanside utterly discourages appeals, not only by having no regulation & no listening, but by charging a hefty fee of over \$600!!!

This is exactly why we have no other authority to turn to, except the Coastal Commission!

In the absence of reasonable regulations to protect our coastal treasures, we're counting on the California Coastal Commission to honor their own Coastal Act, and to take a stand in this obvious case of infringement on public views.

Thank you.

- Ruth Clifford  
314 S. Pacific  
O'side, CA 92054  
760-757-0940

- Patty Fickel  
1700 Harbor Dr. N.  
Oceanside  
760-212-5130

- Linda Morgan  
140 So. Pacific

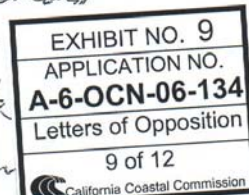
- Eva Robbins  
80.4N. The Strand, #18  
Oceanside, CA 92054

- Virginia Power  
136 S. Pacific St.  
Oceanside, CA 92054

- Carolyn Krammen  
904 Leonora  
O'side

439-086

- Donahue





FROM : LCF

FAX NO. : 8584571442

Mar. 20 2007 01:33PM P5



## CITY OF OCEANSIDE

DEPUTY MAYOR  
SHARI MACKIN

October 25, 2006

California Coastal Commission  
San Diego Coast District Office  
Toni Ross, Planner  
7575 Metropolitan Drive Ste 103  
San Diego, CA 92108-4402  
RE: Regular Coastal Permit (RC-16-03). Address: 1507 South Pacific Street, Oceanside, CA

Dear Ms. Ross,

I read with great concern that our Planning Commission approved the above mentioned Regular Coastal Permit even though many spoke out in objection to the project. I understand that the project has been appealed to Coastal, and I would like to comment on the project and a couple of inconsistencies I see between Staff's recommendation and our Local Coastal Plan<sup>1</sup>.

The Staff Report Analysis indicates it based its decision to approve the project on two issues:

1. Compatibility of the project with existing development patterns of the area
2. Underlying zoning regulations and policies of the Local Coastal Program

In judging the compatibility of the project with existing development patterns of the area, one must consider that all the large buildings to the north or south of the site area are pre Coastal Act—one would doubt if approvals for such projects would be granted today. Both properties to the north and south of this project are vacation rentals, not primary residences and stringline violations in the area have increased with non-permitted development. This project does not meet with the underlying zoning regulations and policies of the Local Coastal Program for the reasons listed below.

Section VI: Visual Resources and Special Communities. Section C.:

Objective: "The City shall protect, enhance and maximize public enjoyment of Coastal Zone scenic resources" (p. 36). The Special Community of South Oceanside (home to visitors/tourists and residents alike) enjoy glimpses of coastal view from the Pacific Terrace Public Promenade (elevated) which runs parallel to Pacific Street to the

<sup>1</sup> City of Oceanside Local Coastal Program Land Use Plan Summary of Findings and Policies, Adopted 1985, Certified July 10, 1985

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FROM : LCF

FAX NO. : 8584571442

Mar. 20 2007 01:33PM P6



## CITY OF OCEANSIDE

DEPUTY MAYOR  
SHARI MACKIN

east on their way to Buccaneer Beach. The views enjoyed by the public using Pacific Terrace Public Promenade can be compared to that of the enjoyment people experience as they stroll along our Linear Park (unobstructed views along Pacific Street) in the Redevelopment Area from Wisconsin to Surfrider Way. The South Oceanside Community has treasured the public promenade since it was constructed, and on any given day of the week, one can see many people walking along the promenade taking in glimpses of the gorgeous coastal views between side yard setbacks as they make their way to Buccaneer Beach. Also, due to the lack of proper street set-backs on Pacific Street (especially through this area) it necessitates the use of the elevated promenade for safe pedestrian north-south passage along Pacific Street. The project as proposed will block a substantial amount coastal view from this public promenade. It might be suggested that the project assume a larger set back (see Policy #9) in order to retain the present coastal view from the public promenade as well as the Coastal Rail Trail.

**Policy #9:** "In areas where a change to a more intensive use is proposed, adequate buffers or transition zones (such as increased setbacks, landscaped barriers, or decorative walls) shall be provided" (p. 37). The project proposes a much more intensive use for this property: an increase to the overall intensity of the present square footage (1,002 SF) by approximately four times (4,050 SF): increased setbacks in excess of the proposed 4 feet should be required due to the major increase of intensity on the site.

Section IV: Preserving and Creating Views<sup>2</sup>:

"The visual orientation to the Pacific Ocean is a major identity factor for the City of Oceanside. Traditional view corridors should be preserved and reinforced in the placement of buildings and landscaping. Additionally, some views not presently recognized, deserve consideration in the design and location of further coastal improvements" (p. 9). Although the Buccaneer Beach view corridor is not a "named" view corridor, it is a view which does deserve consideration in the design and location of coastal improvements as it is a widely used area, our Coastal Rail Trail feeds into it, and the project will restrict views from the public promenade.

Section VII: Site Development/Building Design Standards, Section A:

Settling and Setbacks, #2: "Varying building setbacks create special variety. Designing a large building with varying setbacks adds interest and creates intimate spaces" (p.9) The project as proposed does not create special variety

<sup>2</sup> Coastal Development Design Standards, City of Oceanside Local Coastal Plan

*Creates small variety. It creates*

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<b>A-6-OCN-06-134</b>
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FROM : LCF

FAX NO. : 8584571442

Mar. 20 2007 01:34PM P7



## CITY OF OCEANSIDE

DEPUTY MAYOR  
SHARI MACKIN

a large, rectangular box with little variety and no varying setbacks. Considering the project is next to an open space (public beach), there is an opportunity to create interest and special variety by the creative use of setbacks and superior structural design. If a larger setback was required at the street, it would offer much needed space from the sidewalk to the building instead of the 'tunnel effect' which creates a non-visitor/walking friendly atmosphere.

Summary:

I believe that the proposed project is inconsistent with the underlying zoning regulations and policies of the Local Coastal Program as it does not enhance and maximize public enjoyment of Coastal Zone scenic resources; it does not include adequate buffers or transition zones considering the major increase in intensity the applicant is requesting; it does not recognize views from the public promenade and Coastal Rail Trail; and it does not conform with projects in the surrounding neighborhood in use or design (post Coastal Act).

In closing, as Deputy Mayor of the City of Oceanside, I brought forth policy (with council consensus) to update our Building Guidelines in order to address many of the box like structures we have been seeing come through our Planning Department as well as the inconsistencies between proposed developments and our LCP. Our sidewalks and views are shrinking, and our character beginning to vanish. I encourage you to take a good look at the area in question as we have the opportunity to "do it right" and request the applicant to expand the setback and save a major public view corridor, enhance public safety (sidewalk access and views of on-coming traffic) or should the approval move forward—create yet another big, rectangular box on the beach next to a coastal access. Considering the improvements to Buccaneer Beach (UV Treatment at the Loma Alta Creek sloth and wetland restoration project), we should make a concerted effort to preserve this public view corridor, and retain some of the uniqueness that the special community of South Oceanside has to offer.

I thank you for the opportunity to discuss this appeal with you, and look forward to reviewing Staff's recommendation.

Sincerely,

  
Shari Mackin

cc: files



Mar 09 07 12:04p  
03/08/2007 08:58

760.433-8922  
9516899003

760.433-8422  
ERA TRAVELERS REALTY

Page 2

3-7-07

CA Coastal Commission  
SAN DIEGO, CA.

REF: Stroud Project  
1507 So. Pacific St.  
Oceanside, CA.

Dear Sirs,

Please remove our names from  
the petition opposing the above  
referenced project. We feel the  
information related to us was  
incorrect.

Sincerely,  
Mr & Mrs. Roger & Chaunce

RECEIVED

MAR 09 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

EXHIBIT NO. 10
APPLICATION NO.
<b>A-6-OCN-06-134</b>
Appeal removal request
1 of 3
 California Coastal Commission

Mar 09 07 12:04p

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p.3

FRO. LCP

FAX NO. : 8584571442

Oct. 25 2006 04:49PM P2

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

710 E STREET SUITE 200

EUREKA, CA 95501

VOICE (707) 445-7833 FAX (707) 445-7877



## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: MR + MRS ROGER D. CHAUSSEE

Mailing Address: 6561 OAK MEADOW DR.

City: RIVERSIDE, CA Zip Code: 92506 Phone: (951) 789-9309

SECTION II. Decision Being Appealed

1. Name of local/port government: CITY OF OCEANSIDE - PLANNING COMMISSION
2. Brief description of development being appealed:

THE STROUD RESIDENCE  
 Single Family Home

3. Development's location (street address, assessor's parcel no., cross street, etc.): 2-story with rooftop deck + pool + elevator

1507 So Pacific St.

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

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

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

## TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-OCN-06-134

DATE FILED: 11/3/06

DISTRICT: San Diego

RECEIVED

MAR 09 2007

CALIFORNIA  
 COASTAL COMMISSION  
 SAN DIEGO COAST DISTRICT

RECEIVED

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CALIFORNIA  
 COASTAL COMMISSION  
 SAN DIEGO COAST DISTRICT

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 Appeal removal  
 request  
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 California Coastal Commission



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p. 4

FROM : LCF

FAX NO. : 8584571442

Oct. 25 2006 04:50PM P5

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.

Roger D. Chaunce  
Signature of Appellant(s) or Authorized AgentDate: 10-26-06

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

Section VI. Agent AuthorizationI/We hereby  
authorizeJOSEPHINE GLUZMAN  
to act as my/our representative and to bind me/us in all matters concerning this appeal.Roger D. Chaunce  
Signature of Appellant(s)Date: 10-26-06**RECEIVED**

MAR 09 2007

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT**RECEIVED**

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CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

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<b>A-6-OCN-06-134</b>
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 California Coastal Commission

