

EXHIBIT NO. 1
APPLICATION NO.
A-6-OCN-11-007
Location Map
 California Coastal Commission

Dillon Residence Deck Addition, 1011 S. Pacific - Oceanside, California

ARCHITECT:
STUDIO 4
 1300 AREA DRIVE
 OCEANSIDE, CA 92054
 (760) 721-4400 FAX
 P.O. BOX 107000
 SAN DIEGO, CA 92107
 PAUL LONGTON

PROJECT:
**DILLON
 RESIDENCE
 DECK ADDITION**

OWNER:
**DAVID & LISA
 DILLON**

OWNER'S REP:
**PAUL LONGTON
 STUDIO 4 ARCHITECTS
 OCEANSIDE, CA 92054**

DATE:
NOV 15, 2011

ISSUE DATES:
NOV 15, 2011

SCALE:
AS SHOWN

DRAWING STATUS:
FINAL

DATE:
NOV 15, 2011

PROJECT NO. / SHEET NO.:

TITLE SHEET

SHEET NO. **TS1.0**

DEVELOPMENT INFORMATION

ZONING: R-1
 BY: SINGLE FAMILY RESIDENCE
 RESIDENTIAL LAND USE
 LOT AREA: 10,000 SQ. FT.
 SETBACKS: FRONT: 10 FT., SIDE: 5 FT., REAR: 10 FT.
 HEIGHT: 35 FT.
 SETBACKS (EXISTING):
 FRONT YARD: 10 FT. OR BLOCK FACE AVERAGE (10 FT.)
 SIDE YARD: 5 FT. OR STRIKELINE, STRIKELINE IS 10 FT.
 REAR YARD: 10 FT. OR STRIKELINE, STRIKELINE IS 10 FT.
 AVERAGE OF ELEVATIONS AT 4 CORNERS:
 1.0 FT. ABOVE FIN. FLOOR AT STRIKELINE.
 1.0 FT. ABOVE FIN. FLOOR AT 4 CORNERS.
 CONSTRUCTION TYPE: 400, 1000, 2000, 3000, 4000, 5000, 6000, 7000, 8000, 9000, 10000, 11000, 12000, 13000, 14000, 15000, 16000, 17000, 18000, 19000, 20000, 21000, 22000, 23000, 24000, 25000, 26000, 27000, 28000, 29000, 30000, 31000, 32000, 33000, 34000, 35000, 36000, 37000, 38000, 39000, 40000, 41000, 42000, 43000, 44000, 45000, 46000, 47000, 48000, 49000, 50000, 51000, 52000, 53000, 54000, 55000, 56000, 57000, 58000, 59000, 60000, 61000, 62000, 63000, 64000, 65000, 66000, 67000, 68000, 69000, 70000, 71000, 72000, 73000, 74000, 75000, 76000, 77000, 78000, 79000, 80000, 81000, 82000, 83000, 84000, 85000, 86000, 87000, 88000, 89000, 90000, 91000, 92000, 93000, 94000, 95000, 96000, 97000, 98000, 99000, 100000, 101000, 102000, 103000, 104000, 105000, 106000, 107000, 108000, 109000, 110000, 111000, 112000, 113000, 114000, 115000, 116000, 117000, 118000, 119000, 120000, 121000, 122000, 123000, 124000, 125000, 126000, 127000, 128000, 129000, 130000, 131000, 132000, 133000, 134000, 135000, 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CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
 7575 METROPOLITAN DRIVE, SUITE 103
 SAN DIEGO, CA 92108-4421
 VOICE (619) 767-2370 FAX (619) 767-2384

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

Please Review Attached Appeal Information Sheet Prior To Completing This Form

RECEIVED
 JAN 27 2011

SECTION I. Appellant(s)

Name: JIM AND NANCY BAILEY

Mailing Address: 1015 SOUTH PACIFIC STREET

City: OCEANSIDE

Zip Code: 92054

Phone: (626) 379-1705

CALIFORNIA
 COASTAL COMMISSION
 SAN DIEGO COAST DISTRICT

SECTION II. Decision Being Appealed

1. Name of local/port government:

CITY OF OCEANSIDE

2. Brief description of development being appealed:

APPROVAL TO CONSTRUCT 232 SQUARE FOOT DECK EXPANSION ATTACHED TO FIRST LEVEL OF EXISTING SINGLE FAMILY RESIDENCE, PROTRUDING 6.5 FT BEYOND STRINGLINE SETBACK.

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

1011 SOUTH PACIFIC STREET, OCEANSIDE, CA.

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-11-007

DATE FILED: 1/27/11

DISTRICT: SD.

EXHIBIT NO. 3
APPLICATION NO.
A-6-OCN-11-007
 Appeal Form and
 Attachments
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 California Coastal Commission

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

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

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

6. Date of local government's decision: JANUARY 5, 2011 (NOFA - 1.12.11)

7. Local government's file number (if any): RC10-00007

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

MARK AND KIM DILLON; 1011 SOUTH PACIFIC STREET, OCEANSIDE, CA 92054

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

(1) MARCO GONZALEZ, COAST LAW GROUP LLP, 1140 SOUTH COAST HIGHWAY 101, ENCINITAS, CA 92024
SARA HONADLE, PROGRAMS DIRECTOR, COASTAL ENVIRONMENTAL RIGHTS FOUNDATION, 1140 SOUTH COAST HIGHWAY 101, ENCINITAS, CA 92024

(2) JIM AND NANCY BAILEY, 1015 SOUTH PACIFIC STREET, OCEANSIDE, CA 92054

(3) DAN MATLACH, 1709 SOUTH PACIFIC STREET, OCEANISDE, CA 92054

(4) GEORGE YELICH, 1005 SOUTH PACIFIC STREET, OCEANSIDE, CA 92054,
RESIDENT 1001 SOUTH PACIFIC STREET, OCEANSIDE, CA 92054,
RESIDENT 1007 SOUTH PACIFIC STREET, OCEANSIDE, CA 92054
LISA HOYT, 1021 SOUTH PACIFIC STREET, OCEANSIDE, CA 92054
RESIDENT 1019 SOUTH PACIFIC STREET, OCEANSIDE, CA 92054
JANE HAMLET 1014 SOUTH PACIFIC STREET, OCEANSIDE, CA 92054
JANE HAMLET 1006 SOUTH PACIFIC STREET, OCEANSIDE, CA 92054

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

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

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

See Attached Appendix A.

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

SECTION V. Certification

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

Signature on file

Signature of Appellant(s) or Authorized Agent

Date: JANUARY 27, 2011

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

Section VI. Agent Authorization

I/We hereby authorize MARCO GONZALEZ, COAST LAW GROUP LLP
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature on file

Signature of Appellant(s)

Date: January 27, 2011

Appendix A

Appeal of City of Oceanside Coastal Development Permit: 1011 South Pacific Street

The proposed project being appealed includes the construction of an expanded deck on the seaward side of an oceanfront residence owned by Mark and Kim Dillon at 1011 South Pacific Street, Oceanside ("Dillon residence"). The proposed approximately 232 square foot deck expansion would extend westward eight feet from the structure, and protrude 6.5 feet beyond the established beach-side "Stringline Setback" boundary.

The operative statute at issue is section 1703(e) of Oceanside's 1986 Zoning Ordinance which provides:

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

The appellants Jim and Nancy Bailey appeal the City of Oceanside's approval of the proposed deck expansion because it will substantially impair views from their adjoining property.

The Baileys own the residence at 1015 South Pacific Street, immediately adjacent to the south of the project site. Because construction of the Bailey residence occurred prior to establishment of the Stringline Setback limitation, their primary structure extends beyond Stringline approximately six feet. The Baileys then have a deck approximately six feet wide off of the west side of their home.

The Bailey residence is designed such that the master bedroom is located on the entry-level floor, at the same level as the Dillon's proposed deck expansion. At the northwest corner of the master bedroom is a large, nearly floor-to-ceiling window providing sweeping views northward along the beach and toward the Oceanside Pier. Currently, there is no view obstruction resulting from the Dillon residence, which although only six feet away from the north side of the Bailey's residence, is set back approximately two feet to the east of the edge of the master bedroom window. In addition to the view obstruction that will result if the proposed deck expansion is constructed as proposed, the Dillons and their guests will have a direct and unobstructed view into the Baileys master bedroom. Screening that would be required to retain the privacy currently enjoyed in the master bedroom would further substantially impair the view from this adjoining property. (see photographs in attached Powerpoint presentation).

The City of Oceanside LCP Land Use Plan at section VI.A recites the Coastal Act policy requiring that the visual qualities of the Coastal zone shall be protected and that new development be sited and designed to be visually compatible with the character of surrounding areas. While assessments of visual compatibility with community character are often focused on continuity of design, a measure of "compatibility" should also include whether new development significantly impairs the quality and value of some aspect of the community, including a single neighbor. The City's Land Use Plan recognizes in section VI.B.4 that the Pier is an important man-made aesthetic resource. Therefore, the significant

impact of the proposed structure on the Bailey's view of the Oceanside Pier must be considered in the context of the section 1703(e) limitation upon acceptable view impacts.

The Baileys request that the Coastal Commission consider the following additional facts relevant to their appeal.

1. The City does not have a valid ordinance from which to implement its LCP, and therefore all Coastal Development Permits should be issued in the first instance from the Coastal Commission. When in 1988 the City passed a resolution purporting to update the zoning ordinance applicable to this portion of the Coastal Zone, it also repealed a majority of the text of the 1986 zoning ordinance. The City subsequently in 1992 approved a comprehensive amendment to the 1988 zoning ordinance, but at no time sought required Coastal Commission approval of the 1988 or 1992 actions as amendments to the City's Local Coastal Program/Implementation Plan. As such, the City effectively divested itself of authority to issue Coastal Development Permits, and the Coastal Commission should now be the permitting authority either under the direction of the Coastal Act, or informed by the prior-adopted 1986 ordinance. The City's failure to obtain Coastal Commission approval of repeal of its 1986 ordinance only affects the standard that should be applied by the Coastal Commission, but does not change the fact that the City gave up its structure for issuing such permits.
2. The City never made required findings that the proposed deck will "not substantially impair the views from adjoining properties." Instead, the City based its approval of the Dillon's proposal upon purportedly equitable grounds not contained in the statute. The City's rationales essentially were that (a) because the Bailey's have a deck from which they can enjoy unobstructed views up the beach, the existing views from their master bedroom are irrelevant; and (b) the Dillon's proposal is not inconsistent with the facades of neighboring properties. In other circumstances, these may be acceptable justification for approval of the structure. But, where the relevant ordinance expressly provides for the protection of private views from adjoining properties, absent such express findings the decision should be overturned. The Baileys contend the finds did not, and could not, have been made.
3. Numerous misrepresentations were made by the applicant and City staff throughout the process, thereby prejudicing the decisions to approve the deck expansion by the Oceanside Planning Commission and City Council. These misrepresentations are summarized as follows:
 - a. The Dillon's original application submission contained an intentional misrepresentation that staff should have caught immediately. The Dillon residence was only constructed in 1999. At that time the Dillon's sought to maximize lot coverage, and therefore encroached right to the edge of both front and rear yard setbacks. Hence, it was clear on the plans and in development documents in the City's possession that the Stringline Setback was a mere 1.5 feet from the edge of the residence. Nonetheless, when the Dillons submitted their application, they

identified the Stringline as being contiguous with the Bailey residence, approximately 6.5 feet beyond the edge of their residence. Amazingly, this misrepresentation was not identified by City staff, who sought to bring the matter to the Planning Commission in September, 2010 with the incorrect information. The hearing was postponed only after the Baileys pointed out the error.

- b. During a recent remodel of their home, the Dillons illegally constructed a third story balcony platform contrary to building plans approved by the City of Oceanside. This City and Coastal Act violation has not yet been remedied. (see photograph in attached Powerpoint presentation).
- c. Before the Planning Commission and the City Council, the Dillons submitted numerous comment letters purporting to support their permit application and claiming that their views would not be obstructed by the deck expansion. Two of the letters submitted were from addresses of neighboring properties owned by the Dillons themselves (but with unintelligible signatories), two of the letters were from single story residences on the east side of South Pacific Street (with no view to lose), and two were from homes built prior to imposition of the Stringline Setback regulation (one of which contains an unpermitted addition as well).
- d. The Dillons have constructed illegal view-blocking fencing on either side of the Baileys' beach-level patio and yard. (see photographs in attached Powerpoint presentation).
- e. The staff report and resolutions of approval inconsistently reported the square footage of the Dillons' existing and proposed decks.

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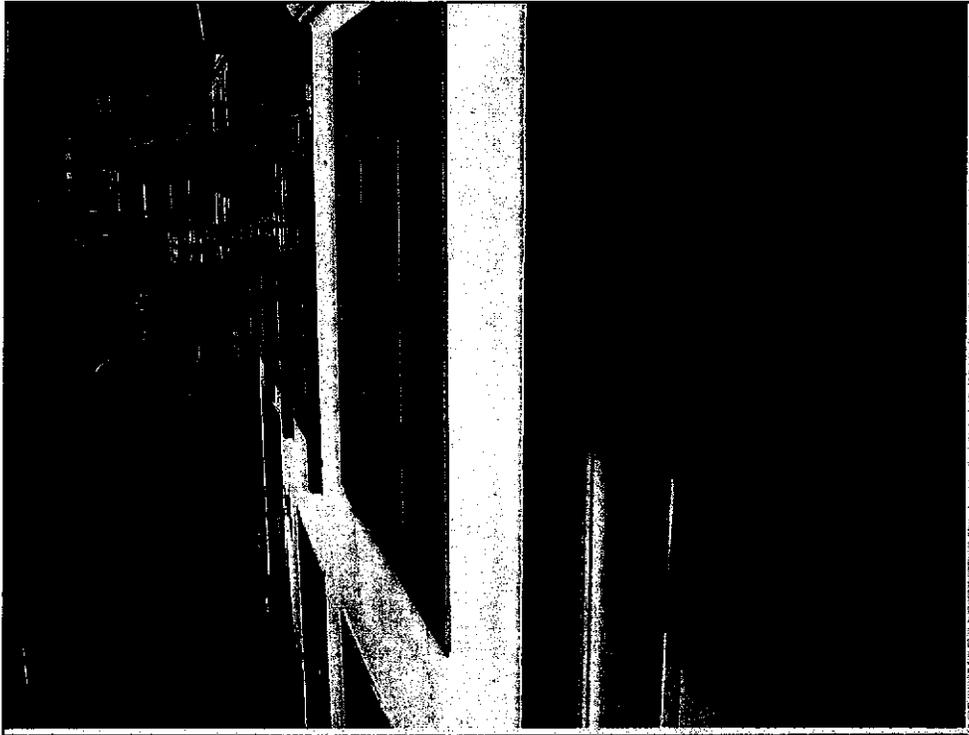
CALIFORNIA
ASTAL COMMISSION
SOUTH COAST DISTRICT



1



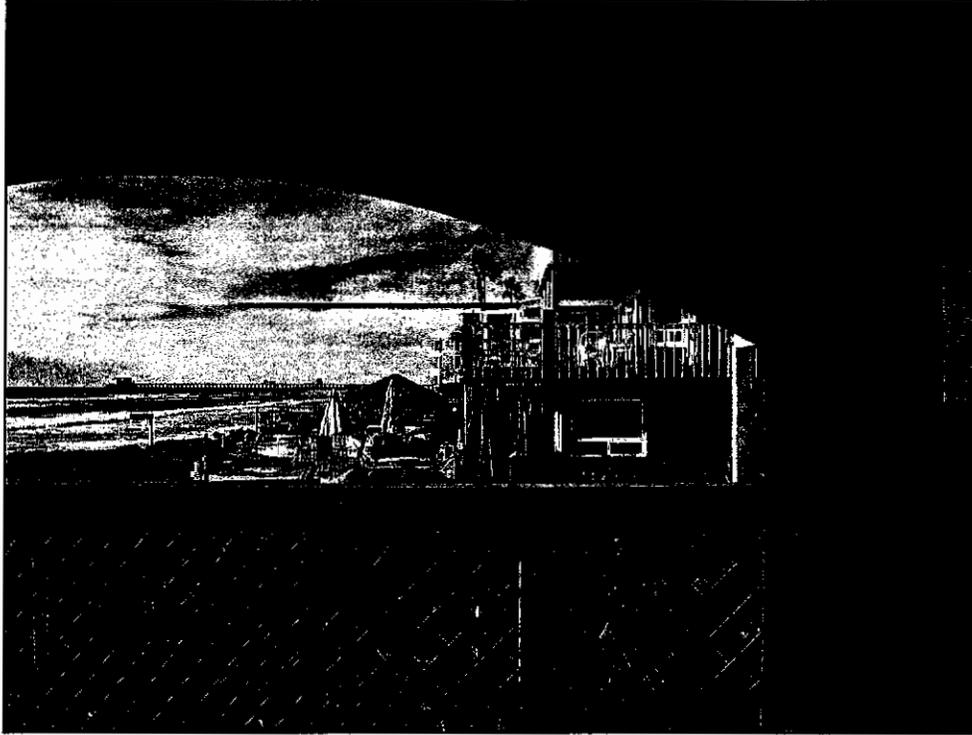
View of subject property façade. Note existing deck on northerly end of structure. Also note that second property to the north, owned by same Dillon Family Trust, is painted and landscaped such that the two properties are almost indistinguishable.



Photograph is taken from the Bailey master bedroom. Shows just how close the two structures are, and just how much the deck will impose upon the privacy of the Baileys.



Measurements were taken from the Dillon's structure to see how far out the deck would extend. The 8ft mark is squarely at the fence post, below.



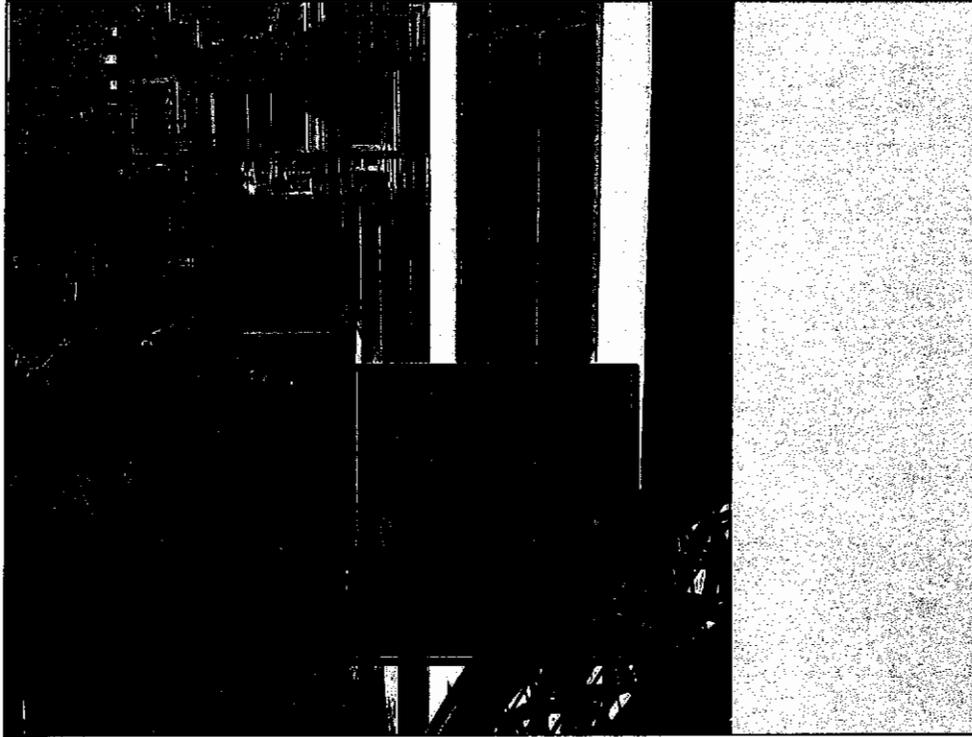
This photograph is taken from the beach-level patio of the Bailey residence. Note the marking on the fence post indicating how far out the proposed deck will extend. The City staff report and presentation alleged the deck would not extend out seaward beyond the line of the Bailey structure. Our measurements refute this. Note also the decking on the property to the north, as this will be a relevant perspective on future photographs.



The marker on the ground of the Bailey deck indicates how far out the fence post with the 8ft marker extends from the Dillon's residence. The red outlines the extent of the proposed deck. Note the property to the north, and that the Dillon deck will line up with theirs.



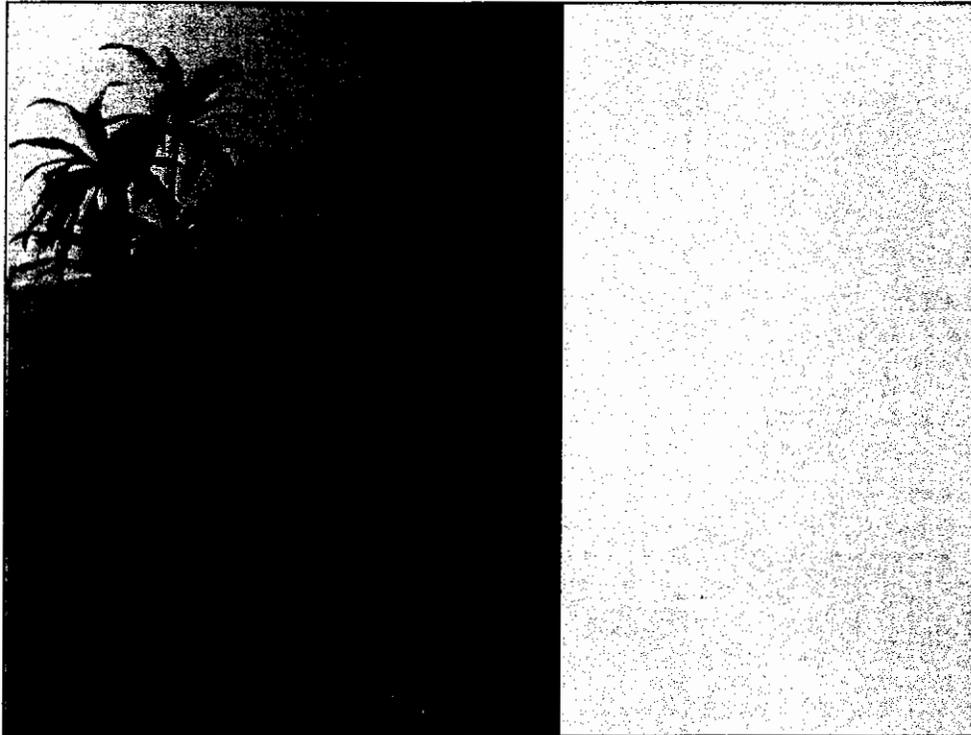
This photograph again shows the view directly northward out of the Bailey master bedroom window. The Dillon's residence is 6ft away from the Bailey's.



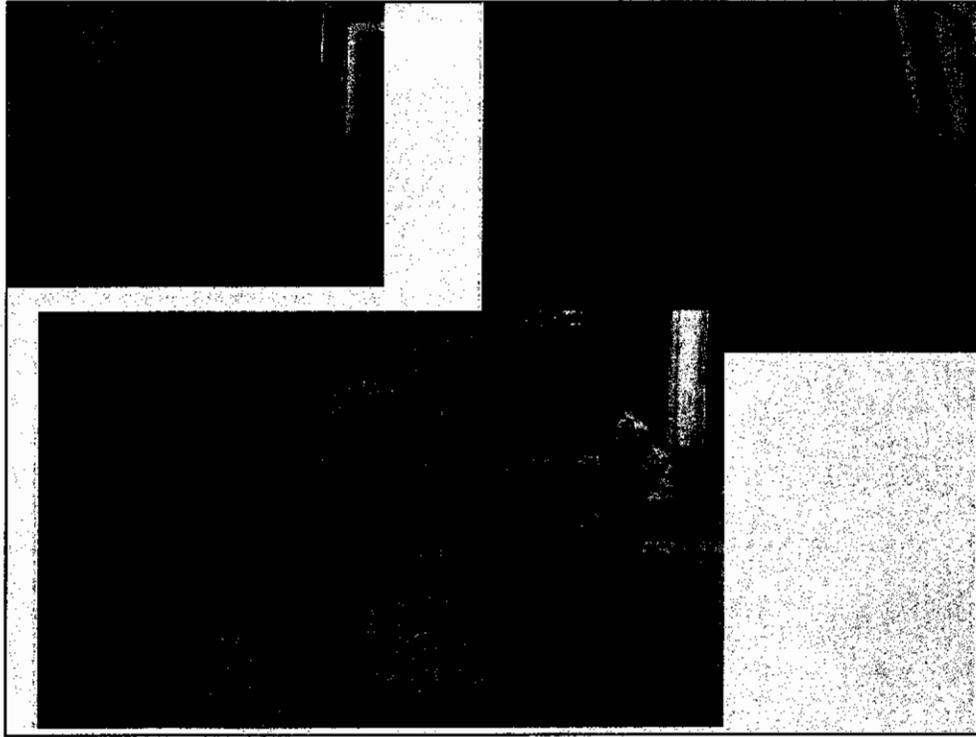
Note deck will extend four feet from the Dillon residence, then angle northward over an additional four foot plane.



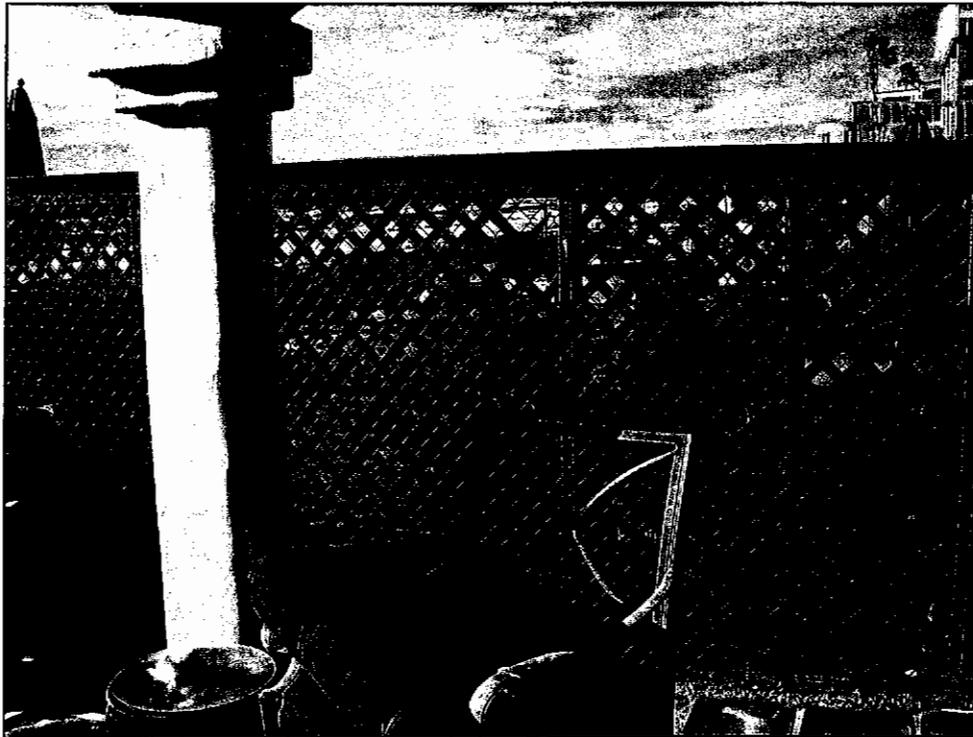
Here is a more accurate representation, standing with the camera at approximately 6ft high, of the decking impact on the view from the Bailey's master bedroom.



This photograph shows the type of plants, screens, and furniture that can be stored on decks, including the Dillon's proposed deck, to impair views even further.



Photos are from throughout Oceanside, showing how decks are often used.



This is the fence constructed along the Bailey property north side. The Dillons have a history of taking spiteful action, and hence it is not unreasonable to believe they will place a BBQ, chairs, umbrellas, other items on the deck if approved.



A photo of the fencing put up on the Bailey's south side. The property to the south is also owned by the Dillons. The Dillons' two fences are the only view blocking fences of their kind along the entire strip.

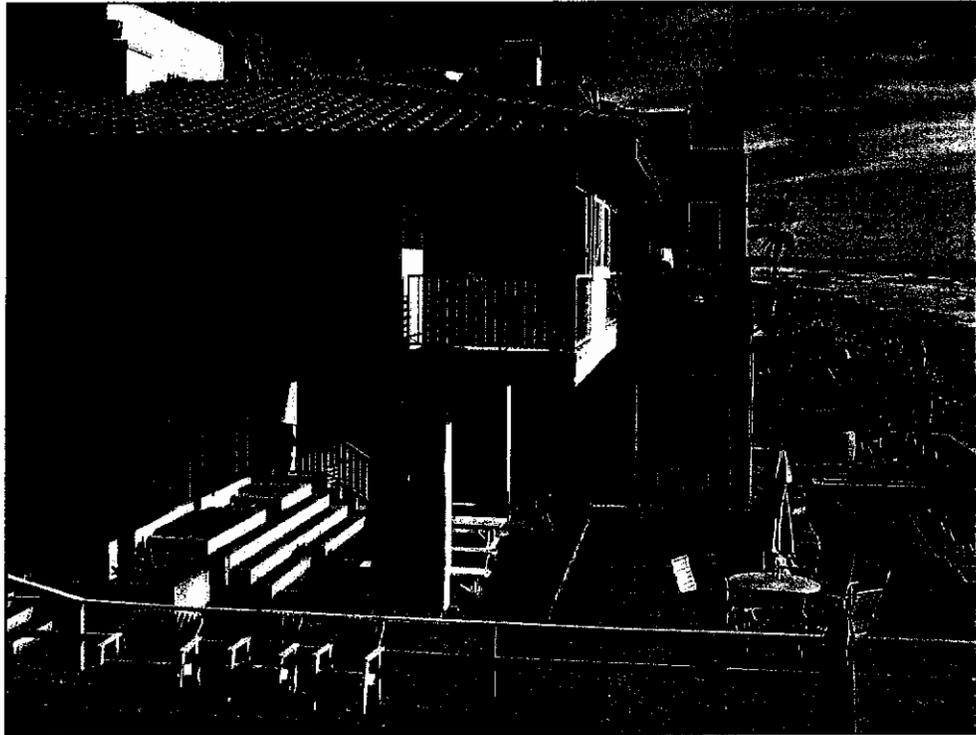


Photo looking south from Baileys shows how (a) no one else puts up spite fences; and (b) patios and decks become enclosures over time.



Looking north from the Baileys; no fences at the beach level.

**Description & Justification
For A Deck Addition to
An existing Single Family Residence
At
1011 S Pacific St, Oceanside, 92054**

June 3, 2010
Owner: Mark and Kim Dillon

SYNOPSIS

The item under consideration is an appeal of the Planning Commission decision to approve a 232-square foot deck addition attached to the first level of an existing single-family residence located at 1011 South Pacific Street. Staff is recommending that the City Council affirm the Planning Commission's decision and adopt the resolution.

Statistics at a glance

Address - 1011 S Pacific St
APN - 152-078-04

Zoning - RT
Proposed zoning - No Change

Lot Size - 3,750 SF (.075 Acres)
Existing Land Use - Single Family Residential
Proposed Land Use - No Change

Number of units - 1
Density/acre - 11.6 units/acre

Existing lot coverage - 48%
Proposed Lot Coverage - 51%

Existing Landscaping - 25%

Existing Building Size:
Beach (Basement) Level 945 SF
Street Level (Entry) 1223 SF
Second Floor 1428 SF
Total Existing Habitable 3596 SF

Existing Deck	197 SF
Existing Garage (2-spaces)	474 SF

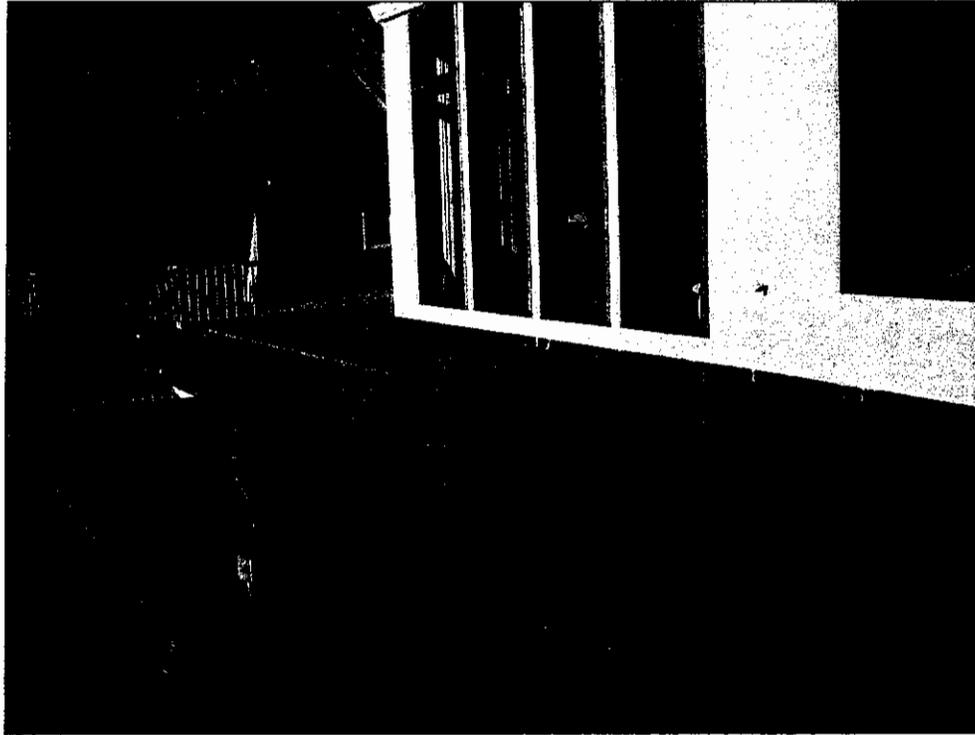
BACKGROUND

The item under consideration is a review of the Planning Commission's decision approving Regular Coastal Permit (RC10-00007) by a 6-0 vote on September 13, 2010. The proposal involves the expansion of an existing 96-square-foot deck accessed through the first-level dining area by 232 square feet to the west and south.

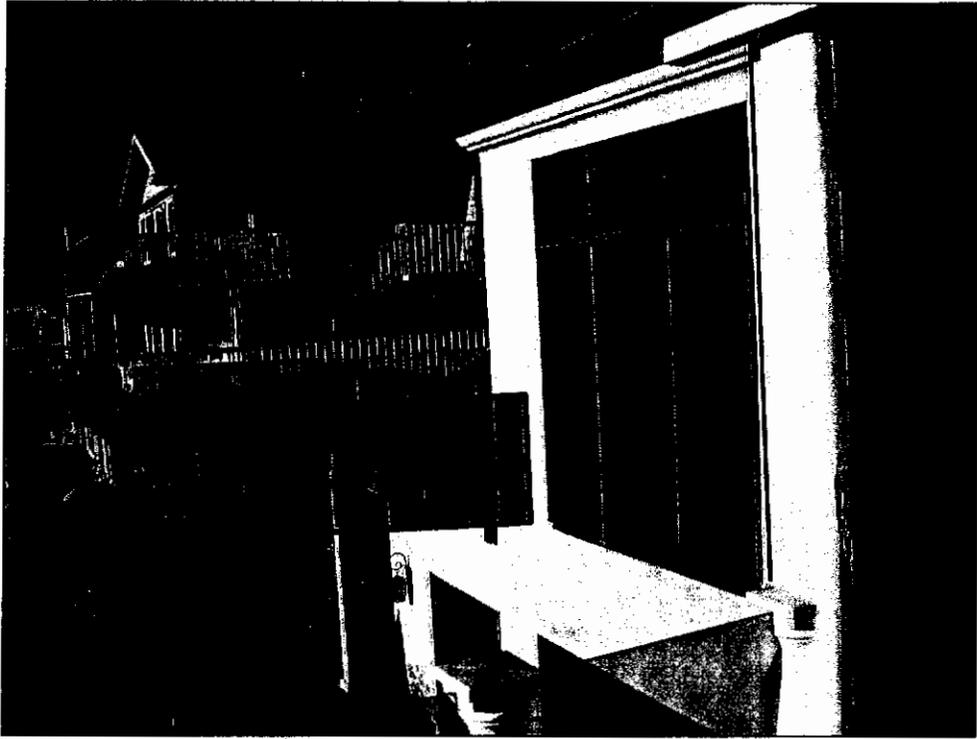
Representative examples of inconsistencies and general sloppiness in application, staff report, and even resolutions.



Photograph shows the Dillon residence pre-remodel. Note the third story patio and immediately adjacent roofline of second story at red arrow. Yellow arrow shows where deck is proposed.



Photograph of Dillons' third story post remodel. The patio was enclosed to add a room, and then a new slate deck/balcony was constructed, though never permitted (either CDP or building permit). Clearly the Dillons will be coming back for a permit to put up railing and make this space usable. The Dillons should be precluded from building any proposed deck until all enforcement actions are resolved.



Proposed compromise. Extend deck from existing deck on northern side of residence.



Proposed edge of compromise deck.

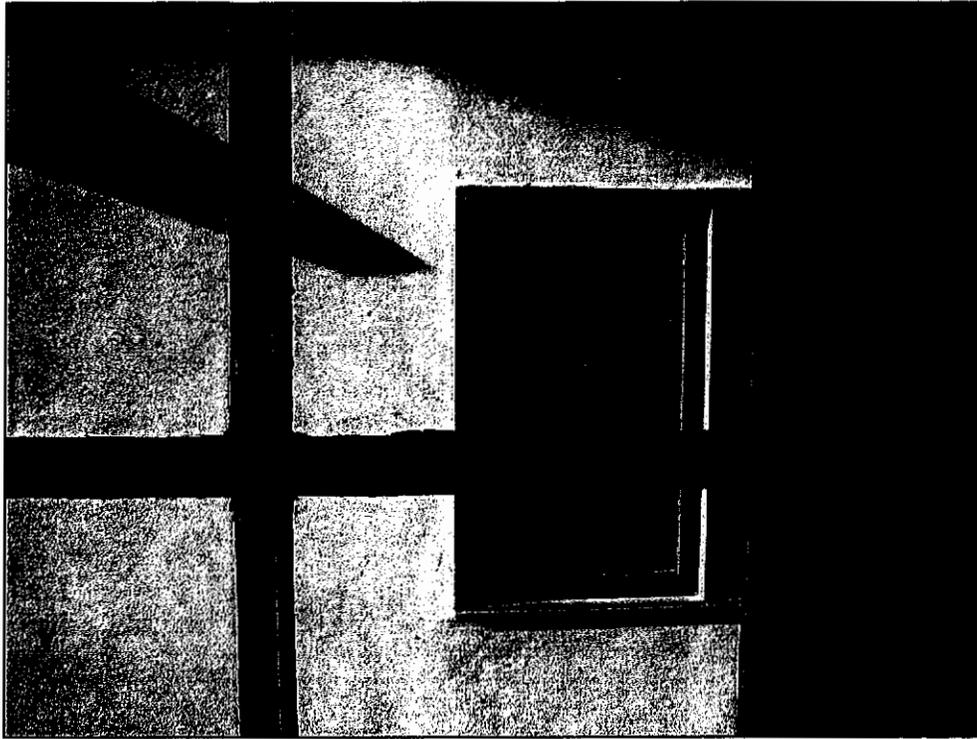
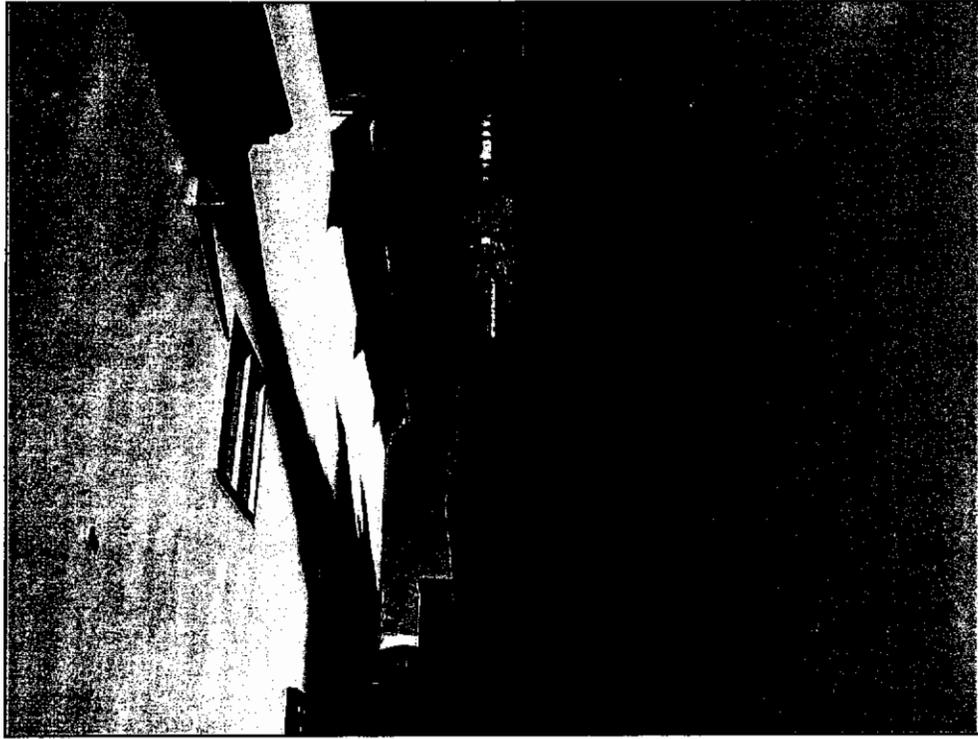


Photo shows how close Dillon residence is.



Setback is 3ft for each property.



Section 1703(e)

Buildings & structures shall not extend beyond the stringline. Decks **may** be allowed to extend seaward of the stringline setback line **providing they do not substantially impair the views from adjoining properties.**



Unobstructed.



Obstructed.

Looking North from Forster Street



EXHIBIT NO. 4
APPLICATION NO.
A-6-OCN-11-007
Existing Private
Views

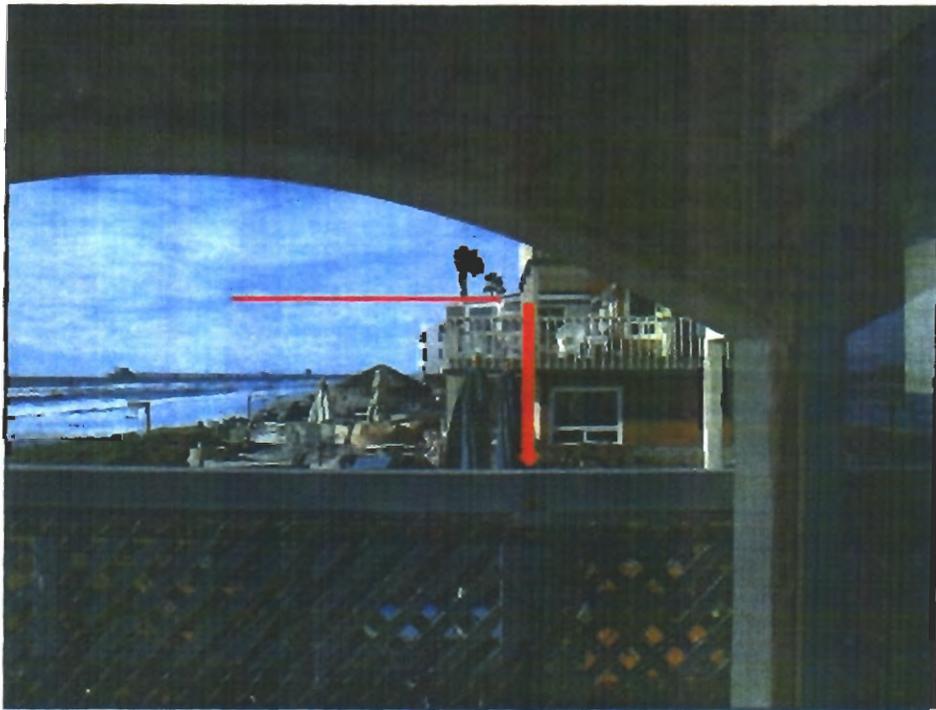
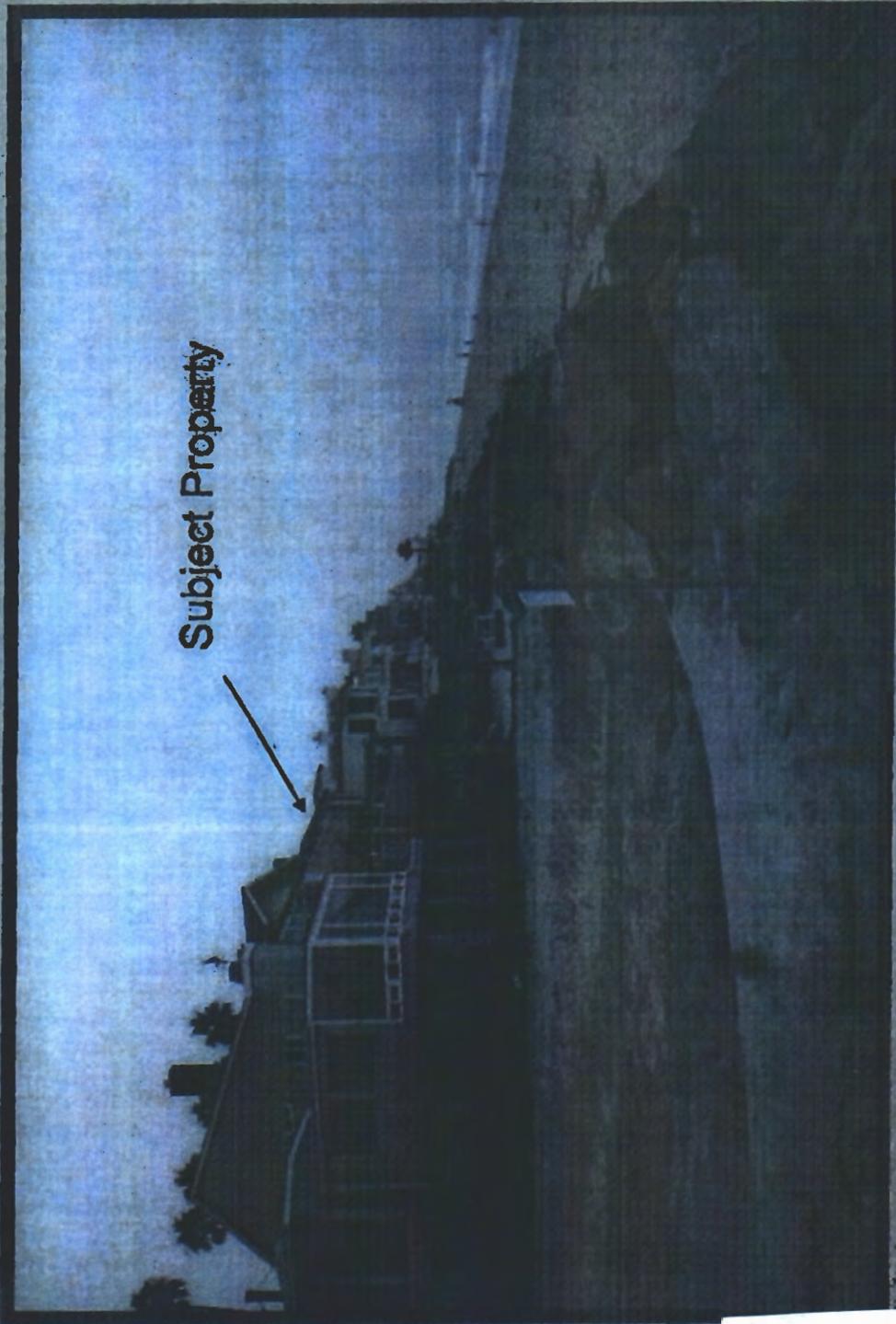


EXHIBIT NO. 5
APPLICATION NO.
A-6-OCN-11-007
Appellants Private
View Blockage
Exhibit



EXHIBIT NO. 6
APPLICATION NO.
A-6-OCN-11-007
Applicants Deck
Rendering

 California Coastal Commission



Subject Property

EXHIBIT NO. 7
APPLICATION NO.
A-6-OCN-11-007
Pattern of
Development



* Most westerly/beach point of Dillan deck. Bailey deck is 8-10 feet further out.

GATZKE DILLON & BALLANCE LLP

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OF COUNSEL
MICH
RECEIVED

FEB 07 2011

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

February 4, 2011

*By Mail and
Facsimile to (619) 767-2384*

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

Re: Commission Appeal No. A-6-OCN-11-007

Dear Ms. Ross:

The applicant, Kim Dillon, has asked me to alert the California Coastal Commission that she did not receive the appeal referenced in your letter. In accordance with section 13111c of the California Code of Regulations, the appealing party, Nancy and Jim Bailey, were required to provide Mrs. Dillon with a copy of the completed appellate form, together with all of the attachments, within seven days of the filing of the appeal. The seven-day period expired yesterday, February 3, 2011. However, Mrs. Dillon did not receive the required information. In addition, the law requires that the appealing parties provide the completed appellate form and all attachments to "all interested parties," which included some of Mrs. Dillon's neighbors that were in favor of the deck construction. However, Mrs. Dillon has advised me that she contacted those neighbors and they have not timely received the completed appeal either. Therefore, Mrs. Dillon respectfully requests that the appeal be dismissed.

Thank for your consideration.

Very truly yours,

Signature on file

Mark J. Dillon
of
Gatzke Dillon & Ballance LLP

MJD/tek

EXHIBIT NO. 8
APPLICATION NO.
A-6-OCN-11-007
Submittals by Applicant including Exhibits
Page 1 of 65
 California Coastal Commission

GATZKE DILLON & BALLANCE LLP

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OF COUNSEL
MICHAEL SCOTT GATZKE

February 7, 2011

*By E-mail to
tross@coastal.ca.gov*

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

Re: Commission Appeal No. A-6-OCN-11-007

Dear Ms. Ross:

This letter is a follow-up to the letter sent to you on February 4, 2011. In that letter, we advised that neither the applicant, Kim Dillon, nor other persons known to be interested in the application, received the appellants' completed notice of appeal form, together with all of the attachments. As of today, February 7, 2011, the appellants still have not sent or delivered a completed appeal, including all attachments, to Mrs. Dillon. Mrs. Dillon also is not aware of any of her neighbors receiving this information.

As I am sure you can understand, Mrs. Dillon already has gone through two decision-making bodies with respect to the permits for her deck. The Oceanside Planning Commission unanimously approved the deck. The Oceanside City Council approved the deck on a 4-1 vote. Appellants appear to be delaying delivery of the completed appeal, together with all attachments, to Mrs. Dillon and all other persons known to be interested in her application. Mrs. Dillon would like to avoid further delays, and respectfully requests that the Commission dismiss the appeal for failing to provide the required notification. (14 Cal. Code Regs., § 13111, subd. (d).)

Thank for your consideration.

Very truly yours,

/s/ Mark J. Dillon
Mark J. Dillon
of
Gatzke Dillon & Ballance LLP

MJD/tek

GATZKE DILLON & BALLANCE LLP

ATTORNEYS & COUNSELORS AT LAW

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www.gdandb.com

OF COUNSEL

MICHAEL SCOTT GATZKE

February 11, 2011

Hand Delivered

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

Re: Commission Appeal No. A-6-OCN-11-007

Dear Ms. Ross:

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FEB 11 2011

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

We understand that the coastal development permit decision (RC-10-00007) made by the City of Oceanside ("City") has been appealed to the California Coastal Commission ("Commission"). The appellants are Jim and Nancy Bailey ("Appellants"), residing at 1015 S. Pacific Street, Oceanside, California. The applicant, Kim Dillon ("Applicant"), resides at 1011 S. Pacific Street, Oceanside, California.¹ The Appellants are the neighbors to the south of Applicant's property. No other appeal was filed with the Commission regarding the requested permit (RC-10-00007), nor was there any opposition to the permit at the local City level, except for the Appellants.

The Applicant respectfully requests that the Commission find that the appeal does not raise a "substantial issue" relative to conformance with the certified Local Coastal Program ("LCP") and the Coastal Act public access policies; and, on those grounds, deny the appeal. This request is based on this letter and the exhibits, as well as the documents used in the City's consideration of the requested permit, which the City delivered to the San Diego Coast District Office of the Commission.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. However, in previous decisions on appeals, the Commission generally has been guided by the following factors in making "substantial issue" determinations: (a) the degree of factual and legal support for the local government's decision; (b) the significance of the coastal resources affected by the decision; (c) the scope and extent of potential impacts; (d) whether and

¹ As the name suggests, the author of this letter is the spouse of the Applicant. Nonetheless, the author and his firm represent the Applicant, and will continue to do so throughout the proceedings before the Commission.

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California Coastal Commission

February 11, 2011

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to what degree the local decision conflicts with the LCP or the Coastal Act public access requirements; and (e) whether the appeal raises only local issues as opposed to those of regional or statewide significance. In this appeal, as shown below, none of these factors trigger a "substantial issue" determination.

For example, as reflected in the City's documents and other materials, the City's decision is well supported by, among other things: (a) the Planning Commission staff report, dated September 27, 2010 and the attachments; (b) City Council Resolution No. 11-R-0014-1, supporting the Planning Commission's resolution and approving the Applicant's requested permit; and (c) Planning Commission Resolution No. 2010-P30, which is attached as Exhibit "A" to the City Council resolution. In addition, the City's decision is supported by the facts presented in this letter and its exhibits.

In addition, as reflected in this letter and the above-referenced documents from the City, there are no significant coastal resources affected by the City's decision to grant the requested permit. There also are no "potential impacts" from the City's decision, nor are there any conflicts with the LCP or the Coastal Act public access requirements. Lastly, the appeal raises *only* local issues by a neighbor dissatisfied with the decisions reached by the City's professional planning staff and two local decision-making bodies. The Oceanside Planning staff recommended approval of the requested permit based on a written staff report and its own independent investigation. The Oceanside Planning Commission voted unanimously to approve the requested permit. The City Council voted 4-1 to support the Planning Commission's decision and approve the requested permit.

Background and Project Description

The Applicant's property is located at 1011 S. Pacific Street, Oceanside, California. The lot accommodates a two-story single-family residence, along with a basement area. The existing single-family residence was approved for construction by the Planning Commission pursuant to Regular Coastal Permit No. RC-12-98.²

On October 26, 2009, the Planning Commission approved Regular Coastal Permit No. RC-3-09 for construction of a 532 square-foot master bedroom addition onto the then-existing upper-story open deck area situated at the western elevation of the existing home.³ This bedroom addition has been completed, consistent with all permit requirements, and is not the subject of this pending appeal.

² Please see Planning Commission Staff Report, dated September 27, 2010, p. 1.

³ *Id.*

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California Coastal Commission

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On June 7, 2010, the Applicant applied for the subject Regular Coastal Permit No. RC-10-00007. This permit application requested permission to add a modest open deck area (approximately 232 square feet) to an existing open deck area, located on the first level of the existing residence (at the western elevation). The proposed deck would be constructed at a height of approximately 13.5 feet, with 3.5 feet of this height consisting of glass railing.⁴ The Applicant also has voluntarily agreed to construct the southern section of the proposed deck at a 45-degree angle away from the southern elevation, in order to reduce any potential visual impact claims made by Appellants, the adjoining property owners to the south.⁵

Based on the permit application, drawings, and the City's own investigation, the Oceanside planning staff determined that the requested permit, as conditioned, is consistent with the land use and architectural policies of the City's General Plan, the requirements of the City's Zoning Ordinance, and the policies of the LCP.⁶ In making those determinations, the Oceanside planning staff made the finding that the subject single-family residence was within the stringline established under the certified implementing ordinances (Zoning Code). In addition, staff made the finding that the proposed deck would extend over the established stringline; however, it would not extend westward beyond the neighboring property's building footprint to the south. Importantly, staff also determined that section 1703(e) of the certified implementing ordinances (Zoning Code) explicitly *allows* appurtenances such as open decks, patios, and balconies, to extend seaward of the stringline, provided that they do not substantially impair the views from adjoining properties.⁷ As to the proposed deck addition, staff made the following findings as to view impairment:

"The proposed addition would not alter public views or any views of adjoining neighbors, because the deck would be constructed at a maximum height of 13.5 feet in height and a majority of the deck is open and transparent. The proposed project is in conformance with the General Plan; therefore the project is compatible to the surrounding properties and neighborhood character."⁸

⁴ *Id.*, at pp. 1-2.

⁵ *Id.*, at p. 2. In addition, please see the "Dillon Residence Deck Addition" drawings, which are attached to the Planning Commission Staff Report, dated September 27, 2010. These drawings depict the north, south, east, and west elevations of the subject single-family residence. The drawings also provide plan views of the home's basement level, first floor, second floor, and roof plan relative to the proposed deck. These drawings also portray the proposed deck relative to surrounding areas.

⁶ Please see Planning Commission Staff Report, dated September 27, 2010, pp. 2-5.

⁷ *Id.*, at p. 3.

⁸ *Id.*

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California Coastal Commission

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The Oceanside planning staff did not stop there in its analysis. Staff assessed whether the proposed deck was compatible with the existing neighborhood and surrounding properties, consistent with the LCP. Staff answered affirmatively, finding as follows:

"Staff finds that (in terms of height, design, bulk and distance from the established stringline) the deck addition would be consistent with the existing residence and will be consistent with the surrounding neighborhood. Many of the adjoining neighbors in the area have similar first level decks and balconies. The 13.5 foot tall deck would be attached to the first level of the western elevation and would be an extension of the existing 96-square foot deck off of the family room and dining room. The proposed deck railings and structure would be open and transparent to limit visual impacts."⁹

On September 27, 2010, after holding a duly noticed public hearing, the City's Planning Commission unanimously adopted Resolution No. 2010-P30, approving the requested permit (RC-10-00007).¹⁰ Thereafter, Appellants filed an appeal to the City Council requesting review of the Planning Commission decision.

On January 5, 2011, after another duly noticed public hearing, the City Council heard and considered evidence and testimony concerning the Planning Commission's decision. Based on a 4-1 vote, the City Council passed a resolution supporting the Planning Commission's decision and approving the requested permit (RC-10-00007).¹¹ Appellants filed another appeal -- this time with this Commission.

There Are No Valid Grounds For Appealing The Permit

As you know, the grounds for appealing the project are limited to whether it conforms to the requirements of the LCP or the public access policies of the Coastal Act. Issues that are not addressed by the LCP and Coastal Act are not valid appeal grounds. Here, as shown below, the Appellants have no valid grounds for appealing the permit (RC-10-00007).

A. The Deck Will Not Substantially Impair The Views From Adjoining Properties

The Appellants appeal the City's approval of the permit, arguing that the deck will "substantially impair" views from their adjoining property. In making this argument, the

⁹ *Id.*, at p. 4.

¹⁰ Please see Planning Commission Resolution No. 2010-P30, which is attached as Exhibit "A" to City Council Resolution No. 11-R0014-1.

¹¹ Please see City Council Resolution No. 11-R0014-1.

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California Coastal Commission

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Appellants rely on section 1703(e) of the City's certified implementing ordinance (Zoning Code), which addresses the stringline and exceptions for "open decks, patios, and balconies" extending seaward beyond the stringline.

As to the stringline, the certified LCP contains a requirement that new development along the ocean not extend further seaward than the "stringline." The Commission has stated in prior cases that the goal of limiting new development to extend no further seaward than the stringline is to restrict encroachment onto the shoreline and preserve *public* views along the shoreline. *Public* views are not at issue in this appeal.

In addition, the stringline in Oceanside is determined by a line on a map adopted in 1983, and kept on file in the City's Planning Division. Based on prior Commission cases, this certified "Stringline Setback Map" was developed by overlaying a stringline on an aerial photograph of the shoreline in the City of Oceanside. According to the Commission, this map was based on existing building patterns, as well as anticipated future developments and remodels/expansions.¹² Section 1703(e) of the certified implementing ordinance (Zoning Code) addresses the stringline in Oceanside and states:

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

In this case, the deck is open and attached to the first level of the existing single-family residence, and falls squarely within the stringline exception provided in section 1703(e). As shown in **Exhibit A**, page 3, the Applicant has oriented the southern section of the open deck at a 45-degree angle away from the southern elevation, in order to reduce potential visual impact claims from the Appellants' side window to the south.¹³ **Exhibit A** shows that the proposed deck would not alter any public views, nor would it substantially impair views of the Appellants' adjoining property, because it would be constructed at a maximum height of approximately 13.5

¹² For example, please refer to a prior Commission Staff Report and Recommendation on Appeal, dated March 23, 2007, Application No. A-6-OCN-06-134, p. 14. See also prior Commission Staff Report and Recommendation on Appeal, dated March 23, 2006, Appeal No. A-6-OCN-06-13, pp. 12-13.

¹³ For computerized renderings of the proposed deck relative to the existing residence and the Appellants' property to the south, please see **Exhibit A**, pages 1 through 3.

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California Coastal Commission

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feet, and approximately 3.5 feet of the overall deck height would consist of a glass railing, which is open and transparent.

In addition, consistent with Oceanside planning staff's findings, the proposed open deck is consistent with both the existing residence and the homes in the surrounding built environment, including the Appellants' residence. First, the Appellants' entire seaward and pier views from the western elevation are not at all impeded by the proposed deck. The Appellants' residence also contains two open decks that extend well beyond the stringline, when compared to virtually all other homes in the 1000 block of South Pacific Street; they also extend far beyond the Applicant's proposed deck. These deck views are completely unimpeded. To illustrate these facts, please refer to **Exhibits B** through **E**, which are photographs depicting the Appellants' residence relative to the Applicant's residence from the north, south, and west. Accordingly, there are no substantial public visual resources or views affected by the City's approval.

The Appellants also assert that the open deck with the glass railing would impair views from their side master bedroom window. However, based on the photographic evidence presented with this letter, the Appellants' side window views would not be substantially impaired or obstructed. (Please see, for example, **Exhibit F**.)

In addition, the proposed deck would not extend beyond several of the decks within the 1000 block of S. Pacific Street. As noted by Oceanside's planning staff, many of the adjoining properties in the area have similar first level decks and balconies. As shown on **Exhibit G**, the Applicant's proposed deck would not be seen due to existing neighborhood decks to both the north and south. To illustrate this point further, the Applicant has prepared a PowerPoint presentation entitled, "Dillon Deck Addition," which is found in **Exhibit H**. This presentation is a comparative review of neighboring, westward building and deck extensions within the 1000 block of S. Pacific Street. This presentation confirms that the proposed deck will not substantially impair any public views. The deck also will not substantially impair any view from the Appellants' property.

In conclusion, the Appellants are reduced to arguing that the LCP's "compatibility" criteria "should" include any view impairment to *a single neighbor*. (Appeal Form, Appendix A, p. 1.) The LCP was not enacted to protect a single neighbor's private view from one window, where the view is not substantially impaired. If ever there was case involving a *local* issue with no regional or statewide issues of concern, this is it.

B. The City Has Valid Certified Implementing Ordinances (Zoning Code) And Any Claims To The Contrary Are Without Merit

The Appellants assert that Oceanside "does not have a valid ordinance from which to implement its LCP and, therefore, all Coastal Development Permits should be issued in the first

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California Coastal Commission

February 11, 2011

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instance from the Coastal Commission." (Appeal Form, Appendix A, p. 2.) This assertion is without merit.

Exhibit I is the Commission's "LCP Status" map for the San Diego Coast Area as of July 1, 2009. This map establishes that Oceanside's LCP has been "effectively certified." Adopted in 1983, the City's LCP establishes land use and development policy for the City's Coastal Zone. The LCP gives the City permit authority over land use and development within the City's Coastal Zone subject to state policies and regulations under the Coastal Act. Because the City's certified implementing ordinance (Zoning Code) is intended to serve the principal means of implementing the Coastal Zone policies and regulations within Oceanside, it must be reviewed and certified by the Commission.

In May 2009, the City reinstated the 1986 Zoning Ordinance as the regulating document for those portions of the City's Coastal Zone located outside of the Downtown Redevelopment Area. This action occurred following the determination that previously applicable 1992 Zoning Ordinance had not been certified by the Commission and, thus, had not been reconciled with, and incorporated into, the City's LCP. As a result of the reinstatement of the City's 1986 Zoning Ordinance, the City's LCP has been certified and recognized as such by the Commission (see **Exhibit I**).

The Appellants' claim is also well beyond the scope of a permissible appeal on a modest deck addition, like the one presented here.

C. The City Made All Of The Findings Required By Law, Despite Claims To The Contrary

The Appellants assert that the City never made "required" findings relative to the proposed deck. First, the Oceanside planning staff made findings with respect to the deck. In the Planning Commission Staff Report, dated September 27, 2010, staff explicitly found that "[t]he proposed addition would not alter public views or any views of adjoining neighbors, because the deck would be constructed at a maximum height of 13.5 feet . . . and a majority of the deck is open and transparent." (Planning Commission Staff Report, p. 3.) In addition, the Planning Commission made the required findings for the requested permit in Resolution No. 2010-P30, page 3.

In addition, based on the language used in section 1703(e), there were *no* findings *required* to be made under that section. Absent a provision requiring such findings, the Appellants' argument lacks merit.

D. Appellants' Miscellaneous Claims Also Are Without Merit

The Appellants assert that "numerous misrepresentations" were made by *both* the Applicant *and* City staff throughout the process, "prejudicing" the two decisions made by the

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Planning Commission and City Council to approve the requested permit. These assertions are incorrect.

As shown below, the assertions are also improper grounds for an appeal to the Commission; there are no significant coastal resources affected by the City's decision, and no adverse precedent will be set for future interpretations of the LCP. As summarized below, the appeal does not raise issues of regional or statewide significance. Instead, the issues are uniquely localized and properly characterized as one neighbor dissatisfied with a public, open, and lengthy process that resulted in two local decision-making bodies flatly rejecting the neighbor's claims and misstatements. The balance of the Appellants' miscellaneous claims also do not relate to policies of the certified LCP or to the public access policies of the Coastal Act.

1. The Applicant Made No "Misrepresentations" To The City

The Appellants assert that the Applicant "misrepresented" the location of the stringline to the City, which was not identified by City staff until the Appellants pointed it out, resulting in a hearing postponement. The entire claim lacks merit.

Despite the noise created by the Appellants, it is undisputed that the Applicant's single-family residence was constructed *within* the stringline. Indeed, the only home constructed beyond the established stringline is the Appellants' residence. This can be seen by the survey and photographs contained in the Dillon Deck Addition PowerPoint presentation (see **Exhibit G**).

Lastly, the Appellants falsely state that the City postponed a hearing in September due to incorrect information submitted by the Applicant that was pointed out by Appellants. This claim is nowhere supported in the documents and materials that the City provided to the Commission in connection with this appeal. In fact, the City postponed the September hearing due to important pending budget items having priority on the agenda; the continuance had nothing to do with the Applicant's requested permit.

2. There Is No "Illegal" Third Upper-Story Deck Or Balcony

The Appellants claim that the Applicant's recent master bedroom addition resulted in an "illegally constructed" balcony platform, pointing to photographs in a PowerPoint presentation that is *not* attached to the appeal form. Again, this assertion is without merit.

In fact, the Applicant had an existing open deck on the upper story that was never used. Therefore, in 2009, the Applicant applied for, and the Planning Commission, approved Regular Coastal Permit No. RC-3-09. This permit allowed for construction of a 532 square-foot master bedroom addition onto the then-existing upper-story open deck area located at the western side

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of the Applicant's existing home. This bedroom addition has been completed, consistent with all permit requirements, and is not the subject of this pending appeal.

Equally important, the so-called "balcony platform," in fact, is the new *flat* roof line westward of the bedroom addition. A flat roof line was designed to maximize whitewater views from the master bedroom. The construction of a peaked roof would have impeded those views.

In addition, the new *flat* roof line is not a "balcony platform" or a deck, nor has it ever been used as such. One obvious reason is that it is a flat roof, without any glass or other railing system. There also are no doors accessing the so-called "balcony platform."

3. The Support Letters Are Good And Valid

The Appellants criticize the Applicant's submission of support letters from adjoining properties. The letters were obtained as part of the permit process. There are two properties owned by the Dillon Family Trust and that information is a matter of public record. As owner, the Dillon Family Trust can legitimately submit letters in favor of the requested permit. Aside from the Dillon Family Trust support letters, the Applicant also submitted a support letter from neighbor George Yellich, the property owner located at 1005 S. Pacific Street. In addition, the Applicant submitted a support letter from Jane Hamlet, a property owner located at 1014 S. Pacific Street. Other support letters came from neighbors, the Alessandros (1001 S. Pacific Street) and the Hoyts (1021 S. Pacific Street).

The Appellants criticize the letter obtained from Jane Hamlet, the neighbor across the street from the Applicant's residence. The Appellants claim that Ms. Hamlet does not have a "view to lose," suggesting that she has no reason to comment. However, in defense of Ms. Hamlet, she has views of the ocean; however, they are impaired by the illegal encroachments within the side yard of the Appellants' property. Ms. Hamlet has every right to submit a letter in support of her neighbors.

Lastly, since the Council hearing, the Applicant has obtained an additional support letter from Adele Fischbach, owner of the property located at 1023 S. Pacific Street, just two houses to the south of the Applicant's property. Please see **Exhibit J** for this support letter.

4. The Only "Illegal" Fence Is The One Constructed By The Appellants

The Appellants wrongly assert that the Applicant constructed an "illegal view-blocking" fence along the Appellants' rear yard. The Applicant's lattice fence is shown on **Exhibits B and H**. The fence is not "illegal." On June 13, 2003, the City's building department approved construction of the lattice fence, finding no permit was required. (Please see **Exhibit K** for the City's document approving the lattice fence.) As a side note, the lattice fence was constructed

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primarily because of the Appellants' unsightly, rusted chain-link fence that surrounds the Appellants' entire westward rear yard. In short, the better question is whether the Appellants ever obtained any approval for their rusted chain-link fence.

5. The Appellants' PowerPoint Presentation

The Appellants' appeal form contains references to photographs and a PowerPoint presentation. Neither the photographs nor the presentation is attached. However, the Applicant attended the City Council hearing in January 2011, where the Appellants' counsel made a PowerPoint presentation. This presentation was misleading and should be rejected by the Commission.

For example, the Appellants' counsel presented at least three simulated photographs supposedly depicting the proposed deck. However, the simulated photographs were highly misleading. First, no effort was made to present the proposed deck in any kind of scale. Second, each of the simulated photographs used fire-engine red to depict the proposed deck. The combination of the exaggerated scale and the red-colored deck depictions were highly misleading and cartoonish. Undaunted, the Appellants' counsel presented the photographs as though they accurately portrayed the deck construction.

If the Appellants' counsel ever presents this presentation again, we ask that Commission staff closely scrutinize it. In doing so, staff will find that it is hardly an accurate portrayal of the approved deck.

6. The Appellants' Property Should Be Investigated By The Commission

The Appellants complain about their neighbor's property, but the Commission staff should *either* investigate the Appellants' property for obvious code violations, or refer the matter to the City's code enforcement section. Below is a brief description of the Appellants' apparent code violations.

There appear to be code violations due to encroachments in the Appellants' side and rear yard setbacks. As an example, the Appellants' north side-yard setback is encroached upon by a rusted chain-link dog run and several permanent architectural protrusions. In addition, the south side-yard setback includes the following encroachments: (a) a cantilevered stairway; (b) a courtyard; (c) posts; and (d) other structural items. The code enforcement issues do not stop there. (Examples of some of these setback encroachments are shown in photographs found in **Exhibit L.**)

The Appellants' rear yard setback is regulated by the stringline setback in Oceanside. Yet, the Appellants have constructed a chain-link fence around the entire rear-yard area in order to house their two Great Danes and one other dog. The stench from the dogs is overwhelming.

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The Applicant has been forced to routinely ask that the Appellants clean-up after their dogs and wash down the yard with water/bleach to reduce the stench from the rear yard area. In addition, the Appellants have constructed a permanently-affixed "Palapa" in their rear yard. This structure is also located well beyond the stringline. (The Palapa is shown, far beyond the stringline, in **Exhibit M.**)

Conclusion

On behalf of the Applicant, we respectfully ask Commission staff to recommend that the Commission determine that no "substantial issue" exists with respect to the grounds on which this appeal was filed. Thank you for your consideration.

Very truly yours,

Signature on file

Mark J. Dillon

of

Gatzke Dillon & Ballance LLP

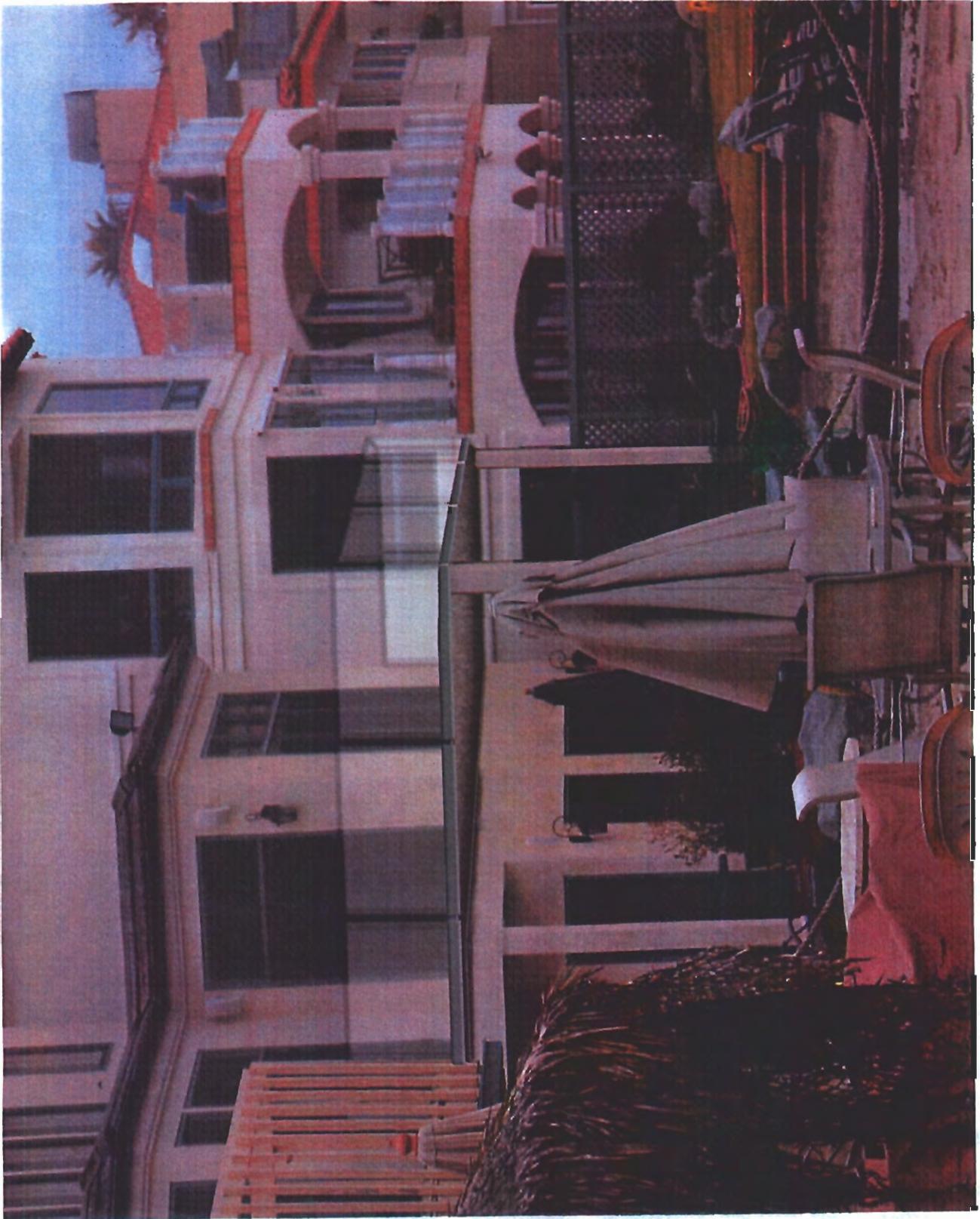
MJD/tek

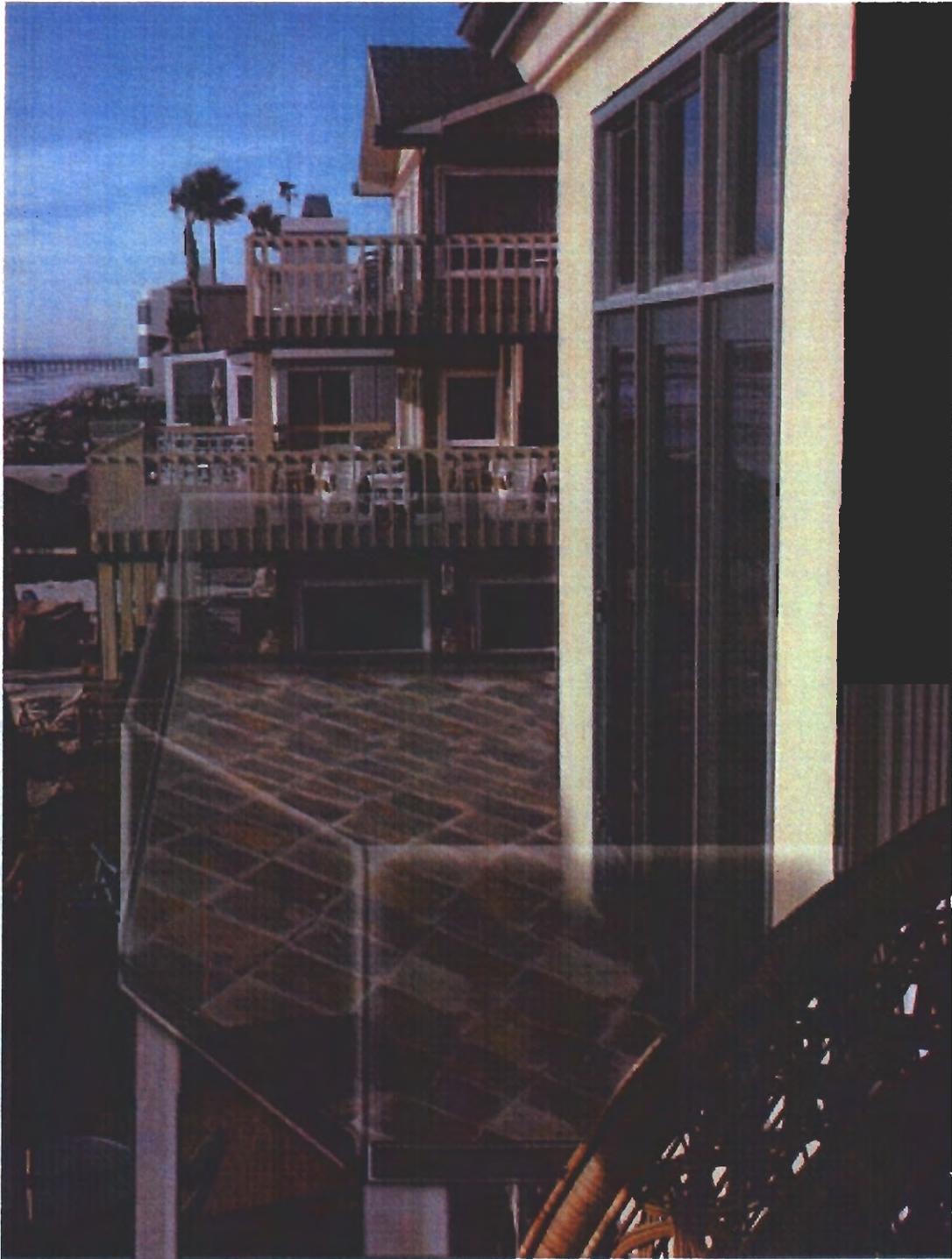
Exhibits:

- Exhibit A** Simulated photographs of the proposed deck
- Exhibit B** Photograph of Applicant's residence relative to Appellants' property
- Exhibit C** Photograph of southern view of the Appellants' property
- Exhibit D** Additional photograph of southern view of Appellants' property relative to other properties in the 1000 block of S. Pacific Street
- Exhibit E** Photograph depicting Applicant's and Appellants' properties from the west
- Exhibit F** Photograph depicting approximate location of proposed deck relative to the Appellants' property
- Exhibit G** Photograph depicting other residences and decks in the 1000 block of S. Pacific Street relative to the Applicant's property
- Exhibit H** Dillon Deck Addition PowerPoint presentation
- Exhibit I** Commission LCP Status Map as of July 1, 2009 (San Diego Coast Area)
- Exhibit J** Additional support letter
- Exhibit K** Documentation of Permit Exemption from City's Planning Department regarding the Applicant's lattice fencing
- Exhibit L** Photographs depicting encroachment in the Appellants' side yard setback (southern elevation)
- Exhibit M** Photograph depicting the Appellants' Palapa extending well beyond the stringline



Exhibit "A"-1







1015 Bailey

1011 Dillion

* most westerly/beach point of Dillion deck . Bailey deck is 8-10 feet further out.

Eye

From South looking North
along stringline. Dillon
deck will not be seen.



EX

C

View from south. Dillon deck
will not be seen. Neighbor hood
decks extend out further?
Block view of Dillon deck
South looking North



Exhibit "D"



Exhibit "E"

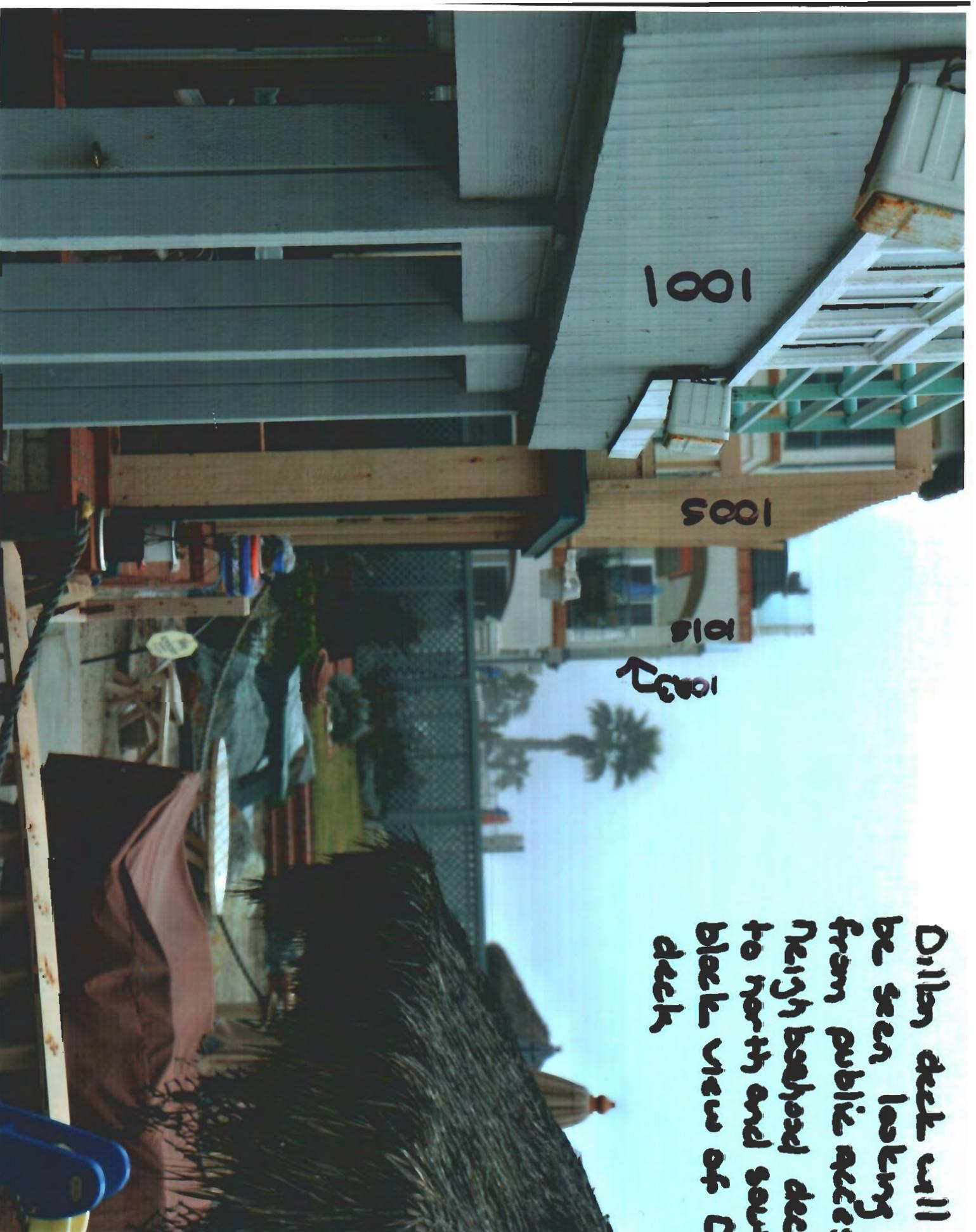
* Top of umbrella marks
the most westerly point
of Dillon deck. Neighbor hood
decks extend further west.
(toward beach)

Exhibit "F"



Dillon deck will not
be seen looking south
from public access.
Neighborhood decks
to north and south
block view of Dillon
deck

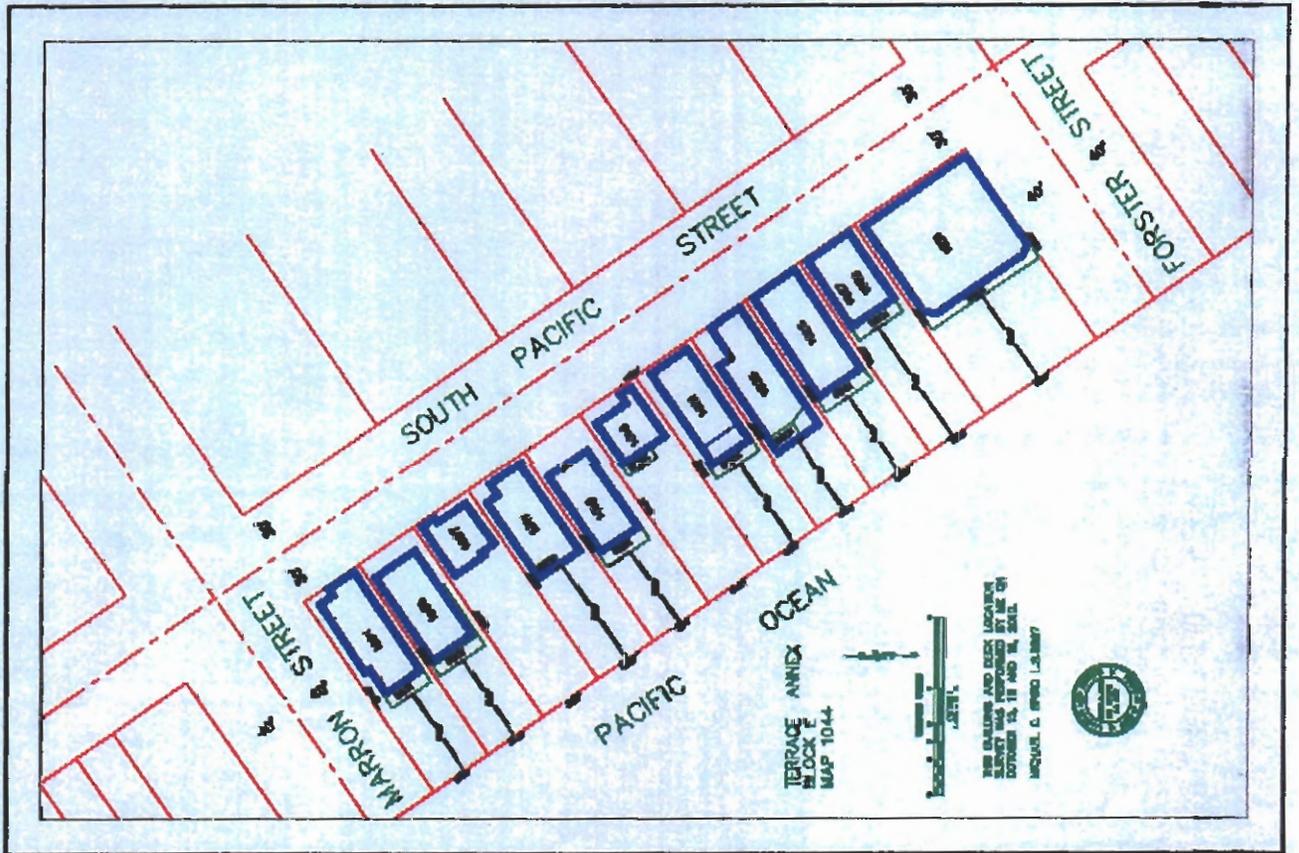
Exhibit "G"



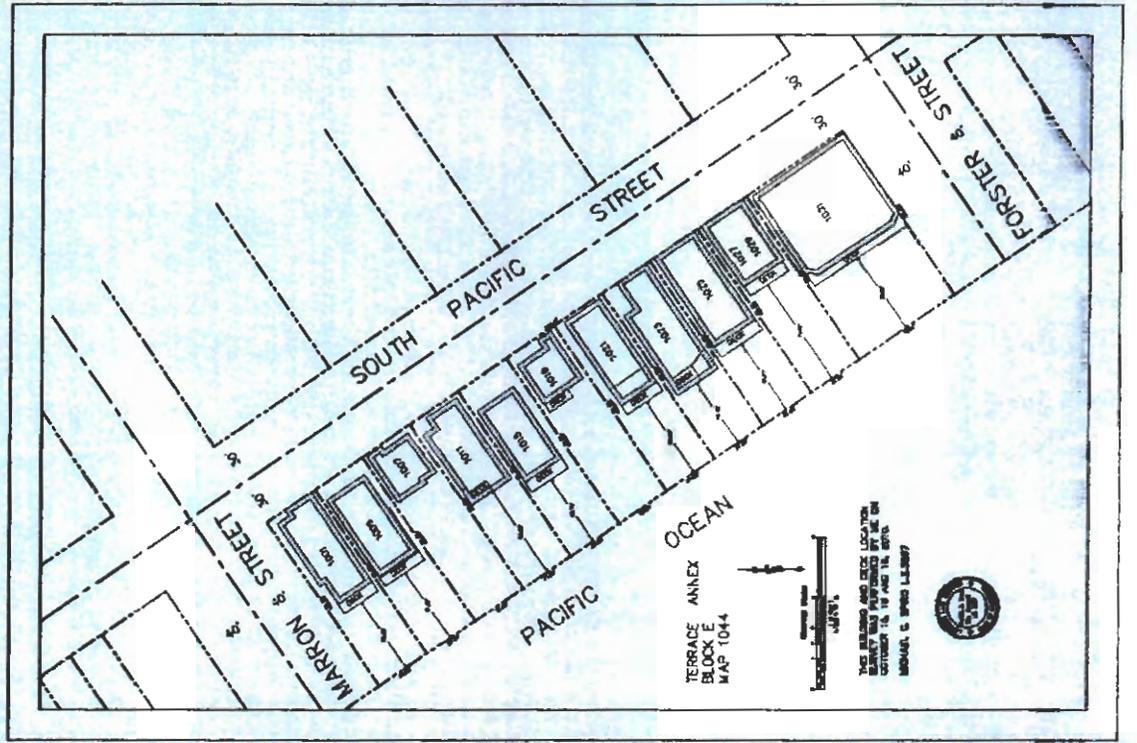
Dillon Deck Addition

A comparative review of neighboring
westward building and deck extensions

Building and deck location survey, as provided by surveyor

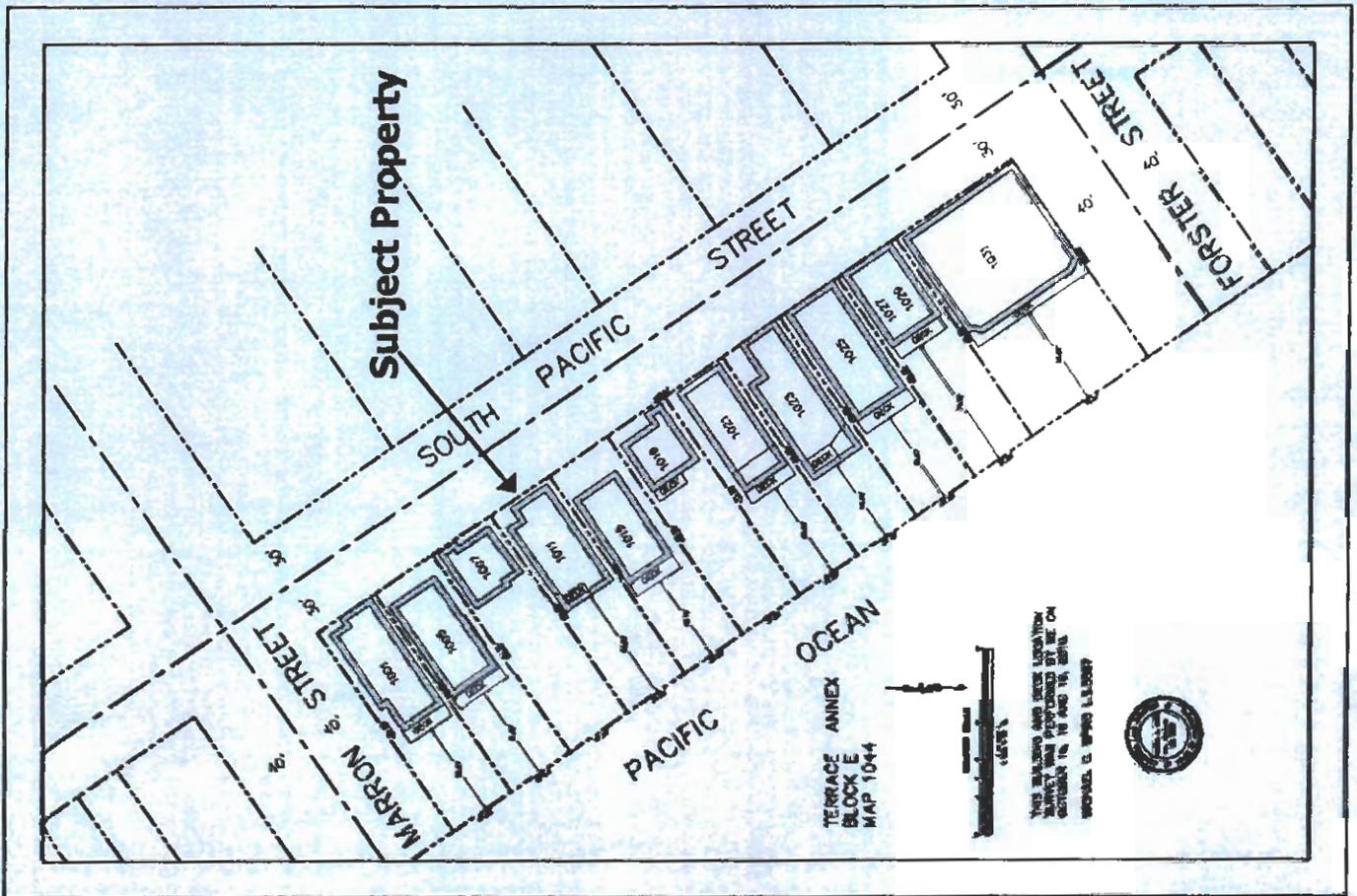


Building and deck location survey as black and white, for better visibility



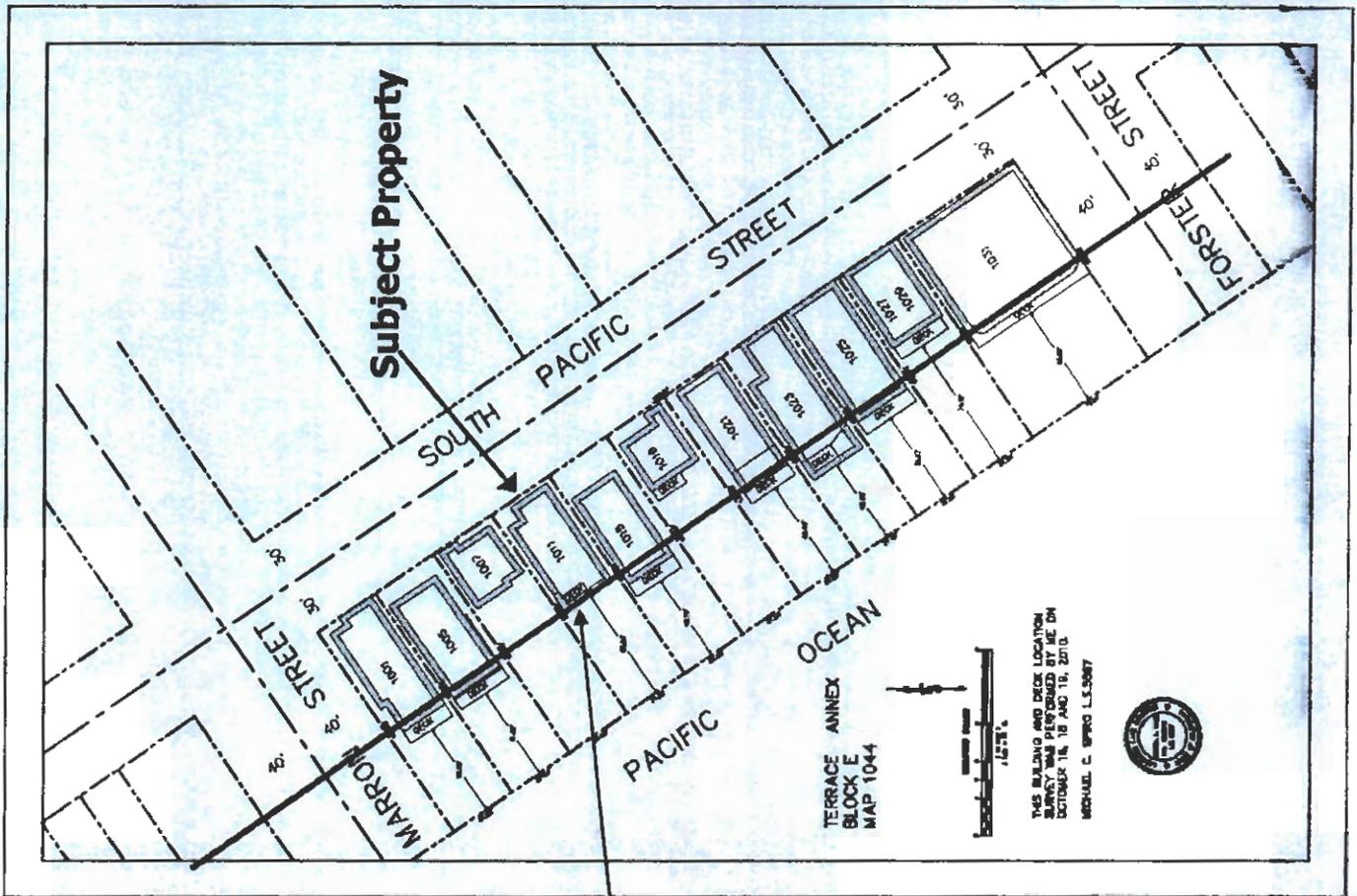
The following slides use the survey as a base, adding notes, arrows, lines and other points of reference to more easily understand the information presented

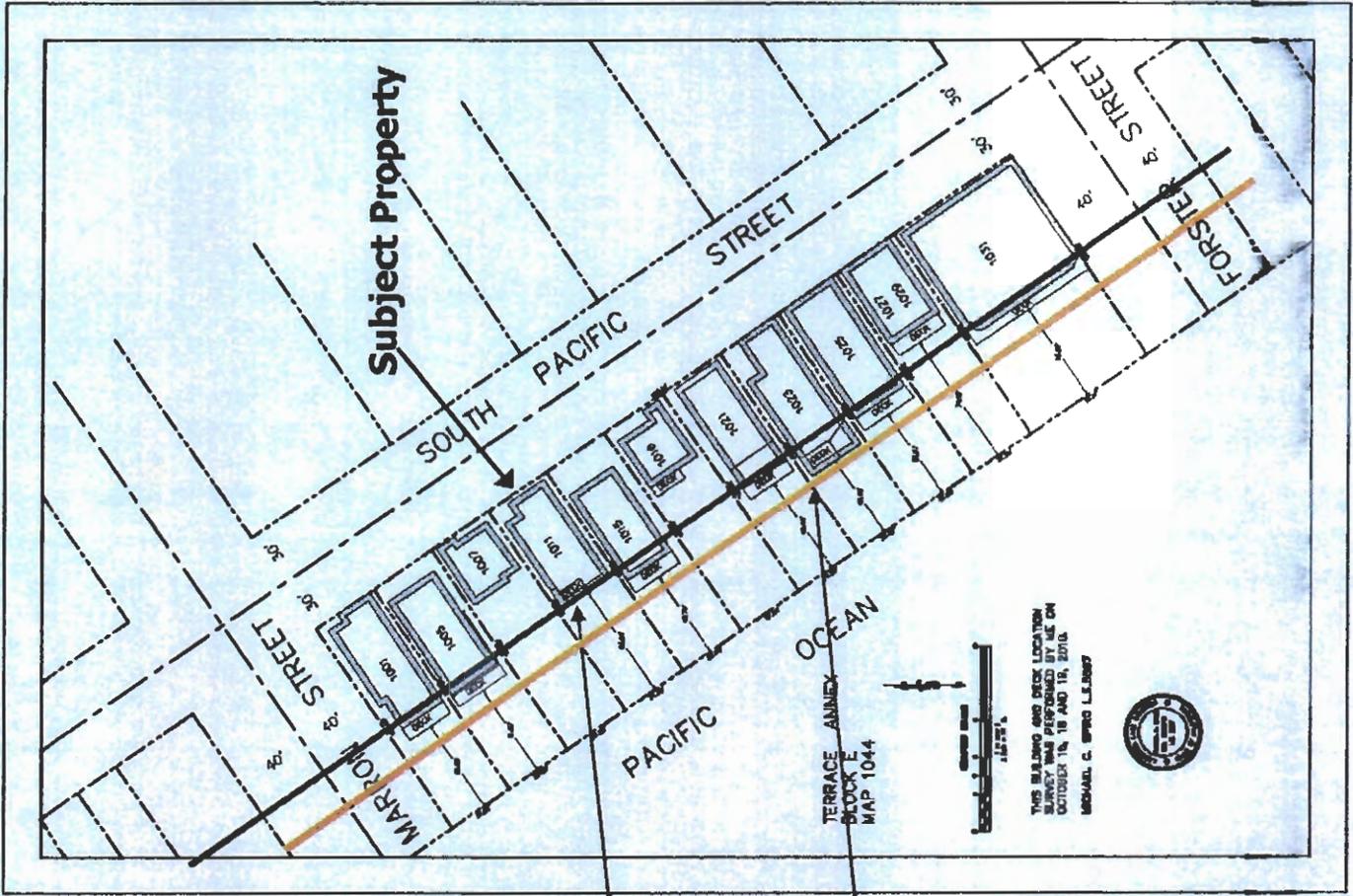
property
indicator
added



Subject property west side reference line added

Dark green line to reflect extent of subject property





Reference line
of western
most point of
building/deck
of entire block
added

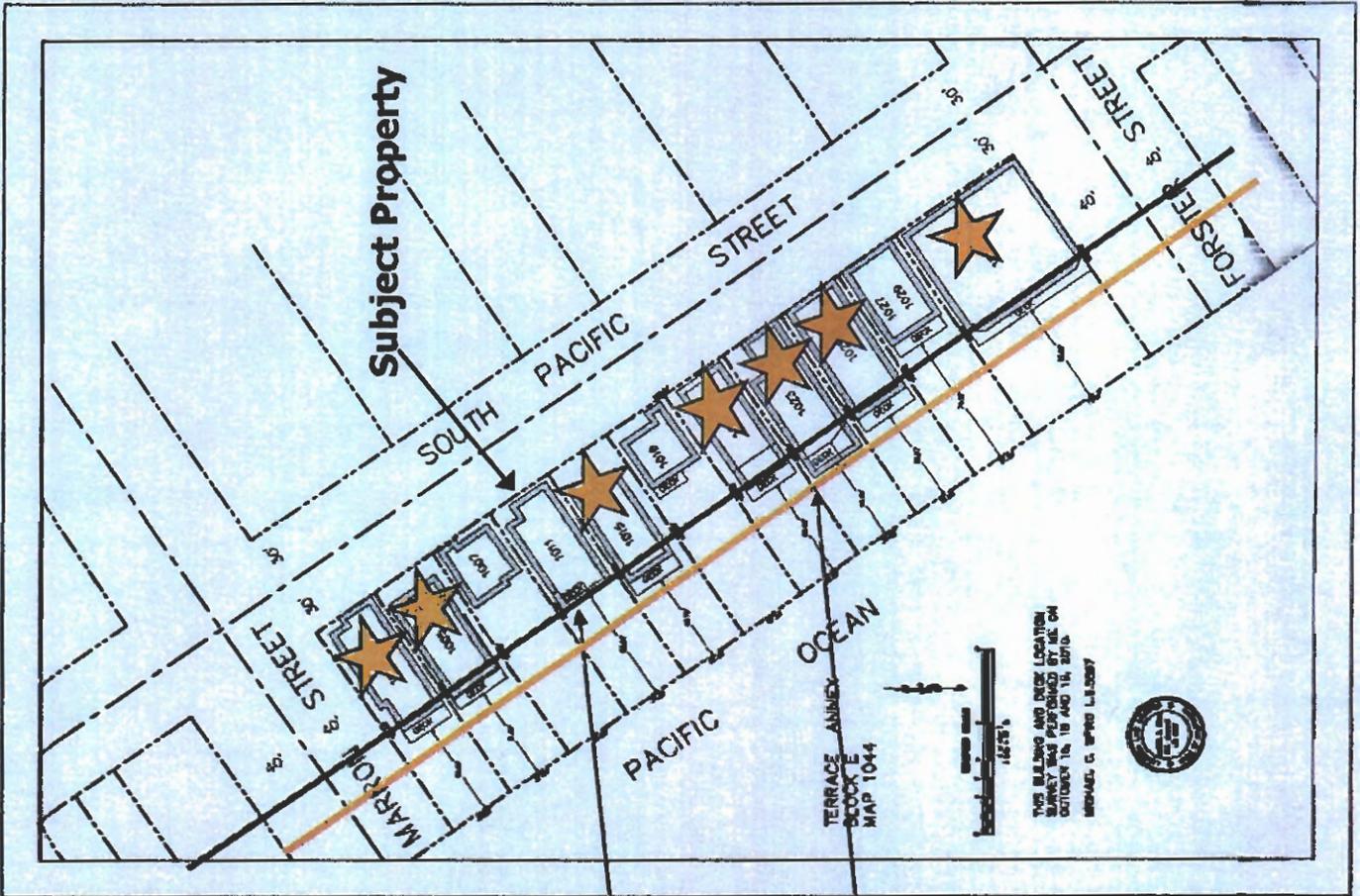
Dark green line to
reflect extent of
subject property

Gold line to reflect
extent of furthest
west building/deck

Properties with stars indicate they exceed the western limit of subject property

Dark green line to reflect extent of subject property

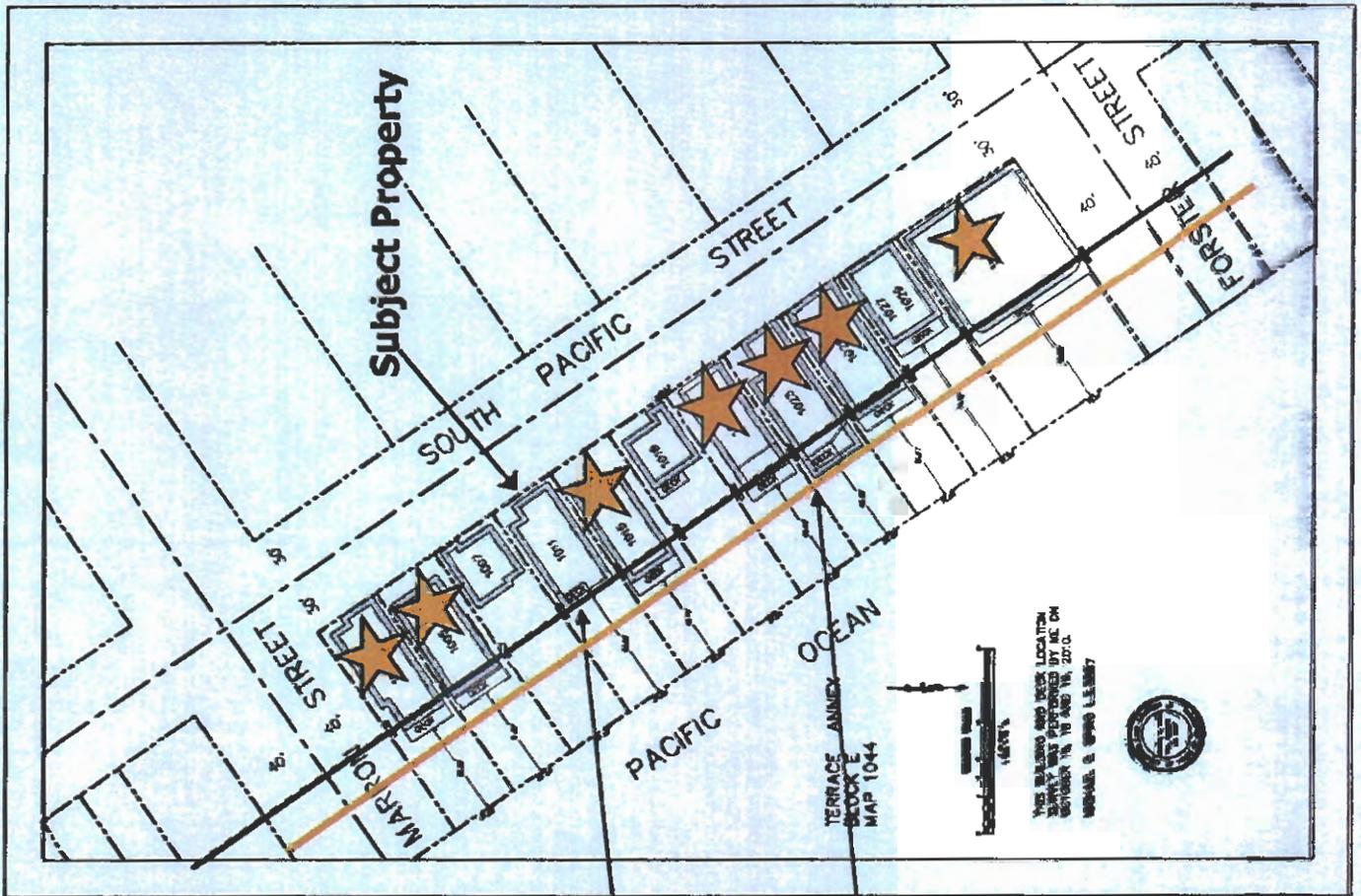
Gold line to reflect extent of furthest west building/deck



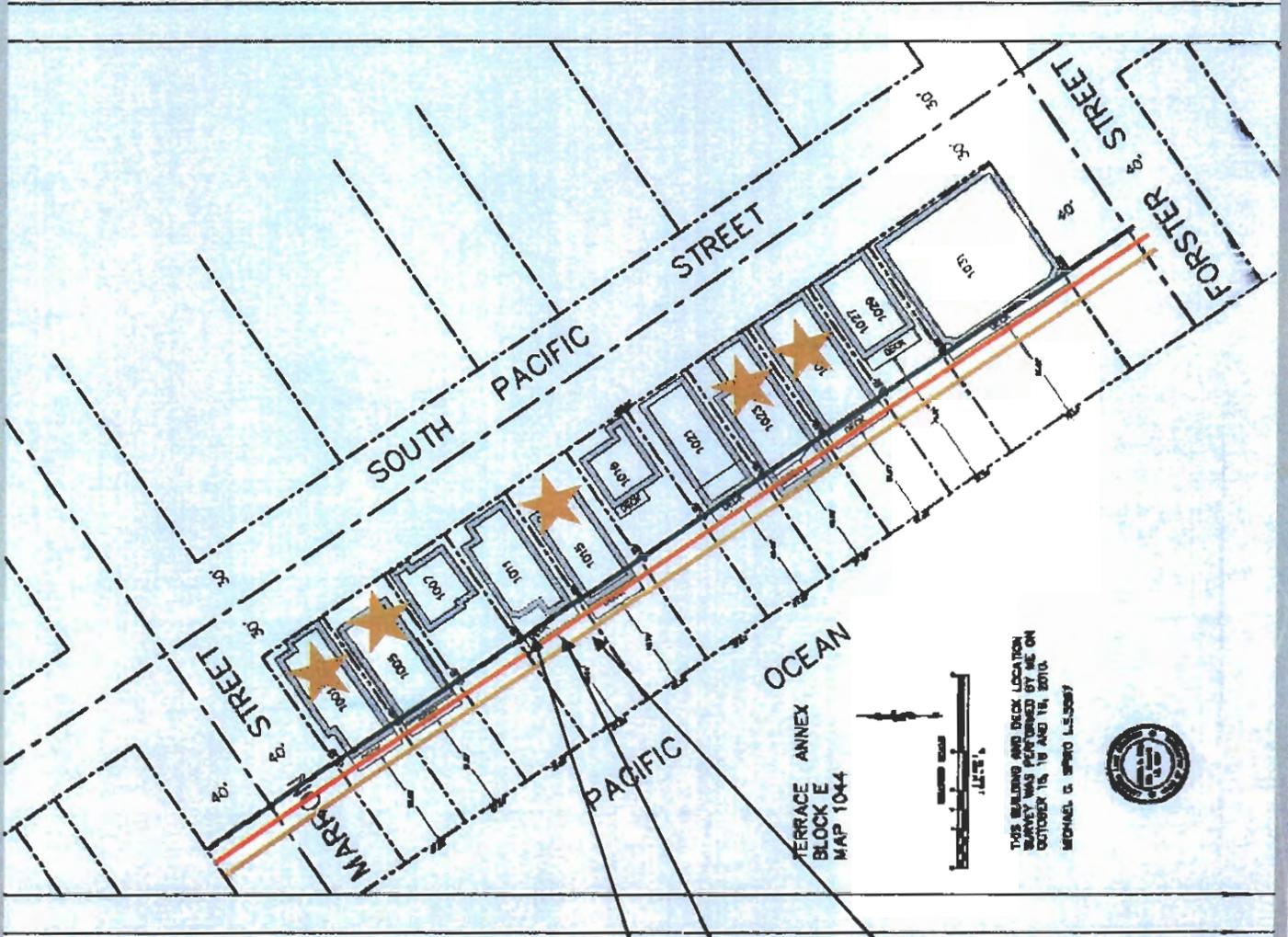
7 of the 11 total properties along the block earned stars, (they exceed the western limit of subject property)

Dark green line to reflect extent of subject property

Gold line to reflect extent of furthest west building/deck



This slide was zoomed and cropped to more clearly see the difference between lines



line of proposed subject property deck added

5 of the 11 total properties along the block still exceed the western limit

Dark green line to reflect extent of subject property

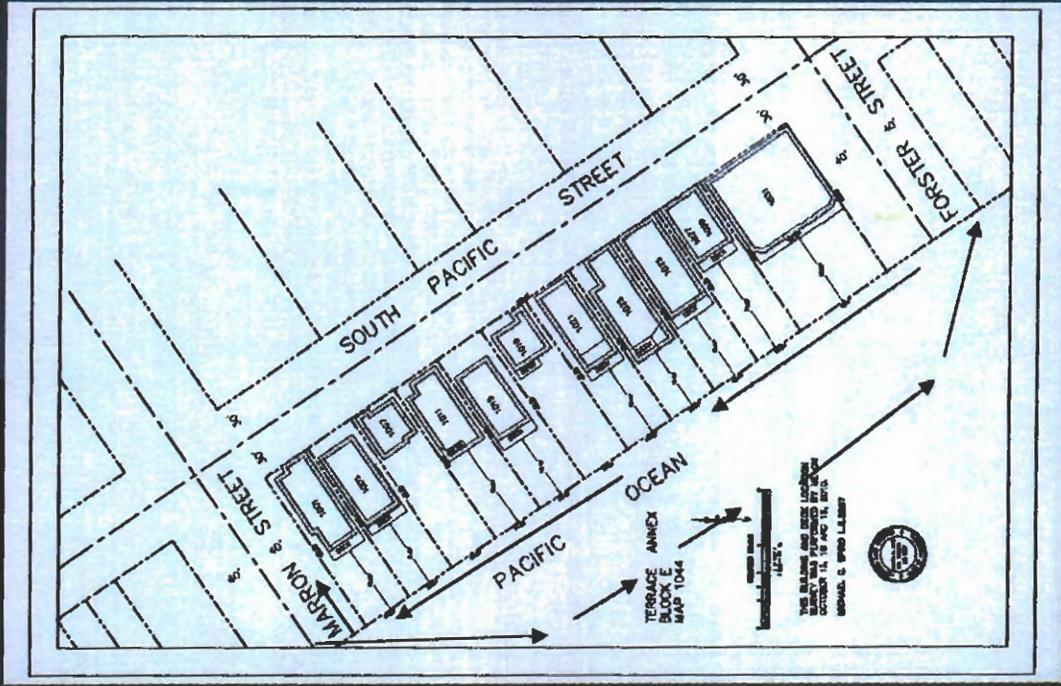
Orange line to reflect extent of proposed subject property deck

Gold line to reflect extent of farthest west building/deck

THIS BUILDING AND DECK LOCATION SURVEY WAS PERFORMED BY ME ON OCTOBER 18, 19 AND 19, 2010.
MICHAEL G. SPIRO L.S.2007



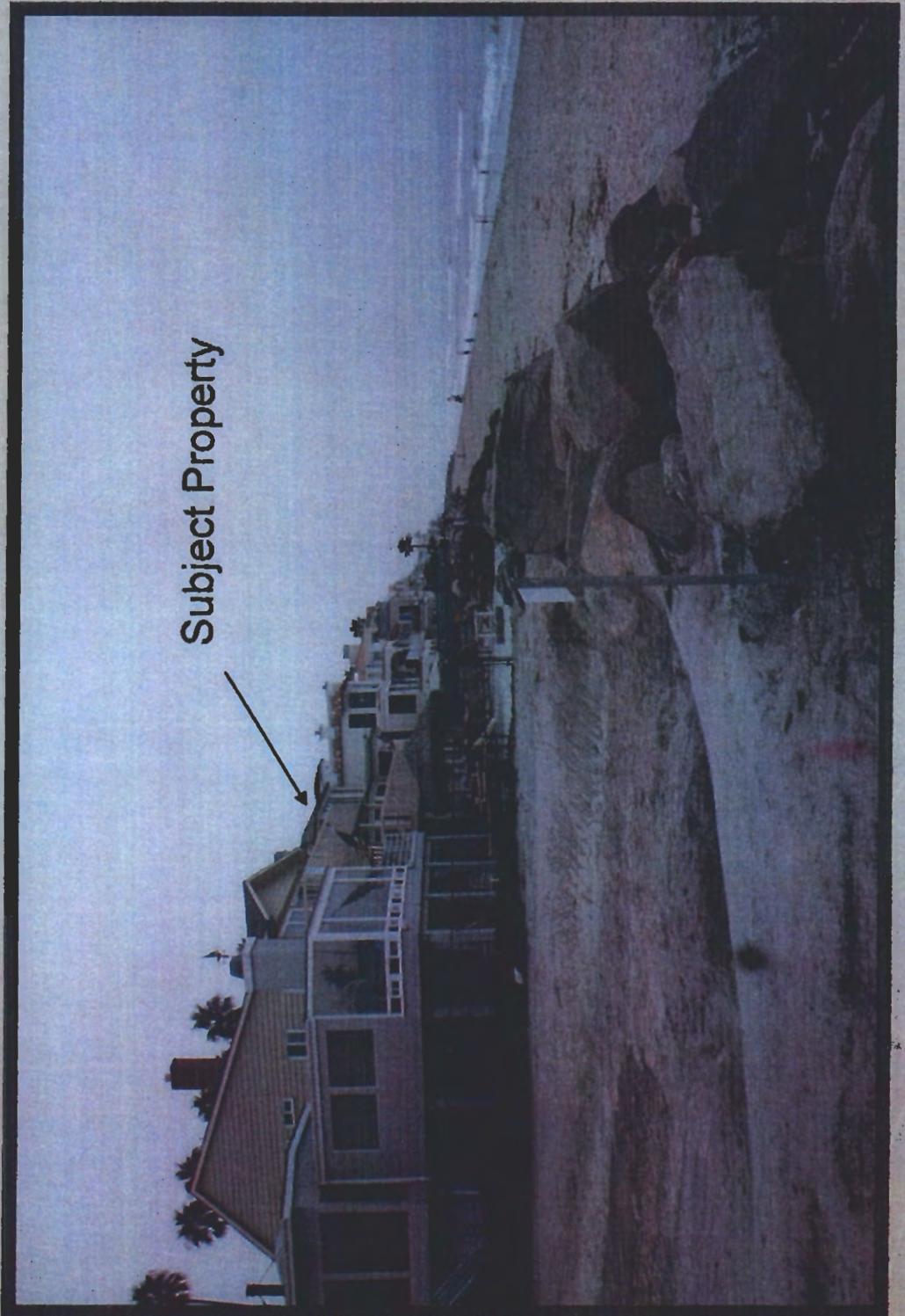
Photos were taken from the beach beginning at Marron Street progressing southward staying as near the water as possible to Forster Street then returning northward as near the rip rap as reasonable

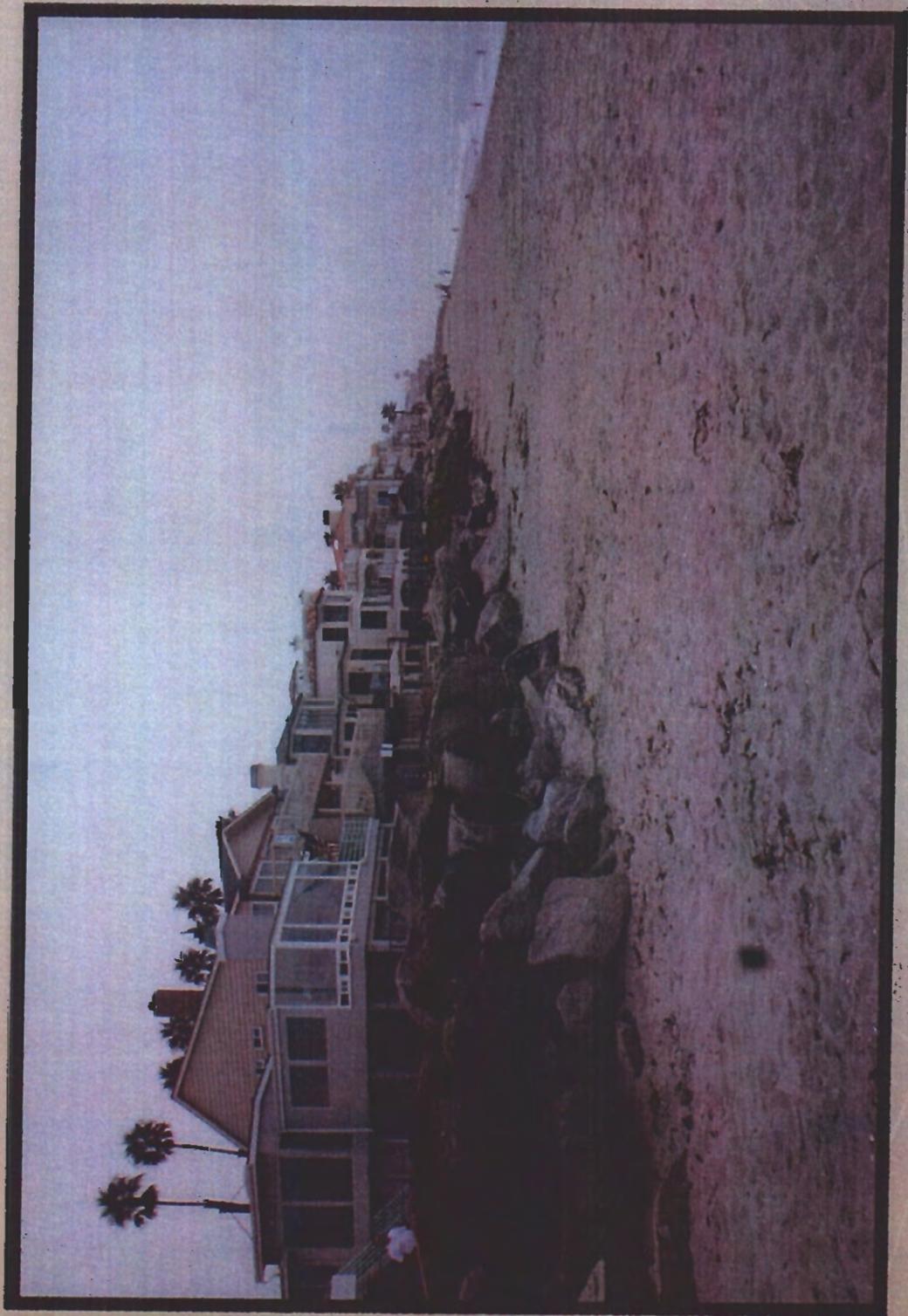


Looking South from Marron Street Cul-de-Sac







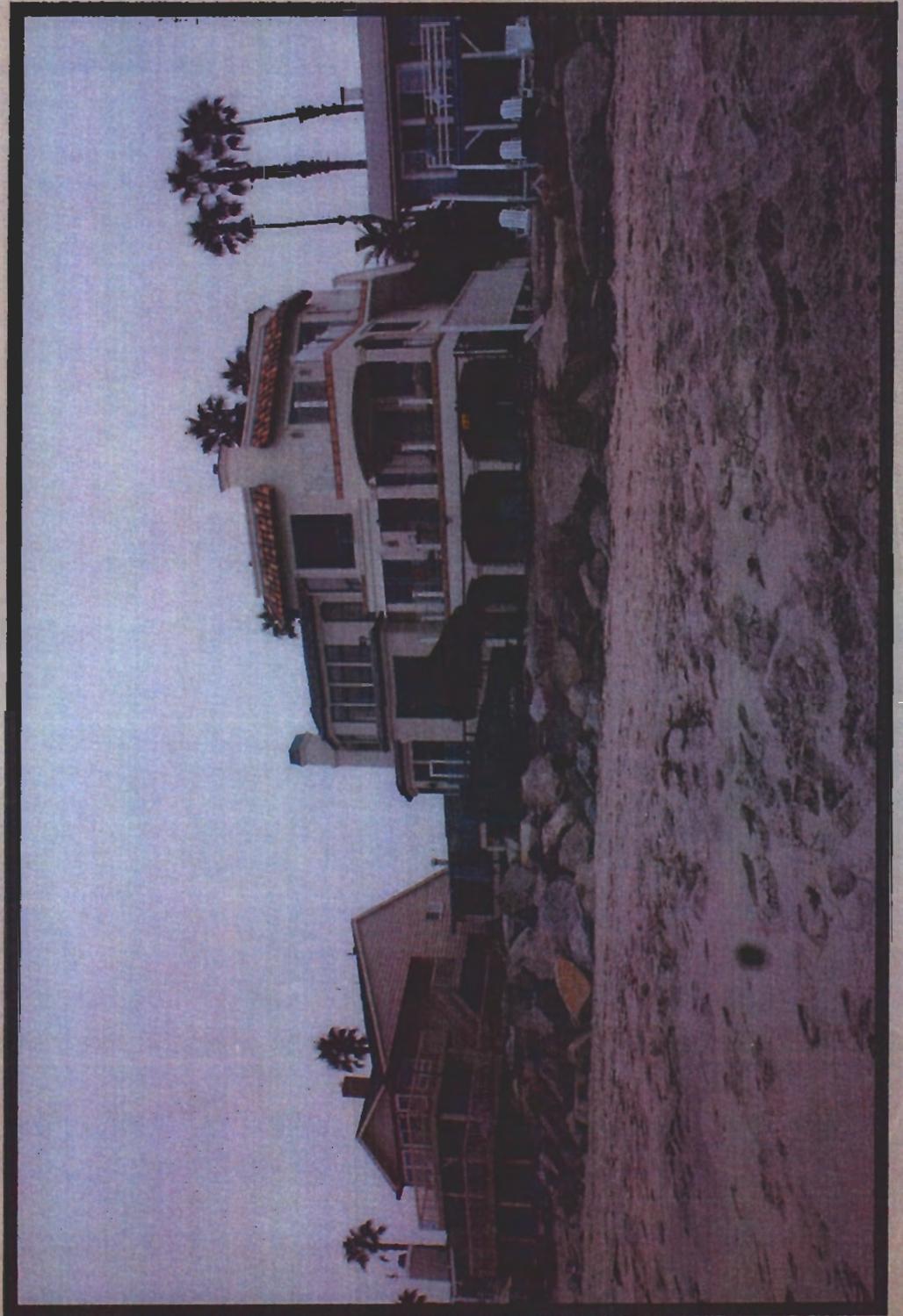


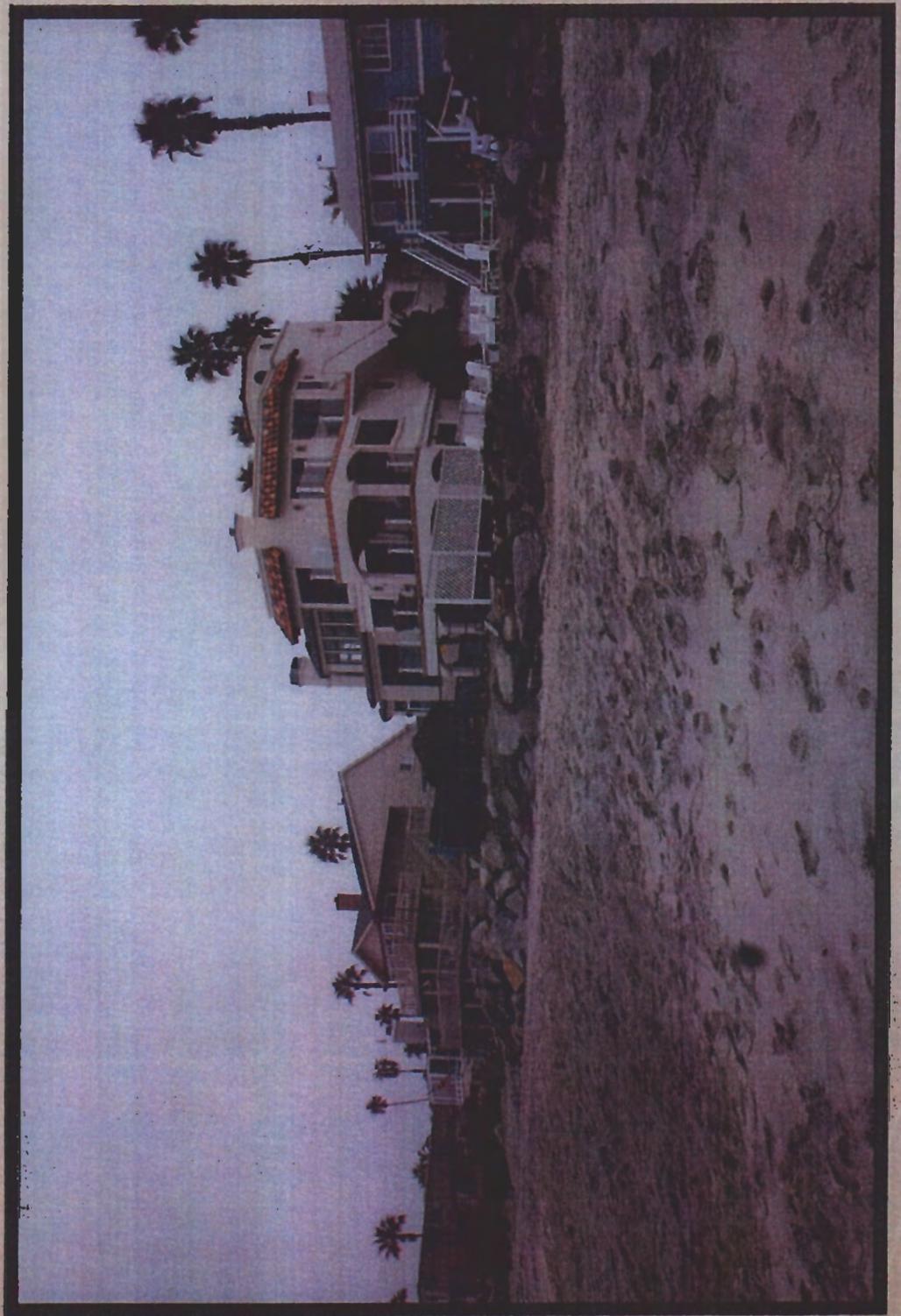


H-16



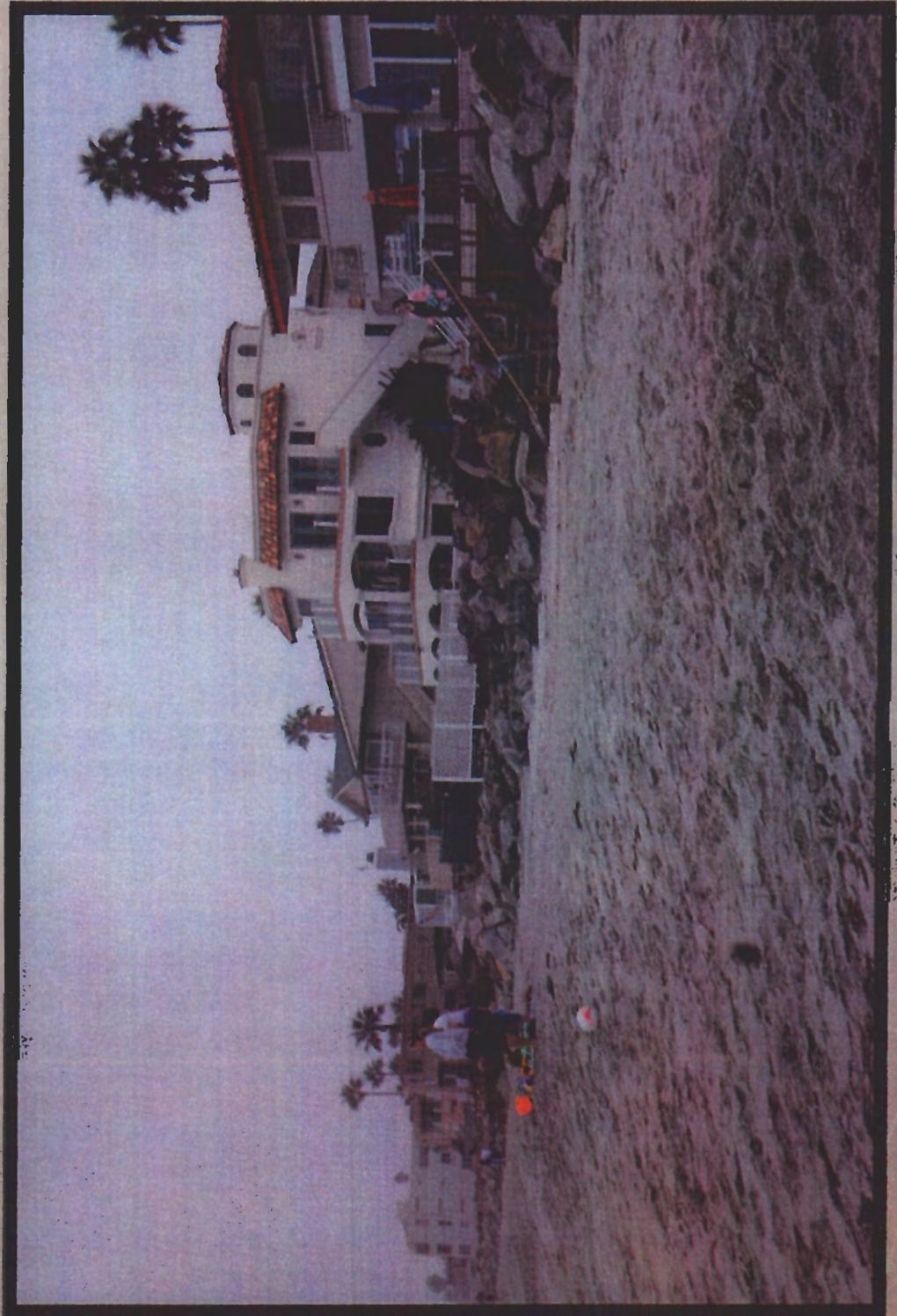
H-17





H-19

Subject Property not visible



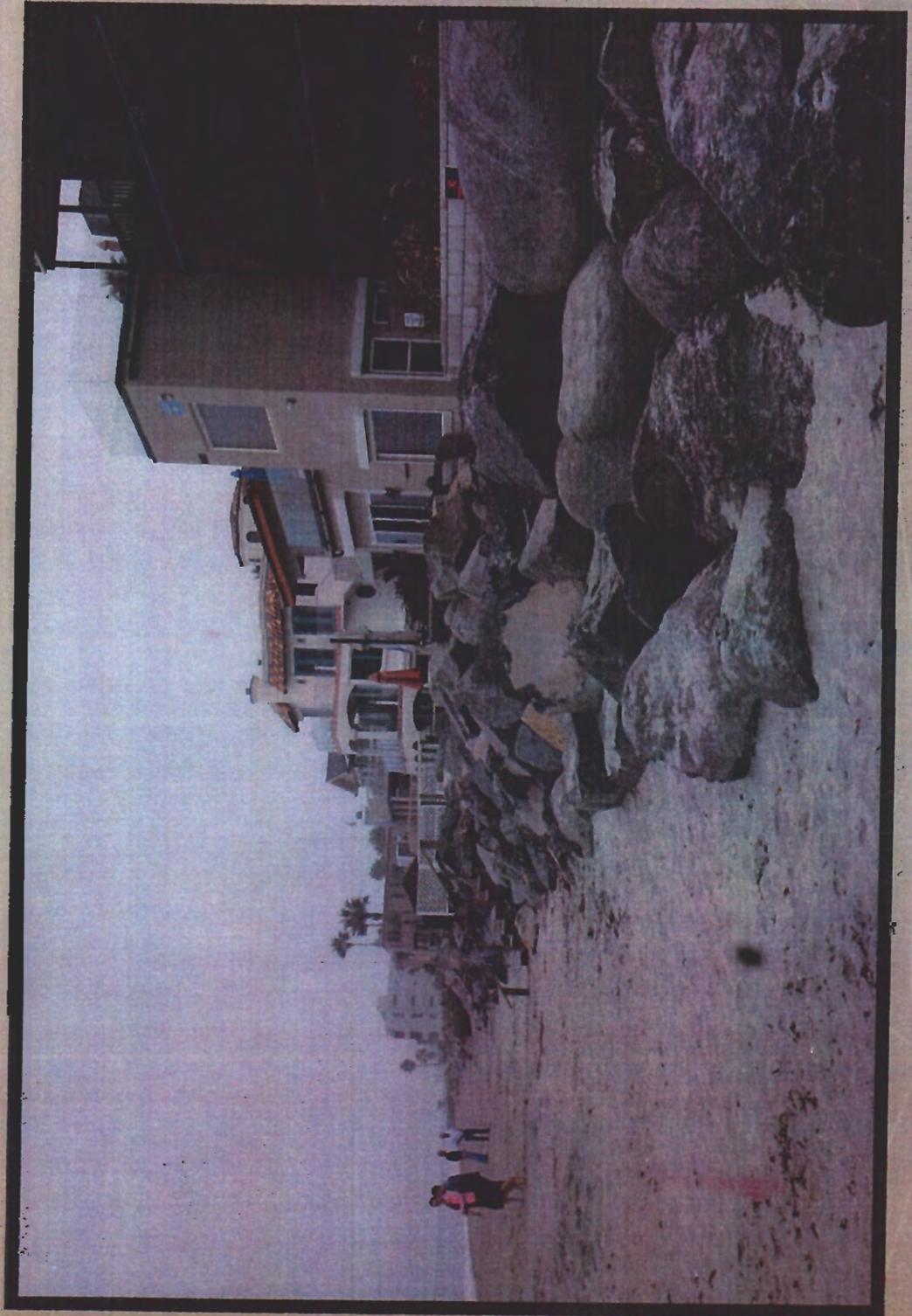
Subject Property not visible



Looking North from Forster Street



Subject Property not visible

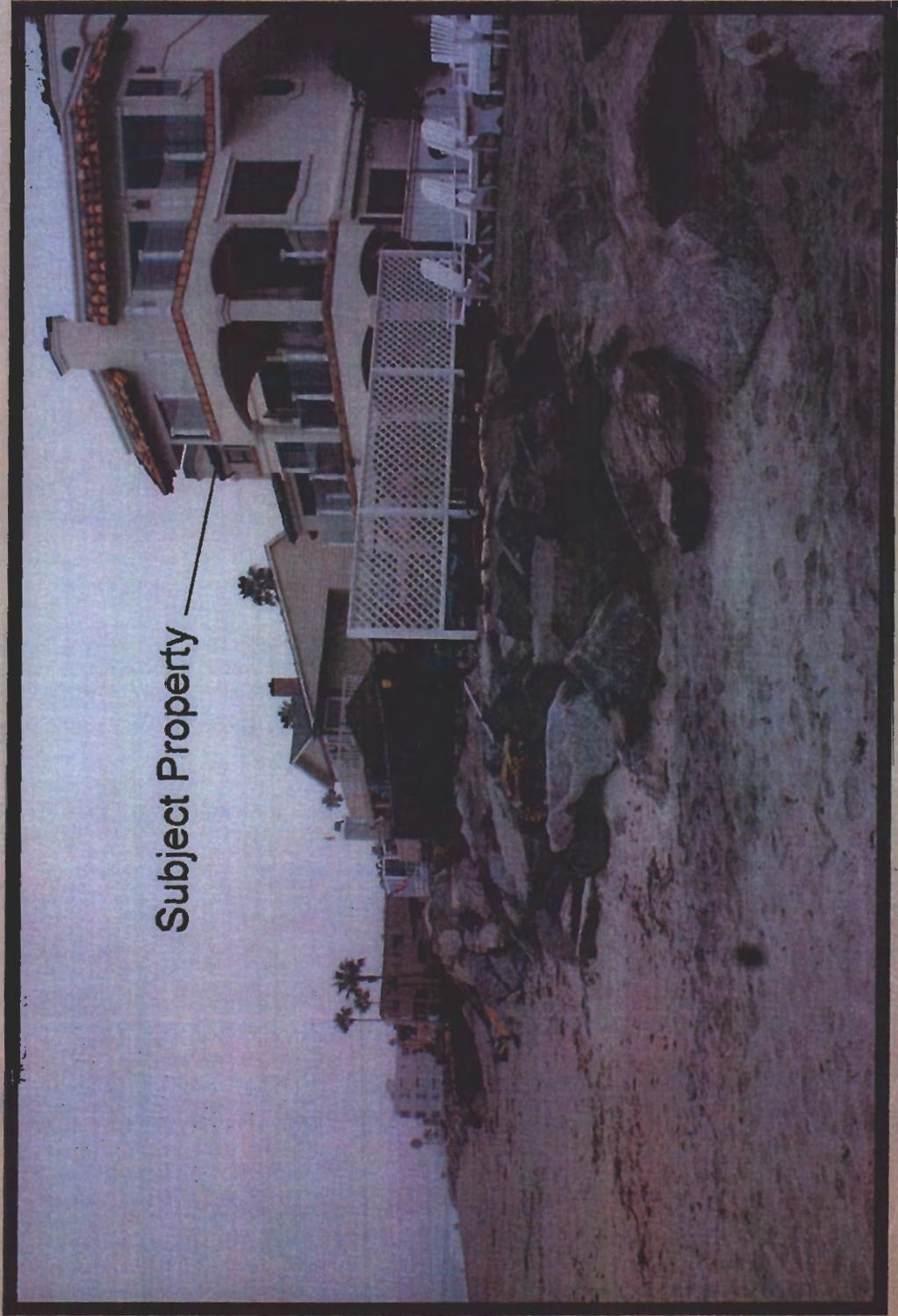


Subject Property not visible

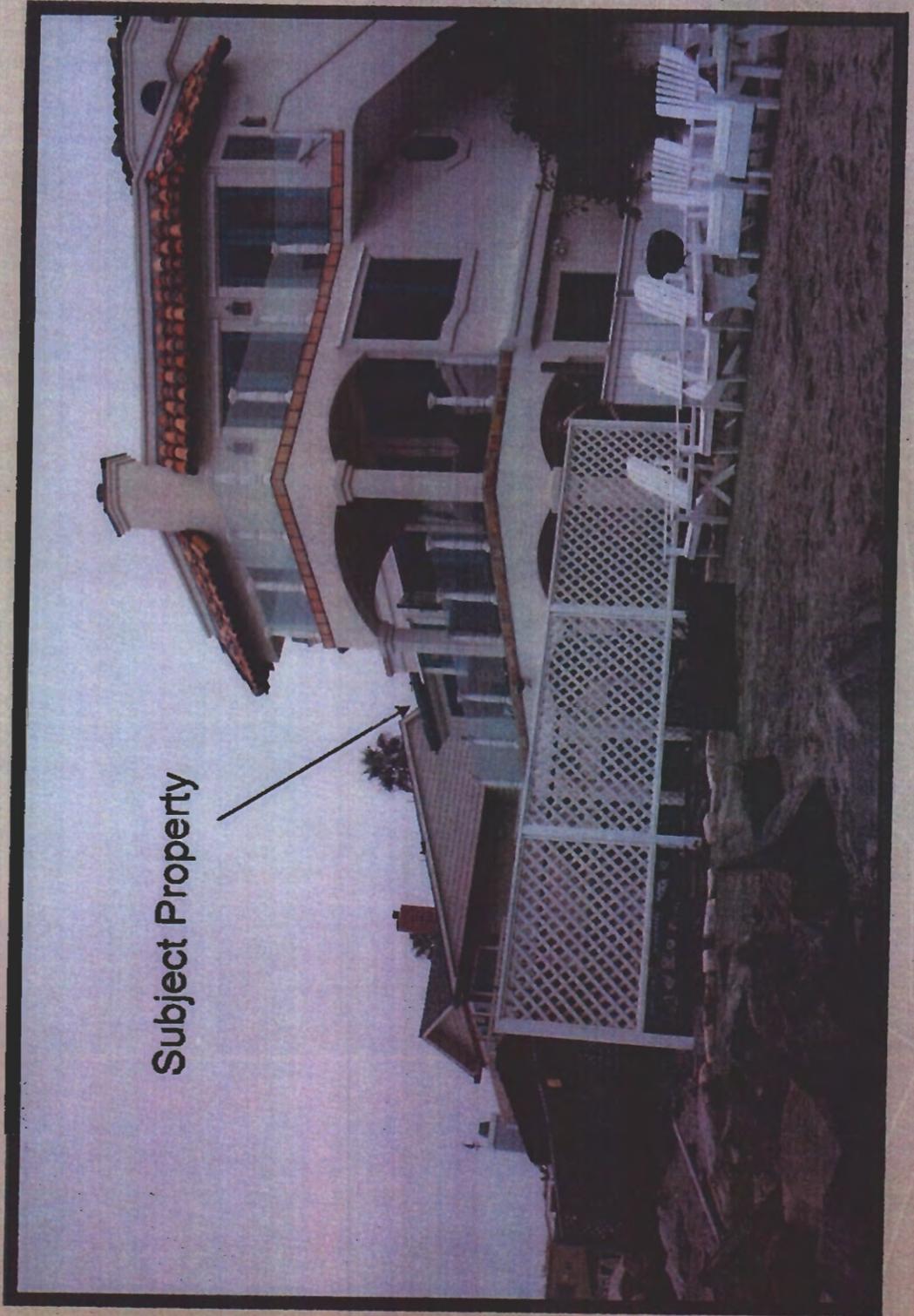


Subject Property not visible

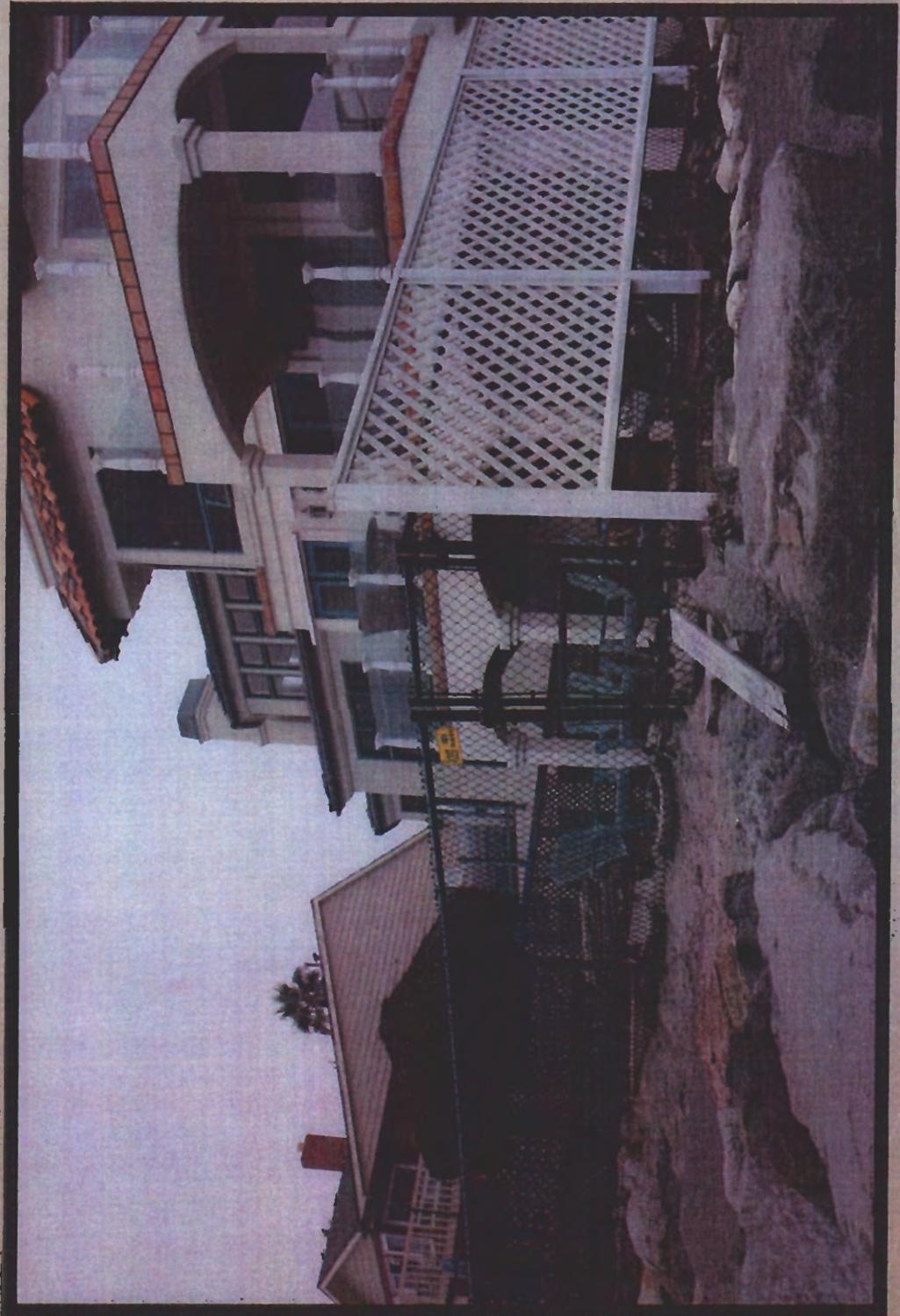




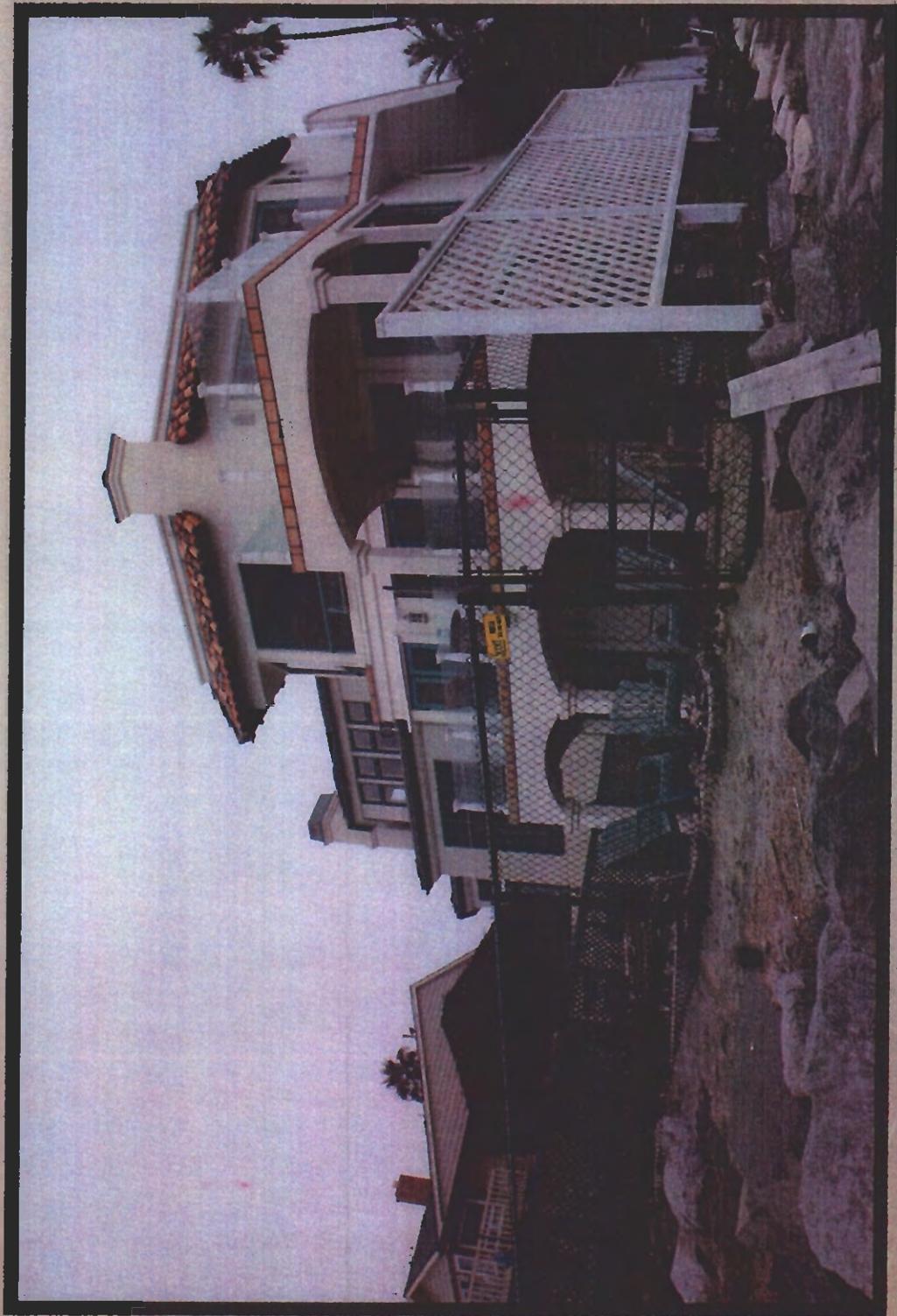
Subject Property



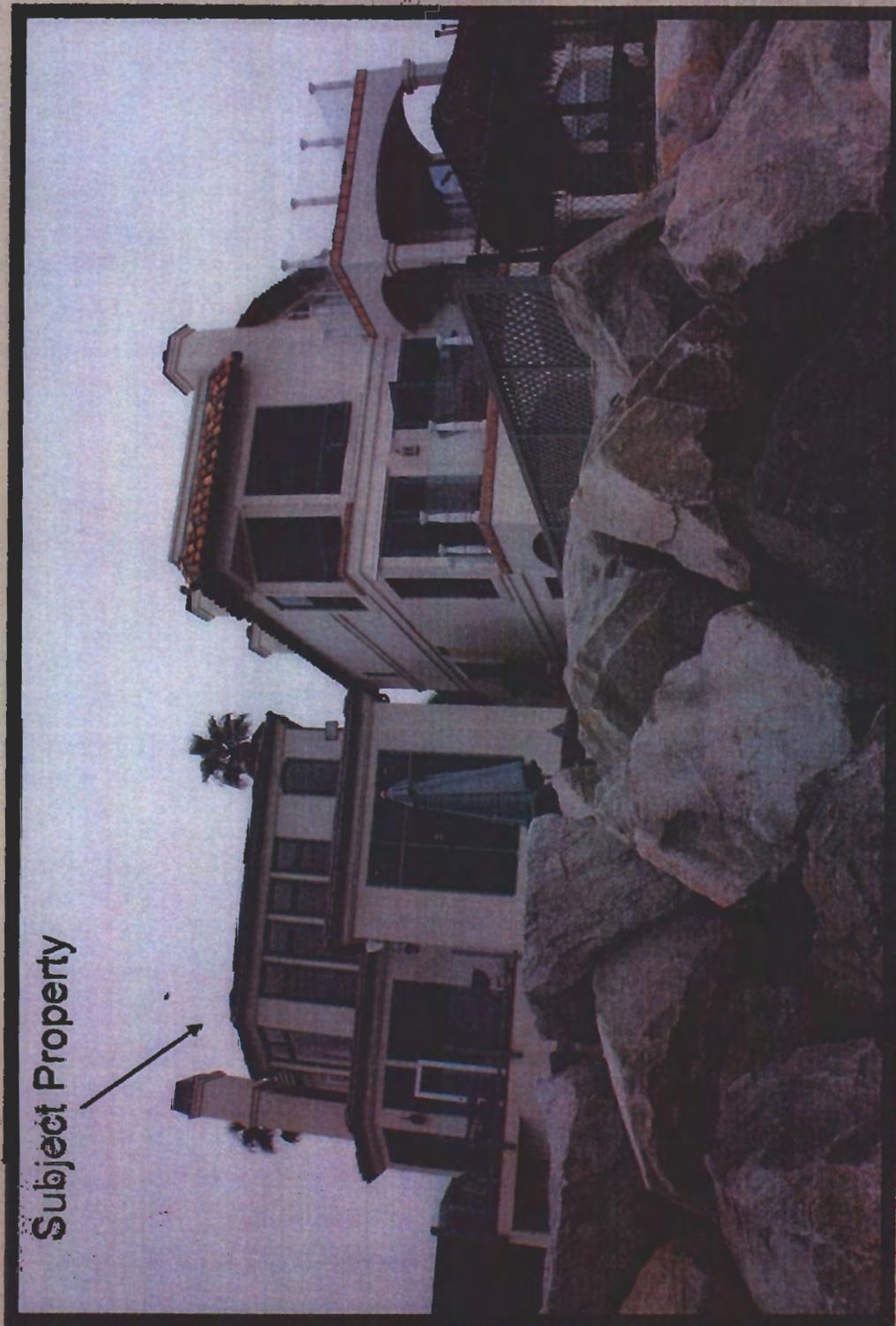
Subject Property



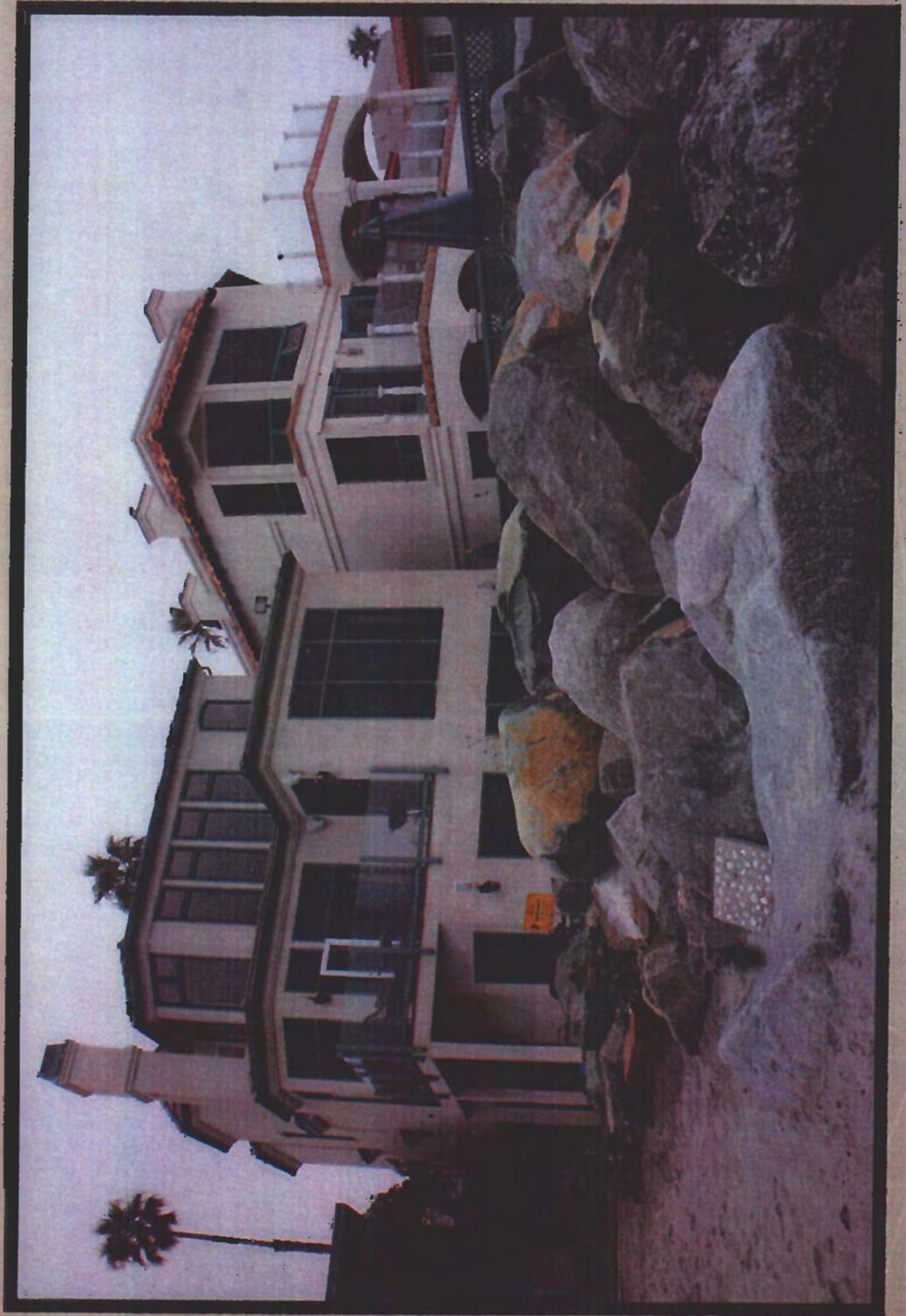




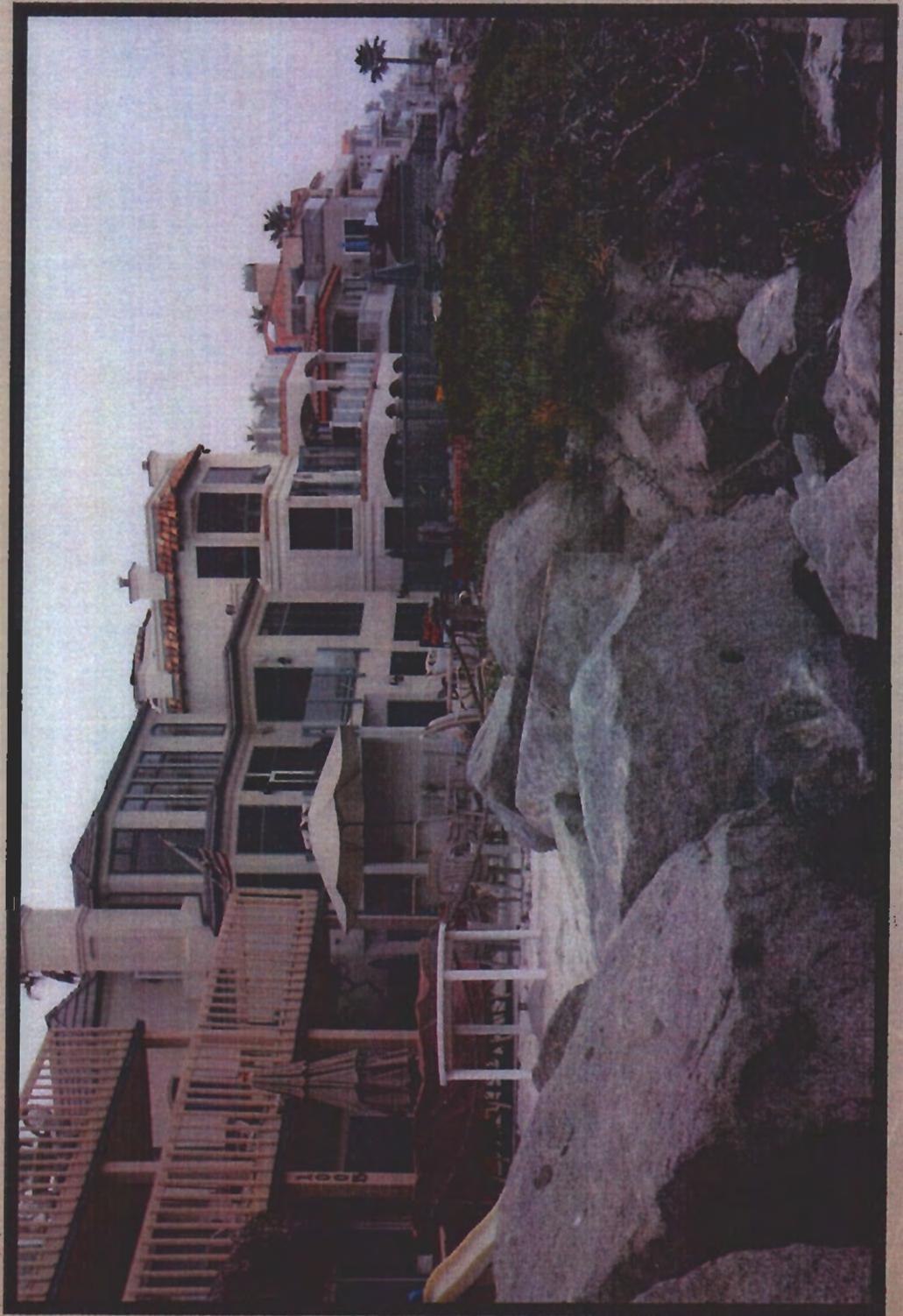
#-30

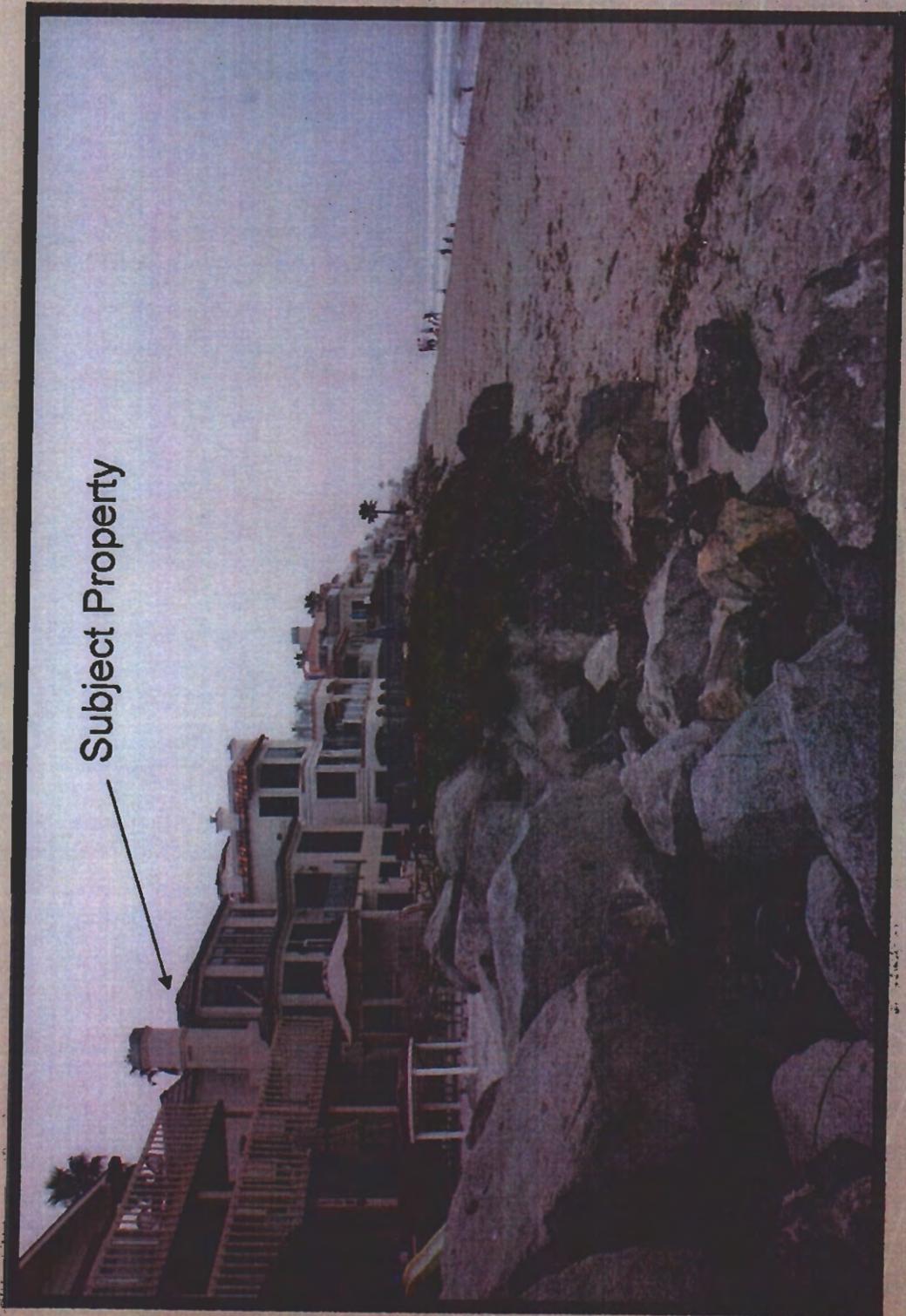


Subject Property

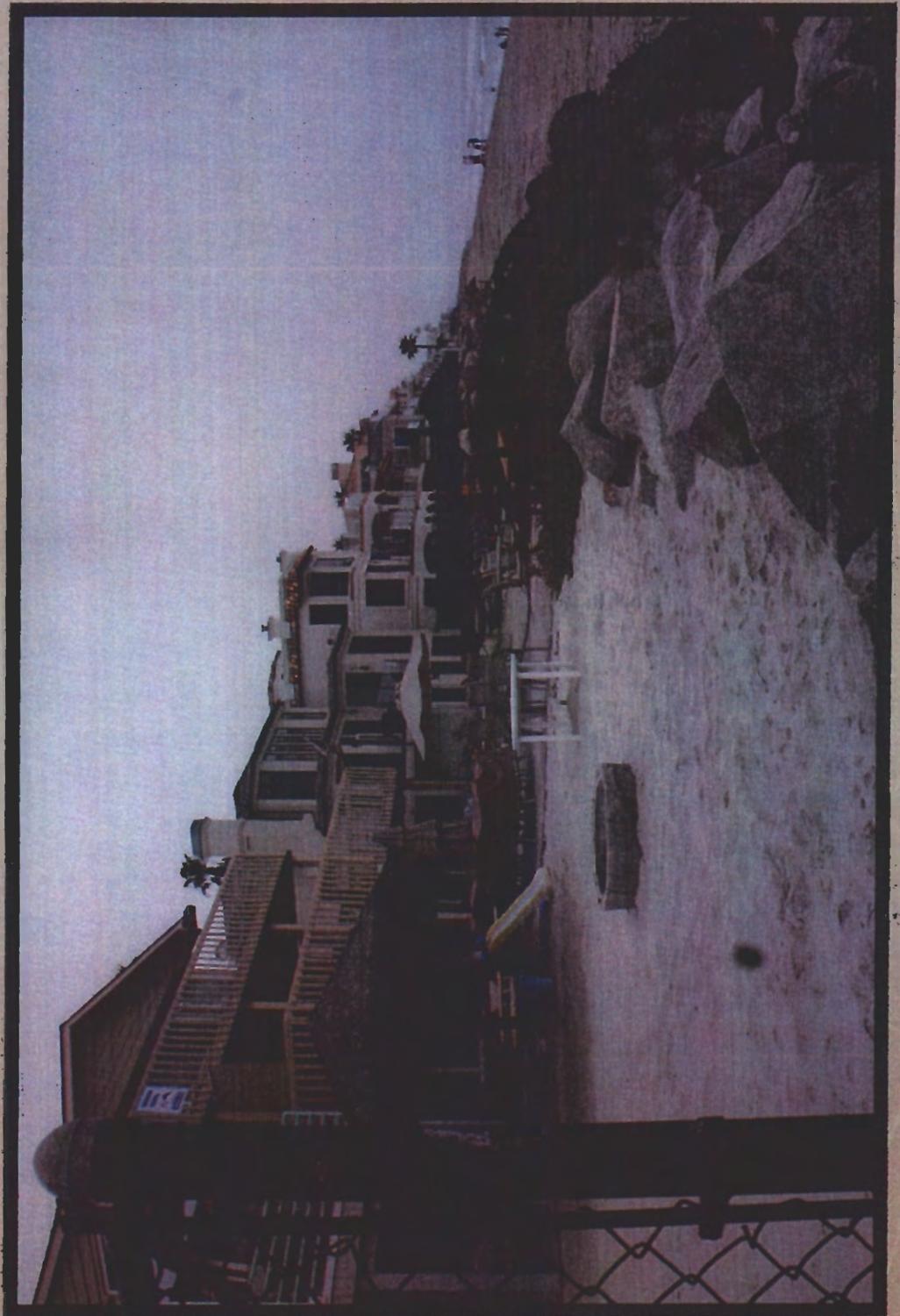


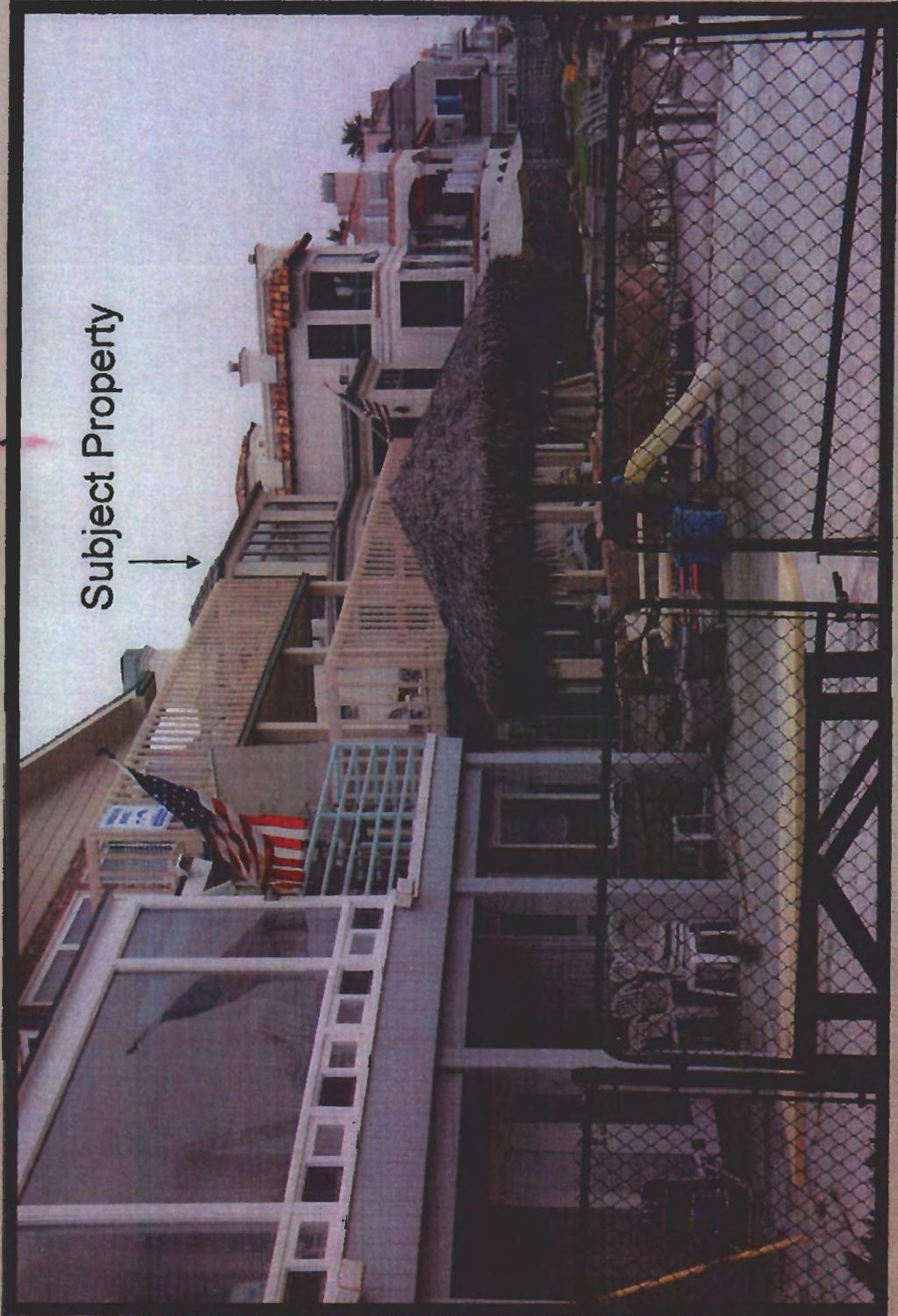






Subject Property





Subject Property

LCP Status San Diego Coast Area As of July 1, 2009

Legend

-  County LUP Effectively Certified
-  City LCP Effectively Certified
-  City LUP Effectively Certified
-  No LCP/LUP Effectively Certified
-  Area of Deferred Certification

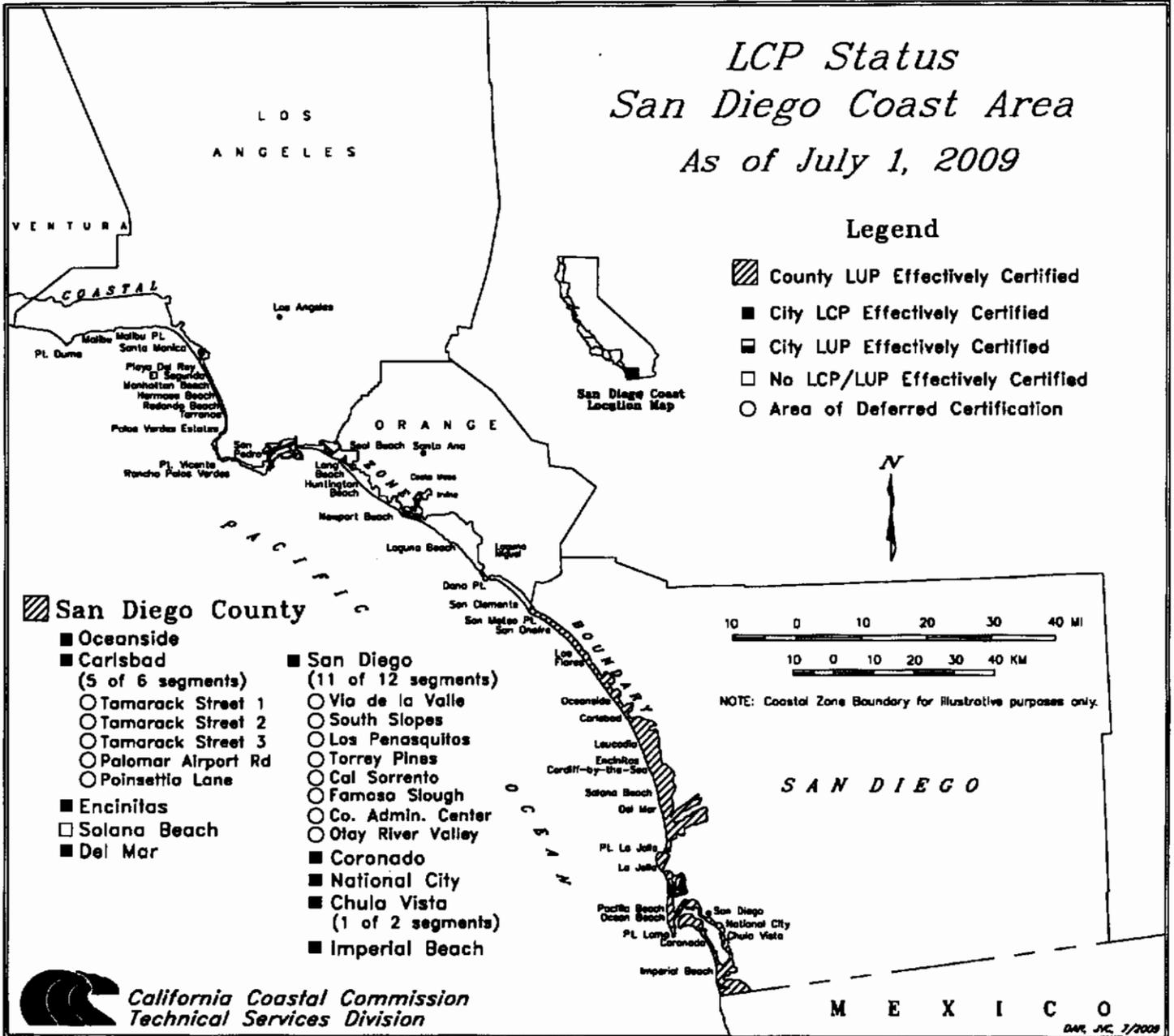


Exhibit "I"

**Evergreen Hebron, LP
1023 S. Pacific Street
Oceanside, Ca
92054**

February 3, 2011

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, Ca 92108

To Whom in May Concern,

This letter is written in support of the deck addition on the property located at 1011 S. Pacific Street.

This deck addition will not obstruct any views and will be an improvement to this property.

Our property at 1023 S. Pacific is just two houses to the south of 1011 S. Pacific Street.

Thank you for your consideration,

Evergreen Hebron, LP by:

Signature on file

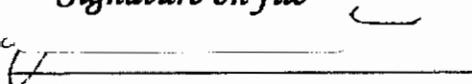
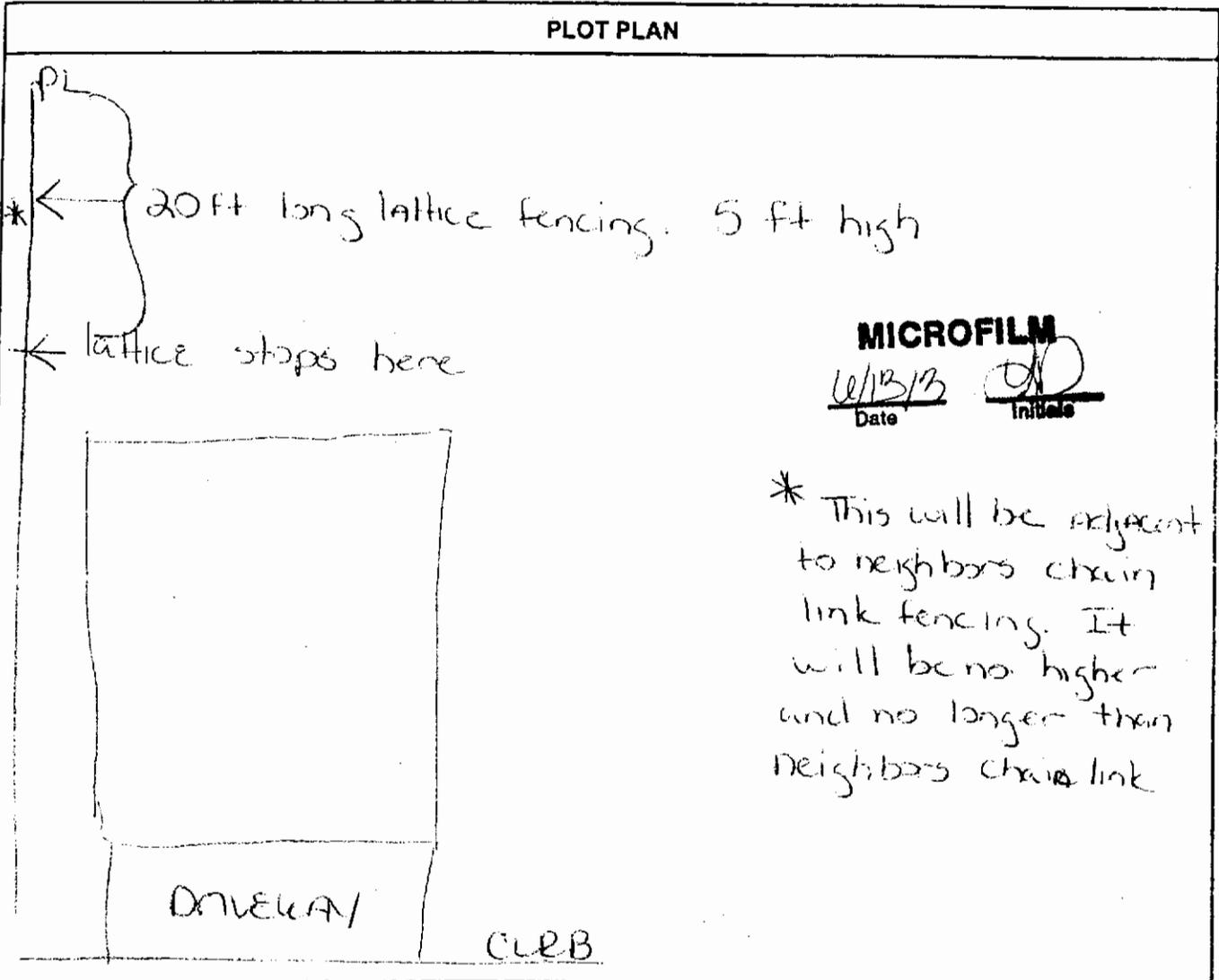

Adele Fischbach

Exhibit "J"

Address 1011 South Pacific Owner Kim Dillon

DOCUMENTATION OF PERMIT EXEMPTION

Uniform Administrative Code Section 301(b) exempts certain work from permit. Exemption from permit is contingent on compliance with all codes and ordinances. This document is for the purpose of validating and recording work done under permit exemption. No inspections of exempt work are made. It is the owner's responsibility to construct the work as indicated hereon, and to comply with all applicable codes.



Description of Work: 5 ft high lattice fence, 20 feet long

PLAN ROUTING

- | | | | | |
|---|--|--|---------------|---------------------|
| <input checked="" type="checkbox"/> Planning Department | <input checked="" type="checkbox"/> Approved | <input type="checkbox"/> Denied - Reason <u>§1005(v)</u> | By <u>gjc</u> | Date <u>6/13/03</u> |
| <input type="checkbox"/> Redevelopment Department | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied - Reason _____ | By _____ | Date _____ |
| <input type="checkbox"/> Engineering Department | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied - Reason _____ | By _____ | Date _____ |
| <input type="checkbox"/> Fire Prevention | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied - Reason _____ | By _____ | Date _____ |
| <input type="checkbox"/> Water Utilities | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied - Reason _____ | By _____ | Date _____ |

No permit required
BUILDING DEPARTMENT APPROVAL [Signature] DATE 6/13/03



Exhibit 1



Exhibit L-2



Palapa ↙

Exhibit "M"