

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



W21a

Addendum

April 4, 2013

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item W21a**, Coastal Commission Permit Application
#A-6-OCN-13-008 (Burgess/Journigan), for the Commission Meeting of
April 10, 2013

Staff recommends the following changes be made to the above-referenced staff report:

- 1) Modify the seventh sentence of the last paragraph beginning on Page 8 as follows:

The development, as approved by the City, includes a three-level ~~(two-story over-a-day lighted basement)~~ structure along the entire length of the lot.

- 2) Modify the third and fourth paragraphs on Page 12 as follows:

Again, the City of Oceanside's LCP was certified by the Commission in 1986 and the City has been issuing coastal development permits for development in the City's Coastal Zone since that time. However, on December 8, 2008, Commission staff sent a letter indicating that in late 2007, it became apparent that, sometime between 1991 and 1992, the City of Oceanside significantly updated/replaced its zoning ordinance without the benefit of review and/or approval by the Coastal Commission and was using this uncertified version of the zoning code in the coastal zone to review development applications. Directly following discovery of the City's use of an uncertified version of its zoning code, the City began using the previously approved, and *Commission certified* version of its zoning document, dating back to 1986, to review developments within the coastal zone. Among other things, the two versions contain significantly different provisions regarding height restrictions and development beyond the western "stringline" boundary; with the 1992 version being more restrictive.

Specifically, the certified 1986 version of the LCP permits decks and open balconies beyond the stringline as long as the encroachment does not result in impacts to existing private views from the adjacent residential structures. When the City modified its zoning in 1992, this allowable encroachment was removed from the

City's ordinances. However, it is important to note here, that even though the LCP could potentially allow encroachment of decks and balconies beyond the stringline, the City has taken the position that this is not an automatic entitlement and thus the City has not approved new development of decks or balconies beyond the stringline setback. Specifically, of all ~~33~~ 27 shorefront CDPs issued by the City since the Commission sent the above discussed letter standard was reincorporated into the City's LCP in 2008, and reviewed by the Commission as appealable developments, only one has have included development beyond the stringline setback (ref. CDP A-6-OCN-11-007/Dillon); however this development only included the construction of balconies beyond the stringline and staff confirmed there was no potential for impacts to public views associated with the encroachment. The subject proposal is the first that would potentially propose enclosed structures beyond the stringline.

- 3) Modify the fourth sentence of the second paragraph on Page 13 as follows:

The applicant submitted a site plan indicating that the existing structure was located 489 feet from the center point of Pacific Street, and thus the Commission conditioned the CDP approved in 2006 to maintain this setback.

- 4) Modify the last paragraph on Page 14 as follows:

The applicant has indicated that the location of the stringline on the condo complex to the south ~~north~~ begins on the south ~~north~~ side of the condo complex, and City staff has indicated that the stringline begins on the north ~~south~~ side of the condo complex. Commission staff has reviewed the stringline map for the condo development (1600 block stringline map) and agrees with City staff that the line appears to be located at the western terminus of the south side of the condo complex...

- 5) Modify the third and fourth paragraphs on Page 15 as follows:

As for the decks and balconies, the LCP does allow encroachment beyond stringline for decks and open balconies, however, since the time this section of policy language was reinstituted (December 2008), of the ~~34~~ 27 CDPs (28 including the subject CDP) approved by the Planning Commission or the City Council regulated by the stringline setback policy, this is the only one other development, was approved with decking beyond the established rear yard "Stringline" setback. Further, this is the only development approved with habitable space or decks and balconies, approved by the City that extends beyond the stringline. In talking to City staff it appears they have taken the general stance that while the LCP could potentially allow for such encroachment, it is not an entitlement and thus they have chosen to stay conservative in its interpretation and not approve any development beyond the stringline setback. As previously discussed, the only other CDP (ref. A-6-OCN-11-007/Dillon) was reviewed by the Coastal Commission on appeal, and was found to have no impacts to coastal views. In this case, there are current views from Morse Street across the western side of the lot and to the ocean. Thus, it stands to reason that by approving

development further west than what currently exists it will increase the obstruction of views from Morse Street, inconsistent with the City's LCP.

In conclusion, it appears that the City approved the rear yard "Stringline" setback inconsistent with the City's certified Stringline setback map, a certified component of the City's LCP. A number of coastal resource impacts can result from approving development west of the established stringline setback. First, the development can result in direct impacts to coastal views associated with the westward encroachment of the subject development. Second, the development would set a new western line of development, which could result in surrounding development following the newly located western line of development resulting in additional, incremental, and cumulative impacts existing coastal views. Third, setting a new precedent for lot by lot reinterpretation of the stringline by individual applicants will make implementation of such a policy difficult, and could result in additional western encroachment and additional view impacts. Finally~~Fourth~~, the development will have further impacts to coastal views and precedent associated with the decks and balconies also approved west of the stringline setback. ~~Finally, the western encroachment of development may eventually increase risk associated with wave hazards, and decrease the buffer areas protecting development from the larger storm waves.~~ Therefore, the development, as approved by the City raises a substantial issue on the grounds filed by the appellants.

6. Replace the existing Exhibit #2 "City's Resolution on Appeal" with attached Exhibit #1
7. Replace the existing Exhibit #14 "Geotechnical Report Dated June, 2012" with attached Exhibit #2

Addendum to A-6-OCN-13-008 (Burgess/Journigan)
Page 4

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W21a
Exhibit #2

RESOLUTION NO. 13-R0082A-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF OCEANSIDE APPROVING THE APPEAL OF
PLANNING COMMISSION RESOLUTION NO. 2012-P49
AND APPROVING REGULAR COASTAL PERMIT (RC11-
00002) DEVELOPMENT PLAN (D12-00015) AND PARCEL
MAP (P12-00002) FOR A THREE STORY DUPLEX
RESIDENTIAL CONDOMINIUM LOCATED AT 1513
SOUTH PACIFIC STREET

(Chris Burgess - Applicant)
(Chris Burgess - Appellant)

WHEREAS, an application was filed for a Regular Coastal Permit (RC11-00002),
Development Plan (D12-00015) and Parcel Map (P12-00002) for the construction of a duplex
residential condominium located at 1513 South Pacific Street, which real property is more
particularly described in EXHIBIT "A", attached hereto and incorporated herein by reference;

WHEREAS, on October 22, 2012 the Planning Commission of the City of Oceanside,
after holding a duly advertised public hearing, adopted Resolution No. 2012-P49, approving said
Regular Coastal Permit, Development Plan and Parcel Map;

WHEREAS, on October 26, 2012, an appeal was timely filed by the project applicant of
the Planning Commission decision with the City Clerk of the City of Oceanside;

WHEREAS, on January 2, 2013, the City Council of the City of Oceanside held a duly
noticed public hearing and heard and considered evidence and testimony by all interested parties
concerning the appeal of certain conditions of approval of the above identified Regular Coastal
Permit, Development Plan and Parcel Map; and

WHEREAS, following the close of the public hearing on January 2, 2013, the City
Council continued the appeal to the January 30, 2013 and heard additional testimony from staff
and the appellant;

NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as
follows:

1. The appeal of Planning Commission Resolution No. 2012-P49 is approved based upon
the conclusion that the stringline setback location for the subject site is established by
connecting the southwest corner of the condominium building at 1601 S. Pacific Street to
the south and the Coastal Commission approved stringline location at 1507 S. Pacific

1 Street to the north, per the appellant's request; habitable building area shall be limited by
2 said stringline setback; and balconies/patios shall be allowed to encroach 4 feet (max)
3 seaward of the stringline setback.

4 2. Regular Coastal Permit (RC11-00002), Development Plan (D12-00015) and Parcel Map
5 (P12-00002) are hereby approved subject to all conditions set forth in Planning
6 Commission Resolution No. 2012-P49 incorporated herein by reference, excepting
7 therefrom condition number 7.

8 3. Pursuant to CCP Section 1094.6 (f), notice is hereby given that the time within which
9 judicial review must be sought on this decision is governed by CCP Section 1094.6 as set
10 forth in Oceanside City Code Section 1.10.

11 PASSED and ADOPTED by the City Council of the City of Oceanside, California this
12 30th day of January, 2013 by the following vote:

13 AYES: FELIEN, FELLER, KERN
14 NAYS: WOOD, SANCHEZ
15 ABSENT: NONE
16 ABSTAIN: NONE
17

Signature on File

Mayor of the City of Oceanside

22 ATTEST:

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

Signature on File

Signature on File

25 City Clerk *ASST.*

City Attorney

GeoSoils, Inc.

W21a
Exhibit #14

June 11, 2012

Journigan-Burgess LLC
c/o Arcadia Contract
5692 Fresca Drive
La Palma, CA 90623

SUBJECT: Revetment Inspection at 1513 South Pacific Street, Oceanside, California, and Plan Review.

References: Wave Runup, Coastal Hazard and Shore Protection Study, 1513 South Pacific Street, Oceanside, CA., dated February 10, 2010, by GeoSoils Inc.

Dear Journigan-Burgess LLC:

At your request and authorization GeoSoils Inc, (GSI) is pleased to provide this letter report summarizing the inspection of the subject quarry stone revetment. Recently, maintenance was performed to bring the structure into compliance with City of Oceanside code requirements. The revetment was inspected by the undersigned on June 10, 2012. The conclusions and recommendations of the referenced GSI hazard analysis remain valid and pertinent unless superceded herein.

OBSERVATIONS

- The concrete grout that was poured between the rocks has been removed to the extent feasible.
- The concrete beach access stairs have been removed.
- The concrete apron at the back of the revetment has been removed.
- The structure height has been reconfigured to conform with the recommendation of the referenced wave runup study. The structure height is now at or above the recommended elevation of +13.5 feet MSL.
- Pictures taken after the maintenance work was performed are attached to this letter report.

CONCLUSIONS

- A. The revetment is in good condition, is in conformance with the wave runup study, and is not in need of maintenance at this time.

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5741 Palmer Way, Suite D, Carlsbad CA 92010 WO S5990 760-438-3155

GeoSoils, Inc.

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- B. The long term stability of the site will depend on the future maintenance of the revetment. The maintenance should be performed under the supervision of a licensed engineer specializing in coastal structures (coastal engineer).
- C. The revetment should be inspected by a coastal engineer if any changes are noted or after very significant wave attack.

We have reviewed the development plans and the habitable areas of the proposed development are reasonably safe from flooding and inundation. Based upon our review of the plans, there are no additional recommendations necessary to mitigate potential coastal hazards. Additional shore protection will not be required to protect the proposed development over the next 75 years. The proposed development will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or adjacent area.

The opportunity to be of service is sincerely appreciated. If you should have any questions, please do not hesitate to contact our office.

Respectfully submitted,

Signature on File

GeoSoils, Inc.
David W. Skelly MS, PE
RCE#47857



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CALIFORNIA COASTAL COMMISSION

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



W21a

Filed: 2/25/2013
49th Day: 4/15/13
Staff: T. Ross-SD
Staff Report: 3/28/13
Hearing Date: 4/10-12/13

STAFF REPORT AND RECOMMENDATION ON APPEAL

Appeal No.: A-6-OCN-13-008

Applicant: Chris Burgess

Local Government: City of Oceanside

Decision: Approved with Conditions

Location: 1513 South Pacific Street, Oceanside (San Diego County)

Description: Demolition of two existing residential structures consisting of a 950 sq. ft. two-story, two-unit building with an attached garage and an 814 sq. ft., one-story, single-family home. The project also includes construction of a three-story duplex condominium structure (2,350 sq. ft. habitable area for each unit), an enclosed common area of 1,402 sq. ft. and two 2-car garages on a single 6,285 sq. ft. oceanfront lot.

Appellants: Commissioner Esther Sanchez and Commissioner Mary Shallenberger

Staff Recommendation: Substantial Issue

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that a substantial issue exists with respect to the grounds on which the appeal has been filed.

The appellants raise a number of LCP consistency issues primarily focusing on concerns regarding the proposed development's consistency with the City's certified coastal resource protection policies. The primary concern raised by the appellants is that the project will obstruct existing public views from Morse Street to the ocean and the City did not address this issue in its review. Staff has visited the site and agrees that current views of the ocean from Morse Street will be obstructed associated with the proposed development. The appellants also assert that the City did not adequately identify, review, and address previous and unpermitted work to the existing rock revetment. Staff has reviewed photos and geotechnical reports and agrees that some work to the revetment has previously occurred without benefit of a coastal development permit. Thus, it is unclear at this time if the revetment has been constructed in a way that will minimize impacts to public access. The appellants also assert that the project is inconsistent with the City's LCP standards for rear yard or "stringline" setback. Again, staff has reviewed the City file and agrees that the rear yard setback for this site appears to have been approved inconsistent with the City's LCP. By allowing development to encroach further west, existing public views may be directly impacted. The proposed project may also have cumulative impacts on public views because it would set a new precedent of encouraging nearby property owners to seek approval of future development further seaward of their existing structures, encroaching into existing public views, similar to the locally-approved development subject to this appeal. Finally, the appellants assert that the project is out of scale with the surrounding community. It is unclear to staff at this time if the project is out of scale with the surrounding community, however, given the significance of the other coastal resource impacts including the project's obstruction of public views associated with the development from Morse Street, the potential for view obstruction along the beach associated with the reduced rear yard setback, as well as impacts to public access through unpermitted revetment work, staff is recommending the Commission find that there is a substantial issue on the grounds filed by the appellants.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Location Map

Exhibit 2 – City’s Resolution on Appeal

Exhibit 3- Planning Commission Resolution of Approval

Exhibit 4 – Commission Appeals

Exhibit 5 – Site Plans

Exhibit 6 – Commission staff photo of views along Morse Street

Exhibit 7 – Applicant’s photos of views along Morse Street

Exhibit 8 – City’s Stringline Exhibit

Exhibit 9 – Applicant’s Stringline Exhibit

Exhibit 10 – Stringline Map for 1600 South Pacific Street

Exhibit 11 – Stringline Map submitted by the applicant for 1500 South Pacific Street

Exhibit 12 – Revetment ‘Before’ Photos

Exhibit 13 – Revetment “After” Photos

Exhibit 14 – Geotechnical Report Dated June, 2012

I. APPELLANTS CONTEND THAT: The development, as approved by the City, raises several LCP consistency issues including that; 1) the City's action did not address the potential impacts to public views from Morse Street, across the site, and other public vantage points, such as Buccaneer Park, to the ocean; 2) the City's action did not adequately address the scale of the development in comparison to surrounding development; 3) the City's action incorrectly sited the western "Stringline" boundary location between 7-11 feet west of the actual stringline which could potentially result in impacts to public views along the ocean as well as establish a new precedent for development located seaward of the existing stringline; and, 4) the City's assessment did not adequately identify, review, and address previous unpermitted development on the existing rock revetment

II. LOCAL GOVERNMENT ACTION. The project was originally approved by the Planning Commission on October 22, 2012. The project was approved per the City's staff recommendation and included project modification conditions requiring the western enclosed structural and open deck encroachments seaward of the City's certified stringline to be removed and to remove the proposed rooftop trellis structure. The Planning Commission found that the project would only be found consistent with 30251 of the Coastal Act, the City's Local Coastal Program, the City's General Plan policies pertaining to compatibility, as well as previous Planning Commission decisions through the inclusion of these special conditions. The approval was then appealed by the applicant on October 26, 2012, requesting the rear yard setback be located as interpreted by the applicant and not as approved by the Planning Commission, the re-inclusion of a proposed rooftop trellis, as well as, the request for the City to include additional findings related to the existing rock revetment. On January 2, 2013, the City Council upheld the Planning Commission's action on the removal of the rooftop trellis and determined that requesting additional findings for the rock revetment was not grounds for appeal, and thus dismissed that component of the appeal. The matter of stringline location was postponed. On January 30, 2013, the City Council overturned the Planning Commission's decision and permitted the development of the home to be constructed based on the applicant's interpretation of the stringline.

III. APPEAL PROCEDURES. After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits.

Section 30603(b)(1) of the Coastal Act states:

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

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

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

If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to the de novo portion of the hearing on the merits of the project, then, or at a later date. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project then, or at a later date, reviewing the project de novo in accordance with sections 13057-13096 of the Commission's regulations. If the Commission conducts the de novo portion of the hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program (LCP).

In addition, for projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Coastal Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also applicable Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo portion of the hearing, any person may testify.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question as to conformity with the certified local coastal program" or, if applicable, the public access and public recreation policies of Chapter 3 of the Coastal Act (Cal. Code Regs. titl. 14 section 13155(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;

2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission determine that Appeal No. 6-OCN-13-008 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. *A-6-OCN-13-008* presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

V. FINDINGS AND DECLARATIONS.

The Commission finds and declares as follows:

A. PROJECT DESCRIPTION

The project as approved by the City includes the demolition of two existing residential structures providing three separate dwelling units. The easternmost structure consists of 950 sq. ft. two-story, 19.6' tall, two-unit building with an attached garage. The westernmost structure is an 814 sq. ft. one-story, 11.8' tall, single-family home. The project also includes subsequent construction of a three-story 35' tall duplex condominium structure, with each unit having 2,350 sq. ft. habitable areas, an enclosed common area of 1,402 sq. ft. that includes a third kitchen and two 2-car garages on a single 6,285 sq. ft. oceanfront lot.

The 30-foot wide beachfront lot is located in the south Oceanside neighborhood, and is zoned Residential-Tourist (R-T). The project site is located approximately 90 feet south of Buccaneer Beach, a public and highly used sandy beach, and 90 feet south and west of Buccaneer Park. The project site is directly surrounded by residential development on the north and south. East of the site are Pacific Street and the terminus of Morse Street. West of the site is the Pacific Ocean. The site slopes downward approximately five feet from the frontage of Pacific Street to the toe of the existing, rock revetment. The rear boundary of the site is established by the mean high tide line, which results in a lot depth of approximately 240'.

B. IMPACTS TO PUBLIC VIEWS

The City has several policies protecting coastal visual resources and state:

City of Oceanside LUP - Visual Resources and Special Communities

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

Major Findings.

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

Policies.

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

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

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

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

A. Removing Obstructions

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

Framing/Direction Views

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

In addition, the appellants assert that the following LCP provisions are applicable as they included definitions of view corridors, etc.

City of Oceanside LUP - Design Standards for Beach Accessways

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

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

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

As stated above, the City’s LCP includes a policy that identifies that most east-west streets in the coastal zone offer public views of the ocean and that those public views should be protected. The project site is located west and slightly north of Morse Street (an east-west oriented street). Currently, public views of the ocean exist from Morse Street across the subject site. These public views are possible because the westernmost portion of the property is currently developed with only a single story structure and because there is an open driveway on the north side of the adjacent property to the south. Morse Street can be considered an important public vantage point in that the street is

surrounded by other public amenities on all sides: 1) Buccaneer Park to the north; 2) the Coastal Rail Trail to the east (a County-wide bicycle trail); 3) a public elevated walkway to the south; and 4) Pacific Street and Buccaneer Beach to the west, north-west. The City's LCP states that "in the event of proposed new development or redevelopment, structures should be sited so as to protect existing view corridors and provide new corridors." The development, as approved by the City, includes a three-level (two-story over a day lighted basement) structure along the entire length of the lot. From various vantages on Morse Street, there currently are existing public ocean views that may be completely blocked by the approved development. The City did not, in its review, adequately identify what public view impacts from Morse would result from the approved development nor identify alternative designs that could lessen or avoid the public view impacts. The City's report only states that there will be no impacts to public views associated with the development proposal.

Commission staff has visited the site and confirmed that the existing public views of the ocean across the subject site will be obstructed if the western portion of the site is developed with a taller structure (ref. Exhibit #6). The applicant has also submitted rendering of the approved structure, and these renderings also exhibit that the existing public views of the ocean across the site will be obstructed (ref. Exhibit #7). However, as noted, the City did not adequately address this issue in its review. It is possible that a revised building design could reduce or eliminate the identified public view impacts. However, no such building design modifications were addressed by the City.

In 2006-2007, the Commission reviewed, on appeal, a similar project proposing construction of a new 2-story home three lots north of the subject site (ref. CDP A-6-OCN-06-134/Stroud). Public views were also a concern identified by the Commission associated with that project. On De Novo review, the Commission approved a modified project design that required a reduction in the size of the building in order to minimize the public view impacts to the maximum extent practicable. Again, in this particular case, the City's approval did not include review of potential view impacts from Morse Street and did not identify or incorporate any project revisions in an attempt to reduce such public view impacts; thus, it is unclear at this time what project revisions could be incorporated to reduce the public view impacts associated with the proposed development.

Finally, and discussed in greater details in subsection "D" below, the approved development will be located further seaward than the existing structure, thus, it is also unclear at this time how this westward encroachment might result in further obstruction of the existing public ocean views from Morse Street.

To conclude, while the exact scale of public view obstruction is unclear at this time, it is apparent through visits to the site by Commission staff and well as exhibits submitted by the applicant that there are existing public views of the ocean from Morse Street across the subject site. It is also apparent that the development as approved by the City would obstruct some, if not all, of these views. As the City's certified LCP protects existing public views, and the City's approval did not address these inconsistencies, the appellants raise a substantial issue on the grounds filed.

C. SCALE OF DEVELOPMENT

In addition to direct public view blockage as discussed in the previous section, the approved development raises concerns regarding compatibility with the surrounding community. The City's LCP contains a policy pertaining to community character, and states:

Visual Resources and Special Communities – Policy 8

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

Coastal 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 beachfront 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 beachfront lots have been developed with boxy buildings.

The appellants contend that the approved 3-story, 35- ft. tall duplex with a total of 6,102 sq. ft. of habitable space, which includes the proposed enclosed common area, is too large and thus out of scale with the surrounding community. Again, as approved by the City, the project will include the demolition of two structures (one 2-unit 2-story structure, one 1-story single family home) that have a combined square footage of 1,764 sq. ft. and replacing it by constructing one new structure (2 unit condominium complex) that has a combined square footage of 6,102 sq. ft. Thus, the project will increase the habitable space on the lot by 4,338 sq. ft. In addition, the structure is built to the minimum side- and front-yard setbacks, reaches the height maximum, and; as will be discussed in a subsequent section of this report, may have been approved beyond the rear-yard setback minimum. The City's approval did not adequately review how a structure, over 4,000 sq. ft. larger than the existing structure, would be compatible to the surrounding development. Thus, it is unclear, at this time, if the proposed development can be found consistent with LCP Policy No. 8, cited above.

The applicant has provided an exhibit detailing how the approved structure does not maximize the potential building envelope for this site. As provided by the applicant, the approved structures includes some minor articulations and cut-backs that, when including the balcony areas, have developed 76.831 of the 91.525 ft³ or 84% of the potential building envelope. Thus, while the applicant has demonstrated that the building envelope will not be fully maximized, it is very close. In addition, even though allowed by the

LCP, the structure approved by the City also includes structural components that exceed the maximum height limit including a 222 sq. ft. utility room to house a stairwell, elevator and storage area adding 6 additional feet to the overall height, as well as stone chimney (ref. Exhibit #5). Current surrounding development includes a larger scale pre-coastal condominium complex directly to the south, and two smaller bungalow homes, followed by the previously discussed, newly constructed 2-story 27' tall structure approved by the Commission in 2007 to the north (ref. CDP A-6-OCN-06-134/Stroud). Therefore, there is a mix of development types surrounding the proposed site. That being said, the property is also in close proximity to two open space areas to the north (Buccaneer Beach and Buccaneer Park); therefore, maintaining the proposed development's compatibility of the height, scale, color and form with the surrounding neighborhood, including the open space areas, requires more attention since it involves an evaluation of how the proposed development is both compatible with the open space areas and with the developed areas in the neighborhood. As previously noted, the City did not address potential development revisions to reduce public view obstructions. If such revisions were required, it is possible they would also help to reduce the overall size of the structure and potentially address the compatibility issue identified. Because no such alternative building designs were addressed, and no review of surrounding character was included, the project does raise a substantial issue on the grounds filed.

D. REAR-YARD "STRINGLINE" SETBACK

1) Rear-yard "Stringline" Setback. The City of Oceanside regulates rear yard development standards on ocean-fronting lots through its "Stringline Setback Map." The "stringline" in this case is a line on a map generally following the line of development on the beach-fronting homes along the City's coast. The certified "Stringline Setback Map" was developed in 1983 by overlaying an imaginary stringline on an aerial photo of the shoreline in the City of Oceanside. The stringline map was based on existing building patterns, as well as anticipated future developments and remodels/expansions. This "stringline" was certified by the Commission in 1986 as part of the City's Local Coastal Program. These maps are kept on file in the City's Planning Division and are used to determine the westernmost boundary for any proposed development along the shoreline. The goal of limiting new development to extend no further seaward than the stringline is to restrict encroachment onto the shoreline and preserve private and public views along the shoreline. As such, development is restricted to this setback through the provision of LCP Section 1703, which states:

City of Oceanside Zoning Ordinance – Section 1703

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

[...]

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

Division. Appurtenances such as open decks, patios, and balconies may be allowed to extend seaward of the Stringline Setback line, provided that they do not substantially impair the views from adjoining properties.

The appellants contend that the City approved a development that is located west and beyond the western “stringline” setback. Specifically, the appellants contend that, as approved by the City, the development will be located between 7-11 feet west of what is permissible by the City’s certified LCP. The City of Oceanside planning staff determined the stringline to be located 112 feet west of the northernmost portion of the property line and 119 feet west of the southern point on the property. However, as approved by the City, the development encroaches seaward of the stringline with habitable building and balcony spaces, again by between 7-11 feet.

a. History

To provide background, as noted above, the “stringline” in this case is a line on a map loosely following the line of development on the beach-fronting homes along the City’s coast. The certified “Stringline Setback Map” was developed in 1983 by overlaying an imaginary stringline on an aerial photo of the shoreline in the City of Oceanside. The map shows how far new development may extend towards the ocean. The stringline map was based on existing building patterns, as well as anticipated future developments and remodels/expansions. This “stringline” was certified by the Commission in 1986 as part of the City’s Local Coastal Program.

Again, the City of Oceanside’s LCP was certified by the Commission in 1986 and the City has been issuing coastal development permits for development in the City’s Coastal Zone since that time. However, in late 2007, it became apparent that, sometime between 1991 and 1992, the City of Oceanside significantly updated/replaced its zoning ordinance without the benefit of review and/or approval by the Coastal Commission and was using this uncertified version of the zoning code in the coastal zone to review development applications. Directly following discovery of the City’s use of an uncertified version of its zoning code, the City began using the previously approved, and *Commission certified* version of its zoning document, dating back to 1986, to review developments within the coastal zone. Among other things, the two versions contain significantly different provisions regarding height restrictions and development beyond the western “stringline” boundary; with the 1992 version being more restrictive.

Specifically, the certified 1986 version of the LCP permits decks and open balconies beyond the stringline as long as the encroachment does not result in impacts to existing private views from the adjacent residential structures. When the City modified its zoning in 1992, this allowable encroachment was removed from the City’s ordinances. However, it is important to note here, that even though the LCP could potentially allow encroachment of decks and balconies beyond the stringline, the City has taken the position that this is not an automatic entitlement and thus the City has not approved new development of decks or balconies beyond the stringline setback. Specifically, of all 33 shorefront CDPs issued by the City since the standard was reincorporated into the City’s

LCP in 2008, and reviewed by the Commission as appealable developments, none have included development beyond the stringline setback; the subject proposal is the first.

To add further history, it appears that the official stringline map for the 1500 block of South Pacific Street has been misplaced, and has been misplaced for some time. The Commission reviewed and appealed a project located three houses to the north at 1507 South Pacific Street (ref. CDP A-6-OCN-06-134/Stroud), and the stringline map was missing at that time as well. Given that the map for this location was missing, in coordination with Commission staff, the City determined that the most appropriate location for the western boundary of that development was to maintain the existing setback. The applicant submitted a site plan indicating that the existing structure was located 189 feet from the center point of Pacific Street, and thus the Commission conditioned the CDP approved in 2006 to maintain this setback.

Most recently, the City has undergone an effort to update the stringline setback maps to provide more detail of the stringline using the certified map as a basis for this stringline refinement. Specifically, the City has indicated that the existing maps are hard to use because they are simply a line drawn on an aerial map. There is neither a scale identified on the map nor is there any scientific way to verify that exact location of the stringline setback on individual properties. As such, the City has commissioned a licensed land surveyor to determine the exact location of the stringline for all oceanfront properties within the City.

At the time the subject CDP was first being reviewed by City staff, the surveyor had not yet determined the GPS coordinates for this section of the stringline setback maps. And, since the stringline map for this area was not available, City staff determined the stringline for this location by drawing a line from the existing development to the south located at 1601 S. Pacific Street (a pre-coastal condominium complex) to the structure approved by the Commission in 2006 three properties to the north located at 1507 S. Pacific Street (ref. Exhibit #8). It is important to note here, that the location of the stringline for the condo complex to the south is within the 1600 block of Pacific Street and the City does have the certified Stringline Map for this area (ref. Exhibit #10). Therefore, for the subject development, City staff determined the stringline to be located at a point established by the certified stringline map on the property located directly to the south, and the home to a north with an established stringline, where the development was approved by the Coastal Commission and where the stringline setback was determined collaboratively between the City and the Commission. It was at this time that City staff began to have concerns regarding the location of the stringline on the applicant's submitted plans, in that, it appeared the applicant's plans located the stringline inaccurately between 3-5 feet west of where the City staff determined the stringline location. The applicant was also proposing decks that would encroach further beyond the stringline, for a total encroachment of between 7-11 feet further west than the stringline location as determined by staff discussed above.

The City staff then asked their consultant land surveyor to expedite the GPS coordinates for the 1500 block of South Pacific Street. The exhibit provided by the land surveyor mirrored the City's staffs' previously determined stringline setback. Again, because

there was is no certified map for this section of Pacific Street, the surveyor also used the certified stringline setback for the property to the south (1601 South Pacific Street, ref. Exhibit #8) and the rear yard setback on the single family home to the north (1507 South Pacific Street, ref. Exhibit #8) that was developed collaboratively between the City and the Coastal Commission associated with a CDP approved by the Coastal Commission in 2007.

In October, the Planning Commission upheld the City's location of the stringline. The applicant appealed the decision and on January 30th, the City Council reversed the planning commission's approval, as well as the staffs' recommendation and approved the stringline location proposed by the property owner.

In addition, since the time of the Planning Commission approval, the applicant's agent located and submitted a copy of what appears to be the missing section for the 1500 block stringline setback map (ref. Exhibit #11). However, because it is just a photocopy, and the City cannot confirm that what has been provided by the applicant is, in fact, the certified stringline map, the City did not consider the exhibit provided by the applicant in order to establish the appropriate stringline location. All this being said, Commission staff has reviewed the exhibit provided and what the applicant has determined as the stringline location not only doesn't match where City staff determined the location of the stringline setback, it also is not consistent with the stringline exhibit they provided.

b. Location of the Stringline

The appellants are contending that the location of the rear yard or "stringline" setback, as approved by the City, is inconsistent with the City's LCP. As previously discussed, traditionally the stringline setback is determined by the City's certified Stringline Maps. In this case, there was no map available at the time City staff was reviewing the proposed development. In addition, while the applicant submitted what appeared to be a photocopy of the lost certified stringline map for the 1500 block, the City was not able to confirm that the map provided by the applicant was accurate and thus was not used to determine the location of the stringline setback. As previously discussed, instead, the City used the two closest structures for which the appropriate setback had already been established and drew a line between these structures. City staff then confirmed the location of the stringline by a certified surveyor. However, the City approved a development beyond what was determined by staff as the appropriate stringline setback for this location.

The applicant has indicated that the location of the stringline on the condo complex to the north begins on the *north side* of the condo complex, and City staff has indicated that the stringline begins on the *south side* of the condo complex. Commission staff has reviewed the stringline map for the condo development (1600 block stringline map) and agrees with City staff that the line appears to be located at the western terminus of the south side of the condo complex. Thus, the appellants are contending that the development, as approved by the City, cannot be found consistent with its certified policies pertaining to rear yard setbacks. The primary coastal resource concerns associated with rear yards setbacks are that by permitting a development west of the established stringline, not only

is there a potential for impacts to existing public views, there is also a new precedent for development established that could result in future impacts to public views as neighboring property owners propose to extend their homes to the newly established stringline.

The appeal raises substantial issues with regard to the extent that the approved development will impact coastal resources. As previously discussed, there are currently existing public views east of the site on Morse Street to the ocean, and it appears that by permitting development to extend above and west of the existing structure, these views will be obstructed. However, to what extent these views will be impacted is unclear as alternative building designs were not addressed by the City. It is also unclear at this time if permitting structures west of the stringline will result in impacts to views on the west side of the subject site and along the sandy beach and ocean. Staff has been to the site and the applicant has submitted photos on the west side of the property (ref. Exhibit #15), and while it may appear that there are no direct public view concerns associated with the approved development for the west of the structure, the LCP language does not allow encroachment development beyond stringline for habitable space regardless of whether or not such an encroachment will impact public coastal views.

In addition, the intent of the City's Stringline setback map was incorporated into the City's LCP to memorialize the buildings patterns at that time as well as guide anticipated future developments in order to protect public views. By approving development beyond the established stringline location, the development standards set by the certified map would be overridden and a new precedent would be set for future development proposals. This could result in a series seaward building projections beyond the stringline along the shorefront, which would have cumulative adverse impacts on existing public coastal views. Furthermore, the matter of stringline location is a technical one, and to permit lot by lot reinterpretation of the stringline's location would make it very difficult to enforce such a provision overtime.

As for the decks and balconies, the LCP does allow encroachment beyond stringline for decks and open balconies, however, since the time this section of policy language was reinstituted (December 2008), of the 34 CDPs approved by the Planning Commission or the City Council regulated by the stringline setback policy, this is the only development, habitable spaces or decks and balconies, approved by the City that extend beyond the stringline. In talking to City staff it appears they have taken the general stance that while the LCP could potentially allow for such encroachment, it is not an entitlement and thus they have chosen to stay conservative in its interpretation and not approve any development beyond the stringline setback.

In conclusion, it appears that the City approved the rear yard "Stringline" setback inconsistent with the City's certified Stringline setback map, a certified component of the City's LCP. A number of coastal resource impacts can result from approving development west of the established stringline setback. First, the development can result in direct impacts to coastal views associated with the westward encroachment of the subject development. Second, the development would set a new western line of development, which could result in surrounding development following the newly

located western line of development resulting in additional, incremental, and cumulative impacts existing coastal views. Third, setting a new precedent for lot by lot reinterpretation of the stringline by individual applicants will make implementation of such a policy difficult, and could result in additional western encroachment and additional view impacts. Fourth, the development will have further impacts to coastal views and precedent associated with the decks and balconies also approved west of the stringline setback. Finally, the western encroachment of development may eventually increase risk associated with wave hazards, and decrease the buffer areas protecting development from the larger storm waves. Therefore, the development, as approved by the City raises a substantial issue on the grounds filed by the appellants.

E. UNAUTHORIZED REVETMENT MAINTENANCE

While the approved development does not include any modifications to the existing rock revetment, the City's staff report indicates that unpermitted development did occur to the revetment sometime between 2010 and 2012. While the City's approval does include conditions regulating any *future* revetment work, the City failed to include the *previous* work in the review of the subject development approval. The City's LCP contains a policy pertaining to shoreline protective structures and states:

City of Oceanside LUP - Water and Marine Resources; Diking, Dredging, Filling, and Shoreline Structures and Hazard Areas - Policy 6

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate impacts on local shoreline sand supply. Such structures shall be designed and constructed to minimize erosive impacts on adjacent unprotected property and minimize encroachment on to the beach. The structures shall not interfere with access along the beach. The property owner shall dedicate all area seaward of the shoreline structure for lateral access for the public.

The second contention raised by the appellants is that previous work was completed on the revetment inconsistent with the City's Seawall Ordinance and thus inconsistent with the City's LCP. As approved by the City, the project does not include any work to the existing, pre-coastal rock revetment. However, the City's staff report included a finding that "work was performed on the revetment between February 10, 2010, when the project's wave run-up study coastal hazard and coast protection study was issued, and June 11, 2012 when a letter report was issued by Geosoils Inc..." However, no additional findings were included regarding this unpermitted work. The City's LCP requires that all shoreline protective structures be designed and constructed to minimize erosive impacts and they shall not interfere with access along the beach. By not incorporating the previous revetment work as a component of the subject approval, the City did not adequately review, analyze and conclude that the revetment has been designed to minimize erosion and public access impacts.

In addition, the City's LCP allows for maintenance of revetments to be exempt when the maintenance is comprised of 20% or less alteration of the revetment. The City's staff report further indicates that the previous work appears to be greater than the 20% exemption threshold, and thus should have required a coastal development permit. In other words, it appears that new additional rock was added to the revetment that exceeds 20% of the existing rock. Again, the lack of review and/or code enforcement for this previous and unpermitted work was not included in the City's approval.

The applicant has provided before and after photos, as well as a geotechnical report (ref. Exhibit #s 12, 13, 14) all indicating that the work consisted of removal of a concrete apron, removal of private access stairs, as well as some amount of additional rock. It is unclear how much new rock was added, if the size of the rock is appropriate, or where the new rock was added. In addition, neither the updated geotechnical report (submitted to the City after the revetment work was completed) nor the original geotechnical report indicate the revetment is located as far inland as practicable to protect public access that may exist on the site. However, the City's staff report concludes, without a feasible alternatives analysis, that staff finds the subject shoreline structure is sited as far inland as practicable." It is unclear at this time; how it was determined that the revetment is located as far inland as possible. Without the appropriate assurances being made, adequate protection of public access and shoreline sand supply cannot be assured. Thus, the project raises a substantial issue on the grounds filed by the appellants.

F. CONCLUSION

Based on the information cited above, the appellants raise substantial issues with regard to coastal resource protection policies of the City's certified LCP including policies pertaining to public views, public access, community character and coastal hazards. Specifically, the appellants have established a substantial issue involving the following impacts from the locally-approved development: 1) impacts to public views from Morse Street to the ocean associated with the size, location and design of the proposed structure; 2) impacts to overall community character associated with the general scale of the proposed structure; 3) impacts to coastal views, public access, and potential hazards associated with location the City sited the rear yard "stringline" setback; and lastly, 4) impacts to public access associated with unpermitted work to the rock revetment located immediately adjacent to a sandy beach utilized by the public. Therefore, the Commission finds that a substantial issue exists with respect to the grounds on which the appeal has been filed pursuant to section 30603 of the Coastal Act as the grounds relate to the approved project's non-conformity with the standards set forth in the City's certified Local Coastal Program.

G. SUBSTANTIAL ISSUE FACTORS

As discussed above, there is inadequate factual and legal support for the City's determination that the proposed development is consistent with the certified LCP. With regard to the factors that the Commission typically considers in a substantial issue analysis: 1. This is a case where there the City hasn't shown the factual and legal support for its decision that the development is consistent with the Local Coastal Program and the

public access policies of the Coastal Act; 2. This is a case where the extent and scope of the development approved by the local government is significant as it involves a scale of development that may set the standard for development along the shorefront citywide; 3. The resources that could be impacted in this case are very significant in that there is a protected public view corridor that could be impacted by the proposed development; 4. This is a case where there would be a significant adverse precedent made in that the local government didn't apply all of the requirements of the LCP given their interpretation of Government Code 66427.5, as noted above; and, 5. This appeal raises issues of regional and statewide significance given the scope of the development involved and the resources at stake.

APPENICES

APPENDIX A

SUBSTANTIVE FILE DOCUMENTS

- City of Oceanside certified Local Coastal Program;
- Geotechnical Reports written by Geosoils, Inc., and dated June 11, 2012 (Revetment Inspection Report), June 11, 2012 (Revetment Monitoring Report), June 12, 2012 (Sand Volume Calculation), March 2, 2012 (Update for Wave Runup, Coastal Hazard, and Shore Protection Study, 1523 South Pacific Street), February 10, 2012 (Wave Runup, Coastal Hazard, and Shore Protection Study, 1535 South Pacific Street).
- Appeal Forms
- Staff Report to the City of Oceanside Planning Commission dated October 8 and October 22, 2012
- Staff Report to the City Council dated January 2 and January 30, 2013
- Commission Coastal Development Permit File A-6-OCN-06-134/Stroud

(G:\San Diego\Reports\Appeals\2013\A-6-OCN-13-008 Burgess Journigan SI stfrpt.docx)

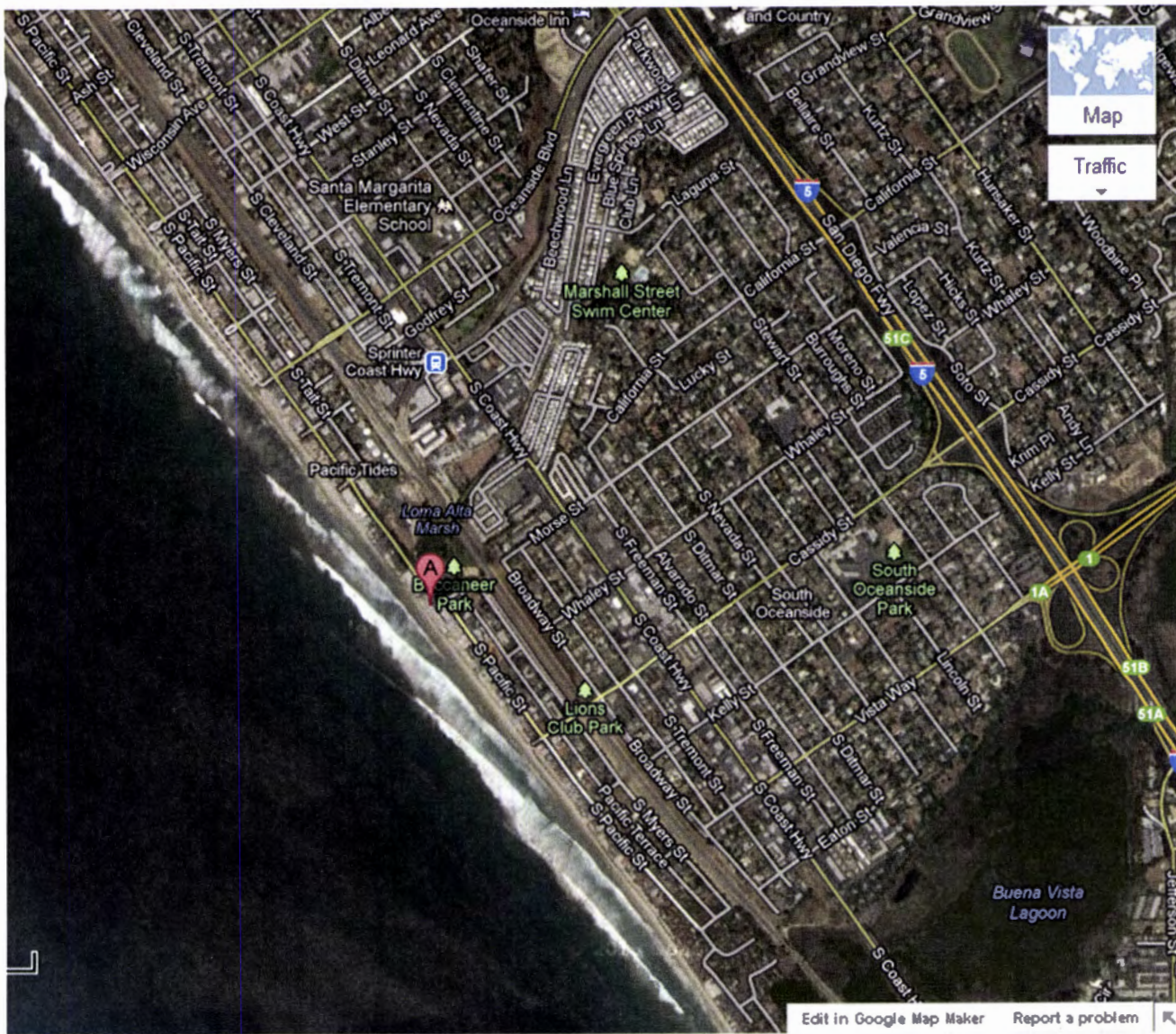


EXHIBIT NO. 1
APPLICATION NO.
A-6-OCN-13-008
Location Map
 California Coastal Commission

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE DENYING THE APPEAL OF PLANNING COMMISSION RESOLUTION NO. 2012-P49 AND APPROVING REGULAR COASTAL PERMIT (RC11-00002) DEVELOPMENT PLAN (D12-00015) AND PARCEL MAP (P12-00002) FOR A THREE-STORY DUPLEX RESIDENTIAL CONDOMINIUM LOCATED AT 1513 SOUTH PACIFIC STREET

(Chris Burgess - Applicant)
(Chris Burgess - Appellant)

WHEREAS, an application was filed for a Regular Coastal Permit (RC11-00002), Development Plan (D12-00015) and Parcel Map (P12-00002) for the construction of a duplex residential condominium located at 1513 South Pacific Street, which real property is more particularly described in EXHIBIT "A", attached hereto and incorporated herein by reference;

WHEREAS, on October 22, 2012 the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, adopted Resolution No. 2012-P49, approving said Regular Coastal Permit, Development Plan and Parcel Map;

WHEREAS, on October 26, 2012, an appeal was timely filed by the project applicant of the Planning Commission decision with the City Clerk of the City of Oceanside;


WHEREAS, on January 2, 2013, and on January 30, 2013 the City Council of the City of Oceanside held duly noticed public hearings and heard and considered evidence and testimony by all interested parties concerning the appeal of certain conditions of approval of the above identified Regular Coastal Permit, Development Plan and Parcel Map ; and

WHEREAS, it has been determined that the stringline location for the subject site is established by connecting the northwest corner of the condominium building at 1601 S. Pacific Street to the south and the Coastal Commission approved stringline location at 1507 S. Pacific Street to the north; and

WHEREAS, based on such evidence and testimony, this Council finds that the decision of the Planning Commission adequately and properly addresses concerns raised by the appellant;

NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as follows:

1. The appeal of Planning Commission Resolution No. 2012-P49 is denied by conclusion that the conditions of approval challenged by the appellants are

EXHIBIT NO. 2
APPLICATION NO.
A-6-OCN-13-008
City's Resolution on Appeal
Page 1 of 2
 California Coastal Commission

1 appropriate in order for the proposed project to conform to the Local Coastal Plan,
2 including the policies of that plan, and to the public access and recreation policies of
3 Chapter 3 of the Coastal Act. Regular Coastal Permit (RC11-00002), Development Plan
4 (D12-00015) and Parcel Map (P12-00002) are hereby approved subject to all conditions
5 set forth in Planning Commission Resolution No. 2012-P49 incorporated herein by this
6 reference.

- 7 2. Pursuant to CCP Section 1094.6 (f), notice is hereby given that the time within which
8 judicial review must be sought on this decision is governed by CCP Section 1094.6 as set
9 forth in Oceanside City Code Section 1.10.

10 PASSED and ADOPTED by the City Council of the City of Oceanside, California this
11 30th day of January, 2013 by the following vote:

12 AYES:

13 NAYS:

14 ABSENT:

15 ABSTAIN:

16
17
18 _____
19 Mayor of the City of Oceanside

20
21 ATTEST:

22 APPROVED AS TO FORM:
23 OFFICE OF THE CITY ATTORNEY

24 _____
25 City Clerk

26 *Robert D. Smith*
27 _____
28 City Attorney
29

PLANNING COMMISSION
RESOLUTION NO. 2012-P49

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

APPLICATION NO: RC11-00002, D12-00015, P12-00002
APPLICANT: Mr. Chris Burgess
LOCATION: 1513 S. Pacific Street

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

WHEREAS, there was filed with this Commission a verified petition on the forms
prescribed by the Commission requesting a Regular Coastal Permit (RC11-00002), Tentative
Parcel Map (P12-00002) and Development Plan (D12-00015) under the provisions of the City of
Oceanside Local Coastal Program to permit the following:

demolition of two structures (three residential units) and construction of two dwellings
within a three-story structure with building extensions seaward of the stringline setback;
on certain real property described in the project description;

WHEREAS, the Planning Commission, after giving the required notice, did on the 22nd
day of October, 2012 conduct a duly advertised public hearing as prescribed by law to consider
said application;

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

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

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

EXHIBIT NO. 3
APPLICATION NO.
A-6-OCN-13-008
Planning Commission
Resolution of
Approval
Page 1 of 21
 California Coastal Commission

1	Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
2			
3	Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
4			
5	Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
6			
7	Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$.713 per square foot or \$713 per thousand square feet for non-residential uses and \$2,072 per unit for residential
8			
9			
10	School Facilities Mitigation Fee	Ordinance No. 91-34	\$.47 per square foot non-residential for Oceanside (\$.42 for Vista and Fallbrook) \$2.97 per square foot residential (\$2.63 for Vista; \$2.63 for Fallbrook)
11			
12			
13			
14			
15	Thoroughfare Fee (For commercial and industrial please note the 75 percent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
16			
17			
18	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 09-OR 0093-1	Fee based on water meter size. Residential is typically \$4,597 per unit; Non-residential is \$36,775 for a 2" meter.
19			
20			
21			
22	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 09-OR 0092-1	Based on capacity or water meter size. Residential is typically \$6,313 per unit; Non-residential is \$50,501 for a 2" meter.
23			
24			
25	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit; Non-residential is \$22,495 for a 2" meter.
26			
27			
28			
29			

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

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

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

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

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

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

20 FINDINGS:

21 For the Regular Coastal Permit:

- 22 1. The proposed duplex development within a three story structure, as conditioned, is
23 consistent with the land use policies of the Local Coastal Program as implemented
24 through the Zoning Ordinance. Specifically, the project, as conditioned, will not
25 substantially alter or impact existing public views of the coastal zone area or from
26 adjoining properties and the physical aspects of the project are consistent with existing
27 development on neighboring sites. The project has been conditioned to limit the
28 seaward extension of the building to the stringline setback. Design, permitting, use,
29 construction, maintenance, work, and repair of the project's shoreline protection
structure(s) shall conform to Chapter 19A of the Oceanside City Code.

2. The proposed development, as conditioned, will not obstruct an existing, planned, or required public beach access and conforms to the public access and recreation policies of Chapter 3 of the Coastal Act.
3. The project will not result in the loss of any on-street public parking spaces or take away from the existing parking fronting the project site.

For the Development Plan:

1. The site plan and physical design of the project is consistent with the purposes of the Zoning Ordinance. The proposed building and site improvements, as conditioned, will comply with the underlying Residential Tourist (RT) zoning designation development standards, including building height and setbacks.
2. The Development Plan conforms to the General Plan of the City. The project is located within an existing residential neighborhood and is consistent with the underlying land use designation.
3. The project site can be adequately served by existing public facilities, services and utilities.
4. The project is compatible with existing and potential development on adjoining residential properties and the surrounding neighborhood. The new building and site improvements will provide an aesthetically superior structure to those existing on site, as well as landscaping, hardscape and other site amenities.
5. The approval of the proposed duplex will be subject to conditions that, in view of the size and shape of the parcel and the present zoning and use of the subject property, provide the same degree of protection to adjoining properties, including protection from unreasonable interference with the use and enjoyment of said properties, depreciation of property values, and any potentially adverse impacts on the public peace, health, safety and welfare.
6. The application for Development Plan approval has been processed in a manner consistent with Article 21 of the 1986 Zoning Ordinance (Procedures, Hearings, Notices and Fees).

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1 For the Tentative Parcel Map:

- 2 1. The proposed subdivision creates a two-unit condominium development on a single lot,
3 consistent with the requirements of the RT (Residential Tourist) zoning designation.
4 The subdivision map is consistent with the General Plan of the City.
- 5 2. The proposed building pad on the site will conform to the topography of the site,
6 therefore making it suitable for residential development. The site is physically suitable
7 for the development of a two-unit condominium on a single lot.
- 8 3. The subdivision, as conditioned, complies with all other applicable ordinances,
9 regulations and guidelines of the City.
- 10 4. The design of the subdivision, or proposed improvements, as conditioned, will not
11 conflict with easements, acquired by the public at large, for access through the use of
12 property within the subdivision.
- 13 5. The design of the subdivision or the proposed improvements, as conditioned, will not
14 cause substantial environment damage or substantially and avoidably injure fish or
15 wildlife or their habitat.
- 16 6. The proposal, as conditioned, complies with all other applicable ordinances, regulations
17 and guidelines of the City of Oceanside, including but not limited to the Local Coastal
18 Plan.

19 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
20 approve Regular Coastal Permit (RC11-00002), Tentative Parcel Map (P12-00002) and
21 Development Plan (D12-00015) subject to the following conditions:

22 Building:

- 23 1. Construction shall comply with the latest edition of the California Codes.
- 24 2. Construction hours shall be limited to 7:00 a.m. to 6:00 p.m. Monday through
25 Saturday.
- 26 3. Each floor elevation shall be certified by a licensed Civil Engineer or Land Surveyor.
27 An Elevation Certificate is required at time of Final Inspection.
- 28 4. The first floor plan configuration shall be revised to ensure compliance with current
29 Building Codes and use of the building as a two-unit residential structure. (CBC
Chapter 2. Dwelling Unit. A single unit providing complete, independent living

1 facilities for one or more persons, including permanent provisions for living, sleeping,
2 eating, cooking and sanitation.

3 **Planning:**

- 4 5. Regular Coastal Permit (RC11-00002), Tentative Parcel Map (P12-00002) and
5 Development Plan (D12-00015) shall expire on October 22, 2014, unless implemented per
6 the Zoning Ordinance or unless the Planning Commission grants a time extension.
- 7 6. This Regular Coastal Permit, Tentative Parcel Map and Development Plan, as conditioned,
8 approves a series of building and site improvements for a duplex within a three-story
9 structure, as presented to the Planning Commission for review and approval. No deviation
10 from these approved plans and exhibits shall occur without Planning Division approval.
11 Substantial deviations shall require a revision to the Regular Coastal Permit, Tentative
12 Parcel Map or a new Regular Coastal Permit.
- 13 7. The location of the stringline shall be verified and revised plans depicting the confirmed
14 stringline location shall be submitted to the Planning Division prior to submittal for
15 building permits. Seaward building development, including but not limited to balconies
16 shall be limited to the stringline setback.
- 17 8. The project shall comply with the 1986 Zoning Ordinance, Section 1720, Permitted
18 intrusions, into required yards. Any encroachments into the minimum 3'-0" side yard shall
19 maintain a minimum 30-inch clearance from side yard lot lines.
- 20 9. The roof-top trellis shall be removed from the roof plan.
- 21 10. Existing landscape planter(s) and fence(s) that obstruct pedestrian travel on public right-of-
22 way areas shall be removed.
- 23 11. A Declaration of Covenants, Conditions and Restrictions (DCC&Rs) shall be submitted for
24 review and approval to the City Attorney prior to issuance of building permits. The
25 DCC&Rs shall specify that approval of project entitlements is limited to development of a
26 two-unit residential condominium. The street level habitable area shall be identified as
27 common space for the two condominium units and shall not be utilized, leased or rented as
28 a separate dwelling unit.
- 29 12. Separate/unique addresses will be required to facilitate utility releases. Verification that the
addresses have been properly assigned by the City's Planning Division must accompany
the Building Permit application.

- 1 13. The first floor plan shall be revised to provide a minimum depth of 40 feet in clear space
2 within the garages, in compliance with 1986 Zoning Ordinance, Section 2702.
- 3 14. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
4 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
5 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
6 annul an approval of the City, concerning Regular Coastal Permit (RC11-00002), Tentative
7 Parcel Map (P12-00002) and Development Plan (12-00015). The City will promptly
8 notify the applicant of any such claim, action or proceeding against the City and will
9 cooperate fully in the defense. If the City fails to promptly notify the applicant of any
10 such claim action or proceeding or fails to cooperate fully in the defense, the applicant
11 shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.
- 12 15. All mechanical rooftop and ground equipment shall be screened from public view as
13 required by the Zoning Ordinance that is, on all four sides and top. The roof jacks,
14 mechanical equipment, screen and vents shall be painted with non-reflective paint to match
15 the roof. This information shall be shown on the building plans.
- 16 16. Prior to the issuance of building permits, compliance with the applicable provisions of the
17 City's anti-graffiti ordinance (Ordinance No. 93-19/Section 20.25 of the City Code) shall be
18 reviewed and approved by the Planning Division. These requirements, including the
19 obligation to remove or cover with matching paint all graffiti within 24 hours, shall be
20 noted on the Architectural Site Plan and shall be recorded in the form of a covenant
21 affecting the subject property. A covenant or other recordable document approved by the
22 City Attorney shall be prepared by the applicant and recorded prior to the issuance of
23 building permits. The covenant shall provide that the property is subject to this
24 resolution, and shall generally list the conditions of approval.
- 25 17. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
26 written copy of the applications, staff report and resolutions for the project to the new
27 owner and or operator. This notification's provision shall run with the life of the project
28 and shall be recorded as a covenant on the property.
- 29 18. Failure to meet any conditions of approval for this development shall constitute a violation
of the Regular Coastal Permit, Tentative Parcel Map and Development Plan.

- 1 19. Unless expressly waived, all current zoning standards and City ordinances and policies
2 in effect at the time building permits are issued are required to be met by this project.
3 The approval of this project constitutes the applicant's agreement with all statements in
4 the Description and Justification and other materials and information submitted with this
5 application, unless specifically waived by an adopted condition of approval.
- 6 20. Elevations, siding materials, colors, roofing materials and floor plans shall be
7 substantially the same as those approved by the Planning Commission. These shall be
8 shown on plans submitted to the Building Division and Planning Division.
- 9 21. Prior to issuance of a building permit, the applicant and landowner shall execute and
10 record a covenant, in a form and content acceptable to the City Attorney, providing that
11 the property is subject to this resolution and all conditions of approval.
- 12 22. Photo documentation of existing building resources on-site shall be completed in
13 compliance with OHPAC Policy 1, prior to issuance of demolition permits for the first
14 structure on the subject property.

14 **Coastal:**

- 15 23. Design, permitting, use, construction, maintenance, work, and repair of the project's
16 shoreline protection structure(s) shall conform to Chapter 19A of the Oceanside City
17 Code.
- 18 24. All existing and/or proposed shoreline protection structure(s) for this project shall be
19 monumented sufficiently to accurately record horizontal location and elevation of said
20 structure(s). Monument locations and survey control points/network shall be approved
21 by the City Engineer prior to placement of monuments. Monument data shall be
22 recorded on a final/parcel map, record of survey, or other acceptable document (as
23 approved by the City Engineer). The shoreline protection structure monuments will
24 serve as baseline control points to be used as reference for future repair or maintenance
25 activities which require a coastal development permit. Future seaward extension of
26 approved shoreline protection structures shall not be permitted.
- 27 25. Outdoor patios, decks, and other similar fixed accessory improvements shall not exist in
28 a hazardous condition. Repair, replacement or removal construction activities require
29 that all relevant permits be obtained from the City and all other applicable agencies.

1 26. Prior to issuance of building permits, the property owner shall execute and record
2 against the project property a Declaration of Restrictive Covenants designed to preserve
3 lateral public access and passive recreational use along the shoreline adjacent to the
4 property. The document shall provide that the property shall be held, transferred,
5 conveyed, leased or otherwise disposed of, occupied, and used subject to lawful public
6 access to and passive recreational use of the entire width of the property line. The
7 Declaration of Restrictive Covenants shall be recorded free of prior liens and free of any
8 other encumbrances which may affect said interest, and shall run with the land and be
9 binding on Declarant's heirs, successors in interest, administrators, assigns, lessees, and
10 other occupiers and users of the property or any portion of it. The location and
11 geometrics of the restrictive covenant shall be in accordance with the City's Local
Coastal Program (LCP).

12 27. This project is subject to payment of an in-lieu fee toward the Beach Sand Mitigation
13 Program, as required by Coastal Commission staff.

14 **Fire:**

15 28. Interconnected smoke alarms powered by the building electrical system and provided with
16 battery back up are required in each unit.

17 29. Interconnected carbon monoxide alarms powered by the building electrical system and
18 provided with battery back up are required in each unit.

19 30. An approved fire sprinkler system must be installed throughout the building. The system
20 shall be designed per N.F.P.A. 13D and California Residential Code.

21 31. Approved four inches high address numbers visible from Pacific Street are required to be
22 placed on the building.

23 **Water:**

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

27 33. The property owner shall maintain private water and wastewater utilities located on private
28 property.
29

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

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

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

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

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

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

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

15 40. All lots with a finish pad elevation located below the elevation of the next upstream
16 manhole cover of the public sewer shall be protected from backflow of sewage by installing
17 and maintaining an approved type backwater valve, per the Uniform Plumbing Code
18 (U.P.C.).

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

19 41. This lot has an existing 5/8-inch water meter. Since upsizing of the water meter and service
20 will be required to comply with current codes, a credit for the existing water meter will be
21 applied once building permits are pulled.

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

25 43. All Water Utilities Fees are due at the time of building permit issuance per City Code
26 Section 32B.7, unless the developer/applicant applies and is approved for a deferral of all
27 fees per City of Oceanside Ordinance No. 09-OR0676-1.
28
29

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

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

6 **Engineering:**

7 45. For the demolition of any existing structure or surface improvements; grading plans shall
8 be submitted and erosion control plans shall be approved by the City Engineer prior to the
9 issuance of a demolition permit. No demolition shall be permitted without an approved
10 erosion control plan.

11 46. Design and construction of all improvements shall be in accordance with the City of
12 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard
13 engineering and specifications of the City of Oceanside and subject to approval by the City
14 Engineer.

15 47. Prior to approval of the parcel map, all improvement requirements, within such increment
16 or outside of it if required by the City Engineer, shall be covered by a subdivision
17 agreement and secured with sufficient improvement securities or bonds guaranteeing
18 performance and payment for labor and materials, setting of monuments, and warranty
19 against defective materials and workmanship.

20 48. Pursuant to the State Map Act, improvements shall be required at the time of development.
21 A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to
22 these improvement conditions and a certificate setting forth the recordation shall be placed
23 on the map.

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

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

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

- 1 52. All grading and related site preparation and construction activities shall be limited to the
2 hours of 7:00 am to 6:00 pm Monday through Friday. No engineering related construction
3 activities shall be conducted on Saturdays, Sundays or legal holidays unless written
4 permission is granted by the City Engineer with specific limitations to the working hours
5 and types of permitted operations. All on-site construction staging areas shall be as far as
6 possible (minimum 100 feet) from any existing residential development. Because
7 construction noise may still be intrusive in the evening or on holidays, the City of
8 Oceanside Noise Ordinance also prohibits "any disturbing excessive or offensive noise
9 which causes discomfort or annoyance to reasonable persons of normal sensitivity."
- 10 53. The construction site shall accommodate the parking of all motor vehicles used by persons
11 working at or providing deliveries to the site. An alternate parking site can be considered
12 by the City Engineer in the event that the lot size is too small and cannot accommodate
13 parking of all motor vehicles.
- 14 54. The owner/developer shall complete a haul route permit application (if required for
15 import/export of dirt) and submit to the City of Oceanside Engineering Department 48
16 hours in advance of beginning of work. Hauling operations (if required) shall be 8:00 a.m.
17 to 3:30 p.m. unless approved otherwise.
- 18 55. It is the responsibility of the owner/developer to evaluate and determine that all soil
19 imported as part of this development is free of hazardous and/or contaminated material as
20 defined by the City and the County of San Diego Department of Environmental Health.
21 Exported or imported soils shall be properly screened, tested, and documented regarding
22 hazardous contamination.
- 23 56. If shoring is required during construction of the proposed development, the shoring design
24 plans and structural calculations shall be submitted to the Engineering Division and
25 approved by the City prior to issuance of a building permit.
- 26 57. A traffic control plan shall be prepared according to the City traffic control guidelines and
27 approved to the satisfaction of the City Engineer prior to the start of work within the public
28 right-of-way. Traffic control during construction of streets that have been opened to public
29 traffic shall be in accordance with construction signing, marking and other protection as
required by the Caltrans Traffic Manual and City Traffic Control Guidelines. Traffic
control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.

- 1 58. Sight distance requirements at the project driveway along Pacific Street shall conform to
2 the corner sight distance criteria as provided by SDRSD, DS-20.
- 3 59. Pavement sections for Pacific Street shall be based upon approved soil tests and traffic
4 indices. The pavement design is to be prepared by the owner/developer's soil engineer and
5 must be in compliance with the City of Oceanside Engineers Design and Processing
6 Manual and be approved by the City Engineer, prior to paving.
- 7 60. Prior to approval of the grading plans, the owner/developer shall contract with a
8 geotechnical engineering firm to perform a field investigation of the existing pavement on
9 Pacific Street adjacent to the project boundary. The limits of the study shall be half-street
10 plus 12 feet along the project's frontage. The field investigation shall include a minimum
11 of one pavement boring. Should the existing AC thickness be determined to be less than
12 the current minimum standard for AC and Class II Base as set forth in the table for City of
13 Oceanside Pavement Design Guidelines in the City of Oceanside Engineers Manual, the
14 owner/developer shall remove and reconstruct the pavement section as determined by the
pavement analysis submittal process detailed in the condition listed below:
- 15 61. Upon review of the pavement investigation, the City Engineer shall determine whether the
16 Owner/developer shall: 1) Repair all failed pavement sections, header cut and grind per the
17 direction of the City Engineer, and construct a two-inch thick rubberized AC overlay; or 2)
18 Perform R-value testing and submit a study that determines if the existing pavement meets
19 current City standards/traffic indices. Should the study conclude that the pavement does
20 not meet current requirements, rehabilitation/mitigation recommendations shall be provided
21 in a pavement analysis report, and the owner/developer shall reconstruct the pavement per
22 these recommendations, subject to approval by the City Engineer.
- 23 62. Any existing public or private pavement, concrete curb, gutter, driveways, pedestrian
24 ramps and sidewalk within the project, or adjacent to the project boundary that are already
25 damaged or damaged during construction of the project, shall be repaired or replaced as
directed by the City Engineer.
- 26 63. The approval of the project shall not mean that proposed grading or improvements on
27 adjacent properties (including any City properties/right-of-way or easements) is granted or
28 guaranteed to the owner/developer. The owner/developer is responsible for obtaining
29

1 permission to grade to construct on adjacent properties. Should such permission be denied,
2 the project shall be subject to a public hearing or substantial conformity review.

- 3 64. Prior to any grading of any part of the project, a comprehensive soils and geologic
4 investigation shall be conducted of the soils, slopes, and formations on the project site. All
5 necessary measures shall be taken and implemented to assure slope stability, erosion
6 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
7 prepared in accordance with the Grading Ordinance and Zoning Ordinance is approved by
8 the City Engineer.
- 9 65. This project shall provide year-round erosion control including measures for the site
10 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
11 control plan, designed for all proposed stages of construction, shall be reviewed, secured by
12 the owner/developer with cash security and approved by the City Engineer.
- 13 66. A precise grading and private improvement plan shall be prepared, reviewed, secured and
14 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
15 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, footprints of all
16 structures, walls, drainage devices and utility services.
- 17 67. Landscaping plans, including plans for the construction of walls, fences or other structures
18 at or near intersections, must conform to intersection sight distance requirements.
19 Landscape and irrigation plans for disturbed areas shall be submitted to the City Engineer
20 prior to the issuance of a preliminary grading permit and approved by the City Engineer
21 prior to the issuance of occupancy permits. Frontage and median landscaping shall be
22 installed prior to the issuance of any certificates of occupancy. Any project fences, sound
23 or privacy walls and monument entry walls/signs shall be shown on, bonded for and built
24 from the landscape plans. These features shall also be shown on the precise grading plans
25 for purposes of location only. Plantable, segmental walls shall be designed, reviewed and
26 constructed per the grading plans and landscaped/irrigated per project landscape plans. All
27 plans must be approved by the City Engineer at a pre-construction meeting held, prior to
28 the start of any improvements.
- 29 68. The drainage design shown on the preliminary grading plan and the drainage report for this
project is conceptual only. The final drainage report and drainage design shall be based
upon a hydrologic/hydraulic study that is in compliance with the latest San Diego County

1 Hydrology and Drainage Manual to be approved by the City Engineer during final
2 engineering. All drainage picked up in an underground system shall remain underground
3 until it is discharged into an approved channel, or as otherwise approved by the City
4 Engineer. All public storm drains shall be shown on City standard plan and profile sheets.
5 All storm drain easements shall be dedicated where required. The owner/developer shall be
6 responsible for obtaining any off-site easements for storm drainage facilities.

7 69. The owner/developer shall place and sign a covenant on the title sheet of the precise
8 grading agreeing to the following: "The present or future owner/developer shall indemnify
9 and save the City of Oceanside, its officers, agents, and employees harmless from any and
10 all liabilities, claims arising from any flooding that occur on this site."

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

14 71. After the Storm Water Mitigation Plan (SWMP) has been deemed complete by the City
15 Engineer and prior to issuance of grading permits, the owner/developer shall submit and
16 obtain approval of an Operation & Maintenance (O&M) Plan, prepared to the satisfaction
17 of the City Engineer. The O&M Plan shall include an approved and executed Maintenance
18 Mechanism pursuant to Section 5 of the Standard Urban Storm Water Mitigation Plan
19 (SUSMP). The O&M shall satisfy the minimum Maintenance Requirements pursuant to
20 Section 5 of the SUSMP. At a minimum the O&M Plan shall include the designated
21 responsible party to manage the stormwater BMP(s), employee training program and
22 duties, operating schedule, maintenance frequency, routine service schedule, specific
23 maintenance activities, copies of resource agency permits, cost estimate for implementation
24 of the O&M Plan, a non-refundable cash security to provide maintenance funding in the
25 event of noncompliance to the O&M Plan, and any other necessary elements. The
26 owner/developer shall provide the City with access to the site for the purpose of BMP
27 inspection and maintenance by entering into an Access Rights Agreement with the City.
28 The owner/developer shall complete and maintain O&M forms to document all operation,
29 inspection, and maintenance activities. The owner/developer shall retain records for a
minimum of 5 years. The records shall be made available to the City upon request.

- 1 72. The owner/developer shall enter into a City-Standard Stormwater Facilities Maintenance
2 Agreement (SWFMA) with the City obliging the owner/developer to maintain, repair and
3 replace the Storm Water Best Management Practices (BMPs) identified in the project's
4 approved SWMP, as detailed in the O&M Plan into perpetuity. The Agreement shall be
5 approved by the City Attorney prior to issuance of any precise grading permit and shall be
6 recorded at the County Recorder's Office prior to issuance of any building permit. A non-
7 refundable Security in the form of cash shall be required prior to issuance of a precise
8 grading permit. The amount of the non-refundable security shall be equal to 10 years of
9 maintenance costs, as identified by the O&M Plan, but not to exceed a total of \$25,000.
10 The owner/developer's civil engineer shall prepare the O&M cost estimate.
- 11 73. At a minimum, maintenance agreements shall require the staff training, inspection and
12 maintenance of all BMPs on an annual basis. The owner/developer shall complete and
13 maintain O&M forms to document all maintenance activities. Parties responsible for the
14 O&M plan shall retain records at the subject property for at least 5 years. These documents
15 shall be made available to the City for inspection upon request at any time.
- 16 74. The Agreement shall include a copy of executed on-site and off-site access easement and or
17 access rights necessary for the operation and maintenance of BMPs that shall be binding on
18 the land throughout the life of the project to the benefit of the party responsible for the
19 O&M of BMPs, satisfactory to the City Engineer. The agreement shall also include a copy
20 of the O&M Plan approved by the City Engineer.
- 21 75. The BMPs described in the project's approved SWMP shall not be altered in any way,
22 unless reviewed and approved to the satisfaction of the City Engineer. The determination
23 of whatever action is required for changes to a project's approved SWMP shall be made by
24 the City Engineer.
- 25 76. The project is located in a Zone AE FEMA Special Flood Hazard Area (SFHA) and shall
26 comply with the applicable provisions of the City of Oceanside Floodplain Management
27 Regulations (Chapter 6, Article IX of the Oceanside City Code). Unless the project is
28 removed from the SFHA by obtaining the appropriate Letter of Map Change, it will be
29 subject to the mandatory National Flood Insurance Program (NFIP) purchase requirement
applicable to properties with flood risk designations.

- 1 77. The approval of the project shall not mean that closure, vacation, or abandonment of any
2 public street, right-of-way, easement, or facility is granted or guaranteed to the
3 owner/developer. The owner/developer is responsible for applying for all closures,
4 vacations, and abandonments as necessary. The application(s) shall be reviewed and
5 approved or rejected by the City of Oceanside under separate process (es) per codes,
6 ordinances, and policies in effect at the time of the application. The City of Oceanside
7 retains its full legislative discretion to consider any application to vacate a public street or
8 right-of-way.
- 9 78. The application(s) shall be reviewed and approved or rejected by the City of Oceanside
10 under separate process (es) per codes, ordinances, and policies in effect at the time of the
11 application. The City of Oceanside retains its full legislative discretion to consider any
12 application to vacate a public street or right-of-way.
- 13 79. The owner/developer shall comply with all the provisions of the City's cable television
14 ordinances including those relating to notification as required by the City Engineer.
- 15 80. Approval of this development project is conditioned upon payment of all applicable impact
16 fees and connection fees in the manner provided in chapter 32B of the Oceanside City
17 Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees,
18 reimbursements, and other applicable charges, fees and deposits shall be paid prior to
19 recordation of the parcel map or the issuance of any building permits, in accordance with
20 City Ordinances and policies. The owner/developer shall also be required to join into,
21 contribute, or participate in any improvement, lighting, or other special district affecting or
22 affected by this project. Approval of the project shall constitute the owner/developer's
23 approval of such payments, and his/her agreement to pay for any other similar assessments
24 or charges in effect when any increment is submitted for building permit approval, and to
25 join, contribute, and/or participate in such districts.
- 26 81. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high
27 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose
28 height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to any streets, an
29 arterial street or state highway.
82. The owner/developer shall obtain any necessary permits and clearances from all public
agencies having jurisdiction over the project due to its type, size, or location, including but

1 not limited to the U. S. Army Corps of Engineers, FEMA, California Department of Fish &
2 Game, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control
3 Board (including NPDES), San Diego County Health Department, prior to the issuance of
4 grading permits.

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

9 84. A digital file of the as-built grading plan, and as-built improvement plan in a format
10 consistent with the City's requirements for digital submittals, shall be submitted to the City
11 of Oceanside prior to occupancy permit.

12 85. In the event that the conceptual plan does not match the conditions of approval, the
13 resolution of approval shall govern.

14 **Landscaping:**

15 86. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines
16 and Specifications for Landscape Development (latest revision), Water Conservation
17 Ordinance No.(s) 91-15 and 10-Ordinance 0412, Engineering criteria, City code and
18 ordinances, including the maintenance of such landscaping, shall be reviewed and
19 approved by the City Engineer prior to the issuance of building permits. Landscaping
20 shall not be installed until bonds have been posted, fees paid, and plans signed for final
21 approval. A landscape pre-construction meeting shall be conducted by the landscape
22 architect of record, Public Works Inspector, developer or owner's representative and
23 landscape contractor prior to commencement of the landscape and irrigation installation.
24 The following landscaping requirements shall be required prior to plan approval and
25 certificate of occupancy:

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

- c) All required landscape areas shall be maintained by owner (including public rights-of-way). The landscape areas shall be maintained per City of Oceanside requirements.
- d) Proposed landscape species shall be native or naturalized to fit the site and meet climate changes indicative to their planting location. The selection of plant material shall also be based on cultural, aesthetic, and maintenance considerations. In addition proposed landscape species shall be low water users as well as meet all Fire Department requirements.
- e) All planting areas shall be prepared with appropriate soil amendments, fertilizers, and appropriate supplements based upon a soils report from an agricultural suitability soil sample taken from the site.
- f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil from the sun, evapotranspiration and run-off. All the flower and shrub beds shall be mulched to a 3" depth to help conserve water, lower the soil temperature and reduce weed growth.
- g) The shrubs shall be allowed to grow in their natural forms. All landscape improvements shall follow the City of Oceanside Guidelines.
- h) Root barriers shall be installed adjacent to all paving surfaces, where a paving surface is located within 6 feet of a trees trunk on site (private) and within 10 feet of a trees trunk in the right-of-way (public). Root barriers shall extend 5 feet in each direction from the centerline of the trunk, for a total distance of 10 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around the tree's root ball is unacceptable.
- i) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall obtain Planning Division approval for these items in the conditions or application stage prior to 1st submittal of working drawings.
- j) For the planting and placement of trees and their distances from hardscape and other utilities/structures the landscape plans shall follow the City of Oceanside's (current) Tree Planting Distances and Spacing Standards.
- k) An automatic irrigation system shall be installed to provide coverage for all planting areas shown on the plan. Low volume equipment shall provide

1 sufficient water for plant growth with a minimum water loss due to water run-
2 off.

- 3 l) Irrigation systems shall use high quality, automatic control valves, controllers
4 and other necessary irrigation equipment. All components shall be of non-
5 corrosive material. All drip systems shall be adequately filtered and regulated
6 per the manufacturer's recommended design parameters.
- 7 m) All irrigation improvements shall follow the City of Oceanside Guidelines and
8 Water Conservation Ordinance.
- 9 n) The landscape plans shall match all plans affiliated with the project.
- 10 o) Landscape plans shall comply with Biological and/or Geotechnical reports, as
11 required, shall match the grading and improvement plans, comply with SWMP
12 Best Management Practices and meet the satisfaction of the City Engineer.
- 13 p) Existing landscaping on and adjacent to the site shall be protected in place and
supplemented or replaced to the satisfaction of the City Engineer.

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

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

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

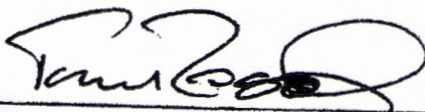
3 PASSED AND ADOPTED Resolution No. 2012-P49 on October 22, 2012 by the
4 following vote, to wit:

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


6 NAYS: Neal

7 ABSENT: Ross

8 ABSTAIN: None

9
10 
11 Tom Rosales, Chairperson
Oceanside Planning Commission

12 ATTEST:

13 
14 Richard Greenbauer, Secretary

15 I, RICHARD GREENBAUER, Secretary of the Oceanside Planning Commission, hereby
16 certify that this is a true and correct copy of Resolution No. 2012-P49.
17

18 Dated: October 22, 2012
19
20
21
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29

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
75 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370

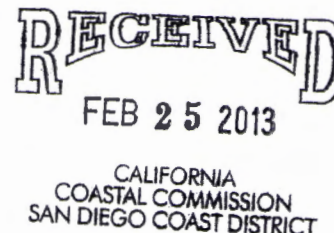


APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Commissioner Esther Sanchez
Mailing Address: City of Oceanside
300 North Coast Hwy
Oceanside, Ca 92054
Phone Number: (760) 435-0971



SECTION II. Decision Being Appealed

1. Name of local/port government: City of Oceanside
2. Brief description of development being appealed: Demolition of two existing residential structures providing three single family dwellings. The easternmost structure consists of a 950 sq. ft. two-story, two-unit building with an attached garage. The westernmost structure is a 814 sq. ft., one-story, single-family home. The project also includes subsequent construction of a three-story duplex condominium structure, with each unit including 2,350 sq. ft. habitable area, a common area of 1,402 sq. ft. and two 2-car garages on a single 6,285 sq. ft. oceanfront lot.

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

1513 South Pacific Street
Oceanside, Ca 92054

4. Description of decision being appealed:

- a. Approval; no special conditions: ☐ b. Approval with special conditions: ☒
c. 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-13-008

DATE FILED: February 25, 2013

DISTRICT: San Diego



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

- a. ☐ Planning Director/Zoning Administrator c. ☐ Planning Commission
- b. ☒ City Council/Board of Supervisors d. ☐ Other: CDC

Date of local government's decision: January 30, 2013

Local government's file number (if any): RC11-00002

SECTION III. Identification of Other Interested Persons

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

Name and mailing address of permit applicant:

Chris Burgess
5692 Fresca Drive
La Palma, Ca 90623

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.

SECTION IV. Reasons Supporting This Appeal

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, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

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.)

- See Attachment "A", dated 2/25/13

Note: The above description 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.

SECTION V. Certification

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

Signed: _____

Appellant or Agent

Date: _____

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

CALIFORNIA COASTAL COMMISSION

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



Attachment A
Burgess/Journigan Residence
1513 South Pacific St
February 25, 2013

The proposed project includes the demolition of two existing residential structures providing three separate dwelling units. The easternmost structure consists of 950 sq. ft. two-story, two-unit building with an attached garage. The westernmost structure is an 814 sq. ft. one-story, single-family home. The project also includes subsequent construction of a three-story duplex condominium structure, with each unit including 2,350 sq. ft. habitable areas, a common area of 1,402 sq. ft. and two 2-car garages on a single 6,285 sq. ft. oceanfront lot.

The 30-foot wide beachfront lot is located in the south Oceanside neighborhood, and is zoned Residential-Tourist (R-T). The project site is located approximately 90 feet south of Buccaneer Beach, a public and highly used sandy beach, and 90 feet south and west of Buccaneer Park. The site slopes downward approximately five feet from the frontage of Pacific Street to the toe of the existing, pre-coastal, rock revetment. The rear boundary of the site is established by the mean high tide line, which results in a lot depth of approximately 240'.

The project was originally approved by the Planning Commission on October 22, 2012. The project was approved per the City's staff recommendation and included project modification conditions requiring the western deck and balcony encroachments seaward of the City's certified stringline to be removed and to remove the proposed rooftop trellis structure. The approval was appealed by the applicant on October 26, 2012, requesting the rear yard setback be located as interpreted by the applicant and not as approved by the Planning Commission. On January 30, 2013, the City Council acted on the appeal, and permitted the development of the home to be constructed based on the applicant's interpretation of the stringline.

The development, as approved by the City, raises several LCP consistency issues including that; 1) the City's action incorrectly sited the western "Stringline" boundary location between 7-11 feet west of the actual stringline which could potentially result in impacts to public views along the ocean as well as establish a new precedent for development located seaward of the existing stringline; 2) the City's assessment did not adequately identify, review, and address previous unpermitted development on the existing rock revetment; 3) the City's action did not adequately address the existing revetment in order to ensure both immediate and future impacts to public access are minimized; 4) the City's action did not address the potential impacts to public views from Morse Street, across the site, and other public vantage points, such as Buccaneer Park, to the ocean.

1) Rear-yard "Stringline" Setback. The City of Oceanside regulates rear yard development standards through its "Stringline Setback Map." The "stringline" in this case is a line on a map generally following the line of development on the beach-fronting homes along the City's coast. The certified "Stringline Setback Map" was developed in 1983 by overlaying an imaginary stringline on an aerial photo of the shoreline in the City of

Oceanside. The map shows how far new development may extend towards the ocean. The stringline map was based on existing building patterns, as well as anticipated future developments and remodels/expansions. This "stringline" was certified by the Commission in 1986 as part of the City's Local Coastal Program. These maps are kept on file in the City's Planning Division and are used to determine the westernmost boundary for any proposed development along the shoreline. The goal of limiting new development to extend no further seaward than the stringline is to restrict encroachment onto the shoreline and preserve private and public views along the shoreline. As such, development is restricted to this setback through the provision of LCP Section 1703, which states:

City of Oceanside Zoning Ordinance – Section 1703

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

[...]

(e) notwithstanding any other provisions of this Section, buildings or structures located on lots contiguous to the shoreline shall be compatible in scale with existing development and shall not extend further seaward 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.

In this case, the City of Oceanside planning staff determined the stringline to be located at 112 feet west of the northernmost portion of the property line and 119 feet west of the southern point on the property. However, as approved by the City, the development encroaches seaward of the stringline with habitable building and balcony spaces, by between 7-11 feet. Thus, as approved by the City, the project cannot be found consistent with its certified policies pertaining to rear yard setbacks. By permitting a development west of the established stringline, not only is there a potential for impacts to existing public views, there is also a new precedent for development established that could result in future impacts to public views as neighboring property owners propose to extend their homes to the newly established stringline.

In addition, the stringline setback also serves to establish a line of development that minimizes risk to wave hazards and maintains a buffer area for development from wave attack. In doing so, it thus also serves to limit the potential for any shoreline protective devices to be sited further seaward in the future, thus protecting coastal access.

2) Impacts to Existing Public Views. The City has several policies protecting coastal visual resources and state:

City of Oceanside LUP - Visual Resources and Special Communities

Findings.

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

Policies.

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

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

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

As stated above, the City's LCP includes a policy that identifies that most east-west streets in the coastal zone offer views of the ocean. The project site is located west and slightly north of Morse Street (an east-west oriented street). Currently, views exist from Morse Street across the subject site and to the ocean. These views are possible because the westernmost portion of the property is currently developed with only a single story structure. Morse Street can be considered an important public vantage point in that the street is surrounded by other public amenities on all sides: 1) Buccaneer Park to the north; 2) the Coastal Rail Trail to the east (a County-wide bicycle trail); 3) a public elevated walkway to the south; and 4) Pacific Street and Buccaneer Beach to the west, north-west. The development, as approved by the City includes a two-story structure along the entire length of the lot. Thus, the existing views may be completely blocked by the approved development. The City failed, in its review, to adequately identify what public view impacts from Morse would result from the approved development.

3. Unpermitted Development. While the approved development does not include any modifications to the existing rock revetment, the City's staff report mentioned that unpermitted development did occur to the revetment sometime between 2010 and 2012. While the City's approval does include conditions regulating any *future* revetment work, the City failed to include the *previous* work in the review of the subject development approval. The City's LCP contains a policy pertaining to shoreline protective structures and states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate impacts on local shoreline sand supply. Such structures shall be designed and constructed to minimize erosive impacts on adjacent unprotected property and minimize encroachment on to the beach. The structures shall not interfere with access along the beach. The property owner shall dedicate all area seaward of the shoreline structure for lateral access for the public.

As approved by the City, the project does not include any work to the existing, pre-coastal rock revetment. However, the City's staff report included a finding that "work was performed on the revetment between February 10, 2010, when the project's wave run-up study coastal hazard and coast protection study was issued, and June 11, 2012 when a letter report was issued by Geosoils Inc..." However, no additional findings were included regarding this unpermitted work. The City's LCP requires that all shoreline protective structures be designed and constructed to minimize erosive impacts and they shall not interfere with access along the beach. By not incorporating the previous revetment work as a component of the subject approval, the City failed to adequately review, analyze and conclude that the revetment has been designed to minimize erosion and public access impacts.

4. Scale of Development. The approved development raises concerns regarding compatibility with the surrounding community. The City's LCP contains a policy pertaining to community character, and states:

Visual Resources and Special Communities – Policy 8

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

As approved by the City, the project will be the demolition of two structures (one 2-unit 2-story structure, one 1-story single family home) that have a combined square footage of 1,764 sq. ft. and replacing it by constructing one new structure (2 unit condominium complex) that has a combined square footage of 6,102 sq. ft. Thus, the project will increase the habitable space on the lot by 4,338 sq. ft. In addition, the structure is built to the minimum side- and front-yard setbacks, is almost to the height maximum, and; as previously discussed, may have been approved beyond the rear-yard setback minimum. The City's approval failed to review how a structure, over 4,000 sq. ft. larger than the existing structure, could be compatible to the surrounding development. Thus, it is unclear, at this time, if the proposed development can be found consistent with the above cited LCP policy.

In conclusion, the City, through the approval of the subject coastal development permit failed to adequately address potential coastal resource impacts associated with the location of the approved rear-yard setback, impacts to ocean views from Morse Street, impacts from previous and unpermitted work occurring on the existing revetment on public access, and the compatibility of proposed structure to surrounding development. Thus, the project, as approved by the City, is inconsistent with the certified LCP policies as provided and discussed above.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
175 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
9) 767-2370



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Commissioner Mary Shallenberger
Mailing Address: P.O. Box 354
Clements, CA 95227

Phone Number: (415) 904-5200

RECEIVED

FEB 25 2013

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: Demolition of two existing residential structures providing three single family dwellings. The easternmost structure consists of a 950 sq. ft. two-story, two-unit building with an attached garage. The westernmost structure is a 814 sq. ft., one-story, single-family home. The project also includes subsequent construction of a three-story duplex condominium structure, with each unit including 2,350 sq. ft. habitable area, a common area of 1,402 sq. ft. and two 2-car garages on a single 6,285 sq. ft. oceanfront lot.
3. Development's location (street address, assessor's parcel no., cross street, etc:)

1513 South Pacific Street
Oceanside, Ca 92054

4. Description of decision being appealed:

a. Approval; no special conditions: ☐ b. Approval with special conditions: ☒
c. 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-13-008

DATE FILED: February 25, 2013

DISTRICT: San Diego

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

- a. ☐ Planning Director/Zoning Administrator c. ☐ Planning Commission
- b. ☒ City Council/Board of Supervisors d. ☐ Other: CDC

Date of local government's decision: January 30, 2013

Local government's file number (if any): RC11-00002

SECTION III. Identification of Other Interested Persons

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

Name and mailing address of permit applicant:

Chris Burgess
5692 Fresca Drive
La Palma, Ca 90623

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.

SECTION IV. Reasons Supporting This Appeal

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, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT
Page 3

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.)

— See Attachment "A", dated 2/25/13

Note: The above description 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.

SECTION V. Certification

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

Signed: Mary K. Hallenberg
Appellant or Agent

Date: 2/25/13

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

CALIFORNIA COASTAL COMMISSION

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



Attachment A
Burgess/Journigan Residence
1513 South Pacific St
February 25, 2013

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The project was originally approved by the Planning Commission on October 22, 2012. The project was approved per the City's staff recommendation and included project modification conditions requiring the western deck and balcony encroachments seaward of the City's certified stringline to be removed and to remove the proposed rooftop trellis structure. The approval was appealed by the applicant on October 26, 2012, requesting the rear yard setback be located as interpreted by the applicant and not as approved by the Planning Commission. On January 30, 2013, the City Council acted on the appeal, and permitted the development of the home to be constructed based on the applicant's interpretation of the stringline.

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Oceanside. The map shows how far new development may extend towards the ocean. The stringline map was based on existing building patterns, as well as anticipated future developments and remodels/expansions. This "stringline" was certified by the Commission in 1986 as part of the City's Local Coastal Program. These maps are kept on file in the City's Planning Division and are used to determine the westernmost boundary for any proposed development along the shoreline. The goal of limiting new development to extend no further seaward than the stringline is to restrict encroachment onto the shoreline and preserve private and public views along the shoreline. As such, development is restricted to this setback through the provision of LCP Section 1703, which states:

City of Oceanside Zoning Ordinance – Section 1703

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

[...]

(e) notwithstanding any other provisions of this Section, buildings or structures located on lots contiguous to the shoreline shall be compatible in scale with existing development and shall not extend further seaward 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.

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City of Oceanside LUP - Visual Resources and Special Communities

Findings.

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Policies.

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

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

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3. Unpermitted Development. While the approved development does not include any modifications to the existing rock revetment, the City's staff report mentioned that unpermitted development did occur to the revetment sometime between 2010 and 2012. While the City's approval does include conditions regulating any *future* revetment work, the City failed to include the *previous* work in the review of the subject development approval. The City's LCP contains a policy pertaining to shoreline protective structures and states:

City of Oceanside LUP - Water and Marine Resources; Diking, Dredging, Filling, and Shoreline Structures and Hazard Areas - Policy 6

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate impacts on local shoreline sand supply. Such structures shall be designed and constructed to minimize erosive impacts on adjacent unprotected property and minimize encroachment on to the beach. The structures shall not interfere with access along the beach. The property owner shall dedicate all area seaward of the shoreline structure for lateral access for the public.

As approved by the City, the project does not include any work to the existing, pre-coastal rock revetment. However, the City's staff report included a finding that "work was performed on the revetment between February 10, 2010, when the project's wave run-up study coastal hazard and coast protection study was issued, and June 11, 2012 when a letter report was issued by Geosoils Inc..." However, no additional findings were included regarding this unpermitted work. The City's LCP requires that all shoreline protective structures be designed and constructed to minimize erosive impacts and they shall not interfere with access along the beach. By not incorporating the previous revetment work as a component of the subject approval, the City failed to adequately review, analyze and conclude that the revetment has been designed to minimize erosion and public access impacts.

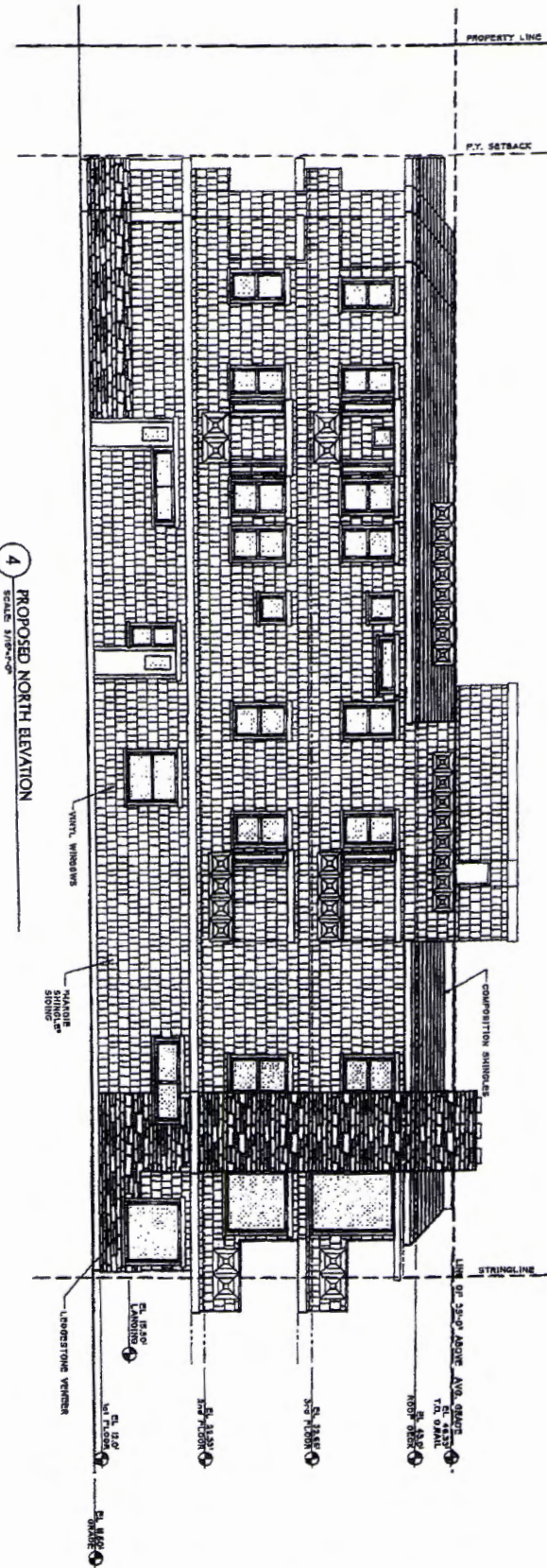
4. Scale of Development. The approved development raises concerns regarding compatibility with the surrounding community. The City's LCP contains a policy pertaining to community character, and states:

Visual Resources and Special Communities – Policy 8

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

As approved by the City, the project will be the demolition of two structures (one 2-unit 2-story structure, one 1-story single family home) that have a combined square footage of 1,764 sq. ft. and replacing it by constructing one new structure (2 unit condominium complex) that has a combined square footage of 6,102 sq. ft. Thus, the project will increase the habitable space on the lot by 4,338 sq. ft. In addition, the structure is built to the minimum side- and front-yard setbacks, is almost to the height maximum, and; as previously discussed, may have been approved beyond the rear-yard setback minimum. The City's approval failed to review how a structure, over 4,000 sq. ft. larger than the existing structure, could be compatible to the surrounding development. Thus, it is unclear, at this time, if the proposed development can be found consistent with the above cited LCP policy.

In conclusion, the City, through the approval of the subject coastal development permit failed to adequately address potential coastal resource impacts associated with the location of the approved rear-yard setback, impacts to ocean views from Morse Street, impacts from previous and unpermitted work occurring on the existing revetment on public access, and the compatibility of proposed structure to surrounding development. Thus, the project, as approved by the City, is inconsistent with the certified LCP policies as provided and discussed above.



4 PROPOSED NORTH ELEVATION
SCALE 3/8"=1'-0"

ARCHITECT
STUDIO 4
1100 7th St. Suite 100
OAKLAND, CA 94612
TEL: 415.778.1804
FAX: 415.778.1804
WWW.STUDIO4ARCHITECTS.COM

PROJECT
BURNESS & JOHANNICAN RESIDENCES

3815 1st Avenue
OAKLAND, CA 94612

OWNER
BURNESS JOHANNICAN

DESIGNER
STUDIO 4 ARCHITECTS

DATE
10/10/04

REVISIONS
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NOTES
1. SEE ARCHITECT'S SPECIFICATIONS FOR MATERIALS AND FINISHES.
2. SEE ARCHITECT'S SPECIFICATIONS FOR WINDOW SIZES AND PLACEMENTS.
3. SEE ARCHITECT'S SPECIFICATIONS FOR ROOFING MATERIALS AND FINISHES.
4. SEE ARCHITECT'S SPECIFICATIONS FOR EXTERIOR LIGHTING FIXTURES AND PLACEMENTS.
5. SEE ARCHITECT'S SPECIFICATIONS FOR EXTERIOR FURNITURE AND PLACEMENTS.
6. SEE ARCHITECT'S SPECIFICATIONS FOR EXTERIOR PLANTINGS AND PLACEMENTS.
7. SEE ARCHITECT'S SPECIFICATIONS FOR EXTERIOR PAINT COLORS AND FINISHES.
8. SEE ARCHITECT'S SPECIFICATIONS FOR EXTERIOR STONE AND FINISHES.
9. SEE ARCHITECT'S SPECIFICATIONS FOR EXTERIOR SIDING AND FINISHES.
10. SEE ARCHITECT'S SPECIFICATIONS FOR EXTERIOR VENEER AND FINISHES.

DATE
10/10/04

PROJECT
BURNESS & JOHANNICAN RESIDENCES

3815 1st Avenue
OAKLAND, CA 94612

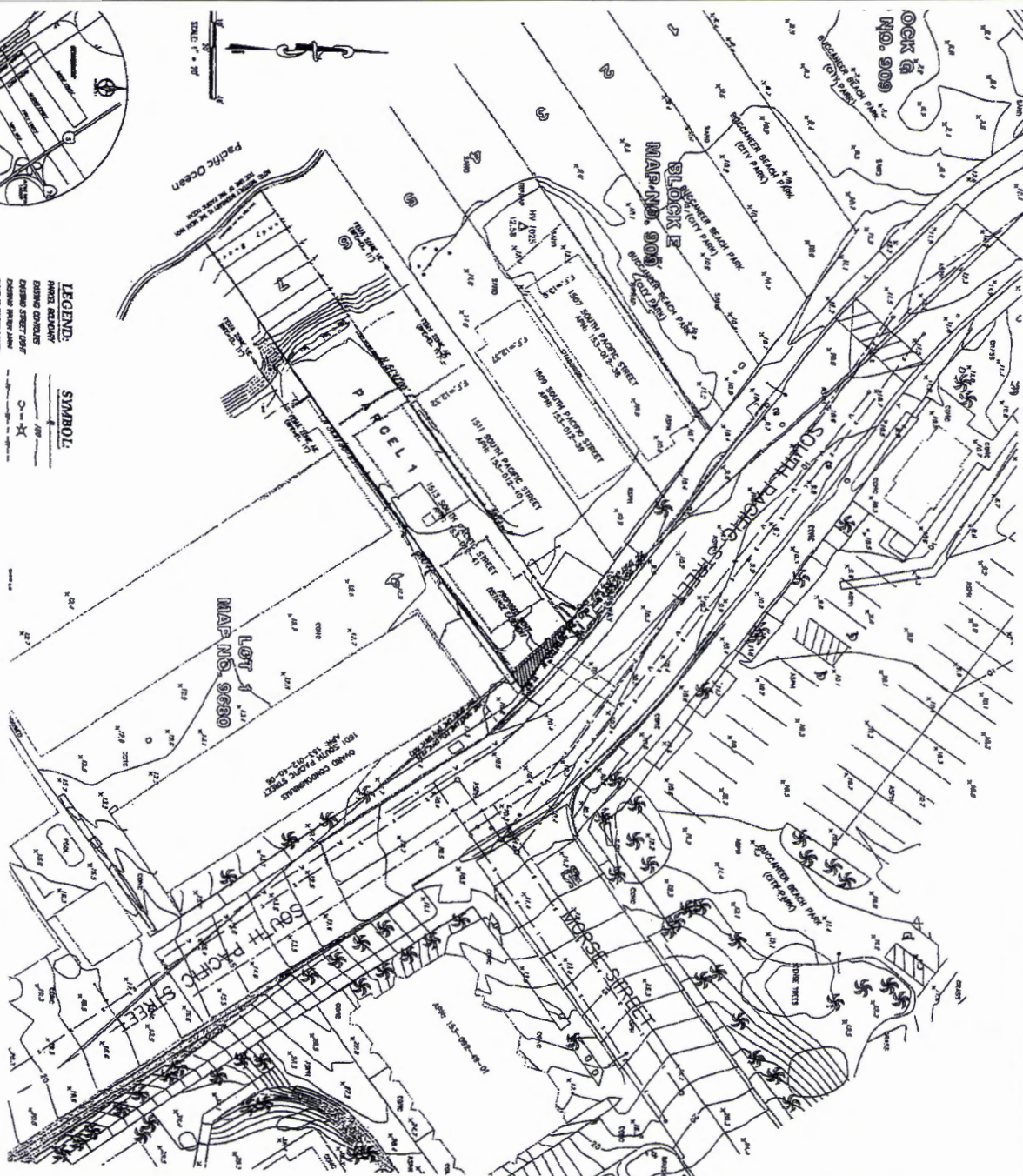
OWNER
BURNESS JOHANNICAN

DESIGNER
STUDIO 4 ARCHITECTS

DATE
10/10/04



LEGEND:	SYMBOL:
PAROL BOLLARD	
EXISTING CONTROLS	
EXISTING STREET LIGHT	
EXISTING PARKING SPACE	
EXISTING PARKING ALLEY	
EXISTING DRIVE	
EXISTING DRIVE LANE	
EXISTING DRIVE LANE	



RC11-00002

DEVELOPMENT INFORMATION:

[illegible]

CONDOMINIUM NOTE:

THE IRVING-KIPP MAP IS A DOCUMENT AS COVERED BY THE PROVISIONS OF SECTION 107 OF THE ONE-DIGIT PER SECTION 107 OF THE NATIONAL MAP ACT FOR A MAP OF 2 FEDERAL MAPS

LEGAL DESCRIPTION:

LOT 7 N. BLACK "C" OF OCCUPANT ACTION IN THE CITY OF OGDENSBURG, COUNTY OF SENeca, STATE OF NEW YORK, ACCORDING TO MAP HEREOF NO. 328, ALSO ON THE OFFICE OF THE COUNTY RECORDER OF SENeca COUNTY, AND A 1604 EXPOSING THEREOF, HAVE THE PARTIES HERETO, BY ANY HERETOFORE OR NOW LIVING, JOINED THE DEED NOW BEING MADE OF THE SAID LAND.

BENCHMARK:

CITY OF OCEANVIEW 8-15 NEW
 CONCRETE 1-1/2" THICK ONE EASED 1/2"
 LEAVING TOP OF CURB ON EXTERIOR SIDE OF
 STREET OVER LAWN AREA CROWN & NORMALLY
 BEING FINISH CITY OF OCEANVIEW.
 CLASSIFIED 11.000 FEET 031640 MOVD 0209

BASE FLOOD ELEVATION NOTE:

ALCOHOL DEHYDROGENASES AND SHORT-ARMED OLIGONUCLEOTIDES AS SHORT-ARMED OLIGONUCLEOTIDES ARE BASED ON THE FOLLOWING DATA: (1) AS SHOWN ON LEFT, PROTEIN MOLECULES ARE BASED ON

UNDERGROUNDING OF UTILITIES:

FIRE NOTE:
FIRE LOSS AND DAMAGE. LOCATED AND IDENTIFIED OF THE EXISTING PROPERTY LINE AT THE
CROSSING OF MAIN STREET AND MAIN STREET. NUMBER OF MAIN STREET AND MAIN STREET.

ESTIMATED EARTHWORK QUANTITIES:

Q15:	Q16:
REL:	0 CY
RESERVE Q15/REL:	50 CY
APPRO:	450 CY
EXPON:	50 CY

REFERENCE REPORTS:

[illegible]

OWNER:

WOLFEHARTZ - BUNNERS LLC
8002 FRESCA DRIVE
LA PUERTA, CA 90073

ENGINEER OF WORK!

60097 R. BYRON
R.C.E. 96276, EXPIRES 08.30.2012
4/18/12
DATE



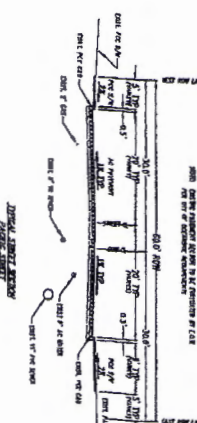
SHEET NUMBER:
TPM.1

**TENTATIVE PARCEL MAP
FOR CONDOMINIUM PURPOSES**
PROPOSED JOURNIGAN / BURGESS TWIN HOME
1513 South Pacific Street, Oceanside, California

tgi **TAYLOR GROUP, INC.**
GEOTECHNICAL & ENGINEERING CONSULTANTS

301 Milliken Avenue, Suite 301 Geotechnical Engineering
Oceanside, CA 92054 Civil Engineering
tel. 760.721.9990 Environmental Science
fax. 760.721.9991
www.VirtTGI.com

PREPARED BY:



2010 - UPGRADED FROM REGISTRATION DATE 2, 2012

PRIMARY SALT CONTENT OF CLAY MINERALS IN ORDER OF INCREASING CATIONIC RADIUS OF THE MONOVALENT CATIONS OF THE 3-VALLEY GROUP AND OF THE 2-VALLEY GROUP AND OF THE 1-VALLEY GROUP. THE MONOVALENT CATIONS OF THE 3-VALLEY GROUP ARE LISTED IN ORDER OF INCREASING CATIONIC RADIUS. THE MONOVALENT CATIONS OF THE 2-VALLEY GROUP ARE LISTED IN ORDER OF INCREASING CATIONIC RADIUS. THE MONOVALENT CATIONS OF THE 1-VALLEY GROUP ARE LISTED IN ORDER OF INCREASING CATIONIC RADIUS.

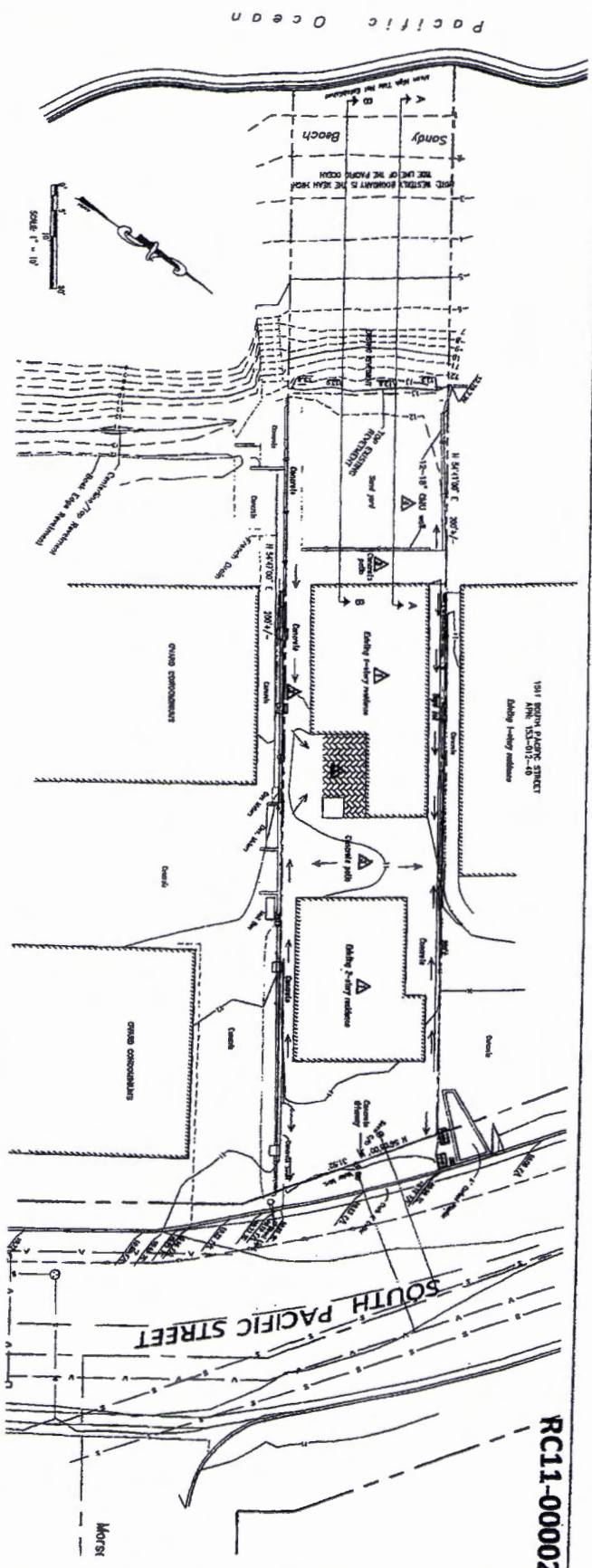


 MARY R. VARON
 R.C. 58274 DEPT. OF -30-1012
 DATE _____
 CIVIL
 DEPT. OF JUSTICE
 REC. RECEIVED

tgi TAYLOR GROUP, INC.
 "GEOTECHNICAL & ENGINEERING CONSULTANTS"
 301 Mission Avenue, Suite 201 Oceanside, CA 92054
 Tel. 768/721.9990
 Fax. 768/721.9991
 www.V687GI.com

*Geotechnical Engineering
 Civil Engineering
 Environmental Science*

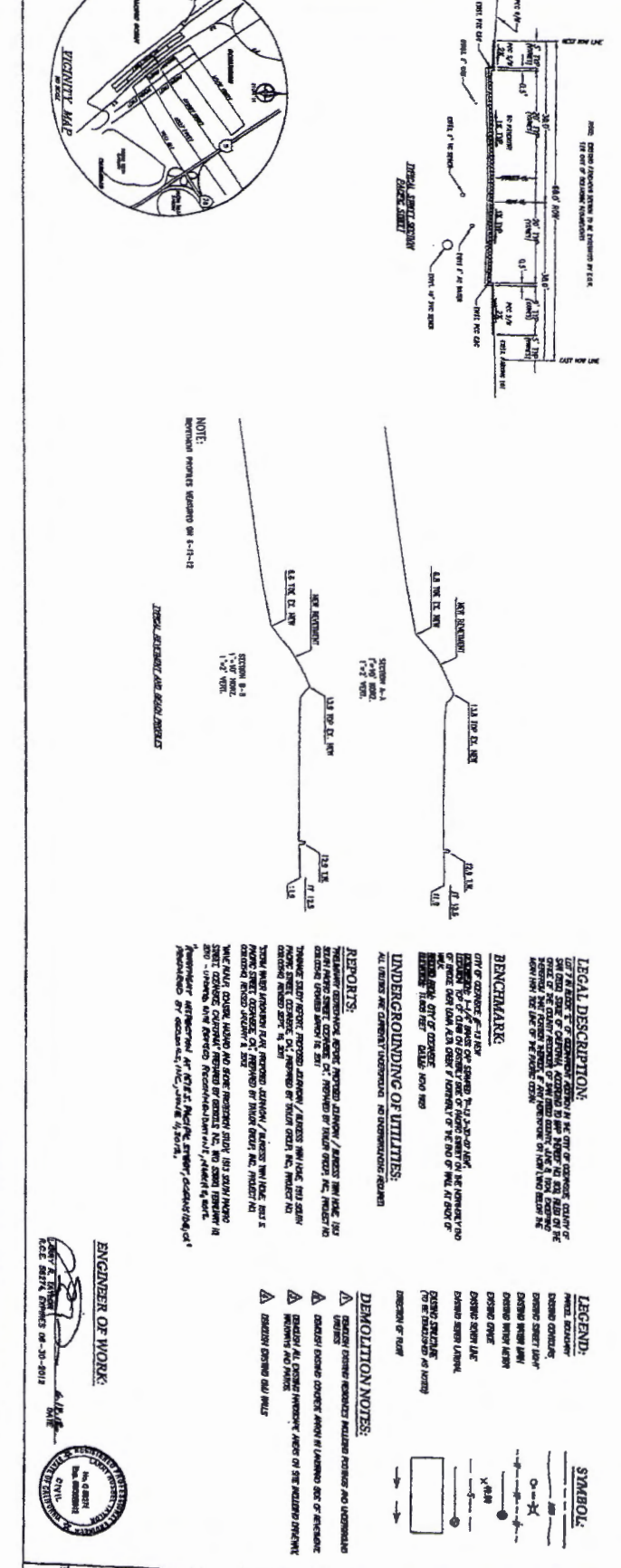
PREPARED BY



RC11-00002

EXISTING CONDITIONS MAP
PROPOSED JOURNIGAN / BURGESS TWIN HOME
1513 South Pacific Street, Oceanside, California

PREPARED BY:
tgi TAYLOR GROUP, INC.
 201 Harbor Avenue, Suite 201 Geotechnical Engineering
 Oceanside, CA 92054
 Tel: 760.761.9990
 Fax: 760.761.9991
 www.VISITUS.com



ENGINEER OF WORK:
 David A. Taylor
 P.E. (C.E. 10000)

EXISTING CONDITIONS MAP

E.1

FIRE DEPARTMENT NOTES:

1. BUILDING SHALL MEET OCEANSIDE SPRINKLER ORDINANCE IN EFFECT AT THE TIME OF BUILDING PERMIT ISSUANCE.
2. BUILDING ADDRESSES SHALL BE 8 INCH HIGH NUMBER / LETTER COMBINATION.
3. PLANS SHALL BE SUBMITTED TO FIRE PREVENTION BUREAU FOR PLAN CHECK REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF BUILDING PERMITS.
4. BUILDING SHALL MEET OCEANSIDE FIRE DEPARTMENT CURRENT ADOPTED CODES AT THE TIME OF BUILDING PERMIT APPLICATION.

SITE PLAN NOTES:

1. SITE PLAN & GRADING PLAN SHALL ESTABLISH THE EXISTING AND FINISH GRADES AND DRAINAGE CONTROL SYSTEMS FOR THE PROPOSED STRUCTURE.
2. THERE ARE NO NEW EXPOSED CUT OR FILL SLOPES PROPOSED FOR THE PROJECT.
3. THE FINISHED PRECISE ELEVATIONS OF CONCRETE TERRACES AND DRAINAGE SYSTEMS CONTROLLED BY THIS PLAN DIRECT THE STORMWATER TO THE EXISTING DRAINAGE SYSTEM TO THE WEST TOWARD THE BEACH.
4. NO NEW PUBLIC DRAINAGE FACILITIES ARE PROPOSED.
5. FOUNDATION WALLS FOR THE STRUCTURE ARE SHOWN ON THIS PLAN FOR REFERENCE ONLY.
6. NEW FOUNDATIONS SHALL CONFORM TO THE SOILS / GEOTECHNICAL REPORT.
7. ALL ROOF DRAINS FROM GUTTERS SHALL BE COLLECTED TO EXIT THE STRUCTURE ON THE CONCRETE SURFACES OR INTO LANDSCAPE DRAINS, AND ARE TO BE DIRECTED TO THE PROPOSED DISCHARGE INFILTRATION BASIN IN THE REAR.
8. NO OFF-SITE GRADING IS PROPOSED.
9. CONSTRUCTION AREA IS LIMITED BY PROPERTY LINE ON THE NORTH, SOUTH & WEST AND BY THE STREET ON THE EAST.
10. CONSTRUCTION OPERATIONS SHALL BE LIMITED TO WEEKLY HOURS 7:00 AM TO 6:00 PM; SATURDAY HOURS 7:00 AM TO 5:00 PM; NO WORK ON SUNDAYS AND HOLIDAYS.
11. WATER SERVICE PROVIDED BY THE CITY OF OCEANSIDE.
12. SEWER SERVICE PROVIDED BY THE CITY OF OCEANSIDE.
13. ELECTRIC AND GAS SERVICE PROVIDED BY SAN DIEGO GAS & ELECTRIC.
14. TELEPHONE PRE-WIRE BY BULDOZER AND OR AT&T; SERVICE CHOICE TO BE DETERMINED.
15. CABLE SERVICE PROVIDED BY COX COMMUNICATIONS.
16. WASTE MANAGEMENT SERVICES PROVIDED BY WASTE MANAGEMENT, INC.
17. SCHOOL SERVICES BY OCEANSIDE UNIFIED SCHOOL DISTRICT.
18. NO UNDEVELOPABLE AREA FOUND ON SITE.
19. RAILROAD LINE 400 FT TO NORTHEAST.
20. FINISH GRADE WITHIN 10 FEET OF THE NEW STRUCTURE/ADDITION SHALL BE SLOPED A MINIMUM 2% AWAY FROM THE BUILDING FOR DRAINAGE PURPOSES.
21. THE DISCHARGE OF POLLUTANTS TO ANY STORM DRAINAGE SYSTEM IS PROHIBITED. NO SOLID WASTE, PETROLEUM BYPRODUCTS, SOIL PARTICULATE, CONSTRUCTION WASTE MATERIALS, OR WASTEWATER GENERATED ON CONSTRUCTION SITES OR BY CONSTRUCTION ACTIVITIES SHALL BE PLACED, CONVEYED OR DISCHARGED INTO THE STREET, GUTTER OR STORM DRAIN SYSTEM.

LEGEND:

SYMBOL	DESCRIPTION
---	PROPERTY LINE
10	EXISTING CONTOUR
10	FINISH CONTOUR
10.00'	EXISTING SPOT ELEV.
10.00'	PROPOSED SPOT ELEV.
←	DIRECTION OF DRAINAGE
[Symbol]	PROPOSED STRUCTURE
[Symbol]	PROPOSED DECORATIVE PAVING INTEGRAL COLOR
[Symbol]	PROPOSED DECORATIVE FLAGSTONE PAVING
[Symbol]	EXISTING PAVING TO REMAIN
[Symbol]	LANDSCAPE PLANTING
LD	LANDSCAPE DRAINLINE
6"	6" NDS ATRIUM DRAIN
3"	3" DECK DRAIN
4"	4" SANITARY SEWER LINE
GAS	UNDERGROUND NATURAL GAS SERVICE
UE	UNDERGROUND ELECTRICAL SERVICE
W	WATER SERVICE LOCATION
TO	UNDERGROUND TELEPHONE & CABLE LINE

DESIGN TEAM

STUDIO 4
PAUL LONGTON
LICENSED ARCHITECT
2909 MESA DRIVE,
OCEANSIDE, CA 92054
PHONE: 760-722-4804
FAX: 760-722-4803

MBR designs
MATTHEW RING
LICENSED LANDSCAPE
ARCHITECT #5330
6706 PASO DEL VISTA,
LA COSTA, CA 92059
PHONE: 760-415-1650
MATTHEW@MBRDESIGNS.COM

TAYLOR GROUP, INC.
GEOSCIENCE & CIVIL ENGINEERING
CONSULTANTS
718 PIER VIEW WAY,
OCEANSIDE, CA 92054
PHONE: 760-721-9990
FAX: 760-721-9991

ENERGY DOCUMENTATION, TITLE 24 UNKNOWN

STRUCTURAL ENGINEER TBD

GEOSOLS, INC.
WAVE RUN UP STUDY
5741 PALMER WAY
CARLSBAD, CA 92009
(760) 458-3155

PROJECT INFO:

ASSESSOR'S PARCEL #: 183-015-413

LEGAL DESCRIPTION: LOT 7 IN BLOCK 'E' OF OCEANFRONT ADDITION IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 889, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 8, 1904, EXCEPTING THEREFROM THAT PORTION THEREOF, IF ANY HERETOFORE OR NOW LYING BELOW THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN

APPLICANT / OWNER: BURGESS JOURNIGAN STREET CITY, STATE ZIP

DATE PREPARED: AUGUST 23, 2011

ZONE & GENERAL PLAN: RT-RESIDENTIAL TOURIST

LOT SIZE: 8,295 SQ. FT. (0.14 ACRES)

BUILDING DATA:
FIRST FLOOR 1,402 SQ. FT.
SECOND FLOOR 2,422 SQ. FT.
THIRD FLOOR 2,422 SQ. FT.
ROOF DECK 178 SQ. FT.
TOTAL HABITABLE 6,424 SQ. FT.

GARAGE COURTYARD 899 SQ. FT.
COURTYARD RESTROOM 138 SQ. FT.
2ND FLOOR DECKS 308 SQ. FT.
3RD FLOOR DECKS 308 SQ. FT.
ROOF DECKS 1,813 SQ. FT.
ROOF STORAGE 33 SQ. FT.

BUILDING COVERAGE: 2,487.7 SF PROPOSED 30.7%
PAVEMENT COVERAGE: 33.7 SF PROPOSED 0.5%
LANDSCAPING COVERAGE: 1,345.8 SF PROPOSED 21.5%
REVEGETATION: 498.5 SF EXISTING 7.6%
SAND/OCEAN: 1,902.3 SF EXISTING 28.5%
INCLUDING DECORATIVE LANDSCAPE

LOT WIDTH: 25.8'

LOT DEPTH: 115.54 FT AT NORTH PROPERTY LINE
125.80 FT SOUTH PROPERTY LINE

SETBACKS:
FRONT YARD: 10'-0"
SIDE YARD: 3'-0"
REAR YARD: STRINGLINE LIMIT OBSERVED

HEIGHT: 3-STORIES OR 30'-0" FROM THE AVERAGE FINISHED GRADE TO THE CEILING OF THE TOP STORY. NO PORTION OF THE PROPOSED HABITABLE SPACE MAY EXCEED THE MAX. PERMITTED HEIGHT.

SEC. 211, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 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3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219

LANDSCAPE PLANTING & IRRIGATION NOTES:

1. ALL PLANTING AND IRRIGATION INSTALLATIONS SHALL BE MADE PURSUANT TO THE CITY OF OCEANSIDE LANDSCAPE TECHNICAL MANUAL.
2. ALL SOILS SHALL BE PROPERLY AMENDED TO PROMOTE VIGOROUS GROWTH AND SURFACE WATER RETENTION.
3. THE LANDSCAPE PLANTING PALETTE IS CONCEPTUAL AND SUBJECT TO FIELD REVISIONS AND/OR ALTERNATE SELECTIONS BY THE LANDSCAPE ARCHITECT.
4. ALL IRRIGATION TO TREES AND SHRUBS SHALL BE BY DRIP EMITTERS FROM AUTOMATIC CONTROLLERS ON TIME CLOCKS.
5. ALL IRRIGATION TO GROUND COVERS AND LAWN AREAS SHALL BE BY LOW FLOW POP-UP SISTERS (SPRINKLER) OR POP-UP SPIN ROTATORS (SPRINKLER) FROM AUTOMATIC CONTROLLERS ON TIME CLOCKS.
6. THE SYSTEM SHALL INCLUDE RAIN SENSORS TO REDUCE OR SUSPEND WATERING DURING RAINY PERIODS.
7. CONCRETE DRIVEWAY BAND & WALKS SHALL BE INTEGRAL COLORED CONCRETE BY OAVIS COLORS, ADOBE COLOR WITH MEDIUM BROOM FINISH.
8. DRIVEWAY FLAGSTONE INLAY TO BE A SLATE FLAGSTONE OVER CONCRETE BASE AND IS TO MATCH COLOR AND TEXTURE OF DECORATIVE WALL FASCIA ROCK.
9. HOMEOWNERS ARE EXPECTED TO HAVE POTTED PLANTS ON THEIR PATIOS.
10. ALL LANDSCAPING & IRRIGATION SHALL BE EQUALLY DIVIDED & MAINTAINED THE INDIVIDUAL UNITS, NORTH SIDE & FRONT BY UNIT A, SOUTH SIDE BY UNIT B.
11. NO FIRE SUPPRESSION ZONE OR BRUSH MANAGEMENT IS REQUIRED OR PROVIDED.
12. 345.4 SF OF DECORATIVE COLORED CONCRETE WALKWAYS DOES NOT INCLUDE DRIVEWAY.
13. ALL ON DECK / STRUCTURE PLANTERS AND CONTAINER PLANTS WILL BE BRIGATED USING SUB IRRIGATION WATERING SYSTEM BY GARDEN ART INTERNATIONAL. (FORMERLY JARDINIER) (714) 941-4200. USING LIGHTWEIGHT POTTING SOIL MIX FROM GARDEN ART INTERNATIONAL.
14. 8'-0" HIGH STAINED WOOD FENCE TO RUN ALONG BUILDING ON NORTH AND SOUTH PROPERTY LINE WITH GATES AT EAST AND WEST OF THE NORTH AND SOUTH OF BUILDING

CITY OF OCEANSIDE LANDSCAPE CLP NOTES:

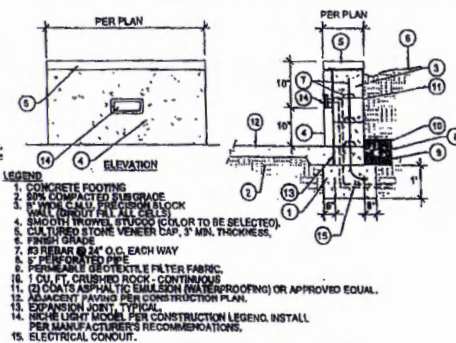
1. FINAL LANDSCAPE PLANS SHALL ACCURATELY SHOW PLACEMENT OF TREES, SHRUBS, AND GROUND COVERS.
2. LANDSCAPE ARCHITECT SHALL BE AWARE OF ALL UTILITY, SEWER, GAS, AND BY ORAM GRAY BASEMENTS AND PLACE PLANTING LOCATIONS ACCORDINGLY TO MEET CITY OF OCEANSIDE REQUIREMENTS.
3. ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED (INCLUDING PUBLIC RIGHT-OF-WAY) BY OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED PER CITY OF OCEANSIDE REQUIREMENTS.

CITY OF OCEANSIDE REQUIRED IRRIGATION NOTE:

1. AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED TO PROVIDE COVERAGE FOR ALL PLANTING AREAS SHOWN ON THE PLAN. LOW VOLUME EQUIPMENT SHALL PROVIDE SUFFICIENT WATER FOR PLANT GROWTH WITH A MINIMUM WATER LOSS DUE TO WATER RUN-OFF. IRRIGATION SYSTEMS SHALL USE HIGH QUALITY, AUTOMATIC CONTROL VALVES, CONTROLLERS AND OTHER NECESSARY IRRIGATION EQUIPMENT. ALL COMPONENTS SHALL BE OF NON-CORROSIVE MATERIAL. ALL DRIP SYSTEMS SHALL BE ADEQUATELY FILTERED AND REGULATED PER THE MANUFACTURERS RECOMMENDED DESIGN PARAMETERS. ALL IRRIGATION IMPROVEMENTS SHALL FOLLOW THE CITY OF OCEANSIDE GUIDELINES AND WATER CONSERVATION ORDINANCE.

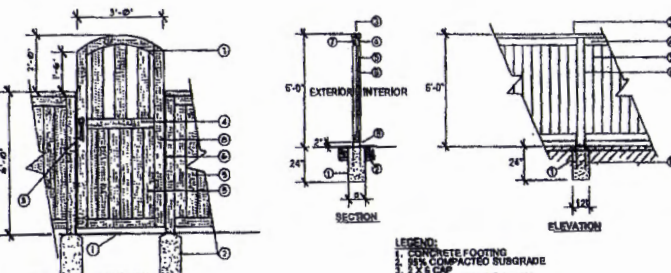
CITY OF OCEANSIDE REQUIRED PLANTING NOTE:

1. THE SELECTION OF PLANT MATERIAL IS BASED ON CULTURAL, AESTHETIC, AND MAINTENANCE CONSIDERATIONS. ALL PLANTING AREAS SHALL BE PREPARED WITH APPROPRIATE SOIL AMENDMENTS, FERTILIZERS AND APPROPRIATE SUPPLEMENTS BASED UPON A SOILS REPORT FROM AN AGRICULTURAL SUSTAINABILITY SOIL SAMPLE TAKEN FROM THE SITE. GROUND COVERS OR BARK MULCH SHALL FILL IN BETWEEN THE SHRUBS TO SHIELD THE SOIL FROM THE SUN, EVAPORATION AND RUN-OFF. ALL THE FLOWER AND SHRUB BEDS SHALL BE MULCHED TO A 3" DEPTH TO HELP CONSERVE WATER, LOWER THE SOIL TEMPERATURE AND REDUCE WEED GROWTH. THE SHRUBS SHALL BE ALLOWED TO GROW IN THEIR NATURAL FORMS. ALL LANDSCAPE IMPROVEMENTS SHALL FOLLOW THE CITY OF OCEANSIDE GUIDELINES.



LEGEND:
 1. CONCRETE FOOTING
 2. 4" W/ 20% GRAVEL SUBGRADE
 3. 4" W/ 20% GRAVEL SUBGRADE BLOCK
 4. 1/2" W/ 20% GRAVEL SUBGRADE
 5. 1/2" W/ 20% GRAVEL SUBGRADE
 6. 1/2" W/ 20% GRAVEL SUBGRADE
 7. 1/2" W/ 20% GRAVEL SUBGRADE
 8. 1/2" W/ 20% GRAVEL SUBGRADE
 9. 1/2" W/ 20% GRAVEL SUBGRADE
 10. 1/2" W/ 20% GRAVEL SUBGRADE
 11. 1/2" W/ 20% GRAVEL SUBGRADE
 12. 1/2" W/ 20% GRAVEL SUBGRADE
 13. 1/2" W/ 20% GRAVEL SUBGRADE
 14. 1/2" W/ 20% GRAVEL SUBGRADE
 15. 1/2" W/ 20% GRAVEL SUBGRADE

CMU SEAT WALL



LEGEND:
 1. FINISH SURFACE
 2. FINISH SURFACE
 3. FINISH SURFACE
 4. FINISH SURFACE
 5. FINISH SURFACE
 6. FINISH SURFACE
 7. FINISH SURFACE
 8. FINISH SURFACE
 9. FINISH SURFACE
 10. FINISH SURFACE
 11. FINISH SURFACE
 12. FINISH SURFACE
 13. FINISH SURFACE
 14. FINISH SURFACE
 15. FINISH SURFACE

ENTRY GATE DETAIL

FENCE DETAIL

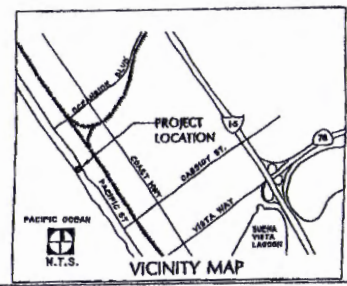
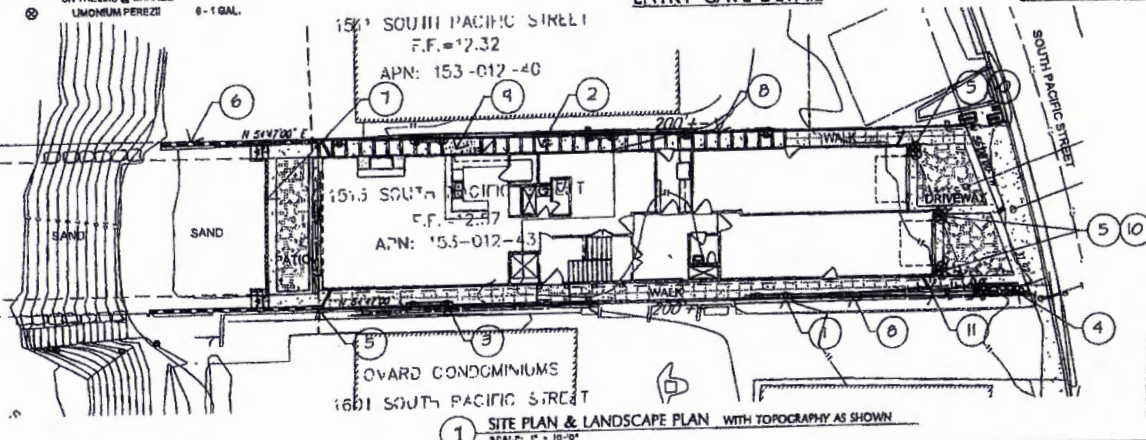
LEGEND:

- | SYMBOL | DESCRIPTION |
|--------|---|
| --- | PROPERTY LINE |
| --- | EXISTING CONTOUR |
| --- | FRESH CONTOUR |
| --- | EXISTING SPOT ELEV. |
| --- | PROPOSED SPOT ELEV. |
| --- | DIRECTION OF DRAINAGE |
| --- | PROPOSED STRUCTURE |
| --- | PROPOSED DECORATIVE PAVING INTERIOR COLOR |
| --- | PROPOSED DECORATIVE FLAGSTONE PAVING |
| --- | EXISTING PAVING TO REMAIN |
| --- | LANDSCAPE DRAINLINE |
| --- | 6" NO. 8 ATTIUM DRAIN |
| --- | 3" ODD DRAIN |
| --- | 4" SANITARY SEWER LINE |
| --- | UNDERGROUND NATURAL GAS SERVICE |
| --- | UNDERGROUND ELECTRICAL SERVICE |
| --- | WATER SERVICE LOCATION |
| --- | UNDERGROUND TELEPHONE & CABLE LINE |

LANDSCAPE LEGEND

PLANTER LOCATION	PLANTER NAME	PLANT QUANTITY
1 DRIVE SOUTH WALL	CREeping FIG ESPALIER	2-5 GAL.
2 NORTH WALKWAY	BEACH PEBBLE STEPPING STONES	7-5 GAL.
3 SOUTH WALKWAY	CREeping FIG ESPALIER	2-5 GAL.
4 STREET PLANTER	CREeping THYME GROUND COVER	3-1 GAL.
5 GARAGE PLANTER	ROSEBURN PALM	3-4" CAL / 2" BTH
	UMONUM PEREZII	8-1 GAL.
	ASIANIC JASMINE ON TRELLIS @ GARAGE	3-1 GAL.
	UMONUM PEREZII	8-1 GAL.

6. PROPOSED 12" HIGH DECORATIVE CMU BUMP BLOCK WALL, ADOBE COLOR WITH CAP STONE TO REPLACE EXISTING DETRORATING CMU WALL
7. PROPOSED 24" HIGH DECORATIVE CMU BLOCK RETAINING / SEAT WALL, COLOR TBD, WITH CAP STONE TO REPLACE EXISTING DETRORATING CMU RETAINING WALL, EXHOWN FOR CLARIFICATION ONLY REFER TO CIVIL PLANS.
8. 6" HIGH WOOD STAINED WOOD FENCE, COLOR TBD.
9. OUTDOOR SHOWER WITH WOOD/COMPOSITE DECK SET ON CONCRETE PIERS ON GRADE
10. 6" INTERIOR COLOR CONCRETE CURB TO SURROUND / PROTECT PLANTER AND LANDSCAPE MATERIAL
11. ENTRY GATE PER DETAIL



NO.	REVISION

MBR designs
 1513 SOUTH PACIFIC STREET
 OCEANSIDE, CA 92054



BURGESS / JOURNAN RES
 1513 SOUTH PACIFIC STREET
 OCEANSIDE, CA 92054

COSTAL DEVELOPMENT PERMIT

CONCEPTUAL LANDSCAPE PLAN

DATE: 11/11/2011
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 SCALE: 1" = 10'-0"

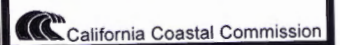
CLP-1

FEB 12 2013

California Coastal Commission
San Diego Coastal District



EXHIBIT NO. 6
APPLICATION NO.
A-6-OCN-13-008
Commission site
photo





RECEIVED

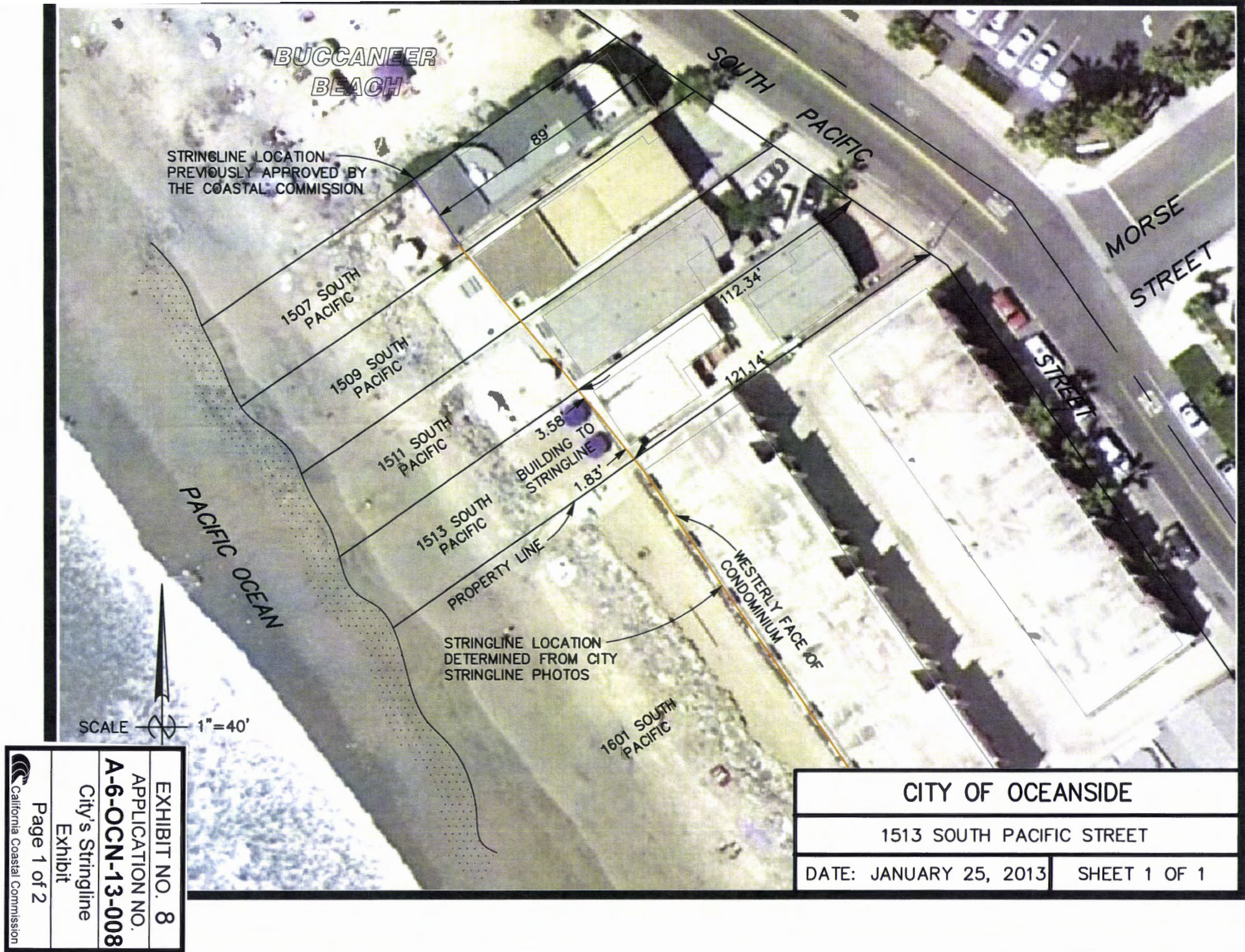
MAR 18 2013

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT



View from Horse Street towards Pacific Street and towards Beach





BUCCANEER
BEACH

STRINGLINE LOCATION
PREVIOUSLY APPROVED BY
THE COASTAL COMMISSION

SOUTH
PACIFIC

MORSE
STREET

STREET

1507 SOUTH
PACIFIC

1509 SOUTH
PACIFIC

1511 SOUTH
PACIFIC

1513 SOUTH
PACIFIC

BUILDING TO
STRINGLINE

PROPERTY LINE

STRINGLINE LOCATION
DETERMINED FROM CITY
STRINGLINE PHOTOS

1601 SOUTH
PACIFIC

WESTERLY FACE OF
CONDOMINIUM

PACIFIC OCEAN

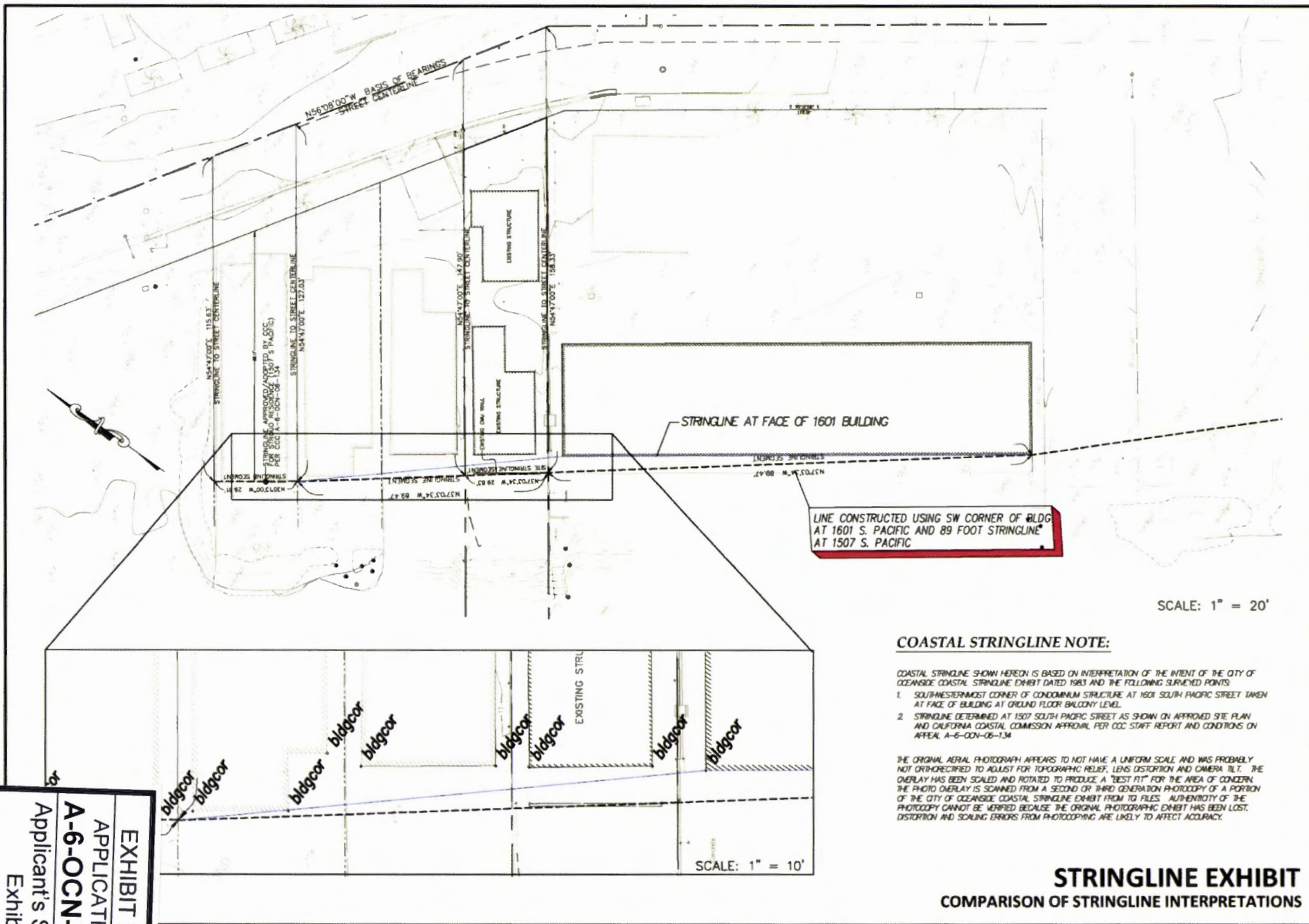
SCALE 1"=40'

CITY OF OCEANSIDE

1513 SOUTH PACIFIC STREET

DATE: JANUARY 25, 2013

SHEET 1 OF 1



SCALE: 1" = 20'

COASTAL STRINGLINE NOTE:

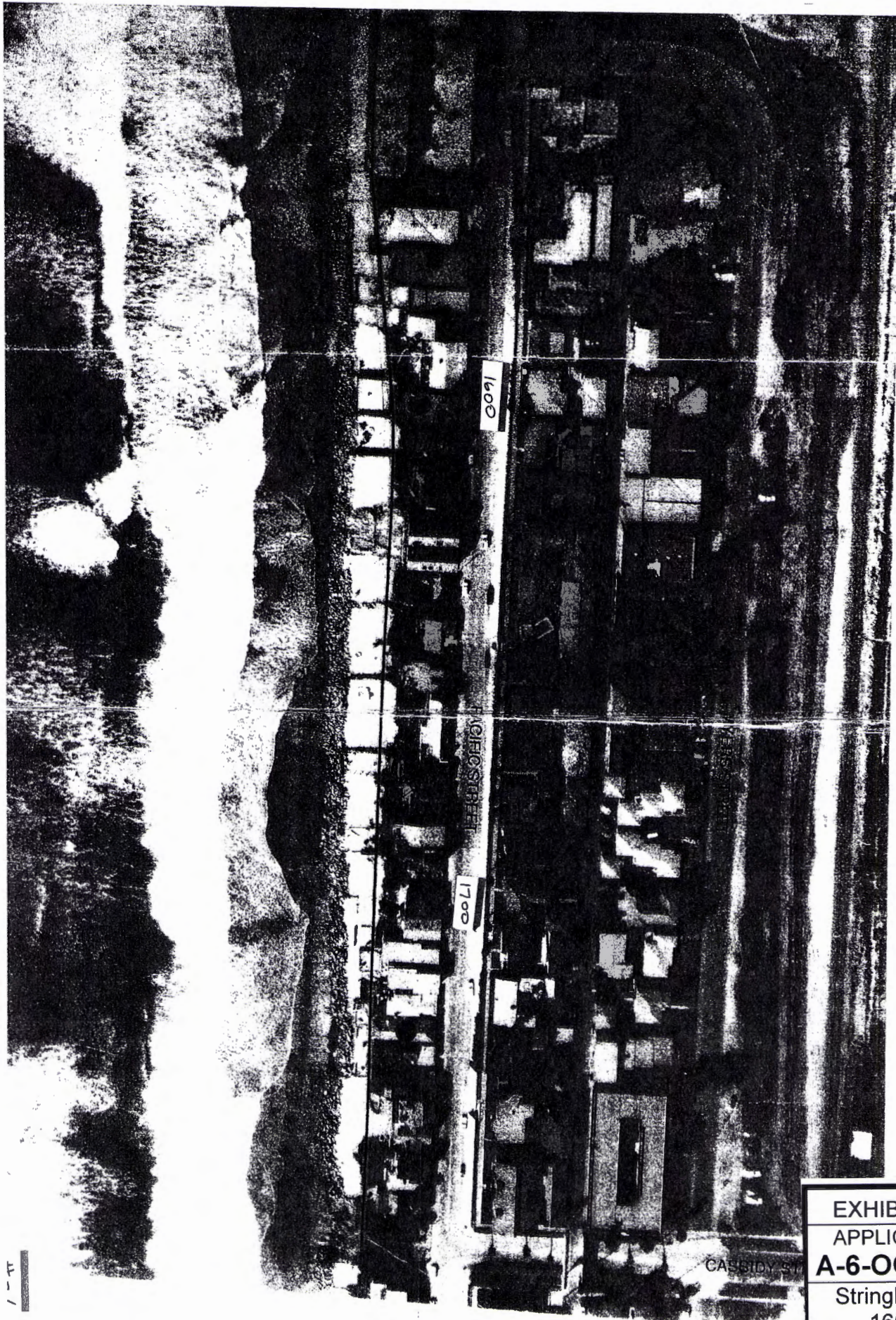
COASTAL STRINGLINE SHOWN HEREON IS BASED ON INTERPRETATION OF THE INTENT OF THE CITY OF OCEANSIDE COASTAL STRINGLINE EXHIBIT DATED 1983 AND THE FOLLOWING SURVEYED POINTS:

1. SOUTHWESTERMOST CORNER OF CONDOMINIUM STRUCTURE AT 1601 SOUTH PACIFIC STREET TAKEN AT FACE OF BUILDING AT GROUND FLOOR BALCONY LEVEL.
2. STRINGLINE DETERMINED AT 1507 SOUTH PACIFIC STREET AS SHOWN ON APPROVED SITE PLAN AND CALIFORNIA COASTAL COMMISSION APPROVAL PER CCC STAFF REPORT AND CONDITIONS ON APPEAL A-6-OCN-06-134.

THE ORIGINAL AERIAL PHOTOGRAPH APPEARS TO NOT HAVE A UNIFORM SCALE AND WAS PROBABLY NOT ORTHORECTIFIED TO ADJUST FOR TOPOGRAPHIC RELIEF, LENS DISTORTION AND CAMERA TILT. THE OVERLAY HAS BEEN SCALED AND ROTATED TO PRODUCE A "BEST FIT" FOR THE AREA OF CONCERN. THE PHOTO OVERLAY IS SCANNED FROM A SECOND OR THIRD GENERATION PHOTOCOPIY OF A PORTION OF THE CITY OF OCEANSIDE COASTAL STRINGLINE EXHIBIT FROM TIG FILES. AUTHENTICITY OF THE PHOTOCOPIY CANNOT BE VERIFIED BECAUSE THE ORIGINAL PHOTOGRAPHIC EXHIBIT HAS BEEN LOST. DISTORTION AND SCALING ERRORS FROM PHOTOCOPIYING ARE LIKELY TO AFFECT ACCURACY.

STRINGLINE EXHIBIT

COMPARISON OF STRINGLINE INTERPRETATIONS



Stringline Photography 12/05

PLANNING DEPARTMENT
DO NOT REMOVE
File Under 98 9/20/01

EXHIBIT NO. 10
APPLICATION NO.
A-6-OCN-13-008
Stringline Map for 1600 block
 California Coastal Commission

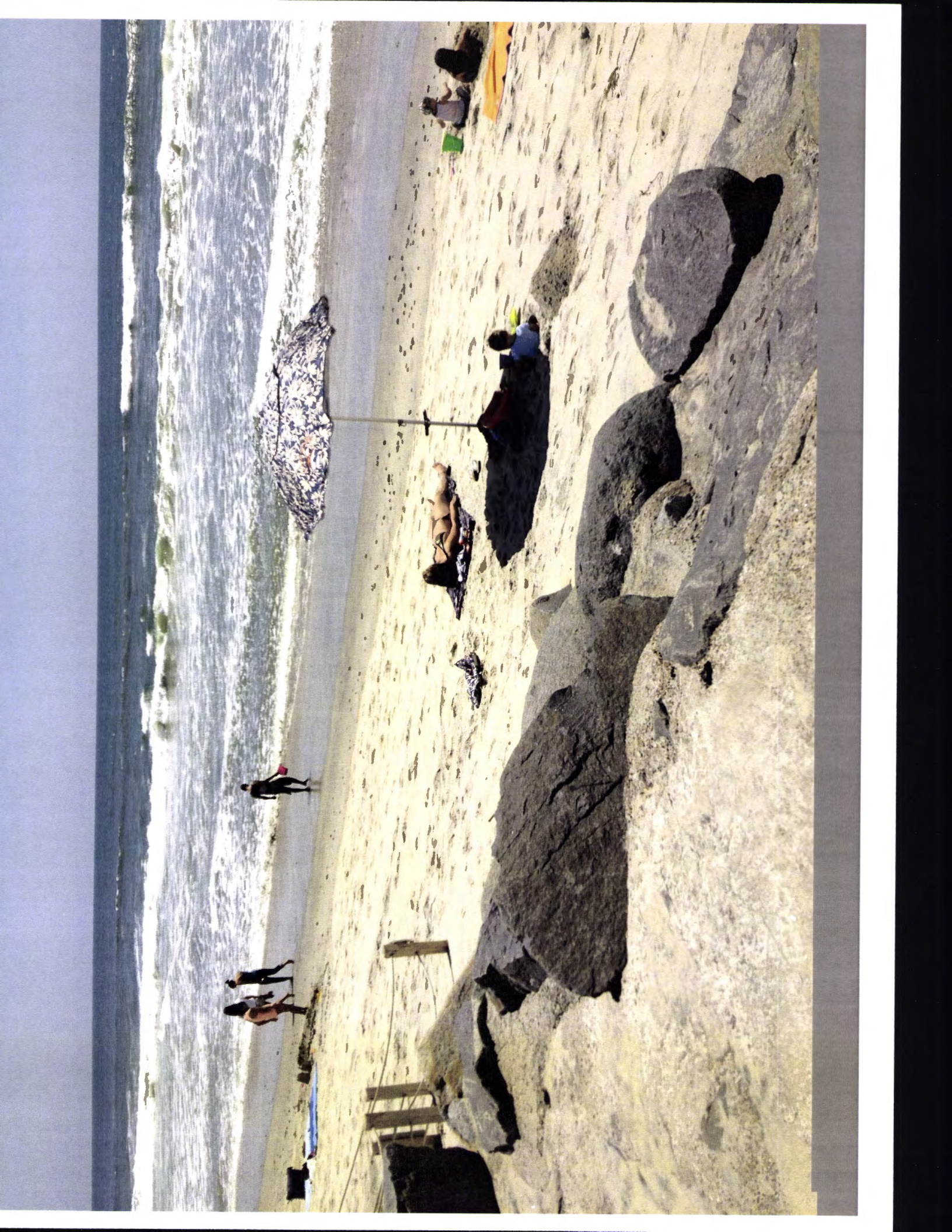
PLANNING DEPARTMENT
DO NOT ARCHIVE
File under 98-412361

MORSE ST

EXHIBIT NO. 11
APPLICATION NO.
A-6-OCN-13-008
Stringline Map for
1500 block submitted
by Applicant



EXHIBIT NO. 12
APPLICATION NO.
A-6-OCN-13-008
Revetment "before"
photos



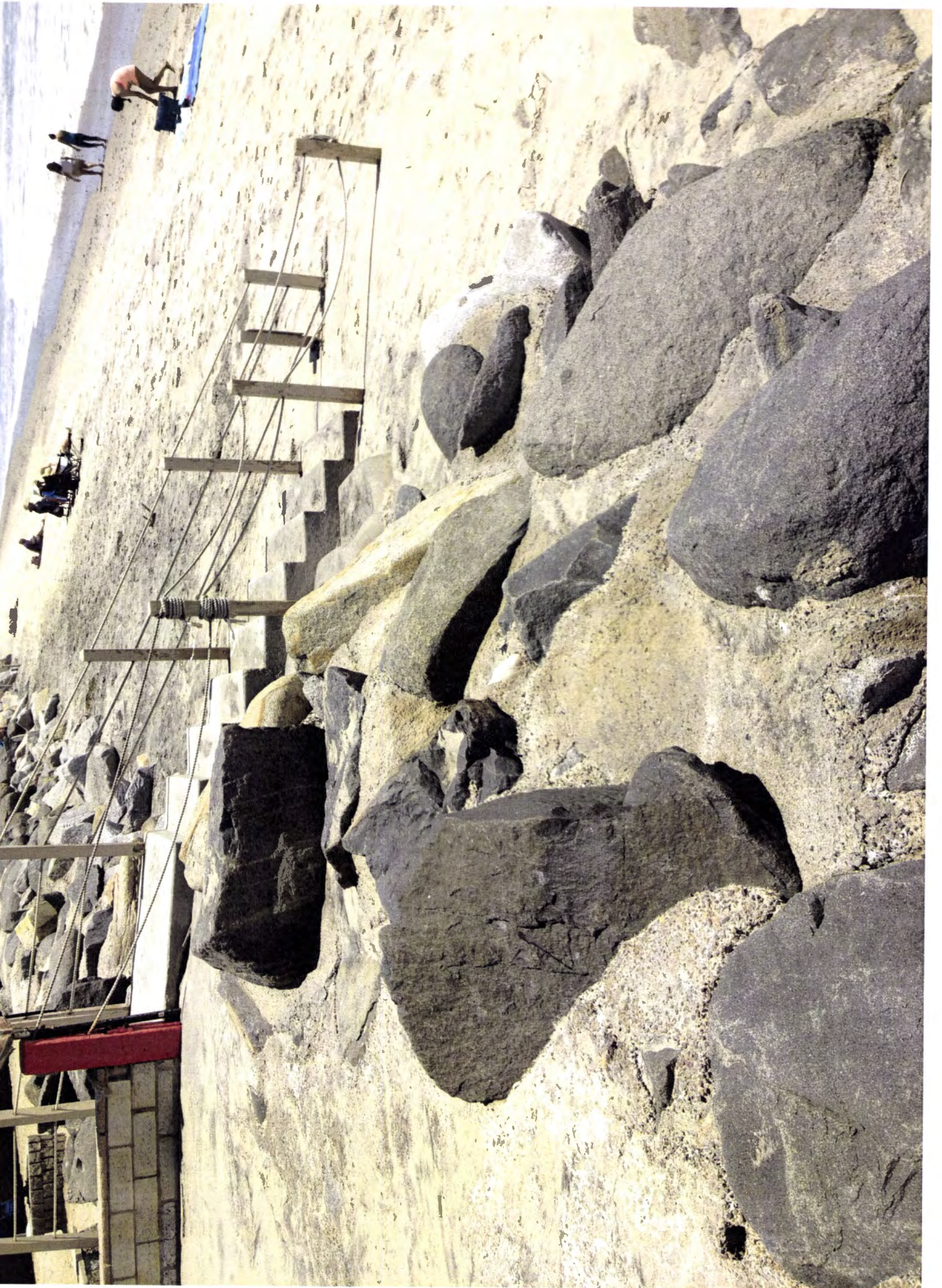







EXHIBIT NO. 13
APPLICATION NO.
A-6-OCN-13-008
Revetment "after"
photos
Page 1 of 3
 California Coastal Commission





GeoSoils, Inc.

June 11, 2012

Journigan-Burgess LLC
c/o Arcadia Contract
5692 Fresca Drive
La Palma, CA 90623

SUBJECT: Revetment Monitoring Plan for 1513 South Pacific Street, Oceanside, California, and Plan Review.

Dear Journigan-Burgess LLC:

The following monitoring program is proposed to satisfy the revetment monitoring program typically required by the California Coastal Commission.


The shore protection device is a quarry stone revetment. The purpose of the program is to monitor and identify damage/changes to the revetment such that repair and maintenance can be completed in a timely manner and to avoid further encroachment of the revetment seaward. A fixed monitoring "bench mark" will be located behind the revetment on the south west portion of the proposed new patio. The bench mark will be fixed into the patio and will not be moveable. The bench mark is a convenient landmark to survey the revetment. The survey range line will be perpendicular to the shoreline starting at the bench mark and proceeding seaward toward the ocean. The exact location of the bench mark (or gps coordinates) will be provided on the "as built" drawings. These drawings, along with the first monitoring measurements (baseline measurements), will be provided to the City and California Coastal Commission within 30 days of project completion.

The revetment and beach profile measurements along the range line will be performed once every spring (March or April) after the completion of the project. The survey will be performed under the direction of a licensed professional engineer or surveyor. The actual surveying can be performed by the homeowner. The elevations will be recorded about every 5 feet along the range line for a distance of about 100 feet from the bench mark. The base line survey information obtained after the completion of the project and subsequent survey information will be plotted to compare changes along the range line.

In addition to the annual survey, a visual inspection of the revetment should be performed before the beginning of the storm season (this can be during the fall profile measurements), at the end of the storm season (April), and immediately (as conditions permit) after any major wave event that overtops the revetment. The visual inspection can be performed by the homeowner or an appropriately licensed individual. The inspector should look for the following signs of potential revetment failure or impacts to coastal resources:

1. Excessive scour in front of the revetment following significant storm events,

5741 Palmer Way, Suite D, Carlsbad CA 92010 WO S5990 760-43

EXHIBIT NO. 14
APPLICATION NO.
A-6-OCN-13-008
Geotechnical report
Page 1 of 2
 California Coastal Commission

2. Dislodged rocks or stones seaward of the revetment,
3. Gaps or exposed under layer material,
4. Slumping or rotation of revetment, and
5. Settlement of rock into underlying sand.

If any of these signs are visible, the location and nature of the failure or impact will be denoted and photographs taken.

As part of the survey and visual inspection, pictures of the revetment from the fixed range line will be taken. Photographs will be taken from the beach showing the entire exposed revetment fronting the site. Finally, photographs will be taken after extreme wave events which erode the beach and may have moved armor stone. The photographs will be compared with the previous photographs to determine if changes in the actual location of individual stones has occurred.

The monitoring information shall be summarized in a report prepared by a licensed engineer familiar with shoreline processes. 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 31st of each year after completion. The report will contain an evaluation of the condition and performance of the revetment, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the revetment. The report will make recommendations for any necessary maintenance or modifications to the revetment to assure its continued function and to insure no encroachment beyond the existing footprint of the structure. Monitoring shall continue throughout the life of the revetment or until the revetment is removed or replaced under a separate coastal development permit.

The opportunity to be of service is sincerely appreciated. If you should have any questions, please do not hesitate to contact our office.

Respectfully submitted,



GeoSoils, Inc.
David W. Skelly MS, PE
RCE#47857