



DATE: October 8, 2008

TO: Honorable President and Members of the Board of Directors

FROM: Development Services Department – Planning Division
Harbor and Beaches Department

SUBJECT: **ADOPTION OF A RESOLUTION APPROVING A REVISION TO A REGULAR COASTAL PERMIT FOR A PROPERTY LINE ADJUSTMENT AFFECTING THE MARINA TOWERS LEASEHOLD PROPERTY**

SYNOPSIS

Staff recommends that the Oceanside Small Craft Harbor Board adopt the resolution approving a revision to a Regular Coastal Permit (RC-16-06 REVISION) for a Property Line Adjustment involving four parcels in the Oceanside Small Craft Harbor that affect the proposed sale of a portion of the Marina Towers leasehold property; and authorize the President to execute the related documents.

BACKGROUND

On July 16, 2008, the City Council and the Harbor Board adopted a resolution approving a Regular Coastal Permit (RC-16-06) for a Property Line Adjustment involving four parcels in the Oceanside Small Craft Harbor ("PLA") that affect the Marina Towers leasehold property and proposed sale of a portion thereof ("Marina Towers Property"). This action was subsequently appealed to the California Coastal Commission ("Commission") by the Citizens for the Preservation of Parks and Beaches ("CPPB") on August 12, 2008, Commission Appeal No. A-6-OCN-08-075.

At the California Coastal Commission hearing held on September 10, 2008, the Commission discussed the appeal by CPPB. At the meeting, the Commission requested that the City insert additional language into the resolution approving the Regular Coastal Permit (RC-16-06) which would reserve the parking lot to the north of the Marina Towers Property as a public parking lot. The Commission continued the matter to a later date pending the inclusion of said additional language and the adoption of a revision to the Regular Coast Permit by the Harbor Board.

ANALYSIS

To satisfy the request of the Commission, City staff is including additional language into the Regular Coastal Permit (RC-16-06 REVISION) which would designate that the property to the north of the Marina Towers Property be reserved for public parking and

delineate a minimum of 50 parking spaces for public purposes. This area is currently available for public parking. The proposed revision to the Regular Coastal Permit would provide additional assurance that the parking lot will remain open for public parking.

In addition, the existing "Marina Towers" sign shall be removed or relocated to private property and standard City public parking signs shall be placed along Harbor Drive and within the public parking lot identifying the public parking spaces. Further, the City shall be responsible for the maintenance and enforcement of the public parking lot. Under the purchase and sale agreement previously approved by the City Council and the Harbor Board, the Oceanside Marina Towers Association agreed to maintain the public parking lot.

The approval of a revision to a Regular Coastal Permit for the PLA is "appealable" to the California Coastal Commission under Section 30603(a) of the California Public Resources Code. An aggrieved person may appeal the decision to the Commission within ten working days following the Commission receipt of the Notice of Final Action on this matter. The Notice of Final Action is mailed after the Harbor Board's last action or Harbor Board resolution. Appeals must be in writing. The Commission's San Diego District Office is at 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402.

FISCAL IMPACT

There is no fiscal impact to the City for the PLA. However, should approval of the PLA, through the regular coastal permit process, be appealed to the California Coastal Commission or otherwise litigated, all costs associated therewith will be paid for by Oceanside Marina Towers Association.

INSURANCE REQUIREMENTS

Does not apply.

CALIFORNIA COASTAL COMMISSION REPORT

Besides the language requested by the Commission set forth in the analysis above, the Commission staff recommended that an additional condition be included in the Regular Coastal Permit. Commission staff recommended that signage be installed in the public parking lot which prohibits overnight parking (i.e., parking not permitted from 2:00 am to 5:00 am).

City staff does not support this recommendation believing that restrictions in this parking lot should be consistent with the other adjacent public parking lots in the Harbor. Although an overnight restriction would significantly reduce the use of the lot by the Marina Towers residents and guests, such a condition would also limit and restrict the general public's use of a public parking lot in the Coastal area.

CITY ATTORNEY'S ANALYSIS

The Harbor Board is authorized to hold a public hearing in the matter of the Regular Coastal Permit. Consideration of the RCP matter should be based on the testimony and evidence presented at the public hearing. After conducting the public hearing, the Harbor Board shall affirm, modify or deny the RCP. The supporting documents for the RCP have been reviewed and approved as to form by the City Attorney.

RECOMMENDATION

Staff recommends that the Oceanside Small Craft Harbor Board adopt the resolution approving a revision to a Regular Coastal Permit (RC-16-06 REVISION) for a Property Line Adjustment involving four parcels in the Oceanside Small Craft Harbor that affect the proposed sale of a portion of the Marina Towers leasehold property; and authorize the President to execute the related documents.

PREPARED BY:


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SUBMITTED BY:


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City Manager


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REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

Donald L. Hadley, Deputy City Manager

George Buell, Development Services Director

Jane McVey, Economic and Community Development Director



OCEANSIDE HARBOR BOARD OF DIRECTORS

RESOLUTION NO.

A RESOLUTION OF THE HARBOR BOARD OF DIRECTORS APPROVING A REVISION TO REGULAR COASTAL PERMIT (RC-16-06) FOR A LOT LINE ADJUSTMENT FOR THE MARINA TOWERS LOCATED ON HARBOR DRIVE NORTH – APPLICANT: CITY OF OCEANSIDE

WHEREAS, on October 8, 2008, the Harbor Board of Directors held a duly noticed public hearing to consider an application for a Revision to Regular Coastal Permit (RC-16-06) for a lot line adjustment for property owned by the City on Harbor Drive North;

WHEREAS, the applicant is the City of Oceanside;

WHEREAS, studies and investigations made by the Harbor Board of Directors reveal the following facts:

FINDINGS:

For the Revision to Regular Coastal Permit:

1. The proposed project is consistent with the Land Use Plan objectives and policies of the Local Coastal Program as implemented through the Harbor Precise Plan, in that the project site property is identified in the Precise Plan as "Parcel A: Oceanside Marina Towers." The Precise Plan states that the 67-unit Marina Towers condominium complex would remain as the principal use of the parcel during the duration of both the short range and long range plans, and sale of Marina Towers will not alter the designated residential use envisioned within the Precise Plan.

The proposed lot line adjustment is consistent with the policies of the Local Coastal Program as implemented through the City Zoning Ordinance and Harbor Precise Plan as the lot line adjustment will not result in any physical changes to the property or harbor. The proposed action will create a logical lot formation in that no tidelands property will be associated with the lot that includes the Marina Towers. Specifically, the action will adjust lot lines to more accurately reflect the Parcel A leasehold: Oceanside Marina Towers described in Section 3.3.1 of the Oceanside Small Craft Harbor Precise Plan.

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1 2. The project will not substantially alter or impact existing public enjoyment of the Small Craft
2 Harbor in the coastal zone area as no physical changes in terms of traffic, land use or appearance
3 will occur to the Marina Towers or Harbor area.

4 3. The proposed lot line adjustment will not obstruct any existing or planned public beach access;
5 therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act.

6 WHEREAS, the Harbor Board finds that the project is exempt from further environmental
7 review pursuant to Article 19, Section 15305, Minor Alterations in Land Use Limitations of the State
8 Guidelines of the California Environmental Quality Act.

9 NOW, THEREFORE, the Harbor Board of the City of Oceanside does resolve that Revision to
10 Regular Coastal Permit (RC-16-06) is hereby approved in accordance with the following conditions:

11 1. This Regular Coastal Permit approves only a lot line adjustment. Any substantial modification in
12 the design or layout shall require a revision to the Regular Coastal Permit and/or a new Regular
13 Coastal Permit.

14 2. This Regular Coastal Permit shall expire on October 8, 2010, unless implemented as required by
15 the Local Coastal Program or unless a time extension is granted by the and Harbor Board.

16 3. The property northerly of the Marina Towers property (shown in Exhibit A, attached) shall be
17 reserved for public parking. The applicant shall be required to reserve and clearly delineate a
18 minimum of 50 parking spaces to be used for public purposes. The public parking lot shall have
19 the same restrictions as the other public parking areas in the Harbor.

20 4. The existing "Marina Towers" entry sign located in the public driveway shall be removed
21 within 60 days of final action of the PLA.

22 5. Standard City "PUBLIC PARKING" parking signs shall be placed along Harbor Drive and
23 within the public parking lot identifying the public parking area. The City shall provide
24 notification to the public of the availability of the public parking through the City's Quarterly
25 Magazine, Parking Guide, and any similar notification used for other public parking lots.

26 6. The City shall be responsible for the maintenance and enforcement of the public parking lot.

27 7. Marina Towers residents and guests shall not be entitled to, or be provided with any special
28 rights for use of the public parking lot.

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1 8. Failure to meet any conditions of approval for this development shall constitute a violation of the
2 Regular Coastal Permit.

3 9. A covenant or other recordable document approved by the City Attorney shall be prepared and
4 recorded prior to or concurrent with the recordation of the Lot Line Adjustment. The covenant
5 shall provide that the property is subject to this resolution, and shall generally list the conditions
6 of approval.

7 PASSED AND ADOPTED by the Oceanside Harbor Board of the City of Oceanside this 8th day
8 of October, 2008 by the following vote:

9 AYES:

10 NAYS:

11 ABSENT:

12 ABSTAIN:

13 _____
President

14 ATTEST:

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

15 _____
16 Secretary

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18 General Counsel

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21 A RESOLUTION OF THE HARBOR BOARD OF DIRECTORS APPROVING A REVISION TO
22 REGULAR COASTAL PERMIT (RC-16-06) FOR A LOT LINE ADJUSTMENT FOR THE MARINA
23 TOWERS LOCATED ON HARBOR DRIVE NORTH – APPLICANT: CITY OF OCEANSIDE
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