

STAFF REPORT



ITEM NO. 8 CITY OF OCEANSIDE

DATE: May 17, 2006

TO: Chairman and Members of the Community Development Commission

FROM: Economic Development and Redevelopment Department

SUBJECT: **CONSIDERATION OF A RESOLUTION APPROVING TENTATIVE MAP (T-200-06), DEVELOPMENT PLAN (D-200-06), CONDITIONAL USE PERMIT (C-200-06), REGULAR COASTAL PERMIT (RC-200-06) AND VARIATIONS (V-200-06, V-201-06, V-202-06 & V-203-06) FOR THE CONSTRUCTION OF AN EIGHT-UNIT RESIDENTIAL CONDOMINIUM PROJECT LOCATED AT 400-404 SOUTH THE STRAND – 400 SOUTH THE STRAND – APPLICANT: RESIDENCIA, LLC**

SYNOPSIS

The item under consideration is a Tentative Map, Development Plan, Conditional Use Permit, Variations and Regular Coastal Permit for the construction of an eight-unit residential condominium project located at 400-404 South The Strand. Staff is recommending that the Commission approve the project and adopt the resolution as attached.

BACKGROUND

On May 3, 2006, the Community Development Commission heard this item and continued it to its meeting of May 17, 2006. The Commission had expressed several concerns regarding this project including the lack of landscaping, treatment of the bluff, handicapped accessibility for the proposed public stairway and the location of the trash enclosure.

The subject site consists of three pre-existing legal parcels totaling 13,041 square feet in size that was part of the original Terrace Annex Subdivision of 1907. The subject site currently maintains six buildings (eight units) situated on three parcels which will be demolished as part of the development of this project.

The subject site topography is relatively flat; however, the eastern portion of the site backs onto the Pacific Street bluff which accounts for the 18-foot grade differential between the highest and lowest points of the site. The subject site rear (eastern) property line extends approximately 10 feet up the 20 foot high bluff. This area will be graded and landscaped.

The subject site is situated within the South Strand neighborhood, which consists of old apartment buildings interspersed with new single-family and condominium units.

There are 4 units on the subject site that are over 45 years old; therefore, a Historic Assessment was prepared to determine its historical significance. The Historic Assessment is attached to the staff report.

Land Use and Zoning: The subject site is located within Subdistrict 4A of the "D" Downtown District. Subdistrict 4A is primarily intended to provide a mix of transient and permanent residential uses along the South Strand between Tyson and Wisconsin Streets. Multifamily residences are permitted. The density within this zone ranges from 29-43 dwelling units per acre. The project proposes a density of 26.7 dwelling units per acre.

Regular Coastal Permit: This project is situated within the Coastal Zone and requires a Regular Coastal Permit. Under the provisions of the Local Coastal Plan the project site is designated as Mixed High-Density and Transient Residential. This designation is intended to allow for a minimum of 15 units per acre and up, with the upper limits set by the Zoning Ordinance and Redevelopment Design Guidelines. Multifamily and single-family are primarily the uses allowed within this land use designation.

The project is also situated within the Coastal Zone "appeal jurisdiction". Any local action by the City on this proposed coastal development permit may be appealed to the California Coastal Commission

Project Description: The project application consists of several components, which include a Tentative Map, Development Plan, Conditional Use Permit, Variances and Regular Coastal Permit. Each discretionary request is described as follows:

Tentative Map and Development Plan: The project proposes a 2-story, 8-unit residential condominium with units ranging in size from 1,937 to 2,217 square feet to be situated on a 13,041-square-foot lot. The project proposes an underground basement garage with 18 parking spaces, elevator and storage areas. It should be noted that the trash enclosure has been relocated from the southwestern portion of the site to the underground basement garage. The project has been conditioned that the Homeowners Association will be responsible for placing the trash bins on The Strand for pick-up.

The project also proposes to dedicate to the City a 5-foot-wide public access way located on the northern portion of the subject site and to construct a new public stairway. The stairway will allow people to access the beach from Myers Street via Pine Street which terminates at South Pacific Street.

The proposed design is contemporary Italian Tuscan Villa with deep walnut colored stucco base, lighter brown upper stucco, with light beige cornice and stone veneer.

Subdistrict 4A requires that a minimum of 20 percent of the site be landscaped. The

project proposes that approximately 5 percent (5%) of the subject site is landscaped. The project proposes Italian Cypress, Mexican Palm trees, shrubs include Day Lily and Birds of Paradise, and groundcover consists of succulents.

The project is required to provide 1,600 square feet of common useable open space 50 percent of which can be private (balconies and patios). The project provides approximately 500 square feet of common useable open space plus 1,440 square feet of private useable open space for a total of 1,940 square feet of common and private useable open space.

Vehicular access to the units will be from The Strand via a driveway located on the southern portion of the subject site. Pedestrian access will be provided from South The Strand as well as South Pacific Street via construction of a new public stairway. It should also be noted that the nearest public coastal access points are located 330 feet to the north (Tyson Street) and 930 feet to the south (Ash Street).

The land dedicated to the City (5 feet) does not allow for a functional design which will satisfy the disabled access requirements. The Strand is accessible by vehicles and 12 handicapped parking spaces are available to the public which are located throughout its 1.2 mile length. Staff believes that availability of The Strand for loading and unloading, passengers, the 12 handicapped parking spaces and the handicapped accessibility of the Pier Area from Strand Beach Park (Seagaze and The Strand) provides adequate accessibility of the beach area for the handicapped.

Staff also contacted the U.S. Department of Justice, which monitors and enforces the Americans with Disabilities Act (ADA), and spoke to an ADA Specialist regarding the new public beach access. They informed us that the existing ADA access was considered "programmed access"; therefore, any new public access would not have to meet ADA requirements (see attached memo). Staff will continue to review ways to provide more accessibility for the handicapped within the beach area.

The overall project density is 26.7 dwelling units per acre. Outlined below is the residential unit breakdown:

Plan Type	Sq.Ft.	Bedrms.	Baths	Units
Plan 1	1,937	2	2.5	1
Plan 2	1,944	2	2.5	2
Plan 3	2,084	2	2.5	2
Plan 4	2,121	2	2.5	1
Plan 5	2,171	2	2.5	1
Plan 6	2,217	2	2.5	1
Total				8

Outlined below is a comparison chart summarizing the required development criteria with the proposed project:

	MINIMUM REQUIRED	PROPOSED
LOT SIZE	N/A (pre-existing lot)	N/A (pre-existing lot)
SETBACKS		
Front	10 feet	*7 feet
Side	3 feet	3 feet
Corner Side	10 feet	2 feet
Rear	5 feet	5 feet
LANDSCAPING	20%	5%
PARKING	16 spaces	18 spaces
BUILDING HEIGHT	**24 feet	24 feet
DENSITY	29-43 du. Ac.	26.7 du. Ac.

*Requires CDC approval for encroachment into the front yard setback.

**Building height cannot exceed the centerline of Pacific Street located immediately east of the subject site.

Regular Coastal Permit: A Regular Coastal Permit is required because the project is situated within the Coastal Zone and proposes new construction that requires discretionary action.

Conditional Use Permit: A Conditional Use Permit is required for tandem parking. Tandem parking is only allowed on The Strand and/or for lots 33 feet wide or less, upon approval of a Conditional Use Permit.

Variations: The applicant is requesting four Variations for relief from the development standards. The Variations are for encroachment into the corner side yard setback, exceeding the maximum wall height, inadequate common area and landscaping.

CDC Approval: In addition to the four Variations, the applicant is also requesting special consideration regarding relief from the development standards for encroachment into the front yard setback area and the façade modulation.

Environmental Determination: A Certificate of Exemption has been prepared for the project. Under the provisions of the California Environmental Quality Act, the Community Development Commission will consider the exemption during its hearing on the project.

The Historic Assessment has been prepared to determine the cultural significance of the subject site. The Historic Assessment chronicles the creation, ownership, and development of the subject site and concludes that the site does have a long and interesting ownership history; however, no significant cultural resources exist on the site today.

ANALYSIS

Staff's analysis focused on the compatibility of the project with existing development patterns of the area and the project's consistency with the underlying Redevelopment Plan, Zoning Ordinance, and the Local Coastal Program.

Since the proposed project is an infill project, staff's initial concerns centered on the project's compatibility with the existing residential patterns. The surrounding area consists of older apartments interspersed with some newer condominium development. Staff believes that the proposed 8-unit condominium is consistent with the surrounding neighborhood, especially with the newer condominium units.

Staff is also concerned with the project's architectural compatibility and scale with the surrounding neighborhood. Staff has inventoried the surrounding neighborhood and has found a varied housing stock with a variety of unit types and unit sizes. In comparing the project's product type and corresponding square footages to the unit types and square footages that exist in the area, it can be found that the proposed unit sizes are comparable in size and would have a positive effect to the area.

Staff's review of the project examined the consistency of the development with the underlying zoning regulations and policies of the Local Coastal Program. The project is located within the "appealable area" which is defined as the first 300 feet east of The Strand (west side of Myers Street). The project provides a 7-to 10-foot front yard setback which is greater than typical front yard setbacks found on existing units located on South The Strand. Staff also evaluated the proposed residence and its effect on public coastal views. The proposed project will be creating a new public access way and view corridor to be situated on the northern portion of the subject site. Staff believes that the creation of the new pedestrian access further the goals and objectives of the Local Coastal Program.

A Wave Runup Study was prepared (see attachment) which concluded that there will be some wave overtopping onto The Strand during severe winter storms similar to 1982-83. The result of the wave overtopping will be some minor nuisance floods. The report recommended that flood gates will significantly reduce the nuisance flooding of the garage. The project proposes flood gates to reduce any potential nuisance flooding.

A Conditional Use Permit is required to allow for the proposed ten (10) tandem parking spaces. Staff believes that the proposed layout of the underground parking is appropriate for the tandem parking. It should be noted that nearly half of the parking spaces are not tandem.

The applicant is requesting four Variations from the development standards which are as follows:

- . Eight-foot encroachment into the corner side yard setback;
- . Exceeding the maximum wall height within the front yard setback area including a wall and handrail for the proposed public stairway which exceeds the height limitation for Proposition "A";
- . The project provides approximately 500-square feet of common area where 800-square feet are required;
- . The project provides only 5% of site landscaping where 20% of the site is required to be landscaped.

The 8-foot encroachment into the corner side yard setback is the direct result of the dedication of the 5-foot pedestrian access way. The applicant is seeking relief from this development standard because of the dedication and construction of the stairway. Section I. C. 3. of the Local Coastal Program states that in order to benefit property owners who dedicate an access way, the side yard setback can be reduced. Staff believes the reduction of the corner side yard setback is appropriate.

The project includes walls that exceed the 42" maximum wall height within the front yard setback area. In addition, a handrail for the proposed public access stairway will exceed the height for Proposition "A". A 5-foot-high retaining wall is located within the front yard setback area. Staff believes the additional wall height is necessary to retain the slopes and the handrail is necessary for public safety.

The project provides 340 square feet more than the required open space requirement; however, it is in the form of private useable open space. Staff believes that providing more private open space for projects located on The Strand is appropriate due to residences taking advantage of the view of the Pacific Ocean by providing more private patios, terraces and balconies as opposed to common areas.

The lack of landscaping is the result of the dedication of the public access way and providing hardscape instead of landscaping. The elimination of the public access way will result in an increase of the landscaping by approximately 5 percent to a total of 10 percent landscaping. The applicant will be providing additional landscaping in the form of potted plants within the hardscape area. Landscaping is difficult to establish on the South Strand area due to the salt air, constant winds, etc. Staff believes that

hardscape may be a more appropriate alternative to landscaping for the heavily traveled South Strand area. Hardscape is a more appropriate material to create separation for the residences from the public utilizing the South Strand area while incorporating planter boxes as accents.

The applicant is also seeking relief from two additional development standards (encroachment into the front yard setback and façade modulation) that requires CDC approval. For projects located on The Strand, encroachments are allowed into the front yard setback provided that the setback is a minimum of 5 feet. The applicant is proposing a 3-foot encroachment into the required 10-foot front yard setback for the proposed second story terrace.

The façade modulation development standard requires that a project provide an additional 5-foot setback for both the front and corner side yards for 25 percent of a building frontage. The project provides 0 percent of front and 11 percent of side modulations (northern building only). Staff believes the encroachment into the front yard setback area and lack of facade modulation is appropriate and is consistent with similar type of new development located on South The Strand. Projects located on the South Strand are limited in their development capability due to height and topography constraints.

In conclusion, staff believes that the project meets the intent of the Redevelopment Plan and the underlying subdistrict goals, which encourage the development of new residential uses. The design of the project is consistent in both the height and scale of the surrounding neighborhood. The proposed project is consistent with the quality of design of the newer residences located within the emerging South The Strand area. The project also furthers the goals and the land use policies of the Local Coastal Plan by creating a new public access stairway.

COMMISSION OR COMMITTEE REPORTS

The Redevelopment Design Review Committee (RDRC) reviewed the project at its February 17, 2006 meeting. After extensive review and discussion of the project, the Committee approved its layout and design.

The Redevelopment Advisory Committee (RAC) reviewed the project at its May 1st, 2006 meeting, and will see it again at the May 15th, 2006 meeting. Their recommendations or comments on the project will be presented to the Commission during the hearing for the project.

FISCAL IMPACT

The proposed project will add approximately \$135,000 of tax increment yearly to the project area.

CITY ATTORNEY'S ANALYSIS

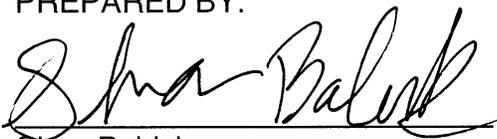
Pursuant to Oceanside Zoning Ordinance Article 4102, the Commission is authorized to hold a public hearing on this project's applications. Consideration of the project should be based on the evidence presented at the public hearing. After conducting the public hearing, the Commission shall approve, conditionally approve, or disapprove the project. The resolution has been reviewed and approved as to form by the City Attorney.

The attorney's office has reviewed the attached Memo dated May 9th, 2006 regarding the Americans with Disabilities Act (ADA) and public beach access. The Department of Justice's conclusions are supported by ADA Accessibility Guidelines 4.3.2(1) and (2) as well as 28 C.F.R. 35.150(a). Under Title II of the ADA, the City must provide accessible "programs and services" to qualified individuals. Here, the City must provide at least one route that a person in a wheelchair can use to reach the beach safely. Provided that is the case, the new beach access need not include a ramp for disabled access.

RECOMMENDATION

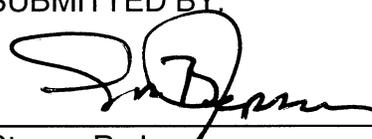
Staff recommends that the Commission adopt the resolution approving Tentative Map (T-200-06), Development Plan (D-200-06), Conditional Use Permit (C-200-06), Regular Coastal Permit (RC-200-06) and Variations (V-200-06, V-201-06, V-202-06 & V-203-06) for the construction of an 8-unit residential condominium project located at 400-404 South The Strand.

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EXHIBITS/ATTACHMENTS

1. Resolution
2. Notice of Exemption
3. Site Plan / Floor Plans / Elevations
4. Historic Assessment
5. Wave Run-up Study
6. Memo regarding ADA access