

STAFF REPORT**CITY OF OCEANSIDE**

DATE: May 3, 2006

TO: Chairman and Members of the Community Development Commission

FROM: Economic and Redevelopment Department

SUBJECT: **INTRODUCTION OF AN ORDINANCE AMENDING THE "D" DOWNTOWN DISTRICT ZONING REGULATIONS (ZA-200-06) AND ADOPTION OF A RESOLUTION APPROVING LOCAL COASTAL PLAN AMENDMENT (LCPA-200-06) AMENDING THE DEVELOPMENT STANDARDS TO REDUCE THE BUILDING HEIGHT FROM 35 FEET TO 27 FEET OR TWO STORIES WHICHEVER IS LESS WITHIN SUBDISTRICT 5 FOR THE AREA LOCATED ON THE WEST SIDE OF NORTH PACIFIC STREET BETWEEN SURFRIDER WAY AND BREAKWATER WAY**

SYNOPSIS

The item under consideration is an amendment to the "D" Downtown District development standards to reduce the building height from 35 feet to 27 feet or two stories, whichever is less within Subdistrict 5 for the area located on the west side of North Pacific Street between Surfrider Way and Breakwater Way. Staff is recommending that the Community Development Commission (CDC) introduce the ordinance amending the Zoning Ordinance and adopt the resolution approving the Local Coastal Plan Amendment.

BACKGROUND

Prior to 1991, the height limitation on the west side of North Pacific Street between Surfrider and Breakwater was 27 feet; however, in 1991 the "D" Downtown District developments standards were modified to increase the height to 35 feet. The purpose of the increased height was to encourage new development within that area and for this development standard to be consistent with the 35 foot height limitation within Subdistrict 5.

On November 21, 2005, the Redevelopment Advisory Committee held a workshop meeting regarding the height of structures located on North Pacific Street. In December 2005, the CDC directed City staff to amend the "D" Downtown District regulations to reduce the height on the west side of North Pacific Street from 35 feet to 27 feet or two stories, whichever is less. The Commission felt that the reduction of the height from 35 feet to 27 feet would be consistent with the height of the existing buildings located on the west side of North Pacific Street between Surfrider Way and Breakwater Way.

ANALYSIS

As noted, prior to 1991, the Downtown "D" District within the area of Subdistrict 5 on the west side of North Pacific Street between Surfrider Way and Breakwater Way the maximum height for buildings was 27 feet. In the past 15 years, only one property (701 North Pacific Street) has redeveloped (duplex remodel). The buildings located on the west side of North Pacific Street between Surfrider Way and Breakwater Way was built at a height of 27 feet or less. Most of the new development within North Pacific Street area has occurred on the east side of Pacific Street or on North Myers Street.

Staff has evaluated reduction of the building height from 35 feet to 27 feet and believes that the height reduction is appropriate within this area of Subdistrict 5 for the following reasons:

- . During the past 15 years there has been limited building activity for this area and no buildings have encroached above the 27-foot height threshold;
- . The existing buildings within the area are 27 feet in height or less; therefore, reducing the height of the buildings to 27 feet is consistent with the size and scale of the surrounding neighborhood;
- . The reduction of the building height will not preclude further redevelopment of this area.

Staff also believes the reduction in the building height is consistent with the Local Coastal Program. The reduced building height will provide more public visual access for properties located both east and west of the area as well as public right-of-way by reducing the bulk and scale of the buildings.

Staff is recommending that the height limitation in Subdistrict 5 be reduced from the current 35 feet to 27 feet or two stories, whichever is less, only within the area located on the west side of North Pacific Street between Surfrider Way and Breakwater Way. In addition, staff is also recommending that no exceptions are to be allowed above the 27-foot height limit such as towers, spires, cupolas, chimneys, elevator penthouses, flagpoles or other similar mechanical appurtenances as noted in Section 3018 of the Oceanside Zoning Ordinance. Attached to the report as Exhibit "A" are the proposed changes to "D" Downtown District uses as recommended by staff in a strike-out and shaded format.

COMMISSION/COMMITTEE REPORT

On November 21, 2005, the Redevelopment Advisory Committee (RAC) held a workshop regarding the height of structures on North Pacific Street.

The Redevelopment Advisory Committee (RAC) will review this item at its May 1, 2006, meeting and staff will orally report its recommendation to the CDC.

FISCAL IMPACT

Does not apply.

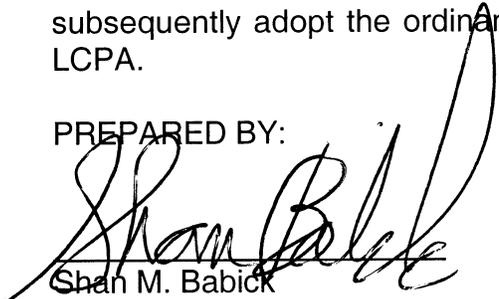
CITY ATTORNEY'S ANALYSIS

The Community Development Commission is required to hold a public hearing on the proposed amendment to Article 12 of the City's Zoning Ordinance. Consideration of the amendment should be based on the evidence presented at the hearing. The proposed ordinance amendment has been reviewed by the City Attorney and approved as to form. The proposed amendment reduces the height limitation from the current 35 feet to 27 feet or two stories, whichever is less, within Subdistrict 5 on the west side of North Pacific Street between Surfdrider Way and Breakwater Way.

RECOMMENDATION

Staff recommends that the Community Development Commission introduce and subsequently adopt the ordinance as attached and adopt the resolution approving the LCPA.

PREPARED BY:

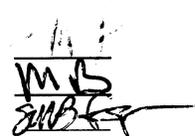

Shan M. Babick
Associate Planner

SUBMITTED BY:


Steven R. Jepsen
Executive Director

REVIEWED BY:

Michelle Skaggs-Lawrence, Assistant to the City Manager
Mike Blessing, Deputy City Manager
Kathy Baker, Redevelopment Manager



ATTACHMENTS/EXHIBITS

- 1. Exhibit A – “D” District Text Amendment
- 2. Ordinance approving “D” District Text Amendment
- 3. “D” Downtown District Map

1 purposes only and reflect the amended sections of the Zoning Ordinance No. 095-006 which have
2 been stricken, removed or otherwise modified by the enactment of this Ordinance.

3 3. Notice is hereby given that the time within which judicial review must be sought on
4 this decision is governed by California Code of Civil Procedure Section 1094.6.

5 4. The Ordinance shall not be codified.

6 5. The City Clerk of the City of Oceanside is hereby directed to publish the title of this
7 Ordinance and a summary of Exhibit "A" once within fifteen (15) days after its passage in the
8 North County Times, a newspaper of general circulation published in the City of Oceanside. This
9 Ordinance shall take effect and be in force on the thirtieth (30) day from and after its final passage.

10 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
11 California, held on the 3rd, day of May, 2006, and, thereafter,

12 PASSED AND ADOPTED by the Oceanside City Council on this 3rd day of May, 2006, by
13 the following vote:

- 14 AYES:
- 15 NAYS:
- 16 ABSENT:
- 17 ABSTAIN:

18 _____
19 Mayor of the City of Oceanside

20 APPROVED AS TO FORM:

21 ATTEST:

22 _____
23 City Clerk

24 
25 _____
26 City Attorney

EXHIBIT "A"
"D" Downtown District Ordinance
Zoning Text Amendment
ZA-200-06 & LCPA-200-06

* Proposed Changes are Bolded

D District Property Development Regulations

- (N) (1) Additional limitations on heights shall apply as follows:
- (a) The Strand: No building shall exceed the present elevation of Pacific Street as defined at the time of passage of Proposition A, passed on April 13, 1982, and set forth in the Proposition A Strand Survey dated May 9, 1986.
 - (b) Subdistrict 4B: Nonresidential structures along Pacific Street shall be the lesser of three stories or 35 feet.
 - (c) Within Subdistrict 5A residential structures above 27 feet, but below 35 feet in height, are allowed upon approval of a Conditional Use Permit.
 - (d) Within Subdistrict 2 mixed use structures above 65-feet, up to 90-feet in height, are allowed upon approval of a Conditional Use Permit.
 - (e) **“Within Subdistrict 5 the area located on the west side of North Pacific Street between Surfrider Way and Breakwater Way the maximum height shall be limited to two-stories or 27-feet whichever is less. The exceptions to height limitations provided by Section 3018 shall not apply to any development within this area.**

1 land use plan of the Local Coastal Program.

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

4 1. Pursuant to Public Resources Code 30510 (a), the Oceanside City Council hereby
5 certifies that Local Coastal Program Amendment (LCPA-200-06) is intended to be carried out in a
6 manner fully in conformity with the Coastal Act.

7 2. Pursuant to the California Environmental Quality Act of 1970 (Public Resources
8 Code 21000, et seq.) and state guidelines thereto as amended to date, a Categorical Exemption has
9 been issued by the City of Oceanside for this project.

10 3. Pursuant to Coastal Commission Local Coastal Program Regulation 13551 (b), this
11 amendment shall take effect automatically upon Coastal Commission approval.

12 4. Copies of the originals of these revised documents shall be maintained and available
13 for public review in the offices of the City Planning and Redevelopment Departments.

14 PASSED AND ADOPTED by the Oceanside City Council on this 3rd day of May, 2006, by
15 the following vote:

16 AYES:

17 NAYS:

18 ABSENT:

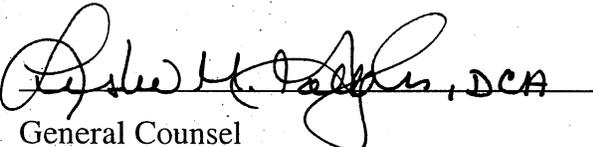
19 ABSTAIN:

20 _____
21 Chairman

22 ATTEST:

23 APPROVED AS TO FORM:

24 _____
25 Secretary

26 
27 General Counsel
28



CITY OF OCEANSIDE
PLANNING DEPARTMENT

NOTICE OF EXEMPTION

TO: X RECORDER/COUNTY CLERK
COUNTY OF SAN DIEGO
P.O. BOX 1750
SAN DIEGO, CA 92112-4147

PROJECT TITLE AND FILE NUMBER:
ZONE AMENDMENT TO MODIFY ARTICLE 12 OF THE "D" DOWNTOWN DISTRICT – REDUCE THE BUILDING HEIGHT FROM 35-FEET TO 27-FEET WITHIN SUBDISTRICT 5 IN THE AREA ON NORTH PACIFIC STREET BETWEEN SURFRIDER AND BREAKWATER

PROJECT LOCATION - SPECIFIC:
City-wide

PROJECT LOCATION - GENERAL:
City of Oceanside

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:
A Zone Amendment to modify the height restriction within Subdistrict 5 in the area on North Pacific Street between Surfrider and Breakwater

NAME OF PUBLIC AGENCY APPROVING PROJECT:
City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:
City of Oceanside
Gerald Gilbert, Planning Director
300 North Coast Highway
Oceanside, CA 92054
(760) 435-3520

Exempt Status per the Guidelines to Implement the California Environmental Quality Act (CEQA)
(Public Resources Code Section 21000 et. al.):

X NOT SUBJECT TO CEQA PER THE GENERAL RULE, SECTION 15061(B)(3)

STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION(S)

REASONS WHY PROJECT IS EXEMPT:

This modification to the zoning ordinance is covered by the general rule that CEQA applies only to projects which can have the potential for causing significant effect on the environment. .

Contact Person: Jerry Hittleman, Senior Planner

SIGNATURE

January 4, 2006

DATE

For: Gerald Gilbert, Planning Director

CITY HALL, 300 NORTH COAST HIGHWAY, OCEANSIDE CA 92054, TELEPHONE (760) 435-3520, FAX (760) 754-2958

Redevelopment Project Area

- 1. Commercial Retail and Office / Residential possible
- 1A. Commercial Retail and Office / Historic / Residential possible
- 2. Financial Center / Office Professional
- 3. Office Professional / Residential possible (SF & Multi)
- 4A. Transient Uses & Residential (SF & Multi)
- 4B. Transient uses & Residential (Multi)
- 5. High Density Residential (SF & Multi)
- 6A. Visitor Serving Commercial
- 6B. Visitor Serving Commercial / Residential possible
- 7A. High Density Residential (SF & Multi)
- 7B. Recreational / Commercial / Residential (SF & Multi)
- 8A. Hospital & Medical (SF)
- 8B. Hospital / Medical / Office / Residential possible (SF & Multi)
- 9. Commercial / Residential / SF & Multi (30,000 sq. ft.)
- 10. Open Space
- 11. Commercial / Residential possible / (Multi with mixed use)
- 12. Tourist & Visitor Serving Commercial
- 13. Visitor Serving Commercial / Office / Residential (Multi with mixed use)
- 14. Public Transportation and Railroad
- 15. Public Facilities, Parks, Open Space

