

# STAFF REPORT



ITEM NO. 22  
CITY OF OCEANSIDE

DATE: November 5, 2014

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **ADOPTION OF A RESOLUTION UPHOLDING PLANNING COMMISSION RESOLUTION NO. 2014-P21 FOR THE CONDOMINIUM CONVERSION AT 817 AND 819 SOUTH PACIFIC STREET – APPLICANTS: STRANDS END LIMITED, LLC AND LEEDS PROPERTIES, LLC**

## **SYNOPSIS**

Staff recommends that the City Council adopt a resolution upholding Planning Commission Resolution No. 2014-P21 approving Tentative Tract Map (T14-00003), Development Plan (D14-00006), Conditional Use Permit (CUP14-00011) and Regular Coastal Permit (RC14-00006) for the conversion of a six-unit multi-family development into a six-unit condominium located at 817 and 819 South Pacific Street.

## **BACKGROUND**

On September 22, 2014, the Planning Commission by a vote of 4-to-0, with 3 members absent, approved the six-unit condominium conversion project and residential addition submitted under Tentative Tract Map (T14-00003), Conditional Use Permit (CUP14-00011), Development Plan (P14-00006) and Regular Coastal Permit (RC14-00006).

On October 2, 2014, the project was called for review by Mayor Wood and Deputy Mayor Sanchez. The call for review provided several reasons which are discussed under the analysis section of this report.

The project site is located on a 6,500 square-foot, 0.15-acre lot zoned Residential Tourist (R-T) and designated Urban High-Density Residential (UHD-R). It is located between Wisconsin Avenue and Hayes Street within the Townsite Planning Neighborhood just south of the area referred to as "The Strand". Surrounding zoning directly north, south and east includes Residential Tourist (R-T). Property to the west is the Pacific Ocean.

Surrounding uses include single and multi-family developments, some of which are used as vacation rentals consistent with permitted uses in the R-T zone.

**Project Description:** The project application is comprised of four components; Tentative Tract Map T14-00003, Conditional Use Permit CUP14-00011, Development Plan 14-00006 and Regular Coastal Permit RC14-00006 to permit the partial demolition and remodel of six existing apartment units totaling 4,358 square feet on a 6,500-square-foot lot resulting in their conversion into six condominiums and square footage expansion to 11,646 square feet, including 20 bedrooms and 22 baths as well as eight enclosed parking spaces within two, four-car garages, each providing two tandem spaces and a car lift.

The 1986 Zoning Ordinance requires residential condominium conversions to comply with Article 31. This article, among other things, specifies criteria that must be met to ensure conversions minimize impacts which may lead to a reduction in rental housing as well as ensure condominium units conform to current building Code standards. In that these units have been used as vacation rentals as permitted in the R-T zone their conversion does not affect rental housing opportunities; therefore, some of the requirements for conversion as specified in Article 31, particularly Sections 3111 through 3113 pertaining to noticing existing tenant households of the intended conversion, do not apply. In contrast, wherever requirements are applicable, they have been included. These requirements pertain to the following:

1. Filing of a Tentative Tract Map (Section 3105 (b)).
2. Providing Information Requirements, such as soils and geological reports (Section 3105 (a)(c)(e)).
3. Procedures of Plan Review, such as the filing of a Conditional Use Permit for review and approval by the Planning Commission and City Council (Section 3106).
4. Fees, such as the payment of school fees, etc. (Section 3107).
5. Physical Standards for Conversion Projects, such as compliance with current zoning, fire, building, electrical, mechanical and plumbing codes (Section 3108).
6. Findings, such as consistency with the R-T zoning and Urban High Density designation in the General Plan (Section 3109).
7. The requirement for the applicant to enter into an agreement with the City prior to issuance of the final map to exercise one of two options, one precluding the sale of condominiums for a minimum of five years, or to pay the City two percent of the sales price for each converted condominium sold (Section 3110).

## **ANALYSIS**

### **Call for Review of the Planning Commission Decision by Deputy Mayor Sanchez**

Listed below are the concerns related to this call for review, along with staff's response to each concern. Staff reviewed the issues and believes that each of the concerns raised were addressed during staff's review of the proposed project. As designed and conditioned, the project proposes a residential addition and subdivision that meets all development regulations.

- The project results in the retention of six multi-family units; no additional units are being added.
- The project results in six additional bedrooms beyond the 14 existing for a total of 20.
- The project results in 10 additional bathrooms beyond the 12 existing for a total of 22.
- The project results in five additional parking spaces beyond the five existing for a total of 10, three more than required by Code.
- The project results in the addition of approximately 7,200 square feet beyond the existing 4,300 for a total of approximately 11,000 square feet.
- The project results in the addition of a third story and a height of 35 feet, the maximum permitted by Code. This height is 12 feet higher than the existing building.

The proposed project was analyzed by staff on the consistency with the Land Use Element of the General Plan, the Zoning Ordinance, and the Local Coastal Program.

### Issues

*Issue 1: The project is not consistent with the character of the surrounding community and in fact seeks to establish such a higher density and intensity of use that the project results in extremely excessive environmental impacts, insufficiently analyzed and addressed.*

### Staff Response:

The project is zoned Residential-Tourist (R-T). The R-T zone allows for single-family residential, multi-family residential and vacation rentals. The proposed project is a multi-family residential project proposed for conversion from a six-unit apartment to a six-unit condominium. The multi-family residential project operates as a vacation rental subject to the City's Temporary Occupancy Tax (TOT). As such, no changes, other than the addition of square footage and the conversion of six apartment units to six condominium units are proposed. The project does not result in higher density or intensity than the existing.

The R-T zone, in accordance with Section 3202 of the 1986 Zoning Code, permits condominiums, tourist cottages and summer rentals. These are all uses proposed by this project; uses, with exception to the condominium use, are existing.

The project was analyzed under the provisions of CEQA. It was determined that because the project consists of new construction as well as the conversion of a small structure because it does not exceed six units, the project complies with the Class 3 categorical exemption provisions, specifically, Section 15303 (b) "New Construction or Conversion of Small Structures".

The Class 3 exemption applies to this project because the existing building, while appearing as two buildings, remains one building with six units. The building remains attached at the basement level thereby remaining one multi-family residential building. Moreover, the existing building totals six units and no new units are being added. This building is also located in an urbanized area. Therefore, the project as proposed meets the provisions of the Class 3 Categorical Exemption and does not result in excessive environmental impacts requiring further analysis.

*Issue 2: The density, height, bulk, scale are inconsistent with our local coastal plan, resulting instead in a "canyonization" of Pacific Street, our first street east of the beach, with tremendous environmental impacts on the road in terms of public access, essentially privatizing our public beach.*

Staff Response:

The project as proposed, although taller than the existing apartment complex, would not exceed 35 feet in height, the maximum height permitted by the Zoning Code. The street view elevations would be no more than 23 feet in height at the front building line, consistent with single-family homes in the vicinity which were approved under the more restrictive height standards of the previously-applicable 1992 Zoning Ordinance. The taller elements that reach the maximum height of 35 feet as viewed from South Pacific Street would be setback approximately 19 feet from the second story building line thereby precluding the "canyonization" effect.

The proposed project would be consistent with existing multi-family development located immediately to the north and south of the subject properties. The height and overall scale of the proposed development would be consistent with the pattern of redevelopment on adjacent lots, as well as some of the redevelopment on both sides of South Pacific Street.

Projects which constitute multi-family development or involve at least 70 feet of street frontage are required to dedicate and construct public access to the beach when such access is not already present within 250 feet of the proposed project. The project, although involving a multi-family development, comprises less than 70 feet of street frontage and, therefore, is not required to provide public access. There is existing public access to the beach located within 200 feet, at the Hayes Street right-of-way.

*Issue 3: Our LCP was designed to allow public views all along our coast, allowing for a stepping back, much as other coastal communities. This project represents a continued piece-meal alteration of our LCP without a true public process, in stark violation of our LCP.*

Staff Response:

The project meets the requirements of the City's Local Coastal Plan (LCP). As noted in issue 2, the third story addition is not visible to pedestrians along South Pacific Street,

or beachgoers who might be directly in front of the building while standing on the beach. The third story sits approximately 19 feet back beyond the second story. Moreover, the proposed project would not impact any existing view corridors through public rights-of-way. The project, which presents visually as two separate triplexes, would provide South Pacific Street pedestrians with visual access to the ocean via the existing six-foot-wide view corridor between the two structures.

As required by the City's public noticing requirements, a public notice advising the public of the proposed project and inviting comment was executed. In response, one e-mail in opposition to the project was received and reported to the Planning Commission. Additionally, a letter in the form of a legal complaint was also submitted on September 22, 2014, by the legal firm: Seltzer, Caplan, McMahon, Vitek (Attachment 6). Staff's response to this legal complaint is included as Attachment 7.

*Issue 4: This project is in direct violation of council policy, with regard to our mini-dorm ordinance.*

**Staff Response:**

The mini-dorm ordinance does not pertain to the proposed project. The subject ordinance has not been certified as an amendment to the City's LCP.

**FISCAL IMPACT**

The applicant has paid all fees required for the consideration of this application.

**COMMISSION OR COMMITTEE REPORT**

The Planning Commission reviewed the Tentative Tract Map, Conditional Use Permit Development Plan, and Regular Coastal Permit on September 22, 2014. Public hearing notices were mailed to business and residential property owners within the 300-foot radius and occupants within the 100-foot radius of the proposed project. The Planning Commission approved the project on a 4-0 vote, with three members absent.

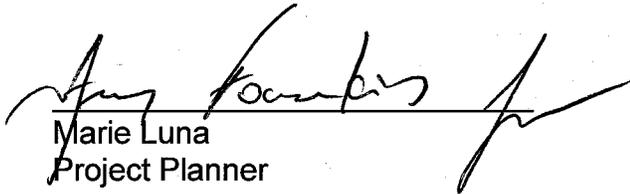
**CITY ATTORNEY'S ANALYSIS**

Pursuant to Oceanside Zoning Ordinance Article 4605, the City Council is authorized to hold a public hearing on the appeal of this project's applications. Consideration of the appeal should be based on the record of the decision of the Planning Commission and evidence presented at the public hearing. After conducting the public hearing, the Council shall affirm, modify, or reverse the Planning Commission's decision. If the decision is modified or reversed, the City Council is required to state the specific reasons for the modification or reversal. A resolution would then need to be prepared and brought back to Council for consideration.

**RECOMMENDATION**

Staff recommends that the City Council adopt a resolution upholding Planning Commission Resolution No. 2014-P21 approving Tentative Tract Map (T14-00003), Development Plan (D14-00006), Conditional Use Permit (CUP14-00011) and Regular Coastal Permit (RC14-00006) for the conversion of a six-unit multi-family development into a six-unit condominium located at 817 and 819 South Pacific Street.

PREPARED BY:

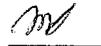
  
Marie Luna  
Project Planner

SUBMITTED BY:

  
Steve Jepsen  
City Manager

REVIEWED BY:

Michelle Skaggs-Lawrence, Assistant City Manager  
Marisa Lundstedt, City Planner


ATTACHMENTS:

1. Site Plans/Floor Plans & Elevations
2. City Council Resolution
3. Planning Commission Staff Report dated September 22, 2014
4. Call for review
5. Parking Summary
6. Legal Complaint Letter
7. Staff Response to Legal Complaint Letter





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 WWW.STUDIO4ARCHITECTS.COM

**PROJECT:**  
 ADDITIONS TO  
 1000 7th St  
 1000 7th St  
 OCCUPANCY: CA 0801

**OWNER:**  
 STANFORD  
 LIMITED, LLC  
 and  
 Land Properties, LLC

**OWNER REF:**  
 PAUL LONGTON  
 1000 7th St  
 OCCUPANCY: CA 0801

**REVISIONS:**  
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 805 - 12-81

ARCHITECT  
**STUDIO 4**  
 1000 BAYVIEW DRIVE  
 OAKLAND, CA 94612  
 (415) 772-1000 FAX  
 P.LONGTOWN@STUDIO4.COM  
 PAUL LONGTOWN  
 ARCHITECT

PROJECT:  
 ADDITIONS TO  
 87 & 89  
 S MARIC ST  
 OAKBRIDGE, CA 94661

OWNER:  
 STRANDS END  
 LIMITED, LLC  
 and  
 Leach Properties, LLC

OWNER'S REP:  
 PAUL LONGTOWN  
 STUDIO 4 ARCHITECTS  
 1000 BAYVIEW DRIVE  
 OAKBRIDGE, CA 94661  
 (415) 772-1000

ISSUE DATE:  
 08.17.14

DATE PLOTTED:  
 08.15.14

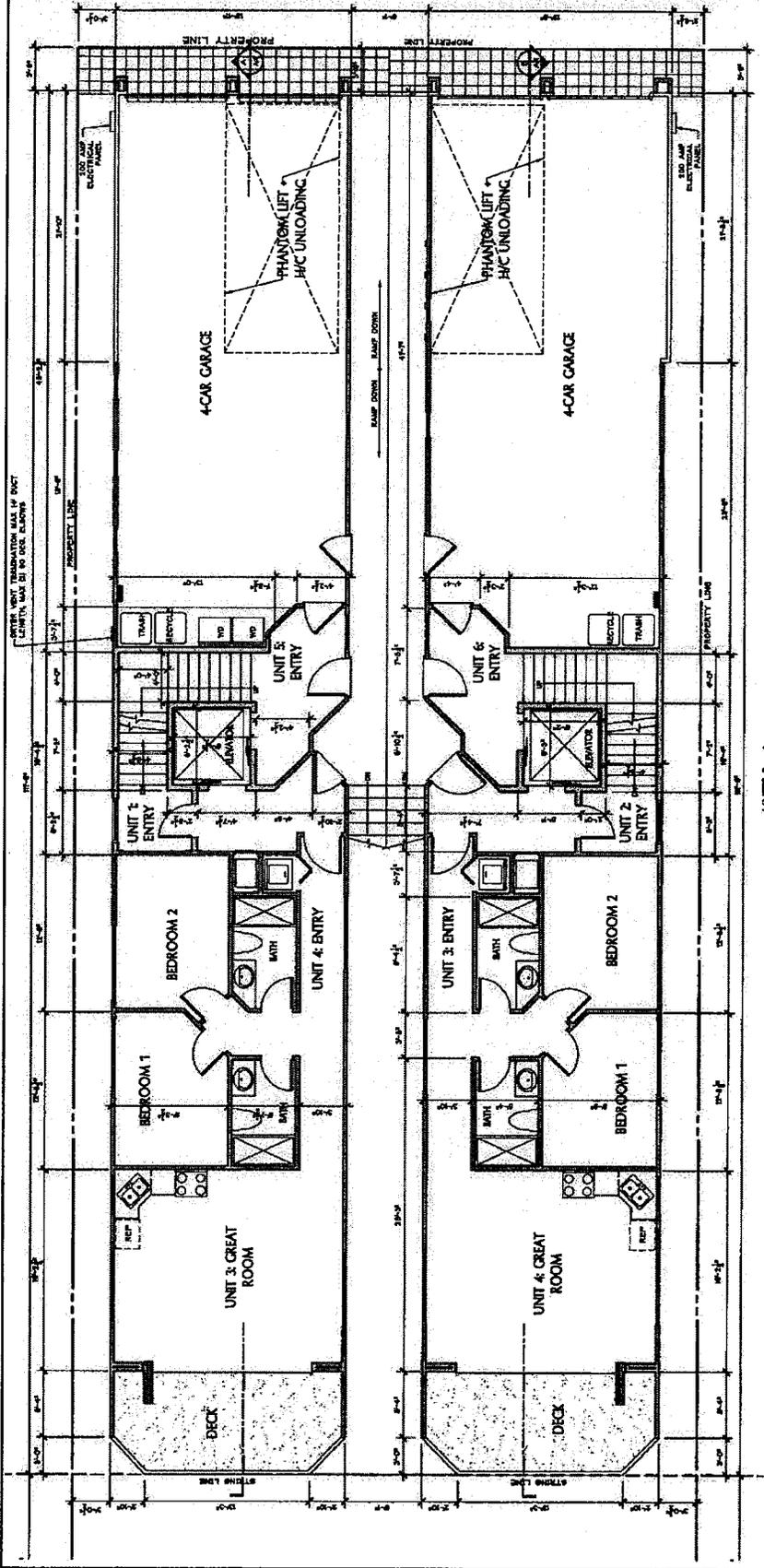
DRAWING STATUS:  
 1. ALL WORK SHOWN IS TO BE CONSIDERED UNLESS OTHERWISE NOTED.  
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE ORDINANCES.  
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ELECTRICAL CODE AND ALL APPLICABLE ORDINANCES.  
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA MECHANICAL CODE AND ALL APPLICABLE ORDINANCES.  
 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA PLUMBING CODE AND ALL APPLICABLE ORDINANCES.  
 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA FIRE CODE AND ALL APPLICABLE ORDINANCES.  
 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA SAFETY CODE AND ALL APPLICABLE ORDINANCES.  
 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ENVIRONMENTAL CODE AND ALL APPLICABLE ORDINANCES.  
 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA LAND USE CODE AND ALL APPLICABLE ORDINANCES.  
 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA HEALTH CARE CODE AND ALL APPLICABLE ORDINANCES.

DATE PLOTTED:  
 08.15.14

OWNER'S REP:  
 PAUL LONGTOWN  
 STUDIO 4 ARCHITECTS

PROJECT NO. PL  
 SHEET TITLE  
 STREET LVL  
 FLOOR PLAN

SHEET NO.  
**A-2.0**



UNIT 3 & 4  
 STREET LVL PLAN - 3RD STORY  
 SCALE 1/4"=1'-0"

UNIT 3	794 SF	BI BDRMS, BI BATH
UNIT 4	794 SF	BI BDRMS, BI BATH
TOTAL	1588 SF	BI BDRMS, BI BATH

**STUDIO 4**  
 1445 S. MAIN ST. SUITE 200  
 OCEANVIEW, CA 92026  
 TEL: 760-434-1100  
 FAX: 760-434-1101  
 WWW.STUDIO4ARCHITECTS.COM

**PROJECT:**  
 ADDITIONS TO  
 87 & 89  
 S. MARCIE ST.  
 OCEANVIEW, CA 92081

**OWNER:**  
 STRANDS END  
 LIMITED, LLC  
 and  
 Leads Properties, LLC

**OWNER'S REP:**  
 PAUL LANTON  
 STUDIO 4 ARCHITECTS  
 1445 S. MAIN ST. SUITE 200  
 OCEANVIEW, CA 92026  
 TEL: 760-434-1100

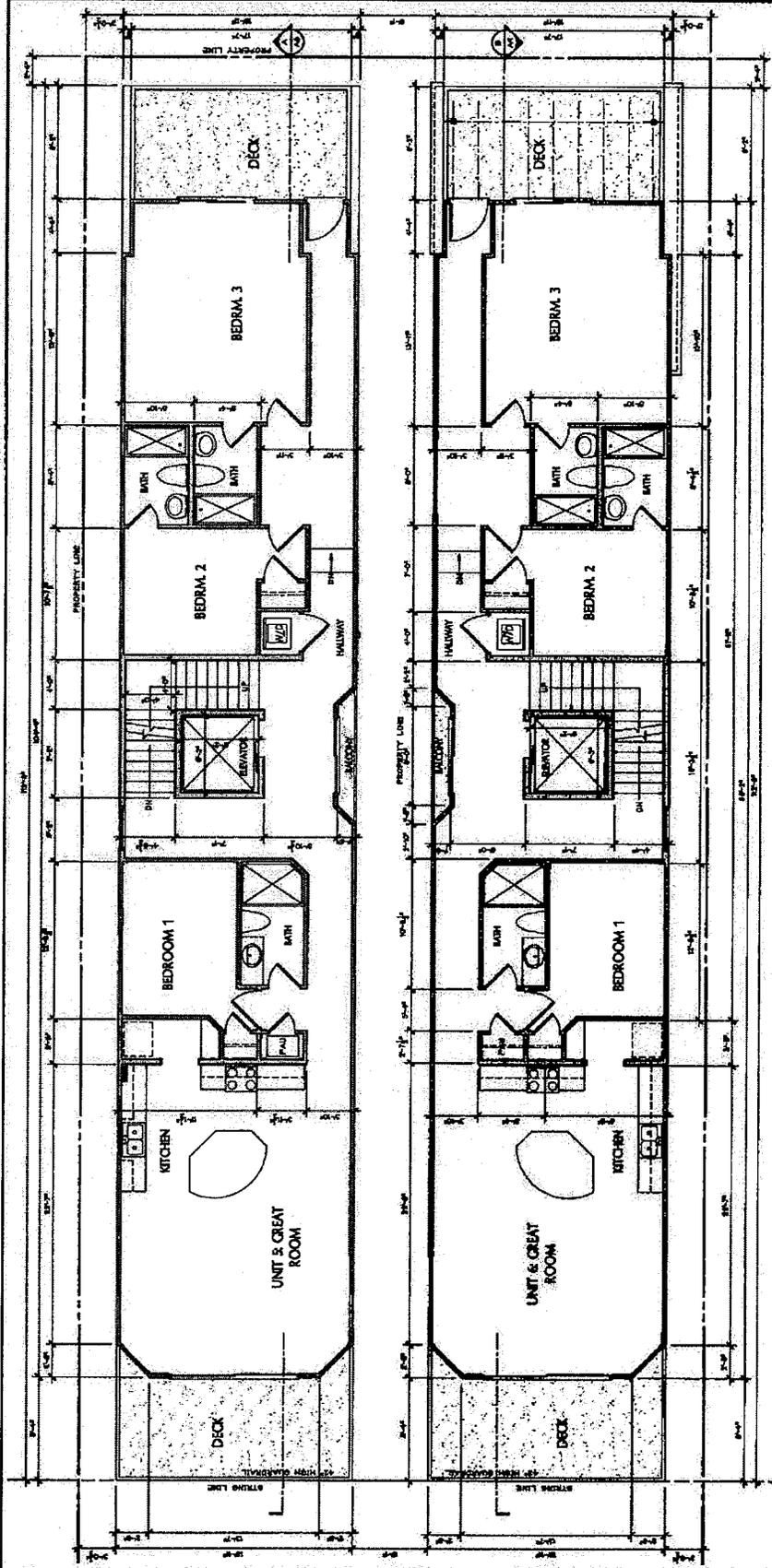
**ISSUE DATES:**  
 08.17.14  
 09.11.14  
 10.15.14

**DRAWING STATUS:**  
 PRELIMINARY  
 PERMITTED  
 PERMITS EXPIRED  
 REVISED  
 AS BUILT  
 OTHER

**REVISIONS:**  
 1. REVISED PER COMMENTS FROM PERMITS DEPARTMENT  
 2. REVISED PER COMMENTS FROM PERMITS DEPARTMENT  
 3. REVISED PER COMMENTS FROM PERMITS DEPARTMENT

**DATE PLOTTED:**  
 08.17.14

**2nd FLOOR PLAN**  
 SHEET NO. A-3.0



**1**  
 UNITS 5 & 6  
 PROPOSED 2nd FLOOR PLAN  
 SCALE: 1/8" = 1'-0"  
 SHEET 04 OF 04  
 TOTALS: 2844 SF  
 \* SEE TOTALS FOR UNITS 0 & 1 ON SHEET 04-01

**STUDIO 4**  
 3000 N. RAY BLVD  
 COSTA MESA, CA 92626  
 TEL: 714-440-2700  
 FAX: 714-440-2701  
 WWW.STUDIO4ARCHITECTS.COM

**PROJECT:**  
 ADDITIONS TO  
 87 & 89  
 10000 S. RAY BLVD  
 COSTA MESA, CA 92626

**OWNERS:**  
 STRANDS END  
 LIMITED, LLC  
 and  
 Leadi Properties, LLC

**OWNER'S REP:**  
 PAUL LONGTON  
 STUDIO 4 ARCHITECTS  
 3000 N. RAY BLVD  
 COSTA MESA, CA 92626  
 PH: 714-440-2700

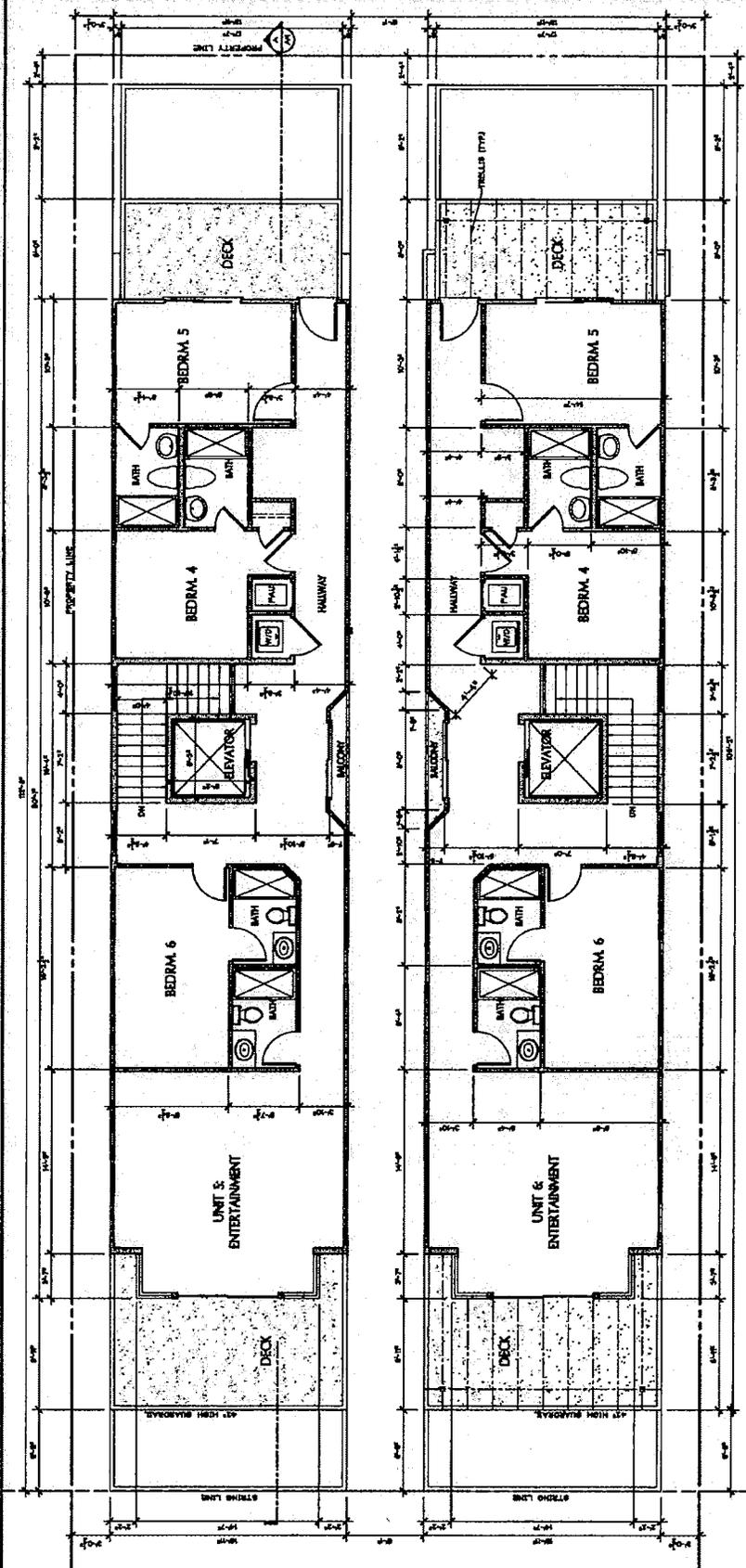
**DESIGNER:**  
 STANLEY LAMBERT  
 10000 S. RAY BLVD  
 COSTA MESA, CA 92626  
 PH: 714-440-2700

**DRAWING STATUS:**  
 PRELIMINARY  
 NOT FOR CONSTRUCTION  
 THIS DRAWING IS THE PROPERTY OF STUDIO 4 ARCHITECTS  
 AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED  
 HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS  
 WITHOUT THE WRITTEN CONSENT OF STUDIO 4 ARCHITECTS.

**DATE:** 08.17.16  
**SCALE:** AS SHOWN

**PROJECT NAME:**  
 87 & 89  
**UNIT NO.:**  
 A-4.0

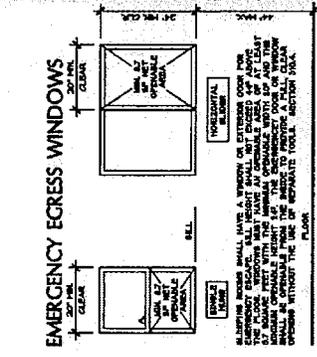
**3rd FLOOR PLAN**  
 SHEET NO.



**1** UNITS 5 & 6  
 PROPOSED 3rd FLOOR PLAN  
 SCALE: 3/8"=1'-0"

UNIT 5	1444 SF	12 ROOMS, 14 BATHS
UNIT 6	1444 SF	12 ROOMS, 14 BATHS
<b>TOTALS</b>	<b>2888 SF</b>	<b>24 ROOMS, 28 BATHS</b>

NET TOTALS: 2888 SF IN ROOMS, 14 BATHS  
 UNIT 5 & 6: 2888 SF IN ROOMS, 28 BATHS  
 FINISHES: 2888 SF



EMERGENCY EGRESS WINDOWS  
 ALL WINDOWS SHALL HAVE A WINDOW OR EXTENSION COVER FOR THE WINDOW TO BE USED AS AN EGRESS WINDOW. THE WINDOW SHALL BE A MINIMUM 20 SQUARE FEET AND THE WINDOW SHALL BE OPERABLE FROM THE INSIDE WITHOUT THE USE OF TOOLS. THE WINDOW SHALL BE OPERABLE FROM THE INSIDE TO PROVIDE A MINIMUM CLEAR HEIGHT OF 20 INCHES. THE WINDOW SHALL BE OPERABLE FROM THE INSIDE TO PROVIDE A MINIMUM CLEAR HEIGHT OF 20 INCHES.

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ARCHITECT  
**STUDIO 4**  
 3434 MISSION BLVD  
 OCEA, CALIFORNIA 92654  
 TEL: 714-733-4407 FAX:  
 714-733-4407  
 P:ALPHATOURNA@STUDIO4.COM  
 PAUL LONGTON  
 ARCHITECT

PROJECT:  
 ADDITIONS TO  
 817 S 4TH  
 STREET, E.  
 OCEA, CALIFORNIA 92654

OWNER:  
**STANIS BDO  
 LIMITED, LLC**  
 and  
 Lead Properties, LLC

OWNER'S REP:  
**PAUL LONGTON  
 STUDIO 4 ARCHITECTS**  
 3434 MISSION BLVD  
 OCEA, CALIFORNIA 92654  
 TEL: 714-733-4407

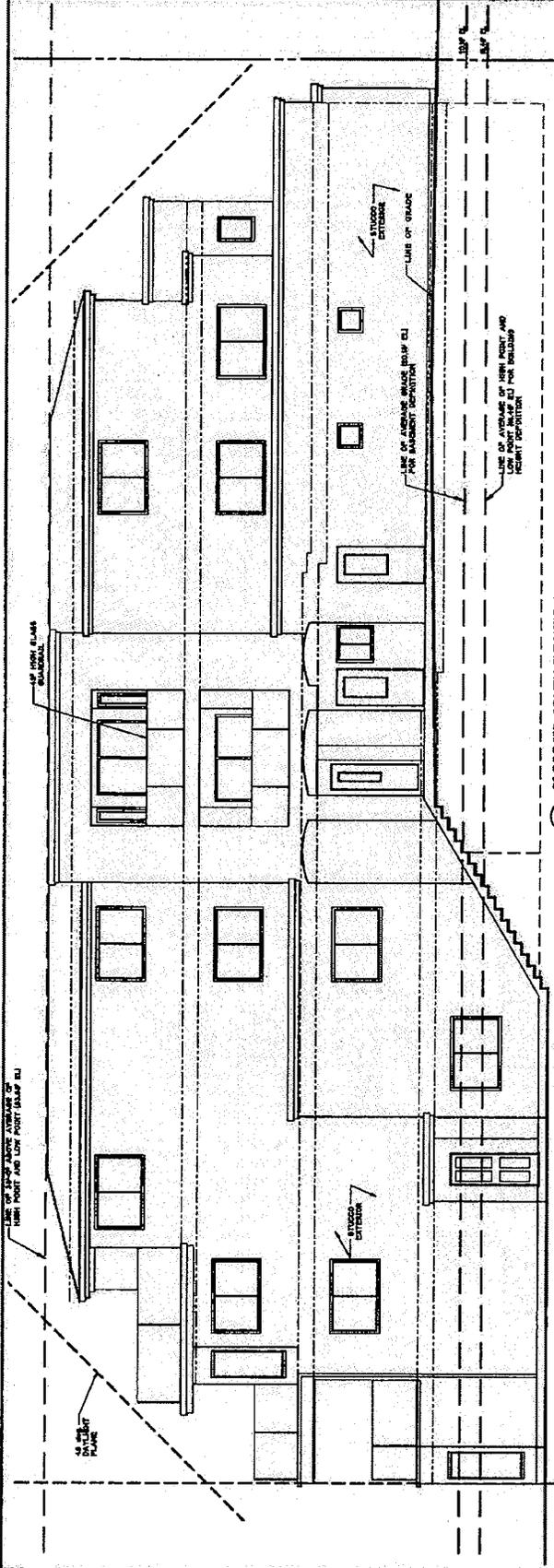
RELEASE DATE:  
 08.07.14

SCALE:  
 1/8" = 1'-0"

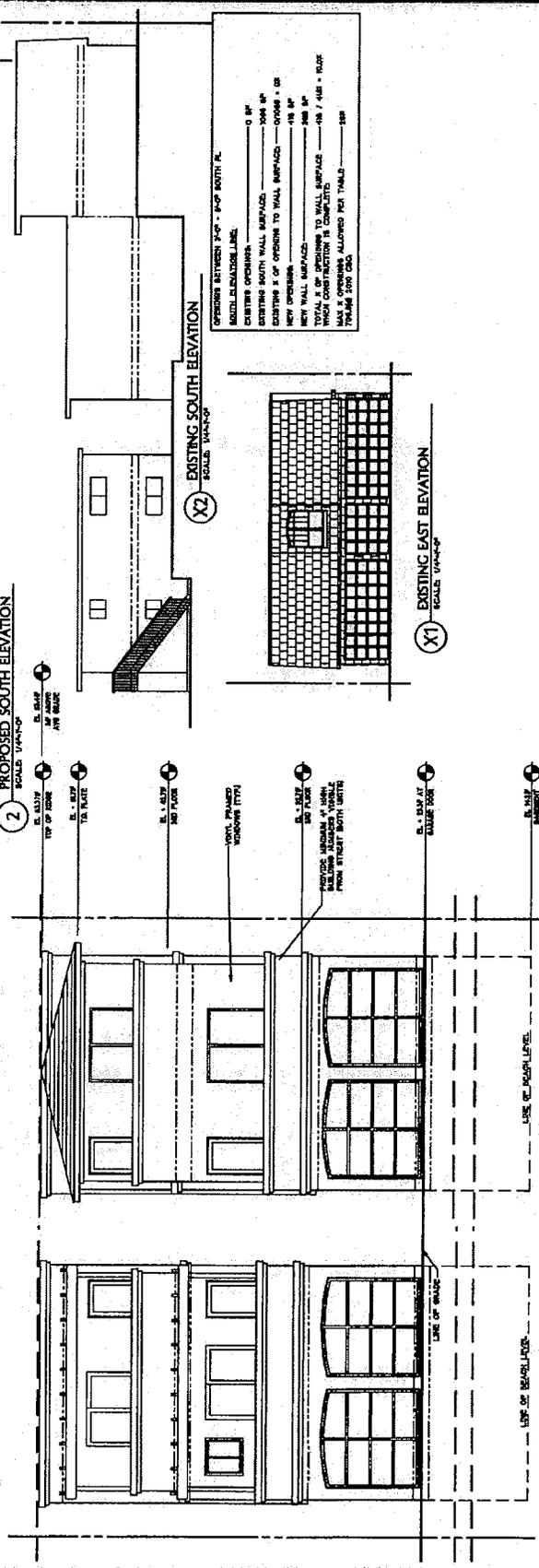
DRAWING STATUS:  
 PRELIMINARY  
 NOT FOR CONSTRUCTION  
 THIS DRAWING IS THE PROPERTY OF STUDIO 4 ARCHITECTS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF STUDIO 4 ARCHITECTS.

DATE: 08.07.14  
 CHECKED BY: PL  
 SHEET TITLE:  
**817: EXTER  
 ELEVATIONS**

SHEET NO.:  
**A-5.0**



2 PROPOSED SOUTH ELEVATION  
 SCALE: 1/8" = 1'-0"



1 PROPOSED EAST ELEVATION  
 SCALE: 1/8" = 1'-0"

X2 EXISTING SOUTH ELEVATION  
 SCALE: 1/8" = 1'-0"

X1 EXISTING EAST ELEVATION  
 SCALE: 1/8" = 1'-0"

OPENER BETWEEN 2'-0" - 8'-0" SOUTH PL.  
 SOUTH ELEVATION LINE

EXISTING SOUTH WALL SURFACE	0'-0"
EXISTING 2" OF OPENER TO WALL SURFACE	0'-0 1/2"
NEW WALL SURFACE	0'-0"
NEW OPENER	0'-0"
MAX. X OPENER ALLOWED PER TALK	0'-0" / 4'-0" / 10'-0"

WHICH CONSTRUCTION IS COMPLETED.  
 TYPICAL 2010 CODE







STUDIO 4  
 ARCHITECTS  
 725 7th St  
 San Francisco, CA 94103  
 PAUL LONGTON  
 PRINCIPAL

PROJECT:  
 ADDITIONS TO  
 817 & 819  
 S. PACIFIC ST.  
 OCEANSIDE, CA 92054

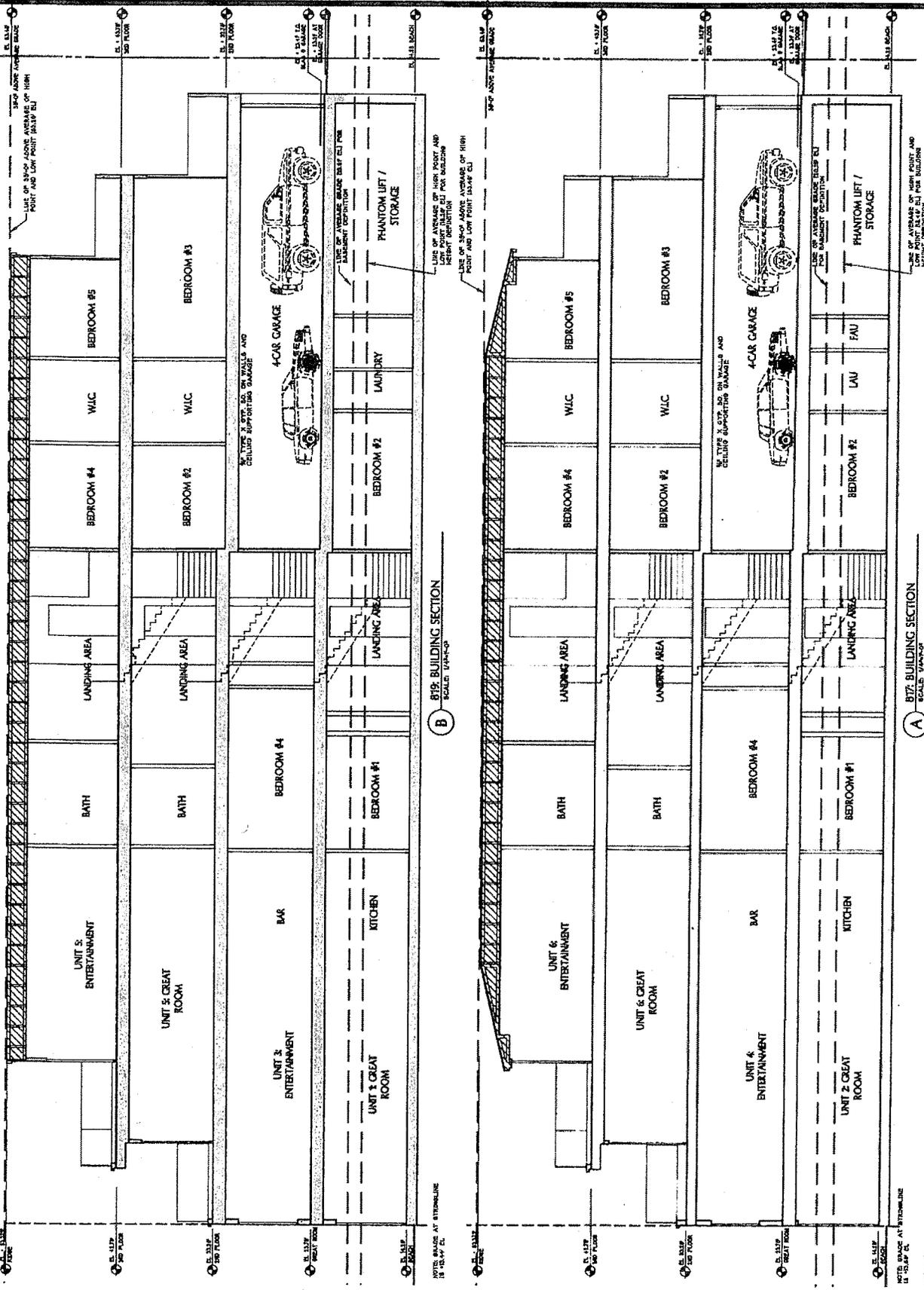
OWNER:  
 STRANDS BLD  
 PARTNERS, LLC  
 and  
 Lead Properties, LLC

OWNER REP:  
 PAUL LONGTON  
 STUDIO 4 ARCHITECTS  
 725 7th St  
 San Francisco, CA 94103  
 (415) 775-0000

RELEASE DATE:  
 05.17.14  
 08.18.14

DRAWING STATUS:  
 01 PRELIMINARY  
 02 CONCEPT DESIGN  
 03 SCHEMATIC DESIGN  
 04 PERMIT DESIGN  
 05 PERMIT SET  
 06 PERMIT REVIEW  
 07 PERMIT APPROVAL  
 08 PERMIT EXPIRES  
 09 PERMIT RENEWAL  
 10 PERMIT CLOSURE

DATE: 05.17.14  
 DRAWN BY: MJC  
 CHECKED BY: PL  
 SHEET TITLE:  
 BUILDING SECTIONS  
 SHEET NO.:  
 A-9.0



(B) 819S BUILDING SECTION  
 SCALE: 1/8"=1'-0"

(A) 817S BUILDING SECTION  
 SCALE: 1/8"=1'-0"

NOTE: GRADE AT STROWLING IS 15.154' CL.  
 NOTE: GRADE AT STROWLING IS 15.154' CL.

## RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE UPHOLDING PLANNING COMMISSION RESOLUTION NO. 2014-P21 AND APPROVING TENTATIVE TRACT MAP (T14-00003) DEVELOPMENT PLAN (D14-00006) CONDITIONAL USE PERMIT (CUP14-00011) AND REGULAR COASTAL PERMIT (RC14--00006) FOR THE REMODEL AND CONDOMINIUM CONVERSION OF A SIX-UNIT MULTI-FAMILY RESIDENTIAL STRUCTURE LOCATED AT 817 AND 819 SOUTH PACIFIC STREET**

**(Strands End Limited, LLC. And Leeds properties LLC - Applicant)**

WHEREAS, a call for review was filed of the Planning Commission approval of Tentative Tract Map (T14-00003), Development Plan (D14-00006), Conditional Use Permit (CUP14-00011) and Regular Coastal Permit (RC14-00006) for the remodel and conversion of a six-unit multi-family residential structure located at 817 and 819 South Pacific Street, to which such real property is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference;

WHEREAS, on September 22, 2014 the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, adopted Resolution No. 2014-P21, approving said Tentative Tract Map (T14-00003), Development Plan (D14-00006), Conditional Use Permit (CUP14-00011) and Regular Coastal Permit (RC14-00006);

WHEREAS, on November 5, 2014, 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 Planning Commission approval on the above identified Tentative Tract Map, Development Plan, Conditional Use Permit and Regular Coastal Permit; and

WHEREAS, based on such evidence, testimony and staff reports, this Council finds that the findings of fact articulated by the Planning Commission adequately address all zoning and planning issues with regard to this project and the Council accepts the findings of fact as set forth

1 in Planning Commission Resolution No. 2014-P21 as attached hereto as Exhibit "B", and  
2 incorporates them by reference as if fully set forth herein;

3 WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of  
4 Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and the  
5 State Guidelines thereto as amended to date, and approved by the Planning Commission in  
6 conjunction with its actions on the applications;

7 NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

- 8 1. The Council affirms the Planning Commission action of September 22, 2014 and  
9 upholds the approval of the application for Tentative Tract Map (T14-00003),  
10 Development Plan (D14-00006), Conditional Use Permit (CUP14-00011) and Regular  
11 Coastal Permit (RC14-00006) and confirmation of the Notice of Exemption. Planning  
12 Commission Resolution No. 2014-P21 is attached hereto as Exhibit "B" and  
13 incorporated herein by this reference;
- 14 2. Notice is hereby given that the time within which judicial review must be sought on this  
15 decision is governed by CCP Section 1094.6(b) as set forth in Oceanside City Code  
16 Section 1.10, and Public Resources Code §21167(d).

17 PASSED and ADOPTED by the City Council of the City of Oceanside, California this  
18 day of \_\_\_\_\_, 2014, by the following vote:

19 AYES:

20 NAYS:

21 ABSENT:

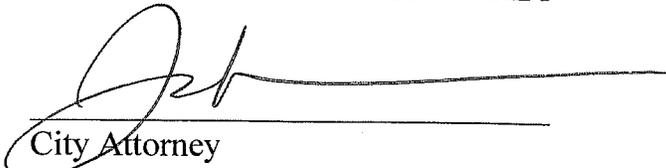
22 ABSTAIN:

23 \_\_\_\_\_  
24 Mayor of the City of Oceanside

25 ATTEST:

26 APPROVED AS TO FORM:  
27 OFFICE OF THE CITY ATTORNEY

28 \_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
City Attorney

Order Number: **DIV-3837593**  
Page Number: 6

**LEGAL DESCRIPTION**

Real property in the City of Oceanside, County of San Diego, State of California, described as follows:

LOT 2 IN BLOCK 36 OF OCEANSIDE TOWNSITE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 344, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 1, 1885.

APN: 143-227-02

# EXHIBIT "B"

PLANNING COMMISSION  
RESOLUTION NO. 2014-P21

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

---

APPLICATION NO: T14-00003, CUP14-00011, D14-00006, RC14-00006  
APPLICANT: Strands End Limited, LLC.  
LOCATION: 817 and 819 South Pacific Street

---

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Tentative Tract Map, Conditional Use Permit, Development Plan and Regular Coastal Permit under the provisions of the City of Oceanside Local Coastal Program and 1986 Zoning Ordinance to permit the following:

the partial demolition, remodel, addition and condominium conversion of an existing six-unit multi-family residential development located on one legal 6,500-square-foot lot, into a six-unit residential condominium development resulting in a three-story multi-unit building attached at the basement and adding 7,288 square feet of new habitable space to an existing 4,358 square feet for a total combined square footage of 11,646 square feet and a cumulative total of 20 bedrooms and 22 baths,

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 22<sup>nd</sup> day of September, 2014 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 (Section 15303(b)); this project qualifies for a Class 1 categorical exemption (Existing Facilities), as it involves new construction resulting in no more than six residential units;

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 GIVEN that the project is subject to certain fees, dedications, reservations and other exactions as provided below:

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<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$2,072 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
Thoroughfare Fee	Ordinance No. 83-01	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
Water System Buy-in Fees	OceansideCity Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically \$4,597 per unit.
Wastewater System Buy-in fees	OceansideCity Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Residential is typically \$6,313 per unit.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit.
Inclusionary housing in lieu fees—Residential only.	Chapter 14-C of the City Code	\$1,000 per development project, \$100 per unit, plus \$1.15 per square foot.

WHEREAS, the current fees referenced above are merely fee amount estimates of the impact fees that would be required if due and payable under currently applicable ordinances and

1 resolutions, presume the accuracy of relevant project information provided by the applicant, and  
2 are not necessarily the fee amount that will be owing when such fee becomes due and payable;

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

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

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

13 WHEREAS, pursuant to Oceanside Zoning Ordinance §2114, this resolution becomes  
14 effective 20 days from its adoption in the absence of the filing of an appeal or call for review;

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

17 FINDINGS:

18 For the Tentative Map (T14-00003) to convert six existing apartment units into six  
19 condominiums:

20 1. That the proposed Tentative Map is consistent with the General Plan of the City by  
21 meeting and exceeding lot size requirements and other applicable provisions of the  
22 Zoning Ordinance and the Subdivision Ordinance.

- 23 • The Tentative Map is for the purpose of converting six existing apartment units into  
24 six residential condominium units on an existing 6,500-square-foot lot created on  
25 April 13, 1906 and located in the Townsite Neighborhood. The site is zoned  
26 Residential-Tourist (RT) and has a land use designation of Urban High-Density  
27 Residential (UHD-R). As such, the proposed tentative map is consistent with the  
28 General Plan, Zoning and Subdivision Ordinances. The condominium conversion  
29 does not affect the size, zoning or land use designation of this existing lot and  
because the existing lot was created prior to January 20, 1958 and it does not  
exceed 7,500 square feet, sufficient parking in accordance with the parking

1 "exceptions" specified Article 27 of the 1986 Zoning Ordinance is provided; in  
2 total, eight parking spaces are provided, one in excess of Code requirements. These  
3 are provided within two four-car garages each of which includes two tandem  
4 parking spaces and one car lift.

5 2. That the site is physically suitable for the type and proposed density of development by  
6 providing lot areas consistent with the South Oceanside Neighborhood Planning Area.

- 7 • The proposed subdivision would create six residential condominium units in  
8 place of six existing apartment units. The residential conversion from  
9 apartments to condominiums does not change the multiple family residential  
10 condition thereby making the proposal consistent with the character and pattern  
11 of development in this area zoned and designated Urban High-Density Residential  
12 (UHD-R) and zoned Residential Tourist (RT). The six condominium units would  
13 create a cumulative total of 20 bedrooms and 22 bathrooms and would provide  
14 eight parking spaces, one in excess of Code requirements, in two, four-car  
15 garages, each with two tandem parking spaces and a car lift. This condominium  
16 conversion would be consistent with existing, multi-family development located  
17 immediately to the north and south of the subject properties, in terms of both  
18 architecture and site design. The 35-foot height and overall scale of the proposed  
19 development would be consistent with the pattern of redevelopment on adjacent  
20 lots, as well as some of the redevelopment on both sides of South Pacific Street  
21 wherein numerous developments are utilized as vacation rentals. Exterior wall  
22 treatments, fenestration and other finish materials would complement other  
23 recently approved and developed projects in the vicinity.

24 3. That the design of the subdivision or the proposed improvements will not cause  
25 substantial environmental damage or substantially and avoidably injure fish or wildlife  
26 or their habitat.

- 27 • The proposed subdivision involves the conversion of six existing apartment units  
28 into six condominiums as well as the addition of under 10,000 square feet;  
29 specifically 7,288 square feet, to an existing structure. As such, the project has  
been deemed to be a Class 1 categorically exempt project under Section 15303  
(b) "New Construction or Conversion of Small Structures" therefore the design

1 of the subdivision or proposed improvements will not cause substantial  
2 environmental damage or substantially and avoidably injure fish or wildlife or  
3 their habitat.

4 4. That the design of the subdivision or the type of improvements meets City standards and  
5 will not conflict with easements, acquired by the public at large, for access through or  
6 the use of property within the proposed subdivision.

- 7 • The proposed subdivision involves the conversion of six existing apartment units  
8 into six residential condominiums and addition of habitable square footage.  
9 Proposals that constitute multi-family development or involve at least 70 feet of  
10 street frontage are required to dedicate and construct public access to the beach  
11 when such access is not already present within 250 feet of the proposed project.  
12 The subject request does involve multi-family development, but comprises less  
13 than 70 feet of street frontage as the lot is 50 feet wide. Moreover, the existing  
14 public access to the beach is located within 200 feet, at the Hayes Street right-of-  
15 way; therefore, there is no easement acquired by the public at large for access  
16 through or the use of property within the proposed subdivision.

16 5. That the subdivision complies with all other applicable ordinances, regulations and  
17 guidelines of the City of Oceanside.

- 18 • The proposed subdivision would not involve any variances from the regulations  
19 established at the time of this approval, however, there is an existing legal non-  
20 conforming front yard setback which would be maintained at three feet six  
21 inches. This setback aligns the proposed development building represented as  
22 two triplex structures attached at the basement with the three multi-family  
23 buildings immediately to the north (811, 813 and 815 South Pacific Street). The  
24 proposed triplex-like structures would be situated roughly six feet forward of the  
25 property immediately to the south (823 South Pacific Street). Staff finds that this  
26 variation from the front yard setback would benefit the streetscape by relieving  
27 the monotony occasioned by previous projects that have implemented the block-  
28 face averaging provision of the superseded 1992 Zoning Ordinance.  
29

1 For the Conditional Use Permit – For condominium conversions:

2 1. That all the provisions of the State Subdivision Map Act, Article 32 and other applicable  
3 provisions of the Zoning Ordinance and the City Code are met.

- 4 • The proposed subdivision constitutes a condominium conversion from six  
5 residential apartment units into six residential condominium units. Map approval  
6 is subject to City Engineering and City Council approval and is subject to  
7 compliance with the State Subdivision Map Act, Article 32 and other applicable  
8 provisions of the Zoning Ordinance and City Code as indicated in the conditions  
9 of approval which are listed in this Resolution.

10 2. That the proposed conversion is consistent with the General Plan and the adopted  
11 Housing Element and any applicable specific plan.

- 12 • The site is zoned Residential-Tourist (RT) and has a land use designation of Urban  
13 High-Density Residential (UHD-R). As such, the proposed tentative map which  
14 converts six existing residential apartments into six residential condominiums is  
15 consistent with the General Plan, Zoning and Subdivision Ordinances.

16 3. That the proposed conversion will conform to the provisions of the Zoning Ordinance  
17 and the City Code in effect at the time of the project approval.

- 18 • The Tentative Map is for the purpose of converting six existing apartment units on  
19 an existing 6,500-square-foot lot created on April 13, 1906 and located in the South  
20 Oceanside Neighborhood, into six condominium units.

21 As such, the conversion which results in six residential condominiums  
22 within three stories and a day lighted basement as well as a cumulative total  
23 of 20 bedrooms and 22 baths is subject to the parking provisions contained  
24 in the parking exceptions section of Article 27 of the 1986 Zoning  
25 Ordinance. Said parking provisions require seven parking spaces although  
26 the project will provide eight within two four-car garages, each with two  
27 tandem parking spaces and a car lift. Additionally, the project will maintain  
28 the legal non-conforming front yard setback of three feet, six inches.

29 4. That the overall design and physical condition of the condominium conversion achieves  
a high standard of appearance, quality and safety.

- 1           • The proposed project, a condo conversion, remodel and addition to an existing  
2 multi-unit residential development, would be compatible in bulk and scale with  
3 the surrounding built environment. Furthermore, the proposed project would  
4 constitute an architectural enhancement of the subject property and an aesthetic  
5 complement to both the streetscape and adjacent structures. The height and  
6 overall scale of the proposed development would be consistent with the pattern  
7 of redevelopment on adjacent lots, as well as some of the redevelopment on both  
8 sides of South Pacific Street. Exterior wall treatments, fenestration and other  
9 finish materials would complement other recently approved and developed  
10 projects in the vicinity.

- 11 5. That the proposed conversion will not displace a significant percentage of low or  
12 moderate income, permanently or totally disabled or senior citizen tenants or delete a  
13 significant number of low and moderate income rental units from the City's housing  
14 stock at the time when no equivalent housing is readily available in the Oceanside area.

- 15           • The existing six-unit apartment building is used as a vacation rental; therefore its  
16 conversion to condominiums will have no bearing on the City's rental housing  
17 stock.

- 18 6. That the dwelling units to be converted have been constructed and used as rental units  
19 for at least three years prior to the application for conversion.

- 20           • The dwelling units to be converted were constructed and used as rental units and  
21 vacation rentals for at least three years prior to the application for conversion.

22 For the Development Plan (D14-00006) to allow conversion of an existing six-unit multi-family  
23 residential development into a six-unit residential condominium with the addition of 7,288  
24 square feet of new habitable space including a new third story:

- 25 1. The approval of the proposed multi-family residential conversion and associated  
26 addition will be subject to conditions that, in view of the size and shape of the parcel and  
27 the present zoning and use of the subject property, provide the same degree of protection  
28 to adjoining properties, including protection from unreasonable interference with the use  
29 and enjoyment of said properties, depreciation of property values, and any potentially  
adverse impacts on the public peace, health, safety and welfare.

1 2. The application for Development Plan approval has been processed in a manner  
2 consistent with Article 21 of the 1986 Zoning Ordinance (Procedures, Hearings, Notices  
3 and Fees).

4 For the Regular Coastal Permit (RC14-00006) to allow conversion of an existing six-unit multi-  
5 family residential development with the addition of 7,288 square feet of new habitable space  
6 including a new third story:

7 1. The proposed conversion conforms to the policies of the Local Coastal Program (LCP),  
8 including those pertinent to coastal access (Article 2), recreation (Article 3), land  
9 resources (Article 5) and development (Article 6), in that it:

- 10 • Does not interfere with the public's right to access to the coastline and ocean,  
11 given that dedicated public access ways exist within 250 feet of the subject site;
- 12 • Provides for recreational use of private oceanfront land;
- 13 • Does not impact environmentally sensitive habitat area or prime agricultural  
14 land;
- 15 • Occurs in an already-developed area with adequate public services;
- 16 • Protects views to and along the ocean;
- 17 • Is visually compatible with the character of surrounding areas.

18 2. The project site, at 817 and 819 South Pacific Street, is situated within the Appeal Area  
19 of the Coastal Zone and conforms to the public access and recreation policies of Chapter  
20 3 of the Coastal Act. The entire 800 Block of South Pacific Street measures 450 feet in  
21 length, with public beach access located at both ends (where South Pacific Street  
22 intersects with Wisconsin Avenue and Hayes Street). Thus, all properties in the 800  
23 Block of South Pacific Street are situated within 250 feet of existing public beach  
24 access.

25 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
26 confirm issuance of a Categorical Exemption pursuant to Section 15303(b) of the California  
27 Environmental Quality Act and approves Tentative Tract Map (T14-00003, Conditional Use  
28 Permit (CUP-00011), Development Plan (D14-00006) and Regular Coastal Permit (RC14-00006)  
29 subject to the following conditions:

1 **Building:**

- 2 1. Construction shall comply with the 2013 edition of the California Codes including the  
3 California Green Building Standards. The granting of approval under this action shall in  
4 no way relieve the applicant/project from compliance with all State and local building  
5 codes.
- 6 2. The building plans for this project are required by State law to be prepared by a licensed  
7 architect or engineer and must be in compliance with this requirement prior to submittal  
8 for building plan review.
- 9 3. Exterior lighting must comply with Chapter 39 of the Oceanside Code of Ordinances,  
10 and Section 5.106.8 of the 2013 California Green Building Code.
- 11 4. The developer shall monitor, supervise and control all building construction and supporting  
12 activities so as to prevent these activities from causing a public nuisance, including, but not  
13 limited to, strict adherence to the following:
- 14 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
15 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work  
16 that is not inherently noise-producing. Examples of work not permitted on  
17 Saturday are concrete and grout pours, roof nailing and activities of similar noise-  
18 producing nature. No work shall be permitted on Sundays and Federal Holidays  
19 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and  
20 Christmas Day) except as allowed for emergency work under the provisions of the  
21 Oceanside City Code Chapter 38 (Noise Ordinance).
- 22 b) The construction site shall be kept reasonably free of construction debris as  
23 specified in Section 13.17 of the Oceanside City Code. Storage of debris in  
24 approved solid waste containers shall be considered compliance with this  
25 requirement. Small amounts of construction debris may be stored on-site in a neat,  
26 safe manner for short periods of time pending disposal.
- 27 5. Separate/unique addresses will be required to facilitate utility releases. Verification that the  
28 addresses have been properly assigned by the City's Planning Division must accompany  
29 the Building Permit application.

- 1 6. Site development, common use areas, access and adaptability of apartments and  
2 condominiums shall comply with California Code of Regulations (CCR) Part 2, Title 24  
3 (Disabled Access & Adaptability - HCD).
- 4 7. All electrical, communication, CATV, etc. service lines, within the exterior lines of the  
5 property shall be underground (City Code Sec. 6.30).

6 **Fire:**

- 7 8. Fire Department requirements shall be placed on plans in the notes section.

8 **Water Utilities:**

- 9 9. The developer will be responsible for developing all water and sewer utilities necessary to  
10 develop the property. Any relocation of water and/or sewer utilities is the responsibility of  
11 the developer and shall be done by an approved licensed contractor at the developer's  
12 expense.
- 13 10. The property owner shall maintain private water and wastewater utilities located on private  
14 property.
- 15 11. Water services and sewer laterals constructed in existing right-of-way locations are to be  
16 constructed by approved and licensed contractors at developer's expense.
- 17 12. All Water and Wastewater construction shall conform to the most recent edition of the  
18 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by  
19 the Water Utilities Director.
- 20 13. Residential units shall be metered individually. Private utility systems for residential  
21 developments are not allowed.
- 22 14. Per the 2013 California Fire Code, all new residential units shall be fire sprinklered. The  
23 minimum allowable water meter for a fire sprinklered home is 3/4-inch.
- 24 15. All public water and/or sewer facilities not located within the public right-of-way shall be  
25 provided with easements sized according to the Water, Sewer, and Reclaimed Water  
26 Design and Construction Manual. Easements shall be constructed for all weather access.
- 27 16. No trees, structures or building overhang shall be located within any water or wastewater  
28 utility easement.
- 29 17. All lots with a finish pad elevation located below the elevation of the next upstream  
manhole cover of the public sewer shall be protected from backflow of sewage by installing

1 and maintaining an approved type backwater valve, per the Uniform Plumbing Code  
2 (U.P.C.).

3 18. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to  
4 be paid to the City and collected by the Water Utilities Department at the time of Building  
5 Permit issuance.

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

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

13 **Engineering:**

14 21. This project involves demolition of an existing structure or surface improvements; an  
15 erosion control plan shall be submitted and approved by the City Engineer before  
16 issuance of any demolition permit. No grading operation shall be allowed in  
17 conjunction with the demolition operation without an approved grading plan. No  
18 demolition shall be permitted without an approved erosion control plan.

19 22. Design and construction of all improvements shall be in accordance with standard plans,  
20 specifications of the City of Oceanside and subject to approval by the City Engineer.

21 23. The owner/developer shall obtain a precise grading permit per the City Grading  
22 Regulations Manual. This project may qualify to prepare a minor grading plan instead  
23 of a precise grading plan, if the project meets the minor grading permit requirements.  
24 The grading permit requires a comprehensive soils and geologic investigation of the  
25 soils, slopes, and formations in the project. All necessary measures shall be taken and  
26 implemented to assure slope stability, erosion control, and soil integrity. No grading  
27 shall occur until a detailed grading plan, to be prepared in accordance with the Grading  
28 Ordinance and Zoning Ordinance, is approved by the City Engineer.

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

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

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

6 b) All grading and related site preparation and construction activities shall be  
7 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No  
8 engineering related construction activities shall be conducted on Saturdays,  
9 Sundays or legal holidays unless written permission is granted by the City  
10 Engineer with specific limitations to the working hours and types of permitted  
11 operations. All on-site construction staging areas shall be as far as possible  
12 (minimum 100 feet) from any existing residential development. Because  
13 construction noise may still be intrusive in the evening or on holidays, the City of  
14 Oceanside Noise Ordinance also prohibits "any disturbing excessive or offensive  
15 noise which causes discomfort or annoyance to reasonable persons of normal  
16 sensitivity."

17 c) The construction site shall accommodate the parking of all motor vehicles used  
18 by persons working at or providing deliveries to the site. An alternate parking  
19 site can be considered by the City Engineer in the event that the lot size is too  
20 small and cannot accommodate parking of all motor vehicles.

21 d) The owner/developer shall complete a haul route permit application (if required  
22 for import/export of dirt) and submit to the City of Oceanside Engineering  
23 Division 48 hours in advance of beginning of work. Hauling operations (if  
24 required) shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise by the City.

25 26. Grading and drainage facilities shall be designed and installed to adequately  
26 accommodate the local stormwater runoff and shall be in accordance with the City's  
27 Grading Ordinance and current San Diego County Hydrology Manual.

28 27. It is the responsibility of the owner/developer to evaluate and determine that all soil  
29 imported as part of this development is free of hazardous and/or contaminated material  
as defined by the City and the County of San Diego Department of Environmental

1 Health. Exported or imported soils shall be properly screened, tested, and documented  
2 regarding hazardous contamination.

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

6 29. A traffic control plan shall be prepared according to the City traffic control guidelines  
7 and approved to the satisfaction of the City Engineer prior to the start of any work  
8 within the public right-of-way. Traffic control during construction of streets that have  
9 been opened to public traffic shall be in accordance with construction signing, marking  
10 and other protection as required by the Caltrans Traffic Manual and City Traffic Control  
11 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless  
12 approved otherwise by the City.

13 30. The developer/owner shall construct private driveway to serve this project in accordance  
14 with the City of Oceanside Engineers Design and Processing Manual.

15 31. The developer/owner shall construct curb and gutter and sidewalk on South Pacific Street  
16 along the property frontage in accordance with the City of Oceanside Engineers Design and  
17 Processing Manual. Sidewalk improvements shall comply with ADA requirements.

18 32. Sight distance requirements at the project driveway shall conform to the corner sight  
19 distance criteria as provided by SDRSD.

20 33. Pavement sections Pacific Street and project driveway shall be based upon approved soil  
21 tests. The pavement design is to be prepared by the owner's/developer's soil engineer  
22 and must be approved by the City Engineer, prior to paving.

23 34. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during  
24 construction of the project, shall be repaired or replaced as directed by the City  
25 Engineer.

26 35. The owner/developer shall comply with all the provisions of the City's cable television  
27 ordinances including those relating to notification as required by the City Engineer.

28 36. The owner/developer shall obtain any necessary permits and clearances from all public  
29 agencies having jurisdiction over the project due to its type, size, or location, including  
but not limited to the U. S. Army Corps of Engineers, California Department of Fish  
& Wildlife, U. S. Fish and Wildlife Service, San Diego Regional Water Quality Control

1 Board (including NPDES), and/or San Diego County Health Department, prior to the  
2 issuance of a grading permit.

3 37. The approval of the development shall not mean that proposed grading or improvements  
4 on adjacent properties (including any City properties/Right-of-Way or easements) is  
5 granted or guaranteed to the owner/developer. The owner/developer is responsible for  
6 obtaining permission to grade to construct on adjacent properties. Should such  
7 permission be denied, the development shall be subject to going back to the public  
8 hearing or subject to a substantial conformity review.

9 38. A comprehensive geotechnical report is required prior to approval of any grading plan  
10 and permit. If shoring is required for the construction of this development, the shoring  
11 design and structural calculations shall be included in the geotechnical report. The  
12 Geotechnical Engineer shall be responsible to prepare the report, and seal/stamp, and  
13 sign the report, and is fully responsible for all the proposed mitigations and  
14 recommendations.

15 39. This project shall provide year-round erosion control including measures for the site  
16 required for the phasing of grading. Prior to the issuance of grading permit, an erosion  
17 control plan, designed for all proposed stages of construction, shall be reviewed, secured  
18 by the owner/developer with cash securities and approved by the City Engineer.

19 40. The drainage design on the development plan is conceptual only. The final design shall  
20 be based upon a hydrologic/hydraulic study to be approved by the City Engineer during  
21 final engineering. All drainage picked up in an underground system shall remain  
22 underground until it is discharged into an approved channel, or as otherwise approved by  
23 the City Engineer. The owner/developer shall be responsible for obtaining any off-site  
24 easements for storm drainage facilities.

25 41. The owner/developer shall comply with applicable FEMA regulations. The  
26 owner/developer shall record a covenant against the property indemnifying and holding  
27 the City harmless from any claims regarding drainage and flooding prior to issuance of  
28 any grading permit. During final engineering design, the Engineer of Record shall  
29 evaluate potential impact to flood hazard areas. Elevation and flood proofing shall be in  
accordance with the City of Oceanside Ordinance 94-03 and Federal Emergency  
Management Agency (FEMA) requirements.

1 42. Following approval of the Storm Water Mitigation Plan (SWMP) by the City Engineer  
2 and prior to issuance of grading permits, the owner/developer shall submit and obtain  
3 approval of an Operation & Maintenance (O&M) Plan, prepared to the satisfaction of  
4 the City Engineer. The O&M Plan shall include an approved and executed Maintenance  
5 Mechanism pursuant to Section 5 of the Standard Urban Storm Water Mitigation Plan  
6 (SUSMP). The O&M shall satisfy the minimum Maintenance Requirements pursuant to  
7 Section 5 of the SUSMP. At a minimum the O&M Plan shall include the designated  
8 responsible party to manage the stormwater BMP(s), employee training program and  
9 duties, operating schedule, maintenance frequency, routine service schedule, specific  
10 maintenance activities, copies of resource agency permits, cost estimate for  
11 implementation of the O&M Plan, a non-refundable cash (or certificate of deposit  
12 payable to the City), or an irrevocable, City-Standard Letter of Credit security to provide  
13 maintenance funding in the event of noncompliance to the O&M Plan, and any other  
14 necessary elements. The owner/developer shall provide the City with access to site for  
15 the purpose of BMP inspection and maintenance by entering into an Access Rights  
16 Agreement with the City. The owner/developer shall complete and maintain O&M  
17 forms to document all operation, inspection, and maintenance activities. The  
18 owner/developer shall retain records for a minimum of 5 years. The records shall be  
19 made available to the City upon request.

20 43. The owner/developer shall enter into a City-Standard Stormwater Facilities Maintenance  
21 Agreement with the City obliging the owner/developer to maintain, repair and replace  
22 the Storm Water Best Management Practices (BMPs) identified in the project's  
23 approved SWMP, as detailed in the O&M Plan into perpetuity. The Agreement shall be  
24 approved by the City Attorney prior to issuance of any precise grading permit and shall  
25 be recorded at the County Recorder's Office prior to issuance of any building permit.  
26 Security in the form of cash (or certificate of deposit payable to the City) or an  
27 irrevocable, City-Standard Letter of Credit shall be required prior to issuance of a  
28 precise grading permit. The amount of the security shall be equal to 10 years of  
29 maintenance costs, as identified by the O&M Plan, but not to exceed a total of \$25,000.  
The owner/developer's Civil Engineer shall prepare the O&M cost estimate.

- 1 44. At a minimum, maintenance agreements shall require the staff training, inspection and  
2 maintenance of all BMPs on an annual basis. The owner/developer shall complete and  
3 maintain O&M forms to document all maintenance activities. Parties responsible for the  
4 O&M plan shall retain records at the subject property for at least 5 years. These  
5 documents shall be made available to the City for inspection upon request at any time.
- 6 45. The Agreement shall include a copy of executed on-site and off-site access rights  
7 necessary for the operation and maintenance of BMPs that shall be binding on the land  
8 throughout the life of the project to the benefit of the party responsible for the O&M of  
9 BMPs, satisfactory to the City Engineer. The agreement shall also include a copy of the  
10 O&M Plan approved by the City Engineer.
- 11 46. The BMPs described in the project's approved SWMP shall not be altered in any way,  
12 unless reviewed and approved to the satisfaction of the City Engineer. The  
13 determination of whatever action is required for changes to a project's approved SWMP  
14 shall be made by the City Engineer.
- 15 47. The owner/developer shall provide a copy of the cover page of approved SWMP with  
16 the first engineering submittal package. All Stormwater documents shall be in  
17 compliance with the latest edition of submission requirements.
- 18 48. Approval of this development is conditioned upon payment of all applicable impact fees  
19 and connection fees in the manner provided in chapter 32B of the Oceanside City Code.  
20 All traffic signal fees and contributions, highway thoroughfare fees, park fees,  
21 reimbursements, and other applicable charges, fees and deposits shall be paid prior to the  
22 issuance of any building permits, in accordance with City Ordinances and policies.
- 23 49. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire  
24 project will be subject to prevailing wage requirements as specified by Labor Code  
25 section 1720(b) (4). The owner/developer shall agree to execute a form acknowledging  
26 the prevailing wage requirements prior to the granting of any fee reductions or waivers.
- 27 50. Design and construction of all improvements shall be in accordance with the City of  
28 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard  
29 engineering and specifications of the City of Oceanside and subject to approval by the  
City Engineer.

- 1 51. All right-of-way alignments, street dedications, exact geometrics and width shall be  
2 dedicated and constructed or replaced, if required by the City Engineer.
- 3 52. This tentative parcel map shall be recorded as one. The City Engineer may require the  
4 dedication and construction of necessary utilities, streets and other improvements outside  
5 the area of this particular parcel map, if such is needed for circulation, parking, access or  
6 for the welfare or safety of future occupants of the development.
- 7 53. Provide the City of Oceanside with a certification from each public utility and each  
8 public entity owning easements within the proposed project stating that: (a) they have  
9 received from the owner/developer a copy of the proposed parcel map; (b) they object or  
10 do not object to the filing of the parcel map without their signature; (c) in case of a street  
11 dedication affected by their existing easement, they will sign a "subordination  
12 certificate" or "joint-use certificate" on the parcel map when required by the governing  
13 body. In addition, the owner/developer shall furnish proof to the satisfaction of the City  
14 Engineer that no new encumbrances have been created that would subordinate the City's  
15 interest over areas to be dedicated for public road purposes since submittal of the  
16 project.
- 17 54. Pursuant to the State Map Act, a covenant will be reviewed and approved by the City  
18 Attorney, and shall be recorded attesting to these conditions and a certificate setting forth  
19 the recordation shall be placed on the map.
- 20 55. Any existing public or private pavement, concrete curb, gutter, driveways, pedestrian  
21 ramps and sidewalk within the project, or adjacent to the project boundary that are already  
22 damaged, shall be repaired or replaced as directed by the City Engineer.
- 23 56. The owner/developer shall place a covenant on the non-title sheet of the parcel map  
24 agreeing to the following: "The present or future owner/developer shall indemnify and  
25 save the City of Oceanside, its officers, agents, and employees harmless from any and all  
26 liabilities, damages or claims arising from any landslide on this site".
- 27 57. The owner/developer shall place a covenant on the non-title sheet of the parcel map  
28 agreeing to the following: "The present or future owner/developer shall indemnify and  
29 save the City of Oceanside, its officers, agents, and employees harmless from any and all  
liabilities, damages or claims arising from any flooding that occurs on this site, and any  
flooding that is caused by this site impacting adjacent properties".

1 58. Open space areas and down-sloped areas visible from a collector-level or above roadway  
2 and not readily maintained by the property owner, private driveways and common areas,  
3 shall be maintained by the owner(s), or a homeowners' association that will insure  
4 installation and maintenance of landscaping in perpetuity. These areas shall be indicated  
5 on the parcel map and reserved for an association. Future buyers shall be made aware of  
6 any estimated monthly costs. The disclosure, together with the CC&R's, shall be submitted  
7 to the City Engineer for review prior to the recordation of parcel map.

8 59. Approval of this development project is conditioned upon payment of all applicable impact  
9 fees and connection fees in the manner provided in chapter 32B of the Oceanside City  
10 Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees,  
11 reimbursements, and other applicable charges, fees and deposits shall be paid prior to  
12 recordation of the map or the issuance of any building permits, in accordance with City  
13 Ordinances and policies. The owner/developer shall also be required to join into,  
14 contribute, or participate in any improvement, lighting, or other special district affecting or  
15 affected by this project. Approval of the tentative map (project) shall constitute the  
16 owner/developer's approval of such payments, and his agreement to pay for any other  
17 similar assessments or charges in effect when any increment is submitted for final map or  
18 building permit approval, and to join, contribute, and/or participate in such districts.

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

23 61. In the event that the conceptual plan does not match the conditions of approval, the  
24 resolution of approval shall govern.

25 **Planning:**

26 62. Development Plan (D14-00006) and Regular Coastal Permit (RC14-00006) shall expire  
27 two years from the effective date unless implemented as required by the Zoning Ordinance.  
28 Absent the timely appeal of this approval, it will expire on September 22, 2016 unless  
29 implemented as required by the Zoning Ordinance.

63. Development Plan (D14-00006) and Regular Coastal Permit (RC14-00006) is granted for  
the following purposes only:

- 1 a) Partial demolition and conversion of an existing six-unit multi-family  
2 development to a freestanding six-unit residential condominium represented as  
3 two triplexes attached at the basement level and including four, two bedroom  
4 units and two six bedroom units for a total of 20 bedrooms and 22 baths;
- 5 b) Addition of 7,288 square feet of new habitable space for a total of 11,646 square  
6 feet, 2,630 square feet of garage area that can accommodate eight vehicles within  
7 two four-car garages, each in a tandem configuration including one car lift;
- 8 64. No deviation from these approved plans and exhibits shall occur without Planning  
9 Commission approval. Substantial deviations shall require a revision to the Development  
10 Plan and Regular Coastal Permit or a new Development Plan and Regular Coastal Permit.
- 11 65. Development Plan (D14-00006) and Regular Coastal Permit (RC14-00006) shall be  
12 subject to review by the Planning Commission if complaints are filed and verified as  
13 valid by the City Planner or the Code Enforcement Officer concerning the violation of  
14 any of the approved conditions or the project assumptions demonstrated under the  
15 application approval.
- 16 66. The validity of Development Plan (D14-00006) and Regular Coastal Permit (RC14-  
17 00006) shall not be affected by changes in ownership or tenants.
- 18 67. A request for changes in conditions of approval or a change to the approved plans that  
19 would affect conditions of approval shall be treated as a new application. The City  
20 Planner may waive the requirements for a new application if the changes requested are  
21 minor, do not involve substantial alterations or addition to the plan or the conditions of  
22 approval, and consistent with the intent of the project's approval or otherwise found to  
23 be in substantial conformance.
- 24 68. Development Plan (D14-00006) and Regular Coastal Permit (RC14-00006) may be  
25 revised or renewed in accordance with the provisions of the Zoning Ordinance. Any  
26 application for Development Plan (D14-00006) and Regular Coastal Permit (RC14-  
27 00006) revision or renewal shall also be evaluated against existing land use and  
28 development policies as well as any intervening changes to the site area and/or  
29 neighborhood.
69. The applicant, permittee, or any successor-in-interest shall defend, indemnify and hold  
harmless the City of Oceanside, its agents, officers or employees from any claim, action

1 or proceeding against the City, its agents, officers, or employees to attack, set aside, void  
2 or annul an approval of the City concerning Development Plan (D14-00006) and  
3 Regular Coastal Permit (RC14-00006). The City will promptly notify the applicant of  
4 any such claim, action or proceeding against the City and will cooperate fully in the  
5 defense. If the City fails to promptly notify the applicant of any such claim action or  
6 proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter,  
7 be responsible to defend, indemnify or hold harmless the City.

8 70. A covenant or other recordable document approved by the City Attorney shall be  
9 prepared by the applicant and recorded prior to the issuance of building permits. The  
10 covenant shall provide that the property is subject to this resolution, and shall generally  
11 list the conditions of approval.

12 71. Prior to issuance of a building permit, the applicant and landowner shall execute and  
13 record a covenant, in a form and content acceptable to the City Attorney, which shall  
14 provide:

15 a) That the applicant understands that the site may be subject to extraordinary  
16 hazard from waves during storms and from erosion and the applicants assumes  
17 the liability from those hazards.

18 b) That the applicant unconditionally waives any claim of liability on the part of the  
19 City and agrees to defend, indemnify and hold harmless the City and its advisors  
20 relative to the City's approval of the project for any damage due to natural  
21 hazards.

22 72. Prior to the transfer of ownership and or operation of the site, the owner shall provide a  
23 written copy of the applications, staff report and resolutions for the project to the new  
24 owner and or operator. This notification provision shall run with the life of the project  
25 and shall be recorded as a covenant on the property.

26 73. Failure to meet any conditions of approval for this project shall constitute a violation of  
27 Development Plan (D14-00006) and Regular Coastal Permit (RC14-00006).

28 74. Unless expressly waived, all current zoning standards and City ordinances and policies  
29 in effect at the time building permits are issued are required to be met by this project.  
The approval of this project constitutes the applicant's agreement with all statements in

1 the Description and Justification and other materials and information submitted with this  
2 application, unless specifically waived by an adopted condition of approval.

3 75. Elevations, siding materials, colors, roofing materials and floor plans shall be  
4 substantially the same as those approved by the Planning Commission. These shall be  
5 shown on plans submitted to the Building Division for building permits.

6 76. All mechanical rooftop and ground equipment shall be screened from public view as  
7 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,  
8 mechanical equipment, screening and vents shall be painted with non-reflective paint to  
9 match the roof. All roof top surfaces shall have a non-reflective surface and mechanical  
10 appurtenances shall be painted to match the roof color. This information shall be shown  
11 on the building plans.

12 77. HVAC casings shall be fully enclosed and shall not project into a required yard or  
13 project above the district's height requirement.

14 78. Prior to issuance of any building permit, the applicant shall submit a detailed plan that  
15 delineates public access laterally across the front of the 50-foot wide lot (e.g. different  
16 color/texture for sidewalk than driveway) and that provides additional landscape that  
17 functions as parkway. Subject to review and final approval by the City Engineer and  
18 City Planner.

19 79. Any metallic material (i.e. copper) shall be treated at the time that it is installed, or  
20 earlier, so that its surface does not reflect light. Non-metallic roofing material is  
21 preferred and non-reflective roofing material is required. The copper roofing shall be  
22 treated to have a non-reflective surface (patina) at the time it is installed.

23 80. Buildings, structures, fences or walls located on lots contiguous to the shoreline, shall be  
24 compatible in scale with the existing development and shall not extend further seaward  
25 than the line established on the String-line Setback Map.

26 81. Fence height limitations and opacity requirements are subject to Section 1050(U) of the  
27 Zoning Ordinance and required front yards. Fence materials shall be 75 percent  
28 transparent.

29 82. All wood fences adjacent to public right-of-way, visible from the public right-of-way, or  
facing the shore will be stained or otherwise finished with a waterproof material.

1 83. The developer's construction of all fencing and walls associated with the project shall be  
2 in conformance with the approved Development Plan and Regular Coastal Permit. Any  
3 substantial change in any aspect of fencing or wall design from the approved  
4 Development Plan and Regular Coastal Permit shall require a revision to the  
5 Development Plan and Regular Coastal Permit or a new Development Plan and Regular  
6 Coastal Permit.

7 84. If any aspect of the project fencing and walls is not covered by the approved  
8 Development Plan and Regular Coastal Permit, the construction of fencing and walls  
9 shall conform to the development standards of the City Zoning Ordinance. In no case  
10 shall the construction of fences and walls (or combinations thereof) exceed the  
11 limitations of the Zoning Ordinance, unless expressly granted by a Variance or other  
12 development approval.

13 85. The project shall dispose of or recycle solid waste in a manner provided in City  
14 Ordinance 13.3.

15 86. A letter of clearance from the affected school district in which the property is located  
16 shall be provided as required by City policy at the time building permits are issued.

17 87. Prior to the issuance of building permits the developer or owner shall make an  
18 irrevocable offer of dedication to the City of Oceanside an easement for lateral public  
19 access and passive recreational use along the shoreline adjacent to this property. The  
20 document shall provide that the offer of dedication shall not be used or construed to  
21 allow anyone, prior to acceptance of the offer, to interfere with any rights of public  
22 access acquired through a use which may exist on the property. The easement shall be  
23 located along the entire width of the property line to the toe of the bluff (toe of the  
24 seawall, a line 25 feet inland of the daily high water line, which is understood to be  
25 ambulatory from day to day). The easement shall be recorded free of prior liens and free  
26 of any other encumbrances which may affect said interest. The easement shall run with  
27 the land in favor of the City of Oceanside, and is binding to all successors and assignees.

28 //////////////

29 //////////////

30 //////////////

31 //////////////

1 88. The applicant shall post signage no more than 1.5 square feet in area that indicates that  
2 parking is not permitted in the driveway in front of the garages and provides contact  
3 information for both property management and the City of Oceanside Parking  
4 Enforcement Division. The applicant shall work with Planning Division staff to  
5 determine the most appropriate size, design and material for said signage.

6 89. Prior to the issuance of the Final Map, the applicant shall enter into an agreement with  
7 the City as described in Subsection (a)(1) or (a)(2) of Section 3110 of the 1986 Zoning  
8 Ordinance.

9 PASSED AND ADOPTED Resolution No. 2014-P21 on September 22, 2014 by the  
10 following vote, to wit:

11 AYES: Neal, Balma, Rosales and Ross

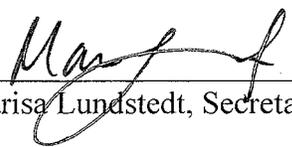
12 NAYS: None

13 ABSENT: Martinek, Troisi, Morrissey

14 ABSTAIN: None

15   
16 \_\_\_\_\_  
17 Robert Neal, Chairperson  
18 Oceanside Planning Commission

19 ATTEST:

20   
21 \_\_\_\_\_  
22 Marisa Lundstedt, Secretary

23 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify  
24 that this is a true and correct copy of Resolution No. 2014-P21.

25 Dated: September 22, 2014

26 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may  
27 be required as stated herein:

28 \_\_\_\_\_  
29 Applicant/Representative

\_\_\_\_\_ Date

# AGENDA NO. 5

**PLANNING COMMISSION**



**STAFF REPORT**

DATE: September 22, 2014

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF TENTATIVE TRACT MAP (T14-00003), CONDITIONAL USE PERMIT (CUP14-00011), DEVELOPMENT PLAN (D14-00006) AND REGULAR COASTAL PERMIT (RC14-00006) FOR THE CONVERSION OF AN EXISTING SIX-UNIT MULTI-FAMILY DEVELOPMENT INTO A SIX-UNIT CONDOMINIUM AT 817 AND 819 SOUTH PACIFIC STREET – 817 & 819 S. PACIFIC ST CONDO CONVERSIONS – APPLICANTS: STRANDS END LIMITED LLC AND LEEDS PROPERTIES LLC.**

## RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 3 Categorical Exemption for New Construction or Conversion of Small Structures, pursuant to Section 15303 (b) of the California Environmental Quality Act (CEQA); and,
- (2) Approve Tentative Tract Map (T14-00003), Conditional Use Permit (CUP14-00011), Development Plan (D14-00006) and Regular Coastal Permit (RC14-00006) by adopting Planning Commission Resolution No. 2014-P21 with findings and conditions of approval attached herein.

## PROJECT DESCRIPTION AND BACKGROUND

The project consists of the partial demolition, remodel, addition, and condominium conversion of an existing six-unit apartment building into a six-unit condominium. Presently, the building totals 4,348 square feet and houses four, two-bedroom and two three-bedroom units resulting in a total of 14 bedrooms served by five enclosed parking spaces. The proposed project would remodel this existing building to a total of 11,646 square feet. This increase in square footage would allow for four two-bedroom units and two six-bedroom units resulting in a total of 20 bedrooms and 22 baths. This additional square footage would be accomplished through interior renovations as well as the addition

of a third story which would raise the building height from 23 to 35 feet. The project would also add three parking spaces to the existing five parking spaces for a total of eight parking spaces, one in excess of Code requirements. Parking spaces would be provided within two four-car garages, each of which would include two tandem parking spaces and one car lift. From street level, the project would present as two separate triplexes, but because it remains attached at the basement level, it would remain one multi-family residential building. With the exception of the tract map filing which converts the six apartments into six condominiums and clarifies this property (817 and 819 South Pacific Street) to be one legally subdivided lot, the project remains essentially the same as that previously approved by the Planning Commission on March 11, 2013.

**Background:** On March 11, 2013, the Planning Commission adopted Resolution Nos. 2013-P09 and 2013-P10 approving Development Plans (D12-00011 and D12-00012) and Regular Coastal Permits (RC12-00009 and RC12-00008), respectively. This action approved the partial demolition and remodel of two existing triplex structures into a single duplex style residence on what the applicant believed to be a single lot comprising two units, each with 6,564 square feet of habitable space for a total of 13,128 square feet, 815 square feet of garage for a total of 1,630 square feet, and 471 square feet of deck area, which together with the existing, would total 1,258 square feet.

On April 2, 2013, the project was appealed to the California Coastal Commission under Application 6-OCN-13-047. Among the concerns stated is that the project, filed as two separate applications on two non-conforming lots, is actually comprised as one legal lot. There is disagreement on whether an old map recorded in 1906 created two lots or remains as one lot created on April 13, 1906 under Subdivision Map 984. This disagreement has resulted in a California Supreme Court Case and several Court of Appeals opinions. According to the Court of Appeals opinions, the project does not qualify as a project on two separate legal lots, but rather one project on one legal lot. In response, the applicant has resubmitted the project application as a six-unit multi-residential condominium conversion on one lot. The appeal to the Coastal Commission is pending Coastal Commission action in October 2014.

The revised project has been designed to appear as two separate triplex buildings, each containing three units, but remains attached at the basement level, thereby remaining one multi-residential building. Presently, the existing multi-residential apartment building includes four two-bedroom and two three-bedroom units totaling approximately 4,300 square feet. The applicant is proposing to add 7,288 square feet resulting in four two-bedroom and two six-bedroom units. The four two-bedroom units are one story; two of these are located on the basement level and the other two are located on the first floor. The two six-bedroom units are two stories, each encompassing the second and third floors. As part of this application, the applicant is proposing to convert these six apartment units into six condominiums. Together, these units will total nearly 12,000 square feet and will result in 20 bedrooms and 22 baths. To accommodate Zoning Code parking requirements of one space for up to two bedrooms per unit and 1.5 parking spaces for units with three or more bedrooms, the applicant is proposing a total of eight enclosed parking spaces within two, four-car garages, each with two tandem spaces

and a car-lift. The parking provisions include one parking space more than what the Zoning Code requires.

The project is subject to the City's General Plan, Local Coastal Program and 1986 Zoning Ordinance, which was formally reinstated in May 2009 for Coastal Zone properties outside of the Downtown Redevelopment Area.

**Site Review:** The project site is located at 817 and 819 South Pacific Street. It is located within the Townsite Planning Neighborhood which is zoned Residential-Tourist (RT) and has a land use designation of Urban High-Density Residential (UHD-R). These designations provide for single and multi-family residential uses serving both residents and visitors. The lot measures nearly 50 feet wide by 130 feet deep for a total of 6,500 square feet. This lot size is typical of beachfront properties south of Wisconsin Avenue.

The property occupies a portion of coastal bluff that descends approximately 10 vertical feet from South Pacific Street to the beach immediately inland of the revetment. Like other properties in the 800 Block of South Pacific Street, the subject site was excavated to allow beach-level development to extend eastward to the front yard setback. Beach-level development on the subject site has little to no visibility from South Pacific Street, depending upon one's vantage point within the public right-of-way.

Existing development on the subject site consists of three buildings with six comparably-sized dwelling units comprising approximately 4,300 square feet of habitable space. One building presents as a two-story structure at South Pacific Street and includes a daylight basement at the beach level. This building features a large, steeply-pitched mansard adorned with slate tile, three street-facing garages with a total of five enclosed parking spaces and a beach-facing open deck from which the upstairs dwelling unit is accessed. A second building is situated at the midsection of the lot, close to the southernmost side yard property line. Attached to the street-facing building, this second building features a second-story open deck, accessed from exterior stairs. A third building, identical in size and style to the second building, is situated farther westward, approximately 10 feet behind the coastal string-line. This third building is laterally off-set from the second building, thereby affording visual access to the beach from the second building.

The project as redesigned removes portions of all three buildings but retains a basement level connection. The project will continue as a six-unit multiple-family building but will appear as two, three-story stacked triplexes separated vertically beginning at street level. The project will retain the existing six units but will increase their habitable space from just over 4,300 square feet to nearly 12,000 square feet. Each of the two triplex structures will present as two stories along South Pacific Street, as the third story will be set-back nearly 19 feet from the street and over eight feet back from the second level. Each structure will feature a four-car garage at street level, each with two tandem spaces including one car lift and a second-story open deck. Visual access to the beach will be provided between the two structures, beginning at street level and continue vertically, unobstructed.

**Project Description:** The project application is comprised of the following entitlements:

A Tentative Tract Map (T14-00003), Conditional Use Permit (CUP14-00011), Development Plan (D14-00006) and Regular Coastal Permit (RC14-00006) for 817 and 819 South Pacific representing a request for the following:

To permit the partial demolition and remodel of six existing apartment units totaling 4,358 square feet on a 6,500-square-foot lot resulting in their conversion into six condominiums and square footage expansion to 11,646 square feet, including 20 bedrooms and 22 baths as well as eight enclosed parking spaces within two, four-car garages, each providing two tandem spaces and a car lift.

The proposed architectural design would result in a project similar to that previously approved by the Planning Commission on March 11, 2013. From street level, the project will appear as two residential triplex structures although it will remain one six-unit multi-family residential building attached along the basement level. The project will be three stories high, a maximum of 35 feet as provided for in the Zoning Code, and will maintain its existing daylight basement at the beach level.

The newly remodeled building will total 11,646 square feet of habitable space. This habitable space is a little less than the 13,128 square feet previously approved by the Planning Commission on March 11, 2013. It will include 2,640 square feet of garage area, 1,258 square feet of deck area and 616 square feet devoted to the entry, stairs, and elevator. Each garage area will allow for tandem parking of four vehicles and will include a car lift. As part of the proposed project, the applicant intends to preserve elements of the existing development (e.g. foundation, retaining walls, portions of the above-grade framing on the front elevation), allowing for the retention of the existing legal non-conforming front yard setback of approximately three feet, where setbacks of roughly six feet (817 South Pacific St.) and nine feet (819 South Pacific St.) would otherwise be required.

While identical in floor plan, each triplex structure will feature two slightly different front elevations. That portion of the structure fronting 817 South Pacific Street will display a combination of flat and hipped roof elements as viewed along the street frontage, while the other portion fronting 819 South Pacific Street will present only a flat roof element. Additionally, the structures will incorporate different finish materials, colors and fenestration. That portion of the building with an 817 South Pacific Street address will feature a two-toned beige stucco building with an earth-colored stone veneer across the front elevation of the second story. The building with an 819 South Pacific Street address will be light green stucco and will include a slate stone surround around the first story garages. Street elevations for both buildings will include a "living wall" landscape treatment between the first and second floors. Above the basement level, the two triplex structures will continue to include an air space between them as this provides a pedestrian view of the ocean from South Pacific Street. This air space area is landscaped in accordance with landscape plan L-09087, approved on March 11, 2009.

Each triplex structure will include three units, a total of 10 bedrooms and 11 bathrooms, for a cumulative total of 20 bedrooms and 22 bathrooms. Each unit will also include an expansive entertainment area with wet bar at the western end of each building level, and a kitchen. No open roof decks are proposed as part of this application. The primary entrance to each structure will be located along the south-facing side elevation at the street (i.e. middle) level, with a secondary entrance placed along the same elevation at the beach level. Vertical access will be provided by both stairs and an elevator.

The project will provide a total of eight parking spaces, one in excess of the seven parking spaces required. According to Article 27 of the 1986 Zoning Ordinance which pertains to this development area, parking requirements for lots in the R-T zone which total 7,500 square feet or less and which were legally subdivided prior to January 20, 1958, are as follows:

- 1 parking space for 1 and 2 bedroom units; and
- 1.5 parking spaces for 3 bedrooms or more.

In that the project site constitutes a lot created on April 13, 1906 by Subdivision Map 984 and totals 6,500 square feet, these parking provisions, classified as an "exception" to the current parking requirements apply. The six units, given the bedroom count per unit, require seven parking spaces. However, a total of eight parking spaces will be provided within two four-car garages each allowing for tandem parking and a car lift. Below is a table illustrating the parking provisions in accordance with Zoning Code Article 27 of the 1986 Zoning Ordinance.

**PARKING PROVISIONS**

Unit	Number of Bedrooms	Parking Required
1	2	1
2	2	1
3	2	1
4	2	1
5	6	1.5
6	6	1.5
<b>TOTAL</b>	<b>20</b>	<b>7 (8 provided)</b>

The beach level for the structure which is visually represented as two triplex structures, qualifies as a basement in accordance with both the 1986 Zoning Ordinance and the 2010 California Building Code. The Zoning Ordinance and Building Code require that basements be sufficiently buried such that the average separation between adjacent finished grade and the finished floor of the story above is less than six feet. Situated entirely below South Pacific Street, habitable space at the beach level will be substantially buried beneath adjacent finished grade by means of elevated walkways similar to those found on surrounding properties to the north and south. Taken together, the newly proposed project will nearly triple the amount of enclosed square

footage on the subject property, primarily through the addition of a third story and by occupying portions of the building envelope currently devoted to internal and beach-adjacent courtyard areas.

Like similar development in the 800 Block of South Pacific Street, this six-unit structure visually represented as two triplex structures, is intended to serve as vacation rentals, although each unit could also function as a long-term rental or an owner-occupied dwelling unit.

Conditional Use Permit (CUP14-00011) represents a request under Article Section 3106 of the 1986 Zoning Code to allow the conversion of six existing apartment units into six condominiums to be considered for approval by the Planning Commission and City Council. Accordingly, a subdivision map as described above has been submitted with this application. The table below describes the existing units as well as the units resulting from this proposed conversion.

Unit #	Existing Location	Existing Sq. Ftg.	Existing # Bed/Ba	Proposed Location	Proposed Sq. Ftg.	Proposed #Bed/Ba	Additional Sq. Ftg.
1	817 beach basement	864	3/2	817 beach basement	1,772	2/2.5	908
2	819 beach basement	708	2/2	819 beach basement	1,772	2/2.5	1,064
3	817 street 1 <sup>st</sup> story	846	3/2	817 street 1 <sup>st</sup> story	794	2/2	(52)
4	819 street 1 <sup>st</sup> story	708	2/2	819 street 1 <sup>st</sup> story	794	2/2	86
5	817 2 <sup>nd</sup> story	616	2/2	817 2 <sup>nd</sup> & 3 <sup>rd</sup> story	3,257	6/7	2,641
6	819 2 <sup>nd</sup> story	616	2/2	819 2 <sup>nd</sup> & 3 <sup>rd</sup> story	3,257	6/7	2,641
Totals		4,358	14/12		11,646	20/22	7,288

Regular Coastal Permit (RC14-00006) represents a request for the following:

The partial demolition of the existing buildings to accommodate the interior remodel and additional square footage proposed. Plan sheet SP.1 indicates areas to be removed.

The overall architectural design of these remodeled multi-family units spread over two triplex-type structures combined on one lot at the basement level would increase the overall square footage of the residential floor area for the site by 7,288 square feet for a total of 11,646 square feet. Additionally, an increase of 1,640 square feet would be added to the existing 1,000-square-foot garage space for a total of 2,640 square feet. This additional garage space would allow for a total of eight parking spaces, one space in

excess of Code requirements. Each garage would be designed for four cars, including two tandem spaces and one car lift.

The sub standard front yard setback would be maintained through the partial demolition of the existing structures in a manner that retains the existing foundation and framing along South Pacific Street. The overall design of the residential remodel would incorporate a more modern architectural design and provide for significant variation in finish materials and roof treatments that is in keeping with the surrounding neighborhood trends to upgrade and modernize the dwelling units from the typical craftsman styles of the 1950's. The project site is located within the appeal jurisdiction of the Local Coastal Program pursuant to Section III.D.1 of the Coastal Permit Handbook adopted May 8, 1985, and no on-street public parking spaces will be lost as a result of this project.

The project is subject to the following Ordinances and City policies:

1. General Plan Land Use Element
2. 1986 Zoning Ordinance
3. Local Coastal Program
4. California Environmental Quality Act (CEQA)

## **ANALYSIS**

### **KEY PLANNING ISSUES**

#### **1. General Plan**

The General Plan Land Use Map designation for the subject property is Urban High Density Residential (UHD-R). The proposed project is consistent with this land use designation as well as the goals and objectives of the City's General Plan, as follows:

##### **A. Land Use Element**

###### **Goal 1.23: Architecture**

**Objective:** The architectural quality of all proposed projects shall enhance neighborhood and community values and City image.

**Policy A:** Architectural form, treatments, and materials shall serve to significantly improve on the visual image of the surrounding neighborhood.

Relative to existing development on the subject property, the proposed project would constitute an architectural improvement. While the existing multi-family complex exhibits a somewhat dated and monolithic appearance featuring a bulky mansard that cantilevers over the ground floor façade and beyond the front property line, the proposed triplex-like structures would display highly articulated front elevations with

prominent windows, recessed roof elements, inset garage doors, and decorative banding. Sand-finish stucco walls would be accentuated with vertical planting areas along the upper portion of the first floor front elevations and establishing what is referred to as a "living wall".

Although taller than the existing apartment complex, the proposed structure would not exceed 35 feet in height, as provided for in the Zoning Code. The street view elevations would be no more than 23 feet in height at the front building line, consistent with single-family homes to the north and south that were approved under the more restrictive height standards of the previously-applicable 1992 Zoning Ordinance. The taller elements that reach the maximum height of 35 feet as viewed from South Pacific Street will be setback approximately 19 feet.

#### Goal 1.32: Coastal Zone

Objective: To provide for the conservation of the City's coastal resources and fulfill the requirements of the California Coastal Act of 1976.

Policy A: The City shall utilize the certified Local Coastal Plan for review of all proposed projects within the Coastal Zone. Specifically, the goals and policies of the Local Coastal Program Land Use Plan are the guiding policy review document.

The proposed project has been reviewed by staff for compliance with the policies of the Local Coastal Program (LCP). Staff finds that the application complies with applicable policies of the LCP as follows:

#### *Adequate access to and along the coast shall be provided and maintained.*

Proposals that constitute multi-family development or involve at least 70 feet of street frontage are required to dedicate and construct public access to the beach when such access is not already present within 250 feet of the proposed project. The subject request does involve multi-family development, but comprises less than 70 feet of street frontage; and existing public access to the beach is located within 200 feet, at the Hayes Street right-of-way.

#### *The City shall maintain existing view corridors through public rights-of-way.*

Located on an interior lot substantially removed from both Wisconsin Avenue and Hayes Street, the proposed project would not impact any existing view corridors through public rights-of-way. Furthermore, conversion of the existing six-unit multi-family complex into a six-unit condominium which presents visually as two separate triplexes would enhance visual access to the ocean from South Pacific Street, given that the existing six-foot-wide view corridor previously established between the proposed structures would remain.

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

The proposed residential development would be consistent with existing multi-family development located immediately to the north and south of the subject properties, in terms of both architecture and site design. The height and overall scale of the proposed development would be consistent with the pattern of redevelopment on adjacent lots, as well as some of the redevelopment on both sides of South Pacific Street. Exterior wall treatments, fenestration and other finish materials would complement other recently approved and developed projects in the vicinity.

New development shall utilize optimum landscaping to accent and enhance desirable site characteristics and architectural features.

As evidenced by existing development along South Pacific Street between Wisconsin Avenue and the City's southern boundary, front yard landscaping is highly constrained by the narrowness of the typical lot, which often affords only enough lateral dimensions for driveways and pedestrian access. Such is the case with the subject property. Nevertheless, the proposed project would improve the curb appeal of the property with enhanced paving on the driveway and new planting areas in the public right-of-way subject to final review and approval by the City Engineer and the City Planner. In addition, the project is proposing to create a vertical planting area on the front wall elevation of both triplex structures in order to provide additional softening of the appearance as viewed from South Pacific Street.

The City shall require that all new residential development provides adequate on-site parking.

While only required to furnish seven enclosed parking spaces, the six-unit multi-family development will provide eight enclosed parking spaces by way of two four-car garages. Each garage will include a tandem configuration which includes one car lift each.

## **2. Zoning Compliance**

As noted above, the proposed project is subject to the standards of the 1986 Zoning Ordinance, which was reinstated for properties in those portions of the Coastal Zone located outside of the Downtown Redevelopment Area. The 1986 Zoning Ordinance identifies both single-family homes and vacation rentals as land uses permitted by right within the RT (Residential-Tourist) Zone. With respect to development standards, the proposed project complies with all applicable RT parameters, with maintenance of the existing legal non-conforming front yard setback allowed due to the proposal's classification as an addition to existing development. The proposal would not intensify this or any other legal non-conformity. The following table illustrates the proposal's conformance to RT development standards:

**Table 1: Development Standards**

	REQUIRED	PROPOSED
FRONT YARD	❖ String-line, calculated per Section 1716	3 feet 6 inches (No change)
SIDE YARD	3feet	3 feet
REAR YARD	Coastal string-line	Coastal string-line
MAXIMUM HEIGHT	35 feet above average finished grade	35 feet above average finished grade

❖ *This string-line provision places the required front yard setback approximately three (3) feet farther westward of the existing building line at 817 South Pacific Street and approximately six (6) feet farther westward of the existing building line at 819 South Pacific Street. The string-line angles toward the interior of both properties from the near corner of the existing residence at 815 South Pacific Street to the near corner of the existing residence at 823 South Pacific Street.*

Maintenance of the existing legal non-conforming front yard setback would align the proposed triplex structures with the recently approved triplexes immediately to the north, including 811, 813 and 815 South Pacific Street. The proposed triplex-like structures would be situated roughly six feet forward of the existing single-family home (presently proposed for remodel as a two-unit condominium) immediately to the south (823 South Pacific Street). Staff finds that this variation from the front yard setback would benefit the streetscape by relieving the monotony occasioned by previous projects that have implemented the block-face averaging provision of the superseded 1992 Zoning Ordinance.

As noted in the table above, the proposed triplex structures would not exceed the maximum allowable building height of 35 feet as measured above average finished grade. For a depth of 19 feet westward of the front building line, the height of the residences would not exceed 23 feet as measured from existing street grade. At the coastal string-line, the residences would be terraced back at the second and third floor levels, and would incorporate open decks on the second and third floor levels. Stepping back from the coastal string-line would reduce massing impacts as viewed from the beach. No stair or elevator enclosures projecting above the primary roofline and no rooftop decks are proposed for the triplex residences.

**DISCUSSION**

*Issue: Project compatibility with the existing neighborhood and surrounding properties:* Is the proposed conversion of multi-family development to condominiums (attached multi-family units) consistent with the existing pattern of beachfront development along the 800 Block of South Pacific Street?

**Recommendation:** Staff finds that the proposed project, a condo conversion, remodel and addition to an existing multi-unit residential development, would be compatible in bulk and scale with the surrounding built environment. Furthermore, staff finds that the proposed project would constitute an architectural enhancement of the subject property and an aesthetic complement to both the streetscape and adjacent structures.

### **ENVIRONMENTAL DETERMINATION**

Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based upon that review staff finds that the proposed project constitutes new construction resulting in no more than six residential units and the project is therefore, a Class 1 categorically exempt project under Section 15303 (b) "New Construction or Conversion of Small Structures".

### **PUBLIC NOTIFICATION**

Legal notice was published in the newspaper and notices were sent to property owners and occupants within a 300-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant and other interested parties.

### **SUMMARY**

The proposed project is consistent with the policies and guidelines of the City's Local Coastal Program, as well as the standards of the City's Zoning Ordinance and General Plan. Staff thus recommends that the Planning Commission by motion:

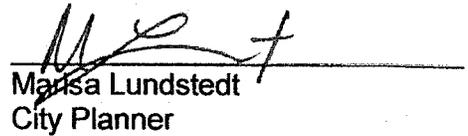
- (1) Confirm issuance of a Class 3 Categorical Exemption for New Construction or Conversion of Small Structures, pursuant to Section 15303 (b) of the California Environmental Quality Act (CEQA); and,

- (2) Approve Tentative Tract Map (T14-00003), Conditional Use Permit (CUP 14-00011), Development Plan (D14-00006) and Regular Coastal Permit (RC14-00006) by adopting Planning Commission Resolution No. 2014-P21 with findings and conditions of approval attached herein.

PREPARED BY:

SUBMITTED BY:

  
Marie Luna  
Planning Consultant

  
Marisa Lundstedt  
City Planner

ML/ML/fil

Attachments:

1. Plans
2. Planning Commission Resolution No. 2014-P21
3. Other Attachments (Application Page, Description and Justification, Legal Description, Notice of Exemption)

**Holly Trobaugh**

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**From:** Esther Sanchez  
**Sent:** Thursday, October 02, 2014 1:05 PM  
**To:** Marisa Lundstedt; Zack Beck; Holly Trobaugh; John Mullen; Steve Jepsen; Michelle Skaggs-Lawrence  
**Cc:** Jim Wood; Cristina Sanchez  
**Subject:** Appeal by Deputy Mayor Sanchez and Mayor Wood of Planning Commission Items 5, 6 & 7 (September 22, 2014 Agenda)

I discussed the planning commission items referenced above with Mayor Jim Wood, and the Mayor has agreed to join me in appealing these items to the full city council.

Appeal of Planning Commission Items 5, 6 and 7, Planning Commission Agenda of September 22, 2014.

Item 5: Appeal of the following item:

Consideration of a TENTATIVE TRACT MAP (T14-00003), CONDITIONAL USE PERMIT (CUP14-00011), DEVELOPMENT PLAN (D14-00006), REGULAR COASTAL PERMIT (RC14-00006), to permit the partial demolition of six existing dwelling units totaling 5,296 square feet and allow for additional square footage as well as their conversion from apartments into six condominium units totaling 12,868 square feet, including a total of 20 bedrooms and 22 baths, as well as eight enclosed parking spaces including two car lifts. Bearing a zoning designation of R-T and a Local Coastal Program land use designation of High Density Residential, the subject properties are located at 817 and 819 South Pacific Street, within the Coastal Zone and the Townsite Neighborhood Planning Area. – **817 & 819 S. PACIFIC ST CONDO CONVERSIONS – Applicant: Strands End Limited, LLC; Leeds Properties, LLC**

The grounds of the appeal are the following:

This project is not consistent with the character of the surrounding community and in fact seeks to establish such a higher density and intensity of use that the project results in extremely excessive environmental impacts, insufficiently analyzed and addressed. The density, height, bulk, scale are inconsistent with our local coastal plan, resulting instead in a “canyonization” of Pacific Street, our first street east of the beach, with tremendous environmental impacts on the road in terms of public access, essentially privatizing our public beach.

Our LCP was designed to allow public views all along our coast, allowing for a stepping back, much as other coastal communities. This project represents a continued piece-meal alteration of our LCP without a true public process, in stark violation of our LCP.

This project is in direct violation of council policy, with regard to our mini-dorm ordinance.

We also incorporate by reference the objections by the community, represented by Erik L. Schraner, Esq., of Seltzer, Caplan, McMahon and Vitek, in his 10 page letter dated September 22, 2014, filed with the Planning Department, reference “817 & 819 South Pacific Street, September 22, 2014 Planning Commission Agenda Item No. 5.”

Item 6: Appeal of the following item:

Consideration of a TENTATIVE PARCEL MAP (P14-00007), DEVELOPMENT PLAN (D14-00004), REGULAR COASTAL PERMIT (RC14-00004), to permit the conversion of a single-family home into a two-unit condominium with additional square footage totaling 6,443 square feet, with unit one providing four bedrooms and four baths, and unit two providing eight bedrooms and eight baths for a total of 12 bedrooms and 12 baths as well as four enclosed parking spaces within a tandem four-car garage. Bearing a zoning designation of R-T and a Local Coastal Program land use designation of High Density Residential, the subject property is located at 825 South Pacific Street, within the Coastal Zone and the Townsite Neighborhood Planning Area. – **825 S. PACIFIC ST CONDO CONVERSIONS – Applicant: 825 South Pacific, LLC**

This project is not consistent with the character of the surrounding community and in fact seeks to establish such a higher density and intensity of use that the project results in extremely excessive environmental impacts, insufficiently analyzed and addressed. The density, height, bulk, scale are inconsistent with our local coastal plan, resulting instead in a “canyonization” of Pacific Street, our first street east of the beach, with tremendous environmental impacts on the road in terms of public access, essentially privatizing our public beach

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Item 7: Appeal of the following item:

Consideration of a TENTATIVE PARCEL MAP (P14-00008), DEVELOPMENT PLAN (D14-00005), REGULAR COASTAL PERMIT (RC14-00005), to permit the conversion of a single-family home into a two-unit condominium with additional square footage totaling 6,116 square feet, with unit one providing four bedrooms and four baths, and unit two providing eight bedrooms and eight baths for a total of 12 bedrooms and 12 baths as well as four enclosed parking spaces within a tandem four-car garage. Bearing a zoning designation of R-T and a Local Coastal Program land use designation of High Density Residential, the subject property is located at 823 South Pacific Street, within the Coastal Zone and the Townsite Neighborhood Planning Area. – **823 S. PACIFIC ST CONDO CONVERSIONS – Applicant: 823 South Pacific, LLC**

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Department, reference "823 & 825 South Pacific Street, September 22, 2014 Planning Commission Agenda  
Item No. 6 & 7."

## Holly Trobaugh

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**From:** Debbie Walker  
**Sent:** Thursday, October 02, 2014 2:06 PM  
**To:** Esther Sanchez  
**Cc:** Marisa Lundstedt; Zack Beck; Holly Trobaugh; John Mullen; Steve Jepsen; Michelle Skaggs-Lawrence; Jim Wood; "Cristina Sanchez" [EX:/O=CITY OF OCEANSIDE/OU=OCEANSIDE-NT/cn=Recipients/cn=csanchez]  
**Subject:** Re: Appeal by Deputy Mayor Sanchez and Mayor Wood of Planning Commission Items 5, 6 & 7 (September 22, 2014 Agenda)

I spoke with Mayor Wood and he agrees.

Sent from my iPhone

On Oct 2, 2014, at 1:04 PM, Esther Sanchez <[ESanchez@ci.oceanside.ca.us](mailto:ESanchez@ci.oceanside.ca.us)> wrote:

I discussed the planning commission items referenced above with Mayor Jim Wood, and the Mayor has agreed to join me in appealing these items to the full city council.

Appeal of Planning Commission Items 5, 6 and 7, Planning Commission Agenda of September 22, 2014.

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**PARKING SUMMARY**

Parking for the project would be provided in accordance with Article 27 of the 1986 Zoning Ordinance. This Article pertains to parking requirements for lots in the R-T zone totaling 7,500 feet or less and subdivided prior to January 20, 1958. Parking requirements are:

- 1 parking space for 1 and 2 bedroom units; and
- 1.5 parking spaces for 3 bedrooms or more.

In that the project site constitutes a lot created on April 13, 1906 by Subdivision Map 984 and totals 6,500 square feet, these parking provisions, classified as an "exception" to the current parking requirements, apply.

The six units, given the bedroom count per unit, require seven parking spaces although ten would be provided as noted in the table below.

**PARKING PROVISIONS**

<b>Unit</b>	<b>Number of Bedrooms</b>	<b>Parking Required</b>
1	2	1
2	2	1
3	2	1
4	2	1
5	6	1.5
6	6	1.5
<b>TOTAL</b>	<b>20</b>	<b>7 (10 provided)</b>

www.scmv.com 2100 SYMPLEONY TOWERS  
619.685.3003 750 B STREET  
619.685.3100 FAX SAN DIEGO, CALIFORNIA 92101

S E L T Z E R | C A P L A N | M C M A H O N | V I T E K  
A LAW CORPORATION

ERIK L. SCHRANER, ESQ.  
schranner@scmv.com  
619.685.3187  
619.702.6848 FAX

September 22, 2014

Planning Commission  
City of Oceanside  
300 North Coast Highway  
Oceanside, California 92054

Via Email & Hand Delivery

Re: 817 & 819 South Pacific Street  
September 22, 2014 Planning Commission Agenda Item No. 5

Dear Members of the Planning Commission:

We represent Beachin, LLC concerning the proposed conversion of 817 and 819 South Pacific to a condominium development and the addition of approximately 7,248 square feet to the existing structures.

**Requested Action.**

We request that the Planning Commission deny the application because the proposals do not comply with Oceanside's certified local coastal program, the Subdivision Map Act, and the California Environmental Quality Act.

**Discussion.**

817 and 819 South Pacific Street do not comply with Oceanside's certified local coastal program ("LCP") for the following reasons:

**A. The public notice is defective.**

The public notice issued for the project is defective because it did not include the following information:

1. A statement that the development is within the coastal zone;
2. The date of filing of the application;
3. The number assigned to the application;

City of Oceanside

Members of the Planning Commission

September 22, 2014

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4. A brief description of the general procedure of local government concerning the conduct of hearing and local actions, including advisement that persons wishing to be heard on such matter may attend and be heard;
5. The system for local and Coastal Commission appeals, including any local fees required.<sup>1</sup>

In addition, the available documents do not indicate whether applicant submitted the required City-Wide Application for Regular Coastal Permits.<sup>2</sup>

**B. The available plans do not include any grade or building height measurements.**

The building plans and other documentation released to the public do not include any grade or building height measurements for 817 and 819 South Pacific. The City cannot make the required findings and cannot support the required findings with substantial evidence if the requirement measurements and calculations do not exist.

The City's Staff Report mentions that the project is substantially similar to the projects previously approved by the City for the same site. For this reason, this letter uses the measurements available from the previously approved project to calculate grade and building height.

**C. Grade is measured incorrectly.**

The applicants did not measure "grade" as required by the LCP for the previously approved projects. Grade is an important measurement because many of the development restrictions imposed by the LCP are measured from grade. The LCP defines grade as:

"Grade" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above-ground level shall be measured at the sidewalks.<sup>3</sup>  
(emphasis added.)

Instead of measuring ground level at the center of all walls, applicants measured ground level outside the building envelope. The correct grade level for both projects is:

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<sup>1</sup> LCP, Coastal Permit Handbook, IV.B.4 & Appendix 3; 14 CCR § 13565.

<sup>2</sup> LCP, Coastal Permit Handbook, Appendix 2.

<sup>3</sup> City of Oceanside Zoning Ordinance §234.

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Members of the Planning Commission  
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**817 South Pacific: 16.08 feet above mean sea level.<sup>4</sup>**  
(13.66 + 13.66 + 13.66 + 23.37) / 4  
13.66 is finished ground level for the bottom floor.  
23.37 is the ground level listed on the plans for the east wall.

**819 South Pacific: 15.85 feet above mean sea level**  
(13.44 + 13.44 + 13.44 + 23.07) / 4  
13.44 is the finished ground level for the bottom floor.  
23.07 is the ground level listed on the plans for the east wall.

**D. Both buildings exceed the three story limitation.**

The LCP limits buildings to no more than three stories.<sup>5</sup> The proposed buildings, however, have four floors and can only satisfy the three story limitation if the bottom floor does not qualify as a "story", as defined in the LCP.

The LCP's definition of a story excludes a basement or cellar. But if the "finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story."<sup>6</sup>

Although both sets of available plans do not provide an elevation for the finished surface of the floor, the plans do provide the height of the ceiling for the floor level directly above the alleged basement. No matter which floor elevation you use, the finished floor is more than 6 feet (the distance is greater than 7 feet) above the correct grade for both projects.

**817 South Pacific: 7.62 feet is the distance from grade to ceiling**  
(23.7 ceiling height – 16.08 grade height)  
(The ceiling is lower than the finished floor so the distance is actually greater)

**819 South Pacific: 7.22 feet is the distance from grade to ceiling**  
(23.07 ceiling height – 15.85 grade height)  
(The ceiling is lower than the finished floor so the distance is actually greater)

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<sup>4</sup> The numbers on the site plans available for review are blurry so the exact measurements could not be confirmed from the plans.

<sup>5</sup> 1986 Zoning Ordinance §1709(b).

<sup>6</sup> Oceanside Zoning Ordinance §274.

City of Oceanside  
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September 22, 2014  
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Thus, the basement must be counted as story and the proposed buildings have four stories in a zone in which only three stories are allowed.

**E. The two structures will exceed the 35 foot height limit.**

The LCP limits "building height" in the RT zone to 35 feet.<sup>7</sup> The certified LCP defines building height as:

"Building height" means the vertical distance measured from the average level of the highest and lowest point of that portion of the building-site covered by the building to the ceiling of the uppermost story."

Applicant's plans identify the highest and lowest point of the portion of the building site covered by the building as less than 14 feet above mean sea level.

**817 South Pacific Street:** **37.59 feet** is the distance from ceiling (51.25 feet) to the average level of the highest and lowest point (13.66) (13.66 is the highest and lowest point of the building site covered by the building so the average is 13.66)

**819 South Pacific Street:** **38.34 feet** is the distance from ceiling (51.78 feet) to the average level (13.44) (13.44 is the highest and lowest point of the building site covered by the building so the average is 13.44)

817 South Pacific has a building height of 37.59 feet and, therefore, exceeds the 35 foot building height limit. Likewise, 819 South Pacific Street has a building height of 38.34 feet and exceeds the 35 foot building height.

The projects also fail to comply with the second building height measurement specified in Section 1709 of the Oceanside Zoning Ordinance. This height restriction requires building height to be measured from average finished grade to the top of the structure with exceptions for specified structures, such as penthouses or roof structures for air conditioning or similar equipment. This results in the following building heights:

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<sup>7</sup> Oceanside Zoning Ordinance Section 3203.

City of Oceanside  
Members of the Planning Commission  
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<b>817 South Pacific:</b>	36.9 feet building height (53.375 feet to ridge – 16.45 finished grade level)
<b>819 South Pacific:</b>	36.6 feet building height (53.05 feet to ridge – 15.85 finished grade level)

817 and 819 South Pacific Street, therefore, exceed the allowed building height using both building height restrictions specified in the LCP.

**F. The projects do not comply with the LCP's condominium conversion regulations.**

Applicant has not submitted a Site and Structural Conditions Report as required by Section 3105, and the information submitted by the applicant does not provide the information required to satisfy Section 3105(a), including the required statement of repairs and improvements.

In addition, the LCP requires that the applicant bring the building into full compliance with all applicable building regulations. The California Building Code has been updated several times since the existing structures were built or modified. Both structures must, therefore, be brought into full compliance with the 2013 California Building Code. Since the projects have not been conditioned to require compliance with this LCP requirement, the City cannot make the required findings.

**G. Applicant and City do not appear to have issued the required condominium conversion notices.**

Applicant and City do not appear to have issued the following required condominium conversion notices:

- Issuance of a notice of intent to convert to each person applying for the rental of a unit in the property.<sup>8</sup>
- Compliance with the Subdivision Map Act's condominium conversion notice requirements specified in Government Code sections 66427.1, 66452.19, and 66452.20 and the Subdivision Map Act.
- City must issue specified notices to tenants in compliance with the requirements for service of legal process by mail.<sup>9</sup>

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<sup>8</sup> Government Code section 66427.1(a)(1).

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**H. Applicant must pay the condo conversion fee or enter into an agreement not to sell the condo units for 5 years.**

The LCP requires all residential condominium conversion to pay a condo conversion fee or enter into an agreement not to sell condominium units for 5 years.<sup>10</sup> Applicant must comply with this requirement and the approvals must be conditioned on compliance with this requirement or else the required findings cannot be made to approve the project.

City can only waive these requirements if Section 3110(b) applies and it cannot apply in this situation.

**I. The project does not comply with the LCP parking requirements.**

Applicant proposes to use a phantom lift and tandem parking spaces to satisfy the LCP parking requirements. The City shall require that all new residential development provides adequate on-site parking. In areas where beach parking demand is critical, parking requirements for new residential development shall be strictly enforced.<sup>11</sup> The phantom lift, however, does not satisfy the minimum dimension requirements for parking spaces in the LCP, which requires that each parking space be 9 feet by 18 feet.

In addition, phantom lifts and tandem parking spaces do not comply with the requirement that parking spaces “be provided with adequate ingress and egress” and the General Plan requirement that “developments shall design parking areas to maximize efficiency, safety, convenience, and open space.”<sup>12</sup> Tandem parking spaces do not provide adequate ingress and egress, particularly in structures that will be used as vacation rental by transient renters.

In addition, tandem parking spaces do not comply with the requirement that parking spaces “be provided with adequate ingress and egress” and the General Plan requirement that “developments shall design parking areas to maximize efficiency, safety, convenience, and open space.” Phantom lifts and tandem parking spaces do not provide adequate ingress and egress, particularly in structures that will be used as vacation rental.

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<sup>9</sup> Government Code Section 66451.3(b).

<sup>10</sup> Oceanside Zoning Ordinance Section 3110

<sup>11</sup> Local Coastal Program Policy 17.

<sup>12</sup> Oceanside Zoning Ordinance §2702; General Plan Policy 1.20.

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**J. The proposed findings are inadequate.**

The proposed findings are inadequate in that the City does not propose to make all required findings and there is no available evidence to support all the required findings. The proposed findings are inadequate for the following reasons:

- City does not propose to make the findings required by LCP Section 3109.
- No proposed finding and no evidence to support that to the extent feasible, the design of the subdivision provides for future passive or natural heating or cooling in the subdivision.
- No proposed finding that the subdivision design or improvements are not likely to cause serious public health problems.
- No proposed finding as to water quality required by Government Code Section 66474.6.
- No proposed finding that required notices, such as the notice of intent to convert, were sent to each person applying for the rental of a unit in the property.<sup>13</sup>
- Without conditions requiring applicant to comply with the Subdivision Map Act's notices and rights of first refusal requirement, City cannot make the findings required to approve a condominium conversion.
- No evidence available that applicant has complied with the Subdivision Map Act's condominium conversion notice requirements specified in Government Code sections 66427.1, 66452.19, and 66452.20.
- The tentative map has not been conditioned to require applicant to issue the notices required by the Subdivision Map Act.
- The tentative map has not been conditioned to require applicant to offer a right of first refusal.
- If applicant rents a unit, each tenant must be given up to 180 days to vacate the unit.
- No evidence available that City issued the required notices to tenants in compliance with the requirements for service of legal process by mail.<sup>14</sup>

<sup>13</sup> Government Code Section 66427.1(a)(1).

<sup>14</sup> Government Code Section 66451.3(b).

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### **K. Design Standards.**

817 and 819 South Pacific do not comply with the following LCP design standards:

- **Front Yard Setback.** The LCP imposes a 10-foot front yard setback. Although the setback may be decreased, the City can only do so based on the standards specified in the RT zoning regulations. Using the required standard, a decreased setback can only be approved based on architectural compatibility. The proposed findings do not include any findings or evidence necessary to support a reduced front yard setback.
- **Compatibility In Height And Scale.** The LCP requires all development to be compatible in height, scale, color, and form with the surrounding neighborhood.<sup>15</sup> Applicant's proposed structures are incompatible with existing development because both proposed structure exceed the height limit and the three story limitation.
- **Design Standards.** The LCP requires the Planning Commission to apply the design standards in the Coastal Development Design Standards manual. This includes the following design standards:
  1. Proposed new development should consider surrounding views when designing building height. Coastal Development Design Standards IV.A.3.
  2. Ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood. Coastal Development Design Standards V.1.
  3. Buildings are seen together as a total effect that defines the City/neighborhood. Emphasize this special character further through distinctive landscaping and other features. Coastal Development Design Standards V.5.
  4. Pedestrian scale can be achieved at the base of large vertical building surfaces by the use of arcades, by emphasizing horizontal divisions, surface textures and other architectural details. Coastal Development Design Standards VI.A.1.
  5. Relate the height of buildings to important attributes of the City pattern and to the height and character of surrounding development. Coastal Development Design Standards VI.A.3.

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<sup>15</sup> Local Coastal Program; 1986 Zoning Ordinance §1703(e).

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The proposed structure would include four stories, more than any other building in the surrounding neighborhood, fail to comply with the height regulations, and will block surrounding views and be out of scale with the height and character of surrounding development. Furthermore, City does not propose findings to support compliance with the LCP's design standards.

#### **L. California Environmental Quality Act.**

Both projects do not comply with the California Environmental Quality Act ("CEQA"). City claims that the projects qualify for a Class 3 categorical exemption and is therefore exempt from CEQA. The Class 3 categorical exemption, however, only applies to the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.<sup>16</sup> The proposed conversion, however, includes the addition of a new story and major modifications to the exterior of the structure and; therefore, does not qualify for the Class 3 categorical exemption.

In addition, the Class 3 categorical exemption is qualified by location, cumulative impact, and significant effects due to unusual circumstances.<sup>17</sup> The proposed structures do not qualify for a categorical exemption for the following reasons:

- Due to their location on a public right-of-way and public view corridor, the projects will impact public views in violation of the Local Coastal Program.
- The project does not provide adequate parking to meet the parking demands of a vacation rental.
- The project does not provide parking for employees.
- The project is incompatible with the bulk and scale of the surrounding neighborhood.
- Applicant proposes to rent the proposed structures as vacation and to host parties, weddings, and corporate. Past parties, weddings, and corporate retreats on applicant's nearby properties included dj's and live music, in addition to the crowd noise, causing excessive noise levels that disturbed the surrounding residences.

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<sup>16</sup> CEQA Guidelines §15303.

<sup>17</sup> CEQA Guidelines §15300.2.

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- Holding parties, weddings, and corporate retreats will cause noise impacts to the surrounding residences and disturb the surrounding neighbors sleep.

In addition, the same person or group appears to own all four project sites that will be heard by the Planning Commission on September 22<sup>nd</sup>. CEQA forbids projects from being piecemealed to make the project's environmental impacts appear smaller than they are. Furthermore, the Class 3 Categorical exemption does not apply to projects as large as the four combined projects (809, 817, 819, 817, and 819 South Pacific Street).

These items support a fair argument that the project may have a significant environmental effect on the environment. For these reasons, the City is required to prepare a mitigated negative declaration or an environmental impact report.

Sincerely,



Erik L. Schraner, Esq.  
SELTZER CAPLAN McMAHON VITEK  
A Law Corporation

cc: Beachin, LLC  
Marisa Lundstedt, City Planner, City of Oceanside

STAFF REPOSE TO LEGAL COMPLAINT LETTER  
SUBMITTED TO THE PLANNING COMMISSION ON SEPTEMBER 22, 2014 BY  
SELTZER, CAPLAN, MCMAHON, VITEK

The legal complaint letter pertains to a condominium conversion project proposed at 817 and 819 South Pacific Street filed by the applicant: Stands End Limited, LLC under four applications including: Tentative Tract Map T14-00003, Conditional Use Permit CUP14-00011, Development Plan 14-00006 and Regular Coastal Permit RC14-00006.

**Staff Summary**

The issues raised in the legal complaint letter are similar to those raised previously when similar projects at 811, 813, and 815 were approved by the City on June 27, 2012 and subsequently appealed to the Coastal Commission under appeal numbers OCN-12-054, OCN-12-055 and OCN-12-056. These projects converted the existing single family homes on each lot to two-unit duplexes. The conversions included the addition of square footage and a third story to a height of 35 feet, the same height as that proposed by the subject project. At its hearing on March 6-8, 2013, the Coastal Commission found the developments as approved by the City did not result in adverse impacts on coastal resources and recommended that the Commission determine that no substantial issues existed relative to the appellants' contentions. The Coastal Commission denied each of the appeals and approved the projects at 811, 813 and 815. These projects have now been developed and permitted.

**Staff Response to Legal Complaint**

**A. The public notice is defective**

Response: The Notice complies with the City's noticing requirements and was correctly executed. It indicates the project is within the coastal zone; it was filed by the required date; it indicates the application case numbers assigned; it provides a brief description of the project and planning commission hearing date; it is not required to provide appeals procedures (see copy of Notice, Attachment A)

**B. The available plans do not include any grade or building height measurements.**

Response: Plans submitted by the applicant and available to the public do include grade and building height measurements. Plans are available for viewing upon request at the planning counter or by calling the project planner whose contact information appears on the public notice.

**C. Grade is measured incorrectly**

Response: The City's certified definition of "grade" states:

Grade. "Grade" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five

feet of a sidewalk, the above-ground level shall be measured at the sidewalks.

Specifically, the complaint contends that the City accepted the finished "grade" instead of the finished "ground" level in order to measure the elevation of the center of all walls, as described above. The complaint further contends if the City used the ground level instead of the grade level, the definitions for "story" and building height" would be calculated differently and are, therefore, also inaccurate. In response, staff would like to refer to the response given by the Coastal Commission on prior appeals as it is applicable to this project.

"The City has indicated that the terms ground and grade are used interchangeably and it stands to reason that the City would have the best understanding of how its ordinances are interpreted." In the cases appealed prior to the Coastal Commission, the Commission found that since the buildings at 811, 813 and 815 South Pacific Street did not obstruct any public views of the coast and ocean, the matter by which the City defines "grade" did not raise a substantial issue. In that the subject project is directly adjacent at 817 and 819 South Pacific Street, Staff contends that the same interpretation applies.

**D. Both buildings exceed the three story limitation**

Response: The City's definition of story states:

Story. "Story" means a portion of a building included between the surface of any floor and the surface of the floor next above it. If there is not floor above it, then the space between such floor and the ceiling next above it shall be considered a story. If the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

The complaint contends that if the term "grade" emphasized in "C" above, was measured accurately to the ground level at the center of all walls and not finished grade, the finished floor level would be more than six feet above grade. If the first level is more than six feet above ground, it cannot be considered a basement and must be considered a story. If the first floor was considered a story, and not a basement, the project would be four levels and thus would not be consistent with the restriction for development in the R-T zone to three stories.

As previously discussed in "C" above, the City uses the terms ground and grade interchangeably and the Coastal Commission has agreed to this interpretation. Like other properties in the 800 block of South Pacific Street, the subject site was excavated to allow beach-level habitable space (daylighted basement). As currently constructed, the existing building is two stories over a daylighted basement. Because the first level of the building can be defined as a basement, it

is not included in the calculation of the number of stories. The City's zoning ordinance defines a "basement" as follows:

Basement. "Basement" means that portion of a building between floor and ceiling which is partly below and partly above ground but so located that the vertical distance from grade to the floor below is less than the vertical grade from grade to ceiling. (The City is aware this language is incorrect and that the intent of the policy is to require more of the basement level to be below grade than above. The City has an established practice of interpreting the definition of basement in this manner and the Coastal Commission concurs).

As proposed, the existing structure would be improved with an additional level above the existing 3rd level (second story). The current development includes three levels with the first level being located mostly underground, and therefore, considered a basement. The additional level proposed is only possible because the first level can be considered a basement. A substantial percentage of beachfront homes are constructed with daylighted basements and they are considered "conforming".

**E. The two structures will exceed the 35-foot height limit**

Response: First, this project, although presenting visually as two structures is only one structure in that it is attached at the basement level thereby rendering it to be one multi-unit building.

Second, the height limit for the Residential Tourist (R-T) designation is 35 feet. "Building height" means the vertical distance measured from the average level of the highest and lowest point of that portion of the building site-covered by the building to the ceiling of the uppermost story.

The complaint contends that the City accepted a calculation for the height of the existing building inaccurately. The City accepted the points of the building site to be measured from lowest and highest points *adjacent to the building* and the complaint contends that the height should be measured from the lowest and highest points *covered by the building*. This discrepancy results in finished heights between 3-4 feet higher in elevation. Again, the City has traditionally accepted points adjacent to the building and the Coastal Commission has concurred.

**F. The projects do not comply with the LCP's condominium conversion regulations.**

Response: Condominium conversions are governed by Article 31 of the City's 1986 Zoning Ordinance. This project, although a condominium conversion,

constitutes a vacation rental as permitted in the R-T zone. Accordingly, the Local Coastal Plan (LCP) encourages the establishment of tourist serving commercial uses which will be facilitated by the proposed project. Moreover, because the property is being altered and remodeled building construction plans in compliance with Section 3105 will be submitted. Ensuring the structure meets the 2010 Uniform Building Code is as a requirement for building permit issuance. Presently on file is a geological report as well as a clearance letter from San Diego Gas & Electric.

**G. Applicant and City do not appear to have issued the required condominium conversion notices.**

Response: As indicated above this six-unit apartment building does not contribute to the City's rental housing stock; instead it contributes toward the City's tourist commercial uses. The property has been used as a summer vacation rental as permitted in the R-T zone. No residents will be displaced by this conversion as there are no permanent residents. Therefore the conversion noticing requirements of Article 31; specifically Sections 3111 through 3113 do not apply.

**H. Applicant must pay the condo conversion fee or enter into an agreement not to sell the condo units for 5 years.**

Response: According to Subsection (a)(1) or (a)(2) of Section 3110 of the 1986 Zoning Ordinance, the applicant must request to enter into an agreement with the City to exercise either of the two options mentioned above. Staff has included this as a Condition of Approval. This condition requires that prior to issuance of the Final Map; the applicant shall enter into said agreement.

**I. The project does not comply with the LCP parking requirements**

Response: The existing six-unit project provide five enclosed parking spaces; the proposed project will provide ten enclosed parking spaces, more than the spaces required by City Code and City's certified LCP requires.

The project will provide a total of ten parking spaces, three in excess of the seven parking spaces required. According to Article 27 of the 1986 Zoning Ordinance which pertains to this development area, parking requirements for lots in the R-T zone which total 7,500 square feet or less and which were legally subdivided prior to January 20, 1958, are as follows:

- 1 parking space for 1 and 2 bedroom units; and
- 1.5 parking spaces for 3 bedrooms or more.

In that the project site constitutes a lot created on April 13, 1906 by Subdivision Map 984 and totals 6,500 square feet, these parking provisions, classified as an "exception" to the current parking requirements apply. The six units, given the

bedroom count per unit, require seven parking spaces. However, a total of ten parking spaces will be provided within two four-car garages each allowing for tandem parking and a car lift sized to accommodate handicapped parking. Below is a table illustrating the parking provisions in accordance with Zoning Code Article 27 of the 1986 Zoning Ordinance.

**PARKING PROVISIONS**

Unit	Number of Bedrooms	Parking Required
1	2	1
2	2	1
3	2	1
4	2	1
5	6	1.5
6	6	1.5
TOTAL	20	7 (10 provided)

Plans indicate that garages and parking spaces meet size requirements and that the car lift spaces will each accommodate a handicapped space, a provision not required for this type of improvement. Moreover, because approval is conditioned to the project meeting all current zoning and building code requirements, construction plans will need to demonstrate conformance with current codes.

**J. The proposed finding are inadequate**

Response: The findings listed by the complaint are not findings required of a condominium conversion. The City's 1986 Zoning Ordinance does not list required findings for condominium conversions. However, as a safeguard for the City as well as any future condominium owners, staff has included the findings required for conversions listed in Article 3112 of the City's 1992 Zoning Ordinance.

**K. Design Standards**

Response: With respect to development standards, the proposed project complies with all applicable RT parameters, with maintenance of the existing legal non-conforming front yard setback allowed due to the proposal's classification as an addition to existing development. The proposal would not intensify this or any other legal non-conformity. The following table illustrates the proposal's conformance to RT development standards:

**Table 1: Development Standards**

	REQUIRED	PROPOSED
FRONT YARD	❖ String-line, calculated per Section 1716	3 feet 6 inches (No change)
SIDE YARD	3feet	3 feet
REAR YARD	Coastal string-line	Coastal string-line
MAXIMUM HEIGHT	35 feet above average finished grade	35 feet above average finished grade

The existing structures are situated 3'-6" from the front property line, will maintain the 3 foot side yard setback and will be developed to the rear yard "stringline setback". Aside from the increase in height, which will not be visible to pedestrians along South Pacific Street, all other aspects of the development envelope remain identical to that on the existing structure (front, side and rear yard setbacks). 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 Coastal Commission in 1986 as part of the City's Local Coastal Program.

L. California Environmental Quality Act

The project does not comply with the Class 3 categorical exemption.

Response: According to the California Environmental Quality Act, Class 3 categorical exemptions pertains to : New Construction Or Conversion Of Small Structures. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Examples of a Class 3 exemption include:

- (a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

(b) A duplex or similar multi-family residential structure totaling no more than four dwelling units. In urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units.

This section is limited to dwelling units and to no more than one building even when the number of units in two or more buildings totals less than six.

The existing building is one building; it appears as two buildings but it is attached at the basement level thereby resulting in one building. The existing building totals six units. It is located in an urbanized area. The conversion will result in the same number units: not more than six dwelling units. Therefore the Class 3 exemption applies.

### **Staff Conclusion**

Staff contends that the proposed development will be of compatible height and scale to the surrounding community. And, while the proposed structure will appear taller and larger than some of the residences in the same block, it nevertheless meets all of the height, setback, floor area ratio and density requirements of the certified LCP and when looking collectively at the surrounding community, is within average heights and established scale of development. In addition, the proposed project does not result in the blockage of any public views. The project can also be found to provide adequate parking such that no impacts to public access are anticipated. Given that no resource impacts are expected to be caused by this project, the subject development is found to be consistent with the certified LCP, the City's 1986 Zoning Ordinance and General Plan. The Categorical Exemption

The proposed project is for the conversion of six existing units into six condominium units and additions that provide an additional level. Staff contends the proposed six unit condominium is consistent in size and scale with other development in the vicinity. In this particular case, given that no impacts to coastal resources will result from variances, the proposed development and the project will not create an adverse precedent for interpretation of the City's LCP, and it does not affect significant coastal resources. The objections to the project suggested in the complaint do not raise any substantial issues of regional or statewide significance.

### **Attachments**

- A. Public Hearing Notice



# ATTACHMENT <sup>VA</sup> CITY OF OCEANSIDE

DEVELOPMENT SERVICES DEPARTMENT / PLANNING DIVISION

## NOTICE OF PLANNING COMMISSION PUBLIC HEARING, CITY OF OCEANSIDE

This is to notify you that on Monday, September 22, 2014, at the meeting of the Planning Commission of the City of Oceanside, beginning at 7:00 p.m. at City Council Chambers of City Hall Civic Center, 300 North Coast Hwy., a Public Hearing will be conducted on the following application:

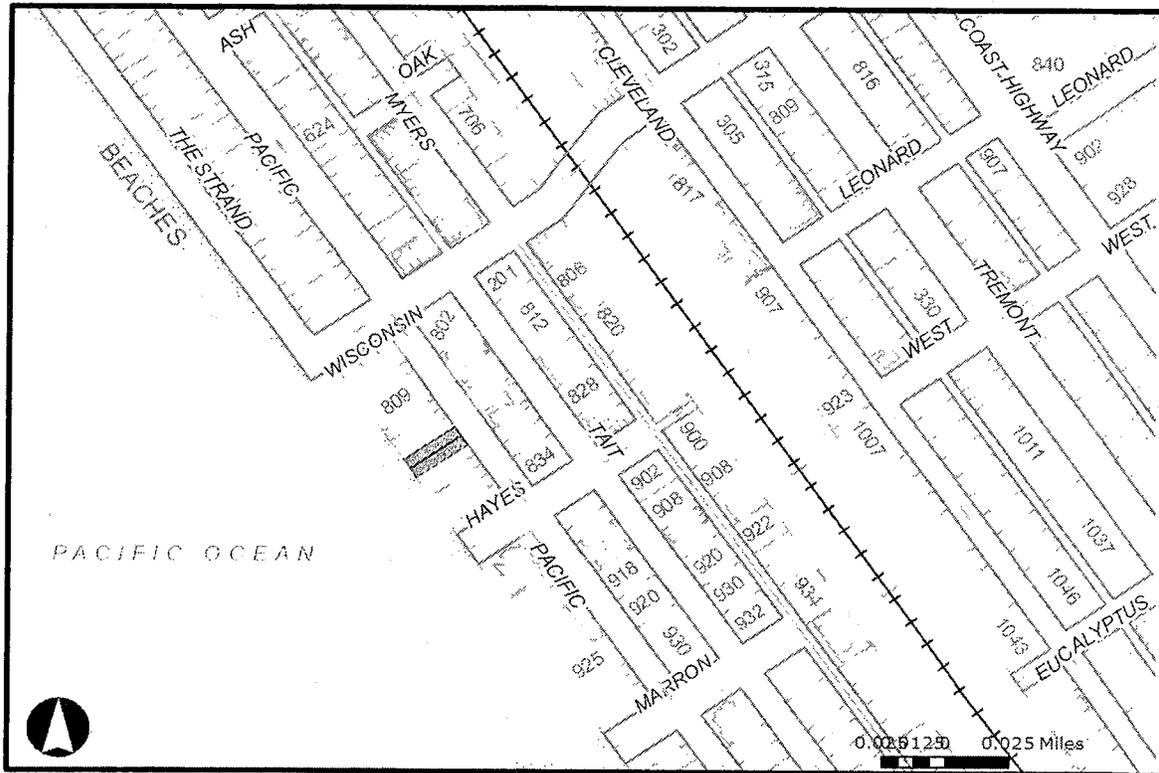
1. Consideration of a TENTATIVE TRACT MAP (T14-00003), CONDITIONAL USE PERMIT (CUP14-00011), DEVELOPMENT PLAN (D14-00006), REGULAR COASTAL PERMIT (RC14-00006), to permit the partial demolition of six existing dwelling units totaling 4,358 square feet and allow for additional square footage as well as their conversion from six apartments into six condominium units totaling 11,646 square feet, including a total of 20 bedrooms and 22 baths, as well as eight enclosed parking spaces including two car lifts. Bearing a zoning designation of R-T and a Local Coastal Program land use designation of High Density Residential, the subject properties are located at 817 and 819 South Pacific Street, within the Coastal Zone and the Townsite Neighborhood Planning Area. – **817 & 819 S. PACIFIC ST CONDO CONVERSIONS – Applicant: Strands End Limited, LLC; Leeds Properties, LLC**

Pursuant to the California Environmental Quality Act (CEQA) of 1970 and State Guidelines thereto, the City of Oceanside acting as Lead Agency has determined that the projects individually qualify for a Class 3 categorical exemption per CEQA Guidelines Section 15303 (b), for New Construction or Conversion of Small Structures.

You are being notified of this hearing as required by State law and local ordinance, because you are listed on the latest available tax assessor's rolls as the owner of the property within 300 feet of the exterior boundary of the site. You are invited to attend.

You may review the file relating to this project, including any documents relating to the California Environmental Quality Act, at the Planning Division, 300 North Coast Hwy., during regular weekday office hours of 7:30 a.m. to 5:00 p.m. (Monday – Thursday), and 7:30 a.m. to 4:00 p.m. (Friday). Should you need further information, you may contact the Project Planner (Marie Luna) at (760) 435-3537/[mluna@ci.oceanside.ca.us](mailto:mluna@ci.oceanside.ca.us). Visit our City Website at [www.ci.oceanside.ca.us](http://www.ci.oceanside.ca.us) for the agenda and staff report. Written comments may be submitted prior to the hearing. These comments will be made part of the public record and provided to the Planning Commission.

If you should wish to challenge this project at some future time, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.



**File Numbers:** T14-00003, CUP 14-00011, D14-00006, RC14-00006

**Applicant:** Strands End Limited, LLC; Leeds Properties, LLC

**Description:**

TENTATIVE TRACT MAP (T14-00003), CONDITIONAL USE PERMIT (CUP14-00011), DEVELOPMENT PLAN (D14-00061), REGULAR COASTAL PERMIT (RC14-00006), to permit the partial demolition of six existing dwelling units totaling 5,296 square feet and allow for additional square footage as well as their conversion from apartments into six condominium units totaling 12,868 square feet, including a total of 20 bedrooms and 22 baths, as well as eight enclosed parking spaces including two car lifts. Bearing a zoning designation of R-T and a Local Coastal Program land use designation of High Density Residential, the subject properties are located at 817 and 819 South Pacific Street, within the Coastal Zone and the Townsite Neighborhood Planning Area. – **SOUTH PACIFIC STREET CONDOMINIUM CONVERSIONS**

**Environmental Determination:**

Pursuant to the California Environmental Quality Act (CEQA) of 1970 and State Guidelines thereto, the City of Oceanside acting as Lead Agency has determined that the projects individually qualify for a Class 3 categorical exemption per CEQA Guidelines Section 15303(a), for New Construction or Conversion of Small Structures.

City of Oceanside, Planning Division  
 300 N. Coast Highway  
 Oceanside, CA 92054 (760) 435-3520