ITEM NO. 25

# STAFF REPORT

# CITY OF OCEANSIDE

DATE: November 19, 2014

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **ADOPTION OF A RESOLUTION UPHOLDING PLANNING COMMISSION RESOLUTION NO. 2014-P24 FOR THE CONSTRUCTION OF TWO ADDITIONAL CONDOMINIUM UNITS ON A NEWLY CREATED THIRD FLOOR OF AN EXISTING FOUR-UNIT CONDOMINIUM COMPLEX AT 809 SOUTH PACIFIC STREET – APPLICANT: STRANDS END LIMITED, LLC.**

## SYNOPSIS

Staff recommends that the City Council adopt a resolution upholding Planning Commission Resolution No. 2014-P24 approving Tentative Tract Map (T14-00001), Development Plan (D13-00012), and Regular Coastal Permit (RC13-00016) for the construction of two additional condominium units on a newly created third floor of an existing four-unit condominium complex at 809 South Pacific Street.

## BACKGROUND

The subject 9,750-square-foot property was originally subdivided in 1906 and is part of the Meyers Addition.

On October 6, 2014, the Planning Commission by a vote of 7 to 0 approved the addition of two condominium units on a newly created third floor of an existing four-unit condominium complex under Tentative Tract Map (T14-00001), Development Plan (D13-00012) and Regular Coastal Permit (RC13-00016).

On October 16, 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 zoned Residential-Tourist (RT), has a land use designation of Urban High-Density Residential (UHD-R), and is located within the Townsite Planning Neighborhood. These designations provide for single and multi-family residential uses serving both residents and visitors. The subject property abuts single-family residences to the north and south, bungalow-style apartments to the east, and the Pacific Ocean to the west.

## PROJECT DESCRIPTION

The subject site is fully developed with an existing four-unit condominium complex designed with two habitable stories over basement/garage. The basement/garage area provides 11 off-street parking spaces and multiple storage areas and mechanical rooms. The roof top has been utilized as deck area with those portions enclosed being utilized as mechanical equipment room and stairwell access to the rooftop deck.

The lot measures approximately 75 feet in width and 130 feet in length, which 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 Strand which is located immediately inland of the revetment.

The proposed project is a request to allow the minor demolition of an existing roof top deck and the construction of a third floor with two additional condominium units upon the existing two-story, 10,483-square-foot four-unit condominium complex. The proposed addition of a third story with two condo units totaling 4,608 square feet combined would maintain the original four-unit footprint and would provide a total of 12 off-street parking spaces within the existing subterranean enclosed garage which is accessed directly off the Strand. The proposed addition of two units along with a condominium subdivision would establish a new density of 26.8 dwelling units per acre, where the permitted density range for the RT zoned parcel is 29.0-43.0 D.U./acre. Although the pattern and character of development in the surrounding area is that of multi-family residential, the actual use of the properties in the area west of Pacific Street are predominately those of vacation rentals.

## ANALYSIS

Call for Review of the Planning Commission Decision to Approve the Project by Mayor Wood and Deputy Mayor Sanchez on the following grounds:

- The project is inconsistent with the character of the surrounding community.
- The project seeks to establish higher densities resulting in excessive environmental impacts such as public access, impacts to the road systems, and privatizing of beaches all of which have not been analyzed and addressed.
- The density, height, and bulk, scale are inconsistent with the Local Coastal Plan (LCP) and results in "canyonization".
- The project represents a continued piece-meal alteration of the LCP and is in violation of the LCP.
- The project is in direct violation of Council Policy with regards to the Mini-Dorm Ordinance.
- Also by reference, the objections by the community, represented by Erik L. Schraner, Esq., of Seltzer, Caplan, McMahon and Vitek

Staff reviewed the issues above, and believes that each of the concerns raised were addressed during staff's review of the proposed project and considered as part of the

projects approval by the Planning Commission. As designed and conditioned, the project proposes a residential addition and subdivision that meets all development regulations contained within the 1986 Zoning Ordinance and City of Oceanside Subdivision Ordinance and is consistent with the City's General Plan Land Use Element and the Local Coastal Plan.

Listed below are the grounds related to this call for review, along with staff's response to each concern.

Issues

*Issues 1&2: 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 (RT), which 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 four-unit condominium complex to a six-unit condominium complex. The proposed residences would be consistent with existing higher density multi-family developments located immediately adjacent to the site and while integrated with some smaller single-story multi-family residence, the overall product type would be compatible with the surrounding neighborhood. The height and overall scale of the newly expanded six-unit condominium complex would maintain the original development's architectural design treatments and would blend in with the overall existing pattern of development, which incorporates three stories over basement type designs. Exterior wall treatments, fenestration and other finish materials would be maintained as originally approved and in a manner that visually complement the area. The multi-family residential project currently operates as a vacation rental subject to the City's Temporary Occupancy Tax (TOT). As such, no changes, other than the addition of two units on a newly created third floor, are proposed. The project while creating a higher density than currently exist, will remain below based density for the Urban High-Density Residential (UHD-R) designated parcel.

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.

The project was analyzed under the provisions of CEQA. It was determined that because the project consists of new construction and the conversion of a small structure that does not exceed six units within an urbanized area, the project qualifies for issuance of a Class 3 categorical exemption, specifically, Section 15303 (b) "New Construction or Conversion of Small Structures".

*Issue 3:* *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 subject proposal to add two condominium units above the existing four condominium units would maintain consistency with the overall architectural design established with the original development back in 2006. As for massing of the two newly created units, enhanced setbacks (approximately 24'-0") from the front property line along South Pacific Street and (approximately 14'-0") from the rear property line along the Strand will be provided, thereby precluding the creation of a "canyonization" effect. Overall design has been determined to be consistent with the bulk and scale of the surrounding 800 Block of South Pacific Street. The proposed six-unit condominium complex is three stories in height, does not exceed the allowable height limit of 35 feet above average grade and has been developed in a manner that respects the view shed as seen from South Pacific Street.

Staff finds that massing impacts, while different from what exist today, would be reduced through the previously discussed enhanced setbacks. Ultimately, the addition of two units utilizing the existing architectural design of the condominium complex would provide only a minor noticeable change within the 800 block of South Pacific Street, and would in turn provide for additional housing stock in the coastal zone or residential tourist accommodations as vacation rentals.

As for impacts to public access to the beach, existing public access to the beach exist within 200 feet at Wisconsin street and south at Hayes Street. The proposal to add two condominium units would not require any off-site improvements; therefore, no impacts to public access will occur as a result of the project.

*Issue 4:* *The project represents a continued piece-meal alteration of the LCP and is in violation of the LCP.*

Staff Response:

Staff finds that the proposed project is within the Local Coastal Zone and as designed, would comply with all provisions of the LCP. Projects within the Coastal Zone are required to meet the provisions of the adopted LCP and the underlying RT zone. Such projects must provide sensitive development in order to promote and achieve compatibility with surrounding development. The existing and evolving character of the neighborhood within the Coastal Zone and site-specific design elements have been considered at length throughout the design and review of this project.

The Coastal Act requires that the visual qualities of the Coastal Zone shall be protected and that new development be sited and designed to be visually compatible with the

character of surrounding areas. All improvements to the property will not impact the surrounding areas, neighbors, or coastal views. Development of the proposed two additional condominium units would be consistent with the existing neighborhood in design, materials, colors, and type. The project has been designed to respect adjacent viewsheds by establishing a maximum height and finished pad that is similar to the adjacent multi-family and single-family residences within the Townsite Neighborhood.

*Issue 5:* *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.

*Issue 6:* *The objections by the community, represented by Erik L. Schraner, Esq., of Seltzer, Caplan, McMahon and Vitek by reference.*

Staff Response:

A letter in the form of a legal complaint was submitted on September 22, 2014, by the legal firm: Seltzer, Caplan, McMahon, and Vitek (Attachment 5). Staff's response to this legal complaint is included as Attachment 6.

## 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, Development Plan, and Regular Coastal Permit on October 6, 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 confirmed issuance of a Class 3 Categorical Exemption and approved the project in a 7-0 vote.

## 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-P24 approving Tentative Tract Map (T14-00001), Development Plan (D13-00012), and Regular Coastal Permit (RC13-00016) for the construction of two additional condominium units on a newly created third floor of an existing four-unit condominium complex at 809 South Pacific Street.

PREPARED BY:

Richard Greenbauer
Senior 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 October 6, 2014
4. Call for review
5. Legal Complaint Letter
6. Staff Response to Legal Complaint Letter

Developer Deposit

# Two Additional Residences to the Existing Four Residences at 809 S. Pacific St., Oceanside

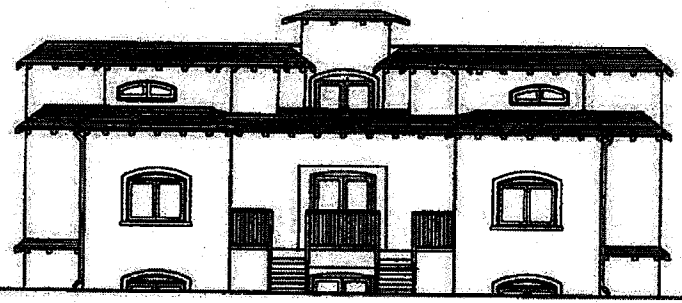
## OCCUPANCY / BLDG. DATA

### ALLOWABLE FLOOR AREA

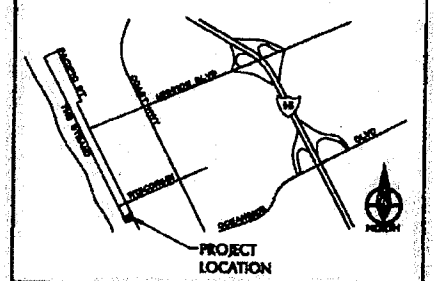
| | R-2 OCCUPANCY | U OCCUPANCY |
|---|---|---|
| ALLOWABLE FLOOR AREA PER CBC TABLE 503 TYPE V-ONE HOUR CONSTRUCTION | 18,000 SQ. FT. | 9,000 SQ. FT. |
| ALLOWABLE INCREASE | | |
| ACTUAL AREA SPRINKLERED 2 TIMES PER CBC 506.3 | 2 | 2 |
| TOTAL ALLOWABLE | 36,000 SQ. FT. | 18,000 SQ. FT. |

### ALLOWABLE FLOOR AREA FOR MIXED OCCUPANCIES

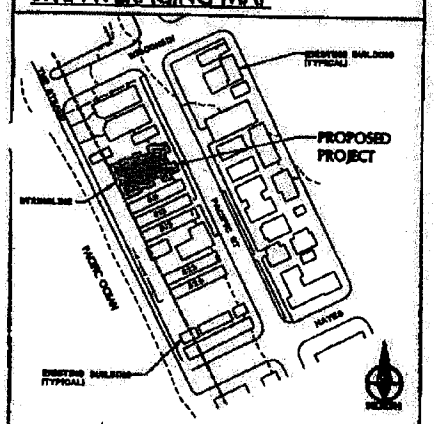
| | R-2 OCCUPANCY ACTUAL | PLUS | U OCCUPANCY ACTUAL |
|---|---|---|---|
| ACTUAL AREA SQ. FT. | 3,616 SQ. FT. | PLUS | 3,616 SQ. FT. |
| ALLOWABLE 36,000 SQ. FT. | | | 18,000 SQ. FT. |



## VICINITY MAP




## SITE AVERAGING MAP




## SHEET INDEX

### ARCHITECTURAL

| | |
|---|---|
| T-1 | COVER SHEET |
| SP-1 | SITE PLAN AND BASEMENT PLAN |
| A1 | EXISTING FIRST & SECOND FLOOR PLANS |
| A2 | PROPOSED THIRD FLOOR PLAN |
| A3 | PROPOSED & EXISTING ROOF PLANS |
| A4 | ELEVATIONS |
| A5 | ELEVATIONS |
| A6 | ELEVATIONS |
| A7 | BUILDING SECTION |
| A8 | BUILDING SECTION |

## WATER UTILITIES NOTES

1. PROVIDE SEPARATE METERS FOR PROPOSED UNITS. PROVIDE PENTAMS UNIT CALCULATIONS FOR THE CALIFORNIA PLUMBING CODE AND METER DESIGN AS SHOWN ON THE CITY OF OCEANSIDE WATER / WASTEWATER BUY-IN FEES TABLE.
1. PROVIDE DEDICATED WATER CONNECTION FOR FIRE SPRINKLER SYSTEM WITH BACK FLOW PREVENTION PER THE WATER, SEWER AND RECLAIMED WATER DESIGN & CONSTRUCTION MANUAL. METER NOT REQUIRED.
2. PROVIDE PROPOSED SEWER CONNECTION FOR PROPOSED UNITS.

## FIRE DEPARTMENT NOTES

1. AN APPROVED FIRE SPRINKLER SYSTEM MUST BE INSTALLED THROUGHOUT THE BUILDING. THE SYSTEM SHALL BE DESIGNED PER NFPA 13. THE SPRINKLER SYSTEM REQUIRES 24-HOUR SUPERVISION.

## PROJECT INFORMATION

### OWNER:

STRANDS END
1021 S. COAST HWY
OCEANSIDE, CA 92054

### CONSULTANTS:

### PROJECT ADDRESS:

809 S. PACIFIC ST.
OCEANSIDE, CA 92054

### ASSESSOR'S PARCEL #:

[illegible]

### PROJECT SUMMARY:

2 NEW DWELLINGS IN A NEWLY CREATED 3RD FLOOR WHICH COMPLETE THE BUILDING WILL THAN 4 UNITS IN 2-STORIES OVER BASEMENT PARKING

### LEGAL DESCRIPTION:

LOTS 6, 5 AND 7 IN BLOCK 17 OF MITCHES ADDEN TO OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO MAP THEREOF NO. 694, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 26, 1909. EXCEPTING THEREFROM THAT PORTION OF ANY UNDERGROUND WATER LYING BELOW THE MEAN HIGH TIDE OF THE PACIFIC OCEAN.

### APPLICATION NUMBERS

| | |
|---|---|
| DEVELOPMENT PLAN: | D14-00001 |
| MODIFIED COASTAL: | RC 14-00009 |

RECEIVED

MAY 27 2014

CITY OF OCEANSIDE
DEVELOPMENT SERVICES

## DEVELOPMENT INFORMATION

ZONING: R-T ZONE - COASTAL ZONE
OCCUPANCY: R3 MULTIFAMILY TYPE V-ONE HOUR CONSTRUCTION ABOVE R2 MEDITERRANEAN PARKING GARAGE TWO-HOUR CONSTRUCTION

EXISTING LAND USE: 4 RESIDENTIAL UNITS OVER BASEMENT PARKING
PROPOSED LAND USE: 2 ADDITIONAL RESIDENCES

LOT SIZE: 5750 SQ. FT. / .13 ACRE
EXISTING LOT COVERAGE: 50%
PROPOSED LOT COVERAGE: NO CHANGE

SETBACKS:
FRONT YARD: 0'-0" EXISTING
SIDE YARD: 0'-0" EXISTING
REAR YARD: STRANDLINE - MINIMUM
HEIGHT MAX: 3-STORIES OR 30'-0" FROM THE AVERAGE FINISHED GRADE TO THE CEILING OF THE TOP STORY, NO PORTION OF THE PROPOSED HABITABLE SPACE MAY EXCEED THE MAX. PERMITTED HEIGHT

PARKING REQUIRED - 13 SPACES PER [illegible] S.F. [illegible]
PARKING PROVIDED - 12 SPACES, INCLUDING 2 [illegible] SPACE

DEMOLITION: NONE
CONSTRUCTION EXISTING:

HABITABLE AREA - FIRST FLOOR

| | |
|---|---|
| UNIT A - | [illegible] SQ. FT. |
| UNIT B - | [illegible] SQ. FT. |
| SUB-TOTAL - | [illegible] SQ. FT. |
| DECKS: | |
| UNIT A - | [illegible] SQ. FT. |
| UNIT B - | [illegible] SQ. FT. |

HABITABLE AREA - SECOND FLOOR

| | |
|---|---|
| UNIT C - | [illegible] SQ. FT. |
| UNIT D - | [illegible] SQ. FT. |
| SUB-TOTAL - | [illegible] SQ. FT. |
| TOTAL HABITABLE AREA - | [illegible] SQ. FT. |
| DECKS: | |
| UNIT C - | [illegible] SQ. FT. |
| UNIT D - | [illegible] SQ. FT. |
| DECK TOTAL - | [illegible] SQ. FT. |
| ELEVATOR & STAIRS - | [illegible] SQ. FT. |
| STAIRS - | [illegible] SQ. FT. |

NEW CONSTRUCTION - HABITABLE

| | |
|---|---|
| UNIT E - | [illegible] SQ. FT. |
| UNIT F - | [illegible] SQ. FT. |
| NEW ADDITION SUB-TOTAL - | [illegible] SQ. FT. |
| NEW DECKS: | |
| UNIT E - | [illegible] SQ. FT. |
| UNIT F - | [illegible] SQ. FT. |
| UNIT G - | [illegible] SQ. FT. |
| UNIT H - | [illegible] SQ. FT. |
| NEW DECKS SUB-TOTAL - | [illegible] SQ. FT. |
| TOTAL NEW ADDITION: | [illegible] SQ. FT. |
| HABITABLE - | [illegible] SQ. FT. |
| DECKS | [illegible] SQ. FT. |
| GARAGE (PARKING AREA) - | [illegible] SQ. FT. |

EXISTING GARAGE:

| | |
|---|---|
| PARKING AREA - | [illegible] SQ. FT. |
| DECK / [illegible] - | [illegible] SQ. FT. |
| ELEVATOR / STAIR AREA - | [illegible] SQ. FT. |
| WALLS / INSULATION / OVER - | [illegible] SQ. FT. |
| TOTAL - | [illegible] SQ. FT. |

SERVICE PROVIDER

| | |
|---|---|
| WATER | OCEANSIDE WATER & SEWER |
| SCHOOL | OCEANSIDE UNIFIED SCHOOL DISTRICT |
| FIRE | NORTH COUNTY FIRE PROTECTION SERVICE |
| GAS/ELEC | SAN DIEGO GAS & ELECTRIC |
| SEWER | OCEANSIDE WATER & SEWER |

## BUILDING CODES

2010 TECHNICAL SECTION OF THE CODE OF REGULATIONS, TITLE 24

THESE ARE THE PARTS TO TITLE 24 AND THE APPLICABLE PARTS FOR MOST BUILDING PERMIT APPLICATIONS ARE LISTED BELOW.

- PART 2.5: THE 2010 CALIFORNIA BUILDING CODE (CBC) IS BASED ON THE 2009 IBC BUT INCLUDES PREVIOUS STATE OF CALIFORNIA AMENDMENTS AND THEN NEW BUILDING ELECTRICAL, MECHANICAL, OR PLUMBING PREVIOUS TO THE 2010, AND CONTAINS PARTS 3 THROUGH 9 OF TITLE 24 AS LISTED BELOW APPLY.
- PART 3: THE 2010 CALIFORNIA ELECTRICAL CODE (CEC) IS BASED ON THE 2009 NEC WITH STATE OF CALIFORNIA AMENDMENTS
- PART 4: THE 2010 CALIFORNIA MECHANICAL CODE (CMC) IS BASED ON THE 2009 UMC WITH STATE OF CALIFORNIA AMENDMENTS
- PART 5: THE 2010 CALIFORNIA PLUMBING CODE (CPC) IS BASED ON THE 2009 UPC WITH STATE OF CALIFORNIA AMENDMENTS
- PART 6: THE 2010 CALIFORNIA ENERGY CODE IS BASED ON THE 2009 BUILDING ENERGY EFFICIENCY STANDARDS
- PART 9: THE 2010 CALIFORNIA FIRE CODE (CFC) IS BASED ON THE 2009 IFC WITH STATE OF CALIFORNIA AMENDMENTS
- PART 11: THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGreen CODE)

## NOTE:

THIS PROJECT IS NOT WITHIN A HORSE CRITICAL AREA (CHL) OVERLAY OF 50 [illegible] AS SHOWN ON THE GENERAL PLAN.

## FIRE SPRINKLER NOTE:

FIRE SPRINKLERS ARE REQUIRED AND WILL BE PROVIDED.


ARCHITECT:
STUDIO 4
[illegible]
PHONE [illegible]
FAX [illegible]
PAUL LONGTON
PRINCIPAL


PROJECT:
RESIDENCES AT
STRANDS END
809 S. PACIFIC ST.
OCEANSIDE, CA

OWNER:
STRANDS END
1021 S. COAST HWY.
OCEANSIDE, CA 92054


OWNER'S REP:
PAUL LONGTON
STUDIO 4 ARCHITECTS
2500 MESA DRIVE
OCEANSIDE, CA 92054
PHONE 722-4004


RELEASE DATES:
ISSUED 04.24.14
REVISIONS

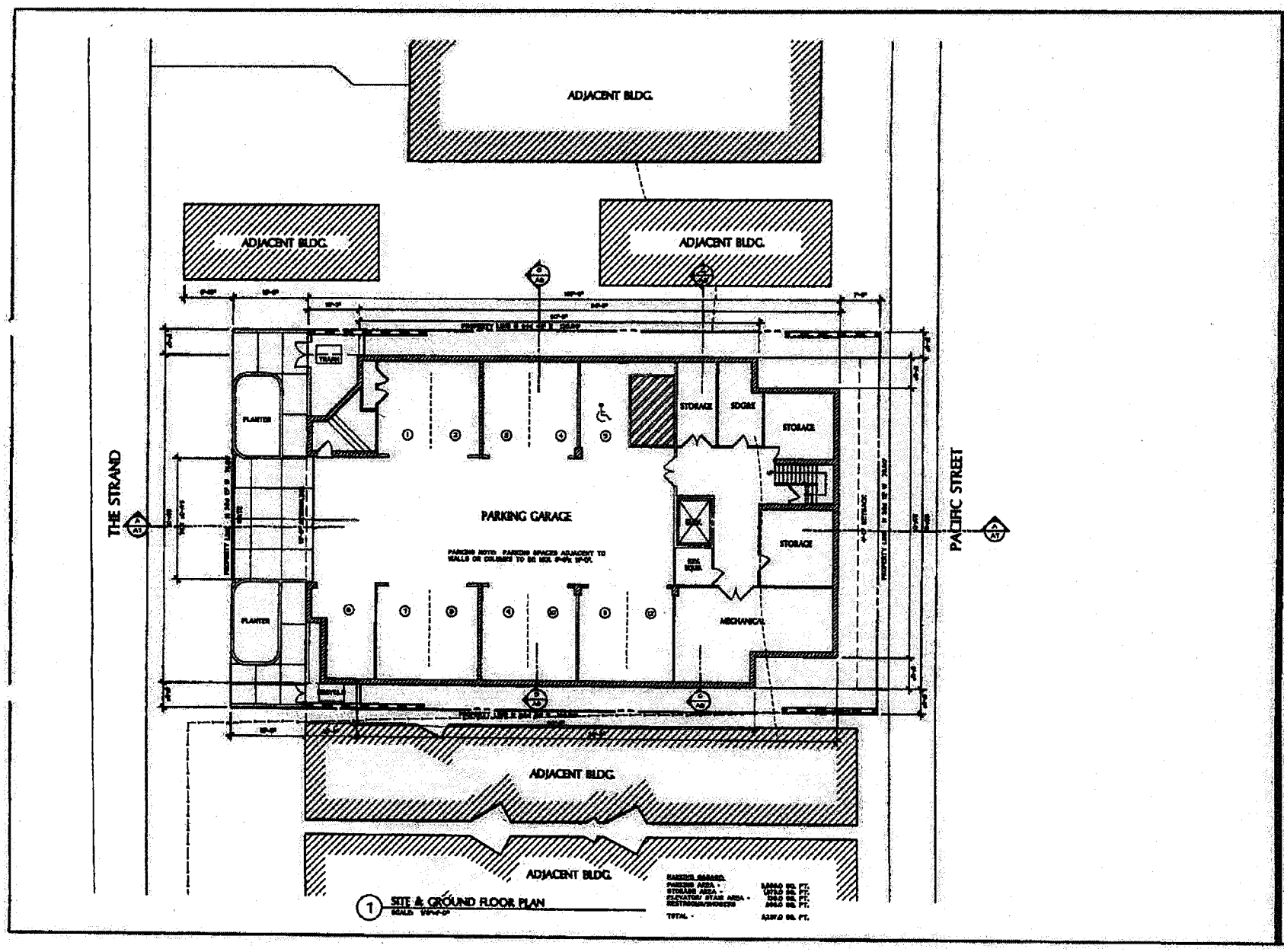
DRAWING STATUS:

JOB NO:
DRAWN BY: MAG
CHECKED BY: PL

SHEET TITLE:
SITE PLAN

SHEET NO:
T-1.0

ATTACHMENT 1




ARCHITECT:
STUDIO 4
1900 MESA DRIVE
OCEANSIDE, CA 92054
(760) 721-4904 PH
(760) 721-4903 FX
PAUL LONGTON
PRINCIPAL

PROJECT:
RESIDENCES AT
STRANDS END
809 S. PACIFIC ST.
OCEANSIDE, CA

OWNER:
STRANDS END
1821 S. COAST HWY.
OCEANSIDE, CA 92054

OWNER'S REP:
PAUL LONGTON
STUDIO 4 ARCHITECTS
1900 MESA DRIVE
OCEANSIDE, CA 92054
(760) 721-4904

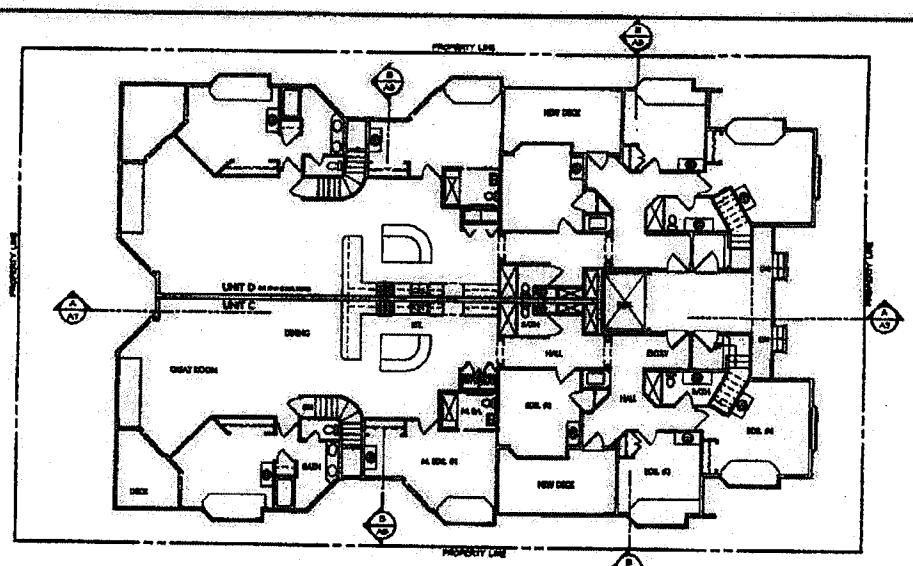
RELEASE DATES:
04 . 24 . 14

DRAWING STATUS:

JOB NO.:
DRAWN BY: MSR
CHECKED BY: PL

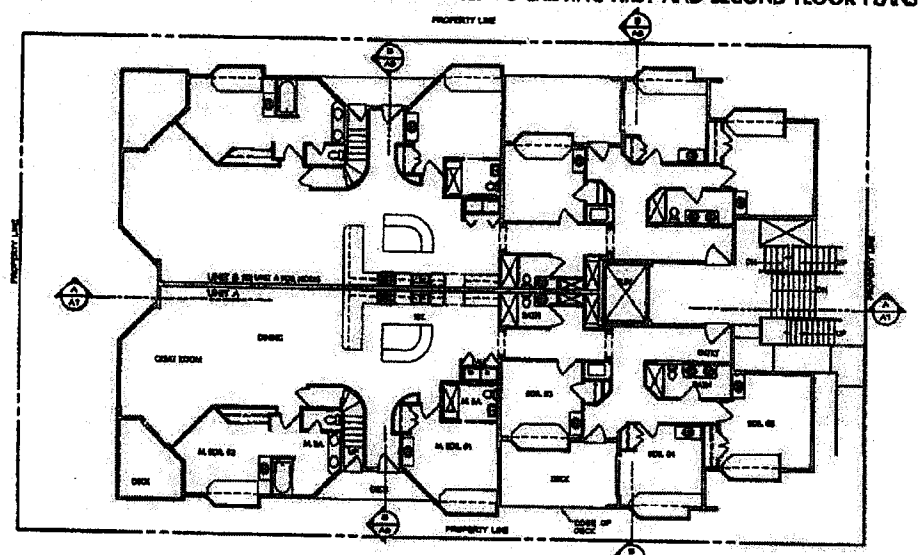
SHEET TITLE:
SITE PLAN

SHEET NO.:
SP-1




2 EXISTING 2nd FLOOR PLAN - UNITS C and D

"NEW DECKS AT 2nd FLOOR ARE THE ONLY CHANGES TO EXISTING FIRST AND SECOND FLOOR PLANS "




1 EXISTING 1st FLOOR PLAN - UNITS A & B

ARCHITECT:
STUDIO 4
2900 MESA DRIVE
OCEANSIDE, CA 92054
(760) 722-4804 PH
(760) 722-4803 FX
plongton@gmail.com
PAUL LONGTON
PRINCIPAL

PROJECT:
RESIDENCES AT
STRANDS END
909 S. PACIFIC ST.
OCEANSIDE, CA

OWNER:
STRANDS END
1821 S. COAST HWY.
OCEANSIDE, CA 92054

OWNER'S REP:
PAUL LONGTON
STUDIO 4 ARCHITECTS
2900 MESA DRIVE
OCEANSIDE, CA 92054
(760) 722-4804

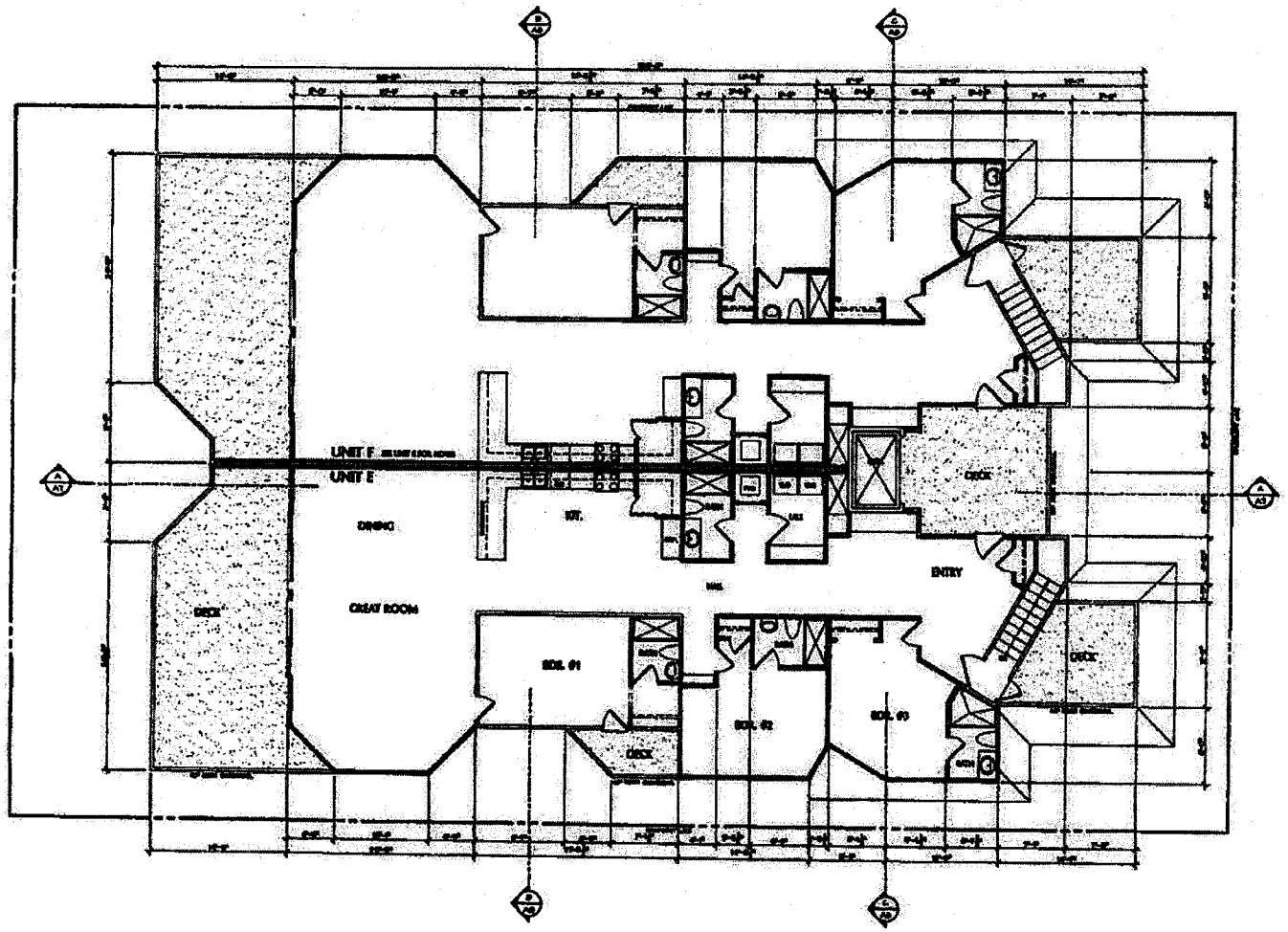
RELEASE DATES
DRAWN: 06.24.14

DRAWING STATUS:

DRAWN BY: MSR
CHECKED BY: PL

SHEET TITLE:
EXISTING
1st & 2nd FP

SHEET NO:
A-1.0




1 THIRD FLOOR PLAN - UNITS C and D
SCALE: 3/16"=1'-0"

ARCHITECT:
STUDIO 4
3000 MESA DRIVE
OCEANSIDE, CA 92054
(760) 722-1604 PH
(760) 722-1605 FX
PAUL LONGTON
PRINCIPAL

PROJECT:
RESIDENCES AT
STRANDS END
800 S. PACIFIC ST.
OCEANSIDE, CA

OWNER:
STRANDS END
1621 S. COAST HWY.
OCEANSIDE, CA 92054

OWNER'S REP:
PAUL LONGTON
STUDIO 4 ARCHITECTS
3000 MESA DRIVE
OCEANSIDE, CA 92054
(760) 722-1604

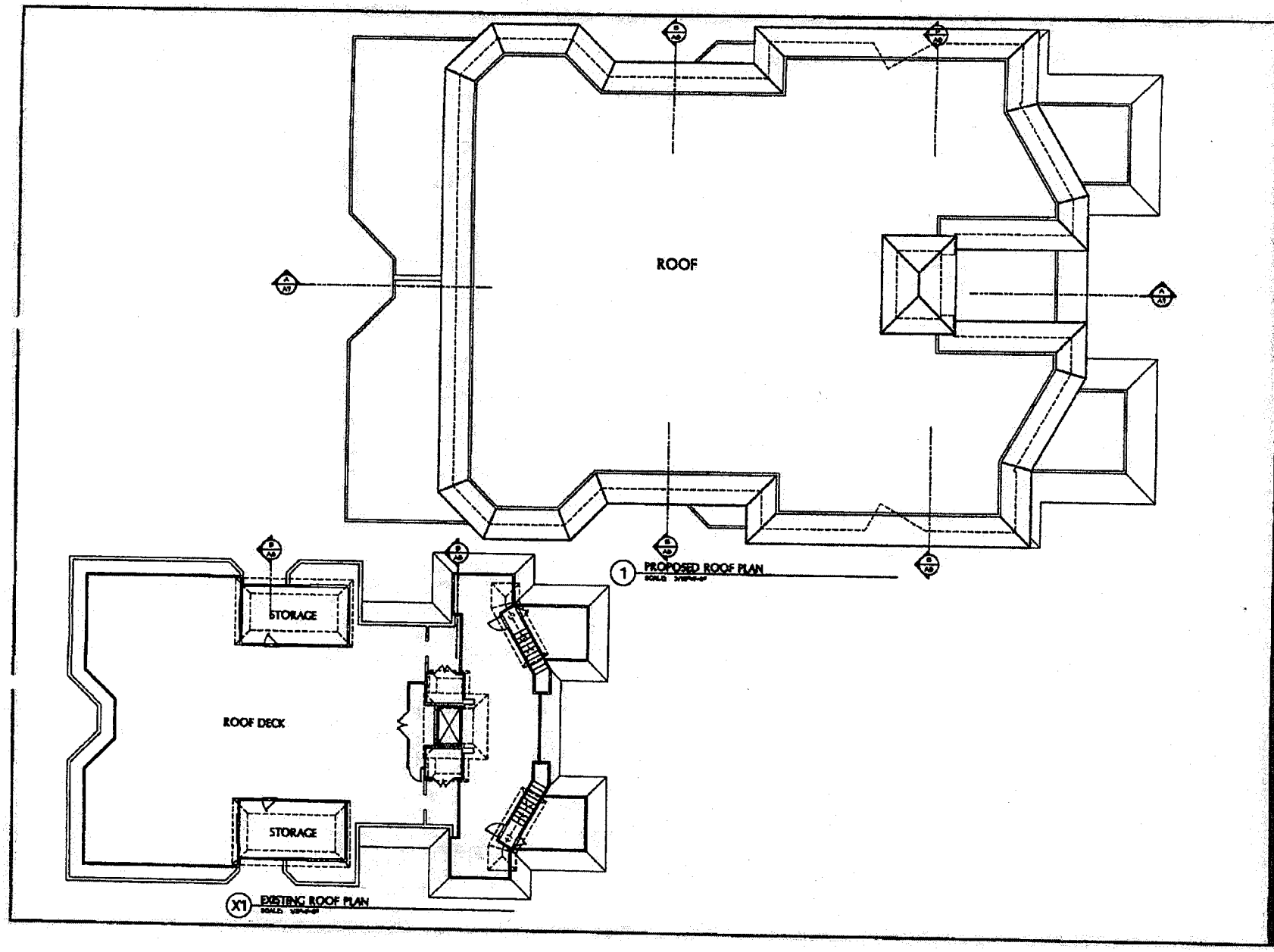
RELEASE DATES
ISSUED 04.24.14
REVISIONS

DRAWING SCHEDULE

DRAWN BY: MAR
CHECKED BY: PL

SHEET TITLE:
3rd FLOOR PLAN

SHEET NO.:
A-2.0




1 PROPOSED ROOF PLAN

X1 EXISTING ROOF PLAN

ARCHITECT:
STUDIO 4
2900 MESA DRIVE
OCEANSIDE, CA 92054
(760) 722-4004 PH
(760) 722-4003 FX
PAUL LONGTON
PRINCIPAL

PROJECT:
RESIDENCES AT
STRANDS END
[illegible] S. PACIFIC ST.
OCEANSIDE, CA

OWNER:
STRANDS END
[illegible] S. COAST HWY.
OCEANSIDE, CA [illegible]

OWNER'S REP:
PAUL LONGTON
STUDIO 4 ARCHITECTS
[illegible] MESA DRIVE
OCEANSIDE, CA [illegible]
[illegible]

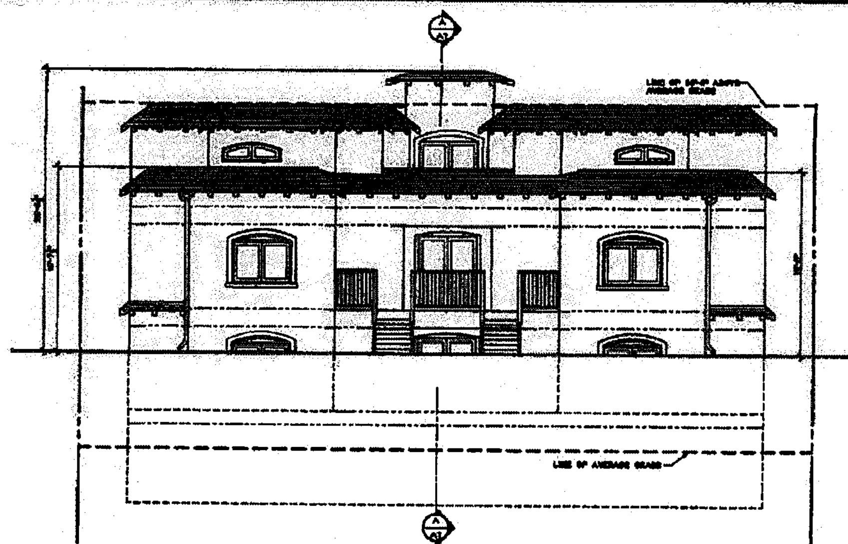
RELEASE DATES
[illegible]

DRAWING STATUS:
[illegible]

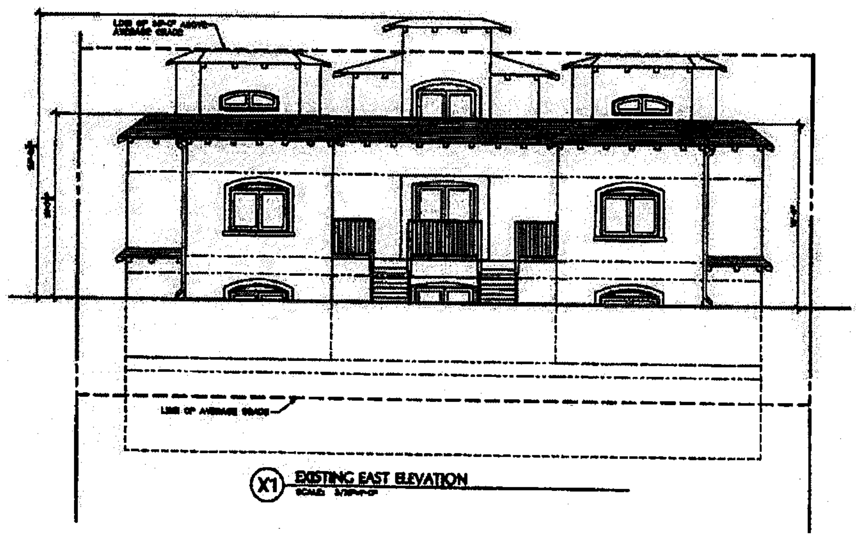
JOB NO:
DRAWN BY: N&R
CHECKED BY: PL

SHEET TITLE:
ROOF PLAN

SHEET NO:
A-3.0



1 PROPOSED EAST ELEVATION



X1 EXISTING EAST ELEVATION

STUDIO 4

PAUL LONGTON
PRINCIPAL

PROJECT:
RESIDENCES AT
STRANDS END
OCEANSIDE, CA

OWNER:
STRANDS END
OCEANSIDE, CA

OWNER'S REP:
PAUL LONGTON
STUDIO 4 ARCHITECTS

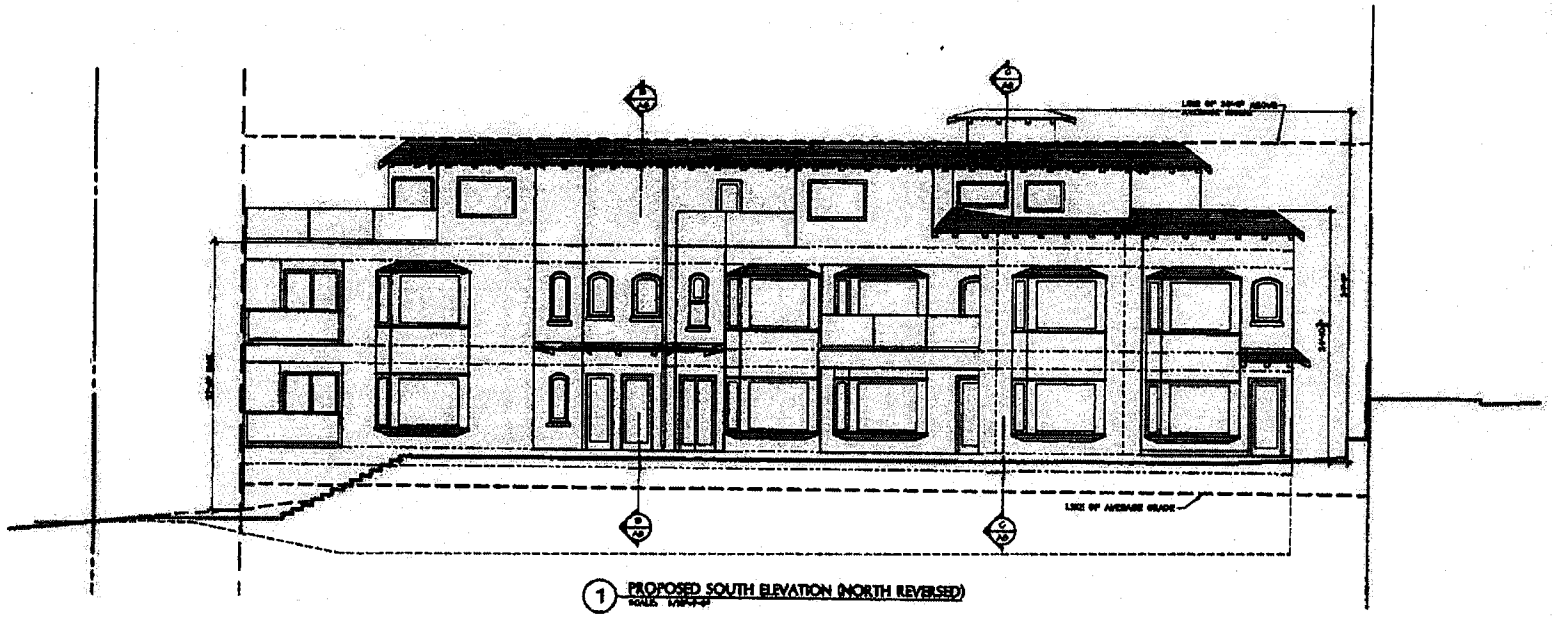
RELEASE DATES

DRAWING STATUS

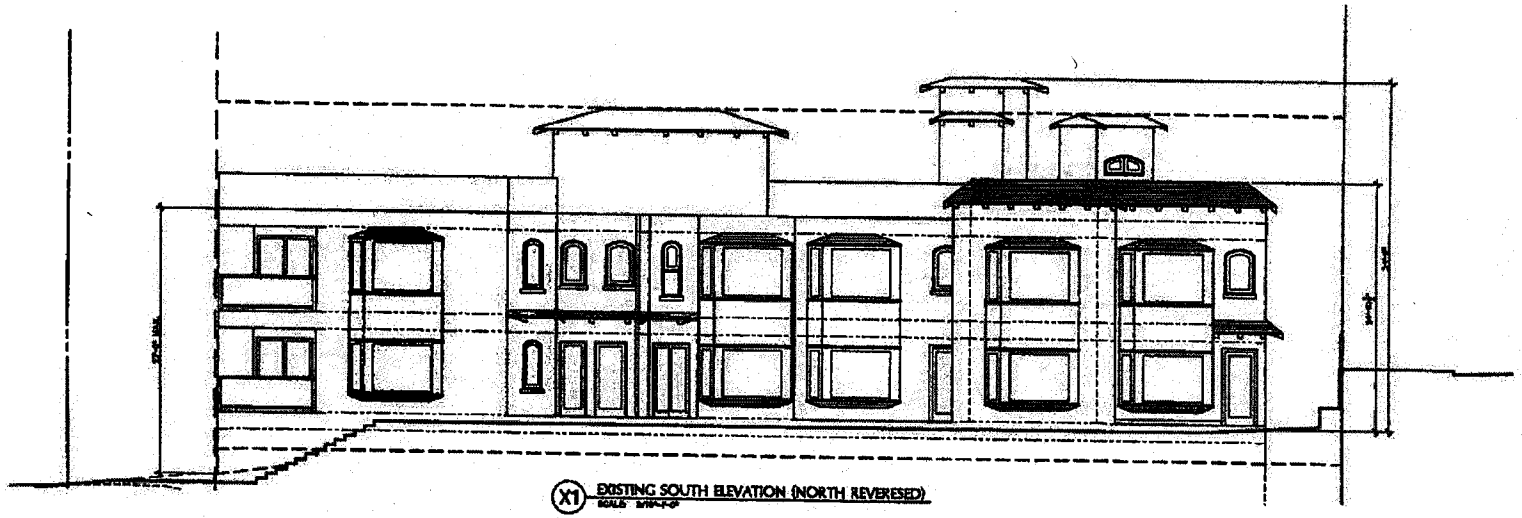
DRAWN BY: MSR
CHECKED BY: PL

SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NO.:
A-4.0



1 PROPOSED SOUTH ELEVATION (NORTH REVERSED)



X1 EXISTING SOUTH ELEVATION (NORTH REVERESED)


ARCHITECT:
STUDIO 4
2908 MESA DRIVE
OCEANSIDE, CA 92054
(760) 722-1904 PH
(760) 722-4903 FX
PAUL LONGTON
PRINCIPAL


PROJECT:
RESIDENCES AT
STRANDS END
809 S. PACIFIC ST.
OCEANSIDE, CA

OWNER:
STRANDS END
1821 S. COAST HWY.
OCEANSIDE, CA 92054


OWNER'S REP:
PAUL LONGTON
STUDIO 4 ARCHITECTS
2908 MESA DRIVE
OCEANSIDE, CA 92054
(760) 722-1904

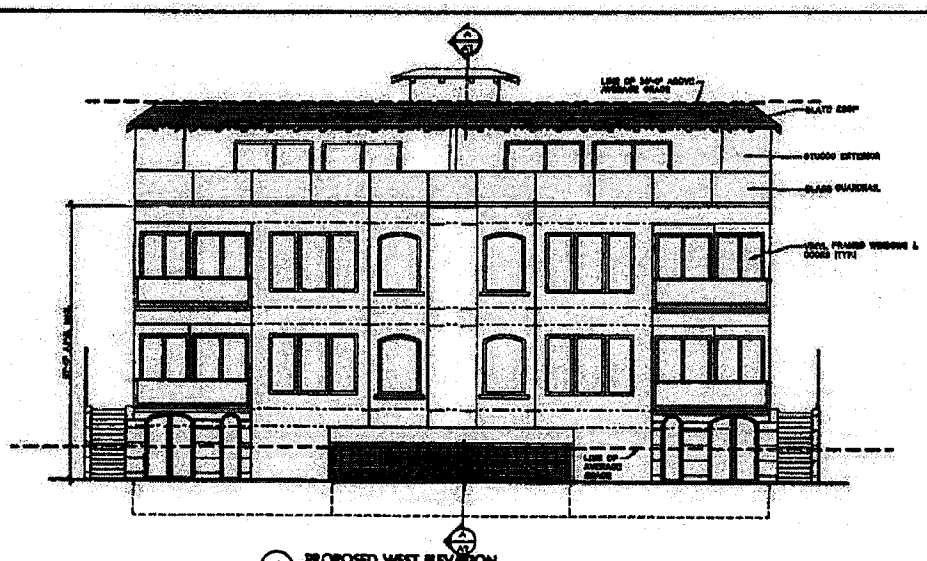

RELEASE DATES:
SCALE: 1/8 . 24 . 11

DRAWING STATUS:

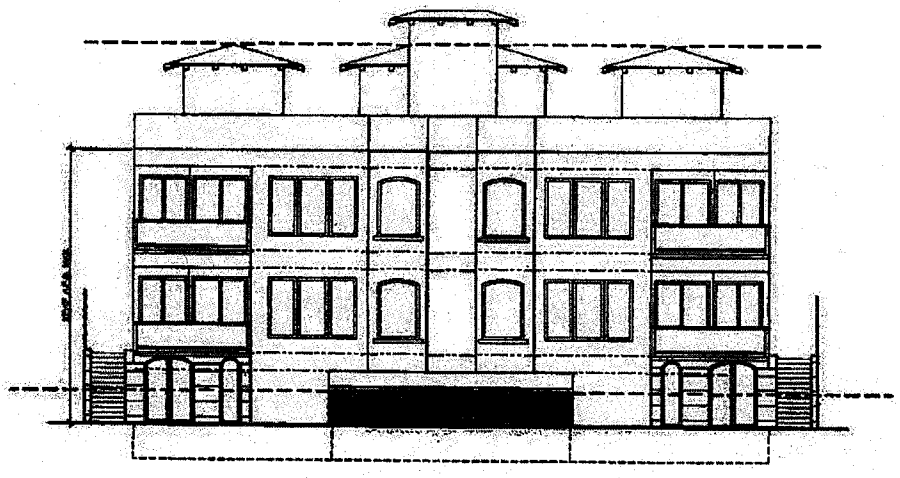
JOB NO:
DRAWN BY: MGR
CHECKED BY: PL

SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NO:
A-5.0




1 PROPOSED WEST ELEVATION



X1 EXISTING WEST ELEVATION

ARCHITECT:
STUDIO 4
PAUL LONGTON
PRINCIPAL

PROJECT:
RESIDENCES AT
STRANDS END
OCEANSIDE, CA

OWNER:
STRANDS END
OCEANSIDE, CA 92054

OWNER'S REP:
PAUL LONGTON
STUDIO 4 ARCHITECTS

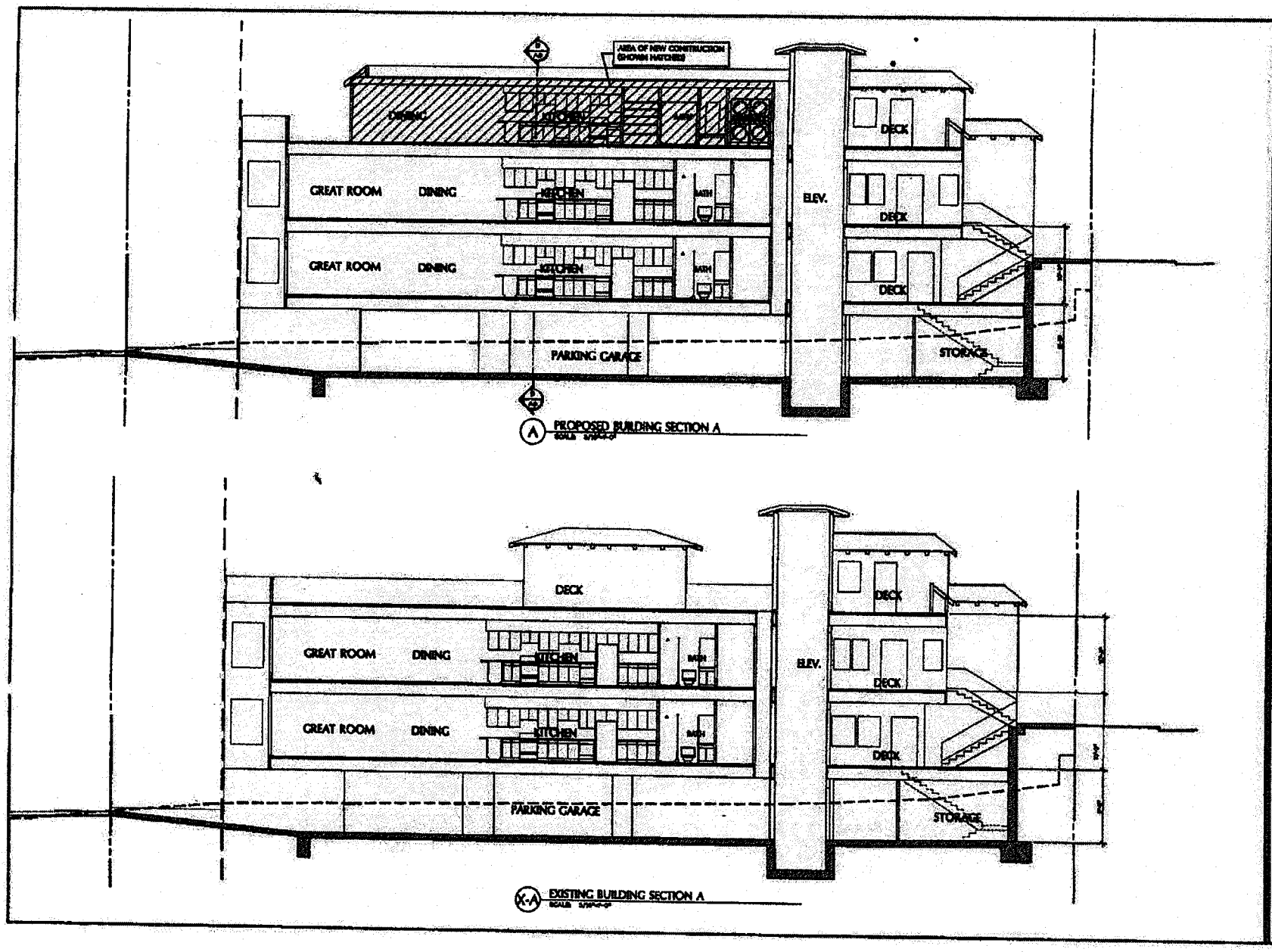
RELEASE DATE:
DATE: 04.24.14

DRAWING STATUS:

DRAWN BY: MAR
CHECKED BY: PL

SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NO:
A-6.0




A PROPOSED BUILDING SECTION A



X-A EXISTING BUILDING SECTION A

ARCHITECT:
STUDIO 4
2800 MESA DRIVE
OCEANSIDE, CA 92054
(760) 722-4604 PH
(760) 722-4600 FX
PAUL LONGTON
PRINCIPAL

PROJECT:
RESIDENCES AT
STRANDS END
800 S. PACIFIC ST.
OCEANSIDE, CA

OWNER:
STRANDS END
1821 S. COAST HWY.
OCEANSIDE, CA 92054

OWNER'S REP:
PAUL LONGTON
STUDIO 4 ARCHITECTS
2800 MESA DRIVE
OCEANSIDE, CA 92054
(760) 722-4600

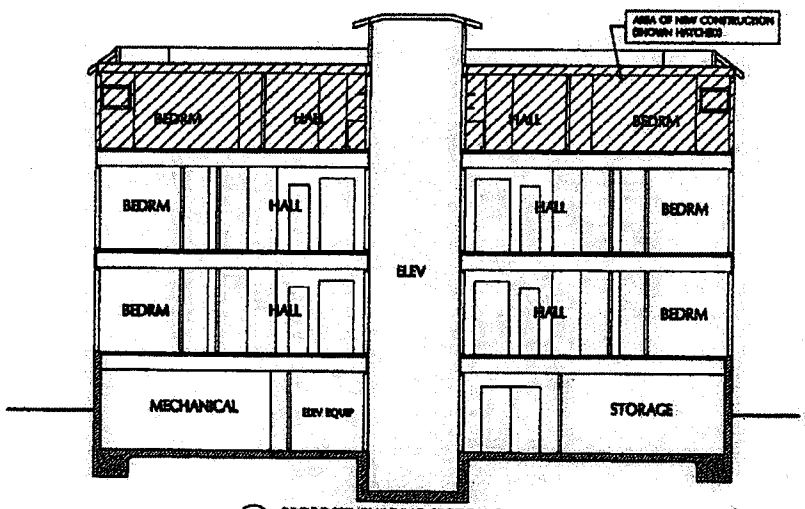
RELEASE DATE:
ISSUED: 04.20.14

DRAWING SEAL:

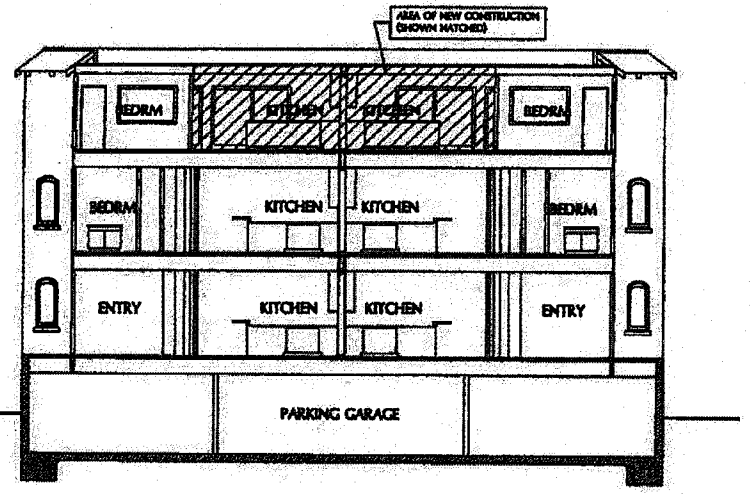
JOB NO:
DRAWN BY: MSR
CHECKED BY: PL

SHEET TITLE:
BUILDING SECTIONS

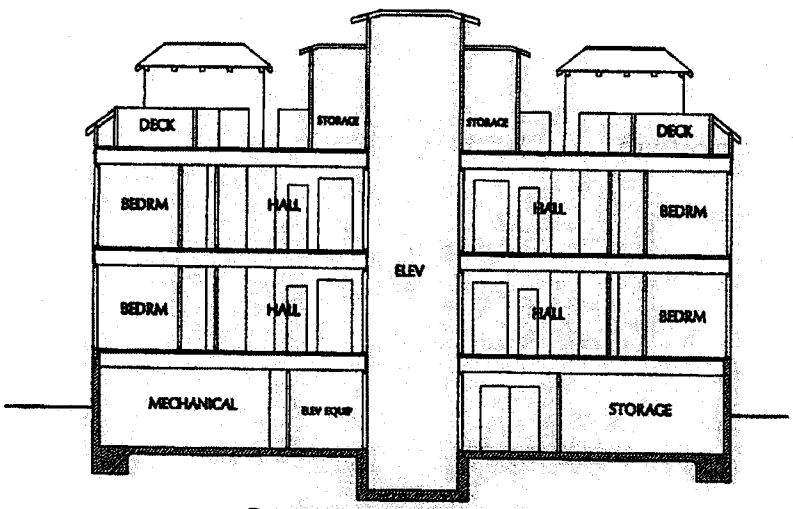
SHEET NO:
A-7.0



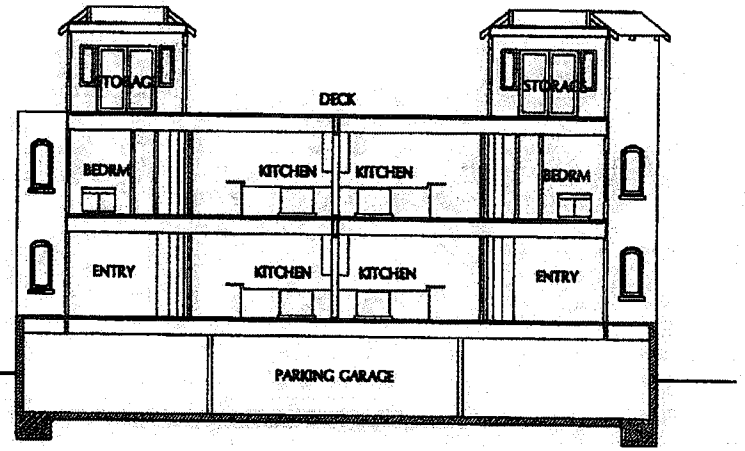

C PROPOSED BUILDING SECTION C




B PROPOSED BUILDING SECTION B




X-C EXISTING BUILDING SECTION C




X-B EXISTING BUILDING SECTION B

ARCHITECT:
STUDIO 4
[illegible]
PAUL LONGTON
PRINCIPAL

PROJECT:
RESIDENCES AT
STRANDS END
[illegible] S. PACIFIC ST.
OCEANSIDE, CA

OWNER:
STRANDS END
[illegible] S. COAST HWY.
OCEANSIDE, CA [illegible]

OWNER'S REP:
PAUL LONGTON
STUDIO 4 ARCHITECTS
[illegible] MESA DRIVE
OCEANSIDE, CA [illegible]
[illegible]

RELEASE DATE:
[illegible] 06.24.14

DRAWING STATUS:
[illegible]

JOB NO.:
DRAWN BY: MAR
CHECKED BY: PL

SHEET TITLE:
BUILDING SECTIONS

SHEET NO.:
A-8.0

RECEIVED

MAR 10 2014

CITY OF OCEANSIDE
PUBLIC WORKS SERVICES

PARCEL MAP NO. 19901

# STRAND'S END CONDOMINIUM PROJECT

SHEET 1 OF 2 SHEETS
T.P.M. P-25-02

FOR CONDOMINIUM PURPOSES
IN THE CITY OF OCEANSIDE
COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

A PORTION OF BLOCK "C", MYERS' ANNEX, CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, PER MAP NO. 684 RECORDED APRIL 13, 1908.

PARCEL MAP GUARANTEE ISSUED BY FIRST AMERICAN TITLE COMPANY ORDER NO. 2165813 DATED MARCH 20, 2006.

NUMBER OF PARCELS = 1

NUMBER OF ACRES = 0.324 GROSS

**OWNER'S CERTIFICATE**

I HEREBY CERTIFY THAT I AM THE OWNER OF OR INTERESTED IN THE LANDS INCLUDED WITHIN THE SUBDIVISION SHOWN ON THIS MAP WITHIN THE DISTINCTIVE BORDER LINES, AND I CONSENT TO THE PREPARATION AND THE FILING OF SAID MAP AND SUBDIVISION.

AS A DEDICATION TO PUBLIC USE, WHILE ALL OF PACIFIC STREET AND THE STRAND WITHIN OR ADJACENT TO THIS SUBDIVISION REMAIN PUBLIC STREETS, WE HEREBY RELINQUISH ALL RIGHTS OF DIRECT VEHICULAR INGRESS AND EGRESS EXCEPT FOR THE APPROVED DRIVEWAY ACCESS POINTS. IF ANY PORTION OF SAID STREET WITHIN OR ADJACENT TO THIS SUBDIVISION IS VACATED, SUCH VACATION TERMINATES THE ABOVE DEDICATION AS TO THE PART VACATED.

THIS PARCEL MAP HAS NO DEVELOPMENT RIGHTS ATTACHED TO IT. ALL REQUIREMENTS ASSOCIATED WITH THIS PROJECT SHALL BE IMPLEMENTED THROUGH THE DEVELOPMENT PLAN AND RELATED APPROVALS PER CITY OF OCEANSIDE PLANNING COMMISSION RESOLUTION NO. 2003-P46 AND NO. 2006-P02.

BY: David P. Fischbach
DAVID P. FISCHBACH, MANAGING MEMBER
STRAND'S END LIMITED, LLC

U.S. BANK N.A., AS BENEFICIARY UNDER DEED OF TRUST RECORDED SEPTEMBER 10, 2004 AS INSTRUMENT NO. 2004-842776 OF OFFICIAL RECORDS.

BY: Shelia D. Chase, Vice President

BY: _____

THIS SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1351 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, CONTAINING A MAXIMUM OF 4 DWELLING UNITS AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT.

**DECLARATION OF C.C. & R.'S NOTE**

A DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AS REQUIRED BY CITY OF OCEANSIDE PLANNING COMMISSION RESOLUTION NO. 2003-P46 APPROVING TENTATIVE PARCEL MAP NO. P-25-02 HAS BEEN RECORDED IN THE OFFICE OF THE COUNTY RECORDER ON _____ 2006, AS DOCUMENT NO. 2006- _____

**COVENANT NOTE**

THIS PARCEL MAP IS RECORDED UNDER CONDITIONS IMPOSED BY THE CITY OF OCEANSIDE PER PLANNING COMMISSION RESOLUTION NO. 2003-P46. SAID RESOLUTION IMPOSES REQUIREMENTS TO CONSTRUCT CERTAIN IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO, PUBLIC STREET, FIRE PROTECTION AND DOMESTIC WATER, SEWER, AND DRAINAGE IMPROVEMENTS. NO BUILDING PERMIT WILL BE ISSUED FOR ANY PARCEL WITHIN THIS PARCEL MAP UNTIL THE REQUIRED IMPROVEMENTS HAVE BEEN CONSTRUCTED OR SECURED TO THE SATISFACTION OF THE CITY ENGINEER.

A COVENANT COVERING FUTURE IMPROVEMENTS AS REQUIRED BY CITY OF OCEANSIDE PLANNING COMMISSION RESOLUTION NO. 2003-P46 APPROVING TENTATIVE MAP NO. P-25-02 HAS BEEN RECORDED IN THE OFFICE OF THE COUNTY RECORDER AS PER DOCUMENT NO. 2003-1428068 ON DECEMBER 1, 2003.

PAYMENT OF DRAINAGE FEES AS REQUIRED BY CITY OF OCEANSIDE ORDINANCE 85-33 IS HEREBY DEFERRED FOR EACH PARCEL CREATED HEREON UNTIL ISSUANCE OF A BUILDING PERMIT ON ANY SUCH PARCEL. THE AMOUNT SHALL BE BASED UPON THE ESTABLISHED RATE AT THE TIME THE FEE IS PAID.

PAYMENT OF THOROUGHFARE FEES AS REQUIRED BY CITY OF OCEANSIDE ORDINANCE NO. 89-30 IS HEREBY DEFERRED FOR EACH PARCEL CREATED HEREON UNTIL ISSUANCE OF A BUILDING PERMIT ON ANY SUCH PARCEL. THE AMOUNT SHALL BE BASED UPON THE ESTABLISHED RATE AT THE TIME THE FEE IS PAID.

PAYMENT OF TRAFFIC SIGNAL FEES AS REQUIRED BY THE CITY OF OCEANSIDE NO. 87-10 IS HEREBY DEFERRED FOR EACH PARCEL CREATED HEREON UNTIL ISSUANCE OF A BUILDING PERMIT ON ANY SUCH PARCEL. THE AMOUNT SHALL BE BASED UPON THE ESTABLISHED RATE AT THE TIME THE FEE IS PAID.

**NOTARY ACKNOWLEDGEMENTS**

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

ON 3-28-06, BEFORE ME, P. Henry
A NOTARY PUBLIC, PERSONALLY APPEARED DAVID P. FISCHBACH AND _____
PERSONALLY KNOWN TO ME X OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE ___ TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

P. Henry
PRINT NAME P. Henry

MY COMMISSION EXPIRES ON 10-30-09
MY PRINCIPAL PLACE OF BUSINESS IS IN SAN DIEGO COUNTY

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

ON 3-29-06, BEFORE ME, Melanie Halley
A NOTARY PUBLIC, PERSONALLY APPEARED David P. Fischbach AND _____
PERSONALLY KNOWN TO ME X OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE ___ TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

Melanie Halley
PRINT NAME Melanie Halley

MY COMMISSION EXPIRES ON Dec. 28, 2007
MY PRINCIPAL PLACE OF BUSINESS IS IN SAN DIEGO COUNTY

**CITY TREASURER'S CERTIFICATE**

I, ROSEMARY R. JONES, CITY TREASURER OF THE CITY OF OCEANSIDE, CALIFORNIA, HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF MY OFFICE, THERE ARE NO LIENS AGAINST THE SUBDIVISION OR ANY PART THEREOF FOR UNPAID STATE, COUNTY, MUNICIPAL OR LOCAL TAXES OR SPECIAL ASSESSMENTS NOT YET PAYABLE, AND THAT ANY SPECIAL ASSESSMENTS OR BONDS, THE LAND OF WHICH IS DIVIDED BY SUBDIVISION LOT OR PARCEL LINE, HAVE BEEN PAID IN FULL OR SECURITY THEREFORE HAS BEEN DEPOSITED WITH THE CLERK OF THE COUNTY BOARD OF SUPERVISORS.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 4 DAY OF April, 2006.

ROSEMARY R. JONES
CITY TREASURER, CITY OF OCEANSIDE

**SURVEYOR'S STATEMENT**

I JAMES H. LONG HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA. THIS PARCEL MAP, CONSISTING OF 2 SHEETS, WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY AND IS TRUE AND COMPLETE IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES AT THE REQUEST OF DAVID FISCHBACH ON AUGUST 29, 2003. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, OR ANY APPROVED ALTERATIONS/EXTENSIONS, IF ANY.

ALL MONUMENTS OF THE CHARACTER AND LOCATION SHOWN HEREON WILL BE IN PLACE WITHIN TWENTYFOUR MONTHS FROM THE FILING DATE OF THIS MAP THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

3/28/2006
DATE

JAMES H. LONG, L.S. 6837
EXPIRES: 12-31-2008

**PUBLIC WORKS DIRECTOR STATEMENT**

I, PETER WEISS, DULY AUTHORIZED OFFICER OF THE CITY OF OCEANSIDE, CALIFORNIA, HEREBY STATE THAT I HAVE EXAMINED THIS PARCEL MAP AND FIND THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS/EXTENSIONS THEREOF, THAT ALL PROVISIONS OF THE STATE SUBDIVISION MAP ACT AND CITY OF OCEANSIDE SUBDIVISION ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

4-12-06

PETER WEISS, DIRECTOR PUBLIC WORKS
CITY OF OCEANSIDE
R.C.E. NO. 45161 EXP. 3-31-2008

**CITY SURVEYOR'S STATEMENT**

I, PETER WEISS, HAVE EXAMINED THE ANNEXED MAP AND I AM SATISFIED THAT THE PARCEL MAP IS TECHNICALLY CORRECT.

4-12-06
DATE

PETER WEISS, DIRECTOR PUBLIC WORKS
CITY OF OCEANSIDE
L.S. 6878, EXPIRES 9-30-2008

**CITY CLERK'S CERTIFICATE**

THIS IS TO CERTIFY THAT THE RELINQUISHMENT OF VEHICULAR ACCESS RIGHTS TO PACIFIC STREET AND THE STRAND, EXCEPT FOR THE APPROVED DRIVEWAY ACCESS POINTS, AS SHOWN HEREON, ARE ACCEPTED BY THE CITY COUNCIL OF THE CITY OF OCEANSIDE PURSUANT TO RESOLUTION NO. 81-172 OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE ADOPTED ON THE 27TH DAY OF MAY, 1981.

4/20/06
DATE

BARBARA RAGEL WAYNE
CITY CLERK

**RECORDER'S CERTIFICATE**

FILE NO. 2006- 0287001
FILED THIS 28 DAY OF Apr., 2006 AT 10:46 O'CLOCK
A.M. IN BOOK OF PARCEL MAPS AT PAGE ___ AT THE REQUEST OF JAMES H. LONG.

GREGORY J. SMITH
COUNTY RECORDER

BY: _____
DEPUTY COUNTY RECORDER

FEE: $8.00

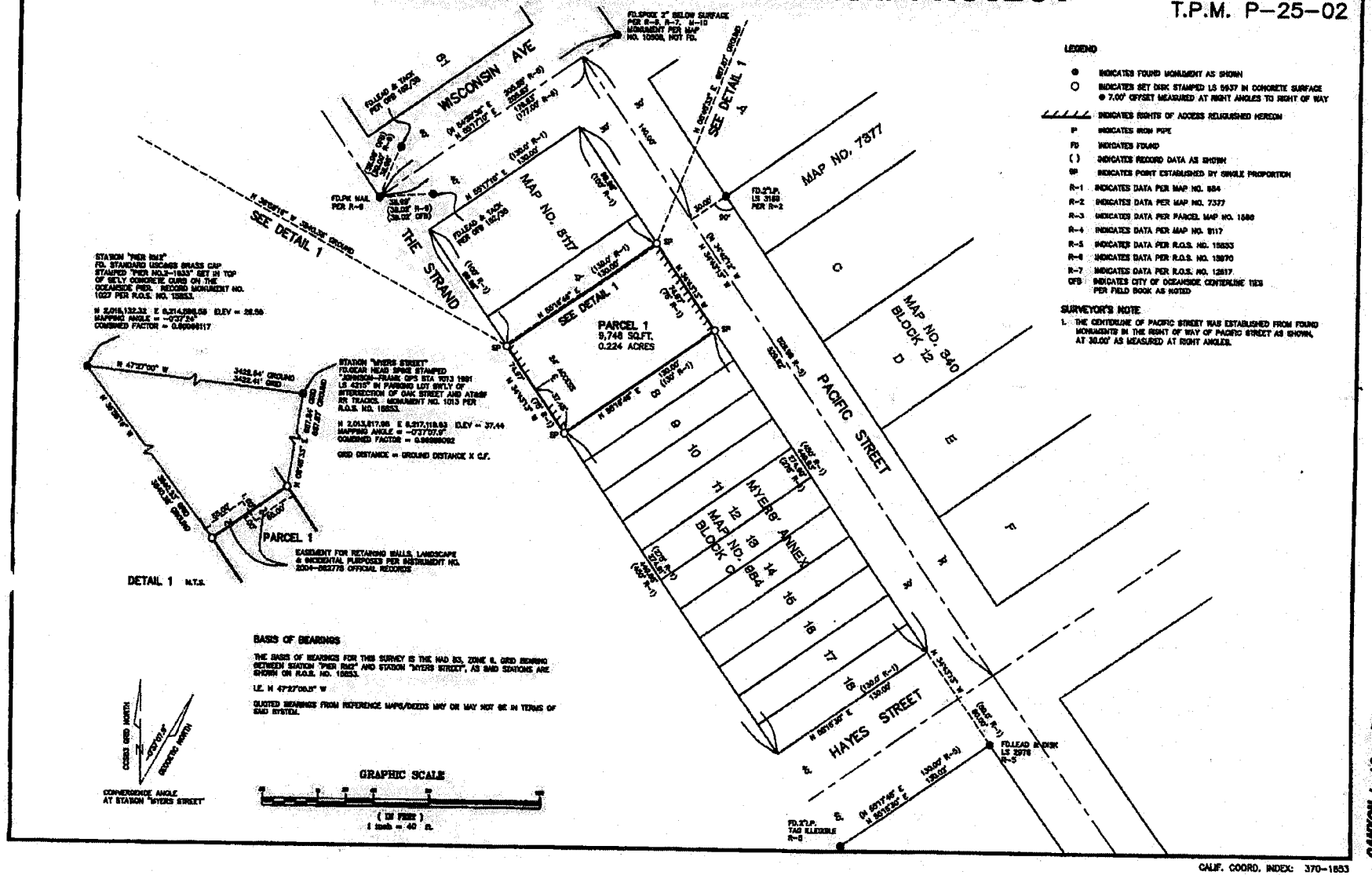
CALIF. COORD. INDEX: 370-1853

CANYON Land Surveying
4961 Oceanside Blvd., Ste. H Oceanside CA 92056 Tel: 760-724-3800

PARCEL MAP NO. 15951

# STRAND'S END CONDOMINIUM PROJECT

SHEET 2 OF 2 SHEETS
T.P.M. P-25-02




CALIF. COORD. INDEX: 370-1853

CANYON Land Surveying
4001 Oceanside Blvd, Ste. H Oceanside, CA 92056 Tel: 760-724-3050

# STRANDS END TENTATIVE TRACT MAP

**BENCHMARK:**

FOUND CITY OF OCEANSIDE BENCHMARK BF-5,BRASS CAP ON TOP OF CURB N.P.C. NORTHWESTERLY CURB RETURN AT WISCONSIN & PACIFIC STREETS. (CITY DATUM IS BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1929) ELEVATION = 28.635 FEET.

**GEOTECHNICAL REPORT:**

UPDATE LETTER DATED OCTOBER 25, 2013 BY LARRY R. TAYLOR, TAYLOR GROUP,INC. PROJECT NO 13JOC#8 UPDATING THE "PRELIMINARY GEOTECHNICAL REPORT, PROPOSED STRAND'S END PROJECT, 610 THE STRAND" THA PROJECT # 002-00197 DATED FEB. 07, 2003, PREPARED BY TAYLOR-HUNTER AND ASSOCIATES, INC.

**DRAINAGE STUDY:**

THE PROPOSED PROJECT WILL NOT INCREASE IMPERVIOUS AREA NOR WILL IT CHANGE DRAINAGE PATTERNS. REFER TO THE INITIAL DRAINAGE STUDY "DRAINAGE STUDY REPORT, PROPOSED STRAND'S END PROJECT, 610 THE STRAND" THA PROJECT NO. 002-00197, FEBRUARY 4, 2003 PREPARED BY TAYLOR-HUNTER AND ASSOCIATES, INC.

**STORM WATER WATER QUALITY TECHNICAL REPORT:**

THE PROPOSED PROJECT WILL NOT INCREASE IMPERVIOUS AREA NOR WILL IT CHANGE DRAINAGE PATTERNS. REFER TO THE INITIAL SWMP "STORM WATER MITIGATION PLAN, PROPOSED STRAND'S END PROJECT, 610 THE STRAND" THA PROJECT NO. 002-00197, MARCH 5, 2003 PREPARED BY TAYLOR-HUNTER AND ASSOCIATES, INC.

**EASEMENTS:**

NO PLOTTABLE EASEMENTS EXIST PER THE MOST RECENT PRELIMINARY TITLE REPORT TITLE FOR PARCEL 1, PM 19981.

**LEGAL DESCRIPTION:**

PARCEL 1 OF PARCEL MAP 19981, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY APRIL 25, 2008 AS FILE NO. 2008-0287601 OF OFFICIAL RECORDS.

**SOURCE OF TOPOGRAPHY:**

TOPOGRAPHY SHOWN ON THIS MAP GENERATED BY FIELD SURVEY METHODS FROM INFORMATION GATHERED ON MAY 12, 2003 BY CARTON LAND SURVEYING. TOPOGRAPHY SHOWN HEREON CONFORMS TO AMERICAN CONGRESS OF SURVEYING AND MAPPING ACCURACY STANDARDS. FIELD REVIEWED AND VERIFIED BY BY KEVIN BRESHAHAM, PE ON JANUARY 5, 2014.

**GENERAL NOTES:**

TOTAL AREA: 8,748 SQ.FT.
EXISTING ZONING: R-T (RESIDENTIAL TOURIST ZONE)
PROPOSED ZONING: NO CHANGE
NUMBER OF EXISTING PARCELS: FOUR CONDOMINIUM UNITS
NUMBER OF PROPOSED PARCELS: SIX CONDOMINIUM UNITS
FEMA FLOOD INSURANCE RATE MAP NO.: 06073C0742 F; ZONE X
CONTOUR INTERVAL 1 FOOT
MAX. SLOPE GRADIENT: 2:1
PERCENT OF PROJECT IN STREETS: 0%
AMOUNT OF GRADING: NO GRADING
ASSESSORS PARCEL NUMBER(S): 150-356-13

**SITE DATA:**

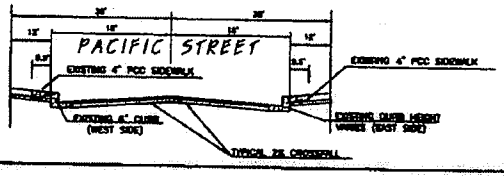
SETBACKS: BACKYARD 8' MIN. OR STRINGLINE
FRONTYARD 15' MIN. OR BLOCK FACE AVERAGE
SIDE YARD 10' AVERAGE (5' MIN.) REF 1/SP 1 FOR AVERAGING

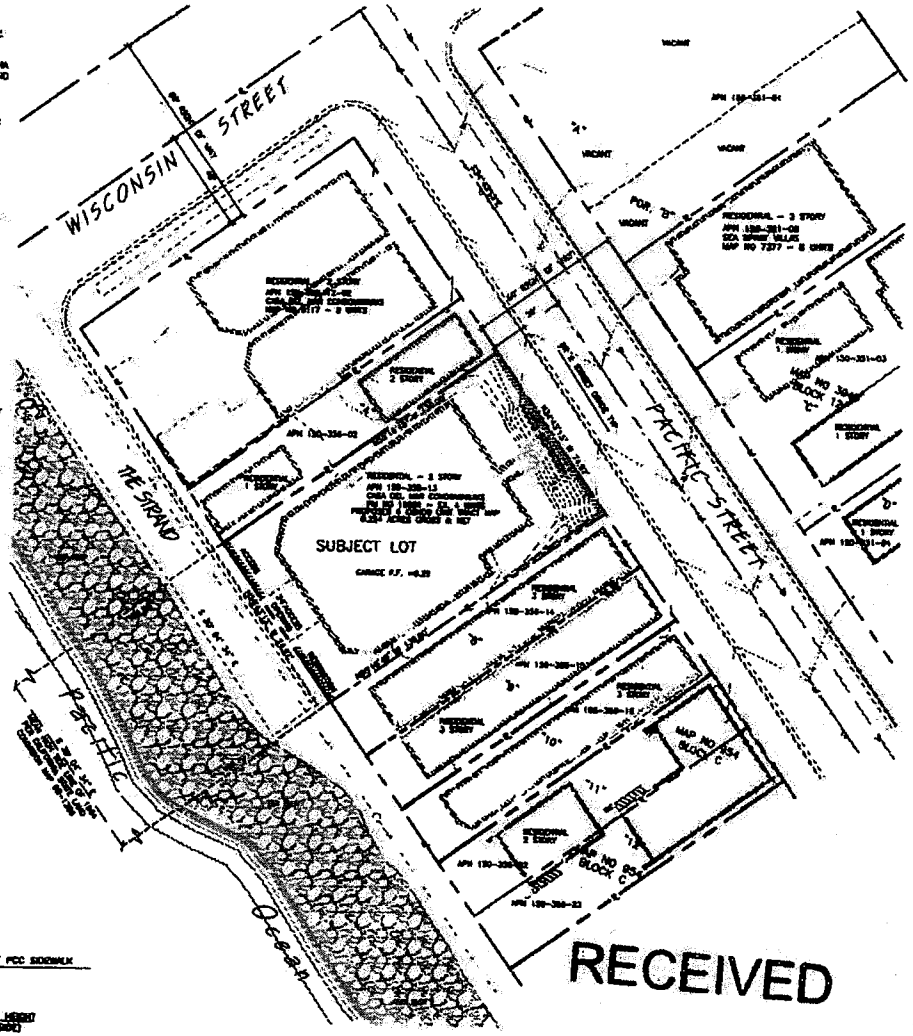
**OWNER/SUBDIVIDER:**

STRANDS END L.L.C.
1621 S. COAST HWY
OCEANSIDE, CA 92054

**TYPICAL SECTION:**

PROJECT FRONTAGE S. PACIFIC STREET (LOOKING NORTH) ~ NOT TO SCALE



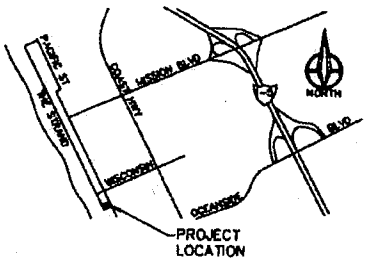




**LEGEND:**

LEGEND
CENTERLINE
PROPERTY LINE
EX. INF MAP
EX. CONTOUR
EX. CURB & GUTTER
LOT NUMBER
EX. SEWER LINE
EX. WATER LINE
UNIT EX. BUILDING

**VICINITY MAP:**

NOT TO SCALE




GRAPHIC SCALE

**PREPARED BY:**

Kevin Breashahan, P.E.
Civil Engineer

**TENTATIVE TRACT MAP**
**STRANDS END CONDOMINIUMS**
**OCEANSIDE, CALIFORNIA**

A.P.N. 150-356-13 SAN DIEGO COUNTY

RECEIVED

MAR 10 2014

CITY OF OCEANSIDE
DEVELOPMENT SERVICES

# RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE UPHOLDING PLANNING COMMISSION RESOLUTION NO. 2014-P24 AND APPROVING TENTATIVE TRACT MAP (T14-00001) DEVELOPMENT PLAN (D13-00012) AND REGULAR COASTAL PERMIT (RC13-00016) FOR THE ADDITION OF TWO CONDOMINIUM UNITS ON AN EXISTING FOUR-UNIT CONDOMINIUM COMPLEX LOCATED AT 809 SOUTH PACIFIC STREET**

**(Strands End Limited, LLC. - Applicant)**

WHEREAS, a call for review was filed of the Planning Commission approval of Tentative Tract Map (T14-00001), Development Plan (D13-00012), and Regular Coastal Permit (RC13-00016) for the for the construction of two additional condominium units on a newly created third floor of an existing four-unit condominium complex at 809 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, at the request of the applicant took action to continue consideration of Tentative Tract Map (T14-00001), Development Plan (D13-00012), and Regular Coastal Permit (RC13-00016) to the October 6, 2014 meeting;

WHEREAS, on October 6, 2014 the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, adopted Resolution No. 2014-P24, approving said Tentative Tract Map (T14-00001), Development Plan (D13-00012), and Regular Coastal Permit (RC13-00016);

WHEREAS, on November 19, 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, 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 in Planning Commission Resolution No. 2014-P24 as attached hereto as Exhibit "B", and incorporates them by reference as if fully set forth herein;

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

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

1. The Council affirms the Planning Commission action of October 6, 2014 and upholds the approval of the application for Tentative Tract Map (T14-00001), Development Plan (D13-00012), and Regular Coastal Permit (RC13-00016) and confirmation of the Notice of Exemption. Planning Commission Resolution No. 2014-P24 is attached hereto as Exhibit "B" and incorporated herein by this reference;

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2. Notice is hereby given that the time within which judicial review must be sought on this decision is governed by CCP Section 1094.6(b) as set forth in Oceanside City Code Section 1.10, and Public Resources Code §21167(d).

PASSED and ADOPTED by the City Council of the City of Oceanside, California this _____day of_____, 2014, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Mayor of the City of Oceanside

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

_____
City Attorney

# EXHIBIT "A"



RECEIVED
AUG 22 2013
CITY OF OCEANSIDE
DEVELOPMENT SERVICE

## LEGAL DESCRIPTION

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

A CONDOMINIUM COMPRISED OF:

PARCEL 1:

AN UNDIVIDED ONE-FOURTH (1/4) INTEREST IN AND TO PARCEL 1 OF PARCEL MAP 19981, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY APRIL 25, 2006 AS FILE NO. 2006-0287001 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM

A. ALL UNITS AS SHOWN ON THE CONDOMINIUM PLAN OF 809 SOUTH PACIFIC STREET, AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 26, 2006 AS FILE NO. 2006-0291174 OF OFFICIAL RECORDS.

B. THE EXCLUSIVE RIGHT TO USE THE EXCLUSIVE USE COMMON AREAS DESIGNATED GARAGE/PARKING SPACE G-*, DECK D-* AND STORAGE S-* AS SET FORTH ON SAID CONDOMINIUM PLAN

PARCEL 2:

UNIT A, AS SHOWN ON THE CONDOMINIUM PLAN OF 809 SOUTH PACIFIC STREET.

PARCEL 3:

THE EXCLUSIVE RIGHT TO USE OF THOSE PORTIONS OF PARCEL 1 OF PARCEL MAP 19981 DESCRIBED IN PARCEL 1 ABOVE, DESIGNATED AS G-A, D-A, AND S-A AS APPURTENANT TO PARCELS 1 AND 2 ABOVE DESCRIBED.

APN: 150-356-13

EXHIBIT "B"

PLANNING COMMISSION
RESOLUTION NO. 2014-P24

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

| | |
|---|---|
| APPLICATION NO: | T14-00001, D13-00012, RC13-00016 |
| APPLICANT: | Strands End Limited LLC. |
| LOCATION: | 809 South Pacific Street |

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Tentative Map, 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:

construction of two additional condominium units totaling 4,608 square feet on a new third floor of an existing four-unit condominium complex. Upon completion, the overall project would consist of six condominium units totaling 15,091 square feet of habitable area, 2,248 square feet of deck area, and including a 3,625-square-foot enclosed garage that will accommodate a total of 12 parking spaces;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 22nd day of September 2014, continue the subject project to the Planning Commission meeting of October 6, 2014;

WHEREAS, the Planning Commission, after giving the required notice, did on the 6th day of October, 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 the proposed project constitutes new construction or conversion of small

structures for not more than six units in an urbanized area, and the project is categorically exempt, Class 3, "New Construction or Conversion of Small Structures" (Section 15303 (b)).

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:

| Description | Authority for Imposition | Current Estimate Fee or Calculation Formula |
|---|---|---|
| Parkland Dedication/Fee | Ordinance No. 91-10<br>Resolution No. 06-R0334-1 | $3,503 per unit |
| Drainage Fee | Ordinance No. 85-23<br>Resolution No. 06-R0334-1 | Depends on area (range is $2,843-$15,964 per acre) |
| Public Facility Fee | Ordinance No. 91-09<br>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<br>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 | Oceanside City Code §37.56.1<br>Resolution No. 87-96<br>Ordinance No. 05-OR 0611-1 | Fee based on water meter size. Residential is typically $4,597 per unit. |
| Wastewater System Buy-in fees | Oceanside City Code § 29.11.1<br>Resolution No. 87-97<br>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. |

| Description | Authority for Imposition | Current Estimate Fee or Calculation Formula |
|---|---|---|
| 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 resolutions, presume the accuracy of relevant project information provided by the applicant, and are not necessarily the fee amount that will be owing when such fee becomes due and payable;

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

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

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

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

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

FINDINGS:

For the Tentative Subdivision Map (T14-00001) to add Two Condominium Units to an existing Four-Unit Condominium Complex:

1. The proposed tentative map is consistent with the General Plan and provisions of the Subdivision Ordinance of the City of Oceanside. The proposed density of 26.8 dwelling units/acre is below the required range of 29.0 to 43.0 du/acre required by the General Plan. Furthermore the General Plan policy 2.32 C. states, "Residential projects with

densities below the base density shall be considered to be consistent with the land use designation."

- The Tentative Map is for the purpose of creating a six-unit condominum complex with the enclosed garage/mechanical room and storage space, and exterior open spaces being placed in common ownership on an existing 9,750-square-foot lot legally created in 1906 and located in the Townsite Planning Neighborhood. The site is zoned Residential-Tourist (RT) and has a land use designation of Urban High-Density Residential (UHD-R). As such, the proposed tentative map is consistent with the General Plan, Zoning and Subdivision Ordinances.

2. That the site is physically suitable for the type and proposed density of development by providing a condominium subdivision consistent with the Townsite Neighborhood Planning Area.

- The proposed condominium subdivision would create two new residential units for a total of six units. The addition of the two units does not change the multiple family residential character of the area thereby making the proposal consistent with the pattern of development in this Residential Tourist (RT) zoned area that has a corresponding land use designation of Urban High-Density Residential (UHD-R). The six condominium units would create two additional three-bedroom/three-bath units and would provide a total of 12 parking spaces, where 12 are required based upon bedroom count. This newly created six-unit condominium complex would be consistent with existing, multi-family development located immediately to the north and south of the subject property, in terms of both architecture and site design. The 35-foot 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 wherein numerous developments are utilized as vacation rentals. Exterior wall treatments, fenestration and other finish materials

would be maintained as originally approved and would complement other recently approved and developed projects in the vicinity.

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

- The proposed subdivision involves the addition of two units resulting in a total of six condominium units being developed on the site. As such, the project has been deemed to be a Class 3 categorically exempt project under Section 15303 (b) "New Construction or Conversion of Small Structures" of the CEQA guidelines; therefore, the design of the subdivision or proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

- The proposed subdivision involves the addition of two units resulting in a total of six condominium units on the site. 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 existing public access to the beach is located within 200 feet, at the Hayes Street right-of-way; therefore, there is no easement acquired by the public at large for access through or the use of property within the proposed subdivision.

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

- The proposed subdivision would not involve any variances from the regulations established at the time of this approval. Staff finds that this two-unit addition on top of a newly created 3rd story without modifying

any of the existing units in the four-unit condominium complex is consistent with standards established within the 1986 Zoning Ordinance.

For the Development Plan (D13-00012) to allow the addition of two condominium units on an existing four-unit condominium complex with the addition of 4,608 square feet of new habitable space including a new third story:

1. The approval of the proposed addition to the existing multi-family residential condominium complex will be subject to conditions that, in view of the size and shape of the parcel and the present zoning and use of the subject property, provide the same degree of protection to adjoining properties, including protection from unreasonable interference with the use and enjoyment of said properties, depreciation of property values, and any potentially adverse impacts on the public peace, health, safety and welfare.
2. The application for Development Plan approval has been processed in a manner consistent with Article 21 of the 1986 Zoning Ordinance (Procedures, Hearings, Notices and Fees).

For the Regular Coastal Permit (RC13-00016) to allow the addition of two condominium units on an existing four-unit condominium complex with the addition of 4,608 square feet of new habitable space including a new third story:

1. The proposed conversion conforms to the policies of the Local Costal Program (LCP), including those pertinent to coastal access (Article 2), recreation (Article 3), land resources (Article 5) and development (Article 6), in that it:
   - Does not interfere with the public's right to access to the coastline and ocean, given that dedicated public access ways exist within 250 feet of the subject site;
   - Provides for recreational use of private oceanfront land;
   - Does not impact environmentally sensitive habitat area or prime agricultural land;
   - Occurs in an already-developed area with adequate public services;
   - Protects views to and along the ocean;
   - Is visually compatible with the character of surrounding areas.
2. The project site, at 809 South Pacific Street, is situated within the Appeal Area of the Coastal Zone and conforms to the public access and recreation policies of Chapter 3 of the Coastal Act. The entire 800 Block of South Pacific Street measures 450 feet in

length, with public beach access located at both ends (where South Pacific Street intersects with Wisconsin Avenue and Hayes Street). Thus, all properties in the 800 Block of South Pacific Street are situated within 250 feet of existing public beach access.

3. The proposed project will not obstruct any existing or planned public beach access, including any beach areas fronting the existing property; therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve Tentative Map (T14-00001), Development Plan (D13-00012), and Regular Coastal Permit (RC13-00016) subject to the following conditions:

**Building:**

1. Provide a statement on the title sheet of the plans that the proposed project shall comply with the 2013 Edition of California Code of Regulations (CCR), Title 24; see "Applicable Codes and Regulations for 2010" (CCR). ***PLEASE NOTE*** **Jan. 1, 2014 the State of California will be under the 2013 CBC based on the 2011 IBC.**
2. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and Local building codes.
3. Site development, parking, access into buildings and building interiors shall comply with all current State of California Accessibility Codes.
4. Complete Structural Calculations & Energy Calculations/documentation shall be required at time of plans submittal to the Building Division for plan check.
5. The developer shall monitor, supervise and control all building construction and supportive activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence to the following:
   a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and

Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).

b) The construction site shall be kept reasonably free of construction debris as specified in Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste containers shall be considered compliance with this requirement. Small amounts of construction debris may be stored on-site in a neat, safe manner for short periods of time pending disposal

**Engineering:**

6. For the demolition of any existing structure or surface improvements; an erosion control plan is required and will be approved by the City Engineer prior to the issuance of a demolition permit. No demolition shall be permitted without an approved erosion control plan.

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

8. All right-of-way alignments, street dedications, exact geometrics and width shall be dedicated and constructed or replaced as required by the City Engineer.

9. The tract shall be recorded and developed as one. The City Engineer shall require the dedication and construction of necessary utilities, streets and other improvements outside the area of this particular final map, if such is needed for circulation, parking, access or for the welfare or safety of future occupants of the development.

10. Provide the City of Oceanside with a certification from each public utility and each public entity owning easements within the proposed project stating that: (a) they have received from the owner/developer a copy of the proposed map; (b) they object or do not object to the filing of the map without their signature; (c) in case of a street dedication affected by their existing easement, they will sign a "subordination certificate" or "joint-use certificate" on the map when required by the governing body. In addition, the owner/developer shall furnish proof to the satisfaction of the City Engineer that no new

encumbrances have been created that would subordinate the City's interest over areas to be dedicated for public road purposes since submittal of the project.

11. DCC& R - Pursuant to the State Map Act, improvements shall be required at the time of development. A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to these improvement conditions and a certificate setting forth the recordation shall be placed on the map.

12. Prior to approval of the final map or any increment, all improvement requirements, within such increment or outside of it <u>if required</u> by the City Engineer, shall be covered by a <u>Subdivision Improvement Agreement</u> (if required) and secured with sufficient improvement securities or bonds guaranteeing performance and payment for labor and materials, setting of monuments, and warranty against defective materials and workmanship.

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

14. Any existing public or private pavement, concrete curb, gutter, driveways, pedestrian ramps and sidewalk within the project, on South Pacific Street, or adjacent to the project boundary that are already <u>damaged or damaged during construction</u> of the project, shall be repaired or replaced as directed by the City Engineer.

15. The project driveways and common areas shall remain private and shall be maintained by an association. All existing damaged driveways and ADA sidewalks on South Pacific Street shall be reconstructed in accordance with the City of Oceanside Engineers Design and Processing Manual.

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16. Prior to the issuance of a building 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 construction schedule, and to answer questions.

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

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

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

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

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

18. It is the responsibility of the owner/developer to evaluate and determine that all soil 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 Health.

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

19. The approval of the tentative map shall not mean that proposed grading or improvements on adjacent properties (including any City properties/right-of-way or easements) is granted or guaranteed to the owner/developer. The owner/developer is responsible for obtaining permission to grade to construct on adjacent properties. Should such permission be denied, the tentative map shall be subject to going back to the public hearing or subject to a substantial conformity review.

20. Prior to the approval of any building permit, the owner/developer shall provide an updated geotechnical letter to support that existing building foundation is capable of taking additional load resulting from adding a third floor to the existing building. The geotechnical report shall include a certification that states: <u>the existing building and the additional new third floor load complies with the current building seismic codes</u>.

21. The owner/developer shall place a covenant on the non-title sheet of the final map agreeing to the following: "The present or future owner/developer shall indemnify and save the City of Oceanside, its officers, agents, and employees harmless from any and all liabilities, damages or claims arising from any landslide on this site".

22. This project shall provide year-round erosion control including measures for the site required for the phasing of construction. An erosion control plan, designed for all proposed stages of construction, shall be reviewed, secured by the owner/developer with <u>cash securities or a letter of credit</u> and approved by the City Engineer.

23. Drainage facilities shall be designed and installed to adequately accommodate the local stormwater runoff and shall be in accordance with the San Diego County Hydrology and Design Manual and in compliance with the City of Oceanside Engineers Design and Processing Manual to the satisfaction of the City Engineer.

24. The owner/developer shall submit an Ocean Wave Run-up report prior to issuance of any building permit.

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25. The owner/developer shall place a covenant on the non-title sheet of the final map agreeing to the following: "The present or future owner/developer shall indemnify and 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".

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

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

28. All existing overhead utility lines within this subdivision and/or within any full width street or right-of-way (South Pacific Street) abutting this new subdivision, and **all new extension services** for the development of the project, including but not limited to, electrical, cable and telephone, shall be placed underground per Section 901.G. of the Subdivision Ordinance (R91-166) and as required by the City Engineer and current City policy.

29. The owner/developer shall obtain any necessary permits and clearances from all public agencies having jurisdiction over the project due to its type, size, or location, including but 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 Board (including NPDES), and/or San Diego County Health Department, prior to the issuance of grading permits.

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

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

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

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

**Water Utilities:**

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

35. The property owner shall maintain private water and wastewater utilities located on private property.

36. Water services and sewer laterals constructed in existing right-of-way locations are to be constructed by an approved and licensed contractor at developer's expense.

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

38. Residential dwelling units shall be metered individually.

39. Provide one sewer lateral per building.

40. Per the latest approved California Fire Code, each residential unit shall be equipped with a sprinkler system.

41. All residential developments having 3 or more dwelling units shall have a dedicated fire sprinkler system with double check detector check assembly.

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

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

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

44. All lots with a finished 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 and maintaining an approved type backwater valve, per the latest approved California Plumbing Code.

45. Water service line shall be same size as water meter size on either side or no more than one meter increment size larger. Show existing and proposed water service connections on plans.

46. Provide one sewer lateral per building. Show existing and proposed sewer lateral connections.

47. Show and identify existing water and sewer mains for proposed water and sewer connections.

48. Maintain the minimum required 3-foot separation between water meter boxes and 10-foot separation between water service and sewer lateral per latest *Water, Sewer, and Reclaimed Water Design and Construction Manual.*

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

49. Provide fixture counts and flow data to confirm water meter sizes for each residential unit.

50. Show four existing 5/8-inch domestic water meters in Pacific Street and one existing 5/8-inch irrigation meter plus any proposed water meters on plans.

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

52. All Water Utilities Fees are due at the time of building permit issuance per City Code Section 32B.7.

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

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

**Fire:**

54. Provide a sprinkler system in accordance with NFPA 13D.

**Planning:**

55. This Tentative Map, Development Plan and Regular Coastal Permit shall expire 24 months from its approval on October 6, 2016, unless a time extension is granted by the Planning Commission and subject to the provisions of Section 408 or 409 of the Subdivision Ordinance.

56. This Tentative Parcel Map, Development Plan and Regular Coastal Permit approves only a two-unit residential condominium addition to an existing four-unit condominium complex as shown on the plans and exhibits presented to the Planning Commission for review and approval. No deviation from these approved plans and exhibits shall occur without Planning Division approval. Substantial deviations shall require a revision to the Tentative Map, Development Plan, and Regular Coastal Permit or a new Tentative Map, Development Plan, and Regular Coastal Permit.

57. 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 or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Tentative Map (T14-00001), Development Plan (D13-00012), and Regular Coastal Permit (CUP13-00016). The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

58. All dwelling units shall dispose of or recycle solid waste in a manner provided in City Code Section 13.3.

59. Outdoor lighting shall be low emission, shielded, and directed away from the northern and southern property lines.

60. A covenant or other recordable document approved by the City Attorney shall be prepared by the property owner and recorded prior to the approval of the final map. The covenant shall provide that the property is subject to this resolution, and shall generally list the conditions of approval.

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

62. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.

63. Prior to the issuance of building permits, compliance with the applicable provisions of the City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed and approved by the Planning Division. These requirements, including the obligation to remove or cover with matching paint all graffiti within 24 hours, shall be noted on the

Landscape Plan and shall be recorded in the form of a covenant affecting the subject property.

64. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially the same as those approved by the Planning Commission. These shall be shown on plans submitted to the Building Division and Planning Division.

65. This project is subject to the provisions of Chapter 14C of the City Code regarding Inclusionary Housing.

66. Garages shall be kept available and useable for the parking of tenant's automobiles at all times.

67. All mechanical rooftop and ground equipment shall be screened from public view as required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks, mechanical equipment, screen and vents shall be painted with non-reflective paint to match the roof. This information shall be shown on the building plans.

68. An association shall be formed and Covenants, Conditions and Restrictions (CC&Rs) shall provide for the maintenance of all common open space and commonly owned fences and walls. The maintenance shall include normal care and irrigation of landscaping, repair and replacement of plant material and irrigation systems as necessary; and general cleanup of the landscaped and open area, parking lots and walkways. The CC&Rs shall be subject to the review and approval of the City Attorney prior to the approval of the Final Map/Final Parcel Map. The CC&Rs are required to be recorded prior to or concurrently with the Final Map. Any amendments to the CC&Rs in which the association relinquishes responsibility for the maintenance of any common open space shall not be permitted without the specific approval of the City of Oceanside.

69. The developer is prohibited from entering into any agreement with a cable television franchisee of the City, which gives such franchisee exclusive rights to install, operate, and or maintain its cable television system in the development.

70. All other Conditions of the original Approvals contained in Planning Commission Resolution No's. 2003-P46 and 2006-P02 shall remain in full force and effect. In a case where there is a conflict between the Resolutions, the new Resolution 2014-P24 shall supersede and control.

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

72. Failure to meet any conditions of approval for this development shall constitute a violation of the Tentative Map, Development Plan, and Regular Coastal Permit.

73. Prior to issuance of any building permit, the applicant shall submit revised Architectural Plans that incorporate design elements consistent with the east elevation of the existing 4-unit condominium complex to the Planning Division for review and approval by the City Planner. Design elements shall focus on wall texturing, window treatments, and a color palette that provides visual contrast from the Strand.

74. Prior to issuance of any building permit, the applicant shall submit a revised Landscape Plan that provides an enhanced Landscape palette along the west portion of the property. The subject Landscape Plan shall be subject to review and final approval by the City Engineer and City Planner.

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

a) That as shorefront property, the applicant understands that the site may be subject to extraordinary hazard from waves during storms and from erosion, and the applicant assumes the liability from those hazards.

b) That the applicant unconditionally waives any claim of liability against the City and agrees to indemnify and hold harmless the City and its advisors relative to the City's approval of the project for any damage due to natural hazards. The document shall run with the land, be binding all successors and assigns and shall be recorded in a form determined by the City Attorney.

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///////////

c) That the approved garage shall not be used for dwelling purposes. The approved garage shall not be rented, leased to or used by anyone other than person(s) occupying or owning the main residence.

PASSED AND ADOPTED Resolution No. 2014-P24 on October 6, 2014 by the following vote, to wit:

AYES: Neal, Balma, Matinek, Troisi, Rosales, Ross and Morrissey

NAYS: None

ABSENT: None

ABSTAIN: None

Robert Neal, Chairperson
Oceanside Planning Commission

ATTEST:

Marisa Lundstedt, Secretary

I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2014-P24.

Dated: October 6, 2014

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

Applicant/Representative

Date

# AGENDA NO. 4

## *PLANNING COMMISSION* *STAFF REPORT*

DATE: October 6, 2014 (Continued from the September 22, 2014 Meeting)

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE MAP (T14-00001), DEVELOPMENT PLAN (D13-00012) AND REGULAR COASTAL PERMIT (RC13-00016) TO ALLOW THE ADDITION OF TWO CONDOMINIUM UNITS ON A THIRD FLOOR OF AN EXISTING FOUR-UNIT CONDOMINIUM COMPLEX LOCATED BETWEEN THE STRAND AND SOUTH PACIFIC STREET – STRANDS END @ 809 S. PACIFIC STREET – APPLICANT: STRANDS END LIMITED 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; and

(2) Approve Tentative Map (T14-00001), Development Plan (D13-00012), and Regular Coastal Permit (RC13-00016) by adopting Planning Commission Resolution No. 2014-P24 with findings and conditions of approval attached herein.

## PROJECT DESCRIPTION AND BACKGROUND

**Background:** The subject 9,750-square-foot property was originally subdivided in 1906 and is part of the Meyers Addition.

On August 25, 2003 the Planning Commission adopted PC Resolution No. 2003-P46 conditionally approving Parcel Map (P-25-02), Development Plan (D-32-02) and Regular Coastal Permit (RC-23-02) to allow the development of a four-unit multi-family condominium complex on a 9,750-square-foot site located at 809 South Pacific Street.

On January 23, 2006 the Planning Commission adopted PC Resolution No. 2006-P02 approving a time extension for Parcel Map (P-25-02), Development Plan (D-32-02) and Regular Coastal Permit (RC-23-02).

On September 22, 2014, prior to the duly noticed public hearing, the applicant requested a continuance to October 6, 2014.

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

**Site Review:** The subject site is fully developed with an existing four-unit condominium complex designed with two habitable stories over basement/garage. The basement/garage area provides 11 off-street parking spaces and multiple storage areas and mechanical rooms. The roof top has been utilized as deck area with those portions enclosed being utilized as mechanical equipment room and stairwell access to the rooftop deck.

The project site is zoned Residential-Tourist (RT), has a land use designation of Urban High-Density Residential (UHD-R), and is located within the Townsite Planning Neighborhood. These designations provide for single and multi-family residential uses serving both residents and visitors. The subject property abuts single-family residences to the north and south, bungalow-style apartments to the east, and the Pacific Ocean to the west. The lot measures approximately 75 feet in width and 130 feet in length, which is typical of beachfront properties south of Wisconsin Avenue. The properties occupy a portion of coastal bluff that descends approximately 10 vertical feet from South Pacific Street to the Strand which is located immediately inland of the revetment.

The proposed project is a request to allow the minor demolition of an existing roof top deck and the construction of a third floor with two additional condominium units upon the existing two-story, 10,483-square-foot four-unit condominium complex. The proposed addition of a third story with two condo units totaling 4,608 square feet combined would maintain the original four-unit footprint and would provide a total of 12 off-street parking spaces within the existing subterranean enclosed garage which is accessed directly off the Strand. The proposed addition of two units along with a condominium subdivision would establish a new density of 26.8 dwelling units per acre, where the permitted density range for the RT zoned parcel is 29.0-43.0 D.U./acre. Although the pattern of development in the area is that of multi-family residential, the actual use of the properties in the area west of Pacific Street is predominately that of vacation rentals.

**Project Description:** The project application is comprised of three components, a Tentative Tract Map, Development Plan, and Regular Coastal Permit as follows:

<u>Tentative Tract Map P14-00001</u> represents a request for the following:

(a) To allow the development of two additional condominium units upon an existing two-story, 10,483-square-foot four-unit condominium complex with the enclosed garage/mechanical room and storage space, and exterior open spaces being placed in common ownership pursuant to Article VI of the Oceanside Subdivision Ordinance.

Development Plan D13-00012 represents a request for the following:

(a) To allow the minor demolition of an existing roof top deck and the construction of a third floor with two additional condominium units upon the existing two-story, 10,483-square-foot four-unit condominium complex. The proposed addition of a third story with two condo units totaling 4,608 square feet combined would maintain the original four-unit footprint and would provide a total of 12 off-street parking spaces within the existing subterranean enclosed garage. The subject development plan has been prepared pursuant to Articles 27, 30, and 43 of the 1986 Zoning Ordinance and maintains the superior architectural and site design features previously approved back in 2003 and implemented according to plan.

Regular Coastal Permit RC13-00016 represents a request for the following:

(a) A request to create a six-unit condominium complex within the LCP jurisdictional boundaries. A Regular Coastal Permit is required to be processed due to the location of the lot within the Appeal Jurisdiction of the California Coastal Commission, and the requirement of the City's Zoning Ordinance to submit and gain approval of a Tentative Map and Development Plan.

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

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

## ANALYSIS

### KEY PLANNING ISSUES

### 1. General Plan Conformance

The General Plan Land Use Map designation on the subject property is Urban High-Density Residential (UHD-R) with a density range of 29.0 – 43.0 dwelling units per gross acre. Staff has evaluated the request to allow a minor demolition of an existing roof top deck and the construction of a third floor with two additional condominium units upon the existing two-story, 10,483-square-foot four-unit condominium complex. Staff has determined that the proposed development is consistent with 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.
The subject proposal to add two condominium units above the existing four condominium units would maintain consistency with the overall architectural design and finish material treatments established with the original development back in 2006. As for massing of the two newly created units, enhanced setbacks (approximately 24'-0") from the front property line along South Pacific Street and (approximately 14'-0") from the rear property line along the Strand will be provided.

Staff finds that massing impacts, while different from what exist today, would be reduced through the previously discussed enhanced setbacks. Ultimately, the addition of two units utilizing the existing architectural design of the condominium complex would provide only a minor noticeable change within the 800 block of South Pacific Street, and would in turn provide for additional housing stock in the coastal zone or residential tourist accommodations as vacation rentals.

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 LCP Land Use Plan is the guiding policy review document.

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

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

The proposed addition of a third story with two condo units totaling 4,608 square feet combined would maintain the original four-unit footprint and would not result in any view corridors being obstructed. Overall design and architectural integration into the existing and approved development would provide for a project that maintains sensitivity of being within the Coastal Zone and would not result in any view corridor impacts.

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

The proposed residences would be consistent with existing higher density multi-family developments located immediately adjacent to the site and while integrated with some smaller single-story multi-family residence, the overall product type would be compatible with the surrounding neighborhood. The height and overall scale of the newly expanded six-unit condominium complex would maintain the original developments architectural design treatments and would blend in with the overall blocks pattern of development that incorporates three stories over basement type designs. Exterior wall treatments, fenestration and other finish materials would be maintained as originally approved and in a manner that visually complement the area.

## 2. Zoning Ordinance

This proposed project site is situated within a Residential-Tourist (RT) zone district and complies with the requirements of this zone. The subject property when developed back in 2006 was reviewed under the auspice of the 1992 OZO. Currently surrounding properties are required to implement the 1986 OZO. The reason for the use of two different zoning ordinances dates back to 2009 when the California Coastal Commission (CCC) notified the City that the 1992 OZO and all of the amendments to the 1986 OZO were never processed and approved by the CCC. Consequently, the City was directed to implement the 1986 OZO for all properties within the Coastal Zone.

The following table summarizes the existing four-unit condominium development standards applied under the 1992 OZO and the new development standards applied based upon the CCC action to require all properties in the Coastal Zone to implement the standards established within the 1986 OZO:

| | 4-UNIT ZONING/LCP<br>1992 OZO DEVELOPMENT STANDARDS USED<br>MINIMUM LOT SIZE 6,000 sq. ft. | 2-UNIT ADDITION<br>PROPOSED<br>9,750 sq. ft. |
|---|---|---|
| **PARKING** | 9-parking spaces | 12-parking spaces<br>Required/Provided |
| FRONT YARD SETBACK | Block Face Average (4 feet) | 24 feet for 3rd Story<br>4 feet for<br>1st and 2nd Story |
| SIDE YARD SETBACK | 5-10 average feet | 5-10 average feet<br>No Change |
| REAR YARD SETBACK | Stringline; 128-feet | 128 feet for 1st/2nd Story<br>114 feet for 3rd Story |
| LOT COVERAGE | 60% | 60% NO Change |
| BUILDING HEIGHT | 27 feet | 3 Stories over Basement/ 35-feet above Average Grade |

The applicant is requesting to add two units on top of an existing four-unit condominium complex, thus resulting in the need to process a tentative map for condominium purposes. The two new floor plans would be 2,304 square feet in size and each consisting of three bedrooms and three baths. Architecturally the new units would include east side and west

side private deck areas totaling 1,252 square feet. All exterior materials such as the stucco finished walls, bay windows, and tiled roofs would be carried over to the newly created units. The exterior colors of off-white stucco, almond trim, and gray-brown tiled roof would also be maintained.

Vehicular access will continue to be provided directly off of the Strand, with pedestrian access being provided from Pacific Street.

In summary, the proposed project meets or exceeds the development requirements established within the 1986 OZO. The pattern of development proposed is consistent with the surrounding neighborhood and will continue to provide a residential product that compliments the surrounding neighborhood.

### 3. Subdivision Ordinance Compliance

The proposed project is subject to the Subdivision Map Act and the Oceanside Subdivision Ordinance (Article IV Tentative Subdivision Maps - five or more parcels). Pursuant to Section 401 of the Subdivision Ordinance, this proposed Tentative Subdivision Map has been prepared in a manner acceptable to the Engineering Division. The property is a legally subdivided lot with the minimum lot area and dimensions established by Article 32 of the 1986 OZO. The proposed subdivision generally holds an interest in common areas and facilities.

### 4. Local Coastal Program

The proposed project is within the Local Coastal Zone and as designed, would comply will all provisions of the LCP. Projects within the Coastal Zone are required to meet the provisions of the adopted LCP and the underlying RT zone. Such projects must provide sensitive development in order to promote and achieve compatibility with surrounding development. The existing and evolving character of the neighborhood within the Coastal Zone and site-specific design elements have been considered at length throughout the design and review of this project.

The Coastal Act requires that the visual qualities of the Coastal Zone shall be protected and that new development be sited and designed to be visually compatible with the character of surrounding areas. All improvements to the property will not impact the surrounding areas, neighbors, or coastal views. Development of the proposed two additional condominium units would be consistent with the existing neighborhood in design, materials, colors, and type; and respects adjacent property's view sheds by establishing a maximum height and finished pad that is similar to the adjacent multi-family and single-family residences within the Townsite Neighborhood.

### 5. California Environmental Quality Act

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 or conversion of small structures for not

more than six units in an urbanized area, and the project is categorically exempt, Class 3, "New Construction or Conversion of Small Structures" (Section 15303 (b)).

## DISCUSSION

*Issue: Project compatibility with the existing neighborhood and surrounding properties:* All proposed improvements to the property would be consistent with, and compatible to, the existing residence and the adjoining multi-family residences in the surrounding neighborhood.

*Recommendation:* Staff finds that the proposed improvements to the property would be architecturally consistent with the existing built environment and would maintain contemporary type design that draws from more modern elements. Overall design has been determined to be consistent with the bulk and scale of the surrounding 800 Block of South Pacific Street. The proposed six-unit condominium complex is three stories in height, does not exceed the allowable height limit of 35 feet above average grade and has been developed in a manner that respects the view shed as seen from South Pacific Street.

## PUBLIC NOTIFICATION

Pursuant to Article 41 of the Oceanside Zoning Ordinance, Legal notice was published in the North County Times and notices were sent to property owners of record and occupants within a 300-foot radius of the subject property, to individuals/organizations requesting notification, and to the applicant.

As of Thursday, September 15, 2014, no communication supporting or opposing the request had been received.

## SUMMARY

The proposed Tentative Map (T14-00001), Development Plan (D13-00012), and Regular Coastal Permit (RC13-00016) are consistent with the requirements of the 1986 OZO and the land use policies of the General Plan; as well as, the policies within the LCP. The project is compatible with and complementary to the densities, site designs, and neighborhood character found throughout the surrounding developed 800 block of South Pacific Street. As such, 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; and

(2) Approve Tentative Map (T14-00001), Development Plan (D13-00012), and Regular Coastal Permit (RC13-00016) by adopting Planning Commission Resolution No. 2014-P24 with findings and conditions of approval attached herein.

PREPARED BY:

Richard Greenbauer
Senior Planner

SUBMITTED BY:

Marisa Lundstedt
City Planner

ML/RG/fil

Attachments:
1. Tentative Map, Development Plans
2. Planning Commission Resolution No. 2014-P24
3. Planning Commission Resolution Nos. 2003-P46 and 2006-P02
4. Other Attachments (Application Page, Description and Justification, Legal Description, Notice of Exemption)

## Holly Trobaugh

**From:** Debbie Walker
**Sent:** Thursday, October 16, 2014 12:51 PM
**To:** Esther Sanchez; Marisa Lundstedt; Zack Beck; Holly Trobaugh; John Mullen; Steve Jepsen; Michelle Skaggs-Lawrence
**Cc:** Jim Wood; Cristina Sanchez
**Subject:** RE: Appeal by Deputy Mayor Sanchez and Mayor Wood of Planning Commission Item4 (October 6, 2014 Agenda)

Mayor Wood agrees.

Debbie Walker
Aide to Mayor Jim Wood
City of Oceanside
760-435-3060

---

**From:** Esther Sanchez
**Sent:** Thursday, October 16, 2014 12:17 PM
**To:** Marisa Lundstedt; Zack Beck; Holly Trobaugh; John Mullen; Steve Jepsen; Michelle Skaggs-Lawrence
**Cc:** Jim Wood; Debbie Walker; Cristina Sanchez
**Subject:** Appeal by Deputy Mayor Sanchez and Mayor Wood of Planning Commission Item4 (October 6, 2014 Agenda)

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

Please note that this item was continued from the September 22, 2014 Planning Commission Agenda, which was part of three (3) other items by this developer, which the Mayor and I have also appealed (see appended email below).

Item 4: Appeal of the following item:

Consideration of a TENTATIVE TRACT MAP (T14-00001), DEVELOPMENT PLAN (D13-00012), and REGULAR COASTAL PERMIT (RC13-00016), a request for approval to allow the construction of two additional condominium units totaling 4,608 square feet on a new third floor of an existing four-unit condominium complex. Upon completion, the overall project would consist of six condominium units totaling 15,091 square feet of habitable area, 2,248 square feet of deck area, and including a 3,625-square-foot enclosed garage that will accommodate a total of 12 parking spaces. The project site has a zoning designation of RT (Residential Tourist), a Local Coastal Program land use designation of High Density Residential and is situated within the Townsite Neighborhood Planning Area at 809 South Pacific Street. – **STRANDS END LLC @ 809 S. PACIFIC STREET – Applicant: Strands End Limited, 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 6 page letter dated September 22, 2014, filed with the Planning Department, reference "809 South Pacific Street, September 22, 2014 Planning Commission Agenda Item No. 4."

---

**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 & 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

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

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**

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

ATTACHMENT 5

# AGENDA NO. 4

www.scmv.com
619.685.3003
619.685.3100 FAX

2100 SYMPHONY TOWERS
750 B STREET
SAN DIEGO, CALIFORNIA 92101

SELTZER | CAPLAN | McMAHON | VITEK
A LAW CORPORATION

ERIK L. SCHRANER, ESQ.
schraner@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: 809 South Pacific Street**
**September 22, 2014 Planning Commission Agenda Item No. 4**

Dear Members of the Planning Commission:

We represent Beachin, LLC concerning the proposed expansion of 809 South Pacific by adding a new fourth story to the existing building.

**Requested Action.**

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

**Discussion.**

The development application for 809 South Pacific Street does 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;

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.[1]

In addition, the available documents do not indicate whether applicant submitted the required City-Wide Application for Regular Coastal Permits.[2]

**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 809 South Pacific. The City cannot make the required findings and cannot support the required findings with substantial evidence if the required measurements and calculations do not exist.

**C. Grade level has not been measured.**

The applicants did not measure "grade". 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 <u>average of the finished ground level at the center of all walls of a building</u>. In case walls are parallel to and within five feet of a sidewalk, the above-ground level shall be measured at the sidewalks.[3] (emphasis added.

The available documents do not provide any measurements and do not include any elevation drawings for the proposed north elevation.

Despite there being no measurements or calculations, the plans depict an average grade line that is located almost at the top of the bottom floor (the parking garage level). The actual grade level measured in accordance with the LCP appears to be lower than the level depicted on the plans.

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[1] LCP, Coastal Permit Handbook, IV.B.4 & Appendix 3; 14 CCR § 13565.
[2] LCP, Coastal Permit Handbook, Appendix 2.
[3] City of Oceanside Zoning Ordinance §234.

Furthermore, the west wall along South Pacific Street appears to be more than 5 feet from the sidewalk. Applicant, therefore, cannot use the height of the sidewalk to calculate grade.

**D. Height and story limitation.**

The project does not appear to comply with the following height and story limitations:

- The distance from grade to the finished floor directly above the basement appears to be more than 6 feet, and the basement (parking garage level) must, therefore, be considered a story. [4] Thus, the project has four stories in a zone limited to three stories.[5]

- The distance from the highest and lowest point of the site covered by the building to the ceiling of the upper-most story appears to be more than 35 feet resulting in a building that exceeds the RT zone's 35 foot height limit.[6]

- The distance from average finished grade to the top of the structure appears to be more than 35 feet resulting in a building that would exceed the LCP Section 1709 imposed 35 foot height limit.

**E. 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:

- 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 findings that the subdivision design or improvements are not likely to cause serious public health problems.
- No proposed finding as to water quality required Government Code Section 66474.6.
- No evidence available that City issued the required notices to tenants in compliance with the requirements for service of legal process by mail.[7]

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[4] Oceanside Zoning Ordinance §274.
[5] Oceanside Zoning Ordinance §1709(b).
[6] Oceanside Zoning Ordinance Section 3203.

- The project has not been conditioned to require compliance with the Subdivision Map Act's requirements for notice to tenants and prospective tenants.

**F. Design Standards.**

809 South Pacific does not comply with the following LCP design standards:

- Compatibility In Height And Scale. The LCP requires all development to be compatible in height, scale, color, and form with the surrounding neighborhood.[8] 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.

  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

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[7] Government Code Section 66451.3(b).
[8] Oceanside Zoning Ordinance §1703(e).

surrounding development. Furthermore, City does not propose findings to support compliance with the LCP's design standards.

**G. California Environmental Quality Act.**

809 South Pacific does 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.[9] 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.[10] 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.
- 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 22nd. CEQA forbids projects from being

[9] CEQA Guidelines §15303.
[10] CEQA Guidelines §15300.2.

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, 809, 819, 809, 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 two-unit condominium addition to an existing four unit condominium complex project located at 809 South Pacific Street and filed by the applicant: Stands End Limited, LLC under the following three applications: Tentative Tract Map T14-00001, Development Plan 13-00012, and Regular Coastal Permit RC13-00016.

## 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 level has not been measured.**

Response: The City's certified definition of "grade" states: Grade means the average of the finished ground level at the center of all walls of a building. In cases where 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 within the 800 block and a few properties further removed to the north from these three projects, Staff contends that the same interpretation applies to 809 S. Pacific Street and that plans submitted did provide appropriate measurements for conceptual review and approval. (See Plan Set Sheets A-4 and A-5)

**D. The project does not appear to comply with Height and 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 the distance from grade to finished floor directly above the basement appears to be more than 6 feet, and the basement (parking garage level) must, therefore, be considered a story.

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 non-habitable space for off-street parking and storage area (day lighted basement). As currently constructed, the existing

building is two stories over a day lighted 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 day lighted basements and they are considered "conforming".

Next the complaint contends that the distance from the highest and lowest point of the site covered by the building to the ceiling of the upper-most story appears to be more than 35 feet resulting in a building that exceeds the RT zone's 35 foot height limit. The complaint also contends that and exceedance in height greater than 35 feet occurs when measuring form average finished grade.

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 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. (See Plan Set Sheet A-5) Staff has determined that the proposed two–unit addition on top of a newly created 3rd floor does not exceed the maximum height limit of 35'-0" for the RT zoned property.

**F. The proposed findings are inadequate.**

The complaint contends that there is no available evidence to support all the required findings. The complaint further defined reasons why the findings were inadequate and eluded that the subdivision as submitted does not provide for

future passive or natural heating or cooling in a subdivision, that the design and improvements of the subdivision are not likely to cause serious public health problems, that there are no findings as to water quality, and no evidence that the City issued required notices to tenants.

Response: The proposal to add two-units to an existing four-unit condominium complex within the appeal jurisdiction of the Coastal Zone required findings be made for the following three requested entitlements: Tentative Tract Map T14-00001, Development Plan D13-00012, and Regular Coastal Permit RC13-00016. Staff prepared the following findings and the Planning Commission in a 7-0 vote took action to approve the project based upon these findings:

For the Tentative Subdivision Map (T14-00001) to add Two Condominium Units to an existing Four-Unit Condominium Complex:

1. The proposed tentative map is consistent with the General Plan and provisions of the Subdivision Ordinance of the City of Oceanside. The proposed density of 26.8 dwelling units/acre is below the required range of 29.0 to 43.0 du/acre required by the General Plan. Furthermore the General Plan policy 2.32 C. States, "Residential projects with densities below the base density shall be considered to be consistent with the land use designation."

    - The Tentative Map is for the purpose of creating a six-unit condominum complex with the enclosed garage/mechanical room and storage space, and exterior open spaces being placed in common ownership on an existing 9,750-square-foot lot legally created in 1906 and located in the Townsite Planning Neighborhood. The site is zoned Residential-Tourist (RT) and has a land use designation of Urban High-Density Residential (UHD-R). As such, the proposed tentative map is consistent with the General Plan, Zoning and Subdivision Ordinances.

2. That the site is physically suitable for the type and proposed density of development by providing a condominium subdivision consistent with the Townsite Neighborhood Planning Area.

    - The proposed condominium subdivision would create two new residential units for a total of six units. The addition of the two units does not change the multiple family residential character of the area thereby making the proposal consistent with the pattern of development in this Residential Tourist (RT) zoned area that has a corresponding land use designation of Urban High-Density Residential (UHD-R). The six condominium units would create two additional three-bedroom/three-bath units and would provide a total of 12 parking spaces, where 12 are required based upon bedroom

count. This newly created six-unit condominium complex would be consistent with existing, multi-family development located immediately to the north and south of the subject property, in terms of both architecture and site design. The 35-foot 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 wherein numerous developments are utilized as vacation rentals. Exterior wall treatments, fenestration and other finish materials would be maintained as originally approved and would complement other recently approved and developed projects in the vicinity.

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

   - The proposed subdivision involves the addition of two units resulting in a total of six condominium units being developed on the site. As such, the project has been deemed to be a Class 3 categorically exempt project under Section 15303 (b) "New Construction or Conversion of Small Structures" of the CEQA guidelines; therefore, the design of the subdivision or proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

   - The proposed subdivision involves the addition of two units resulting in a total of six condominium units on the site. 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 existing public access to the beach is located within 200 feet, at the Hayes Street right-of-way; therefore, there is no easement acquired by the public at large for access through or the use of property within the proposed subdivision.

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

- The proposed subdivision would not involve any variances from the regulations established at the time of this approval. Staff finds that this two-unit addition on top of a newly created 3rd story without modifying any of the existing units in the four-unit condominium complex is consistent with standards established within the 1986 Zoning Ordinance.

<u>For the Development Plan (D13-00012) to allow the addition of two condominium units on an existing four-unit condominium complex with the addition of 4,608 square feet of new habitable space including a new third story</u>:

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

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

<u>For the Regular Coastal Permit (RC13-00016) to allow the addition of two condominium units on an existing four-unit condominium complex with the addition of 4,608 square feet of new habitable space including a new third story</u>:

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

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

2. The project site, at 809 South Pacific Street, is situated within the Appeal Area of the Coastal Zone and conforms to the public access and recreation policies of Chapter 3 of the Coastal Act. The entire 800 Block of South Pacific Street measures 450 feet in length, with public beach access located at both ends (where South Pacific Street intersects with Wisconsin Avenue and Hayes Street). Thus, all properties in the 800 Block of South Pacific Street are situated within 250 feet of existing public beach access.

3. The proposed project will not obstruct any existing or planned public beach access, including any beach areas fronting the existing property; therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act.

As for the complaint that proper notices to tenants was not conducted correctly, please note that the existing four unit condominium complex is under one ownership and is operated as vacation rentals; therefore, no tenants reside on premises. Next the complaint stated that the project was not conditioned properly per the Subdivision Map Act requirements for noticing of tenants and prospective tenants. The previous response by staff applies here as well, and the attached PC Resolution 2014-P24 also illustrates that appropriate conditions were placed upon the projects approvals.

**G. The project does not comply with the LCP 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 | Setback 24 feet for 3rd Story |
| SIDE YARD | 3feet | 5-10 average feet<br>No Change |
| REAR YARD | Coastal string-line | Setback 14 feet for 3rd Story |

| | REQUIRED | PROPOSED |
|---|---|---|
| MAXIMUM HEIGHT | 35 feet above average finished grade | 3 Stories over Basement/ 35-feet above Average Grade |

The existing structure is situated 4'-0" from the front property line, will maintain the 5-10 foot average for the side yard setback and will be stepped back approximately 14 feet from the first and second stories which are 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. To eliminate massing and the potential to create a canyon effect, the project is proposing enhanced setbacks (noted above) for the two proposed units on the newly created third floor.

To further expand on the complaint that the project does not comply with the LCP design standards relative to compatibility in Height and Scale and Design Standards contained within the Coastal Development Design Standards Manual, staff provides the following analysis:

The project is zoned Residential-Tourist (RT), which 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 four-unit condominium complex to a six-unit condominium complex. The proposed residences would be consistent with existing higher density multi-family developments located immediately adjacent to the site and while integrated with some smaller single-story multi-family residence, the overall product type would be compatible with the surrounding neighborhood. The height and overall scale of the newly expanded six-unit condominium complex would maintain the original developments architectural design treatments and would blend in with the overall blocks pattern of development that incorporates three stories over basement type designs. Exterior wall treatments, fenestration and other finish materials would be maintained as originally approved and in a manner that visually complement the area. The multi-family residential project currently operates as a vacation rental subject to the City's Temporary Occupancy Tax (TOT). As such, no changes, other than the addition of two units on a newly created third floor are proposed. The

project while creating a higher density than currently exist, will remain below based density for the Urban High-Density Residential (UHD-R) designated parcel.

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.

The subject proposal to add two condominium units above the existing four condominium units would maintain consistency with the overall architectural design established with the original development back in 2006. As for massing of the two newly created units, enhanced setbacks (approximately 24'-0") from the front property line along South Pacific Street and (approximately 14'-0") from the rear property line along the Strand will be provided, thereby precluding the creation of a "canyonization" effect. Overall design has been determined to be consistent with the bulk and scale of the surrounding 800 Block of South Pacific Street. The proposed six-unit condominium complex is three stories in height, does not exceed the allowable height limit of 35 feet above average grade and has been developed in a manner that respects the view shed as seen from South Pacific Street.

Staff finds that massing impacts, while different from what exist today, would be reduced through the previously discussed enhanced setbacks. Ultimately, the addition of two units utilizing the existing architectural design of the condominium complex would provide only a minor noticeable change within the 800 block of South Pacific Street, and would in turn provide for additional housing stock in the coastal zone or residential tourist accommodations as vacation rentals.

In conclusion, the points raised in the complaint relative to design standards have been properly address as denoted above or within sections D and G discussed previously in this response.

## H. California Environmental Quality Act

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

Response: The project was analyzed under the provisions of CEQA. It was determined that because the project consists of new construction and the conversion of a small structure that does not exceed six units within an urbanized area, the project qualifies for issuance of a Class 3 categorical exemption, specifically, Section 15303 (b) "New Construction or Conversion of Small Structures".

Section 21084 of the Public Resources Code requires Categorical Exemption guidelines that include a list of classes of projects which have been determined not to have a significant impact on the environment and shall therefore, be exempt from the provisions of CEQA. The project as proposed meets the provisions of the Class 3 Categorical Exemption and the Secretary for Resources has found that as listed this class does not have a significant effect on the environment and shall be declared to be categorically exempt from the requirement for the preparation of environmental

documents.

**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.

As for CEQA, the proposed project is for the addition of two units on a newly created third floor of an existing four-unit condominium complex. Staff contends the proposed six unit condominium complex 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