

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE OVERTURNING THE PLANNING COMMISSION APPROVAL OF 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

(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 October 16, 2014, Mayor Wood and Deputy Mayor Sanchez timely filed a Call for Review of the Planning Commissions approval of Tentative Tract Map (T14-00001), Development Plan (D13-00012), and Regular Coastal Permit (RC13-00016), as adopted through Planning Commission Resolution 2014-P24 with the City Clerk of the City of Oceanside;

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 oral testimony by all interested parties concerning the Call for Review of the Planning Commission's approval of

1 Tentative Tract Map (T14-00001), Development Plan (D13-00012), and Regular Coastal
2 Permit (RC13-00016), and after due consideration, a motion to confirm the Planning
3 Commission's action to approve said Tentative Tract Map, Development Plan, and Regular
4 Coastal Permit was put on the floor and in a 2-2 vote the motion failed, subsequently leading to a
5 continuance of the item to the December 3, 2014 City Council meeting for further consideration;

6 WHEREAS, on December 3, 2014, the City Council of the City of Oceanside, re-opened
7 the public hearing, and heard and considered evidence and oral testimony by all interested parties
8 concerning the Call for Review of the Planning Commission's approval of Tentative Tract Map
9 (T14-00001), Development Plan (D13-00012), and Regular Coastal Permit (RC13-00016), and
10 after due consideration, voted to overturn the Planning Commission's action, and directed staff to
11 return with findings to deny Tentative Tract Map (T14-00001), Development Plan (D13-00012),
12 and Regular Coastal Permit (RC13-00016);

13 WHEREAS, based on such evidence and testimony, this Council finds that the decision
14 of the Planning Commission did not adequately and properly address concerns raised.

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

16 1. On the basis of the entire administrative record, the City Council finds that there is
17 substantial evidence of a fair argument of a cumulatively significant parking and land use impact
18 when this project is evaluated in conjunction with past, present, and reasonably foreseeable
19 projects in the immediate vicinity of the project site. Several applications for development
20 projects by the same and/or affiliated applicants on the same block were approved on
21 November 15, 2014, for 817/819 South Pacific Street, (six condos with a total of twenty bedrooms
22 and twenty-two bathrooms, ten parking spaces including four tandem spaces and two car lifts);
23 823 South Pacific Street (two condos with twelve bedrooms and twelve baths, five parking spaces
24 including two tandem spaces and one car lift); 825 South Pacific Street (two condos with twelve
25 bedrooms and twelve baths, five parking spaces including two tandem spaces and one car lift).
26 The proposed project for 809 South Pacific Street proposes six total units, including two new
27 units, with a total of twenty-four bedrooms, twenty-two bathrooms and twelve parking spaces.
28

1 2. The Council finds that the approval of a total of sixty-eight bedrooms in the four affiliated
2 projects on the same block coupled with the use of tandem parking spaces in three of the four
3 project sites presents unusual circumstances under Title 2, California Code of Regulations section
4 15300.2(c), and precludes the use of a CEQA exemption for the project.

5 3. The Council finds that there is a reasonable possibility that the proposed project will result
6 in direct and cumulatively significant parking and land use impacts. These impacts are created by
7 the fact that tandem spaces are not likely to be used by multiple, unrelated renters of these large
8 vacation rental properties resulting in the loss of on-street parking for those going to the beach. In
9 addition, the project coupled with the affiliated projects results in the alteration in the community
10 character, the cumulative increase in height throughout the block, and the potential to impact
11 protected views.

12 4. Pursuant to CCP Section 1094.6 (f), notice is hereby given that the time within which
13 judicial review must be sought on this decision is governed by CCP Section 1094.6 as set forth in
14 Oceanside City Code Section 1.10.

15 NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby overturn
16 the Planning Commission's action to approve the project, and denies Tentative Tract Map
17 (T14-00001), Development Plan (D13-00012), and Regular Coastal Permit (RC13-00016).

18 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,
19 this 17th day of December, 2014 by the following vote:

20 AYES:
21 NAYS:
22 ABSENT:
23 ABSTAIN:

24 MAYOR OF THE CITY OF OCEANSIDE

25 ATTEST:

26 APPROVED AS TO FORM:

27 _____
28 CITY CLERK



CITY ATTORNEY