

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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SAN DIEGO, CA 92108-4402  
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# Th 18a

## Addendum

October 10, 2008

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Item 18a**, Coastal Commission Permit Application  
**#A-6-OCN-08-084 (Sachs & Mann)**, for the Commission Meeting of  
October 16, 2008.

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Staff recommends the following changes be made to the above-referenced staff report:

1. Page 5, the second complete paragraph shall be modified as follows:

Located south of the subject site is a 20' wide dedicated public accessway, with the San Miguel H Condominium project south of the accessway. The San Miguel Condominium development is a larger-scale ~~54~~ 70-unit complex that includes both private residential and vacation rental uses. The project site includes another multifamily residence directly inland of the subject site and then is backed by a coastal bluff up to Pacific Street (ref. Exhibit #2). In between the bluff and Pacific Street is a small approximately 10 space meter-run public parking lot. The coastal views in question exist from this parking lot looking over the subject site to the ocean and from the 20' public accessway (ref. Exhibits Nos. 4 & 5).

2. Page 10, the first complete paragraph shall be modified as follows:

The project, as approved by the City would result in reduced front yard and side/corner yard setbacks. Currently the site is developed with a 50+ year old non historic 4-unit apartment complex and a parking lot for the apartment. The parking lot is located in what would be considered the side/corner yard setback, and as approved by the City, the new parking would be located underground, and the new building will occupy the space where the parking lot is currently located. Further, currently the existing structure maintains a ~~10'~~ 5'-9" front yard setback. As permitted pursuant to Section 3016 (cited above), the City approved a "Block-Face Average" for the proposed development, resulting in a setback of 6'. Article 12, pertaining to development in the Redevelopment Area and The Strand, has specific standards for required setbacks (ref. Exhibit #11). This article does require 10' corner, and 10' front

yard setbacks. The appellants contend that by allowing less than the required setbacks the project is inconsistent with the certified LCP. However, Article 12 also includes language allowing for a reduction in these setback requirements, including specifically within The Strand community.

3. Page 10, the second complete paragraph shall be modified as follows:

The appellants contend that the reduction in setbacks are also inconsistent with the LCP in that the LCP requires that reduced setbacks only be permitted if the reductions do not result in a structure incompatible with surrounding development, or having impacts to coastal views. The project site is located adjacent to two other developments to its south and east (inland). To the south is the San Miguel Condominium project (a 2-story, ~~5470~~-unit development), and to the east is an older apartment building. San Miguel was approved with the corner yard setback of 3 feet adjacent to the public accessway.

4. Page 13, the second complete paragraph shall be modified as follows:

The project has been designed to take into consideration the scale and character of Robert's Cottages. The applicant has designed the roof trim of the project to be red in color. Both Robert's Cottages and San Miguel development have similar red roofs. The roof itself is "titanium" in color (a blue-like shade). The intent of the roof coloring was to coordinate and reduce the contrast with both the ocean and the sky. Further, the roof design undulates twice over the development resembling two breaking waves. This keeps the nautical theme present in most beach communities, and also decreases the bulk of the development (ref. Exhibits 6, 7, 8).

5. Page 15, the second complete paragraph shall be modified as follows:

The appellants further contend that the project does not meet the required open space square footage. The City's ordinance requires that 200 sq. ft. of open space be provided for each unit. The ordinance further requires that private open space must have a minimum dimension of six feet or more to be included in this calculation. The ordinance requires that 48 sq. ft. /unit be provided as private open space (decks, balconies, etc.) The ordinance further requires that when calculating common open space, the minimum dimension is 10 feet. Therefore, the total open space required for this project is 800 sq. ft. Each of the unit's balconies satisfy the minimum 48 sq. ft. /unit private open space requirement, ~~with a total of 264.25 sq. ft. per unit.~~ None of these private open space areas has a dimension of less than 6'. Additional ~~The~~ common open space is also provided by the roof deck ~~equals 538.5 sq. ft.~~ Again, the rooftop deck meets the minimum dimension of 10' (actual minimum dimension is 12 feet). ~~Combining the total private open space (264.25) and the total common open space (538.5) equates to a total of 802.75 sq. ft. of open space, consistent with the applicable ordinances.~~ Combining the private open space of the unit balconies and

the common open space of the roof deck, for a total of approximately 1,000 sq. ft., the project meets the required minimum 800 sq. ft. of total open space.

Th 18a

Debra and Gideon Mann  
Robert Sachs  
702 North The Strand  
Oceanside, CA 92054

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CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

October 7, 2008

Toni Ross  
Coastal Program Analyst  
California Coastal Commission  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108

RE: Appeal Number A-6-OCN-08-084

Dear Ms. Ross:

This letter responds to the letters written by our neighbors, James Franson and the Comparins, who both own units in the San Miguel I condominium across the alley from our property. These letters can be found in Exhibit 16 in the California Coastal Commission Staff Report of Appeal A-6-OCN-08-084. We would request that this response be added to the report.

**James Franson Letter of September 6, 2008**

**Paragraph #2** says that (a) "the building must be in keeping with the existing buildings on The Strand", (b) being adjacent to the San Miguel Condominiums and Roberts Cottages "this ultramodern steel and glass structure will completely disrupt the continuity of the beachfront" and (c) because of the five foot setback, "the glass would certainly reflect into the existing buildings".

**Response:** The City's LCP Land Use Policies do not say that new development must be "in keeping" with existing buildings. As regards character and scale, they say:

VI.C.(8) The City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood.

VI.C.(11) The City shall encourage variety, creativity, and site-responsive design for all new development.

The proposed contemporary style building is in the midst of an eclectic array of styles on North The Strand. These include the Spanish style San Miguel Condos to the south, wood beach cottages to the north, a contemporary frame building to the rear 700 N. The Strand), a 3-story contemporary style condominium north of Roberts Cottages and a mix of beach cottage, contemporary wood frame, craftsman and other styles houses further west. The new building's double-barreled wave-motif roof, lower to the north than the south, will serve as a transition from the one-story Roberts Cottages to the 2-story Roberts Cottage adjacent to the north and on to the larger San Miguel Condominiums on the south side of the alley. The building's color scheme is primarily a light sand color with red and peach trim to complement those colors of the Roberts Cottages and the red trim of the San Miguel condos roof.

As for the glass to be used, we have consistently stated that we will be using non-glare/anti-reflective glass. Products being considered include Schott Amiran, Pilkington Optiview, Luxar, and ZH+GI Anti-lite. All reduce reflection from the normal glass range of 8-12% down to 0.5-1.9%. Also being considered are window films made by 3M and Collidescape, which also reduce reflection in the above quoted range. There will be no nuisance glare.

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**Paragraph #3** continues the concern for nuisance glare from the south-facing windows and also says “we will almost be close enough to reach out and touch its balcony from ours. Our privacy will be non-existent.”

**Response:** As noted above, there will be no nuisance glare because of the non-glare/anti-reflective glass to be used. As for being able to touch our balcony from theirs, there is a 20 foot alley between the buildings. With the setbacks on both buildings, the balconies are 26-feet apart. The Franson’s balcony is beyond the point where our building reverts from a 10’ side setback to a 5’ setback. At this point, the balconies are only 2’ wide. They will be used only occasionally by people in those bedrooms as a momentary “step-out” point. The primary open space for the units will be at the front of the building where the balconies face the ocean and are wider.

**Paragraph #4** discusses what it calls “the insufficient setback” and its impact on the views.

**Response:** The 5-foot side setback is the standard for side-alleys. The 10-foot setback requirement is stated only for sight distance purposes. Since traffic on The Strand is one-way and comes from the south, and the building is on the north side of the alley, there are no sight distance concerns. In fact, there are NO buildings in the Redevelopment Area with a 10’ side-alley setback. As for the view, the building has been recessed to 10-feet for the first 31 feet of the south façade. (That’s 37 from The Strand.) A view study has been provided demonstrating that there is no improvement to the public view corridor by extending the setback to 10-feet for the full length of the building.

As for being “one of the last beautiful scenic view corridors from Pacific Street”, the LCP specifically states that the major view points from Pacific Street are the ½-mile “promenade” section stretching from 5<sup>th</sup> Street (2 blocks south of this) to Wisconsin Street. There are also elevated views from Pacific Street one block south at Surf Rider Way and one block north at Neptune Way. This is not to diminish view from the top of the stairs at Windward Way; we have exceeded the requirements of both the City’s Zoning Ordinances and LCP in maintaining the public view corridor here. We neither requested, nor were provided, with any variations from the required setbacks.

**Paragraph #5** states a safety concern for the existing buildings. It says that emergency and city service vehicles “will have difficulty maneuvering in a shrunken Windward Way ...”.

**Response:** Since this is our current home and will be our new home, we too are concerned about safety. However, the size of the alley will be unchanged from its current 20-foot width. It should also be noted that Susan Guzzeta of the City’s Fire Department (Developer’s Conference, April 5, 2005) stated that the City does not and will not bring their trucks into the alley to fight a fire. Furthermore, our new building will be the most fire-proof building on The Strand with its complete sprinkler system. Replacing the current 55-year old wood-frame building with the new building will increase the safety of the neighboring buildings.

#### **Lana and Joe Comparin Letter (undated)**

**Paragraph #2** states that concessions were made to us in what we were approved to build and “It is wrong for a new project to ruin views of (sic) visitors and residents alike with this oversized project. The views must be preserved.”

**Response:** There were NO variations requested or granted for our project. Regarding setbacks, no variations were granted for the San Miguel when it was built either. Their 3-foot alley setback required no variation. Also, although the owners of 700 N. The Strand did not proceed with their redevelopment of that property in 1990 for economic reasons, they were also granted a 3-foot alley setback. We could have requested a 3-foot alley setback, but did not. As with all other setbacks and building parameters, we met or exceeded stated limits. In this case, we have a 5-foot alley setback with a further setback to 31-feet for the west-most portion of the alley façade. (This is 40% of the total

building length on both the 1<sup>st</sup> and 2<sup>nd</sup> floors.) This was done to maintain the public view corridor, which we did.

**Paragraph #3** states “It is very important to keep Windward Way open by not granting their requested 5 foot setbacks.

**Response:** We are unclear about what this means. The width of the alley will be unchanged at 20 feet.

**Paragraph #3** further states “Besides blocking the views from the coastal access stairs and neighboring homes and condos, this will affect the safety of the many pedestrians who use this access to go to the beach ..... This unique coastal access at Windward Way and The Strand has a stop sign for the safety of pedestrians crossing to the beach.”

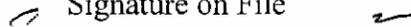
**Response:** We don’t understand how our building will affect the safety of pedestrians walking to the beach. Traffic on The Strand is one-way from the south. The STOP sign and cross-walk are on the south side of the The Strand/alley intersection. Our building is on the north side of the alley.

Our project will only enhance beach access and safety by: (a) replacing the dilapidated steps to Pacific Street, (b) replacing the pitted asphalt in the alley with permeable pavers that will absorb rain water into the ground, rather than routing it to The Strand where it often floods and (c) improving night-time lighting conditions by added lights on our property that will be positioned so as to light the alley surface without disturbing neighbors’ residents.

**The Final Paragraph** states that our “... plan must be scaled back to follow the prescribed guidelines to fit on this lot .....” and “We are not satisfied with the token concessions and smaller setbacks ....”.

**Response:** We meet or exceed ALL Zoning Ordinances and LCP requirements. No variations were requested or granted. We are sorry that the Comparins consider recessing 40% of the façade facing their condo unit by an additional 5 feet a “token concession”. This was a reduction of 300 square feet of living space beyond what we could justifiably have requested.

Sincerely,

 Signature on File

Debra and Gideon Mann and Robert Sachs

## 702 N. The Strand Redevelopment Project Government Outreach List

#	Name	Date	Comments
1	City Developer's Conference (Rita Baker, former Redevelopment Area Manager led the meeting)	Apr 5, 05 9:30 AM	Discussed many points. This included that the alley (south) setback would be 5', though it would have to open to 10' at the southwest corner in support of the public view corridor.
2	SD Coastal Commission Staff (Lee McEachern & Bill Ponder)	Apr 5, 05 3:30 PM	Initial meeting to solicit CCC concerns with the project. Stated concerns were: 1. View from top of Pacific Street stairs 2. Walking through alley did not feel "tunnel-like"
3	Councilwoman Esther Sanchez	Nov 12, 06 July/Aug '08	Initial presentation. Positive response Attempted to get appointment to meet and show latest design. Unable to get appointment.
4	Councilman Jack Feller	Nov 21, 06 Late Aug, 07	Initial presentation. Positive response Showed latest design. Still very positive response. Discussed our neighbors' opposition.
5	Councilman Jerome Kern	Nov 28, 06 Late Aug, 07	Initial presentation. Positive response Showed latest design. Still very positive response. Discussed our neighbors' opposition. Deputy Mayor Chavez also attended this meeting.
6	Deputy Mayor Rocky Chavez	Aug 7, 08 Nov 28, 06 Late Aug, 07 Mar 18, 08	Showed latest design. Still very positive response. Councilman Feller also attended this meeting. Initial presentation. Positive response Showed latest design. Still very positive response. Discussed our neighbors' opposition. Councilman Kern also attended this meeting. Requested that we meet with neighbor/opponents to try to reach a compromise. He also said our rear neighbors (at 700 N The Strand) claimed they had a 10' alley setback imposed by the City for a 3-unit condo redevelopment project they had planned in 1988-1990. (They eventually decided not to redevelop for economic reasons and instead remodeled.) We researched the filed plans with the City and found that they were granted a 3' alley setback and that no one had challenged or appealed this with the City or Coastal Commission. This includes some of our other neighbor/opponents who lived where they currently live. We presented the documents with this information to Deputy Mayor Chavez on April 9 <sup>th</sup> (see below). Subsequently, we met with and showed our opponents the newest design at the time. They insisted on having a full building length south setback of 10' or more.
		Apr 9, 08 2:00 May 14, 08	We presented the documents from the approved rear neighbor (700 N The Strand) redevelopment of 1988-1990. This showed that they had been granted a 3' side alley setback. We also pointed out that there had been a resolution imposing a 2% fee on future sales of the condos. This was a standard part of all multi-unit projects at the time. Our opponents had stated that the San Miguel I condos had been granted a 3' alley setback partially because of this resolution. Met to discuss other design options.

702 N. The Strand Redevelopment Project  
Government Outreach List

#	Name	Date	Comments
		Jul 30, 08	Showed latest design (west-most 31' of side alley setback at 10'). Indicated he was appreciative of our efforts. Still positive about the project
7	Deputy Mayor Chavez & Kathy Baker & Neighbors	Aug 4, 08	Meeting to show 10-foot setback for west-most 31' of side alley to our opponents. This design was rejected.
8	Mayor James Wood	Dec 7, 06	Initial presentation. Positive response
		Aug 30, 07	Showed latest design. Still very positive response. Discussed our neighbors' opposition.
		Aug 13, 08	Showed latest design. Still very positive response
9	SD Coastal Commission Staff	Jan 19, 07	Meeting with Lee McEachern. Reviewed initial design to see if we had addressed the concerns. Response was positive.
		Oct 2, 07	Meeting with Lee McEachern & Toni Ross. Showed View Study - Lee agreed to show design to full staff and respond with their reactions. Response was that we should open the view more. We said we would address this. We met with our architect and he developed altered design with clipped roof corners & enlarged cutouts for balconies in SW corner.
		Nov 6, 07	Meeting with Lee McEachern & Toni Ross. Showed new roof design (clipped roof corners) using renderings. They thought this opened the view much more.
		Dec 17, 07	Showed architectural plans for new design with clipped roof corners & enlarged cutouts for balconies in SW corner. Response was very favorable.
		Aug 7, 08	At CCC meeting in Oceanside: Showed latest design - stepped back to 10' for first 31' of the building. They were very positive about the effect on the view corridor.
10	Louise Balma, Architect & member of Redevelopment Design Review Committee	Oct 30, 07	RDRRC committee member. Pre-RDRRC meeting presentation. She thought the design was attractive.
11	Dick Parker	Oct, 07	RDRRC committee member. Pre-RDRRC meeting presentation. He thought the design was attractive.
12	Dick Bartlett	Nov 7, 07	RDRRC committee member. Pre-RDRRC meeting presentation. He thought the design was attractive.
		Dec 18, 07	Showed architectural plans for new "clipped roof corners" design. He thought this was a big improvement.
		Jan 19, 08	RAC Committee member. Showed plans and solicited potential concerns.
13	Jim Zicaro	June 11, 08	Head of Building Dept. Discussed building safety & conformance to all new CBC 2007 standards
14	Oceanside Arts Commission	July 7, 08	Offered to work with them on Public Access improvements. We showed the building, discussed the alley pavers, rebuilding stairs, art bench, art bike rack & artists painting utility boxes. They were enthusiastic and created an Ad Hoc committee to work with us on these proposals.
15	Ad Hoc Committee of Oceanside Arts Commission	July 24, 08	The purpose of the meeting was to work with the Committee on Public Beach Access improvements. Met on site to discuss possible improvement options. This led to subsequent Task List being created. We are now awaiting approval from the City Council to move forward.

**702 N. The Strand Redevelopment Project  
Neighborhood Outreach List – Updated September, 2008**

#	Address	Name	Owner (O) or Tenant (T)	Date	Concerns	Responsive Action
1	600 N. The Strand, #48	Eleanor & James Franson	O	3/10/07  Spring '07	OK with design as shown/described (Cutoff on SW corner)  In late May or early June, they indicated that they would oppose the project due to 5' south setback.  Met with them to show view study from their balcony – 5' Vs 10' setback. They said it made little difference.	Setback options were evaluated; 3', 5' and 10' setbacks to allow for a feasible solution.  Designed a view study from their balcony showing 5' Vs 10' SW corner setback.  5' setback design is the City's standard and the most feasible solution for the development  Provided non-reflective glass façades and designed SW curved cutoff to maximize coastal viewshed.
2	600 N. The Strand #50 & #54	Mary Fisher & her sister Jill Dingman	O	3/18/07	Initially was OK with design as shown  About 1-2 weeks later – Mary called to say they would oppose the project due to setback.	Setback options were evaluated; 3', 5' and 10' setbacks to allow for a feasible solution.  5' setback design is the City's standard and the most feasible solution for the development  Provided non-reflective glass façades and designed SW curved cutoff to maximize coastal viewshed.
3	600 N. The Strand #50 & #54	Mary Fisher & her sister Jill Dingman	O	June 2007  7/25-26, 2007  08/04/07	Began working on Pvt View Study—took pix from Jill, Mary, Ellie balconies.  Left voice message offering to show Private View Pictures for her terrace. Others to come.  Jill returned call to see pictures; Mary not interested in viewing pictures.  Met with Jill & Mary at our place to show Pvt View Study from Mary's Terrace. (Difference between 5' & 10' setbacks.) They thought it was a big difference. Mary wants to keep the view from her kitchen (far inside her apartment) & desk areas. They also reiterated Public View & Handicap concerns & view from Pacific St. They want the building kept in existing footprint. They rejected our request to discuss leaving the east side of the building at a 5-foot setback and increasing the setback toward the west.	Developed a viewshed analysis for her terrace.        Setback options were evaluated; 3', 5' and 10' setbacks to allow for a feasible solution.  Provided non-reflective glass façades and designed SW curved cutoff to maximize coastal viewshed.  The view and access from the top of the Pacific St stairs will be enhanced with improvements to the alleyway: high quality, attractive surface materials and landscaping. Trimming of the existing landscaping along the stairs will facilitate a better view.

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702 N. The Strand Redevelopment Project  
 Neighborhood Outreach List – Updated September, 2008

#	Address	Name	Owner (O) or Tenant (T)	Date	Concerns	Responsive Action
				Spring, 08	Met with Jill & Mary to show latest design reviewed by Coastal Staff and that CCC staff felt was very helpful to the view. Clipped corners of roof & expanded SW corner decks. They felt it was not enough. They insisted on full 10' setback or more. Did not want to discuss options whereby rear of building remained at 5' setback.	Decided to unilaterally extend 10' setback on south façade to west-most 31' from front of building. (This is on both 1 <sup>st</sup> and 2 <sup>nd</sup> floors.) This provides the same view from top of stairs as moving whole building back 10' on the south side
				08/04/08	Meeting to show 10-foot setback for west-most 31' of side alley to our opponents. This design was rejected, as well as Redevelopment Area Manager Kathy Baker's suggestion to consider splitting the difference & doing full building length for 7.5 feet.	5' setback design is the City's standard and the most feasible solution for the development.
4	900 N Pacific St. Unknown - Oceanside	Pamela Meyers Caroline Krammer	O N/A	3/25/07	Thought design was attractive. Made suggestions for changes, including reducing height of roof-top elevator shaft. Subsequently, Ms. Meyers has actively opposed the project.	Reduced height of elevator shaft as much as mechanics would allow. (About 1 ½ feet.)
5	Unknown - Oceanside	Shari Mackin	?	3/25/07	Invited to above meeting with Pamela Meyers and Caroline Krammer, but did not feel well enough to attend. Extended an invitation via email for another meeting, but has not replied to that invitation.	
6	550 Hoover St	Nadine Scott	O	3/28/07 @ 5 PM Phone	Declined presentation invitation. Her current focus is on environmental preservation.	
7	700 N. The Strand (Neighbors to the immediate east.)	Shirley & Larry Pentoney	O	Late Feb or Early Mar, 07	OK with design as shown as long as there were no variations. (They indicated that it was predicated that development on the lot would occur at some point. Given it's a coastal property.)  Subsequently, joined opponents in opposing the project, though they did not discuss this change of attitude with us.	We offered to replace the Lantana plants along the stairs to Pacific St. These plants were a little thin and did not provide good screening from their yard. (We thought this was their property at the time. It turned out it's City property.) They declined the offer.  Specific concerns unknown at this time.

702 N. The Strand Redevelopment Project  
 Neighborhood Outreach List – Updated September, 2008

#	Address	Name	Owner (O) or Tenant (T)	Date	Concerns	Responsive Action
				Feb/Mar/ Apr 08	Met with Pentoneys, Mary Fisher, and Jill Dingman to discuss potential compromises. (may have occurred after 1st RAC). We said we'd like to discuss options where back remained at 5' but reduced front setback. They insisted on 10' or more setback for full building length. They also said the 5' setback was a security issue because police driving by on The Strand couldn't see up stairs. We disputed this & suggested landscaping by stairs should be lowered.	Setback options were evaluated; 3', 5' and 10' setbacks to allow for a feasible solution.  Provided non-reflective glass façades and designed SW curved cutoff to maximize coastal viewshed.  The view and access from the top of Pacific St stairs will be enhanced with improvements to the alleyway: high quality, attractive surface materials and landscaping. Trimming of the existing landscaping along the deck's stairs will facilitate a better view & increase security.
8	804 N The Strand (President of HOA)	Blair Benjamin	O	08/04/08	Meeting to show 10-foot setback for west-most 31' of side alley to our opponents. This design was rejected, as well as Kathy Baker's, Redevelopment Area Manager, suggestion to consider a halfway point & doing full building length for 7.5 feet.	5' setback design is the City's standard and the most feasible solution for the development  The building's design and orientation have been modified to best address the public's concerns under the given circumstances.
9	600 N. The Strand #53	Joe Comparin	O	4/4/07  4/24/07	Liked design. Very positive about it.  Spoke via phone (lives in AZ) – invited him to call us when he's in town. Was OK with project as described via phone.	
				8/1/07	Attended general neighborhood meeting. We discussed the project & showed the public view study. They did not say they would oppose the project.	
10	500 N. The Strand #63 (SM 2)	Bill Skousen	O	6/11/07	Lives in AZ most of the time. Called to ask how much units would sell for. We told him we were not planning on selling the units.	
11	621 N. Pacific Street #107	Curtis Dworken	O	4/12/07	Only 621 Pacific St owner with mailing address at 621 Pacific Street. Wrote letter asking if HOA member & making presentation to HOA and/or him individually. Received no response.	

702 N. The Strand Redevelopment Project  
 Neighborhood Outreach List – Updated September, 2008

#	Address	Name	Owner (O) or Tenant (T)	Date	Concerns	Responsive Action
12	600 N The Strand #45	Doug Mayberry	O	6/4/07	Met at presentation for SM 1 homeowners. (One of two people to attend.). Thought design was attractive. Subsequently, joined opponents in opposing the project, though they did not discuss this change of attitude with us.	Reason for opposition unknown.
13	600 N The Strand #12	Bill McAdams	O	6/4/07	Discussed at presentation for SM 1 homeowners. (One of two people to attend.). Thought design was attractive. Subsequently, joined opponents in opposing the project, though they did not discuss this change of attitude with us.	Reason for opposition unknown.
14	701 N Pacific Street	Contis Denis Family Trust	O	4/3/07	Sent letter offering to meet and present the project. Received no reply.	
15	North Beach Villages Neighborhood Association			3/29/07	Offered to present to the organization. Received no reply.	
16	North Coast Village HOA	Joe Valenti, North Coast Village Manager		April, 2007	Spoke by phone offering to present to HOA. He declined this offer. We will include the homeowners in the future monthly neighborhood meetings that will begin in July.	
17	San Miguel I Homeowners		O	May, 2007	Sent invitation to June 4th presentation meeting in monthly homeowners' dues mailing. Two owners attended meeting. (See above.) All owners will be invited to the monthly neighborhood presentation meetings starting in July.	
18	San Miguel 2 Homeowners		O	May, 2007	Sent invitation to June 11th presentation meeting in monthly homeowners' dues mailing. No owners attended. All owners will be invited to the monthly neighborhood presentation meetings starting in July.	
19	Roberts Cottages Homeowners	Michael Nord is HOA president.	O	June, 2007	Did not receive reply at this time.	

702 N. The Strand Redevelopment Project  
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#	Address	Name	Owner (O) or Tenant (T)	Date	Concerns	Responsive Action
		(Unit #11)		Aug, 2008	Sent another email requesting his support. Mr. Nord did not say he supported the project. However, without any solicitation from us, supplied us with letters & emails of support from other Roberts Cottage owners. These emails and letters were submitted with the City Staff Report or subsequently to the CCC.	
20	Roberts Cottages, Unit #16	Eleanor Patella	O	Aug, 2008	Very supportive. Signed our Letter of Support and spoke on our behalf at the CDC in front of the City Council. (Ms. Patella's family has owned a unit at the Cottages before they became condominiums.)	
21	517 N. Cleveland St.	Ron & Nikki Arbisi	O	Aug, 2008	Very supportive Signed Letter of Support	
22	415 S. Cleveland St.	Forrest Jones	O	6/07	Very supportive	
				Aug, 08	Signed Letter of Support	
23	Roberts Cottages Unit #1	Cleo Chapin	O	Aug, 2007	Very supportive – wrote email to all City Council-members	
				Aug, 2008	Signed Letter of Support	
24	724 N Pacific St 729-1897	Kevin & Anna Kelso	O	8/1/07	Met at Comm Meeting. Very supportive of the project.	
25	N Coast Village/Realtors	Mike & Sue Asher	O		310-2810 & 310-2810 (M) Met at Oceanside Terraces. Expressed support for the project.	
26	OCNA Member, former City Staffer – lives in Bungalow Community	Ken Knath	O	2006	Knatzk@san-clemente.org – expressed support for project.	
				Aug, 2008	Signed Letter of Support & expressed strong support for project.	
27	704 NTS Unit #4	Jackie Prante	O	8/1/07	Met at Comm Meeting. Supportive of project.	

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702 N. The Strand Redevelopment Project  
 Neighborhood Outreach List – Updated September, 2008

#	Address	Name	Owner (O) or Tenant (T)	Date	Concerns	Responsive Action
28	South Pacific Street	Lou Taschner Mary Taschner	O	Aug, 2008	Very supportive Lou passed away Fall, 2007. His wife Mary is very supportive of project.	
29	Roberts Cottage Owner	Ralph Reyes	O	Aug, 2 008	Wrote letter of support to Mayor & City Council. See attached email from Michael Nord.	
30	Letter of Support from 96 Oceanside residents and/or property owners	See Letter of Support	Both	Mar - Aug, 2008	Obtained signatures for Letter of Support. Each signer was shown a presentation of the project including: plans, renderings, view studies.	



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OCT 09 2008

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

A-6-OCN-08-84  
Agenda Item #18  
Against

600 North The Strand #48  
Oceanside, California 92054

October 8, 2008

California Coastal Commission  
San Diego Area  
7575 Metropolitan Drive, Suite 103  
San Diego CA 92108-4421

Honorable Coastal Commissioners:

My name is Eleanor Franson. My husband and I live at 600 North The Strand #48, Oceanside, California, directly across Windward Way from the proposed condominium project at 702 North The Strand.

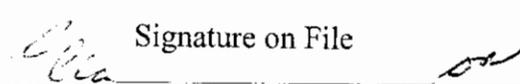
The project as it is presently configured will adversely affects the public's Windward Way view corridor. With only a five-foot set-back, the view from the handicapped viewing area at the top of the stairs is significantly impaired. I want the Coastal Commission to require the developers to go back to the drawing board and bring the south side set back to 10 feet as well as the front set back to 7 feet or more.

The developers claim that they have a ten-foot set-back, but the balconies extend to the five-foot line, which is, in effect, only a five foot set back.

This project is bulky and too large for the lot where it is to be built. It comes too close to the public beach access which creates a tunnel effect and impairs the public view access. The project plans for two floors with windows lining the public corridor. So much glass will definitely create a glare problem.

This project needs to be designed to enhance and protect the public view, not take it away. Gradually, over the years, the views are being lost inch by inch, foot by foot. Everyone loses.

We want development on the 702 lot, but not this project that is so large as to take away public views and create a tunnel.

 Signature on File  
\_\_\_\_\_  
Eleanor V. Franson

Th 18a

RECEIVED

OCT 09 2008

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

A-6-OCN-08-84  
Agenda Item #18  
Against

600 North The Strand #48  
Oceanside, California 92054

October 8, 2008

California Coastal Commission  
San Diego Area  
7575 Metropolitan Drive, Suite 103  
San Diego CA 92108-4421

Honorable Coastal Commissioners:

My name is James Franson. My wife and I live at 600 North The Strand, #48, Oceanside, California, directly across Windward Way from the proposed condominium project at 702 North The Strand.

I am concerned that the developers have engaged in misinformation and disinformation in trying to get their project approved. They claim to have had many meetings with the neighbors to address their concerns regarding the impact of this project on the neighborhood. They claim that they have made many changes to their design to win neighborhood support. Most of the changes are in the form of changing "happy" to "glad" in trying to foist their completely out of place building on the North Oceanside beachfront.

They claim to have the approval of the neighbors. That is false. None of us have ever voiced approval of anything that they have proposed. When they say that my wife and I approved of their project, it is a damned lie! We have been against this warehouse since it was first proposed and we have not changed our position.

The extensive use of glass in this design is going to adversely affect those who live across Windward Way in the San Miguel condominiums. The sunlight reflecting off the glass is going to deprive us from enjoying what view we have left because of the glare. We will have to keep our shutters closed to protect our furniture from fading and to attempt to avoid excessive heating from the reflected solar energy.

San Miguel I, 600 North the Strand, was approved before Oceanside's Local Coastal Plan was approved in 1985. All projects before 1985 required direct approval from the Coastal Commission. The developers consistently point to the 3 foot set-back that San Miguel I has on Windward Way, but they conveniently ignore the fact that San Miguel I was required to have a 20 foot set-back on Surfdrider Way by the Coastal Commission. They should be held to the same standard. Three foot set back on the north side and twenty foot set back on the south side of their project.

Windward Way is a public corridor used by hundreds of people each day and many more in the summer. The street is also a designated fire department access as well as the entrance to the home owners living 700 at North the Strand. It is also used by the large Waste Management trucks to collect the trash.

We are in favor of redevelopment, but this project must be redesigned with a true ten foot south setback and at least a seven foot front setback.

Protect the public's view.

Signature on File

James W. Franson



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Th 18a

Thursday, October 16, 2008  
Agenda #18  
Application #A-6-OCN-08-084  
Opposition

California Coastal Commission  
San Diego Coast District  
7575 Metropolitan Dr.  
San Diego, CA 92108-4421

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OCT 09 2008

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

600 N. The Strand #50  
Oceanside, CA 92054  
October 8, 2008

Dear Honorable Coastal Commissioners,

We want the project to be developed with respect for public views. The LCP states:

The City shall protect, enhance and maximize public enjoyment of Coastal Zone scenic resources.

The staff report regarding permit number A-6-OCN-08-084 has several errors and the view analyses presented by the developers in the staff report are not accurate. The staff report also overlooked the uniqueness of the public's views from the only developed elevated viewing area on North Pacific Ave. I respectfully ask that you consider the materials in this letter of opposition and at the very least require the developer take off its upper deck, so the public can enjoy white water views. To truly preserve public views the project should be required to have a minimum 10' side yard setback to the south.

Page 2 of the staff report "...applicant has modified the project to include an additional 5' side-yard setback (totaling 10")..." Please understand that the project still has only a 5' setback, the deck goes out to the 5' setback. The public views are not being protected, because we can not see white water, dolphins and surfers through decks filled with patio furniture, plants and people. Inch by inch foot by foot public views are being given away that will be gone forever.

Page 5 of the staff report has two errors one regarding Robert's Cottages the other regarding San Miguel II. Robert's Cottages are not considered historical. Robert's Cottages are condominiums; their condo association has made sure that the Cottages have not been designated historical. This is an important point because if you approve the 702 N. The Strand project with a height that does not transitions with the building to the south a precedent will be set. This was also referenced on page 13 of the report, the report is wrong to develop Robert's cottages would not require an EIR. If and when Robert's cottages are developed, public view will be gone.

Page 5, The "Project Description" is wrong, San Miguel II is not south of the access way. San Miguel I which is a smaller condo development with 54 units is to the south of the access way. On page 6 of the staff report San Miguel is referenced as being built in 1991,

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not true, San Miguel I was built in 1985. Also referenced on page 6 of the staff report the 3' setback on the north end of San Miguel I, which is true, however the report fails to mention that the San Miguel I was forced to have a 20' set back on the south side to protect public views. The 702 N. The Strand project has 3' on the north end and only 5' on the south. The 5' set back impacts public views significantly, how can this not be a substantial issue?

Page 7 of the report states, regarding the height of the project: "The City has typically allowed proposals on the Strand to be at or very close to the height of Pacific Street, and the Commission has not historically been concerned with the height of projects on The Strand if they are consistent with this policy." Historically the projects that the City has not required to allow for transition in height have been on South the Strand this is true. However, there are no other projects trying to block, public viewing areas that have been developed. Hundreds of beach goers park on Pacific and in the over 200 parking spots by the railroad track, these people use only four ways to walk down to the beach, Surfdrider, Windward Way, Neptune and Breakwater. Of these, Windward Way public sidewalk and viewing is the only one that the city has developed for viewing, parking your bike and car.

**First and Second** pictures attached:

Please consider the developers view analyses of Pacific Street and Windward Way which fail to show the views the public sees as they walk on the sidewalk to the beach. The second page of pictures shows what the public sees as they walk to the beach on the Windward Way public walk way. These views will be lost.

**Third** picture attached:

Please also consider the developers view analyses from the Disabled parking space area. Their photos fail to show the white water that can be seen now. Compare their pictures to the ones above, there is a man in a wheel chair who is enjoying views, he is looking out to the white water views on the north side of the electrical box. The projects view analyses would make you think the electrical box block the view.

**Fourth** picture attached:

Please consider this photo which is a rendering provided by the developers of 702 N. The Strand. The height of their project will go as high as the spark arresters on the top of San Miguel. Their project if built this high will leave not transition from the buildings to the South. Their project will end up looking higher than the San Miguel, and take more public views.

Thank you for your time and effort to consider this material. A petition was signed by over 350 people who enjoy view and access to the beach. Please hold the developer to a 10' south side setback.

Sincerely,

MARY FISHER / Signature on File

These pictures are the view study from the middle of Pacific Street & Windwood Way looking west towards the ocean.



New Building - South of Intersection

New Building - Middle of Intersection

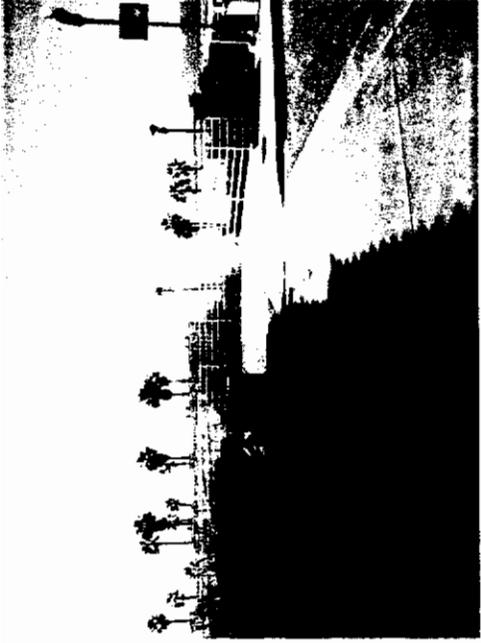
New Building - North of Intersec

Current View - South of Intersection

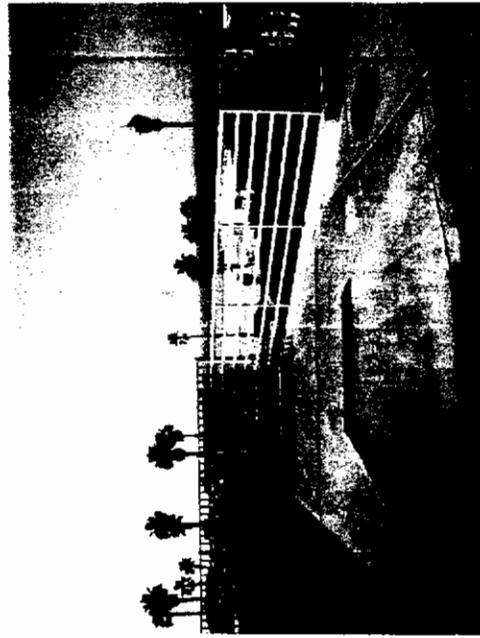
Current View - Middle of Intersection

Current View - North of Intersec

23



The Project's view study from Pacific and Windward Way fails to show public views from the sidewalk leading to the beach viewpoint.



This is the only elevated, developed public viewing area on North Pacific Street.



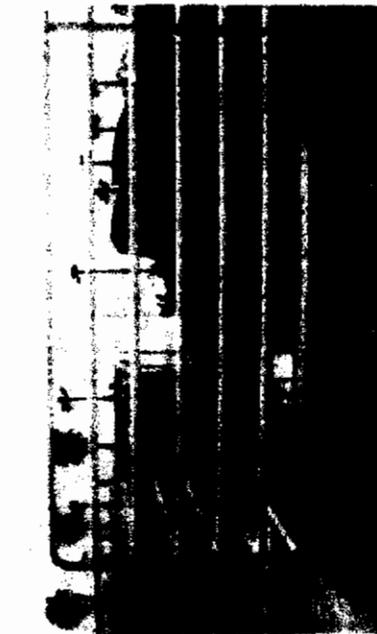
The views from the disabled parking spaces were blocked by the metal electrical (?) box.



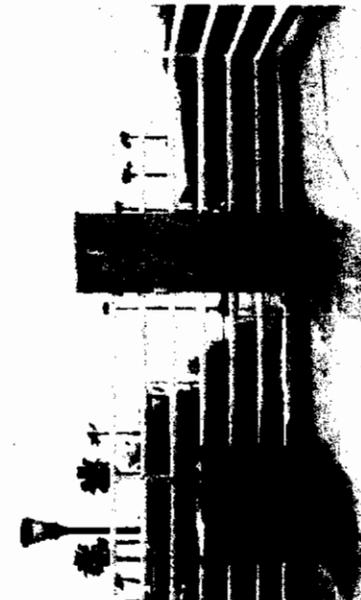
New Building - Front of Parking Space  
Perspective of person in vehicle with seat situated 4 feet from the front of the parking space



New Building - Middle of Parking Space  
Perspective of person in vehicle with seat situated 8 feet from the front of the parking space



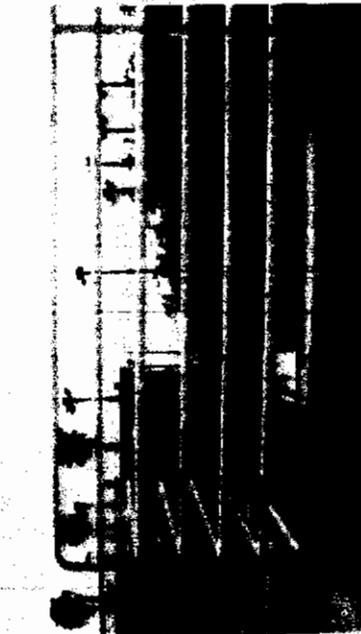
New Building - Middle of Parking Space  
Perspective of person in vehicle with seat situated 11 feet from the front of the parking space



Old Building - Front of Parking Space  
Perspective of person in vehicle with seat situated 4 feet from the front of the parking space



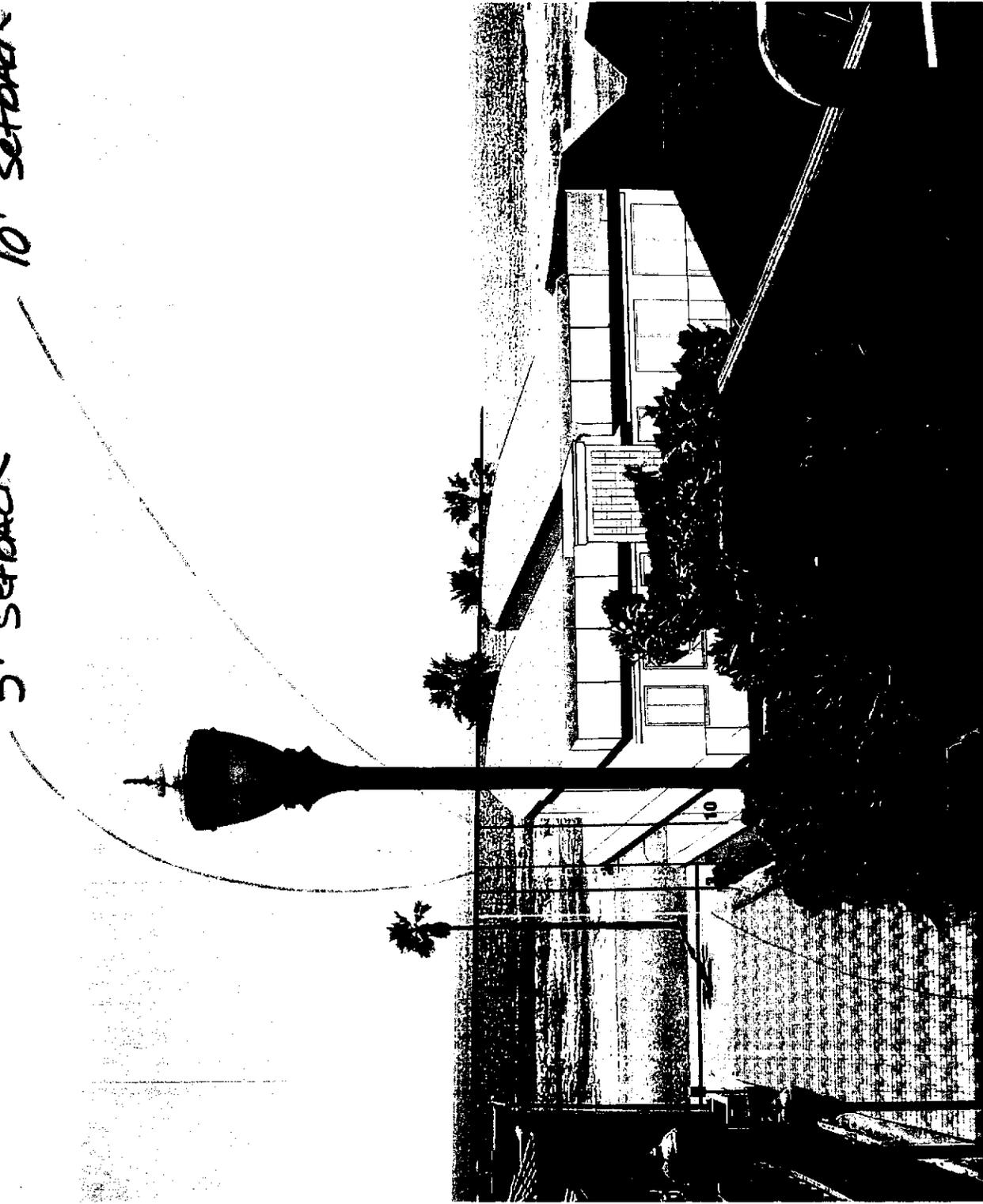
Old Building - Middle of Parking Space  
Perspective of person in vehicle with seat situated 8 feet from the front of the parking space



Old Building - Middle of Parking Space  
Perspective of person in vehicle with seat situated 11 feet from the front of the parking space

10' setback

5' setback



3' setback

Property line

Fourth 26

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South Coast Region

CALIFORNIA COASTAL COMMISSION

SEP 23 2008

SEP 19 2008

South Coast District Office  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4416

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

CALIFORNIA  
COASTAL COMMISSION

Re: Proposed Building Project at 702 N. the Strand in Oceanside  
Application No. 6-OCN-08-165

Members of the Commission:

I am a resident of Oceanside, CA living in close proximity to the subject project.

I have some concerns about this project that I am respectfully submitting to the Commission for consideration.

First and foremost among my concerns is the destruction of the view from the view corridor at Windward and Pacific. I personally have seen many people on a daily basis use this viewing platform. I have used it myself. I have seen handicapped people in wheel chairs sit and enjoy the view from this spot. With the reduced setback proposed by the builders of the subject project, the view from the Windward & Pacific parking lot and viewing area will be greatly reduced. The builders propose a small deck modification on the upper deck of the proposed building, supposedly to accommodate this view corridor, but it is clear from their own sketches that the proposed modification will not meaningfully improve things. People will still not be able to see the white water views through the deck and the furniture, plants, barbecues and people that will inevitably accumulate on the deck. Requiring the builder to abide by a ten-foot setback, as specified in the applicable regulations, would make a huge difference in protecting the view, as well as alleviating the "tunnel effect" that a structure of the size proposed would create for people using the stairway for access to the beach.

My second major concern is that the reflective glass proposed for the outer surface of the new project will create a hazard for pedestrians, drivers and local residents by reflecting blinding sunlight in various directions throughout the day.

Please feel free to contact me at your convenience should you have any questions.

Sincerely,

Jill Dingman  
600 N. the Strand, Unit 54  
Oceanside, CA 92054

Cell Phone: 818-203-1423

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California Coastal Commission  
San Diego Area  
7575 Metropolitan Dr., Ste 103  
San Diego, CA 92108-4421

Th 18a  
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SEP 29 2008

RE: 702 N. The Strand - 4 Unit Project

Most Honorable Coastal Commissioners,

I realized how valuable your time is but hopefully you will be able to read this letter as well as the other information relative to the project at 702 N. The Strand.

We are Burrus and Shirley Pentoney and we live in the house at 700 N. The Strand [to be referred to as 700], the property adjacent to 702 N. The Strand [to be referred to as 702] on the east side. We have lived on the Strand for quite a number of years and a matter of fact about 60 years ago I was teaching myself to surf at the 6th street break on my paddle board before the event of surfboards. So we've been around a long time.

Probably the most important issue relative to the 702 project is the intrusion that the building represents on the public scenic view corridor from the viewing area which includes the entire viewing area at the top of the stairs down the stairs to the ocean. This affects thousands of people that use the stairs and those who come to stand at the top of the stairs (in the viewing area) of the viewing corridor to admire the ocean, the surf, the sunsets and all the other wonderful and marvelous happenings that the ocean represents.

It has been mentioned to us that Oceanside's own plan specifically names the viewing area in question as one of 3 identified public view points in Oceanside. This classification would indicate to us a status to an important visual resource to be protected.

All quoted statements in our letter are from The Coast News, August 29, 2008, and come from the Council Meeting approving the 702 plan.

One of the developers said, "It's perplexing to me, after we've had numerous outreach meetings and worked with council members to make this the best project this could be, I don't understand why they aren't celebrating."

\* Why should people be celebrating when the project violates at least 3 minimum setback requirements of the city's minimum requirements?

\* It would appear to us that celebrating something less than the adherence to the official setback standards would not be much of a celebration.

\* A true celebration would be forthcoming once the project meets minimum setback requirements.

We attended all the developers' outreach meetings to which we were either hosting or had been invited to attend; we saw absolutely no outreaching. On the other hand we saw continuous and numerous tweaking of the plans' lack of meeting minimum setback requirements.

We were approached by the developers at an early stage of their program and asked how we felt about their plans. Our comments to them was that we would gladly support their project if their project indeed met all city regulations and rules. Of course it is obvious that there are quite a few city specifications that have not been met.

We are certainly pro development. In the past we attempted to develop 702 and 700 into a 6 unit building but unfortunately due to the untimely death of our friend and partner we had to abandon this program. Shirley and I could not financial develop this plan with our own resources.

After the aforementioned project we attempted to develop 700 as a 3 unit condo project that we were forced to abandon since we could not pencil out the results. With a delay of almost 5 years in City Hall and out of pocket expenses of \$100,000, we decided to remodel the standing house which we accomplished in the original footprints and adhering to all city rules and regulations including minimum setbacks requirements, if not more.

We have heard on numerous occasions many comments about the fact that the city was approving under minimum setback requirements all along the Strand. Does this make it right? It seems to us that it certainly is not right in the case of the public viewing corridor from the viewing area. It would appear that much of the public viewing area was lost with the building of the San Miguel complex, with its 3 foot or so setback. This is a prime example of one of the lost viewing assets that will be difficult if not impossible to recover.

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We understood that landscape was going to occupy 25% of the land in question. Apparently at some time or another it has been reduced to 20%. Nevertheless from what we understand the majority of their landscaping will be on the roof of the building which would seem to be roofscaping rather than landscaping.

Furthermore, with the railing around the roofscaping area together with the growth factor of whatever plants and or trees included in the developers' plans, if they are included in the height calculations of 702, will it perhaps exceed the height restriction?

700 today is almost equally divided between building and landscaping. We are pleased by the many comments going up and down the public access about how nice it is to see our lawn, citrus trees and flowers at the beach.

Notwithstanding the 'Glitz and Glamour' that the developers' architects have impacted into the 702 project it appears to us that it will end up being almost a big square box building occupying almost boundary to boundary.

Listed below are several comments from the Council Meeting where the 702 project was approved.

"They've done everything they can do to improve the design."

What about changing their plans to adhere to required minimum setbacks?

One Council Member did not approve 702 because of its failure to meet setback requirements. This Council Member stated, "The issue is if the project complies with the rules. Going into the view should not be taken lightly. One reason people come to Oceanside is for the views." Bravo to this Council Member!

"This is investing in our future."

Does building noncomplying projects without minimum setbacks represent anymore of an investment in our future as against building and adhering to minimum setback requirements?

"We have a lot of views left."

I don't want to go back to the 40s, 50s, or 60s and compare views then with views today. All we know is that we had better protect the views that we do have left because once these assets are lost it's difficult at best if not impossible to regain them.

We have heard often from the developers that they are building their "Dream Home". Is a "Dream Home" a single residence or 2 condo unit for the 2 owners or a 4 condo unit for sale?

If the "Dream Home" owners had complied with minimum setback requirements, they could have been in their "Dream Home" a long time ago. Would this indicate primarily investment property not primary residence?

I'm a World War II veteran US Navy so obviously I'm in my eighties. My wife, Shirley, and I have been married for over 50 years and she is following right behind me. It becomes more difficult for us to walk out to the beach and in the water to enjoy one of the great joys of life. We still manage to do it when our kids and our grand kids come to visit. It seems that we are increasingly spending more and more time on our porch enjoying the view.

We understood that sooner or later that 702 would be developed which would obstruct much of our white water view however we still felt content and at ease in that at least the minimum of 10 foot setbacks would be adhered to. We just don't understand how the developers of 702 in the short time they have been in Oceanside have become so well connected with City Hall and that they have been able to get approval on their plans with less than required minimum setbacks depriving us of our 'planned-on 10 foot right' viewing corridor as per city minimum setback requirements.

Thank you for your time in reading our letter and for your consideration.

Sincerely yours,

Signature on File



Burrus and Shirley Pentoney

700 N. The Strand

Th 18a



J. MICHAEL WINFIELD AIA ARCHITECT  
P.O. BOX 2483 (858) 481-6500  
CARLSBAD, CA 92013 (760) 433-4300

October 8, 2008

TO: CALIFORNIA COASTAL COMMISSION  
RE: NEW APPEAL LETTER

RECEIVED

OCT 08 2008

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Permit No: A-6-OCN-08-084

702 N. The Strand, Oceanside (San Diego County)

Floor area ratios (F.A.R.) are a common method to determine bulk, mass and scale. But, in Oceanside, only minimum yard setbacks are used. In Oceanside Redevelopment, even below minimum setbacks (such as in this case) have been allowed.

The existing 4-unit (2 bedroom/2 bath) building has a F.A.R. of only 43%, with exterior on-grade parking. What is proposed is a 4-unit (3 bedroom/3.5 bath) building with a F.A.R. of 128%. Add the partially submerged (flood hazard) of a garage for a F.A.R. of a whopping 204%! This project is unacceptable in its bulk and scale as turned down by the Redevelopment Advisory Committee.

It is absurd to consider that a private roof deck could provide 500 square feet of landscaping area to offset too large of a footprint. Landscaping in planters is not automatically irrigated, maintained or shaded from airborne salt, wind and sun. Additionally, some of the required landscaping proposed is paved (decorative considered landscaping) and shaded areas under cantilevered balconies above.

Sincerely

Signature on File

J. Michael Winfield, AIA

30

Th 18a

Agenda #18  
Application # A-6-OCN-08-084  
Opposition

To the California Coastal Commission

600 N. the Strand #45  
Oceanside, CA 92054

10/7/2008

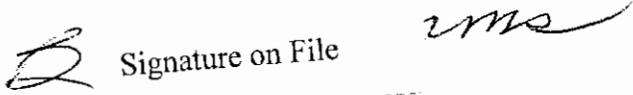
Dear Commissioners,

I just found out that the developers of 702 N. The Strand have not been truthful about my comments regarding their project. I read their comments from their neighborhood contact list and I was shocked to see how many comments from neighbors were simply not true. This Neighborhood Contact List was used by the City of Oceanside. The developers have written what they want you to hear, not the truth. They stated that I told them their project "design was attractive," this is not true. I have had concerns about the amount of glass the project is using from the very start, and I told them this when they showed me their design.

I would like to see their lot developed, but at the same time the public views need to be protected. A big glass building will created a big glass tunnel for the public.

Sincerely,

Bill Mc Adams

 Signature on File

**RECEIVED**

OCT 08 2008

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

**Gideon Mann****RECEIVED**

**From:** "Michael Nord" <nordmichael@hotmail.com>  
**To:** "Gideon Mann" <gideon.mann@sbinvlc.com>  
**Sent:** Wednesday, August 20, 2008 2:39 PM  
**Subject:** [!! SPAM] RE: Email From Gideon Mann

OCT 08 2008

CALIFORNIA  
 COASTAL COMMISSION  
 SAN DIEGO COAST DISTRICT

Hi Gideon:

Following is an E message of support sent by one of our Board members. It may supply at least moral support.

The council majority profess a respect for property rights within established guidelines. You should be fine.

As to harmonizing with Roberts Cottages reach out to Eleanor Patella. Her family's legacy is important to its existence.

Good luck

Michael Nord

Please note: Mr. Nord was (may still be) the president of the Roberts Cottages Homeowners' Association. He owns Cottage # 11 (APN 143-221-01-03)

**Supporting 702 The Strand North.**

**From:** watasmyle@aim.com  
**Sent:** Wed 8/20/08 8:48 AM  
**To:** council@ci.oceanside.ca.us; nordmichael@hotmail.com  
 Dear Mayor and Council Members.

Just a brief letter of support for the proposed 4 unit project at 702 The Strand North. As an owner of a cottage at Roberts Cottages I wanted to voice my support for what can be a beautiful addition to the homes on the strand and also state that I am not bothered by the size and style of this project. Most importantly, I believe that every property owner should have the right to build their dream home without the headache of pleasing so many people who have no financial investment in this property and no legal objection. Coincidentally, many of those who oppose this project live in adjacent condos that have blocked views, have shorter setbacks and have no architectural continuity with its surrounding older neighborhood. One of the most vocal opponents to this project (and many others) lives in a multi story condo that has completely eliminated the view of its small craftsman home neighbor and is architecturally inconsistent with the homes surrounding it.

My feelings are that the developers are not asking for any variances and to prohibit them from building what they want would not only be unfair but would easily be subject to litigation. With respect to the so called "scenic viewpoint" above the stairwell and how it would be compromised I never knew nor do I know anyone who has thought of it as a scenic viewpoint in all the years I have been in Oceanside. There is no sign the city has posted designating it as such as and it is only a block or two away for real scenic viewpoints and only a walk down the stairwell for the best view of all.

I am hopeful that the city will not interfere with a property owners dream as the developers are working within the framework of city setbacks and height restrictions. I am also hopeful that those who vote on this project are well aware that watch groups and some neighbors are only against this project for personal reasons and these reasons have nothing to do with legal fairness.

Respectfully,

Ralph Reyes

Please note: Mr. Reyes is the owner of Roberts Cottage #6 (APN 143-221-01-32)

Th Ba

## 702 N. The Strand 4-Unit Condo Project Letter of Support

I have seen a presentation of the 4-unit condominium project at 702 N. The Strand and I support this project.

The presentation consisted of pictures and renderings of the new building from all sides, a review of the architectural plans, a view study from the parking lot to the east and in the alley, and renderings of proposed enhancements to the alley and public beach access.

My decision to support this project is an informed decision based on this information. The owners have presented an attractive design that provides the maximum amount of view preservation without causing undue economic penalty or infringing on their right to develop their property for their future homes. In addition, the extensive use of glass on the alley façade provides a feeling of spaciousness when walking through the alley. The project will be an asset to the neighborhood, the proposed public beach access improvements will enhance the community, and critically needed revenue will come to the City in the form of real estate taxes and Hotel taxes derived from renting two of the units as vacation rentals.

I would urge all government decision-makers to approve this project.

#	Date	Signature & Printed Name	Address	O=Owner T=Tenant
☐	8-15-08	Cleo Chapin	4712 Ladoga Ave	Owner
		<i>Cleo Chapin</i>	Lakewood, CA 90713	

I would like to be able to attend the scheduled meeting, but I recently had two knee replacements, and can't drive as yet. I am an owner of Robert's Cottage 24, the adjacent building to 702 North Strand. Visually, to me, a new building would be more attractive than the existing one. They would be creating, for themselves, living units that they want to live in for the rest of their lives. I think that they should be allowed to improve their property within city guidelines and their choice of improvement. Isn't that what most property owners do?

Please note: Ms. Chapin is a co-owner of the two-story Roberts Cottage adjacent to 702 N. The Strand.

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## 702 N. The Strand 4-Unit Condo Project Letter of Support

I have seen a presentation of the 4-unit condominium project at 702 N. The Strand and I support this project.

The presentation consisted of pictures and renderings of the new building from all sides, a review of the architectural plans, a view study from the parking lot to the east and in the alley, and renderings of proposed enhancements to the alley and public beach access.

My decision to support this project is an informed decision based on this information. The owners have presented an attractive design that provides the maximum amount of view preservation without causing undue economic penalty or infringing on their right to develop their property for their future homes. In addition, the extensive use of glass on the alley façade provides a feeling of spaciousness when walking through the alley. The project will be an asset to the neighborhood, the proposed public beach access improvements will enhance the community, and critically needed revenue will come to the City in the form of sales tax and Hotel taxes derived from renting two of the units as vacation rentals.

**RECEIVED**

I would urge all government decision-makers to approve this project.

OCT 08 2008

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

#	Date	Signature & Printed Name	Address	#	O=Owner T=Tenant
1	8/13/08	Ann Berryman	400 N. The Strand Oceanside, CA 92054	#13	owner
2	8/13/08	Chuck Berryman	400 N. The Strand Oceanside, CA 92054	#13	0
3	8/13/08	RANDALL Pecaut	318 So. The Strand Oceanside, CA	#7	T M
4	8/13/08	Jenny Pecaut	318 S. The Strand Oceanside, CA 92054	#2	T
5	8/13/08	KAREN NEWMAN	2602 MESA DR. Oceanside, CA 92054		0
24			Oceanside, CA		

★ 1 of 26 pgs. for a total of 99 signatures ★

34

California Coastal Commission  
San Diego Area  
7575 Metropolitan Dr., Ste 103  
San Diego, CA 92108-4421  
619.747.2370 fax 619.767.2384

Item # 18  
Appeal No.: A-6-OCN-08-084  
Burrus and Shirley Pentoney  
OPPOSITION to Project

RECEIVED

OCT 10 2008

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

RE: 702 N. The Strand - 4 Unit Project

Most Honorable Coastal Commissioners,

We realize how valuable your time is but hopefully you will be able to read this letter as well as the other information relative to the project at 702 N. The Strand.

We are Burrus and Shirley Pentoney and we live in the house at 700 N. The Strand [to be referred to as 700], the property adjacent to 702 N. The Strand [to be referred to as 702] on the east side. We have lived on the Strand for quite a number of years and a matter of fact about 60 years ago I was teaching myself to surf at the 6th street break on my paddle board before the event of surfboards. So we've been around a long time.

Probably the most important issue relative to the 702 project is the intrusion that the building represents on the public scenic view corridor from the viewing area which includes the entire viewing area at the top of the stairs down the stairs to the ocean. This affects thousands of people that use the stairs and those who come to stand at the top of the stairs (in the viewing area) of the viewing corridor to admire the ocean, the surf, the sunsets and all the other wonderful and marvelous happenings that the ocean represents.

It has been mentioned to us that Oceanside's own plan specifically names the viewing area in question as one of 3 identified public view points in Oceanside. This classification would indicate to us a status to an important visual resource to be protected.

All quoted statements in our letter are from The Coast News, August 29, 2008, and come from the Council Meeting approving the 702 plan.

One of the developers said, "It's perplexing to me, after we've had numerous outreach meetings and worked with council members to make this the best project this could be, I don't understand why they aren't celebrating."

\* Why should people be celebrating when the project intrudes upon the public's scenic view corridor as listed above?

\* A true celebration would be forthcoming once the project meets minimum setback requirements and does not intrude on the public's scenic view corridor.

We attended all the developers' outreach meetings to which we were either hosting or had been invited to attend and we saw very little outreaching but on the other hand we saw continuous and numerous tweaking of the plans' lack of meeting minimum setback requirements.

We were approached by the developers at an early stage of their program and asked how we felt about their plans. Our comments to them was that we would gladly support their project if their project indeed met all city regulations and rules. It is obvious that there are quite a few city specifications that have not been met.

We are certainly pro development. In the past we attempted to develop 702 and 700 into a 6 unit building but unfortunately due to the untimely death of our friend and partner we had to abandon this program. Shirley and I could not financially develop this plan with our own resources.



After the aforementioned project we attempted to develop 700 as a 3 unit condo project that we decided to abandon.

\* Our first concern was the 3 1/2 foot setback that had been approved for the southside. We were aware of the loss of the public's scenic view corridor that San Miguel represented and we did not want to continue the tunnelization of the view corridor.

\* With a delay of almost 5 years in City Hall and out of pocket expenses of \$100,000, we decided to remodel the standing house which we accomplished in the original footprints and adhering to all city rules and regulations including minimum setbacks requirements, if not more.

700 today is almost equally divided between building and landscaping. We are pleased by the many comments going up and down the public access about how nice it is to see our lawn, citrus trees and flowers at the beach.

We have heard on numerous occasions many comments about the fact that the city was approving under minimum setback requirements all along the Strand. Does this make it right? It certainly is not right in the case of the public viewing corridor from the viewing area. Much of the public viewing area was lost with the building of the San Miguel complex, with its 3 foot or so setback. This is a prime example of one of the lost viewing assets that will be difficult if not impossible to recover.

Notwithstanding the 'Glitz and Glamour' that the developers' architects have impacted into the 702 project it appears that it will end up being almost a big square box building occupying almost boundary to boundary.

One Council Member did not approve 702 because of its failure to meet setback requirements. This Council Member stated, "The issue is if the project complies with the rules. Going into the view should not be taken lightly. One reason people come to Oceanside is for the views." Bravo to this Council Member!

"We have a lot of views left."

I don't want to go back to the 40s, 50s, or 60s and compare views then with views today. All we know is that we had better protect the views that we do have left because once these assets are lost it's difficult at best if not impossible to regain them.

I'm a World War II veteran US Navy so obviously I'm in my eighties. My wife, Shirley, and I have been married for going on 55 years and she is following right behind me. It becomes more difficult for us to walk out to the beach and in the water to enjoy one of the great joys of life. We still manage to do it when our kids and our grand kids come to visit. However, we are increasingly spending more and more time on our porch enjoying the view.

We understood that sooner or later that 702 would be developed which would obstruct almost all of our white water view however we still felt content and at ease in that at least the minimum of 10 foot setbacks would be adhered to. How can the developers of 702 in the short time they have been in Oceanside been able to get approval on their plans with less than required minimum setbacks depriving thousands of people and yes, including ourselves, the "pianned-on" public scenic viewing corridor from the viewing area down the stairs to the ocean.

Why can't the developers just move their building back to at least, if not more than, the minimum requirement of 10 ft on the southside intruding less on the public scenic viewing corridor?

Thank you for your time in reading our letter and for your consideration.

Sincerely yours,

Signature on File

Burrus and Shirley Pentoney

700 N.The Strand

Signature on File

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October 6, 2008

AGENDA #18  
APPLICATION #6-OCN-08-165  
SUBMITTED BY: JILL DINGMAN  
DON VAN RIPER  
POSITION: OPPOSED

Th 18a

RECEIVED

OCT 10 2008

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

CALIFORNIA COASTAL COMMISSION  
SAN DIEGO AREA  
7575 METROPOLITAN DR., SUITE 103  
SAN DIEGO, CA 92108-4421

Re: APPEAL HEARING SCHEDULED FOR THURSDAY, OCTOBER 16, 2008 BEFORE THE CALIFORNIA COASTAL COMMISSION

To: TONI ROSS/COMMISSION STAFF:

We submit the following comments with respect to the Commission Staff Report on the subject application and respectfully request they be provided to the Commission:

1. Robert's Cottages: This development is not protected by the LCP and there is every possibility its owners will apply for redevelopment at some point.
2. Setback Requirements: Contrary to statements in the report, a neighboring development, San Miguel I, was required to incorporate a 20' setback on its south side to protect the public view from Surfrider St. (formerly 6<sup>th</sup> St.).
3. Applicant View Analysis: The Applicant has submitted photographs purporting to show the effects of the project on the public view from the parking area above the project. The photographs are misleading in that they were taken from a point that minimizes the apparent loss of view, but is not a point from which people would logically stand or sit to look out on the ocean.
4. View Impact: Both the proposed deck near the SW corner of the project and its proposed height will have an inordinate negative impact on the public view. The deck will contain furniture, plants and other items that will block the view just as surely as if the building itself were built out to the same setback, and the height of the proposed building is equal to the height of the spark arresters of the San Miguel development immediately to the south making the new building effectively higher than its neighbor.

**REQUESTED ACTION:** We request that the required 10' setback on the south side of the project apply to both the building proper and any decking. We also request that the building's height be limited to the height of the San Miguel buildings not including any spark arresters and other ancillary equipment stationed on the roof.

Sincerely,

 Signature on File

Jill Dingman and Don Van Riper  
600 N. the Strand, Unit 54  
Oceanside, CA 92054

Cell Phone: 818-203-1423 or 760-846-7805

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**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



# Th 18a

Filed: September 5, 2008  
49th Day: October 24, 2008  
Staff: Toni Ross-SD  
Staff Report: September 25, 2008  
Hearing Date: October 15-17, 2008

STAFF REPORT AND RECOMMENDATION ON APPEAL  
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Oceanside

DECISION: Approved with Conditions

APPEAL NO.: A-6-OCN-08-084

APPLICANT: Bob Sachs and Gideon Mann

PROJECT DESCRIPTION: The demolition of an existing 4-unit apartment complex, and the subsequent construction of a 4-unit (approximately 1,700 sq. ft, each), two-story condominium building with a nine space underground parking garage on a 5,400 sq. ft. lot.

PROJECT LOCATION: 702 N. The Strand, Oceanside, San Diego County

APPELLANTS: Surfrider Foundation - San Diego Chapter & Mary Fisher

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SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. The appellants raise several issues, with the most pertinent being that the development is inconsistent with applicable land use and zoning policies, resulting in a development that is bulky and results in impacts to existing views of the ocean. The project is located on the northern portion of The Strand, directly adjacent to a public accessway and west of a public parking lot, including a public stairway from the parking lot, to the accessway, and out towards The Strand and the ocean (ref. Exhibit #2).

Based on review of the City's file and information provided by the appellant and applicants, staff has concluded that the development, as approved by the City, is consistent with all applicable LCP provisions as it is in character with the overall surrounding community and will not result in any significant adverse impacts on public views.

Commission staff has met with the applicants on a number of occasions and has had the opportunity to comment on the various iterations of the project design. In response to staff, as well as City and interested party concerns relative to impacts to public views, the applicant has modified the project to include an additional 5' side-yard setback (totaling 10') for 40% of the depth of the building on the southern portion of the lot as it has the highest potential to impact public views. In addition the applicants have included in their project improvements to the public access at the south of the property, including replacement of the existing stairs that lead to the accessway, and construction of a bench available for public use, and redeveloping the asphalt public accessway with decorative pervious pavers.

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**SUBSTANTIVE FILE DOCUMENTS:** The City of Oceanside Certified LCP; Appeal forms from Todd Cardiff representing the San Diego Chapter of The Surfrider Foundation and Mary Fisher; City File for Coastal Development Permit RC-203-07; City's Resolution 08-R0515-3 dated August 20, 2008

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**I. Appellants Contend That:** The appellants contend that the proposed development is inconsistent with the policies of the certified LCP which pertain to size and scale of development, and to protection of public ocean views. The overarching concern is that the development is inconsistent with the City's required setbacks, and doesn't take into consideration the lot's proximity to a public accessway and public parking lot, both which presently offer views to the ocean. The appellants further contend that by allowing this size of development at this location and with its "contemporary" design, the project does not fit in with the character of the surrounding neighborhood.

Specifically the appellants raise five main contentions regarding design standards; including, the approved project is inconsistent with policies/ordinances regulating height, minimum setbacks, compatibility with the surrounding neighborhood, and minimum landscape and open space requirements. The appellants contend that the structure will maximize the building envelope which precludes the protection of the existing ocean views. The appellants contend that the large size of the development is facilitated by allowing these minimum setbacks, maximum height, and the minimum amount of landscaping and open space.

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**II. Local Government Action:** The City of Oceanside approved the Coastal Development Permit on August 20, 2008 with several special conditions. No variances were sought or approved. The main concerns addressed by the City were observance of the required development standards and impacts to public views. The project is located west of the Pacific and as included in the City's LCP, all development located on The Strand west of Pacific must be a lower elevation than Pacific Street. This policy serves to protect the coastal view opportunity while traveling down Pacific Street. As approved by the City, the applicants are required to adhere to the approved plan (noting the height not to exceed the elevation of Pacific Street), and further requires the applicants to hire a

professional surveyor upon completion of the development demonstrating that the building was completed per the approved plans. Further special conditions require the applicants to improve the existing accessway with pavers, replace the existing and dilapidated public access stairway, and to construct a public bench at the western terminus of the parking lot, located just east and above the lot. Additional special conditions have been included to address water quality, parking, flooding, geological stability, and a waiver of liability for any potential losses due to storm surges among others.

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III. Appeal Procedures/Substantial Issue Analysis: After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits.

Section 30604(b)(1) of the Coastal Act states:

*The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.*

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

*With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.*

If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to the de novo portion of the hearing on the merits of the project then, or at a later date. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project then, or at a later date. If the Commission conducts the de novo portion of the hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

In addition, for projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3. In other words, in regard to public access questions, the Commission is

required to consider not only the certified LCP, but also Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo portion of the hearing, any person may testify.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs. titl. 14 section 13155(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City does not raise a substantial issue with regard to the appellants' contentions regarding coastal resources.

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#### IV. Staff Recommendation On Substantial Issue.

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission determine that Appeal No. A-6-OCN-08-084 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

**STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:**

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

**RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:**

The Commission finds that Appeal No. A-6-OCN-08-084 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

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**V. Findings and Declarations.**

The Commission finds and declares as follows:

**1. Project Description.** The project as approved by the City includes the demolition of an existing 4-unit (all single bedroom) 2-story apartment building and the subsequent construction of a 4-unit, 2-story condominium complex (all three bedroom) with nine underground parking spaces. The subject site is situated within the North Strand community. The Strand was once predominantly designated for visitor-serving uses; however, through an amendment to the LCP, the City modified the Land Uses in this area, to primarily residential. As such, the majority of The Strand is developed with both single- and multiple-family residential buildings. Located immediately to the north of the subject site is the Robert's Cottages. These cottages were constructed in the 1930's and are now considered historical. The units are small bungalows with a kitchen and shower. The units are individually owned and are used primarily as vacation rentals. All but one (22 of 23) of Robert's Cottages are single story. The unit directly north and adjacent to the subject site is two-story, providing a transition between the smaller-scale cottages and the rest of The Strand.

Located south of the subject site is a 20' wide dedicated public accessway, with the San Miguel II Condominium project south of the accessway. The San Miguel Condominium development is a larger-scale 70-unit complex that includes both private residential and vacation rental uses. The project site includes another multifamily residence directly inland of the subject site and then is backed by a coastal bluff up to Pacific Street (ref. Exhibit #2). In between the bluff and Pacific Street is a small approximately 10 space meter-run public parking lot. The coastal views in question exist from this parking lot looking over the subject site to the ocean and from the 20' public accessway (ref. Exhibits Nos. 4 & 5).

The approved project includes a two-story, over-basement development, totaling 6,955 sq. ft. of habitable space, 1,998 sq. ft. of decking, and a 4,108 sq. ft. basement/parking lot. The development is required to have 8 parking spaces, and provides 9. The project includes a 6' front yard setback (based on block-face average), 3' side setback, 5' corner side setback (south side), and a 5' rear setback.

The project site is designated as Mixed High-Density and Transient Residential. Multifamily and single-family developments are the primary uses allowed in this land use designation. The overall approved project density is 32.2 dwelling units per acre. The maximum allowable density is 43 units per acre.

In 1991 the City of Oceanside submitted a proposed amendment to their certified LCP updating the current ordinances within the redevelopment area. The intent of the proposed ordinance was to promote high-quality development within the Redevelopment Area, or "D" Downtown District (the subject site is located within this district). The new ordinance (Article 12), as approved by the Commission, was intended to replace all of the existing applicable LCP zoning ordinances and consolidate all regulations for developments within the City's Redevelopment Area. Zoning ordinance 220A. Applicability to the subject site states:

Zoning and regulations of this Ordinance shall apply to all land within the City of Oceanside, including land owned by the City of Oceanside and other local, state, or federal agencies, where applicable, with the exception of lands within the boundaries or the D Downtown District where all D District standards and related Ordinances shall govern...

As such, the standard of review includes the City's Land Use Plan and the Zoning Ordinances for the Redevelopment Area. However, some standards are not specifically addressed by Article 12, such as parking and signage, and are contained in other articles within the Zoning Ordinance. These other Articles are specifically referenced in the language of Article 12. Therefore, if Article 12 has policies pertaining to a specific standard (height, setbacks, landscaping, and open space) those are the standard of review. If the Article defaults to a different ordinance, those would be the standard of review. As such, a number of the policies cited by the appellants are not applicable to this project, and will not be further addressed by this appeal.

**2. Height of Structure.** The appellants contend that the project, as approved by the City, is inconsistent with the certified LCP in that the City approved a project that will exceed the City height requirements for this area. The appellants contend that the location of the project should be considered when assessing the appropriate height of the building. The appellants also contend that the building's ratio of height to setback is inconsistent with the certified LCP. Both the LUP and the Zoning Ordinances contain policies addressing height of development for projects located on The Strand and state:

A. City of Oceanside LCP Land Use Plan Policies for height

VI.C. (15) Development on the Strand shall remain below the height of the bluff, as provided for in Proposition A, which was approved by the voters in April, 1982.

B. Standards in the Redevelopment Area - Zoning Section 1230

(M) Height is to be measures from the existing grade, unless otherwise specified.

(N) Additional limitations on height shall apply as follows:

(a) The Strand: No building shall exceed the present elevation of Pacific Street as defined at the time of passage of Proposition A, passed on April 13, 1982, and set forth in Proposition A Strand Survey dated May 9, 1986.

[...]

The project is required by both the LUP and Zoning ordinances to be no greater in height than the elevation of Pacific Street located inland of The Strand. The purpose of this policy is to allow travelers on Pacific Street to enjoy the views of the ocean over the development on The Strand. The approved elevation of Pacific Street is 42'7" +MSL inland of the subject site. The building was approved with a height of 30' at 12'1" +MSL elevation (existing grade). The combined project height would therefore equal 42'1", or 6" less than what could be permitted at this location and thus below the elevation of Pacific Street. The City has typically allowed proposals on the Strand to be at or very close to the height of Pacific Street, and the Commission has not historically been concerned with the height of projects on The Strand if they are consistent with this policy. Lots along The Strand are confined by the street to the west (The Strand itself), the coastal bluff to the east, and are generally small sized lots, leading to numerous development constraints. Requiring a greater reduction in height would only further restrict development. Furthermore, if the project is below the elevation of Pacific Street, the elevation of the building will be similar to other developments at this location. In this case, the proposed building is consistent with the City height requirements contained in the City's certified LCP.

The project, as previously stated, will develop the area of site which now is the required off-street parking spaces for the existing apartment complex. The construction of the proposed building will have impacts to public views. However, development of any kind at this location will result in impacts to the existing views from the public parking lot located east of the subject site. The views from the stairway will be impacted to a lesser extent given that as you decrease in elevation (walk down the stairs), the coastal views will decrease as well. In response to these view impacts, the applicants have redesigned the roof of the building into double arches (ref. Exhibit #6). These arches were designed to mirror the shape of two breaking waves and will decrease the view impacts over the top of the building to the ocean. Thus, while the City permitted the building to be 30' in

height maximum, this maximum is only achieved at two curved peaks, with the remaining portions of the roof sloping down to a lesser height. The project therefore does not raise substantial issue when addressing consistency of the approval to the City's certified height restrictions.

Also pertaining to the height of the proposed structure, the appellants contend that the project is inconsistent with Policy 1050(P) of the City's Zoning Ordinance. This ordinance states that "new development shall not intersect with a 45 degree plane from 27 feet in height, as measured from the front and side-yard setback lines." The intent of this development standard is to provide some building articulation along the street to limit a 30' high vertical wall. However, Ordinance 1050(P) is not part of the redevelopment chapter and is not applicable to the subject site or this development. Nevertheless, if this policy were applied to the approved development, it would be consistent with the requirements. The approved height of the building is 30', with a 5 yard setback. Drawing a 45 degree angle from a height of 27' using the 5' setback from which to draw the line, the building would not intersect the 45 degree angle unless it reached an elevation of 32 feet. As the maximum elevation of the proposed building is 30', the project is consistent with this requirement, albeit the requirement is not applicable.

In conclusion, while the height of the project will result in some impacts to coastal views, the project is both consistent with the City's applicable policies and has been designed to limit impacts to coastal views. The project therefore, does not raise substantial issue on the grounds filed by the appellants.

**3. Setbacks.** The appellants contend that the City approved a project with setbacks inconsistent with the certified LCP. Specifically, the appellants contend that the project is required to provide 10' front and corner yard setbacks. The City approved these setbacks at 6' and 5' respectively. The appellants contend that by allowing these reduced setbacks the project further impacts coastal views, and is out of character with the surrounding neighborhood. The City has policies pertaining to appropriate setbacks that state:

A. City of Oceanside LCP Land Use Plan Policies for required setbacks

VI.C. (9). In areas where a change to a more intensive use is proposed, adequate buffer transition zones (such as increased setbacks, landscaped barriers, or decorative walls) shall be provided.

B. Standards in the Redevelopment Area - Zoning Section 1230

Required Façade Modulation - 25% of front and side street elevation horizontal and/or vertical must be set back at least 5 feet from setback line.

(G) The provisions of Section 3015: Building Projections into Required Yards and Courts apply except that in the D District, covered porches and stairs may project only 3 feet into the front or rear yard and 2 feet into the side yard.

(I) A 5-foot side or rear yard setback shall be provided along alleys. A 10-foot side or rear yard shall adjoin any residential area, and structures shall not intercept a 1:1 or 45-degree daylight plane inclined inward from a height of 12 feet above existing grade at the R District boundary line.

(1) Projects located on The Strand shall be allowed to encroach into the side yard setback, as long as a minimum 3-foot setback is maintained, with Community Development Commission approval.

(J) The corner side yard setback may be reduced to 5 feet provided that the landscaping or structures within the setback do not exceed a height of 30 inches and conforms to sight distance requirements on a case by case basis upon approval by the Community Development Commission.

(L) Proposals for front yard, side yard, or rear yard setbacks will be judged on the merits of each individual proposal and the architectural compatibility of all proposed structures with existing or proposed structures on adjoining parcels. Functional site layout with special attention to design of recreational, parking and landscaped areas may produce an acceptable proposal with minimum or no setbacks. However, all projects seaward of or fronting Pacific Street shall retain a minimum 5-foot front yard setback. Owners of abutting property shall be provided written notice of proposals for no setback on side or rear yards at least 10 days prior to Community Development approval.

Buildings along The Strand shall be designed so that when viewed from the beach, the visual impacts of the bulk of the structure is minimized to the maximum extent possible.

The Community Development Commission shall approve or conditionally approve such proposals upon finding that:

1. Allowing reduced or no setbacks is compatible with surrounding development;
2. Granting reduced setbacks or eliminating setbacks entirely will enhance the potential for superior urban design in comparison with development which complies with the setback requirements;
3. The granting of reduced or no setbacks is justified by compensating benefits to the project plan;
4. The plan containing reduced or no setbacks includes adequate provisions for utilities, services, and emergency-vehicle access; and public service demands will not exceed the capacity of existing and planned systems.

C. Standards within the Zoning Ordinance that apply to multiple Districts

3016 - Front yards in R Districts

Where lots comprised of 40 percent of the frontage on a blockface in an R District are improved with buildings, the required front yard shall be the average of the front yard depths for structures on each developed site in the same district on the blockface. In computing the average, the actual depth shall be used up to a maximum depth of 10 feet greater than the normally required front yard for any site having a yard depth exceeding the minimum requirement.

The project, as approved by the City would result in reduced front yard and side/corner yard setbacks. Currently the site is developed with a 50+ year old non historic 4-unit apartment complex and a parking lot for the apartment. The parking lot is located in what would be considered the side/corner yard setback, and as approved by the City, the new parking would be located underground, and the new building will occupy the space where the parking lot is currently located. Further, currently the existing structure maintains a 10' front yard setback. As permitted pursuant to Section 3016 (cited above), the City approved a "Block-Face Average" for the proposed development, resulting in a setback of 6'. Article 12, pertaining to development in the Redevelopment Area and The Strand, has specific standards for required setbacks (ref. Exhibit #11). This article does require 10' corner, and 10' front yard setbacks. The appellants contend that by allowing less than the required setbacks the project is inconsistent with the certified LCP. However, Article 12 also includes language allowing for a reduction in these setback requirements, including specifically within The Strand community.

The appellants contend that the reduction in setbacks are also inconsistent with the LCP in that the LCP requires that reduced setbacks only be permitted if the reductions do not result in a structure incompatible with surrounding development, or having impacts to coastal views. The project site is located adjacent to two other developments to its south and east (inland). To the south is the San Miguel Condominium project (a 2-story, 70-unit development), and to the east is an older apartment building. San Miguel was approved with the corner yard setback of 3 feet adjacent to the public accessway. In 1991, the project site located just east of the subject site, and still within The Strand community (directly behind subject site) was also permitted at a 3 foot setback (ref. Exhibit #12). However, this approved project was never built due to economic hardship. The subject development includes a corner setback of 5 feet, or two feet greater than the surrounding developments. The applicants argue that in fact no corner lot within the Redevelopment Area has a 10' setback, and that common practice by the City is to allow the reduced setbacks. Furthermore, the applicants have increased the corner setback to 10 feet for the westernmost 31' feet (40%) of the project; both stories are cutback and will include decking / balcony at this location. The increase in setback at this location was found to preserve the highest percentage of the existing public view as viewed from the walk adjacent to the parking lot on Pacific Street. The applicants provided the City with a View Impact Analysis that determined that increasing the setback for the entire length of the development would not significantly decrease the remaining impacts to public

views. In review of this analysis, it is evident that by increasing the setback adjacent to the public access from 5' to 10' for its entire length (and not just the westernmost 31'), no additional public views would be opened up as viewed from the parking area on Pacific Street.

The appellants further contend that the City utilized the "Stringline" method to determine the adequate front yard setback. However, this is not correct. The City used the "block-face average" as described above to determine the required front yard setback. A block face average determines the standard setback for a community and is regularly used in residential areas whereas for the City of Oceanside, a "stringline" setback is not used for development along The Strand. However, as previously discussed, the Redevelopment Area has its own standards for front yard setbacks. Article 12 requires a front yard setback of 10 feet, but allows a reduction for areas seaward of or fronting Pacific Street. Because this property and the entirety of The Strand is located seaward of Pacific, a reduced front yard setback to 5' is allowable. In discussing this apparent inconsistency with the City, it was explained that typically if there are two contradictory development standards, and the most applicable cannot be determined, the more conservative policy is used. In this case, using the block face average required a front yard setback of 6 feet; whereas, the policy within the Redevelopment area allows a setback of 5 feet; therefore, the block face average can be considered the more conservative of the two. Furthermore, as previously stated, the lots on The Strand are highly constrained (The Strand to the west, coastal bluff to the east, small lot size) and reductions in setbacks are common.

The front yard setback when reviewing projects on The Strand is primarily used to protect coastal views to the ocean along the front of the developed block. If the majority of surrounding buildings have a setback of 6 feet, there will be little or no impacts to coastal views. Further, the corner yard setbacks are primarily used to ensure adequate sight distance requirements for motorists. The City reviewed the request for the reduced corner setback and determined it would provide adequate site distance for vehicles in that The Strand is a narrow one way street that does not get heavy traffic. Thus, the project meets the intent of both of these standards, and is consistent. Therefore, the project does not raise substantial issue.

In summary, the project as approved by the City is consistent with the requirements for both front yard and corner yard setbacks. This coupled with the increased setback for the 31 westernmost feet of the building to 10 feet results in a project that has attempted to minimize impacts to coastal views and is consistent with the City's certified LCP. Furthermore, the setbacks that were approved are consistent with the surrounding developments. The project, therefore, does not raise a substantial issue with regard the grounds on which the appeal was filed.

**4. Compatibility with Surrounding Neighborhood.** The appellants contend that the large-scale development approved by the City results in not only impacts to coastal views but a project that is out of character with the surrounding neighborhood. The appellants specifically contend that the development is too large, given that it is directly adjacent to the small bungalow development, the Robert's Cottages, and the beach. The appellants

also contend that the modern design does not fit with the 1930's bungalows, or the Mission style development of San Miguel to the south (ref. Exhibit #2). Lastly, the appellants contend that the design of the building, which is predominantly windows, will make the development appear as an office building structure, and would have significant glare during certain times of the day. The City's LCP has policies addressing character and scale of developments that state:

A. City of Oceanside LCP Land Use Policies

VI.C. (2) The City shall encourage the preservation and/or rehabilitation of buildings of historical or architectural significance.

VI.C. (8) The City shall ensure that all new development is compatible in height, scale, color and form with surrounding neighborhood.

VI.C. (11) The City shall encourage variety, creativity, and site-responsive design for all new development

B. Standards in Zoning Article 30

3024 - Performance Standards. The following performance standards shall apply to *all* [emphasis added] use classifications in all zoning districts:

[...]

D. Glare

1. From Glass. Mirror or highly reflective glass shall not cover more than 20 percent of a building surface visible from the street unless an applicant submits information demonstrating to the satisfaction of the Planning Director that use of such glass would not significantly increase glare visible from adjacent streets or pose a hazard for moving vehicles.

The project approved by the City is the demolition of a smaller-scale 50+ year old two-story four-unit apartment complex, each apartment having only one bedroom, with an at-grade parking lot. The subsequent construction will be a larger-scale 4-unit condominium complex, each unit having three bedrooms, with parking being provided in an underground parking garage. The project's building footprint will be approximately 4,108 sq. ft. (76% of the site). The project is surrounded by a large-scale condominium development to the south (San Miguel), and the small-scale beach bungalow development used for vacation rentals to the north (Robert's Cottages). The appellants contend that the applicant and the City failed to consider the scale of Robert's Cottages when determining if the proposed development fit with the character of North The Strand. As previously stated, while the Robert's Cottages are considerably less developed than the surrounding lots, the largest of all of Robert's Cottages (and the only two-story) is located nearest to the proposed site. Thus, the construction of the proposed two-story development would

be closer in size to the nearest Robert's Cottage. Furthermore, when looking at community character, it is important to go beyond the two adjacent properties. The scale of North Strand in general has much larger-scale developments and it is clear that the subject development would be consistent with the character of the surrounding neighborhood as a whole. The reality is that the Robert's Cottages are the anomaly in the neighborhood (ref. Exhibit #2).

The appellants further contend that the project will set a precedent allowing for a much larger scale development should the Robert's Cottages ever be redeveloped. These cottages are historical and are protected by the City's certified LCP. Any development at this location would require an EIR, and would likely be unsupported by the City. Furthermore, given that theme style/historical architecture is protected by the City's LCP, and is within the appeals jurisdiction of the Coastal Commission, demolition of the bungalows with the construction of a larger scale development would also have to be reviewed by the Commission. Therefore, there will be no precedent set by this development allowing the Robert's Cottages to be redeveloped.

The project has been designed to take into consideration the scale and character of Robert's Cottages. The applicant has designed the roof of the project to be red in color. Both Robert's Cottages and San Miguel development have similar red roofs. Further, the roof design undulates twice over the development resembling two breaking waves. This keeps the nautical theme present in most beach communities, and also decreases the bulk of the development (ref. Exhibits 6, 7, 8).

The appellants also contend that the project will resemble an office building given that the majority of the building is windows. This contention is subjective, and is not inconsistent with the City's LCP. The City does require that if more than 40% of the building includes windows, than for safety purposes those windows will need to be non-glare. The applicant is proposing all non-glare windows. Further, the abundance of windows may decrease the sense of scale, especially along the public accessway. Here, it is expected that the non-glare windows will reflect the sky and ocean, helping achieve a sense of openness as one walks down this 20' wide public access towards the ocean

In conclusion, while the project will result in a larger development than what currently exists on the site, the new building size will still fit the character and scale of the surrounding community. The applicant has taken into consideration the surrounding architecture and has included elements in their design. The project will not set a precedent for future development, and the large number of windows will not give off glare, and will decrease the virtual scale of the building. As such, the project does not raise substantial issue for the concerns raised by the appellants regarding scale and community character.

**5. Landscape and Open Space Requirements.** The appellants contend that the City approved a project that does not meet the minimum requirements for open space and landscaping. This continues the underlying concern raised by the appellants; in that the City allowed the applicant to maximize their building envelope resulting in a

development too large for its surroundings. Specifically the appellants contend that the project does not meet the 20% landscape requirement of the LCP in that the City allowed the applicants to include the roof deck as landscaping. The appellants further contend that the private open space uses for overall open space requirements should not be included as they do not meet the minimum dimensions. Lastly, the appellants contend that the project should have taken into consideration the location when addressing minimum open space and landscaping, and by increasing these minimum requirements, the building would have had a smaller building footprint and thus, would not result in impacts to coastal views. The City has policies and standards for determining adequate open space and landscaping and state that:

A. City of Oceanside LCP Land Use Policies for required setbacks

VI.C. (9). In areas where a change to a more intensive use is proposed, adequate buffers transition zones (such as increased setbacks, landscaped barriers, or decorative walls) shall be provided.

VI.C. (13) New development shall utilize optimum landscaping to achieve the following effects:

- a. Accent and enhance desirable site characteristics and architectural features.
- c. Frame and accent (but not obscure) coastal views.
- d. Create a sense of spaciousness, where appropriate.

B. Standards in the Redevelopment Area - Zoning Section 1230

(R) The minimum site landscaping shall be provided on the lot surface, planting on roofs, porches, or in planting boxes which are above the lot surface shall not qualify as landscaping, except for landscaping located directly above underground parking which is 50% or below grade. Hardscape does not qualify as landscaping except that, areas devoted to common patios, pools and other recreational facilities may be included in determining compliance with the landscaping requirement. In addition, for projects of four or fewer units, private outdoor living space can be used to satisfy up to 10 percent of the minimum site landscaping requirement. Residential projects located on the Strand may count 30% of their required landscaping on roof tops towards their landscaping requirement, providing that such landscaping or appurtenances or other architectural features (such as guard rails) do not exceed the present elevation of Pacific Street, as defined at the time of passage of Proposition A, passed APRIL 13, 1982, and set forth in the Proposition A Strand survey dated May 9, 1986.

(S) Landscaping Requirements:

- (1) For residential projects only located on The Strand is 20%.

(FF) Open Space.

- (1) Basic Requirement. Total open space on a site having three or more dwelling units shall be at least 200 square feet per dwelling unit.
- (2) Private Outdoor Living Space. Private outdoor living spaces shall be on patios or balconies within which a horizontal rectangle has no dimension less than 6 feet.
- (3) Share Open Space. Shared open space, provided by non-street side yards, patios and terraces, shall be designed so that a horizontal rectangle inscribed within it has no dimension less than 10 feet, shall be open to the sky, and shall not include driveways or parking areas, or area required for front or street side yards.

The project includes approximately 1,800 sq. ft. of landscaping. Projects in The Strand community are required to provide a minimum of 20% of the lot as landscaping. In this case, the required landscaping requirement would be 1,080 sq. ft. (5,400 sq. ft. lot x 20%). Again, the project provides a total of 1,800 sq. ft. of landscaping; 944 sq. ft. of landscaping on the lot surface, 108 sq. ft. of private open space (balconies) and 744 sq. ft. rooftop deck. The appellants contend that the Zoning Ordinance does not allow for rooftop landscaping to be counted in the landscaping calculations. In this case, the appellants are confusing landscaping and common areas. As cited above, the Zoning ordinance allows for common areas, such as rooftop decks, to be included in the landscape calculations regardless of whether they include vegetation. The applicants incorporated the square footage of the rooftop deck, not the square footage of the vegetation included in the design of the rooftop deck, in their calculations for landscaping, consistent with the zoning ordinance. The City's ordinance further allows for 10% of the private open space (balconies) to be included in landscaping calculations. The applicants included 10% of the private balcony square footage in their landscaping requirement, again, consistent with the applicable ordinances.

The appellants further contend that the project does not meet the required open space square footage. The City's ordinance requires that 200 sq. ft. of open space be provided for each unit. The ordinance further requires that private open space must have a minimum dimension of six feet or more to be included in this calculation. The ordinance requires that 48 sq. ft. /unit be provided as private open space (decks, balconies, etc.) The ordinance further requires that when calculating common open space, the minimum dimension is 10 feet. Therefore, the total open space required for this project is 800 sq. ft. Each of the unit's balconies satisfy the minimum 48 sq. ft. /unit private open space requirement, with a total of 264.25 sq. ft. per unit. None of these private open space areas has a dimension of less than 6'. The common open space provided by the roof deck equals 538.5 sq. ft. Again, the rooftop deck meets the minimum dimension of 10' (minimum dimension is 12 feet). Combining the total private open space (264.25) and

the total common open space (538.5) equates to a total of 802.75 sq. ft. of open space, consistent with the applicable ordinances.

Lastly, the appellants contend that the open space and landscaping locations should have been placed in areas to further decrease impacts to public views. The appellants further contend that by increasing these requirements it would result in a less impactful development. The applicants have included low lying vegetation in the south setback area (42" or less) to protect the view opportunities in this south setback. Further, the applicants have redesigned their project to setback 40% of the south side of the building an additional 5 feet for a total of 10 feet. This cut resulted in the loss of 300 sq. ft. of living space, but did provide additional protection for public views.

In conclusion, the project is consistent with all applicable zoning standards required for both landscaping and open space. In addition, the applicants have incorporated design features in their design, including low lying vegetation and increased south side yard setback, to provide a balance between construction of a modern and desirable development, and protecting public coastal views. The project therefore, does not raise substantial issue for the contentions raised by the appellants in regards to minimum open space and landscaping requirements.

**6. Protection of Public Views.** The appellants contend that the project as approved by the City results in impacts to public views as viewed from the public parking lot located directly inland and above this project site, and from the public accessway including a stairway, starting at end of the parking lot connecting the parking lot to the ocean along the south of the property (ref. Exhibit #2). The City has numerous policies contained within its certified LCP that address the preservation of public views which state:

A. City of Oceanside LCP Land Use Policies for Visual Resources

LUP Policy VI - Visual Resources and Special Communities

Major Findings:

2. The City's grid system street pattern allows public views of these water bodies from several vantage points. Most east-west streets in the Coastal Zone offer views of the ocean.
3. There are no developed vista points in Oceanside, although several locations seem to meet this purpose. These include the fishing area at Buena Vista Lagoon, the frontage road adjacent to the inner lagoon, and the Pier. The bluff promenade along Pacific Street above the Strand, provides an attractive viewing area.

Objectives:

The City shall protect, enhance and maximize public enjoyment of Coastal Zone scenic resources.

Policies

1. In areas of significant natural aesthetic value, new developments shall be subordinate to the natural environment.
3. All new development shall be designed in a manner which minimizes disruption of natural land forms and significant vegetation.
4. The City shall maintain existing view corridors through public rights-of-way.
6. Open space buffers or greenbelts shall be provided along major scenic corridors.

## LUP Policy VII - New Development and Public Works

Policies

1. The City shall deny any project which diminishes public access to the shoreline, degrades coastal aesthetics, or precludes adequate urban services for coastal-dependent, recreational, or visitor serving uses.

B. Coastal Development Design Standards (specifically including in the LCP)**Design Standards for Preserving and Creating Views**

The visual orientation to the Pacific Ocean is a major identity factor for the City of Oceanside. Traditional view corridors should be preserved and reinforced in the placement of buildings and landscaping. Additionally, some views not presently recognized, deserve consideration in the design and location of further coastal improvements.

**Design Standards for Street Scape**

Building forms can be designed to respect and improve the integrity of open space and other public spaces.

The project as approved by the City includes the demolition of a 4-unit two-story apartment building and the construction of a two-story 4-unit condominium complex, including an underground parking basement. Currently the existing development utilizes approximately 50% of the lot, with the remaining area used to fulfill the parking requirements. The project is located on The Strand, north of the pier. The appellants

contend that the project's design results in impacts to public views. Currently there are ocean views from the City run public pay parking lot located just east of the subject site up on Pacific Street. These views are possible because the subject site is significantly lower in elevation than the parking lot, resulting in views over the existing development to the ocean. There are also public views to the ocean from the public access stairway connecting the eastern City parking lot down the coastal bluff to a 20' wide public accessway dividing the subject site from the development to the south (ref. Exhibit Nos. 2 & 4). Again, because the southern portion of the subject site is currently undeveloped (parking spaces), the views to the ocean are unobstructed from the parking lot and accessway over the parking spaces to the ocean and sandy beach west of the subject site. The proposed project includes all required parking in an underground garage, so that some of the views of the ocean as previously described across the paved portion of the site will be blocked by the proposed development. The ocean views still remain over the entire building and within the public accessway from both the eastern parking lot and the public stairway. Furthermore, once you get to west portion of the property along The Strand and the sandy beach the views remain unobstructed as there is no development west of The Strand.

The appellants contend that the project as approved by the City will result in significant impacts to the existing public views rendering the project inconsistent with the above cited City's policies protecting such views. According to the appellants, the approved project maximizes the potential development envelope, failing to take into consideration the proximity to public access and the ocean. The subject site is located west of a public parking lot, which does have some decking providing for what could be considered a vantage point (ref. Exhibit #5). The appellants contend that the project design will significantly impact views available from this decking. The appellants further contend that the views available from the public stairway leading down the bluff from this parking lot to the public accessway and beach will also be impacted by the construction of this approved project.

Again, the overarching concern raised by the appellants is that the project has been allowed to maximize all components of the development, inconsistent with the City's LCP, including height, scale, setbacks, open space, and landscaping. These are discussed individually and in greater in other portions of this report. However, the project does not require any variances, and meets all applicable development standards. The subject proposal will result in some impacts to public views (ref. Exhibit #10). However, given that currently approximately 50% of the site is not improved with any structure, and is reserved as parking spaces, any development in the existing parking lot would result in some impacts to public views.

The appellants consider this location to be a prime opportunity for coastal views. The appellants contend that the promenade above The Strand is a protected ocean view, and that given the proximity to the public accessway and the public parking lot, the project should be designed to reduce impacts to existing public coastal views to the maximum extent practicable. Because assessing impacts to coastal views is innately subjective, determining what the maximum extent practicable means is also subjective. However, in

this case, when addressing the potential impacts to public views cumulatively, the project can be considered consistent with the certified LCP.

Commission staff has met with the applicants on numerous occasions to comment on various design iterations. On initial review staff had concerns with the potential impacts to public views. In response to Commission, City, and public concerns with the development, the applicants have since redesigned the project a number of times, including changing the pitch in the roof and cutting back the southwest corner of the structure allowing for the protection of an additional portion of this ocean view. The most recent modification proposed by the applicants included increasing the south side yard setback by 5 feet (for a total of 10 feet) for a length of 31 feet (or 40%). This, again, was to minimize impacts to public views. All of these modifications were included in the design approved by the City of Oceanside.

A similar development and subsequent appeal was heard by the Commission in 2006 (ref. Appeal #A-6-OCN-06-134/Duke). The proposed building was going to be larger and was allowed to decrease the existing setbacks and increase the height (from one- to two-story). The project was located immediately adjacent to a highly utilized public beach, and west of a public walkway and parkland. The Commission found that a substantial issue existed with reference to the size of the project approved by the City and its associated impacts to public views. At the De Novo hearing the Commission approved the Coastal Development Permit with a cutout of the south east corner of the development and an increased front yard setback (for an additional 4-7 feet) to better protect the existing public views. The applicants of this project have proposed something similar at this location (south west cutback, and increased setback in the side yard), and therefore have proactively modified the project to better protect public views.

In conclusion, the project will result in some impacts to public views. However, given that half the lot currently does not have any structure on it, redevelopment of the lot will inevitably lead to some impacts to public views. The applicants have reduced these impacts to some degree and have incorporated unrequired improvements to the existing public accessways. Further, as described in the previous sections of this report, the proposed project meets or exceeds all other development standards that relate to height, setbacks, bulk and scale. As such, the project can be found consistent with the applicable policies pertaining to the protection of public views and does not raise substantial issue on the grounds submitted by the appellants.

**7. Conclusions.** In conclusion, the appellants have raised 5 main concerns in design elements that they contend when combined have resulted in substantial impacts to coastal views from the public parking lot and public accessway. These standards include height, community character, setbacks, open space, and landscape requirements. The Commission has analyzed all these standards individually to gain a comprehensive perspective on the impacts to coastal views. Each of the standards is consistent with the applicable policies and meets the intent of the City's LCP. The project, while resulting in a larger scale development than what currently exists on the site, has incorporated design features to address the proximity to small sized developments (Robert's Cottages) and

public coastal viewing opportunities. These features include a cutback on the southwestern corner of the development, an additional corner yard setback for 40% of the southern side yard (10'), an undulating rooftop that allows additional views over the development, and low lying vegetation. All of these should be considered as additional compromises, as the project without these features would still be consistent with the applicable City certified policies.

**8. Substantial Issue Factors.** As discussed above, there is strong factual and legal support for the City's determination that the proposed development is consistent with the certified LCP. The other factors that the Commission normally considers when evaluating whether a local government's action raises a substantial issue also support a finding of no substantial issue. The proposed project is for four residential units that are consistent in size and scale of other projects in the vicinity and is not of unusual extent or scope. While the City did approve some "variations" to the LCP development standards, the LCP does include provisions for such variations. Thus, approval of such variations would not constitute a precedent for future interpretations of the LCP.

Furthermore, the applicants have included improvements to public access, again, to provide a proactive compromise with the City, and to reduce concerns about impacts to public views. The applicants have included in their project the re-construction of a public stairway which is currently dilapidated and may be considered by some as unsafe. The applicants have also proposed to redevelop the 20' public accessway located south of the project site with decorative pervious pavers (ref. Exhibits Nos. 8 & 9). Currently the accessway is asphalt which is unsightly, and does not provide the water quality benefits the proposed pavers will. Lastly, the applicants have proposed the construction of a decorative bench to be located on the small viewing deck area of the public parking lot located east of the subject site. Again, the improvements proposed by the applicants are intended to provide additional benefits to public access. The City, in its review, agreed that the applicants proposal would provide additional benefits to public access, and has conditioned their Coastal Development Permit with these proposed improvements. As such, the applicants are required to provide the improvements, to assure that the benefits to public access are realized. The project is consistent with all applicable policies and ordinances, has incorporated design features to reduce impacts to public views, and has included three improvements to public access in its proposal. Finally, the objections to the project suggested by the appellants do not raise any substantial issues of regional or statewide significance.



EXHIBIT NO. 1
APPLICATION NO.
<b>A-6-OCN-08-084</b>
Location Map
 California Coastal Commission



EXHIBIT NO. 2  
APPLICATION NO.  
**A-6-OCN-08-084**  
Aerial View





EXHIBIT NO. 4  
APPLICATION NO.  
**A-6-OCN-08-084**  
Existing  
Development

These pictures are the view study for the handicap parking space at the northwest corner of the parking lot at the top of the stairs to Pacific Street east of 702 North The Strand. All pictures were taken from the perspective of a person sitting in their car



New Building - Middle of Parking Space  
Perspective of person in vehicle with seat situated 11 feet from the front of the parking space.



New Building - Middle of Parking Space  
Perspective of person in vehicle with seat situated 5 feet from the front of the parking space.



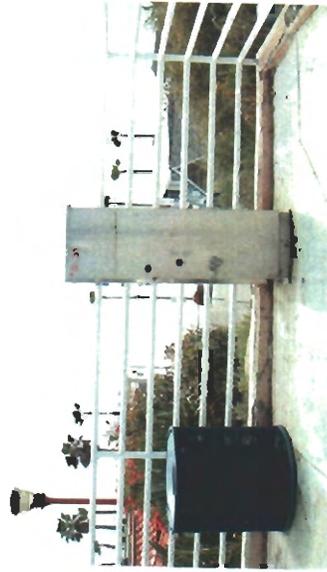
New Building - Front of Parking Space  
Perspective of person in vehicle with seat situated 4 feet from the front of the parking space.



Old Building - Middle of Parking Space  
Perspective of person in vehicle with seat situated 11 feet from the front of the parking space.



Old Building - Middle of Parking Space  
Perspective of person in vehicle with seat situated 8 feet from the front of the parking space.



Old Building - Front of Parking Space  
Perspective of person in vehicle with seat situated 4 feet from the front of the parking space.

EXHIBIT NO. 5  
APPLICATION NO.  
**A-6-OCN-08-084**  
View Analysis

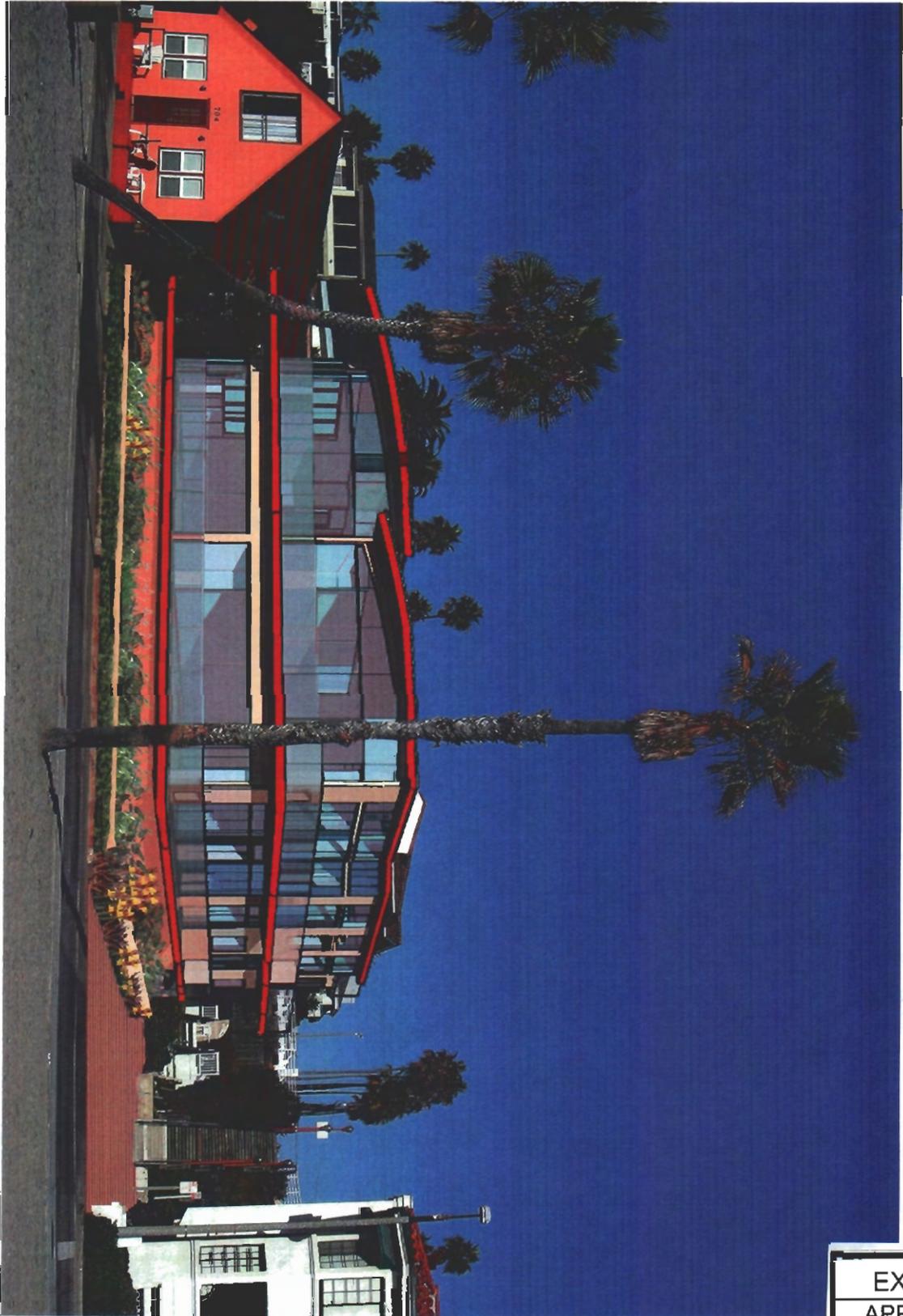


EXHIBIT NO. 6  
APPLICATION NO.  
**A-6-OCN-08-084**  
Proposed  
Development

 California Coastal Commission

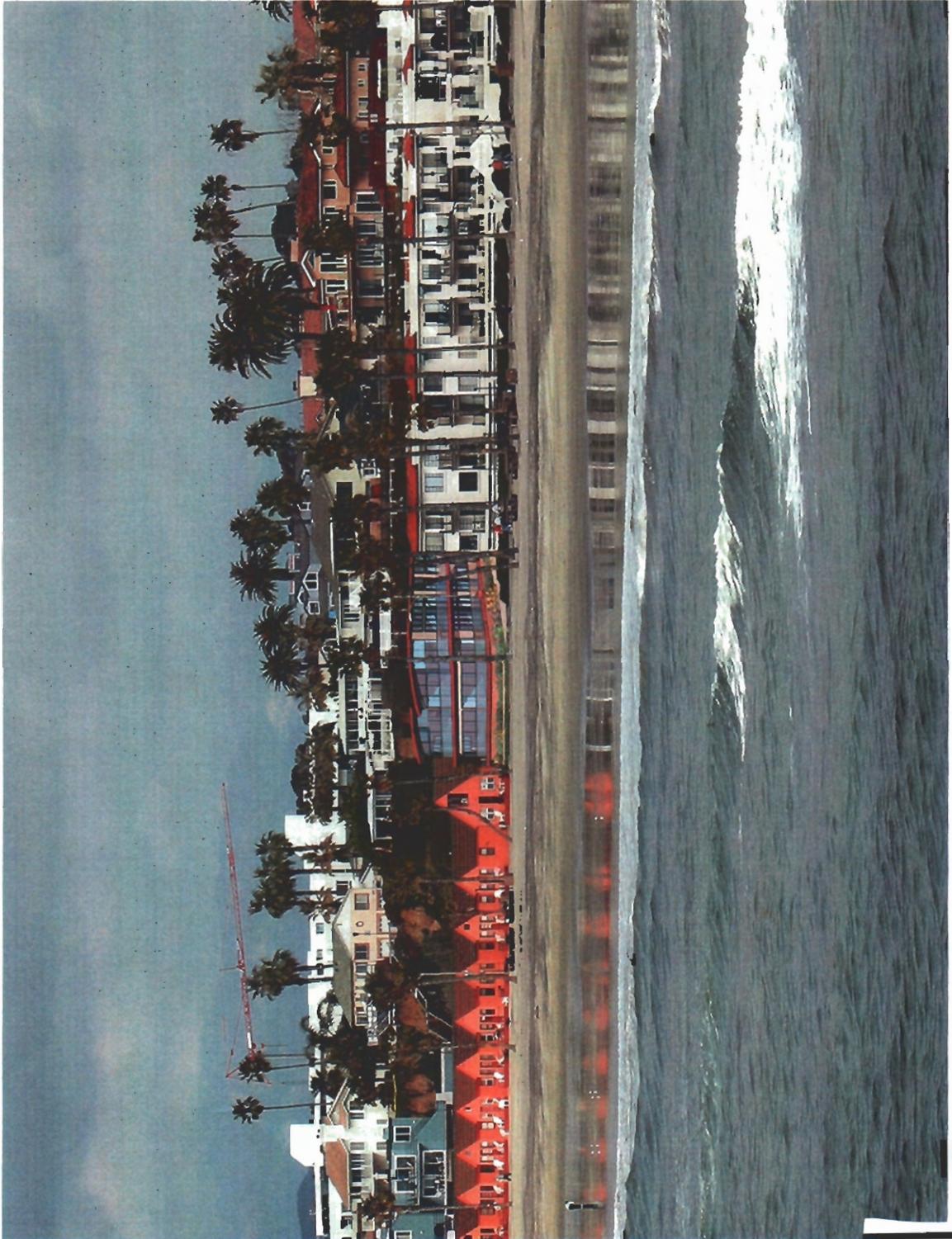


EXHIBIT NO. 7  
APPLICATION NO.  
**A-6-OCN-08-084**  
*Community  
Character*



EXHIBIT NO. 8  
APPLICATION NO.  
**A-6-OCN-08-084**  
Proposed Public  
Access Improvements



EXHIBIT NO. 9  
APPLICATION NO.  
**A-6-OCN-08-084**  
Proposed Bench

 California Coastal Commission

Panoramic looking west toward the ocean from the top of the Pacific Street stairs.



New Building



Current View

EXHIBIT NO. 10
APPLICATION NO.
<b>A-6-OCN-08-084</b>
View Impacts
 California Coastal Commission

**DOWNTOWN DISTRICT  
PROPERTY DEVELOPMENT REGULATIONS**

	Basic Requirements	Additional Regulations
<b>Residential Development</b>		
		(II)(JJ)(KK)
Base Density: Site Area Per Unit (sq. ft.)	1,500	(C)(D)
Maximum Potential Density: Site Area Per Unit (sq. ft.)	1,000	(C)(D)
Minimum Lot Area (sq. ft.)	5,000	(A)(B)(E)
Minimum Lot Width (ft.)	50	(E)
Minimum Setbacks:		(E)(G)(L)
Front (ft.)	10	(H)(K)
Side (ft.)	3' for lots 75' wide or less except where courts are required; 10' from one side-lot line for lots greater than 75' wide or as required for courts.	
Corner Side (ft.)	10	(H)(J)(K)
Rear (ft.)	5; and as required for courts	(I)(K)
Maximum Height of Structures (ft.)	35	(M)(N)(O)
Signs	See Article 33	(GG)
Public Access to the Beach		(H)
Minimum Site Landscaping	25%	(P) (R)
	12-13	

EXHIBIT NO. 11
APPLICATION NO.
<b>A-6-OCN-08-084</b>
Development Standards
 California Coastal Commission

**Vehicular Access:**

Maximum Driveway Width (ft.)	24	(X)(Y)
Private Outdoor Living Space	Minimum 48 sq. ft. required with minimum dimension 6 feet	(FF)
Courts Required		(EE)
Required Facade Modulation	25% of front and side street elevation horizontal and/or vertical must be set back at least 5 feet from setback line	(T)(U)
Parking	See Article 31	(W)
Fences and Walls (ft.)	Maximum height of 6'	(Z)(AA)(BB)

700 N The Strand

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PLANNING COMMISSION



CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

STAFF REPORT

DEVELOPMENT PLAN D-8-89  
CONDITIONAL USE PERMIT C-29-89  
TENTATIVE PARCEL MAP P-4-89  
REGULAR COASTAL PERMIT RC-1-89

PENTONEY CONDOMINIUMS  
FEBRUARY 26, 1990

APPLICANT: Lawrence and Shirley Pentoney

DESCRIPTION/LOCATION: The application is for a Development Plan, Conditional Use Permit, Tentative Parcel Map and Regular Coastal Permit construction of a three-unit condominium complex at 700 North The Strand within the Townsite Neighborhood.

ZONING/GENERAL PLAN: The project site is zoned (Downtown District-Subdistrict 5 and is situated within the Redevelopment Project Area and the Local Coastal Zone.

ENVIRONMENTAL STATUS: The project has been issued a Negative Declaration, with conditions, pursuant to the requirements of the California Environmental Quality Act (CEQA).

APPLICABLE CITY POLICIES: Zoning Ordinance 88-22, the old Zoning Ordinance (58-01), the Land Use Element of the General Plan, the Local Coastal Plan and the Redevelopment Project Area's Development Criteria and Land Use Regulations.

ANALYSIS:

Site Review and Project Description: The project site is between the Roberts Cottages and the Seventh Street alley to the north and south; and between the coastal bluff and a four-unit apartment building to the east and west. The four unit apartment building to the west is adjacent to The Strand. The Seventh Street stairs, which permits beach access from Seventh Street above the bluff to the beach, runs along side the project site. The Conditional Use Permit is required as the application exceeds the district's height limit. The applicant also proposes alternate building setbacks for the front (west) and the corner side (Seventh Street alley).

EXHIBIT NO. 12
APPLICATION NO.
<b>A-6-OCN-08-084</b>
Staff report for adjacent development
1 of 16 pgs.
California Coastal Commission

Discussion: The parcel is 4,800 square feet and the applicant proposes to build a three-unit condominium above a parking garage. The first level will contain two units. One is a three bedroom, three bath unit at 1,490 square feet. The other is a one bedroom, one and a half bath at 1,032 square feet. The owners will occupy the top floor in a 2,458 square foot unit with two bedrooms, an art studio, and two and one half baths. The bottom units will include two outdoor deck areas. The top unit will have four decks. The project will replace an older and deteriorating two-unit apartment building.

The architecture is Contemporary Mediterranean. The exterior walls are tan stucco and the roof will be a reddish Mission style concrete roof tile. The rooftop can be seen from above the bluff. Special attention has been given to the rooftop by adding treatments that will be more visually appealing from above.

Section 1230(V) of the Zoning Ordinance allows proposals for alternate setbacks, provided that certain findings can be made. The Planning Commission may recommend and the Community Development Commission shall approve such proposals. The applicant is proposing a four foot front yard setback and a three foot corner side yard setback (Seventh Street alley). These setbacks are below the standard required for residential projects in the Downtown District. The standard calls for a ten foot front yard setback and a 10 foot corner side setback. Staff feels that this project meets the findings for the alternate setback proposal.

The proposed alternate setbacks will help achieve two things for the project. Approval of the request for a four foot front yard setback will accommodate the front yard outdoor balcony and by setting the front yard setback at four feet, the south elevation can then meet the facade modulation requirement of the Downtown District. The alternate setback request also allows the building to be built at a three foot setback (instead of the required 10 foot setback) on the seventh street alley side. Staff feels that this proposal is consistent and compatible with developments in the area and is appropriate to the property's unique site. The design will result in a significant landscaped area adjacent to the property to the west.

Approval of the Conditional Use Permit will allow the project to be built at a height of 29 feet, 6 inches. Section 1230(G) of the Zoning Ordinance allows structures to be above 27 feet, but below 35 feet, upon the approval of a use permit. Because of the building's location, no view will be affected by the increase in height. The building does not exceed the elevation of Pacific Street, as required by Proposition A (1982). Staff feels that this project meets the Conditional Use Permit findings for a 2.5

foot increase in building height. The increased height will allow a project that will be compatible with recent projects in the area.

The project meets the requirements of the old RT zone in the old Zoning Ordinance (58-01). The old RT zone allowed structures up to 35 feet in height and contained provisions for alternate setback proposals. This project also meets the intent of the Zoning Ordinance, the Local Coastal Program and the General Plan.

RECOMMENDATION: The staff recommends that the Planning Commission recommend approval of the project to the Community Development Commission with the findings and conditions as attached. The Planning Commission's actions should be:

- Move to affirm that there will not be a significant adverse effect upon the environment from this project, and that a Negative Declaration is hereby approved; and to recommend approval of the project to the Community Development Commission with the following findings and subject to the attached conditions:

FINDINGS:

For Recommending Approval of the Tentative Parcel Map:

1. That the proposed map is consistent with the General Plan of the City.
  - The project, as designed and as conditioned, is consistent with the City's General Plan.

For Recommending Approval of the Regular Coastal Permit:

1. That the project conforms to the Local Coastal Plan, including the policies of that plan.
  - The project has been designed and conditioned to meet all policies of the Local Coastal Plan.

For Recommending Approval of the Conditional Use Permit:

1. That the proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.
  - The project site is situated against the coastal bluff. The proposed height is below the height of the bluff. The resulting building will not affect any views, nor will it significantly increase the scale of the building.

2. That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city.

- The project site is situated against the coastal bluff. The proposed height is below the height of the bluff. The resulting building will not affect any views, nor will it significantly increase the building's scale. The resulting building is generally consistent in scale with other buildings on North The Strand and will not result in a situation that could be detrimental to persons and property in the vicinity or to the general welfare of the City.

3. That the proposed conditional use will comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.

- The project is designed and conditioned to ensure the project will comply with all provisions of the Zoning Ordinance. The proposed height is below the height of the bluff. The resulting building will not affect any views, will not significantly increase the building's scale and is consistent with Proposition A (1982).

For Recommending Approval of the Development Plan:

1. That the site plan and physical design of the project as proposed is consistent with the purposes of the Zoning Ordinance.

- The site plan is consistent with the purposes of the Zoning Ordinance and conforms with the General Plan of the City.

2. That the area covered by the Development Plan can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public facilities.

- The existing public services are in place and the project has been conditioned to provide for or pay for its fair share.

For Recommending Approval of the Alternate Setbacks:

1. Allowing reduced setbacks is compatible with the surrounding development.
  - The project is consistent in scale and compatible in design with other developments in the area.
2. Granting reduced setbacks will enhance the potential for superior urban design in comparison with development which complies with setback requirements.
  - The size and situation of the lot restrict the development potential of the parcel. The alternate setback proposal will allow the applicant to build a project that is consistent in scale and compatible in design and scale with other developments in the area.
3. The granting of reduced setbacks is justified by compensating benefits of the project plan.
  - An attractive building that is consistent in scale and compatible in design with other developments in the area will replace an old and dilapidated apartment building.
4. The plan for reduced setbacks includes adequate provisions for utilities, services, and emergency-vehicle access; and public service demands will not exceed the capacity of existing and planned systems.
  - The reduced setbacks will not impede adequate provisions for utilities, services, and emergency-vehicle access. The public services required by this small infill project will not cause the capacity of existing and planned public services to exceed demands.

CONDITIONS:

Building:

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Department plan check.
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. All electrical, communication, CATV, etc. service lines, within the exterior lines of the property shall be underground (City Code Sec. 6.30).

4. Application for Building Permit will not be accepted for this project until plans indicate that they have been prepared by a licensed design professional (Architect or Engineer). The design professional's name, address, phone number, State license number and expiration date shall be printed in the title block of the plans.

Environmental:

5. Additional geotechnical information regarding bluff stability to be provided to the satisfaction of the City Engineer. Any additional measures, as concurred with and approved by the City Engineer, is to be incorporated into the project design as necessary, prior to issuance of grading permits for the site.
6. Access to be concurred with and approved by the City Engineer.
7. The above measures to be monitored via grading plan check and field inspection.

Engineering:

8. Property line returns, knuckles, and all other street right of way alignments and widths shall be dedicated and improved as required by the City Engineer.
9. Where proposed off-site improvements including but not limited to slopes, public utility facilities, and drainage facilities are to be constructed, the applicant shall, at his own expense, obtain all necessary easements or other interests in real property and shall dedicate the same to the City as required. The applicant shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to the approval of the final map. Additionally, the City, may at its sole discretion, require that the applicant obtain at his sole expense a title policy insuring the necessary title for the easement or other interest in real property to have vested with the City of Oceanside or the applicant, as applicable.
10. 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 the condition and a certificate setting forth the recordation shall be placed on the map.
11. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon soil tests and traffic

index. The pavement design to be prepared by the subdivider's soil engineer must be approved by the City Engineer.

12. All traffic signal contributions, highway thoroughfare fees, park fees, reimbursements, and other applicable charges, fees and deposits shall be paid prior to the issuing of any building permits in accordance with City policies. The subdivider shall also be required to join into, contribute, or participate in any improvement lighting, or other special district affecting or affected by this project. Approval of the project shall constitute the developer's approval of all such payments, and his agreement to pay for any other similar assessments or charges in effect at the time any increment is submitted for building permit approval, and to join, contribute, or participate in such districts.
13. The developer shall pay traffic signal fees as required by the City's Traffic Signal Fee Ordinance.
14. The developer shall pay thoroughfare fees as required by the City's Thoroughfare Fee Ordinance.
15. Landscaping plans for trees, bushes and shrubs, or plans for the construction of walls, fences or other structures at or near intersections must conform to sight distance requirements and must be submitted to and approved by the City Engineer prior to the issuance of building permits and prior to the implementation of any landscape improvements.
16. This project is subject to payment of Master Plan of Drainage acreage fees, to be paid prior to approval of the final map. All storm drains and appurtenances shall be designed and installed to the satisfaction of the City Engineer. On and off-site drains shall be shown on City standard plans and profile sheets. Storm drain easements shall be dedicated where required.
17. Storm drain easements shall be dedicated when required. The subdivider or developer shall be responsible for obtaining any off-site easements for storm drainage facilities.
18. All drainage picked up in an underground system shall remain in underground system until outlet into an approved channel.
19. On-site grading design and construction shall be in accordance with the City's current Grading Ordinance.
20. Prior to any grading of any part of the project, a comprehensive soils and geologic investigation shall be conducted of the soils, slopes, and formations in the project. All necessary measures shall be taken and

implemented to assure slope stability, erosion control, and soil integrity. No grading shall occur until a detailed grading plan, to be prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by the City Engineer.

21. The entire project shall be served with a water system adequate enough for fire protection and domestic supply, with hydrants and other appurtenances as needed. The main lines shall be dedicated to the City, and appropriate easements shall be provided. The sewer system to serve the tract shall be designed and constructed to City standards. All other utilities to serve the project, including electrical, telephone, and cable T.V., shall be constructed underground.
22. All existing continuous overhead utility lines and all new extension services for the development of the project, including electrical and telephone, shall be constructed underground.
23. Street lights shall be installed along all streets in the subdivision or project under the City's LS-2 rate schedule (City owned). The developer shall pay all applicable fees, energy charges, and/or assessments and shall agree to the formulation of or the annexation to any appropriate street lighting district. Street light plans shall be submitted and approved prior to recordation of Final Map or issuance of building permits whichever is applicable.
24. The 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.
25. Bollards shall be constructed at the base of the stairs in order to protect both the stairs and pedestrians.
26. A precise grading/private improvement plan shall be required prior to the issuance of building permits.
27. The project's storm water discharge shall be discharged into an alley-type gutter, or curb and gutter constructed from the project to The Strand.
28. The geotechnical report for the project shall address the stability of the existing bluff. All requirements necessary to stabilize the bluff shall be the responsibility of the developer.
29. The developer shall be required to participate in the funding of the Seventh Street stairs and improvements. The total cost shall be \$18,975.83. This cost is based on one-third the cost of the stairs as paid by Pacific Street

Condominiums T-22-86 (\$8,333.33), plus one-half the cost of the surface improvements north of the Seventh Street centerline (\$10,642.50).

Fire:

30. Provide minimum fire flow of 2,100 gallons per minute.
31. All-weather access roads shall be installed and made serviceable prior to and during time of construction. Sec. 10.301(c) and (d) Uniform Fire Code.
32. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per City Vehicle Code Section 22500.1.
33. Any security gates shall have a Knox-box override.
34. Plans shall be submitted to the Fire Prevention Bureau.
35. Show all existing fire hydrants within 400 feet of the project on plot plan submitted for plan check.
36. Fire alarm system plans shall be submitted for approval prior to installation.
37. Buildings shall meet Oceanside Sprinkler Ordinance in effect at the time of building permit application.
38. An approved "EXIT" door shall be required for the garage area.
39. The trash chute and trash enclosure shall be protected with an approved automatic fire sprinkler system.

Planning:

40. This Development Plan, Conditional Use Permit, Tentative Parcel Map and Regular Coastal Permit shall expire on March 12, 1992, unless a time extension is granted by the Planning Commission.
41. Park fees shall be paid as required by City policy at the time building permits are issued.
42. 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.
43. A public facilities fee shall be paid as required by City policy at the time building permits are issued.
44. Landscape plans, meeting the criteria of the City's Landscape Guidelines, including the maintenance of such

landscaping, shall be reviewed and approved by the Redevelopment Director, City Engineer and Planning Director prior to the issuance of building permits. Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for final approval. The following special landscaping requirements shall be met:

- (a) The developer shall be responsible for landscaping all embankments 3 feet and over in height. All embankments 5 feet in height and over (and for all slopes along major streets) shall be landscaped and irrigated.
  - (b) All landscaping shall have a complete irrigation system.
- 45. Trash enclosures shall have design features such as materials and trim similar to that of the rest of the project.
  - 46. All roof-top equipment shall be screened from public view as required by the Zoning Ordinance. Methods of screening shall be included in the plans submitted for plan check.
  - 47. 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.
  - 48. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification, Management Plan and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.
  - 49. A six foot high decorative masonry wall shall be constructed on the north and east property lines. The wall shall be shown on the landscape and improvement or grading plans.
  - 50. All retaining and other free-standing walls, fences, and enclosures shall be architecturally designed in a manner similar to and consistent with the primary structures (stucco block, split-face block or slump stone). These items shall be approved by the Planning Department prior to the issuance of building permits.
  - 51. 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 Department and Planning Department.

52. Side and rear elevations and window treatments shall be trimmed to substantially match the front elevations. A set of building plans shall be reviewed and approved by the Planning Department prior to the issuance of building permits.
53. The homeowners' Covenants, Conditions and Restrictions (C.C.&R's) shall provide for the maintenance of all common open space, medians and commonly owned fences and walls and adjacent parkways. 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 C.C.&R's shall be subject to the review and approval of the City Attorney prior to the approval of the final map. The C.C.&R's are required to be recorded prior to or concurrently with the final map. Any amendments to the C.C.&R's in which the homeowner relinquishes his responsibility for the maintenance of any common open space shall not be permitted without the specific approval of the City Council of the City of Oceanside. Such a clause shall be a part of the C.C.&R's. The C.C.&R's shall also contain provisions for the following:
  - (a) Prohibition of parking or storage of recreational vehicles, trailers or boats.
54. A covenant or other recordable document approved by the City Attorney shall be prepared by the developer and recorded prior to the approval of the final parcel map. The covenant shall provide that the property is subject to this Resolution, and shall generally list the conditions of approval.
55. All landscaping, fences, walls, etc. on the site, in public right-of-way and in any adjoining public parkways shall be permanently maintained by the homeowners association. The maintenance program shall include normal care and irrigation of the landscaping; repair and replacement of plant materials; irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking areas and walkways, walls, fences, etc. This condition shall be recorded with the covenant required by this Resolution.
56. Two percent of the purchase price shall be paid, through escrow for each unit, to the City Housing Assistance Fund.
57. Garages shall be kept available and useable for the parking of tenant's automobiles at all times.

58. Lease and rental agreements shall be for the dwelling unit and use of the garage. Such leases and agreements shall not allow the tenant to forfeit the use of the garage.
59. Prior to the approval of the final parcel map Covenants, Conditions and Restrictions (C.C.&R.'s) for a Homeowner Association shall be prepared by the developer and shall be recorded prior to and/or concurrently with the recordation of such first final map. All property covered by this Tentative Parcel Map shall be included in this Homeowners Association. The C.C.&R.'s shall be reviewed by and shall be subject to the approval of the City Attorney prior to recordation. The C.C.&R.'s shall contain at a minimum the following provisions:
- (a) Provisions for the maintenance of all common open space, including provisions establishing mechanisms to ensure adequate and continued monetary funding for such maintenance by the Homeowners Association.
  - (b) Provisions prohibiting the Homeowners Association from relinquishing its obligation to maintain the common open space as required in Subsection (a) above without the prior consent of the Oceanside Planning Commission or City Council.
  - (c) Provisions stating that none of the above provisions of the C.C.&R.'s shall be deleted or modified without the consent of the City Attorney, that the City shall have the right, but not the obligation, to enforce any of the above provisions and that in the event the City pursues legal action to enforce any of its rights, the City shall be entitled to reasonable attorney's fees.

The City Attorney may require such additional provisions to be inserted into the C.C.&R.'s as he or she deems may be reasonably necessary to accomplish the purpose and intent of this Resolution.

60. Prior to the approval of a building permit, the applicant, as landowner, shall execute and record a deed restriction, in a form and content acceptable to the City Attorney, which shall provide:
- (a) That the applicant understands that the site may be subject to extraordinary hazard from waves during storms and from erosion, and the applicants assume the liability from those hazards;

(b) The applicant unconditionally waives any claim of liability on the part of 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, binding all successors and assigns, and shall be recorded in a form determined by the City Attorney.

61. This project is subject to the provisions of the Local Coastal Plan for Coastal Housing. The developer shall obtain a Coastal Affordable Housing Permit from the Housing Division of the Community Development Department prior to issuance of building permits.

62. Building plans submitted for building permit shall indicate provisions for sufficient lighting maintained throughout all parking areas. Said lighting shall be properly shielded and directed so as to prevent glare on surrounding properties.

63. The following unit type and floor plan mix, as approved by the Planning Commission, shall be indicated on plans submitted to the Building Department and Planning Department for building permit:

<u>Sq.Ft.</u>	<u># Bedrms.</u>	<u># Baths</u>	<u># Units</u>
2,458	2 (+1 den)	2.5	1
1,490	3	3	1
1,032	1	1.5	1

Water Utilities:

64. Water and sewer line replacement frontage fees shall be paid in accordance with City of Oceanside's Resolution No. 83-236.

65. A water and sewer study shall be prepared by the Water Utilities Department before the Final Map at the developer's expense.

66. Water facilities located on private property shall be private lines and shall be maintained by the owner.

67. Sewer facilities located on private property shall be private lines and shall be maintained by the owner.

68. The developer shall be responsible for developing all water and sewer facilities necessary to this property. Any relocation of water or sewer lines are the responsibility of the developer.

PREPARED BY:

SUBMITTED BY:

Juan Baligad  
Juan Baligad  
Assistant Planner

Sandra L. Holder  
Sandra L. Holder  
Assistant Planning Director

SLH/JB/jdc

## PROPOSAL FOR FRONT, SIDE AND REAR YARDS

The frontage of the site is on the west side. Due to the location of the site and the existing development pattern in the immediate vicinity, providing the normal setbacks would not result in the optimum development of the site. This proposal will compensate the reduced yards with increased yards, where the additional depth can be used effectively for shared open space. The following special setbacks are proposed for this project.

1. Front Yard (Westerly Yard):  
Four feet minimum. (About 2/3 of this yard will have a width of 10 to 20 feet).
2. Side Yard, (Seventh Street frontage):  
Three feet with a one foot projection for a chimney and a 1.5 foot balcony projection on the upper two stories.
3. Rear Yard (Easterly Yard):  
Ten feet, with a three feet projection for a stairway.
4. Side Yard (Northerly Yard):  
Three feet minimum. (About 1/3 of this yard will have a five feet setback on the two residential stories).

According to Section 1230 (V) of the Zoning Ordinance, the Community Development Commission may approve special setbacks upon making four findings. The following language is submitted to assist the Commission in making the required findings:

1. Allowing reduced or no setbacks is compatible with surrounding development:
- \* The San Miguel Condominiums have a 3 feet setback on Seventh Street for the entire length of the street to the Strand. Half of the Seventh Street frontage of the Pentoney property is taken up by the stairway. Between the stair and the property line is a 8 feet wide landscaping area, which will provide ample open space along the stairs.

Requiring the Pentoney Condominium to have a 10 feet corner side along Seventh Street will not provide any essential public benefits. Instead, it would force the building to be extended into the front yard. This would deprive the residents of the condominium of the best area for the shared open space.

D-8-89, C-29-89, P-4-89, RC-1-89 Rev.  
- 2 -

2. Granting reduced setbacks or eliminating setbacks entirely will enhance the potential for superior urban design in comparison with development which complies with the setback requirements:

\* Allowing the reduced corner side yard setback will enable the Pentoney Condominium to provide a substantial shared open space in the front yard. Although a minimum setback of 4 feet is requested for the front yard, about two thirds of it are 10 to 20 feet wide.

Having an open space in the front yard will also benefit the existing four family building west of the Pentoney Condominium. A future new building on this site may have to provide shared open space adjacent to the front yard of the Pentoney Condominium. Thus, the two shared open spaces will complement each other.

3. The granting of reduced or no setbacks is justified by compensating benefits of the project plan:

\* The reduced setback in the front yard and the corner side side yard is compensated by a substantially increased portion of the front yard. The project will also provide a side yard of three to five feet, where only 3 feet are required. Finally, the rear yard is 10 feet wide, where none is required.

4. The plan containing reduced or no setbacks includes adequate provisions for utilities, services and emergency vehicle access; public service demands will not exceed the capacity of existing and planned systems:

\* The reduction of the front yard and easterly side yard has no effect on any of the public services or utilities. The Pentoney Condominium is below the base density of 29 DU/AC and, therefore, will require less than the normal share of public services.

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
200 OCEANGATE, 10<sup>TH</sup> FLOOR  
LONG BEACH, CA 90802-4416  
VOICE (562) 590-5071 FAX (562) 590-5084

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

**Please Review Attached Appeal Information Sheet Prior To Completing This Form.**

**SECTION I. Appellant(s)**

Name: Mary Fisher (PLEASE SEE APPEAL LETTER ATTACHED FOR ADDITIONAL APPELLANTS)

Mailing Address: 600 North the Strand, Unit 5

City: Oceanside

Zip Code: 92054

Phone: (760) 529-2814

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

Oceanside

2. Brief description of development being appealed:

Application No. 6-OCN-08-165; Local Permit No.: TPM P-202-07; DP D-202-07; CDP RC-203-07  
The demolition of a condominium complex, and the reconstruction of a 9,500 square foot, 29.6 feet tall, four-unit condominium complex west of a public vista and adjacent to public beach access.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

702 N. the Strand, Oceanside, California. APN 143-221-09

4. Description of decision being appealed (check one.):

- Approval; no special conditions  
 Approval with special conditions:  
 Denial

**RECEIVED**

SEP 05 2008

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO:

A-6-OCN-08-084

DATE FILED:

9/5/08

DISTRICT:

SAN DIEGO COAST

EXHIBIT NO. 13

APPLICATION NO.

**A-6-OCN-08-084**

Appeal Forms and  
attachments

1 of 19 pgs.

California Coastal Commission

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: August 20, 2008

7. Local government's file number (if any): Regular CDP RC-203-07

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Bob Sachs and Gideon Mann  
702 N. The Strand, Oceanside, CA 92054

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) William C. Utter and Dorothy Utter, 600 N.the Strand, Unit 47, Oceanside, CA 92054

(2) J.Michael Winfield, AIA, Architura, P.O. Box 2466, Carlsbad, CA 92018

(3) Andrea Holeman, 310 Leonard Avenue, Oceanside, CA 92054

(4) PLEASE NOTE THAT THE SPEAKER SLIPS FOR THE AUGUST 20, 2008 CITY COUNCIL HEARING WERE NOT AVAILABLE FOR PUBLIC INSPECTION IN TIME FOR THE FILING OF THIS APPEAL.

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

### SECTION IV. Reasons Supporting This Appeal

#### **PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The Project violates the following Oceanside LCP objectives, policies, and ordinances:

LCP VI(C) - The Project is too tall and wide, blocking Ocean views from a publically improved vista point on the bluff. The City failed to "protect, enhance and maximize" the public enjoyment of the view.

LCP VI(C)(1) - Views of the Pacific Ocean are significant natural aesthetic resources. The project must be subordinate to the protection of the public views. (See also, LCP(B)(1) identifying the ocean as an "important natural resource.")

LCP VI(C)(4) - The City fails to maintain the public view through the public right-of-way by allowing decreased setbacks and maximum height.

LCP VI(C)(6) - The Project fails to have sufficient open space buffer along the major scenic corridor.

LCP VI(C)(8) - The Project is not compatible with the surrounding buildings and uses. It clashes with Robert's Cottages to the North. It looks like a modern office building with mirrored windows.

LCP VI(C)(9) - The Project provides no transition between the short, single-story Robert's Cottages and the San Miguel Condominiums.

LCP VI(C)(11) - The City failed to encourage site-responsive design, in that it approved a large box of a structure that violated the setback and height requirements.

LCP VI(C)(13) - The Project fails to provide the required amount of landscaping and open space, fails to frame and accent coastal views.

LCP VII(C)(1) - Because the Project substantially degrades coastal aesthetics (ocean views), the City was required to deny the project.

#### **ZONING ORDINANCES**

ZO 1230 - The City failed to make or support any findings to grant any variances.

ZO 1230 - The Project does not have a 10 ft. front-side setback required to preserve views.

ZO 1230 - The Project does not have a 10 ft. corner-side setback required to preserve views.

ZO 1230 - The Project does not have 25% facade modulation setback 10 feet from setback line.

ZO 1230(S) The Project does not have sufficient open space per unit. Project's open space calculations include patios with dimensions of less than six feet or 10 feet for shared open space.

ZO 1230(V) The Project fails to minimize bulk to the maximum extent possible.

ZO 1230(AA & JJ) The Project fails to have sufficient landscaping (20%) and includes landscaping calculation for the roof, when such roof is not "directly" above underground parking.

ZO 3024(D)(1) The Project has mirrored glass windows over the 20% permitted by Ordinance. The Project will increase glare to the public and adjacent homeowners.

(PLEASE SEE COMMENT LETTER ATTACHED FOR ADDITIONAL GROUNDS AND EXPLANATIONS)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

Todd T. Cardiff  
Signature of Appellant(s) or Authorized Agent

Date: 8/29/08

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby authorize Todd T. Cardiff, Esq.  
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Mary M. Fisher  
Signature of Appellant(s)

Date: 8/30/08

Donna Mays	<u>Donna Mays</u>	1602 Burroughs St.	760 -
		Oceanside, CA. 92054	805 -
			9212
Don Van Riper	<u>DLR</u>	1768 Round Tree Dr	
		Oceanside CA 92056	760-414-1138

## SERVICE LIST

### CITY

CITY OF OCEANSIDE  
City Clerk  
200 N. Coast Highway  
Oceanside, CA 92054

### APPLICANT

Bob Sachs  
Gideon Mann  
702 N. The Strand  
Oceanside, CA 92054

### INTERESTED PARTIES<sup>1</sup>

William C. Utter  
Dorothy Utter  
600 N. The Strand  
Oceanside, CA 92054

J. Michael Winfield, AIA  
ARCHITURA  
P.O. Box 2466  
Carlsbad, CA 92018

Andrea Holeman  
310 Leonard Avenue  
Oceanside, CA 92054

Mary Fisher  
600 N. The Strand, Unit 5  
Oceanside, CA 92054

Donna Mays  
1602 Burroughs Street  
Oceanside, CA 92054

Don Van Riper  
1768 Round Tree Drive  
Oceanside, CA 92056

Xylena Sanders  
429 Autumn Drive, Unit 11  
San Marcos, CA 92069

Marcia Dixon  
7744 Foxwood Drive  
Oceanside, CA 92057

Linda Varian  
3747-80 Vista Campana So.  
Oceanside, CA 92057

---

<sup>1</sup> Copies of the speaker slips and Video of the August 20, 2008 City Council Hearing was not available in time to submit a full list of interested parties.

**CALIFORNIA COASTAL COMMISSION**



COAST DISTRICT OFFICE  
SEASIDE, 10<sup>TH</sup> FLOOR  
SEASIDE, CA 90802-4416  
(562) 590-5071 FAX (562) 590-5084

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

**Please Review Attached Appeal Information Sheet Prior To Completing This Form.**

**SECTION I. Appellant(s)**

Name: Surfrider Foundation - San Diego Chapter (Andrea Holeman, John Pappas)

Mailing Address: P.O. Box 1511

City: Solana Beach

Zip Code: 92075

Phone: (858) 792-9940

**SECTION II. Decision Being Appealed**

1. Name of local/port government:

City of Oceanside

2. Brief description of development being appealed:

Application No. 6-OCN-08-165; Local Permit No.: TPM P-202-07; DP D-202-07; CDP RC-203-07

The demolition of a condominium complex and construction of a 9,000 + square foot 4-unit condominium complex west of a public vista

3. Development's location (street address, assessor's parcel no., cross street, etc.):

702 N.The Strand, Oceanside, CA 92054

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

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CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: A-6-OCN-08-084

DATE FILED: 9/5/08

DISTRICT: San Diego Coast

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: August 20, 2008

7. Local government's file number (if any): Regular CDP RC-203-07

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Bob Sachs and Gideon Mann  
702 N. The Strand, Oceanside, CA 92054

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Todd T. Cardiff, Esq., 121 Broadway, Ste. 358, San Diego, CA 92101

(2) J. Michael Winfield, AIA, P.O. Box 2486, Carlsbad, CA 92018

(3) William C. Utter and Dortoehr W. Utter, 600 N. The Strand, #47, Oceanside, CA 92054

(4)

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

### SECTION IV. Reasons Supporting This Appeal

#### **PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The Project violates the height and setback requirements of the LCP and zoning ordinance. The project violates the front and corner side yard setbacks (10 feet) required by the Oceanside Zoning Code section 1230. Also, the zoning ordinance requires that all new development in the Coastal Zone shall not intersect with a 45 degree plane from 27 feet in height, as measured from the front and side-yard setback lines. (Oceanside Zoning Ordinance section 1050(P).) The bulk of the structure is not minimized when viewed from the beach. (Oceanside Zoning Ordinance section 1230(V).)

The project also violates LCP VI(C) in that it fails to protect, enhance and maximize public enjoyment of the view from a major public vista at the end of Windward Way. The current structure permits the viewing of waves. However, as with the San Miguel condimiums, if the project is built to the maximum height, it will block views of the waves. The project violates LCP section VI(C)(1) because it is new development, but fails to protect a major natural aesthetic resource - the Ocean views.

The project is incompatible with the neighborhood, in that it looks like a modern office building adjacent to historic 1930's style bungalows at Robert's Cottages to the North in violation with LCP VI(C)(8). In addition, the reflective glass may become a nuisance to the public when the sun is low in the horizon, especially in the morning and is incompatible with other development in the neighborhood. (Zoning Ordinance section 3024(D)(1). The project does not have sufficient landscaping. (LCP VI(C)(13)(a,c & d). It is required to have 20% landscaping. (Zoning Ordinance section 1230(JJ).) Roofs are not calculated as part of landscaping. (Zoning Ordinance section 1230(AA).) The City of Oceanside failed to deny the project despite that the project significantly blocks whitewater views of the Pacific Ocean from the vista point. (LCP VII(C)(1).)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

[Signature] Policy Director  
Signature of Appellant(s) or Authorized Agent  
Date: 9/2/08

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby authorize [Signature]  
to act as my/our representative and to bind me/us in all matters concerning this appeal.

[Signature] Chairman  
Signature of Appellant(s)  
Date: 9/2/08  
SUPERIOR  
FOUNDATION  
SAN DIEGO  
COUNTY  
ATTORNEY

Andrea Holeman  
310 Leonard Ave  
Oceanside CA 92054

Andrea Holeman 9/14/08

September 4, 2008

*Delivered via first class mail*

Toni Ross  
California Coastal Commission  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4421

RE: Appeal from Oceanside City Council Decision  
702 North The Strand, Oceanside California  
RD-203-07

Coastal Planner Ross,

I have been retained by Mary Fisher to draft an appeal of the approval of the project at by the Oceanside City Council. I have been authorized and specifically requested to submit this appeal of "702 N. The Strand" approved by the Oceanside City Council on behalf of the following people:

Mary Fisher  
600 N. The Strand, Unit 5  
Oceanside, CA 92054

Xylena Sanders  
429 Autumn Drive, Unit 11  
San Marcos, CA 92069

Donna Mays  
1602 Burroughs Street  
Oceanside, CA 92054

Marcia Dixon  
7744 Foxwood Drive  
Oceanside, CA 92057

Don Van Riper  
1768 Round Tree Drive  
Oceanside, CA 92056

Linda Varian  
3747-80 Vista Campana So.  
Oceanside, CA 92057

These appellants are local residents who have appeared at the City Council either personally, or in writing. (14 CCR 13111; Pub. Res. Code § 30801.) They wish to express their strong opposition to the project. As will be further discussed below, the project fails to comply with the letter and spirit of Oceanside's Local Coastal Plan and Zoning Ordinances, and therefore, the appeal should be granted. (Pub. Res. Code § 30603.)

### 1. Background and Project Description

The project proposed at 702 North The Strand ("Project") is a four-unit condominium complex, two stories and 29.6 feet tall. The Project will encompass approximately 9,500 square feet, including deck space. The foot print of the building will be approximately 4,500 square feet on a 5,400 square foot lot. Assuming that almost every square inch

**TODD T. CARDIFF, Esq.**  
ATTORNEY AT LAW

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CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

of the remaining lot is landscaped, the landscaping occupies approximately 84% of the lot.

The Project extends into the setbacks in violation of Oceanside Zoning Ordinance, which requires 10 foot side and corner-side setbacks. [Zoning Ordinance § 1230.] The Project extends approximately 5 feet into such setbacks. The applicants propose to mitigate the violation of the setbacks and view impact by shaving a portion of the south west corner of the building and having glass railings on the upper deck and balconies.

The Project is located adjacent to a public access point, which leads between the "San Miguel" condominiums and 702 N. The Strand. Such access leads to a set of wooden stairs and a public vista at the intersection of Windward Way and Pacific Street. The elevated location of the vista point at the Windward provides an ideal viewing area, allowing the public to look down onto the ocean and waves.

The City of Oceanside clearly recognizes the importance of this viewing area. The area has a widened sidewalk and a small improved area with decorative brick pavers and railings specifically to encourage people to linger at the spot and enjoy the spectacular view. The area has also been made wheel chair accessible. A garbage can and recycling bin has been stationed at the top of the stairs.

It is not an overstatement to say that the vista point is heavily used by the public. The vista point is directly adjacent to significant parking resources. Adjacent to the vista point, there is a small parking lot with metered and handicap parking, more metered parking along Pacific Street and significant parking at an all-day lot one block eastward, next to the train tracks. During the summer, the parking fills up, and the stairs at the end of Windward Way provide prime access to the beach.

In addition, the vista point is in close to the vicinity to numerous multi-family residential development. The high density area encourages pedestrian use. Local residents often stop at the vista point to take in the view during their daily strolls. Surfers also use the vista point to check the surf. It is truly a fantastic view.

Admittedly, the view is not perfect. "San Miguel" condominiums, to the south of the stairway, are approximately 30 feet in height and block a large portion of the Ocean view. In addition, the two-story, four unit

condominium which currently occupies the lot at 702 N. The Strand, blocks a portion of the Ocean view as well. Thus, there is only unobstructed views directly seaward between the two structures, or to the North over "Roberts cottages", a series of small single-story cottages.

However, the current structure at 702 N. The Strand, although old and outdated, does have one thing going for it - It is short and narrow. The four unit structure occupies only 50% of the lot, and appears to be only 22 feet in height. While such structure still blocks a portion of the view, it does not block the "whitewater" views of the coast. On a good surfing day, the waves break sufficiently out to sea so that the entire wave can be seen. From the vista point, I have personally watched surfers catch waves 100 yards long.<sup>1</sup> The current structure does not interfere with this view.

The proposed project will substantially impact the views from the top of the stairs. The project is 29.5 feet in height and approximately the same elevation as Pacific Street. In addition, the structure violates the setback requirements. The view of the Pacific Ocean will be narrowly framed between two massive structures on either side of the access way, substantially degrading the aesthetic value of the viewing area at the top of the stairs. Instead of a wide expansive view of the ocean, the public will experience a narrow, confined view.

Furthermore, there is nothing stopping future development of "Robert's Cottages" to the North of the project. Because of the value of Coastal land, it is entirely foreseeable that Robert's Cottages will eventually be developed into similarly height structures, causing a cumulative loss of almost the entire view of the Pacific Ocean.

## **2. The Project's Height Violates Oceanside's LCP Policies Protecting Visual Resources.**

Oceansides' LCP recognizes the incredible aesthetic resource that is provided by the Pacific Ocean. Under summary of major findings for "Visual Resources" the LCP states,

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<sup>1</sup> The waves had 3-5 foot faces today in Oceanside (September 4, 2008.) I personally witnessed from the viewing area a surfer catch a wave from the stairway to Robert's Cottages. The surfer (and wave) was visible at all times.

Oceanside's Coastal Zone is blessed with several important natural aesthetic resources, including **the ocean**, the San Luis Rey River and Buena Vista Lagoon.

[LCP § VI(B)(1)] [emphasis added.]

Thus, the LCP recognizes that the Pacific Ocean is a valuable aesthetic resource that warrants protection. The LCP specifically notes that "The bluff promenade along Pacific Street, above the strand, provides an attractive viewing area." [LCP § VI(B)(3).] Although the LCP fails to define the exact location of the "bluff promenade" it is clear why the bluff provides such an ideal viewing location. The bluff is approximately 45 feet above sea-level, providing an unique perspective to view both the nearshore environment (ie. beach, waves, swimmers and surfers) and boats and wildlife farther out to sea.

Consistent with the acknowledgment of the incredible natural beauty of the Ocean, the LCP states that one of the main objectives of the LCP is to protect public views. The LCP states:

The City shall **protect, enhance, and maximize** public enjoyment of Coastal Zone scenic resources.

[LCP § VI(C).] [emphasis added.]

The first policy under "Visual Resources" states "In areas of significant natural aesthetic value, new developments shall be subordinate to the natural environment." [LCP § VI(C)(1).] As noted above, the Ocean is considered an "important natural aesthetic resources." [LCP § VI(B)(1).] Thus, in areas that provide quality views of the Ocean, new development must be subordinate to maintaining and maximizing such views. In keeping with the view protection policies of the LCP, "The City shall deny any project which...degrades coastal aesthetics..." [LCP § VII(C)(1).]

The proposed structure violates the LCP by minimizing, instead of maximizing the public's view from the vista point. [LCP § VI(C).] Clearly a project which is built beyond the maximum height allowable and violates the setback requirements is not minimizing the impact to the public's view. The City in approving the project failed to "protect, enhance and maximize public enjoyment of Coastal Zone scenic resources." In addition,

because the project fails to protect the views, the project fails to be subordinate to the natural environment. [LCP § VI(C)(1).]

The applicant will likely argue that it is complying with the LCP by building at or below the MSL elevation of Pacific Street. The LCP states that "Development on The Strand shall remain below the height of the bluff, as provided for in Proposition A, which was approved by the voters in April, 1982." [LCP § VI(C)(15).] However, Oceanside's Zoning Ordinance also states, "In the Coastal Zone, structures shall not intercept a 45-degree daylight plane inclined inward from a height 27 feet above the front and street-side setbacks." [Zoning Ordinance 1050 (P).]

Furthermore, such height limitation does not mean that any project which is below the height of the bluff complies with the entire LCP. Such provision must be read in conjunction with other LCP policies. Most notably, because the area is directly adjacent to a public viewing area specifically designed as a public vista, the new development must be subordinate to the enjoyment of the viewing area. [LCP § VI(C)(1).] The LCP also requires "site responsive design" [LCP § VI(C)(11) and the maintenance of public view corridors. [LCP § VI(C)(6).] In other words, the project must be built in a way that does not block the public's view of the Ocean, regardless of whether it complies with the height limitations.

**3. The Project Violates the Setback Requirements in the Redevelopment (Zoning) Ordinance and Narrows the Public View of the Ocean.**

As noted above, the Project includes reduced front-side and corner-side setbacks. The Zoning Ordinance requires a 10 foot front yard. [Zoning Ordinance § 1230.] The project proposes approximately a 6 foot front yard setback, which is approximately in line with "Robert's Cottages" to the north. The project proposes a 5 foot setback along the public access on Windward Way.

As discussed above, the reduced corner side setback substantially narrows the view from the public vista point at the top of the stairs. This is obviously. In addition, by building 29.5 feet tall, and extending out another five feet westward on the front side, the Project also blocks additional vertical portions of the view. Because the vista point is slightly higher in elevation than the Project's roof, encroaching into the front setback will have the same effect raising the height of the structure. Requiring the proper corner yard and front yard setback will reduce the

amount of view impairment.

The applicants will likely point to the modification of the project which pulled in the southwest corner of the project in by 5 feet as evidence that they are complying with the LCP. However, the project still has balconies which extend into the setback. Regardless of the glass railing, the public cannot see through the deck, patio furniture, plants and other patio accessories. While, in certain cases balconies and decks can extend into setbacks without substantially affecting the public, in this case, such intrusion will substantially narrow the view.

Applicants will also likely point to Zoning Ordinance section 1050(R) which states, "Buildings...located on lots contiguous with the shoreline, shall be compatible in scale with the existing development and shall not extend further seaward than the line established on the Stringline Setback Map." There are three problems with such contention.

First, 702 N. The Strand is not contiguous with the shoreline. There is a road between the shoreline and the Project. Secondly, Section 1050(R) is not expressed in the redevelopment ordinance and therefore does not apply. [Zoning Ordinance § 220(A).] There are no comparable sections in the Redevelopment Ordinance. [Zoning Ordinance § 1230.] If the stringline setback allowance does apply, then surely the setback height requirements apply. [Zoning Ordinance § 1050(P).] The applicant cannot have it both ways.

Furthermore, if the stringline ordinance does apply, it contains two parts. Not only can the setback not extend any further seaward than the average setback, but the project must be compatible in scale to the existing development. [Zoning Ordinance § 1050(R).] Robert's Cottages, directly adjacent to the Project, are primarily single-story structures, which do not block the public's view.

Finally, the Project fails to do anything to minimize the bulk of the structure when viewed from the beach. [Zoning Ordinance § 1230(V).] It is simply a large box, puffed out beyond the maximum extent provided by the LCP and Zoning Ordinance. One cannot hardly imagine a bulkier design. The project fails to minimize its bulk to the maximum extent possible.

In order to comply with the LCP, the project must be modified so that none of the building (including decks and railings) extend beyond the corner yard and front yard setbacks and the project is reduced in height sufficiently to avoid blocking the white-water views. This may mean that the Project must be reduced to 27 feet or less if necessary to preserve the public's white-water views.

**3. The Reduced Setbacks Violate the Requirements for Open Space Buffers.**

In yet another recognition of the importance of views, the LCP states: "The City shall maintain existing view corridors through public rights-of-ways." (LCP § VI(C)(3).) This is further supported by another policy which states, "Open space buffers or greenbelts shall be provided along major scenic corridors." (LCP § VI(C)(6).) The LCP is silent on the definition of "major scenic corridors." However, the City by improving the area at the top of the stairs on Windward Way, and creating a vista point, clearly believed that the area was of major scenic value. The City must maintain the existing view corridor by reducing the height and width of the structure.

The current structure at 702 N. The Strand complies with the open space buffer requirement. It occupies approximately 50% of the lot. In addition, it occupies the portion of the lot that is closest to Robert's Cottages to the North. Thus, the location of the building provides a significant open space buffer through which the Public can enjoy the view.

The proposed Project, on the other had, violates the requirement for an open space buffer by building only five feet from the southern property line. This not only squeezes the view from the vista point between two massive structures, but also creates a tunneling affect for people who are walking to the beach. The public access on Windward Way which currently feels wide and open, will be reduced to only 28 feet wide. Where the public access felt wide and open, it will now feel restricted.

The requirement for proper setbacks is further emphasized by other portions of the LCP. For example, LCP section VI(C)(9) states, "In areas where a change to a more intensive use is proposed, adequate buffers or transition zones (such as increased setbacks, landscaped barriers or decorative walls) shall be provided." This indicates that when

increasing the density or intensity of the use [for example increases the Floor to Area Ratio] prohibits a reduction in the setbacks.

**4. The Proposed Project is Incompatible with the Neighborhood.**

Local Coastal Plan states:

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

[LCP § VI(C)(8).]

The proposed project is a two-story project which contrasts greatly with the historic Robert's Cottages located directly adjacent to the north. Robert's cottages are small 1930's style [primarily] single-story units with steeply pitched roofs. The proposed structure is an ultra-modern, two-story glass box almost 30 feet high.

Undoubtedly, the applicants will argue that the project is compatible with the San Miguel condominiums across the public access to the South. There are three problems with such contention. First, San Miguel to the South mimics a traditional mission style architecture (red roof, adobe like exterior walls). Whereas, the proposed structure looks like a modern downtown office. In addition, the structures which are truly adjacent are the historic Robert's Cottages. There is no transition between the modern office-like design of the proposed structure, and the historic cottages. The modern office-like structure will be a stark contrast to the adjacent neighborhood.

In addition, compatibility means more than just compatible with the other architecture in the area. It must be compatible with the other uses in the area. In this case, according to the drawings for the proposed project, the windows and doors for the project will be made from reflective glass. The mirrored glass will create a nuisance to the adjacent property owners and the public using the accessway. Instead of a nice shaded area, the morning sun will reflect brightly into the windows of the neighbors and people walking along the pathway.

Such use of mirrored or highly reflective glass is expressly

prohibited by section 3024(D)(1) of the Zoning Ordinance, which states:

Mirror or highly reflective glass shall not cover more than 20% of a building surface visible from a street unless an applicant submits information demonstrating...that use of such glass would not significantly increase glare visible from adjacent streets or pose a hazard for moving vehicles.<sup>2</sup>

Not only is mirrored glass proposed over more than 20% of the visible project, and will cause significant glare to the public and adjacent neighbors, the reflective windows is visually incompatible with the other development in the area.

**5. The Project Violates the Landscape Requirements in the LCP and Zoning Ordinance.**

The proposed project has a lot coverage of approximately 84%. This means that, even if every square inch of the uncovered lot was landscaped, the landscaping would only constitute approximately 16%. The LCP requires a minimum of 20% landscaping for structures on the strand. [Zoning Ordinance § 1230(JJ).] Planters on the roof do not count toward the landscaping requirements because the roof is not "directly" over the garage.

The failure to have sufficient landscaping violates a number of LCP policies. The LCP states:

New development shall utilize optimum landscaping to achieve the following affects.

- a. Accent and enhance desirable site characteristics and architectural features.
- b. Soften, shade and screen parking and other problem areas.
- c. Frame and accent (but not obscure) coastal views.

---

<sup>2</sup> The "performance standards" apply to all districts, including the redevelopment district. (Zoning Ordinance § 3001.)

- d. Create a sense of spaciousness, where appropriate.

(LCP § VI(C)(12).)

The landscaping plan is so minimilistic, that even if they were able to increase the landscaping to 20%, this would still fail to meet the goals of the LCP. There is nothing in the landscape plan which enhance the site characteristic or architectural features. How could it? The project is essentially glass box. Putting some plants on the roof is not going to highlight any unique architecture.

Further, the plants will not create a sense of spaciousness, nor frame views. If anything, the plants will further narrow the view, and make walking down the accessway more tunnel like.

The only way to properly incorporate landscaping is to reduce the size of the building, and increase the landscaping. The minimal landscaping does not comply with the LCP.

## 6. CONCLUSION

The Project is completely inconsistent with the LCP. Because the project is directly adjacent to a public viewing area, the Project must be designed in a manner that avoids impacting the view of the Ocean. Instead, the Project does little to nothing avoid such impacts. It is too tall, too wide, and to boxy. While perhaps in another area of The Strand, the project would be ideal, but because of its location, the Project must be denied. There is substantial evidence to support that the project violates the LCP and Zoning Ordinance. We respectfully submit our appeal.

Sincerely,



Todd T. Cardiff, Esq.  
Attorney for Appellants

Receiver

SEP 24 2008

California Coastal Commission  
San Diego Coast District

RESOLUTION NO. 08- R0515-3

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A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE APPROVING A TENTATIVE PARCEL MAP, DEVELOPMENT PLAN AND REGULAR COASTAL PERMIT FOR THE CONSTRUCTION OF A FOUR UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT PROJECT LOCATED AT 702 NORTH THE STRAND - APPLICANT: BOB SACHS AND GIDEON MANN

WHEREAS, on August 20, 2008, the Community Development Commission held its duly noticed public hearing, considered an application for a Tentative Parcel Map (P-202-07) Development Plan (D-202-07) and Regular Coastal Permit (RC-203-07) for the construction of a four unit multifamily residential development project located at 702 North The Strand;

WHEREAS, the Redevelopment Design Review Committee (RDRC) of the City of Oceanside did, on December 21, 2007 review and recommend approval of Tentative Parcel Map (P-202-07), Development Plan (D-202-07) and Regular Coastal Permit (RC-203-07);

WHEREAS, the Redevelopment Advisory Committee (RAC) of the City of Oceanside did, on February 13, 2008 review and recommend denial on a 6-0 vote of Tentative Parcel Map (P-202-07), Development Plan (D-202-07) and Regular Coastal Permit (RC-203-07);

WHEREAS, the Redevelopment Advisory Committee (RAC) of the City of Oceanside did, on August 13, 2008 review and recommend approval of Tentative Parcel Map (P-202-07), Development Plan (D-202-07) and Regular Coastal Permit (RC-203-07);

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, a Categorical Exemption was prepared by the Resource Officer of the City of Oceanside for this application pursuant to the California Environmental Quality Act 1970 and the State Guidelines implementing the Act. The project is considered an infill development and will not have a detrimental effect on the environment;

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 Government Code §66020(d)(1), NO GIVEN that the Project is subject to certain fees, dedications, reservations as provided below:

EXHIBIT NO. 14
APPLICATION NO.
<b>A-6-OCN-08-084</b>
Resolution of Approval
 California Coastal Commission

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or</u>
2			<u>Calculation Formula</u>
3			
4	Parkland Dedication/Fee	Ordinance No. 91-10	\$3,503 per unit
5		Resolution No. 05-R0628-1	
6	Drainage Fee	Ordinance No. 85-23	\$2,843 per acre
7		Resolution No. 05-R0628-1	
8	Public Facility Fee	Ordinance No. 91-09	\$2,072 per unit
9		Resolution No. 05-R0628-1	
10	School Facilities Mitigation	Ordinance No. 91-34	\$2.63 per square foot
11	Fee		
12	Traffic Signal Fee	Ordinance No. 87-19	\$15.71 per vehicle trip
13			
14	Thoroughfare Fee	Ordinance No. 83-01	\$255 per vehicle trip (based on SANDAG trip generation table)
15			
16			
17			
18	Water System Buy-in Fees	Oceanside City Code	Fee based on water meter
19		§37.56.1	size. Residential is typically
20		Resolution No. 87-96	\$3,746 per unit;
21		Ordinance No. 05-OR 0611-1	
22	Wastewater System Buy-in	Oceanside City Code §	Based on meter size.
23	fees	29.11.1	Residential is typically
24		Resolution No. 87-97	\$4,587 per unit;
25		Ordinance No. 05-OR 0610-1	
26			
27	San Diego County Water	SDCWA Ordinance No.	Based on meter size.
28	Authority Capacity Fees	2005-03	Residential is typically

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or</u>
2			<u>Calculation Formula</u>
3			
4			\$4,154 per unit

5  
 6 WHEREAS, the current fees referenced above are merely fee amount estimates of the  
 7 impact fees that would be required if due and payable under currently applicable ordinances and  
 8 resolutions, presume the accuracy of relevant project information provided by the applicant, and  
 9 are not necessarily the fee amounts that will be owing when such fees become due and payable;

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

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

16 WHEREAS, pursuant to Government Code §66020(d)(1), NOTICE IS FURTHER  
 17 GIVEN that the 90-day period to protest the imposition of any fee, dedication, reservation, or  
 18 other exaction described in this resolution begins on the effective date of this resolution and any  
 19 such protest must be in a manner that complies with Section 66020; and

20 WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes  
 21 effective upon its adoption.

22 NOW, THEREFORE, the Community Development Commission of the City of  
 23 Oceanside does resolve as follows:

24 FINDINGS:

25 For the Tentative Parcel Map:

- 26 1. The proposed condominium meets the requirement of the Subdistrict 5 zoning  
 27 designation in that the project creates a 4-unit parcel map with a density of 32.2 du. per acre which  
 28 is below the maximum density of 43 du. per acres as stipulated within Article 12 of the Downtown  
 District development standards. The subdivision map is consistent with the General Plan,

1 Redevelopment Plan, Local Coastal Program, Article 12 of the Downtown District and the  
2 Subdivision Ordinance of the City of Oceanside by creating four-unit condominium map which  
3 meet the density standards.

4 2. The proposed building on the site will conform to the topography of the site,  
5 therefore, making it suitable for residential development. The 5,400 square foot site is physically  
6 suitable to allow for the development of a four-unit multifamily residential project.

7 3. The subdivision complies with all other applicable ordinances, regulations and  
8 guidelines of the City.

9 4. The design of the subdivision or proposed improvements will not conflict with  
10 easements, acquired by the public at large, for access through or use of property within the  
11 subdivision.

12 5. The design of the subdivision or the proposed improvements will not cause  
13 substantial environment damage or substantially and avoidably injure fish or wildlife or their  
14 habitat because the proposed project is an infill site that does not contain any sensitive habitat, river  
15 or blue stream, wildlife, cultural resources, riparian habitat, sensitive landforms and/or geologic  
16 formations or minerals, sensitive fauna and marine life.

17 **For the Development Plan:**

18 1. The site plan and physical design of the project as proposed is consistent with the  
19 purposes of the City's Zoning Ordinance and the "D" Downtown District in that the  
20 architectural design of the proposed structure and the landscaping of the open space meets or  
21 exceeds the minimum development standards of the "D" Downtown District. The proposed  
22 project meets the minimum setbacks, landscape, open space, height and parking spaces as  
23 stipulated within the "D" Downtown District development standards.

24 2. The Development Plan as proposed conforms to the Redevelopment Plan, Local  
25 Coastal Program and General Plan of the City in that the proposed four-unit multifamily  
26 development is consistent with the land uses of the Redevelopment Plan and the project meets  
27 the minimum setbacks, landscape, open space, height and parking spaces as stipulated within  
28 the "D" Downtown District development standards.

3. The area covered by the Development Plan can be adequately, reasonably and  
conveniently served by existing and planned public services, utilities and public facilities. The

1 proposed four unit multifamily project will not create public service and facility demands  
2 exceeding the capacity of existing and planned infrastructure. The project proposes to "tie  
3 into" both the existing sewer and water lines located on North The Strand.

4 4. The proposed project, a four unit multifamily development, is compatible with the  
5 existing and potential development within the surrounding neighborhood in that in comparing  
6 the project's product type and corresponding square footages to the unit types and square footages  
7 that exist in the area, it can be found that the proposed unit sizes are comparable in size and would  
8 have a positive effect on the area.

9 5. The site plan and physical design of the project is consistent with Section 1.24 and  
10 1.25 of the Land Use Element of the General Plan and Section 3039 of the Oceanside Zoning  
11 Ordinance. There is less than a 1 foot grade differentials from the highest and lowest points of  
12 the subject site and therefore the project would not be subject to the Section 3039 of the  
13 Oceanside Zoning Ordinance and Section 1.24 and 1.25 of the Land Use Element of the General  
14 Plan.

14 **For the Regular Coastal Permit:**

15 1. The granting of the Regular Coastal Permit is consistent with the purposes of the  
16 California Coastal Act of 1976. The proposed 4-unit multifamily development is consistent  
17 with the High Density Land Use as depicted in the Local Coastal Program Land Use Map. The  
18 project does not impede public access to the beach because the subject site is located northwest  
19 of the Windward Way pedestrian public access stairway. In addition, the project provides a 6-  
20 foot front yard setback which exceeds typical front yard setbacks located on North The Strand,  
21 in addition to a recessed upper and lower deck located on the southern portion of the building,  
22 therefore, impacts on public coastal views is minimal.

23 2. The proposed project is consistent with the policies of the Local Coastal Program  
24 as implemented through the City Zoning Ordinance. The proposed four-unit multifamily  
25 development is consistent with the High Density Land Use as depicted in the Local Coastal  
26 Program Land Use Map. In addition, the project will minimally impact the existing public  
27 coastal views through the public rights-of-way view corridors by providing a 6 foot front yard  
28 setback and recessed upper and lower deck.

1           3.     The proposed project will not obstruct any existing or planned public beach  
2 access; therefore, the project is in conformance with the policies of Chapter 3 of the Coastal  
3 Act. The subject site is located northwest of the existing Windward Way beach access stairway  
4 located at Windward Way and North Pacific streets.

5           SECTION 1. That Tentative Parcel Map (P-202-07), Development Plan (D-202-07) and  
6 Regular Coastal Permit (RC-203-07) are hereby approved subject to the following conditions:

7     **Building:**

8           1.     Applicable Building Codes and Ordinances shall be based on the date of  
9 submittal for Building Department plan check (Currently the 2007 California  
10 Building Code and 2007 California Electrical Code).

11           2.     The granting of approval under this action shall in no way relieve the  
12 applicant/project from compliance with all State and local building codes.

13           3.     The building plans for this project are required by State law to be prepared by a  
14 licensed architect or engineer and must be in compliance with this requirement prior to  
15 submittal for building plan review.

16           4.     All electrical, communication, CATV, etc. service lines, within the exterior lines  
17 of the property shall be underground. (City Code Sec. 6.30)

18           5.     Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on  
19 the plans.

20           6.     The developer shall monitor, supervise and control all building construction and  
21 supportive activities so as to prevent these activities from causing a public nuisance, including, but  
22 not limited to, strict adherence to the following:

23           a)     Building construction work hours shall be limited to between 7 a.m. and  
24 6 p.m. Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not  
25 inherently noise-producing. Examples of work not permitted on Saturday are concrete and  
26 grout pours, roof nailing and activities of similar noise-producing nature. No work shall be  
27 permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor  
28 Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the  
provisions of the Oceanside City Code Chapter 38. (Noise Ordinance)

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

6           7.     A complete soils report, structural and energy calculations will be required at  
7 time of plans submittal to the Building Division for plan check.

8           8.     Retaining walls that will be installed as a part of this design shall be designed per  
9 the soils report for the entire project.

10          9.     A private sewer system design must be submitted to the Building Department  
11 and approved prior to the construction of the sewer system. If a gravity flow system is not used,  
12 an engineered mechanical system must be submitted and approved by all appropriate City of  
13 Oceanside departments.

14          10.    Separate/unique addresses will/may be required to facilitate utility releases.  
15 Verification that the addresses have been properly assigned by the City's Planning Department  
16 shall accompany the Building Permit application.

17          11.    Building levels below grade (on all sides) shall be provided with a mechanical  
18 drainage system that provides drainage to an approved location/receptor.

19          12.    Setbacks and Type of Construction must comply with CBC 2007. Exterior walls  
20 less than 5-feet to the property line shall have one-hour rated per the California Building Code  
21 (CBC Table 602).

22          13.    Site development, common use areas, access and adaptability of condominiums  
23 shall comply with the State's Disabled Accessibility Regulations (2007 CBC, Chapter 11A).

24          14.    Fire sprinklers are required for all R-2 occupancies.

25          15.    All wired glass windows or doors between three and five feet from the property  
26 line shall meet the 2007 CBC table 715.5 and 715.5.3.

27          16.    Plan submittal to the Building Division shall include a Pedestrian Protection Plan  
28 complying with the requirements of UBC 3303 and Table 33-A.

          17.    A demolition permit shall be required for the demolition of the existing  
structures. Plans for the demolition shall depict clearly all utilities are properly

1 terminated/capped in accordance with the requirements of the utility service provider.

2 18. All outdoor lighting must comply with Chapter 39 of the City Code. (Light  
3 Pollution Ordinance) Where color rendition is important, high-pressure sodium, metal halide or  
4 other such lights may be utilized and shall be shown on building and electrical plans.

5 **Engineering:**

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

9 20. Prior to issuance of a building permit all improvement requirements shall be  
10 covered by a development agreement and secured with sufficient improvement securities or  
11 bonds guaranteeing performance and payment for labor and materials, setting of monuments,  
12 and warranty against defective materials and workmanship.

13 21. The approval of the parcel map shall not mean that closure, vacation, or  
14 abandonment of any public street, right of way, easement, or facility is granted or guaranteed to  
15 the developer. The developer is responsible for applying for all closures, vacations, and  
16 abandonments as necessary. The application(s) shall be reviewed and approved or rejected by  
17 the City of Occanside under separate process (es) per codes, ordinances, and policies in effect at  
18 the time of the application.

19 22. Prior to approval of the parcel map, all improvement requirements shall be covered  
20 by a subdivision agreement and secured with sufficient improvement securities or bonds  
21 guaranteeing performance and payment for labor and materials, setting of monuments, and  
22 warranty against defective materials and workmanship.

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

27 24. Prior to the issuance of a grading permit, the Developer shall notify and host a  
28 neighborhood meeting with all of the area residents located within 300 feet of the project site,  
and residents of property along any residential streets to be used as a "haul route", to inform  
them of the grading and construction schedule, haul routes, and to answer questions.

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

- 4           a) Dirt, debris and other construction material shall not be deposited on any public  
5 street or within the City of Oceanside's storm water conveyance system.
- 6           b) All grading and related site preparation and construction activities shall be  
7 limited to the hours of 7 AM to 6 PM, Monday through Friday. No engineering  
8 related construction activities shall be conducted on Saturdays, Sundays or legal  
9 holidays unless written permission is granted by the City Engineer with specific  
10 limitations to the working hours and types of permitted operations. All on-site  
11 construction staging areas shall be as far as possible (minimum 100 feet) from  
12 any existing residential development. Because construction noise may still be  
13 intrusive in the evening or on holidays, the City of Oceanside Noise Ordinance  
14 also prohibits "any disturbing excessive or offensive noise which causes  
15 discomfort or annoyance to reasonable persons of normal sensitivity."
- 16           c) The construction site or an appropriate site shall accommodate the parking of all  
17 motor vehicles used by persons working at or providing deliveries to the site.
- 18           d) A haul route shall be obtained at least 7 days prior the start of hauling operations  
19 and must be approved by the City Engineer. Hauling operations shall be 8:00 A.M.  
20 to 3:30 P.M. unless approved otherwise.

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

27           27. Approval of this development project is conditioned upon payment of all applicable  
28 impact fees and connection fees in the manner provided in chapter 32B of the Oceanside City  
Code. All drainage fees, 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 developer shall also be required to join into, contribute, or participate in any  
improvement, lighting, or other special district affecting or affected by this project. Approval of

1 the tentative parcel map shall constitute the developer's approval of such payments, and his  
2 agreement to pay for any other similar assessments or charges in effect when any increment is  
3 submitted for final map or building permit approval, and to join, contribute, and/or participate in  
4 such districts.

5 28. North the Strand shall be improved along the property frontage to the satisfaction of  
6 the City Engineer.

7 29. Sidewalk improvements shall comply with ADA requirements.

8 30. Full width alley (Windward Way) improvements along the property frontage  
9 including the installation of a longitudinal concrete alley gutter shall be constructed in  
10 accordance with the standard plans and specifications of the City of Oceanside and as approved  
11 by the City Engineer.

12 31. Sight distance requirements along the Strand from the alley (Windward Way)  
13 and/or any other proposed driveways shall conform to the corner sight distance criteria as provided  
14 by SDRSD DS-20A and or DS-20B.

15 32. Streetlights shall be maintained and installed on all public streets per City  
16 Standards. The system shall provide uniform lighting, and be secured prior to occupancy. The  
17 developer shall pay all applicable fees, energy charges, and/or assessments associated with City-  
18 owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the  
19 annexation to, any appropriate street lighting district.

20 33. Prior to approval of the grading plans, the developer shall contract with a  
21 geotechnical engineering firm to perform a field investigation of the existing pavement on The  
22 Strand adjacent to the project boundary. The limits of the study shall be half-street plus twelve  
23 (12) feet along the project's frontage. The field investigation shall include a minimum of one  
24 pavement boring per every fifty (50) linear feet of street frontage. Should the existing AC  
25 thickness be determined to be less than three (3) inches or without underlying Class II base  
26 material, (or the concrete paved area not built to the current City Standards), the Developer shall  
27 remove and reconstruct the pavement section as determined by the pavement analysis submittal  
28 process detailed in Item No. 2 below.

34. Upon review of the pavement investigation, the City Engineer shall determine  
whether the Developer shall: 1) Repair all failed pavement sections, header cut and grind per the

1 direction of the City Engineer, and construct a two (2) inch thick rubberized AC overlay; or 2)  
2 Perform R-value testing and submit a study that determines if the existing pavement meets current  
3 City of Oceanside standards/traffic index. Should the study conclude that the pavement does not  
4 meet current requirements, rehabilitation/mitigation recommendations shall be provided in a  
5 pavement analysis report, and the Developer shall reconstruct the pavement per these  
6 recommendations, subject to approval by the City Engineer.

7 35. Pavement sections for North the Strand along the property frontage, along the alley  
8 (Windward Way) frontage, proposed driveways and proposed parking areas shall be based upon  
9 approved soil tests and traffic indices. The pavement design is to be prepared by the developer's  
10 soil engineer and must be approved by the City Engineer, prior to paving.

11 36. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged  
12 during construction of the project, shall be repaired or replaced as directed by the City Engineer.

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

15 38. Grading and drainage facilities shall be designed and installed to adequately  
16 accommodate the local storm water runoff and shall be in accordance with the City's Engineers  
17 Manual and as directed by the City Engineer.

18 39. The applicant shall obtain any necessary permits and clearances from all public  
19 agencies having jurisdiction over the project due to its type, size, or location, including but not  
20 limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U. S. Fish  
21 and Wildlife Service and/or San Diego Regional Water Quality Control Board (including NPDES),  
22 San Diego County Health Department, prior to the issuance of grading permits.

23 40. Prior to any grading of any part of the tract or project, a comprehensive soils and  
24 geologic investigation shall be conducted of the soils, slopes, and formations in the project. All  
25 necessary measures shall be taken and implemented to assure slope stability, erosion control, and  
26 soil integrity. No grading shall occur until a detailed grading plan, to be prepared in accordance  
27 with the Grading Ordinance and Zoning Ordinance, is approved by the City Engineer.

28 41. This project shall provide year-round erosion control including measures for the site  
required for the phasing of grading. Prior to the issuance of grading permit, an erosion control

1 plan, designed for all proposed stages of construction, shall be reviewed, secured by the applicant  
2 with cash securities and approved by the City Engineer.

3 42. A precise grading and private improvement plan shall be prepared, reviewed,  
4 secured and approved prior to the issuance of any building permits to the satisfaction of the City  
5 Engineer. The plan shall reflect all pavement, flatwork, landscaped areas, special surfaces, curbs,  
6 gutters, medians, striping, and signage, footprints of all structures, walls, drainage devices and  
7 utility services.

8 43. Landscaping plans, including plans for the construction of walls, fences or other  
9 structures at or near intersections, must conform to intersection sight distance requirements.  
10 Landscape and irrigation plans shall be approved by the City Engineer prior to the issuance of  
11 occupancy permits, and a pre-construction meeting held, prior to the start of any improvements.

12 44. Open space areas and down-sloped areas visible from a collector-level or above  
13 roadway and not readily maintained by the property owner, shall be maintained in accordance with  
14 the Maintenance Agreement to insure installation and maintenance of landscaping in perpetuity.  
15 These areas shall be indicated on the final map and included within the Maintenance Agreement.  
16 Future buyers shall be made aware of any estimated monthly costs. The disclosure, together with  
17 the CC&R's, shall be submitted to the City Engineer for review prior to the recordation of final  
18 map.

19 45. The drainage design on the tentative parcel map is conceptual only. The final  
20 design shall be based upon a hydrologic/hydraulic study to be approved by the City Engineer  
21 during final engineering. All drainage picked up in an underground system shall remain  
22 underground until it is discharged into an approved channel, or as otherwise approved by the City  
23 Engineer. All public storm drains shall be shown on City of Oceanside standard plan and profile  
24 sheets. All storm drain easements shall be dedicated where required. The applicant shall be  
25 responsible for obtaining any off-site easements for storm drainage facilities.

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

29 47. The applicant's licensed civil engineer (or land surveyors) shall provide  
30 appropriate documentations for elevation certification in compliance with all applicable FEMA  
31 regulations.

1           48.    The BMPs described in the project's approved RAR shall not be altered in any  
2 way, shape or form without formal approval by either an Administrative Substantial  
3 Conformance issued by the Economic and Community Development Department or the  
4 project's final approving authority Community Development Commission at a public hearing.  
5 The determination of whatever action is required for changes to a project's approved RAR shall  
6 be made by the Economic and Community Development Department.

7           49.    The applicant shall provide a copy of the title/cover page of an approved Runoff  
8 Assessment Report (RAR) with the first engineering submittal package. If the project triggers  
9 the City's Stormwater requirements but no approved Stormwater document (RAR) exists, the  
10 appropriate document shall be submitted for review and approval by the Public Works  
11 Department. The RAR shall be prepared by the applicant's Civil Engineer. All Stormwater  
12 documents shall be in compliance with the latest Regional Water Quality Control Board and the  
13 latest edition of submission requirements.

14           50.    Upon acceptance of any fee waiver or reduction by the Developer, the entire  
15 project will be subject to prevailing wage requirements as specified by Labor Code section  
16 1720(b) (4). The Developer shall agree to execute a form acknowledging the prevailing wage  
17 requirements prior to the granting of any fee reductions or waivers.

18           **Fire:**

19           51.    All proposed and existing fire hydrants within 400 feet of the project shall be  
20 shown on the site plan.

21           52.    Smoke detectors are required, and detector locations must be indicated on the  
22 plans.

23           53.    A minimum fire flow of 1,500 gallons per minute shall be provided.

24           54.    The size of fire hydrants outlets shall be 2 ½ inches X 4 inches.

25           55.    The fire hydrants shall be installed and tested prior to placing any combustible  
26 materials on the job site.

27           56.    Detailed plans of underground fire service mains shall be submitted to the  
28 Oceanside Fire Department for approval prior to installation.

          57.    Blue hydrant identification markers shall be placed as per Oceanside's Engineers  
Design and Processing Manual Standard Drawing No. M-13.

1 58. In accordance with the California Fire Code Sec. 901.4.4, City approved  
2 addresses for residential occupancies shall be placed on the structure in such a position as to be  
3 plainly visible and legible from the street or roadway fronting the property. Numbers shall be  
4 contrasting with their background.

5 59. Multifamily dwellings require 6 inch address numbers.

6 60. Plans shall be submitted to the Fire Prevention Bureau for plan check review and  
7 approval prior to the issuance of building permits.

8 61. Buildings shall meet Oceanside Fire Departments current codes at the time of  
9 building permit application. Provide a 13R fire sprinkler system. The system shall be designed  
10 per N.F.P.A. 13R and U.B.C. standard 9-3. Installation of sprinkler systems in residential  
11 occupancies up to and including four stories in height.

12 62. The Fire Department connection shall not be affixed to the building. The Fire  
13 Department connection shall be located at least 40 feet away from the building, within 40 feet of  
14 a fire hydrant and on the address side of the building unless otherwise determined by the Fire  
15 Department. The hydrant shall be located on the same side of the street as the Fire Department  
16 connections.

17 63. All weather access roads shall be installed and made serviceable prior to and  
18 maintained during time of construction.

19 64. All streets less than 32 feet wide shall be posted "No Parking Fire Lane" per  
20 Vehicle Code Section 22500.1 and in accordance with the Fire Department Standard Guidelines  
21 for Emergency Access.

22 **Economic & Redevelopment:**

23 65. This Tentative Parcel Map (P-202-07), Development Plan (D-202-07) and  
24 Regular Coastal Permit (RC-203-07) shall expire on August 20, 2010, unless implemented as  
25 required by the Zoning Ordinance.

26 66. This Tentative Parcel Map, Development Plan and Regular Coastal Permit  
27 approves only the construction of a four unit multifamily residential development project as  
28 shown on the plans and exhibits presented to the Community Development Commission for  
review and approval. No deviation from these approved plans and exhibits shall occur without  
Economic and Community Development Department approval. Substantial deviations shall

1 require a revision to the Tentative Parcel Map, Development Plan and Regular Coastal Permit or  
2 a new Tentative Parcel Map, Development Plan and Regular Coastal Permit.

3 67. The applicant, permittee or any successor-in-interest shall defend, indemnify and  
4 hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
5 proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul  
6 an approval of the City, concerning Tentative Parcel Map (P-202-07) Development Plan (D-  
7 202-07) and Regular Coastal Permit (RC-203-07). The City will promptly notify the applicant  
8 of any such claim, action or proceeding against the City and will cooperate fully in the defense.  
9 If the City fails to promptly notify the applicant of any such claim action or proceeding or fails  
10 to cooperate fully in the defense, the applicant shall not,  
11 thereafter, be responsible to defend, indemnify or hold harmless the City.

12 68. Landscape plans, meeting the criteria of the City's Landscape Guidelines and  
13 Water Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall  
14 be reviewed and approved by the City Engineer and Redevelopment Manager prior to the  
15 issuance of building permits. Landscaping shall not be installed until bonds have been posted,  
16 fees paid, and plans signed for final approval.

17 69. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-  
18 way and in any adjoining public parkways shall be permanently maintained by the owner, his  
19 assigns or any successors in interest in the property. The maintenance program shall include  
20 normal care and irrigation of the landscaping; repair and replacement of plant materials;  
21 irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking  
22 lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City  
23 taking all appropriate enforcement actions by all acceptable means including but not limited to  
24 citations and/or actual work with costs charged to or recorded against the owner. This condition  
25 shall be recorded with the covenant required by this resolution.

26 70. Front yard landscaping with a complete irrigation system, in compliance with  
27 Water Conservation Ordinance No. 91-15, shall be required.

28 71. All multi-family unit dwelling projects shall dispose of or recycle solid waste in  
a manner provided in City Ordinance 13.3.

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

3           73. A covenant or other recordable document approved by the City Attorney shall be  
4 prepared by the applicant developer and recorded prior to the issuance of building permits. The  
5 covenant shall provide that the property is subject to this resolution, and shall generally list the  
6 conditions of approval.

7           74. Prior to the issuance of building permits, compliance with the applicable  
8 provisions of the City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall  
9 be reviewed and approved by the Economic and Redevelopment Department. These  
10 requirements, including the obligation to remove or cover with matching paint all graffiti within  
11 24 hours, shall be noted on the Landscape Plan and shall be recorded in the form of a covenant  
12 affecting the subject property.

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

17           76. Failure to meet any conditions of approval for this development shall constitute a  
18 violation of the Tentative Parcel Map (P-202-07) Development Plan (D-202-07) and Regular  
19 Coastal Permit (RC-203-07).

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

25           78. The developer's construction of all fencing and walls associated with the project  
26 shall be in conformance with the approved Development Plan. Any substantial change in any  
27 aspect of fencing or wall design from the approved Development Plan shall require a revision to  
28 the Development Plan or a new Development Plan.

          79. If any aspect of the project fencing and walls is not covered by an approved  
Development Plan, the construction of fencing and walls shall conform to the development

1 standards of the City Zoning Ordinance. In no case, shall the construction of fences and walls  
 2 (including combinations thereof) exceed the limitations of the zoning code, unless expressly  
 3 granted by a Variation or other development approval.

4 80. The following unit type and floor plan mix, as approved by the Community  
 5 Development Commission, shall be indicated on plans submitted to the Building Division and  
 6 Economic and Community Development Department for building permit:

	Sq.Ft.	# Bedrms	# Baths	# Units	%
7 Plan 1	1,724	3	3	1	25
8 Plan 2	1,731	3	3	1	25
9 Plan 3	1,742	3	3	1	25
Plan 4	1,758	3	3	1	25

10 81. Side and rear elevations and window treatments shall be trimmed to substantially  
 11 match the front elevations. A set of building plans shall be reviewed and approved by the  
 12 Economic and Community Development Department prior to the issuance of building permits.

13 82. Elevations, siding materials, colors, roofing materials and floor plans shall be  
 14 substantially the same as those approved by the Community Development Commission. These  
 15 shall be shown on plans submitted to the Building Division and Economic and Community  
 16 Development Department.

17 83. This project is subject to the provisions of the Local Coastal Plan for Coastal  
 18 Housing. The developer shall obtain a Coastal Affordable Housing Permit from the Director of  
 19 Housing and Neighborhood Services prior to issuance of building permits or recordation of a  
 20 final map, whichever occurs first.

21 84. A private Maintenance Agreement (MA) shall provide for the maintenance of the  
 22 adjacent parkways and common area and shall be recorded against this property prior to  
 23 recordation of the Final Map. The maintenance shall include normal care and irrigation of  
 24 landscaping, repair and replacement of plant material and irrigation systems as necessary; and  
 25 general cleanup of the parkway. The MA shall be subject to the review and approval of the City  
 26 Attorney prior to the approval of the final map. The MA is required to be recorded prior to or  
 27 concurrently with the final map. Any amendments to the MA in which the owners relinquish  
 28 responsibility for the maintenance of any common open space shall not be permitted without the  
 prior written approval of the City of Oceanside. Such a clause shall be included in the MA.

1 The MA shall also contain provisions for the following:

2 a) The subterranean garage parking shall be exclusive to the residential  
3 occupancy of the site and shall not be shared or used by any other occupancy.

4 b) Prohibition of parking or storage of recreational vehicles, trailers, or boats.

5 c) Maintenance of all common areas, and on-site and frontage landscaping.

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

9 a). That the applicant understands that the site may be subject to  
10 extraordinary hazard from waves during storms and from erosion and the applicant assumes the  
11 liability from those hazards.

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

15 86. The proposed building cannot exceed the height of the centerline of Pacific  
16 Street located immediately east of the subject site. To ensure compliance, the applicant is  
17 required, at their expense, to hire a registered surveyor or civil engineer to measure the building  
18 height at various stages of construction.

19 87. Flood shields shall be utilized across the garage entrance. Finished first floor  
20 elevations shall be a minimum of 2 feet above site grade to minimize nuisance flooding.

21 88. Photograph documentation of all existing structure(s) shall be required. Photograph  
22 documentation shall be as follows:

23 a). Format (4 inches X 5 inches) to include black and white photographs of all  
24 exterior elevations as well as interior photographs producing archival quality negatives and  
25 contacts.

26 b). Color slide photograph documentation is also required with the number of  
27 photographs to be determined by the Occanside Historic Preservation Advisory Committee  
28 (OHPAC).

29 c). All photograph documentation shall be under the direction of a designated  
30 member of OHPAC and to the satisfaction of the Economic and Redevelopment Director.

1           89. The alley (Windward Way) from The Strand moving east to the foot of the  
2 Windward Way public access stairway, shall be replaced with interlocking pavers.

3           90. The existing Windward Way public access stairway steps and railings shall be  
4 replaced.

5           91. A decorative bench shall be placed at the top (east) of the Windward Way public  
6 access stairway adjacent to the public parking lot. The applicant shall work with the Art  
7 Commission to select the bench.

8 **Water Utilities:**

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

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

14           94. The property owner will maintain private water and wastewater utilities located  
15 on private property.

16           95. Water services and sewer laterals constructed in existing right-of-way locations  
17 are to be constructed by approved and licensed contractors at developer's expense.

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

22           97. All lots with a finish pad elevation located below the elevation of the next  
23 upstream manhole cover of the public sewer shall be protected from backflow of sewage by  
24 installing and maintaining an approved type backwater valve, per the Uniform Plumbing Code  
25 (U.P.C.).

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

          99. 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.

1           100. All new development of multi-family residential units shall include hot water pipe  
 2 insulation and installation of a hot water re-circulation device or design to provide hot water to  
 3 the tap within 15 seconds in accordance with City of Oceanside Ordinance No. 02-0R126-1.

4           101. Subterranean parking spaces shall be drained to the City's Storm Drain System and  
 5 shall comply with the California Regional Water Quality Control Board Order No. 2007-001.

6           102. The existing 6-inch waterline located in The Strand shall be upsized to 8 inches  
 7 along the property frontage to comply with current City standards.

8           103. The developer shall construct a public reclamation water system that will serve  
 9 the lot in accordance with the City of Oceanside Ordinance No. 91-15. The proposed  
 10 reclamation water system shall be located in the public right-of-way or in a public utility  
 11 easement.

12           104. A sewer study shall be prepared by the developer at the developer's expense and  
 13 approved by the Water Utilities Department.

14           105. The proposed water services shall maintain a minimum of 3 feet separation  
 15 between connections at the main.

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106. A separate irrigation meter and approved backflow prevention device is required and shall be displayed on the plans.

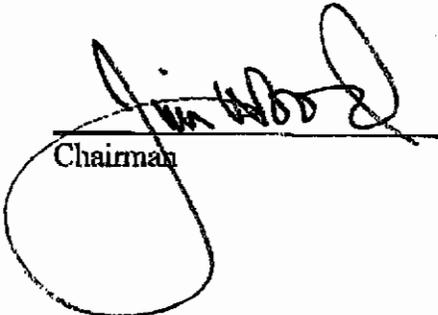
PASSED AND ADOPTED by the Oceanside Community Development Commission of the City of Oceanside this 20<sup>th</sup> day of AUGUST 2008 by the following vote:

AYES: WOOD, CHAVEZ, FELLER, KERN

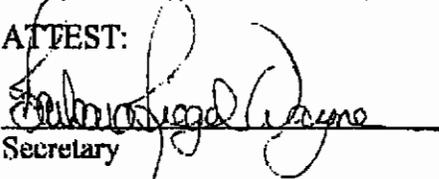
NAYS: SANCHEZ

ABSENT: NONE

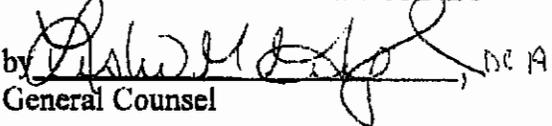
ABSTAIN: NONE

  
Chairman

ATTEST:

  
Secretary

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

by  DE A  
General Counsel

Debra and Gideon Mann  
Robert Sachs  
702 North The Strand  
Oceanside, CA 92054

September 15, 2008

Toni Ross  
Coastal Program Analyst  
California Coastal Commission  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108

RE: Appeal Number A-6-OCN-08-084

Dear Ms. Ross:

This letter responds to the three letters attached to the Oceanside City Staff Report for 702 N. The Strand (RC Permit RC-203-07). These letters were written by the appellant and other "interested parties" in the above noted appeal.

**Mary Fisher Letter of June 19, 2007**

Ms. Fisher's unit at the San Miguel condos (unit #54) faces the alley across from our property.

At the beginning of her letter, Ms. Fisher wrote: "My concerns are four fold: legal property set back lines, fire truck access (sic), preservation of views and public access."

**Concern #1: Legal property set back lines.**

The City has always considered the public access to our south to be an alley. Ms. Fisher continued to dispute the fact that it is an alley, even though City Engineering Staff deemed it such. So, we requested a formal definition from the City. We received this confirmation via email on October 12, 2007 from Deputy City Attorney Leslie Gallagher. That email is attached.

Alleys have a 5' building setback unless it is a corner-side setback. In this case, the default setback is 10 feet for sight distance purposes to the cross street. However, the City routinely grants 3'-5' setbacks when there are no sight issues. In fact, there are NO buildings in the Redevelopment Area with side alleys that have a 10' setback. In our case, traffic is one-way from the south and our building is on the north side of the intersection. The existing San Miguel I condo building has a 3' side setback, so clearly, a setback of 5' on the opposite side of the alley isn't a sight distance concern.

**Concern #2: Fire truck access.**

Inasmuch as we have lived in the current 702 N The Strand building since 2005 and will continue to do so in the new building, fire safety is a concern to us also. At the April 5, 2005 City Developer's Conference for our project, Susan Guzzetta (Fire Prevention representative) stated that "the Fire Department would address calls from The Strand and would not bring their equipment onto the fire lane".

We would also point out that the alley access is unchanged by our project. The alley is 20 feet wide now and will be so afterwards.

EXHIBIT NO. 15
APPLICATION NO.
<b>A-6-OCN-08-084</b>
Comment Letters from Applicant
 California Coastal Commission

**Concern #3: Preservation of Public Views.**

We do appreciate the fact that we are adjacent to a public beach access and our design has been predicated on it. We would like to describe the steps we have taken to accommodate the public view and beach access and the resulting design.

We met with Coastal Commission staff (Lee McEachern And Bill Ponder) in April 2005 to obtain guidance from them as to their concerns for our proposed project. We showed them pictures of the site, including the alley, stairs, and area at the top of the stairs. We also described the City Redevelopment Ordinances setbacks and our proposed building height. They then identified their concerns as (1) the view from the top of the stairs to Pacific Street and (2) ensuring that the alley did not feel "tunnel-like". They recommended that our design take these concerns into account.

The resulting design addressed these concerns by (a) the extensive use of (non-glare) glass on the alley-side façade to bring beach images into the alley and prevent a "tunnel-like" feeling and (b) building cutouts at the south-western corner, a double-barrel roof line to provide expanded peek-a-boo views over the building, and exclusive use of glass railings on all balconies.

We met with Coastal staff (Lee McEachern) again on January 19, 2007 to present our design and describe how we addressed their concerns. At the conclusion of the presentation, Mr. McEachern agreed the design addressed the stated concerns.

We have created a Public View Study to document the view differences between the current building and the new building. This study was submitted as part of the response to the appeal filed by Ms. Fisher.

**Concern #4: Preservation of Public Access.**

There is nothing in the project that would impact the public access. The property lines are unchanged and the alley will remain its current width of 20 feet. If anything, the public access will be enhanced by our proposals to improve the alley as a result of:

1. Replacing the deteriorated stairs connecting Pacific Street to the Alley.
2. Replacing the worn and pitted alley asphalt with attractive permeable pavers. (Besides improving the alley aesthetics, this will capture some of the rain run-off water that currently drains into The Strand and often causes flooding there. Mitigating this flooding will be a big improvement in the public's access to the beach.)
3. Installing an artistic bench at the top of the stairs.
4. Adding an artistic bike rack at the top of the stairs.
5. Providing foot lights on our alley-side garden wall. This will provide much needed light in the currently dark middle of the alley at night

These public access enhancements are in addition to the beautification of the public access. This includes the proposed artists' painting of utility boxes and the landscaping that will replace the current surface level parking and garbage containers.

Our project is sensitive to the issues Ms. Fisher raised and is compliant with all Oceanside Redevelopment District Zoning Ordinances and the Local Coastal Plan.

**Mr. And Mrs. William Utter Letter of July 29, 2007**

The Utter's unit at the San Miguel condos (unit #47) also faces the alley across from our property.

The letter expresses concern that our proposed setback will narrow the alley. However, the width of the alley will be unchanged. It is 20 feet wide currently and will remain so.

They also question whether the alley is actually a street. Please reference this topic in the response to Ms. Fisher's letter above.

They next state a concern for their private views and property value. Although private views are not protected by City ordinances, the current design opens the view for both the public access and our neighbors to the south.

Finally, the contemporary style of the building will reflect the beach in the (non-glare) glass used and the sloped roof line will provide a transition between the adjacent 2-story Roberts Cottage and the much larger San Miguel condos building.

### **Mr. J. Michael Winfield, Architect Letter of February 12, 2008**

Mr. Winfield is factually incorrect on every point made in this letter.

The original letter is presented in Italics. My comments and corrections follow in normal type.

1. *Project cannot exceed 30.5-foot height limit because the existing grade is 12.25. South Pacific is 42.75 = 30.5 feet.*

The building is proposed to be 30'-0" at its highest point.

2. *There is no building cross-sections shown to show maximum height.*

The building's height is shown on the Elevations Page A.5 of the Architectural Plans.

3. *The Uniform Building Code definition of a basement is defined by being below grade by more than 50% of the perimeter. This "basement" is actually a story. This proposed project is a three-story building with a roof top deck on the fourth floor.*

- a. *The occupant load of the upper floors exceeds the 10 occupants, which will require 2 separate means of egress (only one provided).*
- b. *All sleeping rooms above the second floor will require 2 separate means of egress (only one provided).*

The garage qualifies as a basement. (See definition below.) This is because the garage is partly below grade plane and the finished surface of the floor above the basement is less than 6 feet above adjacent grade and is less than 12 feet above the finished ground level at any point. Therefore, this is a two-story building. Items 3a and 3b are not applicable.

(Note: The plan presented at the RAC meeting of February 13, 2008 met UBC codes. The current plan has been modified to meet CBC codes currently in effect.)

- c. *The proposed stairway in the rear yard cannot be adequately fireproofed to be that close to the rear property line without being enclosed. A variance for this stairway in the rear yard setback cannot be justified.*

The proposed stairway at the time was to be constructed of concrete steps on a steel frame. These materials are fireproof and require no further fireproofing. In addition, no variation is required to project stairs into the rear yard setback up to 3 feet. Since that time the design was changed to meet CBC codes (effective January '08). The stairway is now enclosed. The

revised plan has been reviewed by Jim Zicaro, Head of Oceanside Building and ruled compliant with all safety requirements.

The definition of **Basement** (CBC 2007) is as follows:

**Basement.** That portion of a building that is partly or completely below grade plane (See "Story above grade plane" in Section 202). A basement shall be considered as a story above the grade plane where the finished surface of the floor above the basement is:

1. More than 6 feet (1829 mm) above grade plane; or
2. More than 12' (3658 mm) above the finished ground level at any point

**Story, Above, Grade Plane.** Any story having its finished floor surface entirely above grade plane except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is:

1. More than 6 feet (1829 mm) above grade plane; or
2. More than 12' (3658 mm) above the finished ground level at any point

4. *The Landscape Plan trades off enriched paving and roof decks as landscape area. This is a poor substitute when a driveway and a handicapped ramp is used as greenery.*

Neither the garage driveway, handicapped ramp nor any enriched paving is counted toward the landscape area.

The Landscaping LC.1 page of the Architectural Plans included a section titled "Landscaping Requirements". This clearly showed that minimum required landscaping is 20% of the property area (1,080 SF for this project) and proposed landscaping was 1,473 SF or 27.2%. 500 SF of roof deck space was counted toward the landscaping, as allowed by the Redevelopment Ordinances, Section 1230(R). However, no paved areas were counted toward the landscaping.

Since then, the building design has been modified and the landscaping calculations have been increased to 33.3%.

5. *16-foot driveway ramp to parking garage conflicts with the first floor plan of the south unit bedrooms #2 and #3 rendering them unusable.*

- The driveway width is 14' not 16'.
- The bedrooms are not unusable.

There is a "step-up" in bedrooms #2 & #3 of the first floor south unit to allow an 8'-2" vehicle height clearance through the garage entry by the building's south wall. This raises the rooms' floors by 12"-15". The 1<sup>st</sup> floor ceiling height of 10' provides more than adequate space for this "step-up". The rooms' height will still be at least 8'-6". (Typical room height is 8'-0".)

Sincerely,

Debra and Gideon Mann and Robert Sachs

attachment

Debra and Gideon Mann  
Robert Sachs  
702 North The Strand  
Oceanside, CA 92054

September 16, 2008

Toni Ross  
Coastal Program Analyst  
California Coastal Commission  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108

**RE: Response to Appeal Number A-06-OCN-08-084  
Project at 702 N. The Strand, Oceanside, CA**

Dear Ms. Ross:

This letter addresses the statements made in Appeal Number A-06-OCN-08-084 of the redevelopment project at 702 N. The Strand, Oceanside, CA.

## **PROJECT BACKGROUND**

We (Gideon and Debra Mann and Bob Sachs) jointly purchased the property in March of 2005 to fulfill a life-long dream to live by the ocean. It is our intention to redevelop the property as four condominium units and live in two of those units. We moved into the current apartment building in mid-2005 and have lived there since, while we have been working to get the required project entitlements.

We had hoped to complete the entitlement process within 18 months, but we wanted to be sensitive to neighborhood concerns since this was to be our homes for many years. To that end, we performed extensive neighborhood and government outreach in an attempt to reach consensus on a design. We filed the initial architectural plans with the City in February 2007. Since that time, we have:

- Had 20 meetings with neighbors and community activists, comprising 116 individuals (all Oceanside residents and/or property owners)
- Invited another 11 neighbors or groups to discuss the project
- Invited and held two dedicated meetings for the homeowners of the San Miguel I and II condominiums south of our property.
- Communicated with another five neighbors by phone or email.
- Obtained signatures on a letter of support from 99 of these individuals (this letter of support is part of our response to the appeal)
- Had 32 meetings with government officials, staff and committees
- Changed the design six (6) times in an attempt to address stated concerns

These meetings are documented in two tables that are part of the appeal response: A [Neighborhood Outreach List](#) and [Government Outreach List](#).

# 702 N The Strand CCC Appeal – Comments

Appeal Number A-06-OCN-08-084 Received by CCC on Sept 5, 2008

On August 4, 2008, we attended a meeting to show our latest (current) design to four of our neighbors who were leading the opposition to the project. The major feature of this design change was extending the 10-foot building setback from the alley to our south (public view corridor) from 10-feet to 31-feet (or 40% of the building length – the remainder of the building setback is 5-feet). The meeting was attended by Deputy Mayor Rocky Chavez, his aide Janene Shepherd and Oceanside Redevelopment Area Manager Kathy Baker. Our neighbors rejected this design, as well as a suggestion from Ms. Baker to “split the difference” and establish a 7-½ foot setback for the full length of the building’s alley façade. Following this meeting, we decided to move forward to obtain City approval. We received City Council approval on August 20<sup>th</sup> by a 4-1 vote.

## APPEAL RESPONSE

### Section II. Decision Being Appealed

#### 2. Description of development being appealed

Corrections:

- We are not demolishing a condo complex. It is currently a 50+ year old non-historical apartment building containing four 1-BR units.
- The appeal states “construction of a 9,000+ square foot condo complex”. However, living space totals 7,500 SF.

### Section IV. Reasons Supporting This Appeal

#### LCP

#### • LCP VI(C) –

**Height:** The building’s height is regulated by Proposition A (1982) which states that the building’s height can not exceed the crown of Pacific Street east of the building. That elevation is 42’-7” +MSL. The building will be 30’-0” above grade at 12’-1”. So the maximum height will be at 42’-1”. In addition, the roofline is a double wave motif that drops the roof at the center and north, thus opening the view from the top of the Pacific Street stairs. Thus, we comply.

**Width:** The building has a 3’ interior side setback and 5’ alley side setback. The west-most 31’ of the alley side façade is recessed an additional 5’ to open the view through the public access corridor. Ordinances provide for a setback as small as 3’ on the alley side. (As was granted for the San Miguel 1 condos on the other side of the alley.)

- **LCP VI(C)(1) –** We have curved the roof to open the view at the top and recessed the building in a way that maximizes the view from the top of the Pacific St stairs. This is the location that Coastal Staff said they were most concerned about. (Meeting with Lee McEachern and Bill Ponder –April 5, 2005, SD Office.) A view study has been submitted.

In addition, there is precedence here with the Renaissance Terrace Project. (CCC Appeal No: A-6-OCN-02-121/6-03-23 Filed 08/16/2002). One of the decisions in that case was that view protection involves public view corridors. You can not protect views across private property if City Ordinances are met.

- **LCP VI(C)(4) –** Side alley setbacks default to 10’ only due to sight distance requirements for the crossing street. In this case, traffic is one way from the south. The building is on the north side of the alley. In addition, the San Miguel condominium complex (on south side of alley) was allowed a 3’ setback without the need for a variation. So clearly, sight distance above 3-feet is not an issue.

Note that the city routinely grants 3’-5’ side alley setbacks. The other two properties adjoining the alley (700 N the Strand and the San Miguel condos) were both granted 3-foot setbacks without a variation for their redevelopment. (700 N The Strand chose not to redevelop for economic reasons.) There are no buildings in

## 702 N The Strand CCC Appeal – Comments

Appeal Number A-06-OCN-08-084 Received by CCC on Sept 5, 2008

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the Redevelopment Area with a side alley setback of 10'. We have a pictorial survey to support this statement. Kathy Baker, City Redevelopment Area Manager has confirmed this.

As for height, as noted above, the building is below the maximum allowed height and the roof line was designed with a double wave motif to provide a greater view of the water from the top of the Pacific Street stairs.

- **LCP VI(C)(6)** – The alley is not a “major scenic corridor” as stated here. That term is intended for wide streets such as the Pacific Street Promenade to the south and the bridge spanning the San Luis Rey River on Pacific Coast Highway. In fact, the LCP does not even consider it one of the most significant views from Pacific Street. (Ref: “Coastal Development Design Standards, City of Oceanside local Coastal Plan”, Section II, paragraph 4: *The view from Pacific Street is intermittent, with the area between Fifth and Wisconsin Streets offering the most significant views.* The alley is the extension of Windward Way, once Seventh Street. This is two blocks north of the area described here.)
- **LCP VI(C)(8)** – The City told us they encourage eclectic architecture (Developer’s Conference of April 5, 2005, 10 AM). Therefore, we did not feel constrained when we were addressing Coastal Staff’s original concerns: Opening the public view corridor (recessed southwest facade and not having a “tunnel-like feeling in the alley” by using glass in the alley-side facade to reflect beach views). We believe the building’s nautical theme (wave-motif roof design) is in keeping with the beach area and the building’s colors pay homage to the neighboring Roberts Cottages.
- **LCP VI(C)(9)** – The roof’s sloping double wave motif design (lower toward Roberts Cottages and higher toward the San Miguel I condos) acts as an attractive transition between the two. Since the only 2-story Roberts Cottage is adjacent to the property, this further enhances the transition from the San Miguel condos to the one-story Roberts Cottages.
- **LCP VI(C)(11)** – The building does not violate any setback or height requirements. It meets or exceeds all Zoning Ordinance and LCP requirements.
- **LCP VI(C)(13)** – We **EXCEED** the City’s stated landscaping requirements by 13.3%. **20%** is required; we have provided **33.3%**. (See Zoning Ordinance **1230(R)**. )The calculations are fully documented in the architectural plans – Sheets LC-1 and LC-2. LC-1 includes a box detailing the calculations. See ZONING ORDINANCES section below for more details.

As regards “framing” the view: the City has conditioned the project to keep the landscaping in the alley-south yard (adjacent to the public view corridor) at a maximum height of 42” so as not to impact the view.

- **LCP VII(C)(1)** – This policy statement actually says, “The City shall deny any project which diminishes public access to the shoreline, degrades coastal aesthetics, or precludes adequate urban services for coastal-dependent, recreation, or visitor serving uses.”

This project will

- (a) increase public access by rebuilding the deteriorated stairs to Pacific Street, paving the decrepit asphalt in the alley with permeable pavers, installing a bench and artistic bike rack at the top of the stairs, adding much needed night-time lighting to the middle of the alley from footlights on the south garden wall and
- (b) increase coastal aesthetics by all of the above as well as engaging artists to paint the utility boxes in the area, moving the current alley surface parking and garbage into a sub-ground garage and replacing it with landscaping and
- (c) improve urban services via the new bench and the permeable pavers that will absorb rainwater into the ground, rather than emptying it into The Strand, which causes flooding as is currently the case.

## 702 N The Strand CCC Appeal – Comments

Appeal Number A-06-OCN-08-084 Received by CCC on Sept 5, 2008

### ZONING ORDINANCES (Also see City's response)

- **ZO 1230 – FACTUALLY NOT TRUE:** No variations were granted because none were requested.
- **ZO 1230 – FACTUALLY NOT TRUE: Front setback:** There is no such definition as a “front-side” setback. The project uses the “blockface average” (Section 3016 “Front Yards in R Districts”) to determine its front setback. This widely used computation allowed a 5’-11” setback. The building is at a 6’ setback that is consistent with every other building on the block.
- **ZO 1230 – FACTUALLY NOT TRUE: Corner-side setback:** Same as LCP VI(C)(4) above: Side alley setbacks default to 10’ due to sight distance requirements for the crossing street. In this case, traffic is one way from the south. The building is on the **north** side of alley. In addition, the San Miguel condominium complex (on south side of alley) was allowed a 3-foot setback without the need for a variation. So clearly, sight distance above 3-feet is not an issue.

Note that the city routinely grants 3’-5’ side alley setbacks. There are no buildings in the Redevelopment Area with a side alley setback of 10’. We have a pictorial survey to support this statement. Kathy Baker (Redevelopment Area Manager) has also confirmed this.

- **ZO 1230 – FACTUALLY NOT TRUE: Façade modulation:** The front balconies provide all 13’ of the required modulation. The building is 52’ wide. So  $13'/52' = 25\%$ . On the south side, the west-most 31’ of the building has been recessed an additional 5’ (for a total of 10’ from the south property line). The total length of the building is 79 feet.  $31/79 =$  or 39% of the south façade (bordering the public view corridor).
- **ZO 1230(S) – FACTUALLY NOT TRUE:** Each balcony has a MINIMUM dimension of 7 feet. All calculations for shared open space on the roof include areas with a minimum dimension of 10 feet. This is per **ZO 1230 (FF)**. (1230(S) describes landscape requirements). See Architectural Plan Sheet A.4.
- **ZO 1230(V) – NOT TRUE:** This probably refers to **ZO 1230(L)(1)**. (ZO 1230(V) relates to Off-street Parking and Loading Regulations.) It states: *Buildings along The Strand shall be designed so that when viewed from the beach, the visual impact of the bulk of the structure is minimized to the maximum extent possible.*

The building uses both vertical and horizontal modulation to minimize the view from the beach. This includes the balconies, wave-motif roofline and recessed southwest corner. In addition, the extensive use of glass results in a less massive appearance. (Contrast this with the San Miguel I condos immediately to the south that are primarily white stucco.) This design was reviewed by the Redevelopment Design Review Committee, which includes at least one professional architect. It passed 6-0. It also passed review by the Redevelopment Advisory Committee and the City Council. In addition, there was extensive neighborhood outreach in which the overwhelming opinions were positive. This is also reflected in the Letter of Support signed by 99 Oceanside residents/property owners.

- **ZO 1230(AA & JJ) – FACTUALLY NOT TRUE:** The applicable ordinance is **1230(R)**. (Neither 1230 (AA) or (JJ) refer to landscaping.) Using the allowed formulas, we achieved 33.3% landscaping. There is 944 SF of landscaping at the lot surface. In addition, there is 108 SF (10% of total minimum required landscaping = 1,080 SF) of private open space and 744 SF of roof deck (common shared area). This totals 1,801 SF. Total area is 5,400 SF.  $1801/5401 = 33.3\%$ .

The ordinance states: *....areas devoted to common patios, pools and other recreational facilities may be included in determining compliance with the landscape requirement. In addition, for projects of four or fewer units, private outdoor living space can be used to satisfy up to 10 percent of the minimum site-landscaping requirement.*

The roof deck plants have **NOT** been counted toward the landscaping calculations. They were placed there to enhance the building and the view of the building, not to attempt to falsely achieve minimum landscape requirements. These plants will be maintained so that they do not exceed the height of the deck railing, thus not impacting the view from the top of the Pacific Street stairs.

The full set of calculations is clearly stated on the Architectural Plans, sheet LC-1 with the applicable ordinance sections referenced.

# 702 N The Strand CCC Appeal – Comments

Appeal Number A-06-OCN-08-084 Received by CCC on Sept 5, 2008

- **ZO 3024(D)(1) – FACTUALLY NOT TRUE:** The glass used will be **NON-GLARE** glass. This information has been stated repeatedly whenever we have presented the project: to all our neighbors and all government committees and contacts. ZO 3024(D)(1) is concerned with mirrored or “highly reflective” glass, which we are not using.

## **TODD CARDIFF, SURFRIDER FOUNDATION LAWYER** **ATTACHED COMMENT LETTER**

### **1. Background and Project Description**

**Paragraph 1:** Building footprint is 79 x 52 = 4,108 SF (not 4,500 SF). This is 76% coverage, not the 84% coverage that 4,500 SF would be.

**Paragraph 2:** The Ordinances do **NOT** require a 10’ front or corner-side (alley) setback as stated here. See first three bullet points in above ZONING ORDINANCES response.

**Paragraphs 3-6:** The appeal argues about the importance of the view site. It is a nice view and we are doing more than required by the LCP to preserve it. However, the LCP itself says that it is not one of the most significant views from Pacific Street. (Ref: “Coastal Development Design Standards, City of Oceanside local Coastal Plan”, Section II, paragraph 4: *The view from Pacific Street is intermittent, with the area between Fifth and Wisconsin Streets offering the most significant views.* The alley here is the extension of Windward Way, once called Seventh Street. This is two blocks north of the area described here.)

**Paragraph 8:** The appeal states that the proposed structure violates the setback requirements. This is simply untrue. See Zoning Ordinances above.

**Paragraph Last:** The appeal argues that because Roberts Cottages may be developed in the future and the San Miguel I already exists (with smaller, though allowed, setbacks than our project) that we should be prevented from developing the proposed building, even though we meet or exceed all Zoning Ordinances and LCP requirements.

It should be noted that it is highly unlikely that Roberts Cottages would be modified due to their historic nature. Developing the open parking area behind the cottages would be highly problematic because of the requirements for parking for both the current 24 units (48 cars) plus any additional housing proposed.

### **2. The Project’s Height Violates Oceanside’s LCP Policies**

There are several misstatements in this section. These include:

- Defining the “bluff promenade along Pacific Street, above The Strand” as including the area of our project. The promenade refers to the “linear park” extending from Fifth Street to Wisconsin Street. This is explicitly stated in the LCP by: *The view from Pacific Street is intermittent, with the area between Fifth and Wisconsin Streets offering the most significant views.* (Ref: “Coastal Development Design Standards, City of Oceanside local Coastal Plan”, Section II, paragraph 4.)

The view from the top of the stairs at the alley is nice but, clearly, is not unique as he claims. It is intermittent all along Pacific Street and continuous for the ½ mile between 5<sup>th</sup> Street and Wisconsin.

- The letter quotes the LCP as stating that *quality views of the Ocean, new development must be subordinate to maintaining and maximizing such views.* However, there is precedence that clearly states views are to be protected in the public right of way, not across private property. (See Renaissance

# **N The Strand CCC Appeal – Comments**

Number A-06-OCN-08-084 Received by CCC on Sept 5, 2008

of 2002.) This project already has designed accommodations to maximize the view  
e City ordinances and LCP require.

uts the erroneous statement that the project violates height and setback requirements. The  
paragraph of this section is specifically erroneous. It states that the building will intercept  
plane inclined inward from a height of 27 feet above the front & street side setbacks.  
points to be made here: (1) This ordinance does not apply to the Redevelopment Area. (2)  
ould conform to this rule even if it did apply. The building is a maximum of 30-feet  
ling would have to be 32-feet high to intersect a 45° plane starting from the property line  
7'. (45° is an isosceles triangle. So, the distance to the building = the distance from 27  
45° plane. Since the minimum setback is 5-feet, 27 + 5 = 32-feet.)

cludes by saying the building must incorporate "site responsive design". It does. The  
from concerns stated by Coastal Staff (Bill Ponder and Lee McEachern) at a meeting on  
. Those concerns were the view through the public right of way from the top of the  
stairs and not having the alley feel "tunnel-like". Recessing the west most 31-feet of the  
y 10 feet addresses the view concern and the use of glass on the south façade addresses  
fect by bringing beach views into the alley. Subsequent meetings with Lee McEachern  
the design addressed the stated concerns.

## **Violates the Setback Requirements in the Redevelopment (Zoning)** **Narrows the Public View of the Ocean.**

inues to say that we exceed allowable setbacks. This is simply not true. (See Zoning  
mments above.)

usses the "stringline" – which is not applicable north of Wisconsin Street and which we  
. We conform to the commonly used "Blockface Average" method of determining the  
setback. (See comments above.)

es that the balconies do block the views by extending into the side alley setback. These  
e permitted without variations if they are 3' from the property line, as is the case here. The  
ass and can be viewed through.

n states that we are not compatible in scale to existing development by saying we are  
berts Cottages. However, our building is significantly smaller than the San Miguel I and  
ne south and the 804 N The Strand condos immediately north of Roberts Cottages. In  
Roberts Cottage immediately adjacent to our property is the only 2-story cottage. This  
the transition from the San Miguel condos to the one-story Roberts Cottages. We have  
from the pier demonstrating that we fit in well with the existing developments.

es that the building is too bulky when viewed from the beach. See Zoning Ordinances  
ove – Reference 1230(V) (sic) which is actually 1230(L)(1).

tter states that to comply with the LCP, the building must be reduced to 27 feet or less and  
urther reduced. However, the building as proposed does comply with the LCP as well as  
r current building setbacks.

## **Reduced Setbacks Violate the Requirements for Open Space Buffers**

have NOT been reduced from those required and, in fact, are more responsive to view  
a required by the LCP or Zoning Ordinances.

ot a major view corridor. See comments above for LCP VI(C)(6). It is incorrect to ascribe  
n open space buffer or green zone. However, there is a green zone (5-feet of side yard

# 702 N The Strand CCC Appeal – Comments

Appeal Number A-06-OCN-08-084 Received by CCC on Sept 5, 2008

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plantings) provided by the project that will replace the current building's "open area" which consists of parked cars, broken asphalt and garbage containers.

- Paragraph 3 says the new building will reduce the public access to 28 feet. In fact, the public access width is unchanged: It is the 20' wide alley now and the alley will still be 20' with the new building. View studies have been submitted which show that the 31-foot long 10-foot side setback provides the maximum view from the top of the Pacific Street stairs. Extending this recessed area further to the rear would not improve the view.

It also states that the alley will feel "tunnel-like". However, the use of glass will be more effective at a 5' setback (for the east-most 48 feet of the building) than a traditional stucco building setback 10' for the full length of the south (alley) side façade.

- The last paragraph again states that reduced setbacks were provided when they were not.

## 4. The Proposed Project is Incompatible with the Neighborhood

- The new building is smaller in scale than the San Miguel I condos to the south, the San Miguel II condos further south and the 804 N The Strand condos north of Roberts Cottages. Photographic renderings of this have been submitted.
- A transition from the largest Roberts Cottage (a two-story building) is provided by the sloping wave-motif roof that is lower on the Roberts Cottage side and higher on the San Miguel Condos side.
- The statement that we will be using mirror glass is simply not true. All glass will be non-glare glass. There will be no nuisance glare.
- Besides bringing beach views into the alley, the extensive use of glass is a common technique used by architects when placing a contemporary building into a traditional setting. The surrounding area is reflected back to the viewer. The most famous example of this is the Hancock Building in Boston.

## 5. The Project Violates the Landscape Requirements in the LCP and Zoning Ordinance.

- This is factually untrue. The project provides 33.3% of the required landscaping (20% is the minimum requirement). See above comments regarding landscaping.
- The plants on the roof are NOT counted toward the landscaping as stated. However, they do enhance the building, especially to a viewer at the top of Pacific Street. They will be trimmed so as to not block any views from the top of the Pacific Street stairs.
- The plants on the south (alley) setback will soften the alley feel greatly, compared to the current asphalt surface parking and garbage containers. We are planting many lush varieties (see landscape plan – Architectural Plans Sheet LC-1 ). However, we are limited to a height of 42" to maximize the view from the alley. (Stated as a requirement by both CCC Staff and City Ordinances.) Therefore, we can only "frame the view" to a small extent.

## 6. Conclusion

We dispute all the conclusions made:

- We meet or exceed the LCP requirements.
- The design has addressed the primary concerns of preserving a view through "the public right-of-way" and avoiding a "tunnel-like" feeling in the alley.
- The appeal has presented many erroneous statements as facts and presented NO arguments to support denying the project.

## 702 N The Strand CCC Appeal – Comments

Appeal Number A-06-OCN-08-084 Received by CCC on Sept 5, 2008

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- The opposition has been driven primarily by neighbors whose San Miguel I units are adjacent to the alley and who will lose part of their view. There are many local supporters (99 who have signed a Letter of Support we submitted), all Oceanside tenants and property owners, who support this project and recognize the enhancements it will bring to the community.
- The extensive outreach we have done (with Coastal Staff, other government representatives and neighbors) is reflected in the design that does protect the view and the substantial public improvements we will make. (We have made six design changes since the start of the project to try to address the stated concerns.) The public improvements include installing alley permeable pavers, rebuilt stairs to Pacific Street, a new artistic bench and artistic bike rack at the top of the Pacific Street stairs, the artist paintings on utility boxes in that area and improved lighting in the middle of the alley from garden wall footlights.

600 North The Strand #48  
Oceanside, California 92054

September 6, 2008

California Coastal Commission  
San Diego Area  
7575 Metropolitan Drive, Suite 103  
San Diego CA 92108-4421

SEP 11 2008

Honorable Coastal Commissioners:

My name is James Franson. My wife and I live at 600 North The Strand, #48, Oceanside, California, directly across Windward Way from the proposed condominium project at 702 North The Strand.

The design of this project disregards the Local Coastal Plan, which states that the building must be in keeping with the existing buildings on the Strand. With the San Miguel condominiums adjacent to the south and the Roberts' Cottages adjacent to the north, this ultramodern steel and glass structure will completely disrupt the continuity of the beach front. Because the proposed building has only a five foot side corner setback, it will project so close to the Windward Way Street that the glass would certainly reflect into the existing buildings.

In my unit the vast expanse of glass on the south side of the proposed building will reflect glare making it impossible for us to use our balcony. The reflected blinding glare and heat will also elevate the temperature of our unit requiring us to keep our blinds closed most of the time. Because of the glare, for a significant amount of time each day, we will no longer be able to sit on our balcony looking at the ocean and at the people on the beach. Our view will be permanently diminished, but we have no recourse for that. However, if the building is constructed as proposed, we will almost be close enough to reach out and touch its balcony from ours. Our privacy will be non-existent.

As this project is now designed with an insufficient setback, one of the last beautiful scenic view corridors from Pacific Street will be gone forever. In Oceanside, there are very few public white water views of the ocean remaining. The council disregarded this issue, even as one of the city council members said, "There are plenty of views left!" **WHERE?** This project should have a ten foot setback from The Strand as well as on Windward Way as is spelled out in the Local Coastal Plan. In approving the proposed project, the Oceanside City Council ignored the Local Coastal Plan's existing rules regarding setbacks, disregarding front, rear, and side corner setbacks.

Another aspect is a safety concern for the existing buildings. Fire and police department emergency vehicles, trash pick up and other service vehicles will have difficulty maneuvering in a shrunken Windward Way with this structure built out so far.

Please have these developers go back to the drawing board to reduce the massive size of this building on such a small lot with a design which incorporates the existing Local Coastal Plan rules and is more compatible with the existing neighboring buildings. The ten foot side corner setback is definitely required to maintain the existing view corridor and our privacy.

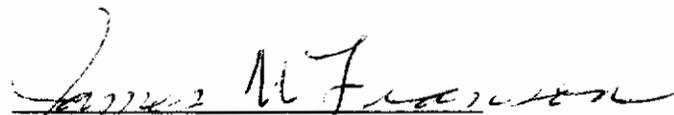
  
James W. Franson

EXHIBIT NO. 16
APPLICATION NO.
<b>A-6-OCN-08-084</b>
General Letters of Comment
1 of 4 pgs
 California Coastal Commission

RECEIVED

SEP 22 2008

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

600 N. The Strand #50  
Oceanside, CA 92054

California Coastal Commission  
San Diego Area  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4421

Regarding: Appeal of project 702 N. The Strand, Oceanside

September 19, 2008

Dear Toni Ross and staff of the Coastal Commission,

Attached please find a copy of the petition that was submitted to the Oceanside City Council on August 20, 2008. The city has the original petition with over 350 signatures. Some of the photo copy pages that I am sending are blurry but the signatures are there.

I have concerns that the city may not have included this petition with the file for the appeal of the project 702 N. The Strand. People who signed the petition use the scenic views and the public access to the beach from the Windward Way and Pacific Parking lot. Everyone who signed was shown a photo of the projects rendering to understand the impact on the views. This petition is to the California Coastal Commission as well as the city of Oceanside. The City approved the project with disregard for the public. It is our hope that the Coastal Commission will protect public views.

Also attached are a few letters that were sent to the City Council the week before the hearing on 702 N. The Strand. Again, I have concerns that the city may not have included these letters.

Sincerely,



MARY FISHER

August 20, 2008

City of Oceanside  
City Council

Re: PETITION TO SAVE PUBLIC VIEWS FROM PACIFIC & WINDWARD WAY PARKING LOT

As the Community Group in opposition to the proposed redevelopment project at 702 N. The Strand, we respectfully submit the attached petitions signed by more than 350 Oceanside residents and non-residents in support of our opposition to the proposed project at 702 N. The Strand.

We request that this letter and the signed petitions be included in any correspondence on the subject that may be generated for review by the California Coastal Commission, as appropriate.

Sincerely,

---

Mary Fisher

Representing the Community Group in opposition to the proposed redevelopment project at 702 N. The Strand

600 North The Strand #53  
Oceanside, California 92054  
September 12, 2008

California Coastal Commission  
7575 Metropolitan Drive, Suite 103  
San Diego CA 92108-4421

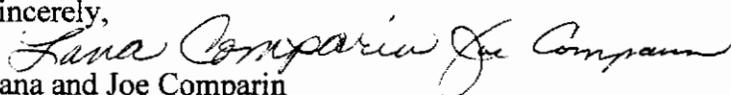
Honorable Coastal Commissioners:

My husband and I bought our second home at 600 North The Strand, #53 in 1994. Oceanside has been our beach destination since the 1950's. Coincidentally, our family's vacationed here when Joe and I were children. We vacationed in Oceanside with our two children in the 1960's-80's and now enjoy the same beach with our six grandchildren.

I start with that background paragraph to give you an idea of what we have experienced first hand in Oceanside. We saw the Oceanside of 60 years ago with its family-friendly motels near the beach. We witnessed the pristine beach area degrade to a crime-ridden haven for prostitutes, drug addicts, and gangs, and we are now enjoying its renewed charm. When San Miguel I, 600 N. The Strand, was built in 1986-87, it was the first of the four-phased condo development by a well-known developer. The city had to make some concessions to attract quality large-scale developer to Oceanside. Now that this redevelopment area is practically completed, no such concessions on setbacks, building size and bulk, and design should be made. For the current Redevelopment Committee and City Council to offer concessions because concessions were made 20 years ago is ludicrous. There is no comparison. Presently, the area is no longer blighted. Now is the time to protect the views for the residents and visitors to Oceanside. Now is the time to protect those of us who were willing to take a risk by choosing Oceanside before she shined with her present charm. We have been loyal to Oceanside for years, and want to protect the distinctive beach qualities that it offers. It is wrong for a new project to ruin views of visitors and residents alike with this oversized project. The views must be preserved.

Please consider carefully how this proposed condominium project at 702 North The Strand will impact its neighbors. This is a huge structure on a narrow lot. It is very important to keep Windward Way open by not granting their requested five foot setbacks. Besides blocking the views from the coastal access stairs and neighboring homes and condos, this will affect the safety of the many pedestrians who use this access to go to the beach. From our condo we sit on our patio and watch the families walking to the beach. This unique coastal access at Windward Way and the Strand has a stop sign for the safety of pedestrians crossing to the beach. Giving in to these investors at 702 N. Strand to maximize their use of a small, narrow lot at the expense of the nearby condo and homeowners and the beach-going families is wrong. This type of pressure they should not even worry about. Ten foot side setbacks are reasonable, and follow the guidelines established by the local coastal plan.

Please consider this appeal, and inform the developers their plan must be scaled back to follow the prescribed guidelines to fit on this lot and blend with the surrounding buildings. We are not satisfied with the token concessions and smaller setbacks that erode the quality of the beach area.

Sincerely,  
  
Lana and Joe Comparin