

CALIFORNIA COASTAL COMMISSION

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



Wed 14a

Filed: 7/13/06
49th Day: Waived
Staff: Lee McEachern-SD
Staff Report: 9/2106
Hearing Date: 10/11-13/06

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of Oceanside

DECISION: Approved with Conditions

APPEAL NO.: A-6-OCN-06-78

APPLICANT: Mr. & Mrs. Joe Jubela

PROJECT DESCRIPTION: Demolition of an existing 1,223 sq. ft. single-family home and construction of a 3-story duplex structure and four-car garage on a 3,333 sq. ft. site. Unit #1 is 4,495 sq. ft. and includes a 1,965 sq. ft. basement. Unit 2 is 2,180 sq. ft.

PROJECT LOCATION: 318 South Pacific Street, Oceanside, San Diego County.
APN 150-074-14

APPELLANTS: Ruth Clifford & Stephen Sandberg

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.

Staff has reviewed the grounds for appeal cited by the appellants and has determined that the project, as approved by the City, is consistent with the certified LCP in that the project does not block public views, is in character both in bulk and scale with the surrounding community and provides adequate parking to serve the development.

SUBSTANTIVE FILE DOCUMENTS: Certified City of Oceanside Local Coastal Program; Appeal Forms; Staff Report to the Community Development Commission dated June 21, 2006.

I. Appellants Contend That: The proposed development is inconsistent with the policies of the certified LCP which pertain to protection of visual resources and special communities, the provision of adequate parking and protection of public access.

II. Local Government Action: The City Community Development Commission approved the subject development on June 21, 2006. The conditions of approval pertain, in part, to landscaping, water quality and erosion control, parking and exterior treatment.

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. Projects within cities and counties may be appealed if they are located within mapped appealable areas.

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 a de novo hearing on the merits of the project. 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. If the Commission conducts a de novo 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 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.

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-06-78 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-06-78** 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.

V. Findings and Declarations.

1. **Project Description.** The development as approved by the City includes the demolition of an existing one-story, 1,223 sq. ft. single-family residence and construction of a 3-story (with basement), 27 ft. high, duplex structure on a 3,333 sq. ft. lot. Unit #1 will be 4,495 sq. ft. and includes two-bedrooms, with a lounge and recording studio in a 1,965 sq. ft. basement. Unit #2 will be 2,180 sq. ft. and includes two-bedrooms. Parking for the development will be accommodated in an approximately 995 sq. ft., 4-car garage utilizing tandem parking. The subject site is located on the east side of South Pacific Street, just north of Pine Street in the City of Oceanside. The project is appealable to the Coastal Commission because the development is located within 300 ft. of the inland extent of the beach.

The subject site is relatively flat, with its western frontage along South Pacific Street. Surrounding development includes a wide array of single-and multi-family residential structures to the north, south and east as well as across Pacific Street to the west.

2. **Public Access/Parking.** The appellants contend that the development approved by the City is inconsistent with the certified LCP in that adequate parking will not be provided to serve the development. Specifically, the appellants raise two issues relative to parking. The first is that the development, in addition to the two residential units, includes a recording studio in the basement. The appellants contend that the development, which only includes parking for the two residential units, will not have adequate parking to serve the parking needs for guests and musicians utilizing the studio and this will result in impacts on public beach access as the beach is only 1 block west of the subject site.

Section 30210 of the Coastal Act is applicable to the proposed development and states:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

The certified City of Oceanside Local Coastal Program LUP also addresses access and parking and states:

The City shall require that all new residential development provides adequate on-site parking. In areas where beach parking demand is critical, parking requirements for new residential development shall be strictly enforced....

In addition, the City's certified Implementation Program contains specific parking requirements. In the case of the subject development, the parking requirements for multi-family residential development is 2 parking spaces per unit for units with 2 or more bedrooms. As such, since each of the units includes two bedrooms, the parking requirement for the development is 4 parking spaces. The project as approved by the City does include 4 parking spaces. However, the appellants contend that 4 parking spaces are not adequate to serve the development because the spaces are tandem and because there is not parking provided to accommodate the recording studio.

The subject site is located within Subdistrict 5A of the City's D Downtown District and is designated as Mixed High Density and Transient Residential in the City's certified Land Use Plan (LUP). Under this land use designation, multi- and single-family residential development are the primary allowed uses. While the regulations do not specifically address recording studios, other similar type uses such as artist's studios are specifically prohibited in Subdistrict 5A. In discussing this matter with the City, it was explained that a "commercial" recording studio would not be permitted on the subject site. The applicant has proposed the recording studio as a private studio for use by the occupant of one of the units and the City has approved the development as such. Conditions of approval specify that the development is "only for the development of two residential units as depicted on the plans and exhibits presented to the Community Development Commission" and that "[t]he basement shall not be converted into an additional unit." The applicant did not propose, and the City did not approve, use of the recording studio for commercial purposes. City staff has indicated that if the studio were to operate as a "commercial" recording studio, such an operation would be inconsistent with the coastal development permit approved by the City and a violation of the City's Ordinances and would be referred to Code Compliance for enforcement. Thus, the recording studio proposed in the basement of the subject development cannot operate as a "commercial" recording studio and as such, should not raise parking or public access consistency concerns.

The appellants also contend that the City's action to allow the parking requirements to be met through the use of tandem parking is inconsistent with the certified LCP and will result in impacts to public access. The appellants have suggested that tandem parking carries with it inherent problems that result in parking impacts. The appellants have suggested that because tandem parking requires one car to be moved to access another, resulting in an inconvenience, that the residents of the subject development will instead park one car on the street and one in the tandem parking space; thereby utilizing parking that should be available for the beach-going public.

Typically, parking requirements for residential development are accommodated with either covered or uncovered spaces that are side by side and not tandem. However, the City of Oceanside LCP does contain provisions to allow tandem parking given certain circumstances. Specifically, the parking requirements for the D District, in which the subject development site is located, state, in part:

- (W) The following parking standards and regulations apply specifically to the D District...

[...]

2. Tandem Parking:

[...]

- (b) For projects located outside of The Strand area but within the Redevelopment Project Area, tandem parking shall be allowed for parcels 33 feet wide or less with a Conditional Use Permit.
- (c) When tandem parking is permitted, parking spaces are assigned to a single unit. Each parking space shall be numbered/lettered. Each unit shall be assigned a specific spaces or spaces. Each unit whose unit number/letter appears on the corresponding space(s) shall have an exclusive easement for parking purposes over that designated parking space.

The subject site is not located within The Strand area and the lot is 33 ft. wide. Thus, the above provision applies. In this particular case, the City did approve a CUP for the use of tandem parking spaces, finding that the tandem parking spaces will not conflict with the accessibility of parking spaces and as conditioned, will not result in impacts to the surrounding area. In addition, while the subject site is located one block from the beach, aside from on-street parking in the general neighborhood, there are numerous public parking lots in close proximity to the subject site that are utilized by the beach-going public.

The Commission has reviewed the City's action and concurs with the City's findings to support the use of tandem parking. In addition, the Commission finds that the on-site private recording studio and the use of tandem parking approved by the City will not result in adverse impacts on coastal resources and thus, do not raise a substantial issue with regard to conformity with the certified LCP.

3. Visual Resources/Community Character. The appellants also contend that the development as approved by the City is inconsistent with the certified LCP as it is out of character and scale with development in the surrounding neighborhood. Two LUP Policies (#1 & #8) of the "Visual Resources and Special Communities" Section of the certified Oceanside Land Use Plan (LUP) are applicable to the proposed development and state:

1. In areas of significant natural aesthetic value, new developments shall be subordinate to the natural environment.

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

The subject site is located in a neighborhood of Oceanside that contains a mix of older, single-family homes and apartments along with some newer condominium developments. In this case, the subject lot contains an existing one-story home and the development approved by the City will replace it with a new three-story duplex. Regarding size, scale and neighborhood compatibility issues raised by the appellants, the proposed project is similar in size to existing structures in Subdistrict 5, which contains a mix of single and multiple family structures (ref. Exhibit #8 attached). The LCP does not identify that new development must be within a certain size (i.e., square footage). Rather, it contains design guidelines and development standards that define the allowable building envelope of a project. Because all new development must conform to these standards, new development is assured of being compatible in height, scale, color and form with the surrounding neighborhood.

Regarding height, the certified LCP requires that building height be no higher than 27 feet. The proposed duplex structure will be 27 feet high. The City also approved an elevator access, stair access and mechanical access tower above the 27-foot height limit (to a maximum of 35 ft high). The City found these structures meet the requirements of the certified LCP which allows towers and the like covering not more than 10% of the ground area covered by the structure to which they are accessory to exceed the base height limit by 10 feet. Specifically, Section 3018 of the certified Implementation Program states:

3018 Exceptions to Height Limits

Towers, spires, cupolas, chimneys, elevator penthouses, water tanks, flagpoles, monuments, theater scenery lofts, radio and television antennas, transmission towers, fire towers, and similar structures and necessary mechanical appurtenances covering

not more than 10 percent of the ground area covered by the structure to which they are accessory may exceed the maximum permitted height in the district in which the site is located. Such exceptions shall be subject to the following regulations:

- A. A structure may exceed the district height limit by 10 ft. and a use permit may be approved for features extending more than 10 feet above a base district height limit.

The stair, elevator and mechanical access structures approved by the City are consistent with this requirement. In addition, the certified LCP establishes minimum front yard (street), side yard and rear yard setbacks at 10 feet, 3 feet and 5 feet respectively. The development approved by the City meets all the required setbacks and the minimum landscape requirement of 25% of the site.

As noted above, while the proposed duplex will be larger than the home that currently exists on the site, the structure meets all the LCP requirements that address bulk and scale. In addition, the proposed structure will be consistent with other development in the surrounding neighborhood. Therefore, the Commission finds the project, as approved by the City, will not result in adverse impacts on coastal resources and thus, does not raise a substantial issue with regard to conformity with the certified LCP.

4. Conclusion. In summary, the development, as approved by the City, is substantially consistent with all applicable LCP land use policies and provisions/development standards of the certified LCP Implementation Plan. Most of the appellant's contentions relate to local design issues that are part of the LCP to assure compatibility with the surrounding development. The proposed project is consistent in bulk and scale with other developments in the area and with a density of 26.1 dwelling units per acre (dua) is below the maximum density permitted in the certified LCP of 29 dua. The project, as approved by the City, will not result in adverse impacts to public access, public views/community character or density. Therefore, the Commission finds that the appeal does not raise a substantial issue with regard to the project's consistency with the certified LCP.

5. 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 a two-unit structure that is consistent in size and scale of other projects in the vicinity and is not of unusual extent or scope. While the City did approve a conditional use permit for the use of tandem parking spaces, the LCP does include specific provisions for such on narrow lots such as the subject site. In addition, no reduction in the number of parking spaces is proposed or approved. Thus, adequate parking is provided to accommodate the subject development. The project, as approved by the City, is in character with the surrounding community, will not result in any adverse impacts on public views and will not result in impacts on public access. Therefore, the Commission finds that the appeal does not raise a

substantial issue with regard to the project's consistency with the certified LCP or the public access policies of the Coastal Act.

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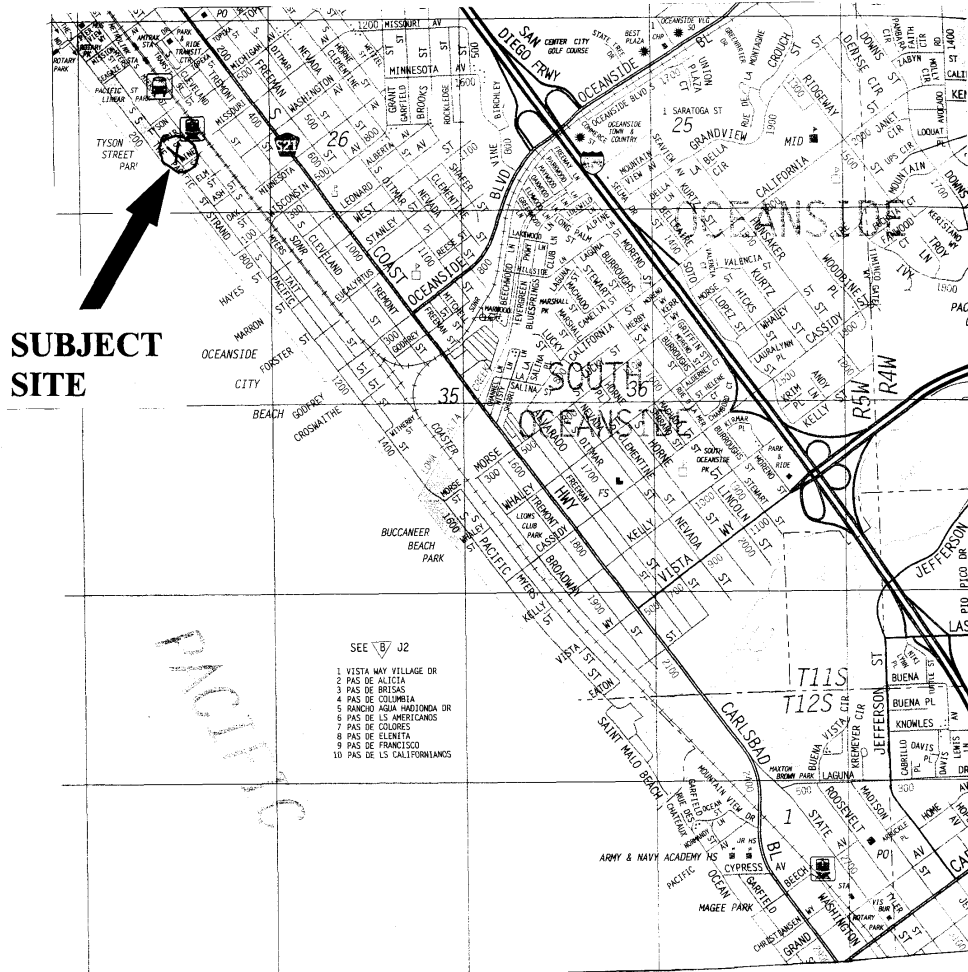
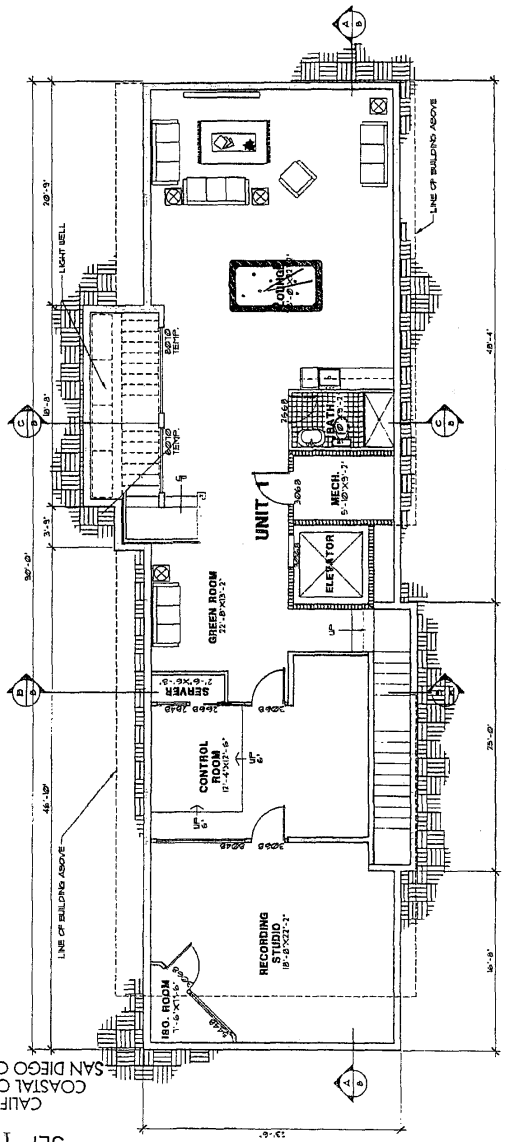
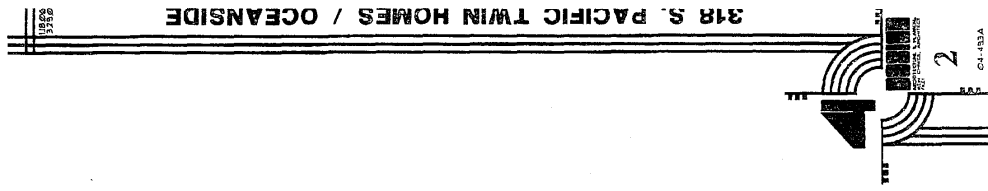


EXHIBIT NO. 1
APPLICATION NO.
A-6-OCN-06-78
Location Map
California Coastal Commission



LOCATION KEY :

ROOF DECK	UNIT 2
UNIT 2	UNIT 1
UNIT 1	GARAGE
UNIT 1	UNIT 1

A. PACIFIC OVERB
C4-131A

BASEMENT PLAN

SCALE: 1/4" = 1'-0"
PROJECT AREA: UNIT 1 (10' x 10')

LEGEND:

- CHIL WALL
- FRAME WALL
- FRAME WALL (H.R. CONSTRUCTION)

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

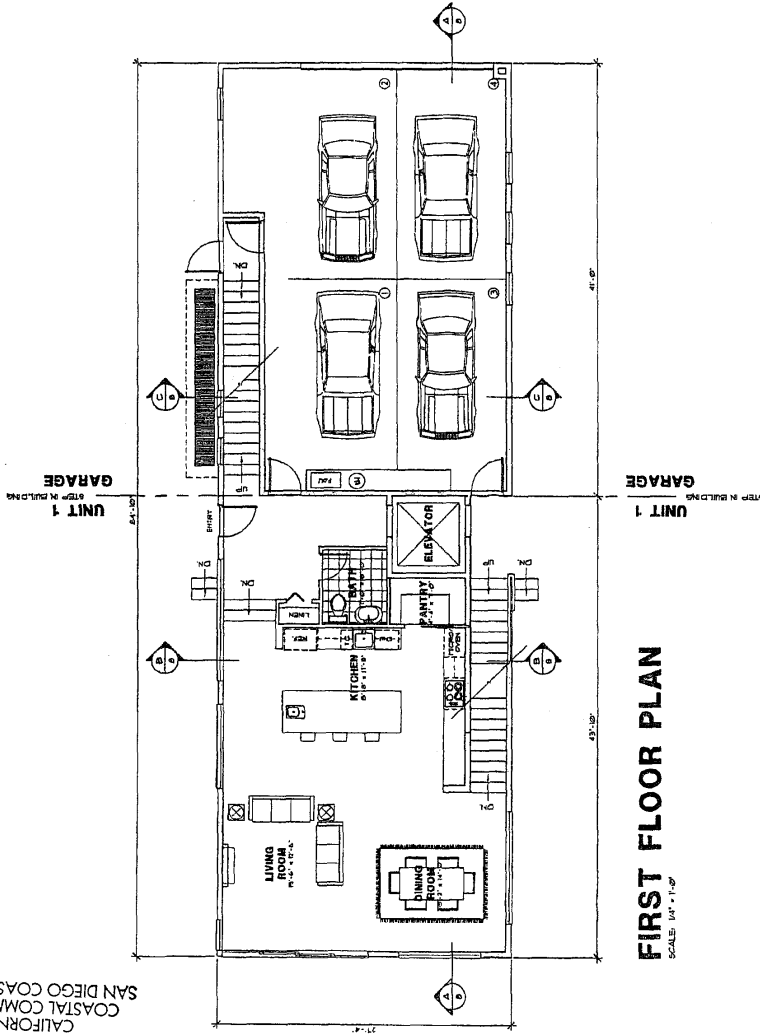
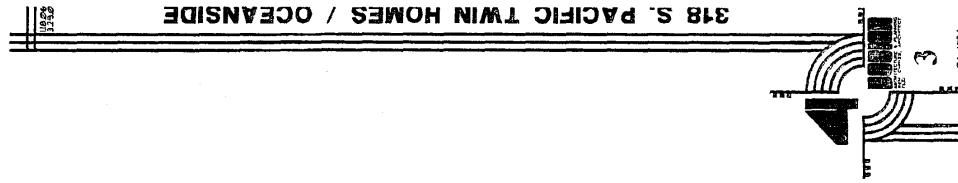
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4 Design

EXHIBIT NO. 3
APPLICATION NO. A-6-OCN-06-78
Floor Plans
Page 1 of 4
California Coastal Commission



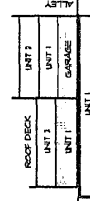
FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

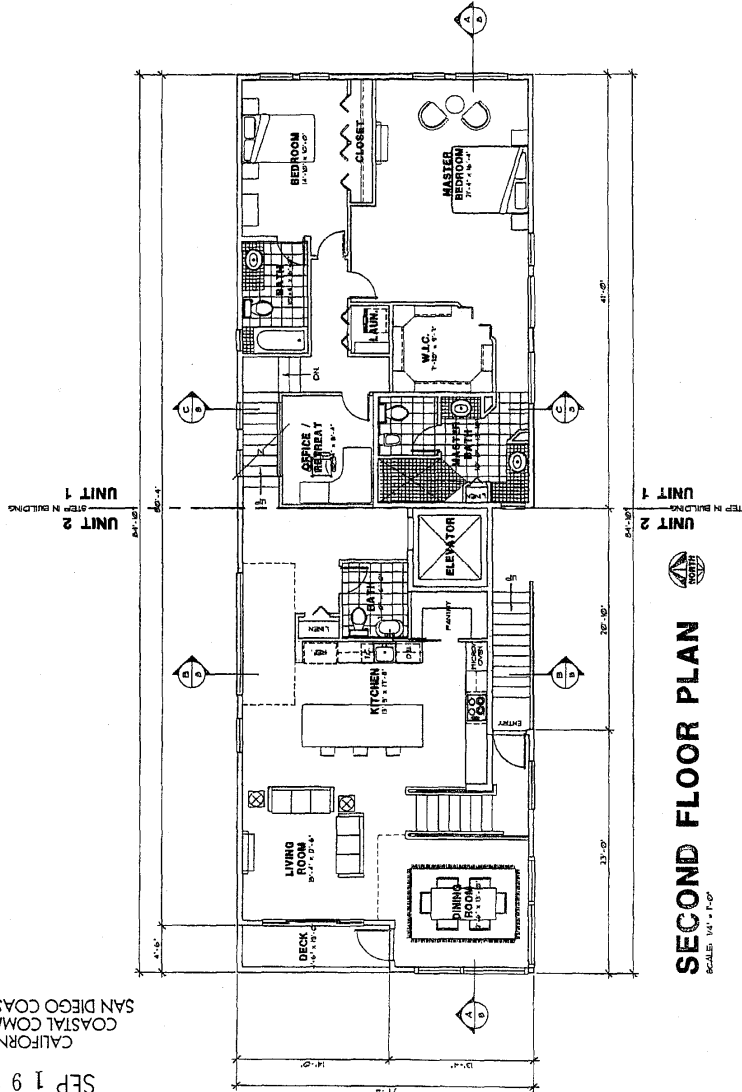
LEGEND:

- CEMENT WALL
- FRAME WALL
- FRAME WALL (1-HR. CONSTRUCTION)
- 4" FRAME WALL

LOCATION KEY:



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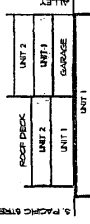
SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"

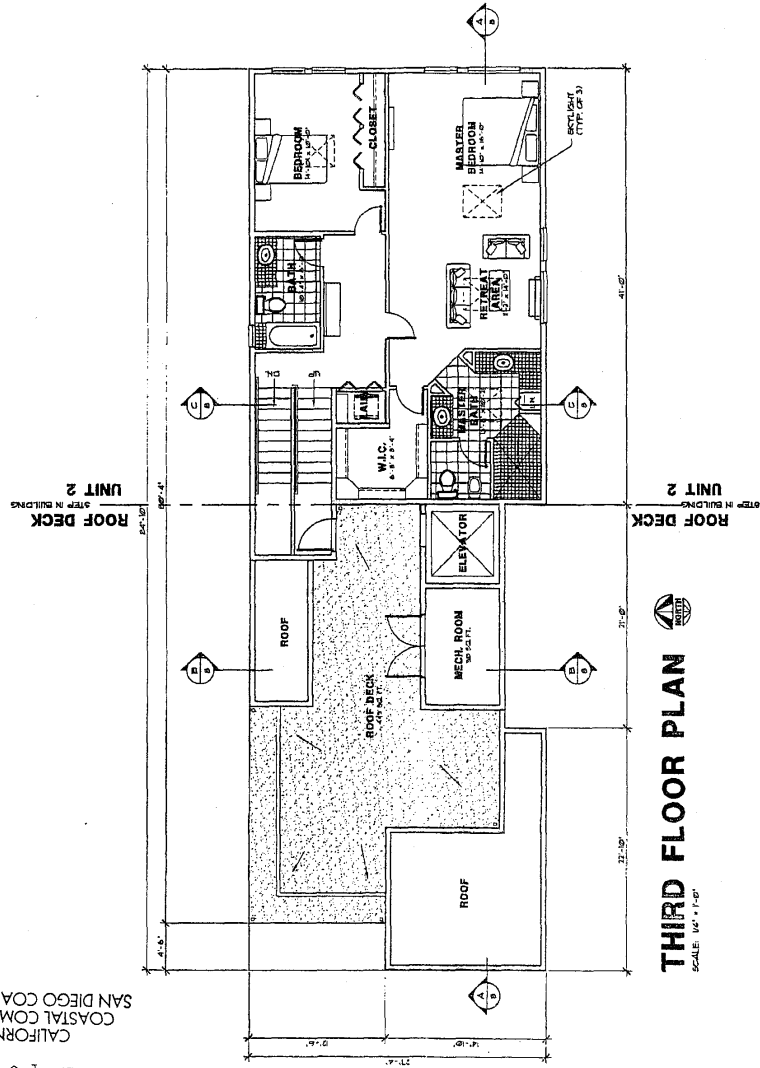
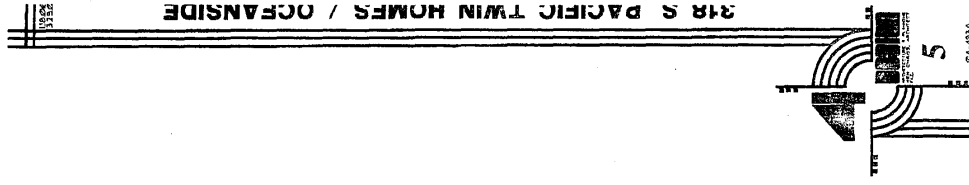
LEGEND:

- CORE WALL
- FRAME WALL
- FRAME WALL (FIRE CONSTRUCTION)
- PARTY WALL

LOCATION KEY:

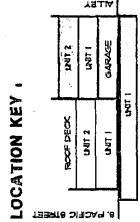


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THIRD FLOOR PLAN
SCALE: 1/4" = 1'-0"

- LEGEND.**
- CTR. WALL
 - FRAME WALL
 - FRAME WALL (HVR. CONSTRUCTION)
 - PARTY WALL



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September 18, 2006

Lee McEachern
 California Coastal Commission
 7575 Metropolitan Drive, Suite 103
 San Diego, CA 92108

Subject: Appeal A-6-Ocn-06-78 (Jubela project in Oceanside)

Dear Lee,

This is in response to the appeals filed against this project by Stephen A. Sandberg and Ruth Clifford. We have provided a summary of the points made in the appeals and a response to each:

Sandberg Appeal

- a. *The owners want to put two units on a parcel where there now is only a single-family home.*

Response: Two units are allowed on this site in Sub district 5-A of the Oceanside Redevelopment Area, which has as its purpose "to provide a medium density residential neighborhood at South Pacific Street in an urban setting in close proximity to shopping employment, transportation and recreational facilities."

- b. *It is above the height limitation with an elevator and stairs, thus blocking views.*

Response: The home fits within the parameters of the standard for height in the Oceanside Redevelopment Ordinance, which allows a limited square footage of elevator towers and stairs to exceed 27 feet. There are taller projects approved behind this one already, so that views are not an issue.

- c. *The home is square, commercial looking, and too dense with not enough parking.*

This is an attractively designed building with generous articulation and other design features.
 The parking meets the City standards.

R	EXHIBIT NO. 5
	APPLICATION NO. A-6-OCN-06-78
	Letter from Applicant's Agent
SA	1 of 2
California Coastal Commission	

Clifford appeal:

Mr. Sanford's appeal contains an attachment which is the same as Mrs. Clifford's entire statement; therefore we address it as one document below:

Compatibility and height.

Height is addressed above. The project is compatible with the City's plans for the neighborhood, which are to reach a medium density level of development as mentioned above.

- a. *No other homes in the neighborhood have basements with a lounge and a recording studio.*


As Oceanside becomes more urban and more luxury homes are constructed, large basements and other spaces will be constructed by the owners. The personal use of these spaces is not regulated by the City. A Commercial use, above and beyond the limitations of a normal home occupation, would not be allowed by the City. Basements by nature do not impact the visual aspect of a neighborhood.

- b. *Parking related to visitor needs, coastal plan policies, tandem parking and the use.*

This project carries out the requirements of Oceanside's D District and its local coastal plan for attractive medium density development. It provides all of its parking on site. There is no reason to believe that the activities at this home will create a demand for more parking spaces than would any other luxury development along Pacific Street. The Redevelopment Zoning Ordinance requires new homes to provide a stated amount of parking; and tandem parking is allowed to encourage new development to meet the intent of the Sub-district, which was mentioned above. This project will provide all of its parking from the alley.

This is our response to the issues raised by the appeals filed on this project. We look forward to the hearing in October.

Respectfully,


Kenneth Chriss, AIA

July 8, 2006

Dear Mr. McEachern,

I am deeply concerned at what is going on regarding the house directly south of my house. (318 South Pacific)

- (1) They have requested approval for tantem parking. The lot was designed for a single dwelling. They are building 2 units on a lot that was meant for a single unit. Having the added unit would increase the density. Four cars coming and going out of their garage would be a lot of traffic. It would also add to the parking on the street, which there is little of right now.
- (2) There is also a plan to have a recording studio in the basement. This brings up many issues,as follows.
 Will it be sound proof?
 Will it be rented out down the road?
 Will it be used for commercial purposes?
 A recording studio brings in other bands and people(some not known to the "homeowners." During these "recording sessions" where do these people park. (Once again I point out there is very little parking on the street as it is)
- (3) I feel very strongly that they do not need to go above the allowed height limit of 27 feet. Having the elevator, air conditioner unit and stairway above the 27 feet also a very large mechanical unit will block the view. It may also be used as a "storage room". This will ruin the view all around the house for everyone. The mechanical room equipment could be stored in the basement, and the elevator end at the top level, as others on Pacific street have done

I greatly appreciate your sincere attention regarding these concerns that I have.

Sincerely,




 Ruth G. Clifford
 314 South Pacific, Oceanside CA 92054

EXHIBIT NO. 6
APPLICATION NO. A-6-OCN-06-78
Letters of Opposition to Project
1 of 4
 California Coastal Commission

Dear Mr. McEachern, I am writing you concerning a property located on South Pacific St. I think the address is 314 S. Pacific St. The owner would like to build a structure there that is 27 feet tall, but then he wants to extend another building for an elevator shaft above that, and he wants to build an aircondition equipment room above that level. I am very much against building above the 27 foot level. My property is located behind this property and this will block our view and the neighbors view on Myers St, and lower our property values. Please do not allow this to go through the Coastal Commission. You have the power to say no, and keep the height of all elevations to 27 feet maximum. So we all can preserve our views and enjoy the California Coast. I also am against the recording studio that they want to build there. There is just not enough parking for band members and friends to park there. The density is too much for this size of lot. Thanks for your time, and just say No!!

Philip Restifo (owner)
317 S. Myers
Oceanside Ca. 92054

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SAN DIEGO COAST DISTRICT

2 of 4

TO: MR. MCEACHERN 7/1/2006
FROM: MR. & MRS. STEPHEN SANDBERG
SUBJECT: PROPOSED DEVELOPMENT AT 318 S. PACIFIC ST.
OCEANSIDE, CA, 92054

Dear Mr. McEachern:

I live in the re-development area of Oceanside one block east of S. Pacific Street in the zone 5A. A project will be coming before the Coastal Commission for your approval located at 318 S. Pacific Street which is in zone 5. This lot is 33 feet wide by 100 feet long. This normally is the size for a single home to be placed there. The developer plans to have a two unit condominium. This in itself places a hardship on the neighborhood for parking. He therefore is requesting a Conditional Use Permit to have tandem parking which is out of character for the neighborhood. It's bad enough that he is building above the 27 foot height with the 10% of his foot print, (which is huge due to the two units), but he has placed a 3rd story elevator and room there. Also, he has stairs going to the 3rd floor as well, which can be designed below the 27 foot height. Both of these take away the view of the people to his east without regards to their right to a view. When I look to the north, his huge rooms up there take away my view as well, as the rooms up there go east and west a large distance. We feel that is unnecessary, as they already have two stories of unobstructed ocean views. The problem is the tandem parking that he is requesting. We definitely feel that the crowding of the neighborhood with this special Conditional Use Permit is totally not consistent with his surrounding neighbors. We hope that when the Commission meets, that they will deny his request for this permit and not allow two units to be built there. Please help us keep reasonable density here at the beach so that all may enjoy the views and not have the crowding that developers are trying to impose on us. Thank you for your time and consideration in this matter.

Sincerely,

Stephen & Sandra Sandberg
Stephen & Sandra Sandberg.

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SAN DIEGO COAST DISTRICT

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27

June 27, 2006

Mr. & Mrs. Anthony Triarsi
417 South Myers St.
Oceanside, CA 92054

Mr. Lee McEachern
California Coastal Commission
7575 Metropolitan Drive
Ste. 103
San Diego, CA 92108-4402

Re: Proposed Development at 318 South Pacific St., Oceanside, CA 92054

Dear Mr. McEachern:

We are writing to formally protest passing the variances necessary to approve this project on accepted use laws and current limits on property sizes of this type 33 feet wide already in place, which would be violated by this proposed project. The Oceanside council narrowly passed it 3 to 2 as some of the members are becoming concerned with the laws rather than just revenue.

It is important to note that the tandem parking conditional use permit applied for by this developer is inconsistent with a property width no greater than 33 feet for a single family home. This developer proposes this variance to accommodate **4 parking spaces when for this lot size only 2 parking spaces are legally permitted.** This is much too small for a 4-car allowance.

Additionally, there is a proposed elevator to a third-story with a stairwell which blocks the view entirely of Mr. & Mrs. Mc Gee (being over the 27' standard) who have owned property in Oceanside for over 80 years. This developer already has a two-story view, how much more of the view does he need to own. As the owner of 417 South Myers St., Oceanside, CA 92054, this also effectively blocks my view entirely to the North in the direction of the pier.

An owner on Pacific Street recently blocked development in front of him based upon granting of variances and the improper granting of conditional use permits. This should set the precedent for owners on Myers St. and all owners within redevelopment zone number 5A. These variances and conditional use permits, which violate current laws should be legally denied. They impact too greatly upon our coastline.

We hope you will see fit to deny this application for tandem parking and going over the 10 PERCENT RULE AS A MATTER OF LAW, which the city continues to violate, thus violating the legal rights and mandates of all Oceanside owners and residents. Thank you.

Sincerely,
Anthony & Phyllis Triarsi



RECEIVED

JUL 03 2006

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

4 of 4

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



JUL 13 2006

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant

Name, mailing address and telephone number of appellant:

Ruth Clifford
314 South Pacific Street
Oceanside, CA 92054 (760) 757-0940
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port
government: City of Oceanside

2. Brief description of development being
appealed: Construction of a duplex at 318 South Pacific Street, Oceanside, CA

3. Development's location (street address, assessor's parcel
no., cross street, etc.): 318 South Pacific Street, Oceanside, CA
AP Number: 150-074

4. Description of decision being appealed:
- a. Approval; no special conditions: X
 - b. Approval with special conditions: _____
 - c. Denial: _____

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-06-78

DATE FILED: 7/13/06

DISTRICT: San Diego

EXHIBIT NO. 7
APPLICATION NO.
A-6-OCN-06-78
Appeals
Page 1 of 8
California Coastal Commission

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

5. Decision being appealed was made by (check one):
- a. Planning Director/Zoning Administrator c. Planning Commission
- b. City Council/Board of Supervisors d. Other _____
6. Date of local government's decision: June 21, 2006
7. Local government's file number (if any): RC-211-04

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:
- | | |
|---|--|
| Applicant: | Agent: |
| <u>Joe and Marie Jubela</u> | <u>4-Design Architecture</u> |
| <u>318 S. Pacific Street, Oceanside, CA 92054</u> | <u>P.O. Box 848, Oceanside, CA 92054</u> |

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) Brett Magee
307 S. Myers Street
Oceanside
- (2) Pamela Myers
910 N. Pacific Street
Oceanside
- (3) Carolyn Krammer
904 Leonard Avenue
Oceanside, CA 92054
- (4) _____

SECTION IV. Reasons Supporting This Appeal

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, which continues on the next page.

2 of 8

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

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.)

*see attached pg. 4

Note: The above description 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.

SECTION V. Certification

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

Signed [Signature]
Appellant or Agent

Date 6-10-2006

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed _____
Appellant

Date _____

Page 4 of 4

Appeal RC-211-04

Joe & Marie Jubela
318 S. Pacific Street, Oceanside, CA 92054

Summary:

The above referenced project should not be granted approval as it inconsistent with the language set forth in the City of Oceanside's Local Coastal Program Land Use Plan Certified July 10, 1985 for the following reasons:

1. LCP SECTION VI: VISUAL RESOURCES & SPECIAL COMMUNITIES, C. Objectives & Policies: policy #8: The City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood.

In the Staff Report June 21, 2006, staff states, "Staff is also concerned with the project's architectural compatibility and scale with the surrounding neighborhood" (pg. 4). This particular block consists of mostly beach cottages and single family homes some of which are single level structures and others that are a modest 1.5 or 2 story, and some with historical status. This project proposes a duplex with appendages in excess of surrounding new development: the project proposes an appendage for the "stair access" as well as the "elevator access and mechanical room access." The project's height, scale and form is not consistent with the surrounding neighborhood.

The project also proposes a "basement with a lounge, recording studio and a roof deck." (staff report pg. 2). No homes in the surrounding neighborhood have basements with a lounge and recording studio.

2. LCP SECTION II: RECREATION & VISITOR SERVING FACILITIES, C. Objective & Policies: Parking, policy #17: The City shall require that all new residential development provides adequate on-site parking. In areas where beach parking demand is critical, parking requirements for new residential development shall be strictly enforced.

The proposed project is on Pacific Street where the demand for beach parking as well as access (parking) for access to our Linear Park (built with Coastal Conservancy funds along Pacific Street) is exceptionally high. The proposed project has requested a Conditional Use Permit (CUP) for tandem parking. The proposed tandem parking is inconsistent with other parking requirements with new development in the surround area and inconsistent with our LCP. Considering that this project proposes, in addition to two dwellings (duplex), a 1,865 SQ. FT. recording studio which will demand parking for guests and musicians to the recording studio: the parking will not be adequate for the uses described in addition to the parking needs of the residential use therefore restricting beach access parking.

In addition to the present critical need for parking in the area; we will see an increase for more public beach access parking in the near future. A project has been proposed that will open a public beach access to The Strand from Pacific Street, less than one block away from the proposed project. The demand for parking in the area will increase with the opening of the public beach access and as stated in our LCP, "In areas where beach parking demand is critical, parking requirements for new residential development shall be strictly enforced." This project asks for a CUP for tandem parking; parking should be held to strict standards not approved through a CUP when additional uses (beside residential uses) are being requested.

Finally, the "Coastal Act requires that development not interfere with the public right of access to and along the shoreline" (LCP pg 1). If this project is approved with the tandem parking, it will interfere with the public's right of access to and along the shoreline as the uses of the project will demand much more parking than is being proposed.

4 of 8

A-6-OCN-06-078

STATE OF CALIFORNIA -- THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370

RECEIVED

GRAY DAVIS, Governor

JUL 17 2006



CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT I

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant

Name, mailing address and telephone number of appellant:

STEPHEN A. SANDBERG
209 OAK ST.
Oceanside, CA 92054 (760) 433-5595 / 760-212
Zip Area Code Phone No. -5609 X

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Oceanside

2. Brief description of development being appealed: Construction of multi-story Condominium -
2 units on a 33' x 100' Lot at 318 S. Pacific St
Oceanside, CA 92054

3. Development's location (street address, assessor's parcel no., cross street, etc.): 318 S. Pacific St., Oceanside CA
92054

4. Description of decision being appealed:

- a. Approval; no special conditions: X
- b. Approval with special conditions: _____
- c. Denial: _____

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-06-078

DATE FILED: 7-17-06

DISTRICT: San Diego

548
D/86

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

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

- a. Planning Director/Zoning Administrator c. Planning Commission
b. City Council/Board of Supervisors d. Other _____

6. Date of local government's decision: June 21, 2006

7. Local government's file number (if any): RC-211-04

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:

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) _____

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

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, which continues on the next page.

6 of 8

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

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.)

These owners want to put 2 units on a 33'x100' lot, where a single home previous was. They go above the 27' height level with an elevator on one side and stairs on the other up to 35' thus blocking views behind the to the east of people there. This cement slab, square commercial looking house is too dense, has not enough parking, a business "sound studio" and is completely out of character for this area.

See attached Pg. 4

Note: The above description 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.

SECTION V. Certification

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

Signed Stephen A. Sandberg
Appellant or Agent

Date 6-14-06

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed _____
Appellant

Date _____

Page 4 of 4

Appeal RC-211-04

Joe & Marie Jubela

118 S. Pacific Street, Oceanside, CA 92054

Summary:

The above referenced project should not be granted approval as it is inconsistent with the language set forth in the City of Oceanside's Local Coastal Program Land Use Plan Certified July 10, 1985 for the following reasons:

1. LCP SECTION VI: VISUAL RESOURCES & SPECIAL COMMUNITIES, C. Objectives & Policies: policy #8:
The City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood.

In the Staff Report June 21, 2006, staff states, "Staff is also concerned with the project's architectural compatibility and scale with the surrounding neighborhood" (pg. 4). This particular block consists of mostly beach cottages/homes which are single level structures, some with historical status. This project proposes a duplex with appendages in excess of surrounding new development: the project proposes an appendage for the "stair access" as well as the "elevator access and mechanical room access." The project's height, scale and form is not consistent with the surrounding neighborhood.

The project also proposes a "basement with a lounge, recording studio and a roof deck." (staff report pg. 2). No homes in the surrounding neighborhood have basements with a lounge and recording studio.

2. LCP SECTION II: RECREATION & VISITOR SERVING FACILITIES, C. Objective & Policies: Parking, policy #17: The City shall require that all new residential development provides adequate on-site parking. In areas where beach parking demand is critical, parking requirements for new residential development shall be strictly enforced.

The proposed project is on Pacific Street where the demand for beach parking as well as access (parking) for access to our Linear Park (built with Coastal Conservancy funds along Pacific Street) is exceptionally high. The proposed project has requested a Conditional Use Permit (CUP) for tandem parking. The proposed tandem parking is inconsistent with other parking requirements with new development in the surround area and inconsistent with our LCP. Considering that this project proposes, in addition to two dwellings (duplex), a 1,865 SQ. FT. recording studio which will demand parking for guests and musicians to the recording studio: the parking will not be adequate for the uses described in addition to the parking needs of the residential use therefore restricting beach access parking.

In addition to the present critical need for parking in the area; we will see an increase for more public beach access parking in the near future. A project has been proposed that will open a public beach access to The Strand from Pacific Street, less than one block away from the proposed project. The demand for parking in the area will increase with the opening of the public beach access and as stated in our LCP, "In areas where beach parking demand is critical, parking requirements for new residential development shall be strictly enforced." This project asks for a CUP for tandem parking; parking should be held to strict standards not approved through a CUP when additional uses (beside residential uses) are being requested.

Finally, the "Coastal Act requires that development not interfere with the public right of access to and along the shoreline" (LCP pg 1). If this project is approved with the tandem parking, it will interfere with the public's right of access to and along the shoreline as the uses of the project will demand much more parking than is being proposed.

SJS

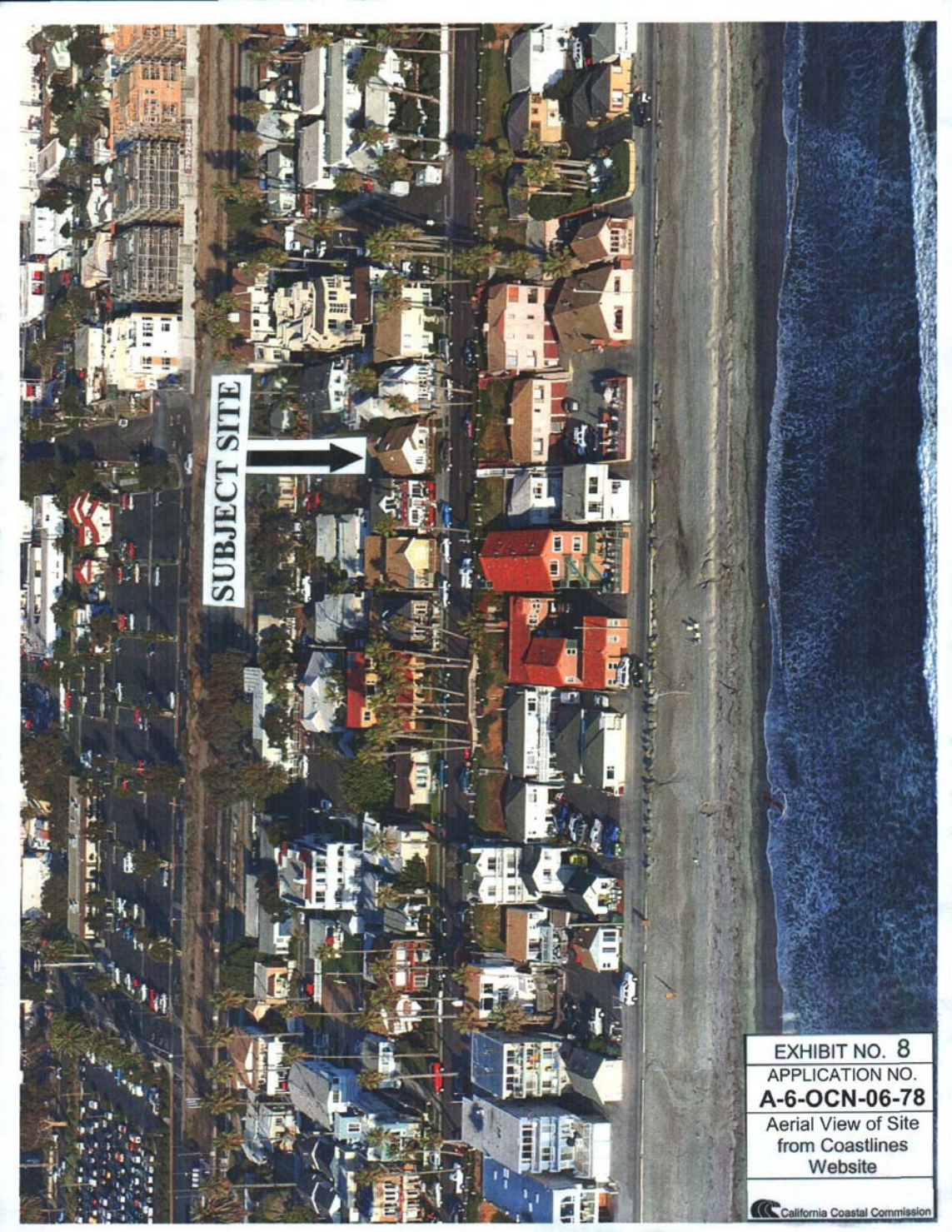


EXHIBIT NO. 8
APPLICATION NO.
A-6-OCN-06-78
Aerial View of Site
from Coastlines
Website

 California Coastal Commission