

CALIFORNIA COASTAL COMMISSION

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



July 19, 2006

Thu 15b

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE

**SUBJECT: STAFF RECOMMENDATION ON CITY OF OCEANSIDE MAJOR
AMENDMENT NO. 1-06 (Subdistrict 5 Ht. Limit) for Commission Meeting of
August 8-11, 2006**

SYNOPSIS

The subject LCP implementation plan amendment was submitted and filed as complete on June 29, 2006. The date by which the Commission must take action, absent an extension of the time limits by the Commission, is August 29, 2006.

SUMMARY OF AMENDMENT REQUEST

The subject LCP Amendment would modify the City of Oceanside LCP Implementation Plan to reduce the building height from 35 feet to 27 feet or two stories, whichever is less, for a three-block area within Subdistrict 5 of the City Redevelopment Project Area. The location where the height limit would be reduced is located on the west side of North Pacific Street (first coastal roadway) between Breakwater Way and Surfrider Way at the northern end of Subdistrict 5.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the Implementation Plan amendment, as submitted. The area is designated and zoned for high density residential use and contains a mixture of single and multi-family residences. Prior to 1991, the height limitation on the west side of North Pacific Street was 27 feet; however, in 1991 the "D" Downtown District development standards were modified to increase the height to 35 feet. The purpose of the increased height was to make the standard in this area consistent with the standard in the rest of Subdistrict 5 and to encourage new development. However, no redevelopment has occurred in this three block area in the last 15 years that has encroached above the 27 foot height limit. The proposed height is consistent with existing buildings within this area, and reduction within this three-block area will not preclude further redevelopment of the remainder of Subdistrict 5.

The appropriate resolutions and motions begin on page 3. The findings for approval of the Implementation Plan Amendment as submitted begin on page 4.

BACKGROUND

The City of Oceanside's Local Coastal Program (LCP) was certified by the Commission in July of 1985 and the City assumed permit authority and began issuing coastal development permits in March of 1986. The City's certified LCP consists of a Land Use Plan (LUP) and Implementing Ordinances. The LCP contains the Downtown Redevelopment Area, which is 375-acres located in the northwest portion of the City where a Redevelopment Plan was approved in 1975 creating 13 subdistricts. In 1992 the Plan was amended to include 15 subdistricts (LCPA #1-91).

ADDITIONAL INFORMATION

Further information on the City of Oceanside LCP Amendment #1-06 may be obtained from Sherilyn Sarb, District Manager, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

The City of Oceanside first submitted its Local Coastal Program Land Use Plan (LUP) to the Commission in July 1980, and it was certified with suggested modifications on February 19, 1981. This action, however, deferred certification on a portion of the San Luis Rey River valley where an extension of State Route 76 was proposed. On January 25, 1985, the Commission approved with suggested modifications the resubmitted LUP and Implementing Ordinances. The suggested modifications included ones related to the guaranteed provision of recreation and visitor-serving facilities, assurance of the safety of shorefront structures, and the provision of an environmentally sensitive routing of the proposed Route 76 east of Interstate 5. The suggested modifications to the Zoning/Implementation phase resulted in ordinances and other implementation measures that were consistent with the conditionally certified LUP policies.

With one exception, the conditionally certified LUP and Implementing Ordinances were reviewed and approved by the City on May 8, 1985. The City requested that certification be deferred on one parcel adjacent to Buena Vista Lagoon designated by the City for "commercial" use; the Commission's suggested modification designated it as "open space." On July 10, 1985, the Commission certified the City's Local Coastal Program as resubmitted by the City, including deferred certification on the above parcel. On December 17, 1985, the Commission approved the post-certification appeals maps for the City of Oceanside, and the City began issuing permits in March 1986.

B. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council/Community Development Commission meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. MOTION:** *I move that the Commission reject the Implementation Program Amendment for the City of Oceanside certified LCP as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the **City of Oceanside certified LCP** as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

**PART III. FINDINGS FOR APPROVAL OF THE OCEANSIDE
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

A. AMENDMENT DESCRIPTION

The subject LCP Amendment would modify the City of Oceanside LCP Implementation Plan to reduce the building height from 35 feet to 27 feet or two stories, whichever is less, for a three-block area within Subdistrict 5 of the City Redevelopment Project Area. The location where the height limit would be reduced is located on the west side of North Pacific Street (first coastal roadway) between Breakwater Way and Surfrider Way at the northern end of Subdistrict 5.

B. FINDINGS FOR APPROVAL

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

1. **Purpose and Intent of the Ordinance.**

The specific purpose of the "D" Downtown District is to promote the long-term viability and redevelopment of the downtown area, but it also addresses residential areas outside the immediate downtown commercial district. In addition, the ordinance seeks to maintain and promote an appropriate mix of uses while establishing necessary land use

controls and development criteria. The "D" Downtown District establishes 15 special land use subdistricts with individual objectives. The objective of Subdistrict 5 is to provide a high-density residential neighborhood in an urban setting in close proximity to shopping, employment, transportation and recreational facilities.

2. Major Provisions of the Ordinance.

The Implementation Plan amendment proposes to modify zoning regulations contained in the "D" Downtown District Ordinance related to Subdistrict 5, which is designated for High Density Residential use allowing 29 to 43 dwelling units per acre (dua) with both single and multi-family development permitted. Subdistrict five includes existing residentially developed area primarily west of Meyers Street and encompassing the westernmost residential streets in the City located both north and south of the commercially-designated properties around Oceanside Pier (ref. Exhibit 3).

The existing height limit in the Subdistrict 5 is 35 feet. Subdistrict 5A, which includes a 6-block residential area south of Tyson Street (south of the pier) and on the inland side of Pacific Street, has an existing 27 foot height limit. Subdistrict 4A, seaward of Subdistrict 5A, Pacific Street and the bluff, is limited to an elevation that does not extend above Pacific Street to protect public ocean views from that major coastal access route. Thus, there are pockets of residential areas on the western limits of the City that have height limits lower than 35 ft..

City staff has indicated that, prior to 1991, the height limit on the west side of North Pacific Street between Surfrider and Breakwater Ways was 27 feet; however, in 1991 the "D" Downtown District development standards were modified to increase the height to 35 feet. The purpose of the increased height was to encourage new development within that area and for this development standard to be consistent with the 35 foot height limit within the rest of Subdistrict 5.

In November 2005, the Redevelopment Advisory Committee held a workshop specifically to discuss the height of structures located on North Pacific Street. The reduction of the height limit from 35 to 27 feet or two stories, whichever is less, is a result of the workshop and proposed to be consistent with the height of existing buildings located in the subject three-block area.

3. Adequacy of the Ordinance to Implement the Certified LUP Segments.

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. In the case of the subject LCP amendment, the City's "D" Downtown District Ordinance serves as the implementation program for the City's Redevelopment Area. The certified Land Use Plan designation for the three-block area west of North Pacific Street between Surfrider and Breakwater Ways is High Density Residential allowing 29-43 dua.

The proposed reduction in height would not result in residential development that is inconsistent with the certified land use designation. In addition, the proposed reduction

in height would not preclude redevelopment of the subject area to a density consistent with the certified Land Use Plan. The affect of reducing the height limit on a larger segment of the community may have a more significant effect on the redevelopment potential of the area and the ability to achieve the planned density; however, this proposal is limited to a three-block area west of the first coastal roadway that has not redeveloped to the higher height limit in the 15 years that height limit has been in effect. The City indicates most of the redevelopment of this area has occurred on the east side of Pacific Street or on North Myers Street.

The certified Land Use Plan also contains policies that protect the visual qualities of the coastal zone and require new development be sited and designed to be visually compatible with the character of surrounding areas. Again, during the past 15 years there has been no development activity in this area that has encroached above the 27-foot height threshold; therefore, existing buildings in the area are 27 feet or less, thus, reducing the height limit to 27 feet is consistent with the size and scale of the surrounding neighborhood. In addition, public views of the ocean and shoreline areas from North Pacific Street will not be encroached upon to any greater degree than currently exists given the pattern of development in this area. Therefore, the proposed height reduction is adequate to carry out the policies of the certified LCP Land Use Plan.

PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in a LCP submittal or, as in this case, a LCP amendment submittal, to find that the approval of the proposed LCP, or LCP, as amended, conforms to CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13542(a), 13540(f), and 13555(b). The proposed implementation plan amendment will not result in adverse impacts on coastal resources or public access. The Commission finds that there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the LCP amendment may have on the environment. Therefore, in terms of CEQA review, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts.

RECEIVED

JUN 29 2006

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

ORDINANCE NO. 2006-OR0375-1

AN ORDINANCE OF THE CITY OF OCEANSIDE
AMENDING THE TEXT OF ARTICLE 12 ("D"
DOWNTOWN DISTRICT) OF THE ZONING ORDINANCE
TO REDUCE THE BUILDING HEIGHT FROM 35 FEET
TO 27 FEET OR TWO STORIES WHICHEVER IS LESS
WITHIN SUBDISTRICT 5 FOR THE AREA LOCATED ON
THE WEST SIDE OF NORTH PACIFIC STREET
BETWEEN SURFRIDER WAY AND BREAKWATER WAY
(ZA-200-06 & LCPA-200-06)

(City of Oceanside -Applicant)

(ZA-200-06 & LCPA-200-06)

WHEREAS, Article 12 ("D" Downtown District) of the Zoning Ordinance regulates
development standards within the Redevelopment Area;

WHEREAS, it is in the public interest to amend the zoning regulations pertaining to these
development standards;

WHEREAS, the proposed amended sections of Article 12 of the Zoning Ordinance are more
particularly described in Exhibit "A", attached hereto and incorporated herein by reference;


WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of
Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and the
State Guidelines thereto as amended to date;

WHEREAS, based upon such evidence, testimony and staff reports, this Council finds
the proposed amendments to Article 12 conform to the City's Redevelopment Plan and General
Plan;

NOW, THEREFORE, the City Council of the City of Oceanside DOES ORDAIN as
follows:

1. That Zone Amendment Application ZA-200-06 and LCPA-200-06 amending the text
of Article 12 ("D" Downtown District) of Zoning Ordinance No. 095-006 as specified in Exhibit
"A" is hereby approved and the Interim City Planner is hereby directed to
Ordinance text as specified by this Exhibit.

2. Provisions of Exhibit "A", as incorporated, have been included

EXHIBIT NO. 1
Oceanside LCPA 1-06
Resolution of Approval
 California Coastal Commission

1 purposes only and reflect the amended sections of the Zoning Ordinance No. 095-006 which have
2 been stricken, removed or otherwise modified by the enactment of this Ordinance.

3 3. Notice is hereby given that the time within which judicial review must be sought on
4 this decision is governed by California Government Code Section 65860 (b).

5 4. The Ordinance shall not be codified.

6 5. The City Clerk of the City of Oceanside is hereby directed to publish the title of this
7 Ordinance and a summary of Exhibit "A" once within fifteen (15) days after its passage in the
8 North County Times, a newspaper of general circulation published in the City of Oceanside. This
9 Ordinance shall take effect and be in force on the thirtieth (30) day from and after its final passage.

10 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
11 California, held on the 17th day of May, 2006, and, thereafter,

12 PASSED AND ADOPTED by the Oceanside City Council on this 7th day of June, 2006, by
13 the following vote:

14 AYES: WOOD, CHAVEZ, FELLER, MACKIN, SANCHEZ

15 NAYS: NONE

16 ABSENT: NONE

17 ABSTAIN: NONE

18 
19 Mayor of the City of Oceanside

20 APPROVED AS TO FORM:

21 ATTEST:

22 
23 City Clerk

24 
25 City Attorney

Ordinance No. 06-OR0375-1
6/7/06 (42)

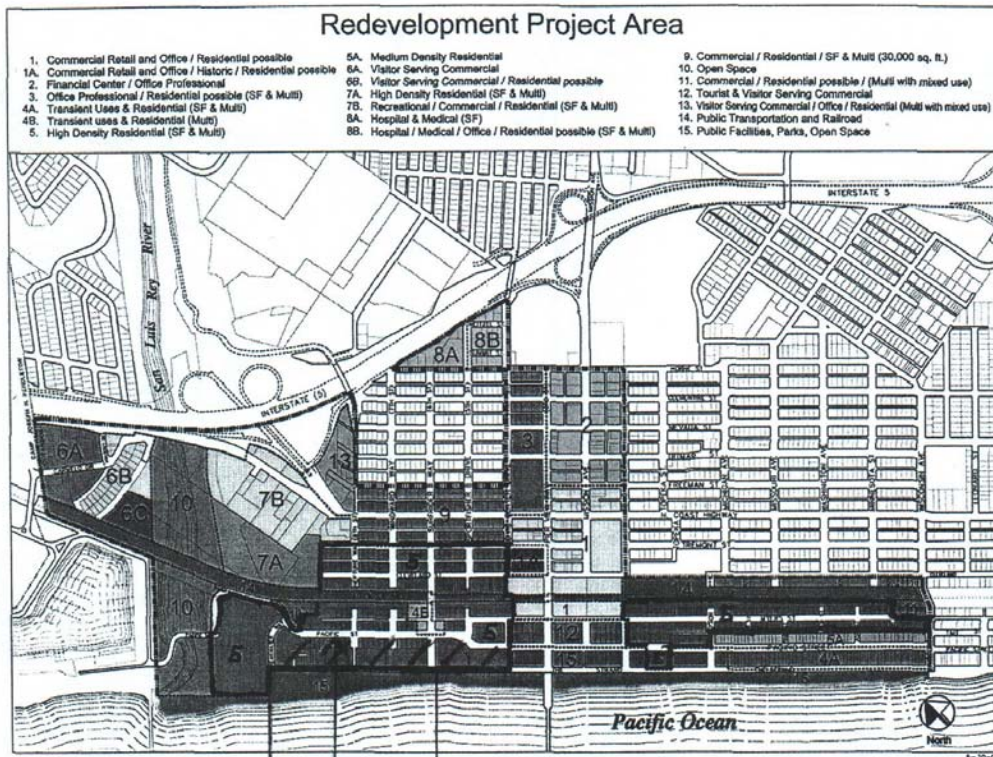
EXHIBIT "A"
"D" Downtown District Ordinance
Zoning Text Amendment
ZA-200-06 & LCPA-200-06

* Proposed Changes are Bolded

D District Property Development Regulations

- (N) (1) Additional limitations on heights 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 the Proposition A Strand Survey dated May 9, 1986.
 - (b) Subdistrict 4B: Nonresidential structures along Pacific Street shall be the lesser of three stories or 35 feet.
 - (c) Within Subdistrict 5A residential structures above 27 feet, but below 35 feet in height, are allowed upon approval of a Conditional Use Permit.
 - (d) Within Subdistrict 2 mixed use structures above 65-feet, up to 90-feet in height, are allowed upon approval of a Conditional Use Permit.
 - (e) "Within Subdistrict 5 the area located on the west side of North Pacific Street between Surfrider Way and Breakwater Way the maximum height shall be limited to two-stories or 27-feet whichever is less. The exceptions to height limitations provided by Section 3018 shall not apply to any development within this area.

Ex. 1 cont.



— SUBAREA 5

PACIFIC ST.

BREAKWATER WAY

SURFRIDER WAY

EXHIBIT NO. 2 Oceanside LCPA 1-06
Portion of Subdistrict 5 Reduced Ht. Limit
California Coastal Commission

