

CALIFORNIA COASTAL COMMISSION

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



W 21a

Filed: August 1, 2007
49th Day: September 19, 2007
Staff: Toni Ross-SD
Staff Report: August 16, 2007
Hearing Date: September 5-7, 2007

STAFF REPORT AND RECOMMENDATION ON APPEAL
NO SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: The City of Oceanside

DECISION: Approved

APPEAL NO.: A-6-OCN-07-87

APPLICANT: Myers Street Condominiums

PROJECT DESCRIPTION: The conversion of 5 existing newly remodeled apartments into 5 condominiums

PROJECT LOCATION: 221 South Myers Street, Oceanside, San Diego County. APN 150-074-06

APPELLANTS: Carolyn Krammer

STANDARD OF REVIEW: Certified City of Oceanside Local Coastal Program and the public access policies of the Coastal Act.

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.

SUBSTANTIVE FILE DOCUMENTS: Certified City of Oceanside Local Coastal Program, Appeal Form submitted by Carolyn Krammer, Staff Report to the City of Oceanside Community Development Commission dated July 11, 2007, City of Oceanside permit file received on August 10, 2007, Oceanside Vacancy Rate Study conducted by Flagship Research dated November 16, 2006.

I. Appellants Contend That: The proposed development, as approved by the City, is inconsistent with the policies of the certified LCP pertaining to provisions protecting low- and moderate-income housing. Specifically the appellant contends that the findings required in order to permit the conversion to condos were not appropriately documented by the city. The applicant conducted a vacancy rate study for the project. However, this study failed to determine what low- to moderate-income housing stock currently exists in Oceanside. The City's Zoning Ordinance requires city staff to make these findings.

II. Local Government Action: The City of Oceanside Community Development Commission approved the project on July 11th, 2007 with no special conditions.

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 30603(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, certain proponents and opponents (as indicated below) 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.

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. During 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. title. 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 of Oceanside 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-07-087 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

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 SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. *A-6-OCN-07-087* 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/Permit History.

The project, as approved by the City, includes converting 5 newly remodeled apartment units into 5 condominium units. The project site is a pre-existing 5,008 sq. ft. parcel and is approximately three blocks east of the beaches of Oceanside and is approximately .25 miles from Oceanside Pier. The neighborhood is a mix of single- and multi-family residences both newly redeveloped and antiquated. The site currently consists of one building that houses all five units. There are no modifications to the structure included as a component of this application. The existing building is a three story high, wood frame construction, with stucco exterior. The units are either 1,055 or 1,170 sq. ft. in size. All the units have two bedrooms and two bathrooms with street-level garages with a total of 10 parking spaces (2 per unit). The building was first constructed in 1986. In the fall of 2004, the applicant began an extensive renovation of the building including installation of a new electrical system, re-stucco, new appliances and fixtures, new windows and doors, new garage doors and new landscaping. These renovations were both for property maintenance and improvement, as well as to bring the building up to code and were found to be exempt from coastal development permit requirements by the City. The units were unoccupied during renovation. The renovations were completed in spring of 2007,

and since that time the building has been re-occupied. All of the current residents are aware that the owner is currently applying for these units to be converted to condominiums.

The subject site is located within Subdistrict 5 of the “D” Downtown District on the west side of Myers Street, just south of Tyson Street. Subdistrict 5 is primarily intended to provide a high-density residential neighborhood. The density range within this zone is 29-43 dwelling units per acre. The density of the existing apartments is 43 dwelling units per acre.

2. Condominium Conversions. The appellant contends that the project, as approved by the City, does not properly address the conversion of apartment units into condominiums, specifically that the possible impact to low- and moderate-income housing supply within the City of Oceanside was not addressed, and that the physical condition of the condominium conversion fails to achieve a high standard of appearance, quality, and/or safety. The City has numerous provisions all contained within Article 32 of the Zoning Ordinance addressing the conversion to condominiums in their certified Implementation Plan. There are four policies that are most applicable to this development and state in part:

Article 32 Condominium Conversions.

3205 Requirement.

- B. Departmental Review. The department shall review preliminary applications for condominium conversions. Preliminary application may be accepted for further discretionary review if any one of the following factors exists:
1. The vacancy rate of multiple family developments of three or more rental units within the city, as determined by the Chief of Housing is equal to or more than 5 percent, unless the conversion will result in a decrease vacancy rate to less than 5%.
 2. Tenants lawfully in possession of 75% of the units indicate in writing to the City their desire (one vote per unit) to convert such units to condominium ownership.....
 3. The applicant agrees to sell or rent at affordable prices 25% of the units to low- and moderate-income households, with a minimum of 5% of the total units affordable to low-income households. If the units are to be made available for purchase, the maximum sales price of units intended for low- or moderate-income households shall not exceed 2.5 times the annual median income for such households as defined by the California Health and Safety Code, Section 50093....

3210 Housing Assistance Fee.

As a condition of approval of the use permit, **all** [emphasis added] applicants for approval of a condominium conversion shall be required to enter into an agreement with the City providing for payment of a Housing Assistance Fee at the time of sale of the individual units. The Housing Assistance Fee, equal to 2 percent of the sales price of each converted unit, shall be paid through escrow to the City before recording a change in title in favor of the purchaser of the unit. Fees received by the City shall be deposited in a Housing Assistance Fund to be used exclusively to provide low-income housing opportunities consistent with Article 34 of the California Constitution. The money collected shall be committed within five years after payment thereof. If the money is not committed, it shall be distributed and paid to the then-record owners of the converted units.

3211 Effect of Proposed Conversion on the City's Low- and Moderate-Income Housing Supply.

In review requests for the conversion of existing apartments into condominiums, the Planning Commission or City Counsel, as the case may be, shall consider the following:

- A. Whether or not the amount and impact of the displacement of tenants, of the conversion is approved, would be detrimental to the health, safety, or general welfare of the community.
- B. The role the apartment structure plays in the existing housing rental market. **Particular emphasis will be placed on the evaluation of rental structures to determine if the existing apartment complex is serving low- and moderate-income households** [emphasis added].
- C. The need and demand for lower-cost home ownership opportunities which are increased by the conversion of apartments into condominiums.

3215 Findings.

The Planning Commission or City Counsel, as the case may be, may approve an application for a condominium conversion if it finds that the proposed conversion meets the following requirements of Section 4106:

- A. That all the provisions of the state Subdivision Map Act, this article, and other applicable provisions of the Zoning Ordinance and the City Code are met;
- B. That the proposed conversion is consistent with the General Plan and the adopted Housing Element and any applicable specific plan;

- C. That the proposed conversion will conform to the provisions of this ordinance and the City Code in effect at the time of the project approval, except as otherwise provided in this section;
- D. That the overall design and physical condition of the condominium conversion achieves a high standard of appearance, quality, and safety;
- E. **That the proposed conversion will not displace a significant percentage of low- or moderate-income, permanently or totally disabled, or senior citizen tenants or delete a significant number of low- and moderate-income rental units from the City's housing stock at the time when no equivalent housing is readily available in the Oceanside area; [emphasis added]**
- F. That the dwelling units to be converted have been constructed and used as units for at least three years prior to the application for conversion.

The City, in its review, required the applicant to fulfill various requirements to become eligible for condo conversions. The first of the City's provisions (Section 3205) requires that in order for an application for condo conversions to be accepted by the city, it must include evidence showing one of the following: 1) the vacancy rate in the city is equal to or greater than 5%; 2) 75% of existing tenants voted to approve a conversion; or 3) the applicant's agreement to provide a certain number of new units as affordable. According to the City's file, none of the units in this case will be set aside as affordable and 75% of the existing tenants did not vote for conversion. The City did, however, require the applicant to conduct a survey on vacancy rates in the City of Oceanside to determine whether the vacancy rate of multiple family developments of three or more rental units within the city is equal to or greater than five percent. The applicant did submit a vacancy rate survey, however, the report indicates that of the 206 owners (5,529 units) interviewed, the average vacancy rate was 2.96%. Because the percentage is less than 5%, it is unclear how the application for the condo conversion could have even been accepted.

The second provision (Section 3210) requires all applicants to pay a Housing Assistance Fee of two percent of the sales price of each converted unit, if the units converted are equal to four or greater. In this case, because the conversion is for five units, the applicant has agreed to pay this fee, consistent with Section 30210 of the City's certified Implementation Plan. This requirement is not based on current housing stock or project specific impacts, it is a requirement for all condo conversions of four units or greater.

Beyond this, as cited above, Sections 3211 and 3215 require that certain findings be made, specifically addressing the potential impacts the proposed condo conversion would have on existing low- and moderate-income housing. Section 3211 requires that a determination be made as to whether or not the current building is functioning to serve the low- to moderate-income housing needs for the city. As stated above, the building has been newly refurbished; however, no assessment was made as to whether the current development or the units prior to renovation serve the low- to moderate-income housing

needs for the City of Oceanside. Further, Section 3215 requires that a series of findings be made by the Planning Commission or the City Council prior to approving such conversions. Among these findings is the requirement that the proposed conversion will not displace a significant percentage of low- or moderate-income, permanently or totally disabled, or senior citizen tenants or delete a significant number of low- and moderate-income rental units from the City's housing stock at the time when no equivalent housing is readily available in the Oceanside area. To address this, the City, in its review, determined that there are approximately 8,000 rental units currently available in Oceanside. The City, however, failed to address how many of these 8,000 would be available for low- to moderate-income needs. Ideally, the city would have also included which of these low- to moderate-income housing units were located in the coastal zone. Consequently the city did not specifically determine if this development could be classified as serving low- to moderate-income tenants and did not make the required findings for project specific impacts on current low- to moderate-income housing supplies in the City of Oceanside.

However, these issues are not significant enough to raise a substantial issue for this condominium conversion. As stated above, the applicant is proposing the conversion of 5 units, and the city found their current stock of rental units to be vastly larger than this number (5 of 8,000 units or less than .0006% of the total available rental units) and therefore does not represent a significant impact to low- or moderate-income housing. Thus, while the City did not quantify how many of the 8,000 rental units in the City are affordable, they did find that 5 units out of a total 8,000 rental units would not displace or delete a significant percentage of affordable rental units from the City's housing stock. Further, there have been only a few condo conversion applications in the City's Coastal Zone approved by the City and therefore these conversions are not currently being proposed at a rate where project specific assessment of cumulative impacts is essential. However, as more condominium conversion projects are approved, the City of Oceanside should prepare a more detailed assessment for project specific as well as cumulative impacts to low- and moderate-income housing supply.

Lastly, the rental units proposed for conversion were vacant from fall of 2004 to spring of 2007 for renovation, and therefore, any financial information (rent per unit) would be outdated. Regardless of converting the condos, the renovation itself would have increased the rental rate, thus it is unclear whether the units were functioning to provide low- to moderate-income housing prior to or after renovation. However, prior to re-occupying the units, all the new tenants were informed of the proposed condo conversion, therefore, this conversion did not result in the displacement of long-term low- to moderate-income tenants.

The city is also required to make a finding that the condo conversion achieves a high standard of appearance, quality, and safety. As stated above, the applicant went through an extensive remodel including upgrading windows, appliances, stucco, etc. in spring of 2007. Thus, while the City did not specifically make a finding to this point, based on a physical inspection of the site by Commission staff, it is clear that the physical condition of the condominium conversion achieves a high standard of appearance, quality, and

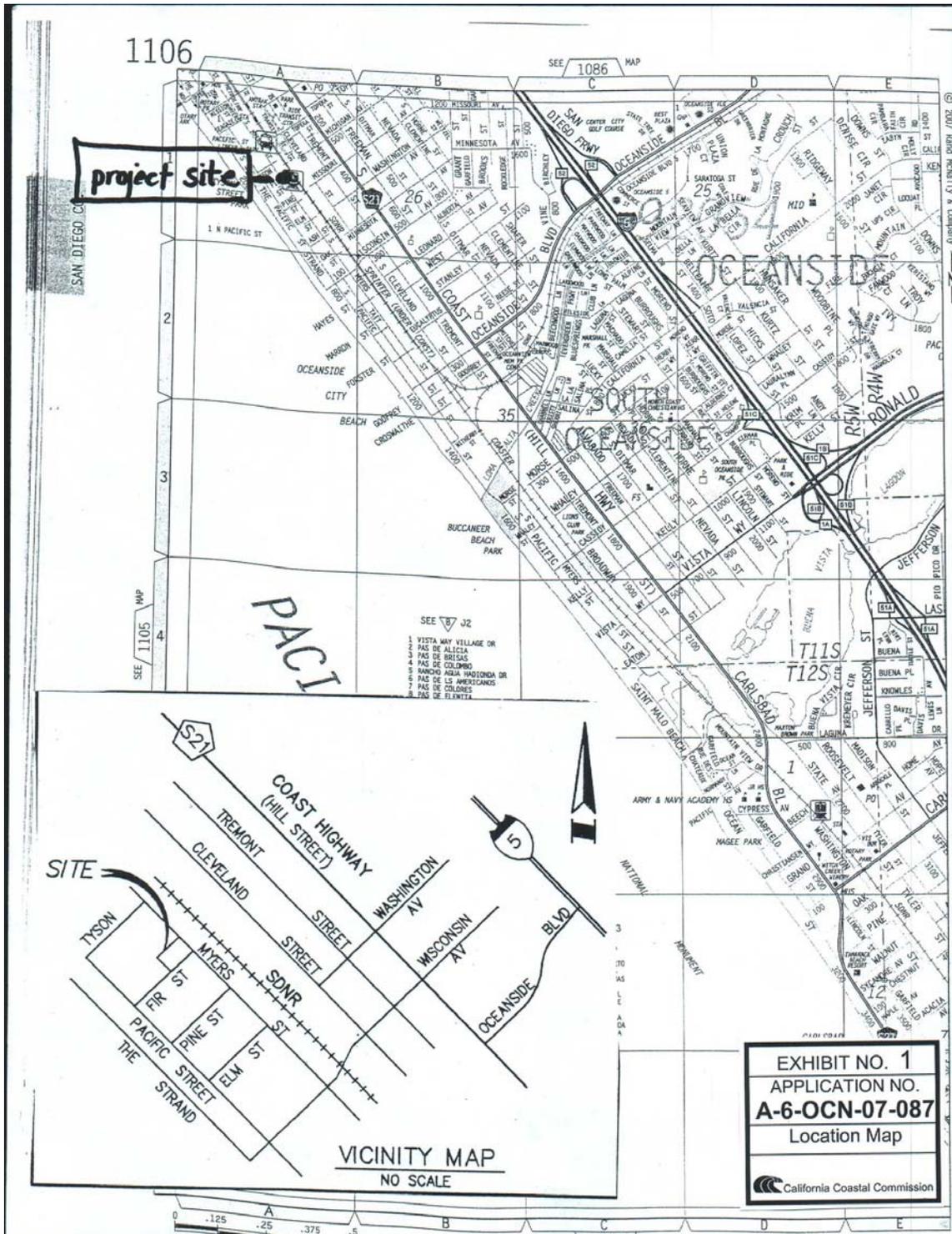
safety, and therefore, no substantial issue was raised with regards to the quality of the development or the displacement of low- and moderate-income housing opportunities.

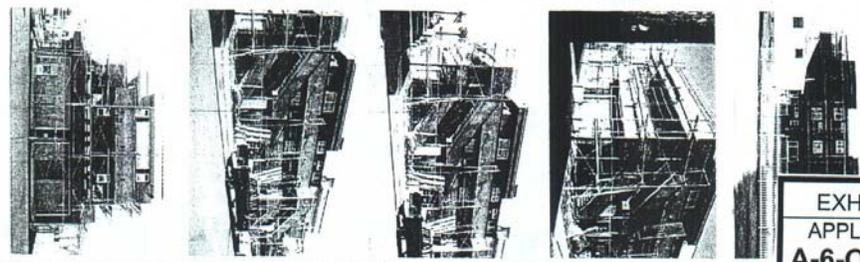
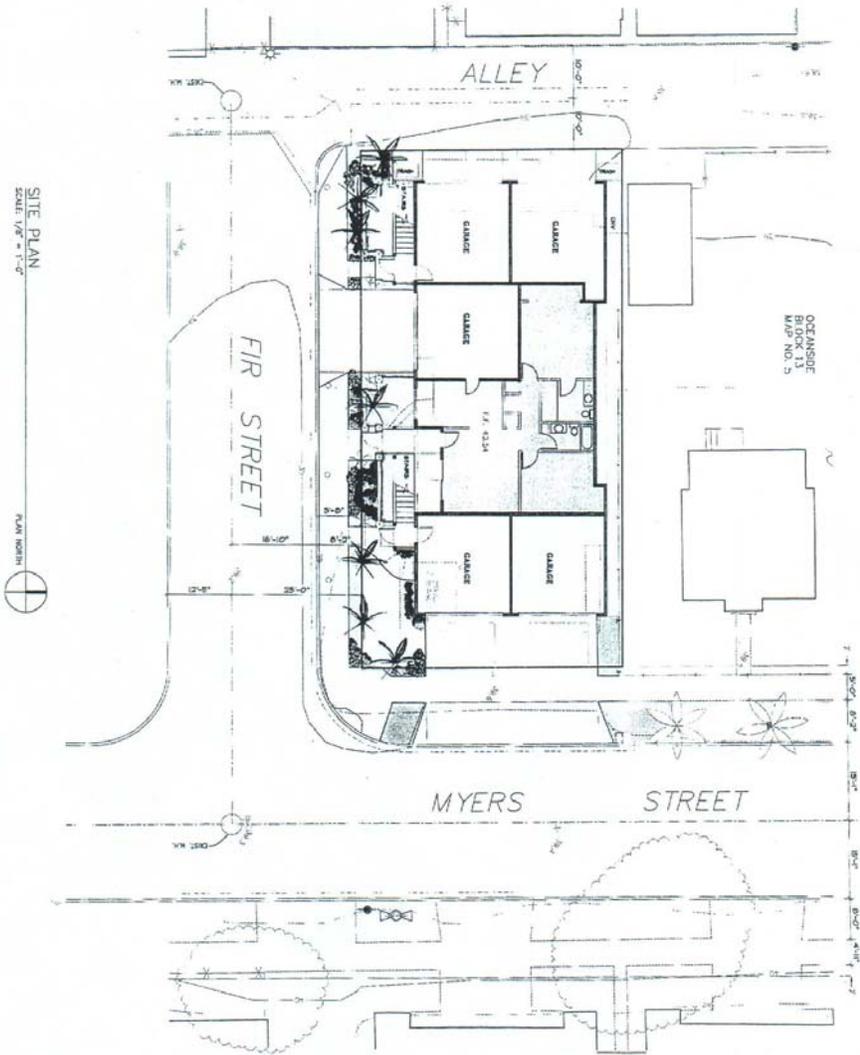
Conclusions

In conclusion, the city did not specifically determine if this development could be classified as serving low- to moderate-income tenants and did not make the required findings for project specific impacts on current low- to moderate-income housing supplies in the City of Oceanside. These impacts are not significant enough to raise substantial issue given the low number of units and the rarity of condo conversions in the coastal zone. However, as more condominium conversion projects are approved, the City of Oceanside should prepare a more detailed assessment for project specific as well as cumulative impacts to low- and moderate-income housing supply. Therefore, the Commission finds that the allegations made by the appellant do not raise a substantial issue with regard to the project's consistency with the certified LCP.

3. 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 permits the conversion of five newly refurbished rental units into condominiums, and the new tenants were notified, prior to their occupation of the units, that the owner intended to convert them to condominiums. The extent and scope of the development as approved by the local government represents a very small portion of multi-family rental units in the City of Oceanside (5 of 8,000 or .0006%). Therefore, the conversion will not result in a significant reduction of low- and moderate-income rental units in the City's housing stock at a time when no equivalent housing is readily available in the Oceanside area; thus the conversion is consistent with the City's LCP. The project as approved by the City did not require any exceptions or variances. There are no significant resources located at the development site. Given the unique character of this conversion, only five units converted and renovation prior to conversion, the City's interpretation of its LCP in this case should not be considered good precedent for how the City should interpret its LCP when permitting condo conversions in the future. Based on the foregoing considerations, the objections to the project do not raise any substantial issues of regional or statewide significance.



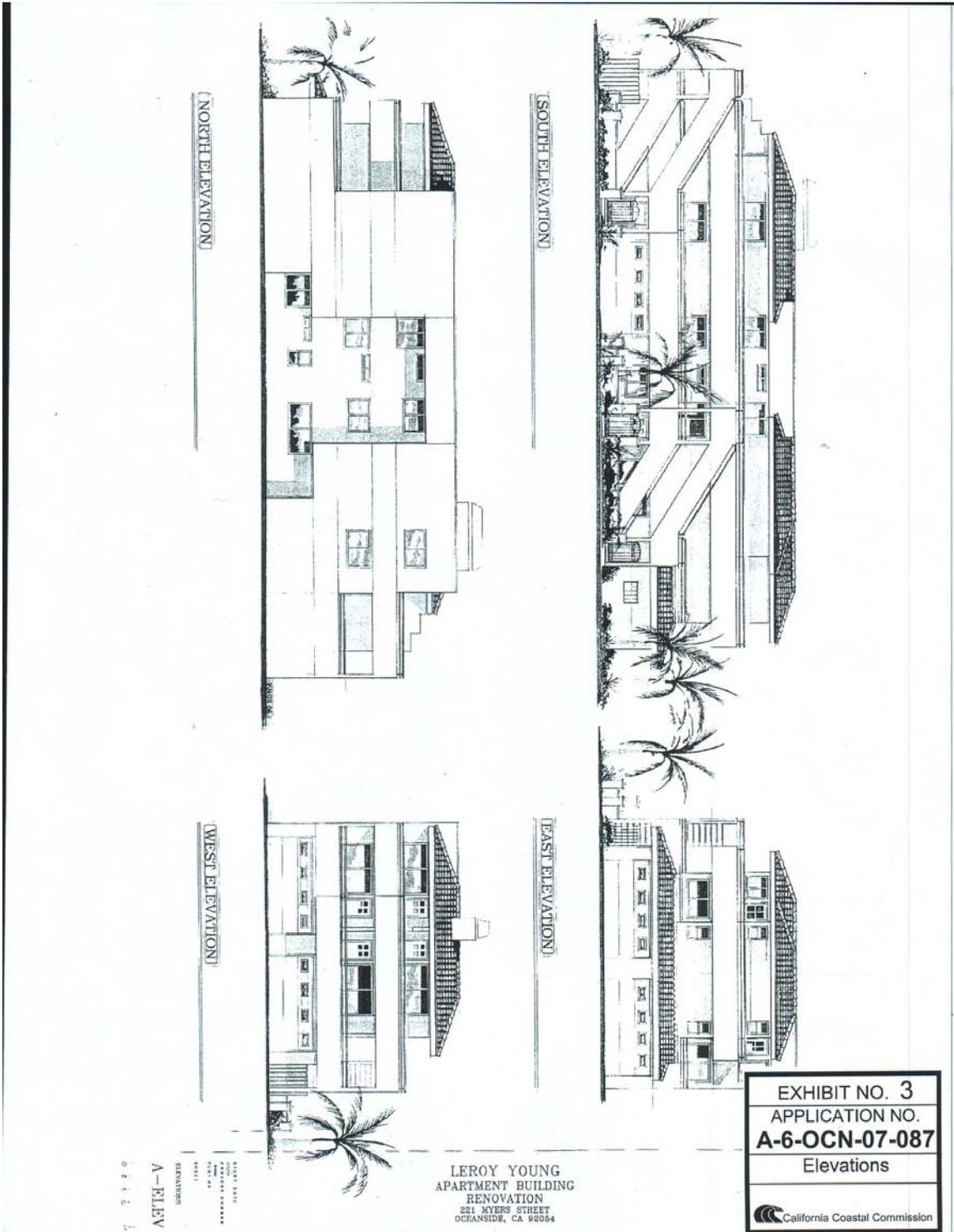


DATE: 10/11/07
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: 1/8" = 1'-0"
 SHEET NO. 1
 SITE PLAN
 A-SITE
 ADD
 EXISTING COND.

**LEROY YOUNG
 APARTMENT BUILDING
 RENOVATION**
 221 MYERS STREET
 OCEANSIDE, CA 92054

EXHIBIT NO. 2
 APPLICATION NO.
A-6-OCN-07-087
 Site Plan





DATE: 08/12/11
DRAWN BY: A-ELEV
REVISIONS:
DATE: 08/12/11
DRAWN BY: A-ELEV

LEROY YOUNG
APARTMENT BUILDING
RENOVATION
221 MYERS STREET
OCEANSIDE, CA 92054

EXHIBIT NO. 3
APPLICATION NO.
A-6-OCN-07-087
Elevations
 California Coastal Commission

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 30 2007

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:

Carolyn Kramer
904 Leonard Avenue
Oceanside, CA. 92054 (760) 439-0863
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Oceanside - Community Development Commission

2. Brief description of development being appealed: CONDOMINIUM conversion of 5 apartments into 5 CONDOMINIUMS.

3. Development's location (street address, assessor's parcel no., cross street, etc.): 221 South Myers Street
APN 150-074-06 Between Tyson St + Seagaze Dr. (old 1st Street)

4. Description of decision being appealed:

- a. Approval; no special conditions: X Condo Conversion
- 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: _____

DATE FILED: _____

DISTRICT: _____

EXHIBIT NO. 4
APPLICATION NO.
A-6-OCN-07-087
Appeal Form
1 of 3 pgs
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: July 11, 2007

7. Local government's file number (if any): T-201-06, D-203-06
C-203-06, RC-203-06

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:

Myers Street Condominiums
P.O. Box 84450
San Diego, CA. 92138

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) Shari MacKin
1469 Moreno Street
Oceanside, CA. 92054

(2) Marco Gonzalez Esq. Coast Law Group
169 Saxon Rd #201
Encinitas, CA. 92024

(3) Nadine Scott, Esq.
550 Hoover Street
Oceanside, CA. 92054

(4) Pamela Meyers
910 N. Pacific Street
Oceanside CA. 92054

(5) CPPB (Citizens for the Preservation of Parks & Beaches)
904 Leonard Ave
Oceanside, CA. 92054

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.

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.)

Violation of Coastal Act Section 30007,
Local Coastal Plan Land Use Article 32
Oceanside Zoning Ordinance + Housing Element.
See Attached for additional findings.

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 Carol Kramma
Appellant or Agent
Date 7/23/07

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

Signed Carol Kramma
Appellant
Date 7/23/07

RECEIVED

99 3 0 7 7 7

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COUNTY OFFICE

COASTAL APPEAL 221 MYERS ST. CONDO CONVERSION

JULY 25, 2007 Addendum to page 3 of Appeal Form

REASONS FOR APPEAL TO THE CALIFORNIA COASTAL COMMISSION ON CITY OF OCEANSIDE DECISION TO APPROVE A CONDOMINIUM CONVERSION OF 5 APARTMENTS INTO 5 CONDOMINIUMS.

DEVELOPMENT LOCATION: 221 SOUTH MYERS STREET, OCEANSIDE, CA. 92054 (APN 150-074-06).

Leroy Young, Jr. Sole Owner Myers Street Condominiums Inc. (there seems to be a discrepancy as to whether Myers Street Condominiums, Inc. is a corporation or an LLC ?)

APPLICATION FILE #: T-201-06, D-203-06, C-203-06 & RC-203-06

This proposed project violates Section 30007 of the California Coastal Act: "Nothing in this division shall exempt local governments from meeting the requirements of state and federal law with respect to providing low- and moderate-income housing, replacement housing, relocation benefits, or any other obligation related to housing imposed by existing law or any law hereafter enacted."

Attached is my letter dated July 11, 2007 that was put into record at the Public Hearing and goes into detail about my objections. I am also enclosing a copy of the Staff Report dated July 11, 2007. In the Staff Report it shows that the owner Mr. Leroy Young, Jr. is a tenant in the property. He is also the sole owner of Myers Street Condominiums Inc..At the public hearing it was noted that Mr. Young's representative said Mr. Leroy Young Jr. was the sole owner of the LLC, but the property records show it as an Inc.

Not only is this proposed project a violation of the Coastal Act but this project has not met the criteria of the Oceanside Zoning Ordinance to qualify for a condo conversion.

I am also attaching property detail reports showing Mr. Young as the owner of additional multi unit properties in San Diego, Solana Beach as well as the Oceanside property (5 in all). Mr. Young is no stranger to the workings of multiple unit properties and should be very knowledgeable and well aware of City Zoning Ordinances.

Leroy Young, Jr. Purchased the property at 221 S. Myers Street on July 22, 2004. When he purchased the property the tenants were paying \$1,250.00 per month for rent. These tenants were given notice to vacate because of renovation to the units. Why did Mr. Young form Myers Street Condominiums, Inc. if his intent was to renovate the units for rentals?? Forming a corporation takes time and does not just happen overnight. On January 18, 2006 (1& 1/2 years after he first purchased) the Myers Street property changed ownership from Leroy Young, Jr. to Myers Street Condominiums, Inc. According to county property records there was no sales price recorded and there sales/tax stamps paid on this transfer of ownership (Is this a corporation or an LLC)

EXHIBIT NO. 5
APPLICATION NO.
A-6-OCN-07-087
Letter from Appellant
1 of 4 pgs
 California Coastal Commission

By getting rid of the low-moderate- income tenants in the name of renovation, Mr. Young found a way to get around complying with the Coastal Act to find replacement housing, and paying relocation benefits. He displaced and got rid of the low-moderate-income housing in his units.

Mr. Young renovated the property with new electrical, appliances and fixtures, windows, garage doors, security and landscaping and re-stucco. Mr. Young then brings in new tenants that now pay rent ranging from \$1,500 to \$2,200. These figures were given by Mr. Young and his representatives at the Redevelopment Advisory Committee meeting on April 25, 2007.

In the Staff Report it shows that Mr. Young is a tenant in his own property along with 4 other tenants on a month-to-month residential lease dated January 16, 2007 and they all approve of the condo conversion and it is their intent to purchase their unit. Mr. Young has agreed to purchase his unit from himself. I truly believe Mr. Young deliberately removed the low and moderate income tenants with the intention of doing a condo conversion. Mr. Young has violated the Coastal Act as well as the City of Oceanside Zoning Ordinance.

Low and moderate income tenants are losing access to low and moderate housing stock in the Coastal Zone. Please deny this condo conversion project. If this conversion project is approved, it will set a dangerous precedent in the Coastal Zone and affordable units will no longer be available for those that cannot afford to PURCHASE housing in the Coastal Zone. Oceanside is overwhelmed and under siege with development. We do not want to set a precedent that will displace all affordable rental units with high end ownership. We need to have a balance.

Thank You for your consideration.



Carolyn Krammer
904 Leonard Avenue, Oceanside, CA. 92054
(760) 439-0863

CC: Shari Mackin
Marco Gonzalez, Coast Law Group
Nadine Scott, ESQ.
Pamela Myers
Citizens for the Preservation of Parks & Beaches

MYERS STREET CONDO CONVERSION 7/11/07

RE: Proposed Condo Conversion
221 South Myers Street
Oceanside, CA. 92054

Item #20 Consideration of a resolution approving Tentative Map (T-201-06), Development Plan (D-203-06), Conditional Use Permit (C-203-06), Regular Coastal Permit (RC-206-06), and deferral of undergrounding of utilities for the conversion of an existing 5-unit, residential apartment into condominiums located at 221 South Myers Street- Myers Street Conversion – Applicant: Myers Street Condominiums, Inc.

I am in opposition to this proposed condo conversion and believe this developer has not met the Guidelines of the Oceanside Zoning Ordinance. Of the six findings needed in order to qualify for a condo conversion there are 2 that have not been met.

#4 - That the overall design and physical condition of the condominium conversion achieves a high standard of appearance, quality and safety. This property has been renovated with a new electrical system, re-stucco, new appliances and fixtures, new windows and doors, new garage doors, security and landscaping. I do not see where this property has achieved a high standard of appearance, quality and safety. This renovated property now looks like every other new development in the area. Granted its appearance is many times better than it was but there is nothing superior that would qualify it for a high standard of appearance, quality and safety.

#5 – That the proposed conversion will not displace a significant percentage of low or moderate-income, permanently or totally disabled or senior citizen tenants or delete a significant number of low and moderate –income rental units from the City’s housing

stock at the time when no equivalent housing is readily available in the Oceanside area.

It is my opinion that this property owner / developer has deliberately violated #5 above. Leroy Young Jr. purchased the property on July 22, 2004 from James A Miller for \$1,595.00. The property changed ownership on January 18, 2006 from Leroy Young Jr. to Myers Street Condominiums, Inc. There is no sales price recorded and there were no sales/tax Stamps paid on this transfer of ownership. I see in the Staff Report that Leroy Young Jr. is also a tenant in this property at the present time and intends to purchase the unit he lives in. I would like to ask what relationship Mr. Leroy Young, Jr. has with Myers Street Condominiums, Inc.

It is my opinion that this property owner purchased the property with the intent of trying for a condo conversion. They removed the tenants that were there in the name of doing renovation. The prior tenants were paying \$1,250.00 at the time of purchase. The current tenants now pay between \$1,500 and \$2,200.00. These were the figures that were given at the RAC meeting on April 25, 2007. Low and moderate income renters in the Coastal Zone were removed because of renovation. The property owner then does the remodel puts in higher paying tenants and now wants to convert to condos. Lower and moderate income tenants are losing access to low and moderate housing stock. I truly believe this property owner deliberately removed the low and moderate tenants with the intention of doing a condo conversion so they would not have to comply with #5.

I feel that if this proposed project is approved it will set a dangerous precedent in the Coastal Zone and affordable units will no longer be available for those that cannot afford to purchase a residence in the Coastal Zone.



Carolyn Krammer, 904 Leonard Avenue, Oceanside, Ca. 92054