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Go to original staff report

March 4, 2013

Via E-mail

Coastal Commissioners  
California Coastal Commission  
San Diego Coast District  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108

Re: Appeal of Permit Numbers: A-6-OCN-12-054; A-6-OCN-12-055; A-6-OCN-12-056  
March 7, 2013 Coastal Commission Agenda, Items 22 b, 22c, and 22d

Dear Coastal Commissioners:

We represent Beachin LLC, the owner of a condominium unit located on South Pacific Street in Oceanside. Beachin has appealed three development projects – 811, 813, and 815 South Pacific Street that propose to add a fourth story to existing three story structures.

**Requested Action.**

We request that the Coastal Commission determine that the appeals raise substantial issues because the City's "reinterpretation" of several regulations in the certified Local Coastal Program – including changing words to fit the City's reinterpretation – (1) will affect all development within Oceanside's coastal zone and (2) establish a precedent allowing Oceanside to reinterpret its certified Local Coastal Program to avoid amending the Local Coastal Program in compliance with the Coastal Act.

**Discussion.**

The issues in this appeal arise out of the City's use of uncertified amendments to its Local Coastal Program ("LCP") from approximately 1988 to 2009. The Coastal Commission certified Oceanside's LCP in 1986. Two years later, in 1988, the City adopted a new zoning ordinance and applied the new zoning ordinance to development in the Coastal Zone.<sup>1</sup> The City substantially amended the zoning ordinance again in 1992 without obtaining Coastal Commission certification of the amendment.

For purposes of our appeal, two changes instituted by the 1988 and 1992 amendments affect our appeal. First, the 1988 and 1992 amendments deleted the LCP's definition of "basements"

<sup>1</sup> City of Oceanside Ordinance No. 88-22.

Letter from Appellants'  
Agent 5

and "stories", thereby, authorizing daylight basements. Second, the 1988 and 1992 amendments changed the building height regulations that specified how to calculate height.

Although the City conceded in 2009 that the certified LCP consisted of the 1986 Zoning Ordinance and the 1988 and 1992 amendments did not apply within the Coastal Zone, the City has attempted to reinterpret the certified LCP to allow daylight basements and to calculate building height consistent with the City's interpretation of the 1988 and 1992 amendments.<sup>2</sup>

**A. Oceanside's reinterpretation of its certified LCP is a substantial issue.**

The Coastal Act requires cities, such as Oceanside, to obtain the Coastal Commission's certification of any amendments to an already certified local coastal program.<sup>3</sup> Oceanside has effectively amended its certified Local Coastal Program ("LCP") by changing words used in the LCP to fit the City's reinterpretation. This includes:

- Changing the word "less than" to "more than" in the definition of a basement.
- Changing the word "ground" to "grade" in the definition of a basement.
- Changing the measuring points for building height from the "portion of the building site covered by the building" to points adjacent to the building.<sup>4</sup>
- Calculating grade using adjacent ground level rather than finished ground level at the center of the walls of a structure.

The effect these changes have is to:

- Allow the applicant to add an additional fourth story in area that is limited to three story structures.
- To exceed the 35-foot building height limit.

These changes to the certified LCP are a substantial issue.

**B. Oceanside cannot reinterpret the LCP to avoid having to process an LCP amendment.**

Oceanside's rationale is that changing words and measurement methods is consistent with the City's historic interpretation of the LCP. Oceanside claims that it has historically allowed daylight basements and calculated height using points outside the building envelope.

The City, however, cannot ignore or change (without an LCP amendment) what it finds inconvenient. If the City wants to change regulations in the certified LCP to fit the zoning

<sup>2</sup> Memorandum, Office of the City Manager, City of Oceanside, dated May 11, 2009.

<sup>3</sup> Public Resources Code §30514(a) (Coastal Act).

<sup>4</sup> Oceanside PowerPoint presentation for the May 23, 2012 City of Oceanside Planning Commission hearing, p. 7.

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ordinance adopted in 1988, the City must process an amendment and apply for the Coastal Commission's certification of that amendment.

Furthermore, the City's historic LCP interpretations consist only of a two year period. The period of time in which daylight basements and calculating building height using measurements from outside the building envelope consists of the 1988-2009 period in which the City used uncertified amendments to its zoning ordinance. Oceanside has conceded that the 1988 and 1992 amendments never went into effect in the Coastal Zone. Oceanside, therefore, cannot now apply historic interpretations from a period of time that the City applied the wrong zoning ordinance in the Coastal Zone to all future projects.

**C. Parking is a substantial issue.**

The projects will also cause the following substantial parking issues:

- Applicant proposes to provide two regular parking spaces and two tandem spaces -- for a total of four parking spaces. The LCP, however, does not authorize the use of tandem parking spaces, and tandem spaces do not provide adequate ingress and egress, and fail to maximize efficiency, safety, and convenience."<sup>5</sup>
- According to applicant's 2010 website, on average sleeping occupancy in applicant's vacation rentals is 3 persons per room. Each proposed building will have a total of nine bedrooms spread throughout two units, and will host up to 27 people. The buildings will, therefore, impact public parking and impact the public's ability to park and access the beach.
- Parking will be further impacted by the applicant's construction of additional vacation rentals on the same block as the project sites. The under-parking of these projects will cumulatively cause the loss of all public parking on South Pacific Street.

**D. We request an extension of time to allow members of the public to attend the Coastal Commission hearing.**

In the alternative, we request an extension of time to allow members of the public to attend the Coastal Commission hearing. A number of the members of the public attended and spoke at the Oceanside City Council hearing, and requested that the City Council vote against these three projects. Due to the timing of the notices for these appeals and the hearing being held during a work day, it is difficult for those people that spoke before the City Council to attend the Coastal Commission hearing. We, therefore, request an extension of time to a specific

<sup>5</sup> 1986 Zoning Ordinance §2702; General Plan Policy 1.20.

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S E L T Z E R | C A P L A N | M C M A H O N | V I T E K  
Coastal Commissioners, California Coastal Commission  
March 4, 2013  
Page 4

hearing date to allow members of the public to plan in advance to attend the Coastal Commission hearing.

**Conclusion.**

The City has attempted to amend its certified LCP by reinterpreting the LCP. While it may be convenient to reinterpret the LCP rather than amending the LCP and obtaining the Coastal Commission's certification of the amendment, the Coastal Act requires Oceanside to amend its LCP if it wants to change words used in the LCP. If these three projects are allowed to proceed, the precedent established will affect all development within Oceanside's coastal zone and allow Oceanside to reinterpret its certified Local Coastal Program to avoid amending the Local Coastal Program in compliance with the Coastal Act.

Sincerely,

*Signature on File*

Erik L. Scirraner  
Seltzer Caplan McMahon Vitek  
A Law Corporation

ELS:mb

cc: Beachin LLC  
Toni Ross, California Coastal Commission

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Th 22 b, c, d

Subj: **Public hearing notice**  
Date: 2/25/2013 12:21:31 P.M. Pacific Standard Time  
From: Mrmaxm@aol.com  
To: Mrmaxm@aol.com

Permit numbers

A-6-OCN-12-054  
A-6-OCN-12-055  
A-6-OCN-12-056

APN(s)

150-356-14

Shirley Oliver  
834 So Tait St condo 4  
Oceanside, Ca. 92054

**I OPPOSE**

I am a 76 year old single lady who hesitates to drive the freeway to attend this appeal meeting during the rush hour commute. I am, therefore, submitting my objections via mail.

No one really cares about this situation, with the exception of the few homeowners in the vicinity and, of course, the inconsiderate owners of the proposed conversion.

The city council are in a conflict of four members for this conversion, and two are against it. Considering the population of Oceanside, I would consider the ratio in our (the neighborhoods) favor.

The proposed units for conversion do not have sufficient parking as it is. Cars 'piggyback' three deep in the assigned garage spaces. Last car in straddles the sidewalk, which makes it impossible for pedestrians to use the sidewalk. This alone is a safety hazard.

We had 'friends of friends' who vacationed in one of these two bedroom apartments. There were twelve of them. Eight were adults, and there were four cars between them. They wanted to know if they could park their cars in our underground parking facility, since they couldn't find anywhere safe to park them.....

Parties are held on their rooftop decks, especially at weekends, where they hold wedding receptions. (Are we zoned for that?) Once the bands stop the boom boxes come out.

I realize there isn't much we can do about what has already been done, but please don't let the situation any worse by permitting this conversion.

Sincerely

*Signature on File*

**Letter of Opposition**

**RECEIVED**  
FEB 27 2013  
CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

9

**CALIFORNIA COASTAL COMMISSION**

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



# Th22b,c&d

Filed: 7/25/12  
49th Day: WAIVED  
Staff: T. Ross-SD  
Staff Report: 2/14/13  
Hearing Date: 3/6-8/13

## STAFF REPORT: RECOMMENDATION ON APPEAL

**Local Government:** City of Oceanside

**Decision:** Approved with Conditions

**Appeal Number:** A-6-OCN-12-054, A-6-OCN-12-055,  
A-6-OCN-12-056

**Applicant:** REVX Pacific North LLC (A-6-OCN-12-054), Evergreen  
Hebron L.P. (A-6-OCN-12-055), REVX Pacific South LLC (A-  
6-OCN-12-056)

**Location:** 811, 813, 815 South Pacific Street, Oceanside, San Diego  
County. (APN Nos. 150-356-14, -15, -16)

**Project Description:** Conversion of three existing, and, identically designed 9-  
bedroom, 9-bathroom single family homes into three separate  
duplexes to include a 1,409 sq. ft. second story addition and a  
new third story resulting in three 35 ft. high, 5,910 sq. ft. duplex  
structures with attached 861 sq. ft. garages, on 3,250 sq. ft. lots.

**Appellants:** Beachin LLC

**Staff Recommendation:** No Substantial Issue.

---

## SUMMARY OF STAFF RECOMMENDATION

The proposed development involves 3 adjacent lots with 3 identical existing structures and the proposed improvements to each with this review are also identical. Therefore, staff is combining the staff report as the issues that relate to each are identical.

The appellants raise a number of LCP consistency issues primarily focusing on concerns that the approved developments will be above the LCP maximum allowed height and out of character with the surrounding community and that the use of tandem parking will result in impacts to public access. The appellants also assert that the City misinterpreted definitions of “basement,” “story,” “grade,” and “building height” in order to approve the proposed development. Staff has reviewed the appellants contentions in detail, and agrees that the interpretation by the City for certain definitions is unclear; and, while the proposed development will increase the number of stories as well as the square footage of the existing structures, the development can be found consistent with the City’s LCP because: 1) the City has previously interpreted the above stated definitions in the same manner for all other shorefront development proposals; 2) the development as approved by the City, while large in size, is not out of character with the surrounding community and represents the current trend in redevelopment of quasi-residential structures, often used as vacation rentals, located in the Residential-Tourist zone and within the coastal zone; and, 3) approving required parking in tandem configuration is consistent with the City’s certified parking requirements. Thus, the developments as approved by the City do not result in adverse impacts on coastal resources. Therefore, staff recommends that the Commission determine that **no substantial issue exists** relative to the appellants’ contentions pertaining to Coastal Development Permit Appeal Nos. A-6-OCN-12-054, A-6-OCN-12-055, A-6-OCN-12-056.

The standard of review is the City of Oceanside’s certified LCP and the public access and public recreation policies of the Coastal Act.

## STAFF NOTES

The City of Oceanside’s LCP was certified by the Commission in 1986 and the City has been issuing coastal development permits for development in the City’s Coastal Zone since that time. Recently, through a joint review process between the City of Oceanside staff and Commission staff, it became apparent that, sometime between 1991 and 1992, the City of Oceanside significantly updated/replaced its zoning ordinance without the benefit of review and/or approval by the Coastal Commission. This oversight was realized in 2007; and, directly following, the City began using the previously approved, and *Commission certified* version of its zoning document, dating back to 1986, to review developments within the coastal zone. Among other things, the two versions contain significantly different provisions regarding height restrictions and development beyond the western “stringline” boundary; with the 1992 version being more restrictive. Consequently, the City has observed a significant influx in coastal development permit applications along the shoreline to take advantage of the less restrictive provisions. This has further resulted in strong public interest/concern.

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### APPENDICES

Appendix A – Substantive File Documents

### EXHIBITS

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Exhibit 3 – City’s Resolutions of Approval  
Exhibit 4 – Appeal Forms  
Exhibit 5 – Existing Structures/ Pacific St. Sidewalk  
Exhibit 6 – Photo of Public Accessway  
Exhibit 7 – Example of Scale of Development  
Exhibit 8 – Rendition Provided by the Applicant

## I. MOTIONS AND RESOLUTIONS

### A. Motion:

*I move that the Commission determine that Appeal No. A-6-OCN-12-054 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

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:**

*The Commission finds that Appeal No. A-6-OCN-12-054 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.*

---

### B. Motion:

*I move that the Commission determine that Appeal No. A-6-OCN-12-055 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

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:**

*The Commission finds that Appeal No. OCN-12-055 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.*

---

### C. Motion:

*I move that the Commission determine that Appeal No. OCN-12-056 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

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:**

*The Commission finds that Appeal No. OCN-12-056 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.*

**II. APPELLANT CONTENDS**

The appellants contend that the developments approved by the City are inconsistent with the certified LCP for the following reasons:

1. The projects do not comply with the maximum three story building restriction
2. The calculation of grade is incorrect
3. The calculation of building height is incorrect
4. The projects do not comply with the parking requirements
5. The project will result in impacts to public access
6. The projects do not comply with the landscaping requirements
7. The projects do not comply with the community standards
8. The projects do not provide adequate side yards
9. The projects do not comply with CEQA requirements

**III. LOCAL GOVERNMENT ACTION**

The Oceanside Planning Commission initially reviewed the proposed projects on November 7, 2011; however, the items were postponed. The Planning Commission again reviewed and again postponed the proposals on March 26, 2012. The Planning Commission then approved the proposals on April 23, 2012. The project was immediately appealed to the City Council by the current appellants. On June 27<sup>th</sup>, 2012, the City Council upheld the Commission's action and approved the proposed development. Specific conditions were attached which, among other things, require the applicant to provide 75% open sideyard fencing in order to protect existing ocean views between the structures, limits all buildings, structures, fences and walls to be located no further seaward than the line of development established by the Stringline Setback Map, and required the applicant to record a covenant waiving any rights of the applicant to liability claims on the part of the City associated with natural hazards.

#### **IV. 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(a) of the Coastal Act identifies which types of development are appealable. Section 30603(a) states, in part:

- (a) *After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:*
  - (1) *Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.*
  - (2) *Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.*

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, in relevant part, that the Commission shall hear an appeal unless it determines:

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

If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to the de novo portion of the hearing on the merits of the project, then, or at a later date. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project then, or at a later date, reviewing the project de novo in accordance with sections 13057-13096 of the Commission's regulations. If the Commission conducts the de novo portion of the hearing on

the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program (LCP).

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 applicable Chapter 3 policies when reviewing a project at the de novo stage.

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

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question as to conformity with the certified local coastal program" or, if applicable, the public access and public recreation policies of Chapter 3 of the Coastal Act (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.

The City of Oceanside has a certified Local Coastal Program (LCP) and the subject site is located in an area where the Commission retains appeal jurisdiction because it is located between the first public road and the sea. Therefore, before the Commission considers the appeal de novo, the appeal must establish that a substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603. 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 and, therefore, conforms to the standards set forth in the City's certified LCP.

## **V. FINDINGS AND DECLARATIONS**

### **A. PROJECT DESCRIPTION/HISTORY**

#### **History**

The subject properties are located in an area just south of The Strand and west of Pacific Street (ref Exhibit #1, 5) in the City of Oceanside. The subject properties are comprised of three contiguous beach-front lots, each measuring 25 feet in width and 130 feet depth. Each lot is presently developed with a 4,501 sq. ft. single family home. The homes are comprised of two stories over an exposed daylighted basement and each home includes nine bedrooms and nine bathrooms. Each residence also includes a garage that provides four enclosed and tandem parking spaces. The homes were originally approved and constructed in 2006 (ref. 6-OCN-06-047; 6-OCN-06-048; 6-OCN-06-049). At that time, the homes were described as two-story over a basement and were limited to a maximum building height of 27'. As previously discussed in the staff notes, in 2006 the City was using a different and uncertified zoning ordinance and, since that time, the standard of review has been corrected and the design standards have been modified. In this case, the major difference is that the maximum building height is now 35'. The proposed development is utilizing the new design standards to accommodate the additional level and the additional square footage.

Like other properties in the 800 block of South Pacific Street, the subject sites were excavated to allow beach-level habitable space (daylighted basement). The existing structures are situated six inches from the front property line, will maintain a 3 foot side yard setback, and will be developed to the rear yard "stringline setback" for the first two floors. Aside from the increase in height, all other aspects of the development envelope remain identical to that on the existing structure (front, side and rear yard setbacks). The "stringline" in this case is a line on a map loosely following the line of development on the beach-fronting homes along the City's coast. The certified "Stringline Setback Map" was developed in 1983 by overlaying an imaginary stringline on an aerial photo of the shoreline in the City of Oceanside. The map shows how far new development may extend towards the ocean. The stringline map was based on existing building patterns, as well as anticipated future developments and remodels/expansions. This "stringline" was certified by the Commission in 1986 as part of the City's Local Coastal Program.

Since their construction, the existing homes have functioned as vacation rental units. In 2011, the City was made aware that each of the homes had been converted to duplexes, allowing the basement level of each residence to serve as a separate rental unit independent of the first and second-story areas, without benefit of a coastal development permit. The City then required the property owners to remove the unpermitted development including cooking facilities, door signage, and other changes to reestablish the existing permitted building design. The applicant

then submitted applications to the City proposing to reconstruct the previously discussed building modifications, as well as adding new and additional square footages. The overarching intent of the project is to reestablish the previous duplex use at all three of the properties.

### **Project Description**

As noted, currently the existing homes are 2 stories over a basement and include 4,501 sq. ft. plus an 861-sq. ft. garage. The proposed development will convert each of the single-family homes to a duplex structure (2-units) as well as enclose a significant portion of the open deck area on the existing third level (second story above basement) and adding a new fourth level (third story above basement). As proposed, the additions would add 546 square feet of habitable space to the third level extending the level another 29' westward and to within 8' of the first and second level rear (western) building line. This expansion would accommodate a great room, and a second kitchen. The remaining 8' of building area will be developed with an open deck (ref. Exhibit #8). The proposed development also includes an 825 square feet addition as the new fourth level. This new level would extend from an existing roof projection that currently serves as a stair enclosure and storage. The western extent of the new fourth level would come to within 8 feet of the third level, with the remaining 8' also being utilized as an open deck. Habitable space on the fourth level would consist of a game room and two bathrooms. The final design of the proposed buildings includes a lower unit consisting of five bedrooms and five bathrooms and the upper unit consisting of four bedrooms and 6 bathrooms. The total square footage for each of the buildings when complete will be 5,910 sq. ft. and with an 861 sq. ft. attached garage.

The project would not alter the existing parking configuration of four enclosed parking spaces arranged as two pairs of tandem stalls. The project also will not include alteration of existing landscape, hardscape, or other exterior features. And, again, aside from height, the footprint of the structure is not being changed as well. Upon conversion, the duplexes are expected to continue to serve as vacation rentals, though each unit could also function as a long-term rental or an owner-occupied residence.

The project site is surrounded by Pacific Street to the east, an abandoned City right-of-way and the beach and Pacific Ocean to the west, The Strand to the north are comprised of mostly two story single- and multi-family residences, primarily used as vacation rentals, and quasi-residential/vacation rental residences lie to the south which are comprised of single and multi-family developments generally three stories in height. Again, there is an existing City right-of-way on the west side of the properties continuing the Strand right-of-way to the south. However, this section of the right-of-way is not developed, and remains dirt, and now provides access to the public west of the existing structures and east of an existing, city-owned, rock revetment (ref. Exhibit #6). Because the unimproved sandy accessway is located directly south of and in alignment with The strand, and because the sandy beach can be shallow or non-existent during high tides, the protected accessway provided by the right-of-way is highly utilized by the public. No modifications to this existing accessway are proposed for the subject development.

The subject properties are located within the Residential-Tourist (R-T) zoning designation and an Urban High-Density land use designation (UHD-R). These designations allow single and multi-family residential structures serving both residential and visitor serving uses.

## **B. COMMUNITY CHARACTER/SCALE OF DEVELOPMENT**

The appellants contend that the project, as approved, will permit the construction of three buildings that will not be consistent with the established surrounding community character. The City has a number of LCP policies protecting existing community character and zoning ordinances establishing height restrictions and state in part:

City of Oceanside Visual Resources and Special Communities, Policy 1 states:

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

City of Oceanside Visual Resources and Special Communities, Policy 3 states:

*All new development shall be designed in a manner which minimizes disruption of natural land forms and significant vegetation.*

City of Oceanside Visual Resources and Special Communities, Policy 8 states:

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

City of Oceanside Visual Resources and Special Communities, Policy 13 states:

*New development shall utilize optimum landscaping to achieve the following effects:*

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

*[...]*

City of Oceanside Zoning Ordinance Section 1709 – Height, states in part:

*No buildings or structures shall be erected or enlarged unless such building or structure complies with the height regulations for the zone in which the building or structure is located. For purposes of determining height, of a building or structure, the average finished grade of the parcel on which the building or structure is located shall be used:*

*The maximum permitted heights of any building or structure shall be as follows:*

[...]

*(b) No building or structure in the R-3, O-P, R-T, R-C, PRD, or SP zones shall exceed a height of 35 feet or three stories, whichever is less.*

[...]

*Penthouses or roof structures for the housing of elevators, stairways, ventilator fans, air conditioning or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, church steeples, flag poles, chimneys, antennas, and similar structures may be erected above the height limits prescribed hereinabove provided the same may be safely erected and maintained at such height, in view of the surrounding conditions and circumstances, but no penthouse or roof structures or any space above the height limit shall be allowed for the purpose of providing additional floor space.*

The appellants have several contentions representing that the scale of the approved development is both inconsistent with the City's certified development standards pertaining to height and number of stories and as such is out of character with the surrounding community. The City of Oceanside limits development in this area to three stories or 35 feet in height whichever is greatest. The City has definitions that serve to determine the number of stories and the measured height of a structure. The appellants contend that the City accepted definitions of "story" "basement", "grade" and "building height" that result in structures with a greater number of levels and higher height and therefore inconsistent with the City's LCP.

As currently constructed, the existing homes are two stories over a daylighted basement. Because the first level of the home can be defined as a basement, it is not included in the calculation of the number of stories. The appellants contend that the number of levels is inaccurate because the first level of the home does not meet the definition of basement and therefore must be considered a story. The City's zoning ordinance defines a "basement" as follows:

Basement. "Basement" means that portion of a building between floor and ceiling which is partly below and partly above ground but so located that the *vertical distance from grade to the floor below is less than the vertical grade from grade to ceiling.* [emphasis added]

As proposed, the existing structures would be improved with an additional level above the existing 3<sup>rd</sup> level (second story). The current development includes three levels with the first level being located mostly underground, and therefore considered a basement. Again, the additional level proposed is only possible because the first level can be considered a basement. However, the appellant contends the home's bottom floors do not qualify as a basement because the entire bottom floor is not located partially below and partially above ground, as required through the defined by "basement" above. Instead the appellant contends that the City approved the proposed additional level when a portion of the basement is fully above ground (the

daylighted basement section). While staff agrees that the definition of basement seems to preclude such a development, the City's staff report indicates that no evidence that such a restrictive interpretation of "basement" has ever been applied in Oceanside, in that, a substantial percentage of beachfront homes are constructed with daylighted basements. The original homes were approved as 2 stories over a basement, and while the standards were different at that time, no concerns were raised regarding whether or not the first level of the homes should have been considered a basement. Commission staff has reviewed previously approved developments in the City of Oceanside, including the subject sites, and concur with the City that the common practice is to consider daylighted ground levels on the shorefront as basements.

The appellants further contend that the second section of the definition of basement requires that "the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling." Simply put, the literal interpretation of the policy would require more of the basement level to be *above* grade than below. Further, taking this interpretation literally, the proposed first level would not fit the definition of basement. That being said, the City has indicated that the language is incorrect and the intent of the policy is to require more of the basement level to be *below* grade than above. The City has further indicated that it has been the established practice to interpret the definition of basement as the City has, and not as the appellants are suggesting which would render most of the existing homes with basements as non-conforming. Commission staff has reviewed previously approved projects located on the shorefront, including the subject sites, and concurs that the City's established practice has been to require a basement to be more below than above grade. In addition, in 1999, the Commission appealed a shorefront development in Oceanside (ref. A-6-OCN-99-133/Liguori) and while the staff report did not get into the detail of the definition of basement, the Commission did find that since the first level of the structure appeared to be more above grade than below, it may not qualify as a basement. As such, both the City and the Commission have previously considered basements to be defined as more below grade than above, and thus, the proposed development can be found consistent with the City's LCP.

The appellants are also contending that the City misinterpreted the definition of the term "grade". The City's certified definition of "grade" states:

Grade. "Grade" means the average of the finished *ground* level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above-ground level shall be measured at the sidewalks. [emphasis added]

Specifically, the appellants contend that the City accepted the finished "grade" instead of the finished "ground" level in order to measure the elevation of the center of all walls, as described above. The appellants further contend if the City used the *ground* level instead of the *grade* level, the definitions for "story" and "building height" would be calculated differently and are therefore also inaccurate. The City has indicated that the terms ground and grade or used interchangeably and it stands to reason that the City would have the best understanding of how its ordinances are interpreted. That being said, Commission staff has not been able to verify this through the review of previously reviewed project. Specifically, the Commission only has access to approved projects located within the Commission's appeals jurisdiction and that the City has only reestablished the use of the use of the certified zoning ordinance recently, thus the

number of developments located within the Commissions appeals jurisdiction (and thus available to Commission staff for comparison) is limited. Staff reviewed the projects that have been previously reviewed by the Commission and in no case was the definition for grade explained in any detail, nor was any calculation of grade on the plans large enough to determine where the elevations of grade were identified. In any case, it is important to include here, that the basis for the appeal needs to include that they are direct impacts to coastal resources. In this case, staff has visited the site on numerous occasions and verified that the approved building will not obstruct any public views of the coast and ocean; and thus, the matter by which the City defines “grade” does not raise a substantial issue.

The appellants are also contending that the City misinterpreted the City’s definition of story. The City’s definition of story states:

Story. “Story” means a portion of a building included between the surface of any floor and the surface of the floor next above it. If there is not floor above it, then the space between such floor and the ceiling next above it shall be considered a story. If the finished floor level directly above the basement or cellar is more than six feet above *grade*, such basement or cellar shall be considered s story. [emphasis added]

The appellants contend that if the term “grade” emphasized above, was measured accurately to the ground level at the center of all walls and not finished grade, the finished floor level would be more than six feet above grade. If the first level is more than six feet above ground, it cannot be considered a basement and must be considered a story. If the first floor was considered a story, and not a basement, the project would be four levels and thus would not be consistent with the restriction for development in the R-T zone to three stories. As previously discussed, the City has indicated that the terms ground and grade or used interchangeably. While Commission staff has not be able to verify this through the review of previously reviewed project the basis for the appeal needs to include that they are direct and related impacts to coastal resources. In this case, staff has visited the site on numerous occasions and verified that the approved building will not obstruct any public views of the coast and ocean; and thus, the matter by which the City defines “grade” does not raise a substantial issue.

The appellants further contend that the City misinterpreted the definition of grade by accepting the concrete walkways to within the three homes existing side yards to be considered sidewalks. By accepting this interpretation, the grade is not just modified from finished ground elevation to the elevation of the finished grade; it is further modified to the elevation of adjacent “sidewalks.” The appellants contend that the term sidewalk should not be used for private concrete walkways within the property owners’ fenced lots, or the western unimproved accessway. The appellants contend that the only area that should be considered a sidewalk is the area located east of the properties and parallel to Pacific Street (ref. Exhibit #5). The appellants go on to contend that using the concrete stairways in the sideyard setbacks and the unimproved accessway results in the “grade” 4 feet higher in elevation than if the City strictly used the finished ground level of the center of all the walls of the building as required. As previously stated, the City has indicated that the interchange of “ground” and “grade” as well as the use of finished walkways adjacent to existing buildings when determining grade is common practice. And again, it is important to

include here, that the project will have no impacts to public views and thus will not have impacts to the identified coastal resources.

Another contention raised by the appellants is that the overall height of the buildings was measured wrong and that the structures, as approved by the City, are taller than the maximum height limits for the area. Specifically the appellants contend that the City accepted a calculation for height that is inaccurate. The height limit for the Residential Tourist (R-T) designation is 35 feet. Building height is defined by the City as:

Building Height. “Building height” means the vertical distance measured from the average level of the highest and lowest point of that portion of the building-site *covered the building* to the ceiling of the uppermost story. [emphasis added]

The appellants contend that the City accepted a calculation for the height of the existing building inaccurately. The City accepted the points of the building site to be measured from lowest and highest points *adjacent to the building*, and the appellants contend that the height should have been measured from the lowest and highest points *covered by the building*. This discrepancy results in finished heights between 3-4 feet higher in elevation with slight variation in height occurring on each lot. Again the City has stated that they have traditionally accepted points adjacent to the building.

It is important to note here, that while the above stated contentions do seem to bring up some questions as to the City’s interpretation of its definitions, the level of detail has been included to provide an in-depth review of the appellants’ contentions. The overarching and primary *coastal resource* concern regarding all the above listed contentions is whether or not the height, and the overall scale, of the structures will be out of scale with the surrounding development. As such, the remainder of this section will focus on the coastal resource impacts associated with a structure that could be interpreted to be an additional level or up to four feet above the 35’ height restriction.

The City’s review included general findings that further assured that the proposed structures would be in scale with surrounding developments. Specifically, the City’s review included that the only 40% percent of the structure would reach the 35’ height maximum and that 60% of the structure would be located significantly below the 35’ height limit. In addition, the City included that Section 1709 of the certified LCP allows for ancillary features beyond the certified building height, and in this case the development would not include any such height projections. As such, the City has determined that the proposed development would be in scale with surrounding development.

Commission staff has visited the site on numerous occasions in order to assess the current character of the community. While four level structures are not common in the area directly surrounding the subject site, 35 foot tall structures are. When looking at the City’s shoreline as a whole, four level structures are more common, especially for beachfront homes located south of the project sites. In addition, even if the fourth level wasn’t permitted, the 35’ height would still be permissible, and can be considered consistent with the surrounding community, thus no negative precedent would be established. Most importantly, the proposed additions, when

addressed through height or number of stories do not block any public views of the coast and/or ocean.

In conclusion, the appellant includes a number of technical contentions that pertain to the height of the structures and their compatibility to the surrounding community. As approved by the City, and reaffirmed through numerous visits to the surrounding community by Commission staff, that the proposed structures are consistent with the surrounding community and will not result in any adverse impacts to coastal resources. The project, therefore, does not raise a substantial issue on the grounds filed.

### **C. PUBLIC ACCESS/PARKING**

Because the project is located between the sea and the first coastal roadway, and because the appellants are raising contentions regarding impacts to public access due to lack of adequate onsite parking, both the City of Oceanside and the Coastal Act policies pertaining to public access are applicable and state:

#### **Coastal Act Policies:**

Section 30210 of the Coastal Act states:

*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.*

In addition Section 30211 of the Act is applicable and states:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Finally Section 30212 of the Act is applicable and states:

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

*(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,*

*(2) adequate access exists nearby....*

The City of Oceanside's Land Use Plan contains findings, objectives and policies providing for the regulation and protection of public access, protection of public views and maintenance of

community character. These policies can be found in Sections I (Coastal Access) and II (Recreation and Visitor Serving Facilities) and are listed, in part, below.

**City of Oceanside Local Coastal Program Policies:**

Section I - Coastal Access - Coastal Act Policies – state in part:

*The Coastal Act requires that development not interfere with the public right of access to and along the shoreline. New development may be required to provide public access to the shoreline.*

Section I - Coastal Access - Coastal Act Policies - Summary of Major Findings states:

- 1. Virtually the full length of Oceanside beach can be reached by the public, and has, in fact, been used by the public for many years.*
- 2. Seventy-two percent of Oceanside’s beach is in public ownership. This is relatively high percentage of public beach, when compared to the State-wide proportion of 47%.*
- 3. Lateral access along the beach is presently restricted because of the severely eroded condition of the beach from the southerly end of The Strand to the Buena Vista Lagoon. Restoration of the beach will greatly improve lateral access, as well as enlarging the useable beach area...*

Section I - Coastal Access - Objectives and Policies states:

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

City of Oceanside Zoning Section 27 – Off-Street Parking

<u>Use</u>	<u>Parking Spaces Required</u>
<i>Apartments, Duplexes, and Condominiums</i>	
<i>1 Bedroom</i>	<i>1 ½ spaces per unit</i>
<i>2 bedrooms or more</i>	<i>2 spaces per unit</i>

Exceptions

*(1) The above provisions for R-2, R-3, O-P, R-T, and R-C zones shall not be applicable to any lot legally subdivided prior to January 20, 1958, where the combination of such lots has a total area for each lot of 7,5000 square feet or less. Off-street parking requirements for such a lot or combination thereof shall be the same as required by Ordinance No. 69-39 and shall be as follows:*

[...]

<i>3 bedrooms or more</i>	<i>1 ½ space for each unit</i>
---------------------------	--------------------------------

The project includes the reconfiguration of three existing single family residents containing 9 bedrooms and 9 bathrooms each into a duplex (2 units). The approved development also includes the addition of 1,409 sq. ft. to each structure. Once development is complete, the total number of dwelling units will increase from three to six. Currently, each structure includes four covered parking spaces arranged as two pairs of tandem stalls. No increase in off-street parking was required associated with the approved development. The appellant therefore contends that the parking is deficient because required parking should not be allowed to be provided as tandem and that by approving tandem parking spaces, the converted duplexes will not provide adequate parking, and thus will result in public access impacts when the residents/guests of the units usurp the surrounding public parking.

As noted above, the City's certified LCP requires 1 ½ spaces per unit and the existing garage provides 2 spaces per unit. In addition, the LCP does not prohibit the use of tandem parking and tandem parking is utilized in many San Diego County beach communities. The City did, however, find that the parking spaces were too shallow to meet the minimum dimensions of a parking space. The City therefore, required the applicant to modify the garage to provide the adequate depth for all parking spaces. As such, the provided parking is greater than what is required by the City's certified LCP and does not raise a substantial issue on the grounds filed.

#### **D. ADDITIONAL CONTENTIONS**

The appellant's contentions have been summarized into two primary issue concerns and are discussed separately above. The entire appeal as submitted by the applicant can be reviewed directly as Exhibit #4. Included in the remaining contentions are concerns regarding inadequate landscaping and sideyard setbacks. However, the subject development does not propose to modify the landscaping or the side yard setbacks associated with the development proposal. Thus, the existing setbacks and landscaping were reviewed and approved by the City and ultimately not appealed by the Commission associated with the original reconstruction of the homes (ref. 6-OCN-06-047; 6-OCN-06-048; 6-OCN-06-049). As such, the existing/proposed setbacks and landscaping have previously been found consistent with the City's LCP. Finally, the appeal included contentions pertaining to CEQA in that the buildings have been exempted from CEQA and thus cumulative impacts were not adequately addressed. If the appellant took issue with the City's CEQA determination, the appellant should have sought the proper remedies allowed under CEQA against the City to challenge its determination. The three coastal development permits have been reviewed collectively through the Commission's review under the Coastal Act and LCP, and thus the Commission determines that the appellant's claim of impacts to individual coastal resources do not raise a substantial issue, as fully described above, which, in turn, necessitates a finding that since there is no substantial issue relative to the grounds raised alleging individual coastal resource impacts (i.e. no impacts), then there cannot be a substantial issue relative to cumulative impacts to coastal resources.

#### **E. CONCLUSION**

In summary, based upon a review of all of the information provided to the Commission regarding this project, the Commission finds that the proposed development will be of

compatible height and scale to the surrounding community. And, while the proposed structure will appear taller and larger than some of the residences in the same block, it nevertheless meets all of the height, setback, floor area ratio and density requirements of the certified LCP and when looking collectively at the surrounding community, is within average heights and established scale of development. In addition, the proposed project does not result in the blockage of any public views. The project can also be found to provide adequate parking such that no impacts to public access are anticipated. Given that no resource impacts are expected to be caused by this project, the subject development is found to be consistent with the certified LCP. Therefore, the Commission finds that the appeal does not raise a substantial issue regarding the proposed development's conformity with the visual resource and preservation of community character and public access policies of the certified LCP.

#### **E. 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. These factors are listed on pages 5-6 of this staff report. The proposed project is for conversion of 3 homes to duplex structures and additions that provide an additional level. The Commission finds that the proposed three two-unit duplexes are consistent in size and scale with other development in the vicinity. In this particular case, given that no impacts to coastal resources will result from these variances, the Commission agrees with the City's assessment for the proposed development and the project will not create an adverse precedent for interpretation of the City's LCP, and it does not affect significant coastal resources. Finally, the objections to the project suggested by the appellant do not raise any substantial issues of regional or statewide significance.

## **APPENDIX A**

### **SUBSTANTIVE FILE DOCUMENTS:**

- Certified City of Oceanside Local Coastal Program
- Appeal Form submitted by Beachin LLC
- Staff Reports to the City of Oceanside Community Development Commission dated November 7, 2011; March 26, 2012; April 23, 2012
- Staff Report to the City Council dated June 27, 2012
- Previous Coastal Commission reviewed City approved developments; CDP Nos. 6-OCN-99-107 and 6-OCN-09-198

# Project Location

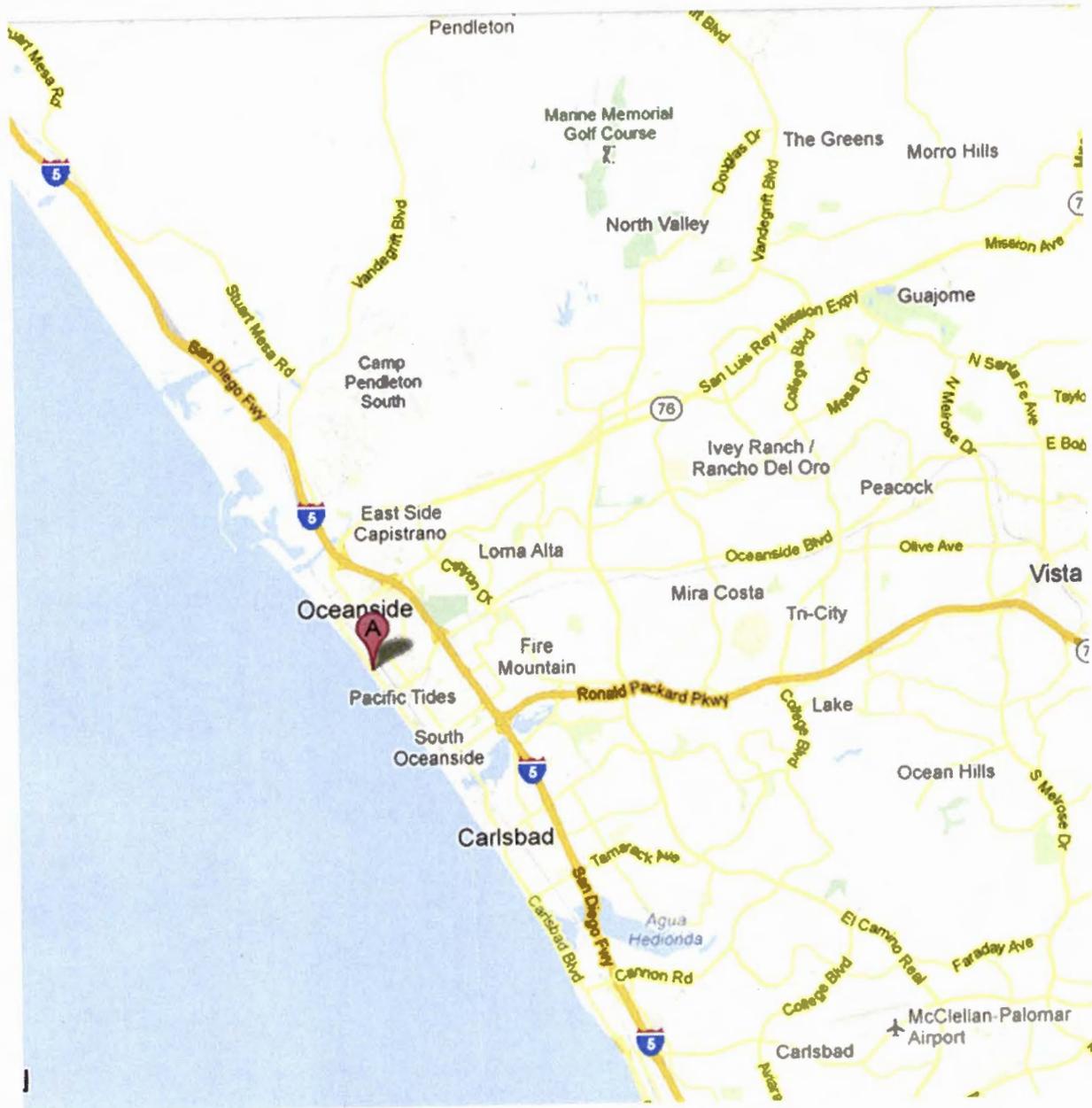
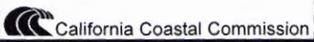


EXHIBIT NO. 1  
APPLICATION NO.  
**A-6-OCN-12-  
054, 055, 056**  
Location Map





ARCHITECT: **STUDIO 4**  
 3749 W. 14TH AVENUE  
 OCEANVIEW, CA 91024  
 TEL: 949-451-1000  
 FAX: 949-451-1001  
 WWW.STUDIO4ARCHITECTS.COM  
 PAUL LONGTON  
 ARCHITECT

**PROJECT:**  
 REMODEL &  
 ADDITION TO  
 815 S. PACIFIC ST.  
 OCEANVIEW, CA 91024

**OWNER:**  
 EMBODIMENT  
 DESIGN GROUP  
 1000 W. 14TH AVENUE  
 OCEANVIEW, CA 91024  
 TEL: 949-451-1000  
 FAX: 949-451-1001  
 WWW.EMBODIMENTDESIGN.COM

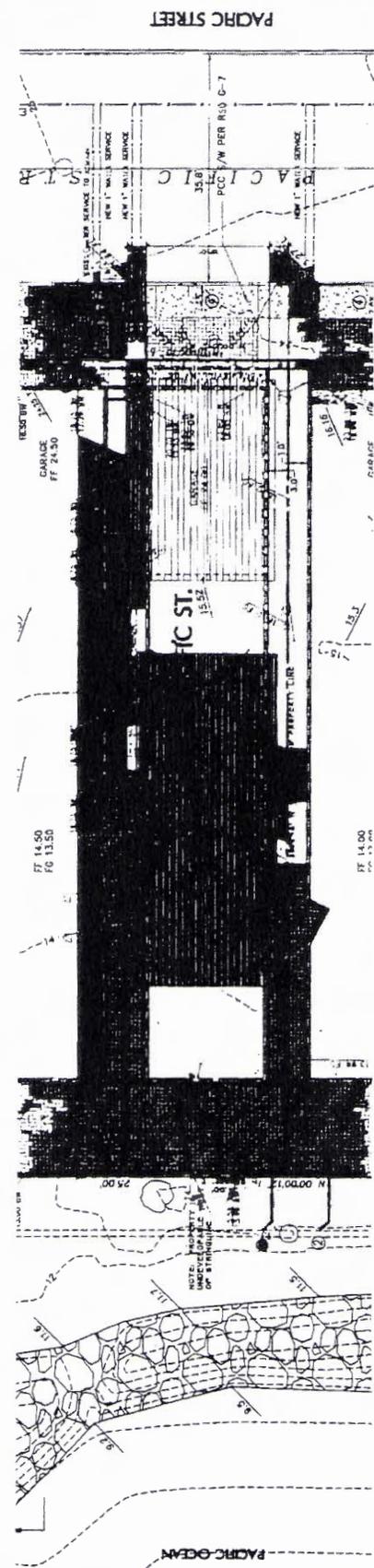
**OWNER'S REP.:**  
 PAUL LONGTON  
 STUDIO 4 ARCHITECTS  
 3749 W. 14TH AVENUE  
 OCEANVIEW, CA 91024  
 TEL: 949-451-1000  
 FAX: 949-451-1001  
 WWW.STUDIO4ARCHITECTS.COM

**RELEASE DATES:**  
 DESIGN: 08/07/22  
 PERMITS: 08/07/22

**DRAWING STATUS:**  
 PRELIMINARY  
 CONTRACT DOCUMENTS  
 PERMITS  
 CONSTRUCTION DOCUMENTS  
 AS-BUILT  
 OTHER

**DATE:** 08/07/22  
**BY:** PL  
**CHECKED BY:** PL  
**SCALE:** AS SHOWN

**SHEET TITLE:**  
 SITE PLAN  
**SHEET NO.:**  
 SP.1



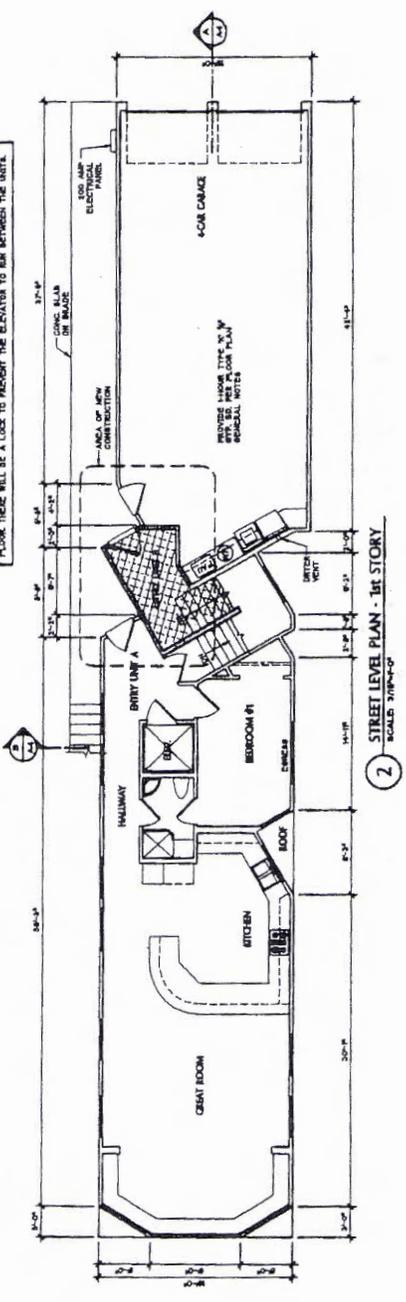
NOTE: DIMENSIONS ARE AS SHOWN  
 UNLESS OTHERWISE NOTED  
 \*\* NOTE FOR FINISHED SURFACE

1 SITE PLAN  
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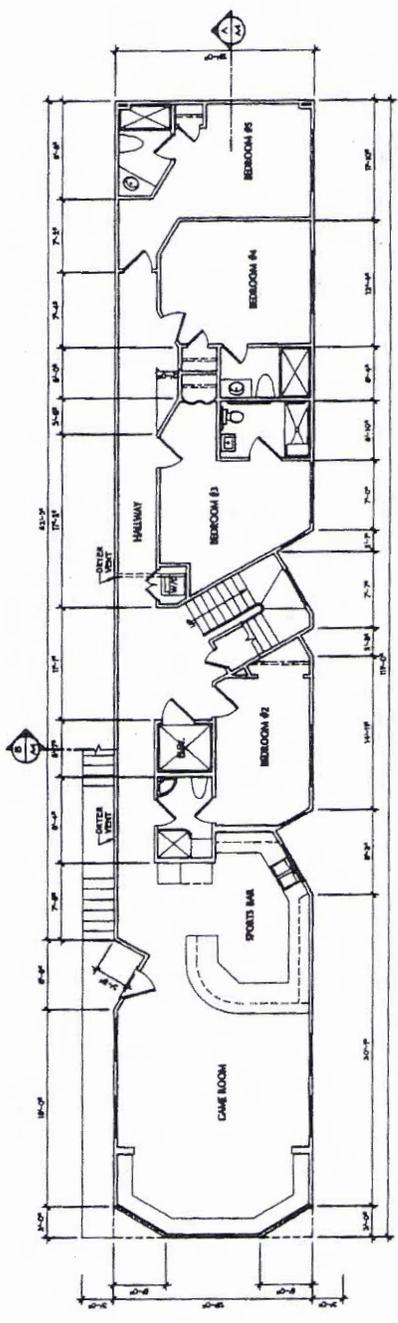
**SITE NOTES**

1. THE CONTRACTOR SHALL VERIFY ALL GRADES, CONDITIONS AND DIMENSIONS PRIOR TO COMMENCING WORK. THE OWNER SHALL BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCIES.
2. SURFACE WATER SHALL DRAIN AWAY FROM BUILDING STRUCTURES & NO LESS THAN 2% SLOPE.
3. EXISTING SEWER LATERAL PER CITY OF OCEANVIEW ENGINEERING DEPARTMENT.
4. EXISTING WATER LATERAL PER CITY OF OCEANVIEW WATER & SEWER DEPARTMENT.
5. ALL UTILITY LINES, ZEROSUMS AND BUILDINGS, BOTH EXISTING AND PROPOSED, ARE SHOWN ON THIS SITE PLAN.

ENTRANCES AND STAIRWELLS TO UNITS A AND B ARE SEPARATE THE BLUES TO UNIT A. THE FLOOR, THE ELEVATOR SHAFT, A WALL BAR BETWEEN THE BEACH LEVEL AND 1ST FLOOR. THIS WALL WILL BE A LOCK TO PREVENT THE RESIDENTS TO RUN BETWEEN THE UNITS.



**2 STREET LEVEL PLAN - 1st STORY**  
 SCALE: 3/16"=1'-0"



**1 BEACH LEVEL PLAN - BASEMENT**  
 SCALE: 3/16"=1'-0"

DIMENSIONS IN THIS PLAN:  
 P.F. - FINISH FLOOR ELEVATION  
 S.F. - FINISH FLOOR ELEVATION  
 S.O. - STAIRS OVERLAP



ARCHITECT:  
**STUDIO 4**  
 1200 7TH STREET, SUITE 200  
 OAKLAND, CA 94612  
 (415) 771-8888  
 P: 415.771.8888  
 F: 415.771.8888  
 WWW.STUDIO4ARCHITECTS.COM  
 PAUL LONGTON  
 PRINCIPAL

PROJECT:  
 BRIDGE &  
 ADDITION TO  
 85 S. PACIFIC ST.  
 OAKLAND, CA 94604

OWNER:  
 REVX  
 PACIFIC SOUTH LLC  
 MANAGING MEMBER  
 JAMES DODSON  
 415 6 STREET  
 BERKELEY, CA 94704

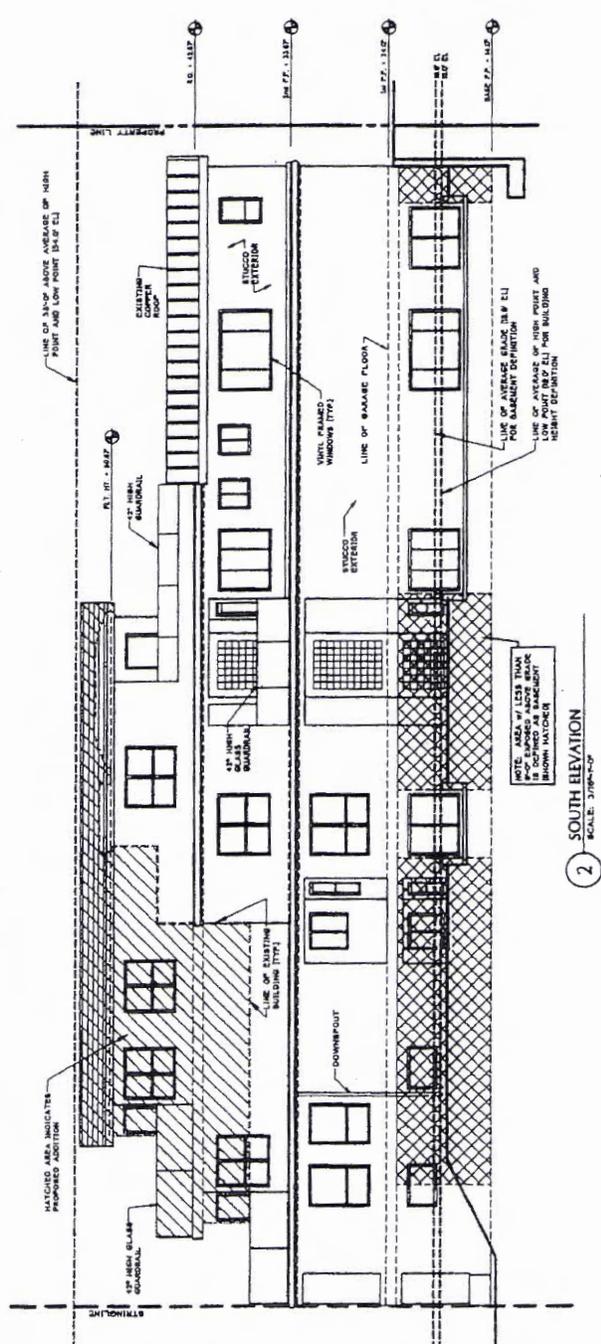
OWNER REF:  
 PAUL LONGTON  
 STUDIO 4 ARCHITECTS  
 1200 7TH STREET, SUITE 200  
 OAKLAND, CA 94612  
 (415) 771-8888

BLIND DATE:  
 08/20/17  
 09/01/17

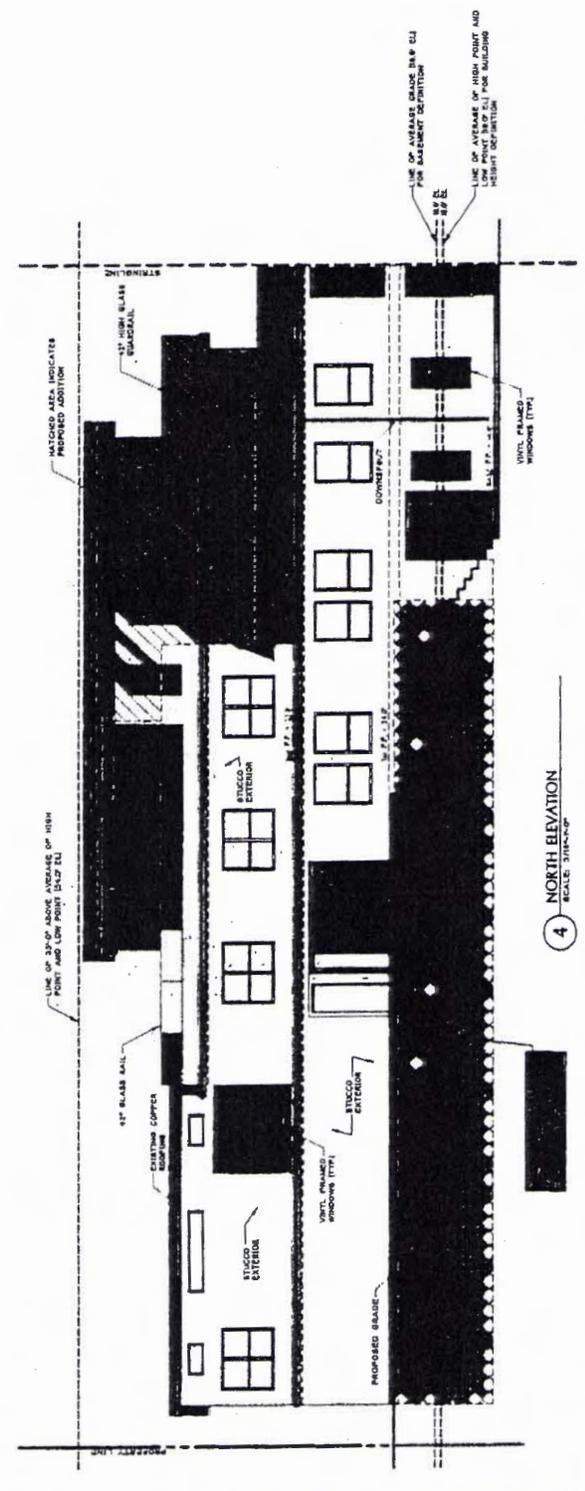
REVISIONS:  
 1. 08/20/17  
 2. 09/01/17

LEGEND:  
 1. EXISTING  
 2. PROPOSED  
 3. DEMOLITION  
 4. CONSTRUCTION  
 5. FINISH  
 6. MATERIAL  
 7. COLOR  
 8. FINISH  
 9. MATERIAL  
 10. COLOR

DATE: 08/20/17  
 DRAWN BY: MLR  
 CHECKED BY: PL  
 SHEET TITLE:  
 EXTERIOR  
 ELEVATIONS  
 SHEET NO.:  
 A-3.0



2 SOUTH ELEVATION  
 SCALE: 3/16"=1'-0"



4 NORTH ELEVATION  
 SCALE: 3/16"=1'-0"

**ARCHITECT:**  
**STUDIO 4**  
 3424 WASH. DRIVE  
 OAKLAND, CA 94612  
 (415) 762-1000  
 (415) 762-1001 FAX  
 (415) 733-8822 PM  
 P. LORANT@STUDIO4.COM  
 P. LORANT@STUDIO4.COM  
 P. LORANT@STUDIO4.COM

**PROJECT:**  
 REMOVAL &  
 ADDITION TO  
 181 S. SANDY CREEK  
 OAKLAND, CA 94612

**OWNER:**  
 EVERGREEN  
 HERBON, LP  
 181 S. SANDY CREEK  
 OAKLAND, CA 94612

**OWNER'S REF.:**  
**PAUL LONGTON**  
 STUDIO 4 ARCHITECTS  
 2899 JACK OAK  
 OAKLAND, CA 94618  
 (415) 733-8900

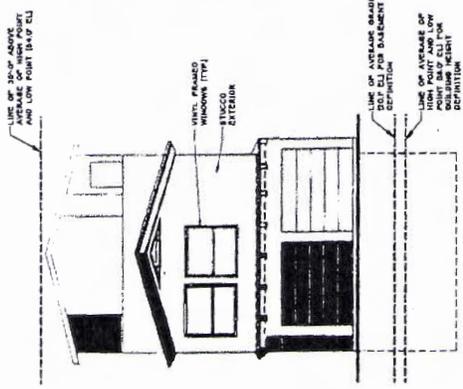
**RELEASE DATE:**  
 07/20/12  
**REVISION:**  
 07/20/12

**DRAWING STATUS:**  
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 02 CONCEPT  
 03 SCHEMATIC  
 04 PERMIT  
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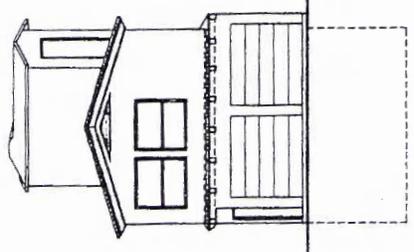
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**EXT. ELEV. &  
 BLDG. SECT.**

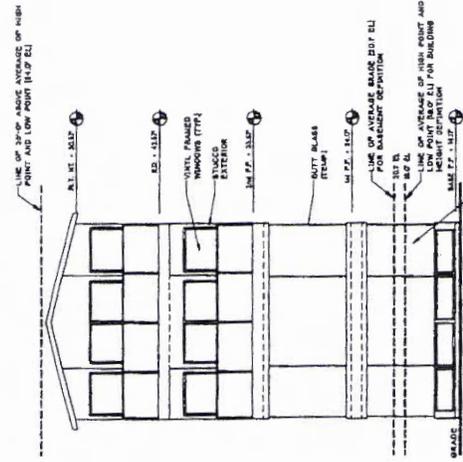
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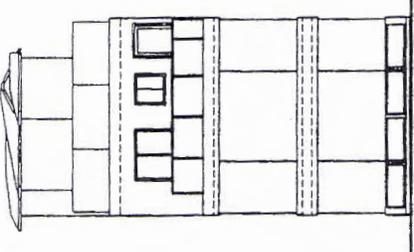
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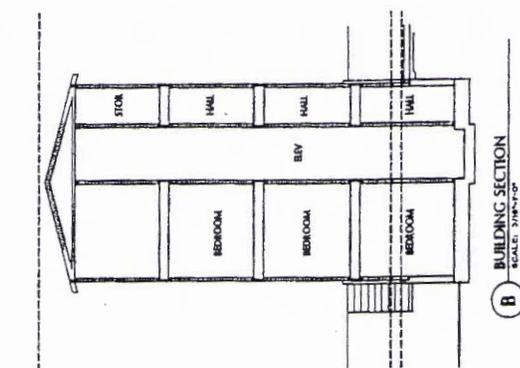
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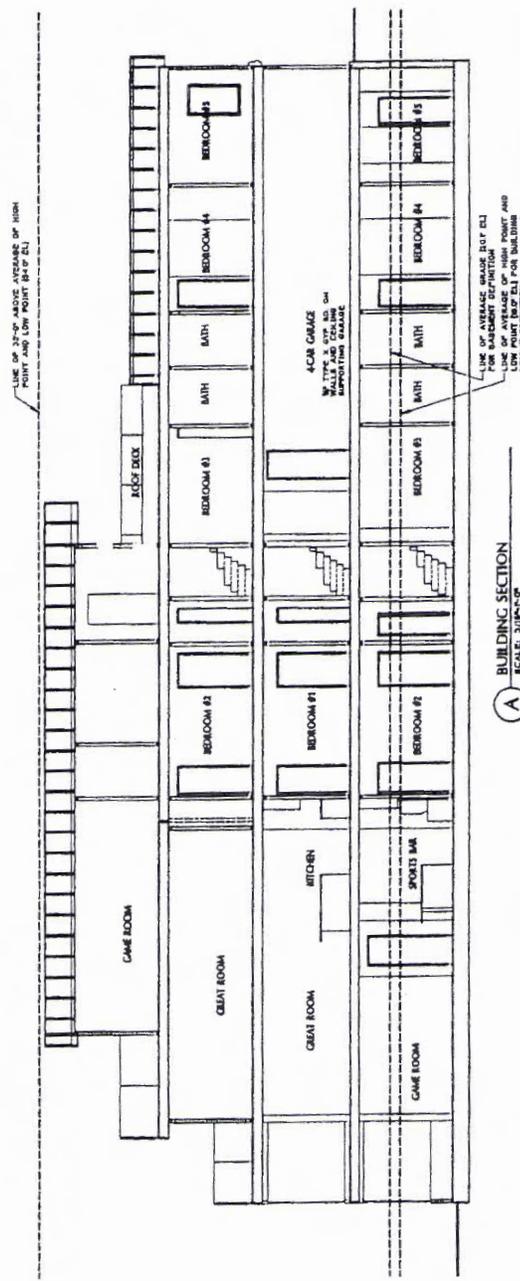
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 SCALE: 3/16" = 1'-0"



**X2** EXISTING WEST ELEVATION  
 SCALE: 3/16" = 1'-0"



**B** BUILDING SECTION  
 SCALE: 3/16" = 1'-0"



**A** BUILDING SECTION  
 SCALE: 3/16" = 1'-0"



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**RESOLUTION NO. 12-R0444-1**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE APPROVING PLANNING COMMISSION RESOLUTION NO. 2012-P17 AND APPROVING DEVELOPMENT PLAN (D12-00003) AND REGULAR COASTAL PERMIT (RC12-00003) TO ALLOW THE CONVERSION OF AN EXISTING SINGLE-FAMILY RESIDENCE TO A DUPLEX WITH THE ADDITION OF 1,409 SQUARE FEET OF HABITABLE SPACE AND A NEW THIRD STORY AT 811 SOUTH PACIFIC STREET - SOUTH PACIFIC DUPLEX CONVERSIONS**

**(RE VX Pacific North, LLC – Applicant)**

**(Beachin, LLC – Appellant)**

WHEREAS, an application was filed for a Regular Coastal Permit (RC11-00011) for the conversion of an existing single-family residence to a duplex, with the addition of 1,409 square feet of habitable space and a new third story; and

WHEREAS, on November 7, 2011, the Planning Commission of the City of Oceanside, after holding a duly-advertised public hearing, adopted Resolution No. 2011-P39, approving said Regular Coastal Permit (RC11-00009); and

WHEREAS, following the timely appeal of the Regular Coastal Permit, the Planning Division determined that said proposal requires approval of a Development Plan, in addition to the Regular Coastal Permit; and

WHEREAS, on December 20, 2011, the applicant did withdraw said proposal; and

WHEREAS, on January 20, 2012, said proposal was resubmitted to the Planning Division for review and approval of both a Regular Coastal Permit and a Development Plan; and

WHEREAS, on March 26, 2012, the Planning Commission of the City of Oceanside, after holding a duly-advertised public hearing, adopted Resolution No. 2012-P17, approving Development Plan (D12-00003) and Regular Coastal Permit (RC12-00003); and

WHEREAS, the Planning Division subsequently determined that required mailed notification of property owners and occupants within the legally-prescribed notification radii had not been conducted for the public hearing held on March 26, 2012, thus necessitating an advertised public hearing on said proposal; and

<b>EXHIBIT NO. 3</b>
<b>APPLICATION NO.</b>
<b>A-6-OCN-12-</b>
<b>054, 055, 056</b>
<b>City's Resolutions</b>
<b>Page 1 of 30</b>
 <b>California Coastal Commission</b>

1 WHEREAS, on April 23, 2012, the Planning Commission of the City of Oceanside, after  
2 holding a duly-advertised public hearing, adopted Resolution No. 2012-P17, approving  
3 Development Plan (D12-00003) and Regular Coastal Permit (RC12-00003);

4 WHEREAS, a timely appeal of the Planning Commission's decision was filed by Erik  
5 Shraner, Esq., on behalf of Beachin, LLC, requesting City Council review of the Planning  
6 Commission decision;

7 WHEREAS, on June 27, 2012, the City Council of the City of Oceanside held a duly-  
8 noticed public hearing and heard and considered evidence and testimony by all interested parties  
9 concerning the review of the Planning Commission approval of said Development Plan and  
10 Regular Coastal Permit; and

11 WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of  
12 Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and the  
13 State Guidelines thereto as amended to date, and approved by the Planning Commission in  
14 conjunction with its actions on the applications.

15 WHEREAS, studies and investigations made by the City Council and in its behalf reveal  
16 the following facts and findings:

17  
18 FINDINGS:

19  
20 For Development Plan (D12-00003) to allow conversion of an existing single-family residence to  
21 a duplex with the addition of 1,409 square feet of habitable space comprising a new third story:

22 The Regular Coastal Permit:

- 23 1. The approval of the proposed duplex conversion and associated addition of habitable  
24 space will be subject to conditions that, in view of the size and shape of the parcel and  
25 the present zoning and use of the subject property, provide the same degree of protection  
26 to adjoining properties, including protection from unreasonable interference with the use  
27 and enjoyment of said properties, depreciation of property values, and any potentially  
28 adverse impacts on the public peace, health, safety, and welfare. The proposed project  
would be consistent with applicable land use and development standards, including on-

1 site parking requirements, and approval would be conditioned upon the prohibition of  
2 parking in the driveways.

3 For Regular Coastal Permit (RC12-00003) to allow conversion of an existing single-family  
4 residence to a duplex with the addition of 1,409 square feet of habitable space comprising a new  
5 third story:

6 1. The proposed duplex conversion conforms to the policies of the Local Coastal Program  
7 (LCP), including those pertinent to coastal access (Article 2), recreation (Article 3), land  
8 resources (Article 5) and development (Article 6), in that it:

- 9 • Does not interfere with the public's right to access to the coastline and ocean,  
10 given that dedicated public access ways exist within 250 feet of the subject site;
- 11 • Provides for recreational use of private oceanfront land;
- 12 • Does not impact environmentally sensitive habitat area or prime agricultural land;
- 13 • Occurs in an already-developed area with adequate public services;
- 14 • Protects views to and along the ocean;
- 15 • Is visually compatible with the character of surrounding areas.

16 2. The project site, at 811 South Pacific Street, is situated within the Appeal Area of the  
17 Coastal Zone and conforms to the public access and recreation policies of Chapter 3 of  
18 the Coastal Act. The entire 800 Block of South Pacific Street measures 450 feet in  
19 length, with public beach access located at both ends (where South Pacific Street  
20 intersects with Wisconsin Avenue and Hayes Street). Thus, all properties in the 800  
21 Block of South Pacific Street are situated within 250 feet of existing public beach  
22 access.

23  
24 CONDITIONS:

25  
26 Building:

27 1. Construction shall comply with the 2010 edition of the California Codes.  
28

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

4 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
5 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work  
6 that is not inherently noise-producing. Examples of work not permitted on Saturday  
7 are concrete and grout pours, roof nailing and activities of similar noise-producing  
8 nature. No work shall be permitted on Sundays and Federal Holidays (New Year's  
9 Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day)  
10 except as allowed for emergency work under the provisions of the Oceanside City  
11 Code Chapter 38 (Noise Ordinance).

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

17 3. Separate/unique addresses will be required to facilitate utility releases. Verification that the  
18 addresses have been properly assigned by the City's Planning Division must accompany  
19 the Building Permit application.

20 **Fire:**

21 4. Fire Department requirements shall be placed on plans in the notes section.

22 **Water Utilities:**

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

26 6. The property owner shall maintain private water and wastewater utilities located on private  
27 property.

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

- 1 8. All Water and Wastewater construction shall conform to the most recent edition of the  
2 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by  
3 the Water Utilities Director.
- 4 9. Residential units shall be metered individually. Private utility systems for residential  
5 developments are not allowed.
- 6 10. All public water and/or sewer facilities not located within the public right-of-way shall be  
7 provided with easements sized according to the Water, Sewer, and Reclaimed Water  
8 Design and Construction Manual. Easements shall be constructed for all weather access.
- 9 11. No trees, structures or building overhang shall be located within any water or wastewater  
10 utility easement.
- 11 12. All lots with a finish pad elevation located below the elevation of the next upstream  
12 manhole cover of the public sewer shall be protected from backflow of sewage by  
13 installing and maintaining an approved type backwater valve, per the Uniform Plumbing  
14 Code (U.P.C.).
- 15 13. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to  
16 be paid to the City and collected by the Water Utilities Department at the time of Building  
17 Permit issuance.
- 18 14. All Water Utilities Fees are due at the time of building permit issuance per City Code  
19 Section 32B.7, unless the developer/applicant applies and is approved for a deferral of all  
20 fees per City of Oceanside Ordinance No. 09-OR0676-1.

21 **Planning:**

- 22 15. Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003) shall expire two  
23 years from the effective date unless implemented as required by the Zoning Ordinance.  
24 Absent the timely appeal of this approval, it will expire on November 7, 2013 unless  
25 implemented as required by the Zoning Ordinance.
- 26 16. Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003) is granted for the  
27 following purposes only:
  - 28 a) Conversion of an existing single-family residence to a duplex, involving the  
relocation of primary entrances and the modification of interior stairs;

1 b) Addition of 1,409 square feet of new habitable space, 825 square feet of which  
2 will constitute a new third story above basement.

3 No deviation from these approved plans and exhibits shall occur without Planning  
4 Commission approval. Substantial deviations shall require a revision to the Development  
5 Plan and/or Regular Coastal Permit or entirely new entitlements.

6 17. Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003) shall be called  
7 for review by the Planning Commission if complaints are filed and verified as valid by  
8 the City Planner or the Code Enforcement Officer concerning the violation of any of the  
9 approved conditions or the project assumptions demonstrated under the application  
10 approval.

11 18. The validity of Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003)  
12 shall not be affected by changes in ownership or tenants.

13 19. A request for changes in conditions of approval or a change to the approved plans that  
14 would affect conditions of approval shall be treated as a new application. The City  
15 Planner may waive the requirements for a new application if the changes requested are  
16 minor, do not involve substantial alterations or addition to the plan or the conditions of  
17 approval, and consistent with the intent of the project's approval or otherwise found to  
18 be in substantial conformance.

19 20. Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003) may be revised  
20 or renewed in accordance with the provisions of the Zoning Ordinance. Any application  
21 for Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003) revision or  
22 renewal shall also be evaluated against existing land use and development policies as  
23 well as any intervening changes to the site area and/or neighborhood.

24 21. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
25 harmless the City of Oceanside, its agents, officers or employees from any claim, action  
26 or proceeding against the City, its agents, officers, or employees to attack, set aside, void  
27 or annul an approval of the City concerning Development Plan (D12-00003)/Regular  
28 Coastal Permit (RC12-00003). The City will promptly notify the applicant of any such  
claim, action or proceeding against the City and will cooperate fully in the defense. If

1 the City fails to promptly notify the applicant of any such claim action or proceeding or  
2 fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible  
3 to defend, indemnify or hold harmless the City.

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

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

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

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

18 24. Prior to the transfer of ownership and or operation of the site, the owner shall provide a  
19 written copy of the applications, staff report and resolutions for the project to the new  
20 owner and or operator. This notification provision shall run with the life of the project  
21 and shall be recorded as a covenant on the property.

22 25. Failure to meet any conditions of approval for this project shall constitute a violation of  
23 Development Plan (D12-00003)/Regular Coastal Permit (RC12-00003).

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

- 1 27. Elevations, siding materials, colors, roofing materials and floor plans shall be  
2 substantially the same as those approved by the Planning Commission. These shall be  
3 shown on plans submitted to the Building Division for building permits.
- 4 28. All mechanical rooftop and ground equipment shall be screened from public view as  
5 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,  
6 mechanical equipment, screening and vents shall be painted with non-reflective paint to  
7 match the roof. All roof top surfaces shall have a non-reflective surface and mechanical  
8 appurtenances shall be painted to match the roof color. This information shall be shown  
9 on the building plans.
- 10 29. HVAC casings shall be fully enclosed and shall not project into a required yard or  
11 project above the district's height requirement.
- 12 30. Any metallic material (i.e., copper) shall be treated at the time that it is installed, or  
13 earlier, so that its surface does not reflect light. Non-metallic roofing material is  
14 preferred and non-reflective roofing material is required. The copper roofing shall be  
15 treated to have a non-reflective surface (patina) at the time it is installed.
- 16 31. Buildings, structures, fences or walls located on lots contiguous to the shoreline, shall be  
17 compatible in scale with the existing development and shall not extend further seaward  
18 than the line established on the Stringline Setback Map.
- 19 32. Fence height limitations and opacity requirements are subject to Section 1721 of the  
20 Zoning Ordinance. Fencing materials shall be 75 percent transparent.
- 21 33. All wood fences adjacent to public right-of-way, visible from the public right-of-way, or  
22 facing the shore will be stained or otherwise finished with a waterproof material.
- 23 34. The developer's construction of all fencing and walls associated with the project shall be  
24 in conformance with the approved Regular Coastal Permit. Any substantial change in  
25 any aspect of fencing or wall design from the approved Regular Coastal Permit shall  
26 require a revision to the Regular Coastal Permit or a new Regular Coastal Permit.
- 27 35. If any aspect of the project fencing and walls is not covered by an approved Regular  
28 Coastal Permit, the construction of fencing and walls shall conform to the development  
standards of the City Zoning Ordinance. In no case shall the construction of fences and

1 walls (or combinations thereof) exceed the limitations of the Zoning Ordinance, unless  
2 expressly granted by a Variance or other development approval.

3 36. The project shall dispose of or recycle solid waste in a manner provided in City  
4 Ordinance 13.3.

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

7 38. The applicant shall revise the proposed additions at the second and third stories to  
8 incorporate angled walls/windows that conform to the angled walls/windows at the  
9 beach and street levels of the existing building.

10 39. The applicant shall post signage no more than 1.5 square feet in area indicating that  
11 parking is not permitted in the driveway in front of the garages and providing contact  
12 information for property management. The applicant shall work with Planning Division  
13 staff to determine the most appropriate size, design and material for said signage.

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

15 1. The Council approves the Planning Commission action of April 23, 2012, and  
16 Resolution No. 2012-P17, and approves Regular Coastal Permit (RC12-00003), subject to the  
17 Conditions in this Resolution.

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

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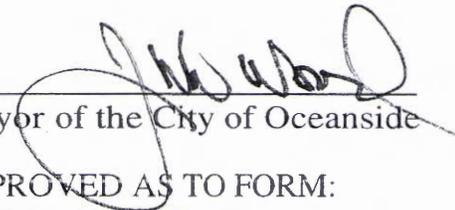
1 PASSED and ADOPTED by the City Council of the City of Oceanside, California this  
2 27<sup>th</sup> day of June, 2012, by the following vote:

3  
4 AYES: FELIEN, FELLER, KERN

5 NAYS: WOOD, SANCHEZ

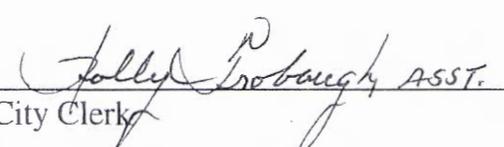
6 ABSENT: NONE

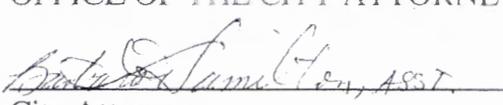
7 ABSTAIN: NONE

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Mayor of the City of Oceanside

10 ATTEST:

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

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13 City Clerk

  
14 City Attorney

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**RESOLUTION NO. 12-R0442-1**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
OCEANSIDE APPROVING PLANNING COMMISSION  
RESOLUTION NO. 2012-P15 AND APPROVING DEVELOPMENT  
PLAN (D12-00001) AND REGULAR COASTAL PERMIT  
(RC12-00001) TO ALLOW THE CONVERSION OF AN EXISTING  
SINGLE-FAMILY RESIDENCE TO A DUPLEX WITH THE  
ADDITION OF 1,409 SQUARE FEET OF HABITABLE SPACE  
AND A NEW THIRD STORY AT 815 SOUTH PACIFIC STREET -  
SOUTH PACIFIC DUPLEX CONVERSIONS**

**(RE VX Pacific South, LLC – Applicant)**

**(Beachin, LLC – Appellant)**

WHEREAS, an application was filed for a Regular Coastal Permit (RC11-00011) for the conversion of an existing single-family residence to a duplex, with the addition of 1,409 square feet of habitable space and a new third story; and

WHEREAS, on November 7, 2011, the Planning Commission of the City of Oceanside, after holding a duly-advertised public hearing, adopted Resolution No. 2011-P41, approving said Regular Coastal Permit (RC11-00011); and

WHEREAS, following the timely appeal of the Regular Coastal Permit, the Planning Division determined that said proposal requires approval of a Development Plan, in addition to the Regular Coastal Permit; and

WHEREAS, on December 20, 2011, the applicant did withdraw said proposal; and

WHEREAS, on January 20, 2012, said proposal was resubmitted to the Planning Division for review and approval of both a Regular Coastal Permit and a Development Plan; and

WHEREAS, on March 26, 2012, the Planning Commission of the City of Oceanside, after holding a duly-advertised public hearing, adopted Resolution No. 2012-P15, approving Development Plan (D12-00001) and Regular Coastal Permit (RC12-00001); and

WHEREAS, the Planning Division subsequently determined that required mailed notification of property owners and occupants within the legally-prescribed notification radii had not been conducted for the public hearing held on March 26, 2012, thus necessitating another duly advertised public hearing on said proposal; and

1           WHEREAS, on April 23, 2012, the Planning Commission of the City of Oceanside, after  
2 holding a duly-advertised public hearing, adopted Resolution No. 2012-P15, approving  
3 Development Plan (D12-00001) and Regular Coastal Permit (RC12-00001);

4           WHEREAS, a timely appeal of the Planning Commission's decision was filed by Erik  
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6 Commission decision;

7           WHEREAS, on June 27, 2012, the City Council of the City of Oceanside held a duly-  
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13 State Guidelines thereto as amended to date, and approved by the Planning Commission in  
14 conjunction with its actions on the applications.

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18 FINDINGS:

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20 For Development Plan (D12-00001) to allow conversion of an existing single-family residence to  
21 a duplex with the addition of 1,409 square feet of habitable space comprising a new third story:

22 The Regular Coastal Permit:

- 23 1. The approval of the proposed duplex conversion and associated addition of habitable  
24 space will be subject to conditions that, in view of the size and shape of the parcel and  
25 the present zoning and use of the subject property, provide the same degree of protection  
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6 1. The proposed duplex conversion conforms to the policies of the Local Coastal Program  
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- 9 • Does not interfere with the public's right to access to the coastline and ocean,  
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- 12 • Does not impact environmentally sensitive habitat area or prime agricultural land;
- 13 • Occurs in an already-developed area with adequate public services;
- 14 • Protects views to and along the ocean;
- 15 • Is visually compatible with the character of surrounding areas.

16 2. The project site, at 815 South Pacific Street, is situated within the Appeal Area of the  
17 Coastal Zone and conforms to the public access and recreation policies of Chapter 3 of  
18 the Coastal Act. The entire 800 Block of South Pacific Street measures 450 feet in  
19 length, with public beach access located at both ends (where South Pacific Street  
20 intersects with Wisconsin Avenue and Hayes Street). Thus, all properties in the 800  
21 Block of South Pacific Street are situated within 250 feet of existing public beach  
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- 24 15. Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001) shall expire two  
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19 approval, and consistent with the intent of the project's approval or otherwise found to  
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23 for Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001) revision or  
24 renewal shall also be evaluated against existing land use and development policies as  
25 well as any intervening changes to the site area and/or neighborhood.

26 21. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
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28 or proceeding against the City, its agents, officers, or employees to attack, set aside, void  
or annul an approval of the City concerning Development Plan (D12-00001)/Regular

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3 the City fails to promptly notify the applicant of any such claim action or proceeding or  
4 fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible  
5 to defend, indemnify or hold harmless the City.

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

10 23. Prior to issuance of a building permit, the applicant and landowner shall execute and  
11 record a covenant, in a form and content acceptable to the City Attorney, which shall  
12 provide:

13 a) That the applicant understands that the site may be subject to extraordinary  
14 hazard from waves during storms and from erosion and the applicants assumes  
15 the liability from those hazards.

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

20 24. Prior to the transfer of ownership and or operation of the site, the owner shall provide a  
21 written copy of the applications, staff report and resolutions for the project to the new  
22 owner and or operator. This notification provision shall run with the life of the project  
23 and shall be recorded as a covenant on the property.

24 25. Failure to meet any conditions of approval for this project shall constitute a violation of  
25 Development Plan (D12-00001)/Regular Coastal Permit (RC12-00001).

26 26. Unless expressly waived, all current zoning standards and City ordinances and policies  
27 in effect at the time building permits are issued are required to be met by this project.  
28 The approval of this project constitutes the applicant's agreement with all statements in

1 the Description and Justification and other materials and information submitted with this  
2 application, unless specifically waived by an adopted condition of approval.

3 27. Elevations, siding materials, colors, roofing materials and floor plans shall be  
4 substantially the same as those approved by the Planning Commission. These shall be  
5 shown on plans submitted to the Building Division for building permits.

6 28. All mechanical rooftop and ground equipment shall be screened from public view as  
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8 mechanical equipment, screening and vents shall be painted with non-reflective paint to  
9 match the roof. All roof top surfaces shall have a non-reflective surface and mechanical  
10 appurtenances shall be painted to match the roof color. This information shall be shown  
11 on the building plans.

12 29. HVAC casings shall be fully enclosed and shall not project into a required yard or  
13 project above the district's height requirement.

14 30. Any metallic material (i.e., copper) shall be treated at the time that it is installed, or  
15 earlier, so that its surface does not reflect light. Non-metallic roofing material is  
16 preferred and non-reflective roofing material is required. The copper roofing shall be  
17 treated to have a non-reflective surface (patina) at the time it is installed.

18 31. Buildings, structures, fences or walls located on lots contiguous to the shoreline, shall be  
19 compatible in scale with the existing development and shall not extend further seaward  
20 than the line established on the Stringline Setback Map.

21 32. Fence height limitations and opacity requirements are subject to Section 1721 of the  
22 Zoning Ordinance. Fencing materials shall be 75 percent transparent.

23 33. All wood fences adjacent to public right-of-way, visible from the public right-of-way, or  
24 facing the shore will be stained or otherwise finished with a waterproof material.

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

1 35. If any aspect of the project fencing and walls is not covered by an approved Regular  
2 Coastal Permit, the construction of fencing and walls shall conform to the development  
3 standards of the City Zoning Ordinance. In no case shall the construction of fences and  
4 walls (or combinations thereof) exceed the limitations of the Zoning Ordinance, unless  
5 expressly granted by a Variance or other development approval.

6 36. The project shall dispose of or recycle solid waste in a manner provided in City  
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8 37. A letter of clearance from the affected school district in which the property is located  
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10 38. The applicant shall revise the proposed additions at the second and third stories to  
11 incorporate angled walls/windows that conform to the angled walls/windows at the  
12 beach and street levels of the existing building.

13 39. The applicant shall post signage no more than 1.5 square feet in area indicating that  
14 parking is not permitted in the driveway in front of the garages and providing contact  
15 information for property management. The applicant shall work with Planning Division  
16 staff to determine the most appropriate size, design and material for said signage.

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

18 1. The Council approves the Planning Commission action of April 23, 2012, and  
19 Resolution No. 2012-P15, and approves Regular Coastal Permit (RC12-00001), subject to the  
20 Conditions in this Resolution.

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

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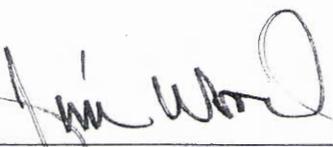
1 PASSED and ADOPTED by the City Council of the City of Oceanside, California this  
2 27<sup>th</sup> day of June, 2012, by the following vote:

3  
4 AYES: FELIEN, FELLER, KERN

5 NAYS: WOOD, SANCHEZ

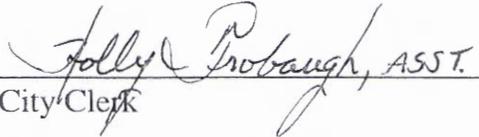
6 ABSENT: NONE

7 ABSTAIN: NONE

8  
9   
Mayor of the City of Oceanside

10 ATTEST:

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

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City Clerk

  
City Attorney

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**RESOLUTION NO. 12-R0443-1**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE APPROVING PLANNING COMMISSION RESOLUTION NO. 2012-P16 AND APPROVING DEVELOPMENT PLAN (D12-00002) AND REGULAR COASTAL PERMIT (RC12-00002) TO ALLOW THE CONVERSION OF AN EXISTING SINGLE-FAMILY RESIDENCE TO A DUPLEX WITH THE ADDITION OF 1,409 SQUARE FEET OF HABITABLE SPACE AND A NEW THIRD STORY AT 813 SOUTH PACIFIC STREET - SOUTH PACIFIC DUPLEX CONVERSIONS**

**(Evergreen Hebron, L.P. – Applicant)**

**(Beachin, LLC – Appellant)**

WHEREAS, an application was filed for a Regular Coastal Permit (RC11-00010) for the conversion of an existing single-family residence to a duplex, with the addition of 1,409 square feet of habitable space and a new third story; and

WHEREAS, on November 7, 2011, the Planning Commission of the City of Oceanside, after holding a duly-advertised public hearing, adopted Resolution No. 2011-P40, approving said Regular Coastal Permit (RC11-00010); and

WHEREAS, following the timely appeal of the Regular Coastal Permit, the Planning Division determined that said proposal requires approval of a Development Plan, in addition to the Regular Coastal Permit; and

WHEREAS, on December 20, 2011, the applicant did withdraw said proposal; and

WHEREAS, on January 20, 2012, said proposal was resubmitted to the Planning Division for review and approval of both a Regular Coastal Permit and a Development Plan; and

WHEREAS, on March 26, 2012, the Planning Commission of the City of Oceanside, after holding a duly-advertised public hearing, adopted Resolution No. 2012-P16, approving Development Plan (D12-00002) and Regular Coastal Permit (RC12-00002); and

WHEREAS, the Planning Division subsequently determined that required mailed notification of property owners and occupants within the legally-prescribed notification radii had not been conducted for the public hearing held on March 26, 2012, thus necessitating another duly-advertised public hearing on said proposal; and

1           WHEREAS, on April 23, 2012, the Planning Commission of the City of Oceanside, after  
2 holding a duly-advertised public hearing, adopted Resolution No. 2012-P16, approving  
3 Development Plan (D12-00002) and Regular Coastal Permit (RC12-00002);

4           WHEREAS, a timely appeal of the Planning Commission's decision was filed by Erik  
5 Shraner, Esq., on behalf of Beachin, LLC, requesting City Council review of the Planning  
6 Commission decision;

7           WHEREAS, on June 27, 2012, the City Council of the City of Oceanside held a duly-  
8 noticed public hearing and heard and considered evidence and testimony by all interested parties  
9 concerning the review of the Planning Commission approval of said Development Plan and  
10 Regular Coastal Permit; and

11           WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of  
12 Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and the  
13 State Guidelines thereto as amended to date, and approved by the Planning Commission in  
14 conjunction with its actions on the applications.

15           WHEREAS, studies and investigations made by the City Council and in its behalf reveal  
16 the following facts and findings:

17  
18 FINDINGS:

19  
20 For Development Plan (D12-00002) to allow conversion of an existing single-family residence to  
21 a duplex with the addition of 1,409 square feet of habitable space comprising a new third story:

22 The Regular Coastal Permit:

- 23 1.       The approval of the proposed duplex conversion and associated addition of habitable  
24 space will be subject to conditions that, in view of the size and shape of the parcel and  
25 the present zoning and use of the subject property, provide the same degree of protection  
26 to adjoining properties, including protection from unreasonable interference with the use  
27 and enjoyment of said properties, depreciation of property values, and any potentially  
28 adverse impacts on the public peace, health, safety, and welfare. The proposed project  
would be consistent with applicable land use and development standards, including on-

1 site parking requirements, and approval would be conditioned upon the prohibition of  
2 parking in the driveways.

3 For Regular Coastal Permit (RC12-00002) to allow conversion of an existing single-family  
4 residence to a duplex with the addition of 1,409 square feet of habitable space comprising a new  
5 third story:

6 1. The proposed duplex conversion conforms to the policies of the Local Coastal Program  
7 (LCP), including those pertinent to coastal access (Article 2), recreation (Article 3), land  
8 resources (Article 5) and development (Article 6), in that it:

- 9 • Does not interfere with the public's right to access to the coastline and ocean,  
10 given that dedicated public access ways exist within 250 feet of the subject site;
- 11 • Provides for recreational use of private oceanfront land;
- 12 • Does not impact environmentally sensitive habitat area or prime agricultural land;
- 13 • Occurs in an already-developed area with adequate public services;
- 14 • Protects views to and along the ocean;
- 15 • Is visually compatible with the character of surrounding areas.

16 2. The project site, at 813 South Pacific Street, is situated within the Appeal Area of the  
17 Coastal Zone and conforms to the public access and recreation policies of Chapter 3 of  
18 the Coastal Act. The entire 800 Block of South Pacific Street measures 450 feet in  
19 length, with public beach access located at both ends (where South Pacific Street  
20 intersects with Wisconsin Avenue and Hayes Street). Thus, all properties in the 800  
21 Block of South Pacific Street are situated within 250 feet of existing public beach  
22 access.

23  
24 CONDITIONS:

25  
26 Building:

27 1. Construction shall comply with the 2010 edition of the California Codes.  
28

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

4 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
5 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work  
6 that is not inherently noise-producing. Examples of work not permitted on Saturday  
7 are concrete and grout pours, roof nailing and activities of similar noise-producing  
8 nature. No work shall be permitted on Sundays and Federal Holidays (New Year's  
9 Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day)  
10 except as allowed for emergency work under the provisions of the Oceanside City  
11 Code Chapter 38 (Noise Ordinance).

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

17 3. Separate/unique addresses will be required to facilitate utility releases. Verification that the  
18 addresses have been properly assigned by the City's Planning Division must accompany  
19 the Building Permit application.

20 **Fire:**

21 4. Fire Department requirements shall be placed on plans in the notes section.

22 **Water Utilities:**

23 5. The developer will be responsible for developing all water and sewer utilities necessary to  
24 develop the property. Any relocation of water and/or sewer utilities is the responsibility of  
25 the developer and shall be done by an approved licensed contractor at the developer's  
26 expense.

27 6. The property owner shall maintain private water and wastewater utilities located on private  
28 property.

- 1 7. Water services and sewer laterals constructed in existing right-of-way locations are to be  
2 constructed by approved and licensed contractors at developer's expense.
- 3 8. All Water and Wastewater construction shall conform to the most recent edition of the  
4 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by  
5 the Water Utilities Director.
- 6 9. Residential units shall be metered individually. Private utility systems for residential  
7 developments are not allowed.
- 8 10. All public water and/or sewer facilities not located within the public right-of-way shall be  
9 provided with easements sized according to the Water, Sewer, and Reclaimed Water  
10 Design and Construction Manual. Easements shall be constructed for all weather access.
- 11 11. No trees, structures or building overhang shall be located within any water or wastewater  
12 utility easement.
- 13 12. All lots with a finish pad elevation located below the elevation of the next upstream  
14 manhole cover of the public sewer shall be protected from backflow of sewage by  
15 installing and maintaining an approved type backwater valve, per the Uniform Plumbing  
16 Code (U.P.C.).
- 17 13. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to  
18 be paid to the City and collected by the Water Utilities Department at the time of Building  
19 Permit issuance.
- 20 14. All Water Utilities Fees are due at the time of building permit issuance per City Code  
21 Section 32B.7, unless the developer/applicant applies and is approved for a deferral of all  
22 fees per City of Oceanside Ordinance No. 09-OR0676-1.

23 **Planning:**

- 24 15. Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002) shall expire two  
25 years from the effective date unless implemented as required by the Zoning Ordinance.  
26 Absent the timely appeal of this approval, it will expire on November 7, 2013, unless  
27 implemented as required by the Zoning Ordinance.
- 28 16. Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002) is granted for the  
following purposes only:

- 1 a) Conversion of an existing single-family residence to a duplex, involving the  
2 relocation of primary entrances and the modification of interior stairs;  
3 b) Addition of 1,409 square feet of new habitable space, 825 square feet of which  
4 will constitute a new third story above basement.

5 No deviation from these approved plans and exhibits shall occur without Planning  
6 Commission approval. Substantial deviations shall require a revision to the Development  
7 Plan and/or Regular Coastal Permit or entirely new entitlements.

8 17. Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002) shall be called  
9 for review by the Planning Commission if complaints are filed and verified as valid by  
10 the City Planner or the Code Enforcement Officer concerning the violation of any of the  
11 approved conditions or the project assumptions demonstrated under the application  
12 approval.

13 18. The validity of Development Plan (D12-00002)/Regular Coastal Permit (RC12-00002)  
14 shall not be affected by changes in ownership or tenants.

15 19. A request for changes in conditions of approval or a change to the approved plans that  
16 would affect conditions of approval shall be treated as a new application. The City  
17 Planner may waive the requirements for a new application if the changes requested are  
18 minor, do not involve substantial alterations or addition to the plan or the conditions of  
19 approval, and consistent with the intent of the project's approval or otherwise found to  
20 be in substantial conformance.

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14 parking is not permitted in the driveway in front of the garages and providing contact  
15 information for property management. The applicant shall work with Planning Division  
16 staff to determine the most appropriate size, design and material for said signage.

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

18 1. The Council approves the Planning Commission action of April 23, 2012, and  
19 Resolution No. 2012-P16, and approves Development Plan (D12-00002) and Regular Coastal  
20 Permit (RC12-00002), subject to the Conditions in this Resolution.

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

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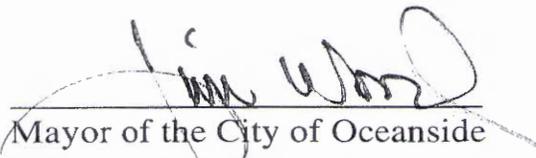
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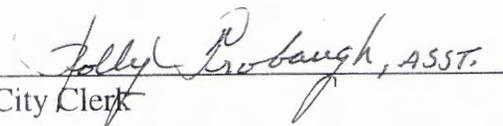
PASSED and ADOPTED by the City Council of the City of Oceanside, California this  
27<sup>th</sup> day of June, 2012, by the following vote:

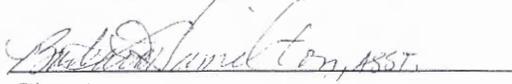
AYES: FELIEN, FELLER, KERN  
NAYS: WOOD, SANCHEZ  
ABSENT: NONE  
ABSTAIN: NONE

  
\_\_\_\_\_  
Mayor of the City of Oceanside

ATTEST:

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
City Attorney

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
VOICE (619) 767-2370 FAX (619) 767-2384



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Beachin, LLC

Mailing Address: c/o Karla Edwards, Transcontinental Management 3355 Mission Avenue #111

City: Oceanside

Zip Code: 92054

Phone: (760) 439-2161

RECEIVED

JUL 25 2012

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Oceanside

2. Brief description of development being appealed:

The conversion of three existing single-family residences to duplexes with the addition of 1,409 square feet and a new fourth story to the existing structure three story structure at 815 South Pacific Street.

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

815 South Pacific Street in Oceanside, CA 92054

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

- Approval; no special conditions
- Approval with special conditions:
- 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-12-056

DATE FILED: 7/25/2012

DISTRICT: San Diego

EXHIBIT NO. 4

APPLICATION NO.

A-6-OCN-12-054, 055, 056

Appeal Forms

Page 1 of 60

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

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

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

6. Date of local government's decision: June 27, 2012

7. Local government's file number (if any): RC 12-00001

**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:

RE VX Pacific South, LLC, Evergreen Hebron, LP, and RE VX North Pacific, LLC

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) Erik L. Schraner/Seltzer Caplan McMahon Vitek/750 B Street, Suite 2100, San Diego, CA 92101

(2)

(3)

(4)

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

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

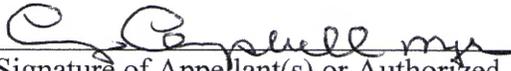
- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local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

See attached sheets.

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

**SECTION V. Certification**

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

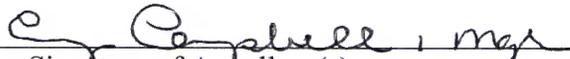
  
\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: July 24, 2012

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

**Section VI. Agent Authorization**

I/We hereby authorize Erik L. Schraner  
to act as my/our representative and to bind me/us in all matters concerning this appeal.

  
\_\_\_\_\_  
Signature of Appellant(s)

Date: July 24, 2012

**REASONS SUPPORTING THE APPEAL OF**  
**815 SOUTH PACIFIC STREET**

811, 813, and 815 South Pacific Street are existing 4,501 square foot single-family residences/vacation rentals. The applicant proposes to add:

- A fourth story;
- A 1,371 square foot addition; and
- A second unit to each of the three existing single-family buildings.

With the proposed additions, the 3,250 square foot lots will be developed with 5,872 square foot buildings rising up four stories from the beach.

The applicant operates vacation rentals on most of the ocean side of the 800 South Pacific Street block. In addition to the three structures being appealed, applicant has pending applications for several other lots on the same block. The coastal permits for 811, 813, and 815 South Pacific Street will establish a precedent for these pending projects and for the entire RT zone.

Beachin, LLC appeals the City of Oceanside approval of a coastal permits for 815 South Pacific Street for the following reasons:

**1. The projects exceed the three “story” restriction by including a fourth story.**

The 1986 Zoning Ordinance limits buildings to three stories.<sup>1</sup> In violation of the three story restriction, applicant proposes to add a fourth story to all three structures.

The City’s 1986 Zoning Ordinance defines a “story” as that portion of a building included between the surface of any floor and the surface of the floor next above it.<sup>2</sup>

In some situations, a “basement” or “cellar” does not count as a story. But “if the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.”<sup>3</sup>

The City determined that the bottom floor for the three structures qualifies as a basement. The 1986 Zoning Ordinance defines a basement as:

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<sup>1</sup> 1986 Zoning Ordinance §1709.

<sup>2</sup> 1986 Zoning Ordinance §274.

<sup>3</sup> 1986 Zoning Ordinance §274.

Section 207: Basement. "Basement" means that portion of a building between floor and ceiling which is partly below and partly above ground but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.<sup>4</sup>

The bottom floors for the three structures fail to qualify as a basement for three reasons:

1. The entire bottom floor is not located partly below and partly above ground;
2. According to applicant's calculations, the vertical distance from grade to the floor below is more (instead of less) than the vertical distance from grade to ceiling; and
3. The finished floor level directly above the basement is more than six feet above grade.

The City approved the coastal permit based on "interpreting" (1) the requirement to be located partly above and partly below ground to be partly below and partly below "grade" and (2) changing the vertical distance from grade to the floor below to be "more" than the vertical distance from grade to ceiling (rather than "less" than the vertical distance from grade to ceiling).<sup>5</sup>

The City's interpretations conflict with the certified Local Coastal Program. The Local Coastal Program distinguishes between "ground" and "grade" as evidenced by the fact that grade is calculated as the average finished ground level at the center of all walls of a building except if a sidewalk is located parallel to and within five feet of a sidewalk. Ground cannot be the same as grade if grade the average of finished ground level.

The City's interpretation that "less" is actually "more" is the complete opposite of what the City enacted and the Coastal Commission certified. Under any interpretation, the new floor proposed by applicant qualifies as a story and the structure exceeds the three story height restriction.

## **2. The calculation of "grade" is incorrect.**

The applicant and City miscalculated "grade". Grade is defined as:

Section 234: Grade. "Grade" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above-ground level shall be measured at the sidewalks.

Grade must be measured by calculating the average of "finished ground level" at the center of the walls. According to the plans, finished ground level is 13-feet MSL. Since the portion of the lot located under the existing building, and, therefore, the portion of the lot located at the center of all walls of the building, is entirely flat, the entire bottom floor for 815 South Pacific

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<sup>4</sup> 1986 Zoning Ordinance §207.

<sup>5</sup> City of Oceanside Staff Presentation to Planning Commission.

Street measured at finished grade (indicated by FG on the plans) is 13-feet MSL. Thus, the measurements at the center of the west wall cannot be 14-feet MSL, which is finished floor level. It is 13-feet MSL.

On the south and north wall measurements, applicant and City appear to have taken measurements for the south and north walls from the top of the walkways located along the south and north walls. These measurement points are taken from outside the walls of the structures. The measurements, however, must be taken from the center of the north and south walls, not the walkways.

While the 1986 Zoning Ordinance walls allows grade for walls parallel to and within five feet of a sidewalk to be measured from the above-ground level at the sidewalks, the areas to the north and south of the structures do not qualify as a sidewalk. The only sidewalk is located contiguous and parallel to South Pacific Street. Beachin, LLC's opposition letters submitted to the Oceanside Planning Commission and City Council discuss the California Building Code and common definitions of a sidewalk and a walkway.

Finished ground level at the center of all walls is:

Center East Wall	24 Feet
Center South Wall	13 Feet
Center West Wall	13 Feet
Center North Wall	13 Feet

Average grade is therefore 15.75-feet MSL.

Thus, the finished floor directly above the basement is more than six feet above grade and the bottom floor qualifies as a story.

### **3. Building Height.**

The 1986 Zoning Ordinance imposes two building height restrictions: (1) the building height restriction specified in the RT zoning regulations and (2) the general height regulations specified in the general zoning regulations.

The RT zoning regulations impose the following height restriction:

Section 3203: Height of Buildings. Building height is limited to 35 feet unless a Conditional Use Permit is issued in accordance with Article 15. Height standards in the Redevelopment Area are governed by the Development Criteria and Land Use Regulations. No building or structure shall exceed any adopted height restrictions that may appear in any other adopted plan or Policy of the City including Proposition A passed by the voters April 13, 1982.

The RT zoning restrict "building height" to 35 feet<sup>6</sup>. The Zoning Ordinance defines "building height" as "the vertical distance measured from the average level of the highest and lowest point of that portion of the building site covered by the building to the ceiling of the uppermost story."<sup>7</sup>

The plans submitted by the applicant claim that the average level of the highest and lowest point is 19-feet MSL. This is incorrect.

The finished grade for the portion of the building site covered by the building is 13-feet MSL. The average level of the highest and lowest point of the portion of the building site covered by the building is therefore 13-feet MSL.

The plans identify the height of the ceiling of the uppermost story appears to be 50.47-feet MSL. The proposed building height is therefore 37.47 feet, which exceeds the 35-foot height limit. Since applicant did not obtain a conditional use permit, the proposed structure violates the RT zone's 35 foot height limit.

#### **4. Tandem Parking Spaces.**

The applicant proposes to provide four tandem parking spaces to comply with the minimum parking requirements. In areas where beach parking demand is critical, parking requirements for new residential development shall be strictly enforced.<sup>8</sup> Nothing in the 1986 Zoning Ordinance, however, authorizes the use of tandem parking spaces to comply with the parking requirements.

In addition, tandem parking spaces do not comply with the requirement that parking spaces "be provided with adequate ingress and egress" and the General Plan requirement that "developments shall design parking areas to maximize efficiency, safety, convenience, and open space."<sup>9</sup> Tandem parking spaces do not provide adequate ingress and egress, particularly in structures that will be used as vacation rental by transient renters.

#### **5. Public Access.**

The Coastal Act prohibits development from interfering with the public's right of access to the sea.<sup>10</sup> The Coastal Act also requires development to maintain and enhance public access to the coast by providing adequate parking facilities:

The location and amount of new development should maintain and enhance public access to the coast by ... (4) providing adequate parking facilities or

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<sup>6</sup> 1986 Zoning Ordinance §3203.

<sup>7</sup> 1986 Zoning Ordinance §211 (emphasis added.).

<sup>8</sup> Local Coastal Program Policy 17.

<sup>9</sup> 1986 Zoning Ordinance §2702; General Plan Policy 1.20.

<sup>10</sup> Public Resources Code §30211.

providing substitute means of serving the development with public transportation.<sup>11</sup>

The applicant rents the 811, 813, and 815 South Pacific Street as vacation rentals, and operates similar structures on the same block as a quasi-hotel/motel operation. The operator, however, has not provided the infrastructure associated with a hotel/motel operation and has effectively privatized the public street and sidewalk. Applicant relies on tandem parking spaces to meet the parking space requirements. Tandem parking spaces, however, do not provide sufficient parking for lodgers and the staff necessary to maintain the facilities. As evidenced by the public testimony at the City Council hearing, applicant's staff uses public parking spaces and the public sidewalk, blocking the public sidewalk and limiting public parking for beachgoers and other residents. By using the available public parking spaces, blocking the public sidewalks with vehicles, and by limiting public access to the beach by using the available public parking spaces for maintenance staff, the applicant limits public access and has diminished public access to the coast by providing inadequate public parking facilities.

To implement these Coastal Act policies, the Local Coastal Program requires the City to determine the parking requirements for uses not specifically defined based on the most comparable use specified in the parking regulations:

Section 2703: PARKING REQUIREMENTS FOR USES NOT SPECIFIED. Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the Planning Department; such determination shall be based upon the requirements for the most comparable use specified herein. All such departmental determinations may be subject to review or appeal to the Planning Commission.

The Local Coastal Program does not specify a parking ratio for vacation rentals. But the most comparable uses are rooming houses, lodging houses, or clubs and fraternity houses, and motels.

The parking demand for vacation rentals is higher because:

- Occupancy is higher. For example, according to the applicant's 2010 website (copy attached as **Attachment 1**), on average sleeping occupancy in applicant's vacation rentals is 3 persons per room. For the proposed projects this would result in a sleeping occupancy of 27 persons in total (3 persons per bedroom).
- Numerous staff and cleaning services require parking to clean the units and prepare units for the next occupant.

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<sup>11</sup> Public Resource Code §30252.

Rooming houses, lodging houses, or clubs and fraternities have to provide 1 parking space for each 2 sleeping rooms. Although this standards still undercounts the parking demand for a vacation rental, it is a better fit than the single family residence parking requirement.

In addition, the applicant hosts special events, such as weddings, corporate retreats, and parties. For example, in 2010 applicant advertised on its website that it rents 825 South Pacific, a similar sized building just a few doors down, for weddings of up to 75 persons. Since 825 South Pacific has no yard capable of holding 75 persons, weddings would presumably be held on the rooftop. Weddings, corporate retreats, and parties are classified as a place of assembly. The parking requirements for a place of assembly is 1 parking space for each 40-square feet of gross floor areas used for assembly without fixed seats. The proposed structures will only provide two regular parking spaces and two tandem parking spaces. This is inadequate to meet the parking needs of 75 or more guests.

**6. The projects do not comply with the landscaping requirements.**

As conceded by the City, the proposed projects do not comply with the Local Coastal Program's landscaping requirements. In part, this is because the applicant has installed concrete walkways on both sides of the structures. Alternative to walkways that allow landscaping to be installed are required.

**7. The projects do not comply with the LCP community standards.**

The LCP requires all development to be compatible in height, scale, color, and form with the surrounding neighborhood.<sup>12</sup> Applicant's proposed structures are incompatible with existing development because the structures exceed the RT zones 35 foot height restriction and applicant has not obtained a conditional use permit, the structures are over 40 feet tall on the west (beach) side, and the structures are four stories in a neighborhood with only two and three-story structures. In addition, the structures are massive for an approximately 3,250 square foot lot and out of scale with the surrounding neighborhood.

In addition, the LCP also requires the City apply the design standards in the Coastal Development Design Standards manual. This includes the following design standards:

1. Proposed new development should consider surrounding views when designing building height. Coastal Development Design Standards IV.A.3.
2. Ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood. Coastal Development Design Standards V.1.

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<sup>12</sup> Local Coastal Program; 1986 Zoning Ordinance §1703(e).

3. Buildings are seen together as a total effect that defines the City/neighborhood. Emphasize this special character further through distinctive landscaping and other features. Coastal Development Design Standards V.5.
4. Pedestrian scale can be achieved at the base of large vertical building surfaces by the use of arcades, by emphasizing horizontal divisions, surface textures and other architectural details. Coastal Development Design Standards VI.A.1.
5. Relate the height of buildings to important attributes of the City pattern and to the height and character of surrounding development. Coastal Development Design Standards VI.A.3.

Applicant's proposed structures are incompatible with existing development because (1) the structures exceed the RT zone's 35 foot height limit, (2) the project incorrectly measures "grade" (the beginning point for measuring height), (3) the structures are over 40 feet tall on the west (beach) side, and (4) the structures are four stories tall in a neighborhood with only two and three-story structures. .

The proposed structure would include four stories, more than any other building in the surrounding neighborhood, fail to comply with the height regulations, and will block surrounding views and be out of scale with the height and character of surrounding development.

#### **8. Increase of Side Yard Where Dwelling Unit Fronts Upon a Side Yard.**

To add an additional unit, each of the projects must provide a 10 foot side yard setback on the side where the primary entrance is located. Section 1723 of the Zoning Ordinance requires the following side yard setback:

The minimum width of the side yard upon which a primary entrance to a dwelling unit is provided shall be no less than ten (10) feet.<sup>13</sup>

Since applicant proposes to locate two primary entrances within the side yard, applicant must provide a 10-foot side yard on the side yard where the primary entrances will be located. Applicant proposes to only provide a 3-foot side yard setback on the side yard with both primary entrances.

In addition, City did not grant a variance or waiver from compliance with this side yard requirement, and did not adopt the findings necessary to support such a waiver or variance.

#### **9. California Environmental Quality Act.**

The project does not comply with the California Environmental Quality Act ("CEQA"). First, in addition to the coastal permit applications for 811, 813, and 815 South Pacific Street, applicant

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<sup>13</sup> 1986 Zoning Ordinance §1723.

has pending applications for several other lots on the 800 block of South Pacific Street that CEQA requires be addressed in one environmental analysis. Instead, applicant and City has piecemealed the projects and therefore have avoided addressing the environmental impacts of the projects as a whole and their cumulative impacts.

Second, the Class 3 categorical exemption is qualified by location, cumulative impact, and significant effects due to unusual circumstances.<sup>14</sup> The proposed structures do not qualify for a categorical exemption for the following reasons:

- Due to their location on a public right-of-way and public view corridor, the projects will impact public views in violation of the Local Coastal Program.
- The project does not provide adequate parking to meet the parking demands of a vacation rental with a 27-person sleeping occupancy that can host events for 75 persons or more.
- The project does not provide parking for employees.
- The projects will each host up to 27 occupant and will therefore cause traffic impacts and cumulative traffic impacts when combined with applicant's other pending projects.
- The project is incompatible with the bulk and scale of the surrounding neighborhood.
- Applicant has pending applications for 817, 819, 831 and 833 South Pacific Street. These seven projects (including 811, 813, and 815) cannot be piecemealed and must be reviewed under CEQA as one project.
- Development of vacation rentals and assembly halls on South Pacific Street over time has caused and will cause significant cumulative impacts to parking, street parking, views, density, bulk, and scale.
- Applicant proposes to rent the proposed structures as vacation rentals for 27 persons, or more, and to host parties, weddings, and corporate retreats for 75 persons or more. Past parties, weddings, and corporate retreats on applicant's nearby properties included dj's and live music, in addition to the crowd noise, causing excessive noise levels that disturbed the surrounding residences. Since no walls will block noise originating from the fourth story roof deck, the noise impacts will be even greater than a back yard party.
- Holding parties, weddings, and corporate retreats will cause noise impacts to the surrounding residences and disturb the surrounding neighbors sleep.

These items support a fair argument that the project may have a significant environmental effect on the environment. For these reasons, the City was required to prepare a mitigated negative declaration or an environmental impact report.

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<sup>14</sup> CEQA Guidelines §15300.2.

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### Events/Groups

#### Event/Group Contact Form

San Diego Beach Weddings

### *Beachfront Only Weddings*



Event Type:

First Name:

Last Name:

E-Mail:

Phone #:

Date of Event (mm/dd/yyyy):

Is Your Date Flexible?    No    Yes

# of Guests for Event:

# of Guest Accommodations:

Questions:

Reset

Send

**Phone (866) 976-8244**  
**(866) 976-8244**

Ever dream of a wedding on the sand, or perhaps overlooking the gorgeous coastline of San Diego? Our properties sit directly on the edge of the Pacific Ocean and will give you the wedding you have always dreamed of.

There is something very unique in what we offer. Our properties can hold the ceremony and the reception, as well as provide accommodations for wedding parties and out-of-town guests.

Whether you want a grand roof-top wedding overlooking the ocean, or a more intimate wedding directly on the sand, we have the perfect setting for your special day.

**\*PLEASE NOTE: All of our wedding package rates include a 3 NIGHT STAY and are all inclusive (all inclusive = rent, event fee, damage waiver fee, turnover fee, rooftop fee - if applicable). This excludes the "Idyllic Seashore Wedding" - see bottom of page for additional rate details).**

Click on the links below to jump to our different wedding packages.

***Jump To:***   [Grand Beachfront Rooftop Wedding](#)

[Splendid Oceanfront Wedding](#)

[Dream Shoreline Wedding](#)

[Idyllic Seashore Wedding](#)

[Luxury Italian Villa Oceanfront Wedding](#)

[Compare Packages](#)

**~The Grand Beachfront Rooftop Wedding~**

**Details:**

Have a grand celebration on a stunning rooftop deck overlooking the ocean. This property is comprised of four luxury condos, each with 5 bedrooms that all have oceanfront views. Perfect for accommodating family and guests. The package includes all 4 properties, plus the rooftop deck. There are gourmet kitchens in each unit, elevator access to the rooftop, and underground parking.

Where else can you have a wedding like this? Imagine all of your closest family and friends being able to stay directly on the beach with you, at the wedding location. Have your rehearsal dinner on the property, the ceremony, the reception, a post-wedding brunch, and so much more! You never need to leave the property! You will not find another venue like this on the coast anywhere in Southern California. If you want a beach wedding, this is the place!

[Compare with other Packages](#)

**Package Rate:**

~\$15,300

~Includes 3 nights stay at property, all taxes and fees included.

**Property Information:**

~809 S. Pacific St., Oceanside, CA 92054

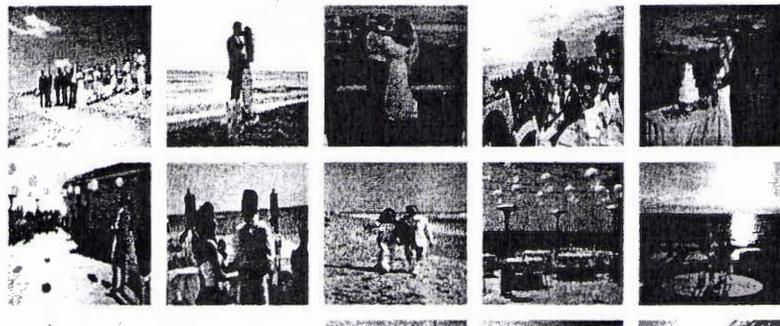
~Event maximum: 180 persons

~4 Unit Condo Complex

~20BRs, 16BAs, Sleeps 60

~Each unit has a gourmet kitchen, two washers and dryers, a private spa, a private balcony, flat screen TV, DVD, Wireless Internet.

Click on thumbnails to view larger





(photo credits: Photos 17-32: Jan Garcia, photos 33-36: Simply Unforgettable Catering)

*Helpful Links: [Rooftop Dimensions](#) | [Add'l Property Info](#) | [Virtual Tour](#)*

**Testimonials**

*"Thank you all so much! Our stay at the 809 So. Pacific property could not have been more perfect. The view, furnishings and cleanliness were beyond our expectations. So were the rental/maintenance and marketing staff members were so professional. We rented out the entire building and rooftop for a 4-day wedding celebration with friends and family from across the country. Deep sea fishing, surfing, relaxing in the hot tub at night, a wedding on the beach, a reception for 150 people on the roof—you made our dream wedding celebration come true. And thank you for providing such fabulous vendors for us to use. We hope to make many trips back to your properties in the years to come!" (Molly Harris & Zack Taylor Wedding Party)*

**~The Splendid Oceanfront Wedding~**

**Details:**

Ever dream of a wedding overlooking the Pacific Ocean? Look no further. This magnificent property will host the wedding of your dreams with its stunning rooftop decks and gorgeous interior. This home has just completed construction and everything is brand new. There are two

**Package Rate (all incl):**

~\$9,000.

~Includes 3 nights stay at property. all taxes

consideration and everything is brand new. There are two rooftop decks at different levels, perfect for having a ceremony on one, and a reception on the other.

In addition to the two rooftops, the home boasts gorgeous interior living space, two full kitchens, ten bedrooms, nine and half baths, and a beach front patio. Accommodate up to 29 of our guests in this home. Because it is two units in one, the grooms family and the brides family can each have their own living space.

[Compare with other Packages](#)

at property, all taxes and fees included.

**Property Information:**

~825 S. Pacific St.,  
Oceanside, CA 92054

~Event maximum: 75  
persons

~Single Family Home  
which can be split into  
two units

~10BRs, 9.5BAs,  
Sleeps 29

~Two gourmet  
kitchens, four washer  
and dryers, flat screen  
TVs, DVD players,  
Wireless Internet, two  
rooftop decks, beach  
front patio.

\*Photos coming soon

*Helpful Links: [Add'l Property Info](#) | [Virtual Tour](#)*

**~The Dream Shoreline Wedding~**

**Details:**

Have your wedding on the beach, yet still in the privacy of your own space! This property has five units, with eleven bedrooms total, and a large courtyard area, right on the sand, perfect for the wedding of your dreams. This property can accommodate up to 75 guests for a ceremony and a reception. Perhaps you might want your ceremony directly on the sand, then step back for the reception in the beautiful courtyard.

The courtyard includes a large fire pit, a golf tee, and a spa, all which can be creatively incorporated into your wedding if you choose. Because there are 5 separate units, families and guests can have their own space. If you would like the gorgeous sand and ocean as your wedding backdrop, this is the place!

[Compare with other Packages](#)

**Package Rate (all incl):**

~\$9,000.

~Includes 3 nights stay  
at property, all taxes  
and fees included.

**Property Information:**

~817-821 S. Pacific  
St., Oceanside, CA  
92054

~Event maximum: 75  
persons

~5 units with 2-3  
bedrooms each.

~11BRs total, sleeps  
~27

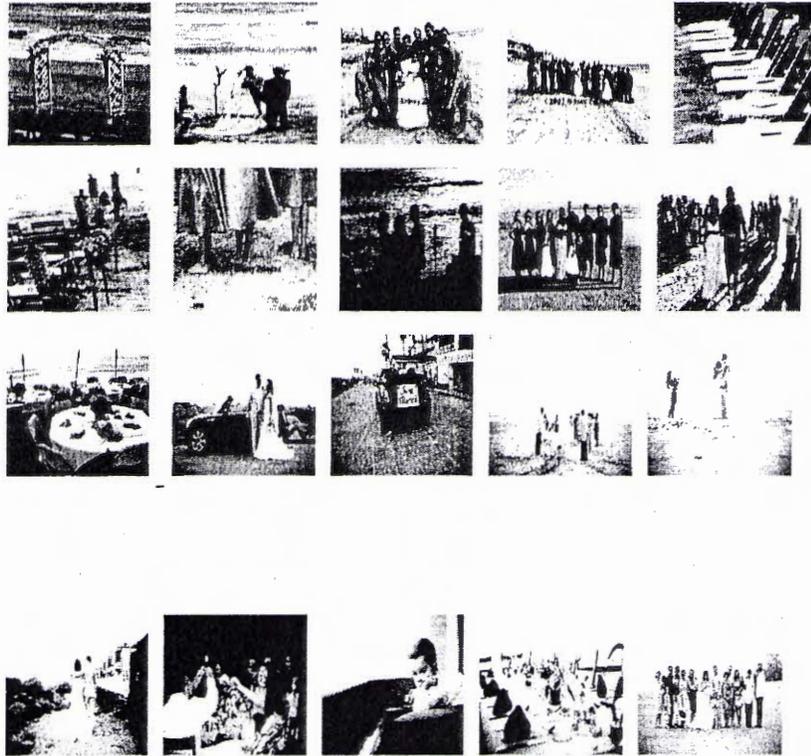
~Each unit has a  
kitchen, television,  
wireless internet

~Courtyard has fire-pit,

spa, golf tee, plus there is common area with kitchen, flat screen tv, and laundry machines.

\*Photos coming soon!

**~Additional Photos from Beachfront Only Weddings~**



**~The Idyllic Seashore Wedding~**

**Details:**

*Looking for a beach front wedding venue for the Summer of '09, or any other time this year? We have the place!*

Located on South Pacific St. in Oceanside, this venue can hold up to 200 guests for a oceanfront wedding ceremony and reception. There is a large paved patio area right on the ocean, perfect for a ceremony. Directly behind there is a lawn area, which can accommodate tables, dance floor, etc. There is no venue like this in southern California! Have the beach wedding you have always dreamed of a with quaint and charming garden-like feel to it!

Along with the venue space, there are also three units that are included which can be used for bride and groom dressing and prep rooms, staging areas, space for

**Package Rate (all incl):**

~\$3,500.

~Includes venue and 3 units for one day, 12pm to 10pm property, all taxes and fees included.

**Property Information:**

~835 S. Pacific St., Oceanside, CA 92054

~Event maximum: 200 persons

caterers, guest bathrooms, etc.

Rate includes event space from 12pm to 10pm, 3 units for use during wedding day, 4 hours of transportation to and from a park-and-ride for your guests.

Note: Deliveries are allowed prior to 12pm, however, event setup cannot start until noon.

Contact us now, we have SUMMER AVAILABILITY!!

[Compare with other Packages](#)

~3 1br units available for your use during wedding day

~Patio and lawn area for ceremony and reception. Easy load in and out.



### ~Luxury Italian Villa Oceanfront Wedding~

#### Details:

Have a week long celebration at this exquisite Italian villa on the Pacific Ocean. If an Amalfi Coast wedding is your dream, look no further. There is a large gorgeous landscaped patio overlooking the ocean with private stairs down to the sand. Every detail in this fine villa has been thought out from the imported Italian antiques to the luxury linens. Your guests will be in awe when they walk in the doors...they will be greeted in a courtyard with a fireplace and fountain, perfect for cocktail hour. As you walk inside the villa, a large arched window graces the dining and living areas, with panoramic ocean views.

Everything has been taken care of for you, so that from the time you arrive in the driveway to the time you leave, you will not have a care in the world. No meals to plan (of course unless if you would like to the option is always there), no dishes to clean, no beds to make...nothing. Prepare to be pampered.

Two oceanfront master suites and other bedroom suites have balconies and ocean views and all bedrooms have fireplaces and marble bathrooms. There is an authentic Italian courtyard with fountains, lounge furniture, and a fireplace, a perfect getaway sanctuary.

In addition to the villa, the package rate also includes a personal chef/bartender 5 days per week, three meals daily, a houseman, porter services, and daily housekeeping. Arrangement for a massage therapist can be made. The chef and houseman will be on premise the day of the wedding but not on duty except for security and parking facilitation.

Please note that catering, flowers, servers and clean-up for the wedding are extra. Staff at Shore Drive are able to provide flowers and servers and clean crew for an additional fee if you should choose. They can also

#### Package Rate (all incl):

~\$15,000 - 3 night stay

~\$12,000 - 2 night stay

~Includes 2 or 3 night stay (depending on package rate) at property, all taxes and fees included.

#### Property Information:

~5143 Shore Drive  
Carlsbad, CA 92054

~Event maximum: 75 persons

~Private Italian Villa with on-site chef

~5BRs, 5BAs, Sleeps 9. Extra guests are \$100/night per person, with authorization.

~Included: 5 bedrooms with ensuite baths, ocean views, fireplaces, seating areas, television, antiques, exquisite linens and fragrant ocean breezes.

arrange for a rehearsal dinner at an upcharge for up to 20 people.

\*Photos coming soon

Helpful Links: [Add'l Property Info](#) | [Virtual Tour](#)

**Package Comparison Chart:**

PACKAGE	EVENT MAX	SLEEP MAX	SEP UNITS	TOTAL BR'S	TOTAL BA'S	NIGHTS INCL'D	AVAIL SPACE FOR EVENT	PRICE
<b>Grand Beachfront Rooftop Wedding</b>	180	60	4	20	16	3 nights, 4pm fri-10am mon	Rooftop Deck, Under ground Garage	\$15,300
<b>Splendid Oceanfront Wedding</b>	75	29	2	10	9.5	3 nights, 4pm fri-10am mon	Rooftop Deck	\$9,000
<b>Dream Shoreline Wedding</b>	75	27	5	11	10	3 nights, 4pm fri-10am mon	Ocean front Patio	\$9,000
<b>Idyllic Seashore Wedding</b>	200	n/a	3	3	3	1 day, 12pm-10pm	Ocean front Patio and Lawn	\$3,500
<b>Luxury Italian Villa Oceanfront Wedding</b>	75	9	1	5	5	2 or 3 Nights	Oceanfront Patio, Dining area, Courtyard area	\$12,000 or \$15,000

\*Send this flyer to your guests that may need a place to stay: [Wedding Guest Brochure](#)

\*[View all wedding photos here](#)

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- Ocean Front Rental Encinitas San Diego
- Beachfront Rental Encinitas San Diego
- San Diego Beach Vacation Rental in Oceanside
- San Diego Vacation Beach Rental in Oceanside
- San Diego BeachFront Vacation Rental in Oceanside
- San Diego Beach Rental in Oceanside

## Beachfront Only - Beach Front Wedding Packages San Diego

- BeachFront Vacation Rental in Oceanside
- San Diego Beach Vacation Rental in Oceanside
- San Diego Oceanfront Unit with Rooftop Deck
- Stunning Beachfront Vacation Rental Home
- San Diego Beach Rental on the Sand
- San Diego Beach Rental - 2 Bedroom on Sand
- San Diego Beach Rental - Luxury Single Family Home
- Single Family Beach Front Vacation Rental
- San Diego Vacation Rental - Beachfront Vacation Home
- Extraordinary Oceanfront Italian Villa
- San Diego Vacation Rental - Single Family Home Beach Rental
- Beach Front House San Diego Encinitas California
- Single Family Oceanfront Vacation Home, Oceanside
- San Diego BeachFront Vacation Rental in Oceanside
- San Diego Beach Rental
- San Diego Luxurious Oceanfront Vacation Home
- Exquisite San Diego Oceanfront Home
- Lovely Beachfront San Diego Vacation Rental
- BeachFront Property San Diego Oceanside California
- Beach Front Property San Diego Oceanside California
- Beach Front Vacation Rental on the Sand in Oceanside
- San Diego Vacation Rental - Luxury Oceanfront Condo
- Oceanfront Encinitas San Diego California
- San Diego Beach Rental - Exclusive Designer Unit on Beach
- San Diego Vacation Rental - 2BR Oceanfront Rental
- San Diego Vacation Rental - Rental Unit on the Beach
- San Diego Beach Rental in Oceanside
- San Diego Luxury Rental on the Sand
- Brand New San Diego Beachfront Rental
- Beachfront Rental San Diego
- San Diego Beach Rental - 2 Bedroom on Sand
- Beach Front Property San Diego Oceanside California
- BeachFront Rental San Diego Oceanside California
- San Diego Vacation Rental - Beach Front Property
- Beachfront Encinitas San Diego California
- Beach Front House San Diego Encinitas California
- Oceanfront Vacation Rental San Diego
- San Diego Vacation Rental - Oceanfront Home with Spa
- San Diego Vacation Rental - Beachfront rental property

CALIFORNIA COASTAL COMMISSION  
 SAN DIEGO COAST DISTRICT OFFICE  
 7575 METROPOLITAN DRIVE, SUITE 103  
 SAN DIEGO, CA 92108-4402  
 VOICE (619) 767-2370 FAX (619) 767-2384



## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

### SECTION I. Appellant(s)

Name: Beachin, LLC

Mailing Address: c/o Karla Edwards, Transcontinental Management 3355 Mission Avenue #111

City: Oceanside

Zip Code: 92054

Phone: (760) 439-8611

### SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Oceanside

2. Brief description of development being appealed:

The conversion of three existing single-family residences to duplexes with the addition of 1,409 square feet and a new fourth story to the existing structure three story structure at 813 South Pacific Street.

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

813 South Pacific Street in Oceanside, CA 92054

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

- Approval; no special conditions
- Approval with special conditions:
- 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-12-055 3

DATE FILED:

7/25/2012

DISTRICT:

San Diego

**RECEIVED**  
 JUL 25 2012  
 CALIFORNIA  
 COASTAL COMMISSION  
 SAN DIEGO COAST DISTRICT

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

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

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

6. Date of local government's decision: June 27, 2012

7. Local government's file number (if any): RC 12-00002

**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:

REXX Pacific South, LLC, Evergreen Hebron, LP, and REXX North Pacific, LLC

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) Erik L. Schraner/Seltzer Caplan McMahon Vitek/750 B Street, Suite 2100, San Diego, CA 92101

(2)

(3)

(4)

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

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

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

See attached sheets.

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

**SECTION V. Certification**

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

C Campbell, mgr  
Signature of Appellant(s) or Authorized Agent

Date: July 24, 2012

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

**Section VI. Agent Authorization**

I/We hereby authorize Erik L. Schraner  
to act as my/our representative and to bind me/us in all matters concerning this appeal.

C Campbell, mgr  
Signature of Appellant(s)

Date: July 24 - 2012

**REASONS SUPPORTING THE APPEAL OF**  
**813 SOUTH PACIFIC STREET**

811, 813, and 815 South Pacific Street are existing 4,501 square foot single-family residences/vacation rentals. The applicant proposes to add:

- A fourth story;
- A 1,371 square foot addition; and
- A second unit to each of the three existing single-family buildings.

With the proposed additions, the 3,250 square foot lots will be developed with 5,872 square foot buildings rising up four stories from the beach.

The applicant operates vacation rentals on most of the ocean side of the 800 South Pacific Street block. In addition to the three structures being appealed, applicant has pending applications for several other lots on the same block. The coastal permits for 811, 813, and 815 South Pacific Street will establish a precedent for these pending projects and for the entire RT zone.

Beachin, LLC appeals the City of Oceanside approval of a coastal permits for 813 South Pacific Street for the following reasons:

**1. The projects exceed the three “story” restriction by including a fourth story.**

The City of Oceanside Local Coastal Program – specifically the Zoning Ordinance certified by the Coastal Commission in 1986 – limits buildings to three stories in the RT zone.<sup>1</sup> In violation of the three story restriction, applicant proposes to add a fourth story to all three structures.

The City’s 1986 Zoning Ordinance defines a “story” as that portion of a building included between the surface of any floor and the surface of the floor next above it.<sup>2</sup>

In some situations, a “basement” or “cellar” does not count as a story. But “if the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.”<sup>3</sup>

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<sup>1</sup> 1986 Zoning Ordinance §1709.

<sup>2</sup> 1986 Zoning Ordinance §274.

<sup>3</sup> 1986 Zoning Ordinance §274.

The City determined that the bottom floor for the three structures qualifies as a basement. The 1986 Zoning Ordinance defines a basement as:

Section 207: Basement. "Basement" means that portion of a building between floor and ceiling which is partly below and partly above ground but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.<sup>4</sup>

The bottom floors for the three structures fail to qualify as a basement for three reasons:

1. The entire bottom floor is not located partly below and partly above ground;
2. According to applicant's calculations on the plans submitted to the City, the vertical distance from grade to the floor below is more (instead of less) than the vertical distance from grade to ceiling; and
3. The finished floor level directly above the basement is more than six feet above grade.

The City approved the coastal permit based on "interpreting" (1) the requirement to be located partly above and partly below ground to be partly below and partly below "grade" and (2) changing the vertical distance from grade to the floor below to be "more" than the vertical distance from grade to ceiling (rather than "less" than the vertical distance from grade to ceiling).<sup>5</sup>

The City's interpretations conflict with the certified Local Coastal Program. The Local Coastal Program distinguishes between "ground" and "grade" as evidenced by the fact that grade is calculated as the average finished ground level at the center of all walls of a building except if a sidewalk is located parallel to and within five feet of a sidewalk. Ground cannot be the same as grade if grade the average of finished ground level.

The City's interpretation that "less" is actually "more" is the complete opposite of what the City enacted and the Coastal Commission certified. Under any interpretation, the new floor proposed by applicant qualifies as a story and the structure exceeds the three story height restriction.

## **2. The calculation of "grade" is incorrect.**

The applicant and City miscalculated "grade". Grade is defined as:

Section 234: Grade. "Grade" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above-ground level shall be measured at the sidewalks.

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<sup>4</sup> 1986 Zoning Ordinance §207.

<sup>5</sup> City of Oceanside Staff Presentation to Planning Commission.

For 813 South Pacific Street, the applicant's plans calculated "grade" using the following measurements:

Center East Wall	24 Feet
Center South Wall	18.4 Feet
Center West Wall	14 Feet
Center North Wall	24 Feet

The resulting average as stated on the plans is 20.1 feet. These measurements, however, do not comply with the City's definition for "grade".

Grade must be measured by calculating the average of "finished ground level" at the center of the walls. According to the plans, finished ground level is 13-feet MSL. Since the portion of the lot located under the existing building, and, therefore, the portion of the lot located at the center of all walls of the building, is entirely flat, the entire bottom floor measured at finished grade (indicated by FG on the plans) is 13-feet MSL. Thus, the measurements at the center of the west wall cannot be 14-feet MSL, which is finished floor level. It is 13-feet MSL.

On the south and north wall measurements, applicant and City appear to have taken measurements for the south and north walls from the top of the walkways located along the south and north walls. These measurement points are taken from outside the walls of the structures. The measurements, however, must be taken from the center of the north and south walls, not the walkways.

While the 1986 Zoning Ordinance walls allows grade for walls parallel to and within five feet of a sidewalk to be measured from the above-ground level at the sidewalks, the areas to the north and south of the structures do not qualify as a sidewalk. The only sidewalk is located contiguous and parallel to South Pacific Street. Beachin, LLC's opposition letters submitted to the Oceanside Planning Commission and City Council discuss the California Building Code and common definitions of a sidewalk and a walkway.

Finished ground level at the center of all walls is:

Center East Wall	24 Feet
Center South Wall	13 Feet
Center West Wall	13 Feet
Center North Wall	13 Feet

Average grade is therefore 15.75-feet MSL.

Thus, the finished floor directly above the basement is more than six feet above grade and the bottom floor qualifies as a story.

### 3. Building Height.

The 1986 Zoning Ordinance imposes two building height restrictions: (1) the building height restriction specified in the RT zoning regulations and (2) the general height regulations specified in the general zoning regulations.

The RT zoning regulations impose the following height restriction:

Section 3203: Height of Buildings. Building height is limited to 35 feet unless a Conditional Use Permit is issued in accordance with Article 15. Height standards in the Redevelopment Area are governed by the Development Criteria and Land Use Regulations. No building or structure shall exceed any adopted height restrictions that may appear in any other adopted plan or Policy of the City including Proposition A passed by the voters April 13, 1982.

The RT zoning restrict "building height" to 35 feet<sup>6</sup>. The Zoning Ordinance defines "building height" as "the vertical distance measured from the average level of the highest and lowest point of that portion of the building site covered by the building to the ceiling of the uppermost story."<sup>7</sup>

The plans submitted by the applicant claim that the average level of the highest and lowest point is 19-feet MSL. This is incorrect.

The finished grade for the portion of the building site covered by the building is 13-feet MSL. The average level of the highest and lowest point of the portion of the building site covered by the building is therefore 13-feet MSL.

The plans identify the height of the ceiling of the uppermost story as 50.67-feet MSL. The proposed building height is therefore 37.67 feet, which exceeds the 35-foot height limit.

### 4. Tandem Parking Spaces.

The applicant proposes to provide four tandem parking spaces to comply with the minimum parking requirements. In areas where beach parking demand is critical, parking requirements for new residential development shall be strictly enforced.<sup>8</sup> Nothing in the 1986 Zoning Ordinance, however, authorizes the use of tandem parking spaces to comply with the parking requirements.

In addition, tandem parking spaces do not comply with the requirement that parking spaces "be provided with adequate ingress and egress" and the General Plan requirement that

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<sup>6</sup> 1986 Zoning Ordinance §3203.

<sup>7</sup> 1986 Zoning Ordinance §211 (emphasis added.).

<sup>8</sup> Local Coastal Program Policy 17.

“developments shall design parking areas to maximize efficiency, safety, convenience, and open space.”<sup>9</sup> Tandem parking spaces do not provide adequate ingress and egress, particularly in structures that will be used as vacation rental by transient renters.

## 5. Public Access.

The Coastal Act prohibits development from interfering with the public’s right of access to the sea.<sup>10</sup> The Coastal Act also requires development to maintain and enhance public access to the coast by providing adequate parking facilities:

The location and amount of new development should maintain and enhance public access to the coast by ... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.<sup>11</sup>

The applicant rents the 811, 813, and 815 South Pacific Street as vacation rentals, and operates similar structures on the same block as a quasi-hotel/motel operation. The operator, however, has not provided the infrastructure associated with a hotel/motel operation and has effectively privatized the public street and sidewalk. Applicant relies on tandem parking spaces to meet the parking space requirements. Tandem parking spaces, however, do not provide sufficient parking for lodgers and the staff necessary to maintain the facilities. As evidenced by the public testimony at the City Council hearing, applicant’s staff uses public parking spaces and the public sidewalk, blocking the public sidewalk and limiting public parking for beachgoers and other residents. By using the available public parking spaces, blocking the public sidewalks with vehicles, and by limiting public access to the beach by using the available public parking spaces for maintenance staff, the applicant limits public access and has diminished public access to the coast by providing inadequate public parking facilities.

To implement these Coastal Act policies, the Local Coastal Program requires the City to determine the parking requirements for uses not specifically defined based on the most comparable use specified in the parking regulations:

Section 2703: PARKING REQUIREMENTS FOR USES NOT SPECIFIED. Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the Planning Department; such determination shall be based upon the requirements for the most comparable use specified herein. All such departmental determinations may be subject to review or appeal to the Planning Commission.

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<sup>9</sup> 1986 Zoning Ordinance §2702; General Plan Policy 1.20.

<sup>10</sup> Public Resources Code §30211.

<sup>11</sup> Public Resource Code §30252.

The Local Coastal Program does not specify a parking ratio for vacation rentals. But the most comparable uses are rooming houses, lodging houses, or clubs and fraternity houses, and motels.

The parking demand for vacation rentals is higher because:

- Occupancy is higher. For example, according to the applicant's 2010 website (copy attached as **Attachment 1**), on average sleeping occupancy in applicant's vacation rentals is 3 persons per room. For the proposed projects this would result in a sleeping occupancy of 27 persons in total (3 persons per bedroom).
- Numerous staff and cleaning services require parking to clean the units and prepare units for the next occupant.

Rooming houses, lodging houses, or clubs and fraternities have to provide 1 parking space for each 2 sleeping rooms. Although this standards still undercounts the parking demand for a vacation rental, it is a better fit than the single family residence parking requirement.

In addition, the applicant hosts special events, such as weddings, corporate retreats, and parties. For example, in 2010 applicant advertised on its website that it rents 825 South Pacific, a similar sized building just a few doors down, for weddings of up to 75 persons. Since 825 South Pacific has no yard capable of holding 75 persons, weddings would presumably be held on the rooftop. Weddings, corporate retreats, and parties are classified as a place of assembly. The parking requirements for a place of assembly is 1 parking space for each 40-square feet of gross floor areas used for assembly without fixed seats. The proposed structures will only provide two regular parking spaces and two tandem parking spaces. This is inadequate to meet the parking needs of 75 or more guests.

#### **6. The projects do not comply with the landscaping requirements.**

As conceded by the City, the proposed projects do not comply with the Local Coastal Program's landscaping requirements. In part, this is because the applicant has installed concrete walkways on both sides of the structures. Alternative to walkways that allow landscaping to be installed are required.

#### **7. The projects do not comply with the LCP community standards.**

The LCP requires all development to be compatible in height, scale, color, and form with the surrounding neighborhood.<sup>12</sup> Applicant's proposed structures are incompatible with existing development because the structures exceed the RT zones 35 foot height restriction and applicant has not obtained a conditional use permit, the structures are over 40 feet tall on the west (beach) side, and the structures are four stories in a neighborhood with only two and three-story structures. In addition, the structures are

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<sup>12</sup> Local Coastal Program; 1986 Zoning Ordinance §1703(e).

massive for an approximately 3,250 square foot lot and out of scale with the surrounding neighborhood.

In addition, the LCP also requires the City apply the design standards in the Coastal Development Design Standards manual. This includes the following design standards:

1. Proposed new development should consider surrounding views when designing building height. Coastal Development Design Standards IV.A.3.
2. Ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood. Coastal Development Design Standards V.1.
3. Buildings are seen together as a total effect that defines the City/neighborhood. Emphasize this special character further through distinctive landscaping and other features. Coastal Development Design Standards V.5.
4. Pedestrian scale can be achieved at the base of large vertical building surfaces by the use of arcades, by emphasizing horizontal divisions, surface textures and other architectural details. Coastal Development Design Standards VI.A.1.
5. Relate the height of buildings to important attributes of the City pattern and to the height and character of surrounding development. Coastal Development Design Standards VI.A.3.

Applicant's proposed structures are incompatible with existing development because (1) the structures exceed the RT zone's 35 foot height limit, (2) the project incorrectly measures "grade" (the beginning point for measuring height), (3) the structures are over 40 feet tall on the west (beach) side, and (4) the structures are four stories tall in a neighborhood with only two and three-story structures. .

The proposed structure would include four stories, more than any other building in the surrounding neighborhood, fail to comply with the height regulations, and will block surrounding views and be out of scale with the height and character of surrounding development.

#### **8. Increase of Side Yard Where Dwelling Unit Fronts Upon a Side Yard.**

To add an additional unit, each of the projects must provide a 10 foot side yard setback on the side where the primary entrance is located. Section 1723 of the Zoning Ordinance requires the following side yard setback:

The minimum width of the side yard upon which a primary entrance to a dwelling unit is provided shall be no less than ten (10) feet.

Since applicant proposes to locate two primary entrances within the side yard, applicant must provide a 10-foot side yard on the side yard where the primary entrances will be located.

Applicant proposes to only provide a 3-foot side yard setback on the side yard with both primary entrances.

In addition, City did not grant a variance or waiver from compliance with this side yard requirement, and did not adopt the findings necessary to support such a waiver or variance.

#### **9. California Environmental Quality Act.**

The project does not comply with the California Environmental Quality Act ("CEQA"). First, in addition to the coastal permit applications for 811, 813, and 815 South Pacific Street, applicant has pending applications for several other lots on the 800 block of South Pacific Street that CEQA requires be addressed in one environmental analysis. Instead, applicant and City has piecemealed the projects and therefore have avoided addressing the environmental impacts of the projects as a whole and their cumulative impacts.

Second, the Class 3 categorical exemption is qualified by location, cumulative impact, and significant effects due to unusual circumstances.<sup>13</sup> The proposed structures do not qualify for a categorical exemption for the following reasons:

- Due to their location on a public right-of-way and public view corridor, the projects will impact public views in violation of the Local Coastal Program.
- The project does not provide adequate parking to meet the parking demands of a vacation rental with a 27-person sleeping occupancy that can host events for 75 persons or more.
- The project does not provide parking for employees.
- The projects will each host up to 27 occupant and will therefore cause traffic impacts and cumulative traffic impacts when combined with applicant's other pending projects.
- The project is incompatible with the bulk and scale of the surrounding neighborhood.
- Applicant has pending applications for 817, 819, 831 and 833 South Pacific Street. These seven projects (including 811, 813, and 815) cannot be piecemealed and must be reviewed under CEQA as one project.
- Development of vacation rentals and assembly halls on South Pacific Street over time has caused and will cause significant cumulative impacts to parking, street parking, views, density, bulk, and scale.
- Applicant proposes to rent the proposed structures as vacation rentals for 27 persons, or more, and to host parties, weddings, and corporate retreats for 75 persons or more. Past parties, weddings, and corporate retreats on applicant's

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<sup>13</sup> CEQA Guidelines §15300.2.

nearby properties included dj's and live music, in addition to the crowd noise, causing excessive noise levels that disturbed the surrounding residences. Since no walls will block noise originating from the fourth story roof deck, the noise impacts will be even greater than a back yard party.

- Holding parties, weddings, and corporate retreats will cause noise impacts to the surrounding residences and disturb the surrounding neighbors sleep.

These items support a fair argument that the project may have a significant environmental effect on the environment. For these reasons, the City was required to prepare a mitigated negative declaration or an environmental impact report.

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Ever dream of a wedding on the sand, or perhaps overlooking the gorgeous coastline of San Diego? Our properties sit directly on the edge of the Pacific Ocean and will give you the wedding you have always dreamed of.

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**~The Grand Beachfront Rooftop Wedding~**

**Details:**

Have a grand celebration on a stunning rooftop deck overlooking the ocean. This property is comprised of four luxury condos, each with 5 bedrooms that all have oceanfront views. Perfect for accommodating family and guests. The package includes all 4 properties, plus the rooftop deck. There are gourmet kitchens in each unit, elevator access to the rooftop, and underground parking.

Where else can you have a wedding like this? Imagine all of your closest family and friends being able to stay directly on the beach with you, at the wedding location. Have your rehearsal dinner on the property, the ceremony, the reception, a post-wedding brunch, and so much more! You never need to leave the property! You will not find another venue like this on the coast anywhere in Southern California. If you want a beach wedding, this is the place!

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**Package Rate:**

~\$15,300

~Includes 3 nights stay at property, all taxes and fees included.

**Property Information:**

~809 S. Pacific St.,  
Oceanside, CA 92054

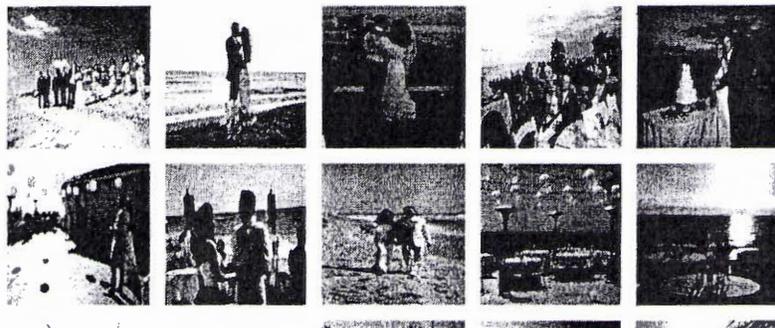
~Event maximum: 180 persons

~4 Unit Condo Complex

~20BRs, 16BAs,  
Sleeps 60

~Each unit has a gourmet kitchen, two washers and dryers, a private spa, a private balcony, flat screen TV, DVD, Wireless Internet.

Click on thumbnails to view larger





(photo credits: Photos 17-32: Jan Garcia, photos 33-36: Simply Unforgettable Catering)

*Helpful Links: [Rooftop Dimensions](#) | [Add'l Property Info](#) | [Virtual Tour](#)*

**Testimonials**

*"Thank you all so much! Our stay at the 809 So. Pacific property could not have been more perfect. The view, furnishings and cleanliness were beyond our expectations. So were the rental/maintenance and marketing staff members were so professional. We rented out the entire building and rooftop for a 4-day wedding celebration with friends and family from across the country. Deep sea fishing, surfing, relaxing in the hot tub at night, a wedding on the beach, a reception for 150 people on the roof—you made our dream wedding celebration come true. And thank you for providing such fabulous vendors for us to use. We hope to make many trips back to your properties in the years to come!" (Molly Harris & Zack Taylor Wedding Party)*

***~The Splendid Oceanfront Wedding~***

<p><b>Details:</b></p> <p>Ever dream of a wedding overlooking the Pacific Ocean? Look no further. This magnificent property will host the wedding of your dreams with its stunning rooftop decks and gorgeous interior. This home has just completed construction and everything is brand new. There are two</p>	<p><b>Package Rate (all incl):</b></p> <p>~\$9,000.</p> <p>~Includes 3 nights stay at property. all taxes</p>
--	---

construction and everything is brand new. There are two rooftop decks at different levels, perfect for having a ceremony on one, and a reception on the other.

In addition to the two rooftops, the home boasts gorgeous interior living space, two full kitchens, ten bedrooms, nine and half baths, and a beach front patio. Accommodate up to 29 of our guests in this home. Because it is two units in one, the grooms family and the brides family can each have their own living space.

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at property, all taxes and fees included.

**Property Information:**

~825 S. Pacific St.,  
Oceanside, CA 92054

~Event maximum: 75  
persons

~Single Family Home  
which can be split into  
two units

~10BRs, 9.5BAs,  
Sleeps 29

~Two gourmet  
kitchens, four washer  
and dryers, flat screen  
TVs, DVD players,  
Wireless Internet, two  
rooftop decks, beach  
front patio.

\*Photos coming soon

*Helpful Links: [Add'l Property Info](#) | [Virtual Tour](#)*

**~The Dream Shoreline Wedding~**

**Details:**

Have your wedding on the beach, yet still in the privacy of your own space! This property has five units, with eleven bedrooms total, and a large courtyard area, right on the sand, perfect for the wedding of your dreams. This property can accommodate up to 75 guests for a ceremony and a reception. Perhaps you might want your ceremony directly on the sand, then step back for the reception in the beautiful courtyard.

The courtyard includes a large fire pit, a golf tee, and a spa, all which can be creatively incorporated into your wedding if you choose. Because there are 5 separate units, families and guests can have their own space. If you would like the gorgeous sand and ocean as your wedding backdrop, this is the place!

[Compare with other Packages](#)

**Package Rate (all incl):**

~\$9,000.

~Includes 3 nights stay  
at property, all taxes  
and fees included.

**Property Information:**

~817-821 S. Pacific  
St., Oceanside, CA  
92054

~Event maximum: 75  
persons

~5 units with 2-3  
bedrooms each.

~11BRs total, sleeps  
~27

~Each unit has a  
kitchen, television,  
wireless internet

~Courtyard has fire-pit,

spa, golf tee, plus there is common area with kitchen, flat screen tv, and laundry machines.

\*Photos coming soon!

*~Additional Photos from Beachfront Only Weddings~*



*~The Idyllic Seashore Wedding~*

**Details:**

*Looking for a beach front wedding venue for the Summer of '09, or any other time this year? We have the place!*

Located on South Pacific St. in Oceanside, this venue can hold up to 200 guests for a oceanfront wedding ceremony and reception. There is a large paved patio area right on the ocean, perfect for a ceremony. Directly behind there is a lawn area, which can accommodate tables, dance floor, etc. There is no venue like this in southern California! Have the beach wedding you have always dreamed of a with quaint and charming garden-like feel to it!

Along with the venue space, there are also three units that are included which can be used for bride and groom dressing and prep rooms, staging areas, space for

**Package Rate (all incl):**

~\$3,500.

*~Includes venue and 3 units for one day, 12pm to 10pm property, all taxes and fees included.*

**Property Information:**

~835 S. Pacific St., Oceanside, CA 92054

~Event maximum: 200 persons

caterers, guest bathrooms, etc.

Rate includes event space from 12pm to 10pm, 3 units for use during wedding day, 4 hours of transportation to and from a park-and-ride for your guests.

Note: Deliveries are allowed prior to 12pm, however, event setup cannot start until noon.

Contact us now, we have SUMMER AVAILABILITY!!

[Compare with other Packages](#)

~3 1br units available for your use during wedding day

~Patio and lawn area for ceremony and reception. Easy load in and out.



### ~Luxury Italian Villa Oceanfront Wedding~

#### Details:

Have a week long celebration at this exquisite Italian villa on the Pacific Ocean. If an Amalfi Coast wedding is your dream, look no further. There is a large gorgeous landscaped patio overlooking the ocean with private stairs down to the sand. Every detail in this fine villa has been thought out from the imported Italian antiques to the luxury linens. You're guests will be in awe when they walk in the doors...they will be greeted in a courtyard with a fireplace and fountain, perfect for cocktail hour. As you walk inside the villa, a large arched window graces the dining and living areas, with panoramic ocean views.

Everything has been taken care of for you, so that from the time you arrive in the driveway to the time you leave, you will not have a care in the world. No meals to plan (of course unless if you would like to the option is always there), no dishes to clean, no beds to make...nothing. Prepare to be pampered.

Two oceanfront master suites and other bedroom suites have balconies and ocean views and all bedrooms have fireplaces and marble bathrooms. There is an authentic Italian courtyard with fountains, lounge furniture, and a fireplace, a perfect getaway sanctuary.

In addition to the villa, the package rate also includes a personal chef/bartender 5 days per week, three meals daily, a houseman, porter services, and daily housekeeping. Arrangement for a massage therapist can be made. The chef and houseman will be on premise the day of the wedding but not on duty except for security and parking facilitation.

Please note that catering, flowers, servers and clean-up for the wedding are extra. Staff at Shore Drive are able to provide flowers and servers and clean crew for an additional fee if you should choose. They can also

#### Package Rate (all incl):

~\$15,000 - 3 night stay

~\$12,000 - 2 night stay

~Includes 2 or 3 night stay (depending on package rate) at property, all taxes and fees included.

#### Property Information:

~5143 Shore Drive  
Carlsbad, CA 92054

~Event maximum: 75 persons

~Private Italian Villa with on-site chef

~5BRs, 5BAs, Sleeps 9. Extra guests are \$100/night per person, with authorization.

~Included: 5 bedrooms with ensuite baths, ocean views, fireplaces, seating areas, television, antiques, exquisite linens and fragrant ocean breezes.

arrange for a rehearsal dinner at an upcharge for up to 20 people.

\*Photos coming soon

Helpful Links: [Add'l Property Info](#) | [Virtual Tour](#)

**Package Comparison Chart:**

PACKAGE	EVENT MAX	SLEEP MAX	SEP UNITS	TOTAL BR'S	TOTAL BA'S	NIGHTS INCL'D	AVAIL SPACE FOR EVENT	PRICE
<b>Grand Beachfront Rooftop Wedding</b>	180	60	4	20	16	3 nights, 4pm fri-10am mon	Rooftop Deck, Under ground Garage	\$15,300
<b>Splendid Oceanfront Wedding</b>	75	29	2	10	9.5	3 nights, 4pm fri-10am mon	Rooftop Deck	\$9,000
<b>Dream Shoreline Wedding</b>	75	27	5	11	10	3 nights, 4pm fri-10am mon	Ocean front Patio	\$9,000
<b>Idyllic Seashore Wedding</b>	200	n/a	3	3	3	1 day, 12pm-10pm	Ocean front Patio and Lawn	\$3,500
<b>Luxury Italian Villa Oceanfront Wedding</b>	75	9	1	5	5	2 or 3 Nights	Oceanfront Patio, Dining area, Courtyard area	\$12,000 or \$15,000

\*Send this flyer to your guests that may need a place to stay: [Wedding Guest Brochure](#)

\*[View all wedding photos here](#)

Please read our disclaimer | our privacy statement

[beachfrontonly.com](http://beachfrontonly.com)

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[Resources](#) | [Partners](#) | [Blog](#) | [Links](#)

Beachfront Only Vacation Rentals | 1821 S. Coast Hwy, Oceanside, CA 92054 | (866) 976-8244(866) 976-8244 | [info@beachfrontonly.com](mailto:info@beachfrontonly.com) | [www.beachfrontonly.com](http://www.beachfrontonly.com)

- Ocean Front Rental Encinitas San Diego
- Beachfront Rental Encinitas San Diego
- San Diego Beach Vacation Rental in Oceanside
- San Diego Vacation Beach Rental in Oceanside
- San Diego BeachFront Vacation Rental in Oceanside
- San Diego Beach Rental in Oceanside

Beachfront Only - Beach Front Wedding Packages San Diego

- BeachFront Vacation Rental in Oceanside
- San Diego Beach Vacation Rental in Oceanside
- San Diego Oceanfront Unit with Rooftop Deck
- Stunning Beachfront Vacation Rental Home
- San Diego Beach Rental on the Sand
- San Diego Beach Rental - 2 Bedroom on Sand
- San Diego Beach Rental - Luxury Single Family Home
- Single Family Beach Front Vacation Rental
- San Diego Vacation Rental - Beachfront Vacation Home
- Extraordinary Oceanfront Italian Villa
- San Diego Vacation Rental - Single Family Home Beach Rental
- Beach Front House San Diego Encinitas California
- Single Family Oceanfront Vacation Home, Oceanside
- San Diego BeachFront Vacation Rental in Oceanside
- San Diego Beach Rental
- San Diego Luxurious Oceanfront Vacation Home
- Exquisite San Diego Oceanfront Home
- Lovely Beachfront San Diego Vacation Rental
- BeachFront Property San Diego Oceanside California
- Beach Front Property San Diego Oceanside California
- Beach Front Vacation Rental on the Sand in Oceanside
- San Diego Vacation Rental - Luxury Oceanfront Condo
- Oceanfront Encinitas San Diego California
- San Diego Beach Rental - Exclusive Designer Unit on Beach
- San Diego Vacation Rental - 2BR Oceanfront Rental
- San Diego Vacation Rental - Rental Unit on the Beach
- San Diego Beach Rental in Oceanside
- San Diego Luxury Rental on the Sand
- Brand New San Diego Beachfront Rental
- Beachfront Rental San Diego
- San Diego Beach Rental - 2 Bedroom on Sand
- Beach Front Property San Diego Oceanside California
- BeachFront Rental San Diego Oceanside California
- San Diego Vacation Rental - Beach Front Property
- Beachfront Encinitas San Diego California
- Beach Front House San Diego Encinitas California
- Oceanfront Vacation Rental San Diego
- San Diego Vacation Rental - Oceanfront Home with Spa
- San Diego Vacation Rental - Beachfront rental property

**CALIFORNIA COASTAL COMMISSION**

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



# Th6c

Filed: 2/4/2013  
180th Day: 8/3/2013  
Staff: A. Llerandi-SD  
Staff Report: 2/4/2013  
Hearing Date: 3/7/2013

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 6-13-002

**Applicant:** Verizon Wireless

**Agent:** Shelly Kilbourn

**Location:** Mission Bay Drive and Quivira Road, Mission Beach, San Diego, San Diego County

**Project Description:** Construct a 240 square foot, unmanned wireless communication facility and locate 9 antennas on 2 new light standards within the City's right-of-way

**Staff Recommendation:** Approval with conditions.

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### SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending approval with conditions. The proposed project is construct a 240 square foot wireless communication facility and locate 9 antennas on 2 new light standards within the City of San Diego's right-of-way at Mission Bay Drive and Mission Bay Exchange with Mission Bay Park.

The primary issue raised by the proposed development relates to protection of public views. Visual resources could be impacted by blockage of designated view corridors to or along the ocean by the new wireless communication facility

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
VOICE (619) 767-2370 FAX (619) 767-2384



A-6-OCN-12-054

## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

### SECTION I. Appellant(s)

Name: Beachin, LLC

Mailing Address: c/o Karla Edwards, Transcontinental Management 3355 Mission Avenue #111

City: Oceanside

Zip Code: 92054

Phone: (760) 439-8611

### SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Oceanside

2. Brief description of development being appealed:

The conversion of three existing single-family residences to duplexes with the addition of 1,409 square feet and a new fourth story to the existing structure three story structure at 811 South Pacific Street.

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

811 South Pacific Street in Oceanside, CA 92054

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

- Approval; no special conditions  
 Approval with special conditions:  
 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-12-054

DATE FILED:

7/25/2012

DISTRICT:

San Diego

RECEIVED

JUL 25 2012

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

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

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

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

6. Date of local government's decision: June 27, 2012

7. Local government's file number (if any): RC12-00003

**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:

REVX Pacific South, LLC, Evergreen Hebron, LP, and REVX North Pacific, LLC

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) Erik L. Schraner/Seltzer Caplan McMahon Vitek/750 B Street, Suite 2100, San Diego, CA 92101

(2)

(3)

(4)

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

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

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

See attached sheets.

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

**SECTION V. Certification**

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

C Campbell, mgr  
Signature of Appellant(s) or Authorized Agent

Date: July 24, 2012

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

**Section VI. Agent Authorization**

I/We hereby authorize Erik L. Schraner  
to act as my/our representative and to bind me/us in all matters concerning this appeal.

C Campbell, mgr  
Signature of Appellant(s)

Date: July 24, 2012

**REASONS SUPPORTING THE APPEAL OF**  
**811 SOUTH PACIFIC STREET**

811, 813, and 815 South Pacific Street are existing 4,501 square foot single-family residences/vacation rentals. The applicant proposes to add:

- A fourth story;
- A 1,371 square foot addition; and
- A second unit to each of the three existing single-family buildings.

With the proposed additions, the 3,250 square foot lots will be developed with 5,872 square foot buildings rising up four stories from the beach.

The applicant operates vacation rentals on most of the ocean side of the 800 South Pacific Street block. In addition to the three structures being appealed, applicant has pending applications for several other lots on the same block. The coastal permits for 811, 813, and 815 South Pacific Street will establish a precedent for these pending projects and for the entire RT zone.

Beachin, LLC appeals the City of Oceanside approval of a coastal permits for 811 South Pacific Street for the following reasons:

**1. The projects exceed the three “story” restriction by including a fourth story.**

The 1986 Zoning Ordinance limits buildings to three stories.<sup>1</sup> In violation of the three story restriction, applicant proposes to add a fourth story to all three structures.

The City’s 1986 Zoning Ordinance defines a “story” as that portion of a building included between the surface of any floor and the surface of the floor next above it.<sup>2</sup>

In some situations, a “basement” or “cellar” does not count as a story. But “if the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.”<sup>3</sup>

The City determined that the bottom floor for the three structures qualifies as a basement. The 1986 Zoning Ordinance defines a basement as:

<sup>1</sup> 1986 Zoning Ordinance §1709.

<sup>2</sup> 1986 Zoning Ordinance §274.

<sup>3</sup> 1986 Zoning Ordinance §274.

Section 207: Basement. "Basement" means that portion of a building between floor and ceiling which is partly below and partly above ground but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.<sup>4</sup>

The bottom floors for the three structures fail to qualify as a basement for three reasons:

1. The entire bottom floor is not located partly below and partly above ground;
2. According to applicant's calculations, the vertical distance from grade to the floor below is more (instead of less) than the vertical distance from grade to ceiling; and
3. The finished floor level directly above the basement is more than six feet above grade.

The City approved the coastal permit based on "interpreting" (1) the requirement to be located partly above and partly below ground to be partly below and partly below "grade" and (2) changing the vertical distance from grade to the floor below to be "more" than the vertical distance from grade to ceiling (rather than "less" than the vertical distance from grade to ceiling).<sup>5</sup>

The City's interpretations conflict with the certified Local Coastal Program. The Local Coastal Program distinguishes between "ground" and "grade" as evidenced by the fact that grade is calculated as the average finished ground level at the center of all walls of a building except if a sidewalk is located parallel to and within five feet of a sidewalk. Ground cannot be the same as grade if grade the average of finished ground level.

The City's interpretation that "less" is actually "more" is the complete opposite of what the City enacted and the Coastal Commission certified. Under any interpretation, the new floor proposed by applicant qualifies as a story.

## **2. The calculation of "grade" is incorrect.**

The applicant and City miscalculated "grade". Grade is defined as:

Section 234: Grade. "Grade" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above-ground level shall be measured at the sidewalks.

Grade must be measured by calculating the average of "finished ground level" at the center of the walls. According to the plans, finished ground level is 13.5-feet MSL. Since the portion of the lot located under the existing building, and, therefore, the portion of the lot located at the center of all walls of the building, is entirely flat, the entire bottom floor for 815 South Pacific

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<sup>4</sup> 1986 Zoning Ordinance §207.

<sup>5</sup> City of Oceanside Staff Presentation to Planning Commission.

Street measured at finished grade (indicated by FG on the plans) is 13.5-feet MSL. Thus, the measurements at the center of the west wall cannot be 14-feet MSL, which is finished floor level. It is 13.5-feet MSL.

On the south and north wall measurements, applicant and City appear to have taken measurements for the south and north walls from the top of the walkways located along the south and north walls. These measurement points are taken from outside the walls of the structures. The measurements, however, must be taken from the center of the north and south walls, not the walkways.

While the 1986 Zoning Ordinance walls allows grade for walls parallel to and within five feet of a sidewalk to be measured from the above-ground level at the sidewalks, the areas to the north and south of the structures do not qualify as a sidewalk. The only sidewalk is located contiguous and parallel to South Pacific Street. Beachin, LLC's opposition letters submitted to the Oceanside Planning Commission and City Council discuss the California Building Code and common definitions of a sidewalk and a walkway.

Finished ground level at the center of all walls is:

Center East Wall	24.4 Feet
Center South Wall	13.5 Feet
Center West Wall	13.5 Feet
Center North Wall	13.5 Feet

Average grade is therefore 16.23-feet MSL.

Thus, the finished floor directly above the basement is more than six feet above grade and the bottom floor qualifies as a story.

### **3. Building Height.**

The 1986 Zoning Ordinance imposes two building height restrictions: (1) the building height restriction specified in the RT zoning regulations and (2) the general height regulations specified in the general zoning regulations.

The RT zoning regulations impose the following height restriction:

- Section 3203: Height of Buildings. Building height is limited to 35 feet unless a Conditional Use Permit is issued in accordance with Article 15. Height standards in the Redevelopment Area are governed by the Development Criteria and Land Use Regulations. No building or structure shall exceed any adopted height restrictions that may appear in any other adopted plan or Policy of the City including Proposition A passed by the voters April 13, 1982.

The RT zoning restrict "building height" to 35 feet<sup>6</sup>. The Zoning Ordinance defines "building height" as "the vertical distance measured from the average level of the highest and lowest point of that portion of the building site covered by the building to the ceiling of the uppermost story."<sup>7</sup>

The plans submitted by the applicant claim that the average level of the highest and lowest point is 19.2-feet MSL. This is incorrect.

The finished grade for the portion of the building site covered by the building is 13.5-feet MSL. The average level of the highest and lowest point of the portion of the building site covered by the building is therefore 13.5-feet MSL.

The plans identify the height of the ceiling of the uppermost story appears to be 51.15-feet MSL. The proposed building height is therefore 38 feet, which exceeds the 35-foot height limit.

#### **4. Tandem Parking Spaces.**

The applicant proposes to provide four tandem parking spaces to comply with the minimum parking requirements. In areas where beach parking demand is critical, parking requirements for new residential development shall be strictly enforced.<sup>8</sup> Nothing in the 1986 Zoning Ordinance, however, authorizes the use of tandem parking spaces to comply with the parking requirements.

In addition, tandem parking spaces do not comply with the requirement that parking spaces "be provided with adequate ingress and egress" and the General Plan requirement that "developments shall design parking areas to maximize efficiency, safety, convenience, and open space."<sup>9</sup> Tandem parking spaces do not provide adequate ingress and egress, particularly in structures that will be used as vacation rental by transient renters.

#### **5. Public Access.**

The Coastal Act prohibits development from interfering with the public's right of access to the sea.<sup>10</sup> The Coastal Act also requires development to maintain and enhance public access to the coast by providing adequate parking facilities:

The location and amount of new development should maintain and enhance public access to the coast by ... (4) providing adequate parking facilities or

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<sup>6</sup> 1986 Zoning Ordinance §3203.

<sup>7</sup> 1986 Zoning Ordinance §211 (emphasis added.).

<sup>8</sup> Local Coastal Program Policy 17.

<sup>9</sup> 1986 Zoning Ordinance §2702; General Plan Policy 1.20.

<sup>10</sup> Public Resources Code §30211.

providing substitute means of serving the development with public transportation.<sup>11</sup>

X

The applicant rents the 811, 813, and 815 South Pacific Street as vacation rentals, and operates similar structures on the same block as a quasi-hotel/motel operation. The operator, however, has not provided the infrastructure associated with a hotel/motel operation and has effectively privatized the public street and sidewalk. Applicant relies on tandem parking spaces to meet the parking space requirements. Tandem parking spaces, however, do not provide sufficient parking for lodgers and the staff necessary to maintain the facilities. As evidenced by the public testimony at the City Council hearing, applicant's staff uses public parking spaces and the public sidewalk, blocking the public sidewalk and limiting public parking for beachgoers and other residents. By using the available public parking spaces, blocking the public sidewalks with vehicles, and by limiting public access to the beach by using the available public parking spaces for maintenance staff, the applicant limits public access and has diminished public access to the coast by providing inadequate public parking facilities.

To implement these Coastal Act policies, the Local Coastal Program requires the City to determine the parking requirements for uses not specifically defined based on the most comparable use specified in the parking regulations:

X

Section 2703: PARKING REQUIREMENTS FOR USES NOT SPECIFIED. Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the Planning Department; such determination shall be based upon the requirements for the most comparable use specified herein. All such departmental determinations may be subject to review or appeal to the Planning Commission.

The Local Coastal Program does not specify a parking ratio for vacation rentals. But the most comparable uses are rooming houses, lodging houses, or clubs and fraternity houses, and motels.

The parking demand for vacation rentals is higher because:

- Occupancy is higher. For example, according to the applicant's 2010 website (copy attached as **Attachment 1**), on average sleeping occupancy in applicant's vacation rentals is 3 persons per room. For the proposed projects this would result in a sleeping occupancy of 27 persons in total (3 persons per bedroom).
- Numerous staff and cleaning services require parking to clean the units and prepare units for the next occupant.

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<sup>11</sup> Public Resource Code §30252.

Rooming houses, lodging houses, or clubs and fraternities have to provide 1 parking space for each 2 sleeping rooms. Although this standards still undercounts the parking demand for a vacation rental, it is a better fit than the single family residence parking requirement.

In addition, the applicant hosts special events, such as weddings, corporate retreats, and parties. For example, in 2010 applicant advertised on its website that it rents 825 South Pacific, a similar sized building just a few doors down, for weddings of up to 75 persons. Since 825 South Pacific has no yard capable of holding 75 persons, weddings would presumably be held on the rooftop. Weddings, corporate retreats, and parties are classified as a place of assembly. The parking requirements for a place of assembly is 1 parking space for each 40-square feet of gross floor areas used for assembly without fixed seats. The proposed structures will only provide two regular parking spaces and two tandem parking spaces. This is inadequate to meet the parking needs of 75 or more guests.

**6. The projects do not comply with the landscaping requirements.**

As conceded by the City, the proposed projects do not comply with the Local Coastal Program's landscaping requirements. In part, this is because the applicant has installed concrete walkways on both sides of the structures. Alternative to walkways that allow landscaping to be installed are required.

**7. The projects do not comply with the LCP community standards.**

The LCP requires all development to be compatible in height, scale, color, and form with the surrounding neighborhood.<sup>12</sup> Applicant's proposed structures are incompatible with existing development because the structures exceed the RT zones 35 foot height restriction and applicant has not obtained a conditional use permit, the structures are over 40 feet tall on the west (beach) side, and the structures are four stories in a neighborhood with only two and three-story structures. In addition, the structures are massive for an approximately 3,250 square foot lot and out of scale with the surrounding neighborhood.

In addition, the LCP also requires the City apply the design standards in the Coastal Development Design Standards manual. This includes the following design standards:

1. Proposed new development should consider surrounding views when designing building height. Coastal Development Design Standards IV.A.3.
2. Ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood. Coastal Development Design Standards V.1.
3. Buildings are seen together as a total effect that defines the City/neighborhood. Emphasize this special character further through distinctive landscaping and other features. Coastal Development Design Standards V.5.

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<sup>12</sup> Local Coastal Program; 1986 Zoning Ordinance §1703(e).

4. Pedestrian scale can be achieved at the base of large vertical building surfaces by the use of arcades, by emphasizing horizontal divisions, surface textures and other architectural details. Coastal Development Design Standards VI.A.1.
5. Relate the height of buildings to important attributes of the City pattern and to the height and character of surrounding development. Coastal Development Design Standards VI.A.3.

Applicant's proposed structures are incompatible with existing development because (1) the structures exceed the RT zone's 35 foot height limit, (2) the project incorrectly measures "grade" (the beginning point for measuring height), (3) the structures are over 40 feet tall on the west (beach) side, and (4) the structures are four stories tall in a neighborhood with only two and three-story structures. .

The proposed structure would include four stories, more than any other building in the surrounding neighborhood, fail to comply with the height regulations, and will block surrounding views and be out of scale with the height and character of surrounding development.

#### **8. Increase of Side Yard Where Dwelling Unit Fronts Upon a Side Yard.**

To add an additional unit, each of the projects must provide a 10 foot side yard setback on the side where the primary entrance is located. Section 1723 of the Zoning Ordinance requires the following side yard setback:

The minimum width of the side yard upon which a primary entrance to a dwelling unit is provided shall be no less than ten (10) feet.<sup>13</sup>

Since applicant proposes to locate two primary entrances within the side yard, applicant must provide a 10-foot side yard on the side yard where the primary entrances will be located. Applicant proposes to only provide a 3-foot side yard setback on the side yard with both primary entrances.

In addition, City did not grant a variance or waiver from compliance with this side yard requirement, and did not adopt the findings necessary to support such a waiver or variance.

#### **9. California Environmental Quality Act.**

The project does not comply with the California Environmental Quality Act ("CEQA"). First, in addition to the coastal permit applications for 811, 813, and 815 South Pacific Street, applicant has pending applications for several other lots on the 800 block of South Pacific Street that CEQA requires be addressed in one environmental analysis. Instead, applicant and City has

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<sup>13</sup> 1986 Zoning Ordinance §1723.

piecemealed the projects and therefore have avoided addressing the environmental impacts of the projects as a whole and their cumulative impacts.

Second, the Class 3 categorical exemption is qualified by location, cumulative impact, and significant effects due to unusual circumstances.<sup>14</sup> The proposed structures do not qualify for a categorical exemption for the following reasons:

- Due to their location on a public right-of-way and public view corridor, the projects will impact public views in violation of the Local Coastal Program.
- The project does not provide adequate parking to meet the parking demands of a vacation rental with a 27-person sleeping occupancy that can host events for 75 persons or more.
- The project does not provide parking for employees.
- The projects will each host up to 27 occupant and will therefore cause traffic impacts and cumulative traffic impacts when combined with applicant's other pending projects.
- The project is incompatible with the bulk and scale of the surrounding neighborhood.
- Applicant has pending applications for 817, 819, 831 and 833 South Pacific Street. These seven projects (including 811, 813, and 815) cannot be piecemealed and must be reviewed under CEQA as one project.
- Development of vacation rentals and assembly halls on South Pacific Street over time has caused and will cause significant cumulative impacts to parking, street parking, views, density, bulk, and scale.
- Applicant proposes to rent the proposed structures as vacation rentals for 27 persons, or more, and to host parties, weddings, and corporate retreats for 75 persons or more. Past parties, weddings, and corporate retreats on applicant's nearby properties included dj's and live music, in addition to the crowd noise, causing excessive noise levels that disturbed the surrounding residences. Since no walls will block noise originating from the fourth story roof deck, the noise impacts will be even greater than a back yard party.
- Holding parties, weddings, and corporate retreats will cause noise impacts to the surrounding residences and disturb the surrounding neighbors sleep.

These items support a fair argument that the project may have a significant environmental effect on the environment. For these reasons, the City was required to prepare a mitigated negative declaration or an environmental impact report.

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<sup>14</sup> CEQA Guidelines §15300.2.

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San Diego Beach Weddings

### Event/Group Contact Form

Event Type:

Select

First Name:

Last Name:

E-Mail:

Phone #:

Date of Event (mm/dd/yyyy):

Is Your Date Flexible?    No    Yes

# of Guests for Event:

# of Guest Accommodations:

Questions:

**Phone (866) 976-8244**  
**(866) 976-8244**

## Beachfront Only Weddings



Ever dream of a wedding on the sand, or perhaps overlooking the gorgeous coastline of San Diego? Our properties sit directly on the edge of the Pacific Ocean and will give you the wedding you have always dreamed of.

There is something very unique in what we offer. Our properties can hold the ceremony and the reception, as well as provide accommodations for wedding parties and out-of-town guests.

Whether you want a grand roof-top wedding overlooking the ocean, or a more intimate wedding directly on the sand, we have the perfect setting for your special day.

**\*PLEASE NOTE: All of our wedding package rates include a 3 NIGHT STAY and are all inclusive (all inclusive = rent, event fee, damage waiver fee, turnover fee, rooftop fee - if applicable). This excludes the "Idyllic Seashore Wedding" - see bottom of page for additional rate details).**

Click on the links below to jump to our different wedding packages.

***Jump To:*** [Grand Beachfront Rooftop Wedding](#)

[Splendid Oceanfront Wedding](#)

[Dream Shoreline Wedding](#)[Idyllic Seashore Wedding](#)[Luxury Italian Villa Oceanfront Wedding](#)[Compare Packages](#)

### ~The Grand Beachfront Rooftop Wedding~

**Details:**

Have a grand celebration on a stunning rooftop deck overlooking the ocean. This property is comprised of four luxury condos, each with 5 bedrooms that all have oceanfront views. Perfect for accommodating family and guests. The package includes all 4 properties, plus the rooftop deck. There are gourmet kitchens in each unit, elevator access to the rooftop, and underground parking.

Where else can you have a wedding like this? Imagine all of your closest family and friends being able to stay directly on the beach with you, at the wedding location. Have your rehearsal dinner on the property, the ceremony, the reception, a post-wedding brunch, and so much more! You never need to leave the property! You will not find another venue like this on the coast anywhere in Southern California. If you want a beach wedding, this is the place!

[Compare with other Packages](#)**Package Rate:**

~\$15,300

~Includes 3 nights stay at property, all taxes and fees included.

**Property Information:**

~809 S. Pacific St.,  
Oceanside, CA 92054

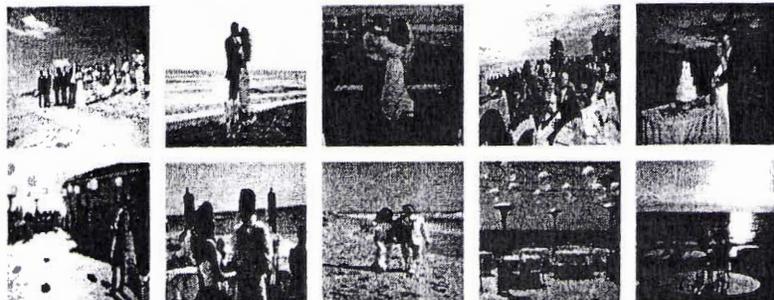
~Event maximum: 180  
persons

~4 Unit Condo  
Complex

~20BRs, 16BAs,  
Sleeps 60

~Each unit has a gourmet kitchen, two washers and dryers, a private spa, a private balcony, flat screen TV, DVD, Wireless Internet.

Click on thumbnails to view larger





(photo credits: Photos 17-32: Jan Garcia, photos 33-36: Simply Unforgettable Catering)

*Helpful Links: [Rooftop Dimensions](#) | [Add'l Property Info](#) | [Virtual Tour](#)*

**Testimonials**

*"Thank you all so much! Our stay at the 809 So. Pacific property could not have been more perfect. The view, furnishings and cleanliness were beyond our expectations. So were the rental/maintenance and marketing staff members were so professional. We rented out the entire building and rooftop for a 4-day wedding celebration with friends and family from across the country. Deep sea fishing, surfing, relaxing in the hot tub at night, a wedding on the beach, a reception for 150 people on the roof—you made our dream wedding celebration come true. And thank you for providing such fabulous vendors for us to use. We hope to make many trips back to your properties in the years to come!" (Molly Harris & Zack Taylor Wedding Party)*

**~The Splendid Oceanfront Wedding~**

**Details:**

Ever dream of a wedding overlooking the Pacific Ocean? Look no further. This magnificent property will host the wedding of your dreams with its stunning rooftop decks and gorgeous interior. This home has just completed construction and everything is brand new. There are two

**Package Rate (all incl):**

~\$9,000.

~Includes 3 nights stay at property. all taxes

construction and everything to stand firm. There are two rooftop decks at different levels, perfect for having a ceremony on one, and a reception on the other.

In addition to the two rooftops, the home boasts gorgeous interior living space, two full kitchens, ten bedrooms, nine and half baths, and a beach front patio. Accommodate up to 29 of our guests in this home. Because it is two units in one, the grooms family and the brides family can each have their own living space.

[Compare with other Packages](#)

at property, all taxes and fees included.

**Property Information:**

~825 S. Pacific St.,  
Oceanside, CA 92054

~Event maximum: 75  
persons

~Single Family Home  
which can be split into  
two units

~10BRs, 9.5BAs,  
Sleeps 29

~Two gourmet  
kitchens, four washer  
and dryers, flat screen  
TVs, DVD players,  
Wireless Internet, two  
rooftop decks, beach  
front patio.

\*Photos coming soon

[Helpful Links: Add'l Property Info | Virtual Tour](#)

**~The Dream Shoreline Wedding~**

**Details:**

Have your wedding on the beach, yet still in the privacy of your own space! This property has five units, with eleven bedrooms total, and a large courtyard area, right on the sand, perfect for the wedding of your dreams. This property can accommodate up to 75 guests for a ceremony and a reception. Perhaps you might want your ceremony directly on the sand, then step back for the reception in the beautiful courtyard.

The courtyard includes a large fire pit, a golf tee, and a spa, all which can be creatively incorporated into your wedding if you choose. Because there are 5 separate units, families and guests can have their own space. If you would like the gorgeous sand and ocean as your wedding backdrop, this is the place!

[Compare with other Packages](#)

**Package Rate (all incl):**

~\$9,000.

~Includes 3 nights stay  
at property, all taxes  
and fees included.

**Property Information:**

~817-821 S. Pacific  
St., Oceanside, CA  
92054

~Event maximum: 75  
persons

~5 units with 2-3  
bedrooms each.

~11BRs total, sleeps  
~27

~Each unit has a  
kitchen, television,  
wireless internet

~Courtyard has fire-pit,

spa, golf tee, plus there is common area with kitchen, flat screen tv, and laundry machines.

\*Photos coming soon!

*~Additional Photos from Beachfront Only Weddings~*



*~The Idyllic Seashore Wedding~*

**Details:**

*Looking for a beach front wedding venue for the Summer of '09, or any other time this year? We have the place!*

Located on South Pacific St. in Oceanside, this venue can hold up to 200 guests for a oceanfront wedding ceremony and reception. There is a large paved patio area right on the ocean, perfect for a ceremony. Directly behind there is a lawn area, which can accommodate tables, dance floor, etc. There is no venue like this in southern California! Have the beach wedding you have always dreamed of a with quaint and charming garden-like feel to it!

Along with the venue space, there are also three units that are included which can be used for bride and groom dressing and prep rooms, staging areas, space for

**Package Rate (all incl):**

~\$3,500.

*~Includes venue and 3 units for one day, 12pm to 10pm property, all taxes and fees included.*

**Property Information:**

~835 S. Pacific St.,  
Oceanside, CA 92054

~Event maximum: 200 persons

caterers, guest bathrooms, etc.

Rate includes event space from 12pm to 10pm, 3 units for use during wedding day, 4 hours of transportation to and from a park-and-ride for your guests.

Note: Deliveries are allowed prior to 12pm, however, event setup cannot start until noon.

Contact us now, we have SUMMER AVAILABILITY!!

[Compare with other Packages](#)

~3 1br units available for your use during wedding day

~Patio and lawn area for ceremony and reception. Easy load in and out.



### ~Luxury Italian Villa Oceanfront Wedding~

#### Details:

Have a week long celebration at this exquisite Italian villa on the Pacific Ocean. If an Amalfi Coast wedding is your dream, look no further. There is a large gorgeous landscaped patio overlooking the ocean with private stairs down to the sand. Every detail in this fine villa has been thought out from the imported Italian antiques to the luxury linens. You're guests will be in awe when they walk in the doors...they will be greeted in a courtyard with a fireplace and fountain, perfect for cocktail hour. As you walk inside the villa, a large arched window graces the dining and living areas, with panoramic ocean views.

Everything has been taken care of for you, so that from the time you arrive in the driveway to the time you leave, you will not have a care in the world. No meals to plan (of course unless if you would like to the option is always there), no dishes to clean, no beds to make...nothing. Prepare to be pampered.

Two oceanfront master suites and other bedroom suites have balconies and ocean views and all bedrooms have fireplaces and marble bathrooms. There is an authentic Italian courtyard with fountains, lounge furniture, and a fireplace, a perfect getaway sanctuary.

In addition to the villa, the package rate also includes a personal chef/bartender 5 days per week, three meals daily, a houseman, porter services, and daily housekeeping. Arrangement for a massage therapist can be made. The chef and houseman will be on premise the day of the wedding but not on duty except for security and parking facilitation.

Please note that catering, flowers, servers and clean-up for the wedding are extra. Staff at Shore Drive are able to provide flowers and servers and clean crew for an additional fee if you should choose. They can also

#### Package Rate (all incl):

~\$15,000 - 3 night stay

~\$12,000 - 2 night stay

~Includes 2 or 3 night stay (depending on package rate) at property, all taxes and fees included.

#### Property Information:

~5143 Shore Drive  
Carlsbad, CA 92054

~Event maximum: 75 persons

~Private Italian Villa with on-site chef

~5BRs, 5BAs, Sleeps 9. Extra guests are \$100/night per person, with authorization.

~Included: 5 bedrooms with ensuite baths, ocean views, fireplaces, seating areas, television, antiques, exquisite linens and fragrant ocean breezes.

Additional fee if you should choose. They can also arrange for a rehearsal dinner at an upcharge for up to 20 people.

\*Photos coming soon

Helpful Links: [Add'l Property Info](#) | [Virtual Tour](#)

**Package Comparison Chart:**

PACKAGE	EVENT MAX	SLEEP MAX	SEP UNITS	TOTAL BR'S	TOTAL BA'S	NIGHTS INCL'D	AVAIL SPACE FOR EVENT	PRICE
<b>Grand Beachfront Rooftop Wedding</b>	180	60	4	20	16	3 nights, 4pm fri-10am mon	Rooftop Deck, Under ground Garage	\$15,300
<b>Splendid Oceanfront Wedding</b>	75	29	2	10	9.5	3 nights, 4pm fri-10am mon	Rooftop Deck	\$9,000
<b>Dream Shoreline Wedding</b>	75	27	5	11	10	3 nights, 4pm fri-10am mon	Ocean front Patio	\$9,000
<b>Idyllic Seashore Wedding</b>	200	n/a	3	3	3	1 day, 12pm-10pm	Ocean front Patio and Lawn	\$3,500
<b>Luxury Italian Villa Oceanfront Wedding</b>	75	9	1	5	5	2 or 3 Nights	Oceanfront Patio, Dining area, Courtyard area	\$12,000 or \$15,000

\*Send this flyer to your guests that may need a place to stay: **Wedding Guest Brochure**

**\*View all wedding photos here**

Please read our disclaimer | our privacy statement

[beachfrontonly.com](http://beachfrontonly.com)

[Site Map](#) | [Beach Rental in San Diego](#) | [View Beach Rentals San Diego](#) | [Guest Book Rentals San Diego](#) | [Contact Us](#) | Tue 22, Sep 2009 14:13pm  
[Resources](#) | [Partners](#) | [Blog](#) | [Links](#)

Beachfront Only Vacation Rentals | 1821 S. Coast Hwy, Oceanside, CA 92054 | (866) 976-8244(866) 976-8244 | [info@beachfrontonly.com](mailto:info@beachfrontonly.com) | [www.beachfrontonly.com](http://www.beachfrontonly.com)

- Ocean Front Rental Encinitas San Diego
- Beachfront Rental Encinitas San Diego
- San Diego Beach Vacation Rental in Oceanside
- San Diego Vacation Beach Rental in Oceanside
- San Diego BeachFront Vacation Rental in Oceanside
- San Diego Beach Rental in Oceanside

## Beachfront Only - Beach Front Wedding Packages San Diego

- BeachFront Vacation Rental in Oceanside
- San Diego Beach Vacation Rental in Oceanside
- San Diego Oceanfront Unit with Rooftop Deck
- Stunning Beachfront Vacation Rental Home
- San Diego Beach Rental on the Sand
- San Diego Beach Rental - 2 Bedroom on Sand
- San Diego Beach Rental - Luxury Single Family Home
- Single Family Beach Front Vacation Rental
- San Diego Vacation Rental - Beachfront Vacation Home
- Extraordinary Oceanfront Italian Villa
- San Diego Vacation Rental - Single Family Home Beach Rental
- Beach Front House San Diego Encinitas California
- Single Family Oceanfront Vacation Home, Oceanside
- San Diego BeachFront Vacation Rental in Oceanside
- San Diego Beach Rental
- San Diego Luxurious Oceanfront Vacation Home
- Exquisite San Diego Oceanfront Home
- Lovely Beachfront San Diego Vacation Rental
- BeachFront Property San Diego Oceanside California
- Beach Front Property San Diego Oceanside California
- Beach Front Vacation Rental on the Sand in Oceanside
- San Diego Vacation Rental - Luxury Oceanfront Condo
- Oceanfront Encinitas San Diego California
- San Diego Beach Rental - Exclusive Designer Unit on Beach
- San Diego Vacation Rental - 2BR Oceanfront Rental
- San Diego Vacation Rental - Rental Unit on the Beach
- San Diego Beach Rental in Oceanside
- San Diego Luxury Rental on the Sand
- Brand New San Diego Beachfront Rental
- Beachfront Rental San Diego
- San Diego Beach Rental - 2 Bedroom on Sand
- Beach Front Property San Diego Oceanside California
- BeachFront Rental San Diego Oceanside California
- San Diego Vacation Rental - Beach Front Property
- Beachfront Encinitas San Diego California
- Beach Front House San Diego Encinitas California
- Oceanfront Vacation Rental San Diego
- San Diego Vacation Rental - Oceanfront Home with Spa
- San Diego Vacation Rental - Beachfront rental property



EXHIBIT NO. 5  
APPLICATION NO.  
**A-6-OCN-12-  
054, 055, 056**

Existing  
structures/Pacific St.  
sidewalk

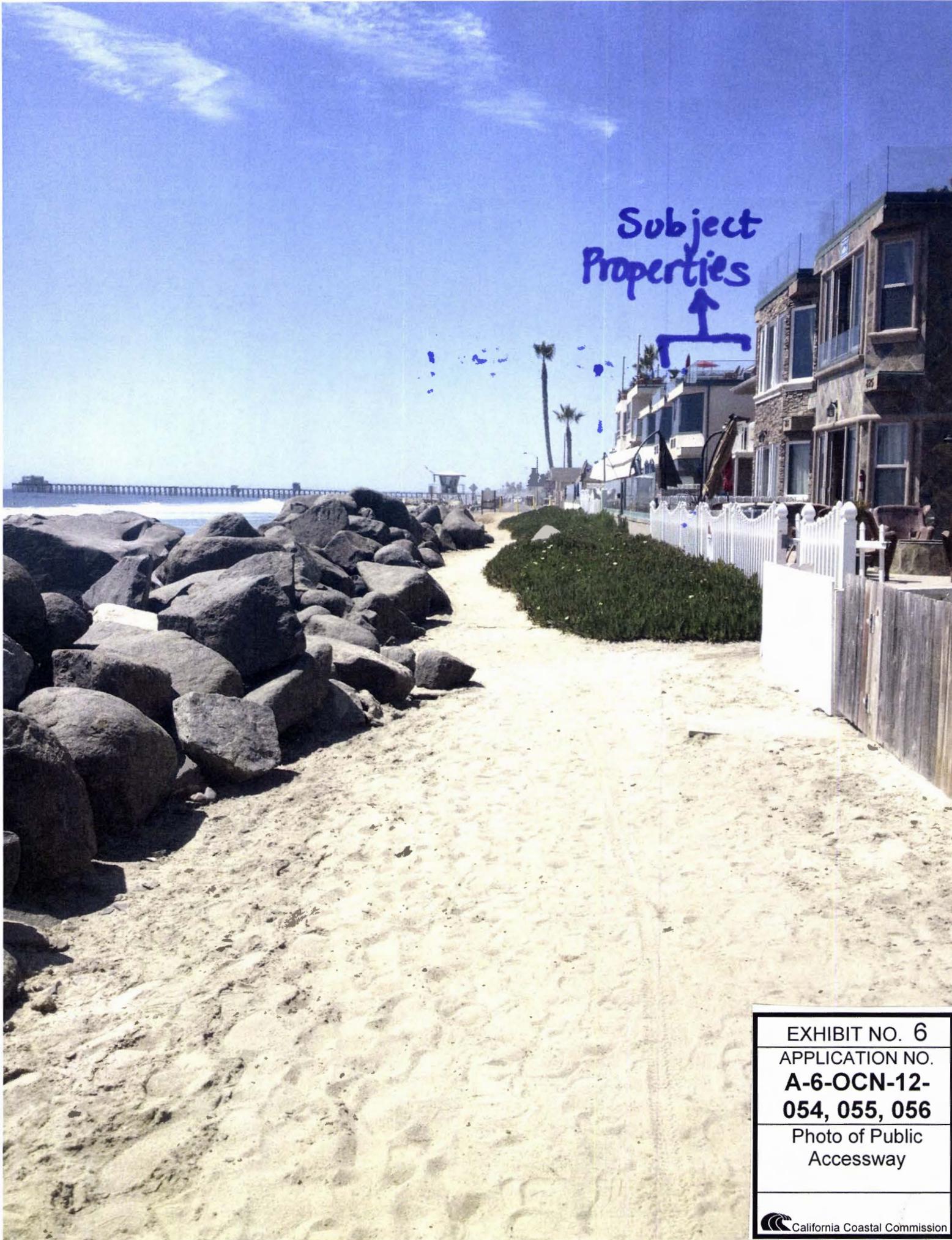
Page 1 of 2



The Strand South, Oceanside, California, United States  
Address is approximate

Subject Properties



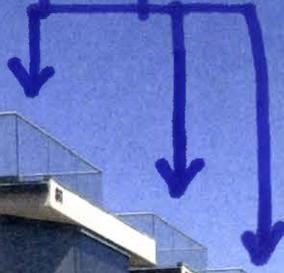


Subject  
Properties



EXHIBIT NO. 6  
APPLICATION NO.  
**A-6-OCN-12-  
054, 055, 056**  
Photo of Public  
Accessway

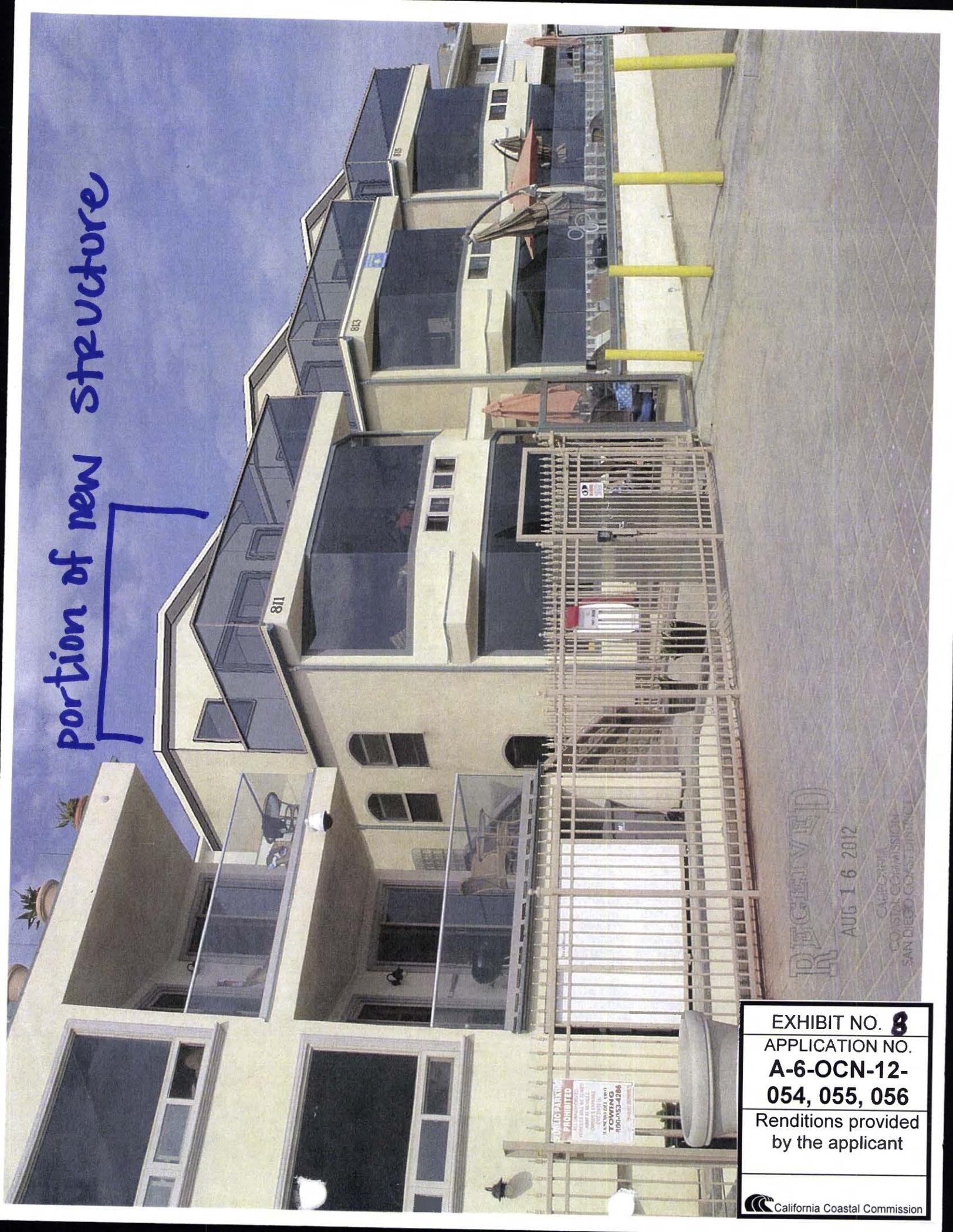
Subject properties



ROAD CLOSED

EXHIBIT NO. 7  
APPLICATION NO.  
**A-6-OCN-12-  
054, 055, 056**  
Example of scale of  
existing development

portion of new structure



RECEIVED

AUG 16 2012

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

EXHIBIT NO. **8**  
APPLICATION NO.  
**A-6-OCN-12-  
054, 055, 056**  
Renditions provided  
by the applicant