


City of Oceanside
Development Services Department
Memorandum

DATE: October 23, 2024

TO: Downtown Advisory Committee

FROM: Dane Thompson, Planner II 

SUBJECT: CONSIDERATION OF A REGULAR COASTAL PERMIT (RRP24-00001)
TO PERMIT TWO UNPERMITTED ROOFTOP DECKS AT 151 SOUTH
MYERS STREET – 151 SOUTH MYERS ROOFTOP DECKS –
APPLICANT: NEEL PUJARA

Location

The project site is a 10,000 square-foot lot developed with a two-story, 12-unit apartment complex constructed in 1971 located at 151 South Myers Street. The site is situated in the appealable area of the Coastal Zone and has a General Plan land use designation of Downtown (D), a Local Coastal Program land use designation of High Density Residential (C-RH), and a zoning designation of Downtown Subdistrict 5 (D-5). Surrounding land uses include a mixture of small-lot single- and multi-family properties.

Project Description & Background

The project represents a request to permit two noncontiguous, unpermitted rooftop decks which are accessed from an existing 312 square-foot sunroom located on the roof of the apartment building. Deck 1 faces to the west and is approximately 275 square-feet in area while Deck 2 is east facing and approximately 20 square-feet in area. Together, the decks constitute approximately five percent of the total roof area. Both the sunroom and attached decks are only accessible through a single apartment for exclusive use by the tenants of that unit.

The rooftop sunroom was constructed with a building permit in 2001, but did not include the decks in the scope of work. Staff cannot confirm when the rooftop decks were constructed, though satellite imagery shows the decks as being constructed sometime between 2001 and 2005. On October 5, 2022, the Code Enforcement Division cited the property owner for the unauthorized rooftop decks. The owner subsequently applied for a building permit in 2023. During plan check, the Planning Division informed the applicant that the scope of work requires the approval of a regular coastal permit prior to receiving a building permit.

Per the City's Local Coastal Program Handbook, the construction of all appurtenances and other structures, including decks directly attached to the structure, requires a Regular Coastal Permit if a site is within the appeal area of the Coastal Zone. Coastal permits in the Downtown District are subject to approval by the Community Development Commission (CDC).

Analysis

KEY PLANNING ISSUES

1. Local Coastal Program Conformance

The General Plan Land Use Element (Goal 1.32 - Policy A) specifies that the City shall utilize the certified Local Coastal Plan (LCP) and supporting documentation for review of all proposed projects within the Coastal Zone. Specifically, the goals and policies of the LCP Land Use Plan shall be the guiding policy review document for coastal development.

The project is located in the Appeal Jurisdiction area as indicated on the LCP Certification Permit and Appeal Jurisdiction Map. The proposed Regular Coastal Permit would conform to the Local Coastal Program, including the policies within the plan. The Local Coastal Program contains policies that require development to maintain the character of the existing neighborhood, preserve public coastal views, and provide adequate public access to the coast.

Staff finds that the application complies with applicable policies of the LCP, as follows:

The City shall maintain existing view corridors through public rights-of-way.

The subject request to allow two modest rooftop decks would not impact public views as the decks would not encroach into the public right-of-way.

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

The proposed scope of work would not change the scale of the structure and would be consistent with the multiple properties in this community with rooftop decks to capitalize on the coastal views and maximize the use of the valuable land.

2. Downtown Zoning Ordinance Compliance

The applicant is not requesting to expand or enlarge the building beyond sanctioning the existing rooftop decks and associated wood guardrails. Decks, staircase enclosures, and other types of structures are permitted on rooftops subject to compliance with height requirements of the base zoning district or height exceptions per Article 30, Section 3018 of the Zoning Ordinance. The maximum allowable height for the D-5 subdistrict is 35 feet.

As currently configured, the rooftop deck guardrails are approximately 23 feet from grade at the tallest point. A parapet wall on the south side of the structure is just inches shy of the minimum required height for safety railings, necessitating a small wood railing on top of the existing stucco parapet. The top of the sunroom measures approximately 29 feet from grade. All rooftop structures comply with the maximum allowable height for the D-5 subdistrict.

Should the subject coastal permit be approved by the CDC, the scope of work would require the issuance of a building permit to ensure the structural integrity of the roof so as to not jeopardize the safety of future deck users.

Environmental Determination

Pursuant to the California Environmental Quality Act (CEQA), staff finds that the proposed project is categorically exempt pursuant to Article 19 Categorical Exemptions, Section 15303 “New Construction or Conversion of Small Structures” of the California Environmental Quality Act as the project is requesting to permit appurtenances to an existing structure.

Recommendation

Staff has determined that the project is consistent with applicable Zoning Ordinance and Local Coastal Program provisions. Staff recommends that the Downtown Advisory Committee (DAC) recommend approval of the Regular Coastal Permit to permit two unpermitted rooftop decks at 151 South Myers Street to the Community Development Commission (CDC) for final action.

Attachments:

1. Project Description and Justification (Online)
2. Project Plans (Online)