

RESOLUTION NO.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OCEANSIDE OVERTURNING PLANNING COMMISSION
RESOLUTION NO. 2024-P09 AND APPROVING A REGULAR
COASTAL PERMIT AND VARIANCE AT 1842 SOUTH PACIFIC
STREET (APN 153-251-11-00)****(Shane Garst – Applicant)**

WHEREAS, on April 22, 2024, the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, unanimously denied Regular Coastal Permit (RC23-00013) and Variance (V24-00001) to allow an existing unpermitted balcony accessory to a second story apartment unit that exceeds the maximum lot coverage of forty percent (40%) in the R-1 District at 1842 South Pacific Street; and

WHEREAS, on May 10, 2024, a timely appeal of the Planning Commission's denial of said project were filed with the City Clerk; and

WHEREAS, on January 22, 2025, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered evidence and testimony by interested parties concerning the Planning Commission's denial of the Regular Coastal Permit and Variance; and

WHEREAS, based on such evidence and testimony, this Council has determined that the findings of fact articulated by the Planning Commission in Resolution No. 2024-P09 did not establish the necessary findings to adequately justify denying the Regular Coastal Permit and Variance; and

WHEREAS, the City Council, by motion, voted 4-1 to grant the appeal and overturn Planning Commission Resolution No. 2024-P09; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto: The project is categorically exempt from CEQA pursuant to the provisions of Section 15303(e), "New Construction or Conversion of Small Structures" because the project would involve the construction of balcony accessory to an existing apartment unit; and

WHEREAS, the documents or other material which constitute the record of proceedings upon which the decision is based will be maintained by the City of Oceanside Planning Division, 300 North Coast Highway, Oceanside, California 92054; and

1 WHEREAS, studies and investigations made by this Council and in its behalf reveal the following
2 facts:

3 FINDINGS:

4 For Regular Coastal Permit (RC23-00013)

- 5 1. The project conforms to the Local Coastal Plan, including the policies of the plan as implemented
6 through the Zoning Ordinance in that the project, as conditioned, will be compatible with the
7 surrounding neighborhood and will not substantially alter or impact existing public views of the
8 coastline because the project meets height and setback requirements of the R-1 District.
- 9 2. The project is located within the appeal jurisdiction of the California Coastal Commission and
10 conforms to the public access and recreation policies of Chapter 3 of the Coastal Act in that the
11 project does not contain a public beach accessway nor does it propose to impact any public beach
12 accessway, as it is located on the east side of Pacific Street.

12 For Variance (V24-00001)

- 13 1. That because of special circumstances or conditions applicable to the development site including
14 size, shape, topography, location or surroundings, strict application of the requirements of the Zoning
15 Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under
16 identical zoning classification, in that other R-1 zoned properties in the immediate vicinity of the
17 project site have been developed with lot coverage that exceeds the limitation of the R-1 District.
- 18 2. The granting of the variance application will not be detrimental or injurious to property or
19 improvements in the vicinity of the development site, or to the public health, safety or general
20 welfare, in that a building permit shall be obtained and the property inspected to ensure that the
21 balcony is constructed in compliance with building code requirements.
- 22 3. The granting of the variance application is consistent with the purposes of the Zoning Ordinance and
23 will not constitute a grant of special privilege inconsistent with limitation on other properties in the
24 vicinity and in the same zoning district, in that other R-1 zoned properties have been developed in
25 excess of the lot coverage limitations of the R-1 District.
- 26 4. For properties located within the Coastal Zone: That granting the variance is consistent with all
27 applicable policies of the certified Land Use Plan, in that the balcony complies with all development
28 standards of the R-1 District, except as granted by this variance and the balcony would not obstruct
public coastal views or impede public access.

1 NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oceanside does hereby
2 approve Regular Coastal Permit (RC23-00013) and Variance (V24-00001) subject to the following
3 conditions:

4 Building:

- 5 1. The applicant shall obtain a building permit for the balcony from the City of Oceanside Development
6 Services Department/Building Division. The balcony shall not be used until a final inspection is
7 completed by the Building Division.

8 Planning:

- 9 2. This resolution approves a Regular Coastal Permit for an existing 326 square-foot balcony accessory
10 to a second story apartment unit (Unit 3) at 1842 S. Pacific Street and a Variance to allow the balcony
11 to exceed the lot coverage limitation of the R-1 District.
- 12 3. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the
13 City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the
14 City, its agents, officers, or employees to attack, set aside, void or annul the City's approval of this
15 development project (RC23-00013 and V24-00001). The City will promptly notify the applicant of
16 any challenge, claim, suit, action or legal proceeding against the City. The City will cooperate fully
17 with the applicant, permittee or any successor-in-interest in the legal defense of the City's approving
18 action.
- 19 4. No deviations from these approved plans and exhibits shall occur without Planning Division
20 approval. Substantial deviations shall require a revision to the Regular Coastal Permit.
- 21 5. Failure to meet any conditions of approval for this development shall constitute a violation of the
22 Regular Coastal Permit and Variance.

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1 PASSED and ADOPTED by the City Council of the City of Oceanside, California this 5th day of
2 February, 2025 by the following vote:

3 AYES:

4 NAYS:

5 ABSENT:

6 ABSTAIN:

7 _____
Mayor of the City of Oceanside

8
9 ATTEST:

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

10
11
12 _____
City Clerk



City Attorney