



# City of Oceanside

300 North Coast Highway,  
Oceanside, California 92054

## Staff Report

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**File #:** 25-533

**Agenda Date:** 2/5/2025

**Agenda #:** 14.

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**DATE:** February 5, 2025

**TO:** Chairperson and Members of the Community Development Commission

**FROM:** Development Services Department

**TITLE: 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**

### **RECOMMENDATION**

Staff recommends that the Community Development Commission (CDC) adopt a resolution approving a Regular Coastal Permit (RRP24-00001) to permit two unpermitted rooftop decks at 151 South Myers Street.

### **BACKGROUND AND ANALYSIS**

The proposed project site is located at 151 South Myers Street, consisting of a 10,000-square-foot lot developed with a two-story, 12-unit apartment complex constructed in 1971. The site is situated less than 200 feet from South Pacific Street and the Oceanside beachfront. The property has a zoning designation of Downtown Subdistrict 5 (D-5), which is intended to provide a high-density residential neighborhood in an urban setting in close proximity to shopping, employment, transportation, and recreational facilities. Surrounding land uses include a mixture of small-lot single- and multi-family properties. Specifically, the project site is bounded by a multi-family residential complex to the north, South Myers Street to the east, Tyson Street to the south, and an alley, multi-family residential development, and South Pacific Street to the west (Attachment 2).

The proposed project represents a request to permit two existing noncontiguous, unpermitted rooftop decks that are accessible from an existing 312-square-foot sunroom located on the roof of the apartment building. "Deck 1" faces west and is approximately 275 square feet in area while "Deck 2" is east facing and is approximately 20 square feet in area. Together, the decks constitute approximately five percent (5 percent) of the total roof area. The applicant is not requesting to expand or enlarge the building beyond the existing rooftop decks and associated wood guardrails.

The rooftop sunroom was constructed with a building permit in 2001 but did not include the subject decks in the scope of work. Satellite imagery shows the decks as being constructed sometime between 2001 and 2005 though staff cannot confirm the exact date of installation. In 2022, the City received a complaint concerning unpermitted construction in the rooftop sunroom. In response, Code Enforcement staff inspected the property and discovered the unauthorized rooftop decks. Code Enforcement staff proceeded to cite the property owner, instructing them to apply for permits or to

remove the unpermitted work. The property owner expressed desire to keep the unpermitted rooftop decks and applied for this coastal permit.

Because the property lies within the California Coastal Commission appeal jurisdiction of the City's Coastal Zone, a regular coastal permit is required for any improvements to the property. Approval of a regular coastal permit is based on the proposed project's compliance with the City's General Plan, Local Coastal Program, and Zoning Ordinance to ensure that the project is consistent with the City's applicable goals, policies, and regulations. A project analysis for each of the above items is included in the attached Downtown Advisory Committee (DAC) report (Attachment 5).

Decks, staircase enclosures, and other types of structures are permitted on rooftops subject to compliance with height limitations 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 a few 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. As such, all rooftop structures comply with the 35-foot maximum allowable height for the D-5 Subdistrict.

Staff finds the proposed project consistent with the certified Local Coastal Program and the adopted General Plan as the request would not impact public views or impair coastal access. The request would also maintain the structure's compatibility with the surrounding neighborhood regarding height, scale, color, and form.

Staff recognizes the unique potential for rooftop decks to negatively impact surrounding properties even when compliant with applicable development standards of the Zoning Ordinance and consistent with the Local Coastal Program. Thus, staff carefully considered this request in the context of the site to ensure a delicate balance would be struck between enhancing the quality of life of the residents within the multifamily structure without detracting from that of those residences surrounding the site.

As approved, the site does not provide private open space to its residents (i.e., private patios or balconies), though common open space is provided by way of an internal courtyard. Because access to the subject decks originates from a single unit exclusively, this request would provide private open space to the household occupying that unit. Providing private open space in a location such as the Downtown, where open space is at a premium, would provide an enhanced amenity for the apartment tenant(s).

Potential negative impacts from rooftop decks include aesthetic impacts (e.g., increasing massing through parapet walls, incompatible architectural features), increased noise, and privacy concerns. Aesthetic impacts from the decks and the associated guardrails are minimal given the existing parapet on the south side of the structure. The exposed portion of the guardrail sits on the rear edge of the structure which has less visual presence from the public right-of-way. Noise impacts from the decks are not expected, given their modest size and that use of the decks is restricted to the tenants of a single unit and their guests. Regardless, the City's Noise Ordinance applies to all sites within the City and any violator could be subject to enforcement action.

As stated above, satellite imagery shows the decks as being constructed sometime between 2001 and 2005. No privacy complaints have been filed with the City in the 20-plus years since the decks were installed. Given the location of the decks and the existing conditions surrounding the site, staff does not anticipate any impacts to the privacy of the properties immediately surrounding the project site.

To analyze potential privacy impacts, staff evaluated the properties located within 100 feet of the site. Properties to the north and east were excluded from the analysis given that the decks are located on the far southwest portion of the roof, over 70 feet away from the adjacent properties. Properties located beyond 100 feet from the site would be largely unaffected by potential views due to the compact development pattern of the area. There are three properties to the west and two properties to the south which are within 100 feet of the site (See Exhibit 1 below). Of those five, three are multifamily properties without visible yards. The two single-family properties have transparent fences, leaving their yards visible to all, even at street level. Because of the location of the subject decks and the existing conditions surrounding the property, staff finds that the decks would not result in privacy impacts.

*Exhibit 1*



**ENVIRONMENTAL REVIEW**

The proposed project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15303: "New Construction or Conversion of Small Structures" as the project is requesting to permit appurtenances to an existing structure.

**PUBLIC NOTIFICATION**

The applicant posted a Notice of Project Application sign on the property and a legal notice was published in the newspaper and notices were sent to property owners within a 500-foot radius and to tenants within a 100-foot radius of the subject property. Notices were also sent to individuals and/or organizations requesting notification.

Staff has not received any public correspondence regarding the proposed project at the time of writing this report.

**FISCAL IMPACT**

Does not apply.

**COMMISSION OR COMMITTEE REPORT**

On October 23, 2024, the DAC was presented with the project and after due consideration voted unanimously (7-0 vote) to recommend CDC approval of Regular Coastal Permit (RRP24-00001).

**CITY ATTORNEY'S ANALYSIS**

Pursuant to Oceanside Downtown Zoning Ordinance Article 12, the CDC is authorized to hold a public hearing and consider the evidence presented at the public hearing. After conducting the public hearing, the CDC shall approve, conditionally approve, or deny the project. The resolution has been reviewed and approved as to form by the City Attorney.

Prepared by: Dane Thompson, Associate Planner

Reviewed by: Darlene Nicandro, Development Services Director

Submitted by: Jonathan Borrego, City Manager

**ATTACHMENTS:**

1. Staff Report
2. Location Map
3. CDC Resolution

4. Project Plans
5. DAC Memorandum
6. Other Attachments