

TO: MEMBERS OF THE OCEANSIDE CITY COUNCIL, CITY ATTORNEY, AND CITY CLERK

FROM: RESIDENTS OF THE SOUTH OCEANSIDE

RE: APPEAL OF PLANNING COMMISSION DECISION OF OCTOBER 11, 2021, APPROVING (TENATIVE MAP)

DATE: 10/21/2021

TENTATIVE MAP (T20-00005), DEVELOPMENT PLAN (D20- 00016), DENSITY BONUS (DB20-00001) and COASTAL DEVELOPMENT PERMIT (RC20-00010) to construct a 4-story mixed-use development consisting of 54 condominium units and 3,244 square-feet of ground floor commercial space located on an approximate 0.91-acre site at 1602 South Coast Highway. Five (5) out of the 54 condominium units will be developed as very low-income affordable units for those that qualify based on income. The project site is located within the non-appealable area of the Coastal Zone and lies within the South Oceanside Neighborhood Planning area. The site has a General Plan land use designation of General Commercial (GC) and a zoning designation of C2/CZ (General Commercial). – 1602 S. COAST HIGHWAY MIXED-USE DEVELOPMENT– APPLICANT: HALLMARK DEVELOPMENT CORP.

We, Oceanside residents of the South Oceanside neighborhood living within 1,500 feet of the above-referenced proposed project, do hereby appeal the decisions of the Planning Commission referenced above.

We respectfully request that the Oceanside City Council DENY this proposed project’s development plan and waivers of the 1602 S. Coast highway mixed-use development– applicant: Hallmark Development Corp. as it is inconsistent with current land uses and current planning requirements including the city’s Local Coastal Plan Land Use Plan, as well as grounds outlined below.

1. Public Safety concerns:

- a) The developer requests a Waiver applied to the rear setback. The LCP requires buildings with double frontage lots SHALL provide a 15-foot setback on each frontage. Zero set back means that cars will exit the parking garage right to a driveway apron. Anyone trying to walk, push a stroller, ride a bike, or jog past the entrance will be subject to being hit by a car exiting (like what happened with Logan) because they can't see anyone on the sidewalk. All other ingress/egress onto Freeman St., that have a chain link fence along the lot line with see through “privacy tape” to ensure clear line of site upon entering/exiting their properties. The developer argues that the current configuration of the lot shows that the building is built to the lot line with no setbacks. However, far different is the current configuration which does not offer access to the lot from Freeman, only Morse St. and there is merely a chain link fence along the Morse Street portion of the lot. Clear line of site on entry and exit. Let’s not create unsafe situations at Freeman Street. There are many children who ride their ebikes to Primos after school and hang out at Primo’s outdoor dining tables hoping on and off their ebikes to pick up or drop off other teenagers.

Think safety first and line of site and please deny the proposed waiver for safety reasons!

- b) A traffic analysis was conducted during COVID. The traffic analysis was skewed as it did not reflect an accurate picture of the daily traffic we experience in South O. For example, we have three schools within a mile and a half of the proposed project, South Oceanside and Palmquist Elementary Schools and Lincoln Middle School, as well as multiple daycare and preschools in the neighborhood which did not have face-to-face instruction/learning, rather distance learning. To add, the DAV immediately next door was not accepting collections during COVID, restaurants such as Anita's and Privateer only served to go food (entry off Coast Hwy and not Freeman St.). We feel that these circumstances led to skewed traffic analysis in the vicinity of the project area on the COVID September 2020 results with hotels and STVRs on mandatory shut down. Additionally, we question why counts were collected in the months January and February which are normally not typical tourist season. We ask for a new traffic analysis including months of high visitors that will truly reflect our neighborhoods traffic.
 - c) Primo Market is a great resource for the neighborhood and a well visited store. Primo's also receives product daily such as beer, meat, deli items, produce, and dairy and those items come in different trucks. It is not uncommon to see at least two large semi delivery trucks parked in the middle of Morse St., and/or along Morse St. on both the north and east sides of the street which can create blind spots if entering/exiting Freeman Street to Morse.
 - d) Cut through traffic – South Oceanside is the only neighborhood in Oceanside which has five direct routes to on and off ramps of I-5. As the city is aware, we've had multiple severe accidents from people running stop signs, hit-and-runs (both auto and pedestrians), several serious accidents in the dip as well as along Coast Hwy. at Morse St. This has been acknowledged by the city by creating the "road diet" and adding a left-hand turn signal at Coast Hwy and Morse Streets. Many cars on weekends block the intersection at Morse and Coast Hwy while trying to edge into the road lane "downsizing" north of Morse St. which causes a backup on Morse St. for up to two light cycles. Conversely, those who approach Morse St. from Coast Hwy speed up to high speeds to make the light at the end of the lane diet. Others just run the red light or stop in the middle of the intersection. Adding more traffic to that intersection will only result in more accidents.
 - e) Safe Route to school. Morse to California St is a Safe Route to School with for children coming from Seaside or South O to Lincoln MS. Increasing traffic on Morse and California Streets with children walking and riding ebikes is a terrible mix considering only one side of California Street has a sidewalk and Morse (from Alvarado to Stewart) no sidewalks.
2. Parking Concerns: Parking is inadequate for the proposed project. The developer is only providing 77 spaces of which 11 are designated to EV stations (one of the eleven for commercial), 2 for guest parking, 10 for commercial which reduces it to 54 units with approximately 127 potential bedrooms this project is woefully under parked which will flow out to the already impacted residential neighborhood and Morse St. which does not have sidewalks. This is an unprecedented and outrageous approximate 3:1 ratio (2.5 bedrooms to each parking space). In addition, the HOA for the project will determine how long the 11 commercial parking spaces are open to the public as those parking

stalls will be used for resident parking after a certain hour. This is concerning as tenants will be selected by the HOA to benefit resident parking, not the visitor serving uses.

3. Short Term Vacation Rentals: As the staff report emphasizes, the purpose of the state's density bonus laws is to increase the supply of affordable housing. This same goal is behind the state's policies streamlining approval of Accessory Dwelling Units. Since 2019 legislation, state law requires that rental of an ADU "be for a term longer than 30 days." Since September 2017, the city of Oceanside has required the 31-day minimum rental for both ADU *i* the primary residence. Therefore, because this *entire project* would be given reduced parking and other waivers and allowances, the city should require (as with ADUs) a deed restriction on the *entire project* (and other similar projects in the future) mandating a 31-day minimum rental period. You can require the restrictions, please use your discretion, and ask that the developer deed restrict the property.

4. Non-compliance with Coastal Act and LCP/LUP: This project will set precedent. Regarding page 3 of the 10/11/21 Staff Report, very important to note as staff addresses the relationship of our LCP and Assembly Bill No. 2797 - it comes down to the final sentence:

"The bill goes on to state "Any density bonus....to which the applicant is entitled shall be permitted IN A MANNER CONSISTENT WITH THE COASTAL ACT".

This project, as proposed is not consistent with the Coastal Act. Coastal Act Article 6, Development Section 30251 requires, "(development...to be visually compatible with the character of surrounding areas" as does our LCP quote, "The City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood". This project AS IS does not. Additionally, our LCP requires that the city promote efforts to achieve high quality of design for buildings to be constructed at prominent locations. The proposed project is not beach themed, as required in our LCP. The development AS PROPOSED is grossly out of scale with the neighborhood and will dwarf homes to the east especially with the proposed waiver. Please ask that the developer do more than simply slightly change the color scheme and put a "triangular" frame on the top of the building to conform with the neighborhood. Our LCP states South O is beach themed. This project does not conform with the neighborhood in height, scale, color and form with the surrounding neighborhood.

The new staff report tries to draw a distinction between Coast Highway zoning and that of the adjoining neighborhoods. We stipulate the difference in zoning but are instead address the Analysis on Page 8 of the Sept 27 staff report, entitled "Land Use Compatibility", where the goal is listed as "The use of land shall not create negative visual impacts to surrounding land uses."

Even if the zoning on Coast Hwy. is different from (say) Morse, Alvarado or Freeman Streets, this does not eliminate the requirement that a Coast Highway project be compatible with surrounding residential neighborhoods. As page 34 of Oceanside's LCP "Land Use Plan" states: The Coastal Act requires that the visual qualities of the Coastal Zone shall be protected, and that new development be sited and designed to be visually compatible with the character of surrounding areas."

This 4-story, 42' tall project is unprecedented for South O and in fact the only four-story building anywhere on Coast Hwy in Oceanside. Worse yet, if the Commission and the city approve this design, the height and scale will be used as the precedent for all future mixed-use projects in Coast, which could easily lead to a two walls of 4-story boxes from Morse (or Oceanside Blvd) to Eaton — permanently changing the character of South O.

5. Precedent: Oceanside's general plan is in the process of being updated and properties in the coastal zone are waiting on the Coastal Commission to send back comments on the updates to the LCP/LUP. This project should be put on hold until those the updated documents can be used. This project will set precedent in South O and should be the best it can be as many properties on Coast Hwy have been purchased and are awaiting the outcome of this project to see what they can get away with.
6. Commercial Uses: It was stated by the developer that one of the three commercial spaces could be used as "offices". The LCPLUP in short states "Hill St...represents a major "window" to the coast and a significant visitor use area." To add, it shares the city should consider urban uses such as grocery stores, dining, or visitor serving uses along the Coast Hwy Corridor, not offices. The commercial aspects of this project are limited and cannot be considered for restaurant uses considering there are merely 11 parking spaces for the entire commercial area. We hope the city ensures we don't end up with empty storefronts or useless office space in a major visitor serving corridor.
7. Transition from a Commercial Area to a R1 Zoned Neighborhood:
Section II. of the LUP (EXISTING COASTAL LANDSCAPE; PRESERVING OCEANSIDE'S NIEHGOBHOODS) Existing neighborhoods are discussed, and recommendations made. Under SIGNIFICANT AREAS in this section are listed: Oceanside Harbor, San Luis Rey River, Eastside/Capistrano, and South Oceanside. Please note, the section about South Oceanside is different than the other sections and reads:

"South Oceanside – The area known as South Oceanside encompasses several different neighborhoods and land uses. For the purpose of this discussion, South Oceanside is broken down into sub-neighborhoods of the beach residential area (west of Hill Street); the Hill Street Corridor, St. Malo; the residential area east of Hill Street; and the properties fronting on Buena Vista Lagoon.

LUP: "II. EXISTING COASTAL LANDSCAPE; PRESERVING OCEANSIDE'S NEIGHBORHOODS

5. D: Residential Neighborhood East of Hill Street – The South Oceanside residential neighborhood east of Hill Street represents one of the most stable neighborhoods in all of Oceanside. The two-block area adjoining Hill Street is designated as transitional density (R-3 and R-2) between the commercial strip and single-family neighborhood. The single-family residential portion of South Oceanside is characterized by tree-lined streets, and well-maintained modest residences. Most of the residences are post- World War II track homes. Over the years, however, individualized remodeling and exterior renovation has added to the variety and attractiveness of the area.

This area is built-out and little new construction has occurred in recent years. The high level of maintenance and sense of “community pride” has helped to preserve and enhance visual quality in this area.”

LCP Section VI, Visual Resources and Special Communities, Policy 9 states, “In areas where a change to a more intensive use is proposed, adequate buffers or transition zones (such as increased setbacks, landscaped barriers, or decorative walls) shall be provided.” Notice it states shall and not should.

Further, the LUP states, “The two-block area adjoining Hill Street is designated as transitional density (R-3 and R-2) between the commercial strip and single-family neighborhood.” Our LUP requires that development recognize natural boundaries of neighborhoods and promote connections/transitions, and “Provide buffering for residential neighborhoods from heavy traffic or other undesirable intrusions when they cannot be avoided otherwise.” We’ve asked the developer to provide a small, landscaped median (transition into neighborhood) on Morse like the transitional median on Downs and Samoa Streets as to indicate a transition into a residential neighborhood and to calm increased traffic in the transition zone. That is not addressed in the Staff Report.

8. Walkability: If this is truly a “walkable” project, there would be outdoor seating proposed, but that is not the case. The developer states, “No areas for outdoor seating are proposed for the project due to the need to incorporate raised BMP Storm Water Planters to treat storm water for the project.” They should be required to incorporate seating. There are three commercial spaces and Californian’s love to be outdoors as weather permits, the developer should work with the landscape architect to incorporate seating within the planters and trees at least.

Please find signature pages attached.