Development Services Department – Planning Division
300 North Coast Highway | Oceanside, CA 92054 | (760) 435-3520

SUBSTANTIAL CONFORMITY APPLICATION

Please submit completed application to planneroftheday@oceansideca.org

General Information *(please print)*

Applicant Information

Name:_____

Address:_____

Email Address:_____ Phone: _____

Connection to Property:_____

Property Owner Information

Name:_____

Address:_____

Email Address:_____ Phone: _____

Representative Information

Name: _____

Address: _____

Email Address: _____ Phone: _____

Property Description

Property Address:_____

APN: Lot Size:_____

Zoning District[1]:_____ No. of Units: _____

[1] Please use the Land Use and Zoning Map to determine the property's zoning district.

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Project Information *(please print)*

Proposed Project Description

Briefly describe the scope of work:_____

_____

_____

_____

_____

Signatures

Signatures from **ALL OWNERS** of the subject property are necessary before the application can be accepted. In the case of partnerships or corporations, the general partner or corporation officer so authorized may sign (attach additional documents if necessary).

☐ ***I declare, under penalty of perjury that the above information is true and correct. Further, I understand that submitting false information in this application may constitute fraud and is punishable in civil and criminal proceedings.***

☐ ***I have read and agree to abide by the City of Oceanside Development Services Department and Economic and Community Development Department Policy No. 2011-01/ policy and procedure for development deposit account administration.***

Applicant or Representative

Name (Print):_____

Signature:_____ Date:_____

Owner

Name (Print):_____

Signature:_____ Date:_____

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Staff Use Only

Findings for a Substantial Conformance

Original Project Number(s): _____

☐ The request does not represent a change in any aspect of the project's original discretionary approval that was considered essential to the project's overall design, quality, safety or function.

☐ The Request represents an upgrade in overall design features and/or materials that acts to maintain or improve upon the project's original compatibility with the surrounding neighborhood.

Action

☐ ***Approved*** *subject to the following conditions:*

_____

_____

_____

_____

_____

_____

☐ ***Denied***

Affix appropriate stamp(s) above

City of Oceanside, California
Development Services Department
Planning Division

Approved by Planning Commission on November 21, 1994 and the City Council on December 7, 1994. Re-adopted by the Planning Commission June 21, 2000, revised on April 9, 2007and by the City Council on August 15, 2007.
Re-adopted by the City Council on June 22, 2022

Guidelines for Determining Findings of Substantial Conformance

Substantial Conformance findings for previously approved discretionary projects is a privilege. The expectation and goal of the staff, the general public, the Planning Commission and the City Council is to ensure that all facets of information and representations made in the initial discretionary (public hearing) review and approval process is fully and completely implemented through construction and final occupancy of every project in the City. The overriding goal is to attain the highest quality project consistent with the terms, conditions and assumptions that surrounded the initial discretionary review process. To this end, it is the responsibility of the project applicant to provide sufficient detailed planning, engineering and building design information prior to the discretionary review process in order to avoid changes.

In recognition of situations wherein the preparation of final engineering drawings (rough and precise grading plans, improvement plan, landscape plans and final maps), and/or final architectural building plans presents a possible change in certain aspects of the initial discretionary approval such changes shall either be considered as a revised project requiring a new discretionary hearing process or as a substantial conformity request.

The following presents basic guidelines for staff to utilize in making the initial determination whether a requested change is eligible for conformity consideration and if so whether the request should be granted or denied. The basic underlying assumptions in considering any change are as follows:

1. That the request does not represent a change in any aspect of the project's original discretionary approval that was considered essential to the project's overall design, quality, safety or function.

2. That the request represents and upgrade in overall design features and/or materials which additionally maintains or improves upon the project's original compatibility with the surrounding neighborhood.

The following examples shall be used to determine whether a project may be considered for a finding of substantial conformance or whether a revision (new public hearing) to a previously approved project shall be required. Additionally, City Council Policy No. 300-16 requires that approval by the existing Homeowners Association Board is a prerequisite to the filing of a request for consideration of substantial conformance. Substantially conformed approvals are considered valid for site plan items when a grading permit is issued and for architectural items when a building permit is issued.

A FINDING OF SUBSTANTIAL CONFORMITY MAY BE GRANTED IF:

1. No project condition, representation, feature, facility or amenity is changed or deleted that had been considered essential to the project's design, quality, safety or function.

A PROJECT REVISION SHALL BE REQUIRED IF:

1. Any project condition representation, feature, facility or amenity is changed or deleted that had been considered essential to the project's design, quality, safety or function.

In determining what has been considered essential, staff shall review the application, staff report, the Planning Commission and City Council minutes of the original project approval as well as any intervening ordinance or Council policy changes that may bear on the requested change.

SUBSTANTIAL CONFORMITY

2. The square footage of each residential floor plan is decreased by no more that 10%. The residential unit mix is redistributed by no more than 20% of the overall unit total.

3. The roofing material is changed from composition tile to either wood shingle or ceramic or concrete tile. Roofing material should not be reduced in durability, quality or appearance.

4. Flat roof is changed to a pitched roof, provided that view sheds from surrounding properties or public roads are not adversely impacted.

5. Exterior wall material is changed from plain stucco to wood siding or decorative block. Additional wood trim is introduced.

NEW HEARING

2. The square footage of any residential floor plan is decreased by more than 10%. The residential unit mix is redistributed by more than 20% of the overall unit total.

3. The roofing material is changed from flat to a hi-gloss finish or from a more durable material to a thinner or other material which represents a reduction in durability, quality or appearance.

4. Pitched roof is changed to flat roof.

5. Exterior wall material is changed from wood siding or decorative block to plain stucco. Wood trim or other decorative features are substantially reduced.

SUBSTANTIAL CONFORMITY

6. The siting of a building is changed without reducing approved building setbacks or private or common open spaces by more than 10 percent or without lessening the privacy of living units or the quality of outdoor private living areas or common open space areas and which has no essential impact on surrounding property owners.

7. Changes in phasing plans which are not in conflict with any condition which had been considered essential at the time of approval.

8. Changes in the grading plan which do not reduce natural areas, or create retaining walls greater than 4 feet in exposed height.

9. Changes in grading plans raising or lowering pad elevations between 1 foot and up to a maximum of 2 feet in a project, if these changes have no essential impact on surrounding property owners.

10. Changes in grading quantities of less than 10% that would not result in additional import or export of material to or from the project site.

11. Elimination of approved dwelling units or subdivision lots provided no new significant environmental impacts are created as a result of the reduction.

NEW HEARING

6. The siting of a building is changed by more than 10 percent of approved setbacks causing substantial reduction of private or common open space or substantially lessening the privacy of living units or the quality of outdoor private areas or common open space areas and which may negatively impact surrounding property owners.

7. Changes in phasing plans which are in conflict with any condition which had been considered essential at the time of approval.

8. Changes in the grading plan which does reduce natural areas, creates new retaining walls greater than 4 feet in exposed height.

9. Changes in grading plans raising or lowering any pad elevation by more than 2 feet or changes in pad elevation that will have an impact on surrounding owners or land uses.

10. Changes in grading quantities of greater than 10% that would result in additional import or export of material to or from the project site.

11. Elimination of dwelling units or subdivision lots which result in the creation of new significant environmental impacts not previously disclosed in the applicable environmental analysis for the project

SUBSTANTIAL CONFORMITY	NEW HEARING
12. Change in the configuration or geometrics of any street or accessway-intersection if such change does not negatively impact adjacent properties, connections with existing planned streets, the circulation system in general or public safety.	12. Change in the general location or direction of any street, or access way intersection if such change negatively impacts adjacent properties, connections with existing planned streets, the circulation system in general or public safety.
13. Changes in floor plans and elevations which are substantially in conformance with originally approved plans and elevations and which represents an upgrade in design features and/or materials and which maintains or improves upon the project's original compatibility with the surrounding neighborhood.	13. Changes in floor plans and elevations which are not in substantial conformance with originally approved plans and elevations and which do not represent an upgrade in design features and/or materials and which does not maintain or improve upon the project's original compatibility with the surrounding neighborhood.
14. Re-orientation of lots, i.e. shift in frontage on corner lots which has no essential impact upon the project or surrounding property owners or negatively affects public safety.	14. N/A
15. N/A	15. Changes in street status from private to public or public to private.
16. The square footage of any non-residential building is increased or decreased while maintaining all development requirements and policies applicable to the approved project. The increase or decrease in square footage shall not in any way substantially change the basic intent and assumptions made under the projects' discretionary approval nor impact surrounding land uses.	16. The square footage of any non-residential building is increased or decreased and will have an impact on surrounding land uses or will not meet all applicable development requirements and policies or will substantially change the basic intent and assumptions made under the projects' discretionary approval nor impact surrounding land uses. A decrease of more than ten percent of nonresidential square footage within an approved mixed-used development plan shall require a new hearing.

SUBSTANTIAL CONFORMITY

17. The siting of a non-residential building or group of buildings is changed which causes no substantial alternation to the external or internal vehicular circulation or parking pattern and/or pedestrian pathways/plaza areas and which has no essential impact on surrounding property owners or upon the flow on the public street system.

NEW HEARING

17. The siting of a non-residential building or group of buildings which does cause a substantial alteration to the external or internal vehicular circulation or parking pattern and/or pedestrian pathways/plaza areas or which may have an essential impact on surrounding property owners or on the flow of the public street system.

SUBJECT: Homeowners Association Review of Requests for Substantial conformity Findings

POLICY NUMBER 300-16
ADOPTED 10-28-87

It is the City Council's policy that when the developer or owner requests, through the City's regular Substantial Conformity procedure a change to a previously approved and partially occupied residential airspace condominium, townhouse, or single-family project, the developer or owner shall provide to the City in conjunction with the Substantial Conformity request, written evidence that the Homeowners Association Board has reviewed and approved the requested change.

For the purposes of this policy Substantial Conformity requests are generally limited to the following types of changes:

1. Minor changes in the buildings of such items as architectural design, colors, materials or size.

2. Minor changes in the landscaping either in the amounts, overall planting concept or the irrigation.

3. Minor changes in the site such as re-design or relocation of such items as sidewalks, curbs, gutters, trails, etc.

4. Minor changes to the amount, location, design or theme of the recreation facilities and common open space.

5. Minor changes to the number of units or the amount of parking available.

If approval from a Homeowners Association Board is not received, the developer or owner would have to file an application for a Planning Commission public hearing to consider the change as a formal amendment to the prior project approval.