ITEM NO. 30

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING THE ZONING DISTRICT MAP FROM RESIDENTIAL MEDIUM DENSITY-A (RM-A) TO PLANNED DEVELOPMENT DISTRICT (PD-23) FOR PROPERTY LOCATED AT THE NORTHEASTERN CORNER OF MESA DRIVE AND FOUSSAT ROAD (ZA-2-05) MESA RIDGE

(Investment Holdings LLC -- Applicant)

WHEREAS, an application for Zone Amendment (ZA-2-05) has been filed which would amend the zoning from Residential Medium Density-A (RM-A) to Planned Development District (PD-23) for property generally located at the northeast corner of Mesa Drive and Foussat Road more particularly described in Exhibit "A" attached hereto and incorporated herein by reference thereto;

WHEREAS, the Planning Commission of the City of Oceanside did, on September 8, 2008 conduct a duly advertised public hearing as required by law and did, by the adoption of Resolution 2008-P55, recommend approval of said Zone Amendment application ZA-2-05;

WHEREAS, said Planning Commission recommendation was made in conjunction with an approval of a Tentative Map (T-3-05), Conditional Use Permit (C-11-06), and Development Plan (D-5-05);

WHEREAS, the City Council of the City of Oceanside did hold a duly advertised public hearing on November 12, 2008 to consider said Zone Amendment application and the recommendation of the Planning Commission thereon and did hear all persons supporting or opposing the proposed Zone Amendment;

WHEREAS, based upon such evidence and testimony and staff reports, this Council finds as follows:

1. The proposed map amendment is consistent with the policies of the General Plan and the provisions of the Oceanside Zoning Ordinance. The proposed project density of 6.3 dwelling units per acre is within the range of densities appropriate for the site (6.0 to 9.9 dwelling units/acre).

2. The Planned Development Plan is consistent with the Land Use Element of the General Plan and other applicable policies and is compatible with the surrounding development. The project will incorporate superior architecture to meet the General Plan Land Use Element criteria for exceeding the base density of 6.0 dwelling units per acre (project density is 6.3 dwelling units per acre). A Tuscan architectural style and design theme was chosen and this theme has been woven into all aspects of the project from architecture to landscape design.

3. The Planned Development Plan will enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if they were not approved. A number of passive and active recreation areas have been incorporated into the project including a pool area and picnic areas that exceed the requirements of the base zoning district. In addition more than 50 percent of the site, approximately 16.9 acres, will be preserved as open space.

5. The Planned Development Plan includes adequate provisions for utilities, services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems. The design of the subdivision and proposed improvements will not cause substantial environmental damage or avoidable injury to wildlife habitat. Unstable slopes on the site will be stabilized and will provide important protection to Foussat Road and public utilities in that roadway.

6. The Planned Development Plan attached as Exhibit "B" will be implemented by the approved Tentative Map (T-3-05), Conditional Use Permit (C-11-06), and Development Plan (D-5-05), as revised by conditions of approval, which is on file in the Planning Department.

WHEREAS, the City Planner has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and prepared an environmental impact report (EIR), in accordance with the California Environmental Quality Act (CEQA). Based upon the results of the Initial Study, the City Planner determined that the project could result in significant effects on the environment. However, revisions to the project made by or agreed to by the applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; therefore, the City Planner prepared an EIR;

WHEREAS, the City Council did find that the EIR was prepared in accordance with requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Environmental Review Procedures of the City of Oceanside, and the EIR certified in Resolution No. _____;

NOW, THEREFORE, the City Council of the City of Oceanside DOES ORDAIN as follows:

1. The Zone Amendment application ZA-2-05 for certain real property described in Exhibit "A" and PD Plan Exhibit "B" attached hereto is hereby approved, and the City Planner is directed to amend the appropriate Zoning Map to show the Zone Amendment.

2. This ordinance shall not be codified.

3. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance once within fifteen (15) days after its passage in the North County Times, a newspaper of general circulation published in the City of Oceanside.

4. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California held on the 12th, day of November 2008, and, thereafter,

PASSED, ADOPTED by the City Council of the City of Oceanside, California, this _____day of _____, 2008 by the following vote:

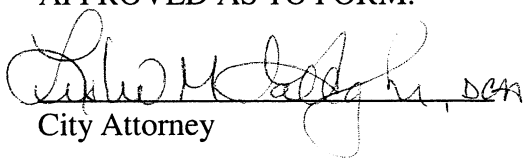
AYES:
NAYES:
ABSENT:
ABSTAIN:

_____
Mayor of the City of Oceanside

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



City Attorney