

# AGENDA NO. 3

## PLANNING COMMISSION RESOLUTION NO. 2007-P63

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DENYING WITHOUT PREJUDICE A TENTATIVE PARCEL MAP, DEVELOPMENT PLAN AND TWO CONDITIONAL USE PERMITS ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

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APPLICATION NO: P-14-06, D-11-07, C-30-06, and C-14-07  
APPLICANT: 1800 Investments, Inc.  
LOCATION: Approximately 160 feet east of the terminus of Cassidy Street at Bayberry Drive

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THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES RESOLVE AS FOLLOWS:

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a tentative parcel map, development plan, and two conditional use permits under the provisions of Articles 10, 41, and 43 of the Zoning Ordinance of the City of Oceanside and Articles III and IV of the Subdivision Ordinance of the City of Oceanside to permit the following:

a three-lot subdivision, which exceeds base density and has panhandle access, with the construction of two single-family detached homes;  
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 3<sup>rd</sup> day of December, 2007 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project is not subject to CEQA per Article 19 Section 15332, In-fill Development Projects, and therefore, the project is exempt from CEQA;

WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes effective 10 days from its adoption in the absence of the filing of an appeal or call for review;

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 Department, 300 North Coast Highway, Oceanside, California 92054.

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

3 FINDINGS:

4 For the Tentative Parcel Map P-14-06:

- 5 1.     The proposed map is consistent with the General Plan of the City by meeting and  
6        exceeding lot size requirements or other provisions of the Zoning Ordinance and the  
7        Subdivision Ordinance.
- 8 2.     The 0.96-acre site has not been found to be physically suitable for residential  
9        development.
- 10 3.     A residential density of 3.1 dwelling units per gross acre is not suitable for the site.
- 11 4.     The three-lot subdivision will not cause substantial environmental damage or  
12        substantially and avoidably injure fish or wildlife or their habitat and has been  
13        categorically exempted from review under the California Environmental Quality Act.
- 14 5.     The three-lot subdivision and the construction of two detached residential units will not  
15        conflict with easements, acquired by the public at large, for access through or use of,  
16        property within the proposed subdivision.
- 17 6.     The Parcel Map complies with all other applicable ordinances, regulations, and  
18        guidelines of the City of Oceanside.

18 For the Development Plan D-11-07:

- 19 1.     The site plan and physical design of the project is not consistent with the purposes of the  
20        Zoning Ordinance, including Articles 10, 30, and 43.
- 21 2.     The Development Plan does not conform to the General Plan of the City of Oceanside,  
22        including the goals and objectives of Community Development Sections 2.0, 2.02, 2.3,  
23        and 2.32 the Land Use Element of the General Plan.
- 24 3.     The area covered by the Development Plan can be adequately, reasonably and  
25        conveniently served by existing and planned public services, utilities, and public  
26        facilities.
- 27 4.     The proposed detached residential units are not compatible with the existing and  
28        potential development on adjoining properties and the surrounding Fire Mountain  
29        Neighborhood.

1 For the Conditional Use Permit C-30-06 (panhandle access):

- 2 1. The proposed use of a panhandle access design on three lots and the proposed location  
3 of the lots is in accord with the objectives of the Zoning Ordinance and the purposes of  
4 the district in which it is located.
- 5 2. The use of panhandle access design, and the proposed conditions under which it would  
6 be established or maintained will be consistent with the General Plan; will not be  
7 detrimental to the public health, safety or welfare of persons residing or working in or  
8 adjacent to the neighborhood of such use; and will not be detrimental to properties or  
9 improvements in the vicinity or to the general welfare of the City.
- 10 3. The use of panhandle access design will comply with the provisions of the Zoning  
11 Ordinance of the City of Oceanside and any specific condition required for panhandle  
12 access in the Single-Family Residential District.

13 For the Conditional Use Permit C-11-07 (exceeding base density):

- 14 1. The development portion of the subject property is zoned RE-B with a corresponding  
15 Land Use designation of Residential Estate-B (1-3.5 dwelling units per acre). The  
16 project density of 3.1 dwelling units per acre is consistent with the density range of 1-  
17 3.5 dwelling units per acre established by the Residential Estate-B designation.
- 18 2. The 0.96-acre of land located in the RE-B District and the proposed single-family  
19 residential land use is not consistent with the General Plan; the location and land use will  
20 be detrimental to the public health, safety, or welfare of persons residing or working in  
21 or adjacent to the neighborhood of such use; and the location and land use will be  
22 detrimental to properties or improvements in the vicinity or to the general welfare of the  
23 City.

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1 3. The residential density will not comply with the provisions of the Zoning Ordinance of  
2 the City of Oceanside required for a density of 3.1 dwelling units per gross acre in the  
3 Single-Family Residential District.

4 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
5 deny without prejudice Tentative Parcel Map (P-14-06), Development Plan (D-11-07), Conditional  
6 Use Permit (C-30-06) and Conditional Use Permit (C-14-07).

7 PASSED on December 3, 2007 by the following vote, to wit:

8 AYES: Martinek, Parker, Troisi, Balma and Bertheaud

9 NAYS: Horton

10 ABSENT: Neal

11 ABSTAIN: None

12 ADOPTED Resolution No. 2007-P63 on December 17, 2007.

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Dennis Martinek, Chairman  
Oceanside Planning Commission

16 ATTEST:

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18 \_\_\_\_\_  
Jerry Hittleman, Secretary

19 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
20 this is a true and correct copy of Resolution No. 2007-P63.

21  
22 Dated: December 17, 2007