



DATE: March 18, 2009

TO: Honorable Mayor and City Council Members

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A GENERAL PLAN AMENDMENT (GPA-5-07) AND ZONE AMENDMENT (ZA-5-07) TO CHANGE THE LAND USE AND ZONING DESIGNATION OF 10 PARCELS OF LAND LOCATED NORTH OF STATE ROUTE 76, EAST OF CANYON DRIVE, NORTHWEST OF BENET ROAD, AND SOUTH OF CAMP PENDLETON – GALLANT & CASSAN ZONE AMENDMENT – APPLICANT: CITY OF OCEANSIDE**

SYNOPSIS

Staff recommends approval of the proposed General Plan Amendment (GPA-5-07) and Zone Amendment (ZA-5-07) to change the land use and zoning designation of 10 parcels of land to enable opportunities for additional open space land and to bring properties into conformance with the existing uses located north of State Route 76, east of Canyon Drive, northwest of Benet Road, and south of Camp Pendleton. The project is situated in the Eastside/Capistrano and Airport Neighborhoods.

Staff recommends that the City Council adopt the resolution approving General Plan Amendment (GPA-5-07) to change the land use and zoning designation of 10 parcels of land to enable opportunities for additional open space land and to bring properties into conformance with the existing uses; adopt the resolution certifying the Final Environmental Impact Report; and introduce the Ordinance for Zone Amendment (ZA-5-07) to change the zoning district map district from Residential Estate-B (RE-B), Public and Semipublic (PS), Industrial Park (IP), General Industrial (IG), and Limited Industrial (IL) to Open Space (OS), Public and Semipublic (PS), and General Industrial (IG).

BACKGROUND

Staff posted and distributed a notice of intent to adopt an Environmental Impact Report. The public review period commenced on April 18, 2008, and concluded on June 6, 2008.

On January 26, 2009, the Planning Commission reviewed proposed land use and zoning designation changes to ten parcels of land located north of State Route (SR) 76, east of Canyon Drive, northwest of Benet Road and north and south of the extension of Benet Road, and south of Camp Pendleton. The Planning Commission recommended approval of said application by adopting Resolution No. 2009-P02 with a 7-to-0 vote.

The proposed land use and zoning designation sites contain one single-family home associated with the Cassan industrial property, open space and undeveloped lands, the San Luis Rey River, the City water reservoir, Gallant Truck Salvage facility, Ecology Auto Park, the Hanson Aggregates facility, and the Price of Peace Abbey.

In April 1988, the City entered into a Local Cooperative Agreement with the U.S. Department Army regarding the San Luis Rey River Flood Control Project. The City, as Local Sponsor, under the Agreement was responsible for the acquisition of lands necessary for the construction of the project by the Army Corps of Engineers. Portions of Gallant's and the Abbey properties were needed for the project. In the case of Gallant's property the taking of the portion needed for the project would have rendered the remainder inadequate to sustain the existing business. To keep Gallant's business whole, land purchases and exchanges were done between the City, Cassan, Gallant and the Abbey in September 1988.

This current project involves the results of such purchases and exchanges between and among the City, the Abbey, and the owners of two pre-existing industrial sites. The General Plan Land Use maps and Zoning maps were not updated at that time to reflect these changes. All uses have been in existence since the early 1900s, with the exception of the Hanson Aggregates facility which was approved by the Planning Commission on September 8, 2004, to operate a concrete batch plant at 1050 Airport Road. The Prince of Peace Abbey located north of the Gallant and Cassan industrial land has been in existence since the early 1950s and operates as a religious facility for the Order of Saint Benedict Benedictine Roman Catholic Church.

The site is located north of State Route (SR) 76, east of Canyon Drive, northwest of Benet Road and north and south of the extension of Benet Road, and south of Camp Pendleton. It contains one single-family home associated with the Cassan industrial property, open space and undeveloped lands, the San Luis Rey River, the City water reservoir, Gallant Truck Salvage facility, Ecology Auto Park, and the Hanson Aggregates facility.

The project site encompasses 10 parcels consisting of different types of uses and topography ranging from steep hillsides, relatively flat pads, a river, and developed industrial lands. All 10 parcels share distinct zoning and land use designations. The existing land use designations consist of Estate-B Residential (EB-R), Public Institution (PI), General Industrial (GI), Open Space (OS), Research Park Industrial (RP-I), and Light Industrial (LI). The underlying neighborhood areas are Eastside/Capistrano and Airport, and the surrounding land uses include: Light Industrial (LI) and General Industrial (GI) uses, such as an auto wrecking facility, and the Hanson's Aggregate use. A religious facility known as the Prince of Peace Abbey with the land use designation of Public Institution (PI) exists to the northwest of Benet Road and South of Camp Pendleton, and Open Space (OS) lands known as the San Luis Rey River and other undeveloped lands exist to the south and northwest of the project site.

Surrounding uses include single-family residential to the east zoned Residential Single-Family (RS), and Light Industrial (IL) uses along Airport Road, such as the Oceanside Municipal Airport and other eclectic types of light industrial uses. State Route 76 is located to the south of the project site, and west of the site is the Loma Alta Residential Neighborhood with Residential Single-Family (RS) zoned properties.

The project description includes the following elements:

General Plan Amendment (GPA-5-07) represents a request for the following:

The City of Oceanside is requesting a change to the land use designations for 10 parcels within the Airport and Eastside/Capistrano Neighborhoods (refer to the attached map) in order to create more opportunities for open space lands, and to bring some non-conforming properties into conformance with the uses and the land use designations.

The table below depicts the existing and proposed changes to the land use designations:

Area	Existing	Proposed	Acreage
1	EB-R	OS	143.25 AC
2	PI	OS	4.34 AC
3	EB-R	PI	0.46 AC
4	RP-I	OS	10.87 AC
5	GI	PI	0.83 AC
6	PI	OS	3.85 AC
7	PI	GI	5.00 AC
8	OS	GI	3.31 AC
9	GI	OS	1.13 AC
10	LI	OS	22.98 AC

Zone Amendment (ZA-5-07) represents a request for the following:

The City of Oceanside is requesting a change to change several zoning designations for 10 parcels within the Airport and Eastside/Capistrano Neighborhoods, in order to create more opportunities for open space lands, and to bring some non-conforming properties into conformance with the uses and the land use designations.

ANALYSIS

The General Plan Land Use Map designations on the subject properties are Estate-B Residential (EB-R), Public Institutions (PI), Research Park Industrial (RP-1), General Industrial (GI), Open Space (OS) and Light Industrial (LI). These land use designations permit a full range of residential, industrial and open/undeveloped uses as proposed by the project. The proposed land use changes would be consistent with the existing uses

on the parcels, the surrounding properties, and the goals and objectives of the City's General Plan.

The proposed General Plan and Zone Amendment would allow all properties to be in conformance with the current planning and land uses. This proposed change to the land use designation and zoning designations would allow four pieces of land to come into conformance with the existing uses, such as the single-family home associated with the Cassan property that consist of a land use designation of General Industrial (GI). The other parcels are within the portions of the Gallant and Cassan's properties that currently possess a land use designation of Open Space (OS) to be changed into General Industrial (GI), and remaining two parcels of the four are portions of the Cassan's property that has a land use designation of Estate-B Residential (EB-R) to be changed into Public Institution (PI). The remaining six properties to be changed consist of land use designations of Estate-B Residential (EB-R), Research Park Industrial (RP-I), Light Industrial (LI), and Public Institution (PI). These six parcels are to be changed to Open Space (OS), and would provide opportunities for additional habitat lands for the City of Oceanside. This would be consistent with the City's draft Subarea Plan, in terms of allowing for more undeveloped and open space lands for conserving natural biotic communities and sensitive plant and wildlife species.

The project was analyzed for Zoning Ordinance Compliance as follows. The project is located in the RE-B (Residential Estate-B), Public Space (PS), IP (Industrial Park District), IG (Industrial General), and OS (Open Space) land use designations. The applicant proposes changing the Zoning District map for 10 parcels as attached in the referenced map with this report. The 10 parcels would be changed as follows:

Area	Existing	Proposed	Acreage
1	RE-B	OS	143.25 AC
2	PS	OS	4.34 AC
3	RE-B	PS	0.46 AC
4	IP	OS	10.87 AC
5	IG	PS	0.83 AC
6	PS	OS	3.85 AC
7	PS	IG	5.00 AC
8	OS	IG	3.31 AC
9	IG	OS	1.13 AC
10	IL	OS	22.98 AC

The proposed Zoning Designation changes would not only provide approximately 186.42 additional acres of open space, but would allow for the existing non-conforming uses to possess the appropriate zoning designations that permit the existing uses.

Staff has considered Councilmember Sanchez concerns about the Environmental Impact Report not addressing an adequate buffer from the San Luis Rey River. Staff has found that there would be no impacts within the buffer due to the existing road known as Benet Road and no development associated with this General Plan Amendment. The California Department of Fish and Game and U.S. Fish and Wildlife Service has met with staff at the site and approved the established buffer as stated in the Environmental Impact Report.

FISCAL IMPACT

The applicant has paid application fees for the processing of the General Plan and Zone Amendments.

COMMISSION OR COMMITTEE REPORT

On January 26, 2009, the Planning Commission considered the proposed amendments. After hearing public testimony the Planning Commission recommended approval of the amendments by a 7-to-0 vote.

CITY ATTORNEY'S ANALYSIS

The City Council, under the provisions of Section 65356 of the Government Code, has the ability to amend the General Plan by resolution. The Planning Commission's public hearing on January 26, 2009, and its recommendation of approval were in accord with the provisions of Section 65353 of the Government Code.

Pursuant to Oceanside Zoning Ordinance, Article 4506, the City Council is authorized to hold a public hearing on the proposed Amendments. Consideration of the amendments should be based on the record of the decision of the Planning Commission and evidence presented at the public hearing.

After conducting the public hearing, the Council shall affirm, modify, or reject the Planning Commission's recommendation. A modification not previously considered by the Commission shall be referred to the Commission for review and action as appropriate.

RECOMMENDATION

Staff recommends approval of the proposed General Plan Amendment (GPA-5-07) and Zone Amendment (ZA-5-07) to change the land use and zoning designation of 10 parcels of land to enable opportunities for additional open space land and to bring properties into conformance with the existing uses located north of State Route 76, east of Canyon Drive, northwest of Benet Road, and south of Camp Pendleton. The project is situated in the Eastside/Capistrano and Airport Neighborhoods.

Staff recommends that the City Council adopt the resolution approving General Plan Amendment (GPA-5-07) to change the land use and zoning designation of 10 parcels of land to enable opportunities for additional open space land and to bring properties into conformance with the existing uses; adopt the resolution certifying the Final Environmental Impact Report; and introduce the Ordinance for Zone Amendment (ZA-5-07) to change the zoning district map district from Residential Estate-B (RE-B), Public and Semipublic (PS), Industrial Park (IP), General Industrial (IG), and Limited Industrial (IL) to Open Space (OS), Public and Semipublic (PS), and General Industrial (IG).

PREPARED BY

SUBMITTED BY



Scott Nightingale
Planner II



Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
George Buell, Development Services Director
Jerry Hittleman, City Planner



ATTACHMENTS:

1. City Council Resolution approving the General Plan Amendment
2. City Council Resolution certifying the Final Environmental Impact Report
3. City Council Ordinance
4. Planning Commission Resolution No. 2009-P02 and 2009-P03
5. Planning Commission Staff Report dated January 26, 2009
6. Letter from Concerned resident
7. Call for Review

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE APPROVING A GENERAL PLAN AMENDMENT (GPA-5-07) FOR CERTAIN REAL PROPERTY LOCATED NORTH OF STATE ROUTE-76, EAST OF CANYON DRIVE, NORTHWEST OF BENET ROAD, AND SOUTH OF CAMP PENDLETON – GALLANT CASSAN GENERAL PLAN AMENDEMENT - (GPA-5-07)

(Applicant: City of Oceanside)

WHEREAS, an application for a General Plan Amendment (GPA-5-07) has been submitted to amend the Land Use Element of the General Plan to change the land use designations of ten parcels with various land use designations ranging from RE-B, PS, IP, PS, OS, IG, and IL to Open Space (OS), Public and Semi-Public (P-SP), and General Industrial (IG) located north of State Route-76, northwest of Benet Road, and south of Camp Pendleton.

WHEREAS, on January 26, 2009, after a duly noticed public hearing, the Planning Commission found the proposed Commercial General Designations, Open Space (OS), Public and Semi-Public (P-SP), and General Industrial (IG) to be consistent to the General Plan and Zoning Ordinance.

WHEREAS, on March 18, 2009 the City Council held a duly noticed public hearing and heard and considered written evidence and oral testimony by all interested parties on the above identified GPA-5-07;

WHEREAS, the Planning Division has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has prepared an Environmental Impact Report in accordance with CEQA. Based upon the results of the Final Environmental Impact Report, the City's Environmental Coordinator has determined that the project will not result in significant effects on the environment.

WHEREAS, a Final Environmental Impact Report was prepared by the Resource Officer of the City of Oceanside for the General Plan Amendment and certified by the City Council on the findings of fact enumerated in Resolution No. _____, and attachments

1 thereto; pursuant to the California Environmental Quality Act of 1970 and the State Guidelines;

2 WHEREAS, based on such evidence and testimony, including but not limited to the report
3 of the Planning Division, the City Council finds as follows:

4 For the Amendment to the General Plan Land Use Element:

5 1. That the predominant land use opportunities generated by the land use changes to Open
6 Space (OS), Public and Semi-Public (P-SP), and General Industrial (IG) Land Use
7 designation is more compatible with the existing use and the surroundings in the
8 existing Airport and Eastside/Capistrano Neighborhood areas.

9 2. The proposed land use changes as specified in the attached documents and within the
10 Final Environmental Impact Report are compatible with the surroundings and with the
11 existing uses of the properties. The land use changes would allow the legal non-
12 conforming uses to be compatible with the land use designations.

13 3. There is no future development associated with the land use changes; therefore the
14 existing uses would be compatible with the proposed land use changes.

15 NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

16 1. General Plan Amendment (GPA-5-07) is hereby approved.

17 ///

18 ///

19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Notice is hereby given that the time within which judicial review must be sought on this decision is governed by Govt. Code Section 65009 and CCP Section 1094.6.

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this _____ day of _____ 2009, by the following vote:

- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

APPROVED AS TO FORM:

CITY CLERK


CITY ATTORNEY

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE GALLANT AND CASSAN GENERAL PLAN AMENDMENT AND ZONE AMENDMENT

(City of Oceanside - Applicant)

WHEREAS, a Final Environmental Impact Report was prepared and circulated for public and agency review and proper notification was given in accordance with the California Environmental Quality Act; and

WHEREAS, the City Council, did on the 18th day of March, 2009, conduct a public hearing on the content of the Final Environmental Impact Report; and

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

For the Final Environmental Impact Report:

1. The Final Environmental Impact Report was completed in compliance with the provisions of the California Environmental Quality Act (CEQA).
2. Pursuant to the California Environmental Quality Act of 1970 and State Guidelines thereto; a Final Environmental Impact Report has been prepared stating that no adverse impacts to habitats or common or sensitive species would be expected. No impact to aesthetics would be expected with implementation of the proposed project. Approximately 186 of the approximately total 196 acres of the project are proposed for open space. The proposed project would also protect the existing views of vehicles traveling north on Benet Road.
3. The Final Environmental Impact Report has been determined to be an accurate and adequate document, which reflects the independent judgment and analysis of the City Council. On the basis of the entire record before it, the City Council finds that there is

///

1 no substantial evidence that the project will have a significant impact on the
2 environment.

3 NOW, THEREFORE, the City Council of the City of Oceanside does resolve as
4 follows:

- 5 1. The Final Environmental Impact Report for the Gallant and Cassan Zone Amendment
6 project IS CERTIFIED, effective as of this day.
- 7 2. Pursuant to Public Resources Code Section 21081, the City Council hereby adopts the
8 Environmental Findings for the Gallant and Cassan Zone Amendment Project
9 Environmental Impact Report attached as Exhibit "A".
- 10 3. Notice is HEREBY GIVEN that the time within which judicial review must be sought
11 on this decision is governed by the provisions of the California Environmental Quality
12 Act.

13 PASSED and ADOPTED by the City Council of the City of Oceanside, California this
14 _____ day of _____, 2009 by the following vote:

15 AYES:
16 NAYES:
17 ABSENT:
18 ABSTAIN:

19 _____
20 Mayor of the City of Oceanside

21
22
23 ATTEST:

APPROVED AS TO FORM:

24 _____
25
26 City Clerk

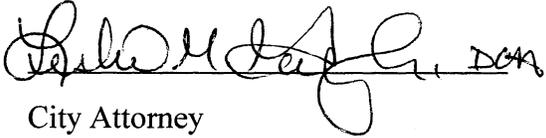
27 
28 City Attorney

Exhibit "A"

FINDINGS OF FACT FOR THE NORTHWEST OCEANSIDE GENERAL PLAN AMENDMENT AND REZONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007081157)

1. INTRODUCTION

1.1 Findings of Fact

California Environmental Quality Act, Public Resources Code Sections 21000-21178 ("CEQA), State CEQA Guidelines for Implementation of the California Environmental Quality Act, Cal. Code Regs. tit. 14 §§ 15000-15387 ("CEQA Guidelines") are "intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid* or *substantially lessen* such significant effects." Cal. Pub. Res. Code § 21002 (emphasis added). CEQA's mandate and principles are implemented, in part, through the requirement that agencies adopt findings before approving projects for which EIRs are required. (See Pub. Res. Code § 21081 (a)). For each significant environmental effect identified in any EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions.

The first permissible finding is that "[c]hanges or alterations have been required in, or incorporated into, the projects which avoid or substantially lessen the significant environmental effects as identified in the final EIR." (CEQA Guidelines § 15091 (a)(1).) The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency." (CEQA Guidelines § 15091 (a)(2).) The third potential conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." (CEQA Guidelines § 15091 (a)(3).) Section 21061.1 of CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, and environmental, social and technological factors." Section 15364 of the CEQA Guidelines adds another factor: "legal" considerations. See also Citizens of Goleta Valley v. Board of Supervisors ("Goleta II"), 52 Cal.3d 553, 565, 276 Cal.Rptr. 410 (1990).

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (City of Del Mar v. City of San Diego, 133 Cal.App.3d 410, 417, 183 Cal.Rptr. 898 (1982).) "[F]easibility under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, social and

technological factors." (Id.; see also Sequoyah Hills Homeowners Ass'n v. City of Oakland, 23 Cal.App.4th 704, 715, 29 Cal.Rptr.2dm 182 (1993).)

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. Section 21081 of CEQA, on which CEQA Guidelines Section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which will substantially lessen the significant environmental effects of such projects." (pub. Res. Code § 21002.)

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measures to substantially reduce the severity of a significant effect, but not to reduce the effect to a less than significant level. These interpretations are consistent with the holding in Laurel Hills Homeowners Ass'n v. City Council, 83 Cal.App.3d 515, 519-527, and 147 Cal.Rptr. 842 (1978), in which the Court of Appeals held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question (e.g., the loss of biological resources) less than significant. Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] or substantially lessen[ed]," these Findings, for purpose of clarity, in each case will specify whether the effect in question has been reduced to a less than significant level, or has been substantially lessened but remains significant.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmental superior alternatives, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (14 Cal. Code Regs. §§ 10593, 15043(b); see also Pub. Res. Code § 21081(b).) The California Supreme Court has stated that, "[t]he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (Goleta II, 52 Cal, 3d 553, 576.)

The following Findings of Fact ("Findings") are made relative to the conclusions of the Final Environmental Impact Report for the Northwest Oceanside General Plan Amendment and Rezone Project (SCH 2007081157). ("EIR").

1.2 Document Format

These findings have been organized into the following sections:

- (1) Section 1 provides an introduction to these Findings.
- (2) Section 2 provides a summary of the Project and overview of the discretionary actions required for approval of the Project, and a statement of the Project's objectives.
- (3) Section 3 provides a summary of public participation in the environmental review, an overview of the administrative record that has been developed for the Project, and general findings regarding the Project and CEQA compliance.
- (4) Section 4 sets forth findings regarding those environmental impacts which were determined during the notice of preparation period either not to be relevant to the Project or which were determined to clearly not manifest at levels which were deemed to be significant for consideration at the Project-specific level.
- (5) Section 5 sets forth findings regarding significant or potentially significant environmental impacts identified in the Final EIR which the City has determined are either not significant or can be substantially lessened or reduced to a less-than-significant level through the imposition of mitigation measures included in the MMRP for the Project.
- (6) Section 6 sets forth findings regarding alternatives to the Project which were determined not to be implemented by the City.

2. Project Summary

2.1 Northwest Oceanside General Plan Amendment and Zone Change Project Description

This stretch of the river was included in the San Luis Rey River Flood Control Project, and to implement that, the City needed to acquire certain portions of land. To accomplish this, land purchases and exchanges were done between the City and landowners between the late 1980s and mid -1990s. This current project involves the results of such purchases and exchanges between and among the City, the Abbey, and the owners of two pre-existing industrial sites.

While parcels including the new boundaries were defined and recorded, the General Plan's Land Use Element Maps and Zoning Maps were not modified to show these. This

project proposes to change the land use designations and zoning on four pieces of land, per the agreements of the sales and exchanges. In contrast to the existing land use designations and zoning, these proposed land use designations and zoning will reflect the actual on-the-ground uses.

The remaining six pieces of land are to be placed in Open Space per the City's *Final Oceanside Subarea Habitat Conservation Plan / Natural Communities Conservation Plan, Review Draft* (referred to as the Subarea Plan). These pieces include a large (approximately 143 acres) area of undeveloped land between the Abbey and the residential area to the east. Four additional areas are included – two bordering the river on the north and two on the south, totaling approximately 40 acres.

2.2 Discretionary Actions

Discretionary actions for the development, which are addressed in the EIR, include a General Plan Amendment and Rezone.

2.3 Statement of Project Objectives

The project objective is to bring the land use designations and zoning in the area into conformance with current planning and uses.

3. PUBLIC PARTICIPATION AND RECORD OF PROCEEDINGS

3.1 Public Input

A public Scoping Meeting was held on September 25 of 2007 at the Community Rooms of the City of Oceanside. The public was invited to attend and to provide written comments regarding the project. Those comments are included as Appendix A in the Appendices to the Draft EIR.

3.2 Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the Projects consists of the following documents and other evidence at a minimum:

- The Notice of Preparation and all other public notices issued by the City in conjunction with the Project;
- The Final EIR;
- The Draft EIR;

- All written comments and verbal public testimony presented during the public comment period on the Draft EIR or during a noticed public hearing for the Project at which such testimony was taken;
- All findings, ordinances, and resolutions adopted by the City Council in connection with the Project, and all documents incorporated by reference therein;
- All final reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's actions on the Project;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the public hearing;
- Minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings;
- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations;
- The City's General Plan and Municipal Code;
- Any documents expressly cited in these findings in addition to those cited above; and
- Any other materials required to be in the record of proceedings by Section 21167.6 (e) of CEQA.

The custodian of the documents comprising the record of proceedings is the City Clerk, whose office is located at 300 North Coast Highway, Oceanside, CA 92054. Copies of all these documents, which constitute the record of proceedings upon which the City's decision is based, are and at all relevant times have been available upon request at all times at the offices of the City, the custodian for such documents or other materials.

The City Council has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the City Council or City Staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into two categories. First, many of them reflect prior planning or legislative decisions of which the City Council was aware in approving the Project. (See City of Santa Cruz v.

Local Agency Formation Commission 76 Cal.App.3d 381, 391-392, 42 Cal.Rptr. 873 (1978); Dominey v. Department of Personnel Administration, 205 Cal.App.3d 729, 738, n.6, 252 Cal.Rptr. 620 (1988).) Second, other of the documents influenced the expert advice provided to City Staff or consultants, who then provided advice to the City. For that reason, such documents form part of the underlying factual basis for the City's decisions relating to the adoption of the Project. (See Pub. Res.Code § 21167.6 (e)(10); Browning-Ferris Industries v. City Council of San Jose, 181 Cal.App.3d 852, 226, Cal.Rptr 575 (1986; Stanislaus Audubon Society, Inc. v. County of Stanislaus, 33 Cal.App.4th 144, 153, 155, 39 Cal.Rptr.2d 54 (1985).).

The Final EIR was completed in compliance with CEQA, and reflects the City's independent judgment. The City Council believes that its decision on the Project is one which must be made after a hearing required by law at which evidence is required and discretion in the determination of facts is vested in the City. As a result, any judicial review of the City's decision will be governed by Section 21168 of CEQA and Code of Civil Procedure Section 1094.5. Regardless of the standard of review that is applicable, the City Council has considered evidence and arguments presented to the City prior to or at the hearings on this matter. In determining whether the Project has a significant impact on the environment, and in adopting Findings pursuant to Section 21080 of CEQA, the City Council has complied with CEQA Sections 21081.5 and 21082.2.

3.3 Mitigation, Monitoring, and Reporting Program

CEQA requires the lead agency approving a project to adopt a MMRP for the changes to the project that it had adopted or made a condition of project approval in order to ensure compliance with project implementation. No changes were made to the project. No significant impacts were identified; therefore no mitigation was required. As such, no MMRP is necessary for this project.

3.4 General Findings

The City Hereby finds as follows:

3.4.1 The foregoing statements are true and correct;

3.4.2 The City is the "Lead Agency" for the Project evaluated in the Final EIR and independently reviewed and analyzed the Draft EIR and Final EIR for the Project;

3.4.3 The Notice of Preparation of the Draft EIR was circulated for public review between September 17, 2007 and October 17, 2007. It requested that responsible agencies respond as to the scope and content of the environmental information germane to that agency's specific responsibilities;

3.4.4 The public review period for the Draft EIR was for 45 days between April 18, 2008 and June 6, 2008.

3.4.5 The Draft EIR was completed in compliance with CEQA;

3.4.6 The Final EIR reflects the City's independent judgment;

3.4.7 The City evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith, and reasoned responses to the comments. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information to the Draft EIR regarding including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the Final EIR.

3.4.8 The City finds that the Final EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period;

3.4.9 The Final EIR evaluated the following direct and cumulative impacts: aesthetics, biological resources, land use, noise, and transportation/traffic circulation. Additionally, the Final EIR considered Growth Inducing Impacts of the project, as well as a reasonable range of project alternatives. All of the significant environmental impacts of the project were identified in the Final EIR;

3.4.10 CEQA requires the lead agency approving a project to adopt a MMRP for the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with project implementation. No changes were made to the project. No significant impacts were identified; therefore no mitigation was required. As such, no MMRP is necessary for this project;

3.4.11 The MMRP designates responsibility and anticipated timing for the implementation of mitigation; as noted above, no MMRP is required for this project;

3.4.12 In determining whether the Project may have a significant impact on the environment, and in adopting Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21080.5 and 21082.2;

3.4.13 The impacts of the Project have been analyzed to the extent feasible at the time of certification of the Final EIR;

3.4.14 The City made no decisions related to approval of the Project prior to the initial certification of the Final EIR by the City Council. The City also did not commit to a definite course of action with respect to the Project prior to the initial certification of the Final EIR by the City Council;

3.4.15 Copies of all the documents incorporated by reference in the Final EIR are and have been available upon request at all times at the offices of the City Clerk and/or Planning Department, the custodians of record for such documents or other materials.

3.4.16 Textual refinements and errata were compiled and presented to the decision-makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in the various documents associated with the review of the Project. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents will contain errors and will require clarifications and corrections. Second, textual clarifications were necessitated in order to describe refinements suggested as part of the public participation process;

3.4.17 Additionally, the responses to the comments on the Draft EIR, which are contained in the Final EIR, clarify and amplify the analysis in the Draft EIR;

3.4.18 Having reviewed the information contained in the Draft EIR, Final EIR, the administrative record, as well as the requirements of CEQA and the State CEQA Guidelines regarding re-circulation of Draft EIRs, and having analyzed the changes in the Draft EIR which have occurred since the close of the public review period, the City finds that there is no new significant information regarding adverse environmental impacts of the Project in the Final EIR and finds that re-circulation of the Draft EIR is not required; and

3.4.19 Having received, reviewed, and considered all information and documents in the final EIR, as well as all other information in the record of proceedings on this matter, the following Findings are hereby adopted by the City as the CEQA Lead Agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the Project.

4. Environmental Issues Determined Not to be Potentially Affected by the Project

Based on the Initial Study and the responses to the Project's Notice of Preparation, the following environmental issues were determined by the City to be either inapplicable to the Project based upon the nature of the Project and/or the absence of any potential impact related to the issue or because the issue was potentially impacted to a degree deemed to be less than significant and, therefore, not warranting further consideration in the Final EIR other than as set forth in Section 9 of the Final EIR. No substantial evidence has been presented to or identified by the City which would modify or

otherwise alter the City's less-than-significant determination for each of the following environmental issues: air quality, agricultural resources, cultural resources, geology/soils, hazards and hazardous materials, hydrology/water quality, mineral resources, population/housing, public services, recreation, and utilities/service systems..

5. Findings Regarding Potentially Significant Environmental Effects Which Are Determined Not to Be Significant or Which Can Be Substantially Lessened or Avoided Through Feasible Mitigation Measures

The City has determined based on the threshold criteria for significance presented in the Final EIR that the following environmental effects of the Project will not manifest at levels which have been determined by the City to be significant or, if significant, feasible mitigation measures identified in the Final EIR and adopted by the City as conditions of Project approval will result in the avoidance or substantial reduction of those effects.

Environmental effects related to the Project in the following areas were found to be insignificant: Aesthetics, Biological Resources, Land Use, Noise, and Transportation/traffic.

6. MITIGATION MEASURES TO BE IMPLEMENTED BY ANOTHER PUBLIC AGENCY

The decision making body, having reviewed and considered the information in the Final EIR, the related documents, and record, finds that none of the changes or alterations required in, or incorporated into the project, are within the responsibility or jurisdiction of another public agency.

7. FINDINGS REGARDING ALTERNATIVES

7.1 Environmental Impacts: The Draft EIR included a discussion of two alternatives: Alternative A – No Project Alternative, Alternative B – General Plan Conformance Only Alternative.

In rejecting alternatives, the City has examined the objectives of the Project and weighed the ability of the various alternatives to meet those objectives. The City believes that the Project best meets these objectives with the least environmental impact. The Project Objective is as follows:

The project objective is to bring the land use designations and zoning in the area into conformance with current planning and uses.

Description of Alternative A – No Project Alternative: The No Project Alternative would not allow the proposed project, leaving the ten areas in their present land use designations and zoning.

Finding: On a comparative basis, the No Project Alternative would potentially violate property owners' right to make reasonable beneficial use of property. The No Project Alternative is inconsistent with the intent of the land exchanges and purchases among the property owners and the City done to accommodate the flood control plan for the San Luis Rey River. The No Project Alternative does not conform to the draft Subarea Plan.

Facts in Support of Finding: While the No Project Alternative maintains the existing land use designations and zoning, it is not necessarily feasible or environmentally superior. On a comparative basis, the No Project Alternative would:

- Potentially violate the property owners' rights to make reasonable beneficial use of their property consistent with uniformly applied policies, ordinances, regulations, and constitutional protections. Area 3 is a part of a roadway, Area 5 is the site of an existing house, and Areas 7 and 8 are under industrial uses.
- Potentially violate the intent of the land exchanges and purchases among the property owners and the City done to accommodate the flood control plan.
- Be inconsistent with the draft Subarea Plan, which calls for Areas 1, 2, 4, 6, 9, and 10 to be placed in open space.
- Not accomplish the project objective to bring the land use designations and zoning in the area into conformance with current planning and uses.

Description of Alternative B – General Plan Conformance Only Alternative: Under this alternative, land use designation and zoning would be changed only on Areas 3, 5, 7, and 8, to reflect the current uses.

Finding: This alternative would not result in significant impacts, similar to the proposed project.

Facts in Support of the Finding: This alternative would resolve the inconsistency between existing and intended land uses resulting from the land exchanges and purchases to accommodate the flood control project and the current land use designations and zoning, as would the proposed project. This alternative would not include changes to land uses and zoning to conform to the draft Subarea Plan. Therefore, this alternative is not environmentally preferable.

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF OCEANSIDE
AMENDING THE ZONING DISTRICT MAP FROM
RESIDENTIAL ESTATE-B TO OPEN SPACE, PUBLIC
AND SEMIPUBLIC TO OPEN SPACE, RESIDENTIAL
ESTATE-B TO PUBLIC AND SEMIPUBLIC,
INDUSTRIAL PARK TO OPEN SPACE, GENERAL
INDUSTRIAL TO PUBLIC AND SEMIPUBLIC,
PUBLIC AND SEMIPUBLIC TO GENERAL
INDUSTRIAL, OPEN SPACE TO GENERAL
INDUSTRIAL, GENERAL INDUSTRIAL TO OPEN
SPACE, LIMITED INDUSTRIAL TO OPEN SPACE
FOR TEN PROPERTIES LOCATED NORTH OF SR-76,
EAST OF CANYON DRIVE, NORTHWEST OF BENET
ROAD, AND SOUTH OF CAMP PENDLETON -
GALLANT CASSAN ZONE AMENDMENT (ZA-5-07)**

(City of Oceanside -- Applicant)

WHEREAS, an application for Zone Amendment (ZA-5-07) has been filed which would amend the zoning designation for ten parcels located north of State Route 76, east of Airport Road, northwest of Benet Road, and south of Camp Pendleton 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 January 26, 2009 conduct a duly advertised public hearing as required by law and did, by the adoption of Resolution 2009-P02, recommend approval of said Zone Amendment application ZA-5-07;

WHEREAS, said Planning Commission recommendation was made in conjunction with an approval of a General Plan Amendment (GPA-5-07);

WHEREAS, the City Council of the City of Oceanside did hold a duly advertised public hearing on March 18, 2009 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 1. The proposed zoning map amendment is consistent with the policies of the General
2 Plan and the provisions of the Oceanside Zoning Ordinance. The proposed project would allow
3 for more opportunities to obtain open space and habitat lands in conjunction with the Multi-
4 Habitat Conservation Plan (MHCP).

5 2. The proposed zoning designation changes are consistent with the Land Use Element of the
6 General Plan and other applicable policies and are compatible with the surrounding area.

7 3. The proposed new Open Space-OS zone is in compliance with the surrounding Land Use
8 Designation, and would allow the properties to be safe from any future developments.

9 4. The proposed Public and Semi-Public zone- PS would allow the existing uses associated
10 with the Prince of Peace Abbey property that is currently zoned Public Space and Semi-Public –
11 PS to be consistent with the existing uses and the proposed land use changes as specified in
12 Exhibit “C”.

13 5. Allowing the Zone Amendment would be compatible with the surrounding Public Space
14 and Semi-Public properties and would not be a detriment or negative impact to the surrounding
15 area, because the uses are existing and no additional impacts are necessary for the zone
16 amendment.

17 6. The proposed new General Industrial zoning designation changes would allow the
18 existing industrial uses to conform to the existing uses, such as the Gallant and Cassan
19 properties that currently possess small portions of Public Space and Semi-Public and Open
20 Space parcels.

21 7. Allowing the Zone Amendment to bring the existing properties into conformance with
22 the existing uses would be compatible with many of the surrounding industrial uses and lands
23 located to the south east off of Airport Road, and would not be a detriment or negative impact
24 to the surrounding area, because the uses are existing and no additional impacts are necessary
25 for the zone amendment.

26 8. Allowing the Zone Amendment would enable many of the properties to be conforming
27 with the existing uses, and would be consistent with the agreements made by the City of
28 Oceanside and the property owners affected during the 1988 San Luis Rey Flood Control

1 Project. The agreement was responsible for acquisition of lands necessary for the construction
2 of the Flood Control Project by the Army Corps of Engineers, in exchange for zoning and land
3 use changes that would bring these properties into conformance with the existing uses. The Zone
4 Amendment would allow the remaining portions of Gallant, Cassan, and the Prince of Peace
5 Abbey's properties to be in conformance with the existing land uses, the existing agreement, and
6 would not be a detriment or negative impact to the surrounding area, because the uses are in
7 existence.

8 WHEREAS, the City Planner has reviewed the proposed project for compliance with the
9 California Environmental Quality Act (CEQA) and prepared an environmental impact report
10 (EIR), in accordance with the California Environmental Quality Act (CEQA). Based upon the
11 results of the Initial Study, the City Planner determined that the project could not result in
12 significant effects on the environment;

13 WHEREAS, the City Council did find that the Final Environmental Impact Report
14 (FEIR) was prepared in accordance with requirements of the California Environmental Quality
15 Act (CEQA), the State CEQA Guidelines, and the Environmental Review Procedures of the
16 City of Oceanside, and the FEIR was certified in Resolution No. _____;

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

19 1. The Zone Amendment application ZA-5-07 for certain real property described in
20 Exhibit "A (Legal Description)", and Exhibit "B (Zone Amendment Map) attached hereto is
21 hereby approved, and the City Planner is directed to amend the appropriate Zoning Map to show
22 the Zone Amendment.

23 2. This ordinance shall not be codified.

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

27 ///

28

EXHIBIT "A"

All that certain real property situated in the County of San Diego, State of California, described as follows:

Parcel 1:

That portion of Section 14 in Township 11 South, Range 5 West, San Bernardino Base and Meridian, according to United States Government Survey, approved April 5, 1881, described as follows:

Commencing at a point North $0^{\circ}11'25''$, 482.26 feet from the Southwest corner of the Southeast quarter of the Northeast quarter of the Southeast quarter of Section 14, in the Township and Range mentioned above, North $0^{\circ}11'25''$ West, 160.38 feet;

Thence due East, 144.67 feet;

Thence South $49^{\circ}16'10''$ East, 108.15 feet;

Thence South $0^{\circ}29'10''$ East, 52.52 feet;

Thence South $59^{\circ}22'20''$ West, 153.02 feet;

Thence North $67^{\circ}49'40''$ West, 102.42 feet to the True Point of Beginning.

Note: The above description should not to be relied upon as a legal insurable parcel. This company has provided said description only as an accommodation for the purpose facilitating this report.

Said description is not insurable pursuant to the Subdivision Map Act of the State of California and should not be relied upon to convey or encumber said land until approved by the appropriate governing agency.

Parcel 2:

That portion of Fractional Section 13 in Township 11 South, Range 5 West, San Bernardino Meridian, according to the United States Government Survey thereof approved April 5, 1881, in the City of Oceanside, County of San Diego, State of California, lying within the boundary of land shown on Record of Survey No. 13494, recorded October 31, 1991 as File No. 91-564611 in the Office of the County Recorder of said County described as follows:

Commencing at the intersection of the Westerly boundary line of that parcel described as Parcel 2 in that Corporation Grant Deed to the Oceanside Building authority recorded November 1, 1990 as Document No. 90-594322 and the Southeasterly line of Rancho Santa Margarita Y Las Flores as referenced on said Record of Survey;

Thence along said Westerly line South $23^{\circ}10'23''$ East 2008.08 feet to the True Point of Beginning, being an angle point in said Westerly boundary;

Thence retracing along said Westerly boundary North $23^{\circ}10'23''$ West 281.54 feet;

Thence leaving said boundary South 87°57'23" East 77.37 feet;
Thence South 23°10'23" East 281.54 feet to an intersection with that certain line on said Record of Survey having a course of "North 87°57'23" West 287.51 feet";
Thence along the aforementioned line North 87°57'23" West 77.37 feet to the True Point of Beginning.

Easement Parcel No. 2A:

Beginning at the intersection of the Westerly boundary line of that parcel described as Parcel 2 in that Corporation Grant Deed to the Oceanside Building authority recorded November 1, 1990 as Document No. 90-594322 and Southeasterly line of the Rancho Santa Margarita Y Las Flores as referenced on said Record of Survey;

Thence along said Rancho boundary North 48°04'37" East 104.42 feet more or less to of the point of intersection with a contour line of 250 foot elevation;
Thence Southeasterly along said contour line to a point on said Westerly line of that parcel described as Parcel 2 in Document No. 90-594322;
Thence leaving said contour line along said Westerly line North 23°10'23" West (Record North 22°53'51" West) 509.16 feet more or less to the Point of Beginning.

Easement Parcel No. 2B:

Commencing at the intersection of the Westerly boundary line of that parcel described as Parcel 2 in that Corporation Grant Deed to the Oceanside Building Authority recorded November 1, 1990 as Document No. 90-594322 and the Southeasterly line of the Rancho Santa Margarita Y Las Flores as referenced on said Record of Survey;

Thence along said Westerly line South 23°10'23" East (Record South 22°53'51" East) 694.06 feet more or less to the True Point of Beginning being the point of intersection with a contour line of 250 foot elevation;
Thence leaving said boundary along said contour line Southeasterly to a point of intersection with that certain line on said Record of Survey having a course of "North 87°57'23" West 287.51 feet";
Thence along aforementioned line North 87°57'23" West 111.00 feet more or less to an angle point in said Westerly boundary of that parcel described as Parcel 2 in Document No. 90-594322;
Thence along said boundary North 23°10'23" West (Record North 22°53'51" West) 1314.02 feet more or less to the True Point of Beginning.

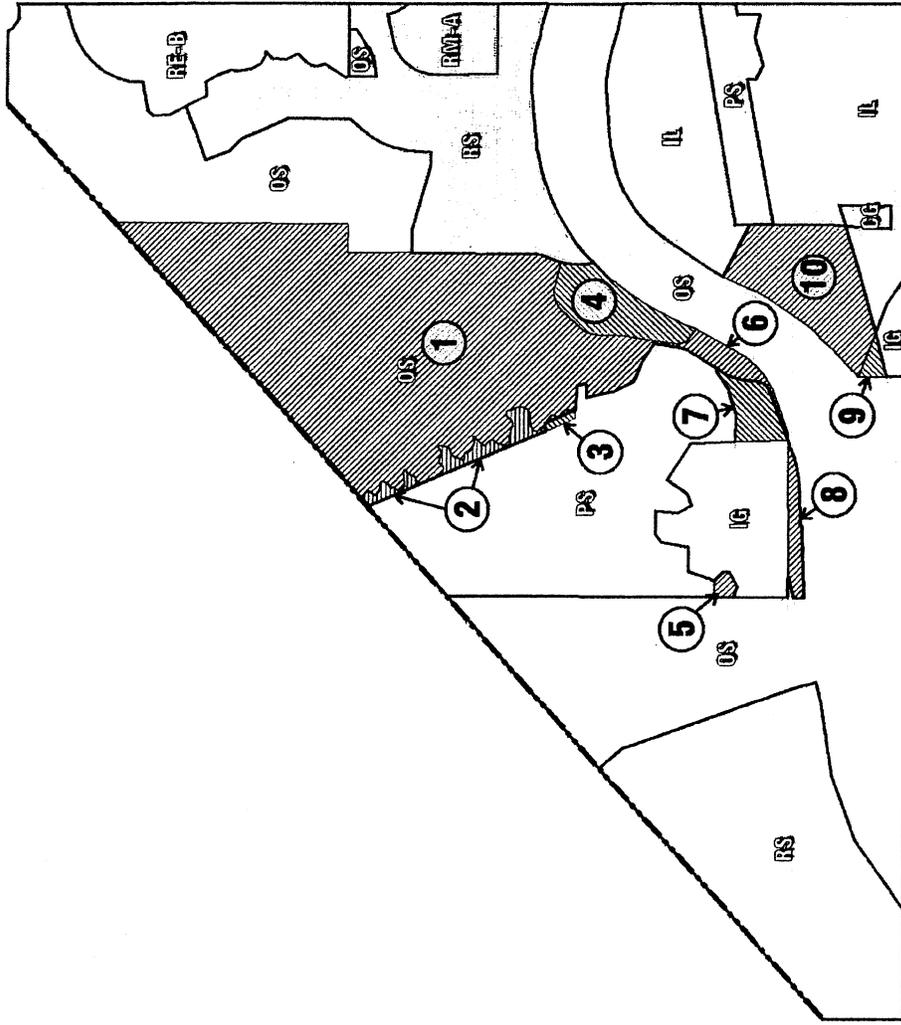
Excepting therefrom Parcel 2:

The 250 foot contour previously described herein was derived from photogrammetric mapping for the City of Oceanside Wire Mountain Water Reservoir Project, City of Oceanside Benchmark No. A-42 with a 1983 adjusted elevation of 35.840 feet was used as vertical control for said mapping.

Note: The above description should not to be relied upon as a legal insurable parcel. This company has provided said description only as an accommodation for the purpose facilitating this report.

Said description is not insurable pursuant to the Subdivision Map Act of the State of California and should not be relied upon to convey or encumber said land until approved by the appropriate governing agency.

EXHIBIT B



Area	Zoning Classification		Acreage
	Existing	Proposed	
1	RE-B	OS	143.25 AC
2	PS	OS	4.34 AC
3	RE-B	PS	0.46 AC
4	IP	OS	10.87 AC
5	IG	PS	0.83 AC
6	PS	OS	3.85 AC
7	PS	IG	5.00 AC
8	OS	IG	3.31 AC
9	IG	OS	1.13 AC
10	IL	OS	22.98 AC

LEGEND
 **PROPOSED ZONE CHANGES**



SOURCE: JACK HENTHORN & ASSOCIATES

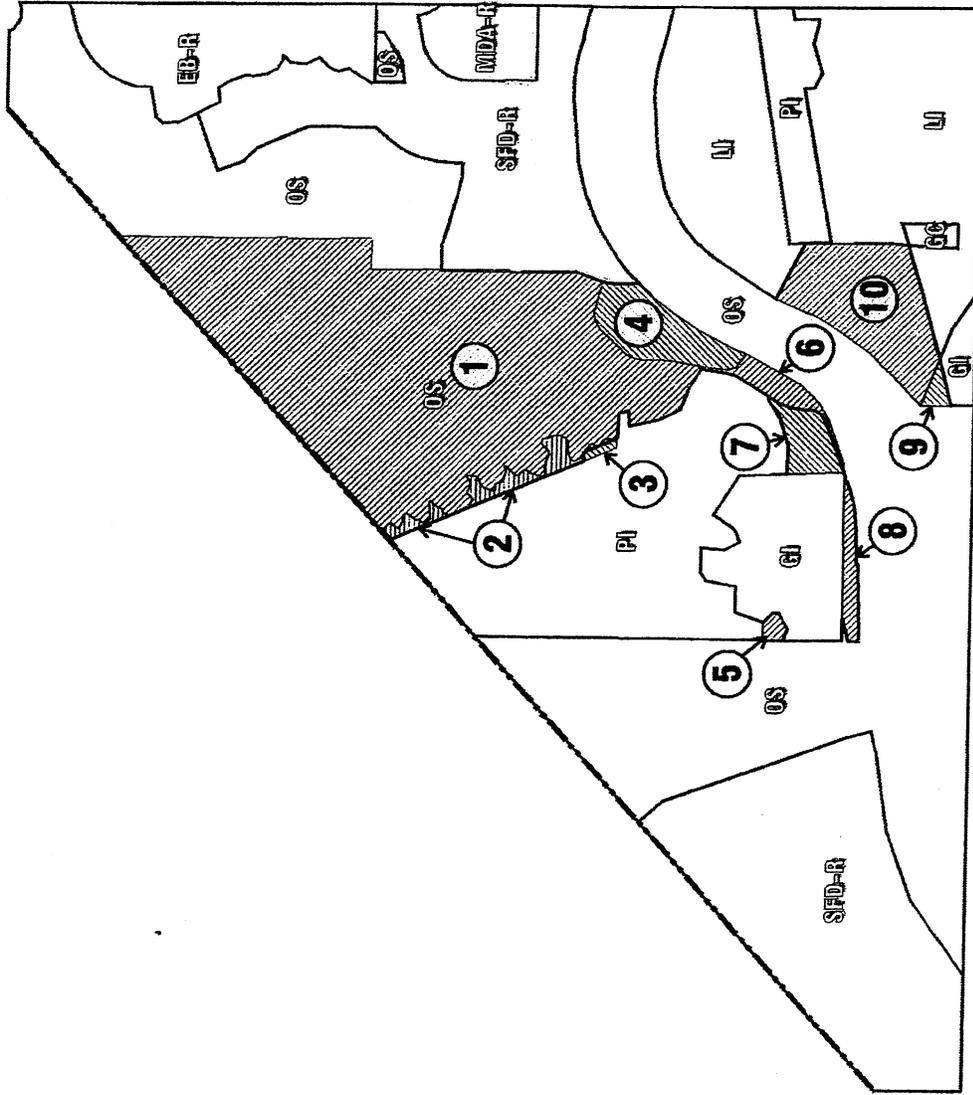
Affinis

Shadow Valley Center
 847 Jamacha Road
 El Cajon, CA 92019

EXISTING AND PROPOSED ZONING

FIGURE III-2

EXHIBIT C



Area	General Plan Designation		Acreage
	Existing	Proposed	
1	EB-R	OS	143.25 AC
2	PI	OS	4.34 AC
3	EB-R	PI	0.46 AC
4	RP-I	OS	10.87 AC
5	GI	PI	0.83 AC
6	PI	OS	3.85 AC
7	PI	GI	5.00 AC
8	OS	GI	3.31 AC
9	GI	OS	1.13 AC
10	LI	OS	22.98 AC



SOURCE: JACK HENTHORN & ASSOCIATES

Affinis

Shadow Valley Center
 847 Jamacha Road
 El Cajon, CA 92019

EXISTING AND PROPOSED LAND USES

FIGURE A-1

ATTACHMENT

PLANNING COMMISSION
RESOLUTION NO. 2009-P03

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF OCEANSIDE RECOMMENDING
APPROVAL OF A GENERAL PLAN AND ZONING
AMENDMENT ON CERTAIN REAL PROPERTY IN THE
CITY OF OCEANSIDE

APPLICATION NO:	GPA-5-07, ZA-5-07
APPLICANT:	City of Oceanside
LOCATION:	North of SR-76, east of Canyon Drive, west of Benet Road and South of Camp Pendleton

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 General Plan Amendment, Zone Amendment under the provisions of Articles 45 of the Zoning Ordinance of the City of Oceanside for the following:

a land use change and zoning designation changes to ten parcels within the Airport and Capistrano Neighborhood, in order to create more opportunities for additional open space lands within the City of Oceanside, and to bring some non-conforming properties into conformance with the uses and the land use designations;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 26th day of January, 2009 conduct a duly advertised public hearing as prescribed by law to consider said application;

WHEREAS, pursuant to the California Environmental Act of 1970, the Planning Commission finds that a Environmental Impact Report has been prepared stating that no adverse impact upon the environment;

WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN that the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020;

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

3 WHEREAS, the Environmental Impact Report, together with any comments received,
4 incorporated into the conditions of approval for the project, were presented to the Planning
5 Commission, and the Planning Commission reviewed and considered the information
6 contained in these documents prior to making a decision on the project.

7 WHEREAS, the documents or other material which constitute the record of proceedings
8 upon which the decision is based will be maintained by the City of Oceanside Planning
9 Division, 300 North Coast Highway, Oceanside, California 92054.

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

12 FINDINGS:

13 For the General Plan Amendment:

- 14 1. The proposed land use changes as specified in the attached documents and within the
15 Environmental Impact Report is compatible with the surroundings and with the existing
16 use of the property. The land use changes would allow the legal non conforming uses to
17 be compatible with the land use designation.
- 18 2. There is no future developments associated with the land use changes, therefore the
19 existing uses would be compatible with the proposed land use changes.

20 For the Open Space Zone Amendment:

- 21 1. The proposed new Open Space – OS Zone is in compliance with the surrounding Land Use
22 Designation, and would allow the properties to be safe from any future developments.
- 23 2. The Open Space – OS Zone is compatible with surrounding and abutting undeveloped
24 lands and would enable consistency with the City of Oceanside Subarea Plan.

25 For the Public Space Amendment:

- 26 1. The proposed Public and Semi-Public zone – PS would allow the existing uses
27 associated with the Prince of Peace Abbey property that is currently zoned Public Space
28 and Semi-Public – PS to be consistent with the existing uses and the proposed land use
29 changes.

1 2. Allowing the Zone Amendment would be compatible with the surrounding Public Space
2 and Semi-Public properties and would not be a detriment or negative impact to the
3 surrounding area, because the uses are existing and no additional impacts are necessary
4 for the zone amendment.

5 For the General Industrial Zone Amendment:

- 6 1. The proposed General Industrial – IG would allow the existing industrial uses to be
7 conforming to the existing uses, such as the Gallant and Cassan properties that currently
8 possess small portions of Public Space and Semi-Public and Open Space parcels.
- 9 2. Allowing the Zone Amendment to bring the existing properties into conformance with
10 the existing uses would be compatible with the many of the surrounding industrial uses
11 and lands located to the south east off of Airport Road, and would not be a detriment or
12 negative impact to the surrounding area, because the uses are existing and no additional
13 impacts are necessary for the zone amendment.

14 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
15 recommend approval to the City Council of General Plan Amendment (GPA-5-07), Zone
16 Amendment (ZA-5-07).

17 PASSED AND ADOPTED Resolution No. 2009-P03 on January 26, 2009 by the
18 following vote, to wit:

19 AYES: Troisi, Balma, Neal, Martinek, Parker, Bertheaud and Rosales

20 NAYS: None

21 ABSENT: None

22 ABSTAIN: None



23 Claudia Troisi, Chairperson
24 Oceanside Planning Commission

25 ATTEST:



26 Jerry Hittleman, Secretary

27 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
28 this is a true and correct copy of Resolution No. 2009-P03.

29 Dated: January 26, 2009

1 PLANNING COMMISSION
2 RESOLUTION NO. 2009-P02

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA CERTIFYING THE
5 FINAL ENVIRONMENTAL IMPACT REPORT FOR A
6 CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

7 APPLICATION NO: GPA-5-07, ZA-5-07

8 APPLICANT: City of Oceanside Property Management

9 LOCATION: North of SR-76, east of Canyon Drive, west of Benet Road and South of
10 Camp Pendleton

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

13 WHEREAS, an Environmental Impact Report was prepared and circulated for public
14 and agency review and proper notification was given in accordance with the California
15 Environmental Quality Act; and

16 WHEREAS, the Planning Commission, after giving the required notice, did on the 26th
17 day of January 2009, conduct a duly advertised public hearing on the content of the Final
18 Environmental Impact Report; and

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

21 For the Final Environmental Impact Report:

- 22 1. The Final Environmental Impact Report was completed in compliance with the
23 provisions of the California Environmental Quality Act (CEQA).
- 24 2. Pursuant to the California Environmental Quality Act of 1970 and State Guidelines
25 thereto; a Environmental Impact Report has been prepared stating that no adverse
impacts to habitats or common or sensitive species would be expected. No impact to
aesthetics would be expected with implementation of the proposed project.
Approximately 186 of the approximately total 196 acres of the project are proposed for
open space. The proposed project would also protect the existing views of vehicles
traveling north on Benet Road.
3. The Environmental Impact Report has been determined to be accurate and adequate
documents, which reflect the independent judgment and analysis of the Planning
Commission. On the basis of the entire record before it, the Planning Commission finds

1 that there is no substantial evidence that the project, with implementation of the
2 mitigation measures proposed, will have a significant impact on the environment.

3 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does
4 hereby certify the Final Environmental Impact Report Report for General Plan Amendment
5 (GPA-5-07) and Zone Amendment (ZA-5-07) subject to the following recommendations and
6 conditions:

7 1. Notice is HEREBY GIVEN that the time within which judicial review must be sought on
8 this decision is governed by the provisions of the California Environmental Quality Act.

9 PASSED AND ADOPTED Resolution No. 2009-P02 on January 26, 2009 by the
10 following vote, to wit:

11 AYES: Troisi, Balma, Neal, Martinek, Parker, Bertheaud and Rosales

12 NAYS: None

13 ABSENT: None

14 ABSTAIN: None

15 
16 _____
17 Claudia Troisi, Chairperson
18 Oceanside Planning Commission

19 ATTEST:

20 
21 _____
22 Jerry Hittleman, Secretary

23 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
24 this is a true and correct copy of Resolution No. 2009-P02.

25 Dated: January 26, 2009



DATE: January 26, 2009

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A GENERAL PLAN AMENDMENT (GPA-5-07) AND ZONE AMENDMENT (ZA-5-07) TO CHANGE THE LAND USE AND ZONING DESIGNATION OF 10 PARCELS OF LAND LOCATED NORTH OF SR-76, EAST OF CANYON DRIVE, WEST OF BENET ROAD, AND SOUTH OF CAMP PENDLETON. – GALLANT & CASSAN ZONE AMENDMENT – APPLICANT: CITY OF OCEANSIDE**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Certify the Environmental Impact Report (EIR) and associated findings by adopting Planning Commission No. 2009-P02.
- (2) Recommendation of approval to the City Council for a General Plan Amendment (GPA-5-07) and Zone Amendment (ZA-5-07) by adopting Planning Commission Resolution No. 2009-P03 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: The site is located north of State Route (SR) 76, east of Canyon Drive, west of Benet Road and north and south of the extension of Benet Road, and south of Camp Pendleton. It contains the Prince of Peace Abbey, one single-family home associated with the Prince of Peace of Abbey, open space and undeveloped lands, the San Luis Rey River, the City water reservoir, Gallant Truck Salvage facility, Ecology Auto Park, and the Hanson Aggregates facility.

This area of the City was included in the San Luis Rey River Flood Control Project, and to implement that, the City needed to acquire certain portions of land. To accomplish this, land purchases and exchanges were done between the City and landowners between the late 1980's and mid-1990's. This current project involves the results of such purchases and exchanges between and among the City, the Abbey, and the owners of two pre-

existing industrial sites. The General Plan Land Use maps and Zoning maps were not updated at that time to reflect these changes. All uses have been in existence since the early 1900's, with the exception of the Hanson Aggregates facility which was approved, by the Planning Commission on September 8, 2004, to operate a concrete batch plant at 1050 Airport Road. The Prince of Peace Abbey located north of the Gallant and Cassan industrial lands, has been in existence since the early 1950's and operates as a religious facility for the Order of Saint Benedict Benedictine Roman Catholic Church.

Site Review: The project site encompasses 10 parcels consisting of different types of uses and topography ranging from steep hill sides, relatively flat pads, a river, and developed industrial lands. All 10 parcels share distinct zoning and land use designations. The existing land use designation consist of Estate-B Residential (EB-R), Public Institution (PI), General Industrial (GI), Open Space (OS), Research Park Industrial (RP-I), and Light Industrial (LI). The underlying neighborhood area is East Side Capistrano and Airport Neighborhood, and the surrounding land uses include: Light Industrial (LI) and General Industrial (GI) uses, such as an auto wrecking facility, and the Hanson's Aggregate use. A religious facility known as the Prince of Peace Abbey with the land use designation of Public Institution (PI) exist to the north of Benet Road and South of Camp Pendleton, and Open Space (OS) lands known as the San Luis Rey River and other undeveloped lands exist to the south and north east of the project site.

Surrounding uses include single-family residential to the east zoned Residential Single-Family (RS), and Light Industrial (IL) uses along Airport Road, such as the Oceanside Municipal Airport and other eclectic types of light industrial uses. The SR-76 is located to the south of the project site and west of the site is the Loma Alta Residential Neighborhood that exist with Residential Single-Family (RS) zoned properties.

Project Description: The applicant has requested a General Plan Amendment and a Zone Amendment described as follows:

General Plan Amendment (GPA-5-07) represents a request for the following:

The City of Oceanside is requesting a change to the land use designations for 10 parcels within the Airport and Capistrano Neighborhood (refer to the attached map), in order to create more opportunities for open space lands, and to bring some non-conforming properties into conformance with the uses and the land use designations. The table below depicts the existing and proposed changes to the land use designations:

Area	Existing	Proposed	Acreage
1	EB-R	OS	143.25 AC
2	PI	OS	4.34 AC
3	EB-R	PI	0.46 AC
4	RP-I	OS	10.87 AC
5	GI	PI	0.83 AC
6	PI	OS	3.85 AC
7	PI	GI	5.00 AC

8	OS	GI	3.31 AC
9	GI	OS	1.13 AC
10	LI	OS	22.98 AC

Zone Amendment (ZA-5-07) represents a request for the following:

The City of Oceanside is requesting a change to change several zoning designations for 10 parcels within the Airport and Capistrano Neighborhood, in order to create more opportunities for open space lands, and to bring some non-conforming properties into conformance with the uses and the land use designations.

The project is subject to the following Ordinances and City policies:

1. General Plan Land Use Element
2. Zoning Ordinance
3. City of Oceanside Draft Subarea Plan
3. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designations on the subject properties are estate-B Residential (EB-R), Public Institutions (PI), Research Park Industrial (RP-1), General Industrial (GI), Open Space (OS) and Light Industrial (LI). These land use designations permit a full range of residential, industrial and open/undeveloped uses as proposed by the project. The proposed land use changes would be consistent with the existing uses on the parcels, the surrounding properties, and the goals and objectives of the City’s General Plan as follows:

Land Use Element III. Natural Resource Management

Goal 3.11: Vegetation and Wildlife Habitats

Objective: To provide special management of sensitive historical, cultural, recreational, and environmental areas and areas with unique planning considerations within the City.

Policy: Where appropriate, the City shall apply open space land use designations and open space zoning to areas of significant scenic, ecological, or recreational value.

The proposed General Plan and Zone Amendment would allow all properties to be in conformance with the current planning and land uses. This proposes change to the land use designation and zoning designations would allow four pieces of land to become in

conformance with the existing uses, such as the single-family home associated with the Prince of Peace Abbey that consist of a land use designation of General Industrial (GI). The other parcels are within the portions of the Gallant and Cassan's properties that currently possess a land use designation of Open Space (OS) to be changed into General Industrial (GI), and remaining two parcels of the four are portions of the Prince of Peace Abbey's property that has a land use designation of Estate-B Residential (EB-R) to be changed into Public Institution (PI). The remaining six properties to be changed, consist of land use designations of Estate-B Residential (EB-R), Research Park Industrial (RP-I), Light Industrial (LI), and Public Institution (PI). These six parcel are to be changed to Open Space (OS), and would provide opportunities for additional habitat lands for the City of Oceanside. This would be consistent with the City's draft Subarea Plan, in terms of allowing for more undeveloped and open space lands for conserving natural biotic communities and sensitive plant and wildlife species.

2. Zoning Ordinance Compliance

The project is located in the RE-B (Residential Estate-B), Public Space (PS), IP (Industrial Park District), IG (Industrial General), and OS (Open Space) land use designations. The applicant proposes changing the Zoning District map for 10 parcels as attached in the referenced map with this report. The 10 parcels would be changed as follows:

Area	Existing	Proposed	Acreage
1	RE-B	OS	143.25 AC
2	PS	OS	4.34 AC
3	RE-B	PS	0.46 AC
4	IP	OS	10.87 AC
5	IG	PS	0.83 AC
6	PS	OS	3.85 AC
7	PS	IG	5.00 AC
8	OS	IG	3.31 AC
9	IG	OS	1.13 AC
10	IL	OS	22.98 AC

The proposed Zoning Designation changes would not only provide approximately 186.42 additional acres of open space, but would allow for the existing non-conforming uses to possess the appropriate zoning designations that permit the existing uses.

DISCUSSION

Issue: Will the proposed land use and zoning designation changes meet the current regulations and the surrounding properties?: The proposed time land use and zoning designation changes would be consistent with, and compatible with, the Zoning Ordinance and the Goals and policies established in the General Plan, and the surrounding developments and uses in the surrounding area.

Recommendation: Staff finds that the overall zoning and land use changes for all 10 parcels is consistent with the existing properties and with the surrounding properties. No impacts to aesthetics would be expected with the implementation of the proposed project. Approximately 186 of the approximately total 196 acres of the project are proposed for open space. The proposed project would protect the existing views of vehicles traveling north on Benet Road. The four developed areas north of Benet Road that exist with the Gallant and Cassan's industrial lands and the Prince of Peace of Abbey's developed lands would remain.

The biological impacts as well as the cumulative impacts were analyzed with the Environmental Impact Report, and it has been established that no adverse impact to habitats or common or sensitive species would be expected with this land use and zoning designation change. All of the undeveloped lands are proposed to be designated as open space and this would make these properties consistent with the City of Oceanside's Subarea Plan.

ENVIRONMENTAL DETERMINATION

The proposed amendments were reviewed under the provisions of the California Environmental Quality Act and an Environmental Impact Report (EIR) was prepared stating that there will not be a significant adverse impact upon the environment. The EIR will be considered as part of the Commission's action on the proposed amendments.

This EIR has been prepared for the proposed project, which is intended to inform public decision makers, responsible and interested agencies, and the general public of potential environmental effects of the proposed project.

A number of issues were analyzed as possessing no significant impact, and are therefore addressed in the EIR. These issues are:

Land Use	Noise
Traffic and Circulation	Biological Resources
Aesthetics	

Of the five issues addressed in the EIR, no significant impacts were identified, because there is no development associated with this General Plan and Zone Amendment changes. Therefore the EIR analyzed that no significant impact are expected, therefore no mitigation is necessary.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 1500-foot radius of the subject property, individuals and/or organizations requesting notification, applicant and other interested parties. As of

January 15, 2009, no communication supporting or opposing the request has been received.

SUMMARY

The proposed project is in compliance with the goals objectives and polices set forth in the General Plan, draft Subarea Plan, and Zoning Ordinance. The land use and zoning designation revisions would allow a change to the land use designations for 10 parcels within the Airport and Capistrano Neighborhood, in order to create more opportunities for open space lands, and to bring several non-conforming properties into conformance with the uses and the land use designations. The Commission's action should be:

- Certify the Environmental Impact Report (EIR) and associated findings by adopting Planning Commission Resolution No. 2009-P02.

- Recommend approval to City Council for the General Plan Amendment (GPA-5-07) and Zone Amendment (ZA-5-07) by adopting Planning Commission Resolution No. 2009-P03 with findings and conditions of approval attached herein.

PREPARED BY:



Scott Nightingale
Planner II

SUBMITTED BY:



Jerry Hittleman
City Planner

REVIEWED BY: 

Richard Greenbauer, Senior Planner

JH/SN/fil

Attachments:

1. Planning Commission Resolution No. 2009-P02
2. Planning Commission Resolution No. 2009-P03
3. The Gallant & Cassan General Plan and Zone Amendment EIR

Nadine L. Scott
Attorney at Law

550 Hoover St.
Oceanside CA 92054
nadia550@sbcglobal.net
760-757-6685

January 26, 2009

City Of Oceanside
Attn: Planning Commission
300 North Coast Highway
Oceanside CA 92054

To Whom It May Concern: Re: Item #6 Gallant/Cassan Zone Amendment

I have two concerns regarding Area 8:

1. Have the wildlife agencies signed off on the rezone from Open Space (OS) to Industrial General (IG) on the property to the South of Hansen's Aggregate? If not, I am opposed to this rezone. This piece of land and its trees, as planted and having grown tall, create a visual buffer to the concrete plant and allow wildlife corridor activity unimpeded by traffic.
2. Was the land in Area 8 in front of Hanson's Aggregate zoned as Open Space (OS) as a condition of their development plan? If so, I am opposed to this rezone.

The property concerned creates a buffer right at the edge of the habitat for San Luis Rey River area. Taking property out of OS and placing it into IG seems to frustrate the goals of the Habitat Plan, Special Planning Area in the Land Use element and defeats the purpose of the visual buffer.

Thank you for including my comments in the official record.



Nadine L. Scott

Received
JAN 26 2009
Planning Division

Vida Murrell

From: Jerry Hittleman
Sent: Thursday, February 05, 2009 4:58 PM
To: Scott Nightingale
Cc: George Buell; Vida Murrell
Subject: FW: Call for Review

fhi

From: Esther Sanchez
Sent: Thursday, February 05, 2009 4:54 PM
To: Jerry Hittleman; Barbara Riegel Wayne
Cc: Peter Weiss; John Mullen
Subject: Call for Review

I wish to call the following item for review:

THE ENVIRONMENTAL IMPACT REPORT RELATED TO GENERAL PLAN AMENDMENT (GPA-5-07) and ZONE AMENDMENT (ZA-5-07) to change the land use and zoning designation of 10 parcels of land to enable opportunities for additional open space land located north of SR-76, east of Canyon Drive, west of Benet Road, and south of Camp Pendleton. The project is situated within the East Side Capistrano and Airport Neighborhood. – **GALLANT & CASSAN ZONE AMENDMENT – Applicant: The City of Oceanside**

The grounds are the following:

The report fails to adequately address the impacts to the San Luis Rey River; it fails to require an adequate buffer from the San Luis Rey River.

Thank you.

Esther