

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF OCEANSIDE  
AMENDING THE ZONING DISTRICT MAP FROM SINGLE  
FAMILY RESIDENTIAL (RS) AND COMMERCIAL LIMITED  
(CL) TO COMMERCIAL GENERAL (CG) FOR PROPERTY  
LOCATED AT THE SOUTH EAST CORNER OF MISSION  
AVENUE AND CAROLYN CIRCLE

(Mohsen and Susana Arabshahi –Applicant)

WHEREAS, an application for Zone Amendment (ZA-3-03) has been filed which would amend the zoning from Single Family Residential (RS) and Commercial Limited (CL) to Commercial General (CG) zoning designation for property located at the south east corner of Mission Avenue and Carolyn Circle at 3213 Mission Avenue 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 December 17, 2007, conduct a duly advertised public hearing as required by law and did, by the adoption of Planning Commission Resolution No. 2007-P68, recommend approval of said Zone Amendment (ZA-3-03);

WHEREAS, said Planning Commission recommendation was made in conjunction with an approval of a Development Plan (D-11-03), Conditional Use Permits (C-29-06, C-18-07, C-19-07) and Variances (V-2-07, V-5-07, V-6-07);

WHEREAS, the City Council of the City of Oceanside did hold a duly advertised public hearing on February 13, 2008, to consider said Zone Amendment (ZA-3-03) application and the recommendation of the Planning Commission thereon and did hear all persons supporting or opposing the proposed Zone Amendment (ZA-3-03);

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

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1           1.       The granting of the zone amendment is consistent with the purposes of the Zoning  
2 Ordinance.

3           2.       The zone amendment, which is attached as Exhibit "B", is consistent with the Land  
4 Use Element of the General Plan and other applicable policies and is compatible with the  
5 surrounding land uses.

6           3.       The design aspects of the zone amendment will enhance the potential for high  
7 quality urban commercial development in comparison with development that might otherwise  
8 occur if the Commercial General designation were not approved.

9           4.       The zone amendment includes adequate provisions for utilities, needed  
10 neighborhood commercial services, and vehicle access; and public service demands will not  
11 exceed the capacity of existing and planned systems.

12          5.       The Development Plan (D-11-03) and Conditional Use Permits (C-29-06, C-18-  
13 07, C-19-07) will be implemented by the approved zone amendment, which are on file in the  
14 Planning Department.

15          6.       The notice and hearing provisions for the Zone Amendment contained in the  
16 City's Zoning Ordinance have been complied with.

17               WHEREAS, a Negative Declaration was prepared by the Resource Officer of the City of  
18 Oceanside covering this Zone Amendment and the associated development project pursuant to the  
19 California Environmental Quality Act of 1970 and the State Guidelines thereto as amended to date  
20 and has been certified by the Planning Commission in conjunction with its recommendation on  
21 the application;

22               WHEREAS, the City Council does hereby find that the Initial Study/Mitigated Negative  
23 Declaration has been prepared in accordance with requirements of CEQA, the State CEQA Guidelines,  
24 and the Ordinance 04-OR300-1 of the City of Oceanside adopting procedures and guidelines to implement  
25 CEQA, and hereby adopts the Mitigated Negative Declaration and the Mitigation, Monitoring and  
26 Reporting Program; and  
27  
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1           WHEREAS, the Mitigated Negative Declaration and Mitigation and Monitoring and  
2 Reporting Program (MMRP) have been determined to be accurate and adequate documents,  
3 which reflect the independent judgment and analysis of the City Council. On the basis of the  
4 entire record before it, the City Council finds that there is no substantial evidence that the  
5 project, with implementation of the mitigation measures proposed, will have a significant  
6 impact on the environment.

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

- 9           1.     The Zone Amendment (ZA-3-03) application for certain real property described in  
10 Exhibit "A" and Plan Exhibit "B" attached hereto is hereby approved, and the Planning Director is  
11 directed to amend the appropriate Zoning Map to show the Zone Amendment.
- 12           2.     This ordinance shall not be codified.
- 13           3.     The City Clerk of the City of Oceanside is hereby directed to publish this ordinance  
14 once within fifteen (15) days after its passage in the North County Times, a newspaper of general  
15 circulation published in the City of Oceanside.

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# EXHIBIT

A

RECEIVED

JUN 18 2003

Planning Department

## LEGAL DESCRIPTION

### PARCEL 1:

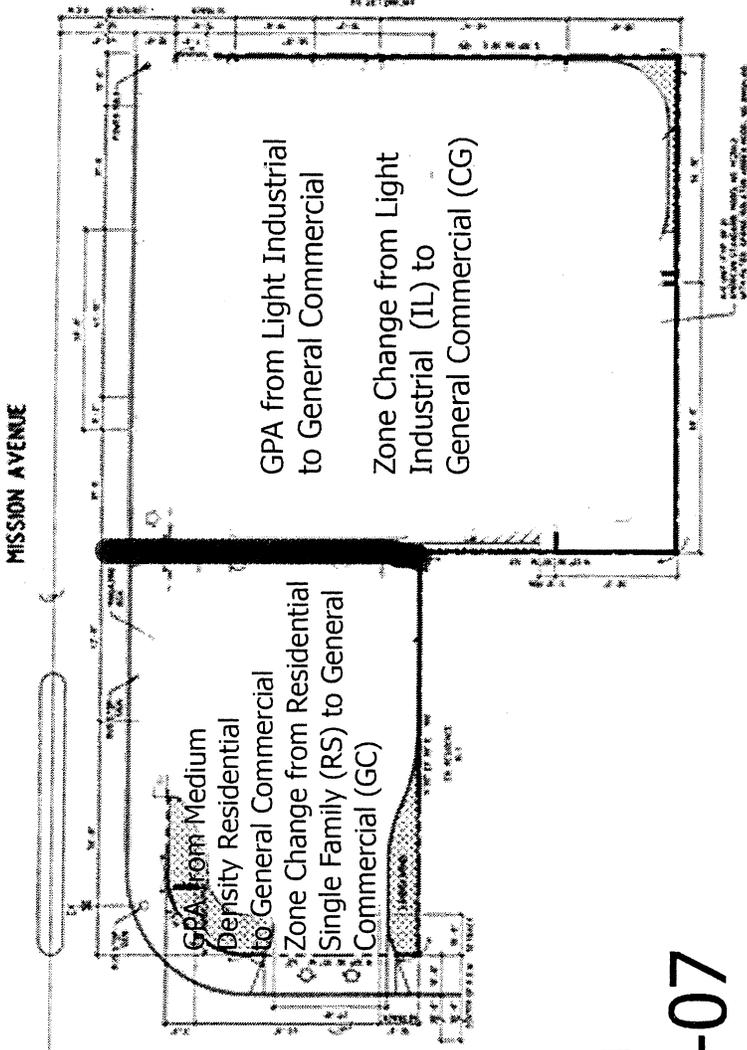
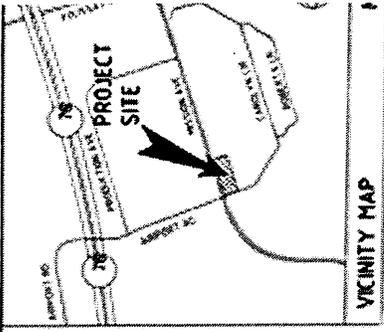
ALL OF LOT 20 OF SAN LUIS REY ESTATES UNIT NO. 1, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 3907, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 11, 1958.

### PARCEL 2:

THAT CERTAIN PORTION OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED, DECEMBER 27, 1870, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 20 OF SAN LUIS REY ESTATES UNIT NO. 1, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO MAP THEREOF NO. 3907, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 11, 1958; THENCE ALONG THE SOUTHEASTERLY LINE OF SAN LUIS REY ROAD (MISSION AVENUE) 100 FEET WIDE, AS SHOWN ON SAID MAP NO. 3907, NORTH 50° 23' 30" EAST 125 FEET; THENCE LEAVING SAID SOUTHEASTERLY LINE AT RIGHT ANGLES THERETO, SOUTH 39° 36' 30" EAST 125 FEET; THENCE PARALLEL WITH SAID SOUTHEASTERLY LINE OF SAN LUIS REY ROAD, SOUTH 50° 23' 30" WEST 125 FEET TO A POINT IN THE NORTHEASTERLY LINE OF LOT 18 OF SAID SAN LUIS REY ESTATES UNIT NO. 1; THENCE ALONG THE NORTHEASTERLY LINE OF LOTS 18, 19 AND 20 OF SAID SAN LUIS REY ESTATES UNIT NO. 1, NORTH 39° 36' 30" WEST 125 FEET TO THE POINT OF BEGINNING.

# Mohsen General Plan Amendment and Zone Change



Mohsen  
GPA-04-07  
ZA-03-07