

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:

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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.

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

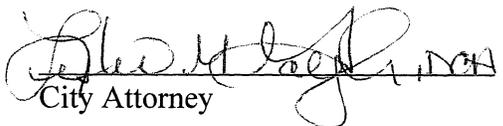
INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California held on the 18th, day of March 2009, and, thereafter,

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

- AYES:
- NAYES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Mayor of the City of Oceanside

ATTEST:  
  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
City Attorney

## 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.

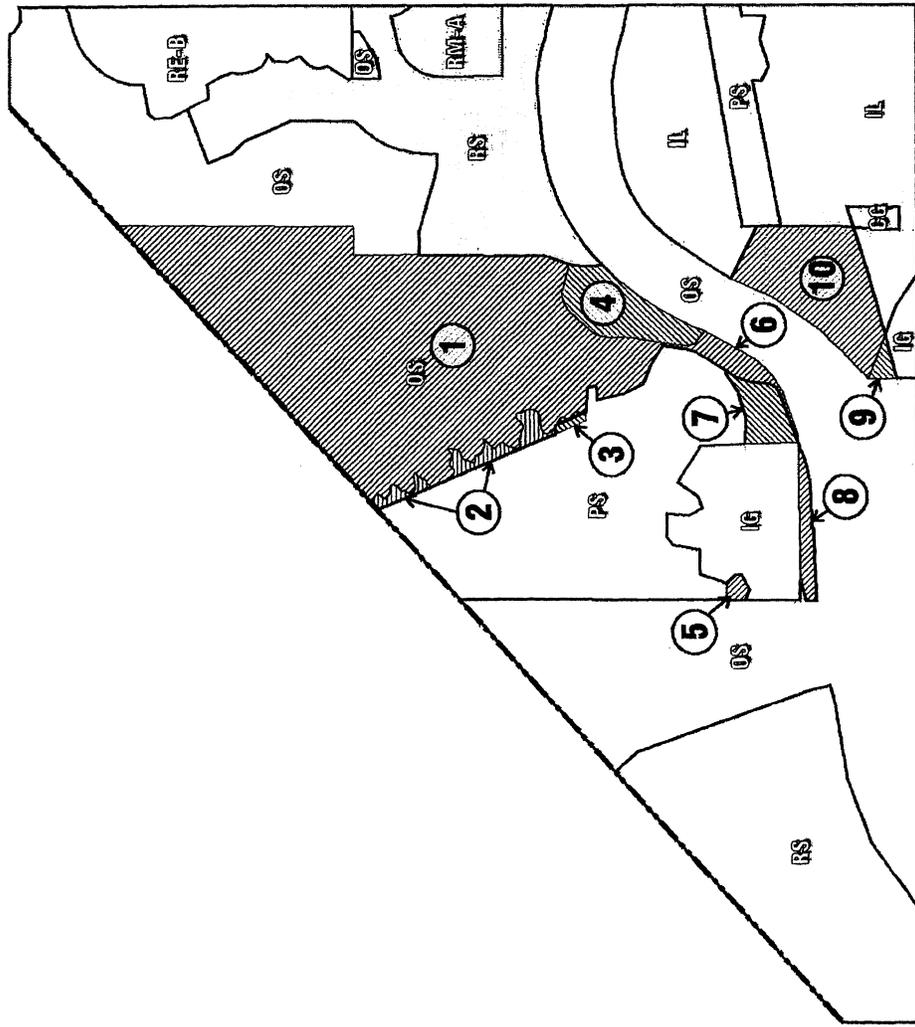
Excepting therefrom Parcel 2:

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.

File No: 04613195

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.



| 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**



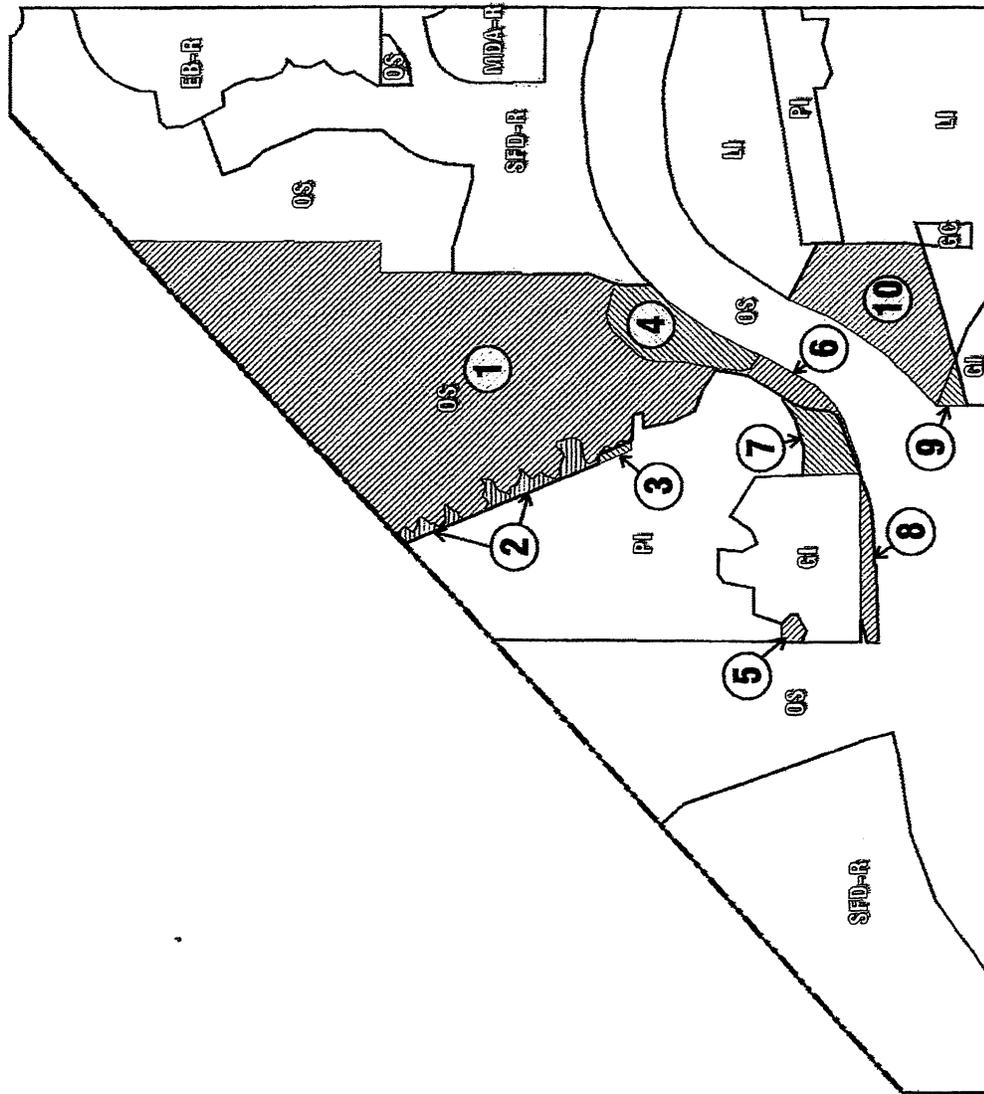
SOURCE: JACK HENTHORN & ASSOCIATES

**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  |

**LEGEND**  
 PROPOSED LAND USE CHANGES



SOURCE: JACK HENTHORN & ASSOCIATES

## Affinis

Shadow Valley Center  
 847 Jamacha Road  
 El Cajon, CA 92019

## EXISTING AND PROPOSED LAND USES

FIGURE A-1