

STAFF REPORT



ITEM NO. **10**

CITY OF OCEANSIDE

DATE: May 3, 2006

TO: Honorable Mayor and Members of the City Council

FROM: Planning Department

SUBJECT: **ADOPTION OF A RESOLUTION GRANTING THE APPEAL OF PLANNING COMMISSION RESOLUTION NO. 2006-P09 AND DENYING TENTATIVE PARCEL MAP (P-15-05) AND CONDITIONAL USE PERMIT (C-53-05) – MILJKOVIC PARCEL MAP –**

SYNOPSIS

Staff recommends that the City Council adopt the resolution granting the appeal of Planning Commission Resolution No. 2006-P09 and denying Tentative Parcel Map (P-15-05) and Conditional Use Permit (C-53-05) to subdivide a 25,347-square foot lot into two parcels located at 3079 Skyline Drive (Miljkovic Parcel Map), to confirm City Council action of April 12, 2006.

BACKGROUND

On February 27, 2006, the Planning Commission considered and approved Tentative Parcel Map (P-15-05) and Conditional Use Permit (C-53-05) with a 4-2 vote and one Commissioner absent. The Commissioners in opposition of the proposal raised concerns regarding the potential for additional future lot splits within the Henie Hills Estates area and precedence the subject project may be setting.

On April 12, 2006, the City Council considered and approved the appeal, reversing the Planning Commission's decision, with a 3-2 vote.

ANALYSIS

The City Council has determined that subdividing the existing lot at 3079 Skyline Drive into two parcels is inconsistent with the development plan for the Henie Hills Estates area. The Henie Hills Estates subdivision is characterized by large lots, many of which have areas in excess of 15,000 sq. ft., therefore, the proposed 12,589 sq. ft. and 12,758 sq. ft. parcels would be inconsistent with existing development patterns within the immediate neighborhood. Moreover the subject lot-split would be precedent-setting for future requests seeking to subdivide existing lots within the Henie Hills Estate

subdivision into smaller parcels, thus resulting in development at a density greater than the base density set forth by the underlying Residential Estate B (RE-B) zoning district.

FISCAL IMPACT

Not applicable.

CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff recommends that the City Council adopt the resolution granting the appeal of Planning Commission Resolution No. 2006-P09 and denying Tentative Parcel Map (P-15-05) and Conditional Use Permit (C-53-05) to subdivide a 25,347-square foot lot into two parcels located at 3079 Skyline Drive (Miljkovic Parcel Map), to confirm City Council action of April 12, 2006.

PREPARED BY


Jerry Hittleman
Acting City Planner

AWV/JH/vnm

SUBMITTED BY


Steven R. Jepsen
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant to the City Manager
Mike Blessing, Deputy City Manager



ATTACHMENTS:

1. City Council Resolution

1 Resolution No. 2006-P09 is granted. The tentative parcel map and conditional use permit are
2 hereby denied.

3 2. The decision of the Planning Commission is reversed based on the following:
4 The proposed project density exceeds the applicable base density of one dwelling unit per acre
5 set forth by the Residential Estate B (RE-B) zoning district and is inconsistent with the intensity
6 of existing residential development within the Henie Hills Estates subdivision. Furthermore,
7 approval of the proposed development would set an undesirable precedent for future
8 subdivisions of existing lots within Henie Hills Estates into smaller parcels, thus resulting in
9 development which would be inconsistent with the established character the subject residential
10 area.

11 3. Pursuant to CCP Section 1094.6 (f), notice is hereby given that the time within
12 which judicial review must be sought on this decision is governed by CCP Section 1094.6 as set
13 forth in Oceanside City Code Section 1.10.

14 PASSED and ADOPTED by the City Council of the City of Oceanside, California this 3rd
15 day of May, 2006 by the following vote:

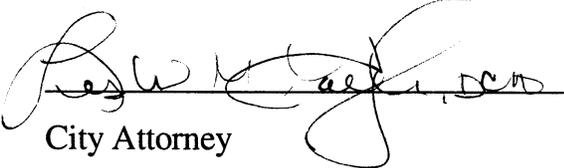
- 16 AYES:
- 17 NAYS:
- 18 ABSENT:
- 19 ABSTAIN:

20
21
22
23 ATTEST:

Mayor of the City of Oceanside

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

24
25
26
27 _____
28 City Clerk


City Attorney

SCHEDULE A

Order No: 53040347 U50

Your Ref: MILJKOVIC

1. The estate or interest in the land hereinafter described or referred to covered by this report is:

A FEE

2. Title to said estate or interest at the date hereof is vested in:

MILAN MILJKOVIC AND DIANE D. MILJKOVIC, AS TRUSTEES OF THE MILJKOVIC FAMILY TRUST INITIALLY CREATED JUNE 4, 1996

3. The land referred to in this report is situated in the State of California, County of SAN DIEGO and is described as follows:

LOT 4 OF HENIE HILLS ESTATES, IN THE CITY OF OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 7829, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 21, 1973.