

STAFF REPORT



ITEM NO. **16**
CITY OF OCEANSIDE

DATE: June 21, 2006

TO: Honorable Mayor and Members of the City Council

FROM: Community Development Department/Planning Division

SUBJECT: **ADOPTION OF A RESOLUTION OVERTURNING PLANNING COMMISSION RESOLUTION NO. 2006-P19 AND DENYING WITHOUT PREJUDICE TENTATIVE PARCEL MAP (P-16-05), DEVELOPMENT PLAN (D-24-05) AND REGULAR COASTAL PERMIT (RC-11-05) FOR THE DEMOLITION OF AN EXISTING DUPLEX AND THE CONSTRUCTION OF 3 NEW TOWNHOUSE CONDOMINIUMS COMPRISING 9,705 SQUARE FEET OF HABITABLE FLOOR AREA ON ONE NEWLY MERGED 14,293-GROSS-SQUARE-FOOT LOT LOCATED AT 1621/1623 SOUTH PACIFIC STREET – PALAZZI DI PACIFICA - APPLICANT: SOUTH PACIFIC LLC**

SYNOPSIS

Staff recommends that the City Council adopt the resolution overturning Planning Commission Resolution No. 2006-P19 and denying without prejudice Tentative Parcel Map (P-16-05), Development Plan (D-24-05) and Regular Coastal Permit (RC-11-05) for the demolition of an existing duplex and the construction of 3 new townhouse condominiums comprising 9,705 square feet of habitable floor area on one newly merged 14,293-gross-square-foot lot located at 1621/1623 South Pacific Street, to confirm City Council's action of June 7, 2006.

BACKGROUND

The Planning Commission public hearing and deliberations on the proposed subdivision were held on April 10, 2006. The Commission approved the project on a 6-to-0 vote. Following the hearing and prior to the end of the appeal period, a call for review was filed requesting additional information to be provided and presented to the City Council. This report identifies and addresses the issues raised by the call for review.

On June 7, 2006, the City Council held a public hearing regarding the proposed project. After the staff presentation, applicant presentation, public input and question-and-answer session by the Council, the Council overturned the Planning Commission's approval and denied without prejudice the project by a 3-to-2 vote.

ANALYSIS

The City Council determined that the development proposal is inconsistent with the Land Use Element of the General Plan and with the Zoning Ordinance development standards. The proposed 3-unit condominium project is inconsistent with the Land Use Policies of the Local Coastal Program because the structure is not compatible with the density, bulk, scale and height of the surrounding neighborhood, does not provide adequate off-street parking, does not preserve public views and public view corridors, poses an unsafe condition with basement levels located below the sand level and existing grade, and does not propose to achieve a better design as a result of the consolidation of substandard lots.

FISCAL IMPACT

Not applicable.

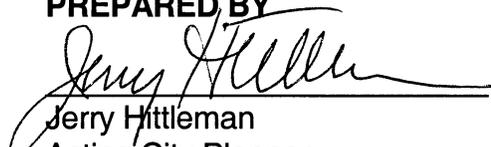
CITY ATTORNEY'S ANALYSIS

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

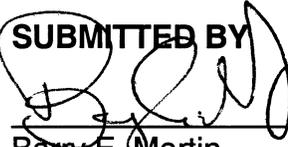
RECOMMENDATION

Staff recommends that the City Council adopt the resolution overturning Planning Commission Resolution No. 2006-P19 and denying without prejudice Tentative Parcel Map (P-16-05), Development Plan (D-24-05) and Regular Coastal Permit (RC-11-05) for the demolition of an existing duplex and the construction of 3 new townhouse condominiums comprising 9,705 square feet of habitable floor area on one newly merged 14,293-gross-square-foot lot located at 1621/1623 South Pacific Street, to confirm City Council's action of June 7, 2006.

PREPARED BY


Jerry Hittleman
Acting City Planner

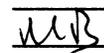
SUBMITTED BY


Barry E. Martin
Interim City Manager

RA/JH/vnm

REVIEWED BY:

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



ATTACHMENTS:

- 1. City Council Resolution

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE OVERTURNING PLANNING COMMISSION RESOLUTION NO. 2006-P19 AND DENYING WITHOUT PREJUDICE TENTATIVE PARCEL MAP (P-16-05), DEVELOPMENT PLAN (D-24-05), AND REGULAR COASTAL PERMIT (RC-11-05) FOR THE CONSTRUCTION OF A 3-UNIT CONDOMINIUM PROJECT LOCATED AT 1621/1623 SOUTH PACIFIC STREET

**(South Pacific LLC - Applicant)
(City Council – Appellant)**

WHEREAS, an application was filed for a Tentative Parcel Map (P-16-05), Development Plan (D-24-05), and Regular Coastal Permit (RC-11-05) for the construction of a 3-unit condominium project comprising 9,705 square feet of habitable floor area, which such real property is more particularly described in EXHIBIT "A", attached hereto and incorporated herein by reference;

WHEREAS, on April 10, 2006 the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, adopted Resolution No. 2006-P19, approving said a Tentative Parcel Map (P-16-05), Development Plan (D-24-05), and Regular Coastal Permit (RC-11-05);

WHEREAS, on April 20, 2006, a Call for Review was timely filed with the City Clerk of the City of Oceanside requesting to review the Planning Commission decision;

WHEREAS, on June 7, 2006, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered evidence and testimony by all interested parties concerning the review of the Planning Commission approval on the above identified Tentative Parcel Map, Development Plan and Regular Coastal Permit; and

WHEREAS, based on such evidence and testimony, this Council finds that the decision of the Planning Commission did not adequately and properly address concerns raised for the health, safety, and welfare of the public, and did not take into consideration the objections of the public at the hearing on this matter.

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

1. The appeal of the Planning Commission action of April 10, 2006 (Resolution No. 2006-P19 approving the development) is granted and the application for Tentative Parcel Map (P-16-05),

1 Development Plan (D-24-05), and Regular Coastal Permit (RC-11-05); Resolution No. 2006-P19 are
2 hereby denied without prejudice.

3 2. The Tentative Parcel Map, Development Plan, and Regular Coastal Permit as proposed
4 are inconsistent with the City's General Plan, are inconsistent with the Land Use Element of the
5 General Plan and with the City's Zoning Ordinance implementing the General Plan and the Local
6 Coastal Program.

7 3. The proposed 3-unit condominium project is inconsistent with the Land Use Policies of
8 the Local Coastal Program (Section VI of the Land Use Plan, Visual Resources and Special
9 Communities) because the structure is not compatible with the density, bulk, scale, and height of the
10 surrounding neighborhood, does not provide adequate off-street parking, does not preserve public views
11 and public view corridors, poses an unsafe condition with basement levels located below the sand level
12 and existing grade, and does not propose to achieve a better design as a result of the consolidation of
13 substandard lots.

14 4. The request for 3-units is too high and is not consistent with the density of the
15 surrounding neighborhood.

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

19 PASSED and ADOPTED by the City Council of the City of Oceanside, California this ____ day of
20 _____, 2006 by the following vote:

21 AYES:

22 NAYS:

23 ABSENT:

24 ABSTAIN:

Mayor of the City of Oceanside

25 ATTEST:

26 APPROVED AS TO FORM:
27 OFFICE OF THE CITY ATTORNEY

28 _____
City Clerk


City Attorney

**LEGAL
DESCRIPTION:**

**LOTS 20 AND 21, BLOCK E OF OCEANFRONT ADDITION IN
THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF
CALIFORNIA, ACCORDING TO MAP THEREOF NO. 909, FILED
IN THE OFFICE OF THE COUNTY RECORDER JUNE 8, 1904,
EXCEPTING THEREFROM LANDS LYING BELOW THE MEAN HIGH
TIDE LINE.**