ITEM NO. 16

STAFF REPORT

CITY OF OCEANSIDE

DATE: June 7, 2006

TO: Honorable Mayor and Members of the City Council

FROM: Community Development Department/Planning Division

SUBJECT: **ADOPTION OF A RESOLUTION DENYING THE APPEAL OF PLANNING COMMISSION RESOLUTION NO. 2006-P10 AND DENYING TENTATIVE MAP (T-1-05), DEVELOPMENT PLAN (D-1-05), CONDITIONAL USE PERMIT (C-48-05) AND VARIANCE (V-13-05) FOR THE CONSTRUCTION OF A 17-UNIT CONDOMINIUM COMPLEX AND THREE SINGLE-FAMILY RESIDENCES LOCATED AT THE NORTHWEST CORNER OF CROUCH STREET AND CANYON DRIVE – VENTANA – APPLICANT: MICHAEL CREWS COMMERCIAL DEVELOPMENT; APPELLANT: MICHAEL CREWS COMMERCIAL DEVELOPMENT**

SYNOPSIS

Staff recommends that the City Council adopt the resolution denying the appeal of Planning Commission Resolution No. 2006-P10 and denying Tentative Map (T-1-05), Development Plan (D-1-05) Conditional Use Permit (C-48-05) and Variance (V-13-05) to develop a 17-unit multifamily condominium and three single-family residences on a 1.71-acre site at the northwest corner of the intersection of Crouch Street and Canyon Drive within the Loma Alta Neighborhood, to confirm City Council's action of May 17, 2006.

BACKGROUND

On March 13, 2006 and March 27, 2006, the Planning Commission considered and denied Tentative Map (T-1-05), Development Plan (D-1-05) Conditional Use Permit (C-48-05) and Variance (V-13-05) with a 5-1 vote. Anthony J. Frost appealed the project to the City Council for review on behalf of Michael Crews Commercial Development (applicant/appellant).

On May 17, 2006, the City Council considered and denied the appeal, upholding Planning Commission's decision, with a 3-2 vote.

ANALYSIS

The City Council determined that the development proposal is inconsistent with the character of the Loma Alta neighborhood, zoning ordinance development standards, and base density applicable to the subject site. More specifically the Council found that the site is not physically suitable for the proposed density of development due to proposed project's site and building design, number of proposed units, placement and limited number of on-site guest parking spaces, inadequate access driveway and extensive hillside grading.

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 denying the appeal of Planning Commission Resolution No. 2006-P10 and denying Tentative Map (T-1-05), Development Plan (D-1-05) Conditional Use Permit (C-48-05) and Variance (V-13-05) to develop a 17-unit multifamily condominium and three single-family residences on a 1.71-acre site at the northwest corner of the intersection of Crouch Street and Canyon Drive within the Loma Alta Neighborhood, to confirm City Council's action of May 17, 2006.

PREPARED BY

Jerry Hittleman
Acting City Planner

SUBMITTED BY

Steven R. Jepsen
City Manager

AWV/JH/vnm

REVIEWED BY:

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

ATTACHMENTS:

1. City Council Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE DENYING THE APPEAL OF PLANNING COMMISSION RESOLUTION NO. 2006-P10 AND DENYING TENTATIVE MAP (T-1-05), DEVELOPMENT PLAN (D-1-05), CONDITIONAL USE PERMIT (C-48-05) AND VARIANCE (V-13-05) FOR A 17-UNIT CONDOMINIUM COMPLEX AND THREE SINGLE-FAMILY RESIDENCES LOCATED AT THE NORTHWEST CORNER OF CROUCH STREET AND CANYON DRIVE

(Michael Crews Commercial development - Applicant)
(Michael Crews Commercial Development - Appellant)

WHEREAS, an application was filed for a Tentative Map (T-1-05), Development Plan (D-1-05), Conditional Use Permit (C-48-05) and Variance (V-13-05) for the construction of a 17-unit condominium project and three single-family residences at the northeast corner of Crouch Street and Canyon Drive, which such real property is more particularly described in EXHIBIT "A", attached hereto and incorporated herein by reference;

WHEREAS, on March 13, 2006 the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, denied without prejudice said Tentative Map, Development Plan, Conditional Use Permit and Variance based on the following findings;

For the Tentative Map:

1. That the site is not physically suitable for the type of development in that the project did not adequately provide guest parking, proper access and grading suitable for the site.
2. That the site is not physically suitable for the proposed density of development due to proposed placement and limited number of guest parking on the project site, inadequate access driveway and grading sensitive to the hillside site.

For the Development Plan:

1. The site plan and physical design of the project is not consistent with the Zoning Ordinance and the underlying Medium Density Residential and Detached Single-Family Residential (RM-B & RS) zoning designations due to lack of adequate guest parking and placement of the available limited guest parking on the subject site.

Conditional Use Permit for the Increase in Base Density:

1. The development portion of the subject property is zoned RM-B and RS with a corresponding Land Use designation of Medium Density-B Residential (RM-B 10-15 dwelling units per acre) and Residential Single-Family District (3.6-5.9 dwelling units per acre). The project density for the multi-family portion of the project (14.6 dwelling units per acre) is inconsistent and exceeds the base density range of 10 dwelling units per acre. The single-family portion of the project (5.8 dwelling units per acre) is inconsistent and exceeds the density range of 3.6 dwelling units per acre.
2. The project does not propose excellence in design features in accordance with Section 2.32 of the General Plan.

For the Variance for exceeding the Maximum Height for Walls:

1. Circumstances or conditions applicable to the development site, including size, shape, topography, location and surroundings do not warrant the granting of the Variance. The strict application of the requirements of the Zoning Ordinance will not deprive the subject property owner of privileges enjoyed by other property owners in the vicinity and under identical zoning classification.
2. The granting of the variance is inconsistent with the purpose of the Zoning Ordinance and will constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district. The project can be redesigned to avoid the need for constructing retaining walls exceeding the maximum height permitted by the Zoning Ordinance.

WHEREAS, on March 27, 2006, the Planning Commission adopted Resolution No. 2006-P10 denying without prejudice said Tentative Map, Development Plan, Conditional Use Permit and Variance;

WHEREAS, on April 5, 2006, an appeal was timely filed by Michael Crews Commercial Development of the Planning Commission decision with the City Clerk of the City of Oceanside;

WHEREAS, on May 17, 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 appeal of the denial of the above identified Tentative Map, Development Plan,

Conditional Use Permit and Variance; and

WHEREAS, based on such evidence and testimony, this Council finds that the decision of the Planning Commission adequately and properly addresses concerns raised by the public;

NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as follows:

1. The appeal of Planning Commission action of March 13, 2006 and March 27, 2006: Denial of Tentative Map (T-1-05), Development Plan (D-1-05), Conditional Use Permit (C-48-05) and Variance (V-13-05) and adoption of Resolution No. 2006-P10 is denied.

2. The decision of the Planning Commission and findings are affirmed.

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

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

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

Mayor of the City of Oceanside

ATTEST:

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

_____

City Clerk

_____

City Attorney

DESCRIPTION

PARCEL 1: (APN: 149-350-30)

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 SOUTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 17 OF ELLERY'S LOMA ALTA ADDITION, ACCORDING TO MAP THEREOF NO. 1956, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 8, 1926, SAID CORNER BEING ALSO THE BEGINNING OF A TANGENT CURVE ON THE EAST LINE OF SAID LOT 17, CONCAVE EASTERLY AND HAVING A RADIUS OF 711.91 FEET, A RADIAL LINE OF SAID CURVE BEARS SOUTH 87° 06' 35" WEST TO SAID POINT, SAID CORNER BEING ALSO A POINT ON THE WEST SIDELINE OF CROUCH STREET, 50 FEET WIDE; THENCE SOUTH 02° 53' 25" EAST, 3.00 FEET, TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 87° 06' 35" WEST, 79.86 FEET; THENCE ALONG A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 90°, AN ARC LENGTH OF 31.42 FEET; THENCE TANGENT SOUTH 02° 53' 25" EAST 71.71 FEET; THENCE SOUTH 89° 51' 25" EAST, 100.00 FEET, TO THE WEST SIDELINE OF SAID CROUCH STREET, THENCE NORTH 02° 53' 25" WEST 97.00 FEET, ALONG THE WEST SIDELINE OF SAID CROUCH STREET, TO THE TRUE POINT OF BEGINNING.

PARCEL 2: (APN: 149-350-31)

THAT PORTION OF LOT 17 OF ELLERY'S LOMA ALTA ADDITION, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1956, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 8, 1926, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 17, SAID CORNER BEING ALSO THE BEGINNING OF A TANGENT CURVE ON THE EAST LINE OF SAID LOT 17, CONCAVE EASTERLY AND HAVING A RADIUS OF 711.91 FEET, A RADIAL LINE OF SAID CURVE BEARS SOUTH 87° 06' 35" WEST TO SAID POINT, SAID CORNER BEING ALSO A POINT ON THE WEST SIDELINE OF CROUCH STREET, 50 FEET WIDE; THENCE NORTH ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 02° 00' 45", 25.01 FEET, TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 87° 06' 35" WEST 92.96 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET; THROUGH A CENTRAL ANGLE OF 12° 31' 00", AN ARC LENGTH OF 4.37 FEET; THENCE TANGENT NORTH 80° 22' 25" WEST 28.83 FEET; THENCE NORTH 15° 50' 26" WEST, 22.15 FEET; THENCE NORTH 09° 37' 35" WEST 60.00 FEET, TO A POINT ON THE NORTHERLY LINE OF LAND DESCRIBED IN DEED TO ELLA L. MURPHY, ET AL, RECORDED MARCH 8, 1949 IN BOOK 3132, PAGE 329 OF OFFICIAL RECORDS; THENCE ALONG THE NORTHERLY LINE OF SAID MURPHY'S LAND SOUTH 80° 22' 25" EAST 125.00 FEET TO THE NORTHEASTERLY CORNER OF SAID MURPHY'S LAND, SAID POINT ALSO BEING THE WEST SIDELINE OF SAID CROUCH STREET, SAID SIDELINE BEING A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 711.91 FEET, TO WHICH POINT A RADIAL BEARS NORTH 96° 02' 58" WEST; THENCE SOUTH ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 04° 49' 42" AN ARC LENGTH OF 60.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 3: (APN: 149-350-32)

THAT PORTION OF LOT 17 OF ELLERY'S LOMA ALTA ADDITION, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1956, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 8, 1926, MORE FULLY DESCRIBED AS FOLLOWS:

DESCRIPTION

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 17, SAID CORNER BEING ALSO THE BEGINNING OF A TANGENT CURVE ON THE EAST LINE OF SAID LOT 17, CONCAVE EASTERLY AND HAVING A RADIUS OF 711.91 FEET, A RADIAL LINE OF SAID CURVE BEARS SOUTH 87° 06' 35" WEST TO SAID POINT, SAID CORNER BEING ALSO A POINT ON THE WEST SIDELINE OF CROUCH STREET, 50 FEET WIDE; THENCE NORTH ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 02° 00' 45" 25.01 FEET; THENCE SOUTH 87° 06' 35" WEST 92.96 FEET; THENCE ALONG A TANGENT TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 12° 31' 00", AN ARC LENGTH OF 4.37 FEET; THENCE TANGENT NORTH 80° 22' 25" WEST, 28.83 FEET, TO THE TRUE POINT OF BEGINNING; THENCE NORTH 80° 22' 25" WEST, 120.78 FEET; THENCE NORTH 09° 37' 35" EAST 50.00 FEET TO A POINT ON THE NORTH LINE OF LAND DESCRIBED IN DEED TO ELLA L. MURPHY, ET AL, RECORDED MARCH 8, 1949 IN BOOK 3132, PAGE 329 OF OFFICIAL RECORDS; THENCE ALONG THE BOUNDARY OF SAID MURPHY'S LAND, AS FOLLOWS; SOUTH 80° 22' 25" EAST 31.79 FEET, NORTH 09° 37' 35" EAST, 30.00 FEET, AND SOUTH 80° 22' 25" EAST, 79.46 FEET; THENCE LEAVING THE BOUNDARY OF SAID MURPHY'S LAND SOUTH 09° 37' 35" WEST 60.00 FEET; THENCE SOUTH 15° 50' 26" EAST, 22.15 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 4: (APN: 149-350-33)

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 SOUTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, AND THAT PORTION OF LOT 17 OF ELLERY'S LOMA ALTA ADDITION, ACCORDING TO MAP THEREOF NO. 1956, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 8, 1926, ALL IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, INCLUDED WITHIN THE FOLLOWING DESCRIBED LINES A, B, & C:

LINE A:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 17 OF ELLERY'S LOMA ALTA ADDITION, ACCORDING TO MAP THEREOF NO. 1956, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 8, 1926, SAID CORNER BEING ALSO THE BEGINNING OF A TANGENT CURVE ON THE EAST LINE OF SAID LOT 17, CONCAVE EASTERLY AND HAVING A RADIUS OF 711.91 FEET, A RADIAL LINE OF SAID CURVE BEARS SOUTH 87° 06' 35" WEST TO SAID POINT, SAID CORNER BEING ALSO A POINT ON THE WEST SIDELINE OF CROUCH STREET, 50 FEET WIDE; THENCE SOUTH 02° 53' 25" EAST, 3.00 FEET; THENCE SOUTH 87° 06' 35" WEST, 79.86 FEET; THENCE ALONG A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET; THROUGH A CENTRAL ANGLE OF 90°, AN ARC LENGTH OF 31.42 FEET; THENCE TANGENT SOUTH 02° 53' 25" EAST, 177.30 FEET, TO A POINT ON THE NORTH SIDELINE OF CANYON DRIVE, 80 FEET WIDE.

LINE B:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 17, SAID CORNER BEING ALSO THE BEGINNING OF A TANGENT CURVE ON THE EAST LINE OF SAID LOT 17, CONCAVE EASTERLY AND HAVING A RADIUS OF 711.91 FEET, A RADIAL LINE OF SAID CURVE BEARS SOUTH 87° 06' 35" WEST TO SAID POINT, SAID CORNER BEING ALSO A POINT ON THE WEST SIDELINE OF CROUCH STREET, 50 FEET WIDE; THENCE ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 02° 00' 45", 25.01 FEET; THENCE SOUTH 87° 06' 35" WEST, 92.96 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 12° 31' 00", AN ARC LENGTH OF 4.37 FEET; THENCE TANGENT NORTH 80° 22' 25" WEST, 28.83 FEET; THENCE NORTH 80° 22' 25" WEST, 120.78 FEET; THENCE NORTH 09° 37' 35" EAST, 50.00 FEET, TO A POINT ON THE NORTH LINE OF LAND DESCRIBED IN DEED TO ELLA L. MURPHY, ET AL, RECORDED MARCH 8, 1949 IN BOOK

DESCRIPTION

3132, PAGE 329 OF OFFICIAL RECORDS; THENCE NORTH 80° 22' 25" WEST 145.11 FEET, TO THE EASTERLY SIDELINE OF CANYON DRIVE, 80 FEET WIDE.

LINE C:

THE NORTHERLY, NORTHEASTERLY, AND EASTERLY SIDELINE OF CANYON DRIVE.