

# AGENDA NO. 3

## PLANNING COMMISSION RESOLUTION NO. 2007-P33

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DENYING WITHOUT PREJUDICE A TENTATIVE PARCEL MAP, CONDITIONAL USE PERMIT, VARIANCE AND REGULAR COASTAL PERMIT ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

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APPLICATION NO: P-29-06, C-56-06, V-19-06, RC-28-06

APPLICANT: Peter and Joni Biniiaz

LOCATION: 2020 Stewart Street

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THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES RESOLVE AS FOLLOWS:

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting approval of a Tentative Parcel Map, Conditional Use Permit, Variance and Regular Coastal Permit under the provisions of Articles 10, 40, 41, and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

subdivision of an approximately .55-acre site into two lots, construction of a single-family detached dwelling, development on the subject site at a density in excess of the base density of one dwelling unit per acre, construction of a two-car garage in lieu of a three-car garage and reduced side and rear yard building setbacks;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 25th day of June, 2007 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be an exception to the statutory exemption pursuant to Article 19, Section 15303, "New Construction or Conversion of Small Structures" and therefore subject to further environmental review;

WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes effective 10 days from its adoption in the absence of the filing of an appeal or call for review;

WHEREAS, the documents or other material which constitute the record of proceedings

1 upon which the decision is based will be maintained by the City of Oceanside Planning Division,  
2 300 North Coast Highway, Oceanside, California 92054.

3 WHEREAS, studies and investigations made by this Commission and in its behalf reveal  
4 the following facts:

5 FINDINGS:

6 1. The proposed project is inconsistent with the General Plan Land Use Element and Local  
7 Coastal Plan goals and objectives for the continual long term enhancement of the  
8 community through the development and use of land that is appropriate and orderly with  
9 respect to type, location, and intensity as follows: a) The project will substantially alter  
10 or impact existing public views of the coastal zone area; b) The site is not physically  
11 suitable for the proposed type of development. The design of the subject subdivision  
12 does not accommodate development of a 3,384-square foot single-family detached  
13 dwelling. The proposed project utilizes extensive retaining walls and is not designed to  
14 complement existing topography; and c) The development plan does not comply with the  
15 land-use and development regulations of the base zoning district and the Hillside  
16 Development Provisions with respect to garage size, side and rear yard setbacks.

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1 2. The project is not subject to an exemption pursuant to CEQA regulations section 15061  
2 (b) (3) because the development proposal constitutes a project under CEQA. Further,  
3 the project is not exempt pursuant to section 15303 (a) because section 15300.2(a)  
4 provides that class 3 exemptions are qualified by consideration of where the project is  
5 located. In this case, the project is situated in a particularly sensitive environment and  
6 therefore may impact an environmental resource.

7 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
8 deny without prejudice Tentative Parcel Map (P-29-06), Regular Coastal Permit (RC-28-06),  
9 Conditional Use Permit (C-56-06) and Variance (V-19-06).

10 PASSED on June 25, 2007 by the following vote, to wit:

11 AYES: Martinek, Horton, Troisi, Balma and Bertheaud

12 NAYS: Parker, Neal

13 ABSENT: None

14 ABSTAIN: None

15 ADOPTED Resolution No. 2007-P33 on July 9, 2007.

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Dennis Martinek, Chairman  
Oceanside Planning Commission

18 ATTEST:

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Jerry Hittleman, Secretary

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22 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
23 this is a true and correct copy of Resolution No. 2007-P33.

24 Dated: July 9, 2007  
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