

AGENDA NO. 3

PLANNING COMMISSION
RESOLUTION NO. 2014-P07

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF OCEANSIDE, CALIFORNIA APPROVING A
VARIANCE ON CERTAIN REAL PROPERTY IN THE CITY OF
OCEANSIDE

APPLICATION NO: V13-00007
APPLICANT: Tricia Van Wagner
LOCATION: 1601 South Nevada Street
APN 153-131-21-00

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 a Variance under the provisions of the City of Oceanside Zoning Ordinance to permit two driveways on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 7th day of April, 2014, conduct a duly advertised public hearing as prescribed by law to consider said application;

WHEREAS, the documents or other material which constitute the record of proceedings upon which the decision is based will be maintained by the City of Oceanside Planning Division, 300 North Coast Highway, Oceanside, California 92054.

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

FINDINGS:

For the proposed Variance (V13-00007) to allow two driveways on a single-family residential property:

1. Relative to other properties in the vicinity, there are special circumstances extant at 1601 South Nevada Street, in terms of the property's size, shape, topography, or location that warrant deviation from zoning standards that limit residential properties to one driveway.

1 Vehicular access to the subject property is constrained by the presence of a utility
2 easement at the rear and a utility vault and pole along the corner side yard.

3 2. The granting of the variance would not be detrimental or injurious to property or
4 improvements in the vicinity of the development site, or to the public health, safety, or
5 general welfare. The driveway is comparable to other approved driveways on South
6 Nevada Street and has served the subject property since the late 1940s. Relative to the
7 new driveway on Morse Street, the driveway on South Nevada Street provides safer and
8 more convenient access to the residence.

9 3. The granting of the variance is consistent with the purposes of the Zoning Ordinance and
10 does not constitute a special privilege inconsistent with limitations on other properties in
11 the vicinity and in the same zoning district. A number of corner lots in the vicinity
12 currently maintain two driveways.

13 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby grant
14 Variance (V13-00007), subject to the following conditions:

15 **Planning:**

16 1. This resolution approves only the maintenance of a second driveway on the subject
17 property, as described in the project description and justification and as shown on the plans
18 and exhibits presented to the Planning Commission for review and approval. No deviation
19 from the project description and justification, approved plans and exhibits shall occur
20 without Planning Division approval. Substantial deviations shall require a revision to the
21 Variance.

22 2. A covenant or other recordable document approved by the City Attorney shall be prepared
23 by the applicant and recorded prior to the refund of securities for off-site improvements.
24 The covenant shall provide that the property is subject to this resolution.

25 3. Prior to the transfer of ownership of the site, the owner shall provide a written copy of the
26 application, staff report, and resolution for the Variance to the new owner. This
27 notification's provision shall run with the life of the project and shall be recorded as a
28 covenant on the property.

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1 4. Unless expressly waived, all current zoning standards and City ordinances and policies in
2 effect at the time building permits are issued are required to be met by this project. The
3 approval of this project constitutes the applicant's agreement with all statements in the
4 Description and Justification and other materials and information submitted with this
5 application, unless specifically waived by an adopted condition of approval.

6 PASSED on April 07, 2014 by the following vote, to wit:

7 AYES: Neal, Martinek, Rosales, Ross and Morrissey

8 NAYS: Balma, Troisi

9 ABSENT: None

10 ABSTAIN: None

11 ADOPTED Resolution No. 2014-P07 on April 21, 2014.

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Robert Neal, Chairperson
Oceanside Planning Commission

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16 ATTEST:

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Marisa Lundstedt, Secretary

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20 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify that
21 this is a true and correct copy of Resolution No. 2014-P07.

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23 Dated: April 21, 2014