



# RECORD OF ADMINISTRATIVE APPROVAL

City of Oceanside, California

## ADMINISTRATIVE CONDITIONAL USE PERMIT (CUP19-00012)

1. **APPLICANT:** Joshua Renner
2. **APPLICANT ADDRESS:** PO Box 600455, San Diego, CA 92160
3. **REP., PHONE NUMBER:** Joshua Renner, (619) 990-8942
4. **PROJECT MANAGER:** Veronica Morones, Planning Consultant
5. **APPLICATION NO. & NAME:** Administrative Conditional Use Permit (CUP19-00012), Rockledge by the Sea Tentative Parcel Map
6. **LOCATION/ADDRESS:** APNs: 148-272-19 and 37
7. **PROJECT DESCRIPTION:**

The subject application is a request for an Administrative Conditional Use Permit to allow a subdivision of land to utilize density above the base density for the Single Family Residential (RS) Zoning District under tentative parcel map application P19-00003. The project site is comprised of two vacant lots totaling 30,965 square feet (.71 ac) and are identified by APNs 148-272-19 and 37. The project site is located on Dixie Street within the Loma Alta Planning Area with a General Plan land use designation of Single Family Detached Residential (SFD-R) and Zoning Ordinance designation of Single Family Residential (RS). Please refer to Attachment 1, plan set and Attachment 2, *Project Description and Justification* for details. The Proposed Project does not entail any development of the project site.

The General Plan base density for the project site is 3.6 dwelling units per acre (dus/ac), and the proposed project requests to exceed base density at 4.2 dwelling units per acre, requiring an administrative conditional use permit subject to review by the City Planner per Section 1050(B) of Article 10 of the Zoning Ordinance. No development is proposed at this time, but future construction of single family residences for each lot will require approval of Administrative Development Plans (ADPs) to achieve excellence of design in accordance with General Plan Land Use Element, Section 2.32 standards for projects exceeding base density. Condition No. 4 requires the ADPs be processed for any subsequent development.

**SITE DESCRIPTION & BACKGROUND:** The project site is located on Dixie Street within the Loma Alta Planning Area, bounded by Dixie Street to the north, Maxon Street to the south, Grace Street to the east and Barnes Street to the west. The project site's land use and zoning designation provide for detached single family residential uses. Surrounding properties include single family

residences to the west, east and south, and single family residences and a church to the north. The existing site conditions include a single curb cut on Dixie Street, and power pole. Photographs of the project site are provided under Attachment 3. City records do not show development of the lots previously.

Article VI of the Subdivision Ordinance allows for tentative parcel maps to be acted on by City Engineer, unless concurrent planning division applications require Planning Commission or City Council review, in which case the tentative parcel map would be reviewed concurrently by the appropriate decision maker. The proposed project requests to subdivide above base density, which requires an administrative conditional use permit, subject to City Planner approval. As such, the proposed CUP needed to exceed base density will be reviewed by the City Planner. Subsequent to the City Planner’s review, the City Engineer will review the proposed tentative parcel map (P19-00003) through the required public hearing process, with associated conditions of approval for CUP19-00012 incorporated into the record of the City Engineer’s approval as an exhibit.

**DISCUSSION:** The proposed density of 4.2 units exceeds the base density for the RS zone and is subject to Article 10 of the City’s Zoning Ordinance, which establishes allowed uses and development standards for residential uses, including Single Family Residences. Pursuant to the General Plan Land Use Element, Table LU-1 – *Residential Land Use Designations*, and Article 10, Section 1010, the proposed project is subject to a base density of 3.6 dus/ac and a maximum density of 5.9 dus/ac. Section 1050(B) further regulates residential uses and states for a project with four or fewer units the City Planner may approve a use permit authorizing an increase in density, subject to the proposed project’s consistency with Section 2.3 of the General Plan Land Use Element. Section 2.3 outlines objectives, goals, and policies “to direct and encourage the proper type, location, timing, and design of housing to benefit the community” and Section 2.32(B) outlines the City’s requirements for achieving densities above base density. The proposed request’s conformance with development standards and Section 2.32(B) of the General Plan Land Use Element in order to exceed base density is shown below in Table 1.

**Table 1: Development Standards and General Plan Conformance**

Standard	Required	Proposed	Complies with Code
Dwelling Units/Acre (Density)	3.6 – 5.9	4.2	Yes*
Min. Lot Width	65-feet	77-feet min. proposed	Yes - Exceeded
Min. Lot Area	6,000 SF	10,041 SF min. proposed	Yes - Exceeded
<b>General Plan</b>			
<b>GP Policy</b>		<b>Project Conformance</b>	
LU Policy – 2.32(B): Potential Range of		Yes** - The proposed project requests	

<p><u>Densities:</u> Residential projects that possess an excellence of design features shall be granted the ability to achieve densities above the base density. Project characteristic that exceed standards established by the City policy and those established by existing or approved developments in the surrounding area will be favorably considered in the review of acceptable density within the range...The effectiveness of such design features and characteristics in contributing to the overall quality of a project shall be used to establish density above base density. No one factor shall be considered sufficient to permit a project to achieve the maximum potential density of a residential land use designation.</p>	<p>to exceed base density, but does not request to utilize the maximum density or exceed the maximum allowed density. Under the proposed tentative parcel map (P19-00003), the applicant proposes lot widths and lot areas which exceed the minimum standard set by Article 10 of the Zoning Ordinance. The proposed project does not include development, therefore, conditions of approval requiring administrative review for subsequent development of each lot is required to ensure the development is consistent with LU Policy 2.32.</p>
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\*The density proposed is within the allowable range, subject to approval of an administrative conditional use permit.

\*\*Proposed subdivision exceeds standards in order to exceed base density; however, since no development is proposed at this time, condition no. 4 requires future review of proposed development to ensure consistency with Section 2.3 of the General Plan.

The proposed density request exceeds the lot width and lot area requirements set forth in the Zoning Ordinance, showing that proposed characteristics of the project “exceed standards established by City policy.” The proposed request for an administrative conditional use permit would be consistent with the City’s General Plan and Zoning Ordinance, subject to conditions of approval.

**PUBLIC NOTIFICATION:** Legal notice was published in the newspaper and notices were sent to property owners of record within a 1,500-foot radius of the subject property, tenants within a 100-foot radius, individuals and/or organizations requesting notification, the applicant and other interested parties.

**ENVIRONMENTAL DETERMINATION:** Planning Division staff has completed a preliminary review of this project in accordance with the California Environmental Quality Act (CEQA). Based on that review, staff finds that the project is categorically exempt per Class 15, “Minor Land Divisions” (Section 15315), because the project consists of the division of property in a residential zone into four or fewer parcels. All services and access to the proposed parcels is available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope of greater than 20-percent.

**FINDINGS**

For Administrative Conditional Use Permit (CUP19-00012):

1. The proposed location is in accord with the objectives of the Zoning Ordinance and the purposes of the Single Family Residential (RS) district in which the project site is located, in that:
  - a) The Single Family Residential district allows for the residential developments above base density through the administrative conditional use permit process per Article 10, Section 1050(B), which states "...the City Planner, for projects with four or fewer units, may approve a use permit authorizing an increase in density up to the maximum potential density for a project exceeding standards established by City Policy if the...City Planner, as the case may be, finds the project conforms to the provisions of Section 2.3 of the Land Use Element of the General Plan";
  - b) The use is consistent with the residential General Plan objective to "direct and encourage the proper type, location, timing, and design of housing to benefit the community consistent with the enhancement and establishment of neighborhoods and a well balanced and organized City" because the surrounding development is single family residences on similarly sized lots. The proposed design of the tentative parcel map (P19-00003) exceed minimum requirements for site area and lot width; and,
  - c) The use is conditioned so that the future development of the residential lots is subject to administrative review to ensure consistency with Section 2.3 of the General Plan Land Use Element and superior design of the site.
2. The location of the administrative conditional use and the conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city, in that:
  - a) The Single Family Residential district allows for the residential developments above base density through the administrative conditional use permit process per Article 10, Section 1050(B), which states "...the City Planner, for projects with four or fewer units, may approve a use permit authorizing an increase in density up to the maximum potential density for a project exceeding standards established by City Policy if the...City Planner, as the case may be, finds the project conforms to the provisions of Section 2.3 of the Land Use Element of the General Plan";
  - b) The use is consistent with the residential General Plan objective to "direct and encourage the proper type, location, timing, and design

of housing to benefit the community consistent with the enhancement and establishment of neighborhoods and a well balanced and organized City” because the surrounding development is single family residences on similarly sized lots. The proposed design of the tentative parcel map (P19-00003) exceed minimum requirements for site area and lot width; and,

- c) The use will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City because this administrative conditional use permit establishes the ability to exceed base density in the case of proposed subdivision by tentative parcel map (P19-00003) through consistency with the General Plan Land Use Element Section 2.3. The project does not involve development; therefore, conditions are established as a part of this CUP to ensure future development of the site is superior on design. The density of 4.2 dwelling units is between the allowed density range of 3.6 – 5.9 dwelling units.
3. The conditional use will comply with the provisions of the Zoning Ordinance including any specific condition required for the proposed conditional use, in that the project meets the required development standards outlines in Articles 10. The density of 4.2 dwelling units is between the allowed density range of 3.6 – 5.9 dwelling units. The use is subject to conditions of approval contained within this document that stipulate future development is subject to Administrative Development Plans (ADPs) for staff review.

**ADMINISTRATIVE DETERMINATION:** Article 41 “Use Permits and Variances”, Section 4102 of the Oceanside Zoning Ordinance and Article 10 “Residential Districts”, Section 1050(B) grants the City Planner express authority to administratively approve certain types of use permits. Staff has determined that the proposed project qualifies for administrative approval under Section 4104 and 1050(B). Furthermore, staff has reviewed the project for consistency with applicable provisions of the General Plan, Oceanside Zoning Ordinance, and the California Environmental Quality Act (CEQA). Based on that review, the City Planner finds and determines that the proposed project is consistent with the General Plan, Oceanside Zoning Ordinance, and Record of Administrative Approval dated January 24, 2020, subject to the following condition(s):

**Planning:**

1. This Administrative Conditional Use Permit shall expire on January 24, 2022 unless implemented as required by the Zoning Ordinance.
2. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City, its agents, officers, officials,

employees and volunteers from any and all (1) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings (“Claims”) brought against the City or its agents, officers, officials, employees or volunteers to challenge, attack, seek to modify, set aside, void or annul the City’s approval of this permit, and (2) other Claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee’s or its agents’, directors’, officers’, employees’, contractors’, subcontractors’, licensees’, or customers’ acts or omissions in connection with this permit or the wireless facility. In the event the City becomes aware of any Claims, the City will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City’s defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee’s indemnification obligations under this condition are a material consideration that motivates the City to approve this permit, and that such indemnification obligations will survive the expiration or revocation of this permit.

3. This Administrative Conditional Use Permit approves only the following: an allowance to exceed the Single Family Residential (RS) Zoning District base density of 3.6 dus/ac to 4.2 dus/ac. Any substantial deviations in use or request to exceed base density beyond that which is approved by the City Planner shall require a revision to the Administrative Conditional Use Permit or a new Administrative Conditional Use Permit.
4. Future development of the project site shall require approval of Administrative Development Plans (ADPs) to ensure the incorporation of excellent design features in accordance with Section 2.32(B) of the Land Use Element of the General Plan.
5. The Administrative Conditional Use Permit may be called for review by the City Planner if complaints are filed and verified as valid by the City Planner or Code Enforcement Officer concerning the violation of any of the approved conditions or the project assumptions demonstrated under the application approval. All costs reasonably incurred by the City in verifying compliance and in extending or revoking an approval shall be borne by the applicant and/or permit holder.
6. Failure to meet any conditions of approval for this permit shall constitute a violation of this Administrative Conditional Use Permit. CUP19-00012 may be revoked pursuant to Article 47 of the Zoning Ordinance.
7. Prior to the transfer of ownership and/or operation of the use, the owner and/or operator shall provide a written copy of the application, staff report,

and resolution for the project to the new owner and/or operator. This notification requirement shall run with the life of the project.

8. Prior to the issuance of building permits, a covenant or other recordable document approved by the City Attorney shall be prepared by the applicant and recorded. The covenant shall provide that the property is subject to this resolution, and shall generally list the conditions of approval.

APPROVED AND ADOPTED this 24th day of January, 2020:

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Jeff Hunt, City Planner

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Pursuant to the Oceanside Zoning Ordinance Article 41 Section 4104(A.), Administrative Decision, the City Council has delegated administrative approval authority to the City Planner for certain types of Use Permit Applications. Any aggrieved person may file an appeal of the City Planner's administrative approval. Pursuant to Article 46 Section 4603 "Time Limits for Appeals and Calls for Review," and 4604, "Initiation of Appeals and Calls for Review" of City Planner Decisions, any appeal of the City Planner's decision must be filed in writing with the Planning Division within ten (10) days of the "APPROVED AND ADOPTED" date. The appeal period for this administrative approval shall end on February 6, 2020 at 4:00 p.m. The filing of an appeal stays the administrative approval until Planning Commission determination on the appeal.

Attachments:

1. Plans
2. Description and Justification
3. Photographs
4. Location Map
5. Other Attachments (Application Page, Notice of Exemption)

cc: Project file (CUP19-00012)