

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



## RECORD PACKET COPY

July 20, 2005

**Tue 8a****TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR  
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE  
BILL PONDER, COASTAL PROGRAM ANALYST, SAN DIEGO AREA  
OFFICE****SUBJECT: STAFF RECOMMENDATION ON CITY OF OCEANSIDE MAJOR  
AMENDMENT NO. 1-05 (CASSIDY STREET) for Commission Meeting of  
AUGUST 9-12, 2005****SYNOPSIS**

The subject LCP land use plan and implementation plan amendment was submitted and filed as complete on May 10, 2005. The date by which the Commission must take action, absent an extension of the time limits by the Commission, is August 10, 2005.

**SUMMARY OF AMENDMENT REQUEST**

The proposed LCP amendment would modify both the certified LCP Land Use Plan and the Implementation Plan as it applies to a 0.4 acre site located on the southeast corner of Cassidy Street and Broadway (301 Cassidy Street) in the City of Oceanside. The existing LCP Land Use Plan designation of High Density Residential allowing up to 43 du would be changed to Medium Density Residential use allowing up to 20 du. The LCP Implementation Plan zone of Office Professional would be changed to Residential - Medium Density zone (R-3).

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending approval of the proposed LCP amendment as submitted. The subject site is located in an area that contains a mix of commercial and multi-family uses. The subject site is not designated for Visitor-serving Commercial uses which are high priority uses in the coastal zone. The current certified Land Use Plan designation (High density residential) is not consistent with current certified zoning (Office Professional) and the proposed LCP amendment would change both to allow medium density residential use on the property. The LCP amendment would facilitate the construction of a multi-family development that has been approved by the City and would be consistent with the surrounding multi-family residential uses. There are no revisions to any other LCP standards that would continue to apply to future development of the site, and no adverse impacts to public access or coastal resources will result.

The appropriate resolutions and motions begin on page 4. The findings for approval of the Land Use Plan Amendment as submitted begin on page 5. The findings for approval of the Implementation Plan Amendment as submitted begin on page 8.

### **BACKGROUND**

The City of Oceanside's Local Coastal Program (LCP) was certified by the Commission in July of 1985 and the City assumed permit authority and began issuing coastal development permits in March of 1986. The City's certified LCP consists of a Land Use Plan (LUP) and Implementing Ordinances. The LCP contains the Downtown Redevelopment Area, which is 375-acres located in the northwest portion of the City where a Redevelopment Plan was approved in 1975 creating 13 subdistricts. In 1992 the Plan was amended to include 15 subdistricts (LCPA #1-91).

### **ADDITIONAL INFORMATION**

Further information on the City of Oceanside LCP amendment No. 1-05 may be obtained from Bill Ponder, Coastal Planner, at (619) 767-2370.

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## **PART I. OVERVIEW**

### **A. LCP HISTORY**

The City of Oceanside first submitted its Local Coastal Program Land Use Plan (LUP) to the Commission in July 1980, and it was certified with suggested modifications on February 19, 1981. This action, however, deferred certification on a portion of the San Luis Rey River valley where an extension of State Route 76 was proposed. On January 25, 1985, the Commission approved with suggested modifications the resubmitted LUP and Implementing Ordinances. The suggested modifications included ones related to the guaranteed provision of recreation and visitor-serving facilities, assurance of the safety of shorefront structures, and the provision of an environmentally sensitive routing of the proposed Route 76 east of Interstate 5. The suggested modifications to the Zoning/Implementation phase resulted in ordinances and other implementation measures that were consistent with the conditionally certified LUP policies.

With one exception, the conditionally certified LUP and Implementing Ordinances were reviewed and approved by the City on May 8, 1985. The City requested that certification be deferred on one parcel adjacent to Buena Vista Lagoon designated by the City for "commercial" use; the Commission's suggested modification designated it as "open space." On July 10, 1985, the Commission certified the City's Local Coastal Program as resubmitted by the City, including deferred certification on the above parcel. On December 17, 1985, the Commission approved the post-certification appeals maps for the City of Oceanside, and the City began issuing permits in March 1986.

### **B. STANDARD OF REVIEW**

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

#### **Section 30512**

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

In those cases when a local government approves implementing ordinances in association with a land use plan amendment and both are submitted to the Commission for certification as part of one LCP amendment, Section 13542 of the Commission's Code of Regulations is applicable. Section 13542 (c) states, in part:

- (c) The standard of review of the implementing actions shall be the land use plan as certified by the Commission. If the land use plan is conditionally certified subject to local government acceptance of the suggested modifications, the standard of review shall be the conditionally certified land use plan. However, if the local government elects to revise and resubmit the land use plan in a manner different from that set forth in the suggested modifications of the conditional certification, the Commission's approval of the implementing actions shall be void. Absent either a certified or conditionally certified land use plan, the Commission may take no action on the implementing actions....

### **C. PUBLIC PARTICIPATION**

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

## **PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS**

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. **MOTION:**     *I move that the Commission certify the Land Use Plan Amendment for the City of Oceanside certified LCP as submitted.*

### **STAFF RECOMMENDATION TO CERTIFY:**

Staff recommends a YES vote. Passage of this motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

### **RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT AS SUBMITTED:**

The Commission hereby certifies the Land Use Plan Amendment for the City of Oceanside certified LCP as submitted and adopts the findings set forth below on

grounds that the land use plan will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan.

II. **MOTION:** *I move that the Commission reject the Implementation Program Amendment for the City of Oceanside certified LCP as submitted.*

**STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:**

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AS SUBMITTED:**

The Commission hereby certifies the Implementation Program Amendment for the **City of Oceanside** as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act, and certification of the Implementation Program will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

**PART III. FINDINGS FOR APPROVAL OF THE CITY OF OCEANSIDE LAND USE PLAN AMENDMENT, AS SUBMITTED**

**A. AMENDMENT DESCRIPTION**

The proposed LCP amendment would modify both the certified LCP Land Use Plan and the Implementation Plan as it applies to a 0.4 acre site located on the southeast corner of Cassidy Street and Broadway (301 Cassidy Street) in the City of Oceanside. The existing LCP Land Use Plan designation for the site is Residential - High Density allowing up to 43 dwelling units per acre (dua). This land use designation would be changed to Residential - Medium Density allowing up to 20 dua. The City has indicated

the current General Plan designation for the site is Commercial Professional which is also being changed through a corresponding General Plan Amendment to allow medium density residential use.

**B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT**

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that the Land Use Plan as set forth in the preceding resolutions, is in conformance with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

The legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

- a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Commission therefore finds, for the specific reasons detailed below, that the land use plan conforms with Chapter 3 of the Coastal Act or the goals of the state for the coastal zone with regards to this City of Oceanside LCP Amendment.

**C. CONFORMITY OF THE CITY OF OCEANSIDE LAND USE PLAN WITH CHAPTER 3**

Sections 30250 and 30251 of the Coastal Act are applicable to the proposed LCP Amendment and state:

**Section 30250.**

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas

are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

(Amended by Ch. 1090, Stats. 1979.)

**Section 30251.**

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The subject site is located on the southeast corner of Cassidy Street and Broadway in the City of Oceanside. The site is 17,400 sq.ft. (0.4 ac.) and currently developed with an office building and parking. The property is located 2 blocks inland of Pacific Ave., the first coastal roadway in this location and two blocks west of Coast Highway (Highway 1), also a major coastal access route. The site is immediately east of the North Coast Transit District (NCTD) Railroad right-of-way which is served by the Coaster and other transit opportunities.

There are a variety of commercial and office uses along Coast Highway and Cassidy Street east of the tracks. Immediately north of the site are multi-family residences on Cassidy Street and a mixture of multi-family and single-family residences further to the north. Further south of the site on Broadway and Tremont Streets are mainly multi-family residences in the Residential Medium Density (R-3) zone.

The proposed LCP amendment is intended to facilitate construction of multi-family residential land uses with a density range of 15.1 to 20.9 dwelling units per acre on the site. At this density, the 0.4 acre site could accommodate six to eight dwelling units, depending on the design. Multi-family residential development in this area would be

compatible with surrounding medium density residential land uses. Adequate infrastructure and public services exist to serve potential build-out of the property to medium density residential uses. Thus, the proposed Land Use Plan amendment is consistent with Sections 30250 and 30251 of the Coastal Act.

**PART IV. FINDINGS FOR APPROVAL OF THE CITY OF OCEANSIDE  
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

**A. AMENDMENT DESCRIPTION**

The proposed LCP amendment would change the zoning of a 0.4 acre site from Office Professional to Medium Density Residential (R-3 Zone). The certified Land Use Plan designation for the property is Residential – Medium Density.

**B. FINDINGS FOR APPROVAL**

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. In those cases when a local government approves implementing ordinances in association with a land use plan amendment and both are submitted to the Commission for certification as part of one LCP amendment, the standard of review of the implementing actions shall be the land use plan as certified by the Commission.

a) Purpose and Intent of the Ordinance.

The purpose of the existing Office Professional zone is to classify and set standards for those business, office, administrative, or professional land uses which by their nature are of relative low intensity and, therefore, when properly located and designed are compatible with adjacent residential zoning and development therein.

The purpose of the proposed Medium Density Residential Zone is to classify and set standards for the orderly development of multiple family residences in a manner that will be compatible with surrounding properties and the protection of their values. It is intended that this zone be used adjacent to major or secondary streets, shopping areas, or other intense uses.

b) Major Provisions of the Ordinance.

The proposed Medium Density Residential Zone would allow up to 20 dwelling units per acre. The zone provides general criteria that assures medium density residential areas are located with adequate access, public services and utility systems. The zone establishes permitted uses, density, setbacks, lot size and coverage requirements and landscaping standards.

c) Adequacy of the Ordinance to Implement the Certified LUP.



The Commission has certified the City of Oceanside LCP Land Use Plan to designate the subject site for Residential – Medium Density Use. The current zoning is Office Professional and does not require the site be developed with visitor-serving uses which are high priority uses under the Coastal Act. Therefore, no loss of visitor-serving commercial opportunities will result and there is adequate land area reserved in the City of Oceanside near downtown and the municipal pier to accommodate visitor-serving uses.

The proposed medium density residential land use and zone designation is consistent with the surrounding Medium Density Residential (R-3) zoned properties and will allow multi-family development that is compatible with existing development in the area. The subject site is located two blocks inland of the shoreline thus, adequate on-site parking is important to assure existing street parking remains available for public beach use. The City's certified zoning ordinance requires adequate on-site parking to serve any multi-family development of the property. Therefore, the Commission finds no adverse impacts to public access or coastal resources will result from the proposed rezone of this 0.4 acre property and that it is adequate to carry out the certified Land Use Plan.

**PART V. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

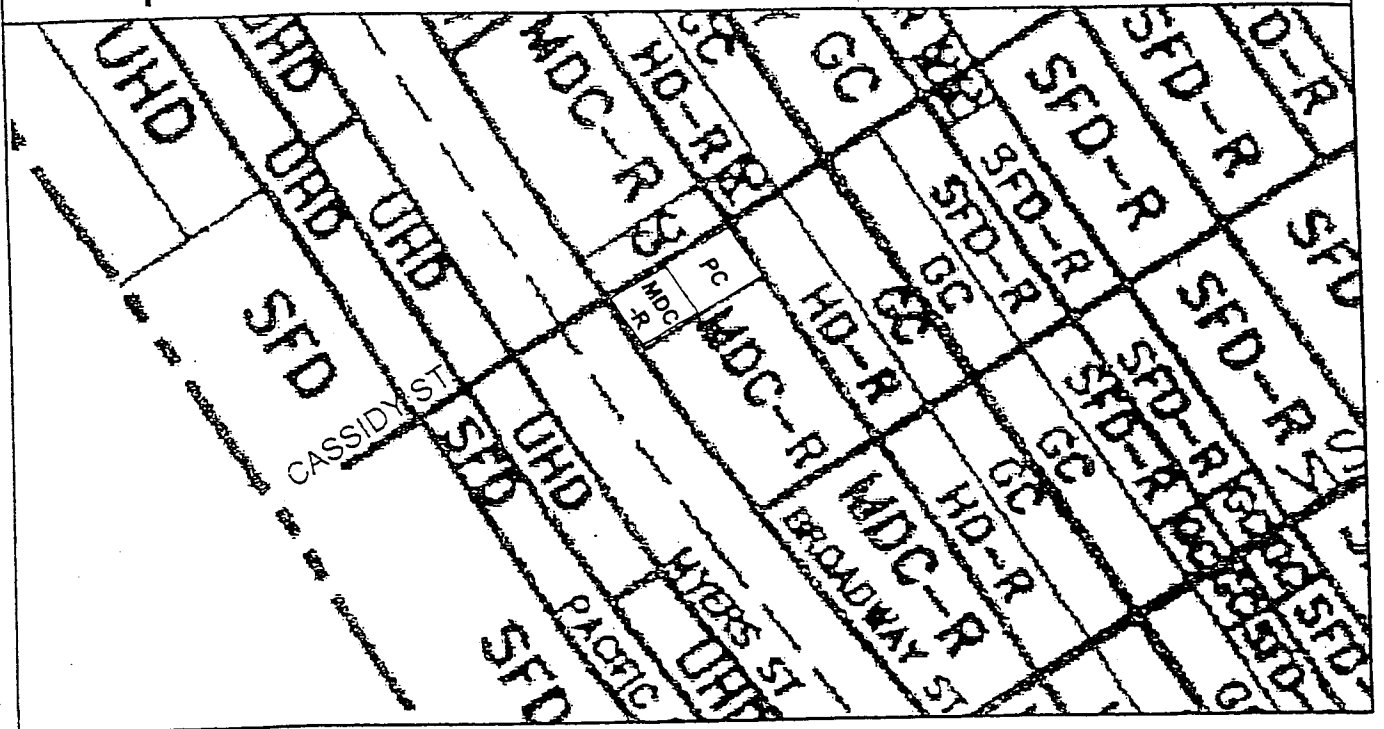
Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions.

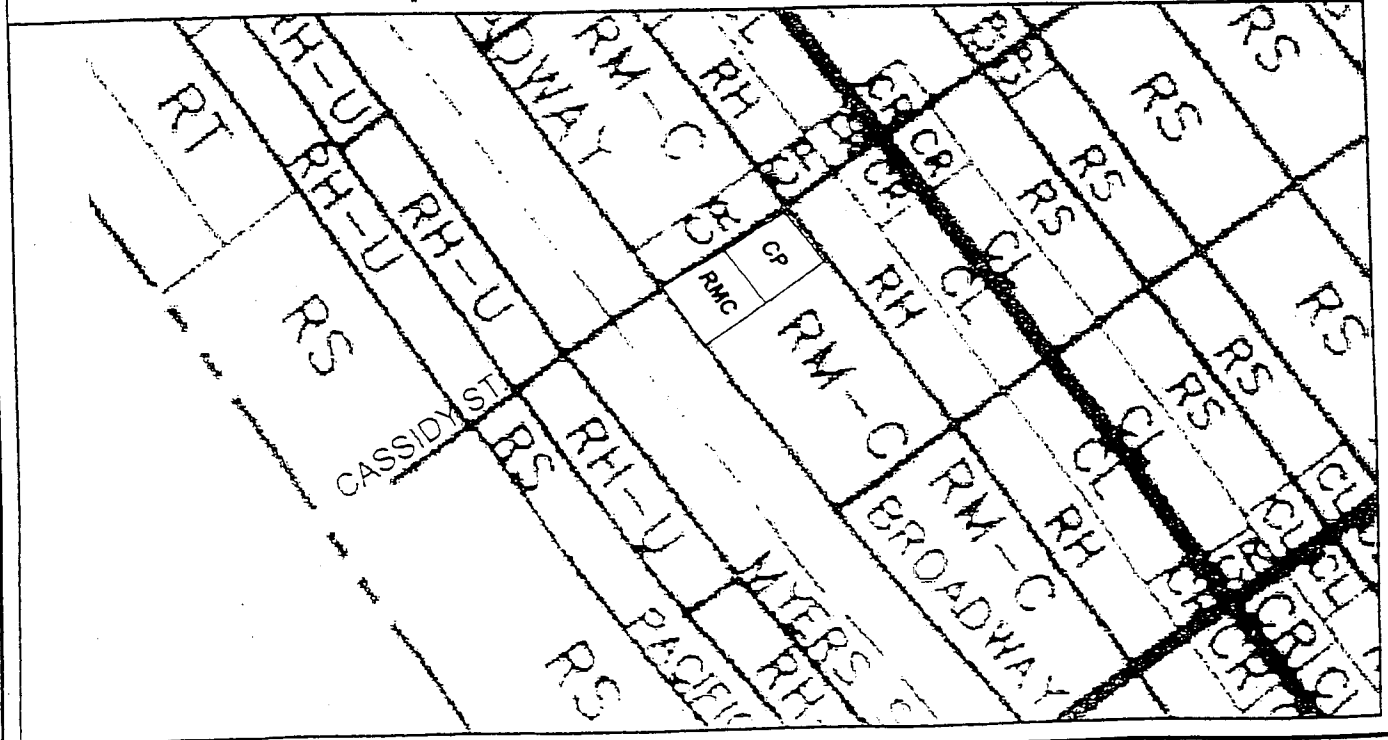


# 301 Cassidy St GPA-04-04, ZA-04-04, LCPA-1-04

## Proposed General Plan Land Use - MDC-R



## Proposed Zoning - RM-C



RECEIVED  
MAY 06 2005  
CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

RESOLUTION NO. 05-R0141-1

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE  
TO AMEND THE LOCAL COASTAL PROGRAM TO RE-DESIGNATE  
THE PROPERTY FROM HIGH DENSITY RESIDENTIAL TO MEDIUM  
DENSITY RESIDENTIAL (MDR) AT 301 CASSIDY STREET AND TO  
REQUEST CALIFORNIA COASTAL COMMISSION CERTIFICATION  
OF SAID AMENDMENT

(Michael Rota -Applicant)  
(LCPA-1-04)

WHEREAS, the California Coastal Act (Public Resources Code §30000, et seq.) (the "Coastal Act") requires that the City adopt a Local Coastal Program (LCP) which meets the requirements of the Coastal Act at the local level and implements its provisions and policies;

WHEREAS, on January 25, 1985, the California Coastal Commission ("Commission") approved with suggested modifications, the City's Land Use Plan ("LUP") and, pursuant to Public Resources Code §30512.2, found the City's LUP to be consistent with the policies and requirements of Chapter 3 of the Coastal Act and to meet the basic state goals specified in Public Resources Code §30001.5;

WHEREAS, on March 16, 2005, the City Council conducted a duly noticed public hearing as prescribed by law to amend the Local Coastal Program (LCPA-1-04) as specified within Exhibit "A", and as attached hereto and incorporated herein by reference;

WHEREAS, a categorical exemption was prepared by the Resource Officer of the City of Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and the State Guidelines thereto as amended to date and hereby approved by the City Council in conjunction with this application; and

WHEREAS, the City Council finds that the amendment to Local Coastal Program Amendment (LCPA-1-04) conforms with and is adequate to carry out the land use plan of the Local Coastal Program.

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EXHIBIT NO. 2  
Oceanside LCPA #1-04  
(Cassidy Street)  
Resolution Approvin  
Zone changes

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

3 1. Pursuant to Public Resources Code §30510(a), the Oceanside City Council hereby  
4 certifies that the Local Coastal Program Amendment (LCPA-1-04) is intended to be carried out in a  
5 manner fully in conformity with the Coastal Act.

6 2. Pursuant to the California Environmental Quality Act of 1970, and the State  
7 Guidelines thereto amended to date, a Categorical Exemption has been prepared for the project by  
8 the Resource Officer for the City of Oceanside.

9 3. Pursuant to Coastal Commission Local Coastal Program Regulations §13551(b), this  
10 amendment shall take effect upon Coastal Commission approval.

11 4. Notice is hereby given that the time within which judicial review must be sought on  
12 the decision is governed by CCP Section 1094.6.

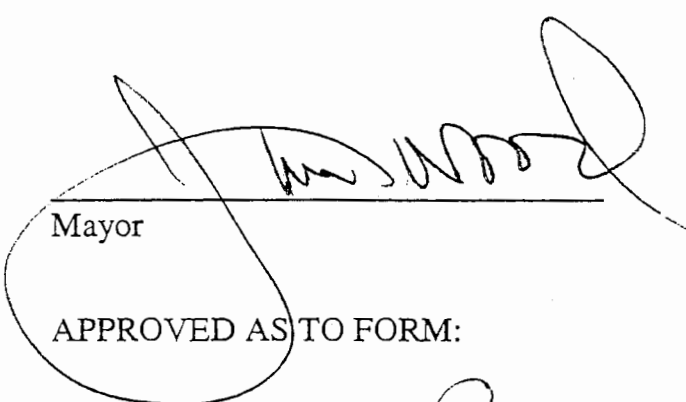
13 PASSED AND ADOPTED by the Oceanside City Council on this 16th day of March, 2005,  
14 by the following vote:

15 AYES: WOOD, CHAVEZ, FELLER, SANCHEZ

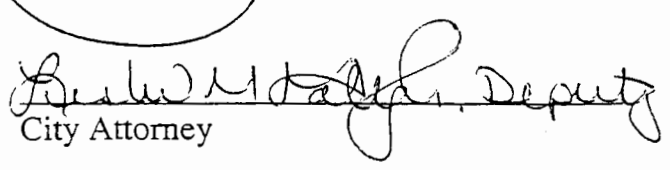
16 NAYS: NONE

17 ABSENT: NONE

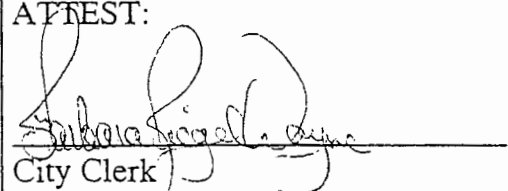
18 ABSTAIN: NONE

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\_\_\_\_\_  
Mayor

21 APPROVED AS TO FORM:

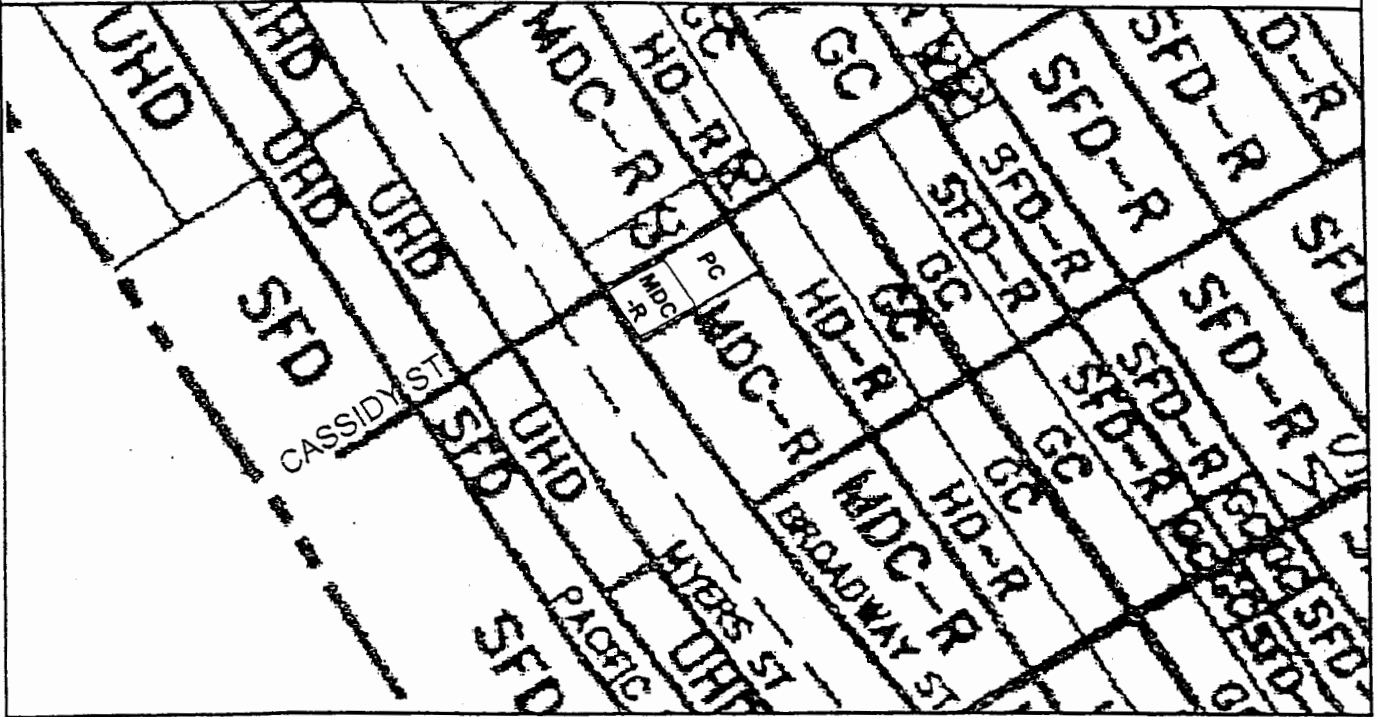
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23   
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Deputy  
City Attorney

24 ATTEST:

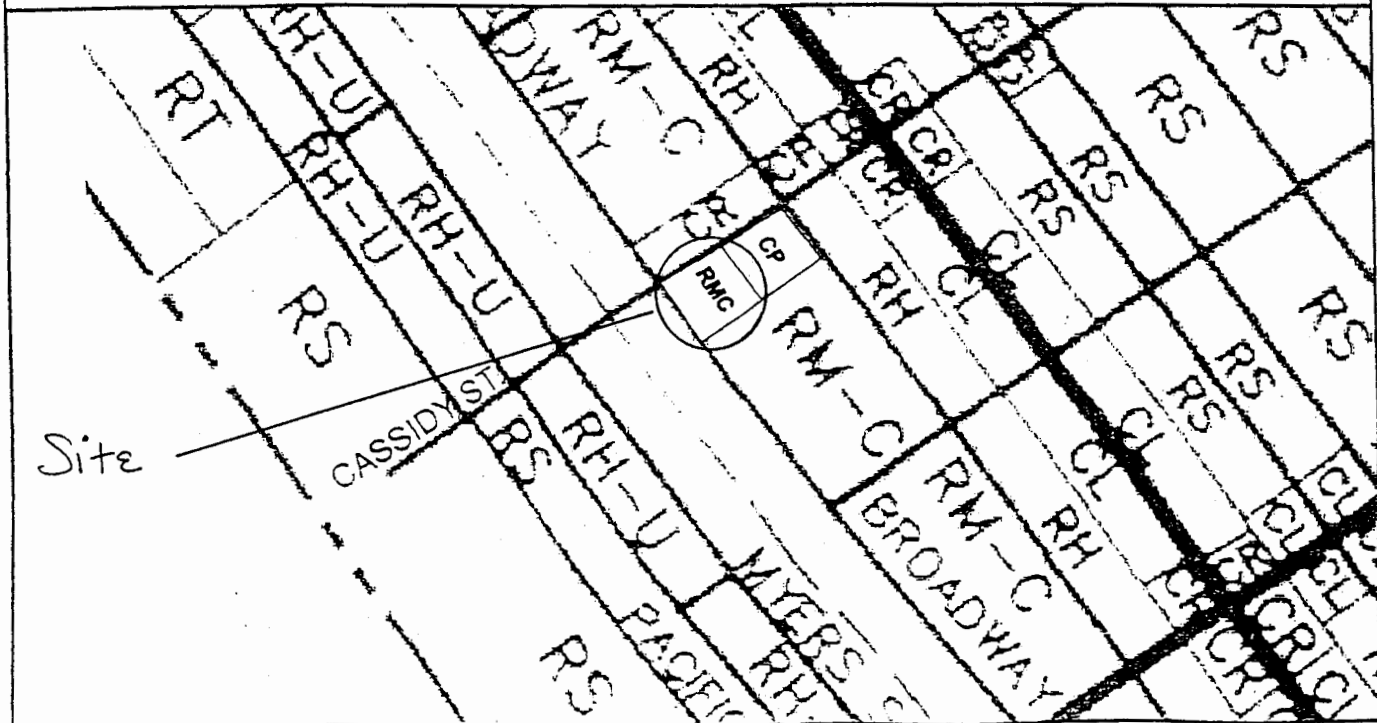
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City Clerk

# 301 Cassidy St GPA-04-04, ZA-04-04, LCPA-1-04

## Proposed General Plan Land Use - MDC-R



## Proposed Zoning - RM-C



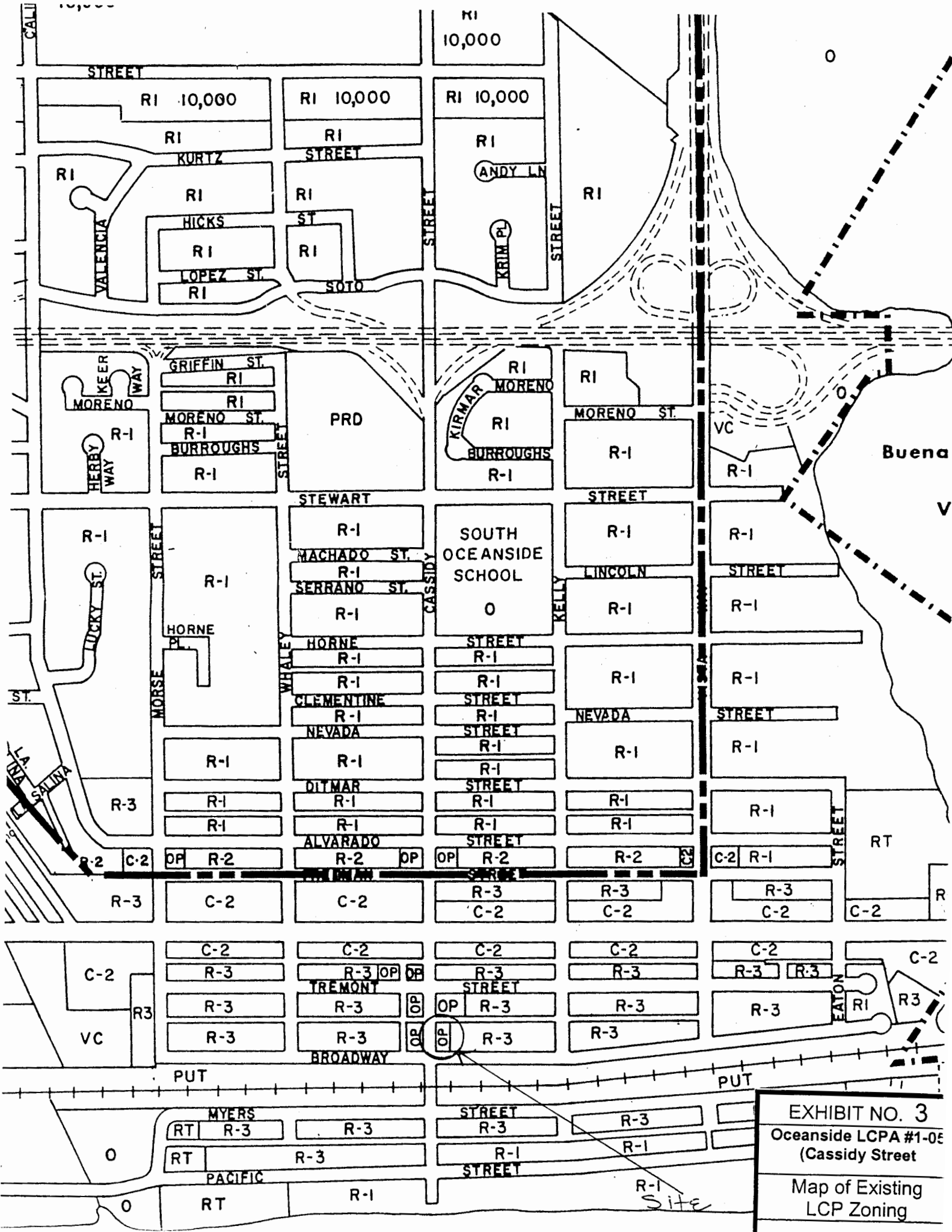


EXHIBIT NO. 3  
 Oceanside LCPA #1-05  
 (Cassidy Street)  
 Map of Existing  
 LCP Zoning

