

CALIFORNIA COASTAL COMMISSION

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March 29, 2018

W24a**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: KARL SCHWING, DEPUTY DIRECTOR, SD COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
TONI ROSS, COASTAL PROGRAM ANALYST, SD COAST DISTRICT****SUBJECT: STAFF RECOMMENDATION ON CITY OF OCEANSIDE LOCAL COASTAL
PROGRAM AMENDMENT NO. LCP-6-OCN-17-0064-3 (Downtown Subdistrict
9) for Commission Meeting of April 11-13, 2018**

SYNOPSIS

The subject LCP Implementation Plan Amendment No. LCP-6-OCN-17-0064-3 was filed as complete on January 25, 2018. A one-year time extension was granted on March 7, 2018. As such, the last date for Commission action on this item would be the February 2019 hearing. This report addresses the entire submittal. The proposed amendment will affect the certified LCP Implementation Plan only.

SUMMARY OF AMENDMENT REQUEST

The subject LCP amendment will modify Section 1232 (E) of Article 12 (D Downtown District) of the certified Implementation Plan. The proposed amendment will modify development standards within Subdistrict 9 of the City's Downtown District. The boundaries of Subdistrict 9 located in the coastal zone include Neptune Way to the North, the eastern edge of lots fronting the east side of North Coast Highway (aka Pacific Coast Highway) to the east, Civic Center Drive to the south and North Tremont Street to the west ([ref. Exhibit No. 5](#)). Specifically, the proposed amendment will eliminate the requirement for a minimum 30,000 sq. ft. lot in the zone to allow subdivision of a parcel into smaller 2,500 sq. ft. lots. The smaller lots could then be developed as row homes in Subdistrict 9. Currently, in other subdistricts, row homes can be developed on existing parcels of 2,500 sq. ft. or more. The proposed revisions would prohibit row home development along the lots fronting North Coast Highway.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending the Commission approve the LCP amendment as submitted. The subject amendment would revise development standards to allow for the construction of row-style residential structures within Subdistrict 9 on lots 2,500 sq. ft. or larger. This would be consistent with the development standards in the adjacent Subdistrict 5. The City's certified LCP promotes a mix of commercial and residential uses within

Subdistrict 9. As proposed, the revisions would allow for construction of row-style homes in a portion of the district that is currently developed almost entirely by residential structures, many of which are already developed with row-style homes. The proposed revisions would also prohibit row-style residential development for the majority of the subdistrict located in the Coastal Zone (along Coast Highway) where commercial uses are dominant and should be prioritized. As such, the proposed amendment maintains the appropriate balance of commercial and residential uses, consistent with the City's certified Land Use Plan.

The appropriate resolution and motion begin on Page 4. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 5.

BACKGROUND

The Commission originally certified the City's LCP in 1986. In 1991-1992, the City updated its zoning ordinance through a city-wide, wholesale replacement of the entire zoning ordinance. However, this 1992 version of the City's zoning ordinance was never submitted and thus never certified by the Commission as part of the City's Implementation Plan (IP). Since the time of original certification and until recently, the only amendments submitted by the City were to the sections of the zoning ordinance that regulated development within the Downtown District. Thus, the standard of review for the majority of the City remains the 1986 version of the City's LCP.

Again, the Commission has, however, certified amendments to the City's LCP within the Downtown area. Specifically, the 1986 version of Articles 4a (Redevelopment Project Area Use Classifications) and 12 (D Downtown District) have been replaced by the 1992 versions of the same articles. This has created discrepancy between the standard of review for the Downtown Redevelopment Area and the rest of the City's Coastal Zone. In this case, the subject LCP amendment is proposing modifications to the zoning ordinance articles pertaining to development in the Downtown District only (Article 12).

ADDITIONAL INFORMATION

Further information on the City of Oceanside LCP Amendment LCP-6-OCN-17-0064-3 may be obtained from **Toni Ross**, Coastal Planner, at (619) 767-2370.

EXHIBITS

[Exhibit 1 – LCPA Resolution No.17-R0580-1](#)

[Exhibit 2 – Ordinance No. 17-ORO595-1](#)

[Exhibit 3 – Text Revisions](#)

[Exhibit 4 – Vicinity Map](#)

[Exhibit 5 – Aerial of Subdistrict 9](#)

PART I. OVERVIEW

A. LCP HISTORY

The City of Oceanside first submitted its 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 for this approval were 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 LCP as resubmitted by the City, including deferred certification on the above parcel.

B. STANDARD OF REVIEW

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.

C. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. The City has held Downtown Advisory, Planning Commission and City Council meetings with regard to the subject amendment request on July 26th, October 4th and October 18th, 2017. 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 - RESOLUTION

Following a public hearing, staff recommends the Commission adopt the following resolution 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 reject the Implementation Program Amendment for the City of Oceanside LCPA No. LCP-6-OCN-17-0064-3 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 AMENDMENT 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 conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan and certification of the Implementation Program Amendment 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.

PART III. FINDINGS FOR APPROVAL OF THE OCEANSIDE IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The proposed amendment would revise Section 1232(E) (Downtown District Property Development Regulations) of Article 12 (D Downtown District) to allow row-style residential development on lots 2,500 sq. ft. and larger within the portion of Subdistrict 9. The amendment would also prohibit residential row home development along North Coast Highway.

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.

1) Purpose and Intent of the Ordinance.

The “D” Downtown Ordinance is intended to: A) Promote the long term viability of and rejuvenation of the Redevelopment Project Area and to protect and enhance primarily boating and water-oriented activities; and secondarily other public-oriented recreational uses in the Oceanside Small Craft Harbor; B) Maintain and enhance an appropriate mix of uses; C) Provide land-use controls and development criteria consistent with the General Plan, the Redevelopment Plan, and the Local Coastal Plan.

The Downtown District is broken down into 15 subdistricts. Each subdistrict has additional and specific objectives. The subject amendment would modify provisions for development located within portions of Subdistrict 9.

2) Major Provisions of the Ordinance.

The City’s LCP cites the specific purpose of Subdistrict 9 as the following:

To provide opportunities for commercial uses supporting other land uses within the downtown and serving the entire community. Residential uses are encouraged where appropriate.

The boundaries for the portions of Subdistrict 9 located in the Coastal Zone include Neptune Way to the North, the eastern edge of lots fronting the east side of North Coast Highway to the east, Civic Center Drive to the south and North Tremont Street to the west ([ref. Exhibit No. 5](#)). The existing uses within the subdistrict include single and multifamily residential developments along North Tremont Street and commercial developments along the west and east sides of North Coast Highway. Uses permitted within Subdistrict 9 include restaurants, offices and travel services. Conditionally permitted uses include single and multifamily residential, hotel/motel/timeshare, resort, and commercial recreation.

3) Adequacy of the Ordinance to Implement the Certified LUP Segments.

The standard of review for LCP implementation plan submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. In this case, Subdistrict 9 has a General Commercial land use designation. As amended, commercial development would still be permitted within the entire subdistrict. The revisions to allow for row style homes would apply only to those properties located along North Tremont Street, the portion of the subdistrict which is distinctly residential and likely not well-

suiting for commercial uses. The remainder of the subdistrict (including all properties along North Coast Highway/PCH) would be prohibited from being developed with row style residential developments. The intent of the revised language is to facilitate the construction of row homes on individual lots. The City has indicated that currently there are at least 13 row homes within the subdistrict located on lots 2,500 sq. ft. or smaller. The proposed revisions would allow for additional row-style homes to complement the existing character of the residential portion of Subdistrict 9. Additionally, because the proposed amendment would not allow for construction of row-style homes along North Coast Highway, which is a major coastal access corridor and commercial strip, the existing commercial uses will be maintained. Therefore, the revisions to the City's implementation plan would maintain the majority of the subdistrict as commercial, a higher priority land use under the Coastal Act, and would help facilitate residential development in the most suitable portions of the subdistrict, thereby maintaining the appropriate balance of commercial and residential consistent with the certified Land Use designation and the City's LCP.

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

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its LCP. 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 submission. The City concluded that there was no possibility that the activity would have a significant effect on the environment and therefore determined that the LCP amendment was not subject to CEQA. (Cal. Code of Regs., tit. 14, § 15061(b)(3).)

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. This report has discussed the relevant coastal resource issues with the proposed amendment and found that the amendment would not result in an intensification of land uses, or have adverse impacts on coastal resources. The proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).