

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384



F18b

A-6-OCN-20-0066 (Sarkaria)

April 16, 2021

EXHIBITS

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Project Location

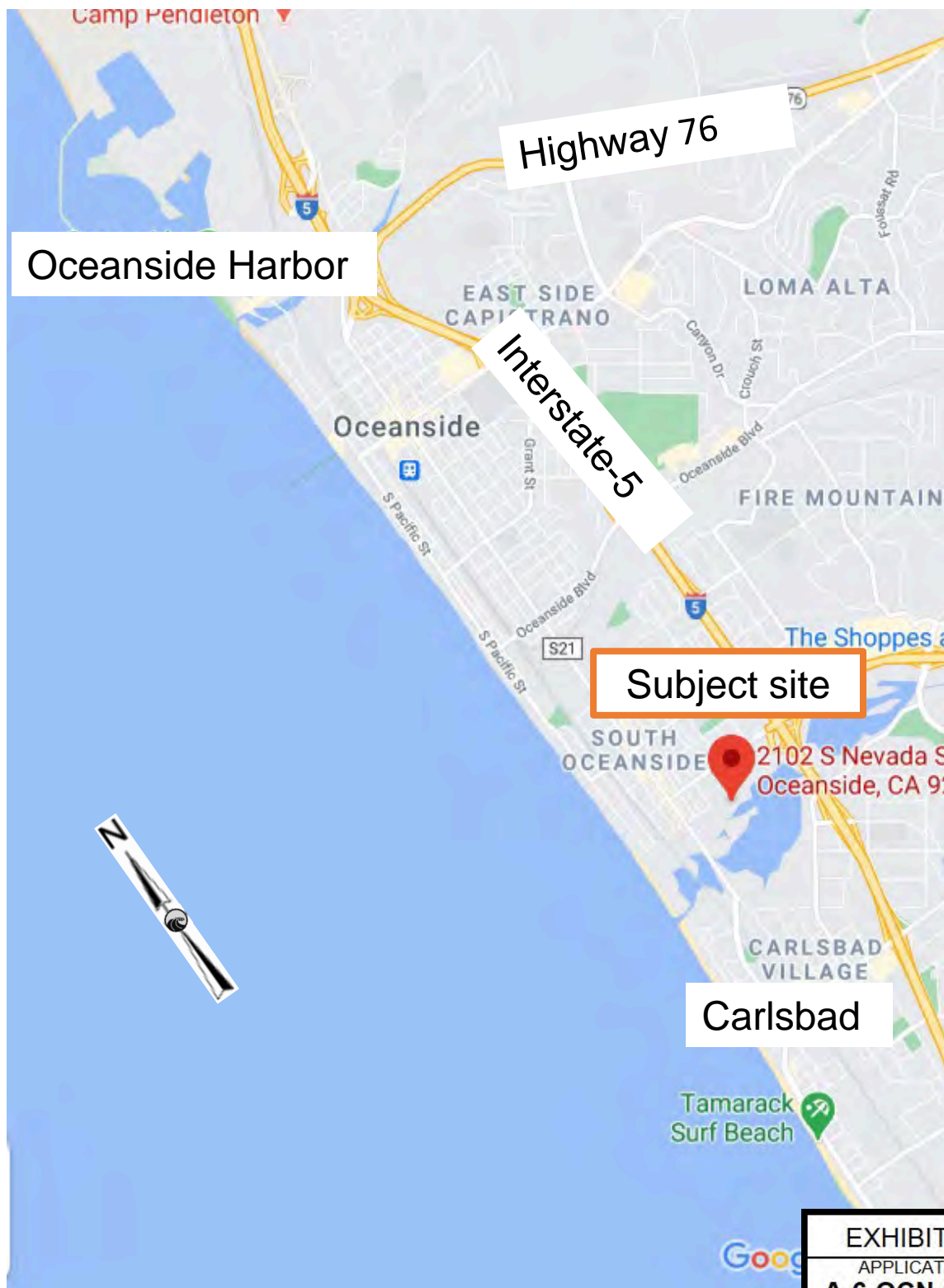


EXHIBIT NO. 1

APPLICATION NO.

A-6-OCN-20-0066

Project Location



California Coastal Commission

Aerial of Site



Subject site

Horne Street

Nevada Street

Piza Golf Design

Buena Vista Lagoon

Google

EXHIBIT NO. 2

APPLICATION NO.

A-6-OCN-20-0066

Aerial of Site



California Coastal Commission

Vegetation Map

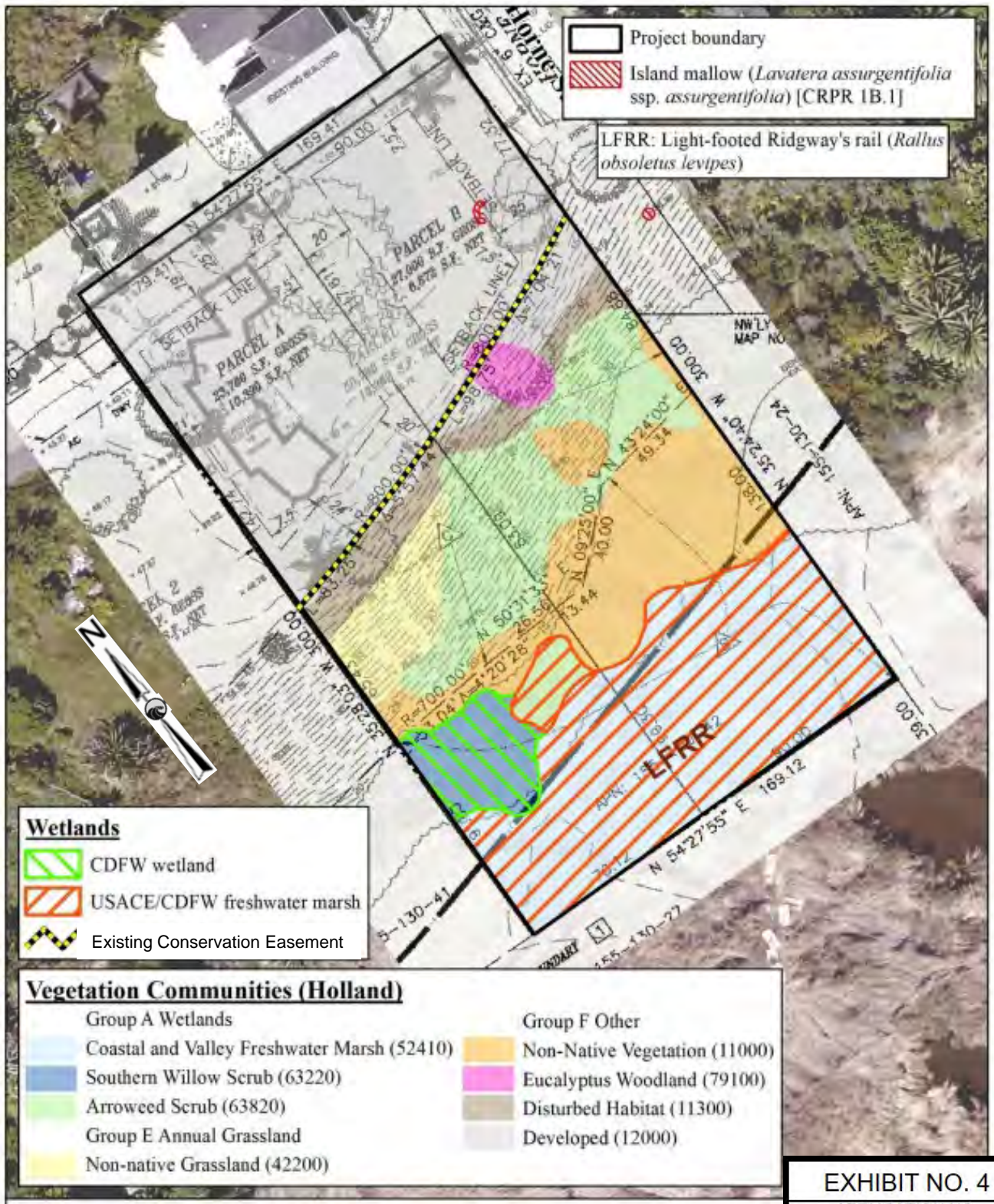


EXHIBIT NO. 4

APPLICATION NO.

A-6-OCN-20-0066

Vegetation Map



California Coastal Commission

Potential Development Area Shown in **BLUE**



Portion of site containing
lagoon views and
restricted by Easement

Potential Building
Envelope

Location of Existing Trails



Imagery ©2021 Data CSUMB SFML, CA OPC, Maxar Technologies, U.S. Geological Survey, USDA Farm S

EXHIBIT NO. 7

APPLICATION NO.

A-6-OCN-20-0066

Existing Public Trail



California Coastal Commission

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**APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Donne Brownsey
Mailing Address: California Coastal Commission
455 Market Street, Suite 300
San Francisco, CA 94105
Phone Number: (415) 904-5202

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Oceanside
2. Brief description of development being appealed: Subdivision of a 1.17-acre lagoon-fronting lot into two residential parcels (Parcel A & Parcel B). Parcel A will consist of 23,780 sq. ft. and Parcel B will consist of 27,000 sq. ft. No development of the parcels is proposed at this time.
3. Development's location (street address, assessor's parcel no., cross street, etc.):
Southern terminus of Horne Street, Oceanside; APN: 155-130-42
4. Description of decision being appealed:
a. Approval; no special conditions: ☐ b. Approval with special conditions: ☒
c. Denial: ☐ d. Other : ☐ _____
Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-OCN-20-0066

DATE FILED: November 19, 2020

DISTRICT: San Diego

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

EXHIBIT NO. 8

APPLICATION NO.

A-6-OCN-20-0066

Appeal Forms

Page 1 of 14



California Coastal Commission

5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator c. ☒ Planning Commission
- b. ☐ City Council/Board of Supervisors d. ☐ Other

Date of local government's decision: October 26, 2020

Local government's file number (if any): RC18-00019

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

Name and mailing address of permit applicant:

Paul Sarkaria
3003 Wildflower Drive
Encinitas, Ca 92024
(760) 473-7968

Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

N/A

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attachment "A" dated November 19, 2020

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: *Joanne Brumsey*
Appellant ~~or Agent~~

Date: 11.18.2020

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: N/A

Date: N/A

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Attachment A

Horne Street Subdivision – Southern Terminus of Horne Street, Oceanside
11/19/2020

Project Description and History

The proposed project includes subdivision of a 1.17-acre lagoon-fronting lot into two residential parcels (Parcel A & Parcel B). Parcel A will consist of 23,780 sq. ft. and is currently developed with a single-family home. Parcel B will consist of 27,000 sq. ft. and is currently undeveloped. The project site is located at the southern terminus of Horne Street on the north shore of Buena Vista Lagoon in the City of Oceanside.

The existing home will remain on Parcel A and no development of the parcels is proposed at this time. However, the City's staff report identifies a potential building envelope based on setback requirements. Parcel A is identified as having a 10,390 sq. ft. developable area and Parcel B is identified as having 8,872 sq. ft. of developable area.

An existing conservation easement for open space purposes on the property would not be modified by the City's approval of this subdivision.

Consistency with the LCP

The City found that the proposed development is consistent with the provisions of the certified LCP. However, the development as approved by the City raises several LCP consistency issues with regard to protection of sensitive habitat, public access, and public views.

1. Protection of Sensitive Habitat

The City's LCP requires that adequate buffers be provided as required by the following provisions:

I. Coastal Access.

Policy 5. The City, in conjunction with the State Department of Fish and Game (sic), shall continue its efforts to provide and maintain an adequate buffer zone between Buena Vista Lagoon and development along its shore. Such is buffer is necessary for the provision of public access and protection of the lagoon from adverse environmental impacts.

The buffer zone shall be generally 100 feet in width as measured from the landward edge of the lagoon or existing riparian vegetation, whichever is more extensive. Within the buffer zone, only passive recreation uses (such as walking, nature study, photography, small resource interpretive facilities and viewing areas) shall be allowed with no structures other than permitted

by this policy and only very minor alteration of natural land forms or conditions for use permitted by this policy.

V. Environmentally Sensitive Habitat Areas

Policy 2. Prior to approving any development on dry lands adjacent to Buena Vista Lagoon, the City shall consult the State Department of Fish and Game (sic) to ensure that adequate measures are provided to protect and enhance the lagoon's sensitive resources. Such measures shall include, where appropriate:

- a. Provision of adequate buffers between development and the lagoon

The City's LCP requires that development located adjacent to Buena Vista Lagoon provide a 100-foot buffer from the lagoon or existing riparian vegetation, whichever is more extensive. The site contains Freshwater Marsh, Southern Willow Scrub and Arrowweed Scrub, all of which are types of wetland habitat. However, no wetland delineation was conducted. The Mitigated Negative Declaration (MND) prepared for the subdivision states:

No wetland delineation was performed on the property, as the section of property which is not in a conservation easement and could be developed is clearly an upland area. Buena Vista Lagoon at the bottom of the property's slope is a U.S. Army Corps of Engineers (USACE) and CDFW regulated jurisdictional feature. The SWS at the edge of the Lagoon is additionally part of the Buena Vista Lagoon wetland and likely under CDFW jurisdiction. All jurisdictional features on the property are already protected within a conservation easement.

Without completion of a formal wetland delineation, the extent of wetlands cannot be adequately determined, and it is unclear whether the existing wetlands onsite have been adequately protected.

The City's approval fails to identify an appropriate biological buffer from the sensitive habitat located on the subject site. While no development is proposed at this time, the City's approval establishes a potential building envelope located within 50-feet of the habitat present on the site, inconsistent with the policies of the City's LCP. Therefore, it is unclear whether the subdivision will result in parcels that can be developed consistent with the LCP requirements.

2. Public Access

The City's LCP includes the following public access requirements:

I. Costal Access.

Policy 5. The City, in conjunction with the State Department of Fish and Game (sic), shall continue its efforts to provide and maintain an adequate buffer zone between Buena Vista Lagoon and development along its shore. Such is buffer is necessary for the provision of public access and protection of the lagoon from adverse environmental impacts.

V. Environmentally Sensitive Habitat Areas

Policy 2. Prior to approving any development on dry lands adjacent to Buena Vista Lagoon, the City shall consult the State Department of Fish and Game (sic) to ensure that adequate measures are provided to protect and enhance the lagoon's sensitive resources. Such measures shall include, where appropriate:

[...]

d. Construction of information signs/kiosks educating the public on the value of the lagoon, and listing the regulations for public use.

In addition, because the site is located between the lagoon and the adjacent road, the public access and recreation policies of the Coastal Act apply and state in part:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is

inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

The City's LCP calls for public access along the shoreline of Buena Vista Lagoon within the wetland buffer and public education amenities. The public access and recreation policies of Chapter 3 of the Coastal Act also require provision of public access to and along the shoreline. There is currently no public access available on this site, and access is generally limited along this section of the lagoon shoreline. However, there are existing public access trails located west of the subject site and within the Buena Vista Audubon Society properties that could eventually be connected to the subject site. The City's approval of the subdivision failed to consider any potential public access improvements or public education amenities inconsistent with the requirements of the City's LCP and with the public access and recreation policies of the Coastal Act.

3. Protection of Public Views

The City's LCP includes the following provisions related to protection of visual resources:

VI. Visual Resources and Special Communities.

Policy 1. In areas of significant natural aesthetic value, new developments shall be subordinate to the natural environment.

Policy 4. The City shall maintain existing view corridors through public rights-of-way.

The subject site is located at the southern terminus of Horne Street and directly north of Buena Vista Lagoon. Currently, there are views of the lagoon available from the end of Horne Street across this property. The development approved by the City consists only of subdivision of a single residentially designated lot into two residentially designated lots. No demolition or construction of any structures is being proposed at this time. However, the subdivision will ultimately facilitate new development that may be located within the portion of the site providing the existing lagoon views. The City's approval failed to acknowledge the existing viewshed or restrict future development within the portions of the site providing the public views, inconsistent with the requirements of the LCP.

4. Additional Concerns

The City's approval failed to consider how the sensitive habitats present on site may change overtime. The habitat may increase or move in the future because of changes associated with climate change and sea level rise. Additionally, Buena Vista Lagoon is currently being reviewed for restoration efforts that could restore the lagoon from its existing freshwater marsh condition to a tidally influenced lagoon. Restoration of the lagoon may result in additional changes to habitat type, extent and location in the future.

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**APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Steve Padilla
Mailing Address: City of Chula Vista – City Council
276 Fourth Ave.
Chula Vista, CA 91910

Phone Number:

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Oceanside
2. Brief description of development being appealed: Subdivision of a 1.17-acre lagoon-fronting lot into two residential parcels (Parcel A & Parcel B). Parcel A will consist of 23,780 sq. ft and Parcel B will consist of 27,000 sq. ft. No development of the parcels is proposed at this time.
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Southern terminus of Horne Street. APN 155-130-42.
4. Description of decision being appealed:
a. Approval; no special conditions: ☐ b. Approval with special conditions: ☒
c. Denial: ☐ d. Other : ☐ _____
Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-OCN-20-0066

DATE FILED: November 19, 2020

DISTRICT: San Diego

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SAN DIEGO COAST DISTRICT

5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator c. ☒ Planning Commission
- b. ☐ City Council/Board of Supervisors d. ☐ Other

Date of local government's decision: October 26, 2020

Local government's file number (if any): RC18-00019

SECTION III. Identification of Other Interested Persons

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Paul Sarkaria
3003 Wildflower Drive
Encinitas, Ca 92024
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Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

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The information and facts stated above are correct to the best of my/our knowledge.

Signed: [Signature]
Appellant or Agent

Dated: November 19, 2020

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: NA

Dated: NA

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Attachment A

Horne Street Subdivision – Southern Terminus of Horne Street, Oceanside
11/19/2020

Project Description and History

The proposed project includes subdivision of a 1.17-acre lagoon-fronting lot into two residential parcels (Parcel A & Parcel B). Parcel A will consist of 23,780 sq. ft. and is currently developed with a single-family home. Parcel B will consist of 27,000 sq. ft. and is currently undeveloped. The project site is located at the southern terminus of Horne Street on the north shore of Buena Vista Lagoon in the City of Oceanside.

The existing home will remain on Parcel A and no development of the parcels is proposed at this time. However, the City's staff report identifies a potential building envelope based on setback requirements. Parcel A is identified as having a 10,390 sq. ft. developable area and Parcel B is identified as having 8,872 sq. ft. of developable area.

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d. Construction of information signs/kiosks educating the public on the value of the lagoon, and listing the regulations for public use.

In addition, because the site is located between the lagoon and the adjacent road, the public access and recreation policies of the Coastal Act apply and state in part:

Section 30210

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inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

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4. Additional Concerns

The City's approval failed to consider how the sensitive habitats present on site may change overtime. The habitat may increase or move in the future because of changes associated with climate change and sea level rise. Additionally, Buena Vista Lagoon is currently being reviewed for restoration efforts that could restore the lagoon from its existing freshwater marsh condition to a tidally influenced lagoon. Restoration of the lagoon may result in additional changes to habitat type, extent and location in the future.

AGENDA NO. 5

PLANNING COMMISSION



STAFF REPORT

DATE: October 26, 2020

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF TENTATIVE PARCEL MAP (P18-00011), AND REGULAR COASTAL PERMIT (RC18-00019) FOR A TWO-LOT RESIDENTIAL SUBDIVISION OF A 1.17-ACRE SITE LOCATED AT THE SOUTHERN TERMINUS OF HORNE AND NEVADA STREETS – SARKARIA/HORNE STREET TENTATIVE PARCEL MAP – APPLICANT: PAUL SARKARIA**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

1. Adopt a Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program by adopting Planning Commission Resolution No. 2020-P30; and,
2. Approve Tentative Parcel Map (P18-00011) and Regular Coastal Permit (RC18-00019) by adopting Planning Commission Resolution No. 2020-P31 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The proposed project is a request to allow the subdivision a 50,780 square foot parcel into two new parcels referred to as Parcel A and Parcel B. The existing Parcel 3 to be subdivided into two lots was originally created as part of Parcel Map No. 19057. No development of the parcels is proposed at this time and would require a Regular Coastal permit be approved prior to development or redevelopment of the newly created parcels. The site currently exists as a single parcel developed with a Single-Family Residence on the western portion of the larger parcel. The existing single-family home would

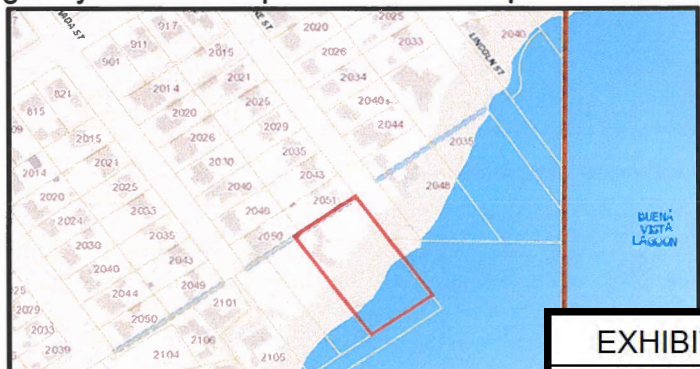


EXHIBIT NO. 9

APPLICATION NO.

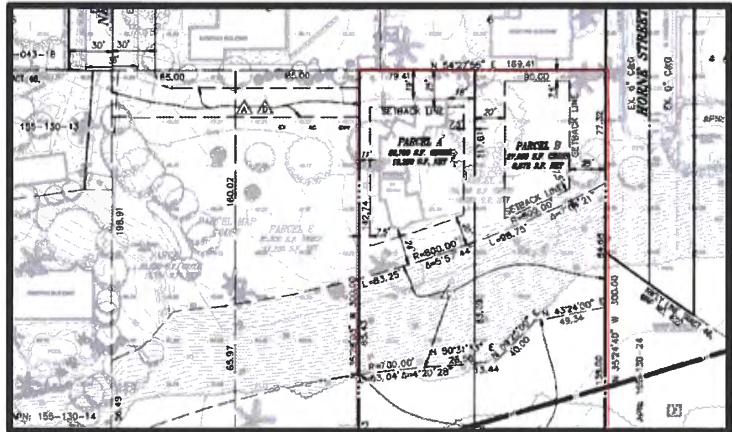
A-6-OCN-20-0066

City Staff Report



California Coastal Commission

remain on Parcel A which is proposed to be 23,780 gross square feet in size, with a net developable area of 10,390 square feet, and Parcel B would be a gross 27,000 square feet in size, with a net developable area of 8,872 square feet. Parcel A would retain access off of an existing flag lot configured easement coming off of Nevada Street, while the newly created Parcel B would be accessed directly off of Horne Street via a typical driveway. The subject project is located on a 1.17-acre parcel situated at the southern terminus of Horne and Nevada streets and north of Buena Vista Lagoon within a portion of Tract 46 of South Oceanside that was created through Map No. 622 on February 7, 1890. The subject site is gently sloping from north to south with a significant slope that drops downward to the south and into the waters of Buena Vista Lagoon. Parcel 3 of Parcel Map 19057 contains two conservation easements dedicated to the City of Oceanside for Open Space purposes and would be maintained as such with the proposed two lot subdivision. The proposed Parcel B would provide a building pad central to the site on the north end of the newly created parcel. Surrounding land uses include single-family detached residences on lots that fall within the 10,000 to 25,000-square foot range. The site identified as County of San Diego Assessor's Parcel Number 155-130-42-00, currently has a General Plan Land Use designation of Coastal Residential - C-RL, and is currently zoned as Single Family Residential - Coastal – R-1 on the City's official zoning map.



On December 13, 2018, an application for approval of a Tentative Parcel Map (P18-00011) and Regular Coastal Permit (RC18-00019) was received by staff for review and ultimately approval by the Planning Commission.

Project Description: The project application is comprised of two components: a Tentative Parcel Map and Regular Coastal Permit.

Tentative Parcel Map (P18-00011) represents a request for the following:

1. To subdivide an approximately 1.17-acre site into two single-family residential lots pursuant to Article VI of the Oceanside Subdivision Ordinance. The proposed project is within the Single Family Residential - Coastal – R-1 Zone District and as per the Oceanside Zoning Ordinance the minimum lot area in this zoning district is 6,000 square feet.

Regular Coastal Permit (RC18-00019) represents a request for the following:

- (a) A request to create a two-lot subdivision within the LCP jurisdictional boundaries. A Regular Coastal Permit is required to be processed due to the location of the lot within the Appeal Jurisdiction of the California Coastal Commission, and the requirement of the City's Zoning Ordinance to submit and gain approval of a Tentative Parcel Map. No physical development of the site is proposed at this time and any future development/redevelopment will require submittal and approval of a Regular Coastal Permit.

ANALYSIS

The project is subject to the following Ordinances and City policies:

1. General Plan Land Use Element
2. Zoning Ordinance
3. Subdivision Ordinance
4. Local Coastal Program
5. California Environmental Quality Act (CEQA).

KEY PLANNING ISSUES

1. General Plan conformance

A. Land Use Element I. Community Enhancement

Goal: The consistent, significant, long term preservation and improvement of the environment, values, aesthetics, character and image of Oceanside as a safe, attractive, desirable and well-balanced community.

Objective 1.13 Neighborhood Character: To promote and reinforce the unique and positive attributes of individual neighborhoods of Oceanside while strengthening citywide goals, involvement, and identity.

Policy H: For lands within the Loma Alta, Fire Mountain, and South Oceanside Neighborhood Planning Areas that are designated Estate B (1 - 3.5 dwelling unit/acre) and with the corresponding zoning of Residential Estate – B (RE-B); a minimum lot size of 10,000 square feet as defined in the Zoning Ordinance shall be considered consistent with the underlying Land Use designation of Estate B Residential (EB-R).

The proposed residential subdivision is located within the South Oceanside Neighborhood Planning Area identified within the General Plan. Although the policy speaks to lot size based upon the 1992 Zoning Ordinance which in 2009 the California Coastal Commission determined was never certified in the Coastal Zone, the previous subdivision of the larger 2.34-acre parcel that created parcel 3 of Parcel Map 19057 was

found consistent with said policy. The proposed subdivision will create two lots that are approximately 23,780 and 27,000 gross square feet in size; therefore, making the proposal consistent with the character and pattern of development in the area and the underlying land use designation.

Staff further concludes that the design of the subdivision and the type of improvements proposed will not result in any serious public safety or health issues for the surrounding South Oceanside neighborhood.

2. Zoning Compliance

This project is located within Single Family Residential - Coastal – R-1 zone district, and as conceptually proposed, will provide a pad area that is sensitive to the pattern of development within the surrounding area and that integrates into the existing South Oceanside neighborhood. The application does not include a proposal for development or redevelopment of the newly created lots at this time. Rather, future residential development or redevelopment on the proposed lots would require submittal of a Regular Coastal Permit to be reviewed and approved by the Planning Commission due to the location within the appeal jurisdiction of the Local Coastal Program.

Although no development is proposed at this time the proposed subdivision does include data that clearly shows that a suitable building pad will be provided for a custom home that is in keeping with the character of the neighborhood. The following table summarizes the required and proposed development standards for the project site:

	REQUIRED STANDARDS	PROPOSED STANDARDS
LOT SIZE	6,000 sq. ft. (min)	Parcel A: 23,780 gross sq.ft. Parcel B: 27,000 gross sq.ft.
SETBACKS	OZO	OZO
FRONT YARD	25-ft. (min)	Parcel A: 19-ft Existing Parcel B: 25-ft. Min.
SIDE YARD	7.5-ft. (min)	Parcel A: 11&18-ft. Existing Parcel B: 7.5-ft. Min.
REAR YARD	20-ft. (min)	Parcel A: 24-ft. from Open Space Easement Parcel B: 20-ft. Min. from Open Space Easement

The proposal to create two residential lots has been determined by staff to meet the intent of the regulations of the Zoning Ordinance for the Single Family Residential - Coastal – R-1 zoned parcel, and subject to approval of a Regular Coastal Permit (RC) will ensure that future design and development of a single-family residential structure provides superior architectural features consistent with the pattern of development within the South Oceanside Neighborhood.

3. Subdivision Ordinance

The proposed project is subject to the Subdivision Map Act and the Oceanside Subdivision Ordinance (Article VI. Subdivision of Four or Fewer Parcels).

A. Article VI Subdivision of Four or Fewer Parcels:

Pursuant to Section 600 of the Subdivision Ordinance, the proposed Tentative Parcel Map has been prepared to the satisfaction of the City Engineer, and as conditioned would allow for a two-lot subdivision of an existing 1.17-acre parcel into two parcels as follows: (Parcel A: 23,780 gross sq. ft., and Parcel B: 27,000 gross sq. ft.,).

4. Local Coastal Program

The City's LCP outlines objectives and policies intended to achieve the goals of the California Coastal Act at the local level. These objectives and policies are summarized in Appendix B of the Land Use Element of the General Plan. Staff finds the proposed project conforms to the policies and objectives of the City's LCP, as follows:

Recreation and Visitor Serving Facilities (II.C.17): The City shall require that all new residential development provide adequate on-site parking...Curb cuts for new development shall be held to a minimum to preserve existing on-street parking.

The proposed two-lot subdivision would provide ample developable area to meet the on-site parking requirements of the Zoning Ordinance. Parcel B will require the creation of a new curb cut for driveway purposes on Horne Street, and consistent with the neighborhood. Although one on-street parking space will be eliminated, preservation of on-street parking has been accommodated to the extent feasible while allowing the property owner rights enjoyed by others in the immediate area. Furthermore, the site is east of Coast Highway and contains no coastal access points on or near the site.

Environmentally Sensitive Habitat Areas (V.A): The Coastal Act requires that environmentally sensitive habitat areas be protected against significant disruption. Development adjacent to such areas shall be sited and designed to prevent adverse environmental impacts.

The subject property is located within an environmentally sensitive habitat area (Buena Vista Lagoon) and appropriate conservation open space easements have been previously established for the subject site and will be maintained as part of this requested lot split. In addition, appropriate Mitigation Measures have been provided to ensure that future development does not impact the sensitive habitat areas contained within the site's boundaries and the requirement to obtain a Regular Coastal permit for any future development will further ensure that the habitat area is properly protected.

DISCUSSION

Issue: Project Compatibility with the Existing Neighborhood Character: The proposed subdivision has been determined by staff to be consistent with the overall character of the South Oceanside Neighborhood to provide large estate type lots with custom single-family homes. The subject project would provide additional housing stock for independent ownership consistent with the City's Zoning Ordinance and General Plan vision to provide for an estate type development. Although a varied mix of architectural designs exists throughout the South Oceanside Community, no one neighborhood design characteristic dominates future direction on architectural design. In order for the project to be compatible with the neighborhood character, the project has been conditioned to process a Regular Coastal Permit prior to developing the newly created lot with a single-family residence.

Recommendation: Staff finds and recommends that the Planning Commission concur with staff that the overall conceptual site design/lot size of the project is consistent with the existing neighborhood character, and compatible with the surrounding developed area of South Oceanside.

ENVIRONMENTAL DETERMINATION

A Mitigated Negative Declaration (MND) has been prepared stating that, if the mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP) are implemented, there will not be a significant adverse impact upon the environment. Under the provisions of the California Environmental Quality Act, the Planning Commission will consider the MND during its hearing on the project.

The Draft MND was circulated for a 30-day public review period beginning on June 3, 2020 and ending on July 2, 2020. No comments were received on the Draft MND.

Staff has reviewed the project and determined that with the implementation of project conditions and mitigation measures contained within the Mitigation Monitoring and Reporting Program (MMRP), no significant impacts are anticipated because of the proposed project. Therefore, Staff recommends that the Planning Commission adopt the MND and MMRP as included in the FMND.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 500-foot radius of the subject property, to tenants within 100-foot radius of the property, individuals/organizations requesting notification, applicant, and interested parties. As of October 19, 2020, --- communication supporting or opposing the request had been received.

SUMMARY

The proposed Tentative Parcel Map (P18-00011) and Regular Coastal Permit (RC18-00019) are consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project is compatible in terms of density and site design with the surrounding neighborhood. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached resolution.

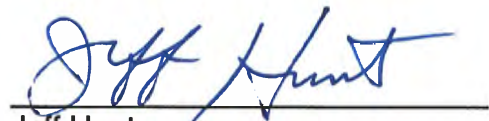
Staff recommends that the Planning Commission by motion:

1. Adopt a Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program by adopting Planning Commission Resolution No. 2020-P30; and,
2. Approve Tentative Parcel Map (P18-00011) and Regular Coastal Permit (RC18-00019) by adopting Planning Commission Resolution No. 2020-P31 with findings and conditions of approval attached herein.

PREPARED BY:

for 
Richard Greenbauer
Principal Planner

SUBMITTED BY:


Jeff Hunt
City Planner

JH/RG/fil

Attachments:

1. Planning Commission Resolution Nos. 2020-P30 and 2020-P31
2. Tentative Parcel Map (Online)
3. Other Attachments (Application page, Description and Justification, Legal Description)