



# City of Oceanside

300 North Coast Highway,  
Oceanside, California 92054

## Staff Report

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**File #:** 25-813

**Agenda Date:** 6/4/2025

**Agenda #:** 29.

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**DATE:** June 4, 2025

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Development Services Department

**TITLE: CONSIDERATION OF A ZONING TEXT AMENDMENT (ZA25-00002) AND LOCAL COASTAL PROGRAM AMENDMENT (LCPA25-00001) AMENDING ARTICLE 46, SECTION 4604 AND 4605 OF THE ZONING ORDINANCE TO INCLUDE PROVISIONS THAT THE CITY COUNCIL MAY CONDUCT A DE NOVO HEARING OF ALL ASPECTS OF A PLANNING COMMISSION DECISION BEING APPEALED - APPLICANT: CITY OF OCEANSIDE**

### **RECOMMENDATION**

Staff recommends that the City Council introduce an ordinance and adopt a resolution approving Zoning Amendment (ZA25-00002) and Local Coastal Program Amendment (LCPA25-00001) approving amendments to Article 46 of the Zoning Ordinance to allow the City Council to conduct a de novo hearing of appealed Planning Commission decisions on development projects.

### **BACKGROUND AND ANALYSIS**

At the March 12, 2025 City Council meeting, Mayor Sanchez and Deputy Mayor Joyce brought forward the following item regarding appeals of Planning Commission decisions on development projects:

*Change the standard of review of appeals to the City Council from Planning Commission decisions - When a council member or member of the public appeals a planning commission decision to the City Council, the Council shall be able to review the decision de novo and not be limited to the specific points raised in the appeal. The Council shall be able to review the entire record of the appeal; direction to staff.*

The City Council voted 3-2 (Robinson and Weiss - no) to direct staff to make the necessary amendments to Article 46 to implement the City Council's direction.

Currently, pursuant to Zoning Ordinance Section 4605(C) the City Council may only consider issues raised in the appeal filed with City. Over the last few years, multiple Planning Commission approvals

have been appealed to the City Council. Due to the requirements of Section 4605(C), staff from Development Services, Traffic Engineering, Water Utilities, and Fire typically spend several hours drafting City Council staff reports and presentations with detailed responses to each and every appeal point raised by the project appellant. Moreover, the City Council has limited capacity in its consideration of the proposed project.

The proposed amendments to Article 46 of the Zoning Ordinance would allow the City Council to review the project beyond the specific appeal issues outlined in the submitted petition and enable the City Council to conduct a de novo hearing of appeals to Planning Commission decisions. *De novo* is a Latin term meaning “anew,” “from the beginning,” or “afresh.” As it pertains to the proposed amendments, de novo review would allow the City Council to consider the entire project and make its own determinations as to the project’s consistency with applicable policies, rules, and regulations and either deny, approve or conditionally approve the project. The City Council could then consider all aspects of the application beyond what is specifically appealed without giving weight or deference to the underlying Planning Commission decision.

Article 46 of the Oceanside Zoning Ordinance (Appeals and Calls for Review) establishes provisions for what decisions are subject to appeal, the time limits for appeals, and how processing of appeals will be conducted. Sections 4604 (Initiation of Appeals and Calls for Review) and 4605 (Procedures for Appeals and Calls for Review) of the Zoning Ordinance both limit the issues that may be considered by the appellant body to the points brought up in the appeal petition received.

Section 4604 A. (in part) states:

*In all cases, the reasons or justifications given by the appellant shall form the basis on which the appeal hearing before the appropriate appellate body shall focus. Issues not raised by the appellant in the written appeal cannot be considered in the appeal hearing.*

Similarly, Section 4605 C. states:

*Plans and Materials.* *At an appeal or review hearing, the appellate body shall consider only the same application, plans, and related project materials that were the subject of the original decision and only the issue(s) raised by the appeal or the call for review. Compliance with this provision shall be verified prior to or during the hearing by the City Planner.*

## **Project Description**

The proposed Zoning Text Amendment and Local Coastal Program Amendment would modify Article 46 Sections 4604 (Initiation of Appeals and Calls for Review) and 4605 (Procedures for Appeals and

Calls for Review) as follows:

1. Amend Zoning Ordinance Section 4604(A) by removing language that limits consideration of an appeal hearing to only those items raised by the appellant;
2. Amend Zoning Ordinance Section 4605(C) by removing language that limits the appellate body's consideration to the points identified in the appeal; and,
3. Amend Zoning Ordinance Section 4605 to add language that an appeal of a Planning Commission decision shall be a de novo hearing.

Since the time the item was considered by the Planning Commission, staff has added an additional revision to Article 46. Specifically, Section 4605(B) has been amended to add language that, except under limited circumstances, no new matters should be raised at the City Council that were not raised at the Planning Commission. The full text of the proposed modification to Article 46 is included as Attachment 2 to this staff report.

### **FISCAL IMPACT**

No fiscal impact.

### **COMMISSION OR COMMITTEE REPORT**

On April 14, 2025, the Planning Commission conducted a public hearing on the proposed amendment to Article 46, and after due consideration, took no action on the item. Alternatively, Commissioner Rosales made a motion recommending that members of the Planning Commission meet with the City Council at the earliest available opportunity regarding matters on which the Planning Commission should be aligned with the City Council. The Planning Commission voted 5-1 (Ogden - No, Malik absent) in favor of Commissioner Rosales' motion.

### **CITY ATTORNEY'S ANALYSIS**

The City Council is authorized to hold a public hearing in this matter. The supporting documents have been reviewed and approved as to form by the City Attorney.

Prepared by: Lydia Grego, Planner I

Reviewed by: Darlene Nicandro, Development Services Director

Submitted by: Jonathan Borrego, City Manager

ATTACHMENTS:

1. Staff Report
2. City Council Ordinance
3. City Council Resolution approving Local Coastal Plan Amendment
4. Notice of Exemption