



PLANNING COMMISSION

STAFF REPORT

DATE: March 23, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department /Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT REVISION (C-3-97REV08) AND REGULAR COASTAL PERMIT (RC-4-08) TO ALLOW VEHICLE SALES AND STORAGE AT 116 SOUTH COAST HIGHWAY WITHIN THE TOWNSITE NEIGHBORHOOD. – 500 MOTORS – APPLICANT: MARK HAJJAR**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 1, Categorical Exemption “Existing Facilities”; and,
- (2) Adopt Planning Commission Resolution No. 2009-P13 approving Conditional Use Permit Revision (C-3-97REV08) and Regular Coastal Permit (RC-4-08) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On March 10, 1997 a Conditional Use Permit (C-3-97) was approved by the Planning Commission, to enable vehicle sales at 102 South Coast Highway. The adjacent building located at 116 South Coast Highway, which 500 Motors wishes to occupy for the use of vehicle sales within an existing building has no permits that identify the original construction of the building. It is estimated that the existing 15,000-square foot building was constructed some time in the 1950’s and was originally used as a retail store. This building was later purchased and used by the Weseloh family as an office with vehicle sales and storage for the lots at 102 and 116 South Coast Highway. Later the retail portion was used as a small grocery market, and then used as a fitness gym, but the 3,700-square foot office has remained in existence as an additional office for the 500 Motors vehicle sales use.

Site Review: The project site is located at 116 South Coast Highway, on the northeast corner of Coast Highway and Topeka Street at the southern portion of the block. The property is comprised of a commercial building, which exists over two parcels with an

approximate 3,700-square foot office suite at the northern portion of the building, and a 10,300-square foot commercial retail suite at the southern portion of the building. This portion of the building is currently being used by 500 Motors to display cars for sale. 500 Motors has removed all windows from this portion of the building without the proper permits.

The subject site is Zoned CG (General Commercial) and the General Plan Land Use Designation is GC (General Commercial). The establishment of a vehicle sales and storage facility is permitted within the General Commercial district with an approval of a Conditional Use Permit.

Surrounding land uses adjacent to the site include similar General Commercial designated properties in all directions, such as the vehicle sales lot to the north, a vehicle repair use to the east, retail sales uses to the west, and an eating and drinking establishment to the south.

Project Description: The project application is comprised of the following required entitlements:

Conditional Use Permit Revision (C-3-97REV08) represents a request for the following:

- (a) To permit the use of automotive sales and storage within an existing 10,300-square foot building that would be in association with and an existing and previous automotive sales lot to the north known as 500 Motors.

500 Motors current possesses an existing Conditional Use Permit (C-3-97) to sell, and store automobiles at 102 South Coast Highway. The adjacent building located to the south exists with a 3,700-square foot office suite and a 10,300-square foot commercial suite. The 3,700-square foot office suite is currently being used by 500 Motors for office use in conjunction with the current operations for the vehicle sales at 102 South Coast Highway. This Conditional Use Permit Revision is to allow the vehicle sales within the 10,300-square foot retail suite in conjunction with the existing use located at 102 South Coast Highway.

As conditioned, the business located at 116 South Coast Highway will be limited to automotive sales for a period of 10 years. The vehicle sales and storage use would be subject to a new Conditional Use Permit approval if the owner wishes to continue operation at the building located at 116 South Coast Highway.

The proposed hours-of-operation would be from 9:00 a.m. to 8:00 p.m. Monday through Saturday, and Sunday from 10:00 a.m. to .6 p.m.

All proposed signage would need to meet the current Oceanside Zoning ordinance sign regulations, and would need approval from the City Planner. No roof top signage is permitted and is not allowed with this application.

Landscaping would be provided around the perimeter of the existing building at 116 South Coast Highway, and additional landscaping would be incorporated along the property at 102 South Coast Highway. Additional potted plants are conditioned to be placed along property near Topeka Street and Seagaze Drive. The plant types and dimensions of the pots shall be reviewed by the City Planner for approval. The existing building at 116 South Coast Highway would be conditioned to construct windows and a sliding door in place of the area where the windows and doors were removed without proper permits.

Regular Coastal Permit (RC-4-08) represents a request for the following:

- (a) A Coastal Permit is required because the project is situated within the Coastal Zone. The Regular Coastal Permit will permit vehicle sales and storage of vehicles within an existing building located at 116 South Coast Highway.

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

- 1. General Plan Land Use Element
- 2. Zoning Ordinance
- 3. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designation on the subject property is GC (General Commercial). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element

Goal 2.2: Commercial Developments

Objective: To promote and preserve a balance of successful markets and services in aesthetic, people-oriented associations that are compatible and organized to surrounding land uses.

General Commercial:

Policy A: General Commercial shall provide retail shops, restaurants and services which meet the "immediate" commercial needs of the community. High intensity, drive-up/drive-through and convenience businesses shall be

developed in commercial centers or clustered together in coordinated site or development plans to avoid the proliferation of driveway-cuts and to accommodate their high traffic generation characteristics.

The proposed project would add to the variety of commercial services available to the general public. The proposed vehicle sales would promote commercial activity within an under utilized area of Coast Highway, and would provide additional revenue and employment that would foster commercial activity within the area of the city.

The proposed use as conditioned, would not negatively impact the surrounding commercial businesses, because the proposed limited operating hours and the limited amount of customers that use attracts, in comparison to other retail uses. The limited hours-of-operation would allow the use to operate at hours that would be similar to the adjoining retail uses. The re-construction of the windows would allow the use to operate within an enclosed building that would improve the appearance to the building and the surrounding neighborhood and provide a similar building design as the adjoining properties along Coast Highway.

2. Zoning Ordinance

This project is located in a CG (General Commercial) district. The following table depicts the parking data for the existing commercial building and the existing auto business at 102 South Coast Highway with the proposed vehicle sales use based upon Article 31 of the OZO:

PROPOSED USES	ZONING REGULATIONS	APPROX. BUILDING AREA (Sq. Ft.)	REQUIRED PARKING	PROPOSED PARKING
Vehicle Sales at 102 S. Coast Hwy. (Existing)	1:1,000	480	1	6
Vehicle Sales at 116 S. Coast Hwy	1:1,000	10,300	10	0
TOTAL	N/A	10,780	11	6

The existing business at 102 South Coast Highway meets the required parking requirement, but the property at 116 South Coast Highway does not meet the required parking on-site. The property at 116 South Coast Highway exists with a building that has been developed over the entire site. All customers parking would be available on the public street, since the property's parking is legal non-conforming. A parking management plan has been established by 500 Motors to ensure that parking is provided for the customers and the employees. All employees will park on-site, and are

encouraged to car-pool. The parking management plan ensures that an employee will be assigned to manage the employee and customer parking, to ensure that parking is available near or on-site of the property. Since the business typically has no more than three customers' visiting at a given time, parking should not be an issue.

3. Land Use Compatibility with surrounding developments

The following table identifies land uses on adjacent properties:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	GC	CG	Commercial Retail (Vehicle Sales)
North	GC	CG	Commercial Retail (Vehicle Sales & Office)
East	GC	CG	Commercial Retail (Legal Non-conforming Vehicle Repair and Service)
South	GC	CG	Commercial Retail (Eating and Drinking restaurant)
West	GC	CG	Commercial Retail (Retail Sales)

As identified in the above table the proposed vehicle sales and storage use located at 116 South Coast Highway would be compatible with a majority of the surrounding uses. The vehicle sales use would allow commercial activity that would benefit the surrounding uses.

4. Local Coastal Program Compliance

The proposed project is within the non-appeal jurisdiction of the Local Coastal Program (LCP) and complies with all provision of this zone. Projects within the Coastal Zone are required to meet the provisions of the adopted Local Coastal Program and the underlying CG zone. Such projects must provide for sensitive development in order to promote and achieve compatibility with surrounding development.

The site is located at least 500 feet east of any Public Beach or Public Park, where pedestrian beach access is easily available, and this project would not alter any beach or park access.

DISCUSSION

Issue: Project compatibility with the existing commercial uses within the Coast Highway Neighborhood.

When reviewing the project for compatibility with surrounding uses, Staff analyzed the environmental impacts generated by the proposed use. The primary issue of compatibility of a vehicle sales use within a commercial district is delivered from the fact that a vehicle sales use does not typically generate a significant amount of traffic in comparison to a retail store. According to SANDAG's regional trip generation chart, retail stores typically generate 400 trips per day based on the building square footage, but this vehicle storage and sales use would generate approximately 300 trips per day, which is substantially less than a general retail use. In addition a majority of the customer activity occurs during the weekend days, which doesn't create an impact during peak traffic hours. Storage of the vehicles indoors would not impact the surrounding neighbors and would ensure compatibility with surrounding land uses, while providing for a mix of land uses. The subject use would assist in providing for a balanced distribution of land uses, and would promote commercial activity to an underutilized area.

The lease agreement between the property owner and the applicant indicates that the business is permitted to occupy the building for no more than 10 years. Therefore, the business would be temporary and when removed from the property would provide an opportunity for potential redevelopment of the site. The project has been conditioned to limit the number of for-sale vehicles on-site at any given time to 28 vehicles.

Staff analyzed and conditioned the proposed businesses hours-of-operation, to ensure that a general amount of the commercial activity would be conducted in the daylight hours and limited night hours to prevent impacts to the surrounding neighboring properties. The project would be conditioned to operate for no longer than 10 years from the date of approval of the Conditional Use Permit, to enable opportunities for different retail uses to occupy the building in the future.

Recommendation: Staff concludes that the vehicle sales and storage use within the General Commercial District would not impact the existing uses within the area, or significantly alter the nature of the commercial uses along Coast Highway and supports the applicant's request.

ENVIRONMENTAL DETERMINATION

Planning Division staff has completed a preliminary review of this project in accordance with the California Environmental Quality Act (CEQA), 1970. Based on that review staff finds the proposed project constitutes the use of an existing building for vehicle sales and storage, and the project is categorically exempt pursuant to Article 19 Categorical Exemptions, Section 15301 Existing Facilities, of the California Environmental Quality Act.

PUBLIC NOTIFICATION

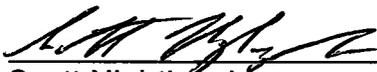
Pursuant to Article 41 of the Oceanside Zoning Ordinance, a Legal notice was published in the North County Times and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. Copies of this agenda item have been mailed to the applicant and their representatives.

SUMMARY

The request for a Conditional Use Permit Revision (C-3-97REV08) and Regular Coastal Permit (RC-4-08), as conditioned, are consistent with the requirements of the Zoning Ordinance, the land use policies of the General Plan and the Local Coastal Program. The project has been conditioned to meet or exceed all applicable development standards through project conditions that include, limiting the hours-of-operation, providing windows, and providing additional landscaping. The project is also conditioned to operate the vehicle sales at the location of 116 South Coast Highway for only 10 years. 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:

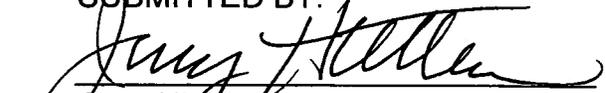
- Adopt Planning Commission Resolution No. 2009-P13 approving Conditional Use Permit Revision (C-3-97REV08) and Regular Coastal Permit (RC-4-08) with findings and conditions of approval attached herein.

PREPARED BY:



 Scott Nightingale
 Planner II

SUBMITTED BY:



 Jerry Hittleman
 City Planner

REVIEWED BY:



 Richard Greenbauer, Senior Planner

JH/SS/fil

Attachments:

1. Site Plan
2. Planning Commission Resolution No. 2009-P13
3. Planning Commission Resolution No. 97-P14
4. Letter from a neighboring resident opposing the project.
5. Letter in response from the Applicant addressing the concern neighbors issues.
6. Pictures of the existing building.



1201 N. Valdez Ave. #6
 Redding, CA 96004
 P: 530.241.2200
 F: 530.241.0200
 design@limadesign.com

500 Motors
 Remodel
 118 S. Clark St.
 Coquille, CA 97504

COVER SHEET &
 SITE PLAN

Issued for PERMITS
 Design Development, USPT

Proj. _____
 Date _____
 Drawing _____
 No. _____

1

PROJECT DIRECTORY

PROJECT DATA

PROJECT NAME: 500 MOTORS REMODEL
 OWNER: MARK HALLAR
 PROJECT ADDRESS: 118 S. CLARK ST., COQUILLE, CA, 97504
 A.P.N.: M71-288-04
 ZONE: GENERAL COMMERCIAL
 OCCUPANCY: GENERAL COMMERCIAL
 FLOOR AREA:
 EXISTING: 19,000 SQ. FT.
 PROPOSED ADDITION: 0 SQ. FT.
 TOTAL: 19,000 SQ. FT.

LEGAL DESCRIPTION:
 LOTS 11 AND 12 OF BLOCK 64, HORSES ADD, MAP 224

SCOPE OF WORK

-ADD PARAPET TO AN EXISTING ROOF.
 -REBUILD EXISTING LOYHPALL.

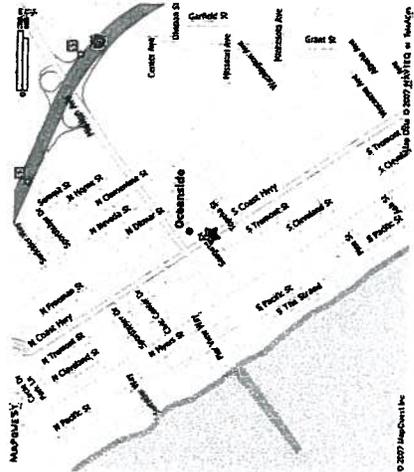
GRADING

NO GRADING

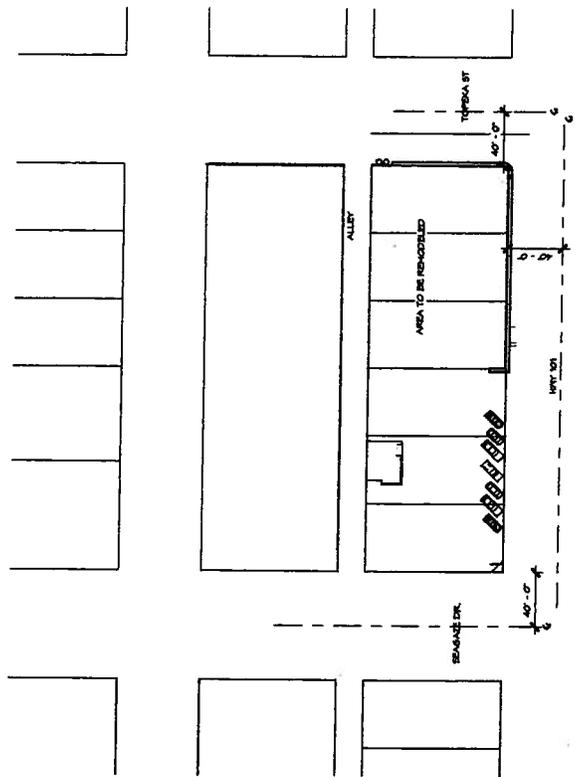
SHEET INDEX

- 1. COVER SHEET & SITE PLAN
- 2. ROOF PLAN
- 3. FLOOR PLAN
- 4. ELEVATIONS

VICINITY MAP



Received
 SEP 9 2008
 Planning Division



Site Plan
 1"=60'-0"



1201 N. Vulcan Ave. #6
 Suite 200
 Portland, OR 97227
 P: 503.774.0204
 design@limadesign.com

500 Motors
 Remodel
 115 S. Green Way
 Orem, UT 84058

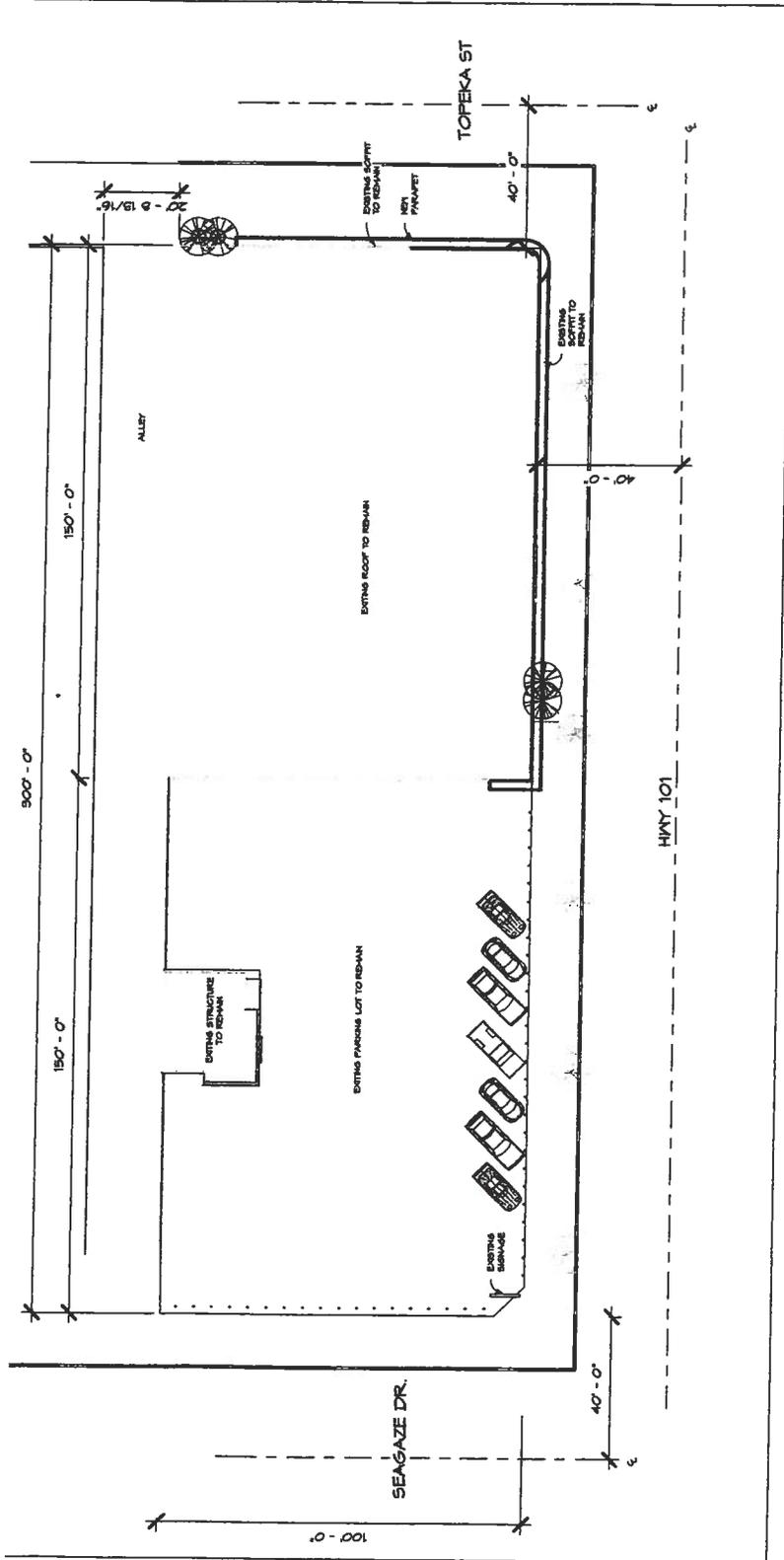
ROOF PLAN

Issued for DME
 Design Development: 1/14/07

Proj. No.: 0501
 Drawing No.:

2

LEGEND
 TO BE DEMOLISHED



Roof Plan
 1"=20'-0"

SCALE FOR 24"X36" PRINTS IS 2X AS SHOWN



1301 N. Village Ave. #9
 San Jose, CA 95128
 P: 408.274.0206
 design@limadesign.com

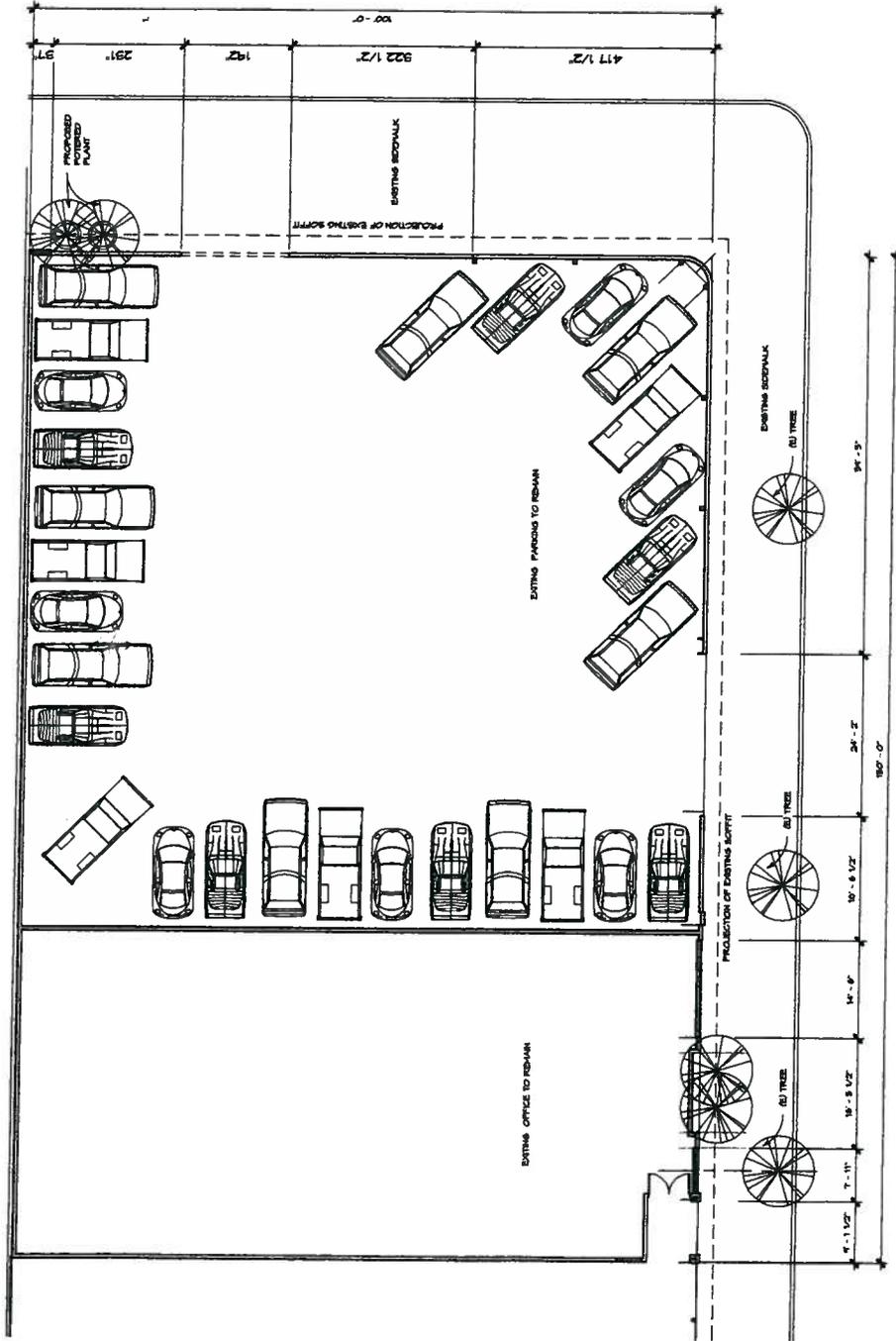
500 Motors
 Remodel
 115 S. Coast Hill
 Orem, UT 84058

FIRST FLOOR
 PLAN

Issued for D&B
 Design Development 1/24/07

REV. NO. 01/07
 DRAWING NO.

3



First Floor
 1/8" = 1'-0"

SCALE FOR 3/8" PRINTS IS 2X AS SHOWN



1301 N. Wilson Ave. #6
 Encinitas, CA 92024
 Phone: (760) 941-1111
 Fax: (760) 941-0024
 design@limadesign.com

**500 Motors
 Renodel**

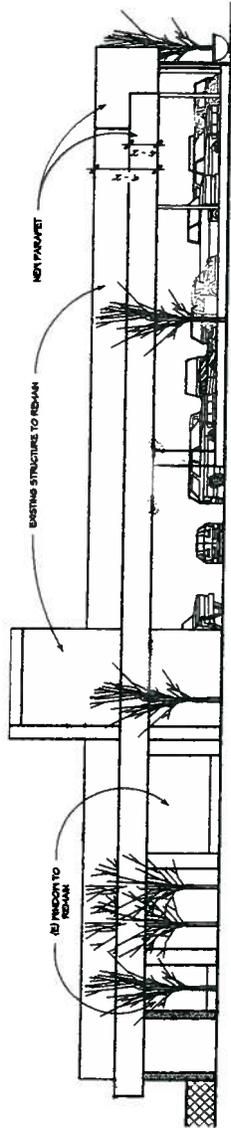
116 S. Coast Hwy.
 Encinitas, CA 92024

ELEVATIONS

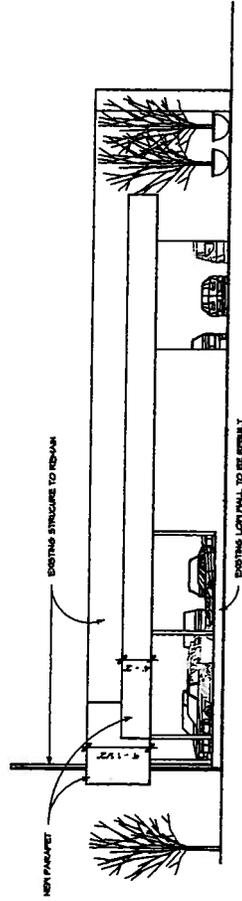
Issued for title:
 Design Development 1/15/07

NO. _____
 DATE _____
 DRAWING NO. _____

4



West Elevation
 1/16" = 1'-0"



South Elevation
 1/16" = 1'-0"

1 PLANNING COMMISSION
2 RESOLUTION NO. 2009-P13

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A
5 REVISION TO A CONDITIONAL USE PERMIT AND A
6 REGULAR COASTAL PERMIT ON CERTAIN REAL
PROPERTY IN THE CITY OF OCEANSIDE

7 APPLICATION NO: C-3-97REV08, RC-4-08
8 APPLICANT: 500 Motors Revision
9 LOCATION: 116 South Coast Highway

10 THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES
11 RESOLVE AS FOLLOWS:

12 WHEREAS, there was filed with this Commission a verified petition on the forms
13 prescribed by the Commission requesting a Revision to a Conditional Use Permit (C-3-97REV08)
14 and Regular Coastal Permit (RC-4-08) under the provisions of Articles 11 and 41 of the Zoning
Ordinance of the City of Oceanside to permit the following:

15 to revise an existing Conditional Use Permit (C-3-97) for vehicle sales to incorporate a
16 commercial automobile sales use within an existing building located at 116 South Coast
17 Highway in association with an existing auto sales business located adjacent to the site at
18 102 South Coast Highway.

on certain real property described in the project description.

19 WHEREAS, the Planning Commission, after giving the required notice, did on the 23rd
20 day of March, 2009 conduct a duly advertised public hearing as prescribed by law to consider said
21 application.

22 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
23 Guidelines thereto; this project has been found to be categorically exempt from CEQA per Class 1
24 "Existing Facilities," Article 19 Section 15301;

25 WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes
26 effective 10 days from its adoption in the absence of the filing of an appeal or call for review;

27 WHEREAS, the documents or other material which constitute the record of
28 proceedings upon which the decision is based will be maintained by the City of Oceanside
29 Planning Division, 300 North Coast Highway, Oceanside, California 92054.

1 WHEREAS, studies and investigations made by this Commission and in its behalf reveal
2 the following facts:

3 FINDINGS:

4 For the Revision to the Conditional Use Permit:

- 5 1. The proposed use is in accord with the objectives of the Zoning Ordinance and the
6 purposes of the Commercial General land use district. The applicant currently
7 occupies an existing building for commercial sales of new and used automobiles
8 adjacent to this site at 102 South Coast Highway and will add the vehicle sales use at
9 this location (116 South Coast Highway) as part of the existing Conditional Use Permit
10 (C-3-97).
- 11 2. The conditions and the restrictions of the Conditional Use Permit Revision are consistent
12 with the General Plan, and the proposed use will not be detrimental to the welfare of
13 persons or properties working, residing, or otherwise existing in the adjacent
14 neighborhood areas. This vehicle sales use would be apart and adjacent to the existing
15 vehicle sales site at 102 South Coast Highway known as 500 Motors, and would not
16 significantly impact the area as well as the neighboring properties, because the vehicle
17 sales use would be consistent with adjoining properties within this commercial district.
18 As specified in the description and plans, the generated traffic and noise from the
19 proposed facility will be limited due to low demands of loading that is required with the
20 business and the limited hours-of-operation. The proposed use is subject to
21 improvements to the existing building at 116 South Coast Highway that would enhance
22 the property.
- 23 3. The conditional use is subject to and must comply with specific local conditions and
24 additional regulations as deemed necessary by other regulatory or permit authorities. The
25 approval does not relieve the applicant from an obligation to obtain any state or federal
26 permits for automobile sales within an existing building.

27 For the Regular Coastal Permit:

- 28 1. The proposed project is consistent with the policies of the Local Coastal Program and
29 does not impact beach parking. The property is at least a quarter mile from the coast;
therefore the parking demand is limited.

1 2. The proposed project is consistent with the policies of the Land Use Element of the
2 General Plan, Zoning Ordinance and Local Coastal Program as implemented through
3 the Zoning Ordinance. Specifically, the location of the site is east of South Coast
4 Highway in an urbanized area, and based on the criteria for development; the proposed
5 project shall not substantially alter or impact existing public views of the coastal zone
6 area.

7 3. The proposed use is situated within an existing building and will not obstruct any
8 existing or planned public beach access; therefore, the project is in conformance with
9 the policies of Chapter 3 of the Coastal Act.

10 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
11 approve Conditional Use Permit Revision (C-3-97REV08) and Regular Coastal Permit (RC-4-08)
12 subject to the following conditions:

13 **Building:**

- 14 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
15 Building Division plan check. (As of January 1, 2008 the 2007 California Building
16 Code, and 2007 California Electrical Code)
- 17 2. Applicable Building Codes and Ordinances shall be based on the date of submittal for
18 Building Division plan check. (As of January 1, 2008 the 2007 California Building
19 Code, and 2007 California Electrical Code)
- 20 3. The granting of approval under this action shall in no way relieve the applicant/project
21 from compliance with all State and Local building codes.
- 22 4. Site development, parking, access into buildings and building interiors shall comply
23 with the State's Disabled Accessibility Regulations. (2007 California Building Code
24 (CBC), Chapter 11B)
- 25 5. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution
26 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or
27 other such lights may be utilized and shall be shown on building and electrical plans.
- 28 6. This is a change in use as defined in the California Building Code (CBC) from A-3 to
29 B. Prior to Occupancy, the building must comply with all CBC requirements for the
new use, and a new Certificate of Occupancy (C of O) must be issued by the Building
Division. In order for a new C of O to be issued, a licensed architect or engineer must

1 submit an analysis to the Building Division showing the status of the building with
2 respect to the code requirements for the new use. If the building does not currently
3 comply with the requirements for the new use, a permit will be necessary for the work
4 necessary to bring the building into compliance, and the C of O will be issued upon
5 completion of the permit.

6 7. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
7 plans.

8 8. Energy Calculations/documentation will be required at time of plans submittal to the
9 Building Division for plan check.

10 9. The developer shall monitor, supervise and control all building construction and
11 supporting activities so as to prevent these activities from causing a public nuisance,
12 including, but not limited to, strict adherence to the following:

13 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
14 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
15 work that is not inherently noise-producing. Examples of work not permitted on
16 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
17 producing nature. No work shall be permitted on Sundays and Federal Holidays
18 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
19 Christmas Day) except as allowed for emergency work under the provisions of the
20 Oceanside City Code Chapter 38 (Noise Ordinance).

21 b) The construction site shall be kept reasonably free of construction debris as
22 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
23 approved solid waste containers shall be considered compliance with this
24 requirement. Small amounts of construction debris may be stored on-site in a
25 neat, safe manner for short periods of time pending disposal.

26 **Engineering:**

27 10. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines
28 and Specifications for Landscape Development (latest revision), Water Conservation
29 Ordinance No. 91-15, Engineering criteria, City code and ordinances, including the
maintenance of such landscaping, shall be reviewed and approved by the City Engineer
prior to the issuance of building permits. Landscaping shall not be installed until

1 bonds have been posted, fees paid, and plans signed for final approval. The following
2 landscaping requirements shall be required prior to plan approval and certificate of
3 occupancy:

- 4 a) Final landscape plans shall accurately show placement of all plant material such
5 as but not limited to trees, shrubs, and groundcovers.
- 6 b) Landscape Architect shall be aware of all utility, sewer, storm drain easement
7 and place planting locations accordingly to meet City of Oceanside
8 requirements.
- 9 c) All required landscape areas shall be maintained by owner. The landscape
10 areas shall be maintained per City of Oceanside requirements.
- 11 d) Proposed landscape species shall be native or naturalized to fit the site and meet
12 climate changes indicative to their planting location. The selection of plant
13 material shall also be based on cultural, aesthetic, and maintenance
14 considerations. In addition proposed landscape species shall be low water users
15 as well as meet all Fire Department requirements.
- 16 e) All planting areas shall be prepared with appropriate soil amendments,
17 fertilizers, and appropriate supplements based upon a soils report from an
18 agricultural suitability soil sample taken from the site.
- 19 f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil
20 from the sun, evapotranspiration and run-off. All the flower and shrub beds
21 shall be mulched to a 3" depth to help conserve water, lower the soil
22 temperature and reduce weed growth.
- 23 g) The shrubs shall be allowed to grow in their natural forms. All landscape
24 improvements shall follow the City of Oceanside Guidelines.
- 25 h) Root barriers shall be installed adjacent to all paving surfaces, where a paving
26 surface is located within six feet of a trees trunk on-site (private) and within 10
27 feet of a trees trunk in the right-of-way (public). Root barriers shall extend five
28 feet in each direction from the centerline of the trunk, for a total distance of 10
29 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around
the tree's root ball is unacceptable.
- i) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall

1 obtain planning department approval for these items in the conditions or
2 application stage prior to 1st submittal of working drawings.

3 j) For the planting and placement of trees and their distances from hardscape and
4 other utilities/structures the landscape plans shall follow the City of
5 Oceanside's (current) Tree Planting Distances and Spacing Standards.

6 k) An automatic irrigation system shall be installed to provide coverage for all
7 planting areas shown on the plan. Low precipitation equipment shall provide
8 sufficient water for plant growth with a minimum water loss due to water run-
9 off.

10 l) Irrigation systems shall use high quality, automatic control valves, controllers
11 and other necessary irrigation equipment. All components shall be of non-
12 corrosive material. All drip systems shall be adequately filtered and regulated
13 per the manufacturer's recommended design parameters.

14 m) All irrigation improvements shall follow the City of Oceanside Guidelines and
15 Water Conservation Ordinance.

16 n) The landscape plans shall match all plans affiliated with the project.

17 o) Landscape plans shall comply with Biological and/or Geotechnical reports, as
18 required, shall match the grading and improvement plans, comply with SWMP
19 Best Management Practices and meet the satisfaction of the City Engineer.

20 p) Existing landscaping on and adjacent to the site shall be protected in place and
21 supplemented or replaced to meet the satisfaction of the City Engineer.

22 11. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-
23 way and within any adjoining public parkways shall be permanently maintained by the
24 owner, his assigns or any successors-in-interest in the property. The maintenance
25 program shall include: a) normal care and irrigation of the landscaping b) repair and
26 replacement of plant materials c) irrigation systems as necessary d) general cleanup of
27 the landscaped and open areas e) parking lots and walkways, walls, fences, etc. Failure
28 to maintain landscaping shall result in the City taking all appropriate enforcement
29 actions including but not limited to citations. This maintenance program condition shall
be recorded with a covenant as required by this resolution.

1
2 12. In the event that the conceptual landscape plan (CLP) does not match the conditions of
3 approval, the resolution of approval shall govern.

4 **Fire:**

5 13. Buildings shall meet Oceanside Fire Department's current codes at the time of building
6 permit application.

7 **Planning:**

8 14. This Conditional Use Permit Revision (C-3-97REV08) and Regular Coastal Permit
9 (RC-4-08) approves only the operation of a commercial automobile storage and sales
10 within an existing building located at 116 South Coast Highway, and in association with
11 the existing and neighboring business located at 102 South Coast Highway, as shown on
12 the plans and exhibits presented to the Planning Commission for review and approval.
13 No deviation from these approved plans and exhibits shall occur without City Planner
14 approval.

15 15. The vehicle sales and storage use at 116 South Coast Highway is limited to operate for
16 no more than 10 years.

17 16. Conditional Use Permit (C-3-97REV08) shall lapse three years from the effective date
18 of approval unless a business license is approved.

19 17. The term of this Conditional Use Permit and Regular Coastal Permit shall be 10 years
20 from the date this resolution is signed. Vehicle sales and storage at 116 South Coast
21 Highway shall cease at the end of the 10-year term unless another Revision to the
22 Conditional Use Permit or a New Conditional Use Permit is issued.

23 18. Within one year after approval of this Revision to Conditional Use Permit and Regular
24 Coastal Permit, the applicant shall obtain permits to construct new windows in place of
25 the old windows and a sliding door via Topeka Street for the existing building at 116
26 South Coast Highway. All plans for reconstruction of the windows shall be subject to
27 the City Planner approval. Failure to submit plans for reconstruction of the windows
28 and doors for the building at 116 South Coast Highway shall constitute a violation of
29 the Conditional Use Permit.

19. In the event that this use permit is exercised in violation of a condition of approval or a
provision of the Zoning Ordinance, the use permit may be revoked, as provided in
Section 4706.

1 20. A request for changes in conditions of approval for C-3-97REV08 or a change to the
2 approved plans that would affect a condition of approval shall be treated as a new
3 application. The City Planner may waive the requirements for a new application if the
4 changes requested are minor, do not involve substantial alterations or addition to the
5 plan or the conditions of approval, and are consistent with the intent of the project's
6 approval or otherwise found to be in substantial conformance.

7 21. Unless expressly waived, all current zoning standards and City ordinances and policies
8 in effect at the time a business license is approved are required to be met by this project.
9 The approval of this project constitutes the applicant's agreement with all statements in
10 the Description and Justification and other materials and information submitted with
11 this application, unless specifically waived by an adopted condition of approval.

12 22. This Conditional Use Permit shall be called for review by the Planning Commission if
13 complaints are filed and verified as valid by the Code Enforcement Office concerning
14 the violation of any of the approved conditions or does not conform with the
15 information contained in or representations made in the application, any supporting
16 material submitted to the City or during any hearing on the application.

17 23. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
18 harmless the City of Oceanside, its agents, officers or employees from any claim, action
19 or proceeding against the City, its agents, officers, or employees to attack, set aside,
20 void or annul an approval of the City, concerning Conditional Use Permit (C-35-07).
21 The City will promptly notify the applicant of any such claim, action or proceeding
22 against the City and will cooperate fully in the defense. If the City fails to promptly
23 notify the applicant of any such claim action or proceeding or fails to cooperate fully in
24 the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or
25 hold harmless the City.

26 24. A covenant or other recordable document approved by the City Attorney shall be
27 prepared by the applicant and recorded within 60 days from the date of project
28 approval. The covenant shall provide that the property is subject to this resolution, and
29 shall generally list the conditions of approval.

20. Operation of the business located at 116 South Coast Highway is limited to Monday to
Saturday from 9:00 a.m. until 9:00 p.m. and Sundays from 10:00 a.m. to 7:00 p.m, and

1 may be further limited by the Planning Commission when valid issues or complaints
2 pertaining to the hours-of-operation arise.

3 26. The lights inside the existing building located at 116 South Coast Highway will only have
4 security lighting on after business hours.

5 27. The applicant shall provide a landscape plan for the properties at 102 and 116 South Coast
6 Highway, and the plan shall be subject to approval of the City Planner prior to approval of
7 a business license

8 28. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
9 written copy of the applications, staff report and resolutions for the project to the new
10 owner and or operator. This notification's provision shall run with the life of the project
11 and shall be recorded as a covenant on the property.

12 **Water Utilities:**

13 29. The developer will be responsible for developing all water and sewer utilities necessary to
14 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
15 the developer and shall be done by an approved licensed contractor at the developer's
16 expense.

17 30. The property owner shall maintain private water and wastewater utilities located on private
18 property.

19 31. Water services and sewer laterals constructed in existing right-of-way locations are to be
20 constructed by approved and licensed contractors at developer's expense.

21 32. All Water and Wastewater construction shall conform to the most recent edition of the
22 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
23 the Water Utilities Director.

24 33. All public water and/or sewer facilities not located within the public right-of-way shall be
25 provided with easements sized according to the Water, Sewer, and Reclaimed Water
26 Design and Construction Manual. Easements shall be constructed for all weather access.

27 34. No trees, structures or building overhang shall be located within any water or wastewater
28 utility easement.

29 35. A separate irrigation meter and approved backflow prevention device is required and shall
be displayed on the plans.

1 36. If a repair garage with a grease rack or grease pit shall be proposed, then a Grease and Oil
2 Interceptor, described by the Uniform Plumbing Code, relating to repair garages, gasoline
3 stations or grease racks shall be installed in the building sewer in an appropriate location
4 and shall be maintained by the property owner. The location shall be called out on the
5 approved Improvement Plans

6 37. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
7 be paid to the City and collected by the Water Utilities Department at the time of Building
8 Permit issuance.

9 PASSED AND ADOPTED Resolution No. 2009-P13 on March 23, 2009 by the
10 following vote, to wit:

11 AYES:

12 NAYS:

13 ABSENT:

14 ABSTAIN:

15 _____
16 Claudia Troisi, Chairperson
17 Oceanside Planning Commission

18 ATTEST:

19 _____
20 Jerry Hittleman, Secretary

21 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
22 this is a true and correct copy of Resolution No. 2009-P13.

23 Dated: March 23, 2009
24
25
26
27
28
29

1 PLANNING COMMISSION
2 RESOLUTION NO. 97-P14

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
4 OCEANSIDE, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT
5 AND AN ALTERNATE SIGN PERMIT ON CERTAIN REAL PROPERTY IN
6 THE CITY OF OCEANSIDE

7 APPLICATION NO.: C-03-97, ASP-1-97
8 APPLICANT: Weseloh Chevrolet
9 LOCATION: 102 South Coast Highway

10 THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA
11 DOES RESOLVE AS FOLLOWS:

12 WHEREAS, there was filed with this Commission a verified
13 petition on the forms prescribed by the Commission requesting a
14 Conditional Use Permit and Alternate Sign Permit under the
15 provisions of Articles 41 and 33 of the Zoning Ordinance of the
16 City of Oceanside to permit the following:

17 vehicle sales business and the associated use of an
18 existing non-conforming pole sign;

19 on certain real property legally described as shown on EXHIBIT
20 "A" attached hereto and incorporated herein by reference
21 thereto.

22 WHEREAS, the Planning Commission, after giving the required
23 notice, did on the 10th day of March, 1997 conduct a duly
24 advertised public hearing as prescribed by law to consider said
25 application.

26 WHEREAS, studies and investigations made by this Commission
27 and in its behalf reveal the following facts:

28 For the Conditional Use Permit:

1. The operation of the vehicle sales facility is in accord with the objectives of the Zoning Ordinance. The operational characteristics of this use is compatible with the surrounding business. The use is consistent with existing and historical land uses which are uniquely characteristic of the South Coast Highway commercial corridor.
2. Parking is adequate to serve this use as well as other land uses on the property. The proposed use will not be a detriment to properties or improvements in the vicinity or to the general welfare of the City.

1
2 3. Conditions have been placed on the proposed use so that it
3 will be operated in a manner consistent with City codes and
ordinances.

4 For the Alternate Sign Permit:

5 1. The physical location and associated sign area the existing
6 sign type is not in accordance with the effective sign
regulations of the Zoning Ordinance.

7 2. The intended use of property as a vehicle sales lot, and
8 the existence of other structure upon the surrounding
9 properties and within the street right-of-way, would render
the sign ineffective under the strict application of the
effective sign setback requirements.

10 3. The proposed sign location is consistent with the location
11 of other signs and structures along the Coast Highway
12 commercial corridor. As such, the sign would not be
detrimental to the surrounding land uses.

13 4. The sign is designed to integrate into a corporate sign
theme and sign improvement program for the property.

14 WHEREAS, the Planning Commission finds that the project is
15 exempt from the requirements of environmental review pursuant to
the provisions of the California Environmental Quality Act.

16 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission
17 does hereby APPROVE of Conditional Use Permit (C-3-97) and
18 Alternate Sign Permit (ASP-1-97) subject to the following
conditions:

19 Building:

20 1. Applicable Building Codes and Ordinances shall be based on
the date of submittal for Building Department plan check.

21 2. The granting of approval under this action shall in no way
22 relieve the applicant from compliance with all State and
local building codes.

23 3. Site development, parking, access into buildings and
24 building interiors shall comply with Part 2, Title 24, CCR
(Disabled Access - Nonresidential buildings - D.S.A.).

25 4. Application for Building Permit will not be accepted for
26 this project until plans indicate that they have been
27 prepared by a licensed design professional (Architect and
Engineer). The design professional's name, address, phone
28 number, State license number and expiration date shall be
printed in the title block of the plans.

1
2 Engineering:

3 5. Design and construction of all improvements shall be in
4 accordance with standard plans, specifications of the City
of Oceanside and subject to approval by the City Engineer.

5 Fire:

6 6. Fire extinguishers are required and shall be placed on-
site.

7 Planning:

8 7. This Conditional Use Permit and Alternate Sign Permit shall
9 expire on March 10, 1999 unless implemented as required by
the Zoning Ordinance.

10 8. Prior to the transfer of ownership and/or operation of the
11 site the owner shall provide a written copy of the
12 applications, staff report and resolutions for the project
to the new owner and or operator. This notification's
provision shall run with the life of the project.

13 9. Failure to meet any conditions of approval for this
14 development shall constitute a violation of the Conditional
Use Permit.

15 10. Unless expressly waived, all current zoning standards and
16 City ordinances and policies in effect at the time building
permits are issued are required to be met by this project.
17 The approval of this project constitutes the applicant's
agreement with all statements contained within the
18 Description and Justification and other materials and
information submitted with this application, unless
19 specifically waived by an adopted condition of approval.

20 11. This Conditional Use Permit shall be called for review by
the Planning Commission if complaints are filed and
21 verified as valid by the Code Enforcement Office concerning
the violation of any of the approved conditions or
22 assumptions made by the application.

23 12. The applicant shall be responsible for trash abatement on
the site, and shall keep the site free of litter, trash and
24 other nuisances.

25 13. Modifications to the elevations and the floor plans shall
be substantially the same as those approved by the Planning
26 Commission. These shall be shown on plans, as required, to
be submitted to the Building Department and Planning
27 Department.
28

1
2 14. This Conditional Use Permit is granted for the following
3 use only: the rental of vehicles. No repair activities
4 shall occur within the building or on the premises. Any
5 change resulting in the increased use of the premises that
6 cannot be approved through the substantial conformity
7 process, or the expansion of the use will require a
8 revision to the Conditional Use Permit or a new Conditional
9 Use Permit.

10 15. This Alternate Sign Permit is granted only for the
11 following: the use of an existing double-faced pole sign,
12 14-feet in height, located less than 2-feet from property
13 line(s), and containing 32 square-feet of sign area. Any
14 change in the physical form or location of the sign shall
15 constitute a loss of non-conforming status and shall render
16 the sign illegal.

17 All other signs for this business shall be in accordance
18 with the effective zoning regulations and building codes.

19 16. The hours-of-operation for this business operation are not
20 limited. However, the hours-of-operation may be further
21 reviewed and limited by the Planning Commission when valid
22 issues or complaints pertaining to the hours-of-operation
23 arise.

24 17. The off-site parkway area fronting Seagaze Drive shall be
25 landscape and permanently maintained in conjunction with
26 the exercising of the Conditional Use Permit. The final
27 landscape materials shall be reviewed and approved by the
28 Planning Director and the City Engineer prior to
installation.

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1 18. All graffiti placed on the tenant leased area's elevations
2 shall be removed by the applicant within 24 hours of
3 occurrence.

4 PASSED and ADOPTED on this 10th day of March, 1997 by the
5 following vote, to wit:

6 AYES:

7 NAYES:

8 ABSENT:

9 ABSTAIN:

10
11 Reinaldo Altamirano, Chairman

12 ATTEST:

13
14
15 Michael J. Blessing, Secretary

16 I, MICHAEL J. BLESSING, Secretary of the Oceanside Planning
17 Commission, hereby certify that this is true and correct copy of
18 Resolution No. 97-P14.

19 Dated: _____

MICHAEL J. BLESSING, Secretary
OCEANSIDE PLANNING COMMISSION

AGENDA NO. 5

PLANNING COMMISSION



STAFF REPORT

WESELOH CHEVROLET
CONDITIONAL USE PERMIT (C-3-97)
ALTERNATE SIGN PERMIT (ASP-1-97)
March 10, 1997

REQUEST: A Conditional Use Permit for the establishment of a new vehicles sales business and an Alternate Sign Permit to use an existing non-conforming sign for business identification purposes. The property located at the southeast corner of South Coast Highway and Seagaze Drive (102 South Coast Highway) and is situated within the Townsite Neighborhood.

APPLICANT: Weseloh Chevrolet, d.b.a. Weseloh Used Cars

I. RECOMMENDATION

The Planning Commission APPROVE Conditional Use Permit (C-3-97) and Alternate Sign Permit (ASP-1-97) and ADOPT Resolution No. 97-P14 as attached.

II. PROJECT DESCRIPTION AND BACKGROUND

Background: The historical use of the property has been vehicle sales and rentals since the early 1950's. Weseloh Chevrolet has had an ownership interest in the property since that time. Weseloh has intermittently operated its own vehicles sales dealerships during the life of its property ownership there. The most recent prior business operator, Budget Car and Truck Rentals, operated a vehicle rental business between May of 1993 and June of 1996.

The property consists of 15,000 square-feet of land area and a 480 square-foot office building. The property is essentially developed as a paved sales lot. The surrounding land uses consist of retail businesses, service commercial businesses, and a post office.

The existing pole sign on the property is the subject of the associated Alternate Sign Permit application. The sign has been used for business identification, in its existing form and location, in conjunction with the past vehicle-related businesses. The sign

is double-faced, approximately 14-feet high, and contains 32 square-feet of sign area measuring 8-feet wide by 4-feet high. The sign is located within two-feet of the South Coast Highway and Seagaze Drive property lines.

The sign is non-conforming as it exceeds sign the applicable sign area limitation (20 square feet). In addition, the location of the sign does not meet the applicable setback requirements (15 feet from South Coast Highway property line and 10 feet from Seagaze Drive property line).

The property is zoned CG (General Commercial District) wherein the operation of new vehicle sales businesses require the approval of a Conditional Use Permit (CUP). The prior vehicle-related businesses were not sanctioned by an operative CUP and represent non-conforming land uses relative to the current and effective zoning regulations. Since the most recent business had been discontinued for more than 180 days, the non-conforming use status on the property has expired. As such, a new CUP is required for Weseloh's occupancy there.

Project Description: The applicant proposes to operate a vehicle sales business which specializes in used vehicles. The business operation will be staffed with four to six employees. The sales lot inventory will range between 45 and 65 vehicles at any one time.

The applicant has completed a refurbishment of the property which includes, interior and exterior painting and other surface treatments to the office building. The applicant proposes additional improvements in the form of accent landscaping on the property, and off-site landscaping within the parkway area fronting Seagaze Drive. As part of the improvement program the applicant intends to install a business identification wall sign on the office building and refinish and reface the existing pole sign. The improvements to the pole sign will not alter or intensify the existing structure and the sign will remain as a non-illuminated sign.

The project is subject to the following ordinances, standards and policies:

- A. The Zoning Ordinance
- B. California Environmental Quality Act (CEQA)

III. ANALYSIS

KEY PLANNING ISSUES

1. Is the proposed conditional use, and the conditions under which it would be operated, compatible with the surrounding business area?

2. Does the proposed conditional use extend any particular negative impacts to the surrounding properties and land uses?
3. Is the retention and utilization of the existing pole sign consistent with the findings which are required for approval of an Alternate Sign Permit?

DISCUSSION

It is staff's opinion that the operation of a new vehicle sales business at the property would be compatible with the surrounding businesses and does not extend any particular impacts to the area. The history of vehicle-related uses on the property mirror the history of significant land uses along the Coast Highway business corridor. Many of the pre-existing vehicle-related businesses have remained as continuous non-conforming businesses, or have remained as continuous conditional uses. In addition, there have been no significant business trends within the general commercial environment; whereby, new business establishments may be threatened by vehicle-related uses. As such, and given the land use history of the subject property, staff views the proposal as a compatible addition to the Coast Highway business community.

Likewise, it is staff's opinion that the retention and use of the existing pole sign is also supportable based upon several unique aspects of the Coast Highway commercial corridor. The unique aspects of this area include: relatively wide sidewalk/parkway, ranging between 12-feet and 18-feet in width, and the fact that the Coast Highway corridor is essentially "built-out" with older and pre-existing property improvements - many of which are non-conforming in comparison to the current standards.

The zoning standards prior to 1988, allowed front yard setbacks of as little as 5-feet fronting South Coast Highway. The prior zoning standards compensated for the wide sidewalk and parkway character of Coast Highway and the configuration of the fronting lots. As such, properties which exhibit non-conforming street-frontage setbacks represent the norm rather than the exception. The location of the existing sign is in accordance with buildings, signs, street fixtures and utilities within the immediate and surrounding area.

It is staff's assumption that the commercial properties along the Coast Highway corridor will not experience a comprehensive change-out to structural and setback conformity within the near future. As such, it is staff's opinion that this area may warrant special consideration in this regard.

The South Coast Highway/Seagaze Drive intersection is a four-way signalized intersection, and on-street parking is permitted on both streets. The combined effect of on-street parking, the built-out character of the area, and controlled intersection

render the existing sign as not constituting a potential traffic or sight-distance hazard.

IV. ENVIRONMENTAL DETERMINATION

The project is exempt from the California Environmental Quality Act.

V. SUMMARY

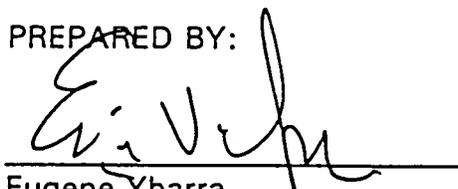
Vehicle-related uses are an existing and historical characteristic of the Coast Highway corridor. These uses are also a historical aspect of the business activities which have been conducted on the subject property. It is staff's opinion that the operation of a new vehicle sales business is compatible with the Coast Highway business environment, and does not pose any negative impact to the area. Likewise, the existing pole sign is representative of the development pattern that exists in the area. Therefore, staff recommends that the Planning Commission APPROVE the Conditional Use Permit and Alternate Sign Permit and ADOPT Resolution No. 97-P14. The Commission's action should be as follows:

- Move to APPROVE Conditional Use Permit (C-3-97) and Alternate Sign Permit (ASP-1-97) and ADOPT Resolution No. 97-P14.

REVIEWED BY:
Gerald S. Gilbert
Senior Planner



PREPARED BY:



Eugene Ybarra
Assistant Planner

SUBMITTED BY:



Michael J. Blessing
Planning Director

EY/MJB/vnm

Attachment:

1. Planning Commission Resolution No. 97-P14



March 16, 2008

Mr. Scott Nightingale
Planner II
Planning Division
City of Oceanside
300 N.Coast Highway
Oceanside, CA 92054

Subject: 500 Motors Notice of Application
116 S. Coast Highway

Dear Mr. Nightingale;

It was a pleasure to meet you last week and as promised I am writing to provide to you a brief glimpse into the life of 500 Motors from the time they opened at 102 S.Coast Highway to the present.

We bought our property, a four-plex, at 114 S. Freeman Street in January of 2002, which is directly across the street from the 500 Motors facilities. At that time 500 Motors did not exist at their present location, nor in any of the locations that they have expanded into (I have provided you an aerial photograph and have noted the properties they now utilize to conduct business.) When contemplating the purchase of our property, we visited with the Redevelopment Agency and the Planning Department to see what the future might look like in the immediate area surrounding our property.

As an architect I have been extremely active in planning/entitlement processes throughout the Western United States. I know how to find information about future projects in or near Redevelopment Zones and the surrounding areas. I was quite pleased to find out that Oceanside had designated a Redevelopment Zone which, at its Southern boundary, ended at Seagaze. I was optimistic that the City would be aware of and be sensitive to any developments that may occur in the immediate adjacent properties that would impact the desires and objectives of the Redevelopment Agency. Further, it was exciting to learn about the many proposed projects, 4 of which have now been built, that would enhance the quality of life in our neighborhood and add value to our property.

Of particular interest was the vacant lot located on the Southeast corner of Seagaze and the Coast Highway, the vacant building adjacent to it, and the vacant 2/3 block of Freeman Street immediately behind the Coast Highway properties (Denoted on the attached photograph as 1, 2, and 4). Here was a full block on the Coast Highway that, if planned properly, could have a tremendous impact to the City of Oceanside and be the southern gateway to the City and particularly to the Redevelopment Zone. Knowing

RECEIVED
MAR 18 2008
Planning Department

**Simmons Group
Architecture**

114 S. Freeman St, #1
Oceanside, CA 92054
Phone: 760-721-8670
Fax: 760-721-8670

3. Violation of Outdoor Work Guidelines – Items 1, 3, 4, & 8 violated. Outdoor Work Permit required. (Attached)
4. Violation of Land Use Regulations (CG) – Article 11, Section 1120. No use permit for Automobile Washing, No Conditional Use Permit for Vehicle/Equipment repair, No Use Permit for Vehicle/Equipment Sales & Rentals. (Attached)
5. Violation of Off-Street Parking and Loading Regulations, Article 31, Sections 3101,3102,3103,3113-3118. (Attached)
6. Violation of Noise Control, City Code, Article III, Chapter 38, Sec. 38.12, General Sound Level Limits. (Attached)
7. Violation City Code Light Pollution Regulations, Sec. 39.6, 39.8, 39.9. (Attached)

These violations have produced a blackeye that flies in the face of the City of Oceanside. They symbolize a disconnect between the city offices and the private business sector which in turn causes diminishing quality of life and financial return for those that are effected by them.

In our case, 500 Motor's unabated growth and disregard for their actions has caused us difficulty in renting our apartments. Many times I have heard from prospective tenants that they would not live here because of the noise and blight created by 500 Motors. Tenants that live here complain regularly about the noise coming from the service yard and the lights shining into their apartments from the car lot. It is possible to read outside at night with only the lights from 500 Motors. Their telephone paging system rings so loudly (7 days a week until 9:00 PM) that guests ask us if we shouldn't answer our phone. There is a clear connection between reduced rent as well as increased vacancy and having 500 Motors as a neighbor.

We have repeatedly contacted 500 Motors and have been more than graceful in our requests for change. We asked them to lower the angle of the sale lot lights so they wouldn't glare onto our property. They have failed to do so upon repeated requests. We asked them to lower their paging system, which they did for about 6 months. Now it is back to full volume. We asked that the car deliveries take place in the alley, now a new service department has them delivered on Freeman Street, which causes a great disturbance by idling trucks. Their service department now has a generator which powers their air-tools and power-sprayers. This generator reverberates throughout our neighborhood and is so loud that we don't keep our windows open. Now our quality of life is suffering along with the financial hardship that 500 Motors brings.

All of this could have been alleviated if the City of Oceanside was paying attention and required a use-permit to occupy all 6 properties. Now you have the chance to review this situation because of the application 500 Motors submitted for 116 S. Coast Highway. Do what is right and just.

Place conditions on their use-permit which will insure that they are good neighbors. Make them landscape properly and screen all of their properties. Require them to enclose all buildings where out-door work is being done. Have them replace exterior light fixtures so that they do not spill onto adjacent properties. Do not allow exterior paging

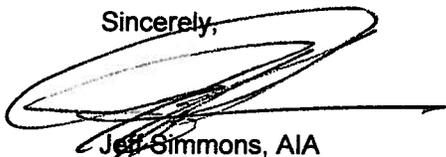
SGA

systems. Make all their facilities be compliant with all building and zoning codes. Require off-street parking and loading zones per zoning ordinances. Require them to apply for use-permits for 114 S. Coast Highway, 113-115 S. Freeman Street, and 210 S. Freeman Street. Have them list all services which they provide so that appropriate laws and codes are enforced (e.g. outdoor paint booths). Require them to submit to Design Review.

These conditions will insure that they are respectful neighbors and are following the guidelines that the City has set forth thus achieving the vision we all have for Downtown Oceanside. They have been here in Oceanside for 5 years, conducting their business with impunity. It is time that the City of Oceanside takes responsibility for their mistakes regarding 500 Motors and corrects the course.

If I can be of further service, please let me know. I look forward to seeing your report, as well as the Fire and Building Department's reports. It is my understanding; that you will be submitting a response letter to the applicant's sometime soon. Will you please send me a copy or let me know when it is available. I believe you said the 19th.of March.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Simmons", with a large, sweeping flourish extending to the right.

Jeff Simmons, AIA

cc; Katy Baker
file

500 MOTORS

Fine Pre-Owned Vehicles

April 23, 2008

Mr. Scott Nightingale
Planning Division
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92054

RECEIVED
APR 28 2008
Planning Department

Subject: Response to Mr. Simmons' letter of March 16, 2008

Dear Mr. Nightingale:

Our general manager, Ty Hajjar, has spoken with Mr. Simmons and was already working on some of his concerns even before Mr. Simmons sent his letter to you on March 16. We will continue to work with Mr. Simmons in good faith, yet while doing so, we believe it would be good to address some of his issues in this letter so that any other parties reviewing our file can be informed of the facts of the matter.

Before discussing those issues, however, it is very important to note that his concerns pertain to different properties other than the subject property of this application, which is 116 South Coast Highway, an address that is neither within sight or sound range of Mr. Simmons' apartments. While as good neighbors we will respectfully continue to work with Mr. Simmons, we will only do so outside of this application since the issues raised do not pertain to the subject property of this application.

Beyond the fact that the issues raised are not pertinent to 116 South Coast Highway, many of the statements Mr. Simmons made in his letter are damagingly untrue. We hope that these inaccuracies by Mr. Simmons were accidental, yet they certainly bear the need for response. Here is only a partial list of his inaccurate statements, followed immediately by the facts which can be easily verified in City records.

Statement made by Mr. Simmons: "the vacant lot (referring to our automobile lot)...had been vacant for at least six months...and would require a special use permit."

Facts: The automobile lot (at 102 South Coast Highway) was vacant only January and February of 2003 and because of that short period, it did NOT require our acquiring a new special use permit. Continued use was allowed there, and we applied for and received our valid City license for that use on that property in 2003, and we have renewed that license to operate every year since.

102 South Coast Hwy. Oceanside, CA 92054

Ph: 760-722-2777
Fax: 760-722-9475

www.500motors.com
sales@500motors.com

Statement made by Mr. Simmons: "Then they expanded into 113 and 115 South Freeman Street..."

Facts: We did not "expand" into those two addresses. Both of those properties were an integral part of our original lease and our original set of applications filed with the City. Both of those properties were granted valid City licenses then, and we have renewed those licenses every year.

Statement made by Mr. Simmons: "...subleasing to mechanics and detailers to service their dealership..."

Facts: Though it would have been our legal privilege to acquire tenants to work on our vehicles, we simply inherited the tenants to which he referred, namely a used tire company and a mechanical service company. Those tenants had leases for portions of the property when we began there, and the properties were already permitted for those uses. We applied to the City and were granted valid City licenses to conduct our business at those properties. Those tenants never worked for us or provided service for our company whatsoever, contrary to what was stated in Mr. Simmons' letter.

Statement made by Mr. Simmons: "Then they expanded to 201 S. Freeman Street for overflow storage of cars..."

Facts: We did not "expand" to 201 S. Freeman. We have used that property, which is actually 515 Topeka, since our first day in business in 2003. At that time, it had shared usage by three entities: 500 Motors, and the above mechanical service company and used tire company. We applied for and received a valid City license for that property and have renewed it every year since. The other tenants have since moved out, and we are the only remaining tenants. There had been old boats and over a dozen unregistered vehicles parked there for two years before we ever arrived. With the help of our City and the police, we got rid of all the old junk there and have kept that area clean ever since.

Statement made by Mr. Simmons: "Then they expand to 114 S. Coast Highway for administrative offices."

Facts: We did not "expand" to 114 South Coast Highway. We leased 114 as part of our original lease on day one. We applied for and received a valid City license for that address in 2003 and have renewed that license every year.

Statement made by Mr. Simmons: "Each one of these occupancies required a use permit, none were applied for, and yet there they are, conducting business with impunity for over 5 years, right under the noses of the City of Oceanside."

Facts: We properly filed applications for each and every address, and we received valid City licenses for every one of those properties. We have renewed each of those licenses every year. It is very unfortunate and misleading that such inaccurate accusations have been included in this application. All that anyone needs to do to verify the truth of my statements here is to ask a City staff member for the records. They are available to anyone.

Statement made by Mr. Simmons: "All of this could be alleviated if the City of Oceanside was paying attention and required a use-permit to occupy all six properties."

Facts: The City staff and 500 Motors met all requirements. We applied for and received valid City licenses for all the addresses we occupy, and we renew each license annually. Again, this information is readily available for anyone to see at the City.

Statement made by Mr. Simmons: "Now you (the City) have the chance to review this situation because of the application 500 Motors submitted for 116 S. Coast Highway."

Facts: None of Mr. Simmons' remarks even pertain to 116 South Coast Highway. As stated, out of good will, we will address his concerns, but not within this application.

Statement made by Mr. Simmons: "Require them to apply for use-permits for 114 S. Coast Highway, 113-115 S. Freeman Street, and 210 S. Freeman Street."

Facts: Previous tenants utilized our properties for automotive uses. We applied for and received valid City licenses for all of these properties and renew those licenses every year. Once again, they are all on file with the City and are available for anyone to see.

In summary, we respect the concerns of Mr. Simmons, and we respect the opinions and concerns of our other neighbors, as evidenced by our family's having met twice with large neighborhood associations to discuss their tastes and preferences. Yet Mr. Simmons' concerns are not relevant to this subject property's application or this address. Beyond that, many of the statements are damagingly untrue, as noted above. I have addressed those concerns here only for the benefit of third parties reviewing this file.

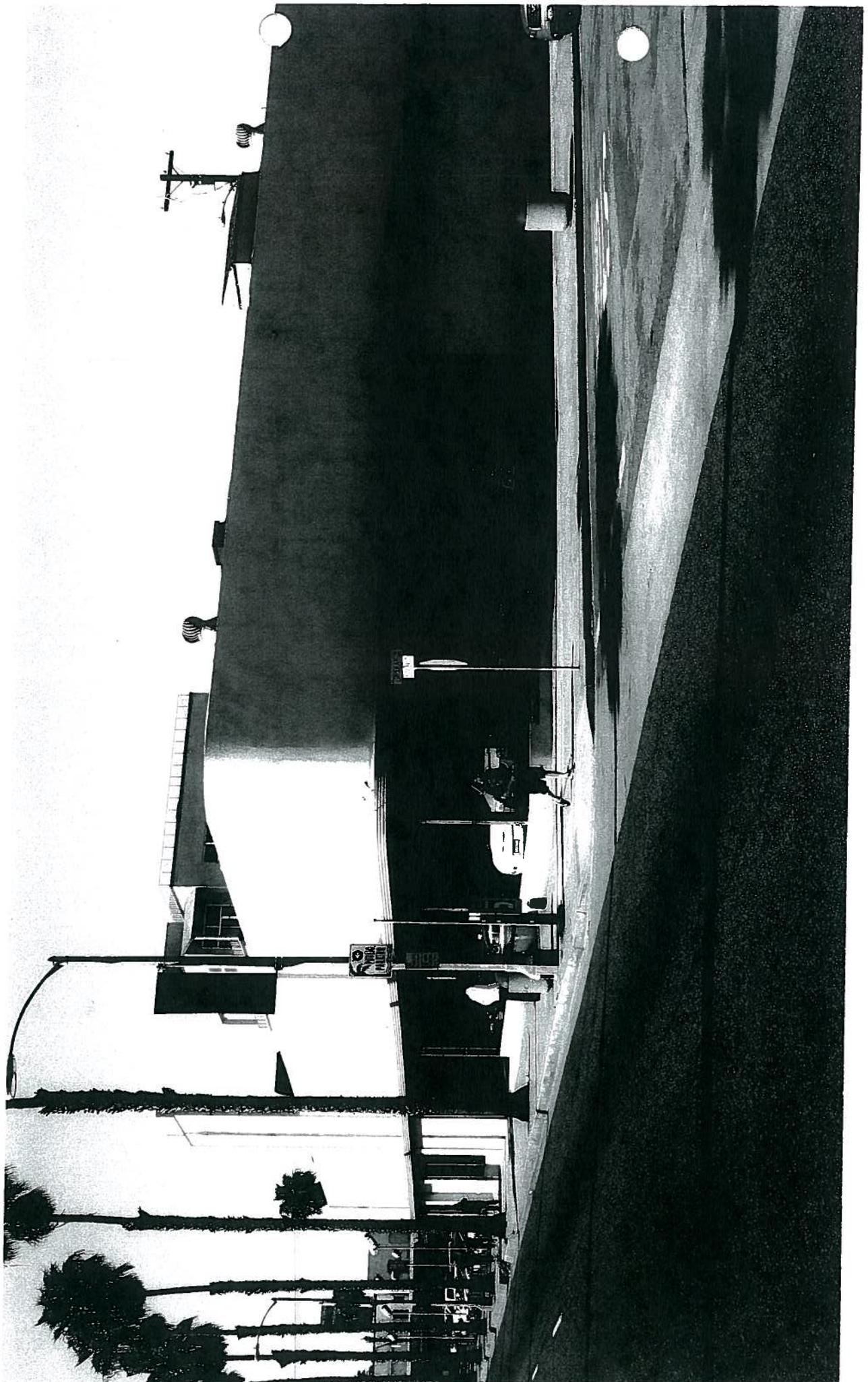
Only a short time ago, in 2006, the building at 116 South Coast Highway stood vacant and for years had greeted our neighbors and out-of-town visitors with bullet holes and graffiti etched into the old glass, and old, multi-colored plywood boarding up other broken glass. We trust that our desire to repair and beautify that building will go a long way toward improving our downtown area and continuing a good relationship with our neighbors. We thank you for your work in furthering our application to beautify that property.

Sincerely,



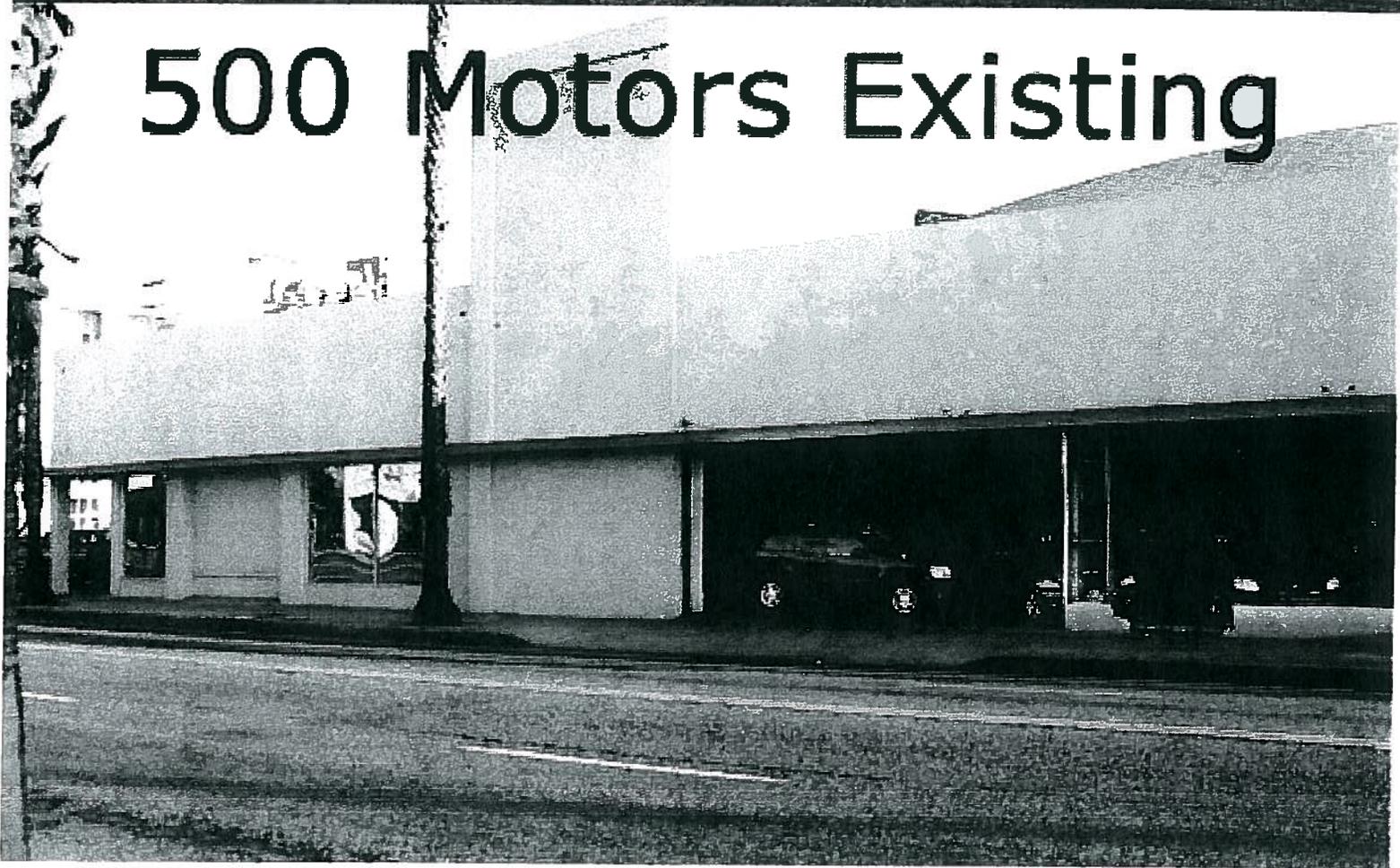
Mark S. Hajjar
President
500 Motors

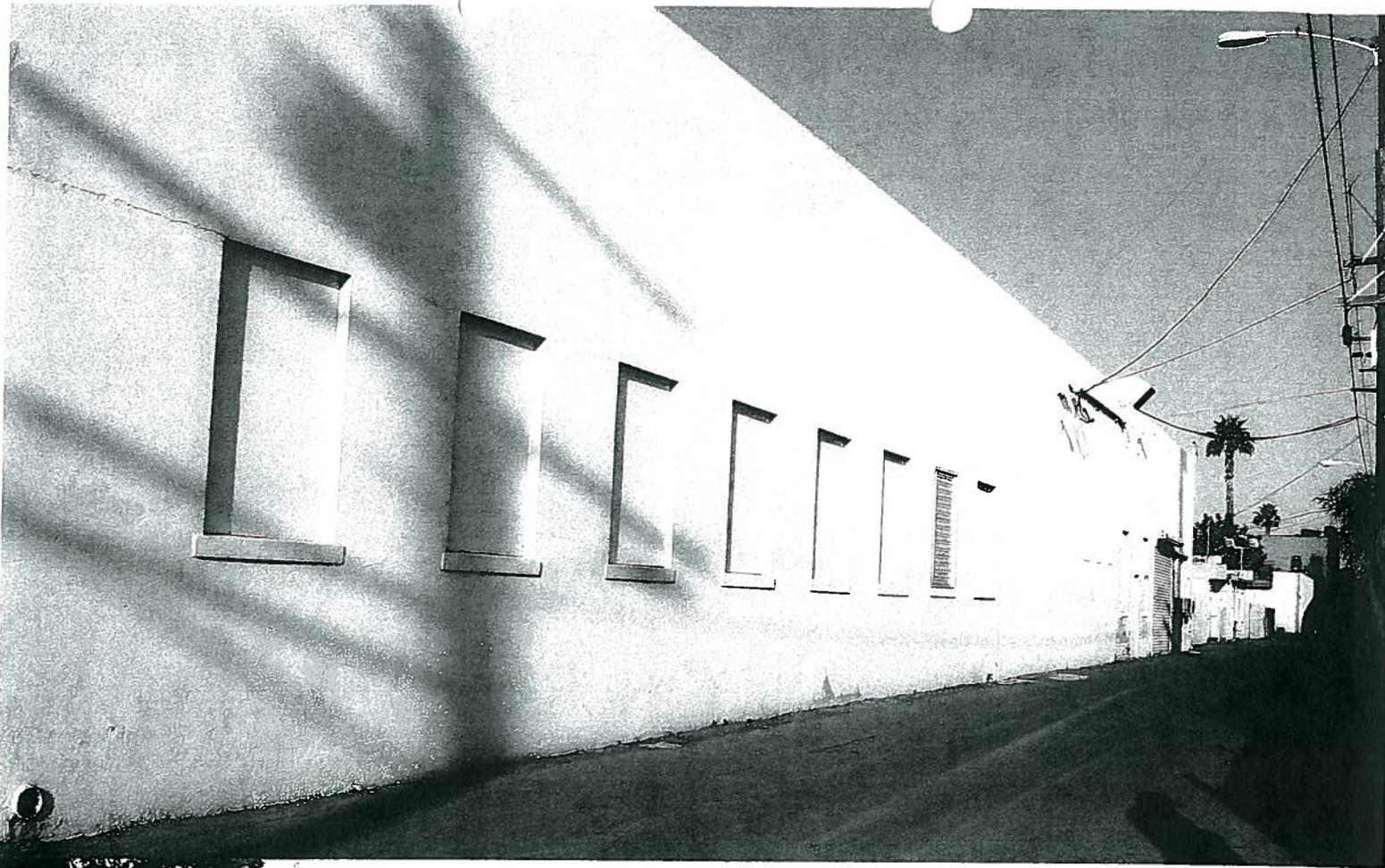




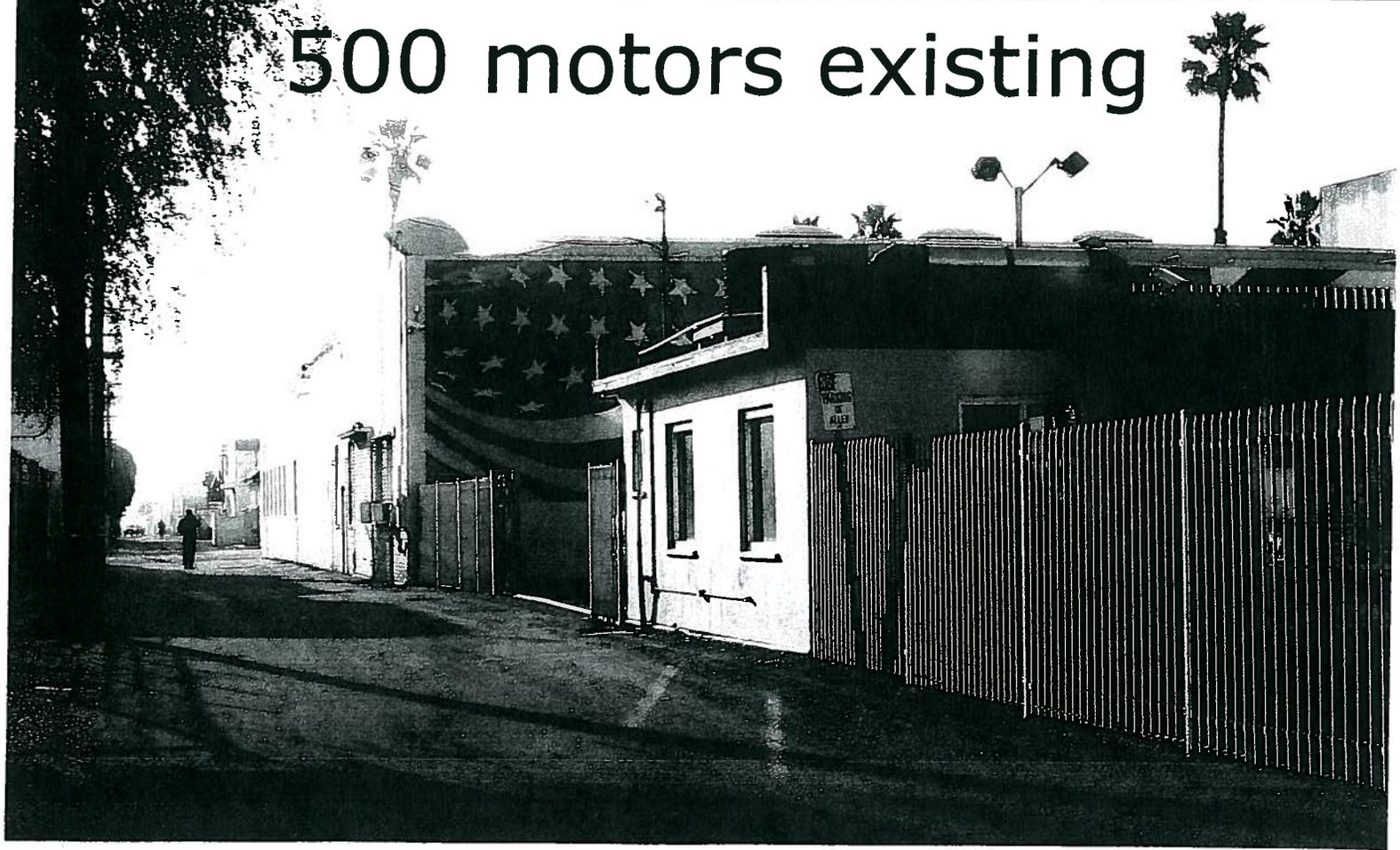


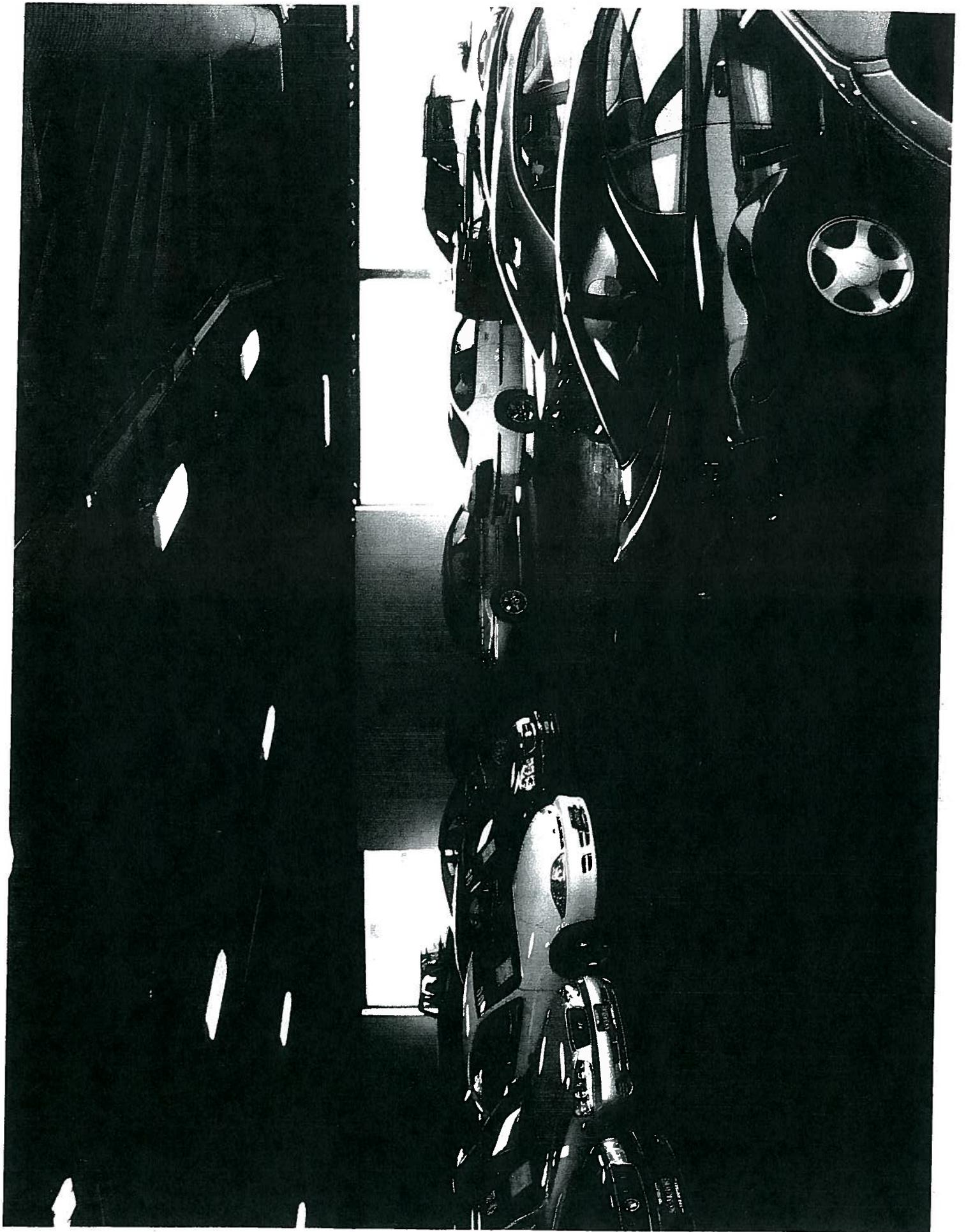
500 Motors Existing

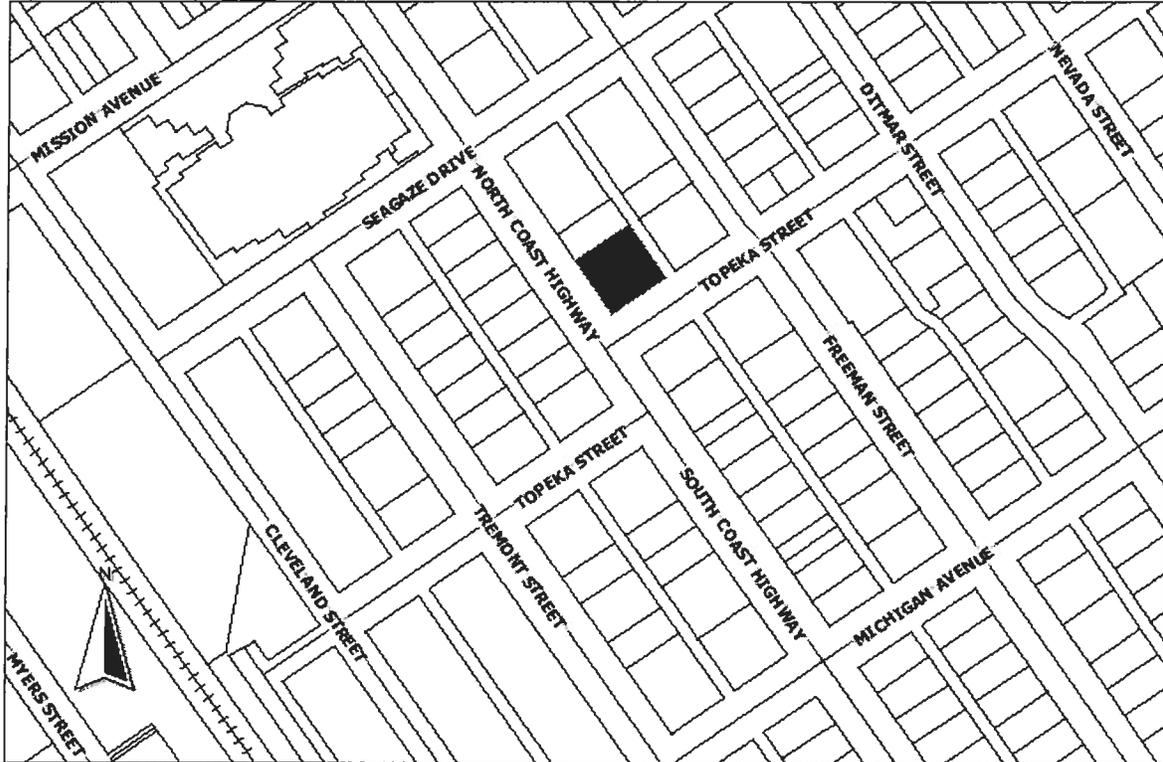




500 motors existing







File Number: C-3-97REV08, RC-4-08

Applicant: 500 Motors (Mark Hajjar)

Description:

CONDITIONAL USE PERMIT Revision (C-3-97REV08) and REGULAR COASTAL PERMIT (RC-4-08) to allow vehicle sales and storage within an existing building located at the northeast corner of Coast Highway and Topeka Street at 116 South Coast Highway. The project site is zoned CG (General Commercial) and is situated within the Townsite Neighborhood and the Coastal Zone. – **500 MOTORS REVISION**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

City of Oceanside, Planning Division
300 N. Coast Highway
Oceanside, CA 92054 (760) 435-3520



Application for Public Hearing

Community Development Department/Planning Division
(760) 435-3520
Oceanside Civic Center 300 N. Coast Highway
Oceanside, California 92054-2885

STAFF USE ONLY

ACCEPTED

2/19/08

BY

SN.

RECEIVED

FEB 19 2008

Planning Department

Please print or type all information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT

Mark Hajjar 500 Motors, Inc.

2. STATUS

business owner

GPA

MASTER/SP PLAN

ZONE CH.

3. ADDRESS:

102 S. Coast Highway

4. PHONE/FAX/e-mail

760-722-2777 (ph) -760-722-2726

(fax)

mhajjar@500motors.com

TENT. MAP

PAR. MAP

5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information

during processing) Elizabeth J. Graff, AICP, land use planning consultant

DEV. PL.

C.U.P.

C-3-97 REV 08

6. ADDRESS

3528 Sea Ridge Road, Oceanside, CA 92054

7. PHONE/FAX/e-mail

760-231-7459 (both)

elizaplan@cox.net

VARIANCE

COASTAL

RC-4-08

PART II - PROPERTY DESCRIPTION

8. LOCATION

116 S. Coast Highway

9. SIZE 10,000 sq. ft.

10. GENERAL PLAN

Commercial General

11. ZONING

CG

Commercial-General

12. LAND USE

existing car sales lot and building

13. ASSESSOR'S PARCEL NUMBER

147-283-04

PART III - PROJECT DESCRIPTION

REV - 9/29/08

14. GENERAL PROJECT DESCRIPTION

Revise previous Use Permit C-3-97 to use building at 116 S. Coast Highway as part of automobile sales location

15. PROPOSED GENERAL PLAN

n/a

16. PROPOSED ZONING

n/a

17. PROPOSED LAND USE

n/a

18. NO.

UNITS

n/a

19. DENSITY

n/a

20. BUILDING SIZE

9700 sq. ft.

21. PARKING SPACES

n/a - exists

22. % LANDSCAPE

8.7% n/a

23. % LOT COVERAGE or FAR

97% - existing

PART IV - ATTACHMENTS

24. DESCRIPTION/JUSTIFICATION

25. LEGAL DESCRIPTION

26. TITLE REPORT

27. NOTIFICATION MAP AND LABELS

28. ENVIRONMENTAL INFO FORM

29. PLOT PLANS

30. FLOOR PLANS AND ELEVATIONS

31. CERTIFICATE OF POSTING

32. OTHER (see attachment for required reports)

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print):

MARK S. HAJJAR

34. DATE

2/15/08

SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).

Sign:

35. OWNER (Print):

TIM AROVICH

36. DATE

2/19/08

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Sign:

SCOTT

DESCRIPTION AND JUSTIFICATION
500 MOTORS EXPANSION
REVISED USE PERMIT C-3-97
(Revised February 2009)

A use permit C-3-97 was approved by the Planning Commission on March 10, 1997 for the existing vehicle sales lot at 102 S. Coast Highway. The site is on the east side of Coast Highway between Seagaze and Topeka.

This action would officially add the building to the South at 116 S. Coast Highway to the operation of 500 Motors. The project will refurbish and improve the façade, and add new signs and container plants to significantly improve the appearance corner

This building plus and the existing adjacent sales lot have been used historically for automobile sales since the 1950's. The building has during the last several years been used as a gym and at one time the temporary library. It had been vacant and severely vandalized until 500-Motors occupied it.

The building and the sales lot exist in an historic, traditional, highway-oriented commercial area along Coast Highway with the buildings constructed right to the property lines. There are wide parkways, sidewalks and the traditional palm trees of Coast Highway. In the intervening years additional pavement was added, including a raised area or "hump" on the front, which will be removed as part of this action.

There has already been some refurbishing inside the building including paint, lighting and a new security system.

The applicants propose to further repair and paint the outside of the building and add some container plants.

The plans are to:

Paint the western and southern facades
Install new signs on the southern and western facades to match the current sign designs
Repair the damaged parapet around the display area
Remove damaged and warped concrete paved areas next to the sidewalk along the west and south side and putting in container plants on the same side. The exposed steel beams inside the building will be covered.

There are several findings that need to be made to approve a Use Permit. These are listed below:

Findings for the revised Conditional Use Permit:

1. That the proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.

--The site is located in the General Commercial Zone in a traditional commercial strip with a building constructed for automobile sales.

Received

FEB 17 2009

Planning Division

2. That the proposed location of the conditional use and the proposed 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, 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.

--This traditional Commercial strip on Coast Highway continues to serve the community without being detrimental to the public health, safety or welfare of persons or the neighborhood. The applicants plan to continue the traditional use of the building and to improve the appearance of the site

3. That the proposed conditional use will comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.

Any conditions will be compiled with.

In summary, the improvement and use of the building by 500 Motors to expand their sales area will significantly enhance a run-down corner and continue the traditional commercial character of the Coast Highway corridor.

PARKING PLAN

500 Motors Re-Model
116 S. Coast Highway
(C-3-97 REV08, RC-04-08)

Received
SEP 29 2008
Planning Division

The purpose of this plan is to ensure that parking is provided for the customers and employees of 500 Motors at 116 S. Coast Highway.

1. EMPLOYEES

Employees will park at (whatever we want to say, preferably on the site or at leased space nearby) Employees will be encouraged to car-pool or take public transit. Transit passes will be proved to employees upon their request.

2. CUSTOMERS

This site has been a vehicle dealership for many years, and customers have always found adequate parking either on the existing sales site or on the street, as is customary in older urbanized downtown areas such as this. There are usually no more than two or three customers visiting at any given time. There is ample on street parking on Seagaze and Topeka to serve these customers.

3. PARKING MANAGEMENT

An employee will be assigned to keep track of and manage the employee and customer parking to ensure that existing, adjacent residentially-zoned neighborhoods are not impacted by customer parking from this business.

500 MOTORS REVISION

Management Plan
116 S. Coast Highway

(C-03-97 REV 08, RC-04-08)

Received

SEP 29 2008

Planning Division

Intent and Scope

This Management Plan is intended to provide a description of the use and operation of the changes to the existing car sales business at 116 South Coast Highway.

Uses

The project adds an additional building to the existing automobile sales business. The building will be used for the display of vehicles for sale. There will not be any employees with desks in this particular building. The sales floor operation will be managed by employees from the adjacent sales operation to the north that has already been approved and has been in operation for more than 10 years. There are usually four employees serving the site.

Hours of Operation

The project will operate seven days a week. Hours are 9 to 9 Monday through Saturday and 11a.m. to 6 p.m. Sunday.

Security

The overall site has 24-hour, seven-day-a-week security with cameras and monitoring. The telephone numbers of the Police and Fire Departments will be prominently posted. A "panic button" is provided so that employees can summon security help at any time

Employee Parking

Employee parking shall be provided, on the street. Car-pooling, bus and train commuting are encouraged. Free transit passes are provided upon request of the employees.

Lighting

Lighting for security and operation are provided after dark and in the parking lot and building.

Signage

Sign permits are required for all signage and are subject to the Sign Ordinance and the approval of the City. Any sidewalk or temporary signage shall be within the requirements of the Oceanside Sign Ordinance.

Ingress and Egress of vehicles from the building onto Topeka Street

It should be noted that this building only contains vehicles which are offered for sale. They will only be driven into and from the building as part of the process of exhibiting them for sale, test-driving them and upon actual conclusion of the sales transaction. In order to ensure that this infrequent ingress and egress are safe, the business management will require that all such movements be done with an employee at the wheel and another employee standing by the entrance to warn of pedestrians or other traffic.

On-Site Communication

The loudspeaker system used for paging employees will be replaced by a desktop telephone or other system with the appropriate technology to communicate.

Landscaping and Site Maintenance

- a) The applicant shall maintain the site. Maintenance includes but is not limited to anti-graffiti and cleanliness of site and exterior building, landscaping, parking areas, sidewalks, walkways and overall site maintenance measures and shall be scheduled to ensure that a high standard at this site exists at all times. The maintenance includes the sweeping and cleaning of concrete and paved surfaces at sufficient intervals to maintain a "like new" appearance. Wastewater, sediment, trash or other pollutants will be collected on site and properly disposed of and shall not be discharged off the property or into the City's storm drain system.
- b) Any graffiti within the center shall be removed within 24 hours of occurrence. Any new paint used to cover graffiti shall match the existing color scheme.
- c) The maintenance program includes normal care and irrigation of the landscaping; repair and replacement of plant materials; irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking lots, walkways, walls and fences.
- d) The business owner shall be responsible for trash abatement on the site and shall keep the site free of litter, trash and other nuisances

EXHIBIT "A"

All that certain real property situated in the County of San Diego, State of California, described as follows:

Lots 11 and 12 in Block 89 Horne's Addition in the City of Oceanside, County of San Diego, State of California, according to Map thereof No. 323, filed in the Office of the County Recorder of San Diego County, April 3, 1886.

Assessor's Parcel Number: 147-283-04



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 3/23/09
Removal: 9/20/09
(180 days)

1. **APPLICANT:** Mark Hajjar (500 Motors)
2. **ADDRESS:** 102 South Coast Hwy.
Oceanside CA. 92054
3. **PHONE NUMBER:** (760) 722-2777
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** 500 Motors Revision
7. **DESCRIPTION:** A request for a Conditional Use Permit (C-3-97REV08) and Regular Coastal Permit (RC-4-08) to occupy an existing 10,300 square foot commercial suite located at 116 South Coast Highway for the use of a commercial vehicle sales and storage.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the City Staff finds that the proposed project constitutes interior alterations involving such things as interior partitions, plumbing and electrical conveyances, and the project is categorically exempt. Therefore, the City Staff has determined that further environmental evaluation is not required because:

- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section _____, <name> (Sections 15260-15277); or,
- The project is categorically exempt, Class 1 "Existing Facilities" (Section 15301) (a); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).



Scott Nightingale, Planner II

Date: 3/23/09

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee