



DATE: May 5, 2008

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (C-18-08) AND REGULAR COASTAL PERMIT (RC-7-08) TO ALLOW MOTORIZED SCOOTER RENTALS AND SALES AT 1725 SOUTH COAST HIGHWAY WITHIN THE SOUTH OCEANSIDE NEIGHBORHOOD. – VESPA OF OCEANSIDE – APPLICANT: MICHAEL KOSAKOWSKI**

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. 2008-P29 approving Conditional Use Permit (C-18-08) and Regular Coastal Permit (RC-7-08) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: The project is located north of the intersection of the Sprinter railroad tracks and Oceanside Boulevard at 1425 South Coast Highway. Motor Pro Motorcycle retail sales had been operating at the subject building since 1995. Approximately 16 months ago the Motor Pro business relocated to the City of Vista and the building has been vacant ever since. According to the City of Oceanside Zoning Ordinance Section 4108 (D) a use permit will lapse if no business activity has occurred for six months. The original Conditional Use Permit for Motor Pro motorcycle sales has not been in effect since the business license expired on December 31, 2006, so a new Conditional Use Permit is required for any type of vehicle or motorcycles sales indoors.

The Vespa of Oceanside retail business has been operating at 1725 South Coast Highway since April 19, 2007 under an Administrative Conditional Use Permit (ACUP-1-07). On February 2008 the Owner of Vespa of Oceanside discussed relocating his business to this larger facility located at 1425 South Coast Highway and it has been discovered within the

Oceanside Zoning Ordinance, that a new Conditional Use Permit would be required for operation of indoor vehicle sales of motorcycles and scooters at the subject property.

Site Review: The subject site zoning designation is CG (General Commercial) and the General Plan Land Use Category is GC (General Commercial). Surrounding land uses include the Ocean View Memorial Park and an RV camp site to the north, old industrial uses and the Oceanside Bowling Alley to the west, a self serve car wash to the south and vehicle sales and repair service to the east. The larger neighborhood area encompassing the project site is the South Oceanside Neighborhood.

Project Description: The project application is comprised of the following components; A Conditional Use Permit (C-18-08) and Regular Coastal Permit (RC-7-08) as follows:

Conditional Use Permit: represents a request for the following:

- (a) A Conditional Use Permit (C-18-08) is required pursuant to Article 11 of the Zoning Ordinance to permit the operation of indoor vehicle sales within an existing commercial building. The applicant proposes to use an existing commercial building to conduct indoor sales and rentals for Moto Guzzi motorcycles, Vespa, Paggio, and Aprilla scooters. Sixty to 100 vehicles will be stored within the enclosed building for the rentals and sales. Only minor interior improvements are proposed

Regular Coastal Permit: represents a request for the following:

- (a) A Regular Coastal Permit (RC-7-08) is required because the project is situated within the Coastal Zone. The Regular Coastal Permit will permit the operation of indoor vehicle sales within an existing building in conjunction with the Conditional Use permit. The use is in conformance with the overall goals and policies of the California Coastal Act, as it does not obstruct public views.

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

- 1. General Plan Land Use Element
- 2. Zoning Ordinance
- 3. CEQA
- 4. Local Coastal Program

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 the goals and objectives of the City's General Plan as follows:

I. Community Enhancement

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

Section 1.1 Community Values

Objective: To ensure the enhancement of long term community and neighborhood values through effective land use planning.

Policy B: Land uses shall not significantly distract from nor negatively impact surrounding conforming land uses.

Vespa of Oceanside scooter and motorcycle sales will enhance the property as well as provide the required retail uses that will effectively promote commercial activity in the area. The use is consistent with the General Commercial uses that are specified within the Oceanside General Plan and would not physically impact the area, in terms of traffic and physical constraints. The Vespa of Oceanside indoor scooter and motorcycle sales will be similar in usage as the Motor Pro use and will not impact the area.

Section 1.11 Balanced Land Use

Objective: To develop and use lands for the long-term provision of a balanced, self-sufficient, and efficient community.

Policy B: The City shall analyze proposed land uses for assurance that the land use will contribute to the proper balance of land uses within the community or provide a significant benefit to the community.

Vespa of Oceanside will be consistent in use as the surrounding retail uses along Coast Highway and will promote commercial activity to the area that would be compatible with surrounding land uses.

Section 1.12 Land Use Compatibility

Objective: To minimize conflicts with adjacent or related land uses.

Section 1.15 Public Safety

Objective: To ensure an acceptable level of public safety for the prevention and reduction of loss of life and personal property of the citizens and visitors of Oceanside.

Policy A: The City shall continually evaluate the acceptable level of risk to the public health, safety, and general welfare, and adjust policies accordingly.

The conditional use is subject to and must comply with specific local conditions and additional regulations as deemed necessary by other regulatory or permit authorities, such as the Department of Motor Vehicles (DMV). This approval does not relieve the applicant from other requirements placed upon by the state or other regulatory agencies associated with vehicle sales. All permits must be obtained and operations of the use shall be consistent with the conditions and regulations set forth by this Conditional Use Permit.

2. Zoning Compliance

This project is located in a CG (General Commercial) District. Pursuant to the land use regulations of the CG District, vehicle sales and rentals is subject to the approval of a Conditional Use Permit pursuant to Section 11 of the Zoning Ordinance.

The following table depicts the parking requirements pursuant to Article 31 of the OZO:

PROPOSED USE	BUILDING AREA	PARKING SPACES REQUIRED	PARKING SPACES PROPOSED
Indoor Vehicle Sales and Rentals	8,498 sq.ft.	8.5	20
Vehicle/Equipment Repair	900 sq. ft.	3	4
Total	9,398 sq. ft.	11.5	24

As depicted in the table above the proposed vehicle sales and rental with an associated vehicle/equipment repair service will require 11.5 parking stalls, and the proposed parking will be met and exceed the requirement with 24 parking stalls.

3. Land Use Compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	General Commercial (GC)	General Commercial (CG)	Commercial
North of Subject Property	General Commercial (GC)	General Commercial (CG)	Surf Bowling Alley
East of Subject Property:	General Commercial (GC)	General Commercial (CG)	Commercial Auto sales and repair
South of Subject Property:	Special Commercial (SC)	Visitor Commercial (CV)	Commercial Self Service Car Wash
West of Subject Property:	General Industrial (GI)	General Industrial (IG)	Industrial

DISCUSSION

Issue: Project compatibility with existing commercial uses within the surrounding area.

Recommendation: Uses within the surrounding area include a wide variety of commercial businesses, such as vehicle repair services, vehicle repair sales, commercial entertainment, and other retail sale businesses interspersed through the surrounding area. The Vespa of Oceanside use will not impact parking off-site because of the ample amount of parking that is provided on site. This project has been conditioned to allow no storage or advertising of vehicles within the parking areas, to ensure an ample amount of parking for customers and employees. All operations of Vespa of Oceanside's indoor retail sales with associated on-site vehicle repair will not impact the surrounding land uses within the vicinity of the site, in terms of parking impacts and traffic. Conditions of approval include limited hours-of-operation from Monday through Saturday (10:00 a.m. to 7:00 p.m.) and Sunday from (11:00 a.m. to 6:00 p.m.). In addition the use will not impact the surrounding uses in terms of traffic, noise, parking and the proposed use will be less of a physical impact to the area than the previous Motor Pro tenant, because all storage of vehicles and sales will be conducted and advertised indoors, with the exemption of permitting no more than 10 scooter or motorcycles within the front property line and out of the public right-of-way. Therefore Staff recommends approval of the indoor scooter and motorcycle sales, repair and rentals at the existing building located at 1425 South Coast Highway.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Class 1, Article 19, Section 15301, Class 1 "Existing Facilities, of the California Environmental Quality Act.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 1500-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. As of April 29, 2008 no communication supporting or opposing the request has been received.

SUMMARY

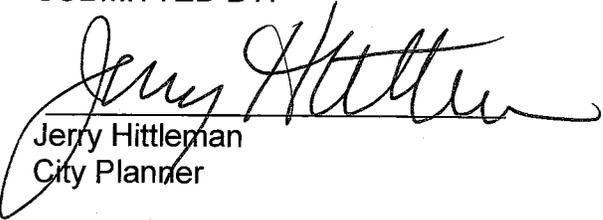
In summary, staff believes that the proposed Conditional Use Permit and Regular Coastal Permit is consistent with the requirements of the Zoning Ordinance and the policies outlined in the General Plan. This project is compatible with the surrounding neighborhood, in terms of providing being consistent with all the surrounding use along Coast Highway. As such, staff recommends that the Planning Commission approve the project. The Commission's action should be:

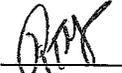
- Move to approve Conditional Use Permit (C-18-08) and Regular Coastal Permit (RC-7-08) and adopt Planning Commission Resolution No. 2008-P29 as attached.

PREPARED BY:


Scott Nightingale
Planner II

SUBMITTED BY:


Jerry Hittleman
City Planner

REVIEWED BY: 
Richard Greenbauer, Senior Planner

JH/SN/fil

Attachments:

1. Site Plan/Architectural Plans
2. Planning Commission Resolution No. 2008-P29
3. Management Plan

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PLANNING COMMISSION
RESOLUTION NO. 2008-P29

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT AND REGULAR COASTAL PERMIT ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: C-18-08, RC-7-08
APPLICANT: VESPA of Oceanside
LOCATION: 1425 S. Coast Hwy.

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Conditional Use Permit under the provisions of Articles 11 & 41 of the Zoning Ordinance and a Regular Coastal Permit under the Local Coastal Program of the City of Oceanside to permit the following:

the establishment and operation of an indoor motorcycle and scooter sales, rentals and repair service located within an existing commercial building;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 5th day of May, 2008, conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project is exempt from Environmental Review per CEQA per Article 19, Section 15301 Class 1 "Existing Facilities;

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

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

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1 FINDINGS:

2 For the Conditional Use Permit to allow indoor motorcycle and scooter sales, rentals and repair
3 within an existing commercial building:

- 4
- 5 1. The proposed location of the indoor motorcycle and scooter business and the proposed
6 conditions under which it would be operated and maintained will be consistent with the
7 General Plan; will not be detrimental to the public health, safety or welfare of persons
8 residing or working in or adjacent to the neighborhood of such use; and will not be
9 detrimental to properties or improvements in the vicinity or to the general welfare of the
10 City.
- 11 2. The proposed motorcycle and scooter sales, rental and repair conditional use will comply
12 with the provisions of the Zoning Ordinance, including any specific condition required
13 for the proposed conditional use in the Commercial General district. The required
14 parking will be available on-site to serve the proposed use and there are no other impacts
15 associated with this use at this location.
- 16 3. The motorcycle and scooter business location and hours-of-operation will not interfere
17 with the primary commercial uses within the vicinity and there are no public health and
18 safety issues resulting from the location of the proposed use. The proposed use will be
19 compatible to adjacent commercial uses in terms of operations and uses. The motorcycle
20 and scooter business will conduct all sales, rentals and repair indoors and will not
21 negatively impact the surrounding properties.

22 For the Regular Coastal Permit:

- 23 1. The proposed project is consistent with the policies of the Local Coastal Program and its
24 effective zoning code in terms of not impacting beach parking.
- 25 2. The proposed project is consistent with the policies of the Land Use Element of the
26 General Plan, Zoning Ordinance and Local Coastal Program as implemented through the
27 Zoning Ordinance. Specifically, the location of the site is west of South Coast Highway
28 in an urbanized area, and based on the criteria for development; the proposed project
29 shall not substantially alter or impact existing public views of the coastal zone area.

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

4 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
5 approve Conditional Use Permit (C-18-08) and Regular Coastal Permit (RC-7-08) subject to the
6 following conditions:

7 **Building:**

- 8 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
9 Building Division plan check. (Currently the 2007 California Building Code, and 2004
10 California Electrical Code)
- 11 2. The granting of approval under this action shall in no way relieve the applicant/project
12 from compliance with all State and Local building codes.
- 13 3. Site development, parking, access into buildings, and building interiors shall comply
14 with the State's Disabled Accessibility Regulations. (2007 California Building Code
15 (CBC), Chapter 11B)
- 16 4. The building plans for this project are required by State law to be prepared by a licensed
17 architect or engineer and must be in compliance with this requirement prior to submittal
18 for building plan review.
- 19 5. This is a change in use as defined in the California Building Code (CBC) from B/B-2 to
20 M. Prior to Occupancy, the building must comply with all CBC requirements for the new
21 use, and a new Certificate of Occupancy (C of O) must be issued by the Building
22 Division. In order for a new C of O to be issued, a licensed architect or engineer must
23 submit an analysis to the Building Division showing the status of the building with
24 respect to the code requirements for the new use. If the building does not currently
25 comply with the requirements for the new use, a permit will be necessary for the work
26 necessary to bring the building into compliance, and the Certificate of Occupancy will be
27 issued upon completion of the permit.
- 28 6. The developer shall monitor, supervise, and control all building construction and
29 supporting activities so as to prevent these activities from causing a public nuisance,
including, but not limited to, strict adherence to the following:

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

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

14 7. Tenant Improvements or other construction to the existing building requires permits
15 (including all required Inspections and approvals, and Issuance of Certificate of
16 Occupancy) from the Building Division.

17 **Fire:**

18 8. Buildings shall meet Oceanside Fire Department's current codes at the time of building
19 permit application.

20 **Planning:**

21 9. This Conditional Use Permit shall expire two years from the effective date of the
22 approval, unless implemented as required by the Zoning Ordinance.

23 10. This Conditional Use Permit and Regular Coastal Permit approve only the establishment
24 and operation of a 9,398-square foot building for the operation and sales, rentals and
25 repair of motorcycles and scooters as shown on the plans and exhibits presented to the
26 Planning Commission for review and approval. No deviation from these approved plans
27 and exhibits shall occur without Development Service Department/Planning Division
28 approval. Substantial deviations shall require a revision to the Conditional Use Permit
29 and Regular Coastal Permit or a new Conditional Use Permit and Regular Coastal Permit.

- 1 11. The hours-of-operation of the subject use shall be limited to 10:00 a.m. to 7:00 p.m.
2 Monday through Saturday and 11:00 a.m. to 6:00 p.m. Sundays. Any deviation in the
3 subject hours-of-operation shall require a revision to the Conditional Use Permit and
4 Regular Coastal Permit or a New Conditional Use Permit and Regular Coastal Permit.
- 5 12. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
6 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
7 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
8 annul an approval of the City, concerning Conditional Use Permit C-18-08 and Regular
9 Coastal Permit RC-7-08. The City will promptly notify the applicant of any such claim,
10 action or proceeding against the City and will cooperate fully in the defense. If the City
11 fails to promptly notify the applicant of any such claim action or proceeding or fails to
12 cooperate fully in the defense, the applicant shall not, thereafter, be responsible to
13 defend, indemnify or hold harmless the City.
- 14 13. Prior to the issuance of building permits, compliance with the applicable provisions of the
15 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be
16 reviewed and approved by the Planning Division. These requirements, including the
17 obligation to remove or cover with matching paint all graffiti within 24 hours shall
18 recorded in the form of a covenant affecting the subject property.
- 19 14. The requirement to manage all solid waste and identified recyclable material on private
20 property and to recycle or dispose of all material in compliance with city code.
- 21 15. The Conditional Use Permit and Regular Coastal Permit shall lapse if the exercise of rights
22 granted by them is discontinued for six consecutive months.
- 23 16. This Conditional Use Permit and Regular Coastal Permit shall be called for review by
24 the Planning Commission if complaints are filed and verified as valid by the Code
25 Enforcement Office concerning the violation of any of the approved conditions or
26 assumptions made by the application.
- 27 17. There shall be no audible music or noise emitting from the premises.
- 28 18. Neon signage and animated signs shall not be permitted. Exterior building signage shall be
29 in accordance with the Oceanside Sign Ordinance.
19. No storage of vehicles, motorcycles and scooters is permitted within the parking stalls on

1 the property. This Conditional Use Permit and Regular Coastal Permit allows for a
2 maximum of 10 motorcycles and/or scooters within the front yard area and out of the
3 public right-of-way.

4 20. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
5 written copy of the applications, staff report and resolutions for the project to the new
6 owner and/or operator. This notification provision shall run with the life of the project
7 and shall be recorded as a covenant on the property.

8 21. Failure to meet any conditions of approval for this development shall constitute a violation
9 of the Conditional Use Permit and Regular Coastal Permit.

10 22. Unless expressly waived, all current zoning standards and City ordinances and policies in
11 effect at the time business licenses are issued are required to be met by this project. The
12 approval of this project constitutes the applicant's agreement with all statements in the
13 Description and Justification and other materials and information submitted with this
14 application, unless specifically waived by an adopted condition of approval.

15 23. A covenant or other recordable document approved by the City Attorney shall be prepared
16 by the applicant and recorded prior to the issuance of a business license. The covenant
17 shall provide that the property is subject to this resolution, and shall generally list the
18 conditions of approval.

18 **Water Utilities:**

19 24. The developer will be responsible for developing all water and sewer utilities necessary to
20 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
21 the developer and shall be done by an approved licensed contractor at the developer's
22 expense.

23 25. The property owner shall maintain private water and wastewater utilities located on private
24 property.

25 26. All Water and Wastewater construction shall conform to the most recent edition of the
26 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
27 the Water Utilities Director.

- 1 27. All public water and/or sewer facilities not located within the public right-of-way shall be
- 2 provided with easements sized according to the Water, Sewer, and Reclaimed Water
- 3 Design and Construction Manual. Easements shall be constructed for all weather access.
- 4 28. No trees, structures or building overhang shall be located within any water or wastewater
- 5 utility easement.
- 6 29. A separate irrigation meter and approved backflow prevention device is required and shall
- 7 be displayed on the plans.
- 8 30. If an Inspection Manhole is not currently on-site, then an Inspection Manhole as described
- 9 by the Water, Sewer, and Reclaimed Water Design and Construction Manual, shall be
- 10 installed in each building sewer lateral and the location shall be called out on the approved
- 11 Improvement Plans.
- 12 31. A Grease, Oil, and Sand Interceptor, described by the 2007 California Plumbing Code
- 13 Chapter 10, relating to garages, gasoline stations, wash racks or when deemed necessary
- 14 shall be installed in each building sewer in an appropriate location and shall be maintained
- 15 by the property owner. The location shall be called out on the approved Improvement
- 16 Plans.

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Vespa of Oceanside

Management Plan

March 2008

RECEIVED
MAR 19 2008
Planning Department

Intent & Scope

This Management Plan provides a description of the proposed use and the operations and management of the property located at 1425 South Coast Highway, Oceanside, CA 92054 (APN 152-178-02).

Use

This site is subject to a Conditional Use Permit for a motorcycle sales/repair facility. This type of use is conditionally permitted in a General Commercial (CG) zoning district. Any change in the use will require a revision to the Conditional Use Permit or a new Conditional Use Permit.

Business Operations

Business operations will consist of scooter and motorcycle sales, service and repair; and incidental sales of accessories and clothing. All such uses will be restricted to the interior of the building, including display of all motorcycles. Service and repair will be conducted at the rear of the store, and the other business activities related to sales and display of merchandise will be reserved for the front of the store. A motorcycle may also be displayed outside, directly in front of the building facing South Coast Highway. Outdoor display of merchandise shall comply with Section 3020 of the City's Zoning Ordinance. All storage of materials associated with this business shall be restricted to the interior of the building.

Hours of Operation

Typical public hours of operation are Monday through Saturday, 10 a.m. to 7 p.m. and Sunday, 11 a.m. to 6 p.m. Employees performing stocking, maintenance, and service/repair activities may be working within the building before or after the public hours of operation. Deliveries will be conducted during typical public hours of operation.

Noise Abatement

Noise levels will be in compliance with regulations set forth in the City's Noise Ordinance. In the event that a particular use or activity becomes a nuisance, appropriate measures to control volume will be taken at the discretion of the City.

Landscaping and Site Maintenance

Maintenance of on-site landscaping, fences, walls and landscaping in the adjoining public parkways will be the responsibility of the property owner. Maintenance shall include regular care and irrigation of landscaping; repair and replacement of plant materials and irrigation systems as necessary; and general clean up of landscaped and open areas, parking areas, walkways, walls and fences.

RECEIVED

MAR 19 2008

Planning Department

Hazardous Waste Management

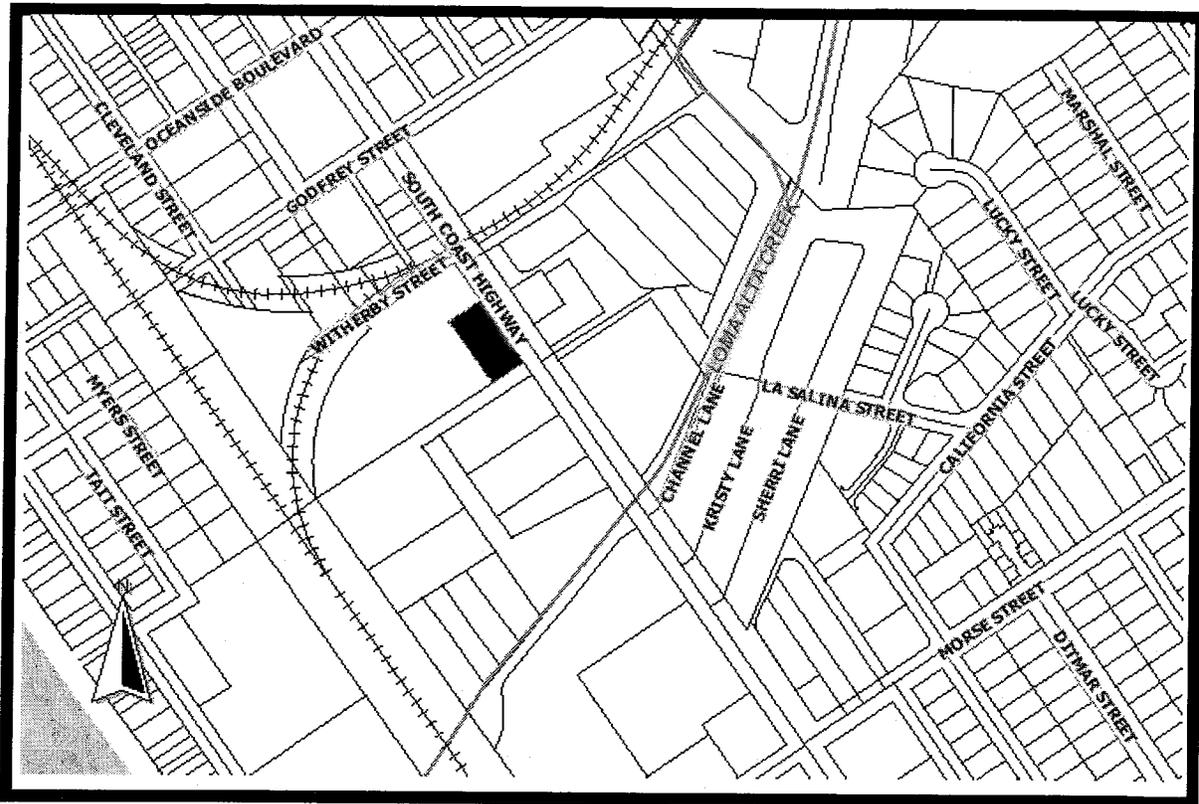
As part of conducting business in the existing building, the following hazardous waste materials will be generated: motor oils, transmission fluids, and brake fluids. These liquids will be stored in 55 gallon DOT-approved and properly sealed, non-leaking drums. The applicant will contract for waste management services by Safety-Kleen or other similarly qualified firm. This company provides a service to pick up full drums to dispose of them properly, and in accordance with state regulations, and then leave new DOT-approved containers. The applicant will not be in possession of more than 1 drum (55 gallons) of hazardous waste, at any given time. These materials will be stored in a designated dry, cool, secure area at the rear of the building where the service/repair shop will be located, so it is easily accessible to mechanics.

Trash Abatement

Property owner shall be responsible for trash abatement on the site, and shall keep the site free of litter, trash, and other nuisances.

Graffiti Removal

Property owner shall remove any graffiti within 24 hours of occurrence. Any new paint used to cover graffiti shall match the existing.



File Number: C-18-08, RC-7-08

Applicant: VESPA OF OCEANSIDE

Description:

CONDITIONAL USE PERMIT (C-18-08) and REGULAR COASTAL PERMIT (RC-7-08) to allow motorized scooter and motorcycle sales, repair and rentals at 1725 South Coast Highway. The project site is zoned CG (Commercial General) and is situated within the South Oceanside Neighborhood and the Coastal Zone. – **VESPA OF OCEANSIDE**

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

Date: April 22, 2008

Public Hearing Coastal Permit
Identification No. RC-7-08

NOTICE OF PUBLIC HEARING
COASTAL DEVELOPMENT PERMIT

This is a notice to you as an interested party that the City of Oceanside Planning Commission will hold a public hearing on the Coastal Permit application of Vespa of Oceanside, Inc. This application was received on March 19, 2008. The application is described as follows:

To allow motorized scooter and motorcycle sales, repair and rentals at 1725 South Coast Highway.

The project site is zoned CG (Commercial General) and is situated within the South Oceanside Neighborhood and the Coastal Zone.

Said hearing will be held on May 5, 2008, at 7:00 p.m. in the Council Chamber of City Hall, 300 North Coast Hwy., Oceanside, California at which time and place any and all interested persons may appear and be heard. Interested persons may contact the Planning Division at (760) 435-3520 after April 30, 2008, to be informed of the place on the agenda and the approximate time of hearing.

If you have any questions or comments regarding this matter, or want to be notified of the decision, contact the City of Oceanside, Planning Division at (760) 435-3520. Written comments may be submitted prior to the hearing and will be made part of the public record and provided to the Planning Commission.

If you disagree with the decision of the Planning Commission concerning this project's conformance to the Local Coastal Plan, you may appeal the decision to the City Council. The appeal, accompanied by the appropriate fee must be filed in the City Clerk's Office, 300 North Coast Hwy., Oceanside, no later than 5:00 p.m. on May 15, 2008 (10 days from the adoption of the Planning Commission Resolution).

The project is "appealable" to the California Coastal Commission under Section 30603(a) of the California Public Resources Code. An aggrieved person may appeal the decision to the Coastal Commission within ten (10) working days following the Commission receipt of the Notice of Final Action on this project. The Notice of Final Action is mailed after the City's last action, such as Planning Commission resolution, Community Development Commission resolution (for projects in the Redevelopment Area), or City Council resolution (for projects involving a zone change or which resulted in a local appeal). Please contact the Planning Department at (760) 435-3520 for this information.

Appeals must be in writing. The Coastal Commission, San Diego District Office is at 7575 Metropolitan Drive, Suite 103, San Diego, California 92108-4402. The phone number is (619) 767-2370.



Application For Public Hearing

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

RECEIVED
MAR 19 2008
Planning Department

STAFF USE ONLY

ACCEPTED

3/19/08

BY

SN.

Please Print Or Type All Information

HEARING

PART I - APPLICANT INFORMATION

GPA

1. APPLICANT

2. STATUS

MASTER/SP.PLAN

Vespa of Oceanside, Inc. Attn: Michael Kosakowski

Lessee

ZONE CH.

3. ADDRESS

4. PHONE / FAX / E-mail

TENT. MAP

1725 South Coast Highway
Oceanside, CA 92054

619-405-2589

PAR. MAP

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

DEV. PL

The Lightfoot Planning Group

C.U.P.

C-18-08

6. ADDRESS

7. PHONE / Fax / E-mail

VARIANCE

5750 Fleet Street, Suite 250
Carlsbad, CA 92008

(760) 692-1924 phone
(760) 692-1935 fax

COASTAL

RC-7-08

PART II - PROPERTY DESCRIPTION

O.H.P.A.C.

8. LOCATION

9. SIZE

1425 S. Coast Highway, Oceanside CA

20,000 SF

10. GENERAL PLAN

11. ZONING

12. LAND USE

13. ASSESSOR'S PARCEL NUMBER

GC

CG

Commercial Building

152-178-02

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION

Request for a Conditional Use Permit and Regular Coastal Permit for scooter and motorcycle sales and service, with associated sales of parts, apparel and accessories in an existing building.

15. PROPOSED GENERAL PLAN

16. PROPOSED ZONING

17. PROPOSED LAND USE

18. NO. UNITS

19. DENSITY

No Change

No Change

No Change

N/A

N/A

20. BUILDING SIZE

21. PARKING SPACES

22. % LANDSCAPE

23. % LOT COVERAGE or FAR

Existing: Approx. 9,398 SF

Existing: 24 Parking Spaces

Existing

As Built

PART IV - ATTACHMENTS

X 24. DESCRIPTION/JUSTIFICATION

X

25. LEGAL DESCRIPTION

X

26. TITLE REPORT

X 27. NOTIFICATION MAP & LABELS

X

28. ENVIRONMENTAL INFO FORM

X

29. PLOT PLANS

X 30. FLOOR PLANS AND ELEVATIONS

31. CERTIFICATION OF POSTING

32. OTHER (See attachment for required reports)

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print):

34. DATE

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).

Michael Kosakowski

3-17-08

Sign:

37. OWNER (Print)

38. DATE

Leonard Mellgren

3-17-08

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

Sign:

RECEIVED

SCOTT

MAR 19 2008

Planning Department

C-16-08
RC-7-08

RECEIVED
MAR 19 2008
Planning Department

Vespa of Oceanside
Conditional Use Permit & Regular Coastal Permit

Description & Justification
March 2008

RECEIVED
MAR 19 2008
Planning Department

This application is for a Conditional Use Permit (CUP) and Regular Coastal Permit for a scooter and motorcycle sales and service business in an existing 9,398 square foot building located on a 20,000 square foot parcel. A CUP (C-15-79) was previously approved November 5, 1979 to allow motorcycle sales and service in this building. A new Conditional Use Permit is required for this use because more than six months have elapsed since it was used for the prior motorcycle sales/repair facility tenant.

The proposed site is located at 1425 South Coast Highway in the South Oceanside planning area. The existing building is situated on the west side of South Coast Highway and is currently vacant. The property (APN 152-178-02) has a General Plan designation of General Commercial (GC) and is zoned General Commercial (CG). Commercial uses surround the property.

REGULAR COASTAL PERMIT

The proposed use will be located in the Coastal Zone and must conform with the requirements of the City's LCP. The conditional use complies with the goals and policies set forth in the City's LCP in regards to commercial uses in the coastal zone. The use is in conformance with the overall goals and policies of the California Coastal Act, as it does not obstruct public views. The conditional use will be locating into an existing building that was designed for motorcycle sales and used as such for over 2 decades and therefore, there will not be any new development as part of this application. As a result, this custom motorcycle business will not result in the loss of any viable beach habitat and it will not prevent access to the beach. The conditional use will be compatible with other surrounding commercial uses in the Coastal Zone.

CONDITIONAL USE PERMIT

The applicant is requesting a CUP to locate their business into an existing 9,398 square foot building. The applicant will be leasing the building. There will not be any proposed structural changes to this building. The building exterior will remain as built with the exterior to be repainted.

Business operations will consist of sales of scooters and motorcycles, along with service and repairs. There will also be incidental sales of accessories and clothing. There will be approximately six employees on staff. Typical hours of operation will be Monday through Saturday, 10:00 a.m. to 7:00 p.m. and Sunday, 11:00 a.m. to 6:00 p.m.

The sales component of the business will occupy approximately 8,500 square feet of the building. The sales of the scooters and motorcycles will be restricted to the building interior as opposed

to utilizing the lot for display. The only exception would be that Vespa of Oceanside may display a motorcycle along the front of the building parallel to Coast Highway.

Parking

There are 24 existing parking spaces on site. These existing spaces will serve employees and customers. There are 16 parking spaces located on the north side of the building, including two handicapped parking spaces, and eight parking spaces located on the south side of the building. There is also one truck loading space available to the south of the building.

Per Article 31 of the Zoning Ordinance, required parking for Vehicle/Equipment Sales and Rentals is calculated at 1 parking space per 1,000 square feet of total lot area. The lot is 20,000 square feet and as a result, 20 spaces would be required. With the exception of displaying a motorcycle at the front of the building, all sales/display of scooters and motorcycles will be located within the building and not outside on the lot. For this reason, using a "per lot" rate may overstate the parking needs, however there are more than enough spaces that exist on site to meet this standard.

Service and repair of motorcycles will be conducted in approximately 900 square feet of the total building area. Required parking for a Vehicle/Equipment Repair use is calculated at 1 space per 300 square feet. Therefore, 3 spaces are required for a total of 23 spaces required for the entire use of the building. The total amount of parking provided for this project exceeds the amount required per the City's parking regulations. The following table provides a breakdown of required and provided parking on site:

	Bldg/Lot Area	Parking Spaces
Required		
Vehicle/Equipment Repair (1 per 300 sf)	900 sf	3
Vehicle/Equipment Sales and Rentals (1 per 1,000 sf lot)	20,000 sf	20
<i>Total</i>		23
Provided		24

CONCLUSION

Over the last few years, many Oceanside motorcycle shops such as Aprilia-Ducati of Oceanside, Pacific Motorsports/Suzuki, and Motopro House of Motorcycles have relocated to other cities. Vespa of Oceanside will move into this existing building formerly occupied by Motopro which is a more suitable building than their existing site and will allow Oceanside to retain this business in the City.

REQUIRED FINDINGS - CONDITIONAL USE PERMIT

The City of Oceanside Zoning Ordinance stipulates that three specific findings must be made before a Conditional Use Permit can be adopted. The following findings are for a Conditional Use Permit to allow scooter and motorcycle sales and service within an existing building.

1. The proposed location of Vespa of Oceanside in the South Oceanside neighborhood is in accordance with the objectives of the Zoning Ordinance and the purposes of the General Commercial zoning district. The use will be located in an existing building that was designed for and had been previously used for motorcycle sales and service. The building is surrounded by other commercial uses and as a result, the motorcycle sales and repair business will be in a suitable environment. Excess parking will be provided on site for the proposed business. Vespa of Oceanside will provide employment opportunities and sales tax revenues for the City.
2. The proposed location of this scooter and motorcycle sales and service business will be consistent with the General Plan. Locating the Vespa of Oceanside store at 1425 South Coast Highway will be compatible with surrounding commercial land uses and will not be detrimental to the public health, safety, or welfare of persons residing or working in the neighborhood.
3. The proposed use will comply with all General Commercial development regulations and other applicable regulations as set forth in the City's Zoning Ordinance. The proposed use will be located in an existing building that was designed and previously used for similar motorcycle sales and service.

REQUIRED FINDINGS - REGULAR COASTAL PERMIT

The City of Oceanside Local Coastal Program Coastal Permit Handbook stipulates that two specific findings must be made before a Regular Coastal Permit can be granted. This proposal meets those conditions as follows:

1. The proposed use conforms to the Local Coastal Plan and policies as it proposes a commercial use in an area that is specifically designated for commercial uses. All service and repair activities associated with the business will be conducted in the interior of the building. The conditional use will be locating into an existing building and therefore there will not be any new development as part of this application. As a result, it will not result in the obstruction of significant public views of the coast, it will not obstruct access to the coast or any coastal resource, and it will not impact the visual quality of the surrounding area and Coast Highway.
2. The proposed conditional use conforms to the public access and recreation policies of Chapter 3 of the California Coastal Act. The conditional use will be locating into an existing building and therefore there will not be any new development as part of this application. As a result, the use will not result in the obstruction of significant public views of the coast, it will not obstruct access to the coast or any coastal resources, and it will not impact the visual quality of the surrounding area and Coast Highway. All service and repair activities associated with the business will be conducted in the interior of the building.

LEGAL DESCRIPTION

Real property in the City of Oceanside, County of San Diego, State of California, described as follows:

THE NORTHEASTERLY 100 FEET OF THAT PORTION OF ACRE LOT 5 OF OCEANSIDE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 340 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, AUGUST 28, 1885, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID ACRE LOT 5 BEING ALSO THE INTERSECTION OF THE SOUTHWESTERLY LINE OF HILL STREET WITH THE SOUTHEASTERLY LINE OF WITHERBY STREET; THENCE SOUTH 35° 21' 30" EAST ALONG THE SOUTHWESTERLY SIDE OF HILL STREET BEING ALSO THE NORTHEASTERLY LINE OF SAID ACRE LOT 5 A DISTANCE OF 330 FEET TO THE MOST EASTERLY CORNER OF SAID ACRE LOT 5; THENCE SOUTH 54° 38' 30" WEST ALONG THE SOUTHEASTERLY LINE OF SAID ACRE LOT 5 A DISTANCE OF 200 FEET TO A POINT; THENCE NORTH 35° 21' 30" WEST PARALLEL WITH SAID HILL STREET A DISTANCE OF 330 FEET TO A POINT IN THE NORTHWESTERLY LINE OF SAID ACRE LOT 5 BEING ALSO THE SOUTHEASTERLY LINE OF SAID WITHERBY STREET; THENCE NORTH 54° 30' 30" EAST ALONG THE NORTHWESTERLY LINE OF SAID ACRE LOT 5 BEING ALSO THE SOUTHEASTERLY LINE OF SAID WITHERBY STREET A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE NORTHWESTERLY 130 FEET THEREOF CONVEYED TO RAY A. WILCOX AND DORA IRENE WILCOX, HUSBAND AND WIFE, AS JOINT TENANTS BY DEED DATED FEBRUARY 4, 1941 AND FILED FOR RECORD FEBRUARY 25, 1941.

APN: 152-178-02-00



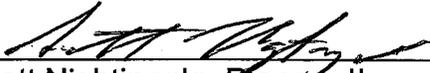
NOTICE OF EXEMPTION
City of Oceanside, California

Post Date:
Removal:
(30 days)

1. **APPLICANT:** The Lightfoot Planning Group
2. **ADDRESS:** 5760 Fleet St., Ste. 250
Carlsbad, CA. 92008
3. **PHONE NUMBER:** (760) 692-1924
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** VESPA @ 1425 Coast Hwy.
7. **DESCRIPTION:** A request to occupy an existing commercial building to sell, repair and rent Scooter and Motorcycles indoors.

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 Environmental Coordinator 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 Environmental Coordinator 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) (e); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).



Scott Nightingale, Planner II

Date: 5/5/08

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee