



DATE: June 25, 2007

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (C-13-07) FOR AN INTERNET-BASED RETAIL VEHICLE SALES BUSINESS LOCATED AT 4750 OCEANSIDE BOULEVARD, SUITE A-10. THE PROJECT SITE IS ZONED CL (LIMITED COMMERCIAL) AND IS SITUATED WITHIN THE PEACOCK NEIGHBORHOOD – BERNARD MOTORS – APPLICANT: RAY L. BERNARD**

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. 2007-P31 approving Conditional Use Permit C-13-07 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The proposed project is located at 4750 Oceanside Boulevard, Suite A-10 in the existing Oceanside Square Shopping Center space located at the northwest corner of Oceanside Boulevard and Temple Heights Drive. The commercial center is 3.3 acres in size and has approximately 37,000 square feet of building space. The subject site is Zoned CL (Limited Commercial) and the General Plan Land Use Designation is GC (General Commercial). Surrounding zoning includes IL (Limited Industrial) to the south, CN (Neighborhood Commercial) to the east, and RM-A (Medium Density Residential A) to the north and west.

Project Description: The application has one component; a conditional use permit:

Conditional Use Permit C-13-07 represents a request for the following:

- a. To permit an internet-based retail vehicle sales business within an existing building, pursuant to Section 1120 of the Oceanside Zoning Ordinance.

Bernard Motors will be an internet-based vehicle sales business located within an existing 850-square foot building. As conditioned, the business will be limited to two (2) employees. The hours of operation will be 10:00 a.m. to 7:00 p.m., Monday through Saturday. Vehicles bought through auctions will be serviced in Vista and kept at that service location until an appointment is established with an interested customer. Customers will meet the business owner at the subject property to inspect the vehicle and make any sales transactions. The building is within an existing shopping center, which is maintained, and will continue to be maintained by the property owner.

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

1. General Plan
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:

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.

2.23 General Commercial Policies:

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 will add to the variety of commercial service available to the general public. The proposed use is an office use combined with vehicle sales. The proposed use, as conditioned, will not negatively impact the surrounding commercial businesses.

2. Zoning Ordinance

This project is located in a Limited Commercial District. The following table depicts the parking data for the existing commercial center with the proposed vehicle sales use based upon Section 3100 of the OZO:

EXISTING USES	APPROX. BUILDING AREA (Sq. Ft.)	ZONING REGULATIONS	REQUIRED PARKING
Animal Sales and Services	2,200	1:400	5
Eating & Drinking Establishments	10,960	1:50 sq ft of eating area	~100
Food and Beverage Sales	4,000	1:200	20
Office, Business & Professional	1,650	1:300	5
Offices, Medical and Dental	2,200	1:200	11
Personal Services	3,740	1:250	15
Personal Improvement Services	9,570	1:250	38
Retail Sales	1,100	1:200	5
TOTAL	35420	N/A	199
Proposed Vehicle Sales	850	1:1000	1
EXISTING	~36,270	N/A	210

The lease agreement between the property owner and the applicant has indicated that three (3) parking spaces will be allocated to the proposed business. The project has

been conditioned to limit the number of for-sale vehicles on-site at any given time to one (1) vehicle. The addition of the proposed business within the existing commercial center will not impact parking.

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	CL	6 Eating & Drinking Establishments 4 Personal Improvement Services 1 Veterinarian Clinic 4 Personal Services 1 Retail Book Store 2 Offices, Business & Professional 2 Offices, Medical & Dental 1 Convenience Store
North	MDA-R	RM-A	Multi-family Residential
East	NC	CN	Commercial
South	LI	IL	Limited Industrial General Commercial
West	MDA-R	RM-A	Multi-family Residential

DISCUSSION

Issue: Project compatibility with the existing commercial uses within the center.

Recommendation: The proposed use will add to the variety of commercial services available at the Oceanside Square Shopping Center. The lease agreement between the property owner and the applicant has indicated that three (3) parking spaces will be allocated to the proposed business even though only one (1) parking space is required. The project has been conditioned to limit the number of for-sale vehicles on-site at any given time to one (1) vehicle. The addition of the proposed business within the existing commercial center will not impact parking or the surrounding commercial businesses.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Article 19 Categorical Exemptions, Section 15301 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 300-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. As of June 20, 2007, no communication supporting or opposing the request has been received.

SUMMARY

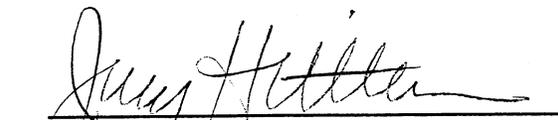
The proposed Conditional Use Permit as conditioned, are consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project has been conditioned to meet or exceed all applicable development standards. As such, staff recommends that the Planning Commission 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. 2007-P31 approving Conditional Use Permit C-13-07 with findings and conditions of approval attached herein.

PREPARED BY:

SUBMITTED BY:


Sally Schifman
Planner II


Jerry Hittleman
City Planner

REVIEWED BY: 
Amy Volzke, Principal Planner

JH/SS/fil

Attachments:

1. Site Plan
2. Planning Commission Resolution No. 2007-P31

1 PLANNING COMMISSION
2 RESOLUTION NO. 2007-P31

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

6 APPLICATION NO: C-13-07
7 APPLICANT: Ray L. Bernard
8 LOCATION: 4750 Oceanside Boulevard, Suite A-10

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

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

14 to allow for an internet-based retail vehicle sales business within an existing building;
15 on certain real property described in the project description.

16 WHEREAS, the Planning Commission, after giving the required notice, did on the 25th
17 day of June, 2007 to conduct a duly advertised public hearing as prescribed by law to consider
18 said application.

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

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

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

25 FINDINGS:

26 For the Conditional Use Permit:

- 27 1. That the proposed location of the use is in accord with the objectives of the Zoning
28 Ordinance and the purposes of the General Plan Land Use District. The operation is
29 located in a Limited Commercial zone which allows for uses such as vehicle sales, with a
Conditional Use Permit.

- 1 2. That the proposed location of the conditional use and the proposed conditions under
2 which it would be operated or maintained will be consistent with the General Plan; will
3 not be detrimental to the public health, safety, welfare of persons residing or working in
4 or adjacent to the neighborhood of such use; and will not be detrimental to properties or
5 improvements in the vicinity or to the general welfare of the City.
- 6 3. That the proposed conditional use will comply with the provisions of the Zoning
7 Ordinance, including any specific condition required for the proposed conditional use
8 in the district in which it would be located.

9 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
10 approve Conditional Use Permit (C-13-07) subject to the following conditions:

11 **Building:**

- 12 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
13 Building Division plan check.
- 14 2. The granting of approval under this action shall in no way relieve the applicant/project
15 from compliance with all State and local building codes.
- 16 3. Site development, parking, access into buildings and building interiors shall comply with
17 the State's Disabled Accessibility Regulations.
- 18 4. Tenant Improvements or other construction to buildings require permits (including all
19 inspections, approvals, and Certificate of Occupancy) from the Building Division.
- 20 5. The developer shall monitor, supervise and control all building construction and
21 supportive activities so as to prevent these activities from causing a public nuisance,
22 including, but not limited to, strict adherence to the following:
- 23 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
24 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
25 work that is not inherently noise-producing. Examples of work not permitted on
26 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
27 producing nature. No work shall be permitted on Sundays and Federal Holidays
28 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
29 Christmas Day) except as allowed for emergency work under the provisions of the
Oceanside City Code Chapter 38 (Noise Ordinance).

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

6 **Engineering:**

- 7 6. Design and construction of all improvements shall be in accordance with standard plans,
8 specifications of the City of Oceanside and subject to approval by the City Engineer.

9 **Fire:**

- 10 7. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
11 approval prior to the issuance of building permits. The building shall meet Oceanside
12 Fire Department current codes in effect at the time of building permit application.

13 **Planning:**

- 14 8. This Conditional Use Permit shall expire on June 25, 2009, unless implemented as required
15 by the Zoning Ordinance or unless the Planning Commission grants a time extension.
- 16 9. This Conditional Use Permit approves only the operation of an internet-based retail vehicle
17 sales business in an existing building as shown on the plans and exhibits presented to the
18 Planning Commission for review and approval. No deviation from these approved plans
19 and exhibits shall occur without Planning Division approval. Substantial deviations shall
20 require a revision to the Conditional Use Permit or a new Conditional Use Permit.
- 21 10. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
22 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
23 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
24 annul an approval of the City, concerning Conditional Use Permit (C-13-07). The City
25 will promptly notify the applicant of any such claim, action or proceeding against the
26 City and will cooperate fully in the defense. If the City fails to promptly notify the
27 applicant of any such claim action or proceeding or fails to cooperate fully in the
28 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
29 harmless the City.
11. Prior to the transfer of ownership and/or operation of the site, the owner and/or operator
 shall provide a written copy of the application, staff report and resolution for the project to

1 the new owner and/or operator. This notification provision shall run with the life of the
2 project and shall be recorded as a covenant on the property.

3 12. Failure to meet any conditions of approval for this development shall constitute a violation
4 of the Conditional Use Permit.

5 13. Unless expressly waived, all current zoning standards and City ordinances and policies in
6 effect at the time building permits are issued shall be met by this project. The approval of
7 this project constitutes the applicant's agreement with all statements in the Description and
8 Justification and other materials and information submitted with this application, unless
9 specifically waived by an adopted condition of approval.

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

13 15. The applicant shall be responsible for trash abatement on the site, and shall keep the site
14 free of litter, trash and other nuisances.

15 16. 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 any business license. The covenant
17 shall provide that the property is subject to this resolution, and shall generally list the
18 conditions of approval.

19 17. The hours of operation shall be limited from 10:00 a.m. to 7:00 p.m. Monday through
20 Saturday. Hours of operation may be further limited by the Planning Commission if valid
21 issues or complaints pertaining to the hours of operation arise.

22 18. Vehicle sales shall be permitted by appointment only. No more than one (1) for-sale
23 vehicle shall be permitted on-site at any given time. Vehicles shall not be permitted to
24 remain on-site overnight.

25 19. No retail sales of vehicle merchandise shall be permitted at this location.

26 20. No vehicle and/or equipment repair services shall be permitted at this location.

27 21. The number of employees shall be limited to two (2). A change in employees shall result
28 in a revision to the Conditional Use Permit or a new Conditional Use Permit.

29 22. All proposed signs for the facility shall be consistent with the City of Oceanside Zoning
Ordinance. All signs shall be submitted to the Planning Division and Building Division

1 and approved prior to the issuance of sign permits. No balloons, flags, or vehicle
2 signage shall be permitted at this location at any time.

3 **Water Utilities:**

4 23. The property owner will maintain private water and wastewater utilities located on
5 private property.

6 PASSED AND ADOPTED Resolution No. 2007-P31 on June 25, 2007 by the
7 following vote, to wit:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

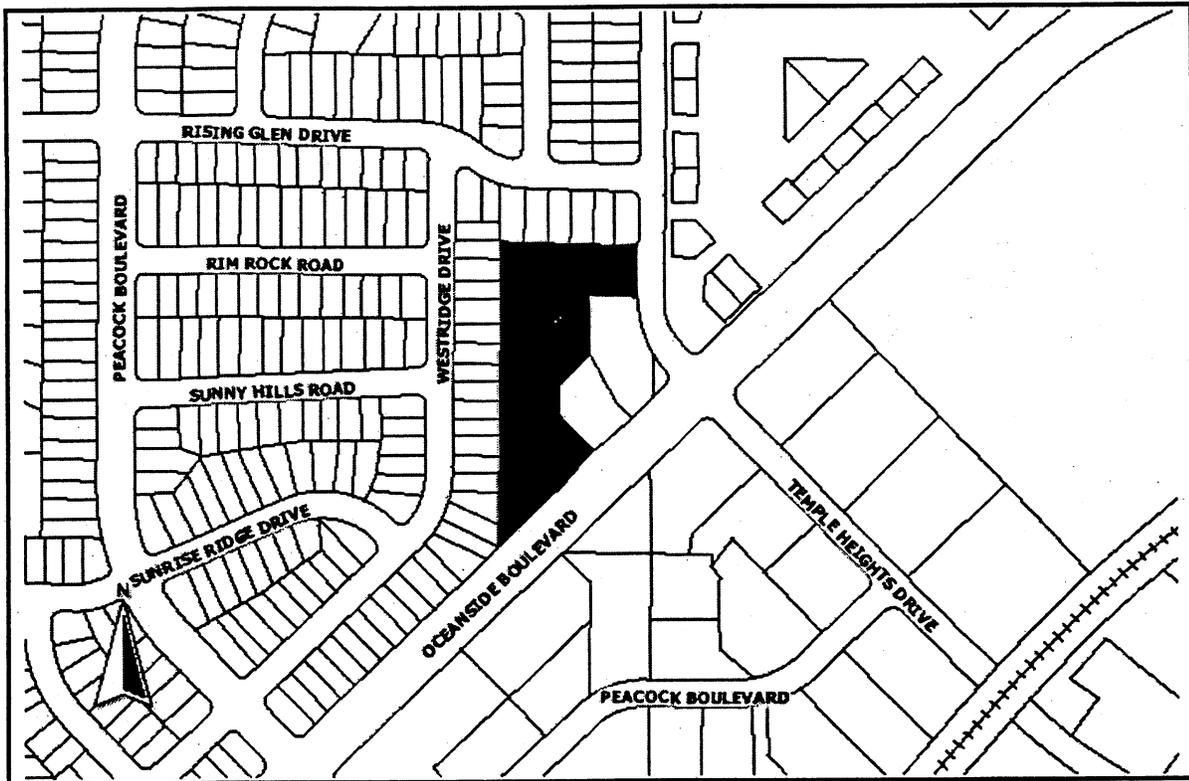
12 _____
13 Dennis Martinek, Chairman
14 Oceanside Planning Commission

15 ATTEST:

16 _____
17 Jerry Hittleman, Secretary

18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
19 this is a true and correct copy of Resolution No. 2007-P31.

20 Dated: June 25, 2007
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File Number: C-13-07

Applicant: Ray L. Bernard

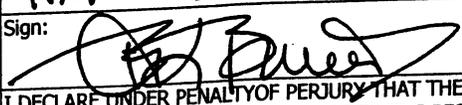
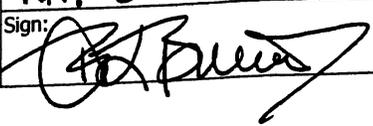
Description:

CONDITIONAL USE PERMIT (C-13-07) for an internet-based retail vehicle sales business located at 4750 Oceanside Boulevard, Suite A-10. The project site is zoned CL (Limited Commercial) and is situated within the Peacock Neighborhood. **BERNARD MOTORS**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

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

Application For Planning Commission Hearing				STAFF USE ONLY	
Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885				ACCEPTED	BY
Please Print or Type All Information				4/16/07	S.S.
PART I - APPLICANT INFORMATION				HEARING	
1. APPLICANT		2. STATUS		GPA	
RAY L. BERNARD		LESSEE		MASTER/SP.PLAN	
3. ADDRESS		4. PHONE/FAX		ZONE CH.	
5782 DARTMOOR CIR OCEANSIDE CA 92057		760 806 4473		TENT. MAP	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)				PAR. MAP	
RAY L. BERNARD				DEV. PL.	
6. ADDRESS		7. PHONE/FAX		C.U.P.	C-13-07
SAME		760 822 3636		VARIANCE	
PART II - PROPERTY DESCRIPTION				COASTAL	
8. LOCATION				O.H.P.A.C.	
4750 OCEANSIDE BLVD SUITE A-10 92056				9. SIZE	850 SQ FT
10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER		
RETAIL	C-1	EXISTING RETAIL	PARCEL 24 of Map # 11924		
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION					
INTERNET CAR SALES ONE AT A TIME FROM OFFICE A-10. NO VEHICLES WILL BE STORED ON SITE, NOTHING WILL BE BUILT, NO LANDSCAPING OR ENVIRONMENTAL EFFECT AT ALL.					
15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY	
NO CHANGE	NO CHANGE	NO CHANGE	NONE	-	
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE		
-	-	EXISTING	EXISTING		
PART IV - ATTACHMENTS					
ALL APPLICATIONS				DEV. PLANS, C.U.P.s & TENT. MAPS	
5	24. DESCRIPTION/JUSTIFICATION	5	25. LEGAL DESCRIPTION	<input checked="" type="checkbox"/>	30. FLOOR PLANS AND ELEVATIONS
<input checked="" type="checkbox"/>	26. 300-FT. RADIUS MAP	<input checked="" type="checkbox"/>	27. PROPERTY OWNERS' LIST	<input checked="" type="checkbox"/>	31. CONSTRUCTION SCHEDULE NONE
<input checked="" type="checkbox"/>	28. ENVIRONMENTAL ASSESSMENT	25	29. PLOT PLANS	<input checked="" type="checkbox"/>	32. OTHER
PART V - SIGNATURES					
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.			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).		
33. APPLICANT OR REPRESENTATIVE (Print):		34. DATE		38. DATE	
RAY L. BERNARD		4.13.07		4.13.07	
Sign: 			37. OWNER (Print)		38. DATE
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			OCEANSIDE SQ LLC		4.13.07
35. APPLICANT (Print):			39. OWNER (Print):		40. DATE
RAY L. BERNARD			Mailed Signed App. in on 4.9.07 FROM LA.		
36. DATE			Sign:		
4.13.07					
Sign: 					

1982 File # 82-023505

RECEIVED

APR 16 2007

Planning Department

SALLY

24)

Description & justification

Bernard Motors will be an internet based auto sales, one car at a time, from an office in Oceanside Square shopping center. No cars will be stored on site.

We will buy cars from an auction, they will go directly to Advanced Auto Care in Vista to be checked out, smogged, etc. Cars will be at this location until appt. time with client.

People will then come to the lot by appointment, look at the car they want, and make the decision to buy or not. If they buy, they come into the Starbucks, or living room type office, do the DMV paperwork and drive away in the car. It's a very pleasant, easy going, non-pressure way to buy. We will specialize in high-line vehicles like Mercedes, Porsche, BMW, Cadillac, etc. Take requests, find cars for people, etc.

Because of the existing center, nothing will be built, changed. or landscaped.

CONDITIONAL USE PERMIT

- a) **The purpose of the center is retail sales, that's what we'll do.**
- b) **We will operate and maintain under the original plan, and will not be detrimental to the public health, safety or welfare of persons residing or working in the neighborhood, and will not be detrimental to properties in the vicinity or to the general welfare of the city.**
- c) **The conditional use will comply with the provisions of this ordinance, including any specific condition required for the proposed conditional use in the district in which it will be located.**

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APR 16 2007

Planning Department

**Temple Heights Square
Legal Description**

Parcel 1 in the City of Oceanside, County of San Diego, State of California, as shown on Page 7896 of Parcel Maps, filed in the Office of the County Recorder of San Diego County, October 4, 1978.

Parcel 24 of Parcel Map No. 11924, filed January 27, 1982 as File No. 82-023505 in the Office of the County Recorder of said County of San Diego, being a portion of the Southeast Quarter of Section 14, Township 11 South, Range 4 West, San Bernardino Meridian.

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APR 16 2007

Planning Department



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 06/26/2007
Removal: 12/26/2007
(180 days)

1. **APPLICANT:** Ray L. Bernard
2. **ADDRESS:** 5782 Dartmoor Circle
3. **PHONE NUMBER:** (760) 806-4473
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Sally Schifman
6. **PROJECT TITLE:** Bernard Motors (C-13-07)
7. **DESCRIPTION:** To obtain a Conditional Use Permit for an internet-based retail vehicle sales business located at 4750 Oceanside Boulevard, Suite A-10.

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. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- The project is categorically exempt, Class 1, Existing Facilities (Section 15301); or,
- "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 does not constitute a "project" as defined by CEQA (Section 15378).

Sally Schifman

Sally Schifman, Planner II

Date: June 26, 2007

cc: Project file Counter file Library
Posting: County Clerk \$50.00 Admin. Fee