

AGENDA NO. 3

DEVELOPMENT SERVICES DEPARTMENT/ PLANNING DIVISION

MEMORANDUM

DATE: July 12, 2010

TO: Chairman and Members of the Planning Commission

FROM: Jerry Hittleman, City Planner 

SUBJECT: WEST COAST TIRE AND WHEEL (D-15-92Rev.05; C-9-95Rev.05; RC-2-95Rev05) NEW FINIDINGS & CONDITIONS OF APPROVAL

On March 8, 2010, the Planning Commission held a public hearing on the proposed West Coast Tire and Wheel project. The project included a 3,508 square-foot addition to an existing structure to accommodate the enclosure of "out door" work areas on the project site located at 1434 South Coast Highway. The project site is located within the Coastal Zone and the Coast Highway Vision and Strategic Plan (Vision Plan) project area. At the time, Planning Staff was recommending denial of the project based on what it felt were inconsistencies between the project and the City's Local Coastal Program (LCP) and the Vision Plan.

After much debate and public input, however, the Commission decided not to support the staff recommendation and instead voted to approve the project and adopted Resolution No. 2010-P09. As part of that vote, several "special" conditions were to be added to the project as requested by the Commission. One of those conditions was to conduct a noise analysis to determine if the project needed mitigation measures to be compliant with applicable noise standards. For example, is the existing block wall on the site's east property line of adequate height to provide noise attenuation between the site and the adjacent RV Park?

Since the time of the first hearing, the applicant commissioned an Acoustic Noise Survey and Testing to address the Commission's concern on this issue. That report (Attachment 2) analyzed existing sound levels generated at and adjacent to the site to determine if noise levels at the property lines (especially the east property line) met code requirements. The report concluded that noise levels at the east property line are in conformance with applicable standards (less than 70 db). In addition, the existing block wall is already built to the standard between commercial

and residential uses, varying between seven feet and eight feet in height. The report also noted that the largest generator of noise levels for this area is South Coast Highway. In addition, that by enclosing the outdoor work area the net effect impact from the use on the RV Park will be lowered. Because of this, a Condition regarding noise attenuation has not been added to the project.

Since the original Resolution of approval for the project was for denial, Staff has revised the Findings and compiled Conditions of approval for the project, including the remaining "special" conditions imposed at the hearing. Attached for consideration by the Commission, please find the revised Planning Commission Resolution No. 2010-P09.

Attachments:

1. Planning Commission Resolution No. 2010-P09
2. Acoustic Noise Survey and Testing
3. Planning Commission Staff Report dated March 8, 2010

1 PLANNING COMMISSION
2 RESOLUTION NO. 2010-P09

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
4 OF OCEANSIDE, CALIFORNIA APPROVING REVISIONS TO A
5 DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, AND
REGULAR COASTAL PERMIT

6 APPLICATION NO: D-15-92 Rev05, C-9-95 Rev05, RC-2-95 Rev05

7 APPLICANT: West Coast Tire & Wheel

8 LOCATION: East of South Coast Highway, south of Oceanside Boulevard and the
9 Sprinter Tracks, and north of Morse Street, within the South Oceanside
Neighborhood

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms
13 prescribed by the Commission requesting a Development Plan Revision, Conditional Use
14 Permit Revision, and Regular Coastal Permit Revision under Articles 3, 11, 15, 16, 17, 21, and
15 27 of the Zoning Ordinance of the City of Oceanside adopted prior to 1986 and applicable in the
Coastal Zone to permit the following:

16 the expansion of an existing automotive related business to allow the construction of
17 3,508 additional square feet of building area on a 0.51-acre site;
18 on certain real property described in the project description.

19 WHEREAS, the Planning Commission, after giving the required notice, did on the 8th
20 day of March, 2010 conduct a duly advertised public hearing as prescribed by law to consider
21 said application;

22 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
23 Guidelines thereto; this project constitutes an in-fill development, and the project is
24 categorically exempt, Class 32, "In-Fill Development Projects" (Section §15332) from
25 environmental review;

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

1 WHEREAS, there is hereby imposed on the subject development project certain fees,
2 dedications, reservations and other exactions pursuant to state law and city ordinance;

3 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN that
4 the project is subject to certain fees, dedications, reservations and other exactions as provided
5 below:

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
6 Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
7 Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$0.713 per square foot or \$713 per thousand square feet for non- residential uses
8 School Facilities 9 Mitigation Fee	Ordinance No. 91-34	\$.42 per square foot non- residential for Oceanside
10 Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
11 Thoroughfare Fee 12 (For commercial and 13 industrial please note the 14 75 percent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
15 Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Non-residential is \$37,205 for a 2" meter.
16 Wastewater System Buy-in 17 Fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Non-residential is \$50,501 for a 2" meter.
18 San Diego County Water 19 Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Non-residential is \$23,358 for a 2" meter.

1 WHEREAS, the current fees referenced above are merely fee amount estimates of the impact fees
2 that would be required if due and payable under currently applicable ordinances and resolutions,
3 presume the accuracy of relevant project information provided by the applicant, and are not
4 necessarily the fee amount that will be owing when such fee becomes due and payable;

5 WHEREAS, unless otherwise provided by this resolution, all impact fees shall be
6 calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside
7 City Code and the City expressly reserves the right to amend the fees and fee calculations
8 consistent with applicable law;

9 WHEREAS, the City expressly reserves the right to establish, modify or adjust any fee,
10 dedication, reservation or other exaction to the extent permitted and as authorized by law;

11 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN that
12 the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction
13 described in this resolution begins on the effective date of this resolution and any such protest must
14 be in a manner that complies with Section §66020;

15 WHEREAS, pursuant to Oceanside Zoning Ordinance Article 21, §2115, this resolution
16 becomes effective 20 days from its adoption in the absence of the filing of an appeal or call for
17 review;

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

20 FINDINGS:

21 For the Development Plan:

- 22 1. The site plan and physical design of the project are consistent with the Zoning
23 Ordinance because the project, as designed, meets or exceeds the development standards
24 established in the Zoning Ordinance for setbacks, height, parking and landscaping.
- 25 2. The Development Plan is consistent with the General Plan of the City because the use is
26 permitted by the General Plan, it is consistent with the intent of the designated land use,
27 and it is compatible with the surrounding existing land uses as it is an expansion of an
28 existing commercial use within a commercial district.
3. The project site can be adequately served by existing public facilities, services and
utilities because the site has been previously developed and the necessary infrastructure
to serve the use is already in place and the existing use utilizes these services.

- 1 4. The project, as proposed, is compatible with the existing and potential development on
2 adjoining properties and in the surrounding neighborhood because the use is permitted in the
3 Zone and it is an in-fill site for a square footage addition to an existing use, and will not
4 interfere with the public peace, health, safety or general welfare of the surrounding
5 properties or general community.
- 6 5. The site plan and physical design of the project is consistent with section 1.24 and 1.25 of
7 the Land Use Element of the General Plan because the project site is currently developed
8 and contains no natural topographic features; and will not lead to slope instability, flooding,
9 or erosion hazards to life or property because those threats have been designed out of the
10 project; there are no significant natural resources on site to preserve; there are no natural
11 hazards in proximity to the site and the project meets all setback requirements; the project is
12 not subject to the Development Guidelines for Hillsides or Article 14.5 of the Ordinance
because the site contains no qualifying slopes.

13 For the Conditional Use Permit:

- 14 1. That the proposed location of the use is in accord with the objectives of the Zoning
15 Ordinance and the purposes of the General Commercial (C2) Zone in which the site is
16 located, per the Oceanside Zoning Ordinance, Article 11 and Article 15, Section §1102
17 (2) and Section §1506, within the General Commercial (C2) Zone, with the approval of
18 a Conditional Use Permit. The proposed expanded use will continue to meet the
19 required parking and development regulations as per the Oceanside Zoning Ordinance
20 Article 27, Section §2702, with the sites 25 parking spaces.
- 21 2. That the proposed location of the conditional use and the proposed conditions under
22 which it would continue to be operated or maintained will remain consistent with the
23 General Plan; the use will not be detrimental to the public peace, health, safety or
24 welfare of persons residing or working in or adjacent to the neighborhood of such use;
25 and will not be detrimental to properties or improvements in the vicinity or to the
26 general welfare of the City. Staff has analyzed the impact of the expanded use with the
27 adjacent land uses, and found that the use would not conflict with the primary hours of
the adjacent land uses.

- 1 3. The project site abuts streets and highways of adequate width and improvements to carry
2 traffic generated from said use and that local street patterns are adequate to guarantee
3 that said traffic will not need to be channeled through residential areas on local streets.
- 4 4. That the proposed conditional use will comply with the provisions of the Zoning
5 Ordinance and General Commercial District in which the property is located, including
6 any specific condition required for the proposed conditional use in the district in which it
7 would be located.

8 For the Regular Coastal Permit:

- 9 1. That the proposed location of the use is in accord and conforms to the Local Coastal
10 Plan because it does not interfere with coastal access or harm coastal resources, and the
11 policies and objectives of the Zoning Ordinance, and the purposes of the General
12 Commercial (C2) zone in which the site is located, as it meets or exceeds all
13 development standards. As per the Oceanside Zoning Ordinance, Article 11, it is
14 permitted within the General Commercial District with the approval of a Conditional
15 Use Permit. The proposed expansion of the existing use will continue to meet the
16 required parking and other development regulations as per the Oceanside Zoning
17 Ordinance.
- 18 2. The project site is located in the appeal jurisdiction area and it does conform to the
19 public access and recreation policies of Chapter 3 of the Coastal Act, as it does not
20 interfere with or prohibit public access or recreational opportunities, nor will it result in
21 the destruction of coastal resources.

22 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
23 approve Revision to Development Plan (D-15-92 Rev05), Revision to Conditional Use Permit
24 (C-9-95 Rev05), and Revision to Regular Coastal Permit (RC-2-95 Rev05) subject to the
25 following conditions:

26 **Building:**

- 27 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
28 Building Division plan check. (As of January 1, 2008 the 2007 California Building
Code, and 2007 California Electrical Code).
2. The granting of approval under this action shall in no way relieve the applicant/project
from compliance with all State and Local building codes.

- 1 3. Site development, parking, access into buildings and building interiors shall comply with
2 the State's Disabled Accessibility Regulations. (2007 California Building Code (CBC),
3 Chapter 11B).
- 4 4. All electrical, communication, CATV, etc. service lines within the exterior lines of the
5 property shall be underground (City Code Sec. 6.30).
- 6 5. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution
7 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or
8 other such lights may be utilized and shall be shown on building and electrical plans.
- 9 6. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
10 plans.
- 11 7. The developer shall monitor, supervise and control all building construction and supporting
12 activities so as to prevent these activities from causing a public nuisance, including, but not
13 limited to, strict adherence to the following:
- 14 8. Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m.
15 Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not
16 inherently noise-producing. Examples of work not permitted on Saturday are concrete and
17 grout pours, roof nailing and activities of similar noise-producing nature. No work shall be
18 permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th,
19 Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work
20 under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).
- 21 9. The construction site shall be kept reasonably free of construction debris as specified in
22 Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste
23 containers shall be considered compliance with this requirement. Small amounts of
24 construction debris may be stored on-site in a neat, safe manner for short periods of time
25 pending disposal.
- 26 10. Provide Details for Disabled Parking, including striping, and signage. Indicate grade
27 elevations for building elevation at entry, entry point and all four corners of disabled
28 parking stall and access aisle.

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1 **Fire:**

- 2 11. Fire Department requirements shall be placed on plans in the notes section.
- 3 12. All proposed and existing fire hydrants within 400 feet of the project shall be shown on
4 the site plan.
- 5 13. A "Knox" key storage box shall be provided for all new construction.
- 6 14. Fire extinguishers are required and shall be included on the plans submitted for plan
7 check.
- 8 15. An approved fire sprinkler system must be installed throughout the building. The
9 system shall be designed per N.F.P.A. 13, and U.B.C. Standard 9-1. The sprinkler
10 system requires 24-hour supervision.
- 11 16. The Fire Department connection shall be located on the address side of the building –
12 unless otherwise determined by the Fire Department. The hydrant shall be located on
13 the same side of the street as the Fire Department connection.
- 14 17. In accordance with the Oceanside Fire Code Section 505, approved addresses for
15 commercial, industrial, and residential occupancies shall be placed on the structure in
16 such a position as to be plainly visible and legible from the street or roadway fronting
17 the property. Numbers shall be contrasting with their background and meet the current
18 City of Oceanside size and design standard.
- 19 18. Commercial buildings require 6-inch address numbers. Industrial buildings require 12-
20 inch address numbers. Minimum specifications are set forth in Oceanside Fire Code
21 Section 505.1, and the Fire Marshal may establish other requirements as deemed
22 necessary.
- 23 19. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
24 approval prior to the issuance of building permits.
- 25 20. All fire sprinkler systems shall be electronically monitored unless approved by the Fire
26 Chief (exception: one & two family dwellings).
- 27 21. Fire Sprinklers are required. Group A, B, F, M and S occupancies when square footage
28 exceeds 5,000 square feet or height exceeds 34 feet.

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1 **Water:**

- 2 22. The developer will be responsible for developing all water and sewer utilities necessary to
3 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
4 the developer and shall be done by an approved licensed contractor at the developer's
5 expense.
- 6 23. The property owner shall maintain private water and wastewater utilities located on private
7 property.
- 8 24. Water services and sewer laterals constructed in existing right-of-way locations are to be
9 constructed by approved and licensed contractors at developer's expense.
- 10 25. All Water and Wastewater construction shall conform to the most recent edition of the
11 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
12 the Water Utilities Director.

12 **The following Conditions shall be met prior to the approval of engineering design plans:**

- 13 26. All lots with a finish pad elevation located below the elevation of the next upstream
14 manhole cover of the public sewer shall be protected from backflow of sewage by installing
15 and maintaining an approved type backwater valve, per the Uniform Plumbing Code
16 (U.P.C.).
- 17 27. A Grease, Oil, and Sand Interceptor, described by the 2007 California Plumbing Code
18 Chapter 10, relating to garages, gasoline stations, wash racks or when deemed necessary
19 shall be installed in each building sewer in an appropriate location and shall be maintained
20 by the property owner. The location shall be called out on the approved Improvement
21 Plans.

21 **The following Condition shall be met prior to building permit issuance:**

- 22 28. If a larger water meter is required, then Water and Wastewater Buy-in fees and the San
23 Diego County Water Authority Fees are to be paid to the City and collected by the Water
24 Utilities Department at the time of Building Permit issuance.

25 **Engineering:**

- 26 29. Design and construction of all improvements shall be in accordance with the City of
27 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard
28 engineering and specifications of the City of Oceanside and subject to approval by the
City Engineer.

- 1 30. Prior to the issuance of a building permit all improvement requirements shall be covered
2 by an improvement plan and secured with sufficient improvement securities or bonds
3 guaranteeing performance and payment for labor and materials, and warranty against
4 defective materials and workmanship.
- 5 31. Prior to the approval of the improvement plan, a covenant, reviewed and approved by
6 the City Attorney, shall be recorded attesting to these improvement conditions.
- 7 32. The owner/developer shall monitor, supervise and control all construction and
8 construction-supportive activities, so as to prevent these activities from causing a public
9 nuisance, including but not limited to, insuring strict adherence to the following:
- 10 a) Dirt, debris and other construction material shall not be deposited on any public
11 street or within the City's stormwater conveyance system.
- 12 b) All grading and related site preparation and construction activities shall be
13 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No
14 engineering related construction activities shall be conducted on Saturdays,
15 Sundays or legal holidays unless written permission is granted by the City Engineer
16 with specific limitations to the working hours and types of permitted operations.
17 All on-site construction staging areas shall be as far as possible from any existing
18 residential development. Because construction noise may still be intrusive in the
19 evening or on holidays, the City of Oceanside Noise Ordinance also prohibits
20 "any disturbing excessive or offensive noise which causes discomfort or
21 annoyance to reasonable persons of normal sensitivity."
- 22 c) The construction site shall accommodate the parking of all motor vehicles used by
23 persons working at or providing deliveries to the site. An alternate parking site can
24 be considered by the City Engineer in the event that the lot size is too small and
25 cannot accommodate parking of all motor vehicles.
- 26 d) The owner/developer shall complete a haul route permit application (if required
27 for import/export of dirt) and submit to the City of Oceanside Engineering
28 Division 48 hours in advance of beginning of work. Hauling operations (if
required) shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise.

- 1 33. It is the responsibility of the owner/developer to evaluate and determine that all soil
2 imported as part of this development is free of hazardous and/or contaminated material
3 as defined by the City and the County of San Diego Department of Environmental
4 Health. Exported or imported soils shall be properly screened, tested, and documented
5 regarding hazardous contamination.
- 6 34. A traffic control plan shall be prepared according to the City traffic control guidelines
7 and approved to the satisfaction of the City Engineer prior to the start of work within the
8 public right-of-way. Traffic control during construction of streets that have been opened
9 to public traffic shall be in accordance with construction signing, marking and other
10 protection as required by the Caltrans Traffic Manual and City Traffic Control
11 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless
12 approved otherwise.
- 13 35. Sidewalk and pedestrian ramp improvements shall comply with ADA requirements.
14 Pedestrian ramps maintained by the City of Oceanside must be fully located within the City
15 right-of-way. Driveway width, alignment, geometric layouts, and minimum curb return
16 radius shall comply with the City of Oceanside Engineers Design and Processing Manual.
- 17 36. Sight distance requirements at the project driveway or street shall conform to the corner
18 sight distance criteria as provided by SDRSD, DS-20B. Intersectional sight distance shall
19 be required along Coast Highway from the driveway for each direction of traffic.
- 20 37. Pavement sections for driveways and parking areas shall be based upon approved soil tests
21 and traffic indices. The pavement design is to be prepared by the owner/developer's soil
22 engineer and must be in compliance with the City of Oceanside Engineers Design and
23 Processing Manual and be approved by the City Engineer, prior to paving.
- 24 38. Any existing broken pavement, concrete curb, gutter, driveways, pedestrian ramps and
25 sidewalk that are damaged during construction of the project, shall be repaired or replaced
26 as directed by the City Engineer.
- 27 39. The owner/developer shall comply with all the provisions of the City's cable television
28 ordinances including those relating to notification as required by the City Engineer.
40. The owner/developer shall obtain any necessary permits and clearances from all public
agencies having jurisdiction over the project due to its type, size, or location, including but
not limited to the U. S. Army Corps of Engineers, California Department of Fish & Game,

1 U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
2 (including NPDES), San Diego County Health Department, prior to the issuance of grading
3 permits.

4 41. If this project involves the demolition of an existing structure or surface improvements; an
5 erosion control plan shall be reviewed and approved by the City Engineer before issuance
6 of any demolition permit. No demolition shall be permitted without an approved erosion
7 control plan.

8 42. An improvement plan shall be prepared, reviewed, secured and approved prior tot the
9 issuance of any building permits. The plan shall reflect all pavement, flatwork, landscape
10 areas, special surfaces, curbs, gutters and utility services.

11 43. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed
12 of in accordance with all State and Federal requirements, prior to stormwater discharge
13 either off-site or into the City drainage system.

14 44. During final engineering design, the engineer of record shall evaluate potential impacts to
15 flood hazard areas. Elevation and flood proofing shall be in accordance with the City of
16 Oceanside Ordinance 94-03 and Federal Emergency Management Agency (FEMA)
17 requirements.

18 45. In the event the conceptual plan does not match the conditions of approval, the resolution
19 of approval shall govern.

20 **The following landscaping requirements shall be required prior to plan approval and**
21 **certificate of occupancy:**

22 46. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines
23 and Specifications for Landscape Development (latest revision), Water Conservation
24 Ordinance No. 91-15, Engineering criteria, City code and ordinances, including the
25 maintenance of such landscaping, shall be reviewed and approved by the City Engineer
26 prior to the issuance of building permits. Landscaping shall not be installed until bonds
27 have been posted, fees paid, and plans signed for final approval.

28 47. Final landscape plans shall accurately show placement of all plant material such as but
not limited to trees, shrubs, and groundcovers.

- 1 48. Landscape Architect shall be aware of all utility, sewers, storm drain easement and place
2 planting locations accordingly to meet City of Oceanside requirements.
- 3 49. All required landscape areas shall be maintained by owner. The landscape areas shall be
4 maintained per City of Oceanside requirements.
- 5 50. Proposed landscape species shall be native or naturalized to fit the site and meet climate
6 changes indicative to their planting location. The selection of plant material shall also
7 be based on cultural, aesthetic, and maintenance considerations. In addition proposed
8 landscape species shall be low water users as well as meet all Fire Department
9 requirements.
- 10 51. All planting areas shall be prepared with appropriate soil amendments, fertilizers, and
11 appropriate supplements based upon a soils report from an agricultural suitability soil
12 sample taken from the site.
- 13 52. Ground covers or bark mulch shall fill in between the shrubs to shield the soil from the
14 sun, evapotranspiration and run-off. All the flower and shrub beds shall be mulched to
15 a 3" depth to help conserve water, lower the soil temperature and reduce weed growth.
- 16 53. The shrubs shall be allowed to grow in their natural forms. All landscape improvements
17 shall follow the City of Oceanside Guidelines.
- 18 54. Root barriers shall be installed adjacent to all paving surfaces, where a paving surface is
19 located within 6 feet of a tree's trunk on-site (private) and within 10 feet of a tree's trunk
20 in the right-of-way (public). Root barriers shall extend 5 feet in each direction from the
21 centerline of the trunk, for a total distance of 10 feet. Root barriers shall be 24 inches in
22 depth. Installing a root barrier around the tree's root ball is unacceptable.
- 23 55. All fences, gates, walls, stone walls, retaining walls, and plantable walls shall obtain
24 Planning Division approval for these items in the conditions or application stage prior to
25 first submittal of working drawings.
- 26 56. For the planting and placement of trees and their distances from hardscape and other
27 utilities/structures the landscape plans shall follow the City of Oceanside's (current)
28 Tree Planting Distances and Spacing Standards.
57. An automatic irrigation system shall be installed to provide coverage for all planting
areas shown on the plan. Low precipitation equipment shall provide sufficient water for
plant growth with a minimum water loss due to water run-off.

- 1 58. Irrigation systems shall use high quality, automatic control valves, controllers and other
2 necessary irrigation equipment. All components shall be of non-corrosive material. All
3 drip systems shall be adequately filtered and regulated per the manufacturer's
4 recommended design parameters.
- 5 59. All irrigation improvements shall follow the City of Oceanside Guidelines and Water
6 Conservation Ordinance.
- 7 60. The landscape plans shall match all plans affiliated with the project.
- 8 61. Landscape plans shall comply with Biological and/or Geotechnical reports, as required,
9 shall match the grading and improvement plans, comply with SWMP Best Management
10 Practices and meet the satisfaction of the City Engineer.
- 11 62. Existing landscaping on and adjacent to the site shall be protected in place and
12 supplemented or replaced to meet the satisfaction of the City Engineer.
- 13 63. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way
14 and within any adjoining public parkways shall be permanently maintained by the
15 owner, his assigns or any successors-in-interest in the property. The maintenance
16 program shall include: a) normal care and irrigation of the landscaping b) repair and
17 replacement of plant materials c) irrigation systems as necessary d) general cleanup of
18 the landscaped and open areas e) parking lots and walkways, walls, fences, etc. Failure
19 to maintain landscaping shall result in the City taking all appropriate enforcement
20 actions including but not limited to citations. This maintenance program condition shall
21 be recorded with a covenant as required by this resolution.
- 22 64. In the event that the conceptual landscape plan (CLP) does not match the conditions of
23 approval, the resolution of approval shall govern.

24 **Planning:**

- 25 65. This Revision to Development Plan, Conditional Use Permit and Regular Coastal Permit
26 shall expire on March 8, 2013, unless implemented in accordance with the City of
27 Oceanside Zoning Ordinance or unless a time extension is granted by the Planning
28 Commission.
66. This Revision to Development Plan, Conditional Use Permit, and Regular Coastal Permit
approves only the addition of 3,508 square feet of building area to the existing on-site
structure and landscaping improvements as depicted on the plans and exhibits presented to

- 1 the Planning Commission for review and approval. No deviation from these approved
2 plans and exhibits shall occur without City Planner or Planning Commission approval.
3 Substantial deviations shall require a revision to the Development Plan, Conditional Use
4 Permit and Regular Coastal Permit, or a new Development Plan, Conditional Use Permit
5 and Regular Coastal Permit, as determined by the City Planner.
- 6 67. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
7 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
8 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
9 annul an approval of the City, concerning Development Plan (D-15-92Rev05, Conditional
10 Use Permit (C-9-95Rev05) and/or Regular Coastal Permit (RC-2-95Rev05). The City
11 will promptly notify the applicant of any such claim, action or proceeding against the
12 City and will cooperate fully in the defense. If the City fails to promptly notify the
13 applicant of any such claim action or proceeding or fails to cooperate fully in the
14 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
15 harmless the City.
- 16 68. All lighting showcasing building architecture shall be shown on the building plans.
- 17 69. The final hardscape design shall be substantially the same as shown on the Conceptual
18 Landscape Plan and is subject to review and approval by the City Planner and City
19 Engineer.
- 20 70. All mechanical rooftop and ground equipment shall be screened from public view as
21 required by the Zoning Ordinance. The roof jacks, mechanical equipment, screen and
22 vents shall be painted with non-reflective paint to match the roof. This information shall be
23 shown on the building plans.
- 24 71. A letter of clearance from the affected school district in which the property is located
25 shall be provided as required by City policy at the time building permits are issued.
- 26 72. Recycling Services: OCC 13.16(h), the requirement to separate all recyclable material
27 from solid waste for separate collection.
- 28 73. Green Waste Services: The separation of all green waste from solid waste using the
approved City collection service and the collection of the material in compliance with
standards as identified in the city code, if green waste is to be collected by the tenant.

- 1 74. A covenant or other recordable document approved by the City Attorney shall be prepared
2 by the applicant/owner and recorded prior to issuance of building permits. The covenant
3 shall provide that the property is subject to this resolution, and shall generally list the
4 conditions of approval.
- 5 75. Prior to the issuance of building permits, compliance with the applicable provisions of the
6 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed
7 and approved by the Planning Division. These requirements, including the obligation to
8 remove or cover with matching paint all graffiti within 24 hours, shall be noted on the
9 Landscape Plan and shall be recorded in the form of a covenant affecting the subject
10 property.
- 11 76. Prior to a transfer of ownership and/or operation of the site the owner shall provide a
12 written copy of the applications, staff report and resolutions for the project to the new
13 owner and/or operator. This notification's provision shall run with the life of the project
14 and shall be recorded as a covenant on the property.
- 15 77. Failure to meet any conditions of approval for this development shall constitute a violation
16 of the Development Plan, Conditional Use Permit and Regular Coastal Permit.
- 17 78. Unless expressly waived, all current zoning standards and City ordinances and policies in
18 effect at the time building permits are issued are required to be met by this project. The
19 approval of this project constitutes the applicant's agreement with all statements in the
20 Description and Justification, the project plans and other materials and information
21 submitted with this application, unless specifically waived by an adopted condition of
22 approval.
- 23 79. The applicant, tenants, or successors in interest shall comply with the City's business
24 license requirements as necessary.
- 25 80. No project signage is approved with this application. All project signage shall be subject
26 to a separate sign permit and be in compliance with Article 33, Signs, of the 1986
27 Zoning Ordinance.
- 28 81. The project shall provide enhanced landscape improvements along the sites Coast
Highway frontage to the satisfaction of the City Engineer and City Planner.

1 82. The boat/storage area along the Coast Highway frontage shall be cleared of all these
2 materials and incorporated into a customer parking area, landscape area or employee
3 eating area.

4 83. The color of the building shall be revised to an earth tone color to the satisfaction of the
5 City Planner.

6 84. This Conditional Use Permit shall be reviewed by the Planning Commission ten years
7 from the date of this approval, or in any event no sooner than March 8, 2020. The
8 purpose of this review shall be to evaluate compatibility with the zoning regulations then
9 in place, including but not limited to the Local Coastal Program, the Coast Highway
10 Vision and Strategic Plan and neighborhood character. If the Planning Commission
11 determines at that time that the project is not in compliance with the then-existing
12 zoning regulations, or is incompatible with the Coast Highway Vision and Strategic Plan
13 and/or the surrounding community, the Planning Commission may initiate Revocation or
14 Modification proceedings in accordance with Article 41 and Article 47 of the Oceanside
Zoning Ordinance.

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1 85. All other Conditions of the original approval contained in Planning Commission
2 Resolution No. 92-P63 remains in full force and effect. In a case where there is a
3 conflict between the Resolutions, the new Resolution 2010-P09 shall rule.

4 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
5 approve Development Plan Revision (D-15-92 Rev05), Conditional Use Permit Revision (C-9-
6 95 Rev05), and Regular Coastal Permit Revision (RC-2-95 Rev05).

7 PASSED on March 8, 2010 by the following vote, to wit:

8 AYES: Troisi, Neal, Balma, Martinek, Rosales and Scrivener

9 NAYS: None

10 ABSENT: Bertheaud

11 ABSTAIN: None

12 ADOPTED Resolution No. 2010-P09 on July 12, 2010.

13 AYES:

14 NAYS:

15 ABSENT:

16 ABSTAIN:

17 _____
18 Claudia Troisi, Chairperson
19 Oceanside Planning Commission

20 ATTEST:

21 _____
22 Jerry Hittleman, Secretary

23 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
24 this is a true and correct copy of Resolution No. 2010-P09.

25 Dated: July 12, 2010

26 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may
27 be required as stated herein:

28 _____
Applicant/Representative

_____ Date

EXHIBIT "A"

RECEIVED
SEP 21 2005
Planning Department

185

THAT PORTION OF TRACT 14 OF SOUTH OCEANSIDE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 622, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 7, 1890, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF HILL STREET, AS SAID STREET IS SHOWN ON SAID MAP NO. 622, WITH THE NORTHWESTERLY LINE OF LOT 1 IN TRACT 50 OF HOTALING LANDS, AS SHOWN ON SAID MAP NO. 1717, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 16, 1921; THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF SAID TRACT 50 TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF LOT 13 OF LUCKY LOTS, AS SHOWN ON MAP THEREOF NO. 2878, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 12, 1952; THENCE NORTH 35°12' WEST, ALONG THE SOUTHWESTERLY LINE OF SAID LOT, 20 FEET TO THE MOST WESTERLY CORNER THEREOF; THENCE ALONG THE SOUTHERLY LINE OF LOT 12 OF SAID LUCKY LOTS SOUTH 85° WEST; A DISTANCE OF 246.92 FEET TO THE MOST WESTERLY CORNER OF SAID LOT; THENCE NORTHWESTERLY IN A STRAIGHT LINE TO THE INTERSECTION OF THE SOUTHEASTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF DITMAR STREET AS THE SAME IS SHOWN ON MAP NO. 418 OF PUTERBAUGH'S ADDITION, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 4, 1887, WITH THE SOUTHEASTERLY LINE OF WITHERBY STREET AS SAID STREET IS SHOWN ON MAP NO. 260 OF GODFREY'S ADDITION TO OCEANSIDE FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 18, 1887; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY LINE OF SAID WITHERBY STREET TO AN INTERSECTION WITH THE SOUTHEASTERLY LINE OF THE ESCONDIDO BRANCH OF THE ATCHISON TOPEKA AND SANTA FE RAILWAY COMPANY'S RIGHT OF WAY; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY LINE OF SAID RIGHT OF WAY TO AN INTERSECTION WITH THE NORTHWESTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF ABOVE REFERRED TO HILL STREET; THENCE SOUTH 35°21'30" EAST ALONG SAID NORTHWESTERLY PROLONGATION, A DISTANCE OF 160.00 FEET; THENCE NORTH 54°38'30" EAST, A DISTANCE OF 100.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 54°38'30" EAST A DISTANCE OF 80.00 FEET; THENCE SOUTH 35°21'30" EAST, A DISTANCE OF 180.00 FEET; THENCE SOUTH 54°38'30" WEST, A DISTANCE OF 180.00 FEET TO THE NORTHWESTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF SAID HILL STREET; THENCE ALONG SAID NORTHWESTERLY PROLONGATION NORTH 35°21'30" WEST, A DISTANCE OF 80.00 FEET; THENCE NORTH 54°38'30" EAST A DISTANCE OF 100.00 FEET; THENCE NORTH 35°21'30" WEST, A DISTANCE OF 100.00 FEET TO THE TRUE POINT OF BEGINNING.

West Coast Tire & Wheel

D-15-92Rev05; C-9-95Rev05; RC-2-05rev05



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: **March 8, 2010**

Removal Date:

1. **APPLICANT:** Mr. Scott Baily, West Coast Tire & Wheel
2. **ADDRESS:** 1434 S. Coast Highway, Oceanside, CA 92054
3. **PHONE NUMBER:** (760) 722-5686
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Jerry Hittleman, City Planner
6. **PROJECT TITLE:** West Coast Tire & Wheel (D-15-92Rev05; C-9-95Rev05; RC-2-95Rev05)
7. **DESCRIPTION:** The application is for the construction of a building addition totaling 3,508 square feet on a 0.51 acre site, with associated parking lot and landscape improvements.

ADMINISTRATIVE DETERMINATION: Planning Department 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, staff finds that the proposed project constitutes an in-fill development project as defined by CEQA. 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 32, "In-fill Development Project" (Section §15332 In-fill Development Project; or,**
 - The project does not constitute a "project" as defined by CEQA (Section 15378).

Date:

Jerry Hittleman, City Planner

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee

Acoustic Noise Survey and Testing

JUN 02 2010
Planning Department

Conducted for:

West Coast Tire and Wheel
1437 south Coast Highway
Oceanside, CA 92054

Owners: Scott and Dianna Bailey



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Client:
West Coast Tire & Wheel
1437 South Coast Highway
Oceanside, CA 92054

Subject: Acoustic evaluation on site Testing conducted May 24-27, 2010.

Scope:

Accumulate current sound levels generated through the conduct of business; quantify sounds verse ambient sounds both on property and at the property line. Secondly acoustic levels will be tested at 4 time intervals reporting data from adjacent to property line but on the exterior.

Property:

Located on the east side of Coast highway ½ block south of Oceanside Blvd. Also landmarked as the third driveway south of the Sprinter line crossing Coast Highway. Subject property is zoned general commercial, with CUP for automotive signed off at purchase with no expiration date. Owner has had build cinder block walls at a minimum level of 7' up to 8'. These enclosures are present on south, east, and north perimeters of property. West elevations have 11' 7" concrete retaining walls from back or north of the property line 110' and black powder coated fencing across driveway and balance of street elevation. Retaining wall follows property line along the north an additional 84', height being 9'. Property slopes up to street level, Coast Highway. Eighty percent of the .52 acres is flat and level.

Evaluation parameters:

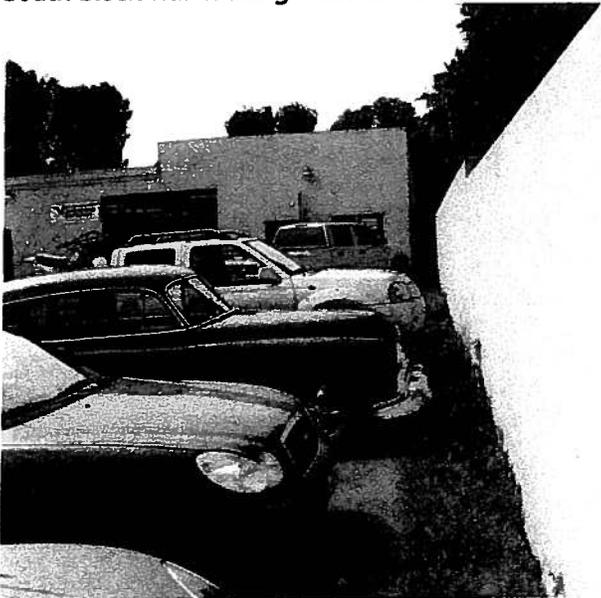
Using an American Recorder SPL-8810, digital sound measuring devise. Base levels will be determined in 3 points of reference, inside the existing building, outside the building on the property, and on the property line.

Weather conditions on test day clear skies, temperature 68-74 degrees, and winds prevailing from the west.

Stucco textured 7-8' block walls have been added by owners replacing previous chain link fencing



South block wall looking west to PCH



East wall looking north toward Sprinter tracks

Tools most commonly used on site are impact wrenches to tighten and loosen lug nuts on vehicles. Other tools included in the study include die grinders, air hammers, air drills and air compressor.

Methodology:

Tools and equipment will be run inside and out , indicated on accompanying chart. American Recorder SPL 8810 used for measurements of tool usage were taken at point of use, directly outside the building with doors open (most common position) and at the property line. Property line measurements were conducted on the south, east, and north. West showed not valued measurements due to ambient value being higher than level generated by all equipment at the distance from the source.

Table 1	Inside Use	Outdoor Use	Outside measurement	Property line measurement		
				North	East	South
Impact Wrench Snap-on AT123A	100		82	54	58	53
		Yes	85	64	65	63
Impact wrench Snap-on MG31	89	No	77	50	51	53
Air Ratchets Snap-on Far 72c	93	No	74	51	54	52
Air Drill Snap-on AT811	78	No	68	*	*	*
Die Grinder Snap-on AT115	91	No	75	*	*	*
		No	73	*	*	*
Air Hammer Snap-on PH3050	93	No	81	61	60	57
Air Compressor		yes	54	54	51	*

* Measurements did not detect a difference in ambient measurement with equipment running
All values reported in db



West side retaining wall. Blue rack will go inside in redesign.



Second rack that will be enclosed post retrofit.

The highest readings were registered by air tools used in an open area. The two lifts currently use for larger vehicles, will move into the remodeled facility. This move will reduce the acoustic output.

Ambient noise:

Background noise is measured on May 24th at 5 PM at an average of 64db at the property line with the exception of the west or street side that averaged 73db. May 26th ambient noise was measured per side of the property and at 9AM, 12N, 2PM and 4PM the results are in table 2.

Table 2 Time of reading reported in average of multiple readings

	9AM	12N	2PM	4PM
West	74.4	71.8	68.9	70.2
North	53	50.8	56.2	54.5
East	50.1	54.6	52.9	52.3
South	58.2	57.6	53	54.3

Observations:

The tool testing was performed in standardized method and measured in kind for each piece of equipment. Personnel of West Coast Tire & Wheel had no knowledge of testing timing of property line measurements; it is believed these reporting numbers are truly random.

Upgrades in retrofit:

Plans call for: "All framed exterior walls to receive fiberglass batt insulation and attic spaces to receive fiberglass batt insulation to meet title 24 regulations. All interior walls receive fiberglass batt insulation". This will absorb air tool noise before it leaves the building logically reducing exterior levels.

Conclusions:

Appendix 1 provides regulations for acoustic noise production regulations commercial is rated at 70db from 7 am to 10 pm.

West Coast Tire & Wheel is fully compliant with these noise regulations and in all the testing done on site. Most tests showed 14-18 points or decibels below (see table 1) regulations acoustic production.

To highest levels of sound production on this property, were actually not generated on the property. These were the traffic levels from Coast Highway averaging over 70 db, decibels and secondly the Sprinter horn and wheels averaging nearly the same with peaks of 75 db.

With the new expansion of West Coast Tire & Wheel it is fully reasonable that absorbing more of the noise produced within the building this is because of the volume of insulation call for and the restoration of square footage both in height and floor space.

Moving most current outside operations to interior operations will also deaden the acoustic output which testing has shown.

Peter Whittet
Senior Consultant

Appendix 1

Sec. 38.12. - General sound level limits.

(a)

Except for exempted activities and sounds as provided in this chapter or exempted properties as referenced in section 38.15, it shall be unlawful for any person to cause or allow the creation of any noise to the extent that the one-hour average sound level, at any point on or beyond the boundaries of the property in the applicable base district zone on which the sound is produced exceeds the applicable limits set forth below:

Base District Zone	Sound Level Limits (Decibels)	
	7:00 a.m. to 9:59 p.m.	10:00 p.m. to 6:59 a.m.
(1)		
Residential Districts:		
RE (Residential Estate)	50	45
RS (Single-Family)	50	45
RM (Medium Density)	50	45
RH (High Density)	55	50
RT (Residential Tourist)	55	50
(2)	65	60
C (Commercial)		
(3)	70	65
I (Industrial)		
(4)	65	55
D (Downtown)		
(5)	50	45
A (Agricultural)		
(6)	50	45
OS (Open Space)		

(b)

Limits for planned developments. In addition to the sound level limits established above, there is hereby established sound level limits for PD (planned development) base district zones.

For any residential land use within a PD zone, the sound level limit is that limit which would be otherwise applicable in the residential district zone (RE, RS, RM, RH or RT) corresponding to density of the residential development in that PD zone.

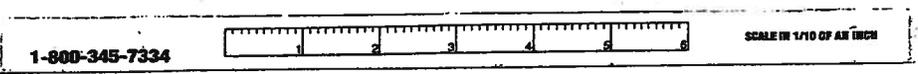
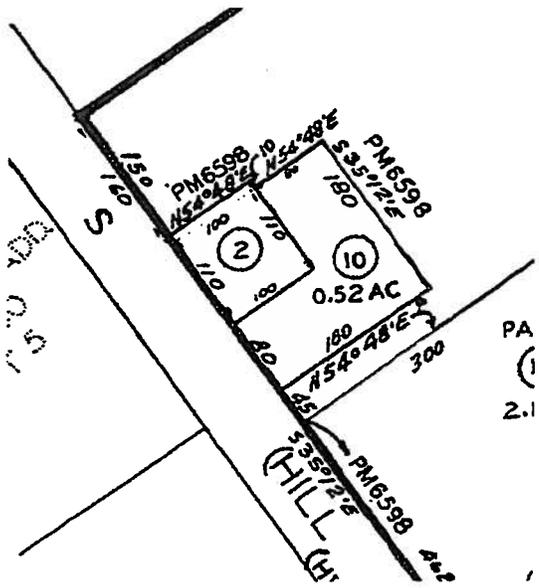
For any nonresidential land use within a PD zone, the sound level limit is that limit corresponding to the C (commercial) or I (industrial) zone which would be applicable to that use if not subject to the PD zone. For the purposes of this section, a land use shall be that use shown on a duly approved planned development plan or specific plan.

(c)

Limits for joint boundaries. When property lines form the joint boundary of two (2) base district zones, the sound level limit shall be the arithmetic mean of the limit applicable to each of the two (2) zones.

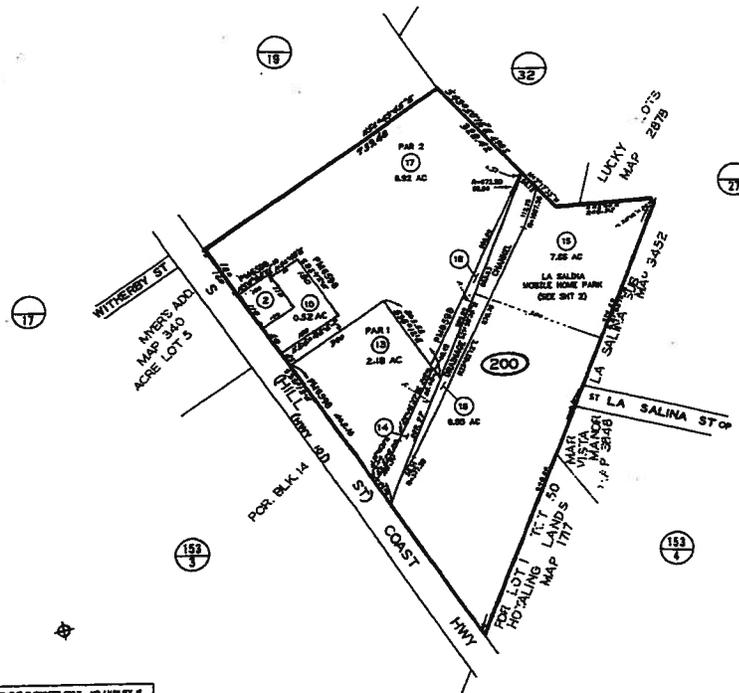
(Ord. No. 90-21, § 2, 5-23-90)

Plat Map



07

152-20
SHT 1 OF 2



4/22/99 DR

CHANGES			
BLK	OLD	NEW	CUT
200	200	200	200
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9
10	10	10	10
11	11	11	11
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33	33	33	33
34	34	34	34
35	35	35	35
36	36	36	36
37	37	37	37
38	38	38	38
39	39	39	39
40	40	40	40

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S OFFICE MAY NOT COMPLY WITH LOCAL ORDINANCES OR REGULATIONS.

SAN DIEGO COUNTY ASSESSOR'S MAP 22 152 PG 20 SHT 1 OF 2

AUG 04 1999
MAP 622 - SOUTH OCEANSIDE REFILED 1890 - POR BLK 14
ROS 14736

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DATE: March 8, 2010

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A DEVELOPMENT PLAN REVISION (D-15-92 REV05), CONDITIONAL USE PERMIT REVISION (C-9-95 REV05), AND REGULAR COASTAL PERMIT REVISION (RC-2-95 REV05) FOR A 3,508-SQUARE FOOT ADDITION TO AN EXISTING 3,548-SQUARE FOOT AUTO REPAIR BUILDING, LOCATED AT 1434 SOUTH COAST HIGHWAY. THE PROJECT SITE HAS A GENERAL PLAN LAND USE DESIGNATION OF GENERAL COMMERCIAL (GC), IS ZONED GENERAL COMMERCIAL (C2), IS IN THE COASTAL ZONE, AND IS SITUATED WITHIN THE SOUTH OCEANSIDE NEIGHBORHOOD PLANNING AREA. – WEST COAST TIRE & WHEEL – APPLICANT: SCOTT BAILEY**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Deny Development Plan Revision (D-15-92 Rev05), Conditional Use Permit Revision (C-9-95 Rev05), and Regular Coastal Permit (RC-2-95 Rev05) by adopting Planning Commission Resolution No. 2010-P09 with findings and conditions of approval attached herein.

BACKGROUND & PROJECT DESCRIPTION

Background: On November 23, 1992 the Planning Commission approved Development Plan (D-15-92), Conditional Use Permit (C-21-92), and Regular Coastal Permit (RC-4-92) conditionally approving the development of an 11,801-square foot commercial building and the establishment of a Motorcycle repair and sales facility (PC Resolution No. 92-P63).

On May 22, 1995 the Planning Commission approved Conditional Use Permit (C-9-95), and Regular Coastal Permit (RC-2-95) conditionally approving motor vehicle sales and repair on the subject site and within the existing commercial building (PC Resolution No. 95-P26).

The current request to add approximately 9,000 square feet of building area was originally filed on September 21, 2005. Staff conducted a review of the application with letters of incompleteness in October and November of 2005. After that correspondence, the application was inactive for just over a year. The applicant made a second submittal in January 2007. The revised application scaled the project back to include just over 7,000 square feet of total building area. Staff then conducted a review of the revised materials and sent a letter of incompleteness on February 8, 2007. After the letter was sent, the application went inactive again, this time for over 2 years. The application was re-filed for the third time in July of 2009.

Between July 2007 and April 2009, the City Council directed staff to prepare a strategic plan for the Coast Highway Corridor. This process culminated with Council's adoption of the "Coast Highway Vision and Strategic Plan" (Vision Plan) on April 15, 2009 (CC Resolution No. 09-R0245-1). Included in the Vision Plan was the adoption of design guidelines whose intent is to promote high quality development, enhance the City image, and strengthen the public realm. The subject project site is within a key planning area of the Vision Plan.

The subject application was reviewed by staff for the third time, and a letter of incompleteness was sent September 17, 2009. The application was then re-filed with the City in November of 2009 and a letter of completeness was sent to the applicant on December 1, 2009. Once a letter of completeness is sent, a project can be moved forward through the CEQA process and taken to a public hearing.

Site Review: The subject site is located immediately off of the east side of South Coast Highway, south of the NCTD Sprinter tracks, within the South Oceanside Neighborhood and the Coastal Zone. The freestanding auto repair building is generally bound by S. Coast Highway and an abutting auto repair business on the west, the Oceanside R.V. Park on the east, and paved driveway for access points to the R.V. Park to the north and south. The project site is located to the rear of an existing commercial parcel and is operating as West Coast Tire and Wheel.

The existing building is approximately 3,548 square feet in size, and is established with an auto repair type business. The subject site has a General Plan Land Use Designation of General Commercial (GC) and is zoned General Commercial (C2) per the 1986 Zoning Ordinance.

The project site is also within the Coast Highway Vision and Strategic Plan project area. The site is a part of the "Sprinter Station Node", and specifically within Catalytic Site 5, Loma Alta Creek Resort.

Project Description: The application consists of a Development Plan Revision (D-15-92 Rev05), Conditional Use Permit Revision (C-9-95 Rev05), and Regular Coastal Permit Revision (RC-2-95 Rev05) as follows:

Development Plan Revision (D-15-92 Rev. 05) represents a request for the following:

- (a) Construction of a 3,508-square foot commercial building addition for auto repairs and services, with associated parking and enhanced landscaping.

The 0.51-acre site is an L-shaped parcel located between an existing commercial building and an extended stay R.V. Park. The site is fully developed with a 3,548-square foot single story auto repair garage. This building addition will provide for additional service bays, an employee lounge area, and tire storage area. It is anticipated that the industrial style building along with the addition will be a maximum height of 22 feet-6 inches high and would incorporate minor building façade improvements. The proposal includes re-stuccoed and painted walls, exposed clear sealed concrete masonry walls and galvanized metal doors and downspouts.

As this is a currently developed site, all necessary public and private infrastructures to serve the use exist on-site. Minor alterations to some of those systems will be required to fit the proposed use, all of which will be the responsibility of the applicant. The site has an adequate access point and parking available to it. The access is from an existing driveway off of Coast Highway. As proposed, the use meets the minimum development standards set forth in the 1986 Zoning Ordinance, but, it is not consistent with all adopted planning documents of the City including the Local Coastal Program policies and the City's urban and building design guidelines.

Conditional Use Permit (C-9-95 Rev.05), represents a request for the following:

- (a) The expansion of the existing auto repair type use on-site.

The auto repair facility is a permitted use within the General Commercial (C2) zone district subject to approval of a conditional use permit. As proposed, the use generally meets the minimum development standards set forth in the 1986 Zoning Ordinance, but is not consistent with all adopted planning documents of the City including the General Plan/Local Coastal Program policies and the City's design guidelines.

Regular Coastal Permit (RC-2-95 Rev.05), represents a request for the following:

- (a) The expansion of the existing auto repair type use on-site.

As proposed, the auto-oriented use generally meets the minimum development standards set forth in the 1986 Zoning Ordinance, but, it is not consistent with all adopted planning documents of the City including the General Plan/Local Coastal Program policies and the Vision Plan's urban and building design principles and guidelines.

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

1. Local Coastal Program
2. Zoning Ordinance
3. Design Guidelines
4. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. Local Coastal Program

The City has adopted a Local Coastal Program (LCP), which has been certified by the California Coastal Commission. This program outlines goals, policies, and programs to ensure appropriate development and land uses within the coastal area. The Land Use Plan section of the Local Coastal program is included as General Plan Appendix B.

The LCP states that public and commercial recreational land uses should be given a priority in the coastal zone. More specifically, one of the objectives identified in the LCP is that the City “shall provide and maintain a wide range of public recreation areas, beach support facilities, and visitor-serving facilities, commensurate with need”. The project site is located in a key area of the City in proximity to Loma Alta Creek that can be a part of achieving this objective.

There are 11 policies designed to achieve and maintain this objective. The proposed expansion is contrary to Policy 7 and Policy 10 of this section of the LCP which read as follows:

Policy 7

“In granting approvals for new development within the coastal zone, the City shall give priority to visitor-serving commercial recreational facilities over private residential, general industrial, or general commercial uses.”

Policy 10

“The City shall continue to promote coastal tourism through the revitalization of the coastal area and upgrading of visitor amenities.”

The proposed use/expansion is an auto-oriented general commercial use. Given the project site’s proximity to Loma Alta Creek and Buccaneer Beach and future potential as a visitor serving/supporting location the auto-oriented project is found to be inconsistent with this LCP policy.

The Visual Resources and Special Communities section of the Program identifies that the enhancement of the Coast Highway streetscape would add to the character of the community. Policy 12 of this section of the LCP reads as follows:

“The City shall support the enhancement of the streetscapes of the major tourist’s corridors through Oceanside (Coast Highway (Hill Street) and Mission Avenue)...”

As the proposed project configuration primarily maintains the current site improvements it would not contribute to the changes needed to comply with this policy.

The New Development and Public Works section of the LCP contains a Policy that has the goal to create a greater use of public transportation and less vehicle miles traveled. Policy 2 of this Section of the LCP reads as follows:

“The City shall promote development of a high level of transportation facilities, public services, and amenities in the coastal zones as a means for reducing energy consumption and vehicle miles travelled.”

The site is located within walking distance of the Sprinter Station and has great potential for development with a visitor serving, transit and pedestrian-friendly focus. If approved, the proposed expansion would not support this policy.

2. Zoning Ordinance Compliance

This project is located within a Commercial General (C2) zone and as designed, complies with the minimum development standards set forth in the 1986 Zoning Ordinance.

The following table summarizes the proposed and applicable development standards for the project site:

	MINIMUM REQUIRED	PROPOSED
LOT SIZE	-	22,216 sq ft
FRONT YARD	50 feet from Coast Highway CL	143 feet
CORNER SIDE	-	-
SIDE YARD	0 feet	0 feet
REAR YARD	0 feet	4 feet

	MINIMUM REQUIRED	PROPOSED
PARKING	24 spaces	25 spaces
BUILDING HEIGHT	45 foot max.	22'6" max.
LANDSCAPING	10%	10%

The proposed project meets the minimum development standards of the 1986 Zoning Ordinance as denoted above. No variances are required for the proposed project.

3. Coast Highway Vision and Strategic Plan Design Guidelines

The design guidelines adopted for Coast Highway are intended to promote high quality development, enhance the City image and strengthen the public realm by setting forth recommendations for architectural and urban design. The guidelines are intended to be utilized during the entitlement review process to promote the highest degree of design quality and creativity.

The site is located in one of four key neighborhood "planning nodes" identified in the Plan, the "Sprinter Station Node". This area is envisioned as a transit-oriented mixed-use area where arts, technology, and the environment converge with business and commerce and developed based on urban and building design principles and guidelines that contributes to the cultural and economic viability of the City.

The adopted design guidelines recommend that new or redeveloped buildings in this portion of Coast Highway and be pedestrian oriented retail, mixed retail/residential uses, and resort uses. The proposed project involves the expansion of a tire replacement and repair shop that is not oriented toward the street and would not promote pedestrian usage of this area.

The site and building improvements for the automotive repair business at this location - as currently exists and is proposed to be modified - is also not consistent with the urban and building design principles and guidelines of the Vision Plan including: building typology, frontage conditions, frontage type, architectural elements and fence design. The proposed enlargement of this auto-oriented use would not provide a primary entrance to the building on Coast Highway in a manner that would promote pedestrian usage or visibility of the building. The proposed architecture does not provide window display areas along the street frontage, does not incorporate extensive use of glass recommended for retail structures, and does not propose architectural elements such as high quality integrated roof materials recommended by the guidelines. In addition, the proposed planter and wrought iron gates along the front of the property do not promote or encourage pedestrian use of the site.

DISCUSSION

Issue: Can the Required Findings for Approval of a Development Plan, Conditional Use Permit, and Regular Coastal permit be made: There are 4 specific Findings for this project that must be made in order to approve the Conditional Use Permit. Staff has determined that not all 4 Findings can be made. Specifically, Finding 1505 (e) can not be made due to the project's direct lack of compliance with the General Plan/Local Coastal Program as well as with the adopted Coast Highway design guidelines as noted under the Analysis section of this report. Finding 1505 (e) reads as follows:

“That the granting of such conditional use permit will not adversely affect the General Plan of the City, any other adopted plan of the City, or the adopted plan of any other governmental agency.”

Staff has determined that the proposed project could not meet this finding due to inconsistency with the Local Coastal Program and Coast Highway design guidelines.

Issue: Project Consistency with the Coast Highway Vision Design Guidelines: The proposed project is located within the Coast Highway Vision and Strategic Plan project boundary area. It is also located within the Sprinter Station Transit Node, and is part of Catalytic Site 5, Loma Alta Creek Resort. To implement the adopted vision for future development on the subject area the Coast Highway Vision and Strategic Plan incorporates numerous applicable urban and building design principles and guidelines.

The proposed project is inconsistent with said guidelines including: building typology, frontage conditions, frontage type, architectural elements and fence design, as noted under the Analysis section of this report.

Staff finds that the proposed project design is not consistent with the adopted Coast Highway design guidelines.

ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act of 1970 and State Guidelines thereto; the City of Oceanside acting as Lead Agency intends to disapprove the project and in accordance with CEQA Section 15270 “Projects Which are Disapproved” (b) allows for an initial screening of projects on the merits for quick disapprovals prior to initiation of the CEQA process where the agency can determine that the project cannot be approved. Should staff's recommendation to deny be overturned, the project would need to be returned to staff in order to conduct the required CEQA review prior to any discretionary action occurring.

PUBLIC NOTIFICATION

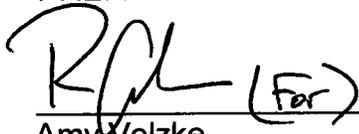
Pursuant to Article 41 of the Oceanside Zoning Ordinance, a legal notice was published in the North County Times and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals and or organizations requesting notification, the applicant and other interested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

SUMMARY

The proposed Development Plan (D-15-92 Rev05), Conditional Use Permit (C-9-95 Rev05 and Regular Coastal Permit (RC-2-95 Rev05), are not consistent with the Local Coastal Program policies or the Coast Highway design guidelines. As such, Staff recommends the Planning Commission deny the project based on the Findings contained in the attached Resolution. Staff recommends that the Planning Commission:

- Adopt Planning Commission Resolution No. 2010-P09 denying Development Plan (D-15-92 Rev05), Conditional Use Permit (C-9-95 Rev05) and Regular Coastal Permit (RC-2-95 Rev05) as attached herein.

PREPARED BY:



Amy Volzke
Principal Planner

SUBMITTED BY:



Jerry Hittleman
City Planner

Attachments:

1. Plans
2. Planning Commission Resolution No 2010-P09
3. Planning Commission Resolution No. 92-P63
4. Planning Commission Resolution No. 95-P26
5. City Council Resolution No. 09-R0245-1