



DATE: October 10, 2011

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP11-00006) FOR THE ESTABLISHMENT AND OPERATION OF A VEHICLE STORAGE FACILITY AT 270 VIA DEL NORTE IN THE AIRPORT NEIGHBORHOOD PLANNING AREA – IRAVANI VEHICLE STORAGE – APPLICANT: AMIR IRAVANI**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Adopt Planning Commission Resolution No. 2011-P33 approving Conditional Use Permit (CUP11-00006) with findings and conditions of approval attached herein.

BACKGROUND AND PROJECT DESCRIPTION

Background & Site review: The project site is situated northeast of the Via Del Norte and San Luis Rey Road intersection in the Airport Neighborhood Planning Area and is surrounded by industrial uses. Existing development on the site includes two warehouse structures totaling 12,000 square feet as well as parking and landscaping site improvements. The property bears a General Plan land use designation of Light Industrial (LI) and a zoning designation of Limited Industrial (IL). A shared driveway between the subject parcel and adjoining property to the south provides access to the site off of Via Del Norte. Two gates provide secondary access points from the alley.

Project Description: The project application is comprised of a single entitlement request:

Conditional Use Permit CUP11-00006 represents a request to permit the following:

- (a) Temporary (2 – 4 days) storage of vehicles within an existing 8,000-square foot warehouse/storage structure and associated site improvements.

The applicant proposes to use the larger of two existing warehouse/storage buildings (8,000 sq. ft.) at 270 Via Del Norte for temporary (2 – 4 days) storage of towed vehicles. Upgrades to existing landscaping and parking areas and modification (removal) of certain portions of existing fencing have also been requested, to bring the site in substantial compliance with current development standards.

The subject vehicle storage facility is proposed to be will be open 24 hours-a-day. One employee will be on duty at all times attending to vehicle retrieval. All towed vehicles will be stored within the building.

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

1. General Plan
2. Zoning Ordinance
3. CEQA

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

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

A. Land Use Element I

Goal 1.12 Land Use Compatibility

Objective: To minimize conflicts with adjacent or related uses.

Policy B: The use of land shall not create negative visual impacts to surrounding land uses.

Adequate building setbacks and landscaping will complement the existing neighborhood context. Fencing within front yard setback area will be removed.

Policy B: The use of land shall not subject people to potential sources of objectionable noise, light, odors, and other emissions nor to exposure of toxic, radioactive, or other dangerous materials.

The site is located within an industrial district and all towed vehicles will be stored within an existing warehouse/storage structure. No vehicle/equipment repairs will occur on the property.

2. Zoning Ordinance Compliance

Article 13, Section 1320 and 1330

Section 1320 of the Oceanside Zoning Ordinance permits the establishment and operation of vehicle storage facilities in the underlying Limited Industrial (IL) zoning district subject to approval of a conditional use permit. As conditioned, the project site will be in substantial compliance with the development standards set forth in Section 1330 of the zoning ordinance, including but not limited to parking and landscaping provisions.

DISCUSSION

Staff has evaluated the proposed request for the establishment and operation of a temporary vehicle storage facility and has found the land use compatible with industrial uses within the immediate project area. Site landscaping, parking and fencing modifications will improve the appearance of the site and positively contribute to the character of the Airport Neighborhood Planning Area. A condition of project approval requiring establishment/operation of a sales office on the premises has been incorporated in the draft resolution of project approval to ensure that sales tax revenue for sales/services provided or sold within the City of Oceanside will accrue to the City.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from CEQA per article 19, Section 15332, Class 32, In-Fill Development Projects.

PUBLIC NOTIFICATION

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, and Tri-City Neighborhood residents.

SUMMARY

The proposed project, as conditioned, is consistent with the requirements of the land use policies of the General Plan and in substantial compliance with provisions of the Zoning Ordinance, therefore, staff recommends that the Planning Commission:

- Adopt Planning Commission Resolution No. 2011-P33 approving Conditional Use Permit (CUP11-00006) with findings and conditions of approval attached herein.

PREPARED BY:


Amy Fousekis
Principal Planner

SUBMITTED BY:


Jerry Hittleman
City Planner

JH/AF/fil

Attachments:

1. Planning Commission Resolution No. 2011-P33
2. Project Plans

1 PLANNING COMMISSION
2 RESOLUTION NO. 2011-P33

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: CUP11-00006
7 APPLICANT: Amir Iravani
8 LOCATION: 270 Via del Norte

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 Articles
13 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

14 temporary storage of towed vehicles within an existing 8,000-square foot structure and
15 construction of associated minor site improvements;
16 on certain real property described in the project description.

17 WHEREAS, the Planning Commission, after giving the required notice, did on the 10th day
18 of October 2011, conduct a duly advertised public hearing as prescribed by law to consider said
19 application;

20 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
21 Guidelines thereto; this project is categorically exempt from CEQA per Article 19, Section 15332,
22 Class 32, In-Fill Development Projects;

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

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

27 ////////////////

28 ////////////////

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1 FINDINGS:

2 For the Conditional Use Permit to allow the temporary storage of towed vehicles within an
3 existing 8,000-square foot structure and construction of associated minor site improvements:

- 4 1. The proposed temporary vehicle storage facility is in accord with the objectives of the
5 Zoning Ordinance and the purposes of the underlying Limited Industrial (IL) district.
6 Section 1320 of the Oceanside Zoning Ordinance permits the establishment and
7 operation of vehicle storage in the subject zoning district, subject to approval of a
8 conditional use permit. Site improvements on the project area, including parking,
9 fencing and landscaping will be subject to compliance with the development standards
10 set forth in Section 1330 of the zoning ordinance.
- 11 2. The location for the use and conditions under which it will be operated are consistent with
12 the General Plan, will not be detrimental to public health, safety or welfare of persons
13 residing or working in or adjacent to the neighborhood; and will not be detrimental to
14 properties or improvements in the vicinity or to the general welfare of the City. The
15 temporary vehicle storage facility will be sited within an industrial area and all stored
16 vehicles will be kept within the existing 8,000-square foot building at 270 Via Del Norte.
17 Site improvements will significantly improve the visual image of the property and
18 positively contribute toward improving neighborhood values.
- 19 3. The proposed conditional use is subject to compliance with Zoning Ordinance provisions,
20 specific conditions of project approval and additional regulations/licensing as deemed
21 necessary by other regulatory or permit authorities. All necessary licenses/permits will be
22 obtained prior to initiating operation of the vehicle storage facility.

23 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
24 approve Conditional Use Permit (CUP11-00006) subject to the following conditions:

25 Building:

- 26 1. Construction shall comply with the 2010 edition of the California Codes.
27 2. Construction hours shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday.

28 Planning:

1. This Conditional Use Permit (CUP11-00006) shall expire on October 10, 2013, unless
implemented as required by the Zoning Ordinance.

- 1 4. This Conditional Use Permit approves temporary (2 – 4 days) towed vehicle storage within
2 an existing 8,000-square foot structure and construction of associated site improvements on
3 the property located Via Del Norte as specifically shown on the approved plans dated
4 September 8, 2011. Unless amended by a condition of project approval herein, no
5 deviation from these approved plans and exhibits shall occur without Development
6 Services Department approval. Substantial deviations shall require a revision to the
7 Conditional Use Permit or a new Conditional Use Permit.
- 8 5. Any spills, or oils, or antifreeze discharge shall be immediately treated with special oil
9 absorbent material and swept up.
- 10 6. Trash enclosures must be provided as required by Chapter 13 of the City Code and shall
11 also include additional space for storage and collection of recyclable materials per City
12 standards. Recycling is required by City Ordinance. The enclosures must be built in a flat,
13 accessible location as determined by the City Engineer. The enclosures shall meet City
14 standards including being constructed of concrete block, reinforced with rebar and filled
15 with cement. A concrete slab must be poured with a berm on the inside of the enclosure to
16 prevent the bins from striking the block walls. The slab must extend out of the enclosure
17 for the bins to roll out onto. Steel posts must be set in front of the enclosure with solid
18 metal gates. All driveways and service access areas must be designed to sustain the weight
19 of a 50,000-pound service vehicle. Trash enclosures and driveways and service access
20 areas shall be shown on both the improvement and landscape plans submitted to the City
21 Engineer. The specifications shall be reviewed and approved by the City Engineer. The
22 City's waste disposal contractor is required to access private property to service the trash
23 enclosures, a service agreement must be signed by the property owner and shall remain in
24 effect for the life of the project. All trash enclosures shall be designed to provide user
25 access without the use and opening of the service doors for the bins. Trash enclosures shall
26 have design features such as materials and trim similar to that of the main structure. This
27 design shall be shown on the landscape plans and shall be approved by the City Planner.
- 28 7. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
harmless the City of Oceanside, its agents, officers or employees from any claim, action or
proceeding against the City, its agents, officers, or employees to attack, set aside, void or
annul an approval of the City, concerning Conditional Use Permit (CUP11-00006). The

1 City will promptly notify the applicant of any such claim, action or proceeding against
2 the City and will cooperate fully in the defense. If the City fails to promptly notify the
3 applicant of any such claim action or proceeding or fails to cooperate fully in the
4 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
5 harmless the City.

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

10 9. Prior to the issuance of building permits, compliance with the applicable provisions of the
11 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed
12 and approved by the Development Services Department. These requirements, including
13 the obligation to remove or cover with matching paint all graffiti within 24 hours, shall be
14 noted on the Landscape Plan and shall be recorded in the form of a covenant affecting the
15 subject property.

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

20 11. Failure to meet any conditions of approval for this development shall constitute a violation
21 of the Conditional Use Permit.

22 12. Unless expressly waived, all current zoning standards and City ordinances and policies in
23 effect at the time entitlement approvals are granted are required to be met by this project.
24 The approval of this project constitutes the applicant's agreement with all statements in the
25 Description and Justification and other materials and information submitted with this
26 application, unless specifically waived by an adopted condition of approval.

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

1 14. All signs shall meet the requirements of the Oceanside zoning ordinance. Sign plans
2 shall be reviewed and approved by the Planning Division prior to an application for a
3 sign permit.

4 15. The depth of the proposed grass paver areas along Via Del Norte shall be increased to
5 align with the adjoining planter islands.

6 16. Reciprocal access easements shall be recorded between the subject property and adjacent
7 properties in accordance pursuant to the approved plans dated September 8, 2011, prior
8 to issuance of business license.

9 17. All services and materials provided from or at the subject site will be processed for sale
10 in compliance with the Bradley Burns Uniform Local Sales and Use Tax Law, and all
11 applicable Board of Equalization (BOE) local tax regulations (as may be amended from
12 time to time) including Regulation 1802, such that the BOE will recognize all sales tax
13 from the site to be indisputably designated to Oceanside during the term of this CUP.
14 The intent of this condition is to ensure that the principal negotiations for the sale of all
15 services and products provided from or at the subject site occur in the City of Oceanside.
16 Prior to the issuance of an occupancy permit, Applicant shall establish a sales office
17 within the jurisdictional boundaries of the City of Oceanside and thereafter, for the
18 entire term of the permit, conduct its taxable sales operations for all sales from the
19 subject site in accordance with the California Sales and Use Tax laws and all other
20 applicable provisions of local, state and federal law. Applicant will use all good faith
21 efforts to market, promote and administer its taxable sales activity with the objective of
22 maximizing the amount of local sales tax revenue. In all Sales and Use Tax Returns
23 filed with the BOE relating to taxable sales generated at the sales office for the subject
24 site, Taxpayer agrees to specify the City of Oceanside as the place of sale. Applicant
25 recognizes that violation of this condition and/or the failure of the City to receive local
26 sales tax in accordance with this condition will subject the conditional use permit to
27 revocation pursuant to Article 47 of the Oceanside Zoning Ordinance.

28 a) Applicant agrees to negotiate and sign an agreement with the City of Oceanside,
prior to the issuance of a building permit for the project, that further makes a
sales tax revenue continuing guaranty to the effect that, if, for any reason, the
City of Oceanside does not receive the sales tax revenue from Applicant's sales

1 from the proposed Oceanside site, Applicant will pay the City of Oceanside a
2 royalty equal to the amount that the City of Oceanside would have otherwise
3 received under applicable law had the sales been taxed and allocated to the City
4 of Oceanside, as the parties intended.

- 5 b) Within 7 calendar days of a request by the City of Oceanside City Planner or
6 Finance Department, the Applicant shall make available for review and
7 reproduction during normal business hours, papers, documents and computer
8 records required by the City to verify and audit compliance with this condition.

9 **Landscaping:**

10 18. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines
11 and Specifications for Landscape Development (latest revision), Water Efficient
12 Landscape Ordinance #10-OR0412-1 and Water Conservation Ordinance No. 91-15,
13 Engineering criteria, City code and ordinances, including the maintenance of such
14 landscaping, shall be reviewed and approved by the City Engineer prior to the issuance
15 of building permits. Landscaping shall not be installed until bonds have been posted,
16 fees paid, and plans signed for final approval. A pre-construction meeting shall be
17 conducted with city inspection staff prior to the commencement of landscape
18 improvements. The following landscaping requirements shall be required prior to plan
19 approval and certificate of occupancy:

- 20 a) Final landscape plans shall accurately show placement of all plant material such
21 as but not limited to trees, shrubs, and groundcovers.
22 b) Landscape Architect shall be aware of all utility, sewer, storm drain easement
23 and place planting locations accordingly to meet City of Oceanside requirements.
24 c) All required landscape areas shall be maintained by owner. The landscape areas
25 shall be maintained per City of Oceanside requirements.
26 d) Proposed landscape species shall be native or naturalized to fit the site and meet
27 climate changes indicative to their planting location. The selection of plant
28 material shall also be based on cultural, aesthetic, and maintenance
considerations. In addition proposed landscape species shall be low water users
as well as meet all Fire Department requirements.

- 1 e) All planting areas shall be prepared with appropriate soil amendments, fertilizers,
2 and appropriate supplements based upon a soils report from an agricultural
3 suitability soil sample taken from the site.
- 4 f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil
5 from the sun, evapotranspiration and run-off. All the flower and shrub beds
6 shall be mulched to a 3" depth to help conserve water, lower the soil temperature
7 and reduce weed growth.
- 8 g) The shrubs shall be allowed to grow in their natural forms. All landscape
9 improvements shall follow the City of Oceanside Guidelines.
- 10 h) Root barriers shall be installed adjacent to all paving surfaces, where a paving
11 surface is located within 6 feet of a trees trunk on site (private) and within 10 feet
12 of a trees trunk in the right-of-way (public). Root barriers shall extend 5 feet in
13 each direction from the centerline of the trunk, for a total distance of 10 feet.
14 Root barriers shall be 24 inches in depth. Installing a root barrier around the
15 tree's root ball is unacceptable.
- 16 i) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall
17 obtain Planning Division approval for these items in the conditions or application
18 stage prior to 1st submittal of working drawings.
- 19 j) For the planting and placement of trees and their distances from hardscape and
20 other utilities/structures the landscape plans shall follow the City of Oceanside's
21 (current) Tree Planting Distances and Spacing Standards.
- 22 k) An automatic irrigation system shall be installed to provide coverage for all
23 planting areas shown on the plan. Low volume equipment shall provide
24 sufficient water for plant growth with a minimum water loss due to water run-
25 off.
- 26 l) Irrigation systems shall use high quality, automatic control valves, controllers
27 and other necessary irrigation equipment. All components shall be of non-
28 corrosive material. All drip systems shall be adequately filtered and regulated
per the manufacturer's recommended design parameters.

- m) All irrigation improvements shall follow the City of Oceanside Guidelines and Water Conservation Ordinance.
 - n) The landscape plans shall match all plans affiliated with the project.
 - o) Landscape plans shall comply with Biological and/or Geotechnical reports, as required, shall match the grading and improvement plans, comply with SWMP Best Management Practices and meet the satisfaction of the City Engineer.
 - p) Existing landscaping on and adjacent to the site shall be protected in place and supplemented or replaced to meet the satisfaction of the City Engineer.
19. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way and within any adjoining public parkways shall be permanently maintained by the owner, his assigns or any successors-in-interest in the property. The maintenance program shall include: a) normal care and irrigation of the landscaping b) repair and replacement of plant materials c) irrigation systems as necessary d) general cleanup of the landscaped and open areas e) parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions including but not limited to citations. This maintenance program condition shall be recorded with a covenant as required by this resolution.
20. In the event that the conceptual landscape plan (CLP) does not match the conditions of approval, the resolution of approval shall govern.

Water:

- 21. The developer will be responsible for developing all water and sewer utilities necessary to develop the property. Any relocation of water and/or sewer utilities is the responsibility of the developer and shall be done by an approved licensed contractor at the developer's expense.
- 22. The property owner shall maintain private water and wastewater utilities located on private property.
- 23. All Water and Wastewater construction shall conform to the most recent edition of the Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by the Water Utilities Director.

1 30. In accordance with the Oceanside Fire Code Section 505, approved addresses for
2 commercial, industrial, and residential occupancies shall be placed on the structure in
3 such a position as to be plainly visible and legible from the street or roadway fronting
4 the property. Numbers shall be contrasting with their background and meet the current
5 City of Oceanside size and design standard.

6 PASSED AND ADOPTED Resolution No. 2011-P33 on October 10, 2011 by the
7 following vote, to wit:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

12
13 _____
Tom Rosales, Chairperson
Oceanside Planning Commission

14
15 ATTEST:

16
17 _____
Jerry Hittleman, Secretary

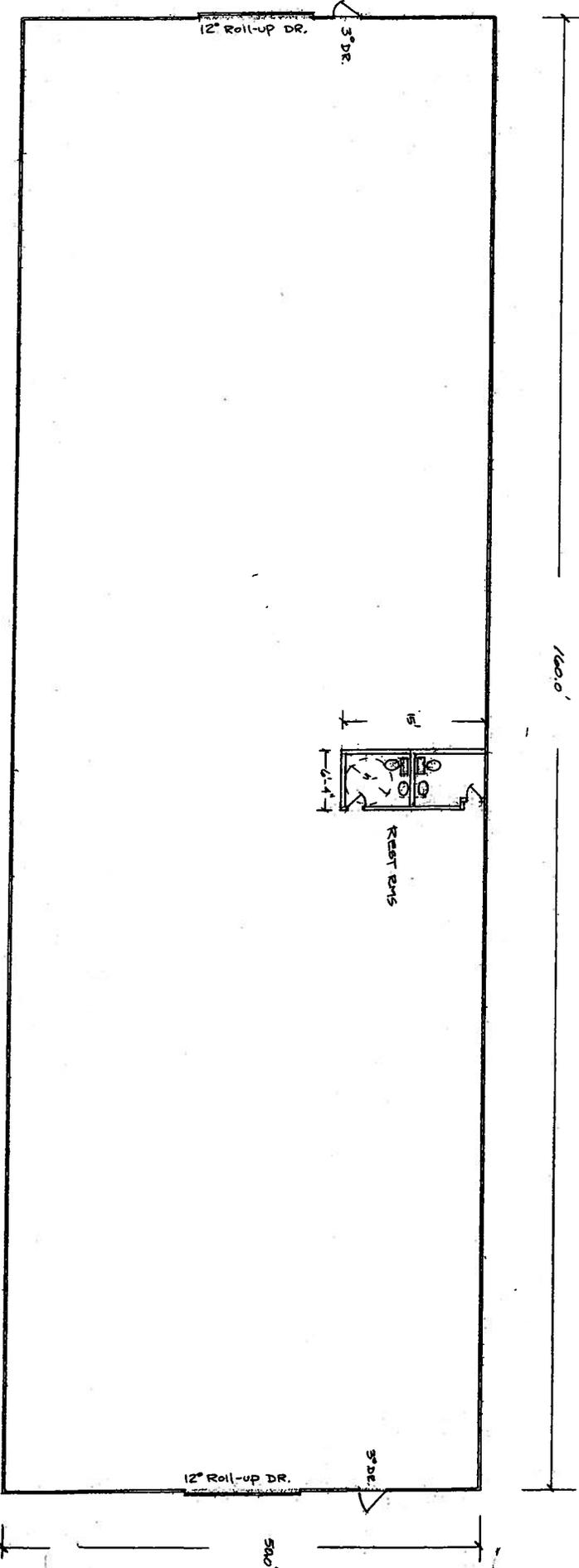
18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
19 this is a true and correct copy of Resolution No. 2011-P33.

20
21 Dated: October 10, 2011

22
23 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may
24 be required as stated herein:

25
26 _____
27 Applicant/Representative

26 _____
Date



EXISTING METAL BUILDING - 18' HT.

FLOOR PLAN 8000 SQ. FT.

SCALE - 1/8" = 1'-0"

270 VIA DEL NORTE
AMIR, IRAVANI-NK-TWING

PREPARED BY

Hiram S. Andrade
HIRAM S. ANDRADE & ASSOC.

PLANNING & DESIGNS
ph. (760) 746-2558



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

STAFF USE ONLY

ACCEPTED BY

Planning Division

APR 06 2011

Received

Please print or type all information

HEARING

PART I – APPLICANT INFORMATION

APPLICANT Amir Iravani-NK Towing	2. STATUS business owner	GPA	
		MASTER/SP PLAN	
		ZONE CH.	
3. ADDRESS: 1776 Don Lee Place, Escondido, CA 92129 1726	4. PHONE/FAX 760-745-3495 760-745-3524	TENT.MAP	
		PAR. MAP	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Elizabeth J. Graff ,Land Use Planning Consultant		DEV. PL.	
		C.U.P.	11-00006
6. ADDRESS 3528 Sea Ridge Road, Oceanside, CA 92054	760-231-7459	VARIANCE	
		COASTAL	
		O.H.P.A.C.	

PART II – PROPERTY DESCRIPTION

8. LOCATION : 270 Via Del Norte		9. SIZE .87 acre	
10. GENERAL PLAN Light Industrial	11. ZONING IL-Limited Industrial	12. LAND USE Existing warehouse and small storage building	13. ASSESSOR'S PARCEL NUMBER 146-050-66

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION
 Use Permit for 8,000 square foot metal building to be used for temporary inside automobile storage. The existing use of a 4,000 square foot storage building will be continued under the provisions of the IL Zone.

15. PROPOSED GENERAL PLAN n/a	16. PROPOSED ZONING n/a	17. PROPOSED LAND USE n/a	18. NO. UNITS n/a.	19. DENSITY n/a
20. BUILDING SIZE Building 1 = 8,000 Building 2 = 4,000 sq. ft.	21. PARKING SPACES 33	22. % LANDSCAPE 6%	23. % LOT COVERAGE 32 %	

PART IV – ATTACHMENTS

24. DESCRIPTION/JUSTIFICATION	25. LEGAL DESCRIPTION	26. TITLE REPORT
27. NOTIFICATION MAP AND LABELS	28. ENVIRONMENTAL INFO FORM	29. PLOT PLANS
30. FLOOR PLANS AND ELEVATION	29. CERTIFICATE OF POSTING	32. OTHER (See attachment for required reports)

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): Elizabeth J. Graff	34. DATE 03/11/2011	MAJ Investors, LP	
35. OWNER (Print): Steven M. Josepho Trustee		36. DATE 4.5.11	

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

Sign: *SMJ, T*

DESCRIPTION AND JUSTIFICATION

NK TOWING (CUP11-00006)

Revised August 16, 2011

Received
AUG 16 2011
Planning Division

This application is for a Conditional Use Permit to allow an existing 8,000 square foot industrial building to be used for temporary vehicle storage. NK Towing holds the contract for AAA for Oceanside . Carlsbad and Vista and is in negotiations with the Oceanside Police Department for storage services.

The existing site with two warehouse buildings, one 8,000 square feet in size and the second, 4,000 square feet, is located at 270 Via Del Norte in the airport industrial area. It is in the (IL) Light Industrial Zone. The storage of vehicles is allowed in this zone with the approval of a Conditional Use Permit. The larger building will be used for the storage of vehicles and the smaller will continue one for warehousing purposes.

The new business proposes drought tolerant landscaping and parking lot striping. New gates will be provided for access from the front portion of the property on Via Del Norte to the back parking area. The tow truck traffic will generally take access from the alley at the back of the property off Airport Road. The security fencing on the Via Del Norte side will be removed. Any new signs will meet the criteria of the Oceanside Sign Ordinance.

The average length of storage time in the larger building is 2 to 4 days. There will be no outside storage of towed or damaged vehicles. Vehicles not claimed are removed from the site for auction or demolition.

The business owner has been looking for some time in Oceanside for a suitable site for this use. Without the ability to store vehicles locally, he is forced to have them carried to Escondido then back to the coastal area for repairs. When he tows a vehicle he becomes responsible for its care until it is given back to the owner.

The business will be open 24 hours a day to receive towed vehicles. The building will have one employee on duty at a time to attend to the vehicles and their retrieval as necessary. There are restroom facilities inside for that employee.

Land Use and Economic Justification for NK Towing Project

The Zoning Ordinance provides several Specific Purposes for areas set aside for industrial use. (See 1310, attached)

The staff has requested additional justification for a towing use in the industrial zone in Oceanside and how it will fit into the industrial District as well as provide the benefits in criteria "B.," specifically how the use will fit into the area, provide revenue to the City and employment for residents.

Economic Advantages

Criteria "B states: "Strengthen the city's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities".

The business employs 30 residents of Oceanside. It has business license here and adheres to the licensing requirements including the requirements for reporting revenue generated in this city.

Most of the activity is on Interstate 5 from Orange County to Highway 78 and on Highway 78 east to Melrose. Oceanside especially benefits from the activity on I-5.

NK Towing pays business license fees to each city based on the percentage of business done in that city. They calculate the revenues by City where they are generated (the service call is made) and use that for business license fees to each City.

NK Towing pays local sales tax on the batteries sold by AAA to the City in which they are delivered to the vehicle. (AAA now offers members the chance to buy a new battery from the driver when their car is disabled. It is a new program but he is already selling about 200 a month in Oceanside. They average about \$100 each)

Oceanside has the best body shops and mechanics and the tow truck drivers especially recommend local ones. Out-of-towners trust their AAA driver and take their cars to the ones here. (Also because they are convenient to I-5, Len's Autobody and other local repair establishments, especially benefit and they pay sales and business license tax). As they make more money they employ more people. The local drivers and the company make a point of using locals when they can. It's more convenient for every one.

If a car has to be towed to Escondido and is not brought back to a dealer or mechanic here because it is already in Escondido, that money could go to Escondido auto repair and body shops if the owners are looking for something more convenient in East County.

The local economic base will be strengthened by the dollars spent in the local repair businesses. The repair businesses pay employees as well as purchase and sell parts and services in the local economy. These dollars spread through services and goods purchased by employees of both the repair businesses and the towing service itself.

Land Use Compatibility with Articles 13 Industrial Uses.

Here are the "Specific Purposes" of the industrial districts:

- A. Provide appropriately located areas consistent with the General Plan for a broad range of manufacturing and service uses.

This industrial park has been providing a location for a variety of uses for many years. It is zoned for light industrial uses, which is consistent with its General Plan Designation.

- B. "Strengthen the city's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities".

See the economic information above.

- C. Provide a suitable environment for various types of industrial uses, and protect them from the adverse impacts of inharmonious uses.

This Light Industrial Area is separated from residential uses, and bordered by compatible commercial uses. It provides space s for a wide range many of Oceanside's most important small and medium sized business.

- D. Ensure that the appearance and effects of industrial uses are compatible with the character of the area in which they are located.

This industrial park contains a variety of buildings and uses blending into an overall utilitarian atmosphere. This use will be using an existing building constructed in the 70's, which blends, into its surroundings.

- E. Minimize the impact of industrial uses on adjacent residential districts.

The industrial park was created to be buffered on all sides form adjacent residential districts.

- F. Ensure the provision of adequate off-street parking and loading facilities.

The site provides parking that meets the requirements in the zoning ordinance for the uses proposed.

Additional Purposes of the IL Limited Industrial District.

"To provide areas appropriate for a wide range of (1) moderate to low intensity industrial uses capable of being located adjacent to residential areas with minimal buffering and attenuation measures and (2) commercial services and light manufacturing, and to protect these areas, to the extent feasible, from disruption and competition for space from unrelated retail uses or general industrial uses."

The use of the property for a vehicle storage yard is allowed as a conditional use under the provisions of the zoning ordinance. It is not near residential uses or any commercial uses. The uses in this industrial park are varied in levels of activity and hours of operation. This use will not disrupt or compete with them.

Development Standards

The project exceeds the standards of the Light Industrial (IL) Zone as delineated in the chart below.

Development Standards

<u>Standard</u>	<u>Requirement</u>	<u>Provided</u>
Lot coverage	75% max	32%
Landscaping	12 %	14%
F/y	10 ft.	34 ft.
S/y	none	varies greater than 6
R/y	none	varies greater than 6
<u>Parking</u>		
Parking vehicle storage	16 (1/500)	16
Parking warehouse	<u>2</u> (1/2000)	<u>7</u>
Total Parking	18	23

Findings

The required findings for the Conditional Use Permit and this application's compliance are listed below.

For the Conditional Use Permit:

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

The site is located in the Light Industrial Zone, surrounded by other industrially zoned properties, and this use is allowed in that zone.

2. That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety, welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

The operations will be low key, only one employee. It is located in an industrial area surrounded by similar industrial uses. It will not impact the neighborhood.



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** Mr. Amir Iravani
2. **ADDRESS:** 270 Via Del Norte
3. **PHONE NUMBER:** (760) 745-3495
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Amy Fousekis
6. **PROJECT TITLE:** CUP11-00006 (Iravani Vehicle Storage)
7. **DESCRIPTION:** A Conditional Use Permit (CUP11-00006) to allow the temporary storage (2-4 days) of towed vehicles within an existing 8,000-sq. ft. structure, and construction of associated site improvements, on the property located at 270 Via Del Norte. Situated within the Airport Neighborhood Planning Area, the subject property bears a land use designation of Light Industrial (LI) and a zoning designation of Limited Industrial (IL). The storage facility will be in operation 24 hours a day.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on this review, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- The project is categorically exempt as a Section 15332, Class 32, In-Fill Development projects;
- "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 , _____(Sections 15260-15277); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Date: October 10, 2011

Jerry Hittleman, City Planner

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