



DATE: March 12, 2012

TO: Chairperson and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP11-00027) TO ALLOW VEHICLE REPAIR AND SERVICE WITHIN AN EXISTING COMMERCIAL BUILDING LOCATED AT 3965 MISSION AVENUE SUITE 7 – ALL TUNE AND LUBE – APPLICANT: PHILIP WHITENER**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

Confirm issuance of a Class 1, Categorical Exemption “Existing Facilities”; and adopt Planning Commission Resolution No. 2012-P14 approving Conditional Use Permit (CUP11-00027) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On December 19, 1988, the Oceanside Planning Commission approved a Development Plan (D-22-86) and Conditional Use Permit (C-29-88), to allow the construction of a 3,720-square foot commercial addition within the existing Mission Douglas Shopping center to accommodate a proposed tire and service facility known as Winston Tires. Winston Tires occupied the space from 1988 until ceased in 1996. The building has been vacant ever since. On December 20, 2011 the applicant for All Tune and Lube submitted a Conditional Use Permit (CUP11-00027) for the operations of a Tire and auto service center.

Site Review: This commercial suite is located within the Mission Douglas Plaza just south of Mission Avenue and East of Douglas Drive. The site is approximately 0.69 acre and is adjacent to other inline retail suites, a larger anchor tenant space currently occupied by a church use, and a stand-alone retail building occupied by an auto retail store. The project

site has an underlying General Plan land use designation of Special Commercial (SC), and a zoning designation of Special Commercial Limited within the Historic District (CS-L-H). The property is surrounded by similar Special Commercial Limited (CS-L-H) properties to the east and west, Medium Density Residential (RM-A) properties exist to the north, and SR76 is to the south.

Access to the site is provided via the driveway of which is located on Mission Avenue. The site contains 214 parking stalls near the northwest entrance, and approximately 15 additional parking stalls can be accommodated through additional striping at the rear of the building.

Project Description: The project application is comprised of; a Conditional Use Permit (CUP11-00027) as follows:

Conditional Use Permit (CUP11-00027) is a request for the following: To allow a light automotive repair and service facility within an existing 3,720-square foot commercial building located at 3965 Mission Avenue, Suite 7. The retail space has a 1,500-square foot front sales and lobby area with restroom. The remaining 2,220 square feet of building area to the rear will be used as the auto shop area. The main shop entrance will be at the rear of the building and the large roll-up doors at the side of the building. The main shop area will provide the area to conduct the oil changes, engine maintenance and tune ups, brake and vehicle maintenance/repair, automatic transmission service, air conditioning service, fuel injection and combustion chamber cleaning service, transmission service and replacement, engine service and replacement, factory scheduled maintenance inspections, and tire service. No new construction to the exterior and interior of the building is necessary, because all elements of the original tire shop will be sufficient for the All Tune and Lube operations.

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

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

ANALYSIS

KEY PLANNING ISSUES

1. Zoning Compliance

The project is located in the Special Commercial Limited within the Historic (CS-L-H) District and complies with the requirements of this district, including Section 1120 L-5 and Section 3103 *Off-street parking and loading spaces required*. The use will be conditioned to ensure at least 18 additional parking stalls are striped at the rear of the building to ensure parking will not be an issue.

The proposed Conditional Use Permit (CUP11-00027) is to allow Land Use 450.CC.4 Vehicle/Equipment Repair. The location of the proposed vehicle/equipment repair use meets the use requirements. The All Tune and Lube business operations shall be conducted completely indoors within the existing building, so noise impacts shall be minimal.

The project is specifically conditioned for the site to have at least 18 striped parking stalls incorporated at the rear of the building. This would ensure that the parking demands for the vehicle repair shop will be met. As per the Oceanside Zoning Ordinance one space is required per 300 square feet of building area, so 13 spaces required for the All Tune and Lube use will be accommodated with the proposed 18 new striped stalls at the rear and the existing spaces at the front of the business.

2. General Plan conformance

The General Plan Land Use Map designation on the subject property is Special Commercial (SC). The proposed Conditional Use Permit (CUP11-00027) is consistent with this designation and the goals and objectives of the City's General Plan as follows:

II. Land Use Element Community Development

Goal: The continual long term enhancement of the community through the development and use of land which is appropriate and orderly with respect to type, location, timing, and intensity.

Objective 2.2 Commercial Development: To promote and preserve a balance of successful markets and services in aesthetic, people-oriented associations that are compatible and organized to surrounding land uses.

Policies 2.21 Community Commercial:

- A. This designation shall provide the community with commercial centers containing a wide variety of commercial establishments. Major tenants shall provide larger, low volume, higher cost items, such as home furnishings, apparel, durable goods, and specialty items and generally have citywide market areas. Support facilities such as entertainment establishments and restaurants shall be encouraged.
- B. Development within this designation shall be on-sites in excess of 30 acres. Specialized commercial uses requiring less land area may be considered when of similar intensity, or offering comparative revenue and/or employment generating capacities. Location shall be limited to sites along major arterials or higher rated roads.

The All Tune and Lube will provide a needed business activity to an underutilized area of the Mission and Douglas Plaza. This use will also provide a needed service for residents in the area.

3. Land Use Compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Special Commercial (SC)	Special Commercial Limited (CS-L-H)	Vacant commercial building
North of Subject Property	Medium Density – A Residential (MDA-R)	Medium Density Residential (RM-A)	Mobile Homes
East of Subject Property:	Special Commercial (SC)	Special Commercial Limited (CS-L-H)	New Song Church
South of Subject Property:	CALTRANS	CALTRANS	Highway 76
West of Subject Property:	General Commercial (GC)	Special Commercial Limited (CS-L-H)	Retail Suites

The proposed vehicle service/repair land use is consistent with the General Plan and Zoning Ordinance designations applicable to the project site. Staff has analyzed the proposed project and found that the uses within the area are predominantly commercial and the proposed auto service use would complement the adjoining commercial uses.

DISCUSSION

The project is proposed within an established area of the City on a site that possesses adequate infrastructure and services to accommodate the proposed auto service use. The vehicle service and repair use would provide needed services for many of the residents in the area such as; oil change service, engine maintenance and tune ups, brake and vehicle maintenance/repair, automatic transmission service, air conditioning service, fuel injection and combustion chamber cleaning service, transmission service and replacement, engine service and replacement, factory scheduled maintenance inspections, and tire service. The use shall provide additional employment to the area and will help occupy a vacant suite that has been underutilized for some time.

ENVIRONMENTAL DETERMINATION

The proposed project is categorical exempt from the provisions of the California Environmental Quality Act (CEQA) as per Article 19 Section 15301 "Existing Facilities."

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius of the subject property, individuals/organizations requesting notification, applicant and their representative, and interested parties. As of March 12, 2012, no communication supporting or opposing the request has been received.

SUMMARY

Staff finds that the proposed use, along with recommended conditions of project approval, will complement existing and proposed land uses within the neighborhood, provide an allowed service to the residents in the immediate area, and be in compliance with applicable Zoning Ordinance development standards.

Staff believes that the necessary findings in support of the Conditional Use Permit can be met. Therefore, staff recommends that the Planning Commission approve the project. The Planning Commission's action should be:

- Confirm issuance of a Class 1, Categorical Exemption "Existing Facilities"; and adopt Planning Commission Resolution No. 2012-P14 approving Conditional Use Permit (CUP11-00027) with findings and conditions of approval attached herein.

PREPARED BY:



Scott Nightingale
Planner II

JH/SN/fil

SUBMITTED BY:



Jerry Hittleman
City Planner

Attachments:

1. Planning Commission Resolution No. 2012-P14
2. Site plan, floor plan and elevations

1 PLANNING COMMISSION
2 RESOLUTION NO. 2012-P14

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

6 APPLICATION NO: CUP11-00027
7 APPLICANT: Philip Whitener
8 LOCATION: 3965 Mission Avenue

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 11 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

14 use of a vehicles service and repair facility within an existing 3,720-square foot commercial
15 building located at 3965 Mission Avenue;
16 on certain real property described in the project description.

17 WHEREAS, the Planning Commission, after giving the required notice, did on the 12th day
18 of March 2012, 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 15301
22 Existing Facilities;

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:

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1 FINDINGS:

2 For the Conditional Use Permit to allow for the use of a vehicle repair facility within an existing
3 commercial site:

4 1. The proposed location of the use is in accord with the objectives of the Oceanside Zoning
5 Ordinance and the purposes of the district in which the site is located. The vehicle
6 service and repair operation is consistent with the permitted land use regulations for the
7 Special Commercial Limited district. The use would be consistent with the existing
8 commercial center and surrounding land uses, in terms of creating additional commercial
9 activity, and the use would provide the needed services for the residents in the area. The
10 proposed use would utilize an existing 3,720-square foot commercial suite and would
11 meet the required parking requirements as per the Oceanside Zoning Ordinance code
12 section 3100.

13 2. The proposed location of the conditional use and the proposed conditions under which it
14 would be operated or maintained will be consistent with the General Plan; will not be
15 detrimental to the public health, safety or welfare of persons residing or working in or
16 adjacent to the neighborhood of such use; and will not be detrimental to properties or
17 improvements in the vicinity or to the general welfare of the city. The operation of a
18 vehicle service and repair facility will not affect neighborhood compatibility. Staff has
19 analyzed the impact of the facility's hours-of-operation on the adjacent neighboring
20 commercial uses, and found that the limited hours-of-operation proposed and location of
21 the use would not conflict with the primary hours of the adjacent commercial uses within
22 the Mission Douglas commercial center, because the primary operations of the vehicle
23 service and repair service will be on the weekend day hours.

24 3. The proposed conditional use will comply with the provisions of the Zoning Ordinance
25 and Rancho Del Oro Planned Unit Commercial district in which the property is located.

26 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
27 approve Conditional Use Permit (CUP11-00027) subject to the following conditions:

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1 **Building:**

- 2 1. Tenant Improvements shall comply with the 2010 edition of the California Codes.
3 2. Construction hours are limited to 7:00 a.m. to 6:00 p.m. Monday through Friday.
4 3. Exterior lighting must comply with Chapter 39 of the Oceanside Code of Ordinances

5 **Fire:**

- 6 4. Fire extinguishers are required and shall be included on the plans submitted for plan check.
7 5. In accordance with the Oceanside Fire Code Section 505, approved addresses for
8 commercial, industrial, and residential occupancies shall be placed on the structure in such
9 a position as to be plainly visible and legible from the street or roadway fronting the
10 property. Numbers shall be contrasting with their background and meet the current City of
11 Oceanside size and design standard.

11 **Planning:**

- 12 6. This Conditional Use Permit shall expire two years from its effective date (i.e., on March
13 12, 2014 if not appealed), unless implemented as required by the Zoning Ordinance.
14 7. This Conditional Use Permit approves only the use of a vehicle service and repair facility
15 within an existing 3,720-square foot commercial building located at 3965 Mission Avenue
16 as shown on the plans and exhibits presented to the Planning Commission for review and
17 approval. No deviation from these approved plans and exhibits shall occur without
18 Development Services Department/Planning Division approval. Substantial deviations
19 shall require a revision to the Conditional Use Permit or a new Conditional Use Permit.
20 8. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
21 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
22 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
23 annul an approval of the City, concerning Conditional Use Permit CUP11-00027. The
24 City will promptly notify the applicant of any such claim, action or proceeding against
25 the City and will cooperate fully in the defense. If the City fails to promptly notify the
26 applicant of any such claim, action or proceeding or fails to cooperate fully in the
27 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
28 harmless the City.

- 1 9. A covenant or other recordable document approved by the City Attorney shall be prepared
2 by the applicant and recorded prior to the issuance of a business license. The covenant
3 shall provide that the property is subject to this resolution, and shall generally list the
4 conditions of approval.
- 5 10. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
6 written copy of the applications, staff report and resolutions for the project to the new
7 owner and/or operator. This notification's provision shall run with the life of the project
8 and shall be recorded as a covenant on the property.
- 9 11. Failure to meet any conditions of approval for this development shall constitute a violation
10 of the Conditional Use Permit.
- 11 12. Unless expressly waived, all current zoning standards and City ordinances and policies in
12 effect at the time building permits are issued are required to be met by this project. The
13 approval of this project constitutes the applicant's agreement with all statements in the
14 Description and Justification and other materials and information submitted with this
15 application, unless specifically waived by an adopted condition of approval.
- 16 13. This Conditional Use Permit may be called for review by the Planning Commission if
17 complaints are filed and verified as valid by the Code Enforcement Office concerning the
18 violation of any of the approved conditions or assumptions made by the application.
- 19 14. All signs shall meet the requirements of the approved Comprehensive Sign Package for
20 the shopping center. Sign plans shall be reviewed and approved by the Planning
21 Division prior to an application for a sign permit.
- 22 15. The paved area behind the building shall be striped with additional parking stalls to
23 facilitate customer and employee parking areas. Final occupancy release is subject to
24 review and approval by the City Planner of the design and striping of the parking lot at
25 the rear of the building.

24 **Water Utilities:**

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

- 1 17. The property owner shall maintain private water and wastewater utilities located on private
2 property.
- 3 18. All Water and Wastewater construction shall conform to the most recent edition of the
4 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
5 the Water Utilities Director.
- 6 19. All public water and/or sewer facilities not located within the public right-of-way shall be
7 provided with easements sized according to the Water, Sewer, and Reclaimed Water
8 Design and Construction Manual. Easements shall be constructed for all weather access.
- 9 20. No trees, structures or building overhang shall be located within any water or wastewater
10 utility easement.
- 11 21. All lots with a finish pad elevation located below the elevation of the next upstream
12 manhole cover of the public sewer shall be protected from backflow of sewage by
13 installing and maintaining an approved type backwater valve, per the Uniform Plumbing
14 Code (U.P.C.).

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1 22. When deemed necessary, a Grease, Oil, and Sand Interceptor, described by the 2010
2 California Plumbing Code Chapter 10, relating to garages, gasoline stations, wash racks,
3 shall be installed in each building sewer in an appropriate location and shall be maintained
4 by the property owner. The location shall be called out on the approved Improvement
5 Plans.

6 PASSED AND ADOPTED Resolution No. 2012-P14 on March 12, 2012, by the
7 following vote, to wit:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

12 _____
13 Tom Rosales, Chairperson
14 Oceanside Planning Commission

15 ATTEST:

16 _____
17 Jerry Hittleman, Secretary

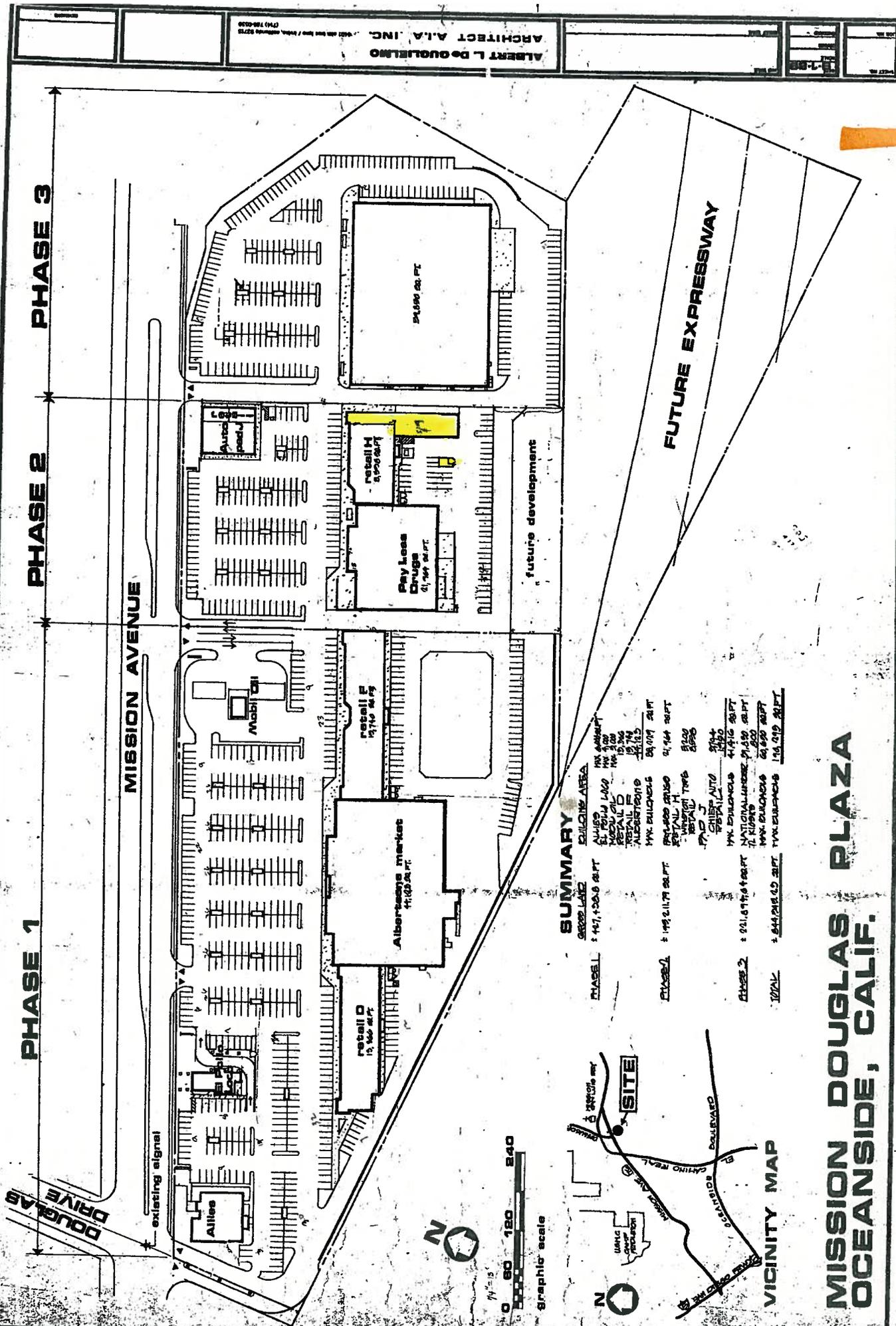
18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
19 this is a true and correct copy of Resolution No. 2012-P14.

20 Dated: March 12, 2012

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

23 _____
24 Applicant/Representative

25 _____
26 Date



PHASE 1

PHASE 2

PHASE 3

MISSION AVENUE

FUTURE EXPRESSWAY

DOUGLAS DRIVE

existing signal

Alibonco

Mobil

retail C
13,740 sq. ft.

Alibonco market
11,423 sq. ft.

retail F
12,710 sq. ft.

Pay Less Drugs
41,447 sq. ft.

retail M
3,700 sq. ft.

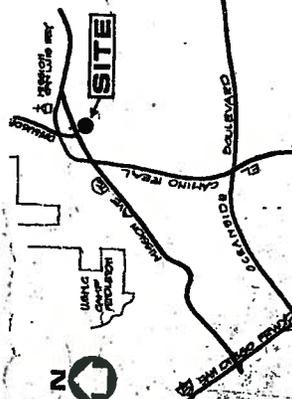
24,690 sq. ft.

SUMMARY

PHASE	BUILDING AREA	sq. ft.	sq. ft.
PHASE 1	GREEN LANE	147,150.8	81 FT
	ALIBONCO	11,423	81 FT
	RETAIL C	13,740	81 FT
	RETAIL F	12,710	81 FT
	RETAIL M	3,700	81 FT
PHASE 2	ALIBONCO MARKET	11,423	81 FT
	RETAIL F	12,710	81 FT
PHASE 3	RETAIL M	3,700	81 FT
	24,690	81 FT	81 FT
TOTAL	ALIBONCO	11,423	81 FT
	NATIONAL MARKET	11,423	81 FT
	RETAIL C	13,740	81 FT
	RETAIL F	12,710	81 FT
TOTAL		544,218.25	81 FT



Graphic scale



VICINITY MAP

**MISSION DOUGLAS PLAZA
OCEANSIDE, CALIF.**



Application for Discretionary Permit

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

STAFF USE ONLY

ACCEPTED **RECEIVED**
12/20/11
DEC 20 2011
CITY OF OCEANSIDE
DEVELOPMENT SERVICES

BY
SN
RM

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT

PHILIP WHITENER

2. STATUS
Bldg. Owner
Ground Lessee

3. ADDRESS

198 ROOSTER DRIVE
EAGLE ID 83616

4. PHONE/FAX/E-mail
208-439-0249
208-439-0367

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

CHARLES D. CURREY
LOCKWOOD COMMERCIAL REALTY INC.

6. ADDRESS

2725 JEFFERSON ST. STE. 1
CARLSBAD, CA 92008

7. PHONE/FAX/E-mail
760-730-9100
760-730-9200

PART II - PROPERTY DESCRIPTION

8. LOCATION MISSION DOUGLAS PLAZA - PHASE II
3965 MISSION AVE., STE. 7, OCEANSIDE

CITY OF OCEANSIDE COMM. H.P.A.C.

9. SIZE

.69 ACRE

10. GENERAL PLAN

COMMERCIAL

11. ZONING

CS-L-H

12. LAND USE

COMMERCIAL
SHOPPING CENTER

13. ASSESSOR'S PARCEL NUMBER

158-080-18-00

14. LATITUDE

N 33° 13' 45.32"

15. LONGITUDE

W 117° 19' 15.1648"

PART III - PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION

CONDITIONAL USE PERMIT FOR AN AUTOMOTIVE SERVICE BUSINESS TO BE LOCATED IN A FORMER WINSTON TIRE AUTOMOTIVE SERVICE CENTER LOCATION

17. PROPOSED GENERAL PLAN

UNCHANGED

18. PROPOSED ZONING

UNCHANGED

19. PROPOSED LAND USE

AUTO
UNCHANGED

20. NO. UNITS

NA

21. DENSITY

NA

22. BUILDING SIZE

5,200 S.F.

23. PARKING SPACES

UNCHANGED

24. % LANDSCAPE

UNCHANGED

25. % LOT COVERAGE or FAR

UNCHANGED

PART IV - ATTACHMENTS

<input checked="" type="checkbox"/>	26. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/>	27. LEGAL DESCRIPTION	<input checked="" type="checkbox"/>	28. TITLE REPORT
<input checked="" type="checkbox"/>	29. NOTIFICATION MAP & LABELS	<input checked="" type="checkbox"/>	30. ENVIRONMENTAL INFO FORM	<input checked="" type="checkbox"/>	31. PLOT PLANS
<input checked="" type="checkbox"/>	32. FLOOR PLANS AND ELEVATIONS	<input checked="" type="checkbox"/>	33. CERTIFICATION OF POSTING	<input checked="" type="checkbox"/>	34. OTHER (See attachment for required reports)

PART V - SIGNATURES

SIGNATURES FROM 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).

35. APPLICANT OR REPRESENTATIVE (Print):	36. DATE	37. OWNER (Print)	38. DATE
CHARLES D. CURREY	12/12/11	PHILIP D. WHITENER	12/

Sign:

Sign:

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. FURTHER, I UNDERSTANDING THAT SUBMITTING FALSE STATEMENTS OR INFORMATION IN THIS APPLICATION MAY CONSTITUTE FRAUD, PUNISHABLE IN CIVIL AND CRIMINAL PROCEEDINGS.
I HAVE READ AND AGREE TO ABIDE BY THE CITY OF OCEANSIDE DEVELOPMENT SERVICES DEPARTMENT AND ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT POLICY NO. 2011-01/POLICY AND PROCEDURE FOR DEVELOPMENT DEPOSIT ACCOUNT ADMINISTRATION.

ATTACHMENT 26

Description and Justification

This application is to establish a light automotive service center in the Mission Douglas Plaza, a commercial shopping center that was built in four phases and extends eastward from Douglas Drive and terminates with New Song Community Church, which is just west of the entrance to the San Luis Rey Mission.

The space was originally constructed as a Winston Tire and Automotive Center. They occupied the space for many years starting in 1985 and ending in 1996 after the untimely demise of Sam Winston. Although used since that time for storage and short-term tenancies, including a hair salon, the space is unchanged from its original construction.

The space has a front sales area that totals approximately 1,500 square feet, featuring a 20' high ceiling in the entry foyer, a restroom and enclosed office areas. The main shop area entrance is at the back of the sales area and features seven doors under an 18' ceiling. It is an excellent auto service area due to its near perfect depth and lengthwise design.

Directly to the west of the main shop area is the storage area, and this area works well for automotive parts storage. Directly to the south of the main shop area is another work area. This area also has a large roll-up door for vehicular access and it is an excellent location for the air compressor, large tools and equipment and other operations.

The property has ample parking in front for customers and a large expansive parking lot in the rear which is rarely used, plus an additional half-acre, unimproved area that could be converted to extra parking in the future if it is ever required. The overall parking ratio of this phase of the center is 5.1/1000 square feet.

There is no new construction required for this project as all elements of the original build-out remain and, more specifically, it was designed to be an automotive service center. This use will function essentially the same as the original occupant, given that technology has changed and cars are now far more reliable and sometimes require very little, if any, repair up to 100,000 miles. Automobile service versus repair is the primary service function of this operation.

This new tenant will provide vital cash flow to the owner who has seen very little income from this property for many years since the 76 expressway was completed and the vehicular traffic shifted off Mission Avenue. As the freeway traffic has increased and the residential development has also increased in the area, some of the traffic has moved back to Mission Avenue, which has served to create some renewed interest in the commercial projects in the area, especially those east of El Camino Real.

Aside from SAAB on Coast Highway, Oceanside does not house a single automotive dealership, and its residents are forced to travel south to Carlsbad or east to Vista or Escondido to seek out dealer quality services for their vehicles. Although there are other automotive repair shops, there are very few chain or franchise operations that consistently provide quality services that bank their reputations nationwide on customer satisfaction.

The large chains are also able to provide a larger array of services and work on a larger variety of automobiles. Due to their size and buying power, they can also provide repair parts at a lower cost to the end consumer. Unlike automotive dealerships with huge "vehicle flooring" costs that must be absorbed through high repair rates during periods of slow car sales, the service centers focus on value-oriented services. They also plan to see a customer on multiple occasions throughout the life of the ownership of the vehicle to reach their peak profit potential, and the quality of the service is what brings customers back.

Oceanside's population base, which used to reside primarily just east and west of the I-5 freeway, has seen its growth in the last 10 years in the valleys and on the mesas. The existing large-scale automotive service centers are all located west of the intersection of El Camino Real and Mission Avenue. This leaves a vast population base from Douglas Drive to College Boulevard and the north side of the 76 expressway with only two options: Wal-Mart and a gas station. Both of these operations are less extensive in the scope of service operations and are typically viewed more as "oil change" locations only.

The residents of Camp Pendleton and those residing in the neighborhoods just outside the back gate of the base will also greatly benefit from the location and the services of this operation. Unfortunately, the providers of these services on base who believe they have a captured audience typically charge 30 to 40% more for the same services, and the men and women who serve our country are on limited incomes and deserve to have their cars fixed for the lowest price possible.

It is also a well-known fact that with high prices, some people will choose self-service and do their own repairs. Many of these self-service operations produce automotive waste in the form of used fluids and used auto parts which often wind up in the wrong locations including the sink, the ground, the storm drain or the trash can. Large franchise auto service centers strictly follow all environmental rules and due to quantity of used materials, generally receive free pickup, or they are paid for waste materials such as aluminum radiators, water pumps and alternators.

"All Tube and Lube" is a nationwide franchise with corporate headquarters in Millersville, MD, and has more than 135 franchise locations throughout the US. This company, founded in 1985, provides a full array of automotive services that are designed to satisfy the customer, encourage repeat business and provide total service options for the vehicle.

Development Plans

- A) The original site plan and physical design of the existing shopping center project were designed and constructed to be consistent with the purposes of the zoning ordinance. The proposed use is essentially the same as the use for which the space in the project was originally designed and occupied, and will not produce any change in use, change in appearance, or create parking or access problems in excess of the original project design.
- B) The Development Plan as it exists conforms to the General Plan of the city and is not being altered or modified by this project.
- C) The area served by the existing development is adequately, reasonably and conveniently served by existing public services, utilities and public facilities.
- D) The use as proposed is compatible with existing and potential new development on adjoining property in the surrounding neighborhood. The only real change that has occurred since the project was built is that the two anchor tenant buildings located at 3955 and 3985 Mission Avenue are currently occupied by the Iglesias Ebenezer and New Song Community churches. At project completion in 1984 these buildings were occupied by a Thrifty drug store and 84 Lumber, respectively, but both became unprofitable when the traffic moved off Mission up to the 76. Automotive service is not viewed to be detrimental to the newer church uses which are primarily occupied on Sundays when the service center has limited hours of operation, if at all. The service center could also benefit the patrons of the churches as it will provide a convenient location for automotive repair service which could be provided while the patrons attend their respective services.

Coastal Development Permits

- A) The project is not located within the confines of the California or local coastal plan.
- B) The project is not located within the appeal area and is not required to conform to the public access and recreation policies of Chapter 3 of the Coastal Act.

LEGAL DESCRIPTION

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

PARCEL "C" OF CERTIFICATE OF COMPLIANCE NO. PLA-05-89 RECORDED MAY 11, 1989 AS INSTRUMENT NO. 89-250075 OFFICIAL RECORDS, DESCRIBED AS FOLLOW:

THOSE PORTIONS OF PARCELS 2 AND 3 OF PARCEL MAP 15175, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 16, 1988, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID PARCEL 1, SAID POINT LYING ON THE SOUTHEASTERLY RIGHT OF WAY OF MISSION AVENUE, DISTANT 50.00 FEET SOUTHEASTERLY FROM THE "B-2 LINE", ALL AS SHOWN ON SAID PARCEL MAP; THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY NORTH 66° 58' 30" EAST, 180.32 FEET TO THE MOST NORTHERLY NORTHEASTERLY LINE OF SAID PARCEL 2 AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE NORTHEASTERLY BOUNDARY OF SAID PARCEL 2 SOUTH 23° 01' 30" EAST, 208.82 FEET; THENCE NORTH 66° 58' 30" EAST, 16.60 FEET; THENCE CONTINUING ALONG SAID BOUNDARY AND ITS EXTENSION SOUTH 23° 01' 30" EAST, 128.00 FEET; THENCE NORTH 66° 58' 30" EAST, 85.08 FEET; THENCE SOUTH 23° 01' 30" EAST 92.00 FEET TO THE MOST SOUTHEASTERLY LINE OF SAID PARCEL 2; THENCE ALONG SAID SOUTHEASTERLY LINE NORTH 66° 58' 30" EAST, 65.00 FEET TO THE MOST NORTHEASTERLY BOUNDARY OF SAID PARCELS 2 AND 3; THENCE ALONG SAID NORTHEASTERLY BOUNDARY NORTH 23° 01' 30" WEST, 234.50 FEET; THENCE CONTINUING ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL 3 SOUTH 66° 58' 30" WEST, 154.39 FEET; THENCE NORTH 23° 01' 30" WEST, 194.32 FEET TO SAID SOUTHEASTERLY RIGHT OF WAY; THENCE ALONG SAID RIGHT OF WAY SOUTH 66° 58' 30" WEST, 12.29 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THE BUILDINGS, IMPROVEMENTS, (INCLUDING WITHOUT LIMITATION LANDSCAPING) AND BUILDING FIXTURES AND EQUIPMENT THEREON.

APN: 158-080-18



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** Philip Whitener
2. **ADDRESS:** 198 Rooster Dr., Eagle, ID. 83616
3. **PHONE NUMBER:** (208) 939-0349
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner
6. **PROJECT TITLE:** CUP11-00027 All Tune & Lube @ 3965 Mission Ave.
7. **DESCRIPTION:** A Conditional Use Permit (CUP11-00027) to allow a vehicle repair facility to occupy an existing commercial building located at 3965 Mission Ave.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Environmental Coordinator finds that the proposed project is generally for an internal modification of an existing building, with a parking lot modification. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- Per Article 19, the project is categorically exempt, in accordance with Section 15301, Existing Facilities, Class 1 (a), interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances.
- "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 of section] (Section xxxxx); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Date: 3/12/12

Scott Nightingale, Planner

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