



DATE: November 7, 2012

TO: Honorable Mayor and City Councilmembers,
Chairman and Members of the Community Development Commission

FROM: City Manager Office

SUBJECT: **INTRODUCTION OF AN ORDINANCE AMENDING ARTICLE 12 OF THE OCEANSIDE DOWNTOWN ZONING ORDINANCE (RZA12-00001) AND ADOPTION OF A RESOLUTION APPROVING LOCAL COASTAL PLAN AMENDMENT (RLCPA12-00002), FOR THE DOWNTOWN PROJECT AREA – APPLICANT: CITY OF OCEANSIDE**

SYNOPSIS

Staff recommends that the City Council introduce an ordinance amending Article 12 of the Oceanside Downtown Zoning Ordinance (RZA12-00001) and adopt a resolution approving Local Coastal Plan Amendment (RLCPA12-00002) for the Downtown Project Area to allow for retail sales, drive-through restaurants, fuel pumps at mini-marts and office uses within Subdistrict 6A and to include the area located just north of the intersection of Highway 76 and North Coast Highway, into the 6A Subdistrict (currently the area is located within Subdistrict 7B).

BACKGROUND

As development continues to occur within the Downtown Project Area, changes in land uses are necessary to reflect current economic conditions and to “clean-up” zoning discrepancies. Staff believes that Subdistrict 6A is one area in Downtown that current land uses do not reflect the change over time since the district was formed 37 years ago. Subdistrict 6A is generally bounded by Coast Highway on the east, Carmelo Drive on the west, the San Luis Rey River on the South and Harbor Drive on the north. Subdistrict 6A objective is to provide sites for highway business and tourist/visitor uses related to the harbor and the Interstate 5 freeway, primarily oriented to visitor-serving commercial establishments.

Staff also believes that the area located just north of the intersection of Highway 76 and North Coast Highway (the area currently consists of the California Welcome Center and a restaurant) is currently located within Subdistrict 7B. This area would better be suited under the land use category of Subdistrict 6A (Visitors Serving Use) due to its location on North Coast Highway in proximity to both Highway 76 and Interstate 5.

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Local Coastal Plan Amendment: A Local Coastal Program Amendment (LCPA) is required when processing an amendment to the Zoning Ordinance pursuant to California Public Resource Code Section 30510 (a) (b).

Environmental Determination: A Certificate of Exemption has been prepared for the project stating that the project is exempt (see attached Certificate of Exemption). Under the provisions of the California Environmental Quality Act, the Community Development Commission will consider the Certificate of Exemption during its hearing on the project.

ANALYSIS

Thirty-seven years ago it was anticipated that Subdistrict 6A would eventually be developed with visitor-serving commercial uses such as hotels or restaurants. Retail and office uses were discouraged in anticipation of future visitor-serving commercial development. With the exception of the Holiday Inn, visitor-serving uses have been slow to develop in this area because of the following reasons:

- . Difficulty of land acquisition;
- . Irregularly shaped lots;
- . Assembly of an adequate amount of land for development of visitor-serving uses.

Due to difficulty of land development in this area, staff is recommending that additional uses be allowed within Subdistrict 6A to better reflect current economic conditions. The changes to the zoning are to allow both retail sales and office uses by right instead of currently requiring approval of an administrative use permit; to allow for drive-through restaurants upon approval of a conditional use permit and to allow fuel pumps at mini marts. In addition, staff is also recommending that the area located on the east side of North Coast Highway, between the San Luis Rey River and the intersection of Highway 76 and North Coast Highway, be incorporated within Subdistrict 6A to better reflect the Visitor Serving Commercial Uses.

In conclusion, staff believes that the proposed amendment to Article 12 is necessary and appropriate to reflect current economic conditions and to clarify any zoning ambiguities.

COMMISSION OR COMMITTEE REPORTS

The Downtown Advisory Committee will review the recommended changes and the result of their review will be presented orally to the Commission.

FISCAL IMPACT

Not applicable.

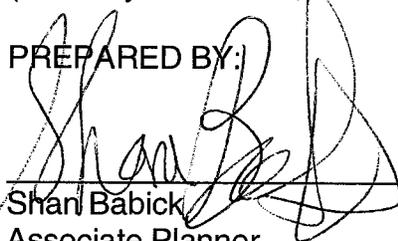
CITY ATTORNEY'S ANALYSIS

Pursuant to Oceanside Zoning Ordinance Article 45, Section 4504 B., the Community Development Commission is authorized to hold a public hearing on this proposed amendment to Article 12 of the Zoning Ordinance. Consideration of the project should be based on the evidence presented at the public hearing. After conducting the public hearing, the Commission shall approve, conditionally approve, or disapprove the project. The resolution has been reviewed and approved as to form by the City Attorney.

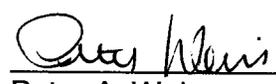
RECOMMENDATION

Staff recommends that the City Council introduce an ordinance amending Article 12 to the Oceanside Downtown Zoning Ordinance (RZA12-00001) and adoption of a resolution approving Local Coastal Plan Amendment (RLCPA12-00002) for the Downtown Project Area to allow for retail sales, drive-through restaurants, fuel pumps at mini-marts and office uses within Subdistrict 6A and to include the area located just north of the intersection of Highway 76 and North Coast Highway, into the 6A Subdistrict (currently the area is located within Subdistrict 7B).

PREPARED BY:


Shan Babick
Associate Planner

SUBMITTED BY:


Peter A. Weiss
Executive Director

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
Kathy Brann, Downtown Development Manager



EXHIBITS/ATTACHMENTS

- 1. Ordinance
- 2. LCPA Resolution
- 3. Zoning Text Changes Exhibit "A"
- 4. Map Depicting Proposed 6A
- 5. Notice of Exemption

1 CEQA Guidelines and has prepared a Notice of Exemption pursuant to section 15062 of the CEQA
2 Guidelines.

3 WHEREAS, based upon such evidence, testimony and staff reports, the City Council and the
4 Community Development Commission finds the proposed amendment to Article 12 as conforming to
5 the City's General Plan;

6 NOW, THEREFORE, the City Council of the City of Oceanside DOES ORDAIN as follows:

7 1. That Zone Amendment Application RZA12-00001 amending Article 12 as specified in
8 Exhibit "A" is hereby approved and the Downtown Development Manager is hereby directed to amend
9 Article 12 of the Zoning Ordinance text as specified in this Exhibit.

10 2. Provisions of Exhibit "A", as incorporated, have been included for informational
11 purposes only and reflect the amended sections of the Zoning Ordinance which have been stricken,
12 removed or otherwise modified by the enactment of this Ordinance.

13 3. Notice is hereby given that the time within which judicial review must be sought on this
14 decision is governed by California Government Code Section 65009 (c) (1) (B).

15 4. The Ordinance shall not be codified.

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5. The City Clerk of the City of Oceanside is hereby directed to publish the title of this Ordinance and a summary of Exhibit "A" once within fifteen (15) days after its passage in the North County Times, a newspaper of general circulation published in the City of Oceanside. This Ordinance shall take effect and be in force on the thirtieth (30) day from and after its final passage.

INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California, held on the _____ 2012, and, thereafter,

PASSED AND ADOPTED by the Oceanside City Council on this _____ day of _____, 2012, by the following vote:

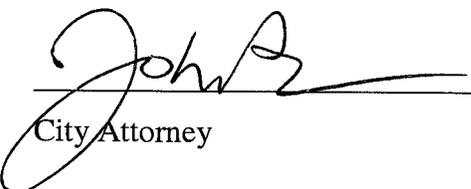
- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

Mayor of the City of Oceanside

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

EXHIBIT "A"

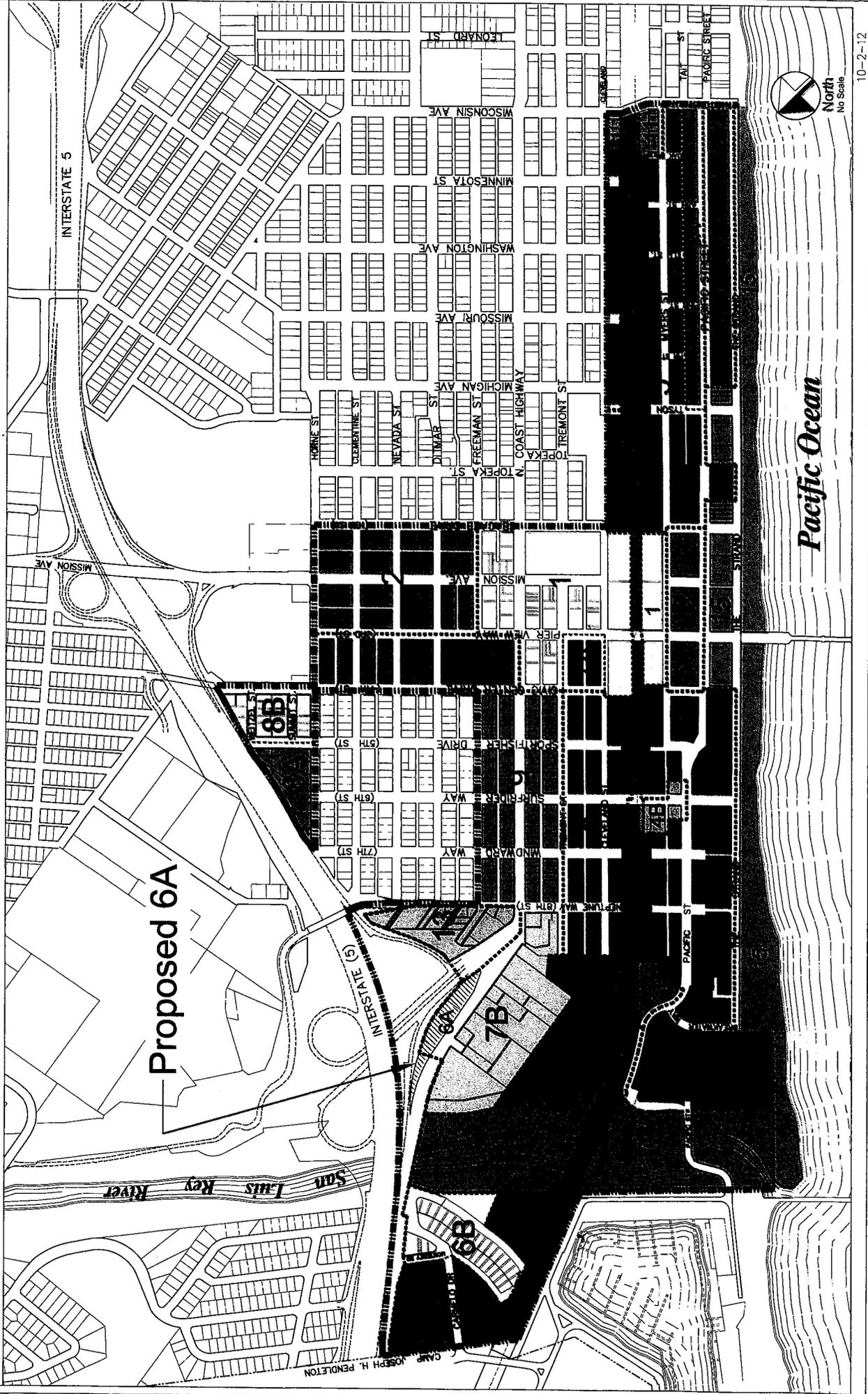
"D" Downtown District Ordinance
Zoning Text Amendment
RZA12-00001 & LCPA12-00002

The following are the proposed changes to Downtown "D" District Zoning Ordinance:

1. 1. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens. Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Catering Services or Eating and Drinking Establishments.
 1. Convenience Markets. Retail sales of food, beverage and small convenience items typically found in establishments with long or late hours of operation. ***This classification also includes mini-marts which allows fuel pumps to provide fuel for vehicles.***
2. Allow for both retail sales and office uses within Subdistrict 6A.
3. The area located on the east side of North Coast Highway, between the San Luis Rey River and the intersection of Highway 76 and North Coast Highway, be incorporated within Subdistrict 6A; *Visitor Serving Commercial* (please see attached map).
4. Drive-through/Drive-up. ***Service from a building to persons in vehicles through an outdoor service window (Drive-through) or delivery service to vehicles parked in designated parking spaces (Drive-up).***

Downtown Project Area

- 1. Commercial Retail and Office / Residential possible
- 1A. Commercial Retail and Office / Historic / Residential possible
- 2. Office Center / Office Professional
- 3. Office Professional / Residential possible (SF & Multi)
- 4A. Transient Uses & Residential (SF & Multi)
- 4B. Transient uses & Residential (Multi)
- 5. High Density Residential (SF & Multi)
- 6A. Medium Density Residential
- 6B. Visitor Serving Commercial
- 6C. Harbor
- 7A. High Density Residential (SF & Multi)
- 7B. Recreational / Commercial / Residential (SF & Multi)
- 8A. Hospital & Medical (SF)
- 8B. Hospital / Medical / Office / Residential possible (SF & Multi)
- 9. Commercial / Residential / SF & Multi (30,000 sq. ft.)
- 10. Open Space
- 11. Commercial / Residential possible / (Multi with mixed use)
- 12. Tourist & Visitor Serving Commercial
- 13. Visitor Serving Commercial / Office / Residential (Multi with mixed use)
- 14. Public Transportation and Railroad
- 15. Public Facilities, Parks, Open Space



1 NOW, THEREFORE, the City Council of the City of Oceanside and the Community
2 Development Commission DOES RESOLVE as follows:

3 1. Pursuant to Public Resources Code 30514 (a), the Oceanside City Council and
4 Community Development Commission hereby certifies that Local Coastal Program Amendment
5 (RLCPA12-00002) is intended to be carried out in a manner fully in conformity with the Coastal
6 Act and said Amendment is adopted.

7 2. Pursuant to the California Environmental Quality Act of 1970 (Public Resources
8 Code 21000, et seq.) and state guidelines thereto as amended to date, a Categorical Exemption has
9 been issued by the City of Oceanside for this project.

10 3. Pursuant to Coastal Commission Local Coastal Program Regulation 13551 (b), this
11 amendment shall take effect automatically upon Coastal Commission approval.

12 4. Copies of the originals of these revised documents shall be maintained and available
13 for public review in the office of the Downtown Development Department.

14 PASSED AND ADOPTED by the Oceanside City Council on this ____ day of ____, 2012,
15 by the following vote:

16 AYES:

17 NAYS:

18 ABSENT:

19 ABSTAIN:

20 _____
21 Mayor of the City of Oceanside/Chairman

22 ATTEST:

23 APPROVED AS TO FORM:

24 _____
25 City Clerk

26 
27 _____
28 City Attorney