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DATE: January 30, 2013

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department/Planning Division

SUBJECT: **CALL FOR REVIEW OF PLANNING COMMISSION RESOLUTION NO. 2012-P47 APPROVING THE ESTABLISHMENT AND OPERATION OF AN AUTO TOWING YARD AT 1833 SOUTH OCEANSIDE BOULEVARD, WITHIN THE FIRE MOUNTAIN NEIGHBORHOOD – ROADWAY AUTO TOWING – APPLICANT: MANUEL MARTINEZ**

### **SYNOPSIS**

Staff recommends that the City Council adopt the resolution upholding the Planning Commission's decision approving Conditional Use Permit CUP12-00009 to allow for the establishment and operation of an auto towing yard on a 24,436-square foot portion of a fully developed 4.57-acre site located at 1833 Oceanside Boulevard.

### **BACKGROUND**

On October 8, 2012, the Planning Commission conducted a public hearing to consider said application, and after receipt of public testimony and commission discussion a motion to approve the project failed. Subsequent to the failed motion, the Planning Commission took action to continue the item to October 22, 2012, and asked that the applicant provide additional clarification related to landscaping enhancements and storm water management on the site.

On October 22, 2012, the Planning Commission approved a Conditional Use Permit (CUP12-00009) for the project by a 4-0 vote. Following the Planning Commission hearing and prior to the end of the appeal period, a Call for Review of the Planning Commission's action to approve the subject project was received by the City Clerk. This report identifies and addresses the issues raised by the Call for Review by Mayor Wood and Deputy Mayor Feller. Attached to this report is the Call for Review document that outlines the specific issues and concerns related to the project.

The project site is located at 1833 Oceanside Boulevard, with the proposed auto tow yard being situated on a 24,436-square foot portion of the fully developed 4.57-acre site. The site is currently developed with a single story 29,225-square foot industrial building and paved parking lot that is being used as a heavy equipment rental facility. The existing equipment rental facility utilizes only a small portion of the overall site, thus leaving the remainder of the site vacant and underutilized.

**Project Description:**

The project application is comprised of the following required entitlement:

Conditional Use Permit C12-00009 represents a request for the following:

- (a) The establishment and operation of an auto tow yard on a developed but unused portion of an existing 4.57-acre site that currently operates as a heavy equipment rental facility and storage yard. The auto tow yard would employ five persons and would operate with three tow vehicles. Hours of operation would be Monday through Friday from 8:00 a.m. to 5:00 p.m. for general public retrievals, and would be used 24 hours per day seven days a week, for vehicle towing and storage. In order to provide a secured facility, the project would include the addition of chain link fencing with view obscuring vinyl slats and barbed wire along the top.

The proposed tow yard would be located on a central westerly portion of the 4.57-acre site, tucked behind a self storage facility. In order to further screen the proposed auto tow yard from public view as seen from off-site, the applicant proposes to implement upgrades to the existing perimeter fencing that would screen the proposed yard area and that would prevent unauthorized access to the vehicle storage area. Upgrades to the existing chain link fencing and perimeter landscaping will include dark brown colored vinyl slats and additional enhanced landscaping along the eastern and northern portions of the site. These added enhancements and location internal to the overall site will further obscure the subject use from the general public.

The property has a General Plan land use designation of Light Industrial (LI) on the Land Use Map, is zoned Limited Industrial (IL) on the official zoning map, and is situated within the Fire Mountain Neighborhood Planning Area. The establishment of an automotive tow yard within a Light Industrial zoned center requires discretionary review and approval of a Conditional Use Permit.

No exterior modifications to the existing industrial building where the auto tow yard office would be located are proposed as part of this application. The only modification to the circulation and parking would be the circulation and auto storage area enclosed via an existing perimeter fencing system and as denoted within the business's "Operation Management Plan."

Surrounding land uses include dedicated open space and Loma Alta creek along the south, with single-family residential further south and upslope, light industrial uses to the north, east, and west, with professional office beyond to the east.

The project is subject to the following Ordinances, City policies, and the State of California Public Resources Code:

1. General Plan
2. Zoning Ordinance
3. CEQA

In accordance with the City of Oceanside Zoning Ordinance Article 41, Section 4105, the approving body must make the following findings in order to approve the subject Conditional Use Permit:

- i) 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.
- ii) 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 or 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.
- iii) That the proposed conditional use will comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.

Section 4605.c of the Zoning Ordinance provides that the City Council shall consider only the same application, plans, and related project materials that were the subject of the original decision and only the issue(s) raised by the call for review.

## **ANALYSIS**

Pursuant to OZO 4605.c, the City Council may consider only the issues that were raised in the call for review. Mayor Wood and Deputy Mayor Feller's stated grounds for calling the action up for review are as follows:

1. *The applicant was not required to meet standard conditions for trash enclosures, landscape plans or solid walls/fences that other projects in the same zone have to meet.*

The portion of the site to be used for an automotive tow yard facility would only be transitioning from heavy equipment storage to automotive storage, all facilities developed for the site's original land uses are in place and an additional trash enclosure is not required. The existing site contains adequate trash enclosure facilities and subject to implementation of the project's Operations Management Plan, solid waste

associated with the operations will be properly handled. As for the issue of landscape plans and solid walls/fences, perimeter fencing and landscape planter areas, all these areas were developed and have been maintained as part of the existing use of the site as a heavy equipment rental yard. Although the site's original landscape plan and perimeter fencing was approved and installed, the applicant has submitted an enhanced landscape plan along with upgrades to the existing fencing to ensure that the facility is adequately screened as viewed from offsite. For these reasons, staff recommends that the City Council find that issue number one does not warrant the overturning of the Planning Commission action to approve the project.

2. *An open towing yard in this location is not consistent with various policies of the Land Use Element of the General Plan for enclosed buildings, open space buffers and compatibility with the Fire Mountain Neighborhood.*

In reviewing the subject project for consistency with the various policies of the Land Use Element of the General Plan, staff analyzed the following applicable goals, objectives, and policies to ensure that the proposed project was compatible to the surrounding built environment and the Fire Mountain Neighborhood:

1.12 *Land Use Compatibility*

Objective: To minimize conflicts with adjacent or related uses.

Policy A: Adequate setbacks, buffering, and/or innovative site design shall be required for land uses that are contiguous to and incompatible with existing land uses; and,

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

The proposed automotive tow yard would be situated within an existing built environment and located in a manner that is significantly set back from the public right-of way. The proposed location, which is internal to an existing heavy equipment rental facility and tucked behind a self storage facility building provides extensive buffers from residential neighborhoods upslope and over 400 feet to the south; as well as, extensive separation from commercial land uses to the east, west, and north.

Based upon the existing developed area and current operations of the site as a heavy equipment rental and storage yard, the Planning Commission has determined that establishment of a tow yard on a portion of the site that is internal to the larger equipment rental facility would be compatible with adjacent land uses and would not create visual impacts beyond what currently exists.

Policy C: 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 proposed project site is located within an industrial zoning district established with similar type land uses, and all towed vehicles would be stored utilizing preventive measures such as granulated oil sorbent and oil drip pans beneath the vehicles. These measures would ensure that any leaking fluids from a given vehicle are captured and disposed of appropriately. The proposed operation during normal working hours will also ensure that potential noise sources do not conflict with persons living or working in the immediate area. Vehicle drop-offs in the off hours would follow a detailed late drop procedure that is part of the overall proposed Operations Management Plan for the subject tow yard. Implementation of these procedures will eliminate the need for back up maneuvering and the use of back up beepers. No vehicle/equipment repairs will occur on the property as part of the overall auto tow yard's operation. No violations of City Ordinances are anticipated. Staff finds that based upon the proposed Operations Management Plan and site considerations, persons working in or residing in proximity to the site will not be subjected to potential sources of objectionable noise, light, odors, and other emissions nor to exposure of toxic, radioactive, or other dangerous materials.

In addition, staff reviewed the following General Plan Land Use objective and policy regarding establishment of certain land uses within an enclosed buildings:

*2.12 Light Industrial*

Objective: To provide and protect industrial lands that can accommodate a wide range of moderate to low intensity industrial uses capable of being located adjacent to residential areas with minimal buffering and attenuation measures.

Policy B: Light industrial uses shall be restricted to uses generally engaged in the manufacturing, assembly, packaging, fabrication and processing of components into finished products rather than the conversion of raw materials. Industrial activity shall be conducted primarily within structures, and outside storage areas and assembly activities shall be limited.

Staff has reviewed the policy regarding industrial activities within enclosed structures and has determined that the intent of Policy B was to ensure that only light industrial type land uses involved in manufacturing, fabrication, and processing of components into finished products were allowed rather than heavier type industrial uses involved in processing raw materials. The policy further guided these light industrial land uses to be located within structures, with outdoor activities being limited. The intent of the General Plan policies was not intended to restrict outdoor storage facilities, and in this case a tow yard to be completely contained within an enclosed structure. Furthermore, this policy indicates that an acceptable level of compatibility between appropriate type industrial land uses and adjacent residential land uses can be accommodated throughout the City.

Policy F: All storage, assembly and parking areas and equipment shall be completely screened from view.

It was further determined that outdoor storage and parking areas were intended to be permitted as part of the overall industrial land use establishments, subject to screening the areas in a visually attractive manner.

Therefore, staff recommends that the City Council find that issue number two is not a valid reason to overturn the Planning Commission action to approve the project.

### **SUMMARY**

In summary, staff has comprehensively reviewed the issues raised in the Call for Review and maintains its position that the issues raised do not provide a sufficient basis, in light of the required findings set forth in the Zoning Ordinance, to overturn the Planning Commission's decision. Furthermore, the subject light industrial designated site has been constructed and operated as a heavy equipment rental and storage yard for approximately ten years. Consequently, it is staff's recommendation that the City Council adopt the attached resolution affirming the Planning Commission's action approving Conditional Use Permit (CUP12-00009).

### **FISCAL IMPACT**

Approval of the proposed use would benefit the City through the collection of the following fees:

In the **General Fund** the City would receive the following:

- Business License Administration Fee – new application \$ 210, renewal \$25 annually
- Business Tax \$0.50 per \$1,000 gross receipts – minimum annual tax is \$50
- Tow Fee - \$100 per vehicle for release of vehicle (paid by person wanting vehicle)

In the **Traffic Services Fund** the City would receive the following:

- Storage fee – 20% of fee after 5 days storage
- Lien Sale fee - 15% of sale, maximum \$165 per sale

## **COMMISSION OR COMMITTEE REPORT**

The Planning Commission reviewed the project on October 8, 2012. After hearing testimony from the public as well as the applicant, the Commission took action to continue the item to October 22, 2012, and asked the applicant to provide additional clarification on screening and storm water mitigation proposed as part of the overall project.

On October 22, 2012, the Planning Commission continued consideration of the subject project, and after hearing testimony from the public as well as the applicant, the Commission took action to approve the project in a 4-0 vote.

## **CITY ATTORNEY'S ANALYSIS**

The City Attorney's Office has reviewed the proposed resolution and approved it as to form.

In accordance with Section 4605 of the Zoning Ordinance, the City Council shall consider the same application, plans, and related project materials that were the subject of the original decision approving the project by the Planning Commission.

The City Council shall review the record of the decision and hear testimony from staff, the applicant, and/or any interested parties.

After the public hearing, the City Council shall affirm or reverse the Planning Commission's decision to approve the subject project. If a decision is reversed, the City Council shall state the specific reasons for the reversal.

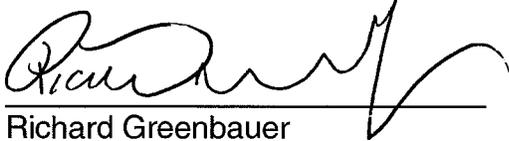
## **ENVIRONMENTAL DETERMINATION**

Planning Division staff has completed a preliminary review of this project in accordance with the California Environmental Quality Act (CEQA), 1970. Based on that review, staff finds that the proposed project constitutes operations within existing facilities that will not involve expansion beyond what exists on-site at this time, and the project is categorically exempt, Class 1, "Existing Facilities" (Section 15301).

**RECOMMENDATION**

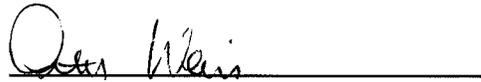
Staff recommends that the City Council adopt the resolution upholding the Planning Commission's decision approving Conditional Use Permit CUP12-00009 to allow for the establishment and operation of an auto towing yard on a 24,436-square foot portion of a fully developed 4.57-acre site located at 1833 Oceanside Boulevard.

PREPARED BY:



Richard Greenbauer  
Senior Planner

SUBMITTED BY:



Peter A. Weiss  
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

George Buell, Development Services Director

Marisa Lundstedt, City Planner



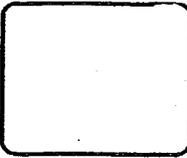
ATTACHMENTS:

1. Site Plans
2. City Council Resolution
3. Exhibit "A" – Legal Description
4. Exhibit "B" – Planning Commission Resolution No. 2012-P47
5. Planning Commission Staff Report dated October 22, 2012
6. Roadway Towing Draft Operations Management Plan
7. Call For Review





**Designs**  
 PK(618) 227-4557  
 AK (618) 666-0872  
 Fax(618) 928-3205  
 225 Third Avenue  
 Chula Vista, CA 91910

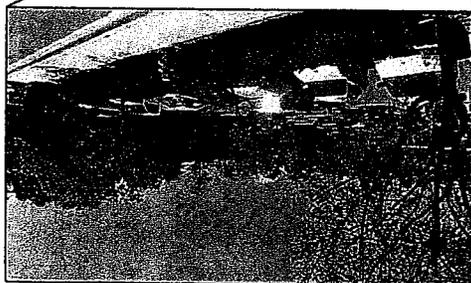
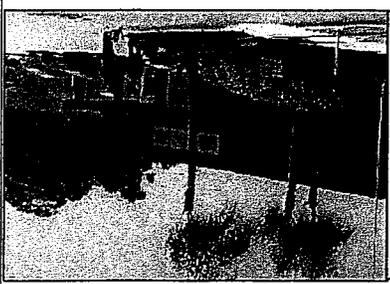
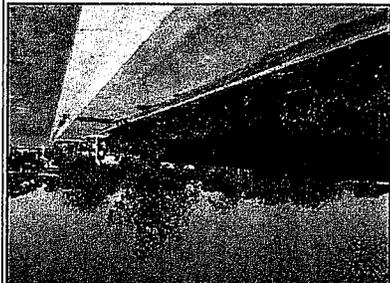
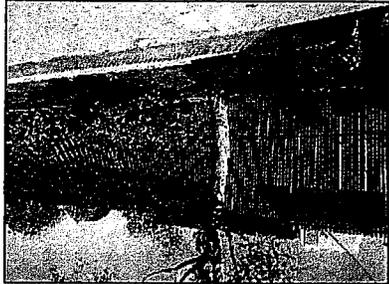
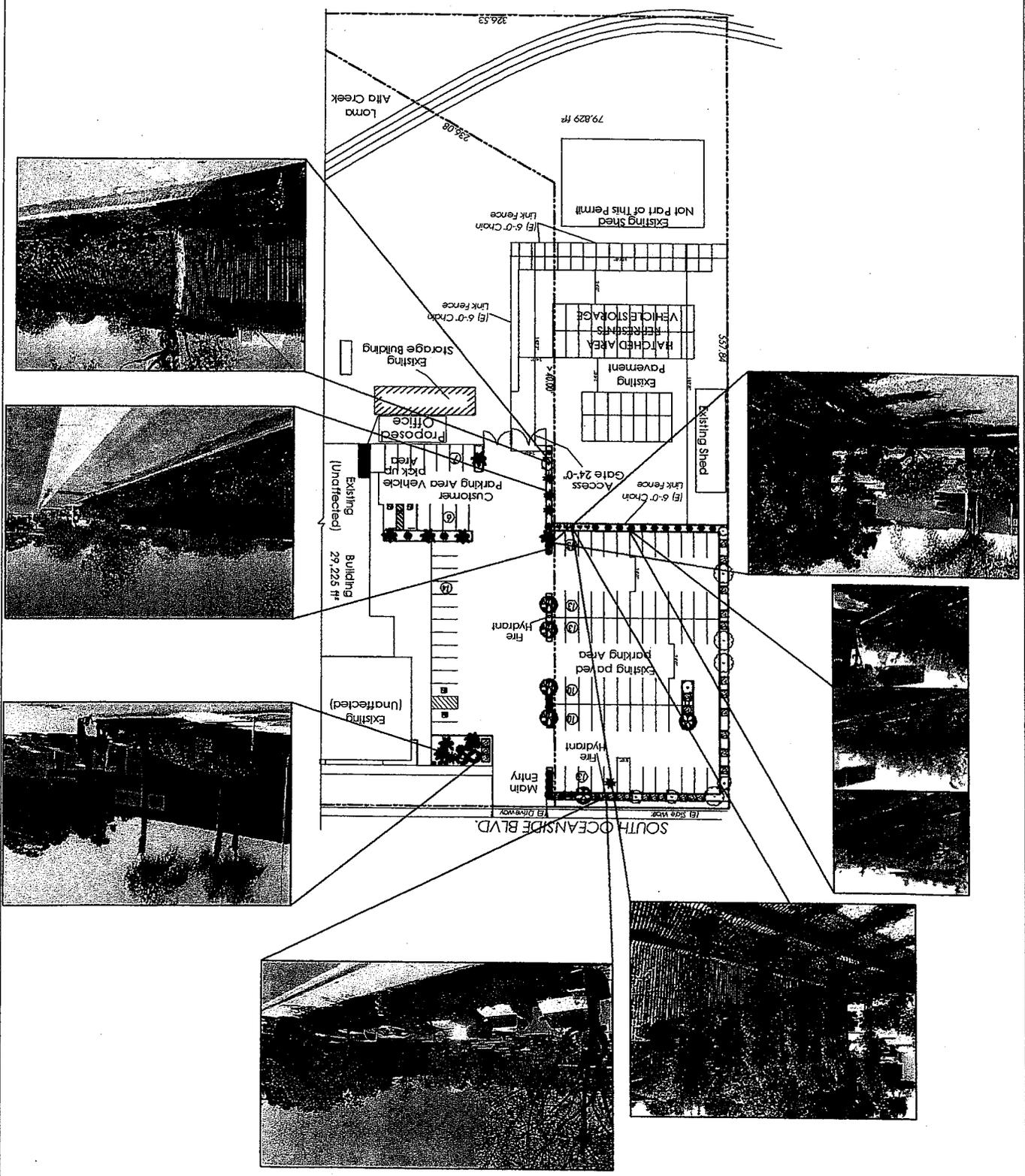


Roadside Towing  
 1833 Oceanside Blvd  
 Oceanside, CA. 92054  
 Detach Patio Cover & Landscape

Photo Su

Drawn by:	JOSE PEREZ
Responsible:	JOSE PEREZ
Scale:	AS NOTED
Date:	10/20/12
Sheet:	JOSE PEREZ
Project:	1833 Oceanside Blvd Roadside Towing Detach Patio Cover & Landscape
Signature:	

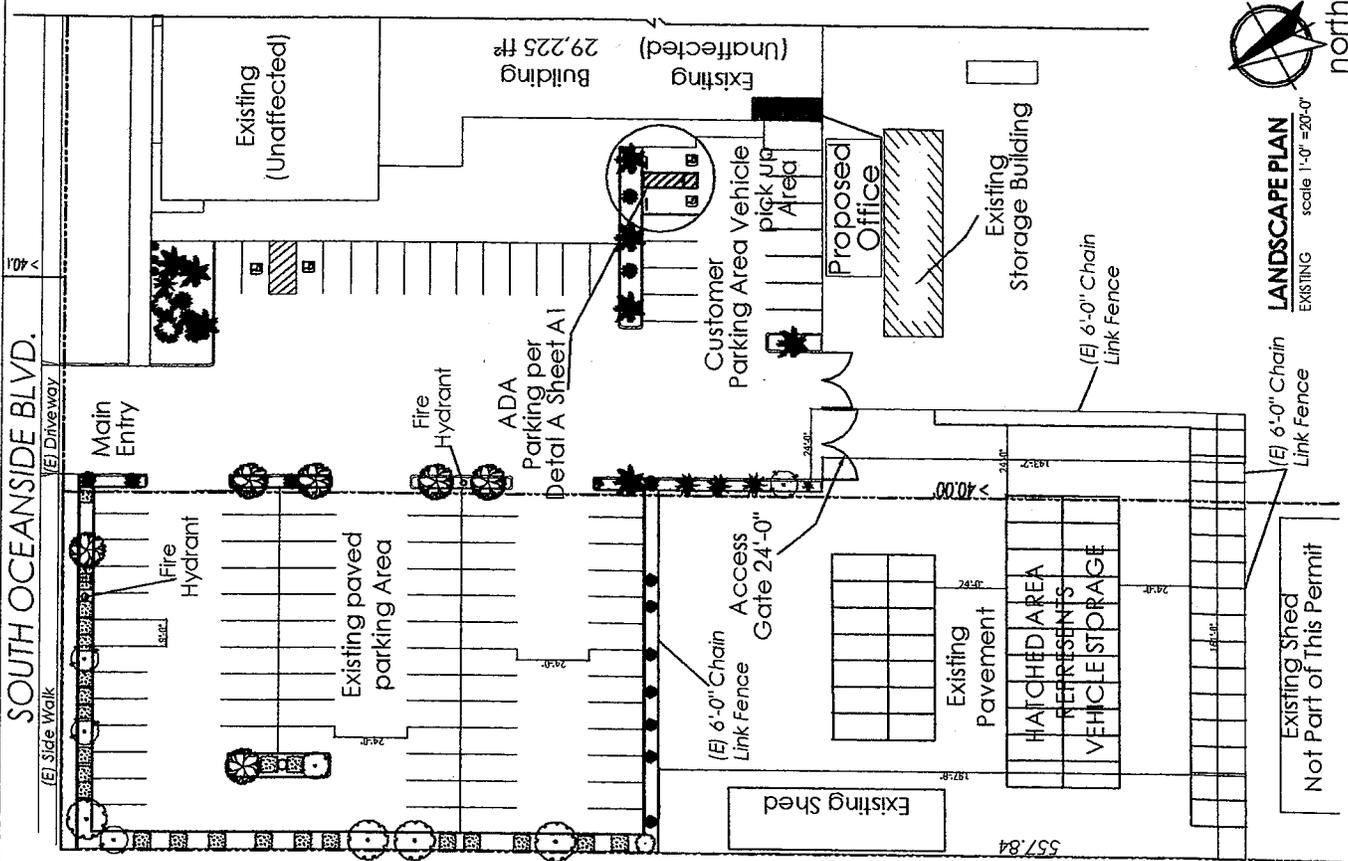
**L2**



**EXISTING PLANT LIST**

SYMBOL QUANTITY COMMENTS SIZE

-  Pteris caudata Indian Newkham
-  Smilax reginae Elf of paradise
-  Calceolaria grandiflora Natal plum
-  Escallonia laevis Pink Princess
-  Nelium oleandra Oleander
-  Symplocos paniculata Queen Palm
-  Tibouchina granulata Pink Lapacho
-  Tibouchina granulata Pink Lapacho
-  Tibouchina granulata Pink Lapacho
-  Tibouchina granulata Pink Lapacho
-  Tibouchina granulata Pink Lapacho



**LANDSCAPE PLAN**  
EXISTING scale 1"=20'-0"

Existing Shed  
Not Part of This Permit

Sheet Type: **L3**  
Sheet No: 13

Project content:  
**EXISTING LANDSCAPE PLAN**

Roadside Towing  
1833 Oceanside Blvd  
Oceanside, CA. 92054  
Detach Patio Cover & Landscape



**Designs**  
PH: (619) 227-0567  
AK: (619) 866-0872  
FX: (619) 923-3205  
226 Third Avenue  
Chula Vista, CA. 91910

Prepared by:  
**JOSE PEREZ**  
Title: Landscape Architect  
For State of CA, No. 1514  
PH: (619) 466-0872  
FX: (619) 923-3205

Checked by:  
**JOSE PEREZ**  
Date: 10/2012  
Scale: 1/8"=1'-0"

US NOTED



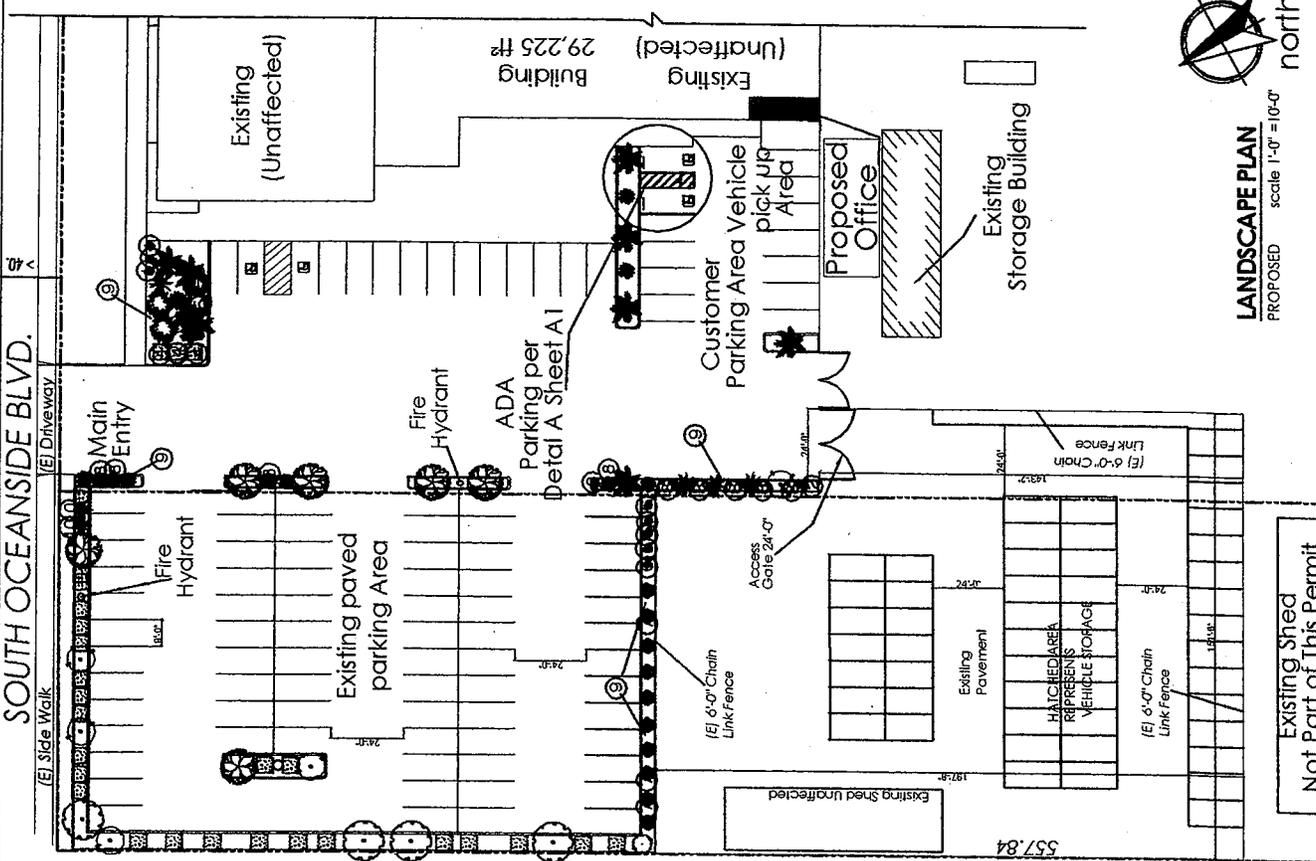
1833 Oceanside Blvd  
Oceanside, CA. 92054

Proposed LANDSCAPE PLAN

Proposed LANDSCAPE PLAN

JOSE PEREZ  
10/2012  
AS NOTED

Sheet No. **L4**

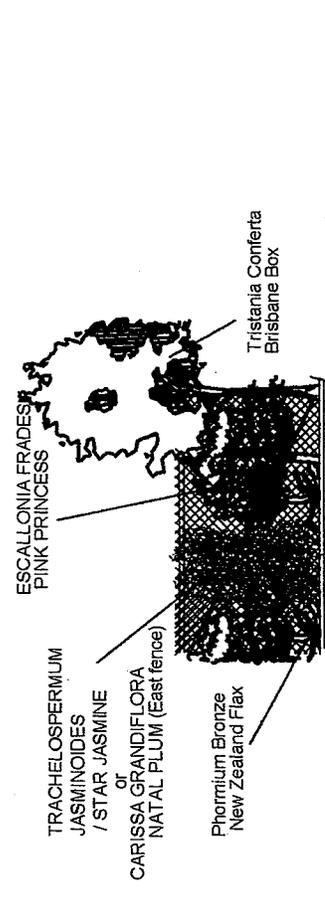


LANDSCAPE PLAN  
PROPOSED scale 1'-0" = 10'-0"

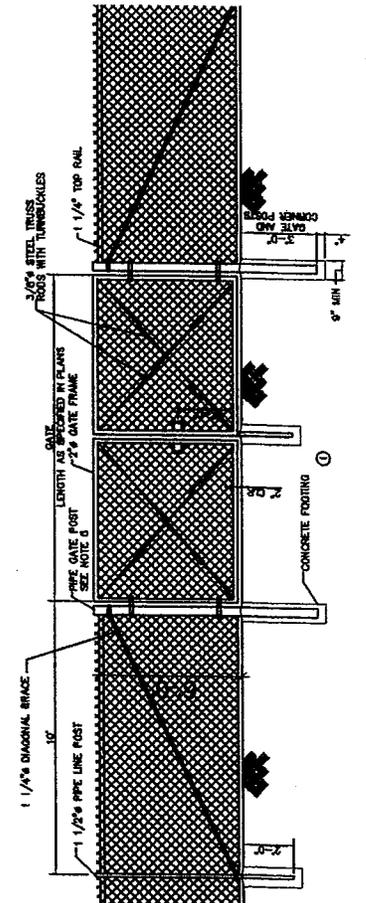
**PROPOSED PLANT LIST**

SYM.	COMMON NAME / BOTANICAL	QUANTITY	HEIGHT / SPREAD	SIZE
1	Hemerocallis Hybrid Day Lily	3	2ft	1 GAL
2	Phorrium Bronze	2	3ft	2.0 GAL
3	TRACHELOSPERMUM JASMINOIDES / STAR JASMINE	5	20ft	5 GAL
4	Rhopilepis clava Indian Hawthorn	2	60/60	5 GAL
5	Shelfia nigrae Bird of paradise	2	60/	5 GAL
6	Ficus Wreath Indian Laurel	5	30ft	7 GAL
7	Escallonia madagal Pink Princess	3	6ft-80/8ft	5 GAL
8	Nerium oleander Oleander	3	6ft-200/8ft	5 GAL
9	3" THICK MULCH ON ALL NEW LANDSCAPE			
10	Coffea Grandiflora Natal plum	2	6ft-200/8ft	5 GAL

ROOT BARRIER (NON-BIODegradable)



**Fence Buffer Detail**



TYPICAL CHAIN LINK FENCE AND GATE

## RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE UPHOLDING PLANNING COMMISSION RESOLUTION NO.2012-P47 APPROVING CONDITIONAL USE PERMIT (CUP12-00009) AND ALLOWING THE ESTABLISHMENT AND OPERATION OF AN AUTO TOWING YARD AT 1833 SOUTH OCEANSIDE BOULEVARD.**

**(Roadway Auto Towing, Manuel Martinez, Applicant)**

WHEREAS, a Call for Review was filed on the Planning Commission approval of Conditional Use Permit (CUP12-00009) for the establishment and operation of an Auto Tow Yard on a developed but unused portion of an existing 4.57-acre site that currently operates as a heavy equipment rental facility and storage yard at 1833 South Oceanside Boulevard on certain real property more particularly described in Exhibit "A", attached hereto and incorporated herein by reference;

WHEREAS, the Planning Commission, after giving the required notice, did on the 08th day of October, 2012, conduct a duly-advertised public hearing as prescribed by law to consider said application and after holding the public hearing took action to continue the item to the Planning Commission meeting of October 22, 2012;

WHEREAS, the Planning Commission, after giving the required notice, did on the 22nd day of October, 2012, conduct a duly-advertised public hearing as prescribed by law to consider said application and after holding the public hearing took action to adopt Resolution No. 2012-P47, approving said Conditional Use Permit (CUP12-00009);

WHEREAS, on January 30, 2013, the City Council of the City of Oceanside held a duly-noticed public hearing and heard and considered evidence and testimony by all interested parties concerning the review of the Planning Commission approval on the above identified Conditional Use Permit; and

WHEREAS, based on such evidence, testimony and staff reports, this Council makes the findings of fact as set forth in Planning Commission Resolution No. 2012-P47 as attached hereto as Exhibit "B", and incorporates them by reference as if fully set forth herein;

1           WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
2 Guidelines thereto, this project is categorically exempt from environmental review as a Class 1  
3 project (Existing Facilities) per Article 19, Section 15301;

4           WHEREAS, based on such evidence and testimony, including but not limited to the  
5 reports of the Planning Division Staff and records of the Planning Commission hearing, this  
6 Council finds that the decisions of the Planning Commission properly address the concerns raised  
7 by the Call for Review by Mayor Wood and Deputy Mayor Feller.

8           NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

- 9 1. The Council supports the Planning Commission action of October 22, 2012.  
10 2. The decision of the Planning Commission is affirmed.

11 (a) The proposed location of the use is in accord with the objectives of the Zoning  
12 Ordinance and the purposes of the district in which the site is located because Auto Tow  
13 Yards are permitted within the IL (Limited Industrial) zone district, subject to approval of a  
14 Conditional Use Permit.

15 (b) The proposed location of the conditional use and the proposed conditions under  
16 which it would be operated or maintained will be consistent with the General Plan; will not  
17 be detrimental to the public health, safety or welfare of persons residing or working in or  
18 adjacent to the neighborhood of such use; and will not be detrimental to properties or  
19 improvements in the vicinity or to the general welfare of the City because subject to  
20 approval of a Conditional Use Permit, an automotive tow yard is allowed. The request to  
21 establish and operate a 24,436-square foot automotive tow/storage yard within and internal  
22 to a larger 4.57-acre parcel would not physically change or alter the light industrial site that  
23 currently functions as a heavy equipment rental and storage yard. Furthermore, the project  
24 has been conditioned to implement both a Circulation and Operational Management Plan  
25 in order to further ensure that public safety and health is not an issue, and would provide  
26 for a land use that is compatible with adjacent and related land uses in accordance with  
27 General Plan Section 1.12, "Land Use Compatibility" Policies A and B by providing  
28 adequate buffers and screening necessary to eliminate any potential visual impacts  
29 associated with the automotive tow yard operations.

1 (c) The proposed conditional use will comply with the provisions of the Zoning  
2 Ordinance, including any specific condition required for the proposed conditional use in  
3 the zone district in which it would be located, and subject to operational specific conditions  
4 will allow for an automotive tow yard facility that can benefit various surrounding law  
5 enforcement agencies and the general public by providing a facility within the City of  
6 Oceanside's jurisdictional boundaries.

7 (d) The automotive tow yard activities will not interfere with the limited industrial or  
8 commercial retail uses in the vicinity, and there will be no public health and safety issues  
9 related to the location of the tow yard because the tow yard operations are restricted to an  
10 internal portion of an existing Heavy Equipment Rental Yard, and are subject to an  
11 operations management plan and circulation management plan that establishes strict  
12 guidelines on pedestrian and vehicle movements within the industrial center as well as  
13 hours of operation. Based upon the tow yard's internal circulation system layout and  
14 subject to implementation of an afterhours vehicle drop plan and the location of the  
15 proposed automotive tow yard, no interference with residential land uses located  
16 approximately 400 feet to the south and significantly upslope would occur.

17 (e) The automotive tow/storage yard facility will implement extensive buffers from  
18 adjacent land uses and will incorporate a combination of screening techniques to ensure  
19 that no visual impacts associated with the automotive tow/storage yard will occur. The  
20 proposed screening techniques to utilize black vinyl slats woven into the perimeter chain  
21 link fencing and an enhanced landscape palette would not physically change or alter the  
22 heavy equipment rental facility beyond what has been previously constructed and  
approved.

23 3. The application for a Conditional Use Permit (CUP12-00009) and Planning Commission  
24 Resolution 2012-P47 are hereby approved, subject to all of the conditions imposed by Planning  
25 Commission Resolution No. 2012-P47.

26 4. Pursuant to CCP Section 1094.6 (f), notice is hereby given that the time within which  
27 judicial review must be sought on this decision is governed by CCP Section 1094.6 as set forth in  
28 Oceanside City Code Section 1.10.

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PASSED and ADOPTED by the City Council of the City of Oceanside, California this 30<sup>th</sup> day of January, 2013, by the following vote:

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mayor of the City of Oceanside

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY  
*Paula J. Hamilton, Esq.*  
\_\_\_\_\_  
City Attorney

Policy No. 880003233 - P01  
Page 1

# EXHIBIT "A"

## DESCRIPTION

## ATTACHMENT 3

THAT PORTION OF TRACT 101 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, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF LOT 1 IN SAID BLOCK 3 OF LAGUNA PARK ADDITION NO. 1, SAID POINT OF COMMENCEMENT BEING ALSO A POINT ON THE NORTHEASTERLY LINE OF LAND CONVEYED TO THE State of California, BY DEED RECORDED MAY 15, 1952, AS FILE NO. 59905, IN BOOK 4468, PAGE 301 OF OFFICIAL RECORDS (MI-SD-2-OCN); THENCE ALONG SAID NORTHEASTERLY LINE, NORTH 34° 50' 47" WEST, A DISTANCE OF 68.27 FEET; THENCE NORTH 38° 57' 04" WEST, A DISTANCE OF 184.31 FEET; THENCE NORTH 34° 44' 52" WEST A DISTANCE OF 687.17 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF THAT CERTAIN 100.00 FOOT RIGHT-OF-WAY OF THE ESCONDIDO SPUR OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, SAID POINT BEING ON THE ARC OF A 5679.65 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE ALONG SAID SOUTHEASTERLY LINE, NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05° 47' 49", A DISTANCE OF 574.64 FEET; THENCE TANGENT TO SAID CURVE, NORTH 59° 53' 35" EAST, A DISTANCE OF 368.53 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE NORTH 59° 53' 35" EAST A DISTANCE OF 681.50 FEET, TO A POINT ON THE NORTH AND SOUTH CENTERLINE OF SECTION 25, TOWNSHIP 11 SOUTH, RECORDED 5 WEST, S.B.M.; THENCE CONTINUING ALONG SAID NORTH AND SOUTH CENTERLINE SOUTH 00° 11' 45" EAST A DISTANCE OF 712.78 FEET; THENCE LEAVING SAID NORTH AND SOUTH CENTERLINE, SOUTH 59° 53' 35" WEST A DISTANCE OF 326.07 FEET; THENCE NORTH 30° 06' 25" WEST A DISTANCE OF 617.84 FEET TO THE POINT OF BEGINNING.

PLANNING COMMISSION  
RESOLUTION NO. 2012-P47

ATTACHMENT 4

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

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APPLICATION NO: CUP12-00009  
APPLICANT: Roadway Auto Towing, Manuel Martinez  
LOCATION: 1833 Oceanside Blvd.

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

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

an automotive tow yard within a 24,436-square foot portion of a larger 4.57-acre parcel and construction and modification of interior and perimeter fencing necessary to provide a secured facility;  
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 27th day of August 2012, continue the subject project to the Planning Commission meeting of October 8, 2012;

WHEREAS, the Planning Commission, after giving the required notice, did on the 8th day of October 2012, conduct a duly advertised public hearing as prescribed by law to consider said application and after due consideration and a failed motion to approve, moved to continue the subject project to the Planning Commission meeting of October 22, 2012;

WHEREAS, the Planning Commission, after giving the required notice, did on the 22<sup>nd</sup> day of October 2012, conduct a duly advertised public hearing as prescribed by law to consider said application;

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project is categorically exempt from CEQA per Article 19, Section 15301, Class 1, Existing Facilities;

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

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

5 FINDINGS:

6 For the Conditional Use Permit to allow an automotive tow yard for towed vehicles within a  
7 fully developed portion of 4.57-acre site and construction of associated minor site improvements:

- 8 1.       The proposed automotive tow yard facility is in accord with the objectives of the Zoning  
9 Ordinance and the purposes of the underlying Limited Industrial (IL) district. Section  
10 1320 of the Oceanside Zoning Ordinance permits the establishment and operation of  
11 vehicle storage in the subject zoning district, subject to approval of a conditional use  
12 permit. The subject facility will be established on an interior portion of a fully  
13 developed site and only proposes minor modifications to the existing perimeter fencing  
14 for screening and security purposes consistent with the zoning ordinance regulations.
- 15 2.       The location for the use and conditions under which it will be operated are consistent with  
16 the General Plan, will not be detrimental to public health, safety or welfare of persons  
17 residing or working in or adjacent to the neighborhood; and will not be detrimental to  
18 properties or improvements in the vicinity or to the general welfare of the City. The  
19 temporary automotive tow yard will be sited within an industrial area and all stored  
20 vehicles will be kept within a 24,436-square foot fenced off and screened portion of a fully  
21 developed site. Access to the site will be directly off of Oceanside Boulevard, away from  
22 the Commercial Retail center to the west; therefore, allowing for additional separation from  
23 persons residing or working in the immediate area.
- 24 3.       The proposed conditional use is subject to compliance with Zoning Ordinance provisions,  
25 specific conditions of project approval and additional regulations/licensing as deemed  
26 necessary by other regulatory or permit authorities. All necessary licenses/permits will be  
27 obtained prior to initiating operation of the automotive tow yard facility.

28           NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
approve Conditional Use Permit (CUP12-00009) subject to the following conditions:

1 **Building:**

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

4 **Planning:**

- 5 3. This Conditional Use Permit (CUP12-00009) shall expire on October 22, 2014, unless  
6 implemented as required by the Zoning Ordinance.  
7 4. This Conditional Use Permit approves only an automotive tow yard within an existing  
8 24,436-square foot parking lot area of a larger fully developed site and construction of  
9 associated site improvements on the property located 1833 S. Oceanside Boulevard, as  
10 specifically shown on the approved plans dated June 28, 2012. Unless amended by a  
11 condition of project approval herein, no deviation from these approved plans and exhibits  
12 shall occur without Planning Division approval. Substantial deviations shall require a  
13 revision to the Conditional Use Permit or a new Conditional Use Permit.  
14 5. The CUP shall be limited to an operational term of 10 years from the date of this  
15 approval, with an expiration date of October 22, 2022. However, the Conditional Use  
16 Permit may be revised or renewed in accordance with the provisions of the Zoning  
17 Ordinance. The application for Conditional Use Permit revision shall also be evaluated  
18 against the existing land use policies and any site area and neighborhood changes at the  
19 time of submission.  
20 6. The automotive tow yard shall be for temporary storage of towed vehicles only.  
21 Temporary storage of towed vehicles shall be limited to 30 days, unless the additional time  
22 over 30 days is required to facilitate governmental agency contracts.  
23 7. Any spills, or oils, or antifreeze discharge shall be immediately treated with special oil  
24 absorbent material and swept up in accordance with the submitted Operation Management  
25 Plan.  
26 8. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
27 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
28 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 (CUP12-00009). The  
City will promptly notify the applicant of any such claim, action or proceeding against  
the City and will cooperate fully in the defense. If the City fails to promptly notify the

1 applicant of any such claim action or proceeding or fails to cooperate fully in the  
2 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold  
3 harmless the City.

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

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

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

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

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

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

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

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1 16. The CUP shall be limited to an operational term of 10 years from the date of this  
2 approval, with an expiration date of October 22, 2022. However, the Conditional Use  
3 Permit may be revised or renewed in accordance with the provisions of the Zoning  
4 Ordinance. The application for Conditional Use Permit revision shall also be evaluated  
5 against the existing land use policies and any site area and neighborhood changes at the  
6 time of submission.

7 17. The applicant/owner shall prepare an Operations Management Plan for the subject  
8 automotive tow yard use. The Management Plan is subject to the review and approval of  
9 by the City Planner and the Police Chief prior to commencement of the use. The  
10 Management Plan shall cover the following:

- 11 a) On-Site Management of Vehicles (tow trucks and vehicles stored on-site)  
12 including late drop procedures for vehicles being brought on site after normal  
13 work hours.
- 14 b) Hours-of-Operation (Tow Truck operations between the hours of 5:00 p.m. and  
15 8:00 a.m. shall ensure that radios, backup signals, and other noise producing  
16 activity associated with the towing operations do not exceed the noise ordinance  
17 standards). Should valid complaints be received and verified by the City Code  
18 Enforcement Department, the City Planner shall have the ability to restrict hours-  
19 of-operation and/or the operations during off hour periods listed above.
- 20 c) On-Site Security.
- 21 d) Pollution Prevention from Vehicles being brought on-site.
- 22 e) No vehicle/equipment repairs shall be permitted as part of the Tow Yard  
23 operations.

24 18. All services and materials provided from or at the subject site will be processed for sale  
25 in compliance with the Bradley Burns Uniform Local Sales and Use Tax Law, and all  
26 applicable Board of Equalization (BOE) local tax regulations (as may be amended from  
27 time to time) including Regulation 1802, such that the BOE will recognize all sales tax  
28 from the site to be indisputably designated to Oceanside during the term of this CUP.

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1 The intent of this condition is to ensure that the principal negotiations for the sale of all  
2 services and products provided from or at the subject site occur in the City of Oceanside.  
3 Prior to the issuance of an occupancy permit, applicant shall establish a sales office  
4 within the jurisdictional boundaries of the City of Oceanside and thereafter, for the  
5 entire term of the permit, conduct its taxable sales operations for all sales from the  
6 subject site in accordance with the California Sales and Use Tax laws and all other  
7 applicable provisions of local, state and federal law. Applicant will use all good faith  
8 efforts to market, promote and administer its taxable sales activity with the objective of  
9 maximizing the amount of local sales tax revenue. In all Sales and Use Tax Returns  
10 filed with the BOE relating to taxable sales generated at the sales office for the subject  
11 site, Taxpayer agrees to specify the City of Oceanside as the place of sale. Applicant  
12 recognizes that violation of this condition and/or the failure of the City to receive local  
13 sales tax in accordance with this condition will subject the conditional use permit to  
14 revocation pursuant to Article 47 of the Oceanside Zoning Ordinance.

- 15 a) Applicant agrees to negotiate and sign an agreement with the City of Oceanside,  
16 prior to the issuance of a building permit for the project, that further makes a  
17 sales tax revenue continuing guaranty to the effect that, if, for any reason, the  
18 City of Oceanside does not receive the sales tax revenue from applicant's sales  
19 from the proposed Oceanside site, applicant will pay the City of Oceanside a  
20 royalty equal to the amount that the City of Oceanside would have otherwise  
21 received under applicable law had the sales been taxed and allocated to the City  
22 of Oceanside, as the parties intended.
- 23 b) Within 7 calendar days of a request by the City of Oceanside City Planner or  
24 Finance Department, the applicant shall make available for review and  
25 reproduction during normal business hours, papers, documents and computer  
26 records required by the City to verify and audit compliance with this condition.

27 **Water:**

- 28 19. 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.

1 20. The property owner shall maintain private water and wastewater utilities located on private  
2 property.

3 21. 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 **The following conditions shall be met prior to the approval of engineering design plans:**

7 22. No trees, structures or building overhang shall be located within any water or wastewater  
8 utility easement.

9 23. A separate irrigation meter and approved backflow prevention device is required and  
10 shall be displayed on the plans.

11 **The following conditions of approval shall be met prior to building permit issuance:**

12 24. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are  
13 to be paid to the City and collected by the Water Utilities Department at the time of  
14 Building Permit issuance.

15 25. All Water Utilities Fees are due at the time of building permit issuance per City Code  
16 Section 32B.7, unless the developer/applicant applies and is approved for a deferral of  
17 all fees per City of Oceanside Ordinance No. 09-OR0676-1.

18 **Engineering:**

19 26. The project shall mitigate pollutant discharges from the towing site by implementing  
20 Good Housekeeping Best Management Practices (BMPs) and Source Control  
21 BMPs. Source Control BMPs shall be consistent with City of Oceanside – Clean Water  
22 Program – Commercial Urban Runoff Requirements Manual and California Stormwater  
23 Quality Association (CASQA) Industrial and Commercial Handbook requirements and  
24 practices. Source Control BMPs shall include, but not be limited to; mitigating non-  
25 stormwater discharges, spill prevention/control/cleanup, dry cleanup of spills, waste  
26 handling and disposal, storage area maintenance, covering vehicles potentially exposed to  
27 precipitation, drip pans, covered trash and material storage, and etc. The project shall  
28 maintain a list of Source Control BMPs implemented on-site.

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1 27. Project shall mitigate possible pollutants in the site runoff by placing a 12-inch  
2 minimum diameter mulch wattle along the interior perimeter of the fenced yard where  
3 sheet flow discharges exit the site. The owner shall inspect the mulch wattle in place,  
4 prior to the official rainy season, and shall maintain the BMP by replacing as necessary  
5 (projected service life is approximately 2-years) to preserve intended function. The  
6 project shall maintain purchase records of mulch wattle to support inspection and  
7 maintenance record.

8 **Fire:**

9 28. Apparatus access roads shall have a minimum unobstructed width of 28 feet. A  
10 minimum vertical clearance of 14 feet shall be provided for the apparatus access roads.

11 29. All security gates shall have a Knox-box override and as required have strobe activation  
12 capability.

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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. 2012-P47 on October 22, 2012 by the  
7 following vote, to wit:

8 AYES: Rosales, Neal, Troisi and Balma

9 NAYS: None

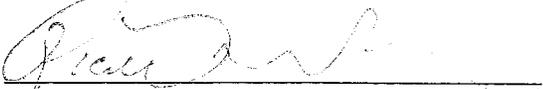
10 ABSENT: Ross

11 ABSTAIN: Scrivener, Martinek



12  
13 Tom Rosales, Chairperson  
14 Oceanside Planning Commission

15 ATTEST:



16  
17 Richard Greenbauer, Secretary

18 I, RICHARD GREENBAUER, Secretary of the Oceanside Planning Commission, hereby certify  
19 that this is a true and correct copy of Resolution No. 2012-P47.

20  
21 Dated: October 22, 2012

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

28 \_\_\_\_\_  
Date



## NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:  
Removal:  
(180 days)

1. **APPLICANT:** Mr. Manuel Martinez
2. **ADDRESS:** 2875 Calle Salida Del Sol, San Diego, CA.92139
3. **PHONE NUMBER:** (619) 250-1658
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Richard Greenbauer, Senior Planner
6. **PROJECT TITLE:** CUP12-00009 (Roadway Auto Towing)
7. **DESCRIPTION:** A Conditional Use Permit (CUP12-00009) to allow the establishment and operation of an Auto Tow Yard on a developed but unused portion of an existing 4.57-acre site that currently operates as a heavy equipment rental facility and storage yard. The auto tow yard would employ five persons and would operate with three Tow Vehicles. Hours-of-operation would be Monday through Friday from 8:00 a.m. to 5:00 p.m. for general public retrievals, and would be used 24 hours for vehicle towing and storage. The property has a land use designation of Light Industrial (LI) on the Land Use Map, is zoned Limited Industrial (IL) on the official zoning map, and is situated within the Fire Mountain Neighborhood Planning Area.

**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 15301, Class 1, "Existing facilities that will not involve expansion beyond what exist on-site at this time";
- "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 8, 2012

Richard Greenbauer, Senior Planner

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

# AGENDA NO. 4

**PLANNING COMMISSION**



ATTACHMENT 5 **STAFF REPORT**

**DATE:** October 22, 2012 (Continued from the August 27, and October 8, 2012 Meetings)

**TO:** Chairperson and Members of the Planning Commission

**FROM:** Development Services Department/Planning Division

**SUBJECT:** **CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP12-00009) FOR THE ESTABLISHMENT AND OPERATION OF AN AUTO TOWING YARD AT 1833 OCEANSIDE BOULEVARD – ROADWAY AUTO TOWING – APPLICANT: MANUEL MARTINEZ**

## **RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class One (1), Categorical Exemption "Existing Facilities"; and,
- (2) Adopt Planning Commission Resolution No. 2012-P47 approving Conditional Use Permit CUP12-00009 with findings and conditions of approval attached herein.

## **PROJECT DESCRIPTION AND BACKGROUND**

**Background:** On August 27, 2012, prior to the duly noticed public hearing, the applicant requested a continuance to October 8, 2012 in order to address public concerns received subsequent to the public notice mail out.

On October 8, 2012, the Planning Commission conducted a duly noticed public hearing to consider said project. A motion to approve the project and a second was offered, but in a 2-3 vote, the motion failed. Subsequent to the failed motion, the Planning Commission and the applicant came to an agreement to further continue the item to October 22, 2012 in order for the applicant to address Storm water and Enhanced Landscape concerns.

**Site Review:** The project site is located at 1833 Oceanside Blvd., with the proposed auto tow yard being situated on a 24,436-square foot portion of the fully developed 4.57-acre site. The site is currently developed with a single story 29,225-square foot industrial building and paved parking lot that is being used as a heavy equipment rental facility. The existing equipment rental facility utilizes only a small portion of the overall site, thus leaving the remainder of the site vacant and under utilized.

The proposed tow yard would be located on a central westerly portion of the 4.57-acre site, tucked behind a self storage facility. In order to further screen the proposed auto tow yard from public view as seen from off-site, the applicant proposes to implement upgrades to the existing perimeter fencing that would screen the yard and that would prevent unauthorized access to the vehicle storage area. Upgrades to the existing chain link fencing will include dark brown colored vinyl slats to further obscure the subject use from the general public. The property has a land use designation of Light Industrial (LI) on the Land Use Map, is zoned Limited Industrial (IL) on the official zoning map, and is situated within the Fire Mountain Neighborhood Planning Area.

Surrounding land uses include dedicated open space and Loma Alta creek along the south, with single-family residential further south and upslope, light industrial uses to the north, east, and west, with Professional Office beyond to the east.

**Project Description:** The project application is comprised of the following required entitlement:

Conditional Use Permit C12-00009 represents a request for the following:

- (a) The establishment and operation of an Auto Tow Yard on a developed but unused portion of an existing 4.57-acre site that currently operates as a heavy equipment rental facility and storage yard. The auto tow yard would employ five persons and would operate with three Tow Vehicles. Hours-of-operation would be Monday through Friday from 8:00 a.m. to 5:00 p.m. for general public retrievals, and would be used 24 hours for vehicle towing and storage. In order to provide a secured facility, the project would include the addition of chain link fencing with view obscuring vinyl slats and barbed wire along the top.

The project is subject to the following Ordinances, City policies, and the State of California Government Code:

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.

The proposed automotive tow yard would be situated within an industrial built environment that is extensively setback from the public right-of way. The proposed location tucked behind a self storage facility building and screened utilizing chain link fencing with beige colored vinyl slats would further negate visual impacts to the surrounding area.

**Policy C:** 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 proposed project site is located within an industrial district established with similar type land uses and all towed vehicles will be stored in a manner that ensures that any leaking fluids from a given vehicle are captured and disposed of appropriately. The proposed operation during normal working hours will also ensure that potential noise sources do not conflict with persons living or working in the immediate area. Vehicle drop-offs in the off hours would follow a detailed late drop procedure that is part of the overall Operations Management Plan for the subject tow yard. No vehicle/equipment repairs will occur on the property as part of the overall auto tow yards operation.

#### **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, screening, and landscaping provisions.

### 3. Land Use Compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Light Industrial (LI)	Limited Industrial (IL)	El Camino Equipment Rental
North of Subject Property	Light Industrial (LI)	Limited Industrial (IL)	Oceanside Blvd/Sprinter Line/Commercial Retail Beyond
East of Subject Property:	Professional Commercial (PC)	Commercial Professional (CP)	Loma Alta Creek/Office Beyond
South of Subject Property:	Single Family Detached Residential (SFD-R)	Single Family (RS)	Loma Alta Creek/Residential Upslope and Beyond
West of Subject Property:	Light Industrial (LI)	Limited Industrial (IL)	A-1 Self Storage Facility

#### **DISCUSSION**

##### *Issue: Project Compatibility with the Surrounding Developed Areas:*

The addition of an auto tow yard on a portion of a fully developed industrial site, and upgrades to perimeter fencing would be compatible with the goals and objectives of the General Plan for land use compatibility. The subject site is located to the rear of a larger light industrial area and immediately adjacent properties are established with similar industrial type developments and land uses. The lower intensity uses in the immediate area coupled with adequate roadway systems and access points, along with the addition of perimeter fencing would further ensure that conflicts between the general public and the auto tow yard land use would be minimized. The nearest residential property is located to the south and upslope from the site. In order to ensure that no conflicts with tow operations and residential properties to the south occurs the applicant has established "Late Drop Procedures" which will be conditioned to be incorporated within an Operations Management Plan. Staff has also conditioned the project in a manner that allows the City to monitor operations and modify hours of operation at the site should excessive complaints related to the operations be received and verified to exist.

*Recommendation:* Staff finds that the overall design of the project is compatible with the existing developed area and subject to implementation of an Operations Management Plan for day-to-day operations will be consistent with the original intent of the light industrial zoned parcel to establish this type of land use. Staff supports the project as submitted by the applicant, subject to conditions of approval contained within the draft resolution.

## **ENVIRONMENTAL DETERMINATION**

Planning Division staff has completed a preliminary review of this project in accordance with the California Environmental Quality Act (CEQA), 1970. Based on that review, staff finds that the proposed project constitutes operations within existing facilities that will not involve expansion beyond what exist on-site at this time, and the project is categorically exempt, Class 1, "Existing Facilities" (Section 15301).

## **PUBLIC NOTIFICATION**

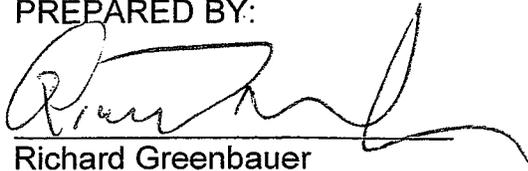
Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant and other interested parties. As of the date of the preparation of this report, three e-mails in opposition have been received by staff and included as part of the public record.

## **SUMMARY**

The proposed Conditional Use Permit (CUP12-00009), as designed and conditioned, is consistent with the requirements of the Zoning Ordinance, and the land use policies of the General Plan. The project has been designed and conditioned to meet or exceed all applicable development standards. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached resolution. Staff recommends that the Planning Commission:

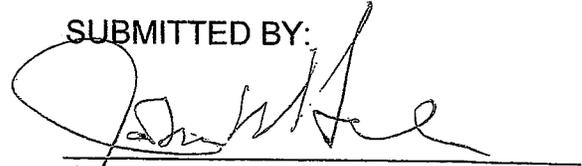
- Confirm issuance of a Class One (1), Categorical Exemption "Existing Facilities"; and,
- Adopt Planning Commission Resolution No. 2012-P47 approving Conditional Use Permits CUP12-00009 with findings and conditions of approval attached herein.

PREPARED BY:



Richard Greenbauer  
Senior Planner

SUBMITTED BY:



John Helmer  
Interim City Planner

JH/RG/fil

Attachments:

1. Plans
2. Planning Commission Resolution No. 2012-P47
3. Operations Management Plan
4. Tow Service Agreement Sample
5. Correspondence of Opposition

RECEIVED  
CITY OF OCEANSIDE  
DEVELOPMENT SERVICES  
2012

Roadway Auto Towing  
CUP 12-00009; APN: 151-310-02

PLANNING:

1. The boards for the existing chain-link perimeter fencing with vinyl slats that will be maintained as part of the towing storage are made of vinyl and brown in color. (image 1)

2. Operations Management Plan

There will be a maximum of three tow trucks on site and a maximum number of 5 employees. Hours of operation to the public will be Monday - Friday from 08:00am to 05:00pm. From 05:00pm to 08:00am and on weekends, the offices are closed to the public but remain open to the California Highway Patrol (CHP).

CHP requires us to be available to them 24 hours a day. We have included a copy of the Towing Service Agreement (TSA). On page 8 bullet number 6.A (image 2) of the TSA states we have to respond to calls 24 hours a day. Within our CHP rotation we receive approximately 1 car every 2 days during these off hours.

We run a community friendly operation and understand that keeping the noise down during the evening and morning hours is essential. If we have to drop off a vehicle during the hours of 05:00pm to 08:00am we will drop the cars in the lower left hand corner of our lot and will not back up our trucks to avoid our backup alarm from turning on (image 3). After 08:00am we will move these cars to their appropriate location within our lot.

During the hours of 05:00pm to 08:00am and weekends there will be a maximum number of 2 tow trucks and a maximum of 3 employees will be onsite. Of the 3 employees, one will be our dispatcher and the other 2 will be drivers. Of the 2 tow trucks, one is a flatbed 2011 Hino 258 and the other is a wheel lift 2011 Ford 550. These tow trucks use Blue DEF (image 4), which reduces emission from exhaust thus providing a cleaner environment.

To deal with leaking fluids, an oil drip pan (image 5) will be placed under vehicles to avoid any oil to spread on the ground along with granulated oil absorbent (images 6, 7). The granulated oil absorbent will be used as a preventive measure and for cleanups. Oil will be collected and stored in a 55-gallon bucket (image 8), which will stand on a spill containment platform (images 9, 10). Oil stored and hazardous materials will not be permitted to surpass 25 gallons. Once the 25-gallon mark is approaching, they will be disposed of at the appropriate recycling centers (image 11).

Vehicles will be release to vehicle's Registered Owner with valid identification card, unless a certified letter with approval to release to a different person is presented. In the event that a vehicle is placed on hold, approval from CHP or PD will be pursued. Upon release of the vehicle by CHP or PD, vehicle will be released to Registered Owner or approved assignee.

Our security system includes 24-hour video surveillance covering the entire property. Barbed wire above fence (image 12) will also be in place. There is full awareness of the public property aspect and will always strive to keep it secure.

Image 1

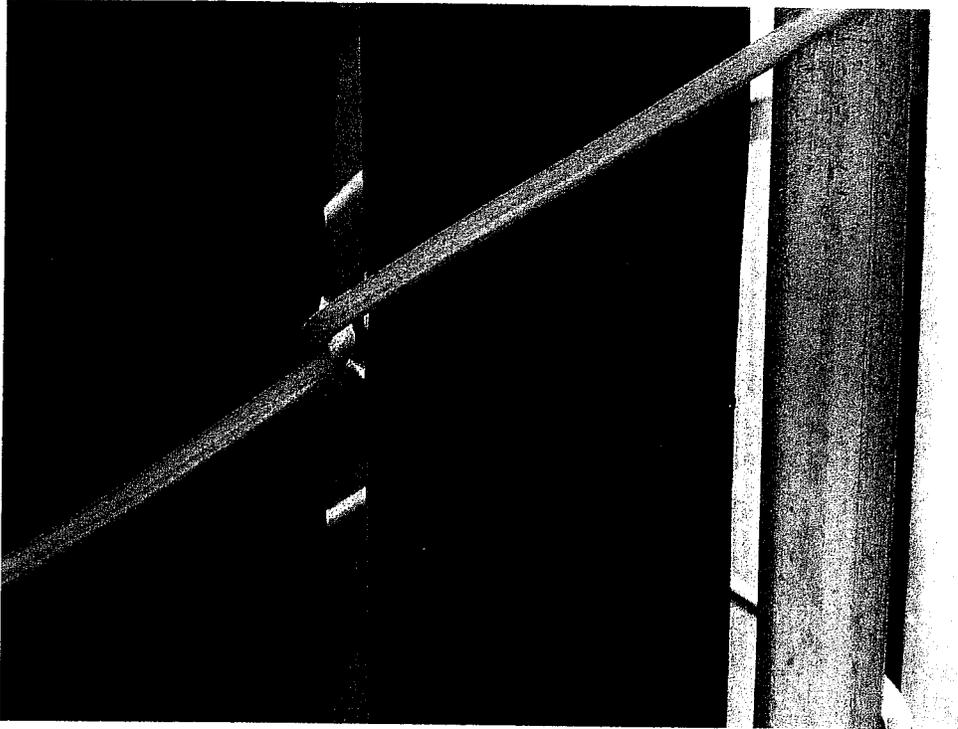


Image 2

**6. RESPONSE TO CALLS**

- A. The operator shall respond to calls 24 hours a day, seven (7) days a week, within the maximum response time limits established by the Area commander.
- B. An operator or tow truck driver shall respond with a properly equipped tow truck of the class required to tow the vehicle and be in possession of the appropriate class of driver license, applicable endorsements, and permits.
  - 1) Any applicable permits (e.g., load variance, oversize) shall be valid and maintained in the tow truck.
- C. The operator shall advise CHP dispatch, at the time of notification, if they are either unable to respond or unable to meet the maximum response time.
  - 1) If, after accepting the call, the operator is unable to respond or will be delayed in responding, the operator shall immediately notify the appropriate CHP communications center.

Image 3

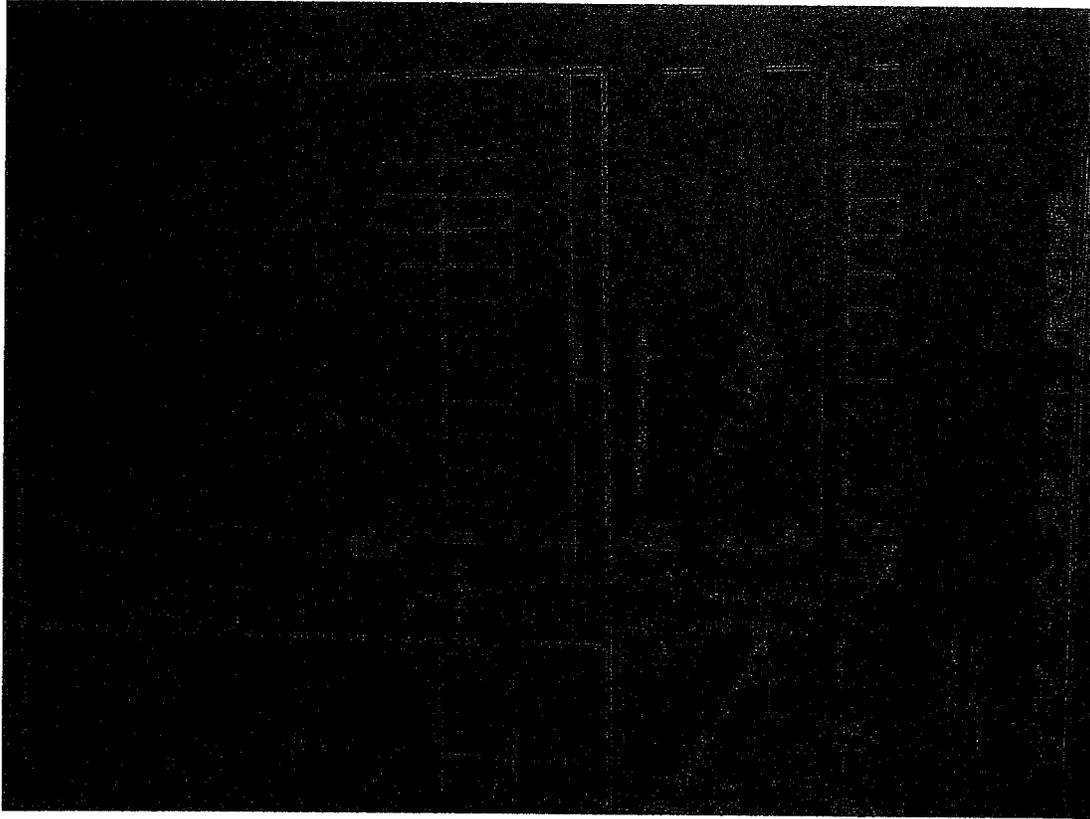
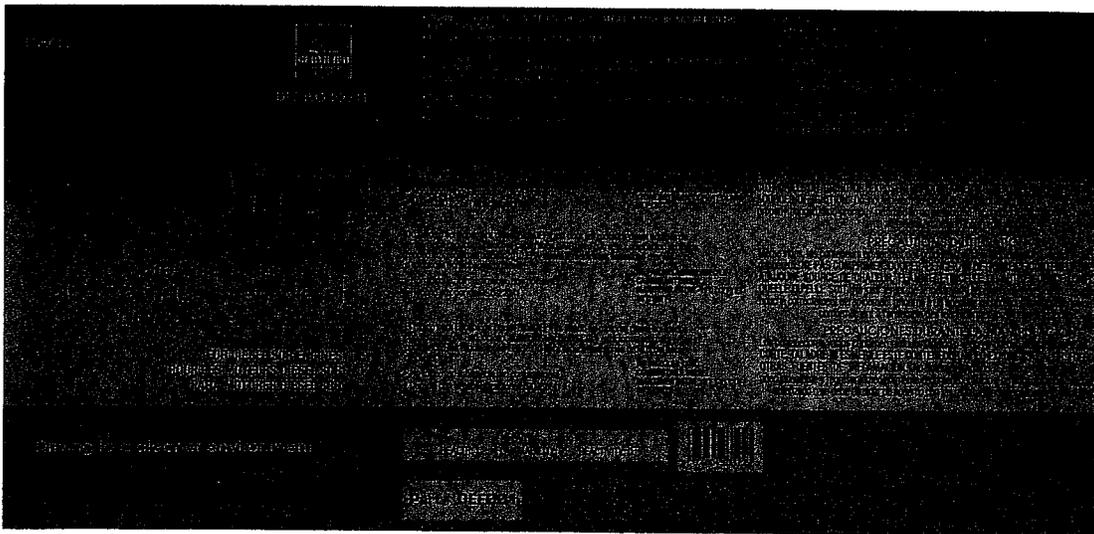


Image 4



RECEIVED

OCT 31 2012

OCEANSIDE CITY CLERK

Received by: Cathy  
Via: Hand Del. Vol  
Copy to: G. Swell, City Atty,  
City Mgr., J. Helmer

### CALL FOR REVIEW

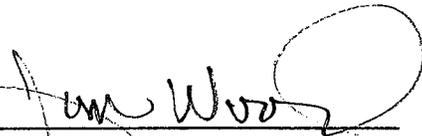
(Resolution No. 2012-P47 - CUP12-00009)

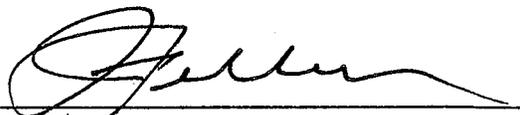
Mayor Jim Wood and Deputy Mayor Jack Feller hereby request a "Call for Review" for the Roadway Towing Conditional Use Permit (Resolution No. 2012-P47 - CUP12-00009).

Reasons for the review include:

The applicant was not required to meet standard conditions for trash enclosures, landscape plans or solid walls/fences that other projects in the same zone have to meet; and

An open towing yard in this location is not consistent with various policies of the Land Use Element of the General Plan for enclosed buildings, open space buffers and compatibility with the Fire Mountain Neighborhood.

  
\_\_\_\_\_  
Jim Wood, Mayor  
10/30/12  
Date

  
\_\_\_\_\_  
Jack Feller, Deputy Mayor  
10/31/12  
Date

