

STAFF REPORT



CITY OF OCEANSIDE

DATE: March 13, 2013

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department/Planning Division

SUBJECT: **ADOPTION OF A RESOLUTION OVERTURNING PLANNING COMMISSION RESOLUTION NO. 2012-P47 AND DENYING CONDITIONAL USE PERMIT (CUP12-00009) FOR 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

The item under consideration is a follow-up to the City Council meeting of January 30, 2013, where in a 3-1-1 vote the City Council took action to overturn Planning Commission Resolution No. 2012-P47 and denying Conditional Use Permit (CUP12-00009) to establish an Auto Towing Yard at 1833 South Oceanside Boulevard.

RECOMMENDATION

Staff recommends that the City Council formally adopt the attached resolution overturning Planning Commission Resolution No. 2012-P47 and denying Conditional Use Permit (CUP12-00009).

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. City Council Resolution

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RESOLUTION NO.

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

(Roadway Auto Towing, Manuel Martinez, Applicant)

WHEREAS, Applicant Roadway Auto Towing and Manuel Martinez ("Applicant") submitted an application for a 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 8th 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, took action to adopt Resolution No. 2012-P47, approving said Conditional Use Permit (CUP12-00009);

WHEREAS, a call for review was timely filed by Mayor Wood and Council Member Feller and, 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 and testimony, including but not limited to the reports of the Planning Division Staff and records of the Planning Commission hearing, this Council overturns the decision of the Planning Commission for the reasons stated below.

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

1 1. The decision of the Planning Commission on October 22, 2012 is overturned and the CUP
2 is denied based upon the following findings:

3 a. The proposed location of the conditional use will not be consistent with the
4 General Plan Policy 2.12 that requires light industrial developments to present a visually
5 appealing industrial environment because the storage and parking areas for the automotive tow
6 yard would not be completely screened from view; therefore, creating visual blight as viewed
7 from off-site.

8 b. The proposed location of the conditional use will not be consistent with the
9 surrounding Fire Mountain Neighborhood and will not blend in with the community character of
10 the area.

11 c. The proposed location of the conditional use will not be consistent with the
12 General Plan Noise Element in that a 24-hour Tow Yard operation would create excessive noise
13 due to the proximity of the use to residential dwelling units to the south.

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

17 PASSED and ADOPTED by the City Council of the City of Oceanside, California this
18 13th day of March, 2013, by the following vote:

19 AYES:

20 NAYS:

21 ABSENT:

22 ABSTAIN:

23 _____
Mayor of the City of Oceanside

24 ATTEST:

25 APPROVED AS TO FORM:

26 OFFICE OF THE CITY ATTORNEY

27 _____
City Clerk

28 _____
29 City Attorney