



DATE: November 6, 2013

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **INTRODUCTION OF AN ORDINANCE AMENDING ARTICLES 4A AND 12 OF THE DOWNTOWN ZONING ORDINANCE (RZA12-00001 REVISION); AND ADOPTION OF A RESOLUTION APPROVING THE LOCAL COASTAL PROGRAM AMENDMENT (RLCPA12-00002 REVISION) INCORPORATING MODIFICATIONS SUGGESTED BY THE CALIFORNIA COASTAL COMMISSION – APPLICANT: CITY OF OCEANSIDE**

SYNOPSIS

Staff recommends that the City Council introduce an Ordinance amending Articles 4a and 12 of the Downtown Zoning Amendment (RZA12-00001 Revision); and adopt a resolution approving Local Coastal Program Amendment (RLCPA12-00002 Revision) to allow for retail sales, drive-through restaurants, fuel pumps at mini-marts, disallowing the permit process for offices from “Conditional Use” to “Permitted” within Subdistrict 6A, and changing the zoning designation of the area located north of the intersection of Highway 76 and North Coast Highway from the 7B Subdistrict to the 6A Subdistrict.

BACKGROUND

On November 28, 2012, the City Council adopted an ordinance approving amendments to the Downtown Zoning Ordinance and the Local Coastal Program (LCP) to allow for retail sales, drive-through restaurants, fuel pumps at mini-marts and office uses within Subdistrict 6A and to change the zoning designation of the area located just north of the intersection of Highway 76 and North Coast Highway, from the 7B Subdistrict (Recreational/Commercial/Residential) to the 6A Subdistrict (Visitor-Serving Commercial).

Due to the revisions to the City’s LCP, this ordinance was sent to the California Coastal Commission for certification, as required by the California Coastal Act. On June 12, 2013, the Coastal Commission conditionally certified the LCP amendment with suggested modifications which are included as Attachment A. Per Coastal Commission regulations, the Coastal Commission’s Executive Director must receive confirmation that the City has acknowledged the Commission’s modifications and that the City has taken formal action incorporating these modifications into the City’s ordinance before the LCP amendment is effectively certified. Therefore, after the City Council takes action on the Commission’s suggested modifications, newly revised LCP text will be

sent back to the Coastal Commission, and upon their concurrence, will be incorporated into the City's certified LCP.

ANALYSIS

The Coastal Commission's suggested modifications to the Downtown Zoning Ordinance are included as Exhibit A. Staff agrees with these suggested modifications because they do not materially change the substance or the intent of the ordinance as approved by the Council in 2012. These modifications correct an oversight by placing the City's proposed zoning changes correctly into Article 4a, instead of Article 12 as originally proposed by the City. Another suggested Coastal Commission modification would disallow changing office uses in Subdistrict 6A from "conditional use" to "permitted". If the Council accepts these modifications, the current Downtown Zoning Ordinance would remain as is relative to office uses in that subdistrict. Staff notes that the Subdistrict 6A areas are largely comprised with existing visitor-serving commercial uses, consistent with the zoning, and future office uses would not be expected to locate in these areas. The proposed zoning designation change of the area located north of the intersection of Highway 76 and North Coast Highway was not affected by the Coastal Commission action.

Environmental Determination

A Notice of Exemption was approved by the City Council on November 7, 2012, for the project stating that the proposed Downtown Zoning Ordinance and LCP were exempt from the requirements of the California Environmental Quality Act. This Notice of Exemption is still applicable to the revised Downtown Zoning Ordinance and LCP amendments because the Coastal Commission's suggested modifications are only related to administrative procedures and do not result in any environmental effects.

FISCAL IMPACT

Not applicable.

CITY ATTORNEY'S ANALYSIS

Pursuant to Downtown Zoning Ordinance Article 4506, the City Council is authorized to hold a public hearing on the proposed Zone Amendment and LCP Amendment. The procedure for an LCP amendment after the Coastal Commission has considered the City's approved LCP amendment and subsequently made suggested modifications is for the City Council to conduct a noticed public hearing at which the Council shall affirm, modify, or reject the Coastal Commission's suggested modifications.

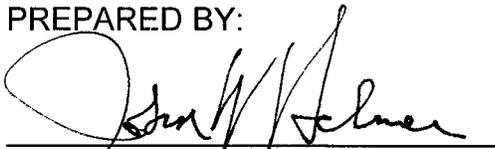
If the City Council chooses to accept the Coastal Commission's suggested modifications, it would adopt by resolution those modifications as part of a revised LCP amendment. After the Council takes action on the Commission's suggested modifications, newly revised LCP text will be sent back to the Coastal Commission and upon their concurrence will be incorporated into the City's certified LCP and the Downtown Zoning Ordinance. If the City Council chooses to reject or modify the

Commission's suggested modifications, such action shall be referred to the Coastal Commission for review prior to adoption of the proposed LCP Amendment.

RECOMMENDATION

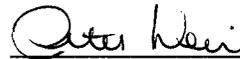
Staff recommends that the City Council introduce an Ordinance amending Articles 4a and 12 of the Downtown Zoning Amendment (RZA12-00001 Revision); and adopt a resolution approving Local Coastal Program Amendment (RLCPA12-00002 Revision) to allow for retail sales, drive-through restaurants, fuel pumps at mini-marts, disallowing the permit process for offices from "Conditional Use" to "Permitted" within Subdistrict 6A, and changing the zoning designation of the area located north of the intersection of Highway 76 and North Coast Highway from the 7B Subdistrict to the 6A Subdistrict.

PREPARED BY:



John Helmer
Downtown Area Manager

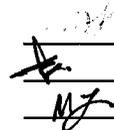
SUBMITTED BY:



Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
George Buell, Development Services Director
Marisa Lundstedt, City Planner



ATTACHMENTS/EXHIBITS:

1. Exhibit "A" – Coastal Commission Suggested Modifications
2. Exhibit "B" – Revised Downtown Zoning Ordinance Text Amendment for Article 4a and Article 12 incorporating Coastal Commission modifications
3. Exhibit "C" revised Downtown Zoning Map
4. Ordinance Changing the Downtown Zoning Ordinance
5. Resolution Amending the Local Coastal Program

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



June 20, 2013

Mr. John Helmer
City of Oceanside
Planning Department
300 N. Coast Highway
Oceanside, Ca 92054

Re: Certification of City of Oceanside LCP Amendment No. 3-12 (Downtown Visitor Serving Uses)

Dear Mr. Helmer:

On June 12, 2013, the California Coastal Commission approved the above referenced amendment to the City of Oceanside Local Coastal Program (LCP). The amendment involves amending its certified "D" Downtown District Ordinance to allow mini-marts, drive-through and drive-up services in commercial districts; allow retail sales as a permitted use and allow office uses with a conditional use permit within Subdistrict 6A and reclassify property 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, from Subdistrict 7B (Recreational/Commercial/Residential) to Subdistrict 6A (Visitor Serving Commercial).

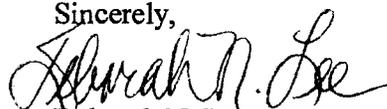
The Commission approved the LCP amendment with two suggested modifications. The first modification addresses maintaining the existing requirement for issuance of a "Use Permit" for all proposed development considered "office." The second modification clarifies a technical correction identified by the City by relocating the definition for drive-through/drive-up restaurants and the additional of minimarts with gas pumps into the existing definition for convenience markets from Article 12 to the appropriate sections within the "Commercial Use Classifications" of Article 4a. The City should also delete these provisions in Article 12 for clarity.

Before the amendment request can become effectively certified, the Executive Director must determine that implementation of the approved amendment will be consistent with the Commission's certification order. This is necessary because the amendment was certified with suggested modifications.

In order for the Executive Director to make this determination, the local government must formally acknowledge receipt of the Commission's resolution of certification, including any terms or suggested modifications; and take any formal action which is required to satisfy them, such as rezonings or other ordinance revisions. This certification must also include production of new LCP text demonstrating that the amendment, as approved by the Commission and accepted by the City, will be incorporated into the City's certified Local Coastal Program immediately upon concurrence by the Commission of the Executive Director's determination.

As soon as the necessary documentation is received in this office and accepted, the Executive Director will report his/her determination to the Commission at its next regularly scheduled public hearing. If you have any questions about the Commission's action or this final certification procedure, please contact our office. Thank you and the other staff members who worked on this planning effort. We remain available to assist you and your staff in any way possible to continue the successful implementation of the local coastal program.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah N. Lee". The signature is written in a cursive, flowing style.

Deborah N. Lee
District Manager

**CITY OF OCEANSIDE LCP AMENDMENT #3-12
DOWNTOWN VISITOR SERVING USES
SUGGESTED MODIFICATIONS ADOPTED BY COASTAL COMMISSION
(ON JUNE 12, 2013)**

1. Within the Land Use Regulations Matrix for the “D” Downtown District, please modify the land use designations for all Office uses including “Offices,” “Administrative/Business,” “Production,” and “Professional” from “P” (Permitted) to “U” (Use Permit).
2. Within the “Commercial Use Classifications” section of Article 4a, please adopt the following classifications:
 - I. 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 and 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.
 - [...]
 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).

EXHIBIT "B"

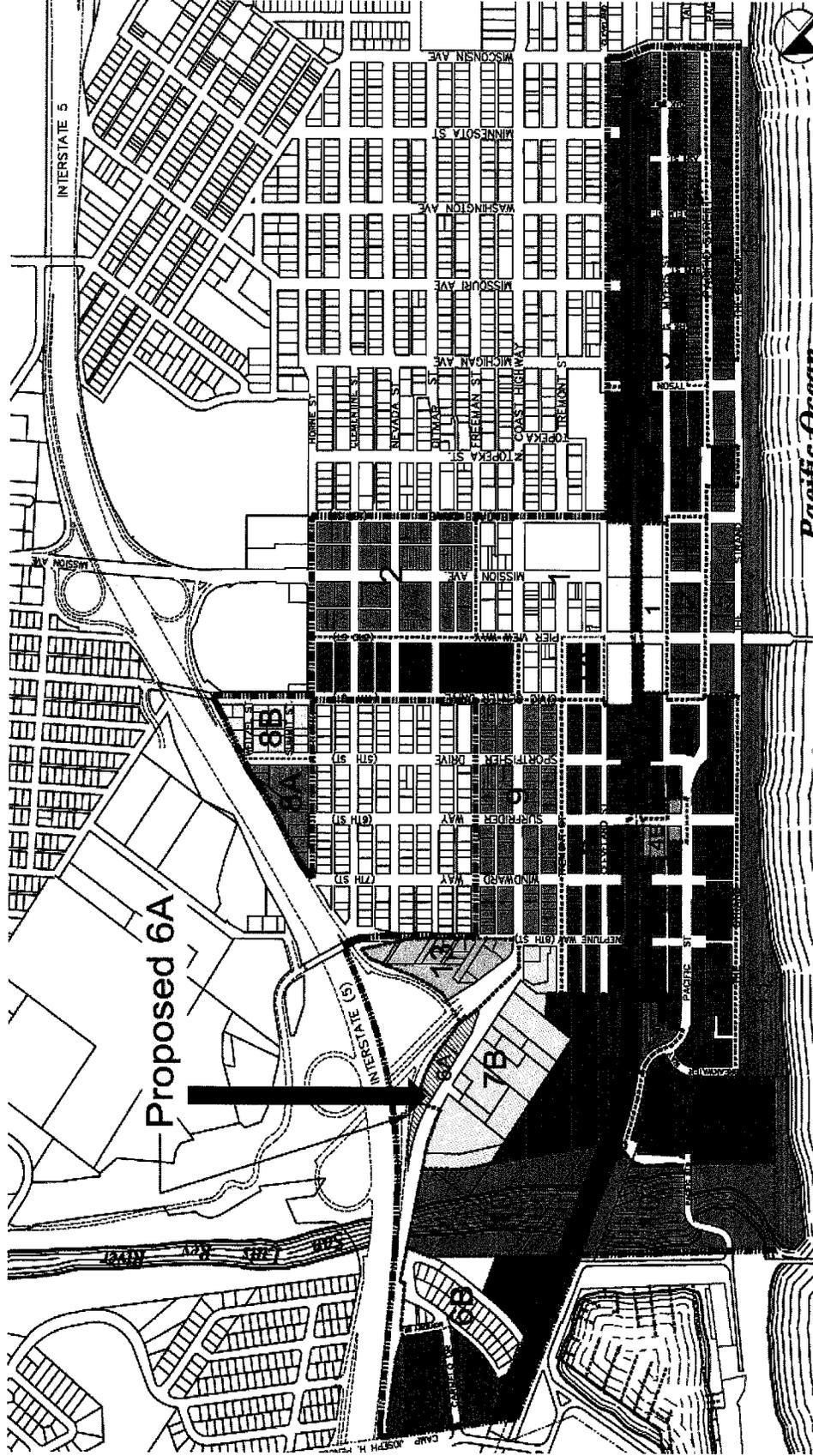
"D" Downtown District Ordinance
Proposed Zoning Text Amendment
RZA12-00001 & LCPA12-00002
Article 4a

The following are the proposed changes to Downtown "D" District Zoning Ordinance, Article 4a, Food and Beverage Sales, pages 4-6 and 4-7 and Article 12, Land Use Regulations matrix, pages 12-4 to 12-5. Proposed changes are shown in **bold underline**. Changes to the Land Use Map are indicated on the map.

- I. 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. Grocery/Neighborhood Market. Retail sales of food and beverages for off-site preparation and consumption. Principally engaging in the retail sale of staple foodstuffs, household supplies and a sizeable assortment of fresh produce, meats, fish and dairy products. A minimum of 60% of net floor area (excluding storage, aisle ways, check out and customer service areas) shall be dedicated to the sale of staple foodstuffs and fresh items such as produce, meats, fish, and dairy products.

(Net Floor Area - The total floor area within the walls of all buildings on a lot or building site, except for the spaces therein devoted to vents, shafts, and lighting courts, and except for the area devoted exclusively to loading and unloading facilities or parking of motor vehicles).
 3. Specialty Market. Retail sales of food and beverages for off-site preparation and consumption. Principally engaging and specializing in the retail sales of one specific product line such as produce, meat, fish, etc. Such markets may include the incidental sales of other merchandise directly related to the principal product line.
 4. **Drive-thru/Drive-up. Service from a building to persons in vehicles through an outdoor service window (Drive-thru) or delivery service to vehicles parked in designated parking spaces (Drive-up).**

Exhibit C



Proposed Downtown Zoning Map

EXHIBIT D

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING ARTICLES 4A AND 12 OF THE DOWNTOWN ZONING ORDINANCE, (RZA12-00001 REVISION) INCORPORATING SUGGESTED MODIFICATIONS AS PROPOSED BY THE CALIFORNIA COASTAL COMMISSION

(City of Oceanside –Applicant)
(RZA12-00001 REVISION)

WHEREAS, the broad purpose of the Oceanside Downtown Zoning Ordinance is to protect and promote the public health, safety and general welfare and to implement the policies of the City of Oceanside General Plan, and specifically to provide a precise guide for the physical development of the City;

WHEREAS, the City of Oceanside Downtown Project Area was created to eliminate and prevent the spread of blight and deterioration in the Project Area and due to the specific needs of the Downtown Project Area, the Community Development Commission has created development standards applicable to this area only;

WHEREAS, Article 4a of the Downtown Zoning Ordinance describes land use classifications within Downtown Project Area of the City;

WHEREAS, Article 12 of the Downtown Zoning Ordinance regulates development standards of all land use classifications within Downtown Project Area of the City;

WHEREAS, it is in the public interest and will further the purposes of the Downtown Project Area to amend Articles 4a and 12 and to provide a more comprehensive land uses within Subdistrict 6A;

WHEREAS, the proposed amended Article 4a and 12 will provide a more comprehensive land use within Subdistrict 6A as more particularly described in Exhibit “A”, attached hereto and incorporated herein by reference;

WHEREAS, the City Council of the City of Oceanside, after giving the required notice did on the 7th day of November, 2012, conducted a duly advertised public hearing on the amendment to the

1 Article 12 of the Zoning Ordinance and the amendment to the City of Oceanside Local Coastal
2 Program LCPA;

3 WHEREAS, the amendments to Articles 4a and 12 affect lands located within the City's Local
4 Coastal Program and are subject to certification by the California Coastal Commission;

5 WHEREAS, on June 13, 2013, the California Coastal Commission approved, with suggested
6 modifications, the RZA12-00001 Revision, pursuant to Public Resources Code §30512(b) as a
7 condition of the Coastal Commission's certification of RLCPA12-00002 Revision and found that such
8 modifications are consistent with the policies and requirements of Chapter 3 of the Coastal Act and the
9 basic stated goals specified in Public Resources Code §30001.5;

10 WHEREAS, on November 6, 2013, the City Council conducted a duly advertised public hearing as
11 prescribed by law to amend the Local Coastal Program (RLCPA12-00001 Revision) through the adoption
12 of zoning amendments applicable to the Downtown Zoning Ordinance, as specified within Exhibit "A"
13 attached hereto and incorporated herein by reference;

14 WHEREAS, the City Council finds that Local Coastal Program Amendment (RLCPA12-00001
15 Revision) incorporating the Coastal Commission's suggested modifications as set forth in Exhibit "A"
16 attached hereto and incorporated herein by reference, conforms with and is adequate to carry out the
17 land use plan of the Local Coastal Program.

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

19 1. That Zone Amendment (RZA12-00001 Revision) amending Articles 4a and 12 as
20 specified in Exhibit "A" is hereby approved and the Downtown Area Manager is hereby directed to
21 amend Articles 4a and 12 of the Zoning Ordinance text and map incorporating the Coastal
22 Commission's suggested modifications as specified in this exhibit.

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

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27 ///

EXHIBIT E

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE TO AMEND THE LOCAL COASTAL PROGRAM (RLCPA12-00002 REVISION) RELATED TO AMENDING THE ZONE TEXT FOR SUBDISTRICT 6A IN THE DOWNTOWN PROJECT AREA AND TO REQUEST CALIFORNIA COASTAL COMMISSION CERTIFICATION OF SAID AMENDMENT

(City of Oceanside –Applicant)

WHEREAS, the provisions of the California Coastal Act (Public Resources Code 30000, et seq.) (the “Coastal Act”) require the City to adopt a Local Coastal Program (LCP) which meets the requirements of the Coastal Act at the local level and implements its provisions and policies; and

WHEREAS, on January 25, 1985, the California Coastal Commission (“Commission”) approved with suggested modifications the City’s Land Use Plan and implementing ordinances;

WHEREAS, on July 10, 1985, the Commission certified the City of Oceanside’s Land Use Plan (“LUP”) and found, pursuant to Public Resources Code 30512.2, the City’s LUP to be consistent with the policies and requirements of Chapter 3 of the Coastal Act and the basic state goals specified in Public Resources Code 30001.5; and

WHEREAS, on November 7, 2012, the Oceanside City Council, after giving the required public notice, conducted a joint public hearing as prescribed by law to amend the Local Coastal Program (RLCPA12-00002 Revision) and amend the Downtown Zoning Ordinance (RZA12-00001 Revision) relating to Subdistrict 6A; and

WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and the State Guidelines thereto as amended to date; and

WHEREAS, on June 13, 2013, the California Coastal Commission approved, with suggested modifications, the RZA12-00001 Revision, pursuant to Public Resources Code §30512(b) as a condition of the Coastal Commission’s certification of RLCPA12-00002; and

///

1 WHEREAS, the Oceanside City Council finds that the modifications to Local Coastal Program
2 Amendment (RLCPA12-00002 Revision) as suggested by the California Coastal Commission, conform
3 with and are adequate to carry out the land use plan of the Local Coastal Program.

4 NOW, THEREFORE, the City Council DOES RESOLVE as follows:

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

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

11 3. Pursuant to Coastal Commission Local Coastal Program Regulations 14 CCR
12 §13551(b), this amendment with Coastal Commission suggested modifications shall take effect upon
13 Coastal Commission concurrence.

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

16 PASSED AND ADOPTED by the Oceanside City Council on this _____ day of
17 _____, 2013, by the following vote:

18 AYES:

19 NAYS:

20 ABSENT:

21 ABSTAIN:

22 _____
23 Mayor of the City of Oceanside

24 ATTEST:

25 APPROVED AS TO FORM:

26 _____
27 City Clerk

28 _____
City Attorney