

CALIFORNIA COASTAL COMMISSION

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



January 23, 2014

Th12a

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: CHARLES LESTER, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the action by the City of Oceanside, certifying Local Coastal Program Amendment No. OCN-MAJ-3-12 (Downtown Visitor Serving Uses), is adequate to effectively certify its local coastal program (for Commission review at its meeting of February 12-13, 2014)

BACKGROUND

At its June 12, 2013 meeting, the Coastal Commission certified, with suggested modifications, the City of Oceanside Local Coastal Program Amendment #3-12, 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). By its actions adopting Resolution 13-R07820-1 and Ordinance 13-OR0735-1 on November 6, 2013, the City Council has acknowledged and accepted the Commission's suggested modifications. The modifications addressed maintaining the existing requirement for issuance of a "Use Permit" for all proposed development considered "office" and a technical correction identified by the City. The City already has coastal development permit authority and will continue issuing permits consistent with the local coastal program as amended.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of Oceanside is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



February 17, 2014

Mayor Jim Wood
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92054

RE: Certification of the City of Oceanside Local Coastal Program Amendment
No. OCN-MAJ-3-12 (Downtown Visitor Serving Uses)

Dear Mayor Wood,

The California Coastal Commission has reviewed the City's Ordinance 13-OR0735-1 together with the Commission's action of June 12, 2013 certifying City of Oceanside Local Coastal Program Amendment #3-12 pertaining to the City's Downtown District visitor serving use regulations. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate and the Commission has concurred at its meeting of February 12-14, 2014.

By its action on November 6, 2013, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The modifications addressed maintaining the existing requirement for issuance of a "Use Permit" for all proposed development considered "office" and a technical correction identified by the City. The City is already issuing coastal development permits in conformance with the certified local coastal program for this area.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

Charles Lester
Executive Director

Cc: Marisa Lundstedt
John Helmer

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.

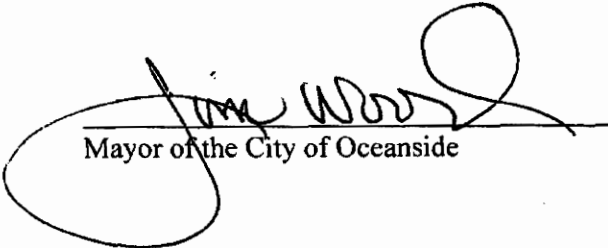
8 2. Pursuant to the California Environmental Quality Act of 1970 (Public Resources Code
9 21000, et seq.) and state guidelines thereto as amended to date, a Categorical Exemption has been
10 issued by the City of Oceanside for this project.

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 6th day of
17 November, 2013, by the following vote:

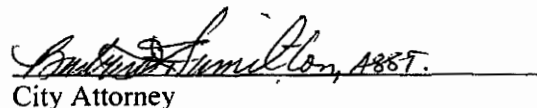
18 AYES: WOOD, FELIEN, FELLER, KERN, SANCHEZ
19 NAYS: NONE
20 ABSENT: NONE
21 ABSTAIN: NONE


Mayor of the City of Oceanside

22 ATTEST:

23 APPROVED AS TO FORM:

24
25 
26 City Clerk

27 
28 City Attorney

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.

26 ///

27 ///

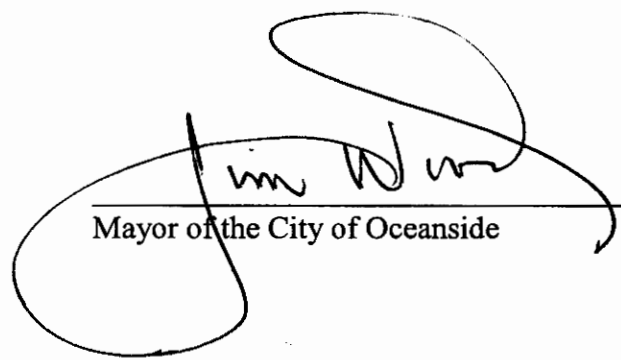
1 3. Notice is hereby given that the time within which judicial review must be sought on this
2 decision is governed by California Government Code Section 65009 (c) (1) (B).


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

7 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
8 California, held on the 6th day of November, 2013 and, thereafter,

9 PASSED AND ADOPTED by the Oceanside City Council on this 20th day of
10 November, 2013, by the following vote:

- 11 AYES: WOOD, FELIEN, FELLER, KERN, SANCHEZ
12 NAYS: NONE
13 ABSENT: NONE
14 ABSTAIN: NONE

15 
Mayor of the City of Oceanside

17 ATTEST:
18 
19 _____
20 City Clerk

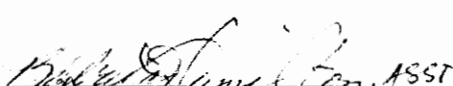
APPROVED AS TO FORM:
21 
22 _____
23 City Attorney

EXHIBIT "A"

"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).**

Schedule D - 1

Land Use Regulations
"D" Downtown District

(Proposed Changes Shown in Bold Underlines>

P - Permitted U - Use Permit C - Administrative Use Permit * - Not Permitted V - Visitor Serving Uses

Subdistrict	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15	
Small scale entertainment	P	P	C	*	*	*	*	*	P	P	P	*	P	*	*	C	*	*	*	P	P	*	V
Live entertainment	U	U	*	*	*	*	*	*	U	U	U		U	*	*	*	*	*	U	U	*	*	V
Fast food/takeout	P	P	P	*	P	*	*	*	P	P	P	*	P	P	*	P	P	P	P	P	P	P	V
Full liquor service	U	U	U	*	U	*	*	*	U	U	U	*	U	*	*	U	*	*	U	U	U	U	V
Food & Beverage Sales	C	C	C	*	C	*	C	*	C	C	C	*	C	*	*	*	*	*	C	C	C	C	C
Convenience Market	U	U	U	*	U	*	U	*	U	U	U	*	U	*	*	*	*	*	U	U	U	U	
Grocery/Neighborhood Market store greater than 8,000 sq. ft.	U	U	U	*	U	*	U	*	U	U	U	*	U	*	*	*	*	*	U	U	U	U	V
Grocery/Neighborhood Market store less than 8,000 sq. ft.	C	C	C	*	C	*	C	*	C	C	C	*	C	*	*	*	*	*	C	C	C	C	V
Specialty Market	P	P	P	*	P	*	P	*	P	P	P	*	P	*	*	*	*	*	P	P	P	P	V
Home Occupation	P	*	*	*	*	*	*	*	P	P	P	*	U	*	*	*	*	*	*	*	*	*	*
Marine Sales, Rentals, and Services	*	*	*	*	*	*	*	*	P	P	P	*	U	*	*	*	*	*	*	*	*	*	*
Offices	P	P	P	P	*	*	*	*	U	U	U	*	P	U	U	U	U	U	P	C	P	P	*
Administrative/Business	P	P	P	P	*	*	*	*	U	U	U	*	P	U	U	U	U	U	P	C	P	P	*
Production	P	P	P	P	*	*	*	*	U	U	U	*	P	U	U	U	U	U	P	C	P	P	*
Professional	P	P	P	P	*	*	*	*	U	U	U	*	P	U	U	U	U	U	P	C	P	P	*
Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	*
Temporary Real Estate	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	*
Pawns shops	C	C	C	*	C	*	C	*	C	C	C	*	C	*	*	*	*	*	*	C	C	C	*
Personal Improvement Services	C	C	C	*	C	*	C	*	C	C	C	*	C	*	*	*	*	*	C	C	C	C	*
Health/Club/Studio/Spa	C	C	C	C	*	*	*	*	C	C	C	*	C	*	*	*	*	*	C	C	C	C	*
Day Spa	P	P	P	P	*	*	*	*	P	P	P	*	P	*	*	*	*	*	P	P	P	P	V
Accessory Massage	U	U	U	U	*	*	*	*	U	U	U	*	U	*	*	*	*	*	U	U	U	U	V
Personal Services	C	C	C	C	*	*	*	*	C	C	C	*	C	*	*	*	*	*	C	C	C	C	*
Laundromat/Café	U	U	U	U	*	*	*	*	U	U	U	*	U	*	*	U	U	U	U	U	U	U	V
General Repair	P	P	P	P	*	*	*	*	U	U	U	*	U	*	*	U	U	U	U	U	U	U	V
Retail Sales	P	P	P	P	*	*	*	*	P	C	P	*	P	C	C	P	P	P	P	C	C	P	C
Antiques, Antique Shop	P	P	P	P	*	*	*	*	P	C	P	*	P	C	C	P	P	P	P	C	C	P	V
Custom Retail	C	C	C	*	C	*	C	*	P	C	*	*	*	*	*	*	*	*	*	*	*	*	V
Secondhand Collectibles and Clothing Sales	P	P	P	*	P	*	*	*	P	C	P	*	P	C	C	P	P	P	P	C	C	P	V
Wine Tasting	U	U	U	U	*	*	*	*	P	U	U	*	U	*	*	U	U	U	U	U	U	U	V
Travel Services	P	P	P	P	*	*	*	*	P	P	P	*	P	*	U	P	P	P	U	P	C	C	V
Automotive Rental (small scale)	*	*	*	*	*	*	*	*	C	C	*	*	C	*	*	C	*	*	*	C	C	*	V

**Schedule D - 1
Land Use Regulations
"D" Downtown District**

(Proposed Changes Shown in Bold Underline)

P - Permitted U - Use Permit C - Administrative Use Permit * - Not Permitted V - Visitor Serving Uses

Subdistrict	1	1A	2	3	4A	4B	5	5A	6A	6B	6C	7A	7B	8A	8B	9	10	11	12	13	14	15		
	Visitor Accommodations																							
<i>Bed & Breakfast</i>	*	*	*	*	U	U	U	U	U	U	U	U	U	*	*	*	*	*	U	U	U	*	V	
<i>Hotel / Motel / Timeshare Resort</i>	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	*	V
<i>Fractional Ownership Hotel</i>	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	*	V
<i>Condominium Hotel</i>	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	*	V
<i>Limited Use Overnight Visitor Accommodation</i>	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	*	V