

AGENDA NO. 4

PLANNING COMMISSION



STAFF REPORT

DATE: November 16, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A DEVELOPMENT PLAN (D-2-09) AND CONDITIONAL USE PERMIT (C-8-09) FOR THE DEMOLITION OF AN EXISTING GAS STATION AND SERVICE BAYS AND CONSTRUCTION OF A 13,740-SQUARE FOOT RETAIL BUILDING OFFERING PHARMACY SERVICES, WITH DRIVE-THRU WINDOW, LOCATED AT 4181 OCEANSIDE BOULEVARD. THE PROJECT SITE IS WITHIN AN EXISTING SHOPPING CENTER, HAS A GENERAL PLAN LAND USE DESIGNATION OF GENERAL COMMERCIAL (GC), IS ZONED COMMERCIAL GENERAL (CG), AND IS SITUATED WITHIN THE IVEY RANCH/RANCHO DEL ORO NEIGHBORHOOD PLANING AREA. – WALGREENS – APPLICANT: TATUM COLLEGE & OCEANSIDE, LLC**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Categorical Exemption per California Environmental Quality Act (CEQA), Article 19, Section 15332, Class 32, In-Fill Development Projects.
- (2) Approve Development Plan (D-2-09) and Conditional Use Permit (C-8-09) by adopting Planning Commission Resolution No. 2009-P50 with findings and conditions of approval attached herein.

BACKGROUND & PROJECT DESCRIPTION

Background: The subject site is located within the existing Del Oro Marketplace shopping center at the south west corner of the Oceanside Boulevard and College Boulevard intersection. Currently, the site is occupied by a Conoco (Unocal 76) gas station and service bays. To accommodate the proposed project, that existing use

would be demolished and removed from the site. The shopping center will remain open during construction.

Site Review: The project site is located at the south west corner of the Oceanside Boulevard and College Boulevard intersection within the Ivey Ranch/Rancho Del Oro Neighborhood. It is just north of the NCTD Sprinter tracks. The project site will occupy approximately 1.18 acres of the existing Del Oro Marketplace shopping center. The subject site has a General Plan Land Use Designation of General Commercial (GC) and is Zoned Commercial General (CG). Surrounding land uses adjacent to the site include existing commercial centers on all three of the other corners of the intersection, with a variety of residential uses further north and south along College Boulevard, and east on Oceanside Boulevard.

Project Description: The application consists of a Development Plan (D-2-09) and a Conditional Use Permit (C-8-09), as follows:

Development Plan (D-2-09) represents a request for the following:

- (a) Demolition of an existing gas station and to construct a 13,740-square foot retail building for pharmacy services, including a drive-thru window, with associated parking and landscaping.

The 1.18-acre site is part of the larger Del Oro Marketplace shopping center. It is currently developed with a Conoco (Unocal 76) gas station. This gas station and service bays will be demolished to make way for the proposed retail building. It is anticipated that the retail building will be operated as a Walgreens pharmacy and will include a drive-thru window for pharmacy purposes. The store will be open to the public seven days a week and the anticipated operating hours will be from 8:00 a.m. to 10:00 p.m. each day. The store will employ approximately 25 people and one registered pharmacist.

As this is a currently developed site, all of the necessary infrastructure to serve the use exists on-site. Minor alterations to some of those systems will be required to fit the proposed use, all of which will be the responsibility of the applicant. There would be a minimal amount of grading associated with the development and there will be a small amount of dirt import (1,774 cubic yards). The biggest part of the earthwork will be related to the removal of the underground fuel storage tanks. The developer will be responsible for securing a "Closure Letter" from the County Department of Health and Safety after the tanks are removed and before site construction can begin.

The site has ample access points and parking available to it. The main access will be from an existing right-in right-out only driveway from Oceanside Boulevard. The secondary access point will be from the shopping centers only access drive from College Boulevard. The site is also accessible from the existing internal drive aisles within the shopping center. The project meets the City standard for parking spaces (55 spaces) and also benefits from reciprocal parking (and access) easements with the rest of the shopping center. No right-of-way improvements are proposed with the shopping center, however,

the applicant will be required to dedicate 10 feet of right-of-way along College Boulevard to accommodate any future widening. The project set backs have been measured from the new right-of-way line to insure Zoning consistency in the future.

The single-story building will have a total of 13,740 square feet of space including a basement storage area. The retail area will be 10,880 square feet in size and the basement area will be 2,860 square feet. The building will cover 21 percent of the site. The stores receiving and trash areas will be along College Boulevard and screened from view by a faux facade wall that includes split face block, stucco, and awning elements. This wall is enhanced to match the rest of the buildings architecture and ties into the main structure near the intersection and enhances the streetscape along this frontage. The main entry is oriented out towards Oceanside Boulevard which also enhances the streetscape.

The building has been designed to include a modified tower like element with windows over the main entry. The main entry and west side of the building have been enhanced with decorative paving including a walkway to Oceanside Boulevard. The building also includes other window elements facing Oceanside Boulevard that are enhanced with standing seam metal awnings. Other architectural features include tower roofs, split face block at the buildings base and EIFS Cornice treatments to provide changes to the horizontal and vertical dimensions. The colors chosen for the building were to provide consistency with the rest of the shopping center. All roof top equipment will be screened from public view by the parapet as required by the Ordinance.

The building/project will also incorporate some "green/LEED" design components such as high efficiency HVAC units, shading of window glazing, Low-E glass, daylighting into the store, low-flow water closets, motion sensor activated lighting in the back rooms, bike racks and many low-water variety plants.

The parking and lot layout will be enhanced with landscaping as required by the Ordinance. The landscaping will compliment the rest of the existing center. Some of the key landscape components include Ornamental Pear/Brisbane box trees along Oceanside Boulevard, Bottle Tree along College Boulevard, India Hawthorn and New Zealand Flax.

Refuse storage for the project will be accomplished via "totes" and "bales" which will be housed within a large enclosure within the delivery area. The bulk of deliveries for the store are received in plastic reusable "totes". The totes are filled at the distribution facility with the items ordered from the store in the quantity needed, since often times a full case/carton of a particular item is not required. The empty totes will be stored in the enclosure until the next delivery and then taken back to the distribution center. Cardboard and general trash are compressed into "bales" via a compactor inside the store. Once a bale is ready, it will be stored inside the tote enclosure for pick-up.

Conditional Use Permit (C-8-09) represents a request for the following:

- (a) A drive-thru window for the pharmacy use.

The drive-thru window is a standard request for a modern pharmacy use. A drive-thru is permitted in the CG Zone with approval of a Conditional Use Permit. As proposed, the use meets the Zoning Ordinance requirement for stacking by providing queue space for five cars. The Transportation Department reviewed the proposed configuration and found it acceptable.

The project is subject to the following Ordinances and City policies:

1. General Plan
2. Zoning Ordinance
3. Land Use Compatibility
4. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. General Plan Conformance

The General Plan Land Use Map designation on the subject property is General Commercial (GC). 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 1.11 Balanced Land Use

Objective: To develop and use lands for the long-term provision of a balanced, self-sufficient, and efficient community.

Policy A: The City shall establish and enforce a balanced distribution of land uses to organize the City in a hierarchy of activity centers and land uses so as to foster a sense of neighborhood, community, and regional identity.

Policy B: The City shall analyze proposed land uses for assurance that the land use will contribute to the proper balance of land uses within the community or provide a significant benefit to the community.

This project site is within an existing shopping center, which is part of a larger commercial "hub", which is located along two major transportation corridors. The proposed redevelopment of the site with a commercial retail use is the most appropriate use for the site given its location and land use designation. The proposed use, including the drive-thru, are a natural fit within the existing

shopping center and will benefit the center by offering a service which it currently does not, which in turn benefits the community. The proposed use is consistent with Policy A and Policy B.

Policy C: The City shall continuously monitor the impact and intensity of land use and land use distribution to ensure that the City's circulation system is not overburdened beyond design capacity.

The proposed project has been reviewed for impacts to the City's circulation system. It has been determined through a submitted Traffic Study that no significant impacts to traffic would result from the construction and operation of the proposed pharmacy use. In fact, the analysis showed that the new use will generate 251 less Average Daily Trips (ADT) than the existing gas station (gas station – 1,500 ADT; Pharmacy - 1,249 ADT). The proposed use is consistent with Policy C.

B. Land Use Element II

Objective 2.2 Commercial Development:

To promote and preserve a balance of successful markets and services in aesthetic, people-oriented associations that are compatible and organized to surrounding land uses.

Policy A: This designation shall provide the community with commercial centers containing a wide variety of commercial establishments. Major tenants shall provide larger, low volume, higher cost items, such as home furnishings, apparel, durable goods, and specialty items and generally have citywide market areas. Support facilities such as entertainment establishments and restaurants shall be encouraged.

Policy B: Development within this designation shall be on sites in excess of 30 acres. Specialized commercial uses requiring less land area may be considered when of similar intensity, or offering comparative revenue and/or employment generating capacities. Location shall be limited to sites along major arterials or higher rated roads.

The proposed uses are permitted within a General Commercial (GC) District with approval of a Development Plan and Conditional Use Permit. The proposed pharmacy and drive-thru will be a good fit within the much larger shopping center. The site is located adjacent to two major transportation corridors. It is anticipated that the pharmacy with drive-thru use will benefit the City of Oceanside because it will provide goods and services to many of the residents living in the area, it will provide employment opportunities for the City's residents, and it will generate sales tax revenue for the City. The proposed use is consistent with Policy A and Policy B.

2. Zoning Ordinance Compliance

This project is located within a Commercial General (CG) zone and as designed, complies with the requirements of the zone.

The following table summarizes the proposed and applicable development standards for the project site:

	MINIMUM REQUIRED	PROPOSED
LOT SIZE	10,000 sq ft	51,549 sq ft
LOT COVERAGE	75% (max)	21.11%
FRONT YARD	15 foot min.	20 feet
CORNER SIDE	10 foot min.	15 feet
SIDE YARD	-	-
REAR YARD	-	-
PARKING	55 spaces	55 spaces
QUEUE SPACES	5 spaces min.	5 spaces
BUILDING HEIGHT	50 foot max.	24 foot max.
LANDSCAPING	10%	23.2%

The proposed project meets all applicable requirements of the Zoning Ordinance as denoted above. No variances are required for the proposed project.

3. Land Use Compatibility with surrounding developments

The project site is located at the south west corner of the Oceanside Boulevard/College Boulevard intersection within a General Commercial (GC) land use designation and a Commercial General (CG) zoning district. It is within the larger Del Oro Marketplace. The General Plan and Zoning Ordinance permit the proposed uses within those designations.

The table below describes the property and the surrounding land uses:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	General Commercial (GC)	General Commercial (CG)	Developed Retail
North of Subject Property	S-1-84 (Rancho Del Oro Specific Plan) Commercial	PD-1 Commercial	Developed Retail
East of Subject Property:	General Commercial (GC)	General Commercial (CG)	Developed Retail
South of Subject Property:	Single Family Detached (SFD-R)	Residential Single Family (RS)	Developed Residential
West of Subject Property:	S-1-84 (Rancho Del Oro Specific Plan) Commercial	PD-1 Commercial	Developed Retail

The proposed retail and drive-thru use has been determined to be acceptable with the surrounding existing uses and their respective General Plan and Zoning Ordinance designations. Staff has concluded that the design of the project and the improvements proposed will not result in any serious public health, safety or welfare issues due to the location of the site and the types of uses immediately adjacent to the site.

DISCUSSION

Issue: Project Compatibility with the Existing Neighborhood: The proposed retail and drive-thru use is appropriate within the existing shopping center based on the allowed uses within the General Plan and Zoning Ordinance. The fact the site is located adjacent to two major transportation corridors makes it an ideal site for this type of retail establishment. The proposed project is also consistent with the commercial and retail uses surrounding the site. The residential neighborhood south of the site is separated from the site by significant horizontal and vertical distances that make impacts from the center less than significant. In addition, the NCTD right-of-way/Sprinter tracks are between the site and the residential area. As noted earlier, the proposed use will result in a decrease in traffic at the center and on area roadways.

Recommendation: Staff finds that the overall design of the project is compatible with the existing shopping center and the surrounding uses, and no known opposition to the project has been noted. Staff supports the project as submitted by the applicant, subject to conditions of approval contained within the draft resolution.

ENVIRONMENTAL DETERMINATION

Planning Department 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 that review, staff finds that the proposed project constitutes an in-fill development project as defined by CEQA.

As such, this project is categorically exempt from CEQA per Article 19, Section 15332, Class 32, In-Fill Development Projects.

PUBLIC NOTIFICATION

Pursuant to Article 41 of the Oceanside Zoning Ordinance, a Legal notice was published in the North County Times and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals and or organizations requesting notification, the applicant and other interested parties. Copies of this agenda item have been mailed to the applicant and their representatives.

SUMMARY

The proposed Development Plan (D-2-09) and Conditional Use Permit (C-8-09), as designed and conditioned, are consistent with the land use policies of the General Plan and the requirements of the Zoning Ordinance. 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 Categorical Exemption per California Environmental Quality Act (CEQA), Article 19, Section 15332, Class 32, In-Fill Development Projects.
- Adopt Planning Commission Resolution No. 2009-P50 approving Development Plan (D-2-09) and Conditional Use Permit (C-8-09) with findings and conditions of approval attached herein.

PREPARED BY:



Richard Greenbauer
Senior Planner

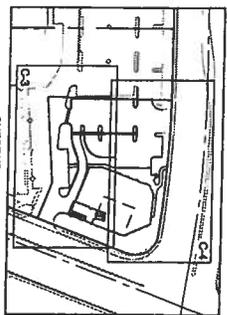
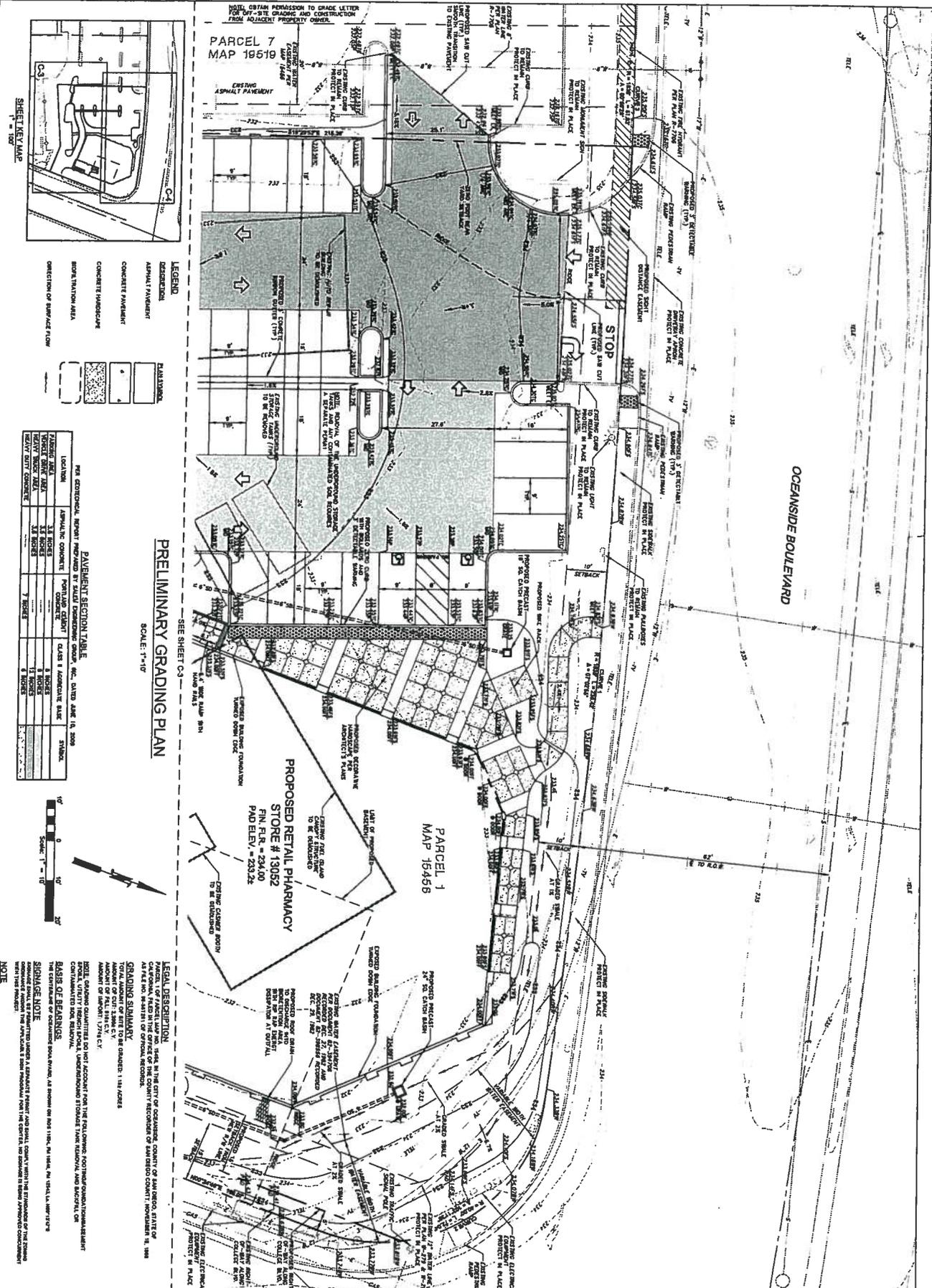
SUBMITTED BY:



Jerry Hittleman
City Planner

Attachments:

1. Plans
2. Planning Commission Resolution No. 2009-P50
3. Traffic Study Memorandum



LEGEND

[Symbol]	DEGRADE
[Symbol]	ASPHALT PAVEMENT
[Symbol]	CONCRETE PAVEMENT
[Symbol]	CONCRETE MANHOLE
[Symbol]	MANHOLE
[Symbol]	DIRECTION OF SURFACE DRAIN

PAVEMENT SECTION TABLE

LOCATION	ASPHALT CONCRETE	PORTLAND CEMENT CONCRETE	GRADE & ASSOCIATING RATE	THICKNESS
PAVEMENT	3.5 INCHES	CONCRETE	8 INCHES	8 INCHES
DRIVEWAY	3.5 INCHES	CONCRETE	13 INCHES	8 INCHES
DRIVEWAY	3.5 INCHES	CONCRETE	8 INCHES	8 INCHES



LEGAL DESCRIPTION:
 PARCEL 1 OF PARCEL 1 AND 1/2 AC. IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SHOWN ON THE COUNTY RECORDS OF SAN DIEGO COUNTY, NOVEMBER 11, 1988.

GRADING SUMMARY:
 TOTAL AMOUNT OF SITE TO BE GRADED: 1.18 ACRES
 AMOUNT OF CUT: 1.286 C.Y.
 AMOUNT OF FILL: 1.286 C.Y.
 AMOUNT OF IMPORT: 1.278 C.Y.

NOTE: GRADING QUANTITIES DO NOT ACCOUNT FOR THE FOLLOWING: EROSION CONTROL, RETENTION WALLS, FILL, OR OTHER STRUCTURES THAT MAY BE REQUIRED FOR THE PROPOSED DEVELOPMENT.

SIGNAL NOTE:
 THE PROPOSED DEVELOPMENT SHALL BE SUBJECT TO THE CITY OF OCEANSIDE'S SIGNAL PLAN, WHICH IS A CONDITION OF THE DEVELOPMENT APPROVAL.

NOTE:
 THE PROPOSED DEVELOPMENT SHALL BE SUBJECT TO THE CITY OF OCEANSIDE'S SIGNAL PLAN, WHICH IS A CONDITION OF THE DEVELOPMENT APPROVAL.

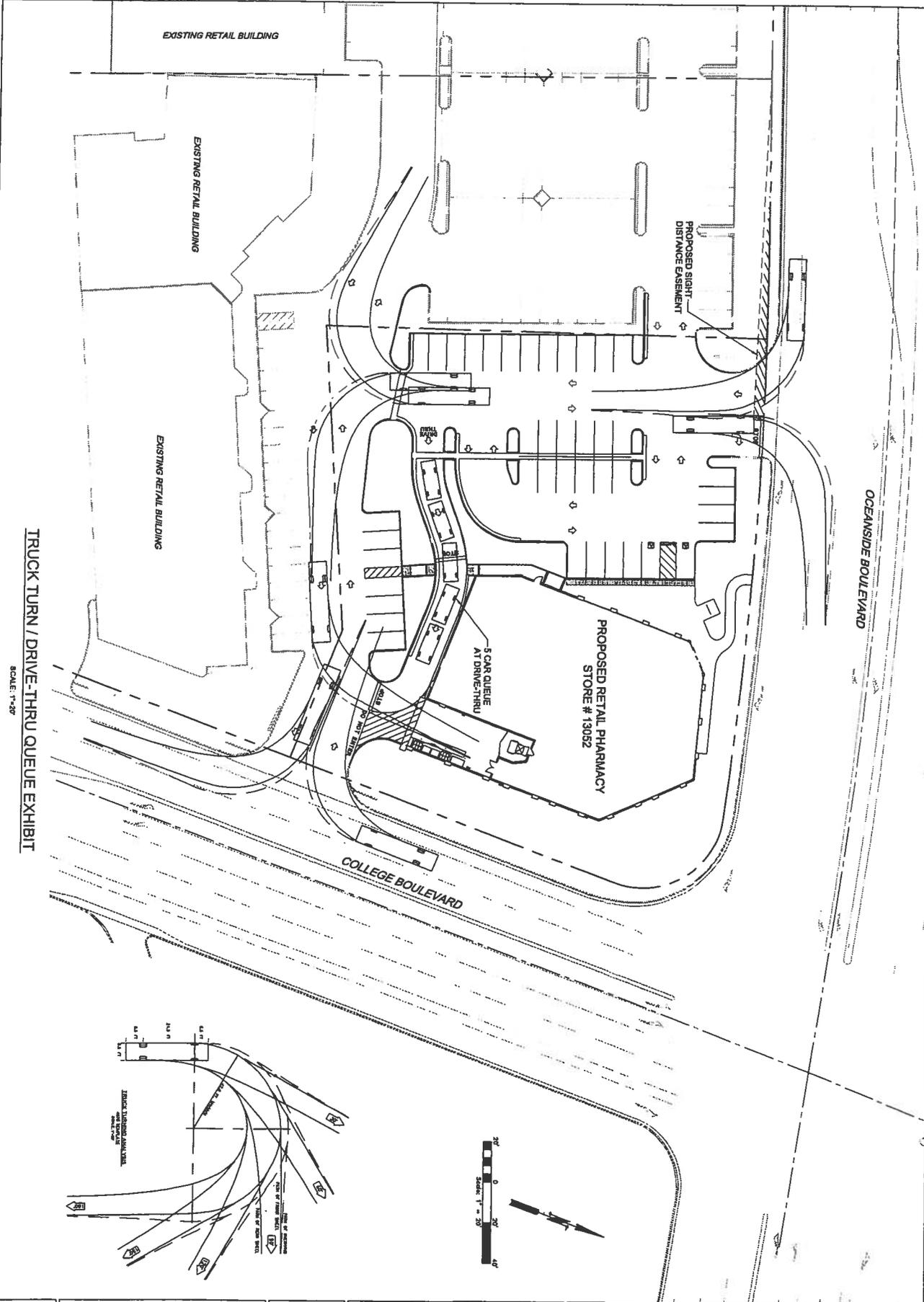
PROPOSED RETAIL PHARMACY
STORE NUMBER 13052
PARCEL 1 OF P.M. 15456
4181 OCEANSIDE BOULEVARD
OCEANSIDE, CALIFORNIA



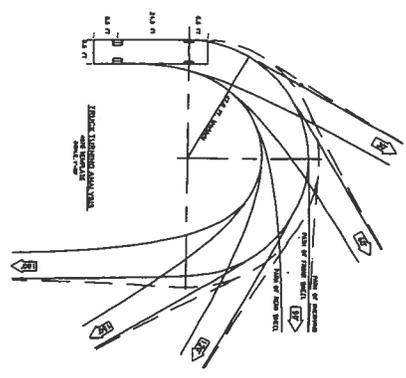
-LANG-
engineering co.
 Consulting Engineers Land Planners
 5110 INNOVATION WAY CARLSBAD, CALIFORNIA 92009

DATE: OCTOBER 4, 2009 SCALE: 1"=10'
 JOB No.: 081823 DRAWN BY: G.W.L.
 ACAD DWG: 081823-CUP92 CHKD: R.G.L.

NO.	DATE	REVISIONS
1		1/4 REVIEW REVISIONS
2		
3		
4		
5		



TRUCK TURN / DRIVE-THRU QUEUE EXHIBIT
SCALE: 1"=20'



SHEET NO.
C-5

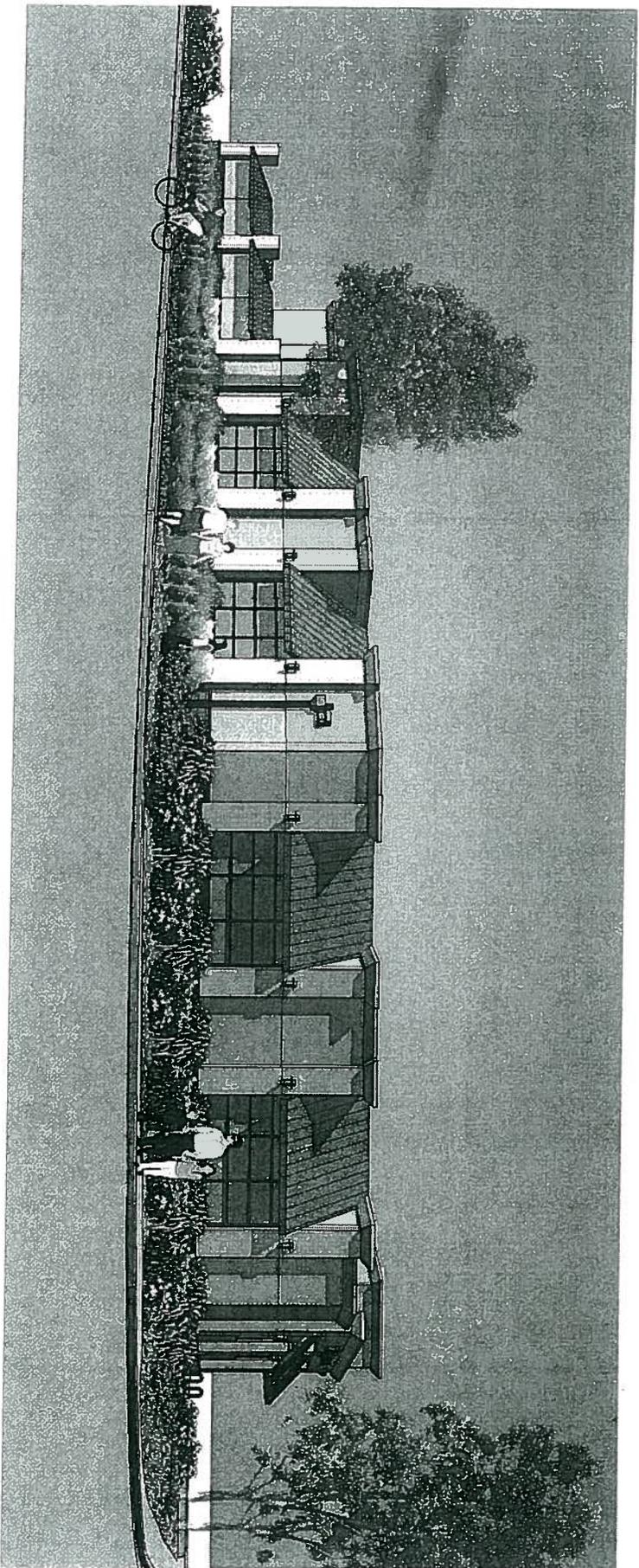
PROPOSED RETAIL PHARMACY
STORE NUMBER 13052
PARCEL 1 OF P.M. 15456
4181 OCEANSIDE BOULEVARD
OCEANSIDE, CALIFORNIA



-LANG-
engineering co.
Consulting Engineers / Land Planners
6110 BONDVATCH WAY CARLSBAD, CALIFORNIA 92009

DATE: OCTOBER 6, 2009 SCALE: 1"=20'
JOB No.: 091025 DRAWN BY: G.W.L.
ACAD DWG: 091923-CUPTURKH CHKD: R.G.L.

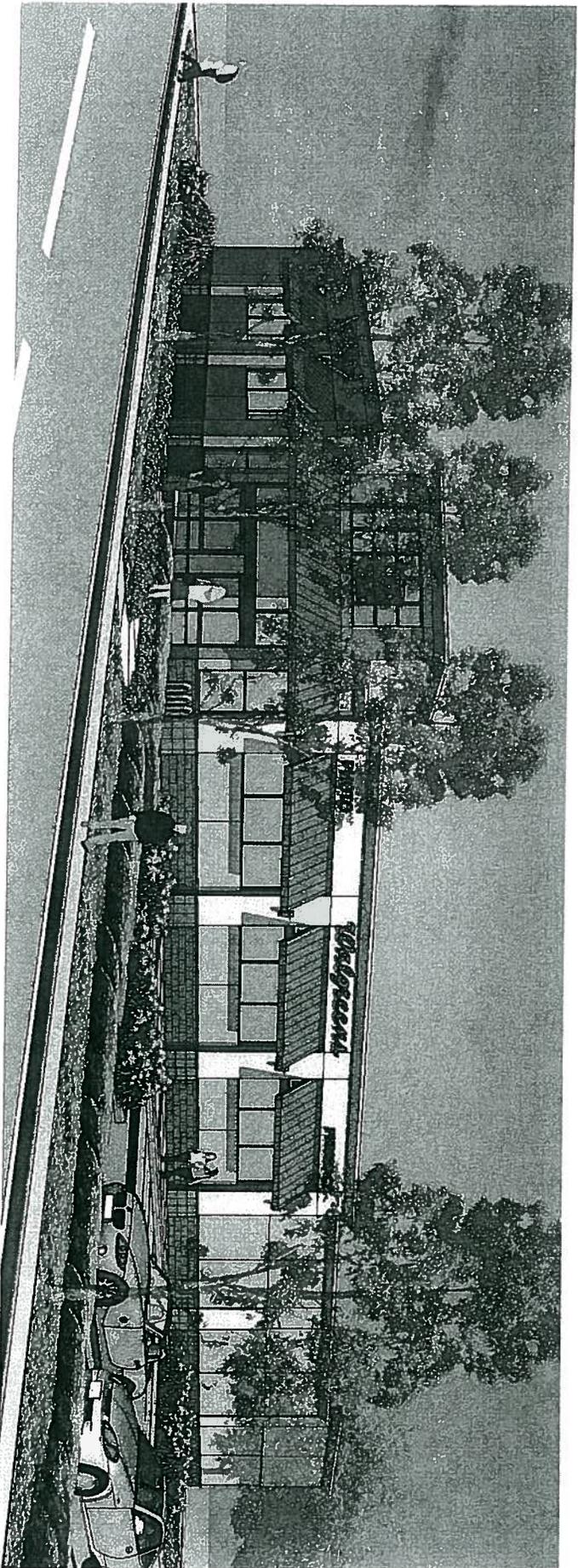
NO.	REVISIONS	DATE
1	1st REVIEW REVISIONS	10/06/09
2		
3		
4		
5		



Walgreen
Oceanside, CA

CORNER PERSPECTIVE

Tatum Real Estate
3500 John F. Kennedy Pkwy., Ste. 203
Fort Collins, CO 80525



Walgreens
Oceanside, CA

PERSPECTIVE

Tatum Real Estate
3500 John F. Kennedy Pkwy., Ste. 203
Fort Collins, CO 80525

1 PLANNING COMMISSION
2 RESOLUTION NO. 2009-P50

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A
5 DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT
6 ON CERTAIN REAL PROPERTY IN THE CITY OF
OCEANSIDE

7 APPLICATION NO: D-2-09; C-8-09
8 APPLICANT: Tatum College & Oceanside, LLC
9 LOCATION: South west corner of Oceanside Boulevard and College Boulevard

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms
13 prescribed by the Commission requesting a Development Plan and Conditional Use Permit under
14 the provisions of Articles 11, 30, 31, 40, 41, and 43 of the Zoning Ordinance of the City of
Oceanside to permit the following:

15 demolition of an existing gas station and service bays to accommodate the construction of
16 a 13,740-square foot retail building offering pharmacy services, with a drive-thru window,
17 and associated parking lot and landscaping improvements;

18 on certain real property described in the project description;

19 WHEREAS, the Planning Commission, after giving the required notice, did on the 16th day
20 of November, 2009 conduct a duly advertised public hearing as prescribed by law to consider said
21 application.

22 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
23 Guidelines thereto; this project is categorically exempt from CEQA per Article 19, Section 15332,
Class 32, In-Fill Development Projects;

24 WHEREAS, there is hereby imposed on the subject development project certain fees,
25 dedications, reservations and other exactions pursuant to state law and city ordinance;

26 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN that
27 the project is subject to certain fees, dedications, reservations and other exactions as provided
28 below:

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
4			
5	Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$0.713 per square foot or \$713 per thousand square feet for non- residential uses
6			
7	School Facilities	Ordinance No. 91-34	\$.42 per square foot non- residential for Oceanside
8	Mitigation Fee		
9	Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
10			
11	Thoroughfare Fee	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
12	(For commercial and industrial please note the 75 percent discount)		
13			
14	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Non-residential is \$37,205 for a 2" meter.
15			
16			
17	Wastewater System Buy-in	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Non-residential is \$50,501 for a 2" meter.
18	Fees		
19			
20	San Diego County Water	SDCWA Ordinance No.	Based on meter size.
21	Authority Capacity Fees	2005-03	Non-residential is \$23,358 for a 2" meter.
22			

23

24

25

26

WHEREAS, the current fees referenced above are merely fee amount estimates of the impact fees that would be required if due and payable under currently applicable ordinances and resolutions, presume the accuracy of relevant project information provided by the applicant, and are not necessarily the fee amount that will be owing when such fee becomes due and payable;

27

28

29

WHEREAS, unless otherwise provided by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside City Code and the City expressly reserves the right to amend the fees and fee calculations consistent with applicable law;

1 WHEREAS, the City expressly reserves the right to establish, modify or adjust any fee,
2 dedication, reservation or other exaction to the extent permitted and as authorized by law;

3 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN that
4 the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction
5 described in this resolution begins on the effective date of this resolution and any such protest must
6 be in a manner that complies with Section 66020;

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

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

11 FINDINGS:

12 For the Development Plan:

- 13 1. The site plan and physical design of the project are consistent with the Zoning
14 Ordinance because the project, as designed, meets or exceeds the development standards
15 established in the Zoning Ordinance.
- 16 2. The Development Plan is consistent with the General Plan of the City because the use is
17 permitted by the General Plan, it is consistent with the intent of the designated land use,
18 and it is compatible with the surrounding existing land uses.
- 19 3. The project site can be adequately served by existing public facilities, services and
20 utilities because the site has been previously developed and the necessary infrastructure
21 to serve the use is already in place.
- 22 4. The project, as proposed, is compatible with the existing and potential development on
23 adjoining properties and in the surrounding neighborhood because the use is permitted in
24 the Zone and it is an in-fill site within an existing shopping center.
- 25 5. The site plan and physical design of the project is consistent with section 1.24 and 1.25 of
26 the Land Use Element of the General Plan because the project site is currently developed
27 and contains no natural topographic features; and will not lead to slope instability,
28 flooding, or erosion hazards to life or property because those threats have been designed
29 out of the project; there are no significant natural resources on site to preserve; there are
no natural hazards in proximity to the site and the project meets all setback requirements;

1 the project is not subject to the Development Guidelines for Hillsides or Section 3039 of
2 the Ordinance because the site contains no qualifying slopes.

3 For the Conditional Use Permit:

- 4 1. The proposed use is in accord with the objectives of the Zoning Ordinance and the
5 purposes of the General Commercial land use district because the drive-thru use is
6 permitted and compatible with the existing shopping center.
- 7 2. The drive-thru use is, and the conditions under which it will be operated and regulated are,
8 consistent with the General Plan because it is permitted and compatible with the existing
9 shopping center; and the proposed drive-thru use will not be detrimental to the welfare of
10 persons or properties working, residing, or otherwise existing in the adjacent neighborhood
11 areas because it fits within the retail shopping center and provides a valuable service to the
12 local community; and the proposed drive-thru use will not be detrimental to properties or
13 improvements in the vicinity or to the general welfare of the City because the use is
14 appropriate for the site, it is permitted on the site, and it will provide a valuable service to
15 the local community.
- 16 3. The proposed drive-thru use complies with the provisions of the Zoning Ordinance and the
17 Commercial General Zone because it meets all development standards for the use and the
18 zone and has been Conditioned as required by the Code.

19 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
20 approve Development Plan (D-2-09) and Conditional Use Permit (C-8-09, subject to the following
21 conditions:

22 Building:

- 23 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
24 Building Division plan check (As of January 1, 2008 the 2007 California Building Code,
25 and 2007 California Electrical Code).
- 26 2. The granting of approval under this action shall in no way relieve the applicant/project
27 from compliance with all State and Local building codes.
- 28 3. Site development, parking, access into buildings and building interiors shall comply with
29 the State's Disabled Accessibility Regulations (2007 California Building Code (CBC),
Chapter 11B).

- 1 4. The building plans for this project are required by State law to be prepared by a licensed
2 architect or engineer and must be in compliance with this requirement prior to submittal
3 for building plan review.
- 4 5. All electrical, communication, CATV, etc. service lines within the exterior lines of the
5 property shall be underground (City Code Sec. 6.30).
- 6 6. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution
7 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or
8 other such lights may be utilized and shall be shown on building and electrical plans.
- 9 7. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
10 plans.
- 11 8. A complete Soils Report, Structural Calculations, & Energy Calculations/
12 documentation will be required at time of plans submittal to the Building Division for
13 plan check.
- 14 9. A Building (Demo) Permit will be required for the demolition of any existing structures.
15 Plans for the Demolition Permit must clearly show that all utilities (electric, gas, water,
16 & sewer) are properly terminated/capped in accordance with the requirements of the
17 utility service provider. Separate Permit is required from San Diego County for removal
18 of underground tanks.
- 19 10. Fire Sprinklers are required for all M occupancies [CBC 903.2.7].
- 20 11. Separate permits are required awnings and signage.
- 21 12. The developer shall monitor, supervise and control all building construction and
22 supporting activities so as to prevent these activities from causing a public nuisance,
23 including, but not limited to, strict adherence to the following:
 - 24 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
25 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
26 work that is not inherently noise-producing. Examples of work not permitted on
27 Saturday are concrete and grout pours, roof nailing and activities of similar
28 noise-producing nature. No work shall be permitted on Sundays and Federal
29 Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving
Day, Christmas Day) except as allowed for emergency work under the provisions
of the Oceanside City Code Chapter 38 (Noise Ordinance).

1 b) The construction site shall be kept reasonably free of construction debris as
2 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
3 approved solid waste containers shall be considered compliance with this
4 requirement. Small amounts of construction debris may be stored on-site in a
5 neat, safe manner for short periods of time pending disposal.

6 **Engineering:**

7 13. This project involves demolition of an existing structure and or surface improvements; an
8 erosion control plan shall be submitted and approved by the City Engineer before issuance of
9 any demolition permit. No grading operation shall be allowed in conjunction with the
10 demolition the operation without an approved grading plan. No demolition shall be permitted
11 without an approved erosion control plan.

12 14. All right-of-way alignments, street dedications, exact geometrics and widths shall be dedicated
13 and constructed or replaced as required by the City Engineer.

14 15. Design and construction of all improvements shall be in accordance with the City of Oceanside
15 Engineers Design and Processing Manual, City Ordinances, and standard engineering and
16 specifications of the City of Oceanside and subject to approval by the City Engineer.

17 16. Prior to issuance of a building permit all improvement requirements shall be covered by a
18 development agreement and secured with sufficient improvement securities or bonds
19 guaranteeing performance and payment for labor and materials, setting of monuments, and
20 warranty against defective materials and workmanship.

21 17. Where proposed off-site improvements, including but not limited to public utility facilities, and
22 drainage facilities, are to be constructed, the owner/developer shall, at his own expense, obtain
23 all necessary easements or other interests in real property and shall dedicate the same to
24 the City of Oceanside as required. The owner/developer shall provide documentary proof
25 satisfactory to the City of Oceanside that such easements or other interest in real property
26 have been obtained prior to building permit for the development. Additionally, the City of
27 Oceanside, may at its sole discretion, require that the owner/developer obtain at his sole expense
28 a title policy insuring the necessary title for the easement or other interest in real property to
29 have vested with the City of Oceanside or the owner/developer, as applicable.

18. Prior to the issuance of a grading permit, the owner/developer shall notify and host a
neighborhood meeting with all of the area residents located within 300 feet of the project site, to
inform them of the grading and construction schedule, and to answer questions.

1 19. The owner/developer shall monitor, supervise and control all construction and
2 construction-supportive activities, so as to prevent these activities from causing a public
3 nuisance, including but not limited to, insuring strict adherence to the following:

4 a) Dirt, debris and other construction material shall not be deposited on any public
5 street or within the City's stormwater conveyance system.

6 b) All grading and related site preparation and construction activities shall be
7 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No
8 engineering related construction activities shall be conducted on Saturdays,
9 Sundays or legal holidays unless written permission is granted by the City
10 Engineer with specific limitations to the working hours and types of permitted
11 operations. All on-site construction staging areas shall be as far as possible
12 (minimum 100 feet) from any existing residential development. Because
13 construction noise may still be intrusive in the evening or on holidays, the City of
14 Oceanside Noise Ordinance also prohibits "any disturbing excessive or offensive
15 noise which causes discomfort or annoyance to reasonable persons of normal
16 sensitivity."

17 c) The construction site shall accommodate the parking of all motor vehicles used
18 by persons working at or providing deliveries to the site. An alternate parking
19 site can be considered by the City Engineer in the event that the lot size is too
20 small and cannot accommodate parking of all motor vehicles.

21 d) The owner/developer shall complete a haul route permit application (if required
22 for import/export of dirt) and submit to the City of Oceanside Engineering
23 Department 48 hours in advance of beginning of work. Hauling operations (if
24 required) shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise.

25 20. Prior to issuance of grading permit, all existing on-site underground tank systems,
26 mechanic shop equipments and contaminated soils shall be removed per the City of
27 Oceanside Fire Department and the County of San Diego, Department of Environmental
28 Health (DEH) regulations. A copy of the clearance letter from the Fire Department and
29 DEH shall be submitted prior to approval of a grading plan.

21. A traffic control plan shall be prepared according to the City traffic control guidelines
and approved to the satisfaction of the City Engineer prior to the start of work within the

1 public right-of-way. Traffic control during construction of streets that have been opened
2 to public traffic shall be in accordance with construction signing, marking and other
3 protection as required by the Caltrans Traffic Manual and City Traffic Control
4 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless
5 approved otherwise.

6 22. Approval of this development project is conditioned upon payment of all applicable
7 impact fees and connection fees in the manner provided in chapter 32B of the Oceanside
8 City Code. All traffic signal fees, and contributions, highway thoroughfare fees, park
9 fees, reimbursements, drainage fees, and other applicable charges, fees and deposits
10 shall be paid prior to the issuance of any building permits, in accordance with City
11 Ordinances and policies. The owner/developer shall also be required to join into,
12 contribute, or participate in any improvement, lighting, or other special district affecting
13 or affected by this project. Approval of the project shall constitute the
14 owner/developer's approval of such payments, and his agreement to pay for any other
15 similar assessments or charges in effect when any increment is submitted for building
16 permit approval, and to join, contribute, and/or participate in such districts

17 23. Sight distance requirements at the project driveway shall conform to the corner sight
18 distance criteria as provided by San Diego Regional Standard Drawings (SDRSD), DS-
19 20A and or DS-20B.

20 24. This project's driveways and parking lots shall remain private and shall be maintained by
21 an association or the property owner. The pavement sections, traffic indices shall be
22 based on approved geotechnical report and in compliance with the City of Oceanside
23 Engineers Design and Processing Manual. The private project driveway alignments and
24 geometric layouts shall meet the City of Oceanside Engineers Design and Processing
25 Manual.

26 25. Pavement sections for all public streets, private driveways and parking areas shall be
27 based upon approved soil tests and traffic indices. The pavement design is to be
28 prepared by the developer's/owner's soil engineer and must be in compliance with the
29 City of Oceanside's Engineers Design and Processing Manual. The private driveway
alignments and geometric layouts shall meet the City of Oceanside's Engineers Design
and Processing Manual.

- 1 26. Pavement sections for all public streets, private driveways and parking areas shall be
2 based upon approved soil tests and traffic indices. The pavement design is to be
3 prepared by the owner/developer's soil engineer and must be in compliance with the
4 City of Oceanside Engineers Design and Processing Manual and be approved by the
5 City Engineer, prior to paving.
- 6 27. Along the project frontages, any existing broken pavement, concrete curb, gutter,
7 driveways, pedestrian ramps and sidewalk that are damaged during construction of the
8 project, shall be repaired or replaced as directed by the City Engineer.
- 9 28. The owner/developer shall comply with all the provisions of the City's cable television
10 ordinances including those relating to notification as required by the City Engineer.
- 11 29. Drainage facilities shall be designed and installed to adequately accommodates the local
12 storm water runoff and shall be in accordance with the San Diego County Hydrology
13 and Design Manual and in compliance with the City of Oceanside Engineers Design and
14 Processing Manual to the satisfaction of the City Engineer.
- 15 30. The owner/developer shall obtain any necessary permits and clearances from all public
16 agencies having jurisdiction over the project due to its type, size, or location, including
17 but not limited to the U.S. Army Corps of Engineers, California Department of Fish &
18 Game, U.S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control
19 Board (including NPDES), San Diego County Health Department, prior to the issuance
20 of grading permits.
- 21 31. The approval of the development shall not mean that proposed grading or improvements
22 on adjacent properties (including any City properties/right-of-way or easements) is
23 granted or guaranteed to the owner/developer. The owner/developer is responsible for
24 obtaining permission to grade to construct on adjacent properties. Should such
25 permission be denied, the development shall be subject to going back to the public
26 hearing or subject to a substantial conformity review.
- 27 32. Prior to any grading of any part of the development, a comprehensive soils and geologic
28 investigation shall be conducted of the soils and formations in the project. All necessary
29 measures shall be taken and implemented to assure erosion control and soil integrity.
No grading shall occur until a detailed grading plan, to be prepared in accordance with
the Grading Ordinance and Zoning Ordinance is approved by the City Engineer.

- 1 33. This project shall provide year-round erosion control including measures for the site
2 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
3 control plan, designed for all proposed stages of construction, shall be reviewed, secured
4 by the owner/developer with cash securities and approved by the City Engineer.
- 5 34. A precise grading and improvement plan shall be prepared, reviewed, secured and
6 approved prior to the issuance of any building permits. The plan shall reflect all
7 pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping,
8 and signage, footprints of all structures, walls, drainage devices and utility services.
9 Parking lot striping and any on site traffic calming devices shall be shown on all precise
10 grading and private improvement plans.
- 11 35. Landscaping plans, including plans for the construction of walls, fences or other
12 structures at or near intersections, must conform to intersection sight distance
13 requirements. Landscape and irrigation plans for disturbed areas shall be submitted to
14 the City Engineer prior to the issuance of a preliminary grading permit and approved by
15 the City Engineer prior to the issuance of occupancy permits. Frontage landscaping
16 shall be installed prior to the issuance of any certificates of occupancy. Any project
17 fences, sound or privacy walls and monument entry walls/signs shall be shown on,
18 bonded for and built from the landscape plans. These features shall also be shown on
19 the precise grading plans for purposes of location only. Plantable, segmental walls shall
20 be designed, reviewed and constructed by the grading plans and landscaped/irrigated
21 through project landscape plans. All plans must be approved by the City Engineer and a
22 pre-construction meeting held, prior to the start of any improvements.
- 23 36. The drainage design on the development plan is conceptual only. The final design shall
24 be based upon a hydrologic/hydraulic study to be approved by the City Engineer during
25 final engineering. All drainage picked up in an underground system shall remain
26 underground until it is discharged into an approved channel, or as otherwise approved by
27 the City Engineer. All public storm drains shall be shown on City standard plan and
28 profile sheets. All storm drain easements shall be dedicated where required. The
29 owner/developer shall be responsible for obtaining any off-site easements for storm
drainage facilities.

- 1 37. Storm drain facilities shall be designed and located such that the inside travels lanes on
2 streets with collector or above design criteria shall be passable during conditions of a
3 100-year frequency storm.
- 4 38. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and
5 disposed of in accordance with all state and federal requirements, prior to stormwater
6 discharge either off-site or into the City drainage system.
- 7 39. The owner/developer shall comply with the provisions of National Pollution Discharge
8 Elimination System (NPDES) General Permit for Storm Water Discharges Associated
9 with Construction Activity (General Permit) Water Quality Order 99-08-DWQ. The
10 General Permit continues in force and effect until a new General Permit is issued or the
11 SWRCB rescinds this General Permit. Only those owner/developers authorized to
12 discharge under the expiring General Permit are covered by the continued General
13 Permit. Construction activity subject to the General Permit includes clearing, grading,
14 and disturbances to the ground such as stockpiling, or excavation that results in soil
15 disturbances of at least one acre of total land area. The owner/developer shall obtain
16 coverage under the General Permit by submitting a Notice of Intent (NOI) and obtaining
17 a Waste Discharge Identification Number (WDID#) from the State Water Resources
18 Control Board (SWRCB). In addition, coverage under the General Permit shall not
19 occur until an adequate SWPPP is developed for the project as outlined in Section A of
20 the General Permit. The site specific SWPPP and associated NOI shall be maintained on
21 the project site at all times. The SWPPP shall be provided, upon request, to the United
22 States Environmental Protection Agency (USEPA), SWRCB, Regional Water Quality
23 Control Board (RWQCB), City of Oceanside, and other applicable governing regulatory
24 agencies. The SWPPP is considered a report that shall be available to the public by the
25 RWQCB under section 308(b) of the Clean Water Act. The provisions of the General
26 Permit and the site specific SWPPP shall be continuously implemented and enforced
27 until the owner/developer obtains a Notice of Termination (NOT) for the SWRCB. The
28 owner/developer is required to retain records of all monitoring information, copies of all
29 reports required by this General Permit, and records of all data used to complete the NOI
for all construction activities to be covered by the General Permit for a period of at least

1 three years from the date generated. This period may be extended by request of the
2 SWRCB and/or RWQCB.

3 40. Following approval of the SWMP by the City Engineer and prior to issuance of grading
4 permits, the owner/developer shall submit and obtain approval of an Operation &
5 Maintenance (O&M) Plan, prepared to the satisfaction of the City Engineer. The O&M
6 Plan shall include an approved and executed Maintenance Mechanism pursuant to
7 Section 4.1 of the Interim Standard Urban Storm Water Mitigation Plan (ISUSMP). The
8 O&M shall satisfy the minimum Maintenance Requirements pursuant to Section 4.3 of
9 the ISUSMP. At a minimum the O&M Plan shall include the designated responsible
10 party to manage the stormwater BMP(s), employee training program and duties,
11 operating schedule, maintenance frequency, routine service schedule, specific
12 maintenance activities, copies of resource agency permits, cost estimate for
13 implementation of the O&M Plan, a security to provide maintenance in the event of
14 noncompliance to the O&M Plan, and any other necessary elements. The
15 owner/developer shall provide the City with access to site for the purpose of BMP
16 inspection and maintenance by entering into an Access Rights Agreement with the City.
17 The owner/developer shall complete and maintain O&M forms to document all
18 operation, inspection, and maintenance activities. The owner/developer shall retain
19 records for a minimum of five years. The records shall be made available to the City
upon request.

20 41. The owner/developer shall enter into a City-Standard Stormwater Facilities Maintenance
21 Agreement with the City obliging the owner/developer to maintain, repair and replace
22 the Storm Water Best Management Practices (BMPs) identified in the project's
23 approved SWMP, as detailed in the O&M Plan into perpetuity. The Agreement shall be
24 approved by the City Attorney prior to issuance of any precise grading permit and shall
25 be recorded at the County Recorder's Office prior to issuance of any building permit.
26 Security in the form of cash (or certificate of deposit payable to the City) or an
27 irrevocable, City standard letter of credit shall be required prior to issuance of a precise
28 grading permit. The amount of the security shall be equal to 10 years of maintenance
29 costs, as identified by the O&M Plan, but not to exceed a total of \$25,000. The
owner/developer's civil engineer shall prepare the O&M cost estimate.

- 1 42. At a minimum, maintenance agreements shall require the staff training, inspection and
2 maintenance of all BMPs on an annual basis. The owner/developer shall complete and
3 maintain O&M forms to document all maintenance activities. Parties responsible for the
4 O&M plan shall retain records at the subject property for at least five years. These
5 documents shall be made available to the City for inspection upon request at any time.
- 6 43. The Agreement shall include a copy of executed on-site and off-site access easement and
7 or access rights necessary for the operation and maintenance of BMPs that shall be
8 binding on the land throughout the life of the project to the benefit of the party
9 responsible for the O&M of BMPs, satisfactory to the City Engineer. The agreement
10 shall also include a copy of the O&M Plan approved by the City Engineer.
- 11 44. The BMPs described in the project's approved SWMP shall not be altered in any way,
12 unless reviewed and approved to the satisfaction of the City Engineer. The determination
13 of whatever action is required for changes to a project's approved SWMP shall be made
14 by the City Engineer.
- 15 45. The owner/developer shall provide a copy of the title/cover page of an approved SWMP
16 with the first engineering submittal package. The SWMP shall be prepared by the
17 owner/developer's Civil Engineer. All Stormwater documents shall be in compliance
18 with the latest edition of submission requirements.
- 19 46. During final engineering design the Engineer of Record shall evaluate potential impact
20 to flood hazard areas as applicable. Elevation and flood proofing shall be in accordance
21 with the City of Oceanside Ordinance 94-03 and Federal Emergency Management
22 Agency (FEMA) requirements.
- 23 47. The approval of the development shall not mean that closure, vacation, or abandonment
24 of any public street, right-of-way, easement, or facility is granted or guaranteed to the
25 owner/developer. The owner/developer is responsible for applying for all closures,
26 vacations, and abandonments as necessary. The application(s) shall be reviewed and
27 approved or rejected by the City of Oceanside under separate process (es) per codes,
28 ordinances, and policies in effect at the time of the application. The City of Oceanside
29 retains its full legislative discretion to consider any application to vacate a public street
or right of way.

1 48. The proposed development shall dedicate 10 feet of right-of-way along the development
2 frontage for future widening of College Boulevard to an ultimate six travel lanes. The
3 dedication shall be recorded prior to approval of the grading plan. The dedication shall
4 accommodate corner rounding for the future curb return at southwest corner of
5 Oceanside Boulevard and College Boulevard and shall be shown on the grading plans to
6 satisfaction of the City Traffic Engineer.

7 49. Provide the City of Oceanside with a certification from each public utility and each
8 public entity owning easements within the proposed project stating that: (a) they have
9 received from the owner/developer a copy of the proposed development plan; (b) they
10 object or do not object to the development without their signature; © in case of a street
11 dedication affected by their existing easement, they will sign a "subordination
12 certificate" or "joint-use certificate" on the development plan when required by the
13 governing body. In addition, the owner/developer shall furnish proof to the satisfaction
14 of the City Engineer that no new encumbrances have been created that would
15 subordinate the City's interest over areas to be dedicated for public road purposes since
16 submittal of the project.

17 50. The SWMP will be forwarded to the City Engineer for signature approval after the
18 project has been granted discretionary approval by the Planning Commission and no
19 appeals have been filed during the 10-day appeal period.

20 51. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire
21 project will be subject to prevailing wage requirements as specified by Labor Code
22 section 1720(b) (4). The owner/developer shall agree to execute a form acknowledging
23 the prevailing wage requirements prior to the granting of any fee reductions or waivers.

24 52. All landscaping, fences, walls, etc. on the site shall be maintained by an association or
25 the owner. All landscaping, fences, walls, etc. within the public right-of-way and within
26 any adjoining public parkways shall be permanently maintained by the appropriate
27 maintenance district/association, or the owner, his assigns, or any successors-in-interest
28 in the property if no such entity exists, to the satisfaction of the City Engineer. The
29 maintenance programs shall include: a) normal care and irrigation of the landscaping b)
repair and replacement of plant materials as needed c) irrigation systems as necessary d)
general cleanup of the landscaped and open areas e) parking lots and walkways, walls,

1 fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate
2 enforcement actions including but not limited to citations. This maintenance program
3 condition shall be recorded with a covenant as required by this resolution.

4 53. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines
5 and Specifications for Landscape Development (latest revision), Water Conservation
6 Ordinance No. 91-15, Engineering criteria, City Code and Ordinances, including the
7 maintenance of such landscaping, shall be reviewed and approved by the City Engineer
8 prior to the issuance of building permits. Landscaping shall not be installed until bonds
9 have been posted, fees paid, and plans signed for final approval. The following
10 landscaping requirements shall be required prior to plan approval and certificate of
11 occupancy:

- 12 a) Final landscape plans shall accurately show placement of all plant material such
13 as but not limited to trees, shrubs, and groundcovers.
- 14 b) Landscape Architect shall be aware of all utility, sewer, storm drain easement
15 and place planting locations accordingly to meet City of Oceanside requirements.
- 16 c) All required landscape areas shall be maintained by owner. The landscape areas
17 shall be maintained per City of Oceanside requirements.
- 18 d) Proposed landscape species shall be native or naturalized to fit the site and meet
19 climate changes indicative to their planting location. The selection of plant
20 material shall also be based on cultural, aesthetic, and maintenance
21 considerations. In addition proposed landscape species shall be low water users
22 as well as meet all Fire Department requirements.
- 23 e) All planting areas shall be prepared with appropriate soil amendments, fertilizers,
24 and appropriate supplements based upon a soils report from an agricultural
25 suitability soil sample taken from the site.
- 26 f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil
27 from the sun, evapotranspiration and run-off. All the flower and shrub beds
28 shall be mulched to a 3" depth to help conserve water, lower the soil temperature
29 and reduce weed growth.
- g) The shrubs shall be allowed to grow in their natural forms. All landscape
improvements shall follow the City of Oceanside Guidelines.

- 1 h) Root barriers shall be installed adjacent to all paving surfaces, where a paving
2 surface is located within six feet of a trees trunk on-site (private) and within 10
3 feet of a trees trunk in the right-of-way (public). Root barriers shall extend five
4 feet in each direction from the centerline of the trunk, for a total distance of 10
5 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around
6 the tree's root ball is unacceptable.
- 7 i) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall
8 obtain Planning Division approval for these items in the conditions or application
9 stage prior to first submittal of working drawings.
- 10 j) For the planting and placement of trees and their distances from hardscape and
11 other utilities/structures the landscape plans shall follow the City of Oceanside's
12 (current) Tree Planting Distances and Spacing Standards.
- 13 k) An automatic irrigation system shall be installed to provide coverage for all
14 planting areas shown on the plan. Low precipitation equipment shall provide
15 sufficient water for plant growth with a minimum water loss due to water run-
16 off.
- 17 l) Irrigation systems shall use high quality, automatic control valves, controllers
18 and other necessary irrigation equipment. All components shall be of non-
19 corrosive material. All drip systems shall be adequately filtered and regulated
20 per the manufacturer's recommended design parameters.
- 21 m) All irrigation improvements shall follow the City of Oceanside Guidelines and
22 Water Conservation Ordinance.
- 23 n) The landscape plans shall match all plans affiliated with the project.
- 24 o) Landscape plans shall comply with Biological and/or Geotechnical reports, as
25 required, shall match the grading and improvement plans, comply with SWMP
26 Best Management Practices and meet the satisfaction of the City Engineer.
- 27 p) Existing landscaping on and adjacent to the site shall be protected in place and
28 supplemented or replaced to meet the satisfaction of the City Engineer.
- 29 54. In the event that the conceptual plans do not match the conditions of approval, the
resolution of approval shall govern.

1 **Fire:**

- 2 55. All proposed and existing fire hydrants within 400 feet of the project shall be shown on
3 the site plan. Fire hydrants and mains must be capable of supplying the required fire
4 flow as determined by the Fire Marshal.
- 5 56. Fire extinguishers are required and shall be included on the plans submitted for plan
6 check.
- 7 57. An approved fire sprinkler system must be installed throughout the building. The
8 system shall be designed per N.F.P.A. 13, and U.B.C. Standard 9-1. The sprinkler
9 system requires 24-hour supervision.
- 10 58. The developer shall supply the Fire Department with updated map and hydrant locations
11 in a digital format compatible with the Fire Department's mapping program upon
12 approval of final improvements plans.
- 13 59. Blue hydrant identification markers shall be placed as per Oceanside's Engineers Design
14 and Processing Manual Standard Drawing No. M-13.
- 15 60. All weather access roads shall be installed and made serviceable prior to and maintained
16 during time of construction.
- 17 61. A "Knox" key storage box shall be provided for all new construction.
- 18 62. In accordance with the Oceanside Fire Code Section 505, approved addresses for
19 commercial, industrial, and residential occupancies shall be placed on the structure in
20 such a position as to be plainly visible and legible from the street or roadway fronting
21 the property. Numbers shall be contrasting with their background and meet the current
22 City of Oceanside size and design standard.
- 23 63. Commercial buildings and multi-family dwellings require six-inch address numbers.
24 Industrial buildings require 12-inch address numbers. Minimum specifications are set
25 forth in Oceanside Fire Code Section 505.1, and the Fire Marshal may establish other
26 requirements as deemed necessary.
- 27 64. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
28 approval prior to the issuance of building permits.
- 29 65. All fire sprinkler systems shall be electronically monitored unless approved by the Fire
Chief (exception: one & two family dwellings).

- 1 66. Provide a horn strobe device on the exterior of the building to be activated by fire
2 sprinkler water flow.
- 3 67. Any new development that necessitates updating of emergency response maps by virtue
4 of new structures, hydrants, roadways or similar features, shall be required to provide
5 map updates in a format (PDF, GIS and/or CAD) as approved by the FAHJ or
6 compatible with current department mapping services. The Fire Department is
7 authorized to charge a reasonable fee for updating all response maps.
- 8 68. All water mains which support fire hydrants shall be looped as required by City of
9 Oceanside Engineer's Manual.

10 **Planning:**

- 11 69. The Development Plan and Conditional use Permit shall expire on November 16, 2011,
12 unless implemented in accordance with the City of Oceanside Zoning Ordinance or unless
13 a time extension is granted by the Planning Commission.
- 14 70. This Development Plan (D-2-09) and Conditional Use Permit (C-8-09) approves the
15 demolition of the gas station and service bays subject to a Demolition Permit, and only one
16 retail building totaling 13,740 square feet, one drive-thru window for pharmacy use, a tote
17 and bale enclosure, associated parking lot, and landscaping improvements as depicted on
18 the plans and exhibits presented to the Planning Commission for review and approval. No
19 deviation from these approved plans and exhibits shall occur without City Planner or
20 Planning Commission approval. Substantial deviations shall require a revision to the
21 Development Plan and Conditional Use Permit, or a new Development Plan and
22 Conditional Use Permit, as determined by the Planning Director.
- 23 71. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
24 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
25 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
26 annul an approval of the City, concerning Development Plan (D-2-09) and/or Conditional
27 Use Permit (C-8-09). The City will promptly notify the applicant of any such claim,
28 action or proceeding against the City and will cooperate fully in the defense. If the City
29 fails to promptly notify the applicant of any such claim action or proceeding or fails to
cooperate fully in the defense, the applicant shall not, thereafter, be responsible to
defend, indemnify or hold harmless the City.

- 1 72. All lighting showcasing building architecture shall be shown on the building plans.
- 2 73. The final hardscape design shall be substantially the same as shown on the Conceptual
3 Landscape Plan and is subject to review and approval by the City Planner and City
4 Engineer.
- 5 74. All mechanical rooftop and ground equipment shall be screened from public view as
6 required by the Zoning Ordinance. The roof jacks, mechanical equipment, screen and
7 vents shall be painted with non-reflective paint to match the roof. This information shall be
8 shown on the building plans.
- 9 75. A letter of clearance from the affected school district in which the property is located
10 shall be provided as required by City policy at the time building permits are issued.
- 11 76. The tote and bale storage area is required to be enclosed on all sides and treated to
12 substantial match the buildings architecture. It shall provide and designate adequate
13 space for the storage of totes, cardboard bales, and the general trash bin. At no time
14 shall the totes, cardboard bales, or the general trash bin be stored outside of the tote and
15 bale storage area.
- 16 77. Recycling Services: OCC 13.16(h), the requirement to separate all recyclable material
17 from solid waste for separate collection.
- 18 78. Green Waste Services: The separation of all green waste from solid waste using the
19 approved city collection service and the collection of the material in compliance with
20 standards as identified in the city code, if green waste is to be collected by the tenant.
- 21 79. A covenant or other recordable document approved by the City Attorney shall be prepared
22 by the developer and recorded prior to issuance of building permits. The covenant shall
23 provide that the property is subject to this resolution, and shall generally list the conditions
24 of approval.
- 25 80. Prior to the issuance of building permits, compliance with the applicable provisions of the
26 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed
27 and approved by the Planning Division. These requirements, including the obligation to
28 remove or cover with matching paint all graffiti within 24 hours, shall be noted on the
29 Landscape Plan and shall be recorded in the form of a covenant affecting the subject
property.

- 1 81. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
2 written copy of the applications, staff report and resolutions for the project to the new
3 owner and or operator. This notification's provision shall run with the life of the project
4 and shall be recorded as a covenant on the property.
- 5 82. Failure to meet any conditions of approval for this development shall constitute a violation
6 of the Development Plan and Conditional Use Permit.
- 7 83. The Pharmacy hours-of-operation shall be limited from 6:00 a.m. to 12 a.m., seven (7) days
8 a week. The hours-of-operation shall be reviewed and may be limited by the Planning
9 Commission when valid issues or complaints pertaining to code violations arise and are
10 validated by the Code Enforcement Officer.
- 11 84. The developer's construction of all fencing and walls associated with the project shall be in
12 conformance with the approved Development Plan. Minor revisions are subject to review
13 and approval by the City Planner. Any substantial change in any aspect of fencing or wall
14 design from the approved Development Plan shall require a revision to the Development
15 Plan or a new Development Plan, as determined by the City Planner.
- 16 85. Unless expressly waived, all current zoning standards and City ordinances and policies in
17 effect at the time building permits are issued are required to be met by this project. The
18 approval of this project constitutes the applicant's agreement with all statements in the
19 Description and Justification Plan and other materials and information submitted with this
20 application, unless specifically waived by an adopted condition of approval.
- 21 86. The applicant, tenants, or successors in interest shall comply with the City's business
22 license requirements as necessary.
- 23 87. Elevations, siding materials, colors, roofing materials and floor plans shall be
24 substantially the same as those approved by the Planning Commission. These shall be
25 shown on plans submitted to the Building Division and Planning Division for permit
26 plan check, and prior to issuance of any building permit.
- 27 88. No project signage is approved with this application. All project signage shall be subject
28 to a separate sign permit and be in compliance with Article 33, Signs, of the Zoning
29 Ordinance.

Water Utilities:

89. 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.

90. The property owner shall maintain private water and wastewater utilities located on private property.

91. All Water and Wastewater construction shall conform to the most recent edition of the Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by the Water Utilities Director.

92. All public water and/or sewer facilities not located within the public right-of-way shall be provided with easements sized according to the Water, Sewer, and Reclaimed Water Design and Construction Manual. Easements shall be constructed for all weather access.

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

94. All lots with a finish pad elevation located below the elevation of the next upstream manhole cover of the public sewer shall be protected from backflow of sewage by installing and maintaining an approved type backwater valve, per the Uniform Plumbing Code (U.P.C.).

95. An Inspection Manhole, described by the Water, Sewer, and Reclaimed Water Design and Construction Manual, shall be installed in each building sewer lateral and the location shall be called out on the approved Improvement Plans.

//////////

//////////

//////////

//////////

//////////

//////////

//////////

//////////

//////////

1 96. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
2 be paid to the City and collected by the Water Utilities Department at the time of Building
3 Permit issuance.

4 PASSED AND ADOPTED Resolution No. 2009-P50 on November 16, 2009 by the
5 following vote, to wit:

6 AYES:

7 NAYS:

8 ABSENT:

9 ABSTAIN:

10 _____
11 Claudia Troisi, Chairperson
12 Oceanside Planning Commission

13 ATTEST:

14 _____
15 Jerry Hittleman, Secretary

16 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
17 this is a true and correct copy of Resolution No. 2009-P50.

18 Dated: November 16, 2009



Kimley-Horn
and Associates, Inc.

AUG 20 2009

■
Suite 600
401 B Street
San Diego, California
92101

Memorandum

Planning Department

To: Dillon Tidwell
Tatum College & Oceanside, LLC

From: Jon M. Collins, P.E.
Kimley-Horn and Associates

Date: July 9, 2009

Subject: Replace Existing Conco Gas Station with new Retail Pharmacy with drive-thru

The existing 76 Conco gas station is located on the southwest corner of Oceanside Boulevard and College Boulevard. The gas station currently has ten fueling stations and generates 1,500 daily trips per San Diego Association of Governments (SANDAG) trip generation rates.

The proposed project would replace the existing gas station with a new Retail Pharmacy with a drive-thru. **Figure 1** shows the proposed site plan of the Retail Pharmacy. The Retail Pharmacy is proposed to construct a 10,873 square foot building with a 3,000 square foot basement for storage of supplies. In order to be conservative, the square footage of the basement is included in the overall square footage in the trip generation analysis, resulting in an overall building square footage of 13,873 square feet. **Table 1** shows the trip generation for the proposed and existing land uses. With the proposed project, then numbers of daily, a.m., and p.m. peak hour trips are reduced when comparing the proposed use to the existing use. Daily Trips are reduced by over 250 trips. Combined a.m. in/out peak hour trips are reduced by 55 trips and combined p.m. in/out peak hour trips are reduced by ten trips. The analysis also does not account for the potential reduction associated with eliminating the service station component of the gas station. In order to be conservative, trip credits for the service component were also not assumed as it is unclear if those we assume in the overall trip generation rates for the older service station. The overall reduction in trips associated with the new Retail Pharmacy may be lower than indicated.



As there is a reduction in the number of trips generated by the site, a traffic study is not required for approval of the Retail Pharmacy.

Although trip generation rates for SANDAG are to be used throughout the San Diego region, trip generation rates using standard *Institute of Transportation Engineers (ITE) Trip Generation Rates* were also reviewed to determine if there would be an increase in trips associated with the new project. Using ITE rates would result in a slightly larger reduction in overall trips as the ITE gas station rate is slightly higher than the SANDAG rate. Thus, to be conservative the SANDAG rate was used in the trip generation analysis.

Should you have any questions on this analysis, please contact me at 619.744.0121.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in black ink that reads "Jon M. Collins".

Jon M. Collins, P.E.
Project Manager, RCE #62090

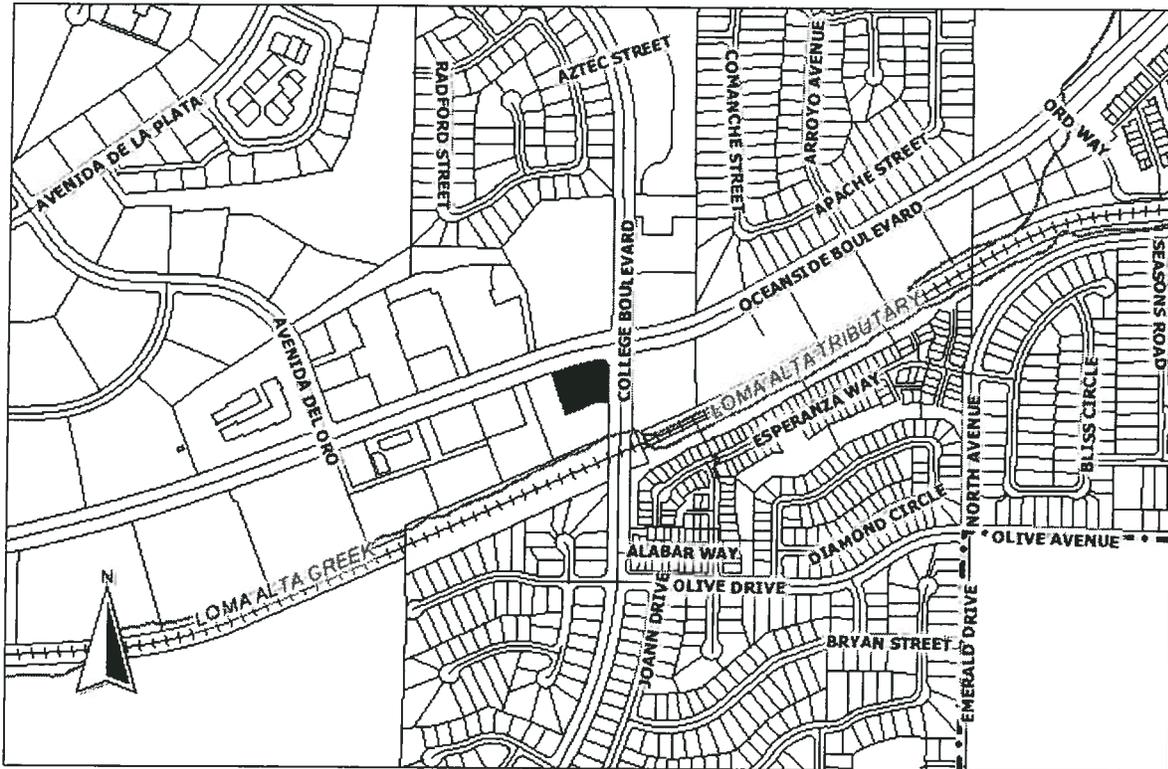
Attachments: Figures 1, Table 1

K:\SND_TPTO\095730001\Retail Pharmacy Traffic Generation Memo.doc

TABLE 1
TRIP GENERATION SUMMARY

Land Use	Land Use as listed in SANDAG	Units ¹	Trip Rate ²	Daily Trips ³			AM Peak-Hour			PM Peak-Hour			
				Units ¹	Trip Rate ²	Driveaway Trips	% of ADT ²	In	Out	Total	% of ADT ²	In:Out Ratio ³	In
<i>Proposed</i>													
Retail Pharmacy with Drive-thru window		14 ksf	90 / ksf	1,249	4%	30	20	50	10%	5.00 : 5.00	62	63	125
Proposed Total				1,249		30	20	50			62	63	125
<i>Existing</i>													
Conoco	Older Service Station Design	10 vfs	150 / vfs	1,500	7%	53	52	105	9%	5.00 : 5.00	68	67	135
Existing Total				1,500		53	52	105			68	67	135
NET TRIP GENERATION =				-251		-23	-32	-55			-6	-4	-10

Note:
1. KSF = Thousand square feet
2. Trip rates referenced from the Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, SANDAG, April 2002
3. Driveaway trips are the total number of trips generated by a site.



File Number: D-2-09, C-8-09

Applicant: Tatum College & Oceanside, LLC

Description:

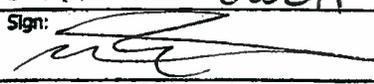
Consideration of a Development Plan (D-2-09) and Conditional Use Permit (C-8-09) for the demolition of an existing gas station and construction of a 13,654-square foot retail building offering pharmacy services, with a drive-thru window, located at 4181 Oceanside Boulevard. The project site is within an existing shopping center, is zoned General Commercial (CG), and is situated within the Ivy Ranch/Rancho Del Oro Neighborhood. – **WALGREENS**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

City of Oceanside, Planning Division
300 N. Coast Highway
Oceanside, CA 92054 (760) 435-3520

4181 Oceanside Blvd De

 <p>Application for Public Hearing Community Development Department / Planning Division (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885</p>			STAFF USE ONLY	
			ACCEPTED	BY
			8/20/09	SNL
			AUG 20 2009	
			Planning Department	
Please Print or Type All Information			HEARING	
PART I - APPLICANT INFORMATION			GPA	
1. APPLICANT		2. STATUS		MASTER/SP.PLAN
Tatum College & Oceanside LLC Developer				ZONE CH.
3. ADDRESS FT COLLINS, CO 80525		4. PHONE/FAX/E-mail 970 282 1038 -P		TENT. MAP
3500 John F Kennedy Pkwy #203		970 282 3710 -F		PAR. MAP
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)			DEV. PL	
Dillon Tidwell dtidwell@tatumre.com			D-2-09	
6. ADDRESS		7. PHONE/FAX/E-mail		C.U.P.
Same				2-8-09
PART II - PROPERTY DESCRIPTION			VARIANCE	
8. LOCATION			COASTAL	
4181 Oceanside Blvd			O.H.P.A.C.	
9. SIZE				
1.19 acres				
10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER	
GC	CG	Gas & Service Station	162-241-18	
PART III - PROJECT DESCRIPTION				
14. GENERAL PROJECT DESCRIPTION				
See attached Project Description				
15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY
GC	CG	Pharmacy/Retail		
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE or FAR	
13,740	41 w/ access to del Dec	28%	21%	
PART IV - ATTACHMENTS				
<input checked="" type="checkbox"/>	24. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/>	25. LEGAL DESCRIPTION	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	26. TITLE REPORT	<input checked="" type="checkbox"/>	27. NOTIFICATION MAP & LABELS	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	28. ENVIRONMENTAL INFO FORM	<input checked="" type="checkbox"/>	29. PLOT PLANS	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	30. FLOOR PLANS AND ELEVATIONS	<input checked="" type="checkbox"/>	31. CERTIFICATION OF POSTING	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	32. OTHER (See attachment for required reports)			
PART V - SIGNATURES				
33. APPLICANT OR REPRESENTATIVE (Print):		34. DATE	SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).	
Dillon Tidwell		8/20/09		
Sign: 		35. OWNER (Print)	36. DATE	
		Conoco Phillips / Al Rancho Company Inc.	8/13/09	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		Sign: 		

CHRIS HARRISON

PROJECT DESCRIPTION

Retail Pharmacy
4181 Oceanside Blvd

This Project proposes a Development Plan to allow the construction of a building for the operation of a retail establishment offering pharmacy services. The proposed building is seeking a permit to allow a drive up window for the sole use of pharmacy product transactions. The proposed project is to be located at the southwest corner of College Avenue & Oceanside Boulevard in Oceanside. The project site is in the CG zone. The site consists of a 51,836 s.f. parcel. Proposed vehicular access to the site will be from the existing driveway from Oceanside Boulevard and through the adjacent shopping center known as Del Oro Marketplace. The Property benefits from reciprocal access and parking between the Property and Del Oro Marketplace, therefore, the commercial center provides off-street parking that meets or exceeds the ratio of 1/250. The site slopes approximately 2 percent from north to south and consists of a 3,000 square foot Conoco Service Station with 8 fuel stations, associated parking and landscaping. Vegetation consists of various trees, shrubs and ground cover. No right of way improvements are proposed with this development. The proposed Pharmacy structure is a 13,654 s.f. retail building including basement storage with 10,874 s.f. on the ground floor for retail / pharmacy sales and 2,780 s.f. for storage and service in the basement. The building will be designed to incorporate a tower structure with window over the building entrance, window features at the building facing Oceanside Boulevard, standing seam metal awnings over the windows and tower roofs, split-face block at the building base and the wall panes will be finished with stucco and EIFS cornice treatments to provide changes to the horizontal and vertical dimensions. The material colors used on the building will be consistent with the Del Oro Marketplace. The roof top equipment will be screened by the parapet to eliminate their view from outside the property; no roof top equipment will be placed on the second floor. The project is not requesting any variances.

The site is surrounded by commercial development to the west, Oceanside Boulevard R.O.W. to the north; College Avenue R.O.W. to the east, with commercial development on the opposite edges of both R.O.W., and a flood control ditch/transit railway to the south.

Refuse storage will be accomplished through the use of a compactor receptacle screened behind steel gates. A baler internal to the building will be used to compact recyclables. To address concerns by staff regarding outside storage of baled items the tote enclosure has been enlarged to store bales awaiting pick up.

Building signage is proposed to be channel letter, red in color and internally illuminated. Freestanding signage is proposed as brick base monument signs with panels for the use of the Pharmacy on each sign. The sign will be located along Oceanside Boulevard.

The parking and access drives will be constructed of asphalt; while the loading area will be sections of heavy duty asphalt & concrete. Storm water shall sheet flow across the site to focus drainage to the landscape areas in the parking islands and on the south of the property, storm water will filter through these landscape areas and eventually discharge into the storm sewer system along College Avenue.

Access to the property through Del Oro Marketplace will be accomplished by cross access documented as a part of the lease for the Property. Parking, access, signage and maintenance of the same will be governed by the REA.

Operating Characteristics

It is intended that Pharmacy will be open 7-days a week; with operating hours during from 8 AM to 10 PM. The Pharmacy will employ a registered pharmacist and approximately 25 people from the immediate area. Deliveries come to the loading area along the east side of the building and are immediately placed inside the service/stock area of the store. Deliveries consist of one arrival from the regional distribution facility once a week, and miscellaneous deliveries from local vendors periodically throughout each week in small service trucks. It is intended that loading and unloading of deliveries will occur during the early morning hours to ensure there are no vehicular conflicts with the drive thru area.

OCT 19 2009

Planning Division

EXPLANATION OF REFUSE / RECYCLE ENCLOSURES

Retail Pharmacy
4181 Oceanside Boulevard

The refuse and recycling enclosures for the proposed retail pharmacy are organized as follows:

Totes:

The bulk of deliveries for store are received in plastic, reusable "totes". The totes are filled at the distribution facility with the items ordered from the store in the quantity needed since often a full case / carton of a particular item is not required.

The empty totes are stored in a covered, enclosed "Tote & Bale Enclosure" (noted on the Floor Plan) and are picked up by the next delivery truck.

Cardboard:

Inside of the Receiving room is a Baler which crushes cardboard from items not delivered in totes. The baled cardboard is also stored in the "Tote & Bale Enclosure" for pick-up by a recycling company.

General Trash:

Trash other than the reusable totes and the recycled cardboard is placed in the compactor. It is accessed via a chute from the inside of the Receiving area. The compacted trash is placed in a 8 yard bin for pick-up by the trash company. The 8 yard bin is screened within the loading area behind steel gates.

While the layout of the enclosures is different from that shown on the City supplied Enclosure Details, the intent and outcome are the same.

**PHARMACY
USE PERMIT
STATEMENT OF JUSTIFICATION –DRIVE THRU
Retail Pharmacy
4181 Oceanside Boulevard**

Pursuant to Zoning Ordinance 4105 this letter is to address the request for a Conditional Use Permit to allow the operation of a single-lane vehicular drive thru in association with a Pharmacy.

1. The location, size, design or operating characteristics of the proposed project will not be incompatible with and will not adversely affect and will not be material detrimental to adjacent uses, residences, buildings, structures or natural resources as the project is self contained within the proposed parcel and utilizes existing vehicular access points. Additionally:
 - a. The site plan and physical design of the project as proposed is consistent with the purposes of the Zoning Ordinance. The project is consistent with the design of other developments in the CG zone district.
 - b. The proposed location and operation of the Pharmacy is consistent with the General Plan and the GC designation. The existing public utilities, public facilities and public services are adequate to support the development plan. The proposed project utilizes existing utility capacities and vehicular access. The Average Daily Traffic will decrease when compared to the Conoco Service station that exists today. The proposed use will not adversely impact adjacent uses. The project improvements will better facilitate vehicular cross traffic with the Del Oro Marketplace. Storm water quality will be enhanced through the site design and incorporation of City of Oceanside BMP's. The proposed development is governed by a shared parking arrangement with the Del Oro Marketplace.
 - c. The Site Plan and physical design is consistent with the policies and requirements of the zoning ordinance. The project utilizes the existing topography of the commercial center and the project design is consistent with similar projects with the same land use designation. Upon determination of any specific conditions related to the Conditional Use Permit for this project a conclusion can be reached to affirm those conditions.
2. The impacts of the proposed project will not adversely affect the policies of the Oceanside General Plan or the provisions of the code.
3. The project complies with all other regulations, conditions or policies imposed by the Code.
4. No variances are proposed with the proposed Development Plan.

DEVELOPMENT PLAN
STATEMENT OF JUSTIFICATION
Retail Pharmacy Building
4181 Oceanside Boulevard

Pursuant to Zoning Ordinance 4306 this letter is to address the request for a Development Plan.

- (a) The site plan and physical design of the project as proposed is consistent with the underlying requirements of the zoning ordinance. As part of the Development Plan a dedication to College Avenue will be given by the property to meet the requirements of the Circulation Element designation of a Major Arterial. The site design, storm water design and building setbacks conform to the stated requirements of the Zoning Ordinance and the Best Management Practices of the Engineering Department.
- (b) The Development Plan as proposed conforms to the General Plan with the dedication to College Avenue. The project complies with all other regulations, conditions or policies imposed by the Code. No variances are proposed with the proposed Development Plan.
- (c) The area covered by the Development Plan can be adequately and conveniently served by the existing public services, utilities and public facilities. The existing Conoco gas station is already served by the requisite utilities and these services will only be modified to relocate the services to the new building location. All public services and facilities will be in place as no improvements to the right of way or relocations of existing driveways are contemplated under this development plan.
- (d) The adjoining properties and surrounding neighborhoods are built – out. The proposed project is within a commercial center at a commercial intersection. The use proposed is compatible with the services offered in the shopping center and is typical of a major intersection.
- (e) The site plan and physical design of the project is consistent with the policies contained within Section 1.24 and 1.25 of the Land Use Element of the General Plan and Section 3039 of this ordinance. The location and design of the proposed project is within a developed area and is not modifying undeveloped land or adding noticeable modification to the topography. The development of this project does not affect a hillside.

WALGREENS @ 4181 OCEANSIDE BOULEVARD

(D-2-09; C-8-09)

LEGAL DESCRIPTION

PARCEL 1 OF PARCEL MAP NO. 15456, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 15, 1988 AS FILE NO. 88-587281 OF OFFICIAL RECORDS.



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: November ##,
2009
Removal Date:

1. **APPLICANT:** Tatum College & Oceanside, LLC
2. **ADDRESS:** 3500 John F. Kennedy Parkway, Fort Collins CO 80525
3. **PHONE NUMBER:** (970) 282-1038
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Richard Greenbauer, Senior Planner
6. **PROJECT TITLE:** Walgreens @ 4181 Oceanside Boulevard (D-2-09, C-8-09)
7. **DESCRIPTION:** The application is for the demolition of an existing gas station and service bays to accommodate a Development Plan (D-2-09) and Conditional Use Permit (C-8-09) for the construction of a 13,740 square foot retail building offering pharmacy services, with a drive-thru window, and associated amenities located at 4181 Oceanside Boulevard. The project site is within the existing Del Oro Marketplace shopping center, has a General Plan land use designation of General Commercial (GC), is zoned Commercial General (CG), and is situated within the Ivey Ranch/Rancho Del Oro Neighborhood Planning Area.

ADMINISTRATIVE DETERMINATION: Planning Department 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 that review, staff finds that the proposed project constitutes an in-fill development project as defined by CEQA. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- "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 _____, <name> (Sections 15260-15277); or,
- The project is categorically exempt, Class 32, "In-fill Development Project" (Section 15332 In-fill Development Project; or,**
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Jerry Hittleman, City Planner

Date:

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