DATE: November 3, 2008

TO: Chairperson and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A DEVELOPMENT PLAN (D-28-06), REVISION TO CONDITIONAL USE PERMIT (C-30-02REV06) AND A REVISION TO REGULAR COASTAL PERMIT (RC-15-02REV06) TO PERMIT THE CONSTRUCTION OF A 1,800-SQUARE FOOT COMMERCIAL ADDITION TO AN EXISTING 2,090-SQUARE FOOT RETAIL BUILDING LOCATED AT 1227 VISTA WAY – AMAZON BIKES REMODEL – APPLICANT: AMAZON BIKES**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

1. Confirm issuance of a Class 1, Categorical Exemption "Existing Facilities"; and

2. Adopt Planning Commission Resolution No. 2008-P64 approving Development Plan (D-28-06), Conditional Use Permit (C-30-02REV06) and Regular Coastal Permit (RC-15-02REV06) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: This site was originally developed with a 2,090-square foot service station in 1970. Today the current tenant known as the Amazon Bicycle retail sales is occupying the existing 2,090-square foot commercial retail building.

On February 10, 2003 a Conditional Use Permit (C-30-02) and Regular Coastal Permit (RC-15-02) was approved to allow a bicycle retail use known as Amazon Bikes to occupy an existing building that was previously used for a service station. This approval allowed for minor renovations to the site, such as removal of the gas station canopy, re-striping of the parking lot, and material changes to the existing building.

Site Review: This commercial retail site is located at the south west corner of the interchange for Highway 78 and Interstate 5 within the South Oceanside Neighborhood. The site is approximately 0.57 acres and exists with a 2,090-square foot bicycle retail store known as the Amazon Bikes. The project site has an underlying General Plan land use designation Special Commercial (SC), a Zoning Designation of Visitor Commercial (CV), and is situated within the non appealable area of the coastal zone.

Surrounding uses include a commercial restaurant known as the Hunter Steak House to the south west, residential single-family homes to the north, Interstate 5 to the east, and the Buena Vista Lagoon to the south. Access to the site is provided via the two driveways of which are located on Vista Way. A total of 20 parking spaces are available throughout the site, and an additional eight spaces are available through a reciprocal agreement with the Hunter Steak House, and located along the rear of the Amazon Bike building.

Project Description: The project application is comprised of three components; Development Plan for the retail center (D-28-06), a Revision to Conditional Use Permit (C-30-02REV06), and a Revision to Regular Coastal Permit (RC-15-02REV06) as follows:

Development Plan (D-28-06) represents a request for the following: To construct a 1,800-square foot two-story addition to an existing 2,090-square foot commercial retail building (Amazon Bikes) and associated site improvements.

The applicant proposes to construct a two-story addition to the existing Amazon Bike retail building. All additions to the existing building will enhance the property and would be similar in materials, colors, and designs to the existing building. The applicant proposes use of a "Mediterranean" architectural design, colors, materials and details in order to complement the neighborhood and the existing building's architecture. This 1,800-square foot addition would allow the property owner an ample amount of square footage to conduct business in a comfortable manner, and meet the high demands for storage of bicycle sales.

Conditional Use Permit Revision (C-30-02REV06) represents a request for the following: To revise the existing Conditional Use Permit to allow small scale retail sales of Bicycles within Visitor Commercial zones as per the Oceanside Zoning Ordinance.

Regular Coastal Permit Revision (RC-15-02REV06) represents a request for the following: A Regular Coastal Permit is required because the project is situated within the Coastal Zone "non-appeal jurisdiction," and any modifications to the project's original approval requires review for consistency with the Local Coastal Program (LCP).

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

1. Zoning Ordinance
2. General Plan Land Use Element
3. Coastal Act/ Local Coastal program
4. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. Zoning Compliance

This project is located in the Visitor Commercial District (CV). The development will meet all the provision of the Zoning Ordinance in parking requirements, setbacks and all development regulations.

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

	ZONING REQUIREMENTS	PROPOSED
MINIMUM LOT SIZE	0.23 Acres	Approximately 0.57 Acres (Existing)
OFF-STREET PARKING	20	20 stall, plus 8 additional reciprocal
FRONT YARD	15-feet	78-feet
SIDE YARD	0-feet	100+ feet (Existing)
REAR YARD	0-feet	100+ feet (Existing)
HEIGHT	50-ft (OZO), 35-ft (LCP)	27.4 feet
MINIMUM LANDSCAPING	8%	8%

The proposed project meets the applicable requirements of the zoning ordinance and the project as proposed is compatible with existing and potential commercial uses in the neighborhood.

2. General Plan conformance

The General Plan Land Use Map designation on the subject property is SC (Special Commercial). 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

Goal 1.23: Architecture

Objective: The architectural quality of all proposed projects shall enhance neighborhood and community values and City image.

Policy: B: Structures shall work in harmony with landscaping and adjacent urban and/or topographic form to create an attractive line, dimension, scale, and/or pattern.

The "Mediterranean" architectural design for the Amazon Bike building features details, colors and materials consistent with similar newly constructed developments throughout the City of Oceanside. The stucco wall features, decorated slate veneer, Spanish mansard tiles, and new double paned windows will provide enhancement to the property, as well provide elements that shall provide a positive physical image that the existing structure. The quality of the project design will enhance the image of the site and will complement adjacent existing development.

3. Land Use Compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	SC (Special Commercial)	CV (Visitor Commercial)	Commercial Amazon Bikes
North of Subject Property	SFD-R (Single Family Dwelling-Residential)	RS (Single Family Residential)	Single Family
East of Subject Property:	OS (Open Space)	OS (Open Space)	Interstate 5
South of Subject Property:	OS (Open Space)	OS (Open Space)	Interstate 5 and the Buena Vista Lagoon
West of Subject Property:	SC (Special Commercial)	CV (Visitor Commercial)	Hunter Steak House

The proposed land use is consistent with the General Plan and Zoning Ordinance designations applicable to the project site. Due to the location, limited operational characteristics of the retail use, and the fact that the existing commercial building is in close proximity to residential uses, staff thoroughly analyzed the proposed project to assure that the residential uses would not receive additional impacts to the area. Staff reviewed the project for impacts to the surrounding neighbors in terms of visual impacts, parking, and traffic. Staff revealed that since the project has limited hours-of-operation and is not directly creating any physical constraints to adjoining properties, the proposed addition will not negatively impact any surrounding developments.

4. **Local Coastal Program compliance**

The proposed project is within a non-appealable portion of the Coastal Zone. The following objectives and policies of the LCP apply to the project:

Section VI: Visual Resources and Special Communities Policy 8. of the LCP The City shall ensure that all new development is compatible in height, scale, color, and form with the surrounding neighborhood.
Objective: The City shall, through its land use and public works decisions, seek to protect, enhance, and restore visual quality of the urban environment.
Policy 8: The City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood.
Policy 11: The City shall encourage variety, creativity, and site-responsive design for all new development.

The proposed project is within the non-appealable portion of the Coastal Zone, and is compatible in color and building type with the similar commercial properties within the neighborhood, and would provide an upgrade in design to the existing project site. The proposed height of 27 feet 4 inches is under the maximum height requirement of 35 feet and will not negatively alter the physical health and safety of the surrounding properties.

DISCUSSION

Issue: The project site is located within a commercially zoned parcel in need of improvements that can support and generate activity to the area. Additions to the Amazon Bike retail store would positively enhance the property, and provide the required space for the existing tenant.

Recommendation: The project is proposed within an established area of the City on a site that possesses adequate infrastructure and services to accommodate the proposed use. The Amazon Bike's architectural design will be consistent and will compliment the property as well as the neighboring commercial property. The proposed development and land use, as conditioned, will meet or exceed minimum setback, landscaping and parking requirements.

ENVIRONMENTAL DETERMINATION

The proposed project is categorical exempt from the provisions of the California Environmental Quality Act (CEQA) as per Article 19 Section 15301(e)"Existing Facilities."

PUBLIC NOTIFICATION

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/organizations requesting notification, applicant and their representative, and interested parties. As of October 28, 2008, no communication supporting or opposing the request has been received.

SUMMARY

Staff finds that the proposed use and building improvements, as modified by recommended conditions of project approval, will complement existing and proposed land uses within the neighborhood, serve the residents in the immediate area and will be in compliance with applicable Zoning Ordinance development standards.

Staff believes that the necessary findings in support of the Development Plan, Revision to Conditional Use Permit and Revision to the Regular Coastal Permit can be met. Therefore, staff recommends that the Planning Commission approve the project. The Planning Commission's action should be:

(1) Confirm issuance of a Class 1, Categorical Exemption "Existing Facilities";

(2) Adopt Planning Commission Resolution No. 2008-P64 approving the Development Plan (D-28-06), Revision to Conditional Use Permit (C-30-02REV06) and Revision to Regular Coastal Permit (RC-15-02REV06) with findings and conditions of approval attached herein.

PREPARED BY:

Scott Nightingale
Planner II

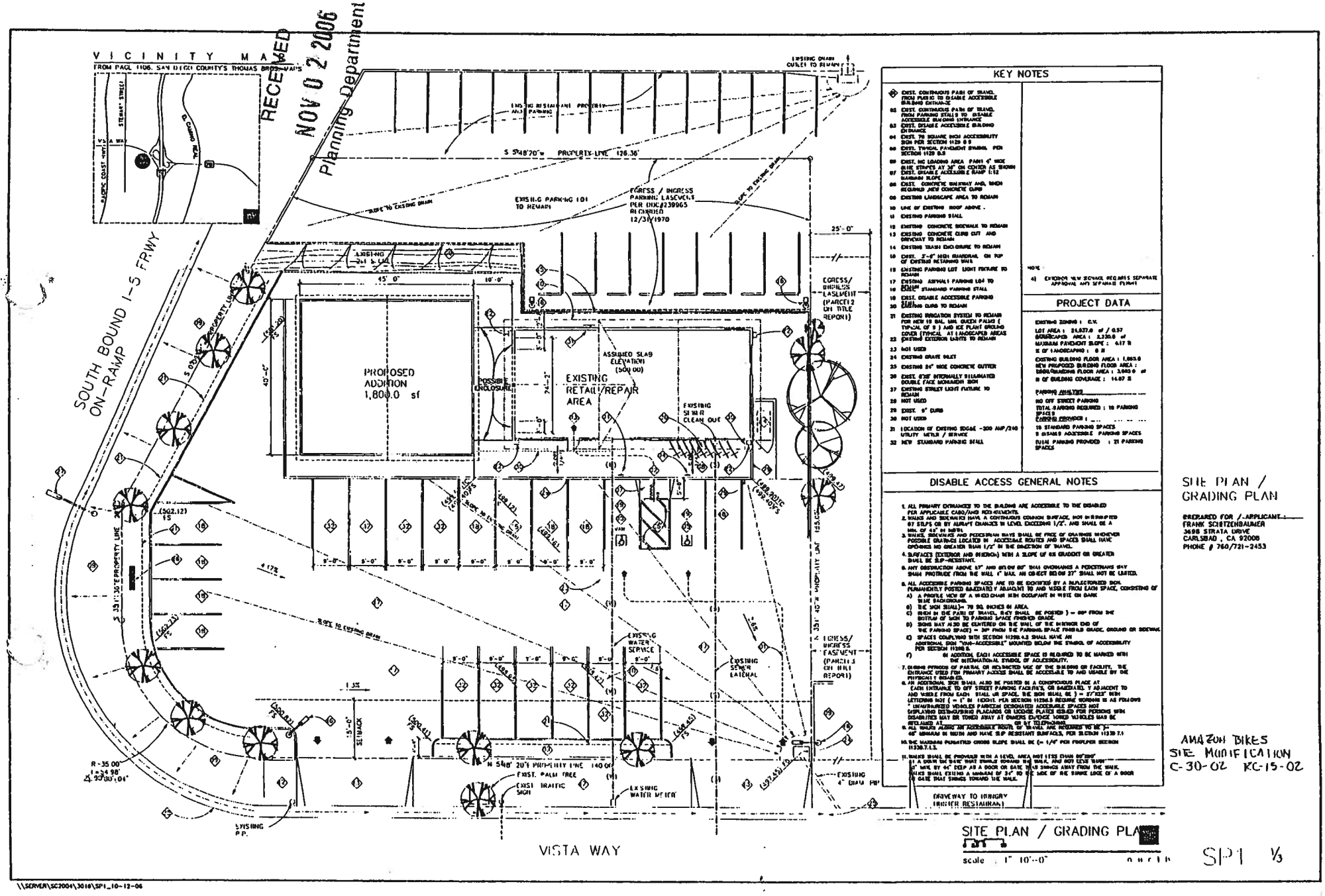
SUBMITTED BY:

Jerry Hittleman
City Planner

REVIEWED BY:
Richard Greenbauer, Senior Planner

JH/SN/fil

Attachments:
1. Site plan, floor plan and elevations
2. Planning Commission Resolution No. 2008-P64
3. Planning Commission Resolution No. 2003-P07
4. Planning Commission Staff Report dated February 10, 2003



KEY NOTES

1. DIST. CONTINUOUS PATH OF TRAVEL FROM PUBLIC TO DISABLE ACCESSIBLE BUILDING ENTRANCE
2. DIST. CONTINUOUS PATH OF TRAVEL FROM PARKING STALL TO DISABLE ACCESSIBLE BUILDING ENTRANCE
3. DIST. DISABLE ACCESSIBLE BUILDING ENTRANCE
4. DIST. 70 SQUARE INCH ACCESSIBILITY SIGN PER SECTION 1129 B 8
5. DIST. TYPICAL PAVEMENT STRIPING, PER SECTION 1129 B.8
6. DIST. NO LOADING AREA PAINT 6" WIDE BLUE STRIPES AT 36" ON CENTER AS SHOWN
7. DIST. DISABLE ACCESSIBLE RAMP 1:12 MAXIMUM SLOPE
8. DIST. CONCRETE WALKWAY AND, SIGN REQUIRED ARE/Y CONCRETE CURB
9. EXISTING LANDSCAPE AREA TO REMAIN
10. LINE OF EXISTING ROOF ABOVE .
11. EXISTING PARKING STALL
12. EXISTING CONCRETE SIDEWALK TO REMAIN
13. EXISTING CONCRETE CURB CUT AND DRIVEWAY TO REMAIN
14. EXISTING TRASH ENCLOSURE TO REMAIN
15. DIST. 3'-6" HIGH GUARDRAIL ON TOP OF EXISTING RETAINING WALL
16. EXISTING PARKING LOT LIGHT FIXTURE TO REMAIN
17. EXISTING ASPHALT PARKING LOT TO REMAIN
18. NEW STANDARD PARKING STALL
19. DIST. DISABLE ACCESSIBLE PARKING STALL
20. EXISTING CURB TO REMAIN
21. EXISTING IRRIGATION SYSTEM TO REMAIN FOR NEW 10 GAL SAN GUKEN PALMS (TYPICAL OF 5) AND ICE PLANT GROUND COVER (TYPICAL AT LANDSCAPED AREAS
22. EXISTING EXTERIOR LIGHTS TO REMAIN
23. NOT USED
24. EXISTING GRAVE INLET
25. EXISTING 24" WIDE CONCRETE GUTTER
26. DIST. 6'X8' INTERNALLY ILLUMINATED DOUBLE FACE MONUMENT SIGN
27. EXISTING STREET LIGHT FIXTURE TO REMAIN
28. NOT USED
29. DIST. 6" CURB
30. NOT USED
31. LOCATION OF EXISTING EDISON -200 AMP/240 UTILITY METER / SERVICE
32. NEW STANDARD PARKING STALL

NOTE
4) EXTERIOR NEW SIGNAGE REQUIRES SEPARATE APPROVAL AND SEPARATE PERMIT

PROJECT DATA

EXISTING ZONING : C-V.

LOT AREA : 24,837.0 sf / 0.57 acres
LANDSCAPED AREA : 2,238.0 sf
MAXIMUM PAVEMENT SLOPE : 4.17 %
% OF LANDSCAPING : 9.0

EXISTING BUILDING FLOOR AREA : 1,883.0
NEW PROPOSED BUILDING FLOOR AREA : 1800/BUILDING FLOOR AREA : 3,683.0 sf
% OF BUILDING COVERAGE : 14.87 %

PARKING ANALYSIS

NO OFF STREET PARKING
TOTAL PARKING REQUIRED : 10 PARKING SPACES
PARKING PROVIDED : ... ...
10 STANDARD PARKING SPACES
0 DISABLE ACCESSIBLE PARKING SPACES
TOTAL PARKING PROVIDED : 21 PARKING SPACES

DISABLE ACCESS GENERAL NOTES

1. ALL PRIMARY ENTRANCES TO THE BUILDING ARE ACCESSIBLE TO THE DISABLED PER APPLICABLE CABO/ANSI A117-1 PROVISIONS.
2. WALKS AND SIDEWALKS HAVE A CONTINUOUS COMMON SURFACE, NOT INTERRUPTED BY STEPS OR BY ABRUPT CHANGES IN LEVEL EXCEEDING 1/2", AND SHALL BE A MIN. OF 48" IN WIDTH.
3. WALKS, SIDEWALKS AND PEDESTRIAN WAYS SHALL BE FREE OF GRATINGS WHENEVER POSSIBLE GRATINGS LOCATED IN ACCESSIBLE ROUTES AND SPACES SHALL HAVE OPENINGS NO GREATER THAN 1/2" IN THE DIRECTION OF TRAVEL.
4. SURFACES (EXTERIOR AND INTERIOR) WITH A SLOPE OF 6% GRADIENT OR GREATER SHALL BE SLIP-RESISTANT.
5. ANY OBSTRUCTION ABOVE 27" AND BELOW 80" THAT ENCROACHES A PEDESTRIANS WAY SHALL PROTRUDE FROM THE WALL 4" MAX. AN OBJECT BELOW 27" SHALL NOT BE LIMITED.
6. ALL ACCESSIBLE PARKING SPACES ARE TO BE IDENTIFIED BY A RULE/FORMED SIGN, PERMANENTLY POSTED BACKBOARD V ATTACHED TO AND VISIBLE FROM EACH SPACE, CONSISTING OF
   a) A PROFILE VIEW OF A WHEELCHAIR WITH OCCUPANT IN WHITE ON DARK BLUE BACKGROUND.
   b) THE SIGN SHALL BE 70 SQ. INCHES IN AREA.
   c) SIGN IN THE PATH OF TRAVEL, IT SHALL BE POSTED) – 60" FROM THE BOTTOM OF SIGN TO PARKING SPACE FINISHED GRADE.
   d) SIGNS MAY ALSO BE CENTERED ON THE WALL OF THE INTERIOR END OF THE PARKING SPACE) – 36" FROM THE PARKING SPACE FINISHED GRADE, GROUND OR SIDEWALK.
   e) SPACES COMPLYING WITH SECTION 1129B.4.3 SHALL HAVE AN ADDITIONAL SIGN "VAN-ACCESSIBLE" MOUNTED BELOW THE SYMBOL OF ACCESSIBILITY PER SECTION 1129B.5.
   f) AN ADDITIONAL EACH ACCESSIBLE SPACE IS REQUIRED TO BE MARKED WITH THE INTERNATIONAL SYMBOL OF ACCESSIBILITY.
7. DURING PERIODS OF PARTIAL OR RESTRICTED USE OF THE BUILDING OR FACILITY, THE ENTRANCE USED FOR PRIMARY ACCESS SHALL BE ACCESSIBLE TO AND USABLE BY THE PHYSICALLY DISABLED.
8. AN ADDITIONAL SIGN SHALL ALSO BE POSTED IN A CONSPICUOUS PLACE AT EACH ENTRANCE TO OFF STREET PARKING FACILITIES, OR BACKABEL V ADJACENT TO AND VISIBLE FROM EACH STALL OR SPACE, THE SIGN SHALL BE) – 3"/8" SIGN LETTERING NOT (– 1" IN HEIGHT. PER SECTION 1129B.5 REQUIRE WORDING IS AS FOLLOWS " UNAUTHORIZED VEHICLES PARKED IN DESIGNATED ACCESSIBLE SPACES NOT DISPLAYING DISTINGUISHING PLACARDS OR LICENSE PLATES ISSUED FOR PERSONS WITH DISABILITIES MAY BE TOWED AWAY AT OWNERS EXPENSE VOWED VEHICLES MAY BE INFORMED AT ____ OR AT TELEPHONE ____"
9. ALL WALKS ALONG AN ACCESSIBLE ROUTE TO BE NOT LESS THAN 48" IN WIDTH AND HAVE SLIP RESISTANT SURFACES, PER SECTION 1133B.7.1
10. THE MAXIMUM PERMITTED CROSS SLOPE SHALL BE (= 1/4" PER FOOT PER SECTION 1133B.7.1.3.
11. RAMPS SHALL BE PROVIDED WITH A LEVEL AREA NOT LESS THAN 60"X60" AT A DOOR TO WHICH THEY ENABLE ACCESS THE RAMP, AND NOT LESS THAN 42" WIDE BY 44" DEEP AS A DOOR OR GATE SWING AWAY FROM THE RAMP. RAMPS SHALL HAVE A MINIMUM OF 24" TO THE SIDE OF THE STRIKE EDGE OF A DOOR OR GATE THAT SWINGS TOWARD THE WALK.

SITE PLAN / GRADING PLAN

PREPARED FOR / APPLICANT:
FRANK SCHITZENBAUMER
3698 STRATA DRIVE
CARLSBAD, CA 92008
PHONE # 760/721-2453

AMAZON BIKES
SITE MODIFICATION
C-30-02 KC-15-02

SITE PLAN / GRADING PLAN
scale 1" 10'-0" north

SP1 1/3

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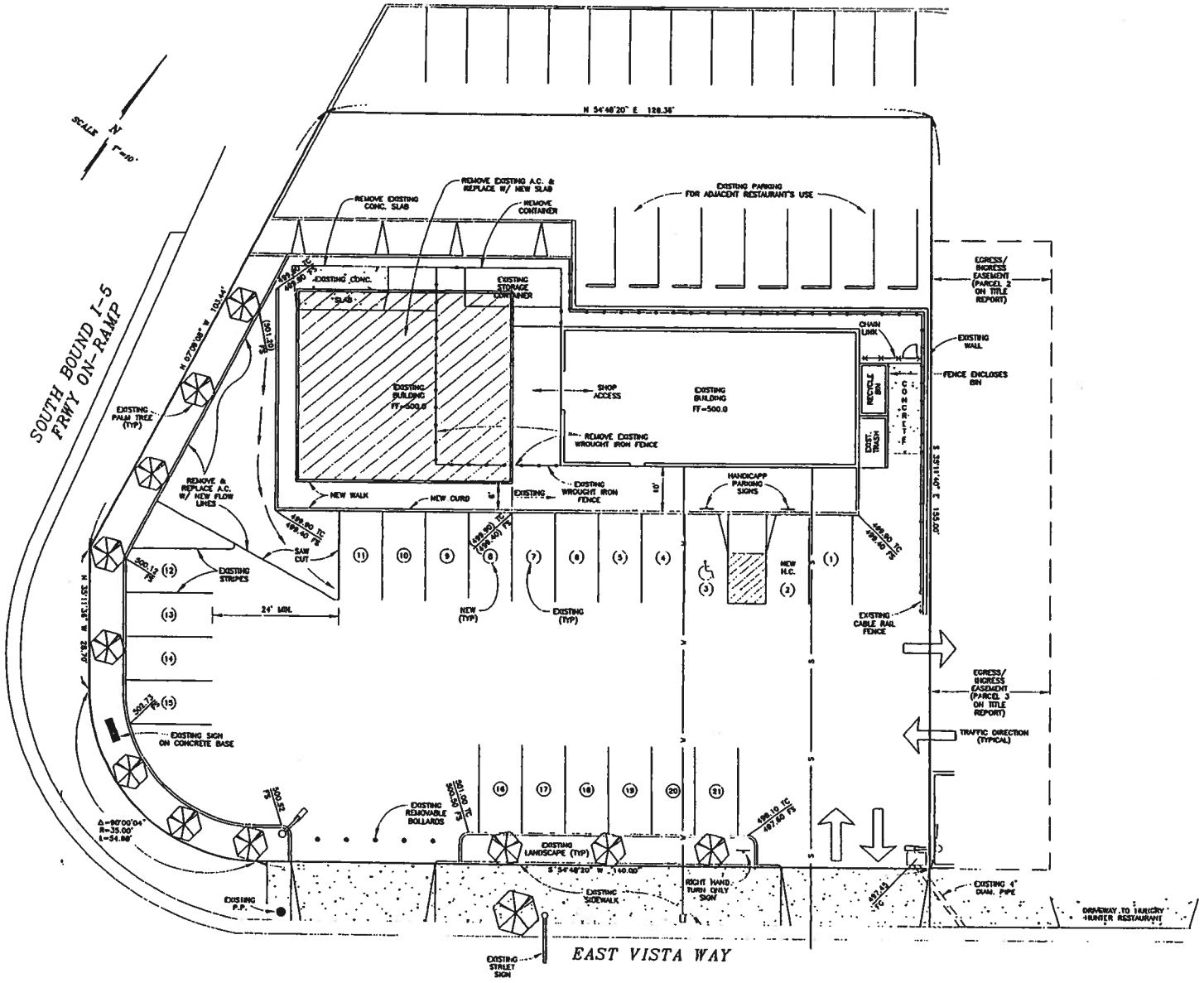
AMAZON BIKES SITE MODIFICATION / BUILDING EXPANSION



GENERAL NOTES

1.) EXISTING A.C. TO BE REPLACED WITH NEW BUILDING.

2.) EXISTING LANDSCAPING TO REMAIN AS IS.

3.) MINOR A.C. MODIFICATION PROPOSED TO WEST OF PROPOSED BUILDING TO CREATE POSITIVE DRAINAGE.

SHEET 2 | CITY OF OCEANSIDE ENGINEERING DEPARTMENT | 3 SHEETS

SITE MODIFICATION / BUILDING EXPANSION

AMAZON BIKES
SITE MODIFICATIONS
C-30-02 RC-15-02

APPROVED

ENGINEER OF WORK | Checked By | Approved Date | PLAN NUMBER

ENGINEER'S NAME: THE SEA BRIGHT COMPANY (760) 720-0098

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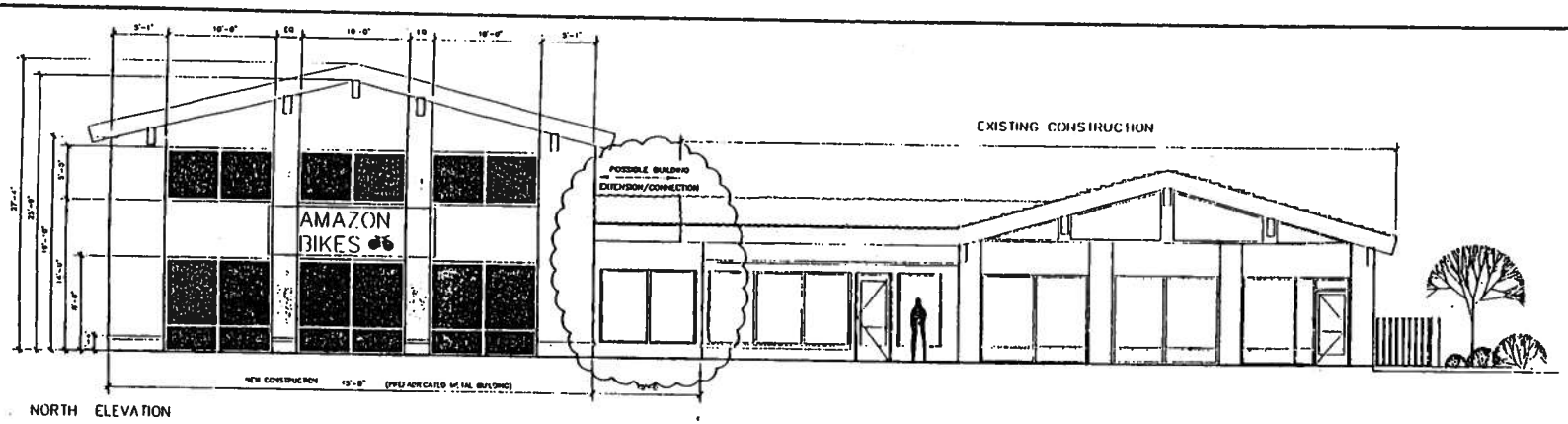
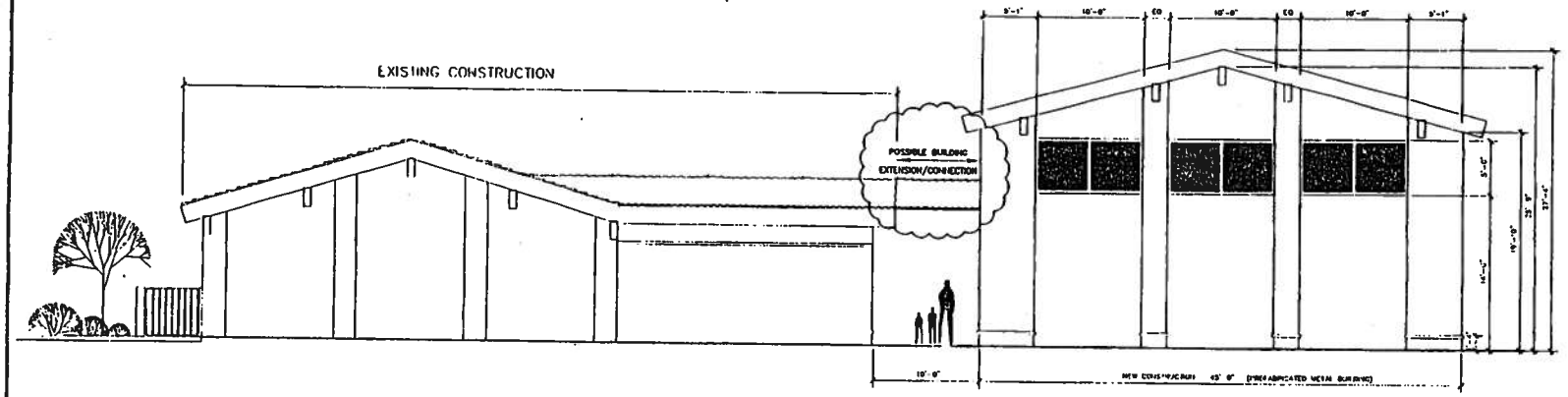
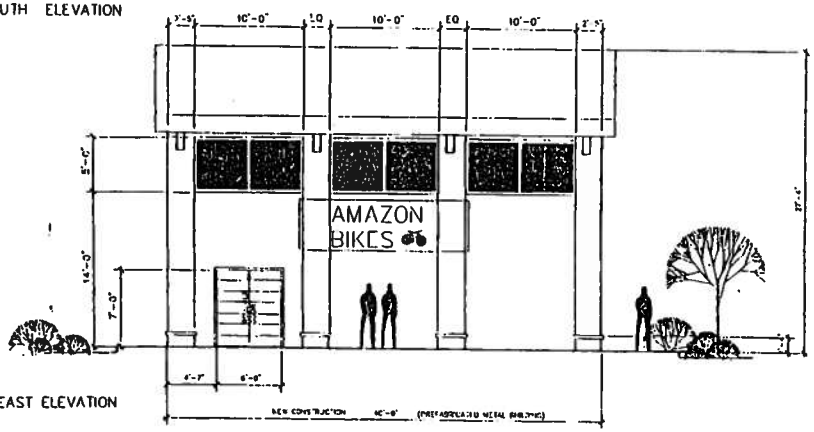


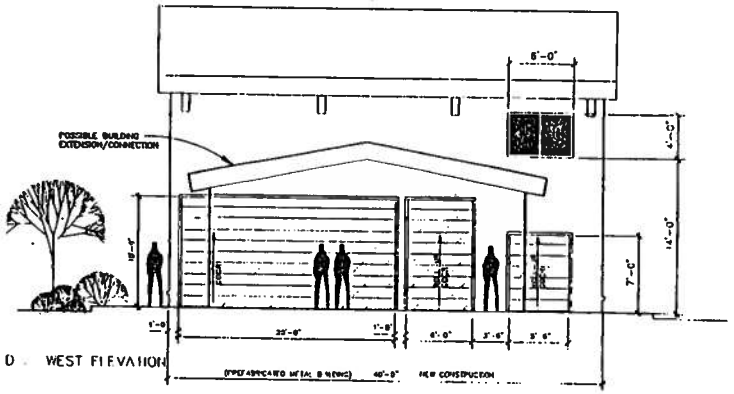
A . NORTH ELEVATION



B . SOUTH ELEVATION



C . EAST ELEVATION



D . WEST ELEVATION

EXTERIOR
ELEVATIONS

SHEET 3	CITY OF OCEANSIDE ENGINEERING DEPARTMENT	3 SHEETS

SITE MODIFICATION / BUILDING EXPANSION

AMAZON BIKES
SITE MODIFICATIONS
C-30-02 RC-15-02

APPROVED

ENGINEER OF WORK — Checked By — Approved Date — PLAN NUMBER

ENGINEER'S NAME: THE SEA BRIGHT COMPANY (760) 720-0098

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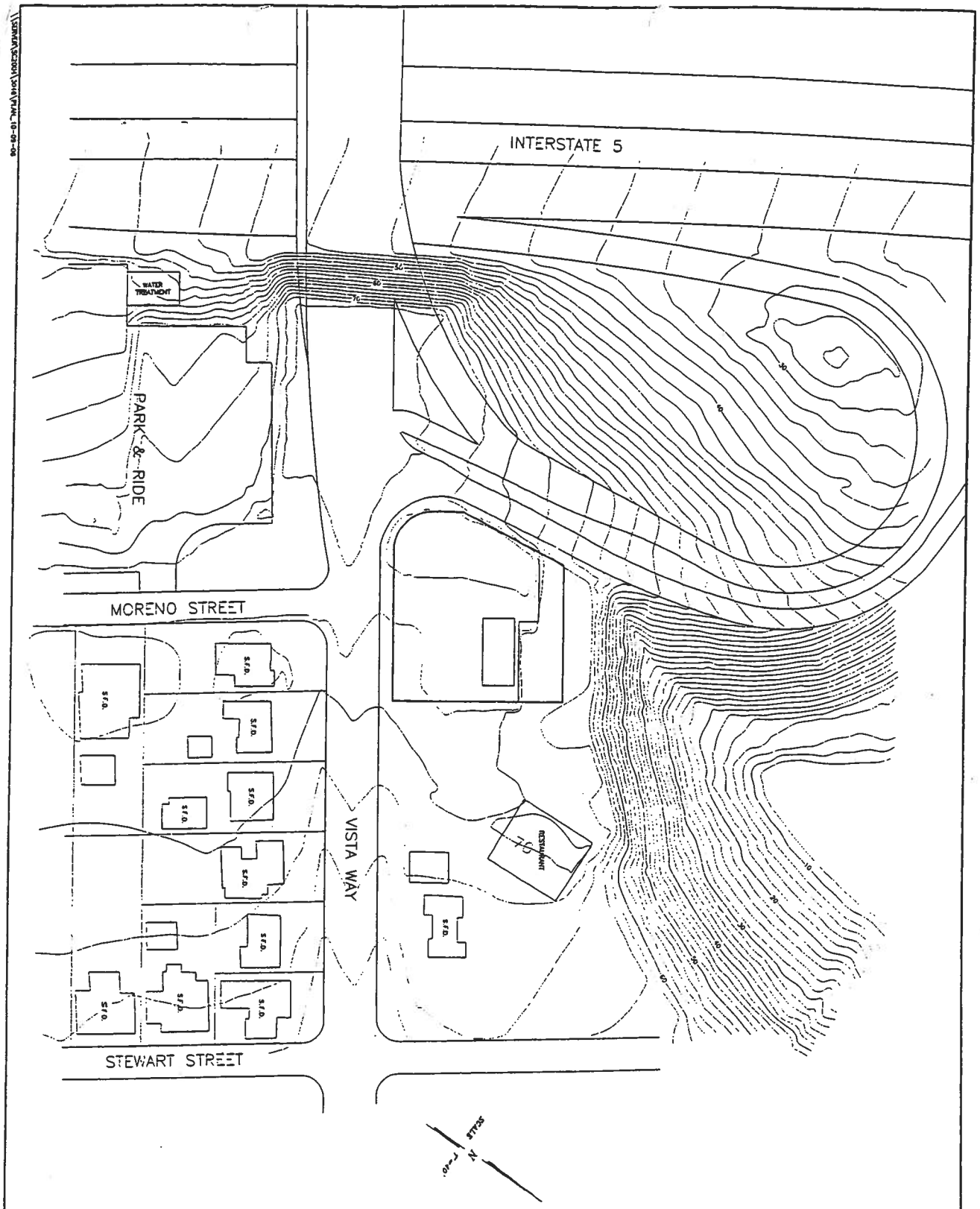


SHEET 1

CITY OF OCEANSIDE
ENGINEERING DEPARTMENT

1 SHEETS

NEIGHBORHOOD MAP

AMAZON BIKES
NEIGHBORHOOD MAP
C-30-02 RC-15-02

APPROVED

ENGINEER OF WORK

Checked By

Approved Date

PLAN NUMBER

ENGINEER'S NAME: THE SEA BRIGHT COMPANY (760) 720-0098

PLANNING COMMISSION
RESOLUTION NO. 2008-P64

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A DEVELOPMENT PLAN, REVSIONS TO CONDITIONAL USE PERMIT AND REGULAR COASTAL PERMIT ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO:	D-28-06, C-30-02REV06, RC-15-02REV06
APPLICANT:	Frank Schitzenbaumber
LOCATION:	1227 Vista Way

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Development Plan under the provisions of Articles 11, 41, and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

to permit a 1,800-square foot commercial addition to an existing 2,090-square foot retail building located at 1227 Vista Way;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 3rd day of November, 2008 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt per Article 19, Class 1"Existing Facilities" from environmental review;

WHEREAS, the documents or other material which constitute the record of proceedings upon which the decision is based will be maintained by the City of Oceanside Planning Division, 300 North Coast Highway, Oceanside, California 92054.

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

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

Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is $2,843-$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	$.713 per square foot or $713 per thousand square feet for non-residential uses
School Facilities Mitigation Fee	Ordinance No. 91-34	$.42 per square foot non-residential for Oceanside
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	$15.71 per vehicle trip
Thoroughfare Fee	Ordinance No. 83-01 Resolution No. 06-R0334-1	$255 per vehicle trip
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Non-residential is $35,160 for a 2" meter
Wastewater System Buy-in fees	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 $48,280 for a 2" meter.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Non-residential is $22,495 for a 2" meter.

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;

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;

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

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

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

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

FINDINGS:

For the Development Plan D-28-06:

1. The site plan and physical design of the project as proposed is consistent with the purposes of the Zoning Ordinance. The project meets or exceeds the requirements of Articles 11, 41, and 43 of the Oceanside Zoning Ordinance.
2. The development plan as proposed conforms to the Zoning Ordinance and the General Plan of the City. The proposal satisfies the Land Use Element Objectives 2.2 Commercial Development. The proposal shall allow an 1,800 square foot addition to an existing retail building as specified in the objectives and policies of the commercial development section of the land use element.
3. The area covered by the development plan can be adequately, reasonably and conveniently served by existing and planned public services, utilities, and public facilities.
4. The project, as proposed, is compatible with the existing and potential development on adjoining commercial properties or in the surrounding neighborhood.
5. The site plan and parameters for the architecture and physical design of the project is consistent with the policies contained within Sections 1.22 (Landscaping) and 1.23 (Architecture) of the Land Use Element of the General Plan.

For the Revision to Conditional Use Permit C-30-02REV06:

1. The location of the commercial addition, within the Visitor Serving commercial zone meets the objectives of the Zoning Ordinance, as well as the purposes of the district in which the site is located. As conditioned, the project proposed meets the intent and objectives established by the City of Oceanside Zoning Ordinance and General Plan.
2. The proposed use will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.
3. The commercial addition is conditioned and is required to comply with all provisions of the Zoning Ordinance. The proposed use is subject to specific operational conditions that will cause the use to operate compatibly with the surrounding land uses.

For the Revision to Regular Coastal Permit RC-15-02REV06:

1. The site plan and physical design of the project is consistent with the zoning ordinance in that the project has been attractively designed and meets or exceeds the development standards, such as setbacks and proposed heights under 35 feet in the Coastal Zone.
2. The proposed project is consistent with the policies of the Land Use Element of the General Plan, Zoning Ordinance and Local Coastal Program as implemented through the Zoning Ordinance. Specifically, the proposed height of 27 feet 4 inches will be substantially lower than the required 35 feet, and the bulk and scale of the project is consistent with the properties within the surrounding neighborhood. In addition, the subject site is two stories with limited residential uses in the vicinity and based on the criteria for development; the proposed project shall not substantially alter or impact existing public views of the coastal zone area.
3. The proposed project is situated at 1227 Vista Way and will not obstruct any existing or planned public beach access; therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act.

The commercial retail addition is conditioned and is required to comply with all provisions of the Zoning Ordinance. The proposed use is subject to specific operational conditions that will cause the use to operate compatibly with the surrounding land uses

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve the Development Plan (D-28-06), Revisions to Conditional Use Permit (C-30-02REV06) and Regular Coastal Permit (RC-15-02REV06) subject to the following conditions:

Building:

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Division plan check. (Currently the 2007 California Building Code, and 2004 California Electrical Code)

2. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and Local building codes.

3. Site development, parking, access into buildings and building interiors shall comply with the State's Disabled Accessibility Regulations. (2007 California Building Code (CBC), Chapter 11B)

4. The building plans for this project are required by State law to be prepared by a licensed architect or engineer and must be in compliance with this requirement prior to submittal for building plan review.

5. All electrical, communication, CATV, etc. service lines within the exterior lines of the property shall be underground (City Code Sec. 6.30).

6. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution Ordinance). Where color rendition is important, high-pressure sodium, metal halide or other such lights may be utilized and shall be shown on building and electrical plans.

7. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the plans.

8. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation will be required at time of plans submittal to the Building Division for plan check.

9. In addition to the required Soils Report, submit a "Benzene Vapor Risk Assessment" Report for this property.

10. Setbacks and Type of Construction must comply with the 2007 California Building Code. Exterior openings less than five feet from the property line must be protected per table 704.8 of the CBC. Exterior walls must be per Table 602 of the CBC.

11. Plan submittal to the Building Division must include a Pedestrian Protection Plan complying with the requirements of CBC 3306 and Table 3306.1

12. Tenant Improvements or other construction to the existing building requires permits (including all required Inspections and approvals, and Issuance of Certificate of Occupancy) from the Building Division.

13. The developer shall monitor, supervise and control all building construction and supporting activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence to the following:

a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal 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).

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

Fire Prevention:

14. All proposed and existing fire hydrants within 400 feet of the project shall be shown on the site plan.

15. A "Knox" key storage box shall be provided for all new construction. For buildings, other than high-rise, a minimum of three complete sets of keys shall be provided. Keys shall be provided for all exterior entry doors, fire protection equipment control rooms, mechanical and electrical rooms, elevator controls and equipment spaces, etc. For high-rise buildings, six complete sets are required.

16. Fire extinguishers are required and shall be included on the plans submitted for plan check.

17. Buildings shall meet Oceanside sprinkler ordinance in effect at the time of building permit application.

18. In accordance with the California Fire Code Sec. 901.4.4, approved address for commercial, industrial, and residential occupancies shall be placed on the structure in such a position as to be plainly visible and legible from the street or roadway fronting the property. Numbers shall be contrasting with their background.

19. Commercial buildings and multi-family dwellings require six-inch address numbers.

20. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval prior to the issuance of building permits. A site plan indicting the fire access and hydrant locations must also be submitted on CD Rom.

21. Buildings shall meet Oceanside Fire Department's current codes at the time of building permit application.

Engineering:

22. If the project involves demolition of an existing structure or surface improvements, the grading plans shall be submitted and erosion control plans be approved by the City Engineer prior to the issuance of a demolition permit. No demolition shall be permitted without an approved erosion control plan.

23. Design and construction of all improvements shall be in accordance with standard plans, specifications of the City of Oceanside and subject to approval by the City Engineer.

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

25. Prior to the issuance of a grading permit, the developer shall notify and host a neighborhood meeting with all of the area residents located within 300 feet of the project site, and residents of property along any residential streets to be used as a "haul route", to inform them of the grading and construction schedule, haul routes, and to answer questions.

26. It is the responsibility of the owner/developer to evaluate and determine that all soil imported as part of this development is free of hazardous and/or contaminated material as defined by the City and the County of San Diego Department of Environmental Health.

Exported or imported soils shall be properly screened, tested, and documented regarding hazardous contamination.

27. A traffic control plan shall be prepared according to the City traffic control guidelines and be submitted to and approved by the City Engineer prior to the start of work within open City rights-of-way. Traffic control during construction of streets that have been opened to public traffic shall be in accordance with construction signing, marking and other protection as required by the Caltrans Traffic Manual and City Traffic Control Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.

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

29. The developer/owner shall pay all applicable fees, energy charges, and/or assessments associated with City-owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the annexation to, any appropriate street lighting district (if applicable).

30. Pavement sections for all driveways and parking areas shall be based upon approved soil tests and traffic indices. The pavement design is to be prepared by the developer's/owner's soil engineer and must be approved by the City Engineer, prior to paving.

31. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during construction of the project, shall be repaired or replaced as directed by the City Engineer.

32. The developer/owner shall comply with all the provisions of the City's cable television ordinances including those relating to notification as required by the City Engineer.

33. The developer/owner shall obtain any necessary permits and clearances from all public agencies having jurisdiction over the project due to its type, size, or location, including but not limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board (including NPDES), San Diego County Health Department, prior to the issuance of grading permits.

34. The approval of the project shall not mean that proposed grading or improvements on adjacent properties (including any City properties/right-of-way or easements) is granted or guaranteed to the developer/owner. The developer/owner is responsible for obtaining permission to grade to construct on adjacent properties. Should such permission be denied, the project shall be subject to going back to the public hearing or subject to a substantial conformity review.

35. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic investigation shall be conducted of the soils, slopes, and formations in the project. All necessary measures shall be taken and implemented to assure slope stability, 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.

36. This project shall provide year-round erosion control including measures for the site required for the phasing of grading. Prior to the issuance of grading permit, an erosion control plan, designed for all proposed stages of construction, shall be reviewed, secured by the applicant with cash securities and approved by the City Engineer.

37. A precise grading plan (project may qualify for a minor grading plan if adequate proofs and justifications are provide by the developer/owner in compliance with the grading ordinance) shall be prepared, reviewed, secured and approved prior to the issuance of any building permits. The plan shall reflect all pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage, footprints of all structures, walls, drainage devices and utility services. Parking lot striping and any on-site traffic calming devices shall be shown on all precise grading plan (or minor grading plan).

38. Landscaping plans, including plans for the construction of walls, fences or other structures at or near intersections, must conform to intersection sight distance requirements.

Landscape and irrigation plans for disturbed areas must be submitted to the City Engineer prior to the issuance of a preliminary grading permit and approved by the City Engineer prior to the issuance of occupancy permits. Frontage and median landscaping shall be installed prior to the issuance of any certificates of occupancy. Any project fences, sound or privacy walls and monument entry walls/signs shall be shown on, bonded for and built from the landscape plans. These features shall also be shown on the precise grading plans for purposes of location only. Plantable, segmental walls shall be designed, reviewed and constructed by the grading plans and landscaped/irrigated through project landscape plans. All plans must be approved by the City Engineer and a pre-construction meeting held, prior to the start of any improvements.

39. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way and within any adjoining public parkways shall be permanently maintained by the owner, his assigns or any successors-in-interest in the property. The maintenance program shall include: a) normal care and irrigation of the landscaping b) repair and replacement of plant materials c) irrigation systems as necessary d) general cleanup of the landscaped and open areas e) parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions including but not limited to citations. This maintenance program condition shall be recorded with a covenant as required by this resolution.

40. In the event that the conceptual landscape plan (CLP) does not match the conditions of approval, the resolution of approval shall govern.

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

a) Final landscape plans shall accurately show placement of all plant material such as but not limited to trees, shrubs, and groundcovers.

b) Landscape Architect shall verify utility, sewer, storm drain easement and place planting locations accordingly to meet City of Oceanside requirements.

c) All required landscape areas shall be maintained by owner. The landscape areas shall be maintained per City of Oceanside requirements.

d) Proposed landscape species shall be native or naturalized to fit the site and meet climate changes indicative to their planting location. The selection of plant material shall also be based on cultural, aesthetic, and maintenance considerations. In addition proposed landscape species shall be low water users as well as meet all Fire Department requirements.

e) All planting areas shall be prepared with appropriate soil amendments, fertilizers, and appropriate supplements based upon a soils report from an agricultural suitability soil sample taken from the site.

f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil from the sun, evapotransporation and run-off. All the flower and shrub beds shall be mulched to a 3" depth to help conserve water, lower the soil temperature 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.

h) Root barriers shall be installed adjacent to all paving surfaces, where a paving surface is located within 6 feet of a trees trunk. Root barriers shall extend five feet in each direction from the centerline of the trunk, for a total distance of 10 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around the tree's root ball is unacceptable.

i) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall obtain planning department approval for these items in the conditions or application stage prior to the first submittal of working drawings.

j) For the planting and placement of trees and their distances from hardscape and other utilities/ structures the landscape plans shall follow the City of Oceanside's (current) Tree Planting Distances and Spacing Standards.

k) An automatic irrigation system shall be installed to provide coverage for all planting areas shown on the plan. Low precipitation equipment shall provide sufficient water for plant growth with a minimum water loss due to water run-off.

l) Irrigation systems shall use high quality, automatic control valves, controllers and other necessary irrigation equipment. All components shall be of non-corrosive material. All drip systems shall be adequately filtered and regulated per the manufacturer's recommended design parameters.

m) All irrigation improvements shall follow the City of Oceanside Guidelines and Water Conservation Ordinance.

n) The landscape plans shall match all plans affiliated with the project.

o) Landscape plans shall comply with Biological and/or Geotechnical reports, as required, shall match the grading and improvement plans, comply with SWMP Best Management Practices and meet the satisfaction of the City Engineer.

p) Existing landscaping on and adjacent to the site shall be protected in place and supplemented or replaced to meet the satisfaction of the City Engineer.

42. The drainage design on the project is conceptual only. The final design shall be based upon a hydrologic/hydraulic study to be approved by the City Engineer during final engineering. All drainage picked up in an underground system shall remain underground until it is discharged into an approved channel, or as otherwise approved by the City Engineer. All public storm drains shall be shown on City standard plan and profile sheets. All storm drain easements shall be dedicated where required. The applicant shall be responsible for obtaining any off-site easements for storm drainage facilities.

43. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed of in accordance with all state and federal requirements, prior to stormwater discharge either off-site or into the City drainage system.

44. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high barrier, approved by the City Engineer, shall be provided at the top of all slopes whose height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to an arterial street or state highway (I-5).

45. The development shall comply with all applicable regulations established by the United States Environmental Protection Agency (USEPA) as set forth in the National Pollutant Discharge Elimination System (NPDES) permit requirements for urban runoff and stormwater discharge and any regulations adopted by the City pursuant to the NPDES. Regulations or requirements. Further, the developer/owner may be required to file a Notice of Intent with the State Water Resources Control Board to obtain coverage under the NPDES. General Permit for Storm Water Discharges Associated with Construction Activity and may be required to implement a Storm Water Pollution Prevention Plan (SWPPP) concurrent with the commencement of grading activities. SWPPPs include both construction and post construction pollution prevention and pollution control measures and identify funding mechanisms for post construction control measures. The developer/owner shall comply with all the provisions of the Clean Water Program during and after all phases of the development process, including but not limited to: mass grading, rough grading, construction of street and landscaping improvements, and construction of dwelling units. The developer/owner shall design the Project's storm drains and other drainage facilities to include Best Management Practices to minimize non-point source pollution, satisfactory to the City Engineer.

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

47. In the event that the conceptual plan does not match the conditions of approval, the resolution of approval shall govern.

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

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

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

c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

d) A haul route shall be obtained at least 7 days prior the start of hauling operations and must be approved by the City Engineer. Hauling operations shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise.

Planning:

49. This Development Plan, Conditional Use Permit revision and Regular Coastal Permit revision shall expire on November 3, 2010, unless implemented as required by the Zoning Ordinance or unless the Planning Commission grants an additional time extension.

50. This Development Plan, Conditional Use Permit and Regular Coastal Permit revisions approves only a 1,800-square foot commercial addition to an existing 2,090-square foot building as shown on the plans and exhibits presented to the Planning Commission for review and approval. No deviation from these approved plans and exhibits shall occur without Planning Division approval. Substantial deviations shall require a revision to the Development Plan, Conditional Use Permit and Regular Coastal Permit or a new Development Plan, Conditional Use Permit and Regular Coastal Permit.

51. The applicant, permitee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning the Development Plan (D-28-06), Revisions to Conditional Use Permit (C-30-02REV06) and Regular Coastal Permit (RC-15-02REV06). The City will promptly notify the applicant of any such claim, action or proceeding against the city and will cooperate fully in the defense. If the City fails to promptly notify the 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.

52. All employee bicycle test riding shall be conducted on the premises.

53. All repairs to bicycles and accessory installation shall be conducted indoors.

54. Outdoor display will be subject to the provisions of the Zoning Ordinance.

55. All mechanical rooftop and ground equipment shall be screened from public view as required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks, mechanical equipment, screen and vents shall be painted with non-reflective paint to match the roof. This information shall be shown on the building plans.

56. A covenant or other recordable document approved by the City Attorney shall be prepared by the developer and recorded prior to the issuance of building permits. The covenant shall provide that the property is subject to this resolution, and shall generally list the conditions of approval.

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

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

59. Failure to meet any conditions of approval for this development shall constitute a violation of the Development Plan, Conditional Use Permit, and Regular Coastal Permit.

60. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification, Management Plan and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.

61. All signage shall meet the Oceanside Guidelines and no illuminated signs on the rear of property and the buildings are permitted.

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

Water Utilities:

63. 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.

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

65. Water services and sewer laterals constructed in existing right-of-way locations are to be constructed by approved and licensed contractors at developer's expense.

66. 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.

67. 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.

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

69. 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.).

70. The developer shall construct a public reclamation water system that will serve each lot and or parcels that are located in the proposed project in accordance with the City of Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be located in the public right-of-way or in a public utility easement.

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

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

PASSED AND ADOPTED Resolution No. 2008-P64 on November 3, 2008 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

Claudia Troisi, Chairperson
Oceanside Planning Commission

ATTEST:

_____

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2008-P64.

Dated: November 3, 2008

PLANNING COMMISSION
RESOLUTION NO. 2003-P07

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

APPLICATION NO:	C-30-02, RC-15-02
APPLICANT:	Frank Schnitzenbaumer
LOCATION:	1227 Vista Way

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

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

A bicycle sales and repair business at an existing developed property;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 10th day of February, 2003 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt per Article 19 from environmental review;

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

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

FINDINGS:

For the Conditional Use Permit:

1. The location of the proposed bicycle repair and sales business within the CV zone is not contrary to certain Specific Purposes of the Zoning Ordinance for the CV zoning district, which call for recreation-oriented and visitor-serving commercial activities.

Accordingly, the proposed business activity is consistent with the objectives of the Zoning Ordinance and with the purposes of the district in which the property is located.

2. The approved business, under certain conditions of approval and use restrictions, will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

3. The approved bicycle sales and service business is subject to certain conditions of approval and use limitations intended to effect overall land use compatibility with the surrounding property and land uses.

For the Regular Coastal Permit:

1. The approved bicycle sales and service business is consistent with the applicable land use policies of the California Coastal Act and the City's Local Coastal Program (LCP). Specifically, the approved business operation is consistent with certain Coastal Act policies for Visual Resources and Special Communities, which call for the protection of the visual qualities of the Coastal Zone through measures of land use compatibility for new development. In addition, the approved business is consistent with the City's LCP policies by virtue of its non-obtrusive and non-deleterious effects upon the surrounding coastal resource area represented by the Buena Vista Lagoon environment.

2. The approved bicycle sales and service business will not obstruct any existing or planned public beach access, therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve Conditional Use Permit (C-30-02) and Regular Coastal Permit (RC-15-02) subject to the following conditions:

Building:

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Department plan check.

2. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and Local building codes.

3. Site development, parking, access into buildings and building interiors shall comply with Part 2, Title 24, C.C.R. (Disabled Access – Nonresidential Buildings – D.S.A.).

4. The building plans for this project are required by State law to be prepared by a licensed architect or engineer and must be in compliance with this requirement prior to submittal for building plan review.

5. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution Ordinance). Where color rendition is important, high-pressure sodium, metal halide or other such lights may be utilized and shall be shown on building and electrical plans.

6. The developer shall monitor, supervise and control all building construction and supporting activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence to the following:

   a) Building construction work hours shall be limited to between 7 a.m. and 6 p.m. Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal 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).

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

7. The building plans shall show and provide a guardrail (per UBC Section 509) along the top of the retaining wall where a change of elevation exceeds 30-inches in height.

Engineering:

8. The property's eastern driveway to Vista Way shall be restricted with removable bollards, chain-lock mechanism, or other similar devices as approved by the City's Transportation Manager and the Planning Director to allow only exiting turning movements, for only delivery vehicles, and only during off-peak periods. The approved restrictive devices shall be installed prior to final building inspection or the commencement of business activities, whichever occurs first.

9. The conduct of the business at this property is restricted from any left-turn movements onto Vista Way from any of the existing driveways. Left-turn movements from Vista Way to the business property are approved only for the westerly driveway at the property. The approved project shall install signs and pavement markings to identify these restrictions to motorists. The approved signage and markings shall be to the satisfaction of the Transportation Manager and shall be installed and inspected prior to final building inspection or the commencement of business activities, whichever occurs first.

10. The Planning Commission shall call this Conditional Use Permit for review, upon notification by the Planning Director, regarding complaints and allegations having been filed and verified as valid by the Transportation Manager as violations of any of the restrictive conditions of approval related to turning movements to and from Vista Way. In addition, the Commission's call for review may be based upon the Transportation Manager's advisement that the conduct of the business activity, as reflected in traffic incident records, does not fulfill certain assumptions for no significant impacts to traffic circulation on Vista Way. Through the Call for Review, the approved CUP may be revised, modified, or revoked as deemed necessary by the Planning Commission.

11. The approved project assumes no development necessitating the application of standard plans approval and design specifications in accordance with the current development regulations and policies. Should the scope of the project's development actually be greater, or the actual implementation of the project include construction activities necessitating the acquisition of certain construction permits, the effective development permit requirements and processes may be applied at that time.

Fire:

12. Fire extinguishers are required and shall be included on the plans submitted for plan check.

13. In accordance with the Uniform Fire Code Sec. 901.1.4.4, addresses shall be placed on the building in such a position as to be plainly visible and legible from the street or roadway fronting the property. Address numbers shall contrast with their background and shall be at least 6-inches in height.

14. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval prior to the issuance of building permits. The building shall meet local and Uniform Fire Codes in effect at the time of building permit application.

Planning:

15. This Conditional Use Permit and Regular Coastal Permit shall expire on February 10, 2005 unless implemented as required by the Zoning Ordinance.

16. This Conditional Use Permit and Regular Coastal Permit only approves a bicycle sales and service business, as represented on the plans and exhibits considered by the Planning Commission in its approval of the project. No deviation from these approved plans and exhibits shall occur without Planning Department approval. Substantial deviations shall require a revision to the Conditional Use Permit and Regular Coastal Permit or a new Conditional Use Permit and a new Regular Coastal Permit. In addition, aspects of property development beyond the scope of representation and assumptions made by this application and its approval may require the acquisition of a Development Plan in accordance with the effective zoning code regulations.

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

18. A covenant or other recordable document approved by the City Attorney shall be prepared by the applicant and recorded prior to the issuance of a business license for the business operation. The covenant shall stipulate that the property is subject to this Resolution and shall generally list the conditions of approval.

19. The gas pump canopy shall be removed from the site no later than 3 years of the adoption of this resolution.

20. All employee bicycle test riding shall be conducted on the premises.

21. All repairs to bicycles and accessory installation shall be conducted indoors.

22. Outdoor displays will be subject to the provisions of the Zoning Ordinance.

23. All signage shall be subject to the Sign Regulations of the Zoning Ordinance. The property monument sign shall be finished in colors that match the approved building colors.

24. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water Conservation Ordinance No. 91-15, shall be prepared by a qualified professional and shall

be reviewed and approved by the City Engineer and Planning Director prior to installation. A standard improvement bond as security against the approved landscape improvements shall not be required. However, payment for the City Engineer's and the Public Works Landscape Inspector's plan check and inspection services shall be required in accordance with the effective fee schedule for those services. In addition, final building inspection and/or the commencement of business activities shall be contingent upon the completion of the required landscape improvements. The following special landscaping requirements shall be met:

a) Shrubs or other low lying plants (minimum 5-gallon) and other groundcover (minimum 1-gallon) shall be utilized in conjunction with the proposed plant materials.

b) Mounding or other landscape buffering shall be utilized adjacent to the parking areas.

c) Landscaping and necessary irrigation shall be installed on all embankments within the project and upon the slopes areas along the fronting roadways.

d) The landscape plans shall identify the area of new concrete walkway and the parking lot surface and curb repair, slurry seal resurfacing for entire area and parking lot striping.

e) Any tree plantings within the rights-of-ways of the fronting roadways shall include root barriers.

25. The landscape improvements shall be permanently maintained by the property owner, his assigns or any successors in interest in the approved business activities at the property. The maintenance program shall include normal care and irrigation of the landscaping; repair and replacement of plant materials; irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions by all acceptable means including, but not limited to, a Call for Review of the CUP. This condition shall be recorded with the covenant required by this Resolution.

26. Compliance with the applicable provisions of the City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed and approved by the Planning Department. These requirements, including the obligation to remove or cover with

matching paint all graffiti within 24 hours, shall be noted on the Landscape Plan and shall be recorded in the form of a covenant affecting the subject property.

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

28. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time improvement permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.

29. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Conditional Use Permit (C-30-02) and Regular Coastal Permit (RC-15-02). The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the 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.

Water Utilities:

30. The permittee shall 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.

31. The property owner will maintain private water and wastewater utilities located on private property.

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

33. A separate irrigation meter for landscaping is required.

//////////////////////////

34. All Water and Wastewater construction shall conform to the most recent edition of the City of Oceanside Engineer's Manual, or as approved by the Water Utilities Director.

PASSED AND ADOPTED Resolution No. 2003-P07 on February 10, 2003 by the following vote, to wit:

AYES: Barrante, Chadwick, Azevedo, Parker and Schaffer

NAYS: None

ABSENT: Todd and Hartley

ABSTAIN: None

George Barrante, Chairman
Oceanside Planning Commission

ATTEST:

Gerald S. Gilbert, Secretary

I, GERALD S. GILBERT, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2003-P07.

Dated: February 10, 2003

LEGAL DESCRIPTION

PARCEL 1: (ASSESSOR'S PARCEL NO. 155-140-27)

THOSE PORTIONS OF TRACT 48 OF SOUTH OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 622, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 7, 1890, AND OF BUENA VISTA CEMETERY ACCORDING TO MAP THEREOF NO. 759, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 22, 1893, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID TRACT 48, SAID POINT BEING ALSO THE SOUTHEASTERLY CORNER OF TRACT 66 OF HOTALING LANDS AS SHOWN ON MAP NO. 1717, RECORDS OF SAID COUNTY; SAID POINT BEING ALSO THE SOUTHEASTERLY CORNER OF THE TOLLE TRACT, ACCORDING TO MAP THEREOF NO. 1952, RECORDS OF SAID COUNTY AND DESIGNATED THEREON AS BEING THE SOUTHEASTERLY CORNER OF SAID TRACT NO. 66; THENCE ALONG THE DIVIDING LINE BETWEEN SAID TRACTS 66 AND 48, NORTH 0°17'30" WEST (RECORD NORTH 0°17'50" WEST) 1239.52 FEET TO ITS INTERSECTION WITH THE SOUTHEASTERLY LINE OF VISTA WAY, SHOWN ON MAP OF HOTALING LANDS, NO. 1717 AS WALL STREET; THENCE ALONG THE SOUTHEASTERLY LINE OF VISTA WAY, NORTH 54°48'20" EAST 90.55 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHEASTERLY LINE, NORTH 54°48'20" EAST 140.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA XI-SD-2B RECORDED OCTOBER 23, 1951 IN BOOK 4270, PAGE 111 OF OFFICIAL RECORDS, BEING ALSO THE BEGINNING OF A 35.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY; THENCE ALONG SAID RIGHT OF WAY AS FOLLOWS:

EASTERLY ALONG THE ARC OF SAID CURVE 54.98 FEET THROUGH A CENTRAL ANGLE OF 90°00'04" AND SOUTH 35°11'36" EAST 28.70 FEET TO THE MOST NORTHERLY CORNER OF THE LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA, RECORDED JULY 31, 1969 AS FILE/PAGE NO. 138223 OF OFFICIAL RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID LAND SOUTH 07°09'08" EAST (RECORD SOUTH 06°37'18" EAST) 103.44 FEET; LEAVING SAID WESTERLY LINE SOUTH 54°48'20" WEST 126.36 FEET; THENCE NORTH 35°11'40" WEST 155.00 FEET TO THE TRUE POINT OF BEGINNING.

CITY OF OCEANSIDE
PLANNING DEPARTMENT

NOTICE OF EXEMPTION

TO: X RECORDER/COUNTY CLERK
COUNTY OF SAN DIEGO
P.O. BOX 1750
SAN DIEGO, CA 92112-4147

PROJECT TITLE AND FILE NUMBER:
AMAZON BIKES INC (RC-15-02)

PROJECT LOCATION - SPECIFIC:
1227 Vista Way

PROJECT LOCATION - GENERAL:
City of Oceanside

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:
Tenant improvement for a bike store.

NAME OF PUBLIC AGENCY APPROVING PROJECT:
City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:
Frank Schnitzenbaumer
3698 Strata Drive
Carlsbad, CA 92008
760-720-0716

Exempt Status per the Guidelines to Implement the California Environmental Quality Act (CEQA)
(Public Resources Code Section 21000 et. al.):

__NOT SUBJECT TO CEQA PER THE GENERAL RULE, SECTION 15061(B)(3)

__STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

X CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION(S) 15301

REASONS WHY PROJECT IS EXEMPT:
The project involves only the minor alteration of the interior of an existing private facility involving negligible expansion of use beyond that previously existing.

Contact Person: Jerry Hittleman, Senior Planner

January 31, 2003
SIGNATURE DATE
For: Gerald Gilbert, Planning Director

PLANNING COMMISSION

STAFF REPORT

AMAZON BIKES INC.
CONDITIONAL USE PERMIT (C-30-02)
REGULAR COASTAL PERMIT (RC-15-02)
February 10, 2003

REQUEST: A Conditional Use Permit and Regular Coastal Permit for bicycle sales and services located at 1227 Vista Way. The property is zoned CV (Commercial Visitor) and is located within the South Oceanside Neighborhood and the Local Coastal Zone.

APPLICANT: Frank Schnitzenbaumer

I. RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit (C-30-02) and Regular Coastal Permit (RC-15-02) and adopt Resolution No. 2003-P07 as attached.

II. BACKGROUND AND PROJECT DESCRIPTION

Background: The applicant is seeking approval of a bicycle sales and service operation located at 1227 Vista Way. Retail sales require the approval of a Conditional Use Permit within the Visitor Commercial zoning district.

The previous use of the project site was a service station, which has been abandoned for the last ten years. The County of San Diego Department of Health Services, Hazardous Materials Management Division, is responsible for the inspection of the underground gas tank removal and the subsequent testing of soil for contamination. The results of soil sampling has determined that no further remedial action is required by the County of San Diego Department of Health Services.

Site Review: The subject site is 0.57 acres in size and exists with a 1,865 square foot building and a 1,104 square foot canopy previously used as a service station. Currently the site has two-driveway access points onto Vista Way and a parking area surrounded by landscape planter areas. The rear portion of the site is effected by a property easement granting access to and use of eight (8) parking spaces to the adjacent property restaurant (Hunter Steakhouse).

Surrounding the site are single-dwelling residential properties to the north, commercial uses to the west, Interstate 5 is located east of the site, and the Buena Vista Lagoon is situated to the south of the property. The property is situated within the Local Coastal Zone.

Project Description: The applicant is requesting a Conditional Use Permit and Regular Coastal to conduct bicycle sales and services as a new use within the former gas station building.

The renewal and reuse of the property entails no changes to the physical layout of the property or the existing building and canopy structure. The existing parking area in front of the property will be striped for 12 parking spaces. The existing site landscaping areas will be reestablished with Queen Palms and other shrubs and groundcover. Exterior improvements to the building consist of new windows on the building frontage, renovation of the existing building fascia, and new paint. The building colors will be light brown for the fascia and accent features and light sandy gray for the primary building color. The existing tile roof material will remain.

III. ANALYSIS

KEY PLANNING ISSUES

1. Is the proposed retail use consistent with the objectives and policies of the General Plan, Zoning Ordinance and Local Coastal Program?

2. Is the renewal and re-use of the property for a bicycle sales and service business compatible with the surrounding land uses?

DISCUSSION

Staff's review of the bicycle shop, centered on the consistency with the underlying Zoning regulations and the Local Coastal Program, as well as the project's compatibility with the surrounding land uses and visual resources represented by the Buena Vista Lagoon. Under the Visual Resources and Special Communities section of the LCP, the policy objectives call for the protection, enhancement, and furtherance of the public's enjoyment of Coastal Zone scenic resources. In addition an implementing policy under the same section states, "the City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood."

In reviewing the characteristics of the proposed business, staff believes that the project's location is appropriate. The required parking for a retail use of 1,865 square feet is 9 spaces. The existing parking lot area will be re-striped for 12 parking spaces, not

including the 8 spaces serving the neighboring restaurant by right of easement. Landscaping will be reestablished within the existing planter areas surrounding the site.

Due to the impacted traffic condition of the I-5 and the Vista Way/Highway 78 interchange, staff has recommended the following conditions restricting vehicular turning movements into and out of the property from Vista Way. The east driveway is allowed for only delivery truck exiting, and only during the off-peak traffic hours. This driveway would remain closed with removable bollards when not in use for delivery purposes. Left-turn and right-turn access from Vista Way, and right-turn exiting from the property, will be available from the westerly driveway. In addition, any future traffic problems verified by incident reports as the result of the business operation may be a cause for reconsideration of the Conditional Use Permit and the Coastal Permit.

In staff's opinion, the project is consistent with the applicable LCP land use policies. The reuse of the property will retain the same structural profile and will not reduce any of the existing public views of the Buena Vista Lagoon. The introduction of new landscaping and the soft earth tones proposed for the building color, render the site to be compatible with the backdrop setting of the Buena Vista Lagoon. In addition, staff believes the project will result in an enhancement of the property, which has remained unoccupied and not well maintained for several years.

IV. ENVIRONMENTAL DETERMINATION

The project has been deemed to be exempt from the requirements of environmental review, pursuant to the provisions of the California Environmental Quality Act (CEQA).

V. SUMMARY

Staff believes that the project will be compatible with the properties and landforms characterizing the surrounding area. In staff's opinion, the proposed bicycle sales and services business is consistent with the applicable land use objectives and policies of the LCP, which call for recreational and visitor serving uses. Therefore, staff recommends that the Planning Commission approve the project. The Commission's action should be as follows

- Move to approve Conditional Use Permit (C-30-02) and Regular Coastal Permit (RC-15-02) and adopt Resolution No. 2003-P as attached.

REVIEWED BY:
Eugene Ybarra
Senior Planner

PREPARED BY:

Iain Holt
Planner II

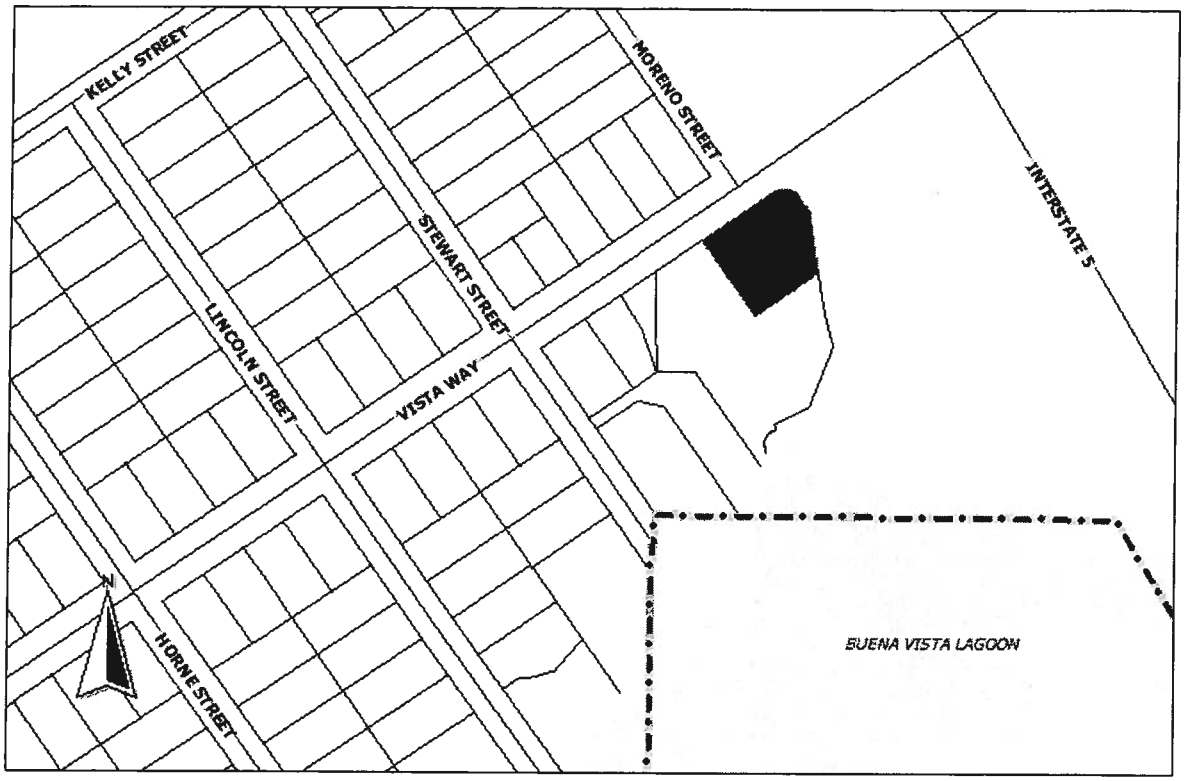
SUBMITTED BY:

Gerald S. Gilbert
Planning Director

GSG/IAH/vnm

Attachments:

1. Planning Commission Resolution No. 2003-P07
2. Site plan and elevations



File Number: **D-28-06, C-30-02REV06, RC-15-02REV06**

Applicant: **AMAZON BIKES (Frank Schitzenbaumber)**

Description:

DEVELOPMENT PLAN (D-28-06), CONDITIONAL USE PERMIT REVISION (C-30-02REV06) and REGULAR COASTAL PERMIT REVISION (RC-15-02REV06) to construct a 1,800-square foot addition to an existing commercial building located at 1227 Vista Way. The project site is zoned CV (Commercial Visitor) and is situated within the South Oceanside Neighborhood and the Coastal Zone – **AMAZON BIKES REMODEL**

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

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NOV - 2 2006
Planning Department

Application For Planning Commission Hearing

Planning Department (760) 435-3520
Oceanside Civic Center
300 North Coast Highway
Oceanside, California 92054-2885

RECEIVED NOV 02 2006 Planning Department

Please Print or Type All Information

STAFF USE ONLY	
ACCEPTED	BY
11/2/06	KP
HEARING	
GPA	
MASTER/SP.PLAN	
ZONE CH.	
TENT. MAP	
PAR. MAP	
DEV. PL.	D-28-06
C.U.P.	C-30-02 REV 06
VARIANCE	
COASTAL	
O.H.P.A.C.	RC-15-02 Rev 06

PART I – APPLICANT INFORMATION

1. APPLICANT	2. STATUS
FRANK SCHITZENBAUMER	
3. ADDRESS	**4. PHONE/FAX**
3698 STRATA DRIVE, CARLSBAD, CA 92008	760-721-2453
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)	
BOB SUKUP	
6. ADDRESS	**7. PHONE/FAX**
4322 SEA BRIGHT PLACE, CARLSBAD, CA 92008	760-720-0098

PART II – PROPERTY DESCRIPTION

8. LOCATION	9. SIZE
1227 VISTA WAY Rev-7/30/07, 12/26/17	.57 Ac

10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER
SC	CV	RECREATION/VISITOR COMMERCIAL	155-140-27

PART III – PROJECT DESCRIPTION Rev-4/25/08, 6/19/08

14. GENERAL PROJECT DESCRIPTION

ADD AN ADDITIONAL 1800 S.F OF BUILDING WITH THE POSSIBILITY OF 280± OF A CONNECTING ELEMENT BETWEEN THE 2 BUILDINGS. NO ADDITIONAL IMPERVIOUS SURFACE. LANDSCAPING TO REMAIN, ADEQUATE PARKING ON SITE

15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY
SC	CV	SAME	N.A	N.A

20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE
1865+1800+280 ?	21	9%	14.8% OR 16% w/ ENCLOSURE

PART IV – ATTACHMENTS

ALL APPLICATIONS				DEV. PLANS, C.U.P.s & TENT. MAPS	
	24. DESCRIPTION/JUSTIFICATION *		25. LEGAL DESCRIPTION *		30. FLOOR PLANS AND ELEVATIONS *
	26. 300-FT. RADIUS MAP		27. PROPERTY OWNERS' LIST *		31. CONSTRUCTION SCHEDULE *
	28. ENVIRONMENTAL ASSESSMENT *		29. PLOT PLANS *		32. OTHER Avery

PART V – SIGNATURES

THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.

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).

33. APPLICANT OR REPRESENTATIVE (Print):	34. DATE
ROBERT O. SUKUP	10/27/06
Sign:	37. OWNER (Print) / 38. DATE
	FRANK SCHITZENBAUMER 10/27/06
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.	Sign:
35. APPLICANT (Print): ROBERT O. SUKUP	36. DATE 10/27/06
39. OWNER Print):	40. DATE
Sign: Robert O. Sukup	Sign:

SCOTT

the Sea Bright company

October 27, 2006

City of Oceanside
Planning Department
300 North Coast Highway
Oceanside, CA 92054

RECEIVED
NOV 0 2 2006
Planning Department

Ref: Amazon Bikes, 1227 Vista Way
Modification Request for C 30 - 02, RC -15 -02

PROJECT DESCRIPTION

The above project is requesting a modification to their previously approved C.U.P. The request is to allow the construction of an additional 1800 square foot building with the possibility of connecting the new building to the existing building with an enclosed breezeway. The structural aspects of this connection need to be worked out if the connection is pursued.

The new building will replace an existing outside display area as well as an exterior storage shed. If the building is approved, the storage bin will be removed when the new building is occupied.

The new building is proposed to look similar to the existing building. The proposed building will require additional parking. There is adequate area on the existing parking lot to accommodate the additional spaces. No additional impervious area will result with the proposed building. It would be going over existing asphalt. The landscaping will remain as it presently exists. The landscaping was redone about 3 years ago and is doing very well.

No additional new utilities will be required to be brought in from the street. No disturbance will be necessary to any of the existing improvements in the public right of way. The parking lot is large enough so the proposed building can be constructed while still allowing the existing bicycle shop to function as it presently does.

Do not hesitate to call if you have any questions

Sincerely,

Bob Sukup

Robert O. Sukup
Agent - RCE 28302

LEGAL DESCRIPTION

AMAZON BIKES
C - 30 - 02 , RC - 15 - 02

RECEIVED
NOV 0 2 2006
Planning Department

PARCEL 1: (ASSESSOR'S PARCEL NO. 155-140-27)

THOSE PORTIONS OF TRACT 48 OF SOUTH OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 622, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 7, 1890, AND OF BUENA VISTA CEMETERY ACCORDING TO MAP THEREOF NO. 759, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 22, 1893, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID TRACT 48, SAID POINT BEING ALSO THE SOUTHEASTERLY CORNER OF TRACT 66 OF HOTALING LANDS AS SHOWN ON MAP NO. 1717, RECORDS OF SAID COUNTY; SAID POINT BEING ALSO THE SOUTHEASTERLY CORNER OF THE TOLLE TRACT, ACCORDING TO MAP THEREOF NO. 1952, RECORDS OF SAID COUNTY AND DESIGNATED THEREON AS BEING THE SOUTHEASTERLY CORNER OF SAID TRACT NO. 66; THENCE ALONG THE DIVIDING LINE BETWEEN SAID TRACTS 66 AND 48, NORTH 0°17'30" WEST (RECORD NORTH 0°17'50" WEST) 1239.52 FEET TO ITS INTERSECTION WITH THE SOUTHEASTERLY LINE OF VISTA WAY, SHOWN ON MAP OF HOTALING LANDS, NO. 1717 AS WALL STREET; THENCE ALONG THE SOUTHEASTERLY LINE OF VISTA WAY, NORTH 54°48'20" EAST 90.55 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHEASTERLY LINE, NORTH 54°48'20" EAST 140.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA XI-SD-2B RECORDED OCTOBER 23, 1951 IN BOOK 4270, PAGE 111 OF OFFICIAL RECORDS, BEING ALSO THE BEGINNING OF A 35.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY; THENCE ALONG SAID RIGHT OF WAY AS FOLLOWS:

EASTERLY ALONG THE ARC OF SAID CURVE 54.98 FEET THROUGH A CENTRAL ANGLE OF 90°00'04" AND SOUTH 35°11'36" EAST 28.70 FEET TO THE MOST NORTHERLY CORNER OF THE LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA, RECORDED JULY 31, 1969 AS FILE/PAGE NO 138223 OF OFFICIAL RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID LAND SOUTH 07°09'08" EAST (RECORD SOUTH 06°37'18" EAST) 103.44 FEET; LEAVING SAID WESTERLY LIN SOUTH 54°48'20" WEST 126.36 FEET; THENCE NORTH 35°11'40" WEST 155.00 FEET TO THE TI POINT OF BEGINNING.

NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(30 days)

1. **APPLICANT:** Amazon Bikes
2. **ADDRESS:** 1227 Vista Way
   Oceanside, CA.92054
3. **PHONE NUMBER:** (760) 722-4866
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** Amazon Bikes Remodel (D-28-06, C-30-02, RC-15-02)
7. **DESCRIPTION:** Proposal to allow a 1,800 square foot two story addition to an existing 2,090 square foot commercial bike building located at 1227 Vista Way.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Environmental Coordinator finds that the proposed project constitutes interior alterations involving such things as interior partitions, plumbing and electrical conveyances, and the project is categorically exempt. 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,

[X] The project is categorically exempt, Class One, "Existing Facilities" (Section 15301); or,

[ ] The project does not constitute a "project" as defined by CEQA (Section 15378).

Date: November 3, 2008

Scott Nightingale, Planner II

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