

AGENDA NO. 4

PLANNING COMMISSION
RESOLUTION NO. 2007-P02

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

APPLICATION NO: C-9-06, V-20-06
APPLICANT: Clean Energy
LOCATION: 305 Via Del Norte

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 and Variance under the provisions of Articles 13 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

a CNG fueling dispenser facility;
on certain real property legally described as shown on Exhibit "A" attached hereto and incorporated herein by reference thereto.

WHEREAS, the Planning Commission, after giving the required notice, did on the 22nd day of January, 2007 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 is not subject to CEQA per the General Rule, Section 15061 (B)(3);

WHEREAS, the documents or other material which constitutes 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;

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
3 Drainage Fee	4 Ordinance No. 85-23 5 Resolution No. 06-R0334-1	6 Depends on area (range is 7 \$2,843-\$15,964 per acre)
8 Public Facility Fee	9 Ordinance No. 91-09 10 Resolution No. 06-R0334-1	11 \$.713 per square foot or \$713 12 per thousand square feet for 13 non-residential uses

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

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

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

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

28 WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes
29 effective 10 days from the date of 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:

1 FINDINGS:

2 For the Conditional Use Permit:

- 3 1. The proposed use has been conditioned to be in accord with the objectives of the Zoning
4 Ordinance and the purposes of the district in which the site is located.
- 5 2. The proposed conditional use and the proposed conditions under which it will be operated
6 and maintained will be consistent with the General Plan; will not be detrimental to the
7 public health, safety, welfare of persons residing or working in or adjacent to the
8 neighborhood of such use; and will not be detrimental to properties or improvements in the
9 vicinity or to the general welfare of the City. The facility will provide a cleaner alternative
10 fuel for public use.
- 11 3. The proposed conditional use will comply with the provisions of the Zoning Ordinance,
12 including any specific condition required for the proposed conditional use in the district in
13 which it will be located.

13 For the Variance:

- 14 1. There are special circumstances or conditions applicable to the development site,
15 including size, shape, topography, location and surroundings that warrant granting of the
16 Variance to allow a reduction of the required landscaping within the front yard setback
17 (50% minimum). Existing constraints on the property, due to its location adjacent to the
18 North County Transit District's maintenance yard, prevent full compliance with
19 landscaping requirements.
- 20 2. Granting the application will not be detrimental or injurious to property or improvements
21 in the vicinity of the development site, or to the public health, safety or general welfare.
22 The proposed landscaping will enhance the surrounding area.
- 23 3. The granting of the Variance will be consistent with the purpose of the Zoning
24 Ordinance and will not constitute a grant of special privilege inconsistent with
25 limitations of other properties in the vicinity.

26 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
27 approve Conditional Use Permit (C-9-06) and Variance (V-20-06) subject to the following
28 conditions:
29

1 **Building:**

- 2 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
3 Building Division plan check. (Currently the 2001 California Building Code and 2004
4 California Electrical Code)
- 5 2. The granting of approval under this action shall in no way relieve the applicant from
6 compliance with all State and local building codes.
- 7 3. Site development, parking access into buildings and building interiors shall comply with
8 the State's Disabled Accessibility Regulations. (2001 CBC Chapter 11B)
- 9 4. All electrical, communication, CATV, etc. service lines within the exterior lines of the
10 property shall be underground (City Code Sec. 6.30).
- 11 5. The building plans for this project shall be prepared by a licensed architect or engineer and
12 must be in compliance with this requirement prior to submittal for building plan review.
- 13 6. All outdoor lighting shall comply with Chapter 39 of the City Code (Light Pollution
14 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or
15 other such lights may be utilized and shall be shown on building and electrical plans.
- 16 7. The developer shall monitor, supervise and control all building construction and supporting
17 activities so as to prevent these activities from causing a public nuisance, including, but not
18 limited to, strict adherence to the following:
- 19 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
20 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work
21 that is not inherently noise-producing. Examples of work not permitted on
22 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
23 producing nature. No work shall be permitted on Sundays and Federal Holidays
24 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
25 Christmas Day) except as allowed for emergency work under the provisions of the
26 Oceanside City Code Chapter 38 (Noise Ordinance).
- 27 b) The construction site shall be kept reasonably free of construction debris as
28 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
29 approved solid waste containers shall be considered compliance with this

1 requirement. Small amounts of construction debris may be stored on-site in a neat,
2 safe manner for short periods of time pending disposal.

3 8. A separate/unique address shall be required to facilitate utility releases. Verification that
4 the addresses have been properly assigned by the Planning Division must accompany the
5 building permit application.

6 9. Compliance with the Federal Clean Water Act (BMPs) must be demonstrated on the plans.

7 **Engineering:**

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

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

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

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

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

28 11. Design and construction of all improvements shall be in accordance with standard plans,
29 specifications of the City of Oceanside and subject to approval by the City Engineer and/or
Public Works Director.

- 1 12. Any broken pavement, concrete curb, gutter or sidewalk or any damaged during
2 construction of the project, shall be repaired or replaced as directed by the City Engineer
3 and/or Public Works Director.
- 4 13. All right-of-way alignments, street dedications, exact geometrics and widths shall be
5 dedicated and improved as required by the City Engineer and/or Public Works Director.
- 6 14. The approval of the project shall not mean that closure, vacation, or abandonment of any
7 public street, right-of-way, easement, or facility is granted or guaranteed to the developer.
8 The developer is responsible for applying all closures, vacations, and abandonments as
9 necessary. The application(s) shall be reviewed and approved or rejected by the City of
10 Oceanside under separate process(es) per codes, ordinances, and policies in effect at the
11 time of the application.
- 12 15. A traffic control plan shall be prepared according to the City Traffic Control Guidelines
13 and be submitted to and approved by the City Engineer and/or Public Works Director prior
14 to the start of work within open City rights-of-way. Traffic control during construction of
15 streets that have been opened to public traffic shall be in accordance with construction
16 signing, marking and other protection as required by the Caltrans Traffic Manual and City
17 Traffic Control Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30
18 p.m. unless approved otherwise.
- 19 16. Approval of this development project is conditioned upon payment of all applicable impact
20 fees and connection fees in the manner provided in chapter 32B of the Oceanside City
21 Code. All drainage fees, traffic signal fees and contributions, highway thoroughfare fees,
22 park fees, reimbursements, and other applicable charges, fees and deposits shall be paid
23 prior to recordation of the map or the issuance of any building permits, in accordance with
24 City Ordinances and policies. The developer shall also be required to join in to, contribute,
25 or participate in any improvement, lighting, or other special district affecting or affected by
26 this project. Approval of the project shall constitute the developer's approval of such
27 payments, and his agreement to pay for any similar assessments or charges in effect when
28 any increment is submitted for final map or building permit approval, and to join,
29 contribute, and/or participate in such districts.

- 1 17. Sight distance requirements at the project driveway or street shall conform to the corner
2 sight distance criteria as provided by the California Department of Transportation Highway
3 Design Manual.
- 4 18. Pavement sections for all streets, driveways and parking areas shall be based upon
5 approved soil tests and traffic indices. The pavement design is to be prepared by the
6 developer's soil engineer and must be approved by the City Engineer and/or Public Works
7 Director prior to paving.
- 8 19. Grading and drainage facilities shall be designed and installed to adequately accommodate
9 the local stormwater runoff and shall be in accordance with the City's Engineers Manual
10 and as directed by the City Engineer and/or Public Works Director.
- 11 20. The applicant shall obtain any necessary permits and clearances from all public agencies
12 having jurisdiction over the project due to the its type, size, or location, including but not
13 limited to the U.S. Army Corps of Engineers, California Department of Fish and Game,
14 U.S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
15 (including NPDES), and the San Diego County Health Department, prior to the issuance of
16 grading permits.
- 17 21. Prior to any grading of any part of the project, a comprehensive soils and geologic
18 investigation shall be conducted of the soils, slopes, and formations in the project. All
19 necessary measures shall be taken and implemented to assure slope stability, erosion
20 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
21 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by
22 the City Engineer and/or Public Works Director.
- 23 22. An erosion control plan and precise grading and private improvement plan shall be
24 prepared, reviewed, secured, and approved prior to the issuance of any building permits.
25 The plan shall reflect all pavement, flatwork, landscaped areas, special surfaces, curbs,
26 gutters, medians, striping, signage, footprints of all structures, walls, drainage devices and
27 utility services.
- 28 23. Landscaping plans, including plans for the construction of walls, fences or other structures
29 at or near intersections, must conform to intersection sight distance requirements.
Landscape and irrigation plans shall be approved by the City Engineer and/or Public Works

1 Director prior to the issuance of occupancy permits, and a pre-construction meeting held,
2 prior to the start of any improvements.

3 24. All landscaped planting areas shall be required to include groundcover as approved on the
4 landscape plans and by the City Engineer and/or Public Works Director.

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

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

12 **Fire Prevention:**

13 27. Prior to approval of the final inspection, a CD of the project's as-built plans, prepared in a
14 format compatible with the Fire Department's mapping program, shall be submitted to the
15 Fire Department. Information on acceptable format types is available from the Fire
16 Department.

17 28. Detailed plans of underground fire service mains shall be submitted to the Oceanside
18 Fire Department for approval prior to installation.

19 29. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval
20 prior to the issuance of building permits.

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

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

25 32. Add notes to the plan regarding facility to comply with Article 52, Section 5204 of the
26 Uniform Fire Code 1997 Edition, Volume 1, and with the Uniform Fire Code Standard
27 52-1, and N.F.P.A. 52 Chapter 6, CNG Engine Fuel Systems.

28 **Planning:**

29 33. This Conditional Use Permit is granted for the following use only: installation and
operation of a CNG fueling dispenser facility. Any change in the use or expansion of the

1 activities beyond that, which is approved by the Planning Commission, will require a
2 revision to the Conditional Use Permit or a new Conditional Use Permit.

3 34. This Conditional Use Permit shall be called for review by the Planning Commission if
4 complaints are filed and verified as valid by the City Planner or the Code Enforcement
5 Officer concerning the violation of any of the approved conditions or the project
6 assumptions demonstrated under the application approval.

7 35. This Conditional Use Permit shall expire on January 22, 2009 unless implemented as
8 required by the Zoning Ordinance.

9 36. Prior to the transfer of ownership and/or operation of the use, the owner shall provide a
10 written copy of the application, staff report, and resolution for the project to the new
11 owner and or operator. The notification requirement shall run with the life of the
12 project.

13 37. Failure to meet any conditions of approval for this development shall constitute a violation
14 of the Conditional Use Permit.

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

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

24 40. The final design and construction of the facility shall be in accordance with the plans
25 representing the approved project and the conditions of approval. These requirements shall
26 be shown and demonstrated on the plans submitted for building permits and shall be
27 reviewed and approved by the City Planner prior to the issuance of building permits.

28 41. Prior to the issuance of building permits, compliance with the applicable provisions of the
29 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

1 remove or cover with matching paint all graffiti within 24 hours, shall be noted on the
2 Landscape Plan and shall be recorded in the form of a covenant affecting the subject
3 property.

4 42. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water
5 Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall
6 be reviewed and approved by the City Engineer and/or Public Works Director and City
7 Planner prior to the issuance of building permits. Landscaping shall not be installed until
8 bonds have been posted, fees paid, and plans signed for final approval. The following
9 special landscaping requirements shall be met:

- 10 a) The developer shall be responsible for irrigating and landscaping the proposed
11 landscaped areas associated with the block wall and planter.
- 12 b) The location and species shall be approved by the Fire Marshall and City Inspector.
- 13 c) Landscape plans shall comply with Section 3019 of the City of Oceanside Zoning
14 Ordinance and the City of Oceanside Guidelines and Specifications for Landscape
15 Development.

16 43. No metallic and/or reflective paints or surfaces shall be permitted.

17 44. All signage shall be in accordance with the plans representing the approved project. The
18 signage shall be shown on the plans submitted for building permits and shall be reviewed
19 and approved by the City Planner prior to the issuance of building permits.

20 **Water Utilities:**

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

24 46. No trees, structures, building overhang or other encroachments shall be permitted within
25 the existing wastewater utility easement.

26 47. The property owner shall maintain private water and wastewater utilities located on private
27 property.

28 48. Water services and sewer laterals constructed in existing right-of-way locations shall be
29 constructed by approved and licensed contractors at developer's expense.

1 49. The developer shall be responsible for developing all water and sewer utilities necessary to
2 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
3 the developer and shall be done by an approved licensed contractor at the developer's
4 expense.

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

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1 51. The property owner shall submit a letter to the Water Utilities Director stating his/her intent
2 to allow the applicant to tie into the existing irrigation prior to landscape plan approval.

3 PASSED AND ADOPTED Resolution No. 2007-P02 on January 22, 2007 by the
4 following vote, to wit:

5 PASSED Conditional Use Permit on January 22, 2007 by the following vote, to wit:

6 AYES: Martinek, Horton, Blom and McLeod

7 NAYS: Parker

8 ABSENT: Balma

9 ABSTAIN: None

10 PASSED Variance on January 22, 2007 by the following vote, to wit:

11 AYES: Martinek, Blom and McLeod

12 NAYS: Parker, Horton

13 ABSENT: Balma

14 ABSTAIN: None

15 ADOPTED Resolution No. 2007-P02 on February 12, 2007.

16 _____
17 Dennis Martinek, Chairman
18 Oceanside Planning Commission

19 ATTEST:

20 _____
21 Jerry Hittleman, Secretary

22 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
23 this is a true and correct copy of Resolution No. 2007-P02.

24
25 Dated: February 12, 2007
26
27
28
29

**LEGAL DESCRIPTION
FOR
NORTH COUTNY TRANSIT
PUBLIC ACCESS**

RECEIVED

MAR 29 2006

Planning Department

The portion of the Southwest quarter of the Southeast quarter of Section 13 and the Northwest quarter of the Northeast quarter of Section 24, Township 11, South, Range 5 West, San Bernardino Meridian, located in the City of Oceanside, County of San Diego, State of California.



CITY OF OCEANSIDE
PLANNING DEPARTMENT

NOTICE OF EXEMPTION

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

PROJECT TITLE AND FILE NUMBER:
CLEAN ENERGY (C-9-06, V-20-06)

PROJECT LOCATION - SPECIFIC:
305 Via Del Monte
APN 145-030-26

PROJECT LOCATION - GENERAL:
City of Oceanside

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:

To obtain a Conditional Use Permit to add a compressed natural gas (CNG) fueling dispenser on the property of North County Transit District's maintenance yard, which will be integrated into an existing CNG fueling system. The Variance is to allow for a reduction of the required front yard setback landscaping requirement (50% minimum).

NAME OF PUBLIC AGENCY APPROVING PROJECT:
City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:
Clean Energy
3020 Old Ranch Parkway, Suite 200
Seal Beach, CA 90740
(562) 493-2804

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)

CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION 153xx

REASONS WHY PROJECT IS EXEMPT:

The project proposes a use permit for a compressed natural gas fueling dispenser, which will tie into an existing fueling system; it proposes no significant impact on the environment.

Contact Person: Sally Schifman, Planner II


SIGNATURE
For: Jerry Hittleman, City Planner

January 22, 2007
DATE