

AGENDA NO. 3



PLANNING COMMISSION

STAFF REPORT

DATE: February 22, 2010

TO: Chairperson and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A DEVELOPMENT PLAN (D-2-08) AND REVISION TO CONDITIONAL USE PERMIT (C-17-84REV08) TO ALLOW FOR THE CONSTRUCTION OF A 2,860-SQUARE FOOT MINI MART WITH OFFICE AND FOUR ADDITIONAL SERVICE PUMPS TO AN EXISTING SERVICE STATION LOCATED AT 3361 MISSION AVENUE – MISSION AVE 76 STATION REVISION – APPLICANT: ERFANI AND BENNETT CO.**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

Confirm issuance of a Class 3, Categorical Exemption “New Construction or Conversion of Small Structures”; and adopt Planning Commission Resolution No. 2010-P07 approving Development Plan (D-2-08) and Conditional Use Permit Revision (C-17-84REV08) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On August 4, 1980 the Copperwood Master Development Plan was approved, permitting specific land uses within the established Cooperwood commercial center and project site. On August 20, 1984 a Conditional Use Permit (C-17-84) was approved by the Planning Commission for the Development of a Unocal 76 Service Station. This approval allowed for the construction of a 144-square foot cashier booth, service station canopy, and 14 fuel pumps that were permitted and constructed in 1986.

Site Review: This commercial service station site is located at the southwest corner of Foussat Road and Mission Avenue within the Loma Alta Neighborhood. The site is approximately 0.69 acres and exists with 14 fuel pumps and a 144-square foot cashier booth for the existing Unocal 76 service station. The project site has an underlying General Plan land use designation of Neighborhood Commercial (NC), a Zoning Designation of Neighborhood Commercial (NC), and is situated within the Copperwood Business Center. The property is surrounded by similar Neighborhood Commercial (NC) and Commercial General (CG) land uses in all directions.

Surrounding uses include the City of Oceanside Fire Station 7 and Highway 76 to the north, a commercial restaurant known as the Dilbertos to the east, a commercial strip mall to the south, and a commercial office building to the west. Access to the site is provided via the two driveways of which are located on Mission Avenue and Copperwood Way. The site exists with four striped parking stalls near the southeast entrance, and a large green space area of grass exists to the west of the property.

Project Description: The project application is comprised of two components; a Development Plan (D-2-08) and a Revision to Conditional Use Permit (C-17-84REV08) as follows:

Development Plan (D-28-06) is a request for the following:

To construct a 2,860-square foot mini-market and associated site improvements. The mini-market would consist of a large commercial retail area, a deli food preparation area, prefabricated coolers for the storages of food and beverages, an office, and an ADA accessible restroom. Eleven additional parking stalls would be added for a total of 15 parking stalls throughout the site and a new trash enclosure built to city standards would be incorporated with the proposed development. Four additional fuel pumps would be added as a part of this entitlement, to provide a total of 18 fuel pumps on the site. As part of this Development Plan, the 144 square-foot cashier booth would be demolished in lieu of the additional fuel pumps. The architecture of the proposed mini-market would be modern Spanish Mediterranean and would reflect the architectural designs of the surrounding commercial buildings in the area. The project's materials and colors would consist of slate roofing materials, ivory colored stucco walls, dual pane glass windows, decorative wall mounted sconces, high quality canvas awnings, and stone veneer. The architecture design has been previously approved by the Copperwood Architectural Committee.

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 convenience store items within the proposed mini-market in association with the existing service station use as per the Oceanside Zoning Ordinance section 1120.

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

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

ANALYSIS

KEY PLANNING ISSUES

1. Zoning Compliance

This project is located in the Neighborhood Commercial District (CN). 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	10,000 square feet	Approximately 30,056 square feet (Existing)
OFF-STREET PARKING	1 space per 200 SF of building area= 14 stalls	15 stalls
FRONT YARD	15-feet	58-feet
SIDE YARD	0-feet	2.5+ feet
CORNERSIDE YARD	10-feet	60-feet
REAR YARD	0-feet	5.5- feet
HEIGHT	50-ft (OZO), 35-ft (LCP)	22.3-feet
MINIMUM LANDSCAPING	15%	15%

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 Neighborhood Commercial (NC). 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 contemporary architectural design for the proposed mini-market building features Spanish architectural details and materials consistent with many developments throughout the City of Oceanside. The stucco wall features, decorated stone veneer column coverings, slate roofing materials, and the double paned windows that would enhance to the property. A translucent insulated skylight would be incorporated into the apex of the roof, to enable natural light into the interior space to save electricity. The proposed Mediterranean plant and landscape palette would enhance the site, as well as the commercial center.

3. Land Use Compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Neighborhood Commercial (NC)	Neighborhood Commercial (CN),	Commercial Service Station
North of Subject Property	General Commercial (GC)	General Commercial (CG)	City of Oceanside Fire Station Seven
East of Subject Property:	Neighborhood Commercial (NC),	Neighborhood Commercial (NC),	Mexican fast food restaurant
South of Subject Property:	Neighborhood Commercial (NC),	Neighborhood Commercial (NC),	Copperwood commercial retail suites
West of Subject Property:	Neighborhood Commercial (NC),	Neighborhood Commercial (NC),	Copperwood Commercial Offices

The proposed service station with mini-mart land use is consistent with the Copperwood Business Center and the General Plan and Zoning Ordinance designations applicable to the project site. Staff has analyzed the proposed project and found that the uses within the area are predominantly commercial and the proposed mini-market would compliment the adjoining commercial uses.

DISCUSSION

The project is proposed within an established area of the City on a site that possesses adequate infrastructure and services to accommodate the proposed mini-mart use. The

proposed mini-mart's architectural design would be an upgrade to the site and will compliment the property; as well as the neighboring commercial properties within the Copperwood Commercial Center.

The proposed mini-mart and service station use would serve the needs of the nearby residential uses and the patrons driving along Mission Avenue. The proposed enhancements to the service station would enhance the property and the neighborhood, through its enhanced and updated design. The mini-mart's architecture design is consistent with similar developments along Mission Avenue. Therefore staff recommends approval based on the architectural consistency with adjoining uses.

ENVIRONMENTAL DETERMINATION

The proposed project is categorical exempt from the provisions of the California Environmental Quality Act (CEQA) as per Article 19 Section 15303 "New Construction or Conversion of Small Structures."

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 February 22, 2010, no communication supporting or opposing the request has been received.

SUMMARY

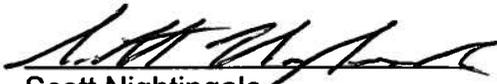
Staff finds that the proposed use and building improvements, along with recommended conditions of project approval, will complement existing and proposed land uses within the neighborhood, provide an allowed service to the residents in the immediate area, and be in compliance with applicable Zoning Ordinance development standards.

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

- Confirm issuance of a Class 3, Categorical Exemption "New Construction or Conversion of Small Structures"; and adopt Planning Commission Resolution No. 2010-P07 approving the Development Plan (D-2-08) and Revision to Conditional Use Permit (C-17-84REV08) with findings and conditions of approval attached herein.

PREPARED BY:

SUBMITTED BY:



Scott Nightingale
Acting Associate Planner



Jerry Hittleman
City Planner

JH/SN/fil

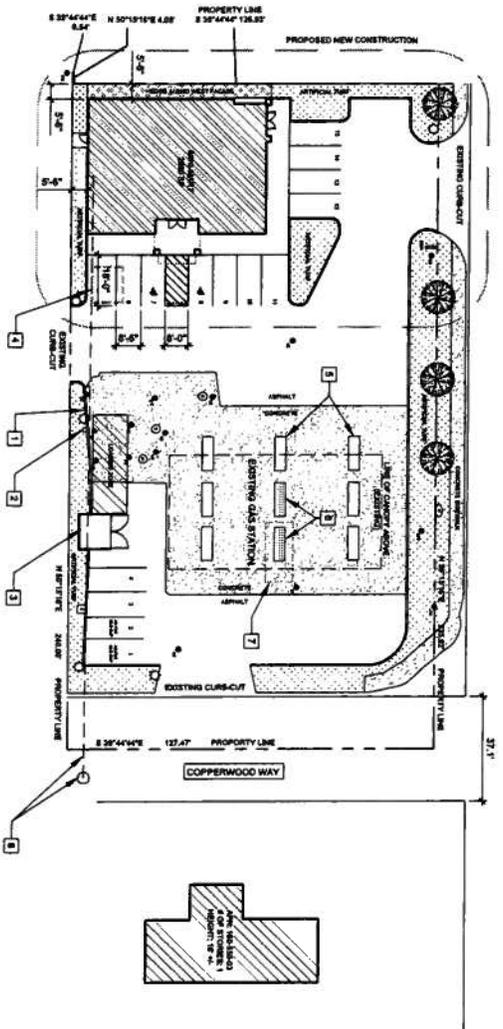
Attachments:

1. Site plan, floor plan and elevations
2. Photos of existing site
3. Planning Commission Resolution No. 2010-P07
4. Planning Commission Resolution No. 84-P92

received
MAY 21 2009

OCEANSIDE MINI-MARKET

Planning Division



PROJECT INFORMATION

APPLICANT/OWNER:
EPPANI & BENNETT COMPANY
14500 WILSON AVENUE, SUITE 200
COSTA MESA, CA 92626
CONTACT: MR. ALBERTO
TELEPHONE: (949) 877-0771

ARCHITECT:
WITKIN DESIGN, INC.
1820 S. COAST HWY., STE 206
COSTA MESA, CA 92626
TEL: (949) 440-1820
FAX: (949) 440-1828
CONTACT: AMY THOMPSON

ASSASSOR'S PARCEL NO.:
184-550-10
0.81 ACRES
CUP (MEDIUM-DENSITY RESIDENTIAL)
COPPERWOOD MASTER DEVELOPMENT PLAN

PROJECT ADDRESS:
3361 MISSION AVENUE
COSTA MESA, CA 92626

EXISTING CONDITIONS:
THE SITE IS PART OF THE COPPERWOOD MASTER DEVELOPMENT PLAN AND CURRENTLY 13.7 BUILDING TONS IN 18,000 SQ FT. 1 OF WHICH IS ACCESSIBLE. THE CAR REQUIRED ON 7.7 PARKING SPACES.

LEGAL DESCRIPTION:
THE NORTH-EASTERLY 23.82 FEET OF PARCEL 184-550-10, AS SHOWN ON A PARCEL MAP FILED IN BOOK OF PARCEL MAPS AT PAGE 13373 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ON JULY 11, 1984.

PROJECT DESCRIPTION:
A 2860 SF MINI-MART LOCATED ON SITE AT 3361 MISSION AVENUE, COSTA MESA, CA IS PROPOSED. THE WORK ALSO INCLUDES THE GRADING, THE GAS STATION AND THE ADDITION OF FOUR MORE PUMPS.

PROJECT SIZE:
2860 SF
MINI-MART - M OCCUPANCY

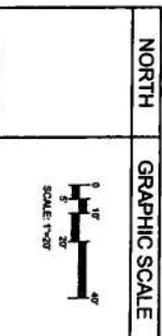
NUMBER OF STORES:
ONE

HEIGHT:
22'-7 1/4"

PARKING REQUIREMENTS:
15 SPACES (1 PER 200 SF)

PARKING PROVIDED:
15 (2 ACCESSIBLE)

LANDSCAPING PROVIDED:
APPROX. 15% (4,590 SF) PERVIOUS



SHEET INDEX

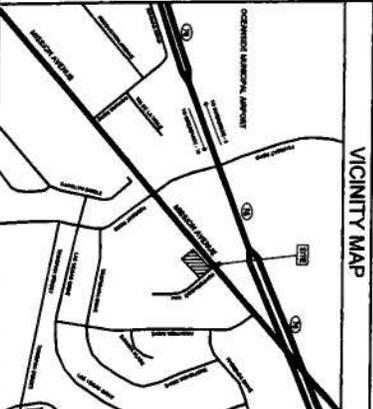
AS1	SHEET INDEX
A1	FLOOR PLAN
A2	ROOF PLAN
A3	ELEVATIONS
L1	CONCEPTUAL LANDSCAPE PLAN
L2	CONCEPTUAL LANDSCAPE PLAN
C1	GRADING PLAN
C2	GRADING PLAN
C3	GRADING PLAN

GENERAL NOTES

- REFER TO CIVIL ENGINEERING DRAWINGS FOR GRADING PLANS, IMPROVEMENT PLANS AND DETAILS
- REFER TO LANDSCAPE PLANS FOR EXTENT OF LANDSCAPING

- ### KEYNOTES
- EXISTING AIR AND WATER
 - EXISTING VACUUM
 - NEW TRASH ENCLOSURE WITH METAL GATE. SEE SHEET A1 FOR DETAIL
 - EXISTING TRASH ENCLOSURE TO BE DEMOLISHED
 - EXISTING GAS PIPES
 - NEW GAS PIPES
 - EXISTING BLDG. TO BE DEMOLISHED
 - PROPOSED SEWER LINE FROM NEW BLDG. TO EXISTING MANHOLE. MINIMUM SLOPE = 1/4" PER FOOT

- ### LEGEND OF EXISTING
- ⊕ GAS MANHOLE
 - ⊖ WATER METER
 - ⊕ ELECTRIC TRANSFORMER
 - ☀ LIGHT POLE
 - ⊕ BACKFLOW PREVENTER
 - ⊕ ELECTRIC SWITCH BOX
 - ⊕ FILTER CAP
 - ⊕ VALVE COVER
 - ⊕ FREE INDIANT



ARCHITECT:
WITKIN DESIGN, INC.
withkin design
ARCHITECTURAL & ENGINEERING
ADMINISTRATIVE SERVICES
1820 S. COAST HWY SUITE 206
COSTA MESA, CA 92626
(949) 440-1820

PROJECT:
CUP FIRST RE-SUBMITTAL
MINI-MART

3361 MISSION AVENUE
OCEANSIDE, CA 92038

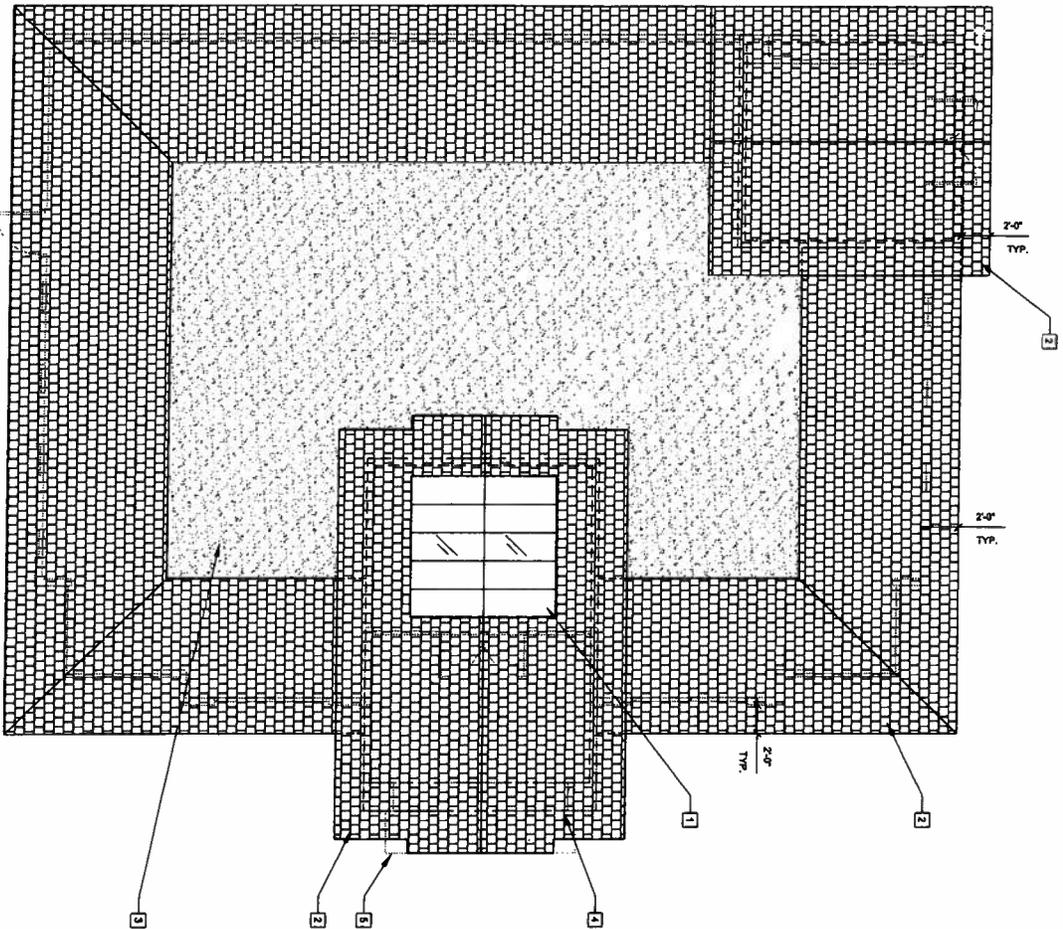
SHEET TITLE:
SHEET INDEX
SITE PLAN
VICINITY MAP
PROJ. INFO.

ISSUE DATE:
MAY 20, 2009

DRAWN BY:
AT

CHECKED BY:
MAW

SHEET #
AS1



KEYNOTES

- 1 SKYLIGHT
- 2 SLATE ROOF
- 3 BUILT UP ROOF
- 4 LINE OF WALL BELOW
- 5 LINE OF AWNING BELOW

ARCHITECT:

WITKIN DESIGN, INC.

Witkin
design
ARCHITECTURAL PLANNING
1800 S. GARDEN HWY. SUITE 200
OCEANSIDE, CA 92058
(760) 771-4825

CUP FIRST
RE-SUBMITTAL

PROJECT:

MINI-MART

33871 MISSION AVENUE
OCEANSIDE, CA 92058

REVISIONS:

NO.	DATE	DESCRIPTION

SHEET TITLE:
ROOF
PLAN



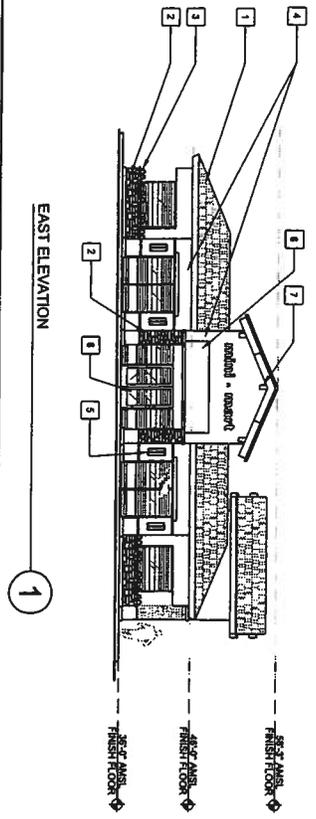
ISSUE DATE: MAY 20, 2009
DRAWN BY: AT
CHECKED BY: MW



GRAPHIC SCALE

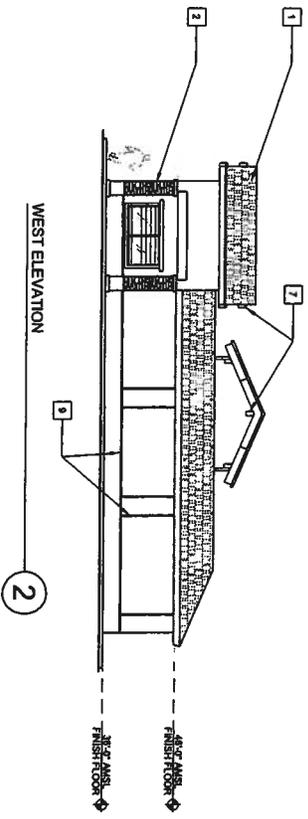
A2

SHEET #



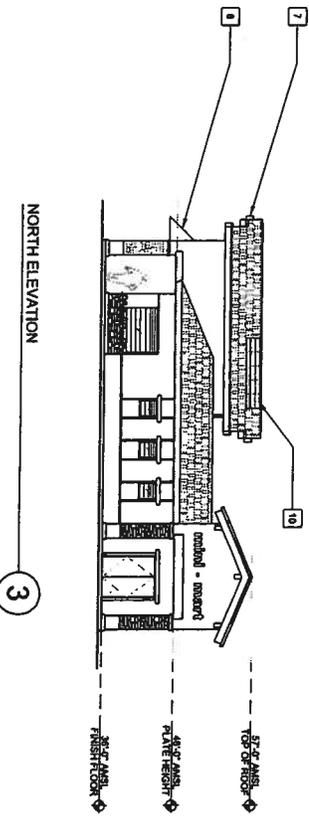
EAST ELEVATION

1



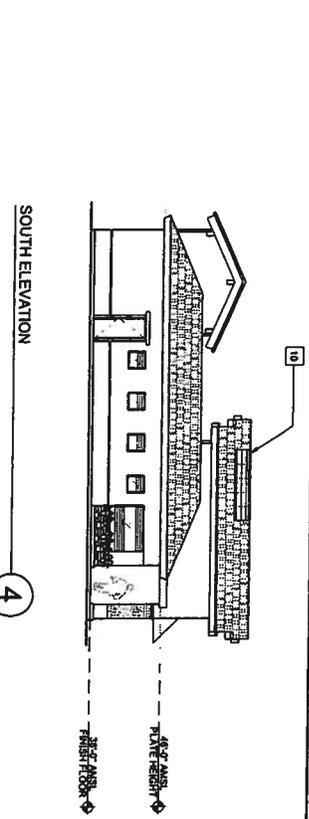
WEST ELEVATION

2



NORTH ELEVATION

3



SOUTH ELEVATION

4

KEYNOTES

- 1 SLATE TILE
- 2 STONE VENEER
- 3 PLASTER
- 4 STUCCO
- 5 WALL MOUNT SCIENCE
- 6 ALUMINUM STOREFRONT WINDOWS AND DOORS
- 7 QUIRRISERS
- 8 AWNING
- 9 RAILETS
- 10 SMOULIGHT

ARCHITECT:

WITKIN DESIGN, INC.
witkin
osson
 ARCHITECTURAL PARTNERS
 1580 S. COURT WAY, SUITE 200
 OCEANSIDE, CA 92084
 (760) 731-8252

CUP FIRST
 RE-SUBMITTAL

PROJECT:

MINI-MART

3361 MISSION AVENUE
 OCEANSIDE, CA 92058

REVISIONS:

NO.	DATE	DESCRIPTION

SHEET TITLE:
 ELEVATIONS

ISSUE DATE: MAY 20, 2009
 DRAWN BY: AT
 CHECKED BY: MW
 SHEET #

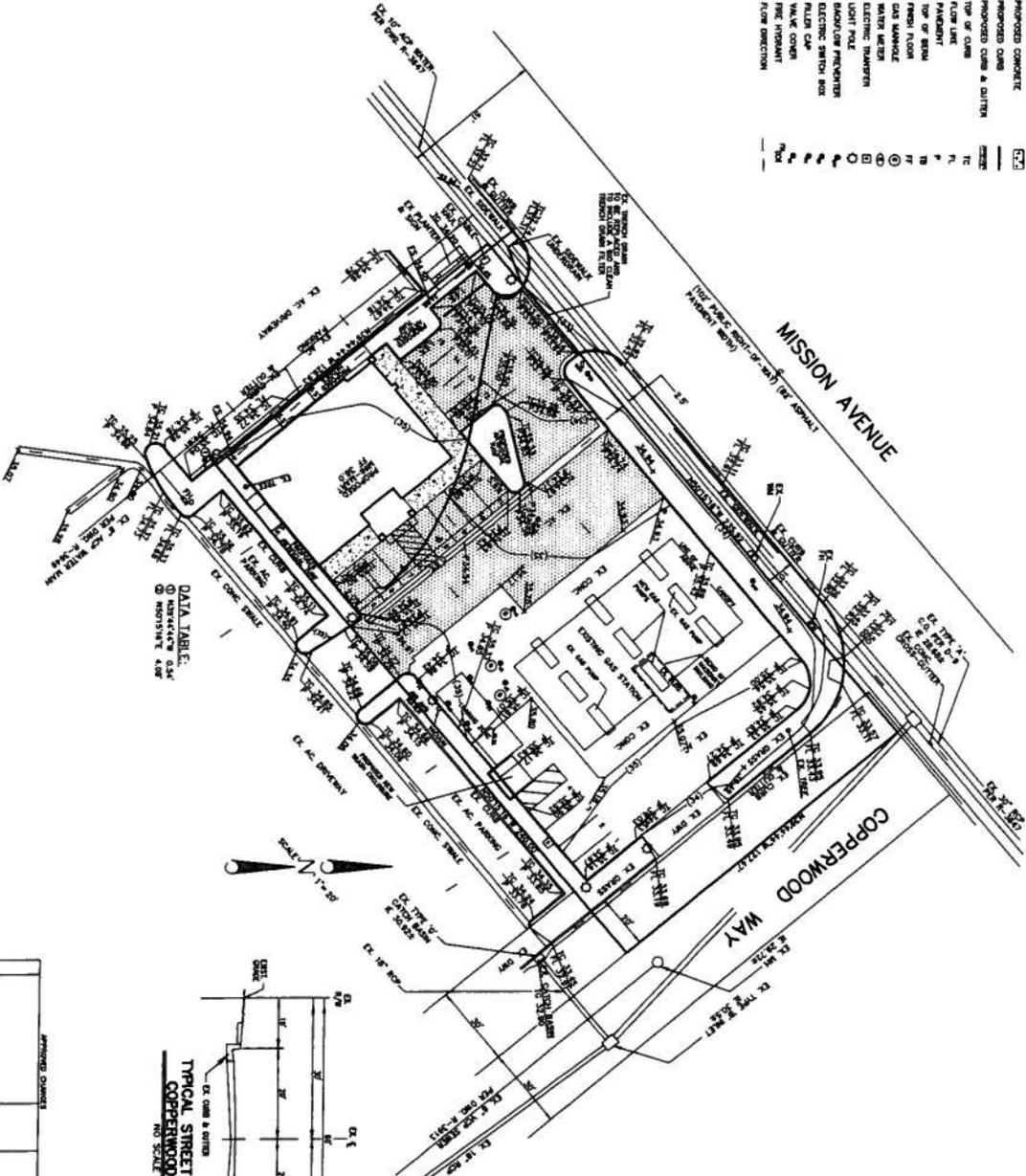
GRAPHIC SCALE



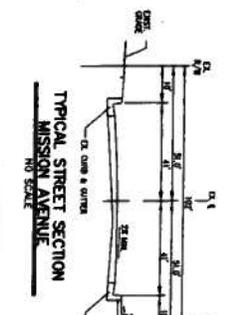
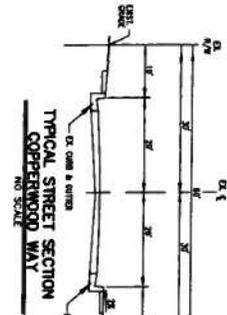
A3

PROPOSED CAR WASH AND MINI-MART 3361 MISSION AVENUE OCEANSIDE, CALIFORNIA

- LEGEND**
- (-)- PROPOSED LINE
 - EXISTING CONTOUR
 - PROPOSED CONTOUR
 - SPOT ELEVATION
 - EXISTING ELEVATION
 - PROPOSED ELEVATION
 - PROPOSED CONCRETE
 - PROPOSED CURB & GUTTER
 - TOP OF CURB
 - FLOOR LINE
 - PROPOSED
 - TOP OF ROAD
 - GAS MAIN
 - WATER MAIN
 - ELECTRIC MAIN
 - LIGHT POLE
 - SIGNAGE PRECINCT
 - ELECTRIC SWITCH BOX
 - FILLER CAP
 - WALK COVER
 - FIRE HYDRANT
 - FLOW DIRECTION



DATA TABLE:
 ○ MANHOLE 34" DIA.
 ○ MANHOLE 48" DIA.



NO.	Description	Issued by

NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL ELEVATIONS ARE IN FEET ABOVE MEAN SEA LEVEL UNLESS OTHERWISE NOTED.
 3. THE PROPOSED GRADING SHALL BE IN ACCORDANCE WITH THE CITY ENGINEER'S APPROVAL.
 4. THE PROPOSED GRADING SHALL BE IN ACCORDANCE WITH THE CITY ENGINEER'S APPROVAL.

SHEET	1	CITY OF OCEANSIDE ENGINEERING DEPARTMENT	3
GRADING PLANS FOR: 3361 MISSION AVENUE OCEANSIDE, CALIFORNIA			
DATE	12/15/2007	APPROVED BY	CITY ENGINEER
DESIGNED BY		APPROVED BY	

DECLARATION OF ENGINEER OF WORK

I, ENGINEER, DO HEREBY CERTIFY THAT THE DESIGN OF THE IMPROVEMENTS AS SHOWN ON THESE PLANS WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF CALIFORNIA. I HEREBY CERTIFY THAT THE DESIGN OF THE IMPROVEMENTS AS SHOWN ON THESE PLANS WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF CALIFORNIA. I HEREBY CERTIFY THAT THE DESIGN OF THE IMPROVEMENTS AS SHOWN ON THESE PLANS WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF CALIFORNIA.

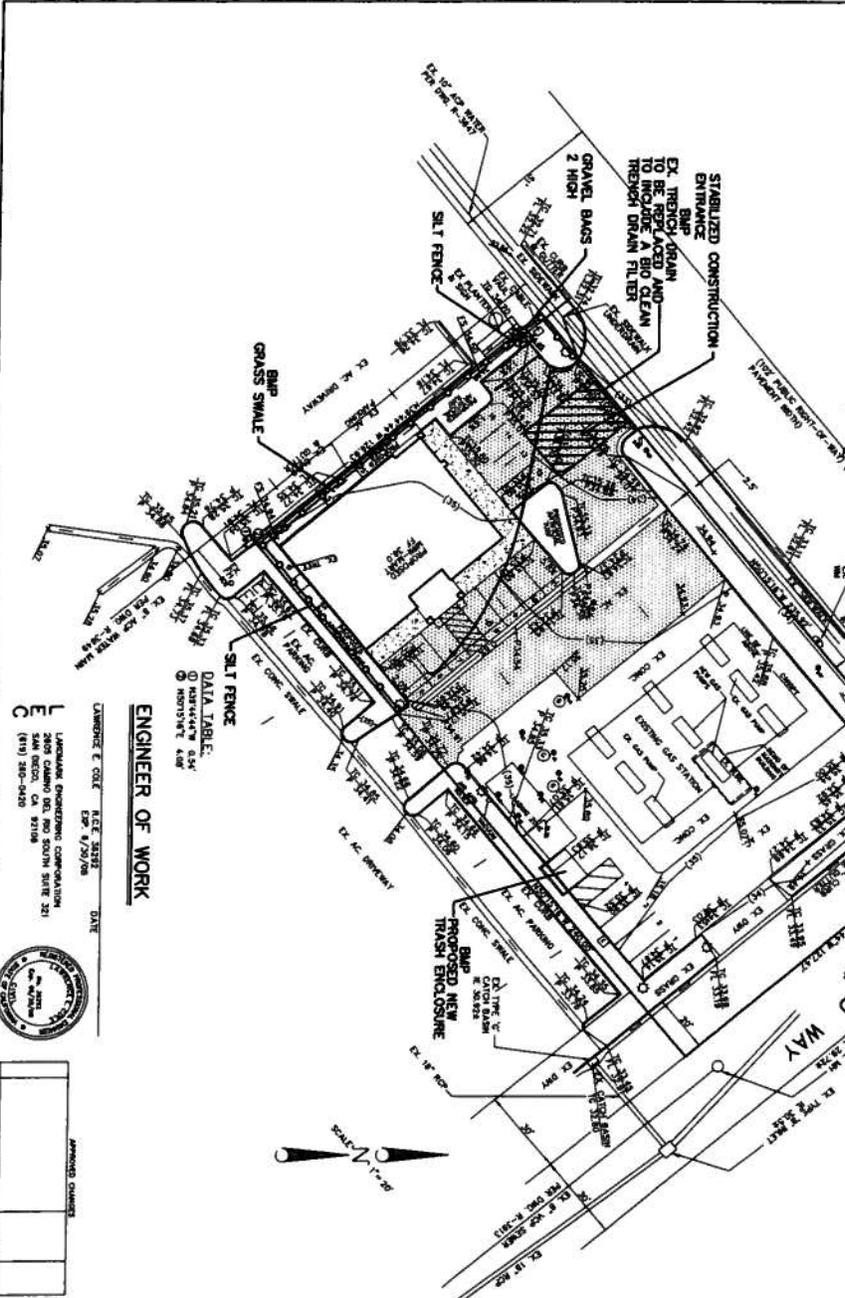
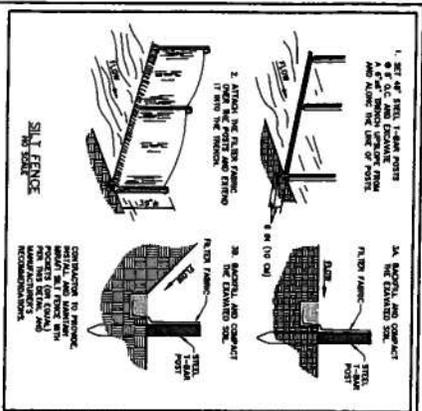
LEGAL DESCRIPTION
 PARCEL 12, AS SHOWN ON PARCEL MAP NO. 13073, IN THE CITY OF OCEANSIDE, SAN DIEGO COUNTY, CALIFORNIA.
 AS-BUILT CERTIFICATION
 I HEREBY CERTIFY THAT AS THE ENGINEER IN RESPONSIBLE CHARGE OF THE DESIGN OF THE IMPROVEMENTS AS SHOWN ON THESE PLANS, I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF CALIFORNIA. I HEREBY CERTIFY THAT THE DESIGN OF THE IMPROVEMENTS AS SHOWN ON THESE PLANS WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF CALIFORNIA.

ENGINEER: LAMOND & COLE
 LICENSE NO. 38292 DATE 04/16/08
ASSESSOR PARCEL NUMBER: 164-000-10
OWNER: FRANK & BERNICE CO.
 14000 HOBBS, CA 92077
ARCHITECT: MICHAEL WITTON ARCHITECTS
 10000 HOBBS, CA 92077
TOPOGRAPHIC MAP: LAMOND & COLE ENGINEERING SCALE 2007
SITE AREA: 30875.43 SQ. FT. (707.12 AC.)
 28212.82 SQ. FT. (645.72 AC.)

ESTIMATED GRADING QUANTITIES

CUT	158 CY
FILL	158 CY





ENGINEER OF WORK

LANDMARKS ENGINEERING CORPORATION
 5000 SAN DIEGO AVE #1000
 SAN DIEGO, CA 92121
 (619) 581-0420

DATE: 1-25-2008
 DRAWING NO: E-027/08



NO.	REVISION	DATE

EROSION AND SEDIMENT CONTROL NOTES

1. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.

2. THE CONTRACTOR SHALL MAINTAIN ALL EROSION AND SEDIMENT CONTROL MEASURES IN GOOD WORKING ORDER AT ALL TIMES.

3. THE CONTRACTOR SHALL MAINTAIN ALL EROSION AND SEDIMENT CONTROL MEASURES AT ALL TIMES.

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15. THE CONTRACTOR SHALL MAINTAIN ALL EROSION AND SEDIMENT CONTROL MEASURES AT ALL TIMES.

MINIMUM POST-CONSTRUCTION MAINTENANCE PLAN

1. STABILIZATION: ALL PLANTED AREAS AND OTHER RESTORED AREAS SHALL BE MAINTAINED TO PREVENT EROSION AND SEDIMENTATION AT ALL TIMES.

2. THE CONTRACTOR SHALL MAINTAIN ALL EROSION AND SEDIMENT CONTROL MEASURES AT ALL TIMES.

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15. THE CONTRACTOR SHALL MAINTAIN ALL EROSION AND SEDIMENT CONTROL MEASURES AT ALL TIMES.

PERMANENT POST-CONSTRUCTION BMP NOTES

1. PERMANENT POST-CONSTRUCTION BMP DEVICES SHALL BE MAINTAINED AT ALL TIMES.

2. THE CONTRACTOR SHALL MAINTAIN ALL EROSION AND SEDIMENT CONTROL MEASURES AT ALL TIMES.

3. THE CONTRACTOR SHALL MAINTAIN ALL EROSION AND SEDIMENT CONTROL MEASURES AT ALL TIMES.

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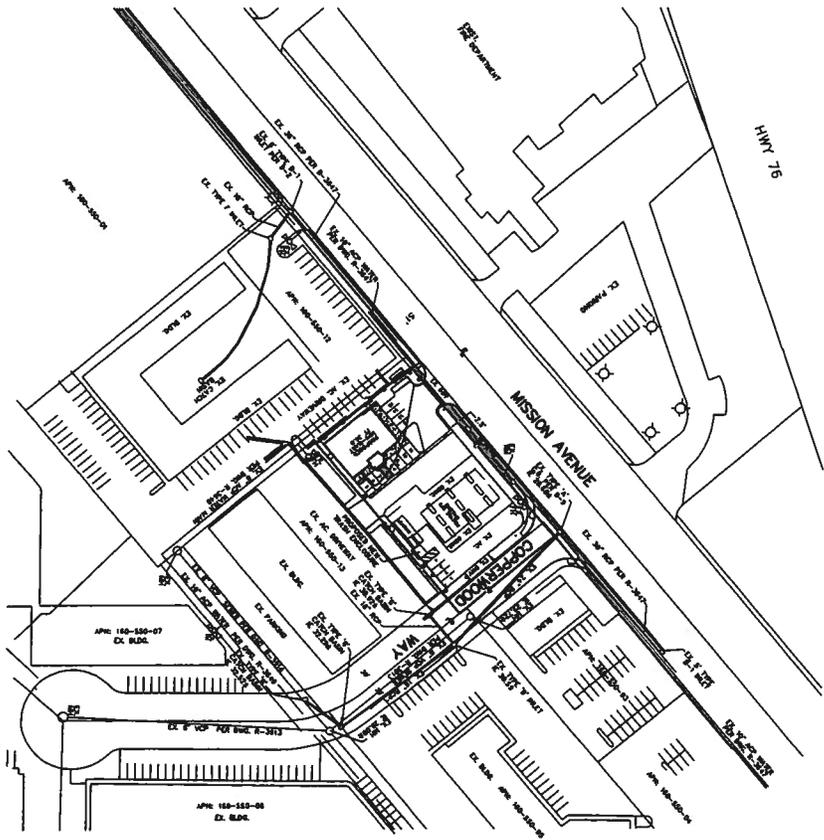
LEGEND:

IDEAL: GRAVEL BAGS 2 HIGH, SILT FENCE

SYMBOL: GRAVEL FILLED BAGS

GRADING PLANS FOR:
 3361 MISSION AVENUE
 OCEANSIDE, CALIFORNIA

DATE: 1-25-2008
 DRAWING NO: E-027/08



ENGINEER OF WORK

ENGINEER OF WORK

LAMBERT E. COLE
 L. LANGRISH ENGINEERING CORPORATION
 2800 CAMINO DEL RIO SOUTH SUITE 221
 OCEANSIDE, CALIFORNIA 92081
 (619) 380-0400



APPROVED CHANGES	
No.	Description

NOTICE: THIS PLAN IS THE PROPERTY OF L. LANGRISH ENGINEERING CORPORATION. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR REPRODUCTION OF THIS PLAN WITHOUT THE WRITTEN PERMISSION OF L. LANGRISH ENGINEERING CORPORATION IS STRICTLY PROHIBITED. A FEE OF \$100.00 WILL BE CHARGED FOR EACH REUSE OR REPRODUCTION OF THIS PLAN.

SHEET 3	CITY OF OCEANSIDE COMMUNICATIONS DEPARTMENT	SHEETS 3
SHADING PLANS FOR:		
3361 MISSION AVENUE		
OCEANSIDE, CALIFORNIA		
DATE: 04/29/89	BY: L.E.C.	CHK: L.E.C.

PHOTOGRAPHS

**CARWASH
& MINI-MART**
3361 MISSION AVENUE
OCEANSIDE, CA 92058

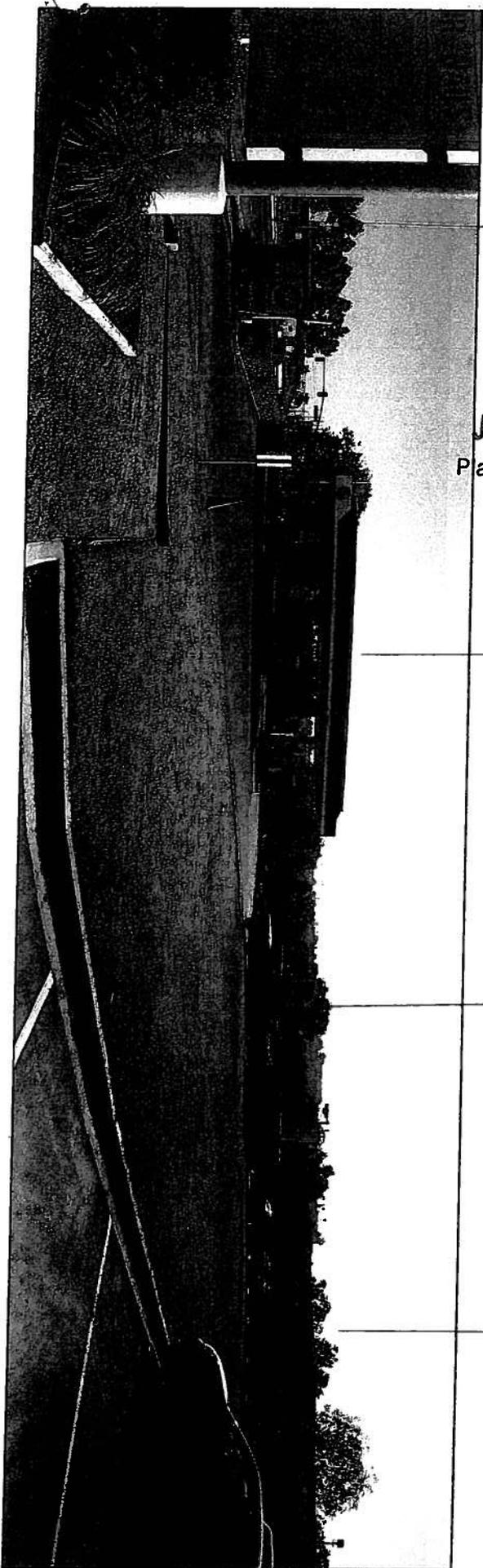
MISSION AVENUE

RECEIVED
JAN 14 2008
Planning Department

EXISTING FUEL
SERVICE STATION
ON SITE

PROPOSED
LOCATION OF
CAR WASH AND
MINI MART

APN 160-550-13
TO THE SOUTH
OF THE SITE



LOOKING EAST FROM APN 160-550-12 AT THE
WEST ELEVATION OF THE SITE

WITKIN DESIGN, INC.

witkin
design
Architecture Planning
Environmental design
1990 S. COAST HWY SUITE 208
OCEANSIDE, CA. 92054
(760) 721-1625

1 PLANNING COMMISSION
2 RESOLUTION NO. 2010-P07

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

7 APPLICATION NO: D-2-08, C-17-84REV08

8 APPLICANT: Erfani and Bennett Co.

9 LOCATION: Southwest corner of Mission Avenue and Copperwood Way

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

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

15 demolition of an existing 144-square foot cashier booth to accommodate the construction
16 of a 2,860-square foot mini-market and associated site improvements to an existing
17 service station located at 3361 Mission Avenue,
18 on certain real property described in the project description;

19 WHEREAS, the Planning Commission, after giving the required notice, did on the 22rd day
20 of February, 2010 conduct a duly advertised public hearing as prescribed by law to consider said
21 application.

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

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

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

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

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

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

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

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

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

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

11 FINDINGS:

12 For the Development Plan:

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

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

3 For the Conditional Use Permit:

- 4 1. That the proposed location of the service station with food-mart is in accord with the
5 objectives of the Zoning Ordinance and the purposes of the Neighborhood Commercial
6 district in which the site is located. As per the Oceanside Zoning Ordinance section
7 1100 Service Stations and food-mart use in association with a service station is
8 permitted within Neighborhood Commercial District with an approval of a Conditional
9 Use Permit. The proposed food-mart building will meet the required parking and
10 development regulations as per the Oceanside Zoning Ordinance code section 3100 with
11 the proposed 15 parking spaces provided.
- 12 2. That the proposed location of the conditional uses and the proposed conditions under
13 which it would be operated or maintained will be consistent with the General Plan; the
14 service station with an food-mart facility will not be detrimental to the public health,
15 safety or welfare of persons residing or working in or adjacent to the neighborhood of
16 such use; and will not be detrimental to properties or improvements in the vicinity or to
17 the general welfare of the City. Staff has analyzed the impact of the service station with
18 associated food-mart with the adjacent neighboring commercial uses, and found that the
19 service stations hours-of-operation would not conflict with the primary hours of the
20 adjacent commercial uses.
- 21 3. That the proposed conditional use will comply with the provisions of the Zoning
22 Ordinance and Neighborhood Commercial District in which the property is located,
23 including any specific condition required for the proposed conditional use in the district
24 in which it would be located.

25 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
26 approve Development Plan (D-2-08) and Conditional Use Permit Revision (C17-84REV08,
27 subject to the following conditions:

28 Building:

- 29 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
Building Division plan check (As of January 1, 2008 the 2007 California Building Code,
and 2007 California Electrical Code).

- 1 2. The granting of approval under this action shall in no way relieve the applicant/project
2 from compliance with all State and Local building codes.
- 3 3. Site development, parking, access into buildings and building interiors shall comply with
4 the State's Disabled Accessibility Regulations (2007 California Building Code (CBC),
5 Chapter 11B).
- 6 4. The building plans for this project are required by State law to be prepared by a licensed
7 architect or engineer and must be in compliance with this requirement prior to submittal
8 for building plan review.
- 9 5. All electrical, communication, CATV, etc. service lines within the exterior lines of the
10 property shall be underground (City Code Sec. 6.30).
- 11 6. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution
12 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or
13 other such lights may be utilized and shall be shown on building and electrical plans.
- 14 7. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
15 plans.
- 16 8. A complete Soils Report, Structural Calculations, & Energy Calculations/
17 documentation will be required at time of plans submittal to the Building Division for
18 plan check.
- 19 9. A Building (Demo) Permit will be required for the demolition of any existing structures.
20 Plans for the Demolition Permit must clearly show that all utilities (electric, gas, water,
21 & sewer) are properly terminated/capped in accordance with the requirements of the
22 utility service provider. Separate permit is required from San Diego County for removal
23 of underground tanks.
- 24 10. Separate permits are required awnings and signage.
- 25 11. Provide Details for Disabled Parking, including striping, and signage. Indicate grade
26 elevations for building elevation at entry, entry point and all four corners of disabled
27 parking stall and access aisle. Indicate location of detectable warning along accessible
28 exterior travel paths from walks to streets and parking.
- 29 12. Provide precise details on trash enclosure.

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

4 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
5 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
6 work that is not inherently noise-producing. Examples of work not permitted on
7 Saturday are concrete and grout pours, roof nailing and activities of similar
8 noise-producing nature. No work shall be permitted on Sundays and Federal
9 Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving
10 Day, Christmas Day) except as allowed for emergency work under the provisions
11 of the Oceanside City Code Chapter 38 (Noise Ordinance).

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

16 **Engineering:**

17 14. This project involves demolition of an existing structure and or surface improvements;
18 an erosion control plan shall be submitted and approved by the City Engineer before
19 issuance of any demolition permit. No grading operation shall be allowed in
20 conjunction with the demolition the operation without an approved grading plan. No
21 demolition shall be permitted

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

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

1 17. Prior to the issuance of a grading permit, the owner/developer shall notify and host a
2 neighborhood meeting with all of the area owners/residents located within 300 feet of
3 the project site, to inform them of the grading and construction schedule, and to answer
4 questions. The owner/developer shall submit the list of neighbors within 300 feet of the
5 property, the letter mailed to neighbors, the meeting sign in list and minutes from the
6 meeting.

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

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

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

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

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

- 1 19. It is the responsibility of the owner/developer to evaluate and determine that all soil
2 imported as part of this development is free of hazardous and/or contaminated material
3 as defined by the City and the County of San Diego Department of Environmental
4 Health. Exported or imported soils shall be properly screened, tested, and documented
5 regarding hazardous contamination.
- 6 20. A traffic control plan shall be prepared according to the City traffic control guidelines
7 and approved to the satisfaction of the City Engineer prior to the start of work within the
8 public right-of-way. Traffic control during construction of streets that have been opened
9 to public traffic shall be in accordance with construction signing, marking and other
10 protection as required by the Caltrans Traffic Manual and City Traffic Control
11 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless
12 approved otherwise.
- 13 21. Approval of this development project is conditioned upon payment of all applicable
14 impact fees and connection fees in the manner provided in chapter 32B of the Oceanside
15 City Code. All traffic signal fees and contributions, highway thoroughfare fees, park
16 fees, reimbursements, and other applicable charges, fees and deposits shall be paid prior
17 to the issuance of any building permits, in accordance with City Ordinances and policies.
- 18 22. Sidewalk improvements and pedestrian ramps shall comply with ADA requirements.
19 Pedestrian ramps maintained by the City of Oceanside must be fully located within
20 public right-of-way. Minimum curb return radius shall comply with the City of
21 Oceanside Engineers Design and Processing Manual.
- 22 23. Sight distance requirements at the project driveways shall conform to the corner sight
23 distance criteria as provided by SDRSD, DS-20B.
- 24 24. Pavement sections for driveways and parking areas shall be based upon approved soil
25 tests and traffic indices. The pavement design is to be prepared by the
26 owner/developer's soil engineer and must be in compliance with the City of Oceanside
27 Engineers Design and Processing Manual and be approved by the City Engineer, prior to
28 paving.
- 29 25. Any existing broken pavement, concrete curb, gutter, driveways, pedestrian ramps and
sidewalk along the property frontage or damaged during construction of the project,
shall be repaired or replaced as directed by the City Engineer.

- 1 26. The owner/developer shall comply with all the provisions of the City's cable television
2 ordinances including those relating to notification as required by the City Engineer.
- 3 27. Drainage facilities shall be designed and installed to adequately accommodates the local
4 stormwater runoff and shall be in accordance with the San Diego County Hydrology and
5 Design Manual and in compliance with the City of Oceanside Engineers Design and
6 Processing Manual to the satisfaction of the City Engineer.
- 7 28. The owner/developer shall obtain any necessary permits and clearances from all public
8 agencies having jurisdiction over the project due to its type, size, or location, including
9 but not limited to FEMA, the U. S. Army Corps of Engineers, California Department of
10 Fish & Game, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality
11 Control Board (including NPDES), San Diego County Health Department, prior to the
12 issuance of grading permits.
- 13 29. The approval of the project shall not mean that proposed grading or improvements on
14 adjacent properties (including any City properties/right-of-way or easements) is granted
15 or guaranteed to the owner/developer. The owner/developer is responsible for obtaining
16 permission to grade to construct on adjacent properties. Should such permission be
17 denied, the project shall be subject to going back to the public hearing or subject to a
18 substantial conformity review.
- 19 30. Prior to any grading of any part of the project, a comprehensive soils and geologic
20 investigation shall be conducted of the soils and formations in the project. All necessary
21 measures shall be taken and implemented to assure erosion control and soil integrity.
22 No grading shall occur until a detailed grading plan, to be prepared in accordance with
23 the Grading Ordinance and Zoning Ordinance is approved by the City Engineer.
- 24 31. This project shall provide year-round erosion control including measures for the site
25 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
26 control plan, designed for all proposed stages of construction, shall be reviewed, secured
27 by the owner/developer with cash securities and approved by the City Engineer.
- 28 32. A precise grading and improvement plan shall be prepared, reviewed, secured and
29 approved prior to the issuance of any building permits. The plan shall reflect all
pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, striping, signage,
footprints of all structures, drainage devices and utility services. Parking lot striping and

1 any on-site traffic calming devices shall be shown on all precise grading and
2 improvement plans.

3 33. Landscape and irrigation plans for disturbed areas shall be submitted to the City
4 Engineer prior to the issuance of a grading permit and approved by the City Engineer
5 prior to the issuance of occupancy permits. Frontage landscaping shall be installed prior
6 to the issuance of any certificates of occupancy. Any project monument entry
7 walls/signs shall be shown, bonded for and built from the landscape plans. These
8 features shall also be shown on the precise grading plans for purposes of location only.
9 Plans must be approved by the City Engineer and a pre-construction meeting held, prior
10 to the start of any grading and improvements.

11 34. The drainage design on the development plan is conceptual only. The final design shall
12 be based upon the latest San Diego County Hydrology and Drainage Manual to be
13 approved by the City Engineer during final engineering. All drainage picked up in an
14 underground system shall remain underground until it is discharged into an approved
15 channel, or as otherwise approved by the City Engineer. All public storm drains shall be
16 shown on City standard plan and profile sheets. All storm drain easements shall be
17 dedicated where required. The owner/developer shall be responsible for obtaining any
18 off-site easements for storm drainage facilities.

19 35. Storm drain facilities shall be designed and located such that the inside travels lanes on
20 streets with collector or above design criteria shall be passable during conditions of a
21 100-year frequency storm.

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

25 37. The owner/developer shall provide a copy of the cover page of an approved SWMP with
26 the first engineering submittal package. The SWMP shall be prepared by the
27 owner/developer's Civil Engineer. All stormwater documents shall be in compliance
28 with the latest edition of submission requirements.

29 38. Following approval of the SWMP by the City Engineer and prior to issuance of grading
permits, the owner/developer shall submit and obtain approval of an Operation &
Maintenance (O&M) Plan, prepared to the satisfaction of the City Engineer. The O&M

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

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

25 40. At a minimum, maintenance agreements shall require the staff training, inspection and
26 maintenance of all BMPs on an annual basis. The owner/developer shall complete and
27 maintain O&M forms to document all maintenance activities. Parties responsible for the
28 O&M plan shall retain records at the subject property for at least 5 years. These
29 documents shall be made available to the City for inspection upon request at any time.

- 1 41. The Agreement shall include a copy of executed on-site and off-site access easement and
2 or access rights necessary for the operation and maintenance of BMPs that shall be
3 binding on the land throughout the life of the project to the benefit of the party
4 responsible for the O&M of BMPs, satisfactory to the City Engineer. The agreement
5 shall also include a copy of the O&M Plan approved by the City Engineer.
- 6 42. The BMPs described in the project's approved SWMP shall not be altered in any way,
7 unless reviewed and approved to the satisfaction of the City Engineer. The
8 determination of whatever action is required for changes to a project's approved SWMP
9 shall be made by the City Engineer.
- 10 43. The approval of the project shall not mean that closure, vacation, or abandonment of any
11 public street, right-of-way, easement, or facility is granted or guaranteed to the
12 owner/developer. The owner/developer is responsible for applying for all closures,
13 vacations, and abandonments as necessary. The application(s) shall be reviewed and
14 approved or rejected by the City of Oceanside under separate process (es) per codes,
15 ordinances, and policies in effect at the time of the application.
- 16 44. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire
17 project will be subject to prevailing wage requirements as specified by Labor Code
18 section 1720(b) (4). The owner/developer shall agree to execute a form acknowledging
19 the prevailing wage requirements prior to the granting of any fee reductions or waivers.
- 20 45. In the event that the conceptual plan does not match the conditions of approval, the
21 resolution of approval shall govern.
- 22 46. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines
23 and Specifications for Landscape Development (latest revision), Water Conservation
24 Ordinance No. 91-15, Engineering criteria, City code and ordinances, including the
25 maintenance of such landscaping, shall be reviewed and approved by the City Engineer
26 prior to the issuance of building permits. Landscaping shall not be installed until bonds
27 have been posted, fees paid, and plans signed for final approval. The following
28 landscaping requirements shall be required prior to plan approval and certificate of
29 occupancy:
- a) Final landscape plans shall accurately show placement of all plant material such
as but not limited to trees, shrubs, and groundcovers.

- 1 b) Landscape Architect shall be aware of all utility, sewer, storm drain easement
2 and place planting locations accordingly to meet City of Oceanside requirements.
- 3 c) All required landscape areas shall be maintained by owner. The landscape areas
4 shall be maintained per City of Oceanside requirements.
- 5 d) Proposed landscape species shall be native or naturalized to fit the site and meet
6 climate changes indicative to their planting location. The selection of plant
7 material shall also be based on cultural, aesthetic, and maintenance
8 considerations. In addition proposed landscape species shall be low water users
9 as well as meet all Fire Department requirements.
- 10 e) All planting areas shall be prepared with appropriate soil amendments, fertilizers,
11 and appropriate supplements based upon a soils report from an agricultural
12 suitability soil sample taken from the site.
- 13 f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil
14 from the sun, evapotranspiration and run-off. All the flower and shrub beds
15 shall be mulched to a 3" depth to help conserve water, lower the soil temperature
16 and reduce weed growth.
- 17 g) The shrubs shall be allowed to grow in their natural forms. All landscape
18 improvements shall follow the City of Oceanside Guidelines.
- 19 h) Root barriers shall be installed adjacent to all paving surfaces, where a paving
20 surface is located within six feet of a trees trunk on-site (private) and within 10
21 feet of a trees trunk in the right-of-way (public). Root barriers shall extend five
22 feet in each direction from the centerline of the trunk, for a total distance of 10
23 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around
24 the tree's root ball is unacceptable.
- 25 i) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall
26 obtain Planning Division approval for these items in the conditions or application
27 stage prior to first submittal of working drawings.
- 28 j) For the planting and placement of trees and their distances from hardscape and
29 other utilities/structures the landscape plans shall follow the City of Oceanside's
 (current) Tree Planting Distances and Spacing Standards.

- 1 k) An automatic irrigation system shall be installed to provide coverage for all
2 planting areas shown on the plan. Low precipitation equipment shall provide
3 sufficient water for plant growth with a minimum water loss due to water run-
4 off.
- 5 l) Irrigation systems shall use high quality, automatic control valves, controllers
6 and other necessary irrigation equipment. All components shall be of non-
7 corrosive material. All drip systems shall be adequately filtered and regulated
8 per the manufacturer's recommended design parameters.
- 9 m) All irrigation improvements shall follow the City of Oceanside Guidelines and
10 Water Conservation Ordinance.
- 11 n) The landscape plans shall match all plans affiliated with the project.
- 12 o) Landscape plans shall comply with Biological and/or Geotechnical reports, as
13 required, shall match the grading and improvement plans, comply with SWMP
14 Best Management Practices and meet the satisfaction of the City Engineer.
- 15 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.

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

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

26 **Fire:**

27 49. All proposed and existing fire hydrants within 400 feet of the project shall be shown on
28 the site plan. Fire hydrants and mains must be capable of supplying the required fire
29 flow as determined by the Fire Marshal.

- 1 50. Fire Department requirements shall be placed on plans in the notes section.
- 2 51. Fire extinguishers are required and shall be included on the plans submitted for plan
- 3 check.
- 4 52. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
- 5 approval prior to the issuance of building permits.
- 6 53. Buildings shall meet Oceanside Fire Department's current codes at the time of building
- 7 permit application.

8 **Planning:**

- 9 54. The Development Plan and Conditional use Permit shall expire on February 8, 2013, unless
- 10 implemented in accordance with the City of Oceanside Zoning Ordinance or unless a time
- 11 extension is granted by the Planning Commission.
- 12 55. This Development Plan (D-2-08) and Conditional Use Permit Revision (C-17-84REV08)
- 13 approves the construction of a 2,860-square foot a mini-market with 11 additional
- 14 parking stalls for a total of 15 parking stalls throughout the site, a new trash enclosure,
- 15 four additional fuel pumps would be added as a part of this entitlement, the demolition
- 16 of a 144-square foot cashier booth in lieu of the additional fuel pumps, and landscaping
- 17 improvements as depicted on the plans and exhibits presented to the Planning Commission
- 18 for review and approval. No deviation from these approved plans and exhibits shall occur
- 19 without the City Planner or Planning Commission approval. Substantial deviations shall
- 20 require a revision to the Development Plan and Conditional Use Permit, or a new
- 21 Development Plan and Conditional Use Permit, as determined by the City Planner.
- 22 56. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
- 23 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
- 24 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
- 25 annul an approval of the City, concerning Development Plan (D-2-08) and/or Conditional
- 26 Use Permit Revision (C-17-84REV08). The City will promptly notify the applicant of
- 27 any such claim, action or proceeding against the City and will cooperate fully in the
- 28 defense. If the City fails to promptly notify the applicant of any such claim action or
- 29 proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter,
- be responsible to defend, indemnify or hold harmless the City.
57. All lighting showcasing building architecture shall be shown on the building plans.

- 1 58. The final hardscape design shall be substantially the same as shown on the Conceptual
2 Landscape Plan and is subject to review and approval by the City Planner and City
3 Engineer.
- 4 59. All mechanical rooftop and ground equipment shall be screened from public view as
5 required by the Zoning Ordinance. The roof jacks, mechanical equipment, screen and
6 vents shall be painted with non-reflective paint to match the roof. This information shall be
7 shown on the building plans.
- 8 60. A letter of clearance from the affected school district in which the property is located
9 shall be provided as required by City policy at the time building permits are issued.
- 10 61. The tote and bale storage area is required to be enclosed on all sides and treated to
11 substantial match the buildings architecture. It shall provide and designate adequate
12 space for the storage of totes, cardboard bales, and the general trash bin. At no time
13 shall the totes, cardboard bales, or the general trash bin be stored outside of the tote and
14 bale storage area.
- 15 62. Recycling Services: OCC 13.16(h), the requirement to separate all recyclable material
16 from solid waste for separate collection.
- 17 63. Green Waste Services: The separation of all green waste from solid waste using the
18 approved City collection service and the collection of the material in compliance with
19 standards as identified in the city code, if green waste is to be collected by the tenant.
- 20 64. A covenant or other recordable document approved by the City Attorney shall be prepared
21 by the developer and recorded prior to issuance of building permits. The covenant shall
22 provide that the property is subject to this resolution, and shall generally list the conditions
23 of approval.
- 24 65. Prior to the issuance of building permits, compliance with the applicable provisions of the
25 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed
26 and approved by the Planning Division. These requirements, including the obligation to
27 remove or cover with matching paint all graffiti within 24 hours, shall be noted on the
28 Landscape Plan and shall be recorded in the form of a covenant affecting the subject
29 property.
66. 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

1 owner and or operator. This notification's provision shall run with the life of the project
2 and shall be recorded as a covenant on the property.

3 67. Failure to meet any conditions of approval for this development shall constitute a violation
4 of the Development Plan and Conditional Use Permit.

5 68. The mini-mart hours-of-operation for retail sales shall be limited from 5:00 a.m. to 11:30
6 p.m., seven days a week. The use of a cashier window for the service pumps is permitted
7 24 hours a day. The hours-of-operation shall be reviewed and may be limited by the
8 Planning Commission when valid issues or complaints pertaining to code violations arise
9 and are validated by the Code Enforcement Officer.

10 69. The developer's construction of all fencing and walls associated with the project shall be in
11 conformance with the approved Development Plan. Minor revisions are subject to review
12 and approval by the City Planner. Any substantial change in any aspect of fencing or wall
13 design from the approved Development Plan shall require a revision to the Development
14 Plan or a new Development Plan, as determined by the City Planner.

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

20 71. The applicant, tenants, or successors in interest shall comply with the City's business
21 license requirements as necessary.

22 72. Elevations, siding materials, colors, roofing materials and floor plans shall be
23 substantially the same as those approved by the Planning Commission. These shall be
24 shown on plans submitted to the Building Division and Planning Division for permit
25 plan check, and prior to issuance of any building permit.

26 73. No project signage is approved with this application. All project signage shall be subject
27 to a separate sign permit and be in compliance with the Copperwood Commercial Center
28 Comprehensive sign program (CSP-9-85).

29 **Water Utilities:**

74. 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

1 the developer and shall be done by an approved licensed contractor at the developer's
2 expense.

3 75. The property owner shall maintain private water and wastewater utilities located on private
4 property.

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

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

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

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

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

18 81. If drought tolerant/drought resistant landscaping plan is approved by Planning Commission
19 and installed, then a separate irrigation meter will not be required. However, if the drought
20 tolerant/drought resistant landscape plan is not approved by Planning Commission then a
21 separate irrigation meter and approved backflow prevention device is required and shall be
22 displayed on the plans.

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

26 //////////////

27 //////////////

28 //////////////

29 //////////////

1 83. In the event a new water meter is required to the service the site, then Water and
2 Wastewater Buy-in fees and the San Diego County Water Authority Fees are to be paid to
3 the City and collected by the Water Utilities Department at the time of Building Permit
4 issuance.

5 PASSED AND ADOPTED Resolution No. 2010-P07 on February 22, 2010 by the
6 following vote, to wit:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

11 _____
12 Claudia Troisi, Chairperson
13 Oceanside Planning Commission

14 ATTEST:

15 _____
16 Jerry Hittleman, Secretary

17 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
18 this is a true and correct copy of Resolution No. 2010-P07.

19 Dated: February 22, 2010

20
21 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may
22 be required as stated herein:

23 _____
24 Applicant/Representative

_____ Date

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PLANNING COMMISSION
RESOLUTION NO. 84-P92

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-17-84
APPLICANT: Union Oil
LOCATION: Southwest corner Mission Avenue and Copperwood 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
Article 15 of the Zoning Ordinance of the City of Oceanside to
permit the following:

a self-service gasoline station with future service
bays planned

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 20th day of August, 1984 conduct a
duly advertised public hearing as prescribed by law to consider
said application.

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

For Approving the Conditional Use Permit:

1. That the automobile service, with the condition for right
turns only, will not be detrimental to the health, safety,
peace or general welfare of persons residing or working in
the vicinity.
2. That the site on Copperwood Way and Mission Avenue is
adequate in size, 29,610 square feet, to accommodate the
automobile service station with self-service gasoline pumps
and a future service area. There are adequate yards,
parking and landscaping shown on the site plan to adjust
the use with the land and uses in the neighborhood and make
it compatible thereto.

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3. The site abuts Mission Avenue which is shown as a Major Arterial and is adequate in size to carry the traffic generated by an automobile service station. The traffic will not be generated through residential area on local residential streets.

5 For Approving the project despite the negative fiscal analysis:

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1. There is a substantial positive surplus "on the books" through the approval of other projects.
 2. The location of the project on Mission Avenue and Copperwood Way is in an already Commercial area being served by the City and the additional use will not create substantial additional costs.

10 WHEREAS, the Planning Commission finds that a Negative
11 Declaration was completed under the provisions of the California
12 Environmental Quality Act in 1978 for Copperwood Center. No
13 additional review is required at this time.

14 NOW, THEREFORE, BE IT RESOLVED that the Planning
15 Commission does hereby APPROVE Conditional Use Permit C-17-84
16 subject to the following conditions:

17 Planning Conditions:

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1. The exterior treatment of the buildings should be compatible with those of the existing center using shingles, exterior dark wood and brick, etc. The backs of the structures should have substantially the same treatments as the fronts. The design shall be returned to the Planning Commission for review prior to the issuance of building permits.
 2. The design of the sign should have borders and bricks to match the colors in the existing Copperwood Center.

The sign shall be placed on a landscaped berm as allowed by Section 3320b of the Zoning Ordinance. The face may be 40 square feet in size plus the allowed borders and the 10% allowance mentioned in Section 3330b, subject to the approval of the Planning Director.
 3. Prior to the issuance of building permits a landscape plan in conformance with the existing Copperwood landscape theme shall be prepared using the specifications of the City's Landscape Manual and shall be approved by the Engineering Department. The plan shall include a groundcover or other suitable treatment for the areas of the site not being developed at present (the service bay area). The plan shall be returned to the Planning Commission for review.
 4. The trash enclosures shall be constructed of materials similar to those of the center.

1
2 5. There shall be no additional freestanding or temporary
signs allowed on the site.

3 Building Department Conditions:

4 Applicable building codes and ordinances shall be based on date
5 of submittal for Building Department plan check.

6 6. Site development, parking, access into building and
7 building interiors shall comply with the C.A.C., Title 24,
Part 2 requirements for handicapped access.

8 Engineering Department Conditions:

9 7. The western-most driveway shall be posted for right turns
10 only and have a turning radius as requested by the City
Engineer.

11 8. The location of the driveway on Copperwood Way shall be as
approved by the City Engineer.

12 PASSED on August 20, 1984 by the following vote, to
13 wit:

14 AYES: Jakovac, Ramsey, Burgeson, Sullivan, Hollister
Heyenga

15 NAYES: None

16 ABSENT: Wilson

17 ABSTAIN: None

18 ADOPTED on this 4th day of September, 1984.

19
20
21 Dean Heyenga
Dean Heyenga, Chairman

22 ATTEST:

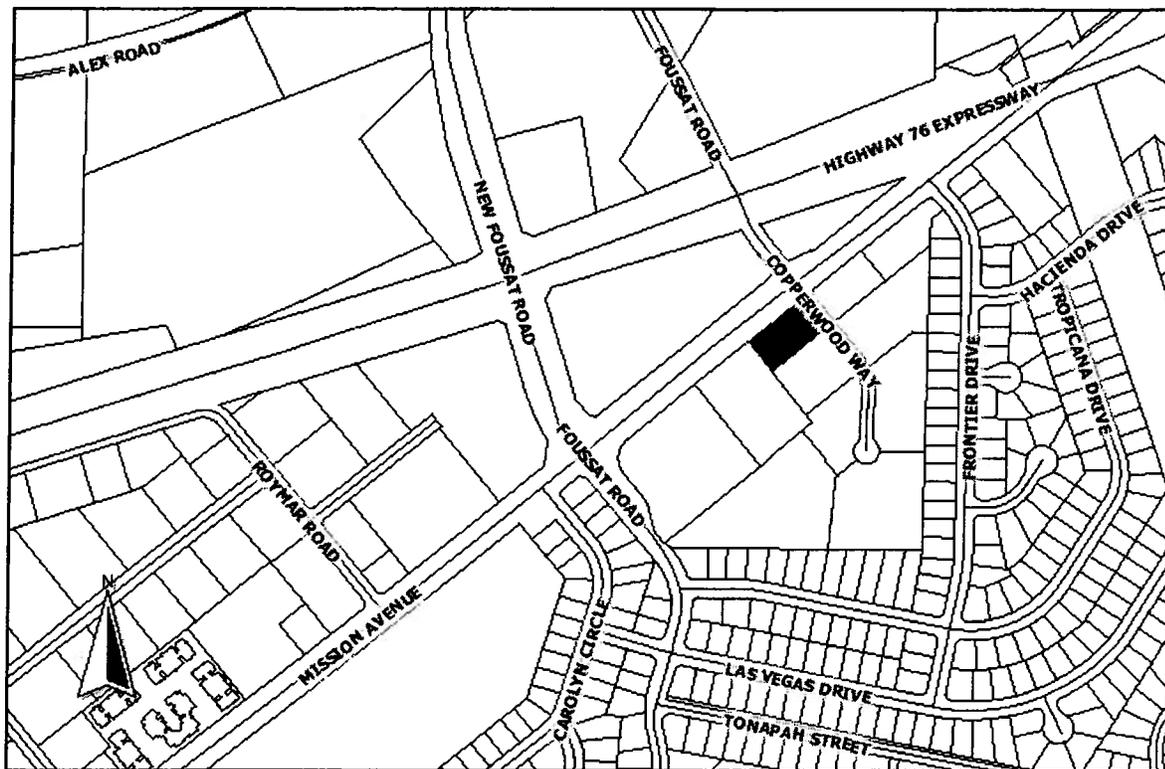
23 Robert F. Gentles
24 Robert F. Gentles, Secretary

25 I, Robert F. Gentles, Secretary of the Oceanside Planning
26 Commission, hereby certify that this is a true and correct copy
of Resolution No. 84-P92.

27 Dated: 9/18/84

ROBERT F. GENTLES, Secretary
OCEANSIDE PLANNING COMMISSION

28



File Number: D-2-08, C-17-84REV08

Applicant: Erfani and Bennett Co.

Description:

DEVELOPMENT PLAN (D-2-08) and CONDITIONAL USE PERMIT Revision (C-17-84REV08) to permit the construction of a 2,860-square foot mini mart with restrooms and office located at 3361 Mission Avenue. The project site is zoned CN (Neighborhood Commercial) and is situated within the Loma Alta Neighborhood. – **MISSION AVE. 76 STATION REVISION**

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



Application for Public Hearing
 Community Development Department / Planning Division
 (760) 435-3520
 Oceanside Civic Center 300 North Coast Highway
 Oceanside, California 92054-2885

RECEIVED
 JAN 14 2008

STAFF USE ONLY

ACCEPTED	BY
1/14/08	SN

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT ERFANI AND BENNETT CO.	2. STATUS OWNER
3. ADDRESS 1 BERNAV LAGUNA NIGUEL, CA 92677	4. PHONE/FAX/E-mail (949) 677-5771
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) WITKIN DESIGN INC. - MICHAEL WITKIN	
6. ADDRESS 1930 S. COAST HIGHWAY, SUITE 206 OCEANSIDE, CA 92054	7. PHONE/FAX/E-mail P: (760) 721-1625 F: (760) 721-1626

GPA
MASTER/SP.PLAN
ZONE CH.
TENT. MAP
PAR. MAP
DEV. PL. <i>D-2-08</i>
C.U.P. <i>C-17-84 REJ 08</i>
VARIANCE
COASTAL
O.H.P.A.C.

PART II - PROPERTY DESCRIPTION

8. LOCATION 3361 MISSION AVENUE, OCEANSIDE, CA 92058	9. SIZE 0.69 ACRES		
10. GENERAL PLAN COPPERWOOD MASTER DEV. PLAN	11. ZONING CN	12. LAND USE NEIGHBORHOOD COMMERCIAL	13. ASSESSOR'S PARCEL NUMBER 160-550-10

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION *REV - 5/21/09, 10/1/9, 11/12/09*

THE SITE HAS AN EXISTING 9.5' x 21' BUILDING AND 14 GAS PUMPS. A 985 SF DRIVE-THRU CAR WASH AND A 1777 SF MINI-MART IS PROPOSED. THE WORK ALSO INCLUDES THE DEMOLITION OF THE EXISTING BUILDING AT THE GAS STATION AND THE ADDITION OF FOUR MORE PUMPS.

15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY
20. BUILDING SIZE 2762 SQ. FT.	21. PARKING SPACES 11	22. % LANDSCAPE 15%	23. % LOT COVERAGE or FAR 19%	

PART IV - ATTACHMENTS

<input checked="" type="checkbox"/> 24. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION	<input checked="" type="checkbox"/> 26. TITLE REPORT
<input checked="" type="checkbox"/> 27. NOTIFICATION MAP & LABELS	<input checked="" type="checkbox"/> 28. ENVIRONMENTAL INFO FORM	<input checked="" type="checkbox"/> 29. PLOT PLANS
<input checked="" type="checkbox"/> 30. FLOOR PLANS AND ELEVATIONS	<input checked="" type="checkbox"/> 31. CERTIFICATION OF POSTING	32. OTHER (See attachment for required reports)

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print): MICHAEL WITKIN	34. DATE 1/14/08	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).	
Sign: <i>[Signature]</i>	35. OWNER (Print) AL ERFANI	36. DATE 1-14-08	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		Sign: <i>[Signature]</i>	

SCOTT N. *[Signature]*

**REVISED
DESCRIPTION AND JUSTIFICATION**

Received

MAY 21 2009

Planning Division

This application is for an amendment to the existing Conditional Use Permit to build a mini-market on Pad 10 of the Copperwood Center. The project site is located on the southwest corner of Mission Avenue and Copperwood Way. The existing service building of the service station will be demolished and removed. There are 14 existing fuel pumps. 4 additional fuel pumps will be added in place of the service building.

The proposed project consists of a mini mart with office and restroom of 2,860 SF. The existing CUP for the service station is approved with 2 parking spaces. The new proposed mini mart is planned with 13 spaces for a total of 15 parking spaces (1 per 200 SF). The parking includes 2 accessible spaces.

The proposed mini mart will be located on the vacant, western portion of the site. The project's Architectural style will complement the existing Copperwood Shopping Center and the design has been approved by the Copperwood Center Architectural Committee. The roof material will be slate. A translucent insulated skylight will be incorporated into the Apex of the roof structure imparting natural light into the interior space.

Storefronts will be clear glass and natural aluminum. Stucco will be an ivory color with white accent trim incorporated at other architectural elements on all four elevations. Stone veneer will be used to clad the entry columns and corner planter walls. Slate will be used as an enriched paving at the entrance. 15% of the site will be landscaped with draught resistant planting and artificial turf.

Signage includes one existing monument sign at the Mission Avenue entrance, one price sign at the Copperwood Way exit and one price sign on Mission Avenue. A sign will also be incorporated above the entrance to the Minimart. A canvas awning is also planned above the entry to impart a sense of arrival.

Since the proposed mini mart is well planned, has quality architecture and provides more landscaping than required, we believe that findings can be made to approve the project. Those findings are as follows:

1. The mini mart will not be detrimental to the health, safety, peace or general welfare of persons residing or working in the vicinity, due to the good site design and easy access.
2. The approximately 0.69 acre pad is adequate in size and shape to accommodate this use, as well as providing more than the required landscaping and on-site parking.
3. The site is part of the Copperwood Center which abuts streets adequate to carry traffic generated mini mart and gas station.
4. The proposed use will not adversely affect the General Pan since the plan designated the area: General Commercial and the project is a consistent commercial use.

Your approval is respectfully requested.

Sincerely,
Erfani and Bennett Company

Received
MAY 21 2009
Planning Division

LEGAL DESCRIPTION

3345

THE NORTHEASTERLY 235.92 OF PARCEL 3 AND THE NORTHEASTERLY 235.92 FEET OF THE NORTHWESTERLY 0.54 FEET OF PARCEL 4 AS SHOWN ON PARCEL MAP FILED IN BOOK OF PARCEL MAPS AT PAGE 13373 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ON JULY 11, 1984.

APN: 160-550-10

END OF LEGAL DESCRIPTION



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** Erfani and Bennett Co.
2. **ADDRESS:** 1 Bernay Laguna Niguel, CA. 92677
3. **PHONE NUMBER:** 949-677-5771
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Acting Associate Planner
6. **PROJECT TITLE:** D-2-08 & C-17-84REV08 Mission Ave 76 Station Revision
7. **DESCRIPTION:** A Development Plan and Conditional Use Permit for the construction a 2,860-square foot mini-market and associated site improvements to an existing service station. The mini-market would consist of a large commercial retail area, a deli food preparation area, prefabricated coolers for the storages of food and beverages, an office, and an ADA accessible restroom. Eleven additional parking stalls would be added for a total of 15 parking stalls throughout the site and a new trash enclosure built to city standards would be incorporated with the proposed development. Four additional fuel pumps would be added as a part of this entitlement, to provide a total of 18 fuel pumps on the site. As part of this Development Plan, the 144 square-foot cashier booth would be demolished in lieu of the additional fuel pumps. The architecture of the proposed mini-market would be modern Spanish Mediterranean and would reflect the architectural designs of the surrounding commercial buildings in the area.

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 is generally for an internal, ancillary use within an existing restaurant building. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- [X] Per Article 19, the project is categorically exempt, in accordance with Section 15303, Class 3 (c) New Construction of small facilities or structures not exceeding 10,000 square feet in floor area..
- [] "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 of section] (Section xxxxx); or,

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



Scott Nightingale, Acting Associate Planner

Date: 2/22/10

cc:

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

Posting: []