



DATE: March 24, 2008

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A REVISION TO CONDITIONAL USE PERMIT (C-39-82) TO ALLOW FOR A 24-HOUR CONVENIENCE MARKET AT AN EXISTING CAR WASH LOCATED AT 2315 VISTA WAY. THE SITE IS SITUATED WITHIN THE SPECIAL COMMERCIAL HIGHWAY ORIENTED (CS-HO) DISTRICT AND THE FIRE MOUNTAIN NEIGHBORHOOD – BUBBLE BATH – APPLICANT: WILLIAM SHIHATA**

**RECOMMENDATION**

Staff recommends that the Planning Commission by motion

- (1) Confirm issuance of a Class 1 Categorical Exemption “Existing Facilities” pursuant to Section 15301 of the California Environmental Quality Act; and
- (2) Approve a revision to Conditional Use Permit (C-39-82) by adopting Planning Commission Resolution No. 2008-P16 with findings and conditions of approval attached herein.

**PROJECT DESCRIPTION AND BACKGROUND**

**Background:** In December 13, 1982, the Planning Commission adopted Resolution No. 82-P135 approving a Conditional Use Permit (C-39-82) for the construction and operation of a car wash facility, including gasoline sales and auto accessory sales.

**Site Review:** The existing 0.52-acre parcel is addressed 2315 Vista Way, near the intersection of Ivy Road and Vista Way. The surrounding land uses are commercial, including vehicle sales, retail, restaurants, and other commercial uses. The zoning designation for the site is Community Commercial (CC) District and the General Plan Land Use Category is Community Commercial (CC).

**Project Description:** The application is a revision to Conditional Use Permit (C-39-82). The applicant, Mr. William Shihata, requests a revision to the existing conditional use permit to allow a 24-hour convenience market with off-site beer and wine sales.

Land Use 450.K.1 *Convenience markets* is allowed within the Community Commercial District with a conditional use permit and when the following conditions are satisfied. (1) Convenience stores shall not be located within 500 feet of a site occupied by a public or private school, park or recreational facilities, and no exterior vending machines shall be permitted. (2) Convenience stores may be operated between the hours of 6:00 a.m. and 10:00 p.m. Longer hours may be approved with the use permit if the use is found not to have an adverse effect on neighboring uses.

The off-site sale of beer and wine is limited by the definition of a *Liquor store* pursuant to Section 3603.N. If 25 percent or more of the shelf area of the primary business is used for off-site sales of beer and wine, then the business is defined as a liquor store.

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

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

## **ANALYSIS**

### **KEY PLANNING ISSUES**

#### **1. General Plan conformance**

The General Plan Land Use Map designation on the subject property is Community Commercial (CC). The proposed revision to Conditional Use Permit (C-39-82) is consistent with this designation and the goals and objectives of the City's General Plan as follows:

#### **II. Land Use Element Community Development**

**Goal:** The continual long term enhancement of the community through the development and use of land which is appropriate and orderly with respect to type, location, timing, and intensity.

Objective 2.2 Commercial Development: To promote and preserve a balance of successful markets and services in aesthetic, people-oriented associations that are compatible and organized to surrounding land uses.

Policies 2.21 Community Commercial:

- A. This designation shall provide the community with commercial centers containing a wide variety of commercial establishments. Major tenants shall provide larger, low volume, higher cost items, such as home furnishings, apparel, durable goods, and specialty items and generally have citywide market areas. Support facilities such as entertainment establishments and restaurants shall be encouraged.
- B. Development within this designation shall be on sites in excess of 30 acres. Specialized commercial uses requiring less land area may be considered when of similar intensity, or offering comparative revenue and/or employment generating capacities. Location shall be limited to sites along major arterials or higher rated roads.

The applicant's business, Bubble Bath Car Wash, is adjacent to a commercial center containing a wide variety of commercial establishments. The Bubble Bath Car Wash is adjacent to Saturn, an automobile dealership, and El Camino Center North, which is a shopping mall. The area can be described as providing commercial services enjoyed citywide. Staff finds the operation of a convenience market at this location to generally appeal to a citywide market. Further, the applicant has offered to operate the convenience store under the banner of a nationally recognized company, such as Circle K or 7-Eleven.

## **2. Zoning compliance**

The project is located in the Community Commercial (CC) District and complies with the requirements of this district, including Section 1120 L-5 and Section 3103 *Off-street parking and loading spaces required*.

The proposed revision to the existing Conditional Use Permit (C-39-82) is to allow Land Use 450.K.1 *Convenience markets*. The location of the proposed convenience store is not within 500 feet of a site occupied by a public or private school, park or recreational facilities. The project has been specifically conditioned to prohibit the use of exterior vending machines at this site. Since the applicant has agreed to operate the convenience store under the banner of a nationally recognized convenience market (Circle K or 7-eleven), Oceanside Police Department has recommend supporting longer business hours (24 hours).

The project is specifically conditioned for the site to have seven off-street parking spaces and to record a Management Plan for the operation of a convenience market.

## **DISCUSSION**

*Issue: The intensification of beer and wine sales in the Fire Mountain area.*

*Recommendation:* The intensification of liquor sales in the area would be suitably mitigated by the type of management of the site. It is the recommendation of the Oceanside Police Department that off-site sales of beer and wine would be suitably managed by a nationally recognized convenience market vendor. The applicant has committed to operating the site under the banner of Circle K, 7-Eleven, or a similar national convenience market vendor.

*Issue: A stormwater management plan is not required.*

*Recommendation:* The proposal does not include expansion of the existing buildings on-site. The interior of the existing store will be remodeled to better accommodate the convenience market.

## **ENVIRONMENTAL DETERMINATION**

Staff has reviewed the environmental assessment and determined that the proposed revision is a Class 1 Categorical Exemption, pursuant to Section 15301 *Existing Facilities* of the California Environmental Quality Act, which states "the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment... involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

## **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 and or organizations requesting notification, applicant and other interested parties. As of March 17, 2008, no communication supporting or opposing the request has been received.

**SUMMARY**

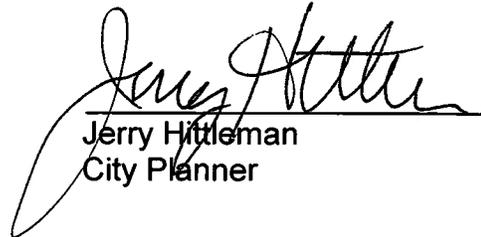
The proposed revision to Conditional Use Permit (C-39-82), as conditioned, is consistent with the land use policies of the General Plan and the requirements of the Zoning Ordinance. The project has been conditioned to meet or exceed all applicable development standards. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached Resolution. Staff recommends that the Planning Commission:

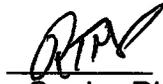
- Adopt Planning Commission Resolution No. 2008-P16 approving a revision to Conditional Use Permit (C-39-82) with findings and conditions of approval attached herein.

PREPARED BY:

SUBMITTED BY:

  
\_\_\_\_\_  
Juliana von Hacht  
Associate Planner

  
\_\_\_\_\_  
Jerry Hittleman  
City Planner

REVIEWED BY:   
Richard Greenbauer, Senior Planner

JH/JH/fil

Attachments:

1. Site Plan and Elevations
2. Planning Commission Resolution No. 2008-P16

# BUBBLE BATH CAR WASH MODIFICATIONS, TO ACCOMMODATE THE NEW SEVEN/ELEVEN STORE

ADDRESS: 2315 VISTA WAY OCEANSIDE, CA 92054. OWNER: WILLIAM SHIMATA

**BUILDING DATA**

1. ZONE	PC
2. GENERAL PLAN	GENERAL COMMERCIAL
3. OCCUPANCY	B 2
4. TYPE OF CONSTRUCTION	V
5. LOT SIZE	23,300 S. F.
6. EXISTING GROSS USABLE FLOOR SPACE	4,089 S. F.
7. PROPOSED ADDITIONAL FLOOR SPACE	0
8. PARKING	PROVIDED BY THE SHOPPING CENTER
9. REQUIRED LANDSCAPING	3%
10. EXISTING LANDSCAPING	12%
11. PAVEMENT	14,000 +/- 60%
12. EXISTING BUILDING COVERAGE	17.58%
13. PROPOSED CHANGE IN BUILDING COVERAGE	NONE

**LEGAL DESCRIPTION**

Parcel 11 of Parcel Map No. 1207, 1st City of Oceanside in the County of San Diego, State of California, described as follows:

Parcel A:

Parcel B:

Parcel C:

Parcel D:

Parcel E:

Parcel F:

Parcel G:

Parcel H:

Parcel I:

Parcel J:

Parcel K:

Parcel L:

Parcel M:

Parcel N:

Parcel O:

Parcel P:

Parcel Q:

Parcel R:

Parcel S:

Parcel T:

Parcel U:

Parcel V:

Parcel W:

Parcel X:

Parcel Y:

Parcel Z:

Parcel AA:

Parcel AB:

Parcel AC:

Parcel AD:

Parcel AE:

Parcel AF:

Parcel AG:

Parcel AH:

Parcel AI:

Parcel AJ:

Parcel AK:

Parcel AL:

Parcel AM:

Parcel AN:

Parcel AO:

Parcel AP:

Parcel AQ:

Parcel AR:

Parcel AS:

Parcel AT:

Parcel AU:

Parcel AV:

Parcel AW:

Parcel AX:

Parcel AY:

Parcel AZ:

Parcel BA:

Parcel BB:

Parcel BC:

Parcel BD:

Parcel BE:

Parcel BF:

Parcel BG:

Parcel BH:

Parcel BI:

Parcel BJ:

Parcel BK:

Parcel BL:

Parcel BM:

Parcel BN:

Parcel BO:

Parcel BP:

Parcel BQ:

Parcel BR:

Parcel BS:

Parcel BT:

Parcel BU:

Parcel BV:

Parcel BV:

Parcel BW:

Parcel BX:

Parcel BY:

Parcel BZ:

Parcel CA:

Parcel CB:

Parcel CC:

Parcel CD:

Parcel CE:

Parcel CF:

Parcel CG:

Parcel CH:

Parcel CI:

Parcel CJ:

Parcel CK:

Parcel CL:

Parcel CM:

Parcel CN:

Parcel CO:

Parcel CP:

Parcel CQ:

Parcel CR:

Parcel CS:

Parcel CT:

Parcel CU:

Parcel CV:

Parcel CW:

Parcel CX:

Parcel CY:

Parcel CZ:

Parcel DA:

Parcel DB:

Parcel DC:

Parcel DD:

Parcel DE:

Parcel DF:

Parcel DG:

Parcel DH:

Parcel DI:

Parcel DJ:

Parcel DK:

Parcel DL:

Parcel DM:

Parcel DN:

Parcel DO:

Parcel DP:

Parcel DQ:

Parcel DR:

Parcel DS:

Parcel DT:

Parcel DU:

Parcel DV:

Parcel DW:

Parcel DX:

Parcel DY:

Parcel DZ:

Parcel EA:

Parcel EB:

Parcel EC:

Parcel ED:

Parcel EE:

Parcel EF:

Parcel EG:

Parcel EH:

Parcel EI:

Parcel EJ:

Parcel EK:

Parcel EL:

Parcel EM:

Parcel EN:

Parcel EO:

Parcel EP:

Parcel EQ:

Parcel ER:

Parcel ES:

Parcel ET:

Parcel EU:

Parcel EV:

Parcel EW:

Parcel EX:

Parcel EY:

Parcel EZ:

Parcel FA:

Parcel FB:

Parcel FC:

Parcel FD:

Parcel FE:

Parcel FF:

Parcel FG:

Parcel FH:

Parcel FI:

Parcel FJ:

Parcel FK:

Parcel FL:

Parcel FM:

Parcel FN:

Parcel FO:

Parcel FP:

Parcel FQ:

Parcel FR:

Parcel FS:

Parcel FT:

Parcel FU:

Parcel FV:

Parcel FW:

Parcel FX:

Parcel FY:

Parcel FZ:

Parcel GA:

Parcel GB:

Parcel GC:

Parcel GD:

Parcel GE:

Parcel GF:

Parcel GG:

Parcel GH:

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Parcel GJ:

Parcel GK:

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Parcel HV:

Parcel HW:

Parcel HX:

Parcel HY:

Parcel HZ:

Parcel IA:

Parcel IB:

Parcel IC:

Parcel ID:

Parcel IE:

Parcel IF:

Parcel IG:

Parcel IH:

Parcel II:

Parcel IJ:

Parcel IK:

Parcel IL:

Parcel IM:

Parcel IN:

Parcel IO:

Parcel IP:

Parcel IQ:

Parcel IR:

Parcel IS:

Parcel IT:

Parcel IU:

Parcel IV:

Parcel IW:

Parcel IX:

Parcel IY:

Parcel IZ:

Parcel JA:

Parcel JB:

Parcel JC:

Parcel JD:

Parcel JE:

Parcel JF:

Parcel JG:

Parcel JH:

Parcel JI:

Parcel JJ:

Parcel JK:

Parcel JL:

Parcel JM:

Parcel JN:

Parcel JO:

Parcel JP:

Parcel JQ:

Parcel JR:

Parcel JS:

Parcel JT:

Parcel JU:

Parcel JV:

Parcel JW:

Parcel JX:

Parcel JY:

Parcel JZ:

Parcel KA:

Parcel KB:

Parcel KC:

Parcel KD:

Parcel KE:

Parcel KF:

Parcel KG:

Parcel KH:

Parcel KI:

Parcel KJ:

Parcel KK:

Parcel KL:

Parcel KM:

Parcel KN:

Parcel KO:

Parcel KP:

Parcel KQ:

Parcel KR:

Parcel KS:

Parcel KT:

Parcel KU:

Parcel KV:

Parcel KW:

Parcel KX:

Parcel KY:

Parcel KZ:

Parcel LA:

Parcel LB:

Parcel LC:

Parcel LD:

Parcel LE:

Parcel LF:

Parcel LG:

Parcel LH:

Parcel LI:

Parcel LJ:

Parcel LK:

Parcel LL:

Parcel LM:

Parcel LN:

Parcel LO:

Parcel LP:

Parcel LQ:

Parcel LR:

Parcel LS:

Parcel LT:

Parcel LU:

Parcel LV:

Parcel LW:

Parcel LX:

Parcel LY:

Parcel LZ:

Parcel MA:

Parcel MB:

Parcel MC:

Parcel MD:

Parcel ME:

Parcel MF:

Parcel MG:

Parcel MH:

Parcel MI:

Parcel MJ:

Parcel MK:

Parcel ML:

Parcel MM:

Parcel MN:

Parcel MO:

Parcel MP:

Parcel MQ:

Parcel MR:

Parcel MS:

Parcel MT:

Parcel MU:

Parcel MV:

Parcel MW:

Parcel MX:

Parcel MY:

Parcel MZ:

Parcel NA:

Parcel NB:

Parcel NC:

Parcel ND:

Parcel NE:

Parcel NF:

Parcel NG:

Parcel NH:

Parcel NI:

Parcel NJ:

Parcel NK:

Parcel NL:

Parcel NM:

Parcel NN:

Parcel NO:

Parcel NP:

Parcel NQ:

Parcel NR:

Parcel NS:

Parcel NT:

Parcel NU:

Parcel NV:

Parcel NW:

Parcel NX:

Parcel NY:

Parcel NZ:

Parcel OA:

Parcel OB:

Parcel OC:

Parcel OD:

Parcel OE:

Parcel OF:

Parcel OG:

Parcel OH:

Parcel OI:

Parcel OJ:

Parcel OK:

Parcel OL:

Parcel OM:

Parcel ON:

Parcel OO:

Parcel OP:

Parcel OQ:

Parcel OR:

Parcel OS:

Parcel OT:

Parcel OU:

Parcel OV:

Parcel OW:

Parcel OX:

Parcel OY:

Parcel OZ:

Parcel PA:

Parcel PB:

Parcel PC:

Parcel PD:

Parcel PE:

Parcel PF:

Parcel PG:

Parcel PH:

Parcel PI:

Parcel PJ:

Parcel PK:

Parcel PL:

Parcel PM:

Parcel PN:

Parcel PO:

Parcel PP:

Parcel PQ:

Parcel PR:

Parcel PS:

Parcel PT:

Parcel PU:

Parcel PV:

Parcel PW:

Parcel PX:

Parcel PY:

Parcel PZ:

Parcel QA:

Parcel QB:

Parcel QC:

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Parcel QE:

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Parcel QM:

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Parcel QP:

Parcel QQ:

Parcel QR:

Parcel QS:

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Parcel QY:

Parcel QZ:

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Parcel RG:

Parcel RH:

Parcel RI:

Parcel RJ:

Parcel RK:

Parcel RL:

Parcel RM:

Parcel RN:

Parcel RO:

Parcel RP:

Parcel RQ:

Parcel RR:

Parcel RS:

Parcel RT:

Parcel RU:

Parcel RV:

Parcel RW:

Parcel RX:

Parcel RY:

Parcel RZ:

Parcel SA:

Parcel SB:

Parcel SC:

Parcel SD:

Parcel SE:

Parcel SF:

Parcel SG:

Parcel SH:

Parcel SI:

Parcel SJ:

Parcel SK:

Parcel SL:

Parcel SM:

Parcel SN:

Parcel SO:

Parcel SP:

Parcel SQ:

Parcel SR:

Parcel SS:

Parcel ST:

Parcel SU:

Parcel SV:

Parcel SW:

Parcel SX:

Parcel SY:

Parcel SZ:

Parcel TA:

Parcel TB:

Parcel TC:

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Parcel UG:

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Parcel UP:

Parcel UQ:

Parcel UR:

Parcel US:

Parcel UT:

Parcel UY:

Parcel UZ:

Parcel VA:

Parcel VB:

Parcel VC:

Parcel VD:

Parcel VE:

Parcel VF:

Parcel VG:

Parcel VH:

Parcel VI:

Parcel VJ:

Parcel VK:

Parcel VL:

Parcel VM:

Parcel VN:

Parcel VO:

Parcel VP:

Parcel VQ:

Parcel VR:

Parcel VS:

Parcel VT:

Parcel VU:

Parcel VV:

Parcel VW:

Parcel VX:

Parcel VY:

Parcel VZ:

Parcel WA:

Parcel WB:

Parcel WC:

Parcel WD:

Parcel WE:

Parcel WF:

Parcel WG:

Parcel WH:

Parcel WI:

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Parcel WV:

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Parcel WZ:

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Parcel XB:

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Parcel XD:

Parcel XE:

Parcel XF:

Parcel XG:

Parcel XH:

Parcel XI:

Parcel XJ:

Parcel XK:

Parcel XL:

Parcel XM:

Parcel XN:

Parcel XO:

Parcel XP:

Parcel XQ:

Parcel XR:

Parcel XS:

Parcel XT:

Parcel XU:

Parcel XV:

Parcel XW:

Parcel XX:

Parcel XY:

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Parcel YB:

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Parcel YD:

Parcel YE:

Parcel YF:

Parcel YG:

Parcel YH:

Parcel YI:

Parcel YJ:

Parcel YK:

Parcel YL:

Parcel YM:

Parcel YN:

Parcel YO:

Parcel YP:

Parcel YQ:

Parcel YR:

Parcel YS:

Parcel YT:

Parcel YU:

Parcel YV:

Parcel YW:

Parcel YX:

Parcel YY:

Parcel YZ:

Parcel ZA:

Parcel ZB:

Parcel ZC:

Parcel ZD:

Parcel ZE:

Parcel ZF:

Parcel ZG:

Parcel ZH:

Parcel ZI:

Parcel ZJ:

Parcel ZK:

Parcel ZL:

Parcel ZM:

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Parcel ZS:

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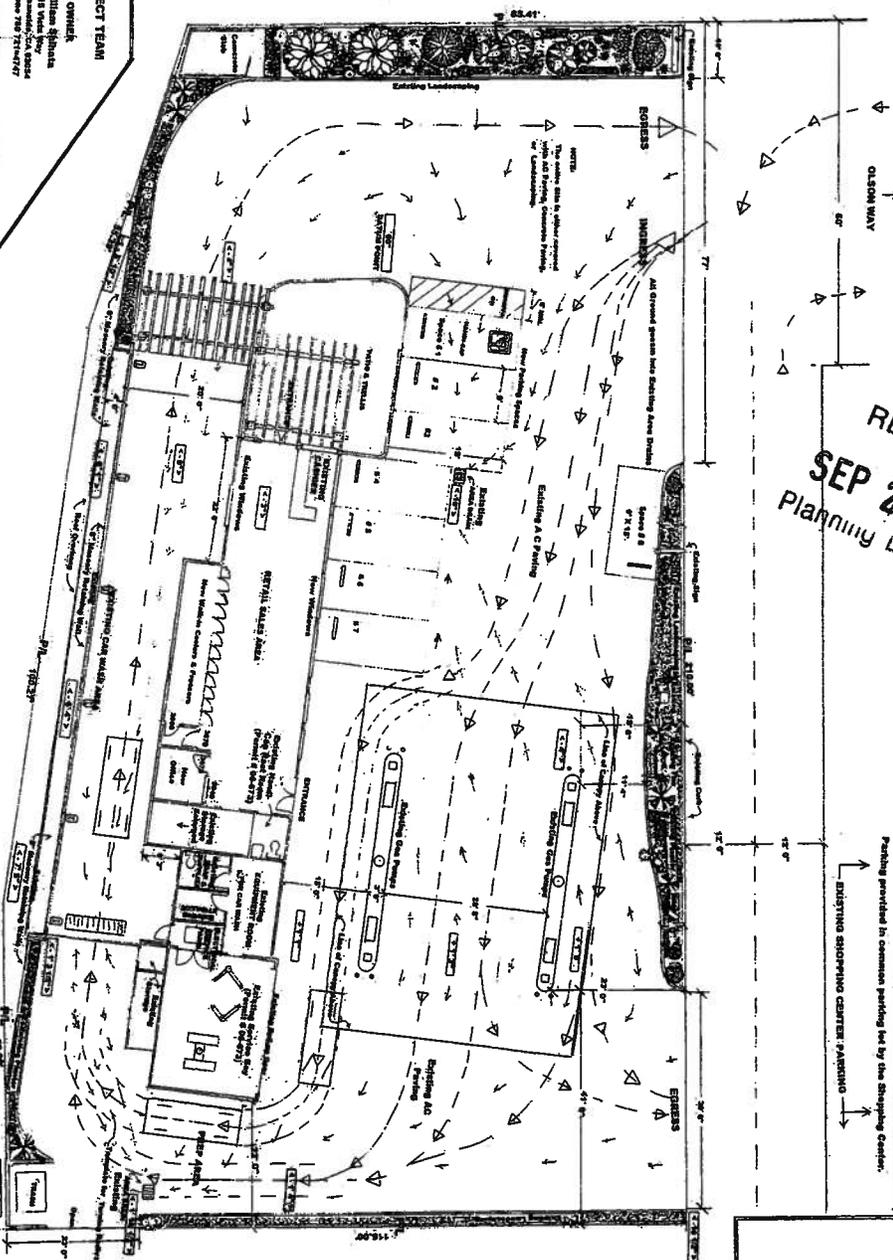
Parcel ZW:

Parcel ZX:

Parcel ZY:

Parcel ZZ:

RECEIVED  
 SEP 25 2007  
 Planning Department



**PROJECT TEAM**

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 Oceanside, CA 92054  
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**DESIGNER/ARCHITECT:**  
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 Phone: 619-277-2851

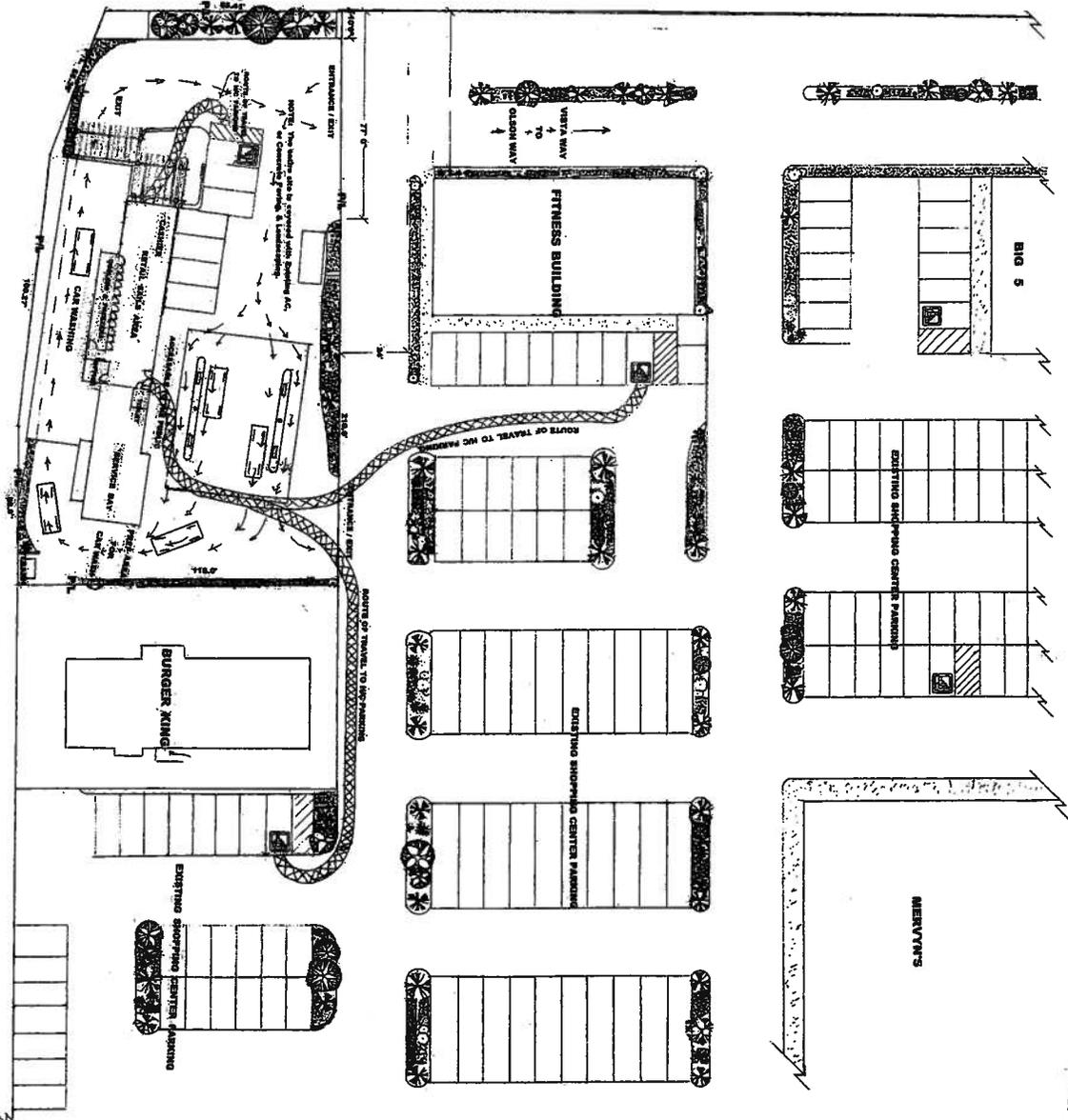
**SITE PLAN**  
 Scale: 1" = 4'-0"  
**BUBBLE BATH CAR WASH & 7/11 STORE**  
 2315 VISTA WAY OCEANSIDE, CA 92054

**SYMBOLS OF ELEVATION CHANGES**

NOTE: THESE PLANS DRAWN BY MARVIN HERSHORN, OR NEAREST MEMBER, I.C.E., 87741 AND ARE STORED IN THE LOWER RIGHT CORNER OF EACH SHEET.

**PLAN INDEX**

1. SHEET NUMBER	1
2. SHEET TITLE	SITE PLAN DATA
3. LEGAL DESCRIPTION	LEGAL MAP
4. PROJECT YEAR	PROJECT YEAR
5. SITE & MANICURE	STORM WATER CONTROL NOTES
6. REVISED FLOOR PLAN	EXISTING FLOOR PLAN
7. DEMOLITION PLAN	DEMOLITION PLAN
8. ELEVATIONS	ELEVATIONS
9. SECTIONS	SECTIONS
10. SAW CUTTING DETAILS	SAW CUTTING DETAILS
11. FOOTING & SLAB DETAILS	FOOTING & SLAB DETAILS
12. NEW SLAB TO EXISTING CONNECTION	NEW SLAB TO EXISTING CONNECTION
13. BLOCK & WOOD JOINT & WALL DETAILS	BLOCK & WOOD JOINT & WALL DETAILS
14. FINISHES	FINISHES
15. FINISHES INSTALLATION DETAILS	FINISHES INSTALLATION DETAILS



**SITE & HANDICAP PARKING PLAN**  
Scale 1" = 20'



**STORM WATER QUALITY NOTES**

This project must comply with the Storm Water Quality Control Plan, the City of Orange, California, and the State Water Resources Control Board, the State Water Resources Control Board, and the State Water Resources Control Board.

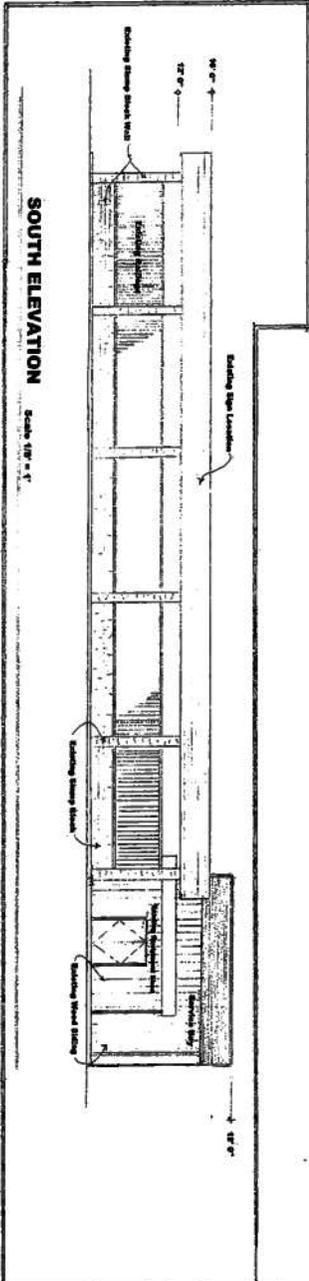
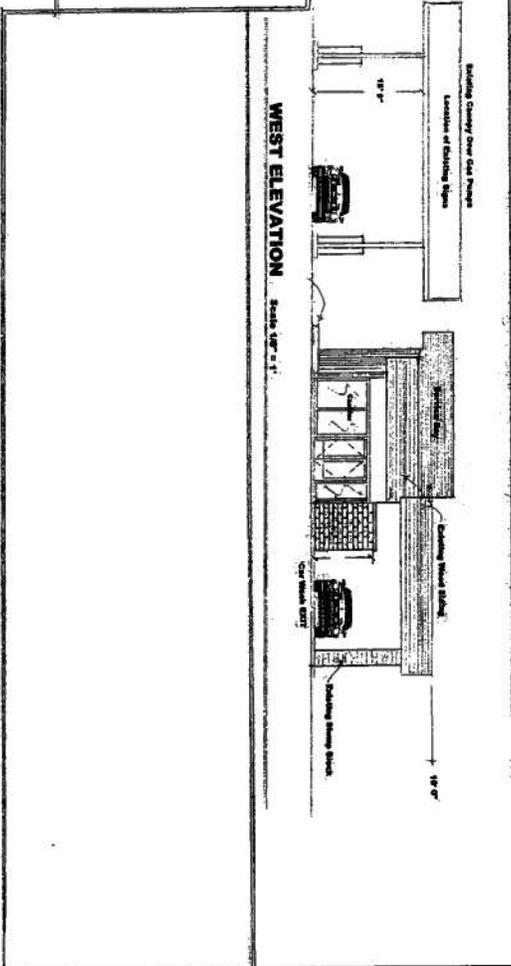
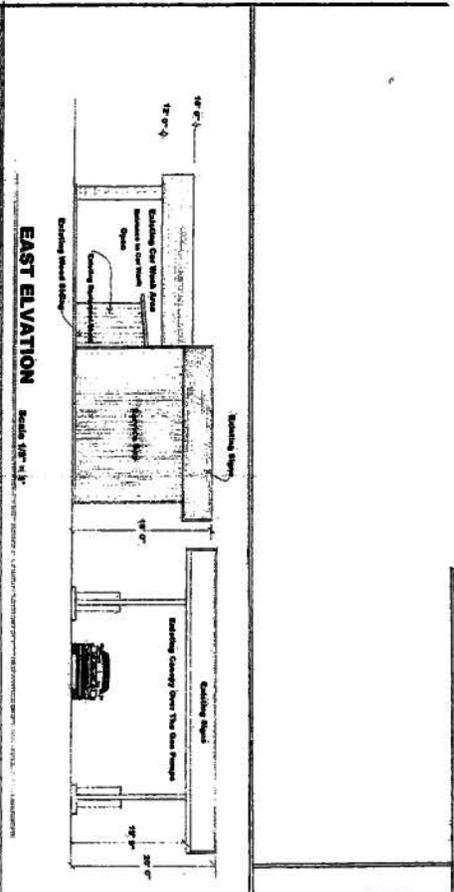
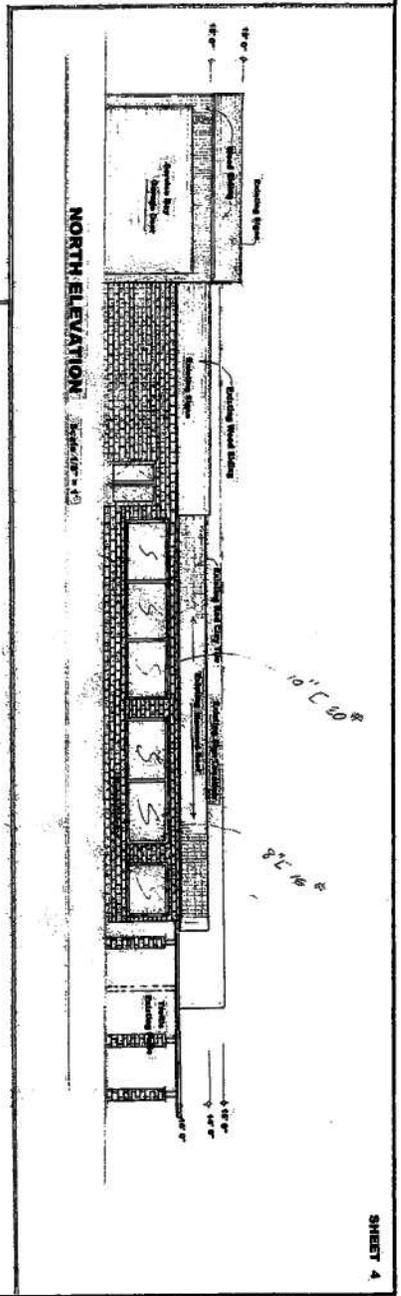
1. Without BIDDY, must be installed to prevent silt, soil, and other construction debris from being carried into adjacent streets or other areas. The permittee shall be responsible for ensuring that the debris is not carried into the street at the end of each work day. The permittee shall ensure that the debris is not carried into the street at the end of each work day. The permittee shall ensure that the debris is not carried into the street at the end of each work day.

2. A concrete vehicle shall be provided on all projects which require the use of any materials, equipment, or machinery that may be used in the construction process. The concrete vehicle shall be provided on all projects which require the use of any materials, equipment, or machinery that may be used in the construction process.

3. All construction-related activities shall be conducted in a manner that minimizes the impact on the surrounding environment. The permittee shall be responsible for ensuring that the construction activities do not cause any adverse impacts on the surrounding environment.

4. The permittee shall be responsible for ensuring that the construction activities do not cause any adverse impacts on the surrounding environment. The permittee shall be responsible for ensuring that the construction activities do not cause any adverse impacts on the surrounding environment.





BUBBLE BATH CAR WASH / SEVEN-ELEVEN

LEGAL OWNER: William Johnson  
 2115 West 10th  
 Des Moines, IA 50319  
 Phone 782.721-4747

NO. 1	DATE	BY

DATE: 04-27  
 SCALE: 1/8" = 1'-0"  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 PROJECT: [Project Name]  
 SHEET: 4 OF 4



1 PLANNING COMMISSION  
2 RESOLUTION NO. 2008-P16

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

---

7 APPLICATION NO: C-39-82  
8 APPLICANT: William Shihata  
9 LOCATION: 2315 Vista 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 Revision to Conditional Use Permit C-39-82 under  
14 the provisions of Articles 11, 31, and 41 of the Zoning Ordinance of the City of Oceanside to  
15 permit the following:

16 Land Use 450.K.1 *Convenience markets* at an existing car wash business;  
17 on certain real property described in the project description.

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 24th  
19 day of March, 2008 conduct a duly advertised public hearing as prescribed by law to consider said  
20 application.

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

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:

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$.713 per square foot or \$713 per thousand square feet for non-residential uses
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 \$35,160 for a 2” meter.
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Non-residential is \$48,280 for a 2” meter.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Non-residential is \$22,495 for a 2” meter.

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

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

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

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

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

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

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

8 FINDINGS:

- 9 1. The proposed location of the *Convenience market* is in accord with the objectives of the  
10 Zoning Ordinance and the purposes of the Community Commercial District in which  
11 the site is located. The project has been conditioned to comply with the requirements of  
12 Section 1120 L-5 and the parking requirements of Section 3103.
- 13 2. The proposed location of the *Convenience market* and the proposed conditions under  
14 which it would be operated or maintained will be consistent with the General Plan,  
15 including Objective 2.2 and Policies 2.21 of the General Plan; will not be detrimental to  
16 the public health, safety or welfare of the persons residing or working in or adjacent to  
17 the neighborhood of such use; and will not be detrimental to properties or improvements  
18 in the vicinity of to the general welfare of the City. The surrounding commercial land  
19 uses draws business from throughout the city; a nationally recognized convenience  
20 market at this location will benefit the City, its residents, and its business owners.
- 21 3. The proposed conditional use will comply with the provisions of the Zoning Ordinance  
22 (including off-street parking, installation of vending machines, hours of operation, and  
23 limitations on the shelf area associated with the sale of beer or wine), including any  
24 specific condition required for the proposed *Convenience market* in the Community  
25 Commercial District in which it is located.

26 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
27 approve a Class 1 Categorical Exemption from CEQA pursuant to Section 15301 of the California  
28 Environmental Quality Act, and approve a revision to Conditional Use Permit C-39-82 subject to  
29 the following conditions:

1 **Building:**

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

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

7 8. Construction plans submitted to the Building Division after January 1st 2008, must  
8 comply with the State adopted ICC codes.

9 9. A Building Permit will be required for the demolition of any existing walls. Plans for  
10 the demolition permit must clearly show all work to be completed for the demolition  
11 only.

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

15 **Engineering:**

16 11. The northern planting island located at the entry and planting areas at the exit to the car  
17 wash and western border of the property, located at 2315 Vista Way, Oceanside, are to  
18 be replenished as follows:

19 a) Ground covers or bark mulch shall fill in between the shrubs to shield the soil  
20 from the sun, evapotranspiration, and run-off. All the flower and shrub beds  
21 shall be mulched to a 3" depth to help conserve water, lower the soil temperature  
22 and reduce weed growth.

23 b) The northern planting island contains two palm trees in a field of turf. The  
24 Gazania at the base of the palms is mixing with surrounding turf. A plastic  
25 header is to be added to separate the turf from the Gazania.

26 c) The turf in the northern planting island is to be maintained on a more regular  
27 basis or replaced with an alternative groundcover as to keep a manicured  
28 appearance.

29 d) The narrow planting area at the exit to the car wash is to be cleaned of trash and  
debris.

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- e) The planting area on the west side of the property is to be cleaned of trash and debris.
  - f) The Hedera helix – English Ivy, is to be replenished in the bare areas exposed within the planting area on the west side of the property from one-gallon plants at 24” on-center.
  - g) An automatic irrigation system shall be installed/ repaired to provide coverage for all planting areas shown on the plan. Low precipitation equipment shall provide sufficient water for plant growth with a minimum water loss due to water run-off.
  - h) Irrigation systems shall use high quality, automatic control valves, controllers and other necessary irrigation equipment. All components shall be of non-corrosive material. All drip systems shall be adequately filtered and regulated per the manufacturer’s recommended design parameters.
  - i) All irrigation improvements shall follow the City of Oceanside Guidelines and Water Conservation Ordinance.
  - j) 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.
  - k) All work in planting areas is to conform with, and follow the guidelines found in the City of Oceanside’s current Landscape Development Manual.
12. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way and within any adjoining public parkways shall be permanently maintained by the owner, his assigns or any successors-in-interest in the property. The maintenance program shall include: a) normal care and irrigation of the landscaping b) repair and replacement of plant materials c) irrigation systems as necessary d) general cleanup of the landscaped and open areas e) parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions including but not limited to citations. This maintenance program condition shall be recorded with a covenant as required by this resolution.

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

3 **Fire Prevention:**

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

6 **Planning:**

7 15. This revision to Conditional Use Permit C-39-82 approves only land use classification  
8 450.K.1 *Convenience markets*, as shown on the plans and exhibits presented to the  
9 Planning Commission for review and approval. No deviation from these approved  
10 plans and exhibits shall occur without Planning Division approval. The land use  
11 approval includes a 1,300-square foot interior remodel of an existing building. No new  
12 building area is approved.

13 16. Planning Commission Resolution No. 82-P135 is not replaced by this resolution. The  
14 conditions herein augment the existing entitlements rendered by the Planning  
15 Commission on December 6, 1982. If there is any inconsistency between the conditions  
16 in Resolution No. 82-P135 and the instant conditions, this resolution's conditions shall  
17 prevail.

18 17. This revision to Conditional Use Permit C-29-82 shall lapse two years after the effective  
19 date of approval or conditional approval unless a business license is approved for land  
20 use 450.K.1 *Convenience markets* at 2315 Vista Way.

21 18. Upon application by the project applicant filed prior to the expiration of an approved or  
22 conditionally approved use permit, the time at which the use permit expires may be  
23 extended by the City Planner or the Planning Commission as the case may be, for a  
24 period or periods not to exceed a total of three years.

25 19. A use permit shall lapse if the exercise of rights granted by it is discontinued for six  
26 consecutive months.

27 20. A use permit that is exercised in violation of a condition of approval or a provision of  
28 the Zoning Ordinance may be revoked, as provided in Section 4706.  
29

1  
2 21. A request for changes in conditions of approval for C-39-82 or a change to the approved  
3 plans that would affect a condition of approval shall be treated as a new application.  
4 The City Planner may waive the requirements for a new application if the changes  
5 requested are minor, do not involve substantial alterations or addition to the plan or the  
6 conditions of approval, and are consistent with the intent of the project's approval or  
7 otherwise found to be in substantial conformance.

8 22. This Conditional Use Permit shall be called for review by the Planning Commission if  
9 complaints are filed and verified as valid by the Code Enforcement Office concerning  
10 the violation of any of the approved conditions or does not conform with the  
11 information contained in or representations made in the application, any supporting  
12 material submitted to the City or during any hearing on the application.

13 23. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
14 harmless the City of Oceanside, its agents, officers or employees from any claim, action  
15 or proceeding against the City, its agents, officers, or employees to attack, set aside,  
16 void or annul an approval of the City, concerning Conditional Use Permits C-39-82.  
17 The City will promptly notify the applicant of any such claim, action or proceeding  
18 against the City and will cooperate fully in the defense. If the City fails to promptly  
19 notify the applicant of any such claim action or proceeding or fails to cooperate fully in  
20 the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or  
21 hold harmless the City.

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

26 25. A trash enclosure (or trash enclosures) must be provided as required by Chapter 13 of  
27 the City Code and shall also include additional space for storage and collection of  
28 recyclable materials per City standards. Recycling is required by City Ordinance. Each  
29 enclosure must be built in a flat, accessible location as determined by the City Engineer.  
Each enclosure shall meet City standards including being constructed of concrete block,

1 reinforced with rebar and filled with cement. A concrete slab must be poured with a  
2 berm on the inside of the enclosure to prevent the bin(s) from striking the block walls.  
3 The slab must extend out of the enclosure for the bin(s) to roll out onto. Steel posts  
4 must be set in front of the enclosure with solid metal gates. All driveways and service  
5 access areas must be designed to sustain the weight of a 50,000-pound service vehicle.  
6 Trash enclosures and driveways and service access areas shall be shown on both the  
7 improvement and landscape plans submitted to the City Engineer. The specifications  
8 shall be reviewed and approved by the City Engineer. The City's waste disposal  
9 contractor is required to access private property to service the trash enclosures, a service  
10 agreement must be signed by the property owner and shall remain in effect for the life of  
11 the project. All trash enclosures shall be designed to provide user access without the  
12 use and opening of the service doors for the bins. Trash enclosures shall have design  
13 features such as materials and trim similar to that of the rest of the project. This design  
14 shall be shown on the landscape plans and shall be approved by the City Planner.

15 26. A covenant or other recordable document approved by the City Attorney shall be  
16 prepared by the applicant and recorded prior to the issuance of a revision to the  
17 business license. The covenant shall provide that the property is subject to this  
18 resolution, and shall generally list the conditions of approval.

19 27. The project shall prepare a Management Plan. The Management Plan is subject to the  
20 review and approval of the City Planner and the Police Chief prior to the approval of a  
21 revision to the business license to add land use 450.K.1 *Convenience markets*, and shall  
22 be recorded as a covenant against the property. The Management Plan shall cover the  
23 following:

- 24 a) Security - The Management Plan, at a minimum, shall address on-site  
25 management, hours-of-operation and measures for providing appropriate  
26 security for the project site.
- 27 b) Maintenance - The Management Plan shall cover, but not be limited to anti-  
28 graffiti and site and exterior building, landscaping, parking lots, sidewalks,  
29 walkways and overall site maintenance measures and shall ensure that a high

1 standard of maintenance at this site exists at all times. The maintenance portion  
2 of the management plan shall include a commitment for the sweeping and  
3 cleaning of parking lots, sidewalks and other concrete surfaces at sufficient  
4 intervals to maintain a "like new" appearance. Wastewater, sediment, trash or  
5 other pollutants shall be collected on site and properly disposed of and shall not  
6 be discharged off the property or into the City's storm drain system.

7  
8 c) Any graffiti within the center shall be removed by the center management or its  
9 designated representative within 24 hours of occurrence. Any new paint used to  
10 cover graffiti shall match the existing color scheme.

11 d) The convenience market shall be operated by a nationally recognized company,  
12 such as 7-Eleven or Circle K.

13 e) Shelf area for the off-site sales of alcoholic beverages is limited to 24 percent or  
14 less of the all shelf area of the business identified on the business license.

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

19 29. Failure to meet any conditions of approval for this development shall constitute a  
20 violation of the Conditional Use Permit and Development Plan.

21 30. Unless expressly waived, all current zoning standards and City ordinances and policies  
22 in effect at the time a business license is approved are required to be met by this project.  
23 The approval of this project constitutes the applicant's agreement with all statements in  
24 the Description and Justification, Management Plan and other materials and information  
25 submitted with this application, unless specifically waived by an adopted condition of  
26 approval.

27 31. The hours-of-operation are not limited, but shall be reviewed and may be limited by the  
28 Planning Commission when valid issues or complaints pertaining to the hours-of-  
29 operation arise.

1 32. The convenience market business will be operated, managed, and identified with a  
2 nationally recognized convenience market, such as 7-Eleven or Circle K. Off-sale  
3 alcoholic beverages shall be limited to less than 25 percent of the shelf area of the  
4 business.

5 33. Seven additional off-street parking spaces shall be provided for on-site.

6 34. The installation of vending machines outside of the convenience market is prohibited.  
7 Exterior vending machines shall not be permitted.

8 **Water Utilities:**

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

11 34. The developer will be responsible for developing all water and sewer utilities necessary  
12 to develop the property. Any relocation of water and/or sewer utilities is the  
13 responsibility of the developer and shall be done by an approved licensed contractor at  
14 the developer's expense.

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

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

4 PASSED AND ADOPTED Resolution No. 2008-P16 on March 24, 2008 by the  
5 following vote, to wit:

6 AYES:

7 NAYS:

8 ABSENT:

9 ABSTAIN:

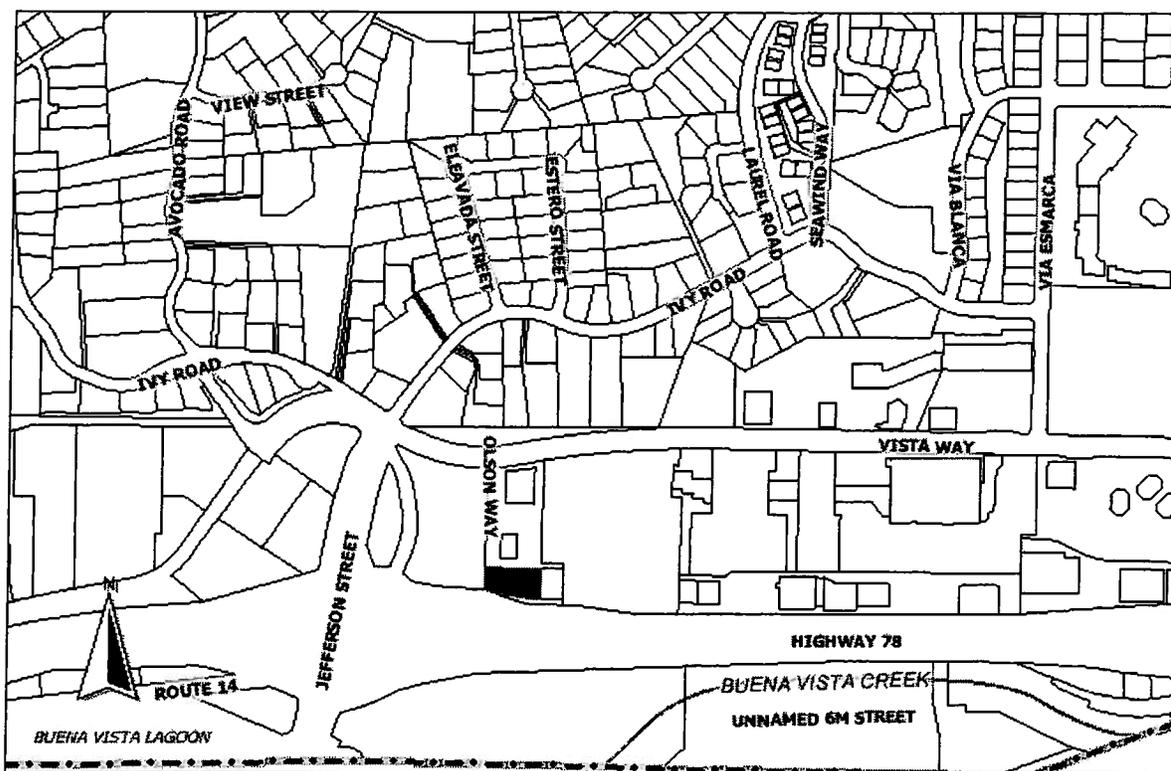
10  
11 \_\_\_\_\_  
12 Dennis Martinek, Chairman  
Oceanside Planning Commission

13 ATTEST:

14  
15  
16 \_\_\_\_\_  
17 Jerry Hittleman, Secretary

18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
19 this is a true and correct copy of Resolution No. 2008-P16.

20  
21 Dated: March 24, 2008  
22  
23  
24  
25  
26  
27  
28  
29



**File Number:** C-39-82

**Applicant:** William Shihata

**Description:**

A revision to CONDITIONAL USE PERMIT (C-39-82) to allow for a 24-hour convenience market at an existing car wash located at 2315 Vista Way. The site is situated within the Special Commercial Highway Oriented (CS-HO) District and the Fire Mountain Neighborhood. – **BUBBLE BATH**

**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 N. Coast Highway  
Oceanside, California 92054-2885

RECEIVED  
SEP 25 2007  
Planning Department

**STAFF USE ONLY**

ACCEPTED BY  
SN. 9/25/07

Please print or type all information

HEARING

**PART I - APPLICANT INFORMATION**

1. APPLICANT William Shihata	2. STATUS project owner
3. ADDRESS: 2315 Vista Way	4. PHONE/FAX/e-mail 760-721-4747 (p) 721-4749 (fax) magicgarden@shcglobal.net
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Elizabeth J. Graff, AICP	
6. ADDRESS: 3528 Sea Ridge Road, Oceanside, CA 92054	7. PHONE/FAX/e-mail 760-231-7459 phone/fax elizabeth@ccor.net

GPA
MASTER/SP PLAN
ZONE CH.
TENT.MAP
PAR. MAP
DEV. PL.
C.U.P. C-39-82 REV. 07
VARIANCE
COASTAL
O.H.P.A.C.

**PART II - PROPERTY DESCRIPTION**

8. LOCATION 2315 Vista Way, Oceanside, CA 92054	10. GENERAL PLAN Commercial	11. ZONING CS-HO	12. LAND USE Regional Shopping Center
--	--------------------------------	---------------------	--

9. SIZE : parcel: 22,651 sq. ft
13. ASSESSOR'S PARCEL NUMBER 165-120-52

**PART III - PROJECT DESCRIPTION**

REV-1/3/08

14. GENERAL PROJECT DESCRIPTION  
Revise a previously approved Conditional Use Permit (C-39-82), which was granted for a car wash and auto service station, to add a 24-hour convenience market with off site beer and wine sales. The use change will be accomplished with interior remodeling. No exterior dimension changes to the building are proposed. The site is a pad in the El Camino North Shopping Center.

15. PROPOSED GENERAL PLAN n/a	16. PROPOSED ZONING n/a	17. PROPOSED LAND USE n/a
20. BUILDING SIZE 4089 sq. ft.	21. PARKING SPACES: 7 on subject parcel. note: parking shared with larger shopping center	22. % LANDSCAPE: 12 per cent. Note: this parcel is part of a larger shopping center

18. NO. UNITS n/a	19. DENSITY n/a
23. % LOT COVERAGE or FAR: .18 on subject parcel; note: it is part of larger shopping center	

**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 AND 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. CERTIFICATE OF POSTING	32. OTHER (see attachment for required reports)

**PART V - SIGNATURES**

33. APPLICANT OR REPRESENTATIVE (Print): 	34. DATE 9/20/07	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:	35. OWNER (Print): DK UEL CAMINO North, LP	36. DATE 9-18-07

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Sign: Norma S. S. Sandler, Director of A. E.  
Theresa M. Chappens, Property Manager

RECEIVED

SEP 25 2007 Page 1-A

7/26/07

JULIANA



**Application for Public Hearing**

Community Development Department/Planning Division  
 (760) 435-3520  
 Oceanside Civic Center 300 N. Coast Highway  
 Oceanside, California 92054-2885

**STAFF USE ONLY**

ACCEPTED BY

Please print or type all information

HEARING

**PART I – APPLICANT INFORMATION**

1. APPLICANT William Shihata		2. STATUS project owner		GPA	
3. ADDRESS: 2315 Vista Way		4. PHONE/FAX/e-mail 760-721-4747 (p) 721-4749 (fax) magicgarden@sbcglobal.net		MASTER/SP PLAN	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Elizabeth J. Graff, AICP				ZONE CH.	
6. ADDRESS: 3528 Sea Ridge Road, Oceanside, CA 92054		7. PHONE/FAX/e-mail 760-231-7459 phone/fax elzaplan@cox.net		TENT. MAP	
				PAR. MAP	
				DEV. PL.	
				C.U.P.	
				VARIANCE	
				COASTAL	
				O.H.P.A.C.	

**PART II – PROPERTY DESCRIPTION**

8. LOCATION : 2315 Vista Way, Oceanside, CA 92054			9. SIZE : parcel: 22,651 sq. ft		
10. GENERAL PLAN Commercial	11. ZONING CS-HO	12. LAND USE Regional Shopping Center	13. ASSESSOR'S PARCEL NUMBER 165-120-52		

**PART III - PROJECT DESCRIPTION**

14. GENERAL PROJECT DESCRIPTION  
 Revise a previously approved Conditional Use Permit (C-35-82), which was granted for a car wash and auto service station, to add a 24-hour convenience market with off site beer and wine sales. The use change will be accomplished with interior remodeling. No exterior dimension changes to the building are proposed. The site is a pad in the El Camino North Shopping Center.

15. PROPOSED GENERAL PLAN n/a	16. PROPOSED ZONING n/a	17. PROPOSED LAND USE n/a	18. NO. UNITS n/a	19. DENSITY n/a
20. BUILDING SIZE 4089 sq. ft.	21. PARKING SPACES: 7 on subject parcel. note: parking shared with larger shopping center	22. % LANDSCAPE: 12 per cent. Note: this parcel is part of a larger shopping center	23. % LOT COVERAGE or FAR: .18 on subject parcel; note: it is part of larger shopping center	

**PART IV – ATTACHMENTS**

24. DESCRIPTION/JUSTIFICATION	25. LEGAL DESCRIPTION	26. TITLE REPORT
27. NOTIFICATION MAP AND LABELS	28. ENVIRONMENTAL INFO FORM	29. PLOT PLANS
30. FLOOR PLANS AND ELEVATIONS	31. CERTIFICATE OF POSTING	32. OTHER (see attachment for required reports)

**PART V – SIGNATURES**

33. APPLICANT OR REPRESENTATIVE (Print):	34. DATE	SIGNATURES OF ALL OWERS 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:		35. OWNER (Print): <i>Louise Chappin's</i>	36. DATE <i>12-17-07</i>
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		Sign: <i>Louise Chappin's, agent of owner.</i>	

**Description and Justification**  
 Convenience Market Addition to Bubblebath Car Wash  
 Revised Conditional Use Permit (C-39-82)

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**SEP 25 2007**  
 Planning Department

**DESCRIPTION**

A revision to a previously approved Conditional Use Permit is requested to add a 24-hour convenience market, similar to Circle K or 7-11, that sells various food and snack items and beer and wine, to an existing vehicle service station and car wash located in the El Camino North Shopping Center. The car wash is located at 2315 Vista Way-Pad C.

The car wash and service station were approved in 1982 (C-39-82) at 3600 square feet. At some unknown time in the past an addition of 24' 7" X 17' 8" or about 12 per cent of the originally approved size, took place to accommodate additional equipment. In 2006 a Substantial Conformity request was approved which, along with a new runoff assessment, added approximately 50 square feet to enhance the automobile service function.

The new use will be accommodated through an interior re-model of the building. No additional building space will be added; and there will be no change to the footprint of the existing building.

The shopping Center is zoned Special Commercial-Highway Oriented (CS-HO); and this use would be allowed by right in that zone (without a public hearing) except for the fact that it is part of a previously approved Conditional Use Permit for a vehicle service station and car wash.

**Development Standards Chart**

	Required	Proposed	Note
Front yard	15	n/a building exists	Part of larger shopping center
Side Yard	10	n/a building exists	Part of larger shopping center
Rear Yard	None	n/a building exists	Part of larger shopping center
Landscaping	15 per cent	n/a building exists	Part of larger Shopping center
Parking	1/200	7 striped adjacent new for use	Shared with shopping center

**Parking:** This change is not adding any additional square footage to the building. The car wash now uses the space around it for its drying activities. Part of the plans for this change in use internally is to stripe an additional 7 spaces. The remodel will result in approximately 1300 square feet for the convenience market. This area is now used for a small retail store, coffee bar, cashier and waiting area. An exhibit is attached showing the new parking and the parking surrounding the use in the shopping center which all of the uses share.

Police Review: The site has been reviewed by the Oceanside Police Department which would recommend approval of the beer and wine sales if it is included in the context of a convenience market. The floor area for the beer and wine sales will be limited to 25 per cent of the convenience market portion of the site.

Findings:

For the Revised Conditional Use Permit for the convenience market:

1. That the proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located. The convenience market is in accord with the zoning because the Special Commercial Highway Oriented Zone (CS-HO) would allow this type of use "by right" (without a CUP). This hearing is only required because it is revising a previously approved project.
2. That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety, welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City. The change will be interior to an existing building.
3. That the proposed conditional use will comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located. The new use is in compliance with the Special Commercial Highway Oriented Zone and would usually be allowed "by right."

12/07

BUBBLEBATH CAR WASH  
Draft Management Plan  
2315 Vista Way-Pad C.

C-39-82 REV 07

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Department

Intent and Scope

This Management Plan is intended to provide a description of the use and operation of the car wash and mini-mart located at 2316 Vista Way, Pad C in the El Camino North Shopping Center.

Uses

The site has a car wash, a small auto service center, gasoline pumps and a mini-mart in the same building as the cashier for all of the activities.

Hours of Operation

The project will operate 24-hours a day. The car wash will operate from 8 a.m. to 6 p.m.

Employees

Exact number of employees may vary slightly at times but generally there will be at least one employee on the site at all times.

Employee Parking

Employee parking shall be directed away from the spots closest to the entrance of the building.

Lighting

Lighting for security, operation of the gasoline price sign, pump areas and mini-mart will be provided for the 24-hour uses

Storage and Display

Outdoor storage or display of merchandise or material as well as any sales shall conform to the City of Oceanside Zoning Ordinance.

Signage

Sign permits are required for all signage and are subject to the Comprehensive Sign Program for the Center. No temporary or portable signs shall be permitted after 30 days from the date occupancy begins.

Landscaping and Site Maintenance

12/07

Maintenance of on-site landscaping, fences walls and landscaping in the adjoining public parkways are the responsibility of the shopping center owners. The maintenance program includes normal care and irrigation of the landscaping; repair and replacement of plant materials; irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking lots, walkways, walls and fences.

#### Trash Abatement

Business owners shall be responsible for trash abatement on the site and shall keep the site free of litter, trash and other nuisances

#### Street Sweeping.

Parking lots and drives shall be swept on a regular basis to prevent buildup of deposited materials.

#### Graffiti removal

Any graffiti within the project shall be removed by the management or its designated representative within 24 hours of occurrence.

Bubblebath Car Wash

LEGAL DESCRIPTION

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SEP 25 2007  
Planning Department

All that certain real property situated in the County of San Diego, state of California, described as follows:

PARCEL A:

Parcel 11 of Parcel Maps No. 12247, in the City of Oceanside, in the County of San Diego, State of California, filed in the Office of the County recorder of San Diego County.

PARCEL B:

Non-exclusive easements over, across, in under and through the Common Areas for the uses and purposes set forth in Section 2.1 and the building areas for the uses and purposes set forth in Section 2.2 as said areas, uses and purposes as set forth in grant of reciprocal easements and Declaration of Covenants running with the land, recorded in November 24, 1981, Recorder's File Non 81-371641 of Official Records, in and to Parcels 3, 7 and 11 of Parcel Map No. 11756, in the City of Oceanside, in the County of San Diego, State of California, according to official Plat thereof filed in the Office of the County Recorder of San Diego County, October 23, 1981 including that portion of said Parcel Map No. 11756 up to the center line of Vista Way as shown on said Parcel Map, adjoining said parcel on the North.



# NOTICE OF EXEMPTION

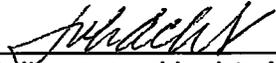
City of Oceanside, California

Post Date:  
Removal:  
(30 days)

1. **APPLICANT:** William Shihata
2. **ADDRESS:** 2315 Vista Way, Oceanside, CA 92054
3. **PHONE NUMBER:** (760) 721-4747
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Juliana von Hacht
6. **PROJECT TITLE:** C-38-82REV07 Bubble Bath
7. **DESCRIPTION:** Consideration of a revision to Conditional Use Permit (C-39-82) to allow for a 24-hour convenience market at an existing car wash located at 2315 Vista Way.

**ADMINISTRATIVE DETERMINATION:** Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Environmental Coordinator finds that the proposed project constitutes the demolition of an existing single-family dwelling. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section \_\_\_\_\_, <name> ( Sections 15260-15277); or,
- The project is categorically exempt, Class 1, Existing facilities (Section 15301
- The project does not constitute a "project" as defined by CEQA (Section 15378).

  
\_\_\_\_\_  
Juliana von Hacht, Associate Planner

Date: 3-24-2008

cc:  Project file  Counter file  Library

Posting:  County Clerk \$50.00 Admin. Fee