

AGENDA NO. 5

PLANNING COMMISSION



STAFF REPORT

DATE: September 13, 2010

TO: Chairperson and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP10-00006) TO ALLOW THE SALES OF CONVENIENCE STORE ITEMS WITHIN AN EXISTING CARWASH RETAIL BUILDING LOCATED AT 2946 OCEANSIDE BOULEVARD – BUGGY BATH MINI MART– APPLICANT: WISSAM J. ALKWAZ**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

Confirm issuance of a Class 1, Categorical Exemption “Existing Facilities”; and adopt Planning Commission Resolution No. 2010-P31 approving Conditional Use Permit (CUP10-00006) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On January 8, 1990 the Oceanside Planning Commission approved a Conditional Use Permit (C-36-89), to allow the development of a self service car wash facility on a 0.7-acre site located at 2946 Oceanside Boulevard. This approval included the construction of eight self service car wash bays, 11 vacuum islands, seven auto detailing bays and a 1,200-square foot auto related retail building.

Site Review: This commercial carwash facility is located south of Edgehill Lane on Oceanside Boulevard within the Loma Alta Neighborhood. The site is approximately 0.7 acres and exists with a full service carwash facility and an associated auto retail building. The project site has an underlying General Plan land use designation of General Commercial (CG), and a zoning designation of Commercial General (CG). The property is surrounded by similar Commercial General (CG) properties to the east and west, Medium Density Residential (RM-C) properties exist to the north, and General Industrial (IG) properties exist to the south.

Surrounding uses include an auto parts store to the east, a commercial retail market to the west, a condominium development to the north, and industrial/manufacturing office uses to the south. Access to the site is provided via the driveway of which is located on Oceanside Boulevard. The site exists with four striped parking stalls near the southwest entrance, and approximately 15 additional parking stalls at the self service car wash bays and vacuum islands area.

Project Description: The project application is comprised of the component; a Conditional Use Permit (CUP10-00006) as follows:

Conditional Use Permit (CUP10-00006) represents a request for the following: To allow the selling of small grocery, snack items, beer and wine in addition to the permitted auto related car wash items that were approved with the previously approved Conditional Use Permit (C-36-89).

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

The project is located in the General Commercial (GC) 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 Conditional Use Permit (CUP10-00006) 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, and park or recreational facilities.

The project is specifically conditioned for the site to have four off-street parking spaces, with additional spaces at the service bays and to record a Management Plan for the operation of a convenience market.

2. General Plan conformance

The General Plan Land Use Map designation on the subject property is General Commercial (GC). The proposed revision to Conditional Use Permit (C-36-89) 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, Buggy Bath Car Wash, is adjacent to other commercial and industrial uses containing a wide variety of commercial establishments. The Buggy Bath Car Wash is adjacent to a neighboring market and an auto retail store known as NAPA auto parts; therefore the proposed mini-mart would provide uses that are consistent with the neighboring uses in the area. Further, the applicant has offered to operate the convenience store under limited hours of operation (6:00 a.m. – 10:00 p.m. daily) to prevent loitering and commercial activity during the late evening hours.

3. Land Use Compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	General Commercial (GC)	General Commercial (CG)	Commercial Self Service Car Wash
North of Subject Property	Medium Density – C Residential (MDC-R)	Medium Density Residential (RM-C)	Condominium Complex
East of Subject Property:	General Commercial (GC)	General Commercial (CG)	NAPA Auto Parts
South of Subject Property:	General Industrial (GI)	General Industrial (IG)	Office and Industrial manufacturing uses
West of Subject Property:	General Commercial (GC)	General Commercial (CG)	Grocery Market & Restaurant

The proposed mini-mart land use is consistent with 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 mini mart would provide the needed specialty items; such as, chips, drinks, food, and other related convenience items for customers and would provide needed services to the residents in the area. The project has been conditioned to provide potted plants adjacent to the columns of the front drive through car wash bays to enhance the appearance of the site.

ENVIRONMENTAL DETERMINATION

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

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals/organizations requesting notification, applicant and their representative, and interested parties. As of September 8, 2010, no communication supporting or opposing the request has been received.

SUMMARY

Staff finds that the proposed use, 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 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 1, Categorical Exemption "Existing Facilities"; and adopt Planning Commission Resolution No. 2010-P31 approving Conditional Use Permit (CUP10-00006) with findings and conditions of approval attached herein.

PREPARED BY:



Scott Nightingale
Planner II

SUBMITTED BY:



Jerry Hittlerman
City Planner

JH/SN/fil

Attachments:

1. Site plan, floor plan and elevations
2. Photos of existing site
3. Planning Commission Resolution No. 2010-P31
4. Planning Commission Staff Report dated January 8, 1990

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

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

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

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

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

For the Conditional Use Permit for the Mini-Mart:

- 15 1. The location of the mini-mart, within the Commercial General (CG) zone is in accord
16 with the objectives of the Zoning Ordinance and the purposes of the district in which the
17 site is located.
- 18 2. The proposed use will not be detrimental to properties or improvements in the vicinity or
19 to the general welfare of the City.
- 20 3. The mini-mart is conditioned and is required to comply with all provisions of the Zoning
21 Ordinance. The proposed use is subject to specific operational conditions that will cause
22 the use to operate compatibly with the surrounding land uses.

23 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
24 approve Conditional Use Permit (CUP10-00006) subject to the following conditions:

Building:

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

1 **Planning:**

- 2 2. This Conditional Use Permit (CUP10-00006) shall expire on September 13, 2012 unless the
3 use is established, the use permit is extended, or a certificate of occupancy has been issued.
- 4 3. A covenant or other recordable document approved by the City Attorney shall be prepared
5 by the applicant and recorded prior to issuance of a business license. The covenant shall
6 provide that the property is subject to this resolution, and shall generally list the conditions
7 of approval.
- 8 4. The project shall prepare a Management Plan. The Management Plan is subject to the
9 review and approval of the City Planner and the Police Chief prior to the occupancy of the
10 project, and shall be recorded as CC&R's against the property. The Management Plan shall
11 cover the following:
- 12 a) Security - The Management Plan, at a minimum, shall address on-site management,
13 hours-of-operation and measures for providing appropriate security for the project
14 site.
 - 15 b) Maintenance - The Management Plan shall cover, but not be limited to anti-
16 graffiti and site and exterior building, landscaping, parking lots, sidewalks,
17 walkways, and overall site maintenance measures and shall ensure that a high
18 standard of maintenance at this site exists at all times. The maintenance portion
19 of the management plan shall include a commitment for the sweeping and
20 cleaning of parking lots, sidewalks and other concrete surfaces at sufficient
21 intervals to maintain a "like new" appearance. Wastewater, sediment, trash or
22 other pollutants shall be collected on-site and properly disposed of and shall not
23 be discharged off the property or into the City's storm drain system.
 - 24 c) Any graffiti within the center shall be removed by the center management or its
25 designated representative within 24 hours of occurrence. Any new paint used to
26 cover graffiti shall match the existing color scheme.
 - 27 d) Failure to meet any conditions of approval for this development shall constitute a
28 violation for the Conditional Use Permits.
5. No coin operated amusement devices shall be maintained on license premises.

1 6. At any time the premise causes policing problems, the Police Department may recommend
2 the licensee to furnish security personnel during the times identified by the Police
3 Department. If after such recommendation the licensee does not take steps to control
4 policing problems, the Police Department may require the licensee to furnish security
5 personnel during times identified by the Police Department.

6 7. The premises shall be maintained primarily as a convenience store and the annual sales of
7 alcoholic beverages shall not exceed 25 percent of the quarterly annual sale of all other
8 products (beer and wine only).

9 8. No more than 25 percent of total shelf space may be devoted to the display and sale of
10 alcoholic beverages (beer and wine only).

11 9. No exterior vending machines shall be permitted.

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

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

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1 12. The hours-of-operation for retail sales within the mini-mart shall be limited from (6:00
2 a.m. to 10:00 p.m.) daily and will be subject to review by the Planning Commission if
3 complaints are evident.

4 PASSED AND ADOPTED Resolution No. 2010-P31 on September 13, 2010 by the following
5 vote, to wit:

6 AYES:

7 NAYS:

8 ABSENT:

9 ABSTAIN:

10
11
12 _____
13 Robert Neal, Chairperson
14 Oceanside Planning Commission

15 ATTEST:

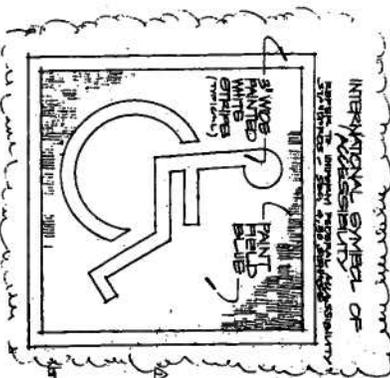
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17 Jerry Hittleman, Secretary

18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
19 this is a true and correct copy of Resolution No. 2010-P31.

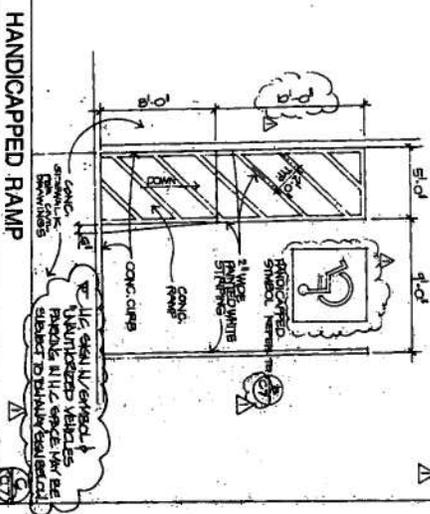
20 Dated: Septebmer 13, 2010

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

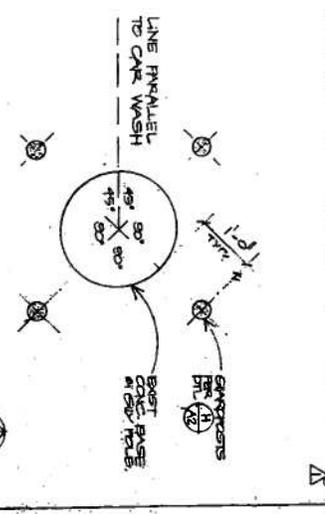
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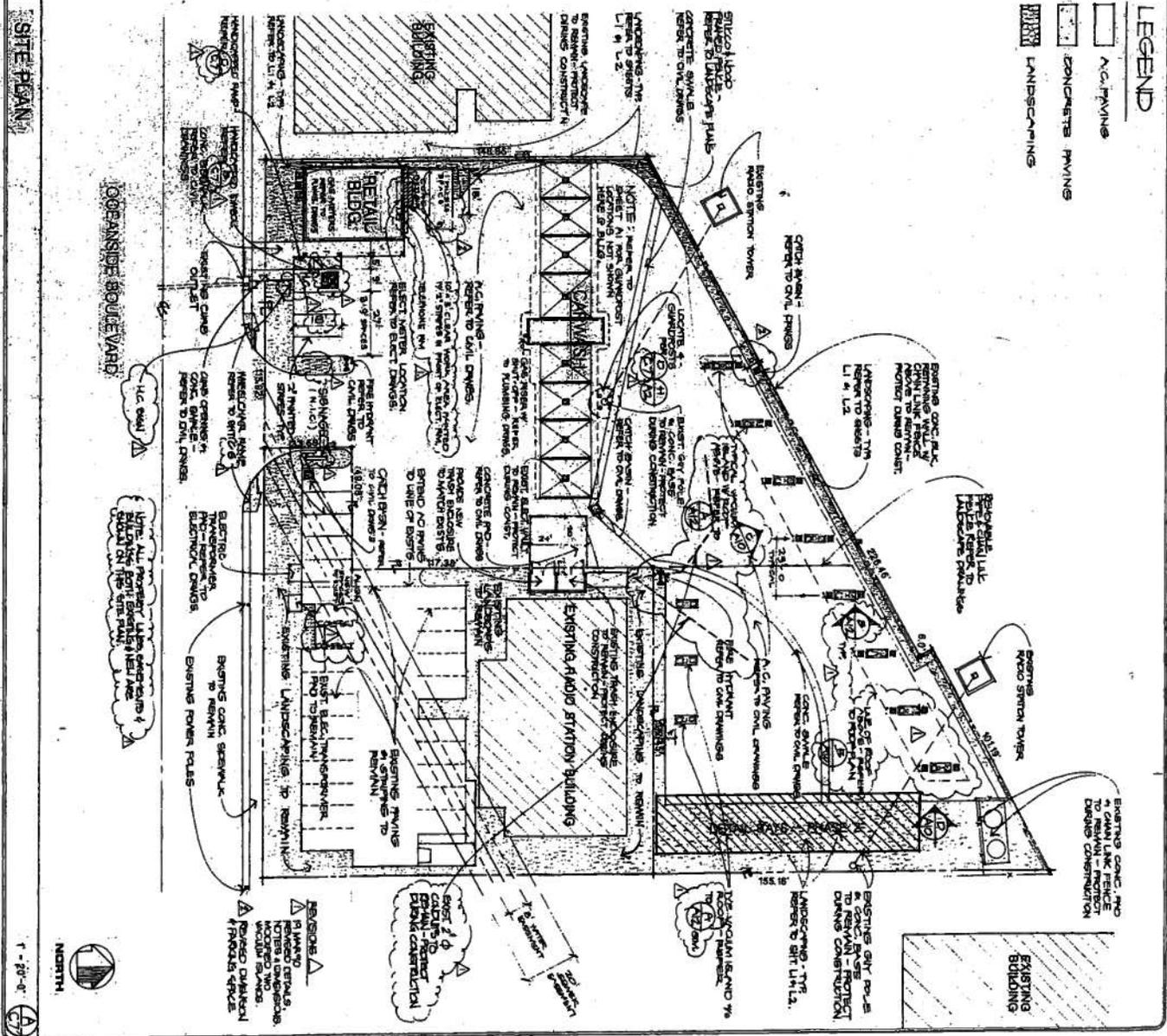


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GUARDBOOST LAYOUT

- LEGEND**
- A.C. PAVING
 - ▨ CONCRETE PAVING
 - ▤ LANDSCAPING



SITE PLAN

MELE AMANTEA ARCHITECTS AIA, 9248 SKYPARK COURT, SUITE 180, SAN DIEGO, CALIFORNIA 92183-4311, 619-278-8248

Buggy Bath Convenience Market
Revision to CUP C-36-89

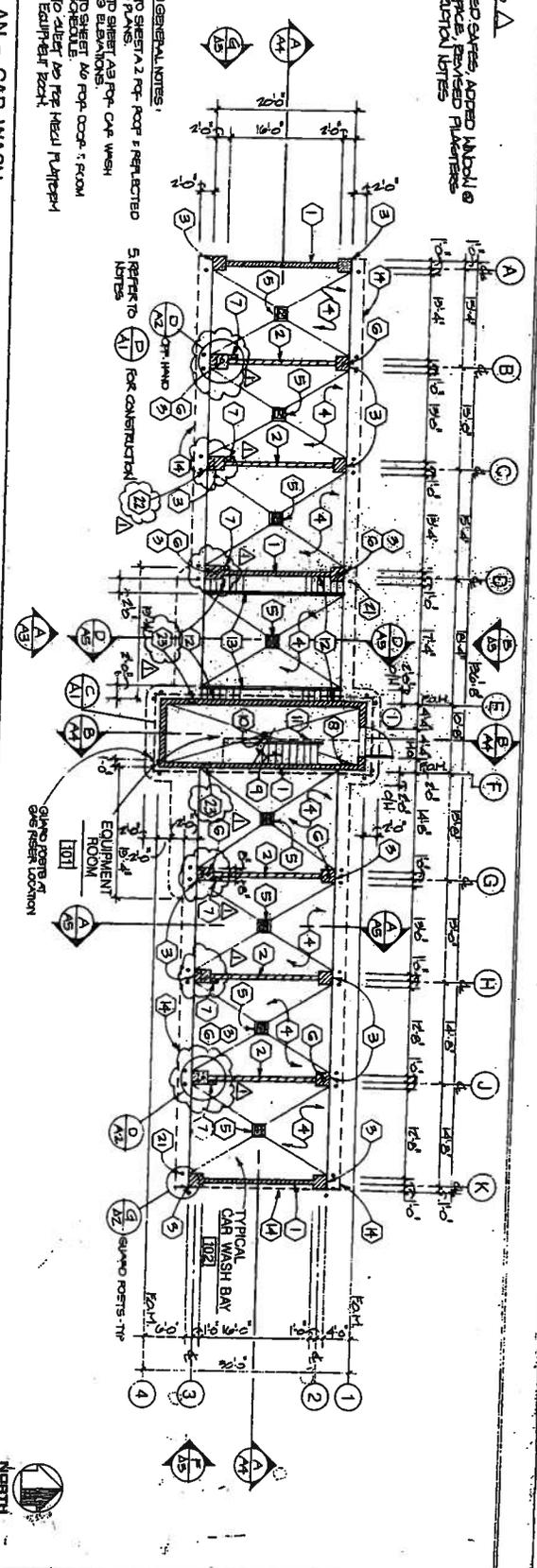
Wissam J. Alkwas
2946 Oceanside Blvd.
760-658-0026

REGISTERED ARCHITECT

REVISIONS
 1. REVISIONS TO
 2. RETAIL SPACE, REVISIONS
 3. CONSTRUCTION NOTES

- CAR WASH GENERAL NOTES:
 1. REFER TO SHEET 2 FOR ROOF REFLECTED
 CEILING PLANS
 2. REFER TO SHEET 3 FOR CAR WASH
 BUILDING ELEVATIONS
 3. REFER TO SHEET 4 FOR DOOR & ROOM
 REVISIONS TO SHEET 3 FOR HEAD PLANT
 ABOVE EQUIPMENT ROOM

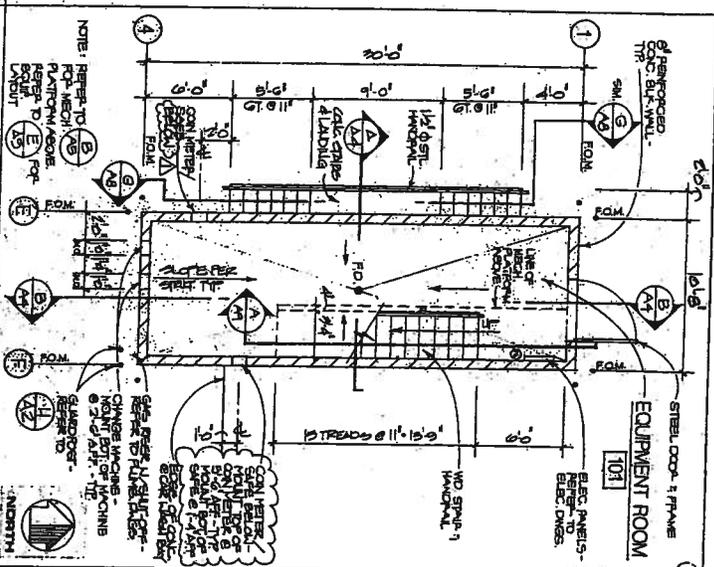
FLOOR PLAN - CAR WASH



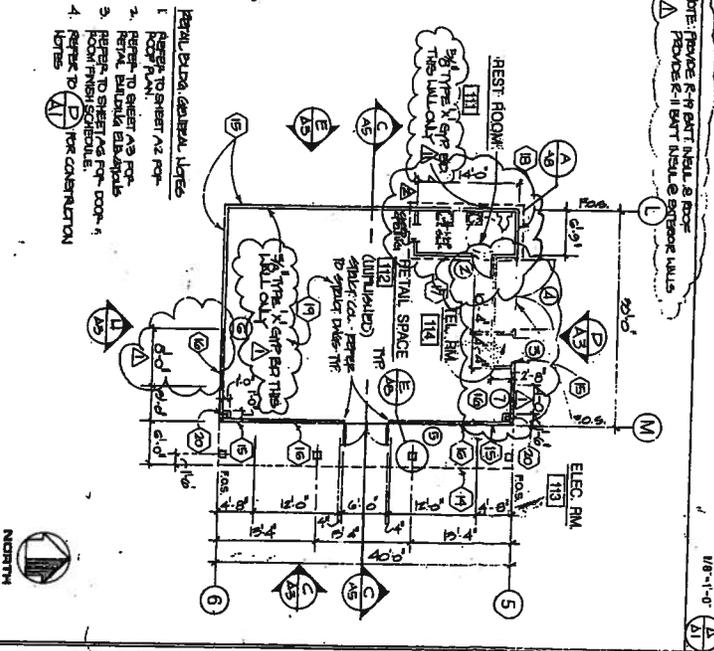
CONSTRUCTION NOTES

1. REINFORCED 4" CONCRETE SLAB WITH 1/2" STEEL BARS AT 12" O.C. IN ALL DIRECTIONS.
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FLOOR PLAN - MECH. EQUIP. RM.



FLOOR PLAN - RETAIL BLDG.







CONDITIONAL USE PERMIT C-36-89

OCEANSIDE BOULEVARD CAR WASH
JANUARY 8, 1990

APPLICANT: John Lemkey

DESCRIPTION/LOCATION: The application is for a Conditional Use Permit to allow the development of a self service car wash facility and a 1,200 square foot auto retail building on a .7 acre parcel. The project site is located on the north side of Oceanside Boulevard between Edgehill Lane and Garrison Street.

ZONING/GENERAL PLAN: The subject parcel is zoned CG (Commercial General) and the General Plan Land Use designation is Commercial General.

ENVIRONMENTAL STATUS: Pursuant to the requirements of the California Environmental Quality Act, this application has been deemed to have no major adverse impact upon the environment and a Negative Declaration has been issued.

APPLICABLE CITY POLICIES: The Zoning Ordinance and the Land Use Element of the General Plan of the City of Oceanside.

ANALYSIS:

A. Background:

The applicant has filed an application requesting the approval of a Conditional Use Permit to allow the development of a self service car wash facility.

The Land Use Element designation on the project site and surrounding approximately seven acres was changed from Light Industrial to General Commercial in September of 1986. In September of 1987, a Zone Amendment, Tentative Parcel Map and Master Development Plan were approved by the Planning Commission for this project site and the neighboring KGMG radio station property to the east. The Zone Amendment was subsequently approved by City Council, but the Tentative Parcel Map and Master Development Plan expired November 4, 1989.

B. Site Review:

The project site is .7 acres in size and is located on the north side of Oceanside Boulevard between Edgehill Lane and

Garrison Street. The site is currently vacant and partially paved from a previous use on the site. Two guy-wire poles are located on the site to support radio station towers located off-site along the northern project boundary. Surrounding land uses include the KGMG Radio Station and Woolworth Garden Center to the east, the E-Z Storage RV and Warehouse facility and radio towers to the north, the American Red cross building to the west, and Oceanside Boulevard and industrial uses to the south.

C. Project Review:

The applicant is proposing the development of a .7 acre parcel with a self service car wash facility. This facility is to include eight self service car wash bays, eleven vacuum islands, seven auto detailing bays and a 1,200 square foot auto retail building.

Building construction elements include wood framing with white painted concrete block and white stucco siding with 3/4" painted accent trim bands and two foot radius cylindric treatments to building fronts. Tinted, anodized aluminum frame windows will be installed on the auto retail building frontage and the detail bays will have metal roll-up doors. Architectural details of the wash bays, detail bays and auto retail store have been designed to be compatible and consistent with the architectural style of the neighboring radio station.

Site access will be provided by a widening an existing 24 foot wide driveway to a 30 foot wide driveway cut onto Oceanside Boulevard. The applicant was requested to close-off an existing driveway cut into the radio station parking lot and to record a cross-access and maintenance agreement with the radio station property to jointly use one driveway. This has been accomplished and results in an improved site design which enhances the appearance of the site from Oceanside Boulevard while better facilitating traffic to and from this site. The applicant proposes eight parking spaces while the Zoning Ordinance requirement is six parking spaces for a commercial development of this type and size.

Landscaping will total 12.5 percent of the total site area. This exceeds the minimum Zoning Ordinance requirement of 8 percent. Oceanside Boulevard will be provided with 15 feet of bermed landscaping to screen the car wash facility and paved areas. Berming, landscaping or a combination of the two, for a minimum height of four feet, is a conditioned requirement of this application. This is to be provided along the north, south and west property boundaries to minimize the impact of auto and truck headlights on surrounding properties and public right-of-way and to provide an aesthetically pleasing buffer to adjacent land uses and properties.

D. Discussion:

While Article 11 (C Commercial Districts) of the Zoning Ordinance permits retail sales by right, automobile washing facilities require the approval of a Conditional Use Permit. Section 3011 (Service Stations and Automobile Washing) of the Zoning Ordinance lists supplemental development regulations that apply to car washing facilities. This application has been conditioned to comply with these additional development criteria or has incorporated site design features enabling this project to meet these criteria.

Staff feels the requested Conditional Use Permit is consistent with both the General Plan Land Use Element and the development regulations as listed in the Zoning Ordinance. The site design and layout has been well conceived and provides adequate ingress and egress to both the neighboring radio station and the proposed development through one common curb opening onto Oceanside Boulevard.

RECOMMENDATION: The staff recommends that the project be approved with the findings and conditions as attached. The Planning Commission's actions should be:

- Move to affirm that there will not be a significant adverse effect upon the environment from this project, and that a Negative Declaration is hereby approved; and to approve the project with the following findings and subject to the attached conditions:

FINDINGS:

For the Conditional Use Permit:

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.
 - This project is proposed on property with a General Commercial Zoning designation. A stated objective of this designation is to "provide opportunities for the full range of retail and service businesses deemed suitable for location in Oceanside, including businesses not permitted in other commercial districts because they attract heavy vehicular traffic or have certain adverse impacts...". This location is in accord with this objective and any potential adverse impacts are mitigated through a cohesive site design, landscape buffering and conditions of approval.
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 or 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 General Plan Land Use designation of General Commercial provides for high intensity convenience businesses which are to be clustered in order to provide coordinated site design and to avoid proliferation of driveway cuts. This project has secured a cross-access and maintenance agreement in order to develop a single curb opening to serve two parcels and is conditioned to restrict hours of operation and to provide landscape buffering so as to minimize impacts on adjacent uses and surrounding properties.

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.

- This application has been conditioned to comply with all imposed conditions of approval. Violation of these conditions could result in the setting of a hearing to consider the revocation of this Conditional Use Permit.

CONDITIONS:

Building:

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Department plan check.
2. The granting of approval under this action shall in no way relieve the applicant from compliance with all State and local building codes.
3. Site development, parking, access into buildings and building interiors shall comply with C.A.C. Title 24, Part 2 (Handicapped Access - Nonresidential buildings - O.S.A.)
4. All electrical, communication, CATV, etc. service lines, within the exterior lines of the property shall be underground (City Code Sec. 6.30).
5. Application for Building Permit will not be accepted for this project until plans indicate that they have been prepared by a licensed design professional (Architect or Engineer). The design professional's name, address, phone number, State license number and expiration date shall be printed in the title block of the plans.

Engineering:

6. Where proposed off-site improvements including but not limited to slopes, public utility facilities, and drainage facilities are to be constructed, the applicant shall, at his own expense, obtain all necessary easements or other interests in real property and shall dedicate the same to the City as required. The applicant shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to the approval of the building permit. Additionally, the City, may at its sole discretion, require that the applicant obtain at his sole expense a title policy insuring the necessary title for the easement or other interest in real property to have vested with the City of Oceanside or the applicant, as applicable.
7. All streets shall be improved with concrete curbs and gutters, street lights, 5 ft. wide sidewalks and pavement, providing a parkway width of at least 10 feet, except where turnouts are provided unless altered by the City Engineer.
8. All street dedications, alignments, widths, and exact geometrics shall be as approved by the City Engineer.
9. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon soil tests and traffic index. The pavement design to be prepared by the applicant's soil engineer must be approved by the City Engineer.
10. All traffic signal contributions, highway thoroughfare fees, park fees, reimbursements, and other applicable charges, fees and deposits shall be paid prior to the issuing of any building permits in accordance with City policies. The developer shall also be required to join into, contribute, or participate in any improvement lighting, or other special district affecting or affected by this project. Approval of the project shall constitute the developer's approval of all such payments, and his agreement to pay for any other similar assessments or charges in effect at the time of building permit approval, and to join, contribute, or participate in such districts.
11. Design and construction of all improvements shall be in accordance with standard plans, specifications of the City of Oceanside and subject to approval by the City Engineer. Parking lot striping shall be shown on Precise Grading/Private Improvement plans for parking lots.
12. The developer shall pay traffic signal fees as required by the City's Traffic Signal Fee Ordinance.

13. The developer shall pay thoroughfare fees as required by the City's Thoroughfare Fee Ordinance.
14. Sight distance requirements at all street intersections shall conform to the intersectional sight distance criteria as provided by the California Department of Transportation Highway Design Manual.
15. Landscaping plans for trees, bushes and shrubs, or plans for the construction of walls, fences or other structures at or near intersections must conform to sight distance requirements and must be submitted to and approved by the City Engineer prior to the issuance of building permits and prior to the implementation of any landscape improvements.
16. Traffic control during the construction of streets which have been opened to public travel shall be in accordance with construction signing, marking and other protection as required by the State Department of Transportation (CalTrans) Traffic Manual.
17. Sediment, silt and grease traps shall be included in drainage improvements.
18. Grading and drainage facilities shall be designed to adequately accommodate the local storm water runoff and shall be in accordance with standard plans and specifications of the City of Oceanside and subject to the approval of the City Engineer.
19. Development shall be in accordance with City Floodplain Management Regulations.
20. This project is subject to payment of Master Plan of Drainage acreage fees, to be paid prior to approval of the building permit. All storm drains and appurtenances shall be designed and installed to the satisfaction of the City Engineer. On and off-site drains shall be shown on City standard plans and profile sheets. Storm drain easements shall be dedicated where required.
21. Storm drain facilities shall be designed and located such that the inside travel lanes on Oceanside Boulevard shall be passable during conditions of a 100-year frequency storm.
22. Storm drain easements shall be dedicated when required. The developer shall be responsible for obtaining any off-site easements for storm drainage facilities.
23. All drainage picked up in an underground system shall remain in underground system until outlet into an approved channel.

24. On-site grading design and construction shall be in accordance with the City's current Grading Ordinance.
25. Prior to any grading of any part of the project, a comprehensive soils and geologic investigation shall be conducted of the soils, slopes, and formations in the project. All necessary measures shall be taken and implemented to assure slope stability, erosion control, and soil integrity. No grading shall occur until a detailed grading plan, to be prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by the City Engineer.
26. The entire project shall be served with a water system adequate enough for fire protection and domestic supply, with hydrants and other appurtenances as needed. The sewer system to serve the tract shall be designed and constructed to City standards. All other utilities to serve the project, including electrical, telephone, and cable T.V., shall be constructed underground.
27. All existing continuous overhead utility lines and all new extension services for the development of the project, including electrical and telephone, shall be constructed underground.
28. Street lights shall be installed along all streets in the subdivision or project under the City's LS-2 rate schedule (City owned). The developer shall pay all applicable fees, energy charges, and/or assessments and shall agree to the formulation of or the annexation to any appropriate street lighting district. Street light plans shall be submitted and approved with the Precise Grading/Private Improvement Plan.
29. The developer shall comply with all the provisions of the City's cable television ordinances including those relating to notification as required by the City Engineer.
30. Any broken concrete curb, gutter or sidewalk shall be repaired or replaced as required by the City Engineer.
31. The developer shall install 1-1/2 inch P.V.C. conduit and 1/4 inch pull rope on the frontage of the project on all arterials and above, for signal interconnect cable. Pull boxes shall be spaced 200 feet apart.
32. The existing, outstanding grading permit on this site, shall be completed and the bond release process implemented, prior to the issuance of further permits on this site.
33. All conditions associated with Parcel Map 9683 shall be complied with.

34. The driveway entrance onto Oceanside Boulevard shall have 25 foot radius curb returns with pedestrian access ramps.
35. A complete hydrology and hydraulic analysis shall be required. The study shall address the adequacy of the existing storm drain system. The developer shall be required to upgrade all existing downstream facilities as determined by the study.
36. The project appears to be in a special flood hazard zone as shown on the latest FEMA flood insurance rate maps. Therefore, a FEMA map amendment shall be required prior to issuance of building permits.
37. A Precise Grading/Private Improvement plan shall be required, and approved, prior to the issuance of building permits.

Fire:

38. Fire Flow to be determined at the time of building application.
39. Fire hydrants shall be 2-1/2" X 2-1/2" X 4".
40. The fire hydrants shall be installed and tested prior to placing any combustible materials on the job site.
41. Fire hydrants shall be located as indicated on a map filed in the Fire Prevention Bureau.
42. All-weather access roads shall be installed and made serviceable prior to and during time of construction. Sec. 10.301(c) and (d) Uniform Fire Code.
43. Any security gates shall have a Knox-box override.
44. Plans shall be submitted to the Fire Prevention Bureau.
45. Fire extinguishers are required and shall be included on the plans submitted for plan check.
46. Show all existing fire hydrants within 400 feet of the project on plot plan.
47. Buildings shall meet Oceanside Sprinkler Ordinance in effect at the time of building permit application.
48. Approved pipe barricades shall be required if necessary to protect the fire hydrants.
49. Show the size and location of the water main feeding the two (2) proposed fire hydrants.

Planning:

50. This Conditional Use Permit shall expire on January 22, 1992, unless implemented as required by the Zoning Ordinance.
51. Park fees shall be paid as required by City policy at the time building permits are issued.
52. A public facilities fee shall be paid as required by City policy at the time building permits are issued.
53. Landscape plans, meeting the criteria of the City's Landscape Guidelines, including the maintenance of such landscaping, shall be reviewed and approved by the City Engineer and Planning Director prior to the issuance of building permits. Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for final approval. The following special landscaping requirements shall be met:
 - (a) The developer shall be responsible for landscaping all embankments 3 feet and over in height. All embankments 5 feet in height and over (and for all slopes along major streets) shall be landscaped and irrigated.
 - (b) Berming, landscaping, or a combination thereof shall be a minimum four feet in height along the western, southern and northern project boundaries and also be included as part of the landscape strip located between the existing radio station and the vacuum islands to minimize the impact of auto and truck headlights on surrounding properties and public right-of-way.
54. A trash enclosure must be provided as required by Chapter 13 of the City Code. The enclosure must be built in a flat, accessible location as determined by the City Engineer. The enclosure shall meet City standards including being constructed of concrete block, reinforced with Rebar and filled with cement. A concrete slab must be poured with a berm on the inside of the enclosure to prevent the bin from striking the block walls. The slab must extend out of the enclosure for the bin to roll out onto. Steel posts must be set in front of the enclosure with metal gates. All driveways and service access areas must be designed to sustain the weight of a 50,000 pound service vehicle. Trash enclosures and driveways and service access areas shall be shown on both the improvement and landscape plans submitted to the City Engineer. The specifications shall be reviewed and approved by the City Engineer. If Oceanside Disposal, Inc. is required to access private property to service the trash enclosures, a service agreement must be signed by the

property owner. If Oceanside Disposal, Inc. is not to access private property, the bin must be at the City curb line at 6:00 a.m. on the dates of service.

55. The trash enclosure shall have design features such as materials and trim similar to that of the rest of the project.
56. All roof-top equipment shall be screened from public view as required by the Zoning Ordinance.
57. Prior to the transfer of ownership and/or operation of the site the owner shall provide a written copy of the applications, staff report and resolutions for the project to the new owner and or operator. This notification's provision shall run with the life of the project.
58. Failure to meet any conditions of approval for this development shall constitute a violation of the Conditional Use Permit.
59. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification, Management Plan and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.
60. This Conditional Use Permit shall be called for review by the Planning Commission if complaints are filed and verified as valid by the Code Enforcement Office concerning the violation of any of the approved conditions or assumptions made by the application.
61. The applicant shall be responsible for trash abatement on the site, and shall keep the site free of litter, trash and other nuisances.
62. All retaining and other free-standing walls, fences, and enclosures shall be architecturally designed in a manner similar to and consistent with the primary structures (stucco block, split-face block or slump stone). These items shall be approved by the Planning Department prior to the issuance of building permits.
63. A covenant or other recordable document approved by the City Attorney shall be prepared by the applicant and recorded prior to the issuance of building permits. The covenant shall provide that the property is subject to this Resolution, and shall generally list the conditions of approval.

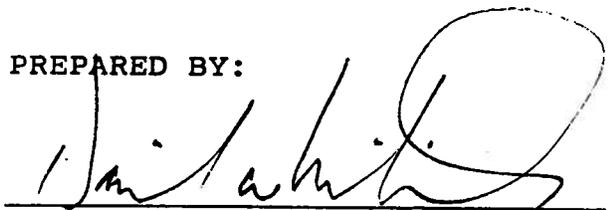
64. All landscaping, fences, walls, etc. on the site, and in any adjoining public parkways shall be permanently maintained by the owner, his assigns or any successors in interest in the property. The maintenance program shall include normal care and irrigation of the landscaping; repair and replacement of plant materials; irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking lots and walkways, walls, fences, etc. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke the approval. This condition shall be recorded with the covenant required by this Resolution.
65. Any project entrance signs shall be approved by the Planning Director.
66. This Conditional Use Permit is granted for the following use only: an eight bay car wash facility with 11 vacuum islands, seven detail bays and a 1,200 square foot auto retail building. Hours of operation are permissible as follows: Car wash - 24 hours, Auto Retail Store - 5 a.m. to 12 midnight, Detail Bays - 7 a.m. to 7 p.m. Any change in the use or any change in the structure will require a revision to the Conditional Use Permit or a new Conditional Use Permit.
67. Prior to the approval of a building permit, the applicant, as landowner, shall execute and record a deed restriction, in a form and content acceptable to the City Attorney, which shall provide:
 - (a) That the applicant understands that the site may be subject to extraordinary hazard from floods during storms and from erosion, and the applicants assume the liability from those hazards;
 - (b) The applicant unconditionally waives any claim of liability on the part of the City and agrees to indemnify and hold harmless the City and its advisors relative to the City's approval of the project for any damage due to natural hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded in a form determined by the City Attorney.
68. Building plans submitted for building permit shall indicate provisions for sufficient lighting maintained throughout all parking areas. Said lighting shall be properly shielded and directed so as to prevent glare on surrounding properties.

69. This Conditional Use Permit shall comply with all requirements as listed in the following sections of the Zoning Ordinance: 3011 - Service Stations and Automobile Washing, 3020 - Outdoor Facilities, 3023 - Underground Utilities, 3024 - Performance Standards and 3026 - Hazardous Materials Storage. Non-compliance with any of the above stated requirements shall be considered a violation of the Conditional Use Permit.

Water Utilities:

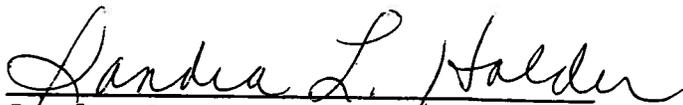
70. A Grease and Oil and Sand Interceptor, described U.P.C. Section 708, shall be installed in each building sewer in an appropriate location, and the location shall be called out on the approved Building Plans.
71. Water facilities located on private property shall be private lines and shall be maintained by the owner.
72. Sewer facilities located on private property shall be private lines and shall be maintained by the owner.
73. The developer shall be responsible for developing all water and sewer facilities necessary to this property. Any relocation of water or sewer lines are the responsibility of the developer.

PREPARED BY:

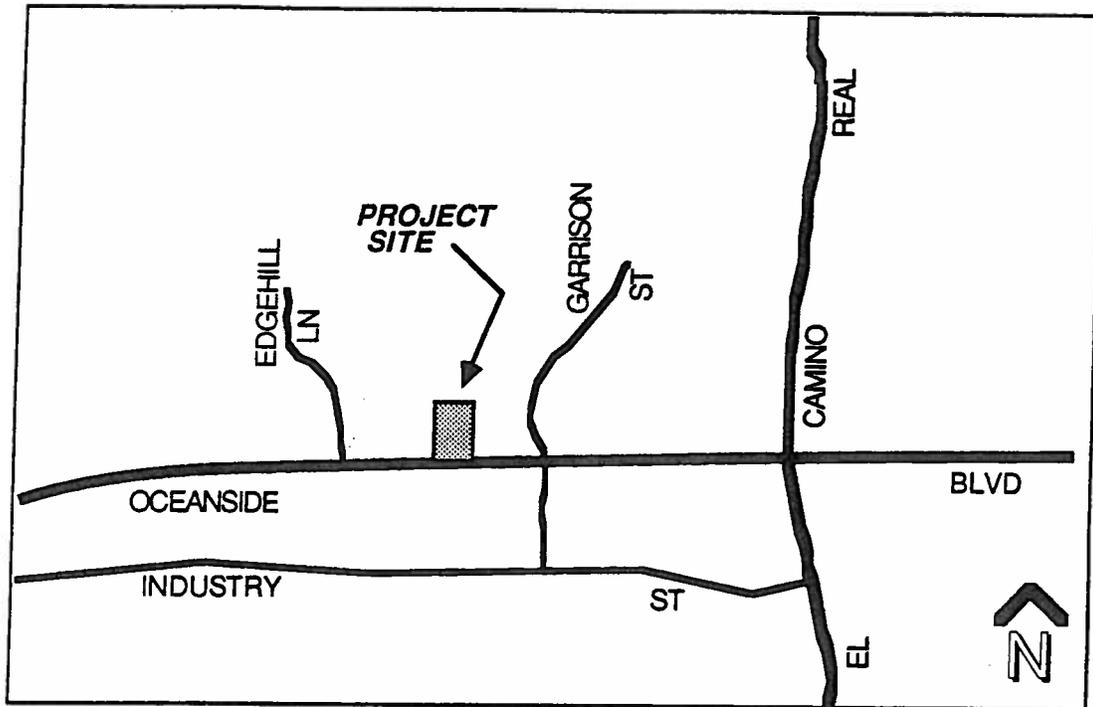

Daniel W. Milich
Assistant Planner

SLH/DWM/jdc

SUBMITTED BY:


Sandra L. Holder
Assistant Planning Director

Location Map



File Number C-36-89

Description

CONDITIONAL USE PERMIT (C-36-89) for a self service car wash and 1,200 square foot auto related retail building located on the north side of Oceanside Boulevard, between Edgehill Lane and Garrison Street. The site is zoned CG (Commercial General) and is situated in the Loma Alta Neighborhood --
OCEANSIDE BOULEVARD CAR WASH

A Negative Declaration has been prepared stating that if the conditions of approval are implemented, there will not be a significant adverse impact upon the environment. Under the provisions of the California Environmental Quality Act, the Planning Commission will consider the Negative Declaration during its hearing on the project.

APPLICATION FOR PLANNING COMMISSION HEARING
 PLANNING DEPARTMENT (619) 439-7272
 320 N. HORNE ST., OCEANSIDE, CA 92054

STAFF USE ONLY	
ACCEPTED <i>6/30/89</i>	BY <i>RL</i>

PLEASE PRINT OR TYPE ALL INFORMATION

PART I - APPLICANT INFORMATION

1. APPLICANT JOHN LEMKEY	2. STATUS OWNER
3. ADDRESS 3104 DEL REY, CARLSBAD, CA 92009	4. PHONE 436-4242
5. APPLICANT'S REPRESENTATIVE (OR PERSON TO BE CONTACTED FOR INFORMATION DURING PROCESSING) OREMEN ASSOCIATES (JOHN ZIEBARTH)	
6. ADDRESS 3131 CAMINO DEL RIO NORTH, SUITE 250 SAN DIEGO, CALIFORNIA 92108	7. PHONE 283-5541

HEARING	
VAR.	
<input checked="" type="checkbox"/> C.U.P.	<i>C-36-0</i>
DEV.PL.	
SP.PL.	
ZONE CH.	
G.P.A.	
PAR.MAP	
TENT.MAP	
O.H.P.A.C	
COASTAL	

PART II - PROPERTY DESCRIPTION

8. LOCATION North side of Oceanside Boulevard between Edgell and Garrison.	9. SIZE .73 AC
10. GENERAL PLAN <i>GENERAL COMMERCIAL</i>	11. ZONING CG
12. LAND USE Vacant	13. ASSESSOR'S PAR.NO. 162-030-51

Rev. 9/22/89
Rev. 12/13/89

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION
 CONDITIONAL USE PERMIT FOR 8 BAY, SELF SERVICE CAR WASH, VACUUM ISLANDS, DETAILING BAYS, AUTO RETAIL BUILDING AND RELATED STORAGE.

15. PROPOSED GEN.PLAN SAME	16. PROPOSED ZONING SAME	17. PROPOSED LAND USE SAME	18. # UNITS N/A	19. DENSITY N/A
20. BUILDING SIZE 6,509 S.F.	21. PARKING SPACES 12	22. % LANDSCAPING 105%	23. % LOT COVERAGE 13.8%	

PART IV - ATTACHMENTS

ALL APPLICATIONS		DEV. PLANS, CUP'S & TENT. MAPS*	
24. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION	<input checked="" type="checkbox"/> 30. FLOOR PLANS & ELEVATIONS	
26. 300 FT. RADIUS MAP	<input checked="" type="checkbox"/> 27. PROPERTY OWNERS' LIST	31. CONSTRUCTION SCHEDULE	
28. ENVIRONMENTAL ASSESSMENT	<input checked="" type="checkbox"/> 29. PLOT PLANS <i>35</i>	32. OTHER	

PART V - SIGNATURES

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

SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY.)

33. APPLICANT OR REPRESENTATIVE <i>John C. Ziebart</i>	34. DATE 6/30/89
---	---------------------

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

37. OWNER <i>John C. Lemkey</i>	38. DATE <i>6-30-89</i>
39. OWNER	40. DATE

41. APPLICANT <i>John C. Lemkey</i>	36. DATE	41. OWNER	42. DATE
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OCEANSIDE BOULEVARD CAR WASH

PROJECT NO. 89060

JUNE 30, 1989

PART IV.

24. Description and Justification:

The proposed automobile washing facilities consists of eight (8) self-serve car washing bays, vacuum islands, seven (7) detailing bays, 1200 s.f. auto retail building, and storage.

Buildings will be constructed of painted concrete block, wood framing, and exterior stucco finish. The Architecture will be consistent with the neighboring buildings.

The proposed auto facility will contribute to the general well being, by providing a desirable service for the surrounding community. The car washing facility will not be detrimental to the health, safety, peace, or general welfare of any persons residing or working in the vicinity, nor will it be injurious to property or improvements in the vicinity.

The property where the facility is proposed, is adequate in size and shape. The property is accessed from Oceanside Boulevard. Oceanside Boulevard is adequate in size to accommodate the minimal amount of traffic that will be generated by the proposed use of the property.

The proposed auto facility will not adversely affect the general plan of the City, any other adopted plan of the City, or the adopted plan of any other governmental agency.

C-3689 R.A.I.

25. LEGAL DESCRIPTION:

Parcels 2 in the City of Oceanside,
County of San Diego, State of California,
as shown at Page 9683 of Parcel Maps, filed
in the Office of the County Recorder of San
Diego County, February 8, 1980.

31. The plan is to start construction as soon as possible. Preparation of construction documents and submission for plan check will begin as soon as there is C.U.P. approval.

P-36-89

Planner
DAN



**CITY OF OCEANSIDE
PLANNING DEPARTMENT**

NEGATIVE DECLARATION

TO: OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

COUNTY CLERK
COUNTY OF SAN DIEGO
220 WEST BROADWAY
SAN DIEGO, CA 92101

PROJECT TITLE AND FILE NUMBER:

Oceanside Boulevard Car Wash (C-36-89)

PROJECT LOCATION:

Along the north side of Oceanside Blvd., between Edgehill Lane and Garrison Street in central Oceanside.

PROJECT DESCRIPTION:

Construction of a car wash facility on a 0.73 acre vacant, paved, commercial lot. Facility to include 8 self-service car wash bays, vacuum islands, detailing bays, auto retail building (1200+ sq. ft.), storage, and landscaping.

FINDING: Pursuant to the provisions of Ordinance No. 88-31 pertaining to procedures and guidelines to implement the California Environmental Quality Act (Public Resources Code Section 21000 et. al.), the proposed project has been reviewed by the Environmental Review Committee established by ordinance to be responsible for evaluating the information. The Environmental Review Committee, after study of the facts and findings, has on October 12, 1989 determined that the project will not have a significant effect on the environment.

THE PROJECT WAS DETERMINED TO HAVE NO MAJOR SIGNIFICANT ADVERSE EFFECTS UPON THE ENVIRONMENT.

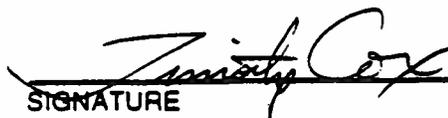
THE PROJECT WAS DETERMINED TO HAVE NO MAJOR SIGNIFICANT ADVERSE EFFECTS UPON THE ENVIRONMENT PER COMPLIANCE WITH THE FOLLOWING CONDITIONS:

Initial Study prepared by:
Rose Griscom and Tim Cox

Contact Person:
Tim Cox, Environmental Planner

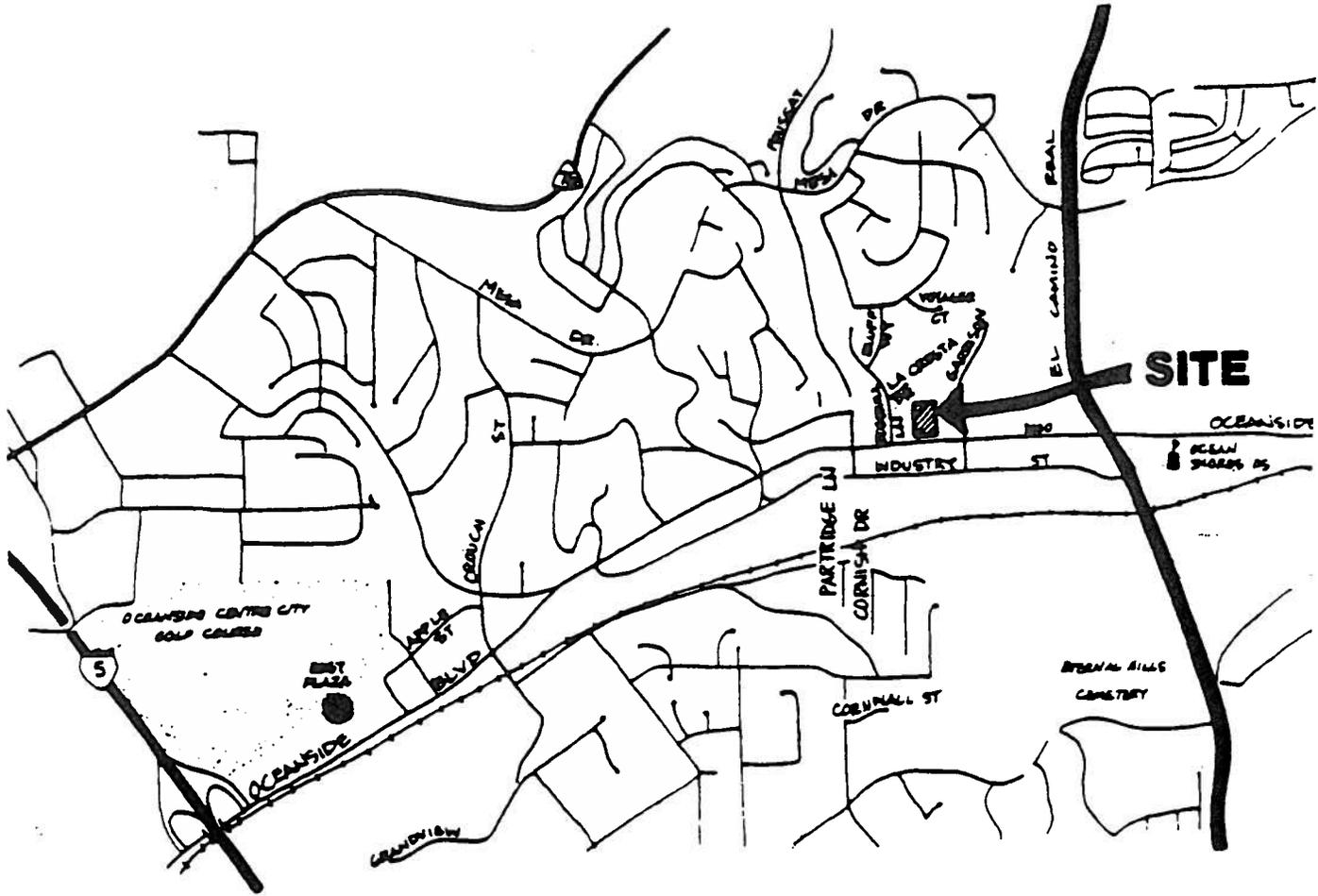
The Initial Study is available for public review and may be examined at:

City of Oceanside
Planning Department
320 North Horne Street
Oceanside, CA 92054


SIGNATURE

10/19/89
DATE

For: Michael Blessing, Planning Director



VICINITY MAP

NO SCALE

Oceanside Boulevard Car Wash
(C-30-89)

INITIAL STUDY

I. PROJECT DESCRIPTION AND SETTING

- 1. Name of Proponent John Lemley
- 2. Address and Phone Number of Proponent:
3104 Del Rey
Carlsbad, CA 92009 (619) 436-4242
- 3. Name of Proposal, if applicable Cablevision Video Car Wash
- 4. APN(s) 102-CXC-51 5. Application(s) # C-36-59
- 6. Have previous EIR's been prepared in area? Proximity:
For which project?
- 7. Project Description: Conditional Use Permit for a car wash on a
C-73 commercial lot. Facility to include 800 sq
feet car wash bays, 11 vacuum blenders, detailing bay,
auto detail building (1200 sq ft), and signage.
- 8. Environmental Setting: Site is vacant, paved lot. Concrete guy wire
supports exist on site for the adjacent radio transmission tower
to be north of site. There is also an underground cable
television system on site for the tower. Radio broadcast building lies
immediately to the east. Retail/commercial uses exist to the west
and south across Oceanview Blvd. To the north is an RV
storage area separated by a wood fence from the site.

ENVIRONMENTAL IMPACTS

1. EARTH. Will the proposal result in:
- | | YES | MAYBE | NO |
|---|-----------------|-----------------|----------|
| a. Unstable earth conditions or in changes in geologic sub-structures? <u>no grading proposed</u> | <u> </u> | <u> </u> | <u>X</u> |
| <input type="checkbox"/> Geologic site survey for subsurface conditions is recommended. | | | |
| <input type="checkbox"/> Effect of Excavation needs verification. | | | |
| <input type="checkbox"/> Slope stability is questioned. | | | |
| <input type="checkbox"/> Soil sample tests and special foundation design are recommended. | | | |
| <input type="checkbox"/> Other. | | | |
| b. Disruptions, displacements, compaction or overcovering of the soil? | <u> </u> | <u> </u> | <u>X</u> |
| c. Change in topography or ground surface relief features? | <u> </u> | <u> </u> | <u>X</u> |

- Geologic site survey for subsurface conditions is recommended.
- Effect of excavation in needs verification.
- Other.

e. Any increase in wind or water erosion of soils, either on or off the site?

— — X

- Erosion hazard is expected, and siltation control is needed.
- Other.

f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?

— — X

- Tsunami hazard is expected, storm conditions, sand supply and movement needs verification.

g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?

— — X

- Seismic shaking is expected.
- Slope stability is questioned.
- Soil sample tests and special foundation design are recommended.
- Geologic site survey for subsurface conditions is recommended.
- Effect of excavation is questioned.

2. AIR. Will the proposal result in:

a. Substantial air emissions or deterioration of ambient air quality?

— — X

b. The creation of objectionable odors?

— — X

c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

— — X

3. WATER. Will the proposal result in:

a. Changes in currents or the course or direction of water movements, in either marine or fresh waters?

— — X

b. Changes in absorption rates, drainage patterns or the rate and amount of surface water runoff?

— — X

c. Alterations to the course or flow of flood waters?

— — X

d. Change in the amount of surface water in any water body?

— — X

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

— — X

f. Alteration of the direction or rate of flow of ground waters?

— — X

g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

— — X

h. Substantial reduction in the amount of water otherwise available for public water supplies?

— — X

i. Exposure of people or property to water related hazards such as flooding or tidal waves?

— — X

4. PLANT LIFE. Will the proposal result in:
- a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? *no vegetation diversity will be*
 - b. Reduction of the numbers of any unique, rare or endangered species of plants?
 - c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?
 - d. Reduction in acreage of any agricultural crop?
5. ANIMAL LIFE. Will the proposal result in:
- a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)? *no animals*
 - b. Reduction of the numbers of any unique, rare or endangered species of animals?
 - c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?
 - d. Deterioration to existing fish or wildlife habitat?
6. NOISE. Will the proposal result in:
- a. Increases in existing noise levels? *increased noise levels will be*
 - b. Exposure of people to severe noise levels? *no severe noise levels*
7. LIGHT AND GLARE. Will the proposal produce new light or glare?
8. LAND USE. Will the proposal result in a substantial alteration of the present or planned land use of an area? *no change in land use*
9. NATURAL RESOURCES. Will the proposal result in:
- a. Increase in the rate of use of any natural resources?
 - b. Depletion of any nonrenewable resource such as fuel for energy generation or mineral extractions?
10. RISK OF UPSET. Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?
11. POPULATION. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?
12. HOUSING. Will the proposal affect existing housing, or create a demand for additional housing?
13. TRANSPORTATION/CIRCULATION. Will the proposal result in:
- a. Generation of substantial additional vehicular movement?
 - b. Effects on existing parking facilities, or demand for new parking?
 - c. Substantial impact upon existing transportation systems?
 - d. Alterations to present patterns of circulation or movement of people and/or goods?
 - e. Alterations to waterborne, rail or air traffic?
 - f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?

14. PUBLIC SERVICES. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:

- a. Fire protection?
- b. Police protection?
- c. Schools?
- d. Parks or other recreational facilities?
- e. Maintenance of public facilities, including roads?
- f. Other governmental services?

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

15. ENERGY. Will the proposal result in:

- a. Use of substantial amounts of fuel or energy?
- b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

_____	_____	_____
_____	_____	_____

16. UTILITIES. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

- a. Power or natural gas?
- b. Communications systems? *power lines, telephone lines, etc.*
- c. Water? *water supply, distribution, etc.*
- d. Sewer or septic tanks?
- e. Storm water drainage?
- f. Solid waste and disposal?

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

17. HUMAN HEALTH. Will the proposal result in:

- a. Creation of any health hazard or potential health hazard (excluding mental health)?

_____	_____	_____
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18. AESTHETICS. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?

_____	_____	_____
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19. RECREATION. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?

_____	_____	_____
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20. ARCHAEOLOGICAL/HISTORICAL. Will the proposal result in an alteration of a significant archaeological or historical site, structure, object or building?

_____	_____	_____
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21. PUBLIC INTEREST. Is there known public controversy concerning the environmental effects of the project?

_____	_____	_____
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result in a need for new or altered governmental services in any of the following areas:

- a. Fire protection? _____
- b. Police protection? _____
- c. Schools? _____
- d. Parks or other recreational facilities? _____
- e. Maintenance of public facilities, including roads? _____
- f. Other governmental services? _____

15. ENERGY. Will the proposal result in:

- a. Use of substantial amounts of fuel or energy? _____
- b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy? _____

16. UTILITIES. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:

- a. Power or natural gas? _____
- b. Communications systems? *power - 110V, 220V, 480V, 600V, 1000V, 1500V, 2000V, 2500V, 3000V, 3500V, 4000V, 4500V, 5000V, 5500V, 6000V, 6500V, 7000V, 7500V, 8000V, 8500V, 9000V, 9500V, 10000V* _____
- c. Water? _____
- d. Sewer or septic tanks? _____
- e. Storm water drainage? _____
- f. Solid waste and disposal? _____

17. HUMAN HEALTH. Will the proposal result in:

- a. Creation of any health hazard or potential health hazard (excluding mental health)? _____

18. AESTHETICS. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? _____

19. RECREATION. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities? _____

20. ARCHAEOLOGICAL/HISTORICAL. Will the proposal result in an alteration of a significant archaeological or historical site, structure, object or building? _____

21. PUBLIC INTEREST. Is there known public controversy concerning the environmental effects of the project? _____

the environment, substantially reduce the population of a species, cause a fish or wildlife population to drop below sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)

d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

7. MITIGATION MEASURES

None

7. DISCUSSION OF ENVIRONMENTAL EVALUATION

Project will be transmitted facilities open to public

Initial Study Prepared By: Lee Carson/Trinity Cox and accepted as to content by the City Environmental Review Committee.

DETERMINATION

On the basis of this initial evaluation, the City Environmental Review Committee finds:

- the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- the proposed project could have a significant effect on the environment, but there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date: 10/14/89

Trinity Cox
Resource Officer

Chairman Wanschura closed the public hearing and opened it to discussion among the commissioners.

COMMISSIONER JAKOVAC: I discussed this project with the applicant before its hearing.

COMMISSIONER CASSAN: I did also.

CHAIRMAN WANSCHURA: I did very briefly.

M/S Commissioners - Cassan, Skinner to approve the project and have a waiver made of the parking requirements.

COMMISSIONER SULLIVAN: In addition to the motion, I would like to add a condition that a landscape plan be returned to the Commission. The landscape plan should indicate the re-implementation of landscaping of the parkway unless we have some other concern from the City Engineer. The commercial nature of Hill Street is very viable but it need not deteriorate and become a blighted area. I believe that the actions these owners will take with the building will more than represent a step in the right direction. I would support the motion simply for that reason. This area of Oceanside is, I believe, under an interim study overlay, is that correct?

SANDRA HOLDER: That is correct.

AYES: Commissioners - Cassan, Skinner, Jakovac, Sullivan, Boyer, Chairman Wanschura

NAYES: None

ABSTAIN: None

ABSENT: Commissioner Wilson

10. CONDITIONAL USE PERMIT (C-36-89) FOR A SELF SERVICE CAR WASH AND A 1,200 SQUARE FOOT AUTO RELATED RETAIL BUILDING LOCATED ON THE NORTH SIDE OF OCEANSIDE BOULEVARD, BETWEEN EDGEHILL LANE AND GARRISON STREET. THE SITE IS ZONED CG (COMMERCIAL GENERAL) AND IS SITUATED IN THE LOMA ALTA NEIGHBORHOOD -- OCEANSIDE BOULEVARD CAR WASH
- ACTION TAKEN:
Approved 6/0

DANIEL MILICH, Assistant Planner: This application is for a Conditional Use Permit to allow the development of a self-service car wash facility and a 1200 square foot auto retail building on a .7 acre parcel. The project site is located on the north side of Oceanside Boulevard between Edgehill Lane and Garrison Street. The

site is currently vacant and partially paved from a previous use on the site. Two guide wire poles are located on the site to support radio station towers which are located off site north of the northern project boundary.

Surrounding land uses include the KGMG Radio Station and Woolworth Garden Center to the east, the E-Z Storage RV and Warehouse Facility and radio towers to the north, the American Red Cross building to the west, and Oceanside Boulevard and industrial uses to the south of the project site. This application proposes 8 self-service car wash bays, 11 vacuum islands, 7 auto detailing bays and a 1,200 square foot auto retail building. Construction of this project includes wood framing with white painted concrete block and white stucco siding with painted accent trim bands and two foot radius cylindrical treatments to building fronts. Tinted, anodized aluminum frame windows will be installed on the auto retail building frontage and the detail bays will have metal roll-up doors. Architectural details of the wash bays, detail bays and auto retail auto store have been designed to be compatible and consistent with the architectural style of the neighboring radio station.

We have requested the applicant to secure a cross-access and maintenance agreement with the radio station. This existing curb cut on Oceanside Boulevard (map) will be eliminated and the existing 24 foot wide driveway will be widened to 30 feet wide and we also required him to provide 25 foot curb radius returns to aid ingress and egress from the site. This cross-access and maintenance agreement has been accomplished and it allows for an improved site design and allows for a few more parking spaces for the radio station.

For this project site, landscaping will total 12 1/2 percent. The minimum requirement from the Zoning Ordinance is 8 percent for this type of commercial development. The landscaping will include a bermed landscape area in front of the parking stalls adjacent to Oceanside Boulevard. This landscaped berm area is approximately 15 feet wide and we are conditioning them to provide either berming or landscaping to a height minimum of 4 feet. This is to shield headlight glare from autos parking in the facility onto Oceanside Boulevard. This berming requirement is also required in this area between the vacuum islands and the existing radio station.

COMMISSIONER SULLIVAN: Is the existing landscaping bermed now on Parcel 3?

DANIEL MILICH: For the radio station, it is not bermed. The auto washing facility requires approval of the Conditional Use Permit which is before you tonight. The ordinance lists supplemental development regulations that apply to a car wash facility. This application has been conditioned to comply with these additional development criteria. Staff feels that this request of a CUP is consistent with the General Plan Land Use Element and the Development Regulations as listed in the Zoning Ordinance. The site

design is well laid out and well conceived and ingress and egress to both the neighboring radio station and proposed development through a common opening onto Oceanside Boulevard is a good design feature. Therefore, staff recommends that the project be approved with the findings and conditions as attached.

COMMISSIONER SULLIVAN: The original conditions attached to development of Parcel 3, I thought, contained berming along Oceanside Boulevard. Do you have the approvals of that project which is the radio station?

DANIEL MILICH: No, I do not. Landscaping and berming is along the frontage of Oceanside Boulevard.

COMMISSIONER SULLIVAN: What is the construction of the overhang and the exact height of the overhang that is going to be in the car wash area? What materials will be used?

DANIEL MILICH: The applicant will address those questions.

COMMISSIONER JAKOVAC: Do you have any colored elevations?

DANIEL MILICH: No.

JOHN ZIEBARTH, Representative: There is one condition that I would like to address which is No. 68. We would like to request low sodium lighting nor be required for this project. There will be security lighting in the front area.

COMMISSIONER SULLIVAN: What hours will the wash bays be open?

JOHN ZIEBARTH: The washing bays will be open 24 hours and that is one of the conditions. The retail enterprise at the site is from 5:00 a.m. until 12:00 midnight and the detailing bays will be from 7:00 a.m. until 7:00 p.m.

COMMISSIONER BOYER: You are not conditioned for low sodium lighting.

JOHN ZIEBARTH: I know. But I was concerned with the ordinance regarding this. As the previous project was conditioned the ordinance could stipulate that all projects will be low pressure sodium lighting without any possible exceptions.

COMMISSIONER SULLIVAN: I can't believe that we would not have a potential for a crime area in the part of the operation that is adjacent to and directly behind the radio station. No matter how well you light that area at night, that seems to be a spooky area. Is it possible that between certain hours that that be closed off or fenced off or that access not be allowed into that area?

JOHN ZIEBARTH: I am not sure how we can close off that area. Regarding the elevations we have block walls with wood frame. It is open at each end. The design of the facility is the basic design as the radio station. The driveway will make us look like one center, even though these are two separate parcels, this is not a part of our project. The design will be the same as that of the radio station and the same colors as the radio station.

COMMISSIONER SKINNER: Do we have any other existing car washes in Oceanside and where are they located?

JOHN LEMPKE, 3104 Calray, Carlsbad: I have a car wash in Oceanside on Tremont Street. I have attempted to obtain the Redevelopment Agency's permission to remodel my existing facility. I have one in Encinitas on El Camino Real. In Oceanside, I have a full time attendant 7 days a week who is there generally from 8:00 a.m. to 5:00 p.m. or 8:00 a.m. to 4:00 p.m. Generally, we have no problems with noise when we address the issue with customers. I have no intention of selling alcoholic beverages at my sites. The detailing service will be a separate full service situation. I will not have a steam unit on site. They are too dangerous. The insurance costs on that are too much.

COMMISSIONER SULLIVAN: I am concerned about the isolation of that one part of the parcel. There will be nobody on your site from midnight until 7:00 a.m.?

APPLICANT: I have not addressed the issue of fencing it off, not knowing what the parking requirements would be from midnight to 7:00 a.m. If it would not be a problem it would be simple for me to drop a couple of poles and when we close the retail center we could barricade it temporarily and re-open it in the morning. That would be sufficient for us to operate.

Chairman Wanschura closed the public hearing and opened it to discussion among the commissioners.

M/S Commissioners, Jakovac, Boyer to approve this project and also with the added condition to work out something with Mr. Lempke on a gate to close that back section.

AYES: Commissioners - Jakovac, Boyer, Skinner, Sullivan, Cassan, Chairman Wanschura

NAYES: None

ABSTAIN: None

ABSENT: Commissioner Wilson



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 **3/15/10** BY **SN.**
 Received
MAR 15 2010
 Planning Division

Please print or type all information

HEARING

PART I - APPLICANT INFORMATION

APPLICANT Wissam J. Alkwaz		2. STATUS business owner	GPA
3. ADDRESS: 2946 Oceanside Blvd., Oceanside, CA 92054		4. PHONE/FAX 760-658-0026	MASTER/SP PLAN
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Elizabeth J. Graff, land use planning consultant			ZONE CH.
6. ADDRESS 3528 Sea Ridge Road, Oceanside, CA 92054		7. PHONE/FAX 760-231-7459 760-231-7459	TENT. MAP
			PAR. MAP
			DEV. PL.
			C.U.P. CUP10-00006
			VARIANCE
			COASTAL
			O.H.P.A.C.

PART II - PROPERTY DESCRIPTION

8. LOCATION : 2946 Oceanside Blvd., -- north side			9. SIZE site: 1.03 ac
10. GENERAL PLAN Commercial-General	11. ZONING CG (Commercial-General)	12. LAND USE Existing car wash and retail store building	13. ASSESSOR'S PARCEL NUMBER 162-030-69

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION
 Revise Conditional Use Permit C-36-89 to allow use of existing retail building as a convenience market including the sale of food, beverages (including beer and wine) and small convenience items.

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 1988 sq. ft.	21. PARKING SPACES existing	22. % LANDSCAPE existing	23. % LOT COVERAGE existing	

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 ELEVATION	<input type="checkbox"/> 29. CERTIFICATE OF POSTING	<input type="checkbox"/> 32. OTHER (See attachment for required reports)

PART V - SIGNATURES

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

SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).

33. APPLICANT OR REPRESENTATIVE (Print): Elizabeth J. Graff	34. DATE 03-15-10	35. OWNER (Print): Wissam J. Alkwaz	36. DATE 03-15-2010
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		Sign: <i>John C. Lemkey Trustee</i>	

Received

MAR 15 2010

Planning Division

DESCRIPTION AND JUSTIFICATION
Revision to Conditional Use Permit C-36-89
Buggy Bath Car Wash

This application is for a revision to a Conditional Use Permit approved in 1989 for the Buggy Bath Car Wash located at 2946 Oceanside Boulevard.

When the project was originally approved in 1989 at which time the retail building was intended to sell small items related to automobile accessories and cleaning products. Since then it has evolved into selling small grocery and snack items in addition to the car accessories. The action would formalize this evolution as well as allow the sale of beer and wine by re-defining the business as one which sells food and beverages as allowed by Article 1120 of the Zoning Ordinance in the CG (Commercial General) Zone.

The location on Oceanside Boulevard, although oriented to automobiles because of its car wash is also central to a rapidly evolving transit oriented neighborhood with dense apartments and condominiums to the north on Garrison and condominiums on Edgehill. It already serves a population of pedestrians and bicyclists in addition to those washing their cars.

The existing operation provides a service in two ways which will be continued :

1. Those washing their cars can stop for a snack or small food purchase during the same trip.
2. The pedestrian population generated by the nearby apartments and condominiums can make small purchases without having to take the bus or drive.
3. Impulse purchases from drive by traffic will continue.

The following findings are submitted for approving the revision to Conditional Use Permit C-36-89

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 site is located in the General Commercial Zone which allows the widest variety of retail uses including the sale of food and beverages. It is also rapidly evolving into a transit-oriented area with the nearby location of the Sprinter tracks and has a growing amount of pedestrian traffic.

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 commercial business is consistent with the general plan and will continue to be operated in a safe and clean manner.

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 modification of the use will comply with the conditions placed by resolution and other requirements of the City of Oceanside.

Revised Use Permit C-36-89
2946 Oceanside Blvd., Oceanside, CA 92054
Buggy Bath Convenience Market

LEGAL DESCRIPTION

Parcels "A" and "B" of Parcel Map 9688, in the City of Oceanside, County of San Diego, State of California. Filed in the office of the County Recorder of San Diego County, February 8, 1980, as File Number 80-46862 of Official Records.



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** Buggy Bath
2. **ADDRESS:** 2946 Oceanside Blvd, Oceanside, CA. 92054
3. **PHONE NUMBER:** (760) 658-0026
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** CUP10-00006 Buggy Bath
7. **DESCRIPTION:** A Conditional Use Permit to allow the sales of convenience store items within an existing carwash retail building located at 2946 Oceanside Boulevard.

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:

- Per Article 19, the project is categorically exempt, in accordance with Section 15301, Class 1 (a) Existing Facilities, interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances.
- "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, Planner II

Date: *Aug. 23, 2010*

cc:

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

Posting: