



DATE: September 24, 2007

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **TIME EXTENSION TO DEVELOPMENT PLAN (D-19-03) AND CONDITIONAL USE PERMIT (C-29-03) FOR THE CONSTRUCTION OF A NEW 3,456-SQUARE FOOT MINI-MART AT AN EXISTING GAS/SERVICE STATION LOCATED AT 1660 OCEANSIDE BOULEVARD WITHIN THE TOWNSITE NEIGHBORHOOD – UNION 76 “THE OCEANSIDER” – APPLICANT: JOE AND BARBARA WARSOFF**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 32, Categorical Exemption “In-Fill Development Projects”; and,
- (2) Adopt Planning Commission Resolution No. 2007-P46 approving the Time Extension for Development Plan (D-19-03) and Conditional Use Permit (C-29-03) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On May 24, 2004, the Planning Commission considered a Development Plan (D-19-03) and Conditional Use Permit (C-29-03) proposing construction of a 3,456-square foot mini-mart in the Townsite Neighborhood. The Planning Commission adopted Resolution No. 2004-P22, including Condition 47 that limits the approval to a two-year term unless a time extension is approved by the Planning Commission.

On April 24, 2006, the applicant applied for a time extension of the original Planning Commission action which adopted Resolution 2004-P22.

Site Review: The subject site is currently used as a service station on .52 acres and is located on the northeast corner of the intersection of Vine Street and Oceanside Boulevard. Currently, there exists on-site a 1,680-square foot service building that will be removed.

The surrounding area consists of commercial uses located north and east of the site, Cavalier Mobile Home Park is located south of the site and residential uses are located west of the site.

The site slopes slightly down in a southwesterly direction (Vine Street) with a grade differential of approximately three feet between the high and low points of the site.

The underlying land use designation for the subject site is Special Commercial and the zoning is CS-HO (Special Commercial Highway Oriented). The larger neighborhood area encompassing the project site is the Townsite Neighborhood.

Project Description: The applicant has requested a time extension for a project that includes a Development Plan and Conditional Use Permit. Each discretionary request is described as follows:

Development Plan (D-19-03) represents a request for the following:

- (a) A time extension of a previously approved development plan that includes the construction of a 3,456-square foot mini-mart at the existing service station and the removal of the existing 1,680-square foot building that formerly housed the service bays.

Conditional Use Permit (C-29-03) represents a request for the following:

- (b) A time extension of a previously approved conditional use permit for the proposed 3,456-square foot mini-mart. The proposed hours-of-operation will be 24-hours-a-day, 7-days-a-week.

The applicant is requesting the construction of a 3,456-square foot mini-mart at the existing service station and the removal of the existing 1,680-square foot building that formerly housed the service bays. The existing canopy and current fuel dispenser's configuration (8 fueling positions) will not be changed. The proposed mini-mart will be situated on the northern portion of the subject site. The proposed architecture is contemporary and the building materials consist of wood and stucco. The proposed design includes masonry pilasters and the stucco will be scored to break-up the walls and provide accents. Exterior colors are off-white with a blue and orange accent striping.

The existing monument sign as well as the existing off-site pole sign will remain and there will be no changes to these signs. The proposed wall signs are consistent with the Zoning Ordinance standards.

The new building will also necessitate several site improvements, such as the closure of one existing driveway, new trash enclosure, relocation of the existing propane tank to the north and creation of several landscape areas to meet current development standards, including median landscaping.

Vehicular access to the site is provided from three driveways located on both Vine Street and Oceanside Boulevard. One existing driveway located on Vine Street will be removed and the other driveway on Vine Street will be modified to improve ingress and egress. The two driveways located on Oceanside Boulevard will remain the same.

The project requires 17 parking spaces and project provides 17 parking spaces.

Approximately 16 percent of the project will be landscaped, which is above the minimum requirement of 15 percent. The landscape concept plan includes Queen Palm trees, Western Redbud, and Strawberry Trees; shrubs include New Zealand Flax, Autumn Sage, Mexican Sage, Ingram Rosemary, Foxtail Agave, and Red Bougainvillea; groundcover shall include blue fescue, feather grass, prostrate rosemary, blue oat grass, and pea gravel mulch. Median landscaping shall take into consideration the future landscape plans for Oceanside Boulevard east of Interstate 5 and west of El Camino Real

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 Special Commercial (SC). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

Land Use Element 2.2 Commercial Development

Section 2.24 Special Commercial

Policy C: Uses and development standards shall be established through the following special policies and identified guidance systems to best utilize and/or protect the unique characteristics of externality.

Section 2.242 Interstate 5, State Highway 76, and State Highway 78 Corridors

Policy A: Commercial sites adjacent to freeway off-ramps and expressway intersections shall coordinate site development to provide joint use of entrance/exit points, parking areas, freeway/expressway-oriented signage, rest areas and visitor-serving facilities.

Policy B: Given the proximity and visibility from major travel corridors, development shall place major emphasis on providing visitor-serving uses and facilities. Larger sites may provide commercial development of community serving or higher level.

Policy C: Commercial sites west of Interstate 5 are recognized as entry points to the Coastal Zone and shall be encouraged to provide commercial uses, services and facilities compatible to and in support of coastal dependent uses.

Policy D: Commercial developments shall be encouraged to provide facilities that promote and support the use of public transportation systems.

The applicant has stated that the proposed mini-mart is primarily due to the changes in the service station industry. The proposed mini-mart is necessary for the business to remain competitive within the existing and emerging marketplace. Due to consumer demands and the increase in the technical expertise needed to repair today's vehicles, the service station has evolved into more of a convenient retail operation.

Staff has reviewed the operational characteristics of the service station and believes that the proposed mini-mart will not impact surrounding land uses. The service station is situated adjacent to a major roadway and Interstate 5 is consistent with surrounding and future commercial land uses. The project meets all development standards and the proposed design will upgrade and modernize the existing service station.

2. Zoning Compliance

This project is located in the Special Commercial Highway-Oriented (CS-HO) District and complies with the requirements of that zoning designation. The following table summarizes proposed and applicable development standards for the project site:

	ZONING REQUIREMENTS	PROPOSED
MINIMUM LOT SIZE	10,000 square feet	22,651 square feet
OFF-STREET PARKING	17-parking spaces	17-parking spaces
FRONT YARD	15-feet	98 feet
SIDE YARD	0-feet	15 feet
CORNER SIDE YARD	10-feet	68 feet
REAR YARD	0-feet	2 feet
MAXIMUM HEIGHT	50-feet	27-feet

The project meets all applicable requirements of the Oceanside Zoning Ordinance.

DISCUSSION

Issue: Approval of a time extension

The application is conditioned for a maximum of 24 months from the original expiration date of May 24, 2004. Staff finds that the time extension application is consistent and complies with local regulations, ordinances, and the General Plan. The development plan and conditional use permit will not threaten public health, safety, or the welfare of others residing and or working in the vicinity of the project.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Class 32, Article 19, Section 15332 In-Fill Development Projects, of the California Environmental Quality Act.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. As of September 18, 2007, no communication supporting or opposing the request has been received.

SUMMARY

In reviewing the proposed time extension application staff finds that the project is consistent with development criteria of the Zoning Ordinance and the applicable land use policies of the General Plan. The project is consistent with the surrounding neighborhood. Staff believes that the time extension of the original approval will not be detrimental to the public's health, safety, or welfare. Therefore, staff recommends extending the time of the original date of expiration. The Commission's action should be:

- Move to approve a time extension for Development Plan (D-19-03) and Conditional Use Permit (C-29-03) and adopt Planning Commission Resolution No. 2007-P46 as attached.

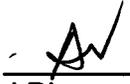
PREPARED BY:


Sally Schifman
Planner II

SUBMITTED BY: .


Jerry Hittleman
City Planner

REVIEWED BY:


Amy Volzke, Principal Planner

JH/SS/fil

Attachments:

1. Plans
2. Planning Commission Resolution No. 2007-P46
3. Planning Commission Resolution No. 2004-P22

APPROVAL RECORD

NO.	DATE	BY	FOR
1	06/25/07	[Signature]	ISSUED FOR CALL
2	06/25/07	[Signature]	ISSUED FOR PLAN CHECK
3	06/25/07	[Signature]	ISSUED FOR CONSTRUCTION
4	06/25/07	[Signature]	ISSUED FOR CONSTRUCTION



TANK SCHEDULE

TANK	FUEL	TANK SIZE
1	1000 GALS	1000 GALS
2	1000 GALS	1000 GALS
3	1000 GALS	1000 GALS
4	1000 GALS	1000 GALS

SITE PLAN
SCALE 1"=10'-0"



LEGEND

--- UNIMPROVED DRIVEWAY TO BE RECONSTRUCTED TO MEET CITY REQUIREMENTS

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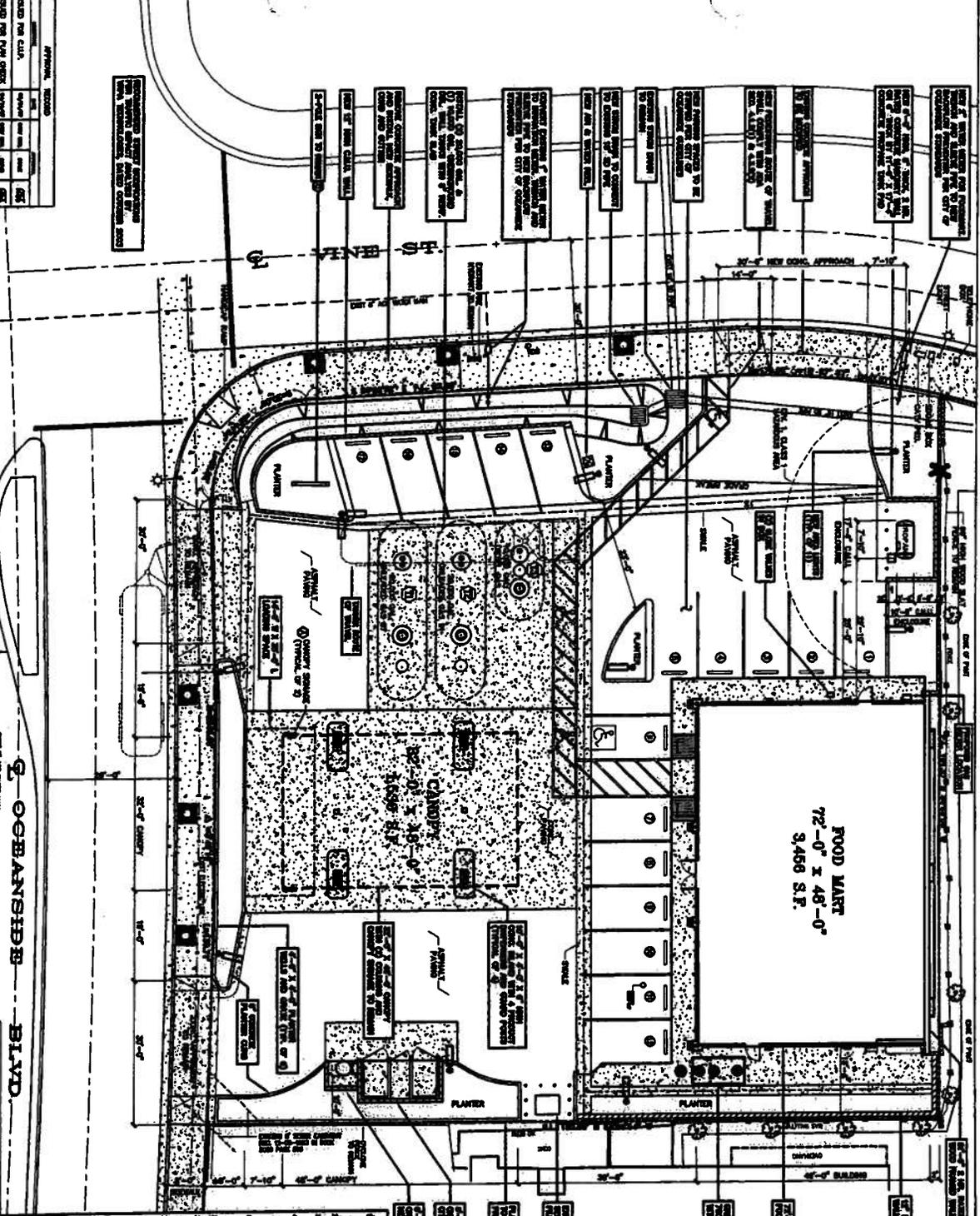
--- UNIMPROVED DRIVEWAY TO BE RECONSTRUCTED TO MEET CITY REQUIREMENTS

NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING CODE (IPC).
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODE (IMC) AND THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC).
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND SAFETY CODE (IFSC) AND THE LATEST EDITIONS OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AND THE LATEST EDITIONS OF THE ENERGY EFFICIENCY DESIGN GUIDE (EEDG).
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SWEET'S CATALOG (SIC) AND THE LATEST EDITIONS OF THE SWEET'S CATALOG (SC).
6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CONSTRUCTION CODE (ICC) AND THE LATEST EDITIONS OF THE CONSTRUCTION CODE (CC).
7. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPMC) AND THE LATEST EDITIONS OF THE PLUMBING AND MECHANICAL CODE (PMC).
8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ELECTRICAL CODE (IEC) AND THE LATEST EDITIONS OF THE ELECTRICAL CODE (EC).
9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND SAFETY CODE (IFSC) AND THE LATEST EDITIONS OF THE FIRE AND SAFETY CODE (FSC).
10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AND THE LATEST EDITIONS OF THE ENERGY CONSERVATION CODE (ECC).

UNION 76

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OCEANSBIDE, MARYLAND.



PROJECT INFORMATION

PROJECT NAME: FOOD MART
 ADDRESS: 12345 MAIN ST, OCEANSBIDE, MD
 CLIENT: ABC COMPANY
 ARCHITECT: XYZ ARCHITECTS
 DATE: 06/25/07

GENERAL NOTES

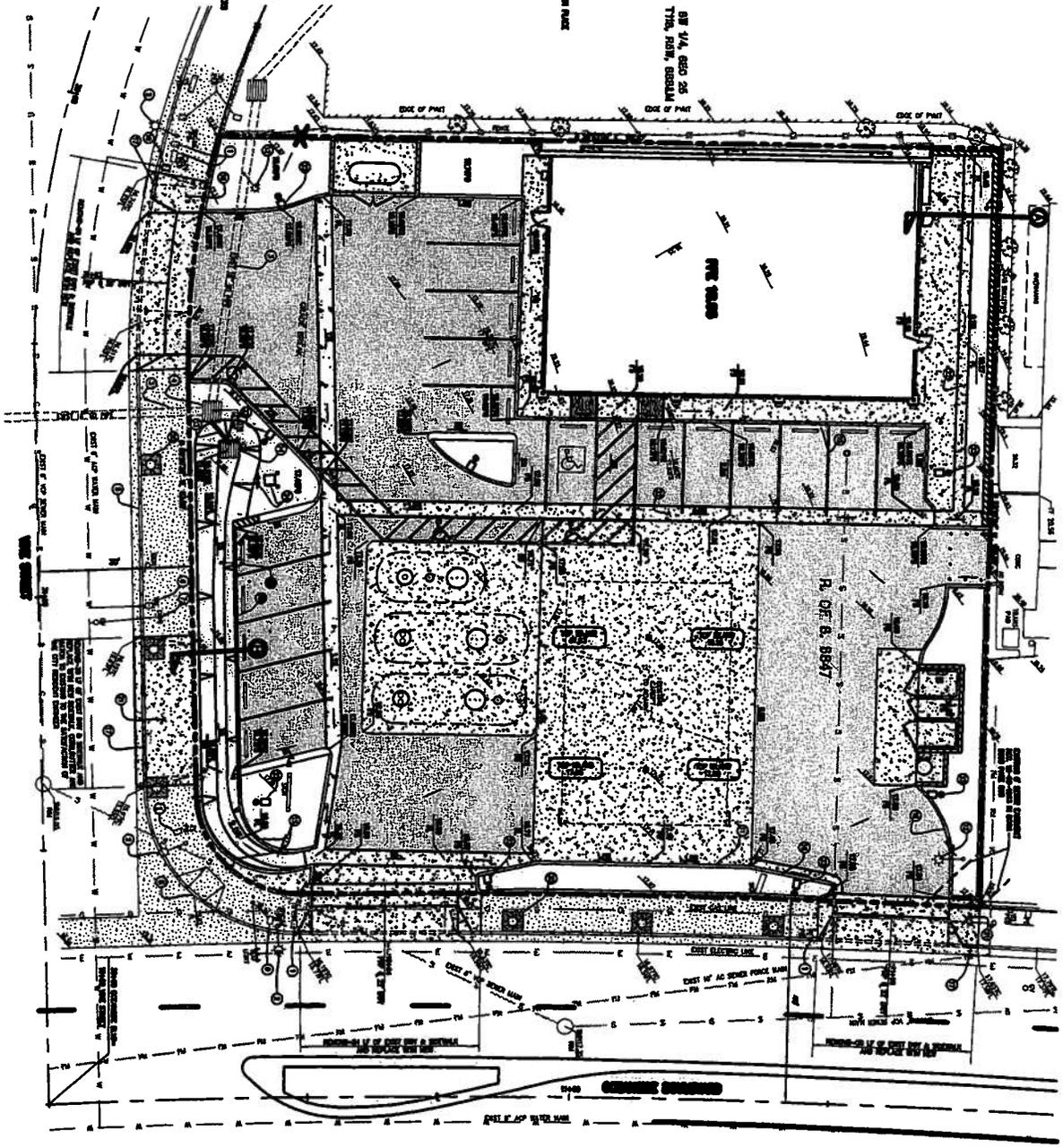
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 Planning Department

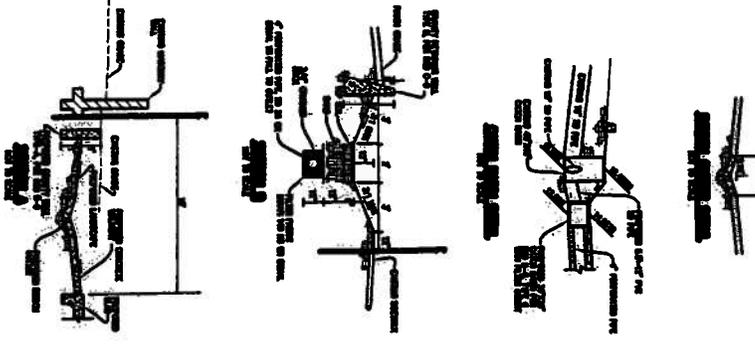
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KAS ENGINEERING
 KAS ENGINEERING
 10000 10th Street, Suite 100
 Denver, CO 80231
 Phone: 303.733.1111
 Fax: 303.733.1112
 Website: www.kaseng.com



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2	ISSUED FOR CONSTRUCTION			
3	ISSUED FOR RECORD			



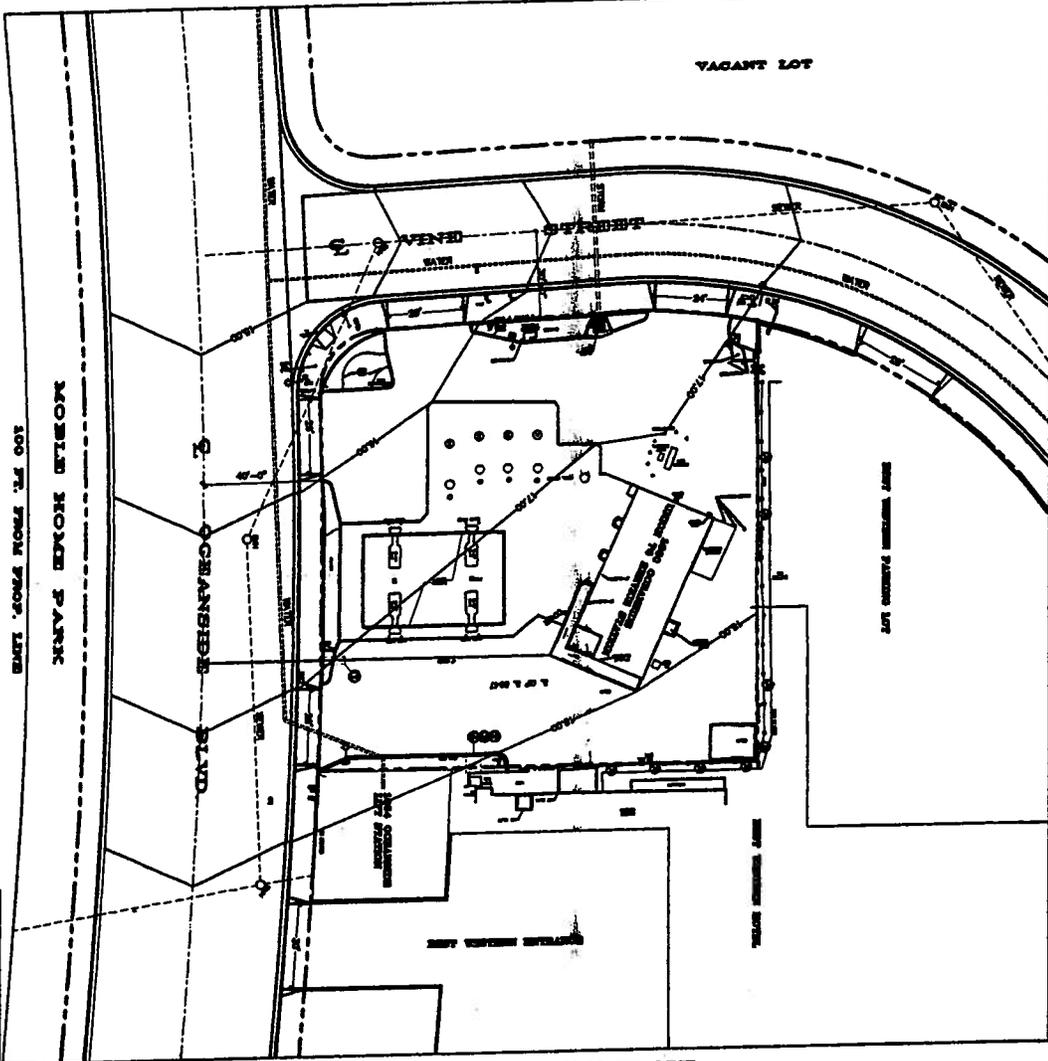
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2	ISSUED FOR CONSTRUCTION			
3	ISSUED FOR RECORD			

TO N. COAST HI-WAY

100 FT. FROM PROP. LINE

VACANT LOT

100 FT. FROM PROP. LINE



TO MOBILE HOME PARK

100 FT. FROM PROP. LINE

MOBILE HOME PARK

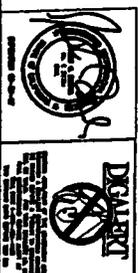
CHANSHEN BLVD

SEE SPECIFICATIONS

SEE SPECIFICATIONS

100 FT. FROM PROP. LINE

TO HI-WAY 5



NO.	DESCRIPTION	DATE	BY	CHKD.
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2	ISSUED FOR CONSTRUCTION			
3	ISSUED FOR RECORDS			
4	ISSUED FOR ARCHIVAL			

PLANS AND SPECIFICATIONS PROVIDED BY: Gary Enterprises, Inc.

UNION 76

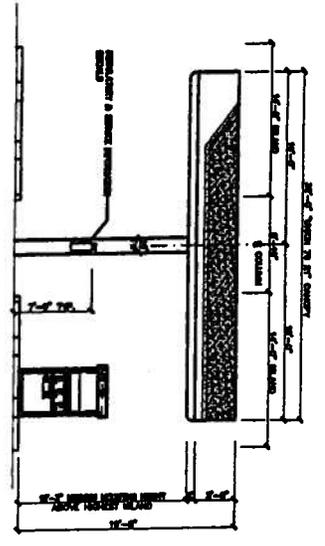
THE OCCASION
 5000 SOUTH OCEAN BLVD
 OCEANVIEW, CALIFORNIA 90264

DATE: 02/21/07
 BY: WV
 CHECKED: PLP

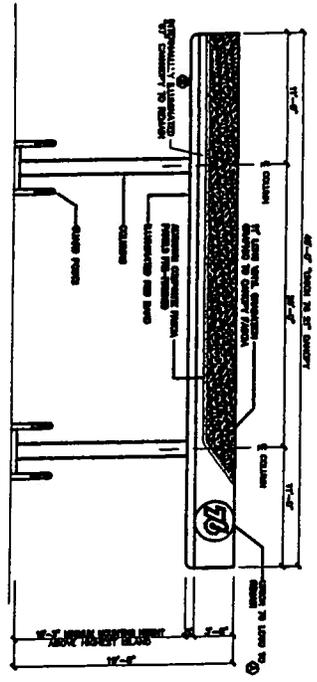
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SCALE 1"=20'-0"

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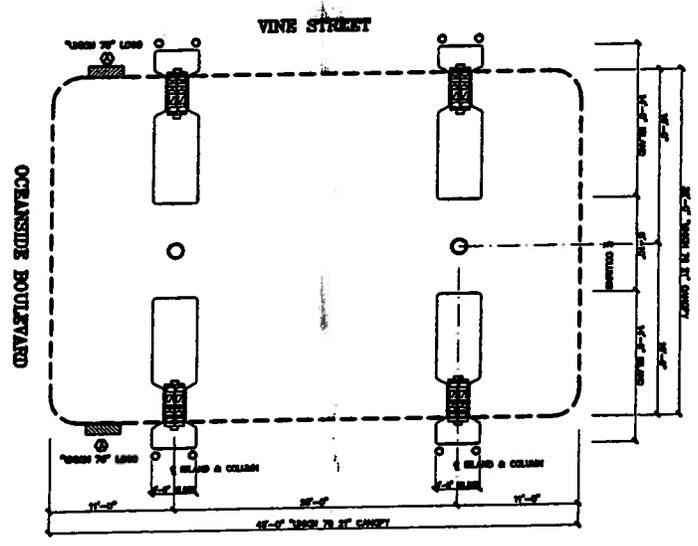


FRONT ELEVATION 3



SIDE ELEVATION 2

EXISTING CANOPY BEAM SCHEDULE					
NO.	DESCRIPTION	SECTION	SPACING	SPAN	TYPE
1	CANOPY BEAM	TO BEAM	12'-0"	14'-0"	W8
2	CANOPY BEAM	TO BEAM	12'-0"	14'-0"	W8
3	CANOPY BEAM	TO BEAM	12'-0"	14'-0"	W8
4	CANOPY BEAM	TO BEAM	12'-0"	14'-0"	W8
5	CANOPY BEAM	TO BEAM	12'-0"	14'-0"	W8
6	CANOPY BEAM	TO BEAM	12'-0"	14'-0"	W8
7	CANOPY BEAM	TO BEAM	12'-0"	14'-0"	W8
8	CANOPY BEAM	TO BEAM	12'-0"	14'-0"	W8
9	CANOPY BEAM	TO BEAM	12'-0"	14'-0"	W8
10	CANOPY BEAM	TO BEAM	12'-0"	14'-0"	W8



CANOPY PLAN 1

EXISTING CANOPY TO REMAIN UNDISTURBED

- 1. VARIOUS LIGHT FIXTURES
- 2. VARIOUS LIGHT FIXTURES
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- 8. VARIOUS LIGHT FIXTURES
- 9. VARIOUS LIGHT FIXTURES
- 10. VARIOUS LIGHT FIXTURES

THE EXISTING CANOPY TO REMAIN UNDISTURBED

NO.	DESCRIPTION	SECTION	SPACING	SPAN	TYPE
1	CANOPY BEAM	TO BEAM	12'-0"	14'-0"	W8
2	CANOPY BEAM	TO BEAM	12'-0"	14'-0"	W8
3	CANOPY BEAM	TO BEAM	12'-0"	14'-0"	W8
4	CANOPY BEAM	TO BEAM	12'-0"	14'-0"	W8
5	CANOPY BEAM	TO BEAM	12'-0"	14'-0"	W8
6	CANOPY BEAM	TO BEAM	12'-0"	14'-0"	W8
7	CANOPY BEAM	TO BEAM	12'-0"	14'-0"	W8
8	CANOPY BEAM	TO BEAM	12'-0"	14'-0"	W8
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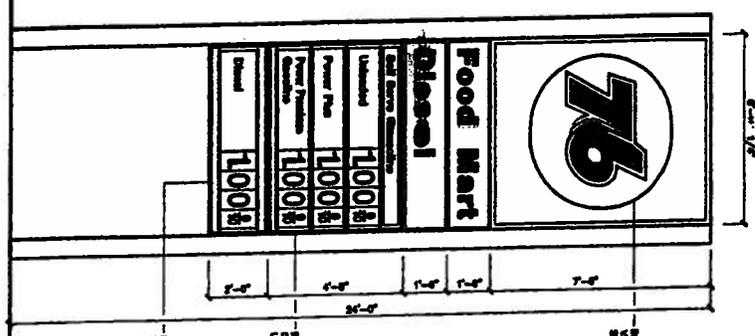
PLANS AND SPECIFICATIONS PROVIDED BY: **Quality Construction, Inc.**

UNION 76

CANOPY PLAN & ELEVATION
5800 CANTON AVENUE
OAKLAND, CALIFORNIA 94612

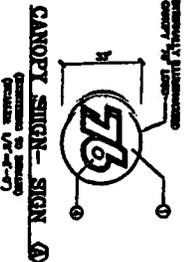
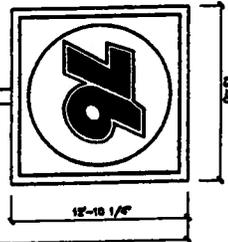
DATE: 05/25/2016
SCALE: 3/16"=1'-0"

EXISTING SIGNAGE: TO REMAIN



CORNER ROAD POLE SIGN-SIGN
 (Drawing to remain)
 Scale 1/8" = 1'

HIGHWAY POLE ROAD SIGN-SIGN
 (Drawing to remain)
 Scale 1/8" = 1'

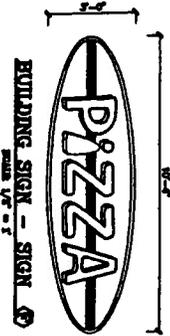
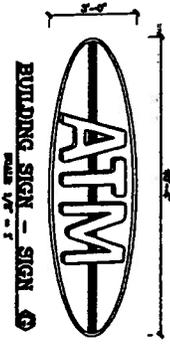
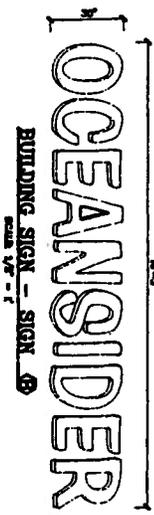
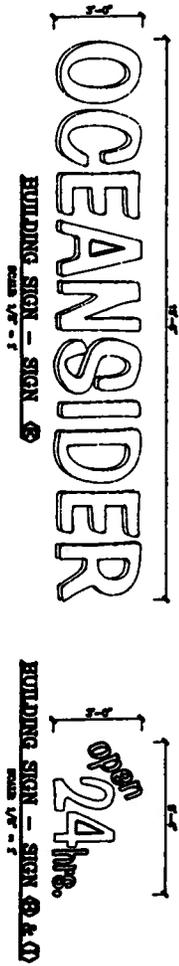


EXISTING SIGN SUMMARY

NO.	DESCRIPTION	SIZE	REMARKS	DATE	BY
1	CORNER SIGN	10' x 10'	EXISTING	7/28	JK
2	Highway Pole Sign	12' x 12'	EXISTING	7/28	JK
3	Canopy Sign	10' x 10'	EXISTING	7/28	JK

NOTE: ALL PROPOSED SIGNS TO BE UNDER SIGNAGE PERMIT

NEW SIGNAGE



PROPOSED SIGN SUMMARY

NO.	DESCRIPTION	SIZE	REMARKS	DATE	BY
1	Building Sign	12' x 6'	NEW	7/28	JK
2	Building Sign	12' x 6'	NEW	7/28	JK
3	Building Sign	12' x 6'	NEW	7/28	JK
4	Building Sign	12' x 6'	NEW	7/28	JK
5	Building Sign	12' x 6'	NEW	7/28	JK
6	Building Sign	12' x 6'	NEW	7/28	JK

NOTE: ALL PROPOSED SIGNS TO BE UNDER SIGNAGE PERMIT

CONTRACTOR TO CONTACT:
 UNION SIGN PLANNING
 1000 OCEAN BLVD.
 OCEANVIEW, CALIFORNIA 90301

PERMIT AND RECORDS PROVIDED BY:
 UNION SIGN PLANNING

SIGN PLAN:
 1000 OCEAN BLVD.
 OCEANVIEW, CALIFORNIA 90301

UNION 76

1 PLANNING COMMISSION
2 RESOLUTION NO. 2007-P46

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

8 APPLICATION NO: D-19-03 and C-29-03 Time Extension
9 APPLICANT: Joe and Barbara Warsoff
10 LOCATION: 1660 Oceanside Boulevard

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

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

17 construction of a 3,456-square foot mini-mart;
18 on certain real property described in the project description.

19 WHEREAS, the Planning Commission, after giving the required notice, did on the 24th day
20 of September, 2007 conduct a duly advertised public hearing as prescribed by law to consider said
21 application.

22 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
23 Guidelines thereto; this project is not subject to CEQA per Article 19 Section 15332 and therefore,
24 the project is exempt from CEQA;

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

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

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
	Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
	Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
	Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$.713 per square foot or \$713 per thousand square feet for non-residential uses and \$2,072 per unit for residential
	School Facilities Mitigation Fee	Ordinance No. 91-34	\$.42 per square foot non-residential for Oceanside (\$2.63 for Vista and Fallbrook) \$.42 for Vista and Fallbrook) \$2.63 per square foot residential (\$2.63 for Vista; \$2.63 for Fallbrook)
	Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
	Thoroughfare Fee (For commercial and industrial please note the .75 per cent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
	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. Residential is typically \$3,746 per unit; Non-residential is \$19,967 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. Residential is typically \$4,587 per unit; Non-residential is \$24,444 for a 2" meter.

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

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

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

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

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

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

19 FINDINGS:

20 For the Time Extension of the Development Plan and Conditional Use Permit:

- 21 1. The project has been conditioned for payment of all applicable impact fees, and therefore
22 will be paying its fair share toward needed public services.
- 23 2. All changes in City policy have been addressed through revised Conditions of Approval.
24 Therefore, this Time Extension will not adversely affect the City's General Plan or any
25 existing applicable City policy.
- 26 3. There have been no significant changes affecting the project site, or the surrounding areas.
27 As such, extending the opportunity to implement this use would not adversely affect the
28 General Plan designations and policies for the project area. Likewise, the prior approved
conditions for the operation of the use will provide measures of land use compatibility
within the area.

1 For the Development Plan:

- 2 1. The site plan and physical design of the project is consistent with the Zoning Ordinance
3 and the underlying Special Commercial Highway Oriented (CS-HO) zone by providing a
4 new 3,456-square foot mini-mart.
- 5 2. The Development Plan conforms to the General Plan of the City.
- 6 3. The project site can be adequately served by existing public facilities, services and
7 utilities.
- 8 4. The project, as proposed, is compatible with the existing and potential development on
9 adjoining commercial properties or in the surrounding neighborhood.
- 10 5. The site plan and physical design of the project is consistent with the policies contained
11 within Section 1.24 of the Land Use Element of the General Plan.

11 For the Conditional Use Permit for the Mini-Mart:

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

20 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
21 approve the time extension for Development Plan (D-19-03), Conditional Use Permit (C-29-03).
22 Planning Commission Resolution No. 2004-P22 shall continue to be effective with the approval of
23 this time extension. The following conditions shall supersede where conflicts arise:

23 **Building:**

- 24 1. Projects submitted after January 1, 2008 will be plan checked and constructed under the
25 newly adopted ICC codes.

26 **Engineering:**

- 27 2. Median improvements shall be constructed prior to the issuance of certificate of
28 occupancy, unless otherwise approved by the City Engineer.

- 1 3. Prior to issuance of a building permit, a phasing plan for the construction of public and
2 private improvements, including landscaping on-site and within the median, shall be
3 approved by the City Engineer.
- 4 4. Where proposed off-site improvements, including but not limited to the median, slopes,
5 public utility facilities, and drainage facilities, are to be constructed, the applicant shall, at
6 his own expense, obtain all necessary easements or other interests in real property and shall
7 dedicate the same to the City as required. The applicant shall provide documentary proof
8 satisfactory to the City that such easements or other interest in real property have been
9 obtained prior to issuance of any grading, building or improvement permit for the
10 development. Additionally, the City, may at its sole discretion, require that the applicant
11 obtain at his sole expense a title policy insuring the necessary title for the easement or other
12 interest in real property to have vested with the City of Oceanside or the applicant, as
13 applicable.
- 14 5. Landscaping plans, including plans for the construction of walls, fences or other structures at
15 or near intersections, must conform to intersection sight distance requirements. Landscape
16 and irrigation plans for disturbed areas must be submitted to the City Engineer prior to the
17 issuance of a preliminary grading permit and approved by the City Engineer prior to the
18 issuance of building permits. Frontage and median landscaping should be installed prior to
19 the issuance of certificate of occupancy. Project fences, sound or privacy walls and
20 monument entry walls/signs shall be designed, reviewed and constructed by the landscape
21 plans and shown for location only on grading plans. Plantable, segmental walls shall be
22 designed, reviewed and constructed by the grading plans and landscaped/irrigated through
23 project landscape plans. All plans must be approved by the City Engineer at a pre-
24 construction meeting held, prior to the start of any improvements.
- 25 6. The Project Proponent shall prepare and submit an Operations & Maintenance (O&M)
26 Plan to the City Engineer with the first submittal of engineering plans. The O&M Plan
27 shall be prepared by the applicant's Civil Engineer. It shall be directly based on the
28 project's Storm Water Mitigation Plan (SWMP) previously approved by the project's
approving authority (Planning Commission/City Council). The O&M Plan shall be
approved by the City Engineer prior to approval of any plans by the Public Works

1 Department. At a minimum the O&M Plan shall include the designated responsible
2 parties to manage the storm water BMP(s), employee's training program and duties,
3 operating schedule, maintenance frequency, routine service schedule, specific
4 maintenance activities, copies of resource agency permits, cost estimate for
5 implementation of the O&M Plan and any other necessary elements.

6 7. The Project Proponent shall enter into a City-Standard Stormwater Facilities Maintenance
7 Agreement with the City obliging the project proponent to maintain, repair and replace
8 the Storm Water Best Management Practices (BMPs) identified in the project's approved
9 Storm Water Mitigation Plan (SWMP), as detailed in the O&M Plan into perpetuity. The
10 Agreement shall be approved by the City Attorney prior to issuance of any precise
11 grading permit and shall be recorded at the County Recorder's Office prior to issuance of
12 any building permit. Security in the form of cash (or certificate of deposit payable to the
13 City) or an irrevocable, City-Standard Letter of Credit shall be required prior to issuance
14 of a precise grading permit. The amount of the security shall be equal to 10 years of
15 maintenance costs, as identified by the O&M Plan. The applicant's Civil Engineer shall
16 prepare the O&M cost estimate. The O&M cost estimate shall be approved by the City
17 Engineer prior to approval of any engineering plans for the project.

18 8. At a minimum, maintenance agreements shall require the staff training, inspection and
19 maintenance of all BMPs on an annual basis. The project proponent shall complete and
20 maintain O&M forms to document all maintenance activities. Parties responsible for the
21 O&M plan shall retain records at the subject property for at least 5 years. These
22 documents shall be made available to the City for inspection upon request at any time.

23 9. The Agreement shall include a copy of executed on-site and off-site access easements
24 necessary for the operation and maintenance of BMPs that shall be binding on the land
25 throughout the life of the project to the benefit of the party responsible for the O&M of
26 BMPs, until such time that the stormwater BMP requiring access is replaced, satisfactory
27 to the City Engineer. The Agreement shall also include a copy of the O&M Plan
28 approved by the City Engineer.

10. The BMPs described in the project's approved Storm Water Mitigation Plan (SWMP)
shall not be altered in any way, shape or form without formal approval by either an

1 Administrative Substantial Conformance issued by the Community Development
2 Department/Planning Division or the project's final approving authority (Planning
3 Commission/ City Council) at a public hearing. The determination of whatever action is
4 required for changes to a project's approved SWMP shall be made by the Community
5 Development Department/Planning Division.

- 6 11. Thermoplastic crosswalks shall be installed at the existing pedestrian crossings located on
7 the east and north legs of the intersection of Oceanside Boulevard at Vine Street. These
8 improvements shall be completed prior to issuance of certificate of occupancy and to the
9 satisfaction of the City Engineer.

10 **Planning:**

- 11 12. This Development Plan (D-19-03) and Conditional Use Permit (C-29-03) expires shall be
12 extended 24 months from the original expiration date of May 24, 2006.
- 13 13. All of the conditions of Planning Commission Resolution No. 2004-P22 shall continue to
14 apply for 24 months from the original expiration date of May 24, 2006, except those
15 conditions listed here, which shall supersede.
- 16 14. A covenant or other recordable document approved by the City Attorney shall be prepared
17 by the applicant and recorded prior to issuance of building permits. The covenant shall
18 provide that the property is subject to this resolution, and shall generally list the conditions
19 of approval.
- 20 15. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water
21 Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall be
22 reviewed and approved by the City Engineer prior to the issuance of building permits.
23 Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed
24 for final approval. The following special landscaping requirements shall be met:
- 25 a) Parkway tree plantings along arterial roads shall be a minimum of two-inch diameter
26 trees so as to ensure a mature landscape theme is achieved in a reasonable amount of
27 time.
 - 28 b) Arterial street trees in parkways shall be planted at a minimum of 30 feet on center,
each side of street, as a solitary planting. Approved root barriers shall be
incorporated.

- 1 c) All landscaping, fences, walls, etc. on the site, in the median, in the public right-of-
2 way, and in any adjoining public parkways shall be permanently maintained by the
3 owner, his assigns or any successors-in-interest in the property. The maintenance
4 program shall include normal care and irrigation of the landscaping; repair and
5 replacement of plant materials; irrigation systems as necessary; and general cleanup
6 of the landscaped and open areas, parking lots and walkways, walls, fences, etc.
7 Failure to maintain landscaping shall result in the City taking all appropriate
8 enforcement actions by all acceptable means including but not limited to citations
9 and/or actual work with costs charged to or recorded against the owner. This
10 condition shall be recorded with the covenant required by this resolution.
- 11 d) There shall be an assessment/evaluation of existing gas and electric lines prior to
12 placement of palms and tree grates on Oceanside Boulevard; trees shall be
13 relocated as necessary.
- 14 e) The landscape plans for this project shall take into consideration any future
15 landscape plans for Oceanside Boulevard east of Interstate 5 and west of El Camino
16 Real.

16 16. The project shall prepare a Management Plan. The Management Plan is subject to the
17 review and approval of the City Planner and the Police Chief prior to the occupancy of the
18 project, and shall be recorded as CC&R's against the property. The Management Plan shall
19 cover the following:

- 20 a) Security - The Management Plan, at a minimum, shall address on-site management,
21 hours-of-operation and measures for providing appropriate security for the project
22 site.
- 23 b) Maintenance - The Management Plan shall cover, but not be limited to anti-
24 graffiti and site and exterior building, landscaping, parking lots, sidewalks,
25 walkways, median, and overall site maintenance measures and shall ensure that a
26 high standard of maintenance at this site exists at all times. The maintenance
27 portion of the management plan shall include a commitment for the sweeping and
28 cleaning of parking lots, sidewalks and other concrete surfaces at sufficient

1 intervals to maintain a “like new” appearance. Wastewater, sediment, trash or
2 other pollutants shall be collected on-site and properly disposed of and shall not
3 be discharged off the property or into the City’s storm drain system.

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

7 d) Failure to meet any conditions of approval for this development shall constitute a
8 violation of the time extension for the Conditional Use Permit and Development
9 Plan.

10 17. No coin operated amusement devices shall be maintained on license premises.

11 18. At any time the premise causes policing problems, the Police Department may recommend
12 the licensee to furnish security personnel during the times identified by the Police
13 Department. If after such recommendation the licensee does not take steps to control
14 policing problems, the Police Department may require the licensee to furnish security
15 personnel during times identified by the Police Department.

16 19. The premises shall be maintained primarily as a convenience store and the annual sales of
17 alcoholic beverages shall not exceed 25 percent of the quarterly annual sale of all other
18 products.

19 20. No more than 25 percent of total shelf space may be devoted to the display and sale of
20 alcoholic beverages.

21 **Water Utilities:**

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

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

27 23. All Water and Wastewater construction shall conform to the most recent edition of the
28 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by the
Water Utilities Director.

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

5 25. A Grease, Oil, and Sand Interceptor, described by the Uniform Plumbing Code, relating to
6 restaurants, shall be installed in each building sewer in an appropriate location and shall be
7 maintained by the property owner. The location shall be called out on the approved
8 Building Plans.

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

12 PASSED AND ADOPTED Resolution No. 2007-P46 on September 24, 2007 by the following
13 vote, to wit:

14 AYES:

15 NAYS:

16 ABSENT:

17 ABSTAIN:

18
19 _____
20 Dennis Martinek, Chairman
21 Oceanside Planning Commission

22 ATTEST:

23 _____
24 Jerry Hittleman, Secretary

25 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
26 this is a true and correct copy of Resolution No. 2007-P46.

27 Dated: September 24, 2007

PLANNING COMMISSION
RESOLUTION NO. 2004-P22

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

APPLICATION NO: D-19-03 and C-29-03
APPLICANT: Joe and Barbara Warsoff
LOCATION: 1660 Oceanside Boulevard

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

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

construction of a 3,456-square foot mini-mart;
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 24th day
of May, 2004 conduct a duly advertised public hearing as prescribed by law to consider said
application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
Guidelines thereto; this project is not subject to CEQA per Article 19 Section 15301 and therefore
the project is exempt from CEQA;

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

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

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Drainage Fee	Ordinance No. 85-23 Resolution No. 89-231	\$9,575 per acre
4			
5	Public Facility Fee	Ordinance No. 91-09 Resolution No. R91-39	\$441 per thousand square feet
6			
7	School Facilities Mitigation Fee	Ordinance No. 91-34	\$.34 per square foot
8			
9	Traffic Signal Fee	Ordinance No. 87-19	\$7.80 per vehicle trip
10			
11	Thoroughfare Fee (For commercial and industrial please note the .75 per cent discount)	Ordinance No. 83-01	\$177 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
12			
13	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 02-OR-332-1	Fee based on meter size Typical is \$17,908 for a 2" meter
14			
15			
16	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 02-OR-333-1	Based on meter size Typical is \$21,923 for a 2" meter
17			
18			
19	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2000-3	Based on meter size. Typical is \$10,421 for a 2" meter.
20			

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

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

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

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

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

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

11 FINDINGS:

12 For the Development Plan:

- 13 1. The site plan and physical design of the project is consistent with the Zoning Ordinance
14 and the underlying Special Commercial Highway Oriented (CS-HO) zone by providing a
15 new 3,456-square foot mini-mart.
- 16 2. The Development Plan conforms to the General Plan of the City.
- 17 3. The project site can be adequately served by existing public facilities, services and
18 utilities.
- 19 4. The project, as proposed, is compatible with the existing and potential development on
20 adjoining commercial properties or in the surrounding neighborhood.
- 21 5. The site plan and physical design of the project is consistent with the policies contained
22 within Section 1.24 of the Land Use Element of the General Plan.

23 For the Conditional Use Permit for the Mini-mart:

- 24 1. The location of the mini-mart, within the CS-HO commercial zone is in accord with the
25 objectives of the Zoning Ordinance and the purposes of the district in which the site is
26 located.
- 27 2. The proposed use will not be detrimental to properties or improvements in the vicinity or
28 to the general welfare of the City.

1 3. The mini-mart is conditioned and is required to comply with all provisions of the Zoning
2 Ordinance. The proposed use is subject to specific operational conditions that will cause
3 the use to operate compatibly with the surrounding land uses.

4 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
5 approve Development Plan (D-19-03), Conditional Use Permit (C-29-03) subject to the following
6 conditions:

7 **Building:**

- 8 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
9 Building Department plan check.
- 10 2. The granting of approval under this action shall in no way relieve the applicant/project from
11 compliance with all State and local building codes.
- 12 3. Site development, parking, access into buildings and building interiors shall comply with
13 Part 2, Title 24, C.C.R. (Disabled Access – Non-residential buildings - D.S.A.).
- 14 4. All electrical, communication, CATV, etc. service lines, within the exterior lines of the
15 property shall be underground (City Code Sec. 6.30).
- 16 5. The building plans for this project are required by State law to be prepared by a licensed
17 architect or engineer and must be in compliance with this requirement prior to submittal
18 for building plan review.
- 19 6. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance) and
20 shall be shielded appropriately. Where color rendition is important high-pressure sodium,
21 metal halide or other such lights may be utilized and shall be shown on final building and
22 electrical plans.
- 23 7. The developer shall monitor, supervise and control all building construction and supportive
24 activities so as to prevent these activities from causing a public nuisance, including, but not
25 limited to, strict adherence to the following:
- 26 a) Building construction work hours shall be limited to between 7 a.m. and 6 p.m.
27 Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not
28 inherently noise-producing. Examples of work not permitted on Saturday are

1 concrete and grout pours, roof nailing and activities of similar noise-producing
2 nature. No work shall be permitted on Sundays and Federal Holidays (New Year's
3 Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except
4 as allowed for emergency work under the provisions of the Oceanside City Code
5 Chapter 38 (Noise Ordinance).

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

11 **Engineering:**

- 12 8. An erosion control plan and precise grading and private improvement plan shall be
13 prepared, reviewed, secured and approved prior to the issuance of any building permits.
14 The plan shall reflect all new and existing pavement, flatwork, landscaped areas, special
15 surfaces, curbs, gutters, medians, striping, signage, and footprints of all structures, walls,
16 drainage devices and utility services. Parking lot striping shall be shown on all Precise
17 Grading and Private Improvement Plans.
- 18 9. All right-of-way alignments, street dedications, exact geometrics and widths shall be
19 dedicated and improved as required by the City Engineer.
- 20 10. Design and construction of all improvements shall be in accordance with standard plans,
21 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 22 11. Prior to issuance of a building permit all improvement requirements shall be covered by a
23 development agreement and secured with sufficient improvement securities or bonds
24 guaranteeing performance and payment for labor and materials, setting of monuments,
25 and warranty against defective materials and workmanship.
- 26 12. Prior to issuance of a building permit a phasing plan for the construction of public and
27 private improvements including landscaping, shall be approved by the City Engineer.
- 28 13. The approval of the project shall not mean that closure, vacation, or abandonment of any
public street, right-of-way, easement, or facility is granted or guaranteed to the developer.

1 The developer is responsible for applying for all closures, vacations, and abandonments
2 as necessary. The application(s) shall be reviewed and approved or rejected by the City
3 under separate process(es) per codes, ordinances, and policies in effect at the time of the
4 application.

5 14. Where proposed off-site improvements, including but not limited to slopes, public utility
6 facilities, and drainage facilities, are to be constructed, the applicant shall, at his own
7 expense, obtain all necessary easements or other interests in real property and shall dedicate
8 the same to the City as required. The applicant shall provide documentary proof
9 satisfactory to the City that such easements or other interest in real property have been
10 obtained prior to issuance of any grading, building or improvement permit for the
11 development. Additionally, the City, may at its sole discretion, require that the applicant
12 obtain at his sole expense a title policy insuring the necessary title for the easement or other
13 interest in real property to have vested with the City of Oceanside or the applicant, as
14 applicable.

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

- 18 a) Dirt, debris and other construction material shall not be deposited on any public
19 street or within the City's storm water conveyance system.
- 20 b) All grading and related site preparation and construction activities shall be limited
21 to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No earthmoving
22 or grading operation shall be conducted on Saturdays, Sundays or legal holidays
23 unless written permission is granted by the City Engineer with specific limitations
24 to the working hours and types of permitted operations. All on-site construction
25 staging areas shall be as far as possible (minimum 100 feet) from any existing
26 residential development. Because construction noise may still be intrusive in the
27 evening or on holidays, the City of Oceanside Noise Ordinance also prohibits "any
28 disturbing excessive, or offensive noise which causes discomfort or annoyance to
reasonable persons of normal sensitivity."

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- c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.
- 16. 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 Ordinances and 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 such payments, and his agreement to pay for any other similar assessments or charges in effect when any increment is submitted for final map or building permit approval, and to join, contribute, and/or participate in such districts.
- 17. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon approved soil tests and traffic indices. The pavement design is to be prepared by the developer's soil engineer and must be approved by the City Engineer, prior to paving.
- 18. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during construction of the project, shall be repaired or replaced as directed by the City Engineer.
- 19. Grading and drainage facilities shall be designed and installed to adequately accommodate the local storm water runoff and shall be in accordance with the City's Engineers Manual and as directed by the City Engineer.
- 20. The applicant shall obtain any necessary permits and clearances from all public agencies having jurisdiction over the project due to its type, size, or location, including but not limited to the U. S. Army Corps of Engineers, California Department of Fish and Game, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board (including NPDES), San Diego County Health Department, prior to the issuance of grading permits.
- 21. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic investigation shall be conducted of the soils, slopes, and formations in the project. All necessary measures shall be taken and implemented to assure slope stability, erosion

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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.

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

23. Landscaping plans, including plans for the construction of walls, fences or other structures at or near intersections, must conform to intersection sight distance requirements. Landscape and irrigation plans for disturbed areas must be submitted to the City Engineer prior to the issuance of a preliminary grading permit and approved by the City Engineer prior to the issuance of building permits. Frontage and median landscaping shall be installed prior to the issuance of any building permits. Project fences, sound or privacy walls and monument entry walls/signs shall be designed, reviewed and constructed by the landscape plans and shown for location only on grading plans. Plantable, segmental walls shall be designed, reviewed and constructed by the grading plans and landscaped/irrigated through project landscape plans. All plans must be approved by the City Engineer and a pre-construction meeting held, prior to the start of any improvements.

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

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

26. The development shall comply with all applicable regulations established by the United States Environmental Protection Agency (USEPA) as set forth in the National Pollutant

1 Discharge Elimination System (N.P.D.E.S.) permit requirements for urban runoff and
2 storm water discharge and any regulations adopted by the City pursuant to the N.P.D.E.S.
3 regulations or requirements. Further, the applicant may be required to file a Notice of
4 Intent with the State Water Resources Control Board to obtain coverage under the
5 N.P.D.E.S. General Permit for Storm Water Discharges Associated with Construction
6 Activity and may be required to implement a Storm Water Pollution Prevention Plan
7 (SWPPP) concurrent with the commencement of grading activities. SWPPP's include
8 both construction and post construction pollution prevention and pollution control
9 measures and identify funding mechanisms for post construction control measures. The
10 developer shall comply with all the provisions of the Clean Water Program during and
11 after all phases of the development process, including but not limited to: mass grading,
12 rough grading, construction of street and landscaping improvements, and construction of
13 dwelling units. The applicant shall design the Project's storm drains and other drainage
14 facilities to include Best Management Practices to minimize non-point source pollution,
satisfactory to the City Engineer.

15 27. Upon acceptance of any fee waiver or reduction by the Developer, the entire project will
16 be subject to prevailing wage requirements as specified by Labor Code section
17 1720(b)(4). The Developer/Subdivider/Project Proponent/Applicant shall agree to execute
18 a form acknowledging the prevailing wage requirements prior to the granting of any fee
19 reductions or waivers.

20 28. The project shall install a raised median on Oceanside Boulevard along the project
21 frontage to prohibit left turns from the project site. The median shall be approximately
22 250 feet in length beginning at the intersection of Vine Street, and be of sufficient length
23 to restrict left turns from the adjacent Best Western motel driveway east of the project
24 site. The median shall be designed and constructed to the satisfaction of the
Transportation Manager.

25 29. The project shall install a left turn pocket, 180 feet in length with a 120-foot transition,
26 for eastbound Oceanside Boulevard beginning at the Interstate 5 on/off ramp. The turn
27 pocket shall be designed to Caltrans design standards.

28 30. "Right Turn Only" signs shall be installed on both driveway approaches from the project
site onto Oceanside Boulevard.

- 1 31. The existing southerly driveway from the project site onto Vine Street shall be removed.
- 2 32. Sufficient storage space on the project site shall be allowed for truck circulation,
3 deliveries and parking.
- 4 33. Crosswalks shall be installed on all approaches to the Oceanside Boulevard/Vine Street
5 intersection. The existing traffic signal at this intersection shall be modified to allow
6 pedestrian access for the east leg, and the existing "No Ped Crossing" signs on the
7 eastside of the intersection shall be removed.
- 8 34. Five-foot sidewalk (not including 6" top of curb) shall be installed on the north side of
9 Oceanside Boulevard and the east side of Vine Street for the full length of the project.
10 The sidewalk shall be ADA compliant and be contiguous to the curb.
- 11 35. ADA compliant pedestrian access shall be provided at all project driveways and the
12 intersection of Oceanside Boulevard and Vine Street.
- 13 36. Sight distance requirements at all driveway and street intersections shall conform to the
14 intersection corner sight distance criteria as provided by the California Department of
15 Transportation Highway Design Manual.
- 16 37. A traffic control plan shall be prepared according to the City traffic control guidelines and
17 be submitted to and approved by the Transportation Manager prior to the start of work
18 within open City rights-of-way. Traffic control during construction of streets that have
19 been opened to public traffic shall be in accordance with construction signing, marking
20 and other protection as required by the Caltrans Traffic Manual and City Traffic Control
21 Guidelines.
- 22 38. Traffic control during construction adjacent to or within all public streets must meet
23 Caltrans standards and City Traffic Control Guidelines. Traffic control plans shall be in
24 effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.
- 25 39. A haul route shall be obtained at least 7 days prior to the start of hauling operations and
26 must be approved by the Transportation Manager. Hauling operations shall be 8:00 a.m. to
27 3:30 p.m. unless approved otherwise.
- 28 40. Street lights shall be installed on Oceanside Boulevard and Vine Street along the frontage of
the project. The system shall be designed to provide uniform lighting, and be secured prior
to the recordation of map or building permit issuance, if a map is not recorded. The
subdivider shall pay all applicable fees, energy charges, and/or assessments associated with

1 City-owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or
2 the annexation to, any appropriate street lighting district.

3 41. The applicant shall pay all applicable traffic signal and thoroughfare fees.

4 **Fire:**

5 42. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval
6 prior to the issuance of building permits.

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

8 44. Buildings shall meet Oceanside Fire Departments current adopted codes at the time of
9 building permits.

10 45. In accordance with the Uniform Fire Code Sec. 901.4.4, approved addresses, for
11 commercial shall be placed on the structure in such a position as to be plainly visible and
12 legible from the street or roadway fronting the property. Numbers shall contrast with their
13 background.

14 46. Commercial Buildings require 6-inch high address numbers.

15 **Planning:**

16 47. This Development Plan and Conditional Use Permit shall expire on May 24, 2006, unless
17 the Planning Commission grants a time extension.

18 48. This Development Plan and Conditional Use Permit approves only the construction of a
19 3,456-square foot mini-mart as shown on the plans and exhibits presented to the Planning
20 Commission for review and approval. No deviation from these approved plans and exhibits
21 shall occur without Planning Department approval. Substantial deviations shall require a
22 revision to the Development Plan and Conditional Use Permit or a new Development Plan
23 and Conditional Use Permit.

24 49. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
25 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
26 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
27 annul an approval of the City, concerning Development Plan D-19-03 and Conditional Use
28 Permit C-29-03. The City will promptly notify the applicant of any such claim, action or
proceeding against the City and will cooperate fully in the defense. If the City fails to
promptly notify the applicant of any such claim action or proceeding or fails to cooperate
fully in the defense, the applicant shall not, thereafter, be responsible to defend,
indemnify or hold harmless the City.

- 1 50. All mechanical rooftop and ground equipment shall be screened from public view as
2 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,
3 mechanical equipment, screen and vents shall be painted with non-reflective paint to match
4 the roof. This information shall be shown on the building plans.
- 5 51. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water
6 Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall be
7 reviewed and approved by the City Engineer and Planning Director prior to the issuance of
8 building permits. Landscaping shall not be installed until bonds have been posted, fees
9 paid, and plans signed for final approval. The following special landscaping requirements
10 shall be met:
11 a) Parkway tree plantings along arterial roads shall be a minimum of two-inch
12 diameter trees so as to ensure a mature landscape theme is achieved in a reasonable
13 amount of time.
14 b) Arterial street trees in parkways shall be planted at a minimum of 30 feet on center,
15 each side of street, as a solitary planting. Approved root barriers shall be
16 incorporated.
- 17 52. All landscaping, fences, walls, etc. on the site, in any adjoining public parkways shall be
18 permanently maintained by the owner, his assigns or any successors-in-interest in the
19 property. The maintenance program shall include normal care and irrigation of the
20 landscaping; repair and replacement of plant materials; irrigation systems as necessary; and
21 general cleanup of the landscaped and open areas, parking lots and walkways, walls, fences,
22 etc. Failure to maintain landscaping shall result in the City taking all appropriate
23 enforcement actions by all acceptable means including but not limited to citations and/or
24 actual work with costs charged to or recorded against the owner. This condition shall be
25 recorded with the covenant required by this Resolution.
- 26 53. A trash enclosure must be provided as required by Chapter 13 of the City Code and shall
27 also include additional space for storage and collection of recyclable materials per City
28 standards. Recycling is required by City Ordinance. 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

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

14 54. A covenant or other recordable document approved by the City Attorney shall be prepared
15 by the applicant and recorded prior to issuance of building permits. The covenant shall
16 provide that the property is subject to this Resolution, and shall generally list the conditions
17 of approval.

18 55. The project shall prepare a Management Plan. The Management Plan is subject to the
19 review and approval of the Planning Director and the Police Chief prior to the occupancy of
20 the project, and shall be recorded as CC&R's against the property. The Management Plan
21 shall cover the following:

- 22 a) Security - The Management Plan, at a minimum, shall address onsite management,
23 hours-of-operation and measures for providing appropriate security for the project
24 site.
- 25 b) Maintenance - The Management Plan shall cover, but not be limited to anti-
26 graffiti and site and exterior building, landscaping, parking lots, sidewalks,
27 walkways and overall site maintenance measures and shall ensure that a high
28 standard of maintenance at this site exists at all times. The maintenance portion
of the management plan shall include a commitment for the sweeping and
cleaning of parking lots, sidewalks and other concrete surfaces at sufficient
intervals to maintain a "like new" appearance. Wastewater, sediment, trash or

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other pollutants shall be collected on site and properly disposed of and shall not be discharged off the property or into the City's storm drain system.

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

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

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 and shall be recorded as a covenant on the property.

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

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

62. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially the same as those approved by the Planning Commission. These shall

1 be shown on plans submitted to the Building Department and Planning
2 Department.

3 **Water Utilities:**

4 63. All public water and/or sewer facilities not located within the public right-of-way shall be
5 provided with easements sized according to the City's Engineers Manual. Easements
6 shall be constructed for an all weather access.

7 64. No trees or structures or building overhang shall be located within any water or
8 wastewater utility easement.

9 65. The property owner shall maintain private water and wastewater utilities located on
10 private property.

11 66. A separate irrigation meter is required and approved backflow prevention device is
12 required.

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

15 68. The developer shall be responsible for developing all water and sewer facilities necessary
16 to develop the property. Any relocation of water and/or sewer lines is the responsibility
17 of the developer and shall be done by an approved licensed contractor at the developer's
18 expense.

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69. All water and wastewater construction shall conform to the most recent edition of the City's Engineers Manual, or as approved by the Water Utilities Director.

PASSED AND ADOPTED Resolution No. 2004-P22 on May 24, 2004 by the following

vote, to wit:

AYES: Barrante, Chadwick, Schaffer, Parker, Nack and Neal

NAYS: None

ABSENT: Todd

ABSTAIN: None

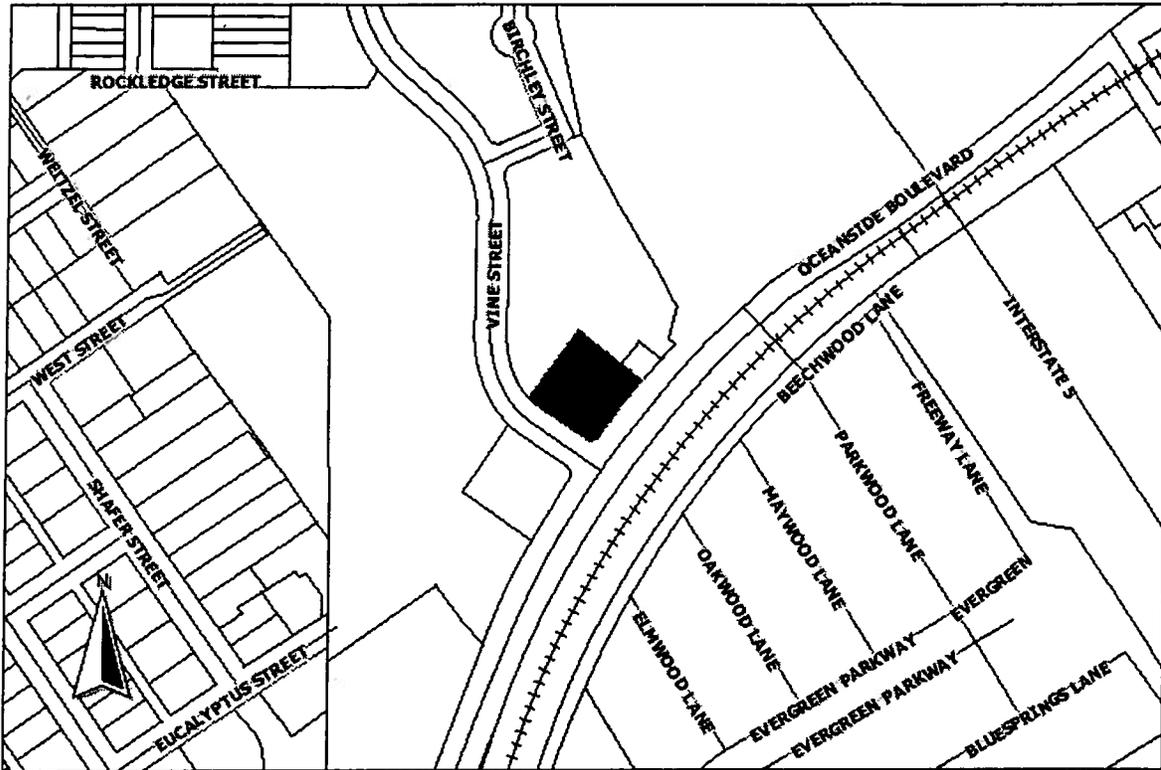

George Barrante, Chairman
Oceanside Planning Commission

ATTEST:


Gerald S. Gilbert, Secretary

I, GERALD S. GILBERT, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2004-P22.

Dated: May 24, 2004



File Number: D-19-03TE, C-29-03TE

Applicant: Joe & Barbara Warsoff

Description:

TIME EXTENSION to DEVELOPMENT PLAN (D-19-03) and CONDITIONAL USE PERMIT (C-29-03) for the construction of a new 3,456-square foot mini-mart at an existing gas/service station located at 1660 Oceanside Boulevard. The property is zoned CS-HO (Special Commercial District-Highway-Oriented) within the Townsite Neighborhood. – UNION 76 “THE OCEANSIDER”

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

RECEIVED
APR 24 2006
Planning Department

Application For Planning Commission Hearing				STAFF USE ONLY	
Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2865 Please Print or Type All Information				ACCEPTED	BY
PART I - APPLICANT INFORMATION				HEARING	
1. APPLICANT	JOE & BARBARA WARSOFF		2. STATUS	GPA	
3. ADDRESS	4615 SUNBURST ROAD, CARLSBAD 92008		4. PHONE/FAX	MASTER/SP.PLAN	
			5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)	ZONE CH.	
			GARY ENGINEERING, INC. ATT'N: BOB FAUDO	TENT. MAP	
			6. ADDRESS	PAR. MAP	
			4901 MORENA BLVD. CARLSBAD, CA 92117	DEV. PL.	D-19-03 TE
			7. PHONE/FAX	C.U.P.	C-29-03 TE
			858-483-0620	VARIANCE	
			858-483-2943	COASTAL	
PART II - PROPERTY DESCRIPTION				O.H.P.A.C.	
8. LOCATION	1660 OCEANSIDE BLVD. OCEANSIDE, CA 92054			9. SIZE	
10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER		
SPECIAL COMM.	HIGHWAY ORIENTED	SERVICE STATION	152-320-25		
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION REMOVE EXISTING LUBE BAY BUILDING AND INSTALL NEW FOOD MART BUILDING AND LANDSCAPING AND ON-SITE IMPROVEMENTS <i>REV-3/14/07, 5/21/07, 7/24/07</i>					
15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY	
SPECIAL COMM.	HIGHWAY ORIENTED	SERVICE STATION	1	N/A	
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE		
3,456 SF (NEW)	18 SPACES	16.35 %	3,730 SF LANDSCAPING		
PART IV - ATTACHMENTS					
ALL APPLICATIONS			DEV. PLANS, C.U.P.s & TENT. MAPS		
24. DESCRIPTION/JUSTIFICATION		25. LEGAL DESCRIPTION		30. FLOOR PLANS AND ELEVATIONS	
26. 300-FT. RADIUS MAP		27. PROPERTY OWNERS' LIST		31. CONSTRUCTION SCHEDULE	
28. ENVIRONMENTAL ASSESSMENT		29. PLOT PLANS		32. OTHER	
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).		
23. APPLICANT OR REPRESENTATIVE (Print):		34. DATE		37. OWNER (Print)	
<i>Robert Faudo</i>		4/21/06		BARBARA WARSOFF	
Sign: <i>[Signature]</i>				38. DATE	
				4-21-06	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			Sign: <i>Barbara Warsoff</i>		
35. APPLICANT (Print):		36. DATE		39. OWNER (Print):	
<i>Robert Faudo</i>		4/21/06			
Sign: <i>[Signature]</i>				40. DATE	

Sally

**“THE OCEANSIDER”
UNION 76 REMODEL
Conditional Use Permit Submittal Package
(D-19-03, C-29-03 Time Extension)**

RECEIVED

MAR 14 2007

**Description and Justification
March 12, 2007**

Planning Department

This application includes a Conditional Use Permit (CUP) for the remodel of an existing Union 76 service station. The subject property consists of 0.52 acres located in the northeast corner of the Oceanside Boulevard and Vine Street intersection (APN 152-320-25). It is surrounded on the north and east by commercial development, on the west by a vacant lot, and on the south by a Trailer Park. Highway 5 is approximately 100 yards to the west.

The project site has a General Plan Land Use designation of Special Commercial (SC) and the corresponding Zoning classification of Highway Oriented (HO). The proposed uses are consistent with those identified for, and existing on, the site.

BACKGROUND

The existing service station, which was constructed by Texaco, has been in operation for over 30 years. Mr. Joe Warsoff, as the site operator, has run the facility since 1990. In May 2003, Mr. & Mrs. Joe Wasoff purchased the property, and has run the facility under the Union 76 banner ever since.

The proposed remodel is necessary for the business to remain competitive within the existing and emerging marketplace. The remodel will upgrade the facility to new industry standards, eliminating the outdated use of the 1,680 square foot steel service bay building and service the surrounding community with more appropriate and new services. The current 1,536 square foot canopy will remain in place and undisturbed.

SCOPE OF WORK

The Scope of Work for the project involves removing the existing service bays, building, underground storage tanks, concrete islands and dispensers and construction of a new 3,456 Food Mart building. The installation of (2) 15,000 gallon Unleaded UST's and (1) 10,000 Gallon Diesel UST along with (4) new concrete islands and multi-product dispensers and clean air separator system. The relocation of existing propane tank to a new CMU enclosure. The redesign of the sites circulation, closing one driveway and installing new enhanced landscaping, irrigation system and new CMU trash enclosure. The proposed changes are needed to upgrade and modernize the facility in order to compete in the modern marketplace and meet current engineering standards. The proposed changes are consistent with the underlying General Plan and Zoning regulations, as well as the surrounding land uses.

D-19-03, C-29-03 Time Extension

Architecture:

The proposed new Food Mart building will be wood-frame, stucco clad structure. The new structure will be located at the rear property line, requiring the use of a two-hour fire wall, which will be constructed with an approved 2-hour, wood-framed structure, stucco clad with a "plan-on" accent pilaster to break-up the rear view and provide an accent to the wall. Colors will be primarily an off-white with the blue and orange accent stripping that will serve to identify the corporate colors of Union 76.

Canopy:

The existing 4-column canopy is to remain undisturbed..

Circulation:

Currently there are four driveways serving the project. The driveway southwest of Vine Street will be closed in order to meet landscaping and parking requirements, and the northwest driveway on Vine Street to be shifted south approximately 14'-0' to better accommodate parking and circulation. This will also help in obtaining a bigger planter area on the north property line.

The two driveways on Oceanside Boulevard to remain open. The driveway on the east will be the primary entry point to the project site. The westerly driveway is to remain open to allow the Fuel Transport Truck to deliver fuel to the underground tanks. Since this part of the facility operation is critical, the need to facilitate the delivery of fuel has always driven the location of new or existing driveways. The proposed driveway configuration will improve both on-site and local area circulation, which will benefit public health, safety and welfare of those visiting the area.

Parking Requirements:

The proposed project meets the requirements of the Zoning Ordinance for both parking and landscaping. The project is required to provide a total 17 parking spaces (1 space for each 200 square feet of building area - 3,456 SF/200 SF = 17.28 spaces). As proposed, the project provides 16 spaces (16 standard and 1 ADA accessible).

Landscape Requirements:

The project is required to provide 15% on-site landscaping. As proposed, the project will provide a total of 16.35% landscaping. Off-site landscaping will include six (6) 48" square tree wells.

The landscape design for the project takes into consideration the high visual profile of it's corner location and strives to update the existing and new landscape area with colorful, drought tolerant and low maintenance planting that is contextually compatible with the community. The preservation of sight-lines for both safety and signage visibility were a high priority in the landscape design.

D-19-03, C-29-03 Time Extension

Signs:

The site signage will remain unchanged except for the addition of new wall signs for the new Food Mart structure. All new signs will be internally illuminated

CONDITIONAL USE PERMIT (EXTENSION)

This application will consist of two (2) Conditional Use Permits; the first is for the removal of the existing lube bay building and the installation of a new Food Mart building, the second would be for the Beer and Wine sales.

Food Mart:

The first CUP is for the proposed new Food Mart building. Currently the sales areas and service bay's occupy 1,680 square feet of the site. The new Food Mart will increase to a total of 3,456 square feet. This increase in size will basically take advantage of the unused surface area at the rear and side of the existing building. In fact, the new building will be closer by 15'-0" to the rear of the property. The new Food Mart will offer a variety of food and consumer goods typically associated with this type of establishment. In addition, Pizza preparation and sales will also be offered. These changes will allow for facility to eliminate the outdated use of service bays, and allow the facility to remain viable in this very competitive market.

Beer and Wine Sales:

Second CUP is for the retail sales of Beer and Wine. The Alcohol Beverage Control (ABC) and Police Department permits will be applied for and acquired.

SUMMARY

The proposed remodel will be a benefit to the community. By eliminating an existing driveway cut on Vine Street and adding median improvements on Oceanside Boulevard, on-site and local off-site traffic circulation will improve. The proposed remodel will enhance the sites viability through modernization will benefit the local business community. The project meets all of the goals and objectives of the City's General Plan and Zoning Ordinance because it is in conformance with these documents.

D-19-03, C-29-03 Time Extension

JUSTIFICATION

Highlights:

- The project will eliminate one non-conforming driveway cut and add median improvements, which will result in enhanced circulation.
- New stucco-clad building structure to be more compatible with the local surrounding architecture.
- Removal of an outdated auto lube service with new convenience store services to better serve the community.
- Upgrade in landscaped area and irrigation system.

Conditional Use Permits:

The City of Oceanside Zoning Ordinance stipulates that three specific findings must be made before a Conditional Use Permit can be adopted. The following findings are for the Conditional Use Permit for the new Food Mart and Beer & Wine Sales.

1. The proposed location of the project uses is in accord with the objectives of the Zoning Ordinance and is consistent with the surrounding properties in the district because they are commercial uses on property designated for, and currently supporting, commercial uses by the General Plan and Zoning Ordinance, and the project is similar in use and complimentary to surrounding commercial uses.
2. The proposed uses are allowed uses within a Special Commercial land use district. The project site currently supports similar uses, the proposed uses are consistent with those already on-site and they will not be detrimental to the public health, safety and welfare.
3. The proposed uses comply with the Zoning Ordinance because they meet Special Commercial District development regulations and do not need any variances. The project revised circulation results in a circulation pattern that is consistent with current engineering design standards which will enhance the area's local circulation which benefits the health, safety and welfare of the community at large.

Your favorable consideration is appreciated.



GARY ENGINEERING, INC.

4901 Morena Blvd. • Suite 304 • San Diego, California 92117
Telephone (858) 483-0620 • Fax (858) 493-2943
email: GaryEngCa@aol.com

Ms. Sally Schifman, Planner 1
CITY OF OCEANSIDE
Planning Department
300 North Coast Highway
Oceanside, CA 92054
(760) 435-3520

April 24, 2006
BY FAX (760) 754-2958

**Subject: UNION "76" THE OCEANSIDER
1660 Oceanside Boulevard & Vine Street
Oceanside, California 92054**

**Re: CONDITIONAL USE PERMIT # D-19-03 & C-29-03
Planning Resolution 2004-P22
CUP Extension Package - Letter of Explanation**

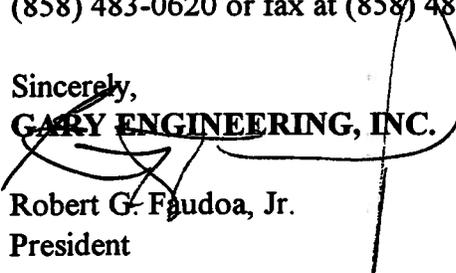
Dear Ms. Schifman:

Per your request, as follows are the reasons for our request for an extension:

- 1) Due to on-going negotiations with the parent oil company to take-over the existing site improvements (i.e. canopy, underground storage tanks), which now have been settled took over eighteen months.
- 2) Unable to obtain a construction loan due to negotiations with parent oil company were not completed. Since this has been settled, a construction loan has now been obtained and design on the facility has now been started.

If there are any questions or you need additional items submitted please do not hesitate to call me at (858) 483-0620 or fax at (858) 483-2943.

Sincerely,
GARY ENGINEERING, INC.


Robert G. Faudoa, Jr.
President

RGFJR

attachments

cc: J. Warsoff, Client w/(1) copy of enclosures

RECEIVED
APR 25 2006
Planning Department

21641

EXHIBIT "A"

LEGAL DESCRIPTION

RECEIVED
APR 24 2006
Planning Department

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF TRACT 101 OF SOUTH OCEANSIDE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 622, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF A 22,803 SQUARE FOOT PARCEL OF LAND AS SAID PARCEL IS DESCRIBED ON RECORD OF SURVEY MAP NO. 8847, FILED MARCH 20, 1967, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SAID POINT BEARING NORTH 53°26'54" WEST, 50.00 FEET FROM THE NORTHWESTERLY LINE OF THAT 80.00 FOOT RIGHT OF WAY DESCRIBED IN DEED TO THE CITY OF OCEANSIDE, UNDER PARCEL 1 RECORDED APRIL 6, 1955 IN BOOK 5595, PAGE 443 OF OFFICIAL RECORDS, AND BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 53°26'54" WEST, 100.00 FEET; THENCE AT RIGHT ANGLES SOUTH, 36°33'06" WEST, 151.27 FEET TO THE NORTHEASTERLY LINE OF THE 60.00 FOOT RIGHT OF WAY AS DESCRIBED IN DEED TO THE CITY OF OCEANSIDE, RECORDED JULY 7, 1966 UNDER FILE NO. 110753 OF OFFICIAL RECORDS, BEING A POINT IN THE ARC OF A 170.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE ALONG SAID RIGHT OF WAY LINE SOUTHEASTERLY ALONG SAID CURVE, 47.37 FEET THROUGH AN ANGLE OF 15°57'57"; THENCE TANGENT TO SAID CURVE SOUTH 56°20'32" EAST, 83.65 FEET (RECORD SOUTH 56°23'03" EAST, 83.77 FEET) TO A TANGENT 20.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE SOUTHEASTERLY AND EASTERLY ALONG SAID CURVE 30.98 FEET THROUGH AN ANGLE OF 88°44'54" TO A POINT IN THE ARC OF A 2040.08 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY IN SAID NORTHWESTERLY LINE OF THE 80.00 FOOT RIGHT OF WAY ABOVE DESCRIBED; THENCE NORTHEASTERLY ALONG SAID CURVE AND SAID NORTHWESTERLY LINE 130.71 FEET THROUGH AN ANGLE OF 3°40'16" TO A LINE WHICH BEARS SOUTH 53°26'54" EAST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 53°26'54" WEST, 50.00 FEET TO THE TRUE POINT OF BEGINNING.



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 09/25/2007
Removal: 03/25/2008
(180 days)

1. **APPLICANT:** Joe and Barbara Warsoff
2. **ADDRESS:** 4615 Sunburst Road, Carlsbad, CA 92008
3. **PHONE NUMBER:** (760) 720-4646
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Sally Schifman
6. **PROJECT TITLE:** Union 76 "The Oceansider" (D-19-03TE, G-29-03TE)
7. **DESCRIPTION:** Time extension to a previous approved development plan and conditional use permit to permit construction of a 3,456-square foot mini-mart at an existing service station located at 1660 Oceanside Boulevard, Oceanside, CA 92054.

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. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- The project is categorically exempt, Class 32, In-Fill Development Project (Section 15332); or,
- "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 does not constitute a "project" as defined by CEQA (Section 15378).

Sally Schifman, Planner II

Date: September 25, 2007

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