



DATE: April 20, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department /Planning Division

SUBJECT: **CONSIDERATION OF CONDITIONAL USE PERMITS (C-36-08 AND C-37-08) FOR THE CONVERSION OF AN EXISTING 1,827-SQUARE FOOT EXXON GAS STATION SERVICE BAY INTO A FOOD MART, AND THE CONSTRUCTION OF AN 815-SQUARE FOOT ATTCHED DRIVE-THRU CARWASH AT 3401 COLLEGE BOULEVARD WITHIN THE LAKE NEIGHBORHOOD. – EXXON #44 – APPLICANT: APRO LLC #44**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 3, Categorical Exemption “New Construction or Conversion of Small Structures”; and,
- (2) Adopt Planning Commission Resolution No. 2009-P24 approving Conditional Use Permits (C-36-08 and C-37-08) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: The existing service station was constructed in the 1970’s by the Humble Oil Company and has been in operation ever since. During the years the service station has changed ownership several times and a variety of remodeling permits have been issued.

On May 5, 1997, a Conditional Use Permit (C-26-96) was approved by the Planning Commission to allow a conversion of a portion of the existing service bay into a food-mart for the existing Texaco service station, but the construction never occurred and the Conditional Use Permit expired.

On October 13, 2003 a Development Plan (D-2-03), Conditional Use Permits (C-3-03, C-4-03 and C-5-03) and Variances (V-13-03 and V-14-03) for construction of two additional fuel dispensers, a canopy extension, a sign variance, remodeling an existing 1,827-square foot vehicle service bay into a food mart, and development of an 815-square foot drive-thru carwash. All proposed improvements were implemented and constructed with the exception of the conversion of the existing vehicle service bays into a food mart and the addition of an 815 square foot drive-thru carwash.

Site Review: The project site is located at 3401 College Boulevard, on the south west corner of College Boulevard and Plaza Drive. The property is comprised of a 2,913.6-square foot canopy, a 1,827-square foot vehicle service bay with a small retail area inside, and 10 parking stalls. The existing vehicle service bays have not been in use for several years, and the proposed renovation of the service bays to a retail food-mart is necessary for the business to remain competitive with similar service stations in the surrounding area.

The subject site is Zoned CC (Community Commercial) and the General Plan Land Use Designation is CC (Community Commercial). An establishment of retail sales in association with an existing service station and a drive-thru carwash is permitted within the Community Commercial district with approval of a Conditional Use Permit.

Surrounding land uses adjacent to the site include similar Community Commercial (CC) designated properties in all directions; such as, the NISSAN vehicle sales property to the east zoned, a commercial bank and hotel to the west, 7-11 convenience market to the south, and a park and ride lot to the north.

Project Description: The project application is comprised of the following required entitlements:

Conditional Use Permit (C-36-08) represents a request for the following:

- (a) To permit the conversion of an existing 1,827 square-foot vehicle service bay into a food mart in association with an existing gas station known as EXXON.

EXXON gas station is requesting to remodel the existing 1,827-square foot vehicle service bay and develop a food-mart with associated façade improvements. The conversion will encompass a few improvements to the site such as renovations to the existing building that would enhance the physical appearance of the building's façade, developing a stucco parapet, repainting and stuccoing the walls, providing a trash enclosure consistent with the City of Oceanside trash enclosure standards, and replenishment and enhancement of the existing landscaping.

The proposed food mart will be entirely within the existing vehicle service bay area, and office area. Several interior improvements; such as, façade improvements, stucco wall coverings, interior improvements, and the construction of a roof top parapet would be necessary to develop the food-mart. Access to the facility occurs at the east and north portions of the site and would not be accepted by the changes.

Conditional Use Permit (C-37-08) represents a request for the following:

- (a) To permit the development of an attached 815-square foot drive-thru carwash at the south west portion of the property with an associated 135-square foot utility room attached to the existing 1,827-square foot EXXON gas station.

The drive-thru car wash will maintain the required five-car stacking for drive-thru facilities as per the Oceanside Zoning Ordinance. The proposed carwash and utility storage room would be of a similar color, material, and details intended to complement and enhance the property; as well as, the surrounding neighborhood. The proposed architecture is of a Mission Spanish Design and the building materials consist of wood, stucco wall coverings, masonry pilasters, and tempered clear glass windows.

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

A. Land Use Element

Goal 2.2: Commercial Developments

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

Community Commercial:

Policy A: This designation shall provide the community with commercial centers contain a wide variety of commercial establishments. Major tenants shall provide larger, low volume, higher cost items, such as home furnishings, apparel, durable goods, and specialty items and generally have citywide market areas. Support facilities such as entertainment establishments and restaurants shall be encouraged.

The proposed food-mart and drive-thru car wash would add to the variety of commercial services available to the general public. The proposed reconstruction of the vehicle service bays to a food-mart and the drive-thru car wash would promote additional commercial activity within a popular commercial area of Oceanside, and would provide additional revenue and employment that would foster commercial activity within the City.

The proposed use as conditioned would not negatively impact the surrounding commercial businesses or create additional traffic, because the food-mart would provide commercial retail items to customers that are typically at the site for the vehicle service station use. The service station currently exist with a small office and retail area, and allowing the applicant to expand the retail use into the under utilized service bays for a food mart would not only allow the business to use a portion of the building that is under utilized to generate more income, but would provide the neighborhood with additional goods and services.

The limited hours-of-operation would allow the use to operate at hours that would be similar to the adjoining retail uses.

Goal 1.23: Architecture

Objective: The architectural quality of all proposed projects shall enhance neighborhood and community values and City image.

Policy: B: Structures shall work in harmony with landscaping and adjacent urban and/or topographic form to create an attractive line, dimension, scale, and/or pattern.

The façade improvements to the existing service bay and the construction of the drive-thru car wash structure would be similar in type and design as many of the adjoining uses, and would enhance the property as well as the neighborhood. The existing as well as the proposed improvements will be consistent with the development standards of the CC (Community Commercial) zoning district and would be complimentary to the newer retail centers to the south.

2. Zoning Ordinance

This project is located in a CC (Community Commercial) district. The following table depicts the Zoning requirements for the proposed and existing commercial service station business at 3401 College Boulevard based upon Article 11 and 31 of the OZO:

| | ZONING REQUIREMENTS | PROPOSED |
|---------------------|---------------------|---|
| MINIMUM LOT SIZE | 10,000 square feet | 29,612 square feet (Existing) |
| OFF-STREET PARKING | 9-parking spaces | 10-parking spaces (Existing) |
| FRONT YARD | 15-feet | 50(+) feet |
| SIDE YARD | 0-feet | 15-feet |
| CORNER SIDE YARD | 15-feet | 0-feet (Existing Canopy) 71.8-feet (Mini-Mart) |
| REAR YARD | 0-feet | 42-feet |
| MAXIMUM HEIGHT | 50-feet | 24-feet |
| MINIMUM LANDSCAPING | 15% | 16.35% |

The proposed project meets the applicable requirements of the zoning ordinance and as designed the project has been determined to be compatible with existing and potential commercial developments on College Boulevard and Plaza Drive.

Based upon the use, the proposed service station development is required to provide nine parking stalls as per the zoning ordinance, and this has been met with the existing 10 striped parking stalls located at the southern portion of the site. In addition the existing parking area in front of the service pumps provides an additional 12 parking stalls; as well as, areas for pumping gasoline. The following table depicts the parking data for the proposed service station and the new improvements based upon Section 3100 of the OZO:

| PROPOSED USE | Square footage | Off-Street Parking Requirement | Parking Requirement |
|--|--------------------------------|-------------------------------------|---------------------|
| Mini-mart & Service Station | 1,827 sq. ft. | (1 per 200 sq. ft of building area) | 9 |
| Car Wash | 815 sq. ft | Not Applicable | 0 |
| TOTAL | | | |
| Total Spaces On-Site (10) All Buildings | Approximately 2,642 sq. ft. | Listed above | 9 |

3. Land Use Compatibility with surrounding developments

| LOCATION | GENERAL PLAN | ZONING | LAND USE |
|----------------------------|---------------------------|---------------------------|-------------------------------|
| Subject Property: | CC (Community Commercial) | CC (Community Commercial) | EXXON Service Station |
| North of Subject Property | CC (Community Commercial) | CC (Community Commercial) | Park & Ride Lot |
| East of Subject Property: | CC (Community Commercial) | CC (Community Commercial) | Motel 6 and a Commercial Bank |
| South of Subject Property: | CC (Community Commercial) | CC (Community Commercial) | 7-11 Convenience Market |
| West of Subject Property: | CC (Community Commercial) | CC (Community Commercial) | Mossy NISSAN Vehicle Sales |

As identified in the above table, the proposed service station modifications to develop a food-mart and associated car-wash at 3401 College Boulevard would be compatible with, and complimentary to the surrounding land uses. The food-mart and car wash additions would allow commercial activity that would benefit the surrounding uses and citizens as a whole.

DISCUSSION

Issue: Will the proposed remodel to the existing service station, the construction of a drive-thru car wash and food-mart impact the surrounding area neighborhood?

Recommendation: The underlying land use designation and zoning for the subject site – Community Commercial (CC) and the site is intended to provide opportunities for various types of commercial land uses including drive-thru uses.

The proposed food-mart, drive-thru car wash and service station uses will serve the needs of the nearby residential uses and vehicles on College Boulevard and Plaza Drive. The proposed enhancements to the property will dramatically enhance the property and the neighborhood. The proposed use and improvements will enable commercial activity to continue in that area of the City.

The proposed food-mart will not physically impact the surrounding neighbors and will be consistent with the similar types of development along College Boulevard. The proposed car wash and food-mart will be designed in a Spanish Mission Design that is consistent with a majority of structures though out the City of Oceanside, and would compliment the neighborhood as well as the property.

ENVIRONMENTAL DETERMINATION

Planning Division staff has completed a preliminary review of this project in accordance with the California Environmental Quality Act (CEQA), 1970. Based on that review staff finds the proposed project constitutes the remodeling of the existing building and the development of a drive-thru car wash in association with an existing gas station and the project is categorically exempt pursuant to Article 19 Categorical Exemptions, Section 15303 "New Construction or Conversion of Small Structures," of the California Environmental Quality Act.

PUBLIC NOTIFICATION

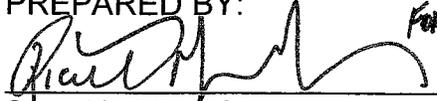
Pursuant to Article 41 of the Oceanside Zoning Ordinance, a Legal notice was published in the North County Times and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. Copies of this agenda item have been mailed to the applicant and their representatives.

SUMMARY

The request for Conditional Use Permits (C-36-08 and C-37-08) as conditioned, are consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project has been conditioned to meet or exceed all applicable development standards through project conditions that include, limiting the hours-of-operation, and maintenance of the existing landscaping. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached resolution. Staff recommends that the Planning Commission:

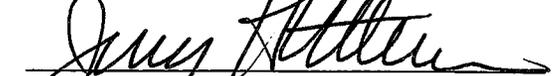
- Adopt Planning Commission Resolution No. 2009-P24 approving Conditional Use Permits (C-36-08 and C-37-08) with findings and conditions of approval attached herein.

PREPARED BY:

 For:

Scott Nightingale
Planner II

SUBMITTED BY:


Jerry Hittleman
City Planner

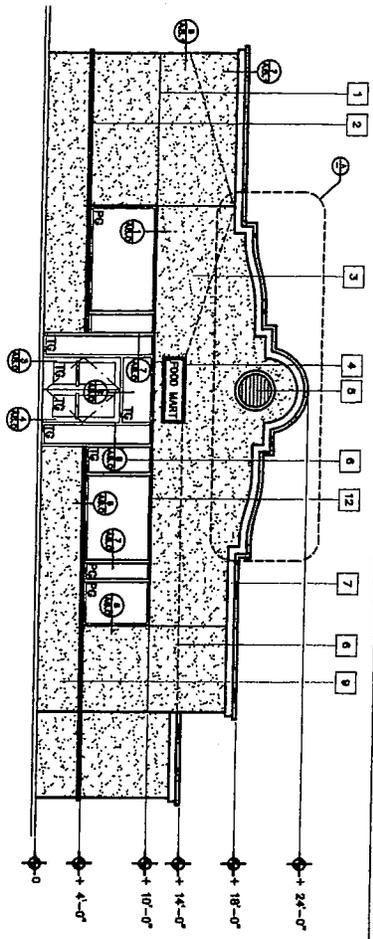
REVIEWED BY:


Richard Greenbauer, Senior Planner

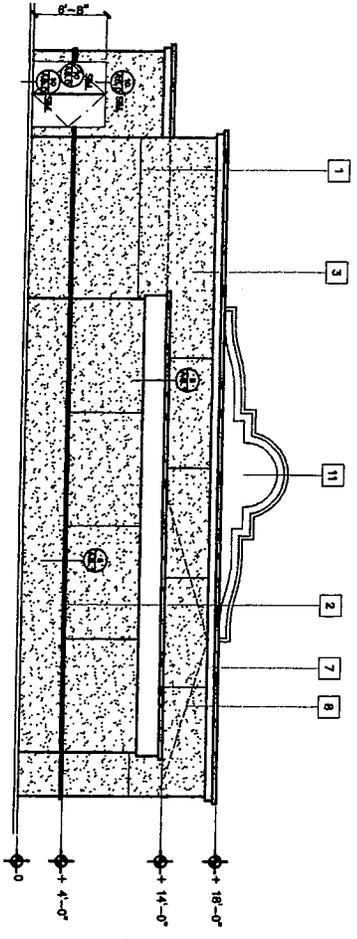
JH/SS/fil

Attachments:

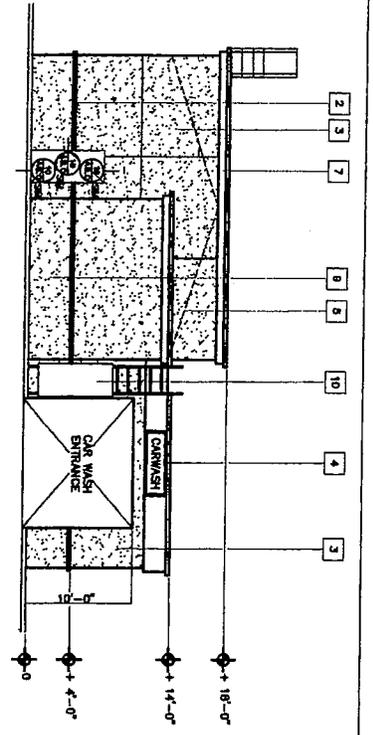
1. Site Plan
2. Planning Commission Resolution No. 2009-P24
3. Planning Commission Resolution No. 2003-P55
4. Pictures of the existing building.



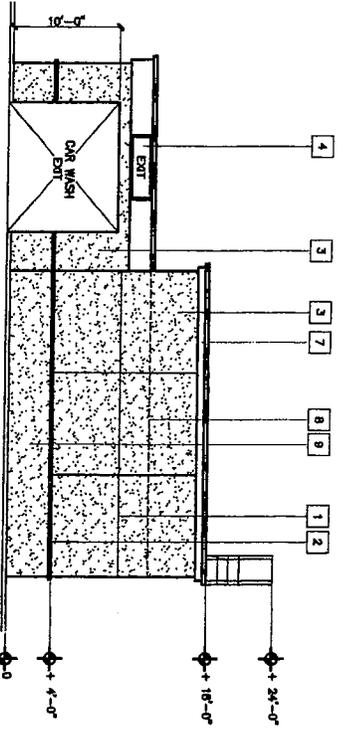
EAST ELEVATION
SCALE 3/16"=1'-0"



WEST ELEVATION
SCALE 3/16"=1'-0"

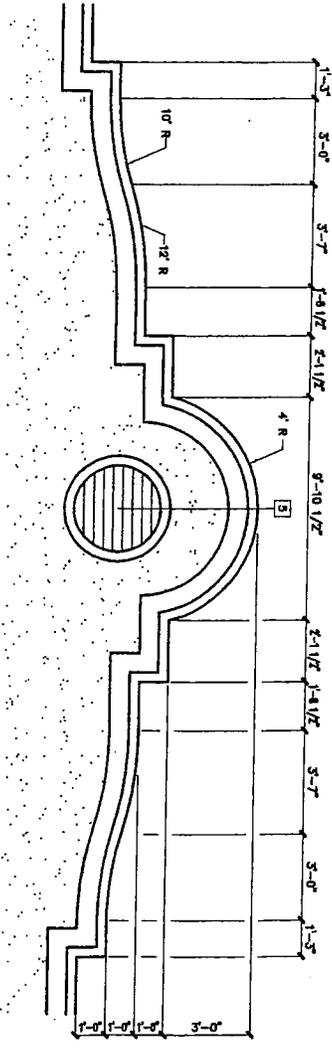


NORTH ELEVATION
SCALE 3/16"=1'-0"



SOUTH ELEVATION
SCALE 3/16"=1'-0"

- MATERIALS LEGEND**
- DIMENSION LINE
 - METAL ROOF
 - STUCCO, PAINT BASE COLOR - CPM 922
 - 6" x 8" PLASTER GENERAL UNITED SEAL (WITH ADVANTAGE FINISH)
 - METAL LAMINATE VENT, PAINT CPM 924
 - TINTED GLASS
 - PAINT MATERIAL, PAINT TRIM COLOR - CPM 926
 - EXPANDED ROOF LINE
 - STUCCO, PAINT ACCENT COLOR - CPM 928
 - ROOF LAMINATE PAINT CPM 922
 - ROOF WALL, CPM
 - 1-1/2" x 4" ANCHORED ALUMINUM STRAPPING



DETAIL
SCALE 1/2"=1'-0"

A-1

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1 PLANNING COMMISSION
2 RESOLUTION NO. 2009-P24

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

7 APPLICATION NO: C-36-08 and C-37-08
8 APPLICANT: APRO # 44
9 LOCATION: 3401 College Boulevard

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms
13 prescribed by the Commission requesting a Conditional Use Permit under the provisions of
14 Articles 11 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:
15 to remodel an existing vehicle service bay for the use of a food-mart, and to construct a car
16 wash with additional building improvements;
17 on certain real property described in the project description.

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 4th day
19 of May, 2009 conduct a duly advertised public hearing as prescribed by law to consider said
20 application;

21 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
22 Guidelines thereto; this project is categorically exempt from CEQA per Class 3 Section 15303
23 "New Construction or Conversion of Small Structures" ;

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

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

28 ///////////////
29 ///////////////
///////////////
///////////////

| 1 | <u>Description</u> | <u>Authority for Imposition</u> | <u>Current Estimate Fee or Calculation Formula</u> |
|----|--|--|---|
| 2 | | | |
| 3 | Parkland Dedication/Fee | Ordinance No. 91-10 Resolution No. 06-R0334-1 | \$3,503 per unit |
| 4 | | | |
| 5 | Drainage Fee | Ordinance No. 85-23 Resolution No. 06-R0334-1 | Depends on area (range is \$2,843-\$15,964 per acre) |
| 6 | | | |
| 7 | Public Facility Fee | Ordinance No. 91-09 Resolution No. 06-R0334-1 | \$2,072 per unit for residential |
| 8 | | | |
| 9 | School Facilities Mitigation Fee | Ordinance No. 91-34 | \$2.63 per square foot residential |
| 10 | | | |
| 11 | Traffic Signal Fee | Ordinance No. 87-19 Resolution No. 06-R0334-1 | \$15.71 per vehicle trip |
| 12 | | | |
| 13 | Thoroughfare Fee | Ordinance No. 83-01 Resolution No. 06-R0334-1 | \$255 per vehicle trip |
| 14 | | | |
| 15 | Water System Buy-in Fees | Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 09-OR 0093-1 | Fee based on 5/8' water meter size. Non-Residential is typically \$4,697 per unit. |
| 16 | | | |
| 17 | | | |
| 18 | Wastewater System Buy-in fees | Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 09-OR 0092-1 | Based on capacity or water meter size. Non-Residential is typically \$6,313 per unit. |
| 19 | | | |
| 20 | | | |
| 21 | San Diego County Water Authority Capacity Fees | SDCWA Ordinance No. 2005-03 | Based on meter size. Non- Residential is typically \$4,492 per unit. |
| 22 | | | |
| 23 | | | |
| 24 | Inclusionary housing in lieu fees—Residential only. | Chapter 14-C of the City Code. | \$1,000 per development project + \$100 per unit plus \$10,275 per unit. |
| 25 | | | |

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

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

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

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

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

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

15 FINDINGS:

16 For the Conditional Use Permit:

- 17 1. That the proposed location of the service station with food-mart and drive-thru car-wash
18 is in accord with the objectives of the Zoning Ordinance and the purposes of the
19 Community Commercial district in which the site is located. As per the Oceanside
20 Zoning Ordinance section 1100 Service Stations and the drive-thru carwash and food-
21 mart use in association with a service station is permitted within Community
22 Commercial District with an approval of a Conditional Use Permit. The proposed car-
23 wash in association with the existing service station would be attached to the proposed
24 food-mart building and will meet the required parking and queue up drive thru spaces
25 requirements as per the Oceanside Zoning Ordinance code section 3100 with the existing
26 10 parking spaces provided on-site.
- 27 2. That the proposed location of the conditional uses and the proposed conditions under
28 which it would be operated or maintained will be consistent with the General Plan; the
29 service station with an attached car-wash and food-mart facility will not be detrimental
to the public health, safety or welfare of persons residing or working in or adjacent to the

1 neighborhood of such use; and will not be detrimental to properties or improvements in
2 the vicinity or to the general welfare of the City. Staff has analyzed the impact of the
3 service station with associated food-mart and car-wash hours-of-operation with the
4 adjacent neighboring commercial uses, and found that the service stations hours-of-
5 operation would not conflict with the primary hours of the adjacent commercial uses.

- 6 3. That the proposed conditional use will comply with the provisions of the Zoning
7 Ordinance and Special Commercial District in which the property is located, including
8 any specific condition required for the proposed conditional use in the district in which it
9 would be located.

10 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
11 approve Conditional Use Permits (C-36-08 and C-37-08) subject to the following conditions:

12 **Building:**

- 13 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
14 Building Division plan check.
- 15 2. The granting of approval under this action shall in no way relieve the applicant/project
16 from compliance with all State and local building codes.
- 17 3. Site development, parking, access into buildings and building interiors shall comply with
18 C.C.R. Title 24, Part 2 (Disabled Access - Nonresidential buildings - D.S.A.).
- 19 4. The building plans for this project are required by State law to be prepared by a licensed
20 architect or engineer and must be in compliance with this requirement prior to submittal
21 for building plan review.
- 22 5. All electrical, communication, CATV, etc. service lines within the exterior lines of the
23 property shall be underground (City Code Sec. 6.30).
- 24 6. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution
25 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or
26 other such lights may be utilized and shall be shown on building and electrical plans.
- 27 7. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
28 plans.
- 29 8. A complete Soils Report, Structural Calculations & Energy Calculations/documentation
will be required at time of plans submittal to the Building Division for plan check.

- 1 9. Setbacks and Type of Construction must comply with the 2007 California Building Code.
- 2 10. Tenant Improvements or other construction to the existing building requires permits
- 3 (including all required Inspections and approvals, and Issuance of Certificate of
- 4 Occupancy) from the Building Division.
- 5 11. The developer shall monitor, supervise and control all building construction and supportive
- 6 activities so as to prevent these activities from causing a public nuisance, including, but not
- 7 limited to, strict adherence to the following:
- 8 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
- 9 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
- 10 work that is not inherently noise-producing. Examples of work not permitted on
- 11 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
- 12 producing nature. No work shall be permitted on Sundays and Federal Holidays
- 13 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
- 14 Christmas Day) except as allowed for emergency work under the provisions of the
- 15 Oceanside City Code Chapter 38 (Noise Ordinance).
- 16 b) The construction site shall be kept reasonably free of construction debris as
- 17 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
- 18 approved solid waste containers shall be considered compliance with this
- 19 requirement. Small amounts of construction debris may be stored on-site in a neat,
- 20 safe manner for short periods of time pending disposal.

21 **Engineering:**

- 22 12. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines
- 23 and Specifications for Landscape Development (latest revision), Water Conservation
- 24 Ordinance No. 91-15, Engineering criteria, City code and ordinances, including the
- 25 maintenance of such landscaping, shall be reviewed and approved by the City Engineer
- 26 prior to the issuance of building permits. Landscaping shall not be installed until bonds
- 27 have been posted, fees paid, and plans signed for final approval. The following
- 28 landscaping requirements shall be required prior to plan approval and certificate of
- 29 occupancy:

- 1 a) Final landscape plans shall accurately show placement of all plant material such
2 as but not limited to trees, shrubs, and groundcovers.
- 3 b) Landscape Architect shall be aware of all utility, sewer, storm drain easement
4 and place planting locations accordingly to meet City of Oceanside requirements.
- 5 c) All required landscape areas shall be maintained by owner. The landscape areas
6 shall be maintained per City of Oceanside requirements.
- 7 d) Proposed landscape species shall be native or naturalized to fit the site and meet
8 climate changes indicative to their planting location. The selection of plant
9 material shall also be based on cultural, aesthetic, and maintenance
10 considerations. In addition proposed landscape species shall be low water users
11 as well as meet all Fire Department requirements.
- 12 e) All planting areas shall be prepared with appropriate soil amendments, fertilizers,
13 and appropriate supplements based upon a soils report from an agricultural
14 suitability soil sample taken from the site.
- 15 f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil
16 from the sun, evapotranspiration and run-off. All the flower and shrub beds
17 shall be mulched to a 3" depth to help conserve water, lower the soil temperature
18 and reduce weed growth.
- 19 g) The shrubs shall be allowed to grow in their natural forms. All landscape
20 improvements shall follow the City of Oceanside Guidelines.
- 21 h) Root barriers shall be installed adjacent to all paving surfaces, where a paving
22 surface is located within six feet of a trees trunk on-site (private) and within 10
23 feet of a trees trunk in the right-of-way (public). Root barriers shall extend five
24 feet in each direction from the centerline of the trunk, for a total distance of 10
25 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around
26 the tree's root ball is unacceptable.
- 27 i) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall
28 obtain planning department approval for these items in the conditions or
29 application stage prior to 1st submittal of working drawings.

- 1 j) For the planting and placement of trees and their distances from hardscape and
2 other utilities/structures the landscape plans shall follow the City of Oceanside's
3 (current) Tree Planting Distances and Spacing Standards.
- 4 k) An automatic irrigation system shall be installed to provide coverage for all
5 planting areas shown on the plan. Low precipitation equipment shall provide
6 sufficient water for plant growth with a minimum water loss due to water run-off.
- 7 l) Irrigation systems shall use high quality, automatic control valves, controllers
8 and other necessary irrigation equipment. All components shall be of non-
9 corrosive material. All drip systems shall be adequately filtered and regulated
10 per the manufacturer's recommended design parameters.
- 11 m) All irrigation improvements shall follow the City of Oceanside Guidelines and
12 Water Conservation Ordinance.
- 13 n) The landscape plans shall match all plans affiliated with the project.
- 14 o) Landscape plans shall comply with Biological and/or Geotechnical reports, as
15 required, shall match the grading and improvement plans, comply with SWMP
16 Best Management Practices and meet the satisfaction of the City Engineer.
- 17 p) Existing landscaping on and adjacent to the site shall be protected in place and
18 supplemented or replaced to meet the satisfaction of the City Engineer.
- 19 q) The old Conceptual Landscape Plan (CLP) from 2003 was deemed sufficient
20 under the condition that the Landscape Improvement Plans would incorporate the
21 design of the CLP.
- 22 r) All landscaping, fences, walls, etc. on the site, in medians within the public right-
23 of-way and within any adjoining public parkways shall be permanently
24 maintained by the owner, his assigns or any successors-in-interest in the property.
25 The maintenance program shall include: a) normal care and irrigation of the
26 landscaping b) repair and replacement of plant materials c) irrigation systems as
27 necessary d) general cleanup of the landscaped and open areas e) parking lots and
28 walkways, walls, fences, etc. Failure to maintain landscaping shall result in the
29 City taking all appropriate enforcement actions including but not limited to

1 citations. This maintenance program condition shall be recorded with a covenant
2 as required by this resolution.

3 s) In the event that the conceptual landscape plan (CLP) does not match the
4 conditions of approval, the resolution of approval shall govern.

5 **Fire:**

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

8 14. A "Knox" key storage box shall be provided for all new construction.

9 15. Fire extinguishers are required and shall be included on the plans submitted for plan
10 check.

11 16. In accordance with the Oceanside Fire Code Section 505, approved addresses for
12 commercial, industrial, and residential occupancies shall be placed on the structure in
13 such a position as to be plainly visible and legible from the street or roadway fronting the
14 property. Numbers shall be contrasting with their background and meet the current City
15 of Oceanside size and design standard.

16 17. Single-family dwellings require four-inch address numbers. Commercial buildings and
17 multi-family dwellings require six-inch address numbers. Industrial buildings require
18 12-inch address numbers. Minimum specifications are set forth in Oceanside Fire Code
19 Section 505.1, and the Fire Marshal may establish other requirements as deemed
20 necessary.

21 18. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
22 approval prior to the issuance of building permits.

23 19. All requirements from Article 25 of the California Fire Code must be met.

24 **Planning:**

25 20. The Conditional Use Permits shall expire on May 4, 2012 unless implemented as required
26 by the Zoning Ordinance.

27 21. The Conditional Use Permits (C-36-08 & C-37-08) approves only the construction of a
28 815-square foot drive thru-car wash and to convert an existing 1,827-square foot auto
29 service bay into a food mart and retail use with minor facade improvements in association
with an existing service station as shown on the plans and exhibits presented to the

1 Planning Commission for review and approval. No deviation from these approved plans
2 and exhibits shall occur without Planning Division approval. Substantial deviations shall
3 require a revision to the Conditional Use Permits or a new Conditional Use Permits.

4 22. Any proposed new signs shall be in conformance with the Oceanside Zone Ordinance.

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

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

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

18 26. Failure to meet any conditions of approval for this development shall constitute a violation
19 of the Conditional Use Permit.

20 27. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
21 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
22 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
23 annul an approval of the City, concerning Conditional Use Permits C-36-08 and C-37-08.
24 The City will promptly notify the applicant of any such claim, action or proceeding
25 against the city and will cooperate fully in the defense. If the City fails to promptly notify
26 the applicant of any such claim action or proceeding or fails to cooperate fully in the
27 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
28 harmless the City.

29 28. 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

1 approval of this project constitutes the applicant's agreement with all statements in the
2 Description and Justification, Management Plan and other materials and information
3 submitted with this application, unless specifically waived by an adopted condition of
4 approval.

5 29. The developer is prohibited from entering into any agreement with a cable television
6 franchisee of the City, which gives such franchisee exclusive rights to install, operate,
7 and or maintain its cable television system in the development.

8 30. The hours-of-operation for retail sales within the mini-mart are subject to 5:00 a.m. to
9 11:30 p.m. and will be subject to review by the Planning Commission if complaints are
10 evident.

11 31. The two Conditional Use Permits shall be called for review by the Planning Commission
12 if complaints are filed and verified as valid by the Code Enforcement Office concerning
13 the violation of any of the approved conditions or assumptions made by the application.

14 **Water Utilities:**

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

19 33. The property owner shall maintain private water and wastewater utilities located on private
20 property.

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

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

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

29 37. No trees, structures or building overhang shall be located within any water or wastewater
utility easement.

1 38. A Grease, Oil, and Sand Interceptor, described by the 2007 California Plumbing Code
2 Chapter 10, relating to garages, gasoline stations, carwash facilities or when deemed
3 necessary shall be installed in each building sewer in an appropriate location and shall be
4 maintained by the property owner. The location shall be called out on the approved
5 Improvement Plans.

6 PASSED AND ADOPTED Resolution No. 2009-P24 on May 4, 2009 by the following

7 vote, to wit:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

12 _____
13 Claudia Troisi, Chairperson
14 Oceanside Planning Commission

15 ATTEST:

16 _____
17 Jerry Hittleman, Secretary

18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
19 this is a true and correct copy of Resolution No. 2009-P24.

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21 Dated: May 4, 2009
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PLANNING COMMISSION
RESOLUTION NO. 2003-P55

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

APPLICATION NO: D-2-03, C-3-03, C-4-03, C-5-03, V-13-03, V-14-03
APPLICANT: New West Petroleum
LOCATION: 3401 College 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 Development Plan (D-2-03), Conditional Use Permits (C-3-03, C-4-03, C-5-03) and Variances (V-13-03, V-14-03) under the provisions of Articles 11, 41 & 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

a remodel of an existing 1,827 square foot service station into a mini-mart, the addition of two pumps and the construction of a 812-square foot drive-through car wash;
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 13th day of October, 2003 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project is not subject to CEQA per the General Rule, Section 15301 (E);

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 | \$2,351 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 \$16,512 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 \$20,214 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 and the Community Commercial zone (CC) by providing a remodel of
15 the existing service station and the addition of a new drive through car wash and gas
16 pumps.
- 17 2. The Development Plan conforms to the General Plan of the City.
- 18 3. The project site can be adequately served by existing public facilities, services and
19 utilities.
- 20 4. The project, as proposed, is compatible with the existing and potential development on
21 adjoining commercial properties or in the surrounding neighborhood.
- 22 5. The site plan and physical design of the project is consistent with the policies contained
23 within Section 1.24 of the Land Use Element of the General Plan.

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

- 25 1. The location of the mini-mart, within the CC commercial zone is in accord with the
26 objectives of the Zoning Ordinance and the purposes of the district in which the site is
27 located.
- 28 2. The proposed use will not be detrimental to properties or improvements in the vicinity or
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 For the Conditional Use Permit for the Addition of Two Pumps:

- 5 1. The location of the mini-mart with the addition of two pumps, within the CC
6 commercial zone is in accord with the objectives of the Zoning Ordinance and the
7 purposes of the district in which the site is located.
8 2. The proposed use will not be detrimental to properties or improvements in the vicinity or
9 to the general welfare of the City.
10 3. The mini-mart is conditioned and is required to comply with all provisions of the Zoning
11 Ordinance. The proposed use is subject to specific operational conditions that will cause
12 the use to operate compatibly with the surrounding land uses.

12 For the Conditional Use Permit for the Drive-Through Car Wash:

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

21 For the Variance for Encroachment into the Frontyard Setback:

- 22 1. Special circumstances or conditions applicable to the development site, including size,
23 shape, topography, location and surroundings warrant the granting of the variance. The
24 dedication of 12-foot of street frontage for the widening of College Boulevard has
25 resulted in the encroachment of the proposed canopy 10-feet into the frontyard setback
26 area. The strict application of the requirements of the Zoning Ordinance deprive such
27 property of privileges enjoyed by other property in the vicinity and under identical
28 zoning classification.

1 2. The proposed 10-foot encroachment into the frontyard setback areas does not make the
2 property or use out-of-character with property improvements in the vicinity. As such,
3 granting the variance will not be detrimental or injurious to property or improvements in
4 the vicinity of the development site, or to the public health, safety or general welfare.

5 3. The granting of the Variance is consistent with the purpose of the Zoning Ordinance and
6 will not constitute a grant of special privilege inconsistent with limitations on other
7 properties in the vicinity and in the same zoning district. The 10-foot encroachment into
8 the frontyard setback area is a direct result of the dedication of 12-foot of street frontage
9 for the widening of College Boulevard.

10 For the Sign Variance:

11 1. Special circumstances or conditions applicable to the development site, including size,
12 shape, topography, location and surroundings warrant the granting of the Variance. The
13 subject site is located approximately 30-feet below the overpass of College Boulevard
14 and the 78 highway. The increased height and size of both the freestanding pylon and
15 monument signs are justified by the special circumstances, location and surroundings of
16 the site. The proposed signage is an existing situation and was approved under a
17 previous Zoning Ordinance and the applicant is not increasing the size or height of the
18 signage. The proposed signage is also consistent in number, height and sizes with
19 similar service stations that front on the Highway 78 corridor. The strict application of
20 the requirements of the Zoning Ordinance deprive such property of privileges enjoyed by
21 other property in the vicinity and under identical zoning classification.

22 2. The proposed signage is consistent with the existing signage along the 78 Highway
23 corridor and the surrounding area. The proposed signage does not make the property or
24 use out-of-character with property improvements in the vicinity. As such, granting the
25 variance will not be detrimental or injurious to property or improvements in the vicinity
26 of the development site, or to the public health, safety or general welfare.

27 3. The granting of the Variance is consistent with the purpose of the Zoning Ordinance and
28 will not constitute a grant of special privilege inconsistent with limitations on other
properties in the vicinity and in the same zoning district. The increased signage is
consistent with the existing signage along the 78 Highway corridor. The subject site

1 location of 30-feet below Highway 78, warrant the proposed signage for line of site and
2 visibility purposes.

3 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
4 approve Development Plan (D-2-03), Conditional Use Permits (C-3-03, C-4-03, C-5-03) and
5 Variances (V-13-03, V-14-03) subject to the following conditions:

6 **Building:**

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

1 as allowed for emergency work under the provisions of the Oceanside City Code
2 Chapter 38 (Noise Ordinance).

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

8 **Engineering:**

- 9 8. With the exception of the driveway approaches approved herewith, vehicular access
10 rights to College Boulevard and Haymar Drive shall be relinquished to the City.
11 9. All right-of-way alignments, street dedications, exact geometrics and widths shall be
12 dedicated and improved as required by the City Engineer and the Transportation Manager.
13 10. Design and construction of all improvements shall be in accordance with standard plans,
14 specifications of the City of Oceanside and subject to approval by the City Engineer.
15 11. Prior to issuance of a building permit all improvement requirements shall be covered by a
16 development agreement and secured with sufficient improvement securities or bonds
17 guaranteeing performance and payment for labor and materials, setting of monuments,
18 and warranty against defective materials and workmanship.
19 12. The approval of the project shall not mean that closure, vacation, or abandonment of any
20 public street, right-of-way, easement, or facility is granted or guaranteed to the applicant.
21 The applicant is responsible for applying for all closures, vacations, and abandonments as
22 necessary. The application(s) shall be reviewed and approved or rejected by the City
23 under separate process(es) per codes, ordinances, and policies in effect at the time of the
24 application.
25 13. Prior to approval of the first engineering drawing or issuance of a building permit a phasing
26 plan for the construction of public and private improvements including landscaping, streets
27 and arterials shall be approved by the City Engineer. All required improvements shall be
28 constructed to the satisfaction of the City Engineer prior to the issuance of any building
permits. All improvements shall be completed prior to issuance of any certificates of
occupancy.

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

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

13 a) Dirt, debris and other construction material shall not be deposited on any public
14 street or within the City's storm water conveyance system.

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

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

27 16. All traffic signal contributions, highway thoroughfare fees, park fees, reimbursements,
28 and/or 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

1 special district affecting or affected by this project. Approval of the project shall constitute
2 the developer's approval of such payments, and his agreement to pay for any other similar
3 assessments or charges in effect when any increment is submitted for final map or building
4 permit approval, and to join, contribute, and/or participate in such districts.

5 17. The streets along the development's frontage shall be improved with curbs and gutters.

6 18. All streets shall provide a minimum of 10 feet parkway between the face of curb and the
7 right-of-way line. Sidewalk improvements shall comply with ADA requirements. The
8 sidewalk's location in the parkway shall be approved by the Transportation Manager.

9 19. College Boulevard shall be dedicated as 6-lane Prime arterial with 124-foot right-of-way
10 (62 feet from the right-of-way centerline on the project's side). Pavement width shall be
11 determined by the City Transportation Manager.

12 20. The pavement sections, traffic indices, alignments, and all geometrics shall meet public
13 street standards.

14 21. The developer shall contract with an engineering firm to perform R-value testing of the
15 existing pavement on the adjacent streets. The limits of the study shall be 1/2 street width
16 plus 12 feet along the development's frontage. The Developer shall submit a study that
17 shall analyze whether the existing pavement meets current City standards/traffic indices.
18 If the study concludes that the pavement does not meet City standards/traffic indices,
19 rehabilitation/mitigation recommendations shall be included in the study and the
20 Developer shall reconstruct the street per the recommendations to the satisfaction of the
21 City Engineer.

22 22. A handicap ramp shall be installed at the curb return at the corner of College Boulevard and
23 Haymar Drive per current City standard.

24 23. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon
25 approved soil tests and traffic indices. The pavement design is to be prepared by the
26 developer's/subdivider's Soil Engineer and must be approved by the City Engineer, prior to
27 paving.

28 24. 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.

- 1 25. No overhead utility lines or services within the property and/or within any full width street
2 or right-of-way abutting the project site, including but not limited to, electrical, cable and
3 telephone facilities, will be permitted per Section 901.G. of the Subdivision Ordinance
4 (R91-166) and as required by the City Engineer and current City policy.
- 5 26. The developer shall comply with all the provisions of the City's cable television ordinances
6 including those relating to notification as required by the City Engineer.
- 7 27. The developer shall install 2 inch PVC conduit, together with 1/4-inch pull- rope and pull-
8 boxes at 400 feet intervals for future signal interconnect cable on all arterial-level or above,
9 streets.
- 10 28. Grading and drainage facilities shall be designed and installed to adequately accommodate
11 the local storm water run-off and shall be in accordance with the City's Engineers Manual
12 and as directed by the City Engineer.
- 13 29. The applicant shall obtain any necessary permits and clearances from all public agencies
14 having jurisdiction over the project due to its type, size, or location, including but not
15 limited to the U.S. Army Corps of Engineers, California Department of Fish and Game,
16 U.S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
17 (including NPDES), San Diego County Health Department, prior to the issuance of grading
18 permits.
- 19 30. Prior to any grading of any part of the project, a comprehensive soils and geologic
20 investigation shall be conducted of the soils, and formations in the project. All necessary
21 measures shall be taken and implemented to assure slope stability, erosion control, and soil
22 integrity. No grading shall occur until a detailed grading plan, to be prepared in accordance
23 with the Grading Ordinance and Zoning Ordinance, is approved by the City Engineer.
- 24 31. This project shall provide year-round erosion control including measures for the site
25 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
26 control plan, designed for all proposed stages of construction, shall be reviewed, secured by
27 the applicant with cash securities and approved by the City Engineer.
- 28 32. A precise grading and private improvement plan shall be prepared, reviewed, secured and
approved prior to the issuance of any building permits. The plan shall reflect all pavement,
flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, signage,

1 footprints of all structures, walls, drainage devices and utility services. Parking lot striping
2 and any on-site traffic calming devices shall be shown on all Precise Grading and Private
3 Improvement Plans.

4 33. Landscaping plans, including plans for the construction of walls, fences or other structures
5 at or near intersections, must conform to intersection sight distance requirements.
6 Landscape and irrigation plans for disturbed areas must be submitted to the City Engineer
7 prior to the issuance of a preliminary grading permit and approved by the City Engineer,
8 prior to the issuance of building permits. Frontage and median landscaping shall be
9 installed prior to the issuance of any building permits. Project fences, sound or privacy
10 walls and monument entry walls/signs shall be designed, reviewed and constructed by the
11 landscape plans and shown for location only on grading plans. Plantable, segmental walls
12 shall be designed, reviewed and constructed by the grading plans and landscaped/irrigated
13 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.

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

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

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

26 37. The development shall comply with all applicable regulations established by the United
27 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
28 Discharge Elimination System (N.P.D.E.S.) permit requirements for urban run-off and

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

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

19 39. The Developer/Applicant shall submit an Operations & Maintenance (O&M) Plan and
20 Manual to the Engineering Division with the first submittal of engineering plans. The
21 Plan and the Manual shall be prepared by the applicant's Civil Engineer. It shall be
22 directly based on the project's Storm Water Mitigation Plan (SWMP) previously
23 approved by the project's approving authority (Planning Commission/City Council). It
24 shall be approved by the City Engineer prior to approval of any plans by the Engineering
25 Division. At a minimum the O&M Plan and Manual shall describe the designated
26 responsible parties to manage the storm water BMP(s), employee's training program and
27 duties, operating schedule, maintenance frequency, routine service schedule, specific
28 maintenance activities, copies of resource agency permits, and any other necessary
activities. Construction-phase requirements proposed in the Plan and Manual shall be

1 incorporated in and referenced by the project's Erosion Control Plans to the satisfaction
2 of the City Engineer prior to approval of any construction plans for the project.

3 40. The Developer/Applicant shall enter into a City-Standard Stormwater Facilities
4 Maintenance Agreement with the City obliging the project proponent to maintain, repair
5 and replace the storm water Best Management Practices (BMPs) identified in the
6 project's approved Storm Water Mitigation Plan (SWMP), as detailed in the O&M Plan
7 and Manual into perpetuity. The Agreement shall be approved by the City Attorney prior
8 to issuance of any precise grading permit and shall be recorded at the County Recorder's
9 Office prior to issuance of any building permit. Security in the form of a cash or an
10 irrevocable letter of credit shall be required prior to issuance of a precise grading permit.
11 The amount of the security shall be equal to 10 years of maintenance costs. The O&M
12 cost estimate shall be prepared by the applicant's Civil Engineer. The O&M cost
13 estimate shall be approved by the City Engineer prior to approval of any engineering
14 plans for the project.

15 41. The City requires that a copy of the Operation & Maintenance (O&M) Plan and Manual
16 approved by the City Engineer be attached to the approved Maintenance Agreement prior
17 to its review by the City Attorney. At a minimum, maintenance agreements shall require
18 the inspection and servicing of all structural BMPs on an annual basis. The project
19 proponent shall complete and maintain O&M forms to document all maintenance
20 requirements. Parties responsible for the O&M plan shall retain records for at least 5
21 years. These documents shall be made available to the City for inspection upon request at
22 any time.

23 42. The Agreement shall include a copy of executed onsite 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 storm water BMP requiring access is replaced, satisfactory
27 to the City Engineer.

28 43. The type, model, or dimensions of the BMPs described in the project's approved Storm
Water Mitigation Plan (SWMP) shall not be altered in any way, shape or form without

1 formal approval by the project's final approving authority the Planning Commission, at a
2 public hearing, if such hearing was required for the approval of the project.

3 44. Parking space dimensions, aisle widths and turning radiuses within the project parking lot
4 shall conform to the Parking Lot Layout Guide (Drawing T-4) in the City of Oceanside
5 Engineering Manual.

6 45. The existing project driveways closest to the intersection of College Boulevard at Plaza
7 Drive shall be removed. New project driveways shall be installed on College Boulevard
8 and on Haymar Drive in accordance with San Diego Regional and City of Oceanside
9 standards.

10 46. Sight distance requirements at the new project driveways onto College Boulevard and
11 Haymar Drive shall conform to the intersection corner sight distance criteria as provided
12 by the California Department of Transportation Highway Design Manual.

13 47. Areas of the existing parking lot that are damaged or are in poor condition shall be repaired
14 to provide safe circulation within the project site.

15 48. A traffic control plan shall be prepared according to the City traffic control guidelines and
16 be submitted to and approved by the Transportation Manager prior to the start of work
17 within open City rights-of-way. Traffic control during construction of streets that have been
18 opened to public traffic shall be in accordance with construction signing, marking and other
19 protection as required by the Caltrans Traffic Manual and City Traffic Control Guidelines.

20 49. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved
21 otherwise.

22 50. A haul route shall be obtained at least 7 days prior to the start of hauling operations and
23 must be approved by the Transportation Manager. Hauling operations shall be 8:00 a.m.
24 to 3:30 p.m. unless approved otherwise.

25 **Fire:**

26 51. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval
27 prior to the issuance of building permits.

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

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

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

5 **Planning:**

6 55. This Development Plan, Conditional Use Permits and Variances shall expire on October 13,
7 2005, unless the Planning Commission grants a time extension.

8 56. This Development Plan, Conditional Use Permits and Variances approves only a remodel of
9 an existing 1,827-square foot service station into a mini-mart, the addition of two pumps
10 and the construction of a 812-square foot drive-through car wash as shown on the plans and
11 exhibits presented to the Planning Commission for review and approval. No deviation from
12 these approved plans and exhibits shall occur without Planning Department approval.
13 Substantial deviations shall require a revision to the Development Plan, Conditional Use
14 Permits and Variances or a new Development Plan, Conditional Use Permits and Variances.

15 57. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
16 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
17 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
18 annul an approval of the City, concerning Development Plan D-2-03, Conditional Use
19 Permits C-3-03, C-4-03 and C-5-03 and Variances V-13-03 and V-14-03. The City will
20 promptly notify the applicant of any such claim, action or proceeding against the city and
21 will cooperate fully in the defense. If the City fails to promptly notify the applicant of
22 any such claim action or proceeding or fails to cooperate fully in the defense, the
23 applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the
24 City.

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

59. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water
Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall be

1 reviewed and approved by the City Engineer and Planning Director prior to the issuance of
2 building permits. Landscaping shall not be installed until bonds have been posted, fees
3 paid, and plans signed for final approval. The following special landscaping requirements
4 shall be met:

- 5 a) Parkway tree plantings along arterial roads shall be a minimum of two-inch
6 diameter trees so as to ensure a mature landscape theme is achieved in a reasonable
7 amount of time.
- 8 b) Arterial street trees in parkways shall be planted at a minimum of 30 feet on center,
9 each side of street, as a solitary planting. Approved root barriers shall be
10 incorporated.

11 60. All landscaping, fences, walls, etc. on the site, in any adjoining public parkways shall be
12 permanently maintained by the owner, his assigns or any successors in interest in the
13 property. The maintenance program shall include normal care and irrigation of the
14 landscaping; repair and replacement of plant materials; irrigation systems as necessary; and
15 general cleanup of the landscaped and open areas, parking lots and walkways, walls, fences,
16 etc. Failure to maintain landscaping shall result in the City taking all appropriate
17 enforcement actions by all acceptable means including but not limited to citations and/or
18 actual work with costs charged to or recorded against the owner. This condition shall be
19 recorded with the covenant required by this Resolution.

20 61. A trash enclosure must be provided as required by Chapter 13 of the City Code and shall
21 also include additional space for storage and collection of recyclable materials per City
22 standards. Recycling is required by City Ordinance. The enclosure must be built in a flat,
23 accessible location as determined by the City Engineer. The enclosure shall meet City
24 standards including being constructed of concrete block, reinforced with Rebar and filled
25 with cement. A concrete slab must be poured with a berm on the inside of the enclosure to
26 prevent the bin(s) from striking the block walls. The slab must extend out of the enclosure
27 for the bin(s) to roll out onto. Steel posts must be set in front of the enclosure with solid
28 metal gates. All driveways and service access areas must be designed to sustain the weight
of a 50,000-pound service vehicle. Trash enclosures and driveways and service access areas
shall be shown on both the improvement and landscape plans submitted to the City

1 Engineer. The specifications shall be reviewed and approved by the City Engineer. The
2 City's waste disposal contractor is required to access private property to service the trash
3 enclosures, a service agreement must be signed by the property owner and shall remain in
4 effect for the life of the project. All trash enclosures shall be designed to provide user
5 access without the use and opening of the service doors for the bins. Trash enclosures shall
6 have design features such as materials and trim similar to that of the rest of the project. This
7 design shall be shown on the landscape plans and shall be approved by the Planning
8 Director.

9 62. A covenant or other recordable document approved by the City Attorney shall be prepared
10 by the applicant and recorded prior to issuance of building permits. The covenant shall
11 provide that the property is subject to this Resolution, and shall generally list the conditions
12 of approval.

13 63. The project shall prepare a Management Plan. The Management Plan is subject to the
14 review and approval of the Planning Director and the Police Chief prior to the occupancy of
15 the project, and shall be recorded as CC&R's against the property. The Management Plan
16 shall cover the following:

- 17 a) Security - The Management Plan, at a minimum, shall address on-site management,
18 hours-of-operation and measures for providing appropriate security for the project
19 site.
- 20 b) Maintenance - The Management Plan shall cover, but not be limited to anti-
21 graffiti and site and exterior building, landscaping, parking lots, sidewalks,
22 walkways and overall site maintenance measures and shall ensure that a high
23 standard of maintenance at this site exists at all times. The maintenance portion
24 of the management plan shall include a commitment for the sweeping and
25 cleaning of parking lots, sidewalks and other concrete surfaces at sufficient
26 intervals to maintain a "like new" appearance. Wastewater, sediment, trash or
27 other pollutants shall be collected on site and properly disposed of and shall not be
28 discharged off the property or into the City's storm drain system.

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

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

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

14 66. Failure to meet any conditions of approval for this development shall constitute a violation
15 of the Conditional Use Permits, Development Plan and Variances.

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

22 68. This Conditional Use Permit shall be called for review by the Planning Commission if
23 complaints are filed and verified as valid by the Code Enforcement Office concerning the
24 violation of any of the approved conditions or assumptions made by the application.

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

28 70. Elevations, siding materials, colors, roofing materials and floor plans shall be
substantially the same as those approved by the Planning Commission. These shall be
shown on plans submitted to the Building Department and Planning Department.

Water Utilities:

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

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

73. The property owner shall maintain private water and wastewater utilities located on private property.

74. A separate irrigation meter is required and approved backflow prevention device is required.

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

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

77. A Grease, Oil, and Sand Interceptor described by Uniform Plumbing Code relating to garages and wash racks shall be installed in each building sewer in an appropriate location, and the location shall be called out on the approved improvement plans.

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

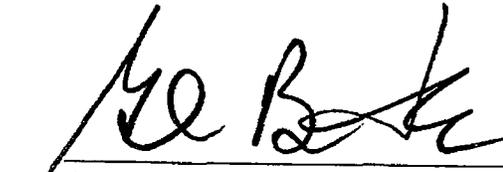
3 PASSED AND ADOPTED Resolution No. 2003-P55 on October 13, 2003 by the
4 following vote, to wit:

5 AYES: Barrante, Chadwick, Nack, Neal, Todd, Parker, and
6 Schaffer

7 NAYS: None

8 ABSENT: None

9 ABSTAIN: None

10 
11 _____
George Barrante, Chairman
Oceanside Planning Commission

12 ATTEST:

13 
14 _____
15 Gerald S. Gilbert, Secretary

16 I, GERALD S. GILBERT, Secretary of the Oceanside Planning Commission, hereby certify that
17 this is a true and correct copy of Resolution No. 2003-P55.

18 Dated: October 13, 2003
19
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28

RECEIVED
MAR 25 2003

**EXXON #1024 - REMODEL
LEGAL DESCRIPTION**

Planning Department

Parcel 2 of Parcel Map No. 9417, in the City of Oceanside, County of San Diego, State of California, filed in the office of the County Recorder of San Diego County, November 21, 1979 as File/Page No. 79-493053 of Official Records, together with that portion of the Westerly Half of College Boulevard lying Easterly of and adjoining said parcel 2 on the East and lying between the Easterly prolongations of the Northerly and Southerly lines of said Parcel 2.



CITY OF OCEANSIDE
PLANNING DEPARTMENT

NOTICE OF EXEMPTION

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

PROJECT TITLE AND FILE NUMBER:
EXXON SERVICE STATION REMODEL (D-2-03, C-3-03, C-4-03, C-5-03)

PROJECT LOCATION - SPECIFIC:
APN 168-011-03

PROJECT LOCATION - GENERAL:
City of Oceanside

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:
Remodel of an existing gas station (add 2 new pumps, convert 2 service bays and sales area into a single food mart) and the addition of an automated car wash with associated site landscaping.

NAME OF PUBLIC AGENCY APPROVING PROJECT:
City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:
New West Petroleum
1831 Sixteenth Street
Sacramento, CA 95810
760-722-1474

Exempt Status per the Guidelines to Implement the California Environmental Quality Act (CEQA)
(Public Resources Code Section 21000 et. al.):

NOT SUBJECT TO CEQA PER THE GENERAL RULE, SECTION 15061(B)(3)

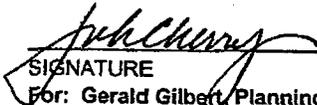
STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION(S) 15301(e)

REASONS WHY PROJECT IS EXEMPT:

The project involves only the minor alteration of the interior of an existing facility involving an expansion of less than 10,000 square feet.

Contact Person: Juliana von Hacht, Planner I


SIGNATURE
For: Gerald Gilbert, Planning Director

April 18, 2003
DATE

Application Data Sorted by Most Recent Date Received

Date Received
 3/25/2003
 Fee Status
 2003-P65
 Building Plan ID
 Recorded Covenant
 Automatic Meters
 Substantial Conformance

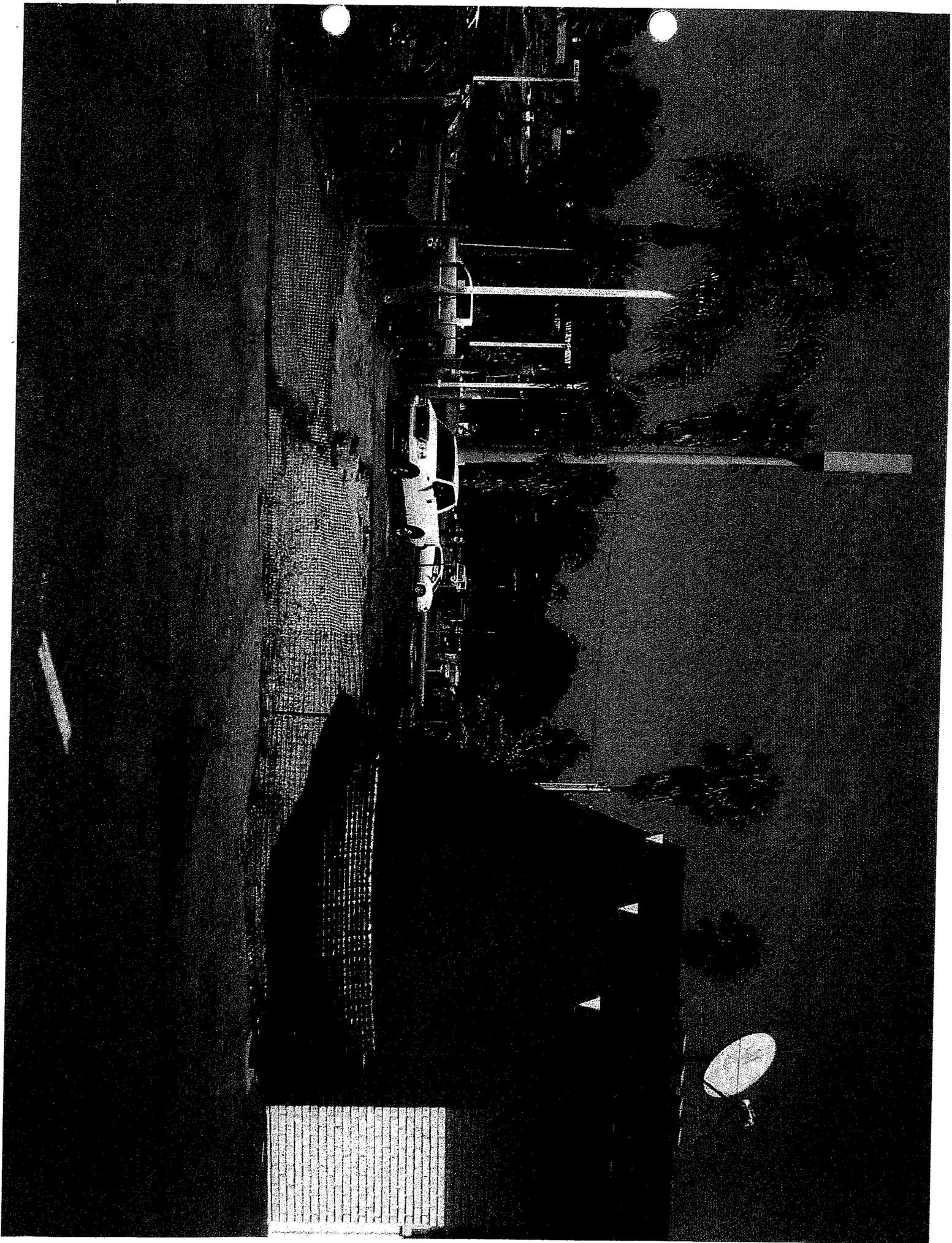
Project Name
 Exxon Service Station Remodel
 Applicant No
 D-2-03, C-3-03, C-4-03, C-5-03, V-13-03, V-14-03

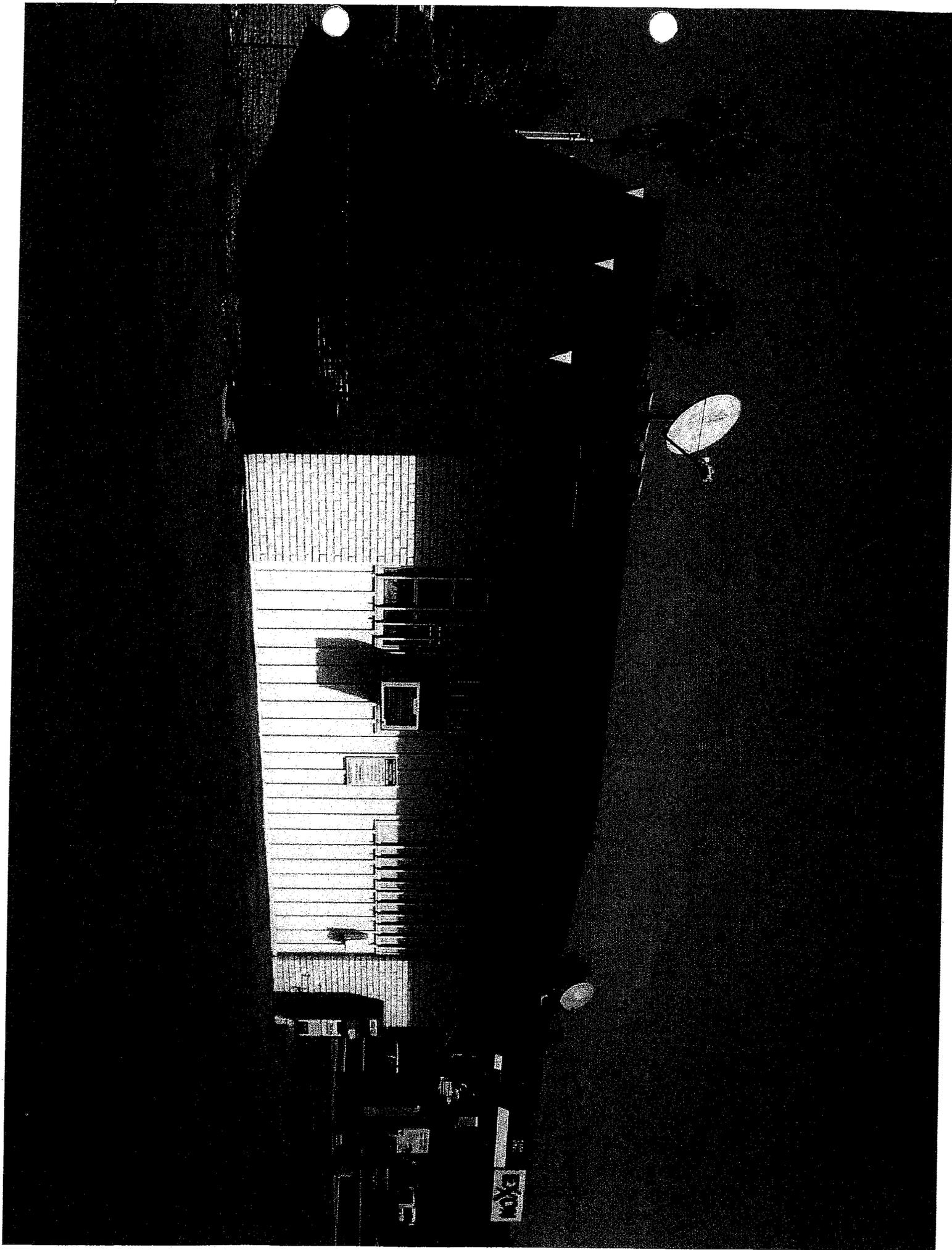
Applicant Name
 New West Petroleum
 Address
 1831 16th St
 Telephone
 (760) 431-1474
 City
 Sacramento
 State
 CA
 Postal Code
 95810

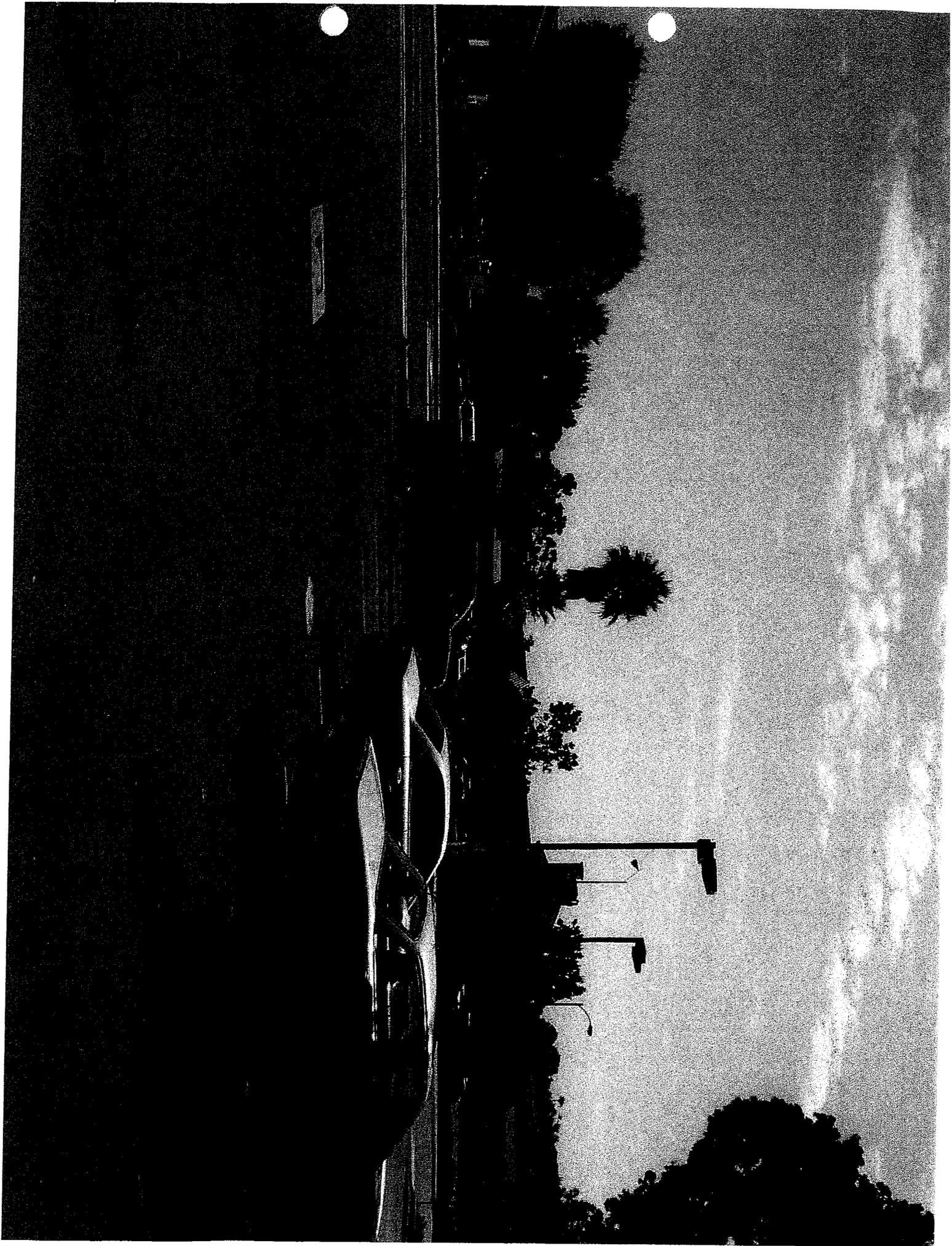
Applicant's Representative
 The Lightfoot Planning Group
 Rep's Address
 702 Civic Center Dr
 Rep's Telephone
 (760) 692-1924
 Rep's City
 Oceanside
 Rep's State
 CA
 Rep's Zip Code
 92054

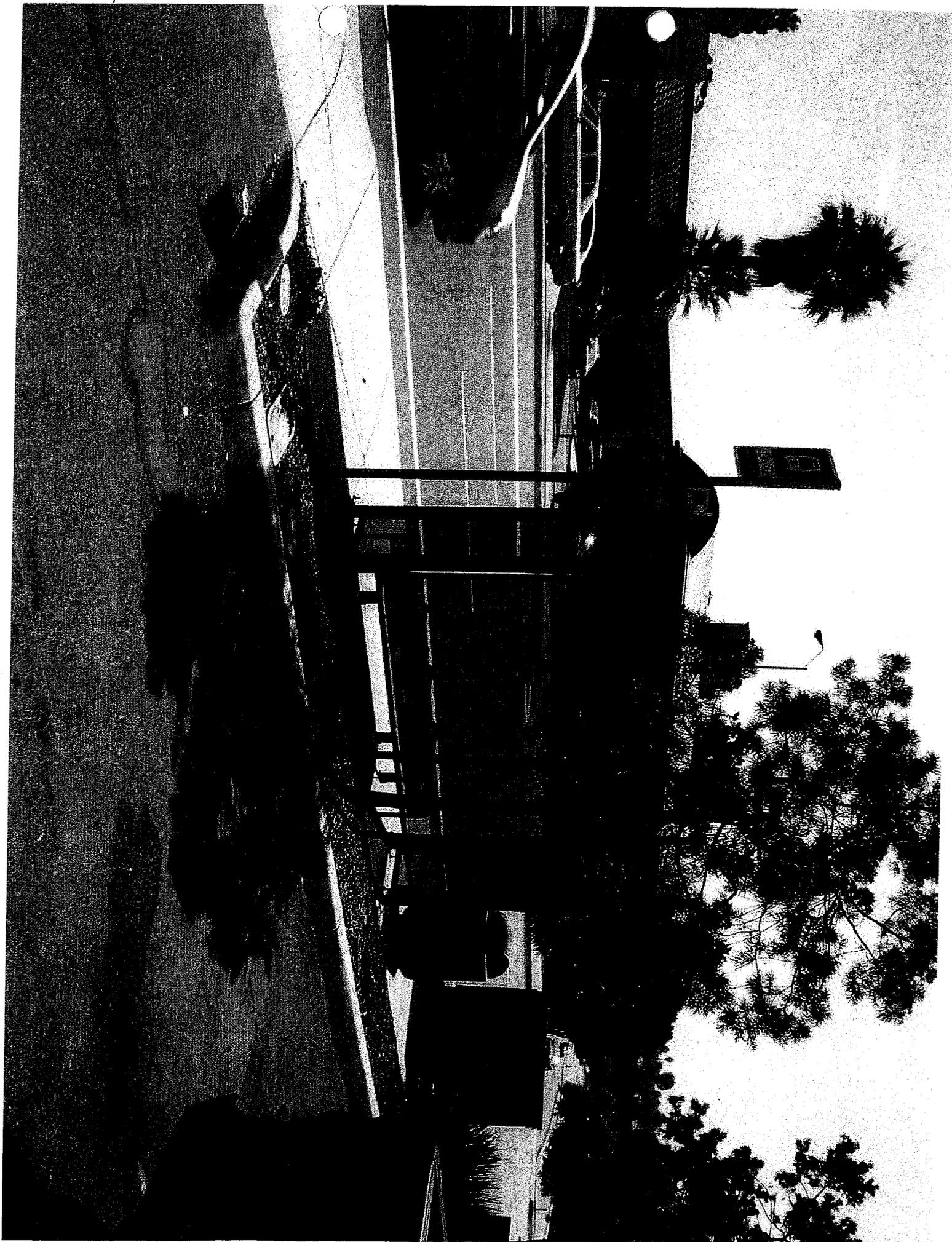
Location | 3401 College Blvd
 Request/Comments
 automatic car wash, 2 new pumps, covert 2 service bays & sales area into a single food mart. 956 SF new

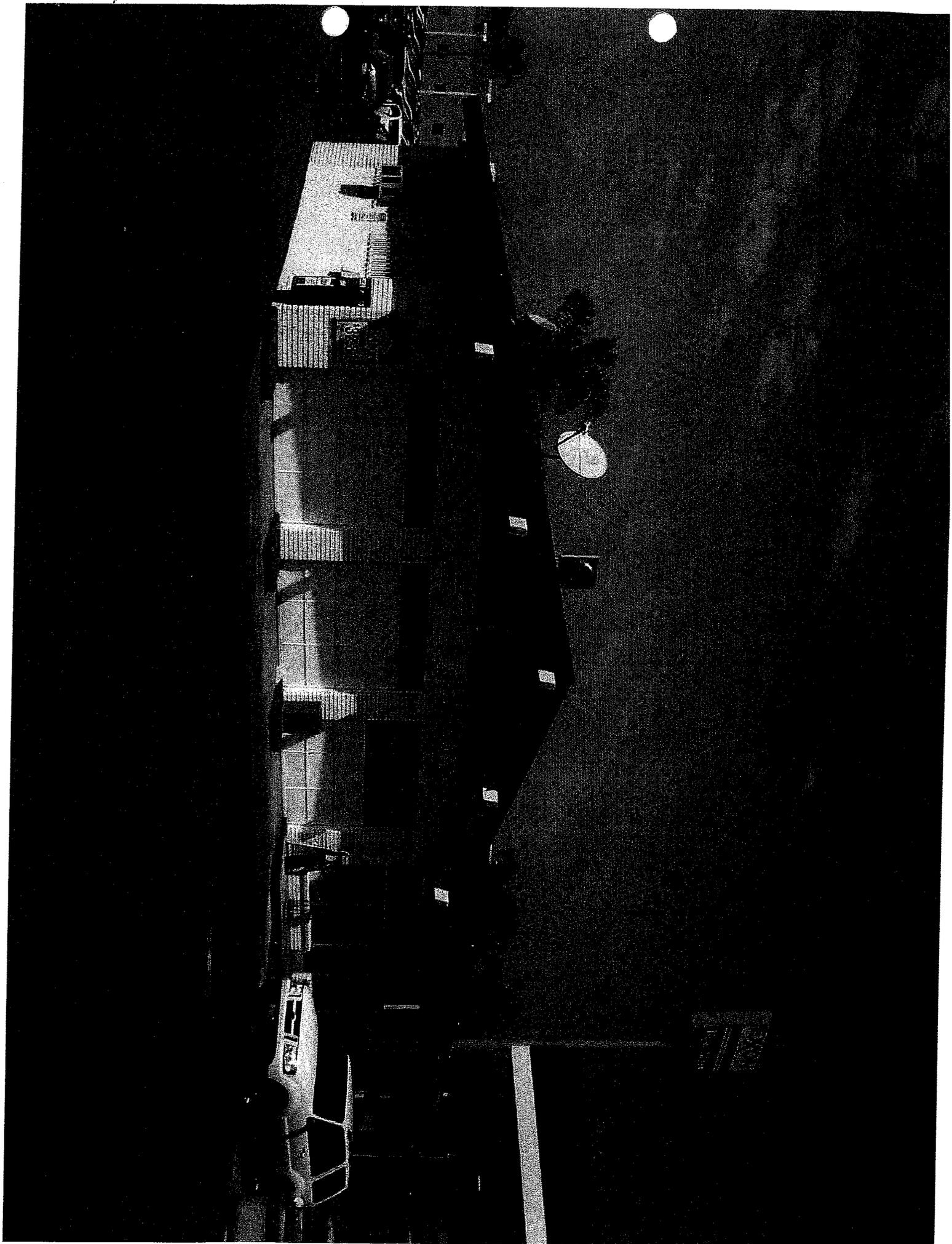
Fee Unit
 Site AC 0.68
 Sewer 1.971
 APN
 168-011-03

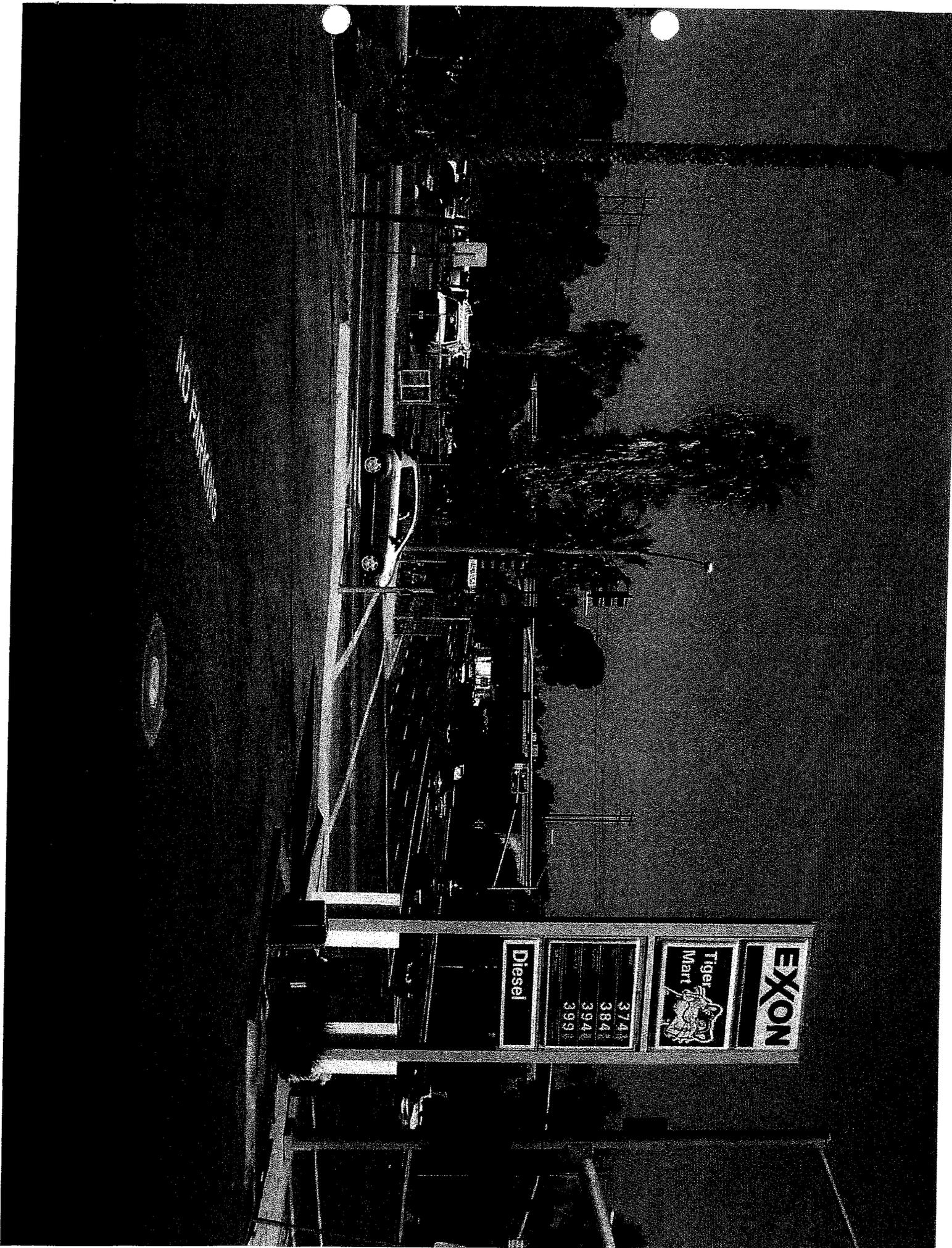










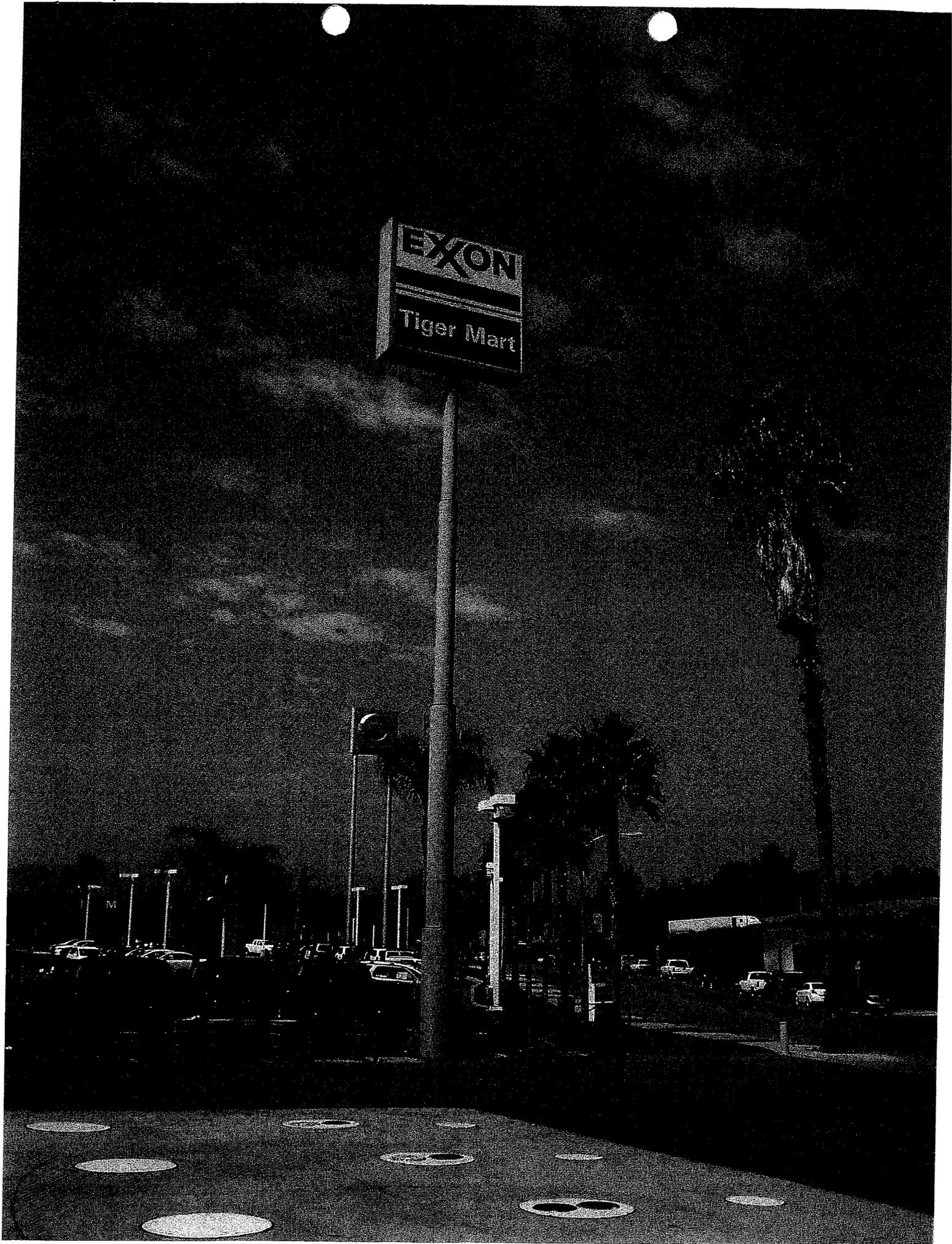


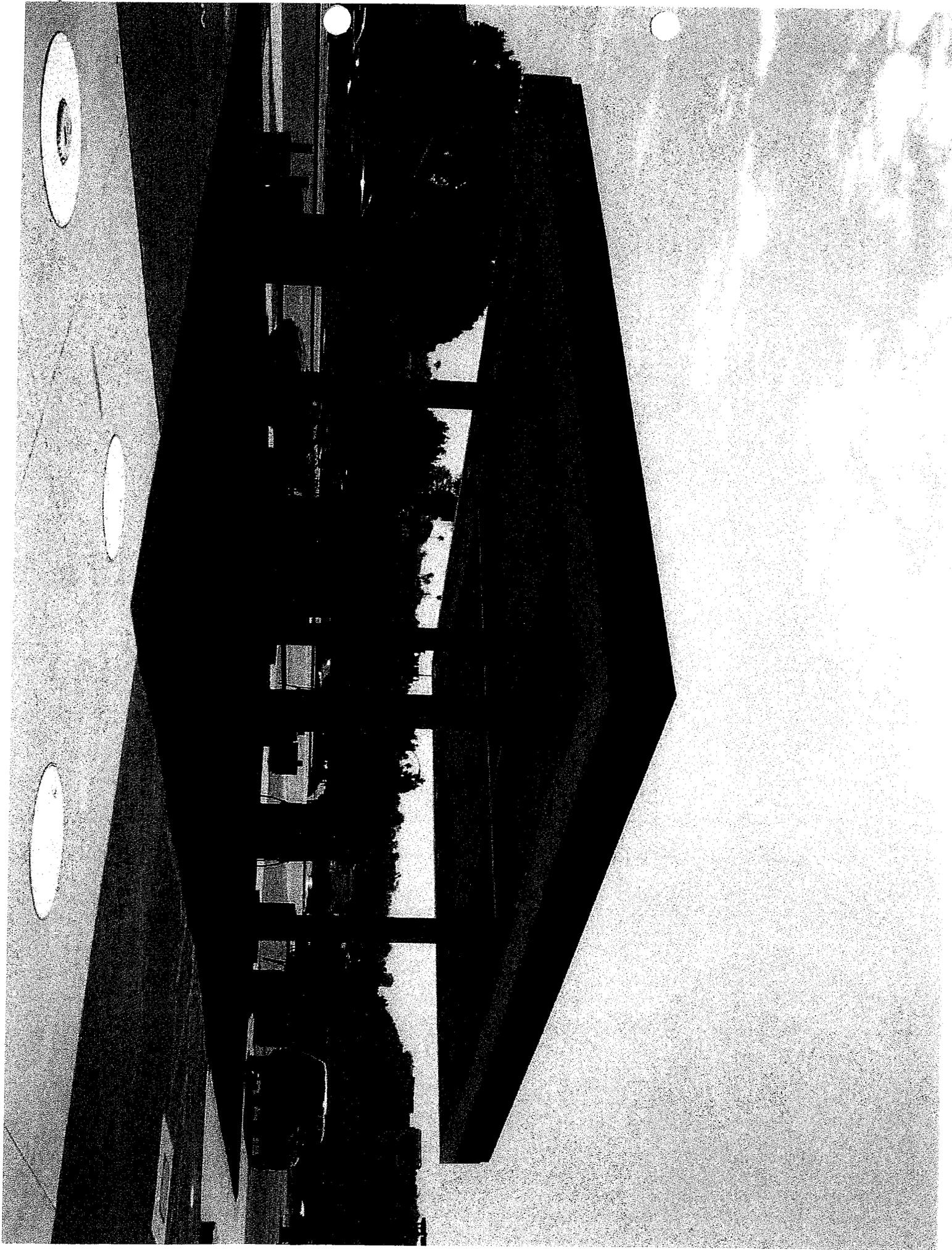
EXXON

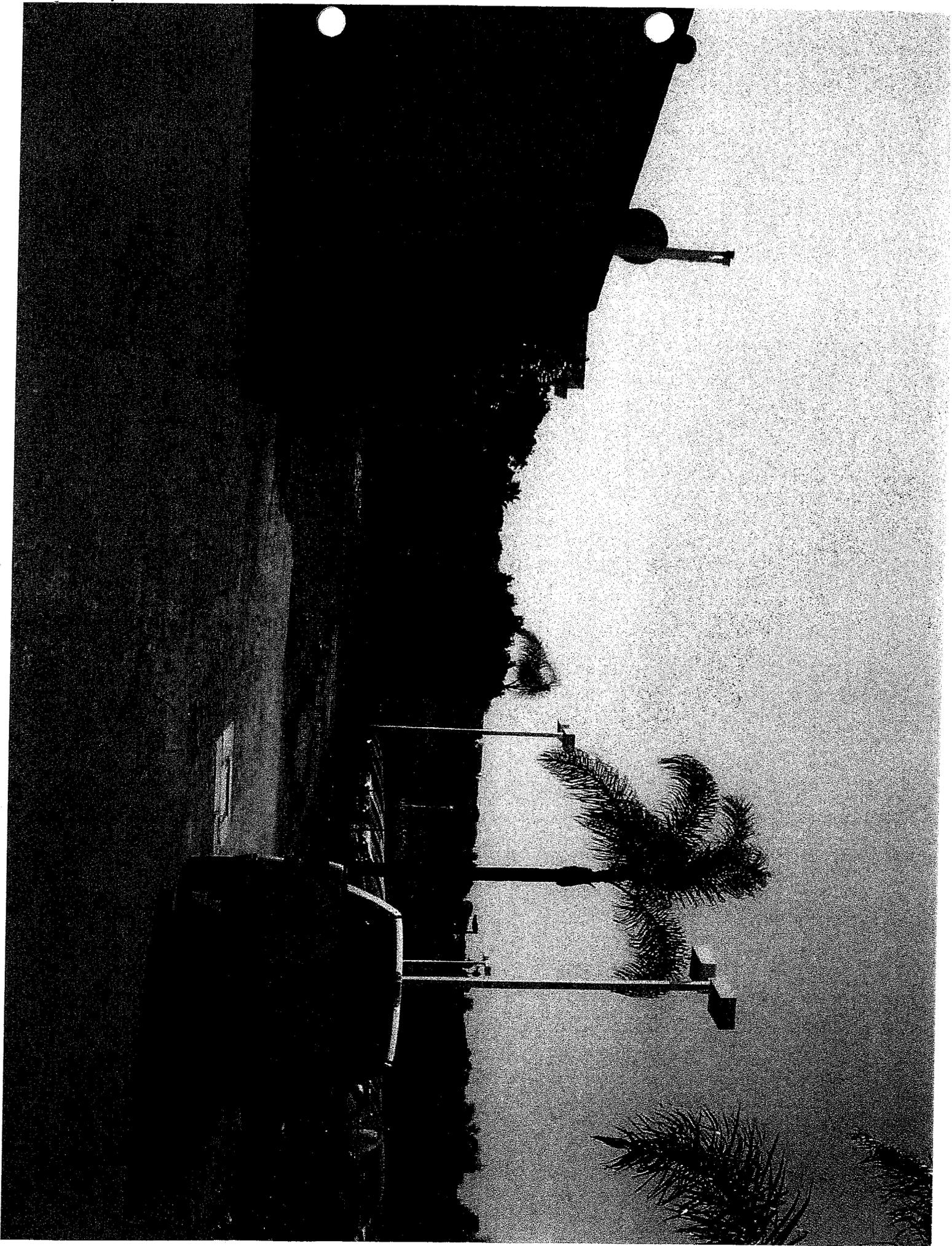


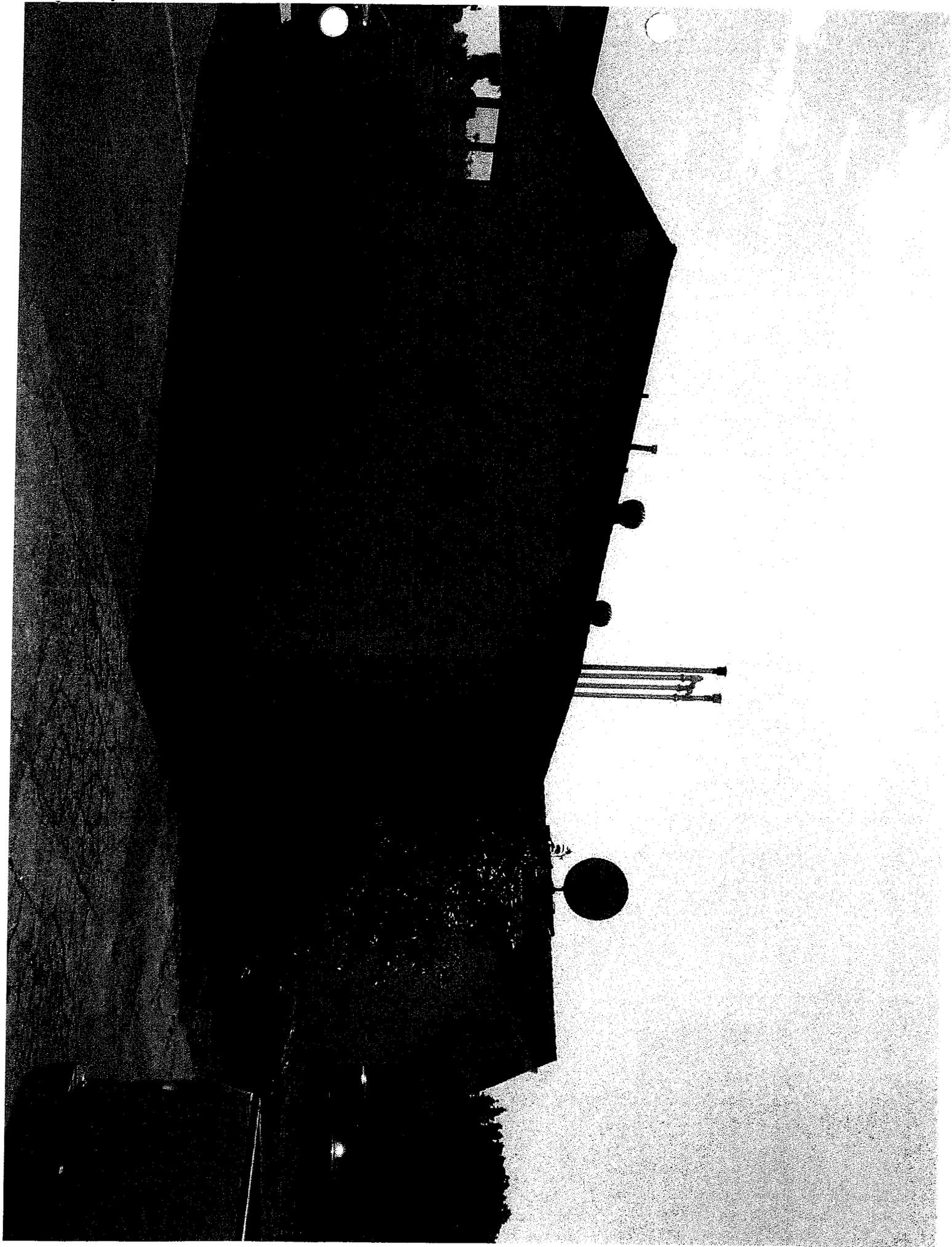
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| 384¢ |
| 394¢ |
| 399¢ |

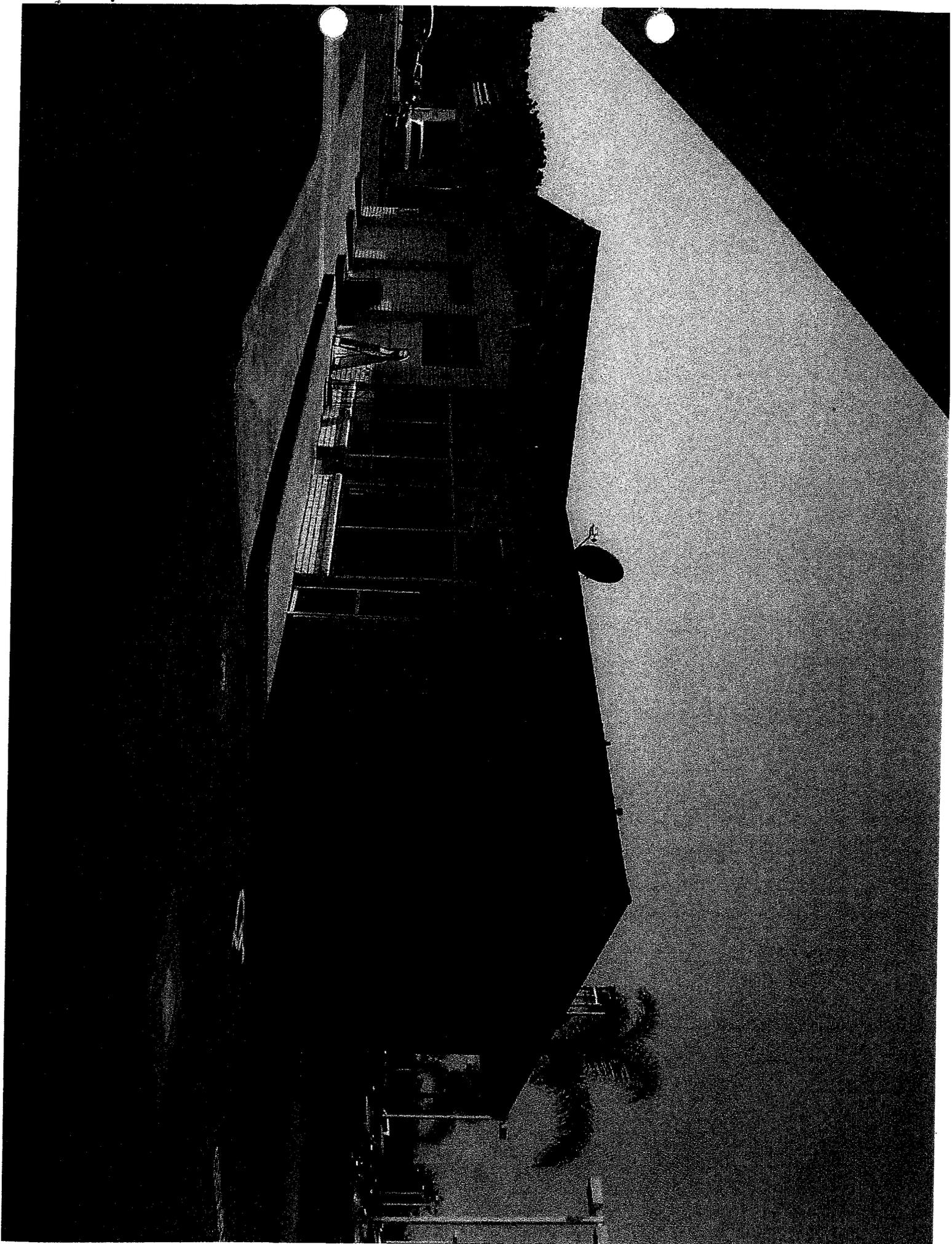
Diesel

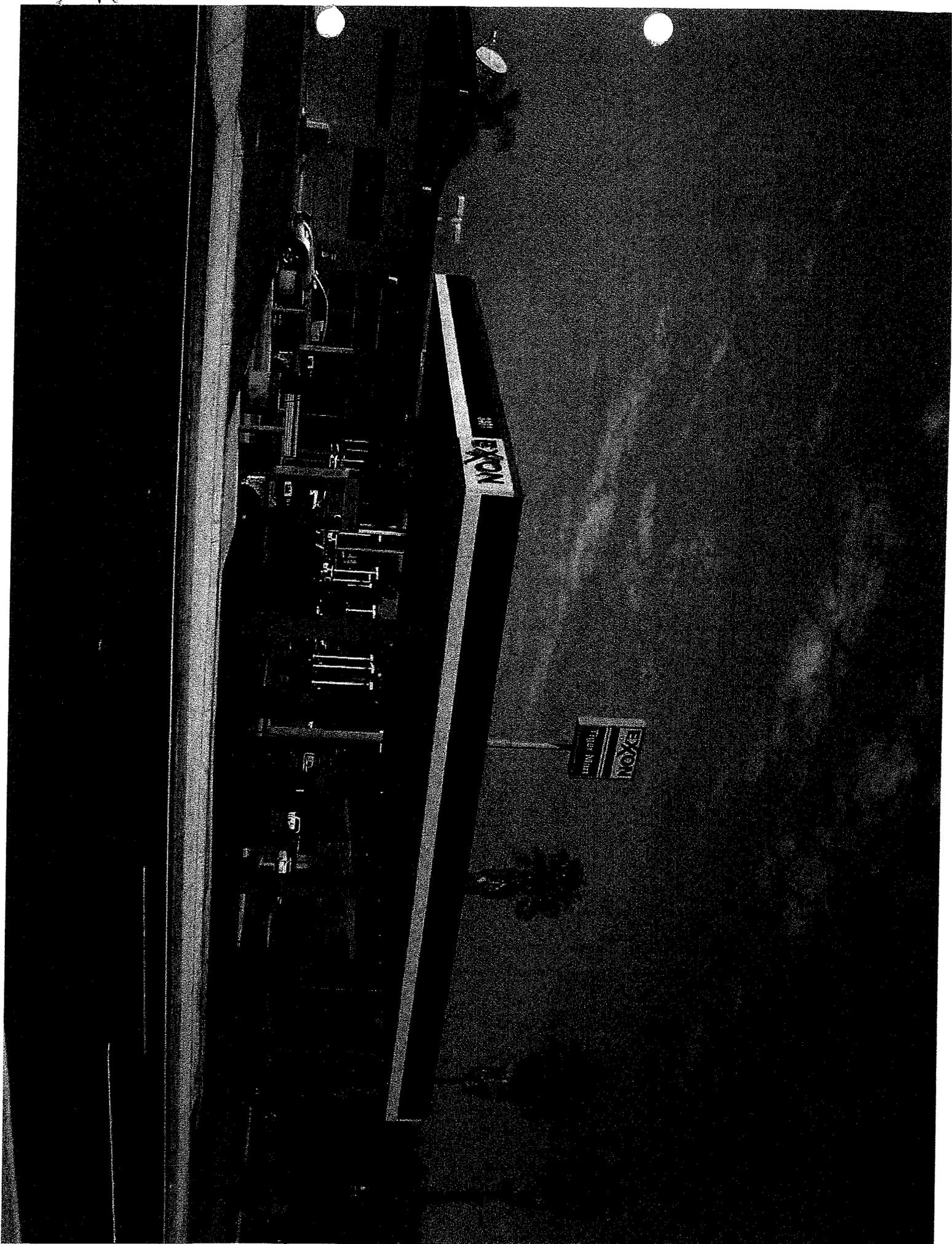


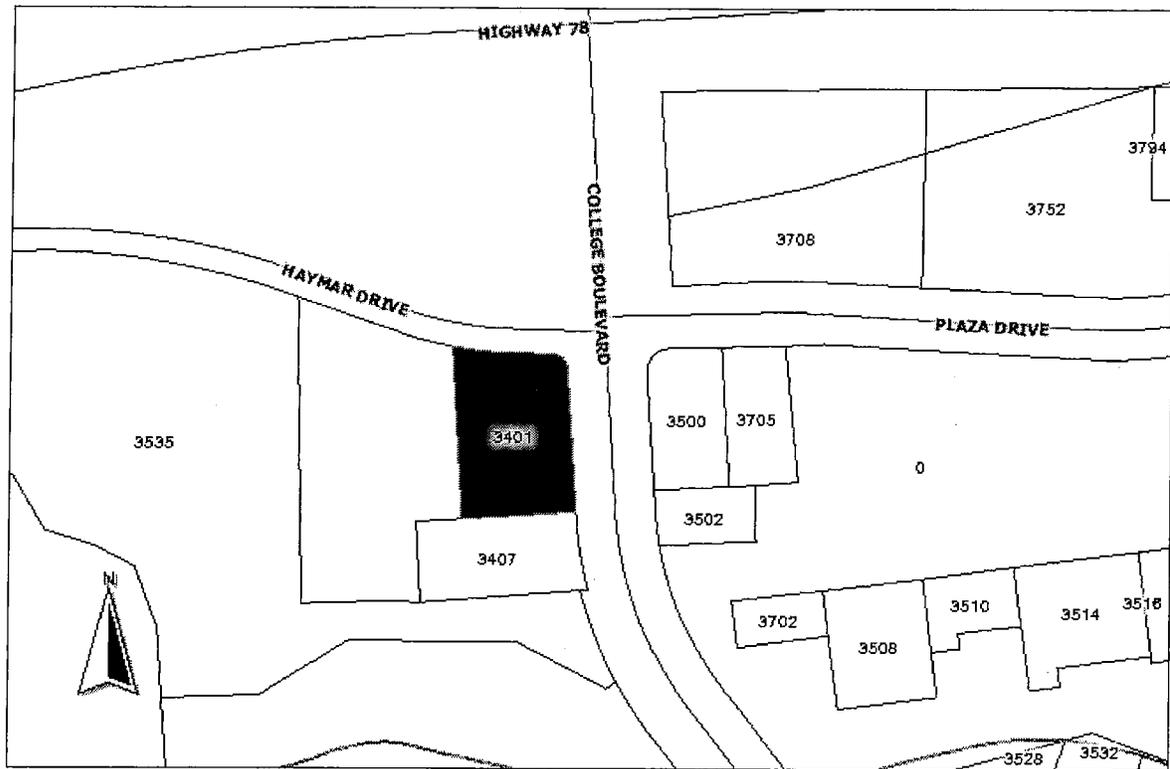












File Number: C-36-08

Applicant: APRO LLC #44

Description:

CONDITIONAL USE PERMITS (C-36-08 and C-37-08) for the construction of a 815-square foot drive-thru carwash, and to convert an existing 1,827-square foot service bay into a food mart and retail use for an existing gas station located at 3401 College Boulevard. The project site is zoned CC (Community Commercial) and is situated within the Lake Neighborhood. – **EXXON # 44**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

City of Oceanside, Planning Division
300 N. Coast Highway
Oceanside, CA 92054 (760) 435-3520

Application for Public Hearing

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

Received
 NOV 08 2008
 Planning Division

STAFF ONLY

ACCEPTED

11/18/08
 Received

NOV 18 2008

Planning Division

BY
 SN.

Please Print or Type All Information

PART I - APPLICANT INFORMATION

| | |
|--|---------------------------------------|
| 1. APPLICANT APRO LLC #44 Jeff Appel - Manager | 2. STATUS |
| 3. ADDRESS 3401 College Blvd. Oceanside, Ca. 92054 | 4. PHONE/FAX/E-mail (310) 323-3992 |
| 5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Robert G. Faudoa / Gary Engineering | |
| 6. ADDRESS 4901 Morena Blvd. San Diego, Ca. 92117 | 7. PHONE/FAX/E-mail (858) 483-0620 |

| |
|------------------|
| HEARING |
| GPA |
| MASTER/SP.PLAN |
| ZONE CH. |
| TENT. MAP |
| PAR. MAP |
| DEV. PL. C-37-08 |
| C.U.P. C-36-08 |
| VARIANCE |
| COASTAL |
| O.M.P.A.C. |

PART II - PROPERTY DESCRIPTION

| | |
|--|--|
| 8. LOCATION 3401 College Blvd. Oceanside, Ca. 92054 | 9. SIZE |
| 10. GENERAL PLAN | 11. ZONING CC |
| 12. LAND USE | 13. ASSESSOR'S PARCEL NUMBER 168-011-03 |

PART III - PROJECT DESCRIPTION

REV-1/30/09

| | | | | |
|--|--------------------------|--|---------------------------|-------------|
| 14. GENERAL PROJECT DESCRIPTION EXISTING AUTO SERVICE BAYS TO BE CONVERTED TO A FOOD MART, NEW CARMASH AND UTILITY ROOM. NEW CONCRETE DRIVEWAYS AND ENHANCED LANDSCAPING TO BE ADDED. | | | | |
| 15. PROPOSED GENERAL PLAN | 16. PROPOSED ZONING | 17. PROPOSED LAND USE Service Station | 18. NO. UNITS 1 | 19. DENSITY |
| 20. BUILDING SIZE 1,827 S.F. | 21. PARKING SPACES 10 | 22. % LANDSCAPE 16.35% | 23. % LOT COVERAGE or FAR | |

PART IV - ATTACHMENTS

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

PART V - SIGNATURES

| | | |
|--|-----------------------------|--|
| 33. APPLICANT OR REPRESENTATIVE (Print): Nick Stephens | 34. DATE 11-17-08 | SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY). |
| Sign: Nick Stephens | 35. OWNER (Print): SCOTT | |
| I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. | | 36. DATE 11/20/08 |

APRO #44 COLLEGE BLVD. REMODEL
Conditional Use Permits

Description and Justification

November 17, 2008

This application is for two (2) Conditional Use Permits (CUP), one CUP for the remodel and conversion of an existing Exxon gas station to a Food Mart and the second for the installation of a Car Wash . The subject property consists of 0.68 acres located on the southwest corner of the College Boulevard and Haymar Drive intersection (APN 168-011-03). It is surrounded on three sides by existing commercial development and Highway 78 to the north.

The project site is located in the Lake neighborhood of Oceanside. The site has a General Plan Land Use designation of Community Commercial (CC) and the corresponding Zoning classification of Community Commercial (CC). The proposed uses are consistent with those identified for, and existing on, the site.

BACKGROUND

The existing service station, which was constructed by the Humble Oil Company, has been in operation since 1970. In subsequent years, the station changed ownership and a variety of remodeling permits were issued. On May 5, 1997, the subject property had a Conditional Use Permit (C-26-96) approved to remodel the then existing Texaco to convert the existing service bays into a food-mart. The Conditional Use Permit was approved by the Planning Commission through Planning Commission Resolution NO. 97-P24. As the implementation of that CUP never occurred, it was expired as of May 5, 1999.

Since the 1997 approval, the service station was acquired by New West Petroleum who have been operating the site as an Exxon station since October 1998. New West applied in (D-2-03) 2003 for (3) Conditional Use Permits, (C-3-03, C-4-03 and C-5-03), and a Sign and Canopy Variance (V-13-03 and V-14-03). All three CUP and both Variances were approved by the city. Since 2003, Both Variances and only one CUP was used, for the addition of (2) Fuel Dispensers and a Canopy Extension. The other (2) CUP's have since expired.

In 2008, the service station was acquired by United Oil who is currently operating the site as an Exxon station. Under this application Unite Oil desires to re-activate the expired CUP's previously approved by the City of Oceanside. No changes to the application or design is requested as previously approved by the city

The proposed remodel is necessary for the business to remain competitive within the existing and emerging marketplace. The remodel will upgrade the use to the new industry standard and enhance its value in the local business community. Currently, there are two structures on the site which include a 1,971 square foot service building and a 2,908 square foot gas-pump canopy, an existing freeway-oriented pole sign and a pricing sign.

CONDITIONAL USE PERMIT PLAN

The Conditional Use Permit Plan for the project involves a building facade renovation of the existing structure, an expanded food mart sales area, redesign of the site's circulation, the addition of an automated car wash with utility room and major landscaping renovations. The proposed changes are needed to upgrade the use to compete in the current marketplace and improve site access and circulation. The proposed changes are consistent with the underlying General Plan and Zoning regulations, as well as the surrounding land uses.

Architecture:

The proposed facade renovations include the construction of new fascia on the service building and the change-out of the service bay doors with stucco wall material to match the rest of the building. The fascia will provide a new roofline while maintaining the structural elements of the existing pitched roof. The building will be surfaced with a white stucco and enhanced with light beige accents and trimmed in a light grey.

The car wash and utility room will be attached to the existing structure and will be textured with stucco to match the main building. In addition, the colors and accent bands will be carried onto the facade for consistency. The roof tops of both structures will be flat.

Circulation:

Currently, there are two existing driveways that are in conformance with the driveway spacing requirements of the General Plan Circulation Element. These two driveways, one on College Boulevard adjacent to Haymar Drive, the other on Haymar Drive adjacent to College Boulevard, will remain as part of this project. The rest of the on-site circulation remains unchanged.

Gas Pumps and Canopy: (Existing to Remain)

Currently there are 6 gas pumps with 12 fueling stations. The total canopy area is 2,880 square feet. No changes are proposed under this application.

Automated Car Wash:

The automated car wash is an amenity that will expand the services the station operator will be able to offer the clientele. The car wash structure itself covers 812 square feet and the associated utility room covers 144 square feet. The car wash and utility room will be constructed of material to match the new food-mart and will be attached to the main building. The car wash meets the Zoning Code requirement of 5 queue spaces. There are two vacuum machines provided which will be conveniently located across from the exit of the car wash to serve the customers.

Parking Requirement:

The proposed project meets the requirements of the Zoning Ordinance for parking. The project is required to provide a total of 10 parking spaces (1 space for each 200 square feet of building area - $1,971 \text{ SF} / 200 \text{ SF} = 9.85$ spaces). As proposed, the project provides 10 spaces (9 standard and 1 ADA accessible). In addition, the car wash is required to have 5 queue spaces for stacking which are also provided.

Landscape Requirement:

The project is required to provide 15% on-site landscaping. As proposed, the project will provide a total of 16.35 % of on-site landscaping. There is also a significant amount of off-site landscaping located along Haymar Drive on the site's northern edge that will be planted and maintained by the operator as well. In this area, the parkway is 31 feet wide with a planter area of 18 feet wide that are the result of historic street dedications.

The landscape design for the project takes into consideration the high visual profile of its corner location and strives to update the existing landscape with colorful, drought tolerant and low maintenance plantings. The preservation of sight-lines for both safety and signage visibility were a high priority in the landscape design. Screening of the car lot to the west of the site was an aesthetic priority which will benefit the vehicular traffic on College Boulevard as well as the patrons of the remodeled station.

Signs:

The site signage will remain unchanged except for the addition of two new wall signs and one ancillary sign. The new wall signs are for the food-mart and the car wash. The food mart sign will be located over the new double entry door in the center of the front (east) elevation. The car wash sign will be located at the car wash entrance on the

north elevation with the ancillary "exit" sign on the south elevation. The signs will be internally illuminated with a red letter face to match the other existing site signage. The existing combination "identification and pricing sign" and freeway-oriented pole sign were constructed under previous sign regulations, and therefore do not comply with all provisions of the current sign ordinance regulations. These existing signs required a sign modification Variation (approved in 2003) for compliance with the current Ordinance regulations.

CONDITIONAL USE PERMITS

This application also includes two (2) Conditional Use Permits; the first is for the conversion of the existing service bays and sales area into a food-mart and the second is for the addition of an automated carwash. All two of these uses will be operated from 6:00 A.M. to 12:00 A.M. daily, seven days a week. A more detailed description of the sites operational characteristics can be found in the Draft Management Plan for the site.

Food-Mart:

The first CUP is for the proposed conversion of the existing sales area and two service bays into a food-mart. Currently the sales area and service bays occupy the 1,827 square feet of existing building area. The new food-mart will combine and renovate these areas without adding any additional square footage to the building. The new food-mart will offer a variety of food and consumer goods typically associated with this type of establishment. This change will allow the station to remain viable in this very competitive market.

Automated Car Wash:

The second CUP proposed is for the automated car wash and associated utility room. Together, these two structures will cover 956 square feet. The car wash accounts for 812 square feet and the utility room accounts for the remaining 144 square feet. The site accommodates the required 5 queue spaces for the car wash. The proposal meets all state and local requirements for storm water run-off.

SUMMARY

The proposed remodel will be a benefit to the community. The proposed remodel will upgrade the appearance of the station and the services provided to the local community. The modernization of the existing facility will help to maintain and enhance the site which will benefit the local business community by increasing customers in the area and the

community as a whole by increasing sales tax revenue for the City. The project meets all of the goals and objectives of the City's General Plan and Zoning Ordinance because it is in general conformance with these documents.

Highlights:

- The upgrade in facilities will offer a wider variety of services to the community.
- The new facade will be more compatible with the local surrounding businesses.
- New landscaping will highlight the new improvements.

REQUIRED FINDINGS

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 Permits for the new food-mart and car wash.

1. The proposed location of the project is in accord with the objectives of the Zoning Ordinance and is consistent with the surrounding properties in the area because they are commercial uses on property designated for said uses by the General Plan and Zoning Ordinance, and the project is similar in use and complementary to surrounding commercial uses.
2. The proposed uses are allowed within a Community Commercial Land Use District. The project site currently supports similar uses, and the project is consistent with those already existing 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 the intent and spirit of the Community Commercial District development regulations. The project's revised circulation results in a circulation pattern that is consistent with current engineering design standards and will enhance the area's local circulation which benefits the health, safety and welfare of the community at large.

Your favorable consideration is appreciated.

**APRO #44 College Blvd.
Draft Management Plan**

Intent and Scope

This Management Plan is intended to provide a description of the operational characteristics of the Exxon Station #1024, located on the northwest corner of the Haymar Drive and College Boulevard intersection. This plan covers the operational characteristics of the gas pumps, the food-mart and the carwash.

Hours of Operation

All three operational features will be operated during the hours of 6:00 a.m. to 12:00 a.m. daily, seven days a week.

Employees

The projected number of employees will remain as it currently exists; 4 employees. The exact number of employees may vary slightly from time to time.

Employee Parking

Employee parking shall be directed to areas less proximate to the front entrance.

Security

On-site security will be the responsibility of the operator. It is not anticipated that exclusive, on-site security personnel will be necessary given the site size, the nature of the use and the operational history at the site. However, this will remain an option to the operator to the extent necessary to address specific problems as they occur. Signage prohibiting loitering will be placed in conspicuous locations to further deter potential problems.

Lighting

Lighting for decorative purposes, including facade and landscape lighting, shall be turned off between 12:00 a.m. and 6:00 a.m. Lighting for the business signs shall be turned off at close of business with the exception of required security lighting. All interior lights inside the business and decorative lighting outside shall be turned off at the close of business, except those required for security purposes.

Noise Abatement

Noise levels for the commercial center are not expected to exceed typical decibels and because of the location of the use (next to Highway 78 and other commercial uses), no management action is proposed at this time. In the event that a particular use or activity becomes a nuisance, appropriate measures to control volume will be taken subject to review and approval by the Planning Director.

EXHIBIT "A"

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

Parcel 2 of Parcel Map No. 9417, in the City of Oceanside, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, November 21, 1979 as File/Page No. 79-490353 of Official Records, together with that portion of the Westerly Half of College Boulevard lying Easterly of and adjoining said Parcel 2 on the East and lying between the Easterly prolongation of the Northerly and Southerly lines of said Parcel 2.

Excepting therefrom all petroleum and gas and allied hydrocarbonaceous substances.

Also excepting therefrom one-half of all oil, oil rights, minerals, mineral rights, natural gas, natural gas rights and other hydrocarbon by whatsoever name known as reserved in Deed from Vista Irrigation District, recorded July 17, 1945 in Book 1901, Page 429 of Official Records of said County and confirmed by an Indenture recorded March 29, 1960 as File/Page No. 64154 of Official Records that may be within or under the parcel of land herein described, together with the perpetual right of drilling, mining, exploring and operating therefore and removing the same from said land or any other land, including the right to whipstock or directionally drill and mine from lands other than those hereinabove described, oil or gas wells, tunnels and shafts into, through or across the subsurface of the land herein described, and to bottom such whipstocked or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits thereof, and to redrill, retunnel, equip, maintain, repair, deepen and operate any such wells or mines, without, however, the right to drill, mine, store, explore and operate through the surface or the upper 100 feet of the subsurface of the land herein described or otherwise in such manner as to endanger the safety of any highway that may be constructed on said lands.

Also excepting therefrom, all right, title and interest in and to any oil, gas and other minerals (including, without limitation, helium, lignite, sulfur phosphate and other solid, liquid and gaseous substances), regardless of the nature thereof and whether similar or dissimilar but only to the extent any of the foregoing is in its natural state and natural location and not subject to the dominion and control of any person, and the right to explore for, develop and produce same, as well as the right to lease such

File No: 09220626

portion of the property thereby reserved for such purposes, and all mineral and royalty rights whatsoever in, on, under and pertaining to the property; but the grantor, its successors and/or assigns, shall have no right to use, or right of ingress to or egress from any part of the surface of the property for exploration and producing purposes; and any oil and gas drilling operations, shall be conducted by means of wells, the surface locations of which are on other lands and which may be drilled into and bottomed in or under the property, as reserved in Document recorded June 30, 1998 as File/Page No. 1998-0403863 of Official Records. The grantor shall exercise its rights under the foregoing mineral, oil and gas reservation said as not to disturb any improvements, installation, petroleum or other products contained in such improvements or installation or surface activities on the property. The grantor is to receive and retain all bonuses, rentals and royalties payable under any such mineral, oil and gas lease or leases.

Assessor's Parcel Number: **168-011-03-00**



NOTICE OF EXEMPTION
City of Oceanside, California

Post Date: 5/4/09
Removal: 10/24/09
(180 days)

1. **APPLICANT:** APRO LLC # 44
2. **ADDRESS:** 3401 College Blvd.
Oceanside, CA. 92054
3. **PHONE NUMBER:** (310) 323-3992
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** EXXON # 44 (C-36-08 & C-37-08)
7. **DESCRIPTION:** This request for two Conditional Use Permits is for the construction of a of an existing 1,827 square-foot vehicle service bay into a food mart and to permit the development of an attached 815-square foot drive-thru carwash at the south west portion of the property with an associated 135-square foot utility room attached to the existing 1,827-square foot EXXON gas station

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the City Staff finds that the proposed is categorical exempt from the provisions of CEQA, based on the project's classification per CEQA guidelines 15332 Class 32 "In-Fill Development Projects, because it is consistent with the general plan designation of the site and occurs within city limits on a site of no more than five acres substantially surrounded by urban uses. Therefore, the City Staff has determined that further environmental evaluation is not required because:

- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section _____, <name> (Sections 15260-15277); or,
- The project is categorically exempt, Class 1 "New Construction or Conversion of Small Structures" (Section 15303) (c); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).



Scott Nightingale, Planner II

Date: 5/4/09

cc:

Project file Counter file Library Posting: []