



DATE: June 10, 2013

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department /Planning Division

SUBJECT: **CONSIDERATION OF A REGULAR COASTAL PERMIT (RC13-00002) AND CONDITIONAL USE PERMIT (CUP13-00007) TO ALLOW THE CONVERSION OF AN EXISTING SERVICE BAY INTO A FOOD-MART AND OFFICE FOR AN EXISTING AND ASSOCIATED SERVICE STATION LOCATED AT 628 COAST HWY – MOHSEN’S @ 628 SOUTH COAST HIGHWAY – APPLICANT: MOHSEN ARABSHAH**

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. 2013-P26 approving Regular Coastal Permit (RC13-00002) and Conditional Use Permit (CUP13-00007) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: The existing service station was constructed in the 1950s by the Texaco Oil Company and has been operating as a service station since that time. Over the course of several decades, the service station has changed ownership many times and a variety of remodeling permits have been issued. The service station was constructed and has been in operation prior to the requirements for Conditional Use Permits and Development Plans for service stations.

Site Review: The project site is located at 628 South Coast Highway, on the north east corner of South Coast Highway and Wisconsin Avenue. The property is comprised of a 1,540-square-foot canopy, six vehicle fuel pumps, a 1,350-square-foot vehicle service bay with a small attached retail area. In addition a total of 7 parking spaces presently

exist on-site. Access to the facility occurs at the south and west portions of the site. The existing vehicle service bays have not been in operation for several years, and the proposed renovation of the service bay into 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 C2 (General Commercial) and the General Plan Land Use Designation is C2 (General Commercial). The property is within the coastal non-appealable district of the Local Coastal Program. An establishment of retail sales in association with an existing service station within the commercial (C2) zoning and general commercial land use designations would be consistent with the intended use of this area.

Surrounding land uses adjacent to the site include similar General Commercial (C2) designated properties to the west, south, north, and Single-Family Residential (RS) properties directly to the east.

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

Regular Coastal Permit RC13-00002 represents a request for the following:

- (a) To permit the conversion of an existing 1,350-square-foot vehicle service bay into a food-mart with associated facade improvements in association with an existing gas station. The conversion will encompass several improvements to the site such as, facade renovations to the existing building that would enhance the physical appearance of the building, interior improvements, repainting, providing a new 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.

Conditional Use Permit (CUP13-00007) represents a request for the following:

- (b) To allow the conversion of an existing service bay into a food-mart and office for an associated service station located at 628 South Coast Highway. The Service Station is permitted with the approval of a Conditional Use Permit. The property is legal non-conforming due to the fact that the existing service station has been able to remain and operate without the approval of Conditional Use Permit. The use has been in operation prior to any City Ordinance, so a new Conditional Use Permit is required for the added operations and the development of a food-mart within the existing service bay area.

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 C2 (General 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 would add to the variety of commercial services available to the general public. The proposed reconstruction of the existing vehicle service bay into a food-mart would promote additional commercial activity along Coast Highway, and would provide additional revenue and employment that would foster commercial activity within the City.

The proposed use as conditioned will not negatively impact the surrounding commercial businesses or create additional traffic since the proposed food-mart will provide commercial retail items to customers that are typically at the site for vehicle fueling. In addition the existing service station currently has an outdated and under utilized vehicle service area, which was once used as a vehicle repair/lube and oil shop for the older

Texaco business. The service station has been currently using this service bay area for storage of convenience items in conjunction with the attached cashier office. The owner is requesting to expand the existing retail operations into the existing and under utilized service bay area.

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 facade improvements to the existing service bay would be similar in type and design as many of the surrounding commercial uses in the area and along Coast Highway. The proposed improvements would significantly enhance the property, as well as the surrounding neighborhood. The existing building and the proposed improvements will be consistent with the development standards of the C2 (General Commercial) zoning district and would be complimentary to the retail uses along Coast Highway.

2. Zoning Ordinance

This project is located in a C2 (General Commercial) district. The following table depicts the Zoning requirements for the proposed and existing commercial service station business based upon Article 11 and 17 of the Oceanside Zoning Ordinance:

	ZONING REQUIREMENTS	PROPOSED
MINIMUM LOT SIZE	10,000 square feet	29,612 square feet (Existing)
OFF-STREET PARKING	6.75-parking spaces	7-parking spaces (Existing)
FRONT YARD	45-foot setback from centerline of Coast Hwy	54 feet
SIDE YARD	0-foot	17-foot
CORNER SIDE YARD	10-foot	11-foot (Existing Canopy) 30-foot (Mini-Mart)
REAR YARD	5-foot	5-foot
MAXIMUM HEIGHT	45-foot	11.9-foot

	ZONING REQUIREMENTS	PROPOSED
MINIMUM LANDSCAPING	15%	15%

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.

Based upon the use, the proposed service station development is required to provide 6.75 parking stalls as per the 1986 coastal zoning ordinance. This requirement is satisfied with the existing seven striped parking stalls located outside the canopy. In addition the existing parking along the service pumps provides an additional 12 spaces to park vehicles for pumping gasoline. The additional 12 spaces are not accounted as required parking, but the spaces do provide customers with an alternative area to park within the facility, which frees up the required parking areas. The following table depicts the parking data for the proposed service station improvements based upon Article 27 of the Oceanside Zoning Ordinance:

PROPOSED USE	Square footage	Off-Street Parking Requirement	Parking Provided
Food-mart & Office	1,350 sq. ft.	(1 per 200 sq. ft. of building area)=6.75 stalls	7

3. Land Use Compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	(General Commercial)	C2 (General Commercial)	Mohsen Service Station
North of Subject Property	(General Commercial)	C2 (General Commercial)	Commercial Retail Coffee Bistro
East of Subject Property:	SFD-R (Single Family Dwelling Residential)	RS (Single Family Residential District)	Single Family Residence
South of Subject Property:	(General Commercial)	C2 (General Commercial)	Commercial U-Haul
West of Subject Property:	(General Commercial)	C2 (General Commercial)	Commercial Restaurant

As identified in the above table, the proposed service station modifications would be compatible with, and complimentary to the surrounding land uses. The food-mart addition would foster commercial activity that would benefit the surrounding uses and citizens as a whole and provide a commercial use for the surrounding residential neighborhood.

DISCUSSION

Issue: Will the proposed remodel to the existing service station impact the surrounding neighborhood?

Recommendation: The underlying land use designation and zoning for the subject site – General Commercial (CG) is intended to provide opportunities for various types of commercial land uses.

The proposed food-mart in conjunction with the existing service station use will serve the needs of the nearby residential uses to the east and the patrons traveling along Coast Highway. A small retail area currently exists in conjunction with the gas station, and the expansion of the food-mart into the older under utilized service bay will not negatively impact the surrounding neighborhood. A majority of the customers utilize the existing cashier office to pay for vehicle fuel and to purchase small convenience items. The proposed food-mart will operate in the same manner as the existing cashier sales office, but within a new physically appealing and larger building space. This food-mart will provide the commercial activity that is needed along Coast Highway, and the proposed landscaping and exterior improvements will improve the appearance of the neighborhood.

ENVIRONMENTAL DETERMINATION

Planning Division staff has completed a preliminary review of this project in accordance with the California Environmental Quality Act (CEQA). Based on that review, staff finds the proposed project is categorically exempt pursuant to Article 19 Categorical Exemptions, Section 15303 “New Construction or Conversion of Small Structures.”

PUBLIC NOTIFICATION

Pursuant to Article 41 of the Oceanside Zoning Ordinance, a Legal notice was published in the newspaper and notices were sent to property owners of record within a 300-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. Copies of this agenda item have been mailed to the applicant and their representatives.

SUMMARY

The request for a Regular Coastal Permit (RC13-00002) Conditional Use Permit (CUP13-00007) 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. 2013-P26 approving a Regular Coastal Permit (RC13-00002) and Conditional Use Permit (CUP13-00007) with findings and conditions of approval attached herein.

PREPARED BY:

SUBMITTED BY:



Scott Nightingale
Planner II

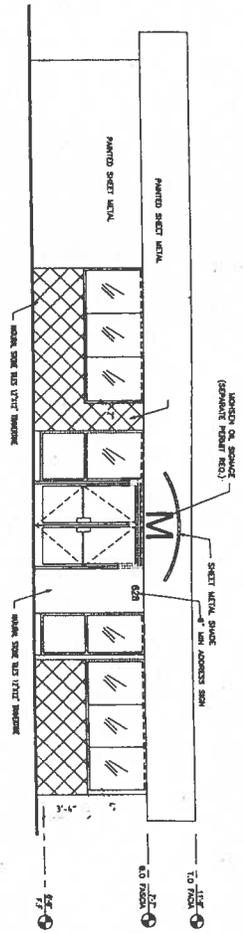


Marisa Lundstedt
City Planner

ML/SN/fil

Attachments:

1. Site Plan
2. Photos of the existing building.
3. Planning Commission Resolution No. 2012-P26
4. Environmental Determination
5. Other Attachments (Application Page, Description and Justification, Legal Description)



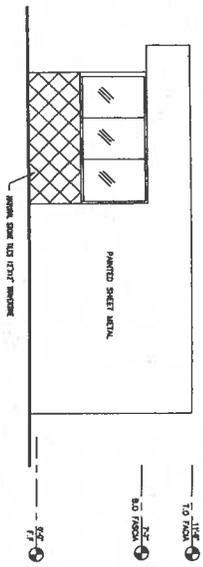
SOUTH ELEVATION

1/8"=1'-0"



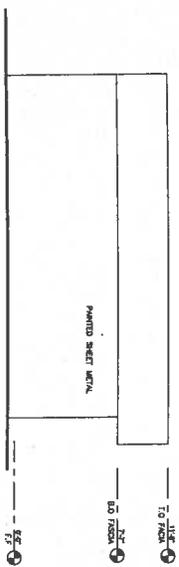
NORTH ELEVATION

1/8"=1'-0"



EAST ELEVATION

1/8"=1'-0"



WEST ELEVATION

1/8"=1'-0"



A-7

DATE: 07/18/2012
 DRAWN BY: YAG GROUP
 CHECKED BY: YAG GROUP
 PROJECT NO.: 628

NO.	REVISION	DATE

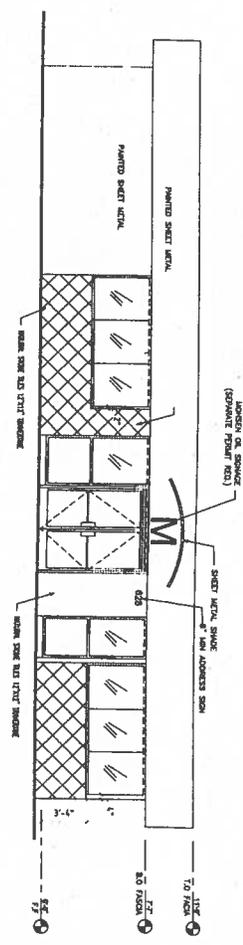
OWNER:
 MOHSEN OIL INC.
 628 SOUTH COAST HWY
 OCEANSIDE, CA 92054
 PH: 760.754.2009

PROJECT TITLE:
 TENANT IMPROVEMENT

ADDRESS:
 628 SOUTH COAST HWY
 OCEANSIDE, CA 92054

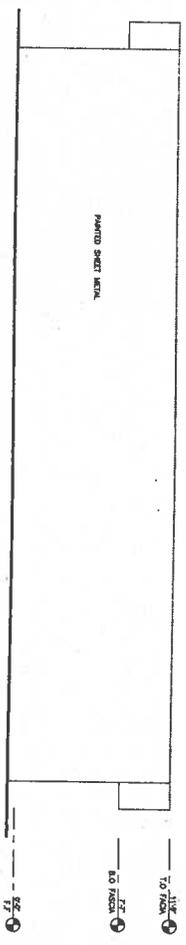


NO.	REVISION	DATE



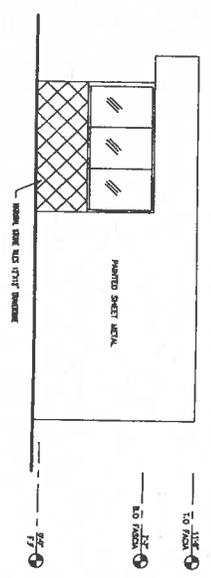
SOUTH ELEVATION

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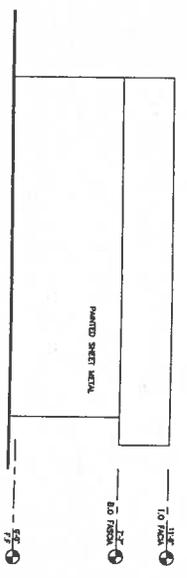
NORTH ELEVATION

1/4"=1'-0"
2



EAST ELEVATION

1/4"=1'-0"
3



WEST ELEVATION

1/4"=1'-0"
4



A-7

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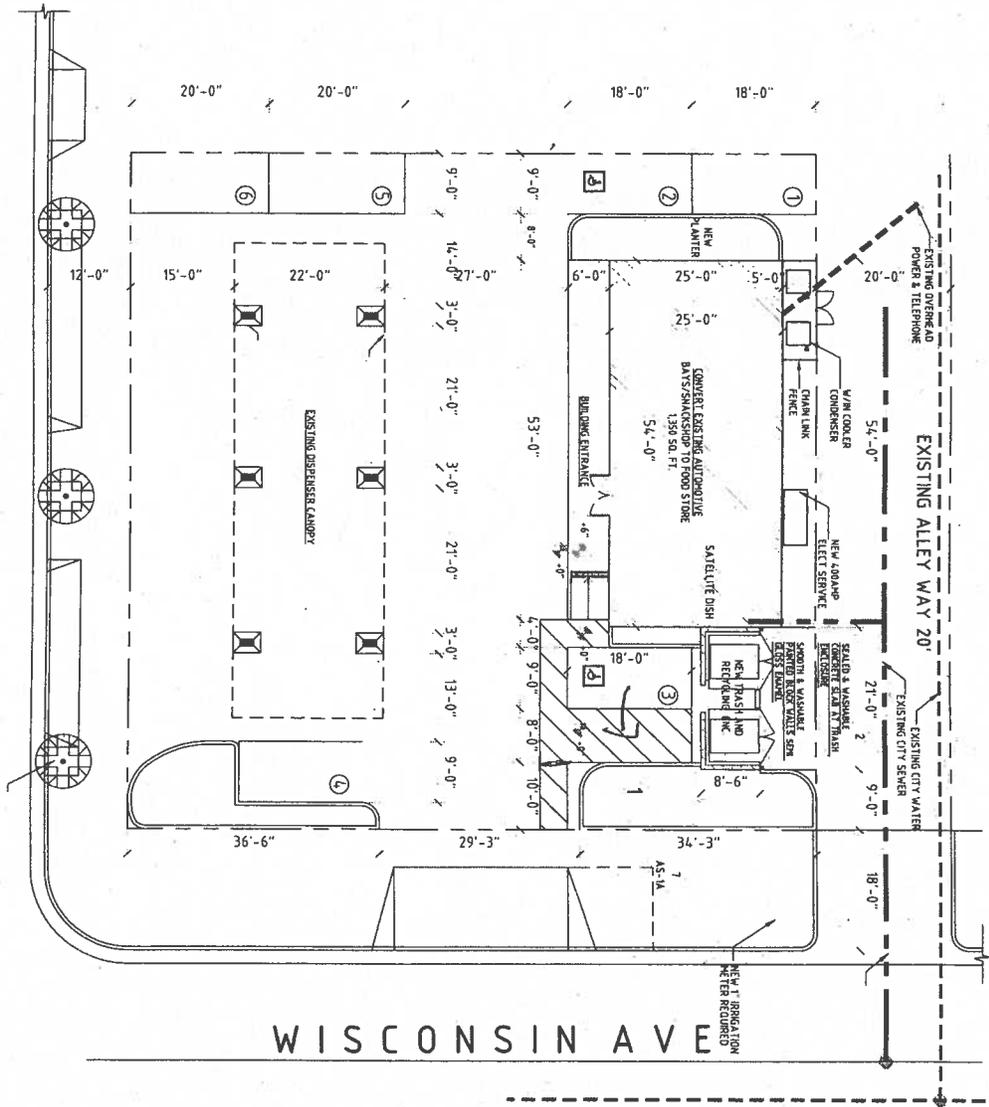


YAG GROUP

PROPOSED SITE PLAN
SCALE: 1/8"=1'-0"



SOUTH COAST HWY



AS-1

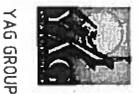
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SCALE	1/8"=1'-0"
PROJECT	TENANT IMPROVEMENT
OWNER	MOHSEN OIL INC.
ADDRESS	628 SOUTH COAST HWY
CITY	OCEANSIDE, CA 92054
PHONE	760.754.2009

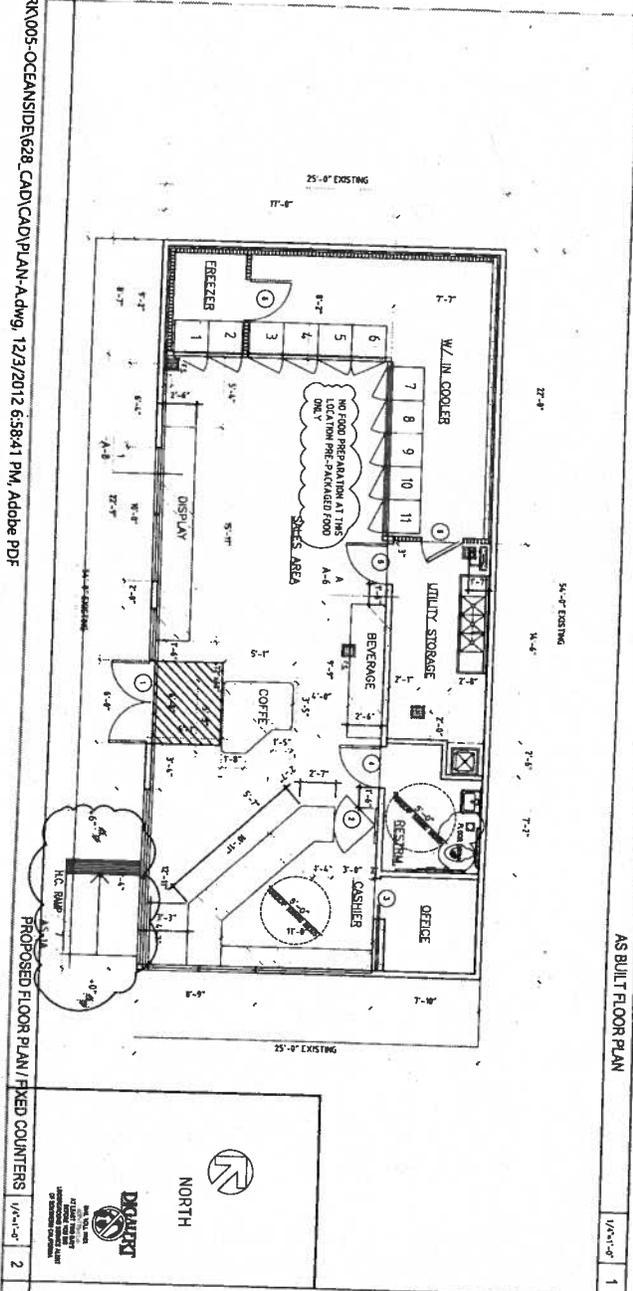
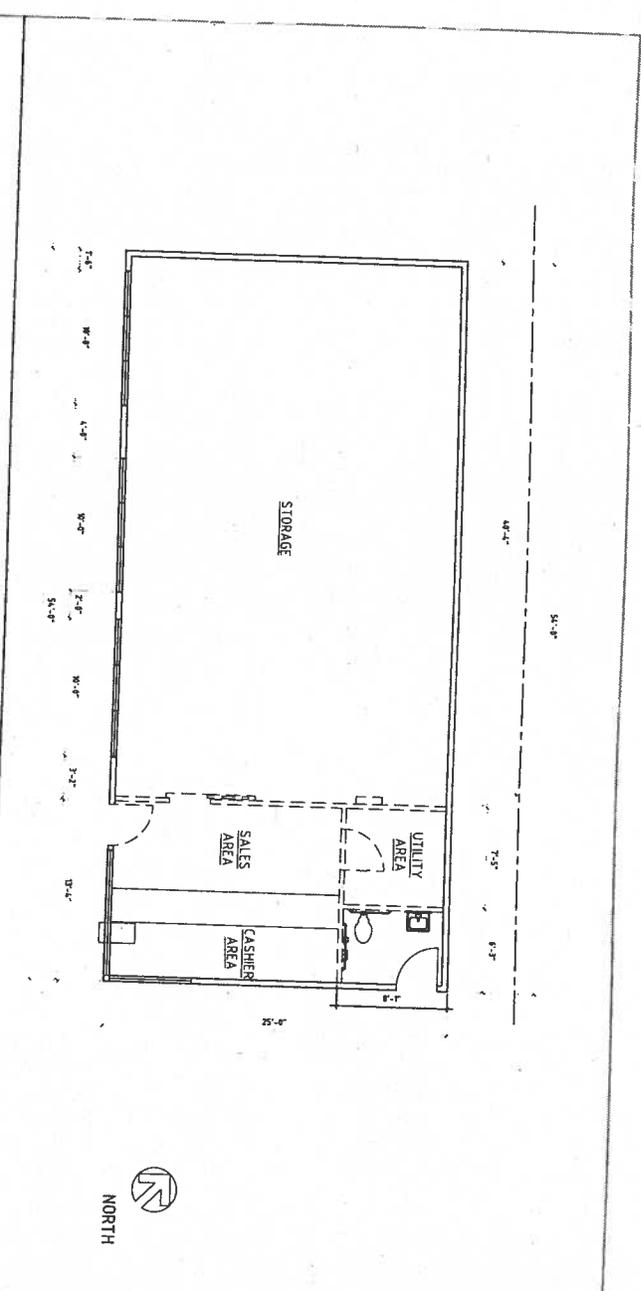
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General Notes

1. ALL WALL PROVISIONS ARE BY TITLE OF TYPED UNLESS OTHERWISE NOTED.
2. ALL ROOMS ARE TO BE FINISHED WITH 1/2" GYP BOARD ON TOP OF CONCRETE SLAB.
3. SEE FINISH SCHEDULE FOR FINISHES.
4. ALL FINISH WALLS SHALL BE 5/8" STUCCO ON 1/2" GYP BOARD OVER 1/2" GYP BOARD.
5. ALL FINISH WALLS SHALL BE 5/8" STUCCO ON 1/2" GYP BOARD OVER 1/2" GYP BOARD.
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18. ALL FINISH WALLS SHALL BE 5/8" STUCCO ON 1/2" GYP BOARD OVER 1/2" GYP BOARD.
19. ALL FINISH WALLS SHALL BE 5/8" STUCCO ON 1/2" GYP BOARD OVER 1/2" GYP BOARD.
20. ALL FINISH WALLS SHALL BE 5/8" STUCCO ON 1/2" GYP BOARD OVER 1/2" GYP BOARD.

Wall Legend

1. 1/2" GYP BOARD ON TOP OF CONCRETE SLAB

2. 1/2" GYP BOARD ON TOP OF CONCRETE SLAB

3. 1/2" GYP BOARD ON TOP OF CONCRETE SLAB

4. 1/2" GYP BOARD ON TOP OF CONCRETE SLAB

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6. 1/2" GYP BOARD ON TOP OF CONCRETE SLAB

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20. 1/2" GYP BOARD ON TOP OF CONCRETE SLAB

FLOOR PLAN LEGEND

1. 1/8"=1'-0"

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18. 1/8"=1'-0"

19. 1/8"=1'-0"

20. 1/8"=1'-0"

OWNER:
 HOHSEW OIL INC.
 628 SOUTH COAST HWY
 OCEANSIDE, CA 92054
 PH: 760.754.2009

PROJECT TITLE:
 TENANT IMPROVEMENT

ADDRESS:
 628 SOUTH COAST HWY
 OCEANSIDE, CA 92054

DATE: 07/18/2012

SCALE: 1/8"=1'-0"

NO. SHEET: 3

SHEET NO.: A-1

YAG GROUP



Mohsen

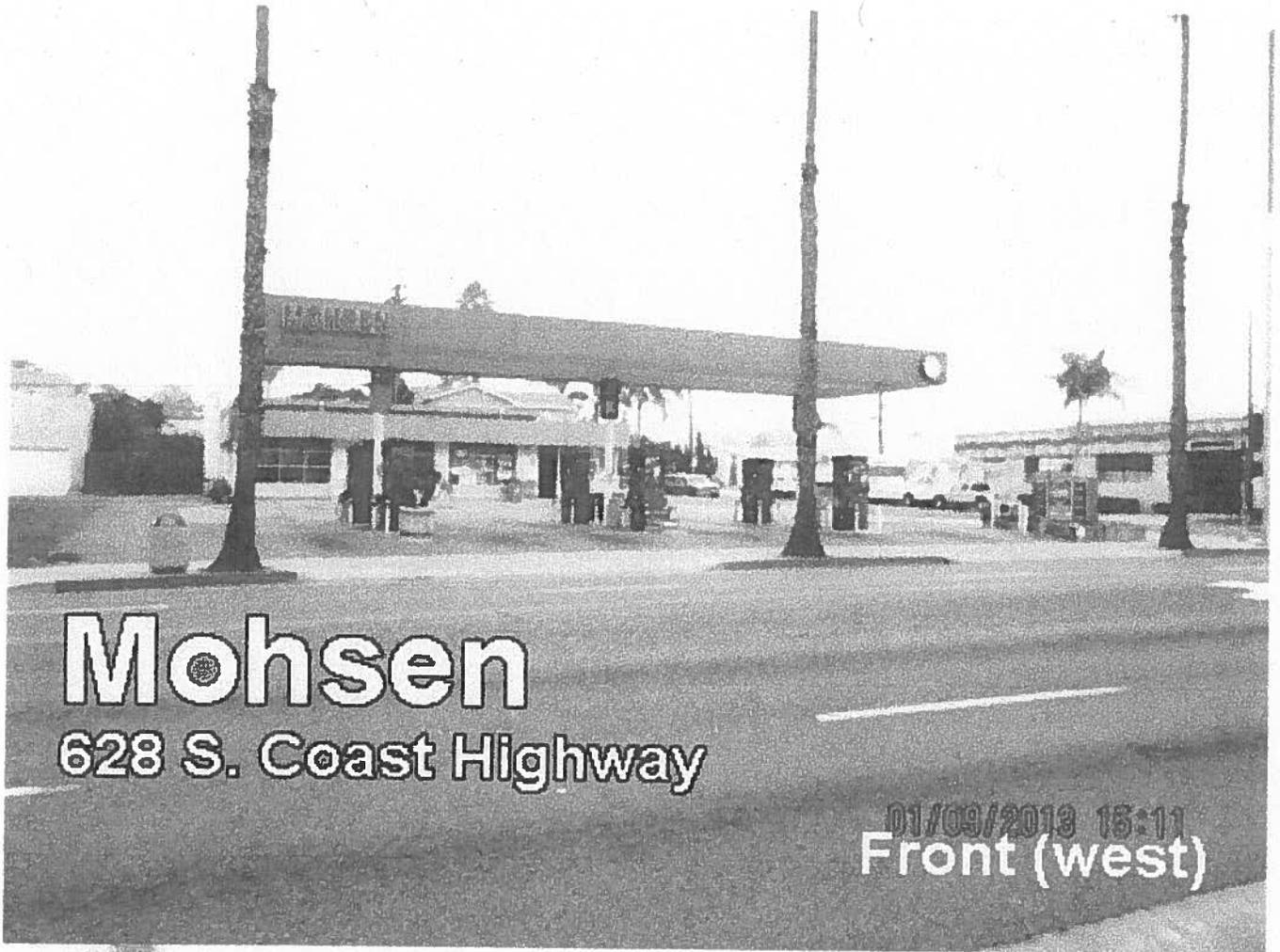
628 S. Coast Highway

Side 1 (south)



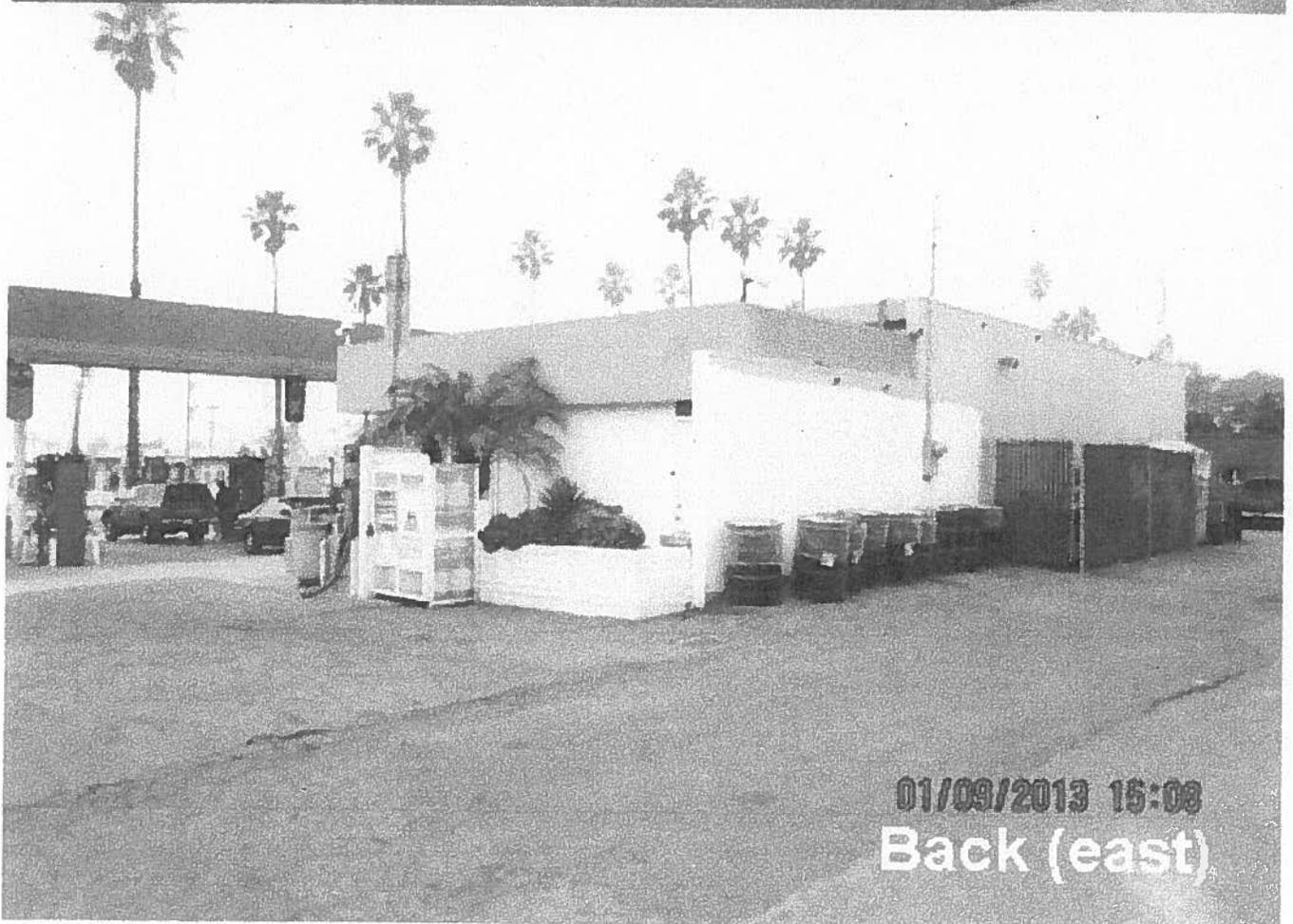
01/09/2013 15:07

Side 2 (north)



Mohsen
628 S. Coast Highway

01/09/2013 15:11
Front (west)



01/09/2013 15:08
Back (east)

1 PLANNING COMMISSION
2 RESOLUTION NO. 2013-P26

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

7 APPLICATION NO: RC13-00002 and CUP13-00007

8 APPLICANT: Mohsen Arabshahi

9 LOCATION: Northeast corner of Wisconsin Avenue and Coast Highway

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 Regular Coastal Permit and Conditional Use Permit
14 under the provisions of Articles 11 and 41 of the Zoning Ordinance under the provisions of the
15 City of Oceanside Local Coastal Program and Articles 11 and 15 of the Zoning Ordinance of the
City of Oceanside to permit the following:

16 to remodel an existing vehicle service bay for the use of a food-mart and office located
17 at 628 Coast Highway;

18 on certain real property described in the project description;

19 WHEREAS, the Planning Commission, after giving the required notice, did on the 10th day
20 of June, 2013 conduct a duly advertised public hearing as prescribed by law to consider said
21 application.

22 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
23 Guidelines thereto; this project is categorically exempt from CEQA per Article 19, Section 15303,
Class 3, 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
27 the project is subject to certain fees, dedications, reservations and other exactions as provided
28 below:
29

Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$0.713 per square foot or \$713 per thousand square feet for non-residential uses
School Facilities Mitigation Fee	Ordinance No. 91-34	\$.47 per square foot non-residential for Oceanside
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
Thoroughfare Fee (For commercial and industrial please note the 75 percent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Non-residential is \$37,205 for a 2" meter.
Wastewater System Buy-in Fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Non-residential is \$50,501 for a 2" meter.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Non-residential is \$23,358 for a 2" meter.

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

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

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 Regular Coastal Permit:

- 13 1. Improvement of the existing commercial property, as conditioned, is consistent with the
14 land use policies of the Local Coastal Program as implemented through the Zoning
15 Ordinance. Specifically, the project will not substantially alter or impact existing public
16 views of the coastal zone area. The existing structure will be maintained and
17 architecturally enhanced. Landscaping along the perimeter and portions of the right-of-
18 way will be enhanced.
- 19 2. The proposed remodel will not obstruct any existing, planned, or required public beach
20 access; therefore, the project is in conformance with the policies of Chapter 3 of the
21 Coastal Act.
- 22 3. The project will not result in the loss of any on-street public parking spaces. On-site
23 parking will be provided in accordance with the zoning ordinance regulations.

24 For the Conditional Use Permit:

- 25 1. That the location of the service existing station with proposed food-mart is consistent
26 with the objectives of the Zoning Ordinance and the purposes of the Commercial district
27 in which the site is located. As per the Oceanside Zoning Ordinance section 11 Service
28 Stations and food-mart use in association with a service station is permitted within
29 Commercial District with an approval of a Conditional Use Permit. The proposed food-
mart building will meet the required parking and development regulations as per the
Oceanside Zoning Ordinance code section 27.

- 1 2. That the proposed use and the proposed conditions under which it would be operated or
2 maintained will be consistent with the General Plan; the service station with a food-mart
3 facility will not be detrimental to the public health, safety or welfare of persons residing
4 or working in or adjacent to the neighborhood of such use; and will not be detrimental to
5 properties or improvements in the vicinity or to the general welfare of the City. Staff
6 has analyzed the impact of the service station with associated food-mart with the
7 adjacent neighboring commercial and residential uses, and found that the service stations
8 hours-of-operation would not conflict with the primary hours of the adjacent commercial
9 uses.
- 10 3. That the proposed conditional use will comply with the provisions of the Zoning
11 Ordinance and Commercial District in which the property is located, including any
12 specific condition required for the proposed conditional use in the district in which it
13 would be located.

14 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
15 approve Regular Coastal Permit (RC13-00002) and Conditional Use Permit (CUP13-000007),
16 subject to the following conditions:

17 **Building:**

- 18 1. The granting of approval under this action shall in no way relieve the applicant/project
19 from compliance with all Current State and local building codes.
- 20 2. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance)
21 and shall be shielded appropriately. Where color rendition is important high-pressure
22 sodium, metal halide or other such lights may be utilized and shall be shown on final
23 building and electrical plans.
- 24 3. Site development, parking, access into buildings and building interiors shall comply with
25 Part 2, Title 24, C.C.R. (Disabled Access - Nonresidential buildings - D.S.A.).
- 26 4. The building plans for this project are required by State law to be prepared by a licensed
27 architect or engineer and must be in compliance with this requirement prior to submittal
28 for building plan review.
- 29 5. The developer shall monitor, supervise and control all building construction and
supportive activities so as to prevent these activities from causing a public nuisance,
including, but not limited to, strict adherence to the following:

- 1 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
2 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
3 work that is not inherently noise-producing. Examples of work not permitted on
4 Saturday are concrete and grout pours, roof nailing and activities of similar
5 noise-producing nature. No work shall be permitted on Sundays and Federal
6 Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving
7 Day, Christmas Day) except as allowed for emergency work under the provisions
8 of the Oceanside City Code Chapter 38 (Noise Ordinance).
- 9 b) The construction site shall be kept reasonably free of construction debris as
10 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
11 approved solid waste containers shall be considered compliance with this
12 requirement. Small amounts of construction debris may be stored on-site in a
13 neat, safe manner for short periods of time pending disposal.

14 **Engineering:**

- 15 6. A right-of-way construction permit is required for any work within the City right-of-way.

16 **Fire:**

- 17 7. All proposed and existing fire hydrants within 400 feet of the project shall be shown on
18 the site plan. Fire hydrants and mains must be capable of supplying the required fire
19 flow as determined by the Fire Marshal.
- 20 8. Fire Department requirements shall be placed on plans in the notes section.
- 21 9. Fire extinguishers are required and shall be included on the plans submitted for plan
22 check.
- 23 10. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
24 approval prior to the issuance of building permits.
- 25 11. Buildings shall meet Oceanside Fire Department's current codes at the time of building
26 permit application.

27 **Landscaping:**

- 28 12. A Landscape exhibit shall be submitted to the Engineering Division and shall meet the
29 criteria of the City of Oceanside Landscape Guidelines and Specifications for Landscape
Development (latest revision), Water Conservation Ordinance No. (s) 91-15 and 10-
Ordinance 0412, Engineering criteria, City code and ordinances, including the maintenance

1 of such landscaping. The Landscape Exhibit shall be reviewed by the Engineering
2 Division and approved by the City Planner prior to the issuance of building permits.
3 Landscaping shall not be installed until securities have been posted, fees paid, and plans
4 signed by the Project Planner for final approval. A landscape pre-construction meeting
5 shall be conducted by the landscape architect of record, Public Works Inspector, developer
6 or owner's representative and landscape contractor prior to commencement of the
7 landscape and irrigation installation. The following landscaping requirements shall be
8 required prior to the approval of the Landscape Exhibit:

- 9 a) The final Landscape Exhibit shall accurately show placement of all plant material,
10 such as but not limited to trees, shrubs, and groundcovers.
- 11 b) Landscape Architect shall be aware of all utility, sewer, gas and storm drain lines
12 and utility easements and place planting locations accordingly to meet City of
13 Oceanside requirements.
- 14 c) All required landscape areas shall be maintained by owner (including public rights-
15 of-way along Wisconsin Street). The landscape areas shall be maintained per City
16 of Oceanside requirements.
- 17 d) Proposed landscape species shall be native or naturalized to fit the site and meet
18 climate changes indicative to their planting location. The selection of plant material
19 shall also be based on cultural, aesthetic, and maintenance considerations. In
20 addition proposed landscape species shall be low water users as well as meet all
21 Fire Department requirements.
- 22 e) The Landscape Exhibit and installation are required to implement approved Fire
23 Department regulations, codes, and standards at the time of project approval.
- 24 f) The existing or newly proposed monument sign shall be shown on the Landscape
25 Exhibit. A separate permit may be required.
- 26 g) All planting areas shall be prepared and implemented to the required depth with
27 appropriate soil amendments, fertilizers, and appropriate supplements based upon a
28 soils report from an agricultural suitability soil sample taken from the site.
- 29 h) Ground covers or bark mulch shall fill in between the shrubs to shield the soil from
the sun, evapotranspiration and run-off. All the flower and shrub beds shall be

1 mulched to a 3" depth to help conserve water, lower the soil temperature and
2 reduce weed growth.

- 3 i) The shrubs shall be allowed to grow in their natural forms. All landscape
4 improvements shall follow the City of Oceanside Guidelines.
- 5 j) A 4-foot square cut-out landscape planter shall be constructed parallel to Wisconsin
6 Street within the public right-of-way and planted with an Archontophoenix
7 cunninghamiana/ King Palm, minimum of 8-foot brown trunk height. The
8 irrigation shall be provided and connected to the project site's irrigation system.
- 9 k) Show the drainage and drainage flow on the Landscape Exhibit.
- 10 l) Root barriers shall be installed adjacent to all paving surfaces, where a paving
11 surface is located within 6 feet of a trees trunk on-site (private) and within 10 feet
12 of a trees trunk in the right-of-way (public). Root barriers shall extend 5 feet in
13 each direction from the centerline of the trunk, for a total distance of 10 feet. Root
14 barriers shall be 24 inches in depth. Installing a root barrier around the tree's root
15 ball is unacceptable.
- 16 m) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall
17 obtain Planning Division approval for these items in the conditions or application
18 stage prior to 1st submittal of working drawings.
- 19 n) For the planting and placement of trees and their distances from hardscape and
20 other utilities/structures the landscape plans shall follow the City of Oceanside's
21 (current) Tree Planting Distances and Spacing Standards.
- 22 o) Show all utility lines and/or utility easements on the Landscape Exhibit.
- 23 p) An automatic irrigation system shall be installed to provide coverage for all
24 planting areas shown on the plan. Low volume equipment shall provide sufficient
25 water for plant growth with a minimum water loss due to water run-off.
- 26 q) Irrigation systems shall use high quality, automatic control valves, controllers and
27 other necessary irrigation equipment. All components shall be of non-corrosive
28 material. All drip systems shall be adequately filtered and regulated per the
29 manufacturer's recommended design parameters.
- r) All irrigation improvements shall follow the City of Oceanside Guidelines and
Water Conservation Ordinance.

- 1 s) A separate landscape irrigation water meter shall be required per the Water Utilities
2 Department. Show the location and size of the landscape irrigation water meter on
3 the Landscape Exhibit.
- 4 t) The Landscape Exhibit shall match all plans affiliated with the project.
- 5 u) Landscape Exhibit shall comply with Biological and/or Geotechnical reports, as
6 required, shall match the grading and improvement plans, comply with SWMP Best
7 Management Practices and meet the satisfaction of the City Engineer.
- 8 v) Existing landscaping on and adjacent to the site (including the existing palm trees
9 on South Coast Highway) shall be protected in place and if damaged by
10 construction activities shall be replaced in-kind to the satisfaction of the City
11 Engineer.
- 12 w) Provide a trash enclosure detail on the Landscape Exhibit that complies with the
13 City of Oceanside standard trash enclosure details (most current edition). Include
14 the single gates for employee access to prevent public view into the trash enclosure.

15 13. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way
16 and within any adjoining public parkways along Wisconsin Street shall be permanently
17 maintained by the owner, his assigns or any successors-in-interest in the property. The
18 maintenance program shall include: a) normal care and irrigation of the landscaping b)
19 repair and replacement of plant materials (including interior trees and street trees) c)
20 irrigation systems as necessary d) general cleanup of the landscaped and open areas e)
21 parking lots and walkways, walls, fences, etc. f) pruning standards for street trees shall
22 comply with the International Society of Arboriculture (ISA) Standard Practices for Tree
23 Care Operations – ANSI A300, Appendix G: Safety Standards, ANSI Z133; Appendix H;
24 and Tree Pruning Guidelines, Appendix F (most current edition). Failure to maintain
25 landscaping shall result in the City taking all appropriate enforcement actions including but
26 not limited to citations. This maintenance program condition shall be recorded with a
27 covenant as required by this resolution.

28 14. In the event that the Landscape Exhibit does not match the conditions of approval, the
29 resolution of approval shall govern.

1 **Planning:**

- 2 15. The Regular Coastal Permit and Conditional Use Permit shall expire on June 10, 2015,
3 unless implemented in accordance with the City of Oceanside Zoning Ordinance or unless
4 a time extension is granted by the Planning Commission.
- 5 16. This Regular Coastal Permit (RC13-00002) and Conditional Use Permit (CUP13-00007)
6 approves the conversion of an existing 1,350-square-foot vehicle service bay into a food-
7 mart and office with associated facade improvements in conjunction with an existing gas
8 station and landscaping improvements as depicted on the plans and exhibits presented to
9 the Planning Commission for review and approval. No deviation from these approved
10 plans and exhibits shall occur without the City Planner or Planning Commission approval.
11 Substantial deviations shall require a revision to the Development Plan and Conditional
12 Use Permit, or a new Development Plan and Conditional Use Permit, as determined by the
13 City Planner.
- 14 17. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
15 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
16 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
17 annul an approval of the City, concerning Regular Coastal Permit (RC13-00002) and/or
18 Conditional Use Permit (CUP13-00007). The City will promptly notify the applicant of
19 any such claim, action or proceeding against the City and will cooperate fully in the
20 defense. If the City fails to promptly notify the applicant of any such claim action or
21 proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter,
22 be responsible to defend, indemnify or hold harmless the City.
- 23 18. All lighting showcasing building architecture shall be shown on the building plans.
- 24 19. The final hardscape design shall be substantially the same as shown on the Conceptual
25 Landscape Plan and is subject to review and approval by the City Planner and City
26 Engineer.
- 27 20. All mechanical rooftop and ground equipment shall be screened from public view as
28 required by the Zoning Ordinance. The roof jacks, mechanical equipment, screen and
29 vents shall be painted with non-reflective paint to match the roof. This information shall be
shown on the building plans.

- 1 21. The tote and bale storage area is required to be enclosed on all sides and treated to
2 substantial match the buildings architecture. It shall provide and designate adequate
3 space for the storage of totes, cardboard bales, and the general trash bin. At no time
4 shall the totes, cardboard bales, or the general trash bin be stored outside of the tote and
5 bale storage area.
- 6 22. Recycling Services: OCC 13.16(h), the requirement to separate all recyclable material
7 from solid waste for separate collection.
- 8 23. Green Waste Services: The separation of all green waste from solid waste using the
9 approved City collection service and the collection of the material in compliance with
10 standards as identified in the city code, if green waste is to be collected by the tenant.
- 11 24. A covenant or other recordable document approved by the City Attorney shall be prepared
12 by the developer and recorded prior to issuance of building permits. The covenant shall
13 provide that the property is subject to this resolution, and shall generally list the conditions
14 of approval.
- 15 25. Prior to the issuance of building permits, compliance with the applicable provisions of the
16 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed
17 and approved by the Planning Division. These requirements, including the obligation to
18 remove or cover with matching paint all graffiti within 24 hours, shall be noted on the
19 Landscape Plan and shall be recorded in the form of a covenant affecting the subject
20 property.
- 21 26. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
22 written copy of the applications, staff report and resolutions for the project to the new
23 owner and or operator. This notification's provision shall run with the life of the project
24 and shall be recorded as a covenant on the property.
- 25 27. Failure to meet any conditions of approval for this development shall constitute a violation
26 of the Development Plan and Conditional Use Permit.
- 27 28. The hours-of-operation shall be reviewed and may be limited by the Planning Commission
28 when valid issues or complaints pertaining to code violations arise and are validated by the
29 Code Enforcement Officer.
- 29 29. 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 Plan and other materials and information submitted with this
3 application, unless specifically waived by an adopted condition of approval.

4 30. The applicant, tenants, or successors in interest shall comply with the City's business
5 license requirements as necessary.

6 31. The elevations and floor plans shall be substantially the same as those approved by the
7 Planning Commission. These shall be shown on plans submitted to the Building
8 Division and Planning Division for permit plan check, and prior to issuance of any
9 building permit.

10 32. No project signage is approved with this application. All project signage shall be subject
11 to a separate sign permit and be in compliance with the Oceanside Zoning Ordinance.

12 **Water Utilities:**

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

17 34. The property owner shall maintain private water and wastewater utilities located on private
18 property.

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

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

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

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

1 39. A separate irrigation meter and approved backflow prevention device is required and shall
2 be displayed on the plans.

3 40. Water Buy-in fees and the San Diego County Water Authority Fees are to be paid to the
4 City and collected by the Water Utilities Department at the time of Building Permit
5 issuance.

6 41. All Water Utilities Fees are due at the time of building permit issuance per City Code
7 Section 32B.7, unless the developer/applicant applies and is approved for a deferral of all
8 fees per City of Oceanside Ordinance No. 09-OR0676-1.

9 PASSED AND ADOPTED Resolution No. 2013-P26 on June 10, 2013 by the following

10 vote, to wit:

11 AYES:

12 NAYS:

13 ABSENT:

14 ABSTAIN:

15 _____
16 Robert Neal, Chairperson
17 Oceanside Planning Commission

18 ATTEST:

19 _____
20 Marisa Lundstedt, Secretary

21 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify
22 that this is a true and correct copy of Resolution No. 2013-P26.

23 Dated: June 10, 2013

24 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may
25 be required as stated herein:
26

27 _____
28 Applicant/Representative

29 _____
Date



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** Mohsen Arabshahi
2. **ADDRESS:** 3213 Mission Avenue Oceanside, CA 92058
3. **PHONE NUMBER:** (760) 754-2009
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT PLANNER:** Scott Nightingale, Planner
6. **PROJECT TITLE:** RC13-00002 & CUP13-00007 Mohsen @ 628 S. Coast Hwy.
7. **DESCRIPTION:** The conversion of an existing 1,350 square-foot vehicle service bay into a food mart and office with associated facade improvements in conjunction with an existing gas station and landscaping improvements.

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 this review, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- The project qualifies for a Class 3 categorical exemption under Section 15303(a) "New Construction or Conversion of Small Structures;"
- "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, _____ (Sections 15260-15277); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).



Scott Nightingale, Planner

Date: June 10, 2013

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



Application for Discretionary Permit

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

STAFF USE ONLY

ACCEPTED

BY

RECEIVED

JAN 29 2013

CITY OF OCEANSIDE
DEVELOPMENT SERVICES

SZ
JD

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT Mohsen Arabshahi	2. STATUS Owners
3. ADDRESS 3213 Mission Ave. Oceanside, CA 92058	4. PHONE/FAX/E-mail 760-754-2009 760-754-6827
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Elizabeth J. Graff	
6. ADDRESS 3528 Sea Ridge Road, Oceanside, CA 92054	7. PHONE/FAX/E-mail 760-231-7459 elizaplan@cox.net

GPA
MASTER/SP.PLAN
ZONE CH.
TENT. MAP
PAR. MAP
DEV. PL.
C.U.P. <i>UMP13-00007</i>
VARIANCE
COASTAL <i>RC13-00002</i>
O.H.P.A.C.

PART II - PROPERTY DESCRIPTION

8. LOCATION 628 S. Coast Highway	9. SIZE 10,000 sq. ft.		
10. GENERAL PLAN General Commercial	11. ZONING C-2	12. LAND USE Existing vehicle service station	13. ASSESSOR'S PARCEL NUMBER 150-301-16
14. LATITUDE 33dg 11'20.01" N	15. LONGITUDE 117dg 22'23.74" W		

PART III - PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION
Conditional Use Permit and Local Coastal Permit for interior remodel to an existing vehicle service station to convert space for use as a convenience food store.

17. PROPOSED GENERAL PLAN n/a	18. PROPOSED ZONING n/a	19. PROPOSED LAND USE n/a	20. NO. UNITS n/a	21. DENSITY n/a
22. BUILDING SIZE 1350 sq.ft	23. PARKING SPACES 19 including under canopy	24. % LANDSCAPE 10%	25. % LOT COVERAGE or FAR 32% including canopies	

PART IV - ATTACHMENTS

26. DESCRIPTION/JUSTIFICATION	27. LEGAL DESCRIPTION	28. TITLE REPORT
29. NOTIFICATION MAP & LABELS	30. ENVIRONMENTAL INFO FORM	31. PLOT PLANS
32. FLOOR PLANS AND ELEVATIONS	33. CERTIFICATION OF POSTING	34. OTHER (See attachment for required reports)

PART V - SIGNATURES

SIGNATURES FROM 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).

35. APPLICANT OR REPRESENTATIVE (Print): Elizabeth J. Graff	36. DATE <i>1/29/13</i>	37. OWNER (Print) Mohsen Arabshahi	38. DATE <i>1/29/13</i>
Sign: <i>Mohsen Arabshahi</i>	Sign:		

- I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. FURTHER, I UNDERSTANDING THAT SUBMITTING FALSE STATEMENTS OR INFORMATION IN THIS APPLICATION MAY CONSTITUTE FRAUD, PUNISHABLE IN CIVIL AND CRIMINAL PROCEEDINGS.
- I HAVE READ AND AGREE TO ABIDE BY THE CITY OF OCEANSIDE DEVELOPMENT SERVICES DEPARTMENT AND ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT POLICY NO. 2011-01/POLICY AND PROCEDURE FOR DEVELOPMENT DEPOSIT ACCOUNT ADMINISTRATION.

**DESCRIPTION AND JUSTIFICATION
MOHSENS COAST HIGHWAY**

February 2013

RECEIVED
JAN 29 2013
CITY OF OCEANSIDE
DEVELOPMENT SERVICES

Project Site: 628 S. Coast Highway, Oceanside, California 92054

DESCRIPTION AND JUSTIFICATION

This request is for a Conditional Use Permit and Regular Coastal Permit to remodel an existing gas station building to incorporate a convenience food store as part of the station operations.

The site is located in the C2 (Commercial-General Zone) and in the Coastal Zone. As such it is regulated by the 1986 Zoning Ordinance. The interior will be remodeled for the convenience food store.

**Mohsen's Coast Highway
Development Standards Chart (1986 Ordinance)**

Standard	Required or allowed	Existing	Proposed
Lot area	10,000	10,000	n/a
Lot width	n/a	100	n/a
Front yard	45 ft. from centerline of Coast Highway	100 (building) 53 (canopy)	n/a
side	n/a	8	n/a
Corner side	10	30	n/a
Rear	n/a	n/a	n/a
Height	45	11'9"	n/a
Lot coverage	75%	32 % incl. canopy	n/a
Landscaping	5 ft. req. where no driveways	n/a	Ranges 5-10 ft.
Parking	1/500 or 3	15 includes under canopy	7 plus 12 under canopy=19

PROPOSED FINDINGS FOR APPROVING THE PROJECT

For the Conditional Use Permit for the convenience food store:

1. That the proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.

--The General Commercial Zone allows retail and service uses for the City at large. The proposed improved gasoline station with a new integrated convenience food store will enhance the services that this unique business provides to the community.

2. That the proposed location of the conditional uses and the proposed conditions under which they would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety, welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

--The project at large proposes an attractive improvement of the existing facility. The owners will meet the requirements of the City for landscaping, signs and other enhancements that will improve the surroundings as well as enhance the health safety and welfare of persons working or residing in the area and will enhance the properties and improvements in the vicinity and in the City at large.

3. That the proposed conditional use will comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.

--The zoning ordinance requirements for the gasoline station, convenience food store and will be complied with, including improved landscaping. The operators of the project will comply with the conditions adopted by the Planning Commission.

For the Regular Coastal Permit:

1. That the project conforms to the Local Coastal Plan, including the policies of that plan.

--The Local Coastal Plan is oriented toward visitor-serving uses. This use will add an additional service for station customers and visitors to Oceanside

2. That all development within the appealable area as identified in the Local Coastal Plan conforms to the public access and recreation policies of Chapter 3 of the Coastal Act.

--The site is not in the appealable area.

In Summary

This Development fulfills the goals of the General Plan and the Zoning Ordinance of the City of Oceanside. Both visitors and the large existing customer base in this area of the City will appreciate the improved appearance and services created by this renovation.

LEGAL DESCRIPTION
MOHSEN COAST HIGHWAY

RECEIVED
JAN 29 2013
CITY OF OCEANSIDE
DEVELOPMENT SERVICES

**Lots 9 & 10 in Block 44 of Bryan's Addition, According to the Map Thereof No. 219,
filed in the Office of the County Recorder of San Diego County, March 18, 1887.**