

AGENDA NO. 3

PLANNING COMMISSION



CITY OF OCEANSIDE

DATE: November 18, 2013

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A DEVELOPMENT PLAN (D13-00010) AND CONDITIONAL USE PERMIT (CUP13-00028) FOR THE USE AND STORAGE OF HAZARDOUS MATERIALS AT AN EXISTING GAS STATION LOCATED AT 1501 NORTH MELROSE DRIVE – MELROSE ARCO MODIFICATION – APPLICANT: KA MANAGEMENT**

RECOMMENDATION

- (1) Confirm issuance of Categorical Exemption Article 19, Class 32 of Section 15332, In-Fill Development projects of the California Environmental Quality Act; and,
- (2) Staff recommends that the Planning Commission approve Development Plan (D13-00010) and Conditional Use Permit (CUP13-00028) and adopt Planning Commission Resolution No. 2013-P47 as attached.

BACKGROUND AND PROJECT DESCRIPTION

Background: On October 27, 1997 the Planning Commission adopted Resolution No. 97-P66 approving a Development Plan (D-6-97) and Conditional Use Permit (C-10-97), for the construction and operation of a 2,852-square foot convenience store with an associated office, a 3,900 square foot gas pump canopy, 12 fuel pumps, a carwash, 25 on-site parking stalls, and perimeter landscaping.

The applicant (KA Management) seeks approval of a Development Plan Revision and Conditional Use Permit to allow storage and retail sales of hazardous materials. The applicant proposes to sell ethanol fuel that would be dispensed from a new fuel pump located under the existing canopy.

Site Review: The site exists with a commercial service station located southwest of Melrose Drive and Oceanside Boulevard within the Peacock Neighborhood. The site is approximately 0.90 acres and contains an Arco gas station with an ancillary carwash and convenience store on site. The subject site is virtually flat with less than a one (1) to three

(3) foot elevation difference between the highest and lowest points of existing grade. The project site has an underlying General Plan land use designation of Commercial General (GC) and a Zoning Designation of General Commercial (CG). The site is surrounded by vacant properties in all directions, with the exception of the sprinter parking lot and sprinter station to the west and south. The surrounding land uses in the area consist of Professional Commercial (PC) properties to the north, Neighborhood Commercial (NC) to the east, the City of Vista boundary limits to the south, and Commercial General (CG) to the west. Access to the site is provided from the existing two driveways located on Melrose Drive and Oceanside Boulevard.

Project Description:

Development Plan (D13-00010) is a request for the following:

A revision to the existing Development Plan (D-6-97) to modify an existing gas station to accommodate a new fuel pump dispenser with an associated 10,000 gallon underground storage tank. The new fuel dispenser will be situated at the northeastern area under the existing canopy. Measured approximately eight and half feet (8'6") in height, by two feet (2') in depth, and four feet (4') in width, the fuel pump dispenser would supply ethanol fuels for retail sales. The design and location of the fuel pump dispenser would be ADA compliant and consistent in design and function with the existing six (6) fuel pump dispensers on site. The 10,000 gallon underground storage containment tank would store and supply the ethanol fuel for the proposed fuel pump dispenser. The measurement of the tank is approximately 31 feet in width and 8 feet in diameter. Located at the eastern portion of the site, the tank is approximately 14 feet from the finished surface.

Conditional Use Permit (CUP13-00028) represents a request for the following:

A Conditional Use Permit to allow an additional 10,000-gallon underground storage tank for hazardous material storage and usage. Pursuant to Zoning Ordinance Section 3026 for (Hazardous Material Storage), the handling and use of hazardous materials in quantities greater than 500 gallons are subject to review and approval of a Conditional Use Permit. This 10,000 gallon underground storage tank would contain a blend of ethanol, gasoline and other hydrocarbons known as E85. According to the Federal Material Safety Data Sheet (MSDS) and the California Fire Code Section 105.6.16 for Flammable and Combustible Liquids, These fuels are considered a hazardous material.

The hazardous materials would be used to facilitate the ethanol fuel pump dispenser and the associated tank will be routinely inspected and replenished with E85 fuels.

All hazardous materials will be stored and handled in accordance with the County of San Diego Air Pollution Control District and the County Department of Environmental Health.

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

1. General Plan
2. Zoning Ordinance

3. Land Use Compatibility
4. 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 General Commercial (GC). 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 I

Goal 1.11 Balanced Land Use

Objective: To develop and use lands for the long-term provision of a balanced, self-sufficient, and efficient community.

Policy A: The City shall establish and enforce a balanced distribution of land uses to organize the City in a hierarchy of activity centers and land uses so as to foster a sense of neighborhood, community, and regional identity.

Policy B: The City shall analyze proposed land uses for assurance that the land use will contribute to the proper balance of land uses within the community or provide a significant benefit to the community.

The new fuel pump dispenser and associated 10,000-gallon fuel pump would be located within an existing gas station. The improvements to the site would be minimal and will not change the functionality of the approved gas station. The added E85 Ethanol fuel pump would provide a renewal resource that would result in lower green house gas emissions levels. The E85 ethanol use also provides options for cleaner burning and higher octane motor fuel that helps reduce the dependency on foreign sources of energy. By providing additional retail fueling options for consumers within the area, the E85 ethanol fueling facility would be consistent within the General Plan for providing land uses that create benefits to the community and developing a balanced land use distribution.

Policy C: The City shall continuously monitor the impact and intensity of the land use and land use distribution to ensure that the City's circulation system is not overburdened beyond design capacity.

This project is within an existing gas station, which is located along two major regional transportation corridors. The added fuel pump dispenser has been reviewed and analyzed by staff for added trips and circulation. Due the fact that the propose E85 ethanol fuel pump would function in the same manner as the existing service pumps on site, the traffic generated by the new pump would not increase the vehicle trips to a level that results in a negative level of service on the adjacent roadways. The proposed E85 fuel pump would operate in a similar manner as the existing six pumps on site. The traffic impacts to the area would be minimal for the added pump, as described in the discussion section of this report. In addition, staff reviewed the fuel pump proposal to ensure that the internal circulation is adequate and would function with the proper ingress and egress. The design and location of the pump accommodates ample distance for vehicles to maneuver to and from the fuel pump without jeopardizing vehicle circulation on site.

2. Zoning Ordinance Compliance

This project is located in the General Commercial District (CG). The development will meet all the provision of the Zoning Ordinance in parking requirements, setbacks and all development regulations.

The following table summarizes proposed and applicable development standards for the Commercial Districts and the project site:

| | ZONING REQUIREMENTS | EXISTING AND PROPOSED |
|--------------------|---|--|
| MINIMUM LOT SIZE | 10,000 square feet | Approximately 39,393 square feet (Existing) |
| OFF-STREET PARKING | 1 space per 2,500 SF of lot area= 15 stalls | 13 stalls existing, plus 12 stalls at the fuel pumps for a total =25 stalls existing |
| FRONT YARD | 15' | 17' + existing |
| SIDE YARD | 0' | 70' + existing |
| CORNERSIDE YARD | 10' | 20' +' existing |
| REAR YARD | 0' | 15'+ existing |
| HEIGHT | 50' | 15'+ existing |

The proposed project meets the applicable requirements of the zoning ordinance and the project as proposed is compatible with existing and potential commercial uses in the neighborhood. The existing gas station is surrounded by vacant properties in all directions, so the proposed fuel pump will continue to provide activity to the under utilized area.

3. Land Use Compatibility with surrounding developments

The table below describes the property and the surrounding land uses:

| LOCATION | GENERAL PLAN | ZONING | LAND USE |
|----------------------------|------------------------------|------------------------------|---|
| Subject Property: | General Commercial (GC) | Commercial General (CG) | Gas/Service station |
| North of Subject Property | Professional Commercial (PC) | Neighborhood Commercial (CN) | Vacant |
| East of Subject Property: | Neighborhood Commercial (CN) | Neighborhood Commercial (CN) | Vacant |
| South of Subject Property: | NA | NA | City of Vista Boundaries Sprinter Station |
| West of Subject Property: | General Commercial (GC) | Commercial General (CG) | Sprinter Station Parking Lot |

The proposed fuel pump dispenser with associated 10,000 underground ethanol storage tanks has been determined to be compatible with the surrounding existing uses and their respective General Plan and Zoning Ordinance designations. The fuel pump and associated underground tank would not add additional impacts to area, as described in the discussion section of this report.

ANALYSIS AND DISCUSSION

Staff review of the project proposal focused on two items: land use compatibility and impacts to the current circulation network.

The General Plan designation for the project site is General Commercial. As per Section 2.23 of the Land Element, General Commercial areas shall provide services that meet the immediate commercial needs of the community located along streets designated as major arterials or higher. The ethanol fuel pump dispenser and underground fuel tank would be consistent with the provisions and polices for the General Commercial land use district, because the project site lies along two major arterials and provides commercial services for the near by community. Service stations are permitted under this land use category with the approval of a conditional use permit. The proposed ethanol pump dispenser with associated underground fuel tank would be located within an existing gas station. The gas station currently provides unleaded, premium and diesel fueling sales,

so the ethanol fuel pump would be consistent in operations as the existing pumps on site.

The proposed ethanol fuel pump operations and sales would not reduce the level of service on the surrounding roadways and intersections. The current level of service for the adjacent roadways is Level of Service C (LOS C). According to the SANDAG Trip Generation Chart, fuel pump dispensers generate approximately 155 vehicle trips per pump. This 155 trip forecast is substantially higher than the actual trips generated by one ethanol fuel pump, because SANDAG's trip generation for fuel pumps is intended for petroleum based pumps within gas stations that include a carwash and an associated convenience market. Therefore, the actual trips generated by the ethanol pump would be substantially less than SANDAG's anticipated petroleum fuel pump forecast.

Based on the volume of trips generated by the propose fuel pump in correlation with the existing uses on site, the total trips generated is negligible and would not produce negative affects to the level of service on the adjacent roadways. It is anticipated that at least 50 percent of the trips for the new pump would consist of existing "pass-by-traffic; such as existing traffic generated by other land uses (i.e. surrounding residential, work, school, and other uses that currently generate traffic for the area).

In addition the ethanol pump demands would be lower than a typical unleaded, premium, or diesel fuel pump due to the limited percentage of vehicles that are equipped to run on ethanol fuels on the current roadways, so traffic generated by the pump would be negligible.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant and other interested parties. As of November 18, 2013 no communication regarding the request had been received.

ENVIRONMENTAL DETERMINATION

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

SUMMARY

The proposed use, handling and storage of hazardous materials, as conditioned, will be in compliance with development regulations, the Zoning Ordinance and applicable land use policies of the General Plan. The use will be consistent and compatible with the surrounding uses and the existing service station. Therefore, staff recommends that the Planning Commission approve the subject Development Plan and Conditional Use

Permit. The Planning Commission's action should be:

- Confirm issuance of an Article 19, Section 15332, In-Fill Development projects and Categorical Exemption.
- Move to approve Development Plan (D13-00010) and Conditional Use Permit (CUP13-00028) and adopt Planning Commission Resolution No. 2013-P47 as attached.

PREPARED BY:



Scott Nightingale
Planner II

SUBMITTED BY:

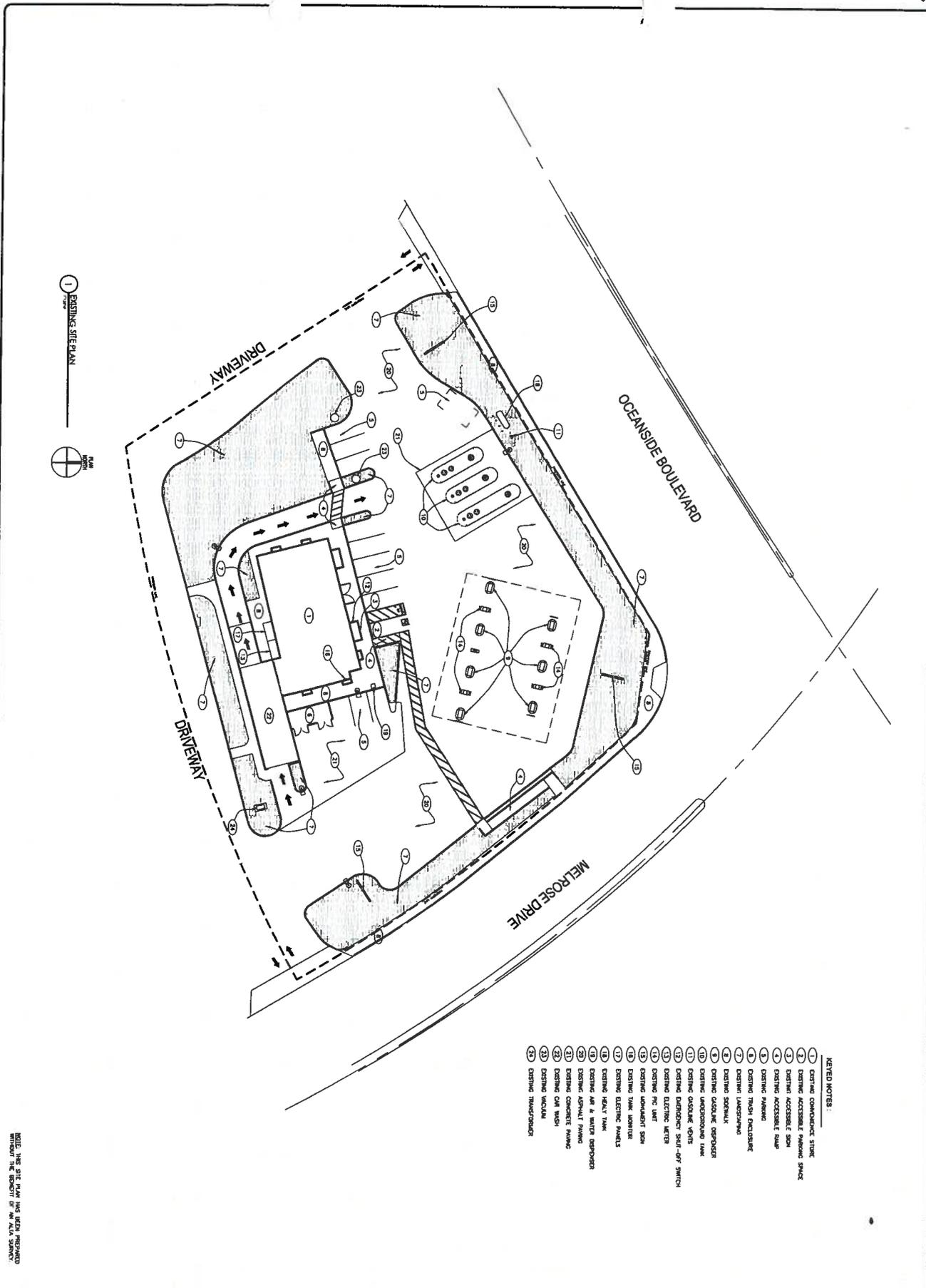


Marisa Lundstedt
City Planner

ML/SN/vm

Attachments:

1. Site Plans & Floor Plans
2. State Energy Resource Conservation Approval
3. County Hazardous Materials Questionnaire
4. Environmental Determination
5. Planning Commission Resolution No. 2013-P47
6. Other Attachments (Application Page, Description and Justification, Legal Description)



- NEEDED NOTES:
- 1) EXISTING COMMERCIAL STORE
 - 2) EXISTING ACCESSIBLE PARKING SPACE
 - 3) EXISTING ACCESSIBLE SIGN
 - 4) EXISTING ACCESSIBLE RAMP
 - 5) EXISTING PARKING
 - 6) EXISTING TRASH ENCLOSURE
 - 7) EXISTING LANDSCAPING
 - 8) EXISTING SIGNAGE
 - 9) EXISTING EXISTING DISPOSER
 - 10) EXISTING LANDSCAPING MARK
 - 11) EXISTING EXISTING VENTS
 - 12) EXISTING EXISTING SHED - OFF SWITCH
 - 13) EXISTING ELECTRIC METERS
 - 14) EXISTING PC UNIT
 - 15) EXISTING LANDSCAPE SIGN
 - 16) EXISTING TANK LITERATURE
 - 17) EXISTING ELECTRIC PANELS
 - 18) EXISTING VENTY TANK
 - 19) EXISTING AIR & WATER DISPOSERS
 - 20) EXISTING ASPHALT PAVING
 - 21) EXISTING CONCRETE PAVING
 - 22) EXISTING OIL TANK
 - 23) EXISTING SIGNAGE
 - 24) EXISTING TRANSFORMER

DATE: 1/15/13
 DRAWN BY: [Name]
 CHECKED BY: [Name]

SHEET
 AS-0

PROJECT NUMBER
 1501 S. MELROSE DR.
 OCEANSIDE, CA 92056



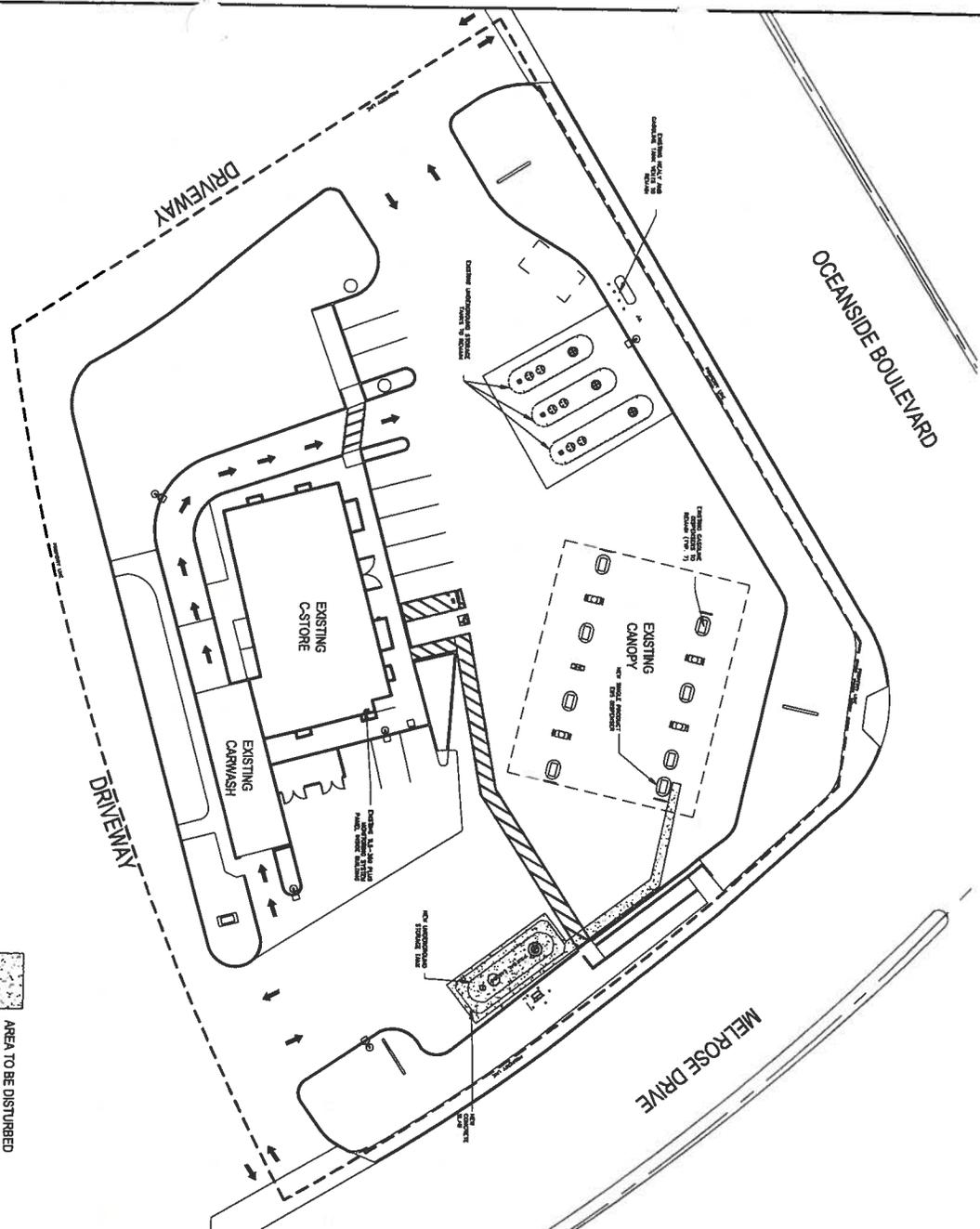
PROJECT TITLE:
EXISTING ARCO STATION
 1501 S. MELROSE DR.
 OCEANSIDE, CA 92056

MARK DATE: _____ REVISIONS: _____



AGC DESIGN CONCEPT, INC.
 268 N. GLENNDALE BLVD.
 SUITE 207
 BURBANK, CA 91502
 Phone: 818.568.4000
 Fax: 818.568.4000

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



GENERAL INFORMATION

OWNER: PROPRIETOR, INC.
7001 THE BURNINGWOOD
MONTEBELLO, CA 90404
TEL: 562-584-5848
FAX: 562-584-1027

APPLICANT: AGC DESIGN CONCEPT
1501 S. MELROSE DR.
OCEANSIDE, CA 92056
TEL: 619-436-9000
FAX: 619-436-9000

SITE INFORMATION

| AREA OF PROPERTY | AREA | |
|------------------------------|------------------|------|
| GROSS AREA (EXISTING) | 30,084.1 SQ. FT. | |
| NET BUILDING FOOTPRINT | 1,789.50 SQ. FT. | |
| GROSS AREA (PROPOSED) | 1,789.50 SQ. FT. | |
| NET BUILDING AREA | 1,789.50 SQ. FT. | |
| LANDS | | |
| LANDSCAPING EXISTING (ACRES) | 0.441 (122.17) | |
| LANDSCAPING PROPOSED (ACRES) | 0.441 (122.17) | |
| STRUCTURES | | |
| DESCRIPTION | PERMIT | AREA |
| EXISTING | | |
| PROPOSED | | |
| ASSIGNED PARCEL NUMBER | | |

| DESCRIPTION | SIZE | OCCUPANCY | CONS. TYPE | BUILD. SPECS | AREA |
|--------------------------------|------------------|-----------|------------|---------------|-------------------------------|
| C-STORE | 71,200 SQ. FT. | M | U/N | NON-PERMANENT | 6,888.50 SQ. FT. |
| CARNWASH | 52,271.7 SQ. FT. | S-3 | E/M | | 813.50 SQ. FT. |
| CANOPY | 7,287.0 SQ. FT. | S-3 | E/M | | 4,250.50 SQ. FT. |
| TOTAL BUILDING AREA: | | | | | 7,452.50 SQ. FT. |
| BALDING AREA: | | | | | 4,120.50 SQ. FT. |
| NET BUILDING AREA: | | | | | 28,548.50 SQ. FT. (1,143.11%) |
| EXCLUDING CANOPY: | | | | | |
| DESCRIPTION REQUIRED PARKING | | | | | |
| CONVENIENCE STORE: | | | | | 1 (787.30 SQ. FT.) |
| TOTAL PARKING SPACES REQUIRED: | | | | | 10 SPACES |
| TOTAL PARKING SPACES PROVIDED: | | | | | 12 SPACES |

| DESCRIPTION (PROVIDED PARKING) | SIZE | PROVIDED |
|--------------------------------|---------------|----------|
| STANDARD (VEHICLE) | 8'0" x 18'0" | 11 |
| HANDICAP SPACES | 11'0" x 13'0" | 1 |
| TOTAL PARKING SPACES PROVIDED: | | |
| 12 SPACES | | |

1. EXISTING LOT COVERING: 11.1% (3,342.50 SQ. FT.)
2. EXISTING LOT COVERING: 11.1% (3,342.50 SQ. FT.)
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10. EXISTING LOT COVERING: 11.1% (3,342.50 SQ. FT.)

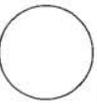
SHEET
CUP-1



Propel Fuels
690 BROADWAY, REDWOOD CITY, CALIFORNIA 94063

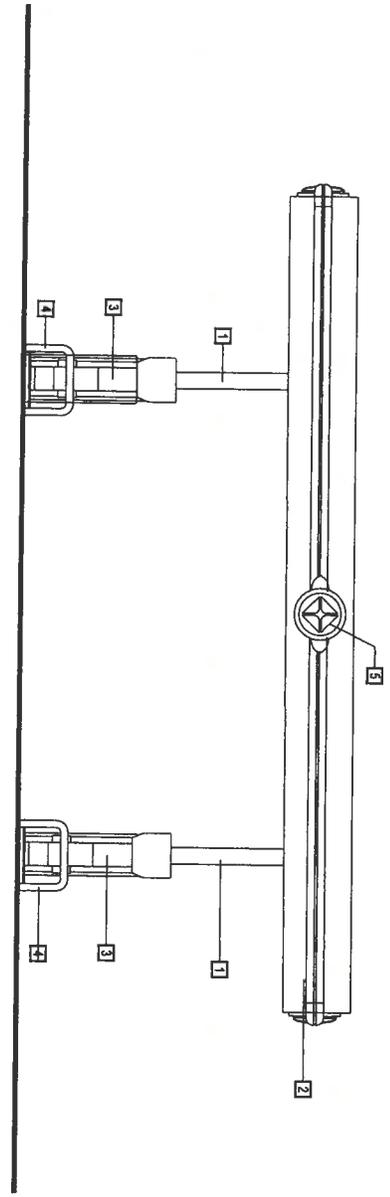
PROJECT TITLE
CLEAN FUEL POINT
PROPOSED SITE PLAN
1501 S. MELROSE DR.
OCEANSIDE, CA 92056
SITE ADDRESS:

| MARK | DATE | REVISIONS |
|------|------|-----------|
| | | |
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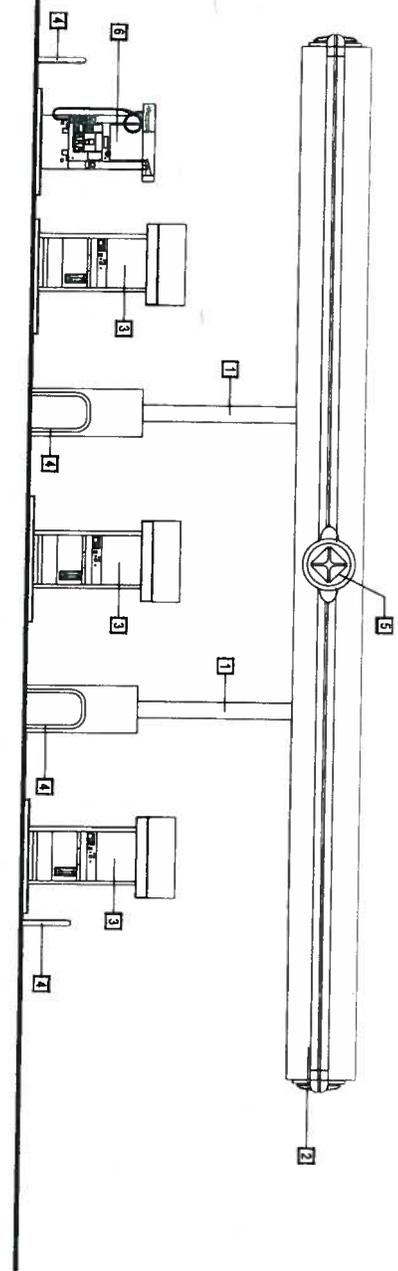


AGC DESIGN CONCEPT, INC.
250 N. GLENDALE BLVD.
SUITE 207
SUNBANK, CA 91502
PHONE: 619.598.4000
FAX: 619.598.4000

EXISTING FUEL CANOPY ELEVATION
SCALE: 1/4"=1'-0"



SCALE: 1/4"=1'-0"



MATERIAL NOTATIONS

| | |
|---|----------------------------|
| 1 | EXISTING CANOPY CEILING |
| 2 | EXISTING CANOPY FASCIA |
| 3 | EXISTING CUSTOMER SHELTERS |
| 4 | EXISTING DIVIDERS |
| 5 | EXISTING SIGN |
| 6 | NEW PROPUL CUSTOMER |

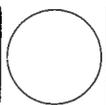
SHEET
CUP-2

APPROVED
PROJECT NUMBER
DATE



PROJECT TITLE
CLEAN FUEL POINT
EXISTING FUEL CANOPY
1501 S. MELROSE DR.
OCEANSIDE, CA 92056
SITE ADDRESS:

| MARK | DATE | REVISIONS: |
|------|------|------------|
| | | |
| | | |
| | | |



AGC DESIGN CONCEPT, INC.
390 N. GLENDALE BLVD.
SUITE 207
BURBANK, CA 91502
Phone: 618.586.4000
Fax: 618.586.4000

RESOLUTION NO: 10-0825-4

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION REGARDING: GRANT AWARD
TO
PROPEL FUELS, INC.
UNDER PON-09-006

RESOLVED, that the State Energy Resources Conservation and Development Commission (Energy Commission) approves **Grant # ARV-10-002 with Propel Fuels, Inc.** (Recipient), for **\$1,000,000.00**, to build 10 ethanol (E85) dispensers at publicly accessible existing fueling stations throughout California.

WHEREAS, the Energy Commission finds that the activities funded by this grant are a "project" under the California Environmental Quality Act (CEQA) and categorically exempt from further environmental review pursuant to the "existing facility" exemption under CEQA Guidelines, § 15301 and the "conversion of small structures" exemption under CEQA Guidelines, § 15303.

FURTHER BE IT RESOLVED, that this document authorizes the Executive Director or his/her designee to execute the same on behalf of the Energy Commission.

Dated: August 25, 2010

STATE ENERGY RESOURCES
CONSERVATION AND
DEVELOPMENT COMMISSION


KAREN DOUGLAS
Chairman

RESOLUTION NO. 10-0623-7

STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION REGARDING: GRANT AWARD
TO
STATE DEPARTMENT OF GENERAL SERVICES
UNDER PON-08-010

RESOLVED, that the State Energy Resources Conservation and Development Commission (Energy Commission) approves **Grant # ARV-09-006** with the **State Department of General Services** (Recipient), for **\$4,000,000.00**, to build 75 ethanol (E85) dispensers at publicly accessible existing fueling stations throughout California.

WHEREAS, the Energy Commission finds that the activities funded by this grant are a "project" under the California Environmental Quality Act (CEQA) and categorically exempt from further environmental review pursuant to the "existing facility" exemption under CEQA Guidelines, § 15301 and the "conversion of small structures" exemption under CEQA Guidelines, § 15303.

FURTHER BE IT RESOLVED, that this document authorizes the Executive Director or his/her designee to execute the same on behalf of the Energy Commission.

Dated: June 23, 2010

STATE ENERGY RESOURCES
CONSERVATION AND
DEVELOPMENT COMMISSION


KAREN DOUGLAS
Chairman



998-SITE-10300
2013-APP-2663

DEM 2002 - HV - EP - 137646
DEM 2013 - HV - 3P - 00585

SAN DIEGO REGIONAL HAZARDOUS MATERIALS QUESTIONNAIRE

OFFICE USE ONLY
UPFP# 137646
HV# _____
BP DATE / /

| | | |
|---|---|--------------------------------------|
| Business Name ARCO | Business Contact TONY CASARET | Telephone # (858) 404-6080 |
| Project Address 1501 S. MELROSE DRIVE | City OCEANSIDE | State CA |
| | Zip Code 92056 | APN# 161-030-17 |
| Mailing Address 5820 OBERLIN DRIVE | City SAN DIEGO | State CA |
| | Zip Code 92121 | Plan File# |
| Project Contact JESSE KIRK | Telephone # (760) 721-4120 | |

The following questions represent the facility's activities, NOT the specific project description.

PART I: FIRE DEPARTMENT - HAZARDOUS MATERIALS DIVISION: OCCUPANCY CLASSIFICATION: Indicate by circling the item, whether your business will use, process, or store any of the following hazardous materials. If any of the items are circled, applicant must contact the Fire Protection Agency with jurisdiction prior to plan submittal. Facility's Square Footage (including proposed project): _____ Occupancy Rating: _____

- | | | | |
|----------------------------------|-----------------------|-------------------------------------|--------------------------|
| 1. Explosive or Blasting Agents | 5. Organic Peroxides | 9. Water Reactives | 13. Corrosives |
| 2. Compressed Gases | 6. Oxidizers | 10. Cryogenics | 14. Other Health Hazards |
| 3. Flammable/Combustible Liquids | 7. Pyrophorics | 11. Highly Toxic or Toxic Materials | 15. None of These. |
| 4. Flammable Solids | 8. Unstable Reactives | 12. Radioactives | |

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PART II: SAN DIEGO COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH - HAZARDOUS MATERIALS DIVISIONS (HMD): If the answer to any of the questions is yes, applicant must contact the County of San Diego Hazardous Materials Division, 1255 Imperial Avenue, 3rd floor, San Diego, CA 92101. Call (619) 338-2222 prior to the issuance of a building permit.

FEES ARE REQUIRED. Project Completion Date: ____/____/____ Expected Date of Occupancy: ____/____/____
(for new construction or remodeling projects)

- | | | |
|--|-------------------------------------|--|
| YES | NO | |
| 1. <input checked="" type="checkbox"/> | <input type="checkbox"/> | Is your business listed on the reverse side of this form? (check all that apply). |
| 2. <input type="checkbox"/> | <input checked="" type="checkbox"/> | Will your business dispose of Hazardous Substances or Medical Waste in any amount? |
| 3. <input checked="" type="checkbox"/> | <input type="checkbox"/> | Will your business store or handle Hazardous Substances in quantities equal to or greater than 55 gallons, 500 pounds, 200 cubic feet, or carcinogens/reproductive toxins in any quantity? |
| 4. <input checked="" type="checkbox"/> | <input type="checkbox"/> | Will your business use an existing or install an underground storage tank? |
| 5. <input type="checkbox"/> | <input checked="" type="checkbox"/> | Will your business store or handle Regulated Substances (CalARP)? |
| 6. <input type="checkbox"/> | <input checked="" type="checkbox"/> | Will your business use or install a Hazardous Waste Tank System (Title 22, Article 10)? |
| 7. <input type="checkbox"/> | <input checked="" type="checkbox"/> | Will your business store petroleum in tanks or containers at your facility with a total storage capacity equal to or greater than 1,320 gallons? (California's Aboveground Petroleum Storage Act). |

CalARP Exempt
Date _____ Initials _____

CalARP Required
Date _____ Initials _____

CalARP Complete
Date _____ Initials _____

PART III: SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT: If the answer to any of the questions below is yes, applicant must contact the Air Pollution Control District (APCD), 10124 Old Grove Road, San Diego, CA 92131-1649, telephone (858) 586-2600 prior to the issuance of a building or demolition permit. Note: if the answer to questions 4 or 5 is yes, applicant must also submit an asbestos notification form to the APCD at least 10 working days prior to commencing demolition or renovation, except demolition or renovation of residential structures of four units or less. Contact the APCD for more information.

- | | | |
|--|-------------------------------------|--|
| YES | NO | |
| 1. <input checked="" type="checkbox"/> | <input type="checkbox"/> | Will the subject facility or construction activities include operations or equipment that emit or are capable of emitting an air contaminant? (See the APCD factsheet at http://www.sdapcd.org/info/facts/permits.pdf , and the list of typical equipment requiring an APCD permit on the reverse side of this form. Contact APCD if you have any questions). |
| 2. <input type="checkbox"/> | <input checked="" type="checkbox"/> | (ANSWER ONLY IF QUESTION 1 IS YES) Will the subject facility be located within 1,000 feet of the outer boundary of a school (K through 12)? (Search the California School Directory at http://www.cde.ca.gov/re/sd/ for public and private schools or contact the appropriate school district). |
| 3. <input type="checkbox"/> | <input checked="" type="checkbox"/> | Has a survey been performed to determine the presence of Asbestos Containing Materials? |
| 4. <input type="checkbox"/> | <input checked="" type="checkbox"/> | Will there be renovation that involves handling of any friable asbestos materials, or disturbing any material that contains non-friable asbestos? |
| 5. <input type="checkbox"/> | <input checked="" type="checkbox"/> | Will there be demolition involving the removal of a load supporting structural member? |

| | |
|---|--|
| Briefly describe business activities: GAS STATION | Briefly describe proposed project: INSTALLATION OF ONE NEW TANK/DISPENSER FOR E85. |
| I declare under penalty of perjury that to the best of my knowledge and belief the responses made herein are true and correct. JESSE KIRK | [Signature] |
| Name of Owner or Authorized Agent | Signature of Owner or Authorized Agent |
| | Date 4/3/13 |

FOR OFFICIAL USE ONLY:

FIRE DEPARTMENT OCCUPANCY CLASSIFICATION: _____
BY: _____ DATE: ____/____/____

| EXEMPT OR NO FURTHER INFORMATION REQUIRED | | RELEASED FOR BUILDING PERMIT BUT NOT FOR OCCUPANCY | | RELEASED FOR OCCUPANCY | |
|---|------|--|------|------------------------|------|
| COUNTY-HMD* | APCD | COUNTY-HMD | APCD | COUNTY-HMD | APCD |
| | | | | | |

*A stamp in this box only exempts businesses from completing or updating a Hazardous Materials Business Plan. Other permitting requirements may still apply.
HM-9171 (07/09) County of San Diego - DEH - Hazardous Materials Division



**COUNTY OF SAN DIEGO
DEPARTMENT OF ENVIRONMENTAL HEALTH**
P.O. BOX 129261, SAN DIEGO, CA 92112-9261
www.sdcdeh.org

Billing Inquiries:
Ph: 858-505-6930
Fax: 858-505-6848
E-mail: DEHRevenue@sdcounty.ca.gov

All Other Inquiries:
858-505-6700
800-253-9933

INVOICE

Business Name and Mailing Address

**ARCO AM/PM
MELROSE LLC
ARCO
5820 OBERLIN DR #201
SAN DIEGO, CA 92121**

Owner Information

Name(s): **MELROSE LLC**
Business Location: **1501 MELROSE DR
OCEANSIDE, CA 92056**

Bill for: **Over the Counter Fees**
Period: **Not Applicable**
Amount Due: **\$1,868.00**

Record Number: **DEH2013-HUSTP-000182**
Record Type: **UST Plan Check**

DUE DATE: 05/15/2013

**\$50.00 or 50% delinquent fee is assessed after due date.
Additional assessment of \$100.00 or 100% after 30 days.**

| Date | Invoice # | Quantity | Item Code | Description | Rate | Amount |
|------------|-----------|----------|------------|--------------------------------------|-------------|-------------|
| 05/14/2013 | 1256896 | 1 | 6HUNT-EHO | FEE FOR NEW TANK INSTALLATION | \$ 1,420.00 | \$ 1,420.00 |
| 05/15/2013 | 1257241 | 1 | 6HUST-EHO | FEE PER UNDERGRND TANK | \$ 433.00 | \$ 433.00 |
| 05/15/2013 | 1257242 | 1 | 6HCUPA2EHO | UST STATE CUPA SURCHARGE FEE PER UST | \$ 15.00 | \$ 15.00 |

TOTAL AMOUNT DUE: \$ 1,868.00

For online credit card payments go to: <http://www.dehpay.com>. Click on "Pay Fees" and enter the Record Number, then click the "Search" button. In the Permit Summary page, click on "Pay Outstanding Fees". For other payment options, see back of invoice.

RETURN BOTTOM PORTION WITH YOUR PAYMENT. *Make check payable to: COUNTY OF SAN DIEGO, DEH*

Check here if this is a Business Location or Ownership change. **PERMITS ARE NOT TRANSFERRABLE**. Please apply for a new permit. See reverse side for additional instructions.

Record Number: **DEH2013-HUSTP-000182**
Business Name: **ARCO AM/PM**
Owner Name: **MELROSE LLC**
Business Location: **1501 MELROSE DR
OCEANSIDE, CA 92056**

Please print your e-mail address to better serve you.

If payment is made by Credit Card, please write your Confirmation # _____

| | |
|-------------------|-------------------|
| PAYMENT DUE DATE: | 05/15/2013 |
| AMOUNT DUE: | \$1,868.00 |

| | |
|--------------|--|
| AMOUNT PAID: | |
|--------------|--|

**COUNTY OF SAN DIEGO
DEPARTMENT OF ENVIRONMENTAL
HEALTH
P.O. BOX 129261
SAN DIEGO, CA 92112-9261**



TX1XWDEH2013-HUSTP-000182



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:

1. **APPLICANT:** KA Management
2. **ADDRESS:** 5820 Oberlin Dr. #201, San Diego, CA. 92121
3. **PHONE NUMBER:** 858-404-6080
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner
6. **PROJECT TITLE:** D13-00010 & CUP13-00028 Arco Fuel Ethanol Modifications
7. **DESCRIPTION:** A Development Plan (D13-00010) and Conditional Use permit (CUP13-00028) to modify an existing gas station for the construction of new ethanol fuel pump dispenser with an associated 10,000 gallon under ground fuel tank located at 1501 North Melrose Drive. The 0.90-acre project site is located at the southwest corner of Oceanside Boulevard and Melrose Drive. The property is designated General Commercial (CG) on the General Plan Land Use Map and the Zoning map and is situated within the Peacock neighborhood.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the California Environmental Quality Act (CEQA). The proposal involves the installation of a 10,000 gallon underground ethanol storage tank to facilitate a new fuel pump. Therefore, staff has determined that further environmental evaluation is not required because:

- The project is categorically exempt per California Environmental Quality Act (CEQA) Article 19, Class 32, In-Fill Development (Section 15332) or,
- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,


Scott Nightingale, Planner

Date: 11/18/13

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee (only required if filing for 35 day posting in lieu of 180 day posting)

PLANNING COMMISSION
RESOLUTION NO. 2013-P47

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

APPLICATION NO: D13-00010, CUP13-00028
APPLICANT: KA Management
LOCATION: 1501 North Melrose Drive

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

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

to modify an existing gas station for the construction of a new ethanol fuel pump dispenser with an associated 10,000 gallon underground fuel tank located at 1501 North Melrose Drive;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 18th day of November 2013, 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 categorically exempt from CEQA per Article 19, Section 15332, In-fill Development projects;

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

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. 06-R0334-1 | Depends on area (range is \$2,843-\$15,964 per acre) |
| 4 | | | |
| 5 | 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 |
| 6 | | | |
| 7 | School Facilities Mitigation Fee | Ordinance No. 91-34 | \$.51 per square foot non-residential for Oceanside |
| 8 | | | |
| 9 | Traffic Signal Fee | Ordinance No. 87-19 Resolution No. 06-R0334-1 | \$15.71 per vehicle trip |
| 10 | | | |
| 11 | 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) |
| 12 | | | |
| 13 | | | |
| 14 | 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. |
| 15 | | | |
| 16 | | | |
| 17 | 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. |
| 18 | | | |
| 19 | | | |
| 20 | 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. |
| 21 | | | |

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

24 FINDINGS:

25 For the Development Plan to permit the construction of an additional fuel pump dispenser with
26 an associated 10,000 gallon underground fuel storage tank:

27 ///

28

1. The site plan and physical design of the project is consistent with the purposes of the Zoning Ordinance. The proposed improvements, as conditioned, will be consistent with the underlying General Commercial (CG) zoning designation development standards, including lot coverage, floor/area ratio, building height and setbacks.
2. The Development Plan conforms to the General Plan of the City. The project is located within an existing commercial property and is consistent with the underlying Commercial General (CG) General Plan designation. The subject development and land use complements its context, therefore it complies with General Plan objectives and policies which encourage preservation and provision of services in aesthetic, people oriented associations that are compatible and organized to surrounding land uses.
3. The project site can be adequately served by existing public facilities, services and utilities. The subject development involves the addition of a seventh fuel pump dispenser for ethanol fueling purposes within an existing gas station and all necessary utility infrastructures to serve the project is available on-site.
4. The project is compatible with existing and potential development on adjoining commercial properties and the surrounding neighborhood. The ethanol fuel pump dispenser with associated underground storage tank would be located within an existing gas station that currently includes six fuel dispensers, so the proposed fuel pump will be consistent with uses on site and the function.

For the Conditional Use Permit to the usage, handling, and storage of hazardous materials for an existing gas station:

1. The location of the proposed hazardous material will be stored within an new 10,000 gallon underground storage tank in conjunction and to facilitate a propose ethanol fuel dispenser, is in accord with the objectives of the Zoning Ordinance and the purposes of the underlying General Commercial (CG) district.
2. The location for the use and conditions under which it will be operated are consistent with the General Plan, will not be detrimental to public health, safety or welfare of persons residing or working in or adjacent to the neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

1 3. The proposed conditional use is subject to compliance with Zoning Ordinance provisions,
2 specific conditions of project approval and additional regulations/licensing as deemed
3 necessary by other regulatory or permit authorities.

4 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
5 approve Development Plan (D13-00010) and Conditional Use Permit (CUP13-00028) subject to
6 the following conditions:

7 **Building:**

- 8 1. The granting of approval under this action shall in no way relieve the applicant/project
9 from compliance with all Current State and local building codes. Applicable Building
10 Codes and Ordinances shall be based on the date of submittal for Building Division plan
11 check.
- 12 2. Shall comply with the 2010 edition of the California Code of Regulations (CCR); Title
13 24, (which is composed of 12 parts) referred to as the California Building Standards
14 Code.
- 15 3. The building plans for this project shall be prepared by a licensed architect or engineer
16 and shall be in compliance with this requirement prior to submittal for building plan
17 review.
- 18 4. All electrical, communication, CATV, etc. service lines within the exterior lines of the
19 property shall be underground (City Code Sec. 6.30).
- 20 5. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the
21 plans. Separate/unique addresses may be required to facilitate utility releases. Verification
22 that the addresses have been properly assigned by the City's Planning Division shall
23 accompany the Building Permit application.
- 24 6. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
25 shall be required at time of plans submittal to the Building Division for plan check.
- 26 7. The developer shall monitor, supervise and control all building construction and
27 supportive activities so as to prevent these activities from causing a public nuisance,
28 including, but not limited to, strict adherence to the following:

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- 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 noise-
5 producing nature. No work shall be permitted on Sundays and Federal Holidays
6 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
7 Christmas Day) except as allowed for emergency work under the provisions of the
8 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 neat,
13 safe manner for short periods of time pending disposal

13 **Engineering:**

- 14 8. For the demolition of any existing structure or surface improvements; grading plans
15 shall be submitted and erosion control plans be approved by the City Engineer prior to
16 the issuance of a demolition permit. No demolition shall be permitted without an
17 approved erosion control plan.
- 18 9. Design and construction of all improvements shall be in accordance with the City of
19 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard
20 engineering and specifications of the City of Oceanside and subject to approval by the
21 City Engineer.
- 22 10. Prior to approval of grading plan all improvement requirements shall be covered by a
23 development agreement and secured with sufficient improvement securities or bonds
24 guaranteeing performance and payment for labor and materials, setting of monuments,
25 and warranty against defective materials and workmanship.
- 26 11. A Declaration of Covenants, Conditions and Restrictions (DCC&R) is required prior to the
27 grading permit, and will be reviewed and approved by the City Attorney. The Declaration
28 of Covenants, Conditions and Restrictions (DCC&R) shall be recorded attesting to these
improvement conditions prior to issuance of any grading permit.

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

- 4 a) Dirt, debris and other construction material shall not be deposited on any public
5 street or within the City's storm water conveyance system.
- 6 b) All grading and related site preparation and construction activities shall be
7 limited to the hours of 7 AM to 6 PM, Monday through Friday. No engineering
8 related construction activities shall be conducted on Saturdays, Sundays or legal
9 holidays unless written permission is granted by the City Engineer with specific
10 limitations to the working hours and types of permitted operations. All on-site
11 construction staging areas shall be as far as possible (minimum 100 feet) from
12 any existing residential development. Because construction noise may still be
13 intrusive in the evening or on holidays, the City of Oceanside Noise Ordinance
14 also prohibits "any disturbing excessive or offensive noise which causes
15 discomfort or annoyance to reasonable persons of normal sensitivity."
- 16 c) The construction site shall accommodate the parking of all motor vehicles used by
17 persons working at or providing deliveries to the site. An alternate parking site can
18 be considered by the City Engineer in the event that the lot size is too small and
19 cannot accommodate parking of all motor vehicles.
- 20 d) The owner/developer shall complete a haul route permit application (if required
21 for import/export of dirt) and submit to the City of Oceanside Engineering
22 Department forty eight hours (48) in advance of beginning of work. Hauling
23 operations (if required) shall be 8:00 A.M. to 3:30 P.M. unless approved
24 otherwise.

25 13. It is the responsibility of the owner/developer to evaluate and determine that all soil
26 imported or exported as part of this development is free of hazardous and/or
27 contaminated material as defined by the City and the County of San Diego Department
28 of Environmental Health. Exported or imported soils shall be properly screened, tested,
and documented regarding hazardous contamination.

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- 1 14. A traffic control plan shall be prepared according to the City traffic control guidelines
2 and approved to the satisfaction of the City Engineer prior to the start of work within the
3 public right-of-way. Traffic control during construction of streets that have been opened
4 to public traffic shall be in accordance with construction signing, marking and other
5 protection as required by the Caltrans Traffic Manual and City Traffic Control
6 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless
7 approved otherwise.
- 8 15. Pavement sections for all onsite driveways and parking areas shall be based upon approved
9 soil tests and traffic indices. The pavement design is to be prepared by the
10 owner/developer's soil engineer and must be in compliance with the City of Oceanside
11 Engineers Design and Processing Manual and be approved by the City Engineer, prior to
12 paving.
- 13 16. Any existing public or private pavement, concrete curb, gutter, driveways, pedestrian
14 ramps and sidewalk within the project, or adjacent to the project boundary that are already
15 damaged or damaged during construction of the project, shall be repaired or replaced as
16 directed by the City Engineer.
- 17 17. Prior to any grading of any part of the project, a comprehensive soils and geologic
18 investigation shall be conducted of the soils, and formations in the project. All necessary
19 measures shall be taken and implemented to assure slope stability, erosion control, and soil
20 integrity. No grading shall occur until a detailed grading plan, to be prepared in accordance
21 with the Grading Ordinance and Zoning Ordinance is approved by the City Engineer.
- 22 18. Prior to the issuance of grading permit, an erosion control plan, designed for all proposed
23 stages of construction, shall be reviewed, secured by the owner/developer with cash
24 securities or letter of credit and approved by the City Engineer.
- 25 19. A precise grading and private improvement plan shall be prepared, reviewed, secured and
26 approved prior to the satisfaction of the City Engineer. The plan shall reflect all pavement,
27 flatwork, landscaped areas, and special surfaces, footprints of all structures, walls, drainage
28 devices and utility services. Parking lot striping shall be shown on the precise grading plan.

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- 1 20. The drainage design shown on the site plan or preliminary grading plan, and the drainage
2 report for this project is conceptual only. The final drainage report and drainage design
3 shall be based upon a hydrologic/hydraulic study that is in compliance with the latest San
4 Diego County Hydrology and Drainage Manual to be approved by the City Engineer
5 during final engineering. All drainage picked up in an underground system shall remain
6 underground until it is discharged into an approved channel, or as otherwise approved by
7 the City Engineer.
- 8 21. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed
9 of in accordance with all state and federal requirements, prior to stormwater discharge
10 either off-site or into the City drainage system.
- 11 22. The owner/developer shall obtain any necessary permits and clearances from all public
12 agencies having jurisdiction over the project due to its type, size, or location, including but
13 not limited to the U. S. Army Corps of Engineers, California Department of Fish & Game,
14 U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
15 (including NPDES), San Diego County Department of Environmental Health (DEH), prior
16 to the issuance of grading permits.
- 17 23. Approval of this development project is conditioned upon payment of all applicable impact
18 fees and connection fees in the manner provided in chapter 32B of the Oceanside City
19 Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees,
20 reimbursements, and other applicable charges, fees and deposits shall be paid prior to
21 issuance of any building permits, in accordance with City Ordinances and policies.
22 Approval of this project shall constitute the owner/developer's approval of such payments,
23 and his agreement to pay for any other similar assessments or charges in effect when any
24 increment is submitted for building permit approval, and to join, contribute, and/or
25 participate in such districts.
- 26 24. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire
27 project will be subject to prevailing wage requirements as specified by Labor Code
28 section 1720(b) (4). The owner/developer shall agree to execute a form acknowledging
the prevailing wage requirements prior to the granting of any fee reductions or waivers.

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1 25. In the event that the conceptual plan does not match the conditions of approval, the
2 resolution of approval shall govern.

3 **Fire:**

4 26. Show existing and proposed fire hydrants on the site plan. All portions of exterior walls
5 must be within 400 feet of a fire hydrant.

6 27. Fire Department requirements shall be placed on plans in the notes section.

7 28. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval
8 prior to the issuance of building permits and accordance with the Department of
9 Environmental Health for underground storage tanks compatible for Ethanol Storage.

10 29. Buildings shall meet Oceanside Fire Department's current codes at the time of building
11 permit application.

12 30. Submit details of emergency training and security procedures and appropriate mitigating
13 actions necessary in the event of fire, leaks or spills.

14 **Planning:**

15 31. This Development Plan (D13-00010) and Conditional Use Permit (CUP13-00028) shall
16 expire on November 18, 2015, unless implemented as required by the Zoning Ordinance.

17 32. This Development Plan (D13-00010) and Conditional Use Permit (CUP13-00028)
18 approves the modification of an existing gas station to allow the addition of a new ethanol
19 fuel pump dispenser with an associated 10,000 gallon under ground fuel tank located at
20 1501 North Melrose Drive as depicted on the plans and exhibits presented to the Planning
21 Commission for review and approval. No deviation from these approved plans and
22 exhibits shall occur without the City Planner or Planning Commission approval.
23 Substantial deviations shall require a revision to the Development Plan and Conditional
24 Use Permit, or a new Development Plan and Conditional Use Permit, as determined by the
25 City Planner.

26 33. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
27 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
28 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
annul an approval of the City, concerning Development Plan (D13-00010) and Conditional
Use Permit (CUP13-00028). The City will promptly notify the applicant of any such

1 claim, action or proceeding against the City and will cooperate fully in the defense. If
2 the City fails to promptly notify the applicant of any such claim action or proceeding or
3 fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible
4 to defend, indemnify or hold harmless the City.

5 34. 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 a business license. The covenant
7 shall provide that the property is subject to this resolution, and shall generally list the
8 conditions of approval.

9 35. 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 Development Services Department. These requirements, including
12 the obligation to remove or cover with matching paint all graffiti within 24 hours, shall be
13 noted on the Landscape Plan and shall be recorded in the form of a covenant affecting the
14 subject property.

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

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

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

26 39. This Development Plan and Conditional Use Permit shall be called for review by the
27 Planning Commission if complaints are filed and verified as valid by the Code
28 Enforcement Office concerning the violation of any of the approved conditions or
assumptions made by the application.

//////

1 40. Prepare hazardous materials release response plan in accordance to Chapter 6.95 of the
2 California Health and Safety Code.

3 PASSED AND ADOPTED Resolution No. 2013-P47 on November 18, 2013 by the
4 following vote, to wit:

5 AYES:

6 NAYS:

7 ABSENT:

8 ABSTAIN:

9
10 _____
11 Robert Neal, Chairperson
12 Oceanside Planning Commission

13 ATTEST:

14 _____
15 Marisa Lundstedt, Secretary

16 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify
17 that this is a true and correct copy of Resolution No. 2013-P47.

18
19 Dated: November 18, 2013

20
21 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may
22 be required as stated herein:

23 _____
24 Applicant/Representative

_____ Date



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 **RECEIVED**
 AUG 01 2013
 CITY OF OCEANSIDE
 DEVELOPMENT SERVICES

Please Print or Type All Information

| | | | | |
|---|----------------|--------------------|------------------------------|--|
| PART I - APPLICANT INFORMATION | | | HEARING | |
| 1. APPLICANT KA Management, Inc. | | | GPA | |
| 2. STATUS | | | MASTER/SP.PLAN | |
| 3. ADDRESS 5820 Oberlin Drive, #201 San Diego CA 92121 | | | ZONE CH. | |
| 4. PHONE/FAX/E-mail 858-704-6080 | | | TENT. MAP | |
| 5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Jeanette Verdugo - A&C Design | | | PAR. MAP | |
| 6. ADDRESS 350 N. Glenoaks Blvd, suite 307 Burbank CA 91502 | | | DEV. PL. D13-00010 | |
| 7. PHONE/FAX/E-mail 818-5664000 | | | C.U.P. CUP13-00028 | |
| PART II - PROPERTY DESCRIPTION | | | VARIANCE | |
| 8. LOCATION 1501 N. Melrose Drive | | | COASTAL | |
| 9. SIZE | | | O.H.P.A.C. | |
| 10. GENERAL PLAN | 11. ZONING | 12. LAND USE | 13. ASSESSOR'S PARCEL NUMBER | |
| | CG Zone | gas station | 161-030-1700 | |
| 14. LATITUDE | | | 15. LONGITUDE | |

PART III - PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION
Existing gas station. Modification to add (1) new underground storage tank for E85 and (1) new dispenser.

| | | | | |
|---------------------------|---------------------|-----------------------|---------------------------|-------------|
| 17. PROPOSED GENERAL PLAN | 18. PROPOSED ZONING | 19. PROPOSED LAND USE | 20. NO. UNITS | 21. DENSITY |
| | Same | Same | 1 | |
| 22. BUILDING SIZE | 23. PARKING SPACES | 24. % LANDSCAPE | 25. % LOT COVERAGE or FAR | |
| NA | N/A | | | |

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): Jeanette Verdugo | 36. DATE 7/31/13 | 37. OWNER (Print): Karvan Arghnia, PRES | 38. DATE 6-20-13 |
| Sign: | for KA | 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.



MELROSE, LLC

5820 Oberlin Drive, Suite 201
San Diego, CA 92121
(858) 404-6080 Phone
(858) 404-6081 Fax

September 18, 2013

City of Oceanside
Development Services Department
Planning Division
300 N. Coast Highway
Oceanside, CA 92054

RE: Proposed modification to existing ARCO Service Station @
1501 N. Melrose Drive, Oceanside, CA
APN: 161-030-17-00

I am writing to you regarding the proposed improvements to the existing ARCO station referenced above. The existing ARCO is located at the S.W.C. of N. Melrose Drive & Oceanside Blvd in the City of Oceanside, California. The lot consists of approximately 1.28 acres. The APN # is 161-030-17-00.

The proposed improvements will consist of modifying the existing gas station to accommodate a new dispenser and underground storage tank. The new dispenser will be an Eco Fuel Wayne Ovation one product dispenser measuring approximately 8'6" in height, 2' in depth, 4' in width and will be ADA compliant. The new dispenser will be located under the existing canopy. The underground storage tank will be a 10,000 gallon Containment Solution tank. It will measure approximately 31' in width and 8' in diameter. The bottom of the tank will sit approximately 14' from finished surface and will store E85.

Based on the 1992 Zoning Ordinance adopted by the City of Oceanside Planning Department, the existing site currently complies with all parking requirements. Per the code, this development must provide a total of fourteen off-street parking spaces. The station currently provides all fourteen spaces, therefore complying with parking requirements plus another fourteen parking spaces under the canopy. The existing development also provides two driveways for accessibility and easy traffic flow. The addition of the gas dispenser will not interfere with the current flow of traffic of the station since we are not adding a new fueling position.

Please feel free to contact me if you should have any questions or if you need additional information.

A handwritten signature in blue ink, appearing to read 'Jason Weller', is written over a horizontal line.

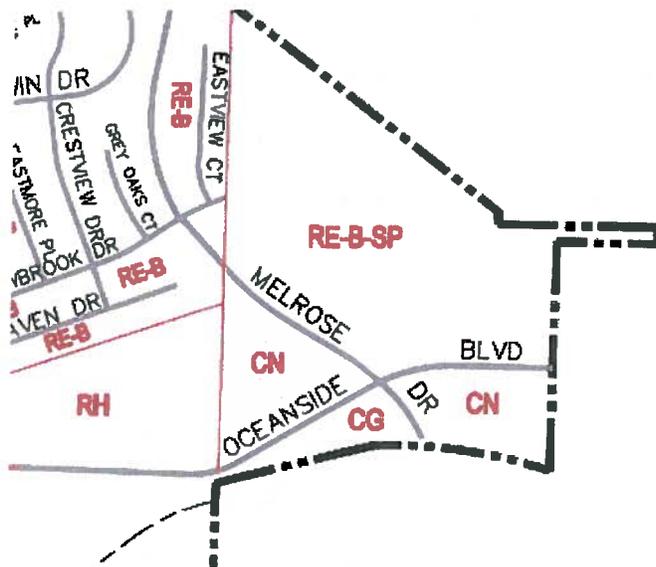
Melrose, LLC
By: Jason Weller – General Counsel

Project: Proposed modification to existing ARCO Service Station @
1501 N. Melrose Drive, Oceanside, CA
APN: 161-030-17-00

Application: Revision to the Existing Development Plan & Revision to the Existing Conditional Use Permit
D-6-97 & C-10-97
Project Description and Justification plus Additional Findings/Photos

The existing ARCO is located at the S.W.C. of N. Melrose Drive & Oceanside Blvd in the City of Oceanside, California. The lot consists of approximately 1.28 acres. The APN # is 161-030-17-00.

The property is currently zoned CG General Commercial. Zoning to the North is RE-B Residential and is currently vacant. To the immediate East is zoned CN Neighborhood Commercial and is currently vacant as well. Use within the same corner and adjacent to the West is a parking lot for a public transportation station. Zoning to the East is also CH Neighborhood Commercial and is also vacant. South of the property is a public transportation station and railway.



The proposed improvement will consist of modifying the existing gas station to accommodate a new dispenser and underground storage tank. The new dispenser will be an Eco Fuel Wayne Ovation one product dispenser measuring approximately 8'6" in height, 2' in depth, 4' in width and will be ADA compliant. The new dispenser will be located under the existing canopy. The underground storage tank will be a 10,000 gallon Containment Solution tank. It will measure approximately 31' in width and 8' in diameter. The bottom of the tank will sit approximately 14' from finished surface and will store E85.

E85 is an abbreviation for an ethanol fuel blend of 85% denatured ethanol fuel and 15% gasoline. E85 is commonly used by flex-fuel vehicles and is a low emissions alternative fuel.

Applicant: KA Management
Applicant Representative: AGC Design Concept, Inc.

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The proposed modifications to the site will not trigger any changes in traffic flow and/or in parking requirements. This modification will not trigger any additional improvements to the site such as landscape, additional parking, etc. The existing development already complies with all city codes.



The addition of the new dispenser and underground storage tank will require several state and local agency permits. The construction and operation will require the following approvals/permits: City of Oceanside Planning Department, City of Oceanside Building Department, City of Oceanside Engineering Department, County of San Diego Environmental Health – Hazardous Materials Div, City of Oceanside Fire Department and San Diego County Air Pollution Control.

We currently have approvals from County of San Diego Environmental Health – Hazardous Materials Div, County of San Diego APCD and City of Oceanside Fire Department. The City of Oceanside will not plan check our drawings until we have approval from the planning department.

Applicant: KA Management
Applicant Representative: AGC Design Concept, Inc.

EXHIBIT "A"

PARCEL 1:

PARCEL C OF PARCEL MAP 17266, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 3, 1993.

PARCEL 2:

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER, ALONG AND ACROSS THE PARKING LOT AND DRIVEWAYS OF PARCEL E OF PARCEL MAP 17266.