

AGENDA NO. 3



PLANNING COMMISSION

STAFF REPORT

DATE: January 11, 2010

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP09-00012) TO PERMIT LIVE ENTERTAINMENT AND DANCING WITHIN THE EXISTING Q RESTAURANT AND SPORTS BAR, BETWEEN THE HOURS OF 8:00 P.M. TO 1:00 A.M. THURSDAY THROUGH SUNDAY, LOCATED AT 2725 VISTA WAY, WITHIN THE FIRE MOUNTAIN NEIGHBORHOOD – Q RESTAURANT AND SPORTS BAR – APPLICANT: BRUGGE INVESTMENTS, LLC.**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of an Article 19, Section 15301, Class 1 (a), Existing Facilities, Categorical Exemption; and,
- (2) Adopt Planning Commission Resolution No. 2010-P01 approving Conditional Use Permit CUP09-00012 with findings and conditions of approval attached herein.

BACKGROUND AND PROJECT DESCRIPTION

Site Review: The subject site is designated Community Commercial (CC) on the General Plan Land Use Map and Community Commercial (CC) on the Zoning map. The existing restaurant is on its own pad within a larger commercial center known as the El Camino North Shopping Center. The existing building was originally constructed in 1981 and has had several restaurant operators since that time. The Q Restaurant and Sports Bar ("The Q") has been operating in the space since January 30, 2008. There have been no code enforcement citations issued to The Q since it began operating.

The Q is generally located between two bank buildings; one on the north side, one on the southwest. To the east of the site is a landscape slope that extends down to El Camino Real. The main parking area serving the site is on its west, and Highway 78 is to the south. There are existing commercial shopping centers surrounding the site, on all four corners of the Vista Way and El Camino Real intersection.

Project Description: The application has one component; a conditional use permit:

Conditional Use Permit CUP09-00012 represents a request for the following:

- (a) Consideration of a Conditional Use Permit (CUP09-00012) to permit live entertainment and dancing within the existing Q Restaurant and Sports Bar, from the hours of 8:00 p.m. to 1:00 a.m. Thursday through Sunday, located at 2725 Vista Way. The project is Exempt from CEQA per Article 19, Section 15301, Class 1 (a), Existing Facilities.

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

1. General Plan
2. Zoning Ordinance
3. CEQA

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designation on the subject property is Community Commercial (CC). 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.

This project site is within an existing shopping center, which is part of a larger commercial "hub", which is located along two major regional transportation corridors and State Highway 78. The proposal to add live music and dancing to the existing restaurant will enhance the services it offers to its customers and

allows it to continue operating as an appropriate use for the site given its location and land use designation. The proposal to add live music and dancing, at the restricted hours proposed, is a natural fit within the existing shopping center and will ultimately benefit the community. The proposed use is consistent with Policy A and Policy B.

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

The proposed project is a service enhancement to an existing restaurant within a well established commercial center that is located along two major transportation corridors. All off-street parking required for the use is already provided on-site. The proposed use is consistent with Policy C.

B. Land Use Element II

Objective 2.21 Community Commercial Development:

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

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

Policy B: Development within this designation shall be on sites in excess of 30 acres. Specialized commercial uses requiring less land area may be considered when of similar intensity, or offering comparative revenue and/or employment generating capacities. Location shall be limited to sites along major arterials or higher rated roads.

The proposed use is permitted within a Community Commercial (CC) District with approval of a Conditional Use Permit. The proposed live entertainment and dancing will be a service enhancement for the existing business and be a good fit within the much larger shopping center. The site is located adjacent to two major transportation corridors. It is anticipated that the enhanced service will benefit the City of Oceanside because it will provide residents another entertainment option and it should generate increased sales tax revenue for the City. The proposed use is consistent with Policy A and Policy B.

2. Zoning Ordinance Compliance

Article 11, Section 1120

The proposed use will be contained within an existing restaurant structure. The project complies with all Zoning Ordinance requirements for set backs, building height, lot coverage, landscaping and parking. Section 1120 of the Oceanside Zoning Ordinance allows eating and drinking establishments to have live entertainment with the approval of a Conditional Use Permit. The project complies with Section 1120 requirements.

Article 30, Section 3010

Section 3010 of the Code regulates live entertainment. Section 3010 A. stipulates that exits shall not be opposite an R district adjoining a site, unless it is limited to emergency use only. The project site does not adjoin an R district, and therefore complies.

Section 3010 B. requires a Conditional Use Permit to ensure no litter problem will exist. The project complies with this requirement and has been conditioned regarding the removal of litter.

Section 3010 C. requires a use permit for each type of entertainment and the project complies (live music and dancing).

Article 30, Section 3020.3(f)

Section 3020.3(f) of the Code regulates live entertainment within outdoor eating areas. This section prohibits live entertainment within outdoor eating areas. The project proposes live music and dancing on the interior of the business, therefore, it complies with this Code Section.

DISCUSSION

***Issue:** Potential Noise impacts to residential neighborhoods or surrounding commercial uses.*

***Recommendation:** In reviewing this proposal, staff focused on the project's overall compatibility with the surrounding land uses and consistency with the provisions of the General Plan and Zoning Code. The City's land use policies and zoning regulations governing this type of request are intended to site these uses in areas where noise impacts would be minimized.*

Staff believes the location of the existing restaurant is highly suitable to the proposed use. There are no residential communities within at least 750 feet of the site. Combine that with the existing ambient noise levels generated by El Camino Real, Vista Way, and Highway 78, and there will be no noise impacts from this use to residential areas.

As noted earlier, the existing restaurant is located between two bank buildings whose main hours-of-operation occur prior to the proposed times for the live entertainment. The next closest tenants to The Q is an office complex whose main hours-of-operation occur prior to the proposed times for the live entertainment. The use is allowed on this site and it poses noise impacts to other tenants within the center.

It is important to note that the project has been conditioned so that if there are legitimate complaints relating to noise or any other issues that are verified by the Code Enforcement officer, the use can be called for review by the Planning Commission.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Article 19, Section 15301.Existing Facilities, Class 1 (a), of the California Environmental Quality Act.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 1500-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant and other interested parties. As of January 6, 2010 no communication opposing the request had been received.

SUMMARY

The proposed Conditional Use Permit, as conditioned, is consistent with the requirements of the land use policies of the General Plan and provisions of the Zoning Ordinance. The project has been conditioned to meet or exceed all applicable regulations. 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:

- Confirm issuance of an Article 19, Section 15301.Existing Facilities, Class 1 (a), Categorical Exemption.

- Adopt Planning Commission Resolution No. 2010-P01 approving Conditional Use Permit CUP09-00012 with findings and conditions of approval attached herein.

PREPARED BY:



Richard Greenbauer
Senior Planner

SUBMITTED BY:

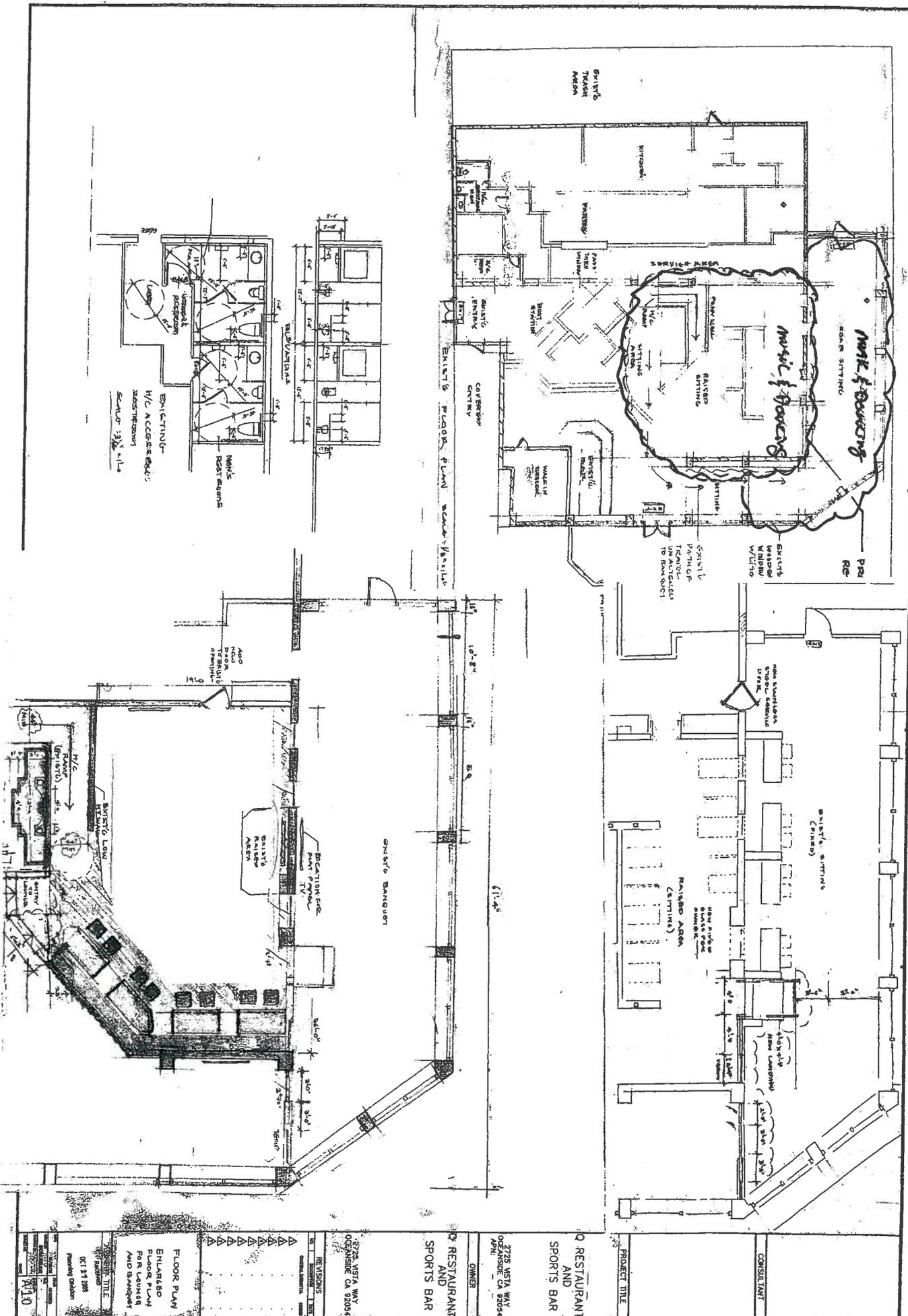


Jerry Hittelman
City Planner

RG/vm

Attachments:

1. Floor/Site Plans
2. Planning Commission Resolution No. 2010-P01



CONSULTANT	PROJECT TITLE	OWNER	DATE
	Q RESTAURANT AND SPORTS BAR	2728 VISTA WAY OAKLAND, CA 94604	12/11/09
		DESIGNER	
		2728 VISTA WAY OAKLAND, CA 94604	
		PROJECT TITLE	
		FLOOR PLAN	
		ENLARGED	
		FOR PERMITS	
		AND BANQUET	
		DATE	12/11/09
		DESIGNED BY	
		PROJECT NO.	110

DEC 01 2009
 Planning Department

1 PLANNING COMMISSION
2 RESOLUTION NO. 2010-P01

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

6 APPLICATION NO: CUP09-00012
7 APPLICANT: Q Restaurant & Sports Bar
8 LOCATION: 2725 Vista Way

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

11 WHEREAS, there was filed with this Commission a verified petition on the forms
12 prescribed by the Commission requesting a Conditional Use Permit under the provisions of
13 Articles 11, 30 40 & 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

14 live entertainment and dancing Thursday through Sunday, from 8:00 p.m. to 1:00 a.m.
15 within the existing Q Restaurant & Sports Bar;

16 on certain real property described in the project description.

17 WHEREAS, the Planning Commission, after giving the required notice, did on the 11th
18 day of January, 2010, conduct a duly advertised public hearing as prescribed by law to consider
19 said application;

20 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
21 Guidelines thereto; this project is categorically exempt from CEQA per Article 19, Section 15301
22 Class 1 (a), Existing Facilities;

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

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

27 FINDINGS:

28 For the Conditional Use Permit to allow live entertainment and dancing, Thursday through
29 Sunday, between 8:00 p.m. and 1:00 a.m.:

1. The proposed location and operation of the use, under the applied land use conditions,
are consistent with the effective land use policies and will not be detrimental to the

1 public health or general welfare of persons residing or working in the area because it is a
2 permitted use and it complies with all the appropriate regulations.

3 2. The proposed location of the use is within an existing restaurant building, which is adjacent
4 to other similar commercial uses, and it complies with General Plan Land Use policies for
5 community commercial uses. The proposed use is internal and ancillary to an existing
6 restaurant and therefore will not be detrimental to the public health, safety and welfare of
7 persons residing or working in, or adjacent to the use. As such, the use will not be
8 detrimental to properties or improvements in the vicinity or to the general welfare of the
9 City because it is allowed on the site and the use complies with all applicable regulations.

10 3. The use complies with all applicable provisions of the Zoning Ordinance and it has been
11 conditioned to ensure that it operates within the rules and regulations of the City and the
12 use may be revoked if it fails to do so.

13 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
14 approve Conditional Use Permit (CUP09-00012) subject to the following conditions:

15 **Fire Prevention:**

- 16 1. Fire Department requirements shall be placed on plans in the notes section.
- 17 2. A "Knox" key storage box shall be provided for all new construction.
- 18 3. Fire extinguishers are required and shall be included on the plans submitted for plan
19 check.
- 20 4. In accordance with the Oceanside Fire Code Section 505 approved addresses for
21 commercial occupancies shall be placed on the structure in such a position as to be plainly
22 visible and legible from the street or roadway fronting the property. Numbers shall be
23 contrasting with their background and meet the current City of Oceanside size and design
24 standard.
- 25 5. Commercial buildings require 6-inch address numbers.
- 26 6. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval
27 prior to the issuance of building permits.
- 28 7. Buildings shall meet Oceanside Fire Department's current codes at the time of building
29 permit application.

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1 **Planning:**

- 2 8. This Conditional Use Permit approves only the use of live entertainment and dancing,
3 Thursday through Sunday, between the hours of 8:00 p.m. and 1:00 a.m. within the
4 restaurant, and shall expire on January 11, 2013 unless implemented per City Code.
- 5 9. No persons under 21 years of age are allowed into the facility during the times when live
6 entertainment and dancing are occurring.
- 7 10. There shall be no live entertainment or dancing in the outside dinning patio area.
- 8 11. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
9 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
10 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
11 annul an approval of the City, concerning Conditional Use Permit (CUP09-00012). The
12 City will promptly notify the applicant of any such claim, action or proceeding against
13 the City and will cooperate fully in the defense. If the City fails to promptly notify the
14 applicant of any such claim action or proceeding or fails to cooperate fully in the
15 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
16 harmless the City.
- 17 12. A covenant or other recordable document approved by the City Attorney shall be prepared
18 by the applicant and recorded prior to the issuance of a business license, a building permit,
19 or February 11, 2010. The covenant shall provide that the property is subject to this
20 resolution, and shall generally list the conditions of approval, and shall include the
21 Management Plan required by Condition of Approval #13 below as an attachment. The
22 covenant shall provide that the property is subject to this resolution, and shall generally list
23 the conditions of approval.
- 24 13. The applicant/owner shall prepare a Management Plan for the use. The Management Plan
25 is subject to the review and approval of the City Planner and the Police Chief prior to
26 commencement of the use. The Management Plan shall cover the following:
- 27 a) On-Site Management.
 - 28 b) Hours-of-Operation.
 - 29 c) On-Site Security, interior and exterior, including video surveillance per
Condition of Approval #18 below.

- 1 14. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
- 2 written copy of the applications, staff report and resolutions for the project to the new
- 3 owner and/or operator. This notification's provision shall run with the life of the project
- 4 and shall be recorded as a covenant on the property.
- 5 15. Failure to meet any conditions of approval for this Conditional Use Permit shall constitute
- 6 a violation of the Conditional Use Permit.
- 7 16. The Conditional Use Permit shall be called for review by the Planning Commission if
- 8 complaints are filed and verified as valid by the City Planner or the Code Enforcement
- 9 Officer concerning the violation of any of the approved conditions or the project
- 10 assumptions demonstrated under the application approval.
- 11 17. Unless expressly waived, all current zoning standards and City ordinances and policies in
- 12 effect at the time building permits are issued are required to be met by this project. The
- 13 approval of this project constitutes the applicant's agreement with all statements in the
- 14 Description and Justification and other materials and information submitted with this
- 15 application, unless specifically waived by an adopted condition of approval.

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1 18. The on-site video surveillance equipment shall be upgraded or enhanced prior to July 11,
2 2010 to allow for on-site 30-day video storage for use by the Oceanside Police
3 Department, if needed, to the satisfaction of the Police Chief.

4 PASSED AND ADOPTED Resolution No. 2010-P01 on January 11, 2010 by the
5 following vote, to wit:

6 AYES:

7 NAYS:

8 ABSENT:

9 ABSTAIN:

10 _____
11 Claudia Troisi, Chairperson
12 Oceanside Planning Commission

13 ATTEST:

14 _____
15 Jerry Hittleman, Secretary

16 I, Jerry Hittleman, Secretary of the Oceanside Planning Commission, hereby certify that this is a
17 true and correct copy of Resolution No. 2010-P01.

18 Dated: January 11, 2010
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Application for Public Hearing

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

STAFF USE ONLY

ACCEPTED

BY

10/27/09

SN

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

GPA

1. APPLICANT *BRUCE INVESTMENTS LLC* 2. STATUS *MANAGING MEMBER*
DBA Q RESTAURANT & SPORTS BAR

MASTER/SP.PLAN

ZONE CH.

3. ADDRESS *92054* 4. PHONE/FAX/E-mail
3725 VISTA WAY O'SIDE CA 760/802-1822
760/757-9403

TENT. MAP

PAR. MAP

5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) *ROBERT C. STEINKE (760) 802-1822*

DEV. PL

C.U.P.

CUP09-00012

6. ADDRESS *1748 KINGS RD, VISTA, CA* 7. PHONE/FAX/E-mail
FAX (760) 639-3521

VARIANCE

COASTAL

PART II - PROPERTY DESCRIPTION *92054-3638*

O.H.P.A.C.

8. LOCATION
ITEM 3 ABOVE

9. SIZE

10. GENERAL PLAN *CC* 11. ZONING *CC* 12. LAND USE *COMMERCIAL*

13. ASSESSOR'S PARCEL NUMBER

** 165-121-17*

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION *BE ABLE TO HAVE MUSIC AND DANCING*
THUR - SAT 8:00AM TO 1:00AM SUNDAY FOR JAZZ - R&B

15. PROPOSED GENERAL PLAN *N/A* 16. PROPOSED ZONING *N/A* 17. PROPOSED LAND USE *N/A*

18. NO. UNITS

N/A 19. DENSITY *N/A*

20. BUILDING SIZE *6,698 SQ FT* 21. PARKING SPACES *RECIPROCAL*

22. % LANDSCAPE

23. % LOT COVERAGE or FAR

PART IV - ATTACHMENTS

24. DESCRIPTION/JUSTIFICATION	25. LEGAL DESCRIPTION	26. TITLE REPORT
27. NOTIFICATION MAP & LABELS	28. ENVIRONMENTAL INFO FORM	29. PLOT PLANS <i>20 sets</i>
30. FLOOR PLANS AND ELEVATIONS <i>15 sets</i>	31. CERTIFICATION OF POSTING	32. OTHER (See attachment for required reports)

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print): <i>ROBERT C. STEINKE</i> <i>MANAGING PARTNER</i>	34. DATE <i>9/29/09</i>	SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).
Sign: <i>Robert Steinke</i>	35. OWNER (Print) <i>ROBERT C STEINKE</i>	

36. DATE <i>9/29/09</i>
Sign: <i>Robert Steinke</i>

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

October 7, 2009

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

To whom it may concern,

Brugge Investments, LLC DBA "Q Restaurant & Sports Bar is pleased to submit its Conditional Use Permit for the sole purpose of having Music and Dancing from 8:00pm until 1:00am Thursday through Sunday.

I have included the following items for your review:

1. Photographs of the area around the Q to include all four sides and the two banks on either side of our building.
2. Development Processing Guide (CUP) filled out.
3. 15 sets of Floor plans.
4. 20 set's of Plot plans.
5. Radius Report with mailing labels.

It is our intention "not to have a dance club" but to add different kinds of music such as country, jazz, DJ's after our dinner crowd. We are creating 'Theme' days and nights at the Q. We have kid karaoke, intend to have security and have lined up two different groups that provide security when we have UFC fighting and Comedy.

All the businesses near us are commercial and we don't see a noise issue even playing Sunday Jazz on our patio.

Please let me know if I have left any information off this application.

Sincerely,



Robert C. Steinke
Managing Member
Brugge Investments, LLC.
(760) 802-1822

Q Restaurant and Sport Bar

It is located on the south east corner of an existing plaza with a lot of commercial activity. This stand alone building sits on a pad with its main entry on the west side which aligns with the driveway leading to the parking creating a focal point for the customer. On the north side of the Q there is a stand alone building with a bank housed in it. They have their driveway for drive thru banking on the south which abuts to the delivery and utility area of the existing restaurant, the entire northwest portion is a parking area for all these establishments. The south side of the restaurant is a patio area which is landscaped before it runs into the fence, which further slopes down into the on ramp to Hwy 78 west. There is a 150' wide parking area with double loaded driveway before it gets to the drive thru banking for Wells Fargo Bank on the southwest side of the Q's restaurant. On the east side is a landscaped area which slopes down to the sidewalk for El Camino Real.

The way in which this building sits on the pad and in the overall site it would cause the least of noise nuisance to anybody in the neighborhood. Being located at the intersection of two main streets leading to two different cities and the freeway noise buffering from these have been in place which also help in buffering the noise from the Q's Restaurant.

The Q's Restaurant has an entry alcove with doors that lead to the covered entry way to the southwest parking area. There is general sitting and bar seating which further leads to booth seating as the main area overlooking the patio on the south side.

At the centre of the restaurant there is an up scale lounge which is raised from the rest of the areas and the east wall of this level will have *the stage for live performance* as proposed.

At the rear end of the restaurant there is a area of seating which has been created for banquet facilities which will be another probable place for *live entertainment* and lastly but probably the most interesting place would be the patio on the south side.

The way in which the restaurant is set up the exiting requirements in case of an emergency has been worked out and in place for years unaltered, additional provisions for security, protection and prevention of any unforeseen cause will be supported with the *security agency to be appointed for the maintenance* of the Q's premises.

It is a well thought of concept and idea which will also enhance the quality of the restaurant and its surrounding. There is an array of photographs to put further light on the location of this said property.

December 17, 2009

Mr. Chris Harrison
Planning Consultant
City of Oceanside
300 N. Coast Hwy
Oceanside, CA 92054

Dear Chris,

I have reviewed your letter of December 14th "Draft Planning Commission Resolution of Approval with the project Conditions of Approval". I see no problem complying with everything stated except item 9., page 3 which states "No person under 21 years of age are allowed into the facility during times when live entertainment and dancing are occurring". I believe the law in Oceanside is: Once your kitchen closes no one under the age of 21 must leave the restaurant. This is the rule we have followed since the restaurant opened February 13, 2008. The following restaurants also follow this policy:

1. Jolly Roger-under 21 allowed until their kitchen closes which is 9:00pm weekdays and 10:00pm weekends.
2. Monterey Bay Cannery- under 21 welcome until their kitchen closes which is 10:00pm weekdays and 11:00 pm weekends.
3. El Torito-under 21 welcome –under 21 welcome until their kitchen closes which is 11:00pm weekdays and weekends. Once you close your kitchen you no longer are a restaurant but in fact A club.

The Q Restaurant & Sports Bar closes our kitchen at 11:00pm on weekdays and 12:00pm on Weekends.

Our legal counsel says you "can't discriminate on whom you serve (assuming the customer complies ABC License and ours has no restriction except that the customer must be clothed) when you are running a restaurant". We are a family restaurant and not a dance club.

Although our application states we want music from 8:00pm to 1:00pm we intend to start all music at 9:00 pm but thought the extra hour gave the group time to set up and test instruments. We want most families to be able to enjoy their meals up until 9:00pm and I doubt a substantial amount of families would stay however I am in the restaurant most of the time and I see families with children there after 9:00pm.

When we do have music we will have security, we always check ID, and when we have special events such as parties weddings, memorials, UFC fights we band the underage customers so they can't get

served alcohol and do have licensed security. When we have private parties often the group will have underage members attending and that's why we use wrist bands. To date the Q Restaurant & Sports Bar hasn't been cited for any underage drinking and to my knowledge the police have never been called over an incident at the Q.

It is our intent to have DJ's once a week, a band once or twice a month, karaoke once a week. We are trying to augment our normal business by building our nighttime traffic with "Theme's" type nights like UFC fights, Comedy nights and music.

Hopefully this explains how we operate and why this restriction needs to be removed.

Sincerely

Robert C. Steinke
Managing Member
Brugge Investments, LLC

CC: Brugge Members

**Q RESTAURANT & SPORTS BAR – CUP FOR LIVE
ENTERTAINMENT & DANCING**

(CUP09-00012)

LEGAL DESCRIPTION

PARCEL C OF PARCEL MAP NO. 10905, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THERE OF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 22, 1981, BEING A DIVISION OF PARCEL 8 OF PARCEL MAP 9754 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** Brugge Investments, LLC.
2. **ADDRESS:** 2725 Vista Way, Oceanside, CA 92054
3. **PHONE NUMBER:** 760-8021822
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Richard Greenbauer, Senior Planner
6. **PROJECT TITLE:** CUP09-00012 Q Restaurant & Sports Bar (Live Entertainment and Dancing)
7. **DESCRIPTION:** A Conditional Use Permit (CUP09-00012) to allow live entertainment and dancing within the existing Q Restaurant and Sports Bar, from the hours of 8 p.m. to 1:00 a.m. Thursday through Sunday, located at 2725 Vista Way. The project site is within an existing shopping center, has a General Plan Land Use Designation of Community Commercial (CC), is zoned Commercial Community (CC), and is situated within the Fire Mountain Neighborhood Planning Area.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Environmental Coordinator finds that the proposed project is generally for an internal, ancillary use within an existing restaurant building. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- Per Article 19, the project is categorically exempt, in accordance with Section 15301, Class 1 (a) Existing Facilities, interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances.
- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section ____, [name of section] (Section xxxxx); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Richard Greenbauer, Senior Planner

Date:

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