



DATE: November 15, 2010

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A DEVELOPMENT PLAN (D10-00003) AND CONDITIONAL USE PERMIT (CUP10-00011) FOR THE CONSTRUCTION AND OPERATION OF A NEW RED LOBSTER RESTAURANT WITH FULL ALCOHOLIC BEVERAGE SERVICE WITHIN AN EXISTING COMMERCIAL CENTER AT 2471 VISTA WAY IN THE FIRE MOUNTAIN NEIGHBORHOOD – RED LOBSTER RESTAURANT – APPLICANT: N & D RESTAURANTS INC. DBA RED LOBSTER**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of an Article 19, Section 15302, Class 2 (b), Replacement of existing commercial structure, Categorical Exemption; and,
- (2) Adopt Planning Commission Resolution No. 2010-P35 approving Development Plan (D10-00003) and Conditional Use Permit (CUP10-00011) with findings and conditions of approval attached herein.

BACKGROUND AND PROJECT DESCRIPTION

Background: On October 24, 1979 the City Council approved a Development Plan (D-3-79) for the construction of a 619,000-square foot shopping center complex (El Camino North shopping center) on an approximately 54.1-acre site located north of Highway 78 between El Camino Real and Jefferson Street. On July 22, 2002 the Planning Commission approved Development Plan (D-3-02) and Tentative Parcel Map (P-14-02) to permit the remodeling of the shopping center, demolition of 53,482 square feet of building and the addition of approximately 93,098 square feet (97,036 actual sq. ft.) of retail and restaurant buildings totaling 494,522 square feet.

On May 25, 2010 the applicant submitted an entitlement permit request to construct a 7,682-square foot freestanding structure on a 0.38-acre parcel within the shopping center and relocate the existing Red Lobster Restaurant operation from its current location in the easterly portion of the site to the new building. In addition the applicant requested approval of full alcoholic beverage service in conjunction with the new restaurant facility.

Site Review: The 0.38-acre project site is located along the southern portion of the El Camino North shopping center complex. The property is designated Community Commercial (CC) on the General Plan Land Use Map and the Zoning map and is situated within the Fire Mountain neighborhood area.

The parcel is relatively flat and is currently vacant due to recent demolition of the Black Angus restaurant building which previously occupied the site. Adjacent improvements consist of asphalt concrete parking and driveways to the north and west and a Chuck E. Cheese restaurant building to the east. In addition a retaining wall, descending 8-ft high fill slope and drainage swale, and Highway 78 are located to the south.

Project Description: The application includes two components; a development plan and conditional use permit:

Development Plan D10-00003 represents a request for the following:

- (a) Construction of a 7,682-square foot restaurant with associated landscape, hardscape and infrastructure improvements.

The development consists of a single-story wood frame restaurant situated approximately 20 feet (min) from the existing retaining wall along the site's southern boundary. Minor remedial grading and finish grading are proposed to maintain existing pad elevations.

The "seaside" inspired building design features significant wall articulation, high quality design details, and natural deep tone colors and materials complimentary to the architectural style (stone veneer accents, horizontal and lap siding, simulated slate roofing and decorative wood trellis and lighting fixtures). The structure, as designed will positively contribute to the existing architectural diversity within the shopping center.

Existing driveways off Vista Way and parking within the center are available to serve the new use, in compliance with previously approved parking and access provisions. As this is an infill parcel within an existing shopping center, all necessary utility infrastructure to serve the proposed restaurant are available on-site. Any minor alterations to some of those systems for the proposed use will be the responsibility of the applicant.

Conditional Use Permit CUP10-00011 represents a request for the following:

- (a) Consideration of a Conditional Use Permit (CUP10-00011) to permit full alcohol service in conjunction with the Red Lobster restaurant facility.

The proposed hours-of-operation for the restaurant are 11:00 a.m. to midnight, 7 days a week. Twenty-five employees (max) are expected to be on-site during the largest shift.

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 for 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", along two major regional transportation corridors and State Highway 78. The continuing operation of the Red Lobster Restaurant within the El Camino North shopping center with upgraded services is appropriate given the site's location and land use designation, and will be 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 new restaurant will provide patrons of the existing Red Lobster business facility and the community at large with an aesthetically upgraded building and dining service enhancements within the El Camino North shopping center. The proposed structure will be 3,118 square feet less than the Black Angus restaurant structure that it will be replacing and all required parking will be provided on the El Camino North shopping center site by reciprocal parking agreement. 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 is 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 restaurant with full alcohol service is permitted within a Community Commercial (CC) District with approval of a Conditional Use Permit. The proposed facility will allow for the improvement and continuing operation of an existing business within the shopping center. The restaurant will contribute to the existing synergy of the shopping center and will benefit City of Oceanside residents by providing them with an updated dining venue option within the community which in turn will also 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 and 1130

Section 1120 of the Oceanside Zoning Ordinance permits full alcohol service in conjunction with eating establishments, subject to approval of a Conditional Use Permit. The proposed use will be contained within the proposed restaurant structure and will be subject to compliance with applicable regulations including provisions for outdoor facilities.

A 15-foot (min) front yard setback is required to be provided, pursuant to Section 1130 of the zoning ordinance. The applicant is processing a lot line adjustment concurrently with the subject entitlement requests to ensure that front yard setback will be met. To that end a condition of project approval is recommended by staff and has been included in the resolution of project approval.

Notwithstanding the above, the project complies in all other respects with Zoning Ordinance requirements including building height, lot coverage, floor/area ratio and landscaping. Previously approved collective provision of parking for the entire shopping center acknowledges a 20 percent reduction in minimum parking requirements.

DISCUSSION

Issue: Project Consistency with applicable development standard: 1) Front yard setbacks - The proposed project is located within an existing shopping center which is comprised of multiple parcels. The subject parcel's configuration was originally intended to accommodate the footprint of a Black Angus restaurant which has recently been demolished. The submitted Red Lobster restaurant development plan (dated September 21, 2010) does not currently provide the necessary 15-foot (min) front yard setback. In order to address this issue the applicant has requested a lot line adjustment. Since the lot line adjustment is currently under review by City staff a condition requiring approval of the lot line adjustment prior to issuance of building permits is recommended and has been included in the resolution of project approval.

2) Parking - At the time the existing shopping center was renovated in 2002, a parking analysis was conducted and a 20 percent reduction to applicable parking ratios/required parking spaces was acknowledged as part of the project's approval based on Section 3104 "Collective provision of parking" of the zoning ordinance. The applicant for the Red Lobster restaurant has provided updated tenant use mix and parking supply data for the shopping center as part of this entitlement request. Taking into consideration the previously accepted parking ratio reduction, the submitted parking supply/demand summary indicates that a total of 2,123 parking spaces are available on-site and 2,008 parking spaces are required per City regulations.

Based on the above staff finds that the proposed project will be generally consistent with applicable development standards. The proposed use and building and site design, as conditioned, meets or exceeds applicable requirements including building setbacks and parking.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Article 19, Section 15302. Existing Facilities, Class 2 (b), of the California Environmental Quality Act.

PUBLIC NOTIFICATION

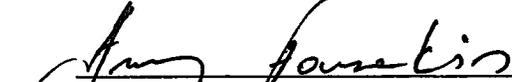
Legal notice was published in the North County Times and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant and other interested parties.

SUMMARY

The proposed Development Plan and Conditional Use Permit, as conditioned, are 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 generally 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 15302, Replacement of existing commercial structure, Class 2 (b), and Categorical Exemption.
- Adopt Planning Commission Resolution No. 2010-P35 approving Development Plan (D10-00003) Conditional Use Permit (CUP10-00011) with findings and conditions of approval attached herein.

PREPARED BY:



Amy Fousekis
Principal Planner

SUBMITTED BY:



Jerry Hittleman
City Planner

Attachments:

1. Floor/Site Plans
2. Planning Commission Resolution No. 2010-P35
3. El Camino North Shopping Center Parking Summary

SITE SURVEY
(For Reference Only)



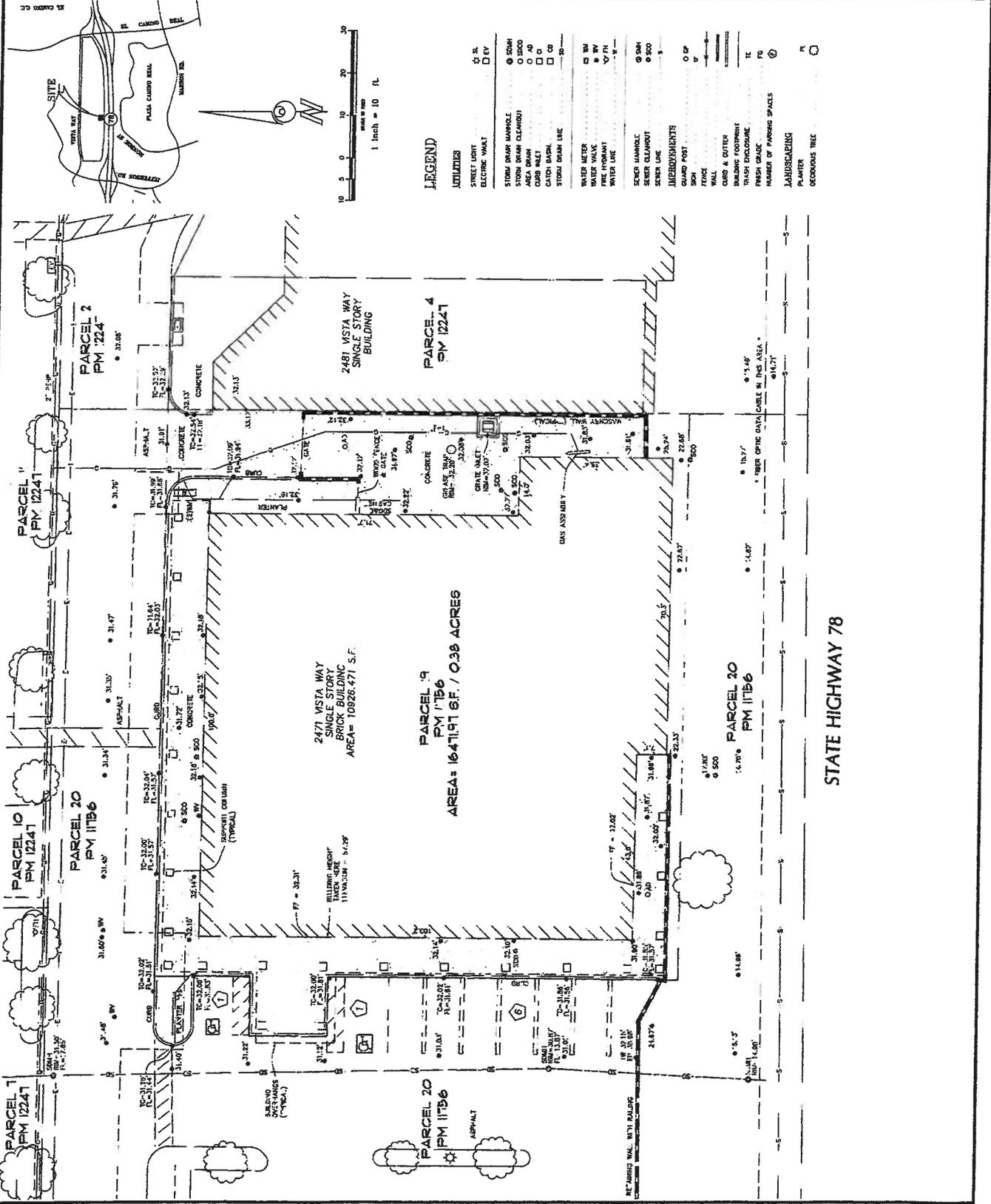
2471 Vista Way, Oceanside, CA 92054
LUCO Engineering
1909 Elk Grove Blvd., Suite 207
Elk Grove, CA 95749
Phone: 916-431-7440
Fax: 916-431-7472

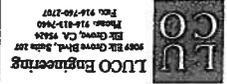
BURKETT WONG STRUCTURAL & CIVIL ENGINEERS & SURVEYORS, 3434 Fourth Avenue, San Diego, CA 92103-4341; Phone (619) 299-5550

CONSULTANT: **B&W**

DATE: 02/07/2010
DRAWN BY: CWH
PROJECT NO.: 09125A
SCALE: 1"=50'
SHEET NO.: 12 OF 20

BOUNDARY & TOPOGRAPHIC SURVEY
2471 VISTA WAY
PARCEL 19 OF PM NO. 11756
OCEANSIDE, CALIFORNIA





GENERAL NOTES



Table with columns: SHEET, OF, PROJECT NO.

SEWER SYSTEM NOTES

- 1. All work shall be in accordance with the most recent editions of the City of Orange Water Utilities Department Specifications for Public Works Construction (Orange Water Utilities Department)...

GRADING PLAN DESIGN NOTES

- 1. The contractor shall verify the San Diego Gas and Electric Company, Pacific Telephone and Telegraph Company, and all other utility lines with the City of Orange Engineering Department for work within existing City limits...

GENERAL NOTES

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WATER SYSTEM NOTES

- 1. All work shall be in accordance with the most recent editions of the City of Orange Water Utilities Department Specifications for Public Works Construction (Orange Water Utilities Department)...

EROSION CONTROL NOTES

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Table with columns: REVISION, APPROVED BY, DATE



SHEET C2.1 OF 10
Project No. 001-000

EROSION CONTROL PLAN



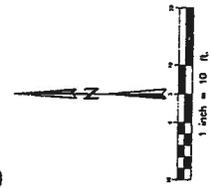
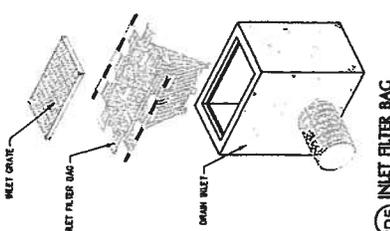
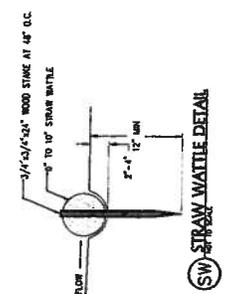
LU CO
LU CO Engineering
1509 25th Street, Suite 202
San Diego, CA 92108
Phone: 619-415-7660
Fax: 619-750-0107

LEGEND

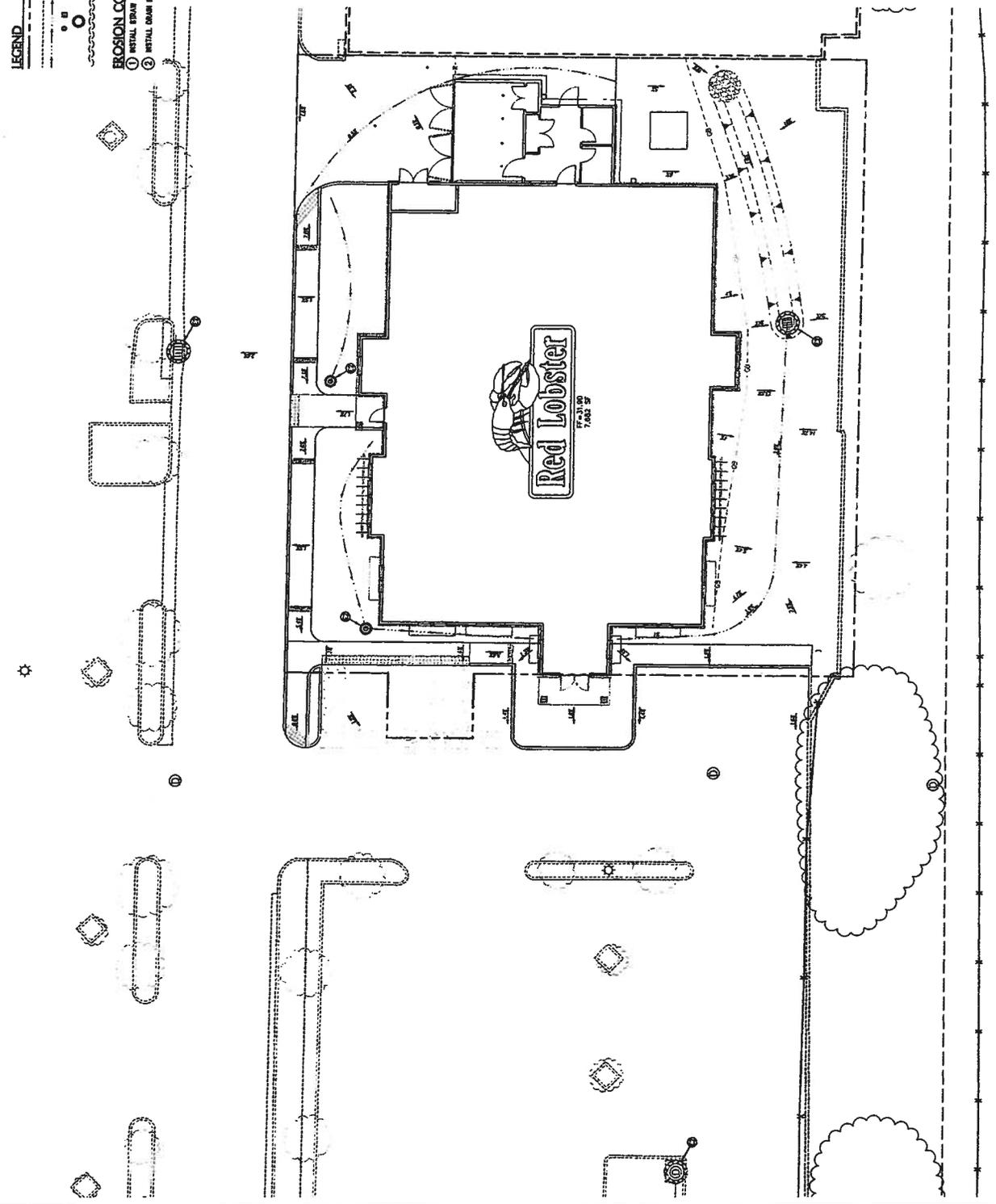
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- EXISTING CURB, GUTTER OR SIDEWALK
- FLOORS
- DRAIN INLETS
- INLET PROTECTION AS INDICATED
- SWAYM WATTLE

EROSION CONTROL NOTES

- INSTALL SWAYM WATTLE PER DETAIL SW
- METAL DRAIN INLET PROTECTION PER DETAIL PA



No.	REVISION	DATE	APPROVED BY



STATE HIGHWAY 78



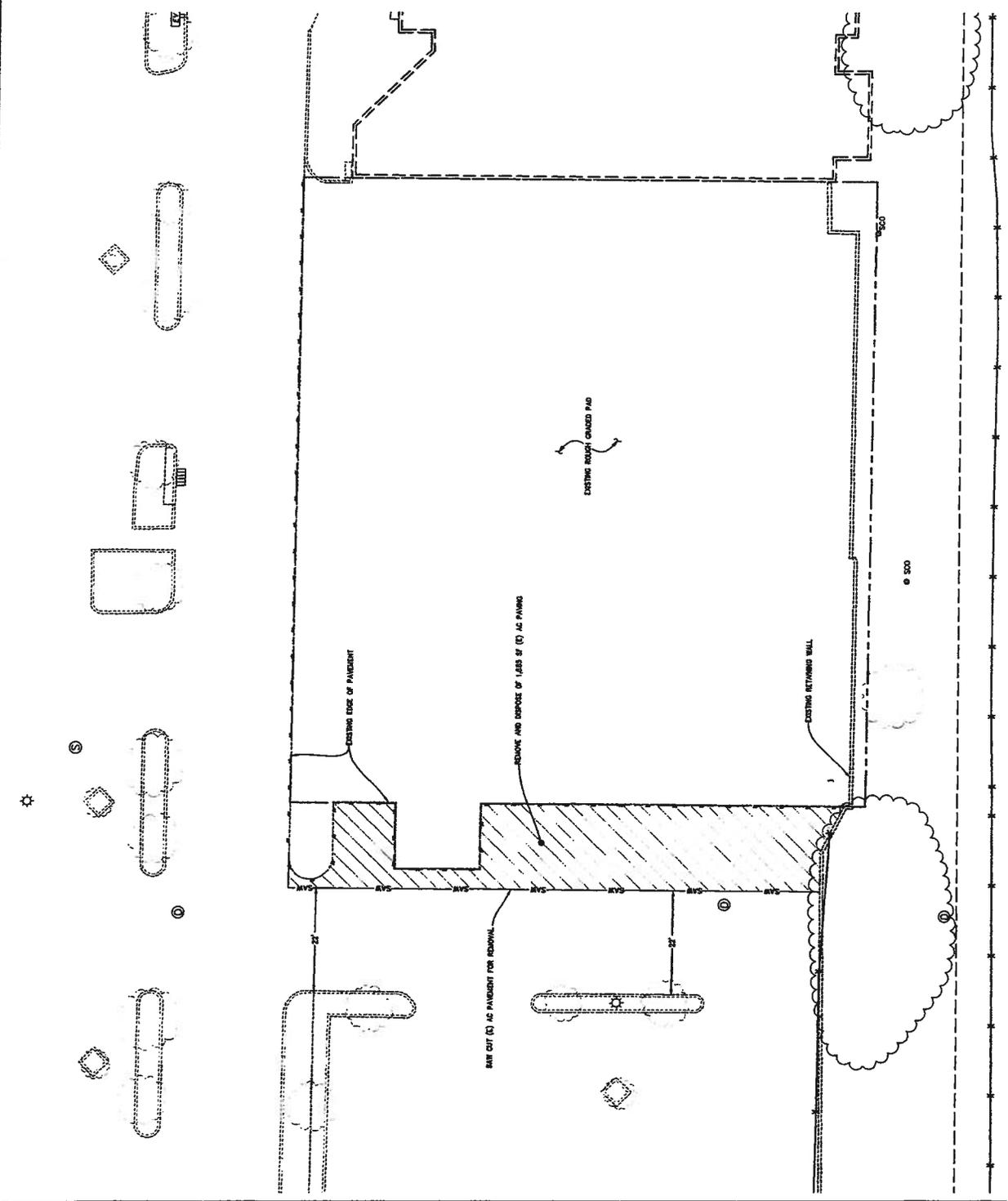
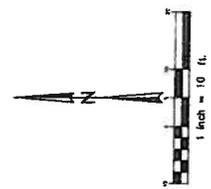
DEMOLITION PLAN



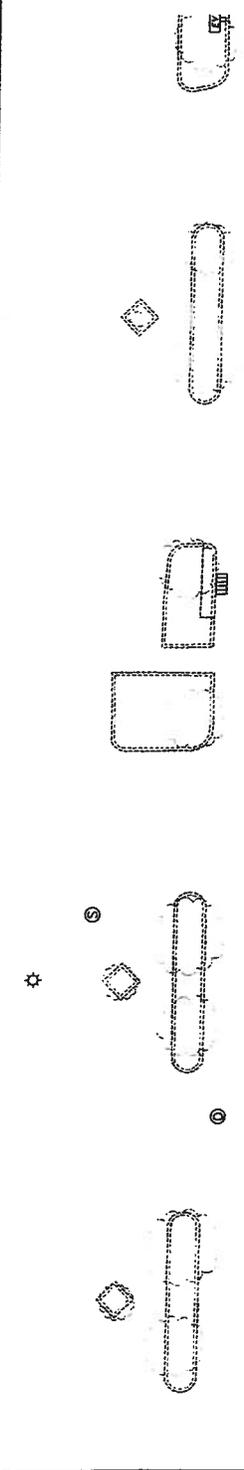
LUCCO Engineering
1009 Elk Grove Blvd., Suite 202
Elk Grove, CA 95624
Phone: 916-213-7666
Fax: 916-263-3102

Scale: 1" = 10'
Checked by: [Blank]
Drawn by: [Blank]
Plot Date: 08-11-2009
SHEET C2.2
OF 10
Project No. 081-007

NO.	REVISION	DATE	APPROVED BY
1	ISSUE FOR BIDDING	08/27/09	[Signature]



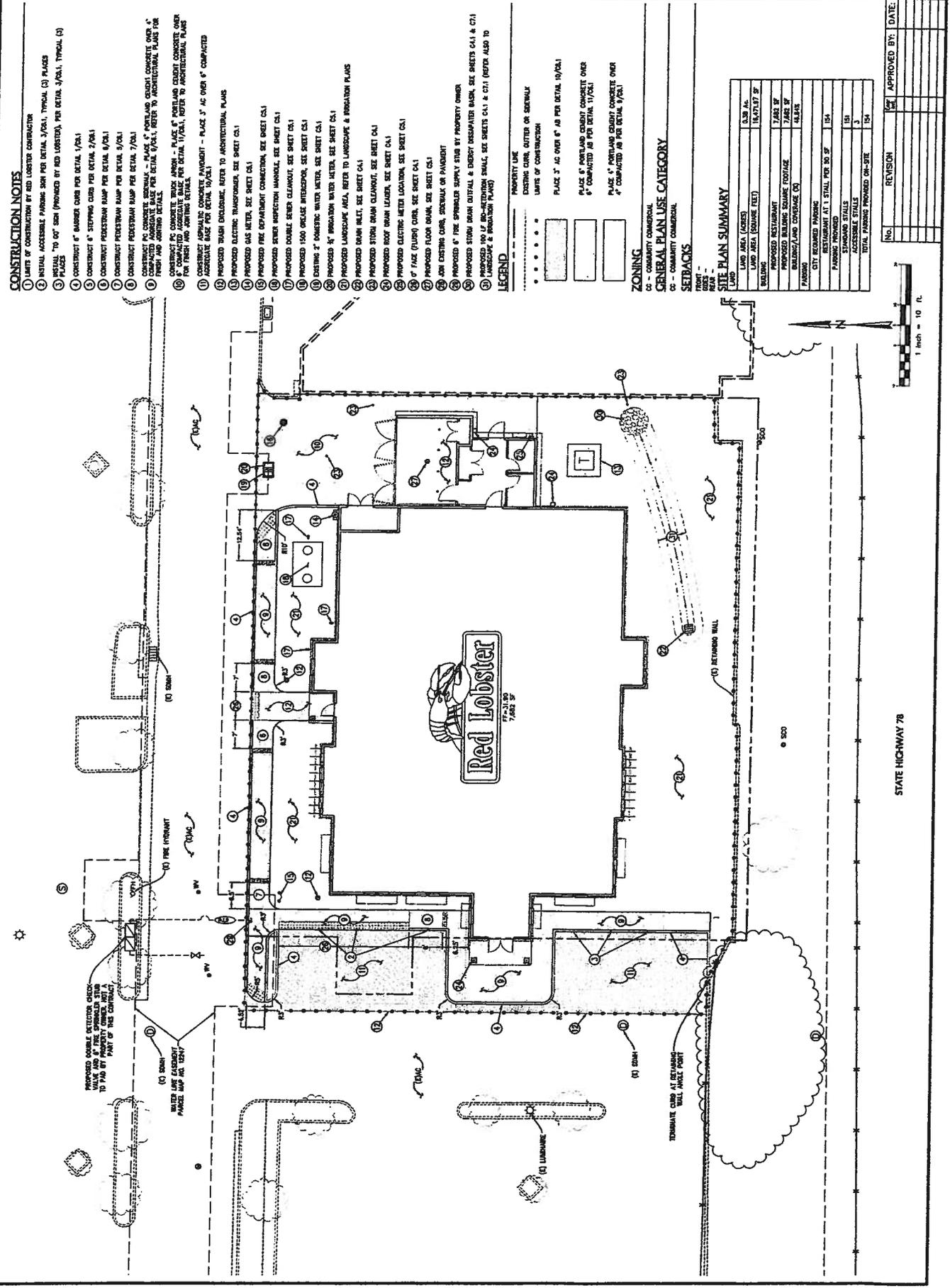
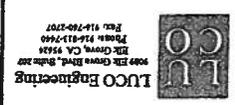
STATE HIGHWAY 78



UNDIMENSIONED SITE PLAN



SCALE: 1" = 20'
 SHEET C3.1
 OF 10
 PROJECT NO. 001-007



CONSTRUCTION NOTES

- 1 LIMITS OF CONSTRUCTION BY RED LOBSTER CONTRACTOR
- 2 INSTALL ACCESSIBLE PARKING SPACES PER DETAIL 3/02A.1, TYPICAL (3) PLACES
- 3 PLACES
- 4 CONSTRUCT 6" BARRIERS CURB PER DETAIL 1/02A.1
- 5 CONSTRUCT 6" STEPPING CURB PER DETAIL 2/02A.1
- 6 CONSTRUCT PERESTRIM RAMP PER DETAIL 6/02A.1
- 7 CONSTRUCT PERESTRIM RAMP PER DETAIL 5/02A.1
- 8 CONSTRUCT PERESTRIM RAMP PER DETAIL 7/02A.1
- 9 CONSTRUCT 18" CONCRETE BARRIERS WITH 18" PORTLAND CEMENT CONCRETE OVER 4" COMPACTED GRANULAR BASE PER DETAIL 1/02A.1, REFER TO ARCHITECTURAL PLANS FOR FINISH AND JOINTING DETAILS.
- 10 CONSTRUCT 18" CONCRETE BARRIERS WITH 18" PORTLAND CEMENT CONCRETE OVER 4" COMPACTED GRANULAR BASE PER DETAIL 1/02A.1, REFER TO ARCHITECTURAL PLANS FOR FINISH AND JOINTING DETAILS.
- 11 CONSTRUCT ASPHALTIC CONCRETE PAVEMENT - PLACE 3" AC OVER 6" COMPACTED GRANULAR BASE PER DETAIL 10/02A.1
- 12 PROPOSED TRASH ENCLOSURE, REFER TO ARCHITECTURAL PLANS
- 13 PROPOSED ELECTRICAL TRANSFORMER, SEE SHEET C3.1
- 14 PROPOSED GAS METER, SEE SHEET C3.1
- 15 PROPOSED FIRE DEPARTMENT CONNECTION, SEE SHEET C3.1
- 16 PROPOSED SEWER INSPECTION MANHOLE, SEE SHEET C3.1
- 17 PROPOSED DOUBLE SEWER CLEANOUT, SEE SHEET C3.1
- 18 PROPOSED 100 GALLON INTERCEPTOR, SEE SHEET C3.1
- 19 EXISTING 1" DOMESTIC WATER METER, SEE SHEET C3.1
- 20 PROPOSED 1" BROWNIAN WATER METER, SEE SHEET C3.1
- 21 PROPOSED LANDSCAPE AREA, REFER TO LANDSCAPE & IRRIGATION PLANS
- 22 PROPOSED DRAIN INLET, SEE SHEET C4.1
- 23 PROPOSED STORM DRAIN CLEANOUT, SEE SHEET C4.1
- 24 PROPOSED ROOF DRAIN LEADER, SEE SHEET C4.1
- 25 PROPOSED ELECTRICAL METER LOCATION, SEE SHEET C3.1
- 26 6" PLACE (FLUSH) CURB, SEE SHEET C4.1
- 27 PROPOSED FLOOR DRAIN, SEE SHEET C3.1
- 28 JOIN EXISTING CURB, SIDEWALK OR PAVEMENT
- 29 PROPOSED 6" FIRE SPRINKLER SUPPLY STUB BY PROPERTY OWNER
- 30 PROPOSED 6" FIRE SPRINKLER OUTFALL & ENERGY DISAPATER BASH, SEE SHEETS C4.1 & C7.1
- 31 PROPOSED 100 LB. DISCHARGE BANG, SEE SHEETS C4.1 & C7.1 (REFER ALSO TO LANDSCAPE & IRRIGATION PLANS)

LEGEND

- PROPERTY LINE
- EXISTING CURB, OUTLET OR SIDEWALK
- LIMITS OF CONSTRUCTION
- PLACE 3" AC OVER 6" AS PER DETAIL 10/02A.1
- PLACE 6" PORTLAND CEMENT CONCRETE OVER 4" COMPACTED AS PER DETAIL 11/02A.1
- PLACE 6" PORTLAND CEMENT CONCRETE OVER 4" COMPACTED AS PER DETAIL 7/02A.1

ZONING

- COMMUNITY COMMERCIAL
- COMMUNITY COMMERCIAL

SETBACKS

SEE DETAIL 1/02A.1

SITE PLAN SUMMARY

LAND AREA (ACRES)	0.39 AC.
LAND AREA (SQUARE FEET)	1,674,127 SF
PROPOSED RESTAURANT	7,668 SF
PROPOSED BUILDING SQUARE FOOTAGE	7,668 SF
BUILDING/LAND COVERAGE (%)	45.8%
PARKING	
CITY REQUIRED PARKING	154
RESTAURANT AT 1 STALL PER 50 SF	154
PARKING PROVIDED	151
ACCESSIBLE STALLS	3
TOTAL PARKING PROVIDED ON-SITE	154

NO.	REVISION	DATE



STATE HIGHWAY 70

Red Lobster is a registered trademark of Red Lobster, Inc. All other trademarks are the property of their respective owners.

LUCCO Engineering
2009 Elk Grove Blvd., Suite 202
Elk Grove, CA 95724
Phone: 916-412-7965
Fax: 916-412-8787



UTILITY PLAN



Scale: 1" = 10'
Reviewed by: RFL
Checked by: RFL
Drawn by: RFL
Plot Date: 09-14-2010

SHEET
C5.1
OF
10
Project No. 001-007

LEGEND

- PROPERTY LINE
- EXISTING CURB, GUTTER OR SIDEWALK
- LINE OF CONSTRUCTION
- EXISTING STORM DRAIN
- PROPOSED STORM DRAIN
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- EXISTING WATER
- PROPOSED WATER
- PROPOSED FRESH WATER SUPPLY
- EXISTING GAS
- PROPOSED GAS LINE
- EXISTING UNDERGROUND ELECTRIC
- PROPOSED UNDERGROUND ELECTRIC
- PROPOSED UNDERGROUND TELECOM

WATER CONSTRUCTION NOTES

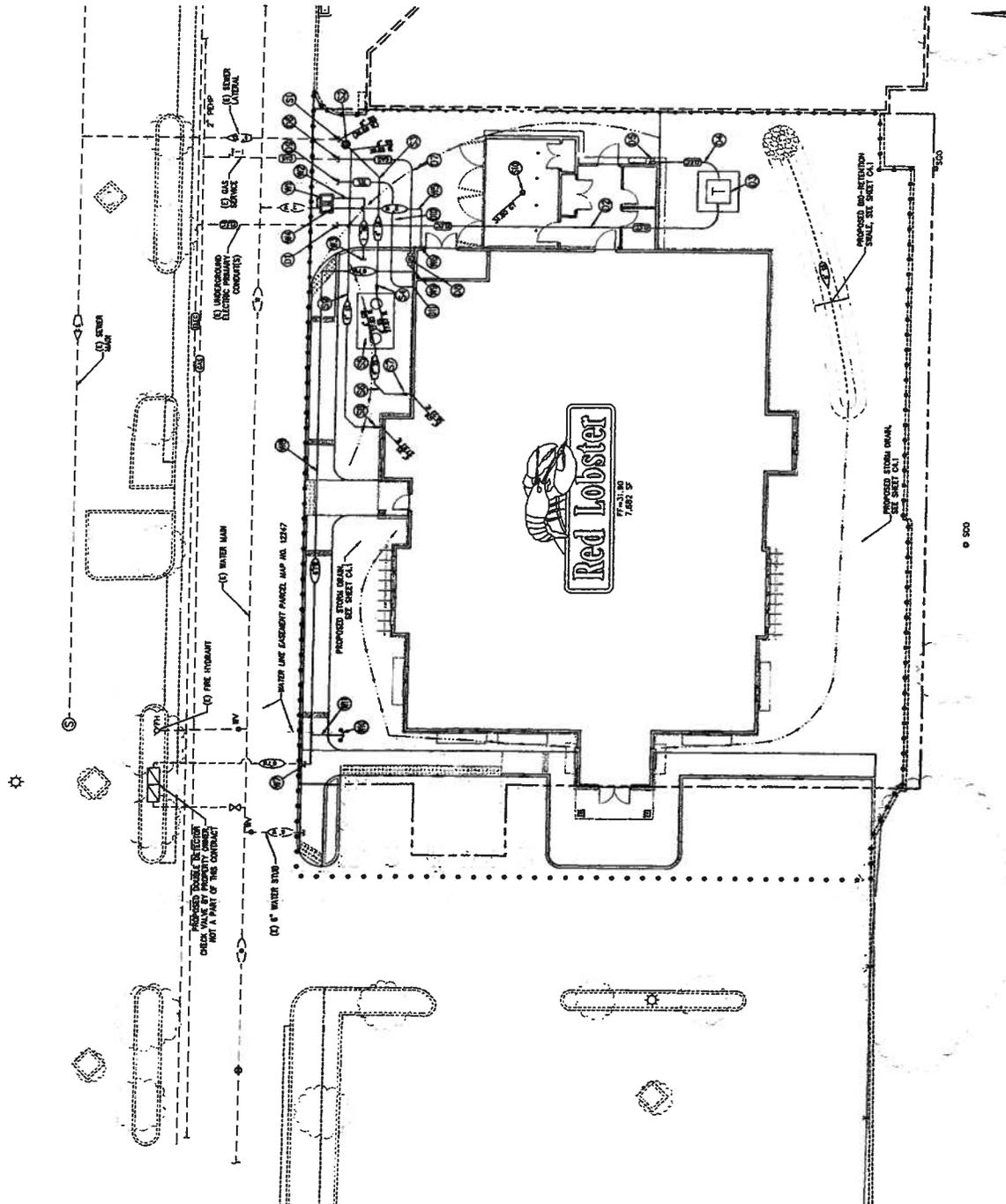
- INSTALL 1/2" REDUCING METER WITH METER BOX
- PLACE 20 LF 1" INSULATION SUPPLY LINE, CAP END AND MARK LOCATION.
- INDICATE SUPPLY STOP LOCATION, SEE LANDSCAPE & IRRIGATION PLANS FOR CONTINUATION.
- POINT OF CONNECTION TO (3) 2" DOMESTIC WATER METER, RESET METER BOX TO FRESH GRADE AS REQUIRED.
- PLACE 24 LF (DEVELOPED LENGTH) 2" WATER SERVICE LINE FROM POINT OF CONNECTION TO BUILDING SUPPLY STOP.
- CONNECT TO 2" BUILDING SUPPLY STOP, SEE PLUMBING PLANS FOR CONTINUATION.
- POINT OF CONNECTION TO PROPOSED 4" FRESH SUPPLY LINE BY PROPERTY OWNER, NOT A PART OF THIS CONTRACT.
- PLACE 18 LF (DEVELOPED LENGTH) 4" DW WATER LINE FROM TO BUILDING FIRE RISER STOP.
- CONNECT TO FIRE SPRINKLER RISER STOP, SEE FIRE SPRINKLER PLANS FOR CONTINUATION.
- INSTALL THE APPROPRIATE CONNECTION PER LOCAL REQUIREMENTS.
- PLACE 4 1/2" 4" DW WATER LINE.

SEWER CONSTRUCTION NOTES

- NOTES:
1. REFER TO WATER AND WASTEWATER CONSTRUCTION SHALL CONFORM TO THE LATEST RECENT EDITIONS OF THE CALIFORNIA PLUMBING CODE AND RECYCLED WATER DESIGN & CONSTRUCTION MANUAL.
- POINT OF CONNECTION TO (3) 6" SEWER SERVICE STOP, (ASSUMED SHORT L.L. = 26.18)
 - CONSTRUCT SEWER INSPECTION MANHOLE PER CITY STANDARD DRAWING No. S-7
 - PLACE 34 LF (DEVELOPED LENGTH) 4" SEWER PPE, S=0.24
 - INSTALL DOUBLE SEWER CLEANOUT TO GRADE, SEE DETAIL 1/071
 - INSTALL CITY/SEWER DISTRICT APPROVED, 1500 GALLON GREASE INTERCEPTOR AS SPECIFIED ON PLUMBING PLANS.
 - PLACE 15 LF (DEVELOPED LENGTH) 4" SEWER PPE, S=0.20
 - CONNECT TO BUILDING GREASE WASTE STOP AT DOUBLE CLEANOUT, REFER TO PLUMBING PLANS FOR CONTINUATION.
 - CONNECT TO BUILDING SEWER WASTE STOP AT DOUBLE CLEANOUT, REFER TO PLUMBING PLANS FOR CONTINUATION.
 - PLACE 61 LF (DEVELOPED LENGTH) 4" SEWER PPE, S=0.20
 - INSTALL FLOOR DRAIN AS SPECIFIED ON PLUMBING PLANS.

DRY UTILITY CONSTRUCTION NOTES

- ASSIGN POINT OF CONNECTION TO (3) ELECTRIC PRIMARY CONDUIT(S), COORDINATE INSTALLATION WITH SAN DIEGO GAS & ELECTRIC COMPANY.
- COORDINATE INSTALLATION OF INTERFERENCE WITH SAN DIEGO GAS & ELECTRIC COMPANY.
- PROPOSED ELECTRICAL METER LOCATION, REFER TO ELECTRICAL PLANS FOR CONTINUATION.
- ASSIGN POINT OF CONNECTION TO (3) GAS SERVICE LINE
- PROPOSED GAS METER LOCATION, REFER TO PLUMBING PLANS FOR CONTINUATION.
- ASSIGN POINT OF CONNECTION TO (3) TELECOM SERVICE CONDUIT(S)
- PROPOSED TELECOM SERVICE ENTRY LOCATION, REFER TO ELECTRICAL PLANS FOR CONTINUATION.



APPROVED BY: [Signature]

DATE: [Date]

REVISION

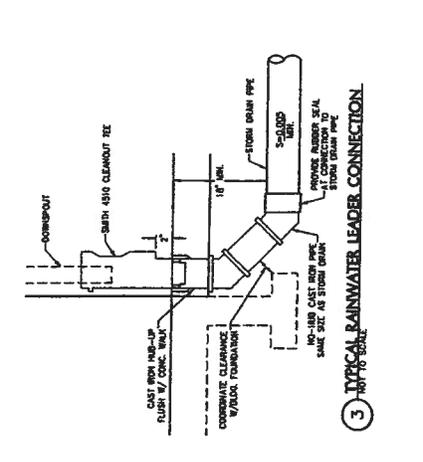
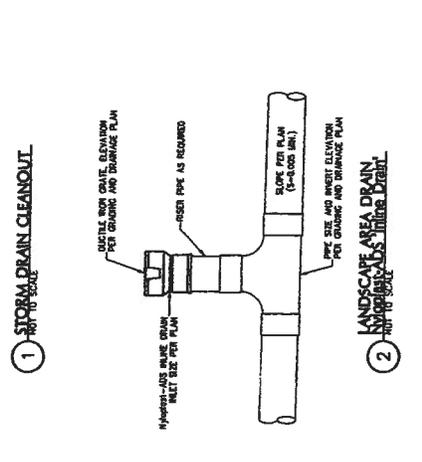
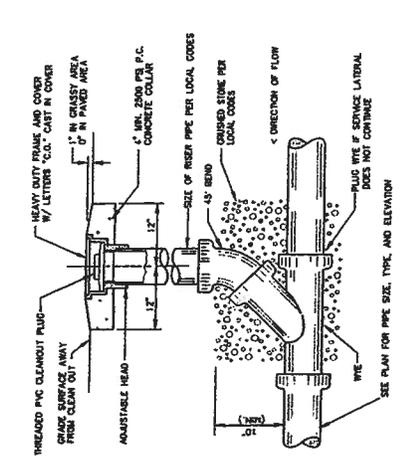
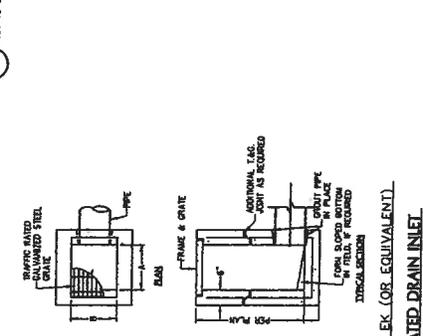
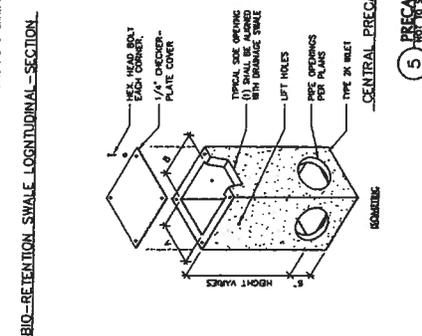
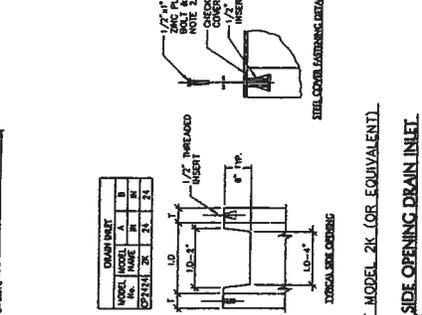
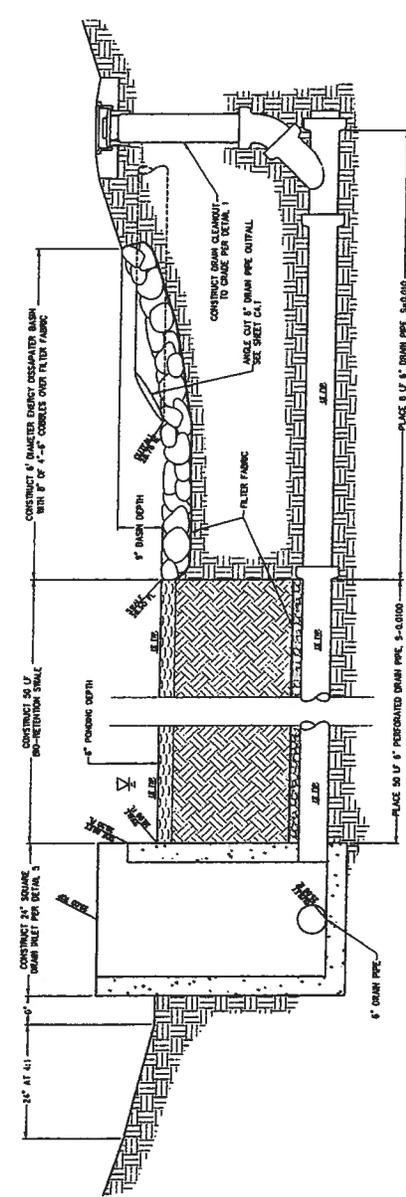
No.	REVISION	DATE

1 inch = 10 ft

© 2010



No.	REVISION	DATE	APPROVED BY:



1. STORM DRAIN CLEANOUT.
 2. LANDSCAPE AREA DRAIN.
 3. TYPICAL RAINWATER LEADER CONNECTION.
 4. TYPICAL BIO-RETENTION SWALE CROSS-SECTION.
 5. PRECAST SIDE OPENING DRAIN INLET.
 6. PRECAST GRATED DRAIN INLET.

GENERAL NOTES

1. SHOW FACE, UNLESS OTHERWISE NOTED.
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EXTERIOR FINISH SCHEDULE

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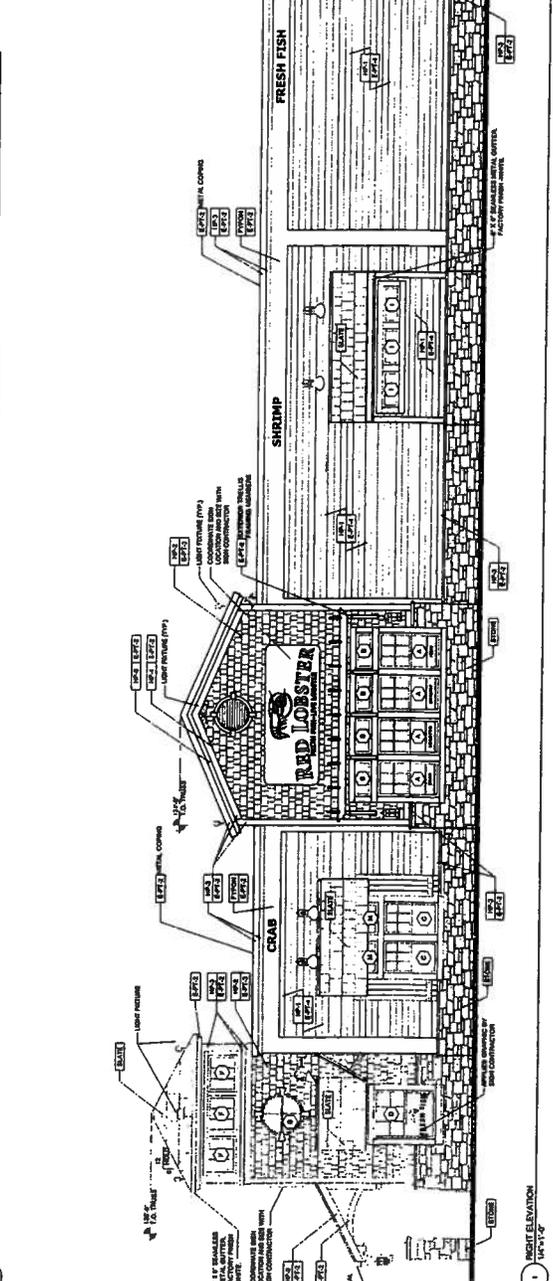
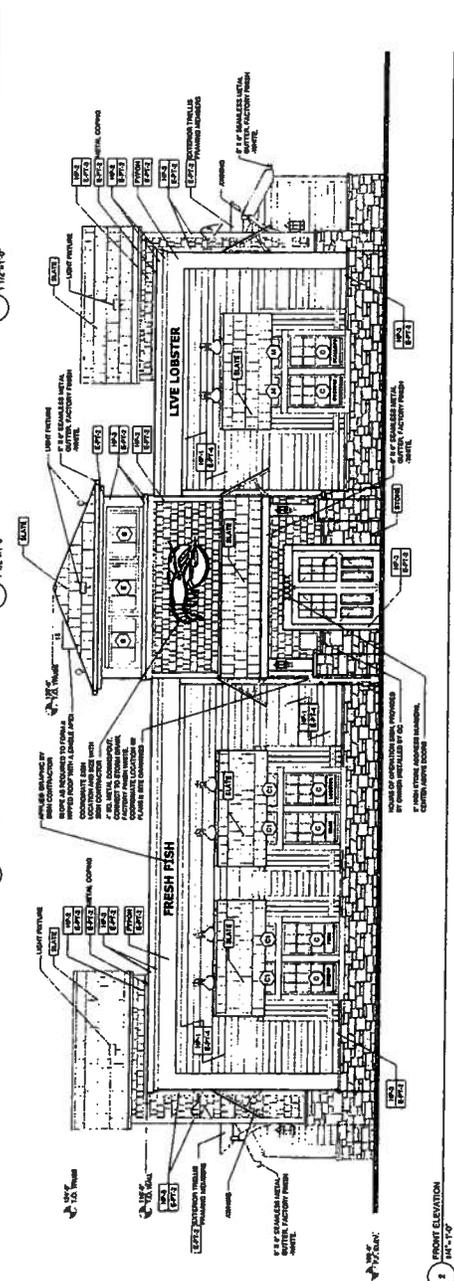
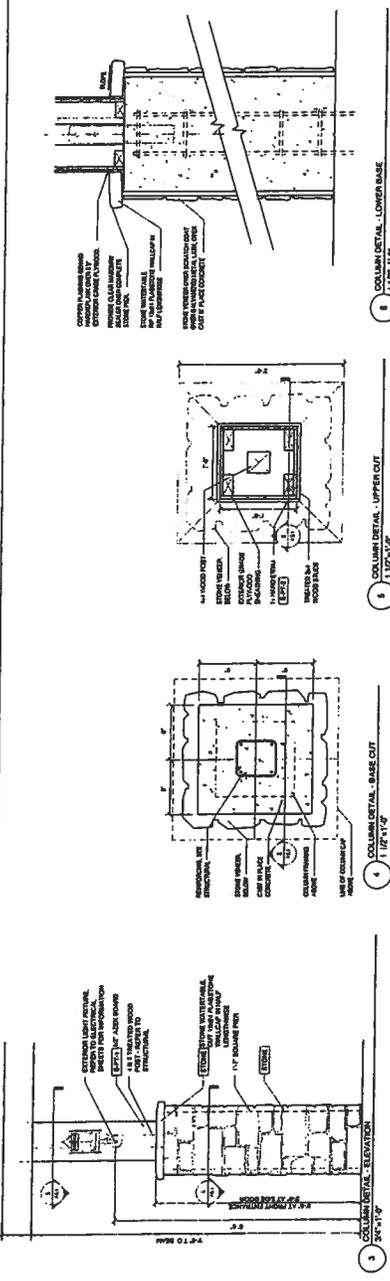


Red Lobster
 8168 Probyllye
 Oceanside, CA
 D10-00009
 CUP10-00011

Project Number: 10115
 Drawing Number: 12
 Checked By: [Signature]
 Date: 11 JUL 2010
 Revision: 1
 1. AUR
 2. COORDINATOR

Drawing: Exterior Elevations

A5.1



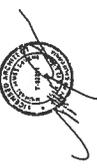
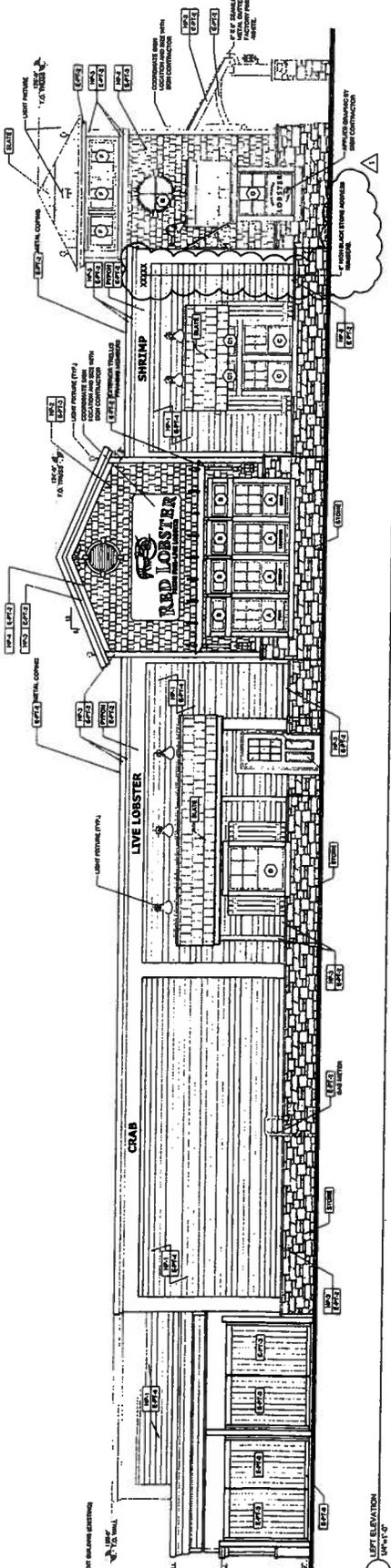
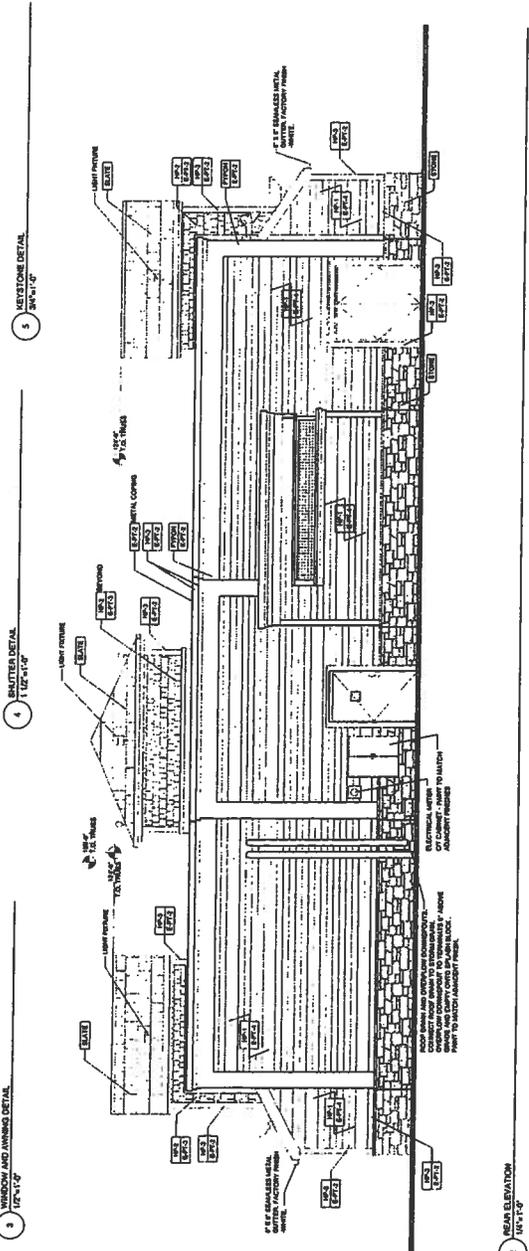
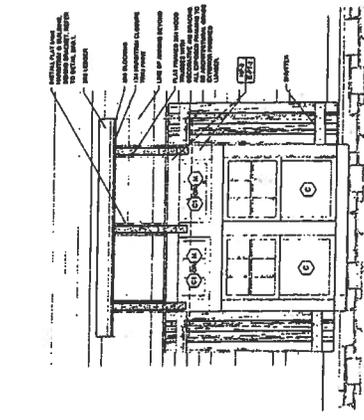
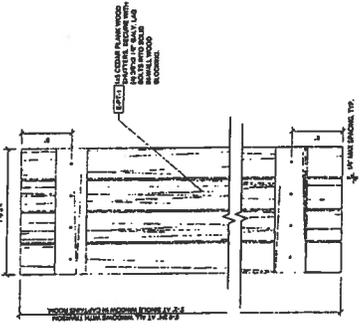
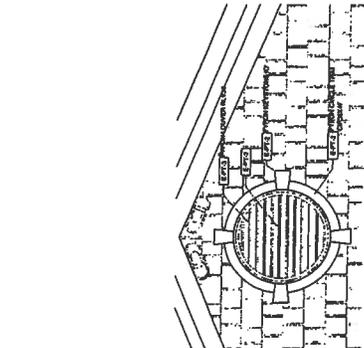
1 SIDE ELEVATION
 1/4" = 1'-0"

GENERAL NOTES

- A. FINISH BACKS AND EDGES OF ALL FINISHED MATERIALS AND TRIM SHALL BE INSTALLED.
- B. ALL MATERIALS TO BE SCHEDULED, DO NOT USE EXPOSED NAIL HOLDS FROM TO EXTERIOR SURFACES.
- C. FINISH SHALL CONFORM TO LOCAL ORDINANCES.
- D. ALL TRIM, MOLDING, CAP PLUMBING AND CORNER TRIMMING TO BE FINISHED 6"x6".
- E. WINDOW SASHES, SHAPES, LETTERING AND LOGO'S CENTERED BY OWNER COMPANY.
- F. MANUFACTURER'S DRAWINGS SHALL BE TO PROVIDE AND METAL SHOWER BATHING AS SHOWN. ALL METAL SHALL BE MANUFACTURED BY JAMES WATSON BATHING PRODUCTS. ALL METAL SHALL BE MANUFACTURED BY JAMES WATSON BATHING PRODUCTS. ALL METAL SHALL BE MANUFACTURED BY JAMES WATSON BATHING PRODUCTS. ALL METAL SHALL BE MANUFACTURED BY JAMES WATSON BATHING PRODUCTS.

EXTERIOR FINISH SCHEDULE

- EX-100 1/2" x 1/2" x 1/2" BRICK AS MANUFACTURED BY BOSTON BRICK CO. (1117) 1/2" x 1/2" x 1/2" BRICK
- EX-101 1/2" x 1/2" x 1/2" BRICK AS MANUFACTURED BY BOSTON BRICK CO. (1117) 1/2" x 1/2" x 1/2" BRICK
- EX-102 1/2" x 1/2" x 1/2" BRICK AS MANUFACTURED BY BOSTON BRICK CO. (1117) 1/2" x 1/2" x 1/2" BRICK
- EX-103 1/2" x 1/2" x 1/2" BRICK AS MANUFACTURED BY BOSTON BRICK CO. (1117) 1/2" x 1/2" x 1/2" BRICK
- EX-104 1/2" x 1/2" x 1/2" BRICK AS MANUFACTURED BY BOSTON BRICK CO. (1117) 1/2" x 1/2" x 1/2" BRICK
- EX-105 1/2" x 1/2" x 1/2" BRICK AS MANUFACTURED BY BOSTON BRICK CO. (1117) 1/2" x 1/2" x 1/2" BRICK
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- EX-113 1/2" x 1/2" x 1/2" BRICK AS MANUFACTURED BY BOSTON BRICK CO. (1117) 1/2" x 1/2" x 1/2" BRICK
- EX-114 1/2" x 1/2" x 1/2" BRICK AS MANUFACTURED BY BOSTON BRICK CO. (1117) 1/2" x 1/2" x 1/2" BRICK
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- EX-116 1/2" x 1/2" x 1/2" BRICK AS MANUFACTURED BY BOSTON BRICK CO. (1117) 1/2" x 1/2" x 1/2" BRICK
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- EX-120 1/2" x 1/2" x 1/2" BRICK AS MANUFACTURED BY BOSTON BRICK CO. (1117) 1/2" x 1/2" x 1/2" BRICK



DP3
ARCHITECTS

111 East Ocean Blvd. | Oceanside, CA 92054
761-434-8888 | info@dp3.com
Project: **RED LOBSTER**

Red Lobster
BH68 Prototype
Oceanside, CA
D10-00003
CUP10-00011
Project Number: 10115
Checked By: LF
Date: 12.08.2010
Revision: 1
Author: AOR
Date: 12.08.2010

Drawing:
Exterior
Elevations

1 PLANNING COMMISSION
2 RESOLUTION NO. 2010-P35

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

6 APPLICATION NO: D10-00003, CUP10-00011
7 APPLICANT: Red Lobster Restaurant
8 LOCATION: 2471 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 Development Plan and Conditional Use Permit under
13 the provisions of Articles 11 and 41 and 43 of the Zoning Ordinance of the City of Oceanside to
14 permit the following:

15 construction of a 7,682-square foot structure, with associated improvements, and
16 establishment and operation of a restaurant facility with full alcohol service at 2471 Vista
Way;

17 on certain real property described in the project description.

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 15th day
19 of November 2010, conduct a duly advertised public hearing as prescribed by law to consider said
20 application.

21 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
22 Guidelines thereto; this project is categorically exempt from CEQA per Article 19, Section 15302,
Class 2 (b) Replacement of existing commercial structure;

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:

1 FINDINGS:

2 For the Development Plan to allow construction of a 7,682-square foot structure with associated
3 improvements:

- 4 1. The site plan and physical design of the project is consistent with the purposes of the
5 Zoning Ordinance. The proposed building and site improvements, as conditioned, will
6 be consistent with the underlying Community Commercial (CC) zoning designation
7 development standards, including lot coverage, floor/area ratio, building height and
8 setbacks.
- 9 2. The Development Plan conforms to the General Plan of the City. The project is located
10 within an existing commercial center and is consistent with the underlying Community
11 Commercial (CC) General Plan designation. The subject development and land use
12 complements its context, therefore it complies with General Plan objectives and policies
13 which encourage preservation and provision of services in aesthetic, people oriented
14 associations that are compatible and organized to surrounding land uses.
- 15 3. The project site can be adequately served by existing public facilities, services and
16 utilities. The subject development involves the redevelopment of an infill parcel within
17 an existing commercial center and all necessary utility infrastructure to serve the project
18 is available on-site.
- 19 4. The project compatible with existing and potential development on adjoining
20 commercial properties and the surrounding neighborhood. The new building and site
21 improvements will replace a recently demolished restaurant with an aesthetically
22 superior structure, landscaping and other site amenities.

21 For the Conditional Use Permit to allow establishment and operation of a restaurant facility with
22 full alcohol service:

- 23 1. The location of the proposed restaurant operation, with full alcohol service, is in accord
24 with the objectives of the Zoning Ordinance and the purposes of the underlying
25 Community Commercial (CC) district. Provision of full alcohol service in conjunction
26 with an eating establishment is permitted within the Community Commercial district
27 subject to approval of a conditional use permit.

- 1 2. The location for the use and conditions under which it will be operated are consistent with
2 the General Plan, will not be detrimental to public health, safety or welfare of persons
3 residing or working in or adjacent to the neighborhood; and will not be detrimental to
4 properties or improvements in the vicinity or to the general welfare of the City. The
5 business is conditioned to permit full alcohol service as an ancillary use to the primary
6 restaurant use and only during the hours that food services are also being offered.
- 7 3. The proposed conditional use is subject to compliance with Zoning Ordinance provisions,
8 specific conditions of project approval and additional regulations/licensing as deemed
9 necessary by other regulatory or permit authorities.

10 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
11 approve Development Plan (D10-00003) and Conditional Use Permit (CUP10-00011) subject to
12 the following conditions:

13 **Building:**

- 14 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
15 Building Division plan check.
- 16 2. Exterior lighting shall comply with the Palomar Dark Sky Ordinance. All exterior
17 lighting must be shielded.
- 18 3. Construction hours shall be limited to Monday through Friday 7:00 a.m. to 6:00 p.m.

19 **Planning:**

- 20 4. This Development Plan (D10-00003) and Conditional Use Permit (CUP10-00011) shall
21 expire on November 15, 2013, unless implemented as required by the Zoning Ordinance.
- 22 5. This Conditional Use Permit approves full alcohol service in conjunction with the proposed
23 restaurant as shown on the plans and exhibits presented to the Planning Commission for
24 review and approval. No deviation from these approved plans and exhibits shall occur
25 without Development Services Department/Planning Division approval. Substantial
26 deviations shall require a revision to the Development Plan and Conditional Use Permit or
27 a new Development Plan and Conditional Use Permit.
- 28 6. Approval of the lot line adjustment required to accommodate a 15-foot (min) building
setback between the proposed structure and the westerly parcel line shall be obtained prior
to issuance of building permits.

- 1 7. Joint maintenance agreements and reciprocal parking and access easements shall be
2 recorded and maintained between the subject property and the El Camino North shopping
3 center.
- 4 8. All mechanical rooftop and ground equipment shall be screened from public view as
5 required by the Zoning Ordinance, on all four sides and top. The roof jacks, mechanical
6 equipment, screen and vents shall be painted with non-reflective paint to match the roof.
7 This information shall be shown on the building plans.
- 8 9. Trash enclosures must be provided as required by Chapter 13 of the City Code and shall
9 also include additional space for storage and collection of recyclable materials per City
10 standards. Recycling is required by City Ordinance. The enclosures must be built in a flat,
11 accessible location as determined by the City Engineer. The enclosures shall meet City
12 standards including being constructed of concrete block, reinforced with rebar and filled
13 with cement. A concrete slab must be poured with a berm on the inside of the enclosure to
14 prevent the bins from striking the block walls. The slab must extend out of the enclosure
15 for the bins to roll out onto. Steel posts must be set in front of the enclosure with solid
16 metal gates. All driveways and service access areas must be designed to sustain the weight
17 of a 50,000-pound service vehicle. Trash enclosures and driveways and service access
18 areas shall be shown on both the improvement and landscape plans submitted to the City
19 Engineer. The specifications shall be reviewed and approved by the City Engineer. The
20 City's waste disposal contractor is required to access private property to service the trash
21 enclosures, a service agreement must be signed by the property owner and shall remain in
22 effect for the life of the project. All trash enclosures shall be designed to provide user
23 access without the use and opening of the service doors for the bins. Trash enclosures shall
24 have design features such as materials and trim similar to that of the main structure. This
25 design shall be shown on the landscape plans and shall be approved by the City Planner.
- 26 10. 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 (D10-00003) and Conditional
Use Permit (CUP10-00011). The City will promptly notify the applicant of any such
claim, action or proceeding against the City and will cooperate fully in the defense. If

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

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

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

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

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

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

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

27 17. No live entertainment shall be permitted without obtaining a separate Conditional Use
28 Permit.

- 1 18. The approval does not relieve the applicant from an obligation to obtain an alcohol license
2 from the State Department of Alcoholic Beverage Control (ABC). Any license and permit
3 conditions imposed by the ABC and the City Police Chief shall be in addition to the
4 conditions of this approval and the most restrictive conditions shall apply.
- 5 19. All signs shall meet the requirements of the approved Comprehensive Sign Package for
6 the shopping center. Sign plans shall be reviewed and approved by the Planning
7 Division prior to an application for a sign permit.
- 8 20. Sales service and consumption of alcoholic beverages shall only be permitted during the
9 hours that food services are also being offered.
- 10 21. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
- 11 22. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food
12 during the same period. The permittee shall at all times maintain sales records, which
separately account for gross food sales apart from gross alcohol sales.

13 **Engineering:**

- 14 23. Design and construction of all improvements shall be in accordance with the City of
15 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard
16 engineering and specifications of the City of Oceanside and subject to approval by the
17 City Engineer.
- 18 24. Where proposed off-site improvements, including but not limited to utility facilities, and
19 drainage facilities, are to be constructed, the owner/developer shall, at his own expense,
20 obtain all necessary easements or other interests in real property and shall dedicate the
21 same to the City of Oceanside as required. The owner/developer shall provide
22 documentary proof satisfactory to the City of Oceanside that such easements or other
23 interest in real property have been obtained prior to issuance of any grading permit for the
development.
- 24 25. Prior to the issuance of a grading permit, the owner/developer shall notify and host a
25 neighborhood meeting with all of the area residents located within 300 feet of the project
26 site, to inform them of the grading and construction schedule, and to answer questions.
- 27 26. The owner/developer shall monitor, supervise and control all construction and
28 construction-supportive activities, so as to prevent these activities from causing a public
nuisance, including but not limited to, insuring strict adherence to the following:

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

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

26 28. Sight distance requirements at the project driveway shall conform to the corner sight
27 distance criteria as provided by SDRSD DS-20A and or DS-20B.

28 29. Pavement sections for private driveways and parking areas shall be based upon approved
soil tests and traffic indices. The private project street and driveway alignments and
geometric layouts shall meet the City of Oceanside Engineers Design and Processing
Manual.

- 1 30. Any on-site existing pavement, concrete curb, gutter, driveways, pedestrian ramps and
2 sidewalk that are damaged during construction of the project, and on-site existing damaged
3 pavement, concrete curb, gutter, driveways, pedestrian ramps and sidewalks shall be
4 repaired or replaced as directed by the City Engineer. Sidewalk improvements shall
5 comply with ADA requirements. Minimum curb return radius shall comply with the City
6 of Oceanside Engineers Design and Processing Manual.
- 7 31. The owner/developer shall comply with all the provisions of the City's cable television
8 ordinances including those relating to notification as required by the City Engineer.
- 9 32. Drainage facilities shall be designed and installed to adequately accommodates the local
10 storm water runoff and shall be in accordance with the San Diego County Hydrology and
11 Design Manual and in compliance with the City of Oceanside Engineers Design and
12 Processing Manual to the satisfaction of the City Engineer.
- 13 33. The owner/developer shall obtain any necessary permits and clearances from all public
14 agencies having jurisdiction over the project due to its type, size, or location, including but
15 not limited to the U. S. Army Corps of Engineers, California Department of Fish & Game,
16 U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
17 (including NPDES), San Diego County Health Department, prior to the issuance of grading
18 permits.
- 19 34. This project shall provide year-round erosion control including measures for the site
20 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
21 control plan, designed for all proposed stages of construction, shall be reviewed, secured by
22 the owner/developer with cash securities and approved by the City Engineer.
- 23 35. A precise grading and private improvement plan shall be prepared, reviewed, secured and
24 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
25 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage,
26 footprints of all structures, walls, drainage devices and utility services. Parking lot striping
27 and any on-site traffic calming devices shall be shown on all precise grading and private
28 improvement plans. The geotechnical report shall be updated and submitted with the
precise grading plan for the City approval.

- 1 36. Prior to issuance of any grading permit a lot line adjustment shall be submitted to the
2 Engineering Division for review and approval. No grading permit shall be issued until the
3 lot merger is approved and recorded.
- 4 37. Landscape and irrigation plans shall be submitted to the City of Oceanside Engineering
5 Division prior to the issuance of a grading permit. The landscape plan shall be approved
6 prior to issuance of occupancy permit.
- 7 38. The drainage design on the development plan is conceptual only. The final design shall be
8 approved by the City Engineer during final engineering. All drainage picked up in an
9 underground system shall remain underground until it is discharged into an approved
10 channel, or as otherwise approved by the City Engineer. All storm drain easements shall
11 be dedicated where required. The owner/developer shall be responsible for obtaining any
12 off-site easements for storm drainage facilities.
- 13 39. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed
14 of in accordance with all state and federal requirements, prior to stormwater discharge
15 either off-site or into the City drainage system.
- 16 40. A Storm Water Mitigation Plan (SWMP) shall be prepared by the owner/developer's
17 Civil Engineer and submitted to the City for approval. Owner/developer shall provide a
18 copy of the title/cover page of an approved SWMP with the first engineering submittal
19 package. All Stormwater documents shall be in compliance with the latest edition of
20 submission requirements.
- 21 41. Following approval of the Storm Water Mitigation Plan (SWMP) by the City Engineer
22 and prior to issuance of grading permits, the owner/developer shall submit and obtain
23 approval of an Operation & Maintenance (O&M) Plan, prepared to the satisfaction of
24 the City Engineer. The O&M Plan shall include an approved and executed Maintenance
25 Mechanism pursuant to Section 5 of the Standard Urban Storm Water Mitigation Plan
26 (SUSMP). The O&M shall satisfy the minimum Maintenance Requirements pursuant to
27 Section 5 of the SUSMP. At a minimum the O&M Plan shall include the designated
28 responsible party to manage the stormwater BMP(s), employee training program and
duties, operating schedule, maintenance frequency, routine service schedule, specific
maintenance activities, copies of resource agency permits, cost estimate for
implementation of the O&M Plan, a non-refundable cash (or certificate of deposit

1 payable to the City), or an irrevocable, City-Standard Letter of Credit security to provide
2 maintenance funding in the event of noncompliance to the O&M Plan, and any other
3 necessary elements. The owner/developer shall provide the City with access to site for
4 the purpose of BMP inspection and maintenance by entering into an Access Rights
5 Agreement with the City. The owner/developer shall complete and maintain O&M
6 forms to document all operation, inspection, and maintenance activities. The
7 owner/developer shall retain records for a minimum of 5 years. The records shall be
8 made available to the City upon request.

9 42. The owner/developer shall enter into a City-Standard Stormwater Facilities Maintenance
10 Agreement (SWFMA) with the City obliging the owner/developer to maintain, repair
11 and replace the Storm Water Best Management Practices (BMPs) identified in the
12 project's approved SWMP, as detailed in the O&M Plan into perpetuity. The
13 Agreement shall be approved by the City Attorney prior to issuance of any precise
14 grading permit and shall be recorded at the County Recorder's Office prior to issuance
15 of any building permit. A non-refundable Security in the form of cash (or certificate of
16 deposit payable to the City) or an irrevocable, City Standard Letter of Credit shall be
17 required prior to issuance of a precise grading permit. The amount of the non-
18 refundable security shall be equal to 10 years of maintenance costs, as identified by the
19 O&M Plan, but not to exceed a total of \$25,000. The owner/developer's civil engineer
shall prepare the O&M cost estimate.

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

24 44. The Agreement shall include a copy of executed on-site and off-site access easement and
25 or access rights necessary for the operation and maintenance of BMPs that shall be
26 binding on the land throughout the life of the project to the benefit of the party
27 responsible for the O&M of BMPs, satisfactory to the City Engineer. The agreement
28 shall also include a copy of the O&M Plan approved by the City Engineer.

1 45. The BMPs described in the project's approved SWMP shall not be altered in any way,
2 unless reviewed and approved to the satisfaction of the City Engineer. The
3 determination of whatever action is required for changes to a project's approved SWMP
4 shall be made by the City Engineer.

5 46. In the event that the conceptual plan does not match the conditions of approval, the
6 resolution of approval shall govern.

7 **Landscaping:**

8 47. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines
9 and Specifications for Landscape Development (latest revision), Water Conservation
10 Ordinance No. 91-15, Engineering criteria, City code and ordinances, including the
11 maintenance of such landscaping. The landscape plans shall be reviewed and approved
12 by the City Engineer prior to the issuance of building permits. Landscaping shall not be
13 installed until bonds have been posted, fees paid, and plans signed for final approval. A
14 landscape pre-construction meeting shall be conducted with the owner's representative,
15 landscape architect of record, landscape contractor and City Public Works Inspector
16 prior to the commencement of the installing the landscape and irrigation. The following
17 landscaping requirements shall be required prior to plan approval and certificate of
18 occupancy:

- 18 a) Final landscape plans shall accurately show placement of all plant material such
19 trees, shrubs, and groundcovers.
- 20 b) Landscape architect shall be aware of all utility, sewer, storm drain easements
21 and place planting locations accordingly to meet City of Oceanside requirements.
- 22 c) All required landscape areas shall be maintained by owner in perpetuity. The
23 landscape areas shall be maintained per City of Oceanside requirements.
- 24 d) Proposed landscape species shall be appropriate for the site and meet climate
25 changes indicative to their planting location. The selection of plant material
26 shall also be based on cultural, aesthetic, and maintenance considerations. In
27 addition, proposed landscape species shall utilize low water type plants (drought
28 tolerant) as well as meet all Fire Department requirements.

- 1 e) All planting areas shall be prepared with appropriate soil amendments, fertilizers,
2 and appropriate supplements based upon a soils report from an agricultural
3 suitability soil sample taken from the site.
- 4 f) Trees, shrubs, and ground covers shall be provided with bark mulch or locally
5 quarried rock mulch in all planter areas to help shield the soil from the sun,
6 evapotranspiration and run-off. Rock mulch shall be installed at a 3” depth and
7 with a weed filter fabric. All the flower and shrub beds utilizing bark mulch
8 shall have a 3” depth to help conserve water, lower the soil temperature and
9 reduce weed growth.
- 10 g) The shrubs shall be allowed to grow in their natural forms. All landscape
11 improvements shall follow the City of Oceanside Guidelines.
- 12 h) Include a combination of evergreen shrubs and vines on the existing retaining
13 wall located on the southern boundary. Shrubs shall be a minimum size of 5-
14 gallon and spaced six feet on-center. Vines shall be a minimum size of 1 gallon
15 spaced 12 feet on-center.
- 16 i) Root barriers shall be installed adjacent to all paving surfaces, where a paving
17 surface is located within six feet of a trees trunk on-site (private) and within 10
18 feet of a trees trunk in the right-of-way (public). Root barriers shall extend five
19 feet in each direction from the centerline of the trunk, for a total distance of 10
20 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around
21 the tree’s root ball is unacceptable.
- 22 j) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall be
23 subject to Planning Division’s approval prior to 1st submittal of working
24 drawings.
- 25 k) Decorative/enhanced hardscape treatment, as shown on the west and north
26 entries of the conceptual landscape plan shall be provided and shall be shown on
27 the landscape construction plans.
- 28 l) For the planting and placement of trees and their distances from hardscape and
other utilities/ structures the landscape plans shall follow the City of Oceanside’s
(current) Tree Planting Distances and Spacing Standards.

- 1 m) An automatic irrigation system shall be installed to provide coverage for all
2 planting areas shown on the plan. Low volume equipment shall provide
3 sufficient water for plant growth with a minimum water loss due to water run-
4 off.
- 5 n) Irrigation systems shall use high quality, automatic control valves, controllers
6 and other necessary irrigation equipment. All components shall be of non-
7 corrosive material. All drip systems shall be adequately filtered and regulated
8 per the manufacturer's recommended design parameters.
- 9 o) All irrigation improvements shall follow the City of Oceanside Guidelines and
10 Water Conservation Ordinance No. 10-OR0412-1.
- 11 p) The landscape plans shall match all plans affiliated with the project.
- 12 q) Landscape plans shall comply with Biological and/or Geotechnical reports, as
13 required.
- 14 r) Landscape plans shall match the grading and improvement plans, shall comply
15 with SWMP Best Management Practices, to the satisfaction of the City Engineer.
16 All bio-swales or bio-retention areas shall be planted and irrigated prior to
17 issuance of the certificate of occupancy.
- 18 s) Existing landscaping on and adjacent to the site (including existing parking lot
19 planter areas) shall be protected in place and supplemented or replaced, to the
20 satisfaction of the City Engineer.

21 48. All landscaping, fences, walls, etc. on the site, shall be permanently maintained by the
22 owner, his assigns or any successors-in-interest in the property. The maintenance
23 program shall include: a) normal care and irrigation of the landscaping b) repair and
24 replacement of plant materials (including all trees) c) irrigation systems as necessary d)
25 general cleanup of the landscaped and open areas e) parking lots and walkways, walls,
26 fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate
27 enforcement actions including but not limited to citations. This maintenance program
28 condition shall be recorded with a covenant as required by this resolution.

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

1 **Water:**

- 2 50. The developer will be responsible for all water and sewer utilities necessary to develop the
3 property. Any relocation of water and/or sewer utilities shall be the responsibility of the
4 developer and shall be done by an approved licensed contractor at the developer's expense.
- 5 51. The property owner shall maintain private water and wastewater utilities located on private
6 property.
- 7 52. Water services and sewer laterals constructed in existing right-of-way locations shall be
8 constructed by approved and licensed contractors at developer's expense.
- 9 53. All Water and Wastewater construction shall conform to the most recent edition of the
10 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
11 the Water Utilities Director.

11 **The following conditions shall be met prior to the approval of engineering design plans:**

- 12 54. All public water and/or sewer facilities which are not located within the public right-of-way
13 shall be provided with easements sized according to the Water, Sewer, and Reclaimed
14 Water Design and Construction Manual. Easements shall be constructed for all weather
15 access.
- 16 55. No trees, structures or building overhang shall be located within any water or wastewater
17 utility easement.
- 18 56. All lots with a finish pad elevation below the elevation of the next upstream manhole cover
19 of the public sewer shall be protected from backflow of sewage by installing and
20 maintaining an approved type backwater valve, per the Uniform Plumbing Code (U.P.C.).
- 21 57. A separate irrigation service, meter and approved backflow prevention device is required
22 and shall be displayed on the plans. Irrigation service cannot manifold from the existing
23 water service.
- 24 58. An Inspection Manhole, described by the Water, Sewer, and Reclaimed Water Design and
25 Construction Manual, shall be installed in each building sewer lateral and the location shall
26 be called out on the approved Improvement Plans.

26 **The following conditions of approval shall be met prior to building permit issuance:**

- 27 59. If a restaurant or food service tenant occupies the property; a Grease, Oil, and Sand
28 Interceptor shall be installed in each building sewer in an appropriate location and shall be

1 maintained by the property owner, in accordance with City of Oceanside Ordinance 07-
2 OR0021-1. The location shall be called out on the approved Building Plans.

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

6 **Fire:**

7 61. Fire Department requirements shall be placed on plans in the notes section.

8 62. A minimum fire flow of 1,500 gallons per minute shall be provided.

9 63. Fire flow shall be determined at the time of building permit application.

10 64. The size of fire hydrant outlets shall be 2 ½ "X 4".

11 65. A fire apparatus access road shall be provided within 150 feet of all exterior walls of the
12 first floor of the building. The route of the fire apparatus access road shall be approved
13 by the Fire Department. The 150 feet is measured by means of an unobstructed route
14 around the exterior of the building.

15 66. Apparatus access roads shall have a minimum unobstructed width of 28 feet. A
16 minimum vertical clearance of 14 feet shall be provided for the apparatus access roads.

17 67. The Fire Department access roadway shall be provided with adequate turning radius for
18 Fire Department apparatus: a 50-foot outside and 30-foot inside turning radius.

19 68. A "Knox" key storage box shall be provided for all new construction.

20 69. Fire extinguishers are required and shall be included on the plans submitted for plan
21 check.

22 70. An automatic fire suppression system complying with UL300 shall be provided to
23 protect commercial-type cooking or heating equipment that produces grease-laden
24 vapors. A separate plan submittal is required for the installation of the system and shall
25 be in accordance with the Oceanside Fire Code, Chapter 9.

26 71. Provide a class "K" type portable fire extinguisher within 30 feet of the kitchen
27 appliances emitting grease-laden vapors. N.F.P.A. 17A and N.F.P.A. 96.

28 72. An approved fire sprinkler system shall be installed throughout the building. The
system shall be designed per N.F.P.A. 13. The sprinkler system requires 24-hour
supervision.

- 1 73. The Fire Department connection shall be located on the address side of the building –
2 unless otherwise determined by the Fire Department. The hydrant shall be located on
3 the same side of the street as the Fire Department connection.
- 4 74. Fire alarm system may be required per CFC 907.2.1.
- 5 75. Buildings shall meet Oceanside sprinkler ordinance in effect at the time of building
6 permit application.
- 7 76. In accordance with the Oceanside Fire Code Section 505, approved addresses for
8 commercial, industrial, and residential occupancies shall be placed on the structure in
9 such a position as to be plainly visible and legible from the street or roadway fronting
10 the property. Numbers shall be contrasting with their background and shall comply the
11 current City of Oceanside size and design standard.
- 12 77. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
13 approval prior to the issuance of building permits.

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1 78. Buildings shall comply with City of Oceanside's Fire Department codes in effect at the
2 time of building permit application.

3 PASSED AND ADOPTED Resolution No. 2010-P35 on November 15, 2010 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 Jerry Hittleman, Secretary

16 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
17 this is a true and correct copy of Resolution No. 2010-P35.

18 Dated: November 15, 2010

19
20 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may
21 be required as stated herein:

22 _____
23 Applicant/Representative Date

City of Oceanside Requirements

- 1 per 250 sq. ft.
- 1 per 400 sq. ft.
- 1 per 50 sq. ft. of seating area (assumed 50% of square footage is seating area).
- 1 per 100 sq. ft.
- 1 per 250 sq. ft.
- 1 per 200 sq. ft. of sales, office, or lounge area; plus quere for 5 cars per washing station
- 1 per 300 sq. ft.
- 1 per 200 sq. ft.
- 1 per 250 sq. ft.

Land Use

- Retail Banks
- Arcade / Game Center
- Eating and Drinking Establishments
- Take Out Restaurant / Food Service
- Retail Sales
- Automobile Washing
- Office General
- Dental / Medical Office
- Personal Service

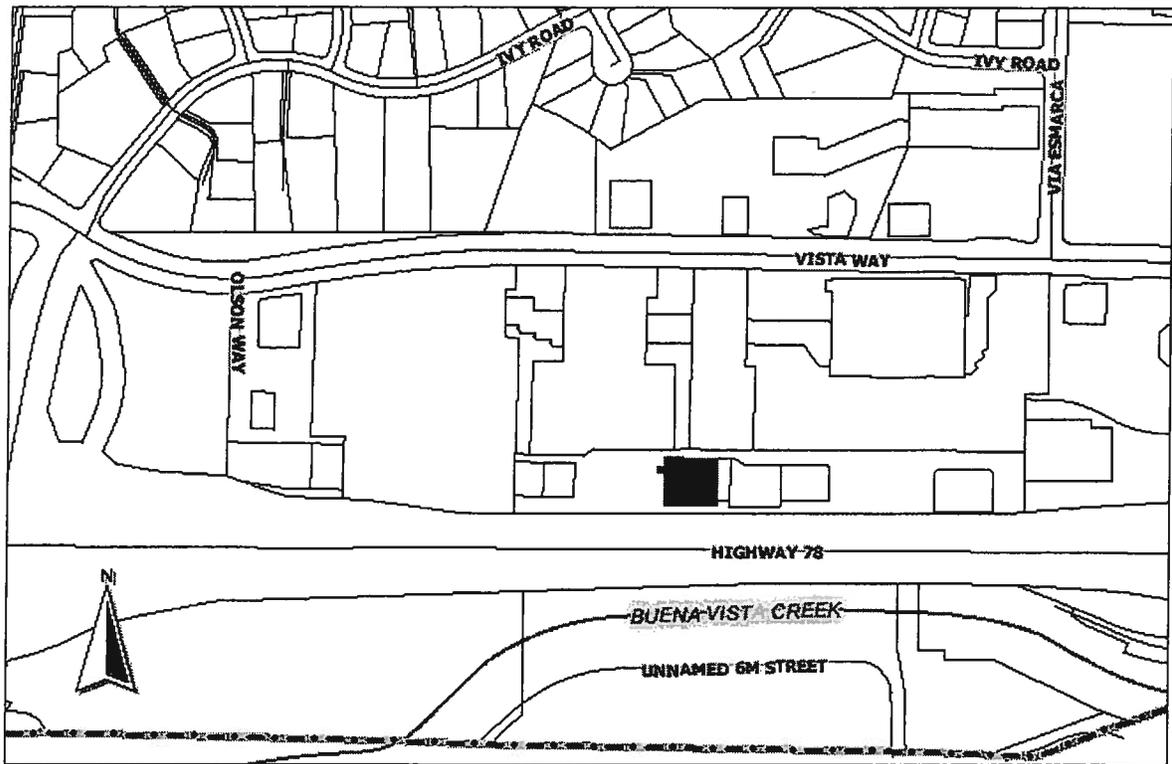
Unit	Tenant	SQ. Feet	Restaurant SQ. Ft.	USE	Parking Ratio/ SF	Parking Required
2481A	Chuck E Cheese - Arcade	5,850		Arcade and Game Center	1/400	15
2481A	Chuck E Cheese - Restaurant	7,150	7,150	Arcade and Game Center	1/50	143
2315	Bubble Bath Car Wash	1,620		Automobile Washing	1/200	8
2455D	L&L Hawaiian BBQ	2,000	1,000	Eating and Drinking Establishment	1/50	20
2455H	Ocean Thai Cuisine	2,000	1,000	Eating and Drinking Establishment	1/50	20
2325	Burger King	3,217	1,609	Eating and Drinking Establishment	1/50	32
2415	Hana Restaurant	4,867	2,688	Eating and Drinking Establishment	1/50	54
2627	Chili's	5,891	3,240	Eating and Drinking Establishment	1/50	65
2735	Q Restaurant & Sports Bar	6,000	3,383	Eating and Drinking Establishment	1/50	60
2485	Outback Steakhouse	6,150	3,300	Eating and Drinking Establishment	1/50	66
2655	Macaroni Grill	7,018	4,111	Eating and Drinking Establishment	1/50	82
2685	Red Lobster (Existing)	7,500	4,125	Eating and Drinking Establishment	1/50	83
2693	El Torito	8,000	4,400	Eating and Drinking Establishment	1/50	88
103	New Red Lobster	7,029	3,515	Eating and Drinking Establishment	1/50	70
201	Gregory Kusner DDS	936		Medical / Dental Office	1/200	5
201	Ava Integrative Medical Center	1,344		Medical / Dental Office	1/200	7
101	Erich S. Schmidt, DDS	1,344		Medical / Dental Office	1/200	7
209	Bradley Kay, C.P.A.	1,165		Office General	1/300	4
105	Visionworks Optometrics	1,440		Office General	1/300	5
205	California Teachers Assoc.	2,398		Office General	1/300	8
2401A	Chantelle Day Spa	1,050		Personal Services	1/250	4
2525E	Haircutters	1,140		Personal Services	1/250	5
2525C	Foot Solutions	1,331		Personal Services	1/250	5
111	Tomesittel Thrive Physical	1,532		Personal Services	1/250	6
2401C	Medicine			Personal Services	1/250	9
2641B	Joy Nails and Spa	2,129		Personal Services	1/250	9
2677	Medifast	2,200		Personal Services	1/250	9
2677	Jazzercise	5,311		Personal Services	1/250	21
2733	Union Bank	6,000		Retail Banks	1/250	24
2701	Wells Fargo Bank	8,000		Retail Banks	1/250	32
2515C	Frame Designs & Gallery	839		Retail Sales	1/250	3
2401F	Capezio	1,213		Retail Sales	1/250	5
109	Leo Hamel Fine Jewelers	1,400		Retail Sales	1/250	6
2515B	Scottrade	1,530		Retail Sales	1/250	6
2535C	GameStop	1,601		Retail Sales	1/250	6

2455K	Once Upon A Child	2,337		Retail Sales	1/250	9
2515A	Mattress Discounters	3,806				
2405	Boot Barn	3,875		Retail Sales	1/250	15
2401H	Patti's Hallmark	4,024		Retail Sales	1/250	16
2455M	Catherine's	4,575		Retail Sales	1/250	16
2555B	Men's Warehouse	4,608		Retail Sales	1/250	18
2641	Vitamin Shoppe	4,883		Retail Sales	1/250	20
2655B	Bridal Shop	5,160		Retail Sales	1/250	21
2665A	Lenscrafters	5,640		Retail Sales	1/250	23
2655C	Sleep Train	7,200		Retail Sales	1/250	29
2555A	Pier 1 Imports (sub-lease with Men's Warehouse.	8,892				
2435	Men's Warehouse.			Retail Sales	1/250	36
2301	Anna's Linens	9,600		Retail Sales	1/250	38
2641E	Big 5 Sporting Goods	10,024		Retail Sales	1/250	40
2505A	Tilly's	10,080		Retail Sales	1/250	40
2645	Famous Footwear	10,144		Retail Sales	1/250	41
2445	Ulta	10,300		Retail Sales	1/250	41
2649	Petco	16,500		Retail Sales	1/250	66
2617	Michaels	22,078		Retail Sales	1/250	88
2505C	Barnes & Noble	25,000		Retail Sales	1/250	100
2425	Ross Dress for Less	30,000		Retail Sales	1/250	120
	Toys "R" Us	35,000				
2535B	Subway	662		Retail Sales	1/250	140
2525A	Wings N Things	1,139		Take Out Restaurant / Food Service	1/100	7
2611B	Quizno's Sub	1,256		Take Out Restaurant / Food Service	1/100	11
2401E	California Yogurt	1,525		Take Out Restaurant / Food Service	1/100	13
B2A	Jamba Juice	1,582		Take Out Restaurant / Food Service	1/100	15
2611A	Chipotle Mexican Grill	2,503		Take Out Restaurant / Food Service	1/100	16
	Total Occupied	360,598				2,003

Unit	Tenant	SQ. Ft.	Use	Parking Ratio	Parking Required
2455A - Temp.	Universal Home Loans	2,100	Retail Banks	1/250	8
2401B	E&C Jewelers	1,050	Retail Sales	1/250	4
B1	Oreck Floor Care Center	1,618	Retail Sales	1/250	6
2455C	Finals Department Store Outlet	3,586	Retail Sales	1/250	14
2305	Sift	4,500	Retail Sales	1/250	18
2505B	Stein Mart	38,902	Retail Sales	1/250	156
2335	Former Mervyns	75,000	Retail Sales	1/250	300
	Total Vacant	126,756			
	Total Occupied and Vacant	487,344			

20% Reduction
 New Total Occupied and Vacant 2,123
 ***Total Existing Parking 4.35 spaces per every 1,000 s/f

507
 2,510
 502
 2,008



File Number: CUP10-00011

Applicant: N & D Restaurants, Inc. - Red Lobster

Description:

DEVELOPMENT PLAN (D10-0003) and CONDITIONAL USE PERMIT (CUP10-00011) to allow the construction and operation of a new Red Lobster restaurant with full alcoholic beverage service, within an existing commercial center at 2471 Vista Way. The project site 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. – **RED LOBSTER RESTAURANT**

Environmental Determination:

The project is exempt from CEQA per Article 19, Section 15302, Class 2 (b), Replacement of a Commercial Structure.

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



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

STAFF USE ONLY

ACCEPTED **5/25/10** BY **SXI
: DW**

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT **N & D Restaurants, Inc
dba Red Lobster**
 2. STATUS **Owner**
 3. ADDRESS **1000 Darden Center Dr
Orlando, FL 32837**
 4. PHONE/FAX/E-mail **407/245-4297**
 5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) **STEVE HALE**
 6. ADDRESS **1048 Peppertree Dr.
Fairfield, CA 94533**
 7. PHONE/FAX/E-mail **707-427-8671
shdevcon@aol.com**

GPA
 MASTER/SP.PLAN
 ZONE CH.
 TENT. MAP
 PAR. MAP
 DEV. PL. **D10-00003**
 C.U.P. **CUP10-00011**
 VARIANCE
 COASTAL
 O.H.P.A.C.

PART II - PROPERTY DESCRIPTION

8. LOCATION **2471 Vista Way
Oceanside, CA**
 10. GENERAL PLAN **CG**
 11. ZONING **CC**
 12. LAND USE

9. SIZE **17,668 SF**
 13. ASSESSOR'S PARCEL NUMBER
165-120-40-00

PART III - PROJECT DESCRIPTION

Rel. 7/21/10

14. GENERAL PROJECT DESCRIPTION
Construction of a new Red lobster Restaurant building and conditional use permit for service of hard alcohol and spirits

15. PROPOSED GENERAL PLAN N/C	16. PROPOSED ZONING N/C	17. PROPOSED LAND USE N/C	18. NO. UNITS 1	19. DENSITY N/C
20. BUILDING SIZE 7,682 SF	21. PARKING SPACES Ø (shared)	22. % LANDSCAPE N/A	23. % LOT COVERAGE or FAR	

PART IV - ATTACHMENTS

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

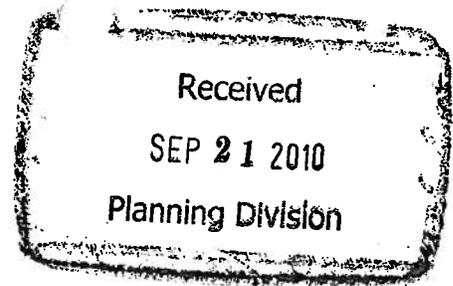
PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print): STEVE HALE	34. DATE 5/24/10	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: Steve Hale	35. OWNER (Print) JOHN KEEN	36. DATE 5/24/10	

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

Sign:
John Keen

**Proposed Red Lobster Restaurant
Oceanside, CA**



PROJECT DESCRIPTION AND JUSTIFICATION

Application Numbers: D10-00003 and CUP10-00011

APN: 165-120-40

Zoning Designation: CC-Community Commercial

General Plan Classification: CC-Community Commercial

Site Area: 16,472 SF (.38 acres)

Seating Area: 3,100 SF

Landscape Percentage: 33% of the site (excluding the building area)

Parking Required: 62 spaces

The request is for approval to relocate and replace the existing Red Lobster Restaurant located at 2685 Vista Way, with a new 7,682 square foot building within the same development. The elements of the new building will feature upgraded architectural features, colors and materials.

The proposed Red Lobster is bordered by commercial uses, and is to be located on a pad site of the El Camino North shopping center which previously was a Black Angus restaurant of approximately 9,000 square feet at 2471 Vista Way. That building has been demolished. The new Red Lobster will require a slight adjustment to the overall footprint, which will result in a request for a lot line adjustment as part of the entitlement process. This change is reflected on the accompanying site plan.

To prepare the new building pad area, Red Lobster will be using 15 cubic yards of fill, replacing 15 cubic yards of soil cut. There will be replacement of approximately 1,625 square feet of asphaltic concrete paving.

Red Lobster will also be seeking the ability to provide signage on 3 or four sides of the new building under separate application. This is reflected on the accompanying elevations.

The hours of operation will remain 11:00 AM to Midnight, 7 days a week. There will also be full liquor service offered to our dining patrons. There will continue to be approximately 25 employees on the largest shift.

The existing Red Lobster will remain open until the new facility is ready for occupancy. It is anticipated that the old building will be used by another tenant at some future date, but that is not under the control of Red Lobster.

SCHEDULE A

Revised 3/31/10

Deleted Schedule B-II, Item 35; added Schedule B-II, Items 36 and 37

1. Commitment Date: February 26, 2010 at 7:30 A.M.
2. Policy or Policies to be issued: Amount

(A) Alta Extended Leasehold Owners \$To Be Determined
Proposed Insured:

N and D Restaurants, Inc.
3. (A) The estate or interest in the land described in this Commitment is:

Fee Simple as to Parcel A, an easement as to Parcels B, C and D.

(B) Title to said estate or interest at the date hereof is vested in:

PK II El Camino North LP, a Delaware limited partnership
4. The land referred to in this Commitment is situated in the City of Oceanside, County of San Diego, State of California, and is described as follows:

PARCEL A:

PARCEL 19, OF PARCEL MAP NO. 11756, IN THE CITY OF OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 23, 1981, INCLUDING THAT PORTION OF SAID PARCEL MAP NO. 11756 UP TO THE CENTER LINE OF VISTA WAY ADJOINING SAID PARCEL'S ON THE NORTH, AS SHOWN ON SAID PARCEL MAP.

PARCEL B:

NON-EXCLUSIVE EASEMENTS, OVER, ACROSS, IN, UNDER AND THROUGH THE COMMON AREAS FOR THE USES AND PURPOSES SET FORTH IN SECTION 2.1 AND THE BUILDING AREAS FOR THE USES AND PURPOSES SET FORTH IN SECTION 2.2, AS SAID AREAS, USES AND PURPOSES AS SET FORTH IN GRANT OF RECIPROCAL EASEMENTS AND DECLARATIONS OF COVENANTS RUNNING WITH THE LAND, RECORDED NOVEMBER 24, 1981, RECORDER'S FILE NO. 81-371641 OF OFFICIAL RECORDS, IN AND TO PARCELS 3, 7 AND 11 OF PARCEL MAP NO. 11756, IN THE CITY OF OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 23, 1981, INCLUDING THAT PORTION OF SAID PARCEL MAP NO. 11756 UP TO THE CENTER LINE OF VISTA WAY AS SHOWN ON SAID PARCEL MAP, ADJOINING SAID PARCELS ON THE NORTH.

PARCEL C:

NON-EXCLUSIVE EASEMENTS AS SET FORTH IN DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS RECORDED DECEMBER 7, 1979 AS INSTRUMENT NO. 79-515051 OF OFFICIAL RECORDS.

PARCEL D:

NON-EXCLUSIVE EASEMENTS AS SET FORTH IN GRANT OF EASEMENTS AND DECLARATION OF COVENANTS AND RESTRICTIONS RECORDED NOVEMBER 24, 1981, AS INSTRUMENT NO. 81-371642 OF OFFICIAL RECORDS.

APN: 165-120-40-00



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:

1. **APPLICANT:** N & D Restaurants, Inc. dba Red Lobster
2. **ADDRESS:** 2471 Vista Way, Oceanside, CA
3. **PHONE NUMBER:** 407-245-4297
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Amy Fousekis, Principal Planner
6. **PROJECT TITLE:** D10-00003 & CUP10-00011 Red Lobster Restaurant
7. **DESCRIPTION:** A Development Plan (D10-00003) and Conditional Use permit (CUP10-00011) for the construction of a 7,682 square foot structure, with associated improvements, and establishment and operation of a restaurant facility with full alcohol service. The 0.38-acre project site is located along the southern portion of the El Camino North shopping center complex. The property is designated Community Commercial (CC) on the General Plan Land Use Map and the Zoning map and is situated within the Fire Mountain neighborhood.

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. The development proposal involves a replacement of a commercial structure (Black Angus Restaurant) with a new structure of substantially the same size, purpose and capacity. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- The project is categorically exempt per Class 2, Replacement or Reconstruction (Section 15302.2(b)); 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,

Jerry Hittleman, City Planner

Date:

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)