



DATE: November 5, 2007

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (C-24-07) TO ALLOW THE ESTABLISHMENT AND OPERATION OF A GAME CENTER IN CONJUNCTION WITH A "SHAKEY'S" RESTAURANT AT 4141 OCEANSIDE BOULEVARD WITHIN THE IVEY RANCH RANCHO DEL ORO NEIGHBORHOOD. – SHAKEY'S VIDEO GAMES– APPLICANT: SHAKEY'S USA**

### **RECOMMENDATION**

Staff recommends that the Planning Commission, by motion:

- (1) Recommend that the City Council confirm issuance of a Class 1, Categorical Exemption "Existing Facilities"; and,
- (2) Recommend approval of Conditional Use Permit (C-24-07) to the City Council, by adopting Planning Commission Resolution No. 2007-P51 with findings and conditions of approval attached herein.

### **PROJECT DESCRIPTION AND BACKGROUND**

**Site Review:** The site is located southwest of the Oceanside and College Boulevard intersection within the Rancho Del Oro Business Commercial Master Plan Area (Del Oro Marketplace business/commercial center). Surrounding land uses include various commercial businesses such as The Armstrong Garden Center, La Salsa Restaurant, T-Mobile, Washington Mutual, McDonalds, Re/Max Realty, and the Dollar Tree store.

The property is zoned PD-1 (Rancho Del Oro Commercial Planned Unit Development) and has a General Plan land use designation of S-1-84 (Rancho Del Oro Commercial). The project is subject to compliance with applicable zoning and General Plan regulations and policies as well as the Rancho Del Oro Master Development Plan development standards.

**Project Description:** The project application is comprised of one entitlement; Conditional Use Permit (C-24-07) as follows:

Conditional Use Permit No. C-24-07 represents a request for the following:

- (a) To allow the establishment and operation of 18 coin-operated electronic games in conjunction with an eating and drinking facility (“Shakey’s” restaurant) pursuant to Article 36 (Separation of Regulated Uses) of the Oceanside Zoning Ordinance (OZO).

The game center is proposed to occupy approximately 700 square feet of the 5,000 square feet “Shakey’s” restaurant footprint at 4141 Oceanside Boulevard. The game center will consist of 18 electronic coin-operated games, the majority of which will be redemption games. Redemption games reward players with tickets redeemable for prizes provided by the restaurant. The applicant has indicated that violent games will not be permitted in the game center.

The game center’s hours-of-operation will coincide with those of the restaurant and will be limited to 10:00 a.m. to 11:00 p.m. Sunday through Thursday and 10:00 a.m. to 12:00 a.m. on Friday and Saturdays. Fifty-two parking spaces will be provided for the restaurant and game center uses in accordance with OZO parking ratio requirements.

A letter of intent was submitted to the management association of the Del Oro Market Place describing the proposed project. The management association approved the plan on August 29, 2007.

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

1. General Plan Land Use Element
2. Zoning Ordinance
3. Rancho Del Oro Master Development Plan

## **ANALYSIS**

### **KEY PLANNING ISSUES**

#### **1. General Plan Compliance**

The General Plan Land Use Map designation on the subject property is Planned Unit Development Commercial. The proposed project is consistent with this designation and the goals and objectives of the City’s General Plan as follows:

**A. Land Use Element**

**Goal 2.2: Commercial Development**

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

The proposed project will enhance the variety of commercial services that are available to the general public. The game center use, as proposed to be incorporated within the restaurant facility and as conditioned to operate, will not negatively impact the surrounding commercial businesses.

**B. Land Use Element**

**Goal 1.1: Balanced Land Use**

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

**Policy A:** 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 use has been reviewed and analyzed to ensure that traffic impacts and parking deficiencies will not arise. Staff's analysis concludes that the proposed game center use will not conflict with the abutting tenant's hours-of-operation. Surplus parking will be available to serve all existing uses within the center. Therefore the use will positively contribute to the commercial center without impacting traffic and parking.

**2. Zoning Compliance**

This project is located in the Rancho Del Oro Commercial Planned Unit Development (PD-1) district, within an existing structure and complies with applicable requirements of that zone. The following table depicts the parking data for the existing commercial center with the proposed game center and restaurant use based upon Section 3100 of the OZO:

<b>EXISTING USES</b>	<b>BUILDING AREA (Sq. Ft.)</b>	<b>PARKING SPACES REQUIRED</b>	<b>PROPOSED</b>
Armstrong Garden Center (Nursery)	4,800	(1 per 250 sq. ft.)	20
Rancho Del Oro Car-Wash	3,129	(1 per 200 sq. ft. of sales, office, or lounge area; plus queue for 5 cars per washing station)	16
Washington Mutual Financial institution	4,615	(1 per 250 sq. ft.)	18
Two Food Court Buildings Drinking Establishment	22,092	(1 per 50 sq. ft. seating area)	110
<b>PROPOSED USE</b>			
Shakey's w/ game center.	(4,300 sq. ft. restaurant & 700 sq. ft. Game Center Area)	(1 per 50 sq. ft. restaurant seating area & 1 per 400 sq. ft. for game center)	52
<b>TOTAL</b>			
Total Spaces On-Site (246) All Buildings	Approximately 40,000 sq. ft.	Listed above	216 spaces required out of 246

**3. Land Use Compatibility with surrounding developments**

<b>LOCATION</b>	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LAND USE</b>
Subject Property:	Rancho Del Oro Commercial (S-1-84)	PD-1 (Rancho Del Oro Commercial Master Plan)	Commercial
North	Rancho Del Oro Commercial (S-1-84)	PD-1 (Rancho Del Oro Commercial Master Plan)	Commercial
East	Rancho Del Oro Commercial (S-1-84)	PD-1 (Rancho Del Oro Commercial Master Plan)	Commercial
South:	Rancho Del Oro Commercial (S-1-84)	PD-1 (Rancho Del Oro Commercial Master Plan)	Commercial
West	Rancho Del Oro Industrial (S-1-84)	PD-1 (Rancho Del Oro Industrial Master Plan)	Industrial

## **DISCUSSION**

*Issue: Land Use compatibility with existing and future uses within the center*

**Recommendation:** Game center establishments are classified as regulated uses and locational restrictions separating such uses from each other and from nearby residential areas, family-oriented uses, or sites commonly used by minors, are applicable to protect the community from potential blight, depreciated property values, law enforcement problems, as well as interference with activities oriented toward families or minors.

More specifically Section 3604 of the OZO requires that a game center must be located a minimum of 1,000 feet from any other regulated use and 500 feet away from any residential district; any public or private school; park, playground, or public beach; church or other similar religious facility; and/or childcare or pre-school facility. The ordinance allows consideration of waivers to location requirements on a case by case basis.

Staff has analyzed the location requirements and found that no sensitive uses are located within 500 feet of the proposed project site and no other regulated uses are within 1,000 feet from the project site. The Kingdom Hall of Jehovah Witness Church is located at least 1,584 feet from the subject game center use. Although approval of a conditional use permit by the City Council must be obtained prior to allowing 18 coin-operated video games within the proposed "Shakey's" restaurant no waiver of locational requirements is necessary and land use compatibility between the proposed game center and existing and future uses will be ensured in part through compliance with separation standards set forth for game centers.

The game center will house 18 electronic games within Shakey's restaurant as a secondary use. Only 10 percent of the restaurant's revenues will be derived from the game center. The game center's hours-of-operation will be consistent with those of the restaurant. Minors under the age of 18 will not be permitted to use the game center during school hours pursuant to the Oceanside Zoning Ordinance code Section 3027. Therefore the proposed game center will complement and support the main "family oriented" restaurant operation and will not detract or negatively impact uses within the center.

## **ENVIRONMENTAL DETERMINATION**

The proposed project is categorically exempt pursuant to Article 19 Categorical Exemptions, Section 15301 Existing Facilities, 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 300-foot of the subject property, individuals/organizations requesting notification, applicant and their representative, and interested parties. As of November 5, 2007, no communication supporting or opposing the request has been received.

**SUMMARY**

The proposed Conditional Use Permit is consistent with the requirements of the land use policies of the General Plan, the Oceanside Zoning Ordinance and the Rancho Del Oro Commercial Master Development Plan. Staff supports the subject development proposal, therefore, staff recommends that the Planning Commission:

- (1) Recommend that the City Council confirm issuance of a Class 1, Categorical Exemption "Existing Facilities"; and,
- (2) Recommend approval of Conditional Use Permit (C-24-07) to the City Council, by adopting Planning Commission Resolution No. 2007-P51 with findings and conditions of approval attached herein.

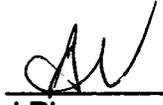
PREPARED BY:

  
Scott Nightingale  
Planner II

SUBMITTED BY:

  
Jerry Hittleman  
City Planner

REVIEWED BY:

  
Amy Volzke, Principal Planner

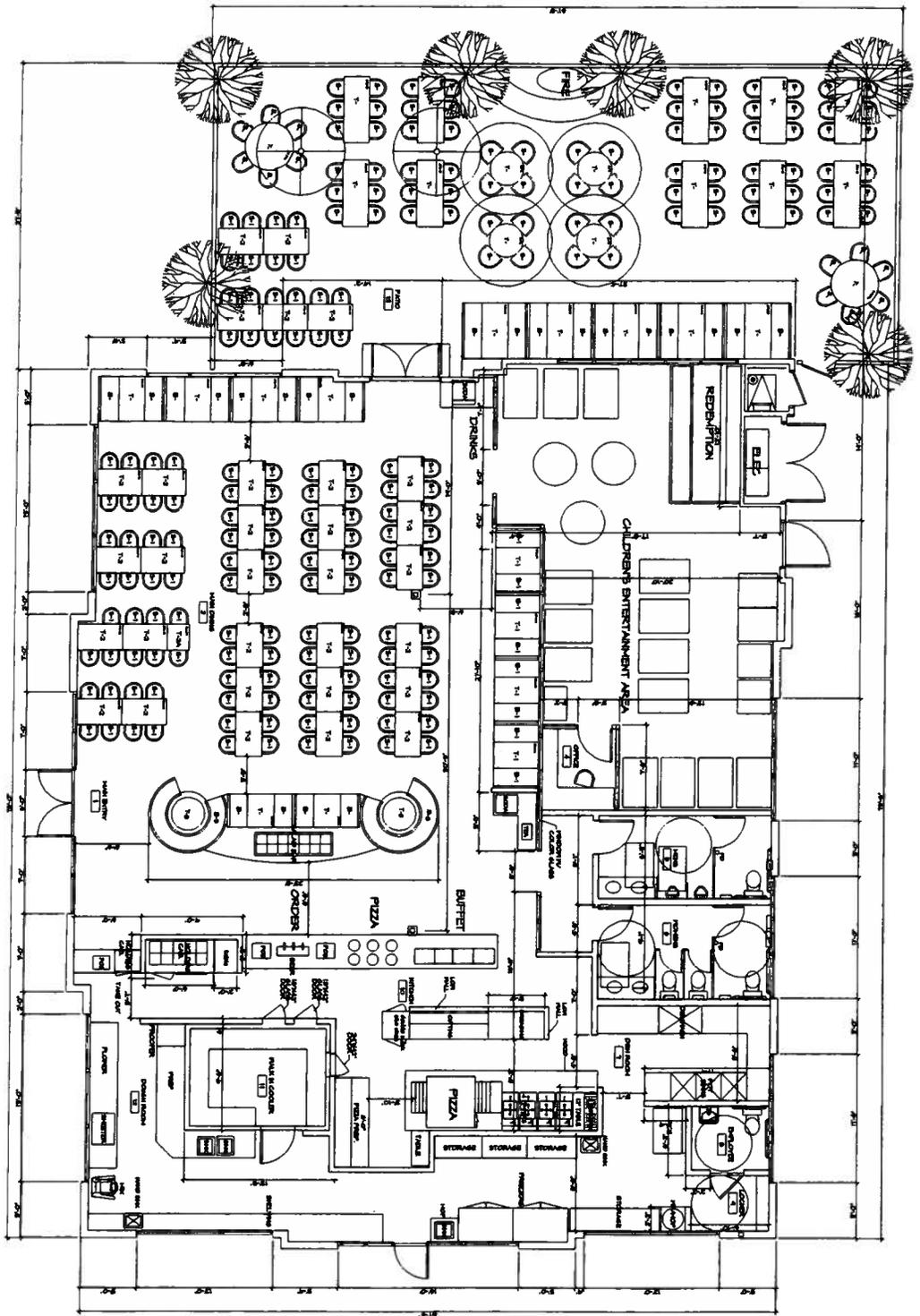
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Attachments:

- 1. Site Plan/Floor Plan
- 2. Planning Commission Resolution No. 2007-P51
- 3. Parking Analysis
- 4. Pictures/Coin-Operated Electronic Game Examples
- 5. Management Permission Letter







1 SEATING FLOOR PLAN - 6-7-07  
SCALE: 1/4" = 1'-0"



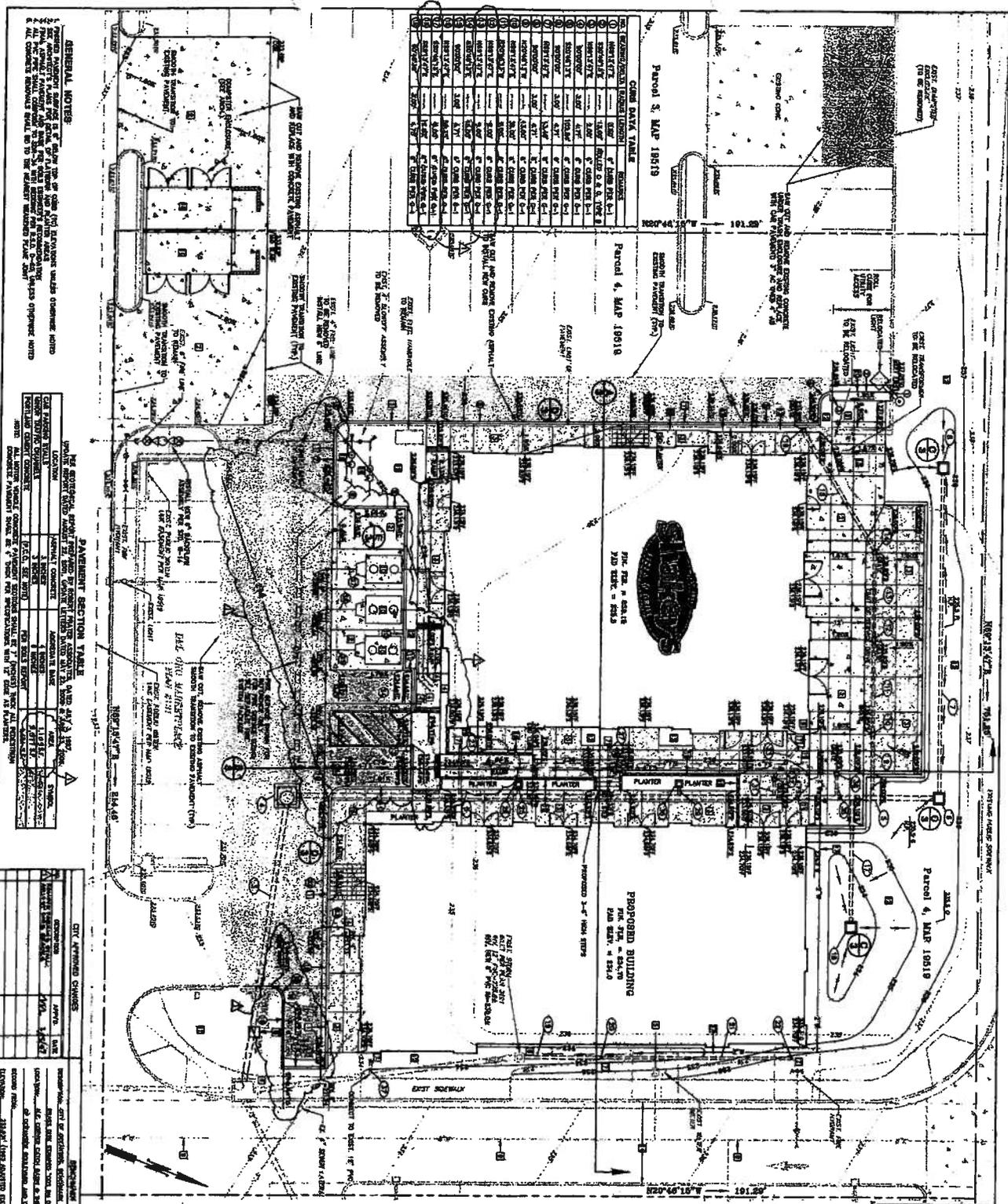
PROJECT: SHAKEY'S PIZZA  
TENDRIM IMPROVEMENT  
1400 14th St  
ID 20

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TENDRIM IMPROVEMENT  
1400 14th St  
ID 20

SEATING AND  
FIXTURE PLAN

DATE: 06/07/07  
DRAWN BY: [Signature]  
CHECKED BY: [Signature]  
DESIGNER: [Signature]  
DEVELOPER: [Signature]

NO.	REVISION



**CONCRETE DATA TABLE**

NO.	DESCRIPTION	QUANTITY	UNIT
1	CONCRETE	100	CU YD
2	REINFORCING BARS	100	LB
3	FORMWORK	100	SQ YD
4	PAVING	100	SQ YD
5	GRASS	100	SQ YD
6	LANDSCAPING	100	SQ YD
7	SEWER	100	LINEAL FT
8	WATER	100	LINEAL FT
9	ELECTRICAL	100	LINEAL FT
10	MECHANICAL	100	LINEAL FT
11	PLUMBING	100	LINEAL FT
12	INSULATION	100	SQ YD
13	ROOFING	100	SQ YD
14	GLAZING	100	SQ YD
15	INTERIORS	100	SQ YD
16	EXTERIORS	100	SQ YD
17	LANDSCAPING	100	SQ YD
18	PAVING	100	SQ YD
19	GRASS	100	SQ YD
20	LANDSCAPING	100	SQ YD

**GENERAL NOTES:**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SAN JOSE SPECIFICATIONS AND STANDARDS.
2. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.
3. ALL CONCRETE SHALL BE 3000 PSI STRENGTH AND SHALL BE CURVED PROPERLY.
4. ALL CONCRETE SHALL BE FINISHED TO THE FINISH INDICATED ON THE DRAWINGS.
5. ALL CONCRETE SHALL BE CURVED TO THE FINISH INDICATED ON THE DRAWINGS.

**PAVEMENT SECTION TABLE**

NO.	DESCRIPTION	THICKNESS	UNIT
1	ASPHALT	2"	INCHES
2	GRAVEL	4"	INCHES
3	SUBGRADE	4"	INCHES
4	PAVING	4"	INCHES
5	GRASS	4"	INCHES
6	LANDSCAPING	4"	INCHES
7	SEWER	4"	INCHES
8	WATER	4"	INCHES
9	ELECTRICAL	4"	INCHES
10	MECHANICAL	4"	INCHES
11	PLUMBING	4"	INCHES
12	INSULATION	4"	INCHES
13	ROOFING	4"	INCHES
14	GLAZING	4"	INCHES
15	INTERIORS	4"	INCHES
16	EXTERIORS	4"	INCHES
17	LANDSCAPING	4"	INCHES
18	PAVING	4"	INCHES
19	GRASS	4"	INCHES
20	LANDSCAPING	4"	INCHES

**CITY APPROVED CHANGES**

NO.	DESCRIPTION	DATE
1	REVISION	1/15/18
2	REVISION	2/15/18
3	REVISION	3/15/18
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**CONSTRUCTION NOTES:**

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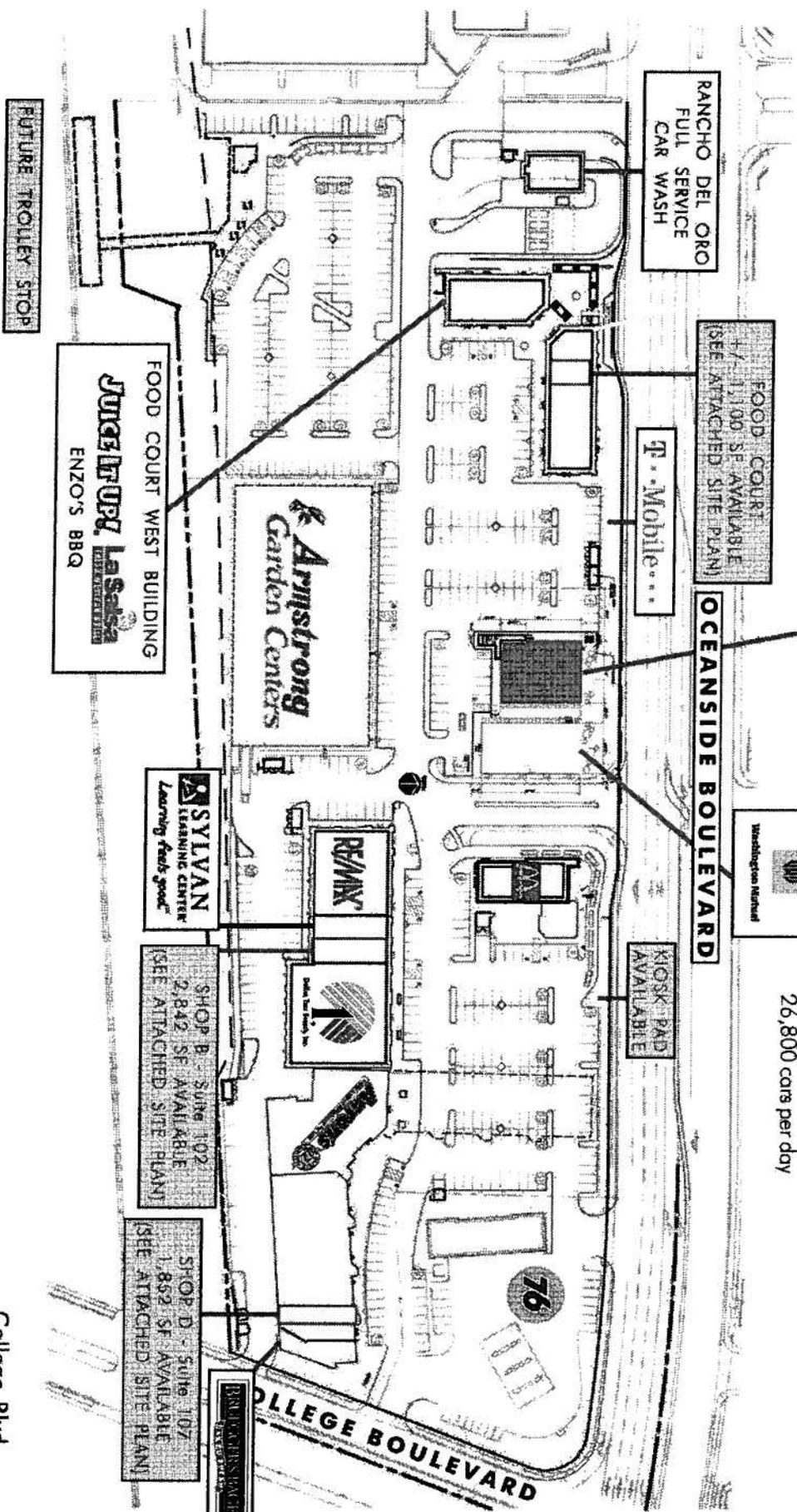
# DEL ORO MARKETPLACE

## SWC COLLEGE AND OCEANSIDE BLVD

### OCEANSIDE, CA



Oceanside Blvd.  
26,800 cars per day



College Blvd.  
46,300 cars per day

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2007-P51

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

---

7 APPLICATION NO: C-24-07  
8 APPLICANT: Shakey's USA  
9 LOCATION: 4141 Oceanside Boulevard

---

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms  
13 prescribed by the Commission requesting a Conditional Use Permit under the provisions of  
14 Articles 11, 17, 36, & 41 of the Zoning Ordinance of the City of Oceanside to permit the  
15 following:

16 the establishment and operation of a game center - consisting of 18 coin-operated  
17 electronic games - in conjunction with a "Shakey's" restaurant;  
18 on certain real property described in the project description.

19 WHEREAS, the Planning Commission, after giving the required notice, did on the 5<sup>th</sup> day  
20 of November, 2007, conduct a duly advertised public hearing as prescribed by law to consider  
21 said application.

22 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
23 Guidelines thereto; this project is not subject to CEQA per Article 19, Section 15301 Existing  
24 Facilities;

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

27 WHEREAS, studies and investigations made by this Commission and on its behalf reveal  
28 the following facts:

29 ////////////////

//////////////////

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1 FINDINGS:

2 For the Conditional Use Permit to allow establishment and operation of a game center -  
3 consisting of 18 coin-operated electronic games - in conjunction with a "Shakey's" restaurant:

- 4 1. The proposed location of the game center is in accord with the objectives of the Zoning  
5 Ordinance and the purposes of the district in which the site is located. No waiver of  
6 location separation requirements is necessary and land use compatibility between the  
7 proposed game center and existing and future uses will be ensured in part through  
8 compliance with separation standards set forth in the Zoning Ordinance for game  
9 centers.
- 10 2. The proposed location of the game center and the proposed conditions under which it  
11 would be operated and maintained will be consistent with the General Plan; will not be  
12 detrimental to the public health, safety or welfare of persons residing or working in or  
13 adjacent to the neighborhood of such use; and will not be detrimental to properties or  
14 improvements in the vicinity or to the general welfare of the City.
- 15 3. The proposed game center conditional use will comply with the provisions of the Zoning  
16 Ordinance, including any specific condition required for the proposed conditional use in  
17 the district in which it would be located. Surplus parking will be available to serve  
18 existing and the proposed use within the center.
- 19 4. The game center's location and hours of operation will not interfere with the primary  
20 commercial uses in the vicinity and there are no public health and safety issues resulting  
21 from the location of the proposed use. The game center will house 18 electronic games  
22 within Shakey's restaurant as a secondary use. Only 10 percent of the restaurant's  
23 revenues will be derived from the game center. The game center's hours-of-operation  
24 will be consistent with those of the restaurant. Minors under the age of 18 will not be  
25 permitted to use the game center during school hours pursuant to the Oceanside Zoning  
26 Ordinance code Section 3027. Therefore the proposed game center will complement and  
27 support the main "family oriented" restaurant operation and will not detract or negatively  
28 impact uses within the center.
- 29 5. The building will meet the requirements imposed by the Uniform Building Code for  
assembly/occupancy.

1           NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
2 recommend approval to Conditional Use Permit (C-24-07) subject to the following conditions:

3 **Building:**

- 4 1.     Applicable Building Codes and Ordinances shall be based on the date of submittal for  
5         Building Division plan check. (Currently the 2001 California Building Code, and 2004  
6         California Electrical Code)
- 7 2.     The granting of approval under this action shall in no way relieve the applicant/project  
8         from compliance with all State and Local building codes.
- 9 3.     Site development, parking, access into buildings and building interiors shall comply with  
10        the State's Disabled Accessibility Regulations. (2001 California Building Code (CBC),  
11        Chapter 11B)
- 12 4.     The building plans shall be prepared by a licensed architect or engineer and shall be in  
13        compliance with this requirement prior to submittal for building plan review.
- 14 5.     All electrical, communication, CATV, etc. service lines within the exterior lines of the  
15        property shall be underground (City Code Sec. 6.30).
- 16 6.     All outdoor lighting shall comply with Chapter 39 of the City Code (Light Pollution  
17        Ordinance). Where color rendition is important, high-pressure sodium, metal halide or  
18        other such lights may be utilized and shall be shown on building and electrical plans.
- 19 7.     Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the  
20        plans.
- 21 8.     Plans submitted after January 1<sup>st</sup> 2008 shall comply with the State adopted ICC codes.
- 22 9.     Energy Calculations/documentation shall be required at time of plan submittal to the  
23        Building Division for plan check.
- 24 10.    Tenant Improvements or other construction to the existing building shall require permits  
25        (including all required inspections and approvals, and issuance of Certificate of  
26        Occupancy) from the Building Division.
- 27 11.    The developer shall monitor, supervise and control all building construction and  
28        supporting activities so as to prevent these activities from causing a public nuisance,  
29        including, but not limited to, strict adherence to the following:

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

14 **Fire:**

- 15 12. Plans shall be submitted to the Fire Prevention Bureau for plan check review and  
16 approval prior to the issuance of building permits. A site plan indicating the fire access  
17 and hydrant locations must also be submitted on CD Rom.
- 18 13. Buildings shall meet Oceanside Fire Department's current codes at the time of building  
19 permit application.

20 **Planning:**

- 21 14. This Conditional Use Permit shall expire two years from the effective date of the  
22 approval, unless implemented as required by the Zoning Ordinance.
- 23 15. This Conditional Use Permit approves only the establishment and operation of a 700 sq.  
24 ft. (max) game center consisting of 18 coin-operated electronic games in conjunction  
25 with a 4,300 sq. ft. "Shakey's" restaurant as shown on the plans and exhibits presented to  
26 the Planning Commission for review and approval. No deviation from these approved  
27 plans and exhibits shall occur without Community Development Department/Planning  
28 Division approval. Substantial deviations shall require a revision to the Conditional Use  
29 Permit or a new Conditional Use Permit.

- 1 16. The hours-of-operation of the subject use shall coincide with those of the restaurants and  
2 shall be limited to 10:00 a.m. – 11:00 p.m. Sunday through Thursday and 10:00 a.m. –  
3 12:00 a.m. Friday and Saturday. Any deviation in the subject hours-of-operation shall  
4 require a revision to the Conditional Use Permit or a New Conditional Use Permit.
- 5 17. The game center shall be supervised by an adult “Shakey’s” restaurant employee during  
6 all business hours.
- 7 18. A security system shall be installed to monitor the game center.
- 8 19. Minors, under 18 years of age shall not be allowed to play a mechanical or electronic  
9 game machine during the hours the public schools of the district in which the game center  
10 is located are in session, or after 9:00 p.m. on nights preceding school days, or after 10:00  
11 p.m. on any night. It is the responsibility of the owner or manager to obtain a current  
12 schedule of school days and hours.
- 13 20. The lighting in the game center area shall allow good visibility within the center to ensure  
14 users safety.
- 15 21. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
16 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
17 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
18 annul an approval of the City, concerning Conditional Use Permit C-24-07. The City  
19 will promptly notify the applicant of any such claim, action or proceeding against the  
20 City and will cooperate fully in the defense. If the City fails to promptly notify the  
21 applicant of any such claim action or proceeding or fails to cooperate fully in the  
22 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold  
23 harmless the City.
- 24 22. Prior to the issuance of building permits, compliance with the applicable provisions of the  
25 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be  
26 reviewed and approved by the Planning Division. These requirements, including the  
27 obligation to remove or cover with matching paint all graffiti within 24 hours shall  
28 recorded in the form of a covenant affecting the subject property.
- 29 23. The requirement to manage all solid waste and identified recyclable material on private  
property and to recycle or dispose of all material in compliance with city code.

- 1 24. The Conditional Use Permit shall lapse if the exercise of rights granted by them is  
2 discontinued for six consecutive months.
- 3 25. This Conditional Use Permit shall be called for review by the Planning Commission if  
4 complaints are filed and verified as valid by the Code Enforcement Office concerning  
5 the violation of any of the approved conditions or assumptions made by the application.
- 6 26. There shall be no audible music or noise emitting from the premises, which would  
7 disturb the quiet and peaceful enjoyment of the property by the tenants and residences  
8 of the area.
- 9 27. Prior to the transfer of ownership and/or operation of the site the owner shall provide a  
10 written copy of the applications, staff report and resolutions for the project to the new  
11 owner and/or operator. This notification's provision shall run with the life of the project  
12 and shall be recorded as a covenant on the property.
- 13 28. Failure to meet any conditions of approval for this development shall constitute a  
14 violation of the Conditional Use Permit.
- 15 29. Unless expressly waived, all current zoning standards and City ordinances and policies in  
16 effect at the time business licenses are issued are required to be met by this project. The  
17 approval of this project constitutes the applicant's agreement with all statements in the  
18 Description and Justification and other materials and information submitted with this  
19 application, unless specifically waived by an adopted condition of approval.
- 20 30. There shall be no pool or billiard tables maintained upon the premises at any time.

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

5 PASSED AND ADOPTED Resolution No. 2007-P51 on November 5, 2007 by the  
6 following vote, to wit:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

11  
12  
13  
14 \_\_\_\_\_  
Dennis Martinek, Chairman  
Oceanside Planning Commission

15  
16 ATTEST:

17  
18  
19 \_\_\_\_\_  
Jerry Hittleman, Secretary

20  
21 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
22 this is a true and correct copy of Resolution No. 2007-P51.

23  
24 Dated: November 5, 2007  
25  
26  
27  
28  
29

PARKING ANALYSIS

DEL ORO MARKETPLACE

Following is a list of existing uses within the Del Oro Marketplace center, which is the proposed location of the Shakey's. There are 528 existing parking spaces within this center.

<u>BUSINESS NAME</u>	<u>USE</u>	<u>PARKING REQUIREMENT</u>
Juice it Up	Eating and Drinking Establishments	1/50 sq ft
Enzo's	Eating and Drinking Establishments	1/50 sq ft
La Salsa	Eating and Drinking Establishments	1/50 sq ft
Panda Express	Eating and Drinking Establishments	1/50 sq ft
Pasta Break	Eating and Drinking Establishments	1/50 sq ft
Go-Go Japan	Eating and Drinking Establishments	1/50 sq ft
Knock Out Pizzeria	Eating and Drinking Establishments	1/50 sq ft
Coldstone	Eating and Drinking Establishments	1/50sq ft
Armstrong Nursery	Nursery (garden)	1/1,000 sq ft of lot area for first 10,000 sq ft; 1/5,000 sq ft thereafter, plus 1/250 sq ft gross floor area.
McDonald's	Restaurant, with Take-Out Service	1/100 sq ft gross area; plus queue space for 5 cars for drive-up service measured from menu board.
Remax Associates	Offices, Business and Professional (realty office)	1/300 sq ft
Vacant Suite	-----	
Sylvan Learning Center	Personal Improvement Services (tutoring)	1/250 sq ft
Dentist	Offices, Medical and Dental	1/200 sq ft
Dollar Tree	Retail Sales	1/200 sq ft for less than 5,000 sq ft; 1/250 sq ft over 5,000 sq ft
Aaron's	Retail Sales	1/22 sq ft for less than 5,000 sq ft; 1/250 sq ft over 5,000 sq ft
White Dragon Kung Fu	Personal Improvement Services (Karate Studio)	1/250 sq ft
Super Star Salon	Personal Services	1/250 sq ft
Cleaners	Personal Services	1/250 sq ft
Best Nails	Personal Services	1/250 sq ft
Vacant Suite	-----	
i Tan	Personal Services	1/250 sq ft
El Bronco	Eating and Drinking Establishment	1/50 sq ft
Vacant Suite	-----	
Donut House	Eating and Drinking Establishment	1/50 sq ft
Bruegger's Bagels	Eating and Drinking Establishment	1/50 sq ft
Shakey's (proposed)	Arcades and Game Centers	1/400 sq ft

**THE FAST  
AND THE  
FURIOUS**

UNIVERSAL

ファースト アンド フェリアス

# DRIIFT™

**HOT NEW RACER!**

**19 ACTION PACKED TRACKS**

**12 THROU OUT RUNS**

**PERSONAL UPDATES**

**8-WAY LANE**

**Save Stats, Cars, Upgrades  
With PIN**

**No Card System To Buy  
Or Maintain**

**Cabinet Dimensions**

**63" L x 34" W x 78" H**

**Package Dimensions**

**Pedestal 22" L x 34" W x 52.5" H**

**Monitor 39" L x 36.5" W x 86" H**

**Total Weight**

**650 lbs.**

Call (201) 438-1300, ext. 3318 or 3319 For Your Local Authorized Distributor  
BETSON ENTERPRISES \* 303 Paterson Plank Road \* Carlstadt, NJ 07072-2307

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**RAW  
THRILLS™**



# LOOK

## The New Addition's To The Family Fun Companies Family



Step shown is an additional charge.

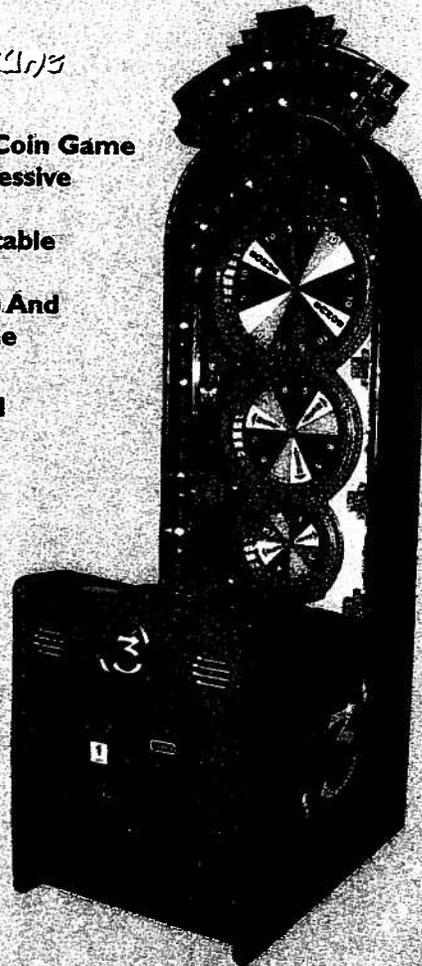
### *Soccer Fortune*

**Game Features:**

- 4 Player Quick Coin Game
- Individual Progressive Jackpots
- Operator Adjustable Ticket Payout
- Power From Top And Bottom Of Game

**Dimensions:**

36" Square, 72" H  
Weight: 410 LBS



### *Triple Shot*

**Game Features:**

- A True Test Of Skill
- Operator Adjustable Ticket Payout
- Appeals To All Ages And Genders

**Dimensions:**

26" W x 40" D x 76" H  
Weight: 310 LBS

PUTTING FUN BACK INTO YOUR FUN CENTER!

# JUMPIN' JACKPOT

## -VIRTUAL- JUMPROPE

JUMP THE LIGHT AS IT SPINS

SPELL OUT JACKPOT TO WIN BONUS TICKETS

PLAYERS SELECT JACKPOT LEVEL BY INSERTING 1, 2 OR 3 COINS

SOLID STATE DESIGN PROVIDES YEARS OF DEPENDABLE SERVICE

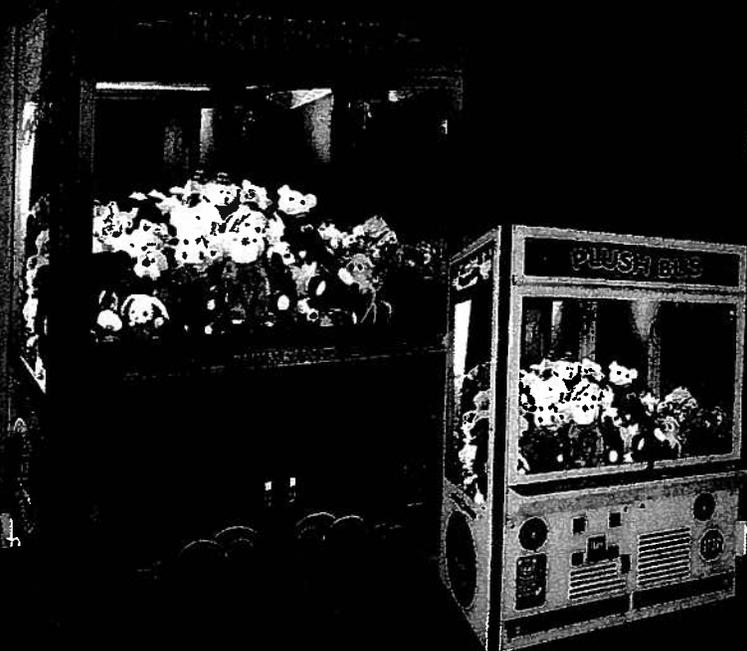
SCREW IN STALL DIMENSIONS 11 1/2" D  
SPECIFIC SUBJECT TO CHANGE WITHOUT NOTICE

NAMCO AMERICA INC.  
1000 N. 17TH ST.  
PHILADELPHIA, PA. 19102  
215-962-2200  
215-962-0330  
AMUSEMENT MARCADE



**namco**

ITEM 110



# 60" PLUSH PAL

- Double crane with independent set of electronics
- Flip down control panel for easy access
- Available as a single player game

Dimensions Per Unit: 42" d x 61" w x 78" h Weight: 1,100 lbs.



# 60" CARNIVAL CRANE

- 360 degree visual play from either side
- Unique garage door style opening for serviceability
- Ideal for malls and entertainment complexes

Dimensions Per Unit: 44" d x 61" w x 90" h Weight: 1,200 lbs.



CRANES CRANES CRANES CRANES

**A WINNER EVERY TIME**



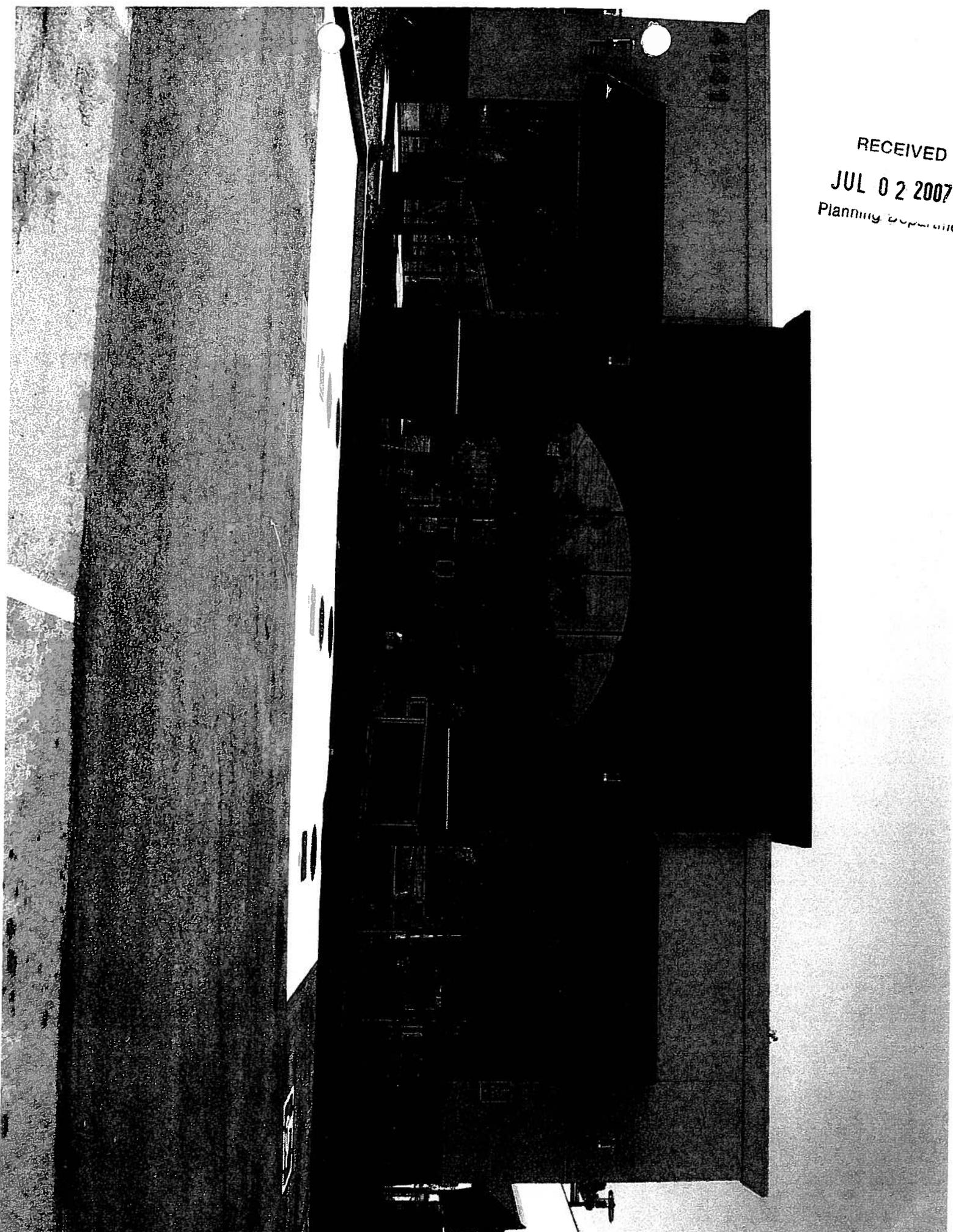
# 60" WINNER EVERY TIME

- Proven concept; "Always a Winner" encourages repeat play
- One side plush, one side candy
- Single joystick controls both claws

Dimensions Per Unit: 39" d x 61" w x 78" h Weight: 1,100 lbs.

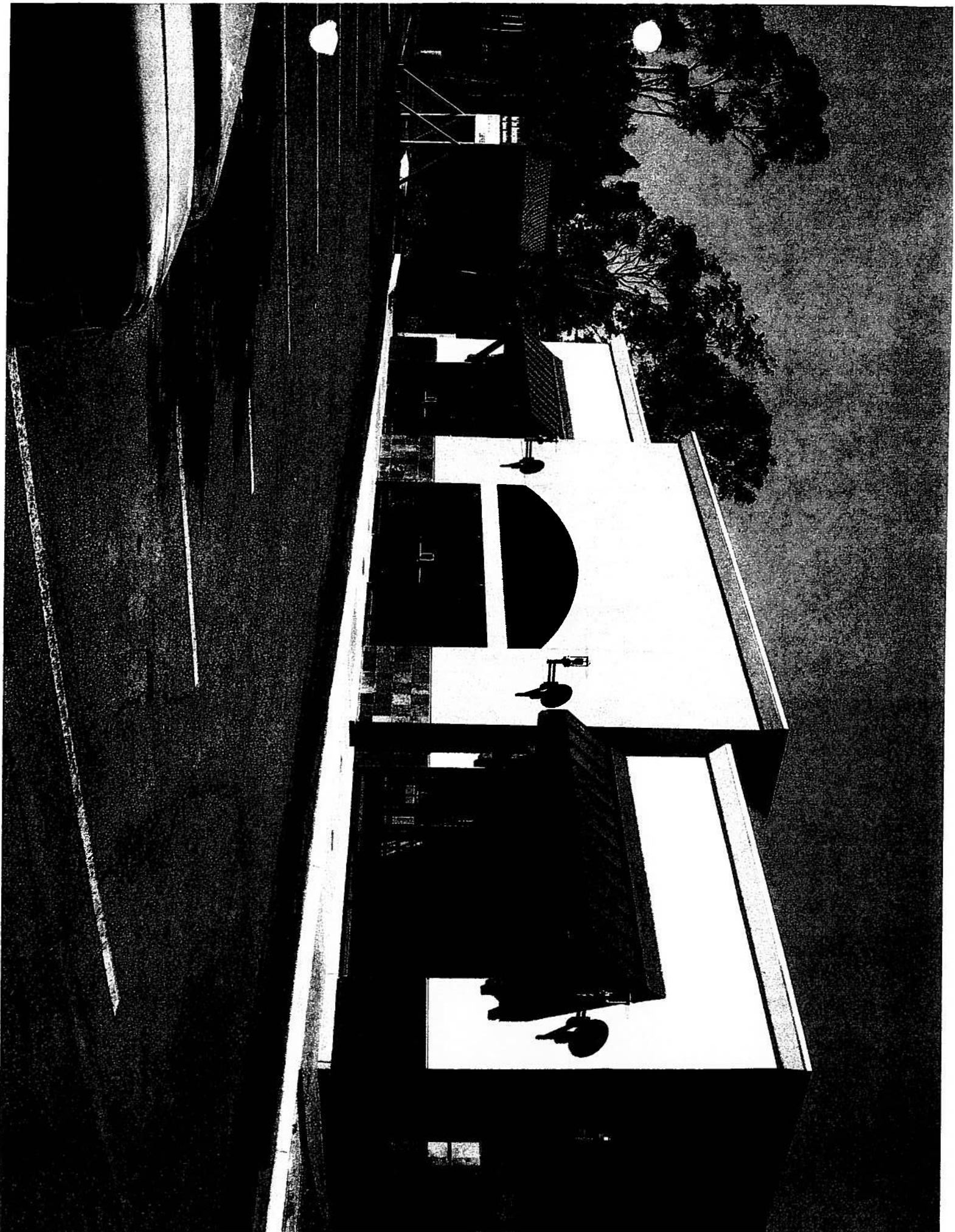
CRANES CRANES CRANES

RECEIVED  
JUL 02 2007  
Planning Department

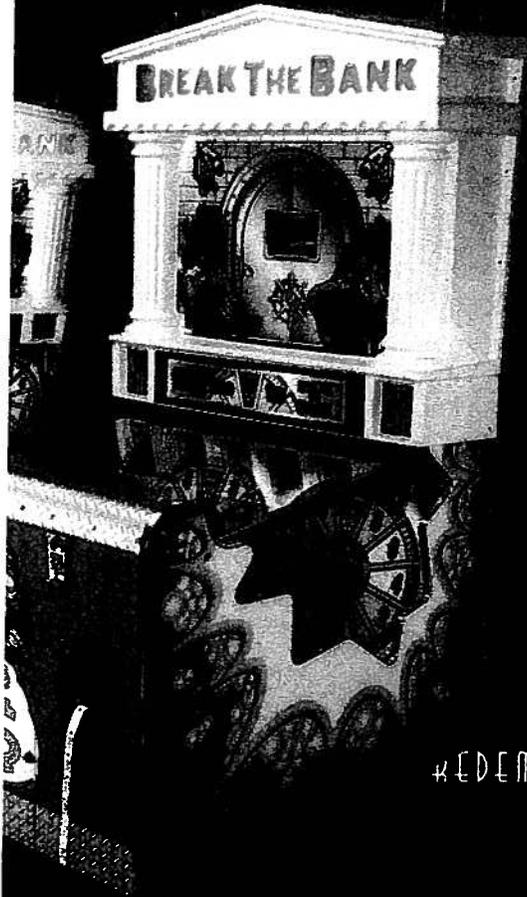


RECEIVED  
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# REDEMPTION



## BREAK THE BANK

- 1 or 2 player quick coin roll down
- Hit the lit "Bonus" target to break into the Super Bonus and win the vault of tickets

Dimensions Per Unit: 49" d x 42" w x 82" h    Weight: 500 lbs.

REDEMPTION

REDEMPTION

REDEMPTION

## CYCLONE

World's #1 Redemption game  
with progressive ticket bonus  
and coordination skill game

Dimensions Per Unit: 52" d x 46" w x 48" h    Weight: 460 lbs.



REDEMPTION

REDEMPTION

REDEMPTION

# HOOP FEVER

- Traditional favorite basketball game
- Full-size balls, stationary basket
- No moving parts
- Linking available for "head to head" d

Dimensions Per Unit: 120"d x 30"w x 108"h W

SPORTS GAMES

SPORTS GAMES

# MINI DUNXX

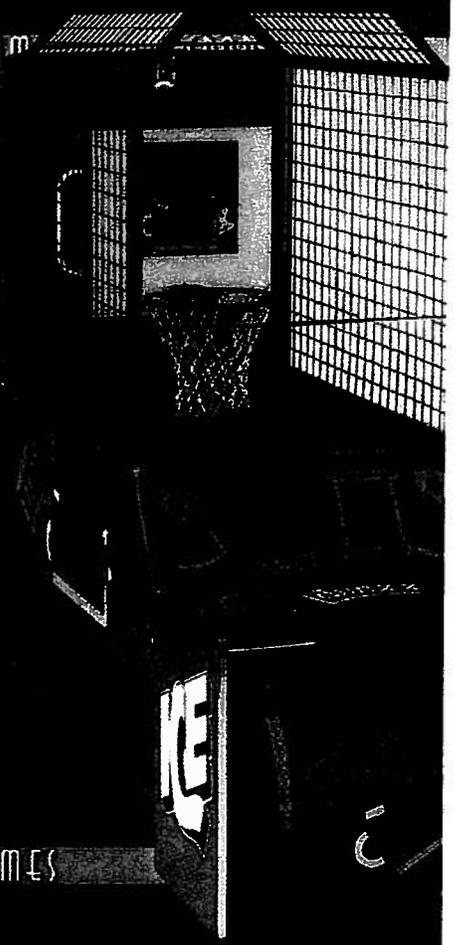
- Kid's favorite basketball game
- "Pivoting Hoop" to add excitement
- Great background sound, unique kid friendly score and time indicators

Dimensions Per Unit: 78"d x 36"w x 72"h Weight: 680 lbs.

SPORTS GAMES

SPORTS GAMES

SPORTS GAMES



# SPORTS GAMES

## NBA HOOPS

A licensed basketball game  
customized to any of the  
teams  
Carbonate backboard,  
40 second game clock  
A sized hoop allows for  
ring

**NBA**  
**BONUS**



NBA  
PLAYER 1  
PLAYER 2  
PLAYER 3  
PLAYER 4

PLAYER 1  
PLAYER 2  
PLAYER 3  
PLAYER 4

NBA

NBA  
PLAYER 1  
PLAYER 2  
PLAYER 3  
PLAYER 4

NBA  
PLAYER 1  
PLAYER 2  
PLAYER 3  
PLAYER 4



CHICAGO BULLS



Dimensions Per Unit: 120" d x 30" w x 116" h Weight: 750 lbs.

SPORTS GAMES

SPORTS GAMES

SPORTS GAMES

SPORTS GAMES

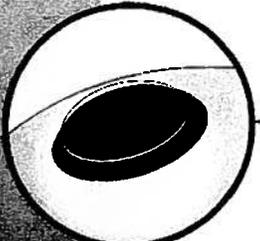
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# Skee-Ball Presents: TOWER OF POWER™



Revolving  
Backlit  
Top  
Sign

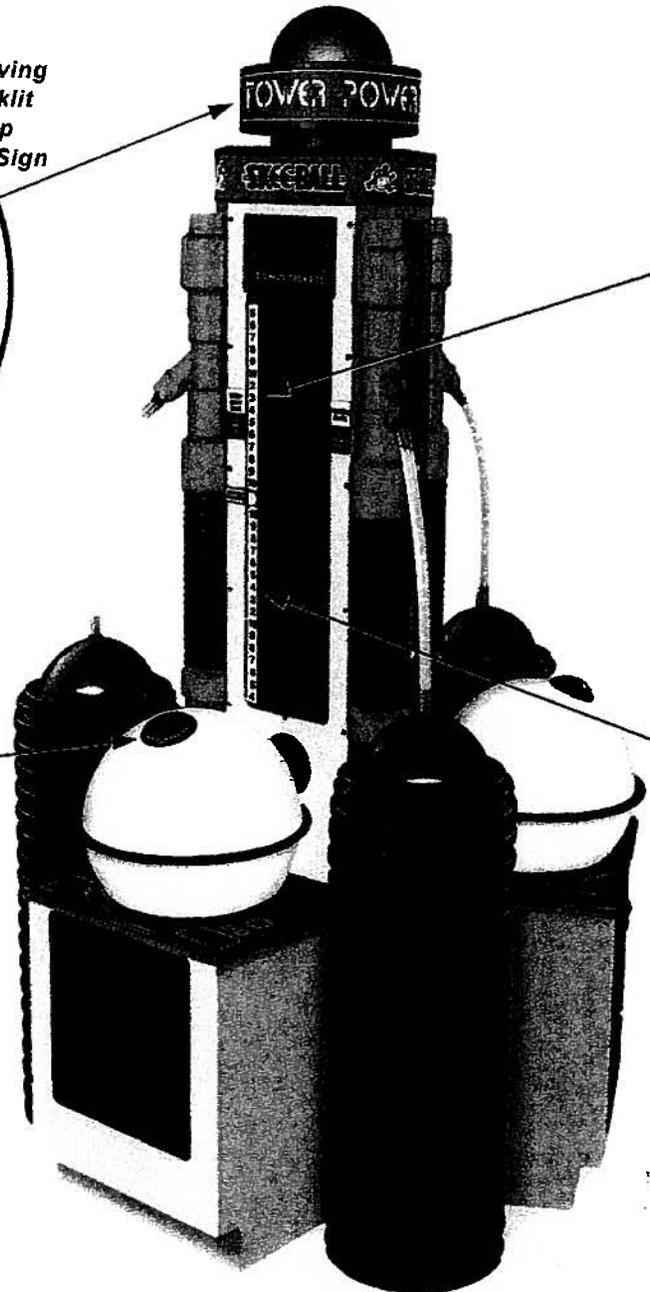


Player  
Slaps  
Stop Bar  
Button  
to win  
tickets!

**FEEL  
THE  
POWER!**

*Tower of Power*  
is an action packed  
game with futuristic  
lighting and sound  
effects.

The Tower features a  
streaking light bar where  
players attempt to stop the  
bar on the bonus section,  
thereby winning the Jackpot.



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10 Different  
Adjustable  
Payout Tables  
Available  
(Table # 6 Shown)

**3 Player Version**

Dimensions:  
54" W x 103" H x 54" D  
Power:  
5 Amps, 600 Watts

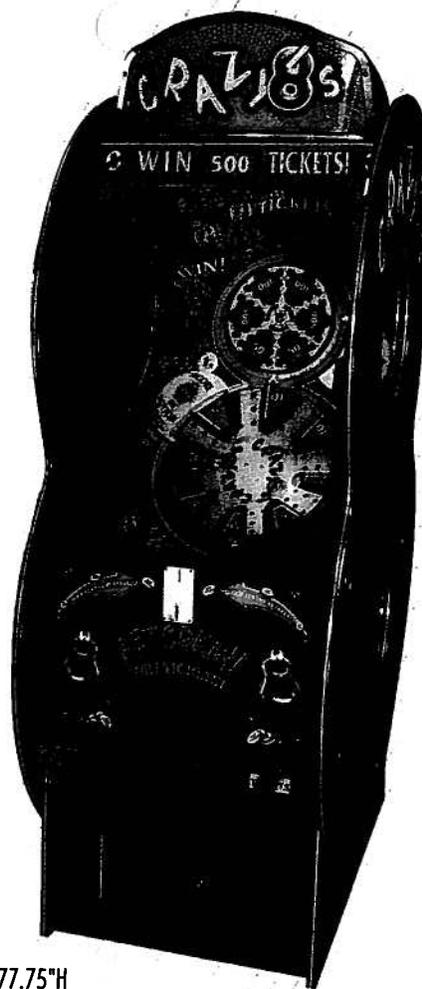
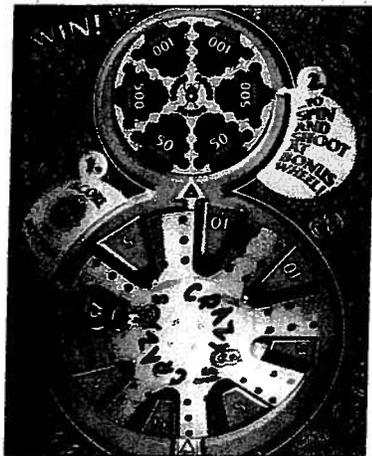
**215-997-8900**  
[www.skeeball.com](http://www.skeeball.com)



SKEE-BALL INC. CORPORATE OFFICES:  
121 Liberty Lane, Chalfont, PA 18914 USA  
Ph: 1-215-997-8900 Fax: 1-215-997-8982  
General E-mail: [penn@skeeball.com](mailto:penn@skeeball.com) Web Site: <http://www.skeeball.com>

## Crazy 8's™

Crazy 8's™ is an exciting quick-coin game with great play value and a cabinet shaped to its name. Players simply land token in any target to win tickets. Hitting the Crazy 8 target on the bottom wheel gives players the opportunity to play the top bonus wheel for big tickets! Players must hurry...the top bonus wheel spins for just 8 seconds before returning to regular game play.

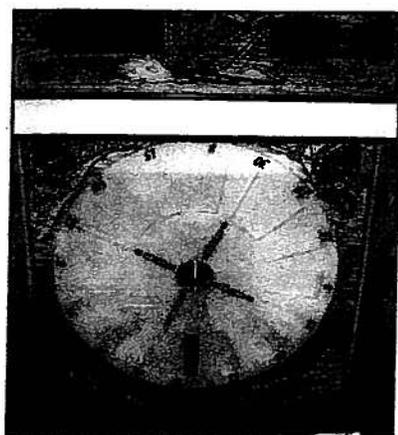
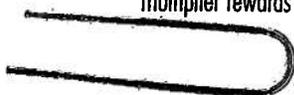


SPECIFICATIONS: Weight: 345 LBS. | Shipping Weight: 385 LBS. | Dimensions: 25.75"W x 44.75"D x 77.75"H

# Maximize your floor space with these

## Smokin' Token™

A long-time favorite of players and operators. Players race coins down the ski slope and through a spinning wheel. Unique ticket multiplier rewards novice and expert players.



SPECIFICATIONS: Weight: 200 LBS. | Shipping Weight: 240 LBS. | Dimensions: 25"W x 43"D x 52"H

# SLAM-A-WINNER



**TIME IT RIGHT**

Time it right to the last 1/10 through the bonus target or bonus extra ball drop and a mountain of action. Even if you miss the bonus hole on the 1st try, the revolving ball covers around for use used before dropping into a point hole. Pure Excitement!

MODEL MODEL AVAILABLE

SWIPE CARD CAPABLE!

UP TO 100%  
100%  
100%  
100%  
100%

**BENCHMARK GAMES MAKE MORE MONEY**

**WIN EVERY TIME**

Slam-A-Winner has a fun feature falling from the sky! Unique dynamic sound effects and an attractive, minimal floor-space cabinet design.

**HIT THE SLAM BUTTON**

Hit the "Slam Button" and release a high energy ball through 10 holes in the spinning horizontal wheel below.

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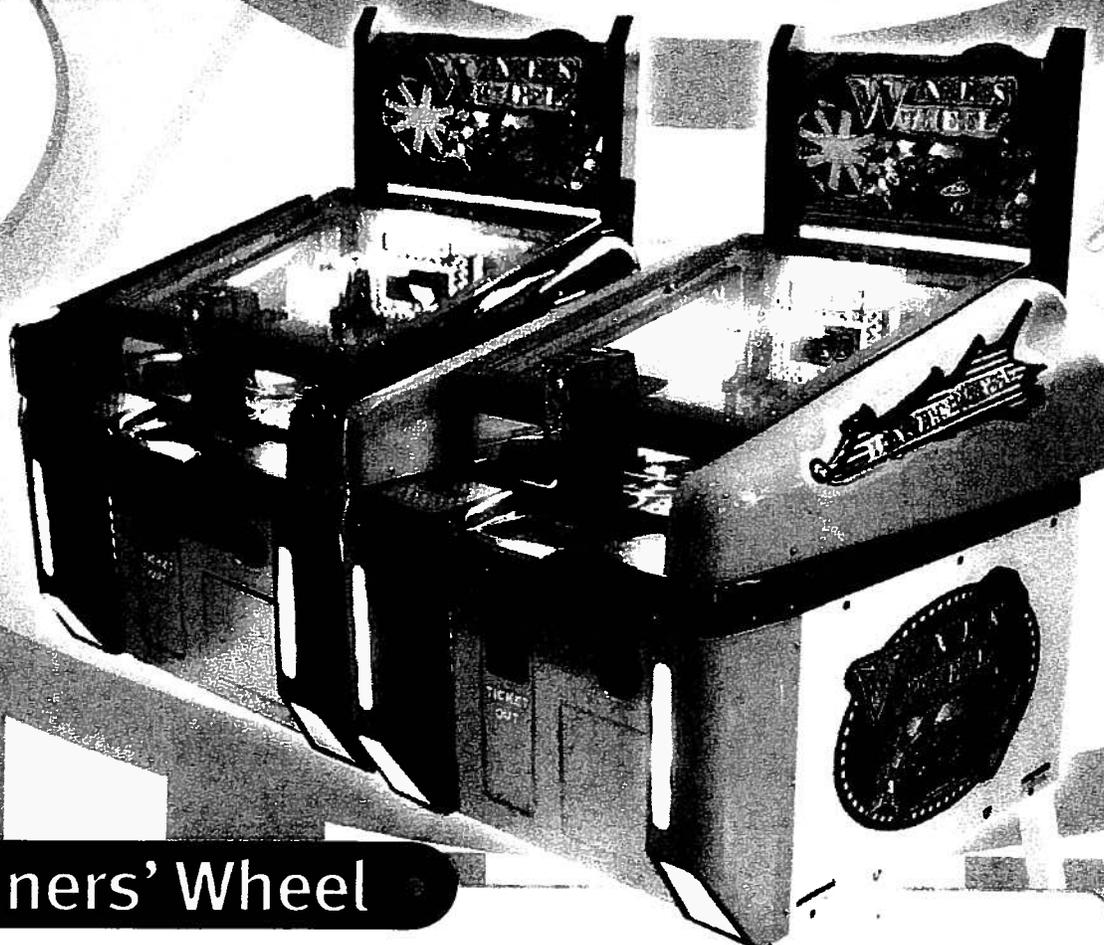


7500 S. 26th Street, Suite 100, Mesa, AZ 85204  
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email: sales@benchmarkgames.com  
1-888-538-1000  
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# WINNERS' WHEEL

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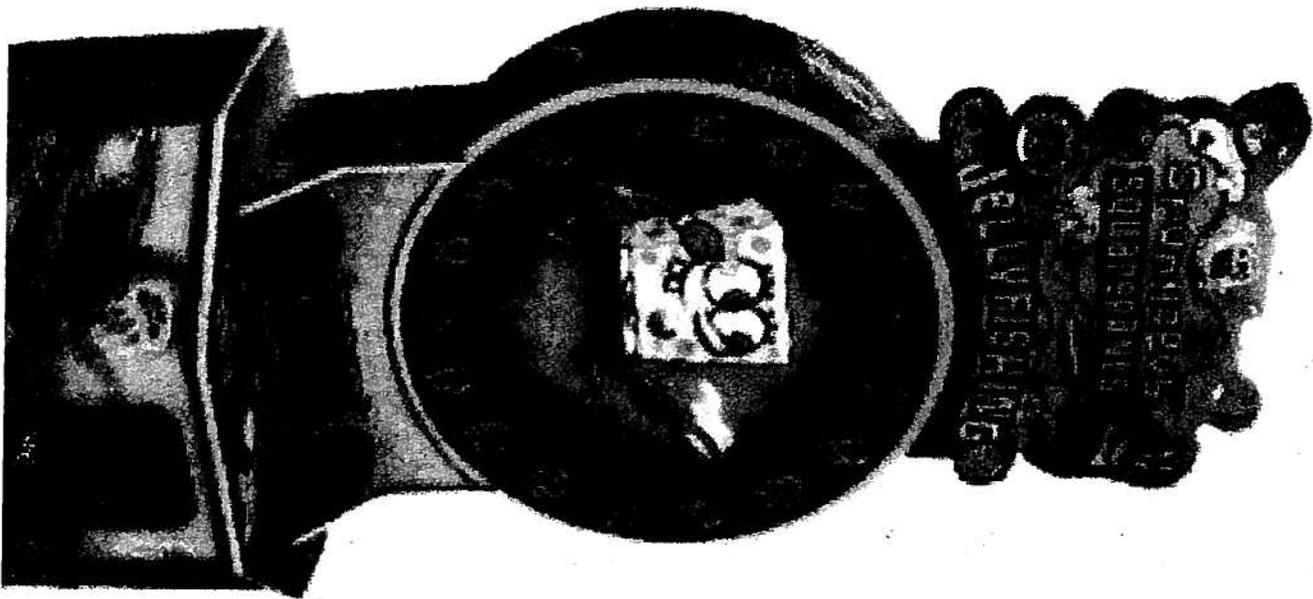


## Winners' Wheel

*Single player, quick coin, ticket redemption game*

*Accumulating bonus jackpot for continuous play. Aim to drop coin through ramps into the "WIN" slot. Ball is activated and falls on the revolving playfield with holes of different ticket values. Available in two attractive colors, Red & Yellow*

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617 Saxony Place, Suite 101  
Encinitas, CA 92024  
Tel: (760) 634-4252  
Fax: (760) 634-4266  
E-mail: [atz@elkinszirpolo.com](mailto:atz@elkinszirpolo.com)

August 29, 2007

City of Oceanside  
Mr. Scott Nightingale, Planning Department  
300 North Coast Highway  
Oceanside, CA 92054

**RE: SHAKEY'S Pizza & Grill – 4141 OCEANSIDE BLVD. Oceanside, CA**

Dear Mr. Nightingale

As the Managing Member of the Del Oro Marketplace Center, I hereby grant permission, for my perspective tenant, Shakey's Pizza & Grill, APN 162-241-35, to have eighteen (18) video games inside their proposed Children's/Game room, not to exceed 700 square feet of the total building area. I understand that a CUP Application has been filed by Shakey's for the additional number of video games. I had previously signed the CUP application that reflected 25 video game. This letter hereby amends said application and reduces the number of video games from 25 to 18.

All adjacent business and assessors parcels within the Del Oro Marketplace, are lease tenants and do not have approval rights over any other business within the Del Oro Marketplace center.

Should you need any further information please feel free to contact our office.

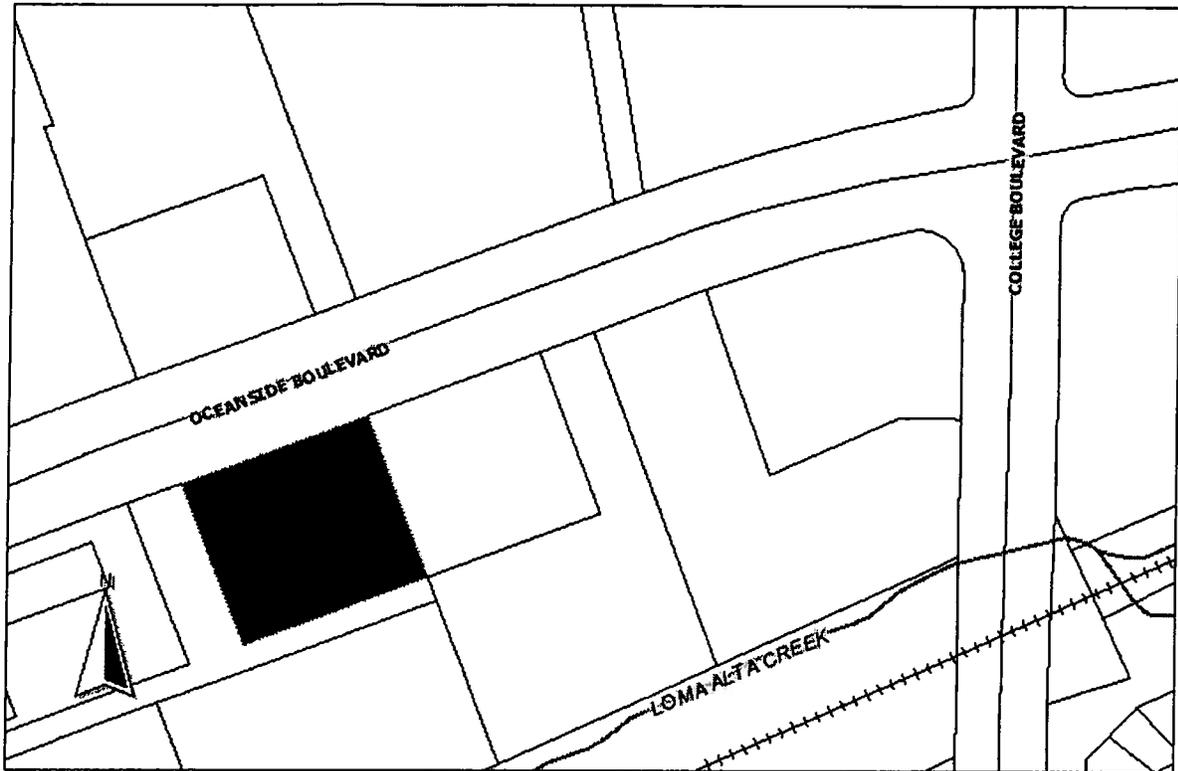
Respectfully,

  
Alexander Zirpolo

Elkins-Zirpolo, Inc  
2150 First Avenue  
San Diego, CA 92101

PH 619-239-3434  
FX 619-238-4390

Email [atz@elkinszirpolo.com](mailto:atz@elkinszirpolo.com)



**File Number:** C-24-07

**Applicant:** Shakey's USA

**Description:**

CONDITIONAL USE PERMIT (C-24-07) to allow the use of an arcade within an existing restaurant known as Shakey's Pizza at 4141 Oceanside Boulevard. The project site is zoned PD-1 Commercial (Planned Unit Development) and is situated within the Ivey Ranch Rancho Del Oro Neighborhood. – **SHAKEY'S VIDEO GAMES**

**Environmental Determination:**

The project is exempt from the California Environmental Quality Act.

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

Application For Planning Commission Hearing Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885 Please Print or Type All Information				STAFF USE ONLY	
				ACCEPTED 8/16/07	BY SNL
<b>PART I - APPLICANT INFORMATION</b>				HEARING	
1. APPLICANT <i>SHAKEY'S USA</i>		2. STATUS		GPA	
3. ADDRESS <i>2200 WEST VALLEY BLVD. ALHAMBRA (626) 576-0616</i>		4. PHONE/FAX		MASTER/SP.PLAN	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) <i>KIM TOWER / TOWER DEVELOPMENT SERVICES</i>		6. ADDRESS <i>125-9 OLD GROVE RD. OCEANSIDE (760) 277-4866</i>		ZONE CH.	
6. ADDRESS		7. PHONE/FAX		TENT. MAP	
8. LOCATION <i>4141 OCEANSIDE BLVD. OCEANSIDE</i>		9. SIZE <i>Existing Bldg = 5,000 sq ft 700 sq ft Game Center</i>		PAR. MAP	
10. GENERAL PLAN <i>COM.</i>		11. ZONING <i>PD-1</i>		DEV. PL.	
12. LAND USE <i>COM</i>		13. ASSESSOR'S PARCEL NUMBER <i>162-241-35</i>		C.U.P. <i>C-24-07</i>	
<b>PART II - PROPERTY DESCRIPTION</b>				VARIANCE	
14. GENERAL PROJECT DESCRIPTION <i>THE PROPOSED SHAKEY'S RESTAURANT LOCATED AT 4141 OCEANSIDE BLVD IS REQUESTING THE APPROVAL FOR EIGHTEEN (18) VIDEO GAMES.</i>				COASTAL	
15. PROPOSED GENERAL PLAN		16. PROPOSED ZONING		O.H.P.A.C.	
17. PROPOSED LAND USE		18. NO. UNITS		19. DENSITY	
20. BUILDING SIZE <i>5,000 sq ft</i>		21. PARKING SPACES		22. % LANDSCAPE	
23. % LOT COVERAGE		<b>PART III - PROJECT DESCRIPTION</b>			
<b>ALL APPLICATIONS</b>					
24. DESCRIPTION/JUSTIFICATION			25. LEGAL DESCRIPTION		
26. <del>300</del> FT. RADIUS MAP			27. PROPERTY OWNERS' LIST		
28. ENVIRONMENTAL ASSESSMENT			29. PLOT PLANS		
24. DESCRIPTION/JUSTIFICATION			30. FLOOR PLANS AND ELEVATIONS		
26. <del>300</del> FT. RADIUS MAP			31. CONSTRUCTION SCHEDULE		
28. ENVIRONMENTAL ASSESSMENT			32. OTHER		
<b>PART IV - ATTACHMENTS</b>					
<b>PART V - SIGNATURES</b>					
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.			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).		
33. APPLICANT OR REPRESENTATIVE (Print): <i>Kim Tower</i>		34. DATE <i>8/13/07</i>		37. OWNER (Print) <i>ALAN ZIRPOTO</i>	
Sign: <i>Kim Tower</i>		Sign: <i>Alan Zirpoto</i>		38. DATE <i>9/4/07</i>	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			39. OWNER (Print): <i>Alan Zirpoto</i>		
35. APPLICANT (Print): <i>Kim Tower</i>		36. DATE <i>8/13/07</i>		40. DATE	
Sign: <i>Kim Tower</i>		Sign:		Sign:	

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Planning Department

W

## DESCRIPTION AND JUSTIFICATION

PROPOSED SHAKEY'S PIZZA

4141 OCEANSIDE BLVD.

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**OCT 25 2007**  
Planning Department

**MISSION STATEMENT – “For today’s families who love great pizza, Shakey’s is the gathering place where everyone has fun”.**

Due to the special circumstance of Section 3602, Article 36:H of the Zoning Ordinance pertinent to Arcades and Game Centers, Shakey’s Pizza is restricted to no more than five electronic, coin-operated games for their restaurant. With respect to electronic games, the proposed tenant’s primary business focus is on “families” with children under the age of 12 years old. The proposed site location is in a fast growing residential area with several existing schools and forthcoming sports fields and parks. The children’s entertainment area will consist of eighteen (18) electronic games, the majority of which are “redemption games” which reward the player’s skill with dispensed tickets redeemable for prizes at the “Fun Stuff” display in the children’s entertainment area. Game play at Shakey’s typically involves the entire family, where Mom and Dad play and compete for prizes with their children. The entertainment area is especially fun for groups and parties. Shakey’s does not permit violent games in any of their restaurants. The children’s entertainment area will be supervised by a Shakey’s employee during all business hours. Although we understand the need for restrictions such as these for “Arcade Centers”, Shakey’s derives 90% of its restaurant revenue from the sale of food. This restriction would deprive families living in the community of the privilege of enjoying the true Shakey’s experience, as this is a sit down family restaurant, specializing in fun!

Our Oceanside Shakey’s will include a security system with no less than 8 video cameras covering the public areas of the restaurant including our children’s entertainment area. There will be monitors both in the Managers office and in the food service area that will be visible to the staff and management working in the kitchen. The video will be recorded on a hard drive and kept for a

minimum of seven days. In addition to this we will have a burglar alarm and fire protection for the building. All exit doors that must remain unlocked during business hours other than front entry door will be alarmed.

Zoning Code Section 3604-Locational Requirements for Regulated Uses. This Code section states: It shall be unlawful for any regulated use, (i.e. "Arcade and Game Centers") to be located closer than 1,000 feet to any other regulated use. Additionally, Section 3602 states; "No regulated use to be located closer than 1,000 feet from any residential district or any parcel of land which contains any one or more of the following specific land uses; schools, parks, beach's, churches, child care facilities. Kingdom Hall of Jehovah Wittness is located at 1930 Avenida Del Oro which is 1,584 feet from the proposed Shakey's location. La Petite Academy (childcare center) is located at 4179 Avenida de la Plata which is 4,752 feet from the proposed Shakey's location. Supporting documentation included.

Our proposed hours of operation will be 10am to 11pm Sunday through Thursday, Friday and Saturday 10am to 12 midnight. Our staff during peak periods will be 12 hourly employees, General Manager and Assistant Manager. During non-peak periods there will always be one management person and two hourly staff members. We will always have one adult management person on the premises during business hours. We will be providing local **NON** Profit groups with fundraising activities. These events typically are held between 5pm and 10pm. As most of our groups are from K through 12<sup>th</sup> grades, we would ask for our children's entertainment center to be open until 10pm weeknights and midnight on Friday and Saturday.

Granting of this application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health safety or general welfare and will provide a safe, fun, social experience for both adults and children alike. With the residential growth in this area, and forthcoming sports fields and parks, there will be an increase in the number of families with young children. Shakey's is host to many recreational sports team parties, birthday parties and time spent with friends and family enjoying great pizza. As the proposed location will have Plasma TV's throughout the premises thus providing enjoyment for adults who enjoy watching sporting events etc, the children's entertainment area will allow a place for the children to have fun, thus creating a fun, enjoyable time for both adults and children.

All games are located inside the children's entertainment area, as depicted on the game room plan. Also shown are two items labeled tix. These are electronic ticket counters that the children use to count their tickets. There is also one "changer" machine that is used to purchase tokens, which operate the various games. All of the games with the exception of the Fast & Furious "Drift" automobile game give tickets-the better your score the more tickets dispensed. Tickets are then exchanged at our redemption center for a wide array of prizes. Manufacture spec sheets with pictures of the proposed games are included.

Although the surrounding uses within the Del Oro Marketplace are primarily food establishments, they are not large, sit down restaurants. These restaurants do a tremendous amount of take-out business therefore games are not provided for children. Shakey's encourages a fun place for families to come, socialize and enjoy great pizza. The purpose of the above referenced Ordinance is to control Arcades and Game Centers. Although we understand the need for restrictions such as these, Shakey's Pizza in no way falls within the category of an Arcade or Game Center, rather is focused on a fun place for families to enjoy!

EXHIBIT "A"

LEGAL DESCRIPTION - PARCEL 2 [EXISTING CENTER PARCEL]

BEING A PORTION OF PARCEL 1 AS SHOWN ON PARCEL MAP NO. 12485, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, LYING SOUTHERLY AND WESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL 1; THENCE ALONG THE EASTERLY BOUNDARY THEREOF NORTH  $00^{\circ}06'33''$  WEST 152.50 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID EASTERLY BOUNDARY SOUTH  $89^{\circ}53'27''$  WEST 68.09 FEET; THENCE SOUTH  $65^{\circ}03'54''$  WEST 150.95 ON THE NORTHERLY BOUNDARY OF SAID PARCEL 1, BEING A POINT IN THE ARC OF A 1938.00 FOOT RADIUS CURVE, DISTANT EASTERLY 32.79 FEET ALONG THE ARC OF SAID CURVE FROM THE WESTERLY TERMINUS OF SAID CURVE AS SHOWN ON PARCEL MAP NO. 12485.

SAID PARCEL CONTAINING 79,506 SQUARE FEET.

LEGAL DESCRIPTION OF SHOPPING CENTER [PROPOSED EXPANSION PARCEL]

PARCEL 2 OF PARCEL MAP NO. 15456 IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; NOVEMBER 15, 1988 AS FILE NO. 88-587281 OF OFFICIAL RECORDS.

THAT PORTION OF PARCELS 1 AND 2 OF PARCEL MAP NO. 16548 IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 15, 1991 AS FILE NO. 1991-0345756 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF SAID PARCEL 2 BEARING NORTH  $20^{\circ}46'13''$  WEST 280.59 FEET FROM THE SOUTHWESTERLY CORNER OF SAID PARCEL 1; THENCE NORTH  $69^{\circ}13'47''$  EAST 372.02 FEET; THENCE SOUTH  $20^{\circ}46'13''$  EAST 206.64 FEET TO THE SOUTHERLY LINE OF SAID PARCEL 1; THENCE ALONG SAID SOUTHERLY LINE NORTH  $65^{\circ}36'56''$  EAST 578.04 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 1; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 1 AND 2, NORTH  $19^{\circ}15'05''$  WEST 389.78 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 2; THENCE ALONG THE NORTHERLY LINE THEREOF SOUTH  $69^{\circ}13'47''$  WEST 959.21 FEET TO THE NORTHWESTERLY CORNER THEREOF; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 2 SOUTH  $20^{\circ}46'13''$  EAST 219.44 FEET TO THE POINT OF BEGINNING.



# NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:  
Removal:  
(30 days)

1. **APPLICANT:** SHAKEY'S USA
2. **ADDRESS:** West Valley Blvd.  
Alhambra CA 91803
3. **PHONE NUMBER:** (760) 722-4866
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** Shakey's Video Games
7. **DESCRIPTION:** Proposal to allow a establishment and operation of a game center consisting of 18 coin-operated electronic games in conjunction with a "Shakey's" restaurant.

**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 constitutes interior alterations involving such things as interior partitions, plumbing and electrical conveyances, and the project is categorically exempt. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section \_\_\_\_\_, <name> ( Sections 15260-15277); or,
- The project is categorically exempt, Class One, "Existing Facilities" (Section 15301); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

  
\_\_\_\_\_  
Scott Nightingale, Planner II

Date: November 5, 2007

cc:  Project file  Counter file  Library

Posting:  County Clerk \$50.00 Admin. Fee