



DATE: December 1, 2008

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A DEVELOPMENT PLAN REVISION (D-12-01REV08) AND CONDITIONAL USE PERMIT REVISION (C-29-05REV08) FOR THE REMOVAL OF CONDITION NO. 55 OF PLANNINGCOMMISSION RESOLUTION NO. 2008-P40, THAT APPROVED THE DEVELOPMENT OF A 2,692-SQUARE FOOT DRIVE-THRU RESTAURANT ON A 0.96-ACRE LOT LOCATED WITHIN THE CANYON PLAZA COMMERCIAL CENTER AT THE NORTHWEST CORNER OF MISSION AVENUE AND CANYON DRIVE- JACK IN THE BOX REVISION 08 – APPLICANT: DOUGLAS DEVELOPMENT**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Approve a Development Plan Revision (D-12-01REV08) and Conditional Use Permit Revision (C-29-05REV08) by adopting Planning Commission Resolution No. 2008-P72 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On December 17, 2001, the Planning Commission approved a Parcel Map, Development Plan, Two Conditional Use Permits and a Variance for the Development for a 3,457-square foot drive-thru restaurant, a 7,140-square foot general retail building, and a 3,712-square foot mini-mart with eight gas pumps on a 3.03-acre lot known as the Canyon Plaza Commercial Center.

On June 12, 2006 an application to revise the Development Plan and Conditional Use Permit was approved by the Planning Commission to permit a 2,692-square foot drive-thru Jack in the Box restaurant. This Development Plan condition of approval No. 55 of the approved resolution was added, and required the owner of the property within the Canyon Plaza Commercial Center to remove the existing drive-thru layout facility located at 1702 Mission Avenue in accordance with the Mission Avenue Corridor Strategy Plan.

On April 21, 1999 The Mission Avenue Corridor Strategy Plan (MACSP) was approved by Oceanside City Council through resolution R99-088 the purpose of the MACSP was to develop specific strategies aimed at revitalizing the Mission Avenue Corridor, from Interstate 5 on the west to Mission San Luis Rey on the east.

On June 23, 2008 a Time Extension was later approved, to allow this development plan to be extended for an additional two years in order to construct the proposed restaurant. Condition of approval No. 55 of the approved Resolution No. 2008-P40 was maintained in order to limit traffic impacts along Mission Avenue.

Site Review: The project site exists with a newly constructed drive-thru restaurant known as Jack-in-the-Box. The site is zoned PD-3 (Sterling Specific Plan) and the land use designation is Sterling (S-3-84). The underlying neighborhood area is east side Capistrano and the surrounding land uses include: similar commercial uses located west and south, a public school bus facility to the east, and a senior housing development directly to the north of the subject site.

Project Description: The applicant has requested a revision to an existing Development Plan and Conditional Use Permit described as follows:

Development Plan (D-12-01REV08) represents a request for the following:

The applicant is requesting a development plan revision in order to remove condition of approval No. 55 of the Planning Commission Resolution No. 2008-P40. Condition of approval No. 55 would allow the drive-thru facility at the existing Jack-in-the-Box located at 1702 Mission Avenue to remain. Condition 55 was originally established to elevate traffic along Mission Avenue and to enable consistency with the strategies to revitalize Mission Avenue, promote economic viability and business development, and positively enhance the image, and appearance of this area. No changes to the project are proposed, other than the removal of condition 55 of the approved resolution.

Conditional Use Permit (C-29-05REV08) represents a request for the following:

Allowing the associated drive-thru portion of the restaurant located at 1702 Mission Avenue to remain, while constructing a new drive-thru restaurant located within the Canyon Plaza Commercial Center located North West of Mission Avenue and Canyon Drive.

DISCUSSION

Issue: Will the proposed revision for this Development Plan and Conditional Use Permit to allow the removal of Condition 55 of the approved resolution (2008-P40) meet the current regulations, and stay consistent with the goals and objectives established in the Mission Avenue Corridor Strategy Plan? The proposed revision to Development Plan and Conditional Use Permit to allow the existing drive-thru facility located at 1702 Mission

Avenue to remain while constructing another drive-thru restaurant approximately 200 feet away would be consistent with, and compatible with, the Sterling Specific Plan, the goals and Mission Avenue Corridor Strategy Plan, and the surrounding commercial developments in the surrounding area.

Recommendation: Staff has determined that allowing the condition of approval No. 55 to be removed from Resolution No. 2008-P40, would be consistent in terms of the development regulations, the goals of the Sterling Specific Plan, and the aspect of promoting economic viability and opportunity as per the Mission Avenue Corridor Strategy Plan. The Mission Avenue Corridor Strategy Plan provides direction and goals to provide economic viability to guide future developments, promote attractive new businesses, improve the visual image of the corridor, improve public safety, and ensure safe and adequate access to businesses for vehicles and pedestrians along the corridor. Staff has also determined that the existing site located at 1702 Mission Avenue is within Segment I-West of the Mission Avenue Corridor Plan, and the overall positioning strategy for this segment is to promote visitor-serving and regional commercial land uses immediately east of Interstate 5. Allowing the existing drive-thru facility to remain at 1702 Mission Avenue would not only promote new opportunities for new businesses and provide economic viability to guide future developments, but would allow additional incentives, such as providing a drive-thru to promote marketing of the site. Condition of approval No. 55 was developed to monitor the amount of drive-thru's along Mission Avenue, but it has been determined that the Mission Avenue Corridor Study does not provide supporting information that would allow Staff to limit the amount of drive-thru's along the Mission Avenue Corridor. The formulation of Condition of approval No. 55 was not thoroughly reviewed by Staff at the time of its implementation. Staff has reviewed the impact of the removal of condition of approval No. 55, and determined that the removal of the drive-thru at 1702 Mission Avenue would not substantially reduce the levels of service or traffic along Mission Avenue. Allowing the condition to remain would take away potential retail opportunities to this area. The City of Oceanside's Transportation Division has analyzed the impact of having the existing drive-thru facility located at 1702 Mission Avenue to remain, while constructing a similar drive-thru facility approximately 250 feet away from this site, and have come to the conclusion that the demand and impacts of the drive-thru would not provide additional traffic that would negatively lower the level of service for this area.

Staff has also determined that the existing site located at 1702 Mission Avenue is within Segment I-West of the Mission Avenue Corridor Plan, and the overall positioning strategy for this segment is to promote visitor-serving and regional commercial land uses immediately east of Interstate 5.

ENVIRONMENTAL DETERMINATION

The removal of Condition of Approval No. 55 is not subject to an additional California Environmental Quality Act (CEQA) review and the previous reviewed CEQA Class 3

15303 (C), Categorical Exemption "New Construction" for the approved project under Resolution No. 2008-P40 is still applicable.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 1500-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. As of November 20, 2008, no communication supporting or opposing the request has been received.

SUMMARY

The removal of approved condition No. 55 to allow the existing restaurant located at 1702 Mission Avenue to keep the drive-thru facility will be consistent with the goals and objectives of the Mission Avenue Corridor Strategy Corridor Plan, and will promote commercial opportunities to this area. The Commission's action should be:

- Move to confirm the environmental exemption for a Revision to the Development Plan (D-12-01REV08) and Conditional Use Permit Revision (C-29-05REV08) and adopt Planning Commission Resolution No. 2008-P72 as attached.

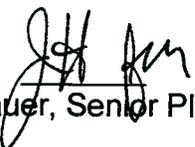
PREPARED BY:


Scott Nightingale
Planner II

SUBMITTED BY:


Jerry Hittlerman
City Planner

REVIEWED BY:


Richard Greenbauer, Senior Planner

JH/SN/fil

Attachments:

1. Planning Commission Resolution No. 2008-P72
2. Planning Commission Resolution No.2008-P40
3. Planning Commission Staff Report dated June 23, 2008
4. Mission Avenue Corridor Strategy Plan

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PLANNING COMMISSION
RESOLUTION NO. 2008-P72

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

APPLICATION NO: D-12-01REV08, C-29-05REV08
APPLICANT: Douglas Development
LOCATION: Northwest corner of Mission Avenue and Canyon Drive

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

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

to allow the elimination of condition of approval No. 55 from the Planning Commission Resolution No. 2008-P40;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 1st day of December, 2008 conduct a duly advertised public hearing as prescribed by law to consider said application;

WHEREAS, the documents or other material which constitute the record of proceedings upon which the decision is based will be maintained by the City of Oceanside Planning Division, 300 North Coast Highway, Oceanside, California 92054.

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and city ordinance;

WHEREAS, based on such evidence and testimony, including but not limited to the report of the Planning Division, the City Council of the City of Oceanside finds that the decision of the Planning Commission to remove Condition of Approval No. 55, because the condition would ensure consistency with the policies and objectives contained within the Land Use Element of the City's General Plan, and more specifically Sections 1.11 and 2.23, and allowing the existing drive-

1 thru facility to remain at 1702 Mission Avenue would promote economic opportunities and
2 provide services which meet the immediate commercial needs of the community.

3 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
4 approve the Development Plan Revision (D-12-01REV08) and Conditional Use Permit Revision
5 (C-29-05REV08), subject to the following conditions:

- 6 1. Condition No. 55 in Planning Commission Resolution No. 2008-P40 is hereby
7 eliminated, and all other conditions contained in Planning Commission Resolution No.
8 2008-P40 apply and is attached as exhibit "C."
- 9 2. All other Conditions of Approval contained in Planning Commission Resolution No.
10 2008-P40 remain in full force and effect.
- 11 3. The decision of the Planning Commission to eliminate condition of approval No. 55 is
12 consistent with the policies and objectives contained within Sections 1.11 and 2.23 of
13 the Land Use Element of the General Plan, and allowing the existing drive-thru facility
14 to remain at 1702 Mission Avenue would promote economic opportunities and provide
15 services which meet the immediate commercial needs of the community.
- 16 4. Pursuant to CCP Section 1094.6 (f), notice is hereby given that the time within which
17 judicial review must be sought on this decision is governed by CCP Section 1094.6 as
18 set forth in Oceanside City Code Section 1.10, and Public Resources Code Section
19 21167.

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5. Pursuant to Oceanside Zoning Ordinance §4606, this resolution becomes effective on the date of its adoption.

PASSED AND ADOPTED Resolution No. 2008-P72 on December 1, 2008 by the following vote, to wit:

- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

Claudia Troisi, Chairman
Oceanside Planning Commission

ATTEST:

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2008-P72.

Dated: December 1, 2008

Received

OCT 22 2008

Planning Division

PLANNING COMMISSION
RESOLUTION NO. 2008-P40

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

APPLICATION NO: D-12-01REV05TE08, C-29-05TE08
APPLICANT: Douglas Development
LOCATION: Northwest corner of Mission Avenue and Canyon Drive

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

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

to allow a time extension for an approved Development Plan Revision and Conditional Use Permit to construct a 2,692-square foot drive-thru restaurant; on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 23rd day of June, 2008 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt per Article 19, Class 3 "New Construction" from environmental review;

WHEREAS, the documents or other material which constitute the record of proceedings upon which the decision is based will be maintained by the City of Oceanside Planning Division, 300 North Coast Highway, Oceanside, California 92054.

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and city ordinance;

WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN that the project is subject to certain fees, dedications, reservations and other exactions as provided below:

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<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$.713 per square foot or \$713 per thousand square feet for non-residential uses
School Facilities Mitigation Fee	Ordinance No. 91-34	\$.42 per square foot non-residential for Oceanside
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
Thoroughfare Fee	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Non-residential is \$35,160 for a 2" meter
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Non-residential is \$48,280 for a 2" meter.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Non-residential is \$22,495 for a 2" meter.

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

WHEREAS, unless otherwise provided by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside

1 City Code and the City expressly reserves the right to amend the fees and fee calculations
2 consistent with applicable law;

3 WHEREAS, the City expressly reserves the right to establish, modify or adjust any fee,
4 dedication, reservation or other exaction to the extent permitted and as authorized by law;

5 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN that
6 the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction
7 described in this resolution begins on the effective date of this resolution and any such protest
8 must be in a manner that complies with Section 66020;

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

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

13 FINDINGS:

14 For the Time Extension of the Development Plan D-12-01REV05TE08:

- 15 1. The site plan and physical design of the project as proposed is consistent with the
16 purposes of the Zoning Ordinance. The project meets or exceeds the requirements of
17 Articles 11, 41, and 43 of the Oceanside Zoning Ordinance.
- 18 2. The time extension to the revision of the development plan as proposed conforms to the
19 Sterling Specific Plan and the General Plan of the City. The proposal satisfies the Land
20 Use Element Objectives 2.2 Commercial Development. The time extension proposal
21 shall allow an additional two years to complete the development of the drive thru
22 restaurant and allow a development that would promote economic activity to the area as
23 specified in the objectives and policies of the commercial development section of the
24 land use element.
- 25 3. The area covered by the proposed time extension to the development plan can be
26 adequately, reasonably and conveniently served by existing and planned public services,
27 utilities, and public facilities.

28 For the Time Extension of the Conditional Use Permit C-29-05:

- 29 1. The location of the drive-thru restaurant, within the PD-3 Sterling Specific Plan
commercial zone meets the objectives of the Zoning Ordinance, as well as the purposes
of the district in which the site is located. The removal of the existing drive-thru at

1 1702 Mission Avenue is required as part of this project and with the approval of the
2 new restaurant and drive-thru located in the Canyon Plaza Commercial Center. As
3 conditioned, the project proposed to meet the intent and objectives established by the
4 City of Oceanside Zoning Ordinance and General Plan.

5 2. The proposed use will not be detrimental to properties or improvements in the vicinity
6 or to the general welfare of the City.

7 3. The drive-thru restaurant is conditioned and is required to comply with all provisions of
8 the Zoning Ordinance. The proposed use is subject to specific operational conditions
9 that will cause the use to operate compatibly with the surrounding land uses.

10 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
11 approve the time extension to the Development Plan Revision (D-12-01REV05) and Conditional
12 Use Permit (C-29-05), subject to 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. (Currently the 2007 California Building Code, and 2004
16 California Electrical Code)

17 2. The granting of approval under this action shall in no way relieve the applicant/project
18 from compliance with all State and Local building codes.

19 3. Site development, parking, access into buildings and building interiors shall comply with
20 the State's Disabled Accessibility Regulations. (2007 California Building Code (CBC),
21 Chapter 11B)

22 4. All electrical, communication, CATV, etc. service lines within the exterior lines of the
23 property shall be underground (City Code Sec. 6.30).

24 5. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution
25 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or
26 other such lights may be utilized and shall be shown on building and electrical plans.

27 6. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
28 plans.
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1 7. The developer shall monitor, supervise and control all building construction and
2 supporting activities so as to prevent these activities from causing a public nuisance,
3 including, but not limited to, strict adherence to the following:

4 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
5 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
6 work that is not inherently noise-producing. Examples of work not permitted on
7 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
8 producing nature. No work shall be permitted on Sundays and Federal Holidays
9 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
10 Christmas Day) except as allowed for emergency work under the provisions of the
11 Oceanside City Code Chapter 38 (Noise Ordinance).

12 b) The construction site shall be kept reasonably free of construction debris as
13 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
14 approved solid waste containers shall be considered compliance with this
15 requirement. Small amounts of construction debris may be stored on-site in a neat,
16 safe manner for short periods of time pending disposal.

17 8. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
18 will be required at time of plans submittal to the Building Division for plan check.

19 9. A separate/unique addresses will/may be required to facilitate utility releases. Verification
20 that the addresses have been properly assigned by the City's Planning Division must
21 accompany the Building Permit Application.

22 **Fire Prevention:**

23 10. A fire hydrant will need to be provided for the proposed building and shed at the Fire
24 Chief's Discretion.

25 11. The fire hydrants shall be installed and tested prior to placing any combustible materials
26 on the job site at the Fire Chief's Discretion.

27 12. Detailed plans of underground fire service mains shall be submitted to the Oceanside
28 Fire Department for approval prior to installation.
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- 1 13. Blue hydrant identification markers shall be placed as per Oceanside's Engineers Design
2 and Processing Manual Standard Drawing No. M-13.
- 3 14. All weather access roads shall be installed and made serviceable prior to and maintained
4 during time of construction. Sec. 902. Uniform Fire Code.
- 5 15. In accordance with the Uniform Fire Code Sec. 901.1.4.4, approved addresses for
6 commercial and industrial occupancies shall be placed on the structure in such a position
7 as to be plainly visible and legible from the street or roadway fronting the property.
8 Numbers shall contrast with their background.
- 9 16. Commercial require 6-inch address numbers; Industrial buildings require 12-inch
10 address numbers.
- 11 17. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
12 approval prior to the issuance of building permits.
- 13 18. Buildings shall meet Oceanside Fire Department's current codes at the time of building
14 permit application.
- 15 19. Trees and large shrubs must be 10 feet off of structures measured at maturity of the tree
16 from the dripline of the tree to the farthest projection of the structure.

17 **Engineering:**

- 18 20. In addition to conditions listed herein, all of the conditions listed in Planning
19 Commission Resolution No. 2006-P34 for Development Plan D-12-01REV05 shall
20 remain in effect for the subject property. If there is a conflict between the provisions of
21 Resolution No. 2006-P34 and this Resolution, the terms of this Resolution shall govern.
- 22 21. For the demolition of any existing structures or surface improvements, grading plans
23 shall be submitted and erosion control plans be approved by the City Engineer prior to
24 the issuance of a demolition permit. No demolition shall be permitted without an
25 approved erosion control plan.
- 26 22. Prior to issuance of a building permit all improvement requirements shall be covered by
27 a development agreement and secured with sufficient improvement securities or bonds
28 guaranteeing performance and payment for labor and materials, setting of monuments,
29 and warranty against defective materials and workmanship.

1 23. A construction-phasing plan for the construction of public and private improvements
2 shall be reviewed and approved by the City Engineer prior to the issuance of any grading
3 or improvement permits. Prior to the issuance of any building permits all off-site or
4 frontage improvements including landscaping and any required street improvements
5 shall be under construction to the satisfaction of the City Engineer. All improvements
6 shall be completed prior to issuance of any certificates of occupancy.

7 24. Where off-site improvements, including but not limited to slopes, public utility facilities,
8 and drainage facilities, are to be constructed, the developer shall, at his own expense,
9 obtain all necessary easements or other interests in real property and shall dedicate the
10 same to the City of Oceanside as required. The developer shall provide documentary proof
11 satisfactory to the City of Oceanside that such easements or other interest in real property
12 have been obtained prior to issuance of any grading, building or improvement permit for
13 the development. Additionally, the City of Oceanside, may at its sole discretion, require
14 that the developer obtain at his sole expense a title policy insuring the necessary title for the
15 easement or other interest in real property to have vested with the City of Oceanside or the
16 owner of the subject property, as applicable.

17 25. Prior to the issuance of a grading permit, the developer shall notify and host a
18 neighborhood meeting with all of the area residents located within 300 feet of the project
19 site, and residents of property along any residential streets to be used as a "haul route", to
20 inform them of the grading and construction schedule, haul routes, and to answer
21 questions.

22 26. The developer shall monitor, supervise and control all construction and construction-
23 supportive activities, so as to prevent these activities from causing a public nuisance,
24 including but not limited to, insuring strict adherence to the following:

- 25 a) Dirt, debris and other construction material shall not be deposited on any public
26 street or within the City's stormwater conveyance system.
- 27 b) All grading and related site preparation and construction activities shall be
28 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No
29 engineering related construction activities shall be conducted on Saturdays,
Sundays or legal holidays unless written permission is granted by the City Engineer

1 with specific limitations to the working hours and types of permitted operations.
2 All on-site construction staging areas shall be as far as possible (minimum 100
3 feet) from any existing residential development. Because construction noise may
4 still be intrusive in the evening or on holidays, the City of Oceanside Noise
5 Ordinance also prohibits "any disturbing excessive or offensive noise which
6 causes discomfort or annoyance to reasonable persons of normal sensitivity."

- 7 c) The construction site shall accommodate the parking of all motor vehicles used by
8 persons working at or providing deliveries to the site.
- 9 d) A haul route shall be obtained at least 7 days prior the start of hauling operations
10 and must be approved by the City Engineer. Hauling operations shall be 8:00 a.m.
11 to 3:30 p.m. unless approved otherwise.

12 27. A traffic control plan shall be prepared according to the City traffic control guidelines
13 and be submitted to and approved by the City Engineer prior to the start of work within
14 open City rights-of-way. Traffic control during construction of streets open to public
15 traffic shall be in accordance with construction signing, marking and other protection as
16 required by the Caltrans Traffic Manual and City Traffic Control Guidelines. Traffic
17 control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.

18 28. Approval of this development project is conditioned upon payment of all applicable impact
19 fees and connection fees in the manner provided in chapter 32B of the Oceanside City
20 Code. All drainage fees, traffic signal fees and contributions, highway thoroughfare fees,
21 park fees, reimbursements, and other applicable charges, fees and deposits shall be paid
22 prior to the issuance of any building permits, in accordance with City Ordinances and
23 policies. The developer shall also be required to join into, contribute, or participate in any
24 improvement, lighting, or other special district affecting or affected by this project.
25 Approval of the tentative map (project) shall constitute the developer's approval of such
26 payments, and his agreement to pay for any other similar assessments or charges in effect
27 when any increment is submitted for final map or building permit approval, and to join,
28 contribute, and/or participate in such districts.

29 29. Sight distance requirements at the development's access point shall conform to the corner
sight distance criteria as provided by SDRSD DS-20A and or DS-20B for each direction
of traffic.

- 1 30. Pavement sections for all streets, driveways and parking areas within the project and along
2 the project's frontage shall be based upon approved soil tests and traffic indices. The
3 pavement design is to be prepared by the developer's soil engineer and must be approved
4 by the City Engineer, prior to paving.
- 5 31. The approval of the development shall not mean that proposed grading or improvements
6 on adjacent properties (including any City properties/right-of-way or easements) is
7 granted or guaranteed to the developer. The developer is responsible for obtaining
8 permission to grade or to construct on adjacent properties. Should such permission be
9 denied, the resulting changes to the Development Plan shall be subject to a Substantial
10 Conformity review. Changes not meeting substantial conformity requirements shall be
11 submitted for appropriate public hearing.
- 12 32. This project shall provide year-round erosion control including measures for the site
13 required for all phases of grading. Prior to the issuance of grading permit, an erosion
14 control plan, designed for all proposed stages of construction, shall be reviewed, secured
15 by the developer with cash securities and approved by the City Engineer.
- 16 33. Landscaping plans, including plans for the construction of walls, fences or other structures
17 at or near intersections or project entrances, must conform to intersection sight distance
18 requirements.
- 19 34. The drainage design on the development plan is conceptual only. The final design shall be
20 based upon a hydrologic/hydraulic study to be approved by the City Engineer during final
21 engineering. All drainage picked up in an underground system shall remain underground
22 until it is discharged into an approved channel, or as otherwise approved by the City
23 Engineer. All public storm drains shall be shown on City standard plan and profile sheets.
24 All storm drain easements shall be dedicated where required. The developer shall be
25 responsible for obtaining any off-site easements for storm drainage facilities.
- 26 35. The development shall comply with all applicable regulations established by the United
27 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
28 Discharge Elimination System (NPDES) permit requirements for urban runoff and
29 stormwater discharge and any regulations adopted by the City pursuant to the NPDES
regulations or requirements. Further, the developer may be required to file a Notice of
Intent with the State Water Resources Control Board to obtain coverage under the

1 NPDES. General Permit for Storm Water Discharges Associated with Construction
2 Activity and may be required to implement a Storm Water Pollution Prevention Plan
3 (SWPPP) concurrent with the commencement of grading activities. SWPPPs include
4 both construction and post construction pollution prevention and pollution control
5 measures and identify funding mechanisms for post construction control measures. The
6 developer shall comply with all the provisions of the Clean Water Program during and
7 after all phases of the development process, including but not limited to: mass grading,
8 rough grading, construction of street and landscaping improvements, and construction of
9 building structures. The developer shall design the Project's storm drains and other
10 drainage facilities to include Best Management Practices to minimize non-point source
11 pollution, satisfactory to the City Engineer.

12 36. Upon acceptance of any fee waiver or reduction by the developer, the entire project will
13 be subject to prevailing wage requirements as specified by Labor Code section
14 1720(b)(4). The developer shall agree to execute a form acknowledging the prevailing
15 wage requirements prior to the granting of any fee reductions or waivers.

16 37. The developer shall prepare and submit an Operations & Maintenance (O&M) Plan to
17 the City Engineer with the first submittal of engineering plans. The O&M Plan shall be
18 prepared by the applicant's Civil Engineer. It shall be directly based on the project's
19 SWMP previously approved by the project's approving authority (Planning
20 Commission/City Council). At a minimum the O&M Plan shall include the designated
21 responsible parties to manage the storm water BMP(s), employee's training program and
22 duties, operating schedule, maintenance frequency, routine service schedule, specific
23 maintenance activities, copies of resource agency permits, cost estimate for
24 implementation of the O&M Plan and any other necessary elements.

25 38. The developer shall enter into a City-Standard Stormwater Facilities Maintenance
26 Agreement with the City obliging the project proponent to maintain, repair and replace
27 the Storm Water Best Management Practices (BMPs) identified in the project's approved
28 SWMP, as detailed in the O&M Plan into perpetuity. The Agreement shall be approved
29 by the City Attorney prior to issuance of any precise grading permit and shall be
recorded at the County Recorder's Office prior to issuance of any building permit.
Security in the form of cash (or certificate of deposit payable to the City) or an

1 irrevocable, City-Standard Letter of Credit shall be required prior to issuance of a precise
2 grading permit. The amount of the security shall be equal to 10 years of maintenance
3 costs, as identified by the O&M Plan, but not to exceed a total of \$25,000. The
4 applicant's Civil Engineer shall prepare the O&M cost estimate.

5 39. At a minimum, maintenance agreements shall require the staff training, inspection and
6 maintenance of all BMPs on an annual basis. The project proponent shall complete and
7 maintain O&M forms to document all maintenance activities. Parties responsible for the
8 O&M plan shall retain records at the subject property for at least five years. These
9 documents shall be made available to the City for inspection upon request at any time.

10 40. The Agreement shall include a copy of executed on-site and off-site access easements
11 necessary for the operation and maintenance of BMPs that shall be binding on the land
12 throughout the life of the project to the benefit of the party responsible for the O&M of
13 BMPs, satisfactory to the City Engineer. The agreement shall also include a copy of the
14 O&M Plan approved by the City Engineer.

15 41. The BMPs described in the project's approved SWMP shall not be altered in any way,
16 shape or form without formal approval by either an Administrative Substantial
17 Conformance issued by the City Planner or the project's final approving authority
18 (Planning Commission/City Council) at a public hearing. The determination of
19 whatever action is required for changes to a project's approved SWMP shall be made by
20 the City Planner.

21 42. The developer shall provide a copy of the title/cover page of the approved SWMP with
22 the first engineering submittal package. All Stormwater documents shall be in
23 compliance with the latest edition of submission requirements.

24 43. During final engineering design the Engineer of Record shall evaluate potential impact
25 to flood hazard areas. Prior to issuance of a grading permit, if applicable, the developer
26 shall provide evidence to the City of Oceanside that a Conditional Letter of Map
27 Revision (CLOMR) has been applied for from Federal Emergency Management Agency
28 (FEMA) for the proposed revisions to the flood hazard areas. At the conclusion of the
29 grading activities the developer shall submit an as-built grading plan to FEMA in order
 to process and receive a Letter of Map Revision (LOMR). Prior to release of the grading

1 bonds developer shall provide evidence of having received a Letter of Map Revision
2 (LOMR) from FEMA.

3 44. The approval of the development/project shall not mean that closure, vacation, or
4 abandonment of any public street, right-of-way, easement, or facility is granted or
5 guaranteed to the developer. The developer is responsible for applying for all closures,
6 vacations, and abandonments as necessary. The application(s) shall be reviewed and
7 approved or rejected by the City of Oceanside under separate process(es) per codes,
8 ordinances, and policies in effect at the time of the application. The City of Oceanside
9 retains its full legislative discretion to consider any application to vacate a public street
10 or right-of-way.

11 45. All landscaping, fences, walls, medians etc. on the site, in the public right-of-way and in
12 any adjoining public parkways shall be permanently maintained by the owner, his assigns
13 or any successors-in-interest in the property. The maintenance program shall include
14 normal care and irrigation of the landscaping; repair and replacement of plant materials;
15 irrigation systems as necessary; and general cleanup of the landscaped and open areas,
16 parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result
17 in the City taking all appropriate enforcement actions by all acceptable means including but
18 not limited to citations and/or actual work with costs charged to or recorded against the
19 owner. This condition shall be recorded with the covenant required by this resolution.

20 46. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water
21 Conservation Ordinance No. 91-15, General Plan and the Zoning Ordinance, shall be
22 reviewed and approved by the City Engineer prior to the issuance of building permits.
23 Landscaping shall not be installed until bonds have been posted, fees paid, and plans
24 signed for final approval. The following special landscaping requirements shall be met:

- 25 a) Trees, shrubs and ground covers adjacent to the open space areas shall be native.
- 26 b) Access gates, as required, shall be shown on the landscape plans with details.
- 27 c) Landscape plans shall be in compliance with SWMP requirements and shall be
28 shown on the landscape plans.
- 29 d) Landscape plans shall be in compliance with all City regulations, ordinances,
biological and geological reports.

1
2 **Planning:**

3 47. This Time Extension for the Development Plan revision and Conditional Use Permit shall
4 expire on June 23, 2010, unless implemented as required by the Zoning Ordinance or
5 unless the Planning Commission grants an additional time extension.

6 48. This Time Extension for the Development Plan revision and Conditional Use Permit
7 approves only a 2,692-square foot drive-thru restaurant as shown on the plans and exhibits
8 presented to the Planning Commission for review and approval. No deviation from these
9 approved plans and exhibits shall occur without Planning Division approval. Substantial
10 deviations shall require a revision to the Development Plan and Conditional Use Permit or
11 a new Development Plan and Conditional Use Permit.

12 49. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
13 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
14 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
15 annul an approval of the City, concerning revision to Development Plan (D-12-01) and
16 Conditional Use Permit (C-29-05). The City will promptly notify the applicant of any
17 such claim, action or proceeding against the city and will cooperate fully in the defense.
18 If the City fails to promptly notify the applicant of any such claim action or proceeding
19 or fails to cooperate fully in the defense, the applicant shall not, thereafter, be
20 responsible to defend, indemnify or hold harmless the City.

21 50. All mechanical rooftop and ground equipment shall be screened from public view as
22 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,
23 mechanical equipment, screen and vents shall be painted with non-reflective paint to match
24 the roof. This information shall be shown on the building plans.

25 51. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water
26 Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall
27 be reviewed and approved by the City Engineer and City Planner prior to the issuance of
28 building permits. Landscaping shall not be installed until bonds have been posted, fees
29 paid, and plans signed for final approval. The following special landscaping requirements
shall be met:

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- a) Median and parkway tree plantings along collector and arterial roads shall be a minimum of two-inch diameter trees so as to ensure a mature landscape theme is achieved in a reasonable amount of time.
- b) Arterial street trees in parkways shall be planted at a minimum of 30 feet on center, each side of street, as a solitary planting. Approved root barriers shall be incorporated.
- c) No trees are allowed in utility easements and shall be spot located by landscape architect and City Landscape Inspector at pre construction meeting.

52. All landscaping, fences, walls, etc. on the site shall be permanently maintained. The maintenance program shall include normal care and irrigation of the landscaping; repair and replacement of plant materials; irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions by all acceptable means including but not limited to citations and/or actual work with costs charged to or recorded against the owner. This condition shall be recorded with the covenant required by this resolution.

53. A trash enclosure must be provided as required by Chapter 13 of the City Code and shall also include additional space for storage and collection of recyclable materials per City standards. Recycling is required by City Ordinance. The enclosures must be built in a flat, accessible location as determined by the City Engineer. The enclosures shall meet City standards including being constructed of concrete block, reinforced with rebar and filled with cement. A concrete slab must be poured with a berm on the inside of the enclosure to prevent the bins from striking the block walls. The slab must extend out of the enclosure for the bins to roll out onto. Steel posts must be set in front of the enclosure with solid metal gates. All driveways and service access areas must be designed to sustain the weight of a 50,000-pound service vehicle. Trash enclosures and driveways and service access areas shall be shown on both the landscape plans submitted to the City Engineer. The specifications shall be reviewed and approved by the City Engineer. The City's waste disposal contractor is required to access private property to service the trash enclosures, a service agreement must be signed by the property owner and shall remain in effect for the life of the project. All trash enclosures shall be designed to provide user

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

5 61. Failure to meet any conditions of approval for this development shall constitute a
6 violation of the Development Plan and Conditional Use Permit.

7 62. Unless expressly waived, all current zoning standards and City ordinances and policies in
8 effect at the time building permits are issued are required to be met by this project. The
9 approval of this project constitutes the applicant's agreement with all statements in the
10 Description and Justification, Management Plan and other materials and information
11 submitted with this application, unless specifically waived by an adopted condition of
12 approval.

13 63. This Conditional Use Permit shall be called for review by the Planning Commission if
14 complaints are filed and verified as valid by the Code Enforcement Office concerning the
15 violation of any of the approved conditions or assumptions made by the application.

16 64. The hours-of-operation are based on seven (7) days per week 24 hours per day, but shall
17 be reviewed and may be limited by the Planning Commission when valid issues or
18 complaints pertaining to the hours-of-operation arise.

19 **Water Utilities:**

20 65. All public water and/or sewer facilities not located within the public right-of-way shall be
21 provided with easements sized according to the City's Engineers Manual. Easements
22 shall be constructed for all weather access.

23 66. No trees, structures or building overhang shall be located within any water or wastewater
24 utility easement.

25 67. The property owner will maintain private water and wastewater utilities located on private
26 property.

27 68. A separate irrigation meter and approved backflow prevention device is required.

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

70. The developer will be responsible for developing all water and sewer utilities necessary to
develop the property. Any relocation of water and/or sewer utilities is the responsibility

1 access without the use and opening of the service doors for the bins. Trash enclosures
2 shall have design features such as materials and trim similar to that of the rest of the
3 project. This design shall be shown on the landscape plans and shall be approved by the
4 City Planner.

5 54. The developer will install an HME SPP2 speaker post with an automatic volume
6 control (AVC) sentry system with an adjustable outbound volume control based on the
7 outdoor ambient noise levels. The developer will install signage at the entrance to the
8 drive-thru and at the rear of the parking lot that will aware customers of a quiet zone,
9 asking customers to turn down their radio/stereos.

10 55. Prior to the issuance of a certificate of occupancy, the applicant and/or owner shall
11 process and obtain a demolition plan for the existing drive-thru located at 1702 Mission
12 Avenue. Service at the drive-thru for the 1702 Mission Avenue restaurant shall stop
13 and the drive-thru shall be entirely demolished and/or removed no later than 30-days
14 following issuance of the certificate of occupancy for the new restaurant and drive-thru
15 located in the Canyon Plaza Commercial Center.

16 56. The restaurant facility will limit all on-site deliveries to the hours of 7:00 a.m. to 10:00
17 p.m. to eliminate any possible loading and unloading noise and impacts for adjacent
18 neighbors.

19 57. The proposed drive-thru will operate in a conventional manner with an outdoor menu
20 board and order callbox adjacent to the drive-through aisle, and a pickup window.

21 58. A covenant or other recordable document approved by the City Attorney shall be prepared
22 by the developer and recorded prior to the issuance of building permits. The covenant
23 shall provide that the property is subject to this resolution, and shall generally list the
24 conditions of approval.

25 59. Prior to the issuance of building permits, compliance with the applicable provisions of the
26 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be
27 reviewed and approved by the Planning Division. These requirements, including the
28 obligation to remove or cover with matching paint all graffiti within 24 hours, shall be
29 noted on the Landscape Plan and shall be recorded in the form of a covenant affecting the
subject property.

1 75. The proposed monument sign and tress should not be within the onsite water or
2 wastewater easements. The drive-thru canopy must be design to be easily removed and
3 will be removed for maintenance to the easements.

4 PASSED AND ADOPTED Resolution No. 2008-P40 on June 23, 2008 by the
5 following vote, to wit:

6 AYES: Parker, Neal, Troisi, Balma, Bertheaud and Rosales

7 NAYS: None

8 ABSENT: Martinek

9 ABSTAIN: None

10
11 
12 Dennis Martinek, Chairman
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. 2008-P40.

18 Dated: June 23, 2008

RECEIVED
JUL 08 2005
Planning Department

LEGAL DESCRIPTION

PARCEL 1 OF PARCEL MAP NO. 19027, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 6, 2002, AS INSTRUMENT NO. 2002-0662013 OF OFFICIAL RECORDS.

TOGETHER WITH THAT PROTION OF MISSION AVENUE AS VACATED AND CLOSED TO PUBLIC USE BY RESOLUTION RECORDED SEPTEMBER 3, 2002 AS INSTRUMENT NO. 2002-0748434 OF OFFICIAL RECORDS.

RECEIVED
MAP 26 2008
Planning Department



NOTICE OF EXEMPTION

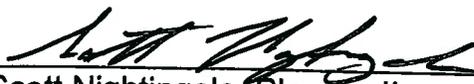
City of Oceanside, California

Post Date:
Removal:
(30 days)

1. **APPLICANT:** Douglas Development
2. **ADDRESS:** 2058 N. Mills Ave., Ste. 507
Claremont, CA. 91711
3. **PHONE NUMBER:** (909) 625-0444
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** Jack-in-the-Box Time Extension
7. **DESCRIPTION:** A TIME EXTENSION FOR A DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT TO PERMIT A 2,692 SQUARE FOOT DRIVE THRU RESTURANT LOCATED NEAR THE NORTH WEST CORNER OF MISSION AVENUE AND CANYON DRIVE.

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 three, "New Construction" (Section 15303) (c); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).


Scott Nightingale, Planner II

Date: June 23, 2008

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee



DATE: June 23, 2008

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TIME EXTENSION FOR A DEVELOPMENT PLAN REVISION (D-12-01REV05) AND CONDITIONAL USE PERMIT (C-29-05) TO ALLOW THE DEVELOPMENT OF A 2,692-SQUARE FOOT DRIVE-THRU RESTAURANT ON A 0.96-ACRE LOT LOCATED WITHIN THE CANYON PLAZA COMMERCIAL CENTER AT THE NORTHWEST CORNER OF MISSION AVENUE AND CANYON DRIVE – JACK IN THE BOX TIME EXTENSION – APPLICANT: DOUGLAS DEVELOPMENT**

*Received
OCT 22 2008
Planning Division*

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 3 (C), Categorical Exemption “New Construction.”; and
- (2) Approve Time Extension for Development Plan Revision (D-12-01REV05) and Conditional Use Permit (C-29-05) by adopting Planning Commission Resolution No. 2008-P40 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On December 17, 2001, the Planning Commission approved a Parcel Map, Development Plan, Two Conditional Use Permits and a Variance for the Development for a 3,457-square foot drive-thru restaurant, a 7,140-square foot general retail building, and a 3,712-square foot mini-mart with eight gas pumps on a 3.03-acre lot known as the Canyon Plaza Commercial Center. On June 12, 2006 an application to revise the Development Plan and Conditional Use Permit was approved by the Planning Commission to permit a 2,692-square foot drive-thru Jack in the Box restaurant. The existing Jack in the Box at 1702 Mission Avenue would either be closed or the drive-thru portion removed as a condition of approval (Condition #55) for the proposed project.

Site Review: The project site is currently vacant and has been previously graded to create a relatively flat pad. The site is zoned PD-3 (Sterling Specific Plan) and the land use designation is Sterling (S-3-84). The underlying neighborhood area is east side Capistrano and the surrounding land uses include: similar commercial uses located west and south, a public school bus facility to the east, and a senior housing development directly to the north of the subject site.

The site is relatively flat and currently exists with a temporary property line fence and is situated within the western portion of the Canyon Plaza Commercial Center.

Project Description: The applicant has requested a time extension for the approved revision to an existing Development Plan and Conditional Use Permit described as follows:

Development Plan (D-12-01REV05TE08) represents a request for the following:

The applicant is requesting a time extension for the previously approved development plan to construct a 2,692-square foot commercial restaurant with an associated drive-thru. No changes to the previously approved plans and conditions are proposed with this entitlement for a time extension.

Conditional Use Permit (C-29-05TE08) represents a request for the following:

Allowing the associated drive-thru portion of the restaurant to be permitted with the commercial restaurant and this time extension.

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

1. General Plan Land Use Element
2. Zoning Ordinance
3. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designation on the subject property is Sterling Planned Commercial Development (S-3-84). The proposed project meets the existing land use designation, and is consistent with the current zoning designation and the surrounding properties as follows:

2. The Sterling Property Specific Plan (S-3-84)

Section III Overall Plan Objectives and Policies

Policy 1: Locate commercial development to maximize frontage on and access from major streets and to minimize traffic-related impacts on residential development.

The approved commercial restaurant with an associated drive-thru would not only improve the economic vitality of the area, but the relocation of the existing Jack in the Box at 1702 Mission Avenue to proposed location would provide fewer traffic impacts than the existing site due to its distance from any type of intersection. Staff has conditioned the resolution of approval to require the removal of the existing drive-thru facility at the Jack in the Box at 1702 Mission Avenue prior to issuance of certificate of occupancy for the subject development within the Canyon Plaza Commercial Center. This removal of the existing drive-thru facility is necessary due to the Mission Avenue Corridor Strategy Plan that limits the number of drive-thru's at this location to alleviate the traffic flow on Mission Avenue.

3. Zoning Compliance

This project is located in the Sterling Planned Development (PD-3) Zone. No changes in Development and the Zoning Ordinance have occurred since the original approval, therefore the original entitlements and development standards are maintained through this development of the Jack in the Box.

The following table summarizes proposed and applicable development standards for the Sterling Planned Commercial Development (PD-3) Districts and the project site:

	MINIMUM REQUIRED Sterling Specific Plan Commercial (PD-3)	PROPOSED Sterling Specific Plan Commercial (PD-3)
LOT SIZE	10,000 sq feet	Existing .96 ac
LOT COVERAGE	50%	6.4%
SETBACKS		
Front	10-feet	73'-8 3/8"-feet
Side	0-feet	23-feet
Rear	20-feet	20-feet
PARKING	27 (Parking Spaces)	32 (Parking Spaces)
BUILDING HEIGHT	50- feet	22'-2"-feet, 1 story

The proposed drive-thru restaurant meets most applicable requirements of the Sterling Commercial Planned Development and the project as proposed is compatible with existing and potential Commercial type uses in the neighborhood.

DISCUSSION

Issue: Will the proposed time extension for this Development Plan meet the current regulations?: The proposed time extension for the development of the restaurant would be consistent with, and compatible with, the Sterling Specific Plan and the surrounding commercial developments in the surrounding area.

Recommendation: Staff finds that the overall design of the project is consistent with the existing property and with the surrounding properties. This project has not changed from the time of its approval and the time extension is necessary for the implementation of the development of the restaurant. The project would be consistent with all development regulations as specified in the specific plan and will meet the Mission Avenue corridor plan. No conditions are required for this time extension and the June 12, 2006 Planning Commission resolution (2006-P34) will be similar to this resolution for approval of a time extension.

ENVIRONMENTAL DETERMINATION

The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and the project is exempt under the provisions of the California Environmental Quality Act (CEQA) Class 3 15303 (C), Categorical Exemption "New Construction"

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 1500-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. As of June 23, 2008, no communication supporting or opposing the request has been received.

SUMMARY

The proposed project is in compliance with the goals objectives and polices set forth by the approved Development Plan (D-12-01) and the Sterling Specific Plan (PD-3). The time extension would allow the developer to continue the development of a 2,692-square foot restaurant with an associated drive-thru. The Commission's action should be:

- Move to confirm the environmental exemption for new construction and Time Extension for the Development Plan Revision (D-12-01REV05TE08) and Conditional Use Permit (C-29-05TE08) and adopt Planning Commission Resolution No. 2008-P40 as attached.

PREPARED BY:


Scott Nightingale
Planner II

SUBMITTED BY:


Jerry Hittleman
City Planner

REVIEWED BY: SN for
Richard Greenbauer, Senior Planner

JH/SN/fil

Attachments:

1. Site and Floor Plans
2. Planning Commission Resolution No. 2008-P40
3. Planning Commission Resolution No.2006-P34
4. Planning Commission Staff Repot dated June, 12 2006
5. Sterling Specific Plan

Mission Avenue Corridor

STRATEGIC PLAN

Prepared For:
City of Oceanside

Prepared By:
Moore Iacofano Goltsman, Inc.
800 Hearst Avenue
Berkeley, California
94710

Approved by Resolution No. R99-088
April 21, 1999

Received
OCT 22 2008
Planning Division

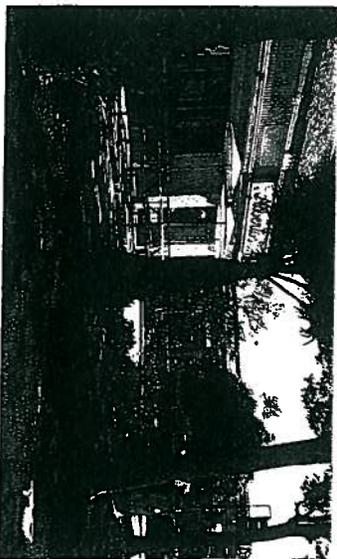
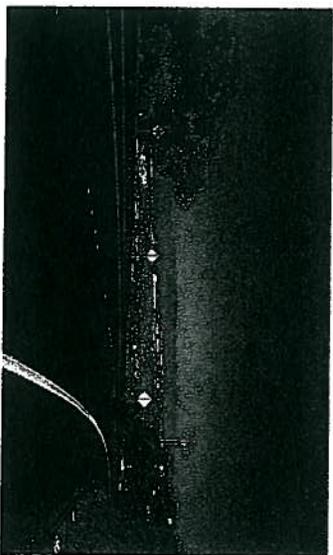


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- D. Security and Safety
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I. INTRODUCTION

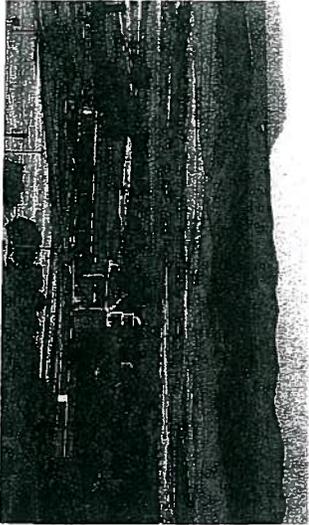
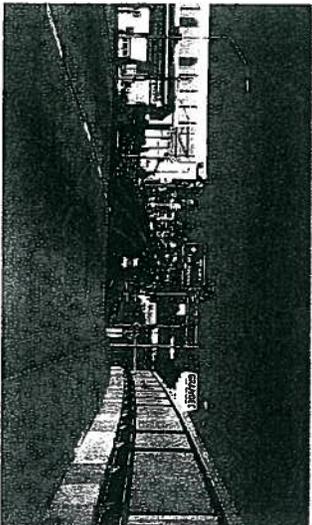
PURPOSE OF THE STUDY

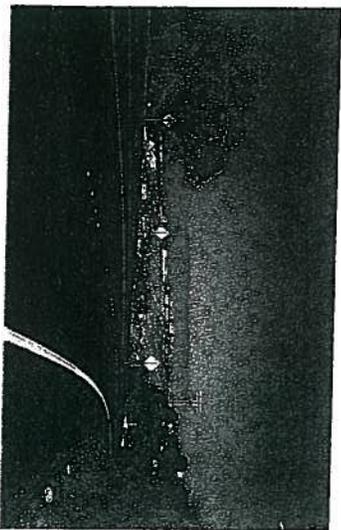
In August 1997, the Oceanside City Council initiated a community design process to develop specific strategies aimed at revitalizing Mission Avenue Corridor, from Interstate 5 on the west to Mission San Luis Rey on the east. The impetus of this study was twofold:

- In the early 1990s, two large retail centers were constructed on the northwest and southwest corners of College and Mission Avenue. These centers are anchored by grocery stores and contain many contemporary and national retailers. This new construction altered shopping patterns of the adjacent areas.
- With the first phase of construction of State Route 76 Expressway completed, businesses along Mission Avenue experienced a **downturn in retail activity**. Surrounding property and business owners stepped forward with a common concern: *How do we maintain economic viability?*

THE COORDINATING COMMITTEE

Leading the effort was a 26-member Coordinating Committee, comprised of business and property owners along the corridor, major landowners and institutions adjacent to Mission Avenue, City Council observers, and City staff. The role of the Coordinating Committee is to assist in formulating a community-supported *Strategy Plan* for the Mission Avenue corridor.





STUDY PROCESS

The study process was conceived in three phases and lasted six months:

- The purpose of Phase One, goals and issues, was to articulate desired outcomes for the study.
- During Phase Two, implementing strategies were developed to reflect the study goals and to address the major issues.
- Phase Three was devoted to preparing the *Mission Avenue Corridor Strategy Plan* and setting forth a community-based and supported revitalization strategy.

ORGANIZATION OF THE PLAN

Following this introductory section, Section II outlines the overall goals to guide revitalization of the Mission Avenue corridor and presents a snapshot of key issues related to living and working along the corridor. Section III provides both corridor-wide and segment-specific actions and an implementation program for the prioritized actions.

II. GOALS AND KEY ISSUES

In answering the question, *What do we want for the Corridor?*, the community articulated seven overall goals for revitalizing Mission Avenue. These goals are intended to embody the essence of community input and provide a direction for future development and revitalization efforts in the corridor.

ECONOMIC VIABILITY

Determine a viable economic strategy to guide future development of the corridor

Participants were concerned with the apparent high vacancy rates of commercial property, most notably in the western and eastern portions of the corridor. These vacancies have occurred due to changes in retail shopping patterns and transportation changes. These changes may require different uses or more specific niche marketing uses.

BUSINESS DEVELOPMENT

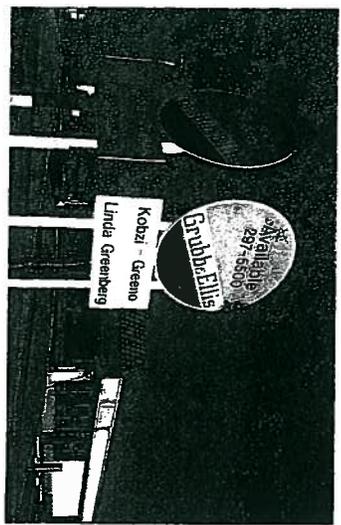
Support and promote existing businesses (consistent with the revitalization strategies) and facilitate the attraction of new businesses, as appropriate

Participants felt that the current zoning regulations do not adequately reflect current market conditions. The amount of retail zoning should be reviewed considering changes in retail shopping patterns and transportation. Existing industrial areas should not be eroded with further retail uses. Questions and concerns related to potential increased casino activity at the west end of Mission Avenue were actively debated.

IMAGE AND APPEARANCE

Improve the visual image and appearance of the corridor

Participants expressed concern over the general appearance and image of the corridor, much of which is due to the age of the industrial and retail areas. Many people felt this was reflected in the perceived lack of code enforcement (although a new enforcement effort is currently underway), the lack of high quality commercial, office, and industrial development, and the lack of a unifying theme tying the corridor together.



The Action and Implementation Program is organized into two sections: corridor-wide and segment-specific. Recommendations are summarized in tabular form on the next few pages, and are organized to suggest:

- The **timeframe** in which the action should be undertaken [immediate (0-2 years), near-term (2-5 years), or the long-term (5 plus years)];
- Potential public and private **funding sources**; and
- Which government agency or community organization might take the **lead responsibility**, including possible **partnerships**.

CORRIDOR-WIDE STRATEGIES AND ACTIONS

The following actions are intended to provide an overall direction for economic revitalization of the corridor, building upon key opportunities and taking advantage of existing strengths.

Note:

Immediate actions will focus on the opportunity for funding available to the City from CalTrans.

Immediate (0-2 Years)

Action	Funding	Lead Responsibility	Potential Partners
<input type="checkbox"/> Coordinate with other city-wide planning efforts in the corridor, particularly related to undergrounding utilities, landscaping, street trees, and medians.	<ul style="list-style-type: none"> • CalTrans • SDE & E 	<ul style="list-style-type: none"> • Engineering 	<ul style="list-style-type: none"> • Planning • Businesses • Economic Development
<input type="checkbox"/> Increase flexibility in zoning and building standards to reflect corridor goals and strategies.	<ul style="list-style-type: none"> • Staff Priority 	<ul style="list-style-type: none"> • Planning 	<ul style="list-style-type: none"> • Businesses • Neighborhood
<input type="checkbox"/> Continue economic development and business retention activities.	<ul style="list-style-type: none"> • Staff Priority 	<ul style="list-style-type: none"> • Economic Development 	<ul style="list-style-type: none"> • Businesses
<input type="checkbox"/> Develop corridor design themes and supporting guidelines.	<ul style="list-style-type: none"> • CalTrans • Fuel Tax 	<ul style="list-style-type: none"> • Engineering 	<ul style="list-style-type: none"> • Businesses • Planning
<input type="checkbox"/> Develop signage flexibility for businesses along Highway 76 corridor that are sensitive to view sheds.	<ul style="list-style-type: none"> • Staff Priority 	<ul style="list-style-type: none"> • Planning 	<ul style="list-style-type: none"> • Businesses
<input type="checkbox"/> Promote property owners or merchant associations identifying niche markets and actively marketing specific uses that will enhance the image of the area.	<ul style="list-style-type: none"> • Staff Priority 	<ul style="list-style-type: none"> • Economic Development 	<ul style="list-style-type: none"> • Businesses
<input type="checkbox"/> Establish joint city/ community clean-up programs.	<ul style="list-style-type: none"> • Staff Priority, ongoing 	<ul style="list-style-type: none"> • Community Services 	<ul style="list-style-type: none"> • Businesses • Code Enforcement • Civic and Neighborhood Groups • School District
<input type="checkbox"/> Re-evaluate certain development regulations perceived to add time and money to the re-investment and updating of existing properties. Reduce fees for new construction and expedited planning process (such as allowing changes in building colors without initiating a complete review process).	<ul style="list-style-type: none"> • Staff Priority, ongoing 	<ul style="list-style-type: none"> • Economic Development 	<ul style="list-style-type: none"> • Planning • Engineering Building
<input type="checkbox"/> Continue building relationships with business owners and residents.	<ul style="list-style-type: none"> • Staff Priority, ongoing 	<ul style="list-style-type: none"> • Economic Development 	<ul style="list-style-type: none"> • Businesses • Code Enforcement
<input type="checkbox"/> Provide traffic management information to residents and businesses during roadway construction.	<ul style="list-style-type: none"> • Staff Priority, ongoing 	<ul style="list-style-type: none"> • Engineering 	<ul style="list-style-type: none"> • Enforcement
<input type="checkbox"/> Evaluate the availability of vacant lands for recreational, hotel, or visitor-associated development	<ul style="list-style-type: none"> • Staff Priority 	<ul style="list-style-type: none"> • Economic Development 	<ul style="list-style-type: none"> • Planning

Near-Term (2-5 Years)

Action	Funding	Lead Responsibility	Potential Partners
<input type="checkbox"/> Encourage segment-specific merchant's associations.	• Staff Priority	• Economic Development	
<input type="checkbox"/> Provide incentives for private-public partnerships		• Opportunity-driven	
<input type="checkbox"/> Evaluate potential transit improvements.	• NCTD	• NCTD	• City of Oceanside

On-Going (5 Plus Years)

Action	Funding	Lead Responsibility	Potential Partners
<input type="checkbox"/> Promote graffiti abatement programs.	• General Fund • Fuel Tax	• Community Services	
<input type="checkbox"/> Maintain viability and excellence of schools (promote positive press coverage).	• School District • Grants	• School District	• City of Oceanside • Business

Segment I – West

The western segment of the corridor is an older area of mixed retail and residential uses. Given its location adjacent to Highway 5, the westerly portion of the segment could be considered for destination retail/hospitality while the easterly portion of this segment is neighborhood-serving. Both vacancy rates and traffic volumes tend to be high.

The overall positioning strategy for this segment is to promote visitor-serving and regional commercial land uses immediately east of Interstate 5.

Work to underground the overhead utility lines between Interstate 5 and Mesa Drive will begin in Spring 1999, and should be completed by Fall or Winter 1999. There is also sufficient funding available to design pavement improvements, following completion of the undergrounding project.

The City's 1998/1999 Capital Improvement Budget will include funds to design raised medians and landscaping in this Segment, with completion anticipated by the end of 2000. Available CalTrans funds may allow for landscaping enhancements from Interstate 5 to Mesa.

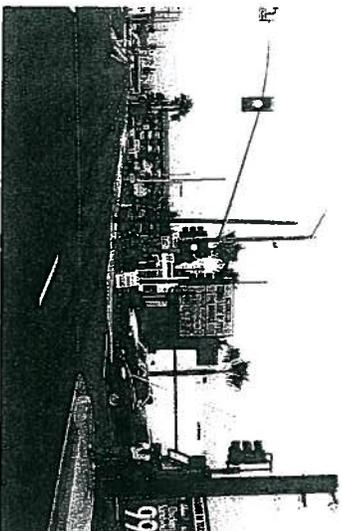
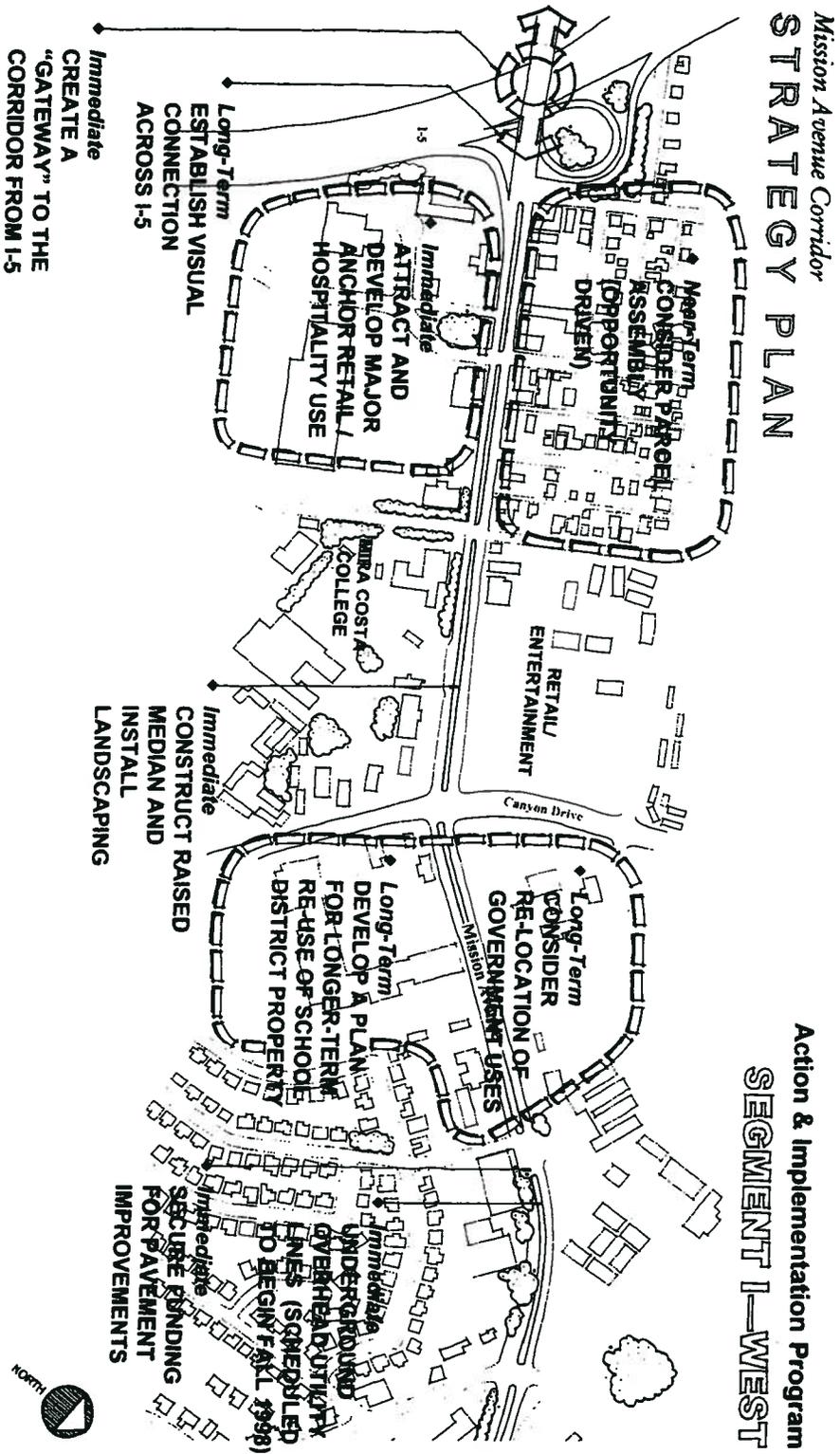


Figure 2: Segment I – West



Immediate (0-2 Years)

Action	Funding	Lead Responsibility	Potential Partners
<input type="checkbox"/> Support the attraction and development of a major anchor retail/hospitality use in the westerly portion, or consider other land uses.	<ul style="list-style-type: none"> • Public/Private 	<ul style="list-style-type: none"> • Economic Development 	<ul style="list-style-type: none"> • Property Owners
<input type="checkbox"/> Create a "gateway" to the corridor, from Interstate 5.	<ul style="list-style-type: none"> • CalTrans 	<ul style="list-style-type: none"> • Engineering 	<ul style="list-style-type: none"> • Economic Development • Planning

Near-Term (2-5 Years)

Action	Funding	Lead Responsibility	Potential Partners
<input type="checkbox"/> Consider parcel assembly to create larger development areas.	<ul style="list-style-type: none"> • Private 	<ul style="list-style-type: none"> • Private 	

Long-Term (5 Plus Years)

Action	Funding	Lead Responsibility	Potential Partners
<input type="checkbox"/> Develop a plan for longer-term re-use of school district property, excluding existing school sites, specifically, educational support services, school maintenance facilities and administration.		<ul style="list-style-type: none"> • School District 	<ul style="list-style-type: none"> • Planning • Economic Development

Immediate (0-2 Years)

Action

	Funding	Lead Responsibility	Potential Partners
<input type="checkbox"/> Provide incentives and outreach to industrial property owners to improve the appearance of buildings and install landscaping, where needed.	• Private	• Economic Development	• Property Owners
<input type="checkbox"/> Screen and buffer Highway 76, where appropriate.	• CalTrans	• CalTrans	• Property Owners
<input type="checkbox"/> Identify potential impediments to re-orienting buildings toward Highway 76.		• Planning	• City • Economic Development • Property Owners
<input type="checkbox"/> Identify funding for landscape enhancements.	• Fuel Tax	• Engineering	• Businesses • Economic Development
<input type="checkbox"/> Evaluate the option of "flexible" zoning standards to allow light manufacturing and medical/office uses in vacant retail sites.	• Staff Priority	• Planning	• City • Businesses

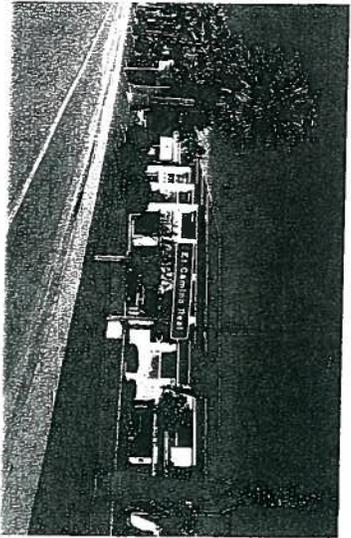
Near-Term (2-5 years)

Action

	Funding	Lead Responsibility	Potential Partners
<input type="checkbox"/> Promote and support the organization of an industrial property owner's association.	• Private	• Economic Development	• Businesses

Long-Term (5 Plus Years)

Action	Funding	Lead Responsibility	Potential Partners
<input type="checkbox"/> Allow long-term market forces to determine the best use of the airport.		<ul style="list-style-type: none">• Property Management	<ul style="list-style-type: none">• Economic Development• Engineering• Planning



SEGMENT III – EAST

The eastern segment of the corridor features predominantly neighborhood-serving uses, with medium density housing (mobile home park) on the north side of Mission Avenue. A new police station and branch library are planned for the area. New housing is expected to develop just north and east of the study area. This area experiences high vacancy rates and high traffic volumes.

The overall positioning strategy for this segment is to promote community/neighborhood commercial; visitor-serving commercial; and recreational land uses, while acknowledging market forces that may support changes in current uses.

Figure 4A: Segment III—East

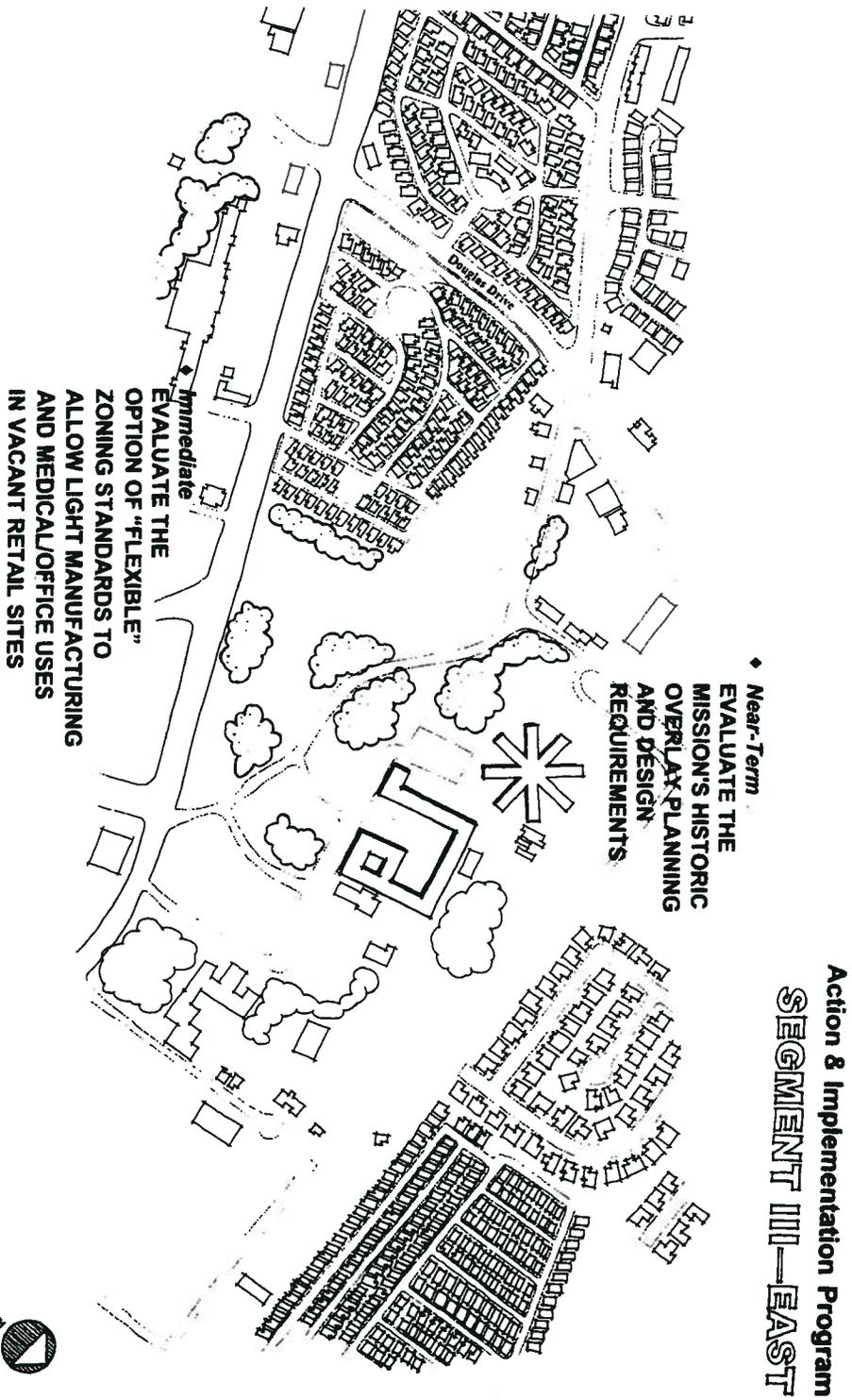
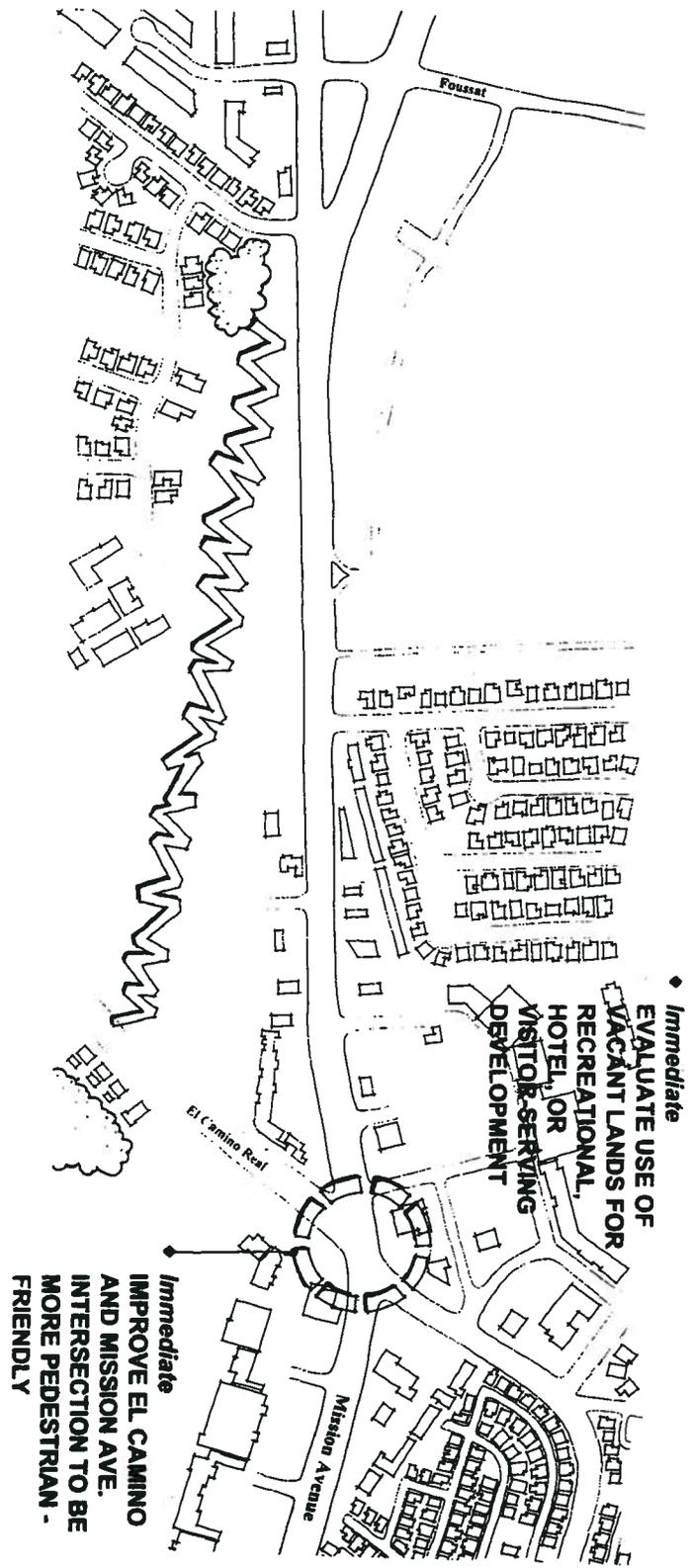


Figure 4B: Segment III – East (continued)

Mission Avenue Corridor
STRATEGY PLAN

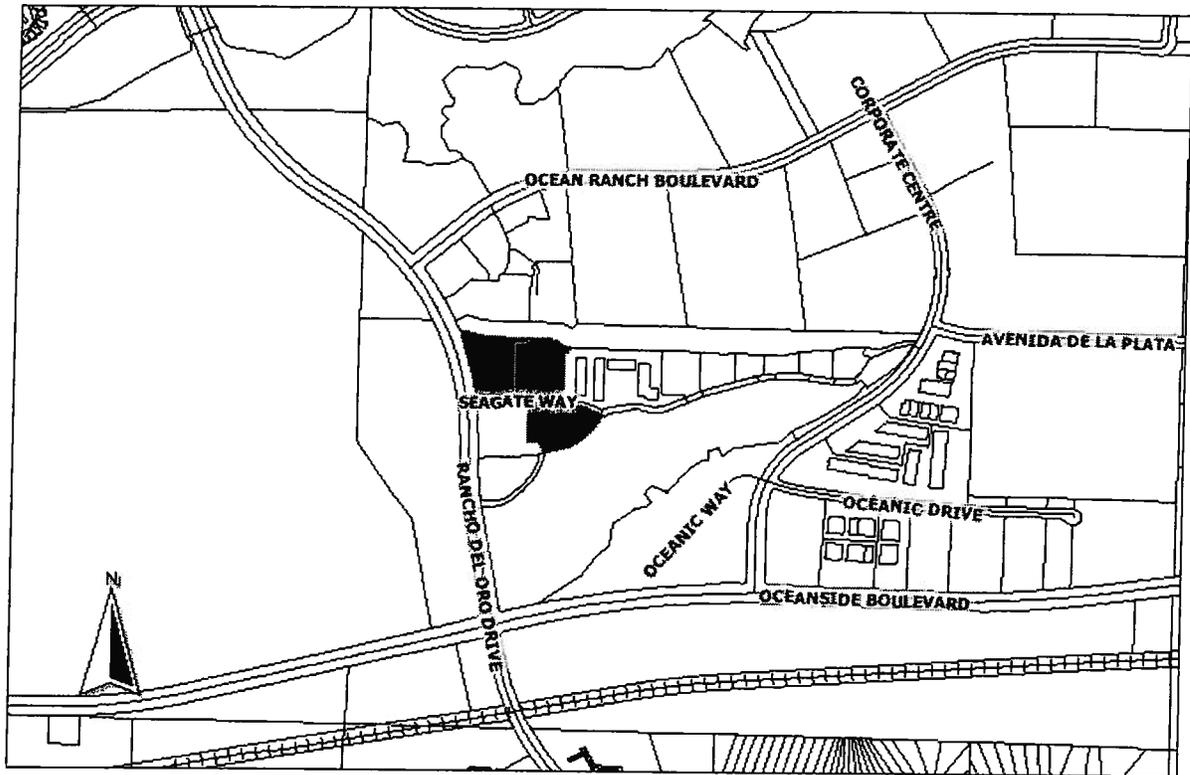


Immediate (0-2 Years)

Action	Funding	Lead Responsibility	Potential Partners
<input type="checkbox"/> Evaluate the option of "flexible" zoning standards to allow light manufacturing and medical/office uses in vacant retail sites.	<ul style="list-style-type: none"> • Staff Priority 	<ul style="list-style-type: none"> • Planning 	<ul style="list-style-type: none"> • Businesses
<input type="checkbox"/> Evaluate the availability of vacant lands for recreational, hotel, or visitor-serving development.	<ul style="list-style-type: none"> • Staff Priority 	<ul style="list-style-type: none"> • Economic Development 	<ul style="list-style-type: none"> • Planning
<input type="checkbox"/> Improve the El Camino/Mission Avenue intersection to be more pedestrian-friendly by installing a landscaped median, bicycle lanes, traffic circles, etc.	<ul style="list-style-type: none"> • CalTrans 	<ul style="list-style-type: none"> • Engineering 	<ul style="list-style-type: none"> • Businesses

Near-Term (2-5 Years)

Action	Funding	Lead Responsibility	Potential Partners
<input type="checkbox"/> Assist property owners in identifying gaps and niche markets in neighborhood-serving uses.	<ul style="list-style-type: none"> • Staff Priority 	<ul style="list-style-type: none"> • Economic Development 	<ul style="list-style-type: none"> • Businesses
<input type="checkbox"/> Re-evaluate the Mission's historic overlay planning and design requirements, in light of current issues and opportunities but still protecting the integrity of the Mission area.	<ul style="list-style-type: none"> • Staff Priority 	<ul style="list-style-type: none"> • Planning 	<ul style="list-style-type: none"> • Businesses • Economic Development



Project: D-9-08, C-19-08

Applicant: Rockefeller Group Development Corporation

Description:

DEVELOPMENT PLAN (D-9-08) and CONDITIONAL USE PERMIT (C-19-08) to allow for the construction of an 83,400-square foot medical office building with associated parking on lots 1, 2 and 12 of the Seagate Corporate Center. The project site is zoned PD-1 (Rancho Del Oro Planned Development) and is situated within the Ivey Ranch/Rancho Del Oro Neighborhood. – V.A. CLINIC

Environmental Determination:

A Mitigated Negative Declaration (MND) was prepared for the Seagate Corporate Center Tentative Map and Development Plan. The proposed project to construct one medical office building with associated parking on Parcels 1, 2 and 12 is consistent with the extent of the initial CEQA review; therefore, further environmental review is not required at this time.

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

10/22/08
Received

BY SN.

OCT 22 2008

Planning Division

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT DOUGLAS DEVELOPMENT	2. STATUS AGENT
3. ADDRESS 2058 N. MILLS AVE STE 507 CLAREMONT, CA 91711	4. PHONE/FAX/E-mail 909 625-7611 909 625-0444
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) S.L. DOUGLAS, PH.D.	
6. ADDRESS SAME AS ABOVE	7. PHONE/FAX/E-mail SAME ↗

GPA	
MASTER/SP.PLAN	
ZONE CH.	
TENT. MAP	
PAR. MAP	
DEV. PL.	D-12-01 REV08
C.U.P.	C-29-05 REV08
VARIANCE	
COASTAL	
O.H.P.A.C.	

PART II - PROPERTY DESCRIPTION

8. LOCATION NWC MISSION AVE. & N. CANYON DR.	9. SIZE
10. GENERAL PLAN CG	11. ZONING CN
12. LAND USE UNDER CONST	13. ASSESSOR'S PARCEL NUMBER 145-180-29

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION CUP/DEV PLAN AMENDMENT REV 6-23-08				
15. PROPOSED GENERAL PLAN CG	16. PROPOSED ZONING CN	17. PROPOSED LAND USE RESTAURANT	18. NO. UNITS N/A	19. DENSITY N/A
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE or FAR	

PART IV - ATTACHMENTS

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

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print): 	34. DATE 10/22/08	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: S.L. DOUGLAS, PH.D.	35. OWNER (Print) JAMES KEW	36. DATE 10/22/08	

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

Received
SCOTT

ATTACHMENT – CUP/DEV PLAN AMENDMENT

Received
OCT 22 2008
Planning Division

DESCRIPTION/JUSTIFICATION

The Jack in the Box at the northeasterly corner of Mission Avenue and Archer (1702 Mission Avenue) has been a successful part of the Oceanside community for over 40 years. They are now in the process of relocating just 300 feet to the east to Mission Avenue and Canyon in the Canyon Plaza Commercial Center. They are under construction at the new site and scheduled to open in mid-December 2008.

The Planning Commission approved Conditional Use Permit (C-29-05), Time Extension Resolution No. 2008-P40, on June 23, 2008. The Staff Report, in the analysis section, stated the following:

“Staff has conditioned the resolution of approval to require the removal of the existing drive-thru facility at the Jack in the Box at 1702 Mission Avenue prior to issuance of certificate of occupancy for the subject development within the Canyon Plaza Commercial Center. This removal of the existing drive-thru facility is necessary due to the Mission Avenue Corridor Strategy Plan that limits the number of drive-thru’s at this location to alleviate the traffic flow on Mission Avenue.”

In the Planning Section of Resolution No. 2008-P40, Condition #55 states the following:

“Prior to the issuance of a certificate of occupancy, the applicant and/or owner shall process and obtain a demolition plan for the existing drive-thru located a 1702 Mission Avenue. Service at the drive-thru for the 1702 Mission Avenue restaurant shall stop and the drive-thru shall be entirely demolished and/or removed no later that 30-days following issuance of the certificate of occupancy for the new restaurant and drive-thru located in the Canyon Plaza Commercial Center”

Planning Condition # 55, for the new restaurant has linked and imposed drive-thru limitations on the existing restaurant at 1702 Mission Avenue, citing the Mission Avenue Corridor Strategy Plan as its basis. After complete review of the Mission Avenue Corridor Strategy Plan, the applicant has concluded that there are no direct or indirect drive-thru references, limitations or drive-thru restrictions, set forth in the Mission Avenue Corridor Strategy Plan.

The applicant believes that it was incorrect to refer to Mission Avenue Corridor Strategy Plan as the basis for Condition #55. Additionally, the applicant believes the removal of the drive-thru at the 1702 Mission location may prohibit some future potential users, such as Starbucks or other quality restaurants, which could be beneficial to the community.

For the reasons stated above, the applicant is requesting the Planning Commission to approve the deletion of Condition #55 in Conditional Use Permit (C-29-05).

RECEIVED
JUL 08 2005
Planning Department

LEGAL DESCRIPTION

PARCEL 1 OF PARCEL MAP NO. 19027, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 6, 2002, AS INSTRUMENT NO. 2002-0662013 OF OFFICIAL RECORDS.

TOGETHER WITH THAT PROTION OF MISSION AVENUE AS VACATED AND CLOSED TO PUBLIC USE BY RESOLUTION RECORDED SEPTEMBER 3, 2002 AS INSTRUMENT NO. 2002-0748434 OF OFFICIAL RECORDS.

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MAP 26 2008
Planning Department