

# AGENDA NO. 5



**PLANNING COMMISSION**

**STAFF REPORT**

DATE: February 14, 2011

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP10-00037) TO PERMIT LIVE ENTERTAINMENT AND DANCING WITHIN THE EXISTING RESTAURANT KNOWN AS EL TORITO, BETWEEN THE HOURS OF 8:00 P.M. TO 2:00 A.M. THURSDAY THRU SUNDAY, LOCATED AT 2693 VISTA WAY, WITHIN THE FIRE MOUNTAIN NEIGHBORHOOD – EL TORITO RESTAURANT – APPLICANT: ART RODRIGUEZ ASSOCIATES**

## **RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of an Article 19, Section 15301, Class 1 (a), Existing Facilities, Categorical Exemption; and,
- (2) Adopt Planning Commission Resolution No. 2011-P06 approving Conditional Use Permit CUP09-00037 with findings and conditions of approval attached herein.

## **BACKGROUND AND PROJECT DESCRIPTION**

**Background:** The site is located within the southeast portion of the El Camino North shopping center, which is located south and west of El Camino Real and Vista Way. On September 17, 1979, the Planning Commission approved a Resolution No. 79-P87 allowing the construction of a 119,000-square foot shopping center with a multi-plex movie theatre. On June 1, 1981, the Planning Commission approved Resolution No. 81-P64 allowing the expansion of the El Camino North Shopping center by adding 331,968 square feet of retail and restaurant space. On July 22, 2002 the Planning Commission approved a Resolution No. 2002-P36, to permit demolition of 53,482

square feet of commercial space and the movie theater to enable the construction of 53,482 square feet of commercial retail and restaurant square footage. The existing El Camino North Shopping center exists with a total of 494,522 square feet of commercial retail space and restaurant square footage. Located approximately 400 feet to the east from the El Torito site is an existing restaurant that was recently approved by the Planning Commission on January 11, 2010 for a similar live entertainment Conditional Use Permit (CUP09-00012), which allowed live entertainment and dancing from the hours of 8:00 p.m. to 1:00 a.m. in conjunction with an existing restaurant use.

**Site Review:** The subject site is designated Community Commercial (CC) on the General Plan Land Use Map and Community Commercial (CC) on the Zoning map. The existing El Torito restaurant exists within its own parcel within the El Camino North Commercial Center. The existing building was constructed on November 18, 1980 and the El Torito restaurant has always occupied the building. The restaurant is located just west of the Wells Fargo Bank, north of the Highway 78, east of Jazzercise Fitness Gym and south of the inline retail suites.

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

Conditional Use Permit CUP10-00037 represents a request for the following:

- (a) Consideration of a Conditional Use Permit to permit live entertainment and dancing within an existing Restaurant with bar, from the hours of 8:00 p.m. to 2:00 a.m. Thursday thru Sunday, located at 2693 Vista Way. The dancing and live entertainment would only be permitted in the dedicated bar and lounge area that is approximately 2,000 square feet in size. The project is exempt from CEQA per Article 19, Section 15301, Class 1 (a), Existing Facilities.

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

1. General Plan
2. Zoning Ordinance
3. CEQA

## **ANALYSIS**

### **KEY PLANNING ISSUES**

#### **1. General Plan conformance**

The General Plan Land Use Map designation on the subject property is Community Commercial (CC). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element I

Goal 1.11     Balanced Land Use

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

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

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

The proposal to add live music and dancing to the existing restaurant will enhance the services offered; as well as, promote commercial activity in the commercial center. The proposal to add live music and dancing, at the restricted hours proposed, would be consistent with other uses within the existing shopping center. The proposed use is consistent with Policy A and Policy B.

B. Land Use Element II

Objective 2.21 Community Commercial Development:

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

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

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

The proposed use is permitted within a Community Commercial (CC) District with approval of a Conditional Use Permit. The proposed live entertainment and dancing will be an enhancement for the existing business. The site is located adjacent to two major

transportation corridors. It is anticipated that the proposed entertainment use would benefit the City of Oceanside because it will provide residents another entertainment option and it should generate increased sales tax revenue for the City. The proposed use is consistent with Policy A and Policy B.

## **2. Zoning Ordinance Compliance**

### Article 11, Section 1120

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

### Article 30, Section 3010

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

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

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

### Article 30, Section 3020.3(f)

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

## **DISCUSSION**

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

*Recommendation: Staff analyzed the compatibility of a sit down restaurant with alcohol sales and dancing within a commercial district and found that the use would not typically generate additional traffic or noise in comparison to the existing restaurant use, which provides food service and a bar.*

The existing location of the restaurant is approximately 800 feet from any residential use to the north. As noted earlier, the existing restaurant is located between two commercial buildings whose main hours-of-operation occur prior to the proposed times for the live entertainment. The closest tenant to El Torito is the Jazzercise Fitness Gym to the north and the main hours for the gym typically start from 10 a.m. to 10 p.m., so operational impacts would be minimal. All dancing and live entertainment shall be conducted indoors and should not impact the adjoining neighbors.

The Police Department and the City's Code Enforcement section reviewed the proposal and reported that no complaints have been filed for the El Torito use and the surrounding uses in the area.

The project has a condition that allows the Planning Commission to call the project for review if there are legitimate complaints relating to noise or any other issues that are verified by a Code Enforcement officer.

### **ENVIRONMENTAL DETERMINATION**

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

### **PUBLIC NOTIFICATION**

Legal notice was published in the North County Times and notices were sent to property owners of record within a 1500-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant and other interested parties.

### **SUMMARY**

The proposed Conditional Use Permit, as conditioned, is consistent with the requirements of the land use policies of the General Plan and provisions of the Zoning Ordinance. The project has been conditioned to ensure compliance with all regulations. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached Resolution. Staff recommends that the Planning Commission:

- Confirm issuance of an Article 19, Section 15301.Existing Facilities, Class 1 (a), Categorical Exemption, and adopt Planning Commission Resolution No. 2011-P06 approving Conditional Use Permit CUP10-00037 with findings and conditions of approval attached herein.

PREPARED BY:



Scott Nightingale  
Planner II

SUBMITTED BY:



Jerry Hittleman  
City Planner

JH/SN/fil

Attachments:

1. Floor/Site Plans
2. Planning Commission Resolution No. 2011-P06
3. Business Plan



DATE	
BY	
REVISIONS	
1. PLAN	
2. ELECTRICAL	
3. MECHANICAL	
4. PLUMBING	
5. FINISHES	
6. ELEVATIONS	
7. SECTION	
8. DETAIL	
9. SPECIFICATIONS	
10. CONTRACT	
11. PERMITS	
12. AS BUILT	

FLOOR PLAN

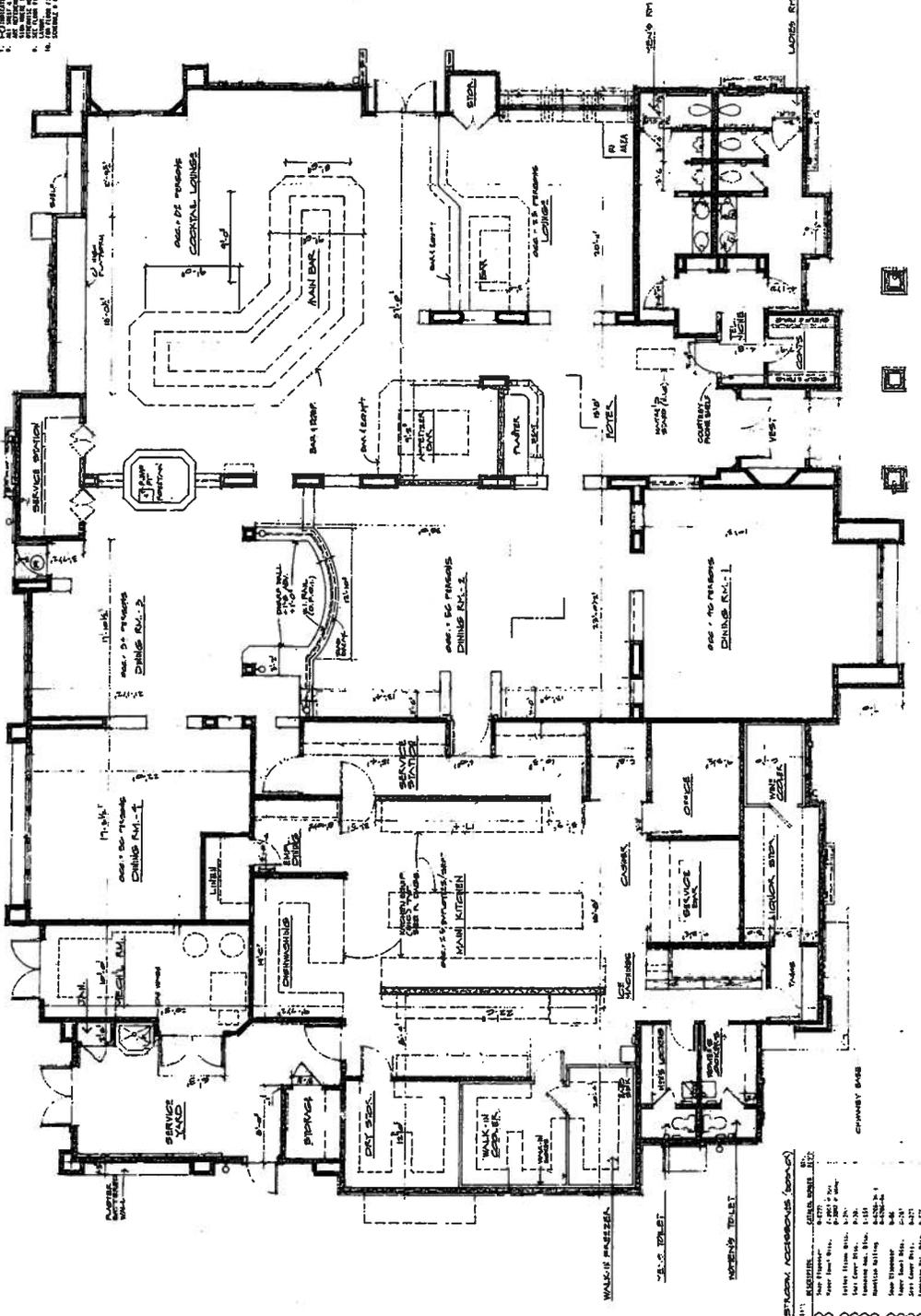
EL TORITO RESTAURANT

2777 BAYVIEW AVE. TORONTO, ONT. M2W 3K7

Lee & Garbano Associates Ltd.  
Electrical and Plumbing

A-2

- 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
- 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
- 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
- 4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
- 5. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
- 6. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
- 7. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
- 8. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
- 9. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
- 10. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
- 11. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
- 12. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.



FLOOR PLAN  
SCALE: 1/8" = 1'-0"

MECHANICAL NOTES (GENERAL)

1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
5. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
6. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
7. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
8. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
9. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
10. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
11. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
12. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.



1 PLANNING COMMISSION  
2 RESOLUTION NO. 2011-P06

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

---

6 APPLICATION NO: CUP10-00037  
7 APPLICANT: El Torito Restaurant  
8 LOCATION: 2693 Vista Way

---

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

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

13 to allow live entertainment and dancing, from 8:00 p.m. to 2:00 a.m. Thursday thru  
14 Sunday within the existing restaurant;  
15 on certain real property described in the project description.

16 WHEREAS, the Planning Commission, after giving the required notice, did on the 14<sup>th</sup>  
17 day of February, 2011, conduct a duly advertised public hearing as prescribed by law to consider  
18 said application;

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

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

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

26 FINDINGS:

27 For the Conditional Use Permit to allow live entertainment and dancing, between 8:00 p.m. and  
28 2:00 a.m. (Thursday thru Sunday):

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

1 health or general welfare of persons residing or working in the area. The use has been  
2 analyzed by Staff to ensure that noise, traffic, and the live entertainment and dancing  
3 will not conflict with the adjoining uses or cause a negative impact to the neighborhood.  
4 The use is a permitted use and it complies with all the appropriate regulations.

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

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

15 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
16 approve Conditional Use Permit (CUP10-00037) subject to the following conditions:

17 **Fire Prevention:**

- 18 1. Fire Department requirements shall be placed on plans in the notes section.  
19 2. Provide a floor plan showing the location of the proposed dancing area. Include revised  
20 occupant load calculations based on the proposed concentrated assembly use. Exiting and  
21 occupant load total for the lounge area must be increased if warranted by the new  
22 calculations.

23 **Planning:**

- 24 3. This Conditional Use Permit approves only the use of live entertainment and dancing,  
25 between the hours of 8:00 p.m. and 2:00 a.m. from Thursdays thru Sunday only within an  
26 existing restaurant, and shall expire on February 14, 2014 unless implemented per City  
27 Code.  
28 4. All live entertainment or dancing shall only be permitted within the building.  
29 5. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
proceeding against the City, its agents, officers, or employees to attack, set aside, void or

1 annul an approval of the City, concerning Conditional Use Permit (CUP10-00037). The  
2 City will promptly notify the applicant of any such claim, action or proceeding against  
3 the City and will cooperate fully in the defense. If the City fails to promptly notify the  
4 applicant of any such claim action or proceeding or fails to cooperate fully in the  
5 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold  
6 harmless the City.

7 6. A covenant or other recordable document approved by the City Attorney shall be prepared  
8 by the applicant and recorded prior to the issuance of a business license, a building permit,  
9 or two months from this approval date. The covenant shall provide that the property is  
10 subject to this resolution, and shall generally list the conditions of approval, and shall  
11 include the Management Plan required by Condition of Approval #10 below as an  
12 attachment. The covenant shall provide that the property is subject to this resolution, and  
13 shall generally list the conditions of approval.

14 7. Dancing and Live entertainment will not be permitted in the dining rooms.

15 8. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food  
16 during the same period; however, the City reserves the right to revise this request. The  
17 permittee shall at all times maintain sales records, which separately account for gross  
18 food sales apart from gross alcohol sales.

19 9. There shall be no exterior advertising or sign of any kind or type, including advertising  
20 directed to the exterior from within, promoting or indicating the availability of  
21 alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly  
22 visible to the exterior shall constitute a violation of this condition.

23 10. The project shall prepare a management Plan. The management Plan is subject to the  
24 review and approval of the Economic and Community Development Director and the  
25 Police Chief prior to the occupancy of the project, and shall be recorded as CC&R's  
26 against the property. The Management Plan shall cover the following:

27 a) Security – The Management Plan, at a minimum, shall address on-site  
28 management, hours of operation and measures for providing appropriate security  
29 for the project site.

b) Maintenance – The Management Plan shall cover, but not be limited to anti-  
graffiti and site and exterior building, landscaping, parking lots, sidewalks,

1 walkways and overall site maintenance measures and shall ensure that a high  
2 standard of maintenance at this site exists at all times. The maintenance portion  
3 of the management plan shall include a commitment for the sweeping and  
4 cleaning of parking lots, sidewalks and other concrete surfaces at sufficient  
5 intervals to maintain a "like new" appearance. Wastewater, sediment, trash or  
6 other pollutants shall be collected on site and properly disposed of and shall not  
7 be discharged off the property or into the City's storm drain system.

8 c) Any graffiti within the center shall be removed by the management or its  
9 designated representative within 24 hours of occurrence. Any new paint used to  
10 cover graffiti shall match the existing color scheme.

11 d) Hours-of-Operation.

12 e) On-Site, interior and exterior, including video surveillance per Condition of  
13 Approval # 15 below

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

18 12. Failure to meet any conditions of approval for this Conditional Use Permit shall constitute  
19 a violation of the Conditional Use Permit.

20 13. The Conditional Use Permit shall be called for review by the Planning Commission if  
21 complaints are filed and verified as valid by the City Planner or the Code Enforcement  
22 Officer concerning the violation of any of the approved conditions or the project  
23 assumptions demonstrated under the application approval.

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

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

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

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

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

4 PASSED AND ADOPTED Resolution No. 2011-P06 on February 14, 2011 by the  
5 following vote, to wit:

6 AYES:

7 NAYS:

8 ABSENT:

9 ABSTAIN:

10 \_\_\_\_\_  
11 Robert Neal, Chairperson  
12 Oceanside Planning Commission

13 ATTEST:

14 \_\_\_\_\_  
15 Jerry Hittleman, Secretary

16 I, Jerry Hittleman, Secretary of the Oceanside Planning Commission, hereby certify that this is a  
17 true and correct copy of Resolution No. 2011-P06.

18 Dated: February 14, 2011

19  
20 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may  
21 be required as stated herein:  
22

23 \_\_\_\_\_  
24 Applicant/Representative

\_\_\_\_\_ Date



VIA EMAIL: [snightingale@ci.oceanside.ca.us](mailto:snightingale@ci.oceanside.ca.us)

January 12, 2010

Scott Nightingale  
City of Oceanside Planning Division  
Oceanside Civic Center  
300 N. Coast Hwy.  
Oceanside, CA 92054-2885

RE: EL TORITO RESTAURANTS, INC. – ENTERTAINMENT CUP10-00037  
DBA: EL TORITO AT 2693 VISTA WY., OCEANSIDE, CA 92054

Dear Scott:

In connection with the above-referenced, attached please find Business Plan and attachments.

Please feel to contact Peter Impala or the undersigned with comments or requests.

Thank you in advance for you assistance.

Sincerely,

EL TORITO RESTAURANTS, INC.

A handwritten signature in black ink that reads "Sofia Gonzales".

Sofia Gonzales  
Direct: (562) 346-1265  
Fax: (562) 346-1365  
Email: [sofia.gonzales@realmexrestaurants.com](mailto:sofia.gonzales@realmexrestaurants.com)

Eric.

Cc: Peter Impala-Art Rodriguez & Associates-w/enc.





---

El Torito at 2693 Vista Way, Oceanside, CA 92054

# **Business Plan**

El Torito Restaurants, Inc.  
5660 Katella Ave., Ste. 100, Cypress, CA 90630



## **Goal**

To offer our customers live entertainment on already existent full service restaurant.

## **Plan of Operations**

1. The proposed live entertainment hours of operation will be between the hours of 8:00 p.m. and 2:00 a.m. from Sunday through Saturday.
2. The proposed dance floor area will be located in the cantina alcove. Dimensions will be 12' x 12'.
3. The proposed live entertainment area will serve a full Cantina Appetizer menu until 11:00 p.m.
4. The Regional Director of Operations and store managers will be responsible to comply with every condition that may be issued to the establishment.
5. All management personnel will be trained on company "Operating Standards and Procedures for Late Night Cantina Operations".
6. In the event of an unlawful disturbance or a public nuisance, our personnel will adhere to company "Emergency Procedures and Precautionary Measures".
7. The restaurant building will be kept free of graffiti and litter by having business employees pick up and properly dispose of all litter on a daily basis. The center is maintained by the landlord.
8. El Torito Restaurants, Inc. will maintain video surveillance cameras with a recorder to monitor hallways, lobby, and restaurant areas at all times. All recorded activities will be maintained for a minimum of thirty (30) days and will be available for review by any law enforcement agency in the event is needed.
9. The restaurant will implement ID scanner while entertainment occurs.
10. Dancing and Live entertainment will not take place in the dining rooms.
11. Quarterly gross sales of alcoholic beverages will not exceed the gross sales of food. Sales record will be available for inspection.



12. Any type of exterior advertising or sign or interior advertising or sign or display viewed from the exterior promoting or indicating the availability of alcoholic beverage will not be present.
13. No one under the age of 18 will be allowed inside the bar area after 8:00 p.m.
14. Three (3) uniformed unarmed security guards will be positioned as follows:
  - One (1) uniformed security guard will be positioned at the entrance of the cantina area
  - One (1) uniformed security guard will be positioned at the middle of the cantina area
  - One (1) uniformed security guard will be positioned at the back of the cantina area

All security guards will hold a security guard license issued by the State of California, and will complete El Torito Restaurants, Inc. "Operating Standards and Procedures for Late Night Cantina Operations", and "Security Host-Training Checklist" (please see enclosed). In addition, company's Human Resources Policies and Procedures will be reviewed.

15. Uniformed unarmed security guard positioned at the middle of the room of the cantina area will rove the parking lots between 8:00 p.m. to closing time.
16. Uniformed unarmed security guards will be responsible for the safety and security of the guests and the business. Security guards will not be used for any other purposes.
17. In the event of an unlawful disturbance or a public nuisance, our personnel will adhere to company's "Emergency Procedures and Precautionary Measures".

# Cantina Menu

**REDUCED PRICE APPETIZERS DURING HAPPY HOUR  
IN THE CANTINA ONLY, MONDAY-FRIDAY, 2PM-8PM**

	Regular Price	Happy Hour
<b>BEEF TAQUITOS RANCHEROS</b>	5.49	3.75
<b>NACHOS SUPREME</b>		
• Shredded chicken	8.49	5.25
• Shredded beef	8.99	5.50
<b>CRISPY CHICKEN FLAUTAS</b>	6.99	4.50
<b>BONELESS CHICKEN BUFFALO TENDERS</b>	8.99	5.50
<b>JUMBO CHICKEN BUFFALO WINGS</b>	8.99	5.50
<b>QUESADILLA</b>		
• Cheese	7.49	4.75
• Grilled chicken	8.99	5.50
• Grilled steak	8.49	5.75
<b>CANTINA COMBO</b>	9.49	6.75
• Crispy chicken flautas		
• Jumbo chicken buffalo wings		
• Boneless chicken buffalo tenders		
<b>FIESTA GRANDE PLATTER</b>	11.99	7.99
• Crispy chicken flautas		
• Jumbo chicken buffalo wings		
• Cheese nachos • Beef taquitas		
• Cheese quesadilla • Fresh guacamole		
<b>GUACAMOLE</b>	7.99	7.49
<b>SOFT TACO (Choose 1)</b>		
• Spicy chicken • Carnitas	2.29	1.99
• Shrimp • Steak	3.29	2.99
<b>TACO SAMPLER</b>	9.99	8.99
• 1 Steak • 1 Chicken • 1 Shrimp • 1 Carnitas		
<b>CRISPY FAJITA CONES</b>	5.99	3.99
• 1 Chicken • 1 Steak		
<b>QUESO CON CHORIZO</b>	5.99	3.99
<b>PAN-SEARED SHRIMP</b>	6.99	4.99
<b>MEXICO CITY FLAUTAS</b>	6.99	4.99
• 2 Chicken • 2 Beef • 2 Vegetable		
<b>FAJITA SLIDERS</b>	5.99	3.99
• 2 sliders with fries • Choose chicken or steak		

In order to run a tab, a major credit card is required. Tax not included. Available only in the Cantina. 069110



## **Operating Standards and Procedures for Late Night Cantina Operations**

### **Purpose:**

To ensure a safe, secure, and hospitable environment for guests and employees during late night Cantina operations.

### **Definitions:**

1. Late Night Cantina Operations – Any cantina or bar operation which provides any form of entertainment to attract guests, typically beginning at 8 PM or 9 PM and continuing through close.
2. Event Staff – Company employees or contract employees of a firm that specializes in event security. In either case, all Event Staff will undergo thorough training in safety, security, and hospitality prior to starting their job duties. Generally this will be a non-exempt (hourly) position.
3. Event Staff Lead – Company employee or contract employee of a firm that specializes in event security hired and trained to provide clear communication and direction to the Event Staff Members. Generally, this will be a non-exempt (hourly) position.
4. Karaoke Host – Company employee hired by restaurant management to provide entertainment to guests with an end result of stimulating sales and profitability. This is a non-exempt (hourly) position and subject to all state and federal wage and hour requirements. This includes taking required breaks and getting paid for all work that benefits the restaurant, as prearranged with management.
5. Independent Contractor – Non-Company employee who owns their own business and is contracted by the Company to provide entertainment with an end result of stimulating sales and profitability throughout the contract period. Independent Contractors will be required to provide a copy of the business license at the time of hire and show evidence of other clients.<sup>1</sup> In addition, the independent contractor will typically provide his/her own equipment and materials (including current music as specified by management). At all times, the independent contractor will be required to meet all standards of conduct required of all company employees, including but not limited to cooperation, respect, employee conduct as guest, and alcohol/drug standards.
6. Outside Promoter – Any individual or private party who promotes a specific venue in exchange for receiving any portion of the proceeds of the door charge or entry fee.

### **Hiring Procedures for Event Staff Employees Hired Directly by the Company:**

1. Event Staff Candidates will undergo a minimum of two interviews with members of management, one of which must be the General Manager.
2. An employment application must be completed in advance of any interviews.
3. A minimum of two references/verifications of employment will be checked by management; a written summary will be retained in the employee's personnel file including date of reference check, name of individual providing the reference/verification of employment, eligibility for rehire, dates of employment, wage, and any other information that the reference is willing to provide. At a minimum the dates of employment must be verified and recorded.
4. A criminal background check is required and should be processed through the HR Department.

Note: Contract employees provided by companies that specialize in event security will undergo a thorough selection process, which includes but not limited to the following: Reference check with prior employers and criminal background check. No person with a criminal background will be permitted to work as part of the security staff without approval of the vice president or human resources.

---

<sup>1</sup> Exceptions to these requirements must be approved by the vice president of human resources.

### Training:

1. Event Staff will undergo a thorough orientation including review of the employee handbook, employment agreements, and acknowledgements.
2. Event Staff personnel must be thoroughly trained. This will include reading, understanding, and signing the "Operating Standards and Procedures for Late Night Cantina Operations."
3. Event Staff will be trained to search guests for concealed weapons, containers, etc.
4. Event Staff will undergo alcohol consumption awareness training.
5. Event Staff personnel will attend semi-annual meetings to review late-night operating standards and procedures to ensure a safe and secure environment. These meetings will be conducted by a Regional Director, who is required to provide a copy of the meeting agenda and attendees to the vice president of operations.
6. Event Staff Lead is to be trained by management to provide appropriate supervision and direction. In addition, the Loss Prevention Binder is to be thoroughly reviewed, including but not limited to completing the Incident Log and handling any crisis that may occur during the course of operations.

### Standards of Execution:

1. At all times, management is in charge of the Late Night Cantina Operation and will provide proper direction to all employees, including Event Staff personnel.
2. The Regional Director must approve the cover charge for all Late Night Events and no changes may be made without approval of the RD.
3. Outside promoters and private parties are specifically prohibited from hosting any Late Night Events without the expressed written permission of the Vice President of Operations.
4. Use of vendors to promote a late night event (by featuring models or providing giveaways, etc.) must be approved in advance by the Regional Director.
5. Management is to provide appropriate number of Event Staff, based on the guideline of one Event Staff Member for every 75 guests.
6. A specific dress code will be approved in advance by the Regional Director and will be enforced by the Event Staff during all Late Night events
7. Persons under the age of 21 are not permitted in any Cantina that offers a late night event typically beginning at 8:00 p.m. or 9:00 p.m. Signs are to be posted.
8. All guests will be required to provide Valid Identification proving that they are at least 21 years of age prior to admittance. In addition, all guests will be scanned by metal detector and searched in accordance with company standards, prior to admittance to any Late Night Cantina Operations and/or after typically 8:00 p.m. or 9:00 p.m., whichever is earlier.
9. Guests are not permitted to bring any containers or beverages into the restaurant or Cantina.
10. Management, employees, and Event Staff personnel are to acknowledge all guests upon arrival and departure.
11. Management, employees, and Event Staff personnel are accountable for ensuring that no guest who appears intoxicated will be admitted and/or served alcoholic beverages. Employees must notify management immediately regarding any guests who appear intoxicated. Only Management is permitted to determine which guests will be refused service and asked to leave the premises.
12. Guests are not permitted to be served more than one alcoholic beverage at a time. The standard is "one guest, one drink."
13. Plastic service-ware will be used for all alcoholic beverages after typically 8:00 p.m. or 9:00 p.m. (including any major holiday or special event).
14. No Pitchers or Beer Buckets will be served during Cantina late night operating hours or after typically 8:00 p.m. or 9:00 p.m. (including any major holiday or special event).
15. Margarita Mondays at Acapulco Restaurants will end at 10:00 p.m.
16. Management will train employees regarding appropriate circumstances in which to call for police assistance.
17. All company hospitality and service standards are to be properly executed at all times, except as otherwise stated herein.
18. All company policies are applicable to late night cantina operations, including "Employee Conduct as Guest," which generally prohibits off-duty employees from visiting any cantina during late night operations.

### Procedures:

1. Management will provide Cantina Event Staff with a yellow shirt with black lettering for identification at not cost to the employee. ("Staff" in large block letters on back and "Event Staff" in small letters on left front). These shirts will be available through Real Mex Foods. Employees will be required to maintain the shirt in a clean and presentable fashion. Event Staff Lead will use dress shirt, clip-on tie and black slacks as uniform.
2. Management will issue a nametag to all Event Staff and it will be worn on the left front of the shirt over the "Event Staff" designation.
3. All Event Staff personnel shall refrain from using or carrying any type of weapon (including firearms, tazers/stun guns, pepper spray, mace, etc.), flack vests, brass knuckles, large flash lights, gloves, or hand-cuffs.
4. Management will provide the Event Staff who are stationed at the entrance with the following: Vertical banner with cantina policies, 2 Guest Counters, Standard ID Scanner, ID Book, ID Hand Stamp with Quick-Dry Ink and/or Wrist Bracelet, Metal Detector Wand, small flashlight, and Radio Communications.
5. Transitioning from Happy Hour into Late Night Cantina Operation – Just prior to the beginning of the Late Night Cantina Operation, the Event Staff must scan all guests in the cantina and check for valid ID, possible over-consumption of alcohol, and compliance with Late Night Cantina Operation Policies and Procedures, including appearance standards. In approaching guests, Late Night Event Staff should explain, "we are preparing to start [karaoke, entertainment, etc.] and need to double check IDs." Management should be notified of any guests who fail to meet the appearance standards or any other Late Night Event criteria and Management will assist with communications with the guest(s).
6. Event Staff will ensure that all guests meet the requirements of the dress code which will be posted at the entrance to the cantina. Guests who fail to meet this criteria will be denied entry in a polite and respectful fashion. Management is to be notified immediately regarding any guests who dispute the decision to deny entry.
7. Event Staff will always acknowledge guests, when checking ID by name, and thank them. (Thank you, Robert. Please enjoy your evening.)
8. Upon entering the cantina after typically 8:00 p.m. or 9:00 p.m., the Event Staff Member(s) assigned to the entrance will screen ALL GUESTS for any metal objects using the metal detector. In addition, guests bringing any type of bag or purse into the cantina will be subject to search. In this case, the guest should be asked to open the bag for inspection; using the flashlight, event staff personnel should look into the bag, without reaching into the bag.
9. Patrons who appear intoxicated, under the influence, under age, or fail to meet the dress code requirements will be denied entrance to the cantina. In addition, any person with a weapon, container of alcohol, controlled substance, etc. should be told professionally but firmly that they will not be admitted.
10. All guests entering the Late Night Cantina Operation will be informed of the "NO Re-Admittance Policy". There will be no "in and out" privileges during the Late Night Cantina Operation beginning typically at 8:00 p.m. or 9:00 p.m. Once a guest has left the Cantina, they will not be allowed back. This policy is ABSOLUTE and not subject to the discretion of any Event Staff personnel. To minimize potential problems, a controlled location that can be used for smoking and phone calls should be identified in advance and communicated to guests.
11. Only after checking for a valid ID and appropriate dress, screening for metal objects and containers, asking if the guest has read and understands posted policies, and collecting the cover charge, will the guest's right wrist will be stamped. If ID bracelets are used it is to be placed on the right wrist at this time.
12. Guests entering the Late Night Cantina Operation from the Dining Room are required to undergo the same screening as other guests including appearance standards, valid ID, metal detection, possession of containers, policy review, etc.
13. Two "guest counters" will be used by the Event Staff to manage maximum occupancy limits. At no time will the maximum occupancy of the cantina be exceeded.

14. The Event Staff Member who is acting as cashier to collect cover charges is to be stationed inside the Cantina in a secure location. All cover charges are to be collected and entered in the POS system in accordance with the Cover Charge Policy in the Restaurant Accounting Manual.
15. The Cover Charge Audit Form must be completed by management each night and maintained on file at the restaurant for a minimum of 60 days.
16. Event Staff will move throughout the cantina at least every 30-minutes to check on over-consumption of alcohol by guests, potential conflicts between patrons, and proper execution of Late Night Event standards.
17. Event Staff will closely monitor guest conflicts and intercede immediately. If appropriate, guests who are involved in any arguments or disputes should be asked to leave, with the pre-approval of Management.
18. Any guests involved in a physical altercation of any type will always be asked to leave the premises, regardless of who is at fault. Management and Event Staff will work together to ensure that all parties involved in a physical altercation are escorted out to their cars and asked to leave the parking lot immediately. Each party should be escorted out of the building individually and event staff should try to prevent any further interaction between them. If either loiters outside the restaurant, management should be notified immediately.
19. Event staff will never initiate any physical confrontation with a guest and will always assume a defensive posture.
20. Any abusive or vulgar language by guests while either waiting in line or after entry into the Cantina will not be permitted. Event Staff will warn the guest in a polite but direct fashion. Depending on the severity of the guest's behavior, the guest may be asked to leave. However, management must be informed and approve any such action.
21. All emergency exit doors must be operable and remain closed unless there is an emergency. Exit doors are to be free of obstruction at all times.
22. All walkways are to be kept clear of traffic congestion and debris. Event Staff personnel will use special Blue "Painters-Tape" to mark 3-foot wide walkways inside the Cantina and keep walkways clear of traffic congestion and debris.
23. Event Staff personnel small will use small flashlights, provided by the company, to control guest flow and clear walkways.
24. The Event Staff, in conjunction with management, will patrol the restaurant's parking lot throughout the late night event to help ensure the safety and security of restaurant patrons. Any individuals who are loitering (either in the parking lot or in their parked cars) will be asked to leave the premises. Such patrols will be conducted by a minimum of two persons, at least one of which should be a manager.

**Conclusion:**

The primary responsibility of event staff is to provide a safe, secure, and hospitable environment within the restaurant. The guidelines above are intended to clarify the duties of both event staff and management. When thoroughly understood and executed, restaurant personnel will be prepared to handle problems that may arise from time to time and ensure that late night cantina operations run smoothly.

**Acknowledgement:**

I have taken the time to thoroughly read and understand the guidelines governing late night cantina operations. I acknowledge that I will adhere to these standards at all times.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Unit Number

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# SECURITY HOST – TRAINING CHECKLIST

Once Trainer has reviewed the information listed, Security Host Team Member and Trainer must check off and initial section.

Topic	Security Host's Initials	Trainer's Initials
<b>To be completed prior to Job Offer</b>		
<input type="checkbox"/> <b>Fax Background Check Form to HR</b>		
<b>First Day On-The-Job Training</b>		
<input type="checkbox"/> Complete Orientation Program - Emphasize information on "Employee Conduct as Guest"		
<input type="checkbox"/> Introduce to Management and Hourly Staff		
<input type="checkbox"/> Unit tour (Manager's office, emergency exits, guest areas, employee areas, etc.)		
<input type="checkbox"/> Review Security Staff Training Workbook		
<input type="checkbox"/> Review Operating Standards and Procedures for Late Night Cantina Operations		
<input type="checkbox"/> Review "Crisis Management / Loss Prevention" Binder		
<input type="checkbox"/> Review Uniform Standards and issued Security Host T-Shirt		
<input type="checkbox"/> Train on proper Security Equipment (metal detector, bracelets, radio, etc.)		
<input type="checkbox"/> Watch "Security: Behind Bars" Training Video		
<input type="checkbox"/> Review "Security: Behind Bars" Training Manual		
<input type="checkbox"/> Complete Alcohol Consumption Awareness Training (Lead Class) - Place copy of Certification Card in Team Member's Personnel File <input type="checkbox"/> - Fax copy to Training Department Fax # (562) 346-1462		
<input type="checkbox"/> Complete Final Certification Test with a score of 90% or higher		

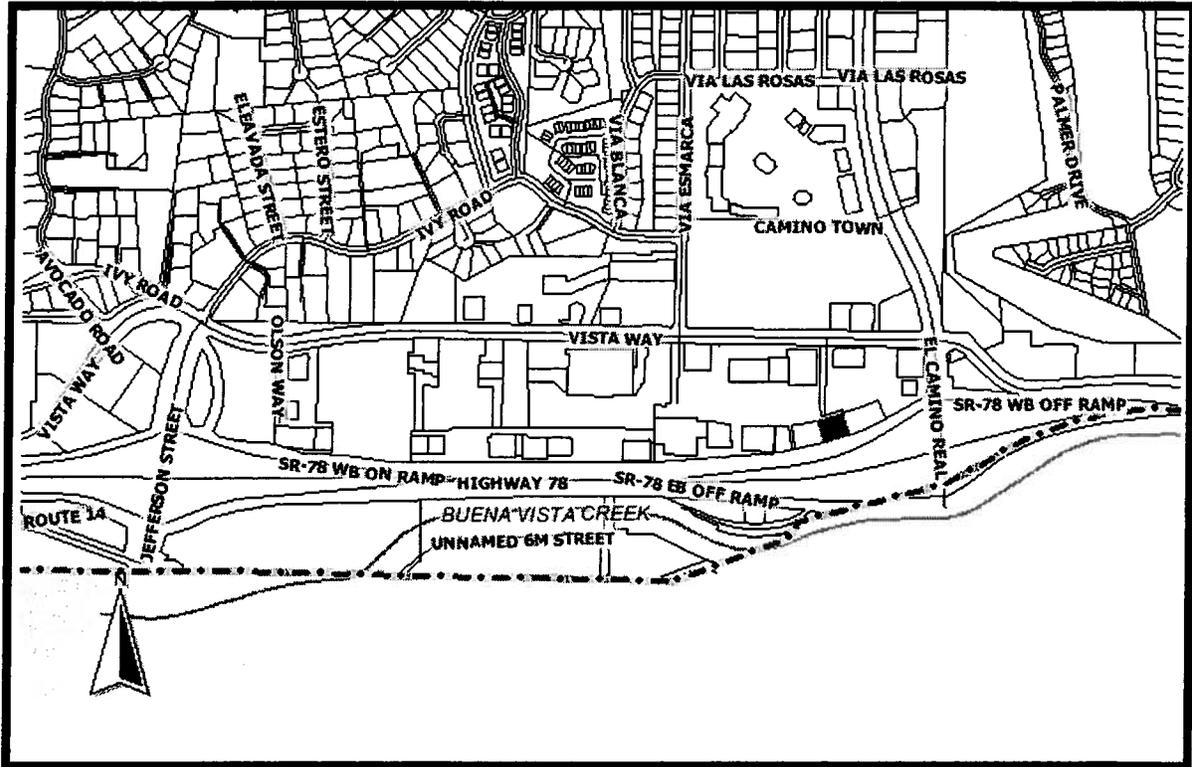
By signing below, you confirm that you have completed training, including the tasks above and were given plenty of opportunity to ask questions in regards to your role and responsibilities to ensure a safe and hospitable environment for guests and employees during late night cantina operations.

**New Team Member's signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Trainer's signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Manager's signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Note to Manager: Place completed checklist in the new employee's file.**



**File Number:** CUP10-00037

**Applicant:** Art Rodriguez Associates

**Description:**

CONDITIONAL USE PERMIT (CUP10-00037) to permit live entertainment and dancing within an existing restaurant known as El Torito located within an existing commercial center located at 2693 Vista Way. The project site has a General Plan Land Use Designation of Community Commercial (CC), is zoned Community Commercial (CC), and is situated within the Fire Mountain Neighborhood Planning Area. – **EL TORITO RESTAURANT @ 2693 VISTA WAY**

**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 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

RECEIVED

NOV 10 2010

BY

*RDW*  
*DW*

CITY OF OCEANSIDE  
DEVELOPMENT SERVICES

Please Print or Type All Information

HEARING

#### PART I - APPLICANT INFORMATION

1. APPLICANT El Torito Restaurants, Inc.		2. STATUS		GPA
3. ADDRESS 5660 Katella Ave, Suite 100 Cypress, CA 90630		4. PHONE/FAX/E-mail 562-346-1265		MASTER/SP PLAN
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Art Rodriguez & Associates				ZONE CH.
6. ADDRESS 709 E. Colorado Blvd, Suite 200 Pasadena, CA 91101		7. PHONE/FAX/E-mail 626-683-9777 626-683-9991 (fax)		TEXT MAP
PART II - PROPERTY DESCRIPTION				PAR. MAP
8. LOCATION 2693 Vista Way, Oceanside, CA 92054				DEV. PL.
10. GENERAL PLAN		11. ZONING Community Commercial		X C.U.P. CUP10-00037
12. LAND USE Community Commercial		13. ASSESSOR'S PARCEL NUMBER 165-121-19-00		VARIANCE
PART III - PROJECT DESCRIPTION				COASTAL
14. GENERAL PROJECT DESCRIPTION The applicant is requesting a Conditional Use Permit to allow entertainment (Disc Jockey and and dancing) within a dedicated "entertainment area" within an existing and operating 8,000 s.f. El Torito Restaurant that is operating with on-site sale and consumption of a full-line of alcoholic beverages.				O.H.P.A.C.
15. PROPOSED GENERAL PLAN Same as existing	16. PROPOSED ZONING Same as existing	17. PROPOSED LAND USE Same as existing	18. NO. UNITS One	19. DENSITY of alcoholic beverages.
20. BUILDING SIZE 8,000 sq. ft.	21. PARKING SPACES 2,178 spaces	22. % LANDSCAPE	23. % LOT COVERAGE OF FAR	
PART IV - ATTACHMENTS				
X 24. DESCRIPTION/JUSTIFICATION	X 25. LEGAL DESCRIPTION	X 26. TITLE REPORT		
X 27. NOTIFICATION MAP & LABELS	X 28. ENVIRONMENTAL INFO FORM	X 29. PLOT PLANS		
X 30. FLOOR PLANS AND ELEVATIONS	X 31. CERTIFICATION OF POSTING	32. OTHER (See attachment for required reports)		
PART V - SIGNATURES				
33. APPLICANT OR REPRESENTATIVE (Print): Andy Inthavong		34. DATE 8/12/10	SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).	
Sign: <i>AI</i>		35. OWNER (Print)	36. DATE	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		Sign: See Attached.		

## **PROJECT DESCRIPTION**

PROJECT NAME: El Torito

PROJECT ADDRESS: 2693 Vista Way, Oceanside, CA 92054

---

El Torito is requesting a Conditional Use Permit to permit incidental live entertainment consisting of a disc jockey and dancing within the existing and operating 8,000 sq. ft. El Torito restaurant. The proposed incidental live entertainment will occur in the bar and lounge areas in the restaurant. The dedicated bar and lounge area is approximately 2,000 sq. ft. The hours of operation of the restaurant will be from 9 a.m. to 2 a.m.

The applicant is El Torito Restaurants Inc., which is well known for their Mexican Cuisine. El Torito serves high quality Mexican food and beverage in a fun and friendly atmosphere, for people who crave a quality dining experience. Along with serving this specialty cuisine, El Torito serves a full-line of alcoholic beverages as an ancillary sale to their main sales, gourmet Mexican cuisine. There are over one hundred of El Torito restaurants in the State of California, which all operate with a full-line of alcoholic beverages being served in conjunction with their food service. El Torito understands the unique responsibilities of operating a restaurant with alcohol being served.

In addition, many of the El Torito restaurants have ancillary live entertainment, which consists of disc jockeys and dancing. El Torito would like to offer their guests and residents of Oceanside the opportunity to not only dine in at the restaurant, but to also enjoy an atmosphere where guests can enjoy music and dancing. The primary operation of the restaurant will be a bona-fide restaurant, as guests frequent the restaurant to dine. The proposed live entertainment will commence in the bar/lounge area at 9 p.m. Please note that guests will be allowed to dine in the dining rooms during all hours of operations and that the kitchen will be operating to serve guests that only want to dine.

The use itself is wholly proper in relation to the adjacent commercial uses. The live entertainment is consistent and compatible with the community and within the shopping center. El Torito only seeks to provide the same level of amenities as other operations that allow live entertainment as well.

RECEIVED

CITY OF OCEANSIDE  
DEVELOPMENT SERVICES  
MAY 18 2010

The requested use at this location will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity. The addition of a restaurant operation is wholly consistent with the commercial intent, and will not inhibit its implementation. It will not hinder the achievement of community redevelopment goals, nor will it affect the character development in the immediate neighborhood.

El Torito will comply with all applicable standards requested by the Dept. of Alcoholic Beverage Control, Police Dept., City of Oceanside Planning Division and all other applicable City Departments.

LEGAL DESCRIPTION FOR 2693 VISTA WAY, OCEANSIDE, CA

PARCEL 1

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

PARCEL 2

PARCEL 9 INCLUSIVE OF PARCEL MAP NO. 19835, IN THE CITY OF OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 12, 2005 AS FILE NO. 2005-785448 OF OFFICIAL RECORDS.

APN: 165-121-19-00



# NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: Removal: (180 days)
--------------------------------------

1. **APPLICANT:** El Torito Restaurants, INC.
2. **ADDRESS:** 5660 Katella Ave., Suite 100, Cypress, CA. 90630
3. **PHONE NUMBER:** (562) 346-1265
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner
6. **PROJECT TITLE:** CUP10-00037 El Torito Live Entertainment & Dancing
7. **DESCRIPTION:** A Conditional Use Permit (CUP10-00037) to allow an existing restaurant to conduct live entertainment and dancing located at 2693 Vista Way. The project site is within an existing shopping center, has a General Plan Land Use Designation of Community Commercial (CC) with a zoning designation of Community Commercial (CC), and is situated within the Fire Mountain Neighborhood Planning Area.

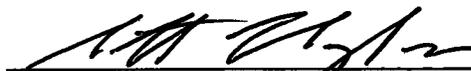
**ADMINISTRATIVE DETERMINATION:** Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Environmental Coordinator finds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

Per Article 19, the project is categorically exempt, in accordance with Section 15301, Existing Facilities, Class 1 (a), interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances.

"The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,

The project is statutorily exempt, Section \_\_\_\_, [name of section] (Section xxxxx); or,

The project does not constitute a "project" as defined by CEQA (Section 15378).

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

Date: 2/14/11