

# AGENDA NO. 4

**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 DEVELOPMENT PLAN REVISION (D10-00012) AND A CONDITIONAL USE PERMIT (CUP10-00038) TO ALLOW A RETAIL STORE AND DONATION CENTER FOR THE SALES OF SECOND HAND MERCHANDISE WITHIN AN EXISTING 7,755-SQUARE FOOT COMMERCIAL RETAIL SUITE LOCATED WITHIN THE MISSION DOUGLAS PLAZA COMMERCIAL CENTER AT 3925 MISSION AVENUE. – GOODWILL – APPLICANT: MISSION DOUGLAS INVESTMENTS**

## **RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 1 Categorical Exemption for “Existing Facilities”; and,
- (2) Adopt Planning Commission Resolution No. 2011-P04 approving a Development Plan (D10-00012) and Conditional Use Permit (CUP10-00038) with findings and conditions of approval attached herein.

## **PROJECT DESCRIPTION AND BACKGROUND**

**Background:** The applicant wishes to locate a secondhand retail store and distribution center (Goodwill Industries) in a commercial building located within the Mission Douglas Plaza at 3925 Mission Avenue. In the late 1890’s a Methodist Minister by the name of Edgar J. Helms, a pastor of Morgan Chapel in Boston’s South End, found innovative ways of helping his community’s immigrants and jobless poor by going door to door collecting used clothing and anything he could repair and refurbish to donate and sale. The income for the sale of these items was used to pay for the wages for the immigrants, who were helping Pastor Helms repair, refurbish and sell these items. Since that time the Goodwill Industries have opened several facilities across the country and the concept of a non-profit

organization that helps provide employment and employment-related services for people with disabilities and other special needs has assisted these individuals to become more independent and self-sufficient.

**Site Review:** The subject site is located at 3925 Mission Avenue, just south of Mission Avenue, east of Douglas Drive, and west of Rancho Del Oro. This project site is located within the Mission Douglas Plaza Commercial center, and within the San Luis Rey Neighborhood. The property is comprised of an approximate 7,755-square foot retail suite with associated parking on-site.

The zoning designation for the property is CS-L-H (Special Commercial District Limited with a Historic Overlay) and the General Plan Land Use Category is SC (Special Commercial). Secondhand furniture, appliance and clothing sales are permitted within the Special Commercial District, with the caveat that if the secondhand retail facility is occupying more than 5,000 square feet then the approval of an Administrative Conditional Use Permit is required as per Oceanside Zoning Ordinance.

Surrounding land uses include the New Song Community Church & Ebenezer Church to the east, various types of commercial retail uses to the north and west, SR-76 and related slopes to the south.

**Project Description:** The project application is comprised of the following entitlements:

Conditional Use Permit (CUP10-00038) represents a request for the following:

To permit a secondhand retail store and distribution center known as Goodwill within an existing commercial suite located at 3925 Mission Avenue. The Goodwill Center would provide typical secondhand merchandise such as, furniture, household accessories, books, antiques, clothing, collectible items, and appliances as specified in Chapter 22 of the Municipal Code for the City of Oceanside. The rear portion of the lot will be used for donation bins and for the storage of the Goodwill trucks that shall serve the north San Diego County Community for donation pickups. All drop-off bins will be manned during store hours and signs will be posted stating: no after hours donations accepted. All donations will be received through the rear doors during store hours between 9:00 a.m. to 8:00 p.m.

Development Plan (D10-00012) represents a request for the following:

No exterior building changes would be proposed with this development. The Goodwill business would occupy five existing retail suites, which would be combined by removing non-structural demising walls. At the rear and behind the commercial suites is an undeveloped 19,500-square foot area, which Goodwill plans to enclose with a screened fence for storage of six 20' x 8' enclosed drop-off bins and for the parking and storage of five to eight Goodwill delivery trucks.

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

1. General Plan Land Use Element
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 SC (Special Commercial). The proposed project is consistent with the goals and objectives of the City's General Plan as follows:

#### **I. Community Enhancement**

**Goal:** The consistent, significant, long term preservation and improvement of the environment, values, aesthetics, character and image of Oceanside as a safe, attractive, desirable and well-balanced community.

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

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

The operation of this use will not adversely impact surrounding land uses. The Goodwill store will draw new customers to the center, which will improve the overall economic synergy of the area. Goodwill will be a valuable addition to Oceanside by providing quality employment opportunities for the handicapped and disabled people, excellent values to customers for clothing and household accessories; as well, a donation facility for the public.

The existing commercial suites have been vacant except for temporary uses for several years, which have limited the commercial activity in the Mission and Douglas Plaza. Staff believes that allowing the Goodwill Industries to occupy this location at 3925 Mission Avenue would foster commercial opportunities for the center, and provide a balance of uses for the area.

I.I. Balanced Land Uses

Goal: The City shall determine the amount, acreage and type of existing and potential land uses annually. This information shall be presented within the “General Plan Annual Report” and shall assist the City in defining and determining the proper balance of land use.

Objective: To minimize conflicts with adjacent or related land uses.

Policy B: The use of land shall not create a negative visual impact to surrounding land uses.

The proposed Goodwill facility occupying the existing 7,755-square foot commercial suites would not significantly impact the site or surrounding land uses due to its retail land use and limited hours-of-operation from 9:00 a.m. to 8:00 p.m. daily with no late night operations.

**2. Zoning Compliance**

This project is located in a CS-L-H (Special Commercial Limited with a Historic Overlay) district. Pursuant to the land use regulations of the SC (Special Commercial District), religious facilities are subject to the approval of a Development Plan and Conditional Use Permit pursuant to Article 11 of the Zoning Ordinance.

The following table depicts the parking requirements pursuant to Article 31 of the OZO:

<b>PROPOSED USE</b>	<b>BUILDING AREA</b>	<b>PARKING SPACES REQUIRED</b>	<b>PARKING SPACES PROPOSED</b>
Secondhand retail sales and distribution	7,755 sq. ft.	(1 per 250 sq. ft. of building square footage) seating area) = 31	445 Existing Reciprocal
<b>Total</b>	<b>7,755 sq. ft.</b>	<b>31</b>	<b>445 Reciprocal</b>

As depicted in the table above the proposed project will require 31 parking stalls. The existing 445 parking spaces provided on-site would exceed the requirement for all uses within the commercial center as specified in the Oceanside Zoning Ordinance.

### 3. Land Use Compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Special Commercial (SC)	Special Commercial Limited Historic (CS-L-H)	Vacant Commercial Building
North of Subject Property	Medium Density – B Residential (MDA-R)	Medium Density Residential District – A (RM-A-SMH)	Mobile Home Complex
East of Subject Property:	Special Commercial (SC)	Special Commercial Limited Historic (CS-L-H)	New Song Church
South of Subject Property:	CAL-TRANS	CAL-TRANS	Highway-76
West of Subject Property:	Special Commercial (SC)	Special Commercial Limited Historic (CS-L-H)	Commercial Retail

#### **DISCUSSION**

*Issue: Will the addition secondhand retail store and distribution center negatively impact the surrounding neighborhood and be compatible with the neighboring uses?*

Staff's review of the Goodwill Industries proposal to occupy a 7,755-square foot commercial retail suite, focused on compatibility with existing users within the Mission Douglas Plaza and project compliance with applicable development standards. The subject commercial center includes a wide variety of uses, and contains a total of 445 parking spaces. Based on the Oceanside Zoning Ordinance requirements for retail sales of secondhand merchandise, the use only requires approximately 31 parking spaces.

The Goodwill's primary hours-of-operation would be conducted on a weekly basis from 9:00 a.m. to 8:00 p.m. The proposed Goodwill business would include minor improvements to the open area in the middle of a parking area at the rear of the business, such as a screened fence for storage of six 20' x 8' enclosed drop-off bins and the parking for the storage of five to eight Goodwill delivery trucks. All improvements would be at the rear of the building and out of public view.

#### **ENVIRONMENTAL DETERMINATION**

Planning Division staff has completed a preliminary review of this project in accordance with the California Environmental Quality Act (CEQA), 1970. Based on that review staff

finds the proposed project involves no expansion of the existing building, and the proposed project is categorically exempt pursuant to Class 1, Article 19, Section 15301 Existing Facilities, of the California Environmental Quality Act.

**PUBLIC NOTIFICATION**

Pursuant to Article 41 of the Oceanside Zoning Ordinance, a Legal notice was published in the North County Times and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals and/or organizations requesting notification, applicant and other interested parties. Copies of this agenda item have been mailed to the applicant and their representatives.

**SUMMARY**

In summary, staff has analyzed the proposal for a Development Plan and Conditional Use Permit for consistency with the requirements of the Zoning Ordinance and the policies outlined in the General Plan. Staff finds that the proposed secondhand retail store and distribution facility would be compatible with the existing retail uses and will not impact the surrounding neighborhood. As such, Staff recommends that the Planning Commission approve the project. The Commission's action should be:

- Confirm issuance of a Class 1 Categorical Exemption for "Existing Facilities"; and,
- Move to approve Development Plan (D10-00012) and Conditional Use Permit Revision (CUP10-00038) and adopt Planning Commission Resolution No. 2011-P04 as attached.

PREPARED BY:

  
Scott Nightingale  
Planner II

SUBMITTED BY:

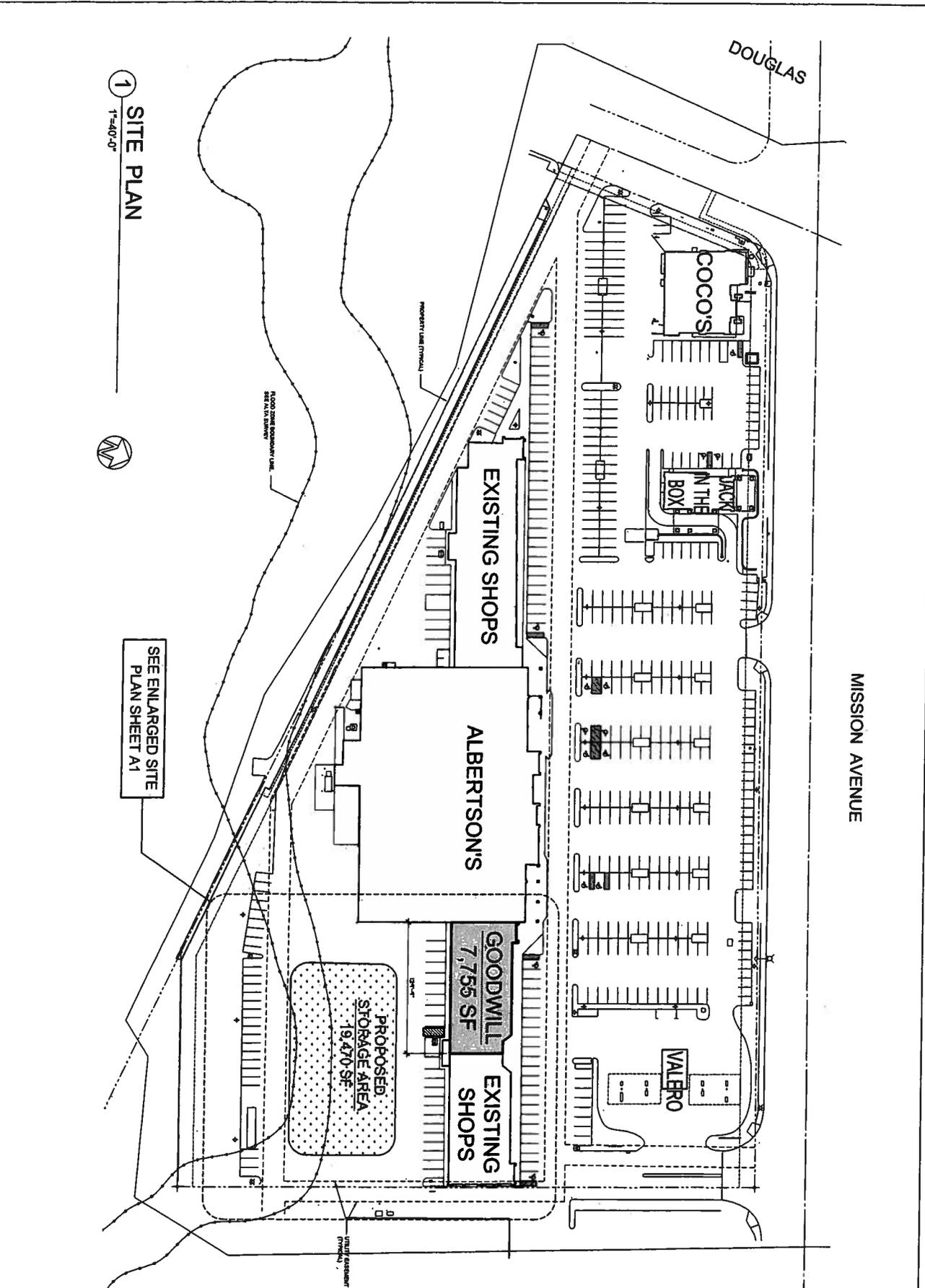
  
Jerry Hittleman  
City Planner

JH/SN/fil

Attachments:

1. Site Plan/Architectural Plans
2. Planning Commission Resolution No. 2011-P04





1 SITE PLAN  
1"=40'-0"

SEE ENLARGED SITE  
PLAN SHEET A1



A0

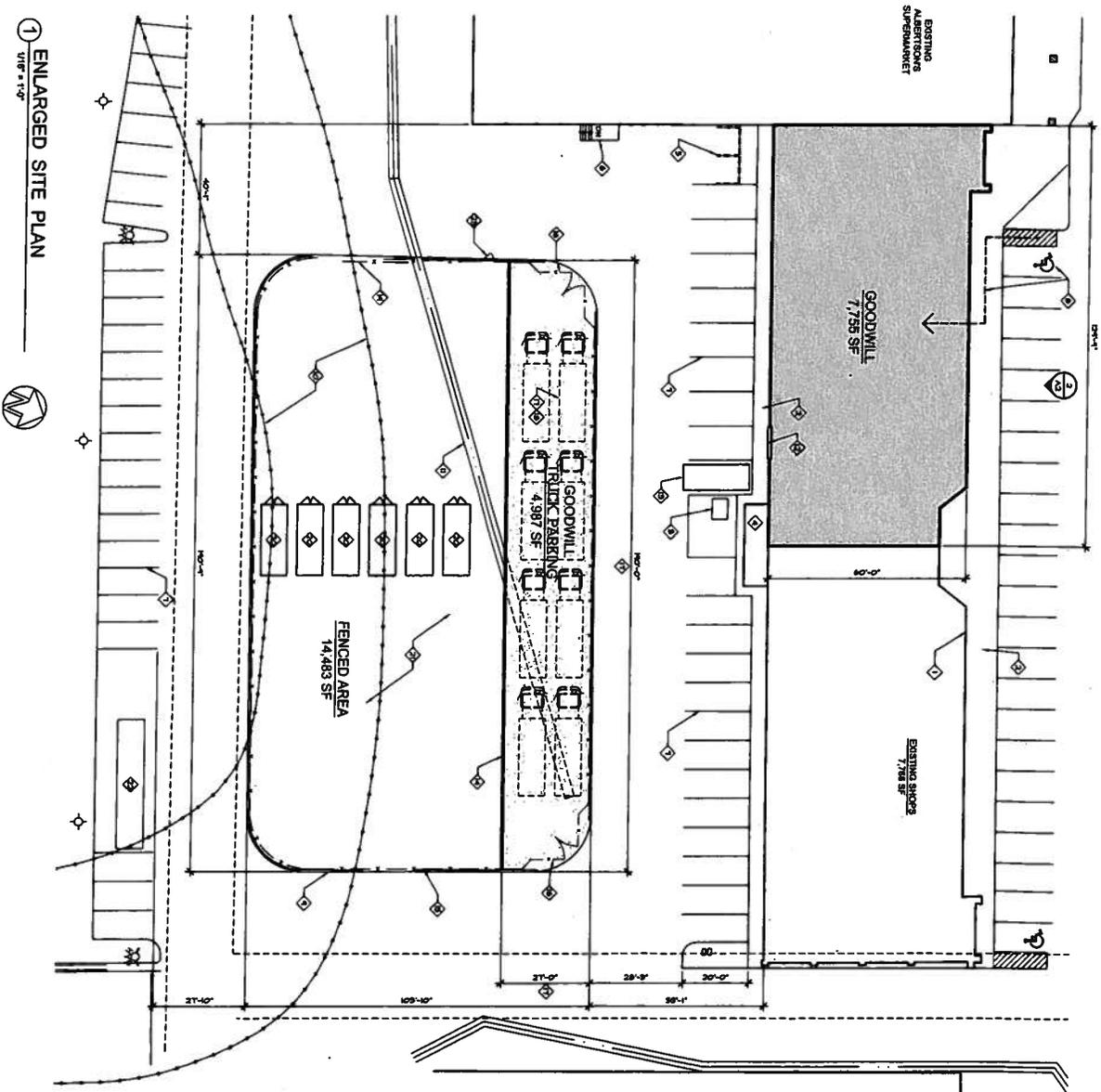
DATE: 1/17/2010

GOODWILL EXHIBIT  
MISSION DOUGLAS PLAZA  
OCEANSIDE, CA

PROJECT: 0910-102

ARCHITECTS:

**STUDIO C**  
architecture and planning  
6123 Combsville CT. E. Suite 200, San Diego, California 92121 (619) 469-0002

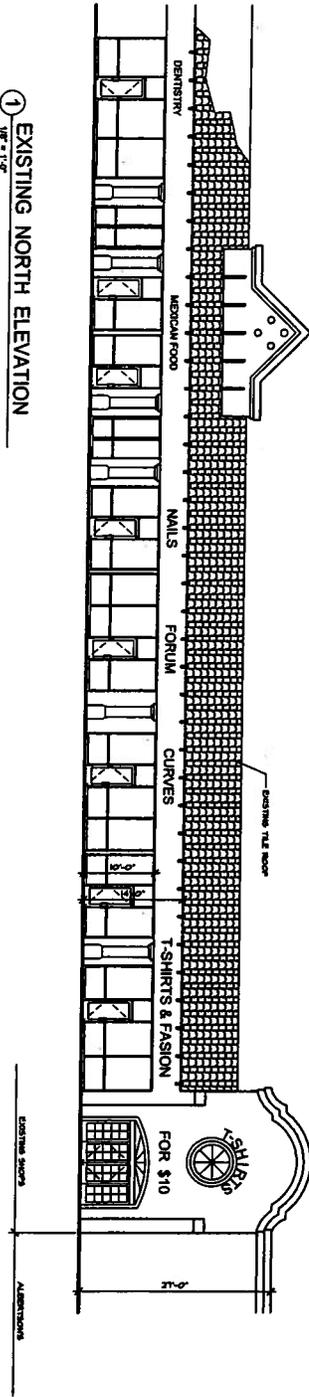


① ENLARGED SITE PLAN  
1/8" = 1'-0"

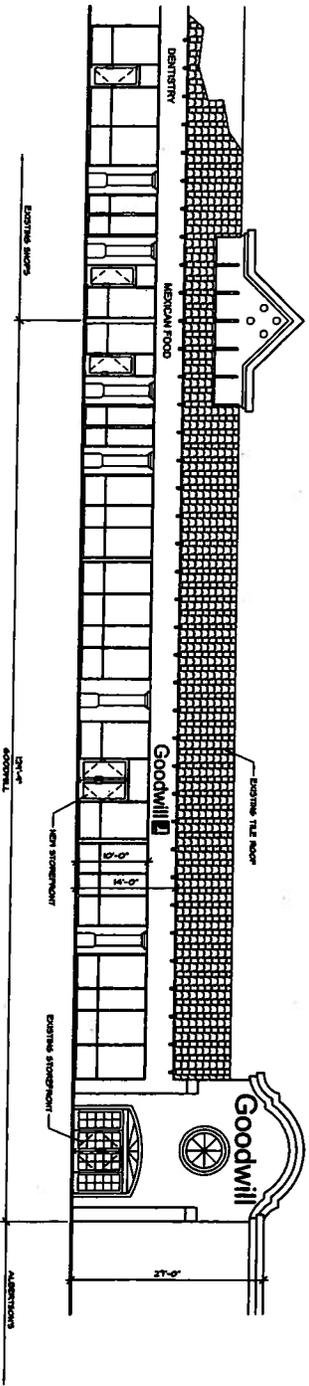


- SITE PLAN KEYED NOTES:**
- ① EXISTING STORAGE (ONLINE TYPICALLY)
  - ② EXISTING CONCRETE SIDEWALK
  - ③ EXISTING SIDEWALK IMPROVEMENT
  - ④ EXISTING ELECTRICAL ROOM
  - ⑤ EXISTING TRUCK ENCLOSURE
  - ⑥ EXISTING ADJACENT STORAGE BAY + CONCRETE STAIRS
  - ⑦ EXISTING FENCE STALLS (TYPICALLY)
  - ⑧ EXISTING ADA COMPLIANT ACCESSIBLE PATH OF TRAVEL
  - ⑨ EXISTING ADA COMPLIANT ACCESSIBLE THE PROPOSED STORAGE YARD
  - ⑩ OUTLINE OF EXISTING 800 TON TRUCK STORAGE PILE
  - ⑪ EXISTING CONCRETE OVERLAP STALL
  - ⑫ PROPOSED ROLL-UP DOOR AT REAR OF BUILDING FOR DONATION DROP OFF
  - ⑬ PROPOSED LOCATION FOR NEW 8'X12' ADA COMPLIANT TRUCK DROP OFF SIGN
  - ⑭ PROPOSED 8' X 12' ADA COMPLIANT CONCRETE TRUCK DROP OFF SIGN
  - ⑮ PROPOSED 8' X 12' ADA COMPLIANT CONCRETE TRUCK DROP OFF SIGN
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① EXISTING NORTH ELEVATION  
1/8" = 1'-0"

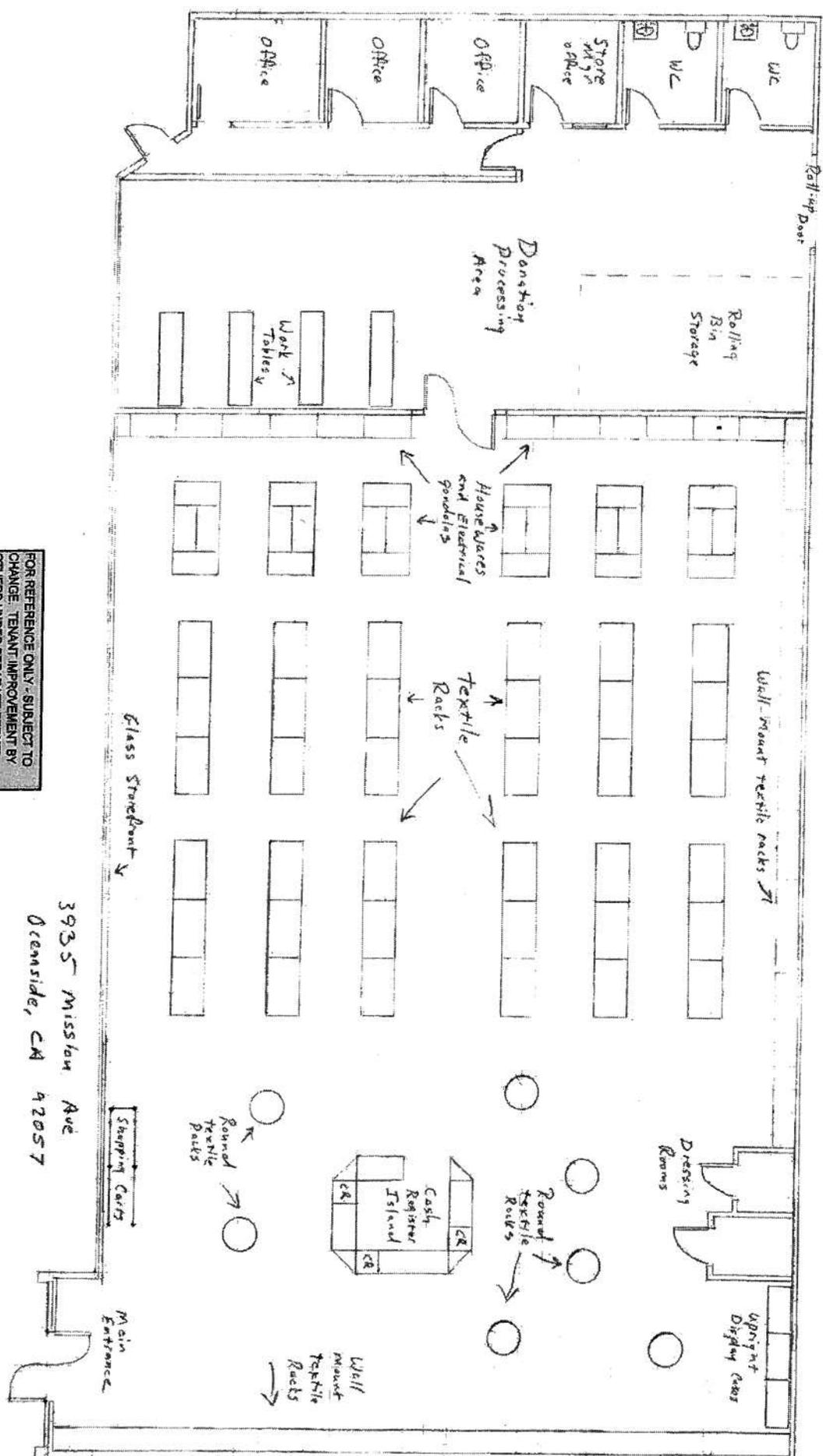


② PROPOSED NORTH ELEVATION  
1/8" = 1'-0"



EL ELEVATION FOR REFERENCE ONLY  
SCHEDULE WILL BE PROVIDED IN  
OTHERS UNDER SEPARATE PERMIT.  
NO CHANGES PROPOSED TO  
EXISTING BUILDING





FOR REFERENCE ONLY - SUBJECT TO CHANGE. TENANT IMPROVEMENT BY OTHERS UNDER SEPARATE PERMIT.

3935 Mission Ave  
 OceanSide, CA 92057

# EXHIBIT A

19620

Page 1

Order No. 33030730

## DESCRIPTION

### PARCEL A:

PARCEL 2 OF PARCEL MAP 13389, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 26, 1984.

EXCEPTING THEREFROM THAT CERTAIN PROPERTY AS CONVEYED TO THE CITY OF OCEANSIDE, BY DEED RECORDED JULY 7, 1988 AS FILE NO. 88-329729, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE B-2 LINE OF MISSION AVENUE, (STATE HWY, 76) AT ITS INTERSECTION WITH THE CENTERLINE OF DOUGLAS DRIVE, AS SHOWN ON CALIFORNIA DIVISION OF HIGHWAYS MONUMENT MAP NO. 672; THENCE ALONG THE SOUTHERLY PROLONGATION OF THE CENTERLINE OF DOUGLAS DRIVE, SOUTH 0°34'43" EAST, 54.10 FEET TO THE SOUTHEASTERLY LINE OF MISSION AVENUE, 110.00 FEET WIDE, AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID PROLONGATION AND THE WESTERLY LINE OF SAID PARCEL MAP, SOUTH 0°34'43" EAST, 202.33 FEET TO THE SOUTH LINE OF SAID SECTION 8; THENCE ALONG SAID SECTION LINE, SOUTH 88°14'30" EAST, 32.03 FEET; THENCE PARALLEL WITH SAID PROLONGATION AND 32.00 FEET EASTERLY AT RIGHT ANGLES THEREFROM, NORTH 0°34'43" WEST, 196.79 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 30.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 67°33'13", ARC DISTANCE OF 35.37 FEET TO A POINT OF TANGENCY IN THE AFORESAID SOUTHEASTERLY LINE OF MISSION AVENUE; THENCE ALONG SAID SOUTHEASTERLY LINE SOUTH 66°58'30" WEST, 54.69 FEET TO THE TRUE POINT OF BEGINNING.

### PARCEL B:

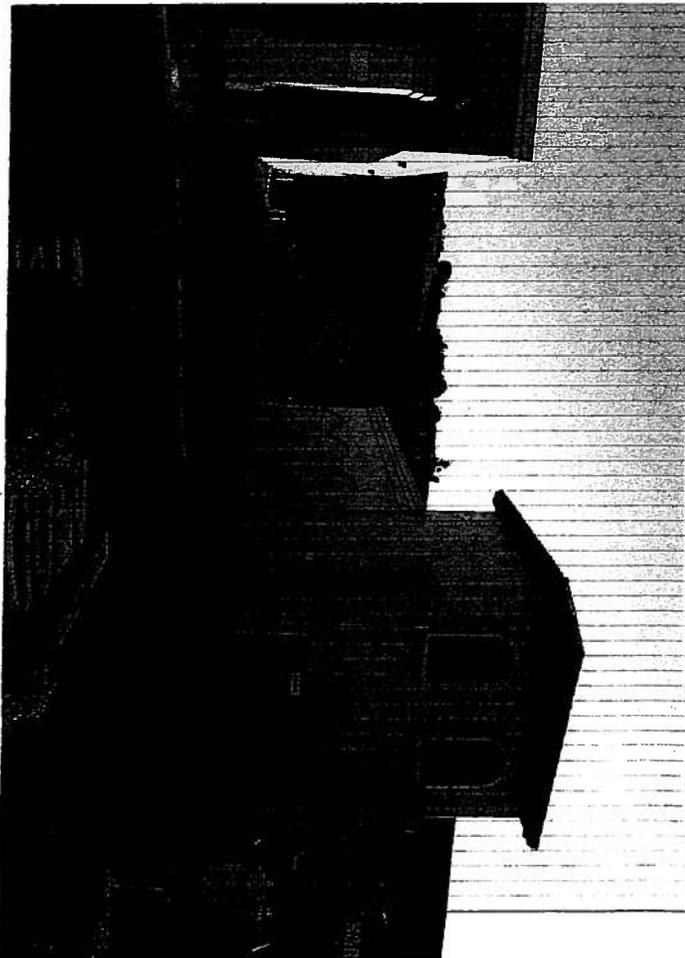
ALL THOSE CERTAIN EASEMENTS DESCRIBED IN ARTICLE II OF THOSE "DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS" RECORDED AUGUST 1, 1984 AS DOCUMENT NO. 84-292831 OF OFFICIAL RECORDS, AND THE AGREEMENT AND FIRST AMENDMENT THERETO, RECORDED FEBRUARY 24, 1987 AS DOCUMENT NO. 87-097535, AND ALSO RECORDED FEBRUARY 25, 1987, AS DOCUMENT NO. 87-100311, AND ALSO THE AGREEMENT AND SECOND AMENDMENT THERETO, RECORDED JULY 18, 1989 AS DOCUMENT NO. 89-377412, ALL OF OFFICIAL RECORDS, OVER, UNDER, THROUGH AND ACROSS THE COMMON AREA AS SET OUT IN SECTION 1.01 OF SAID FIRST AMENDMENT AN SECOND AMENDMENT.

(APN: 158-052-12 & 13

**GOODWILL**  
DONATION CENTER

**PLEASE PULL  
FORWARD**

**\*ASSISTANCE  
PROVIDED IN ORDER  
OF ARRIVAL\***



# GOODWILL

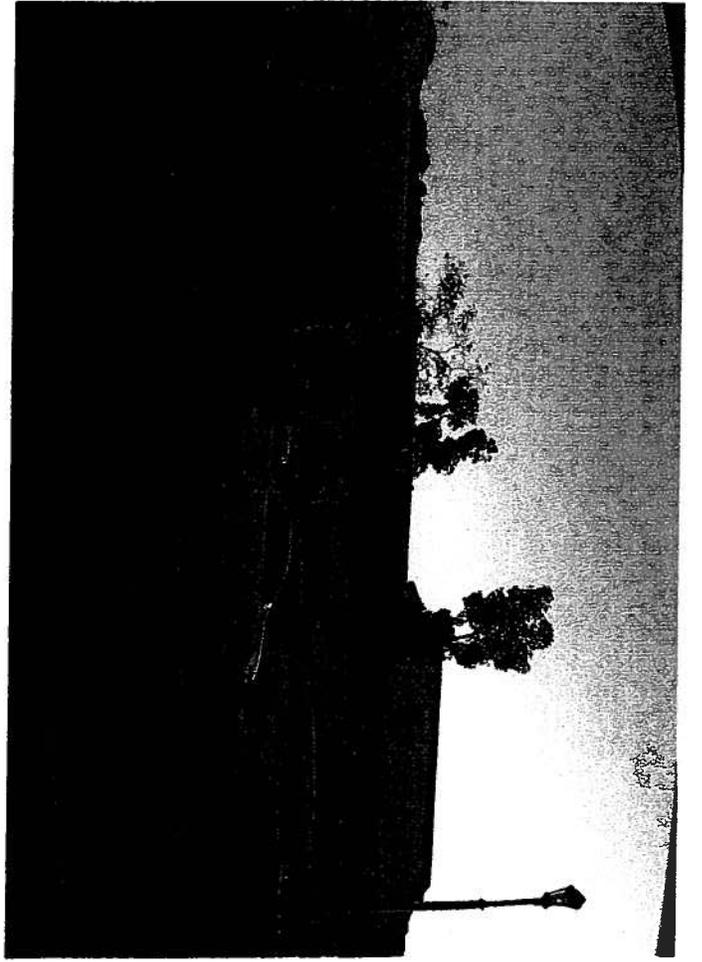
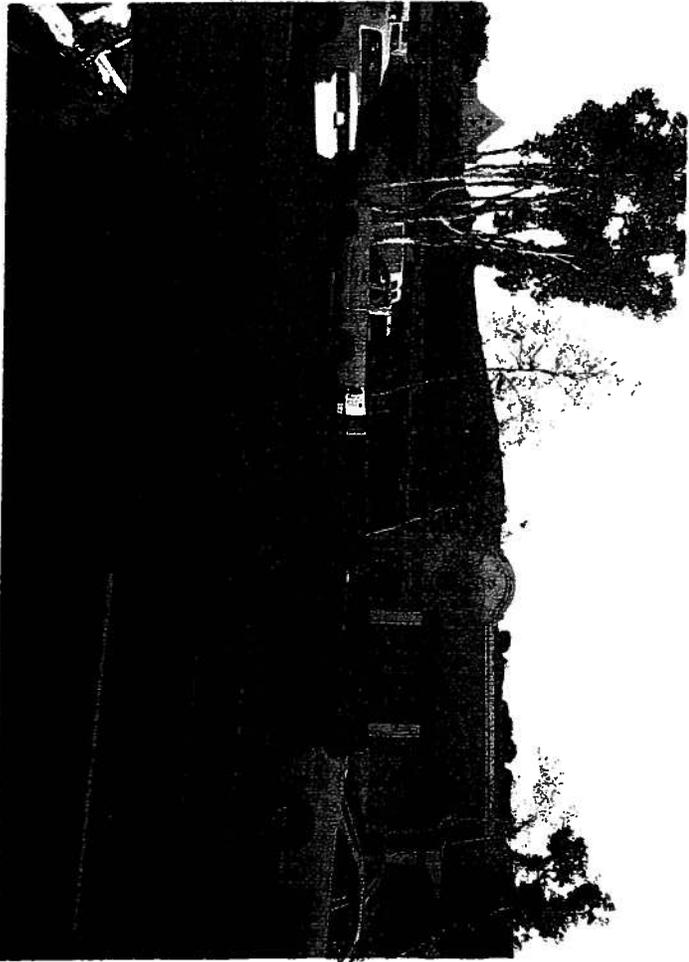
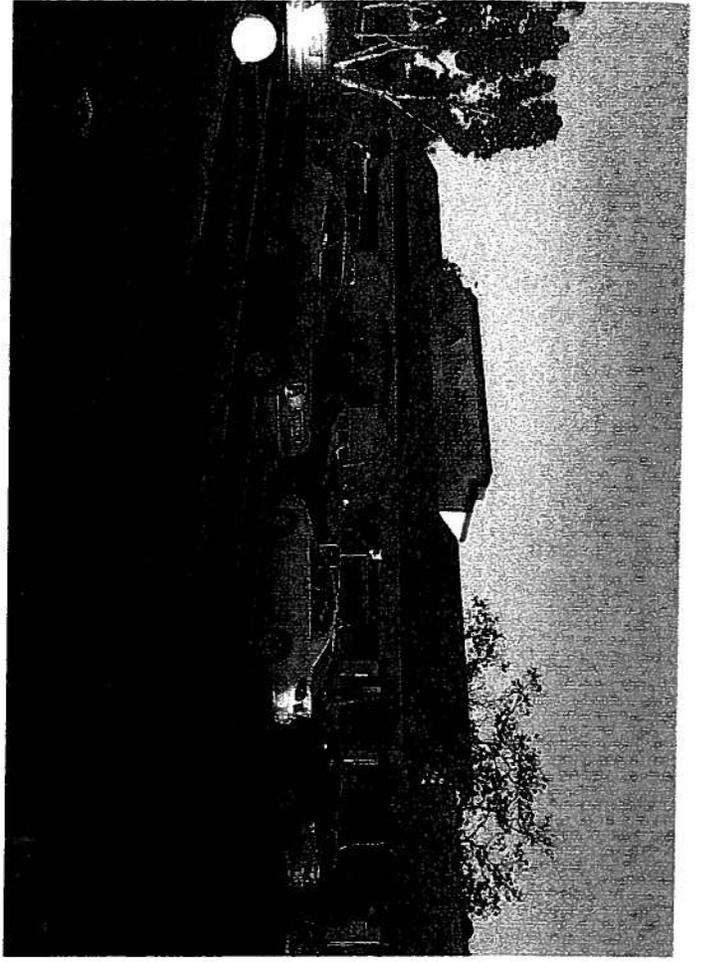
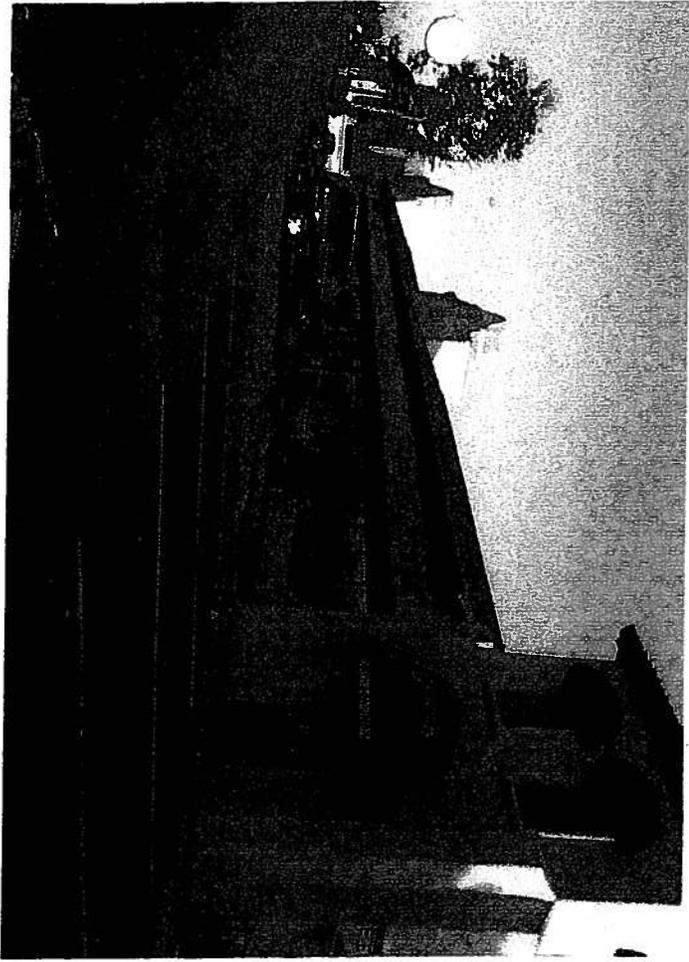
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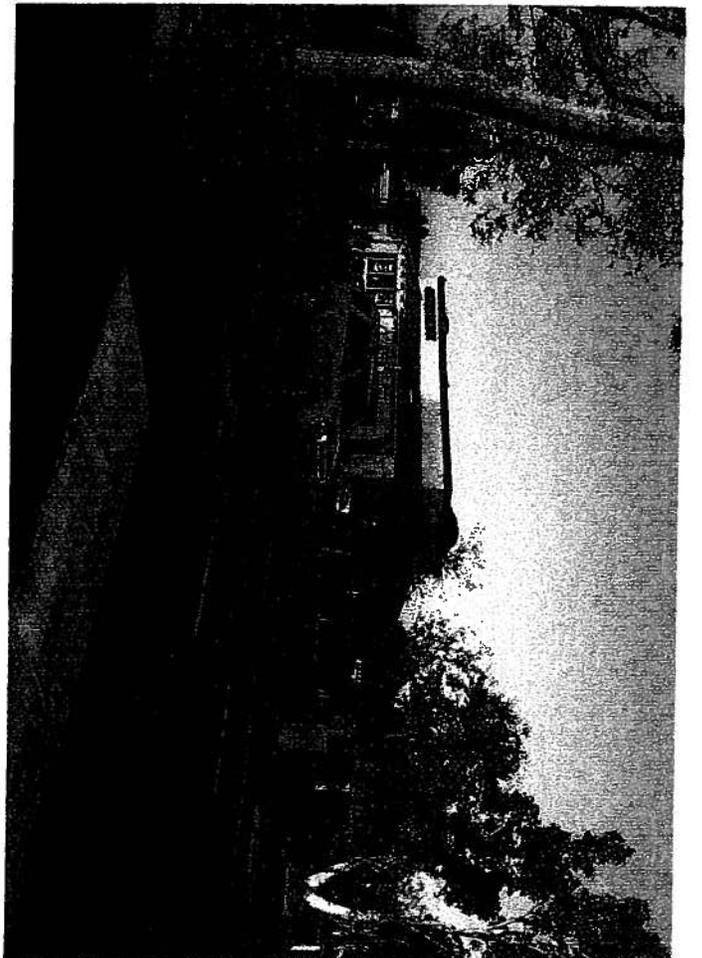
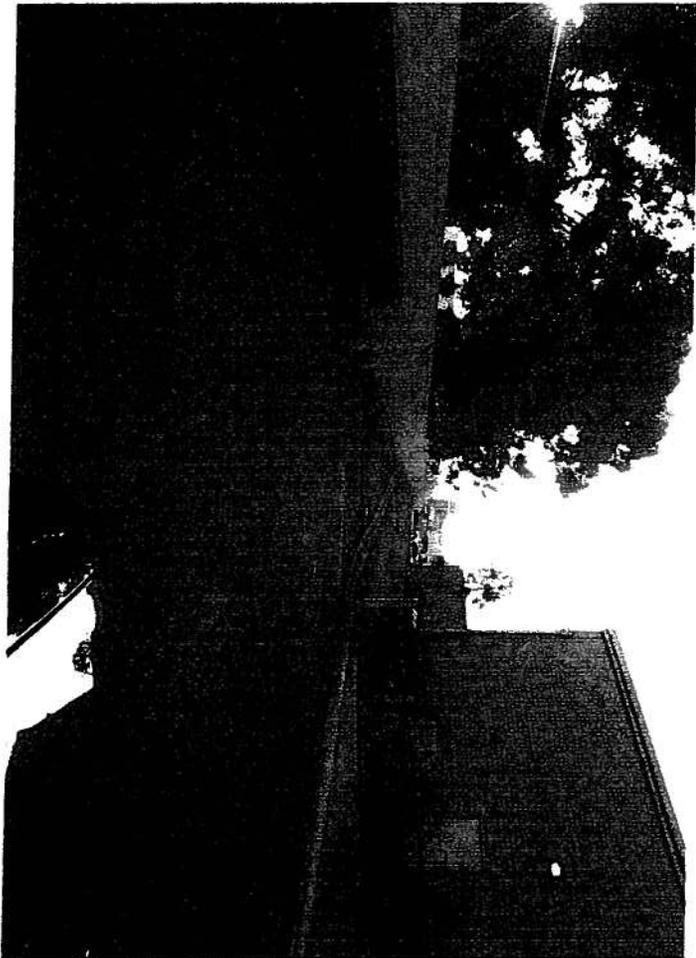
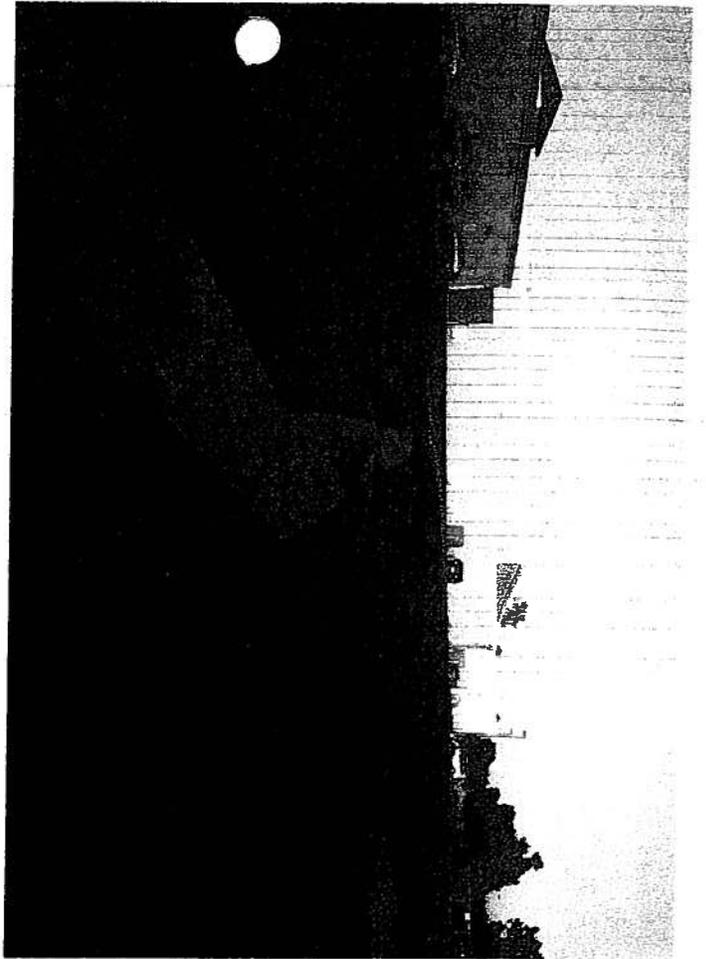
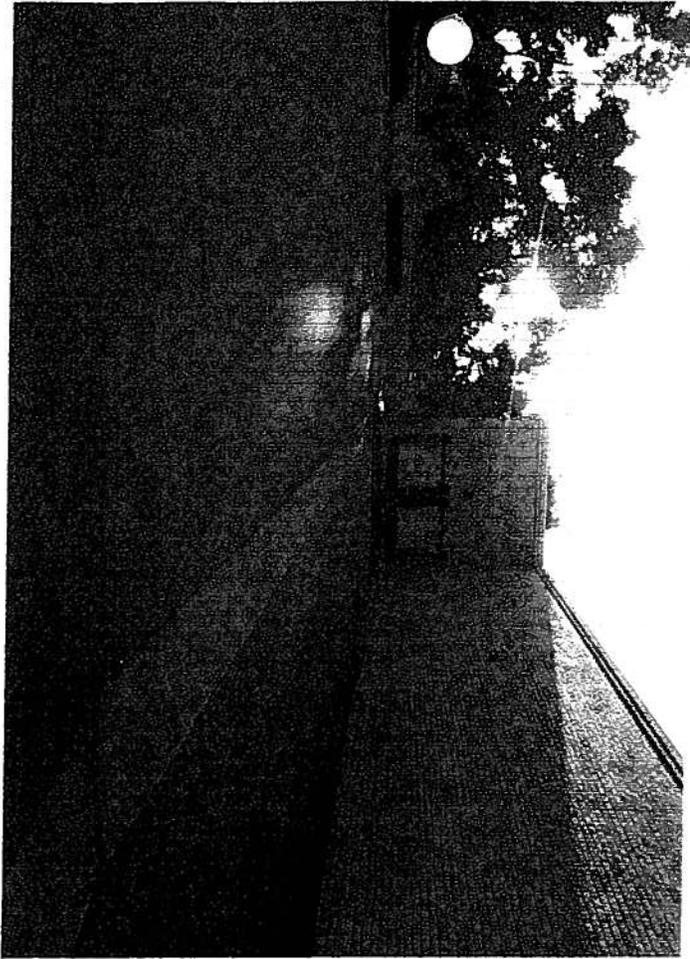
*Getting People Jobs*

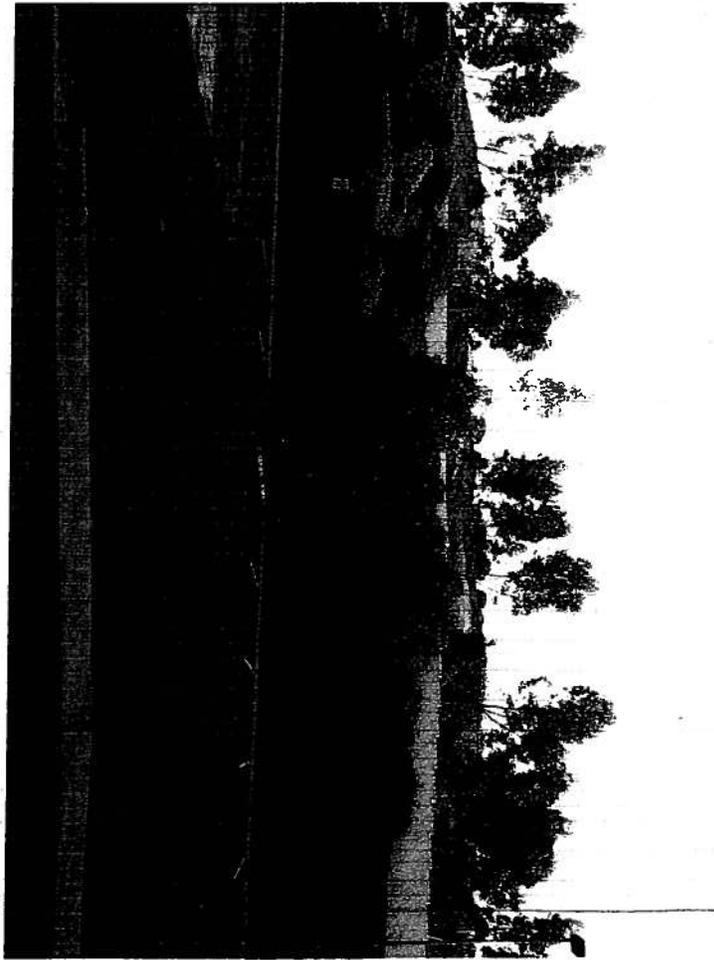
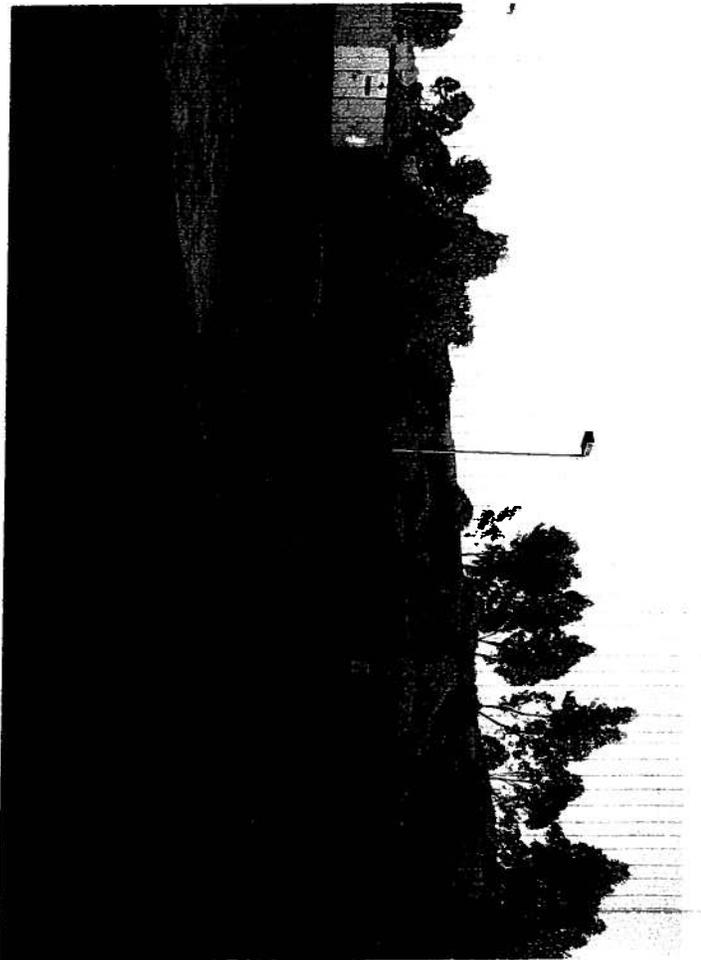
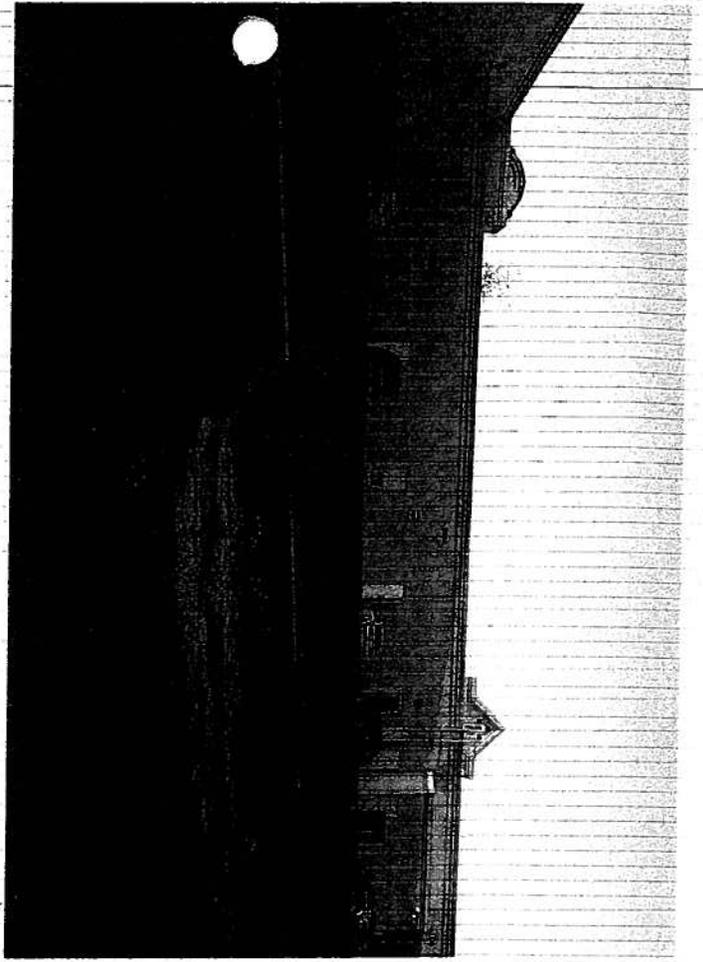
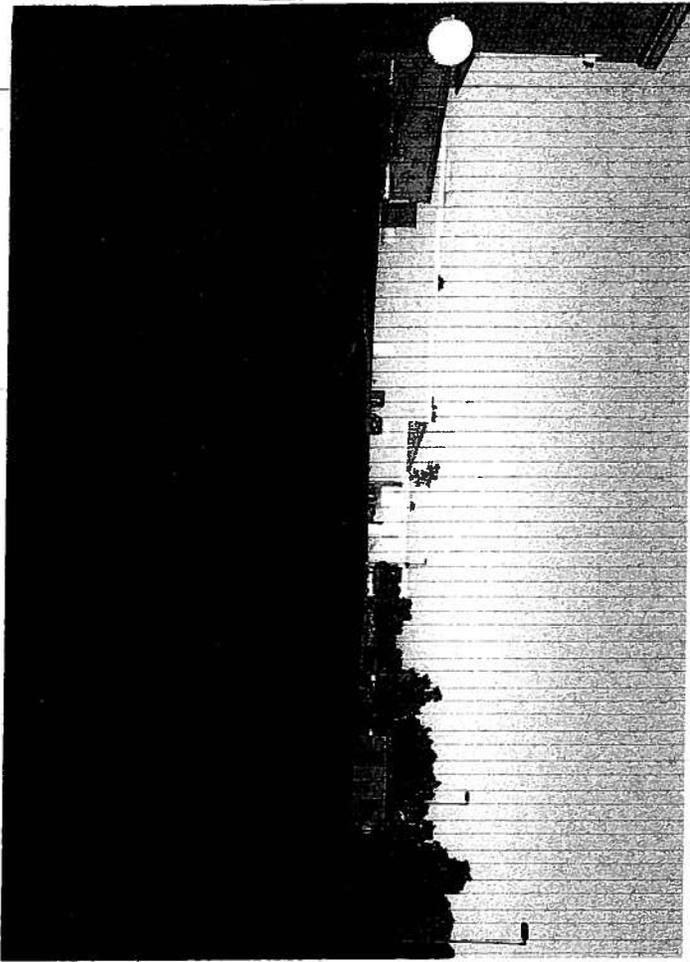
sdgoodwill.org ■ 888.446.6394 ■

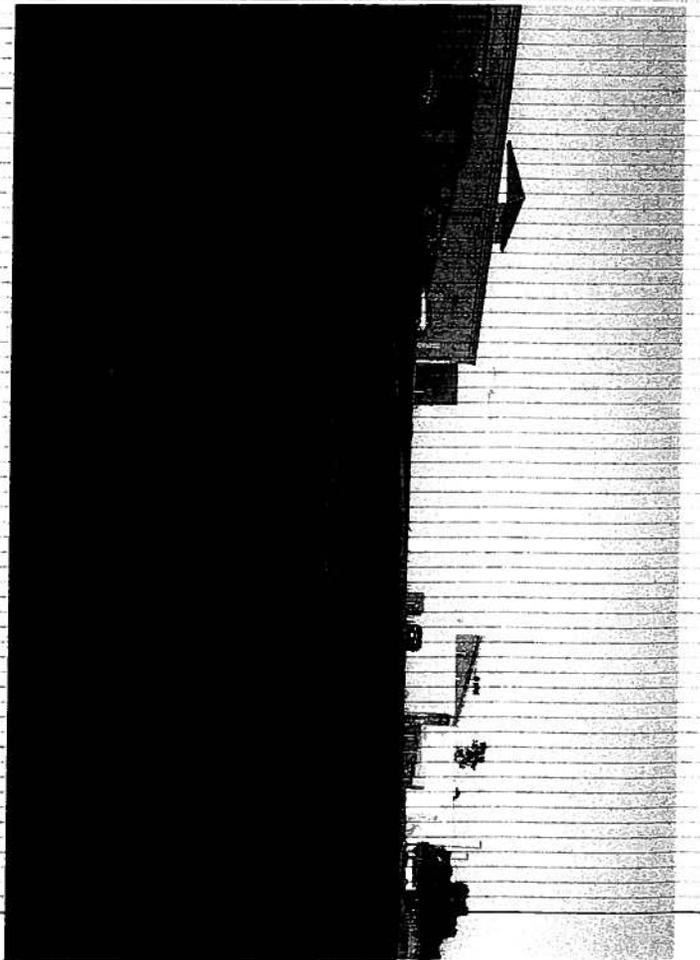
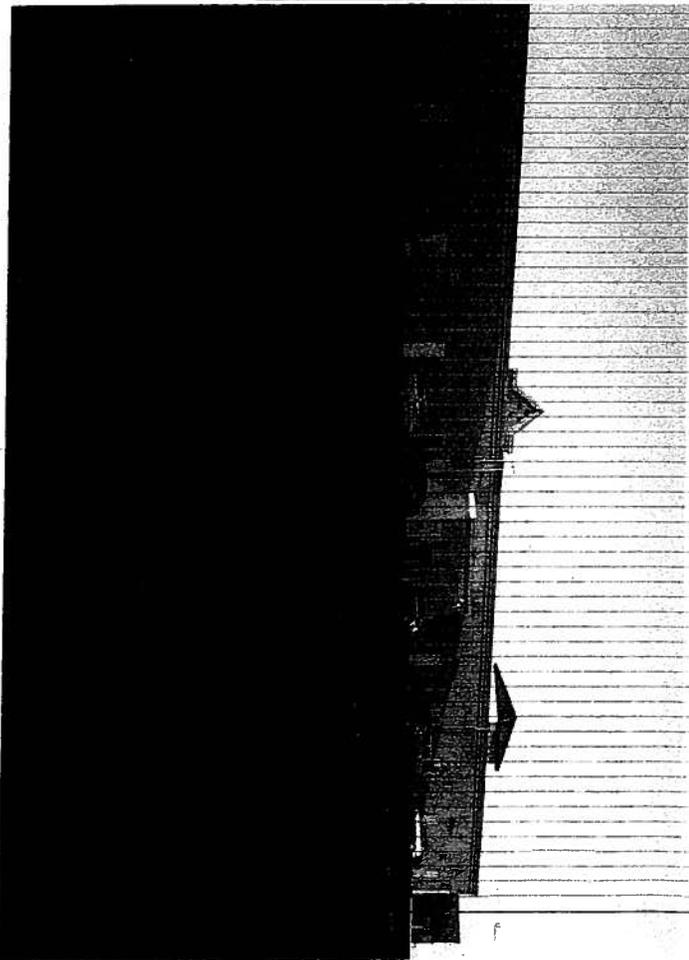
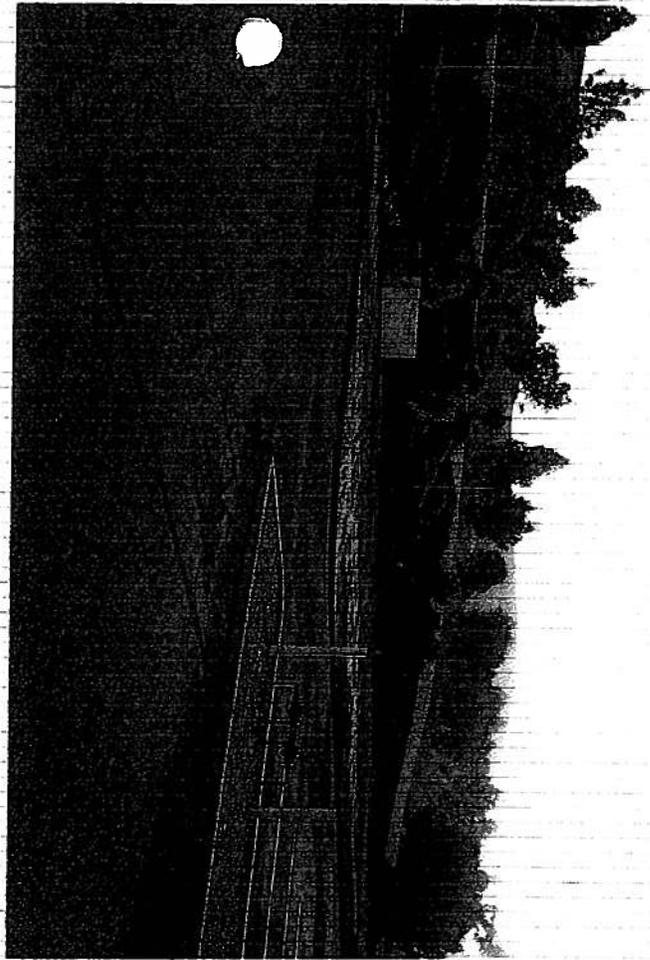
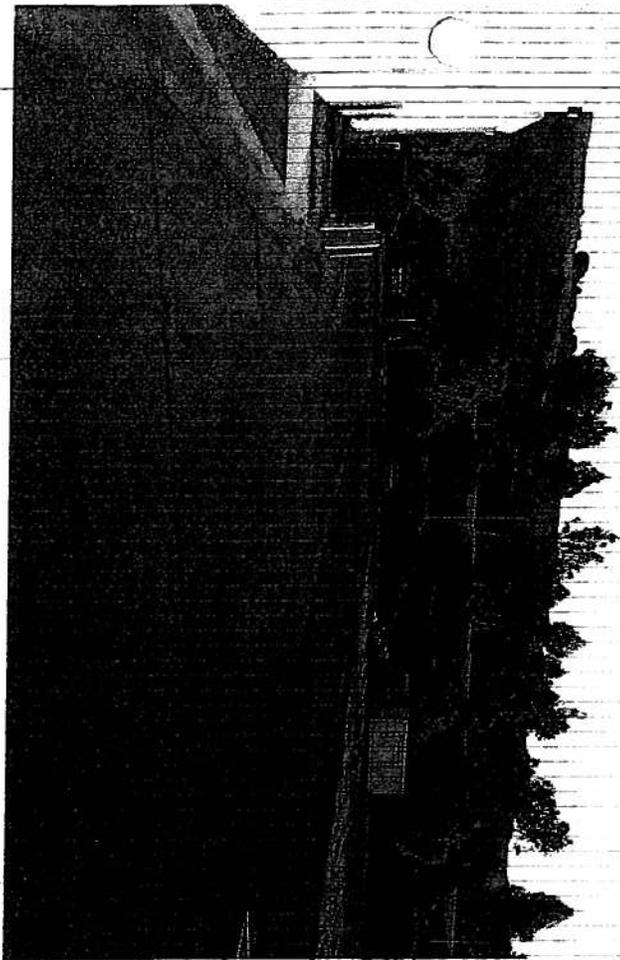
 shopgoodwill.com











## PARKING ANALYSIS - GOODWILL MISSION DOUGLAS

EXISTING RESTAURANT SF:	6,990 SF @ 1SP / 50 SF =	140 SPACES
EXISTING RETAIL < 5,000 SF:	51,507 SF @ 1SP / 250 SF =	206 SPACES
EXISTING RETAIL > 5,000 SF:	19,547 SF @ 1SP / 200 SF =	98 SPACES
<hr/>		
TOTAL REQUIRED PARKING:		444 SPACES

EXISTING PARKING:	430 SPACES	
EXISTING ACCESSIBLE PARKING:	15 SPACES	
<hr/>		
EXISTING TOTAL PARKING:	445 SPACES	

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2011-P04

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

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6 APPLICATION NO: D10-00012, CUP10-00038  
7 APPLICANT: Mission Douglas Investments LLC.  
8 LOCATION: 3925 Mission Ave.

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

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

15 to allow a retail store and donation center for secondhand merchandise sales within an  
16 existing 7,755-square foot commercial building located at 3925 Mission Avenue;  
17 on certain real property described in the project description.

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 14th day  
19 of February 2011, conduct a duly advertised public hearing as prescribed by law to consider said  
20 application.

21 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
22 Guidelines thereto; this project is not subject to CEQA per Article 19 Section 15332 and therefore,  
23 the project is exempt from CEQA;

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

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

28 //////////////

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1 FINDINGS:

2 For the Development Plan to allow the construction and placement of storage bins and delivery  
3 trucks at the rear of an existing commercial building association with the Goodwill Industries  
4 use:

- 5 1. The site plan and physical design of the project is consistent with the purposes of the  
6 Zoning Ordinance. The proposed structures and site improvements, as conditioned, will  
7 be consistent with the underlying Special Commercial Limited with a Historic Overlay  
8 District (CS-L-H) zoning designation development standard, including lot coverage,  
9 floor/area ratio, building height and setbacks.
- 10 2. The Development Plan conforms to the General Plan of the City. The project is located  
11 within an existing commercial center and is consistent with the underlying Special  
12 Commercial (SC) General Plan designation. The subject development and land use  
13 complements its context, therefore it complies with General Plan objectives and policies  
14 which encourage preservation and provision of services in aesthetic, people oriented  
15 associations that are compatible and organized to surrounding land uses.
- 16 3. The project site can be adequately served by existing public facilities, services and  
17 utilities. The subject development involves the use of five existing commercial suites  
18 within an existing commercial center and all necessary utility infrastructures to serve the  
19 project are available on-site.
- 20 4. The project is compatible with existing and potential development on adjoining  
21 commercial properties and the surrounding neighborhood. The new storage bins and  
22 site improvements will be place at the rear of the building and will not negatively impact  
23 views from adjoining streets.

24 For the Conditional Use Permit to allow the establishment and operation of a secondhand retail  
25 store and distribution facility within an existing commercial building with associated on-site  
26 storage bins and delivery trucks at the rear of the building:

- 27 1. The location of the proposed secondhand retail facility is in accord with the objectives of  
28 the Zoning Ordinance and the purposes of the underlying Special Commercial Limited  
(CS-L-H) district. Second hand retail sales with an associated distribution and donation  
area of merchandise within an existing commercial building over 5,000-square feet is

1 permitted within the Special Commercial district and subject to approval of a conditional  
2 use permit.

3 2. The location for the use and conditions under which it will be operated are consistent with  
4 the General Plan, will not be detrimental to public health, safety or welfare of persons  
5 residing or working in or adjacent to the neighborhood; and will not be detrimental to  
6 properties or improvements in the vicinity or to the general welfare of the City.

7 3. The proposed conditional use is subject to compliance with Zoning Ordinance provisions,  
8 specific conditions of project approval and additional regulations/licensing as deemed  
9 necessary by other regulatory or permit authorities.

10 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
11 approve Development Plan (D10-00012) and Conditional Use Permit (CUP10-00038) subject to  
12 the following conditions:

13 **Building:**

14 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
15 Building Division plan check.

16 2. Exterior lighting shall comply with the Palomar Dark Sky Ordinance. All exterior  
17 lighting must be shielded.

18 3. Construction hours shall be limited to Monday through Friday 7:00 a.m. to 6:00 p.m.

19 **Engineering:**

20 4. Design and construction of all improvements shall be in accordance with the City of  
21 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard  
22 engineering and specifications of the City of Oceanside and subject to approval by the  
23 City Engineer.

24 5. Where proposed off-site improvements, including but not limited to utility facilities, and  
25 drainage facilities, are to be constructed, the owner/developer shall, at his own expense,  
26 obtain all necessary easements or other interests in real property and shall dedicate the  
27 same to the City of Oceanside as required. The owner/developer shall provide  
28 documentary proof satisfactory to the City of Oceanside that such easements or other  
interest in real property have been obtained prior to issuance of any grading permit for the  
development.

1 6. Prior to the issuance of a grading permit, the owner/developer shall notify and host a  
2 neighborhood meeting with all of the area residents located within 300 feet of the project  
3 site, to inform them of the grading and construction schedule, and to answer questions.

4 7. The owner/developer shall monitor, supervise and control all construction and  
5 construction-supportive activities, so as to prevent these activities from causing a public  
6 nuisance, including but not limited to, insuring strict adherence to the following:

7 a) Dirt, debris and other construction material shall not be deposited on any public  
8 street or within the City's stormwater conveyance system.

9 b) All grading and related site preparation and construction activities shall be  
10 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No  
11 engineering related construction activities shall be conducted on Saturdays,  
12 Sundays or legal holidays unless written permission is granted by the City Engineer  
13 with specific limitations to the working hours and types of permitted  
14 operations. All on-site construction staging areas shall be as far as possible  
15 (minimum 100 feet) from any existing residential development. Because  
16 construction noise may still be intrusive in the evening or on holidays, the City  
17 of Oceanside Noise Ordinance also prohibits "any disturbing excessive or  
18 offensive noise which causes discomfort or annoyance to reasonable persons of  
19 normal sensitivity".

20 c) The construction site shall accommodate the parking of all motor vehicles used by  
21 persons working at or providing deliveries to the site. An alternate parking site can  
22 be considered by the City Engineer in the event that the lot size is too small and  
23 cannot accommodate parking of all motor vehicles.

24 d) The owner/developer shall complete a haul route permit application (if required  
25 for import/export of dirt) and submit to the City of Oceanside Engineering  
26 Division 48 hours in advance of beginning of work. Hauling operations (if  
27 required) shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise.

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- 1 8. The owner/developer shall obtain any necessary permits and clearances from all public  
2 agencies having jurisdiction over the project due to its type, size, or location, including but  
3 not limited to the U. S. Army Corps of Engineers, California Department of Fish & Game,  
4 U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board  
5 (including NPDES), San Diego County Health Department, prior to the issuance of grading  
6 permits.
- 7 9. This project shall provide year-round erosion control including measures for the site  
8 required for the phasing of grading. Prior to the issuance of grading permit, an erosion  
9 control plan, designed for all proposed stages of construction, shall be reviewed, secured by  
10 the owner/developer with cash securities and approved by the City Engineer.
- 11 10. A precise grading and private improvement plan shall be prepared, reviewed, secured and  
12 approved prior to the issuance of any building permits. The plan shall reflect all pavement,  
13 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage,  
14 footprints of all structures, walls, drainage devices and utility services. Parking lot striping  
15 and any on-site traffic calming devices shall be shown on all precise grading and private  
16 improvement plans. The geotechnical report shall be updated and submitted with the  
17 precise grading plan for the City approval.
- 18 11. The drainage design on the development plan is conceptual only. The final design shall be  
19 approved by the City Engineer during final engineering. All drainage picked up in an  
20 underground system shall remain underground until it is discharged into an approved  
21 channel, or as otherwise approved by the City Engineer. All storm drain easements shall  
22 be dedicated where required. The owner/developer shall be responsible for obtaining any  
23 off-site easements for storm drainage facilities.
- 24 12. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed  
25 of in accordance with all state and federal requirements, prior to stormwater discharge  
26 either off-site or into the City drainage system.
- 27 13. A Storm Water Mitigation Plan (SWMP) shall be prepared by the owner/developer's  
28 Civil Engineer and submitted to the City for approval. Owner/developer shall provide a  
copy of the title/cover page of an approved SWMP with the first engineering submittal  
package. All Stormwater documents shall be in compliance with the latest edition of  
submission requirements.

1 14. Following approval of the Storm Water Mitigation Plan (SWMP) by the City Engineer  
2 and prior to issuance of grading permits, the owner/developer shall submit and obtain  
3 approval of an Operation & Maintenance (O&M) Plan, prepared to the satisfaction of  
4 the City Engineer. The O&M Plan shall include an approved and executed Maintenance  
5 Mechanism pursuant to Section 5 of the Standard Urban Storm Water Mitigation Plan  
6 (SUSMP). The O&M shall satisfy the minimum Maintenance Requirements pursuant to  
7 Section 5 of the SUSMP. At a minimum the O&M Plan shall include the designated  
8 responsible party to manage the stormwater BMP(s), employee training program and  
9 duties, operating schedule, maintenance frequency, routine service schedule, specific  
10 maintenance activities, copies of resource agency permits, cost estimate for  
11 implementation of the O&M Plan, a non-refundable cash (or certificate of deposit  
12 payable to the City), or an irrevocable, City-Standard Letter of Credit security to provide  
13 maintenance funding in the event of noncompliance to the O&M Plan, and any other  
14 necessary elements. The owner/developer shall provide the City with access to site for  
15 the purpose of BMP inspection and maintenance by entering into an Access Rights  
16 Agreement with the City. The owner/developer shall complete and maintain O&M  
17 forms to document all operation, inspection, and maintenance activities. The  
18 owner/developer shall retain records for a minimum of 5 years. The records shall be  
19 made available to the City upon request.

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

- 1 16. At a minimum, maintenance agreements shall require the staff training, inspection and  
2 maintenance of all BMPs on an annual basis. The owner/developer shall complete and  
3 maintain O&M forms to document all maintenance activities. Parties responsible for the  
4 O&M plan shall retain records at the subject property for at least 5 years. These  
5 documents shall be made available to the City for inspection upon request at any time.
- 6 17. The Agreement shall include a copy of executed on-site and off-site access easement and  
7 or access rights necessary for the operation and maintenance of BMPs that shall be  
8 binding on the land throughout the life of the project to the benefit of the party  
9 responsible for the O&M of BMPs, satisfactory to the City Engineer. The agreement  
10 shall also include a copy of the O&M Plan approved by the City Engineer.
- 11 18. The BMPs described in the project's approved SWMP shall not be altered in any way,  
12 unless reviewed and approved to the satisfaction of the City Engineer. The  
13 determination of whatever action is required for changes to a project's approved SWMP  
14 shall be made by the City Engineer.
- 15 19. In the event that the conceptual plan does not match the conditions of approval, the  
16 resolution of approval shall govern.

17 **Fire:**

- 18 20. Fire Department requirements shall be placed on plans in the notes section.
- 19 21. Plans shall be submitted to the Fire Prevention Bureau for plan check review and  
20 approval prior to the issuance of building permits.
- 21 22. Buildings shall comply with City of Oceanside's Fire Department codes in effect at the  
22 time of building permit application.

23 **Planning:**

- 24 23. This Development Plan (D10-00012) and Conditional Use Permit (CUP10-00038) shall  
25 expire on February 14, 2014, unless implemented as required by the Zoning Ordinance.
- 26 24. This Development Plan and Conditional Use Permit approves secondhand retail sales,  
27 distribution, a donation center, and storage of no more than eight delivery trucks as shown  
28 on the plans and exhibits presented to the Planning Commission for review and approval.  
No deviation from these approved plans and exhibits shall occur without Development  
Services Department/Planning Division approval. Substantial deviations shall require a

1 revision to the Development Plan and Conditional Use Permit or a new Development Plan  
2 and Conditional Use Permit.

3 25. All mechanical rooftop and ground equipment shall be screened from public view as  
4 required by the Zoning Ordinance, on all four sides and top. The roof jacks, mechanical  
5 equipment, screen and vents shall be painted with non-reflective paint to match the roof.  
6 This information shall be shown on the building plans.

7 26. Trash enclosures must be provided as required by Chapter 13 of the City Code and shall  
8 also include additional space for storage and collection of recyclable materials per City  
9 standards. Recycling is required by City Ordinance. This design shall be shown on the  
10 landscape plans and shall be approved by the City Planner.

11 27. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
12 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
13 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
14 annul an approval of the City, concerning Development Plan (D10-00012) and Conditional  
15 Use Permit (CUP10-00038). The City will promptly notify the applicant of any such  
16 claim, action or proceeding against the City and will cooperate fully in the defense. If  
17 the City fails to promptly notify the applicant of any such claim action or proceeding or  
18 fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible  
19 to defend, indemnify or hold harmless the City.

20 28. A covenant or other recordable document approved by the City Attorney shall be prepared  
21 by the applicant and recorded prior to the issuance of a business license. The covenant  
22 shall provide that the property is subject to this resolution, and shall generally list the  
23 conditions of approval.

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

1 30. 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 31. Failure to meet any conditions of approval for this development shall constitute a violation  
6 of the Development Plan and Conditional Use Permit.

7 32. 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 and other materials and information submitted with this  
11 application, unless specifically waived by an adopted condition of approval.

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

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34. All signs shall meet the requirements of the approved Comprehensive Sign Package for the shopping center. Sign plans shall be reviewed and approved by the Planning Division prior to an application for a sign permit.

PASSED AND ADOPTED Resolution No. 2011-P04 on February 14, 2011 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Robert Neal, Chairperson  
Oceanside Planning Commission

ATTEST:

\_\_\_\_\_  
Jerry Hittleman, Secretary

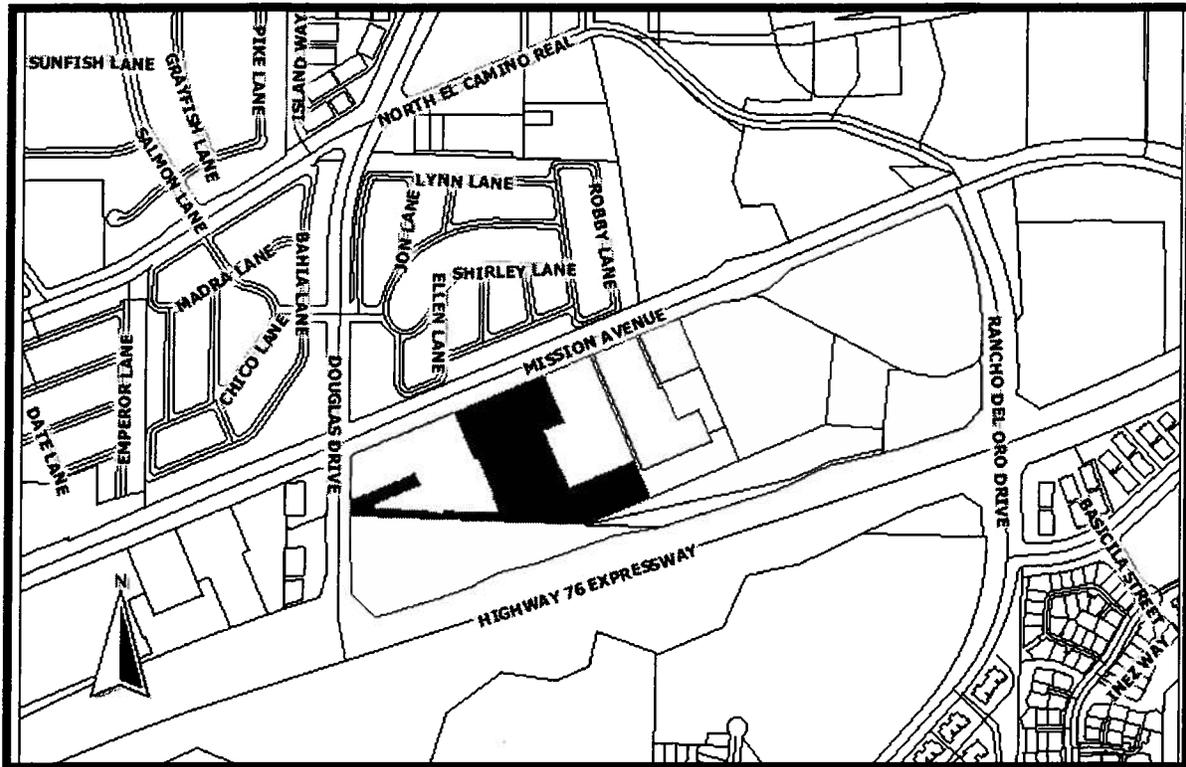
I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2011-P04.

Dated: February 14, 2011

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

\_\_\_\_\_  
Applicant/Representative

\_\_\_\_\_  
Date



**File Numbers: D10-00012 & CUP10-00038**

**Applicant: Mission Douglas Investments**

**Description:**

DEVELOPMENT PLAN (D10-00012) and CONDITIONAL USE PERMIT (CUP10-00038) to allow a retail store and donation center for the sales of second hand merchandise within an existing 7,755-square foot commercial retail suite located within the Mission Douglas Plaza commercial center at 3925 Mission Avenue. The project site has a General Plan Land Use Designation of Special Commercial (SC), is zoned Special Commercial Limited within an Historic Overlay District (SC-L-H), and is situated within the San Luis Rey Neighborhood Planning Area. – **GOODWILL @ MISSION DOUGLAS**

**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

Goodwill @ Mission Douglas



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

**STAFF USE ONLY**

ACCEPTED BY  
 12/3/10  
 SKI  
 DW.

**Please Print or Type All Information**

**PART I - APPLICANT INFORMATION**

1. APPLICANT *Mission Douglas Investments LLC.* 2. STATUS *Owner*  
 3. ADDRESS *2801 W. Coast Hwy. Suite 380 Newport Beach, CA 92663* 4. PHONE/FAX/E-mail *949-646-2900x1 / 949-646-2985 Fax / Claude Yacoe Properties, Corp*  
 5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) *RONNIE ROLLMAN Studio C Architects*  
 6. ADDRESS *6125 Cornerstone Ct. #200 San Diego, CA 92121* 7. PHONE/FAX/E-mail *858-866-0889 / 858-866-0868 Fax / mark@studioc.cc*

HEARING  
 GPA  
 MASTER/SP.PLAN  
 ZONE CH.  
 TENT. MAP  
 PAR. MAP  
 DEV. PL. *D10-00012*  
 C.U.P. *CUP10-00038*  
 VARIANCE  
 COASTAL  
 O.H.P.A.C.

**PART II - PROPERTY DESCRIPTION**

8. LOCATION *3935 Mission Avenue, 3925 Oceanside, CA 92054* 9. SIZE *Proposed Goodwill store of 7,755 sq.ft. in existing center.*  
 10. GENERAL PLAN *Commercial* 11. ZONING *CS-L-H* 12. LAND USE *Shopping center* 13. ASSESSOR'S PARCEL NUMBER *158-052-123*

**PART III - PROJECT DESCRIPTION**

14. GENERAL PROJECT DESCRIPTION *Administrative CUP to approve a Goodwill store of approx 7,755 sq.ft. in an existing shopping center called Mission Douglas Plaza.*

15. PROPOSED GENERAL PLAN *N/A* 16. PROPOSED ZONING *N/A* 17. PROPOSED LAND USE *No Change* 18. NO. UNITS *approx 21* 19. DENSITY *existing retail stores.*  
 20. BUILDING SIZE *82,269* 21. PARKING SPACES *445* 22. % LANDSCAPE 23. % LOT COVERAGE OR FAR

**PART IV - ATTACHMENTS**

✓ 24. DESCRIPTION/JUSTIFICATION ✓ 25. LEGAL DESCRIPTION ✓ 26. TITLE REPORT *Grant Deed*  
 ✓ 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): *RONNIE ROLLMAN* 34. DATE *12/3/10* 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: *Ronnie Rollman* 35. OWNER (Print) *Claude Yacoe* 36. DATE *11-16-10*  
 Sign: *Claude Yacoe*

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

For: Mission Douglas Investments, LLC.

## **Project Description and Justification**

**Re: Proposed Goodwill Store of 7,755 square feet at  
Mission Douglas Plaza: 3935 Mission Avenue, Oceanside  
Applicant: Mission Douglas Investments, LLC.**

**Project Description:** Mission Douglas Plaza is an existing 82,269 square foot shopping center located at 3905–3935 Mission Avenue at Douglas Drive. Mission Douglas Plaza is anchored by an Albertson's grocery store and includes such tenants as Coco's, Jack in the Box, and Valero.

This Application is for a Conditional Use Permit to allow Goodwill Industries of San Diego to occupy approximately 7,755 square feet of existing shop space on the east side of Albertson's. The proposed location is comprised of 5 existing retail spaces which will be combined by removing non-structural demising walls. Goodwill will occupy a 7,755 sq.ft. portion of a 15,515 sq.ft. retail building located at 3935 Mission Avenue. No new building area or changes to the elevation of the building are proposed. No changes to landscaping, parking, or drive aisles are proposed.

Behind the proposed Goodwill building (see site plan) is an undeveloped portion of the rear parking lot which is approximately 19,500 sf of vacant land separated from the existing parking, loading, and drive aisles by a 6" asphalt curb. Goodwill proposes to enclose this rear lot with a screened fence and use the area to store approximately six (6) 20' x 8' enclosed drop off bins and for overnight storage of approximately 5 to 8 trucks of approx. 30' in length. The attached plan depicts the proposed dedicated truck parking area (which is less than 5,000 feet) and the proposed donation bin area (which is separately fenced)

Standard Development SWMP Plan provisions: Goodwill proposes to separately enclose no more than 5,000 sf to create a self contained drainage area with gravel base for overnight parking of company trucks while leaving the remaining area undisturbed for donation bin storage. No truck parking will occur on the undisturbed area. There are no site line or visibility concerns created by using the rear lot.

**Justification:** The existing General Plan designation, Zoning, and Land Use are all consistent with the proposed Goodwill store. No new building area or elevation changes are proposed. No decrease in parking or landscaping is proposed. Goodwill will occupy vacant space, and the property owner will relocate existing businesses which are viable to other vacant space within the shopping center, thereby enabling the owner to substantially increase the overall occupancy. The Goodwill store will also draw new customers to the center which will improve the sales of the existing retail stores. Goodwill will be a valuable addition to Oceanside by providing quality employment opportunities for the handicapped and disabled; excellent values to customers for clothing and household accessories; as well as a donation facility for the community to support this quality charity.

**Tenant's Proposed Use:** The store shall be used and occupied for the operation of a Goodwill retail store and donation center for the retail sale of second hand merchandise including clothing, household accessories, books, antiques, and other items typically sold in a Goodwill retail store as well as for the collection of donations of used merchandise. The rear lot will be used for donation bins and overnight storage of Goodwill trucks that shall serve the north San Diego County community for donation pickups. All drop off bins will be manned during store hours and signs will be posted stating: no after hours donations accepted. Goodwill will not service any trucks or vehicles on the rear lot.

Goodwill will have directional signage to designated drop off area in rear of building. All donations will be received through the rear door during store hours between 9am and 8pm. In addition, all Goodwill stores are serviced after hours by a roaming goods collection vehicle. In the event goods are left near the store after hours, they will be picked up prior to any of the other stores in the shopping center opening for business.

# EXHIBIT A

19620

Page 1

Order No. 33030730

## DESCRIPTION

### PARCEL A:

PARCEL 2 OF PARCEL MAP 13389, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 26, 1984.

EXCEPTING THEREFROM THAT CERTAIN PROPERTY AS CONVEYED TO THE CITY OF OCEANSIDE, BY DEED RECORDED JULY 7, 1988 AS FILE NO. 88-329729, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE B-2 LINE OF MISSION AVENUE, (STATE HWY, 76) AT ITS INTERSECTION WITH THE CENTERLINE OF DOUGLAS DRIVE, AS SHOWN ON CALIFORNIA DIVISION OF HIGHWAYS MONUMENT MAP NO. 672; THENCE ALONG THE SOUTHERLY PROLONGATION OF THE CENTERLINE OF DOUGLAS DRIVE, SOUTH  $0^{\circ}34'43''$  EAST, 54.10 FEET TO THE SOUTHEASTERLY LINE OF MISSION AVENUE, 110.00 FEET WIDE, AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID PROLONGATION AND THE WESTERLY LINE OF SAID PARCEL MAP, SOUTH  $0^{\circ}34'43''$  EAST, 202.33 FEET TO THE SOUTH LINE OF SAID SECTION 8; THENCE ALONG SAID SECTION LINE, SOUTH  $88^{\circ}14'30''$  EAST, 32.03 FEET; THENCE PARALLEL WITH SAID PROLONGATION AND 32.00 FEET EASTERLY AT RIGHT ANGLES THEREFROM, NORTH  $0^{\circ}34'43''$  WEST, 196.79 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 30.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $67^{\circ}33'13''$ , ARC DISTANCE OF 35.37 FEET TO A POINT OF TANGENCY IN THE AFORESAID SOUTHEASTERLY LINE OF MISSION AVENUE; THENCE ALONG SAID SOUTHEASTERLY LINE SOUTH  $66^{\circ}58'30''$  WEST, 54.69 FEET TO THE TRUE POINT OF BEGINNING.

### PARCEL B:

ALL THOSE CERTAIN EASEMENTS DESCRIBED IN ARTICLE II OF THOSE "DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS" RECORDED AUGUST 1, 1984 AS DOCUMENT NO. 84-292831 OF OFFICIAL RECORDS, AND THE AGREEMENT AND FIRST AMENDMENT THERETO, RECORDED FEBRUARY 24, 1987 AS DOCUMENT NO. 87-097535, AND ALSO RECORDED FEBRUARY 25, 1987, AS DOCUMENT NO. 87-100311, AND ALSO THE AGREEMENT AND SECOND AMENDMENT THERETO, RECORDED JULY 18, 1989 AS DOCUMENT NO. 89-377412, ALL OF OFFICIAL RECORDS, OVER, UNDER, THROUGH AND ACROSS THE COMMON AREA AS SET OUT IN SECTION 1.01 OF SAID FIRST AMENDMENT AN SECOND AMENDMENT.

(APN: 158-052-12 & 13



## NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:  
Removal:  
(180 days)

1. **APPLICANT:** Mission Douglas Investments LLC.
2. **ADDRESS:** 2801 W. Coast Hwy. Suite 380, Newport Beach, CA. 92663
3. **PHONE NUMBER:** (949) 646-2900 x1
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner
6. **PROJECT TITLE:** D10-00038 & CUP10-00012 Goodwill
7. **DESCRIPTION:** A Development Plan (D10-00038) & Conditional Use Permit (CUP10-00012) to allow a secondhand retail store with distribution center at the rear of the site within an existing commercial building located at 3925 Mission Avenue.

The project site is within an existing shopping center, has a General Plan Land Use Designation of Special Commercial (SC) with a zoning designation of Special Commercial Limited with a Historic Overlay (CS-L-H), and is situated within the San Luis Rey 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: