

AGENDA NO. 4

4

PLANNING COMMISSION



STAFF REPORT

DATE: February 22, 2010

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP09-00014) TO UPGRADE AN EXISTING TYPE 41 ON-SALE BEER AND WINE LICENSE TO A TYPE 47 LICENSE TO ALLOW THE SALE OF DISTILLED SPIRITS WITHIN THE EXISTING MIMI'S CAFÉ RESTAURANT LOCATED AT 2177 VISTA WAY – MIMI'S CAFÉ – APPLICANT: SWH CORPORATION**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

Confirm issuance of Class 1 Categorical Exemption for "Existing Facilities;" and adopt Planning Commission Resolution No. 2010-P08 approving Conditional Use Permit (CUP09-00014) with findings and conditions of approval attached herein.

BACKGROUND AND PROJECT DESCRIPTION

Background: On January 10, 1996 the Planning Commission adopted Ordinance No. 96-P2 establishing the Pacific Coast Plaza commercial center to enable the development of a 441,897-square foot commercial center with retail stores, a gasoline station, and the subject Mimi's Café restaurant.

On December 7, 2009, the Mimi's Café restaurant submitted an application for a Conditional Use Permit to allow for the sale of distilled sprits in association with a bona fide eating and drinking establishment located at 2177 Vista Way.

Site Review: The project site is located within the Pacific Coast Plaza commercial center at 2177 Vista Way within the Fire Mountain Neighborhood. The project site is 74,052 square feet (1.70 acres) and is bounded by Highway 78 and Vista Way. The subject site has a General Plan Land Use Designation of Special Commercial (SC) and is zoned Special Commercial Highway Orientated (CS-HO). Surrounding land uses adjacent to the site include commercial retail uses to the northeast and Highway 78 to the southwest.

Project Description: The application is comprised of one component; a Conditional Use Permit, as follows:

Conditional Use Permit CUP09-00012 represents a request for the following:

- (a) To allow the use of full alcohol in association with an existing beer and wine permit at a bona fide eating and drinking establishment pursuant to the Use classification table specified the City of Oceanside's Zoning Ordinance Section 1120.

The proposed sales of alcohol in conjunction with the eating and drinking establishment is proposed within this existing 6,550-square foot sit down restaurant. The interior occupancy allows approximately 200 patrons within the restaurant, and the proposed sales of distilled sprits and alcohol would not require any interior revisions to the existing restaurant. The hours-of-operation would be 7:00 a.m. to 11:00 p.m. daily, and the hours-of-operation would not be altered by this application.

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

1. General Plan
2. Zoning Ordinance
3. Land Use Compatibility
4. CEQA

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designation on the subject property is Special Commercial (SC). The proposed project is consistent with this designation and 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.

Section 1.1 Community Values

Objective: To ensure the enhancement of long term community and neighborhood values through effective land use planning.

Policy B: Land uses shall not significantly distract from nor negatively impact surrounding conforming land uses.

Section 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 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 proposed Conditional Use Permit for the sales of alcohol and distilled sprits in conjunction with an existing sit down restaurant has been conditioned to ensure that the use would be consistent with the General Plan, and compatible with the surrounding neighborhood. The alcohol sales would not cause the operation to be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas. The sale of alcohol would be consistent with the hours-of-operation when food is served. The project has been conditioned to ensure that sales of alcohol cannot exceed the quarterly sale of food, in compliance with the State Department of Alcohol Beverage Control (ABC) license requires.

Section 1.15 Public Safety

Objective: To ensure an acceptable level of public safety for the prevention and reduction of loss of life and personal property of the citizens and visitors of Oceanside.

Policy A: The City shall continually evaluate the acceptable level of risk to the public health, safety, and general welfare, and adjust policies accordingly.

The proposed use is subject to and must comply with specific local conditions and additional regulations as deemed necessary by other regulatory or permit authorities. The approval does not relieve the applicant from an obligation to obtain an alcohol license from ABC. Any license and permit conditions imposed by the ABC and the City Police Chief shall be in addition to the conditions of approval for this Conditional Use Permit and the most restrictive conditions shall apply.

2. Zoning Ordinance Compliance

Article 11, Section 1120

The proposed alcohol and distilled sprits sales would be within the confines of an existing sit down restaurant within the Pacific Coast Plaza. The project complies with all Zoning Ordinance requirements for set backs, building height, lot coverage, landscaping

and parking. Zoning Ordinance Section 1120 permits eating and drinking establishments with full alcoholic beverage services, with the approval of a Conditional Use Permit. This project complies with Section 1120 requirements.

DISCUSSION

The following table identifies land uses on adjacent properties:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	SC	CS-HO	Commercial Retail (Restaurant)
North	NA	NA	Highway 78 & The City of Carlsbad
East	SC	CS-HO	Commercial Retail (Retail Sales)
South	SC	CS-HO	Commercial Retail (Eating and Drinking restaurant)
West	SC	CS-HO	Commercial Retail (Retail Sales)

As identified in the above table the proposed restaurant with full alcoholic beverage sales located at 2177 Vista Way would be compatible with the surrounding uses. The full alcoholic beverage sales would provide additional economic opportunities to the existing restaurant and the surrounding area. Mimi’s Café has been in operation since 1998, and has not received any complaints or violations for the existing operations of a restaurant and beer and wine sales.

In reviewing this application for full alcoholic beverage sales, staff analyzed the future impacts on adjoining and surrounding land uses. Currently, there are two other restaurants within the Pacific Coast Plaza Commercial Center that serve beer and wine in conjunction with their use. The two neighboring restaurants are located at least 200 feet from Mimi’s Café and have an ample amount of parking for their existing operations.

Staff analyzed the compatibility of a sit down restaurant with full alcoholic sales within a commercial district and found that the use would not typically generate additional traffic in comparison to the existing restaurant use that currently sells food, beer and wine. According to SANDAG’s regional trip generation chart, quality sit down restaurants typically generate 400 trips per day based on the building square footage. The existing restaurant use generates approximately 350 trips per day and this addition of full alcoholic sales would not generate a substantial increase in trips or customers. In addition it’s anticipated that the sales of alcohol would occur when customers are eating their entrees, and not solely occupying the restaurant for the consumption of alcoholic beverages, so

additional parking would not be necessary for this propose use. A majority of the customer activity occurs during the weekend days, which doesn't create an impact during peak traffic hours.

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. As of February 22, 2010 no communication opposing the request had been received.

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 meet or exceed all applicable regulations. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached Resolution. Staff recommends that the Planning Commission:

- Confirm issuance of Article 19, Section 15301.Existing Facilities, Class 1 (a), Categorical Exemption and adopt Planning Commission Resolution No. 2010-P08 approving Conditional Use Permit CUP09-00014 with findings and conditions of approval attached herein.

PREPARED BY:



Scott Nightingale
Acting Associate Planner

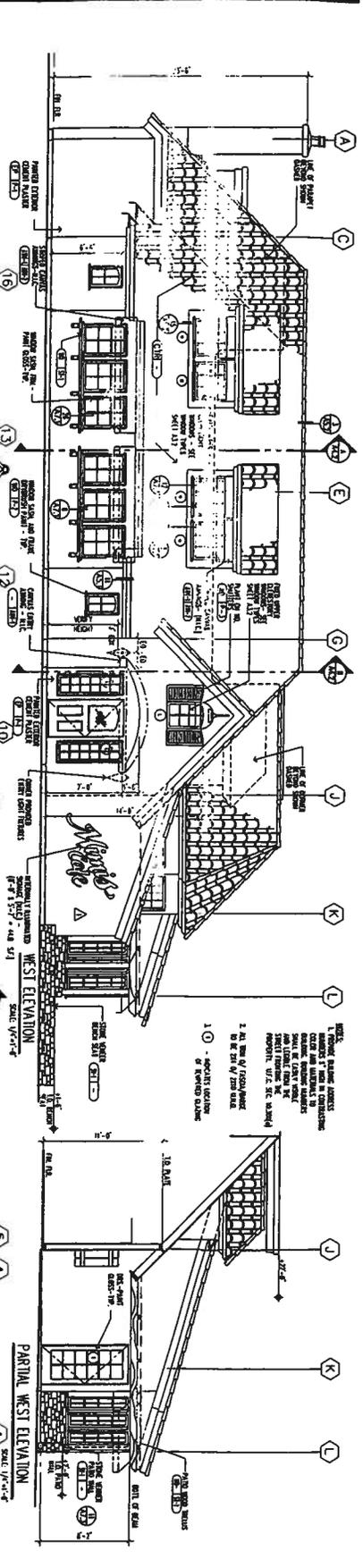
SUBMITTED BY:



Jerry Hittleman
City Planner

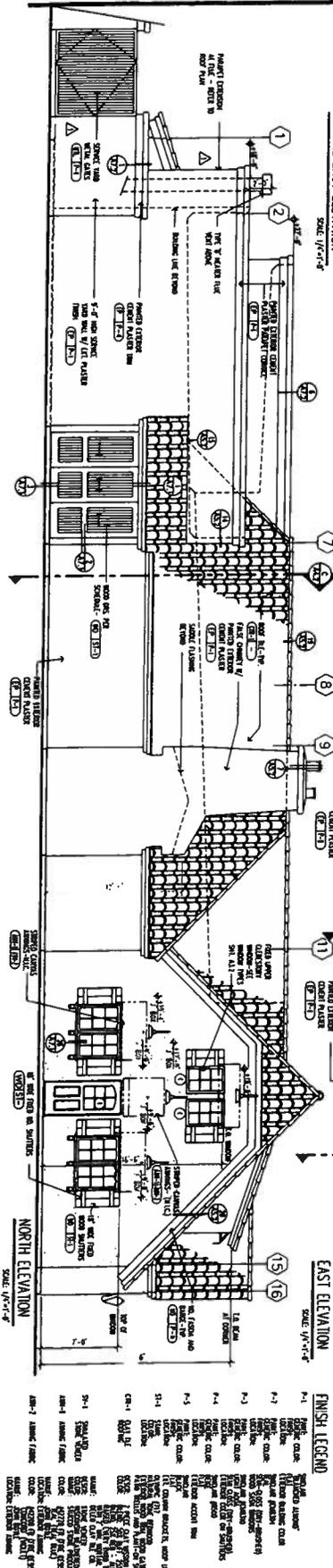
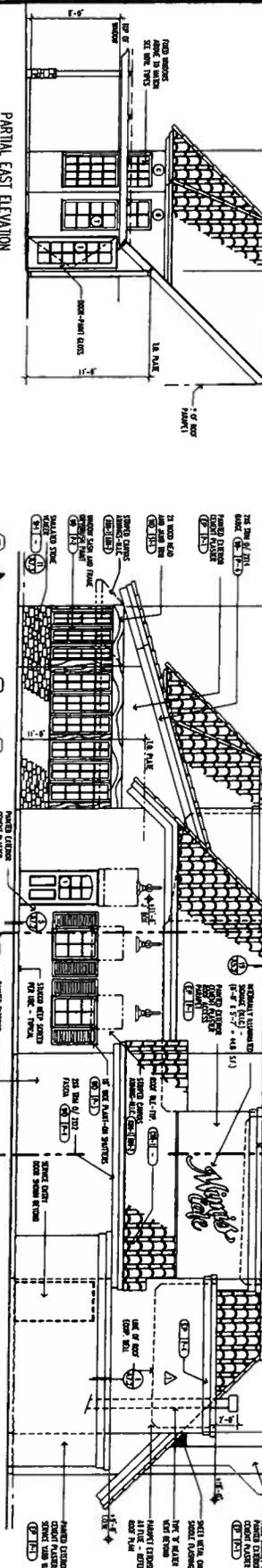
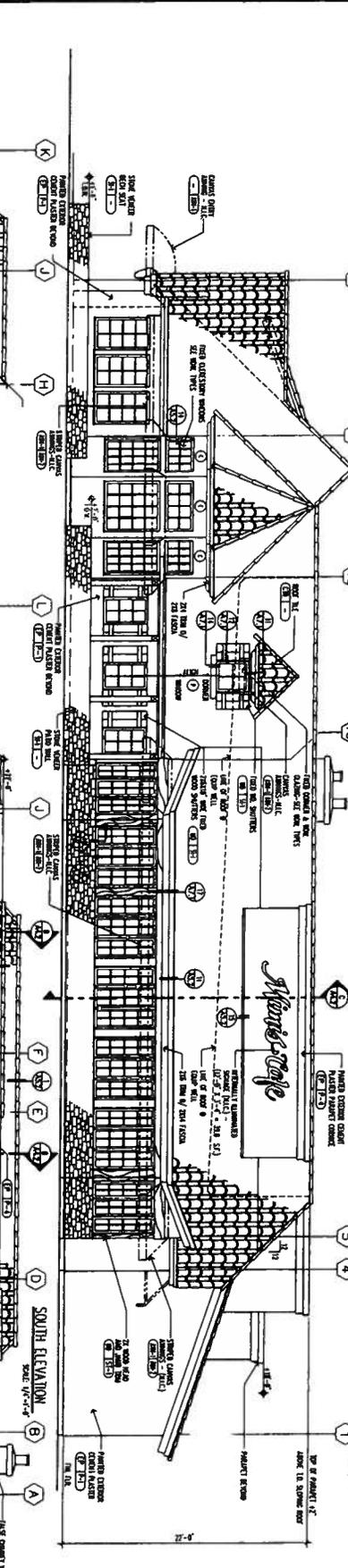
Attachments:

1. Floor/Site Plans
2. Planning Commission Resolution No. 2010-P08



NOTE: FINISHING MATERIALS TO BE DETERMINED BY THE CLIENT. THE ARCHITECT IS NOT RESPONSIBLE FOR THE SELECTION OF FINISHING MATERIALS. THE CLIENT SHALL BE RESPONSIBLE FOR THE SELECTION OF FINISHING MATERIALS.

STDA
SCHEER
TANAKA
DENNEK
ARCHITECTS
 1001 N. 10th Street, Suite 100
 Phoenix, AZ 85006
 (602) 254-1100
 (602) 254-1101 Fax



MINI'S CAFE
 1001 N. 10th Street, Suite 100
 Phoenix, AZ 85006
 (602) 254-1100
 (602) 254-1101 Fax

ISSUE DATE
 No. Date Description
 1 1-2-01 Initial Design
 2 1-25-01 Revisions

APPROVALS
 Designer: _____
 Architect: _____
 Project No. _____
 Title: _____
 Elevation: _____
 Finish Legend: _____

FINISH LEGEND
 F-1: Paint
 F-2: Stucco
 F-3: Brick
 F-4: Concrete
 F-5: Glass
 F-6: Metal
 F-7: Wood
 F-8: Stone
 F-9: Tile
 F-10: Carpet
 F-11: Hardwood
 F-12: Laminate
 F-13: Vinyl
 F-14: Granite
 F-15: Marble
 F-16: Quartz
 F-17: Solid Surface
 F-18: Acrylic
 F-19: Epoxy
 F-20: Polyurethane
 F-21: Polyurethane
 F-22: Polyurethane
 F-23: Polyurethane
 F-24: Polyurethane
 F-25: Polyurethane
 F-26: Polyurethane
 F-27: Polyurethane
 F-28: Polyurethane
 F-29: Polyurethane
 F-30: Polyurethane

SHEET NO.
 A4.1
DATE PRINTED
 07/14
 1-25-01

CITY OF OCEANSIDE
Meeting & Event Advisory
February 4, 2010



Contact
City Manager's Office
(760) 435-3065

CITY OF OCEANSIDE
WEEKLY CALENDAR

MONDAY, FEBRUARY 8, 2010

6:00 p.m. *Circulation Element Scoping Meeting*
Council Chambers, 300 N. Coast Highway

TUESDAY, FEBRUARY 9, 2010

9:30 a.m. *Senior Commission*
Council Chambers, 300 N. Coast Highway

9:30 a.m. *Water/Sewer Committee*
La Salina Conference Room, 300 N. Coast Highway

6:00 p.m. *Youth Commission*
El Corazon Senior Center, 3302 Senior Center Drive

7:00 p.m. *Historical Preservation Advisory Committee*
Council Chambers, 300 N. Coast Highway

WEDNESDAY, FEBRUARY 10, 2010

9:00 a.m.??? *Redevelopment Advisory Committee ???*
La Salina Conference Room, 300 N. Coast Highway

9:00 a.m. *California Coastal Commission*
Council Chambers, 300 N. Coast Highway

THURSDAY, FEBRUARY 11, 2010

9:00 a.m. *California Coastal Commission*
Council Chambers, 300 N. Coast Highway

FRIDAY, FEBRUARY 12, 2010

9:00 a.m. *California Coastal Commission*
Council Chambers, 300 N. Coast Highway

1 PLANNING COMMISSION
2 RESOLUTION NO. 2010-P08

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

6 APPLICATION NO: CUP09-00014
7 APPLICANT: SWH Corporation
8 LOCATION: 2177 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
13 11 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

14 to permit the sales of distilled sprits and full alcohol within and existing restaurant located at
15 2177 Vista Way;
16 on certain real property described in the project description.

17 WHEREAS, the Planning Commission, after giving the required notice, did on the 22nd day
18 of February 2010, conduct a duly advertised public hearing as prescribed by law to consider said
19 application.

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

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

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

27 FINDINGS:

28 For the Conditional Use Permit to allow for the sale of full alcohol at an existing restaurant:

1. The restaurant operation, which will include full alcoholic beverage service is consistent with the permitted land use regulations for the Special Commercial Highway Orientated district. The use of full alcohol would be consistent with the existing intent of the

1 existing sit down restaurant that currently sells beer and wine. The full alcohol use
2 would be conditioned to ensure that if complaints arise this Conditional Use Permit
3 would be subject to Planning Commission review.

4 2. The conditions for the restriction of the conditional use are consistent with the General
5 Plan, will not effect neighborhood compatibility; and will not cause the operation of the
6 conditional use to be detrimental to the welfare of persons or properties working, residing,
7 or otherwise existing in the adjacent neighborhood areas. The business is conditioned to
8 permit sales, service, and consumption of alcoholic beverages only during the hours that
9 food services are also being offered.

10 3. The conditional use is subject to and must comply with specific local conditions and
11 additional regulations as deemed necessary by other regulatory or permit authorities.

12 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
13 approve Conditional Use Permit (CUP09-00014) subject to the following conditions:

14 **Building:**

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

17 **Planning:**

18 2. This Conditional Use Permit shall expire on February 22, 2013, unless implemented as
19 required by the Zoning Ordinance.

20 3. This Conditional Use Permit approves only the sales of full alcohol and distilled sprits in
21 conjunction with an existing eating and drinking establishment as shown on the plans and
22 exhibits presented to the Planning Commission for review and approval. No deviation
23 from these approved plans and exhibits shall occur without Community Services
24 Department/Planning Division approval. Substantial deviations shall require a revision to
25 the Conditional Use Permit or a new Conditional Use Permit.

26 4. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
27 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
28 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
annul an approval of the City, concerning Conditional Use Permit CUP09-00012. The
City will promptly notify the applicant of any such claim, action or proceeding against
the City and will cooperate fully in the defense. If the City fails to promptly notify the

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

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

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

12 7. Failure to meet any conditions of approval for this development shall constitute a violation
13 of the Conditional Use Permit.

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

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

22 10. No live entertainment shall be permitted without obtaining a separate Conditional Use
23 Permit.

24 11. Dancing is prohibited.

25 12. The approval does not relieve the applicant from an obligation to obtain an alcohol license
26 from the State Department of Alcoholic Beverage Control (ABC). Any license and permit
27 conditions imposed by the ABC and the City Police Chief shall be in addition to the
28 conditions of this approval and the most restrictive conditions shall apply.

13. 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.

1 14. Sales service and consumption of alcoholic beverages shall only be permitted during the
2 hours that food services are also being offered.

3 15. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.

4 16. The subject alcoholic beverage license shall not be exchanged for a public premises type
5 license nor operated as a public premise.

6 17. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food
7 during the same period. The permittee shall at all times maintain sales records, which
8 separately account for gross food sales apart from gross alcohol sales.

9 PASSED AND ADOPTED Resolution No. 2010-P08 on February 22, 2010 by the
10 following vote, to wit:

11 AYES:

12 NAYS:

13 ABSENT:

14 ABSTAIN:

15 _____
16 Claudia Troisi, Chairperson
17 Oceanside Planning Commission

18 ATTEST:

19 _____
20 Jerry Hittleman, Secretary

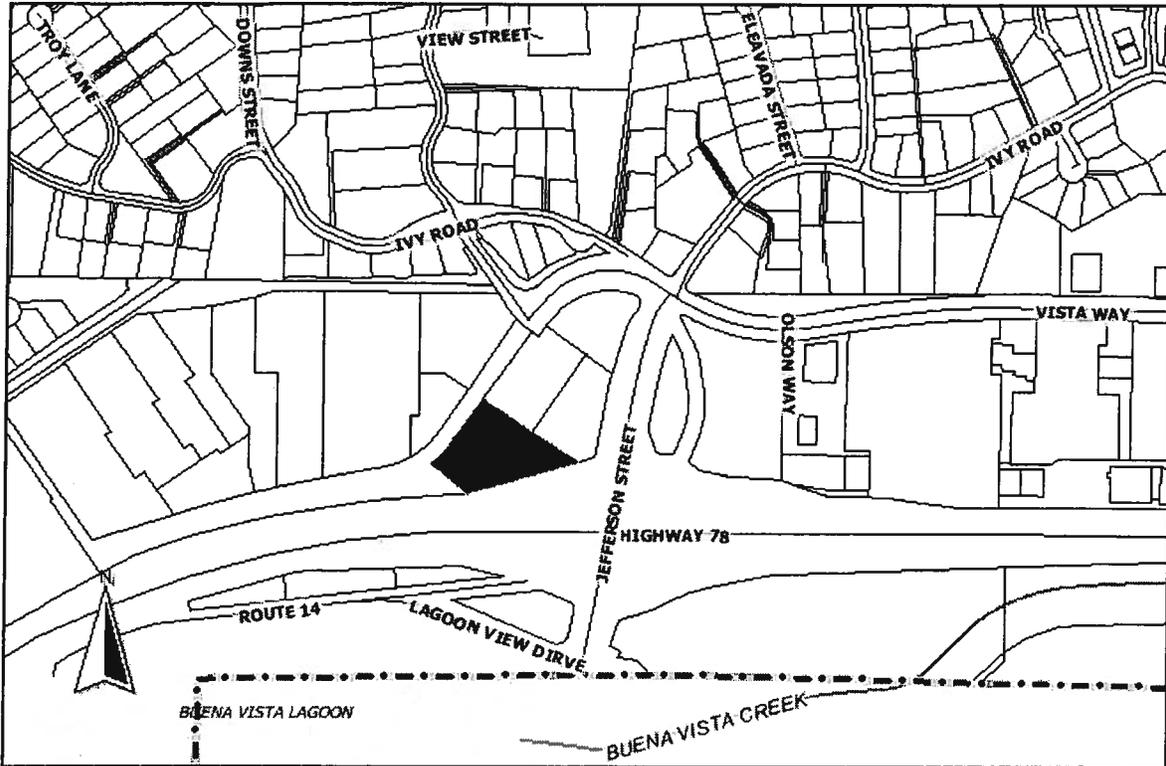
21 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
22 this is a true and correct copy of Resolution No. 2010-P08.

23 Dated: February 22, 2010

24 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may
25 be required as stated herein:
26

27 _____
28 Applicant/Representative

_____ Date



File Number: CUP09-00014

Applicant: SWH Corporation

Description:

CONDITIONAL USE PERMIT (CUP09-00014) to allow the sales of distilled sprits in association with an existing restaurant use known as Mimi's Café, located at 2177 Vista Way. The project site is within an existing shopping center. The property has a General Plan Land Use Designation of Special Commercial Highway Orientated District (CS-HO), is zoned Special Community Commercial District (CC), and is situated within the Fire Mountain Neighborhood Planning Area. – **MIMI'S CAFÉ**

Environmental Determination:

The project is exempt from CEQA per Article 19, Section 15301, Class 1 (a), Existing Facilities.

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

12/7/09

BY

SN.

Please Print or Type All Information

PART I - APPLICANT INFORMATION

1. APPLICANT SWH Corporation	2. STATUS Lessee
3. ADDRESS 18872 MacArthur Blvd. #400 Irvine, CA 92612	4. PHONE/FAX/E-mail (949) 825-7259 (949) 825-7359
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Michael Brewer	
6. ADDRESS 41743 Enterprise Circle North, Suite 101 Temecula, CA 92590	7. PHONE/FAX/E-mail (951) 699-6868 (951) 699-6869

HEARING

GPA

MASTER/SP.PLAN

ZONE CH.

TENT. MAP

PAR. MAP

DEV. PL.

C.U.P.

CUP09-00014

VARIANCE

COASTAL

O.H.P.A.C.

PART II - PROPERTY DESCRIPTION

8. LOCATION 2177 Vista Way, Oceanside, CA 92054			9. SIZE
10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER
	Commercial	Existing restaurant	154-130-37

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION
Upgrade of an existing Type 41 On-Sale Beer & Wine ABC License for Mimi's Cafe to a Type 47 On-Sale General Eating Place ABC License.

15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY
	Commercial	Restaurant	n/a	n/a
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE OR FAR	

PART IV - ATTACHMENTS

24. DESCRIPTION/JUSTIFICATION	X	25. LEGAL DESCRIPTION	26. TITLE REPORT
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): Tom Nguyen	34. DATE 11/19/09	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:		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:

SWH Corporation d.b.a. Mimi's Café
2177 Vista Way
Oceanside, CA 92054

Letter of Operations

Mimi's Café intends to expand its alcoholic beverage service to include beer, wine and distilled spirits for on-premise consumption (type 47) which would be an upgrade from the existing beer – and – wine only service (type 41). Mimi's Café is a casual sit –down restaurant serving breakfast, lunch and dinner with the incidental sale of alcoholic beverages for on-premise consumption.

Hours of operation will remain the same (year – round, 7 days per week, 7am – 11pm) and there will be no change in activities, events or displays, the amount of employees will remain the same and the regular working ours from 6am to midnight will be the same as well.

Managers, bartenders and trainers are required to complete a ServSafe Responsible Alcohol Service Course offered through the National Restaurant Association, including the following: Alcohol Law, Responsible Alcohol Service, Recognizing and Preventing Intoxication, Checking Identification and Handling Difficult Situations. Servers will attend a two hour in-house training course, including the same information in an abbreviated format.

The existing restaurant facility will be used for the upgraded alcoholic beverage service. Mimi's will continue to serve distilled spirits to it's patrons through out the restaurant in the same manner that they currently serve beer and wine. Neither the existing floor plan nor the façade will in any way change. All alcohol will continue to be stored under lock and key a dry storage area located in the kitchen of the restaurant in the same fashion as the beer and wine.

The daily operation of the restaurant will not generate noise above current noise levels and no hazardous materials or waste will be produced as part of the alcoholic beverage service upgrade. The upgraded alcoholic beverage service will not have an adverse impact on the traffic and will not generate any additional traffic.

EXHIBIT "A"**DESCRIPTION OF PROPERTY**

Real property in the City of Oceanside, County of San Diego, State of California, described as follows:

Parcel A:

Parcels 2 through 15 inclusive of Parcel Map No. 17735, in the City of Oceanside, County of San Diego, filed in the Office of the County Recorder of San Diego County, July 31, 1996 as instrument no. 1996-0387495, of Official Records.

Parcel B:

Easements for ingress, egress, driveway use, parking, loading and unloading of commercial and other vehicles, installation and maintenance of signs and incidental purposes, for the enjoyment, comfort and convenience of customers, invitees, licensees, tenants and employees of all business, occupants and owners of the buildings and or land, to pass over and through, and use the common area in the project, including but not limited to the right to use driveways, roadways, walkways, parking spaces and other facilities constituting the common area, together with a non-repair, remove and replace common utility facilities within and upon the common area of the shopping center, at such places as may be necessary for the orderly development and operation of the shopping center, as conveyed, set forth and described in that certain Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements for Pacific Coast Plaza recorded July 31, 1996 as instrument no. 1996-0387510 of Official Records in the Office of the County Recorder of San Diego County, California.

APN: 154-130-24-00 through 154-130-37-00

EXHIBIT "A"

G:\NEWDOCS\G008\009\DOCS\00016271.DOC

Public Record



NOTICE OF EXEMPTION
City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** SWH Corporation
2. **ADDRESS:** 18872 MacArthur Blvd. #400 Irvine, CA. 92612
3. **PHONE NUMBER:** 949-825-7259
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Acting Associate Planner
6. **PROJECT TITLE:** CUP09-00014 Mimi's Café
- (a) 7. **DESCRIPTION:** A Conditional Use Permit (CUP09-00014) to allow the use of full alcohol in association with an existing beer and wine permit at a bona fide eating and drinking establishment known as Mimi's Café located at 2177 Vista Way.

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, ancillary use within an existing restaurant building. 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, Class 1 (a) Existing Facilities, 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, Acting Associate Planner

Date: 2/22/10

cc: Project file Counter file Library Posting: []
County Clerk \$50.00 Admin. Fee