



DATE: February 28, 2011 (Continued from the January 24, 2011 public hearing)

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A DEVELOPMENT PLAN (D10-00009) FOR A TEXT AMENDMENT TO THE PLANNED BLOCK DEVELOPMENT (PBD) PLAN ESTABLISHED FOR THE 103,000-SQUARE FOOT COMMERCIAL RETAIL CENTER LOCATED ON THE SOUTH EAST CORNER OF COLLEGE AND OCEANSIDE BOULEVARDS AND THE 36,902 SQUARE FOOT CENTER IMMEDIATELY EAST WITHIN THE IVEY RANCH/ RANCHO DEL ORO NEIGHBORHOOD – RANCHO DEL ORO GATEWAY SHOPPING CENTER – APPLICANT: VRDO PLAZA PARTNERSHIP – CHARLES YABLON**

RECOMMENDATION

- (1) Staff recommends that the Planning Commission by motion take action recommending approval of Development Plan (D10-00009) to the City Council by Adopting Planning Commission Resolution No. 2011-P07 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: The sites are located on the south east corner of Oceanside and College Boulevards, on an 8.7-acre parcel referred to as the Rancho Del Oro Gateway Shopping Center; as well as, the Oceanside Marketplace located immediately east on a 4.2-acre parcel. Both commercial retail centers are part of the previously approved Developers Resource/Oceanside Canyon Plaza Mottino Shopping Center Planned Block Development. The original Developers Resource/Oceanside Canyon Plaza Mottino Shopping Center PBD regulations were created for the 103,000 and 36,902-square foot commercial retail centers, both of which were overlaid with a Planned Block Development Plan in order to permit flexibility in land-use regulations. The original Resource/Oceanside Canyon Plaza Mottino Shopping Center area subdivision map and overall site development was processed as part of Tentative Map (T-6-93), Development Plan (D-14-89 Rev.), Variance (V-4-94), and Conditional Use Permit (C-22-89 Rev.). The City

Council adopted Ordinance No. O90-24 approving the Resource/Oceanside Canyon Plaza Mottino Shopping Center PBD Overlay for the two retail centers, with the Plaza Mottino Commercial Center originally being approved for development through City Council Resolution R90-176, and subsequently revised with PC Resolution No. 94-P18. The Oceanside Marketplace was eventually processed for development and obtained approvals through PC Resolution No. 2005-P29.

The original PBD Plan established the permitted land uses and provided detailed information regarding Conditional Uses and Prohibited Uses for each future land use proposed to be established within the retail centers and based off the Zoning Ordinance regulations for General Commercial (CG). The Zoning Ordinance and/or the General Plan regulations would apply where the adopted Planned Block Development Regulations are silent. The proposed text amendments have been reviewed and are consistent with zoning ordinance regulations for (CG) zoned parcels throughout the city and the original vision of the Planned Block Development Plan for the RDO Gateway Shopping Center and Oceanside Marketplace.

Site Review: The project involves only minor text amendments to a previously approved Planned Block Development Plan established to identify land uses permitted on the fully developed four parcels that total 12.9 acres, and are the only parcels subject to the Developers Resource/ Oceanside Canyon Plaza Mottino Shopping Center PBD. The site is zoned CG-PBD (General Commercial – Planned Block Development) and is regulated by the Developers Resource/Oceanside Canyon Plaza Mottino Shopping Center PBD which establishes development and land use standards similar to the CG (General Commercial) zoning designation of the Oceanside Zoning Ordinance. The General Plan designation is GC (General Commercial) on the Land Use Map. Surrounding land uses include: Commercial Retail and Service Oriented Uses to the west, east and north, with the Sprinter Line and Residential beyond to the south.

Project Description: The project application is comprised of one component; Development Plan (D10-00009) as follows:

Development Plan (D-10-00009) represents a request:

To make minor text amendments to a previously approved Planned Block Development (PBD) Plan that guides land uses for the established 103,000-square foot and 36,902-square foot commercial retail centers located east of the south east intersection of Oceanside and College Blvd's.

Article 24 PBD Planned Block Development Overlay, of the Oceanside Zoning Ordinance is intended to allow for flexibility in land-use regulations and site development standards. Section 2404 of Article 24, allows changes to the PBD Plan Text to restrict uses in the underlying base district, but can not allow additional uses that would not normally be permitted within the underlying base district. The proposed text amendments require that a new Development Plan application be submitted and processed through the Planning Commission with a recommendation to the City Council for final action.

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

1. Zoning Ordinance
2. General Plan Land Use Element
3. Developers Resource/ Oceanside Canyon Plaza Mottino Shopping Center PBD
4. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

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

A. Land Use Element

Goal 1.2: Site Design

Objective: To provide high-quality site design, all proposed land development projects shall take advantage of natural or manmade environments to maximize energy conservation, natural air circulation, public safety, visual aesthetics, private and common open spaces, privacy, and land use compatibility.

Policy: C. New development or land uses shall provide coordinated site design wherever possible with existing or proposed adjacent land uses to provide complimentary site design, unified circulation access, and joint use of ancillary facilities.

The site is physically suitable for the type of uses proposed as part of the overall PBD Plan text amendment, in that the Rancho Del Oro Retail Center and the Oceanside Marketplace have been fully developed, and modifications based on land use changes will not alter or cause the site design to be modified beyond what was originally envisioned for the two retail centers. In all, the land use changes proposed as part of this project will allow for the existing commercial retail centers to be more competitive and marketable with similar commercial retail centers on adjacent properties. Furthermore, the minor amendments to the permitted land uses will allow for a more consistent distribution of land uses to serve the needs of the citizens and visitors of the surrounding area.

2. Zoning Compliance

This project is located within the Rancho Del Oro Gateway Shopping Center/Oceanside Marketplace Planned Block Development Plan area, and retains and underlying zoning designation of General Commercial – Planned Block Development (CG-PBD). Staff has determined that the proposed minor text amendments are consistent with the underlying zoning designation, and does not permit any land use that would not be permitted within a General Commercial (CG) zoned parcel. The following table illustrates all text changes and applicable land use regulations (Bold/Strikeout Formatting Denotes Changes) proposed to be amended consistent with the underlying zoning of the project site:

	EXISTING PBD TEXT	PROPOSED PBD TEXT
SECTION 100 APPLICABILITY AND LIFE OF PLANNED BLOCK DEVELOPMENT PLAN	The regulations of the Developer Resource Planned Block Development PBD plan shall apply to the entire 8.7-acre site occupied by the Plaza Mottino . The PBD regulations shall be valid for the life of the project, subject to repeal and/or amendment by the are Oceanside City Council . The uses permitted in this PBD are intended to provide retail shops, restaurants, and services that meet the commercial needs of the community. While the General Plan Land Use Element has designated the property Commercial General, additional regulations are needed to insure high intensity uses are compatible with surrounding uses and traffic volumes on Oceanside and College Blvd's. Drive-through businesses limited within the center as required by the General Plan and convenience stores are prohibited altogether.	The regulations of the Rancho Del Oro Gateway Shopping Center/ Oceanside Marketplace Planned Block Development (PBD) plan shall apply to the entire 12.94 acre sites occupied by the RDO Gateway Shopping Center and the Oceanside Marketplace . This site is commonly referenced as Assessor's Parcel Numbers 162-241-10-00, 162-241-22-00, 162-241-23-00, and 162-241-42-00 . The PBD regulations shall be valid for the life of the project, subject to repeal and/or amendment by the Oceanside City Planning Commission .
SECTION 200 ENFORCEMENT OF PLANNED BLOCK DEVELOPMENT PLAN	The regulations of the Developers Resource PBD plan shall be enforced by Shopping Center Owner and the City of Oceanside under the terms of the Oceanside Zoning Ordinance and other applicable City codes.	The regulations of the Rancho Del Oro Gateway Shopping Center/ Oceanside Marketplace PBD plan shall be enforced by the City of Oceanside under the terms of the Oceanside Zoning Ordinance and other applicable City codes.
SECTION 300 DEVELOPMENT STANDARDS	No Change Proposed	N/A
SECTION 400 PERMITTED USES	The uses permitted within this PBD Plan are intended to provide a	The uses permitted within the PBD plan shall be those of

	<p>limited range of retail and service businesses to serve the residential and industrial uses in the neighborhood. Proposed uses are limited to be compatible with surrounding uses and traffic volumes on Oceanside and College Blvd. The uses permitted within the PBD plan shall be those of the underlying General Commercial (CG) Zone, as contained within the current OZO, unless specifically prohibited under Section 500 of this plan. Such permitted uses specifically include, but are not necessarily limited to, the following: (Also included is a Use Comparison Table that identifies all allowable use).</p>	<p>the underlying General Commercial (CG) Zone, as contained within the current OZO, unless specifically prohibited under Section 500 of this plan. Such permitted uses specifically include, but are not necessarily limited to the following:</p>
	<ol style="list-style-type: none"> 1. Grocery markets of not less than 5,000 sq. ft. of gross leasable area. 2. Two drive-thru uses on free-standing pads, (Pad C drive-through; restaurant, Pad D drive-through; bank) Only one of which may be a restaurant, the other will be a financial institution; 3. Eating establishments with less than 15 percent of floor area allocated for dancing shall be permitted subject to approval of a C.U.P. 	<ol style="list-style-type: none"> 1. Grocery markets of not less than 3,000 sq. ft. of gross leasable area. 2. Two drive-thru uses on free-standing pads, both of which may be restaurants or financial institutions; one restaurant drive-thru (existing) and one drive thru additional subject to approval of a Conditional Use Permit (C.U.P.) consistent with the OZO and an owner supplied traffic report which shows there will be no transportation related impacts on and off site. 3. ““Limited” vehicle repairs: Glass installation and tinting, cellular phone installation, and stereo installation allowed with an Administrative Use Permit. All others

		<p>require a Conditional Use Permit.</p> <p>4. Eating establishments with less than 15 percent of floor area allocated for dancing shall be permitted subject to approval of a C.U.P.</p> <p>5. Eating establishments with Wine and Beer Service permitted by right, full alcoholic beverage service would require a CUP, with Live Entertainment, "Small-scale" facilities allowed. All others require the approval of a Conditional Use Permit.</p> <p>6. Drive up/ Drive-Thru Bank Services would require an A.C.U.P. consistent with the OZO for the CG Zone Districts. Walk-up automatic teller machines (ATMs) allowed if included within or attached to a building serving another use; freestanding structures for walk-up ATMs allowed with an Administrative Use Permit.</p> <p>7. Home Improvement Stores as defined in Article 4 of the OZO.</p> <p>8. Personal improvement services less than</p>
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		<p>5,000 sf.</p> <p>9. Childcare/preschools permitted; would be subject to Article 30 Section 3041.</p> <p>10. In-line vehicle rental /sale agencies that have outdoor storage of vehicles not exceeding 4 cars subject to an Administrative Use Permit & subject to the requirements of OZO Article 30 Section 3020 for outdoor storage.</p>
	COMPARISON OF PROPOSED PBD TEXT WITH THE UNDERLYING ZONING FOR THE SITE	
	CG (GENERAL COMMERCIAL) DEVELOPMENT LAND USE REGULATIONS OZO ARTICLE 11	PROPOSED PBD TEXT
Land Use Designation:	<p>1. <u>Food and Beverage Sales</u></p> <p>L-5 A Conditional Use Permit is required for convenience stores. Convenience stores shall not be located within 500 feet of a site occupied by a public or private school, park or recreational facilities, and no exterior vending machines shall be permitted. Convenience stores may be operated only between the hours of 6 a.m. and 10 p.m. Longer hours may be approved with the use permit if the use is found not to have an adverse effect on neighboring uses.</p> <p>2. <u>Eating and/or Drinking Establishments with Drive-Thru/Drive-Up.</u></p> <p>A Conditional Use Permit is required</p> <p>3. <u>Vehicle/ Equipment Repair</u></p>	<p>1. Grocery markets of not less than 3,000 sq. ft. of gross leasable area. (Convenience Markets Prohibited)</p> <p>2. Two drive-thru uses on free-standing pads, both of which may be restaurants or financial institutions; one restaurant drive-thru (existing) and one drive thru additional subject to approval of a Conditional Use Permit (C.U.P.) consistent with the OZO and an owner supplied traffic report which shows there will be no transportation related</p>

	<p>L-32 Glass installation and tinting, cellular phone installation, and stereo installation allowed with an Administrative Use Permit. All others require a Conditional Use Permit.</p> <p><u>4. Eating and/ Drinking Establishments: With Live Entertainment</u></p> <p>L-29 "Small-scale" facilities allowed. All others require the approval of a Conditional Use Permit. "Regulated" uses or card rooms require a Conditional Use Permit.</p> <p><u>5. Eating and/Drinking Establishments:</u></p> <p><u>With Beer And Wine:</u> Permitted by Right <u>With Full Alcohol:</u> Conditional Use Permit required</p> <p><u>6. Banks and Savings & Loans</u></p> <p><u>Drive- thru /Drive-up Service</u> L-27 Allowed with an Administrative Use Permit issued by the Planning Director.</p> <p><u>Self Service Facilities (ATMs)</u> L—21 Walk-up automatic teller machines (ATM5) allowed if included within or attached to a building serving another use; freestanding structures for walk-up ATMs allowed with an Administrative Use Permit.</p> <p><u>7. Home Improvement</u> Permitted by Right</p> <p><u>8. Personal Improvement Services</u></p> <p>L-25 "Small-scale" facilities allowed. All others require a Conditional Use Permit.</p> <p><u>9. Childcare/preschools</u></p> <p>Article 30 Section 3041: A child care facility is permitted in the RE, RS, RM, RH, RT, CN, CC, CG, CL, CR, CV, CS, CS-HO, CS-L, CP, IL, IG, IP, A, OS, PS and the D Districts if it conforms to the standards of the adopted Child Care Guidelines and other applicable standards</p>	<p>impacts on and off site.</p> <p>3. "Limited" vehicle repairs: Glass installation and tinting, cellular phone installation, and stereo installation allowed with an Administrative Use Permit. All others require a Conditional Use Permit.</p> <p>4. Eating establishments with less than 15 percent of floor area allocated for dancing shall be permitted subject to approval of a C.U.P.</p> <p>5. Eating establishments with Wine and Beer Service permitted by right, Full alcoholic beverage service would require a CUP, with Live Entertainment, "Small-scale" facilities allowed. All others require the approval of a Conditional Use Permit.</p> <p>6. Drive up/ Drive-Thru Bank Services would require an A.C.U.P. consistent with the OZO for the CG Zone Districts. Walk-up automatic teller machines (ATMs) allowed if included within or attached to a building serving another use; freestanding structures for walk-up ATMs allowed with an Administrative Use Permit.</p> <p>7. Home Improvement Stores as defined in Article 4 of the OZO.</p> <p>8. Personal improvement services less than 5,000 sf.</p> <p>9. Childcare/preschools permitted; would be subject to Article 30 Section 3041.</p> <p>10. In-line vehicle rental /sale agencies that have outdoor</p>
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	of the Zoning Ordinance. 10. <u>Vehicle / Equipment Sales & Rentals</u> Conditional Use Permit required	storage of vehicles not exceeding 4 cars subject to an Administrative Use Permit & subject to the requirements of OZO Article 30 Section 3020 for outdoor storage.
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3. Land Use Compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	General Commercial GC	CG-PBD (General Commercial – Planned Block Development)	Commercial Retail Center
North of Subject Property	General Commercial GC/ Single Family Dwelling Residential SFD-R	CG (General Commercial) & RS Single Family Residential	Service Station/ Pharmacy & Single Family Residential
East of Subject Property:	Light industrial LI	IL (Limited Industrial)	Light Industrial Uses
South of Subject Property:	Single Family Dwelling Residential SFD-R	Sprinter Line & RS Single Family Residential	Sprinter Line & Single Family Residential
West of Subject Property:	General Commercial GC	CG (General Commercial)	Commercial Retail Center

Staff has concluded that the proposed text amendments to the Rancho Del Oro Gateway Shopping Center/ Oceanside Marketplace Planned Block Development (PBD) Plan will not result in any serious public safety or health issues due to the minor changes in land use regulations, and will provide for additional goods and services to support the residential areas in the surrounding residential neighborhoods.

ENVIRONMENTAL 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 upon that review, staff finds that the proposed project constitutes "Existing Facilities", and the project is categorically exempt, Class 1, "Existing Facilities" (Section 15301).

PUBLIC NOTIFICATION

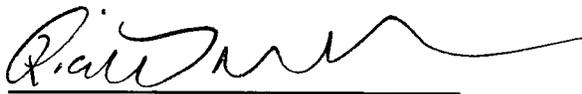
Legal notice was published in the North County Times and notices were sent to property owners of record within a 1500-foot of the subject property, individuals/organizations requesting notification, applicant and their representative, and interested parties. As of February 15, 2011, no communications supporting or opposing the request have been received.

SUMMARY

In summary, staff believes that the proposed text amendments to the Rancho Del Oro Gateway Shopping Center/ Oceanside Marketplace Planned Block Development (PBD) Plan are consistent with the Zoning Ordinance, and the land use policies outlined in the General Plan. The project as proposed will not permit any land use that would not be permitted within the underlying (CG) General Commercial zoning designation and would provide greater diversity of goods and services to the surrounding Ivey Ranch/Rancho Del Oro Neighborhood. As such, staff recommends that the Planning Commission recommend approval of the project to the City Council for final action. The Commission's action should be:

- Move to recommend approval of Development Plan (D10-00009) to the City Council for final action; and, adopt Planning Commission Resolution No. 2011-P07 as attached.

PREPARED BY:



Richard Greenbauer
Senior Planner

SUBMITTED BY:



Jerry Hittleman
City Planner

JH/RG/fil

Attachments:

1. Planning Commission Resolution No. 2011-P07
2. Final Draft Rancho Del Oro Gateway Shopping Center/Oceanside Marketplace PBD Regulations
3. Plaza Mottino Shopping Plaza PBD Plan Text, Dated: March 1990

1 PLANNING COMMISSION
2 RESOLUTION NO. 2011-P07

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA RECOMMENDING
5 APPROVAL OF A DEVELOPMENT PLAN ON CERTAIN
6 REAL PROPERTY IN THE CITY OF OCEANSIDE

7 APPLICATION NO: D10-00009
8 APPLICANT: VRDO Plaza Partnership – Charles Yablon
9 LOCATION: Southeast corner of Oceanside and College Blvd's.

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms
13 prescribed by the Commission requesting a Development Plan under the provisions of Articles
14 11, 24, and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

15 minor text amendments to modify the permitted uses for the previously approved Plaza
16 Mottino Shopping Plaza Planned Block Development (PBD) Plan established to identify
17 land uses permitted over the fully developed parcels that total 8.7 acres referred to as the
18 RDO Gateway Shopping Center; as well as, the 4.2 acre parcels to the east referred to as
19 Oceanside Marketplace;

20 on certain real property described in the project description.

21 WHEREAS, the Planning Commission, after giving the required notice, did on the 28th
22 day of February, 2011 conduct a duly advertised public hearing as prescribed by law to consider
23 said application.

24 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
25 Guidelines thereto; this project constitutes "Existing Facilities", and the project is categorically
26 exempt, Class 1, "Existing Facilities" (Section 15301) from further environmental review;

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

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

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

5 FINDINGS:

6 For the Development Plan:

- 7 1. The site plan and physical design of the project is consistent with the Zoning Ordinance
8 and the underlying Rancho Del Oro Gateway Shopping Center/Oceanside Marketplace
9 Planned Block Development (PBD) Plan that regulates development for the subject
10 parcels, because both commercial retail centers are fully developed and modifying the
11 permitted land uses contained with the PBD plan will not modify or propose
12 development beyond the existing site plan and physical design of the two centers.
- 13 2. The Development Plan conforms to the General Plan of the City, because the minor text
14 amendments to the approved PBD Plan will allow for additional land uses consistent
15 with the underlying zoning designation and will provide a better balance of successful
16 markets and services for the surrounding neighborhood to enjoy.
- 17 3. The project site is adequately served by existing public facilities, services, and utilities and
18 the minor text amendments to allow land uses consistent with the underlying zoning
19 designation will not require additional public facilities, utilities, or services beyond what
20 exist for the site.
- 21 4. The project, as proposed is compatible with the existing development on adjoining
22 properties or in the surrounding neighborhood, in that the proposed text amendments are
23 consistent with the General Commercial land uses in the vicinity and will not be
24 detrimental to the welfare of persons or properties working, residing, or otherwise
25 existing in the adjacent neighborhood areas.
- 26 5. The site plan and parameters for the architecture and physical design of the project is
27 consistent with the policies contained within Sections 1.2 of the Land Use Element of
28 the General Plan, because only text amendments to permit certain land uses are proposed
29 and no development is proposed as part of this project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
approve Development Plan (D10-00009), subject to the following conditions:

1 **Planning:**

- 2 1. This Development Plan approves only minor text amendments to the previously
3 established Developers Resource/Oceanside Canyon Plaza Mottino Shopping Center
4 Planned Block Development Plan as denoted by exhibits presented to the Planning
5 Commission for review and approval. No deviation from these approved exhibits shall
6 occur without the City Planner approval. Substantial deviations shall require a revision to
7 the Development Plan or a new Development Plan.
- 8 2. The applicant, permittee, or any successor-in-interest shall defend, indemnify and hold
9 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
10 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
11 annul an approval of the City, concerning Development Plan D10-00009. The City will
12 promptly notify the applicant of any such claim, action or proceeding against the City
13 and will cooperate fully in the defense. If the City fails to promptly notify the applicant
14 of any such claim action or proceeding or fails to cooperate fully in the defense, the
15 applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the
16 City.
- 17 3. All of the conditions of Planning Commission Resolution No. 2005-P29 and No. 94-P18
18 shall continue to apply. In the event of a direct conflict between a condition of approval
19 for Resolution No. 2005-P29 and No. 94-P18 and this resolution, the provisions of this
20 resolution shall apply.
- 21 4. All of the conditions of City Council Resolution No. R90-176 shall continue to apply. In
22 the event of a direct conflict between a condition of approval for Resolution No. R90-176
23 and this resolution, the provisions of this resolution shall apply.
- 24 5. A covenant or other recordable document approved by the City Attorney shall be prepared
25 by the applicant and recorded within 60 days of final approval. The covenant shall
26 provide that the property is subject to this resolution, and shall generally list the
27 conditions of approval.
- 28
29

1 8. Unless expressly waived, all current zoning standards and City ordinances and policies in
2 effect at the time building permits are issued are required to be met by this project. The
3 approval of this project constitutes the applicant's agreement with all statements in the
4 Description and Justification, Developers Resource/ Oceanside Canyon Plaza Mottino
5 Shopping Center Planned Block Development Plan and other materials and information
6 submitted with this application, unless specifically waived by an adopted condition of
7 approval.

8 PASSED AND ADOPTED Resolution No. 2011-P07 on February 28, 2011 by the
9 following vote, to wit:

10 AYES:

11 NAYS:

12 ABSENT:

13 ABSTAIN:

14
15 _____
16 Robert Neal, 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. 2011-P07.

23 Dated: _____ February 28, 2011

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

27 _____
28 Applicant/Representative

_____ Date

**Rancho Del Oro Gateway Shopping Center/Oceanside Marketplace
Planned Block Development Plan**

**Prepared By:
Developers Resource Companies, Inc.
6480 Weathers Place, Suite 225
San Diego, CA 92121
(858) 457-3235**

**Prepared for:
VRDO Plaza Partnership
6480 Weathers Place, Suite 225
San Diego, CA 92121
(858) 457-3235**

**January 1990
Revised February 28, 2011**

Rancho Del Oro Gateway
Shopping Center/Oceanside Marketplace
Planned Block Development Regulations
January 1990
Revised February 28, 2011

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RANCHO DEL ORO GATEWAY SHOPPING CENTER/OCEANSIDE MARKETPLACE
PBD REGULATIONS
Revised February 28, 2011

100 APPLICABILITY AND LIFE OF PLANNED BLOCK DEVELOPMENT PLAN

The regulations of the Rancho Del Oro Gateway Shopping Center/Oceanside Marketplace Planned Block Development (PBD) Plan shall apply to the entire 12.94 acre site occupied by the two Shopping Plazas. This site is commonly referenced as Assessor's Parcel Numbers 162-241-10-00, 162-241-22-00, 162-241-23-00, and 162-241-42-00. The PBD regulations shall be valid for the life of the project, subject to repeal and/or amendment by the Oceanside City Planning Commission.

200 ENFORCEMENT OF PLANNED BLOCK DEVELOPMENT PLAN

The regulations of the Rancho Del Oro Gateway Shopping Center/Oceanside Marketplace PBD plan shall be enforced by the City of Oceanside under the terms of the Oceanside Zoning Ordinance and other applicable City codes.

300 DEVELOPMENT STANDARDS

The development standards which shall govern the development of all property within the PBD area shall be those of the Oceanside Zoning Ordinance (OZO) as applicable to commercial property; and specifically those criteria of the underlying General Commercial (CG) Zone, unless specifically modified by these regulations. These development criteria shall specifically include, but not necessarily be limited to, all the regulations of the OZO which govern commercial signs, parking, landscaping, and site development criteria.

400 PERMITTED USES

The uses permitted within the PBD plan shall be those of the underlying General Commercial (CG) Zone, as contained within the current OZO, unless specifically prohibited under Section 500 of this plan. Such permitted uses specifically include, but are not necessarily limited to the following:

1. Grocery markets of not less than 3,000 sq. ft. of gross leasable area.
2. Two drive-thru uses on free-standing pads, both of which may be restaurants or financial institutions; one restaurant drive-thru (existing) and one drive thru additional subject to approval of a Conditional Use Permit (C.U.P.) consistent with the OZO and an owner supplied traffic report which shows there will be no transportation related impacts on and off site.
3. "Limited" vehicle repairs: Glass installation and tinting, cellular phone installation, and stereo installation allowed with an Administrative Use Permit. All others require a Conditional Use Permit.
4. Eating establishments with less than 15 percent of floor area allocated for dancing shall be permitted subject to approval of a C.U.P.

5. Eating establishments with Wine and Beer Service permitted by right, Full alcoholic beverage service would require a CUP, with Live Entertainment, "Small-scale" facilities allowed. All others require the approval of a Conditional Use Permit.
6. Drive up/ Drive-Thru Bank Services would require an A.C.U.P. consistent with the OZO for the CG Zone Districts. Walk-up automatic teller machines (ATMs) allowed if included within or attached to a building serving another use; freestanding structures for walk-up ATMs allowed with an Administrative Use Permit.
7. Home Improvement Stores as defined in Article 4 of the OZO.
8. Personal improvement services less than 5,000 sf.
9. Childcare/preschools permitted; would be subject to Article 30 Section 3041.
10. In-line vehicle rental /sale agencies that have outdoor storage of vehicles not exceeding 4 cars subject to an Administrative Use Permit & subject to the requirements of OZO Article 30 Section 3020 for outdoor storage.

500 PROHIBITED USES

The following uses shall be prohibited in the Rancho Del Oro Gateway Shopping Center:

1. All uses listed in Article 36 "Regulated Uses" of the Oceanside Zoning Ordinance (OZO)
2. Ambulance services
3. Animal boarding facilities, except in conjunction with veterinarian services
4. Antique Shops, Second Hand Shops, and Thrift shops (except for a men's or women's clothing only resale store)
5. Automobile service station
6. Automobile washing facilities
7. Building materials and services
8. Camp grounds and RV parks
9. Commercial parking facilities
10. Commercial recreation and entertainment uses, including arcades, movie theaters, bowling alleys, miniature golf courses, billiard /(pool) rooms (This exclusion shall not prohibit health and fitness clubs which is defined as a Personal Improvement Land Use)
11. Clubs and lounges (This exclusion shall not prohibit health and fitness clubs)
12. Drive-thru restaurants, except for the free-standing pad use as permitted within Section 400 of these regulations.
13. Convenience Markets, in line or freestanding (This exclusion shall not prohibit the grocery market as permitted under section 400 of these regulations.)
14. Fortune telling and palm reading services
15. Funeral and internment services
16. Gun shops/sales
17. Hotels, motels or single-room occupancy hotels
18. Outdoor plant nurseries (unless an ancillary use in conjunction with a home improvement store)
19. Pawn shops
20. Religious assembly facilities
21. Rescue missions
22. Residential uses
23. Sanitary landfills
24. Sewage disposal plants
25. Swap meets
26. Temporary trailers and equipment vans, except during construction of the center

27. Vehicle/equipment sales and rentals in conjunction with the outdoor storage of vehicles and equipment as permitted within Section 400 of these regulations.
28. Warehousing and storage facilities
29. Welfare and charitable services

DRAFT

Exhibit B

Attachment to
Reso 90-P24

**PLAZA MOTTINO SHOPPING PLAZA
PLANNED BLOCK DEVELOPMENT PLAN TEXT**

MARCH, 1990

DEVELOPERS RESOURCE
SHOPPING PLAZA
PLANNED BLOCK DEVELOPMENT REGULATIONS
January, 1990

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Enforcement of PBD Plan	4
Development Standards	4
Permitted Uses	4
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**DEVELOPERS RESOURCE/OCEANSIDE CANYON
PLAZA MOTTINO SHOPPING CENTER
PBD REGULATIONS**

100 APPLICABILITY AND LIFE OF PLANNED BLOCK DEVELOPMENT PLAN

The regulations of the Developers Resource Planned Block Development (PBD) Plan shall apply to the entire 8.7-acre site occupied by the Plaza Mottino. The PBD regulations shall be valid for the life of the project, subject to repeal and/or amendment by the Oceanside City Council. The uses permitted in this PBD are intended to provide retail shops, restaurants, and services that meet the commercial needs of the community. While the General Plan Land Use Element has designated the property Commercial General, additional regulations are needed to insure high intensity uses are compatible with surrounding uses and traffic volumes on Oceanside Boulevard and College Boulevard. Drive-through businesses are limited within the center as required by the General Plan and convenience stores are prohibited altogether.

200 ENFORCEMENT OF PLANNED BLOCK DEVELOPMENT PLAN

The regulations of the Developers Resource PBD Plan shall be enforced by Shopping Center Owner and the City of Oceanside under the terms of the Oceanside Zoning Ordinance and other applicable City codes.

300 DEVELOPMENT STANDARDS

The development standards which shall govern the development of all property within the PBD area shall be those of the Oceanside Zoning Ordinance as applicable to commercial property; and specifically those criteria of the underlying General Commercial (CG) Zone, unless specifically modified by these regulations. This development criteria shall specifically include, but not necessarily be limited to, all the regulations of the Oceanside Zoning Ordinance which govern commercial signs, parking, landscaping, and site development criteria, etc.,

400 PERMITTED USES

The uses permitted within this PBD Plan are intended to provide a limited range of retail and service businesses to serve the residential and industrial uses in the neighborhood. Proposed uses are limited to be compatible with surrounding uses and traffic volumes on Oceanside and College Boulevards. The uses

permitted within the PBD plan shall be those of the underlying General Commercial (CG) Zone, as contained within the current Oceanside Zoning Ordinance, unless specifically prohibited under Section 500 of this plan. Such permitted uses specifically include, but are not necessarily limited to, the following: (Also included is a Use Comparison Table that identifies all allowable uses).

1. Grocery markets of not less than 5,000 square feet of gross leasable area;
2. Two drive-thru uses on free-standing pads, (Pad C - drive-through; restaurant, Pad D - drive-through; bank) only one of which may be restaurant, the other will be a financial institution;
3. Eating and Drinking establishments with less than 15 percent of floor area allocated for dancing shall be permitted with a Use Permit.

500 PROHIBITED USES

The following uses shall be prohibited in the Developers Resource Shopping Plaza:

1. All uses listed in Article 36 "Regulated Uses" of the Oceanside Zoning Ordinance with the exception of dancing

establishments, which is addressed in Item 3 of Section 400 of this plan;

2. Ambulance services (This exclusion shall not prohibit other medical services.);
3. Animal boarding facilities, except in conjunction with veterinarian services;
4. Antique shops, second hand shops, or thrift shops;
5. Automobile service stations;
6. Automobile washing facilities;
7. Building materials and services;
8. Campgrounds and RV parks;
9. Commercial parking facilities;
10. Commercial recreation and entertainment uses, including arcades, movie theaters, bowling alleys, miniature golf courses, billiard rooms, and pool rooms (This exclusion shall not prohibit health and fitness clubs.);

11. Clubs and lounges (This exclusion shall not prohibit health and fitness clubs.);
12. Convenience markets, in-line or free-standing (This exclusion shall not prohibit the grocery market as permitted under Section 400 of these regulations.);
13. Drive-thru restaurants, except for the free-standing pad use as permitted within Section 400 of these regulations;
14. Fortune telling and palm reading services;
15. Funeral and interment services;
16. Gun shops;
17. Hotels, motels or single-room occupancy hotels;
18. Outdoor plant nurseries;
19. Pawn shops;
20. Religious assembly facilities;
21. Rescue missions;
22. Residential uses;

23. Sanitary landfills;
24. Sewage disposal plants;
25. Swap meets;
26. Temporary trailers and equipment vans, except during construction of the center;
27. Vehicle/equipment sales and rentals in conjunction with the outdoor storage of vehicles and equipment (This exclusion shall not prohibit the establishment of in-line rental agencies that do not have outdoor storage.);
28. Warehousing and storage facilities;
29. Welfare and charitable services.

204.01/2

Use Classification Table

USE CLASSIFICATION	PBD
Residential	
Day Care, Ltd.	-
Single-family Residential	-
RV Parks	-
Public and SemiPublic	
Clubs and Lodges	-
Day Care, General	-
Government Offices	P
Public Safety Facilities	-
Religious Assembly	-
Utilities, Major	-
Utilities, Minor	-
Commercial Uses	
Adult Businesses	-
Ambulance Services	C1
Animal Boarding	C2
Animal Grooming	P
Animal Hospitals	P
Animal Retail Sales	P
Artist Studios	P
Banks and S&L's	P
w/ drive-through	U
Building Materials/Services	-
Catering Services	P
Commercial Filming	-
Commercial Rec./Entertain.	C3
Communication Facilities	-
Eating & Drinking Est.	P
w/ beer and wine	U
w/ full alcohol	U
w/ live entertainment	U
w/ take out service	P
w/ drive-up/through	C8
Food & Beverage Sales	C5
Funeral & Internment	-
Laboratories	-
Maintenance and Repair	P
Marine Sales	-
Nurseries	-
Office, Business & Prof.	P

USE CLASSIFICATION	PBD
Pawn Shops	-
Personal Improvement	U
Personal Services	P
Research and Development	-
Retail Sales	C4
Secondhand Appliance/Cloth	C4
Swap Meets	-
Travel Services	P
Automobile Rentals	C6
Automobile Washing	-
Service Stations	-
Vehicle Equip. Repair	-
Vehicle Equip. Sales/Rentals	-
Commercial Parking Facilities	-
Bed & Breakfast Inns	-
Hotels/Motels & Time Shares	-
SRO Hotels	-
Warehousing/Storage, Ltd.	-
Industry, Custom	-
Industry, Limited	-
Wholesaling/Distribution	-

Additional Use Regulations for PBD Overlay

- C1 Shall not prohibit other medical services.
- C2 Except in conjunciton with Veterinarian services.
- C3 Health and Fitness Clubs shall not be prohibited.
- C4 Prohibits antique sales and gun sales.
- C5 Grocery markets of 5,000 sq.ft. of gross leasable floor area or greater are permitted.
- C6 "In-Line" rental storage that do not have onsite outdoor vehicular storage are allowed.
- C7 Prohibits Sanitary Landfills and Sewage Disposal Plants.
- C8 Only one (1) drive-through restaurant with a use permit allowed on Pad C.

RECEIVED



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

CITY OF OCEANSIDE
 DEVELOPMENT SERVICES

STAFF USE ONLY

ACCEPTED
 SEP 21 2010

BY

SN
 DW

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT VRDO PLAZA PARTNERSHIP	2. STATUS
3. ADDRESS 4880 WEATHERS PL #225 SD 92121	4. PHONE/FAX/E-mail 81457-3235
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) CHARLES YABLON	
6. ADDRESS C/MC	7. PHONE/FAX/E-mail 81457-3235

GPA
MASTER/SP.PLAN
ZONE CH.
TENT. MAP
PAR. MAP
X DEV. PL. D10-05009
C.U.P.
VARIANCE
COASTAL
D.H.P.A.C.

PART II - PROPERTY DESCRIPTION

8. LOCATION 4201-4251 OCEANIDE BLVD		
10. GENERAL PLAN CG	11. ZONING CG-PBD	12. LAND USE ACTUAL

9. SIZE 8.77 ACS.
13. ASSESSOR'S PARCEL NUMBER 42-241-10, 22, 23

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION
 REVISION AND PARTIAL DEVELOPMENT PLAN REVISION

15. PROPOSED GENERAL PLAN —	16. PROPOSED ZONING —	17. PROPOSED LAND USE —	18. NO. UNITS —	19. DENSITY —
20. BUILDING SIZE —	21. PARKING SPACES —	22. % LANDSCAPE —	23. % LOT COVERAGE or FAR —	

PART IV - ATTACHMENTS

24. DESCRIPTION/JUSTIFICATION	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): CHARLES J. YABLON	34. DATE SEPT 20 2010	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>[Signature]</i>	35. OWNER (Print): CHARLES J. YABLON	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		36. DATE SEP 20, 2010
		Sign: <i>[Signature]</i>

ABDUL-H. SHAIKH
 02-09-11
 1/26/2009

October 27, 2010

DESCRIPTION AND JUSTIFICATION

REVISION TO DEVELOPMENT PLAN D-14-89

Ralphs Rancho Del Oro Gateway Shopping Center

OCT 28 2010
Planning Department

This approximate 103,000 sf shopping center located on the SEC of Oceanside and College Boulevards was completed in 1999/2000 and has been owned and operated by the original development partnership since that time. The center was built and is operated as a long term portfolio investment.

In addition to the Ralphs Grocery and Pharmacy anchor tenant, the center includes a number of national and regional retailers such as Rubios, Baskin Robbins and Togo's, Papa Johns, Supercuts, Jack In The Box, Blockbuster, L&L Hawaiian Barbeque, and Sprint, franchises such as Wings and Pizza and Things and local merchants like Karate for Kids, Charming Siam, Oceanside Frutas, Yummy Pho restaurants and others.

The owners' partnership has an ongoing program of steady investment in property maintenance and upgrades to bring and keep the center to the level of "Best In Class" at the intersection, and in the neighborhood.

When the center was originally conceptualized prior to 1990, the owner's consultant at that time recommended that an application be made for a PBD overlay zoning over a CG zone, because one of the parcels on which the center was to be constructed had been zoned light industrial many years before the Ranch Del Oro community was developed, and in the interim the character of the Oceanside and College intersection had changed to a retail hub at a major intersection.

Over the past 11 years of operation that PBD designation, which we have subsequently learned applies to only a small hand full of the many retail centers in the City, has (1) made it more difficult for the center to compete for certain tenants with other retail properties on the same intersection, and (2) also made it more difficult for certain local tenants in the center to compete with tenants with the same or similar uses in those other centers.

It is proposed that much of the existing overlay PBD text for the center remain unchanged, as many of the prohibited uses would not be desired in a Class A neighborhood retail center. However, the following proposed changes are typical of most neighborhood centers of this type:

1. Eating establishments needing On Premises Beer and wine licenses would need to obtain ABC approval, but there would not be a need to apply for a Conditional Use Permit (C.U.P.), which puts a large financial strain on small businesses who are not experienced in public hearing applications.

Page 2

2. Drive up Bank teller machines would require administrative site plan approval, but would not require a conditional use permit. The conditional use permit requirement in the existing PBD regulation text has caused the center to lose potential bank tenants over the years.
3. The prohibition against building materials and services would be amended by: "except for home improvement stores."
4. Personal improvement services should be allowed under 5000 sf without a conditional use permit, as they are in the other commercial zones.
5. Daycare/preschool stores would be permitted without a conditional use permit, as they are in other commercial districts.

The remainder of the existing PBD overlay text has been revised to conform to those uses in the CG Zoning designation. Please refer to the accompanying revised PBD Regulations form and the Classification Table for Rancho Del Oro Gateway Shopping Center.

This revision application would be applicable to parcels APN 162-241-10, 22, & 23 only, also known as 4201, 4221, 4225, 4231, 4241, and 4251 Oceanside Boulevard. The remaining parcel 162-241-42 east of Arroyo drive which is part of the existing PBD overlay zoning, is not a part of either this application or the Rancho del Oro Gateway Shopping Center and is under separate ownership.

The above requested changes should help our local restaurant tenants to meet their competition and generate additional revenue. It should also help to fill some of the current vacant spaces in the shopping center over time. The net effect will be to increase business activity, job opportunities, and sales and license taxes in the City of Oceanside.

Your support is respectfully requested.

LEGAL DESCRIPTION

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

Parcel A:

Parcel 2 of Parcel Map No. 12485, in the City of Oceanside, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, December 17, 1982 as File No. 82-387440 of Official Records.

Parcel B:

Parcels 3 and 4 of Parcel Map No. 15591, in the City of Oceanside, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, on February 27, 1989 as File No. 89-099268 of Official Records.

APN: 162-241-10-00, 162-241-22-00 and 162-241-23-00

SCHEDULE A

Order No: 56130039 A33

Your Ref: SHEIKH

1. The estate or interest in the land hereinafter described or referred to covered by this report is:

A FEE

2. Title to said estate or interest at the date hereof is vested in:

ABDUL H. SHEIKH AND ANNA E.M. SHEIKH, AS TRUSTEES OF THE ABBEY TRUST DATED
JANUARY 25, 2001

SUBJECT TO ITEM NO. 15 OF SCHEDULE B.

Legal Description

3. The land referred to in this report is situated in the State of California, County of SANTA CLARA and is described as follows:

PARCEL 2 OF PARCEL MAP NO. 15591, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY FEBRUARY 27, 1989.