

AGENDA NO. 4

PLANNING COMMISSION



STAFF REPORT

DATE: February 9, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (C-29-08) TO SELL BEER AND WINE IN A NEW MEXICAN RESTAURANT ESTABLISHMENT LOCATED AT 4259 OCEANSIDE BOULEVARD, SUITE 105, WITHIN THE PLAZA MOTTINO SHOPPING PLAZA PLANNED BLOCK DEVELOPMENT – CEJA’S MEXICAN GRILL – APPLICANT: CEJA’S MEXICAN GRILL**

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. 2009-P07 approving Conditional Use Permit (C-29-08) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On July 11, 1990, the City Council adopted Ordinance No. O90-24 establishing the “Plaza Mottino Shopping Plaza Planned Block Development”. The Planned Block Development Plan Text, which is unique to this shopping center, lists items that require Conditional Use Permits. This list includes the eating and drinking establishments with beer and wine.

On June 13, 2005, the Planning Commission adopted Resolution No. 2005-P29 on a 6-to-0 vote approving D-19-04, C-4-05 Oceanside Marketplace and Business Center, consisting of three commercial buildings totaling 36,902 square feet. The center is currently under construction.

On July 28, 2008, Ceja’s Mexican Grill submitted an application for a conditional use permit to allow for the sale of beer and wine in association with a bona fide eating and

drinking establishment within the Oceanside Marketplace and Business Center. The restaurant consists of 1,585 square feet of commercial space in Suite 105 of this center.

Site Review: Zoning District and General Plan Designation: The project site is situated within the General Commercial - Planned Block Development (CG-PBD) District. The land use designation is General Commercial (GC).

Existing use and development on site: The Oceanside Marketplace and Business Center is currently under construction. When completed, the project will provide 36,902 square feet of commercial floor area. The development application identified restaurant, retail, and office as the principal land uses at this site. Tenant improvements are currently under review for Suite 105 to convert the building space into a Mexican restaurant.

Surrounding land uses: Adjacent lots include Medium Density residential land uses to the south, Light Industrial uses to the east, and Single-Family Detached residential units to the north. To the west of the subject site is the Rancho del Oro Gateway Plaza, which was formerly known as Plaza Mottino and is also subject to the Plaza Mottino Planned Block Development Plan Text.

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

Conditional Use Permit (C-9-08) represents a request for the following:

- (a) To allow for beer and wine service at a bona fide eating and drinking establishment pursuant to the Use Classification Table of the "Plaza Mottino Shopping Plaza Planned Block Development Text."

The proposed project site is approximately 1,585 square feet and has an interior occupancy of 38 seats. The hours-of-operation for the restaurant would be Sunday through Thursday, 10:00 a.m. to 9:00 p.m. and Friday and Saturday, 10:00 a.m. to 10:00 p.m. This will primarily be a sit down restaurant.

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

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

ANALYSIS

KEY PLANNING ISSUES

1. General Plan Conformance

The General Plan Land Use Map designation for the subject property is General Commercial (CG). The proposed land use is consistent with this land use 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 conditions placed on the proposed use are consistent with the General Plan, will not effect neighborhood compatibility; and will not cause the operation of the use to be detrimental to the welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas. The hours of alcohol sales have been limited to the hours during which food is served. In addition, the State Department of Alcohol Beverage Control (ABC) license requires that the quarterly sale of alcohol cannot exceed the quarterly sale of food.

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 this approval and the most restrictive conditions shall apply.

2. Zoning Ordinance Compliance

The project site is situated within the General Commercial – Planned Block Development (CG-PBD) District, which formally called the “Plaza Mottino Shopping Plaza Planned Block Development.” The district was created in 1990 by City Council Ordinance No. O90-24. By ordinance, a conditional use permit is required for bona fide restaurant that wishes to serve beer and wine.

DISCUSSION

Issue: Compatibility with surrounding land uses.

Recommendation: The Plaza Mottino Shopping Center Planned Block Development Plan Text requires a Conditional Use Permit approval for an eating and drinking establishment with beer and wine service. Under the current Zoning Ordinance, eating and drinking establishments with beer and wine within General Commercial Districts is allowed without any special permits.

Currently, there are two other restaurants (Rubio’s Baja Grill Restaurant – Resolution 99-P03 and Wings, Pizza N’ Things – Resolution 2006-P72) that serves beer and wine in the vicinity of the proposed project. It has been determined that the addition of beer and wine service at Ceja’s Mexican Grill will not be detrimental to Oceanside Marketplace and Business Center or RDO Gateway and will be compatible with the surrounding neighborhoods. The conditions placed on the use permit will further ensure the protection of general public health and well-being.

ENVIRONMENTAL DETERMINATION

The project is subject to a Class 1 categorical exemption for “Existing facilities” pursuant to Section 15301(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 and occupants within a 1,500-foot radius of the subject property, to individuals and organizations requesting notification, and to the applicant. As of February 2, 2009, staff has not received comments on the proposed land use.

SUMMARY

The proposed Conditional Use Permit C-29-08, as conditioned, is consistent with the land use policies of the General Plan and the requirements of the Zoning Ordinance and the Planned Block Development Plan Text. The approval of the sale of beer and wine at Ceja's Mexican Grill will provide a restaurant amenity to serve the Rancho Del Oro community. 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:

- Adopt Planning Commission Resolution No. 2009-P07 approving Conditional Use Permit C-29-08 with findings and conditions of approval attached herein.

PREPARED BY:


Sally Schifman
Planner II

SUBMITTED BY:


Jerry Hittleman
City Planner

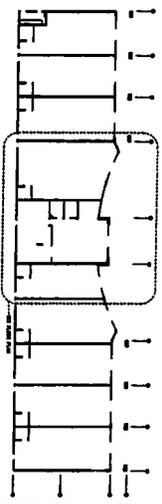
REVIEWED BY:


Richard Greenbauer, Senior Planner

JH/SS/fil

Attachments:

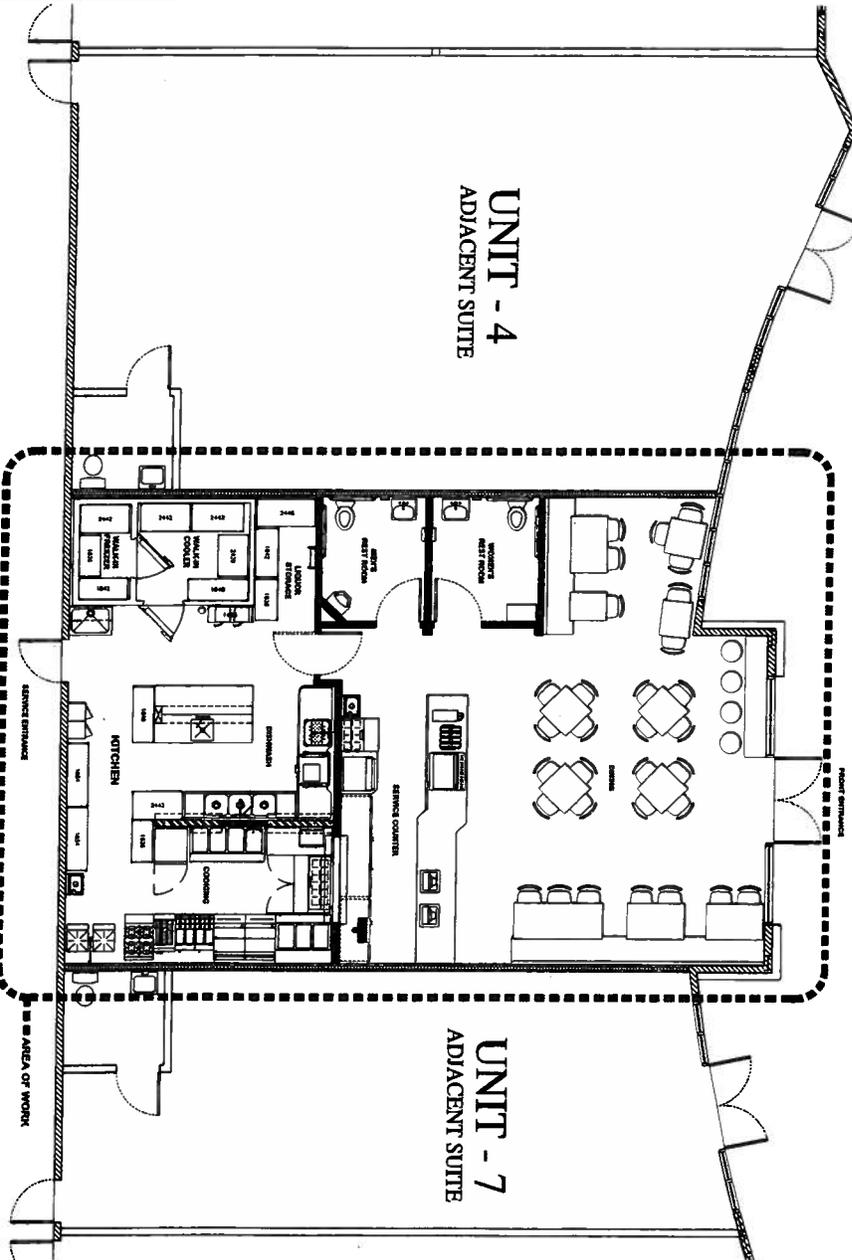
1. Site plans, elevations
2. Planning Commission Resolution No. 2009-P07



KEY PLAN - BLDG "A"

UNIT - 4
ADJACENT SUITE

UNIT - 7
ADJACENT SUITE



RECEIVED
 APR. 22 2008
 Planning Department

Ti-1

DATE	APR 14, 2008
PROJECT TITLE	TENANT IMPROVEMENT FLOOR PLAN
CLIENT	CEJA'S MEXICAN DINER & GRILL
LOCATION	4250 OCEANSIDE BOULEVARD - SUITE 103
CITY	OCEANSIDE, CALIFORNIA 92056
ARCHITECT	ORNESS DESIGN GROUP, INC.
DESIGNER	ORNESS DESIGN GROUP, INC.
DATE	APR 14, 2008
SCALE	AS SHOWN
BY	ORNESS DESIGN GROUP, INC.
CHECKED BY	ORNESS DESIGN GROUP, INC.
APPROVED BY	ORNESS DESIGN GROUP, INC.

CEJA'S MEXICAN DINER & GRILL
 - TENANT IMPROVEMENT -
 4250 OCEANSIDE BOULEVARD - SUITE 103
 OCEANSIDE, CALIFORNIA 92056

ORNESS DESIGN GROUP INC
 A FOODSERVICE DESIGN AND EQUIPMENT COMPANY
 10000 OCEANSIDE BOULEVARD, SUITE 100, OCEANSIDE, CALIFORNIA 92056
 TEL: 760.434.2200 FAX: 760.434.2201
 WWW.ORNESSDG.COM

1 PLANNING COMMISSION
2 RESOLUTION NO. 2009-P07

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

6 APPLICATION NO: C-29-08
7 APPLICANT: Ceja's Mexican Grill and Diner
8 LOCATION: 4259 Oceanside Boulevard, Unit 105, within the Developer's
Resource Plaza Mottino Planned Block Development

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 & 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

14 the sale of beer and wine in a bona fide eating establishment;
15 on certain real property described in the project description.

16 WHEREAS, the Planning Commission, after giving the required notice, did on the 9th day
17 of February, 2009, conduct a duly advertised public hearing as prescribed by law to consider said
18 application.

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

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

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

25 FINDINGS:

26 For the Conditional Use Permit to allow for the sale of beer and wine at a restaurant:

- 27 1. The restaurant operation allowing for beer and wine alcoholic beverage service is
28 consistent with the permitted land use regulations for the General Commercial district.
29 The Plaza Mottino Shopping Center Area Planned Block Development Plan Text,

1 adopted as part of Planning Commission Resolution No. 90-P24, requires a use permit
2 for the sale of beer and wine service in this shopping center.

- 3 2. The conditions for the restriction of the conditional use are consistent with the General
4 Plan, will not effect neighborhood compatibility; and will not cause the operation of the
5 conditional use to be detrimental to the welfare of persons or properties working, residing,
6 or otherwise existing in the adjacent neighborhood areas. The business is conditioned to
7 permit sales service and consumption of alcoholic beverages only during the hours that
8 food services are also being offered.
- 9 3. The conditional use is subject to and must comply with specific local conditions and
10 additional regulations as deemed necessary by other regulatory or permit authorities.

11 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
12 approve Conditional Use Permit (C-29-08) subject to the following conditions:

13 **Building:**

- 14 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
15 Building Division plan check.
- 16 2. The granting of approval under this action shall in no way relieve the applicant/project
17 from compliance with all State and local building codes.
- 18 3. Site development, parking, access into buildings and building interiors shall comply with
19 the State's Disabled Accessibility Regulations.
- 20 4. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the plans.
- 21 5. The developer shall monitor, supervise and control all building construction and supporting
22 activities so as to prevent these activities from causing a public nuisance, including, but no
23 limited to, strict adherence to the following:
- 24 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
25 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work
26 that is not inherently noise-producing. Examples of work not permitted on
27 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
28 producing nature. No work shall be permitted on Sundays and Federal Holidays
29 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).

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

6 6. Tenant improvements or other construction to the existing building requires permits
7 (including all required Inspections and approvals, and Issuance of Certificate of
8 Occupancy) from the Building Division.

9 **Planning:**

10 7. This Conditional Use Permit shall expire on February 9, 2011, unless implemented as
11 required by the Zoning Ordinance.

12 8. This Conditional Use Permit approves only beer and wine alcoholic beverage services for a
13 proposed restaurant as shown on the plans and exhibits presented to the Planning
14 Commission for review and approval. No deviation from these approved plans and
15 exhibits shall occur without Community Services Department/Planning Division approval.
16 Substantial deviations shall require a revision to the Conditional Use Permit or a new
17 Conditional Use Permit.

18 9. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
19 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
20 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
21 annul an approval of the City, concerning Conditional Use Permit C-29-08. The City will
22 promptly notify the applicant of any such claim, action or proceeding against the City
23 and will cooperate fully in the defense. If the City fails to promptly notify the applicant
24 of any such claim action or proceeding or fails to cooperate fully in the defense, the
25 applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the
26 City.

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

- 1 11. 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 12. Failure to meet any conditions of approval for this development shall constitute a violation
6 of the Conditional Use Permit.
- 7 13. 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 14. This Conditional Use Permit shall be called for review by the Planning Commission if
13 complaints are filed and verified as valid by the Code Enforcement Office concerning the
14 violation of any of the approved conditions or assumptions made by the application.
- 15 15. No live entertainment shall be permitted without obtaining a separate Conditional Use
16 Permit.
- 17 16. The approval does not relieve the applicant from an obligation to obtain an alcohol license
18 from the State Department of Alcoholic Beverage Control (ABC). Any license and permit
19 conditions imposed by the ABC and the City Police Chief shall be in addition to the
20 conditions of this approval and the most restrictive conditions shall apply.
- 21 17. All signs shall meet the requirements of the approved Comprehensive Sign Package for
22 the shopping center. Sign plans shall be reviewed and approved by the Planning
23 Division prior to an application for a sign permit.
- 24 18. Sales service and consumption of alcoholic beverages shall only be permitted during the
25 hours that food services are also being offered.
- 26 19. Dancing is prohibited.
- 27 20. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
- 28 21. The subject alcoholic beverage license shall not be exchanged for a public premises type
29 license nor operated as a public premise.

1 22. There shall be no audible music or noise emitting from the premises, which would
2 disturb the quiet and peaceful enjoyment of the property of the tenants and residences of
3 the area.

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

7 **Water Utilities:**

8 24. The developer will be responsible for developing all water and sewer utilities necessary
9 to develop the property. Any relocation of water and/or sewer utilities is the
10 responsibility of the developer and shall be done by an approved licensed contractor at
11 the developer's expense.

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

14 26. All Water and Wastewater construction shall conform to the most recent edition of the
15 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
16 the Water Utilities Director.

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1 27. A Grease, Oil, and Sand Interceptor, described by the 2007 California Plumbing Code
2 Chapter 10, shall be installed in each building sewer in an appropriate location and shall
3 be maintained by the property owner, in accordance with City of Oceanside Ordinance
4 07-0R0021-1. The location shall be called out on the approved Improvement Plans.

5 PASSED AND ADOPTED Resolution No. 2009-P07 on February 9, 2009 by the
6 following vote, to wit:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

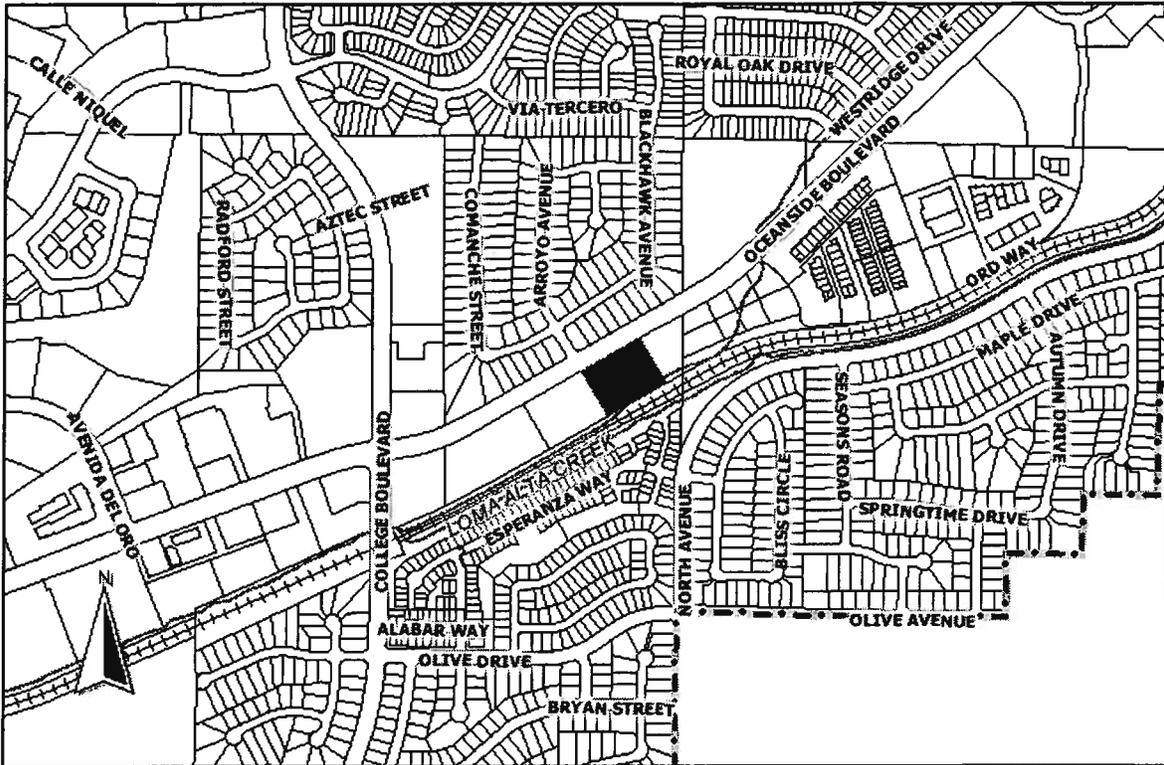
11 _____
12 Claudia Troisi, Chairperson
13 Oceanside Planning Commission

14 ATTEST:

15 _____
16 Jerry Hittleman, Secretary

17 I, Jerry Hittleman, Secretary of the Oceanside Planning Commission, hereby certify that this is a
18 true and correct copy of Resolution No. 2009-P07.

19
20 Dated: February 9, 2009
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28
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File Number: C-29-08

Applicant: Ceja's Mexican Grill

Description:

CONDITIONAL USE PERMIT (C-29-08) to sell beer and wine in a Mexican restaurant establishment located at 4259 Oceanside Boulevard, Suite 105, within the Plaza Mottino Shopping Plaza Planned Block Development. The project site is zone CG-PBD (General Commercial-Planned Block Development) and is within the Ivey Ranch/Rancho Del Oro Neighborhood. – **CEJA'S MEXICAN GRILL**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

City of Oceanside, Planning Division
300 N. Coast Highway
Oceanside, CA 92054 (760) 435-3520



Application for Public Hearing

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

RECEIVED
JUL 28 2008

Planning Department

STAFF USE ONLY

ACCEPTED

BY

F. Burton

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT

CEJA'S MEXICAN GRILL + DINER

2. STATUS

GPA

MASTER/SP.PLAN

3. ADDRESS

4259 OCEANSIDE BLVD. #105

4. PHONE/FAX/E-mail

ZONE CH.

TENT. MAP

PAR. MAP

5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)

Kim Tower / TOWER DEVELOPMENT SERVICES

DEV. PL.

C.U.P.

C-38-08 - C-29-08

6. ADDRESS

125 OLD GROVE RD. #328

7. PHONE/FAX/E-mail

(760) 777-4816

VARIANCE

COASTAL

PART II - PROPERTY DESCRIPTION

8. LOCATION

Same

9. SIZE

10. GENERAL PLAN

11. ZONING

CG-PBD

12. LAND USE

13. ASSESSOR'S PARCEL NUMBER

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION

CUP REQUIRED FOR A BEER/WINE LICENSE ON A PROPOSED T.I. OF A SIT DOWN MEXICAN FOOD RESTAURANT.

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):

Kim Tower

34. DATE

7/3/08

SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).

Sign:

Kim Tower

35. OWNER (Print)

ABDUL-HALIM SAEIKH

36. DATE

07-11-08

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

Sign:

[Signature]

RECEIVED

SALLY

JUL 28 2008

DESCRIPTION/JUSTIFICATION

CUP Application

Ceja's Mexican Grill & Diner

On Behalf of my client Alan Ceja/Ceja Hermanos, Inc., I would like to take this opportunity to thank you for your time and consideration in the granting of a Conditional Use Permit for a Beer and Wine License (41) for the proposed tenant improvement of ***Ceja's Mexican Grill & Diner*** restaurant located at ***4259 Oceanside Blvd., Suite #105.***

The proposed location on Oceanside Blvd. is approximately 1,654 square feet of leasable space. The proposed interior seating count is 38 seats.

Granting of this application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health safety or general welfare.

The hours of operation are as follows: Sun-Thur 10:00am-9:00pm, Fri & Sat 10:00am-10:00pm. The maximum number of employees at any one time will be ten.

The applicant (tenant), Alan Ceja is the owner of Anita's Mexican Restaurant located here in Oceanside at 2251 El Camino Real, Suite C. As an upstanding citizen of the community and business owner in the city of Oceanside, the Ceja family name prides itself in the "family restaurant business". This proposed new location on Oceanside Blvd. will offer a smaller menu of the same delicious Mexican food served at Anita's Mexican Restaurant. This is a sit down restaurant that will provide the same authentic family feel that the Ceja's family prides itself in. Food will also be prepared for take-out, upon request.

**Ceja's Mexican Grill
C-29-08**

The following is a list of restaurants within the RDO Gateway shopping center that currently sell alcohol on their premises.

Wings.Pizza.N.Things Restaurant

4225 Oceanside Blvd., Suite Y

**Hours of operation: M-Th 10:00am – 10:00pm
Fri-Sat 10:00am – Midnight
Sun 9:00am – 10:00pm**

Rubio's

4201 Oceanside Blvd., Suite B

**Hours of operation: M-Th 10:00am – 9:00pm
Fri-Sat 10:00am – 10:00pm
Sun 10:30am – 9:00pm**

PRELIMINARY REPORT
YOUR REFERENCE: 4259 OCEANSIDE, OCEANSIDE

Security Union Title Company, American Title Division
ORDER NO.: 33001044-33

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

BEING PARCEL "A" OF THAT CERTAIN LOT LINE ADJUSTMENT/CERTIFICATE OF COMPLIANCE NO. PLA-15-05, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED FEBRUARY 14, 2007 AS INSTRUMENT NO. 2007-101684 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL ONE (1) AND TWO (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 AS FILE NO. 89-99268 ON FEBRUARY 27, 1989.



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 02/10/2009
Removal: 08/10/2009
(180 days)

1. **APPLICANT:** Ceja's Mexican Grill and Diner
2. **ADDRESS:** 4259 Oceanside Boulevard #105, Oceanside CA 92056
3. **PHONE NUMBER:** (760) 517-3464
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Sally Schifman
6. **PROJECT TITLE:** Ceja's Mexican Grill (C-29-08)
7. **DESCRIPTION:** Conditional Use Permit (C-29-08) to sell beer and wine in a Mexican restaurant establishment located at 4259 Oceanside Boulevard, Suite 105, within the Plaza Mottino Shopping Plaza Planned Block Development. The project site is zone CG-PBD (General Commercial-Planned Block Development) and is within the Ivey Ranch/Rancho Del Oro Neighborhood.

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. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- The project is categorically exempt per Class 1, Existing Facilities (Section 15301); or,
- "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).

Date: February 10, 2009

Sally Schifman, Planner II

cc: Project file Counter file Library
Posting: County Clerk \$50.00 Admin. Fee (only required if filing for 30 day posting in lieu of 180 day posting)