



DATE: March 23, 2009

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (C-35-08) TO ALLOW THE ESTABLISHMENT OF A RELIGIOUS FACILITY WITHIN A 22,000-SQUARE FOOT COMMERCIAL RETAIL SUITE WITHIN THE MISSION DOUGLAS PLAZA COMMERCIAL CENTER LOCATED AT 3955 MISSION AVENUE. – IGLESIA EBENEZER – APPLICANT: IGLESIA EBENEZER**

**RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 1, Categorical Exemption “Existing Facilities”; and,
- (2) Adopt Planning Commission Resolution No. 2009-P14 approving Conditional Use Permit (C-35-08) with findings and conditions of approval attached herein.

**PROJECT DESCRIPTION AND BACKGROUND**

**Background:** The applicant wishes to relocate an existing religious facility (Ebenezer Church) currently located at 141 Canyon Drive to a vacant commercial building located within the Mission Douglas Plaza at 3955 Mission Avenue. The Ebenezer Church was founded in Oceanside in 1995 by Mr. Ebenezer, and at that time the congregation attending the church services was very limited. Today the Ebenezer Church facility has well surpassed its occupancy requirements for its current location and operates with a far larger number of employees and provides religious services to 200 people.

On April 16, 1984 the Planning Commission approved a Development Plan (D-14-82), to construct a shopping center known as the Mission Douglas Plaza commercial center. Within the original Development Plan (D-14-82), the subject 22,000-square foot suite was developed and used as a commercial pharmacy. The 22,000-square foot commercial suite was later used and approved under Conditional Use Permit (C-41-98) on February 8, 1999 for a fitness gym, known as Fitness West. Ever since Fitness West stopped its operation at the subject building, the building has been vacant for more than four years.

On January 22, 2007 a Conditional Use Permit (C-24-06) was approved to allow the Julian Charter School to operate educational services, but the school never occupied the building, and the building has remained vacant for more than four years.

**Site Review:** The subject site is located at 3955 Mission Avenue, just south of Mission Avenue, east of Douglas Drive, and west of Rancho Del Oro. This project site is located within the Mission Douglas Plaza Commercial center, and within the San Luis Rey Neighborhood. The property is comprised of an approximate 22,000-square foot retail suite with associated parking on-site.

The zoning designation for the property is CS-L-H (Special Commercial District Limited with a Historic Overlay) and the General Plan Land Use Category is SC (Special Commercial). Religious assembly uses are permitted within the Special Commercial District with approval of a Conditional Use Permit, which is not to exceed five years based on the site's CS-L-H (Special Commercial District) and the Oceanside Zoning Ordinance requirement Article 1120 for religious facilities.

Surrounding land uses include the New Song Community Church to the east, various types of commercial retail uses to the north and west, and open vacant CALTRANS hillside property to the south of SR-76.

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

Conditional Use Permit (C-35-08) represents a request for the following:

- (a) To permit the operation of commercial religious facility known as the Ebenezer Church within an approximate 22,000-square foot commercial suite at 3955 Mission Avenue. The religious use would consist of bible study classes, intercessory prayer meetings, worship ceremonies, outreach programs, and affiliated office use. The bible study classes and intercessory prayer meetings would serve spiritual healing to the community of Oceanside and would be held on week nights. The worship ceremonies and outreach programs would provide spiritual guidance, and would be held within the sanctuary portion of the building on Saturdays and Sundays.

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

1. General Plan Land Use Element
2. Zoning Ordinance
3. CEQA

## **ANALYSIS – KEY PLANNING ISSUES**

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

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

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

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

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

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

The proposed Church use has been reviewed and analyzed by staff to ensure that religious assembly would not adversely impact the existing commercial center, and the abutting uses. Operation of religious assembly has been determined by staff to provide an overall balance of land uses in close proximity to the residential areas, and to foster a sense of community. The existing building has been un-used and vacant for over four years, which has limited the commercial activity in the Mission and Douglas Plaza. Staff believes that allowing the Church to occupy this location at 3955 Mission Avenue would foster commercial opportunities for the center, and provide a well-balanced sense of community for the commercial center.

#### **I.I. Balanced Land Uses**

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

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

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

The proposed church facility occupying the existing 22,000-square foot commercial building would not significantly impact the site or surrounding land uses, because of the limited hours-of-operation, and the primary use of the Church would be conducted on Sunday Mornings. The implementation of Church facility occupying the existing building within a commercial center has been reviewed by staff for consistency to the existing center and the surrounding land uses. Staff has evaluated traffic impacts and parking demand for all neighboring uses, and found that the neighboring uses should not conflict with one another due to the differences in the hours-of-operation. The neighboring New Song Church to the east should not impact parking or traffic, due to the ample amount of parking provided for each facility on each Church's parcel. Staff analyzed the existing and future traffic demands with the addition of the Church, and has determined that the project would generate less than 200 trips a day, during non peak traffic hours.

**2. Zoning Compliance**

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

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

<b>PROPOSED USE</b>	<b>BUILDING AREA</b>	<b>PARKING SPACES REQUIRED</b>	<b>PARKING SPACES PROPOSED</b>
Religious Assembly	22,000 sq. ft.	(1 per 4 seats or 1 per each 40 sq. ft. of non-fixed seating area.)	211 Reciprocal
<b>Total</b>	<b>22,000 sq. ft.</b>	<b>152</b>	<b>211 Reciprocal</b>

As depicted in the table above the proposed Religious Facility known as the Ebenezer Church will require 152 parking stalls, and the existing 211 parking spaces provided on site would exceed the requirement as specified in the Oceanside Zoning Ordinance. No parking for the Church use shall be outside of the proposed site's parcel, and if complaints arise from adjoining property owners regarding parking issues, enforcement procedures would be conducted and this Conditional Use Permit would be subject for review by the Planning Commission.

### 3. Land Use Compatibility with surrounding developments

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

#### **DISCUSSION**

*Issue: Will the addition of the Religious Facility negatively impact the surrounding neighborhood and be compatible with the neighboring uses?*

Staff's review of the Ebenezer Church proposal to occupy the 22,000-square foot commercial retail suite, centered on compatibility issues with existing land uses within the Mission Douglas Plaza and project compliance with applicable development standards. The subject commercial center includes a wide variety of uses, and contains a total of 221 parking spaces. Based on the Oceanside Zoning Ordinance requirements for religious facilities The Ebenezer Church use requires approximately 152 parking spaces. Therefore the project would comply with the minimum parking requirements, and will provide the surplus parking that would supplement the growth of the Church.

The primary hours-of-operation would be conducted on Sundays from 11:00 a.m. to 2:00 p.m. and some weekday evenings from 7:00 p.m. to 9:00 p.m. The established hours-of-operation would not conflict with the adjoining commercial uses within the center, and would enable the Church to provide services to the community. In order to ensure that traffic and parking conflicts don't occur , the Church would provide busing services to attendants from adjoining cities to attend some Sunday worship services.

The Church would not meet the city's economic goals for this commercial center, in terms of providing property taxes to the city. The property has been vacant for more than four years and no other uses have been anticipated to occupy the building within this state of the economy, so allowing the Church to occupy the building would promote commercial activity to this under utilized commercial center.

Recommendation: Staff finds that the limited hours-of-operation of the Church facility would not impact the adjoining businesses within the area, and would help provide some additional foot traffic to an under utilized center. Staff therefore can support the use of a Church within an existing commercial building, based on limited impacts to adjoining uses.

## **ENVIRONMENTAL DETERMINATION**

Planning Division staff has completed a preliminary review of this project in accordance with the California Environmental Quality Act (CEQA), 1970. Based on that review staff finds the proposed project involves negligible or no expansion of the existing building, and the proposed project is categorically exempt pursuant to Class 1, Article 19, Section 15301 Existing Facilities, of the California Environmental Quality Act.

## **PUBLIC NOTIFICATION**

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

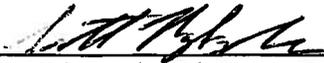
## **SUMMARY**

In summary, staff has analyzed the proposal for a Conditional Use Permit Revision for consistency with the requirements of the Zoning Ordinance and the policies outlined in the General Plan. Therefore, Staff finds that the use of a Church facility within an existing commercial retail building would be compatible with the existing use and will not impact the surrounding neighborhood. As such, Staff recommends that the Planning Commission approve the project. The Commission's action should be:

- Move to approve Conditional Use Permit Revision (C-35-08) and adopt Planning Commission Resolution No. 2009-P14 as attached.

PREPARED BY:

SUBMITTED BY:

  
\_\_\_\_\_  
Scott Nightingale  
Planner II

  
\_\_\_\_\_  
Jerry Hittleman  
City Planner

REVIEWED BY:   
\_\_\_\_\_  
Richard Greenbauer, Senior Planner

JH/SN/fil

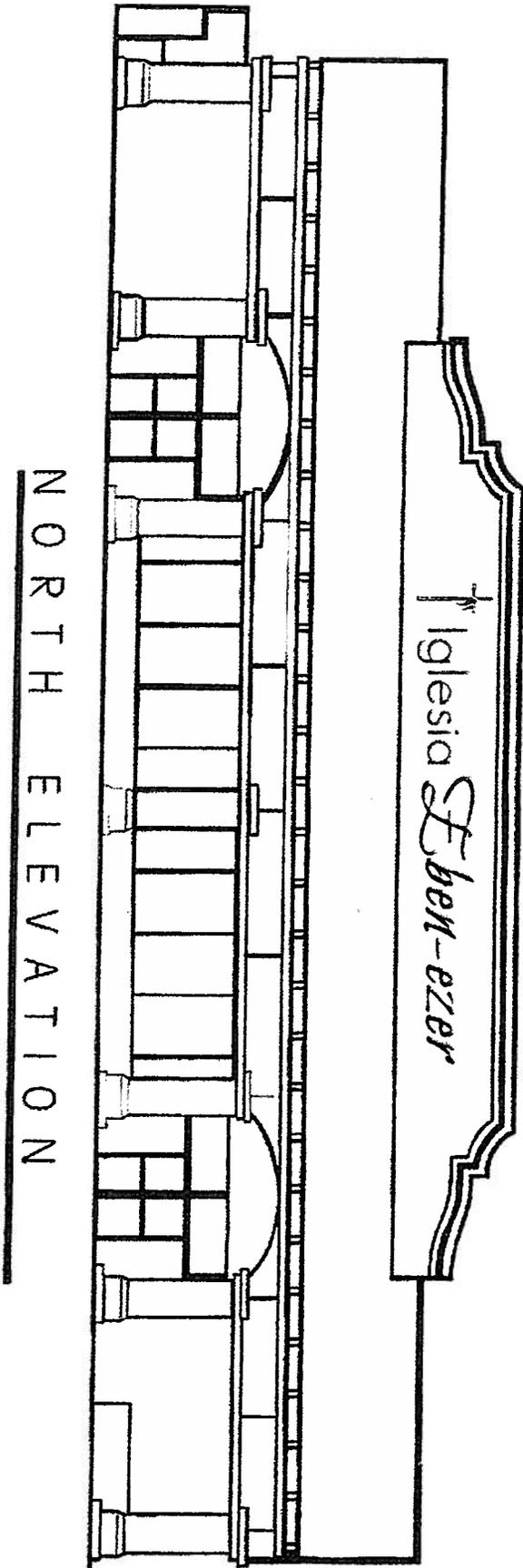
Attachments:

1. Site Plan/Architectural Plans
2. Planning Commission Resolution No. 2009-14



Iglesia Eben-ezer  
sign is max: 48" tall  
11-04-2008

Received  
NOV 04 2008  
Planning Division



NORTH ELEVATION

JACOB E. EVERTZ  
3966 Mission Ave  
Oceanside, CA 92057



NOTE:  
PLEASE SEE  
PAGE 11 MAINS.

# TREES

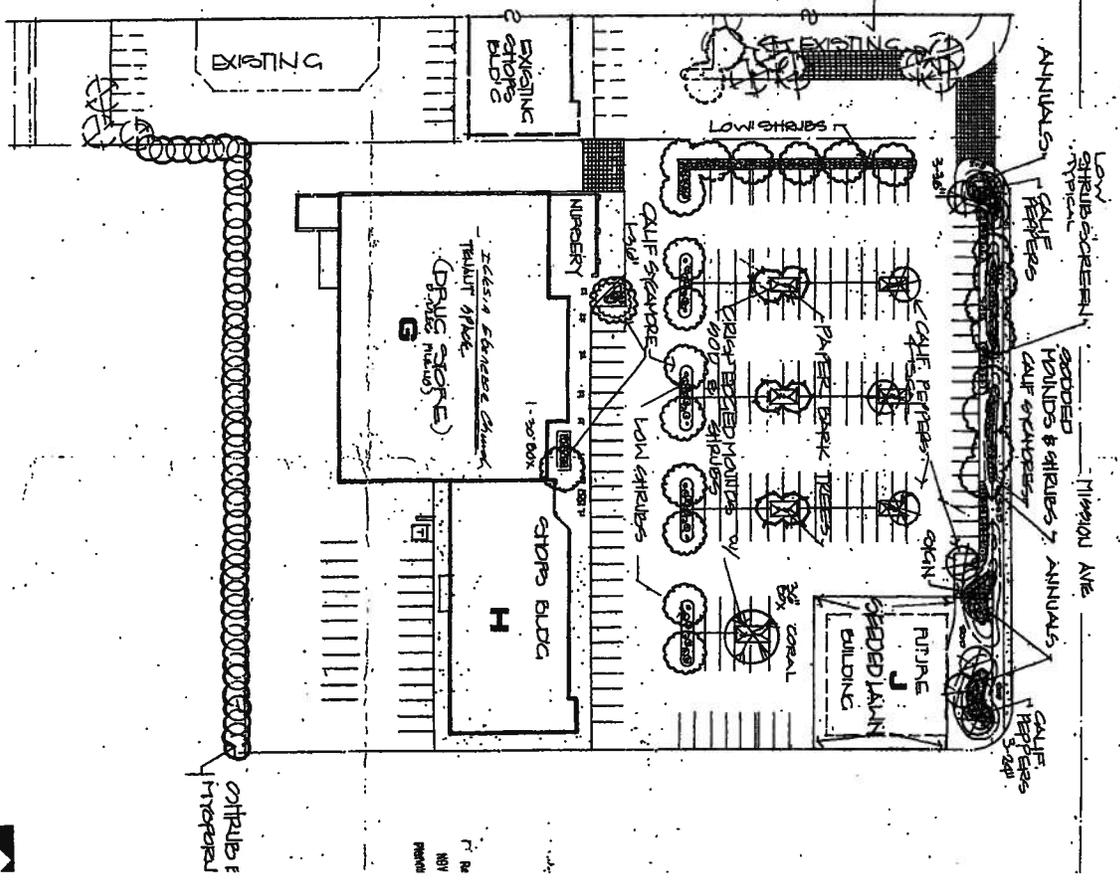
- ⊗ ERYTHRINA HUMANA MULTI 1-36" BOX
- ⊗ NATAL SPRAL TREE
- ⊗ MELALEUCA QUINCORNERVIA MULTI 6-15 GALLON
- ⊗ PAPER BARK TREE
- ⊗ PLATANUS RACEMOSA MULTI, 1-36" BOX, 1-30" BOX
- ⊗ CALIFORNIA SYCAMORE
- ⊗ PLATANUS RACEMOSA STD 23-15 GALLON
- ⊗ CALIFORNIA SYCAMORE
- ⊗ SCHINUS MOLLE 3-36" STD & 3-24" BOX & 4-15 GALLON
- ⊗ CALIFORNIA PEPPER TREE

# SHRUBS

- ⊗ LOW NATURAL HERBES: XYLISIA COMPACTA, ESCALLONIA, PITTOSPORUM
- ⊗ COLORFUL SHRUBS: RAFFLESIA, VERONICA, STACE, ACACIA, MYRTUS
- ⊗ SHRUB BUFFER: MYRTUS

# GROUND COVERS

- ⊗ SOG: MARATHON FESCUE ON ROUNDED 4:1 MOUNDS
- ⊗ SOG: MARATHON FESCUE & SHRUBS ON CREEPEDGED MOUNDS (SEE SECTION)
- ⊗ GAZANIA TREED MIXD COLORS 10" OC.
- ⊗ PELARGONIUM BELTANUM HYBRID 10" OC.
- ⊗ ANNUALS IN BUDM 6" OC.



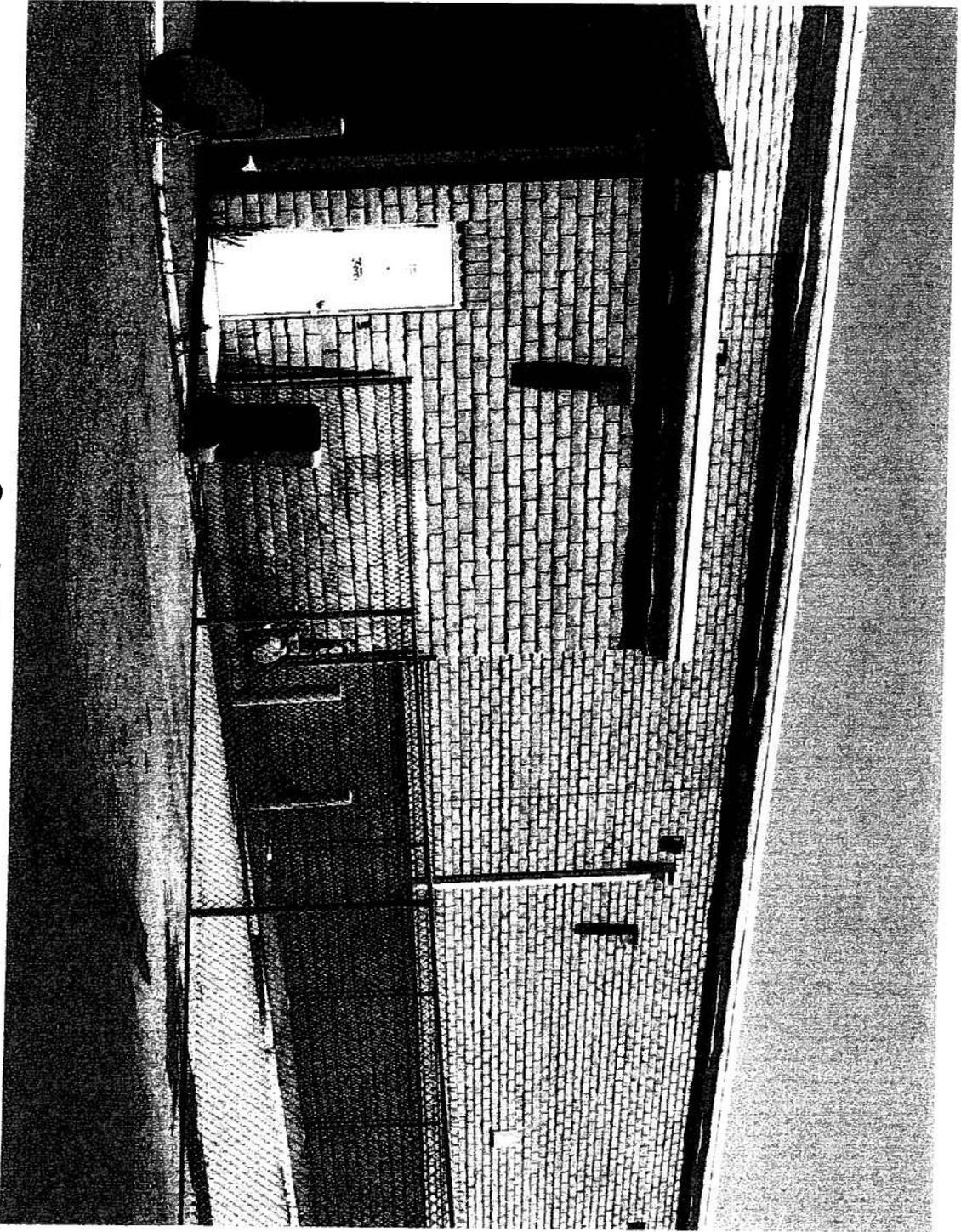
Existing Landscape Plan



Received  
NOV 04 2008  
Planning Division

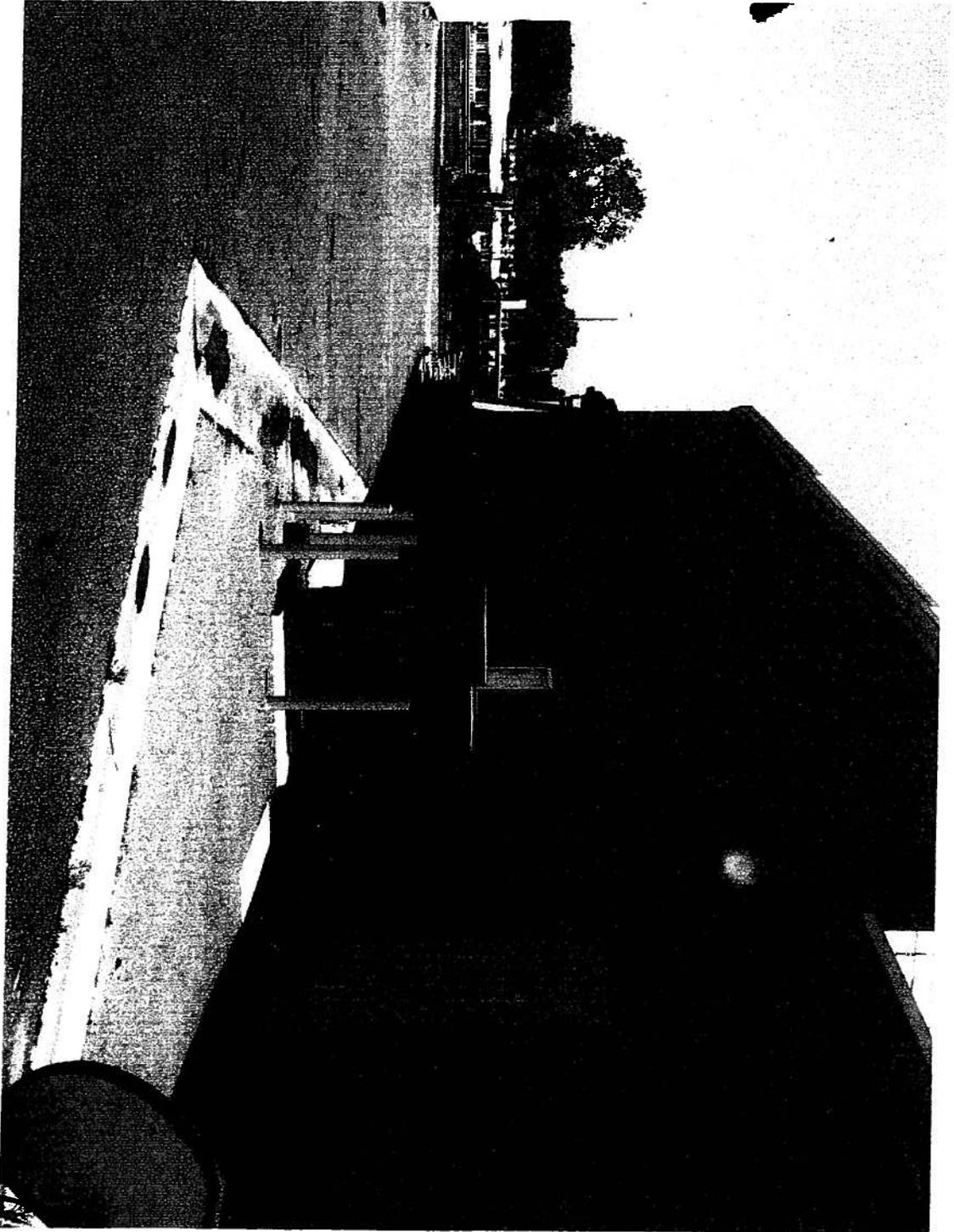
Future Lunch Area / North Side of Existing Building





South Elevation

West Elevation





North Elevation of the Existing Building

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2009-P14

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

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7 APPLICATION NO: C-35-08  
8 APPLICANT: Iglesia Ebenezer  
9 LOCATION: 3955 Mission Ave.

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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 Conditional Use Permit under the provisions of  
14 Articles 11 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

15 establishment of a religious assembly facility within an existing 22,000-square foot  
16 commercial building;

17 on certain real property described in the project description.

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 23<sup>rd</sup> day  
19 of March, 2009 conduct a duly advertised public hearing as prescribed by law to consider said  
20 application;

21 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
22 Guidelines thereto; this project is categorically exempt from CEQA per Class 1 Section 15301  
23 "Existing Facilities" ;

24 WHEREAS, there is hereby imposed on the subject development project certain fees,  
25 dedications, reservations and other exactions pursuant to state law and city ordinance;

26 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN that the  
27 project is subject to certain fees, dedications, reservations and other exactions as provided below:

28 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN that  
29 the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction  
described in this resolution begins on the effective date of this resolution and any such protest must  
be in a manner that complies with Section 66020;

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 Conditional Use Permit:

- 7 1.       That the proposed location of the religious facility is in accord with the objectives of the  
8 Zoning Ordinance and the purposes of the Special Commercial district in which the site  
9 is located. As per the Oceanside Zoning Ordinance section 1100 Religious facilities are  
10 permitted within Special Commercial District with an approval of a Conditional Use  
11 Permit. The proposed Church would utilize an existing 22,000-square foot commercial  
12 building and shall meet the required 121 parking requirements as per the Oceanside  
13 Zoning Ordinance code section 3100 with the existing 211 parking spaces provided on  
14 site.
- 15 2.       That the proposed location of the conditional use and the proposed conditions under  
16 which it would be operated or maintained will be consistent with the General Plan; the  
17 religious facility will not be detrimental to the public health, safety or welfare of persons  
18 residing or working in or adjacent to the neighborhood of such use; and will not be  
19 detrimental to properties or improvements in the vicinity or to the general welfare of the  
20 City. Staff has analyzed the impact of the Church's hours-of-operation with the adjacent  
21 neighboring commercial uses, and found that the Church's limited hours-of-operation  
22 would not conflict with the primary hours of the adjacent commercial uses within the  
23 Douglas Plaza Commercial Center, because the primary operation of the Church would  
24 be conducted Saturday and Sunday mornings.
- 25 3.       That the proposed conditional use will comply with the provisions of the Zoning  
26 Ordinance and Special Commercial District in which the property is located, including  
27 any specific condition required for the proposed conditional use in the district in which it  
28 would be located.

29       NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
approve Conditional Use Permit (C-35-08) subject to the following conditions:

1 **Building:**

- 2 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
3 Building Division plan check.
- 4 2. The granting of approval under this action shall in no way relieve the applicant/project  
5 from compliance with all State and local building codes.
- 6 3. Site development, parking, access into buildings and building interiors shall comply with  
7 C.C.R. Title 24, Part 2 (Disabled Access - Nonresidential buildings - D.S.A.).
- 8 4. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution  
9 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or  
10 other such lights may be utilized and shall be shown on building and electrical plans.
- 11 5. The building plans for this project are required by State law to be prepared by a licensed  
12 architect or engineer and must be in compliance with this requirement prior to submittal  
13 for building plan review.
- 14 6. This is a change in use as defined in the California Building Code (CBC) from B, F-1,  
15 and S-1 to A-2.1. Prior to Occupancy, the building must comply with all CBC  
16 requirements for the new use, and a new Certificate of Occupancy (C of O) must be  
17 issued by the Building Division. In order for a new C of O to be issued, a licensed  
18 architect or engineer must submit an analysis to the Building Division showing the status  
19 of the building with respect to the code requirements for the new use. If the building  
20 does not currently comply with the requirements for the new use, a permit will be  
21 necessary for the work necessary to bring the building into compliance, and the C of O  
22 will be issued upon completion of the permit.
- 23 7. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the  
24 plans.
- 25 8. Complete Energy Calculations/documentation will be required at time of plan submittal  
26 to the Building Division for plan check.
- 27 9. A Building (Demo) Permit will be required for the demolition of any existing walls.  
28 Plans for the Demolition Permit must clearly show that all work to be completed.
- 29 10. Setbacks and Type of Construction must comply with UBC Table 5-A. Allowable area  
must be shown to comply with chapter 5 of the UBC.

1 11. Tenant Improvements or other construction to the existing building requires permits  
2 (including all required Inspections and approvals, and Issuance of Certificate of  
3 Occupancy) from the Building Division.

4 12. A letter of clearance from the school district in which the property is located shall be  
5 provided at the time building permits are issued.

6 13. The developer shall monitor, supervise and control all building construction and supportive  
7 activities so as to prevent these activities from causing a public nuisance, including, but not  
8 limited to, strict adherence to the following:

9 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
10 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for  
11 work that is not inherently noise-producing. Examples of work not permitted on  
12 Saturday are concrete and grout pours, roof nailing and activities of similar noise-  
13 producing nature. No work shall be permitted on Sundays and Federal Holidays  
14 (New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day,  
15 Christmas Day) except as allowed for emergency work under the provisions of the  
16 Oceanside City Code Chapter 38 (Noise Ordinance).

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

**Fire:**

22 14. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval  
23 prior to the issuance of building permits.

24 15. Fire extinguishers are required and shall be included on the plans submitted for plan check.

25 16. Buildings shall meet Oceanside Fire Department's current codes at the time of building  
26 permit application.

27 17. Provide a fire alarm system as required per C.F.C. Article 10 and N.F.P.A. 72.

28 18. The building may not exceed the allowable area per C.B.C. Chapter 5.

29 19. The building must be provided with exit signs including floor-level exit signs.

- 1 20. In accordance with the California Fire Code Sec. 901.4.4, approved address for  
2 commercial, industrial, and residential occupancies shall be placed on the structure in  
3 such a position as to be plainly visible and legible from the street or roadway fronting the  
4 property. Numbers shall be contrasting with their background.
- 5 21. Plans shall be submitted to the Fire Prevention Bureau for plan check review and  
6 approval prior to the issuance of building permits.
- 7 22. Buildings shall meet Oceanside Fire Department's current codes at the time of building  
8 permit application.
- 9 23. All requirements from Article 25 of the California Fire Code must be met.

10 **Planning:**

- 11 24. This Conditional Use Permit shall expire on March 18, 2012 unless implemented as  
12 required by the Zoning Ordinance.
- 13 25. This Conditional Use Permit approves only the religious assembly facility and associated  
14 tenant improvements as shown on the plans and exhibits presented to the Planning  
15 Commission for review and approval. No deviation from these approved plans and  
16 exhibits shall occur without Planning Division approval. Substantial deviations shall  
17 require a revision to the Conditional Use Permit or a new Conditional Use Permit.
- 18 26. The Conditional Use Permit is limited to five years with an additional opportunity to  
19 request additional time.
- 20 27. The permitted uses and hours-of-operation will be as follows: (Monday, Tuesday, and  
21 Thursday from 7:00 p.m. to 9:30 p.m.), (Saturday from 7:00 a.m. to 11:00 a.m.), and  
22 (Sunday from 11:00 a.m. to 2:00 p.m.).
- 23 28. Any proposed new signs shall be in conformance with the Mission Douglas Plaza  
24 Compressive Sign Guidelines and shall be submitted to the Planning Division.
- 25 29. The existing trash enclosures shall be rehabilitated with new doors and paint.
- 26 30. A covenant or other recordable document approved by the City Attorney shall be prepared  
27 by the applicant and recorded prior to the issuance of building permits. The covenant shall  
28 provide that the property is subject to this resolution, and shall generally list the conditions  
29 of approval.

- 1 31. Prior to the issuance of building permits, compliance with the applicable provisions of the  
2 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed  
3 and approved by the Planning Division. These requirements, including the obligation to  
4 remove or cover with matching paint all graffiti within 24 hours shall recorded in the form  
5 of a covenant affecting the subject property.
- 6 32. Prior to the transfer of ownership and/or operation of the site the owner shall provide a  
7 written copy of the applications, staff report and resolutions for the project to the new  
8 owner and or operator. This notification's provision shall run with the life of the project  
9 and shall be recorded as a covenant on the property.
- 10 33. Failure to meet any conditions of approval for this development shall constitute a violation  
11 of the Conditional Use Permit.
- 12 34. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
13 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
14 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
15 annul an approval of the City, concerning Conditional Use Permits C-35-08. The City  
16 will promptly notify the applicant of any such claim, action or proceeding against the  
17 city and will cooperate fully in the defense. If the City fails to promptly notify the  
18 applicant of any such claim action or proceeding or fails to cooperate fully in the  
19 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold  
20 harmless the City.
- 21 35. Unless expressly waived, all current zoning standards and City ordinances and policies in  
22 effect at the time building permits are issued are required to be met by this project. The  
23 approval of this project constitutes the applicant's agreement with all statements in the  
24 Description and Justification, Management Plan and other materials and information  
25 submitted with this application, unless specifically waived by an adopted condition of  
26 approval.

26 ////////////////

27 ////////////////

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

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

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

4 PASSED AND ADOPTED Resolution No. 2009-P14 on March 23, 2009 by the  
5 following vote, to wit:

6 AYES:

7 NAYS:

8 ABSENT:

9 ABSTAIN:

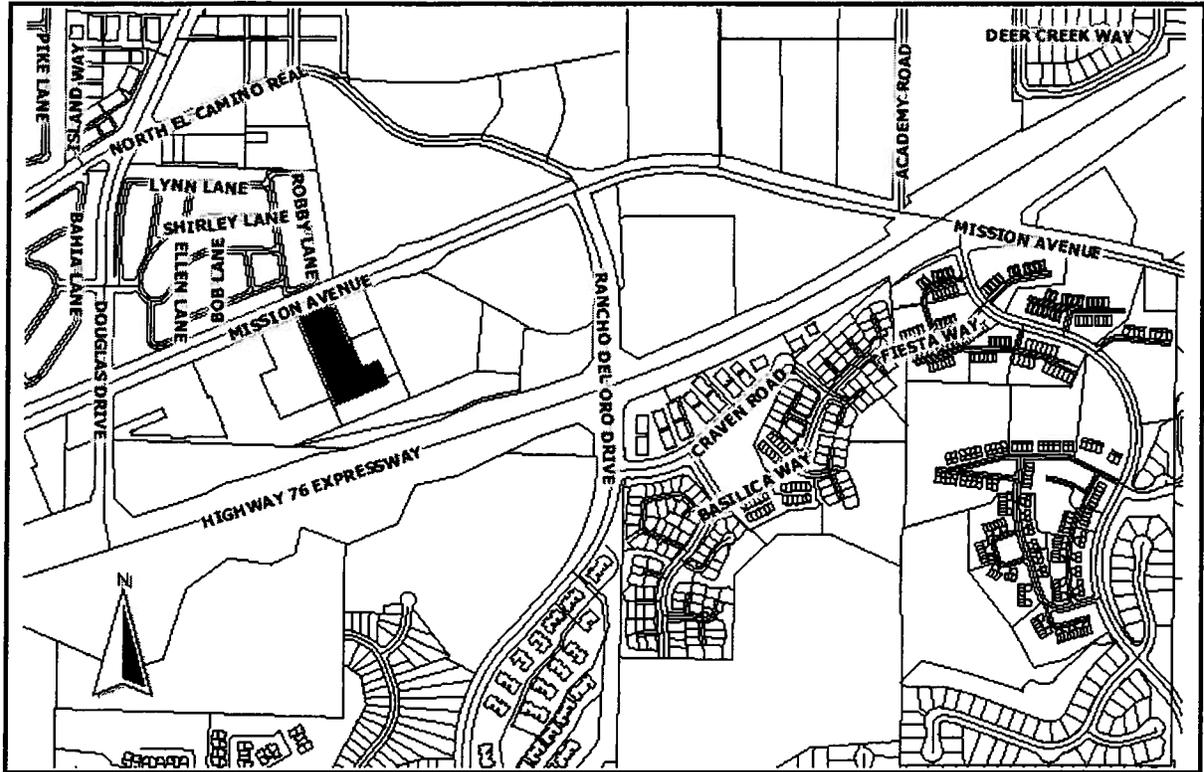
10 \_\_\_\_\_  
11 Claudia Troisi, Chairperson  
12 Oceanside Planning Commission

13 ATTEST:

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

16 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
17 this is a true and correct copy of Resolution No. 2009-P14.

18 \_\_\_\_\_  
19 Dated: March 23, 2009



**File Number: C-35-08**

**Applicant: IGLESIA EBENEZER**

**Description:**

CONDITIONAL USE PERMIT (C-35-08) to permit the operation of a religious facility known as the Ebenezer Church within an existing 22,000-square foot commercial suite at 3955 Mission Avenue, located within the Mission Douglas Plaza Commercial center. The project site is zoned CS-L-H (Special Commercial Limited within an Historic Overlay) zone district and is situated within the San Luis Rey Neighborhood. **IGLESIA EBENEZER CHURCH**

**Environmental Determination:**

The project is exempt from the California Environmental Quality Act.

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

Iglesia Ebenezer



**Application for Public Hearing**

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

Received  
NOV 04 2008  
Planning Division

**STAFF USE ONLY**

ACCEPTED 11/4/08 BY S.M.

Please Print or Type All Information

**PART I - APPLICANT INFORMATION**

1. APPLICANT <b>IGLESIA EBENEZER</b>	2. STATUS
3. ADDRESS <b>141 CANYON DR.</b>	4. PHONE/FAX/E-mail <b>(760) 433-2150</b>
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) <b>BLANCA AGUILAR</b>	
6. ADDRESS <b>4640 MYSTIK RD.</b>	7. PHONE/FAX/E-mail <b>(760) 631-2859</b>

HEARING
GPA
MASTER/SP.PLAN
ZONE CH.
TENT. MAP
PAR. MAP
DEV. PL.
C.U.P. <b>C-35-08</b>
VARIANCE
COASTAL
O.H.P.A.C.

**PART II - PROPERTY DESCRIPTION**

B. LOCATION <b>3955 MISSION AVE OCEANSIDE, CA.</b>	9. SIZE <b>22,000 S.F. TENANT SPACE</b>
10. GENERAL PLAN	11. ZONING <b>CS-L-H</b>
12. LAND USE <b>SHOPPING CENTER</b>	13. ASSESSOR'S PARCEL NUMBER <b>15B-080-17</b>

**PART III - PROJECT DESCRIPTION**

14. GENERAL PROJECT DESCRIPTION  
**CHANGE OF OCCUPANCY FROM FITNESS CENTER TO CHURCH EBENEZER**

15. PROPOSED GENERAL PLAN <b>NA</b>	16. PROPOSED ZONING <b>NA</b>	17. PROPOSED LAND USE <b>NA</b>	18. NO. UNITS <b>NA</b>	19. DENSITY <b>NA</b>
20. BUILDING SIZE <b>22,000 S.F.</b>	21. PARKING SPACES <b>EXISTING</b>	22. % LANDSCAPE <b>EXISTING</b>	23. % LOT COVERAGE OR FAR <b>EXISTING</b>	

**PART IV - ATTACHMENTS**

<input checked="" type="checkbox"/> 24. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION	<input checked="" type="checkbox"/> 26. TITLE REPORT
<input checked="" type="checkbox"/> 27. NOTIFICATION MAP & LABELS	<input checked="" type="checkbox"/> 28. ENVIRONMENTAL INFO FORM	<input checked="" type="checkbox"/> 29. PLOT PLANS
<input checked="" type="checkbox"/> 30. FLOOR PLANS AND ELEVATIONS	<input checked="" type="checkbox"/> 31. CERTIFICATION OF POSTING	32. OTHER (See attachment for required reports)

**PART V - SIGNATURES**

33. APPLICANT OR REPRESENTATIVE (Print): <b>Iglesia Church EBENEZER</b>	34. DATE <b>10/28/08</b>	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>		
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		35. OWNER (Print): <b>Philip D. Whitener</b>
		36. DATE <b>10/28/08</b>
		Sign: <i>[Signature]</i> <b>Philip D. Whitener</b>

SCOTT 7/26/2007

Received  
NOV - 4 2008  
Planning Division



Iglesia  
*Eben-ezer*

141 Canyon Dr.  
Oceanside, CA  
92054

760.433.2150

[www.iebenezer.cc](http://www.iebenezer.cc)

November 4, 2008

Application for Iglesia Eben-ezer, Inc.  
3955 Mission Avenue  
Oceanside, CA

#### Description and Justification

Iglesia Eben-ezer [Eben-ezer Church] is a non-profit Pentecostal church founded in Oceanside in the year 1995 as part of the Church of God council. In 2007, Iglesia Eben-ezer branched off and became an independent institution. The church seeks to serve the Oceanside community by bringing spiritual healing and the awareness that healthy lives can be led under the guidance of the church and the power of God.

The proposed site at 3955 Mission Avenue in Oceanside will house the church, which is currently located at 141 Canyon Drive in Oceanside. The congregation consists of approximately 200 members including staff.

The structure provides adequate space for a sanctuary in which to conduct worship services, staff offices, and classrooms. Ushers will be placed in the parking lot during the times of activity to prevent children from wandering outside of the building and to tidy up the parking area if needed.

The times of operation are as follows:

- Monday: Bible study classes from 7:00 p.m. to 9:30 p.m.
- Tuesday: Intercessory Prayer from 7:00 p.m. to 9:00 p.m.
- Thursday: Family Night from 7:00 p.m. to 9:00 p.m.
- Saturday: Homeless Outreach Program from 7:00 a.m. to 11:00 a.m.
- Sunday: Worship Service from 11:00 a.m. to 2:00 p.m.

#### Benefit to the community:

Iglesia Eben-ezer has a myriad of ministries designed to reach out to the community:

- A ministry of benevolence is also in place to hand out food baskets for whomever has need of one, member or not.

These are some upcoming ministries:

- Hope Ministry which will serve hospitals and elderly homes.
- Marriage counseling ministry will minister to marriages in crisis.
- Youth outreach program will educate youth about drug and alcohol abuse in the most afflicted areas of the city.

The church strives to be a beacon of light in the midst of hurting world. It endeavors to show the love of Christ to those who need it. This building will

help the congregation to fulfill the mission Jesus entrusted us with: to guide the hurting and disenfranchised to the feet of our Savior.

Rev. Mario Bonillas  
Senior Pastor  
Iglesia Eben-ezer

MAB:mib

Received  
NOV 04 2008  
Planning Division

# Iglesia Shben-ezer

## Weekly Schedule

Monday 7:00 p.m. - 9:30 p.m.	Tuesday 7:00 p.m. - 9:00 p.m.	Wednesday	Thursday 7:00 p.m. - 9:00 p.m.	Friday	Saturday 7:00 a.m. - 11:00 a.m.	Sunday 11:00 a.m. - 2:00 p.m.
Bible study classes	Intercessory Prayer	Open	Family Night	Open	Homeless Outreach Program	Worship Service



Iglesia  
*Eben-ezer*

141 Canyon Dr.  
Oceanside, CA 92054  
760.433.2150  
www.iebenezer.cc

November 4, 2008

Application for Iglesia Eben-ezer, Inc.  
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Received  
NOV 04 2008  
Planning Division

Traffic Report

From city records, the original land use for this site was Neighborhood Commercial. This space was designated as "Discount Store" with a trip generation rate of 1,290 trips.

The new use as a church will generate less than 200 trips Mondays, Tuesdays, Thursdays, Saturdays, and Sundays since the congregation consists of 200 members including staff for only the hours submitted in the Weekly Schedule. Many of the members carpool, and many use our church transportation.

This new use will benefit the area by reducing the number of trips to this tenant space within the shopping center.

Thank you for your consideration.

Regards,

Rev. Mario Bonillas  
Senior Pastor  
Iglesia Eben-ezer

MAB:mib

DESCRIPTION

PARCEL B: (APN 158-080-17)

THOSE PORTIONS OF PARCELS 1 AND 2 OF PARCEL MAP 15175, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, State of California, AS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 16, 1988, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID PARCEL 1, SAID POINT LYING ON THE SOUTHEASTERLY RIGHT OF WAY OF MISSION AVENUE, DISTANT 50.00 FEET SOUTHEASTERLY FROM THE "B-2 LINE", ALL AS SHOWN ON SAID PARCEL MAP; THENCE ALONG SAID SOUTHEASTERLY RIGHT OF WAY NORTH  $66^{\circ} 58' 30''$  EAST 12.00 FEET TO THE MOST SOUTHWESTERLY LINE OF PARCEL 2 OF SAID PARCEL MAP AND THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID SOUTHWESTERLY LINE AND ITS EXTENSION SOUTH  $23^{\circ} 01' 30''$  EAST, 459.72 FEET; THENCE NORTH  $66^{\circ} 58' 30''$  EAST, 270.00 FEET; THENCE NORTH  $23^{\circ} 01' 30''$  WEST, 122.90 FEET; THENCE SOUTH  $68^{\circ} 58' 30''$  WEST, 85.08 FEET TO THE SOUTHEASTERLY EXTENSION OF THE MOST SOUTHERLY SOUTHWESTERLY LINE OF PARCEL 3 OF SAID PARCEL MAP; THENCE FOLLOWING THE SOUTHWESTERLY BOUNDARY OF SAID PARCEL 3 NORTH  $23^{\circ} 01' 30''$  WEST, 128.00 FEET; THENCE SOUTH  $66^{\circ} 58' 30''$  WEST, 16.60 FEET; THENCE NORTH  $23^{\circ} 01' 30''$  WEST, 208.82 FEET TO SAID SOUTHEASTERLY RIGHT OF WAY; THENCE ALONG SAID RIGHT OF WAY SOUTH  $66^{\circ} 58' 30''$  WEST, 168.32 FEET TO THE TRUE POINT OF BEGINNING.



# NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 3/23/09  
Removal:  
(180 days) 9/20/09

1. **APPLICANT:** Iglesia Ebenezer
2. **ADDRESS:** 141 Canyon Dr.  
Oceanside CA. 92054
3. **PHONE NUMBER:** (760) 433-2150
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** Ebenezer Church Conditional Use Permit (C-35-08)
7. **DESCRIPTION:** A request to establish a religious facility within a 22,000 square foot existing commercial retail suite within the Mission Douglas Plaza Commercial Center. The project would not expand the existing building and would perform interior and exterior alterations involving such things as interior, plumbing, and electrical conveyances.

**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 City Staff finds that the proposed project constitutes interior alterations involving such things as interior partitions, plumbing and electrical conveyances, and the project is categorically exempt. Therefore, the City Staff has determined that further environmental evaluation is not required because:

- "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> ( Sections 15260-15277); or,
- The project is categorically exempt, Class 1 "Existing Facilities" (Section 15301) (a); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

  
Scott Nightingale, Planner II

Date: 3/23/09

cc:  Project file  Counter file  Library

Posting:  County Clerk \$50.00 Admin. Fee