



DATE: May 5, 2008

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT REVISION (C-7-94REV07) TO ALLOW AN ADDITIONAL FIVE CARD TABLES WITHIN AN EXISTING CASINO KNOWN AS THE OCEAN'S 11 AT 121 BROOKS STREET WITHIN THE LOMA ALTA NEIGHBORHOOD. – OCEAN'S 11 CARD CLUB – APPLICANT: OCEAN'S 11 CARD CLUB**

**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. 2008-P30 approving Conditional Use Permit (C-7-94REV07) with findings and conditions of approval attached herein.

**PROJECT DESCRIPTION AND BACKGROUND**

**Background:** The project is located west of Brooks Street and south of Mission Avenue north at 121 Brooks Street. Ocean's 11 Casino has been in operation since 1995 and was approved for its operation on January 9, 1995, under a Development Plan Revision (D-18-92REV) and Conditional Use Permits (C-7-94 and C-19-94). The revision to the Development Plan (D-18-92REV) and Conditional Use Permits (C-7-94 and C-19-94) permitted the renovation of an existing 24,000-square foot building and the Conditional Use Permits allowed the operation of a card room and restaurant with alcoholic beverages and a comedy club.

Two years after the original approval on May 5, 1997, the Ocean's 11 Card Club received another Development Plan revision (D-18-92REV) and Conditional Use Permit Revision (C-7-94REV) approval for an increase to the number of approved card tables within the main poker room from 15 to 25 tables and the interior expansion of the poker card room from approximately 10,000 to 21,000 square feet.

On September 9, 2002 the Ocean's 11 Card Club received Planning Commission approval for a Variance (V-2-02), to permit sign area changes to an existing and non-conforming 35-foot pole sign. Since the last Planning Commission approval no permits or discretionary actions have been approved.

**Site Review:** The subject site zoning designation is CS-HO (Special Commercial Highway Orientated) and the General Plan Land Use Category is SC (Special Commercial). Surrounding land uses include a Hotel and a freestanding restaurant to the north, the United States Post Office to the south, the Show Palace dance and entertainment hall to the east, and Interstate 5 freeway to the west. The larger neighborhood area encompassing the project site is the Loma Alta Neighborhood.

**Project Description:** The project application is comprised of the following component; a Revision to Conditional Use Permit (C-7-94) as follows:

Conditional Use Permit: represents a request for the following:

- (a) To permit the operation of commercial retail structures defined as card rooms and allow the addition of five card tables enabling Ocean's 11 Card Club to possess a total of 50 card tables for gambling purposes such as poker, black jack and Pai Gow. Each card table will encompass no more than 10 tables and will be consistent in type and design as the existing tables within the card room facility.

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.

### Section 1.12 Land Use Compatibility

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

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

The Ocean's 11 Casino exists and is currently operating and the addition of five card tables would not significantly impact the site or surrounding land uses. The implementation of five additional tables has been reviewed by staff for consistency to the existing use and the surrounding land uses. Addition of five tables would allow the Ocean's 11 Casino to meet the demand for the operation of card dealing for poker, Black Jack and Pai Gow. Permitting the five tables would help generate additional activity to the area, enabling more opportunities for commercial retail in the neighborhood. The additional five tables would help foster commercial activity as well revenues for the city. Since Ocean's 11 Casino exist and is in operation, the additional five tables would not adversely impact the traffic demands and parking need. Staff analyzed the existing and future traffic demands due to the change in tables and has found the project to be at the existing 90 percent capacity with levels of service not changing. Parking will meet the required 10 spaces per table with the existing 287 parking spaces provided on-site and the additional 198 leased spaces at the shopping center to the east will help exceed the provided parking and exceed the amount of spaces provided as per the Oceanside Zoning Ordinance.

### 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 additional card tables have been reviewed for traffic impacts and physical impacts to the surrounding area and neighborhood. Staff has evaluated the attached reports, such as the traffic report and the parking study and identified that there would be limited impacts due to the additional card tables. The revision to the conditional use is subject to and must comply with specific local conditions and additional regulations as deemed necessary by other regulatory or permit authorities, such as the State of California. This approval does not relieve the applicant from other requirements placed upon by the state or other regulatory agencies associated with card rooms. All permits must be obtained and operations of the use shall be consistent with the conditions and regulations set forth by this Conditional Use Permit.

**2. Zoning Compliance**

This project is located in a CS-HO (Special Commercial Highway Orientated) zone district. Pursuant to the land use regulations of the CS-HO District, card rooms and casinos are subject to the approval of a Conditional Use Permit pursuant to Section 11 of the Zoning Ordinance.

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

PROPOSED USE	BUILDING AREA	PARKING SPACES REQUIRED	PARKING SPACES PROPOSED
Card room with 50 Gambling tables	20,511 sq. ft.	(1 Space per Chair) 460	479 Reciprocal
Restaurant / Lounge	970 sq. ft.	18	479 Reciprocal
Total	9,398 sq. ft.	478	479 Reciprocal

As depicted in the table above the proposed Card Room with an associated Restaurant/Lounge will require 478 parking stalls, and the proposed parking will be met and exceed the requirement with 479 parking stalls.

**3. Land Use Compatibility with surrounding developments**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Special Commercial (SC)	Special Commercial Highway Orientated (CS-HO)	Ocean's 11 Casino
North of Subject Property	Special Commercial (SC)	Special Commercial Highway Orientated (CS-HO)	Service Station, Restaurant, Hotel
East of Subject Property:	Neighborhood Commercial (NC)	Neighborhood Commercial (CN)	Commercial Retail and Dance Hall
South of Subject Property:	Neighborhood Commercial (NC)	Special Commercial Highway Orientated (CS-HO)	Post Office
West of Subject Property:	Civic Institution (CI)	Public and Semi Public (PS)	Interstate Five Freeway

## **DISCUSSION**

*Issue: Will the addition five card tables at Ocean's 11 Casino negatively impact the surrounding neighborhood?*

*Recommendation:* Ocean's 11 has been in operation as a Card Club since the approval of the Conditional Use Permit and Development Plan revision on January 9, 1995. The addition of five card tables requires a revision to the existing Conditional Use Permit and due to the fact that the numbers of approved tables will be increased, future impacts must be reviewed.

Staff has reviewed the traffic report and parking management plan for future traffic and vehicle impacts to the site and the neighborhood. The proposed five card tables will not negatively impact the traffic, and the level of service will remain the same at a level. All parking demands will be provided with the existing 479 available parking stalls on site and within the adjacent leased parking areas. There are 281 parking stalls available on the Ocean's 11 site, and the remaining 190 parking stalls are supplemented under a lease agreement with the adjacent property owners to the east. The applicant has currently obtained the property to the north and will submit a revision to this Conditional Use Permit at a later time to develop an additional parking lot for the Ocean's 11 Casino. Staff has reviewed the submitted parking study and finds the available and leased parking provided is warranted due to the limited parking demand by the adjacent commercial center. Since there is an ample amount of excess parking provided by the adjacent properties through the parking lease agreements between the adjacent property owners and Ocean's 11, parking will not be an issue. All available parking will be provided during separate business hours than the adjacent commercial center, in order to not create parking inconsistencies.

In summary, the additional five tables provided will permit a total of 50 card tables throughout the Ocean's 11 casino and will provide additional revenue to the facility as well as foster economic benefits for the City of Oceanside. Therefore Staff believes that the additional five tables are warranted due to the demands of the facility, Staff recommends that the Planning Commission approve the Conditional Use Permit.

## **ENVIRONMENTAL DETERMINATION**

The proposed project is categorically exempt pursuant to Class 1, Article 19, Section 15301 Existing Facilities, of the California Environmental Quality Act.

## **PUBLIC NOTIFICATION**

Legal notice was published in the North County Times and notices were sent to property owners of record within a 1500-foot radius of the subject property, individuals and or

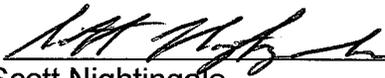
organizations requesting notification, applicant and other interested parties. As of April 29, 2008 no communication supporting or opposing the request has been received.

## SUMMARY

In summary, staff believes that the proposed Conditional Use Permit Revision is consistent with the requirements of the Zoning Ordinance and the policies outlined in the General Plan. Therefore, staff finds that the addition of five card tables to the existing card room at Ocean's 11 will be compatible with the existing use and will not negatively 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-7-94REV07) and adopt Planning Commission Resolution No. 2008-P30 as attached.

PREPARED BY:

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

SUBMITTED BY:

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

REVIEWED BY:

  
\_\_\_\_\_  
Richard Greenbauer, Senior Planner

JH/SN/fil

### Attachments:

1. Site Plan/Architectural Plans
2. Planning Commission Resolution No. 2008-P30
3. Planning Commission Resolution No. 95-P01
4. Planning Commission Resolution No. 97-P22
5. Planning Commission Resolution No. 2002-P39
6. Parking Service Agreement
7. Cornerstone Engineering Traffic Study

# OCEAN'S ELEVEN CASINO

Oceanside, California

RECEIVED

MAR 12 2008  
 Planning Department

**SHEET SCHEDULE:**

- A-1 COVER SHEET
- A-2 CONTINGENTIAL SITE PLAN
- A-3 PRELIMINARY SITE PLAN
- A-4 PRELIMINARY TRAFFIC IMPACT STUDY
- A-5 PRELIMINARY EXISTING & PROPOSED ELEVATIONS

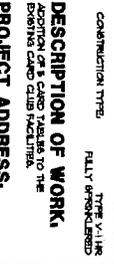
**PROJECT DATA:**

**DATE PREPARED:** 02/20/08  
**SCALE:** AS SHOWN  
**PROJECT NO.:** 08-001  
**DATE:** 02/20/08  
**PROJECT LOCATION:** 121 BROOKS STREET, OCEANSIDE, CA 92054  
**CLIENT:** A.P.M.  
**DESIGNER:** BUCCELLA ENGINEERS  
**GENERAL CONTRACTOR:** BUCCELLA ENGINEERS  
**ARCHITECT:** BUCCELLA ENGINEERS  
**ENGINEER:** BUCCELLA ENGINEERS

**LEGAL DESCRIPTION:**

PARCEL 1 OF PARCEL MAP NO. 10624 IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO STATE OF CALIFORNIA, BEING THE INTEREST OF THE RECORDOR OF SAN DIEGO COUNTY, CALIFORNIA, IN PARCEL MAP NO. 10624-004 OF PARCEL MAP NO. 10624-004.

**LOCATION MAP:**



**ARCHITECT:**

**ARCHITECT:** BUCCELLA ENGINEERS  
 121 BROOKS STREET, SUITE 100  
 OCEANSIDE, CALIFORNIA 92054  
 PHONE: (760) 771-2200  
 FAX: (760) 451-5100

**CIVIL ENGINEER:**

**CIVIL ENGINEER:** BUCCELLA ENGINEERS  
 121 BROOKS STREET, SUITE 100  
 OCEANSIDE, CALIFORNIA 92054  
 PHONE: (760) 771-2200  
 FAX: (760) 451-5100

**OWNER / APPLICANT:**

**OWNER / APPLICANT:** A.P.M.  
 121 BROOKS STREET, SUITE 100  
 OCEANSIDE, CALIFORNIA 92054  
 PHONE: (760) 771-2200  
 FAX: (760) 451-5100

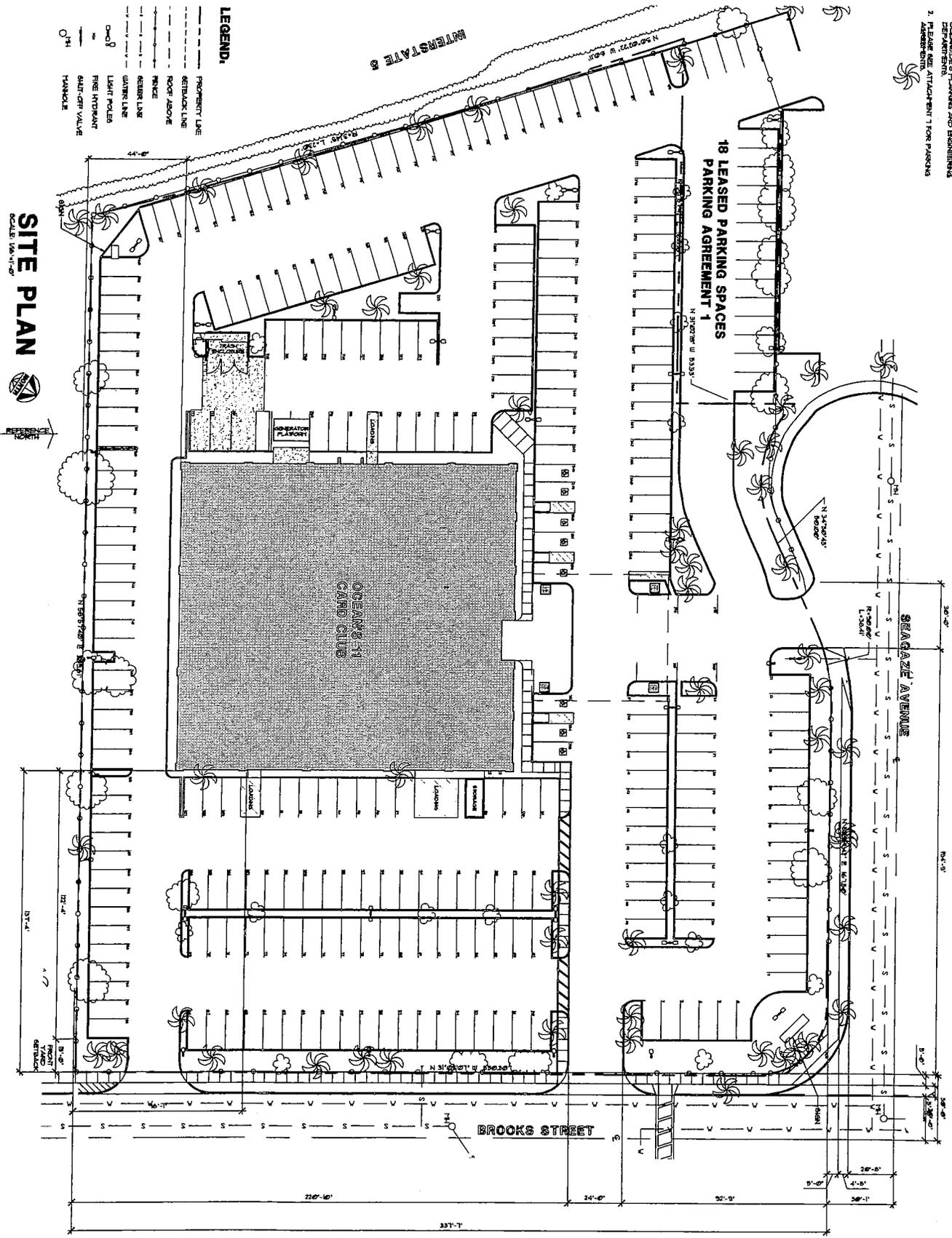


**GENERAL NOTES:**

1. SITE APPROPRIATION ACQUIRED FROM FIELD SURVEY. PROVISIONS PROVIDED BY I.T.I. INFORMATION RECEIVED FROM THE CITY OF OCEANSIDE'S PLANNING AND ENGINEERING DEPARTMENT.
2. REFER TO THE ATTACHMENT 1 FOR PARKING AGREEMENT 1 FOR PARKING.

**LEGEND:**

- PROPERTY LINE
- SETBACK LINE
- ROOF ABOVE
- POUCE
- ROOF LINE
- UTILITY LINE
- LIGHT POLES
- FIRE HYDRANT
- HAZARDOUS WASTE
- MANHOLE



**180 LEASED PARKING SPACES  
PARKING AGREEMENT 2**



**OCEAN'S 11 CARD CLUB C.U.P., 121 BROOKS STREET, OCEANSIDE, CA**

**SITE PLAN**



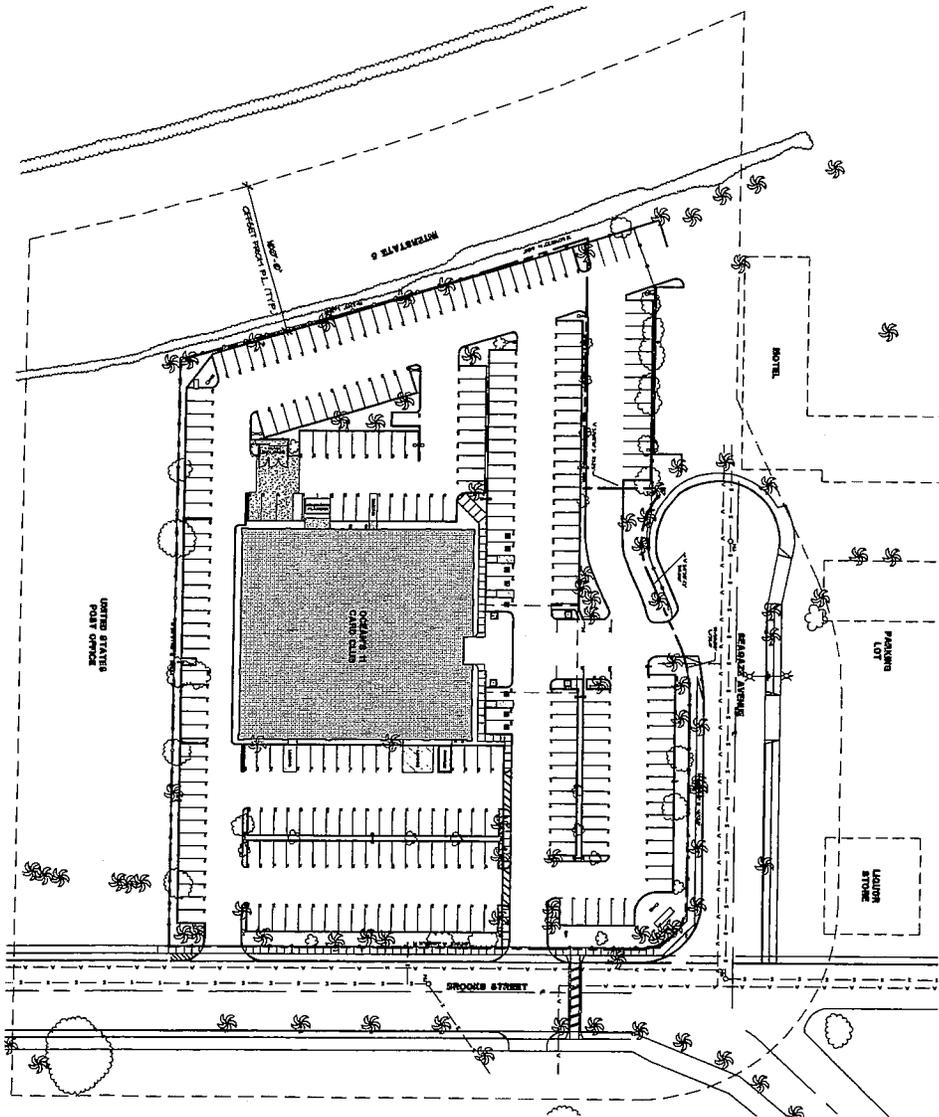
SCALE: 1/8" = 1'-0"

**SITE PLAN**

**A-1**

07-10-08

3168



**CONTEXTUAL SITE PLAN**



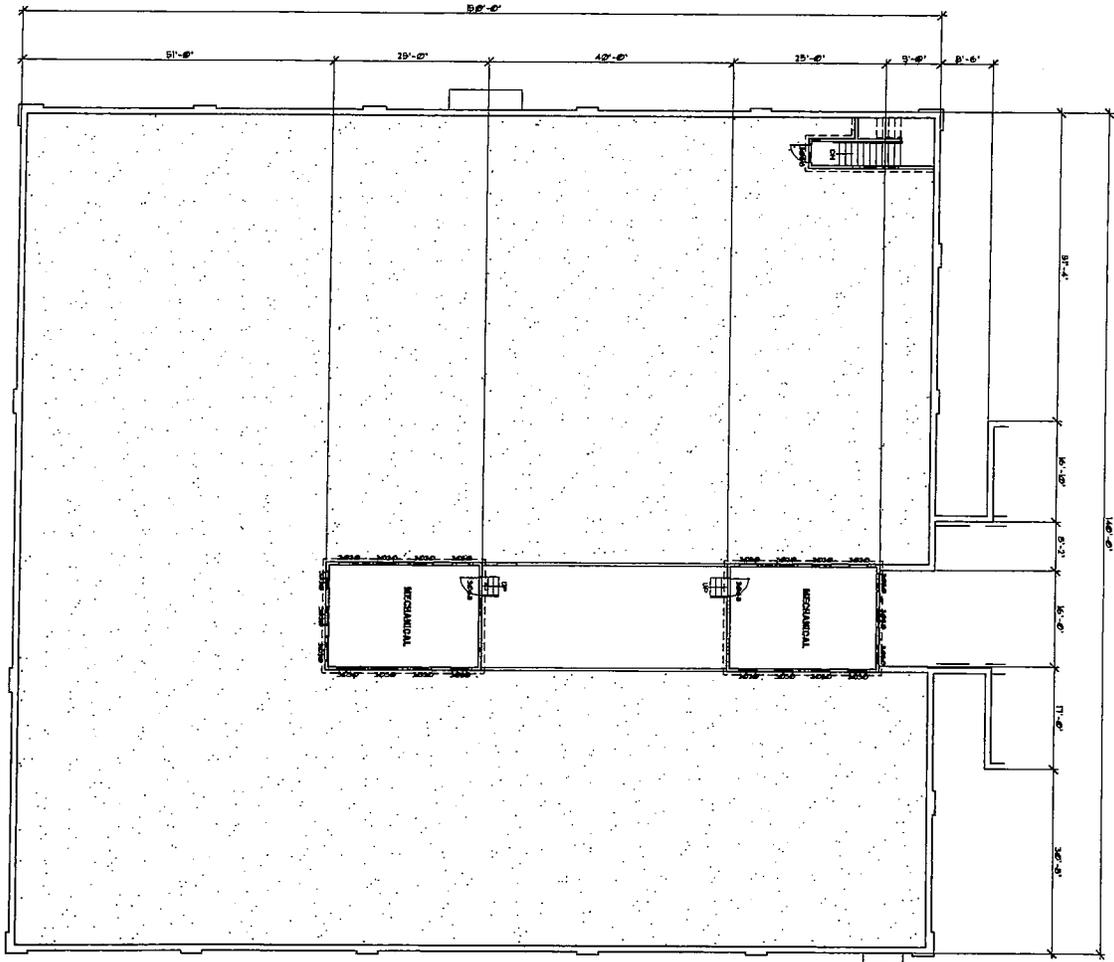
SCALE: 1/8"=1'-0"

- LEGEND:**
- PROPERTY LINE
  - BENCHMARK LINE
  - ROOF ABOVE
  - FENCE
  - GROUND LINE
  - WATER LINE
  - LIGHT POLES
  - FIRE HYDRANT
  - MALT-OFF VALVE
  - MANHOLE

**CONTEXTUAL SITE PLAN**

PROJECT: OCEAN'S 11 CARD CLUB C.U.P.  
 SHEET: A-1.1  
 DATE: 07-2003

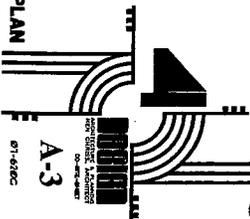




**SECOND FLOOR / ROOF PLAN**

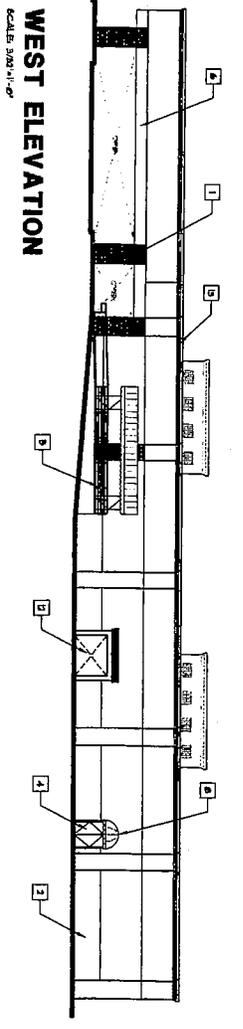
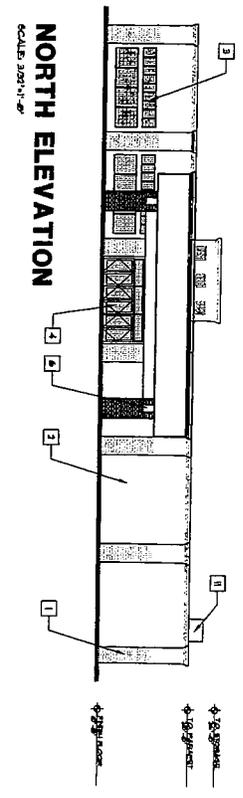


**SECOND FLOOR / ROOF PLAN**



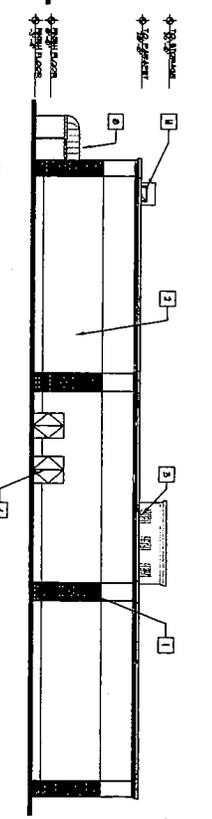
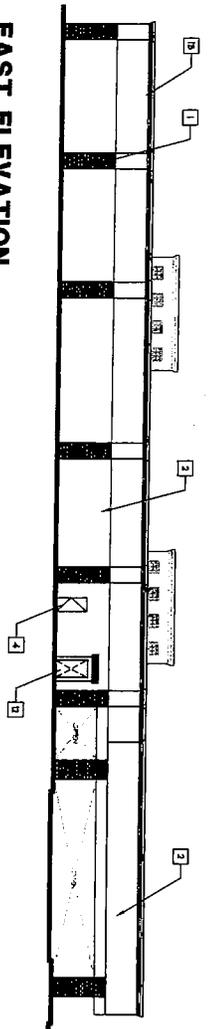
A-3

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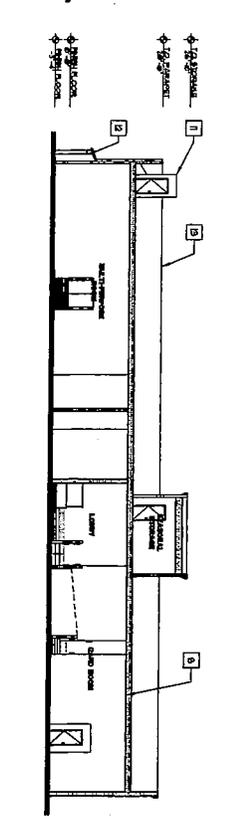
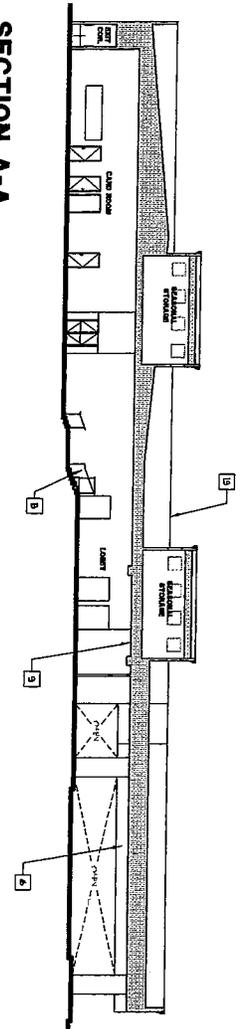
**NORTH ELEVATION**  
SCALE: 3/8"=1'-0"

**WEST ELEVATION**  
SCALE: 3/8"=1'-0"



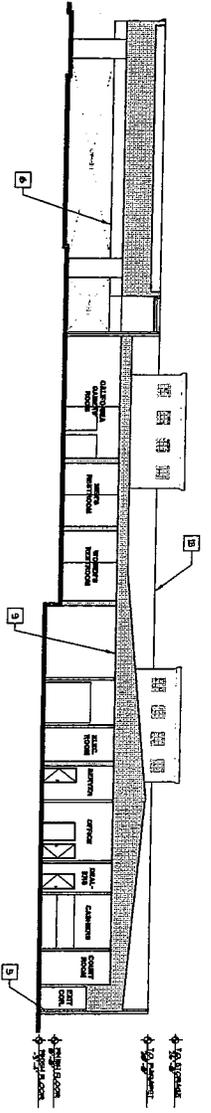
**EAST ELEVATION**  
SCALE: 3/8"=1'-0"

**SOUTH ELEVATION**  
SCALE: 3/8"=1'-0"



**SECTION A-A**  
SCALE: 3/8"=1'-0"

**SECTION C-C**  
SCALE: 3/8"=1'-0"

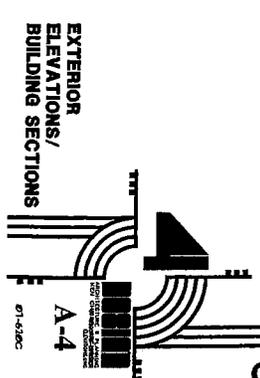


**SECTION B-B**  
SCALE: 3/8"=1'-0"

**BUILDING SECTIONS**

**DRAWING NOTES:**

- 1. BRICK VENEER
- 2. STUCCO BOND
- 3. PIPED SLUICE WINDOWS
- 4. DOORS
- 5. HANDRAIL
- 6. BEAM WITH STUCCO SURFACE
- 7. TILE ROOF
- 8. CANVAS AWNING
- 9. CEILING
- 10. SCREEN WALL
- 11. STAIR ACCESS TO ROOF
- 12. ELECTRICAL PANEL LOCATIONS
- 13. PARADET WALL



**EXTERIOR ELEVATIONS/  
BUILDING SECTIONS**

A-4  
B-4  
01-4420C

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2008-P30

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

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7 APPLICATION NO: C-7-94REV07  
8 APPLICANT: Ocean's 11 Card Club  
9 LOCATION: 121 Brooks Street

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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 Conditional Use Permit C-7-94REV07 under the  
14 provisions of Articles 11 and 41 of the Zoning Ordinance of the City of Oceanside to permit the  
15 following:

16 the addition of five card tables for a total of 50 tables within an existing casino known  
17 as the Ocean's 11 Casino;  
18 on certain real property described in the project description.

19 WHEREAS, the Planning Commission, after giving the required notice, did on the 5<sup>th</sup> day  
20 of May, 2008 conduct a duly advertised public hearing as prescribed by law to consider said  
21 application.

22 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
23 Guidelines thereto; this project has been found to be categorically exempt from CEQA per Class 1  
24 "Existing Facilities," Article 19 Section 15301;

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

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

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

1 FINDINGS:

- 2 1. The proposed use is in accord with the objectives of the Zoning Ordinance and the  
3 purposes of the Special Commercial land use district. The applicant is asking to revise  
4 the approved conditional use permit to allow the addition of five card tables to an  
5 existing casino.
- 6 2. The conditions for the restriction of the conditional use are consistent with the General  
7 Plan, will not effect or negatively impact the neighborhood compatibility; and will not  
8 cause the operation of the conditional use to be detrimental to the welfare of persons or  
9 properties working, residing, or otherwise existing in the adjacent neighborhood areas.  
10 The impact of the additional tables has been evaluated and the applicant's traffic study  
11 has established that additional trips generated by the use will remain at a vehicle level of  
12 service B.
- 13 3. The conditional use is subject to and must comply with specific local conditions and  
14 additional regulations as deemed necessary by other regulatory or permit authorities. The  
15 approval does not relieve the applicant from an obligation to obtain any state or federal  
16 permits for card rooms.

17 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
18 approve Revision to Conditional Use Permit C-7-94REV07 subject to the following conditions:

18 Building:

- 19 1. The granting of approval under this action shall in no way relieve the applicant/project  
20 from compliance with all State and local building codes.
- 21 2. Tenant Improvements or other construction to the existing building requires permits  
22 (including all required inspections and approvals, and Issuance of Certificate of  
23 Occupancy) from the Building Division.
- 24 3. Site development, parking, access into buildings and building interiors shall comply  
25 with the State's Disabled Accessibility Regulations. (2007 California Building Code  
26 (CBC), Chapter 11B)
- 27 4. Construction plans submitted to the Building Division after January 1<sup>st</sup> 2008 must comply  
28 with the State adopted California Building Code (CBC).  
29

1 5. The developer shall monitor, supervise and control all building construction and supporting  
2 activities so as to prevent these activities from causing a public nuisance, including, but not  
3 limited to, strict adherence to the following:

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

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

17 6. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
18 Building Division plan check. Construction plans submitted to the Building Division  
19 after January 1st 2008, must comply with the State adopted ICC codes.

20 **Fire:**

21 7. Buildings shall meet Oceanside Fire Department's current codes at the time of building  
22 permit application.

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

25 9. Fire Lanes shall be marked "NO PARKING FIRE LANE" per City Vehicle Code  
26 Section 22500.1 and in accordance with the Fire Department Standard Guidelines for  
27 Emergency Access.

28 10. Fire extinguishers are required and shall be included on the plans submitted for plan  
29 check.

11. Fire Department requirements shall be placed on plans in the notes section.

1 **Planning:**

- 2 12. This Revision to Conditional Use Permit (C-7-94REV07) approves only the addition of  
3 five card tables at the Ocean's 11 casino located at 121 Brooks Street, as shown on the  
4 plans and exhibits presented to the Planning Commission for review and approval. No  
5 deviation from these approved plans and exhibits shall occur without City Planner  
6 approval.
- 7 13. Planning Commission Resolution No. 95-P01 and 97-P22 is not replaced by this  
8 resolution, with the exception of the five additional tables added to the facility, giving  
9 the Ocean's 11 Casino a total of 50 card tables. If there is any inconsistency between  
10 the conditions in resolutions and the instant conditions, this resolution's conditions shall  
11 prevail.
- 12 14. This Revision to Conditional Use Permit (C-7-94REV07) shall lapse two years from the  
13 effective date of approval unless a business license is approved for the additional five  
14 tables added to the site.
- 15 15. In the event that this use permit is exercised in violation of a condition of approval or a  
16 provision of the Zoning Ordinance, the use permit may be revoked, as provided in  
17 Section 4706.
- 18 16. A request for changes in conditions of approval for C-7-94REV07 or a change to the  
19 approved plans that would affect a condition of approval shall be treated as a new  
20 application. The City Planner may waive the requirements for a new application if the  
21 changes requested are minor, do not involve substantial alterations or addition to the  
22 plan or the conditions of approval, and are consistent with the intent of the project's  
23 approval or otherwise found to be in substantial conformance.
- 24 17. Unless expressly waived, all current zoning standards and City ordinances and policies  
25 in effect at the time a business license is approved are required to be met by this project.  
26 The approval of this project constitutes the applicant's agreement with all statements in  
27 the Description and Justification and other materials and information submitted with  
28 this application, unless specifically waived by an adopted condition of approval.
- 29 18. This Conditional Use Permit shall be called for review by the Planning Commission if  
complaints are filed and verified as valid by the Code Enforcement Office concerning  
the violation of any of the approved conditions or does not conform with the

information contained in or representations made in the application, any supporting material submitted to the City or during any hearing on the application.

19. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Conditional Use Permit (C-7-94REV07). The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

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

21. A covenant or other recordable document approved by the City Attorney shall be prepared by the applicant and recorded within 60 days from the date of project approval. The covenant shall provide that the property is subject to this resolution, and shall generally list the conditions of approval.

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

23. The hours-of-operation shall be reviewed and may be limited by the Planning Commission when valid issues or complaints pertaining to the hours-of-operation arise.

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24. Dancing is prohibited as specified by the approved resolutions 97-P22 and 95-P01.  
PASSED AND ADOPTED Resolution No. 2008-P30 on May 5, 2008 by the following  
vote, to wit:  
AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Dennis Martinek, Chairman  
Oceanside Planning Commission

ATTEST:  
  
\_\_\_\_\_  
Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
this is a true and correct copy of Resolution No. 2008-P30.

Dated: May 5, 2008

RECEIVED  
DEC 11 2007  
Planning Department

1 PLANNING COMMISSION  
2 RESOLUTION NO. 95-P01

3 A RESOLUTION OF THE PLANNING COMMISSION OF  
4 THE CITY OF OCEANSIDE, CALIFORNIA APPROVING  
5 A REVISION TO A DEVELOPMENT PLAN AND TWO  
6 CONDITIONAL USE PERMITS ON CERTAIN REAL  
7 PROPERTY IN THE CITY OF OCEANSIDE

8  
9 APPLICATION NO: D-18-92 Revision, C-7-94, and C-19-94  
10 APPLICANT: Mission Center Card Room  
11 LOCATION: 121 Brooks Street

12 THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA  
13 DOES RESOLVE AS FOLLOWS:

14 WHEREAS, there was filed with this Commission a verified  
15 petition on the forms prescribed by the Commission requesting a  
16 Conditional Use Permit under the provisions of Articles 41 and  
17 43 of the Zoning Ordinance of the City of Oceanside to permit  
18 the following:

19 the renovation of an existing 24,000 square-foot  
20 building; a Conditional Use Permit for a cardroom to  
21 include a restaurant with alcoholic beverages; and a  
22 Conditional Use Permit to allow a comedy club.

23 on certain real property legally described as shown on EXHIBIT  
24 "A" attached hereto and incorporated herein by reference  
25 thereto.

26 WHEREAS, the Planning Commission, after giving the required  
27 notice, did on the 9th day of January, 1995 conduct a duly  
28 advertised public hearing as prescribed by law to consider said  
application.

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

For Conditional Use Permits C-7-94 and C-19-94:

1. The site is located within a commercial zoning district and  
is surrounded by commercial uses. The card room operation  
and comedy nite club operation perpetuate the following  
objectives and the purposes of the district in which the  
site is located: providing a resident and visitor serving  
commercial use, providing a use that will strengthen the  
City's economic base and provide employment opportunities  
to residents of the city and surrounding communities.

2. The project has been appropriately conditioned so that the  
operation of the proposed card room operation and comedy  
nite club will be consistent with the General Plan and will

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not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood and will not be detrimental to properties or improvements in the vicinity or the general welfare of the City. Conditions to ensure that the proposed uses will not constitute a detriment include: limitations on hours of operation, a specific listing of prohibited uses, the requirement for police department review and approval of a management plan and the condition that the project can be called for review before the Planning Commission if a policing problem occurs.

- 3. The proposed conditional uses will comply with all provisions of the Zoning Ordinance within the district in which they are located. Specific conditions have been placed on the project, and the proposed operation of the site, to ensure compliance with Zoning Ordinance regulations and purposes.

For the Revision to the Development Plan:

- 1. The renovation of the site and the physical design of the project is consistent with the purposes of the Zoning Ordinance for the CS-HO Zoning District. Strengthening of the City's economic base, development of employment opportunities and improvements to the appearance of the commercial area are specific purposes of the Zoning Ordinance which this project will perpetuate.
- 2. The Development Plan conforms to the General Plan of the City. Providing commercial development which will allow the reuse of an currently vacant commercial building is consistent with policies of the City's General Plan.
- 3. The project is a renovation to an existing building and is surrounded by existing uses. The site can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public facilities.

WHEREAS, the Planning Commission finds that the modifications to an existing building which will include a card room and comedy entertainment, both with food and alcoholic services, are exempt from the requirements of environmental review pursuant to the provisions of the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby APPROVE of Development Plan Revision D-18-92, Conditional Use Permits C-7-94 and C-19-94, subject to the following conditions:

Building:

- 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Department plan check.

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2. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and local building codes.
3. Site development, parking, access into buildings and building interiors shall comply with Part 2, Title 24, C.C.R. (Disabled Access - Nonresidential buildings - D.S.A.).
4. Application for Building Permit will not be accepted for this project until plans indicate that they have been prepared by a licensed design professional (Architect or Engineer). The design professional's name, address, phone number, State license number and expiration date shall be printed in the title block of the plans.
5. All electrical, communication, CATV, etc. service lines, within the exterior lines of the property shall be underground (City Code Sec. 6.30).
6. Building plans submitted for building permit shall indicate provisions for sufficient lighting maintained throughout all parking areas and to minimize shadow effects from landscaping so that maximum visibility is ensured throughout the entire site. Lighting shall be properly shielded and directed to prevent glare on surrounding properties. Lighting shall comply with all City codes and ordinances in effect at the time of building permit issuance, including Oceanside City Code, Chapter 39 - Light Pollution Ordinance.
7. All exiting shall comply with UBC, Chapter 33.
8. The proposed use appears to be a change in use (A-3 to A2.1). If the existing building is to be reused, an Architect or Engineer shall prepare plans to up-grade the existing building to all current code requirements for the proposed new use.

**Engineering:**

9. Property line returns, knuckles, and all other street right-of-way alignments and widths shall be dedicated and improved as required by the City Engineer.
10. Where proposed off-site improvements including but not limited to slopes, public utility facilities, and drainage facilities are to be constructed, the applicant shall, at his own expense, obtain all necessary easements or other interests in real property and shall dedicate the same to the City as required. The applicant shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to the approval of the project.

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Additionally, the City, may at its sole discretion, require that the applicant obtain at his sole expense a title policy insuring the necessary title for the easement or other interest in real property to have vested with the City of Oceanside or the applicant, as applicable.

11. All streets shall be improved with concrete curbs and gutters, street lights, 5 foot wide sidewalks and pavement, providing a parkway width of at least 10 feet, except where turnouts are provided unless altered by the City Engineer.
12. Curb return radii shall be 35 feet at the intersections of Brooks Street and First Street.
13. The First Street Cul-de-sac shall be reconstructed to the satisfaction of the City Engineer prior to the issuance of a building permit. Curb radius at the cul-de-sac turnaround shall be at least 40 feet with a minimum 50 foot radius right-of-way line.
14. All street dedications, alignments, widths, and exact geometrics shall be as approved by the City Engineer.
15. The developer shall provide public street dedication as required to serve the property.
16. The exact alignment, width and design of all median islands, turning lanes, travel lanes, driveways, striping, and all other traffic control devices and measures, including turnouts, bike lanes, and width transitions, shall be approved by the City Engineer.
17. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon soil tests and traffic index. The pavement design to be prepared by the subdivider's soil engineer must be approved by the City Engineer.
18. All traffic signal contributions, highway thoroughfare fees, park fees, reimbursements, and other applicable charges, fees and deposits shall be paid prior to the issuing of any building permits in accordance with City policies. The subdivider or developer shall also be required to join into, contribute, or participate in any improvement, lighting, or other special district affecting or affected by this project. Approval of the project shall constitute the developer's approval of such payments, and his agreement to pay for any other similar assessments or charges in effect at the time any increment is submitted for building permit approval, and to join, contribute, or participate in such districts.
19. Design and construction of all improvements shall be in accordance with standard plans, specifications of the City

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of Oceanside and subject to approval by the City Engineer. Parking lot striping shall be shown on precise grading/private improvement plans for parking lots.

20. The developer shall pay traffic signal fees as required by the City's Traffic Signal Fee Ordinance.
21. The developer shall pay thoroughfare fees as required by the City's Thoroughfare Fee Ordinance.
22. Sight distance requirements at all street intersections shall conform to the intersectional sight distance criteria as provided by the California Department of Transportation Highway Design Manual.
23. Landscaping plans for trees, bushes and shrubs, or plans for the construction of walls, fences or other structures at or near intersections must conform to sight distance requirements and must be submitted to and approved by the City Engineer prior to the issuance of building permits and prior to the implementation of any landscape improvements.
24. Traffic control during the construction of streets which have been opened to public travel shall be in accordance with construction signing, marking and other protection as required by the State Department of Transportation (CalTrans) Traffic Manual.
25. Grading and drainage facilities shall be designed to adequately accommodate the local storm water runoff and shall be in accordance with standard plans and specifications of the City of Oceanside and subject to the approval of the City Engineer.
26. This project is subject to payment of Master Plan of Drainage acreage fees, to be paid prior to approval of a building permit. All storm drains and appurtenances shall be designed and installed to the satisfaction of the City Engineer. On and off-site drains shall be shown on City standard plans and profile sheets.
27. Storm drain easements shall be dedicated when required. The developer shall be responsible for obtaining any off-site easements for storm drainage facilities.
28. All drainage picked up in an underground system shall remain in underground system until outlet into an approved channel.
29. On-site grading design and construction shall be in accordance with the City's current Grading Ordinance.
30. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic investigation shall be

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conducted of the soils, slopes, and formations in the tracts or projects. All necessary measures shall be taken and implemented to assure slope stability, erosion control, and soil integrity. No grading shall occur until a detailed grading plan, to be prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by the City Engineer.

- 31. The entire project shall be served with a water system adequate enough for fire protection and domestic supply, with hydrants and other appurtenances as needed. The main line shall be a looped private system with double check detector check valves. All other utilities to serve the project, including electrical, telephone, and cable T.V., shall be constructed underground.
- 32. All existing continuous overhead utility lines and all new extension services for the development of the project, including electrical and telephone, shall be constructed underground.
- 33. The developer shall comply with all the provisions of the City's cable television ordinances including those relating to notification as required by the City Engineer.
- 34. Any broken concrete curb, gutter or sidewalk shall be repaired or replaced as required by the City Engineer.
- 35. This project shall provide the necessary right-of-way dedications for First Street to maintain proper clearances from structures. Dedicate a portion of right-of-way to complete the bulb on the First Street cul-de-sac per City of Oceanside Standard Drawing No. M-5.
- 36. A precise grading and private improvement plan and a landscape plan shall be approved by the City Engineer, appropriate securities in place, and all necessary construction items completed, prior to the issuance of a building permit for the project.
- 37. Separate public improvements plans shall be required for the street improvements. The improvement plans shall be approved by the City Engineer, appropriate securities in place, and construction of the street improvements completed, prior to the issuance of a building permit for the project.
- 38. All entry approaches shall be radius approaches constructed in accordance with Oceanside Standard Drawing No. M-10 and subject to approval by the City Engineer.
- 39. The parcel map P-1-91 shall be recorded prior to the issuance of a building permit.

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40. A fire lane with a minimum width of 24-feet shall be maintained around the building at all times. The aisle shall be shown on the precise grading and private improvement plans and shall be clearly marked on site as "Fire Lane - No Parking at any Time".

41. All conditions of P-1-91 shall be applicable to this project.

42. The entire parking lot shall be repaved to meet the City's current design standards.

Fire:

43. Fire flow shall be determined at the time of building application.

44. Fire hydrants shall be 2-1/2" X 2-1/2" X 4".

45. The fire hydrants shall be installed and tested prior to placing any combustible materials on the job site.

46. Fire hydrants shall be located as indicated on a map filed in the Fire Prevention Bureau.

47. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per City Vehicle Code Section 22500.1.

48. Any security gates shall have a Knox-box override.

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

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

51. Show all existing fire hydrants within 400 feet of the project on the plot plan submitted for plan check.

52. All buildings shall be sprinklered and monitored by an approved Central Station prior to building occupancy.

53. Overhead clearance shall not be less than 13'6" from the paved surface.

54. The occupant load for all assembly areas shall be calculated for: (A) Concentrated Use; (B) Less Concentrated Use. This shall be done for each separate room then totalled for the entire building. Please submit a chart showing each room occupant load and totals as approved by the Oceanside Building Department.

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55. Fire sprinkler modification plans and calculations shall be submitted to the Oceanside Fire Prevention Bureau for plan check and approval prior to issuing building permits. All modifications to the sprinkler system and its coverage shall be highlighted or otherwise indicated on the plans.

56. The existing automatic fire sprinkler system shall be modified so that the Fire Department Connection (FDC) and Post Indicator Valve (P.I.V.) are relocated above ground in the planter area at the northeast corner of "Porta Cochere".

57. Install three (3) approved additional fire hydrants , 2-1/2" X 2-1/2" X 4", as shown on the plans located on file at the Oceanside Fire Prevention Bureau.

Planning:

58. The Revision to Development Plan D-18-92 and Conditional Use Permits C-7-94 and C-19-94 shall expire on January 23, 1997 unless implemented as required by the Zoning Ordinance.

59. Park fees shall be paid as required by City policy at the time building permits are issued.

60. A letter of clearance from the affected school district in which the property is located shall be provided as required by City policy at the time building permits are issued.

61. A public facilities fee shall be paid as required by City policy at the time building permits are issued.

62. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall be reviewed and approved by the City Engineer and Planning Director prior to the issuance of building permits. Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for final approval. The following special landscaping requirements shall be met:

(a) Landscaping shall be planned to prevent automobile headlights from disturbing surrounding uses and public streets.

(b) The developer shall be responsible for landscaping all embankments 3 feet and over in height. All embankments 5 feet in height and over (and for all slopes along major streets) shall be landscaped and irrigated.

(c) Arterial street trees in parkways shall be planted at a minimum of 30 feet on center, each side of street,

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as a solitary planting. Approved root barriers shall be incorporated.

(d) Local street trees in parkways shall be planted at a minimum of 30 feet on center, each side of street, as a solitary planting. Approved root barriers shall be incorporated.

(e) To mitigate the loss of landmark and/or mature existing trees on site the determination of replacement shall be based on tree number, type, and caliper (caliper measured 2 1/2 feet from the base of the tree at existing grade). The total number of tree caliper lost shall be equal to the total number of caliper replaced. Replacement trees shall be a minimum of 15 gallon container stock. A field survey shall be performed under the supervision of the City Landscaping Section to evaluate the existing tree population and the replacement requirements. The existing trees to remain or proposed for removal shall be identified on the Preliminary Grading Plan, Precise Grading Plan and Landscape Plan. The existing tree type, location, and caliper shall be shown on the above plans. Replacement trees shall be identified and shown on the Landscape Plan and shall be subject to review and approval by the City Engineer and Planning Director.

(f) Wherever feasible, Crimson Lake Bougainvillea, the official City Flower, shall be used on this site.

(g) The landscaping for Parcel 2 of the underlying Parcel Map P-1-91 shall be shown and approved with the landscape plans for Parcel 1.

63. A trash enclosure must be provided as required by Chapter 13 of the City Code and shall also include additional space for storage and collection of recyclable materials per City standards. The enclosure must be built in a flat, accessible location as determined by the City Engineer. The enclosure shall meet City standards including being constructed of concrete block, reinforced with Rebar and filled with cement. A concrete slab must be poured with a berm on the inside of the enclosure to prevent the bin(s) from striking the block walls. The slab must extend out of the enclosure for the bin(s) to roll out onto. Steel posts must be set in front of the enclosure with solid metal gates. All driveways and service access areas must be designed to sustain the weight of a 50,000 pound service vehicle. Trash enclosures and driveways and service access areas shall be shown on both the improvement and landscape plans submitted to the City Engineer. The specifications shall be reviewed and approved by the City Engineer. The City's waste disposal contractor is required to access

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private property to service the trash enclosures, a service agreement must be signed by the property owner and shall remain in effect for the life of the project. All trash enclosures shall be designed to provide user access without the use and opening of the service doors for the bins. This design shall be shown on the landscape plans and shall be approved by the Planning Director.

64. Trash enclosures shall have design features such as materials and trim similar to that of the rest of the project.

65. Prior to the transfer of ownership and/or operation of the site the owner shall provide a written copy of the applications, staff report and resolutions for the project to the new owner and or operator. This notification's provision shall run with the life of the project.

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

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

68. The Conditional Use Permit is subject to a six month review by the Planning Commission from the date of commencement of operations to determine the project's compatibility with surrounding land uses. The Planning Commission may add new conditions and/or delete and/or modify existing conditions as it deems necessary to protect the public health, safety and welfare of residents and land uses in the surrounding area. The Conditional Use Permits shall be called for review by the Planning Commission if at any time any of the uses within the center create a policing problem or if complaints are filed and verified as valid by the Code Enforcement Office concerning the violation of any of the approved conditions or assumptions made by the application. The Planning Commission may add new conditions and/or delete and/or modify existing conditions as it deems necessary to protect the public health, safety and welfare of residents and land uses in the surrounding area.

69. The applicant shall be responsible for trash abatement on the site, and shall keep the site free of litter, trash and other nuisances.

70. All retaining and other freestanding walls, fences, and enclosures shall be architecturally designed in a manner

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similar to and consistent with the primary structures (stucco block, split-face block or slump stone). These items shall be approved by the Planning Department prior to the issuance of building permits.

71. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially the same as those approved by the Planning Commission. These shall be shown on plans submitted to the Building Department and Planning Department.

72. Side and rear elevations and window treatments shall be trimmed to substantially match the front elevations. A set of building plans shall be reviewed and approved by the Planning Department prior to the issuance of building permits.

73. A covenant or other recordable document approved by the City Attorney shall be prepared by the applicant and recorded prior to the issuance of a building permit. The covenant shall provide that the property is subject to this Resolution, and shall generally list the conditions of approval.

74. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and in any adjoining public parkways shall be permanently maintained by the owner, his assigns or any successors in interest in the property. The maintenance program shall include normal care and irrigation of the landscaping; repair and replacement of plant materials; irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking lots and walkways, walls, fences, etc. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke the approval. This condition shall be recorded with the covenant required by this Resolution.

75. A sign package describing size, color, and design shall be submitted to the Planning Director for review and approval prior to the placement of any signs on the property subject to this application.

76. Conditional Use Permit C-7-94 is granted for the following use only: a 6,650 square foot cardroom and a 1,350 square foot restaurant and lounge. The hours of operation for the cardroom are seven days a week and twenty-four hours a day. Hours of operation for the restaurant are seven days a week and twenty-four hours a day. Hours of operation for the lounge are seven days a week from 10:00 a.m. to 2:00 a.m. Any change in the use or any change in the structure will require a revision to the Conditional Use Permit or a new Conditional Use Permit. If the Cardroom ceases operating the restaurant/lounge aspect of the operation shall also become null and void.

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77. Conditional Use Permit C-19-94 is granted for the following use only: a 4,300 square foot comedy club. Hours of operation for this use are Sunday through Thursday from 6:00 p.m. to 12:00 midnight and 6:00 p.m. to 1:00 a.m. on Friday and Saturday. During off-business hours the Comedy Club (i.e., 7 days a week from 9:00 a.m. to 4 p.m.) will be available for rental for business meetings, luncheons, and conferences. There will be no alcohol service, live entertainment or dancing permitted during these off-business hours and no regulated uses per Article 36 of the Zoning Ordinance will be conducted within the establishment. Any change in the use or any change in the structure will require a revision to the Conditional Use Permit or a new Conditional Use Permit.
78. This Revision to the Development Plan approves only the following: a 21,000 square foot remodel of an existing building to allow the following uses: a cardroom with adjacent restaurant and lounge, and a comedy club with food and full alcohol service. Any substantial modification in the design or layout shall require a revision to the Development Plan or a new Development Plan.
79. All mechanical roof-top and ground equipment shall be screened from public view as required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks, mechanical equipment, screen and vents shall be painted with non-reflective paint to match the roof. This information shall be shown on the building plans.
80. The project shall require the establishment of a management and operations plan which also addresses proposed special events. The management plan shall be reviewed and approved by the Planning Director and Police Department prior to the issuance of a building permit and shall include provisions for on-site management, security and maintenance of the project site.
81. This project is subject to the conditions of Planning Commission Resolution No. 92-P47 regarding the underlying parcel map for the site. This Parcel Map shall be recorded prior to the issuance of building permits on this site. The landscape plans for Parcel 2 shall be shown on the landscape plans for Parcel 1 and approved by the Planning Director and City Engineer.
82. Full alcohol service shall be allowed within the restaurant. No removal of alcohol from the restaurant shall be allowed.
83. The use or possession of alcohol shall not be allowed within the parking lot at any time. Any amendment to the above conditions on the use of alcohol shall require an amendment to the Conditional Use Permit(s) approved by the Planning Commission.

- 1 84. No dancing will be allowed on the premises.
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- 3 85. Armed security will be provided from 10:00 p.m. to 8:00  
4 a.m. and non armed security from 8:00 a.m. to 10:00 p.m.,  
5 Thursday through Sunday. Non armed security will be  
6 provided 24 hours per day, Monday through Wednesday.
- 7 86. Valet parking will be available from dusk to 8:00 a.m, 7  
8 days a week.
- 9 87. If approved, the alcohol licenses shall not be exchanged  
10 for a public premise license at any time.
- 11 88. There shall be no pool tables or coin operated games  
12 permitted on the premises.
- 13 89. There shall be no off-sale privileges of any alcoholic  
14 beverages.
- 15 90. The quarterly annual sales of alcoholic beverages shall not  
16 exceed the quarterly annual sales of food.
- 17 91. All graffiti placed on the tenant leased area's elevations  
18 shall be removed by the applicant within 24 hours of  
19 occurrence.
- 20 92. The loitering of any person(s) in the parking lot shall not  
21 be allowed.
- 22 93. There shall be no musical event or dance allowed outside  
23 within the parking lot area.
- 24 94. Conditional Use Permits C-55-81 and C-12-83 shall expire  
25 for the cardroom use at 2607 Oceanside Boulevard when  
26 occupancy is granted for the cardroom regulated by  
27 Conditional Use Permit C-7-94.
- 28 **The following conditions will pertain to the Cardroom,  
Restaurant/Lounge C-7-94):**
95. Dancing shall be prohibited on the premises. Live  
entertainment shall be restricted to two entertainers who  
shall be permitted one piece of amplification equipment.
96. Sales, service, and consumption of alcoholic beverages  
shall be permitted only between the hours of 10 a.m. and 2  
a.m.
97. There shall be no exterior advertising of any kind or type,  
including advertising directed to the exterior from within,  
promoting or indicating the availability of alcoholic  
beverages. Interior displays of alcoholic beverages which  
are clearly visible to the exterior, shall constitute a  
violation of this condition. This does not include wall

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signs, monument sign or pylon signs which identify the use. All signs are subject to the requirements of a Comprehensive Sign Package.

98. Proof of valid registration and the satisfactory completion of all other conditions from the Attorney General pursuant to the Gaming Registration Act, as to each applicant and other financially interested persons.

99. Compliance with all conditions, regulations, and requirements of Oceanside City Code, Chapter 8, Cardroom.

100. All card games will be electronically monitored and subsequent information kept for a minimum of 48 hours. Information will be made available to law enforcement officers upon demand.

The following conditions will apply to the Comedy Club (C-19-94):

101. There shall be no pool tables or coin operated games permitted on the premises.

102. Sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of 6 p.m. and 1 a.m., 7 days a week.

103. Live entertainment shall only be permitted in the area designated as the Comedy Club.

104. Live entertainment shall be restricted to two entertainers who shall be permitted one piece of amplification equipment.

105. There shall be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages which are clearly visible to the exterior shall constitute a violation of this condition. This does not include wall signs, monument sign or pylon signs which identify the use. All signs are subject to the requirements of a Comprehensive Sign Package.

106. There will be no fixed or free-standing bar located in the Comedy Club at any time.

Water Utilities:

107. The developer shall be responsible for developing all water and sewer facilities necessary to this property. Any relocation of water or sewer lines are the responsibility of the developer.

Planning Commission  
Resolution No. 95-P01

January 23, 1995  
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108. This project is subject to the development restrictions identified in the City's Water Conservation Ordinance No. 91-15.

109. This project is subject to the requirements of the City's Water Conservation Ordinance No. 91-15, specifically, dual water lines shall be provided on-site in order to facilitate the present and future use of reclaimed water.

110. A separate water meter for irrigation purposes shall be installed.

111. The public sewer shall be protected from backflow of sewage by installing an approved type backwater valve, per Section 409 of the Uniform Plumbing Code, as determined by the Water Utilities Department.

PASSED on January 9, 1995 by the following vote, to wit:

AYES: Altamirano, Caballero, Skinner, Bockman, Schaffer, Frazier and Messinger

NAYES: None

ABSENT: None

ABSTAIN: None

ADOPTED on this 23rd day of January, 1995.

*Jack D. Messinger*  
\_\_\_\_\_  
Jack D. Messinger, Chairperson

ATTEST:

*Michael J. Blessing*  
\_\_\_\_\_  
Michael J. Blessing, Secretary

I, MICHAEL J. BLESSING, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 95-P01.

Dated: 23 Jan '95

MICHAEL J. BLESSING, Secretary  
OCEANSIDE PLANNING COMMISSION

LEGAL DESCRIPTION

THOSE PORTIONS OF TRACTS 3 AND 4 AND 5 IN A PORTION OF OCEANSIDE, COMMONLY KNOWN AS BUTLER, GROVES AND GLEICHNER'S ADDITION TO OCEANSIDE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 341, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO, OCTOBER 22, 1886, AS ADJUSTED PER CERTIFICATE OF COMPLIANCE RECORDED SEPTEMBER 25, 1990 AS DOCUMENT NO. 90-523092.

D-18-92,  
C-7-94,  
C-19-94



**CITY OF OCEANSIDE  
PLANNING DEPARTMENT**

Revised January 1991

# ENVIRONMENTAL CLEARANCE

PROJECT TITLE AND FILE NUMBER:

MISSION CENTER CARD ROOM (D-18-92, C-7-94, C-19-94)

PROJECT LOCATION:

121 Brooks Street

This project is a:

REQUEST FOR A TIME EXTENSION

FURTHERANCE OF A REDEVELOPMENT PLAN (per CEQA Guidelines Section 15180)

RESIDENTIAL PROJECT PURSUANT TO A SPECIFIC PLAN (per CEQA Guidelines Section 15182)

Essentially the same project as previously assessed.

AN  ENVIRONMENTAL IMPACT REPORT,  NEGATIVE DECLARATION, WAS COMPLETED FOR THIS PROJECT IN:

June, 1993, Mission Center (D-18-92, C-26-92, C-27-92)  
(month) (year) (project)

IT HAS BEEN DETERMINED THAT:

There have been no changes to the proposed project which involve the potential for new significant environmental impacts, AND ...

There are no substantial changes in the environmental setting of the proposed project which will result in the potential for new significant environmental impacts, AND ...

There is no new information of substantial importance which shows that the project could result in significant impacts not previously considered.

**THEREFORE, NO ADDITIONAL ENVIRONMENTAL REVIEW IS NECESSARY (PER CEQA GUIDELINES SECTION 15162)**

Contact Person:

Tim Cox, Environmental Planner

December 21, 1994

SIGNATURE

DATE

For: Michael Blessing, Planning Director



**CITY OF OCEANSIDE  
PLANNING DEPARTMENT**

Revised April 1992

**NEGATIVE DECLARATION**

TO:        OFFICE OF PLANNING AND RESEARCH  
1400 TENTH STREET, ROOM 121  
SACRAMENTO, CA 95814

       RECORDER / COUNTY CLERK  
COUNTY OF SAN DIEGO  
P.O. BOX 1750  
SAN DIEGO, CA 92112-4147

**PROJECT TITLE AND FILE NUMBER:**

**MISSION CENTER (D-18-92, C-26-92, C-27-92)**

**PROJECT LOCATION:**

**121 Brooks Street**

**PROJECT DESCRIPTION:**

The proposed project would remodel the existing 28,200 sq. ft., Mission Bowling Alley into a 20,440 sq. ft., convention facility housing a convention hall, meeting rooms, a restaurant/bar and service areas. The 3 acre site would be landscaped, and 273 parking spaces are proposed.

**FINDING:** Pursuant to the provisions of Ordinance No. 88-31 pertaining to procedures and guidelines to implement the California Environmental Quality Act (Public Resources Code Section 21000 et. al.), the proposed project has been reviewed by the Environmental Review Committee established by ordinance to be responsible for evaluating the information. The Environmental Review Committee, after study of the facts and findings, has on June 22, 1993 determined that the project will not have a significant effect on the environment.

- THE PROJECT WAS DETERMINED TO HAVE NO MAJOR SIGNIFICANT ADVERSE EFFECTS UPON THE ENVIRONMENT.**
- THE PROJECT WAS DETERMINED TO HAVE NO MAJOR SIGNIFICANT ADVERSE EFFECTS UPON THE ENVIRONMENT PER COMPLIANCE WITH THE FOLLOWING CONDITIONS:**

Initial Study prepared by:  
**Tim Cox**

Contact Person:  
Tim Cox, Environmental Planner

The Initial Study is available for public review and may be examined at:

City of Oceanside  
Planning Department  
300 North Hill Street  
Oceanside, CA 92054

*Timothy Cox*  
SIGNATURE

June 22, 1993

DATE

For: Michael Blessing, Planning Director



CITY OF OCEANSIDE

INITIAL STUDY

I. PROJECT DESCRIPTION AND SETTING

1. Name of Proponent Durando, Inc.
2. Address and Phone Number of Proponent:  
4747 Moreno Boulevard #200, San Diego, California 92117  
(619) 233-6777
3. Name of Proposal, if applicable Mission Center
4. APN(s) 148-340-08, 18, 19 5. Application(s) # D-18-92, C-26-92, C-27-92
6. Have previous EIR's been prepared in area? No Proximity: \_\_\_\_\_  
For which project? \_\_\_\_\_
7. Project Description: The proposed project would remodel the existing  
28,200 square foot, Mission Bowling Alley into a 20,440 square foot,  
convention facility housing a convention hall, meeting rooms, a  
restaurant/bar and service areas. The 3 acre site would be landscaped,  
and 273 parking spaces are proposed.
8. Environmental Setting: The approximately 3 acre site is currently  
developed with a 28,200 square foot, deteriorating commercial structure  
(Mission Bowling Alley). The site is paved for parking and contains  
limited landscaping. Adjacent uses are commercial to the north and  
east, Interstate 5 to the west and public services to the south and  
southeast. No residential uses are in proximity to the site.

II. **ENVIRONMENTAL IMPACTS - IS THERE SUBSTANTIAL EVIDENCE IN THE RECORD WHICH INDICATES THE POTENTIAL FOR SIGNIFICANT ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE FOLLOWING ISSUES? PLEASE REFER TO SECTION V OF THIS INITIAL STUDY FOR A DISCUSSION OF ALL "NO" RESPONSES.**

1. EARTH. Will the proposal result in:	YES	MAYBE	NO	MAJOR
a. Unstable earth conditions or in changes in geologic substructures?	_____	_____	_____X_____	_____
[ ] Geologic site survey for subsurface conditions is recommended.				
[ ] Effect of Excavation needs verification.				
[ ] Slope stability is questioned.				
[ ] Soil sample tests and special foundation design are recommended.				
[ ] Other				
b. Disruptions, displacements, compaction or over-covering of the soil?	_____	_____	_____X_____	_____
c. Change in topography or ground surface relief features?	_____	_____	_____X_____	_____
d. The destruction, covering or modification of any unique geologic or physical features?	_____	_____	_____X_____	_____
[ ] Geologic site survey for subsurface conditions is recommended.				
[ ] Effect of excavation needs verification.				
[ ] Other				
e. Any increase in wind or water erosion of soils on or off the site?	_____	_____	_____X_____	_____
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	_____	_____	_____X_____	_____
[ ] Tsunami hazard is expected, storm conditions, sand supply and movement needs verification.				

- |  | YES   | MAYBE | NO           | MAJOR |
|--|-------|-------|--------------|-------|
| g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure or similar hazards? | _____ | _____ | <u>  X  </u> | _____ |
| [ ] Seismic shaking is expected.   |       |       |              |       |
| [ ] Slope stability is questioned.   |       |       |              |       |
| [ ] Soil sample tests and special foundation design are recommended.   |       |       |              |       |
| [ ] Geologic site survey for subsurface conditions is recommended.   |       |       |              |       |
| [ ] Effect of excavation is questioned.  |       |       |              |       |

**DISCUSSION:** The site is currently developed with no history of geological problems.

- |   |       |       |              |       |
|---|-------|-------|--------------|-------|
| 2. AIR. Will the proposal result in:  |       |       |              |       |
| a. Substantial air emissions or deterioration of ambient air quality?   | _____ | _____ | <u>  X  </u> | _____ |
| b. The creation of objectionable odors?   | _____ | _____ | <u>  X  </u> | _____ |
| c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally? | _____ | _____ | <u>  X  </u> | _____ |

**DISCUSSION:** Standard watering for dust during construction is required.

- |  |       |       |              |       |
|--|-------|-------|--------------|-------|
| 3. WATER. Will the proposal result in:   |       |       |              |       |
| a. Changes in currents or the course or direction of water movements, in either marine or fresh waters?  | _____ | _____ | <u>  X  </u> | _____ |
| b. Changes in absorption rates, drainage patterns or the rate and amount of surface water runoff?  | _____ | _____ | <u>  X  </u> | _____ |
| c. Alterations to the course or flow of flood waters?  | _____ | _____ | <u>  X  </u> | _____ |
| d. Change in the amount of surface water in any water body?  | _____ | _____ | <u>  X  </u> | _____ |
| e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?  | _____ | _____ | <u>  X  </u> | _____ |
| f. Alteration of the direction or rate of flow of ground waters?   | _____ | _____ | <u>  X  </u> | _____ |
| g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of any aquifer by cuts or excavations? | _____ | _____ | <u>  X  </u> | _____ |

YES      MAYBE      NO      MAJOR

- h. Substantial reduction in the amount of water otherwise available for public water supplies?      \_\_\_\_\_      \_\_\_\_\_        X        \_\_\_\_\_
- i. Exposure of people or property to water related hazards such as flooding or tidal waves?      \_\_\_\_\_      \_\_\_\_\_        X        \_\_\_\_\_

**DISCUSSION:** The site is currently paved. No change in existing conditions is anticipated.

4. **PLANT LIFE.** Will the proposal result in:

- a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?      \_\_\_\_\_      \_\_\_\_\_        X        \_\_\_\_\_
- b. Reduction of the numbers of any unique, rare or endangered of plants?      \_\_\_\_\_      \_\_\_\_\_        X        \_\_\_\_\_
- c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?      \_\_\_\_\_      \_\_\_\_\_        X        \_\_\_\_\_
- d. Reduction in acreage of any agricultural crop?      \_\_\_\_\_      \_\_\_\_\_        X        \_\_\_\_\_

**DISCUSSION:** The site is developed for commercial uses and is devoid of natural vegetation.

5. **ANIMAL LIFE.** Will the proposal result in:

- a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?      \_\_\_\_\_      \_\_\_\_\_        X        \_\_\_\_\_
- b. Reduction of the numbers of any unique, rare or endangered species of animals?      \_\_\_\_\_      \_\_\_\_\_        X        \_\_\_\_\_
- c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?      \_\_\_\_\_      \_\_\_\_\_        X        \_\_\_\_\_
- d. Deterioration to existing fish or wildlife habitat?      \_\_\_\_\_      \_\_\_\_\_        X        \_\_\_\_\_

**DISCUSSION:** The site is not appropriate habitat for native fauna.

6. **NOISE.** Will the proposal result in:

- a. Increases in existing noise levels?      \_\_\_\_\_      \_\_\_\_\_        X        \_\_\_\_\_
- b. Exposure of people to severe noise levels?      \_\_\_\_\_      \_\_\_\_\_        X        \_\_\_\_\_

**DISCUSSION:** The site is bounded by non-sensitive noise receptors (ie. commercial uses and Interstate 5).

7. **LIGHT AND GLARE.** Will the proposal produce new light and glare?      \_\_\_\_\_      \_\_\_\_\_        X        \_\_\_\_\_

**DISCUSSION:** The site is occupied by a commercial use within a commercial area.

	YES	MAYBE	NO	MAJOR
8. <b>LAND USE.</b> Will the proposal result in a substantial alteration of the present or planned land use of an area?	_____	_____	<u>  X  </u>	_____
<b>DISCUSSION:</b> The proposed land uses conform to allowable uses within the Special Commercial zoning.				
9. <b>NATURAL RESOURCES.</b> Will the proposal result in:				
a. Increase in the rate of use of any natural resources?	_____	_____	<u>  X  </u>	_____
b. Depletion of any non renewable resource such as fuel for energy generation or mineral extractions?	_____	_____	<u>  X  </u>	_____
10. <b>RISK OF UPSET.</b> Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	_____	_____	<u>  X  </u>	_____
11. <b>POPULATION.</b> Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	_____	_____	<u>  X  </u>	_____
12. <b>HOUSING.</b> Will the proposal affect existing housing, create a demand for additional housing?	_____	_____	<u>  X  </u>	_____
13. <b>TRANSPORTATION/CIRCULATION.</b> Will the proposal result in:				
a. Generation of substantial additional vehicular movement?	_____	<u>  X  </u>	_____	_____
b. Effects on existing parking facilities, or demand for new parking?	_____	_____	<u>  X  </u>	_____
c. Substantial impact upon existing transportation systems?	_____	<u>  X  </u>	_____	_____
d. Alterations to present patterns of circulation or movement of people and/or goods?	_____	_____	<u>  X  </u>	_____
e. Alterations to waterborne, rail or air traffic?	_____	_____	<u>  X  </u>	_____
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	_____	_____	<u>  X  </u>	_____
<b>DISCUSSION:</b> Please refer to Attachment A, Mission Center Traffic Study.				
14. <b>PUBLIC SERVICES.</b> Will the proposal have a negative effect upon, or result in a need for new or altered governmental services in any of the following areas:				
a. Fire protection?	_____	_____	<u>  X  </u>	_____
b. Police protection?	_____	_____	<u>  X  </u>	_____
c. Schools?	_____	_____	<u>  X  </u>	_____

	YES	MAYBE	NO	MAJOR
d. Parks or other recreational facilities?	_____	_____	<u>  X  </u>	_____
e. Maintenance of public facilities, including roads?	_____	_____	<u>  X  </u>	_____
f. Other governmental services?	_____	_____	<u>  X  </u>	_____
<b>DISCUSSION: The proposed structure would be remodeled to meet all building and fire codes. Private security is proposed for events.</b>				
15. <b>ENERGY.</b> Will the proposal result in:				
a. Use of substantial amounts of fuel or energy?	_____	_____	<u>  X  </u>	_____
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	_____	_____	<u>  X  </u>	_____
16. <b>UTILITIES.</b> Will the proposal result in a need for new systems, or substantial alterations to the following utilities:				
a. Power or natural gas?	_____	_____	<u>  X  </u>	_____
b. Communications systems?	_____	_____	<u>  X  </u>	_____
c. Water?	_____	_____	<u>  X  </u>	_____
d. Sewer or septic tanks?	_____	_____	<u>  X  </u>	_____
e. Storm water drainage?	_____	_____	<u>  X  </u>	_____
f. Solid waste and disposal?	_____	_____	<u>  X  </u>	_____
17. <b>HUMAN HEALTH.</b> Will the proposal result in:				
a. Creation of any health hazard or potential health hazard (excluding mental health)?	_____	_____	<u>  X  </u>	_____
18. <b>AESTHETICS.</b> Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	_____	_____	<u>  X  </u>	_____
19. <b>RECREATION.</b> Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	_____	_____	<u>  X  </u>	_____
20. <b>ARCHAEOLOGICAL/HISTORICAL.</b> Will the proposal result in an alteration of a significant archaeological or historical site, structure, object or building?	_____	_____	<u>  X  </u>	_____
21. <b>PUBLIC INTEREST.</b> Is there known public controversy concerning the environmental effects of the project?	_____	_____	<u>  X  </u>	_____

YES    MAYBE    NO    MAJOR

III. MANDATORY FINDINGS OF SIGNIFICANCE

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?
- B. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)
- C. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)
- D. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

_____	_____	<u>  X  </u>	_____
_____	_____	<u>  X  </u>	_____
_____	_____	<u>  X  </u>	_____
_____	_____	<u>  X  </u>	_____

IV. MITIGATION MEASURES

\_\_\_\_\_ Access and circulation system improvements shall be provided via project  
 \_\_\_\_\_ design or conditions of approval as concurred with and approved by the  
 \_\_\_\_\_ City Engineer.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

V. DISCUSSION OF ALL "NO" RESPONSES ON THE INITIAL STUDY CHECKLIST

Based on review of the City's Environmental Data Base, relevant background studies, previous environmental documentation and staff input, it has been determined that no substantial evidence exists in the public record which indicates the potential for significant environmental impacts associated with the project as proposed including conditions of approval imposed by the City.

Initial Study Prepared By: Tim Cox and accepted as to content by the City Environmental Review Committee.

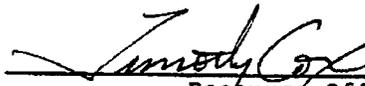
VI. **DETERMINATION**

On the basis of this initial evaluation, the City Environmental Review Committee finds:

- [x] The proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- [ ] The proposed project **COULD** have a significant effect on the environment, but there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **NEGATIVE DECLARATION** will be prepared.
- [ ] The proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

DATE: \_\_\_\_\_

6/22/93



Resource Officer

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PLANNING COMMISSION  
RESOLUTION NO. 97-P22

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

---

APPLICATION NO: D-18-92 and C-7-94 Revision  
APPLICANT: Oceans 11 Casino  
LOCATION: 121 Brooks Street

---

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

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

to increase the number of card tables from 15 to 25 tables and an increase in the overall square footage of the cardroom to 21,000 square feet;

on certain real property legally described as shown on EXHIBIT "A" attached hereto and incorporated herein by reference thereto.

WHEREAS, the Planning Commission, after giving the required notice, did on the 5th day of May, 1997 conduct a duly advertised public hearing as prescribed by law to consider said application.

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

For Conditional Use Permit (C-7-94):

1. The increase in the number of tables from 15 to 25 tables and increase in the square footage of the cardroom is in accord with the objectives of the Zoning Ordinance and the purposes of the CS-HO Zone.
2. The increase in the number of tables from 15 to 25 tables and increase in the square footage of the cardroom is compatible and consistent with the General Plan.
3. The increase in the number of tables from 15 to 25 tables and increase in the square footage of the cardroom is consistent with the use regulations and development standards of the Zoning Ordinance.



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3. This revision is subject to all conditions of Planning Commission Resolution No. 95-P01 and the requirements of Chapter 8 of the City Code that regulates cardrooms.

PASSED and ADOPTED on May 5, 1997 by the following vote, to wit:

AYES: Bockman, Caballero, Frazier and Barrante

NAYES: None

ABSENT: Altamirano, Schaffer and Price

ABSTAIN: None

*Juan Beckman* Vice Chair  
for Reinaldo Altamirano, Chairman

ATTEST:

*Michael J. Blessing*  
Michael J. Blessing, Secretary

I, MICHAEL J. BLESSING, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 97-P22.

Dated: 5 May '97

MICHAEL J. BLESSING, Secretary  
OCEANSIDE PLANNING COMMISSION



CITY OF OCEANSIDE  
PLANNING DEPARTMENT

# NOTICE OF EXEMPTION

TO RECORDER/COUNTY CLERK  
COUNTY OF SAN DIEGO  
P.O. BOX 1750  
SAN DIEGO, CA 92112-4147

PROJECT TITLE AND FILE NUMBER:  
OCEANS 11 CASINO

PROJECT LOCATION - SPECIFIC:  
121 Brooks Street

PROJECT LOCATION - GENERAL:  
City of Oceanside

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:

Interior improvements that would increase the size of the cardroom to 25 tables with 9 chairs per table.

NAME OF PUBLIC AGENCY APPROVING PROJECT:  
City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:  
Oceans 11 Casino  
Robert Moyer  
121 Brooks Street  
Oceanside, CA 92054

Exempt Status per the Guidelines to Implement the California Environmental Quality Act (CEQA)  
(Public Resources Code Section 21000 et. al.):

NOT SUBJECT TO CEQA PER THE GENERAL RULE, SECTION 15061(B)(3)

STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S) \_\_\_\_\_

X CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION(S) 15301

REASONS WHY PROJECT IS EXEMPT:

The project involves interior improvements that will not have a significant effect on the environment.

Contact Person: Jerry Hittleman, Senior Planner

*Michael J. Blessing* April 28, 1997  
SIGNATURE DATE  
For: Michael J. Blessing, Planning Director

CITY HALL, 300 NORTH COAST HIGHWAY, OCEANSIDE CA 92054. TELEPHONE (619)966-4770. FAX (619)966-4164

PLANNING COMMISSION  
RESOLUTION NO. 97-P80

A RESOLUTION OF THE PLANNING  
COMMISSION OF THE CITY OF OCEANSIDE,  
CALIFORNIA APPROVING A REVISION TO A  
CONDITIONAL USE PERMIT ON CERTAIN  
REAL PROPERTY IN THE CITY OF  
OCEANSIDE

APPLICATION NO: C-7-94 (REVISION)  
APPLICANT: Oceans 11 Casino  
LOCATION: 121 Brooks Street

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

WHEREAS, there was filed with this Commission a verified petition on the  
forms prescribed by the Commission requesting a Revision to a Conditional Use  
Permit under the provisions of Article 41 of the Zoning Ordinance of the City of  
Oceanside to permit the following:

an increase in the number of card tables from 25 to 30 for an existing  
cardroom operation;

on certain real property legally described as shown on EXHIBIT "A" attached hereto  
and incorporated herein by reference thereto.

WHEREAS, the Planning Commission, after giving the required notice, did on  
the 15<sup>TH</sup> day of December 1997 conduct a duly advertised public hearing as  
prescribed by law to consider said application.

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

For the Revision to the Conditional Use Permit (C-7-94):

1. The proposed use is a commercial business which is in accordance with the objectives of the Zoning Ordinance and the purposes of the CS-HO (Special Commercial District: Highway-Oriented) Zoning District.
2. The proposed location of the use and the conditions, under which it would be operated, will not be detrimental to the general welfare of the City.
3. The proposed use is subject to specific operational conditions that will cause the use to operate compatibly with the surrounding land uses.

WHEREAS, the Planning Commission finds that the approved card table  
increase is exempt from the requirements of environmental review pursuant to the  
provisions of the California Environmental Quality Act.

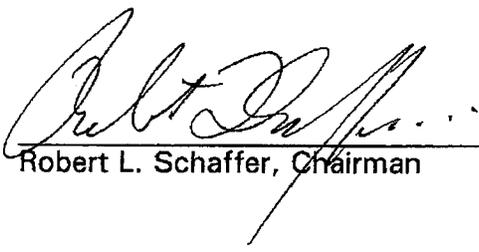
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NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby APPROVE of a Revision to Conditional Use Permit C-7-94 subject to the following conditions:

- 1. This revision to Conditional Use Permit (C-7-94) shall expire on December 15, 1999 unless implemented as required by the Zoning Ordinance.
- 2. This revision to Conditional Use Permit (C-7-94) is granted for the following: an increase in the number of card tables from 25 to 30 (maximum of 10 seats per table including dealer).
- 3. This revision to Conditional Use Permit (C-7-94) is subject to all conditions of Planning Commission Resolution No. 95-P01 and the requirements of Chapter 8 of the City Code - Cardrooms.

PASSED and ADOPTED on this 15th day of December 1997 by the following vote, to wit:

AYES: Schaffer, Barrante, Frazier and Caballero  
 NAYES: None  
 ABSENT: Bockman and Price  
 ABSTAIN: None

  
 Robert L. Schaffer, Chairman

ATTEST:

  
 Michael J. Blessing, Secretary

I, MICHAEL J. BLESSING, Secretary of the Oceanside Planning Commission, hereby certify that this is true and correct copy of Resolution No. 97-P80.

Dated: 15 December '97

MICHAEL J. BLESSING, Secretary  
OCEANSIDE PLANNING COMMISSION

**OCEANS 11 CASINO  
CUP AND DEVELOPMENT PLAN REVISION**

**LEGAL DESCRIPTION**

**PARCEL 1 OF PARCEL MAP NO. 17632, 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 JANUARY 4, 1996 AS FILE NO. 96-0005049 OF OFFICIAL RECORDS.**

**ASSESSOR PARCEL NO. 148-340-29**



CITY OF OCEANSIDE  
PLANNING DEPARTMENT

## NOTICE OF EXEMPTION

TO\_ RECORDER/COUNTY CLERK  
COUNTY OF SAN DIEGO  
P.O. BOX 1750  
SAN DIEGO, CA 92112-4147

PROJECT TITLE AND FILE NUMBER:  
OCEANS 11 CASINO

PROJECT LOCATION - SPECIFIC:  
121 Brooks Street

PROJECT LOCATION - GENERAL:  
City of Oceanside

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:

Interior improvements that would increase the size of the cardroom to 30 tables with 9 chairs per table.

NAME OF PUBLIC AGENCY APPROVING PROJECT:  
City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:  
Oceans 11 Casino  
Robert Moyer  
121 Brooks Street  
Oceanside, CA 92054

Exempt Status per the Guidelines to Implement the California Environmental Quality Act (CEQA)  
(Public Resources Code Section 21000 et. al.):

NOT SUBJECT TO CEQA PER THE GENERAL RULE, SECTION 15061(B)(3)

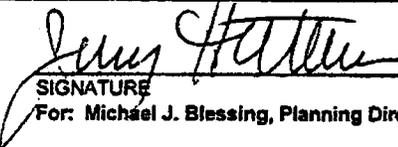
STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S) \_\_\_\_\_

CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION(S) 15301

REASONS WHY PROJECT IS EXEMPT:

The project involves interior improvements that will not have a significant effect on the environment.

Contact Person: Jerry Hittleman, Senior Planner

  
SIGNATURE DATE  
For: Michael J. Blessing, Planning Director December 5, 1997

RECEIVED  
DEC 11 2007  
Planning Department

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PLANNING COMMISSION  
RESOLUTION NO. 2002-P39

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A VARIANCE ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

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APPLICATION NO: V-2-02  
APPLICANT: Oceans 11 Casino  
LOCATION: 121 Brooks Street

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Variance under the provisions of Articles 33 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

sign area changes to an existing and non-conforming, 35-foot tall, pole sign; on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 26<sup>th</sup> day of August, 2002 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, the Planning Commission, continued the public hearing for said application to the 9<sup>th</sup> day of September, 2002.

WHEREAS, the Planning Commission, after giving the required notice, did on the 9<sup>th</sup> day of September, 2002 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt per Article 19 from environmental review;

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

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

1 FINDINGS:

2 For the Variance:

- 3 1. A special circumstance does exist with the subject site. The subject site is a double  
4 street frontage property with an existing sign that is oriented to I-5. This existing pole  
5 sign is a legal non-conforming sign due its sign area and overall height. In order to  
6 replace the existing sign with an upgraded and architecturally enhanced sign display, a  
7 Variance for an overall sign area increase is necessary for an upgraded sign display that  
8 maintains the existing and legal non-conforming amount of sign area, while still  
9 maintaining an orientation to I-5. Additionally, the topography and orientation of the  
10 site as well as the future wall, trees and landscaping planned by the City and Caltrans  
11 adjacent to the freeway create a special circumstance warranting the Variance.  
12 Accordingly, not granting the Variance would deny the property owner his right to  
13 maintain the existing amount of sign area and location of the sign adjacent to I-5.
- 14 2. Granting the Variance for sign area increase will not be detrimental or injurious to  
15 property or improvements in the vicinity of the development site, or to the public health,  
16 safety or general welfare.
- 17 3. Granting the Variance for sign area increase is consistent with the purposes of the zoning  
18 code and will not constitute a grant of special privilege inconsistent with limitations on  
19 other properties in the vicinity and in the same zoning district.

20 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
21 approve Variance (V-2-02) subject to the following conditions:

21 Building:

- 22 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
23 Building Department plan check.
- 24 2. The granting of approval under this action shall in no way relieve the applicant/project  
25 from compliance with all State and Local building codes.
- 26 3. All electrical service lines within the exterior lines of the property shall be underground  
27 (City Code Sec. 6.30).
- 28 4. The building plans for this project are required by State law to be prepared by a licensed  
29 architect or engineer and must be in compliance with this requirement prior to submittal for

1 building plan review.

2 5. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution  
3 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or  
4 other such lights may be utilized and shall be shown on building and electrical plans.

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

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

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

21 Planning:

22 7. This Variance shall expire on September 23, 2004, unless implemented as required by the  
23 Zoning Ordinance.

24 8. This Variance approves only a sign area change to an existing 35-foot tall pole sign. The  
25 location and overall structural height of the sign shall remain the same. The maximum  
26 amount of new and replacement sign area shall not exceed 295 square feet. The approved  
27 sign is shown on the plans and exhibits presented to the Planning Commission for review  
28 and approval. No deviation from these approved plans and exhibits shall occur without  
29 Planning Department approval. Substantial deviations shall require a revision to the  
Variance or a new Variance.

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- 9. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Variance (V-2-02). The City will promptly notify the applicant of any such claim, action or proceeding against the city and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.
- 10. The portion of the sign area that is illuminated or displays advertising/sign copy shall not exceed 182.75 square feet in size.
- 11. A covenant or other recordable document approved by the City Attorney shall be prepared by the applicant and recorded prior to the issuance of building permits. The covenant shall provide that the property is subject to this Resolution, and shall generally list the conditions of approval.
- 12. Prior to the issuance of a building permit and/or a sign installation permit, the existing comprehensive sign program affecting the property (CSP-2-96) shall be revised and amended to incorporate the approved pole sign. The amendments to CSP-2-96 shall be to the satisfaction of the Planning Director and shall include a textual description, graphic exhibit, and area and dimensions details for the pole sign covered by this variance approval.
- 13. Failure to meet any conditions of approval for this development shall constitute a violation of the Variance.
- 14. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.

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 //////////////////////  
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1 Water Utilities:

2 15. No trees, structures or building overhang shall be located within any water or wastewater  
3 utility easement.

4 PASSED on September 9, 2002 by the following vote, to wit:

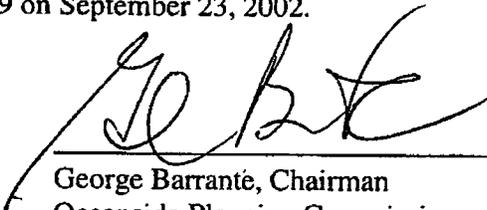
5 AYES: Barrante, Chadwick, Miller, Schaffer and Todd

6 NAYS: Parker

7 ABSENT: None

8 ABSTAIN: None

9  
10 ADOPTED Resolution No. 2002-P39 on September 23, 2002.

11  
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14 \_\_\_\_\_

George Barrante, Chairman  
Oceanside Planning Commission

15 ATTEST:

16   
17 \_\_\_\_\_

18 Gerald S. Gilbert, Secretary

19 I, GERALD S. GILBERT, Secretary of the Oceanside Planning Commission, hereby certify that  
20 this is a true and correct copy of Resolution No. 2002-P39.

21  
22 Dated: September 23, 2002

**EXHIBIT A - (V-2-02)**

**PROPERTY DESCRIPTION**

Parcel 1, Parcel Map 17632, City of Oceanside, County of San Diego, State of California,  
filed in the Office of the San Diego County Recorder, January 4, 1996.



**CITY OF OCEANSIDE  
PLANNING DEPARTMENT**

# NOTICE OF EXEMPTION

TO: X RECORDER/COUNTY CLERK  
COUNTY OF SAN DIEGO  
P.O. BOX 1750  
SAN DIEGO, CA 92112-4147

PROJECT TITLE AND FILE NUMBER:  
Oceans 11 Casino Sign Variance (V-2-02)

PROJECT LOCATION - SPECIFIC:  
121 Brooks ST.

PROJECT LOCATION - GENERAL:  
CITY OF OCEANSIDE

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:  
A variance for a sign area increase and a sign area replacement exceeding the base zoning limitations.

NAME OF PUBLIC AGENCY APPROVING PROJECT:

City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:

Oceans 11 Casino  
C/o Bob Moyer  
121 Brooks St.  
Oceanside, CA 92054  
(760) 439-6988

Exempt Status per the Guidelines to Implement the California Environmental Quality Act (CEQA)  
(Public Resources Code Section 21000 et. al.):

NOT SUBJECT TO CEQA PER THE GENERAL RULE, SECTION 15061(B)(3)

STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

XX CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION 15303(b)

**REASONS WHY PROJECT IS EXEMPT:**

The proposed amount of sign area increase will not substantially alter the physical bulk and scale of the of existing sign display.

Contact Person: Eugene Ybarra, Associate Planner

SIGNATURE

For: Gerald Gilbert, Planning Director

August 22, 2002

DATE

**ADDENDUM TO  
PARKING SERVICE AGREEMENT  
DATED NOVEMBER 28, 2007**

The undersigned has reviewed the Parking Service Agreement dated November 28, 2007 between Michael Stoff Property Management (STOFF) and Ocean's Eleven Casino (CASINO). The Agreement provides use of parking spaces for CASINO on property located exclusively on 1531 Mission Avenue, Oceanside, CA 92054 on an "as needed" basis Thursday, Friday and Saturday from 5:30 p.m. to 1:30 a.m.

With this Addendum to said Agreement, the undersigned (Mission Avenue Investors, LLC), owner of adjoining parking located at 1525 Mission Avenue (known as Flaga on Mission) agrees to allow CASINO to use the designated spaces on an "as needed" basis Thursday, Friday and Saturday from 5:30 p.m. to 1:30 a.m. subject to the following conditions:

1. No parking shall extend to spaces adjacent to or across from the Show Palace or KV Mart.
2. Any parking rights shall receive written approval of the owners of the Show Palace.\*
3. Mission Avenue Investors LLC shall receive \$200 per month as compensation for added site sweeping, other cleaning and wear and tear.\*\*
4. Mission Avenue Investors LLC shall be named as an additional insured party under the general liability insurance policy maintained by CASINO under the above referenced Agreement. Said liability policy shall be no less than \$1,000,000 with a Best-rated insurer of "B" or better.\*\*\*
5. This Addendum can be terminated by either party thirty days after receiving a written request to do so.
6. In case suit is brought by either party hereto to interpret or enforce this agreement, the prevailing party shall be entitled to reasonable attorney fees and cost of suit, including any attorney fees and expenses incurred in enforcing any judgment. The parties hereto furthermore agree that any and all disputes will be litigated or otherwise resolved exclusively within the County of San Diego.
7. By executing this Addendum, STOFF assumes any and all liability related to personal or property damage related to CASINO patrons using the above described parking spaces.

This Addendum outlines the sole agreement between the parties. No other verbal or other such agreements shall supersede this Addendum.

\*CASINO shall furnish Mission Avenue Investors, LLC with Show Palace written approval at the first of each month. The approvals must be sent to Renaissance Property Management, P.O. Box 4206, Oceanside, CA 92052.

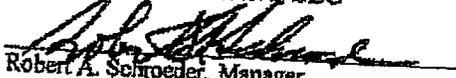
\*\*Payment shall be made the first of each month to Mission Avenue Investors, LLC c/o Renaissance Property Management, P.O. Box 4206, Oceanside, CA 92052.

\*\*\*This Addendum shall not be in effect until said insurance rider is received by Mission Avenue Investors, LLC. AND STOFF

*NY*

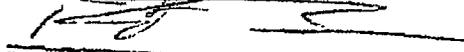
In witness whereof, the parties hereto have caused this Agreement to be executed as of November 29, 2007.

Mission Avenue Investors, LLC

  
Robert A. Schroeder, Manager

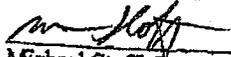
12/17/07  
Date

~~Ocean's Eleven Casino~~

  
Robert F. Moyer, General Manager

12-17/07  
Date

Michael Stoff Property Management

  
Michael Stoff, Owner

12/17/07  
Date



# CORNERSTONE ENGINEERING

CONSULTING CIVIL ENGINEERS & LAND SURVEYORS

January 23, 2008

Job No. P08-011

**City of Oceanside**  
Community Development Dept. /Planning Division  
300 N. Coast Highway  
Oceanside, CA 92054

RECEIVED

FEB 01 2008

Planning Department

**RE: TRAFFIC STUDY - TRIP GENERATION ANALYSIS FOR THE  
OCEAN'S 11 CARD CLUB.  
CONDITIONAL USE PERMIT C-7-94 - REVISION**

To Whom It May Concern:

This Traffic Study has been prepared to supplement the owner's revised Conditional Use Permit application, as required by the City of Oceanside in a letter dated January 3, 2008. The site is located at 121 Brooks Street, one block south of Mission Avenue, just east of Interstate 5. The site is currently operating as a Casino and is proposed to continue as such. The existing building is currently only about 88% utilized and would like to put the remaining unused floor space to use.

This parcel is located in the City's Special Commercial/Highway Oriented (CS-HO) District. The intent is to fully utilize an existing 21,000 square foot building which is currently operating at about 88% of capacity. This site is physically located within the City of Oceanside. The Institute of Transportation Engineers (ITE), Trip Generation reference - Sections 473 (Casino/Video Lottery Establishment), has been used to best estimate project generated trips produced by the existing use. The ITE section 473 is attached for your reference. The only published trip generation rates found for this type of use utilizes trip rates per 1,000 square feet of gross floor area.

The existing building was initially conditioned at its current 21,000 square foot size and no additional building expansion is being requested. In order to estimate trips generated for this use, we believe that the entire square footage was probably used. But for comparison, we estimated trips from the existing building to be only 88% of capacity and compared that to the fully utilized building at 100%. These numbers were derived from the ratios of 45 existing tables to 51 proposed tables and 428 existing seats to the 488 proposed seats.

After comparing these two scenarios, we found that there is a potential increase of approximately 34 PM peak hour trips. The attached Trip Generation Comparison shows our calculations. This increase falls below the threshold typically used to trigger intersection capacity analysis. Also, during the hours of operations reported to experience the peak project traffic, Brooks Street appears to function at acceptable service levels in the "B" to "C" range.

208 Oak Street  
Bakersfield, CA 93304  
Tel: 661.325.9474 - Fax 661.322.0129

620 Mission Avenue  
Oceanside, CA 92054  
Tel: 760.722.3495 - Fax 760.722.3490

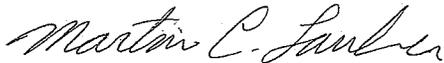
[www.cornerstoneeng.com](http://www.cornerstoneeng.com)

Civil  
Engineering  
Surveying  
Services  
Sewer & Water  
Engineering  
Storm Water  
Engineering  
Storm Water  
Quality  
SWPPP  
Road And  
Street  
Engineering  
School  
Site  
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Development,  
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Surveying  
Construction,  
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Services  
Redevelopment  
Area  
Enhancement  
Engineering  
Traffic  
Engineering  
Transportation  
Planning

Based on the City of Oceanside "Standards for Transportation Planning", we have found that the proposed Conditional Use Permit should have **no significant** traffic impacts on the adjacent street system and should maintain existing service levels. Based on **insignificant impacts**, this project should not be required to provide any off-site traffic mitigation measures.

Respectfully,

CORNERSTONE ENGINEERING, INC.



Martin C. Lauber, T.E.  
Traffic Engineer

MCL/ml  
Enclosures



## **Land Use: 473**

# **Casino/Video Lottery Establishment**

### **Description**

Casino/video lottery establishments are businesses that provide electronic or manually controlled slot machines. These facilities exist for the primary purpose of deriving revenue from gaming operations. Full food service is generally not provided at these facilities; however, refreshments and alcoholic beverages may be served. These facilities do not include full service casinos or casino/hotel facilities such as those located in Las Vegas or Atlantic City. Riverboat casinos are not included in this land use category.

### **Additional Data**

Trip generation rates for full-service casinos and casino/hotel facilities have been omitted from this land use. A separate ITE informational report is currently being prepared to address these related land uses.

The sites were surveyed in the 1990s in South Dakota.

### **Source Number**

359

# Casino/Video Lottery Establishment (473)

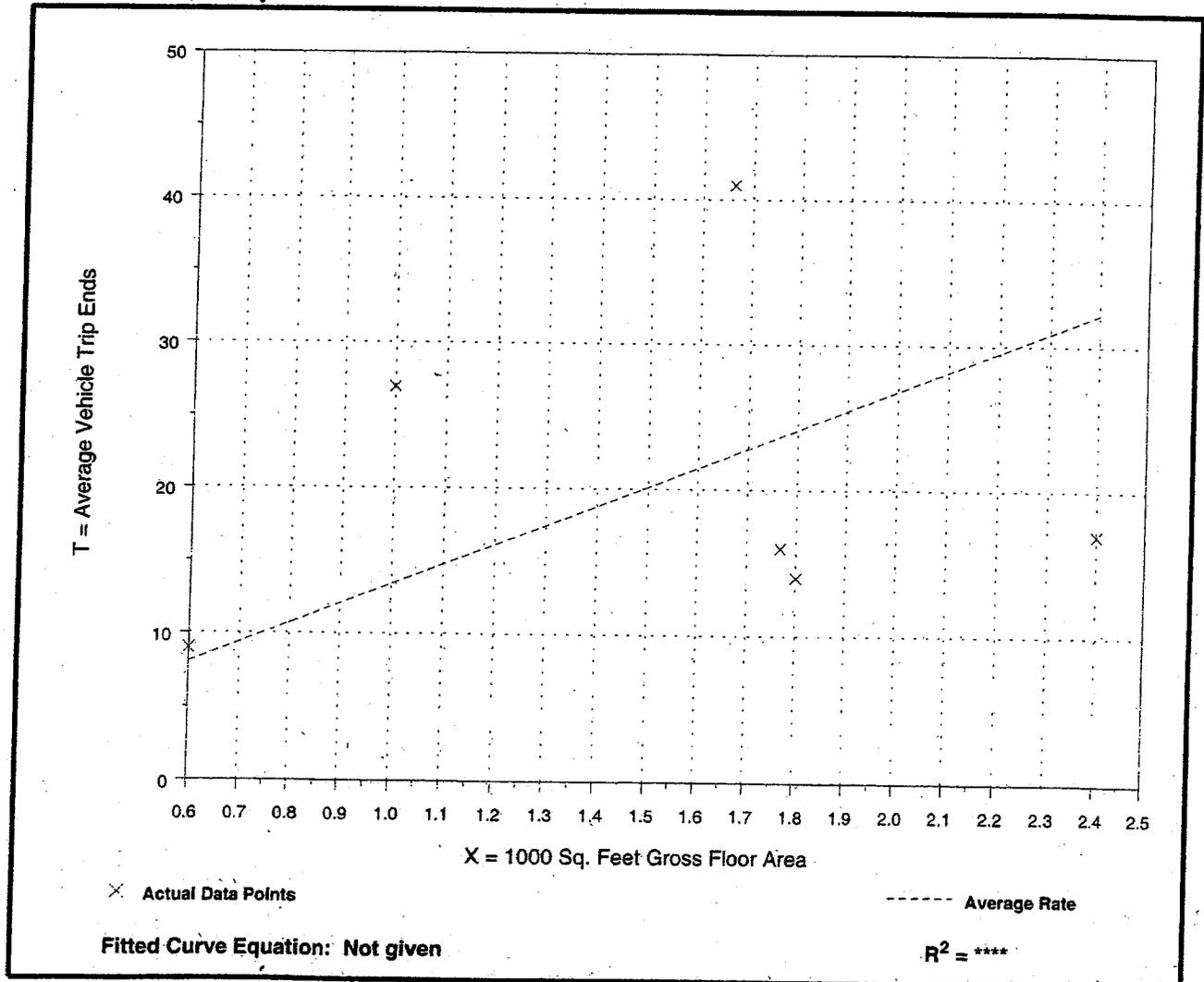
**Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**

Number of Studies: 6  
 Average 1000 Sq. Feet GFA: 2  
 Directional Distribution: 56% entering, 44% exiting

### Trip Generation per 1000 Sq. Feet Gross Floor Area

Average Rate	Range of Rates	Standard Deviation
13.43	7.08 - 27.00	8.65

### Data Plot and Equation



## TRIP GENERATION COMPARISON OCEAN'S 11 – CONDITIONAL USE PERMIT

### EXISTING CONDITIONAL USE

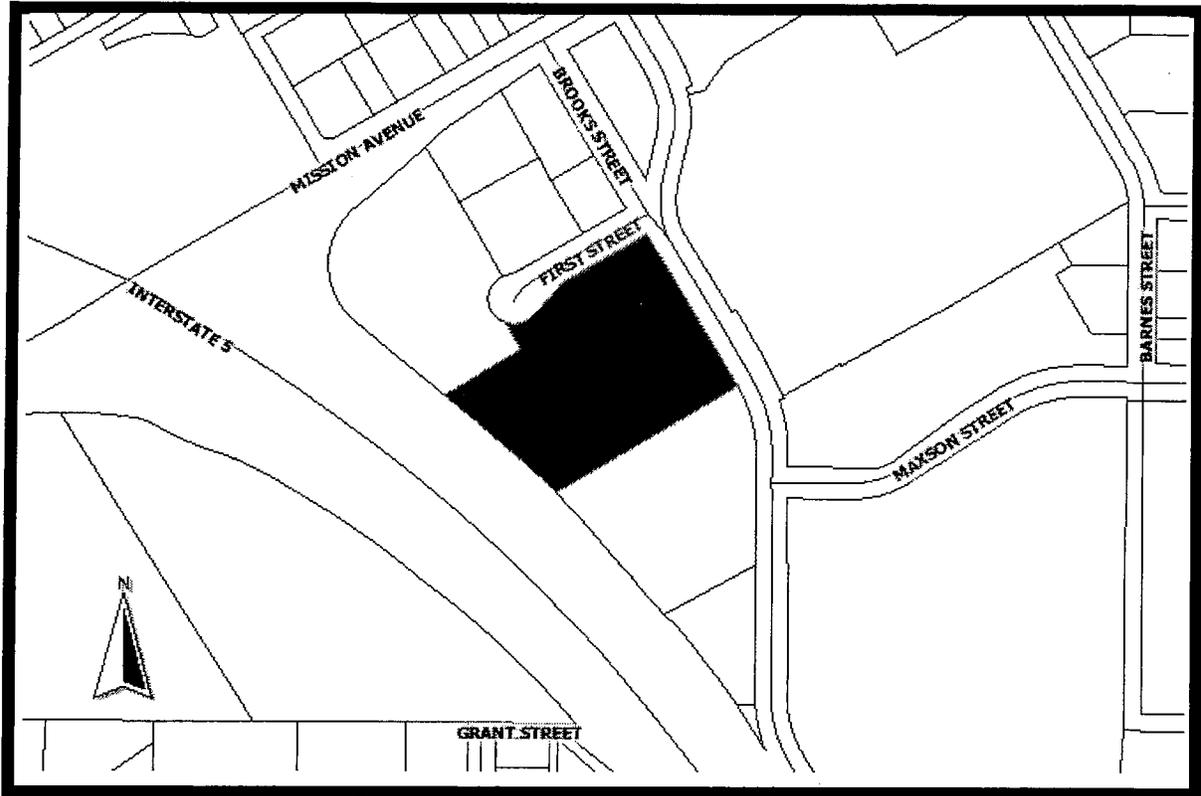
I.T.E. CODE	DEVELOPMENT TYPE	PM PEAK TRIP RATE	NO. OF UNITS	PERCENT UTILIZED	PM PEAK HOUR
473	CASINO/VIDEO LOTTERY ESTABLISHMENT	13.43 Trips/ 1,000 sq. ft.	21,000 Square Feet	88%	248 Trips
				<b>TOTAL</b>	<b>248</b>

### PROPOSED CONDITIONAL USE

I.T.E. CODE	DEVELOPMENT TYPE	PM PEAK TRIP RATE	NO. OF UNITS	PERCENT UTILIZED	PM PEAK HOUR
473	CASINO/VIDEO LOTTERY ESTABLISHMENT	13.43 Trips/ 1,000 sq. ft.	21,000 Square Feet	100%	282 Trips
				<b>TOTAL</b>	<b>282</b>

### NET INCREASE

	DAILY	AM PEAK	PM PEAK
<b>TRIPS</b>	Not Published	Not Published	<b>34</b>



**File Number:** C-7-94REV07

**Applicant:** Ocean's 11 Card Club

**Description:**

REVISION to CONDITIONAL USE PERMIT (C-7-94REV07) to permit the addition of five card tables to an existing casino and card room facility at Ocean's 11 Casino located at 121 Brooks Street. The project site is zoned CS-HO (Special Commercial – Highway Oriented) and is situated within the Loma Alta Neighborhood. – **OCEAN'S 11 CARD CLUB**

**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 N. Coast Highway  
Oceanside, California 92054-2885

**STAFF USE ONLY**

ACCEPTED

12/11/07

BY

SNL

RECEIVED

DEC 11 2007

Planning Department

**Please print or type all information**

HEARING

**PART I - APPLICANT INFORMATION**

1. APPLICANT Bob Moyer, Ocean's 11 Card Club		2. STATUS General Manager		GPA	
3. ADDRESS: 121 Brooks Street, Oceanside, CA 92054		4. PHONE/FAX/e-mail 760.439.6988		MASTER/SP PLAN	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Kennith L. Chriss				ZONE CH.	
6. ADDRESS 707 Mission Avenue, Oceanside, CA 92054		7. PHONE/FAX/e-mail 760.433.1785		TENT. MAP	
				PAR. MAP	
				DEV. PL.	
				<input checked="" type="checkbox"/> C.U.P.	C-7-94 REVO
				VARIANCE	
				COASTAL	
				O.H.P.A.C.	

**PART II - PROPERTY DESCRIPTION**

8. LOCATION 121 Brooks Street, Oceanside, CA 92054			9. SIZE 3.04 acres (132,422 sq. ft.)		
10. GENERAL PLAN Special Commercial District - Hwy. Oriented	11. ZONING CS-HO	12. LAND USE Commercial	13. ASSESSOR'S PARCEL NUMBER 148-340-29-00		

**PART III - PROJECT DESCRIPTION**

REV - 2/1/07, 3/12/07

14. GENERAL PROJECT DESCRIPTION <b>FILE</b> <b>50</b> Addition of eleven poker tables ( <del>110</del> seats) to existing 45 tables (428 seats) with additional parking being provided for additional seats. No modifications are being made to the interior or exterior of the existing building.					
15. PROPOSED GENERAL PLAN n/a	16. PROPOSED ZONING n/a	17. PROPOSED LAND USE n/a	18. NO. UNITS n/a	19. DENSITY n/a	
20. BUILDING SIZE 25,092 sq. ft.	21. PARKING SPACES 540	22. % LANDSCAPE 16%	23. % LOT COVERAGE or FAR 15% lot coverage		

**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 AND 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. CERTIFICATE OF POSTING	<input checked="" type="checkbox"/> 32. OTHER (see attachment for required reports)

**PART V - SIGNATURES**

33. APPLICANT OR REPRESENTATIVE (Print): Kennith L. Chriss, A.I.A.	34. DATE 12/5/07	SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).	
Sign:	35. OWNER (Print): Bob Moyer	36. DATE 12-5-07	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		Sign:	

SCOTT

REVIEW  
**MAR 12 2008**  
 Planning Department

## OCEAN'S 11 CARD CLUB

MARCH, 2008  
 Revision to Conditional Use Permit C-7-94  
 Description and Justification

This is a request for a revision to Conditional Use Permit C-7-94 to add 5 additional tables of 10 seats each to an existing card club/restaurant already operating at 121 Brooks Street.

Currently, 45 tables are existing at Ocean's 11 Card Club.

Ocean's 11 currently has 428 seats at the 45 existing tables. (The number of seats per table varies with the type of game being played.) The proposed addition will add 5 tables of 10 seats each to the existing tables, for a total of 50 additional seats.

The operation has existing Conditional Use Permits, C-7-94 and C-19-94, approved in January 1995 for the card room, restaurant, and comedy club. The comedy club portion was never implemented.

Card room operations are governed by the City Code as well as the Zoning Ordinance. As required by the Code, the City Council gave preliminary approval to the concept of adding additional tables at its meeting on October 17, 2007.

No external changes to conformation or dimensions of the building are being proposed as a part of this application. No changes are being made to the interior of the structure. There are approximately 21,000 square feet of floor area in the establishment. The area is now arranged with a buffet restaurant, the card club, and ancillary uses.

The site is located in the Special Commercial/Highway Oriented (CS-HO) Zone and is directly accessed from Interstate 5 and Brooks Street. The Post Office is to the south, and other commercial activities including a liquor store, motels, a gas station, and other eating establishments are nearby and across Mission Avenue.

The card room operates 24 hours a day, with staffing provided for the appropriate peak times.

### Development Standards Chart

STANDARD	REQUIRED	PROPOSED/EXISTING
Lot Size	10,000 sq. ft.	3.04 acres (132,422.4 sq. ft.)
Lot coverage	50 percent max	15.8 percent
Front Yard Setback	15'	138'
Side Yard Setback	0'	50'
Rear Yard Setback	0'	125'
Height	50'	26'-4"
Parking (No additional required— See Article 3102A)	478	281 on-site plus agreements with adjacent owners for a total of 479 available during peak hours

## Parking

The Oceanside Zoning Ordinance bases parking requirements for card rooms on the number of seats in the establishment. The proposed number of seats for this establishment is 478.

There are 281 spaces located on the parcel occupied by the card room.

When the project was originally approved (Planning Commission Resolution No. 95-P01), a parking study was prepared that provided for 180 parking stalls shared with the auto shop located in the shopping center to the east during peak hours (5:30 p.m. to 1:30 a.m.). This arrangement has worked well for the card club, and it will continue.

Additionally, to continue the efficiency of the operation, especially during peak hours, the applicant has negotiated an additional shared parking opportunities of 18 parking stalls on land located at the northwest corner of the site.

This brings the total peak hour parking availability to 479 spaces.

Based on Article 3012 A of the Oceanside Zoning Ordinance, which concerns parking for alterations and enlargements of existing uses, this addition of tables is so small that it does not trigger the requirement for more parking spaces.

Article 3012 A states that parking is provided at the time of initial occupancy or major alteration or enlargement. "Major alteration or enlargement is defined in the same ordinance section as: a change of use, a change of occupancy, an alteration, or an addition that would increase the number of parking spaces or loading berths required by more than 25 percent of the total number required prior to the major alteration or enlargements." A 25 percent increase would require that at least 107 seats be added to the facility. This addition of 5 tables or 50 seats fits into that parameter in that it does not call for more than a 25 percent increase.

In summary, the added tables will improve the operation's economic benefit to the City of Oceanside in the form of additional fees, and adequate parking opportunities are available to accommodate the existing additional patrons.

Below are the findings for approving this addition of 5 tables.

### Findings for the Revision to the Conditional Use Permit:

1. That the proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.

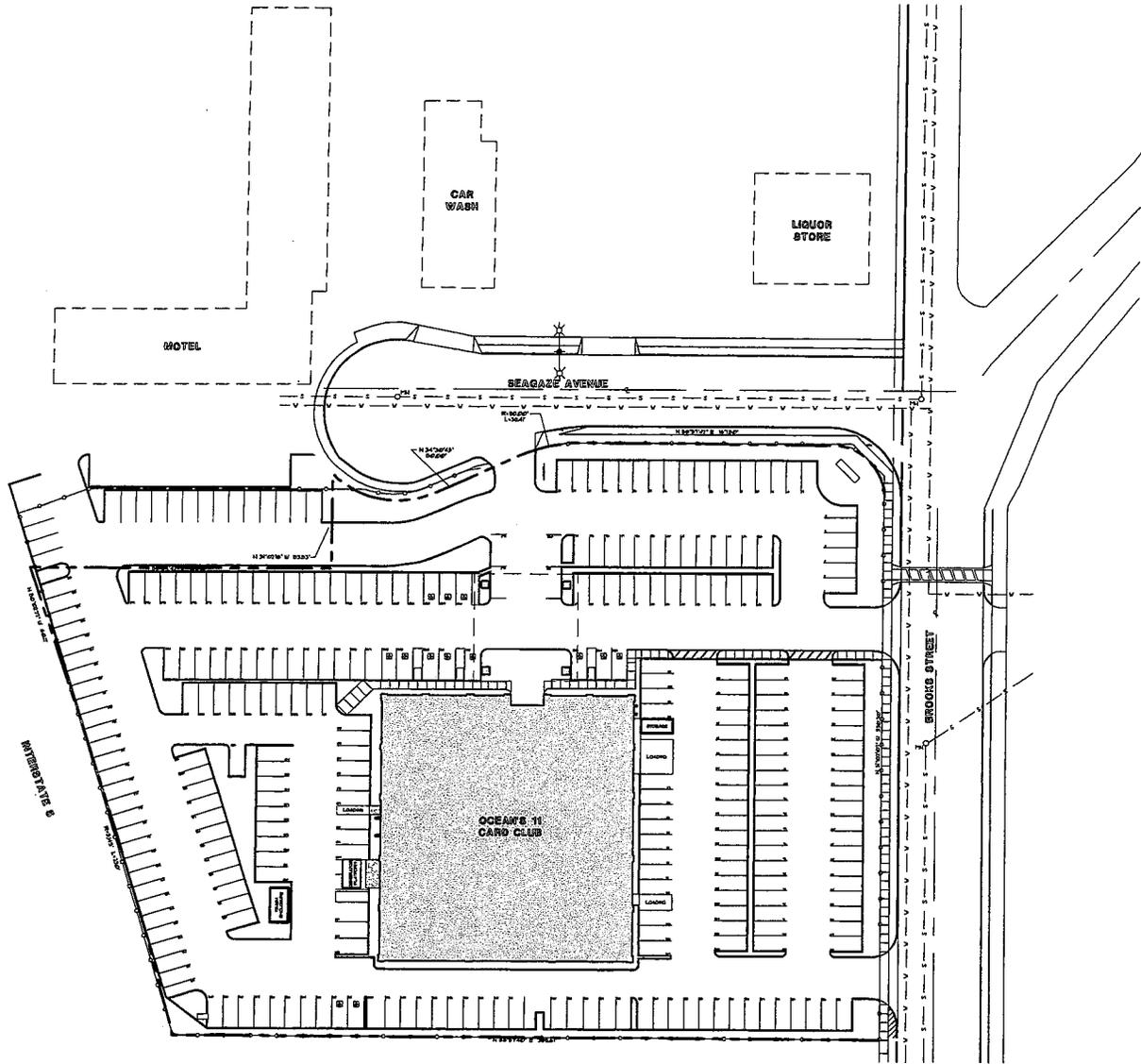
The site is located within a commercial zoning district (Special Commercial-Highway Oriented) and is surrounded by other commercial uses. It fulfills the requirements of the visitor serving aspects of the zone, provides strength to the city's economic base and provides employment opportunities to residents of the city and surrounding communities.

2. That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety, welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

Conditions will be met so that the Card Club can continue to be consistent with the General Plan. The club has shown in its existing operation that it is not detrimental to the public health safety or welfare of persons residing or working in the area nor detrimental to the properties, improvements to the vicinity.

3. That the proposed conditional use will comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.

The club has operated within the ordinance and will operate within the parameters of any additional conditions.



UNITED STATES  
POST OFFICE

# CONTEXTUAL SITE PLAN

SCALE: 1/32"=1'-0"



## TRIP GENERATION COMPARISON OCEAN'S 11 – CONDITIONAL USE PERMIT

### EXISTING CONDITIONAL USE

I.T.E. CODE	DEVELOPMENT TYPE	PM PEAK TRIP RATE	NO. OF UNITS	PERCENT UTILIZED	PM PEAK HOUR
473	CASINO/VIDEO LOTTERY ESTABLISHMENT	13.43 Trips/ 1,000 sq. ft.	21,000 Square Feet	90%	254 Trips
				<b>TOTAL</b>	<b>254</b>

### PROPOSED CONDITIONAL USE

I.T.E. CODE	DEVELOPMENT TYPE	PM PEAK TRIP RATE	NO. OF UNITS	PERCENT UTILIZED	PM PEAK HOUR
473	CASINO/VIDEO LOTTERY ESTABLISHMENT	13.43 Trips/ 1,000 sq. ft.	21,000 Square Feet	100%	282 Trips
				<b>TOTAL</b>	<b>282</b>

### NET INCREASE

	DAILY	AM PEAK	PM PEAK
<b>TRIPS</b>	Not Published	Not Published	<b>28</b>

**LEGAL DESCRIPTION**

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

PARCEL 1 OF PARCEL MAP NO. 17632, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 4, 1996 AS INSTRUMENT NO. 1996-0005049 OF OFFICIAL RECORDS.

APN: 148-340-29-00



# NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:  
Removal:  
(30 days)

1. **APPLICANT:** Ocean's 11 Card Club, Bob Moyer
2. **ADDRESS:** 121 Brooks Street  
Oceanside, CA. 92054
3. **PHONE NUMBER:** (760) 439-6988
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** Ocean's 11 Card Club
7. **DESCRIPTION:** A request to add five additional card tables to an existing casino located at 121 Brooks Street.

**ADMINISTRATIVE DETERMINATION:** Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Environmental Coordinator finds that the proposed project constitutes interior alterations involving such things as interior partitions, plumbing and electrical conveyances, and the project is categorically exempt. Therefore, the Environmental Coordinator 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) (e); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

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

Date: 5/5/08

cc:  Project file  Counter file  Library

Posting:  County Clerk \$50.00 Admin. Fee