

# AGENDA NO. 5

**PLANNING COMMISSION**



**STAFF REPORT**

DATE: August 23, 2010

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP10-00018) FOR A DANCE STUDIO WITHIN A 10,489-SQUARE FOOT SUITE INSIDE AN EXISTING COMMERCIAL BUILDING AND PARKING LOT MODIFICATION LOCATED AT 4253 OCEANSIDE BOULEVARD, BUILDING B, SECOND FLOOR – DANCE UNLIMITED – APPLICANT: ERIN AND ALLEN CARRASCO**

## **RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

Confirm issuance of a Class 1 Categorical Exemption pursuant to Article 19, Section 15301 (a), Interior Alterations, of the California Environmental Quality Act, and adopt Planning Commission Resolution No. 2010-P26 approving Conditional Use Permit (CUP10-00018) with findings and conditions of approval attached herein.

## **BACKGROUND AND PROJECT DESCRIPTION**

**Background:** Dance Unlimited is an existing business in Oceanside located on Industry Way. Their current space is no longer large enough to meet their business needs and the owners are seeking to relocate within the City. The proposed new studio would provide them a larger, more efficient and more modern facility to better serve their clientele.

The subject site encompasses a total of 3.81 acres in size and is located at the southeast corner of the Oceanside Boulevard and Arroyo Avenue intersection. The site is located within a Planned Block Development known as Plaza Mottino. The center has more recently become known as RDO Gateway Plaza and is marketed as “Oceanside Marketplace”. The PBD was adopted by the City Council on July 11, 1990 via Ordinance NO. 090-24. The PBD included development regulations and permitted uses. The proposed project meets those regulations and is a permitted use per the PBD (and underlying CG Zone designation) with approval of a Conditional Use Permit.

Most recently, a Development Plan (D-19-04) and Conditional Use Permit (C-4-05) were approved on the site by the Planning Commission to allow construction of three (3) commercial buildings totaling a maximum of 36,092 square feet. That project, known as Oceanside Marketplace, was approved on June 13, 2005 by Planning Commission Resolution NO. 2005-P29. That approval included a stand-alone restaurant pad building (now developed with the existing IHOP Restaurant), and two other buildings that would contain a mix of retail, restaurant, and professional offices in a one and two-story configuration. The Conditional Use Permit was for a reduced parking requirement. The signage on-site is subject to an approved Comprehensive Sign Program (CSP-3-07). The project site is within Building 2 of the Oceanside Marketplace, on the eastern most portion of the second floor.

**Site Review:** The commercial center is located at the southeast corner of the Oceanside Boulevard and Arroyo Avenue intersection. The site has been developed per Development Plan (D-19-04), the Oceanside Marketplace. Some of the constructed space is occupied, while some space is not. Dance Unlimited will be the first tenant to occupy this particular space.

The surrounding area consists of industrial uses located to the east, and commercial uses located to the west of the subject site. Residential uses are located to the north and south of the site with St. Margaret's Church to northeast. Many residential areas are clustered beyond these other uses.

**Project Description:** The application is comprised of a Conditional Use Permit, as follows:

Conditional Use Permit CUP10-00018 represents a request for the following:

- (a) A Dance Studio to operate within an existing approximate 10,489-square foot suite within an existing commercial building located at 4253 Oceanside Boulevard, Building B, Second floor, and a parking lot modification, pursuant to Oceanside's Zoning Ordinance Article 11 and Article 24.

The proposed Dance Studio would be constructed solely within the existing 10,489-square foot suite space. The proposed studio would provide a wide variety of dance classes to its clientele. The operation will consist of six (6) individual studios ranging in size from 1,667 square feet to 678 square feet. In addition, the improved space will include a reception area, offices, a small conference room, a dressing room, a prop room, student room, teacher lounge, utilities, storage and restrooms. The cumulative occupancies for these spaces are less than those of the original office space for which the structure was designed. Also, a sound separation floor system will be installed as part of the improvements to prevent noise impacts to tenants on the first floor.

An elevator services the suite from the existing underground parking garage and there are stairs on both ends of the suite. There will be a student “drop-off” zone located at the southwest corner of Building B and it would eliminate four (4) parking spaces from the existing parking field. The Planning and Transportation Divisions have reviewed and conceptually approve of the loss of the four (4) parking spaces and the proposed drop-off design. The proposed hours-of-operation are generally from 2:00 p.m. to 9:00 p.m. Monday through Friday and vary on the weekends. The amount of parking required for this type of use is one (1) space for each 600 square feet of area which is considerably less (only half as much) than a professional office use (1 space per each 300 square feet). The project is required to provide 17 parking spaces. If it were to be a professional office, it would be required to provide 35 spaces. Even with the loss of four parking spaces from the lot, the center has an adequate parking supply to serve all of the tenants.

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

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

**ANALYSIS**

**KEY PLANNING ISSUES**

**1. General Plan conformance**

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

**A. Land Use Element**

**Goal 1.1: Balanced Land Use**

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

**Policy A:** The City shall continuously monitor the impact and intensity of land use and land use distribution to ensure that the City’s circulation system is not overburdened beyond design capacity.

The proposed use has been reviewed and analyzed to ensure that traffic impacts and parking deficiencies will not arise. The suite in question was originally approved as professional offices. Office uses have a much higher intensity in terms of parking stalls required and associated Average Daily Trips (ADT). The proposed use fits in with other “general commercial” uses as it is allowed by the General Plan and it will to provide a balanced use type distribution within the center and also a valuable

service to nearby residential communities. The proposed use will result in lower overall transportation demand than what was originally anticipated for this space and it will not conflict with other tenants in the center or impact traffic and parking on-site. In addition, if the suite were to revert to office space in the future, staff has conditioned that the site owner will have to re-examine the site parking based on the current tenant mix of the time to insure there remain no deficiencies.

**2. Zoning Compliance & Parking**

This project is located within a General Commercial zone, with the Planned Block Development Overlay (GC-PBD) District and it complies with the requirements of both designations. The project is an internal tenant improvement for a permitted use, with approval of a Conditional Use Permit. The project is in conformance with all applicable Zoning Regulations.

**DISCUSSION**

The original Parking Study done as part of the Oceanside Marketplace (attached) project justified the reduced parking for the site and identified that an 18-percent reduction would be acceptable based on the proposed uses. The applicant only requested a 12-percent reduction. Originally, the parking required for the project without a reduction was 218 spaces. The parking analysis concluded that only 179 spaces (an 18-percent reduction) were needed to adequately serve the project. The project provided 192 spaces (only a 12-percent reduction; 13 additional spaces).

This project also conducted a parking analysis (attached) which looked at the change in use for the suite in question. That analysis showed that the change in use of the space results in the need for 18 fewer spaces in the center as a whole. If the suite were to be used as professional offices, 35 spaces would be required. With the space being dedicated to the dance studio, only 17 are required. Based on the change in use from professional offices to a dance studio, staff has determined that the parking reduction will remain adequate to serve the center. In addition, if the suite were to revert to office space in the future, staff has conditioned that the site owner will have to re-examine the site parking based on the current tenant mix of the time to insure there remain no deficiencies.

**3. Land Use Compatibility**

The following table identifies land uses on adjacent properties:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	GC	CG-PBD	Existing restaurant space, general retail, office space (some vacant)

North	SFD-R	RS	Existing single family residential
East	LI	IL	Existing light industrial uses
South	MDA-R	RM-A	Existing medium density residential
West	GC	CG-PBD	Existing commercial shopping center

As identified in the above table the proposed dance studio would be considered a compatible use with the surrounding uses per the General Plan Land Use Element. The studio would provide a personal improvement service that would be a valuable addition to the shopping center and area as a whole. The dance studio use would provide additional economic opportunities to the existing commercial center and the surrounding area by bringing families to the center.

#### **4. CEQA**

The project is subject to review by the City of Oceanside for compliance with the California Environmental Quality Act.

#### **ENVIRONMENTAL DETERMINATION**

The proposed project qualifies for a Class 1 Categorical Exemption pursuant to Article 19, Section 15301 (a), Interior Alterations, of the California Environmental Quality Act.

#### **PUBLIC NOTIFICATION**

Legal notice was published in the North County Times and notices were sent to property owners of record within a 1500-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant and other interested parties. As of August 12, 2010 no communication opposing the request had been received.

#### **SUMMARY**

The proposed Conditional Use Permit, as conditioned, is consistent with the requirements found in the land use policies of the General Plan and provisions of the Zoning Ordinance. The project has been conditioned to meet or exceed all applicable regulations. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached Resolution. Staff recommends that the Planning Commission:

- Confirm issuance of a Class 1 Categorical Exemption pursuant to Article 19, Section 15301 (a), Interior Alterations, of the California Environmental Quality Act, and adopt Planning Commission Resolution No. 2010-P26 approving Conditional Use Permit (CUP10-00018) with findings and conditions of approval attached herein.

PREPARED BY:

  
Richard Greenbauer  
Senior Planner

SUBMITTED BY:

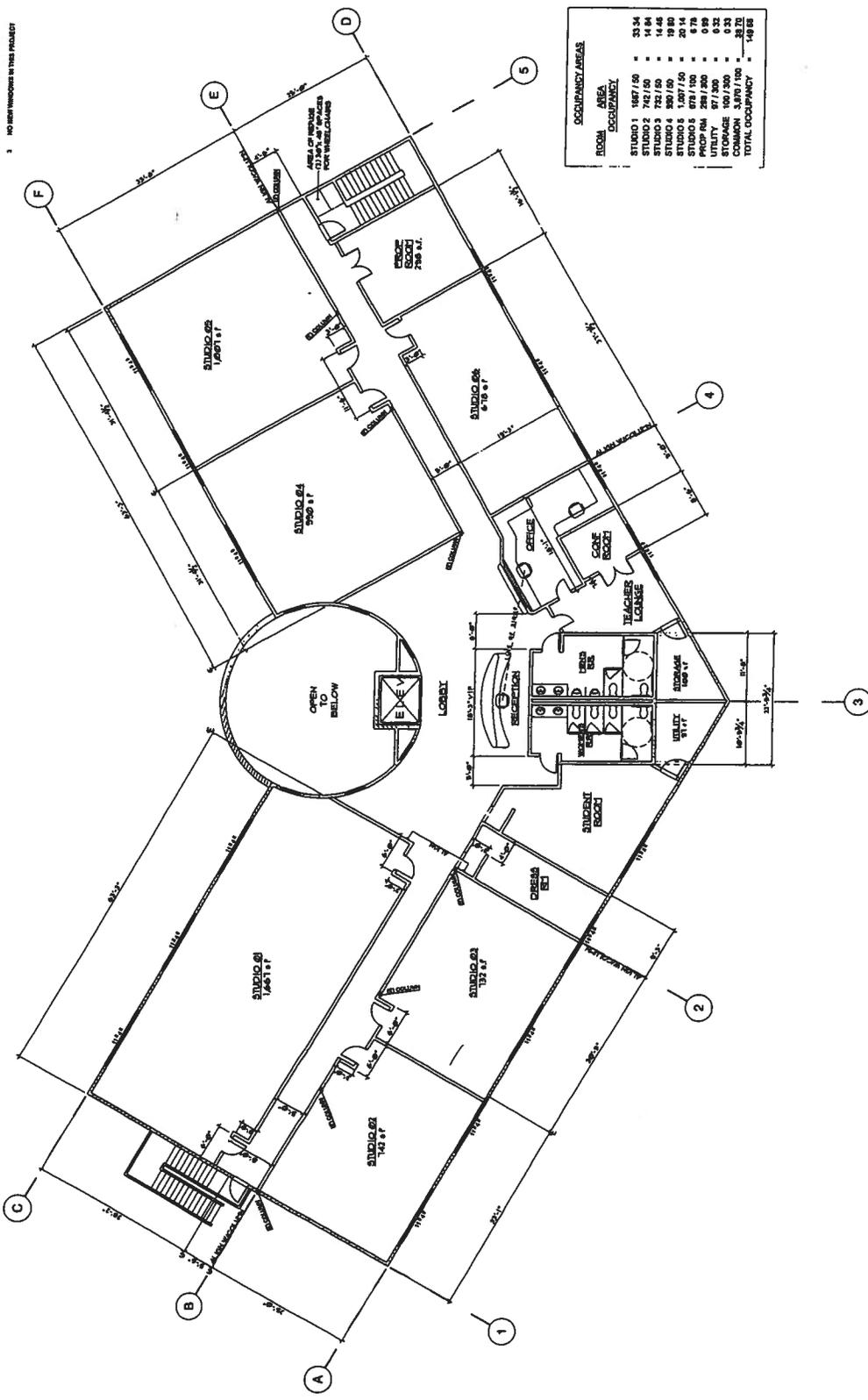
  
Jerry Hittleman  
City Planner

Attachments:

1. Floor/Site Plans
2. Planning Commission Resolution No. 2010-P26
3. Planning Commission Resolution No. 2005-P29
4. Parking Study dated 6/23/10



- WINDOW NOTE
- 1 ALL WINDOWS ARE EXISTING
  - 2 ALL EXISTING WINDOWS TO REMAIN
  - 3 NO NEW WINDOWS IN THIS PROJECT



ROOM	AREA	OCCUPANCY
STUDIO 1	1,087 / 60	33.34
STUDIO 2	722 / 50	14.44
STUDIO 3	722 / 50	14.44
STUDIO 4	300 / 150	19.80
STUDIO 5	1,087 / 50	20.14
STUDIO 6	679 / 100	6.79
STORAGE	807 / 200	8.07
STORAGE	100 / 200	0.50
COMMON	3,879 / 100	38.79
<b>TOTAL OCCUPANCY</b>		<b>148.88</b>

RECEIVED  
 JUN 15 2000  
 CITY OF CHICAGO  
 DEVELOPMENT SERVICES

1 FLOOR PLAN (SECOND FLOOR)

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2010-P26

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

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6 APPLICATION NO: CUP10-00018  
7 APPLICANT: Dance Unlimited  
8 LOCATION: 4253 Oceanside Boulevard, Building B

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

11 WHEREAS, there was filed with this Commission a verified petition on the forms  
12 prescribed by the Commission requesting a Conditional Use Permit under the provisions of Articles  
13 11, 24 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

14 to permit a dance studio within an existing 10,489-square foot space in an existing  
15 commercial building and parking lot modification located at 4253 Oceanside Boulevard,  
Building B, second floor;

16 on certain real property described in the project description.

17 WHEREAS, the Planning Commission, after giving the required notice, did on the 23rd day  
18 of August 2010, conduct a duly advertised public hearing as prescribed by law to consider said  
19 application.

20 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
21 Guidelines thereto; this project is categorically exempt from CEQA per Article 19, Class 1, Section  
22 15301 (a) Interior Alterations;

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

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

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1 **FINDINGS:**

2 **For the Conditional Use Permit to allow a dance studio within an existing commercial suite:**

- 3 1. The dance studio operation is consistent with the permitted land use regulations for the  
4 Community Commercial – Planned Block Development Overlay District which it is a  
5 part of. The use would be consistent with the existing commercial center and  
6 surrounding land uses, in terms of creating additional commercial activity, and providing  
7 a use to help improve ones physical health, well being, and dancing skills. The use  
8 would be conditioned to ensure that if complaints are filed and verified by the Code  
9 Enforcement Officer and/or the City Planner this Conditional Use Permit would be  
10 subject to Planning Commission review. The proposed use would utilize an existing  
11 10,489-square foot commercial suite and meets the parking needs of the center per  
12 Planning Commission resolution 2005-P29.
- 13 2. The proposed conditional use is consistent with the General Plan because it is identified  
14 as an appropriate use for this site by the General Plan, it will not adversely affect  
15 neighborhood compatibility; and will not cause the operation of the conditional use to be  
16 detrimental to the welfare of persons or properties working, residing, or otherwise  
17 existing in the adjacent neighborhood areas because it will be contained within an  
18 existing commercial space.
- 19 3. That the proposed conditional use will comply with the provisions of the Zoning  
20 Ordinance and the Planned Block Development Overlay District in which the property is  
21 located, including any specific condition required for the proposed conditional use in the  
22 district in which it would be located because it has been located, designed and  
23 conditioned to do so.

24 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
25 approve Conditional Use Permit (CUP10-00018) subject to the following conditions:

26 **Planning:**

- 27 1. This Conditional Use Permit shall expire on August 23, 2013, unless implemented as  
28 required by the Zoning Ordinance.
2. This Conditional Use Permit approves only the use of a personal improvement service  
dance studio within an existing 10,489-square foot commercial suite within an existing  
building located at 4253 Oceanside Boulevard, Building B, Second floor, as shown on the

1 plans and exhibits presented to the Planning Commission for review and approval. No  
2 deviation from these approved plans and exhibits shall occur without Development  
3 Services Department, Planning Division approval. Substantial deviations shall require a  
4 revision to the Conditional Use Permit or a new Conditional Use Permit.

5 3. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
6 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
7 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
8 annul an approval of the City, concerning Conditional Use Permit CUP10-00018. The  
9 City will promptly notify the applicant of any such claim, action or proceeding against  
10 the City and will cooperate fully in the defense. If the City fails to promptly notify the  
11 applicant of any such claim, action or proceeding or fails to cooperate fully in the  
12 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold  
13 harmless the City.

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

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

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

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

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1 8. This Conditional Use Permit shall be called for review by the Planning Commission if  
2 complaints are filed and verified as valid by the Code Enforcement Office and/or the City  
3 Planner concerning the violation of any of the approved conditions or assumptions made by  
4 the application, or other applicable City Code or policy.

5 9. No signs are approved with this application. All signs shall meet the requirements of the  
6 approved Comprehensive Sign Package for the center. Sign plans shall be reviewed and  
7 approved by the Planning Division prior to an application for a sign permit.

8 10. In the event the suite space occupied by this conditional use reverts back to office space,  
9 the centers parking demand shall be reevaluated based on the current tenant mix at that  
10 time prior to issuance a new Conditional Use Permit, or issuance of a building permit, or  
11 issuance of a business license, as the case may warrant.

12 **Building:**

13 11. The granting of approval under this action shall in no way relieve the applicant/project  
14 from compliance with all State and local building codes.

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

17 13. The building plans for this project are required by State law to be prepared by a licensed  
18 architect or engineer and must be in compliance with this requirement prior to submittal for  
19 building plan review.

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

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

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

6 **Fire:**

- 7 15. Fire Department requirements shall be placed on plans in the notes section.
- 8 16. Note existing occupancy classification of the space under consideration. Change in  
9 occupancy classification to the proposed B occupancy will require a fire alarm system per  
10 California Fire Code 907.
- 11 17. In accordance with the Oceanside Fire Code Section 505, approved addresses for  
12 commercial occupancies shall be placed on the structure in such a position as to be plainly  
13 visible and legible from the street or roadway fronting the property. Numbers shall be  
14 contrasting with their background and meet the current City of Oceanside size and design  
15 standard.
- 16 18. Commercial buildings require six-inch address numbers. Minimum specifications are set  
17 forth in Oceanside Fire Code Section 505.1.
- 18 19. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval  
19 prior to the issuance of building permits.
- 20 20. Buildings shall meet Oceanside Fire Department's current codes at the time of building  
21 permit application.

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1 21. All fire sprinkler systems and fire alarm systems shall be electronically monitored.

2 PASSED AND ADOPTED Resolution No. 2010-P26 on August 23, 2010, by the  
3 following vote, to wit:

4 AYES:

5 NAYS:

6 ABSENT:

7 ABSTAIN:

8 \_\_\_\_\_  
Robert Neal, Chairperson  
Oceanside Planning Commission

9 ATTEST:

10 \_\_\_\_\_  
11 Jerry Hittleman, Secretary

12 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
13 this is a true and correct copy of Resolution No. 2010-P26.  
14

15 Dated: August 23, 2010  
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17 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may  
18 be required as stated herein:  
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20 \_\_\_\_\_  
Applicant/Representative

\_\_\_\_\_ Date

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PLANNING COMMISSION  
RESOLUTION NO. 2005-P29

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

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APPLICATION NO: D-19-04, C-4-05  
APPLICANT: Abdul Hamlim Sheikh  
LOCATION: Southeast Intersection of Oceanside Boulevard and Arroyo Avenue

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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 Development Plan and Conditional Use Permit under the provisions of Articles 11, 41 & 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

to construct three commercial buildings totaling 36,902 square feet; on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 9th day of May, 2005 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, the Planning Commission, continued this item to the Planning Commission meeting of June 13, 2005;

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

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

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////////////////////

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Drainage Fee	Ordinance No. 85-23 Resolution No. 89-231	\$8,024 per acre
4			
5	Public Facility Fee	Ordinance No. 91-09 Resolution No. R91-39	\$.441 per square foot
6			
7	School Facilities Mitigation Fee	Ordinance No. 91-34	\$.34 per square foot non-residential
8			
9	Traffic Signal Fee	Ordinance No. 87-19	\$13.70 per vehicle trip
10			
11	Thoroughfare Fee (For commercial and industrial please note the .75 per cent discount)	Ordinance No. 83-01	\$177 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
12			
13			
14	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 02-OR-332-1	Based on meter size Typical \$17,908
15			
16			
17	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 02-OR-333-1	Based on meter size Typical \$21,923
18			
19			
20	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2004-08	Based on meter size. Non-residential is \$12,797 for a 2" meter.
21			
22			

WHEREAS, the current fees referenced above are merely fee amount estimates of the impact fees that would be required if due and payable under currently applicable ordinances and resolutions, presume the accuracy of relevant project information provided by the applicant, and are not necessarily the fee amount that will be owing when such fee becomes due and payable;

WHEREAS, unless otherwise provided by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside

1 City Code and the City expressly reserves the right to amend the fees and fee calculations  
2 consistent with applicable law;

3 WHEREAS, the City expressly reserves the right to establish, modify or adjust any fee,  
4 dedication, reservation or other exaction to the extent permitted and as authorized by law;

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

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

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

13 FINDINGS:

14 For the Development Plan:

- 15 1. The site plan and physical design of the project is consistent with the Zoning Ordinance  
16 and the underlying General Commercial Planned Block Development (CG-PBD) zone  
17 by providing three new commercial buildings consisting of 36,902 square feet of  
18 restaurant, office and retail space.
- 19 2. The Development Plan is consistent with the General Plan of the City.
- 20 3. The project site can be adequately served by existing public facilities, services and  
21 utilities.
- 22 4. The project, as proposed, is compatible with the existing and potential development on  
23 adjoining commercial properties or in the surrounding neighborhood.

24 For the Conditional Use Permit for up to a 20 Percent Reduction in Parking Spaces:

- 25 1. The proposed reduction of parking spaces is consistent with the objectives of Section  
26 3105 of the Zoning Ordinance in that a parking analysis was completed that concluded  
27 an eighteen percent (18%) reduction in parking spaces is warranted due to shared  
28 parking.
- 29 2. The proposed reduction of parking spaces will not be detrimental to properties or  
improvements in the vicinity or to the general welfare of the City.

1 3. The reduction of parking spaces as conditioned, is consistent with the requirements of  
2 the Zoning Ordinance. The proposed reduction of parking spaces will cause the use to  
3 operate in compatibility with the surrounding land uses.

4 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
5 approve Development Plan (D-19-04) and Conditional Use Permit (C-4-05) subject to the  
6 following conditions:

7 **Building:**

- 8 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
9 Building Department plan check.
- 10 2. The granting of approval under this action shall in no way relieve the applicant/project  
11 from compliance with all State and local building codes.
- 12 3. Site development, parking, access into buildings and building interiors shall comply with  
13 Part 2, Title 24, C.C.R. (Disabled Access - Nonresidential buildings - D.S.A.).
- 14 4. All electrical, communication, CATV, etc. service lines, within the exterior lines of the  
15 property shall be underground (City Code Sec. 6.30).
- 16 5. The building plans for this project are required by State law to be prepared by a licensed  
17 architect or engineer and must be in compliance with this requirement prior to submittal  
18 for building plan review.
- 19 6. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance)  
20 and shall be shielded appropriately. Where color rendition is important high-pressure  
21 sodium, metal halide or other such lights may be utilized and shall be shown on final  
22 building and electrical plans.
- 23 7. The developer shall monitor, supervise and control all building construction and supportive  
24 activities so as to prevent these activities from causing a public nuisance, including, but not  
25 limited to, strict adherence to the following:
  - 26 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
27 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for  
28 work that is not inherently noise-producing. Examples of work not permitted on  
29 Saturday are concrete and grout pours, roof nailing and activities of similar noise-  
producing nature. No work shall be permitted on Sundays and Federal Holidays

1 (New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day,  
2 Christmas Day) except as allowed for emergency work under the provisions of the  
3 Oceanside City Code Chapter 38 (Noise Ordinance).

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

9 8. Separate/unique addresses will be required to facilitate utility releases. Verification that  
10 the addresses have been properly assigned by the City's Planning Department must  
11 accompany the Building Permit application.

12 **Engineering:**

13 9. Prior to issuance of the first building permit, the developer shall either adjust the boundary  
14 between parcels and/or merge the two parcels into one in order to eliminate an existing lot  
15 line conflicting with a proposed structure.

16 10. The developer shall monitor, supervise and control all construction and construction-  
17 supportive activities, so as to prevent these activities from causing a public nuisance,  
18 including but not limited to, insuring strict adherence to the following:

19 a) Dirt, debris and other construction material shall not be deposited on any public  
20 street or within the City's storm water conveyance system.

21 b) All grading and related site preparation and construction activities shall be  
22 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and on  
23 Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-  
24 producing unless otherwise extended by the City and all work should utilize the  
25 latest technology for quiet equipment. All on-site construction staging areas shall  
26 be as far as possible (minimum 100 feet) from any existing residential  
27 development. Because construction noise may still be intrusive in the evening or  
28 on holidays, the City of Oceanside Noise Ordinance also prohibits "any  
29 disturbing excessive, or offensive noise which causes discomfort or annoyance to  
reasonable persons of normal sensitivity."

1 c) The construction site shall accommodate the parking of all motor vehicles used by  
2 persons working at or providing deliveries to the site.

3 11. All streets serving the development shall be dedicated and improved per current City  
4 standards and as required by the City Engineer.

5 12. The exact alignment, width and design of all driveways, striping, and all other control  
6 devices and measures, including turnouts, bike lanes, and width/length transitions and  
7 other measures shall be approved by the City Engineer at the time of final design.

8 13. Pavement sections for all driveways and parking areas shall be based upon approved soil  
9 tests and traffic indices. The pavement design is to be prepared by the developer's soil  
10 engineer and must be approved by the City Engineer, prior to paving.

11 14. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during  
12 construction of the project, shall be repaired or replaced as directed by the City Engineer.

13 15. Grading and drainage facilities shall be designed and installed to adequately accommodate  
14 the local storm water runoff and shall be in accordance with the City's Engineers Manual  
15 and as directed by the City Engineer.

16 16. The developer shall obtain any necessary permits and clearances from all public agencies  
17 having jurisdiction over the project due to its type, size, or location, including but not  
18 limited to the U. S. Army Corps of Engineers, California Department of Fish and Game, U.  
19 S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board  
20 (including NPDES), San Diego County Health Department, prior to the issuance of grading  
permits.

21 17. Prior to any grading of any part of the project, a comprehensive soils and geologic  
22 investigation shall be conducted of the soils, slopes, and formations in the project. All  
23 necessary measures shall be taken and implemented to assure slope stability, erosion  
24 control, and soil integrity. No grading shall occur until a detailed grading plan, to be  
25 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by  
26 the City Engineer.

27 18. This project shall provide year-round erosion control including measures for the site  
28 required for the phasing of grading. Prior to the issuance of grading permit, an erosion  
29

1 control plan, designed for all proposed stages of construction, shall be reviewed, secured  
2 by the applicant with cash securities and approved by the City Engineer.

3 19. A precise grading and private improvement plan shall be prepared, reviewed, and approved  
4 prior to the issuance of any building permits. The plan shall reflect all pavement, flatwork,  
5 landscaped areas, special surfaces, curbs, gutters, medians, striping, signage, footprints of  
6 all structures, walls, drainage devices and utility services. Parking lot striping and any on-  
7 site traffic calming devices shall be shown on all Precise Grading and Private Improvement  
8 Plans.

9 20. Landscape and irrigation plans for disturbed areas must be submitted to the City Engineer  
10 prior to the issuance of a preliminary grading permit and approved by the City Engineer  
11 prior to the issuance of building permits. Frontage landscaping shall be installed prior to  
12 the issuance of any building permits. Project fences, sound or privacy walls and  
13 monument entry walls/signs shall be designed, reviewed and constructed by the landscape  
14 plans and shown for location only on grading plans. Plantable, segmental walls shall be  
15 designed, reviewed and constructed by the grading plans and landscaped/irrigated through  
16 project landscape plans. Landscaping plans, including plans for the construction of walls,  
17 fences or other structures at or near intersections, must conform to intersection sight  
18 distance requirements. The City Engineer must approve all plans and a pre-construction  
19 meeting held, prior to the start of any improvements.

20 21. The drainage design on the development plan is conceptual only. The final design shall be  
21 based upon a hydrologic/hydraulic study to be approved by the City Engineer during final  
22 engineering. All drainage picked up in an underground system shall remain underground  
23 until it is discharged into an approved channel, or as otherwise approved by the City  
24 Engineer. All public storm drains shall be shown on City standard plan and profile sheets.  
25 All storm drain easements shall be dedicated where required. The developer shall be  
26 responsible for obtaining any off-site easements for storm drainage facilities.

27 22. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and  
28 disposed of in accordance with all state and federal requirements, prior to stormwater  
29 discharge either off-site or into the City drainage system.

1 23. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high  
2 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose  
3 height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to an arterial  
4 street or state highway.

5 24. The developer shall submit an Operations and Maintenance (O&M) Plan and Manual to  
6 the Engineering Division with the first submittal of engineering plans. The applicant's  
7 Civil Engineer shall prepare the Plan and the Manual. It shall be directly based on the  
8 project's Storm Water Mitigation Plan (SWMP) previously approved by the City Engineer  
9 prior to receiving Planning Commission approval. The O&M Plan shall be approved by  
10 the City Engineer prior to approval of any plans by the Engineering Division. At a  
11 minimum the O&M Plan and Manual shall describe the designated responsible parties to  
12 manage the storm water BMP(s), employee's training program and duties, operating  
13 schedule, maintenance frequency, routine service schedule, specific maintenance activities,  
14 copies of resource agency permits, and any other necessary activities. Construction-phase  
15 requirements proposed in the Plan and Manual shall be incorporated in and referenced by  
16 the project's Erosion Control Plans to the satisfaction of the City Engineer prior to  
17 approval of any construction plans for the project.

18 25. The developer shall enter into a City-Standard Storm Water Facilities Maintenance  
19 Agreement with the City obliging the project proponent to maintain, repair and replace the  
20 storm water Best Management Practices (BMPs) identified in the project's approved Storm  
21 Water Mitigation Plan (SWMP), as detailed in the O&M Plan into perpetuity. The  
22 Agreement shall be approved by the City Attorney prior to issuance of any precise grading  
23 permit and shall be recorded at the County Recorder's Office prior to issuance of any  
24 building permit. Security in the form of cash (or certificate of deposit payable to the City)  
25 or an irrevocable, City-Standard Letter of Credit shall be required prior to issuance of a  
26 precise grading permit. The amount of the security shall be equal to 10 years of  
27 maintenance costs, as identified by the O&M Plan. The developer's Civil Engineer shall  
28 prepare the O&M cost estimate. The O&M cost estimate shall be approved by the City  
29 Engineer prior to approval of any engineering plans for the project.

1 26. The City requires that a copy of the Operation and Maintenance (O&M) Plan and Manual  
2 approved by the City Engineer be attached to the approved Maintenance Agreement prior  
3 to its review by the City Attorney. At a minimum, maintenance agreements shall require  
4 the inspection and servicing of all structural BMPs on an annual basis. The developer shall  
5 complete and maintain O&M forms to document all maintenance requirements. Parties  
6 responsible for the O&M plan shall retain records for at least 5 years.

7 27. The type, model, or dimensions of the BMPs described in the project's approved Storm  
8 Water Mitigation Plan (SWMP) shall not be altered in any way, shape or form without  
9 formal approval by the Planning Commission at a public hearing.

10 **Traffic:**

11 28. The east leg of the intersection of Oceanside Boulevard at College Boulevard shall be  
12 improved to include a total of three eleven-foot wide westbound through-lanes with an  
13 exclusive eleven-foot wide right-turn pocket. This improvement shall include  
14 modification of the existing center median island with the addition of traffic signal loop  
15 detectors for the additional westbound through-lane. The project shall be reimbursed  
16 from other affected development projects for a portion of the total costs of  
17 improvements. This improvement shall be completed to the satisfaction of the  
18 Transportation Manager.

19 29. The intersection of Oceanside Boulevard at Arroyo Avenue will be re-striped to include  
20 exclusive northbound and southbound left-turn pockets with shared through/right-turn  
21 lanes. The traffic signal will also be modified in order to provide for  
22 northbound/southbound protected left-turn phasing. This improvement shall be  
23 completed to the satisfaction of the Transportation Manager.

24 30. The project will be required to install speed humps on Arroyo Avenue. The design,  
25 striping and related signing for the speed humps will be to the satisfaction of the  
26 Transportation Manager.

27 31. The project will be required to contribute 6.5 percent of \$80,000 for a total contribution  
28 of \$5,200 toward future adaptive traffic signal hardware at the intersections of College  
29 Boulevard at Old Grove Road and College Boulevard at Avenida de la Plata.

- 1 32. The project will be required to contribute 8.1 percent of \$2,228,438 for a total  
2 contribution of \$180,503 to be applied toward future capacity enhancement measures on  
3 College Boulevard between Thunder Drive and Aztec Street.
- 4 33. Five-foot sidewalk (not including 6" top of curb) shall be installed on Oceanside  
5 Boulevard (north side of the full length of the project). The sidewalk shall be American  
6 Disability Act compliant and be contiguous to the curb.
- 7 34. American Disability Act compliant pedestrian access shall be provided at all project  
8 driveways and the intersection of Oceanside Boulevard at Arroyo Avenue.
- 9 35. Sight distance requirements at all driveway and street intersections shall conform to the  
10 intersection corner sight distance criteria as provided by the California Department of  
11 Transportation Highway Design Manual.
- 12 36. A traffic control plan shall be prepared according to the City traffic control guidelines  
13 and be submitted to and approved by the Transportation Manager prior to the start of  
14 work within open City rights-of-way. Traffic control during construction of streets that  
15 have been opened to public traffic shall be in accordance with construction signing,  
16 marking and other protection as required by the Caltrans Traffic Manual and City Traffic  
17 Control Guidelines.
- 18 37. Traffic control during construction adjacent to or within all public streets must meet  
19 Caltrans standards and City Traffic Control Guidelines. Traffic control plans shall be in  
20 effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.
- 21 38. A haul route shall be obtained at least 7 days prior to the start of hauling operations and  
22 must be approved by the Transportation Manager. Hauling operations shall be 8:00 a.m.  
23 to 3:30 p.m. unless approved otherwise.
- 24 39. Streetlights shall be installed on Oceanside Boulevard along the frontage of the project.  
25 The system shall be designed to provide uniform lighting, and be secured prior to the  
26 recordation of map or building permit issuance, if a map is not recorded. The developer  
27 shall pay all applicable fees, energy charges, and/or assessments associated with City-  
28 owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the  
29 annexation to, any appropriate street lighting district.

1 40. The developer shall pay all applicable traffic signal and thoroughfare fees. A portion of  
2 these fees will be credited for the construction of speed humps on Arroyo Avenue and the  
3 intersection improvements on Arroyo Avenue at Oceanside Boulevard required by  
4 conditions 28 through 30 subject to the approval by the City Council. The applicant shall  
5 enter upon a reimbursement agreement subject to approval by the City Attorney.

6 **Fire:**

7 41. A minimum fire flow of 2,500 gallons per minute shall be provided. Provide on-site  
8 hydrant(s) and mains capable of supplying the required fire flow.

9 42. Prior to approval of the final inspection, a CD of the project's as-built plans, prepared in  
10 a format compatible with the Fire Department's mapping program, shall be submitted to  
11 the Fire Department. Information on acceptable format types is available from the Fire  
12 Department Prevention Bureau.

13 43. The size of fire hydrant outlets shall be 2 ½" X 2 ½" X 4".

14 44. All proposed and existing fire hydrants within 400 feet of the project shall be shown on  
15 the site plan.

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

18 46. Detailed plans of underground fire service mains shall be submitted to the Oceanside  
19 Fire Department for approval prior to installation.

20 47. Blue hydrant identification markers shall be placed as per Oceanside's Engineers Design  
21 and Processing Manual Standard Drawing No. M-13.

22 48. All weather access roads shall be installed and made serviceable prior to and during time  
23 of construction. Sec. 902. Uniform Fire Code.

24 49. A "Knox" key storage box shall be provided for all new construction. For buildings,  
25 other than high-rise, a minimum of three complete sets of keys shall be provided. Keys  
26 shall be provided for all exterior entry doors, fire protection equipment control rooms,  
27 mechanical and electrical rooms, elevator controls and equipment spaces, etc.

28 50. All security gates shall have a knox-box override and as required have strobe activation  
29 capability, unless other wise approved by the Fire Marshal.

- 1 51. Fire extinguishers are required and shall be included on the plans submitted for plan  
2 check.
- 3 52. An automatic fire extinguishing system complying with UL300 shall be provided to  
4 protect commercial-type cooking or heating equipment that produces grease-laden  
5 vapors. A separate plan submittal is required for the installation of the system and shall  
6 be in accordance with U.F.C. Article 10.
- 7 53. Provide a class "K" type portable fire extinguisher within 30 feet of the kitchen  
8 appliances emitting grease-laden vapors.
- 9 54. An approved fire sprinkler system must be installed throughout each building. The  
10 system shall be designed per N.F.P.A. 13, and U.B.C. standard 9-1. The sprinkler  
11 system requires 24-hour supervision.
- 12 55. The Fire Department connection shall not be affixed to the building. The Fire  
13 Department connection must be located at least forty feet away from the building, within  
14 forty feet of a fire hydrant and on the address side of the building, unless otherwise  
15 determined by the Fire Department. The hydrant shall be located on the same side of the  
16 street as the Fire Department connection.
- 17 56. In accordance with the Uniform Fire Code Sec. 901.1.4.4, approved addresses for  
18 Commercial, Industrial, and Residential Occupancies shall be placed on the structure in  
19 such a position as to be plainly visible and legible from the street or roadway fronting the  
20 property. Numbers shall contrast with their background.
- 21 57. Multi-Tenant Buildings require identification on the rear exit doors with individual suite  
22 numbers or letters.
- 23 58. Commercial buildings require six-inch address numbers.
- 24 59. Plans shall be submitted to the Fire Prevention Bureau for plan check review and  
25 approval prior to the issuance of building permits.
- 26 60. Buildings shall meet Oceanside Fire Department current adopted codes at the time of  
27 building permit application.
- 28 61. Fuel modification plans are required for all projects and/or structures receiving tentative  
29 map approval or building permits within 1000 feet of any urban interface.

1 62. Brush management is required in all base zones for the types of development listed  
2 below when they are adjacent to any highly flammable area of native or naturalized  
3 vegetation that is greater than ten acres, or adjacent to any area of native naturalized  
4 vegetation that is greater than fifty acres.

5 63. Brush management zone one is the area adjacent to the structure up to the first forty feet  
6 and shall be the least flammable; it shall consist of pavement and permanently irrigated  
7 ornamental planting. Zone two shall be the following 30 feet and shall consist of a  
8 maximum of 30 percent (30%) of natural and or native vegetation, this zone shall be  
9 irrigated. Zone three shall be a minimum of the next 30 feet, which is dependant on the  
10 terrain. It shall consist of no more than 50 percent (50%) of native and or natural  
11 vegetation. All zones shall be measured on a horizontal plane. Fuel modification plans  
12 are required for all projects and/or structures receiving tentative map approval or  
13 building permits within 1000 feet of any urban interface.

14 64. Off-site fuel modification is not recommended due to problems inherent with  
15 enforcement of regulations on adjacent property and the potential for confusion  
16 regarding responsibility for fuel modification on areas outside of legal ownership.  
17 Proper on-site fuel modification design should determine where development can safely  
18 be located and should be an integral part of the development proposal. Should off-site  
19 fuel modification be deemed a necessity, appropriate legally recorded instruments must  
20 be established that clearly state the responsibilities and rights of the parties involved  
21 relative to the establishment and maintenance of the fuel modification area. It should be  
22 understood that the allowance of off-site fuel modification by an adjacent property  
23 owner may affect the rights and/or use of the off-site property. All agreements for any  
24 off-site fuel modifications shall be integrated into fuel modification plans with a letter  
25 from adjoining property owner giving rights to maintain fuels.

26 65. On large developments, fuel modification zones should be located within common  
27 lettered lots owned and maintained by associations representing common ownership; i.e.  
28 homeowners' associations. The integrity and longevity of the fuel modification zones  
29 shall be maintained with sufficient tract/project conditions and CC&Rs to specifically  
identify the restrictions within the fuel modification areas. Likewise, when fuel

1 modification zones are located on private property, deed restrictions are required to  
2 specifically identify the restrictions on any portion of the property subject to fuel  
3 modification.

4 66. Submit two sets of plans prepared by a licensed landscape architect or other design  
5 professional with equivalent credentials, for review.

6 Vegetation Management: Conceptual Fuel Modification Plans

7 67. The following shall be included on the conceptual fuel modification plan:

- 8 a) Delineation of each zone (setback, irrigated, and thinning) with a general  
9 description of each zone's dimensions and character; i.e., 0-40' Zone 1, with  
10 existing vegetation removed, irrigated, and planted with drought-tolerant and  
11 fire-resistant plant material. (refer to fuel modification packet)
- 12 b) Identify removal of undesirable plant species in accordance with the Oceanside  
13 Fire Prone Plant Species List. (refer to fuel modification packet)
- 14 c) Existing vegetation impacted by the required fuel modification and, if available,  
15 proposed vegetation to be planted in the fuel modification area. The conceptual  
16 plans should be sensitive to rare and endangered species.
- 17 d) The design professional must be prepared to address their disposition in the final  
18 plans.
- 19 e) Identify the design of the proposed development, showing all property lines,  
20 contour lines, and the proposed location of all structures nearest to the fuel  
21 modification area, if available.
- 22 f) Photographs of the area that show the type of vegetation that currently exist,  
23 including height and density, and the topography of the site. Include aerial  
24 photographs.
- 25 g) Description of the methods to be used for vegetation removal, if appropriate; i.e.,  
26 mechanical or manual.
- 27 h) Location of emergency and maintenance access easements every 500' of the fuel  
28 modification area. Access easements shall have a minimum 10' width;  
29 alternatively 5' wide easements provided every 250' is acceptable. Gates shall be

1 a minimum of 36" wide. The easements shall be maintained free of vegetation or  
2 any structures.

3 i) Identify what exists 1000' beyond the development property lines in all  
4 directions; i.e., construction, natural vegetation, roads, parks, etc. (Note: the OFD  
5 may require additional information on a project-specific basis)

6 j) Identify all proposed off-site fuel modification areas and appropriate legal  
7 agreements with adjacent property owners.

8 k) A note stating plant species will be selected from the Oceanside Fire Department  
9 approved plant palette.

10 Vegetation Management: Precise Fuel Modification Plans

11 68. Precise fuel modification plans shall include all information required on conceptual fuel  
12 modification plans and the following additional information.

13 a) Location and detail of permanent zone markers. (refer to fuel modification  
14 packet)

15 b) Plant palette to be installed in accordance to acceptable guidelines.

16 c) Irrigation plans and specifications.

17 d) Building footprints or statements that clearly indicates the limits of proposed  
18 development.

19 e) All applicable maintenance requirements and assignments of responsibility.

20 f) Tracked or project conditions, CC&R and/or deed restrictions relative to fuel  
21 modifications. (refer to fuel modification packet)

22 Approval of Fuel Modification Plan by the Fire Department does not eliminate the  
23 requirement to obtain appropriate environmental grading and zoning clearance/permits  
24 from the agency having jurisdiction.

25 Planning:

26 69. This Development Plan (D-19-04) and Conditional Use Permit (C-4-05) shall expire on  
27 June 13, 2007, unless the Planning Commission grants a time extension.

28 70. This Development Plan (D-19-04) and Conditional Use Permit (C-4-05) approves three  
29 new commercial buildings totaling 36,902 square feet as shown on the plans and exhibits

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presented to the Planning Commission for review and approval. No deviation from these approved plans and exhibits shall occur without Planning Department approval. Substantial deviations shall require a revision to the Development Plan or a new Development Plan.

71. 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 Development Plan (D-19-04) and Conditional Use Permit (C-4-05). 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.

72. A Comprehensive Sign Program (CSP) shall be submitted to the Planning Department and approved prior to the issuance of sign permits. This CSP may be more restrictive than the standards outlined in the Sign Ordinance.

73. All mechanical rooftop 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.

74. 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) Median and parkway tree plantings along collector and arterial roads shall be a minimum of two-inch diameter trees so as to ensure a mature landscape theme is achieved in a reasonable amount of time.

- b) Median landscaping shall be shown on the plan for Oceanside Boulevard shall meet the criteria of the City of Oceanside and/or CalTrans Landscape Median Guidelines.
- c) The developer shall be responsible for irrigating and landscaping all embankments within the project, and all slopes along major streets.
- d) Arterial 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) All requirements of United States Army Corps of Engineers Authorization Number 97-20-147-JL and California Department of Fish and Game Streambed Alteration Agreement Number 5-336-90 for the riparian mitigation area shall be met. Any conflicts between these agencies' requirements and Oceanside Fire Department fuel modification requirements shall be resolved prior to the approval of the landscape plans.

75. 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

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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 shall result in the City taking all appropriate enforcement actions by all acceptable means including but not limited to citations and/or actual work with costs charged to or recorded against the owner. This condition shall be recorded with the covenant required by this resolution.

76. 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.

77. 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. City Ordinance requires recycling. The enclosures must be built in a flat, accessible location as determined by the City Engineer. The enclosures 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 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. Trash enclosures shall have design features such as materials and trim similar to that of the rest of the project. This design shall be shown on the landscape plans and shall be approved by the Planning Director.

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78. The developer prior to issuance of building permits shall prepare a covenant or other recordable document approved by the City Attorney. The covenant shall provide that the property is subject to this resolution, and shall generally list the conditions of approval.

79. The center shall prepare a Management Plan. The Management Plan is subject to the review and approval of the Planning Director and the Police Chief prior to the occupancy of the project, and shall be recorded as CC&R's against the property. The Management Plan shall cover the following:

- a) Security - The Management Plan, at a minimum, shall address on-site management, hours-of-operation and measures for providing appropriate security for the project site.
- b) Maintenance - The Management Plan shall cover, but not be limited to anti-graffiti and site and exterior building, landscaping, parking lots, sidewalks, walkways and overall site maintenance measures and shall ensure that a high standard of maintenance at this site exists at all times. The maintenance portion of the management plan shall include a commitment for the sweeping and cleaning of parking lots, sidewalks and other concrete surfaces at sufficient intervals to maintain a "like new" appearance. Wastewater, sediment, trash or other pollutants shall be collected on-site and properly disposed of and shall not be discharged off the property or into the City's storm drain system.
- c) The center management or its designated representative shall remove any graffiti within the center within 24 hours of occurrence. Any new paint used to cover graffiti shall match the existing color scheme.
- d) An acknowledgement that the City of Oceanside does not have a view preservation ordinance and that views may be subject to change with maturing off-site landscape and the potential for future off-site building.

80. Prior to the issuance of building permits, compliance with the applicable provisions of the City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed and approved by the Planning Department. These requirements, including the obligation to remove or cover with matching paint all graffiti within 24 hours, shall be noted on the

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- Landscape Plan and shall be recorded in the form of a covenant affecting the subject property.
81. 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.
82. Failure to meet any conditions of approval for this development shall constitute a violation of the Conditional Use Permit and Development Plan.
83. 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.
84. The developer's construction of all fencing and walls associated with the project shall be in conformance with the approved Development Plan. Any substantial change in any aspect of fencing or wall design from the approved Development Plan shall require a revision to the Development Plan or a new Development Plan.
85. If an approved Development Plan does not cover any aspect of the project fencing and walls, the construction of fencing and walls shall conform to the development standards of the City Zoning Ordinance. In no case, shall the construction of fences and walls (including combinations thereof) exceed the limitations of the zoning code, unless expressly granted by a Variance or other development approval.
86. 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.
87. The proposed 4,800 square foot restaurant (Building C) shall be a "sit-down" restaurant. Any changes to the proposed uses that increase the amount of parking spaces required shall come back to the Commission for review and approval.

1 **Water Utilities:**

2 88. All public water and/or sewer facilities not located within the public right-of-way shall be  
3 provided with easements sized according to the City's Engineers Manual. Easements shall  
4 be constructed for an all weather access.

5 89. No trees or structures or building overhang shall be located within any water or wastewater  
6 utility easement.

7 90. The property owner shall maintain private water and wastewater utilities located on private  
8 property.

9 91. A separate irrigation meter is required and approved backflow prevention device is  
10 required.

11 92. The developer shall construct a public reclamation water system that will serve each lot  
12 and or parcels that are located in the proposed project in accordance with the City of  
13 Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be located  
14 in the public streets or in a public utility easement.

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

17 94. The developer shall be responsible for developing all water and sewer facilities necessary  
18 to develop the property. Any relocation of water and/or sewer lines is the responsibility of  
19 the developer and shall be done by an approved licensed contractor at the developer's  
20 expense.

21 95. All lots with a finish pad elevation located below the elevation of the next upstream  
22 manhole cover of the public sewer shall be protected from backflow of sewage by  
23 installing and maintaining an approved type backwater valve, per of the Uniform Plumbing  
24 Code.

25 96. A Grease, Oil, and Sand Interceptor described by Uniform Plumbing Code relating to  
26 garages and wash racks shall be installed in each building sewer in an appropriate location,  
27 and the location shall be called out on the approved improvement plans.

28 97. The water and wastewater buy-in fees and the San Diego County Water Authority Fees are  
29 to be paid to the City and collected by the Water Utilities Department at the time of  
building permit issuance.

1 98. All water and wastewater construction shall conform to the most recent edition of the  
2 City's Engineers Manual, or as approved by the Water Utilities Director.

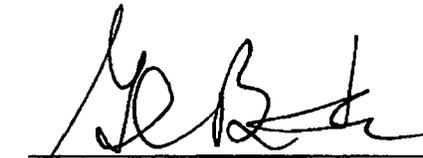
3 PASSED AND ADOPTED Resolution No. 2005-P29 on June 13, 2005 by the  
4 following vote, to wit:

5 AYES: Barrante, Chadwick, Neal, Todd, Parker and Schaffer

6 NAYS: None

7 ABSENT: Nack

8 ABSTAIN: None

9  
10   
11 \_\_\_\_\_  
George Barrante, Chairman  
Oceanside Planning Commission

12 ATTEST:   
13 \_\_\_\_\_  
14 Gerald S. Gilbert, Secretary

15  
16 I, GERALD S. GILBERT, Secretary of the Oceanside Planning Commission, hereby certify that  
17 this is a true and correct copy of Resolution No. 2005-P29.

18  
19 Dated: June 13, 2005

20  
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29

**LEGAL DESCRIPTION**

**PARCEL 1 AND 2 OF PARCEL MAP NO. 15591, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO; STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 27, 1989 AS FILE NO. 1989-99268 OF OFFICIAL RECORDS.**



**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:**  
**OCEANSIDE MARKETPLACE (D-19-04 & C-4-04)**

**PROJECT LOCATION - SPECIFIC:**  
Southeast of the intersection of Oceanside Blvd. and Arroyo Ave.

**PROJECT LOCATION - GENERAL:**  
City of Oceanside

**DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:**  
The construction of 36,902 square foot commercial center situated on 3.81 acres.

**NAME OF PUBLIC AGENCY APPROVING PROJECT:**  
City of Oceanside

**NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:**  
Hannibal Petrossi  
3700 Campus Drive Suite 200  
Newport Beach, CA 92660  
(949) 833-3240

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)**

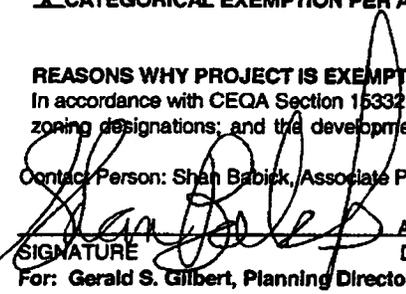
**STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)**

**CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION(S) 15332**

**REASONS WHY PROJECT IS EXEMPT:**

In accordance with CEQA Section 15332, the proposed project is consistent with the applicable general plan designation and policies and zoning designations; and the development comprises of subdivision of existing industrial buildings where no physical changes occur.

Contact Person: Shan Babick, Associate Planner

  
SIGNATURE

April 20, 2005

DATE

For: Gerald S. Gilbert, Planning Director

**Federhart & Associates**

2845 Nimitz Blvd.  
Suite G  
San Diego, CA 92106  
(619) 226-0625  
FAX (619) 226-0025



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TRAFFIC AND PARKING STUDIES

JUN 23 2010

Mr. John Amberson  
Transportation Planner  
City of Oceanside  
300 North Coast Highway  
Oceanside, CA 92054

JF 107  
June 23, 2010

CITY OF OCEANSIDE  
DEVELOPMENT SERVICES

Re: The Dance Unlimited Letter Report On Parking Requirements And Vehicle Passenger Loading And Unloading.

John:

As we have been discussing with City staff, the proposed Dance Unlimited studio at 4253 Oceanside Blvd. will occupy all of the second story office space planned for in the existing Oceanside Marketplace project at the above address for a children's dance studio.

This second story office space contains 10,489 sq. ft. of space. As office space, this floor area requires 35 parking spaces of the total, existing, Oceanside Marketplace parking spaces as required by the City of Oceanside Zoning Regulations. With the proposed dance studio occupancy, the same City Zoning regulations require that the project have only 18 offstreet spaces, or, 17 fewer than have been provided in the total existing Oceanside Marketplace project. Table 1 below shows the derivation of the above 2<sup>nd</sup> story, office vs. dance studio, City of Oceanside required, project offstreet parking spaces.

Table 1

Oceanside Marketplace, City Required Parking Spaces Of The Second Floor, 10489 sq. ft. of Planned Office Space

	Size	Parking Rate	Spaces Required	
Existing Approved Project	10,489 Sq. Ft. Office Space	1 space/300 Sq. Ft.	35	
Proposed Dance Studio	10,489 Sq. Ft.	1 Space/600 Sq. Ft.	18	17 fewer

As shown above in Table 1, the proposed Dance Studio in the Office space provides an extra 17 parking spaces for all the remaining land uses in the Oceanside Marketplace.

During the course of this Dance Studio study, since the patrons are primarily school children, the effect of summer vacation patronage was asked. From the Dance Studio owner, based on his experience at his existing studio, it is expected that the daily use will decrease by about 20% from normal school year patronage, during the summer vacation period, and thus, the normal City parking requirements will be more than adequate.

In addition to the above parking analysis for the Dance Studio project, the City of Oceanside staff and studio owner, are very interested in providing an efficient, safe, parent/child vehicle loading/unloading system for the children dance studio, based on the owners dance studio experience at another location in Oceanside. From this existing studio experience, it was learned that a quick, safe, parallel loading area should be developed that would accommodate the large majority of the vehicles dropping off or picking up children at the various class time changes. Here it was learned that the parents do not want to park – they just want to “drop off” the child, then come back and pick them up and with the process being quick and safe from collisions with other vehicles, or children, passing the unloading area.

With this in mind, after various plans were developed, and knowing the concerns of other lessees in the Oceanside Marketplace development, Figure 1 has been finalized. Note that four spaces to the west of the trash enclosure, are used and signed, for quick parallel, loading and unloading, with no waiting for the children here. This area is directly adjacent to the stairway entrance to the second floor studio.

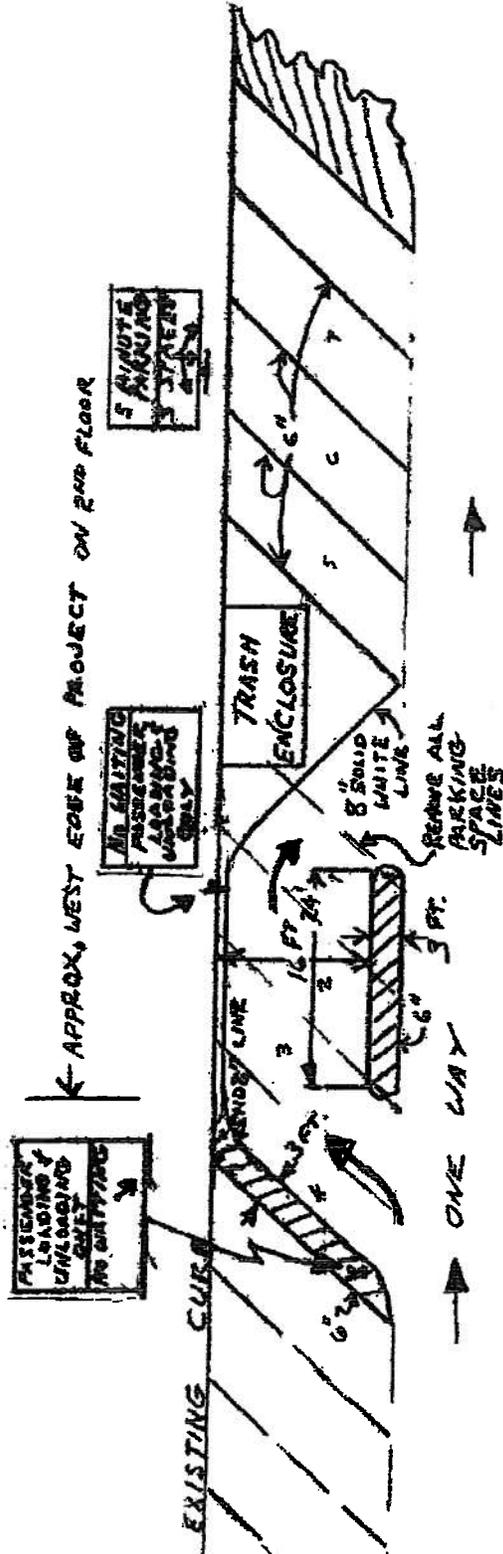
Just east of the trash enclosure there are shown three other spaces, in the standard 45 degree head-in parking arrangement, with signed, 5 minute, parking limits. These are “overflow” from the drop off area to the west on Figure 1, for parents who may want to wait a few minutes when picking up their child.

With the plan shown on Figure 1, 7 spaces are used for loading/unloading children at the project dance studio. As has been shown in Table 1 this is 7 of the 18 spaces allowed in the total Oceanside Marketplace development, by City regulations, for a dance studio, leaving 11 spaces excess over the spaces required, and another 17 spaces excess if the same space was used for offices.

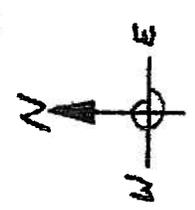
Yours truly,

*James W. Federhart*  
James W. Federhart  
Federhart & Associates





NOTE: PAINTED ISLANDS WILL BE OUTLINED BY 6" SOLID WHITE LINES - CROSS MATCH 4"

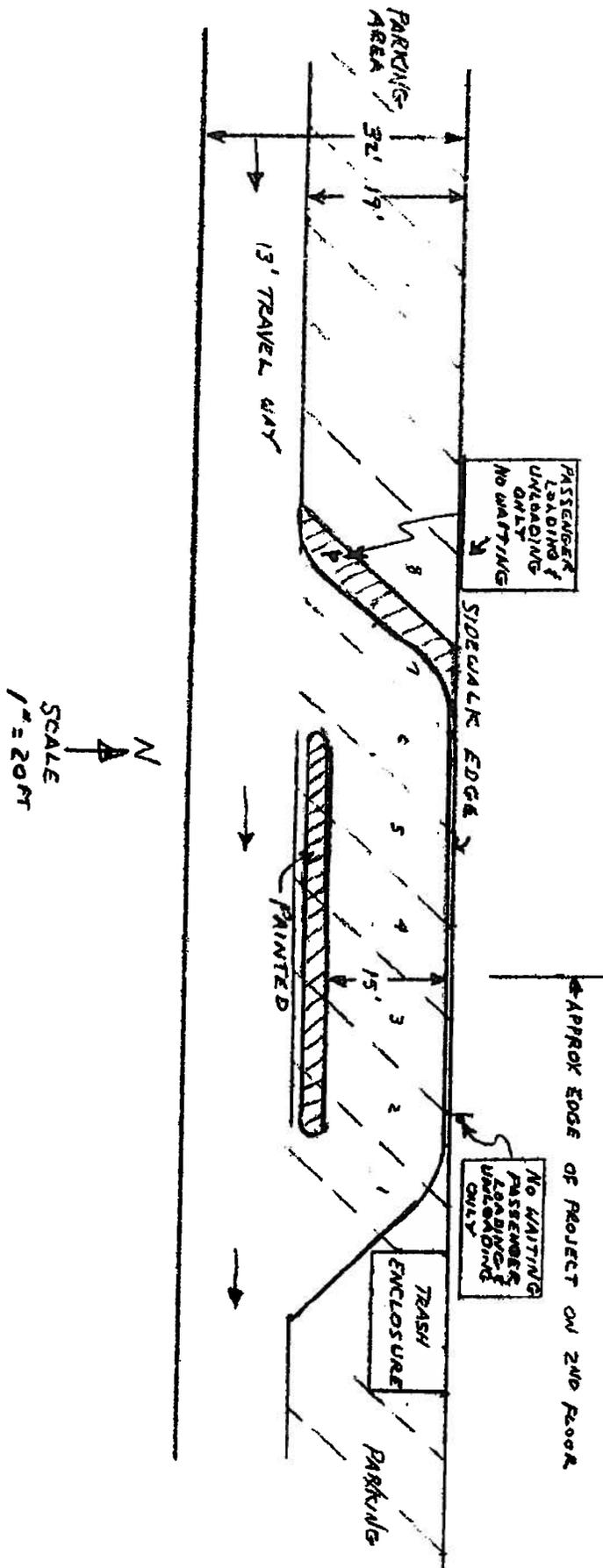


SCALE  
1" = 20 FT

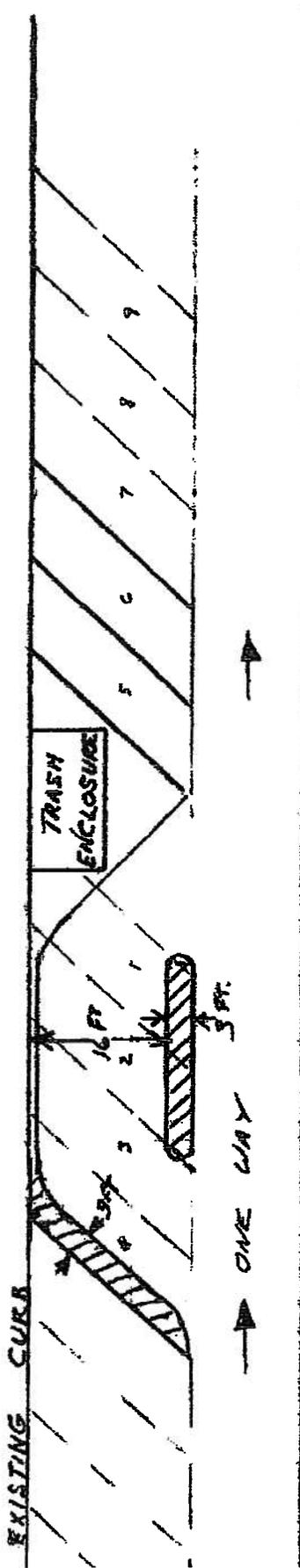
DANCE UNLIMITED PASSENGER LOADING/UNLOADING

FIGURE 1

# PASSENGER LOADING AND UNLOADING AREA FOR DANCE UNLIMITED



← APPROX WEST EDGE OF PROJECT ON 2ND FLOOR



SCALE  
1" = 20 FT



**File Number: CUP10-00018**

**Applicant: Erin & Allen Carrasco**

**Description:**

CONDITIONAL USE PERMIT (CUP10-00018) to permit a tenant improvement for a dance studio within an existing building that will occupy approximately 10,000 square feet of space on the second floor. The existing building is located at 4253 Oceanside Boulevard, and is Building B. The site is situated within the Ivey Ranch/Rancho Del Oro Neighborhood Planning Area bears a zoning designation of General Commercial – Planned Block Development (CG-PBD). – **DANCE UNLIMITED**

**Environmental Determination:**

The project qualifies for a Class 1 Categorical Exemption for interior alterations to an existing building pursuant to Section 15301 (a) of the California Environmental Quality Act.

City of Oceanside, Planning Division  
300 N. Coast Highway  
Oceanside, CA 92054 (760) 435-3525



**Application for Public Hearing**

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

**STAFF USE ONLY**

ACCEPTED  
 6/15/10

BY  
 SM.  
 ?  
 Dw.

**Please Print or Type All Information**

**HEARING**

**PART I – APPLICANT INFORMATION**

1. APPLICANT Abdul Halim Sheikh	2. STATUS Owner
3. ADDRESS: 2733 Via Miguel Palos Verdes Estates, CA 90274	4. PHONE/FAX/e-mail foodusa786@aol.com
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) 4 Design Architecture & Planning, Kenneth L. Chriss, Architect	
6. ADDRESS P.O. Box 848 Oceanside, CA 92049	7. PHONE/FAX/E-mail 760-433-1785 kchriss@4designarch.com

GPA
MASTER/SP PLAN
ZONE CH.
TENT.MAP
PAR. MAP
DEV. PL.
C.U.P. CUPID-00018
VARIANCE
COASTAL
O.H.P.A.C.

**PART II – PROPERTY DESCRIPTION**

8. LOCATION 4253 Oceanside Blvd., Building B, Oceanside, CA		
10. GENERAL PLAN Commercial	11. ZONING GC-PBD	12. LAND USE Commercial

9. SIZE
13. ASSESSOR'S PARCEL NUMBER 162-241-22-00

**PART III - PROJECT DESCRIPTION**

14. GENERAL PROJECT DESCRIPTION Tenant Improvement <i>FOR A DANCE STUDIO</i>				
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 39,793 SQ.FT.	21. PARKING SPACES 190	22. % LANDSCAPE 7.68	23. % LOT COVERAGE or FAR 15.89	

**PART IV – ATTACHMENTS**

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

**PART V – SIGNATURES**

33. APPLICANT OR REPRESENTATIVE (Print): Kenneth L. Chriss, A.I.A.	34. DATE	SIGNATURES OF ALL OWERS 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): Abdul Halim Sheikh
		36. DATE 05-26-10

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

## Project Description

Dance Unlimited is an existing business located in the City of Oceanside on Industry Way. Their immediate goal is to relocate to a larger, more efficient, modern facility.

The proposed location is on the second floor of a new shopping center in a space that has not yet been occupied. The 10,000 square foot space meets the growth needs of the business and offers a better location for the studio.

The proposed improvements include a new drop-off and pick-up loading zone change in the parking layout. The location at the rear of the property is ideal for access and traffic flow.

The interior improvements create six small dance studios with accompanying accessory spaces for offices, restrooms and storage facilities. The accumulative occupancies are less than those of the original office space for which the structure was originally designed.

A sound separation floor system will be installed as part of the tenant improvements.

The structure is a type V non-rated structure and is presently fire sprinkled.

A conditional use permit is required to allow this use in this general commercial zone.

The building meets A.D.A. and I.B.C. requirements.

Additional drainage, utility or off-site improvements, are not proposed.

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**JUN 15 2010**

**CITY OF OCEANSIDE  
DEVELOPMENT SERVICES**

Description and Justification  
For  
Conditional Use Permit

- (A) The existing general plan and zoning of this subject property calls for a general commercial use.

This use allows heavy vehicular traffic not permitted in other commercial zones. In addition, this zone allows service uses to occupy space not in demand for retailing services.

The proposed location of this use is in accord with the objectives of the ordinance and purposes of the district.

The proposed dance studio has a total traffic impact less than what a general commercial use allows. However, the period of traffic impact is focused at drop-off and pick-up intervals throughout the day. This operation is ideal for compliance with the zone.

- (B) The proposed location of this conditional use and the proposed conditions under which it would be operated and/or maintained will be consistent with the general plan of the City of Oceanside. The use will not be detrimental to the public health, safety or welfare of persons residing and/or working in or adjacent to the neighborhood of this use. The proposed use will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.
- (C) The proposed conditional use will comply with the provisions of the ordinances of the City of Oceanside including specific conditions required for this proposed use in the district in which it will be located.

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JUN 15 2010

CITY OF OCEANSIDE  
DEVELOPMENT SERVICES

## SCHEDULE A

Order No: 56130039 A33

Your Ref: SHEIKH

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

A FEE

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

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

SUBJECT TO ITEM NO. 15 OF SCHEDULE B.

### Legal Description

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

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



# NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: Removal: (180 days)
--------------------------------------

1. **APPLICANT:** Erin & Allen Carrasco
2. **ADDRESS:** 1845 Downs Street, Oceanside, CA 92054
3. **PHONE NUMBER:** 760-458-4868
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Richard Greenbauer, Senior Planner
6. **PROJECT TITLE:** CUP10-00018 Dance Unlimited
7. **DESCRIPTION:** A Conditional Use Permit (CUP10-00018) for a dance studio within a 10,489 square-foot suite inside an existing commercial building and parking lot modification located at 4253 Oceanside Boulevard, Building B, Second Floor. The project site is within an existing shopping center, has a General Plan Land Use Designation of General Commercial (GC), is zoned Commercial General, Planned Block Development (CG-PBD), and is situated within the Ivey Ranch/Rancho Del Oro Neighborhood Planning Area.

**ADMINISTRATIVE DETERMINATION:** Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Environmental Coordinator finds that the proposed project is generally for an internal modification of an existing building, with a parking lot modification. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- Per Article 19, the project is categorically exempt, in accordance with Section 15301, Existing Facilities, Class 1 (a), interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances.
- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section \_\_\_\_, [name of section] (Section xxxxx); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

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

Date: