



DATE: January 9, 2012

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP11-00025 TO ALLOW A CHIROPRACTIC USE TO OCCUPY AN EXISTING 979-SQUARE FOOT INDUSTRIAL OFFICE SUITE LOCATED AT 1720 ORD WAY- FULTON FAMILY CHIROPRACTIC – APPLICANT: JOHN R. FULTON**

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. 2012-P02 approving Conditional Use Permit (CUP11-00025) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background and Site Review: The subject site is located at 1720 Ord Way, just south of Oceanside Boulevard. The site contains eight industrial shell buildings within 498,259 square foot site. The site is apart of the larger Oceanside Gateway Business Park that was approved by the Planning Commission on August 9, 2004. The applicant proposes to occupy a 979-square foot suite within building 3-B and the suite is currently vacant. The property is comprised 334 reciprocal parking spaces on-site.

The zoning designation for the property is Limited Industrial (IL) and the General Plan Land Use Category is Light Industrial (LI). Chiropractic services are permitted within the Limited Industrial District with approval of a Conditional Use Permit as per the Oceanside Zoning Ordinance requirement Article 1320 for religious facilities.

Surrounding land uses include light industrial uses; such as light distribution, wholesale, packaging, warehouse and office uses within the Oceanside Gateway Business Park.

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

Conditional Use Permit (CUP11-00025) represents a request for the following:

- (a) To permit the operation of a Chiropractic business known as the Fulton Family Chiropractic within an existing 979-square foot industrial suite located at 1720 Ord Way. The proposed medical chiropractic office is considered an appropriate conditional land use subject to certain requirements and restrictions included in this report and required by the zoning ordinance.

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 for the subject property is IL (Limited Industrial). The proposed project is consistent with the goals and objectives of the City's General Plan as follows:

I. Community Enhancement

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

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

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

The proposed chiropractic use would not adversely impact the existing neighborhood and the surrounding uses. The use will provide an overall balance of land uses in proximity to the industrial and residential areas near the project site.

Zoning Compliance

This project is located in a Limited Industrial (IL) district. Pursuant to the land use regulations of the LI (Light Industrial), Chiropractic medial uses within the industrial area are subject to the approval of a Conditional Use Permit pursuant to Article 13 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
Offices, Medical and Dental	979 sq. ft.	(1 per 200 sq ft of bldg..)	334 reciprocal
Total	979 sq. ft.	5	334 reciprocal

As depicted in the table above the proposed Medical Chiropractic use will require 5 parking stalls. The existing 334 parking stalls shall meet the existing demand of the surrounding tenants and the required five spaces needed for the chiropractic use. Approximately 258 spaces are needed based on the existing uses with the Oceanside Gateway Business Park parcel, and the over flow parking of 45 will meet the five spaces needed for the future Chiropractic use.

The Fulton Family Chiropractic use hours-of-operation are from Monday-Friday (8:00 a.m. to 9:30 p.m.), and some Saturdays. If complaints arise from adjoining property owners regarding parking issues, enforcement procedures would be conducted and this Conditional Use Permit would be subject for review by the Planning Commission.

2. Land Use Compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Light Industrial (LI)	Limited Industrial (IL)	Industrial shell building
North of Subject Property	Single Family Dwelling Residential (SFD-R)	Public Space (PS)	Church
East of Subject Property:	Light Industrial (LI)	Limited Industrial (IL)	Industrial
South of Subject Property:	Light Industrial (LI)	Limited Industrial (IL)	Industrial
West of Subject Property:	Light Industrial (LI)	Limited Industrial (IL)	Industrial

DISCUSSION

Issue: Will the addition of the proposed medical chiropractic office be compatible with the light industrial center and surrounding uses?

The primary hours-of-operation would be weekdays and limited weekend hours. It is anticipated that the clients visiting the office will be no more than four an hour, which shall be minimal and will interfere with the operations of the adjoining neighbors. The limited parking demand for the chiropractic facility and the limited square footage for the leased space is only five spaces, and this can certainly be accommodated by the available 334 parking spaces on site. It is estimated that no more than 50 vehicle trips per week will be generated for this chiropractic use and the building square footage as per the SANDAG Vehicular Traffic Generation rate Chart. Staff has analyzed all impacts based on the operations, parking required, traffic and building size and found that the use will be compatible with the industrial center and shall help provide services that are needed for this area.

ENVIRONMENTAL DETERMINATION

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

PUBLIC NOTIFICATION

Pursuant to Article 41 of the Oceanside Zoning Ordinance, a Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius of the subject property, individuals and/or organizations requesting notification, applicant and other interested parties. Copies of this agenda item have been mailed to the applicant and their representatives.

SUMMARY

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

- Move to approve Conditional Use Permit Revision (CUP11-00025) and adopt Planning Commission Resolution No. 2012-P02 as attached.

PREPARED BY:

SUBMITTED BY:



Scott Nightingale
Planner II

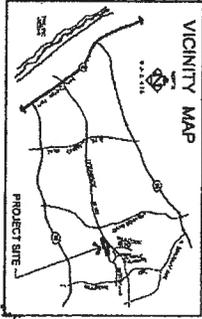


Jerry Hittleman
City Planner

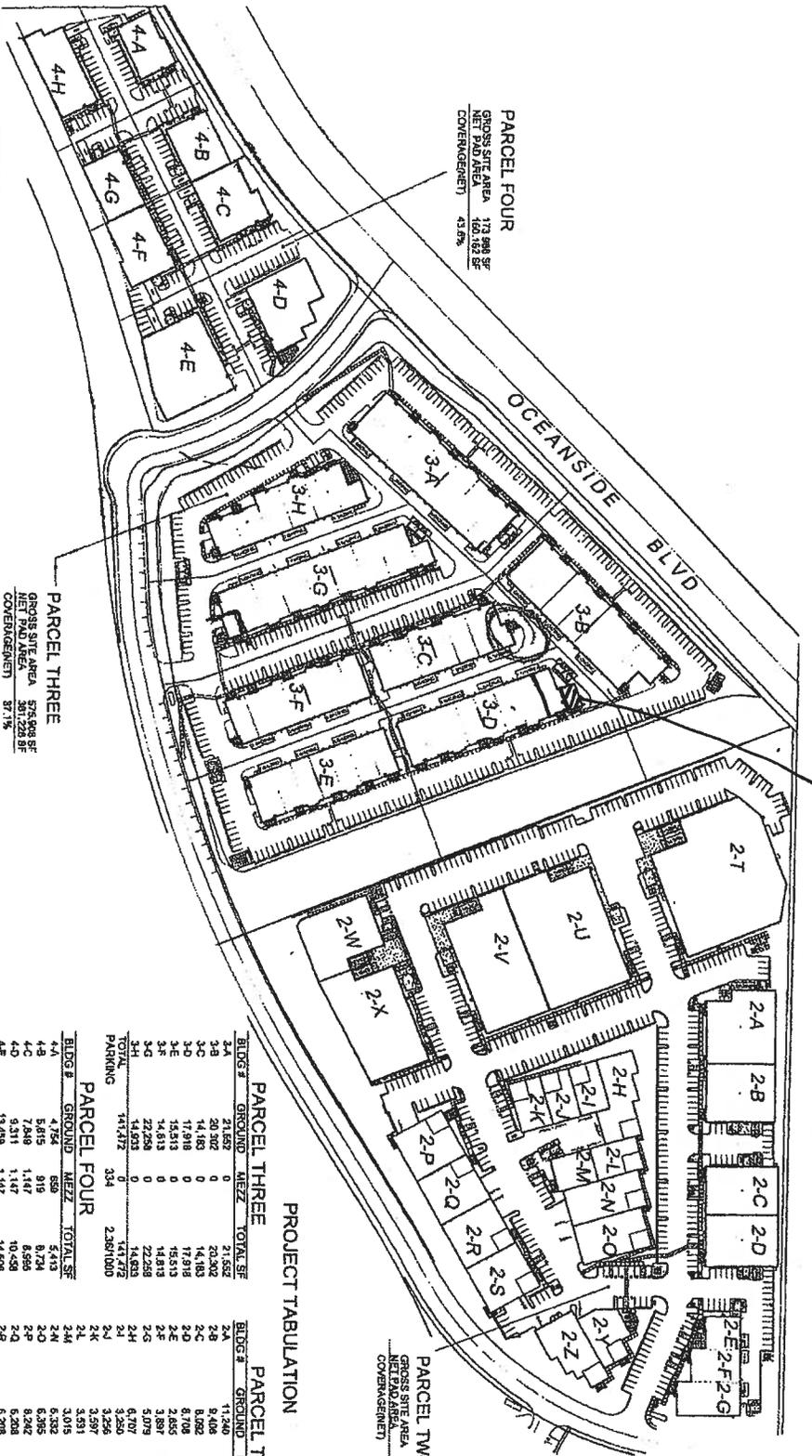
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Attachments:

1. Site Plan/Architectural Plans
2. Planning Commission Resolution No. 2012-P02



MASTER SITE PLAN
OCEANSIDE GATEWAY BUSINESS PARK
OCEANSIDE, CA
9202008



PARCEL FOUR
GROSS SITE AREA: 173,989 SF
NET PAD AREA: 128,192 SF
COVERAGE: 43.2%

PARCEL THREE
GROSS SITE AREA: 578,898 SF
NET PAD AREA: 381,228 SF
COVERAGE: 37.1%

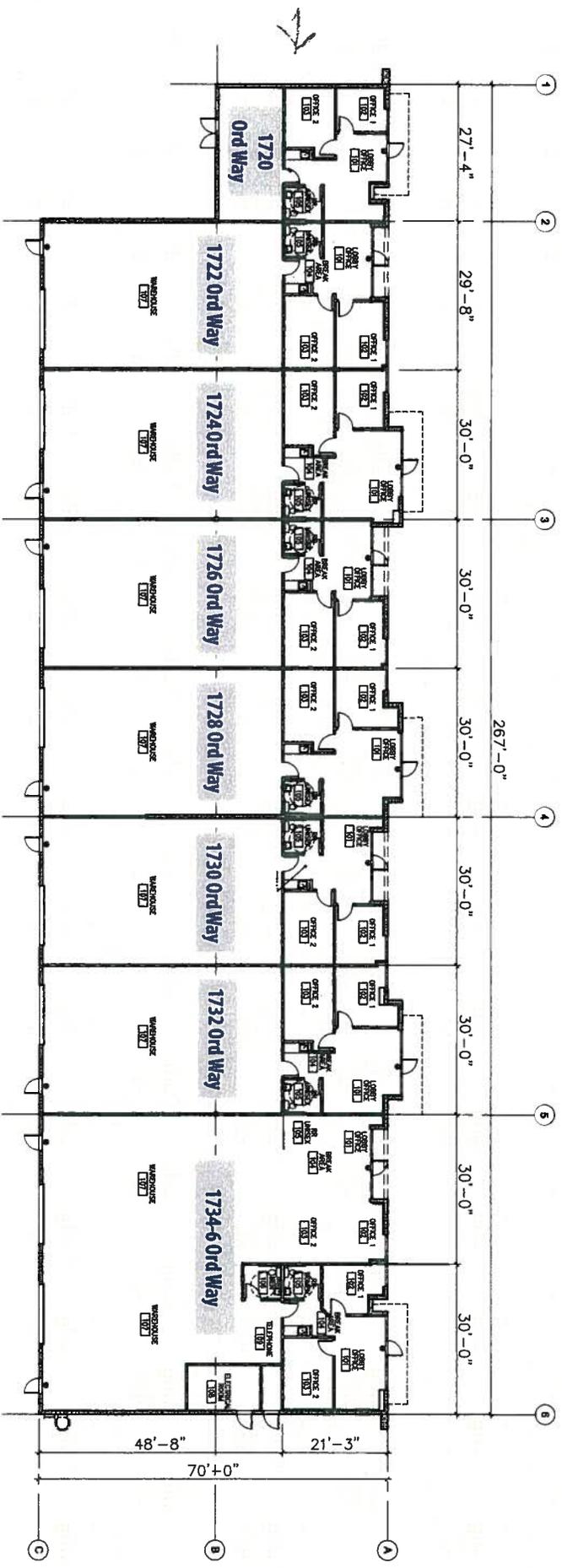
PARCEL TWO
GROSS SITE AREA: 829,799 SF
NET PAD AREA: 685,194 SF
COVERAGE: 50.1%

PARCEL THREE				PARCEL TWO			
BLDG #	GROUND	MEZZ	TOTAL SF	BLDG #	GROUND	MEZZ	TOTAL SF
3-A	21,652	0	21,652	2-A	11,240	621	11,861
3-B	20,302	0	20,302	2-B	8,408	621	9,029
3-C	14,183	0	14,183	2-C	8,102	621	8,723
3-D	17,918	0	17,918	2-D	8,708	621	9,329
3-E	15,513	0	15,513	2-E	2,655	621	3,276
3-F	14,813	0	14,813	2-F	3,891	621	4,512
3-G	22,258	0	22,258	2-G	5,079	621	5,700
3-H	14,255	0	14,255	2-H	6,107	621	6,728
3-I	14,255	0	14,255	2-I	3,250	621	3,871
3-J	14,255	0	14,255	2-J	3,250	621	3,871
3-K	14,255	0	14,255	2-K	3,250	621	3,871
3-L	14,255	0	14,255	2-L	3,250	621	3,871
3-M	14,255	0	14,255	2-M	3,250	621	3,871
3-N	14,255	0	14,255	2-N	3,250	621	3,871
3-O	14,255	0	14,255	2-O	3,250	621	3,871
3-P	14,255	0	14,255	2-P	3,250	621	3,871
3-Q	14,255	0	14,255	2-Q	3,250	621	3,871
3-R	14,255	0	14,255	2-R	3,250	621	3,871
3-S	14,255	0	14,255	2-S	3,250	621	3,871
3-T	14,255	0	14,255	2-T	3,250	621	3,871
3-U	14,255	0	14,255	2-U	3,250	621	3,871
3-V	14,255	0	14,255	2-V	3,250	621	3,871
3-W	14,255	0	14,255	2-W	3,250	621	3,871
3-X	14,255	0	14,255	2-X	3,250	621	3,871
3-Y	14,255	0	14,255	2-Y	3,250	621	3,871
3-Z	14,255	0	14,255	2-Z	3,250	621	3,871
PARKING	141,912	334	2,391,000	TOTAL	224,385	18,301	242,686
PARCEL FOUR				PARCEL TWO			
BLDG #	GROUND	MEZZ	TOTAL SF	BLDG #	GROUND	MEZZ	TOTAL SF
4-A	4,754	659	5,413	2-A	11,240	621	11,861
4-B	5,815	919	6,734	2-B	8,408	621	9,029
4-C	7,848	1,147	8,995	2-C	8,102	621	8,723
4-D	9,311	1,147	10,458	2-D	8,708	621	9,329
4-E	13,429	1,147	14,576	2-E	2,655	621	3,276
4-F	11,447	1,147	12,594	2-F	3,891	621	4,512
4-G	5,154	1,147	6,301	2-G	5,079	621	5,700
4-H	7,494	1,147	8,641	2-H	6,107	621	6,728
4-I	1,147	1,147	2,294	2-I	3,250	621	3,871
4-J	1,147	1,147	2,294	2-J	3,250	621	3,871
4-K	1,147	1,147	2,294	2-K	3,250	621	3,871
4-L	1,147	1,147	2,294	2-L	3,250	621	3,871
4-M	1,147	1,147	2,294	2-M	3,250	621	3,871
4-N	1,147	1,147	2,294	2-N	3,250	621	3,871
4-O	1,147	1,147	2,294	2-O	3,250	621	3,871
4-P	1,147	1,147	2,294	2-P	3,250	621	3,871
4-Q	1,147	1,147	2,294	2-Q	3,250	621	3,871
4-R	1,147	1,147	2,294	2-R	3,250	621	3,871
4-S	1,147	1,147	2,294	2-S	3,250	621	3,871
4-T	1,147	1,147	2,294	2-T	3,250	621	3,871
4-U	1,147	1,147	2,294	2-U	3,250	621	3,871
4-V	1,147	1,147	2,294	2-V	3,250	621	3,871
4-W	1,147	1,147	2,294	2-W	3,250	621	3,871
4-X	1,147	1,147	2,294	2-X	3,250	621	3,871
4-Y	1,147	1,147	2,294	2-Y	3,250	621	3,871
4-Z	1,147	1,147	2,294	2-Z	3,250	621	3,871
TOTAL	61,419	8,459	1,827,000	TOTAL	224,385	18,301	242,686
PARCEL THREE				PARCEL TWO			
TOTAL BUILDING AREA	TOTAL NET PAD AREA	TOTAL COVERAGE NET	TOTAL GROSS SITE AREA	TOTAL BUILDING AREA	TOTAL NET PAD AREA	TOTAL COVERAGE NET	TOTAL GROSS SITE AREA
494,872	1,026,584	44.3%	1,079,688	494,872	1,026,584	44.3%	1,079,688

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f 949-6897128

Industrial & Office Units For Lease
 From 979 - to- 4,057 Square Feet

Oceanside Gateway Business Park
 1720 - 1736 Ord Way, Oceanside, California 92056

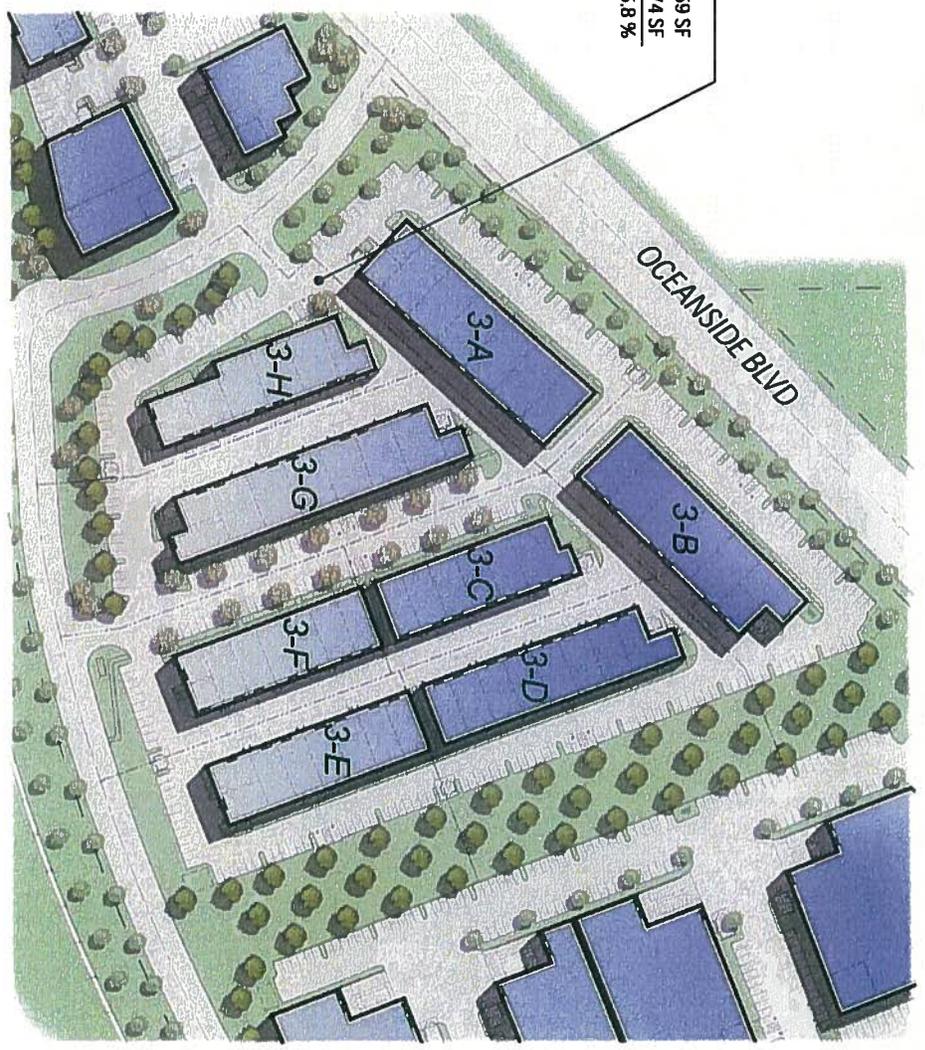


Address	Total SF	Office SF	Warehouse SF
1720 Ord Way	979	628	351
1722 Ord Way	2,092	680	1,412
1724 Ord Way	2,186	745	1,441
1726 Ord Way	2,119	678	1,441
1728 Ord Way	2,181	740	1,441
1730 Ord Way	2,122	681	1,441
1732 Ord Way	2,182	741	1,441
1734-1736 Ord Way	4,057	690	3,367



The information herein has been obtained from sources believed to be reliable. While we do not doubt its accuracy, we have not verified it and make no guarantee, warranty or representation about it. It is your responsibility to independently confirm its accuracy and completeness. You and your advisors should conduct a careful independent investigation of the property to determine the suitability of the property for your needs.

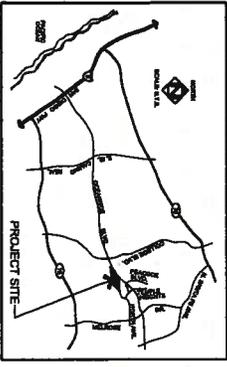
PARCEL THREE
 GROSS SITE AREA 498,259 SF
 NET PAD AREA 395,274 SF
 COVERAGE (NET) 35.8 %



PARCEL THREE
 OCEANSIDE GATEWAY BUSINESS PARK
 OCEANSIDE, CA

PARCEL THREE

BUILD	GROUND	NETZ	TOTAL SF	PARKING	RATIO
3-A	21,552	0	21,552		
3-B	20,302	0	20,302		
3-C	14,183	0	14,183		
3-D	17,918	0	17,918		
3-E	15,513	0	15,513		
3-F	14,813	0	14,813		
3-G	24,839	0	24,839		
3-H	14,839	0	14,839		
TOT	141,872	0	141,872	334	2367000



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PLANNING COMMISSION
RESOLUTION NO. 2012-P02

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

APPLICATION NO: CUP11-00025
APPLICANT: John R. Fulton
LOCATION: 1720 Ord Way

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

the operation of a Chiropractic and related health care facility located at 1720 Ord Way;
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 9th day of
January 2012, 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 is categorically exempt from CEQA per Article 19, Section 15301
Existing Facilities;

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:

FINDINGS:

For the Conditional Use Permit to allow for the use of an existing industrial suite for chiropractic
services:

1. The proposed location of the chiropractic operation is in accord with the objectives of the
Zoning Ordinance and the purposes of the limited industrial district in which the site is
located. The proposed use is consistent with the existing industrial center and

1 surrounding land uses, in terms of creating additional business activity, and providing
2 uses to help improve clients' physical health and well being. The use would be
3 conditioned to ensure that if complaints arise this Conditional Use Permit would be
4 subject to Planning Commission review. The proposed use would utilize an existing 979-
5 square foot industrial suite with office and would meet the required parking requirements
6 as per the Oceanside Zoning Ordinance code section 3100.

7 2. The proposed location of the use and the proposed conditions under which it would be
8 operated are consistent with the General Plan; will not be detrimental to the public health,
9 safety or welfare of persons residing or working in or adjacent to the neighborhood; and
10 will not be detrimental to properties or improvements in the vicinity or to the general
11 welfare of the city. The use of the site as a chiropractic office will not affect
12 neighborhood compatibility. The chiropractic facility's limited hours-of-operation would
13 not conflict with the primary hours of the adjacent uses within the Oceanside Gateway
14 Business Park, because the primary operations of the chiropractic facility would be
15 conducted all inside the building and with limited office type usage.

16 3. The proposed conditional use will comply with the provisions of the Zoning Ordinance
17 and Light Industrial district in which the property is located.

18 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
19 approve Conditional Use Permit (CUP11-00025) subject to the following conditions:

20 **Building:**

- 21 1. The granting of approval under this action shall in no way relieve the applicant/project
22 from compliance with all State and Local building codes.
- 23 2. Site development, parking, access into buildings and building interiors shall comply
24 with the State's Disabled Accessibility Regulations. (2001 California Building Code
25 (CBC, Chapter 11B).
- 26 3. Tenant Improvements or other construction to the existing building requires permits
27 (including all required Inspections and approvals, and Issuance of Certificate of
28 Occupancy) from the Building Division.
- 29 4. The granting of approval under this action shall in no way relieve the applicant/project
from compliance with all State and local building codes.

1 **Fire:**

- 2 5. Fire extinguishers are required and shall be included on the plans submitted for plan
3 check.
- 4 6. In accordance with the Oceanside Fire Code Section 505, approved addresses for
5 commercial, industrial, and residential occupancies shall be placed on the structure in
6 such a position as to be plainly visible and legible from the street or roadway fronting the
7 property. Numbers shall be contrasting with their background and meet the current City
8 of Oceanside size and design standard.

9 **Planning:**

- 10 7. This Conditional Use Permit shall expire two years from its effective date (i.e., on
11 January 9, 2014 if not appealed), unless implemented as required by the Zoning
12 Ordinance.
- 13 8. This Conditional Use Permit approves only the operation of a Chiropractic and ancillary
14 health care related medical office within an existing 979-square foot industrial building
15 located at 1720 Ord Way as shown on the plans and exhibits presented to the Planning
16 Commission for review and approval. No deviation from these approved plans and
17 exhibits shall occur without Development Services Department/Planning Division
18 approval. Substantial deviations shall require a revision to the Conditional Use Permit or a
19 new Conditional Use Permit.
- 20 9. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
21 harmless the City of Oceanside, its agents, officers or employees from any claim, action
22 or proceeding against the City, its agents, officers, or employees to attack, set aside, void
23 or annul an approval of the City, concerning Conditional Use Permit CUP11-00025.
24 The City will promptly notify the applicant of any such claim, action or proceeding
25 against the City and will cooperate fully in the defense. If the City fails to promptly
26 notify the applicant of any such claim action or proceeding or fails to cooperate fully in
27 the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or
28 hold harmless the City.
- 29 10. 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 business license. The

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15. All signs shall meet the requirements of the approved Comprehensive Sign Package for the shopping center. Sign plans shall be reviewed and approved by the Planning Division prior to an application for a sign permit.

PASSED AND ADOPTED Resolution No. 2012-P02 on January 9, 2012, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Tom Rosales, 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. 2012-P02.

Dated: January 9, 2012

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

Applicant/Representative

Date



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
 11/8/11
 BY SN
 Th

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT: JOHN R FULTON DC
 2. STATUS: LESSEE
 3. ADDRESS: 1720 ORD WAY OCNSE CA 92056
 4. PHONE/FAX/E-mail: 760 732-0441
 5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing): SAME
 6. ADDRESS: SAME
 7. PHONE/FAX/E-mail: SAME

GPA
 MASTER/SP.PLAN
 ZONE CH.
 TENT. MAP
 PAR. MAP
 DEV. PL.
 C.U.P. CUP11-00025
 VARIANCE
 COASTAL

PART II - PROPERTY DESCRIPTION

8. LOCATION: 1720 ORD WAY OCNSE CA 92056
 10. GENERAL PLAN: OFFICE -
 11. ZONING: LIGHT INDUSTRY/OFFICE
 12. LAND USE:

9. SIZE
 13. ASSESSOR'S PARCEL NUMBER

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION: OFFICE SPACE TO PROVIDE LIMITED CHIROPRACTIC SERVICE NO XRAY OR ELECTRICAL THERAPIES

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

PART IV - ATTACHMENTS

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

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print): JOHN R. FULTON DC
 34. DATE: 10/21/11
 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: [Signature]
 35. OWNER (Print)
 36. DATE

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

Sign:

Desired: A Chiropractic Office in a light industrial zone.

Chiropractic Service

The detection, analysis and correction of Vertebral Subluxations, misalignments of spinal bones pressing on the brain stem cutting off life from the brain to the body; creating malfunction and a sick body as the 2.5 million cells that exchange every minute exchange sickly instead of normally, building the body sick.

- There will be no X-Ray machines or related facilities
- There will be no medical diagnostic services such as blood drawing/testing, colonics or colonoscopy or electro-medical treatment of any kind
- No need for buildouts or environmental protection as there will be no hazardous waste production of any kind.
- Parking is allotted at 5 spaces per unit. However the unit to the north of my unit and the unit to the south of my unit have no public traffic hence there is additional parking of at least 15 spaces up to 20 spaces. I see 10 people per hour. They spend 6 minutes in the office, thus there is minimum impact on parking from my office flow.

I have one employee and myself.

2006 as Instrument no. 2006-0496849 of Official Records.

Parcel B:

A non-exclusive easement for vehicular and pedestrian access, ingress and egress purposes, as granted in the Access and Drainage Easement Agreement recorded April 16, 2004 as Document No. 2004-0333499 of Official Records, over, on and in Lot A of Parcel Map No. 18285, in the City of Oceanside, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, June 15, 1999 as File No. 1999-0418177 of Official Records

Parcel C:

An easement and right of way for the purposes of connecting to water, sewer and storm drain systems and appurtenances thereto, together with the right of maintenance thereof, as granted in the document titled "Reciprocal Easement", recorded October 20, 1999 as Document No. 1999-0705399 and re-recorded March 22, 2001 as Document No. 2001-167527 both of Official Records, over, under, along, across and through the Easterly 30 feet of Parcel 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 on February 27, 1989 as file no. 89-099268 of Official Records.

Parcel D:

Non-exclusive easements for ingress, egress for vehicular and pedestrian traffic and for utility purposes, within and upon the "Non-Owned Common Areas", as conveyed, set forth and described in that certain Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Oceanside Gateway Business Park, dated as of January 15, 2005, recorded January 26, 2005 as file no. 2005-0068872 of Official Records, in the Office of the County Recorder of San Diego County, California.

APN: 162-120-76-00 (New No.s 162-120-81, 162-120-82-00, 162-120-83-00, 162-120-84-00 and 162-120-85-00)



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** John R. Fulton
2. **ADDRESS:** 1720 Ord way, Oceanside CA. 92056
3. **PHONE NUMBER:** (760) 732-0441
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner
6. **PROJECT TITLE:** CUP11-00025 Fulton Family Chiropractic
7. **DESCRIPTION:** A Conditional Use Permit (CUP11-00025) to allow a proposed chiropractic facility within an existing 979-square foot industrial office building located at 1720 Ord Way. The project site has a General Plan Land Use Designation of Light Industrial (LI) with a zoning designation of Limited Industrial (IL), and is situated within the Peacock 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).



Scott Nightingale, Planner

Date: 1/9/2011

cc: Project file Counter file Library Posting: County Clerk \$50.00 Admin. Fee