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DATE: April 17, 2013

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department/Planning Division

SUBJECT: **ADOPTION OF A RESOLUTION APPROVING CONDITIONAL USE PERMITS CUP12-00018, CUP13-00001, CUP13-00002, CUP13-00003 FOR THE ESTABLISHMENT AND OPERATION OF A DINING AND ENTERTAINMENT VENUE WITH FULL ALCOHOLIC BEVERAGE SERVICE, LIVE ENTERTAINMENT, DANCING AND A WAIVER OF REGULATED USE LOCATIONAL REQUIREMENTS AT 2237-2241 EL CAMINO REAL – CROSSROADS RESTAURANT – APPLICANT: Y&O UNLIMITED LLC. DBA CROSSROADS**

**SYNOPSIS**

Staff recommends that the City Council adopt a resolution approving Conditional Use Permits (CUP12-00018, CUP13-00001, CUP13-00002, CUP13-00003) for the establishment and operation of a dining and entertainment venue with full alcoholic beverage service, live entertainment, dancing and a waiver of regulated use locational requirements for a dancing establishment at 2237-2241 El Camino Real.

**BACKGROUND**

On March 11, 2013, the Planning Commission considered and recommended approval of Conditional Use Permits (CUP12-00018, CUP13-00001, CUP13-00002, and CUP13-00003) for the expansion of the existing Crossroads restaurant at 2241 El Camino Real within the Camino Town and Country shopping center. Crossroads restaurant has been in operation for over a year and currently occupies the tenant space formerly used by “Chin’s Palace” restaurant. Vacant tenant space areas, previously occupied by a restaurant/entertainment venue known as “In Cahoots”, are located adjacent to the Crossroads facility.

The applicant proposes to expand Crossroads restaurant into the adjacent vacant building area and complete interior tenant improvements necessary to establish a multi-venue eating and drinking establishment with full alcoholic beverage service, entertainment and dancing. The establishment of full alcoholic beverage service and entertainment venue(s) are permitted, subject to approval of conditional use permits by the Planning Commission. A conditional use permit and granting of a waiver for

regulated use locational requirements by the City Council are necessary to permit a dancing establishment on the property. Although only the dancing component of the proposed business expansion and associated waiver of locational requirements require approval by the City Council, the applicant considers this aspect of the business integral to the overall operation and as such, the project is presented for reference and consideration in its entirety.

**Site Review:**

The Camino Town and Country shopping center encompasses approximately 10.82-acres along the west side of El Camino Real, south of Via Las Rosas and east of Via Esmarca. The property is designated Community Commercial (CC) on the General Plan Land Use Map and Zoning map and is located within the Fire Mountain neighborhood area.

The shopping center's pad area is situated below the El Camino Real street level. The property rises significantly above Via Esmarca, gradually decreasing in elevation along Via Las Rosas. Residential uses exist across Via Las Rosas and Via Esmarca to the north and west of the site respectively. Commercial uses are located to the immediate south and to the east of the property, across El Camino Real. The existing Crossroads restaurant as well as the proposed expansion areas are fully screened from view from El Camino Real and Via Las Rosas and greatly screened from Via Esmarca due to grade differences and/or intervening structures and landscaping.

**Project Description:**

The project application is comprised of the following required entitlements:

Conditional Use Permit 12-00018 represents a request to permit:

- (a) Expansion of the existing restaurant and establishment and operation of a multi-venue eating and drinking facility with full alcoholic beverage sales;

Conditional Use Permit 13-00001 represents a request to permit:

- (b) Live entertainment;

Conditional Use Permit 13-00002 represents a request to permit:

- (c) Dancing;

Conditional Use Permit 13-00003 represents a request to permit:

- (d) A waiver of locational requirements for regulated uses (dancing) pursuant to City of Oceanside Zoning Ordinance Section 3604 and 3605.

The applicant proposes to combine Camino Town and Country suites 2241 (existing Crossroads restaurant) and 2237 (former "In Cahoots" restaurant) into a single dining and entertainment venue, seating approximately 275 patrons and employing 10 full-time and 35 part-time staff members. Crossroads restaurant currently has a beer and wine license. Full alcoholic beverage service is proposed to be added, as well as live entertainment (karaoke, music bands, comedy shows etc.) and dancing classes followed by dancing (e.g. country, salsa, swing, jazz). Buffet service will be provided within the expanded restaurant dining areas.

The facility is intended to operate seven days a week between 10:00 a.m. and 2:00 a.m. A draft management plan has been submitted for consideration that describes in detail anticipated operations, events and security measures. All required parking for the facility will be provided on site. Any overflow parking would be accommodated in the adjoining Target shopping center.

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

1. General Plan
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 Community Commercial (CC). 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 I**

**Goal 1.11**      Balanced Land Use

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

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

**Policy B:**      The City shall analyze proposed land uses for assurance that the land use will contribute to the proper balance of land uses within the community or provide a significant benefit to the community.

This project site is within an existing shopping center, which is part of a larger commercial “hub”, along a major regional transportation corridor and State Highway 78. The expansion of the existing Crossroads restaurant into a multi-venue entertainment and dining operation within the Camino Town and Country shopping center is appropriate given the site’s location and land use designation, and will be consistent with Policy A and Policy B.

Policy C: 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 dining and entertainment complex could serve as a catalyst for the revitalization of the Camino Town and Country shopping center. The proposed land use would be consistent with prior uses on site and would not overburden the circulation system. Parking will be provided on site or in the adjoining Target shopping center, if necessary, pursuant to existing reciprocal parking agreement(s). The proposed use is consistent with Policy C.

B. Land Use Element II

Objective 2.21 Community Commercial Development:

To promote and preserve a balance of successful markets and services in aesthetic, people-oriented associations that is compatible and organized to surrounding land uses.

Policy A: This designation shall provide the community with commercial centers containing a wide variety of commercial establishments. Major tenants shall provide larger, low volume, higher cost items, such as home furnishings, apparel, durable goods, and specialty items and generally have citywide market areas. Support facilities such as entertainment establishments and restaurants shall be encouraged.

Policy B: Development within this designation shall be on sites in excess of 30 acres. Specialized commercial uses requiring less land area may be considered when of similar intensity, or offering comparative revenue and/or employment generating capacities. Location shall be limited to sites along major arterials or higher rated roads.

The proposed facility will allow for the expansion and continuing operation of an existing business within the shopping center. The restaurant will contribute to the existing synergy of the shopping center and will benefit City of Oceanside residents by providing them with an updated dining venue option within the community which in turn will also generate increased sales tax revenue for the City. The proposed use is consistent with Policy A and Policy B.

## **2. Zoning Ordinance Compliance**

### Article 11, Section 1120

Section 1120 of the Oceanside Zoning Ordinance permits full alcoholic beverage service, live entertainment, and dancing in conjunction with eating establishments on the subject property, subject to approval of required Conditional Use Permit(s). The proposed use will be contained within the designated building areas and will be in compliance with applicable regulations; with the exception of regulated use locational requirements (see next report section). A management plan has been submitted for consideration and endorsed by the Police Department that establishes additional restaurant security measures.

### Article 36, Section 3604, 3605

Article 36 of the 1992 zoning ordinance defines dance establishments as a regulated land use, and allows their establishment in CC zoning districts, subject to review/approval of a conditional use permit by the City Council. Furthermore, Section 3604 of the ordinance sets forth locational requirements for regulated uses in order to avoid their overconcentration within a limited geographical area and any associated potentially harmful effects. Section 3605 allows consideration of regulated use locational requirement waiver requests where such waiver would not allow for the creation of a Sex Supermarket/Sex Mini-Mall and contingent upon the following findings of waiver approval.

1. The use will not be contrary to the public interest.
2. The use will not be contrary to the spirit or intent of Article 36 of the Zoning Ordinance.
3. The use will not impair nearby property or the integrity of the underlying district.
4. The use will not encourage the development of an adult entertainment area or otherwise promote community blight.
5. The will not negatively impact any governmental programs of redevelopment, revitalization, or neighborhood preservation.

The proposed Crossroads operation features dancing classes/dancing as part of their weekly event schedule, as well as special events and does not meet locational requirement 3604 A. which requires 1,000 ft. (min) separation between dance establishments and other regulated uses. An alcohol lounge (Maxdon's) and a liquor store (Sunshine Liquor) are located approximately 120 feet from the proposed business within the same commercial center. In addition, the proposed entertainment/dining facility is inconsistent with Section 3604 B. which requires 1,000 feet (min.) separation between dance establishments and residential districts. The expanded restaurant/entertainment facility will also be located approximately 140 feet from the residential district boundary to the west of the site.

## DISCUSSION

Staff has evaluated the proposed development and has determined that: a) the project's siting would provide adequate buffers between the expanded restaurant facility and adjacent residential uses; and b) the dining/entertainment complex can be sufficiently managed through security and other facility operation measures in a manner that would ensure compatibility of the proposed use with existing and proposed shopping center retail uses as well as other uses in the immediate area.

The Crossroads facility would occupy two of six tenant spaces in a structure which is located approximately 740 feet from the El Camino Real right-of-way, and 140 feet from the residential district boundary to the west of the site that lies along the centerline of Via Esmarca. The subject building is fully screened by landscaping and existing structures on three sides. The west, (rear) building elevation is substantially screened from residential properties west of Via Esmarca due to existing significant grade elevation difference between the shopping center's pad and residential units in the immediate area. No direct driveway access exists to Via Esmarca from the shopping center while the Via Las Rosas driveway provides a secondary, infrequently used, vehicular access to the center. Staff finds that the shopping center's topographical separation from residential areas and lack of direct driveway access points to via Esmarca will prevent any vehicular/parking overflow or other negative land use impacts to the residential neighborhoods in the immediate area.

With regard to the conditional use permit request for dancing and associated waiver of regulated use locational requirements, the Planning Commission and staff has concluded that all findings necessary to approve the land use and grant a waiver of the zoning code locational requirements can be affirmed. Staff's and Planning Commission's determination is based upon the proposed business' compatibility with existing uses within the commercial center and beyond and the fact that sufficient conditions of project approval are recommended to be imposed on the business operation to address potential concerns related to its proximity to an alcohol lounge, liquor store and residential areas.

Specific findings necessary to support a waiver of locational requirements are supported by the following:

- The proposed business activity as a dancing and entertainment venue in association with a restaurant facility is consistent with the specific purposes and land use policies for the CC (Community Commercial) Zoning District and land use designation.
- The neighboring residential area would be well buffered from the proposed business activity by local classification roadways, elevation differences, and landscaped slope areas. In addition, the operation is designed to be internal to the commercial center and is subject to compliance with city noise ordinance requirements.

- The proximity of two other existing alcohol lounges within 1,000 feet would not affect blight of the area. The proposed operation not only targets patronage by mature adults but it will provide full service eating and drinking, buffet and entertainment venues. In comparison, one of the neighboring alcohol establishments is limited to off-site alcohol sales and the other on-site alcohol sales establishment does not offer the same level of entertainment as the proposed operation. Staff finds that these uses will function independently, will serve different users, and would not adversely impact the community due to their proximity to each other.
- The proposed business does not represent a transition to an adult-only environment. Neighboring businesses catering to minors would not be adversely affected by this operation.
- The business operation at this location will not be counter to any City programs for community or neighborhood redevelopment or revitalization.

The applicant has worked closely with Police Department staff to define and address public safety concerns and has incorporated all of staff's recommended security measures in the draft management plan. The proposed management plan measures have been included as recommended conditions of project approval to ensure their implementation. The Police Department has indicated support for the proposal.

### **SUMMARY**

In summary, the Planning Commission and staff concluded that all findings necessary to approve the proposed land use and grant a waiver of the zoning code regulated use locational requirements can be supported. Staff's and Planning Commission's determination is based upon the proposed business' compatibility with existing uses within the commercial center and beyond and the fact that sufficient conditions of project approval are recommended to be imposed on the business operation to address potential land use issues.

### **FISCAL IMPACT**

None.

### **COMMISSION OR COMMITTEE REPORT**

The Planning Commission reviewed the project on March 11, 2013. After hearing testimony from the public as well as the applicant, the Commission moved to recommend approval of the proposed restaurant and entertainment facility by a 4-0-1 vote with Chairman Rosales absent.

### **CITY ATTORNEY'S ANALYSIS**

The City Attorney's Office has reviewed the proposed resolution and approved it as to form.

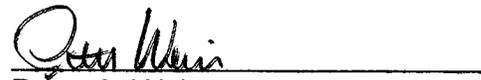
**RECOMMENDATION**

Staff recommends that the City Council adopt a resolution approving Conditional Use Permits (CUP12-00018, CUP13-00001, CUP13-00002, CUP13-00003) for the establishment and operation of a dining and entertainment venue with full alcoholic beverage service, live entertainment, dancing and a waiver of regulated use locational requirements for a dancing establishment at 2237-2241 El Camino Real.

PREPARED BY:

  
Amy Fousekis  
Principal Planner

SUBMITTED BY:

  
Peter A. Weiss  
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

George Buell, Development Services Director

Marisa Lundstedt, City Planner

Teri Ferro, Financial Services Director


ATTACHMENTS:

1. City Council Resolution
2. Planning Commission Staff Report dated March 11, 2013

ATTACHMENT 1

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE APPROVING CONDITIONAL USE PERMITS CUP12-00018, CUP13-00001, CUP13-00002, CUP13-00003 FOR THE ESTABLISHMENT AND OPERATION OF A DINING AND ENTERTAINMENT VENUE WITH FULL ALCOHOLIC BEVERAGE SERVICE, LIVE ENTERTAINMENT, DANCING AND A WAIVER OF REGULATED USE LOCATIONAL REQUIREMENTS AT 2237-2241 EL CAMINO REAL

(Y&O Unlimited LLC. DBA Crossroads -- Applicant)

WHEREAS, an application has been submitted for Conditional Use Permits (CUP12-00018, CUP13-00001, CUP13-00002, CUP13-00003) to permit the establishment and operation of a dining and entertainment venue with full alcoholic beverage service, live entertainment and dancing and to waive applicable regulated use locational requirements for the dance establishment at 2237-2241 El Camino Real, on certain real property more particularly described in Exhibit "A", attached hereto and incorporated herein by reference;

WHEREAS, on March 11, 2013, the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, adopted Resolution No. 2013-P11 recommending approval of Conditional Use Permits (CUP12-00018, CUP13-00001, CUP13-00002, CUP13-00003) inclusive of a waiver for applicable regulated use locational requirements, set forth in Chapter 36 of the Oceanside Zoning Ordinance;

WHEREAS, on April 17, 2013, the City Council held a duly noticed public hearing and heard and considered all evidence and testimony by all interested parties on the above identified Conditional Use Permits (CUP12-00018, CUP13-00001, CUP13-00002, CUP13-00003) and regulated use locational requirement waiver application;

WHEREAS, based on such evidence, testimony and staff reports, this City Council makes the findings of fact as set forth Planning Commission Resolution No.2013-P11 and attached hereto as Exhibit "B", and incorporates them by reference as if fully set forth herein;

1 WHEREAS, a Notice of Exemption was prepared by the Resource Officer of the City of  
2 Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and the State  
3 Guidelines thereto as amended to date, and approved by the Planning Commission in conjunction with  
4 its actions on the applications.

5 NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as follows:

6 1. Conditional Use Permits (CUP12-00018, CUP13-00001, CUP13-00002, CUP13-00003)  
7 are hereby approved pursuant to the findings and conditions contained within Planning Commission  
8 Resolution No. 2013-P11 attached hereto as Exhibit "B" and incorporated herein by this reference.

9 2. The locational requirements for a dance establishment as set forth in Oceanside Zoning  
10 Ordinance Section 3604 are hereby waived pursuant to the findings contained within Planning  
11 Commission Resolution No. 2013-P11 attached hereto as Exhibit "B".

12 3. NOTICE IS HEREBY GIVEN that the time within which judicial review must be sought  
13 on this decision is governed by CCP Section 1094.6.

14 PASSED AND ADOPTED by the City Council of the City of Oceanside, California this 17th  
15 day of April, 2013 by the following vote:

16 AYES:

17 NAYS:

18 ABSENT:

19 ABSTAIN:

20  
21 \_\_\_\_\_  
Mayor of the City of Oceanside

22  
23 ATTEST:

24 APPROVED AS TO FORM:  
25 OFFICE OF THE CITY ATTORNEY

26 \_\_\_\_\_  
City Clerk

27   
28 City Attorney

## EXHIBIT A

15334

PARCEL 1: (APN: 165-013-02)

PARCEL E OF PARCEL MAP NO. 4110, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING A DIVISION OF A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO OFFICIAL PLAT THEREOF.

PARCEL 2: (APN: 165-013-09 & 10)

PARCELS C1 AND C2 OF PARCEL MAP NO. 4661, 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, BEING A DIVISION OF PARCEL C OF PARCEL MAP NO. 4110, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO OFFICIAL PLAT THEREOF.

PARCEL 3: (APN: 165-013-07)

PARCEL "B" OF PARCEL MAP NO. 4110, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING A DIVISION OF A PORTION OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO OFFICIAL PLAT THEREOF.

PARCEL 4: (APN: 165-013-13 THRU 23)

PARCELS 1 THROUGH 11 INCLUSIVE OF PARCEL MAP NO. 8828, 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 14, 1979 AS FILE NO. 1979-251889 OF OFFICIAL RECORDS.

# EXHIBIT "B"

PLANNING COMMISSION  
RESOLUTION NO. 2013-P11

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF OCEANSIDE, CALIFORNIA RECOMMENDING  
APPROVAL OF CONDITIONAL USE PERMITS ON CERTAIN  
REAL PROPERTY IN THE CITY OF OCEANSIDE

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APPLICATION NO: C12-00018, C13-00001, C13-00002, C13-00003  
APPLICANT: Crossroads Restaurant  
LOCATION: 2241 S. El Camino Real

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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 Conditional Use Permits under the provisions of Articles 11 and 41 and 36 of the Zoning Ordinance of the City of Oceanside to permit the following:

establishment and operation of a dining and entertainment complex with full alcoholic beverage service, live entertainment, dancing and a waiver of regulated use (dance establishment) locational requirements;

on certain real property described in the project legal description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 11<sup>th</sup> day of March 2013, 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, Class 1 Existing Facilities;

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

**FINDINGS:**

For Conditional Use Permits (C12-00018, C13-00001, CUP13-00002) to allow establishment and operation of a dining and entertainment complex with full alcoholic beverage service, live entertainment and dancing:

1. The location of the proposed facility is in accord with the objectives of the Zoning Ordinance and the purposes of the underlying Community Commercial (CC) district.

1 Provision of full alcoholic beverage service, live entertainment and dancing in  
2 conjunction with a dining establishment is permitted within the Community Commercial  
3 district subject to approval of a conditional use permit. The use has been analyzed to  
4 ensure that live entertainment and dancing will not conflict with the adjoining uses or  
5 cause a negative impact to the neighborhood.

- 6 2. The location for the use and conditions under which it will be operated are consistent with  
7 the General Plan, will not be detrimental to public health, safety or welfare of persons  
8 residing or working in or adjacent to the neighborhood; and will not be detrimental to  
9 properties or improvements in the vicinity or to the general welfare of the City. Proposed  
10 uses will be confined to the interior of the building, necessary parking will be provided on  
11 site, and conditions for the management of the operation will ensure implementation of  
12 security measures to avoid potential land use impacts.
- 13 3. The proposed conditional use is subject to compliance with Zoning Ordinance provisions,  
14 specific conditions of project approval and additional regulations/licensing as deemed  
15 necessary by other regulatory or permit authorities.

16 For Conditional Use Permit (CUP13-00003) to waive regulated use locational requirements for a  
17 dance establishment:

- 18 1. The waiver of regulated use locational requirements for the proposed dance establishment  
19 will not be contrary to the public interest;
- 20 2. It will not be contrary to the spirit or intent of Article 36 Separation of Regulated Uses of  
21 the 1992 zoning ordinance;
- 22 3. It will not impair nearby property or the integrity of the underlying district;
- 23 4. It will not encourage the development of an adult entertainment area or otherwise promote  
24 community blight;
- 25 5. It will not negatively impact any governmental programs of redevelopment, revitalization  
26 or neighborhood preservation.

27 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
28 recommend that the City Council approve Conditional Use Permits (CUP12-00018, CUP13-  
00001, CUP13-00002, CUP13-00003) subject to the following conditions:

1 **Building:**

- 2 1. The granting of approval under this action shall in no way relieve the applicant/project  
3 from compliance with all State and local building codes.
- 4 2. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance)  
5 and shall be shielded appropriately. Where color rendition is important high-pressure  
6 sodium, metal halide or other such lights may be utilized and shall be shown on final  
7 building and electrical plans.
- 8 3. Site development, parking, access into buildings and building interiors shall comply with  
9 Part 2, Title 24, C.C.R. (Disabled Access - Nonresidential buildings - D.S.A.).
- 10 4. The building plans shall be prepared by a licensed architect or engineer prior to submittal  
11 for building plan review.
- 12 5. The developer shall monitor, supervise and control all building construction and supportive  
13 activities so as to prevent these activities from causing a public nuisance, including, but not  
14 limited to, strict adherence to the following:
- 15 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
16 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work  
17 that is not inherently noise-producing. Examples of work not permitted on  
18 Saturday are concrete and grout pours, roof nailing and activities of similar noise-  
19 producing nature. No work shall be permitted on Sundays and Federal Holidays  
20 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,  
21 Christmas Day) except as allowed for emergency work under the provisions of the  
22 Oceanside City Code Chapter 38 (Noise Ordinance).
- 23 b) The construction site shall be kept reasonably free of construction debris as  
24 specified in Section 13.17 of the Oceanside City Code. Storage of debris in  
25 approved solid waste containers shall be considered compliance with this  
26 requirement. Small Amounts of construction debris may be stored on-site in a neat,  
27 safe manner for short periods of time pending disposal

26 **Planning:**

- 27 6. Conditional Use Permit (CUP12-00018, CUP13-00001, CUP13-00002, CUP13-00003)  
28 shall expire on March 11, 2015, unless implemented as required by the Zoning Ordinance.

- 1 7. These Conditional Use Permits approve full alcoholic beverage service, live entertainment  
2 and dancing in conjunction with the Crossroads restaurant dining facility, as shown on the  
3 plans and exhibits presented to the Planning Commission for review and approval, and a  
4 waiver of locational requirement for a regulated use (dance establishment). Outdoor patio  
5 dining is not included as part of this approval. No deviation from these approved plans and  
6 exhibits shall occur without Development Services Department/Planning Division  
7 approval. Substantial deviations shall require a revision to the Development Plan and  
8 Conditional Use Permit or a new Development Plan and Conditional Use Permit.
- 9 8. Hours of operation are limited to 10:00a.m.- 2:00 a.m. seven days a week. Loading and  
10 unloading of merchandise shall be limited to 7:00 a.m.- 6:00 p.m.
- 11 9. All mechanical rooftop and ground equipment shall be screened from public view as  
12 required by the Zoning Ordinance, on all four sides and top. The roof jacks, mechanical  
13 equipment, screen and vents shall be painted with non-reflective paint to match the roof.  
14 This information shall be shown on the building plans.
- 15 10. Trash enclosures must be provided as required by Chapter 13 of the City Code and shall  
16 also include additional space for storage and collection of recyclable materials per City  
17 standards. Recycling is required by City Ordinance. The enclosures must be built in a flat,  
18 accessible location as determined by the City Engineer. The enclosures shall meet City  
19 standards including being constructed of concrete block, reinforced with rebar and filled  
20 with cement. A concrete slab must be poured with a berm on the inside of the enclosure to  
21 prevent the bins from striking the block walls. The slab must extend out of the enclosure  
22 for the bins to roll out onto. Steel posts must be set in front of the enclosure with solid  
23 metal gates. All driveways and service access areas must be designed to sustain the weight  
24 of a 50,000-pound service vehicle. Trash enclosures and driveways and service access  
25 areas shall be shown on both the improvement and landscape plans submitted to the City  
26 Engineer. The specifications shall be reviewed and approved by the City Engineer. The  
27 City's waste disposal contractor is required to access private property to service the trash  
28 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 main structure. This

1 design shall be shown on the landscape plans and shall be approved by the City Planner.

2 11. Decorative trash, recycling and cigarette receptacles shall be provided in proximity to the  
3 entrance/exits of the facility.

4 12. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
5 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
6 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
7 annul an approval of the City, concerning Conditional Use Permit (CUP12-00018,  
8 CUP13-00001, CUP13-00002, CUP13-00003). The City will promptly notify the  
9 applicant of any such claim, action or proceeding against the City and will cooperate  
10 fully in the defense. If the City fails to promptly notify the applicant of any such claim  
11 action or proceeding or fails to cooperate fully in the defense, the applicant shall not,  
12 thereafter, be responsible to defend, indemnify or hold harmless the City.

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

17 14. Prior to the issuance of building permits, compliance with the applicable provisions of the  
18 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed  
19 and approved by the Development Services Department. These requirements, including  
20 the obligation to remove or cover with matching paint all graffiti within 24 hours, shall be  
21 noted on the Landscape Plan and shall be recorded in the form of a covenant affecting the  
22 subject property.

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

27 16. Failure to meet any conditions of approval for this development shall constitute a violation  
28 of the Conditional Use Permits.

17. 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

1 Description and Justification and other materials and information submitted with this  
2 application, unless specifically waived by an adopted condition of approval.

3 18. These Conditional Use Permits shall be called for review by the City Council if complaints  
4 are filed and verified as valid by the Code Enforcement Office concerning the violation of  
5 any of the approved conditions or assumptions made by the application.

6 19. The approval does not relieve the applicant from an obligation to obtain an alcohol license  
7 from the State Department of Alcoholic Beverage Control (ABC). Any license and permit  
8 conditions imposed by the ABC and the City Police Chief shall be in addition to the  
9 conditions of this approval and the most restrictive conditions shall apply.

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

13 21. The outside of the premises shall be posted with at least two signs that the consumption  
14 of alcohol or possession of open container alcoholic beverages is prohibited, and  
15 specifying that any loitering is prohibited. The posting shall be placed on the front of  
16 the premises and in the parking lot. The Chief of Police shall approve the actual  
17 message content and location of the signs prior to posting.

18 22. The facility shall be operated in accordance with Section 23038 et. Seq. of the Business  
19 and Professions Codes. As such, the quarterly gross sales of alcoholic beverages shall  
20 not exceed the gross sales of food during the same time period for the entire business  
21 operation. Food sales and alcohol sales must be charged separately and shall not be  
22 commingled with any other cost or fee. The applicant/licensee shall at all times  
23 maintain records which reflect separately the sale of food and the gross sales of  
24 alcoholic beverages of the licensed business. For the purposes of this condition "food"  
25 shall mean any food prepared, sold and consumed on premises. Said records shall be  
26 kept current on a quarterly basis and shall be made available to the Chief of Police and  
27 to the Department of Alcoholic Beverage Control (ABC) upon demand.

28 23. The Bureau of Security and Investigative Services shall license all security personnel.  
The restaurant shall only employ certified card-carrying security personnel, and the  
cards shall be on each of the security personnel while on the job.

24. All food service employees staffing the premises shall be at least 21 years of age.

- 1 25. All employees engaged in the sale or service of alcoholic beverages, all on-site  
2 managers, and all security personnel shall be trained and required to attend LEADS  
3 training in the safe service of alcohol through a program provided on every two years  
4 and approved by the Chief of Police at the Oceanside Police Department or other  
5 location assigned by the Chief.
- 6 26. Security personnel shall patrol the adjacent parking areas, walkways and vehicular  
7 drives to prevent loitering and assure the security of customers. A member of the  
8 Security staff shall remain on the premises one-half hour after the close of business.
- 9 27. Any graffiti painted or marked upon the premises or any adjacent area shall be removed  
10 or painted over within 24 hours or either discovery or notification, whichever is earlier.  
11 The repainted area shall be consistent in color with the general surrounding color.
- 12 28. Neither interior nor exterior pay telephones shall be capable of receiving incoming calls.
- 13 29. The sale of alcoholic beverages for consumption off premises is strictly prohibited.
- 14 30. The Chief of Police reserves the right to require additional business security. In  
15 addition, the Chief reserves the right to recommend or otherwise effect, further  
16 restrictions on the aspects of the approved business operation, including, but not limited  
17 to, hours-of-operation, dance and entertainment, and alcoholic beverage services to  
18 prevent recurring violations of laws or recurring violations of the operational  
19 restrictions.
- 20 31. The interior and exterior of the premises and adjacent areas shall be equipped with real  
21 time video surveillance provided by 15 indoor cameras and 9 outside comers with live  
22 feeds that can be monitored by the Oceanside Police Department 24/7. Camera locations  
23 are subject to review and approval of the Police Department.
- 24 32. The Crossroads management plan shall be maintained on file with the Chief of Police  
25 and the City Planner. Any changes to the security management plan shall be at the  
26 discretion of the Chief of Police and must be authorized by the City Planner.
- 27 33. One security officer per 50 patrons shall be provided from 3:30 p.m. till close of  
28 business or for special functions.
34. Sales service and consumption of alcoholic beverages shall only be permitted during the  
hours that food services are also being offered.

1 **Fire:**

- 2 35. Fire Department requirements shall be placed on plans in the notes section. Changes  
3 shall be made to the plans as required by fire notes.
- 4 36. Fire extinguishers are required and shall be included on the plans submitted for plan  
5 check.
- 6 37. An automatic fire extinguisher system complying with UL300 shall be provided to  
7 protect commercial-type cooking or heating equipment that produces grease-laden  
8 vapors. A separate plan submittal is required for the installation of the system and shall  
9 be in accordance with the California Fire Code Chapter 9. Add this note to the plans.
- 10 38. Provide a class "K" type portable fire extinguisher within 30 feet of the kitchen  
11 appliances emitting grease-laden vapors. Add this note to the plans.
- 12 39. An approved fire sprinkler system must be installed throughout the building. The  
13 system shall be designed per N.F.P.A. 13. The sprinkler system requires 24-hour  
14 supervision. Plans for changes to the existing fire sprinkler system shall be submitted to  
15 the Fire Department for review.
- 16 40. Provide a manual fire alarm system with occupant notification throughout the A  
17 occupancy.

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1 41. Tenant improvement plans shall be submitted to the Fire Prevention Bureau for plan  
2 check review and approval prior to the issuance of building permits.

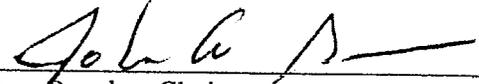
3 PASSED AND ADOPTED Resolution No. 2013-P11 on March 11, 2013 by the  
4 following vote, to wit:

5 AYES: Scrivener, Neal, Martinek, Troisi, Balma and Ross

6 NAYS: None

7 ABSENT: Rosales

8 ABSTAIN: None

9  
10   
11 Tom Rosales, Chairperson  
Oceanside Planning Commission

12 ATTEST:

13   
14 Marisa Lundstedt, Secretary

15  
16 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify  
17 that this is a true and correct copy of Resolution No. 2013-P11.

18  
19 Dated: March 11, 2013

# AGENDA NO. 3

**PLANNING COMMISSION**



ATTACHMENT 2

**STAFF REPORT**

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DATE: March 11, 2013

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF CONDITIONAL USE PERMITS (CUP12-00018, CUP13-00001, CUP13-00002, CUP13-00003) FOR THE OPERATION OF A RESTAURANT WITH FULL ALCOHOLIC BEVERAGE SERVICE, LIVE ENTERTAINMENT, DANCING AND WAIVER OF REGULATED USE LOCATIONAL REQUIREMENTS AT 2241 SOUTH EI CAMINO REAL IN THE FIRE MOUNTAIN NEIGHBORHOOD – CROSSROADS RESTAURANT – APPLICANT: Y&O UNLIMITED LLC. DBA CROSSROADS**

## **RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of an Article 19, Section 15301, Class 1, Existing Facilities, Categorical Exemption; and,
- (2) Adopt Planning Commission Resolution No. 2013-P11 recommending approval of Conditional Use Permits (CUP12-00018, CUP13-00001, CUP13-00002, CUP13-00003) with findings and conditions of approval attached herein.

## **BACKGROUND AND PROJECT DESCRIPTION**

**Background:** Crossroads restaurant is located at 2241 South El Camino Real within the Camino Town and Country shopping center and currently occupies the tenant space formerly used by “Chin’s Palace” restaurant. Vacant tenant space areas, previously occupied by a restaurant/ entertainment venue known as “In Cahoots”, are located adjacent to the Crossroads facility. The applicant proposes to expand Crossroads restaurant into the adjacent vacant building area, complete interior tenant improvements necessary to establish a multi-venue eating and drinking establishment with full alcoholic beverage service, entertainment and dancing. A waiver of regulated use locational requirements is necessary to permit dancing on the property and has been requested as part of the submitted project application.

**Site Review:** The Camino Town and Country shopping center encompasses an approximately 10.82-acre site along the west side of El Camino Real, south of Via Las Rosas and east of Via Esmarca. The property is designated Community Commercial (CC) on the General Plan Land Use Map and Zoning map and is situated within the Fire Mountain neighborhood area.

The shopping center's pad area is situated below the El Camino Real street level. The property rises significantly above Via Esmarca, gradually decreasing in elevation along Via Las Rosas. Residential uses exist across Via Las Rosas and Via Esmarca to the north and west of the site respectively. Commercial uses are located to the immediate south and to the east of the property, across El Camino Real. The existing Crossroads restaurant as well as the proposed expansion areas are fully screened from view from El Camino Real, Via Las Rosas and via Esmarca due to grade differences, and/or intervening structures and landscaping.

**Project Description:** The application includes four conditional use permit requests:

Conditional Use Permit 12-00018 represents a request to permit:

- (a) Expansion of the existing restaurant and establishment and operation of a multi-venue eating and drinking facility with full alcohol sales.

Conditional Use Permit 13-00001 represents a request to permit:

- (b) Live entertainment;

Conditional Use Permit 13-00002 represents a request to permit:

- (c) Dancing;

Conditional Use Permit 13-00003 represents a request to permit:

- (d) A waiver of locational requirements for regulated uses (dancing) pursuant to City of Oceanside zoning Ordinance Section 3604 and 3605.

The applicant proposes to combine Camino Town and Country suites 2241 and 2237 into a single dining and entertainment complex, seating approximately 700 patrons and employing 10 full-time and 35 part-time staff members. The existing restaurant currently serves beer and wine. Full alcoholic beverage service is proposed, as well as live entertainment (karaoke, music bands, comedy shows etc.) and dancing classes followed by dancing. (e.g. country, salsa, swing, jazz). Buffet service will be provided within the expanded restaurant dining areas.

The facility is intended to operate seven days a week between 10:00 a.m. and 2:00 a.m. A draft management plan has been submitted for consideration that describes in detail anticipated operations, events and restaurant security measures. Parking for the facility

will be provided on site. Any overflow parking would be accommodated in the adjoining Target shopping center.

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

1. General Plan
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 Community Commercial (CC). 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 I**

###### **Goal 1.11    Balanced Land Use**

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

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

**Policy B:**    The City shall analyze proposed land uses for assurance that the land use will contribute to the proper balance of land uses within the community or provide a significant benefit to the community.

This project site is within an existing shopping center, which is part of a larger commercial "hub", along a major regional transportation corridor and State Highway 78. The expansion of the existing Crossroads restaurant into a multi-venue entertainment and dining operation within the Camino Town and Country shopping center is appropriate given the site's location and land use designation, and will be consistent with Policy A and Policy B.

**Policy C:**    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 dining and entertainment complex could serve as a catalyst for the revitalization of the Camino Town and Country shopping center. The proposed land use would be consistent with prior uses on site and would not overburden the circulation system. Parking will be provided on site or in the adjoining Target shopping center, if necessary, pursuant to existing reciprocal parking agreement(s). The proposed use is consistent with Policy C.

B. Land Use Element II

Objective 2.21 Community Commercial Development:

To promote and preserve a balance of successful markets and services in aesthetic, people-oriented associations that is compatible and organized to surrounding land uses.

Policy A: This designation shall provide the community with commercial centers containing a wide variety of commercial establishments. Major tenants shall provide larger, low volume, higher cost items, such as home furnishings, apparel, durable goods, and specialty items and generally have citywide market areas. Support facilities such as entertainment establishments and restaurants shall be encouraged.

Policy B: Development within this designation shall be on sites in excess of 30 acres. Specialized commercial uses requiring less land area may be considered when of similar intensity, or offering comparative revenue and/or employment generating capacities. Location shall be limited to sites along major arterials or higher rated roads.

The proposed facility will allow for the expansion and continuing operation of an existing business within the shopping center. The restaurant will contribute to the existing synergy of the shopping center and will benefit City of Oceanside residents by providing them with an updated dining venue option within the community which in turn will also generate increased sales tax revenue for the City. The proposed use is consistent with Policy A and Policy B.

## **2. Zoning Ordinance Compliance**

### Article 11, Section 1120

Section 1120 of the Oceanside Zoning Ordinance permits full alcohol service, live entertainment, and dancing in conjunction with eating establishments, subject to approval of a Conditional Use Permit. The proposed use will be contained within the proposed restaurant structure and will be in compliance with applicable regulations; with the exception of regulated use locational requirements (see next report section). A management plan has been submitted for consideration and endorsed by the Police Department that establishes additional restaurant security measures.

Article 36, Section 3604, 3605

Article 36 of the 1992 zoning ordinance defines dance establishments as a regulated land use, and allows their establishment in CC zoning districts, subject to review/approval of a conditional use permit by the City Council. Furthermore, Section 3604 of the ordinance sets forth locational requirements for regulated uses in order to avoid their overconcentration within a limited geographical area and any associated potentially harmful effects. Section 3605 allows consideration of regulated use locational requirement waiver requests where such waiver would not allow for the creation of a Sex Supermarket/Sex Mini-Mall and contingent upon specific findings of waiver approval.

The proposed Crossroads operation features dancing classes/dancing as part of their weekly event schedule as well as their special events and does not meet locational requirement 3604 A. which requires 1,000 ft. (min) separation between dance establishments and other regulated uses. In addition, the proposed entertainment/dining facility is inconsistent with Section 3604 B. which requires 1,000 feet (min.) separation between dance establishments and residential districts.

**DISCUSSION**

Staff has evaluated the proposed development and has determined that: a) the project's siting would provide adequate buffers between the expanded restaurant facility and adjacent residential uses; and b) the dining/entertainment complex will be sufficiently managed through security and other facility operation measures that would ensure compatibility of the proposed use with existing and proposed shopping center retail uses as well as other uses in the immediate area.

The Crossroads facility is proposed to occupy two of six tenant spaces in a structure which is located approximately 740 feet from the El Camino Real right-of-way, and 140 feet from the residential district boundary to the west of the site that lies along the centerline of Via Esmarca. The subject building is fully screened by landscaping and existing structures on three sides. The west, (rear) building elevation is marginally visible from residential properties west of Via Esmarca due to significant grade elevation difference between the shopping center's pad and residential units in the immediate area. No direct driveway access exists to Via Esmarca from the shopping center while the Via Las Rosas driveway provides a secondary, infrequently used, vehicular access to the center. Staff finds that the shopping center's physical separation and lack of direct driveway access points to via Esmarca will prevent any vehicular/parking overflow or other negative land use impacts the residential neighborhoods in the area.

The applicant has worked closely with Police Department staff to define and address public safety concerns and has incorporated all of staff's recommended security measures in the draft management plan. The proposed management plan measures have been included as recommended conditions of project approval to ensure their implementation. The Police Department has indicated support for the proposal.

## **ENVIRONMENTAL DETERMINATION**

The proposed project is categorically exempt pursuant to Article 19, Section 15301, Existing Facilities, Class 1, 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 300-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant and other interested parties.

## **SUMMARY**

The proposed Conditional Use Permits, as conditioned, are consistent with the requirements of the land use policies of the General Plan and provisions of the Zoning Ordinance. As such, staff recommends that the Planning Commission recommend that the City Council approve the project based on the findings and subject to the conditions contained in the attached Resolution.

Staff recommends that the Planning Commission by motion:

- Confirm issuance of an Article 19, Section 15301, Existing Facilities, Class 1, Categorical Exemption.
- Adopt Planning Commission Resolution No. 2013-P11 recommending approval of Conditional Use Permits (CUP12-00018, CUP13-00001, CUP13-00002, CUP13-00003) with findings and conditions of approval attached herein.

PREPARED BY:

  
Amy Fousekis  
Principal Planner

SUBMITTED BY:

  
Marisa Lundstedt  
City Planner

Attachments:

1. Planning Commission Resolution No. 2013-P11
2. Floor/Site Plans
3. Crossroads Restaurant Draft Management Plan

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2013-P11

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

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6 APPLICATION NO: C12-00018, C13-00001, C13-00002, C13-00003  
7 APPLICANT: Crossroads Restaurant  
8 LOCATION: 2241 S. El Camino Real

---

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 Conditional Use Permits under the provisions of Articles  
13 11 and 41 and 36 of the Zoning Ordinance of the City of Oceanside to permit the following:

14 establishment and operation of a dining and entertainment complex with full alcoholic  
15 beverage service, live entertainment, dancing and a waiver of regulated use (dance  
16 establishment) locational requirements;

17 on certain real property described in the project legal description.

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 11<sup>th</sup> day  
19 of March 2013, conduct a duly advertised public hearing as prescribed by law to consider said  
20 application.

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

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

26 FINDINGS:

27 For Conditional Use Permits (C12-00018, C13-00001, CUP13-00002) to allow establishment  
28 and operation of a dining and entertainment complex with full alcoholic beverage service, live  
entertainment and dancing:

1. The location of the proposed facility is in accord with the objectives of the Zoning Ordinance and the purposes of the underlying Community Commercial (CC) district.

1 Provision of full alcoholic beverage service, live entertainment and dancing in  
2 conjunction with a dining establishment is permitted within the Community Commercial  
3 district subject to approval of a conditional use permit. The use has been analyzed to  
4 ensure that live entertainment and dancing will not conflict with the adjoining uses or  
5 cause a negative impact to the neighborhood.

6 2. The location for the use and conditions under which it will be operated are consistent with  
7 the General Plan, will not be detrimental to public health, safety or welfare of persons  
8 residing or working in or adjacent to the neighborhood; and will not be detrimental to  
9 properties or improvements in the vicinity or to the general welfare of the City. Proposed  
10 uses will be confined to the interior of the building, necessary parking will be provided on  
11 site, and conditions for the management of the operation will ensure implementation of  
12 security measures to avoid potential land use impacts.

13 3. The proposed conditional use is subject to compliance with Zoning Ordinance provisions,  
14 specific conditions of project approval and additional regulations/licensing as deemed  
15 necessary by other regulatory or permit authorities.

16 For Conditional Use Permit (CUP13-00003) to waive regulated use locational requirements for a  
17 dance establishment:

- 18 1. The waiver of regulated use locational requirements for the proposed dance establishment  
19 will not be contrary to the public interest;
- 20 2. It will not be contrary to the spirit or intent of Article 36 Separation of Regulated Uses of  
21 the 1992 zoning ordinance;
- 22 3. It will not impair nearby property or the integrity of the underlying district;
- 23 4. It will not encourage the development of an adult entertainment area or otherwise promote  
24 community blight;
- 25 5. It will not negatively impact any governmental programs of redevelopment, revitalization  
26 or neighborhood preservation.

27 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
28 recommend that the City Council approve Conditional Use Permits (CUP12-00018, CUP13-  
00001, CUP13-00002, CUP13-00003) subject to the following conditions:

1 **Building:**

- 2 1. The granting of approval under this action shall in no way relieve the applicant/project  
3 from compliance with all State and local building codes.
- 4 2. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance)  
5 and shall be shielded appropriately. Where color rendition is important high-pressure  
6 sodium, metal halide or other such lights may be utilized and shall be shown on final  
7 building and electrical plans.
- 8 3. Site development, parking, access into buildings and building interiors shall comply with  
9 Part 2, Title 24, C.C.R. (Disabled Access - Nonresidential buildings - D.S.A.).
- 10 4. The building plans shall be prepared by a licensed architect or engineer prior to submittal  
11 for building plan review.
- 12 5. The developer shall monitor, supervise and control all building construction and supportive  
13 activities so as to prevent these activities from causing a public nuisance, including, but not  
14 limited to, strict adherence to the following:
- 15 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
16 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work  
17 that is not inherently noise-producing. Examples of work not permitted on  
18 Saturday are concrete and grout pours, roof nailing and activities of similar noise-  
19 producing nature. No work shall be permitted on Sundays and Federal Holidays  
20 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,  
21 Christmas Day) except as allowed for emergency work under the provisions of the  
22 Oceanside City Code Chapter 38 (Noise Ordinance).
- 23 b) The construction site shall be kept reasonably free of construction debris as  
24 specified in Section 13.17 of the Oceanside City Code. Storage of debris in  
25 approved solid waste containers shall be considered compliance with this  
26 requirement. Small Amounts of construction debris may be stored on-site in a neat,  
27 safe manner for short periods of time pending disposal

26 **Planning:**

- 27 6. Conditional Use Permit (CUP12-00018, CUP13-00001, CUP13-00002, CUP13-00003)  
28 shall expire on March 11, 2015, unless implemented as required by the Zoning Ordinance.

- 1 7. These Conditional Use Permits approve full alcoholic beverage service, live entertainment  
2 and dancing in conjunction with the Crossroads restaurant dining facility, as shown on the  
3 plans and exhibits presented to the Planning Commission for review and approval, and a  
4 waiver of locational requirement for a regulated use (dance establishment). Outdoor patio  
5 dining is not included as part of this approval. No deviation from these approved plans and  
6 exhibits shall occur without Development Services Department/Planning Division  
7 approval. Substantial deviations shall require a revision to the Development Plan and  
8 Conditional Use Permit or a new Development Plan and Conditional Use Permit.
- 9 8. Hours of operation are limited to 10:00a.m.- 2:00 a.m. seven days a week. Loading and  
10 unloading of merchandise shall be limited to 7:00 a.m.- 6:00 p.m.
- 11 9. All mechanical rooftop and ground equipment shall be screened from public view as  
12 required by the Zoning Ordinance, on all four sides and top. The roof jacks, mechanical  
13 equipment, screen and vents shall be painted with non-reflective paint to match the roof.  
14 This information shall be shown on the building plans.
- 15 10. Trash enclosures must be provided as required by Chapter 13 of the City Code and shall  
16 also include additional space for storage and collection of recyclable materials per City  
17 standards. Recycling is required by City Ordinance. The enclosures must be built in a flat,  
18 accessible location as determined by the City Engineer. The enclosures shall meet City  
19 standards including being constructed of concrete block, reinforced with rebar and filled  
20 with cement. A concrete slab must be poured with a berm on the inside of the enclosure to  
21 prevent the bins from striking the block walls. The slab must extend out of the enclosure  
22 for the bins to roll out onto. Steel posts must be set in front of the enclosure with solid  
23 metal gates. All driveways and service access areas must be designed to sustain the weight  
24 of a 50,000-pound service vehicle. Trash enclosures and driveways and service access  
25 areas shall be shown on both the improvement and landscape plans submitted to the City  
26 Engineer. The specifications shall be reviewed and approved by the City Engineer. The  
27 City's waste disposal contractor is required to access private property to service the trash  
28 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 main structure. This

- 1 design shall be shown on the landscape plans and shall be approved by the City Planner.
- 2 11. Decorative trash, recycling and cigarette receptacles shall be provided in proximity to the  
3 entrance/exits of the facility.
- 4 12. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
5 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
6 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
7 annul an approval of the City, concerning Conditional Use Permit (CUP12-00018,  
8 CUP13-00001, CUP13-00002, CUP13-00003). The City will promptly notify the  
9 applicant of any such claim, action or proceeding against the City and will cooperate  
10 fully in the defense. If the City fails to promptly notify the applicant of any such claim  
11 action or proceeding or fails to cooperate fully in the defense, the applicant shall not,  
12 thereafter, be responsible to defend, indemnify or hold harmless the City.
- 13 13. A covenant or other recordable document approved by the City Attorney shall be prepared  
14 by the applicant and recorded prior to the issuance of a business license. The covenant  
15 shall provide that the property is subject to this resolution, and shall generally list the  
16 conditions of approval.
- 17 14. Prior to the issuance of building permits, compliance with the applicable provisions of the  
18 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed  
19 and approved by the Development Services Department. These requirements, including  
20 the obligation to remove or cover with matching paint all graffiti within 24 hours, shall be  
21 noted on the Landscape Plan and shall be recorded in the form of a covenant affecting the  
22 subject property.
- 23 15. Prior to the transfer of ownership and/or operation of the site the owner shall provide a  
24 written copy of the applications, staff report and resolutions for the project to the new  
25 owner and/or operator. This notification's provision shall run with the life of the project  
26 and shall be recorded as a covenant on the property.
- 27 16. Failure to meet any conditions of approval for this development shall constitute a violation  
28 of the Conditional Use Permits.
17. 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

1 Description and Justification and other materials and information submitted with this  
2 application, unless specifically waived by an adopted condition of approval.

3 18. These Conditional Use Permits shall be called for review by the City Council if complaints  
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10 20. All signs shall meet the requirements of the approved Comprehensive Sign Package for  
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20 not exceed the gross sales of food during the same time period for the entire business  
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24 alcoholic beverages of the licensed business. For the purposes of this condition "food"  
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28 23. The Bureau of Security and Investigative Services shall license all security personnel.  
The restaurant shall only employ certified card-carrying security personnel, and the  
cards shall be on each of the security personnel while on the job.

24. All food service employees staffing the premises shall be at least 21 years of age.

- 1 25. All employees engaged in the sale or service of alcoholic beverages, all on-site  
2 managers, and all security personnel shall be trained and required to attend LEADS  
3 training in the safe service of alcohol through a program provided on every two years  
4 and approved by the Chief of Police at the Oceanside Police Department or other  
5 location assigned by the Chief.
- 6 26. Security personnel shall patrol the adjacent parking areas, walkways and vehicular  
7 drives to prevent loitering and assure the security of customers. A member of the  
8 Security staff shall remain on the premises one-half hour after the close of business.
- 9 27. Any graffiti painted or marked upon the premises or any adjacent area shall be removed  
10 or painted over within 24 hours of either discovery or notification, whichever is earlier.  
11 The repainted area shall be consistent in color with the general surrounding color.
- 12 28. Neither interior nor exterior pay telephones shall be capable of receiving incoming calls.
- 13 29. The sale of alcoholic beverages for consumption off premises is strictly prohibited.
- 14 30. The Chief of Police reserves the right to require additional business security. In  
15 addition, the Chief reserves the right to recommend or otherwise effect, further  
16 restrictions on the aspects of the approved business operation, including, but not limited  
17 to, hours-of-operation, dance and entertainment, and alcoholic beverage services to  
18 prevent recurring violations of laws or recurring violations of the operational  
19 restrictions.
- 20 31. The interior and exterior of the premises and adjacent areas shall be equipped with real  
21 time video surveillance provided by 15 indoor cameras and 9 outside comers with live  
22 feeds that can be monitored by the Oceanside Police Department 24/7. Camera locations  
23 are subject to review and approval of the Police Department.
- 24 32. The Crossroads management plan shall be maintained on file with the Chief of Police  
25 and the City Planner. Any changes to the security management plan shall be at the  
26 discretion of the Chief of Police and must be authorized by the City Planner.
- 27 33. One security officer per 50 patrons shall be provided from 3:30 p.m. till close of  
28 business or for special functions.
34. Sales service and consumption of alcoholic beverages shall only be permitted during the  
hours that food services are also being offered.

1 **Fire:**

- 2 35. Fire Department requirements shall be placed on plans in the notes section. Changes  
3 shall be made to the plans as required by fire notes.
- 4 36. Fire extinguishers are required and shall be included on the plans submitted for plan  
5 check.
- 6 37. An automatic fire extinguisher system complying with UL300 shall be provided to  
7 protect commercial-type cooking or heating equipment that produces grease-laden  
8 vapors. A separate plan submittal is required for the installation of the system and shall  
9 be in accordance with the California Fire Code Chapter 9. Add this note to the plans.
- 10 38. Provide a class "K" type portable fire extinguisher within 30 feet of the kitchen  
11 appliances emitting grease-laden vapors. Add this note to the plans.
- 12 39. An approved fire sprinkler system must be installed throughout the building. The  
13 system shall be designed per N.F.P.A. 13. The sprinkler system requires 24-hour  
14 supervision. Plans for changes to the existing fire sprinkler system shall be submitted to  
15 the Fire Department for review.
- 16 40. Provide a manual fire alarm system with occupant notification throughout the A  
17 occupancy.

17 ///////////////  
18 ///////////////  
19 ///////////////  
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21 ///////////////  
22 ///////////////  
23 ///////////////  
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25 ///////////////  
26 ///////////////  
27 ///////////////  
28 ///////////////

1 41. Tenant improvement plans shall be submitted to the Fire Prevention Bureau for plan  
2 check review and approval prior to the issuance of building permits.

3 PASSED AND ADOPTED Resolution No. 2013-P11 on March 11, 2013 by the  
4 following vote, to wit:

5 AYES:

6 NAYS:

7 ABSENT:

8 ABSTAIN:

9  
10 \_\_\_\_\_  
11 Tom Rosales, Chairperson  
Oceanside Planning Commission

12 ATTEST:

13  
14 \_\_\_\_\_  
Marisa Lundstedt, Secretary

15  
16 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify  
17 that this is a true and correct copy of Resolution No. 2013-P11.

18  
19 Dated: March 11, 2013



**PROJECT DATA:**

**SITE INFORMATION:**

324,455 SQ. FT. TOTAL SITE  
 264,659 SQ. FT. TOTAL DEVELOPABLE SITE  
 15% MAX. SITE COVERAGE  
 15% MIN. SITE LANDSCAPE PERCENTAGE  
 25% EXISTING LANDSCAPE PERCENTAGE

**ZONING:**

GENERAL PLAN  
 TRAFFIC - MEDIUM DENSITY  
 STREET - MEDIUM DENSITY  
 SIGN - MEDIUM DENSITY  
 MAX. HEIGHT: 35'-0"

**BUILDING INFORMATION:**

AREA: 16,189 SQ. FT.  
 PARKING: 1,177 STALLS  
 SEATING AREA: 7,350 SQ. FT.  
 STALLS REQ. INV. BY 300: 1,177 STALLS  
 STALLS REQ. INV. BY 351: 487 SQ. FT.  
 TOTAL REQUIRED STALLS: 1,664 STALLS  
 TOTAL EXISTING STALLS: 486 STALLS

**DESCRIPTION OF WORK:**  
 THE WORK TO BE PERFORMED UNDER THIS APPLICATION SHALL CONSIST OF A CONDITIONAL USE PERMIT.

**LEGAL DESCRIPTION:**  
 PARCEL 3 OF PARCEL MAP 9888, AS FILED IN THE OFFICE OF THE COUNTY CLERK OF SACRAMENTO COUNTY OF SAN JUAN BAPTIST COUNTY, CALIFORNIA.

**PROJECT ADDRESS:**

2241 EL CAMINO REAL  
 OCEANSIDE, CA 92054

**APN:**

165-403-03

**VICINITY MAP:**



**APPLICANT:**  
 Y & O UNLIMITED, LLC  
 284 COASTLAND ROAD  
 BREASIDE, CA 92521

**PLANS PREPARED BY:**

AUTUMN THOMAS  
 LIC. 14572  
 10000 FAIRVIEW DRIVE  
 FALLBROOK, CA 95628

**PREVIOUS APPROVAL:**  
 CONDITIONAL USE PERMIT

CUP C-69-99

APPLICATION #: CUP 12-0001B et seq.

**D.ROYCE PETERSON  
 DESIGN & INTERIORS  
 760.420.2364 P  
 760.749.5409 F**

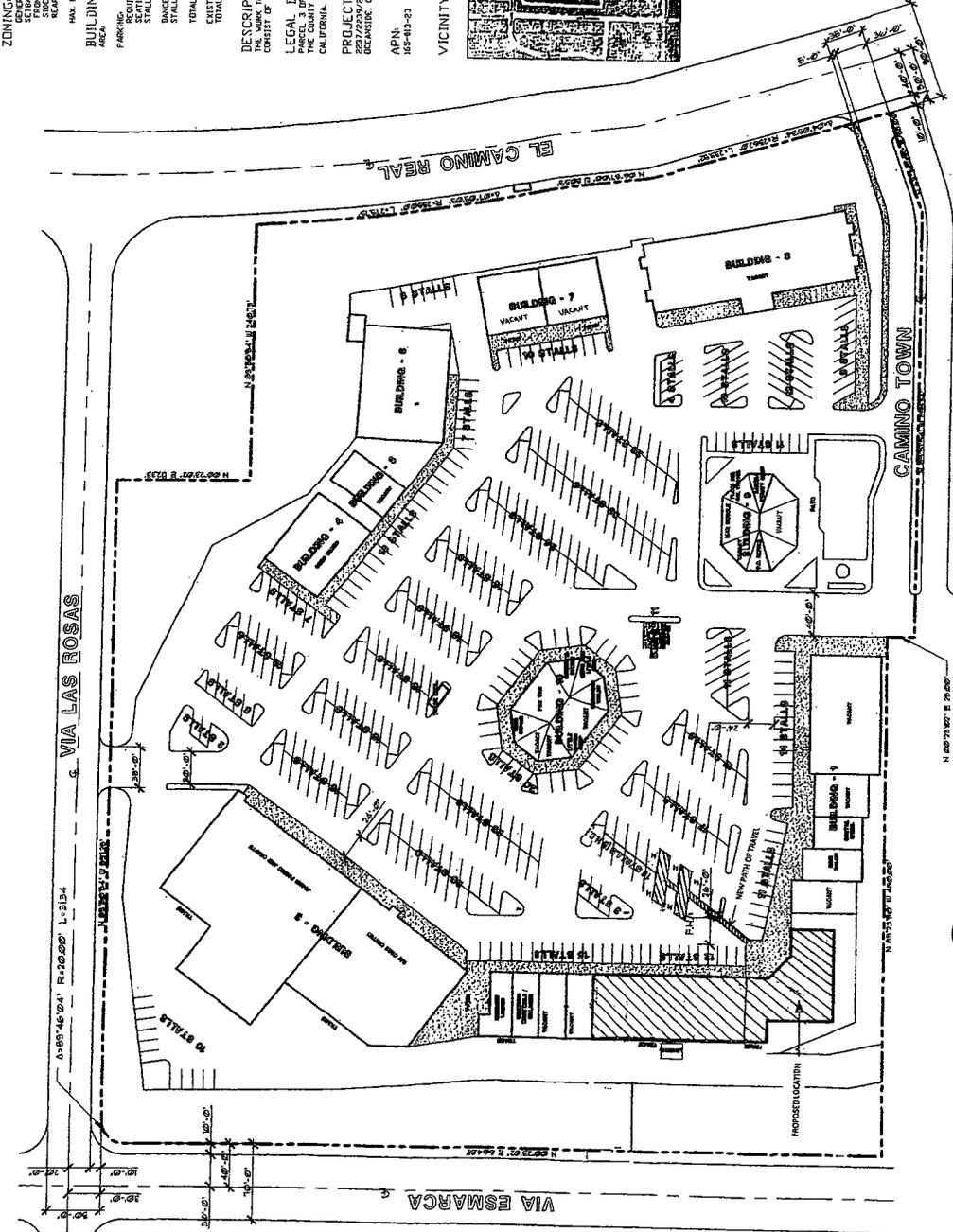
**APPLICANT:**  
 Y & O UNLIMITED, LLC  
 284 COASTLAND ROAD  
 OCEANSIDE, CA 92054

**CONTACT:**  
 THOMAS THOMAS  
 (760) 717-8518

**CROSSROADS  
 2241 EL CAMINO REAL  
 OCEANSIDE, CA 92054**

DATE	REVISIONS

LANDLORD SITE PLAN  
 BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 REVISIONS: \_\_\_\_\_  
 AGT: A011  
 1.50



**SITE PLAN**  
 SCALE: 1" = 50'-0"

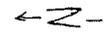
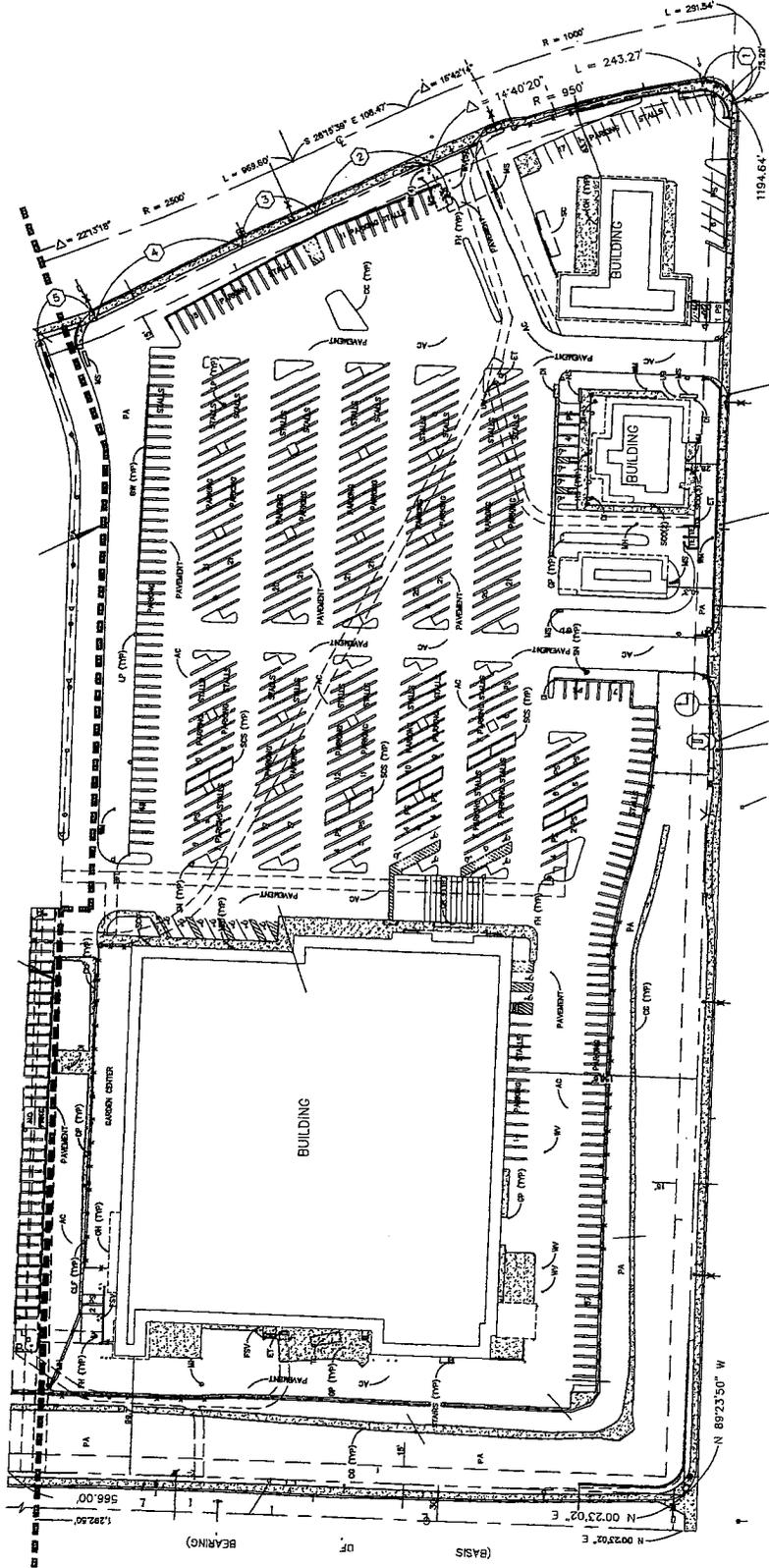
D'ROYCE PETERSON  
 DESIGN & INTERIORS  
 760.420.2364 P  
 760.749.5409 F

TEENART, Y&D UNLIMITED,LLC  
 2241 EL CAMINO REAL  
 OCEANSIDE, CA 92054  
 CONTACT: TONY THOMAS  
 (760) 717-8518

CROSSROADS  
 2241 EL CAMINO REAL  
 OCEANSIDE, CA 92054

DATE	REVISIONS	BY

AGT  
 12/5/12  
 A02



VISTA WAY  
 OF  
 RIGHT  
 DEDICATED  
 PUBLICLY  
 WIDE  
 (84'  
 OF  
 WAY

APPLICATION #: CLIP 12-00018 et seq.

(BASIS)  
 OF  
 BEARING)

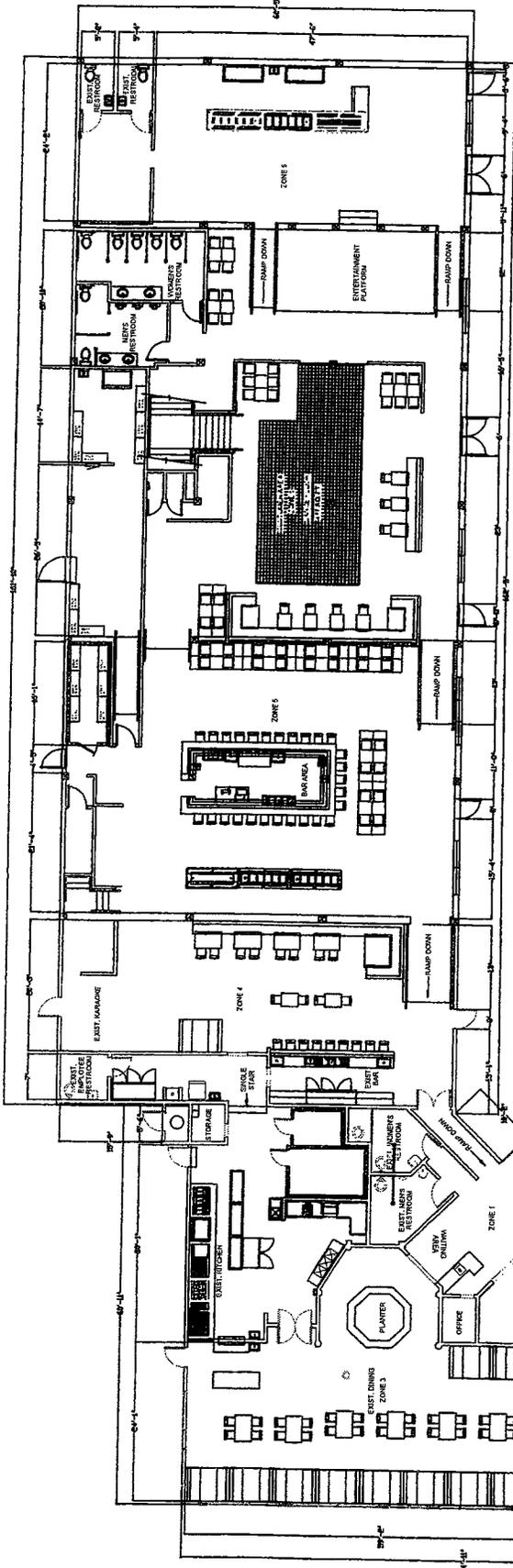
DRUCE PETERSON  
DESIGN & INTERIORS  
760.420.2364 P  
760.749.5409 F

CLIENT: TONY THOMAS  
2241 EL CAMINO REAL  
DCEANSIDE, CA 92054  
CONTACT: TONY THOMAS  
760.717.9518

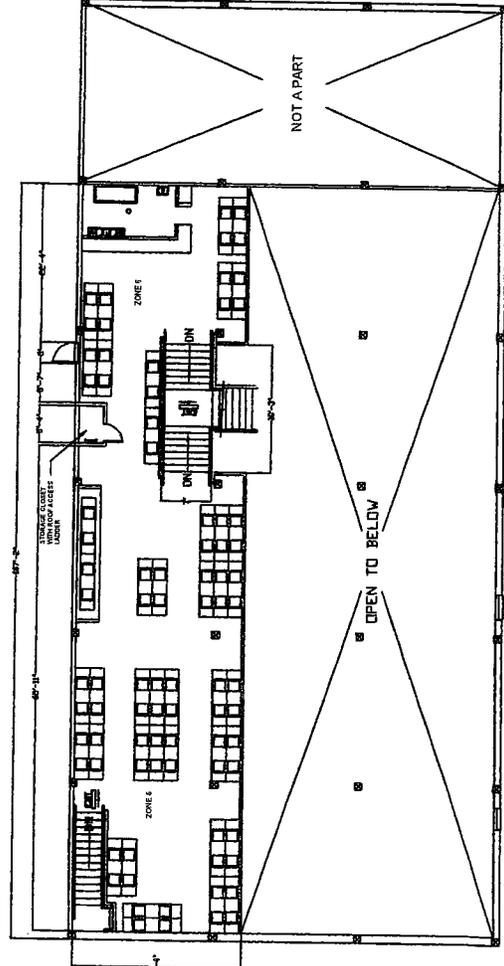
CROSSROADS  
2241 EL CAMINO REAL  
DCEANSIDE, CA 92054

DATE	REVISIONS	BY	AGT
12/21/12	PLAN CHECK CORRECTIONS	AGT	
1/5/13	PLAN CHECK CORRECTIONS	AGT	

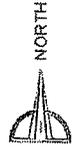
AGT  
8/22/12  
A12



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



2ND FLOOR MEZZANINE  
SCALE: 1/8" = 1'-0"



APPLICATION # CUP 12-00018 et seq

PLANS PREPARED BY: ANTHONY THOMAS  
GENERAL CONTRACTOR  
DCEANSIDE, CA

NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	8/22/12	AGT	
2	ISSUED FOR PERMIT CORRECTIONS	12/21/12	AGT	
3	ISSUED FOR PERMIT CORRECTIONS	1/5/13	AGT	

# Crossroads Restaurant

August 2012  
Draft Management Plan

AUG 30 2012  
DEVELOPMENT

## **Intent and Scope**

This Management Plan is intended to provide a description of the use and operation of the restaurant located at 2241 El Camino Real.

## **General Information**

The Crossroads Restaurant combines suites 2241 and 2237 El Camino Real into a single dining and entertainment complex, seating approximately 700, patrons and employing approximately 10 fulltime staff members and 35 part time staff members. The restaurant is broken down into 7 zones shown on the floor plan.

Zone 1: Reception Area, Main entry point where patrons are greeted by staff, wait for takeout orders or wait to be joined by other members of their party.

Zone 2: Dining Area, over flow dining area

Zone 3: Table Service Area, Patrons will be able to have table service and order of the menu of assorted southern influenced cuisine.

Zone 4: Karaoke Lounge, Location for patrons to enjoy happy hour specials, drinks, televised events and Karaoke.

Zone 5: Main Buffet and Entertainment Area, Large buffet service area featuring bands, comedians, wine tasting events, all you can eat specials and dancing in addition to televised events.

Zone 6: Main Buffet and Entertainment Area Upper Level, The upper level also called The Mezz, of the Main Buffet and entertainment area.

Zone 7: Future project outside Patio Dining Area Rear and Side

## **Use**

The restaurant sells food, beer and wine. Full alcohol beverage service is anticipated.

## Hours of Operation

Crossroads plans to be open 7 days a week as follows:

Monday: 10am-2am with the option to close earlier if warranted .....10am – 6pm Brunch (Zone 2) offering 1, 2, 3 item combination plates to –go or eat in. 10am – 6pm. Full service Dining (Zone3), 10 am- 3:30pm Full bar service w/televised events (Zone 4). Happy Hour Bar Specials 3:30Pm- 7:30pm (Zone4). Karaoke 7:30pm-close (Zone4). Comedy show 7pm till 11pm and All you can eat buffet 6pm-8pm (Zone 5-6)

Tuesday: 10am-2am with the option to close earlier if warranted.....10am – 6pm Brunch (Zone 2) offering 1, 2, 3 item combination plates to –go or eat in. 10am – 6pm. Full service Dining (Zone3),10 am- 3:30pm Full bar service w/televised events (Zone 4). Happy Hour Bar Specials 3:30Pm- 7:30pm (Zone4). Karaoke 7:30pm-close (Zone4). Country Line Dance Class followed by Country Dancing 7pm till 12pm and All you can eat buffet 6pm-8pm (Zone 5-6) Music provided by D.J. and/or Live Band.

Wednesday: 10am-2am with the option to close earlier if warranted.....10am – 6pm Brunch (Zone 2) offering 1, 2, 3 item combination plates to –go or eat in. 10am – 6pm. Full service Dining (Zone3), 10 am- 3:30pm Full bar service w/televised events (Zone 4). Happy Hour Bar Specials 3:30Pm- 7:30pm (Zone4). Karaoke 7:30pm-close (Zone4). Salsa Dance Class followed by Salsa Dancing 7pm till 12pm and All you can eat buffet 6pm-8pm (Zone 5-6) Music provided by D.J. and/or Live Band.

Thursday: 10am-2am with the option to close earlier if warranted.....10am – 6pm Brunch (Zone 2) offering 1, 2, 3 item combination plates to –go or eat in. 10am – 6pm. Full service Dining (Zone3), 10 am- 3:30pm Full bar service w/televised events (Zone 4). Happy Hour Bar Specials 3:30Pm- 7:30pm (Zone4). Karaoke 7:30pm-close (Zone4) Swing Dance Class followed by Swing Dancing 7pm till 12pm and All you can eat buffet 6pm-8pm (Zone 5-6) Music provided by D.J. and/or Live Band

Friday: 10am-2am with the option to close earlier if warranted.....10am – 6pm Brunch (Zone 2) offering 1, 2, 3 item combination plates to –go or eat in. 10am – 6pm. Full service Dining (Zone3), 10 am- 3:30pm Full bar service w/televised events (Zone 4). Happy Hour Bar Specials 3:30Pm- 7:30pm (Zone4). Karaoke 7:30pm-close (Zone4). Jazz Dance Class followed by Jazz Dancing 7pm till 12pm and All you can eat buffet 6pm-8pm (Zone 5-6) Music provided by D.J. and/or Live Band. Last call 1:30am

Saturday: 10am-2am with the option to close earlier if warranted.....10am – 6pm Brunch (Zone 2) offering 1, 2, 3 item combination plates to –go or eat in. 10am – 6pm. Full service Dining (Zone3), 10 am- 3:30pm Full bar service w/televised events (Zone 4). Happy Hour Bar Specials 3:30Pm- 7:30pm (Zone4). Karaoke 7:30pm-close (Zone4). Live Jazz Brunch 12pm-4pm and live Jazz dinner show 7pm- 1am. Last Call 1:30am

Sunday: 10am-2am with the option to close earlier if warranted.....10am – 6pm Brunch (Zone 2) offering 1, 2 & 3 item combination plates to –go or eat in. 10am – 6pm. Full service Dining (Zone3), 10 am- 3:30pm Full bar service w/televised events (Zone 4). Happy Hour Bar Specials 3:30Pm- 7:30pm (Zone4). Karaoke 7:30pm-close (Zone4)). Live Jazz Brunch 12pm-4pm and live Jazz dinner show 7pm- 1am. Last Call 1:30am

### **Special Events**

Weddings, Private Parties, Fundraisers as required.

Monthly: Chicken Fried Comedy Night.....All you can eat Fried Chicken Dinner and Comedy Show. The proceeds will go to the Marine Corps Ball Fund for various Camp Pendleton Commands.

1st Annual Firehouse Chilly Cook off..... The proceeds will go to the local firefighters funds that participate.

California State Talent Quest Karaoke Contest.... The proceeds will fund winners at the National Talent Quest Competition.

Bi weekly: DISCO Night Costume Party with door prizes and giveaways

### **Operations for Restaurant Security**

1. The outside of the premises shall be posted with at least two signs specifying that the consumption of alcohol or possession of open container alcoholic beverages is prohibited, and specifying the any loitering is prohibited. The posting shall be placed on the front and in the parking lot. The Chief of Police shall approve the actual message content and location of the signs prior to posting.
2. The restaurant shall be operated in accordance with Section 23038 et. Seq. of the Business and Professions Codes. As such, the quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period for the entire business operation. Food sales and alcohol sales must be charged separately and shall not be commingled with any other cost or fee. The applicant/licensee shall at all times maintain records which reflect separately the sale of food and the gross sales of alcoholic beverages of the licensed business. For the purposes of this condition, "food" shall mean only food prepared, sold and consumed on premises. Said records shall be kept current on a quarterly basis and shall be made available to the Chief of Police and to the Department of ABC upon demand.
3. The Bureau of Security and Investigative Services shall license all security personnel. The restaurant shall only employ certified card-carrying security personnel , and the cards shall be on each of the security personnel while on the job.
4. All food service employees staffing the premises shall be at least 21 years of age.
5. All employees engaged in the sale or service of alcoholic beverages, all on-site managers, and all security personnel shall be trained and required to attend LEADS training in the safe service of alcohol through a program provided one every two years and approved by the Chief of Police at the Oceanside Police Department or other location assigned by the Chief.

6. Security personnel shall patrol the adjacent parking areas, walkways and vehicular drives to prevent loitering and assure the security of customers. A member of the Security staff shall remain on the premises one-half hour after the close of business.
7. Any graffiti painted or marked upon the premises or any adjacent area shall be removed or painted over within 24 hours of either discovery or notification, whichever is earlier. The repainted area shall be consistent in color with the general surrounding color.
8. Neither interior nor exterior pay telephones shall be capable of receiving incoming calls.
9. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
10. The Chief of Police reserves the right to require additional business security. In addition, the Chief of Police reserves the right to recommend or otherwise effect, further restrictions on the aspects of the approved business operation, including, but not limited to, hours of operation, dance and entertainment, and alcoholic beverage services to prevent recurring violations of laws or recurring violations of the operational restrictions.
11. The interior and exterior of the premises and adjacent areas shall be equipped with real time video surveillance provided by 15 indoor cameras and 9 outside comers with live feeds that can be monitored by the Oceanside Police Department 24/7. We are also installing state of the art intrusion detection systems and fire alert/ suppressions systems with 24 monitoring. Camera locations are subject to the review and approval of the Police Department.
12. The Plan shall be maintained on file with the Chief of Police and the City Planner. Any changes to the Security Management Plan shall be at the discretion of the Chief of Police and must be authorized by the City Planner.
13. From 10am- 3:30pm we will require no outside security support. From 3:30 pm till close or for special functions we will require 1 security officer for every 50 patrons.

### **Demographics**

Crossroads is a multi-dining and entertainment destination. Our Goal is to provide family dining and entertainment geared toward the more mature patron 25+ years of age. Our mainstay in entertainment will always be smooth jazz very similar to the music heard on FM 98.1. This style of music crosses all age, sex and racial boundaries and melodic tones tends to relax patrons more that excite.

### **Parking**

The original project for this location was Rhythm City and needed additional parking to meet requirements. The complex property management worked out an overflow parking agreement with Target shopping center. This agreement remains in place for Crossroads.



### Application for Discretionary Permit

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

#### STAFF USE ONLY

ACCEPTED

8/30/12  
AUG 30 2012

BY

SN  
EM

Please Print or Type All Information

HEARING

#### PART I - APPLICANT INFORMATION

GPA

1. APPLICANT

Y&O UNLIMITED LLC  
DBA CROSSROADS

2. STATUS

OWNER

MASTER/SP.PLAN

ZONE CH.

3. ADDRESS

2241 S. EL CAMINO REAL

4. PHONE/FAX/E-mail

760-722-0552

TENT. MAP

PAR. MAP

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

ANTHONY THOMAS

DEV. PL.

C.U.P.

CUP12 - 00018 Rest/Alcohol

6. ADDRESS

3938 LAKE CIRCLE DR  
FALLBROOK, CA 92028

7. PHONE/FAX/E-mail

760-717-8518

VARIANCE

CUP13 - 00001 Use/Ent

COASTAL

CUP13 - 00002 Land/Ent

#### PART II - PROPERTY DESCRIPTION

O.H.P.A.C.

CUP13 - 00003 Rec. Use/Ent

8. LOCATION

WEST SIDE OF EL CAMINO REAL BETWEEN VIA LAS ROSAS  
AND CAMINO TOWN 2241 EL CAMINO

9. SIZE

10. GENERAL PLAN

CC

11. ZONING

CC

12. LAND USE

13. ASSESSOR'S PARCEL NUMBER

165-013-19

14. LATITUDE

15. LONGITUDE

#### PART III - PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION

EXPANSION OF CROSSROADS RESTAURANT INTO EXISTING, ADJACENT SUITE WITH  
FULL ALCOHOLIC BEVERAGE SERVICE AND LIVE ENTERTAINMENT.

17. PROPOSED GENERAL PLAN

18. PROPOSED ZONING

CC

19. PROPOSED LAND USE

20. NO. UNITS

21. DENSITY

22. BUILDING SIZE

16,183 sq. Ft.

23. PARKING SPACES

468

24. % LANDSCAPE

26%

25. % LOT COVERAGE or FAR

20.7%

#### PART IV - ATTACHMENTS

26. DESCRIPTION/JUSTIFICATION

27. LEGAL DESCRIPTION

28. TITLE REPORT

29. NOTIFICATION MAP & LABELS

30. ENVIRONMENTAL INFO FORM

31. PLOT PLANS

32. FLOOR PLANS AND ELEVATIONS

33. CERTIFICATION OF POSTING

34. OTHER (See attachment for required reports)

#### PART V - SIGNATURES

SIGNATURES FROM 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).

35. APPLICANT OR REPRESENTATIVE (Print):

ANTHONY THOMAS

36. DATE

37. OWNER (Print) OTIS HENDERSON  
CEO/Y&O UNLIMITED

38. DATE

Sign:

Sign:

- I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. FURTHER, I UNDERSTANDING THAT SUBMITTING FALSE STATEMENTS OR INFORMATION IN THIS APPLICATION MAY CONSTITUTE FRAUD, PUNISHABLE IN CIVIL AND CRIMINAL PROCEEDINGS.
- I HAVE READ AND AGREE TO ABIDE BY THE CITY OF OCEANSIDE DEVELOPMENT SERVICES DEPARTMENT AND ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT POLICY NO. 2011-01/POLICY AND PROCEDURE FOR DEVELOPMENT DEPOSIT ACCOUNT ADMINISTRATION.

## DESCRIPTION AND JUSTIFICATION

05 30 2012

Crossroads Restaurant

D. L.

### Conditional Use Permit Application

The application is for a Conditional Use Permit for alcoholic beverage service and live entertainment at 2241 El Camino Real in the Community Commercial (CC) Zone.

The applicant intends to re-vitalize a corner of an existing shopping center located on the west side of El Camino Real between El Camino Towne and Via de Las Rosas. The center is characterized by a number of vacant spaces, and this use could begin a process of revitalization.

The interior of the building was designed for restaurant use and was previously occupied by Chin's Restaurant and In Cahoots. The proposed use for Crossroads Restaurant would combine the two areas into one. The use would be re-established with internal remodeling to bring the design into compliance with the latest code standards including those for accessibility. There are plans to clean up and re-paint the exterior of the building (with the existing color scheme) to improve the appearance of the center.

The 7616 sq. ft. ground floor space (plus a 2583 sq. ft. "mezzanine") has been vacant since its use in the mid 90's when In Cahoots left. The 5984 sq. ft. ground floor space previously occupied by Chin's Restaurant has been vacant for approximately 12 months. The site is in the shopping center at the corner just north of Target and shares a driveway (El Camino Towne) with that portion of the complex. There is additional access from Via de Las Rosas. The center was designed with adequate parking for the business sizes and uses.

The site is zoned Community Commercial (CC). The purpose of the Community Commercial District is:

"To provide sites for Commercial centers containing a wide variety of commercial establishments including businesses selling home furnishings, apparel, durable goods and specialty items and generally having a city-wide market area. Support facilities such as entertainment and eating and drinking establishments are permitted subject to certain limitations to avoid adverse effects on adjacent uses."

The Community Commercial Zone allows eating and drinking establishments with full alcohol beverage service and live entertainment with a Conditional Use Permit.

The center was designed in the 1970's in conjunction with El Camino North, which borders Highway 78 west of El Camino Real. The overall complex has since been assumed by separate owners and revitalization has taken place during the last 10 years with many of the buildings in the sections adjacent to the freeway being replaced and/or undergoing major renovations. The improvements undertaken for this new restaurant will continue that revitalization process into this particular corner of the adjacent properties.

A draft "Management Plan" is being presented with this application. Modeled on other approved by the Police and Planning Departments, this proposes security measures to preserve the safety of the area and the patrons.

The required findings for approving a Use Permit and the justification for each are:

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

The center is in the Community Commercial Zone (CC) designed for a range of commercial uses.

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

The building will be revitalized as a restaurant to add to the welfare and convenience of the neighborhood. A management plan has been prepared to confirm the security of the business. Adding this service will not be detrimental to properties or improvements in the vicinity.

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

Conditions will be attached to the resolution approving this use, and the applicant will abide by the conditions.

**EXHIBIT A****15334**

PARCEL 1: (APN: 165-013-02)

PARCEL E OF PARCEL MAP NO. 4110, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING A DIVISION OF A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO OFFICIAL PLAT THEREOF.

PARCEL 2: (APN: 165-013-09 & 10)

PARCELS C1 AND C2 OF PARCEL MAP NO. 4661, 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, BEING A DIVISION OF PARCEL C OF PARCEL MAP NO. 4110, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO OFFICIAL PLAT THEREOF.

PARCEL 3: (APN: 165-013-07)

PARCEL "B" OF PARCEL MAP NO. 4110, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING A DIVISION OF A PORTION OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO OFFICIAL PLAT THEREOF.

PARCEL 4: (APN: 165-013-13 THRU 23)

PARCELS 1 THROUGH 11 INCLUSIVE OF PARCEL MAP NO. 8828, 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 14, 1979 AS FILE NO. 1979-251889 OF OFFICIAL RECORDS.



**NOTICE OF EXEMPTION**  
City of Oceanside, California

Post Date:  
Removal:  
(180 days)

1. **APPLICANT:** Y & O Unlimited LLC. DBA Crossroads
2. **ADDRESS:** 2241 S. El Camino Real, Oceanside, CA.
3. **PHONE NUMBER:** (760) 722-0552
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Amy Fousekis, Principal Planner
6. **PROJECT TITLE:** CUP12-00018, CUP13-00001, CUP13-00002, CUP13-00003  
(Crossroads Restaurant)

**7. DESCRIPTION:** Conditional Use Permits (CUP12-00018, CUP13-00001, CUP13-00002, CUP13-00003) pertain to the establishment and operation of an eating and drinking establishment with full alcoholic beverage service, live entertainment, and dancing (regulated use) and requiring a waiver of locational requirements for siting a regulated use closer than 1,000 feet to another regulated use and to residential uses at 2241 S. El Camino Real. Situated within the Fire Mountain Neighborhood Planning Area, the subject property has a General Plan land use designation of Community Commercial (CC) and a zoning designation of Community Commercial (CC).

**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 this review, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- The project is categorically exempt as a Section 15301, Class 1, "Existing facilities that will not involve expansion beyond what exist on-site at this time";
- "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, \_\_\_\_\_ (Sections 15260-15277); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Date: March 11, 2013

Richard Greenbauer, Senior Planner

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