



# AGENDA NO. 3

**PLANNING COMMISSION**

**STAFF REPORT**

DATE: May 6, 2013

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP13-00008) TO ESTABLISH AND OPERATE AN ANIMAL GROOMING FACILITY IN A 2,112-SQUARE-FOOT BUILDING THAT IS PART OF THE SOUTHWEST PLAZA SHOPPING CENTER LOCATED AT 3882 MISSION AVENUE, WITHIN THE SAN LUIS REY NEIGHBORHOOD – SURFSIDE ANIMAL GROOMING – APPLICANT: GARY HAVER**

## **RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 1 categorical exemption for “Existing Facilities”; and,
- (2) Adopt Planning Commission Resolution No. 2013-P24 approving Conditional Use Permit (CUP13-00008) with findings and conditions of approval attached herein.

## **PROJECT DESCRIPTION AND BACKGROUND**

**Background:** On January 11, 2010, the Planning Commission adopted PC Resolution No. 2010-P05 approving Conditional Use Permit (CUP09-00016) and allowing the establishment and operation of the Surfside Animal Hospital at 3876 Mission Avenue. The applicant Surfside Animal Hospital LLC. is now requesting to expand their facilities to include the addition of an Animal Grooming facility within a freestanding building located at 3882 Mission Avenue immediately adjacent to the Animal Hospital.

**Site Review:** The site is located north of Mission Avenue and east of North El Camino Real, within the eastern portion of the Southwest Plaza Shopping Center. The center is comprised of eight freestanding buildings and fully developed with all necessary site improvements. Surfside Animal Grooming would occupy a 2,112-square-foot freestanding building immediately east of the Surfside Animal Hospital and would conduct the subject use solely within the interior of the building. No exterior dog runs or exterior facilities are proposed as part of this subject application. The building proposed for establishment of the animal grooming facility is currently empty and was previously occupied by a flower shop.

The property is zoned Special Commercial Limited with a Historic Overlay (CS-L-H) on the City of Oceanside Zoning Map, and is designated Special Commercial (SC) on the General Plan Land Use Map. The establishment of an Animal Grooming Facility within a Special Commercial Limited zoned commercial center requires discretionary review and approval of a Conditional Use Permit.

Surrounding land uses adjacent to the Southwest plaza Shopping Center include a Mobile Home Park immediately adjacent to the center on the north and east, and commercial uses to the south and west across Mission Avenue and North El Camino Real.

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

Conditional Use Permit (CUP13-00008) represents a request for the following:

- (a) To permit the establishment of an Animal Grooming Facility within a Special Commercial Limited with a Historic Overlay (CS-L-H) zoned commercial center located at 3882 Mission Avenue.

The subject grooming facility would operate in conjunction with the existing animal hospital that currently operates as a full-service veterinary hospital providing medical services, vaccinations, and surgical services for dogs, cats, and other small animals. No boarding of animals is proposed as part of this application, and the only animal boarding that would occur on-site would be associated with animals brought on-site for veterinary services and recovery care.

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

- 1. Zoning Ordinance
- 2. General Plan Land Use Element
- 3. California Environmental Quality Act (CEQA)

**ANALYSIS**

**KEY PLANNING ISSUES**

**1. General Plan conformance**

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

**A. Land Use Element**

**Goal 1.11: Balanced Land Use**

Objective: To develop and use lands for the long-term provision of 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 use so as to foster a sense of neighborhood, community, and regional identity.

Surrounding land uses include a combination of commercial retail, personal improvement services, office type uses, and commercial retail facilities along with a significant amount of residential to the north. The proposed land use has been reviewed and analyzed by staff to ensure that the addition of an animal grooming facility in conjunction with the existing animal hospital use would not adversely impact the existing commercial center or surrounding commercial and residential zones. The neighboring commercial centers and the Southwest Plaza Center are established with a wide variety of commercial uses including Pet Stores. Establishment and operation of an animal grooming facility in conjunction with an animal hospital has been determined by staff to provide an overall balance of goods and services in close proximity to the residential areas of the San Luis Rey Neighborhood and Oceanside community as a whole. Furthermore, the subject animal grooming would only operate within the interior portions of the building and no boarding is proposed; therefore, eliminating any potential noise issues for the adjacent mobile home park.

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 proposed use has been reviewed and analyzed to ensure that traffic impacts and parking deficiencies would not arise. Trip generation for the subject use has been determined by staff to be consistent with the overall intensity of development of the site. The subject expansion of the animal hospital use to include a grooming component would generate significantly less daily trips than other commercial type uses that could be allowed by right.

## **2. Zoning Compliance**

This project site is located within the San Luis Rey Neighborhood on a Special Commercial Limited with a Historic Overlay (CS-L-H) zoned parcel, and subject to approval of a conditional use permit is consistent with the requirements of the zone district pertinent to animal grooming type uses. No exterior modifications are proposed as part of this application and the site is fully developed with all required infrastructure to support the animal grooming use.

## **ENVIRONMENTAL DETERMINATION**

Planning Division staff has completed a preliminary review of this project in accordance with the California Environmental Quality Act (CEQA), 1970. Base upon that review,

staff has determined that the proposed project is categorically exempt pursuant to Article 19, Section 15301.Existing Facilities, Class 1 (a), of the California Environmental Quality Act.

## **PUBLIC NOTIFICATION**

Pursuant to Article 41 of the Oceanside Zoning Ordinance, Legal notice was published in the paper and notices were sent to property owners of record/and occupants within a 300-foot radius of the subject property, to individuals/organizations requesting notification, and to the applicant. Copies of this agenda item have been mailed to the applicant and their representative. As of May 1, 2013, no written comments from the public have been received.

## **SUMMARY**

The request for approval of a Conditional Use Permit to allow the expansion of an existing Animal Hospital to include an Animal Grooming operation within a special commercial limited retail center is consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project meets all applicable development standards and will not impact existing land uses in the immediate area. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached resolution.

Staff recommends that the Planning Commission by motion:

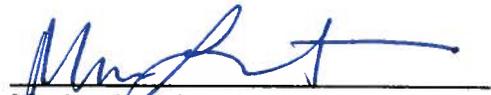
- (1) Confirm issuance of a Class 1 categorical exemption for "Existing Facilities"; and,
- (2) Adopt Planning Commission Resolution No. 2013-P24 approving Conditional Use Permit (CUP13-00008) with findings and conditions of approval attached herein.

PREPARED BY:



Richard Greenbauer  
Senior Planner

SUBMITTED BY:



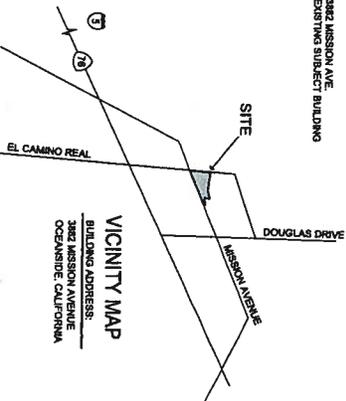
Marisa Lundstedt  
City Planner

ML/RG/fil

Attachments:

1. Floor/Site Plans
2. Planning Commission Resolution No. 2013-P24
3. Planning Commission Resolution No. 2010-P05

# PROJECT: INTERIOR REMODEL OF EXISTING BUILDING for SURFSIDE ANIMAL GROOMING FACILITY at 3882 MISSION AVENUE OCEANSIDE, CALIFORNIA



**RECEIVED**  
FEB 28 2013  
CITY OF OCEANSIDE  
DEVELOPMENT SERVICES

### PROJECT DATA

- ASSessor PARCEL NO. 154-092-020
  - OCCUPANCY B (ANIMAL GROOMING)
  - TYPE OF CONSTRUCTION V-A NON SPREADER
  - BUILDING HEIGHT 1 STORY
  - ZONING DESIGNATION RCL (SPECIAL COMMERCIAL)
  - LOT AREA 181,964 SQ. FT.
  - LOT COVERAGE
  - ALLOWABLE 141,748 SQ. FT. (75%)
  - EXISTING 34,320 SQ. FT. (18%)
  - EXISTING BUILDING AREA 2112 SQUARE FEET
  - PARKING REQUIRED PARKING 1 PER 400 SF = 5 STALL
  - PARKING PROVIDED 5 STALLS
- \* NOTE: SEE SHEET A-4 FOR PARKING LAYOUT

### LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS: PARCELS 1 AND 4 OF PARCEL MAP NO. 8023, IN THE CITY OF OCEANSIDE, CALIFORNIA, AS SHOWN ON THE PARCEL MAP, FILED IN THE OFFICE OF THE COUNTY RECORDER IN SAN DIEGO COUNTY ON JUNE 18, 1975 AS FILE NO. 78-231880 OF OFFICIAL RECORDS.

Assessor's Parcel Number: 154-092-02

### PROJECT DESCRIPTION

PER CITY ZONING ORDINANCE SECTION 1604 WE WOULD LIKE TO USE FOR AN INTERIOR REMODEL TO EXISTING COMMERCIAL USE PERMIT CDRP-00018 TO USE THE PROPOSED ESTABLISHMENT WOULD BE IN A 2112 SQUARE FOOT FREE STANDING BUILDING ADJACENT TO THE ANIMAL HOSPITAL. THE PROPOSED USE WILL OFFER BATHING AND TRAINING SERVICES FOR ANIMALS ON A COMMERCIAL BASIS.

### DRAWING INDEX

No.	Description	Date
A-1	COVER SHEET AND PROJECT DATA	
A-2	OVERALL SITE PLAN OF THE ENTIRE CENTER	
A-3	ENLARGED SITE PLAN OF SUBJECT BUILDING	
A-4	FLOOR PLAN AND ROOF PLAN	
A-5	EXTERIOR ELEVATIONS	
A-6	EXTERIOR ELEVATIONS	

### PROJECT TEAM

- OWNER  
MISSION CANAL LLC  
540 BOX 72283  
SAN DIEGO, CA 92172
- TENANT:  
SURFSIDE ANIMAL GROOMING FACILITY  
Oceanside, CA 92038  
Ph. 760-435-6500 (Dr. Gary Hewer)  
E-MAIL: surfside@aol.com
- ARCHITECT:  
ANDY PEREZ & ASSOCIATES (APA)  
2070 BUSINESS CENTER DRIVE, SUITE 102  
IRVINE, CA 92612  
Ph. 949-453-1387  
FAX: (949) 756-1387  
E-MAIL: ANDY@APA@SBCGLOBAL.NET



Andy Perez & Associates

2070 BUSINESS CENTER DRIVE, SUITE 102  
Irvine, California 92612  
Ph. (949) 756-1383

Project Name:  
CUP SUBMITTAL for  
SURFSIDE ANIMAL GROOMING  
FACILITY at

3882 MISSION AVENUE  
OCEANSIDE, CA

Owner:

Sheet Title:  
COVER SHEET and  
PROJECT DATA

Revisions:

No.	Description	Date
1	157 SUBMITTAL	2-27-2013

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Job Number:  
Date:  
Drawn:  
Sheet No.

A-1



Andy Perez & Associates

2700 BUSINESS CENTER DRIVE, SUITE 102  
IRVINE, CALIFORNIA 92612  
PH. (949) 756-1343

Project Name:  
CUP SUBMITTAL for  
SURRESIDE ANIMAL GROOMING  
FACILITY at  
3882 MISSION AVENUE  
OCEANSIDE, CA

Owner:

Sheet Title:  
EXISTING OVERALL SITE PLAN

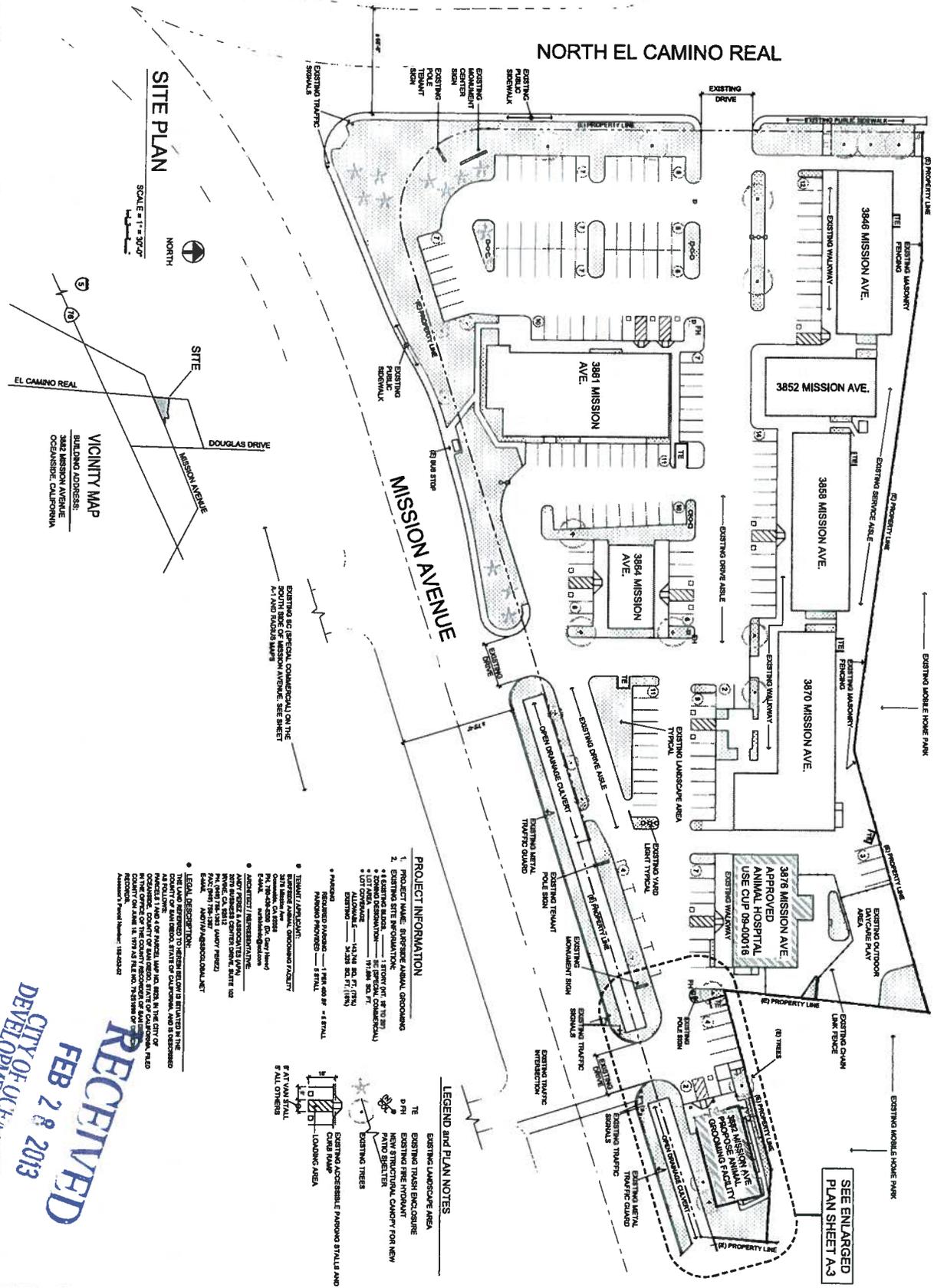
Revisions:

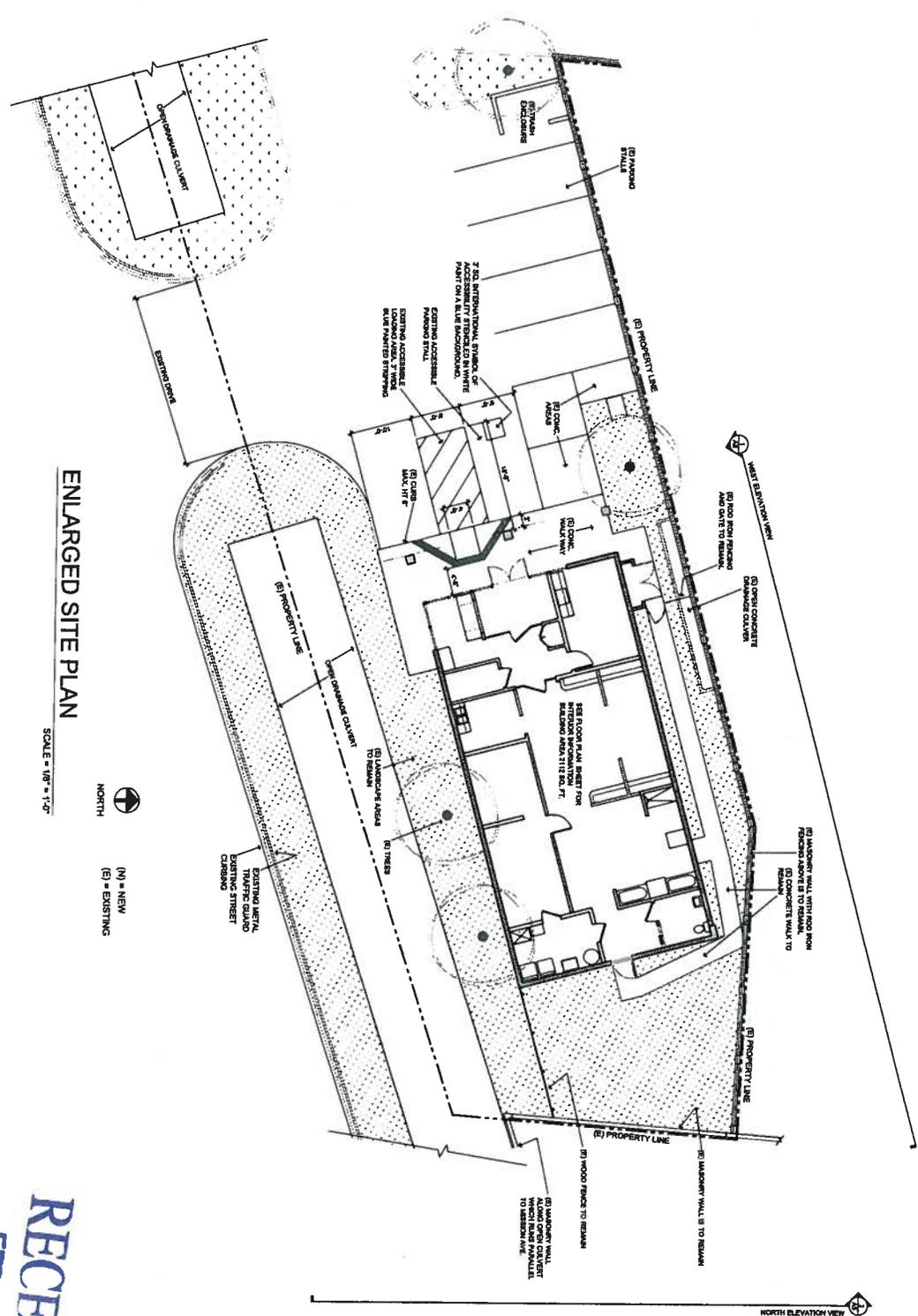
No.	Description	Date
1	PREL SUBMITTAL	2/27/2013
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Job Number:  
Date:  
Drawn:  
Sheet No.

A-2





**ENLARGED SITE PLAN**

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

(N) = NEW  
(E) = EXISTING

**RECEIVED**  
**FEB 28 2013**  
 CITY OF OCEANSIDE  
 DEVELOPMENT SERVICES



Andy Perez & Associates

3700 BUSINESS CENTER DRIVE, SUITE 102  
 Irvine, California 92612  
 Ph. (949) 756-1383

Project Name:  
 CUP SUBMITTAL for  
 SUPERSIDE ANIMAL GROOMING  
 FACILITY at

3882 MISSION AVENUE  
 OCEANSIDE, CA

Owner:

Sheet Title:  
 ENLARGED SITE PLAN at  
 SUBJECT BUILDING

Revisions:

No.	Description	Date
1	PRELIMINARY	2/27/2013

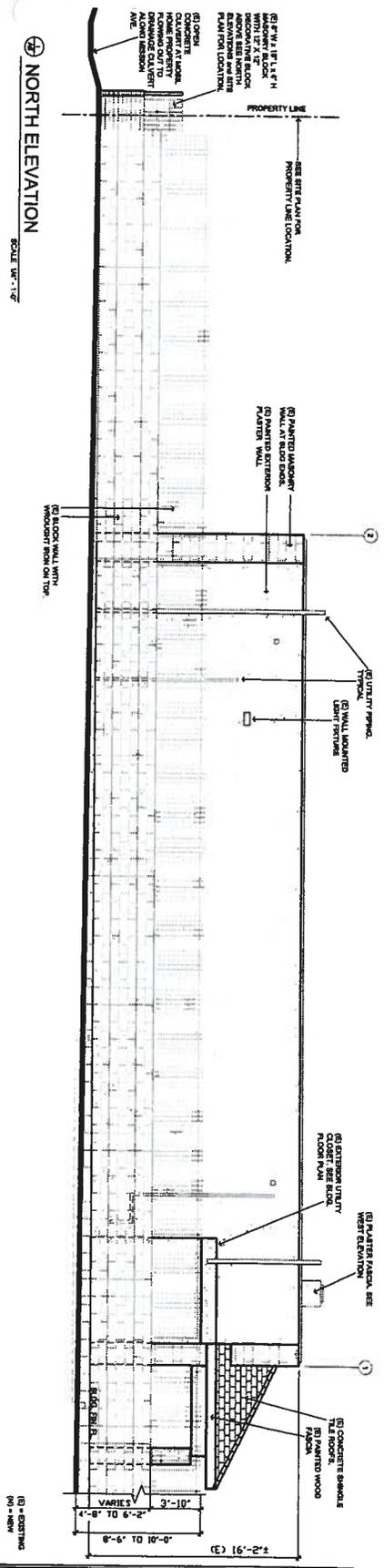
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 Date:  
 Drawn:  
 Sheet No.

A-3







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 CITY OF OCEANSIDE  
 DEVELOPMENT SERVICES



Andy Perez & Associates

2070 BUSINESS CENTER BLVD, SUITE 102  
 Irvine, California 92612  
 Ph. (949) 750-1383

Project Name:  
 CUP SUBMITTAL FOR  
 SUPERSIDE ANIMAL GROOVING  
 FACILITY at

3882 MISSION AVENUE  
 OCEANSIDE, CA

Owner:

Sheet Title:  
 EXTERIOR ELEVATIONS

Revisions:

No.	Description	Date
1	REVISED SITE	1-15-2013

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Job Number:  
 Date:  
 Drawn:  
 Sheet No.

A-6

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2013-P24

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

---

6 APPLICATION NO: CUP13-00008  
7 APPLICANT: Surfside Animal Hospital LLC.  
8 LOCATION: 3882 Mission Avenue

---

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

11 WHEREAS, there was filed with this Commission a verified petition on the forms  
12 prescribed by the Commission requesting a Conditional Use Permit under the provisions of  
13 Articles 11, 30, 40 & 41 of the Zoning Ordinance of the City of Oceanside to permit the following:  
14 establishment and operation of an Animal Grooming Facility entirely within an existing  
15 2,112-square-foot freestanding commercial retail building;  
16 on certain real property described in the project description.

17 WHEREAS, the Planning Commission, after giving the required notice, did on the 6<sup>th</sup> day  
18 of May, 2013, conduct a duly advertised public hearing as prescribed by law to consider said  
19 application;

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

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

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

27 FINDINGS:

28 For the Conditional Use Permit:

- 29 1. That the proposed location of the animal grooming use is in accordance with the  
objectives of the Zoning Ordinance and the purposes of the district in which the site is

1 located, because an animal grooming type land use solely operating within an enclosed  
2 retail building is permitted subject to approval of a conditional use permit.

3 2. That the proposed location of the animal grooming use and the proposed conditions  
4 under which it would be operated or maintained will be consistent with the General  
5 Plan goal for balanced land uses that foster a sense of community, will not be  
6 detrimental to the public health, safety, welfare of persons residing or working in or  
7 adjacent to the neighborhood of such use, and will not be detrimental to properties or  
8 improvements in the vicinity or to the general welfare of the City due to the fact that the  
9 animal grooming use will be solely operated within the interior portions of an existing  
10 freestanding building and no outdoor dog runs or kennel areas are proposed as part of  
11 this application.

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

15 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
16 approve Conditional Use Permit (CUP13-00008) subject to the following conditions:

17 **Fire Prevention:**

- 18 1. Fire extinguishers are required and shall be included on the plans submitted for plan  
19 check.  
20 2. Plans shall be submitted to the Fire Prevention Bureau for plan check review and  
approval prior to the issuance of building permits.

21 **Planning:**

- 22 3. This Conditional Use Permit approves only the establishment of an Animal Grooming  
23 Facility within an existing 2,112-square-foot commercial retail building in conjunction  
24 with the existing Animal Hospital use on site, and shall expire on May 6, 2015 unless  
implemented per City Code.  
25 4. Planning Commission Resolution No. 2010-P05 is not replaced by this resolution. The  
26 conditions herein augment the existing entitlements rendered by the Planning Commission  
27 on January 11, 2010. If there is any inconsistency between the conditions in Resolution  
28 No. 2010-P05 and any other previous conditions, this resolution's conditions shall prevail.  
29

- 1 5. No exterior dog runs or boarding facilities shall be located on-site as part of this  
2 Conditional Use Permit.
- 3 6. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
4 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
5 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
6 annul an approval of the City, concerning Conditional Use Permit (CUP13-00008). The  
7 City will promptly notify the applicant of any such claim, action or proceeding against  
8 the City and will cooperate fully in the defense. If the City fails to promptly notify the  
9 applicant of any such claim action or proceeding or fails to cooperate fully in the  
10 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold  
11 harmless the City.
- 12 7. A covenant or other recordable document approved by the City Attorney shall be prepared  
13 by the applicant and recorded prior to the issuance of a building permit. The covenant  
14 shall provide that the property is subject to this resolution, and shall generally list the  
15 conditions of approval. The covenant shall provide that the property is subject to this  
16 resolution, and shall generally list the conditions of approval.
- 17 8. Prior to the transfer of ownership and/or operation of the site the owner shall provide a  
18 written copy of the applications, staff report and resolutions for the project to the new  
19 owner and/or operator. This notification's provision shall run with the life of the project  
20 and shall be recorded as a covenant on the property.
- 21 9. Failure to meet any conditions of approval for this Conditional Use Permit shall constitute  
22 a violation of the Conditional Use Permit.
- 23 10. The Conditional Use Permit shall be called for review by the Planning Commission if  
24 complaints are filed and verified as valid by the City Planner or the Code Enforcement  
25 Officer concerning the violation of any of the approved conditions or the project  
26 assumptions demonstrated under the application approval.
- 27 11. Unless expressly waived, all current zoning standards and City ordinances and policies in  
28 effect at the time building permits are issued are required to be met by this project. The  
29 approval of this project constitutes the applicant's agreement with all statements in the  
Description and Justification and other materials and information submitted with this  
application, unless specifically waived by an adopted condition of approval.

1 **Water Utilities:**

2 **General conditions:**

- 3 12. The developer will be responsible for developing all water and sewer utilities necessary to  
4 develop the property. Any relocation of water and/or sewer utilities is the responsibility of  
5 the developer and shall be done by an approved licensed contractor at the developer's  
6 expense.
- 7 13. The property owner shall maintain private water and wastewater utilities located on private  
8 property.
- 9 14. All Water and Wastewater construction shall conform to the most recent edition of the  
10 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by  
11 the Water Utilities Director.

12 **The following conditions shall be met prior to the approval of engineering design plans:**

- 13 15. In accordance with the 2010 California Plumbing Code, Chapter 10, a strainer/interceptor  
14 with a wire basket or similar device that is removable for cleaning shall be installed to catch  
15 possible pet hair from being discharged into the sewer system. Please provide specs on the  
16 wire basket or similar device for approval by the Water Utilities Department.
- 17 16. All public water and/or sewer facilities not located within the public right-of-way shall be  
18 provided with easements sized according to the Water, Sewer, and Reclaimed Water  
19 Design and Construction Manual. Easements shall be constructed for all weather access.
- 20 17. No trees, structures or building overhang shall be located within any water or wastewater  
21 utility easement.
- 22 18. All lots with a finish pad elevation located below the elevation of the next upstream  
23 manhole cover of the public sewer shall be protected from backflow of sewage by installing  
24 and maintaining an approved type backwater valve, per the Uniform Plumbing Code  
25 (U.P.C.).
- 26 19. If additional landscaping is required, then a separate irrigation meter and approved  
27 backflow prevention device is required and shall be displayed on the plans.
- 28 20. An Inspection Manhole, described by the Water, Sewer, and Reclaimed Water Design and  
29 Construction Manual, shall be installed in each building sewer lateral and the location shall  
be called out on the approved Improvement Plans.

1 **The following conditions of approval shall be met prior to building permit issuance:**

- 2 21. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to  
3 be paid to the City and collected by the Water Utilities Department at the time of Building  
4 Permit issuance.
- 5 22. All Water Utilities Fees are due at the time of building permit issuance per City Code  
6 Section 32B.7, unless the developer/applicant applies and is approved for a deferral of all  
7 fees per City of Oceanside Ordinance No. 09-OR0676-1

8 **Building:**

- 9 23. The granting of approval under this action shall in no way relieve the applicant/project  
10 from compliance with all Current State and local building codes. This project shall be  
11 designed to the 2010 California Green Building Standards Code.
- 12 24. The Project must be designed to meet current State of California Accessibility Codes.
- 13 25. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance)  
14 and shall be shielded appropriately. Where color rendition is important high-pressure  
15 sodium, metal halide or other such lights may be utilized and shall be shown on final  
16 building and electrical plans.
- 17 26. The developer shall monitor, supervise and control all building construction and  
18 supportive activities so as to prevent these activities from causing a public nuisance,  
19 including, but not limited to, strict adherence to the following:
- 20 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
21 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for  
22 work that is not inherently noise-producing. Examples of work not permitted on  
23 Saturday are concrete and grout pours, roof nailing and activities of similar  
24 noise-producing nature. No work shall be permitted on Sundays and Federal  
25 Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving  
26 Day, and Christmas Day) except as allowed for emergency work under the  
27 provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).
- 28 b) The construction site shall be kept reasonably free of construction debris as  
29 specified in Section 13.17 of the Oceanside City Code. Storage of debris in  
approved solid waste containers shall be considered compliance with this

1 requirement. Small amounts of construction debris may be stored on-site in a  
2 neat, safe manner for short periods of time pending disposal.

3 PASSED AND ADOPTED Resolution No. 2013-P24 on May 6, 2013 by the following

4 vote, to wit:

5 AYES:

6 NAYS:

7 ABSENT:

8 ABSTAIN:

9 \_\_\_\_\_  
10 Robert Neal, Chairperson  
Oceanside Planning Commission

11 ATTEST:

12  
13 \_\_\_\_\_  
14 Marisa Lundstedt, Secretary

15 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify  
16 that this is a true and correct copy of Resolution No. 2013-P24.

17  
18 Dated: May 6, 2013

19  
20 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may  
21 be required as stated herein:

22 \_\_\_\_\_  
23 Applicant/Representative

\_\_\_\_\_ Date

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PLANNING COMMISSION  
RESOLUTION NO. 2010-P05

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

---

APPLICATION NO: CUP09-00016  
APPLICANT: Surfside Animal Hospital  
LOCATION: 3876 Mission Avenue

---

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Conditional Use Permit under the provisions of Articles 11, 30, 40 & 41 of the Zoning Ordinance of the City of Oceanside to permit the following:  
establishment and operation of an Animal Hospital entirely within an existing 3,768-square foot freestanding commercial retail building;  
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 11<sup>th</sup> day of January, 2010, 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 (a), Existing Facilities;

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

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

1 **FINDINGS:**

2 **For the Conditional Use Permit:**

- 3 1. That the proposed location of the animal hospital use is in accordance with the  
4 objectives of the Zoning Ordinance and the purposes of the district in which the site is  
5 located, subject to approval of a conditional use permit.
- 6 2. That the proposed location of the animal hospital use and the proposed conditions under  
7 which it would be operated or maintained will be consistent with the General Plan goal  
8 for balanced land uses that foster a sense of community, will not be detrimental to the  
9 public health, safety, welfare of persons residing or working in or adjacent to the  
10 neighborhood of such use, and will not be detrimental to properties or improvements in  
11 the vicinity or to the general welfare of the City due to the fact that the veterinary use  
12 will be solely operated within the interior portions of an existing freestanding building  
13 and no outdoor dog runs or kennel areas are proposed as part of this application.
- 14 3. That the proposed conditional use will comply with the provisions of the Zoning  
15 Ordinance, including any specific condition required for the proposed conditional use  
16 in the district in which it would be located.

17 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
18 approve Conditional Use Permit (CUP09-00016) subject to the following conditions:

19 **Fire Prevention:**

- 20 1. A "Knox" key storage box shall be provided for all new construction.
- 21 2. Fire extinguishers are required and shall be included on the plans submitted for plan  
22 check.
- 23 3. Plans shall be submitted to the Fire Prevention Bureau for plan check review and  
24 approval prior to the issuance of building permits.

25 **Planning:**

- 26 4. This Conditional Use Permit approves only the establishment of an Animal Hospital use  
27 within an existing 3,768-square foot commercial retail building, and shall expire on  
28 January 11, 2013 unless implemented per City Code.
- 29 5. No exterior dog runs or boarding facilities shall be located on site as part of this  
Conditional Use Permit.

- 1 6. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
2 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
3 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
4 annul an approval of the City, concerning Conditional Use Permit (CUP09-00016). The  
5 City will promptly notify the applicant of any such claim, action or proceeding against  
6 the City and will cooperate fully in the defense. If the City fails to promptly notify the  
7 applicant of any such claim action or proceeding or fails to cooperate fully in the  
8 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold  
9 harmless the City.
- 10 7. A covenant or other recordable document approved by the City Attorney shall be prepared  
11 by the applicant and recorded prior to the issuance of a building permit. The covenant  
12 shall provide that the property is subject to this resolution, and shall generally list the  
13 conditions of approval. The covenant shall provide that the property is subject to this  
14 resolution, and shall generally list the conditions of approval.
- 15 8. Prior to the transfer of ownership and/or operation of the site the owner shall provide a  
16 written copy of the applications, staff report and resolutions for the project to the new  
17 owner and/or operator. This notification's provision shall run with the life of the project  
18 and shall be recorded as a covenant on the property.
- 19 9. Failure to meet any conditions of approval for this Conditional Use Permit shall constitute  
20 a violation of the Conditional Use Permit.
- 21 10. The Conditional Use Permit shall be called for review by the Planning Commission if  
22 complaints are filed and verified as valid by the City Planner or the Code Enforcement  
23 Officer concerning the violation of any of the approved conditions or the project  
24 assumptions demonstrated under the application approval.
- 25 11. Unless expressly waived, all current zoning standards and City ordinances and policies in  
26 effect at the time building permits are issued are required to be met by this project. The  
27 approval of this project constitutes the applicant's agreement with all statements in the  
28 Description and Justification and other materials and information submitted with this  
29 application, unless specifically waived by an adopted condition of approval.

1 **Water Utilities:**

2 **General conditions:**

- 3 12. The developer will be responsible for developing all water and sewer utilities necessary to  
4 develop the property. Any relocation of water and/or sewer utilities is the responsibility of  
5 the developer and shall be done by an approved licensed contractor at the developer's  
6 expense.
- 7 13. The property owner shall maintain private water and wastewater utilities located on private  
8 property.
- 9 14. All Water and Wastewater construction shall conform to the most recent edition of the  
10 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by  
11 the Water Utilities Director.

12 **The following conditions shall be met prior to the approval of engineering design plans:**

- 13 15. All public water and/or sewer facilities not located within the public right-of-way shall be  
14 provided with easements sized according to the Water, Sewer, and Reclaimed Water  
15 Design and Construction Manual. Easements shall be constructed for all weather access.
- 16 16. No trees, structures or building overhang shall be located within any water or wastewater  
17 utility easement.
- 18 17. All lots with a finish pad elevation located below the elevation of the next upstream  
19 manhole cover of the public sewer shall be protected from backflow of sewage by installing  
20 and maintaining an approved type backwater valve, per the Uniform Plumbing Code  
(U.P.C.).

21 //////////////

22 //////////////

23 //////////////

24 //////////////

25 //////////////

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

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

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

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

1 **The following conditions of approval shall be met prior to building permit issuance:**

2 18. In accordance with the 2007 California Plumbing Code, Chapter 10, a strainer/interceptor  
3 with a wire basket or similar device that is removable for cleaning shall be installed to catch  
4 possible pet hair from being discharged into the sewer system. Please provide specs on the  
5 wire basket or similar device for approval by the Water Utilities Department.

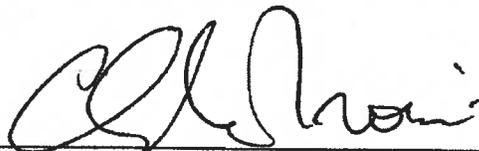
6 PASSED AND ADOPTED Resolution No. 2010-P05 on January 11, 2010 by the  
7 following vote, to wit:

8 AYES: Troisi, Neal, Balma, Martinek, Bertheaud, Rosales and Scrivener

9 NAYS: None

10 ABSENT: None

11 ABSTAIN: None

12   
13 Claudia Troisi, Chairperson  
Oceanside Planning Commission

14 ATTEST:

15   
16 Jerry Hittleman, Secretary

17  
18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
19 this is a true and correct copy of Resolution No. 2010-P05.

20 Dated: January 11, 2010

21  
22 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may  
23 be required as stated herein:  
24

25 \_\_\_\_\_  
26 Applicant/Representative

\_\_\_\_\_ Date

PRELIMINARY REPORT

Ticor Title Company  
ORDER NO.: 2244 853-CD

**LEGAL DESCRIPTION**

**EXHIBIT "A"**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCELS 1 AND 4 OF PARCEL MAP NO. 8829, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JUNE 18, 1979 AS FILE NO. 79-251890 OF OFFICIAL RECORDS.

Assessor's Parcel Number: **158-052-02**



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

Post Date:  
Removal:  
(180 days)

1. **APPLICANT:** Surfside Animal Hospital LLC
2. **ADDRESS:** 3876 Mission Ave., Oceanside CA 92057
3. **PHONE NUMBER:** (410) 961-3555
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Richard Greenbauer, Senior Planner
6. **PROJECT TITLE:** Surfside Animal Hospital (CUP09-00016)
7. **DESCRIPTION:** Conditional Use Permit (CUP09-00016) to establish and operate an animal hospital in a 3,768-square foot building that is part of the Southwest Plaza Shopping Center located at 3876 Mission Avenue. The project site is zoned Special Commercial Limited with a Historic Overlay (CS-L-H), has a land use designation of Special Commercial (SC), and is located within the San Luis Rey Neighborhood.

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

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

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

Date: January 11, 2010

cc:  Project file  Counter file  Library

Posting:  County Clerk \$50.00 Admin. Fee (only required if filing for 30 day posting in lieu of 180 day posting)



**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

BY

**RECEIVED**  
**FEB 28 2013**  
CITY OF OCEANSIDE  
DEVELOPMENT SERVICES

**Please Print or Type All Information**

HEARING

**PART I – APPLICANT INFORMATION**

1. APPLICANT  
**Gary Haver**  
**Surfside Animal Hospital, LLC**

2. STATUS  
**Tenant**

GPA

MASTER/SP.PLAN

ZONE CH.

3. ADDRESS  
**2315 Plo Pico Drive**  
**Carlsbad, Ca. 92008**

4. PHONE/FAX/E-mail  
**(410)961-3555**  
**ghaver6572@aol.com**

TENT. MAP

PAR. MAP

5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)  
**Andy Perez and Associates (Andy Perez)**

DEV. PL.

C.U.P.

6. ADDRESS  
**2070 Business Center Drive**  
**Irvine, Ca. 92612**

7. PHONE/FAX/E-mail  
**(949) 756-1363**  
**andyapa@sbcglobal.net**

VARIANCE

COASTAL

**13-00008**

**REV. CUP09-00016**

**PART II – PROPERTY DESCRIPTION**

8. LOCATION  
**3882 Mission Avenue**  
**Oceanside, Ca**

9. SIZE

**191,664 SF**

10. GENERAL PLAN  
**SC**

11. ZONING  
**CS-L-H**

12. LAND USE  
**Commercial**

13. ASSESSOR'S PARCEL NUMBER

**158-052-02-00**

14. LATITUDE

15. LONGITUDE

**PART III – PROJECT DESCRIPTION**

16. GENERAL PROJECT DESCRIPTION

**Per City Zoning Ordinance Section 1504 we would like to file for an Amendment to Conditional Use Permit CUP09-00016 to add animal grooming use to the approved animal hospital use. This propose establishment would be in a 2112 SF free standing building adjacent to the animal hospital. The grooming use will offer bathing and trimming services for animals on a commercial basis.**

17. PROPOSED GENERAL PLAN  
**SC**

18. PROPOSED ZONING  
**CS-L-H**

19. PROPOSED LAND USE  
**Commercial**

20. NO. UNITS  
**1**

21. DENSITY  
**n/a**

22. BUILDING SIZE  
**2112 SF**

23. PARKING SPACES

24. % LANDSCAPE  
**existing site**

25. % LOT COVERAGE or FAR  
**n/a (building and site development is existing)**

**PART IV – ATTACHMENTS**

26. DESCRIPTION/JUSTIFICATION

27. LEGAL DESCRIPTION

28. TITLE REPORT

29. NOTIFICATION MAP & LABELS

30. ENVIRONMENTAL INFO FORM

31. PLOT PLANS (existing site plan)

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):  
**Andy Perez, Architect representative for Tenant**

36. DATE  
**12-26-2012**

37. OWNER (Print)  
**Mission Camino Assoc. LLC**  
**Jim Knudsen**

38. DATE

**12/27/2012**

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.



**Andy Perez & Associates**  
2070 Business Center Dr. # 104  
Irvine, Ca. 92612  
tel: (949) 756-1363  
fax: (949) 756-1367

## **DESCRIPTION AND JUSTIFICATION**

December 26, 2012

Project Re: For CUP Amendment submittal to include  
Animal Grooming Use to the Animal Hospital use  
approved under CUP 09-00016

**RECEIVED**  
**FEB 28 2013**  
CITY OF OCEANSIDE  
DEVELOPMENT SERVICES

We would like to add animal grooming use to the approved Animal Hospital use approved under CUP09-00016 in January 2012. The animal grooming use is to be located in a free standing building adjacent to the Animal Hospital. The address for the Animal Hospital is 3876 Mission Ave and the address for the Animal Grooming Facility would be at 3882 Mission Ave.

**LEGAL DESCRIPTION:**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCELS 1 AND 4 OF PARCEL MAP NO. 8829, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JUNE 18, 1979 AS FILE NO. 79-251890 OF OFFICIAL RECORDS.

Assessor's Parcel Number: 158-052-02

RECEIVED  
FEB 28 2013  
CITY OF OCEANSIDE  
DEVELOPMENT SERVICES



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

Post Date:  
Removal:  
(180 days)

1. **APPLICANT:** Surfside Animal Hospital LLC
2. **ADDRESS:** 3882 Mission Ave., Oceanside CA 92057
3. **PHONE NUMBER:** (410) 961-3555 Attn: Gary Haver
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Richard Greenbauer, Senior Planner
6. **PROJECT TITLE:** Surfside Animal Grooming (CUP13-00008)
7. **DESCRIPTION:** Conditional Use Permit (CUP13-00008) to establish and operate an animal grooming facility in a 2,112-square foot building that is part of the Southwest Plaza Shopping Center located at 3882 Mission Avenue. The animal grooming facility would be operated in conjunction with the existing animal hospital and proposes no exterior facilities. The project site is zoned Special Commercial Limited with a Historic Overlay (CS-L-H), has a land use designation of Special Commercial (SC), and is located within the San Luis Rey Neighborhood.

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

- The project is categorically exempt per Class   1  , Existing Facilities (Section 15301); or,
- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section       , [name of section] (Section xxxxx); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

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

Date: May 6, 2013

cc:  Project file  Counter file  Library  
Posting:  County Clerk \$50.00 Admin. Fee (only required if filing for 30 day posting in lieu of 180 day posting)