

AGENDA NO. 4

PLANNING COMMISSION



STAFF REPORT

DATE: May 5, 2014

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP13-00027) FOR THE OPERATION OF AN EXISTING CARD ROOM FACILITY AT 121 BROOKS STREET – OCEANS 11 CASINO APPLICANT: OCEANS 11 CASINO – MARK KELEGIAN**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 1, Categorical Exemption “Existing Facilities”; and,
- (2) Adopt Planning Commission Resolution No. 2014-P08 amending previously imposed conditions of approval for the Oceans 11 Casino (C-7-94, C-19-94) by approving Conditional Use Permit (CUP13-00027) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

The Oceans 11 Casino is located at 121 Brooks Street, within the Loma Alta Neighborhood Planning Area, on a fully developed site adjacent to I-5 and south of Mission Avenue. The subject parcel is designated by the City’s General Plan for Special Commercial (SC) land uses and is zoned for Special Commercial - Highway Oriented (SC-HO) development. The property is surrounded by commercial uses to the north and east and adjoins commercial zoned parcels to the south.

The Planning Commission considered and approved the establishment and operation of the Oceans 11 Casino card room, restaurant with alcoholic beverage sales, and a comedy club venue (D-18-92 Rev, C-7-94 and C-19-94) on January 9, 1995. The card room license from Jerry’s Place, previously located at 2607 Oceanside Boulevard, was transferred to Oceans 11 Casino after the owners relocated the operation to 121 Brooks Street in February 1997. The development plan and conditional use permit for the Oceans 11 facility was further revised on May 5, 1997, to permit an expansion of the poker card room and increase the number of existing card tables. On May 21, 1997, the

City Council approved Resolution No. R97-074 that increased the number of authorized card tables from 15 to 25. Over its 17 years of operation, Oceans 11 Casino has been allowed to increase the number of card room tables to a total of 50.

Project Description: The applicant seeks to update the original conditional use permit for the facility (C-7-94, C-19-94) and modify conditions of approval to address changes to the business use and property as follows:

- Update the project description to incorporate permitted by right, mini-satellite horse wagering activities.
- Amend an existing condition requiring provision of valet parking from dusk to 8:00 a.m. seven days a week to one that requires valet services on an as needed basis (Condition No. 86, Resolution No. 95-P01).
- Eliminate the distinction between hours of operation for the restaurant (24 hours) and the lounge (10:00 a.m. to 2:00 a.m.). (Condition No. 76, Resolution No. 95-P01).
- Expand existing hours for alcoholic beverage sales in the card room and restaurant (10:00 a.m.- 2:00 a.m.) to allow service between 6:00 a.m. and 2:00 a.m. (Condition No. 96, Resolution No. 95-P01)
- Amend an existing condition to allow installation of up to four (max) non-gaming, coin operated trivia-type games in the employee break room and restaurant area (Condition No. 88, Resolution No. 95-P01)
- Update the existing project description to delete references to a Comedy Nite Club.

ANALYSIS

The project is subject to the following Ordinances, City policies, and the State of California Government Code:

1. General Plan
2. Zoning Ordinance
3. CEQA

1. General Plan conformance

The General Plan land use 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:

I. Community Enhancement

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

Section 1.12 Land Use Compatibility

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

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

Policy C: The use of land shall not subject people to potential sources of objectionable noise, light, odors, and other emissions not the exposure of toxic, radioactive, or other dangerous materials.

Oceans 11 Casino has been in operation for 17 years at its current location, in compliance with imposed conditions of project approval (Conditional Use permit C-19-94, as modified as part of subsequent revisions). The subject land use is consistent with the underlying General Plan land use designation for the site, providing commercial recreation and entertainment services to residents of Oceanside and immediate area. Previously imposed conditions of project approval have ensured compatibility between the Oceans 11 facility and adjacent uses.

The “nature” of the land use, as a card room/ restaurant has not changed over time and is proposed to be maintained. The requested minor amendments to valet service, hours of operation, alcoholic beverage sales service and inclusion of four (max) non-gaming coin operated trivia-type games, would not be detrimental to the existing land use compatibility between Oceans 11 Casino with surrounding land uses.

2. Zoning Ordinance Compliance

The project site is located within the CS-HO (Special Commercial Highway Orientated) zoning district. Pursuant to CS-HO regulations, card rooms and casinos are subject to approval of a Conditional Use Permit. The Oceans 11 facility has been operating, in compliance with Conditional Use Permit (C-7-94), since its issuance. The applicant has requested that the City consider an update to the subject Conditional Use Permit and modification of conditions of approval as follows:

Mini-Satellite Wagering – Update CUP Description

Mini-satellite horse wagering, regulated by the California Horse Racing Board (CHRB), was recently authorized at the Oceans 11 Casino as a “small scale” commercial recreation and entertainment venue. Self-service tote machines (similar in appearance to an ATM) have been installed in the restaurant and gaming areas for placing bets. All collections are handled through tellers located in the restaurant area. The mini-satellite wagering service areas are limited to a total of 5,000 square feet (max). The updated land use description for the project incorporates the recently added wagering venue, which is permitted by right within the CS-HO zoning district.

Valet Parking - Condition No. 86

Conditional Use Permit C-7-94 (Condition 86) originally included a condition of project approval requiring valet parking to be made available to business patrons from dusk till 8:00 a.m. seven days a week, for security reasons. The applicant has requested modification of this condition, limiting provision of valet services on an as needed basis to meet parking ordinance requirements.

A total of 437 parking spaces are required for the subject facility, based on existing uses in the premises. Available on-site parking in conjunction with valet services and qualifying off-site parking (Seagaze Lot) currently satisfies and exceeds the minimum requirements by 80 parking spaces.

Table 1- Required Parking

Land Use	Required Parking Ratio	Parking Required
Card room (417 gaming seats)	1 p.s./ chair	417 p.s.
Restaurant (970 sq. ft.)	1 p.s./ 50 sq. ft.	20
TOTAL		437 p.s.

Table 2 - Provided Parking

Parking Location	Number of parking spaces
Card Club site (non-valet)	157 p.s.
Valet parking	291p.s. (Scenario C)
Seagaze Lot (employee parking)	69 p.s.
TOTAL	517 p.s.
Other parking	
Show Palace Lot (Lease) not qualified	121 p.s.
Elks Club Lot (Lease)	185 p.s.

Police Department staff have reviewed the applicant's request and determined that valet parking should not be required for the exclusive purpose of addressing safety/security concerns, instead they have recommended other conditions of project approval to address such concerns. With respect to achieving project compliance with parking ordinance regulations, Planning staff recommends that condition 86 be amended to address parking requirements in accordance with the previously considered Kimley Horne parking study - Valet service Scenario C (Attachment 3). More specifically, it is recommended that the applicant reserve the noted valet parking area for that purpose and limit self parking to 157 spaces on-site. The applicant should monitor parking availability and valet service should be provided regardless of the time of the day, once the self-parking area reaches full capacity.

Staff recommended condition: 86. ~~Valet parking will be available from dusk to 8:00 a.m., & days a week.~~ A total of 437 parking spaces (min.) shall be provided for the

facility in accordance with parking ordinance requirements. Valet parking areas shall be clearly delineated on-site, in accordance with Scenario C of the Kimley Horne parking study dated September 1992. The applicant shall monitor parking availability and shall provide valet service prior to or once self-parking areas reach full capacity (157 self-parked cars).

Lounge Hours - Condition No. 76

Conditional Use Permit C-7-94 (Condition 76) limits operation of the Oceans 11 facility as follows: Card room and restaurant – 7 days a week, 24 hours a day; Lounge – 7 days a week, 10:00 a.m.-2:00 a.m. Given the open floor plan configuration of the restaurant and lounge, the applicant asserts that this distinction has proven to be impractical and references to a lounge as a distinct use has been requested to be eliminated. Staff supports the applicant's request.

Staff recommended condition: 76. Conditional Use Permit C-7-94 is granted for the following use only: a 6,650 square foot cardroom and a 1,350 square foot restaurant and lounge. The hours of operation for the cardroom and are seven days a week and twenty-four hours a day. Hours of operation for the restaurant/lounge are shall be seven days a week and 24 hours a day. Hours of operation for the lounge are seven days a week from 10:00 a.m. to 2:00 a.m. Any change in the use or any change in the structure will require a revision to the Conditional Use Permit or a new Conditional Use Permit. If the cardroom ceases operating the restaurant/lounge aspect of the operation shall also become null and void.

Alcoholic Beverage Sales Hours - Condition 96

The Conditional Use Permit for the Oceans 11 Casino facility permits alcoholic beverage sales between 10:00 a.m. – 2:00 a.m. Under the current Department of Alcohol Beverage Control (ABC) License, alcohol sales are allowed in the restaurant from 10:00 a.m. to 2:00 a.m. and in the gaming area from 10:00 a.m. to 12:00 a.m. The applicant is requesting to expand the existing alcohol service hours between 6:00 a.m. - 2:00 a.m. The Police Department has reviewed the subject request and recommends that the existing hours be expanded to allow alcoholic beverage service between 8:00 a.m.- 2:00 a.m. in the restaurant and gaming areas. Approvals by ABC must be obtained prior to implementing expanded alcoholic beverage sales hours.

Staff recommended condition: 96. Sales, service, and consumption of alcoholic beverages shall be permitted only between the hours of ~~10~~8:00 a.m. and 2:00 a.m.

Coin Operated Games – Condition 88

The zoning ordinance defines arcades and game center as those businesses having five or more coin-operated, slug operated, or any type of amusement or entertainment machines for which payment is necessary for operation. Arcades and game center land uses are considered "Regulated Uses" and are subject to consideration/approval of a use permit by the City Council.

Condition 88 of Conditional Use Permit C-7-94 explicitly prohibits pool and coin operated games on the premises at Oceans 11 Casino. The applicant has requested modification of Condition 88 to allow installation of up to four (max) non-gaming, coin operated trivia-type games in the employee break room and restaurant area. No modification to the restriction on pool tables is proposed.

The proposed addition of four coin operated games is permitted by right and under the zoning designation of CS-HO and does not trigger a conditional use permit pursuant to regulated use provisions of the zoning ordinance. Staff supports the applicant's request and recommends modification of condition 88 accordingly.

Staff recommended condition: ~~88.~~ There shall be no pool tables ~~or coin operated games~~ permitted on the premises.

Comedy Nite Club – Delete (C-19-94) references

The original entitlement approval for the facility included a conditional use permit (C-19-94) for a comedy night club, however the use was never implemented and there are no future plans for establishing a comedy club venue on-site. The applicant has requested that all references to the comedy night club be removed from project conditions of approval. Staff supports the applicant's request and recommends deletion of Planning Commission Resolution No. 95-P01 conditions 77, 78, 101, 102, 103, 104, 105 and 106.

ENVIRONMENTAL DETERMINATION

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

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant and other interested parties.

SUMMARY

The Oceans 11 Casino card room facility has been in operation at 121 Brooks Street for nearly two decades. Changes to the business modus operandi and land uses have warranted multiple revisions to the original conditional use permit, nevertheless, the basic nature of the land use, as a card room/restaurant has not changed and is proposed to be maintained.

Staff has determined that the subject proposal, as conditioned, would be consistent with applicable land use policies of the General Plan and Zoning ordinance and will meet or exceed development standards. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached Resolution. Staff recommends that the Planning Commission:

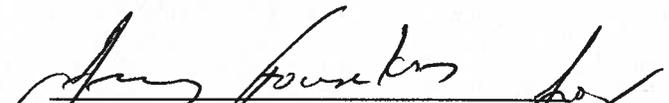
- Confirm issuance of a Class 1, Categorical Exemption "Existing Facilities"; and,
- Adopt Planning Commission Resolution No. 2014-P08 amending previously imposed conditions of approval for the Oceans 11 Casino (C-7-94, C-19-94) by approving Conditional Use Permit (CUP13-00027) with findings and conditions of approval attached herein.

PREPARED BY:



Amy Fousekis
Principal Planner

SUBMITTED BY:



Marisa Lundstedt
City Planner

ML/AF/fil

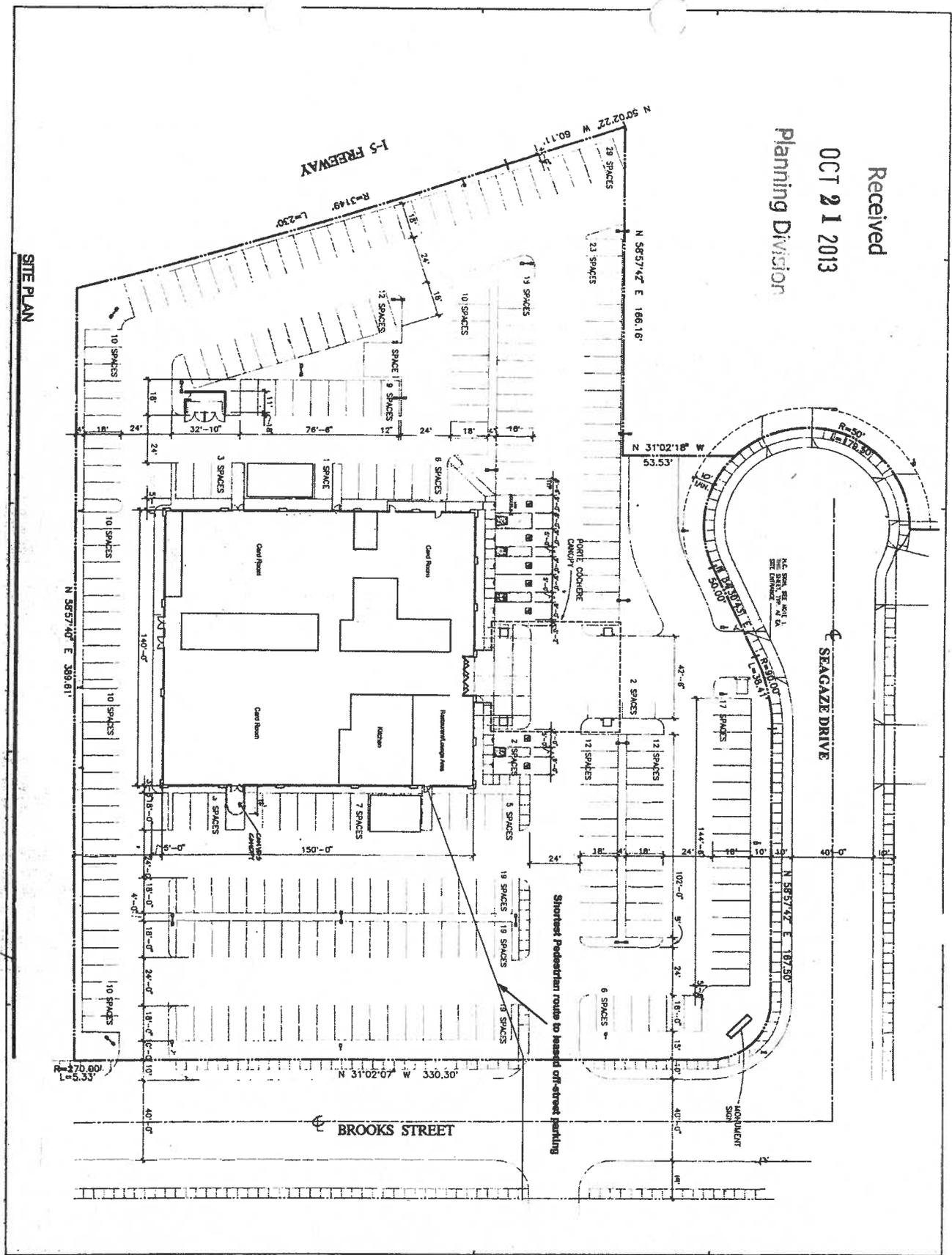
Attachments:

1. Site Plan and Elevations
2. Planning Commission Resolution No. 2014-P08
3. Kimley Horne Parking Study Valet Scenarios
4. Police Department memorandum dated November 24, 2013
5. Oceans 11 Casino Management Plan
6. Planning Commission Resolution No. 95-P01
7. Other Attachments (Application page, Description and Justification, Legal Description, Notice of Exemption)

Received

OCT 21 2013

Planning Division



SITE PLAN

Ocean's Eleven Casino
 Conditional Use Permit
 CUP13-00027

APPLICANT
 Ocean's Eleven Casino
 121 Brooke Street
 Oceanside, CA 92054
 760-439-8518
 men@ocean11.com

APPLICANT'S REPRESENTATIVE
 The Lightfoot Planning Group
 6900 Paseo Court, Suite 110
 Carlsbad, CA 92008
 760-662-1524
 em@lightfootplanning.com

LEGAL DESCRIPTION
 Parcel 1 of Parcel Map No. 17832, in
 the City of Oceanside, County of San Diego
 State of California, filed in the Office
 of the County Registrar, San Diego
 County, January 4, 1989 as Instrument
 No. 1896-005049 of Official Records.

ASSESSOR'S PARCEL NUMBER
 148-340-29

SITE AREA SUMMARY
 Project Site Area 3.04 Acres (132,422 sq. ft.)

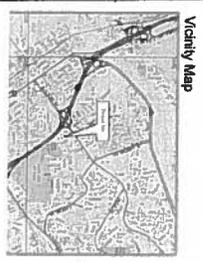
BUILDING AREA SUMMARY
 Existing Building Area 21,000 sq. ft.
 Existing building to remain

LANDSCAPE SUMMARY
 Existing parking lot and perimeter
 landscaping for site to remain. No
 change proposed to existing landscaping

PARKING SUMMARY
 Existing Parking Provided
 275 Spaces
 On-site Parking (148-340-29) 88 spaces (employee)
 On-site Leased (148-300-25) 121 spaces (onflow)
 On-site Leased (148-282-11) 188 spaces (onflow)

LAND USE AND ZONING
 Existing General Plan - Special Commercial
 No Change Proposed
 Existing Zoning - CS-HO (Special Commercial -
 Highway Oriented)
 No Change Proposed

NOTES
 1. Existing site improvements to remain
 2. No exterior improvements proposed
 3. No grading proposed
 4. The property is not located in a floodway
 #89072001554, 6/15/13



Source: J7 Wetmore Building Designer - Planning - Historic
 6-12-28 with current field verification

Received

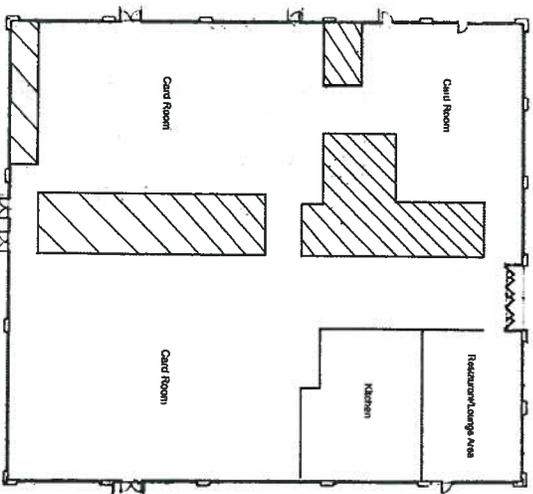
OCT 21 2013

Planning Division

Parking Exhibit



Floor Plan



 = "Back of House", includes offices, cashier, surveillance and storage

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PLANNING COMMISSION
RESOLUTION NO. 2014-P08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT (CUP13-00027) AND REVISING PRIOR APPROVALS (C-7-94 AND C-19-94) ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: CUP13-00027
APPLICANT: Oceans 11 Casino
LOCATION: 121 Brooks Street

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting consideration of Conditional Use Permit CUP13-00027 under the provisions of Articles 11 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

update the land use description for the Oceans 11 Casino to include mini-satellite horse wagering activities; require valet parking services on as an needed basis; eliminate the distinction between hours of operation for the lounge and restaurant; expand existing hours for alcoholic beverage sales; allow installation of four non-gaming trivia-type machines; delete references to the comedy night club venue and associated conditions of approval for the use (C-19-94);
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 5th day of May, 2014 conduct a duly advertised public hearing as prescribed by law to consider said application.

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

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;

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

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

6 FINDINGS:

- 7 1. The proposed use is in accord with the objectives of the Zoning Ordinance and the
8 purposes of the Special Commercial Highway Oriented land use district. The existing
9 cardroom use provides an entertainment venue with a community and regional draw.
10 The recent addition of mini-satellite wagering will enhance the entertainment options
11 at this established business, and the condition revisions to clarify hours of activities
12 and alcohol sales will compliment the existing use.
- 13 2. The conditions for the restriction of the use are consistent with the General Plan, will not
14 negatively impact adjacent uses; and will not be detrimental to the welfare of persons or
15 properties working, residing, or otherwise existing in the adjacent neighborhood areas.
16 All forms of gaming are regulated by their respective state agency, as not to be
17 detrimental to the public health, safety or welfare. Additionally, all forms of gaming are
18 restricted by age, supervised, and conducted wholly within the building. The facility is
19 staffed with security personnel and surveillance equipment.
- 20 3. The conditional use is subject to and must comply with specific local conditions and
21 additional regulations as deemed necessary by other regulatory or permit authorities. All
22 proposed updates and changes to conditions are consistent with the Special Commercial,
23 Highway Oriented zoning district. By offering several forms of gaming, food and
24 beverage services for their customers, Oceans 11 Casino can remain competitive and can
25 continue to serve the local and regional community.

26 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
27 approve Revision to Conditional Use Permit CUP13-00027 subject to the following conditions:

28 Planning:

- 29 1. This Conditional Use Permit (CUP13-00027) amends the project description and
conditions imposed on Oceans 11 Casino at 121 Brooks Street by conditional use
permit C-7-94 and C-19-94. as shown on the plans and exhibits presented to the

1 Planning Commission for review and approval. No deviation from these approved
2 plans and exhibits shall occur without City Planner approval.

3 2. Conditions 76, 86, 88 and 96 of Planning Commission Resolution No. 95-P01 shall be
4 modified and replaced as follows:

5 • 76. The hours of operation for the cardroom and restaurant/lounge shall be
6 seven days a week and 24 hours a day. Any change in the use or any change in
7 the structure shall require a revision to the Conditional Use Permit or a new
8 Conditional Use permit. If the cardroom ceases operating the restaurant/lounge
9 aspect of the operation shall also become null and void.

10 • 86. A total of 437 parking spaces (min.) shall be provided for the facility in
11 accordance with parking ordinance requirements. Valet parking areas shall be
12 clearly delineated on-site, in accordance with valet Scenario C of the Kimley
13 Horne parking study for Mission Center dated September 1992. The applicant
14 shall monitor parking availability and shall provide valet parking service prior to
15 or once self-parking areas reach full capacity (157 self-parked cars).

16 • 88 There shall be no pool tables permitted on premises.

17 • 96. Sales, service, and consumption of alcoholic beverages shall be
18 permitted only between the hours of 8:00 a.m. and 2:00 a.m.

19 3. Conditions 77, 78, 101, 102, 103, 104, 105, and 106 of Planning Commission
20 Resolution No. 95-P01 referencing Conditional Use Permit (C-19-94) and the comedy
21 club land use shall be deleted.

22 4. The western planter along the entire length of the parking lot shall be restored to its
23 original landscape, per the approved landscape plan, or installed with dense evergreen
24 shrubs that will ultimately reach a height of 4-feet at maturity. These shrubs shall be
25 planted from 5-gallon containers and spaced at 5-feet on-center to form a continuous
26 evergreen hedge. All irrigation shall be operational to cover 100 percent of the restored
27 landscape.

28 5. This Conditional Use Permit (CUP13-00027) shall lapse two years from the effective
29 date of approval unless a business license is approved for the additional five tables
added to the site.

- 1 6. In the event that this use permit is exercised in violation of a condition of approval or a
2 provision of the Zoning Ordinance, the use permit may be revoked, as provided in
3 Section 4704.
- 4 7. A request for changes in conditions of approval for CUP13-00027 or a change to the
5 approved plans that would affect a condition of approval shall be treated as a new
6 application. The City Planner may waive the requirements for a new application if the
7 changes requested are minor, do not involve substantial alterations or addition to the
8 plan or the conditions of approval, and are consistent with the intent of the project's
9 approval or otherwise found to be in substantial conformance.
- 10 8. Unless expressly waived, all current zoning standards and City ordinances and policies
11 in effect at the time a business license is approved are required to be met by this project.
12 The approval of this project constitutes the applicant's agreement with all statements in
13 the Description and Justification and other materials and information submitted with
14 this application, unless specifically waived by an adopted condition of approval.
- 15 9. This Conditional Use Permit shall be called for review by the Planning Commission if
16 complaints are filed and verified as valid by the Code Enforcement Office concerning
17 the violation of any of the approved conditions or does not conform with the
18 information contained in or representations made in the application, any supporting
19 material submitted to the City or during any hearing on the application.
- 20 10. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
21 harmless the City of Oceanside, its agents, officers or employees from any claim, action
22 or proceeding against the City, its agents, officers, or employees to attack, set aside,
23 void or annul an approval of the City, concerning Conditional Use Permit (CUP13-
24 00027). The City will promptly notify the applicant of any such claim, action or
25 proceeding against the City and will cooperate fully in the defense. If the City fails to
26 promptly notify the applicant of any such claim action or proceeding or fails to
27 cooperate fully in the defense, the applicant shall not, thereafter, be responsible to
28 defend, indemnify or hold harmless the City.
- 29 11. Failure to meet any conditions of approval for this development shall constitute a
violation of the Conditional Use Permit.

- 1 12. A covenant or other recordable document approved by the City Attorney shall be
2 prepared by the applicant and recorded within 60 days from the date of project
3 approval. The covenant shall provide that the property is subject to this resolution, and
4 shall generally list the conditions of approval.
- 5 13. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
6 written copy of the applications, staff report and resolutions for the project to the new
7 owner and or operator. This notification's provision shall run with the life of the project
8 and shall be recorded as a covenant on the property.
- 9 14. The hours-of-operation shall be reviewed and may be limited by the Planning
10 Commission when valid issues or complaints pertaining to the hours-of-operation arise.

PASSED AND ADOPTED Resolution No. 2014-P08 on May 5, 2014 by the following

11 vote, to wit:

12 AYES:

13 NAYS:

14 ABSENT:

15 ABSTAIN:

16
17 _____
Robert Neal, Chairperson
Oceanside Planning Commission

18 ATTEST:

19
20
21 _____
Marisa Lundstedt, Secretary

22 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify
23 that this is a true and correct copy of Resolution No. 2014-P08.

24
25 Dated: May 5, 2014
26
27
28
29

PARKING STUDY
FOR
MISSION CENTER
IN THE CITY OF OCEANSIDE

RECEIVED

SEP 29 1992

PLANNING DEPT
City of Oceanside

PREPARED FOR:

JOSEPH WONG DESIGN ASSOCIATES
2359 FOURTH AVENUE
SAN DIEGO, CA 92101-1606

PREPARED BY:

KIMLEY-HORN AND ASSOCIATES, INC.
2100 W. ORANGEWOOD AVENUE, #140
ORANGE, CA 92668
(714) 939-1030

SEPTEMBER, 1992

P-18-92 C-200-92, C 27-92

Kimley-Horn

ALTERNATIVE VALET PARKING PLANS

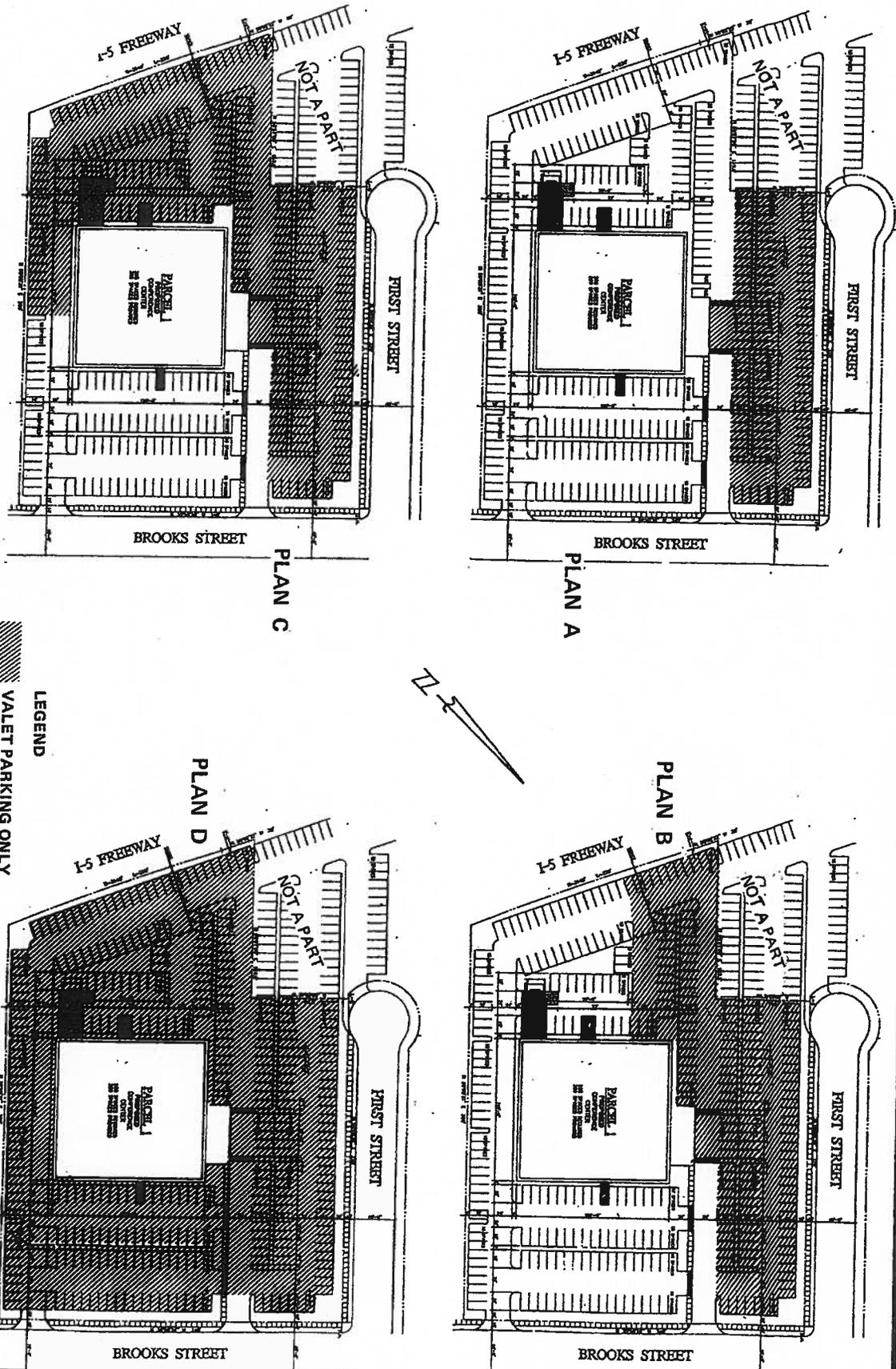


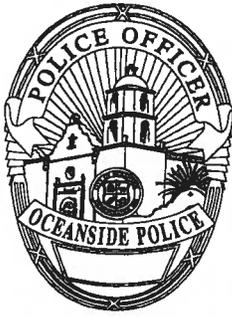
FIGURE 3

TABLE 1

SUMMARY OF VALET PARKING

	Plan A				Plan B			
	Number of Parking Spaces			Per Site Plan	Number of Parking Spaces			Total
	Per Site Plan	Additional Spaces Due to Valet Techniques	Block Technique		Shift Technique	Block Technique	Shift Technique	
Spaces In Valet Area	91	9	24	131	13	45	189	
Spaces Outside Valet Area	218	0	0	178	-	-	178	
Total Spaces	309	9	24	309	13	45	367	

	Plan C				Plan D			
	Number of Parking Spaces			Per Site Plan	Number of Parking Spaces			Total
	Per Site Plan	Additional Spaces Due to Valet Techniques	Block Technique		Shift Technique	Block Technique	Shift Technique	
Spaces In Valet Area	206	19	66	309	30	89	428	
Spaces Outside Valet Area	103	0	0	0	0	0	0	
Total Spaces	309	19	66	309	30	89	428	



TO: Frank S. McCoy, Chief of Police

VIA: Tom Aguigui, Captain, Investigations

FROM: Adam Knowland, Lieutenant, Special Enforcement Section

SUBJECT: Oceans Eleven Casino

DATE: November 24, 2013

I have reviewed the Conditional Use Permit Update from Oceans Eleven Casino in regards to their request to make several modifications. After meeting with their staff and Oceanside Planner Amy Fousekis, I am making the following recommendations:

Mini-Satellite Wagering

The location of the wagering site will be placed in an already regulated area and will not increase square footage to the building. The Mini-Satellite horse wagering has already been authorized at Ocean's Eleven by the California Horse Racing Board (CHRB). With the previous information, I recommend the addition of the Mini-Satellite Wagering.

Valet Parking Hours

Valet parking concerns have been addressed by the development services department. Please refer to their recommendations.

Lounge Hours

CUP C-7-94 made a distinction between hours of operation of the restaurant (24 hours) and the lounge (10 a.m to 2 a.m.) Due to the configuration of the restaurant area, this condition was not practical for operation within the facility. Ocean's Eleven is requesting that Condition 76 be modified to eliminate reference to the lounge and separate hours as a distinct use. Alcohol sales would continue to be restricted after 2 a.m.

After reviewing the location, I agree the distinction and separation of the two areas causes confusion and is not practical. I recommend Condition 76 be modified to eliminate reference to the lounge and separate hours. (see next section for alcohol sales hours)

Alcohol Sales Hours

The original CUP permits alcohol sales in the card room between 10 a.m. and 12 a.m. (midnight) and in the restaurant between 10 a.m. and 2 a.m. (condition 96). Ocean's Eleven is requesting the hours be changed to **6 a.m. and 2 a.m.** for the card room and the restaurant.

After walking through the premises and discussing the current condition with staff of Ocean's Eleven I am making the following recommendation; it is reasonable to have the same alcohol sales hours consistent within the facility. This eliminates patrons from having to leave one area of the casino at midnight to go to the restaurant where alcohol sales are conducted until 2 a.m. I am recommending alcohol sales begin at **8 a.m. and continue until 2 a.m.** in the card room and restaurant. The history of the area as well as efforts to control activities by Ocean's Eleven were taken into account for the modification. Based on the totality of the circumstances, I would not recommend alcohol sales begin before 8 a.m.

Coin Operated Machines

Per condition 88 of the original CUP, coin operated machines and pool tables are prohibited. Ocean's Eleven is requesting the removal or modification for coin operated machines. The purpose would be to provide "non-gaming" coin operated trivia-type games in the employee break areas and restaurant, not to exceed four total.

Per the Zoning Ordinance, a Conditional Use Permit is required for arcades and game centers, defined as having five or more coin-operated game machines. Ocean's Eleven is not proposing this level of activity. Therefore I recommend the modification to allow up to four "non-gaming" coin operated games in the employee break areas and restaurant. The restriction on pool tables is not an issue at this time and will remain the same.

Comedy Nite Club

CUP – C-19-94 specifically made reference to a Comedy Nite Club which had originally been proposed in the banquet area of the casino. The banquet area was converted into a gaming space nearly a decade ago and there are no plans to use it for anything else. Ocean's Eleven does not operate a distinct or separate entertainment area.

Based on the above information, this section appears to be obsolete and I recommend reference to the Comedy Nite Club be removed.

RECEIVED

OCT 21 2013

CITY OF OCEANSIDE
DEVELOPMENT SERVICES

Ocean's 11 Casino Draft Management Plan

Intent and Scope

This Management Plan is intended to provide a description of the use and operation of the gambling establishment, restaurant, and mini-satellite wagering facility located at 121 Brooks St., Oceanside, CA 92054.

General Information

Ocean's 11 Casino is a gambling establishment, restaurant, and mini-satellite wagering facility licensed by the State of California and the City of Oceanside. O11 operates 24 hours a day 7 days a week offering a variety of State of California Bureau of Gambling Control approved casino games including poker, blackjack and others. O11 has been operating the gambling establishment at this location continuously since 1997 without incident.

Full alcohol beverage service is offered in the restaurant and throughout the gaming areas. It is anticipated that service will be available from 6:00 a.m. to 2:00 a.m.

Oceans 11 Casino seats approximately 417 patrons and employs approximately 380 staff members.

Security officers are on duty 24 hours a day and seven days a week.

The property is divided down into 5 zones shown on the floor plan.

Zone 1: Foyer, welcome center, restrooms and gift shop. Patrons enter through the foyer, and thereafter are greeted at the welcome center, use restrooms, or purchase candy, drinks, and sundries from the gift shop.

Zone 2: California Table Games Room. Patrons play approved games, and receive food and drink service. Tote machines are available for horse wagering.

Zone 3: Restaurant. Patrons eat and drink in the restaurant and use the mini-satellite wagering facilities. The kitchen facility is also in this zone.

Zone 4: Main Poker Room. Patrons play approved games, and receive food and drink service. Tote machines are available for horse wagering. The casino cage is in this zone where patrons purchase and redeem gaming chips, and complete other financial transactions. The casino count room is in this zone. Administrative offices are also located in this zone.

Zone 5: Low Limit Poker Room. Patrons play approved games, and receive food and drink service. Tote machines are available for horse wagering. Administrative offices are also located in this zone. Employee break room is located in this zone.

Hours of Operation

Monday. Gaming areas are open 24 hours. The restaurant opens at 6:00 a.m. to 2:00 a.m. Casino games, and food and beverage service, are available at all times. Alcohol beverage service planned from 6:00 a.m. to 2:00 a.m. Happy Hour Bar Specials from 4:00 p.m. to 7:00 p.m.

Tuesday. Gaming areas are open 24 hours. The restaurant opens at 6:00 a.m. to 2:00 a.m. Casino games, and food and beverage service, are available at all times. Alcohol beverage service planned from 6:00 a.m. to 2:00 a.m. Happy Hour Bar Specials from 4:00 p.m. to 7:00 p.m.

Wednesday. Gaming areas are open 24 hours. The restaurant opens at 6:00 a.m. to 2:00 a.m. Casino games, and food and beverage service, are available at all times. Alcohol beverage service planned from 6:00 a.m. to 2:00 a.m. Happy Hour Bar Specials from 4:00 p.m. to 7:00 p.m. Mini-Satellite wagering is available in the restaurant and at tote machines in gaming areas from 9:00 a.m. to 9:00 p.m. (subject to closing early based on race tracks and racing signal coverage).

Thursday. Gaming areas are open 24 hours. The restaurant opens at 6:00 a.m. to 2:00 a.m. Casino games, and food and beverage service, are available at all times. Alcohol beverage service planned from 6:00 a.m. to 2:00 a.m. Happy Hour Bar Specials from 4:00 p.m. to 7:00 p.m. Mini-Satellite wagering is available in Restaurant and at tote machines in gaming areas from 9:00 a.m. to 9:00 p.m. (subject to closing early based on race tracks and racing signal coverage).

Friday. Gaming areas are open 24 hours. The restaurant opens at 6:00 a.m. to 2:00 a.m. Casino games, and food and beverage service, are available at all times. Alcohol beverage service planned from 6:00 a.m. to 2:00 a.m. Happy Hour Bar Specials from 4:00 p.m. to 7:00 p.m. Mini-Satellite wagering is available in Restaurant

and at tote machines in gaming areas from 9:00 a.m. to 9:00 p.m. (subject to closing early based on race tracks and racing signal coverage).

Saturday. Gaming areas are open 24 hours. The restaurant opens at 6:00 a.m. to 2:00 a.m. Casino games, and food and beverage service, are available at all times. Alcohol beverage service planned from 6:00 a.m. to 2:00 a.m. Happy Hour Bar Specials from 4:00 p.m. to 7:00 p.m. Mini-Satellite wagering is available in Restaurant and at tote machines in gaming areas from 9:00 a.m. to 9:00 p.m. (subject to closing early based on race tracks and racing signal coverage).

Sunday. Gaming areas are open 24 hours. The restaurant opens at 6:00 a.m. to 2:00 a.m. Casino games, and food and beverage service, are available at all times. Alcohol beverage service planned from 6:00 a.m. to 2:00 a.m. Happy Hour Bar Specials from 4:00 p.m. to 7:00 p.m. Mini-Satellite wagering is available in Restaurant and at tote machines in gaming areas from 9:00 a.m. to 9:00 p.m. (subject to closing early based on race tracks and racing signal coverage).

Operations

All card room operations shall be in compliance with Chapter 8 of the City of Oceanside Municipal Code.

All employees shall be at least 21 years of age and shall have work permits issued by the City of Oceanside.

All operations shall be conducted in accordance with all applicable Business & Profession code sections.

Oceans 11 Casino maintains a minimum of two certified cad-carrying security personnel on premises at all times. On Fridays and Saturday nights, an additional security officer is on duty. At least one security officer is armed at all times. All security services shall comply with the Gambling Control Act.

Oceans 11 Casino maintains real time video surveillance of all gaming tables, all areas open to the public, and all prohibited areas. All surveillance services shall comply with the Gambling Control Act.

The outside of the premises shall have signs specifying that the consumption of alcohol or possession of open container alcoholic beverages is prohibited. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.

All employees engaged in the sale or service of alcoholic beverages shall be trained and required to attend LEADS training in the safe service of alcohol.

The Plan shall be maintained on file with the Chief of Police and the City Planner. Any changes to the Management Plan shall be at the discretion of the Chief of Police and must be authorized by the City Planner.

Demographics

Oceans 11 Casino is a gaming and restaurant destination. Our goal is to provide gaming and entertainment options geared toward patrons 21 years of age and older.

Parking

Oceans 11 Casino maintains 465 parking spaces for its patrons and employees on-site and in adjacent parking lots. It also maintains additional parking nearby at the Elks Club for shuttle and other services if needed in the future.

RECEIVED
DEC 11 2007
Planning Department

PLANNING COMMISSION
RESOLUTION NO. 95-P01

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

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

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

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

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

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

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

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

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

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

Planning Commission
Resolution No. 95-P01

January 23, 1995

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

21 **Engineering:**

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

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

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

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

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

Fire:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- AYES: Altamirano, Caballero, Skinner, Bockman, Schaffer, Frazier and Messinger
- NAYES: None
- ABSENT: None
- ABSTAIN: None

ADOPTED on this 23rd day of January, 1995.


Jack D. Messinger, Chairperson

ATTEST:


Michael J. Blessing, Secretary

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

Dated: 23 Jan '95

MICHAEL J. BLESSING, Secretary
OCEANSIDE PLANNING COMMISSION

Developer Deposit Account



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 AF / JB 7/25/13	BY
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Please Print or Type All Information

HEARING

PART I – APPLICANT INFORMATION

1. APPLICANT Ocean's Eleven Casino c/o Mark Kelegian	2. STATUS Managing Partner
3. ADDRESS 121 Brooks St. Oceanside, CA 92054	4. PHONE/FAX/E-mail 760-730-8818 mark@oceans11.com
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) The Lightfoot Planning Group c/o Ann Gunter	
6. ADDRESS 5900 Pasteur Ct.#110 Carlsbad, CA 92008	7. PHONE/FAX/E-mail 760-692-1924 x247 ann@lightfootpg.com

GPA	
MASTER/SP.PLAN	
ZONE CH.	
TENT. MAP	
PAR. MAP	
DEV. PL.	
C.U.P. CUP13-00027	
VARIANCE	
COASTAL	
O.H.P.A.C.	

PART II – PROPERTY DESCRIPTION

8. LOCATION 121 Brooks St. Oceanside, CA 92054	9. SIZE 3.04 ac
10. GENERAL PLAN Special Commercial (SC)	11. ZONING CS-HO
12. LAND USE Commercial Entertainment (Cardroom)	13. ASSESSOR'S PARCEL NUMBER 148-340-29
14. LATITUDE 33 11' 59" N	15. LONGITUDE 117 22' 8" W

PART III – PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION Revision to existing Ocean's Eleven Cardroom CUP and new CUPs to add table-side chair massage, live entertainment with dancing within the existing restaurant/lounge, and to modify conditions regarding alcohol hours, sign restrictions valet parking and coin-operated trivia games.				
17. PROPOSED GENERAL PLAN no change	18. PROPOSED ZONING no change	19. PROPOSED LAND USE no change	20. NO. UNITS n/a	21. DENSITY n/a
22. BUILDING SIZE 21,000 sq. ft.	23. PARKING SPACES 609	24. % LANDSCAPE no change to existing	25. % LOT COVERAGE or FAR 16%	

PART IV – ATTACHMENTS

<input checked="" type="checkbox"/> 26. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/> 27. LEGAL DESCRIPTION	<input checked="" type="checkbox"/> 28. TITLE REPORT
<input checked="" type="checkbox"/> 29. NOTIFICATION MAP & LABELS	<input checked="" type="checkbox"/> 30. ENVIRONMENTAL INFO FORM	<input checked="" type="checkbox"/> 31. PLOT PLANS
<input checked="" type="checkbox"/> 32. FLOOR PLANS AND ELEVATIONS	<input type="checkbox"/> 33. CERTIFICATION OF POSTING	<input type="checkbox"/> 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): Mark Kelegian	36. DATE 7/17/13	37. OWNER (Print) Ocean's Eleven Properties LLC	38. DATE 7/17/13
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.

Ocean's Eleven Casino

Conditional Use Permit Update

Revised Description & Justification

April 2014

Introduction

This application is for discretionary actions necessary to address changes in the business operations, conditions and ancillary uses allowed within the existing card room to better serve customers of the business.

The Ocean's Eleven Casino is located adjacent to the I-5 Freeway, at 121 Brooks Street and is fully developed in accordance with the approved Development Plan. It has been operating at its current location since 1997, and is the sole licensed card room in the City of Oceanside. They offer card games in three gaming room areas, with a restaurant area in a dedicated room off the lobby that provides food and alcoholic beverage service. Additional modifications in conditions are requested to allow the business to remain competitive with local restaurant/bars, and the tribal casinos/card rooms in southern California.

Conditional Use Permit

Conditional Use Permit C-7-94 was approved in 1995 to allow the Ocean's Eleven Casino to operate a card room at their present location. The card room, established under C-7-94 has been operating for over 16 years. During that time, there have been many changes to the business and use of the property that warrant minor revisions to the permit. Also, the ongoing operations and management have shown that some of the safety and public welfare issues that may have been of concern before this use was established, and hence placed into conditions, are no longer at issue.

Discretionary actions associated with this application include an update to the original Conditional Use Permit, and modifications to the original conditions. The CUP update and changes to original CUP conditions are addressed in the following sections.

Mini-Satellite Wagering – Update CUP Description

Mini-satellite horse wagering, regulated by the California Horse Racing Board (CHRB), was recently authorized at the Ocean's Eleven Casino and is noted here to update the description of activities within the card room. Self-service tote machines (similar in appearance to an ATM) are provided in the restaurant and gaming areas for convenience in placing bets. All collections are handled through tellers located in the restaurant area.

Parking

At the time of the original approval and based on projected site activities, Conditional Use Permit C-7-94 (condition 86) required that valet parking be provided for casino patrons from dusk till 8 a.m. seven days a week. Valet parking scenarios were outlined in a study by Kimley-Horn and were accepted as part of the original approval of the cardroom. The conditioned hours have proven to be unnecessary and cost prohibitive, with valet parking typically utilized on Friday and Saturday nights, and special event tournaments. It is requested that the condition be modified such that valet parking hours are determined by the owner based on activity levels and business needs.

The Oceanside parking requirements for card rooms are 1 space per chair, plus additional spaces for ancillary uses. Based on the current site uses, the parking requirement is 437 spaces as summarized in Table 1.

Table 1-Required Parking

Parking Standard/Use	Existing Use	Parking Required
1 space/chair	417 gaming seats	417 spaces
1 per 50 sf restaurant	970 sf restaurant	20 spaces
TOTAL		437 spaces

Through many years of operations at this site, including gradual increases in the number of authorized tables, parking has been evaluated several times. These reviews looked at expanded parking options for the business, including offsite lease agreements and acquisition of an additional parcel for employee parking. Currently, parking provided on-site for the business includes 275 spaces, with additional capacity when valet parking is used. The Seagaze lot provides 69 employee spaces, and using valet parking scenario C of the Kimley-Horn study could accommodate the balance of all required parking onsite. Additional offsite spaces arranged through leases are available for overflow parking, including spaces within the Show Palace parking lot to the east. The Ocean's Eleven Casino has leased spaces in this lot to the east since 2005, though they are rarely used. It is the owner's experience that the Valet Parking service, combined with the nearby parking lots, easily meets the parking needs for the business.

Table 2-Provided Parking

Parking Location	Number of Spaces	
	Without Valet	With Valet Scenario C
Card Club Site	275	394*
Seagaze Lot (Employee Parking)	69	69
SUBTOTAL	344	463*
Show Palace Lot (Lease)	121	
TOTAL	465	

*The valet parking study evaluated 4 scenarios using different portions of the parking lot which could accommodate a range of spaces (A-342/B-367/C-394/D-428). Using Scenario C would allow for all required parking to be provided onsite. The configuration of valet parking can be adjusted based on demand.

Zoning Ordinance Section 3102E specifies distance requirements for offsite parking areas. Both the Seagaze Lot currently used for employee parking and the Show Palace parking lot meet the criteria, being within 200 ft. of a public entrance of the use. One of the early offsite parking options provided for Ocean’s Eleven was for 185 spaces at the Elk’s Club parking lot, which is further distant from the card room. To date, the Elk’s Club lot has never been used, but the owner maintains this parking lot lease to provide flexibility in the event there should be extraordinary unforeseen parking needed.

Lounge Hours – Revision to Existing CUP Conditions

Conditional Use Permit C-7-94 made a distinction between hours of operation of the restaurant (24 hours) and the lounge (10 a.m. to 2 a.m.). This was likely meant to reflect the limitation on alcohol sales hours. However, given the open configuration of the restaurant area, this distinction is not practical, and it is requested that Condition 76 be modified to eliminate reference to the lounge and separate hours as a distinct use. Alcohol sales would be restricted after 2 a.m. in accordance with ABC license.

Alcohol Sales Hours – Revision to Existing CUP Conditions

The original CUP permits alcohol sales in the card room between 10 a.m. and 12 a.m. (midnight) and in the restaurant between 10 a.m. and 2 a.m. (condition 96). This is a stricter limitation on operations than those applicable to other bars in the area. Over the years since the CUP was approved, Ocean’s Eleven has demonstrated an ability to control activities on the property, and there is no safety or public welfare interest served by imposing the stricter time limitations. It is requested that these hours be changed to between 6 a.m. and 2 a.m. for the card room and the

restaurant. The expanded hours will help the card room business compete with its gaming and entertainment competition.

Under the current Department of Alcohol Beverage Control (ABC) license, alcohol sales are allowed in the restaurant from 10 a.m. to 2 a.m., and in the gaming areas from 10 a.m. to 12 a.m. (midnight). A request for extending these hours from 6 a.m. to 2 a.m. will likewise be requested from the ABC.

Coin Operated Games Prohibition – Revision to Existing CUP Condition

There is an explicit prohibition on pool tables and coin operated games (condition 88) as part of the original CUP, and it is requested that the restriction on coin operated games be removed or modified. Per the Zoning Ordinance, a Conditional Use Permit is required for arcades and game centers, defined as having five or more coin-operated game machines. This level of activity is not proposed at the card room, but they would like to be able to allow “non-gaming” coin operated trivia-type games in the employee break areas and restaurant, not to exceed four total. The restriction on pool tables is not proposed to be changed.

Comedy Nite Club – Delete CUP References

The original approvals included a CUP for a Comedy Nite Club proposed in a portion of the building used at one time as a banquet area and converted to gaming space nearly a decade ago. This use was never implemented at the site, and Ocean’s Eleven does not operate a distinct or separate entertainment area. This CUP C-19-94 technically expired, since it was never implemented, and all references should be eliminated from the conditions.

Summary

All of the requested additional uses and condition revisions are proposed to enhance the existing entertainment experience and opportunities at Ocean’s Eleven Casino. The business has been successful, well-managed and has the regulation, security and management already in place to accommodate expanded offerings and activities. This will better utilize the restaurant area, provide amenities for patrons, and update the conditions to reflect current business conditions.

Findings for the Conditional Use Permits

The City of Oceanside Zoning Ordinance stipulates that three specific findings must be made before a Conditional Use Permit can be approved. The CUP revisions are addressed under the 3 findings below.

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

The location of the project is in a Highway Oriented Special Commercial zoning district, based on its proximity to Interstate 5. The emphasis is to provide visitor serving uses and facilities, and commercial development of community serving or higher level. The existing card room use provides an entertainment venue with a community and regional draw. The recent addition of mini-satellite wagering will enhance the entertainment options at this established business, and the condition revisions to clarify hours of activities and alcohol sales are complimentary to the use.

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

The updated CUP description that includes mini-satellite wagering is consistent and compatible with the existing card room use in this Special Commercial land use district. Gambling establishments routinely offer several forms of entertainment (i.e. card games, mini-satellite wagering, etc.).

All forms of gaming are regulated by their respective state agency, so as not to be detrimental to the public health, safety or welfare. Additionally, all forms of gaming are restricted by age, supervised, and conducted wholly within the building. The facility is staffed with security personnel and surveillance equipment, and is currently in good standing with the City of Oceanside.

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.*

All proposed updates and changes to conditions are consistent with the Special Commercial, Highway Oriented zone district. By offering several forms of gaming, food & beverage services for their customers, Ocean's Eleven Casino can offer a more satisfying experience and remain competitive.

Ocean's Eleven Casino

Legal Description

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

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

APN: 148-340-29



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** Mark Kelegian
2. **ADDRESS:** 121 Brooks Street, Oceanside, CA. 92054
3. **PHONE NUMBER:** (760) 730-8818
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Amy Fousekis
6. **PROJECT TITLE:** Oceans 11 Casino (CUP13-00027)
7. **DESCRIPTION:** A Conditional Use Permit to update the land use description for the Oceans 11 Casino to include mini-satellite horse wagering activities; require valet parking services on as an needed basis; eliminate the distinction between hours of operation for the lounge and restaurant; expand existing hours for alcoholic beverage sales; allow installation of four non-gaming trivia-type machines; and delete references to the comedy night club venue and associated conditions of approval for the use (C-19-94).

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 staff has determined that further environmental evaluation is not required because:

- The project is categorically exempt, Class 1, Existing Facility (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> (Sections 15260-15277); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

Amy Fousekis, Principal Planner

Date: May 5, 2014

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