



DATE: October 20, 2014

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP14-00020) FOR THE OPERATION OF A GENERAL DAY CARE FACILITY AT 320 NORTH HORNE STREET – LIFE OF LIBERTY APPLICANT: DEBRA HOWARD**

**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-P26 by approving Conditional Use Permit (CUP14-00020) with findings and conditions of approval attached herein.

**BACKGROUND**

Life of Liberty LLC currently operates a general day care facility within a commercial building located at 1715 South Freeman Street. Under the auspices of the California Community Care Licensing Division, Life of Liberty LLC provides supervision, life skills training, and vocational experience to adults with developmental disabilities. Due to space constraints, Life of Liberty LLC can accommodate no more than 45 clients at its current location. Life of Liberty LLC seeks to significantly expand its general day care services, necessitating relocation to a larger facility.

The commercial space that Life of Liberty LLC seeks to occupy was formerly utilized by the School of Business and Technology, a charter school serving the Oceanside Unified School District. The School of Business and Technology operated at this location from 2002 to 2008, when its charter was discontinued.

**Site:** The project site occupies 9.52 acres within the Mission Square Shopping Center, which extends from Mission Avenue to Civic Center Drive between Interstate 5 and North Horne Street. Adjacent land uses include Oceanside High School to the south, small-scale retail to the west, and condominiums to the north. The entire shopping center is made up of eight commonly-held parcels that together comprise approximately 11.5 acres. The 9.52-acre parcel accommodates a 167,058-square-foot multi-tenant commercial building, constructed in 1965. Most of the suites within this building maintain storefronts oriented toward Mission Avenue; these south-facing suites are occupied by a range of commercial uses, including Walmart, 99 Cent Only, Radio Shack, and other small retail and restaurant uses. Suites on the opposite side of the shopping center, nearer to Civic Center Drive, are currently occupied by Harbor Freight Tools, a self-service laundry (Posh Wash), and the Republican Party. This side of the shopping center also includes a 6,200-square-foot pad building, located at the southeast corner of Horne Street and Civic Center Drive. Previously occupied by a grocery store, this pad building is currently vacant.

The project site bears a General Plan land use designation of Special Commercial (SC) and bears a zoning designation of Special Commercial - Highway Oriented (CS-HO).

**Project Description:** The proposed project entails the establishment and operation of a state-licensed general day care facility providing basic skills and vocational training to developmentally disabled adults between the ages of 18 and 70. Approval of CUP14-00020 would allow Life of Liberty LLC to supervise as many as 264 clients engaged in a variety of activities meant to enhance their independence and improve their quality of life. The facility would maintain an average staff-to-client ratio of 1:4. Although all clients would begin and end their day at the facility, at least 80 percent of these individuals would conduct most of their supervised activities at learning centers, volunteer sites, and places of employment located throughout the community. Other clients would remain at the facility throughout the day, pursuing goals established through Individual Service Plans (ISPs).

The applicant proposes to occupy a vacant 16,875-square-foot suite situated between Civic Center Drive and the suite now occupied by the Republican Party. The location of this suite is illustrated on the attached site plan.

The existing floor plan of the suite that Life of Liberty LLC proposes to occupy was designed to accommodate the School of Business and Technology, which vacated the premises in 2008. Life of Liberty LLC does not propose to modify the existing floor plan, which includes 13 classrooms, seven tutorial spaces, five office spaces, and a media center. Utilized for general day care, the existing floor plan can accommodate a maximum of 330 persons under current building occupancy standards. Assuming a staff-to-client ratio of 1:4, as many as 264 clients and 66 staff members could occupy the suite at any given time.

The facility would operate Monday through Saturday during regular business hours (8:00 a.m. to 6:00 p.m.). Clients would arrive at the facility between 7:30 a.m. and 9:00 a.m., at which time formal educational and vocational activities would commence. Most clients would return to the facility from their respective activity sites between 2:30 p.m. and 3:00 p.m., where they would then either be immediately transported home or accommodated at the facility until transportation is available.

Most of the facility's clientele would arrive at and depart from the project site by means of shuttle service operated by Life of Liberty LLC and the various group homes where many of the clients reside. Other clients would utilize public transportation to travel to and from the facility. None of the clients would drive themselves to the facility, and only a small percentage would be transported to and from the facility in private vehicles. Consequently, parking demand would be driven almost exclusively by staffing needs. Zoning Ordinance Section 3103 assigns general day care facilities a minimum parking requirement of one space per seven occupants, based on maximum building occupancy. With a maximum building occupancy of 330 persons, Life of Liberty LLC would require a minimum of 48 on-site parking spaces. However, recognizing that Life of Liberty LLC may have as many as 66 staff members on-site at any given time, the Planning Division believes that the facility should have access to at least 66 on-site parking spaces during its regular hours of operation.

## **ANALYSIS**

The project is subject to the policies, standards, and guidelines of the following regulatory documents:

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 1.11 Balanced Land Use

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

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

While the proposed project would establish an institutional use within a predominately retail environment, the general day care facility would be located in a remote portion of the shopping center where retail uses have historically struggled to succeed. Separated from the Mission Avenue commercial corridor and abutting a low-volume residential street, this portion of the shopping center has long experienced high vacancy rates and considerable turnover in uses. It is staff's position that the general day care facility will bring stable tenancy to this somewhat isolated and underperforming portion of the shopping center, without adversely impacting the synergy of the retail and restaurant uses located on the opposite side of the building. Furthermore, the general day care facility will provide a much-needed service to the City's developmentally disabled residents, affording opportunities for self-actualization and meaningful community engagement.

### 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.

With the exception of shuttle services that would transport clients to and from the facility and their respective activity sites, the proposed general day care use would operate entirely within the existing commercial building, to which no exterior modifications are proposed. The attached resolution of approval includes a condition that requires the operator to provide at least one staff member to monitor and direct the drop-off and pick-up of clients during the morning and late afternoon transitional periods. This is a practice that Life of Liberty LLC has effectively instituted at its current location (1715 South Freeman Street).

## II. Community Enhancement

Goal: The continual long term enhancement of the community through the development and use of land which is appropriate and orderly with respect to type, location, timing, and intensity.

### Section 2. 242 Special Commercial along Interstate 5, State Highway 76, and State Highway 78 Corridors

Policy C: Commercial sites west of Interstate 5 are recognized as entry points to the Coastal Zone and shall be encouraged to provide commercial uses, services and facilities compatible to and in support of coastal dependent uses.

Policy D: Commercial developments shall be encouraged to provide facilities that promote and support the use of public transportation systems.

Although Mission Square Shopping Center can be considered a gateway into the City's Coastal Zone, generally well suited to commercial uses supportive of coastal dependent uses, the northern half of the center, adjacent to Civic Center Drive, is isolated from the Mission Avenue commercial corridor and thus not particularly conducive to retail activity. This is evidenced by the high vacancy and turnover rates in this portion of the center. The proposed general day care facility would provide an important service to residents both within and in proximity to the Coastal Zone, without disrupting retail activity within the shopping center. The facility would promote and support the use of public transportation systems, as many of the day care facility's clientele would utilize both light rail and bus service to travel to and from the facility.

## **2. Zoning Ordinance Compliance**

The project site lies within a Special Commercial – Highway Oriented (CS-HO) zoning district. Pursuant to Zoning Ordinance Section 1120, general day care facilities are permitted in all commercial zoning districts, subject to approval of a Conditional Use Permit (CUP). The Zoning Ordinance establishes that CUPs “are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with use on adjoining properties and in the surrounding area.”

**Parking:** With respect to development features, as previously noted, the proposed project would involve no exterior modifications to the existing building, nor would the proposed project result in any changes to existing parking resources or landscape areas. Consequently, the only development standards applicable to the proposed project are minimum on-site parking requirements.

As previously noted, general day care facilities are subject to a minimum parking requirement of one parking space per seven (7) persons, based on maximum building occupancy. However, the Planning Division believes that Life of Liberty LLC should

have access to a minimum of 66 on-site parking spaces, given that as many as 66 staff members may be at the facility during regular business hours. Mission Square Shopping Center has 589 unassigned surface parking spaces. More than 200 of these unassigned spaces are situated in the northern half of the shopping center, in close proximity to Harbor Freight Tools, Posh Wash, the offices of the Republican Party, the currently vacant pad building at the corner of Civic Center Drive and North Horne Street, and the suite that Life of Liberty LLC proposes to occupy. Field observation conducted by staff in recent weeks reveals that more than 75 percent of these parking spaces are consistently vacant during regular business hours. It is thus staff's position that ample on-site parking resources exist within a reasonable walking distance of the proposed facility to accommodate as many as 66 staff members at any given time.

***Vehicular Traffic:*** With respect to the operational characteristics of the proposed general day care use, staff has considered the potential for on and off-site impacts associated with vehicular traffic generated by Life of Liberty LLC during peak drop-off and pick-up periods.

The peak drop-off period would be between 7:30 a.m. and 9:00 a.m., while the peak pick-up period would be between 2:00 p.m. and 3:00 p.m. Clients would be dropped off and picked up in front of the main entrance to the facility, which is buffered from the vehicle circulation area by a triangle-shaped patio. The patio includes two ADA-compliant pedestrian ramps. During the morning drop-off period, the patio would serve as a transitional area where arriving clients would be greeted by staff and directed to their respective gathering and activity spaces within the building. In the afternoon, clients would gather on the patio to await pick-up. The outside edge of the patio is contoured to direct traffic along an efficient exit route that provides access to four separate points of egress from the project site: one on Civic Center Drive, two on North Horne Street, and one on Mission Avenue.

Staff sees little potential for significant on or off-site traffic impacts; given the facility's extended drop-off and pick-up periods, the efficiency of the curbside drop-off and pick-up facilities, and the fact that few clients would be transported to the project site in private vehicles.

## **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 newspaper 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**

Staff has determined that the proposed project, as conditioned, would be consistent with the applicable land use policies of the General Plan as well as the applicable land use and development standards of the Zoning Ordinance. Staff therefore recommends that the Planning Commission:

- Confirm issuance of a Class 1, Categorical Exemption "Existing Facilities"; and,
- Adopt Planning Commission Resolution No. 2014-P26 by approving Conditional Use Permit (CUP14-00020) with findings and conditions of approval attached herein.

PREPARED BY:



Russ Cunningham  
Senior Planner

SUBMITTED BY:



Marisa Lundstedt  
City Planner

ML/RC/fil

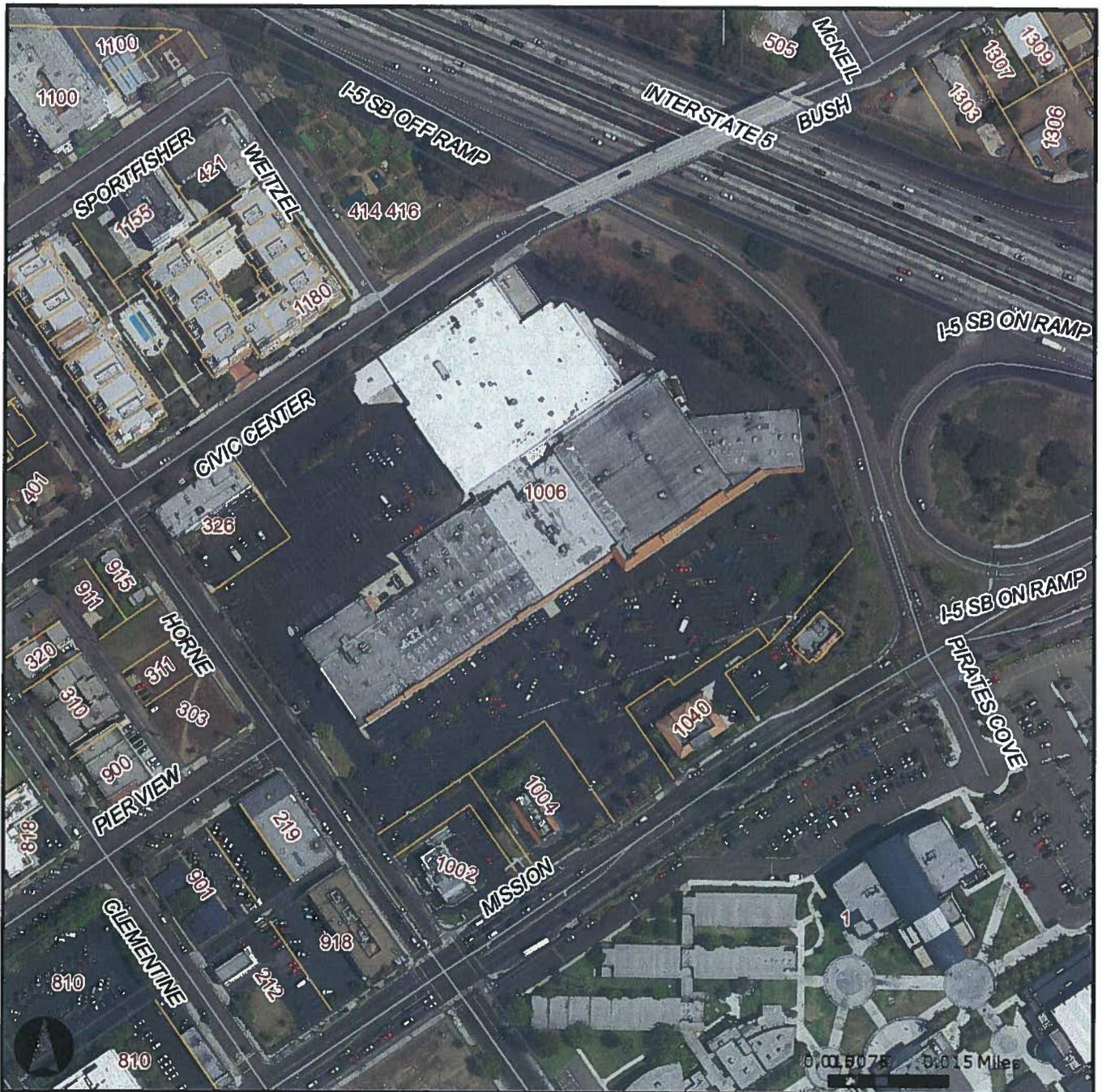
Attachments:

1. Site Plan and Floor Plan
2. Site Photos
3. Planning Commission Resolution No. 2014-P26
4. Other Attachments (Application page, Description and Justification, Legal Description, Notice of Exemption)





# City of Oceanside



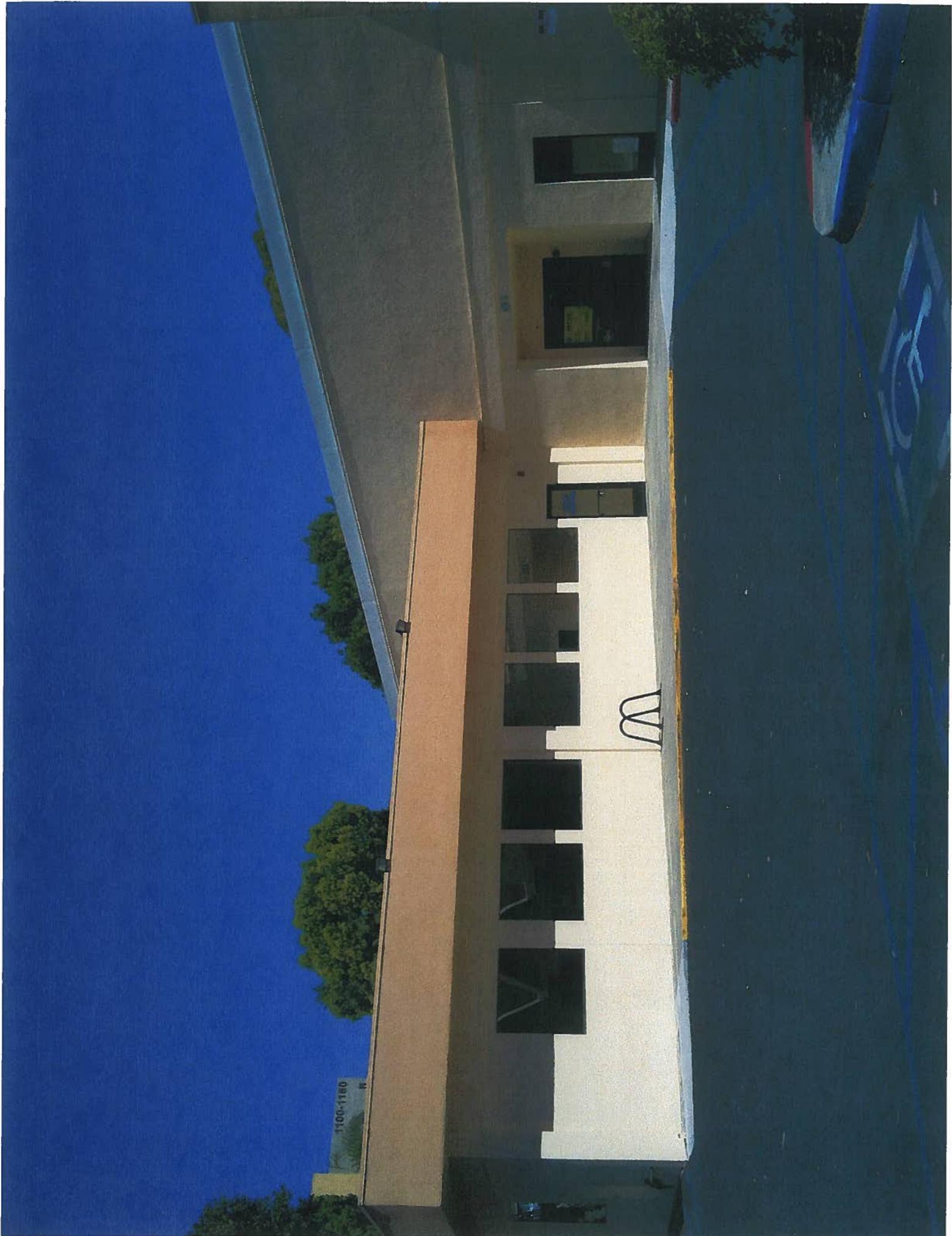
## City of Oceanside

- This map prepared solely for illustration purpose and is not to be relied upon for engineering drawings.
- Some information may not be accurate.

Sources: Orthophoto July 2009 DMI Inc.

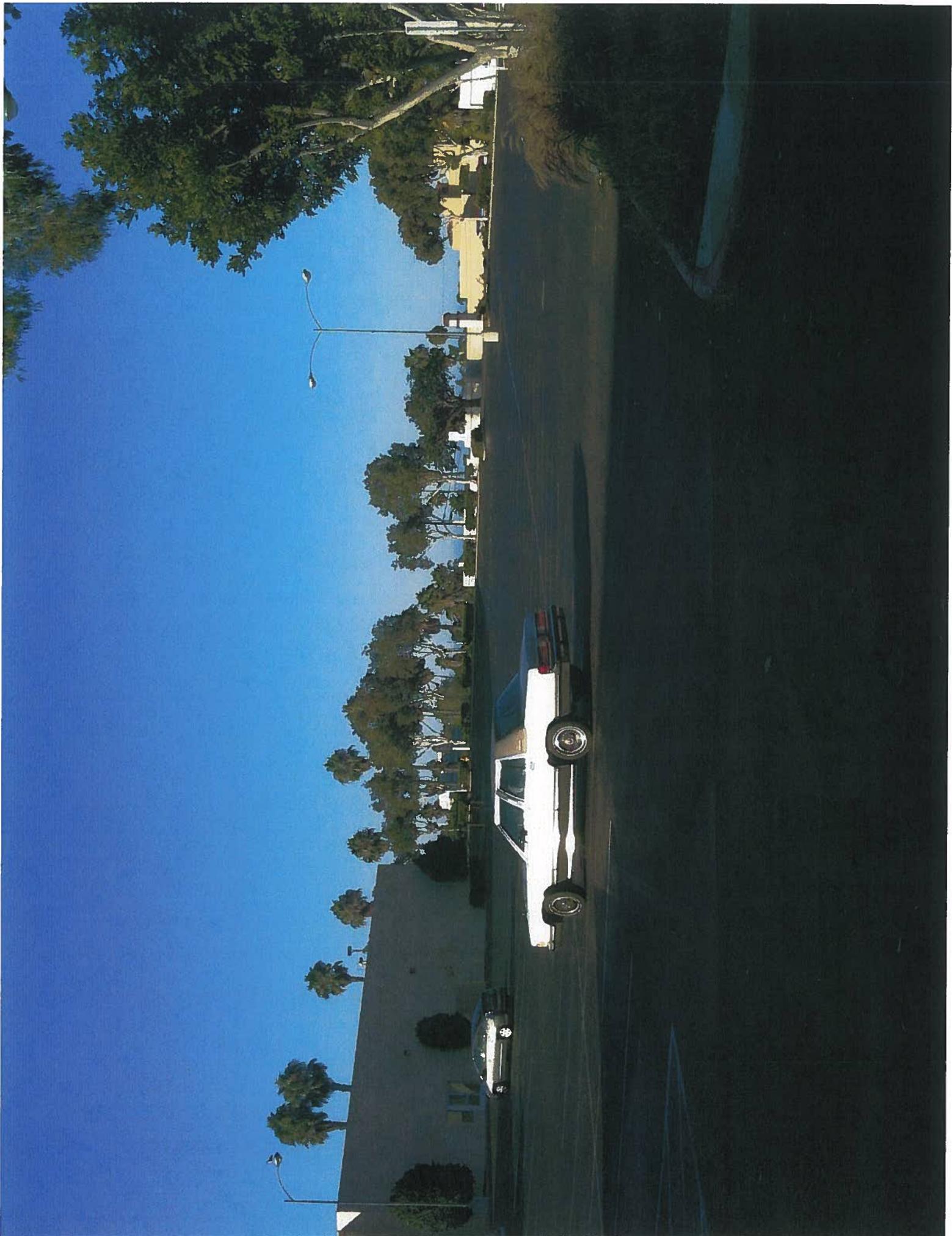
### City Base Map

Orthophotography by Aerometric for USGS, NGTOC III, ROLLA MO, SAN DIEGO CA



1100-1160





1 PLANNING COMMISSION  
2 RESOLUTION NO. 2014-P26

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE  
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A  
5 CONDITIONAL USE PERMIT (CUP14-00020) ON CERTAIN  
6 REAL PROPERTY IN THE CITY OF OCEANSIDE

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7 APPLICATION NO: CUP14-00020  
8 APPLICANT: Debra Howard/Life of Liberty  
9 LOCATION: 1006 Mission Avenue

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms  
13 prescribed by the Commission requesting a Conditional Use Permit under the provisions of the  
14 City of Oceanside Local Coastal Program and Articles 1, 4, 11, 30, 31, 40, and 41 of the Zoning  
15 Ordinance of the City of Oceanside to permit the following:

16 operation of a general day care facility;  
17 on certain real property described in the project description;

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 20<sup>th</sup> day  
19 of October, 2014 conduct a duly advertised public hearing as prescribed by law to consider said  
20 application.

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

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

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

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1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or</u>
2			<u>Calculation Formula</u>
3	Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
4			
5	Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$0.713 per square foot or \$713 per thousand square feet for non- residential uses
6			
7	School Facilities	Ordinance No. 91-34	\$.47 per square foot non- residential for Oceanside
8	Mitigation Fee		
9	Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
10			
11	Thoroughfare Fee	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
12	(For commercial and industrial please note the 75 percent discount)		
13			
14	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Non-residential is \$37,205 for a 2" meter.
15			
16			
17	Wastewater System Buy-in Fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Non-residential is \$50,501 for a 2" meter.
18			
19			
20	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Non-residential is \$23,358 for a 2" meter.
21			
22			

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

27 WHEREAS, unless otherwise provided by this resolution, all impact fees shall be  
28 calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside  
29 City Code and the City expressly reserves the right to amend the fees and fee calculations  
consistent with applicable law;

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

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

7 WHEREAS, pursuant to Oceanside Zoning Ordinance Section 2114, this resolution  
8 becomes effective 10 days from its adoption in the absence of the filing of an appeal or call for  
9 review;

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

12 FINDINGS:

13 For the Conditional Use Permit:

- 14 1. The proposed location of the general day care facility is in accord with the objectives of  
15 the Zoning Ordinance and the purposes of the Special Commercial-Highway-Oriented  
16 (CS-HO) zoning district in which the site is located. The portion of Mission Square  
17 Shopping Center where the proposed use would operate has historically experienced  
18 high vacancy and turnover rates. Because this portion of the shopping center is isolated  
19 from the Mission Avenue commercial corridor, it is generally not conducive to retail and  
20 other commercial uses. The proposed general day care facility is expected to bring a  
21 stable presence to this isolated and underutilized portion of the shopping center.
- 22 2. The proposed location of the general day care facility and the conditions under which it  
23 would be operated are consistent with the General Plan, will not be detrimental to the  
24 public health, safety, or welfare of persons residing or working in the vicinity, will not  
25 be detrimental to properties or improvements in the vicinity or to the general welfare of  
26 the City. The proposed general day care facility will provide essential services to the  
27 City's developmentally disabled residents, affording them opportunities for community  
28 engagement and self-actualization. Other than the drop-off and pick-up of clients,  
29 activities associated with the general day care facility will be contained within an existing  
building that is of sufficient scale and proper orientation to accommodate the proposed  
use.

1 3. The proposed general day care facility will comply with the provisions of the Zoning  
2 Ordinance. No new development or exterior modifications to the existing building are  
3 proposed, and ample parking resources exist to meet both the codified and effective  
4 parking requirements of the general day care facility, as conditioned.

5 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
6 approve Conditional Use Permit (CUP14-00020), subject to the following conditions:

7 **Building:**

- 8 1. The granting of approval under this action shall in no way relieve the applicant/project  
9 from compliance with all Current State and local building codes.
- 10 2. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance)  
11 and shall be shielded appropriately. Where color rendition is important high-pressure  
12 sodium, metal halide or other such lights may be utilized and shall be shown on final  
13 building and electrical plans.
- 14 3. Site development, parking, access into buildings and building interiors shall comply with  
15 Part 2, Title 24, C.C.R. (Disabled Access - Nonresidential buildings - D.S.A.).
- 16 4. Failure to maintain landscaping shall result in the City taking all appropriate enforcement  
17 actions including but not limited to citations. The landscape and irrigation maintenance  
18 condition shall be a requirement of the Conditional Use Permit. If the lack of proper  
19 irrigation and maintenance occurs the City shall take action to require the installation of an  
20 automatic irrigation system.

21 **Fire:**

- 22 5. Obtain approval from the building department for change of occupancy classification to I-  
23 4.
- 24 6. Building must be fire sprinklered.
- 25 7. Manual fire alarm system with occupant notification required throughout the area used for  
26 day care purposes.
- 27 8. Second floor may not be used for day care purposes unless complying with CBC 426.1.  
28 Access to second floor must be secured from the first floor.
- 29 9. Corridor must be one-hour rated. Openings to other rooms or areas must be protected by  
20 minute rated smoke and draft controlled doors.

1 **Building:**

2 10. The granting of approval under this action shall in no way relieve the applicant/project  
3 from compliance with all Current State and local building codes.

4 11. The 2013 triennial edition of the California Code of Regulations, Title 24 (California  
5 Building Standards Code) applies to all occupancies that applied for a building permit on or  
6 after January 1, 2014, and remains in effect until the effective date of the 2016 triennial  
7 edition which will be January 1, 2017. The California Building Standards Commission  
8 website at <http://www.bsc.ca.gov/codes.aspx> has links to where the codes can be viewed  
9 online as well as information on where the codes can be purchased; Parts 6, 11, and 12 can  
10 be directly downloaded for free.

11 12. There are 12 parts to Title 24 and the applicable parts for most Building Division permit  
12 applications are listed below.

13 Part 2: The 2013 California Building Code (CBC) is based on the 2012 IBC, but  
14 includes numerous State of California amendments.

15 Part 2.5: The 2013 California Residential Code (CRC) is based on the 2012 IRC,  
16 but includes numerous State of California amendments and does not include the  
17 electrical, energy, mechanical, or, plumbing portions of the IRC, and instead parts 3  
18 through 6 of Title 24 as listed below apply.

19 Part 3: The 2013 California Electrical Code (CEC) is based on the 2011 NEC with  
20 State of California amendments.

21 Part 4: The 2013 California Mechanical Code (CMC) is based on the 2012 UMC  
22 with State of California amendments.

23 Part 5: The 2013 California Plumbing Code (CPC) is based on the 2012 UPC with  
24 State of California amendments.

25 Part 6: The 2013 California Energy Code is currently based on the 2013 Building  
26 Energy Efficiency Standards, and please visit the California Energy Commission  
27 website at <http://www.energy.ca.gov/title24/2013standards/> where additional  
28 information can be found and Compliance manuals can be downloaded for free.  
29 Effective Date July 1, 2014.

Part 9: The 2013 California Fire Code (CFC) is based on the 2012 IFC with State of  
California amendments.

1 Part 11: The 2013 California Green Building Standards Code (CALGreen Code)  
2 This Part is known as the California Green Building Standards Code, and it is  
3 intended that it shall also be known as the CALGreen Code.

4 Amendments to the City of Oceanside Administrative Code for Building  
5 Regulations Ordinance No. 13-ORO752-1 Effective Date 01/01/2014 a copy of  
6 which can be downloaded from the Building Division website at  
7 <http://www.ci.oceanside.ca.us/gov/dev/bldg/codes.asp>

- 8 13. The building plans for this project shall be prepared by a design professional, licensed  
9 architect or engineer and shall be in compliance with this requirement prior to submittal for  
10 building plan review.
- 11 14. Site development, parking, access into buildings and building interiors shall comply WITH  
12 ALL CURRENT State of California Accessibility Code.
- 13 15. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the plans.  
14 Separate/unique addresses may be required to facilitate utility releases. Verification that  
15 the addresses have been properly assigned by the City's Planning Division shall  
16 accompany the Building Permit application.
- 17 16. The developer shall monitor, supervise and control all building construction and supportive  
18 activities so as to prevent these activities from causing a public nuisance, including, but not  
19 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 work  
22 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 noise-  
24 producing nature. No work shall be permitted on Sundays and Federal Holidays  
25 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,  
26 Christmas Day) except as allowed for emergency work under the provisions of the  
27 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 neat,  
2 safe manner for short periods of time pending disposal.

3 **Planning:**

4 17. Conditional Use Permit (CUP14-00020) shall expire on October 20, 2016, unless  
5 implemented in accordance with the City of Oceanside Zoning Ordinance or unless a time  
6 extension is granted by the Planning Commission.

7 18. Conditional Use Permit (CUP14-00020) approves only the operation of a general day care  
8 facility within a 16,875-square-foot suite within an existing commercial building. No  
9 deviation from these approved plans and exhibits shall occur without City Planner or  
10 Planning Commission approval. Substantial deviations shall require a revision to the  
11 Conditional Use Permit, or a new Conditional Use Permit, as determined by the City  
12 Planner.

13 19. The applicant, permittee, or any successor-in-interest shall defend, indemnify and hold  
14 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
15 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
16 annul an approval of the City, concerning Conditional Use Permit (CUP14-00020). The  
17 City will promptly notify the applicant of any such claim, action or proceeding against  
18 the City and will cooperate fully in the defense. If the City fails to promptly notify the  
19 applicant of any such claim action or proceeding or fails to cooperate fully in the  
20 defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold  
21 harmless the City.

22 20. Any new mechanical rooftop and ground equipment shall be screened from public view as  
23 required by the Zoning Ordinance.

24 21. The hours-of-operation for all commercial activity shall be limited to 5:00 a.m. to 11:00  
25 p.m.

26 22. To ensure the safe and efficient circulation of vehicles, the general day care facility shall  
27 assign at least one staff member to supervise the drop-off and pick-up of clientele during  
28 the morning and afternoon transitional periods (i.e., 7:30 a.m. to 9:00 a.m. and 2:00 p.m.  
29 to 3:30 p.m.). During these transitional periods, said staff member shall be stationed  
outside, on the patio in front of the primary entrance.

- 1 23. In the event drop-off and/or pick-up activity becomes so concentrated as to create  
2 hazardous conditions or impede access to on-site parking for other uses on the premises,  
3 as determined by the City Planner, the drop-off and/or pick-up of clientele shall occur on  
4 a scheduled basis, .
- 5 24. Assuming an average staff-to-client ratio of 1:4, the general day care facility shall be  
6 limited to no more than 264 clients. Should the average staff-to-client ratio be less  
7 intensive, additional clientele could potentially be permitted through a substantial  
8 conformity determination by the City Planner. However, in no case shall the facility  
9 exceed a total occupancy of more than 300 persons at any given time.
- 10 25. A covenant or other recordable document approved by the City Attorney shall be prepared  
11 by the developer and recorded prior to issuance of building permits. The covenant shall  
12 provide that the property is subject to this resolution. The covenant shall list the conditions  
13 of approval.
- 14 26. Prior to the issuance of building permits, compliance with the applicable provisions of the  
15 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed  
16 and approved by the Planning Division. These requirements, including the obligation to  
17 remove or cover with matching paint all graffiti within 24 hours, shall be noted on the  
18 Landscape Exhibit and shall be recorded in the form of a covenant affecting the subject  
19 property.
- 20 27. Prior to the transfer of ownership and/or operation of the site the owner shall provide a  
21 written copy of the applications, staff report, and resolutions for the project to the new  
22 owner and or operator. This notification's provision shall run with the life of the project  
23 and shall be recorded as a covenant on the property.
- 24 28. Failure to meet any conditions of approval for this development shall constitute a violation  
25 of the Conditional Use Permit.
- 26 29. Unless expressly waived, all current zoning standards and City ordinances and policies in  
27 effect at the time building permits are issued are required to be met by this project. The  
28 approval of this project constitutes the applicant's agreement with all statements in the  
29 Description and Justification Plan and other materials and information submitted with this  
application, unless specifically waived by an adopted condition of approval.

1 30. The applicant, tenants, or successors in interest shall comply with the City's business  
2 license requirements as necessary.

3 31. The elevations and floor plans shall be substantially the same as those approved by the  
4 Planning Commission. These shall be shown on plans submitted to the Building  
5 Division and Planning Division for permit plan check, and prior to issuance of any  
6 building permit.

7 32. No project signage is approved with this application. All project signage shall be subject  
8 to a separate sign permit and be in compliance with the Oceanside Zoning Ordinance.

9 PASSED AND ADOPTED Resolution No. 2014-P26 on October 20, 2014 by the  
10 following vote, to wit:

11 AYES:

12 NAYS:

13 ABSENT:

14 ABSTAIN:

15 \_\_\_\_\_  
16 Robert Neal, Chairperson  
17 Oceanside Planning Commission

18 ATTEST:

19 \_\_\_\_\_  
20 Marisa Lundstedt, Secretary

21 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify  
22 that this is a true and correct copy of Resolution No. 2014-P26.

23 Dated: October 20, 2014

24 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may  
25 be required as stated herein:  
26

27 \_\_\_\_\_  
28 Applicant/Representative

\_\_\_\_\_ Date



### 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

#### Please Print or Type All Information

#### HEARING

#### PART I - APPLICANT INFORMATION

1. APPLICANT <i>LoL Life of Liberty</i>	2. STATUS <i>lessee</i>
3. ADDRESS <i>1715 S. Freeman St O'side 92054</i>	4. PHONE/FAX/E-mail <i>760-433-5411</i> <i>760-433-5414</i>
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) <i>Debra Howard</i>	
6. ADDRESS <i>Po Box 5636 O'side 92052</i>	7. PHONE/FAX/E-mail <i>760-433-5411</i>

GPA
MASTER/SP.PLAN
ZONE CH.
TENT. MAP
PAR. MAP
DEV. PL.
<input checked="" type="checkbox"/> C.U.P.
VARIANCE
COASTAL
O.H.P.A.C.

#### PART II - PROPERTY DESCRIPTION

8. LOCATION <i>Horne</i> <i>320 N. Horne St oceanside CA</i>			9. SIZE <i>320 Horne (entire Bldg)</i> <i>(16,875 sqft) (167,058 SF)</i>
10. GENERAL PLAN <i>Retail/comm</i>	11. ZONING <i>6</i>	12. LAND USE <i>commercial/retail</i>	13. ASSESSOR'S PARCEL NUMBER <i>147-231-08</i>
14. LATITUDE <i>N/A</i>		15. LONGITUDE <i>N/A</i>	

#### PART III - PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION  
*Conditional use permit to provide day services to adults w disabilities. services are not overnight*

17. PROPOSED GENERAL PLAN <i>N/A</i>	18. PROPOSED ZONING <i>N/A</i>	19. PROPOSED LAND USE <i>N/A</i>	20. NO. UNITS <i>N/A</i>	21. DENSITY <i>N/A</i>
22. BUILDING SIZE <i>16,875 sqft</i>	23. PARKING SPACES <i>850</i>	24. % LANDSCAPE <i>N/A</i>	25. % LOT COVERAGE or FAR	

#### 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 checked="" type="checkbox"/> 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): <i>LoL Life of Liberty, LLC</i> <i>Debra Howard - mpr. mbr</i>	36. DATE <i>7.29.11</i>	37. OWNER (Print)	38. DATE
Sign: <i>DHoward</i>		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.

LOL-Life Of Liberty Adult Day Program  
1715 South Freeman Street  
Oceanside CA. 92054

August 5, 2014

City of Oceanside Planning Division  
300 N. Coast Hwy  
Oceanside CA 92054

RE: LOL-Life of Liberty Day Program  
1715 South Freeman St (current location)  
320 N.Horne St (potential location)

Dear Sir or Madam:

LOL-Life Of Liberty is a facility that services adults with developmental disabilities between the ages of 18-65 in a day program setting. Services are provided daily (Monday thru Saturday) to participants from 8am-6pm. The type of services offered by LOL includes vocational skills training, educational training, culinary skills, physical fitness, personal development, personal finance and independent living skills. LOL program design targets adults with disabilities who is capable of both receptive and expressive language whether verbally or through sign language. LOL will not accept any participants who is medically fragile or who requires any treatment beyond basic first aid.

Eighty percent of enrolled participants will spend more than 75% of their day integrating the community by attending local colleges, volunteer sites and paid job sites., while the other participants remain in-house working on attaining their goals created from Individual Service Plans (ISP). LOL currently have six secured volunteer sites and 1 paid job site.

LOL is expected to staff at a 3:1 or 4:1 staff to participant ratio. Staffing will depend on several factors such as attendance and the level of the participant cognitive ability.

The need for adult day programs continues to grow as the population of individuals with disabilities continues to grow well beyond expectancy. According to The State Council on developmental disabilities there are an estimated 650,000 developmentally disabled citizens.in California. Sadly, only 250,000 of these individuals are currently being served. The council further contends that in 1965, 13,500 residents lived in 4 state hospitals because there were not any alternative placements (All Gov , 2014), which is why LOL is seeking to service this population with not just another adult day program but a program that far exceeds traditional day programs. LOL has created a tailored design that will service its participants in a more advanced way including hiring well-trained and educated

staff. The activities designed by LOL will keep its participants engaged both cognitively and socially. LOL believes, as does the State Council on developmental disabilities that these individuals deserve the same opportunities as all Americans. By granting LOL the conditional use permit to operate from the 320 Horne location the city will be doing its part in helping to ensure these individuals are treated as worthwhile citizens and no longer as adjuncts of society as they were in the past.

The current capacity at Freeman Street is approved for forty-five participants with no future room for growth. This application is requesting a capacity for 400 participants at the Horne location. The Horne street location is perfectly designed to meet our needs with absolutely no tenant improvements needed beyond cleaning of carpet and paint.

Parking for this location is more than sufficient. According to the parking requirements, which is set at 1 space per 7 person for day care the total number of parking spaces needed to accommodate our capacity request of 400 will require approximately 57 spaces. The shopping plaza where the proposed building is located currently has 850 free surface spaces. The current parking ratio is 4.81/1000 sq. sf. The previous conditional use permit (C.U.P) was granted to the tenant operating as The School of Business and Technology who had a capacity of 499. This number is significantly more than the request of LOL With-that-being-said; sufficient parking does not seem to be a problem that would interfere with granting the C.U.P.

LOL currently owns 4 mini vans used to transport its participants from their personal and group homes to and from day program. These vans are additionally used to transport its participants to their community outings. There are 3 other private transportation service providers who transport participants to LOL. However, these buses are parked only long enough to load and unload participants. These buses transport both A.M. and P.M.

Finally, by granting LOL the C.U.P. the city will be helping the economic growth of Oceanside through the employment opportunities provided by LOL. If granted the C.U.P LOL will employ 133 support staff in addition to drivers and administrators. In-other-words, LOL could potentially create an additional 150 jobs in the city of Oceanside.

Thanks you in advance for granting our request for a C.U.P.

Sincerely,



Debra Howard

Executive Director

LOL-Life Of Liberty Day Program

[debra.howard@lol-lifeofliberty.com](mailto:debra.howard@lol-lifeofliberty.com)

**LEGAL DESCRIPTION**

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

PARCELS 1 THROUGH 6 INCLUSIVE, OF PARCEL MAP NO. 16024, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 13, 1990, AS INSTRUMENT NO. 1990-133586 OF OFFICIAL RECORDS.

APN: 147-231-01-00 through 147-231-08-00



# NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:  
Removal:  
(180 days)

1. **APPLICANT:** Debra Howard/Life of Liberty
2. **ADDRESS:** 1715 South Freeman Street Oceanside, CA 92054
3. **PHONE NUMBER:** (760) 433-5411
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Russ Cunningham
6. **PROJECT TITLE:** Life of Liberty (CUP14-00020)
7. **DESCRIPTION:** The proposal involves the establishment and operation of a general day care facility within an existing commercial building at 1006 Mission Avenue (Mission Square Shopping Center). The facility would occupy a 16,875-square-foot tenant space and accommodate as many as 264 clients at an average staff-to-client ratio of 1:4. No interior or exterior modifications to the existing building are proposed at this time.

**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).

Date: October 20, 2014

\_\_\_\_\_  
Russ Cunningham, Senior Planner

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