ITEM NO. 26

STAFF REPORT

CITY OF OCEANSIDE

DATE: March 4, 2015

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department/Planning Division

SUBJECT: **ADOPTION OF A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A BAR AND COCKTAIL LOUNGE WITH ASSOCIATED POOL TABLES LOCATED AT 3780 MISSION AVENUE – MAXDON'S PUB & GRUB – APPLICANT: P.C.L. CORPORATION**

SYNOPSIS

Staff recommends that the City Council adopt a resolution approving Conditional Use Permit (CUP14-00025) for the establishment and operation of a bar and cocktail lounge with full alcoholic beverage service, six associated pool tables, and a waiver of regulated use locational requirements for a proposed establishment located at 3780 Mission Avenue.

BACKGROUND

On February 9, 2015, the Planning Commission recommended approval of Conditional Use Permit (CUP14-00025) for the relocation of an existing bar and cocktail lounge known as Maxdon's Pub and Grub bar to a new location at 3780 Mission Avenue.

The Maxdon's Pub is currently in operation and located at 2231 El Camino Real within the Camino Town and Country Shopping Center. The business has been a part of the local community for 35 years and provided a low key environment for watching sporting events, playing pool, shuffleboard, darts, and enjoying alcoholic beverages. There have been no code enforcement citations or police reports filed on the business for over 25 years at the current location. Due to future plans to remodel the commercial center, the business has been forced to find a new location. The Maxdon's Pub has been working with the Oceanside Police Department and the City's Economic Development Coordinator on relocating the business to a suitable location. After extensive research and coordination with City staff, the owner of Maxdon's Pub wishes to process a Conditional Use Permit to operate and relocate the bar and cocktail lounge with associated pool tables, to 3780 Mission Avenue Suite 145A.

Site Review: The subject site is designated Neighborhood Commercial (NC) on the General Plan Land Use Map and Neighborhood Commercial (CN) on the zoning map.

The project site is surrounded by commercial retail uses in all directions, which includes a barber shop and thrift store to the north, a future restaurant by the name of WABA Grill to the east, a Starbucks Coffee shop to the south, and commercial retail suites and the Stater Brothers Grocery Store to the west.

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

Conditional Use Permit CUP14-00025 represents a request for the following:

(a) To allow for the operation of a bar and cocktail lounge with associated pool tables within an existing 4,325 square-foot commercial suite located at 3780 Mission Avenue Suite 145A.

The proposed bar and cocktail lounge operation would be similar to the existing business located at 2235 El Camino Real, with the exception of the addition of precooked and premade food items available for purchase. A high heat conventional oven would be used to heat the premade and frozen food, but the business model does not include a full kitchen or restaurant services. The facility intends to operate between the hours of 11:00 a.m. and 2:00 a.m. seven days a week. A draft management plan has been submitted for consideration that describes anticipated operations, events, and security measures. The use would include one employee/bartender for each weekday shift and two employees on Friday and Saturday nights. The interior layout of the facility has been designed to enable the bartender to have full surveillance of the entire facility, while working behind the bar. The business would be comprised of 15 tables with associated chairs, eight lounge chairs, an employee office/storage area, a walk-in cooler, an approximate 400-square-foot kitchen with a merchandise storage area, an ADA compliant men's and women's restroom, an approximate 30-foot long bar table, six pool tables, two dart boards, and a shuffleboard table. In addition, all required parking for the facility would be provided on-site within the commercial center.

In addition, the project requires a waiver of locational requirements for regulated uses (Bar/Cocktail Lounge & Pool/Billiard Establishments) pursuant to City of Oceanside Zoning Ordinance Section 3604 and 3605. The waiver of locational requirements would permit the proposed Maxdon's Bar and Cocktail lounge to be located within 500 feet from a residential district's boundaries and within 1,000 feet from a regulated use. The project site is 400 feet from any residential district and 400 feet from a regulated use known as the Smoke Depot, a cigarette and cigar retail store.

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

1. General Plan
2. Zoning Ordinance
3. CEQA

See attached Planning Commission staff report for the analysis of Key Planning Issues and findings of approval for the waiver for the locational requirements.

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

ANALYSIS

In reviewing this proposal, staff focused on the project's overall compatibility with the surrounding land uses and consistency with the provisions of the General Plan and Zoning Code. The City's land use policies and zoning regulations governing this type of request are intended to site these uses in areas where noise impacts would be minimized. Staff has evaluated the proposed development and has determined that: a) the project's location would provide adequate operational and noise buffers between the facility and adjacent residential uses; and b) the bar/cocktail lounge and associated pool tables can be sufficiently managed through security and other facility operation measures in a manner that would ensure compatibility of the proposed use with existing shopping center retail uses as well as other uses in the immediate area.

Specific findings necessary to support a waiver of locational requirements are attached and are specified with the Planning Commission staff report.

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

It is important to note that the project has been conditioned so that if there are legitimate complaints relating to noise or any other issues that are verified by a Code Enforcement Officer, then the use can be called for review by the City Council.

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

FISCAL IMPACT

None.

COMMISSION OR COMMITTEE REPORT

The Planning Commission reviewed the project on February 9, 2015. Public hearing notices were mailed to business and residential property owners within the 300-foot radius of the proposed project. After hearing testimony from the public as well as the applicant, the Commission moved to recommend approval of the proposed restaurant and entertainment facility by a 7-0 vote.

CITY ATTORNEY'S ANALYSIS

The City Council is authorized to hold a public hearing in this matter. Consideration of the matter should be based on the testimony and evidence presented at the hearing. After conducting the public hearing, the Council shall affirm, modify or deny the project. The supporting documents have been reviewed and approved as to form by the City Attorney.

RECOMMENDATION

Staff recommends that the City Council adopt a resolution approving Conditional Use Permit (CUP14-00025) for the establishment and operation of a bar and cocktail lounge with full alcoholic beverage service, six associated pool tables, and a waiver of regulated use locational requirements for a proposed establishment located at 3780 Mission Avenue.

PREPARED BY:

Scott Nightingale
Associate Planner

SUBMITTED BY:

Michelle Skaggs Lawrence
Interim City Manager

REVIEWED BY:

Frank McCoy, Police Chief

Jeff Hunt, Interim City Planner

Tracey Bohlen, Economic Development ~~Coordinator~~ Manager

ATTACHMENTS:

1. City Council Resolution
2. Findings supporting a waiver of locational requirements
3. Planning Commission Staff Report dated February 9, 2015

ATTACHMENT 1

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE APPROVING CONDITIONAL USE PERMIT CUP14-00025 FOR THE ESTABLISHMENT AND OPERATION OF A BAR AND COCKTAIL LOUNGE WITH FULL ALCOHOLIC BEVERAGE SERVICE, POOL TABLE SERVICE, AND A WAIVER OF REGULATED USE LOCATIONAL REQUIREMENTS AT 3780 MISSION AVENUE

(P.C.L. Corporation -- Applicant)

WHEREAS, an application has been submitted for Conditional Use Permit (CUP14-00025) to permit the establishment and operation of a bar and cocktail lounge with full alcoholic beverage service with associated pool table service, and to waive applicable regulated use locational requirements for the bar and cocktail lounges establishment at 3780 Mission Avenue, on certain real property more particularly described in Exhibit "A", attached hereto and incorporated herein by reference;

WHEREAS, on February 9, 2015, the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, adopted Resolution No. 2015-P07 recommending approval of Conditional Use Permit (CUP14-00025) inclusive of a waiver for applicable regulated use locational requirements, set forth in Chapter 36 of the Oceanside Zoning Ordinance;

WHEREAS, on March 4, 2015, the City Council held a duly noticed public hearing and heard and considered all evidence and testimony by all interested parties on the above identified Conditional Use Permit (CUP14-00025) and regulated use locational requirement waiver application;

WHEREAS, based on such evidence, testimony and staff reports, this City Council makes the findings of fact as set forth in Planning Commission Resolution No. 2015-P07 and attached hereto as Exhibit "B", and incorporates them by reference as if fully set forth herein;

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

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

1. Conditional Use Permit (CUP14-00025) is hereby approved pursuant to the findings

and conditions contained within Planning Commission Resolution No. 2015-P07 attached hereto as Exhibit "B" and incorporated herein by this reference.

2. The locational requirements for a bar and cocktail lounge with associated pool tables as set forth in Oceanside Zoning Ordinance Section 3604 are hereby waived pursuant to the findings contained within Planning Commission Resolution No. 2015-P07 attached hereto as Exhibit "B".

3. NOTICE IS HEREBY GIVEN that the time within which judicial review must be sought on this decision is governed by CCP Section 1094.6. and Public Resources Code Section 21167 (d).

PASSED AND ADOPTED by the City Council of the City of Oceanside, California this 4th day of March, 2015 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Mayor of the City of Oceanside

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

_____
City Attorney

EXHIBIT "A"

PARCEL 1: (APN: 158-390-6, 7, 8, 14 & 15)

PARCELS 1, 2, 3, AND 4 OF PARCEL MAP NO. 10773, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID MAP BEING FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON DECEMBER 5, 1980.

EXCEPTING THEREFROM ALL OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES (EXCEPT WATER) LYING NOT LESS THAN 100 FEET BELOW THE SURFACE OF THE HEREINAFTER DESCRIBED LAND, BUT WITHOUT THE RIGHT TO GO UPON THE SURFACE OF THE HEREINAFTER DESCRIBED LAND FOR THE PURPOSE OF EXTRACTING SAID OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES, NOR FOR ANY PURPOSE IN CONNECTION THEREWITH, BUT WITH THE RIGHT TO EXTRACT AND REMOVE SAID OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES BY MEANS OF SLANT-DRILLED WELLS LOCATED ON OR ADJACENT OR NEARBY LAND, OR BY ANY OTHER MEANS NOT REQUIRING ENTRY UPON THE SURFACE OF THE HEREINAFTER DESCRIBED LAND. SAID LAND BEING THOSE PORTIONS OF SAID PARCELS 3, 4 AND 5 WHICH LIES WITHIN THAT 100.00 FEET WIDE STRIP OF LAND DESCRIBED IN DEED TO THE CITY OF OCEANSIDE, RECORDED AUGUST 3, 1948 AS DOCUMENT NO. 76589 IN BOOK 2897, PAGE 1 OF OFFICIAL RECORDS, AND ON SAID OIL, GAS AND OTHER HYDROCARBON AND MINERAL SUBSTANCES WERE EXPECTED BY THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY IN SAID DEED HEREINABOVE REFERRED TO.

PARCEL 2: (APN: 158-390-02)

PARCEL 5 OF PARCEL MAP NO. 9560, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID MAP BEING FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON JANUARY 2, 1980.

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PARCEL 3: (APN: 158-390-11)

PARCEL A OF PARCEL MAP NO. 12194, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID MAP BEING FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON JUNE 23, 1982.

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SCHEDULE A
(continued)

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SCHEDULE A
(continued)

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PARCEL 4: (APN: 158-390-16)

PARCEL A OF CERTIFICATE OF COMPLIANCE RECORDED NOVEMBER 21, 2006 AS FILE NO. 2006-0829249, OFFICIAL RECORDS, BEING PARCEL B OF PARCEL MAP NO. 12194, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID MAP BEING FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON JUNE 23, 1982.

EXCEPTING THEREFROM THAT PORTION OF SAID PARCEL B MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY CORNER OF SAID PARCEL B OF SAID PARCEL MAP NO. 12194; THENCE SOUTH 37°50'32" WEST ALONG THE NORTHERLY LINE OF SAID PARCEL B 82.76 FEET; THENCE SOUTH 52°09'28" EAST 143.67 FEET; THENCE SOUTH 82°08'11" EAST 165.11 FEET; THENCE NORTH 37°50'32" EAST 0.26 FEET; THENCE NORTH 52°09'28" WEST 286.69 FEET TO THE POINT OF BEGINNING.

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SCHEDULE A
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PARCEL 5: (APN: 158-390-17)

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EXHIBIT "B"

PLANNING COMMISSION
RESOLUTION NO. 2015-P07

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

APPLICATION NO:	CUP14-00025
APPLICANT:	P.C.L Corporation
LOCATION:	3780 Mission Ave.

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Conditional Use Permit under the provisions of Articles 11 and 41 and 36 of the Zoning Ordinance of the City of Oceanside to permit the following:

establishment and operation of a bar/cocktail lounge with full alcoholic beverage service, six associated pool tables, precooked food services, and a waiver of regulated use locational requirements;

on certain real property described in the project legal description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 9th day of February 2015, conduct a duly advertised public hearing as prescribed by law to consider said application.

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

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

FINDINGS:

For Conditional Use Permit (CUP14-00025) to allow establishment and operation of a bar/cocktail lounge with full alcoholic beverage service and six pool tables:

1. The location of the proposed facility is in accord with the objectives of the Zoning Ordinance and the purposes of the underlying Neighborhood Commercial (CN) district. Provision for a bar/cocktail lounge with full alcoholic beverage service and six pool

tables, in conjunction with a dining establishment is permitted within the Neighborhood Commercial district subject to approval of a conditional use permit. The use has been analyzed to ensure that operations will not conflict with the adjoining uses or cause a negative impact to the neighborhood.

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

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

For Conditional Use Permit (CUP14-00025) to waive regulated use locational requirements for a dance establishment:

1. The waiver of regulated use locational requirements for the proposed bar/cocktail establishment with six pool tables will not be contrary to the public interest;

2. It will not be contrary to the spirit or intent of Article 36 Separation of Regulated Uses of the 1992 zoning ordinance;

3. It will not impair nearby property or the integrity of the underlying district;

4. It will not encourage the development of an adult entertainment area or otherwise promote community blight;

5. It will not negatively impact any governmental programs of redevelopment, revitalization or neighborhood preservation.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby recommend that the Planning Commission approve Conditional Use Permit (CUP14-00025) subject to the following conditions:

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Building:

1. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and local building codes.
2. The building plans for this project shall be prepared by a licensed architect or engineer and shall be in compliance with this requirement prior to submittal for building plan review.
3. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the plans. Separate/unique addresses may be required to facilitate utility releases. Verification that the addresses have been properly assigned by the City's Planning Division shall accompany the Building Permit application.
4. Structural, Plumbing, Mechanical & Energy Calculations/documentation shall be required at time of plans submittal to the Building Division for plan check.
5. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance) and shall be shielded appropriately.
6. Site development, parking, access into buildings and building interiors shall comply with all current State of California accessibility codes and regulations.
7. The developer shall monitor, supervise and control all building construction and supportive activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence to the following:
   a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).
   b) The construction site shall be kept reasonably free of construction debris as specified in Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste containers shall be considered compliance with this

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

Planning:

8. This Conditional Use Permit (CUP14-00025) shall expire on February 9, 2017, unless implemented as required by the Zoning Ordinance.

9. This Conditional Use Permit (CUP14-00025) allows a bar/cocktail lounge with full alcoholic beverage service and six pool tables in conjunction with the Maxdon's Pub & Grub facility, as shown on the plans and exhibits presented to the Planning Commission for review and approval, and a waiver of locational requirement for a regulated use. Outdoor patio dining is not included as part of this approval. No deviation from these approved plans and exhibits shall occur without Development Services Department/Planning Division approval. Substantial deviations shall require a revision to the Conditional Use Permit or a new Conditional Use Permit.

10. Hours of operation are limited to 11:00 a.m. to 2:00 a.m. seven days a week. Loading and unloading of merchandise shall be limited to 7:00 a.m. to 6:00 p.m.

11. All mechanical rooftop and ground equipment shall be screened from public view as required by the Zoning Ordinance, on all four sides and top. The roof jacks, mechanical equipment, screen and vents shall be painted with non-reflective paint to match the roof. This information shall be shown on the building plans.

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

13. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Conditional Use Permit (CUP14-00025). The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

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

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

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

17. Failure to meet any conditions of approval shall constitute a violation of the Conditional Use Permit.

18. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.

19. The Conditional Use Permit may be called for review by the City Council if complaints are filed and verified as valid by the Code Enforcement Office concerning the violation of any of the approved conditions or assumptions made by the application.

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

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

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

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

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

25. All employees engaged in the sale or service of alcoholic beverages, all on-site managers, and all security personnel shall be trained and required to attend LEADS training in the safe service of alcohol through a program provided every two years and approved by the Chief of Police at the Oceanside Police Department.

26. Security personnel shall patrol the adjacent parking areas, walkways and vehicular drives to prevent loitering and assure the security of customers. A member of the Security staff shall remain on the premises one-half hour after the close of business.

27. Any graffiti painted or marked upon the premises or any adjacent area shall be removed or painted over within 24 hours or either discovery or notification, whichever is earlier. The repainted area shall be consistent in color with the general surrounding color.

28. Neither interior nor exterior pay telephones shall be capable of receiving incoming calls.

29. The sale of alcoholic beverages for consumption off premises is strictly prohibited.

30. The Chief of Police reserves the right to require additional business security. In addition, the Chief reserves the right to recommend or otherwise effect further restrictions on the aspects of the approved business operation, including, but not limited to, hours-of-operation, use of the six pool tables, the shuffleboard table, the dart boards, and alcoholic beverage services to prevent recurring violations of laws or recurring violations of the operational restrictions.

31. The interior and exterior of the premises and adjacent areas shall be equipped with real time video surveillance provided by an indoor and outside camera with live feeds that

can be monitored by the Oceanside Police Department 24/7. Camera locations are subject to review and approval of the Police Department.

32. The Maxdon's Pub & Grub management plan shall be maintained on file with the Chief of Police and the City Planner. Any changes to the security management plan shall be at the discretion of the Chief of Police and must be authorized by the City Planner.

Fire:

33. Fire Department requirements shall be placed on plans in the notes section. Changes shall be made to the plans as required by Fire Department notes.

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

35. An automatic fire extinguisher system complying with UL300 compliant fire suppression system shall be provided to protect commercial-type cooking or heating equipment that produces grease-laden vapors. A separate plan submittal is required for the installation of the system and shall be in accordance with the California Fire Code Chapter 9. This note shall be added to the plans.

36. A class "K" type portable fire extinguisher shall be provided within 30 feet of the kitchen appliances emitting grease-laden vapors. This note shall be added to the plans.

37. Occupancy may require fire sprinklers if the number of occupants is 100 or more.

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

PASSED AND ADOPTED Resolution No. 2015-P07 on February 9, 2015 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

Robert Neal, Chairperson
Oceanside Planning Commission

ATTEST:

_____

Jeff Hunt, Secretary

I, JEFF HUNT, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2015-P07.

Dated: February 9, 2015

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

_____ _____

Applicant/Representative Date

Specific findings necessary to support a waiver of locational requirements

- The proposed business activity as a bar/cocktail lounge with six associated pool tables as an entertainment venue is consistent with the specific purposes and land use policies for the CN (Neighborhood Commercial) and land use designation. The neighboring residential area would be well buffered from the proposed business activity by local classification roadways, existing landscaping, and the existing and adjoining tenants within the commercial center. In addition, the operation is designed to be internal to the commercial center and is subject to compliance with City noise ordinance requirements.

- The proximity of the regulated use (Smoke Depot) retail business is within 1,000 feet of the proposed Maxdon's site. The implementation of a regulated use in proximity of an existing regulated use would not induce blight in the area. The proposed operation not only targets patronage by mature adults, but it will provide entertainment venues that would promote economic opportunities to an underutilized commercial center. Staff finds that these uses will function independently, will serve different users, and would not adversely impact the community due to their proximity to each other.

- The proposed business does not represent a transition to an adult-only environment. Neighboring businesses in the area would not be adversely affected by this operation. In addition, a majority of the Maxdon's operations would occur after 9:00 p.m., the opposite than many of the adjoining tenant's hours of operation within the Del Rio Market Place shopping center. All proposed operations would occur within the building and not outside to avoid impacts with the adjoining tenants and neighbors.

- The business operation at this location will not be counter to any City programs for community or neighborhood redevelopment or revitalization.

ATTACHMENT 3

PLANNING COMMISSION CITY OF OCEANSIDE

DATE: February 9, 2015

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP14-00025) TO ALLOW A BAR AND COCKTAIL LOUNGE WITH ASSOCIATED POOL TABLES LOCATED AT 3780 MISSION AVENUE – MAXDON'S PUB & GRUB– APPLICANT: P.C.L. CORPORATION**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

(1) Confirm issuance of an Article 19, Section 15301, Class 1 (a), Existing Facilities, Categorical Exemption; and,

(2) Adopt Planning Commission Resolution No. 2015-P07 approving Conditional Use Permit CUP14-00025 and waiver of regulated use location requirements with findings and conditions of approval attached herein.

BACKGROUND AND PROJECT DESCRIPTION

Background: The Maxdon's Pub is currently in operation and located at 2231 El Camino Real within the Camino Town and Country Shopping Center. The business has been a part of the local community for 35 years and provided a low key environment for enjoying alcoholic beverages, watching sporting events, playing pool, shuffleboard, and darts. There has been no code enforcement citations or police reports filed on the business for at least 25 years at the current location. Due to future plans to remodel the commercial center, the business has been forced to find a new location. The Maxdon's Pub has been working with the Oceanside Police Department and the City's Development Coordinator on relocating the business to a suitable location. After extensive research and coordination with City staff, the owner of Maxdon's Pub wishes to process a Conditional Use Permit to operate and relocate the bar and cocktail lounge with associated pool tables, to 3780 Mission Avenue Suite 145A.

Site Review: The subject site is designated Neighborhood Commercial (NC) on the General Plan Land Use Map and Neighborhood Commercial (CN) on the zoning map. The project site is within a larger commercial complex known as the Marketplace Del

Rio Shopping Center. The existing 4,325 square-foot building was originally constructed in 1980 and has been occupied by several tenants since that time. Approximately 1,135 square feet of the subject building is undergoing renovations to allow the operation of a future restaurant and the Maxdon's Pub would occupy the remaining 4,325 square feet of the building.

The project site is surrounded by commercial retail uses in all directions, which includes a barber shop and thrift store to the north, a future restaurant by the name of WABA Grill to the east, a Starbucks Coffee shop to the south, and commercial retail suites and the Stater Brothers Grocery Store to the west.

Project Description: The project application consists of one component; a conditional use permit, as follows:

Conditional Use Permit CUP14-00025 represents a request for the following:

(a) To allow for the operation of a bar and cocktail lounge with associated pool tables within an existing 4,325 square-foot commercial suite located at 3780 Mission Avenue Suite 145A.

The proposed bar and cocktail lounge operation would be similar to the existing business located at 2235 El Camino Real, with the addition of pre-cooked and pre-made food items available for purchase. A high heat conventional oven would be used to heat the pre-made and frozen food ordered, but the business model does not include a full kitchen or restaurant services. The facility intends to operate between the hours of 11:00 a.m. and 2:00 a.m. seven days a week. A draft management plan has been submitted for consideration that describes anticipated operations, events, and security measures. The use would include one employee/bartender for each weekday shift and two employees on Friday and Saturday nights. The interior layout of the facility has been designed to enable the bartender to have full surveillance of the entire facility, while working behind the bar. The business would be comprised of 15 tables with associated chairs, eight lounge chairs, an employee office/storage area, a walk-in cooler, an approximate 400 square-foot kitchen with a merchandise storage area, ADA compliant men's and women's restrooms, an approximate 30-foot long bar table, six pool tables, two dart boards, and a shuffleboard table. In addition, all required parking for the facility would be provided on-site within the commercial center.

The project also requires a waiver of locational requirements for regulated uses (Bar/Cocktail Lounge & Pool/Billiard Establishments) pursuant to City of Oceanside Zoning Ordinance Section 3604 and 3605.

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

1. General Plan
2. Zoning Ordinance
3. CEQA

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designation on the subject property is Neighborhood Commercial (NC). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element I

Goal 1.11 Balanced Land Use

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

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

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

This project site is within an existing shopping center, which is part of a larger commercial "hub," located along two major transportation corridors (Mission Avenue and El Camino Real). The proposal to operate a bar/cocktail lounge with associated pool tables would provide added commercial activity to an under utilized area within the City of Oceanside. The existing building has been vacant for approximately two years and many of the commercial properties in the area have suffered similar vacancies. Thus, the proposed bar/cocktail lounge would provide a use that would promote economic synergy to an under utilized commercial district. The proposed location for the bar/cocktail lounge has been reviewed by the Oceanside Police Department and has been found to be a suitable location, due to the low saturation of crime and limited alcohol businesses in the area. In addition, the proposal to operate a bar/cocktail lounge with associated pool tables would provide an eclectic use that would be a natural fit within the existing shopping center and will ultimately benefit the community. The proposed use is consistent with Policy A and Policy B.

Policy C: The City shall continuously monitor the impact and intensity of land use and land use distribution to ensure that the City's circulation system is not overburdened beyond design capacity.

The proposed project has been analyzed for traffic and parking impacts and the proposed bar/cocktail lounge use would not generate impacts that would negatively impact the existing level of service for the adjoining roadways, nor would additional parking be required. According to the SANDAG trip analysis charts, bar and cocktail uses at 4,325 square feet would generate approximately 430 trips per day. The 430 trips per day are considered negligible and would not lessen the level of service. In addition, the business is relocating along the same transportation corridor (El Camino Real); thus, the new and added trips generated by the new location would be negligible. The required parking for the proposed Maxdon's Pub would be provided on-site utilizing the existing 988 on-site parking stalls within the entire center. Therefore, parking would not be an issue. The proposed use is consistent with Policy C.

B. Land Use Element II

Objective 2.21 Community Commercial Development:

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

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

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

The proposed use is permitted within the Neighborhood Commercial (CN) District with approval of a Conditional Use Permit. The proposed bar/cocktail lounge with associated pool tables would be a good fit within the much larger shopping center. The site is located adjacent to two major transportation corridors. It is anticipated that the proposed use would promote commercial activity, provide residents with another entertainment option, and generate sales tax revenue for the City. The proposed use at the subject location is consistent with Policy A and Policy B as outlined above.

2. Zoning Ordinance Compliance

Article 11, Section 1120

The proposed use will be contained within an existing structure. The project complies with all Zoning Ordinance requirements for set backs, building height, lot coverage, landscaping and parking; with the exception of the regulated use locational requirements (See Sections 3604 & 3605). Section 1120 of the Oceanside Zoning Ordinance allows bar and cocktail lounges with pool/billiard tables with the approval of a Conditional Use Permit. The proposed use is considered a regulated use per Zoning Ordinance Section 3602. The proposed use must receive recommendation from the Planning Commission for City Council approval.

Article 36, Sections 3604 and 3605

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

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

The proposed Maxdon's Pub operation features the serving of alcohol with six associated pool tables for entertainment purposes. Due to the site's proximity from a smoke shop (Smoke Depot), which is defined as a regulated use and distance from a residential district, the use does not meet locational requirement established within Section 3604 (A and C). The Zoning Ordinance Section 3604 (A) requires 1,000 feet (min.) separation from other regulated uses, and the Smoke Depot business is located approximately 400 feet away from the proposed business within the same commercial center. In addition, the proposed Maxdon's facility is inconsistent with Section 3604 (C), which requires 500 feet (min.) separation between a regulated use and a residential district boundary. The closest residential district is located 400 feet east of the site. The proposed Maxdon's facility is located within a commercial center and not within a location with a high concentration of other regulated uses; therefore the

location waiver request is warranted. In addition, the project site is separated by an adjoining tenant to the east, the site's exterior landscaping, El Camino Real Road, and the residential area's perimeter concrete walls; therefore, impacts to the residential district to the east would be minimal to none.

DISCUSSION

In reviewing this proposal, staff focused on the project's overall compatibility with the surrounding land uses and consistency with the provisions of the General Plan and Zoning Code. The City's land use policies and zoning regulations governing this type of request are intended to site these uses in areas where noise impacts would be minimized. Staff has evaluated the proposed development and has determined that: a) the project's location would provide adequate operational and noise buffers between the facility and adjacent residential uses; and b) the bar/cocktail lounge and associated pool tables can be sufficiently managed through security and other facility operation measures in a manner that would ensure compatibility of the proposed use with existing shopping center retail uses as well as other uses in the immediate area.

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

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

- The proposed business activity as a bar/cocktail lounge with six associated pool tables as an entertainment venue is consistent with the specific purposes and land use policies for the CN (Neighborhood Commercial) and land use designation. The neighboring residential area would be well buffered from the proposed business activity by local classification roadways, existing landscaping, and the existing and adjoining tenants within the commercial center. In addition, the operation is designed to be internal to the commercial center and is subject to compliance with City noise ordinance requirements.

- The proximity of the regulated use (Smoke Depot) retail business is within 1,000 feet of the proposed Maxdon's site. The implementation of a regulated use in proximity of an existing regulated use would not induce blight in the area. The proposed operation not only targets patronage by mature adults, but it will provide entertainment venues that would promote economic opportunities to an underutilized commercial center. Staff finds that these uses will function

independently, will serve different users, and would not adversely impact the community due to their proximity to each other.

- The proposed business does not represent a transition to an adult-only environment. Neighboring businesses in the area would not be adversely affected by this operation. In addition, a majority of the Maxdon's operations would occur after 9:00 p.m., the opposite than many of the adjoining tenant's hours of operation within the Del Rio Market Place shopping center. All proposed operations would occur within the building and not outside to avoid impacts with the adjoining tenants and neighbors.

- The business operation at this location will not be counter to any City programs for community or neighborhood redevelopment or revitalization.

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

It is important to note that the project has been conditioned so that if there are legitimate complaints relating to noise or any other issues that are verified by a Code Enforcement Officer, then the use can be called for review by the City Council.

ENVIRONMENTAL DETERMINATION

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

PUBLIC NOTIFICATION

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. As of February 9, 2015 no communication opposing the request had been received.

SUMMARY

The proposed Conditional Use Permit for a bar/cocktail lounge with six associated pool tables, as conditioned, is consistent with the requirements of the land use policies of the General Plan and provisions of the Zoning Ordinance. The project has been conditioned to meet or exceed all applicable regulations. 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 an Article 19, Section 15301, Existing Facilities, Class 1 (a), Categorical Exemption.

-- Adopt Planning Commission Resolution No. 2015-P07 approving Conditional Use Permit CUP14-00025 and waiver of regulated use locational requirements with findings and conditions of approval attached herein.

PREPARED BY:

Scott Nightingale
Associate Planner

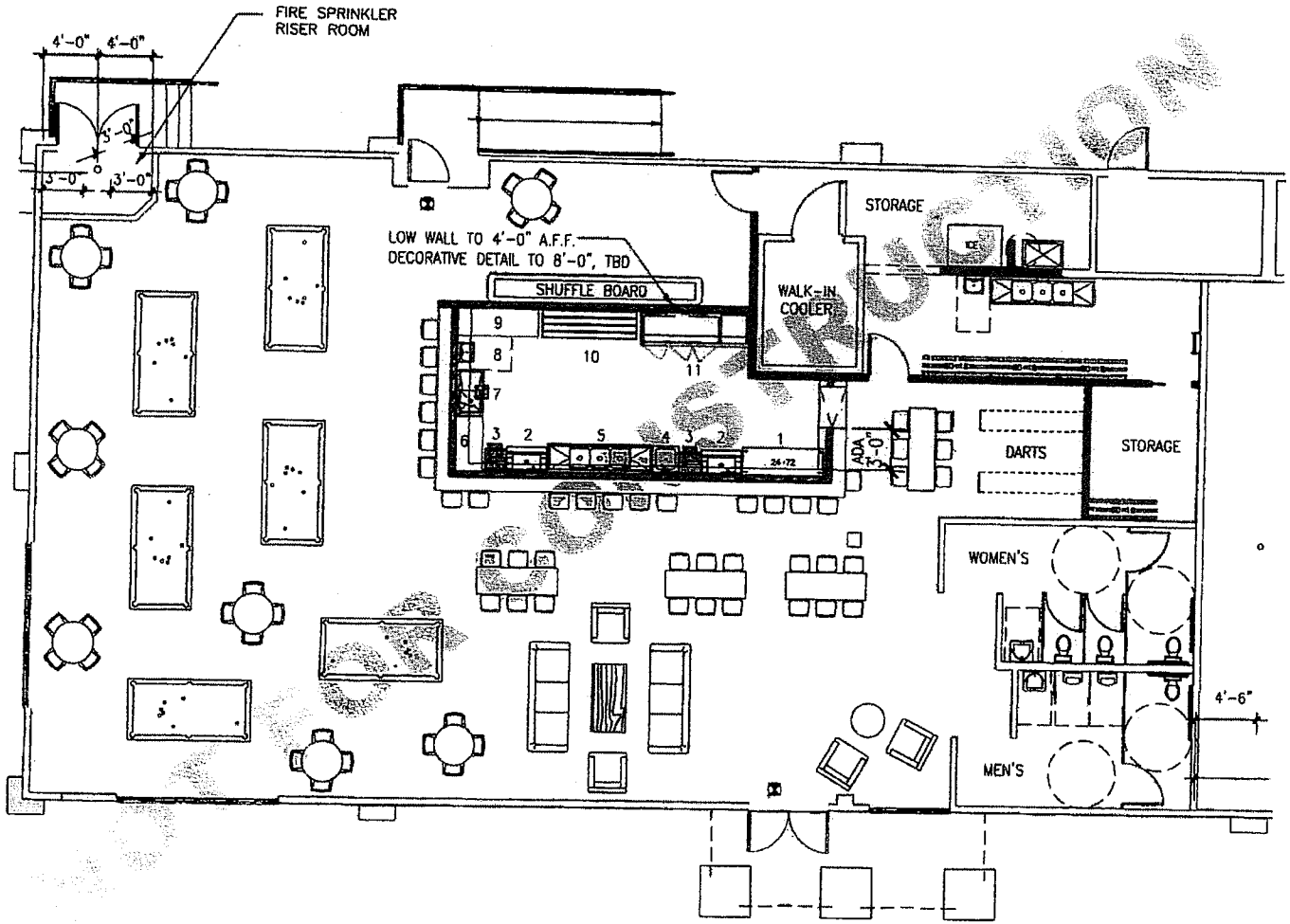
SUBMITTED BY:

Jeff Hunt
Interim City Planner

JH/SN/fil

Attachments:

1. Floor/Site Plans/Photos
2. Planning Commission Resolution No. 2015-P07
3. Parking Plan and Table
4. Management Plan
5. Other Attachments (Application Page, Description and Justification, Legal Description, Notice of Exemption)



BAR EQUIPMENT
1. 6' STAINLESS STEEL PREP TABLE
2. BAR WELL (2 TOTAL)
3. 18" DRAIN BOARD (2 TOTAL)
4. DUMP SINK.
5. 3 COMP SINK
6. 4' UNDER COUNTER STORAGE
7. PREP SINK
8. HAND SINK
9. 6' UNDER COUNTER STORAGE
10. 7'-0" LIQUOR DISPLAY
11. BACK BAR COOLER

NORTH

THIS CONCEPTUAL DESIGN IS BASED UPON A PRELIMINARY REVIEW OF ENTITLEMENT REQUIREMENTS AND ON UNVERIFIED AND POSSIBLY INCOMPLETE SITE AND/OR BUILDING INFORMATION, AND IS INTENDED MERELY TO ASSIST IN EXPLORING HOW THE PROJECT MIGHT BE DEVELOPED.

3780 MISSION AVE
OCEANSIDE, CALIFORNIA

SCHALL ARCHITECT

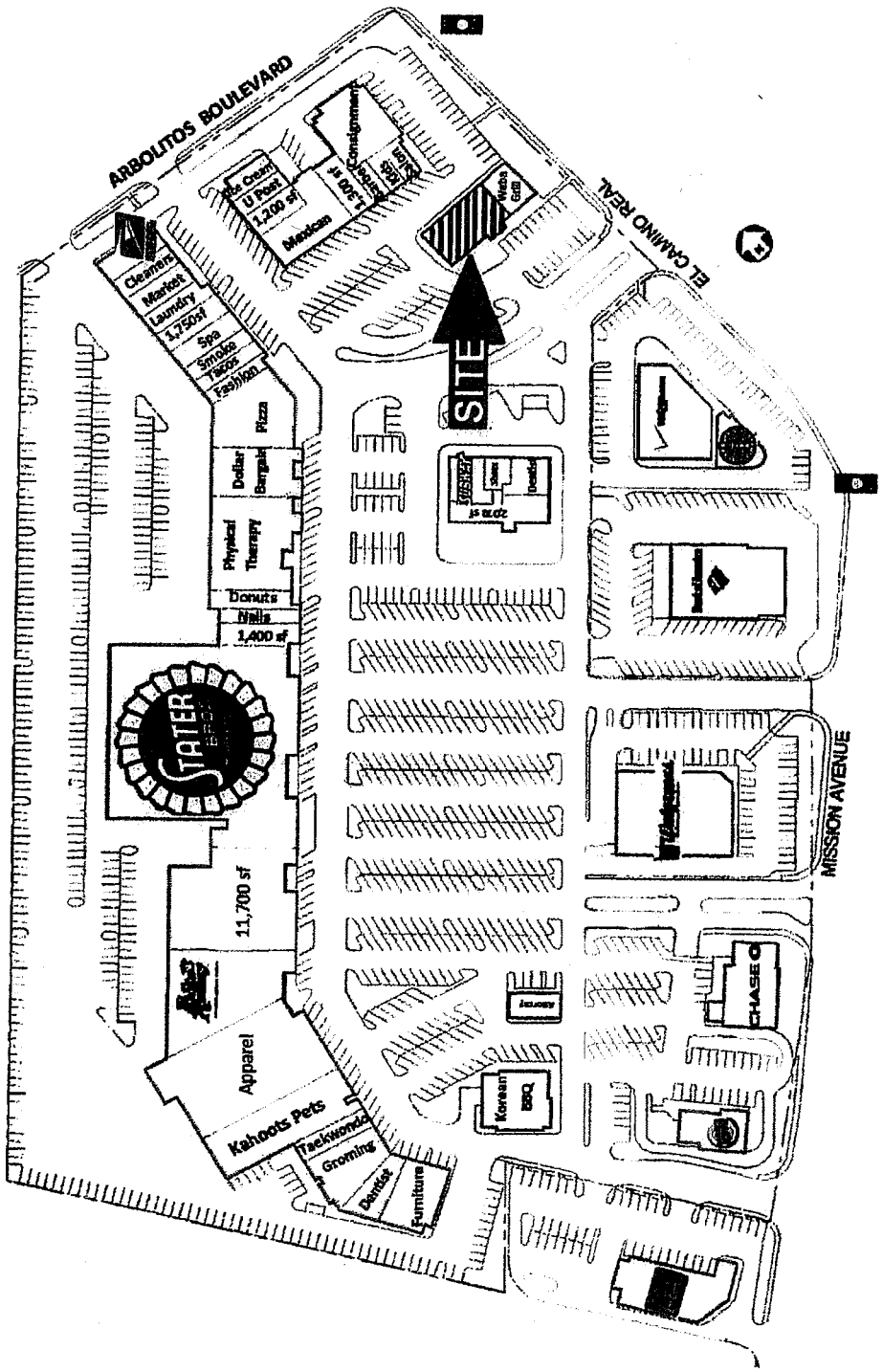
DATE:	DRAWING:
11-21-14	A
SCALE: 1/8"=1'-0"	2014175

ALL IDEAS, DESIGNS, PLANS & SPECIFICATIONS & OTHER PROJECT DOCUMENTS, INCLUDING ALL DOCUMENTS ON ELECTRONIC MEDIA ARE THE PROPERTY OF TREVIN SCHALL ARCHITECT INC. & MAY NOT BE REPRODUCED OR USED WITHOUT WRITTEN PERMISSION FROM TREVIN SCHALL ARCHITECT INC. © COPYRIGHT TREVIN SCHALL ARCHITECT INC., ALL RIGHTS RESERVED

EXHIBIT "A"

MARKETPLACE DEL RIO SHOPPING CENTER

SITE PLAN



Landlord _____
Tenant _____

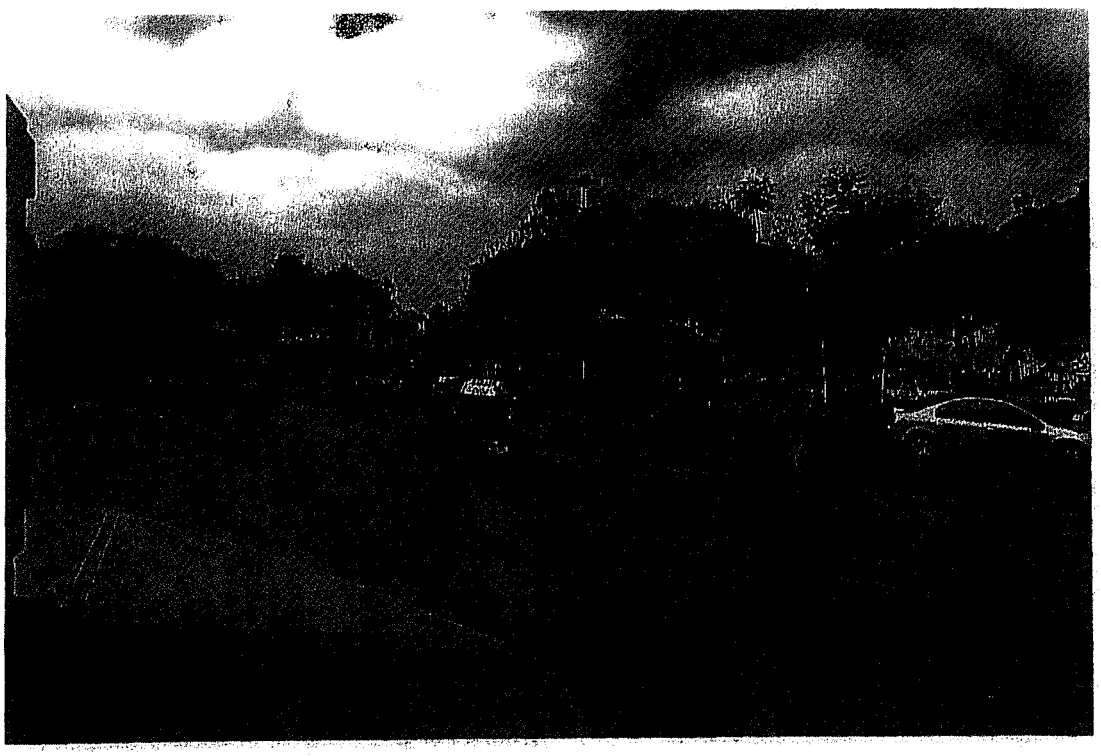
View from front of Building into Entrance off El Camino Real

Front of Building View to Entrance

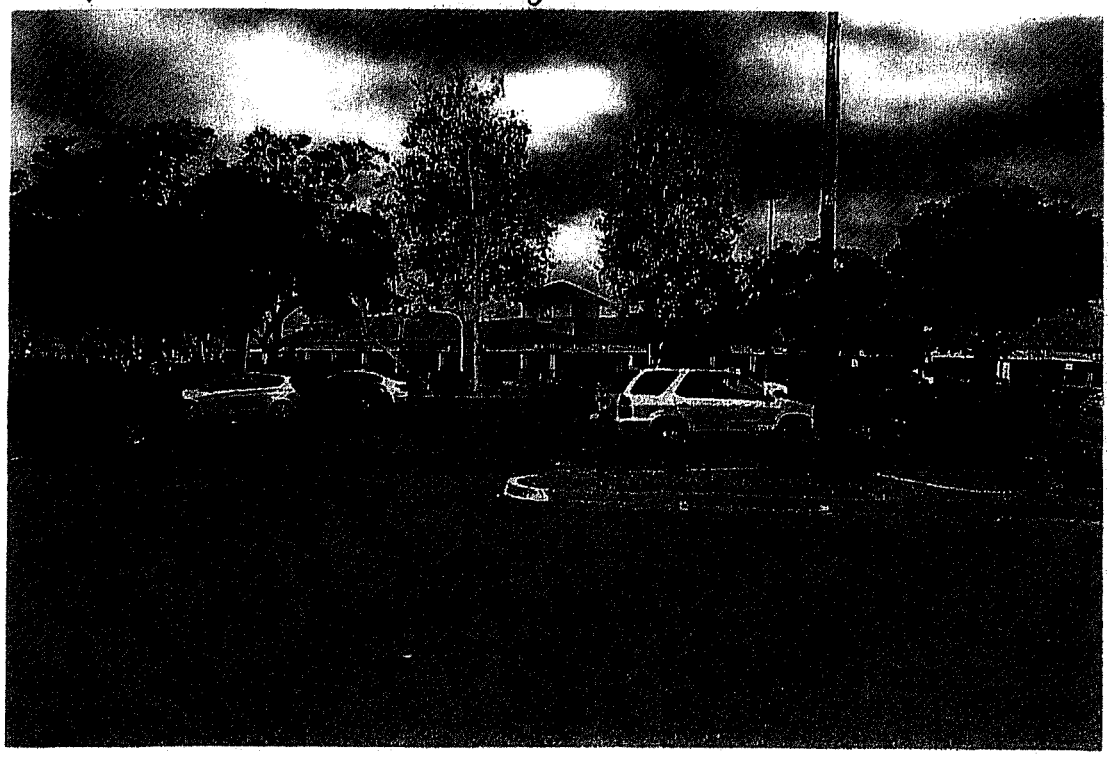
Side View from Back of Building on El Camino Real

Back View into North Side of Parking lot & Businesses

West Side of Building into Shopping Center

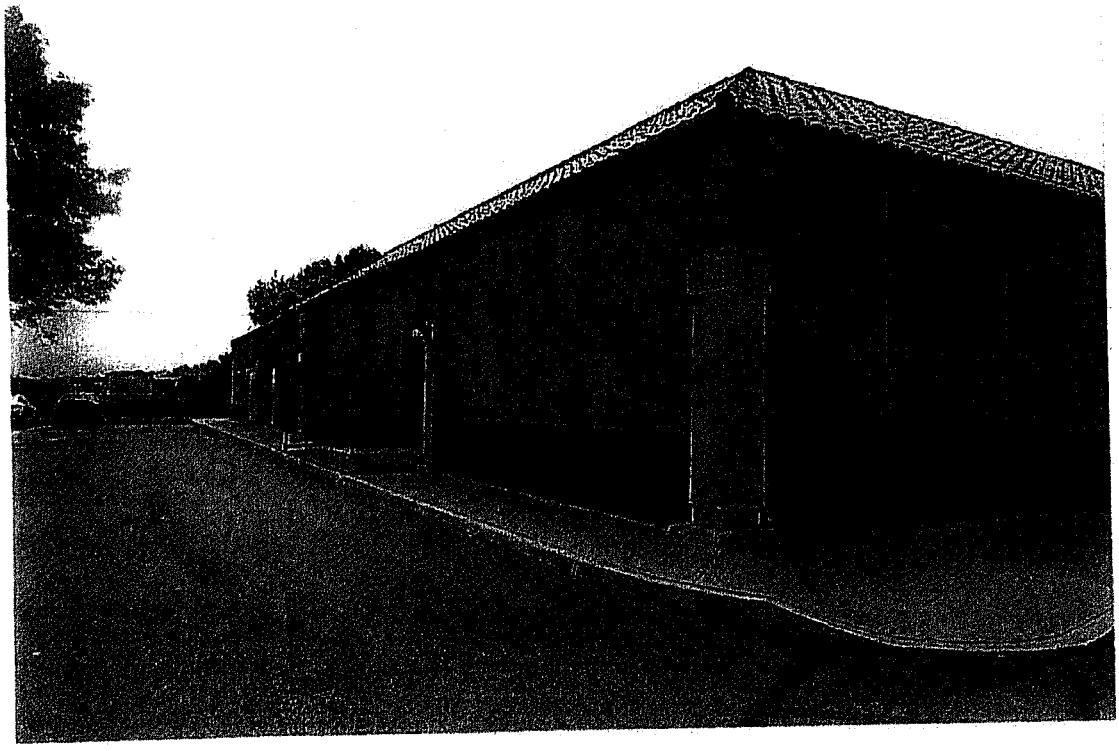


View into Shopping Center from Side



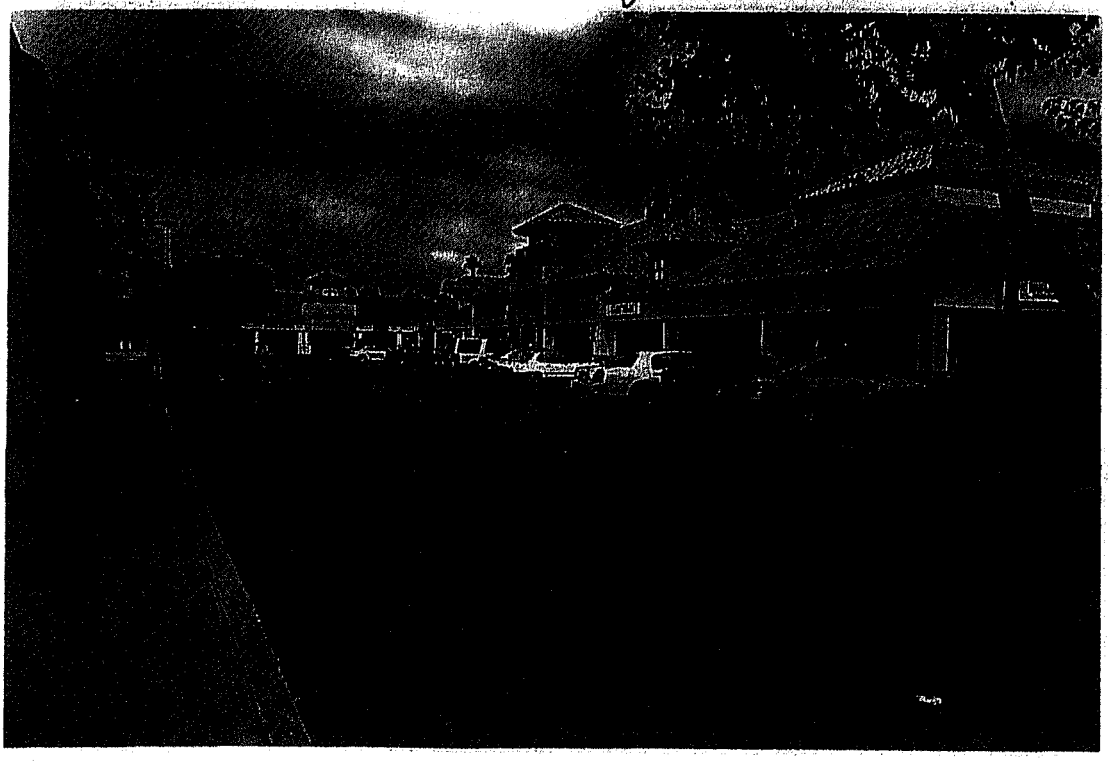
Back of Building

Back & Side of Building



Back side of Building & Building Across Parking Lot

View from Back side of Building into Center



Building Front

Building Front

Koba grill

PLANNING COMMISSION
RESOLUTION NO. 2015-P07

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

APPLICATION NO:	CUP14-00025
APPLICANT:	P.C.L Corporation
LOCATION:	3780 Mission Ave.

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Conditional Use Permit under the provisions of Articles 11 and 41 and 36 of the Zoning Ordinance of the City of Oceanside to permit the following:

establishment and operation of a bar/cocktail lounge with full alcoholic beverage service, six associated pool tables, precooked food services, and a waiver of regulated use locational requirements;

on certain real property described in the project legal description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 9th day of February 2015, conduct a duly advertised public hearing as prescribed by law to consider said application.

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

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

FINDINGS:

For Conditional Use Permit (CUP14-00025) to allow establishment and operation of a bar/cocktail lounge with full alcoholic beverage service and six pool tables:

1. The location of the proposed facility is in accord with the objectives of the Zoning Ordinance and the purposes of the underlying Neighborhood Commercial (CN) district. Provision for a bar/cocktail lounge with full alcoholic beverage service and six pool

tables, in conjunction with a dining establishment is permitted within the Neighborhood Commercial district subject to approval of a conditional use permit. The use has been analyzed to ensure that operations will not conflict with the adjoining uses or cause a negative impact to the neighborhood.

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

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

<u>For Conditional Use Permit (CUP14-00025) to waive regulated use locational requirements for a dance establishment</u>:

1. The waiver of regulated use locational requirements for the proposed bar/cocktail establishment with six pool tables will not be contrary to the public interest;

2. It will not be contrary to the spirit or intent of Article 36 Separation of Regulated Uses of the 1992 zoning ordinance;

3. It will not impair nearby property or the integrity of the underlying district;

4. It will not encourage the development of an adult entertainment area or otherwise promote community blight;

5. It will not negatively impact any governmental programs of redevelopment, revitalization or neighborhood preservation.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby recommend that the Planning Commission approve Conditional Use Permit (CUP14-00025) subject to the following conditions:

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Building:

1. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and local building codes.
2. The building plans for this project shall be prepared by a licensed architect or engineer and shall be in compliance with this requirement prior to submittal for building plan review.
3. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the plans. Separate/unique addresses may be required to facilitate utility releases. Verification that the addresses have been properly assigned by the City's Planning Division shall accompany the Building Permit application.
4. Structural, Plumbing, Mechanical & Energy Calculations/documentation shall be required at time of plans submittal to the Building Division for plan check.
5. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance) and shall be shielded appropriately.
6. Site development, parking, access into buildings and building interiors shall comply with all current State of California accessibility codes and regulations.
7. The developer shall monitor, supervise and control all building construction and supportive activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence to the following:
   a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).
   b) The construction site shall be kept reasonably free of construction debris as specified in Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste containers shall be considered compliance with this

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

Planning:

8. This Conditional Use Permit (CUP14-00025) shall expire on February 9, 2017, unless implemented as required by the Zoning Ordinance.

9. This Conditional Use Permit (CUP14-00025) allows a bar/cocktail lounge with full alcoholic beverage service and six pool tables in conjunction with the Maxdon's Pub & Grub facility, as shown on the plans and exhibits presented to the Planning Commission for review and approval, and a waiver of locational requirement for a regulated use. Outdoor patio dining is not included as part of this approval. No deviation from these approved plans and exhibits shall occur without Development Services Department/Planning Division approval. Substantial deviations shall require a revision to the Conditional Use Permit or a new Conditional Use Permit.

10. Hours of operation are limited to 11:00 a.m. to 2:00 a.m. seven days a week. Loading and unloading of merchandise shall be limited to 7:00 a.m. to 6:00 p.m.

11. All mechanical rooftop and ground equipment shall be screened from public view as required by the Zoning Ordinance, on all four sides and top. The roof jacks, mechanical equipment, screen and vents shall be painted with non-reflective paint to match the roof. This information shall be shown on the building plans.

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

13. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Conditional Use Permit (CUP14-00025). The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

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

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

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

17. Failure to meet any conditions of approval shall constitute a violation of the Conditional Use Permit.

18. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.

19. The Conditional Use Permit may be called for review by the City Council if complaints are filed and verified as valid by the Code Enforcement Office concerning the violation of any of the approved conditions or assumptions made by the application.

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

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

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

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

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

25. All employees engaged in the sale or service of alcoholic beverages, all on-site managers, and all security personnel shall be trained and required to attend LEADS training in the safe service of alcohol through a program provided every two years and approved by the Chief of Police at the Oceanside Police Department.

26. Security personnel shall patrol the adjacent parking areas, walkways and vehicular drives to prevent loitering and assure the security of customers. A member of the Security staff shall remain on the premises one-half hour after the close of business.

27. Any graffiti painted or marked upon the premises or any adjacent area shall be removed or painted over within 24 hours or either discovery or notification, whichever is earlier. The repainted area shall be consistent in color with the general surrounding color.

28. Neither interior nor exterior pay telephones shall be capable of receiving incoming calls.

29. The sale of alcoholic beverages for consumption off premises is strictly prohibited.

30. The Chief of Police reserves the right to require additional business security. In addition, the Chief reserves the right to recommend or otherwise effect further restrictions on the aspects of the approved business operation, including, but not limited to, hours-of-operation, use of the six pool tables, the shuffleboard table, the dart boards, and alcoholic beverage services to prevent recurring violations of laws or recurring violations of the operational restrictions.

31. The interior and exterior of the premises and adjacent areas shall be equipped with real time video surveillance provided by an indoor and outside camera with live feeds that

can be monitored by the Oceanside Police Department 24/7. Camera locations are subject to review and approval of the Police Department.

32. The Maxdon's Pub & Grub management plan shall be maintained on file with the Chief of Police and the City Planner. Any changes to the security management plan shall be at the discretion of the Chief of Police and must be authorized by the City Planner.

Fire:

33. Fire Department requirements shall be placed on plans in the notes section. Changes shall be made to the plans as required by Fire Department notes.

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

35. An automatic fire extinguisher system complying with UL300 compliant fire suppression system shall be provided to protect commercial-type cooking or heating equipment that produces grease-laden vapors. A separate plan submittal is required for the installation of the system and shall be in accordance with the California Fire Code Chapter 9. This note shall be added to the plans.

36. A class "K" type portable fire extinguisher shall be provided within 30 feet of the kitchen appliances emitting grease-laden vapors. This note shall be added to the plans.

37. Occupancy may require fire sprinklers if the number of occupants is 100 or more.

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

PASSED AND ADOPTED Resolution No. 2015-P07 on February 9, 2015 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

Robert Neal, Chairperson
Oceanside Planning Commission

ATTEST:

_____

Jeff Hunt, Secretary

I, JEFF HUNT, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2015-P07.

Dated: February 9, 2015

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

_____ _____

Applicant/Representative Date

PARKING PLAN

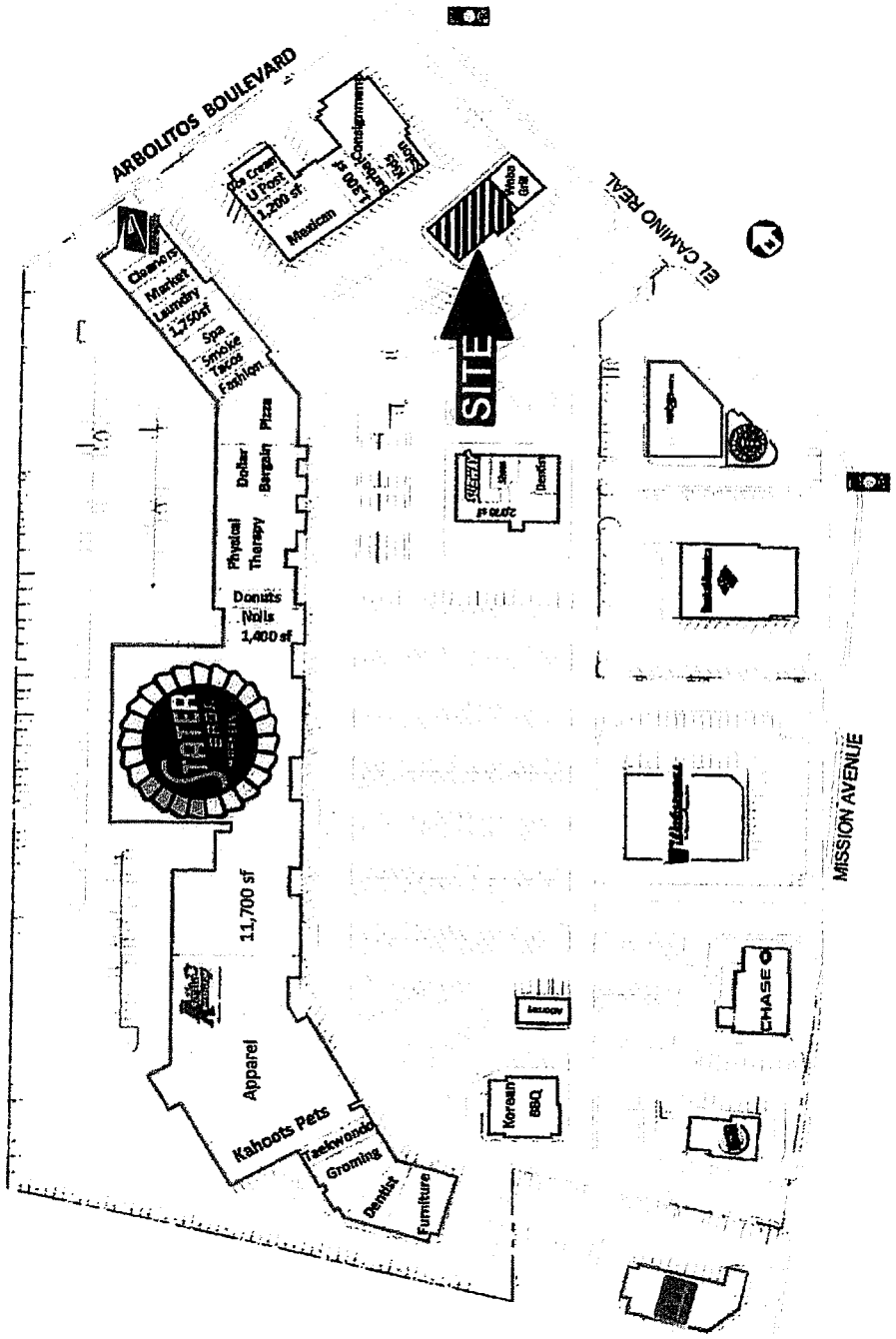
On the shopping center site plan it includes McDonalds, Bank of America, Starbucks & Verizon, the landlord did not include them in the list of tenants. If they are included there are an additional 159 spaces in the Marketplace Del Rio Shopping center. Without them included there are 639 in the front portion of the center, an additional 349 to the rear of Stater Brothers for a total of 988, then if you include the additional 159 from other unlisted tenants in shopping center it totals 1147 total spaces.

PARKING PLAN

EXHIBIT "A"

MARKETPLACE DEL RIO SHOPPING CENTER

SITE PLAN



Landlord _____
Tenant _____

PARKING PLAN

Marketplace Del Rio
Mission Avenue & El Camino Real
Oceanside, CA 92058

Unit	Business Name	Sq. Ft.	Parking Required By Zone	Spaces
100	Arie Restaurant	3980	1 Per 50 Sq Ft. 1750/50	35
102	Level Up Gaming	4225	1 per 200 Sq. Ft. 2816/200	14
104	Thomas F Ford DDS	1275	1 Per 200 Sq. Ft 800/200	4
105	Pop Culture Pet Spaw	1300	1 Per 400 Sq. Ft. 650/400	2
106	Taekwondo Center	3150	1 Per 600 Sq. Ft. 2500/600	5
108	Kahoots Animal Supply	9000	1 Per 250 Sq. Ft. 4500/250	18
109	Everything $5	14300	1 Per 250 Sq. Ft. 7500/250	30
110	Kiddie Academy Child Care	11200	1 Per 7 People 270	39
113	M's Clothing	3255	1 Per 200 Sq. Ft. 2500/200	13
115	Stater Brothers	33979	1 Per 200 Sq. Ft. 20000	100
118	Happiness Nails	1750	1 Per 250 Sq. Ft. 1000/250	4
119	Oceanside Donuts	1050	1 Per 300 Sq. Ft. 300/300	1
120	S. D. Spine & Rehab	7710	1 Per 200 Sq. Ft. 4500/200	23
125	Dollar Bargain	4720	1 Per 250 Sq. Ft. 2200/250	9
126	Killer Pizza From Mars	4185	1 Per 50 Sq. Ft. 2200/50	44
129	Cricket Wireless	800	1 Per 50 Sq Ft. 300/50	6
130	Los Compadres Tacos	1380	1 Per 50 Sq. Ft 600/50	12
131	Smoke Shop	1400	1 Per 250 Sq. Ft. 500/250	2
133	Kute Child Store	1750	1 Per 200 Sq. Ft. 900/200	5
134	Mission Coin Laundry	2000	1 Per 250 Sq. Ft. 1000/250	4
135	Mission Market Place	1600	1 Per 200 Sq Ft. 450/200	3
136	Kim's Mission Cleaners	1500	1 Per 200 Sq. Ft. 375/200	2
137	NY Buffalo Wings	2040	1 Per 50 Sq. Ft. 1200/50	24
138	Dental Care of Oceanside	960	1 Per 200 Sq. Ft. 500/200	3
139	Lily Beth Shoes	640	1 Per 200 Sq. Ft. 200/200	1
140	Sub Real Estate	1200	1 Per 300 Sq. Ft. 600/300	2
145A	Maxdon's Pub & Grub	4325	1 Per 50 Sq. Ft. 2200/50	44
145B	Waba Grill	1500	1 Per 50 Sq. Ft. 500/50	10
147	Ice Cream Shop	750	1 Per 50 Sq. Ft. 200/50	4
148	U-Post Shipping	1500	1 Per 300 Sq. Ft. 800/300	3
151	Fiesta Mexican Restaurant	4200	1 Per 50 Sq. Ft. 1600/50	32
153	Old Mission Barber/Stylist	600	1 Per 250 Sq. Ft. 450/250	2
155	Shear F/X Hair Studio	840	1 Per 250 Sq. Ft. 300/250	2
156	Children By Choice	3255	1 Per 200 Sq. Ft. 1000/200	5
157	Sprint PCS Assets	350	1 Per 200 Sq. Ft. 175/200	1
3746	Burger King	1940	1 Per 100 Sq. Ft. 1000/100	10
3748	JP Morgan Chase Bank	4000	1 Per 250 Sq. Ft. 2500/250	10
3752	Walgreen	12722	1 Per 250 Sq. Ft. 6000/250	24
3774	USPS	1800	1 Per 300 Sq. Ft. 600/300	3
	Total Parking Spaces Available	639	Total Parking Spaces Used	555

With additional 349 behind Stater Bros. totaling 988

Maxdon's Pub & Grub
Draft Management Plan
2015

Intent and Scope

This Management Plan is intended to provide a description of the use and operation Of Maxdon's Pub & Grub located at 3780 Mission Ave. Suite #1, Oceanside, CA 92058.

General Information

Maxdon's Pub & Grub will consist of 4325 square feet of the former Blockbuster Building in the Mission Marketplace Shopping center. The approximate seating capacity will be 140. We will be serving a limited menu of frozen prepared items and chips and dips. At this time we will be employing 4 full time staff members and 2 part time staff members. We will add more staff members if the business will support bringing on additional help. All members will be trained in the LEAD program and hold food handlers certificates.

The bar has been designed for full view of every area of the establishment. It will consist of several areas for entertainment consisting of a billiards area, shuffleboard, dart boards, and lounge area for just gathering to relax. There will also be T.V.s throughout the establishment for the enjoyment of sport shows and a digital juke box for music.

Use

This is a 48 liquor license establishment so no one under 21 will be admitted. There will be full beer, wine and alcohol service with limited frozen prepared food.

Hours of operation

Maxdon's will be open 7 days a week with the hours of 11am -2am. The bar will close earlier in the evenings if the business is slow but no earlier than 1am. Happy Hour specials will run 7 days a week from the hours of 11am-6:30pm. The only days we will be closed will be Thanksgiving and Christmas so our staff can enjoy the holidays with their families.

Security Operation

1. The outside of the premises shall have posted signs specifying that the consumption of alcohol or consumption of open containers of alcoholic beverages, and loitering are prohibited.
2. All employees will be at least 21 years of age.
3. All employees engaged in the sale or service of alcoholic beverages, managers, and security will be trained in the LEADS program.
4. Any graffiti will be removed from the premises or painted over within 24 hours of discovery or notification.
5. The sale of alcoholic beverages for consumption off premises is strictly prohibited.
6. In addition to the bar-tending staff there will be staff posted at the doors on Friday and Saturday nights to check Ids. We will implement additional nights if required by business.
7. The entire facility will be monitored by cameras with at least 14 cameras inside the building and an additional 2 outside to cover the front and back entrances. There will also be security monitoring of the premises during the hours we are closed through ADT or a similar service. Camera locations are subject to the review and approval of the Police Department and we will continue to work with them on every level to supply them with security tapes if needed. The entire building is also covered with fire sprinklers.

Demographics

Maxdon's will continue to provide a low key entertainment environment which caters to the 25+ years of age clientele. Our main goal is to maintain our same well established reputation for a carefree place to come hangout with friends and enjoy a laid back night of fun and games of shuffleboard, darts, and billiards. By moving to this location we will no longer be in close proximity of as many other liquor establishments which will cut down on having to deal with intoxicated patrons entering at the end of the evening.

Parking

Parking will not be an issue due to the abundance of parking available in the center. Along with the ample parking, the bulk of our business will be after most of the existing businesses have closed.

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
9/18/14	SN / JG

Please Print or Type All Information

PART I – APPLICANT INFORMATION

1. APPLICANT: P.C.L. Corporation	2. STATUS: owner
3. ADDRESS: 2231 El Camino Real Oceanside CA 92054	4. PHONE/FAX/E-mail: (760) 757-1791
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing): Terry Reed	
6. ADDRESS: 836 Via La Venta San Marcos CA 92069	7. PHONE/FAX/E-mail: (760) 717-2082

HEARING

GPA	
MASTER/SP.PLAN	
ZONE CH.	
TENT. MAP	
PAR. MAP	
DEV. PL.	
C.U.P. CUP14-00025	
VARIANCE	
COASTAL	
O.H.P.A.C.	

PART II – PROPERTY DESCRIPTION

8. LOCATION: 3780 Mission Ave #146A Oceanside CA 92058 Marketplace del Rio	9. SIZE: 4325 SF

10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER
COM.	CN.	COM.	158-390-14

14. LATITUDE	15. LONGITUDE

PART III – PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION: CUP for bar with pool tables & light food @ the intersection of Mission & El Camino Real in the Marketplace Del Rio Shopping Center - Sharing the Old Blockbuster building with Pizza Hut

17. PROPOSED GENERAL PLAN	18. PROPOSED ZONING	19. PROPOSED LAND USE	20. NO. UNITS	21. DENSITY
NA.	NA.	NA.	1	NA.

22. BUILDING SIZE	23. PARKING SPACES	24. % LANDSCAPE	25. % LOT COVERAGE or FAR
4325 SF			

PART IV – ATTACHMENTS

X	26. DESCRIPTION/JUSTIFICATION	X	27. LEGAL DESCRIPTION	X	28. TITLE REPORT
X	29. NOTIFICATION MAP & LABELS	X	30. ENVIRONMENTAL INFO FORM	X	31. PLOT PLANS
X	32. FLOOR PLANS AND ELEVATIONS		33. CERTIFICATION OF POSTING		34. OTHER (See attachment for required reports)

PART V – SIGNATURES

SIGNATURES FROM ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).

35. APPLICANT OR REPRESENTATIVE (Print):	36. DATE	37. OWNER (Print)	38. DATE
Terry Reed	8/25/14	Terry Reed Briggs DeClaire	8/25/14
Sign:		Sign:	

- I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. FURTHER, I UNDERSTAND/ENS 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.

Maxdon's Pub & Grub
3780 Mission Avenue #145A
Oceanside, CA 92058

P.C.L. Corporation
2231 El Camino Real #C
Oceanside, Ca 92054
Terry Reed/Greg DeClaire Owners
(760) 717-2082 (760) 717-7964
maxdonsterry@yahoo.com

Maxdon's Is currently located in the Camino Town & Country Shopping Center at the intersection of El Camino Real and Vista Way. We have been part of the local community for the last 35 years doing business at this location. Due to conditions out of our control, (the shopping center set to be redesigned which includes the demolition of our existing building) we have set out to find a new location to continue supplying the local residents with a low key environment to gather and enjoy games of pool, shuffleboard and darts along with just relaxing and watching sporting events. We feel that we have finally found a location that fits our needs along with complying with all of the city's zoning codes and ordinances. Currently we hold a 48 liquor license along with a CUP for our billiard tables. We would like to continue our business at the new location in the same format along with an added limited food menu, hence the new addition of Pub & Grub to our name. The new location is at the intersection of El Camino Real and Mission Avenue in the empty Blockbuster Building in the Marketplace Del Rio shopping center. We will be taking 4325 sf of the space and WABA Grill will be taking the remaining front part of the building which faces El Camino Real. This is a large shopping center which includes Stater Bros. Market, Starbucks, B. of A., Wallgreens, U.S.P.S., and many smaller independent shops.

The Center is zoned CN which is the zoning required for us to continue in the same style we now operate with the 48 liquor license and billiard tables. With us moving into this location we can continue to offer a great social environment to our patrons, along with supplying the same to another larger area which has been lacking any form of entertainment. .

Maxdon's is a family owned business which takes pride in providing a safe, fun environment to everyone. We train our bartenders to be friendly and efficient along with watching the business to make sure everything is running smoothly. Our bartenders have all taken the Health Dept. Food Handling Class along with the LEAD classes. After relocating any new employees will be required to take the same classes. Our employees have been with us from anywhere of 2 years to 20 years which speaks for their commitment to our business and the pride they take in it. Because of this they check IDs and make sure everyone is of legal age to enter. We have completed our PC&N report with the Oceanside PD and have been informed by Lieutenant Adam Knowland of Oceanside PD that they have no issues with us moving into the new location. Under their suggestion we will have someone posted at the entry to check IDs on Friday and Saturday nights. If needed we will continue this practice on other nights as well. Along with this we will have security cameras located throughout the entire business and the outside areas covering the front and rear entrances. In the past this has proven to be a huge help to the OPD in finding graffiti artists and other problem people.

Our hours of operation will be the same as our current location 11 am-2 am. In checking with Oceanside P. D. they had no concerns with us continuing with our current hours of operation. At this time we staff one employee on each shift with the addition of another employee on Friday and Saturday nights. As our business stands currently we do not require more staff on hand at any time. Our day bartenders usually have a customer count of between 1-6 customers between the hours of 11-3, after that it can increase to approximately 4-25 which is fine for one staff member. Most week night evenings customer count is between 8-20 between the hours of 7- 10 and can increase slowly to 30. At this time we are hoping to increase our business throughout the day and evening shifts at which time we will move into 2 staff members from 4 pm on. Weekends we will also schedule an extra

staff member to watch Ids at the front entrance. We have already started hiring additional staff to have them fully trained before moving into our new location.

We have completed our parking study and feel there is ample parking for our business. Between the hours of 11am-4 pm our normal customer car count is approximately 2-4 cars. After 4 pm until around 9 pm it can go up to 8-10 cars. After 10 pm it increases up to 25 cars. Since the majority of our business is after 10 pm there is no parking problems because most businesses are closed for the evening. Also, this center has ample parking throughout the center with over 800 parking spaces.

Upon approval, we will then submit to Department of Alcoholic Beverage Control to get their approval for the transfer of our liquor license to the new location. At this time we have held the same license with the Department for over 35 years which is one of the longest originally owned licenses in the County of San Diego. We work hard to uphold to their laws and standards also. We will be submitting all forms required to transfer our license along with sending out any required notices to residences within the required areas. There are no schools, churches, hospitals, public playgrounds or parks within the required distance of the premises.

Our new location will bring an inviting a relaxing decor, complete with the new rustic industrial feeling. There will be walls covered in distressed woods, used bricks, warm cozy colors on the walls. The billiard table area floors will be covered in carpet which will reduce the sound from the billiard balls, along with having banquette seating in those areas. There will also be other locations for playing shuffleboard, and darts. Along with these areas to entertain there's other areas which will invite you to sit down, relax with your friends in a more intimate way with couches and comfortable chairs. Included throughout will be TV's to watch your favorite sporting events. With this new location we will be diligent in keeping all areas clean and free of any graffiti and trash both inside and out along with all areas cleaned daily. The building will also include a 2 hour firewall between us and WABA Grill and fire sprinklers. It has a double door entrance in the front and an emergency exit to the rear of the building which will be accessible at all times of operation. The premises will be completely ADA compliant both inside and out.

In closing, we are asking for the city to please allow us to continue to run our long standing family business which we feel is an asset to the area along with being unique. We look forward to updating our look and feel from our existing location and giving local neighborhoods a place to go close to home along with bringing new patrons to the shopping center which will increase the surrounding businesses.
We appreciate your time and help in achieving our goal to continue business in the City of Oceanside by approving our CUP. Please contact me at (760) 717-2082 or maxdonsterry@yahoo.com.

Sincerely,
Terry Reed
Maxdon's

NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** P.C.L Corporation
2. **ADDRESS:** 856 Via La Venta, San Marcos CA. 92069
3. **PHONE NUMBER:** (760) 717-2081 (Terry Reed)
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Associate Planner
6. **PROJECT TITLE:** CUP14-00025

7. **DESCRIPTION:** A Conditional Use Permit (CUP14-00025) to allow for the operation of a bar and cocktail lounge with associated pool tables within an existing 4,325-square-foot commercial suite located at 3780 Mission Avenue Suite 145A. The proposed bar and cocktail lounge operation would be similar to the existing business located at 2235 El Camino Real, with the addition of precooked and premade food items available for purchase. A high heat conventional oven would be used to heat the premade and frozen food ordered, but the business model does not include a full kitchen or restaurant services. The facility intendeds to operate between the hours of 11:00 a.m. and 2:00 a.m. seven days a week. A draft management plan has been submitted for consideration that describes anticipated operations, events, and security measures. The use would include one employee/bartender for each weekday shift and two employees on Friday and Saturday nights. The interior layout of the facility has been designed to enable the bartender to have full surveillance of the entire facility, while working behind the bar. The business would be comprised of 15 tables with associated chairs, eight lounge chairs, an employee office/storage area, a walk-in cooler, an approximate 400-square-foot kitchen with a merchandise storage area, ADA compliant men's and women's restroom, an approximate 30-foot long bar table, six pool tables, two dart boards, and a shuffleboard table. In addition, all required parking for the facility would be provided on-site within the commercial center.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the California Environmental Quality Act (CEQA) and staff has determined that further environmental evaluation is not required because:

[x] The project qualifies for a Class 1 categorical exemption under Section 15301 "Existing Facilities;"

[ ] "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,

[ ] The project is statutorily exempt, Section, ____ (Sections 15260-15277); or,

[ ] The project does not constitute a "project" as defined by CEQA (Section 15378).

Scott Nightingale, Associate Planner

Date: February 9, 2015

cc: [x] Project file [x] Counter file [x] Library Posting: [ ] County Clerk $50.00 Admin. Fee