

STAFF REPORT



ITEM NO. 10

CITY OF OCEANSIDE

DATE: October 3, 2007

TO: Honorable Mayor and Members of the City Council

FROM: Community Development Department/Planning Division

SUBJECT: **ADOPTION OF A RESOLUTION CONFIRMING PLANNING COMMISSION RESOLUTION NO. 2007-P42 AND APPROVING CONDITIONAL USE PERMIT (C-17-07) FOR A REGULATED USE (BAR AND COCKTAIL LOUNGE) COMPONENT TO A HOTEL LOCATED AT 3603 OCEAN RANCH BOULEVARD – ALCOHOL SALES AT RESIDENCE INN -- APPLICANT: RESIDENCE INN BY MARRIOTT, LLC**

SYNOPSIS

The item under consideration is the adoption of a resolution confirming Planning Commission Resolution 2007-P42 and approving a Conditional Use Permit (C-17-07) for alcohol services as a component of a hotel. The Commission recommends that the Council approve the Conditional Use Permit. Staff is recommending that the City Council approve the Conditional Use Permit and adopt the attached resolution.

BACKGROUND

The public hearing and deliberations by the Planning Commission on the proposed use were held on August 27, 2007. The Commission recommended approval of the Conditional Use Permit by a 6-to-0 vote.

Pursuant to Oceanside Zoning Ordinance Section 3605, the Planning Commission shall make recommendations to the City Council for the approval or disapproval of a Conditional Use Permit for a regulated use.

History: On September 13, 1999, the Planning Commission approved a Master Tentative Map (T-1-99) and Master Development Plan (D-7-99) for the Ocean Ranch Corporate Centre. The Master Tentative Map created 22 industrial lots over 393 acres of land area.

On October 19, 2005, the Ocean Ranch Business Association Architectural Review Committee considered and approved the floor plans and elevations for the Marriott Residence Inn development proposal at Ocean Ranch Lot 12.

On February 13, 2007, Planning Commission reviewed and approved the Development Plan and Conditional Use Permit (D-16-05, C-51-05) for the Residence Inn by Marriott (2005-P05).

On May 7, 2007, Residence Inn by Marriott, LLC, submitted a Conditional Use Permit application (C-17-07) for the sale and service of alcohol within the Residence Inn.

On June 20, 2007, the proposed project was submitted to the Ocean Ranch Business Association for review. The Association approved the plan to serve alcohol at the Residence Inn and saw no conflict with the association's guidelines. This written approval is dated July 16, 2007.

On August 27, 2007, Planning Commission moved to recommend approval of Conditional Use Permit (C-55-06) by a vote of 6-to-0. Planning Commission Resolution 2007-P42 was adopted by a vote of 6-to-0.

Project Description: Residence Inn by Marriott, LLC, has built a new hotel located at 3603 Ocean Ranch Boulevard. As part of the hotel project, the applicant is requesting a Type 70 (On-Sale Restrictive Services) license from the Department of Alcoholic Beverage Control (ABC). The Type 70 license allows for a manager's reception where alcoholic beverages will be served on a complimentary basis, along with light food items, to hotel guests.

The applicant is also requesting a Type 20 (Off-Sale Beer and Wine) ABC license to allow for sales within a shop located next to the lobby desk, where guests can purchase food items and beer and wine to take back to their rooms for consumption.

This project will not involve any additional construction within the hotel, as the areas for alcohol sales and service are already designated within the approved hotel plans.

The project application is comprised of a Conditional Use Permit (C-17-07) for a regulated use as follows:

(a) To permit alcohol sales and services (regulated use as bar and cocktail lounge) in conjunction with a hotel, pursuant to Article 36 of the Oceanside Zoning Ordinance (OZO).

ANALYSIS

Project compliance with Oceanside Zoning Ordinance Article 36: Section 3603 classifies Eating and Drinking Establishments primarily serving beer, wine and spirits as a Bar and Cocktail Lounge, which is a regulated use. A bar and cocktail lounge is defined as any premises designed, used or intended to be used for the selling or serving of alcoholic beverages to the public for consumption on the premises, and in which food is not sold or served to the public as in a bona fide restaurant.

Article 36, Separation of Regulated Uses, states that adult-oriented uses create conditions harmful to the public health, welfare and safety when such uses are allowed to become numerous or concentrated within a limited geographical area, or when such uses exist near residential neighborhoods, family-oriented uses or sites commonly used by neighborhoods, family-oriented uses or sites commonly used by minors. Therefore special regulations separating such uses from each other and from nearby residential areas, family-oriented uses, or sites commonly used by minors, are necessary to protect the community from consequent blight, depreciated property values, law enforcement problems, as well as interference with activities oriented toward families or minors.

Section 3604 requires that a bar be located a minimum of 1,000 feet from any other regulated use and 500 feet away from any residential districts; any public or private school; park, playground, or public beach; church or other similar religious facility; and/or childcare or pre-school facility. Any person proposing a permitted regulated use may apply for a waiver of the locational requirements as necessary.

No sensitive uses are within 500 feet of the proposed project site and no other regulated uses are within 1,000 feet of the project site. Therefore, no waiver of locational requirements is being requested. Approval of a conditional use permit by the City Council must be obtained prior to operating a bar and cocktail lounge.

Project compatibility with surrounding land uses: The proposed project will be contained within existing space of the previously approved hotel. No additional construction, including freestanding structures, is being proposed with this project. The sale and service of alcohol is intended to be secondary to the operation of the hotel. The sale of beer and wine through the hotel shop is conditioned so that the alcoholic beverages occupy less than 25 percent of the available shelf space. The serving of alcohol at hotel manager's receptions requires a conditional use permit because it involves the service of beer, wine, and spirits and is considered a bar and cocktail lounge. Light food items will be served during these manager's receptions and they are intended to provide an additional service to the guests of the hotel.

The addition of alcohol sales and services will not negatively impact existing commercial and industrial developments within the vicinity of the Residence Inn by Marriott. The use will comply with applicable locational requirements and will contribute to the variety of services available to guests at the hotel.

In order to further ensure compatibility with the surrounding land uses, the project has been conditioned not to advertise the sale or service of alcoholic beverages to the general public. The proposed sale and service of alcohol will be fully contained within the building of the Residence Inn and will not pose a negative impact to surrounding businesses.

Conclusion: The proposed Conditional Use Permit is consistent with the requirements of the land use policies of the General Plan, the Oceanside Zoning Ordinance and the Ocean Ranch Community Master Development Plan. Staff recommends approval of the Conditional Use Permit.

FISCAL IMPACT

None. The applicant has paid all fees required for the consideration of this application.

COMMISSION OR COMMITTEE REPORT

Planning Commission reviewed the Conditional Use Permit application on August 27, 2007. Public hearing notices were mailed to business and residential property owners and occupants within a 1,000-foot radius of the proposed operation as required by the regulated use section of the Zoning Ordinance. No opposition was delivered in the form of written correspondence to the Commission. No public testimony was heard during the public hearing.

Planning Commission recommended approval of the Conditional Use Permit on a vote of 6-to-0. Resolution 2007-P42 was adopted on a vote of 6-to-0.

CITY ATTORNEY'S ANALYSIS

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

Under the provisions of Article 36 of the City Zoning Ordinance, the City Council has final authority in the approval, modification or denial of a Conditional Use Permit for the establishment of a regulated use.

The City Council shall review the record of the decision and hear testimony of the applicant, and any other interested party.

After the hearing, the City Council shall affirm, modify or reverse the Planning Commission decision. If a decision is modified or reversed, the City Council shall state the specific reasons for the modification or reversal.

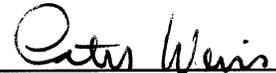
RECOMMENDATION

Staff recommends that the City Council confirm the Planning Commission's findings and recommendations. Staff recommends that the City Council approve Conditional Use Permit (C-17-07) and adopt the attached Resolution approving the project.

PREPARED BY:


Sally Schiffman
Planner II

SUBMITTED BY:


Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
Mike Blessing, Deputy City Manager
Jerry Hittleman, Acting City Planner



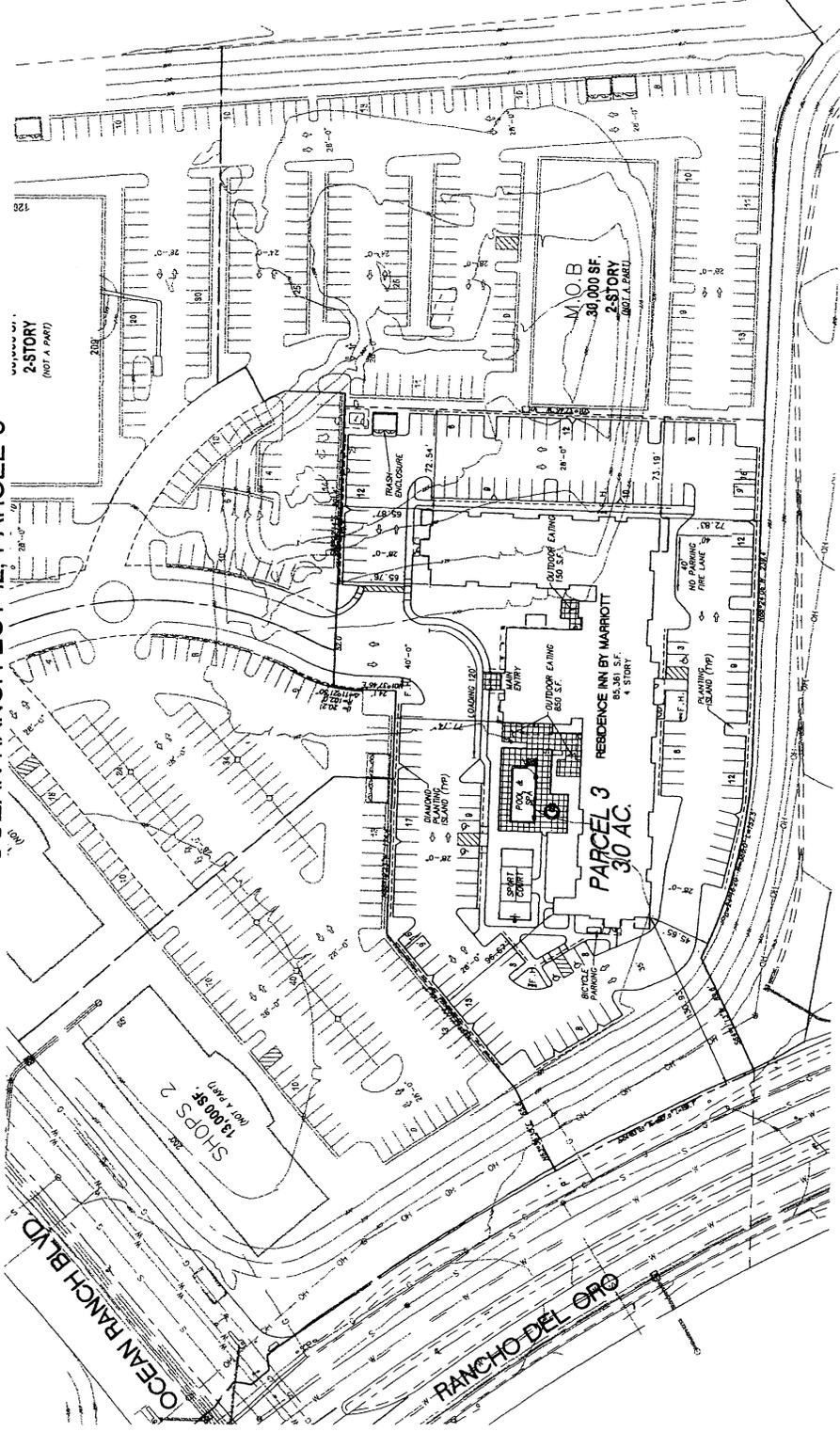
ATTACHMENTS:

1. Site Plans/Floor Plans
2. City Council Resolution
3. Planning Commission Resolution No. 2007-P42
4. Planning Commission Staff Report dated August 27, 2007

RECEIVED
MAY 07 2007
Planning Department



RESIDENCE INN BY MARRIOTT
OCEAN RANCH LOT 12, PARCEL 3



PARKING DATA

BUILDING SPACES (9'x18' x 2' OVERHANG)	125 ROOMS
DISABLED PARKING (9'x18' x 2' OVERHANG)	5 SPACES
LOADING SPACES (12'x35' EACH)	3 SPACES
TOTAL	133 SPACES
REQUIRED SPACES	150 SPACES/ROOM
REQUIRED RATIO	1.2 SPACES/ROOM

PROJECT TEAM:
 ARCHITECT: MARRIOTT INTERNATIONAL, INC.
 MARRIOTT DRIVE
 WASHINGTON, DC 20008
 CIVIL ENGINEER: MCMILLAN & ASSOCIATES
 4740 RUFFNER STREET
 SAN DIEGO, CA 92111
 616-292-7770
 REGISTERED PROFESSIONAL ENGINEER
 SEATTLE, WA 98108
 206-461-1000
 REPORT DATED: OCTOBER 13, 2005

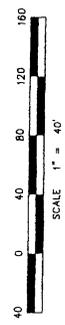
EXISTING STRUCTURES:
 NONE
EXISTING ZONING:
 L-1 LIMITED INDUSTRIAL
SETBACKS:
 FRONT: 65.78'
 SIDE: 130.83'
 REAR: 0'
PROPOSED:
 ALLOWED: 80'
 PROPOSED: 45'

DEVELOPMENT SUMMARY:
 CONDITIONAL USE PERMIT (CUP) FOR HOTEL
 IN LIMITED INDUSTRIAL (L-1) ZONE
 VARIANCE FOR HORIZONTAL WALL
 DISTANCE GREATER THAN 250'
 125 UNIT HOTEL
 OF OCEANSIDE, COUNTY OF SAN DIEGO
 STATE OF CALIFORNIA, ACCORDING TO
 MAPS OF THE OCEAN RANCH
 COMMUNITY.
 APN: 169-57-03
 LABEL: COORDINATES: 378-1871
 AND IS CORNERED: 201044-0232407
 INTERSECTION OF RANCHO DEL ORO &
 OCEAN RANCH BLVD., OCEANSIDE, CA 92008
 KARL AND ROSELA
 250 BROOKS STREET
 LAGUNA BEACH, CA 92651

NO. OF STORIES: 4
NO. OF STORIES: 4
CONSTRUCTION TYPE: V, WOOD FRAME
LOT COVERAGE BY BUILDING: 19.5%
SITE LANDSCAPING: 18,840 S.F.
 (13% PER OCEAN RANCH REQUIREMENTS)
PROPOSED: 331,000 S.F. (1424)
56.5%
FLOOR AREA RATIO (FAR): 1.0
PROPOSED: 0.66
REQUIRED: 1.000 SF
PROPOSED: 1,100 SF
OUTDOOR EATING AREA:

SITE PLAN

NO.	DATE	REVISIONS
1	05-08	ORIGINAL
2	05-08	REVISIONS
3	05-08	REVISIONS
4	05-08	REVISIONS
5	05-08	REVISIONS



PREPARED BY: MARRIOTT INTERNATIONAL, INC.
 15200 SAND AVENUE SOUTH, SUITE 200
 SEATTLE, WA 98188
REGISTERED PROFESSIONAL ENGINEER
 PACIFIC SOILS ENGINEERING
 7715 CONVOY COURT
 SAN DIEGO, CA 92111
 REPORT DATED: OCTOBER 13, 2005
PREPARED BY: NASLAND ENGINEERING
 4740 RUFFNER STREET
 SAN DIEGO, CA 92111
 REPORT DATED: OCTOBER 13, 2005

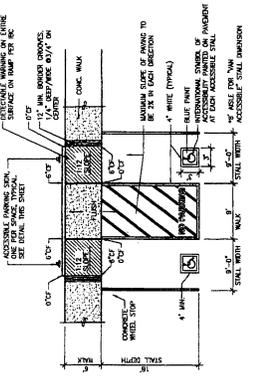
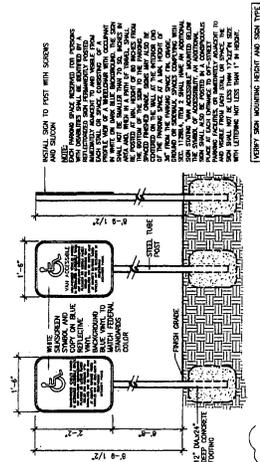
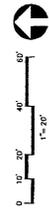
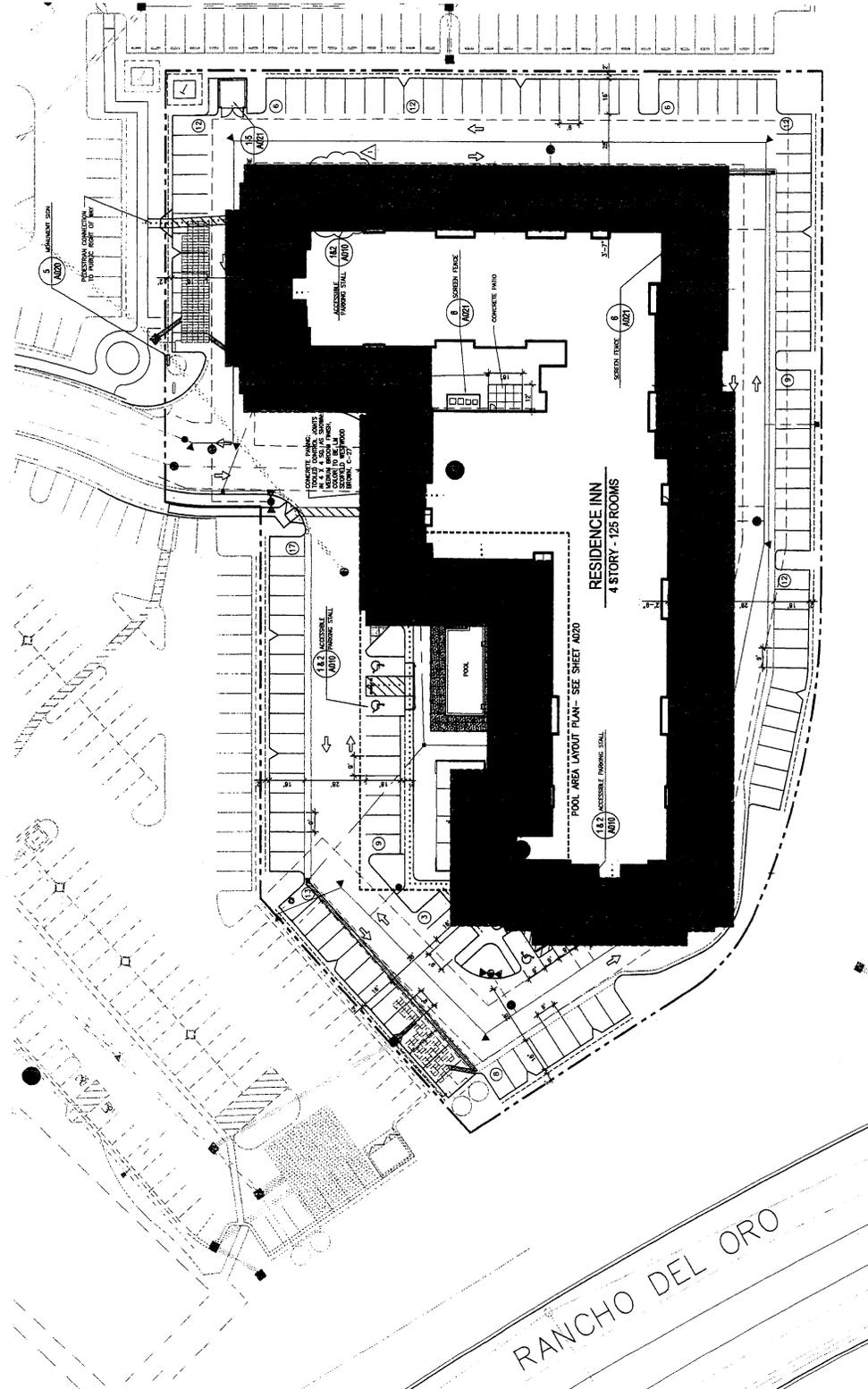
NASLAND ENGINEERING
 CIVIL ENGINEERING, SURVEYING, LAND PLANNING
 4740 Ruffner Street, San Diego, California 92111-984-7770
 P.E. 258 / 104-6761



REV.	DATE	DESCRIPTION
1	07/27/08	FINAL RE-SUBMITAL

SHEET INFORMATION

- GENERAL NOTES:**
- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SEATTLE, WASHINGTON LOCAL ORDINANCES AND THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
 - ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF SEATTLE, WASHINGTON LOCAL ORDINANCES AND THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
 - ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
 - ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE PROPOSED CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CROSSING AGREEMENTS FROM THE APPROPRIATE AGENCIES.
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ACCESSIBLE NOTIFICATION SIGN
SCALE: 1/8" = 1'-0"

ACCESSIBLE PARKING STALL
SCALE: 1/8" = 1'-0"



RECEIVED
AUG 18 2008
B.A. BROWN/CONTRACTOR
R.D. OLSON
DEVELOPMENT



TRICOR BRANDS MFG. FINISHES FOR THE MARIOTT RESIDENCE INN IN OCEANOGRAPHY, VA
(800) 638-6100

DESIGNER: CA
MARIOTT INTERNATIONAL
ONE MARIOTT DRIVE
WASHINGTON, DC 20006

PROJECT # 0612
FILE NAME: A101-A104
DRAWING SET

FOURTH FLOOR
PLAN

A104

ISSUE DATES

NO.	DATE	DESCRIPTION
1	7/24/08	FINAL REVIEW COMMENTS AND QUESTION LOGS
2	7/24/08	FINAL REVIEW COMMENTS AND QUESTION LOGS

SHEET INFORMATION

GENERAL NOTES

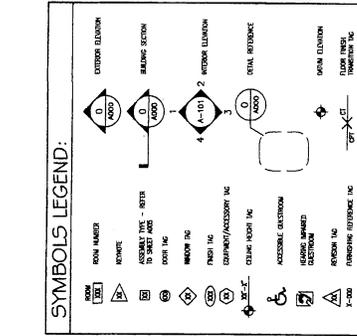
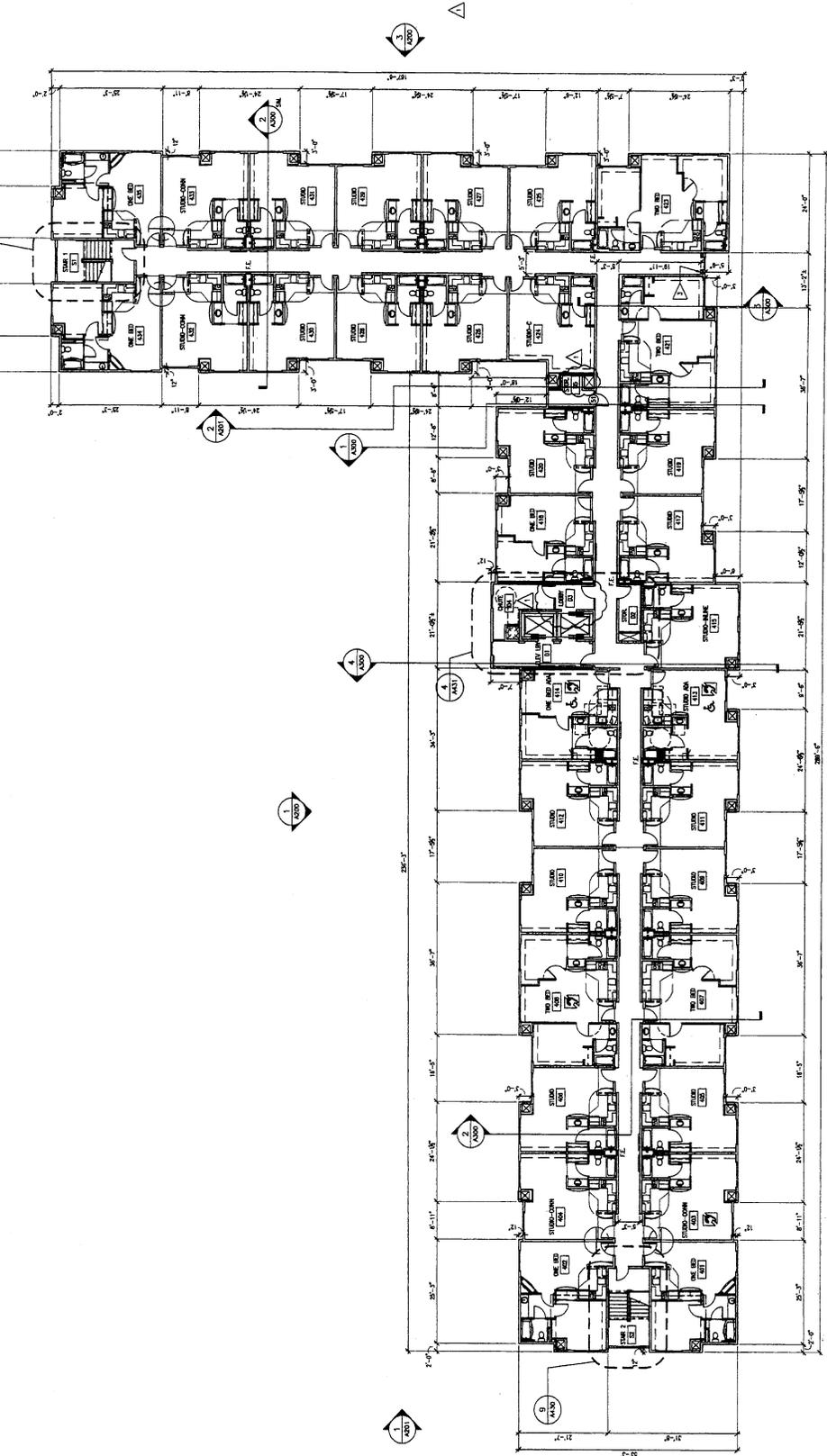
1. REFER TO SHEET A102 FOR ACCESSIBILITY NOTES
2. REFER TO SHEETS A101, A102 AND A103 FOR LOCATION OF CURTAINS
3. REFER TO SHEETS A101, A102 AND A103 FOR FINISHES, WALLS, FLOORING, CEILING, WINDOW AND DOOR TYPES
4. REFER TO SHEETS A101-A104 FOR FINISHES, WALLS, FLOORING, CEILING, WINDOW AND DOOR TYPES
5. REFER TO SHEET A102 FOR WINDOW INFORMATION
6. REFER TO SHEET A102 FOR ROOF FLOW AND ROOF START INFORMATION
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20. REFER TO SHEET A102 FOR ROOF FLOW AND ROOF START INFORMATION

WALL TYPE NOTES

1. REFER TO SHEET A102 FOR ACCESSIBILITY AND FINISHES
2. REFER TO SHEET A102 FOR ACCESSIBILITY AND FINISHES
3. ALL CORNERS AND ENTRY WALLS ARE WALL TYPE 1 UNLESS NOTED OTHERWISE
4. ALL INTERIOR WALLS IN PUBLIC SPACES ARE WALL TYPE 1 UNLESS NOTED OTHERWISE
5. ALL THE STEEL COLLARS SHALL BE THE TYPE SHOWN ON THE DRAWING
6. ALL INTERIOR DOOR SWINGS AND DOOR LEAFS SHALL BE AS SHOWN UNLESS NOTED OTHERWISE
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KEY NOTES

- △ ALUM. DOOR WITH ELECTRICAL PANEL
- △ LINE OF STRUCTURE WORK
- △ FUR. OUT END OF CORRIDOR WITH WALL TYPE 1 UNLESS NOTED OTHERWISE
- △ CORNER GLASS



FOURTH FLOOR PLAN
SCALE: SHEET = 1/8" = 1'-0"



RESIDENCE INN BY MARRIOTT
MARRIOTT INTERNATIONAL
ONE MARRIOTT WAY
WASHINGTON, DC 20006
OCEANSIDE, CA
(800) 639-6108
© JOHNSON BRAUN DESIGN GROUP, INC.

PROJECT: A201
DATE: 08/12/2020
DRAWN BY: JM

EXTERIOR ELEVATIONS & SECTIONS

A201

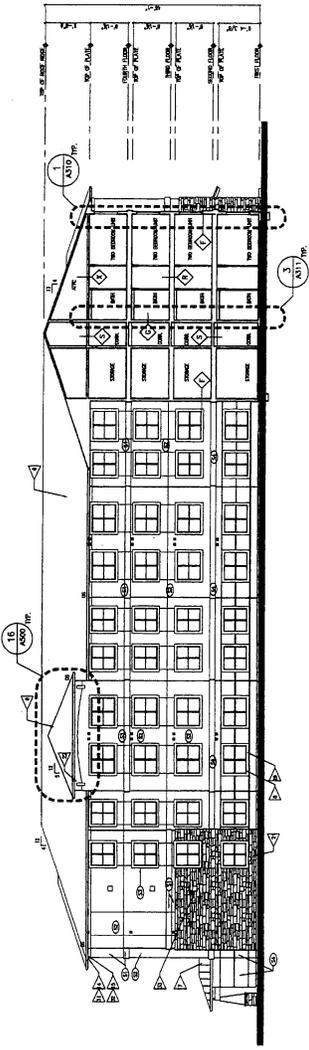
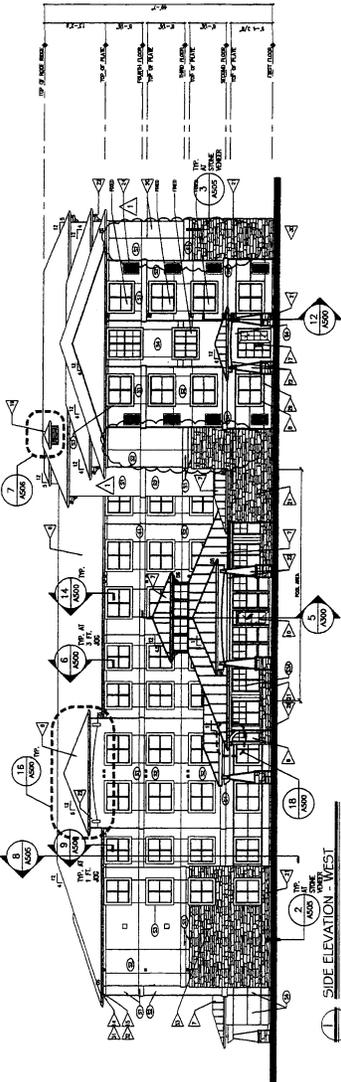
ISSUE	DATE	DESCRIPTION
1	8/12/20	PROJECT COMMENCEMENT
2	7/14/20	PLAN REVISIONS AND ADDITIONAL DETAILS

SHEET INFORMATION
GENERAL NOTES

1. SEE KEY NOTES FOR FINISH SCHEDULE.
2. VERIFY ALL FINISHES WITH LOCAL CODES.
3. VERIFY ALL FINISHES WITH LOCAL CODES.
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KEY NOTES

- 1. STUCCO COLOR 1
- 2. STUCCO COLOR 2
- 3. STUCCO COLOR 3
- 4. STUCCO COLOR 3A
- 5. STUCCO COLOR 4
- 6. CONCRETE FINISH SHALL BE SMOOTH
- 7. INTERIORS SHALL BE FINISHED WITH STUCCO
- 8. INTERIORS SHALL BE FINISHED WITH STUCCO
- 9. INTERIORS SHALL BE FINISHED WITH STUCCO
- 10. INTERIORS SHALL BE FINISHED WITH STUCCO



EXTERIOR FINISH SCHEDULE

BUILDING ELEMENT	MATERIAL	FINISH	COLOR	FINISH MATERIAL NOTES	GRAPHIC SCHEDULE	PALETTE
BALCONY	STUCCO	WASH	BY PALETTE	1. STUCCO SHALL BE FINISHED WITH STUCCO COLOR 1 FOR EXTERIOR WALLS AND STUCCO COLOR 2 FOR EXTERIOR ROOFS.	[Color swatch]	[Color swatch]
WALLS	STUCCO	WASH	BY PALETTE	2. WALLS SHALL BE FINISHED WITH STUCCO COLOR 1 FOR EXTERIOR WALLS AND STUCCO COLOR 2 FOR EXTERIOR ROOFS.	[Color swatch]	[Color swatch]
WALLS	ALUMINUM	WASH	BY PALETTE	3. WALLS SHALL BE FINISHED WITH STUCCO COLOR 1 FOR EXTERIOR WALLS AND STUCCO COLOR 2 FOR EXTERIOR ROOFS.	[Color swatch]	[Color swatch]
WALLS	ALUMINUM	WASH	BY PALETTE	4. WALLS SHALL BE FINISHED WITH STUCCO COLOR 1 FOR EXTERIOR WALLS AND STUCCO COLOR 2 FOR EXTERIOR ROOFS.	[Color swatch]	[Color swatch]
WALLS	ALUMINUM	WASH	BY PALETTE	5. WALLS SHALL BE FINISHED WITH STUCCO COLOR 1 FOR EXTERIOR WALLS AND STUCCO COLOR 2 FOR EXTERIOR ROOFS.	[Color swatch]	[Color swatch]
WALLS	ALUMINUM	WASH	BY PALETTE	6. WALLS SHALL BE FINISHED WITH STUCCO COLOR 1 FOR EXTERIOR WALLS AND STUCCO COLOR 2 FOR EXTERIOR ROOFS.	[Color swatch]	[Color swatch]
WALLS	ALUMINUM	WASH	BY PALETTE	7. WALLS SHALL BE FINISHED WITH STUCCO COLOR 1 FOR EXTERIOR WALLS AND STUCCO COLOR 2 FOR EXTERIOR ROOFS.	[Color swatch]	[Color swatch]
WALLS	ALUMINUM	WASH	BY PALETTE	8. WALLS SHALL BE FINISHED WITH STUCCO COLOR 1 FOR EXTERIOR WALLS AND STUCCO COLOR 2 FOR EXTERIOR ROOFS.	[Color swatch]	[Color swatch]
WALLS	ALUMINUM	WASH	BY PALETTE	9. WALLS SHALL BE FINISHED WITH STUCCO COLOR 1 FOR EXTERIOR WALLS AND STUCCO COLOR 2 FOR EXTERIOR ROOFS.	[Color swatch]	[Color swatch]
WALLS	ALUMINUM	WASH	BY PALETTE	10. WALLS SHALL BE FINISHED WITH STUCCO COLOR 1 FOR EXTERIOR WALLS AND STUCCO COLOR 2 FOR EXTERIOR ROOFS.	[Color swatch]	[Color swatch]

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2. Pursuant to CCP Section 1094.6 (f), notice is hereby given that the time within which judicial review must be sought on this decision is governed by CCP Section 1094.6 as set forth in Oceanside City Code Section 1.10.

PASSED and ADOPTED by the City Council of the City of Oceanside, California this ____ day of _____, 2007 by the following vote:

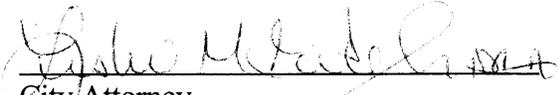
- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

Mayor of the City of Oceanside

ATTEST:

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

City Clerk



City Attorney

LEGAL DESCRIPTION:

Parcel 3 in Lot 12, in the City of Oceanside, County of San Diego, State of California,
according to May 14867 of the Ocean Ranch Community.

APN: 160-57-03

PLANNING COMMISSION
RESOLUTION NO. 2007-P42

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

APPLICATION NO: C-17-07
APPLICANT: Residence Inn by Marriot LLC
LOCATION: 3603 Ocean Ranch Boulevard

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 13, 36, & 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

the sale and service of alcohol within an existing hotel;
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 27th day of August, 2007, 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 not subject to CEQA per Article 19, Section 15301 Existing Facilities;

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

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

FINDINGS:

For the Conditional Use Permit for the allowance of beer and wine alcoholic beverages:

1. The proposed project is not contrary to the Zoning Ordinance objective for the IL (Limited Industrial) zoning district and to the intent of Article 36 of the Zoning Ordinance and the proposed operation is consistent with the General Plan Land Use Element policies for the underlying Light Industrial land use designation affecting the property.

1 2. The conditions for the restriction of the conditional use are consistent with the General
2 Plan, will not effect neighborhood compatibility, and will not cause the operation of the
3 conditional use to be detrimental to the welfare of persons or properties working, residing,
4 or otherwise existing in the adjacent neighborhood areas.

5 3. The conditional use is subject to and must comply with specific local conditions and
6 additional regulations as deemed necessary by other regulatory or permit authorities.

7 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
8 recommend approval Conditional Use Permit (C-17-07) subject to the following conditions:

9 **Planning:**

10 1. This Conditional Use Permit shall expire two years from the effective date of the approval,
11 unless implemented as required by the Zoning Ordinance.

12 2. This Conditional Use Permit approves only the sale and service of alcohol under one Type
13 20 and one Type 70 Alcoholic Beverage Control license as shown on the plans and exhibits
14 presented to the Planning Commission for review and approval. No deviation from these
15 approved plans and exhibits shall occur without Community Development
16 Department/Planning Division approval. Substantial deviations shall require a revision to
17 the Conditional Use Permit or a new Conditional Use Permit.

18 3. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
19 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
20 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
21 annul an approval of the City, concerning Conditional Use Permit C-17-07. The City will
22 promptly notify the applicant of any such claim, action or proceeding against the City
23 and will cooperate fully in the defense. If the City fails to promptly notify the applicant
24 of any such claim action or proceeding or fails to cooperate fully in the defense, the
25 applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the
26 City.

27 4. The Conditional Use Permit shall lapse if the exercise of rights granted by them is
28 discontinued for six consecutive months.

29 5. 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

1 shall provide that the property is subject to this resolution, and shall generally list the
2 conditions of approval.

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

7 7. Failure to meet any conditions of approval for this development shall constitute a violation
8 of the Conditional Use Permit.

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

14 9. This Conditional Use Permit shall be called for review by the Planning Commission if
15 complaints are filed and verified as valid by the Code Enforcement Office concerning the
16 violation of any of the approved conditions or assumptions made by the application.

17 10. No live entertainment shall be permitted without obtaining a separate Conditional Use
18 Permit.

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

23 12. Service of alcoholic beverages through the Type 70 license (On-Sale General – Restrictive
24 Service) shall only be permitted during manager’s receptions for hotel guests. Light food
25 items shall also be made available during this time.

26 13. Sale service of beer and wine through the Type 20 license (Off-Sale Beer & Wine) shall
27 only be permitted during the operating hours of the hotel shop. Shelf space allocated to
28 alcoholic beverages shall be limited to no more than 25 percent of the total shelf space
29 within the shop.

There shall be no coin operated games or video machines maintained upon the premises
at any time.

- 1 15. There shall be no pool or billiard tables maintained upon the premises at any time.
- 2 16. There shall be no exterior advertising or sign of any kind or type, including advertising
3 directed to the exterior from within, promoting or indicating the availability of alcoholic
4 beverages. Interior displays of alcoholic beverages or signs, which are clearly visible to
5 the exterior, shall constitute a violation of this condition.
- 6 17. The subject alcoholic beverage license shall not be exchanged for a public premises type
7 license nor be operated as a public premise.
- 8 18. There shall be no audible music or noise emitting from the premises, which would
9 disturb the quiet and peaceful enjoyment of the property by the tenants and residences of
10 the area.
- 11 19. No wine shall be sold with an alcoholic content of greater than 15 percent of volume for
12 "Dinner Wines" that have aged two years or more and maintained in corked bottles,
13 excluding Chardonnay, Viognier "Dinner Wines", ports and sherries, which may be aged
14 less than two years.

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1 20. The establishment must prominently post inside the shop one 8.5-inch by 11-inch sign
2 stating "We ID everyone under 30 years of age for alcohol sales". This sign must be
3 easily readable by all patrons and written in English, as well as in the predominant
4 language of the facility's clientele.

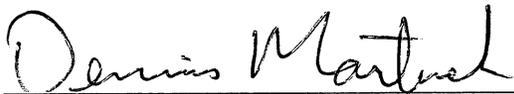
5 PASSED AND ADOPTED Resolution No. 2007-P42 on August 27, 2007 by the
6 following vote, to wit:

7 AYES: Martinek, Parker, Horton, Neal, Balma and Bertheaud

8 NAYS: None

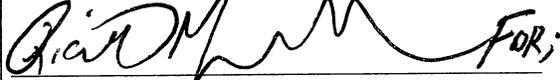
9 ABSENT: Troisi

10 ABSTAIN: None

11 

12 Dennis Martinek, Chairman
Oceanside Planning Commission

13 ATTEST:

14  FOR;

15 Jerry Hittleman, Secretary

16 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
17 this is a true and correct copy of Resolution No. 2007-P42.

18
19 Dated: August 27, 2007



DATE: August 27, 2007

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (C-17-07) FOR THE SALE OF ALCOHOL WITHIN A RESIDENCE INN BY MARRIOT LOCATED AT 3603 OCEAN RANCH BOULEVARD WITHIN THE IVEY RANCH/RANCHO DEL ORO NEIGHBORHOOD. – ALCOHOL SALES @ RESIDENCE INN – APPLICANT: RESIDENCE INN BY MARRIOT, LLC.**

RECOMMENDATION

Staff recommends that the Planning Commission, by motion:

- (1) Recommend that City Council confirm the issuance of a Class 1, Categorical Exemption “Existing Facilities”; and,
- (2) Recommend City Council approve Conditional Use Permit (C-17-07) by adopting Planning Commission Resolution No. 2007-P42 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On September 13, 1999, the Planning Commission approved a Master Tentative Map (T-1-99) and Master Development Plan (D-7-99) for the Ocean Ranch Corporate Center. The Master Tentative Map created 22 industrial lots over 393 acres of land area.

On October 19, 2005, the Ocean Ranch Business Association Architectural Review Committee considered and approved the floor plans and elevations for the Marriott Residence Inn development proposal at Ocean Ranch Lot 12.

On February 13, 2007, Planning Commission reviewed and approved the Development Plan and Conditional Use Permit (D-16-05, C-51-05) for the Residence Inn by Marriott (2005-P05).

On May 7, 2007, Residence Inn by Marriott, LLC submitted a Conditional Use Permit application (C-17-07) for the sale and service of alcohol within the Residence Inn.

Site Review: The subject property is surrounded to the north and east by the remaining portion of Lot 12, which is slated for development as a retail, general office and medical office complex. The site is situated adjacent to vacant land to the south and to the west, across Rancho Del Oro Drive.

The zoning designation is IL (Limited Industrial) and the General Plan land use designation is LI (Light Industrial). In addition to the Zoning Ordinance and General Plan, the project is subject to compliance with the Ocean Ranch Community Master Development Plan.

Project Description: Residence Inn by Marriott, LLC has built a new hotel located at 3603 Ocean Ranch Boulevard. As part of the hotel project, the applicant is requesting a Type 70 (On-Sale Restrictive Services) license from the Department of Alcoholic Beverage Control (ABC). The Type 70 license allows for a manager's reception where alcoholic beverages will be served on a complimentary basis, along with light food items, to hotel guests.

The applicant is also requesting a Type 20 (Off-Sale Beer & Wine) ABC license to allow for sales within a shop located next to the lobby desk, where guests can purchase food items and beer and wine to take back to their rooms for consumption.

This project will not involve any additional construction within the hotel, as the areas for alcohol sales and service are already designated within the approved hotel plans.

The project application is comprised of a Conditional Use Permit for a regulated use as follows:

Conditional Use Permit No. C-17-07 represents a request for the following:

- (a) To permit alcohol sales and services (regulated use as bar and cocktail lounge) in conjunction with a hotel, pursuant to Article 36 of the Oceanside Zoning Ordinance (OZO).

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

1. General Plan Land Use Element
2. Zoning Ordinance
3. Ocean Ranch Community Master Development Plan

ANALYSIS

KEY PLANNING ISSUES

1. General Plan Compliance

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

A. Land Use Element

Goal 2.1: Industrial Development

Objective: To promote industries which are consistent with community enhancement and provide stable tax bases and a balance of employment opportunities.

Policy C: Ancillary commercial, office, and recreational uses may be permitted when clearly oriented to support the industrial development and serve its population.

2. Zoning Compliance

This project is located in a Limited Industrial District. The following table summarizes proposed and applicable Zoning Ordinance regulations for the proposed project:

PROPOSED USE	ZONING ORDINANCE USE CLASSIFICATION	IL LAND USE REGULATIONS	ARTICLE 36 USE CLASSIFICATION
Hotel bar serving beer, wine, and spirits (Type 70 License)	Eating and Drinking Establishment	L-3: Permitted as a secondary use in a building and occupying no more than 2,500 square feet; Conditional Use Permit required for more space or for Eating and Drinking Establishment with full alcohol beverage services.	Bar and Cocktail Lounge: Any premises designed used, or intended to be used for the selling or serving of alcoholic beverages to the public for consumption on the premises, and in which food is not sold or served to the public as in a bona fide restaurant.
Shop offering beer and wine (Type 20 License)	Food and Beverage Sales	L-20: Permitted as a secondary use in a building and occupying no more than 1,000 square feet. Conditional use permit required for more space.	N/A

3. Ocean Ranch Community Master Development Plan

Section 3: Permitted Uses

The permitted uses within Ocean Ranch include those allowed by the regulations of the Limited Industrial zoning designation. In addition, retail, food services, general office, medical office and hospitality uses are permitted on Lot 12 with the review and written approval of the Ocean Ranch Business Association. It is stipulated that the use be performed entirely within a building that is designed and constructed to ensure the use does not cause or produce a nuisance or adverse impact to adjacent sites.

DISCUSSION

Issue: Project compliance with Oceanside Zoning Ordinance Article 36.

Recommendation: Section 3603 classifies Eating and Drinking Establishments primarily serving beer, wine and spirits as a Bar and Cocktail Lounge, which is a regulated use. A bar and cocktail lounge is defined as any premises designed, used or intended to be used for the selling or serving of alcoholic beverages to the public for consumption on the premises, and in which food is not sold or served to the public as in a bona fide restaurant.

Article 36, Separation of Regulated Uses, states that adult-oriented uses create conditions harmful to the public health, welfare and safety when such uses are allowed to become numerous or concentrated within a limited geographical area, or when such uses exist near residential neighborhoods, family-oriented uses or sites commonly used by neighborhoods, family-oriented uses or sites commonly used by minors. Therefore special regulations separating such uses from each other and from nearby residential areas, family-oriented uses, or sites commonly used by minors, are necessary to protect the community from consequent blight, depreciated property values, law enforcement problems, as well as interference with activities oriented toward families or minors.

Section 3604 requires that a bar be located a minimum of 1,000 feet from any other regulated use and 500 feet away from any residential districts; any public or private school; park, playground, or public beach; church or other similar religious facility; and/or childcare or pre-school facility. Any person proposing a permitted regulated use may apply for a waiver of the locational requirements as necessary.

No sensitive uses are within 500 feet of the proposed project site and no other regulated uses are within 1,000 feet from the project site. Therefore, no waiver of locational requirements is being requested. Approval of a conditional use permit by the City Council must be obtained prior to operating a bar and cocktail lounge.

Issue: Project compliance with the Ocean Ranch Community Master Development Plan.

Recommendation: The proposed project was submitted to the Ocean Ranch Business Association for review on June 20, 2007. The Association approved the plan to serve alcohol at the Residence Inn and saw no conflict with the association's guidelines. This written approval is dated July 16, 2007.

Issue: Project compatibility with the existing land use, the Residence Inn by Marriott.

Recommendation: The proposed project will be contained within existing space of the previously approved hotel. No additional construction, including freestanding structures, is being proposed with this project. The sale and service of alcohol is intended to be secondary to the operation of the hotel. The sale of beer and wine through the hotel shop is conditioned so that the alcoholic beverages occupy less than 25 percent of the available shelf space. The entire marketplace area is approximately 70 square feet. The serving of alcohol at hotel manager's receptions requires a conditional use permit because it involves the service of beer, wine, and spirits and is considered a bar and cocktail lounge. Light food items will be served during these manager's receptions and they are intended to provide an additional service to the guests of the hotel.

Issue: Project compatibility with the surrounding neighborhood.

Recommendation: The addition of alcohol sales and services will not negatively impact existing commercial and industrial developments within the vicinity of the Residence Inn by Marriott. The use will comply with applicable locational requirements and will contribute to the variety of services available to guests at the hotel.

A Type 20 license issued by the Department of Alcoholic Beverage Control authorizes the sale of beer and wine for consumption off the premises where sold. Less than 25 percent of the hotel shop shelf space will be used for alcoholic beverages. A Type 70 license authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. This license is normally issued to "suite-type" hotels and motels, which exercise the license privileges for guests' "complimentary" happy hour.

The following table lists specific land uses surrounding the proposed project:

LOCATION	GENERAL PLAN	ZONING	SPECIFIC LAND USE
Subject Property:	LI (Light Industrial)	IL (Limited Industrial)	Residence Inn by Marriott
Proposed use	LI	IL	Alcohol sales and services at a hotel
North:	LI	IL	Office and Industrial buildings (Venture Commerce Center)
East:	LI	IL	Vacant; Industrial buildings; Coca Cola

LOCATION	GENERAL PLAN	ZONING	SPECIFIC LAND USE
South:	RDO S-1-84 Industrial	PD-1	Industrial buildings (Seagate Corporate Center)
West:	RDO S-1-84 Industrial	PD-1	vacant

In order to further ensure compatibility with the surrounding land uses, the project has been conditioned not to advertise the sale or service of alcoholic beverages to the general public. The proposed sale and service of alcohol will be fully contained within the building of the Residence Inn and will not pose as a negative impact to surrounding businesses.

ENVIRONMENTAL DETERMINATION

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

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. As of August 22, 2007, no communication supporting or opposing the request has been received.

SUMMARY

The proposed Conditional Use Permit is consistent with the requirements of the land use policies of the General Plan, the Oceanside Zoning Ordinance and the Ocean Ranch Community Master Development Plan. Staff recommends approval for the Conditional Use Permit. Therefore, staff recommends that the Planning Commission:

- Move to recommend that City Council approve Conditional Use Permit (C-17-07) and adopt Resolution No. 2007-P42.

PREPARED BY:


Sally Schiffman
Planner II

SUBMITTED BY:


Jerry Hittleman
City Planner

JH/SS/fil

Attachments:

1. Site Plan/Floor Plan
2. Planning Commission Resolution No. 2007-P42