

AGENDA NO. 3

PLANNING COMMISSION



STAFF REPORT

DATE: December 14, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A DEVELOPMENT PLAN (D-3-07) AND REGULAR COASTAL PERMIT (RC-2-07) FOR THE CONSTRUCTION OF A 4,023-SQUARE FOOT RETAIL BUILDING LOCATED AT 1802 SOUTH COAST HIGHWAY. THE PROJECT SITE IS WITHIN THE COASTAL ZONE AND HAS A GENERAL PLAN LAND USE DESIGNATION OF GENERAL COMMERCIAL (GC), AND IS ZONED COMMERCIAL GENERAL (C2), AND IS SITUATED WITHIN THE SOUTH OCEANSIDE NEIGHBORHOOD AND THE COASTAL ZONE – BEACH BREAK PLAZA – APPLICANT: GARY & ZELLARAH DWELLEY**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Categorical Exemption per California Environmental Quality Act (CEQA), Article 19, Section 15332, Class 32, In-Fill Development Projects.
- (2) Approve Development Plan (D-3-07) and Regular Coastal Permit (RC-2-07) by adopting Planning Commission Resolution No. 2009-P51 with findings and conditions of approval attached herein.

BACKGROUND & PROJECT DESCRIPTION

Background: The subject site is located within the Coastal Zone and within the South Oceanside Neighborhood. Currently, the site is vacant and was a former site for a 1,624-square foot minimart and service station that was demolished earlier this year.

Site Review: The project site is located at the south east corner of Cassidy Street and South Coast Highway within the South Oceanside Neighborhood. The project site is 18,004 square feet (0.413 acres) and has perimeter block walls at the eastern and southern portions of the property. The subject site has a General Plan Land Use

Designation of General Commercial (GC) and is zoned Commercial General (C2) as per the 1986 Zoning Ordinance. Surrounding land uses adjacent to the site include existing service stations to the north, north west, and west of the property, a multi-family residential apartment complex to the east, and a commercial motel to the south.

Project Description: The application consists of a Development Plan (D-3-07) and a Regular Coastal Permit (RC-2-07) as follows:

Development Plan (D-3-07) represents a request for the following:

- (a) The construction a two-unit 4,023-square foot commercial building for a restaurant and a retail suite on a 0.413-acre site.

The 0.413-acre site would be developed with the proposed single-story commercial building. The proposed design of the building would be Spanish Colonial and would be oriented toward the front and corner side property lines. Ingress and egress to the site would be from the newly constructed driveways at South Coast Highway and Cassidy Street. Both access driveways are designed to accommodate two-way traffic, and meet all sight distance requirements. A total of 29 parking stalls shall be incorporated towards the rear and southern portions of the property, which exceeds the required 20 parking stalls as per the Zoning Ordinance. A trash enclosure would be designed to city standards and would be incorporated into the rear of the building. The proposed patio covers, window awnings, planters, and an outdoor patio are included with the development proposal to enhance the building design.

The proposed restaurant would occupy 2,715 square feet of the proposed 4,023-square foot commercial building and would include outdoor dining at the southern portion of the building. The adjoining 1,308-square foot retail suite would be designated for retail uses permitted in the General Commercial (C2) designation.

There would be a minimal amount of grading associated with the development and there will be a small amount of dirt exported (384 cubic yards). The major part of the earthwork has already been completed with the removal of the underground fuel storage tanks. The previous owner of the property has provided a "Closure Letter" from the County Department of Health and Safety for the approval of the removed underground storage tanks.

Regular Coastal Permit (RC-2-07) represents a request for the following:

- (a) A Regular Coastal Permit is required because the project is situated within the Coastal Zone "non-appeal jurisdiction," therefore the project requires review for consistency with the Local Coastal Program (LCP).

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

1. General Plan
2. Zoning Ordinance
3. Land Use Compatibility
4. Coastal Act/ Local Coastal program
5. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. General Plan Conformance

The General Plan Land Use Map designation on the subject property is General Commercial (GC). 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 commercial development for a restaurant and proposed commercial retail services is anticipated to be a benefit to the City of Oceanside and the South Oceanside Neighborhood. The development will provide commercial services to many of the residents in the area. The Beach Break restaurant currently occupies an existing commercial suite within a small commercial center approximately 200 yards to the south of the subject property. The restaurant has currently outgrown their existing facility, and this proposal will provide expanded space for the restaurant.

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 reviewed for potential impacts to the City's circulation system. The Traffic Study determined that no significant impacts to traffic would result from the construction and operation of the proposed restaurant and commercial retail use. In fact, the analysis showed that the new uses will produce a total of 710 Average Daily Trips (ADT), which is approximately half of the vehicle trips as the prior gas station use (gas station – 1,500 ADT).

B. Land Use Element II

Objective 2.2 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.

The proposed uses are permitted within a General Commercial (C2) District with approval of a Development Plan and Regular Coastal Permit. The proposed restaurant and attached retail suite will be a compatible with the surrounding area and land uses within the neighborhood. The site is located adjacent to two major transportation corridors at the south east corner of intersection of Cassidy Street and South Coast Highway. It is anticipated that the retail and restaurant development will benefit the City of Oceanside because it will provide goods and services to many of the residents living in the area; as well as, provide employment opportunities for the City's residents. The City of Oceanside would benefit from the proposed use, because it will generate sales tax revenue for the City. The proposed use is consistent with Policy A and in terms of providing retail uses and a restaurant to help facilitate the economic development of the City of Oceanside.

2. Zoning Ordinance Compliance

This project is located within a Commercial General (C2) zone and as designed, complies with the requirements of the zone.

The following table summarizes the proposed and applicable development standards for the project site:

	MINIMUM REQUIRED	PROPOSED
LOT SIZE	10,000 sq. ft.	18,004 sq ft
LOT COVERAGE	N/A	22.34%
FRONT YARD	N/A	7.5 feet
CORNER SIDE	N/A	5 feet
SIDE YARD	N/A	49 feet
REAR YARD	15	72 feet
PARKING	20 spaces	29 spaces
BUILDING HEIGHT	45 foot max	25.4 foot max.
LANDSCAPING	15%	15%

The proposed project meets all applicable requirements of the Zoning Ordinance as denoted above.

The proposed restaurant use requires at least one parking space for 45 square feet of area used for consumption of food. The proposed 644 square feet of consumption area for the Beach Break Restaurant would require a minimum 15 parking spaces. The adjoining commercial suite within the building does not have an anticipate use at this time, so the general commercial parking requirement of one parking space for 300 square feet of commercial area applies. The 1,308-square foot commercial suite would require a minimum of five parking spaces, and in total the restaurant and the commercial use would require 20 parking spaces. Therefore, the proposed 29 parking stalls are acceptable, and shall provide the necessary parking suitable for the subject site.

3. Land Use Compatibility with surrounding developments

The project site is located at the south east corner of Cassidy Street and Coast Highway intersection within a General Commercial (C2) land use designation and a Commercial General (CG) zoning district. The General Plan and Zoning Ordinance permit the proposed uses within those designations.

The table below describes the property and the surrounding land uses:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	General Commercial (GC)	General Commercial (C2)	Vacant
North of Subject Property	General Commercial (GC)	General Commercial (C2)	Service Station
East of Subject Property:	General Commercial (GC)	Medium Density Residential (R3)	Apartment Complex
South of Subject Property:	General Commercial (GC)	General Commercial (C2)	Commercial Motel
West of Subject Property:	General Commercial (GC)	General Commercial (C2)	Service Station

The proposed retail and restaurant use has been determined to be acceptable with the surrounding existing uses and their respective General Plan and Zoning Ordinance designations. Staff has concluded that the design of the project and the improvements proposed will not result in any serious public health, safety or welfare issues due to the location of the site and the types of uses immediately adjacent to the site.

4. Local Coastal Program compliance

The proposed project is within a non-appealable portion of the Coastal Zone. The following objectives and policies of the LCP apply to the project:

Section VI: Visual Resources and Special Communities Policy 8. of the LCP The City shall ensure that all new development is compatible in height, scale, color, and form with the surrounding neighborhood.

Objective: The City shall, through its land use and public works decisions, seek to protect, enhance, and restore visual quality of the urban environment.

Policy 8: The City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood.

Policy 11: The City shall encourage variety, creativity, and site-responsive design for all new development.

The proposed project is within the non-appealable portion of the Coastal Zone, and is designed to be superior in terms of architecture design and materials than surrounding commercial properties. The proposed height of 25 feet-4 inches is under the maximum height requirement of 45 feet.

DISCUSSION

Issue: Project Compatibility with the Existing Neighborhood: The development of the proposed retail and restaurant building would be an appropriate and permitted use based on the allowed uses within the General Plan and Zoning Ordinance. The project site is located within a high pedestrian and vehicular traffic area that would provide economic opportunities to the surrounding area and goods and services to the neighborhood. The proposed project is also consistent with the commercial and retail uses surrounding the site. The use would provide an upgrade in design and physically enhance the street corner; as well as, the neighborhood.

Recommendation: Staff finds that the overall design of the project is compatible with the sites zoning designation and the surrounding uses, and no known opposition to the project has been noted. Staff supports the project as submitted by the applicant, subject to conditions of approval contained within the draft resolution.

ENVIRONMENTAL DETERMINATION

Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, staff finds that the proposed project constitutes an in-fill development project as defined by CEQA. As such, this project is categorically exempt from CEQA per Article 19, Section 15332, Class 32, In-Fill Development Projects.

PUBLIC NOTIFICATION

Pursuant to Article 41 of the Oceanside Zoning Ordinance, a Legal notice was published in the North County Times and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals and or organizations requesting notification, the applicant and other interested parties. Copies of this agenda item have been mailed to the applicant and their representatives.

SUMMARY

The proposed Development Plan (D-3-07) and Regular Coastal Permit (RC-2-07) as designed and conditioned, are consistent with the land use policies of the General Plan and the requirements of the Zoning Ordinance. The project has been designed and conditioned to meet or exceed all applicable development standards. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached Resolution. Staff recommends that the Planning Commission:

- Confirm issuance of a Categorical Exemption per California Environmental Quality Act (CEQA), Article 19, Section 15332, Class 32, In-Fill Development Projects.
- Adopt Planning Commission Resolution No. 2009-P51 approving Development Plan (D-3-07) and Regular Coastal Permit (RC-2-07) with findings and conditions of approval attached herein.

PREPARED BY:

SUBMITTED BY:



Scott Nightingale
Acting Associate Planner



Jerry Hittleman
City Planner

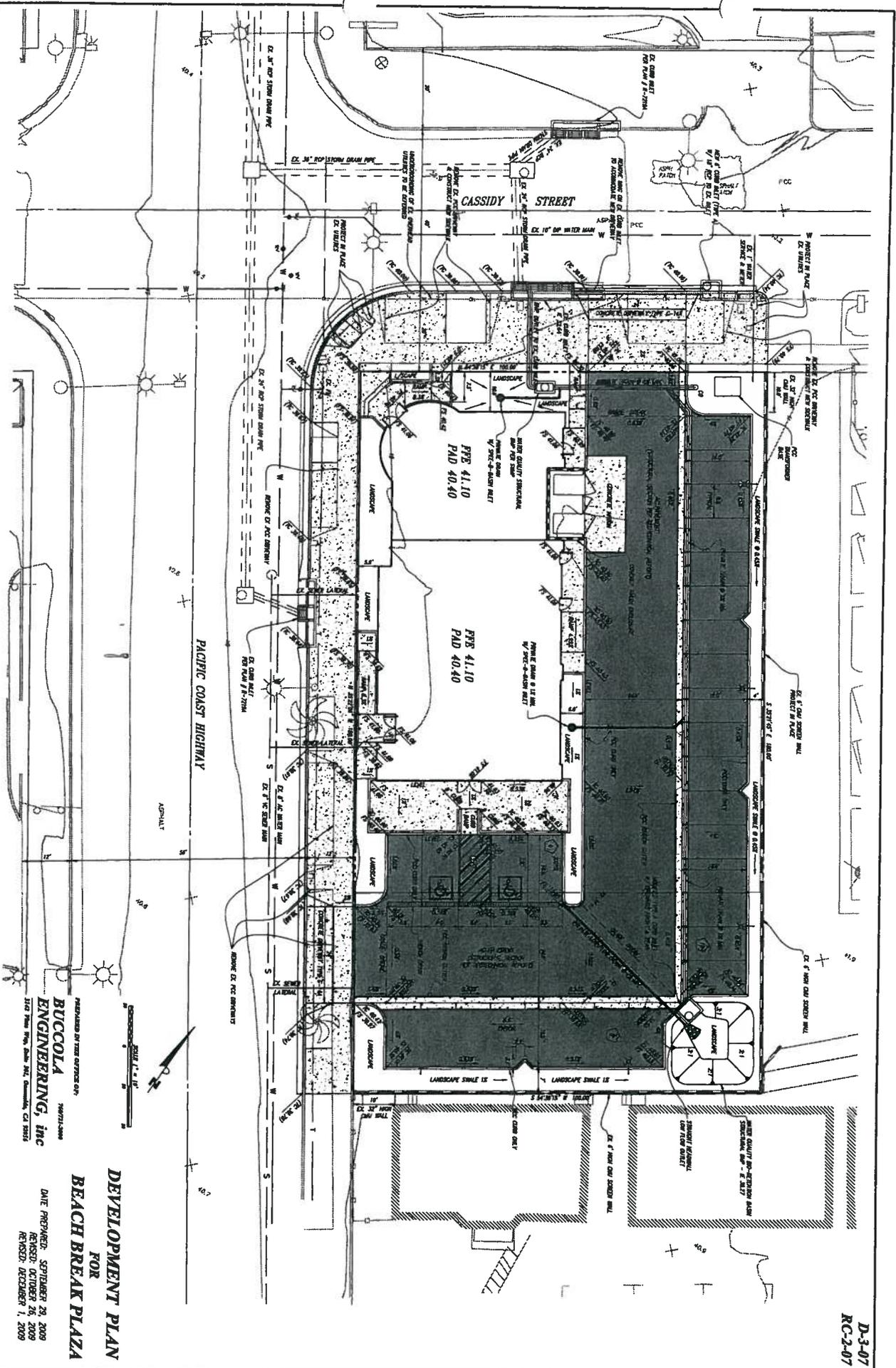
Attachments:

1. Plans
2. Planning Commission Resolution No. 2009-P51

DEC 01 2009

Planning Department

D-3-07
RC-2-07



BUCCOLA ENGINEERING, INC.
310 West Park Drive, Suite 202, Redwood City, CA 94063

DEVELOPMENT PLAN
FOR
BEACH BREAK PLAZA

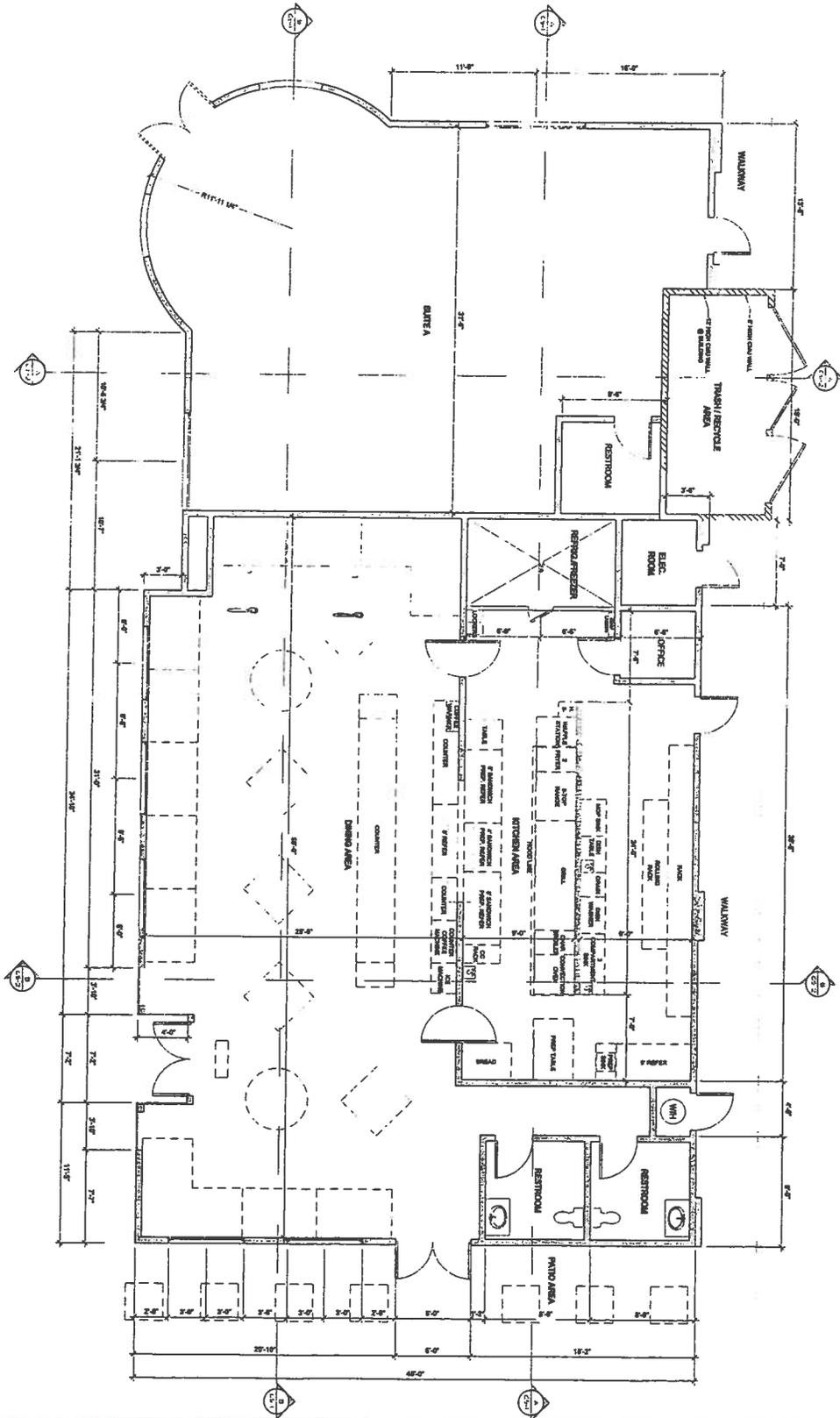
DATE PREPARED: SEPTEMBER 23, 2009
REVISED: OCTOBER 26, 2009
REVISED: DECEMBER 1, 2009

SHEET 2 OF 2 SHEETS

JLN 232-01

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Planning Department



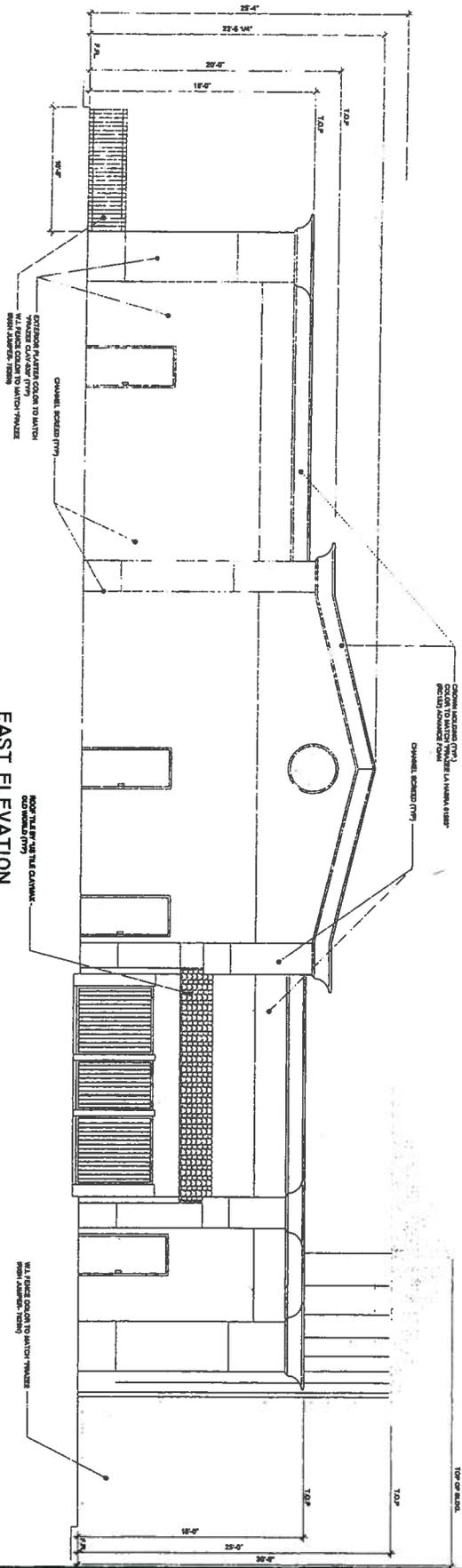
FLOOR PLAN
SCALE: 1/4" = 1'-0"

Sheet Information
Drawn By: Heidi CAD
Checked By: HAD
Date: 11/19/09
SHEET NUMBER
A-2
FLOOR PLAN

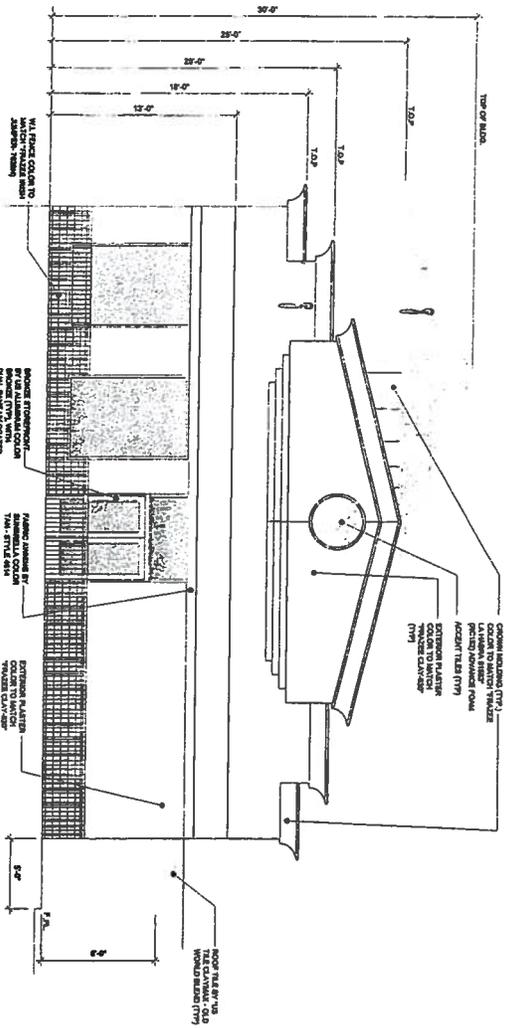
PROJECT NAME & ADDRESS
Beach Break Plaza
1802 COAST HIGHWAY
OCEANSIDE, CALIFORNIA

FIRM NAME & ADDRESS
MARK MCKINNEY ARCHITECT
15500 NEW PARK TERRACE
SAN DIEGO, CALIFORNIA 92127
(858) 756-0933 LIC.# C26548

Revision	Description	Date



EAST ELEVATION



SOUTH ELEVATION

EXTERIOR ELEVATIONS
SCALE 1/4" = 1'-0"

SHEET NUMBER A-7 ELEVATIONS	Date: 11/28/99 Checked By: [blank] Drawn By: Heidi OAD Sheet Information	PROJECT NAME & ADDRESS Beach Break Plaza 1802 COAST HIGHWAY OCEANSIDE, CALIFORNIA	FIRM NAME & ADDRESS MARK MCKINNEY ARCHITECT 15500 NEW PARK TERRACE SAN DIEGO, CALIFORNIA 92127 (858) 756-0933 LIC.# C26548	Description Date
	Scale: 1/4" = 1'-0"	Revision	[blank]	[blank]

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PLANNING COMMISSION
RESOLUTION NO. 2009-P51

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A DEVELOPMENT PLAN, AND REGULAR COASTAL PERMIT FOR THE BEACH BREAK PLAZA ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: D-3-07 & RC-2-07
APPLICANT: Gary & Zellarah Dwelley
LOCATION: 1802 South Coast Highway

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 Development Plan and Regular Coastal Permit under the provisions of Articles 11, 16, and 17 of the Zoning Ordinance of the City of Oceanside to permit the following:

the construction of a 4,023-square foot retail building offering two commercial suites within, and associated parking and landscaping improvements;
on certain real property described in the project description;

WHEREAS, the Planning Commission, after giving the required notice, did on the 14th day of December, 2009 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 15332, Class 32, In-Fill Development Projects;

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

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$0.713 per square foot or \$713 per thousand square feet for non-residential uses
School Facilities Mitigation Fee	Ordinance No. 91-34	\$.42 per square foot non-residential for Oceanside
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Non-residential is \$36,775 for a 2" meter.
Wastewater System Buy-in Fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Non-residential is \$50,501 for a 2" meter.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Non-residential is \$22,495 for a 2" meter.

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

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

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

WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN that the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction

1 described in this resolution begins on the effective date of this resolution and any such protest must
2 be in a manner that complies with Section 66020;

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

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

7 FINDINGS:

8 For the Development Plan:

- 9 1. The site plan and physical design of the project are consistent with the Zoning
10 Ordinance because the project, as designed, meets or exceeds the development standards
11 established in the Zoning Ordinance.
- 12 2. The Development Plan is consistent with the General Plan of the City because the use is
13 permitted by the General Plan, it is consistent with the intent of the designated land use,
14 and it is compatible with the surrounding existing land uses.
- 15 3. The project site can be adequately served by existing public facilities, services and
16 utilities because the site has been previously developed and the necessary infrastructure
17 to serve the use is already in place.
- 18 4. The project, as proposed, is compatible with the existing and potential development on
19 adjoining properties and in the surrounding neighborhood because the proposed
20 commercial use is permitted within the General Commercial zone and this in-fill type
21 development is within a commercially urbanized area of the City of Oceanside.
- 22 5. The site plan and physical design of the project is consistent with section 1.24 and 1.25 of
23 the Land Use Element of the General Plan because the project site is currently developed
24 and contains no natural topographic features; and will not lead to slope instability,
25 flooding, or erosion hazards to life or property because those threats have been designed
26 out of the project; there are no significant natural resources on site to preserve; there are
27 no natural hazards in proximity to the site and the project meets all setback requirements;
28 the project is not subject to the Development Guidelines for Hillsides or Section 3039 of
29 the Ordinance because the site contains no qualifying slopes.

1 For the Regular Coastal Permit:

- 2 1. The site plan and physical design of the project is consistent with the zoning ordinance
3 in that the project has been attractively designed and meets or exceeds the development
4 standards, such as setbacks and proposed heights under 45 feet in the Coastal Zone.
- 5 2. The proposed project is consistent with the policies of the Land Use Element of the
6 General Plan, Zoning Ordinance and Local Coastal Program as implemented through
7 the Zoning Ordinance. Specifically, the proposed height of 25 feet-4 inches will be
8 substantially lower than the required 45 feet, and the bulk and scale of the project is
9 consistent with the properties within the surrounding neighborhood. In addition, the
10 subject site is one story with limited residential uses in the vicinity and based on the
11 criteria for development; the proposed project shall not substantially alter or impact
12 existing public views of the coastal zone area.
- 13 3. The proposed project is situated at 1802 South Coast Highway, which at least a quarter
14 mile east of the Pacific Ocean, and the development of the site will not obstruct any
15 existing or planned public beach access; therefore, the project is in conformance with
16 the policies of Chapter 3 of the Coastal Act.

17 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
18 approve Development Plan (D-2-09) and Regular Coastal Permit (RC-2-07), subject to the
19 following conditions:

20 **Building:**

- 21 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
22 Building Division plan check. (As of January 1, 2008 the 2007 California Building
23 Code, and 2007 California Electrical Code).
- 24 2. The granting of approval under this action shall in no way relieve the applicant/project
25 from compliance with all State and Local building codes.
- 26 3. Site development, parking, access into buildings and building interiors shall comply with
27 the State's Disabled Accessibility Regulations. (2007 California Building Code (CBC),
28 Chapter 11B).
- 29 4. All electrical, communication, CATV, etc. service lines within the exterior lines of the
property shall be underground (City Code Sec. 6.30).

- 1 5. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution
2 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or
3 other such lights may be utilized and shall be shown on building and electrical plans.
- 4 6. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
5 plans.
- 6 7. The developer shall monitor, supervise and control all building construction and supporting
7 activities so as to prevent these activities from causing a public nuisance, including, but not
8 limited to, strict adherence to the following:
- 9 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
10 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work
11 that is not inherently noise-producing. Examples of work not permitted on
12 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
13 producing nature. No work shall be permitted on Sundays and Federal Holidays
14 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
15 Christmas Day) except as allowed for emergency work under the provisions of the
16 Oceanside City Code Chapter 38 (Noise Ordinance).
- 17 b) The construction site shall be kept reasonably free of construction debris as
18 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
19 approved solid waste containers shall be considered compliance with this
20 requirement. Small amounts of construction debris may be stored on-site in a neat,
21 safe manner for short periods of time pending disposal.

21 **Engineering:**

- 22 8. Design and construction of all improvements shall be in accordance with the City of
23 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard
24 engineering and specifications of the City of Oceanside and subject to approval by the
25 City Engineer.
- 26 9. Prior to issuance of a building permit all improvement requirements shall be covered by
27 a development agreement and secured with sufficient improvement securities or bonds
28 guaranteeing performance and payment for labor and materials, and warranty against
29 defective materials and workmanship.

1 10. Where proposed off-site improvements, including but not limited to slopes, public utility
2 facilities, and drainage facilities, are to be constructed, the owner/developer shall, at his
3 own expense, obtain all necessary easements or other interests in real property and shall
4 dedicate the same to the City of Oceanside as required. The owner/developer shall provide
5 documentary proof satisfactory to the City of Oceanside that such easements or other
6 interest in real property have been obtained prior to issuance of any grading, building or
7 improvement plan permit for this development project. Additionally, the City of
8 Oceanside, may at its sole discretion, require that the owner/developer obtain at his sole
9 expense a title policy insuring the necessary title for the easement or other interest in real
10 property to have vested with the City of Oceanside or the owner/developer, as applicable.

11 11. Prior to the issuance of a grading permit, the owner/developer shall notify and host a
12 neighborhood meeting with all of the area residents located within 300 feet of project
13 site, to inform them of the grading and construction schedule, and to answer questions.

14 12. The owner/developer shall monitor, supervise and control all construction and
15 construction-supportive activities, so as to prevent these activities from causing a public
16 nuisance, including but not limited to, insuring strict adherence to the following:

- 17 a) Dirt, debris and other construction material shall not be deposited on any public
18 street or within the City's stormwater conveyance system.
- 19 b) All grading and related site preparation and construction activities shall be
20 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No
21 engineering related construction activities shall be conducted on Saturdays,
22 Sundays or legal holidays unless written permission is granted by the City Engineer
23 with specific limitations to the working hours and types of permitted operations.
24 All on-site construction staging areas shall be as far as possible from any existing
25 residential development. Because construction noise may still be intrusive in the
26 evening or on holidays, the City of Oceanside Noise Ordinance also prohibits
27 "any disturbing excessive or offensive noise which causes discomfort or
28 annoyance to reasonable persons of normal sensitivity."
29 c) The construction site shall accommodate the parking of all motor vehicles used by
persons working at or providing deliveries to the site. An alternate parking site can

1 be considered by the City Engineer in the event that the lot size is too small and
2 cannot accommodate parking of all motor vehicles.

3 d) The owner/developer shall complete a haul route permit application (if required
4 for import/export of dirt) and submit to the City of Oceanside Engineering
5 Department 48 hours in advance of beginning of work. Hauling operations (if
6 required) shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise.

7 13. It is the responsibility of the owner/developer to evaluate and determine that all soil
8 imported as part of this development is free of hazardous and/or contaminated material
9 as defined by the City and the County of San Diego Department of Environmental
10 Health. Exported or imported soils shall be properly screened, tested, and documented
11 regarding hazardous contamination.

12 14. A traffic control plan shall be prepared according to the City traffic control guidelines
13 and approved to the satisfaction of the City Engineer prior to the start of work within the
14 public right-of-way. Traffic control during construction of streets that have been opened
15 to public traffic shall be in accordance with construction signing, marking and other
16 protection as required by the Caltrans Traffic Manual and City Traffic Control
17 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless
18 approved otherwise.

19 15. Approval of this development project is conditioned upon payment of all applicable impact
20 fees and connection fees in the manner provided in chapter 32B of the Oceanside City
21 Code. All drainage, park fees, reimbursements, and other applicable charges, fees and
22 deposits shall be paid prior to the issuance of any building permits, in accordance with City
23 Ordinances and policies. The owner/developer shall also be required to join into,
24 contribute, or participate in any improvement, lighting, or other special district affecting or
25 affected by this project. Approval of the tentative map project shall constitute the
26 owner/developer's approval of such payments, and his agreement to pay for any other
27 similar assessments or charges in effect when any increment is submitted for building
28 permit approval, and to join, contribute, and/or participate in such districts.

29 16. Pacific Coast Highway and Cassidy Street shall be constructed with curbs and gutters and
sidewalk along the property frontage. Sidewalk width on Pacific Coast Highway and
Cassidy Street shall be a minimum of five feet.

- 1 17. The existing pedestrian ramp at the intersection of Pacific Coast Highway and Cassidy
2 Street shall be reconstructed per the City of Oceanside Engineers Design and Processing
3 Manual or/per the San Diego Regional Standard Drawings. The new pedestrian ramp shall
4 be constructed in compliance with ADA requirements. Minimum curb return radius shall
5 comply with the City of Oceanside Engineers Design and Processing Manual.
- 6 18. Pacific Coast Highway and Cassidy Street shall provide a minimum of 10 feet parkway
7 between the face of curb and the right-of-way line.
- 8 19. Sight distance requirements at the project proposed driveways on South Coast Highway
9 and Cassidy Street shall conform to the corner sight distance criteria as provided by
10 SDRSD DS-20A and or DS-20B.
- 11 20. Pavement sections for the proposed driveways and parking areas shall be based upon
12 approved soil tests and traffic indices. The pavement design is to be prepared by the
13 owner/developer's/owner's soil engineer and must be in compliance with the City of
14 Oceanside Engineers Design and Processing Manual and be approved by the City
15 Engineer, prior to paving.
- 16 21. Coast Highway pavement requirement: The first travel lane adjacent to the new curb
17 and gutter (approximately 12 feet) shall be ground down two inches and replaced with
18 new AC. If the existing AC is rubberized, then the replacement AC will be rubberized,
19 otherwise conventional AC may be used. The contractor should make all attempts
20 necessary to smooth the grade break between the first and second travel lanes.
- 21 22. Cassidy Street pavement requirement: The existing AC overlay over existing Portland
22 Cement Concrete (PCC) extends east only $\frac{3}{4}$'s of the property length. The exposed PCC
23 on the most eastern portion of the street shall be overlaid with at least two inches of AC
24 to the most eastern property boundary line. The PCC shall be grinded down at, or
25 beyond the property boundary line to provide a smooth transition to the exposed PCC at
26 the property line. The AC overlay shall match the existing AC (either rubberized or
27 conventional). All cracked or disturbed existing AC pavements shall be ground down
28 two inches and overlaid with new AC pavements. These areas shall be outlined and
29 marked in the field by the City of Oceanside engineering inspector. The new AC
overlay shall match the existing AC pavement (either rubberized or conventional).

- 1 23. Any existing broken pavement, concrete curb, gutter, driveways, pedestrian ramps and
2 sidewalk that are damaged during construction of the project, shall be repaired or replaced
3 as directed by the City Engineer.
- 4 24. The undergrounding of the existing overhead utilities on Cassidy Street may be
5 deferred. The owner/developer shall pay an in-lieu payment based upon the length of
6 utilities to placed underground, and at the rate in effect at building permit issuance or as
7 established by the City Engineer per Section 901.G. of the Subdivision Ordinance (R91-
8 166).
- 9 25. The owner/developer shall comply with all the provisions of the City's cable television
10 ordinances including those relating to notification as required by the City Engineer.
- 11 26. Drainage facilities shall be designed and installed to adequately accommodates the local
12 stormwater runoff and shall be in accordance with the latest San Diego County Hydrology
13 and Design Manual and in compliance with the City of Oceanside Engineers Design and
14 Processing Manual to the satisfaction of the City Engineer.
- 15 27. The owner/developer shall obtain any necessary permits and clearances from all public
16 agencies having jurisdiction over the project due to its type, size, or location, including but
17 not limited to the U. S. Army Corps of Engineers, California Department of Fish & Game,
18 U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
19 (including NPDES), San Diego County Health Department, prior to the issuance of grading
20 permits.
- 21 28. The approval of the project shall not mean that proposed grading or improvements on
22 adjacent properties (including any City properties/right-of-way or easements) is granted
23 or guaranteed to the owner/developer. The owner/developer is responsible for obtaining
24 permission to grade to construct on adjacent properties. Should such permission be
25 denied, the project shall be subject to going back to the public hearing or subject to a
26 substantial conformity review.
- 27 29. Prior to any grading of any part of the project, a comprehensive soils and geologic
28 investigation shall be conducted of the soils, slopes, and formations in the project. All
29 necessary measures shall be taken and implemented to assure slope stability, erosion
control, and soil integrity. No grading shall occur until a detailed grading plan, to be

1 prepared in accordance with the Grading Ordinance and Zoning Ordinance is approved by
2 the City Engineer.

3 30. This project shall provide year-round erosion control including measures for the site
4 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
5 control plan, designed for all proposed stages of construction, shall be reviewed, secured by
6 the owner/developer with cash securities and approved by the City Engineer.

7 31. A precise grading and private improvement plan shall be prepared, reviewed, secured and
8 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
9 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage,
10 footprints of all structures, walls, drainage devices and utility services. Parking lot striping
11 and any on-site traffic calming devices shall be shown on all precise grading and private
12 improvement plans.

13 32. Landscaping plans, including plans for the construction of walls, fences or other structures
14 at or near intersections, must conform to intersection sight distance requirements.
15 Landscape and irrigation plans for disturbed areas shall be submitted to the City Engineer
16 prior to the issuance of a precise grading permit and approved by the City Engineer prior to
17 the issuance of occupancy permits. Any project fences, sound or privacy walls and
18 monument entry walls/signs shall be shown on, bonded for and built from the landscape
19 plans. These features shall also be shown on the precise grading plans for purposes of
20 location only. Plantable, segmental walls shall be designed, reviewed and constructed by
21 the grading plans and landscaped/irrigated through project landscape plans. All plans must
22 be approved by the City Engineer and a pre-construction meeting held, prior to the start of
23 any improvements.

24 33. The drainage design on the project is conceptual only. The final design shall be based upon
25 a hydrologic/hydraulic study in accordance with the latest San Diego County Hydrology
26 and Drainage Manual, to be approved by the City Engineer during final engineering. All
27 drainage picked up in an underground system shall remain underground until it is
28 discharged into an approved channel, or as otherwise approved by the City Engineer. All
29 public storm drains shall be shown on City standard plan and profile sheets. All storm
drain easements shall be dedicated where required. The owner/developer shall be
responsible for obtaining any off-site easements for storm drainage facilities.

1 34. Storm drain facilities shall be designed and located such that the inside travel lanes on
2 North Coast Highway and Cassidy Street shall be passable during conditions of a 100-year
3 frequency storm.

4 35. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed
5 of in accordance with all state and federal requirements, prior to stormwater discharge
6 either off-site or into the City drainage system.

7 36. Following approval of the SWMP by the City Engineer and prior to issuance of grading
8 permits, the owner/developer shall submit and obtain approval of an Operation &
9 Maintenance (O&M) Plan, prepared to the satisfaction of the City Engineer. The O&M
10 Plan shall include an approved and executed Maintenance Mechanism pursuant to
11 Section 4.1 of the Interim Standard Urban Storm Water Mitigation Plan (ISUSMP). The
12 O&M shall satisfy the minimum Maintenance Requirements pursuant to Section 4.3 of
13 the ISUSMP. At a minimum the O&M Plan shall include the designated responsible
14 party to manage the stormwater BMP(s), employee training program and duties,
15 operating schedule, maintenance frequency, routine service schedule, specific
16 maintenance activities, copies of resource agency permits, cost estimate for
17 implementation of the O&M Plan, a security to provide maintenance in the event of
18 noncompliance to the O&M Plan, and any other necessary elements. The
19 owner/developer shall provide the City with access to site for the purpose of BMP
20 inspection and maintenance by entering into an Access Rights Agreement with the City.
21 The owner/developer shall complete and maintain O&M forms to document all
22 operation, inspection, and maintenance activities. The owner/developer shall retain
23 records for a minimum of five years. The records shall be made available to the City
24 upon request.

25 37. The owner/developer shall enter into a City-Standard Stormwater Facilities Maintenance
26 Agreement with the City obliging the owner/developer to maintain, repair and replace
27 the Storm Water Best Management Practices (BMPs) identified in the project's
28 approved SWMP, as detailed in the O&M Plan into perpetuity. The Agreement shall be
29 approved by the City Attorney prior to issuance of any precise grading permit and shall
be recorded at the County Recorder's Office prior to issuance of any building permit.
Security in the form of cash (or certificate of deposit payable to the City) or an

1 irrevocable, City standard letter of credit shall be required prior to issuance of a precise
2 grading permit. The amount of the security shall be equal to 10 years of maintenance
3 costs, as identified by the O&M Plan, but not to exceed a total of \$25,000. The
4 owner/developer's civil engineer shall prepare the O&M cost estimate.

5 38. At a minimum, maintenance agreements shall require the staff training, inspection and
6 maintenance of all BMPs on an annual basis. The owner/developer shall complete and
7 maintain O&M forms to document all maintenance activities. Parties responsible for the
8 O&M plan shall retain records at the subject property for at least five years. These
9 documents shall be made available to the City for inspection upon request at any time.

10 39. The Agreement shall include a copy of executed on-site and off-site access easement and
11 or access rights necessary for the operation and maintenance of BMPs that shall be
12 binding on the land throughout the life of the project to the benefit of the party
13 responsible for the O&M of BMPs, satisfactory to the City Engineer. The agreement
14 shall also include a copy of the O&M Plan approved by the City Engineer.

15 40. The BMPs described in the project's approved SWMP shall not be altered in any way,
16 unless reviewed and approved to the satisfaction of the City Engineer. The
17 determination of whatever action is required for changes to a project's approved SWMP
18 shall be made by the City Engineer.

19 41. The owner/developer shall provide a copy of the title/cover page of an approved SWMP
20 with the first engineering submittal package. If the project triggers the City's
21 Stormwater requirements but no approved Stormwater document (SWMP) exists, the
22 appropriate document shall be submitted for review and approval by the City Engineer.
23 The SWMP shall be prepared by the owner/developer's Civil Engineer. All stormwater
24 documents shall be in compliance with the latest edition of submission requirements.

25 42. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire
26 project will be subject to prevailing wage requirements as specified by Labor Code
27 section 1720(b) (4). The owner/developer shall agree to execute a form acknowledging
28 the prevailing wage requirements prior to the granting of any fee reductions or waivers.

29 43. In the event that the conceptual plan does not match the conditions of approval, the
 resolution of approval shall govern.

1 **Fire:**

- 2 44. A "Knox" key storage box shall be provided for all new construction. For buildings,
3 other than high-rise, a minimum of three complete sets of keys shall be provided. Keys
4 shall be provided for all exterior entry doors, fire protection equipment control rooms,
5 mechanical and electrical rooms, elevator controls and equipment spaces, etc. For high-
6 rise buildings, six complete sets are required.
- 7 45. Fire extinguishers are required and shall be included on the plans submitted for plan
8 check.
- 9 46. In accordance with the California Fire Code Sec. 901.4.4, approved address for
10 commercial, industrial, and residential occupancies shall be placed on the structure in
11 such a position as to be plainly visible and legible from the street or roadway fronting
12 the property. Numbers shall be contrasting with their background.
- 13 47. Commercial buildings and multi-family dwellings require six-inch address numbers.
- 14 48. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
15 approval prior to the issuance of building permits.
- 16 49. Buildings shall meet Oceanside Fire Department's current codes at the time of building
17 permit application.

17 **Planning:**

- 18 50. The Development Plan and Regular Coastal Permit shall expire on December 14, 2012,
19 unless implemented in accordance with the City of Oceanside Zoning Ordinance or unless
20 a time extension is granted by the Planning Commission.
- 21 51. This Development Plan (D-3-07) and Regular Coastal Permit (RC-2-07) approves the
22 construction of a 4,023-square foot retail building, associated parking lot, and landscaping
23 improvements as depicted on the plans and exhibits presented to the Planning Commission
24 for review and approval. No deviation from these approved plans and exhibits shall occur
25 without City Planner or Planning Commission approval. Substantial deviations shall
26 require a revision to the Development Plan and Regular Coastal Permit, or a new
27 Development Plan, and Regular Coastal Permit, as determined by the City Planner.
- 28 52. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
29 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

1 annul an approval of the City, concerning Development Plan (D-3-07) and Regular Coastal
2 Permit (RC-2-07). The City will promptly notify the applicant of any such claim, action
3 or proceeding against the City and will cooperate fully in the defense. If the City fails to
4 promptly notify the applicant of any such claim action or proceeding or fails to
5 cooperate fully in the defense, the applicant shall not, thereafter, be responsible to
6 defend, indemnify or hold harmless the City.

7 53. The building design shall implement smooth trough stucco finishing, inset windows,
8 overhang rafter tails, and single barreled roofing tiles. The materials and colors shall be
9 reviewed by the City Planner prior to issuance of a building permit.

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

14 55. A letter of clearance from the affected school district in which the property is located
15 shall be provided as required by City policy at the time building permits are issued.

16 56. Recycling Services: OCC 13.16(h), the requirement to separate all recyclable material
17 from solid waste for separate collection.

18 57. Green Waste Services: The separation of all green waste from solid waste using the
19 approved city collection service and the collection of the material in compliance with
20 standards as identified in the city code, if green waste is to be collected by the tenant.

21 58. A covenant or other recordable document approved by the City Attorney shall be prepared
22 by the developer and recorded prior to issuance of building permits. The covenant shall
23 provide that the property is subject to this resolution, and shall generally list the conditions
24 of approval.

25 59. All lighting showcasing building architecture shall be shown on the building plans.

26 60. Prior to the issuance of building permits, compliance with the applicable provisions of the
27 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed
28 and approved by the Planning Division. These requirements, including the obligation to
29 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.

- 1 61. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
2 written copy of the applications, staff report and resolutions for the project to the new
3 owner and or operator. This notification's provision shall run with the life of the project
4 and shall be recorded as a covenant on the property.
- 5 62. Failure to meet any conditions of approval for this development shall constitute a violation
6 of the Development Plan and Conditional Use Permit.
- 7 63. The hours-of-operation of the restaurant and the commercial retail business shall be
8 reviewed and may be limited by the Planning Commission when valid issues or complaints
9 pertaining to code violations arise and are validated by the Code Enforcement Officer.
- 10 64. The developer's construction of all fencing and walls associated with the project shall be in
11 conformance with the approved Development Plan. Minor revisions are subject to review
12 and approval by the City Planner. Any substantial change in any aspect of fencing or wall
13 design from the approved Development Plan shall require a revision to the Development
14 Plan or a new Development Plan, as determined by the City Planner.
- 15 65. Unless expressly waived, all current zoning standards and City ordinances and policies in
16 effect at the time building permits are issued are required to be met by this project. The
17 approval of this project constitutes the applicant's agreement with all statements in the
18 Description and Justification Plan and other materials and information submitted with this
19 application, unless specifically waived by an adopted condition of approval.
- 20 66. The applicant, tenants, or successors in interest shall comply with the City's business
21 license requirements as necessary.
- 22 67. Elevations, siding materials, colors, roofing materials and floor plans shall be
23 substantially the same as those approved by the Planning Commission. These shall be
24 shown on plans submitted to the Building Division and Planning Division for permit
25 plan check, and prior to issuance of any building permit.
- 26 68. No project signage is approved with this application. All project signage shall be subject
27 to a separate sign permit and be in compliance with Article 33, Signs, of the Zoning
28 Ordinance.

27 **Water Utilities:**

- 28 69. The developer will be responsible for developing all water and sewer utilities necessary to
29 develop the property. Any relocation of water and/or sewer utilities is the responsibility of

1 the developer and shall be done by an approved licensed contractor at the developer's
2 expense.

3 70. The property owner shall maintain private water and wastewater utilities located on private
4 property.

5 71. Water services and sewer laterals constructed in existing right-of-way locations are to be
6 constructed by approved and licensed contractors at developer's expense.

7 72. All Water and Wastewater construction shall conform to the most recent edition of the
8 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
9 the Water Utilities Director.

10 73. All public water and/or sewer facilities not located within the public right-of-way shall be
11 provided with easements sized according to the Water, Sewer, and Reclaimed Water
12 Design and Construction Manual. Easements shall be constructed for all weather access.

13 74. No trees, structures or building overhang shall be located within any water or wastewater
14 utility easement.

15 75. All lots with a finish pad elevation located below the elevation of the next upstream
16 manhole cover of the public sewer shall be protected from backflow of sewage by installing
17 and maintaining an approved type backwater valve, per the Uniform Plumbing Code
(U.P.C.).

18 76. The developer shall construct a public reclamation water system that will serve each lot and
19 or parcels that are located in the proposed project in accordance with the City of Oceanside
20 Ordinance No. 91-15. The proposed reclamation water system shall be located in the
21 public right-of-way or in a public utility easement.

22 77. A drought tolerant/drought resistant landscape plan must be submitted for review and upon
23 approval an irrigation meter will not be required. However, if plans are not submitted then
24 a separate irrigation meter and approved backflow prevention device is required and shall
25 be displayed on the plans.

26 78. If a restaurant or food service tenant occupies the property; a Grease, Oil, and Sand
27 Interceptor shall be installed in each building sewer in an appropriate location and shall be
28 maintained by the property owner, in accordance with City of Oceanside Ordinance 07-
29 0R0021-1. The location shall be called out on the approved Building Plans.

1 79. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
2 be paid to the City and collected by the Water Utilities Department at the time of Building
3 Permit issuance.

4 PASSED AND ADOPTED Resolution No. 2009-P51 on December 14, 2009 by the
5 following vote, to wit:

6 AYES:

7 NAYS:

8 ABSENT:

9 ABSTAIN:

10 _____
11 Claudia Troisi, Chairperson
12 Oceanside Planning Commission

13 ATTEST:

14 _____
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. 2009-P51.

18 Dated: December 14, 2009
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File Number: D3-07, V-5-09, RC-2-07

Applicant: Gary & Zellarah Dwelley

Description:

Consideration of a Development Plan (D-3-07), Variance (V-5-09) and Regular Coastal Permit (RC-2-07) for the construction of a two-unit 4,023-square foot commercial building for a restaurant and a retail suite on a 0.413-acre site, located at 1802 South Coast Highway. The project site is zoned General Commercial (C2), and is situated within the South Oceanside Neighborhood and the Coastal Zone. – **BEACH BREAK PLAZA**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

City of Oceanside, Planning Division
300 N. Coast Highway
Oceanside, CA 92054 (760) 435-3520

Date: November 30, 2009

Public Hearing Coastal Permit
Identification No. RC-2-07

NOTICE OF PUBLIC HEARING
COASTAL DEVELOPMENT PERMIT

This is a notice to you as an interested party that the City of Oceanside Planning Commission will hold a public hearing on the Coastal Permit application of Gary & Zellarah Dwelley. This application was received on January 16, 2007. The application is described as follows:

Construction of a two-unit 4,023-square foot commercial building for a restaurant and a retail suite on a 0.413-acre site located at 1802 South Coast Highway.

The project site is zoned C2 (General Commercial) and is situated within the South Oceanside Neighborhood and the Coastal Zone.

Said hearing will be held on December 14, 2009, at 7:00 p.m. in the Council Chamber of City Hall, 300 North Coast Hwy., Oceanside, California at which time and place any and all interested persons may appear and be heard. Interested persons may contact the Planning Division at (760) 435-3520 after December 9, 2009, to be informed of the place on the agenda and the approximate time of hearing.

If you have any questions or comments regarding this matter, or want to be notified of the decision, contact the City of Oceanside, Planning Division at (760) 435-3520. Written comments may be submitted prior to the hearing and will be made part of the public record and provided to the Planning Commission.

If you disagree with the decision of the Planning Commission concerning this project's conformance to the Local Coastal Plan, you may appeal the decision to the City Council. The appeal, accompanied by the appropriate fee must be filed in the City Clerk's Office, 300 North Coast Hwy., Oceanside, no later than 5:00 p.m. on December 24, 2007 (10 days from the adoption of the Planning Commission Resolution).

The project is "appealable" to the California Coastal Commission under Section 30603(a) of the California Public Resources Code. An aggrieved person may appeal the decision to the Coastal Commission within ten (10) working days following the Commission receipt of the Notice of Final Action on this project. The Notice of Final Action is mailed after the City's last action, such as Planning Commission resolution, Community Development Commission resolution (for projects in the Redevelopment Area), or City Council resolution (for projects involving a zone change or which resulted in a local appeal). Please contact the Planning Department at (760) 435-3520 for this information.

Appeals must be in writing. The Coastal Commission, San Diego District Office is at 7575 Metropolitan Drive, Suite 103, San Diego, California 92108-4402. The phone number is (619) 767-2370.



Application for Public Hearing

Community Development Department / Planning Division
(760) 435-3520
Oceanside Civic Center 300 North Coast Highway
Oceanside, California 92054-2885

STAFF USE ONLY

ACCEPTED

10/5/09

BY

SN

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT

Gary & Zellarah Dwelley

2. STATUS

Owner

3. ADDRESS

1902 S. Coast Hwy.

4. PHONE/FAX/E-mail

(760) 439-6355

5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Phil Buccola

6. ADDRESS 3142 Vista Way #301
Oceanside, CA 92056

7. PHONE/FAX/E-mail

(760) 721-2000

PART II - PROPERTY DESCRIPTION

8. LOCATION

1802 S. Coast Hwy.

9. SIZE

0.413 Acres

10. GENERAL PLAN

GC

11. ZONING

C2

12. LAND USE

Commercial

13. ASSESSOR'S PARCEL NUMBER

153-272-01 & 02

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION

Construction of a two unit (4,023 sf) Commercial Development and two variances for a reduction in the required parking and a reduction in the front yard setback

15. PROPOSED GENERAL PLAN

N/A

16. PROPOSED ZONING

N/A

17. PROPOSED LAND USE

N/A

18. NO. UNITS

N/A

19. DENSITY

N/A

20. BUILDING SIZE

4,023 sf

21. PARKING SPACES

29

22. % LANDSCAPE

15.2%

23. % LOT COVERAGE or FAR

22.34%

PART IV - ATTACHMENTS

<input checked="" type="checkbox"/>	24. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/>	25. LEGAL DESCRIPTION	<input checked="" type="checkbox"/>	26. TITLE REPORT
<input checked="" type="checkbox"/>	27. NOTIFICATION MAP & LABELS	<input checked="" type="checkbox"/>	28. ENVIRONMENTAL INFO FORM	<input checked="" type="checkbox"/>	29. PLOT PLANS
<input checked="" type="checkbox"/>	30. FLOOR PLANS AND ELEVATIONS	<input checked="" type="checkbox"/>	31. CERTIFICATION OF POSTING		32. OTHER (See attachment for required reports)

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print):

Phil Buccola

34. DATE

10.5.09

SIGNATURES OF 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).

Sign:

35. OWNER (Print)

Gary and Zellarah Dwelley

36. DATE

10/5/09

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Sign:

Description & Justification Beach Break Plaza

Oct.
NOV 05 2009

PLANNING Department

This project proposes to demolish the former service station located at 1802 South Coast Highway and replace it with a new 3,995 square foot, one story commercial plaza which includes a 2,444 square foot Beach Break Cafe, and a 1,440 square foot retail space. In addition, 29 parking spaces will be provided on site to serve the building.

The plaza site is located at the south-east corner of Coast Highway and Cassidy Street intersection. It is accessed from both Coast Highway and Cassidy Street. Both accesses are designed for two way traffic for cars going in and/or out.

The retail space and the Beach Break Cafe entrances are facing the public right-of-way to increase the visibility of the retail area and Cafe. The windows will attract the pedestrians to visit the plaza. The main access to the retail area will be located on the west side of the building. Twenty-nine on-site parking stalls will be available to patrons with cars. A carefully designed patio with a focus on floor material, planters, tables, seats, and colorful awning, is proposed at the south end of the site. This will promote the beach city image along the PCH and create a live active and pedestrian friendly environment.

The building's architectural design and building materials were selected to create different identity to the parts for the building, visually separating each function and simultaneously creating a cohesive, visually appealing edifice. From several blocks away the unique California mission style is noticeable yet blends and enhances it's surroundings. The tower that is located at the corner of the building is a subtle attention grabber to pedestrians and drivers approaching the site.

Legal Description

Lots "K" and "M" in block 25 of south Oceanside in the City of Oceanside, County of San Diego, State of California, according to map thereof no. 622, filed in the office of the County Recorder of San Diego County, February 7, 1890

Excepting therefrom any portion of the southwesterly half of the Alley vacated adjoining said Lots "K", "L" and "M" on the northeast.

Title Report Exceptions per:

T.R. No. 03204923

Dated: December 01, 2004

RECEIVED
JAN 16 2007
Planning Department



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: December 14, 2009

Removal Date:

1. **APPLICANT:** Gary & Zellerah Dwelley
2. **ADDRESS:** 1902 South Coast Highway, Oceanside, CA. 92054
3. **PHONE NUMBER:** (760) 439-6355
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Associate Planner
6. **PROJECT TITLE:** Beach Break Plaza (D-3-07, RC-2-07)
7. **DESCRIPTION:** The application is for the construction of a two unit 4,023-square foot commercial building for a restaurant and retail suite on a vacant 0.413 acre site. The 0.413-acre site would be developed with the proposed single story commercial building. The proposed design of the building would be Spanish Colonial and would be oriented toward the front and corner side property lines. Ingress and egress to the site would be from the existing driveways at South Coast Highway and Cassidy Street. Both access driveways are designed to accommodate two-way traffic, and meets all sight distance requirements. A total of 29 parking stalls shall be incorporated towards the rear and southern portions of the property, which exceeds the required 20 parking stalls as per the Zoning Ordinance. A trash enclosure would be designed to city standards would be provided at the rear of the building, and proposed patio covers, window awnings, planters, and an outdoor patio are included with the development proposal.

The proposed restaurant would occupy 2,715-square feet of the proposed 4,023-square foot commercial building and would include outdoor dining at the southern portion of the building. The restaurants anticipated operating hours will be from 5:00 a.m. to 10 p.m. daily, but a majority of the business would be conducted during the morning hours on weekends, since the restaurant is primarily for breakfast dining. The adjoining 1,308-square retail suite would be designated for retail uses permitted in the General Commercial (C2) designation.

ADMINISTRATIVE DETERMINATION: Planning Department staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, staff finds that the proposed project constitutes an in-fill development project as defined by CEQA. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

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

- The project is statutorily exempt, Section _____, <name> (Sections 15260-15277); or,
 The project is categorically exempt, Class 32, "In-fill Development Project" (Section 15332 In-fill Development Project); or,
 The project does not constitute a "project" as defined by CEQA (Section 15378).


_____ Date:
Scott Nightingale, Associate Planner

cc:

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