AGENDA NO. 5

*PLANNING COMMISSION* *STAFF REPORT*

DATE: December 4, 2006

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (C-28-06) TO SELL BEER AND WINE IN A NEW CHICKEN WINGS AND PIZZA RESTAURANT ESTABLISHMENT LOCATED AT 4225 OCEANSIDE BOULEVARD, SUITE Z, WITHIN THE RANCHO DEL ORO GATEWAY SHOPPING CENTER – WINGS, PIZZA, N' THINGS – APPLICANTS: TOM RATOWSKI AND DEREK MASCIA**

## RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit (C-28-06) and adopt Planning Commission Resolution No. 2006-P72 as attached.

## BACKGROUND AND PROJECT DESCRIPTION

**Background:** The proposed use is located at 4225 Oceanside Boulevard within the Developer's Resource Plaza Mottino Shopping Center, commonly known as RDO Gateway. The Planning Commission approved the shopping center in 1990 and recommended a Zone Change creating the General Commercial-Planned Block Development zoning designation for the site. The Planned Block Development overlay allowed for flexibility to incorporate certain design concepts and limits to land uses on the property. Following several revisions, the site is now built out as the Rancho Del Oro Gateway Shopping Center with commercial uses similar to those permitted under the City's General Commercial District guidelines. However, the Planned Block Development Plan Text, which is unique to this shopping center, lists items that require Conditional Use Permits. This list includes the eating and drinking establishments with beer and wine.

The surrounding land uses consist primarily of commercial and residential uses to the north, commercial and industrial uses to the east, residential uses to the south, and commercial uses to the west.

Tenant improvements are now in review for this location to convert the building space into a chicken wings and pizza restaurant.

**Project Description:** A Conditional Use Permit for beer and wine service as required by the Planned Block Development Plan Text approved with the Plaza Mottino Shopping Center.

This project is subject to the following Ordinances, Codes and Regulations:

1. The General Plan and Zoning Ordinance of the City of Oceanside
2. The Plaza Mottino Shopping Plaza Planned Block Development Plan Text

## ANALYSIS

### KEY PLANNING ISSUES

1. Is the sale of beer and wine at this location compatible with the shopping center?
2. Does the proposed use meet the Oceanside Zoning Ordinance regulations?

### DISCUSSION

The Plaza Mottino Shopping Center Planned Block Development Plan Text requires a Conditional Use Permit approval for an eating and drinking establishment with beer and wine service. Under the current Zoning Ordinance, eating and drinking establishments with beer and wine within General Commercial Districts is allowed without any special permits.

When the Planned Block Development was originally adopted, it was intended to provide retail shops, restaurants, and service that met the commercial need of the community. While the General Plan Land Use Element had designated the site Commercial General, additional regulations were needed to insure high intensity uses were compatible with the surrounding uses and traffic volumes on Oceanside Boulevard and College Boulevard.

Currently, the shopping center only has one other restaurant (Rubio's Baja Grill Restaurant) that serves beer and wine (Resolution 99-P03). It has been determined that the addition of beer and wine service at Wings, Pizza N' Things will not be detrimental to the rest of the shopping center and will be compatible with the surrounding neighborhoods. The conditions placed on the use permit will further ensure the protection of general public health and well-being.

## ENVIRONMENTAL DETERMINATION

The project is exempt under the provisions of the California Environmental Quality Act (CEQA).

## SUMMARY

The approval of the sale of beer and wine at Wings, Pizza N' Things in the RDO Gateway Shopping Center will provide a restaurant amenity to serve the Rancho Del Oro community. Therefore, staff recommends that the Planning Commission approve the project. The Commission's action should be:

- Move to recommend approval of Conditional Use Permit (C-28-06) and adopt Planning Commission Resolution No. 2006-P72 as attached.

PREPARED BY:

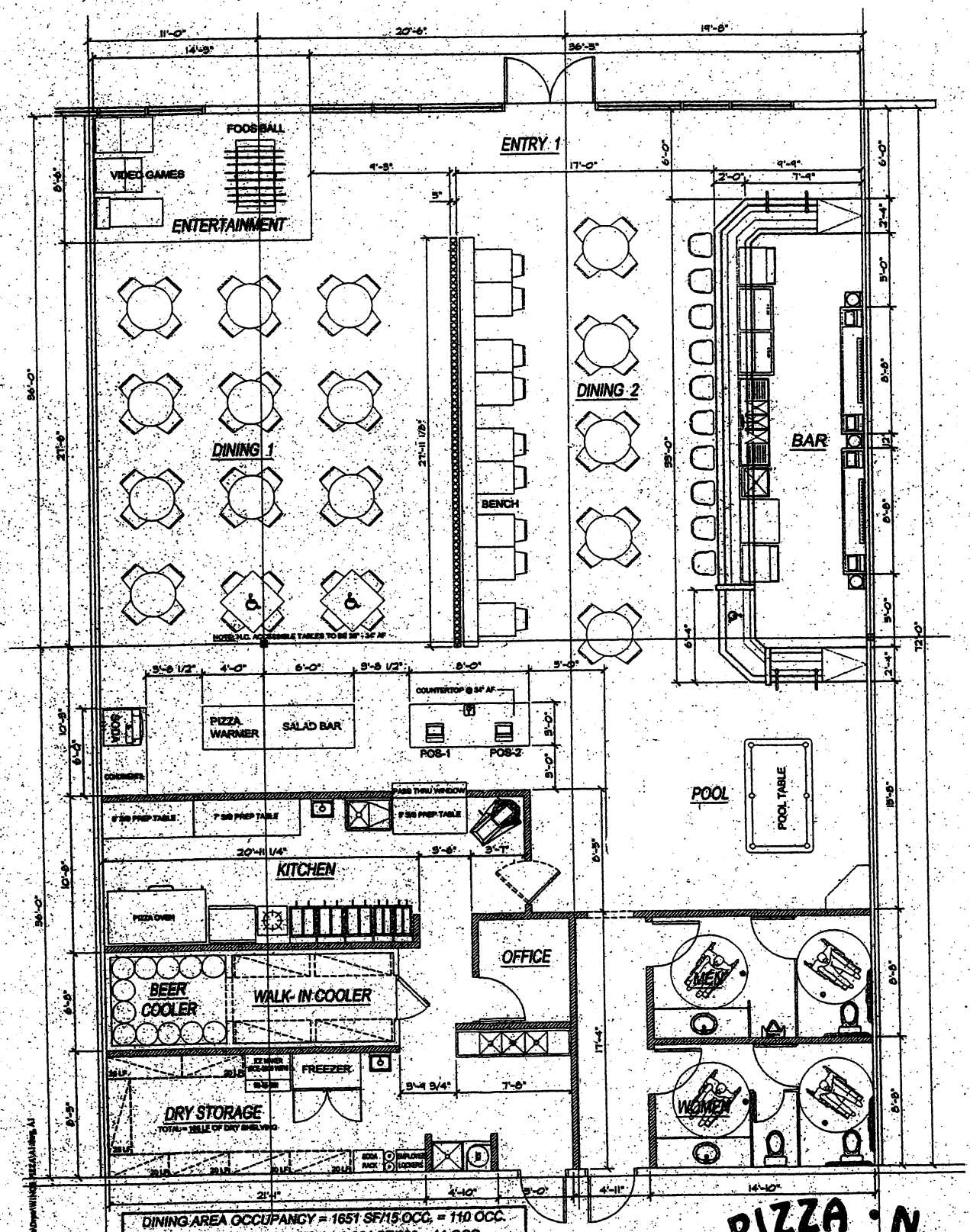
Sally Schifman
Planner II

SUBMITTED BY:

Jerry Hittleman
Acting City Planner

JH/SS/fil

Attachments:
1. Site Plan and Elevations
2. Planning Commission Resolution No. 2006-P72
3. PBD Plan Text for Plaza Mottino Shopping Plaza




DINING AREA OCCUPANCY = 1651 SF/15 OCC. = 110 OCC.
OTHER AREAS OCCUPANCY = 2,084 SF/200 = 11 OCC.
TOTAL MAX. OCCUPANCY = 121 OCCUPANTS

1 PROPOSED FLOOR & EQUIPMENT PLAN
1/8" = 1'-0"  WINGS PIZZA 06/20/06  AREA = 3,735 SF

RDO Gateway

C-28-06

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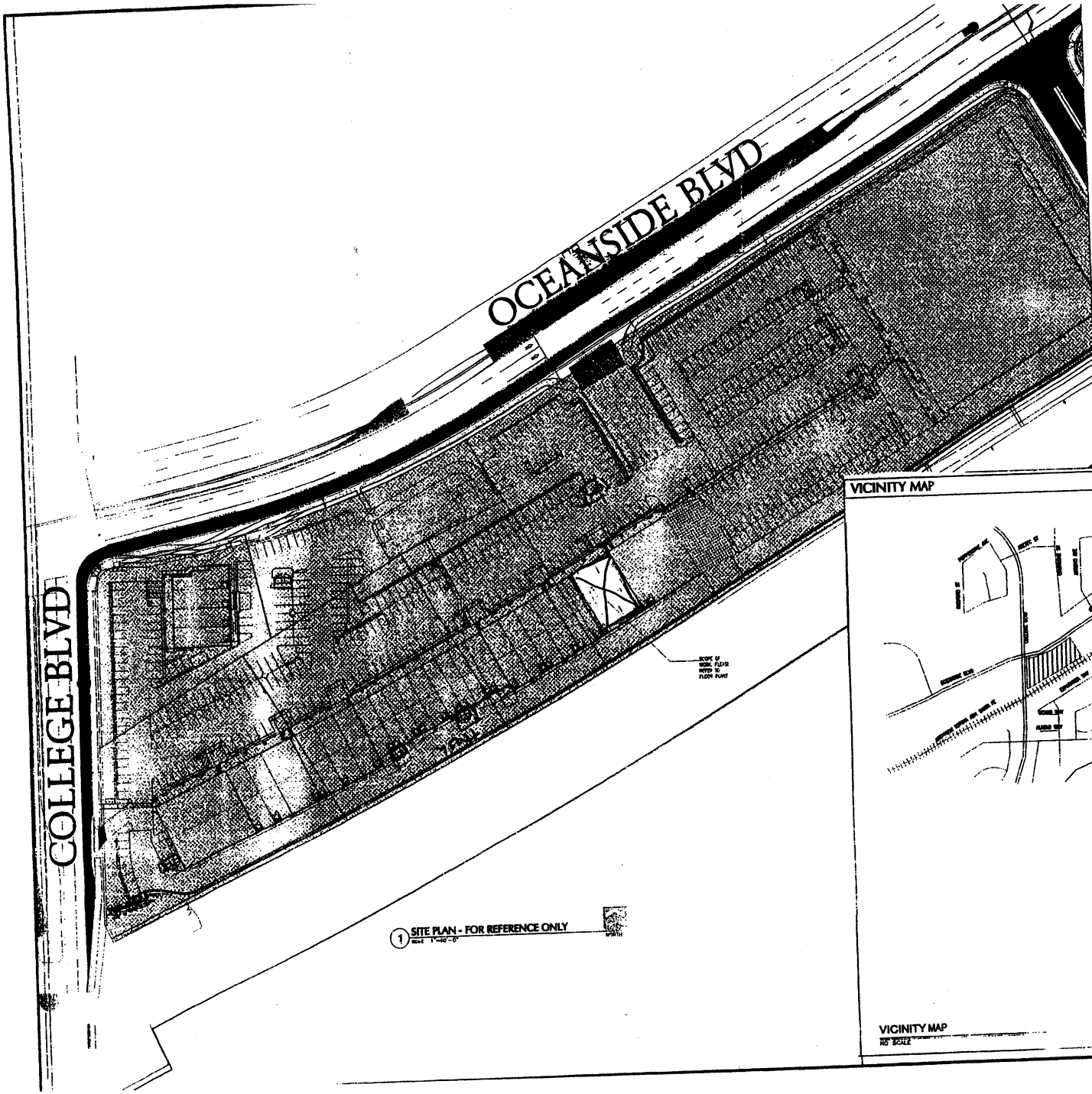
Planning Department

WINGS • PIZZA • N • THINGS

WINGS • PIZZA • BURGERS




## BUILDING AREA AND SITE INFORMATION

PREVIOUS USE OF SUITE 4225-1
NEW USE OF SUITE 4225-1
NEW USE OF SUITE 4225-2

| | |
|---|---|
| SUITE 4225-1 | 7,002 SF |
| SUITE 4225-2 | 1,661 SF |
| TOTAL | 8,573 ACRES |
| LOT ACREAGE | |
| LANDSCAPING | |

## VEHICULAR PARKING STALL INFORMATION

STALLS PROVIDED

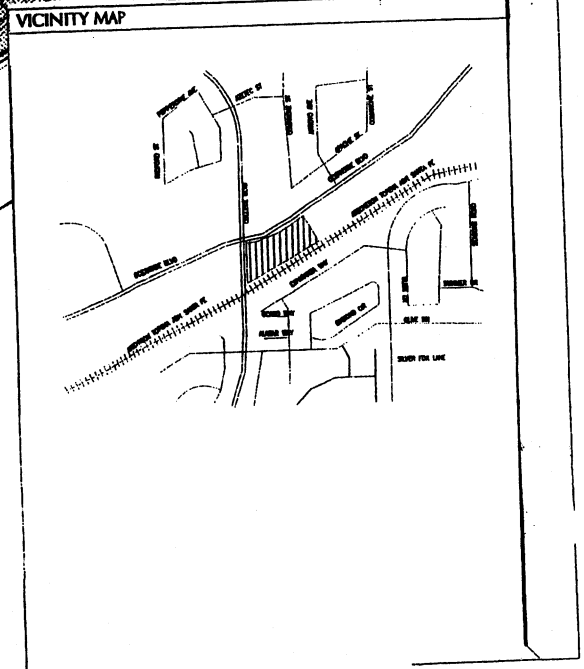
| | |
|---|---|
| STANDARD | 171 |
| HANDICAP | |
| LOADING | |
| TOTAL PROVIDED | 180 |

WORK NOT IN SCOPE

Zoning: CG-PBD (Planned Block Development)
Developer's Resource PBD
General Plan: Commercial-General
Site Size: 4.373 acres

Ethelwyn J. Crail, AICP, land use planning consultant
3520 Sea Ridge Rd, Oceanside, CA 92054 (760) 231-7499

## VICINITY MAP




VICINITY MAP
NO SCALE

# RDO GATEWAY SHOPPING CENTER

Wings, Pizza 'N Things

BICKEL UNDERWOOD
JAMES S. BICKEL JR., ARCHITECT
A CALIFORNIA CORPORATION
3600 Birch Street . Suite 120 . Newport Beach, CA 92660
949. 757 - 0411 FAX 949. 757 - 0511

SHEET TITLE:
SITE PLAN FOR REFERENCE ONLY

| | |
|---|---|
| SUB DATE | 2/23/0[illegible] |
| BID DATE | 12/15/[illegible] |
| DATE: | 2/27/0[illegible] |
| DRAWN BY: | [illegible] |
| JOB NO: | 9714[illegible] |
| CHECKED BY: | [illegible] |
| SHEET NUMBER: | A-0.1 |

RECEIVED
SEP 0 5 2006
Planning Department

PLANNING COMMISSION
RESOLUTION NO. 2006-P72

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-28-06 |
| APPLICANT: | Tom Ratowski and Derek Mascia |
| LOCATION: | 4225 Oceanside Boulevard, Unit Z, within the Developer's Resource Plaza Mottino Shopping Center, otherwise known as RDO Gateway |

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Conditional Use Permit under the provisions of Articles 11 & 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

the sale of beer and wine in a new chicken wings and pizza restaurant;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 4th day of December, 2006, 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 the General Rule, Section 15061 (B)(3);

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 in its behalf reveal the following facts:

FINDINGS:

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

1. The restaurant operation allowing for beer and wine alcoholic beverage service is consistent with the land use objectives for the General Commercial land use district. The Plaza Mottino Shopping Center Area Planned Block Development Plan Text,

adopted as part of Planning Commission Resolution No. 90-P24, required a use permit for the sale of beer and wine service in this shopping center.

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

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve Conditional Use Permit (C-28-06) subject to the following conditions:

**Building:**

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Division plan check. (Currently the 2001 California Building Code, and 2004 California Electrical Code)
2. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and local building codes.
3. Site development, parking, access into buildings and building interiors shall comply with the State's Disabled Accessibility Regulations. (2001 California Building Code (CBC), Chapter 11B)
4. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution Ordinance). Where color rendition is important, high-pressure sodium, metal halide or other such lights may be utilized and shall be shown on building and electrical plans.
5. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the plans.
6. The developer shall monitor, supervise and control all building construction and supporting activities so as to prevent these activities from causing a public nuisance, including, but no limited to, strict adherence to the following:
   a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays

(New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).

b) The construction site shall be kept reasonably free of construction debris as specified in Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste containers shall be considered compliance with this requirement. Small amounts of construction debris may be stored on-site in a neat, safe manner for short periods of time pending disposal.

7. Complete Energy Calculations/documentation will be required at time of plans submittal to the Building Division for plan check.

8. Tenant improvements or other construction to the existing building requires permits (including all required Inspections and approvals, and Issuance of Certificate of Occupancy) from the Building Division.

**Planning:**

9. This Conditional Use Permit shall expire on December 4, 2008, unless implemented as required by the Zoning Ordinance.

10. This Conditional Use Permit approves only beer and wine alcoholic beverage services for a proposed restaurant as shown on the plans and exhibits presented to the Planning Commission for review and approval. No deviation from these approved plans and exhibits shall occur without Community Development Department/Planning Division approval. Substantial deviations shall require a revision to the Conditional Use Permit or a new Conditional Use Permit.

11. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Conditional Use Permit C-28-06. The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

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

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

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

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

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

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

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

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

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

21. Sales service and consumption of alcoholic beverages shall only be permitted during the hours that food services are also being offered.

22. Dancing is prohibited.

23. There shall be no more than four (4) coin operated games or video machines maintained upon the premises at any time.

24. There shall be no more than one (1) pool or billiard table maintained upon the premises at any time.

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

26. The subject alcoholic beverage license shall not be exchanged for a public premises type license nor operated as a public premise.

27. There shall be no audible music or noise emitting from the premises, which would disturb the quiet and peaceful enjoyment of the property of the tenants and residences of the area.

28. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The permittee shall at all times maintain sales records, which separately account for gross food sales apart from gross alcohol sales.

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**Water Utilities:**

29. A Grease, Oil, and Sand Interceptor, described by the Uniform Plumbing Code, relating to restaurants, shall be installed in each building sewer in an appropriate location and shall be maintained by the property owner. The location shall be called out on the approved Building Plans.

PASSED AND ADOPTED Resolution No. 2006-P72 on December 4, 2006 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

Dennis Martinek, Chairman
Oceanside Planning Commission

ATTEST:

_____

Jerry Hittleman, Secretary

I, Jerry Hittleman, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2006-P72.

Dated: December 4, 2006

Exhibit B

# PLAZA MOTTINO SHOPPING PLAZA

# PLANNED BLOCK DEVELOPMENT PLAN TEXT

MARCH, 1990

DEVELOPERS RESOURCE

SHOPPING PLAZA

PLANNED BLOCK DEVELOPMENT REGULATIONS

January, 1990

**Table of Contents** **Page**


| | |
|---|---|
| Applicability and Life of PBD Plan | 3 |
| Enforcement of PBD Plan | 4 |
| Development Standards | 4 |
| Permitted Uses | 4 |
| Prohibited Uses | 5 |

DEVELOPERS RESOURCE/OCEANSIDE CANYON

PLAZA MOTTINO SHOPPING CENTER

PBD REGULATIONS

## 100 APPLICABILITY AND LIFE OF PLANNED BLOCK DEVELOPMENT PLAN

The regulations of the Developers Resource Planned Block Development (PBD) Plan shall apply to the entire 8.7-acre site occupied by the Plaza Mottino. The PBD regulations shall be valid for the life of the project, subject to repeal and/or amendment by the Oceanside City Council. The uses permitted in this PBD are intended to provide retail shops, restaurants, and services that meet the commercial needs of the community. While the General Plan Land Use Element has designated the property Commercial General, additional regulations are needed to insure high intensity uses are compatible with surrounding uses and traffic volumes on Oceanside Boulevard and College Boulevard. Drive-through businesses are limited within the center as required by the General Plan and convenience stores are prohibited altogether.

## 200 ENFORCEMENT OF PLANNED BLOCK DEVELOPMENT PLAN

The regulations of the Developers Resource PBD Plan shall be enforced by Shopping Center Owner and the City of Oceanside under the terms of the Oceanside Zoning Ordinance and other applicable City codes.

## 300 DEVELOPMENT STANDARDS

The development standards which shall govern the development of all property within the PBD area shall be those of the Oceanside Zoning Ordinance as applicable to commercial property; and specifically those criteria of the underlying General Commercial (CG) Zone, unless specifically modified by these regulations. This development criteria shall specifically include, but not necessarily be limited to, all the regulations of the Oceanside Zoning Ordinance which govern commercial signs, parking, landscaping, and site development criteria, etc.,

## 400 PERMITTED USES

The uses permitted within this PBD Plan are intended to provide a limited range of retail and service businesses to serve the residential and industrial uses in the neighborhood. Proposed uses are limited to be compatible with surrounding uses and traffic volumes on Oceanside and College Boulevards. The uses

permitted within the PBD plan shall be those of the underlying General Commercial (CG) Zone, as contained within the current Oceanside Zoning Ordinance, unless specifically prohibited under Section 500 of this plan. Such permitted uses specifically include, but are not necessarily limited to, the following: (Also included is a Use Comparison Table that identifies all allowable uses).

1. Grocery markets of not less than 5,000 square feet of gross leasable area;

2. Two drive-thru uses on free-standing pads, (Pad C - drive-through; restaurant, Pad D - drive-through; bank) only one of which may be restaurant, the other will be a financial institution;

3. Eating and Drinking establishments with less than 15 percent of floor area allocated for dancing shall be permitted with a Use Permit.

## 500 PROHIBITED USES

The following uses shall be prohibited in the Developers Resource Shopping Plaza:

1. All uses listed in Article 36 "Regulated Uses" of the Oceanside Zoning Ordinance with the exception of dancing

establishments, which is addressed in Item 3 of Section 400 of this plan;

2. Ambulance services (This exclusion shall not prohibit other medical services.);

3. Animal boarding facilities, except in conjunction with veterinarian services;

4. Antique shops, second hand shops, or thrift shops;

5. Automobile service stations;

6. Automobile washing facilities;

7. Building materials and services;

8. Campgrounds and RV parks;

9. Commercial parking facilities;

10. Commercial recreation and entertainment uses, including arcades, movie theaters, bowling alleys, miniature golf courses, billiard rooms, and pool rooms (This exclusion shall not prohibit health and fitness clubs.);

11. Clubs and lounges (This exclusion shall not prohibit health and fitness clubs.);

12. Convenience markets, in-line or free-standing (This exclusion shall not prohibit the grocery market as permitted under Section 400 of these regulations.);

13. Drive-thru restaurants, except for the free-standing pad use as permitted within Section 400 of these regulations;

14. Fortune telling and palm reading services;

15. Funeral and interment services;

16. Gun shops;

17. Hotels, motels or single-room occupancy hotels;

18. Outdoor plant nurseries;

19. Pawn shops;

20. Religious assembly facilities;

21. Rescue missions;

22. Residential uses;

23. Sanitary landfills;

24. Sewage disposal plants;

25. Swap meets;

26. Temporary trailers and equipment vans, except during construction of the center;

27. Vehicle/equipment sales and rentals in conjunction with the outdoor storage of vehicles and equipment (This exclusion shall not prohibit the establishment of in-line rental agencies that do not have outdoor storage.);

28. Warehousing and storage facilities;

29. Welfare and charitable services.

204.01/2

## Use Classification Table

| USE CLASSIFICATION | PBD |
|---|---|
| **Residential** | |
| Day Care, Ltd. | - |
| Single-family Residential | - |
| RV Parks | - |
| **Public and SemiPublic** | |
| Clubs and Lodges | - |
| Day Care, General | - |
| Government Offices | P |
| Public Safety Facilities | - |
| Religious Assembly | - |
| Utilities, Major | - |
| Utilities, Minor | - |
| **Commercial Uses** | |
| Adult Businesses | - |
| Ambulance Services | C1 |
| Animal Boarding | C2 |
| Animal Grooming | P |
| Animal Hospitals | P |
| Animal Retail Sales | P |
| Artist Studios | P |
| Banks and S&L's | P |
| w/ drive-through | U |
| Building Materials/Services | - |
| Catering Services | P |
| Commercial Filming | - |
| Commercial Rec./Entertain. | C3 |
| Communication Facilities | - |
| Eating & Drinking Est. | P |
| w/ beer and wine | U |
| w/ full alcohol | U |
| w/ live entertainment | U |
| w/ take out service | P |
| w/ drive-up/through | C8 |
| Food & Beverage Sales | C5 |
| Funeral & Internment | - |
| Laboratories | - |
| Maintenance and Repair | P |
| Marine Sales | - |
| Nurseries | - |
| Office, Business & Prof. | P |

| USE CLASSIFICATION | PBD |
|---|---|
| Pawn Shops | - |
| Personal Improvement | U |
| Personal Services | P |
| Research and Development | - |
| Retail Sales | C4 |
| Secondhand Appliance/Cloth | C4 |
| Swap Meets | - |
| Travel Services | P |
| Automobile Rentals | C6 |
| Automobile Washing | - |
| Service Stations | - |
| Vehicle Equip. Repair | - |
| Vehicle Equip. Sales/Rentals | - |
| Commercial Parking Facilities | - |
| Bed & Breakfast Inns | - |
| Hotels/Motels & Time Shares | - |
| SRO Hotels | - |
| Warehousing/Storage, Ltd. | - |
| Industry, Custom | - |
| Industry, Limited | - |
| Wholesaling/Distribution | - |

## Additional Use Regulations for PBD Overlay

C1 Shall not prohibit other medical services.

C2 Except in conjunciton with Veterinarian services.

C3 Health and Fitness Clubs shall not be prohibited.

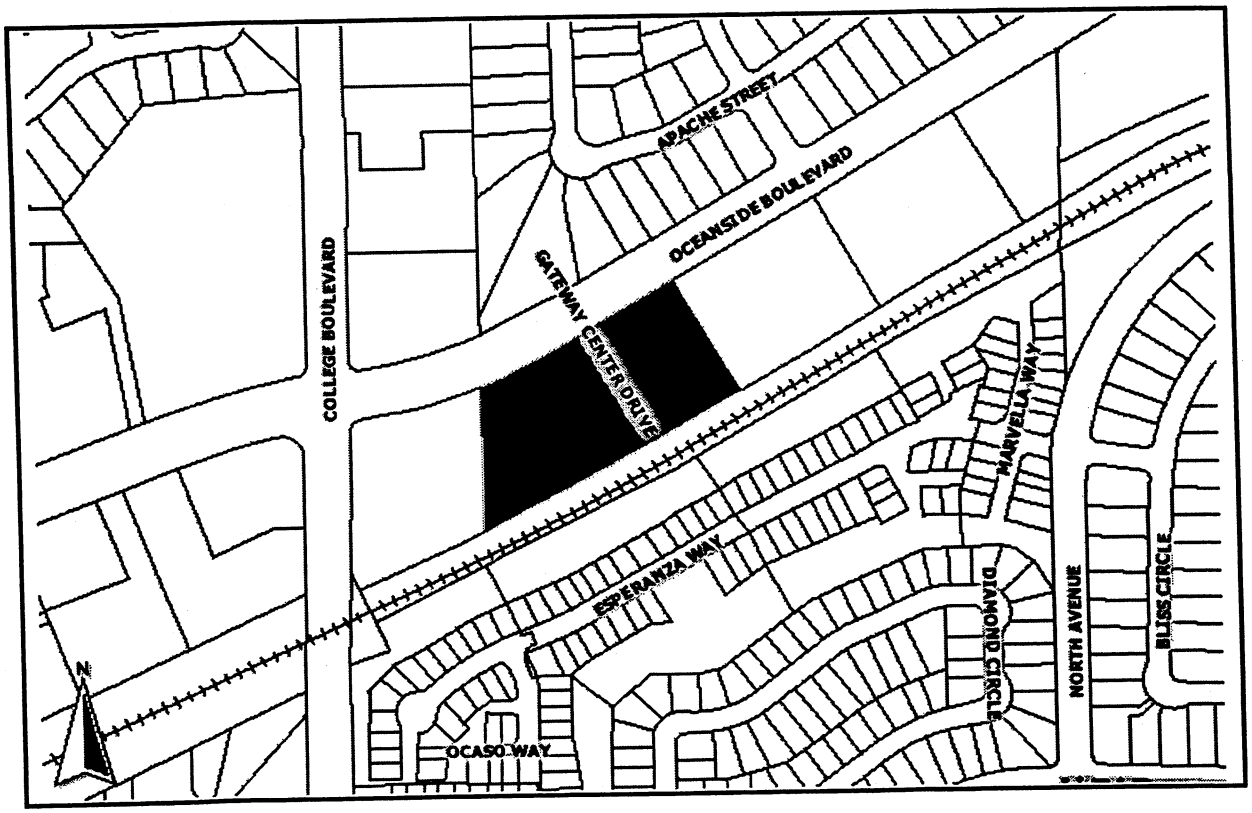
C4 Prohibits antique sales and gun sales.

C5 Grocery markets of 5,000 sq.ft. of gross leasable floor area or greater are permitted.

C6 "In-Line" rental storage that do not have onsite outdoor vehicular storage are allowed.

C7 Prohibits Sanitary Landfills and Sewage Disposal Plants.

C8 Only one (1) drive-through restaurant with a use permit allowed on Pad C.




**File Number:** **C-28-06**

**Applicant:** **Tom Ratowski & Derek Mascia**

**Description:**

CONDITIONAL USE PERMIT (C-28-06) to sell beer and wine in a new chicken wings and pizza restaurant establishment located at 4225 Oceanside Boulevard, Suite Z, within the Developers Resource Plaza Mottino, otherwise known as RDO Gateway. The project site is zone CG-PBD (General Commercial-Planned Block Development). **WINGS, PIZZA N' THINGS**

**Environmental Determination:**

The project is exempt from the California Environmental Quality Act.

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

# Application For Planning Commission Hearing

**Planning Department (760) 435-3520**
**Oceanside Civic Center**
**300 N. Coast Highway**
**Oceanside, California 92054-2885**

RECEIVED
JUL 13 2006
Planning Department

| STAFF USE ONLY | |
|---|---|
| ACCEPTED 7/13/06 | BY S.S. |

**Please print or type all information**

| HEARING | |
|---|---|
| GPA | |
| MASTER/SP PLAN | |
| ZONE CH. | |
| TENT.MAP | |
| PAR. MAP | |
| DEV. PL. | |
| C.U.P. C-28-06 | |
| VARIANCE | |
| COASTAL | |
| O.H.P.A.C. | |

## PART I – APPLICANT INFORMATION

| | |
|---|---|
| APPLICANT<br>Tom Ratowski and Derek Mascia | 2. STATUS<br>owner |
| 3. ADDRESS:<br>4225 Oceanside Blvd. #Z Oceanside, CA 92056 | 4. PHONE/FAX<br>~~760-845-3344~~<br>760-295-9908 |
| 5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)<br>Elizabeth J. Graff, AICP | |
| 6. ADDRESS<br>3528 Sea Ridge Road, Oceanside, CA 92054 | 7. PHONE/FAX<br>760-231-7459<br>760-231-7459 |

## PART II – PROPERTY DESCRIPTION

| | |
|---|---|
| 8. LOCATION :<br>4225 Oceanside Blvd., Suite Z -- shopping center, southeast corner of Oceanside Blvd. and College Ave.<br>REV - 7/5/06 | 9. SIZE<br>Site is 4.73 acres Space is 3763 sq. ft. |

| 10. GENERAL PLAN | 11. ZONING | 12. LAND USE | 13. ASSESSOR'S PARCEL NUMBER |
|---|---|---|---|
| Commercial-General | PBD-Commercial | Existing Shopping Center | 162-241-10,22,23 |

## PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION

Conditional Use Permit to sell beer and wine in a new chicken wings and pizza restaurant as required by the PBD Text. Wings N. Things

| 15. PROPOSED GENERAL PLAN | 16. PROPOSED ZONING | 17. PROPOSED LAND USE | 18. NO. UNITS | 19. DENSITY |
|---|---|---|---|---|
| n/a | n/a | n/a | n/a | n/a |
| **20. BUILDING SIZE** | **21. PARKING SPACES** | **22. % LANDSCAPE** | **23. % LOT COVERAGE** | |
| space is 3763 sq. ft. | existing | existing | existing | |

## PART IV – ATTACHMENTS

| ALL APPLICATIONS | | | | DEV. PLANS, C.U.P.S & TENT. MAPS | |
|---|---|---|---|---|---|
| | 24. DESCRIPTION/JUSTIFICATION | | 25. LEGAL DESCRIPTION | | 30. FLOOR PLANS AND ELEVATIONS |
| | 26. 300-FOOT RADIUS MAP | | 27. PROPERTY OWNER'S LIST | | 31. CONSTRUCTION SCHEDULE |
| | 28. ENVIRONMENTAL ASSESSMENT | | 29. PLOT PLANS | | 32. OTHER |

## PART V – SIGNATURES

THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.

SIGNATURES OF ALL OWERS 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).

| | | | |
|---|---|---|---|
| 33. APPLICANT OR REPRESENTATIVE (Print):<br>Elizabeth J. Graff | 34. DATE<br>7-13-06 | | |
| Sign: Elizabeth J. Graff | | 37. OWNER (Print):<br>VICO PLAZA PARTNERSHIP | 38. DATE<br>7/10/06 |
| I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. | | Sign: [illegible] | |
| 35. APPLICANT (Print):<br>TOM RATOWSKI | 36. DATE<br>7-11-06 | 39. OWNER (Print):<br>DEREK MASCIA | 40. DATE<br>7-11-06 |
| Sign: Tom Ratowski | | Sign: Derek Mascia | |

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# DESCRIPTION AND JUSTIFICATION

(Revised August 28. 2006)

Wings, Pizza 'N Things Restaurant

Use Permit to Serve Beer and Wine

This is an application for a Use Permit to allow beer and wine service in a new chicken wing and pizza restaurant - Wings, Pizza 'N Things" 4225 Oceanside Blvd. – Z in the RDO Gateway Shopping Center on the southeast corner of Oceanside Blvd. and College Avenue. The site is in the PBD-GC Zone (Planned Block Development – General Commercial)

The tenant improvements are now in review for this location. The restaurant plans to be open until midnight and to have on-site security for its patrons. There will be entertainment as allowed by City Ordinance for this type of restaurant including one pool (billiards) table and no more than four arcade games including the foosball.

The new restaurant is governed by the Planned Block Development regulations for the Developers Resource Shopping Center approved in 1990. Those regulations override the zoning which would not require a use permit. The PBD Plan was written to prohibit a number of uses (such as additional drive throughs, antique stores, churches and others) and required use permits for beer and wine and bank drive-through.

This restaurant would serve the beer and wine as an accompaniment to its chicken wings, pizza and similar foods for families in the Rancho Del Oro area.

The findings for approving a Use Permit and the way they can be justified are:

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

   --This site is in the General Commercial Zone, and without the PBD plan there would not be a question. Restaurants serving beer and wine are allowed in this context.

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

   --The serving of beer and wine with the wings and pizza in this restaurant will enhance the ambience of the shopping center and add to the dining experience of its customers from the surrounding neighborhood.

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3. That the proposed conditional use will comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.

--The serving of beer and wine in restaurants is allowed generally in the General commercial Zone. Any conditions attached to this approval will be followed by the owner of the restaurant.

# RDO GATEWAY CENTER LIST OF BUSINESSES

September, 2006

This report was requested by staff about the beer and wine sales in RDO Gateway Center.

The only other beer and wine sales in the Center and their hours are:

| | |
|---|---|
| Ralph's Supermarket | 24 hours |
| Rubio's 4201 Oceanside Blvd. B | M-Thurs. 11 a.m. to 10 p.m.<br>Fri and Sat, 10 a.m. to 10:30 p.m.<br>Sunday 10:30 a.m. to 9 p.m. |

The other businesses in the Center Are:

| | | |
|---|---|---|
| 4201 Oceanside Blvd. | A | Baskin-Robbins |
| 4211 Oceanside Blvd. | | Jack in the Box |
| 4225 Oceanside Blvd. | A | Super Cuts |
| | B | vacant |
| | C | Papa John's Pizza |
| | D | Adora Salon |
| | E | Hawaiian Restaurant |
| | F | Happy Noodle |
| | G | Family Care Dentist |
| | H | Foot Solutions |
| | I | Vacant |
| | J. | Perfect Nails |
| | K | Café Japanese |
| | L | Cingular |
| | M | Post Net |
| | N | Cash Advance |
| | P | Valdinez Jewelry |
| | Q | Rende vous French Bakery |
| | R | Fantastickids |
| | T | Home Run Flooring |
| | U | Cat Hospital |
| | V | Cleaners |
| | W | Karate for Kids |
| | Y and Z | Pending for Wings, Pizza and Things |
| 4231 Oceanside Blvd. | A | TK Urban Apparel |
| | B | Help U Sell |
| | C | Italian Garden Restaurant |

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Wings, Pizza "N Things

## LEGAL DESCRIPTION

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

Parcel A:

Parcel 2 of Parcel Map No. 12485, in the City of Oceanside, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, December 17, 1982 as File No. 82-387440 of Official Records.

Parcel B:

Parcels 3 and 4 of Parcel Map No. 15591, in the City of Oceanside, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, on February 27, 1989 as File No. 89-099268 of Official Records.

APN: 162-241-10-00, 162-241-22-00 and 162-241-23-00

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**CITY OF OCEANSIDE**
**PLANNING DEPARTMENT**

# NOTICE OF EXEMPTION

TO: X RECORDER/COUNTY CLERK
COUNTY OF SAN DIEGO
P.O. BOX 1750
SAN DIEGO, CA 92112-4147

PROJECT TITLE AND FILE NUMBER:
**WINGS, PIZZA N' THINGS (C-28-06)**

PROJECT LOCATION - SPECIFIC:
4225 Oceanside Boulevard, Unit Z
APN 162-241-23

PROJECT LOCATION - GENERAL:
City of Oceanside

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:
To obtain a Conditional Use Permit to sell beer and wine in a new chicken wings and pizza restaurant as required by the Planned Block Development text for Rancho Del Oro Gateway Plaza.

NAME OF PUBLIC AGENCY APPROVING PROJECT:
City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:
Tom Ratowski and Derek Mascia
4225 Oceanside Boulevard, #Z
Oceanside, CA 92056
(760) 845-3344

Exempt Status per the Guidelines to Implement the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. al.):

**_X_NOT SUBJECT TO CEQA PER THE GENERAL RULE, SECTION 15061(B)(3)**

**___STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)**

**___CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION 153xx**

**REASONS WHY PROJECT IS EXEMPT:**

Project proposes a use permit for beer and wine sales in an existing development, and proposes no significant impact on the environment.

Contact Person: Sally Schifman, Planner II

Sally Schifman December 4, 2006
SIGNATURE DATE
**For: Jerry Hittleman, Acting City Planner**