



DATE: April 20, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A REVISION TO CONDITIONAL USE PERMIT (C-28-06REV08) TO EXPAND ALCOHOL SERVICES TO BEER, WINE, AND SPIRITS IN AN EXISTING EATING AND DRINKING 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 by motion:

- (1) Adopt Planning Commission Resolution No. 2009-P15 denying Conditional Use Permit (C-28-06REV08) with findings and conditions of approval attached herein.

BACKGROUND AND PROJECT DESCRIPTION

Background: On July 11, 1990, City Council adopted Ordinance No. O90-24, which established the “Plaza Mottino Shopping Plaza Planned Block Development” at the southeast corner of Oceanside Boulevard and College Boulevard. The Planned Block Development Plan Text, which is unique to the Rancho Del Oro (RDO) Gateway shopping center, lists items that require Conditional Use Permits. This list includes eating and drinking establishments with full alcohol services.

On December 4, 2006, Planning Commission reviewed and approved a Conditional Use Permit (C-28-06) to allow for beer and wine services at Wings, Pizza, N’ Things (Resolution 2006-P72). The restaurant opened in October 2007.

On December 16, 2008, Wings, Pizza, N’ Things submitted for a revision to Conditional Use Permit (C-28-06REV08) to expand alcohol service to beer, wine, and spirits.

This project was originally scheduled for public hearing on March 23, 2009. Due to new information provided to staff from the Oceanside Police Department prior to that meeting by after notices has already been issued to the public, the project was continued to April 20, 2009.

Site Review: Wings, Pizza, N' Things is located at 4225 Oceanside Boulevard, Suite Z. The restaurant is situated within a General Commercial – Planned Block Development (CG-PBD) District, which is formally called the “Plaza Mottino Shopping Plaza Planned Block Development” and commonly known as RDO Gateway Shopping Center. The General Plan Land Use Map designation for the subject property is General Commercial (CG). Other businesses in the center include a karate studio for kids, numerous personal service businesses, a veterinarian office, nine eating and drinking establishments, a grocery store, a movie rental business, and miscellaneous retail stores.

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

Project Description: The project application is comprised of one component, a Conditional Use Permit, as follows:

Conditional Use Permit (C-28-06REV08) represents a request for the following:

- (a) To allow for beer, wine, and spirits service at a bona fide eating and drinking establishment pursuant to the Use Classification Table of the “Plaza Mottino Shopping Plaza Planned Block Development Text.”

Wings, Pizza, N' Things is approximately 3,735 square feet and has an interior occupancy of 110 seats. The restaurant has 24 employees. The hours-of-operation for the restaurant would be Sunday through Thursday, 11:00 a.m. to 12:00 a.m. and Friday and Saturday, 11:00 a.m. to 1:00 a.m. This is primarily a sit down restaurant.

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

1. General Plan Land Use Element
2. Zoning Ordinance
3. Plaza Mottino Shopping Plaza Planned Block Development Plan Text
4. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. General Plan Conformance

The General Plan Land Use Map designation for the subject property is General Commercial (CG). The proposed land use is not consistent with this land use designation and the goals and objectives of the City's General Plan as follows:

I. Community Enhancement

Goal: The consistent, significant, long term preservation and improvement of the environment, values, aesthetics, character and image of Oceanside as a safe, attractive, desirable and well-balanced community.

Section 1.15 Public Safety

Objective: To ensure an acceptable level of public safety for the prevention and reduction of loss of life and personal property of the citizens and visitors of Oceanside.

Policy A: The City shall continually evaluate the acceptable level of risk to the public health, safety, and general welfare, and adjust policies accordingly.

The proposed expansion in alcohol services would not be consistent with the goals and objectives of the General Plan. Prior to Wings, Pizza, N' Things taking occupancy at the project site, there were nine police incidents that resulted in arrests throughout the entire RDO Gateway shopping center. Since Wings, Pizza, N' Things began operating in October 2007, there has been a 300 percent increase in police incidents resulting in arrests at the center. Twelve of the 28 arrests made between October 2007 and March 2009 were directly linked to Wings, Pizza, N' Things. This represents 43 percent of all arrests at RDO Gateway over the last year and a half. These 12 arrests have occurred while the business has been operating under a CUP for beer and wine only. The following table provides a breakdown of the offenses, along with the dates and times of the offenses:

Location	Code	Date	Time
RDO Gateway	Driver/Person in Charge of Vehicle Arrested, in Custody	9/8/2006	11:55:00 PM
RDO Gateway	Petty Theft - under \$400	10/31/2006	9:30:00 AM
RDO Gateway	Criminal Burglary	2/19/2007	5:15:00 PM
RDO Gateway	Unlicensed Driver Arrest	3/15/2007	8:30:00 PM
RDO Gateway	Driver/Person in Charge of Vehicle Arrested, in Custody	3/30/2007	1:50:00 AM
RDO Gateway	Driving Under the Influence	3/30/2007	1:46:00 AM

Location	Code	Date	Time
RDO Gateway	Grand Theft - over \$400	5/8/2007	2:45:00 PM
RDO Gateway	Vandalism - up to \$400	6/24/2007	7:45:00 AM
RDO Gateway	Criminal Burglary	7/27/2007	7:20:00 PM
Wings, Pizza N' Things opens October 2007 with a CUP for Beer and Wine Service @ a Restaurant			
RDO Gateway	Driver Taken into Custody	10/21/2007	6:40:00 PM
Wings, Pizza, N' Things	Shooting at Dwelling	12/23/2007	5:30:00 AM
Wings, Pizza, N' Things	Shooting at Dwelling	12/29/2007	3:23:00 AM
Wings, Pizza, N' Things	Rape	1/1/2008	5:00:00 PM
Wings, Pizza, N' Things	Spousal Abuse	1/1/2008	5:00:00 PM
Wings, Pizza, N' Things	Criminal Threats	1/14/2008	5:15:00 PM
RDO Gateway	Petty Theft - under \$400	1/20/2008	2:20:00 PM
RDO Gateway	T R O Violation	2/2/2008	1:34:00 AM
RDO Gateway	Theft	2/2/2008	12:00:00 AM
Wings, Pizza, N' Things	Criminal Threats	2/18/2008	3:30:00 PM
RDO Gateway	Attempted Robbery	3/5/2008	10:15:00 PM
RDO Gateway	Commercial Burglary	4/4/2008	1:30:00 PM
RDO Gateway	Petty Theft with Prior	4/9/2008	11:20:00 AM
RDO Gateway	Theft	4/9/2008	11:09:00 AM
RDO Gateway	Suspicious Circumstances	6/16/2008	
Wings, Pizza, N' Things	Battery	7/2/2008	1:00:00 AM
Wings, Pizza, N' Things	Assault w/ a Deadly Weapon	8/1/2008	12:05:00 AM
RDO Gateway	Outstanding Warrants	8/12/2008	8:30:00 PM
Wings, Pizza, N' Things	Attempted Murder	8/12/2008	2:40:00 AM
RDO Gateway	Grand Theft - over \$400	10/20/2008	3:30:00 PM
RDO Gateway	Petty Theft - under \$400	10/23/2008	2:30:00 PM
Wings, Pizza, N' Things	Petty Theft - under \$400	10/23/2008	2:30:00 PM
RDO Gateway	Unlicensed Driver Arrest	11/14/2008	8:25:00 PM
Wings, Pizza, N' Things	Drunk in Public	11/20/2008	10:18:00 PM
RDO Gateway	Petty Theft - under \$400	12/24/2008	6:15:00 PM
RDO Gateway	Petty Theft - under \$400	1/27/2009	10:00:00 AM
Wings, Pizza, N' Things	Assault w/ a Deadly Weapon	2/19/2009	10:10:00 PM
RDO Gateway	Commercial Burglary	3/2/2009	3:08:00 PM

2. Zoning Ordinance Compliance

The project site is situated within the General Commercial – Planned Block Development (CG-PBD) District, which is formally called the “Plaza Mottino Shopping Plaza Planned Block Development” and commonly known as the RDO Gateway Shopping Center. Pursuant to the Planned Block Development Plan Text for the shopping center, a Conditional Use Permit is required for a restaurant that wishes to have full alcohol services. In addition, the land use regulations of a CG district also require a Conditional Use Permit for a restaurant that wishes to have full alcohol services.

3. Plaza Mottino Shopping Center Planned Block Development Plan Text

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

The Planned Block Development Plan Text requires a Conditional Use Permit for an eating and drinking establishment with full alcohol services. Under the current Zoning Ordinance, eating and drinking establishments with full alcohol services within General Commercial Districts also require Conditional Use Permits.

DISCUSSION

Issue: Will the expansion of alcohol services to include spirits at Wings, Pizza, N' Thing be compatible with the shopping center and surrounding neighborhood?

Recommendation: Since Wings, Pizza, N' Things began operating in October 2007, there has been a 300 percent increase in police incidents resulting in arrests at RDO Gateway and this has occurred under the current CUP for beer and wine service only. It has been determined that the addition of spirits would likely increase the number of incidents resulting in arrests. Through consultation with the Oceanside Police Department, staff has concluded that an expansion of alcohol services to include spirits will be detrimental to the health, safety and general welfare of persons or properties working, residing, or otherwise existing in the adjacent neighborhood areas. Therefore, staff, including the Police Department, recommends that the Conditional Use Permit request be denied.

ENVIRONMENTAL DETERMINATION

Due to the recommendation of denial, the project does not need to be reviewed pursuant to the California Environmental Quality Act. However, in the event that staff's recommendation is overturned and the project is approved, a Class 1 categorical exemption pursuant to Article 19 Categorical Exemptions, Section 15301 Existing Facilities, of the California Environmental Quality Act would apply.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record and occupants within a 1,500-foot radius of the subject property, to individuals and organizations requesting notification, and to the applicant on March 13, 2009. The project was subsequently continued two times, to April 20, 2009. No new public notices were issued. As of April 13, 2009, staff had received one email and five phone calls in opposition to the proposed project.

SUMMARY

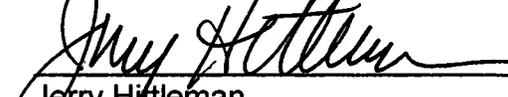
It is staff's determination that the expansion of alcohol services to beer, wine, and spirits at Wings, Pizza N' Things in the RDO Gateway Shopping Center will negatively contribute to the crime statistics that have been associated with the existing business since it first opened. Therefore, staff, including the Police Department, recommends that the Planning Commission deny the project. The Commission's action should be:

- Move to deny the Revision to Conditional Use Permit (C-28-06REV08) and adopt Planning Commission Resolution No. 2009-P15 as attached.

PREPARED BY:


Sally Schifman
Planner II

SUBMITTED BY:


Jerry Hittleman
City Planner

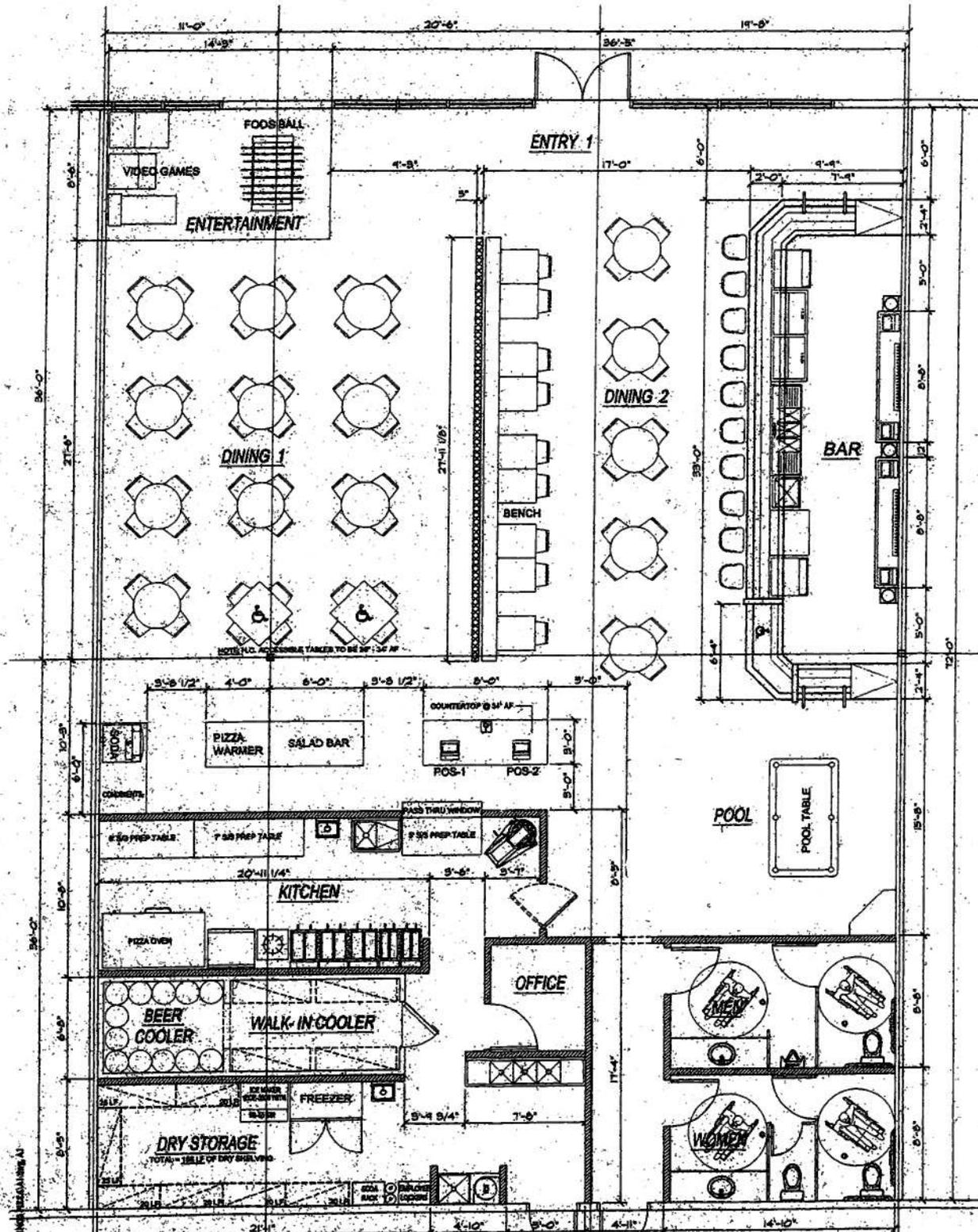
REVIEWED BY:


Richard Greenbauer, Senior Planner

JH/SS/fil

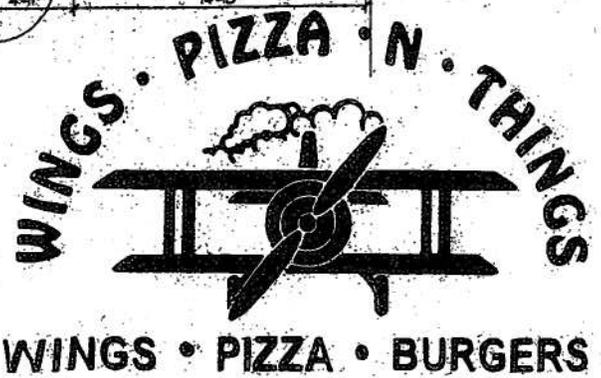
Attachments:

1. Site Plan and Elevations
2. Planning Commission Resolution No. 2009-P15
3. RDO Gateway Center List of Businesses
4. Correspondence



DINING AREA OCCUPANCY = 1651 SF/15 OCC. = 110 OCC.
 OTHER AREAS OCCUPANCY = 2,084 SF/200 = 11,000
 TOTAL MAX. OCCUPANCY = 121 OCCUPANTS
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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 SEP 05 2006
 Planning Department

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PLANNING COMMISSION
RESOLUTION NO. 2009-P15

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

APPLICATION NO: C-28-06REV08
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 addition of spirits to the existing beer and wine services at Wings, Pizza N' Things
restaurant;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 20th day
of April, 2009, conduct a duly advertised public hearing as prescribed by law to consider said
application.

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 full alcoholic beverage service:

1. The proposed use would be in accord with the Zoning Ordinance land use regulations
for a General Commercial District. The applicant is asking to add spirits to existing beer
and wine services at an existing restaurant. This use is permitted with the approval of a
Conditional Use Permit. The Plaza Mottino Shopping Center Area Planned Block

1 Development Plan Text, adopted as part of Planning Commission Resolution No. 90-
2 P24, also requires a use permit for full alcohol services in this shopping center.
3 However, due to the negative consequences of adding spirits to the existing beer and
4 wine services at Wings, Pizza, N' Things, the Conditional Use Permit will not be issued.

- 5 2. The proposed conditional use will not be in accord with the goals and objectives of the
6 General Plan. Permitting the addition of spirits to the existing beer and wine services at
7 Wings, Pizza, N' Things will be detrimental to the health, safety, and welfare of persons or
8 properties working, residing, or otherwise existing in the adjacent neighborhood areas.
9 Since Wings, Pizza, N' Things began operating in October 2007, there has been a 300
10 percent increase in police incidents resulting in arrests at RDO Gateway and this has
11 occurred under the current CUP for beer and wine service only. It has been determined that
12 the addition of spirits will only increase the number of incidents resulting in arrests.

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1 3. The conditional use would be subject to and comply with specific local conditions and
2 additional regulations as deemed necessary by other regulatory or permit authorities. The
3 applicant would be obligated to obtain an alcohol license from ABC. However, without the
4 issuance of the Conditional Use Permit by the City of Oceanside, ABC will not be able to
5 issue the alcohol license.

6 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
7 deny Conditional Use Permit (C-28-06REV08).

8 PASSED AND ADOPTED Resolution No. 2009-P15 on April 20, 2009 by the
9 following vote, to wit:

10 AYES:

11 NAYS:

12 ABSENT:

13 ABSTAIN:

14 _____
15 Claudia Troisi, Chairperson
16 Oceanside Planning Commission

17 ATTEST:

18 _____
19 Jerry Hittleman, Secretary

20 I, Jerry Hittleman, Secretary of the Oceanside Planning Commission, hereby certify that this is a
21 true and correct copy of Resolution No. 2009-P15.

22
23 Dated: April 20, 2009

RDO GATEWAY CENTER LIST OF BUSINESSES

December, 2008

This report is an update of the one prepared in 2006 about the beer and wine sales and other alcoholic sales in RDO Gateway Center.

Beer and wine is sold the Center and the hours are:

Ralph's Supermarket	24 hours (also sells liquor)
Rubio's 4201 Oceanside Blvd. B	M-Thurs. 11 a.m. to 10 p.m. Fri and Sat, 10 a.m. to 10:30 p.m. 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
4221	Blockbuster
4225 Oceanside Blvd. A	Super Cuts
B	Blendz
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	ATT
M	Post Net
N	Cash Advance
P	Valdinez Jewelry
Q	Rende vous French Bakery
R	Vacant
T	Vacant
U	Cat Hospital
V	Cleaners
W	Karate for Kids
Y and Z	Wings, Pizza and Things
4231 Oceanside Blvd. A	vacant
B	vacant
C	vacant

Sally Schiffman

From: Gordon grant [okgran1@sbcglobal.net]
Sent: Friday, March 20, 2009 11:24 AM
To: Sally Schiffman
Subject: Wings, pizza n' things

I am totally opposed to the change of use permit for the Wings, Pizza n Things. I think they should revoke the permit not expand it.

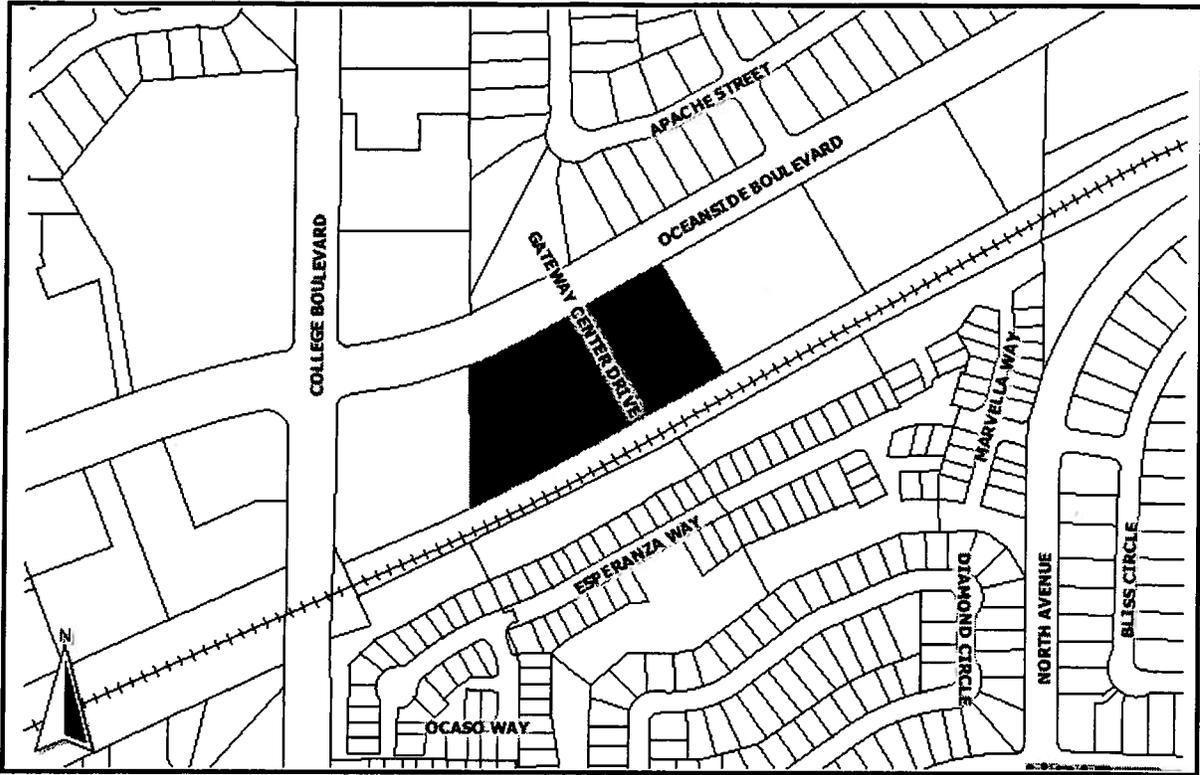
It is not a place for family's. It is a hard-core drinking saloon and it is too close to a residential area.

In the past when I go to the ice cream shop I sometimes walk past it. I have seen fighting, police arresting people, hit and runs and domestic quarrels. I have seen people driving away drunk spinning their wheels and driving on to the local residential streets.

I see nothing of value by allowing people to to become even more intoxicated and driving onto the local streets where there are small families.

Sincerely yours

Gordon R. Grant
1921 Arroyo Ave
Oceanside, Ca. 92056
(760) 630-1372



File Number: C-28-06REV08

Applicant: Tom Ratowski & Derek Mascia

Description:

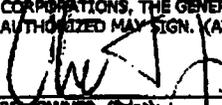
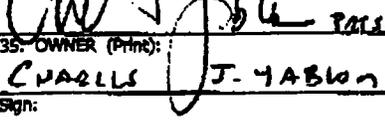
REVISION to CONDITIONAL USE PERMIT (C-28-06REV08) to expand alcohol services to beer, wine and spirits in an existing eating and drinking establishment located at 4225 Oceanside Boulevard, Suite Z, within the Developers Resource Plaza Mottino, otherwise known as RDO Gateway. The project site is zoned 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

WINGS PIZZA THINGS SIZE UOE

 Application For Public Hearing Community Development Department/Planning Division (760) 435-3520 Oceanside Civic Center 300 N. Coast Highway Oceanside, California 92054-2885		STAFF USE ONLY	
		ACCEPTED 12/16/08	BY SH
Received DEC 16 2008 Planning Division			
Please print or type all information		HEARING	
PART I - APPLICANT INFORMATION			
1. APPLICANT Tom Ratowski and Derek Mascia	2. STATUS owners	GPA	
3. ADDRESS: 4225 Oceanside Blvd. #2 Oceanside, CA 92056	4. PHONE/FAX 760-631-4700 760-631-4707 fax	MASTER/SP PLAN	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Elizabeth J. Graff, AICP, land use planning consultant	6. ADDRESS 3528 Sea Ridge Road, Oceanside, CA 92054	ZONE CH.	
7. PHONE/FAX 760-231-7459 760-231-7459	8. LOCATION: 4225 Oceanside Blvd., Suite 2 -- shopping center, southeast corner of Oceanside Blvd. and College Ave.	TENT. MAP	
9. SIZE Site is 4.73 acres Space is 3763 sq. ft.	10. GENERAL PLAN Commercial-General	PAR. MAP	
11. ZONING PBD-Commercial	12. LAND USE Existing Shopping Center	DEV. PL.	
13. ASSESSOR'S PARCEL NUMBER 162-241-10,22,23	14. GENERAL PROJECT DESCRIPTION Revise Conditional Use Permit C-28-06 to add full alcohol service to an existing eating and drinking establishment as allowed by Article 1120 of the Oceanside Zoning Ordinance at the location of 4225 Oceanside Blvd., Suite 2 in the PBD-Commercial Zone.	C.U.P. C-28-06 REVUE	
15. PROPOSED GENERAL PLAN n/a	16. PROPOSED ZONING n/a	VARIANCE	
17. PROPOSED LAND USE n/a	18. NO. UNITS n/a	COASTAL	
19. DENSITY n/a	20. BUILDING SIZE space is 3763 sq. ft.	O.H.P.A.C.	
21. PARKING SPACES existing	22. % LANDSCAPE existing		
23. % LOT COVERAGE existing	PART II - PROPERTY DESCRIPTION		
PART III - PROJECT DESCRIPTION			
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 AND LABELS	<input checked="" type="checkbox"/> 28. ENVIRONMENTAL INFO FORM	<input checked="" type="checkbox"/> 29. PLOT PLANS	
<input checked="" type="checkbox"/> 30. FLOOR PLANS AND ELEVATION	<input checked="" type="checkbox"/> 29. CERTIFICATE OF POSTING	<input type="checkbox"/> 32. OTHER (See attachment for required reports)	
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 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).	
33. APPLICANT OR REPRESENTATIVE (Print): Elizabeth J. Graff, AICP	34. DATE 11-21-08	 Tom Ratowski	
Tom Ratowski	35. OWNER (Print): CHARLES J. YABLON	 CHARLES J. YABLON	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		36. DATE 12-9-08	

Received

DEC 16 2008

Planning Division

Received

DEC 16 2008
Planning Division

SALLY

Received
DEC 16 2008
Planning Division

DESCRIPTION AND JUSTIFICATION

Revised Use Permit C-28-06 to allow the
existing eating and drinking establishment to have full alcoholic beverage service
December, 2008

Wings, Pizza 'N Things Restaurant

This is an application to revise Conditional Use Permit C-28-06 approved December 4, 2006 for full alcoholic beverage service at the Wings Pizza 'N Things Restaurant at 4225 Oceanside Blvd. – Z as required by Section 1120 of the Oceanside Zoning Ordinance. The existing restaurant now has food service and serves beer and wine.

The site is in the RDO Gateway Shopping Center on the southeast corner of Oceanside Blvd. and College Avenue in the PBD-GC Zone (Planned Block Development – General Commercial),

The existing Conditional Use Permit was approved on December 4, 2006 for beer and wine service as required by the Planned Block Development Regulations. The restaurant actually opened in October of 2007. There are a total of 24 employees and additional security will be added with the full alcoholic service permit

The restaurant is open until midnight. There is 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 restaurant is governed by the Planned Block Development regulations for the Developers Resource Shopping Center approved in 1990 and the General Commercial Zone. Both require a Conditional Use Permit for an eating and drinking establishment that has full alcoholic service.

A survey of the other businesses in the Center and whether or not they serve alcoholic beverages was conducted for the original use permit. It has been updated for this application and is attached. There are no other full alcohol beverage service establishments in the center. A drive-by survey conducted in early November, 2008 of the other three corners of the intersection of College Blvd. and Oceanside Blvd. revealed no additional full alcohol service businesses.

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. The center is designed for a range of commercial services.
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 Gateway Center and this business are attractively designed and add to the welfare and convenience of the neighborhood. Adding this service will not be detrimental to properties or improvements in the vicinity.

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. Conditions will be attached to the approval of this change, and the applicant has agreed to abide with these conditions.

Wings, Pizza 'N Things Restaurant
Revised Use Permit C-28-06
Management Plan

Intent and Scope

This Management Plan is intended to provide a description of the use and operation of the restaurant located at 4225 Oceanside Blvd.

Uses

The restaurant sells food, beer and wine. Full alcohol beverage service is anticipated.

Hours of Operation

The project will operate from 10 a.m. until 1 a.m. with alcohol beverage service ceasing at 11 p.m.

Employee Parking

Employee parking shall be directed away from the spots closest to the entrance of the building.

Lighting

Standard parking lot lighting is provided. Extra light is provided by bright white lots under the canopy arcade structure along the front of the row of shops.

Storage and Display

Outdoor storage or display of merchandise or material as well as any sales shall conform to the City of Oceanside Zoning Ordinance. There will be no external vending machines.

Signage

Sign permits are required for all signage and are subject to the Comprehensive Sign Program for the Center.

Site Maintenance

The overall shopping center landscaping and other maintenance is conducted by the management of the shopping center. Additionally the security personnel of this restaurant will monitor the areas adjacent to their premises as well as conduct frequent inspections of the nearby parking areas for trash.

Alcohol Related Management

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

2. No alcohol may be sold or served after 11 p.m.
3. Hours of operation are from 10 a.m. to 2 a.m.
4. The restaurant shall be operated in accordance with Section 23038 et. Seq. of the Business and Professions Code. As such, the quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period for the entire business operation. Food sales and alcohol sales must be charged separately and shall not be commingled with any other cost or fee. The applicant/licensee shall at all times maintain records which reflect separately the gross sale of food and the gross sales of alcoholic beverages of the licensed business. For the purposes of this condition, "food" shall mean only food prepared, sold and consumed on premises. Said records shall be kept current on a quarterly basis and shall be made available to the Chief of Police and to the Department of ABC upon demand.
5. The business owner/operator shall maintain a proactive Designated Driver program. The Designated Driver Program shall be reviewed and approved by the Chief of Police prior to the beginning of alcohol sales.
6. The ratio of security personnel to business customers, the number of on-site property and business managers, and the business conditions and times that such personnel and managers shall be employed, shall be stipulated in the final Security Management Plan mentioned below.
7. All security personnel and all managers or supervisors must be trained in and be familiar with the provisions of the security plan and the restrictions as outlined by the ABC and the Conditional Use Permit. The permittee/licensee shall at all times maintain a copy of the Security Plan (mentioned below), ABC restrictions and Conditional use Permit Restrictions. These documents shall be readily available from any manager or security supervisor upon demand of the Chief of Police or his representatives.
8. The Bureau of Security and Investigative Services shall license all security personnel. Security services shall be provided by a fully licensed and approved Security Company with strict monitoring, including the keeping of a daily log by an on-site supervisor furnished by the approved Security Company.
9. All food service employees staffing the premises shall be at least 21 years of age.
10. After 10 p.m. all clients and customers must be 21 years or older unless accompanied by a parent or guardian.
11. All employees engaged in the sale or service of alcoholic beverages, all on site managers and all security personnel, shall be trained and required to attend at least annual training in the safe service of alcohol through a program approved the Chef of Police.
12. All employees shall be given LEADs training either at the premises or as given by the Police Department.
13. The business management or security shall patrol the adjacent parking areas, walkways and vehicular drives to prevent loitering and assure the security of customers. A member of the Security staff shall remain on the premises until all customers have left the area.
14. Any graffiti painted or marked upon the premises or on any adjacent area shall be removed or painted over within 24 hours of either discovery or notification, whichever is earlier. The repainted area shall be consistent in color with the general surrounding color.

15. Neither interior nor exterior pay telephones shall be capable of receiving incoming calls.
16. No coin or token video machines are allowed on the premises
17. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
18. The Chief of Police reserves the right to require additional business security. In addition, the Chief of Police reserves the right to recommend or otherwise effect, further restrictions on the aspects of the approved business operation, including, but not limited to, hours of operation, dance and entertainment, and alcoholic beverage services to prevent recurring violations of laws or recurring violations of the operational restrictions.
19. Security Management Plan – A Security Management Plan reflecting the conditions of approval of the CUP shall be prepared and approved by the Chief of Police and Planning Director prior to the implementation of the Use Permit.

The plan shall contain:

- The Designated Driver Program mentioned above.
- The ratio of security personnel to business customers mentioned above.
- Details of the Security Plan including the nine (9) video cameras and internet monitoring of the premises and adjacent areas, the alarm system in the building, the gated doors.
- Maintenance of the existing bright white lighting under the canopy over the sidewalk in front of the business.
- Posting of signs inside and outside restricting the consumption of alcoholic beverages to the premises.
- The use of certain business measures to promote crime-free premises
- The employment of specific business policy for the operation of compatible and nuisance-free businesses within the neighborhood.
- The Plan shall be maintained on file with the Chief of Police and the Planning Director. Any changes to the Security Management Plan shall be at the discretion of the Chief of Police and must be authorized by the Planning Director.

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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