



PLANNING COMMISSION

STAFF REPORT

DATE: April 21, 2008

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (C-9-08) FOR THE ADDITION OF SPIRITS TO THE EXISTING BEER AND WINE SERVICES AT HOOTERS RESTAURANT LOCATED AT 3186 VISTA WAY. THE PROJECT SITE IS ZONED CS-HO (SPECIAL COMMERCIAL – HIGHWAY ORIENTED) AND IS SITUATED WITHIN THE MIRA COSTA NEIGHBORHOOD. – OCEANSIDE WINGS SPIRITS – OCEANSIDE WINGS, LLC**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 1, Categorical Exemption “Existing Facilities”; and,
- (2) Adopt Planning Commission Resolution No. 2008-P22 approving Conditional Use Permit (C-9-08) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On May 19, 2003, the Planning Commission approved a two-lot subdivision of a 1.87-acre site and the construction of two buildings on the two lots adjacent to the El Camino Country Club and Golf Course (Resolution 2003-P28). Parcel 1 included the Hooter’s restaurant & office building, and Parcel 2 included a future phase office building.

Hooters restaurant has been operating with a valid Department of Alcoholic Beverage Control (ABC) Type 41 License since December 2004. The Type 41 allows for the sale of beer and wine at a bona fide public eating place. In April 2007, the restaurant obtained a Type 47 License. The Type 47 allows for the sale of beer, wine, and spirits at a bona fide public eating place.

In late 2007, staff discovered that Hooters was issued the ABC Type 47 License without the proper local permit. Oceanside Wings, LLC, the owner of Hooters, was notified by the City's Business License office of the need to obtain a Conditional Use Permit. On February 15, 2008, they submitted for Conditional Use Permit C-9-08.

Site Review: The subject site zoning designation is CS-HO (Special Commercial – Highway Oriented District) and the General Plan Land Use Category is SC (Special Commercial). Surrounding land uses include El Camino Golf Course to the north, commercial office buildings and a Holiday Inn Express hotel to the west, State Highway 78 and open space within the City of Carlsbad to the south, and an Extended Stay America hotel to the east. There are also single-family homes to the northwest on the golf course and east beyond the Extended Stay America. The larger neighborhood area encompassing the project site is the Mira Costa Neighborhood.

Project Description: The project application is comprised of one component; Conditional Use Permit (C-9-08) as follows:

Conditional Use Permit (C-9-08) represents a request for the following:

- (a) For the addition of spirits to the existing beer and wine services at Hooters restaurant pursuant to Section 1120 of the Oceanside Zoning Ordinance (OZO).

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

1. General Plan Land Use Element
2. Zoning Ordinance
3. 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 SC (Special Commercial). The proposed project is consistent with 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 1.1 Community Values

Objective: To ensure the enhancement of long term community and neighborhood values through effective land use planning.

Policy B: Land uses shall not significantly distract from nor negatively impact surrounding conforming land uses.

Section 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 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.

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. The hours of alcohol sales have been limited to the hours during which food is served. In addition, the State Department of Alcohol Beverage Control (ABC) license requires that the quarterly sale of alcohol cannot exceed the quarterly sale of food.

Section 1.12 Land Use Compatibility

Objective: To minimize conflicts with adjacent or related land uses.

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 conditional use is subject to and must comply with specific local conditions and additional regulations as deemed necessary by other regulatory or permit authorities. The approval does not relieve the applicant from an obligation to obtain an alcohol license from 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.

2. Zoning Compliance

This project is located in a CS-HO (Special Commercial – Highway Oriented District). Pursuant to the land use regulations of the CS-HO District, an Eating and Drinking Establishment with Full Alcohol Beverage Service is subject to the approval of a Conditional Use Permit. Full Alcohol Beverage Service in conjunction with a bona fide Eating and Drinking Establishment is not considered a regulated use and does not have any locational requirements.

3. Land Use Compatibility with Surrounding Developments

The following table summarizes the land use designations, the zoning, and the land uses in the surrounding neighborhood:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Special Commercial (SC)	Special Commercial – Highway Oriented (CS-HO)	Hooters Restaurant and Corporate Office
North:	Open Space	Open Space	Golf Course
East:	SC; EB-R	CS-HO; Residential Estate-B	Hotel; Single-Family Homes
South:	Caltrans	Caltrans	State Highway 78 City of Carlsbad
West:	SC; PC	CS-HO; Professional Commercial	Hotel; Commercial Buildings

The nearest establishments that serve beer, wine, and spirits are located in the El Camino North shopping center located approximately 1700 feet west of the project site. Hooters restaurant provides food and alcohol services to surrounding commercial businesses, including two hotels and El Camino Golf Course, as well as surrounding residential properties. Notices of the proposed project were sent to all owners and occupants within 1500 feet of the project site. No correspondence in opposition of the project has been received.

DISCUSSION

Issue: Will the addition of spirits to existing beer and wine services at Hooters restaurant negatively impact the surrounding neighborhood?

Recommendation: Hooters restaurant has been operating with a valid Department of Alcoholic Beverage Control (ABC) Type 41 License since December 2004. The Type 41 allows for the sale of beer and wine at a bona fide public eating place. In April 2007, the restaurant obtained a Type 47 License. The Type 47 allows for the sale of beer, wine, and spirits at a bona fide public eating place. In late 2007, staff discovered that Hooters was issued the ABC Type 47 License without the proper local permit. Oceanside Wings, LLC, the owner of Hooters, was notified by the City's Business License office of the need to obtain a Conditional Use Permit. On February 15, 2008, they submitted for Conditional Use Permit C-9-08.

Staff consulted with the Oceanside Police Department as part of project review. Lt. Joe Young, Special Enforcement Section, stated that OPD had no concerns or comments regarding the establishment and except for a few minor incidents when the restaurant first opened four years ago, there have not been any major occurrences to cause concern. OPD is in favor of the project as proposed.

The nearest establishments that serve beer, wine, and spirits are located in the El Camino North shopping center located approximately 1,700 feet west of the project site. Hooters restaurant provides food and alcohol services to surrounding commercial businesses, including two hotels and El Camino Golf Course, as well as surrounding residential properties. Notices of the proposed project were sent to all owners and occupants within 1500 feet of the project site. No correspondence in opposition of the project has been received. Therefore, staff finds that the addition of spirits to the existing beer and wine services at Hooters restaurant will be compatible with the surrounding neighborhood.

ENVIRONMENTAL DETERMINATION

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

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 1500-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. Eleven (11) letters praising the community involvement of Hooters restaurant were submitted by the applicant and are attached to the Staff Report. No additional communication supporting or opposing the project was received during staff review of the application.

SUMMARY

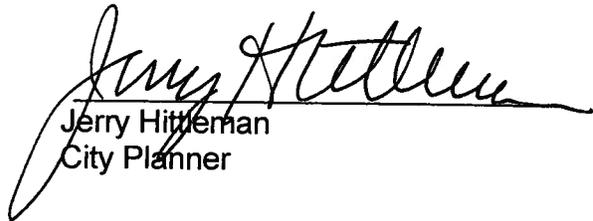
In summary, staff believes that the proposed Conditional Use Permit is consistent with the requirements of the Zoning Ordinance and the policies outlined in the General Plan. The project is compatible with the surrounding neighborhood. As such, staff recommends that the Planning Commission approve the project. The Commission's action should be:

- Move to approve Conditional Use Permit (C-9-08) and adopt Planning Commission Resolution No. 2008-P22 as attached.

PREPARED BY:


Sally Schifman
Planner II

SUBMITTED BY:


Jerry Hittleman
City Planner

REVIEWED BY:


Richard Greenbauer, Senior Planner

JH/SS/fil

Attachments:

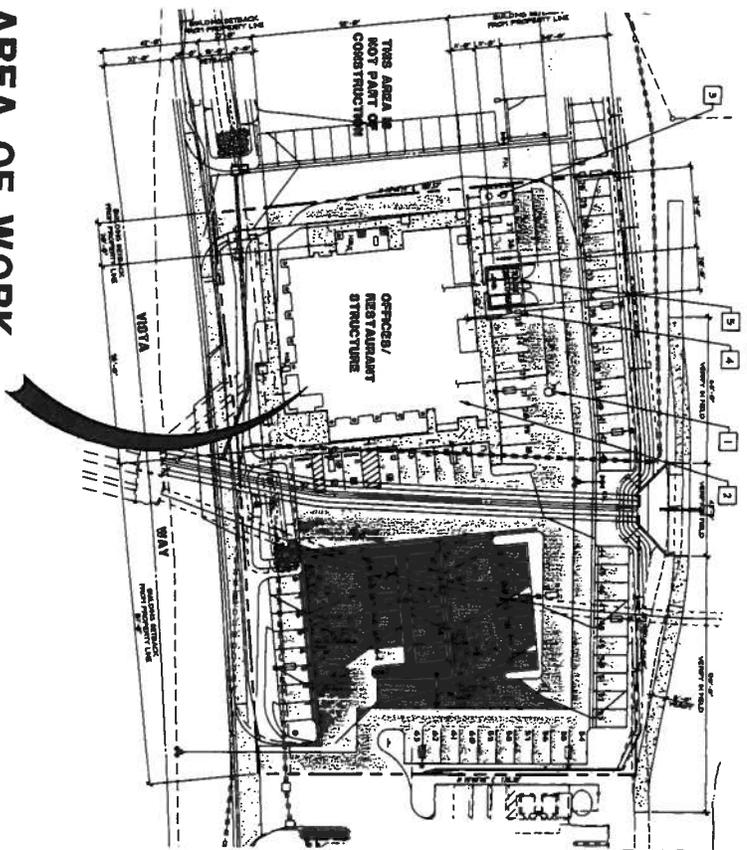
1. Original Hoot Winc Site Plan/Architectural Plans from P-20-02, D-26-02
2. Planning Commission Resolution No. 2008-P22
3. Planning Commission Resolution No. 2003-P28
4. Letters of support

RECEIVED
 FEB 15 2008
 Planning Department

**AREA OF WORK
 ON EXISTING
 FIRST FLOOR**

SITE PLAN
 SCALE: NOT TO SCALE

LEGEND:
 ACCESSIBLE ROUTE
 ON TRAVEL TO
 OCCUPANT LOTS
 (SLOPE IS 2% MAX)



SITE NOTES:

- EXISTING SEWER MANHOLE PER ELEVATION AT 55.63 PER GRADING PLAN SHEET C-3
- EXISTING FINISHED FLOOR (FIRST FLOOR) AT 55.63 PER GRADING PLAN SHEET C-3
- EXISTING CITY WATER METER TO SUPPLY PROVIDED FOR OWNER TO MAINTAIN SECOND AND THIRD FLOOR USAGE
- CONCRETE SLAB IS PROVIDED FOR TRAIL, GARAGE, AND GARAGE BARREL STORAGE. INTERIOR WALL SURFACES ARE TO BE SMOOTH, REPLED AND DASHWASH.



PROJECT DATA:

LAND AREA	50111 SQ. FT. / 1.15 ACRES
TOTAL BUILDING AREA	83200 SQ. FT.
AREA OF WORK - 1ST FLOOR	1318 SQ. FT.
DINING ROOM	1299 SQ. FT.
KITCHEN	190 SQ. FT. / 200
BUILDING HEIGHT	43'-2"
OFF STREET PARKING (RESTAURANT)	56
CONSTRUCTION TYPE	TYPE V, SPRINKLED IN LIEU OF 1 HOUR
ZONING	CA-140
GENERAL PLAN DESIGNATION	CORRECTIONAL
OCCUPANT LISTS	A-3
DINING ROOM	(RESTAURANT)
KITCHEN	(RESTAURANT)

GENERAL NOTES:

- THIS PROJECT SHALL COMPLY WITH THE FOLLOWING CODES, REGULATION OR CONDITIONS:
 1991 EDITION UNIFORM BUILDING CODE
 1991 EDITION UNIFORM MECHANICAL CODE
 2000 EDITION UNIFORM PLUMBING CODE
 1993 EDITION NATIONAL ELECTRICAL CODE
- THE STRUCTURE SHALL BE FIRE SPRINKLED. THE SYSTEM SHALL BE A COMMERCIAL TYPE AND SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S AND GENERAL CONTRACTOR SHALL REVIEW THE DESIGN WITH THE CITY ENGINEER AND GENERAL CONTRACTOR SHALL REVIEW THE DESIGN WITH THE CITY ENGINEER.
- PER SECTION 104.01 WHEN SPRINKLER OR FIRE WITH THE FOLLOWING:
 APPROVED NOTIFICATION APPLICANCES FOR THE SYSTEM SHALL BE STANDARD IN ACCORDANCE WITH NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 72.
 REINFORCED CONCRETE SHALL BE REPAIRED TO ORIGINAL CONDITION.
 ANY OTHER AREA FOR COMMON USE PER SECTION 4.4.5.
- THE ADJACENT AND VISUAL ALWAYS WILL COMPLY WITH THE PROVISIONS OF NPFA 72.
- FIRE ALARMS AND SMOKE DETECTORS SHALL BE PROTECTED AS REQUIRED IN USC SECTIONS 903 AND 100.
- SEE EXISTING GRADING PLAN SHEET C-3 ATTACHED FOR REFERENCE ONLY.

SHEET SCHEDULE

ARCHITECTURAL	A-1	SITE PLAN/PROJECT PLAN - REFERENCE ONLY
ARCHITECTURAL	C-1	EXISTING GRADING PLAN - REFERENCE ONLY
ARCHITECTURAL	A-2	PERMITTED PLANNING PERMIT PLAN
ARCHITECTURAL	A-3	REFLECTED CEILING PLAN
ARCHITECTURAL	A-4	DOOR SCHEDULE
ARCHITECTURAL	A-5	DOOR SCHEDULE
ARCHITECTURAL	A-6	ARCHITECTURAL DETAIL
ARCHITECTURAL	A-7	ARCHITECTURAL DETAIL
ARCHITECTURAL	A-8	ARCHITECTURAL DETAIL
PLUMBING	P-1	PLUMBING LAYOUT
PLUMBING	P-2	PLUMBING ROOF DIAGRAM
PLUMBING	P-3	PLUMBING SCHEDULE
MECHANICAL	M-1	MECHANICAL LAYOUT
MECHANICAL	M-2	MECHANICAL DETAILS
MECHANICAL	M-3	TITLE 24 - ALL ROOM PLAN
MECHANICAL	M-4	KITCHEN HOOD DETAILS
MECHANICAL	M-5	KITCHEN HOOD DETAILS
ELECTRICAL	E-1	ELECTRICAL SCHEDULES
ELECTRICAL	E-2	TITLE 24
ELECTRICAL	E-3	POWER LAYOUT FLOOR PLAN
ELECTRICAL	E-4	LIGHTING LAYOUT CEILING
ELECTRICAL	E-5	SINGLE LINE DIAGRAM
ELECTRICAL	E-6	ROOF POWER PLAN
ELECTRICAL	E-7	ROOF POWER PLAN

DESCRIPTION OF WORK:

FIRST FLOOR RESTAURANT TENANT IMPROVEMENT TO EXISTING SHELL BUILDING PZL 0531 PARCEL 3, NORTHWEST CORNER OF VISTA WAY AND VALLETT GLEN DRIVE, OCEANSIDE, CA

A.P.N.:

150-350-25

OWNER:

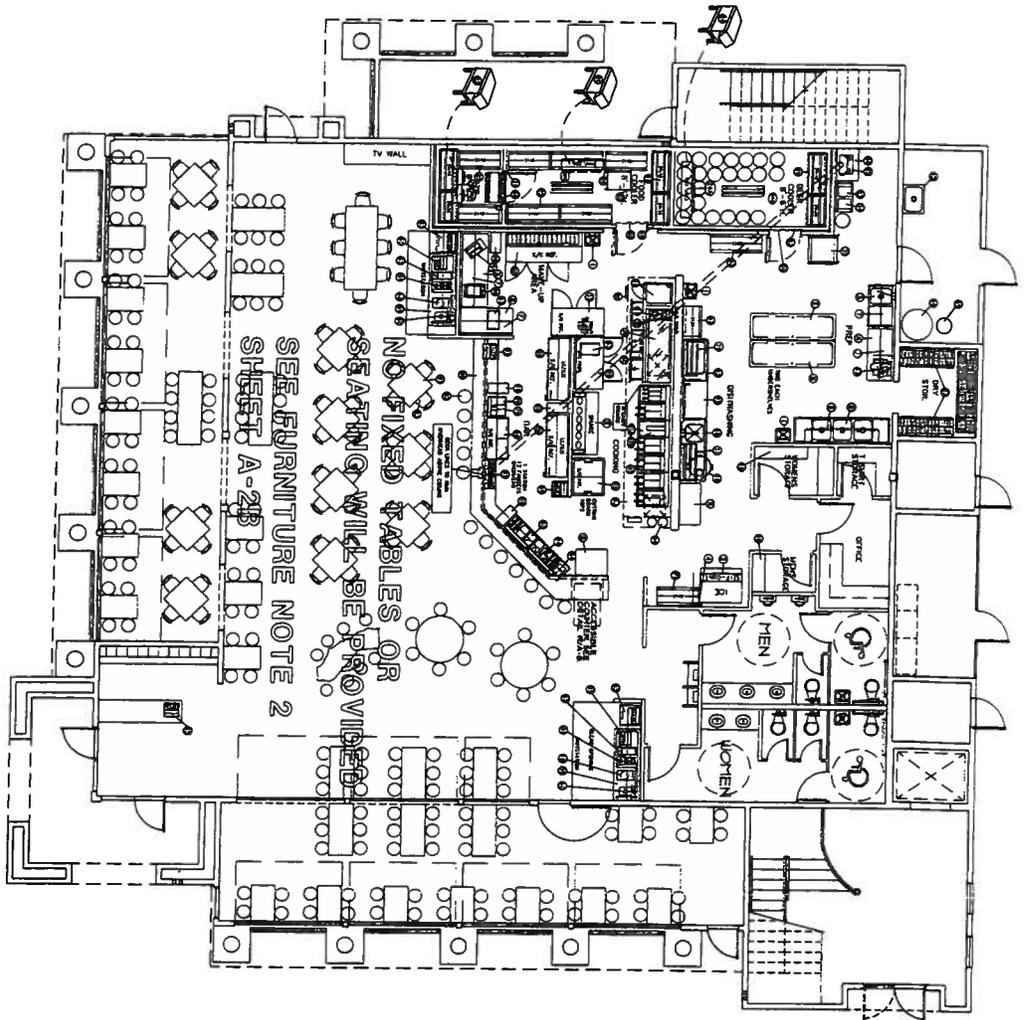
OCEANSIDE UNDS, LLC
 200 WEST GILMAN
 OCEANSIDE, CA 92054
 CONTACT: MR. PETER SHERRILL
 1204 EL CERRILLO RD., SUITE 100A
 OCEANSIDE, CA 92054
 PHONE: (760) 945-3900 EXT. 31
 FAX: (760) 945-3902

ARCHITECT:

KENNETH L. CHERRA, ARCHITECT
 TROY & BINGHAM, PROJECT MANAGER
 4 DESIGN ARCHITECTURE + PLANNING
 OCEANSIDE, CA 92054
 PHONE: (760) 433-1185
 FAX: (760) 433-2800

SITE PLAN





KITCHEN EQUIPMENT AND FURNITURE PLAN
SCALE: 3/8"=1'-0"



- FURNITURE NOTES:**
1. ALL ITEMS PROVIDED BY THE OWNER ARE TO BE PROVIDED BY THE GENERAL CONTRACTOR.
 2. ALL TABLES, CHAIRS AND STools WILL NOT BE FIXED FOR ACCESSIBILITY REASONS. SEE SHEET A-2A.

- NOTE:**
1. ALL ITEMS PROVIDED BY THE OWNER ARE TO BE PROVIDED WITH ALL HOOK-UPS AND GENERAL CONNECTIONS.
 2. OWNER TO SUPPLY WATER SOFTENER, CONTRACTOR TO INSTALL.

NO.	DESCRIPTION	QUANTITY		UNIT PRICE		TOTAL PRICE		REMARKS
		REQD.	PROV.	UNIT	AMOUNT	UNIT	AMOUNT	
1	STAINLESS STEEL SINK	1		1	100.00	1	100.00	
2	STAINLESS STEEL STOVE	1		1	200.00	1	200.00	
3	STAINLESS STEEL RANGE	1		1	150.00	1	150.00	
4	STAINLESS STEEL REFRIG.	1		1	300.00	1	300.00	
5	STAINLESS STEEL DISHWASHER	1		1	120.00	1	120.00	
6	STAINLESS STEEL CUPBOARD	10		10	100.00	10	1000.00	
7	STAINLESS STEEL BASE	10		10	50.00	10	500.00	
8	STAINLESS STEEL ISLAND	1		1	500.00	1	500.00	
9	STAINLESS STEEL SEATING	50		50	20.00	50	1000.00	
10	STAINLESS STEEL TABLES	20		20	50.00	20	1000.00	
11	STAINLESS STEEL CHAIRS	100		100	10.00	100	1000.00	
12	STAINLESS STEEL BAR	1		1	100.00	1	100.00	
13	STAINLESS STEEL BAR SEATING	10		10	20.00	10	200.00	
14	STAINLESS STEEL BAR TABLES	5		5	40.00	5	200.00	
15	STAINLESS STEEL BAR CHAIRS	20		20	10.00	20	200.00	
16	STAINLESS STEEL BAR COUNTER	1		1	100.00	1	100.00	
17	STAINLESS STEEL BAR SINK	1		1	100.00	1	100.00	
18	STAINLESS STEEL BAR SEATING	10		10	20.00	10	200.00	
19	STAINLESS STEEL BAR TABLES	5		5	40.00	5	200.00	
20	STAINLESS STEEL BAR CHAIRS	20		20	10.00	20	200.00	
21	STAINLESS STEEL BAR COUNTER	1		1	100.00	1	100.00	
22	STAINLESS STEEL BAR SINK	1		1	100.00	1	100.00	
23	STAINLESS STEEL BAR SEATING	10		10	20.00	10	200.00	
24	STAINLESS STEEL BAR TABLES	5		5	40.00	5	200.00	
25	STAINLESS STEEL BAR CHAIRS	20		20	10.00	20	200.00	
26	STAINLESS STEEL BAR COUNTER	1		1	100.00	1	100.00	
27	STAINLESS STEEL BAR SINK	1		1	100.00	1	100.00	
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29	STAINLESS STEEL BAR TABLES	5		5	40.00	5	200.00	
30	STAINLESS STEEL BAR CHAIRS	20		20	10.00	20	200.00	
31	STAINLESS STEEL BAR COUNTER	1		1	100.00	1	100.00	
32	STAINLESS STEEL BAR SINK	1		1	100.00	1	100.00	
33	STAINLESS STEEL BAR SEATING	10		10	20.00	10	200.00	
34	STAINLESS STEEL BAR TABLES	5		5	40.00	5	200.00	
35	STAINLESS STEEL BAR CHAIRS	20		20	10.00	20	200.00	
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37	STAINLESS STEEL BAR SINK	1		1	100.00	1	100.00	
38	STAINLESS STEEL BAR SEATING	10		10	20.00	10	200.00	
39	STAINLESS STEEL BAR TABLES	5		5	40.00	5	200.00	
40	STAINLESS STEEL BAR CHAIRS	20		20	10.00	20	200.00	
41	STAINLESS STEEL BAR COUNTER	1		1	100.00	1	100.00	
42	STAINLESS STEEL BAR SINK	1		1	100.00	1	100.00	
43	STAINLESS STEEL BAR SEATING	10		10	20.00	10	200.00	
44	STAINLESS STEEL BAR TABLES	5		5	40.00	5	200.00	
45	STAINLESS STEEL BAR CHAIRS	20		20	10.00	20	200.00	
46	STAINLESS STEEL BAR COUNTER	1		1	100.00	1	100.00	
47	STAINLESS STEEL BAR SINK	1		1	100.00	1	100.00	
48	STAINLESS STEEL BAR SEATING	10		10	20.00	10	200.00	
49	STAINLESS STEEL BAR TABLES	5		5	40.00	5	200.00	
50	STAINLESS STEEL BAR CHAIRS	20		20	10.00	20	200.00	

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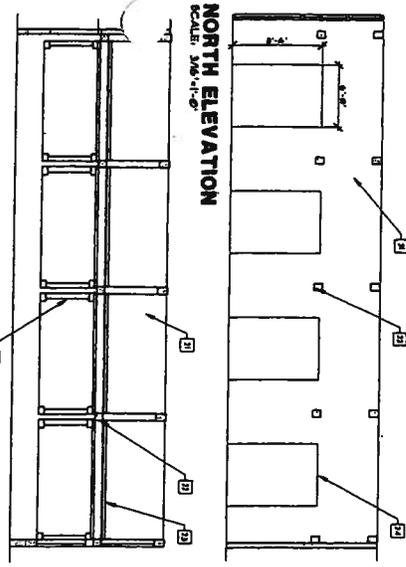
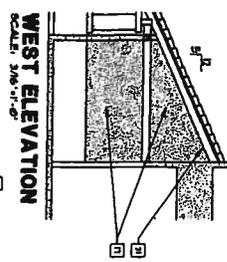
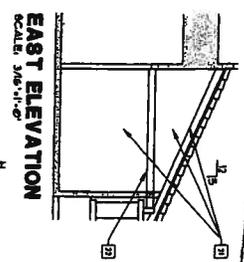
Planning Department

KITCHEN EQUIPMENT AND FURNITURE

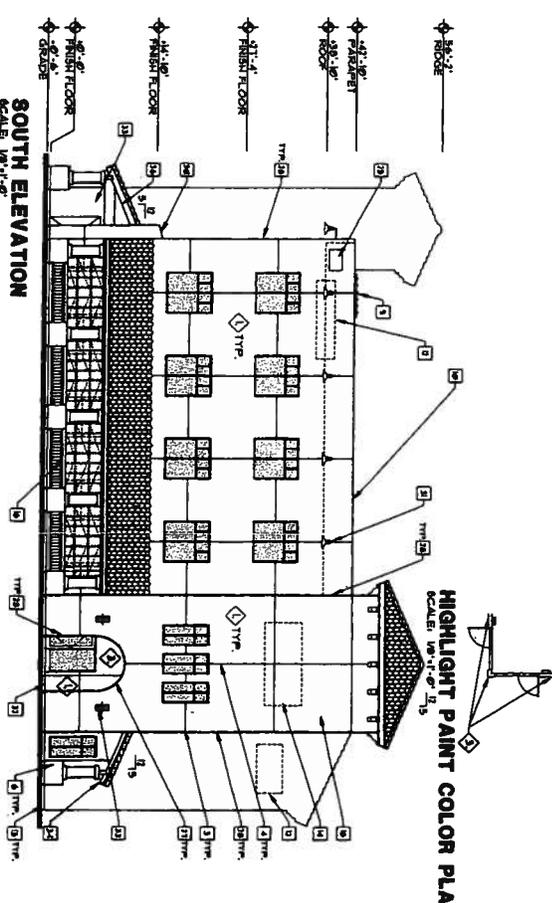
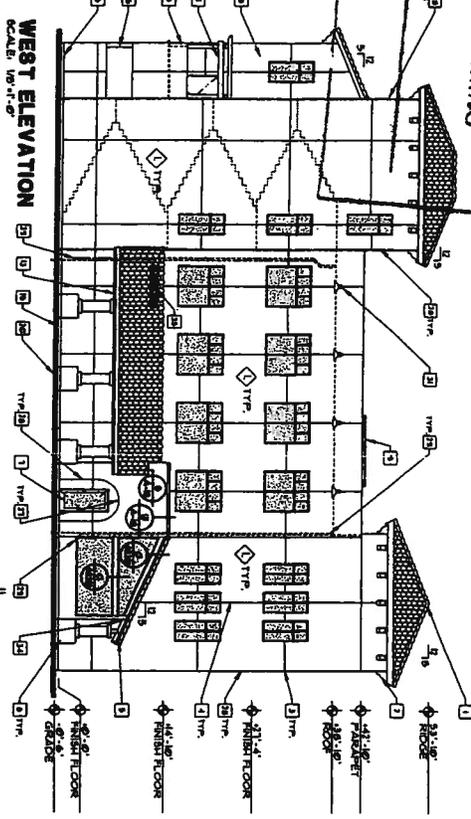
A-2B

02 5-11A

APPROVED AS SUBSTANTIALLY CONFORMING
 Date 2/28/05
 [Signature]



SOUTH PATIO INTERIOR ELEVATIONS

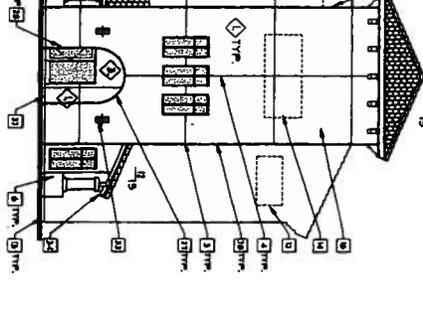


EXTERIOR ELEVATIONS

PAINT SCHEDULE:

- 1. COLUMNS AND BUILDING ORNAMENTATION: VISIA PAINT
- 2. WOOD AND CORNICES: 664 (4) MOCTOL VISIA PAINT
- 3. HIGH LIGHT: T83731 MOCTOL CHANGING MEMBER OUTLINE

HIGHLIGHT PAINT COLOR PLAN



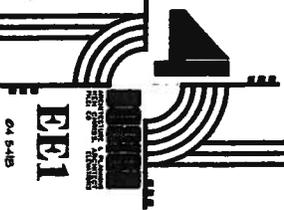
PLAN NOTES:

1. ONE PIECE 3" TILE CLAY TILE ROOFING, SEE ROOF PLAN.
2. CORNER/FRONT CORNER, SEE DETAIL U.A.-11.
3. HORIZONTAL DEFORMATION JOINT, SEE DETAIL U.A.-11.
4. DEFORMATION JOINT, SEE DETAIL U.A.-11.
5. SOUTH PATIO, SEE INTERIOR ELEVATIONS ON SHEET A-12.
6. PAINT COLUMN, SEE DETAIL S AND U.A.-11.
7. SIDE DECK, SEE DETAIL S.A.-11.
8. WEST DECK, SEE DETAIL P AND U.A.-11 AND V.A.-11 AND STRUCTURAL SHEETS.
9. DECK TRAILER, SEE DETAILS N.A. AND P.A.-11.
10. PARAPET, SEE DETAILS L AND V.A.-11.
11. NOT USED.
12. POTENTIAL LOCATION FOR TRAVEL GUIDE PROVIDE ELECTRICAL CONDUIT FOR RUNNER BOX.
13. WEST PATIO, SEE STRUCTURAL SHEETS.
14. RESTAURANT SIGNAGE AREA, A SEPARATE SIGN PACKAGE TO BE SUBMITTED TO THE CITY PLANNING DEPARTMENT TO MEET ORDINANCE REQUIREMENTS AS PART OF TRAVEL RESTAURANT SIGNAGE. ELECTRICAL SHEETS FOR RELATED POWER.
15. WEST PATIO, SEE STRUCTURAL SHEETS.
16. PATIO FINISH, TO BE APPROVED BY OWNER, SEE DETAIL D.A.-11.
17. WINDOW WALL, SEE SHEET A-4 FOR WINDOW KEY.
18. EXTERIOR STUCCO FINISH, SEE CONSTRUCTION MATERIAL SHEET.
19. EXTERIOR CONCRETE FOOTING, PAINT TO MATCH STUCCO.
20. FINISH GRADE, SEE THE ATTACHED CIVIL ENGINEERING DRAWINGS.
21. 5/8" DIAMETAL FINISH.
22. ORNAMENTAL DRYER RAINING AND DRYER BELT, TO BE APPROVED BY OWNER.
23. OVERHEAD GARAGE DOORS, SEE SHEET A-4 FOR DOOR KEY.
24. INTERIOR ORNAMENTA.
25. BUILDING APPROXIMA, SEE DETAIL U.A.-11.
26. STRUCTURAL COLUMN FINISHED IN STUCCO TO MATCH BUILDING EXTERIOR, SEE STRUCTURAL SHEETS.
27. SPORT DUMP ON SOUTH OF ENTRY ARCH, SEE DETAIL V.A.-11.
28. CORNER BEAD AT VERTICAL STUCCO CORNER, SEE DETAIL U.A.-11.
29. ROOF OVERHANG, SEE DETAIL L, R AND U.A.-11.
30. SLOPED STUCCO ROOF, SEE DETAIL U.A.-11.

EXTERIOR ELEVATIONS

AS OF 2/28/05

HOOT WING - BUILDING SHELL



04 5410

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 Planning Department

APPROVED AS SUBSTANTIALLY CONFORMING

2/28/05
Date

B. J. Lee

PLAN NOTES:

1. ONE PIECE WHITE CLAY TILE ROOFING, SEE ROOF PLAN.

2. ORNAMENTAL CORNICE, SEE DETAIL V/A-18.

3. HORIZONTAL EXPANSION JOINT, SEE DETAIL V/A-18.

4. EXPANSION JOINT, SEE DETAIL V/A-18.

5. EAST PATIO, SEE INTERIOR ELEVATION ON SHEET A-13.

6. PATIO COLUMN, SEE DETAIL B AND V/A-11.

7. REAR ENTRANCE, SEE SHEET A-1 FOR DOOR SCHEDULE KEY.

8. SCRAPERS WITH DOWN SPOUT AT SLOPED ROOF, SEE DETAIL V/A-18 AND V/A-11.

9. DRICK TRUSS, SEE DETAILS A, B, AND C.

10. FLASHING, SEE DETAILS L AND V/A-11.

11. NOT USED.

12. ARCHITECTURAL LIGHTING TO BE DIE CAST ALUMINUM WITH LAMP HOUSING IN WATER-COOLANT, JOHN PIERCE AT LAND FOR 888-569-1883 OR OWNER APPROVED EQUAL.

13. WEST PATIO, SEE STRUCTURAL SHEETS.

14. REAR ALUMINUM SIGN PER OWNER, A SEPARATE NON PACKAGED TO BE SUBMITTED TO THE CITY REQUIREMENTS AS PART OF TRAVEL PERMITS/PERMIT, SEE ELECTRICAL SHEETS FOR REQUIRED POWER.

15. STUCCO SCREEN, SEE DETAIL V/A-18.

16. PATIO FINISH TO BE APPROVED BY OWNER, SEE DETAIL D/A-11.

17. OWNER DIRECTOR TO BE FINAL AWARDEE CONTRACTOR TO BE APPROVED BY OWNER. REARAGE STREETS WITH SERVICE DOOR SLANE IN REARAGE STREETS AVOIDED ALTERNATE.

18. FINISH, 48 RINCE AND GATE, SEE DETAILS R AND S/A-11 AND DOOR SCHEDULE.

19. ARCHITECTURAL LIGHTING TO BE DIE CAST ALUMINUM WITH LAMP HOUSING IN WATER-COOLANT, JOHN PIERCE AT LAND FOR 888-569-1883 OR OWNER APPROVED EQUAL.

20. SERVICE TRUSS, SEE DETAILS H, K AND V/A-11.

21. STORE FRONT ENTRANCE, SEE SHEET A-4 FOR DOOR KEY.

22. EXTERIOR STUCCO FINISH, SEE CONSTRUCTION MATERIALS SHEET.

23. INTERIOR ARCH.

24. EXTERIOR CONCRETE FINISH, PAINT TO MATCH STUCCO.

25. FINISH GRADE, SEE THE ATTACHED CIVIL DRAWING SHEET.

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28. OVERHEAD GARAGE DOORS, SEE SHEET A-4 FOR DOOR KEY.

29. SCRAPERS, SEE DETAIL V/A-18.

30. ROOF DRAIN LINES IN THE WALL BEYOND, SEE THE ROOF PLAN FOR DETAIL.

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PLANNING COMMISSION
RESOLUTION NO. 2008-P22

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-9-08
APPLICANT: Oceanside Wings, LLC (Hooters)
LOCATION: 3186 Vista Way

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 Conditional Use Permit C-9-08 under the provisions of Articles 11 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

the addition of spirits to the existing beer & wine services at Hooters restaurant;
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 21st day of April, 2008 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 been found to be exempt from CEQA per Article 19 Section 15301 Existing Facilities;

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

WHEREAS, the documents or other material which constitute the record of proceedings upon which the decision is based will be maintained by the City of Oceanside Planning Division, 300 North Coast Highway, Oceanside, California 92054.

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

FINDINGS:

1. The proposed use is in accord with the objectives of the Zoning Ordinance and the purposes of the Special Commercial land use district. The applicant is asking to add

1 spirits to existing beer and wine services at an existing restaurant. This use is
2 permitted with the approval of a Conditional Use Permit.

3 2. The conditions for the restriction of the conditional use are consistent with the General
4 Plan, will not effect neighborhood compatibility; and will not cause the operation of the
5 conditional use to be detrimental to the welfare of persons or properties working, residing,
6 or otherwise existing in the adjacent neighborhood areas. The hours of alcohol sales have
7 been limited to the hours during which food is served. In addition, the State Department
8 of Alcohol Beverage Control (ABC) license requires that the quarterly sale of alcohol
9 cannot exceed the quarterly sale of food.

10 3. The conditional use is subject to and must comply with specific local conditions and
11 additional regulations as deemed necessary by other regulatory or permit authorities. The
12 approval does not relieve the applicant from an obligation to obtain an alcohol license
13 from ABC. Any license and permit conditions imposed by the ABC and the City Police
14 Chief shall be in addition to the conditions of this approval and the most restrictive
15 conditions shall apply.

16 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
17 approve Conditional Use Permit C-9-08 subject to the following conditions:

18 **Building:**

- 19 1. The granting of approval under this action shall in no way relieve the applicant/project
20 from compliance with all State and local building codes.
21 2. Tenant Improvements or other construction to the existing building requires permits
22 (including all required inspections and approvals, and Issuance of Certificate of
23 Occupancy) from the Building Division.
24 3. Applicable Building Codes and Ordinances shall be based on the date of submittal for
25 Building Division plan check Construction plans submitted to the Building Division
26 after January 1st 2008, must comply with the State adopted ICC codes.

27 **Planning:**

- 28 4. This Conditional Use Permit C-9-08 approves only the addition of spirits to the existing
29 beer and wine services at Hooters 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 City Planner approval.

- 1 5. Planning Commission Resolution No. 2003-P28 is not replaced by this resolution. The
2 conditions herein augment the existing entitlements rendered by the Planning
3 Commission on May 19, 2003. If there is any inconsistency between the conditions in
4 Resolution No. 2003-P28 and the instant conditions, this resolution's conditions shall
5 prevail.
- 6 6. This Conditional Use Permit C-9-08 shall lapse two years from the effective date of
7 approval unless a business license is approved for the addition of spirits to the existing
8 beer and wine services at Hooters restaurant.
- 9 7. This use permit shall lapse if the exercise of rights granted by it is discontinued for six
10 consecutive months.
- 11 8. In the event that this use permit is exercised in violation of a condition of approval or a
12 provision of the Zoning Ordinance, the use permit may be revoked, as provided in
13 Section 4706.
- 14 9. A request for changes in conditions of approval for C-9-08 or a change to the approved
15 plans that would affect a condition of approval shall be treated as a new application.
16 The City Planner may waive the requirements for a new application if the changes
17 requested are minor, do not involve substantial alterations or addition to the plan or the
18 conditions of approval, and are consistent with the intent of the project's approval or
19 otherwise found to be in substantial conformance.
- 20 10. This Conditional Use Permit shall be called for review by the Planning Commission if
21 complaints are filed and verified as valid by the Code Enforcement Office concerning
22 the violation of any of the approved conditions or does not conform with the
23 information contained in or representations made in the application, any supporting
24 material submitted to the City or during any hearing on the application.
- 25 11. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
26 harmless the City of Oceanside, its agents, officers or employees from any claim, action
27 or proceeding against the City, its agents, officers, or employees to attack, set aside,
28 void or annul an approval of the City, concerning Conditional Use Permit C-9-08. The
29 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

1 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
2 harmless the City.

3 12. A covenant or other recordable document approved by the City Attorney shall be
4 prepared by the applicant and recorded within 60 days from the date of project
5 approval. The covenant shall provide that the property is subject to this resolution, and
6 shall generally list the conditions of approval.

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

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

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

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

23 17. Sales service and consumption of alcoholic beverages shall be permitted only between
24 the hours of 9:00 a.m. and 12:00 a.m. (midnight), Sunday through Wednesday and until
25 1:00 a.m. Thursday through Saturday.

26 18. The hours-of-operation shall be reviewed and may be limited by the Planning
27 Commission when valid issues or complaints pertaining to the hours-of-operation arise.

28 19. Any live entertainment shall be limited to the definition in the Zoning Ordinance of
29 "small scale live entertainment."

20. Dancing is prohibited.

- 1 21. There shall be no more than four (4) coin operated games or video machines maintained
2 upon the premises at any time.
- 3 22. There shall be no more than one (1) pool or billiard table maintained upon the premises
4 at any time.
- 5 23. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
- 6 24. The subject alcoholic beverage license shall not be exchanged for a public premises
7 type license nor operated as a public premise.
- 8 25. There shall be no audible music or noise emitting from the premises, which would
9 disturb the quiet and peaceful enjoyment of the property of the tenants and residences of
10 the area.
- 11 26. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food
12 during the same period. The permittee shall at all times maintain sales records, which
13 separately account for gross food sales apart from gross alcohol sales.

14 PASSED AND ADOPTED Resolution No. 2008-P22 on April 21, 2008 by the
15 following vote, to wit:

16 AYES:

17 NAYS:

18 ABSENT:

19 ABSTAIN:

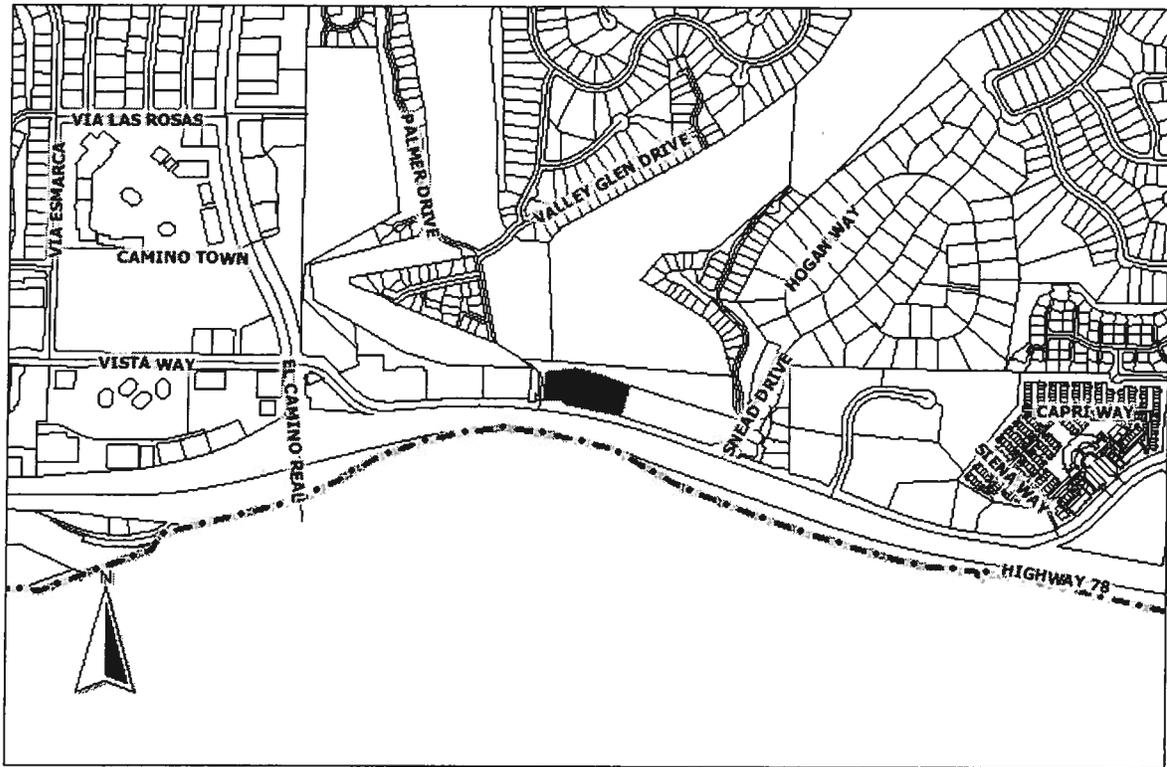
20 _____
Dennis Martinek, Chairman
Oceanside Planning Commission

21 ATTEST:

22 _____
23 Jerry Hittleman, Secretary

24 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
25 this is a true and correct copy of Resolution No. 2008-P22.
26

27 Dated: April 21, 2008
28
29



File Number: C-9-08

Applicant: Oceanside Wings, LLC

Description:

CONDITIONAL USE PERMIT (C-9-08) for the addition of spirits to the existing beer and wine services at Hooters restaurant located at 3186 Vista Way. The project site is zoned CS-HO (Special Commercial – Highway Oriented) and is situated within the Mira Costa Neighborhood.
– **OCEANSIDE WINGS SPIRITS**

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

PLANNING COMMISSION
RESOLUTION NO. 2003-P28

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF OCEANSIDE, CALIFORNIA APPROVING A
TENTATIVE PARCEL MAP AND DEVELOPMENT PLAN ON
CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO:	P-20-02, D-26-02
APPLICANT:	Oceanside Wings, LLC
LOCATION:	Northeast corner of Valley Glen Drive and Vista Way

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 Tentative Parcel Map and Development Plan under the provisions of Articles 11 and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

for a 2-lot subdivision of a 1.87-acre site and a first-phase development of a 17,900 square foot restaurant and office building on Parcel 1 and a second-phase development of a 10,800 square foot office building on Parcel 2;
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 19th day of May, 2003, 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; a Mitigated Negative Declaration has been prepared stating that if the mitigation measures are met there will not be an adverse impact upon the environment;

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:

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Drainage Fee	Ordinance No. 85-23 Resolution No. 89-231	\$2,351 per acre
4			
5	Public Facility Fee	Ordinance No. 91-09 Resolution No. R91-39	\$.441 per square foot
6			
7	School Facilities Mitigation Fee	Ordinance No. 91-34	\$.34 per square foot
8	Traffic Signal Fee	Ordinance No. 87-19	\$7.80 per vehicle trip
9	Thoroughfare Fee (For commercial and industrial please note the .75 per cent discount)	Ordinance No. 83-01	\$177 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
10			
11			
12	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 02-OR-332-1	Fee based on meter size Typical is \$16,512 for 2"
13			
14			
15	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 02-OR-333-1	Based on meter size Typical is \$16,512
16			
17			
18	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2000-3	Based on meter size Typical is \$10,421 for a 2" meter.
19			
20			

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

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

28 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;

1 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN that
2 the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction
3 described in this resolution begins on the effective date of this resolution and any such protest must
4 be in a manner that complies with Section 66020;

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

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

9 FINDINGS:

10 For the Tentative Parcel Map:

- 11 1. The proposed subdivision creates parcels that are congruent with the commercial zoning
12 designation (CS-HO) and the General Plan of the City.
- 13 2. The site is physically suitable to allow the development of restaurant and office buildings
14 totaling 28,700 square feet.
- 15 3. The project was reviewed under the provision of California Environmental Quality Act
16 (CEQA) and has been categorically exempted from review under CEQA.
- 17 4. The design of the subdivision or proposed improvements will not conflict with
18 easements, acquired by the public at large for access through the use of property within
19 this subdivision.
- 20 5. The subdivision complies with all other applicable ordinances, regulations and guidelines
 of the City.

21 For the Development Plan:

- 22 1. The site plan and physical design of the project is consistent with the Zoning Ordinance
23 in that the project has been designed to meet or exceed the Zoning Ordinance standards
24 for the CS-HO zone.
- 25 2. The Development plan conforms to the General Plan of the City.
- 26 3. Public Facilities and infrastructure necessary to serve the project are currently in place, or
27 will be constructed as part of the project.
- 28 4. The project is consistent and compatible with the surrounding industrial neighborhoods.

1 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
2 approve the Mitigated Negative Declaration and approve Tentative Parcel Map (P-20-02) and
3 Development Plan (D-26-02) subject to the following conditions:

4 Building:

- 5 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
6 Building Department plan check.
- 7 2. The granting of approval under this action shall in no way relieve the applicant/project from
8 compliance with all State and local building codes.
- 9 3. Site development, parking, access into buildings and building interiors shall comply with
10 Part 2, Title 24, C.C.R. (Disabled Access - Nonresidential buildings - D.S.A.).
- 11 4. All electrical, communication, CATV, etc. service lines, within the exterior lines of the
12 property shall be underground (City Code Sec. 6.30).
- 13 5. The building plans for this project are required by State law to be prepared by a licensed
14 architect or engineer and must be in compliance with this requirement prior to submittal
15 for building plan review.
- 16 6. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance) and
17 shall be shielded appropriately. Where color rendition is important high-pressure sodium,
18 metal halide or other such lights may be utilized and shall be shown on final building and
19 electrical plans.
- 20 7. The developer shall monitor, supervise and control all building construction and supportive
21 activities so as to prevent these activities from causing a public nuisance, including, but not
22 limited to, strict adherence to the following:
 - 23 a) Building construction work hours shall be limited to between 7 a.m. and 6 p.m.
24 Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not
25 inherently noise-producing. Examples of work not permitted on Saturday are
26 concrete and grout pours, roof nailing and activities of similar noise-producing
27 nature. No work shall be permitted on Sundays and Federal Holidays (New Year's
28 Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except
as allowed for emergency work under the provisions of the City Code Chapter 38
(Noise Ordinance).

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

6 Engineering:

- 7 8. With the exception of access specifically approved herewith, vehicular access rights to
8 Vista Way shall be relinquished to the City from all abutting parcels.
- 9 9. All right-of-way alignments, street dedications, exact geometrics and widths shall be
10 dedicated and improved as required by the City Engineer.
- 11 10. Design and construction of all improvements shall be in accordance with standard plans,
12 specifications of the City and subject to approval by the City Engineer.
- 13 11. Prior to issuance of a building permit all improvement requirements shall be covered by a
14 development agreement and secured with sufficient improvement securities or bonds
15 guaranteeing performance and payment for labor and materials, setting of monuments,
16 and warranty against defective materials and workmanship.
- 17 12. Prior to issuance of a building permit, a phasing plan for the construction of public and
18 private improvements including landscaping shall be approved by the City Engineer.
- 19 13. Legal access shall be provided to all properties currently holding, or having the potential to
20 secure, legal access and to all proposed parcels prior to the filing of the final map.
- 21 14. The developer shall provide public street dedication as required to serve the property.
- 22 15. The approval of the tentative parcel map shall not mean that any closure, vacation, or
23 abandonment of any public street, right of way, easement, or facility proposed, necessary,
24 or required for the project is granted or guaranteed to the developer. The developer is
25 responsible for applying for all closures, vacations, and abandonment's as necessary. The
26 application(s) shall be reviewed and approved or rejected by the City under separate
27 process(es) per codes, ordinances, and policies in effect at the time of the application.
- 28 16. The subdivision shall be recorded as one. The subdivision may be developed in phases. A
 construction-phasing plan for the construction of on-site public and private improvements
 shall be reviewed and approved by the City Engineer prior to the approval of the final map.

1 Prior to the issuance of any building permits all off-site improvements including
2 landscaping, landscaped medians, frontage improvements shall be under construction to the
3 satisfaction of the City Engineer. All improvements shall be constructed prior to the
4 issuance of the first Certificate of Occupancy. The City Engineer shall require the
5 dedication and construction of necessary utilities, arterials and streets and other
6 improvements outside the area of any particular final map, if such is needed for circulation,
7 parking, access or for the welfare or safety of future occupants of the development.

8 17. Where proposed off-site improvements, including but not limited to slopes, public utility
9 facilities, and drainage facilities, are to be constructed, the applicant shall, at his own
10 expense, obtain all necessary easements or other interests in real property and shall dedicate
11 the same to the City as required. The applicant shall provide documentary proof satisfactory
12 to the City that such easements or other interest in real property have been obtained prior to
13 the approval of the final map or issuance of any grading, building or improvement permit
14 for the development. Additionally, the City, may at its sole discretion, require that the
15 applicant obtain at his sole expense a title policy insuring the necessary title for the
16 easement or other interest in real property to have vested with the City or the applicant, as
17 applicable.

18 18. Pursuant to the State Map Act, improvements shall be required at the time of development.
19 A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to
20 these improvement conditions and a certificate setting forth the recordation shall be placed
21 on the map.

22 19. The developer shall monitor, supervise and control all construction and construction-
23 supportive activities, so as to prevent these activities from causing a public nuisance,
24 including but not limited to, insuring strict adherence to the following:

25 a) Dirt, debris and other construction material shall not be deposited on any public
26 street or within the City's storm water conveyance system.

27 b) All grading and related site preparation and construction activities shall be limited
28 to the hours of 7 a.m. to 6 p.m., Monday through Friday, and on Saturday from 7
a.m. to 6 p.m. for work that is not inherently noise-producing unless otherwise
extended or restricted by the City. All work should utilize the latest technology

1 for quiet equipment to the satisfaction of the City Engineer. All on-site
2 construction staging areas shall be as far as possible (minimum 100 feet) from any
3 existing housing development. Because construction noise may still be intrusive
4 in the evening or on holidays, the City Noise Ordinance also prohibits "any
5 disturbing excessive, or offensive noise which causes discomfort or annoyance to
6 reasonable persons of normal sensitivity."

7 c) The construction site shall accommodate the parking of all motor vehicles used by
8 persons working at or providing deliveries to the site.

9 20. All traffic signal contributions, highway thoroughfare fees, park fees, reimbursements, and
10 other applicable charges, fees and deposits shall be paid prior to the issuing of any building
11 permits, in accordance with City Ordinances and policies. The subdivider or developer
12 shall also be required to join into, contribute, or participate in any improvement, lighting, or
13 other special district affecting or affected by this project. Approval of the tentative parcel
14 map shall constitute the developer's approval of such payments, and his agreement to pay
15 for any other similar assessments or charges in effect when any increment is submitted for
16 final map or building permit approval, and to join, contribute, and/or participate in such
17 districts.

18 21. All streets shall be improved with concrete curbs and gutters, streetlights, 5-foot wide
19 sidewalks and pavement, providing a parkway width of at least 10 feet, except where
20 turnouts are provided and unless altered by the City Engineer. All streets shall be improved
21 with street name signs and traffic control devices as directed by the City Engineer and the
22 Transportation Manager.

23 22. Vista Way shall satisfy Secondary Arterial requirements per the City's Street Design
24 Criteria: 84-foot right-of-way improved with a 64-foot wide curb-to-curb street section with
25 a traffic index of 8.0. The improvements are to be half-width plus 12 feet.

26 23. Valley Glen Drive shall satisfy the City's Street Design Criteria. Street design standards
27 shall be contingent on ultimate ADT calculations.

28 24. Driveway entrances onto Vista Way, as well as the intersection of Vista Way at Valley
Glen Drive shall provide ADA compliant handicap ramps.

- 1 25. This project's internal circulation shall remain private and shall be maintained by an
2 association. Appropriate reciprocal access easements shall be conveyed prior to or
3 concurrent with the approval of the final parcel map to the satisfaction of the City
4 Engineer. The pavement sections, traffic indices, alignments, and all geometrics shall
5 meet public street standards. Internal site circulation must meet city standards for turning
6 radii.
- 7 26. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon
8 approved soil tests and traffic indices. The pavement design is to be prepared by the
9 developer's soils engineer and must be approved by the City Engineer, prior to paving.
- 10 27. The developer shall contract with a Soils Engineer to perform R-value testing of the
11 existing pavement on the adjacent streets. The limits of the study shall be the full width
12 of Valley Glen Drive and half width plus twelve feet of Vista Way along the project's
13 frontage. The Developer shall submit a study that shall analyze whether the existing
14 pavement meets current City standards/traffic indices. If the study concludes that the
15 pavement does not meet City standards/traffic indices, rehabilitation/mitigation
16 recommendations shall be included in the study and the Developer shall reconstruct the
17 street per the recommendations to the satisfaction of the City Engineer.
- 18 28. Parking may be permitted on one side of the street where the curb-to-curb width is not
19 less than 32 feet, and on two sides where the width is not less than 36 feet, unless
20 otherwise restricted by the City Engineer, the Transportation Manager, or the Fire
21 Marshal during final engineering design.
- 22 29. An easement granting public access onto Valley Glen Drive shall be obtained prior to
23 beginning of project construction.
- 24 30. Curb radii shall be 35 feet at the intersection of Vista Way at Valley Glen Drive.
- 25 31. The driveway entrance(s) to the project shall conform to applicable San Diego Regional
26 and City standards. The Transportation Manager shall approve the final driveway design.
- 27 32. Sight distance requirements at all street intersections shall conform to the intersection sight
28 distance criteria as provided by the California Department of Transportation Highway
Design Manual.

- 1 33. A traffic control plan shall be prepared according to the City traffic control guidelines and
2 be submitted to and approved by the Transportation Manager prior to the start of work
3 within open City rights-of-way. Traffic control during construction of streets that have been
4 opened to public traffic shall be in accordance with construction signing, marking and other
5 protection as required by the CalTrans Traffic Manual and City Traffic Control Guidelines.
- 6 34. Traffic control during construction adjacent to or within all public streets must meet
7 CalTrans standards and City Traffic Control Guidelines. Traffic control plans shall be in
8 effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.
- 9 35. A haul route shall be obtained at least 7 days prior to the start of hauling operations and
10 must be approved by the Transportation Manager. Hauling operations shall be 8:00 to
11 3:30 p.m. unless approved otherwise.
- 12 36. A left-turn pocket shall be designed and constructed on eastbound Vista Way at Valley Glen
13 Drive. The turn pocket shall be designed with appropriate transitions and storage lengths per
14 CalTrans standards.
- 15 37. The developer will bear the cost of re-designating the westbound curb lane of Vista Way at
16 El Camino Real from an exclusive right-turn lane to a shared through-right lane. The
17 modifications would consist of re-striping, repainting the pavement arrows, changing the
18 signal phasing, and providing new signage that indicates the new geometrics in the
19 westbound direction.
- 20 38. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
21 construction of the project, shall be repaired or replaced as directed by the City Engineer.
- 22 39. At the time of development, if required by NCTD and the City, a bus turnout and bus
23 shelter may be required to be constructed adjacent to the site. Additional right-of-way
24 dedication may be required. The design of the shelter shall be consistent with the design
25 themes of the project and shall be maintained in good repair and cleanliness at all times.
- 26 40. All existing overhead utility lines within the subdivision and/or within any full width
27 street or right-of-way abutting a new subdivision, and all new extension services for the
28 development of the project, including but not limited to, electrical, cable and telephone,
shall be placed underground per Section 901.G. of the Subdivision Ordinance (R91-166)
and as required by the City Engineer and current City policy.

- 1 41. Streetlights shall satisfy current City requirements along all street frontages of the project.
2 The system shall be designed and secured prior to the recordation of map or building permit
3 issuance, if a map is not recorded. The developer shall pay all applicable fees, energy
4 charges, and/or assessments associated with City-owned (LS-2 rate schedule) streetlights
5 and shall also agree to the formulation of, or the annexation to, any appropriate street
6 lighting district.
- 7 42. The developer shall comply with all the provisions of the City's cable television ordinances
8 including those relating to notification as required by the City Engineer.
- 9 43. The developer shall install 2 inch PVC conduit, together with 1/4-inch pull- rope and pull-
10 boxes at 400 feet intervals for future signal interconnect cable on all arterial-level or above,
11 streets.
- 12 44. Grading and drainage facilities shall be designed to adequately accommodate the local
13 storm water runoff and shall be in accordance with the City Engineer's Manual and as
14 directed by the City Engineer.
- 15 45. The applicant shall obtain any necessary permits and clearances from all public agencies
16 having jurisdiction over the project due to its type, size, or location, including but not
17 limited to the U.S. Army Corps of Engineers, California Department of Fish & Game, U.S.
18 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 46. Prior to any grading of any part of the project, a comprehensive soils and geologic
22 investigation shall be conducted of the soils, slopes, and formations in the project. All
23 necessary measures shall be taken and implemented to assure slope stability, erosion
24 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
25 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by
26 the City Engineer.
- 27 47. This project shall provide year-round erosion control including measures for the site
28 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
control plan, designed for all proposed stages of construction, shall be reviewed, secured by
the applicant with cash securities and approved by the City Engineer.

1 48. A precise grading and private improvement plan shall be prepared, reviewed, secured and
2 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
3 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, signage and
4 footprints of all structures, walls, drainage devices and utility services. Parking lot striping
5 and any on site traffic calming devices shall be shown on all Precise Grading and Private
6 Improvement Plans.

7 49. Landscaping plans, including plans for the construction of walls, fences or other structures
8 at or near intersections, must conform to intersection sight distance requirements.
9 Landscape and irrigation plans for disturbed areas must be submitted to the City Engineer
10 prior to the issuance of a preliminary grading permit and approved by the City Engineer
11 prior to the issuance of building permits. Frontage and median landscaping shall be
12 installed prior to the issuance of any building permits. Project fences, sound or privacy
13 walls and monument entry walls/signs shall be designed, reviewed and constructed by the
14 landscape plans and shown for location only on grading plans. Plantable, segmental walls
15 shall be designed, reviewed and constructed by the grading plans and landscaped/irrigated
16 through project landscape plans. All plans must be approved by the City Engineer and a
17 pre-construction meeting held, prior to the start of any improvements.

18 50. Open space areas and down-sloped areas visible from a collector-level or above roadway
19 and not readily maintained by an individual property owner, shall be maintained by an
20 association that will insure installation and maintenance of landscaping in perpetuity. These
21 areas shall be indicated on the final map and reserved for an association. Future buyers shall
22 be made aware of any estimated monthly costs. The disclosure, together with the CC&R's,
23 shall be submitted to the City Engineer for review prior to the recordation of final map. In
24 the event the association dissolves, responsibility for irrigation and maintenance of the
25 slopes (open space areas) adjacent to each property shall become that of the individual
26 property owner.

27 51. The drainage design on the development plan/tentative map is conceptual only. The final
28 design shall be based upon a hydrologic/hydraulic study to be approved by the City
Engineer during final engineering. All drainage picked up in an underground system shall
remain underground until it is discharged into an approved channel, or as otherwise

1 approved by the City Engineer. All public storm drains shall be shown on City standard
2 plan and profile sheets. All required on-site storm drain easements all be dedicated prior to
3 or concurrent with the approval of the parcel map. The applicant shall be responsible for
4 obtaining any off-site easements for storm drainage facilities. Requirements for the
5 location, size, and accessibility of all easements shall be approved by the City Engineer at
6 the time of final engineering.

7 52. Storm drain facilities shall be designed and located such that the inside travel lanes on Vista
8 Way shall be passable during conditions of a 100-year frequency storm.

9 53. Grading and drainage facilities shall be designed to adequately accommodate the local
10 storm water runoff and shall be in accordance with the City Engineer's Manual and as
11 directed by the City Engineer.

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

15 55. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high
16 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose
17 exceeding 4 feet in height which are adjacent to an arterial street or state highway.

18 56. The development shall comply with all applicable regulations established by the U.S.
19 Environmental Protection Agency (USEPA) as set forth in the National Pollutant
20 Discharge Elimination System (N.P.D.E.S.) permit requirements for urban runoff and
21 storm water discharge and any regulations adopted by the City pursuant to the N.P.D.E.S.
22 regulations or requirements. Further, the developer may be required to file a Notice of
23 Intent with the State Water Resources Control Board to obtain coverage under the
24 N.P.D.E.S. General Permit for Storm Water Discharges Associated with Construction
25 Activity and may be required to implement a Storm Water Pollution Prevention Plan
26 (SWPPP) concurrent with the commencement of grading activities. SWPPPs include
27 both construction and post construction pollution prevention and pollution control
28 measures and shall identify funding mechanisms for post construction control measures.
The developer shall comply with all the provisions of the Clean Water Program during
and after all phases of the development process, including but not limited to: mass

1 grading, rough grading, construction of street and landscaping improvements, and
2 construction of dwelling units. The applicant shall design the Project's storm drains and
3 other drainage facilities to include Best Management Practices to minimize non-point
4 source pollution, satisfactory to the City Engineer.

5 57. Upon acceptance of any fee waiver or reduction by the Developer/Subdivider, the entire
6 project will be subject to prevailing wage requirements as specified by Labor Code
7 section 1720(b)(4). The Developer/Subdivider shall agree to execute a form
8 acknowledging the prevailing wage requirements prior to the granting of any fee
9 reductions or waivers.

10 58. The Developer/Subdivider shall submit an Operations & Maintenance (O&M) Plan and
11 Manual to the Engineering Division with the first submittal of engineering plans. The
12 Plan and the Manual shall be prepared by the applicant's Civil Engineer. It shall be
13 directly based on the project's Storm Water Mitigation Plan (SWMP) previously
14 approved by the project's approving authority (Planning Commission/City Council). It
15 shall be approved by the City Engineer prior to approval of any plans by the Engineering
16 Division. At a minimum the O&M Plan and Manual shall describe the designated
17 responsible parties to manage the storm water BMP(s), employee's training program and
18 duties, operating schedule, maintenance frequency, routine service schedule, specific
19 maintenance activities, copies of resource agency permits, and any other necessary
20 activities. Construction-phase requirements proposed in the Plan and Manual shall be
21 incorporated in and referenced by the project's Erosion Control Plans to the satisfaction
22 of the City Engineer prior to approval of any construction plans for the project.

23 59. The Developer/Subdivider shall enter into a City-Standard Stormwater Facilities
24 Maintenance Agreement with the City obliging the project proponent and their successors
25 in interest to maintain, repair and replace the storm water Best Management Practices
26 (BMPs) identified in the project's approved Storm Water Mitigation Plan (SWMP), as
27 detailed in the O&M Plan and Manual into perpetuity. The Agreement shall be approved
28 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 perpetual traditional bond or an irrevocable letter of credit shall be

1 required prior to issuance of a precise grading permit. The amount of the security shall be
2 equal to 10 years of maintenance costs. The O&M cost estimate shall be prepared by the
3 applicant's Civil Engineer. The O&M cost estimate shall be approved by the City
4 Engineer prior to approval of any engineering plans for the project.

5 60. The City requires that a copy of the Operation & Maintenance (O&M) Plan and Manual
6 approved by the City Engineer be attached to the approved Maintenance Agreement prior
7 to its review by the City Attorney. At a minimum, maintenance agreements shall require
8 the inspection and servicing of all structural BMPs on an annual basis. The project
9 proponent shall complete and maintain O&M forms to document all maintenance
10 requirements. Parties responsible for the O&M plan shall retain records for at least 5
11 years. These documents shall be made available to the City for inspection upon request at
any time.

12 61. The Agreement shall include a copy of executed onsite and offsite access easements
13 necessary for the operation and maintenance of BMPs that shall be binding on the land
14 throughout the life of the project to the benefit of the party responsible for the O&M of
15 BMPs, until such time that the storm water BMP requiring access is replaced, satisfactory
16 to the City Engineer.

17 62. The type, model, or dimensions of the BMPs described in the project's approved Storm
18 Water Mitigation Plan (SWMP) shall not be altered in any way, shape or form without
19 formal approval by the project's final approving authority Planning Commission at a
20 public hearing, if such hearing was required for the approval of the project.

21 Fire:

22 63. A minimum fire flow of 2,000 gallons per minute shall be provided.

23 64. The fire hydrants shall be installed and tested prior to placing any combustible materials
on the job site.

24 65. All weather access roads shall be installed and made serviceable prior to and during time
25 of construction. Sec. 902. Uniform Fire Code.

26 66. A fire apparatus access road shall be provided to within 150 feet of all exterior walls of
27 the first floor of the building. The route of the fire apparatus access road shall be
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approved by the fire department. The 150 feet is measured by means of an unobstructed route around the exterior of the building.

67. Apparatus access roads shall have a minimum unobstructed width of 28 feet. A minimum vertical clearance of 14 feet shall be provided for the apparatus access roads.

68. A "Knox" key storage box shall be provided for ALL new construction. For buildings, other than high-rise, a minimum of 3 complete sets of keys shall be provided. Keys shall be provided for all exterior entry doors, fire protection equipment control rooms, mechanical and electrical rooms, elevator controls and equipment spaces, etc. For high-rise buildings, 6 complete sets are required.

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

70. An automatic fire extinguishing system complying with UL300 shall be provided to protect commercial-type cooking or heating equipment that produces grease-laden vapors. A separate plan submittal is required for the installation of the system and shall be in accordance with U.F.C. Article 10 NFPA 17A and NFPA 96. Provide a class "K" type portable fire extinguisher within 30 feet of the kitchen appliances emitting grease-laden vapors.

71. The fire department connection shall not be affixed to the building. The fire department connection must be located at least 40 feet away from the building, within 40 feet of a fire hydrant and on the address side of the building, unless otherwise determined by the fire department. The hydrant shall be located on the same side of the street as the fire department connection.

72. Buildings shall meet Oceanside Sprinkler Ordinance in effect at the time of building permit application.

73. In accordance with the Uniform Fire Code Sec. 901.1.4.4., approved addresses for Commercial, Industrial, and Residential Occupancies shall be placed on the structure in such a position as to be plainly visible and legible from the street or roadway fronting the property. Numbers shall contrast with their background.

74. Commercial buildings and Multi-family dwellings require 6-inch address numbers.

1 75. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
2 approval prior to the issuance of building permits.

3 76. Buildings shall meet Oceanside Fire Department's current adopted codes at the time of
4 building permit application.

5 Planning:

6 77. This Tentative Parcel Map and Development Plan shall expire on May 19, 2005, unless a
7 time extension is granted by the Planning Commission.

8 78. This Tentative Parcel Map and Development Plan approves only for a 2-lot subdivision of a
9 1.87-acre site and a first-phase development of a 17,900 square foot restaurant and office
10 building on Parcel 1 as shown on the plans and exhibits presented to the Planning
11 Commission for review and approval and a second-phase development of a 10,800 square
12 foot office building on Parcel 2. Floor plans and elevations for the second phase
13 development of the 10,800 square foot office building are subject to the review and
14 approval of the Planning Commission. No deviation from these approved plans and
15 exhibits shall occur without Planning Department approval. Substantial deviations shall
require a revision to the Development Plan or a new Development Plan.

16 79. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
17 harmless the City, its agents, officers or employees from any claim, action or proceeding
18 against the City, its agents, officers, or employees to attack, set aside, void or annul an
19 approval of the City, concerning Tentative Parcel Map P-20-02 and Development Plan D-
20 26-02. The City will promptly notify the applicant of any such claim, action or
21 proceeding against the city and will cooperate fully in the defense. If the City fails to
22 promptly notify the applicant of any such claim action or proceeding or fails to cooperate
23 fully in the defense, the applicant shall not, thereafter, be responsible to defend,
indemnify or hold harmless the City.

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

28

1 81. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water
2 Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall be
3 reviewed and approved by the City Engineer and Planning Director prior to the issuance of
4 building permits. Landscaping shall not be installed until bonds have been posted, fees
5 paid, and plans signed for final approval. The following special landscaping requirements
6 shall be met:

- 7 a) Median and parkway tree plantings along collector and arterial roads shall be a
8 minimum of two-inch diameter trees so as to ensure a mature landscape theme is
9 achieved in a reasonable amount of time.
- 10 b) The developer shall be responsible for irrigating and landscaping all embankments
11 within the project, and all slopes along major streets.
- 12 c) Arterial street trees in parkways shall be planted at a minimum of 30 feet on center,
13 each side of street, as a solitary planting. Approved root barriers shall be
14 incorporated.

15 82. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and in
16 any adjoining public parkways shall be permanently maintained by the owner, his assigns or
17 any successors in interest in the property. The maintenance program shall include normal
18 care and irrigation of the landscaping; repair and replacement of plant materials; irrigation
19 systems as necessary; and general cleanup of the landscaped and open areas, parking lots
20 and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City
21 taking all appropriate enforcement actions by all acceptable means including but not limited
22 to citations and/or actual work with costs charged to or recorded against the owner. This
23 condition shall be recorded with the covenant required by this Resolution.

24 83. Trash enclosures must be provided as required by Chapter 13 of the City Code and shall
25 also include additional space for storage and collection of recyclable materials per City
26 standards. Recycling is required by City Ordinance. The enclosures must be built in a flat,
27 accessible location as determined by the City Engineer. The enclosures shall meet City
28 standards including being constructed of concrete block, reinforced with Rebar and filled
with cement. A concrete slab must be poured with a berm on the inside of the enclosure to
prevent the bins from striking the block walls. The slab must extend out of the enclosure

1 for the bins to roll out onto. Steel posts must be set in front of the enclosure with solid
2 metal gates. All driveways and service access areas must be designed to sustain the weight
3 of a 50,000-pound service vehicle. Trash enclosures and driveways and service access areas
4 shall be shown on both the improvement and landscape plans submitted to the City
5 Engineer. The specifications shall be reviewed and approved by the City Engineer. The
6 City's waste disposal contractor is required to access private property to service the trash
7 enclosures, a service agreement must be signed by the property owner and shall remain in
8 effect for the life of the project. All trash enclosures shall be designed to provide user
9 access without the use and opening of the service doors for the bins. Trash enclosures shall
10 have design features such as materials and trim similar to that of the rest of the project. This
11 design shall be shown on the landscape plans and shall be approved by the Planning
12 Director.

12 84. A covenant or other recordable document, approved by the City Attorney, shall be prepared
13 by the subdivider and recorded prior to the approval of the final map. The covenant shall
14 provide that the property is subject to this Resolution, and shall generally list the conditions
15 of approval.

16 85. The project shall prepare a Management Plan. The Management Plan is subject to the
17 review and approval of the Planning Director and the Police Chief prior to the occupancy of
18 the project, and shall be recorded as CC&R's against the property. The Management Plan
19 shall cover the following:

- 20 a) Security - The Management Plan, at a minimum, shall address on-site management,
21 hours-of-operation and measures for providing appropriate security for the project
22 site.
- 23 b) Maintenance - The Management Plan shall cover, but not be limited to, anti-
24 graffiti and site and exterior building, landscaping, parking lots, sidewalks,
25 walkways and overall site maintenance measures and shall ensure that a high
26 standard of maintenance exists at this site at all times. The maintenance portion
27 of the Management Plan shall include a commitment for the sweeping and
28 cleaning of parking lots, sidewalks and other concrete surfaces at sufficient
intervals to maintain a "like new" appearance. Wastewater, sediment, trash or

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other pollutants shall be collected on site and properly disposed of and shall not be discharged off the property or into the City's storm drain system.

c) Any graffiti within the center shall be removed by the center management or its designated representative within 24 hours of occurrence. Any new paint used to cover graffiti shall match the existing color scheme.

86. 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 Department. These requirements, including the obligation to remove or cover with matching paint all graffiti within 24 hours, shall be noted on the Landscape Plan and shall be recorded in the form of a covenant affecting the subject property.

87. 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.

88. Failure to meet any conditions of approval for this development shall constitute a violation of the Parcel Map and Development Plan.

89. All signage shall meet the requirements of the Sign Ordinance and be approved by the Planning Director.

90. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially the same as those approved by the Planning Commission. These shall be shown on plans submitted to the Building Department and Planning Department.

91. The developer shall contribute to the cost of redesigning the westbound curb lane of Vista Way at El Camino Real from an exclusive right-turn lane to a shared through right lane. The modifications would consist of re-striping, repainting the pavement arrows, changing the signal phasing and providing new signage that indicates the new geometrics in the westbound direction.

92. Any live entertainment shall be limited to the definition in the Zoning Ordinance of "small scale live entertainment" found in Section 450 J.2: there shall be three or fewer

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performers and entertainment shall only be provided between 11 a.m. and 11 p.m. Monday through Thursday and 11 a.m. to 1 a.m Friday and Saturday.

93. 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.

94. Sales service and consumption of alcoholic beverages shall be permitted only between the hours of 9:00 a.m. and midnight Sunday through Wednesday and until 1:00 a.m. Thursday through Saturday.

95. Dancing is prohibited.

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

97. There shall be no pool or billiard tables maintained upon the premises at any time.

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

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

100. The sale of alcoholic beverages is limited to beer and wine.

101. 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 surrounding area.

102. 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.

Water Utilities:

103. All public water and/or sewer facilities not located within the public right-of-way shall be provided with easements sized according to the Engineer's Manual. Easements shall be constructed for all weather access.

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

1 105. The property owner will maintain private water and wastewater utilities located on private
2 property.

3 106. A separate irrigation meter and approved backflow prevention device is required.

4 107. The developer shall construct a public reclamation water system that will serve each lot
5 and/or parcels that are located in the proposed project in accordance with the City
6 Ordinance No. 91-15. The proposed reclamation water system shall be located in the public
7 right-of-way or in a public utility easement.

8 108. The developer will be responsible for developing all water and sewer utilities necessary to
9 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
10 the developer and shall be done by an approved licensed contractor at the developer's
11 expense.

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

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

19 111. All Water and Wastewater construction shall conform to the most recent edition of the
20 City Engineer's Manual, or as approved by the Water Utilities Director.

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112. The proposed water system shall be looped.

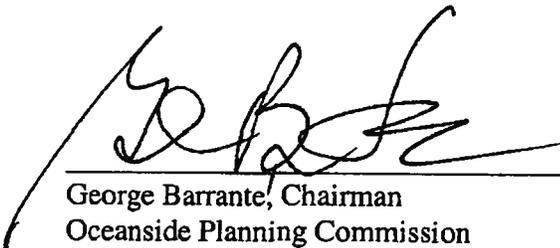
PASSED AND ADOPTED Resolution No. 2003-P28 on May 19, 2003 by the following vote, to wit:

AYES: Barrante, Chadwick, Nack, Neal, Parker, Todd and Schaffer

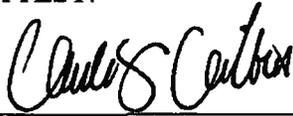
NAYS: None

ABSENT: None

ABSTAIN: None


George Barrante, Chairman
Oceanside Planning Commission

ATTEST:


Gerald S. Gilbert, Secretary

I, GERALD S. GILBERT, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2003-P28.

Dated: May 19, 2003

RECEIVED

OCT 17 2002

Legal Description

Planning Department

Parcel A:

Parcel 1 of Parcel Map No. 18021, in the City of Oceanside, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, April 24, 1998 as File No. 1998-0237100 of Official Records.

Parcel B:

A non-exclusive perpetual easement for the purpose of vehicular and pedestrian ingress and egress over and across Parcel 2 of Parcel Map No. 18021 herein above described, being further set forth and described in Paragraph 2.2 of that certain Reciprocal Easement Agreement and Declaration of Covenants, Conditions and Restrictions recorded April 29, 1998 as File No. 1998-0243545 of Official Records. Said easement is additional shown on an A.L.T.A. Survey, prepared by Buccola Engineering, Inc., dated July 17, 2002.

Parcel C:

A non-exclusive perpetual easement for the drainage of storm waters, over and across Parcel 2 of Parcel Map No. 18021 herein above described, being further set forth and described in Paragraph 4 of that certain Reciprocal Easement Agreement and Declaration of Covenants, Conditions and Restrictions recorded April 29, 1998 as File No. 1998-0243545 of Official Records.

Parcel D:

A non-exclusive perpetual easement for the installation, operation, flow, passage, use, maintenance, repair, replacement, relocation and removal of utility lines, over and across Parcel 2 of Parcel Map No. 18021 herein above described, being further set forth and described in Paragraph 3.1 of that certain Reciprocal Easement Agreement and Declaration of Covenants, Conditions and Restrictions recorded April 29, 1998 as File No. 1998-0243545 of Official Records.

APN: 165-350-36-00



CITY OF OCEANSIDE
PLANNING DEPARTMENT

RECEIVED

APR 23 2003

NEGATIVE DECLARATION

Planning Department

TO OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

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

PROJECT TITLE AND FILE NUMBER:
HOOT WINC PROJECT (D-26-02, P-20-02)

PROJECT LOCATION:
North side of Vista Way, east of Valley Glen Drive.

PROJECT DESCRIPTION:

The proposed project is development of a commercial office building on Parcel 1 and provision of a future office pad site with no development proposed at this time on Parcel 2.

FINDING: Pursuant to the provisions of Ordinance No. 88-31, pertaining to procedures and guidelines to implement the California Environmental Quality Act (Public Resources Code Section 21000 et. al.), the proposed project has been reviewed by the Environmental Review Committee established by ordinance to be responsible for evaluating the information. The Environmental Review Committee, after study of the facts and findings, has on April 7, 2003, determined that the project will not have a significant affect on the environment.

THE PROJECT WAS DETERMINED TO HAVE NO MAJOR SIGNIFICANT ADVERSE EFFECT UPON THE ENVIRONMENT.

THE PROJECT WAS DETERMINED TO HAVE NO MAJOR SIGNIFICANT ADVERSE EFFECTS UPON THE ENVIRONMENT PER COMPLIANCE WITH THE FOLLOWING CONDITIONS:

See attached Initial Study

Initial Study prepared by:
Jerry Hittlerman, Senior Planner

Contact Person:
Gene Ybarra, Senior Planner

The Initial Study is available for public review and may be examined at:

City of Oceanside
Planning Department
300 N. Coast Highway
Oceanside, CA 92054



SIGNATURE For: Gerald Gilbert, Planning Director
April 22, 2003
DATE

CITY OF OCEANSIDE

INITIAL STUDY CHECKLIST

1. Project Title: **HOOTWINC PROJECT (D-26-02, P-20-02 REVISION)**

2. Lead Agency Name and Address:

City of Oceanside
Planning Department
300 North Coast Highway
Oceanside, California 92054

3. Contact Person and Phone Number:

Jerry Hittleman
(760) 435-3535
(760) 435-3538 - fax

4. Project Location:

North side of Vista Way, east of Valley Glen Drive.

5. Project Sponsor's Name and Address:

Oceanside Wings, LLC
2204 El Camino Real, Suite 104
Oceanside, CA 92056
Phil Buccola
760-721-2000

6. General Plan Designation:

Commercial Special (CS)

7. Zoning:

Community Special – Highway Oriented (CSHO)

8. Description of Project:

The proposed project is development of a commercial office building on Parcel 1 and provision of a future pad site with no development on Parcel 2 at this time. The Parcel 1 building will be comprised of an approximately 7,600-square foot restaurant on the ground floor with a total of 10,200 square feet of office space on the second and third floors for a grand total of 17,900 square feet in the Parcel 1 building. Parcel 2 will not be developed at this time, but could have up to 10,800 square feet of office space in the future. The total site area is 1.868 acres; Parcel 1 is 1.147 acres and Parcel 2 is 0.720 acre.

Access to the site will be via two access points from Vista Way, one shared with Extended Stay to the east. The other access point will be from Valley Glen Drive. Valley Glen Drive is a private access road for El Camino Country Club and a housing development around the golf course. A total of 82 parking spaces will be provided for Parcel 1 and 45 spaces for future users of Parcel 2. The site has been previously graded and will require minimal site work for development.

9. **Surrounding Land Uses and Setting:**

The site is located at the northeast corner of Vista Way and Valley Glen Drive. The 1.868-acre site is presently vacant and was previously disturbed by development of adjacent parcels. Vista Way and State Route 78 are located to the south of the site; the El Camino Country Club with a golf course, tennis courts and other amenities is located to the north; an Extended Stay America Hotel is located to the east; and land to the west is the Days Inn. A petroleum pipeline bisects the eastern portion of the site in an existing easement. The site contains no native vegetation or habitat.

10. **Other agencies whose approval is required:**

None

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | | | | |
|------------------------|--------------------------|------------------------------------|-------------------------------------|------------------------|--------------------------|
| Land Use and Planning | <input type="checkbox"/> | Transportation/Circulation | <input checked="" type="checkbox"/> | Public Services | <input type="checkbox"/> |
| Population and Housing | <input type="checkbox"/> | Biological Resources | <input type="checkbox"/> | Utilities/Service Sys. | <input type="checkbox"/> |
| Geological Problems | <input type="checkbox"/> | Energy and Mineral Resources | <input type="checkbox"/> | Aesthetics | <input type="checkbox"/> |
| Water | <input type="checkbox"/> | Hazards | <input type="checkbox"/> | Cultural Resources | <input type="checkbox"/> |
| Air Quality | <input type="checkbox"/> | Noise | <input type="checkbox"/> | Recreation | <input type="checkbox"/> |
| | | Mandatory Findings of Significance | <input type="checkbox"/> | | |

Determination:

On the basis of this initial evaluation:

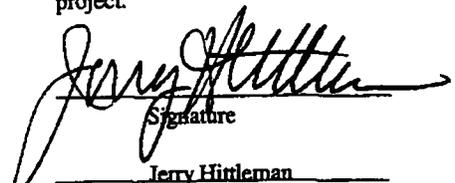
I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **NEGATIVE DECLARATION** will be prepared.

I find that the propose project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that EIR, including revisions or mitigation measures that are imposed upon the proposed project.



Signature

Jerry Hittleman

Printed Name

April 22, 2003
Date of Draft

Date of Final

Evaluation of Environmental Impacts:

This checklist is designed to identify the potential for significant environmental impacts which could be associated with the proposed project. All "Yes" and "Yes, Unless Mitigated" responses are discussed for the corresponding issue. "No" responses are explained where it is based on project-specific factors.

		YES	YES, UNLESS MITIGATED	NO	NOT APPLICABLE
I.	LAND USE AND PLANNING				
	Would the proposal:				
a)	Conflict with general plan designation or zoning?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict with general plan environmental plans or policies adopted by agencies with jurisdiction over the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Be incompatible with existing land use in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
II.	POPULATION AND HOUSING				
	Would the proposal:				
a)	Cumulatively exceed official regional or local population projections?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Displace existing housing, especially affordable housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
III.	GEOLOGIC PROBLEMS				
	Would the proposal result in or expose people to potential impacts involving:				
a)	Fault rupture?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Seismic ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Seiche, tsunami, or volcanic hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Landslides or mudflows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	YES	YES, UNLESS MITIGATED	NO	NOT APPLICABLE
f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Subsidence of the land?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Unique geologic or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IV. WATER

Would the proposal result in:

a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of people or property to water related hazards such as flooding?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen or turbidity)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Changes in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations, or through substantial loss of groundwater recharge capability?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Altered direction or rate of flow of groundwater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Impacts to groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Substantial reduction in the amount of groundwater otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

		YES	YES, UNLESS MITIGATED	NO	NOT APPLICABLE
V.	AIR QUALITY				
	Would the proposal:				
	a) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Expose sensitive receptors to pollutants?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Alter air movement, moisture, or temperature, or cause any change in climate?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) Create objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VI.	TRANSPORTATION/CIRCULATION.				
	Would the project result in:				
	a) Increased vehicle trips or traffic congestion?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) Insufficient parking capacity on-site or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e) Hazards or barriers for pedestrians or bicyclists?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	g) Rail, waterborne or air traffic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VII.	BIOLOGICAL RESOURCES.				
	Would the proposal result in impacts to:				
	a) Endangered, threatened, or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Locally designated species (e.g., heritage trees)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

		YES	YES, UNLESS MITIGATED	NO	NOT APPLICABLE
d)	Wetland habitat (e.g., marsh, riparian, and vernal pool)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Wildlife dispersal or migration corridors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VIII.	ENERGY AND MINERAL RESOURCES.				
	Would the proposal:				
a)	Conflict with adopted energy conservation plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Use non-renewable resources in a wasteful and inefficient manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IX.	HAZARDS. Would the proposal involve:				
a)	A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals, or radiation)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Possible interference with an emergency response or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	The creation of any health hazard or potential health hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Exposure of people to existing sources of potential health hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Increased fire hazard in areas with flammable brush, grass, or trees?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
X.	NOISE. Would the proposal result in:				
a)	Increases in existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Exposure of people to severe noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XI.	PUBLIC SERVICES. Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:				
a)	Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

		YES	YES, UNLESS MITIGATED	NO	NOT APPLICABLE
b)	Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Other governmental services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XII.	UTILITIES AND SERVICE SYSTEMS. Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:				
a)	Power or natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Communications systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Local or regional water treatment or distribution facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Sewer or septic tanks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	Solid waste disposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g)	Local or regional water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XIII.	AESTHETICS. Would the proposal:				
a)	Affect a scenic vista or scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Have a demonstrable negative aesthetic effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Create light or glare?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XIV.	CULTURAL RESOURCES. Would the proposal:				
a)	Disturb paleontological resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Disturb archaeological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Affect historical resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Have the potential to cause a physical change which would affect unique ethnic cultural values?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Restrict existing religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	YES	YES, UNLESS MITIGATED	NO	NOT APPLICABLE
XV. RECREATION. Would the proposal:				
a) Increase the demand for neighborhood or regional parks or other recreational facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Affect existing recreational opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XVI. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XVII. EARLIER ANALYSES.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D). The following is a discussion of earlier analyses:

None.

XVIII. MITIGATION MEASURES

Transportation/Circulation:

The following mitigation measure shall be implemented prior to the issuance of occupancy permits:

- The developer shall contribute to the cost of redesigning the westbound curb lane of Vista Way at El Camino Real from an exclusive right-turn lane to a shared through right lane. The modifications would consist of restriping, repainting the pavement arrows, changing the signal phasing, and providing new signage that indicates the new geometrics in the westbound direction.

XIX. REFERENCES USED IN COMPLETING THIS INITIAL STUDY

Buccola Engineering, Inc.

Preliminary Hydrology Report. December 17, 2002.
Stormwater Management Plan. February 17, 2003.

Katz, Okitsu & Associates

Traffic Impact Study. January 2003.

Oceanside, City of

Land Use Element (of the General Plan). 1989.
Noise Element (of the General Plan). 1974
Noise Ordinance.
Zoning Ordinance. 1995

Terracon

Phase 1 Environmental Site Assessment. July 10, 2002.

**EXPLANATION OF THE
ENVIRONMENTAL CHECKLIST
FOR THE
HOOT WINC PROJECT
(D-26-02, P-20-02)**

I. LAND USE AND PLANNING - Questions a, b, c, d, and e:

The proposed project site is currently vacant and has been disturbed by past grading. Vista Way and State Route 78 are located to the south of the site; El Camino Country Club to the north; an Extended Stay America Hotel to the east; and a Days Inn to the west. A petroleum pipeline in an existing easement bisects the eastern portion of the site. The proposed commercial/office use is compatible with surrounding uses that consist of hotel/motel and commercial development. The use is consistent with the commercial designation with a highway orientation for this property in the General Plan and Zoning Ordinance.

III. GEOLOGIC PROBLEMS - Questions a, b, c, d, e, f, g, h, and i:

The proposed project site has been disturbed by past agricultural use and related uses. No unique geologic features on the site or surrounding area would prohibit development of the site. Further grading and development of the site may result in erosion and sediment impacts to the surrounding area. The project applicant will be required to provide erosion control in compliance with the City's Erosion Control Ordinance.

IV. WATER - Questions a, b, c, d, e, f, g, h, i:

The site contains no natural drainage courses. The site would drain toward existing storm drain improvements in Vista Way. Construction and urban runoff pollutants have the potential to degrade water quality in Buena Vista Creek and Lagoon. The Storm Water Management Plan (Buccola 2003) requires that the project employ biofiltering landscape areas and hydrodynamic separator units to treat stormwater prior to entering the public drainage system. Implementation of these water quality control measures would reduce potential water quality impacts to below a level of significance.

V. AIR QUALITY - Questions a, b, c, and d:

Project related vehicular traffic is in accordance with the land use designation for the site in the General Plan. The proposed project would not result in a use that would be more intense than contemplated in regional air quality strategies. Implementation of the project would not result in significant air quality impacts to the area.

VI. TRANSPORTATION/CIRCULATION - Questions a, b, c, e, f, and g:

Katz, Okitsu & Associates (2003), prepared a traffic impact analysis for the proposed project. The findings of the report are summarized below.

The proposed project would generate a total of 1,253 daily trips; 56 trips would occur in the AM peak hour and 120 during the PM peak hour. SR 78 would provide regional access to the site, while El Camino Real, Rancho Del Oro and Vista Way provide local access. Two driveways access points to Vista Way and one to Valley Glen Drive would provide access to the site. The easternmost driveway is a shared access with Extended Stay America to the east. The project will not generate more than 2,400 daily trips, or more than 200 peak hour trips. Therefore, it is not required to conform to the Congestion Management Program (CMP) and a detailed analysis of Regionally Significant Arterials is not required.

The analysis found that Vista Way is currently operating at better than LOS C in the project vicinity, while El Camino Real operates at worse than LOS C. El Camino Real is LOS D from Vista Way to the SR 78 westbound ramp and LOS F from the SR

78 westbound ramp to the SR 78 eastbound ramp where the road narrows from a 6 to 4 lane arterial on the freeway bridge. All surrounding intersections were found to currently operate at LOS D or better.

The cumulative traffic analysis included 3 projects in the project vicinity:

- Quarry Creek Shopping Center
- Ocean Ranch Corporate Center
- Las Rosas Townhomes

It also assumed that the restriping of El Camino Real to six lanes between the SR 78 eastbound ramp and Vista Way would occur in the near-term period, year 2005, which was used in the cumulative traffic analysis.

The analysis of near-term roadway segment conditions concluded that without the proposed project, Vista Way will operate at LOS B and El Camino Real will operate at LOS D. With the addition of project traffic, the levels of service on all study segments will remain the same although traffic volumes will increase in the area.

The analysis of near term peak hour intersection operations found that all intersections operate at LOS D or better in the AM and PM peak hours without project traffic. With the project traffic, all intersections would experience slightly higher delays, but only the El Camino Real Vista Way intersection would experience significant delays. The addition of traffic from the proposed project would cause a significant impact at the intersection of El Camino Real and Vista Way. Although the intersection would continue to operate at LOS E with or without the project traffic, the delay at the intersection would increase by 2.6 seconds. Mitigation in the form of intersection re-striping improvements would compensate for this delay.

In the long-term analysis (year 2020), it was found that roadway segments in the project vicinity would operate at LOS C or worse with or without the project. Therefore, no significant project impacts were identified.

The long-term analysis concluded that with the project, intersections in the project vicinity would experience higher delays. As in the near-term analysis, a significant delay requiring mitigation was identified at El Camino Real and Vista Way. The same mitigation (re-striping of the intersection) would mitigate the long-term project traffic impacts as well.

Mitigation

The following mitigation measure shall be implemented prior to the issuance of occupancy permits:

- The developer shall contribute to the cost of redesigning the westbound curb lane of Vista Way at El Camino Real from an exclusive right-turn lane to a shared through right lane. The modifications would consist of restriping, repainting the pavement arrows, changing the signal phasing, and providing new signage that indicates the new geometrics in the westbound direction.

VII. BIOLOGICAL RESOURCES - Questions a, b, c, d, and e:

The site is disturbed and contains no native plant habitats. No biological resource impacts have been identified.

VIII. ENERGY AND MINERAL RESOURCES - Questions a, b, and c:

The proposed project would not conflict with adopted energy conservation plans, use non-renewable resources in a wasteful manner, or result in the loss of a known mineral resource that would be of future value to the region.

IX. HAZARDS - Questions a, b, c, d, and e:

Terracon (2002) prepared a Phase 1 Site Assessment for the project site. The report found concluded that no hazardous uses or materials occurred on the site. The report identified the petroleum pipelines existing in the eastern portion of the site. The pipelines are in an existing easement and are to be avoided and protected during construction. The easement area is in the parking

lot and will not be affected by the proposed project.

X. **NOISE** - Questions a and b:

The proposed commercial/office uses will not be adversely affected by noise. The uses will be indoors with interior noise attenuated through the buildings walls and insulation.

XI. **PUBLIC SERVICES** - Questions a, b, d, and e:

The proposed project would not require significant levels of additional public services as it is generally in conformance with the general plan and zoning ordinance, and would not be adding a significant amount of residents to the area. Therefore, no adverse impacts would occur in relation to fire protection, schools, parks, or other governmental services.

XII. **UTILITIES AND SERVICE SYSTEMS** - Questions e, f, and g:

The proposed project would not substantially effect power and natural gas supplies or systems, communication systems, water or sewer systems, or solid waste disposal systems.

XIII. **AESTHETICS** - Questions a, b, and c:

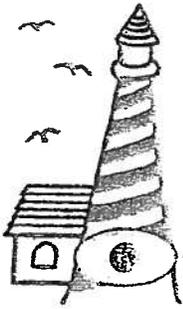
The proposed project would not result in the obstruction of any scenic vista or view open to the public. The proposed residential development would be compatible with existing commercial development along Vista Way. Extensive landscaping is indicated along Vista Way and throughout the proposed project site. No adverse aesthetic impacts would result from construction of the proposed project.

XIV. **CULTURAL RESOURCES** - Questions a, b, c, d, and e:

The site has been disturbed by past fill and grading activities for associated with surrounding development and widening of Vista Way. There is no potential for cultural resources on the project site.

V. **RECREATION** - Questions a and b:

The proposed project would not impact the quality or quantity of existing recreational activities in the area. No encroachment is shown into the golf course to the north.



Kiwanis of

Oceanside Pacific Foundation

P.O. Box 1773 • Oceanside • CA 92054
foundation@oceansidepacific.org

Fred Glick, President,
Hootwinc Corporation
3186 Vista Way, Suite 200
Oceanside, CA 92056

June 4, 2006

RECEIVED

FEB 15 2008

Planning Department

Dear Mr. Glick,

Re: **Boosting "Hooters Jump Starts Hearts"**

Yesterday, at the Kiwanis Division 37 Council Meeting in Escondido, your action to build up a grant of \$20,000.00 for our Defibrillator Program was admired and well received.

The Council Meeting is attended by leaders from different groups, all in San Diego County. The approximately 130 members at hand reacted a sort of WOW after I had the mike and asked for the pressing need of their cooperation in boosting the May/June action of 50% of Monday's wings. We got it! Several of course knew about it already. Liz Ferguson, a respected former Lt. Governor, stood up and was very complimentary about her visits to Hooters.

The general idea in the discussions afterward was that Hooters will earn and deserve more long time effects through this action than in the relatively short period of two months. It takes a while to have measurable results from spreading the word by popular groups in their communities and building up groups of regular Hooters restaurant visitors.

Interesting detail is that the whole crowd jumped on the representatives from Rancho Bernardo, yelling "Get them in, push out the obstruction" and so on. I learned that there is a political fight going on over there about getting a Hooters Restaurant, but you of course know that.

At this moment I don't know the political power of the Rancho Bernardo Kiwanians, but if we can be of any help through Kiwanis and/or their contacts, just let me know. We won't do anything without your request or approval. One doesn't stir the boiling soup without asking the cook!

Sincerely

Rudy W. Van Hunnik
Vice President / Corporate Liaison



CITY OF OCEANSIDE

COUNCIL MEMBER
JACK FELLER

May 11, 2006

TO WHOM IT MAY CONCERN:

It is my pleasure to speak on behalf of Hooters Restaurants and their assimilation into the community of Oceanside.

While there initially were some detractors of the "idea" of a Hooters Restaurant in our City, this restaurant, their management and employees, have proven to be an asset in every way. Countless community meetings were held and citizen concerns were addressed. When they opened, they won almost unanimous approval – even by many of those originally skeptical.

Their enthusiastic support of civic and charitable events and causes would be difficult to match. They are always willing to help out when asked – both with sweat equity and/or donations. They are members of the Chamber of Commerce and strong supporters of the business community. Their business is constant which bodes well for the City's coffers.

I believe the City of Oceanside was extremely fortunate to have been chosen by Hooters Restaurants to house one of their restaurants here. They have been extremely good neighbors.

Sincerely,

Jack Feller
Councilmember

JF/vp



IVEY RANCH ELEMENTARY SCHOOL
A National Blue Ribbon School
A California Distinguished School
4275 Via Rancho Road
Oceanside, CA 92057
Telephone (760) 967-9720 Fax (760) 967-4077
www.ivey.oside.k12.ca.us
Faye T. Wilson, Principal

May 12, 2006

To Whom It May Concern,

It is with great pleasure that I write this letter of support for Hootwinc, LLC. Their generosity and willingness to assist Ivey Ranch Elementary School has been, without a doubt, the biggest boost to the staff's morale during the fiscal crisis in California. Ivey Ranch Elementary experienced a growth in their student population. Our staff of over 40 teachers and 30 support personnel had access to only one copy machine at any given time during the day. Hooters listened to our need, conducted a fundraiser and purchased two additional large capacity copy machines for the staff. The staff was then able to accomplish their copy tasks quickly and efficiently and move on to other student-centered activities.

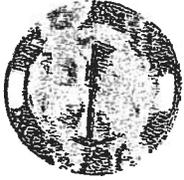
The support Hooters has provided over the years has been continuous, not only with the great budget issues, but in school leadership, community events, PTO leadership and support for the annual school wide community carnival.

Hooters has demonstrated to Ivey Ranch that supporting the community schools is a challenge that they are willing to make a commitment to. Organizations that can reach out and support these projects are an asset to any community. We hope they continue to be active community members for Oceanside.

Sincerely,

Faye Wilson

Faye Wilson
Principal



CITY OF OCEANSIDE

COUNCIL MEMBER
ROCKY CHAVEZ

May 15, 2006

Subject: Letter of Recommendation

To whom it may concern,

It is my pleasure to recommend Mr. Fred Glick and Hootwinc to your community.

In the past three years I have had the opportunity to observe first hand Mr. Glick's commitment to education and the community. Whenever there is a worthwhile city effort, Mr. Glick and Hootwinc are there to show their support. Some of the many local organizations that benefit from their community spirit include El Camino High School, the Oceanside Chamber of Commerce, Inter Faith Community Services, Operation Appreciation (recognition of military families), Oceanside Pacific Kiwanis, and Harbor Days. As a councilmember, it is invaluable to have businesses that invest in their community. Hootwinc is that invaluable member to Oceanside.

On a personal note, I have had the pleasure to interact with Mr. Glick and his family. He is a person of values and has my wholehearted support.

Respectfully,

Colonel Rocky Chavez
Oceanside, City Council

Miss Oceanside has her sights set on Hollywood

ALEXANDRA DeLUGA
FOR THE NORTH COUNTY TIMES

OCEANSIDE — Some day, Nathalie Kosman hopes to grace the silver screen, or perhaps perform on a Broadway stage. But on April 8, she was happy to be in the spotlight at El Camino High

School's Truax Theater, where she was crowned Miss Oceanside 2006.

Kosman, 19, who moved

► HOLLYWOOD, B-5

Miss Oceanside Nathalie Kosman, 19, wears her sash and crown Tuesday.

BILL WECHTER /NCT



► HOLLYWOOD

Continued from B-1

to Oceanside from Rancho Bernardo last September, is no stranger to pageants, having previously held the titles of Miss Rancho Bernardo, Miss Junior San Diego and Miss Pelona California.

"I feel every girl should do a pageant once in their life," said Kosman. "It makes you a stronger woman."

Kosman said she entered the Miss Oceanside Scholarship Pageant, which is sponsored annually by the Oceanside Sea Lions Club, for the opportunity to get to know her new community.

"This pageant has been by far the best I've done," said Kosman. "I wasn't expecting to make so many friends."

Kosman said she bonded with three contestants in particular who ended up becoming her royal court.

"I made three really good friends," she said. "I think they're gonna be true friends. We've done so much. We share all our prizes."

One of those prizes includes a \$1,000 scholarship, which Kosman said she will use toward tuition at the Stella Adler Studio of Acting in Los Angeles, where she attends classes for dinner each

"(The scholarship) will help a lot," said Kosman, who was accepted to New York University's prestigious Stella Adler Conservatory of Acting upon graduating from Rancho Bernardo High School in 2004, but was unable to attend because of financial reasons.

"I want to do film," said Kosman. "I would love, love,

love to do film. I would love, love, love to do Broadway, but I don't have the voice for it."

— NATHALIE KOSMAN
Miss Oceanside 2006

mires the acting careers of Charlize Theron and Johnny Depp.

"I want to be well-respected," she said. "I want to do really good work."

Aside from commuting to Los Angeles two days a week for acting lessons, Kosman also works as a waitress five days a week.

Her already busy schedule is about to get even busier as Miss Oceanside, Kosman will represent the city at a number of city functions and charitable events throughout the year.

"I'm looking forward to meeting all the people, seeing all the sights of Oceanside, and learning about the community," said Kosman, who said she would love to work with the Home & Girls Clubs in Oceanside and San Marcos.

Kosman said she is excited to represent Oceanside at the Miss Oceanside 2006 pageant, which she hopes will be a fun and profitable experience for her and the city.

Hollywood Film Festival



Kiwanis of

Oceanside Pacific Foundation

P.O. BOX 1773 • OCEANSIDE • CA 92054
foundation@oceansidepacific.org

Fred Glick, President
Hoot Winc Corporation
3186 Vista Way, Suite 200
Oceanside, CA 92056

May 10, 2006

Dear Mr. Glick,

Now we are team-working at your wonderful "Hooters Jump Starts Hearts" action, we feel a need to let you know how much the community that we serve, is positive influenced by Hooters' Restaurants existence. Not only as an entertaining happy family restaurant chain with modest priced quality foods and drinks, but especially as a funding institution for community enhancing projects.

The all volunteers Oceanside Pacific Kiwanis are very grateful for the financial support that you are continuous giving, you provide the tools they need for their community service programs, especially focused on children and seniors, although OPK's Defibrillator Program is set up for all ages. It contains the placing, training and monitoring of many of these expensive life saving machines where they need to be, but can not be afforded.

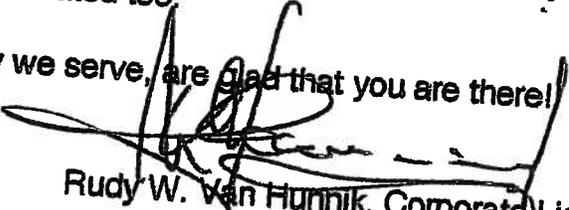
Our very popular Child Safety Program, for which you financed the costly high tech digital equipment and other cost, takes fingerprints and pictures of thousands of children every year, readable by police scanners, in schools, big stores and at events, and provides the parents with documentation about safety and what to do in the event of a emergency.

Also you helped financing our Dictionary Program for all 3rd graders, give hundreds of children's meal vouchers and supply food for beach cleaning groups and other volunteer community servers.

Your financing of school projects like printers, automated parents-call systems and so on, is known and highly appreciated too.

All together, we, and the community we serve, are glad that you are there!


Roy B. Miller, President


Rudy W. Van Hunnik, Corporate Liaison

DEE DEE ENGELS
President

PAST PRESIDENTS

- John A. Steger - 1946
- Richard Webb - 1947
- Robert Shaffer - 1948
- Jack Estes - 1949
- Donald H. Feuring - 1950
- Robert S. Gleason - 1951
- C. Tommy Thomas - 1952
- Herbert C. Johnson - 1953
- Richard O. Nelson - 1954
- Arthur Thomas - 1955
- William A. Craven - 1956
- Arthur J. Gasencia - 1957
- Rex D. Gowdy - 1958
- M. Cam Miller - 1959
- Richard J. S. Hale - 1960
- Harold F. Carpenter - 1961
- John M. Toennesen - 1962
- Melvin J. Smith - 1963
- Richard J. Moylan - 1964
- Jay E. Metcalf - 1965
- Sam Williamson - 1966
- Richard Allen - 1967
- James Parker - 1968
- Lance Luedike - 1969
- Pat Cassidy - 1970
- Rice Veletic - 1971
- James Canfield - 1972
- Thomas Wood - 1973
- Charles Dan' Daniel - 1974
- Michael E. Packard - 1975
- Steve T. Fleuret - 1976
- Ray Hoover - 1977
- Merle A. Rynders - 1978
- Clark Schneider - 1979
- Chuck - 1980

CHARTERED

- Williamson Jr. - 1984
- Hard Fox - 1985
- Bill Baldridge - 1986
- Wall W. Smith - 1987
- Paul Klein - 1988
- Heiser - 1989
- F. Gilder - 1990
- Hitzsche - 1991
- Graham - 1992
- Hault - 1993
- Thompson - 1994
- Heering - 1995
- Lockham - 1996
- Barley - 1997
- Emerick - 1998-1999
- Isler - 2000
- Shapman - 2001-2002
- Mason - 2003
- Ben - 2004

Post Office Box 687 - Oceanside, CA 92049

Fred Glick, President
Hoot Winc Corporation
3186 Vista Way, Suite 200
Oceanside, CA 92056

May 10, 2006

Dear Fred,

As the president of The Oceanside Jaycees, I would like to take this opportunity to thank you for continuous and generous donations to our civic organization, our community and most importantly educational system. By teaming with us on this one event alone you have provided over 14 young adults with a strong start to college. Being that this is an annual event it is priceless when it comes to measuring a business' importance, sense of belonging and necessity in a community.

I would like to touch on the comments from the few who aren't happy with the Hooters establishment coming to their city. Some of my friends had the same thoughts, yet had no idea because they knew nothing about Hooters, the restaurant and community partner. I shared with them the many ways Hooters supports their own children, through schools, athletic teams, and the civic organizations that support their children such as mine. I also personally volunteer in many other capacities in our city with The Women's Resource Center, Boys and Girls club, Local Police Department, Educational system, and Chamber of Commerce, where I have again always been able to count on Hooters to be a reliable participant in our fundraisers.

As the mother of two daughters I would like to address comments I have heard regarding the "type" of establishment it is based on what the young ladies wear while working. Anyone and or city that is trying to build a successful business and or build revenue from that business knows you have to have something to draw them in. For Hooters that would be the young ladies who are fully dressed in every day summer clothing. They take pride in the way the look, are friendly and possess a positive self-image. Most of these young ladies are working at Hooters for the flexible schedule to further their education. How do you find fault with that? As the mother of two daughters I cannot.

Again, I thank you Hooters for jumping in with both feet and committing to the city of Oceanside. It was long over do and we're glad you're here.

Respectfully,



DeeDee Engels
2005/06 Oceanside Jaycees President
760-439-9316 or 760-533-8492



May 15, 2006

To Whom It May Concern:

I would like to take a moment of your time to share with you my professional and personal opinion of what the HootWinc, LLC - Hooters Restaurants truly represents here in our Oceanside community.

Through all my years working at UCSD in both Cancer & Aids research... prior to becoming a full-time mom, school volunteer, and now devout advocate of getting all kids healthier, I have NEVER encountered a philanthropic force like this organization. NO other private entity that employs the accepted marketing concept of beautiful people promoting goods & services has ever had to jump through the hoops this amazing group consistently has had to unfairly address. And yet they are the BEST at what they do as well as giving back to the communities they choose to take residence in...in the name of "partnership".

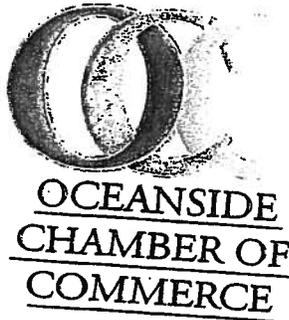
This FAMILY of exceptional owners, managers and employees truly represents what a community based business should embody. They are beyond exceptional in their business field as well as every aspect of restaurant "the customer comes first" type professionalism.

The Glick family has always hired the smartest and the most experienced personnel to work on their teams, many whom I consider friends. And I know how high the expectations are of those hired by this organization...I've been a friend and neighbor of Fred & Ruth for over five years. Our children attend school together. The Glick family is by far one of the most upstanding, generous, and civically minded community members that I have ever met. The employees of this organization are not required to participate in community events or become advocates of non-profit fund raisers in the cities in which they work. But they do! It's because they care. Again, the people hired to work for this organization are the best of the best, in every way.

In closing, The Gibraltar Foundation is extremely proud to have both Fred & Ruth Glick as Board Trustees for our organization. Without philanthropists and value driven people like the Glick's, our schools and communities would not be all that they are today.

Please take to heart that having this team of civic minded business partners in your community will be nothing but a positive experience for years to come.

Respectfully,
Karen P. Johnson
Founder/President



5/15/06

Fred Glick
Hootwinc, LLC
3186 Vista Way, Ste 200
Oceanside, CA 92056

Fred,

"The Oceanside Chamber of Commerce is pleased to have Hooters as a member. They have been very active in participating in local events and have helped our local economy. When called upon, Hooters is always there to help."

A handwritten signature in cursive script, appearing to read "David L. Nydegger".

David L. Nydegger
C.E.O. Oceanside Chamber of Commerce



Fred Glick
Hooters Restaurant
Oceanside, CA 92055

May 12, 2006

Re: Piranhas

Dear Fred;

Hooters restaurant is a bright spot in Oceanside. Not only do you provide good food, but Hooters is a great place to meet friends, hold meetings and parties. The atmosphere is friendly and my wife and daughter had a great time. They both enjoyed the visit as they are sports minded and could watch most any game they wanted.

I would like to thank you so much for the generous donation you made to the Piranhas Hockey club. We were able to purchase our jerseys and we now look really sharp. We really appreciate that you sponsored our hockey program and are active with our board of directors where you donate time and energy.

Hooters is a great neighborhood operation that is civic minded and a welcomed asset to the community.

Yours Truly,

Bob

Bob Whitlinger
Community Member

EL CAMINO HIGH SCHOOL

Dan Daris, Principal
Steve Bessant, Assistant Principal
Fernando Delgado, Assistant Principal
Robert Nelson, Assistant Principal

400 Rancho del Oro Drive
Phone (760) 757-8550



Oceanside, CA 92057
FAX (760) 757-5321

www.elcaminohigh.com

April 16, 2005

Mr. Fred Glick
Hooters
3186 Vista Way
Suite 100
Oceanside, CA 92054

Dear Mr. Glick:

On behalf of Dan Daris, Principal of El Camino High School and the collaborative efforts of the EC Pride Parent Organization, the ECHS Band Boosters and the ECHS Athletic Boosters, we would like to **Thank You** for your donation to our Wildcat Classic Golf Tournament. We know that your support will be an enormous help to our commitment of raising funds towards the purchase of artificial turf for the football field. We sincerely appreciate you taking your personal time to support El Camino High School and joining us in our constant efforts to improve student facilities on our campus.

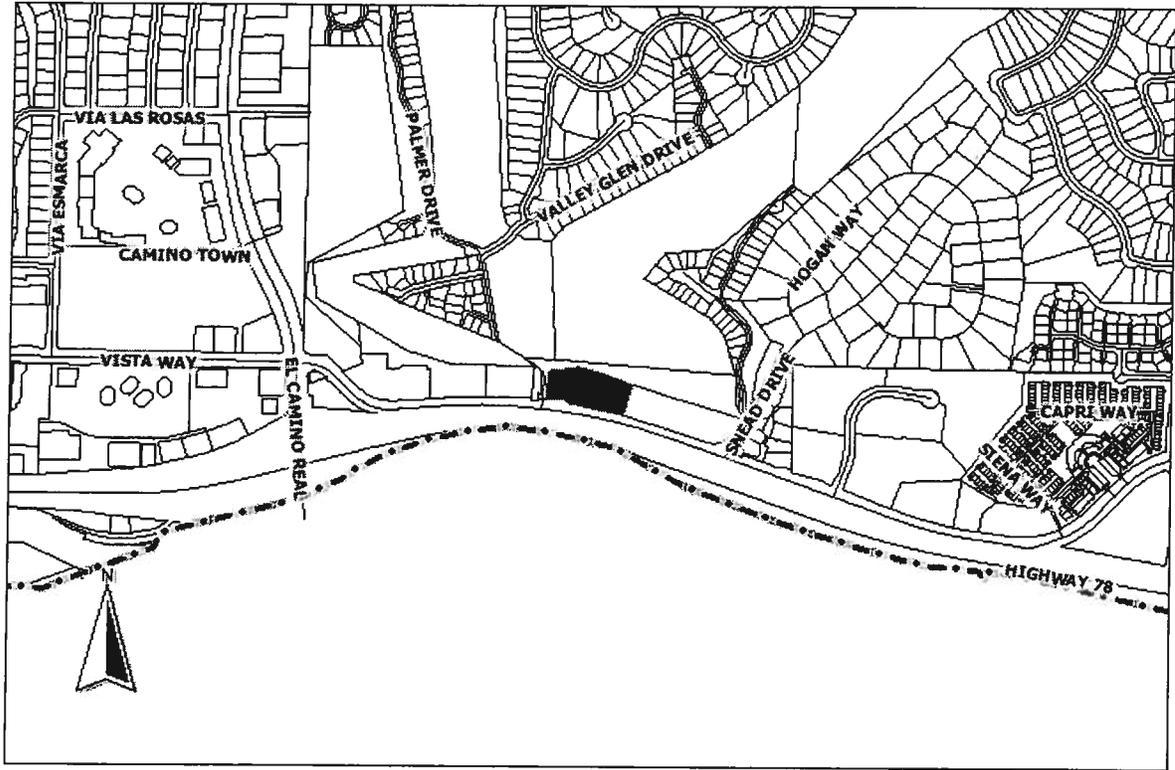
At our golf tournament, we will have a program that will list your organization as a generous contributor to our event. We take pride in assuring you we will represent you well. Our committee is dedicated to reach our goal, and you should be congratulated for helping us reach our goal!

Best regards,

Richard Mundy, President, Wildcat Foundation
Donna Contrado, President, EC Pride Parent Organization
Mike Hamilton, President, ECHS Band Boosters
John Daley, President, ECHS Athletic Boosters

Wildcat Foundation
Tax ID#: 55-0820819

Fred —
Your support has been
incredible — and all of us
are so very thankful. You helped
make this golf tournament the
success that it was and
we grateful —
Donna Contrado



File Number: C-9-08

Applicant: Oceanside Wings, LLC

Description:

CONDITIONAL USE PERMIT (C-9-08) for the addition of spirits to the existing beer and wine services at Hooters restaurant located at 3186 Vista Way. The project site is zoned CS-HO (Special Commercial – Highway Oriented) and is situated within the Mira Costa Neighborhood.
– **OCEANSIDE WINGS SPIRITS**

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



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

2/15/08
RECEIVED

BY

SS

FEB 15 2008

Planning Department

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT OCEANSIDE WINGS, LLC	2. STATUS BUSINESS OWNER
3. ADDRESS 15721 Bernardo HTS Pkwy STE B #118 San Diego, Ca 92128	4. PHONE/FAX/E-mail PH 858-451-3501 FX 858-451-3575
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) A J PAPPAS, Lic Pln	
6. ADDRESS 15721 Bernardo HTS Pkwy Suite B #118 San Diego, Ca 92128	7. PHONE/FAX/E-mail PH 858-774-2268 FX 858-451-3575

GPA	
MASTER/SP.PLAN	
ZONE CH.	
TENT. MAP	
PAR. MAP	
DEV. PL.	
C.U.P.	C-9-08
VARIANCE	
COASTAL	
O.H.P.A.C.	

PART II - PROPERTY DESCRIPTION

8. LOCATION 3186 Vista Way, Suite 100 Oceanside, Ca	9. SIZE 5700 sq ft
10. GENERAL PLAN SC	11. ZONING CS-HO
12. LAND USE Restaurant	13. ASSESSOR'S PARCEL NUMBER 165-350-36

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION **CUP for adding spirits to existing beer and wine service restaurant.**

15. PROPOSED GENERAL PLAN NA	16. PROPOSED ZONING NA	17. PROPOSED LAND USE NA	18. NO. UNITS NA	19. DENSITY NA
20. BUILDING SIZE 5700 sq ft	21. PARKING SPACES 82	22. % LANDSCAPE 37.790	23. % LOT COVERAGE or FAR 790 (BUILDING)	

PART IV - ATTACHMENTS

24. DESCRIPTION/JUSTIFICATION	25. LEGAL DESCRIPTION	26. TITLE REPORT (2)
27. NOTIFICATION MAP & LABELS	28. ENVIRONMENTAL INFO FORM	29. PLOT PLANS (20)
30. FLOOR PLANS AND ELEVATIONS (20)	31. CERTIFICATION OF POSTING	32. OTHER (See attachment for required reports)

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print): A J PAPPAS	34. DATE 2/15/08	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: A J PAPPAS	35. OWNER (Print) Prop	36. DATE	

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

Sign: **authorize**

SALLY



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
RECEIVED
FEB 15 2008
Planning Department

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT OCEASIDE WINGS, LLC	2. STATUS BUSINESS OWNER
3. ADDRESS 15721 B. Shermano HTS Pkwy STE B #118 San Diego, Ca 92128	4. PHONE/FAX/E-mail PH 858-451-3501 FX 858-451-3575
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) A S PAPPAS, lic P12	
6. ADDRESS 15721 B. Shermano HTS Pkwy Suite B #118 San Diego, Ca 92128	7. PHONE/FAX/E-mail PH 858-974-2268 FX 858-451-3575

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

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30. FLOOR PLANS AND ELEVATIONS (20)	31. CERTIFICATION OF POSTING	32. OTHER (See attachment for required reports)

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print): A S PAPPAS	34. DATE 2/15/08	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).
35. OWNER (Print) Prop DEI LLC	36. DATE 2/8-08	

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

Sign: *[Signature]*



D+J

February 15, 2008

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FEB 15 2008
Planning Department

City of Oceanside
300 N. Coast Hwy
Oceanside, CA 92054
ATTN: Planning Dept.

RE: OCEANSIDE WINGS, LLC – SPIRITS CUP #C-908

To Whom It May Concern:

There are over 525 Hooters restaurants nationwide, all of which serve the same type of food and beverages, as well as provide a unique, family-oriented beach theme to our clients. It is important to maintain uniformity with a diverse food and beverage to offer to our patrons. We try to provide a fun environment to people of all ages.

The franchises of the Hooters restaurants are involved in charitable events and civic activities in both local, community and state levels; refer to letters from civic leaders, government officials, charitable organizations and business owners with this submittal.

Hooters restaurant, which has been open and operating with the current beer, wine, and spirits fare, has unfortunately been thrust into the situation of filing this CUP as now required by the city. As having always been a cooperative and willing community partner and neighbor, we ask the City of Oceanside to consider the circumstances that our restaurant is now enduring. We will make every effort to maintain our business as a bonafide restaurant and with the population census continually increasing in this fine community, the justification for a good community orientated price point is something that our neighbors and visitors should be able to enjoy along with a pleasant spirit, wine or beer.

We at Hooters are proud to hold a position of having virtually no incidents of rowdiness and provide every effort to maintain good management at our establishment. Based on the above description and justification we feel confident that the City of Oceanside, its residents and our peers welcome us continually along with the same lines of good hospitality service.

I close and remain respectfully yours,

AJ Pappas
License Director



February 15, 2008

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FEB 15 2008
Planning Department

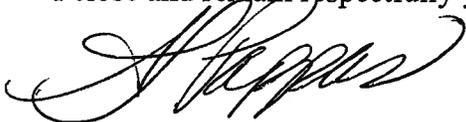
City of Oceanside
300 N. Coast Hwy
Oceanside, CA 92054
ATTN: Planning Dept.

RE: OCEANSIDE WINGS, LLC – SPIRITS CUP #C-908

To Whom It May Concern:

Oceanside Wings, LLC is selling spirits, beer and wine and now is required to obtain a Use Permit. We currently are acquiring a CUP.

I close and remain respectfully yours,


AJ Pappas
License Director (by )

DESCRIPTION

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FEB 15 2008

Planning Department

PARCEL A:

PARCEL 1 OF PARCEL MAP NO. 18021, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 24, 1998.

PARCEL B:

A NON-EXCLUSIVE PERPETUAL EASEMENT FOR THE PURPOSE OF VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS OVER AND ACROSS PARCEL 2 OF PARCEL MAP NO. 18021, HEREINABOVE DESCRIBED, BEING FURTHER SET FORTH AND DESCRIBED IN PARAGRAPH 2.2 OF THAT CERTAIN RECIPROCAL EASEMENT AGREEMENT AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED APRIL 29, 1998 AS FILE NO. 1998-0243545 OF OFFICIAL RECORDS.

PARCEL C:

A NON-EXCLUSIVE PERPETUAL EASEMENT FOR THE DRAINAGE OF STORM WATERS, OVER AND ACROSS PARCEL 2 OF PARCEL MAP NO. 18021 HEREINABOVE DESCRIBED, BEING FURTHER SET FORTH AND DESCRIBED IN PARAGRAPH 4 OF THAT CERTAIN RECIPROCAL EASEMENT AGREEMENT AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED APRIL 29, 1998 AS FILE NO. 1998-0243545 OF OFFICIAL RECORDS.

PARCEL D:

A NON-EXCLUSIVE PERPETUAL EASEMENT FOR THE INSTALLATION, OPERATION, FLOW, PASSAGE, USE, MAINTENANCE, REPAIR, REPLACEMENT, RELOCATION AND REMOVAL OF UTILITY LINES, OVER AND ACROSS PARCEL 2 OF PARCEL MAP NO. 18021 HEREINABOVE DESCRIBED, BEING FURTHER SET FORTH AND DESCRIBED IN PARAGRAPH 3.1 OF THAT CERTAIN RECIPROCAL EASEMENT AGREEMENT AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED APRIL 29, 1998 AS FILE NO. 1998-0243545 OF OFFICIAL RECORDS.

PARCEL E:

THAT PORTION OF THE NORTH HALF OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT AN ANGLE POINT IN THE SOUTHERLY LINE OF PARCEL 1 OF PARCEL MAP NO. 18021, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON APRIL 24, 1998 AS FILE NO. 1998-0237100 OF OFFICIAL RECORDS, SAID ANGLE POINT BEING THE WESTERLY TERMINUS OF THAT CERTAIN COURSE IN THE NORTHERLY LINE OF VISTA WAY SHOWN AS BEING A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 3,142.00 FEET CENTRAL ANGLE OF 11° 07' 00" AND ARC LENGTH OF 609.62 ON SAID PARCEL MAP AND IN A GRANT OF EASEMENT FOR ROADWAY PURPOSES TO THE CITY OF OCEANSIDE, RECORDED FEBRUARY 18, 1992 AS FILE NO. 1992-0085312 OF OFFICIAL RECORDS, A RADIAL LINE TO SAID ANGLE POINT BEARS NORTH 8° 10' 52" EAST; THENCE WESTERLY 94.69 FEET ALONG THE WESTERLY PROLONGATION OF SAID CURVE AND NORTHERLY LINE OF VISTA WAY THROUGH A CENTRAL ANGLE OF 1° 43' 36"; THENCE NORTH 37° 20' 00" WEST, 24.27 FEET TO SAID SOUTHERLY LINE OF PARCEL 1 AND "POINT A" TO BE USED HEREINBELOW FOR DESCRIPTION PURPOSES; THENCE, FOLLOWING ALONG SAID SOUTHERLY LINE, SOUTH 85° 24' 00" EAST 107.98 FEET; THENCE SOUTH 18° 29' 35" EAST 24.51 FEET TO THE POINT OF BEGINNING.

PARCEL F:

DESCRIPTION

AN EASEMENT FOR NETTING AND LANDSCAPING OVER THAT PORTION OF LAND AS DESCRIBED AND DEPICTED IN THAT CERTAIN NETTING AND LANDSCAPING EASEMENT AGREEMENT RECORDED NOVEMBER 15, 2006 AS FILE NO. 2006-0812636 OF OFFICIAL RECORDS.

PARCEL G:

A NON-EXCLUSIVE AND PERPETUAL EASEMENT AND RIGHT TO USE FOR INGRESS AND EGRESS PURPOSES IN, THROUGH, UPON, OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY AS CONTAINED IN GRANT OF EASEMENT RECORDED NOVEMBER 15, 2006 AS FILE NO. 2006-0812637 OF OFFICIAL RECORDS.

THAT PORTION OF THE NORTH HALF OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF PARCEL 1 OF PARCEL MAP NO. 18021 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON APRIL 24, 1998 AS FILE NO. 1998-0237100 OF OFFICIAL RECORDS, DISTANT THEREON SOUTH 09° 31' 01" WEST 22.06 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE LEAVING SAID WESTERLY LINE SOUTH 81° 42' 36" WEST 3.25 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY HAVING A RADIUS OF 20.00 FEET; THENCE WESTERLY AND NORTHWESTERLY 26.08 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 74° 42' 14", THENCE SOUTH 64° 48' 00" 26.53 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 53.50 FEET TO WHICH A RADIAL LINE BEARS NORTH 64° 48' 00" WEST; THENCE SOUTHEASTERLY AND SOUTHERLY 26.60 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 28° 29' 23"; THENCE SOUTH 03° 17' 23" WEST 50.50 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHWESTERLY HAVING A RADIUS OF 3.50 FEET; THENCE SOUTHERLY AND WESTERLY 5.50 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90° 00' 00" TO THE SOUTHWESTERLY LINE OF THE LAND DESCRIBED AS PARCEL 1 IN A CORPORATION GRANT DEED FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON FEBRUARY 19, 2003 AS FILE NO. 2003-0185156 OF OFFICIAL RECORDS; THENCE FOLLOWING ALONG SAID SOUTHWESTERLY LINE SOUTH 03° 17' 23" WEST 38.18 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE WESTERLY HAVING A RADIUS OF 35.00 FEET; THENCE SOUTHERLY 9.10 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14° 53' 44'; THENCE SOUTH 85° 24' 00" EAST 31.50 FEET; THENCE LEAVING SAID SOUTHWESTERLY LINE, NORTH 03° 01' 26" EAST 82.00 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 20.00 FEET; THENCE NORTHERLY, NORTHEASTERLY AND EASTERLY 23.50 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 67° 19' 25" TO SAID WESTERLY LINE OF PARCEL 1 OF PARCEL MAP NO. 18021; THENCE NORTH 09° 31' 01" EAST 29.84 FEET TO THE POINT OF BEGINNING.

PARCEL H:

A NON-EXCLUSIVE EASEMENT FOR STORM DRAINS, SANITARY SEWER AND WATER LINE PURPOSES AS DISCLOSED BY THAT CERTAIN EASEMENT AND PUBLIC UTILITIES IMPROVEMENTS AGREEMENT RECORDED NOVEMBER 15, 2006 AS FILE NO. 2006-0812638 OF OFFICIAL RECORDS.



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 04/22/2008
Removal: 10/22/2008
(180 days)

1. **APPLICANT:** Oceanside Wings, LLC.
2. **ADDRESS:** 15721 Bernardo Heights Pkwy Ste B #118, San Diego, CA, 92128
3. **PHONE NUMBER:** (858) 451-3501
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Sally Schifman
6. **PROJECT TITLE:** Oceanside Wings Spirits (C-9-08)
7. **DESCRIPTION:** To obtain a Conditional Use Permit for the addition of spirits to the existing beer and wine services at Hooters restaurant located at 3186 Vista Way.

ADMINISTRATIVE 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. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- The project is categorically exempt, Class 1, Existing Facilities (Section 15301); or,
- "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 does not constitute a "project" as defined by CEQA (Section 15378).

Date: April 22, 2008

Sally Schifman, Planner II

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