ITEM NO. 29

STAFF REPORT

CITY OF OCEANSIDE

DATE: July 12, 2006

TO: Chairman and Members of the Community Development Commission

FROM: Economic Development and Redevelopment Department

SUBJECT: **CONSIDERATION OF A RESOLUTION APPROVING CONDITIONAL USE PERMIT (C-204-06) AND REGULAR COASTAL PERMIT (RC-206-06) TO ALLOW FULL ALCOHOLIC BEVERAGE SERVICE AT THE EXISTING TREMONT STREET BAR AND GRILL LOCATED AT 311 NORTH TREMONT STREET – TREMONT STREET BAR AND GRILL – APPLICANT: COASTAL FOOD CONCEPTS, INC.**

SYNOPSIS

The item under consideration is a Conditional Use Permit and Regular Coastal Permit for full alcoholic beverage service for the Tremont Street Bar and Grill located at 311 North Tremont Street. Staff is recommending that the Commission adopt the attached resolution approving the project.

BACKGROUND

The Tremont Street Bar and Grill has been operating at the subject site as a full-service restaurant and bar (serving beer and wine only) since 2005. The restaurant is approximately 2,132 square feet in size and has approximately 300 square feet of outdoor eating area. The previous use of the subject site was the Caribbean Restaurant which operated for five years.

Land Use and Zoning: The subject site is located within Subdistrict 1(A) of the "D" Downtown District. Subdistrict 1(A) is primarily intended for a commercial/retail and office complex promoting the conservation, preservation, protection, and enhancement of the historic district and to stimulate the economic health and visual quality of the community to tourists and visitors. Residential uses are encouraged when and where appropriate.

Project Description: The applicant is requesting full alcoholic beverage service as an ancillary use to the restaurant. The purpose of the request is to provide better service for the restaurant's expanding clientele. The applicant does not propose any changes to the building.

Article 12 of the Downtown "D" District Zoning Ordinance requires a Conditional Use Permit for Eating and Drinking Establishments with full alcoholic beverage service. The proposed hours of operation are from 10:00 a.m. to 2:00 a.m. Sunday through Saturday.

The State Department of Alcohol Beverage Control (ABC) has informed staff that the business is located within Census Tract No. 184, which allows for a maximum of 4 on-sale alcohol licenses. Currently, there are 20 on-sale alcohol licenses within this Census Tract.

Regular Coastal Permit: The project is located within the Coastal Zone; therefore, a Regular Coastal Permit is required.

Environmental Determination: A Certificate of Exemption has been prepared for the project. Under the provisions of the California Environmental Quality Act, the Community Development Commission will consider the exemption during its hearing on the project.

ANALYSIS

Staff's analysis focused on the operation of the restaurant and the compatibility of the full alcoholic beverage service with the surrounding businesses within the Redevelopment Project Area.

In staff's opinion, the full alcohol beverage service is an ancillary use to the restaurant service. The Police Department has reviewed the proposed license and their recommended conditions are included (Conditions No. 11 through 26). It should be noted that in order to maintain a full alcoholic beverage service, ABC requires that the quarterly sale of alcohol cannot exceed the quarterly sale of food, and this condition is also attached to the permit.

In conclusion, staff believes that the full alcoholic beverage service is an ancillary use to the restaurant service and the permit has been conditioned to minimize any potential impacts to surrounding uses.

COMMISSION OR COMMITTEE REPORT

The Redevelopment Advisory Committee (RAC) will review the project at its July 10, 2006, meeting. Any recommendations or comments on the project will be presented to the Commission during the hearing for the project.

FISCAL IMPACT

Not applicable.

CITY ATTORNEY'S ANALYSIS

Pursuant to Oceanside Zoning Ordinance Article 4102, the Commission is authorized to

hold a public hearing on this project's applications. Consideration of the project should be based on the evidence presented at the public hearing. After conducting the public hearing, the Commission shall approve, conditionally approve, or disapprove the project. The resolution has been reviewed and approved as to form by the City Attorney.

RECOMMENDATION

Staff recommends that the Commission adopt the resolution approving Conditional Use Permit (C-204-06) and Regular Coastal Permit (RC-206-06) for full alcoholic beverage service located at 311 North Tremont Street.

PREPARED BY:

Shan Babick
Associate Planner

SUBMITTED BY:

Barry Martin
Interim Executive Director

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant to the City Manager
Kathy Baker, Redevelopment Manager

EXHIBITS/ATTACHMENTS

1. Resolution
2. Notice of Exemption
3. Floor Plans

RESOLUTION NO. 06-

A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE APPROVING A CONDITIONAL USE PERMIT AND REGULAR COASTAL PERMIT FOR PROVIDING FULL ALCOHOLIC BEVERAGE SERVICE FOR AN EXISTING RESTAURANT LOCATED AT 311 NORTH TREMONT STREET – APPLICANT: COASTAL FOOD CONCEPTS, INC.

WHEREAS, on July 12, 2006, the Community Development Commission held its duly noticed public hearing and, considered an application for a Conditional Use Permit (C-204-06) and Regular Coastal Permit (RC-206-06) for an existing restaurant to begin providing full alcoholic beverage service located at 311 North Tremont Street;

WHEREAS, the Redevelopment Advisory Committee (RAC) of the City of Oceanside did, on July 10, 2006, review and recommend approval of Conditional Use Permit (C-204-06) and Regular Coastal Permit (RC-206-06);

WHEREAS, a Categorical Exemption was prepared by the Resource Officer of the City of Oceanside for this application pursuant to the California Environmental Quality Act 1970 and the State Guidelines implementing the Act. The project is considered an infill development and will not have a detrimental effect on the environment;

WHEREAS, pursuant to Government Code §66020(d)(1), NOTICE IS FURTHER GIVEN that the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020; and

WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes effective upon its adoption.

NOW, THEREFORE, the Community Development Commission of the City of Oceanside does resolve as follows:

FINDINGS:

For the Conditional Use Permit:

1. The existing restaurant operation allowing for full alcoholic beverage service is consistent with the land use objectives for the Subdistrict 1A land use district.

2. The conditions for the restrictions of the conditional use are consistent with the General Plan and Redevelopment Plan, will not effect neighborhood compatibility; and will not

cause the operation of the conditional use to be detrimental to the public, health safety or welfare of persons residing or working in or adjacent to the project area.

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

For the Regular Coastal Permit:

1. The granting of the Regular Coastal Permit is consistent with the purposes of the California Coastal Act of 1976.

2. The proposed project is consistent with the policies of the Local Coastal Program as implemented through the City Zoning Ordinance. In addition, the project will not impact the existing coastal views through the public rights-of-way view corridors.

3. The proposed project will not obstruct any existing or planned public beach access; therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act.

SECTION 1. That Conditional Use Permit (C-204-06) and Regular Coastal Permit (RC-206-06) are hereby approved subject to the following conditions:

Building:

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Department plan check.

2. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and local building codes.

Planning:

3. This Conditional Use Permit (C-204-06) and Regular Coastal Permits (RC-206-06) shall expire on July 12, 2008, unless implemented as required by the Zoning Ordinance.

4. This Conditional Use Permit and Regular Coastal Permit approves only full alcoholic beverage services for an existing restaurant as shown on the plans and exhibits presented to the Community Development Commission for review and approval. No deviation from these approved plans and exhibits shall occur without Economic and Redevelopment Department approval.

5. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul

an approval of the City, concerning Conditional Use Permit (C-204-06) and Regular Coastal Permit (RC-206-06). The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

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

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

8 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.

9. Failure to meet any conditions of approval for this development shall constitute a violation of the Conditional Use Permit (C-204-06) and Regular Coastal Permit (RC-206-06).

10. This Conditional Use Permit shall be called for review by the Community Development Commission if complaints are filed and verified as valid by the Code Enforcement Office concerning the violation of any of the approved conditions.

11. The hours-of-operation are limited to 10:00 a.m. to 2:00 a.m. Sunday through Saturday. The hours-of operation may be limited by the Community Development Commission when valid issues or complaints pertaining to the hours-of-operation arise.

12. 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 five or fewer performers at any one time and entertainment shall only be provided between 11:00 a.m. and 10:00 p.m. Monday through Sunday.

13. 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.

14. Sales service and consumption of alcoholic beverages shall be permitted only between the hours of 10:00 a.m. and 2:00 a.m. Monday through Sunday.

15. Dancing is prohibited.

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

17. There shall be no pool or billiard tables maintained upon the premises.

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

19. Security may be required as the need arises.

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

21. 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.

22. No wine shall be sold with an alcoholic content of greater than 15% by volume, except "Dinner Wines" which have been aged two years or more and maintained in corked bottles.

23. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.

24. The rear and side doors of the premises shall be kept closed at all times during the operation of the premises except in the case of emergency and to permit deliveries. Said doors are not to consist solely of a screen or ventilated security door.

25. All patrons shall be required to enter the premises via the primary front entrance facing Tremont Street.

26. No pay phones which are capable of receiving incoming calls will be maintained on the interior or exterior of the premises.

PASSED AND ADOPTED by the Oceanside Community Development Commission of the City of Oceanside this ___day of _____ 2006 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Chairman

ATTEST:

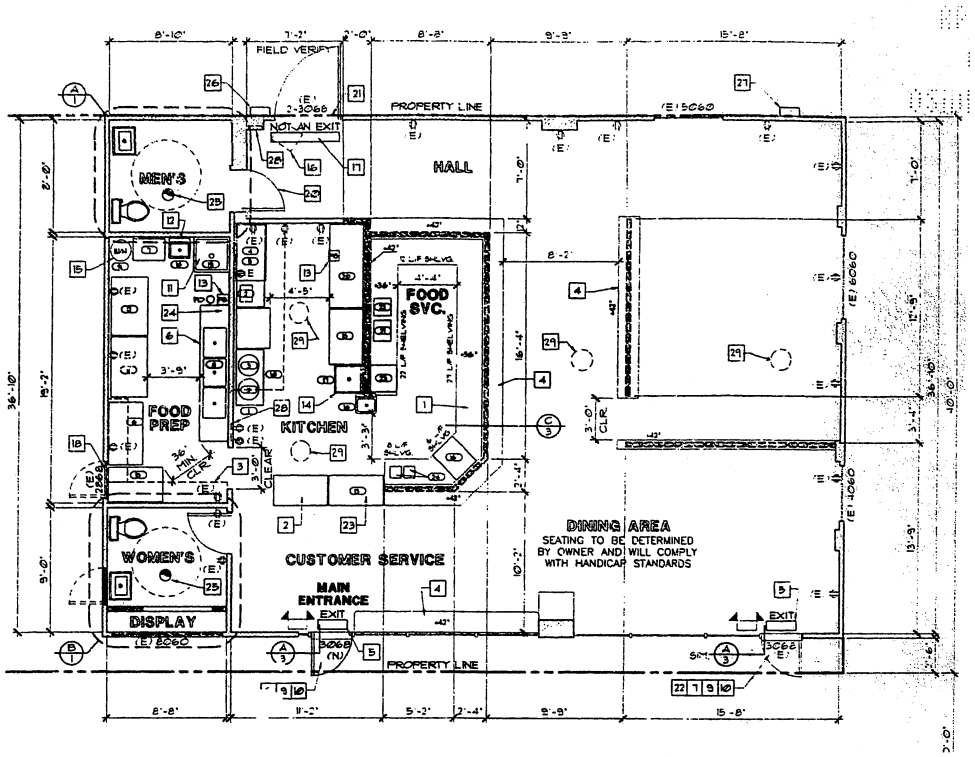
_____
Secretary

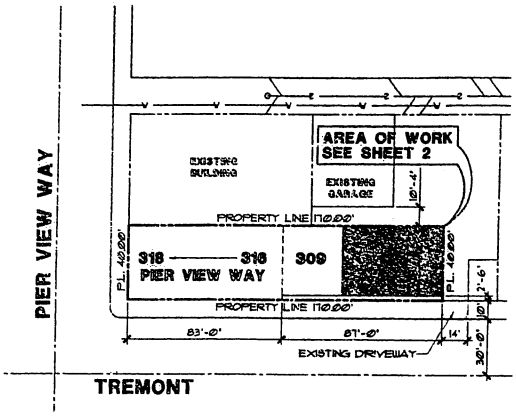
APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

by _____, Deputy
General Counsel

LEGAL DESCRIPTION

ADD SE 20 FEET OF NE 40 FEET OF LOT 3 AND NE 40 FEET OF LOTS 4 THROUGH 6 OF BLOCK 10 OF PARCEL MAP NO. 344, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY


FIELD VERIFY
PROPERTY LINE
NOT AN EXIT
HALL
MEN'S
FOOD SVC.
FOOD PREP
KITCHEN
WOMEN'S
DISPLAY
CUSTOMER SERVICE
MAIN ENTRANCE
EXIT
DINING AREA
SEATING TO BE DETERMINED BY OWNER AND WILL COMPLY WITH HANDICAP STANDARDS


AREA OF WORK SEE SHEET 2
EXISTING BUILDING
EXISTING GARAGE
PROPERTY LINE
318 PIER VIEW WAY
316
309
PIER VIEW WAY
EXISTING DRIVEWAY
TREMONT

CITY OF OCEANSIDE
PLANNING DEPARTMENT

NOTICE OF EXEMPTION

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

PROJECT TITLE AND FILE NUMBER:
311 North Tremont

PROJECT LOCATION - SPECIFIC:
311 North Tremont

PROJECT LOCATION - GENERAL:
N. Tremont and Pier View Way
City of Oceanside

CONDITIONAL USE PERMIT (C-202-06)
REGULAR COASTAL (RC-202-06)

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:
CONDITIONAL USE PERMIT (C-202-06) AND REGULAR COASTAL PERMIT (RC-202-06) for the allowance of full beverage alcoholic service located at 311 North Tremont Street.

NAME OF PUBLIC AGENCY APPROVING PROJECT:
City of Oceanside
NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:
Coastal Food Concepts
1946 E. Hacienda
Las Vegas, NV 89119
(760) 807-7020

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

__**NOT SUBJECT TO CEQA PER THE GENERAL RULE, SECTION 15061(B)(3)**

__**STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)**

X **CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION 15332(b)**

REASONS WHY PROJECT IS EXEMPT:
The project proposes a full beverage alcoholic service within an existing restaurant. No construction is proposed. The project is located on a less than 5-acres site within an urbanized area.

Contact Person: Shan Babick, Associate Planner

June 12, 2006
SIGNATURE DATE
For: Jerry Hittleman, Interim City Planning