



DATE: May 16, 2012

TO: Chairman and Members of the Community Development Commission

FROM: Economic and Community Development Department

SUBJECT: **A RESOLUTION APPROVING A VARIATION (RV12-00001) AND A REGULAR COASTAL PERMIT (RRP12-00002) TO ALLOW FOR ROOF SIGNS AND AN OFFSITE SIGN FOR AN EXISTING RESTAURANT LOCATED AT 302 NORTH THE STRAND – PIER CONSESSION - APPLICANT: CITY OF OCEANSIDE**

SYNOPSIS

The item under consideration is a Variation and Regular Coastal Permit to allow for roof signs and an offsite sign for an existing restaurant located at 302 North The Strand. Staff is recommending that the Commission adopt a resolution of approval for this project.

BACKGROUND

In 1996 construction was completed on an approximately 600-square-foot restaurant on City-owned property located at the foot of the pier at 302 North The Strand. The previous tenant (McDonald's) operated the restaurant from 1996 until 2010 and in January 2011 they vacated the premises. All signage has been removed from the building as well as the surrounding site.

On April 18, 2012, the City Council approved the negotiation of a lease agreement with The Tin Fish. Eating and Drinking establishments is an allowable use within Subdistrict 15 as a Visitor Serving Use.

Land Use and Zoning: The subject site is located within Subdistrict 15 of the "D" Downtown District. Subdistrict 15 is primarily intended to provide for public facilities, public parks, open spaces and other public-oriented uses.

Regular Coastal Permit: This project is situated within the Coastal Zone and requires a Regular Coastal Permit. Under the provisions of the Local Coastal Plan the project site is designated as Open Space. Public parks, beaches and coastal access ways are intended to support active public recreation uses.

The project is also situated within the Coastal Zone "appeal jurisdiction". Any local action by the City on this proposed coastal development permit may be appealed to the California Coastal Commission.

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Project Description: The project proposes to add four roof signs to the existing restaurant and one offsite sign on Pacific Street. One of the proposed signs is 18 square feet in size (3 feet high and 6 feet in length) and extends approximately 9 feet high above the roof. The sign is connected to the roof by a single 6-inch metal pole, is constructed of aluminum and is illuminated. Two of the signs are “flag signs” and are 8 square feet in size (2 feet high and 4 feet in length) and extend approximately 4 feet above the roof height. The fourth sign is a menu board sign and is approximately 35 square feet in size (3.5 feet in width and 10 feet in length) and is projecting from the roof on the front (western) side of the building. Staff is also requesting to add an offsite sign to an already existing sign structure located on the west side of Pacific Street immediately south of the pier. The existing sign structure has the pier restaurant sign (Ruby’s) and staff would like to add another sign to the sign structure. The proposed offsite sign is approximately 13 square feet in size (2.5 feet in height and 5 feet in length) and is consistent in size with the Ruby’s sign. Section 3304 of the Oceanside Zoning Ordinance does not allow for roof signs or offsite signs, however, Section 4101 of the Zoning Ordinance states the following:

“Variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.”

Regular Coastal Permit: This project requires a coastal permit because the subject site is situated within the appealable area of the coastal zone.

Environmental Determination: A Certificate of Exemption has been prepared for the project and in accordance to Article 19 Categorical Exemption; Section 15332 (a through e) of the California Environmental Quality Act (CEQA) the project is considered exempt. Under the provisions of CEQA, the Community Development Commission will consider the exemption during its hearing on the project.

ANALYSIS

Staff’s analysis focused on the compatibility of the project with existing development patterns of the area and the project’s consistency with the underlying General Plan, Zoning Ordinance, and the Local Coastal Program.

General Plan: Section 1.35 of the General Plan states that the City’s objective is to promote the long-term viability and rejuvenation of the redevelopment area consistent with the overall policies and improvements of the City. The proposed project is consistent with the objectives of the General Plan in that the proposed site and tenant improvements will improve the building and provide a high quality restaurant located within the pier plaza area. In addition, the proposed roof signs are made of quality material, are small in size and will not detract from aesthetics of the pier plaza area. The proposed offsite sign replaces the former restaurant sign.

Variation: The Variation is required because the proposed signs exceed the roof height of the existing restaurant and one of the signs is offsite. The location of the existing restaurant is at the foot of the bluff and underneath the pier where the potential public exposure is very limited. The proposed signs will provide better public exposure and thereby provide better service for beach visitors. The restaurant's unique location (foot of the bluff and underneath the pier) provides a hardship not realized by other private commercial businesses located within the surrounding area. The offsite sign structure already exists and has signage for Ruby's, which has similar constraints.

Local Coastal Plan: Staff's review of the project examined the consistency of the development with the underlying zoning regulations and policies of the Local Coastal Program. The project is located within the "appealable area" which is defined as the first 300 feet east of The Strand (west side of Myers Street). The subject site is situated at the foot of the pier between two existing public stair access ways (located at the north and south side of the pier); therefore, the proposed project will not obstruct and/or block any existing and/or proposed public beach access. Staff also evaluated the proposed project and its effect on public coastal views. The proposed signs are attached to the roof of the existing building by a single 6-inch-wide metal pole and one of the signs is only 18 square feet in size; (3' X 6') while the other two signs are only 8 square feet in size (2' X 4'). The proposed signs are located well below the height of the pier and therefore will not affect the public views from either the pier or Pacific Street. The offsite sign replaces the former restaurant (McDonalds) sign on Pacific Street. In addition, due to the small size of the signs, the coastal views from the north (beach community center) or the south (amphitheater) will not be affected. As noted, the offsite sign replaces the former restaurant sign on Pacific Street and will not affect public coastal views.

Staff believes that the proposed roof signs and offsite sign will not compromise public coastal views due to the small size of the signs and their locations. The location of the restaurant represents a hardship not realized by the surrounding commercial properties. The proposed signs are attractive and their small size and location will not affect the aesthetics of the building nor the surrounding pier plaza area.

COMMISSION OR COMMITTEE REPORTS

Not applicable.

FISCAL IMPACT

Not applicable.

CITY ATTORNEY'S ANALYSIS

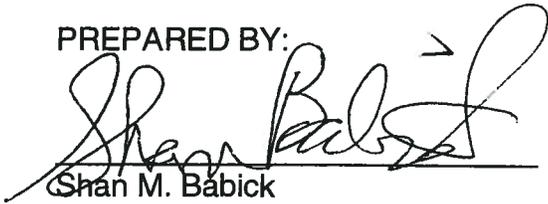
Pursuant to Oceanside Zoning Ordinance Article 41, Section 4104, the Community Development Commission is authorized to hold a public hearing on this project's

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

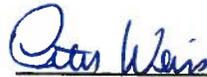
Staff recommends that the Commission adopt the resolution approving a Variation (RV12-00001) and Regular Coastal Permit (RRP12-00002) for roof signs and offsite sign for an existing restaurant located at 302 North The Strand.

PREPARED BY:



Shan M. Babick
Associate Planner

SUBMITTED BY:



Peter A. Weiss
Executive Director

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
Kathy Baker, Redevelopment Manager



EXHIBITS/ATTACHMENTS

1. Resolution
2. Site Plan and Elevations
3. Certificate of Exemption

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RESOLUTION NO. 12-

A RESOLUTION OF THE COMMUNITY DEVELOPMENT
COMMISSION OF THE CITY OF OCEANSIDE APPROVING
A VARIATION AND A REGULAR COASTAL PERMIT FOR
ROOF SIGNS AND AN OFFSITE SIGN FOR AN EXISTING
RESTAURANT LOCATED AT 302 NORTH THE STRAND -
PIER CONSESSION-APPLICANT: CITY OF OCEANSIDE

WHEREAS, on May 16, 2012, the Community Development Commission held its duly noticed public hearing, considered an application for a Variation (RV12-00001) and Regular Coastal Permit (RRP12-00002) for roof signs and an offsite sign for an existing restaurant located at 302 The Strand;

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 of 1970 and the State Guidelines implementing the Act. Pursuant to Section 15332 (A through E) of the CEQA guidelines the project is situated in an area (infill) that is not environmentally sensitive and therefore will not have a detrimental effect on the environment.

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 Regular Coastal Permit:

1. The granting of the Regular Coastal Permit is consistent with the purposes of the California Coastal Act of 1976. The existing use, a restaurant, is consistent with the designated Open Space uses of the Local Coastal Plan in that it provides an eatery located within a designated recreation area that serves the public. The proposed roof signs and offsite sign do not impede public access to the beach or substantially impact public coastal views.

2. The proposed project is consistent with the policies of the Local Coastal Program as implemented through the City Zoning Ordinance. The proposed roof signs and offsite sign will not substantially alter or impact the existing coastal views through the public rights-of-way view corridors because the signs will be attached to the roof by a single metal pole and the size of the roof signs are only either 18 square feet or 8 square feet. The offsite sign replaces a

1 former sign and will not impede public access or public coastal views.

2 3. The proposed project will not obstruct any existing or planned public beach
3 access; therefore, the project is in conformance with the policies of Chapter 3 of the Coastal
4 Act. The subject site is located between two public coastal access ways and, therefore, the
5 proposed project will not obstruct and/or block any existing and/or proposed public beach
6 access.

7 **Variation for the Roof Signs and Offsite Sign:**

8 1. The application of certain regulations and development standards would result in
9 practical difficulties inconsistent with the intent of the Redevelopment Plan. The location of the
10 existing restaurant is underneath the pier at the foot of the bluff and therefore public exposure is
11 very limited. The location represents a unique circumstance and hardship that is not readily
12 applicable to similar commercial restaurants located in the surrounding neighborhood.

13 2. The exceptional circumstance is the unique location of the restaurant underneath
14 the pier at the foot of the bluff which present an unusual hardship that is not realized by
15 commercial businesses located within the downtown area.

16 3. Permitting the Variation will not be materially detrimental to the public welfare
17 or injurious to other properties or improvements within the Subdistrict 15 zone. The proposed
18 roof signs and offsite sign are attractive and their small size will not be detrimental to the
19 neighborhood. The offsite sign replaces a former sign by the former restaurant.

20 4. Permitting the Variation will not be contrary to the objectives and goals of the
21 Redevelopment Plan. The proposed roof signs and offsite sign and associated site and building
22 improvements will further goals and objectives of the Redevelopment Plan by renovating a
23 deteriorated building.

24 SECTION 1. That Variation (RV12-00001) and Regular Coastal Permit (RRP-11-
25 00003) is hereby approved subject to the following conditions:

26 **Building:**

27 1. Applicable Building Codes and Ordinances shall be based on the date of
28 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.

1 **Economic/Redevelopment:**

2 3. This Variation (RV12-00001) and Regular Coastal Permit (RRP12-00002) shall
3 expire on May 16, 2014, unless implemented as required by the Zoning Ordinance.

4 4. This Variation and Regular Coastal Permit approves only the roof signs and
5 offsite sign as shown on the plans and exhibits presented to the Community Development
6 Commission for review and approval. No deviation from these approved plans and exhibits
7 shall occur without Economic and Community Development Department approval. Substantial
8 deviations shall require a revision to the Variation and Regular Coastal Permit or a new
9 Variation and Regular Coastal Permit.

10 5. The applicant, permittee or any successor-in-interest shall defend, indemnify and
11 hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or
12 proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul
13 an approval of the City, concerning Variation (RV12-00001) and Regular Coastal Permit
14 (RRP12-00002). The City will promptly notify the applicant of any such claim, action or
15 proceeding against the City and will cooperate fully in the defense. If the City fails to promptly
16 notify the applicant of any such claim action or proceeding or fails to cooperate fully in the
17 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless
18 the City.

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

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

27 8. Failure to meet any conditions of approval for this development shall constitute a
28 violation of Variation (RV12-00001) and Regular Coastal Permit (RRP12-00002).

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

6
7 PASSED AND ADOPTED by the Oceanside Community Development Commission of
8 the City of Oceanside this ___ day of _____ 2012 by the following vote:

9 AYES:

10 NAYS:

11 ABSENT:

12 ABSTAIN:

13 _____
Chairman

14 ATTEST:

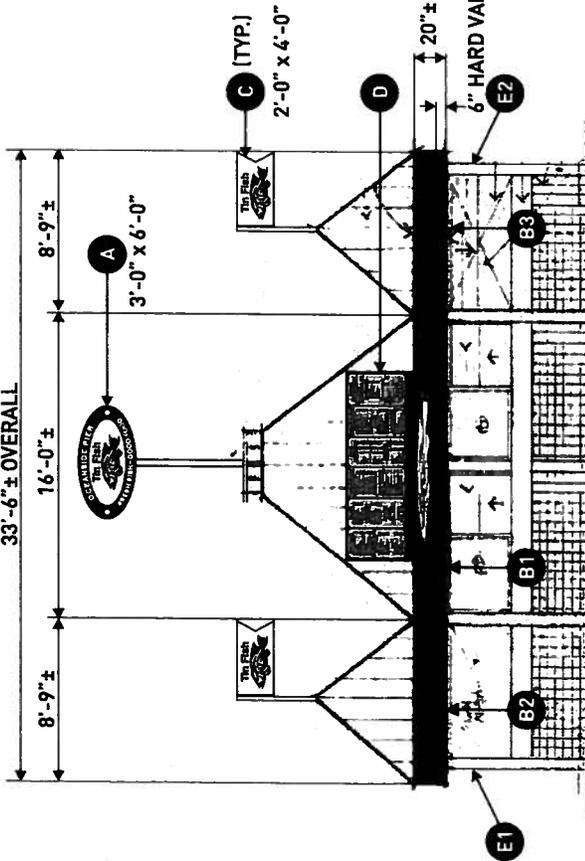
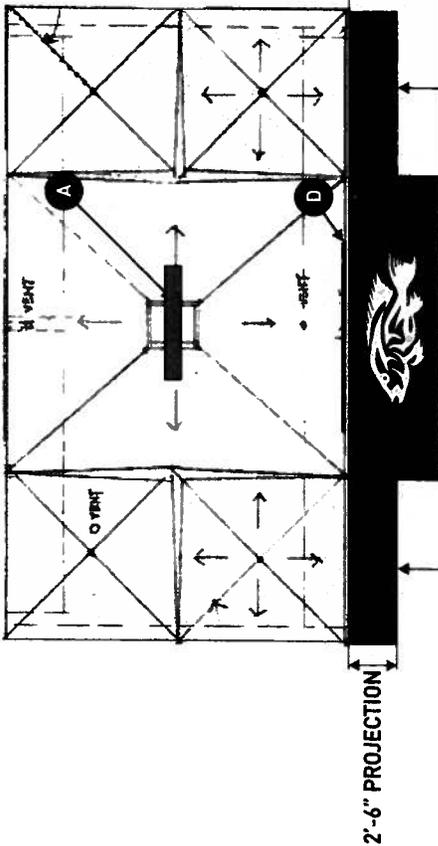
15 _____
16 Secretary

17 APPROVED AS TO FORM:
18 OFFICE OF THE CITY ATTORNEY

19 by John P. Mulla
20 General Counsel



SITE PHOTO SCALE: 1/16" = 1'-0"



FRONT ELEVATION SCALE: 1/8" = 1'-0"

RIGHT SIDE ELEVATION 1/8" = 1'-0"

- A PROPOSED:**
SINGLE FACED INTERNALLY ILLUMINATED SIGN
QTY: ONE (1)
FACE: WHITE LEXAN WITH BLUE VINYL GRAPHICS
CABINET: ALUMINUM FABRICATION,
PAINTED BLUE TO MATCH VINYL GRAPHICS
ILLUMINATION: 800MA FLUORESCENT LAMPS
AS REQUIRED

- B PROPOSED:**
STORE FRONT AWNINGS
QTY: THREE (3)
DARK BLUE SUNBRELLA AWNING MATERIAL
LOGO / GRAPHIC: WHITE
SQUARE TUBE FRAME, PAINTED BLACK

- C PROPOSED:**
RIGID DOUBLE SIDED 'FLAGS'
QTY: TWO (2)
WHITE ALUMINUM WITH APPLIED GRAPHICS

- D SEE SHEET 2**
- E SEE SHEET 3**

STANFORD SIGN & AWNING
2556 Falve Street
Chula Vista CA, 91911
Phone: 619 423 4200
Fax: 619 423 8566
www.stansign.com

Project Name
Tin Fish
Job Location
Oceanside

Presented By
Gordon Darnelle
E-Mail: gordon@stansign.com
Design Date: 3.5.12

This design is the exclusive property of Stanford Sign and Awning. It may not be reproduced or used in part, without the written consent of Stanford Sign and Awning.
All primary electrical to sign location to be provided by others.

NOTE:
All approved drawings require required prior to fabrication.
Customer Approval

Sales Person Approval

Production Approval

Revisions

R1:	3.30.12
R2:	4.23.12

Drawing By:
T. Thomsen

Drawing Number
12099

Sheet 1
Of 7

5'-11" O.A. LENGTH

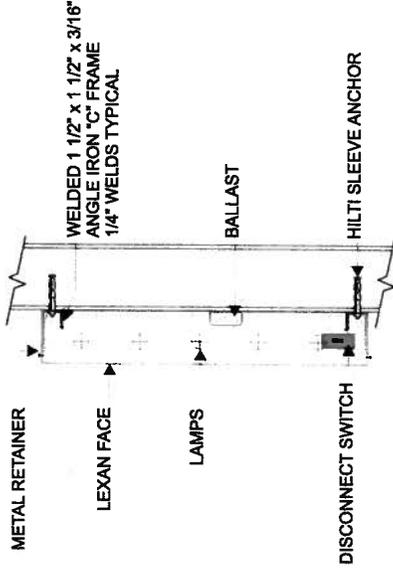


3'-0"

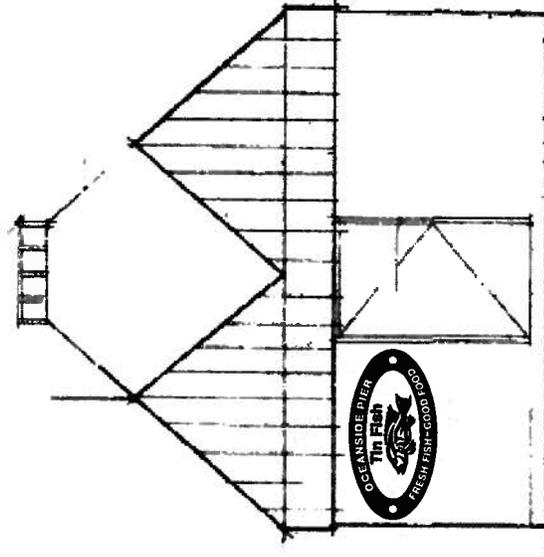
- E** PROPOSED SINGLE FACED INTERNALLY ILLUMINATED WALL SIGN - QTY. TWO (2)
- FACE : CLEAR LEXAN WITH SECOND SURFACE DIGITALLY PRINTED GRAPHICS
- CABINET : ALUMINUM FABRICATION,
- PAINTED BLUE TO MATCH GRAPHICS
- ILLUMINATION : 800MA FLUORESCENT LAMPS
- AS REQUIRED



E1 LEFT SIDE ELEVATION - SCALE: 3/16" = 1'-0"



FABRICATION DETAIL



E2 RIGHT SIDE ELEVATION - SCALE: 3/16" = 1'-0"

STANFORD SIGN & AWNING
 2554 Fairview Street
 Chula Vista, CA 91911
 Phone: 619.423.6200
 Fax: 619.423.8566
 www.stansign.com

Project Name
Tin Fish

Job Location
Oceanside

Presented By
Gordon Darnelle
E-Mail: gordon@stansign.com

Design Date : 3.5.12

This design is the exclusive property of Stanford Sign and Awning & is not to be reproduced, copied, or used in part, without the written consent of Stanford Sign and Awning.
All primary electrical to sign location to be provided by others.

NOTE:
All approved signatures below required prior to fabrication.
Customer Approval

Sales Person Approval

Production Approval

Revisions

R1:	3.30.12
R2:	4.23.12

Drawing By:
T. Thomsen

Drawing Number
12099

Sheet: **2**
Of: **7**

STANFORD SIGN & AWNING
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 Chula Vista CA 91911
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Project Name
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Job Loc
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 Customer Approval

Sales Person Approval

Production Approval

Revisions	
R1:	3.30.12
R2:	4.23.12

Drawing By:
 T.Thomsen

Drawing Number
12099

Sheet: **6**
 Of: **7**

5'-0" OPENING

4'-10" O.A. LENGTH



28 1/2"

EXISTING SIGN
 20" ±

1/2" = 1'-0"

H MANUFACTURE & INSTALL ONE (1) DOUBLE FACED SANDBLAST SIGN ON EXISTING SUPPORTS
 2" THICK REDWOOD, RAISED AREAS PAINTED TINFISH BLUE
 RECESSED/SANDBLASTED AREAS PAINTED WHITE
 METHOD OF INSTALLATION TO BE DETERMINED



NOTICE OF EXEMPTION

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

PROJECT TITLE AND FILE NUMBER:

VARIATION (RV12-00001) AND REGULAR COASTAL PERMIT (RRP12-00002) TO ALLOW FOR ROOF SIGNS AND AN OFFSITE SIGN ON AN EXISTING RESTAURANT LOCATED AT 302 NORTH THE STRAND – PIER CONCESSION – APPLICANT: CITY OF OCEANSIDE

PROJECT LOCATION - SPECIFIC:
302 North The Strand

PROJECT LOCATION - GENERAL:
Pier View Way and The Strand streets

VARIATION (RV12-00001)
REGULAR COASTAL PERMIT (RRP12-00002)

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:

To allow for roof signs and an offsite sign on an existing restaurant located at 302 The Strand.

NAME OF PUBLIC AGENCY APPROVING PROJECT:

City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:

Shan Babick
City of Oceanside
Oceanside, CA 92054
(760) 435-3354

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)

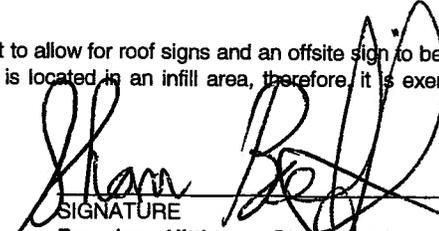
STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION 15332 (a through e)

REASONS WHY PROJECT IS EXEMPT:

The proposed project is a Variation and Coastal Permit to allow for roof signs and an offsite sign to be placed on an existing restaurant located at 302 N. The Strand. The proposed project is located in an infill area, therefore, it is exempt from environmental review.

Contact Person: Shan Babick, Associate Planner


SIGNATURE

April 25, 2012

DATE

For: Jerry Hittleman, Planning Director

CITY HALL, 300 NORTH COAST HIGHWAY, OCEANSIDE CA 92054, TELEPHONE (760) 435-3354, FAX (760) 722-1057