



DATE: March 12, 2007

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (C-55-06) AND A REGULAR COASTAL PERMIT (RC-3-07) TO PERMIT A REGULATED USE (DAY SPA/ MASSAGE ESTABLISHMENT) AND A WAIVER OF LOCATIONAL REQUIREMENTS FOR THE SUBJECT REGULATED USE AT 417 SOUTH COAST HIGHWAY WITHIN THE TOWNSITE NEIGHBORHOOD AND THE COASTAL ZONE. – GOLDEN DAY SPA – APPLICANT: TIANNA J. MARTIN**

**RECOMMENDATION**

Staff recommends that the Planning Commission, by motion:

- (1) Recommend that City Council deny Conditional Use Permit (C-55-06) and Regular Coastal Permit (RC-3-07); and,
- (2) Recommend that City Council deny the waiver of locational requirements; and,
- (3) Recommend that City Council confirm the issuance of a Class 1, Categorical Exemption "Existing Facilities"; and,
- (4) Adopt Planning Commission Resolution No. 2007-P14 with findings attached herein.

**PROJECT DESCRIPTION AND BACKGROUND**

**Site Review:** The zoning designation for the site is CG (General Commercial) and the General Plan Land Use Category is General Commercial. Surrounding land uses include commercial and high-density residential properties to the north, south and west and commercial and single-family residences to the east.

The proposed project is located in an existing 1,200-square foot suite that is part of a larger 12,000-square foot building. The building was built circa 1960 and has gone through numerous tenant improvements including a storefront remodel in 1981. Extensive tenant improvements were permitted and completed in 2006 in order to create the Golden Day Spa. The site is located at 417 South Coast Highway and is within the Townsite Neighborhood and the Coastal Zone.

**Project Description:** The day spa/massage facility consists of an entryway and receptionist/waiting room, six (6) rooms for conducting spa services, a restroom, a shower facility, and space for a washer and dryer. The building shares parking with eight other tenants. Public parking is off-street, either behind or adjacent to the building, or along Coast Highway and Washington Street.

The Golden Day Spa is proposed to be open seven days a week, between the hours of 9:30 a.m. and 9:00 p.m. and to provide skin care, reflexology, acupressure and massage services. The proposed massage services will constitute the predominant activity/business service at the day spa and will occupy the majority of the floor area.

The project application is comprised of three components; a Conditional Use Permit, a Regular Coastal Permit, and a waiver of the locational requirements for a regulated use as follows:

Conditional Use Permit No. C-55-06 represents a request for the following:

- (a) To permit massage services (regulated use) in conjunction with a day spa, pursuant to Article 36 of the Oceanside Zoning Ordinance (OZO).

Regular Coastal Permit No. RC-3-07 represents a request for the following:

- (a) To permit the establishment of massage services within the coastal zone, pursuant to the Local Coastal Program.

Waiver of locational requirements represents a request for the following:

- (a) To permit a waiver of the locational requirements provided in Section 3604 for a regulated use.

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

1. Zoning Ordinance
2. General Plan Land Use Element
3. Coastal Act/ Local Coastal program

## **ANALYSIS**

### **KEY PLANNING ISSUES**

#### **1. General Plan Compliance**

The General Plan Land Use Map designation on the subject property is General Commercial. The proposed project is not consistent with this designation or the goals and objectives of the City's General Plan as follows:

##### **A. Land Use Element**

###### **Goal 2.2: Commercial Development**

**Objective:** To promote and preserve a balance of successful markets and services in aesthetic, people-oriented associations that are compatible and organized to surrounding land uses.

**Policy:** The City shall preserve and enhance viable, positive commercial developments through the proper allocation of the following commercial land use designations: ...3) General Commercial...

A wide range of commercial services/businesses surround the project site including personal services, retail shops, vehicle repair services, and a convenience market. The addition of massage services has the potential of negatively impacting existing commercial development because the use will not comply with applicable locational requirements and will contribute to the concentration of regulated uses in the immediate area.

#### **2. Zoning Compliance**

##### **Article 11, Commercial Districts**

<b>PROPOSED USE</b>	<b>CG LAND USE REGULATIONS</b>	<b>ADDITIONAL REGULATIONS</b>
Adult Business	L-3	(E) (K)

Section 3602 classifies massage establishments as an adult business and a regulated use. Chapter 15 of the City Code defines massage establishments as: "Any establishment wherein a massage is given, engaged in, carried on, or permitted to be given, engaged in, or carried on, whether for fee or gratuitously" (Article 2, Section 1519). The City Code also requires the screening and licensing of persons who practice the art of massage. Approval of a conditional use permit by the City Council must be obtained prior to operating a massage establishment.

Article 31, Off-street Parking and Loading Regulations

USE	BUILDING AREA (SQ. FT.)	PARKING CODE PROVISION	REQUIRED PARKING	EXISTING PARKING	EXISTING PARKING FOR AREA
Golden Day Spa	1,200	1/200 sq. ft.	6	2	34

Based upon Section 3102(B), no existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities, provided that facilities being used for off-street parking and loading as of the date of adoption of the article shall not be reduced in number to less than that required by the provisions of the article. The proposed day spa/ massage service use would occupy an existing building suite. The use would not result in the reduction of existing parking spaces and the addition of massage services would not increase the existing requirements for parking.

Article 36, Separation of Regulated Uses

Article 36, Separation of Regulated Uses, states that adult-oriented uses create conditions harmful to the public health, welfare and safety when such uses are allowed to become numerous or concentrated within a limited geographical area, or when such uses exist near residential neighborhoods, family-oriented uses or sites commonly used by neighborhoods, family-oriented uses or sites commonly used by minors. Therefore special regulations separating such uses from each other and from nearby residential areas, family-oriented uses, or sites commonly used by minors, are necessary to protect the community from consequent blight, depreciated property values, law enforcement problems, as well as interference with activities oriented toward families or minors.

Section 3604 requires that a massage establishment be located a minimum of 1,000 feet from any other regulated use; residential districts; any public or private school; park, playground, or public beach; church or other similar religious facility; and/or childcare or pre-school facility. Any person proposing a permitted regulated use may apply for a waiver of the locational requirements except where such waiver would allow for the creation of a Sex Supermarket/Sex Mini-Mall. Two (2) other regulated uses (another massage establishment and a tattoo parlor) are within 1,000 feet from the proposed project day spa/massage location.

The following table shows the distances between the proposed project and other uses:

OTHER USE	NAME & ADDRESS	REQUIRED DISTANCE	APPROXIMATE DISTANCE
Regulated Use	About Face (tattoo) 423 S. Coast Highway	1,000 feet	< 50 feet
Residential District	<ul style="list-style-type: none"> <li>• Beginning west of Tremont St</li> <li>• Beginning east of alley btwn Coast Highway &amp; Freeman St</li> </ul>	1,000 feet	200 feet

OTHER USE	NAME & ADDRESS	REQUIRED DISTANCE	APPROXIMATE DISTANCE
Regulated Use	Massage World (massage est.) 310 S. Coast Highway	1,000 feet	540 feet
Church/similar facility	I AM Sanctuary of O'side 501 S. Nevada Street	1,000 feet	830 feet
Church/similar facility	Hope Chapel 506 S. Nevada Street	1,000 feet	830 feet
Child care/pre-school	515 Wisconsin Street	1,000 feet	1,200 feet
Church/similar facility	First Christian Church 204 S. Freeman Street	1,000 feet	1,200 feet
Playground	515 Wisconsin Street	1,000 feet	1,200 feet
Public/Private School	St. Mary Star of the Sea 515 Wisconsin Street	1,000 feet	1,200 feet
Public Beach	Pacific Ocean	1,000 feet	1,300 feet
Park	Tyson Street Park @ Tyson and Pacific	1,000 feet	1,500 feet
Public/Private School	Oceanside High School One Pirates Cove Way	1,000 feet	2,000 feet
Church/similar facility	Saint Anne's Parish 701 West Street	1,000 feet	2,000 feet

### 3. Land Use Compatibility with Surrounding Developments

The hours of operation are somewhat inconsistent with those of the surrounding businesses; most of the businesses close between 5:00 and 7:00 pm. The Golden Day Spa would close at 9:00 pm, with the final service of the day offered around 8:00 pm to meet the needs of working individuals. The following table lists specific land uses surrounding the proposed project:

LOCATION	GENERAL PLAN	ZONING	SPECIFIC LAND USE
Subject Property:	GC (General Commercial)	CG	Day spa with massage
Other tenants w/in the building	GC	CG	Sports card shop Insurance office Check cashing Tattoo parlor Temporary labor Casino dealer school Hair salon Retail surfboard shop

LOCATION	GENERAL PLAN	ZONING	SPECIFIC LAND USE
North of Subject Property:	GC, UHD-R (Urban High-Density Residential), HD-R (High-Density Residential)	CG, RH-U, RH	Gas station Vehicle repair Parking lot
East:	GC, SFD-R (Single Family Detached-Residential)	CG, RS	Furniture store Tactical supplies Retail store Convenience market
South:	GC, UHD-R, SFD-R	CG, RH-U, RS	Transmission shop
West:	GC, UHD-R, Redevelopment	CG, RH-U, D	Parking lot Apartment building Vehicle repair Single-family residences

#### 4. Local Coastal Program compliance

The proposed project is within a non-appealable portion of the Coastal Zone. The following objectives and policies of the LCP apply to the project:

##### Section VII: New Development and Public Works

Objective: The City endorses infilling and revitalization of the Coastal Zone for the purpose of creating an attractive, balanced, and economically sound urban environment.

Policy 2c: Encourage preservation of existing and development of new neighborhood commercial uses such as markets, banks, and small retail stores.

Policy 2d: Support development of wide variety of private and public recreational and tourist facilities, which can attract and serve both visitors and residents.

Coast Highway is the business loop for Interstate 5 and functions as the major through street in the Coastal Zone. As such, it represents a major "window" to the coast and a significant visitor use area. Although the addition of massage services would add to the variety of commercial services available to residents and visitors, staff is concerned that the use may not contribute towards creating an attractive and balanced environment. The use will not comply with regulated use locational requirements and may negatively impact the viability of existing and/or future commercial uses that advance revitalization efforts of the coastal zone.

## **DISCUSSION**

*Issue: Project compatibility with existing surrounding development.*

*Recommendation:* Although the application materials do not assert, or otherwise suggest, an intention to conduct any illicit or vice activities of a sexual nature, which may be associated with a stereotypical perception of a "massage parlor", staff finds that the proposed massage services would not necessarily enhance positive commercial development in the immediate area.

There are two (2) regulated uses close to the proposed project. A tattoo parlor is located within the same building, less than 50 feet from the Golden Day Spa/Massage establishment. Another massage establishment is located approximately 540 feet to the north and across the street. The approval of this project would place three (3) regulated uses within 1,000 feet of each other.

The proposed hours of operation are not consistent with those of the surrounding businesses. The applicant has indicated that the day spa's hours of operation are tailored to meet the needs of working individuals. However, the business is only 200 feet from residential districts, less than 100 feet from legal, non-conforming residential properties and may be disruptive to these homes. Therefore, staff recommends against the applicant's request for the establishment of massage services at the subject location.

*Issue: Land Use Consistency with Findings for Granting Locational Requirement Waiver.*

*Recommendation:* In reviewing the application for a waiver of locational requirements, the Planning Commission must make all of the following findings for this regulated use:

- (1) It will not be contrary to the public interest.
- (2) It will not be contrary to the spirit or intent of Article 36 of the Zoning Ordinance.
- (3) It will not impair nearby property or the integrity of the underlying district.
- (4) It will not encourage the development of an adult entertainment area or otherwise promote community blight.
- (5) It will not negatively impact any governmental programs of redevelopment, revitalization, or neighborhood preservation.

Staff finds that the business operations could pose negative impacts to public welfare, private properties, or sensitive land uses. Two other regulated uses (a massage establishment and a tattoo parlor) are located within 1,000 feet of the proposed use. By allowing this third regulated use into the area, the potential for adult activity and associated blight, depreciated property values, and law enforcement problems increases. The project is also located within 200 feet of single-family and multi-family residences and within 900 feet of two religious assembly land uses. The addition of massage services at this location may interfere with activities oriented toward families or minors.

**ENVIRONMENTAL DETERMINATION**

The proposed project is categorically exempt pursuant to Article 19 Categorical Exemptions, 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 and tenants within a 1,000 ft. radius of the subject property.

**SUMMARY**

The proposed Conditional Use Permit and Regular Coastal Permit are not consistent with the requirements of the Oceanside Zoning Ordinance and the land use policies of the General Plan, or the Local Coastal Program. The applicant has requested a waiver from the applicable locational requirements. Staff does not believe that the project meets the findings for the waiver. As a result, staff cannot recommend approval for the Conditional Use Permit or Regular Coastal Permit. Therefore, staff recommends that the Planning Commission:

- Move to recommend that City Council deny Conditional Use Permit (C-55-06), deny Regular Coastal Permit (RC-3-07), and deny the waiver of the locational requirements and adopt Resolution No. 2007-P14.

PREPARED BY:

  
 Sally Schifman  
 Planner II

SUBMITTED BY:

  
 Jerry Hittelman  
 City Planner

REVIEWED BY:

  
 Amy Volzke, Principal Planner  
 JH/SS/fil

Attachments:

1. Tenant Improvement Development Plans 06-423
2. Resolution No. 2007-P14



**LEASE SPACE:**

1. ALL INTERIOR PARTITIONS SHALL BE 1/2" Gypsum Board on 2x4 Stud Wall.
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**GENERAL NOTES:**

1. ALL PARTITIONS SHALL HAVE A FIVE EIGHTH CLASSIFICATION.
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**PLUMBING LEGEND:**

- 1. 1/2" GYPSUM BOARD ON 2x4 STUD WALL
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- 10. 1/2" GYPSUM BOARD ON 2x4 STUD WALL

**EXISTING HVAC NOTE:**

EXISTING HVAC SYSTEM TO REMAIN. CONTRACTOR TO VERIFY SYSTEM TO PROCEED WITH PARTITION CONSTRUCTION. VERIFY SYSTEM TO PROCEED WITH PARTITION CONSTRUCTION. VERIFY SYSTEM TO PROCEED WITH PARTITION CONSTRUCTION.

**SMOKE DETECTION NOTE:**

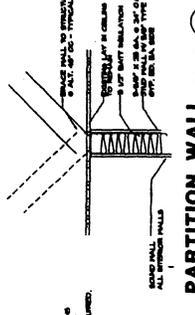
ALL NEW SYSTEMS SUPPLYING IN EXCESS OF 2000 CFM SHALL HAVE AN AIR FLOW SENSOR AND SMOKE DETECTOR REQUIRED FOR THE SECTION. THE SMOKE DETECTOR SHALL BE INSTALLED IN ACCORDANCE WITH THE SMOKE DETECTOR CODE.

**MODIFIED FLOOR PLAN LEGEND:**

- 1. 1/2" GYPSUM BOARD ON 2x4 STUD WALL
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- 9. 1/2" GYPSUM BOARD ON 2x4 STUD WALL
- 10. 1/2" GYPSUM BOARD ON 2x4 STUD WALL

**DEMO NOTES:**

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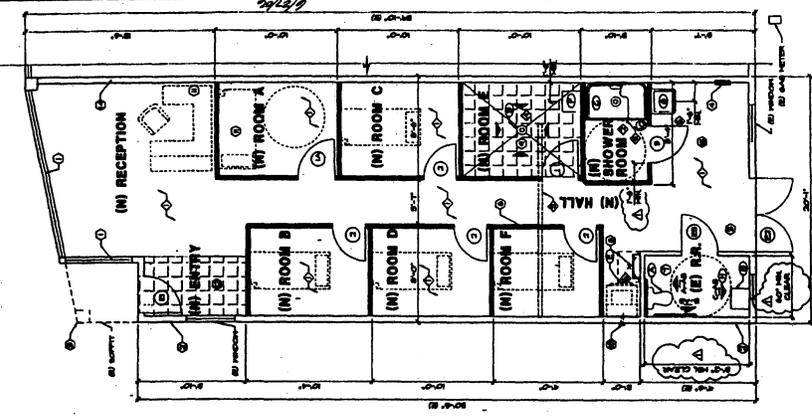
**PARTITION WALL TO SCALE 1/8"**

**EXISTING RESTROOM NOTE:**

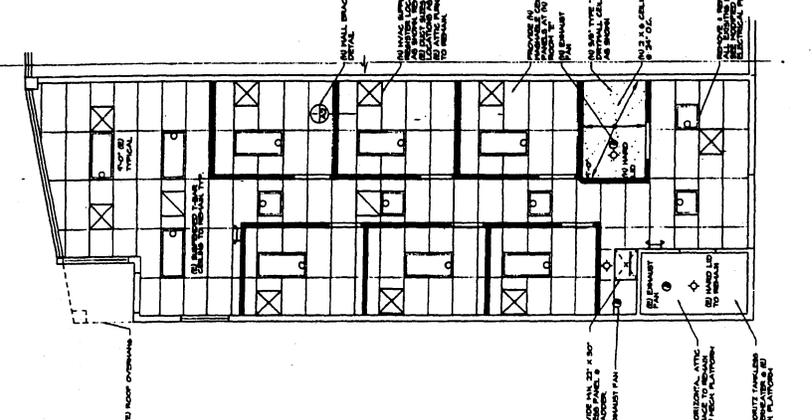
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**REFLECTED CEILING PLAN LEGEND:**

- 1. 1/2" GYPSUM BOARD ON 2x4 STUD WALL
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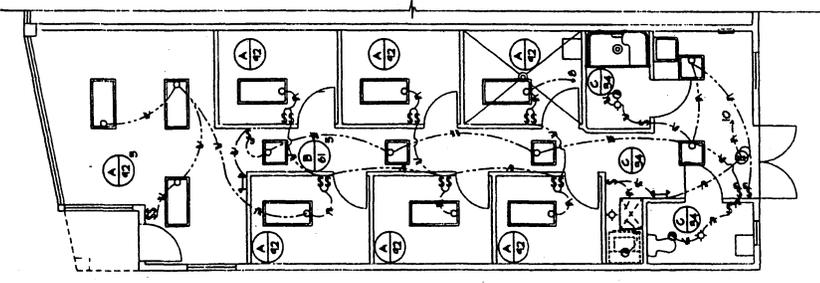
**MODIFIED FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



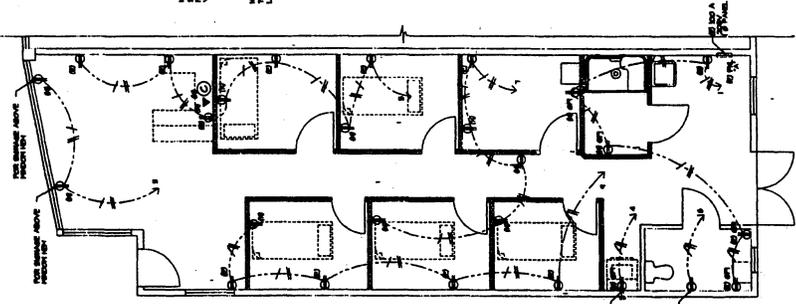
**MODIFIED REFLECTED CEILING PLAN**  
SCALE: 1/8" = 1'-0"







**MODIFIED LIGHTING PLAN**  
2024.07.10



**MODIFIED POWER PLAN**  
2024.07.10

THE ELECTRICAL CODE IS THE BASIS FOR THE DESIGN OF THIS SYSTEM. THE SYSTEM SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE ELECTRICAL CODE AND THE NATIONAL FIRE ALARM AND SIGNAL ASSOCIATION (NFPA) 70B.

**NOTES**

1. ALL ELECTRICAL SYMBOLS AS SHOWN ON THIS PLAN LOCATIONS INDICATE AS REQUIRED FOR PROPER FUNCTION.
2. ALL WIRING SHALL COMPLY WITH THE LATEST EDITION OF THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL FIRE ALARM AND SIGNAL ASSOCIATION (NFPA) 70B.
3. CONTRACTOR TO VERIFY EXISTING FIELD CONDITIONS.
4. THESE SYMBOLS ARE NOT TO BE CONSIDERED AS A BASIS FOR THE DESIGN OF THE SYSTEM.
5. EXISTING AS SHOWN TO REMAIN.





1 PLANNING COMMISSION  
2 RESOLUTION NO. 2007-P14

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE  
4 CITY OF OCEANSIDE, CALIFORNIA RECOMMENDING  
5 DENIAL OF A CONDITIONAL USE PERMIT, REGULAR  
6 COASTAL PERMIT, AND A WAIVER OF LOCATIONAL  
7 REQUIREMENTS FOR A REGULATED USE ON CERTAIN  
8 REAL PROPERTY IN THE CITY OF OCEANSIDE

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7 APPLICATION NO: C-55-06, RC-3-07  
8 APPLICANT: Tianna Martin  
9 LOCATION: 417 South Coast Highway

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms  
13 prescribed by the Commission requesting a Conditional Use Permit and Regular Coastal Permit for  
14 a regulated use and a waiver of locational requirements for said regulated use under the provisions  
15 of Articles 36 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

16 a day spa/massage establishment and a waiver of locational requirements for the subject  
17 regulated land use;  
18 on certain real property described in the project description;

19 WHEREAS, the Planning Commission, after giving the required notice, did on the 26th  
20 day of February 2007 conduct a duly advertised public hearing as prescribed by law to consider  
21 said application;

22 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
23 Guidelines thereto; this project has been found to be categorically exempt from environmental  
24 review per Article 19 Categorical Exemptions, Section 15301 Existing Facilities;

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

27 WHEREAS, studies and investigations made by this Commission and in its behalf reveal  
28 the following facts:  
29

1 FINDINGS:

2 For the Conditional Use Permit:

- 3 1. The proposed location of the regulated use is not in accord with the objectives of the  
4 Ordinance and the purposes of the district in which the site is located. The proposed  
5 massage services are contrary to the Zoning Ordinance objective for the CG (General  
6 Commercial) zoning district and to the intent of Article 36 of the Zoning Ordinance. The  
7 proposed operation is not consistent with the General Plan Land Use Element objective for  
8 the underlying General Commercial land use designation affecting the property. The  
9 proposed massage services use will adversely affect existing and future development in  
10 the immediate area.
- 11 2. The proposed location of the conditional use will not be consistent with the General  
12 Plan; will be detrimental to the public health, safety or welfare of persons residing or  
13 working in or adjacent to the neighborhood of such use; and will be detrimental to  
14 properties or improvements in the vicinity and to the general welfare of the city. A  
15 massage establishment must be located a minimum of 1,000 feet from any other  
16 regulated use; residential districts; any public or private school; park, playground, or  
17 public beach; church or other similar religious facility; and/or childcare or pre-school  
18 facility. The proposed project does not comply with this regulation.
- 19 3. The proposed conditional use will not comply with the regulated use locational  
20 requirements of the Ordinance.

21 For the Regular Coastal Permit:

- 22 1. The proposed project is not consistent with the policies of the Local Coastal Program  
23 and zoning code.

24 For the Locational Waiver:

- 25 1. The proposed regulated use will be contrary to the public interest.
- 26 2. The proposed regulated use will result in the concentration of regulated uses and will be  
27 contrary to the spirit or intent of Article 36.
- 28 3. The proposed project will impair nearby property or the integrity of the underlying  
29 district. There are numerous residential districts and two religious assembly uses within  
1,000 feet of the proposed project site.

1 4. The proposed project may promote community blight. There are two (2) known  
2 regulated uses with 1,000 feet (in all directions) of the proposed project site. In addition,  
3 there are other businesses within 1000 feet of the proposed project that carry a negative  
4 image. These include a pawn shop and a check cashing business. Though these are not  
5 regulated uses, the addition of massage services would add to the potential for  
6 community blight.

7 5. The proposed project will negatively impact governmental programs of redevelopment,  
8 revitalization, or neighborhood preservation. Allowing three regulated use within 1,000  
9 feet of each other would not be conducive to the efforts of the City to enhance the  
10 coastal area.

11 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
12 recommend denial of Conditional Use Permit (C-55-06), Regular Coastal Permit (RC-3-07) and  
13 waiver of applicable locational requirements.

14 PASSED AND ADOPTED Resolution No. 2007-P14 on March 12, 2007 by the  
15 following vote, to wit:

16 AYES:

17 NAYS:

18 ABSENT:

19 ABSTAIN:

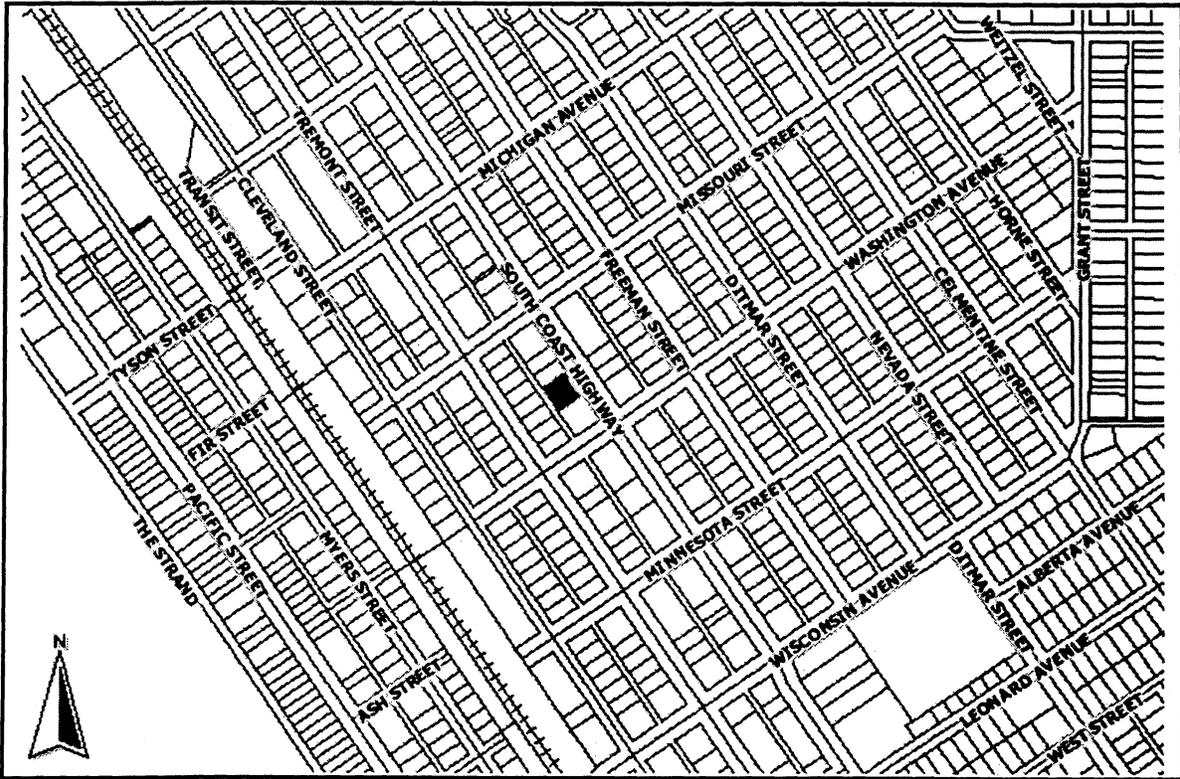
20 \_\_\_\_\_  
21 Dennis Martinek, Chairman  
22 Oceanside Planning Commission

23 ATTEST:

24 \_\_\_\_\_  
25 Jerry Hittleman, Secretary

26 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
27 this is a true and correct copy of Resolution No. 2007-P14.

28 Dated: March 12, 2007  
29



**File Number:** C-55-06, RC-3-07 and WAIVER OF LOCATIONAL REQUIREMENTS

**Applicant:** Tianna J. Martin

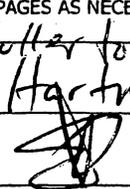
**Description:**

CONDITIONAL USE PERMIT (C-55-06) and REGULAR COASTAL PERMIT (RC-3-07) to permit a regulated use (massage establishment) component to a day spa and a WAIVER OF LOCATIONAL REQUIREMENTS for the proposed regulated use located at 417 South Coast Highway. The project site is zoned CG (General Commercial) and is situated within the Townsite Neighborhood and the Coastal Zone. **GOLDEN DAY SPA**

**Environmental Determination:**

The project is exempt from the California Environmental Quality Act.

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

Application For Planning Commission Hearing Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885 Please Print or Type All Information				STAFF USE ONLY	
				ACCEPTED	BY
				11/15/06	S.S.
PART I - APPLICANT INFORMATION				HEARING	
1. APPLICANT		2. STATUS		GPA	
Tianna J. Martin		Lessee		MASTER/SP. PLAN	
3. ADDRESS		4. PHONE/FAX		ZONE CH.	
417 S. Coast Hwy		760-433-2674		TENT. MAP	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)				PAR. MAP	
				DEV. PL.	
				C.U.P. C-55-06	
6. ADDRESS		7. PHONE/FAX		VARIANCE	
				COASTAL RC-3-07	
PART II - PROPERTY DESCRIPTION				O.H.P.A.C.	
8. LOCATION			9. SIZE		
417 S. Coast Hwy			1200 SQ. FT.		
10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER		
GC	C4	Salon	150-183-10		
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION					
Conditional Use Permit for therapeutic massage, relexology, skin care, accupressure					
15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY	
N/A	N/A	N/A	N/A	N/A	
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE		
1200 SQ. FT.	12	N/A	N/A		
PART IV - ATTACHMENTS					
ALL APPLICATIONS			DEV. PLANS, C.U.P.s & TENT. MAPS		
<input checked="" type="checkbox"/> 24. DESCRIPTION/JUSTIFICATION *	<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION *		<input type="checkbox"/> 30. FLOOR PLANS AND ELEVATIONS -		
<input checked="" type="checkbox"/> 26. 300-FT. RADIUS MAP *	<input checked="" type="checkbox"/> 27. PROPERTY OWNERS' LIST *		<input type="checkbox"/> 31. CONSTRUCTION SCHEDULE		
<input checked="" type="checkbox"/> 28. ENVIRONMENTAL ASSESSMENT *	<input type="checkbox"/> 29. PLOT PLANS -		<input type="checkbox"/> 32. OTHER Avery labels		
PART V - SIGNATURES					
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.			SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).		
33. APPLICANT OR REPRESENTATIVE (Print):		34. DATE		37. OWNER (Print)	
Tianna Martin		11/16/06		Follerlon Square	
Sign: Tianna Martin				Eric Hartman	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			Sign: 		
35. APPLICANT (Print):		36. DATE		39. OWNER (Print):	
Tianna Martin		11/16/06			
Sign: Tianna Martin				40. DATE	

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*Golden Day Spa  
417 South Coast Highway  
Oceanside, CA 92054*

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#### Description and Justification

The U.S. day spa industry, which consists of several health and beauty sectors including beauty, health, wellness, nutrition, fitness, and recreation, has grown tremendously and will continue to experience growth. The business owner, Tianna Martin, has many years of experience in the fitness and wellness sector. She hopes to provide her clientele with a serene environment which promotes relaxation.

The new business at 417 South Coast Highway, known as Golden Day Spa has been completely constructed. The Day Spa has been decorated with stylish elegance and the completed remodel is very well-designed. The City of Oceanside has issued a business license permit for this location. The purpose of this business is to provide upscale spa services including skincare, reflexology, therapeutic massage and acupressure to the general public. In turn, the City greatly benefits by the addition of a high-end salon business. This will encourage other business owners in the city to strive to make their businesses better.

The Day Spa will be open seven days a week. The hours of operation will be 9:30 am to 9pm. There will only be highly qualified and licensed employees.

#### Conditional Use Permits:

- a. This Commercial Zone was designed to provide a range of service and retail opportunities to the general public. This business is a small-scale personal improvement service business that will do that.
- b. The location and high-end spa services to be offered to the public will add to the variety of services available in this area. This location is Commercially-Zoned and designated for Commercial Use on the General Plan. It will improve the value of the property in its neighborhood area.
- c. The applicant will be required to follow all of the requirements of the City Code as well as any specific conditions placed on her for this type of use.

In reference to the preliminary landscape plans, there is a single palm tree in the front of the building, but no other landscaping.

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*Golden Day Spa  
417 South Coast Highway  
Oceanside, CA 92054*

### Waiver of Locational Requirements

Findings for this waiver are based on whether or not the use will be contrary to the public interest; whether it impairs the nearby property or the integrity of the underlying district; whether or not it will encourage the development of an adult entertainment area or promote community blight and whether or not governmental programs of redevelopment, revitalization, or neighborhood preservation will be affected. These requirements were written based on "massage parlors", not a modern day spa as proposed. This business will only serve to benefit the City of Oceanside. The purpose of this business is to provide high end spa services to the general public in accordance to all rules and regulations set forth by the City.

Examples of how these findings might be supported are listed below.

1. It will not be contrary to the public interest.

The location and high-end spa services to be offered to the general public will add to the variety of services available in this area which has been Commercially-Zoned and designated for Commercial Use on the General Plan. It will improve the value of the property in its neighborhood area.

2. It will not be contrary to the spirit or intent of this Article.

This General Commercial Zone was designed to provide opportunities for a full range of retail and service businesses to the general public. This business is a small-scale personal improvement service business that will contribute to the range of opportunities available in this area.

3. It will not impair nearby property or the integrity of the underlying district.

The massage services will be a part of and integrated within a broader offering of personal improvement services that are allowed within the General Commercial Zone. It will enhance the service and retail offerings in the area.

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4. It will not encourage the development of an adult entertainment area or otherwise promote community blight.

This area is continuing to grow and improve its standards of appearance and maintenance. This business is in no way affiliated with any type of adult entertainment. Its sole purpose is to be established as an upscale wellness center. It will only recruit licensed professionals that meet or exceed the City's requirements for the health and safety of all patrons.

5. It will not negatively impact any governmental programs of redevelopment, revitalization, or neighborhood preservation.

Renovations to this business have already been completed to enhance the building and general area of business. We support any improvements or revitalization to aide in the prosperity of the City of Oceanside. As a business owner, my intent is to encourage City improvements and to make the City a desirable location for nearby businesses, the general public and all others who visit the City of Oceanside.

Legal Description

LOT 4 AND ALL OF LOTS 5 TO 8, INCLUSIVE IN BLOCK 27 OF BRYAN'S ADDITION, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 219, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 10, 1887.

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## NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 03/12/2007  
Removal: 09/12/2007  
(180 days)

1. **APPLICANT:** Tianna J. Martin
2. **ADDRESS:** 417 South Coast Highway, Oceanside Ca 92054
3. **PHONE NUMBER:** (760) 433-2674
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Sally Schifman
6. **PROJECT TITLE:** Golden Day Spa (C-55-06, RC-3-07)
7. **DESCRIPTION:** To obtain a Conditional Use Permit and Regular Coastal Permit for the addition of a regulated use component (massage establishment) to a day spa and a waiver locational requirements for the proposed regulated use located at 417 South Coast Highway.

**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: March 12, 2007

\_\_\_\_\_  
Sally Schifman, Planner II

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