

# AGENDA NO. 5

**PLANNING COMMISSION**



**STAFF REPORT**

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DATE: July 12, 2010

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP10-00009) FOR A HEALTH/FITNESS FACILITY WITHIN AN EXISTING COMMERCIAL BUILDING LOCATED AT 439 COLLEGE BOULEVARD – FITNESS 19 – APPLICANT: FITNESS 19**

## **RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

Confirm issuance of Class 1 Categorical Exemption for “Existing Facilities;” and adopt Planning Commission Resolution No. 2010-P22 approving Conditional Use Permit (CUP10-00009) with findings and conditions of approval attached herein.

## **BACKGROUND AND PROJECT DESCRIPTION**

**Background:** The Fitness 19 Health/Fitness Club and spa proposes to occupy an existing commercial building located within the Mission Market Place at 439 College Boulevard. The existing building located at 439 College Boulevard was constructed as a part of the Development Plan (D-30-88), which enabled the construction of a 343,000-square foot retail shopping center with a 14-screen Movie Theater, three commercial drive-thru restaurants and two stand-alone retail buildings.

On March 11, 1996 the California Nautilus Health Club was approved for a Conditional Use Permit for the operation of a health/fitness facility within this subject 12,000-square foot building located at 439 College Boulevard. Since the California Nautilus Health Club Conditional Use Permit approval, the health and fitness club conducted business until April of 2008. Since that time the building has been vacant.

On April 27, 2010, the Fitness 19 business submitted an application for a Conditional Use Permit to allow for a health and fitness club located at 439 College Boulevard.

**Site Review:** The project site is located within the Mission Marketplace commercial center at 439 College Boulevard. The commercial center is bounded by Highway 76 and College Boulevard. The project site is comprised of a wide variety of retail and commercial uses within this 7.44-acre site. The subject 12,000-square foot building is currently vacant and was originally occupied with a restaurant and then later functioned as a Fitness/Health Club facility until 2008.

The subject site has a General Plan Land Use Designation of Community Commercial (CC) and is zoned Community Commercial with a Scenic Park Overlay (CC-SP). Surrounding land uses adjacent to the site include commercial retail uses to the south, west, east, and a single-family subdivision to the east.

**Project Description:** The application is comprised of a Conditional Use Permit, as follows:

Conditional Use Permit CUP10-00009 represents a request for the following:

- (a) To allow Health and Fitness Club facility to operate within an existing 12,000-square foot commercial suite located at 439 College Boulevard, pursuant to Oceanside's Zoning Ordinance Section 1120.

The proposed Health and Fitness service would be conducted solely within the existing 12,000-square foot building. The Health and Fitness Club would provide a wide variety of fitness classes; such as, yoga, aerobics, and other fitness related training. The facility would allow annual members to work-out within the building, attend classes, and hold various fitness training courses. Some minor tenant improvement will be required as a part of the project's implementation.

The proposed hours-of-operation are from 5:00 a.m. to 12:00 a.m. daily. All 48 required parking stalls can be accommodated for the fitness use through the existing 48 spaces provided on the site and through the additional spaces provided through a reciprocal agreement with the Mission Market Place shopping center.

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

1. General Plan
2. Zoning Ordinance
3. Land Use Compatibility
4. CEQA

## **ANALYSIS**

### **KEY PLANNING ISSUES**

1. **General Plan conformance**

The General Plan Land Use Map designation for the subject property is Community Commercial (CC). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

**A. Land Use Element**

**Goal 1.1: Balanced Land Use**

**Objective:** To develop and use lands for the long-term provision of balanced, self-sufficient and community.

**Policy A:** The City shall continuously monitor the impact and intensity of land use and land use distribution to ensure that the City's circulation system is not overburdened beyond design capacity.

The proposed use has been reviewed and analyzed to ensure that traffic impacts and parking deficiencies will not arise. Neighboring uses within the commercial center include a wide variety of retail and personal services; such as restaurants, general retail shops, a grocery store, a big box commercial use known as K-Mart and other specialty retail that have an adequate number of parking stalls per use (1,373 total stalls) as seen in the table below. The proposed fitness use will not conflict with the neighboring tenant's hours-of-operation nor impact traffic and parking on-site.

**2. Zoning Compliance**

This project is located in the Community Commercial (CC) district and complies with the requirements of that zone. The following table depicts the parking data for the existing commercial center with the proposed fitness use based upon Section 3100 of the OZO:

<b>EXISTING USES</b>	<b>BUILDING AREA (Sq. Ft.)</b>	<b>PARKING SPACES REQUIRED</b>	<b>PROPOSED</b>
Peppertree Montessori School	9,236	As Specified by Use Permit	37 (Existing)
Eating and Drinking Establishments	14,909	(1 per 50 sq. ft. of seating area)=33	299 (Existing)
General Retail	210,292	(1 per 250 sq. ft.)=841	910 (Existing)
Office	21,398	(1 per 300 sq. ft.)=78	71 (Existing)
Yoga & Health Center	2,000	(1 per 250 sq. ft.)=8	8 (Existing)
<b>Fitness 19 (Proposed Fitness Gym)</b>	12,000	(1 per 250 sq. ft.)=48	<b>48 (Existing)</b>
<b>Total</b>	<b>269,835</b>	<b>1,008</b>	<b>1,373 (Existing)</b>

The proposed use requires 48 spaces based on the square footage of the use and the Oceanside Zoning Ordinance Section 3103 for personal improvement uses. The Mission Market Place Commercial Shopping Center contains 1,373 reciprocal parking stalls throughout the entire site and will adequately accommodate the parking needs of the existing and the proposed tenant during any time of the day.

**DISCUSSION**

The following table identifies land uses on adjacent properties:

<b>LOCATION</b>	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LAND USE</b>
Subject Property	CC	CC	Community Commercial (Fitness Facility)
North	MDA-R	RM-A	Single Family Residential
East	Estate-B Residential	RE-B-SP	Single Family Residential
South	CC	CC	Community Commercial Shopping Center
West	CC	CC	Community Commercial Shopping Center

As identified in the above table the proposed Health and Fitness Club facility located at 439 College Boulevard would be compatible with the surrounding uses. The facility would provide a personal improvement service that is needed for this area and this commercial shopping center. The health and fitness use would provide the additional economic opportunities to the existing commercial center and the surrounding area.

Staff has analyzed each use within this commercial center for parking demands and hours-of-operation and has determined that the available parking for the entire site is adequate and would accommodate the needs for the existing uses; as well as, the proposed fitness facility. A majority of the fitness facility would be utilized during evening hours from 5:00 p.m. to 10:00 p.m. on weekdays and from 5:00 a.m. to 10 p.m. on weekends. Staff has reviewed the commercial activity for this site and found that a majority of the activity occurs during weekends. The fitness facility's limited hours-of-operation and limited parking needs would not result in a parking deficiency. The previous tenant within the subject commercial building at 439 College Boulevard consisted of a similar fitness/health club use, so no additional impacts would occur with approval of the Fitness 19 use.

**ENVIRONMENTAL DETERMINATION**

The proposed project is categorically exempt pursuant to Article 19, Section 15301.Existing Facilities, Class 1 (a), 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, the applicant and other interested parties. As of July 12, 2010 no communication opposing the request had been received.

**SUMMARY**

The proposed Conditional Use Permit, as conditioned, is consistent with the requirements of the land use policies of the General Plan and provisions of the Zoning Ordinance. The project has been conditioned to meet or exceed all applicable regulations. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached Resolution. Staff recommends that the Planning Commission:

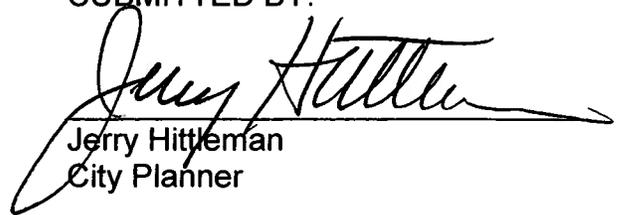
- Confirm issuance of Article 19, Section 15301.Existing Facilities, Class 1 (a), Categorical Exemption and adopt Planning Commission Resolution No. 2010-P22 approving Conditional Use Permit CUP10-00009 with findings and conditions of approval attached herein.

PREPARED BY:



Scott Nightingale  
Planner II

SUBMITTED BY:



Jerry Hittleman  
City Planner

Attachments:

1. Floor/Site Plans
2. Planning Commission Resolution No. 2010-P22

# TENANT IMPROVEMENT

## FITNESS 19 - OCEANSIDE, CA

439 COLLEGE BOULEVARD  
OCEANSIDE, CA, 92057

### GENERAL NOTES

WE CERTIFY, TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF THAT THE DESIGN OF THE PROJECT COMPLIES WITH THE APPLICABLE PROVISIONS OF THE REQUIREMENTS OF ARTICLE 16.01 OF THE REVISED STATUTES OF THE STATE OF CALIFORNIA AND THE FEDERAL ACCESSIBILITY STANDARDS. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONARY MEASURES TO PROTECT THE PUBLIC AND ADJACENT PROPERTIES FROM DAMAGE THROUGHOUT CONSTRUCTION.

ANY EXISTING UTILITIES TO BE ABANDONED SHALL BE PROPERLY DISCONNECTED, PLUGGED OR CAPPED, AS REQUIRED BY CODE OR SOUND CONSTRUCTION PRACTICE.

THESE DRAWINGS ARE DIAGNOSTIC AND SHALL NOT BE SCALED. ADDITIONAL DATA SHALL BE FROM THE ARCHITECT THROUGH WRITTEN CLARIFICATION ONLY. VERIFY ALL EXISTING CONDITIONS, ELEVATIONS, AND DIMENSIONS BEFORE NO CHANGES, MODIFICATIONS OR DEVIATIONS SHALL BE MADE FROM THE DRAWINGS OR SPECIFICATIONS WITHOUT FIRST SECURING WRITTEN PERMISSION FROM THE ARCHITECT.

WHERE LACK OF INFORMATION, OR ANY DISCREPANCY SHOULD APPEAR IN THE DRAWINGS OR SPECIFICATIONS, REQUEST WRITTEN INTERPRETATION FROM THE ARCHITECT BEFORE PROCEEDING WITH THAT PORTION OF THE WORK. ALL WORK AS OUTLINED IN THESE DOCUMENTS, SHALL STRICTLY CONFORM TO ALL APPLICABLE CODES AND ORDINANCES. THE EVENT OF A CONFLICT, THE MORE STRINGENT REQUIREMENT SHALL GOVERN AND BE MET.

THE CONTRACTOR SHALL PAY FOR ALL FEES, PERMITS, LICENCES, ETC., NECESSARY FOR PROPER COMPLETION OF THE WORK.

THE CONTRACTOR SHALL GUARANTEE ALL WORKMANSHIP AND MATERIALS FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION OR AS OTHERWISE REQUIRED IN THE SPECIFICATIONS.

PROVIDE ADEQUATE CONCEALED BLOCKING AND ANCHORING FOR ALL CEILING AND WALL MOUNTED EQUIPMENT, HARDWARE AND ACCESSORIES.

WHEN A SYSTEM OR ASSEMBLY IS CALLED OUT FOR ALL NECESSARY PARTS AND MATERIALS REQUIRED FOR A COMPLETE INSTALLATION, SYSTEM SHALL BE UNLESS OTHERWISE NOTED, ELECTRICAL CONDUITS, PLUMBING LINES, ETC. SHALL BE RUN CONCEALED AND FRAMING SHALL BE ADEQUATE SIZE TO ACCOMPLISH RESULT WITHOUT CAUSING ANY CHANGES IN THE WALL PLANE.

COORDINATE WITH ALL TRADES THE LOCATIONS OF SLEEVES OR OTHER PRESET ACCESSORIES INVOLVING OTHER TRADES.

IT IS THE INTENT OF THESE CONTRACT DOCUMENTS TO DEFINE A COMPLETELY FINISHED FACILITY. ANY MATERIAL, SYSTEM, EQUIPMENT OR ASSEMBLY WHICH NORMALLY WOULD BE REQUIRED SHALL BE PROVIDED AS IF SPECIFICALLY NOTED.

DISRUPTED EXISTING CONDITIONS I.e., LANDSCAPING, LIGHTING, IRRIGATION, PEDESTRIAN AND VEHICLE ACCESS SHOULD BE MINIMALLY REPLACED AT THE END OF CONSTRUCTION TO THE SAME CONDITIONS PRIOR TO CONSTRUCTION.

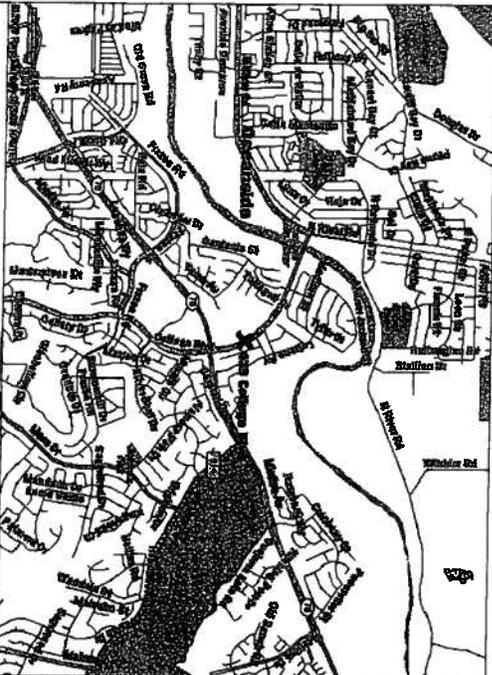
DISRUPTED ELECTRICAL AND WATER LINES RE-ROUTED DURING PROJECT CONSTRUCTION ARE TO REMAIN IN CONTINUOUS SERVICE.

WHEN WORK IS NOT CALLED OUT AS REQUIRED TO COMPLETE THE PROJECT, IT SHALL BE PROVIDED BY THE CONTRACTOR AT NO ADDITIONAL EXPENSE TO THE OWNER AND BE OF THE BEST MATERIALS AND WORKMANSHIP.

DIMENSIONS ARE SHOWN FROM FACE STUD TO FACE OF STUD AND ANY EXTERIOR SIGNS REQUIRED SHALL BE SUBMITTED BY THE CONTRACTOR TO THE CITY FOR REVIEW AND PERMIT.

FIRE SPRINKLER SYSTEM SHALL BE INSTALLED AS REQUIRED PER M.F.P.A. AND LOCAL REGULATIONS. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS TO THE CITY FOR PERMIT.

### AREA MAP



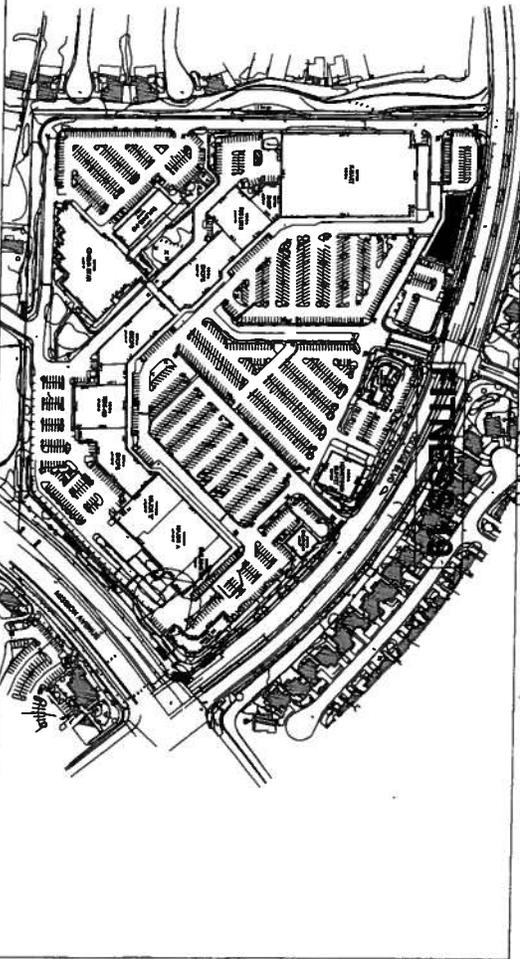
### DRAWING INDEX

GENERAL	CODE	GENERAL NOTES/REVISIONS/PLANNING/EXHIBITING INDEX
ARCHITECTURAL	ASST	DEMOLITION PLAN
	ASST	FINISH PLAN

### CODE ANALYSIS

DESCRIPTION	CITY OF OCEANSIDE, CALIFORNIA
CODE	2002 CALIFORNIA BUILDING CODE (BASED ON 2000 IBC) WITH STATE OF CALIFORNIA AMENDMENTS
OCCUPANCY TYPE	GROUP B
CONSTRUCTION TYPE	TYPICAL UN-REINFORCED
FIRE SPRINKLING	YES
SEISMIC AREA	11.800 g

### SITE PLAN NOT TO SCALE



APPROVED FOR THE ARCHITECT  
DATE: 05/19/2003  
DRAWN BY: DWG/JIN  
CHECKED BY: G001

Fitness 19 - Oceanside  
Demolition Plan/Finish Plan

G001

COMMENTS: 201  
NO. 1  
REV. 05/19/2003  
ISSU  
TITLE: NOTES, MAP, SITE CODE D DWG/JIN



# Fitness 19 - Oceanside Demolition Plan/Finish Plan



DATE: 11/11/10  
 DRAWN BY: JRS  
 CHECKED BY: JRS  
 PROJECT NO.: 19-001

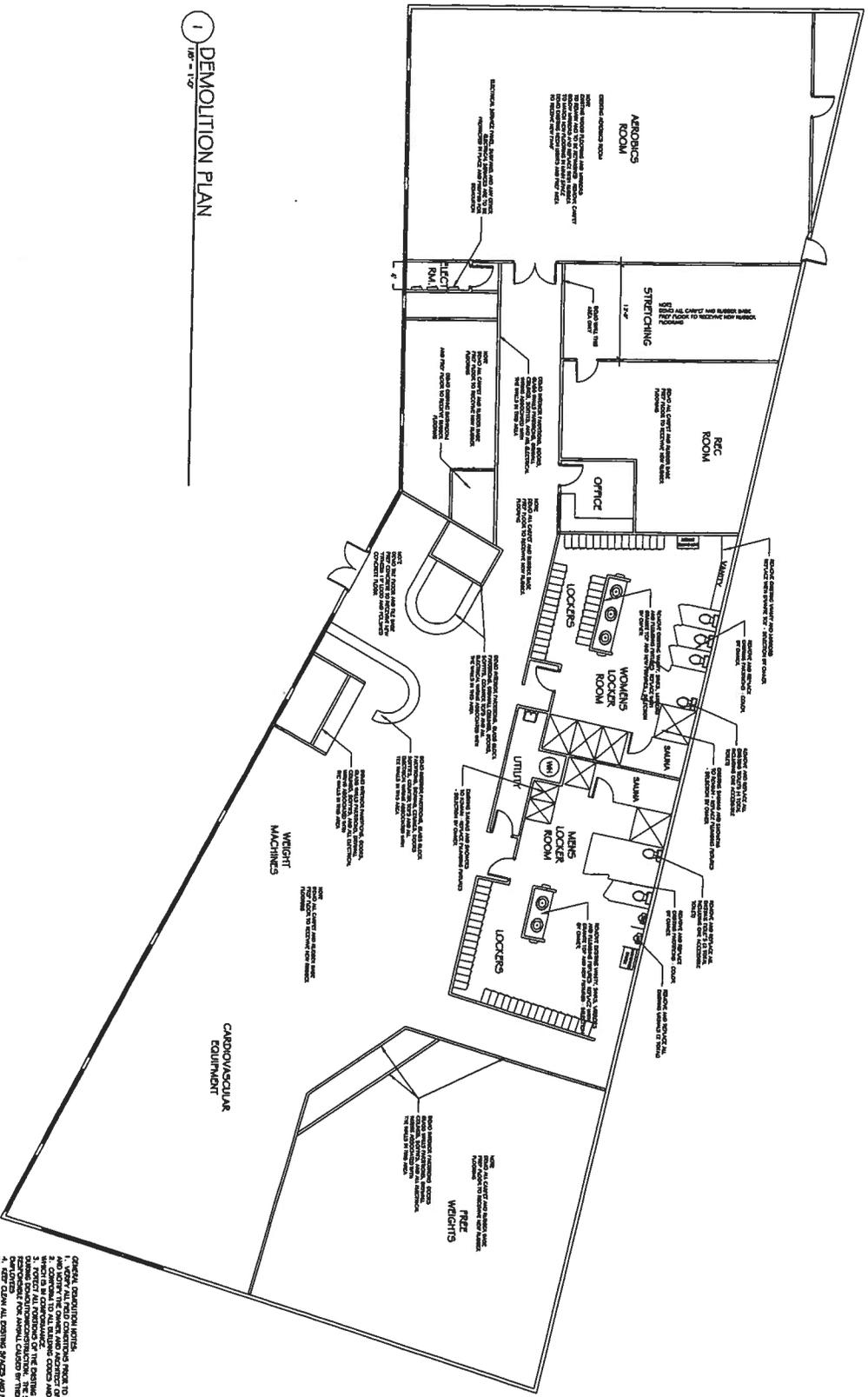
NOTES:  
 1. SEE ALL OTHER SHEETS FOR FINISHES AND MATERIALS.  
 2. SEE ALL OTHER SHEETS FOR DEMOLITION PLAN AND FINISH PLAN.  
 3. SEE ALL OTHER SHEETS FOR DEMOLITION PLAN AND FINISH PLAN.

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 JAMES R. SMITH ARCHITECTURE  
 AND SHALL REMAIN THE PROPERTY OF  
 JAMES R. SMITH ARCHITECTURE  
 UNLESS OTHERWISE SPECIFIED  
 IN WRITING.

NO.	DESCRIP.	ISSU
1	Demolition Plan	ISSU

DATE: 11/11/10  
 DRAWN BY: JRS  
 CHECKED BY: JRS  
 PROJECT NO.: 19-001

A100

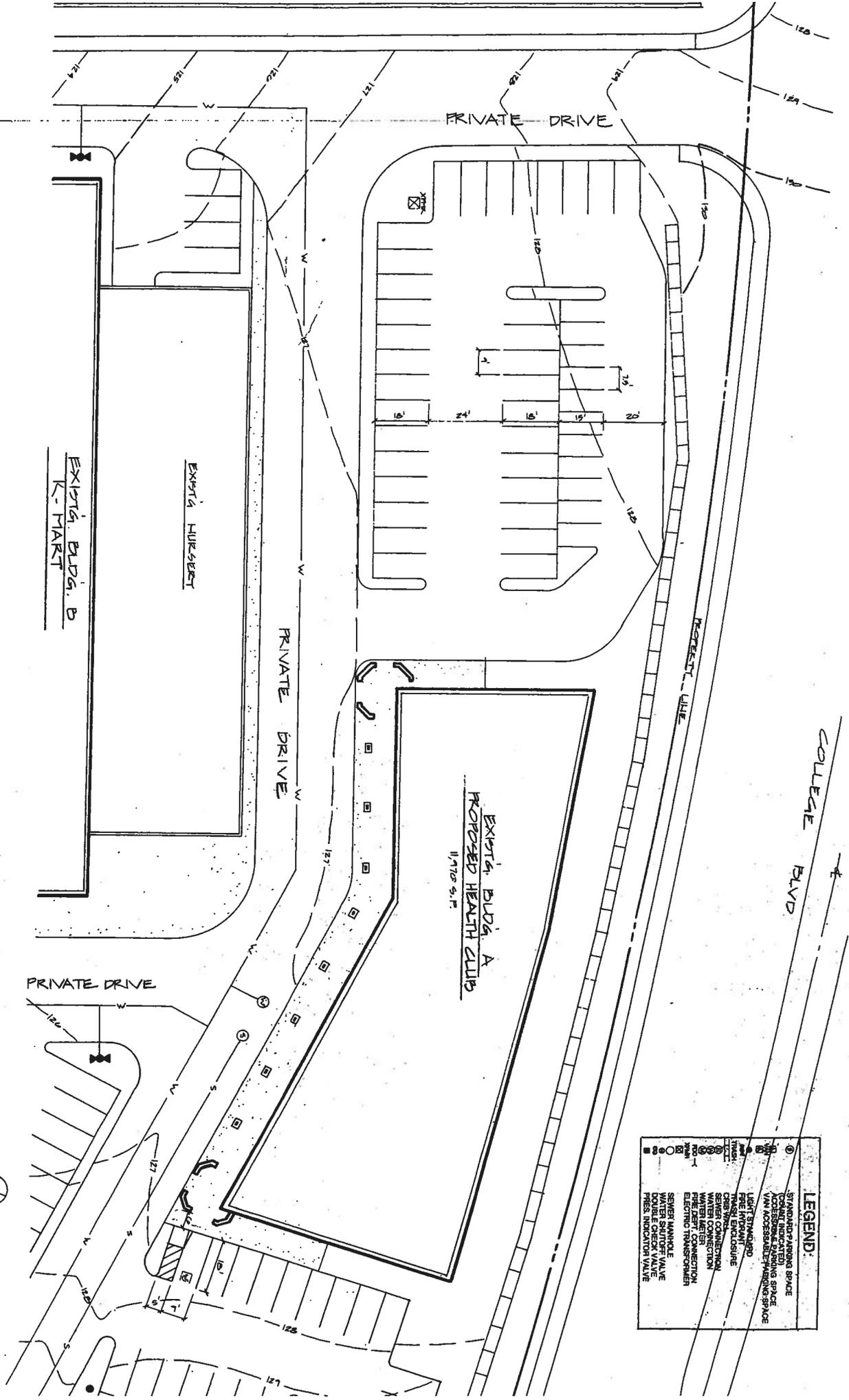


1 DEMOLITION PLAN  
 10/11/10

GENERAL DEMOLITION NOTES:  
 1. ALL DEMOLITION WORK SHALL BE IN ACCORDANCE WITH THE CITY OF OCEANSIDE ORDINANCE 19-001.  
 2. ALL DEMOLITION WORK SHALL BE COMPLETED BY THE DATE SPECIFIED IN THE PERMIT.  
 3. ALL DEMOLITION WORK SHALL BE COMPLETED BY THE DATE SPECIFIED IN THE PERMIT.  
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OCEANSIDE.  
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OCEANSIDE.  
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OCEANSIDE.  
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OCEANSIDE.  
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OCEANSIDE.  
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OCEANSIDE.  
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OCEANSIDE.



PARTIAL SITE PLAN



LEGEND:																																													
①	STANDARD PARKING SPACE																																												
②	SHADE INDICATED																																												
③	ACCESSIBLE PARKING SPACE																																												
④	VAN ACCESSIBLE PARKING SPACE																																												
⑤	⑥	⑦	⑧	⑨	⑩	⑪	⑫	⑬	⑭	⑮	⑯	⑰	⑱	⑲	⑳	㉑	㉒	㉓	㉔	㉕	㉖	㉗	㉘	㉙	㉚	㉛	㉜	㉝	㉞	㉟	㊱	㊲	㊳	㊴	㊵	㊶	㊷	㊸	㊹	㊺	㊻	㊼	㊽	㊾	㊿



NORTH  
11-15-01

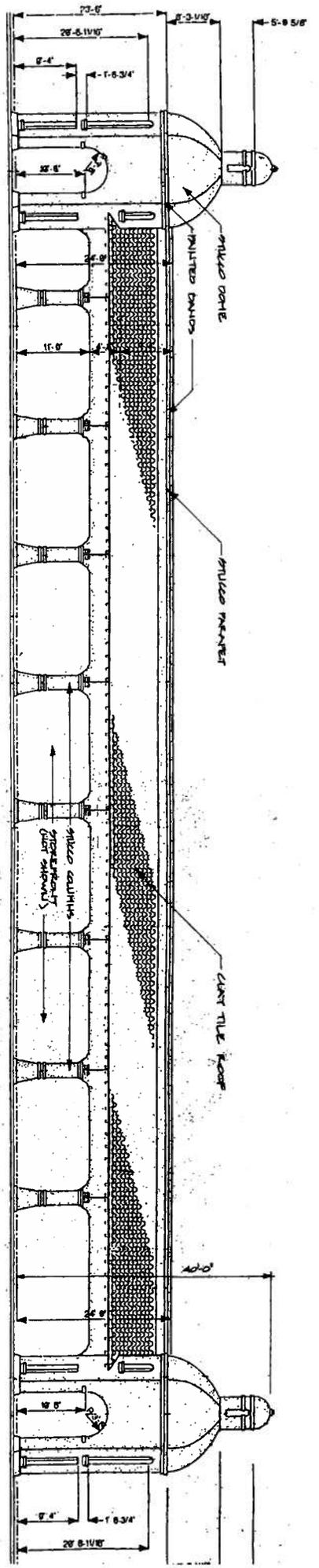
RECEIVED  
DEC 15 1995  
Planning Department

**PROPOSED CALIFORNIA NAUTICAL HEALTH CLUB**

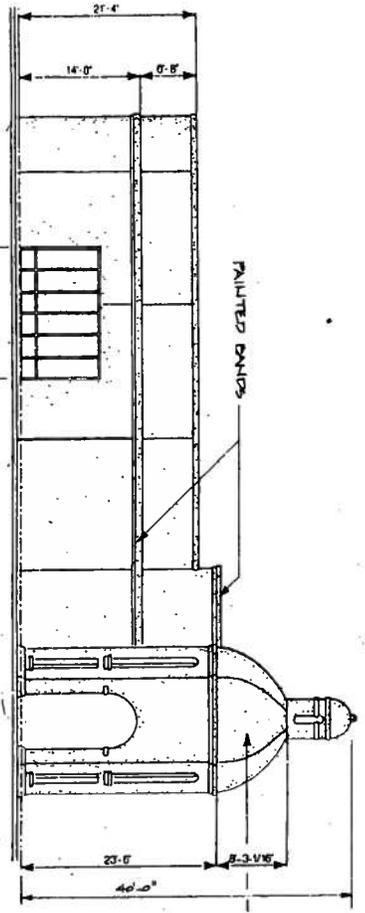
COLLEGE BLVD. AT MISSION AVE., OCEANSIDE, CA.  
 FOR  
 RAUPIC OCEANSIDE HOLDINGS, L.P.

PROJECT NO. 112  
 12/13/95

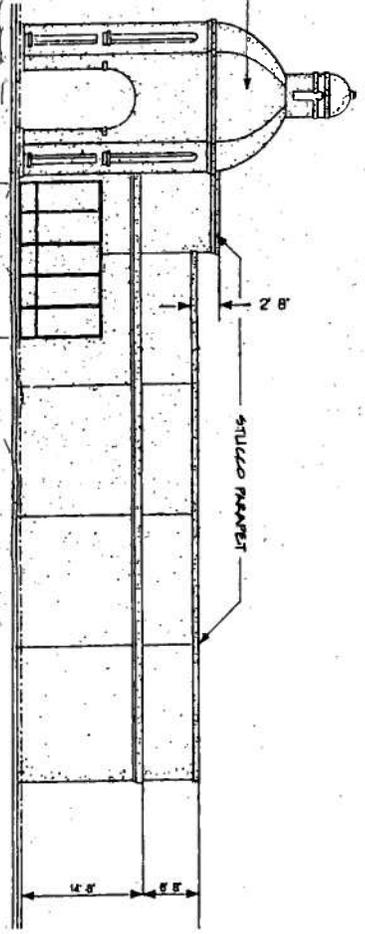




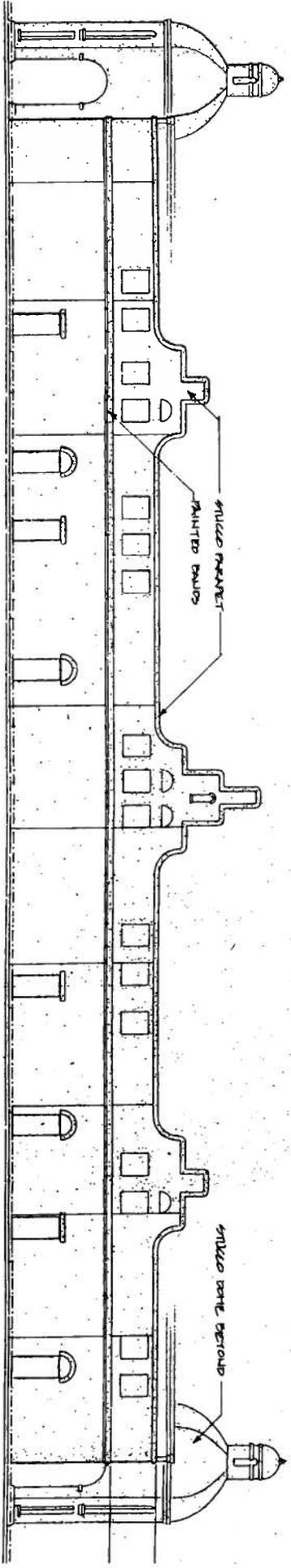
FRONT (WEST) ELEVATION



SIDE (NORTH) ELEVATION



SIDE (SOUTH) ELEVATION



REAR (EAST) ELEVATION

EXTERIOR ELEVATIONS  
(EXISTING TO REMAIN)

RECEIVED  
DEC 15 1988  
Planning Division

PROPOSED CALIFORNIA NAUTIC HEALTH CLUB

COLLEGE BLVD. AT MISSION AVE., OCEANSIDE, CA

PACIFIC OCEANSIDE HOLDINGS, L.P.

NOV 14 1988

04257

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2010-P22

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE  
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A  
5 CONDITONAL USE PERMIT ON CERTAIN REAL PROPERTY  
IN THE CITY OF OCEANSIDE

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6 APPLICATION NO: CUP10-00009  
7 APPLICANT: Fitness 19  
8 LOCATION: 439 College Boulevard

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

11 WHEREAS, there was filed with this Commission a verified petition on the forms  
12 prescribed by the Commission requesting a Conditional Use Permit under the provisions of Articles  
13 11 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

14 to permit the use of a health and fitness facility within and existing 12,000-square foot  
15 commercial building located at 439 College Boulevard;  
16 on certain real property described in the project description.

17 WHEREAS, the Planning Commission, after giving the required notice, did on the 12<sup>th</sup> day  
18 of July 2010, conduct a duly advertised public hearing as prescribed by law to consider said  
19 application.

20 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
21 Guidelines thereto; this project is categorically exempt from CEQA per Article 19, Section 15301  
22 Existing Facilities;

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

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

27 FINDINGS:

28 For the Conditional Use Permit to allow for the use of a health and fitness facility with an  
existing commercial suite:

1. The health and fitness operation is consistent with the permitted land use regulations for the Community Commercial Scenic Park Overlay district. The use would be consistent

1 with the existing commercial center and surrounding land uses, in terms of creating  
2 additional commercial activity, and providing uses to help improve ones physical health  
3 and well being. The use would be conditioned to ensure that if complaints arise this  
4 Conditional Use Permit would be subject to Planning Commission review. The proposed  
5 use would utilize an existing 12,000-square foot commercial suite and shall meet the  
6 required parking requirements as per the Oceanside Zoning Ordinance code section 3100.

7 2. The conditions for the restriction of the conditional use are consistent with the General  
8 Plan, will not effect neighborhood compatibility; and will not cause the operation of the  
9 conditional use to be detrimental to the welfare of persons or properties working,  
10 residing, or otherwise existing in the adjacent neighborhood areas. Staff has analyzed the  
11 impact of the health and fitness facility's hours-of-operation with the adjacent  
12 neighboring commercial uses, and found that the uses limited hours-of-operation would  
13 not conflict with the primary hours of the adjacent commercial uses within the Mission  
14 Marketplace, because the primary operations of the health and fitness facility would be  
15 conducted on weekday evenings and on weekends.

16 3. That the proposed conditional use will comply with the provisions of the Zoning  
17 Ordinance and Community Commercial Scenic Park Overlay district in which the  
18 property is located, including any specific condition required for the proposed conditional  
19 use in the district in which it would be located.

20 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
21 approve Conditional Use Permit (CUP10-00009) subject to the following conditions:

22 **Building:**

23 1. Prior to beginning operations, plans must be submitted to the Building Division. Project  
24 will be reviewed as an assembly occupancy and must meet all the building code provisions  
25 for that occupancy type.

26 **Fire:**

27 2. Fire extinguishers are required and shall be included on the plans submitted for plan check.  
28 3. In accordance with the Oceanside Fire Code Section 505, 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

1 property. Numbers shall be contrasting with their background and meet the current City of  
2 Oceanside size and design standard.

3 **Planning:**

- 4 4. This Conditional Use Permit shall expire on July 12, 2013, unless implemented as required  
5 by the Zoning Ordinance.
- 6 5. This Conditional Use Permit approves only the use of a health and fitness facility within an  
7 existing 12,000-square foot commercial building located at 439 College Boulevard as shown  
8 on the plans and exhibits presented to the Planning Commission for review and approval.  
9 No deviation from these approved plans and exhibits shall occur without Development  
10 Services Department/Planning Division approval. Substantial deviations shall require a  
11 revision to the Conditional Use Permit or a new Conditional Use Permit.
- 12 6. A ground mounted bicycle rack that can enable at least two bicycles to be locked to the  
13 rack must be provided in front or near the business. The bicycle rack shall meet the  
14 provisions of Zoning Ordinance Section 3108 for Bicycle Parking.
- 15 7. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
16 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
17 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
18 annul an approval of the City, concerning Conditional Use Permit CUP10-00009. The  
19 City will promptly notify the applicant of any such claim, action or proceeding against  
20 the City and will cooperate fully in the defense. If the City fails to promptly notify the  
21 applicant of any such claim action or proceeding or fails to cooperate fully in the  
22 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold  
23 harmless the City.
- 24 8. A covenant or other recordable document approved by the City Attorney shall be prepared  
25 by the applicant and recorded prior to the issuance of a business license. The covenant  
26 shall provide that the property is subject to this resolution, and shall generally list the  
27 conditions of approval.
- 28 9. 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.

1 10. Failure to meet any conditions of approval for this development shall constitute a violation  
2 of the Conditional Use Permit.

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

8 12. This Conditional Use Permit shall be called for review by the Planning Commission if  
9 complaints are filed and verified as valid by the Code Enforcement Office concerning the  
10 violation of any of the approved conditions or assumptions made by the application.

11 13. All signs shall meet the requirements of the approved Comprehensive Sign Package for  
12 the shopping center. Sign plans shall be reviewed and approved by the Planning  
13 Division prior to an application for a sign permit.

14 PASSED AND ADOPTED Resolution No. 2010-P22 on July 12, 2010, by the following  
15 vote, to wit:

16 AYES:

17 NAYS:

18 ABSENT:

19 \_\_\_\_\_  
20 Claudia Troisi, Chairperson  
21 Oceanside Planning Commission

22 ATTEST:

23 \_\_\_\_\_  
24 Jerry Hittleman, Secretary

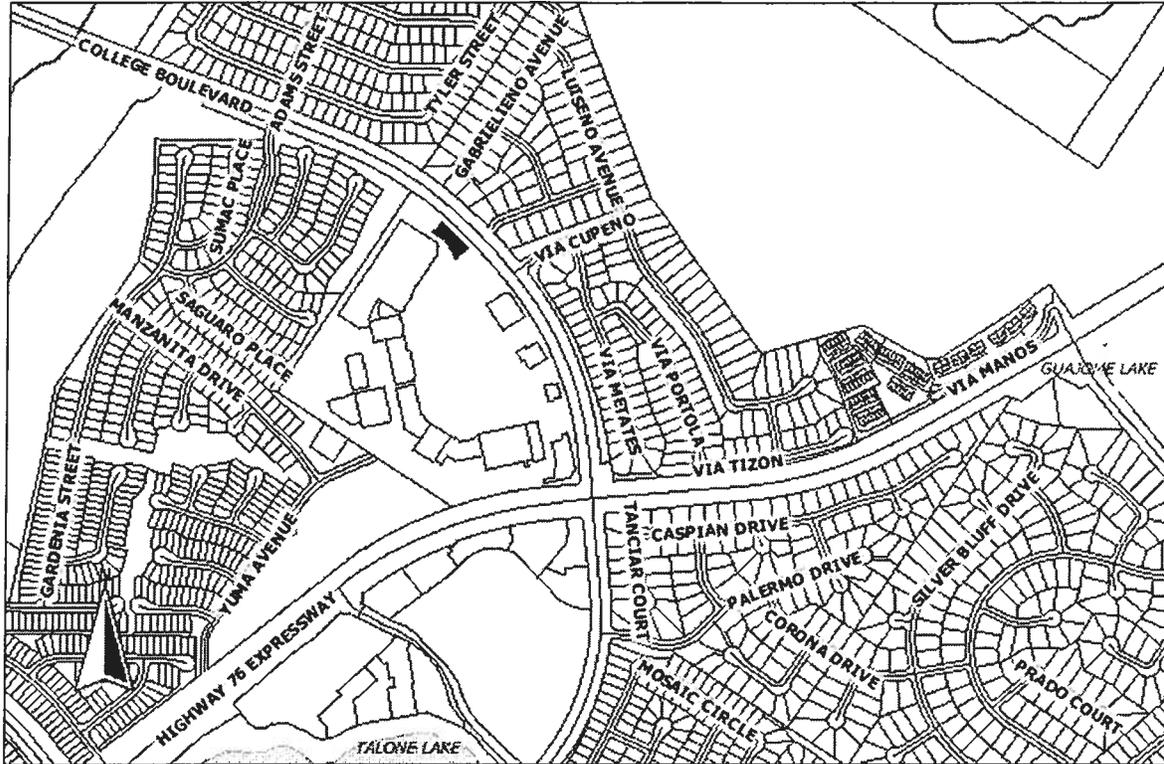
25 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
26 this is a true and correct copy of Resolution No. 2010-P22.

27 Dated: July 12, 2010

28 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may  
be required as stated herein:

\_\_\_\_\_  
Applicant/Representative

\_\_\_\_\_  
Date



**File Number:** CUP10-00009

**Applicant:** Fitness 19

**Description:**

CONDITIONAL USE PERMIT (CUP10-00009) to permit a health and fitness facility located within an existing commercial building at 439 College Boulevard. The project site is zoned Community Commercial with a Scenic Park Overlay (CC-SP) and is within the San Luis Rey Neighborhood. – **FITNESS 19**

**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 BY  
 4-27-10 SN  
 DW

Please Print or Type All Information

HEARING

**PART I - APPLICANT INFORMATION**

1. APPLICANT: **FITNESS 19**  
 2. STATUS: **LESSEE**  
 3. ADDRESS: **141 W. FOOTHILL #C UPLAND, CA 91786**  
 4. PHONE/FAX/E-mail: **951.818.4188**  
 5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing): **MITCHELL WADE GARDNER, ARCHITECT**  
 6. ADDRESS: **490 ALABAMA ST. #101 REDLANDS, CA 92373**  
 7. PHONE/FAX/E-mail: **562.400.4640**

GPA  
 MASTER/SP.PLAN  
 ZONE CH.  
 TENT. MAP  
 PAR. MAP  
 DEV. PL.  
 C.U.P. **CUP10-00009**  
 VARIANCE  
 COASTAL  
 O.H.P.A.C.

**PART II - PROPERTY DESCRIPTION**

8. LOCATION: **439 COLLEGE BLVD. OCEANSIDE, CA**  
 10. GENERAL PLAN: **COMMUNITY COMM.**  
 11. ZONING: **CCSP**  
 12. LAND USE: **COMMERCIAL**

9. SIZE  
 13. ASSESSOR'S PARCEL NUMBER: **157-100-68 157-101-02**

**PART III - PROJECT DESCRIPTION**

14. GENERAL PROJECT DESCRIPTION: **CONDITIONAL USE PERMIT FOR A HEALTH CLUB AT THE CORNER OF HWY 76 (MISSION AVE) & COLLEGE BLVD.**

15. PROPOSED GENERAL PLAN: **N/A**  
 16. PROPOSED ZONING: **N/A**  
 17. PROPOSED LAND USE: **N/A**  
 18. NO. UNITS: **N/A**  
 19. DENSITY: **N/A**  
 20. BUILDING SIZE: **11,970 SF**  
 21. PARKING SPACES: **SEE APPLIED PARKING STUDY**  
 22. % LANDSCAPE: **21.1%**  
 23. % LOT COVERAGE or FAR: **21.98%**

**PART IV - ATTACHMENTS**

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

**PART V - SIGNATURES**

33. APPLICANT OR REPRESENTATIVE (Print): **MITCHELL GARDNER**  
 34. DATE  
 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:   
 35. OWNER (Print): **Paul Klice**  
 36. DATE

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

Sign:

16 April 2010

**Description and Justification**

Fitness 19 – Oceanside  
439 College Blvd  
Oceanside, CA 92057  
Mission Marketplace – Building 'A'

On February 23, 1996 the City of Oceanside Planning Department issued a Notice of Exemption changing the Occupancy in an existing building from General Commercial to Health Club for Building 'A' at Mission Marketplace and, subsequently on March 11, 1996, the City of Oceanside Planning Commission issued Resolution No. 96-P11 approving a Conditional Use Permit for Pacific Oceanside Holdings L.P. allowing the operation of a health/fitness facility located at 439 College Boulevard. Sometime in the last 2 years the existing Operator of the facility closed their doors and the building has sat empty since that time with their tenant improvements in place.

The proposed project is to take the existing fitness facility and to update its interior to a more modern version of Fitness 19's "look and feel". This will require interior renovation only while leaving the existing building exterior, landscaping and parking in an as-is condition. Photos of the building exterior, landscaping and parking have been attached as part of this application. Additionally, we have attached the existing plans from the originally approved submittal as there are no modifications to those plans as part of this application.

As an additional measure to insure that the parking needs for the entire center are met, we have provided a parking study that is reflective of the current tenants, their use and square footages.

Based on the description of the proposed project we would submit that this use is in accordance and in harmony with the intent of the City ordinance and will be beneficial to the community and to Mission Marketplace.

Respectfully submitted,

Mitchell Wade Gardner, Architect

## Parking Study for Mission Marketplace

Suite	Tenant	Sq. Ft.	Use	Parking Req.
A,J,K	Peppertree Montessori School	9,236	Child Care	36.944
L	Management / Security Offices	1,009	Office	4.036
B	K-Mart Store #3922	89,483	Retail	357.932
C	The Military Solutions Corp.	3,000	Financial	12
D	Big Lots, Store #4297	20,250	Retail	81
E1	Vacant	2,092		8.368
E5	Dahn Yoga & Health Centers	2,000	Fitness	8
N/A	Landlord Storage	500	Storage	0
E7	United Retail Inc # 368 dba Avenue	4,200	Retail	16.8
E9	Vacant	2,138		8.552
E10	Round Table Pizza #747	1,672	Food	33.43
F2	Ohana Hawaiian BBQ	850	Food	17
F3	Omega Bicycles	1,700	Retail	6.8
F4	Snazzy Cleaners	1,700	Service	6.8
F5	So Cal Tanning	1,657	Service	6.628
F	National Stores #152 dba Fallas Pai	12,218	Retail	48.872
G1	Cox Communications San Diego	2,976	Office	11.904
G2	Trupiano's Trattoria Italiana	850	Food	17
G	Rite Aid Corporation, Store #0	19,000	Retail	76
H1	Direct Health Medical Center,	5,520	Office	22.08
H2	College Dental/Pacific Dental	8,093	Office	32.372
H4	Nails 2001	1,275	Service	5.1
H5	Super Juice	638	Food	12.75
H6	Check 'N Go/Axcess Financial	1,700	Financial	6.8
H7	GameStop, Inc. #425	1,900	Retail	7.6
IA	Henry's Market/Smart & Final	27,519	Grocery	110.076
J1	Subway Sandwiches #4686	500	Restaurant	10
J2	iSold It on eBay	1,300	Service	5.2
J3	Embroidery Arts & Tailoring	600	Service	2.4
J4	Jackson Hewitt / Rancho Bernar	1,000	Office	4
J5	Barber Shop Express	750	Service	3
J7	College Coin Laundry	2,000	Laundromat	8
J8	College Pet Clinic	1,400	Office	5.6
O	Proposed Fitness 19	11,677	Service	46.708
R	McDonald's #14033 & 004-2388	1,739	Food	34.77
S	Hometown Buffet, #735	5,327	Food	106.53
T1	BayView Wireless Corp Office-N	1,333	Retail	5.332
T2	Oceanside Chinese	667	Food	13.33
T3	Victoria's Mexican Food, Inc.	1,333	Food	26.66

U1/U2	Connelly & Connelly / Big O' T	7,500	Service	30
Antenna	PacBell Wireless c/o T-Mobile	0	Antenna	0
Antenna	Cricket Communications, Inc.	0	Antenna	0
	Existing Conditions			1256.374

<b>Building A Proposed Fitness 19</b>	<b>11,970</b>	<b>Fitness</b>	<b>47.88</b>
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**Total Parking Required 1304.254**

**Total Parking Provided 1373 Spaces**

**This study does not include the adjacent Cinema Complex or the parking area provided for its use.**

19 April 2010

**Legal Description and APN**

Fitness 19 – Oceanside  
439 College Blvd  
Oceanside, CA 92057  
Mission Marketplace

Assessor's Parcel No.: 157-100-68

Legal Description: THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, CITY OF OCEANSIDE AND IS DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LOT 2 OF THE RANCHO GUAJOME, AS SHOWN ON THE PARTITION MAP SCC NO. 10201 MADE AND FILED IN THE OFFICE OF THE COUNTY CLERK ON OCTOBER 29, 1897 OF SAID SAN DIEGO COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID RANCHO GUAJOME; THENCE NORTH 32 46'06" EAST, A DISTANCE OF 780.58' ALONG THE WESTERLY LINE THEREOF; THENCE LEAVING SAID WESTERLY LINE, SOUTH 57 13'54" EAST, A DISTANCE OF 1098.34' TO THE POINT OF BEGINNING OF BUILDING "I" LEASE BOUNDARY; THENCE NORTH 77 46'06" EAST 116.00'; THENCE SOUTH 51 52'31" EAST, 22.73'; THENCE SOUTH 14 54'38" EAST, 106.12'; THENCE SOUTH 12 13'54" EAST, 124.84'; THENCE SOUTH 77 46'06" WEST, 107.00'; THENCE NORTH 12 13'54" WEST, 38.52'; THENCE NORTH 57 13'54" WEST, 71.35'; THENCE NORTH 12 13'54" WEST, 139.84'; THENCE NORTH 77 46'06" EAST, 22.00'; THENCE NORTH 12 13'54" WEST, 19.54' TO THE POINT OF BEGINNING.



# NOTICE OF EXEMPTION

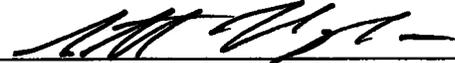
City of Oceanside, California

Post Date:  
Removal:  
(180 days)

1. **APPLICANT:** FITNESS 19
2. **ADDRESS:** 141 W. Foothill #C, Upland< CA. 91786
3. **PHONE NUMBER:** (951) 818-4188
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** C10-00009 FITNESS 19
- (a) 7. **DESCRIPTION:** A Conditional Use Permit to allow a health and fitness use within an existing commercial building located at 439 College Boulevard.

**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. Based on that review, the Environmental Coordinator finds that the proposed project is generally for an internal, ancillary use within an existing restaurant building. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- [X] Per Article 19, the project is categorically exempt, in accordance with Section 15301, Class 1 (a) Existing Facilities, interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances.
- [ ] "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 of section] (Section xxxxx); or,
- [ ] The project does not constitute a "project" as defined by CEQA (Section 15378).

  
\_\_\_\_\_  
Scott Nightingale, Planner II

Date:

cc:

[x] Project file     [x] Counter file     [x] Library  
County Clerk \$50.00 Admin. Fee

Posting:  [X]