



DATE: August 25, 2008

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (C-21-08) TO PERMIT A REGULATED USE (MESSAGE ESTABLISHMENT) AND A WAIVER OF LOCATIONAL REQUIREMENTS FOR THE SUBJECT REGULATED USE LOCATED AT 1727A OCEANSIDE BOULEVARD WITHIN THE FIRE MOUNTAIN NEIGHBORHOOD. – OCEANSIDE HEALTH CLINIC – APPLICANT: YAO YU WANG**

### **RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Recommend that City Council approve Conditional Use Permit (C-21-08); and,
- (2) Recommend that City Council approve 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. 2008-P45 with findings attached herein.

### **PROJECT DESCRIPTION AND BACKGROUND**

**Background:** The proposed project is located in an existing 1,000-square foot suite that is part of the circa 1973 Oceanside Town and Country shopping center. The center has over 25 leasable units, including two large spaces for anchor tenants. The proposed business suite is 1727A Oceanside Boulevard.

**Site Review:** The zoning designation for the site is CS-HO (Special Commercial – Highway Oriented District) and the General Plan Land Use Category is SC (Special Commercial). Surrounding land uses include commercial properties to the north and east, single-family residences to the south, and Interstate 5 to the west.

**Project Description:** The 1,000-square foot massage facility would consist of an entryway and receptionist/waiting room, three (3) treatment rooms, a restroom, a shower facility, space for a washer and dryer, an office, and a utility room. The Oceanside Health Clinic is proposed to be open seven days a week, between the hours of 10:00 a.m. and 9:00 p.m. and would provide acupuncture, therapy massage, reflexology therapy, acupressure therapy, shiatsu therapy, and herbal prescription services. Seven hundred (700) public parking spaces are shared among the tenants of Oceanside Town and County shopping center.

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

Conditional Use Permit C-21-08 represents a request for the following:

- (a) To permit the establishment of a massage business (regulated use) within a commercial center, pursuant to Article 36 of the Oceanside Zoning Ordinance (OZO); and

Waiver of locational requirements represents a request for the following:

- (a) To permit a waiver of locational requirements provided in Section 3604 for a regulated use, on the basis that the proposed massage business falls within 500 feet of a residential district.

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

1. General Plan Land Use Element
2. Zoning Ordinance
3. California Environmental Quality Act (CEQA)

## **ANALYSIS**

### **KEY PLANNING ISSUES**

#### **1. General Plan conformance**

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

##### **I. Community Enhancement**

**Goal:** The consistent, significant, long term preservation and improvement of the environment, values, aesthetics, character and image of Oceanside as a safe, attractive, desirable and well-balanced community.

## Section 1.1 Community Values

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

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

The proposed business intends to provide personal care services within an existing shopping center consisting of a variety of commercial services/businesses surround the project site including restaurants, retail shops, personal services, and business and medical offices. The proposed massage establishment will not result in a concentration of adult-oriented uses as there are no known adult-oriented businesses within 1,000 feet of the proposed project site. The addition of massage services to the Town and Country shopping center would not negatively impact existing commercial development because it will provide a personal service to the surrounding neighborhood.

## **2. Zoning Compliance**

This project is located in a CS-HO (Special Commercial – Highway Oriented District). Pursuant to the land use regulations of the CS-HO District, a massage establishment is classified as a regulated use and is subject to the approval of a Conditional Use Permit pursuant to Article 36 of the Oceanside Zoning Ordinance.

### Article 36, Separation of Regulated Uses

Section 3602 classifies massage establishments as 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.

Section 3604 requires that a massage establishment be located a minimum of 500 feet from any 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. A massage establishment must also be located a minimum of 1,000 feet from any other regulated use. Any person proposing a permitted regulated use may apply for a waiver of the locational requirements. No other permitted regulated uses are within 1,000 feet from the proposed massage establishment location.

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

USE	LOCATION	REQUIRED DISTANCE	APPROX. DISTANCE
Single Family Residential	South of the site; north of Mountain View Avenue	500 feet	350 feet
Multi-Family Residential	West of site; west of I-5	500 feet	400 feet

**DISCUSSION**

*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.

The applicant has presented proof of valid permits, professional licenses, and educational degrees. The proposed business intends to provide a personal care service within an existing shopping center consisting of a variety of commercial businesses including retail shops, restaurants, and personal improvement services. The proposed massage establishment will not result in a concentration of adult-oriented uses as there are no known adult-oriented businesses within 1,000 feet of the proposed project site.

The tenant space where the proposed business would be located is approximately 1,000 square feet in size. It has been determined that the proposed massage establishment will not negatively impact any governmental programs of redevelopment, revitalization, or neighborhood preservation. The proposed business would be situated in an established shopping center and any future development of the Oceanside Boulevard corridor will incorporate Oceanside Town and County Shopping Center and all of its tenants into future plans.

*Issue: Project compatibility with existing surrounding development.*

**Recommendation:**

The proposed business intends to provide massage services within an existing shopping center consisting of a variety of commercial businesses including retail shops, restaurants, and personal improvement services. The proposed massage establishment will not result in a concentration of adult-oriented uses as there are no known adult-oriented businesses within 1,000 feet of the proposed project site. The following table lists specific land uses surrounding the proposed project:

LOCATION	ZONING	LAND USE
Subject Property – Oceanside Town and Country	Special Commercial – Highway Oriented (CS-HO)	Restaurants; Retail shops; Coin-operated Laundry; Personal Improvement Services; Personal Services; Business/Medical Offices; Pet Store; Video Rental store
North:	CS-HO; Open Space	Ralph’s shopping center; On-ramp to I-5 North
East:	Limited Industrial (IL)	Commercial; Light Industrial
South:	Single-Family Residential (RS)	Single-Family Residences
West:	Caltrans; Medium Density Residential (RM-A)	Interstate 5; Cavalier Mobile Estates

The majority of the businesses are open seven days a week and offer services from nine or ten in the morning to eight or nine at night. Some of the businesses are open very early and do not close until late in the evening, including the restaurants and the Longs Drug Store. The proposed business operations would be consistent with the surrounding land uses predominantly engaged in personal improvement services.

**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 within a 1500-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. No communication supporting or opposing the project was received as of August 18, 2008.

## SUMMARY

In summary, staff has determined that the proposed Conditional Use Permit is consistent with the requirements of the Oceanside Zoning Ordinance and the land use policies of the General Plan. The applicant has requested a waiver from the applicable locational requirements and staff has determined that the project meets the findings for the waiver. As such, staff recommends approval of the Conditional Use Permit and waiver of locational requirements and recommends that the Planning Commission:

- Move to recommend that City Council approve Conditional Use Permit (C-21-08) and approve the waiver of the locational requirements and adopt Planning Commission Resolution No. 2008-P45 as attached.

PREPARED BY:

  
Sally Schifman  
Planner II

SUBMITTED BY:

  
Jerry Hittleman  
City Planner

REVIEWED BY:

  
Richard Greenbauer, Senior Planner

JH/SS/fil

Attachments:

1. Existing Site Plan and Interior Floor Plan
2. Planning Commission Resolution No. 2008-P45
3. Applicant's credentials, licenses, and permits
4. Oceanside Health Clinic list of services

iter

Oceanside Boulevard

RECEIVED  
MAY 05 2008

Oceanside Boulevard (service road)

Commerce Road

McDonald's

1715

1719

1727B

Long's Drugstore

1767

Von's Supermarket

1737

1779A

1779B

1771B

1771C

1771A

1763A

1763B

1763C

1763D

1759A

1759B

1759C

1759D

1759E

1759F

1759G

1759H

1759I

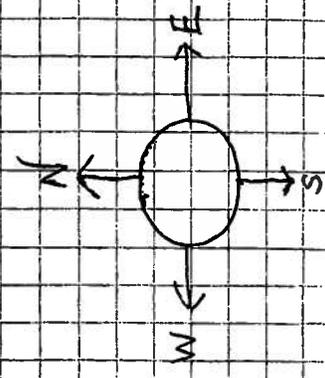
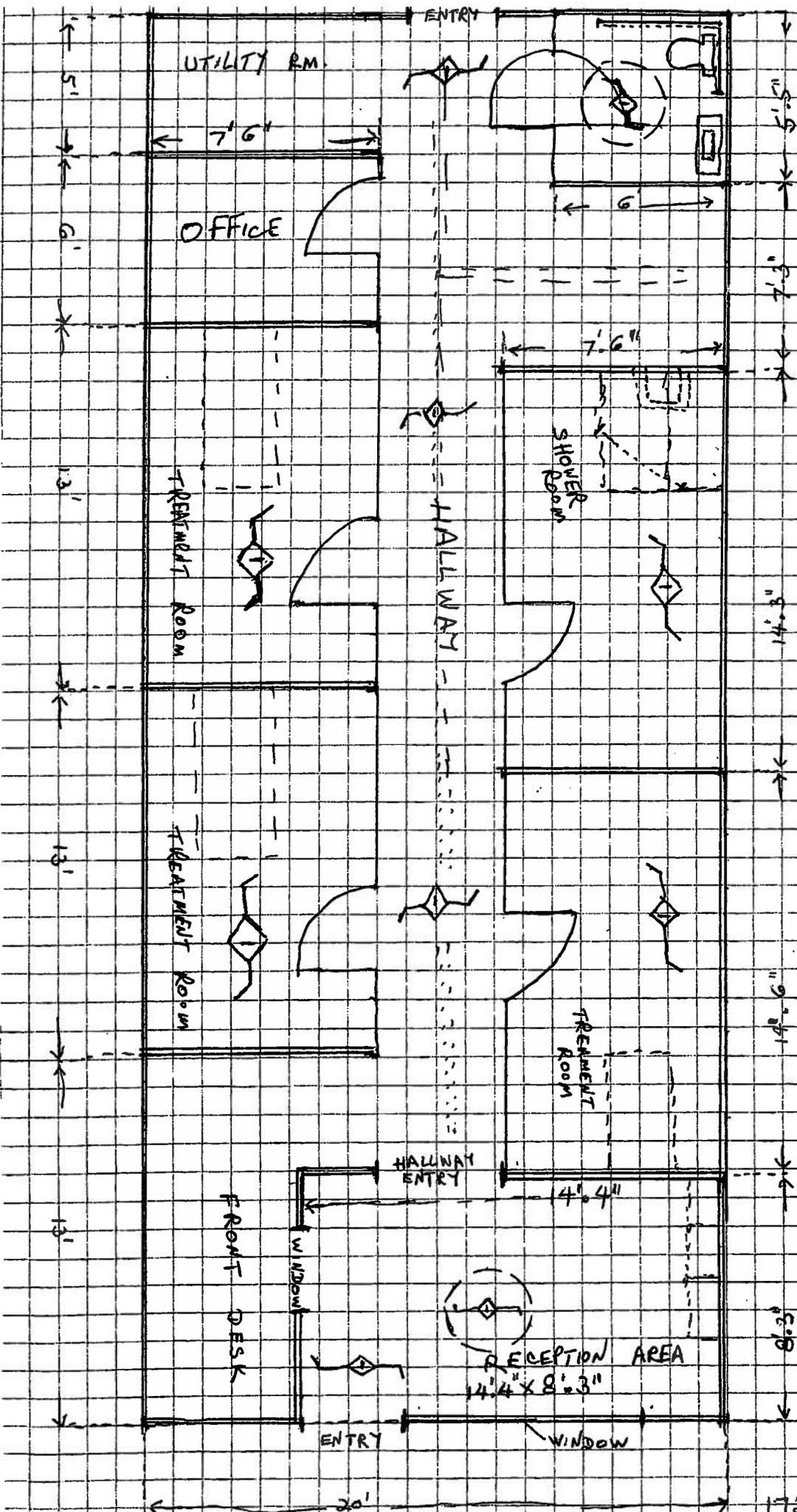
1759J

1729A

1729B

San Diego Freeway





RECEIVED  
 JUL 2 2008  
 Planning Department

OCEAN HEALTH CLINIC  
 1727A OCEANSIDE BL

1  
2  
3  
4  
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

PLANNING COMMISSION  
RESOLUTION NO. 2008-P45

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT AND A WAIVER OF LOCATIONAL REQUIREMENTS FOR A REGULATED USE ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

---

APPLICATION NO: C-21-08  
APPLICANT: Yao Yu Wang  
LOCATION: 1727A Oceanside Boulevard

---

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

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

a massage establishment with a waiver of locational requirements for regulated land uses; on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 25<sup>th</sup> day of August, 2008 conduct a duly advertised public hearing as prescribed by law to consider said application.

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

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

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

FINDINGS:

For the Conditional Use Permit:

1. The proposed location of the use is in accord with the objectives of the Ordinance and the purposes of the district in which the site is located. The proposed massage services

1 are not contrary to the Zoning Ordinance objective for the CS-HO (Special Commercial-  
2 Highway Oriented) zoning district and to the intent of Article 36 of the Zoning Ordinance.  
3 The proposed operation is consistent with the General Plan Land Use Element objective for  
4 the underlying Special Commercial land use designation affecting the property. The  
5 proposed massage establishment will contribute to the balance of land uses in the  
6 Oceanside Town and Country shopping center and surrounding commercial centers.

7 2. The proposed location of the conditional use and the proposed conditions under which it  
8 would be operated or maintained will be consistent with the General Plan; will not be  
9 detrimental to the public health, safety or welfare of persons residing or working in or  
10 adjacent to the neighborhood of such use; and will not be detrimental to properties or  
11 improvements in the vicinity or to the general welfare of the City. The proposed use is  
12 subject to specific operational conditions that will cause the use to operate compatibly with  
13 the surrounding land uses and it will not be detrimental to the general welfare of the City.  
14 The only sensitive land uses in the vicinity are residential properties, which are sufficiently  
15 separated from the proposed use by either Interstate 5 or a significant elevation difference.

16 3. The proposed conditional use will comply with the provisions of the Ordinance,  
17 including any specific condition required for the proposed conditional use in the district  
18 in which it would be located. The applicant will maintain all necessary permits and  
19 professional licenses in good standing at all times. The proposed conditional use will not  
20 comply with the regulated use locational requirements of the Ordinance. A massage  
21 establishment must be located a minimum of 1,000 feet from any residential districts.  
22 With the approval of the Waiver of Locational Requirements, the proposed project will  
23 comply with this regulation.

24 For the Locational Waiver:

- 25 1. The massage establishment will not be contrary to the public interest. The applicant has  
26 presented proof of valid permits, professional licenses, and educational degrees. The  
27 proposed business intends to provide a personal care service to the surrounding  
28 community.  
29 2. The proposed massage establishment will not result in a concentration of adult-oriented  
uses and will not be contrary to the spirit or intent of Article 36. No known adult-  
oriented businesses are within 1000 feet of the proposed project site.

- 1 3. The proposed project will not impair nearby property or the integrity of the underlying  
2 district. The proposed massage establishment business would be part of an existing  
3 shopping center consisting of a variety of commercial businesses including retail shops,  
4 restaurants, and personal improvement services.
- 5 4. The proposed project will not encourage the development of an adult entertainment area  
6 or otherwise promote community blight. There are no known regulated uses with 1,000  
7 feet of the proposed project site. The addition of a massage establishment within the  
8 Oceanside Town and County shopping center will not result in an adult entertainment  
9 area.
- 10 5. The proposed project site is 1000 square feet. Individually it will not negatively impact  
11 any governmental programs of redevelopment, revitalization, or neighborhood  
12 preservation. The proposed business would be situated in an established shopping  
13 center. Any future development of the Oceanside Boulevard corridor will need to  
14 incorporate Oceanside Town and County Shopping Center and all of its tenants into  
15 design ideas.

16 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
17 recommend approval of Conditional Use Permit (C-21-08) and waiver of applicable locational  
18 requirements subject to the following conditions:

18 **Planning:**

- 19 1. This Conditional Use Permit (C-21-08) and waiver of Regulated Use Locational  
20 Requirements are limited to a massage establishment comprising approximately 1,000  
21 square feet of floor area.
- 22 2. A covenant or other recordable document approved by the City Attorney shall be  
23 prepared by the applicant and recorded within 45 days from the date of project approval.  
24 The covenant shall provide that the property is subject to this resolution, and shall  
25 generally list the conditions of approval.
- 26 3. This Conditional Use Permit does not apply to any services or activities of an illicit  
27 sexual nature. Any evidentiary material pertaining to on-site or off-site acts of  
28 prostitution, or other acts of sexual conduct associated with the existence of this  
29 business, its proprietorship, its employees or clientele, shall be grounds for the  
institution of revocation proceedings of the Conditional Use Permit.

- 1 4. This Conditional Use Permit shall be called for review by the Planning Commission if  
2 complaints are filed and verified as valid by the Code Enforcement Office concerning the  
3 violation of any of the approved conditions or assumptions made by the application.
- 4 5. Prior to the transfer of ownership and/or operation of the site the owner shall provide a  
5 written copy of the applications, staff report and resolutions for the project to the new  
6 owner and or operator. This notification's provision shall run with the life of the project  
7 and shall be recorded as a covenant or other recordable document approved by the City  
8 Attorney on the property.
- 9 6. Unless expressly waived, all current zoning standards and City ordinances and policies in  
10 effect at the time improvement permits are issued are required to be met by this project.  
11 The approval of this project constitutes the applicant's agreement with all statements in the  
12 Description and Justification and other materials and information submitted with this  
13 application, unless specifically waived by an adopted condition of approval.
- 14 7. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
15 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
16 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
17 annul an approval of the City, concerning Conditional Use Permit (C-21-08). The City  
18 will promptly notify the applicant of any such claim, action or proceeding against the  
19 City and will cooperate fully in the defense. If the City fails to promptly notify the  
20 applicant of any such claim action or proceeding or fails to cooperate fully in the  
21 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold  
22 harmless the City.
- 23 8. The hours-of-operation shall be limited from 10:00 a.m. to 9:00 p.m. Monday through  
24 Sunday. These hours can be limited further by the Planning Commission upon review of  
25 any valid issues or complaints pertaining to the hours-of-operation.
- 26 9. No neon signage shall be permitted, except for one "Open" sign. No window signage that  
27 exclusively advertises massage shall be permitted.
- 28 10. No signage visible from the public right-of-way, including a side-walk sign, shall include  
29 the word "massage" at any time.

1 11. No more than 50 percent of the frontage windows and door shall be covered with window  
2 treatments including, but not limited to curtains, drapes, and blinds, during hours of  
3 operation.

4 **Police:**

5 12. A list of services and the cost of such services shall be posted in a conspicuous place on  
6 the premises at all times.

7 13. All persons providing massage shall be fully clothed in hygienically clean apparel while  
8 engaged in the practice of massage. As used herein, "fully clothed" shall mean the  
9 wearing of clothing which is comparable to the clothing commonly worn by nurses and  
10 physically therapists while performing their respective professional duties.

11 14. All persons engaged in the practice of massage shall have a valid business license issued  
12 by the City of Oceanside, as well as a permit to practice massage issued by the  
13 Oceanside Police Department.

14 15. Permits issued by the Oceanside Police Department shall be valid for one (1) year from  
15 the date of issuance and shall be renewed annually.

16 16. The business shall display the massage business license and a copy of the license and/or  
17 permit for each person providing massage services at all times.

18 17. All persons engaged in the practice of massage shall have successfully completed a  
19 minimum of one thousand (1,000) hours of instruction in the art of massage provided by  
20 a recognized school or institute of learning which offers a course in instruction approved  
21 by the State of California Office of Private Postsecondary Education or comparable out-  
22 of-state agency, which shall include anatomy, physiology and hygiene, massage theory  
23 and history, ethics of massage and business practices.

24 18. All persons engaged in the practice of massage shall not have been convicted of any of  
25 the following offenses:

26 a) Any offense involving lewd conduct or an offense involving the use of force or  
27 violence upon the person of another; or,

28 b) Any offense described in California Penal Code sections 266h, 266i, 311 through  
29 311.7, 314, 315, 316, 318, 653.22, or 647 (a), (b), or (d); or,

c) Any offense described in California Penal Code, Part One, Title 9, Chapters 7.5 and  
7.6; or,

- 1 d) Any offense which requires registration as a sex offender under California Penal  
2 Code section 290; or,  
3 e) Any charge of violating any lesser included or lesser related offenses, including  
4 Penal Code section 415, in satisfaction of, or as a substitute for, an original charge  
5 or any of the offenses listed above.

6 19. The business operator shall provide clean and sanitary towels, sheets and linens for each  
7 patron. Towels, sheets and linens shall be provided in sufficient quantity and shall not be  
8 used by more than one person unless such towels, sheets and linens have been re-  
9 laundered. Separate closed cabinets or containers shall be provided for the storage of clean  
10 and soiled towels, sheets and linens and such cabinets or containers shall be plainly marked  
11 "clean linens" and "soiled linens".

12 20. Separate lockers shall be provided for patrons.

13 21. All exterior doors shall be unlocked from the interior during business hours.

14 PASSED and ADOPTED Resolution No. 2008-P45 on August 25, 2008 by the  
15 following vote, to wit:

16 AYES:

17 NAYS:

18 ABSENT:

19 ABSTAIN:

20 \_\_\_\_\_  
21 Claudia Troisi, Chairperson  
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. 2008-P45.

28 Dated: August 25, 2008  
29



RECEIVED  
MAY 05 2008  
Planning Department

# ACUPUNCTURE BOARD

STATE OF CALIFORNIA

CERTIFIES THAT

**Yun Yun Wang**

HAVING SHOWN TO THE SATISFACTION OF THIS BOARD THE QUALIFICATIONS REQUIRED BY THE ACUPUNCTURE LICENSURE ACT PURSUANT TO CHAPTER 12 OF THE BUSINESS AND PROFESSIONS CODE, IS HEREBY AUTHORIZED TO ENGAGE IN THE PRACTICE OF ACUPUNCTURE IN THE STATE OF CALIFORNIA.



AC 12379

MARCH 19, 2008

License Number

Date Issued

Authorized by:

*Janette Dodge*  
Executive Officer

RECEIVED

MAY 05 2008

Planning Department

The Board of Trustees

of

**South Baylo University**



by virtue of the authority vested in them and on recommendation of the faculty  
have conferred the Degree of

**Master of Science in Acupuncture & Oriental Medicine**

on

**Ben Yu Wang**

For successful completion of the requirements of this University  
Given on the Seventeenth day of June, 2007 at Anaheim, California

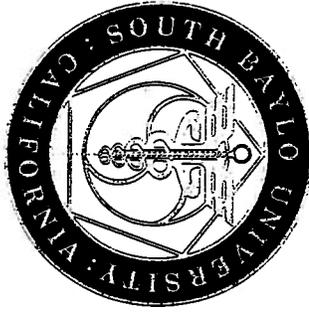
President

Chairperson, Board of Trustees

RECEIVED  
MAY 05 2008  
Planning Department

# South Alameda University

The Board of Trustees  
of



by virtue of the authority vested in them and on the recommendation of the faculty  
have conferred the Degree of

## Bachelor of Science in Holistic Science

on

**Jan H. Hsing**

For successful completion of the requirements of this University  
Given on the Seventeenth day of June, 2007 at Anaheim, California

President

Chairperson, Board of Trustees

# JUN

## COUNTY OF SAN DIEGO DEPARTMENT OF ENVIRONMENTAL HEALTH ENVIRONMENTAL HEALTH PERMIT

# 2009

P.O. BOX 129261, SAN DIEGO, CA 92112-9261 1-800-253-9933/619-338-2222 FAX 619-338-2377 [www.sdcdeh.org](http://www.sdcdeh.org)

OWNER/OPERATOR NAME: YAO YU WANG  
FACILITY NAME: OCEANSIDE HEALTH CLINIC  
FACILITY LOCATED AT: 1727 OCEANSIDE BL. OCEANSIDE, CA



**Gary Erbeck**  
Director

PID: 660571

Mailing Address  
**OCEANSIDE HEALTH CLINIC  
YAO YU WANG**

**27923 REDWOOD GLEN RD  
VALENCIA CA 91354**

PERMIT: **FG02-421077**  
SCOPE: **6FG02**  
UNIT(s): **1**

**PERMIT TO OPERATE MESSAGE**  
Expiration date: **30-JUN-2009**  
RENEWAL IS REQUIRED BEFORE EXPIRATION DATE

DEH GENERAL NUMBER	619-338-2222
FHD COMPLAINTS	619-338-2283
FHD FAX	619-338-2245
FHD PERMITS	619-338-2087
FHD PLAN CHECK	619-338-2364
FOODBORNE ILLNESS	619-338-2356
INFORMATION SPECIALIST	619-338-2379
TEMPORARY EVENTS	619-338-2363
WEB SITE (DEH)	<a href="http://WWW.SDCDEH.ORG">WWW.SDCDEH.ORG</a>

RECEIVED  
JUN 21 2009  
Planning Department

ANY CHANGES IN THE ABOVE OWNER, LOCATION OR MAILING ADDRESS MUST BE REPORTED BY SUBMITTING A WRITTEN CHANGE TO THE DEPARTMENT

**PERMIT IS NOT VALID FOR ANY FACILITY LOCATION OR OWNER NOT LISTED ABOVE  
THIS PERMIT IS NOT TRANSFERABLE  
POST IN A CONSPICUOUS PLACE  
A COPY OF THIS PERMIT MUST BE MAINTAINED AT THE FACILITY LOCATION**

*This permit is provisional. The Director or designee of the Director may order the permit or any permit element be denied, suspended or revoked for violation of any relevant requirement established or provided by law.*

*This permit does not excuse any owner or operator from complying with all applicable federal, state, county or local laws, ordinance or regulations. The owner or operator is required to determine if another permit or approval from any other agency or department is necessary. The County, by issuing this permit, does not relinquish its right to enforce any violation of law.*

CITY OF OCEANSIDE CITY OF OCEANSIDE CITY OF OCEANSIDE CITY OF OCEANSIDE CITY OF OCEANSIDE

**NOT TRANSFERABLE**

**CITY OF OCEANSIDE**  
**BUSINESS LICENSE CERTIFICATE**

POST IN CONSPICUOUS PLACE AT BUSINESS LOCATION

ACCOUNT NUMBER: 107566

DATE PAID: 9/11/2007

RATE CODE: CT2

OWNER, FIRM OR CORPORATION NAME: YAO XU WANG

BUSINESS NAME: OCEAN HEALTH CLINIC

ATTENTION:

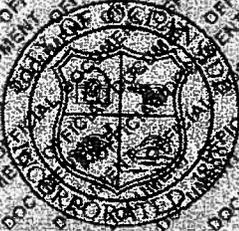
MAILING ADDRESS: 1327 OCEANSIDE BLVD # A

CITY AND STATE: OCEANSIDE, CA 92054-3453

BUSINESS LOCATION IN OCEANSIDE: 1327 OCEANSIDE BLVD # A

EXPIRATION DATE: 08/31/2008

NON-REFUNDABLE



This Business License does not permit business otherwise prohibited. The payment of a business license fee required by the Municipal Code, and in accordance to the city and the issuance of a business license to any person shall not entitle the holder thereof to carry on any business unless he has complied with all the requirements of said code and all other applicable laws, nor to carry on any business in any building or on any premises designated as a business license in the event such building or premises are situated in a zone or locality in which the conduct of such business is a violation of any law. This license is issued without verification that the licensee is subject to or exempt from licensing by the State of California.

KEEP FOR YOUR RECORDS  
BUSINESS TAX RECEIPT

ACCT. NO. 107566  
 DATE PAID 09/11/2007  
 PAYMENT \$ 127.50

**BUSINESS TAX**

Other	\$0.00
Penalty	\$0.00
Renewal	\$0.00
CT2	<u>\$127.50</u>
BALANCE	\$0.00

TAXES PAID IN ACCORDANCE WITH  
CITY BUSINESS TAX ORDINANCE.

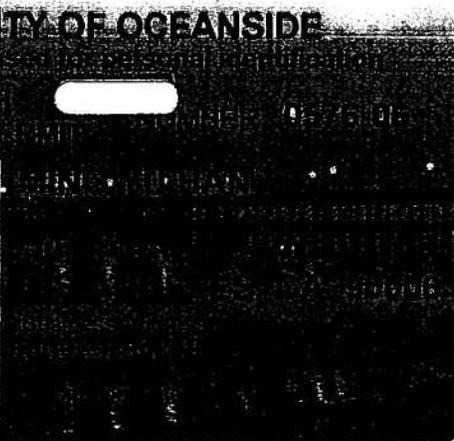
**CITY OF OCEANSIDE**

CITY OF OCEANSIDE CITY OF OCEANSIDE CITY OF OCEANSIDE CITY OF OCEANSIDE CITY OF OCEANSIDE

RECEIVED  
 MAY 05 2008  
 Planning Department

**CITY OF OCEANSIDE**  
Not to be used for personal identification  
**HOLISTIC HEALTH PRACTITIONER PERMIT** NUMBER **561-06**  
**YAO YU WANG**  
  
  
Business Address

**CITY OF OCEANSIDE**  
Not to be used for personal identification  
**HOLISTIC HEALTH PRACTITIONER PERMIT** NUMBER **567-06**  
**XIULAN SUN**  
  
  
Business Address  
**1727A OCEANSIDE BLVD**  
**INDEFINITE**  
Expiration Date

**CITY OF OCEANSIDE**  
  


# OCEANSIDE HEALTH CLINIC



## MENU

- ACUPUNCTURE (PER SESSION) **\$60.00**
- HERBAL PRESCRIPTION **\$30.00**
- THERAPY MASSAGE **\$60.00**
  - 1/2hr **\$40.00**
- REFLEXOLOGY THERAPY **\$60.00**
  - 1hr **\$60.00**
  - 1/2hr **\$40.00**
- ACUPRESSURE THERAPY **\$60.00**
  - 1hr **\$60.00**
  - 1/2hr **\$40.00**
- SHIATSU THERAPY **\$60.00**
  - 1hr **\$60.00**
  - 1/2hr **\$40.00**

**TEL:( 760)- 757 1189**

RECEIVED  
JUL 21 2008  
Planning Department





**Application for Public Hearing**

Community Development Department / Planning Division  
(760) 435-3520  
Oceanside Civic Center 300 North Coast Highway  
Oceanside, California 92054-2885

RECEIVED  
MAY 05 2008  
Planning Department

OCEAN HEALTH CLINIC

**STAFF USE ONLY**

ACCEPTED	5/5/08	BY
	RECEIVED	SN.
	MAY - 5 2008	
	Planning Department	

**Please Print or Type All Information**

**PART I - APPLICANT INFORMATION**

1. APPLICANT WANG, YAO YU / OCEAN HEALTH CLINIC	2. STATUS Lessee
3. ADDRESS 1727A OCEANSIDE BL.	4. PHONE/FAX/E-mail (818) 212-8153
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) N/A	
6. ADDRESS N/A	7. PHONE/FAX/E-mail (818) 212-8153

HEARING	
GPA	
MASTER/SP.PLAN	
ZONE CH.	
TENT. MAP	
PAR. MAP	
DEV. PL.	
C.U.P.	C-21-08
VARIANCE	
COASTAL	
O.H.P.A.C.	

**PART II - PROPERTY DESCRIPTION**

8. LOCATION 1727A OCEANSIDE BL. OCEANSIDE ON CORNER OF OCEANSIDE BL AND #5 FREEWAY	9. SIZE 1000 SQ. FT
10. GENERAL PLAN SHOPPING CENTER	11. ZONING COMMERCIAL MED/RETAIL
12. LAND USE ACUPUNCTURE/HOLISTIC MASSAGE	13. ASSESSOR'S PARCEL NUMBER 151-310-26

**PART III - PROJECT DESCRIPTION**

14. GENERAL PROJECT DESCRIPTION  
CUP FOR: ACUPUNCTURE, HOLISTIC MASSAGE, ACCUPRESSURE  
HOLISTIC MEDICINE AND HERBAL THERAPY

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 1000 SQ. FT	21. PARKING SPACES 700+ SHARED PARKING	22. % LANDSCAPE N/A	23. % LOT COVERAGE or FAR N/A	

**PART IV - ATTACHMENTS**

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

**PART V - SIGNATURES**

33. APPLICANT OR REPRESENTATIVE (Print): WANG YAO YU	34. DATE 3-10-08	SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).
Sign: <i>Yao Yu Wang</i>		

35. OWNER (Print) PK II OCEANSIDE	36. DATE 3-03-08
--------------------------------------	---------------------

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

Sign: *[Signature]*

*Sally*

JUL 21 2008

Planning Department

 <b>Application for Public Hearing</b> Community Development Department / Planning Division (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885		<b>STAFF USE ONLY</b>	
		ACCEPTED	BY
Please Print or Type All Information		HEARING	
<b>PART I - APPLICANT INFORMATION</b>		GPA	
1. APPLICANT WANG, YAO YU / OCEAN HEALTH CLINIC	2. STATUS LESSOR	MASTER/SP.PLAN	
3. ADDRESS 1727A OCEANSIDE BL.	4. PHONE/FAX/E-mail (818) 212-8153	ZONE CH	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)		TENT. MAP	
6. ADDRESS N/A	7. PHONE/FAX/E-mail (818) 212-8153	PAR. MAP	
		DEV. PL.	
		C.U.P.	
		VARIANCE	
		COASTAL	
		O.H.P.A.C.	
<b>PART II - PROPERTY DESCRIPTION</b>		9. SIZE	
8. LOCATION 1727A OCEANSIDE BL. OCEANSIDE CA CORNER OF OCEANSIDE BL AND 155 FREEWAY		1000 SQ. FT	
10. GENERAL PLAN SHOPPING CENTER	11. ZONING COMMERCIAL MED/RETAIL	12. LAND USE ACUPUNCTURE MASSAGE THERAPY	13. ASSESSOR'S PARCEL NUMBER 151-310-26
<b>PART III - PROJECT DESCRIPTION</b>			
14. GENERAL PROJECT DESCRIPTION C.U.P. FOR: Acupuncture and massage therapy + services			
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 1000 SQ. FT	21. # OF SPACES 407 SHARED PARKING	22. % LANDSCAPE N/A	23. % LOT COVERAGE or FAR N/A
<b>PART IV - ATTACHMENTS</b>			
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)
<b>PART V - SIGNATURES</b>			
33. APPLICANT OR REPRESENTATIVE (Print): WANG YAO YU		34. DATE 3-20-08	SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).
Sign: 		35. OWNER (Print) PK II Oceanside Town and Country LP	36. DATE 3-03-08
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		Sign: 	

**Oceanside Health clinic  
1727 A Oceanside BL  
Oceanside CA 92054**

RECEIVED  
JUL 2 1 10 03  
Planning Department

## **Description and justification**

The acupuncture and holistic therapeutic care industry has had immense growth in the medical and wellness field, throughout the United States. The profession has shown to be successful in treating various ailments and conditions, such as pain therapy improved cardio-vascular systems stimulate the circulatory system, and lower blood pressure. There are many more benefits. We are enclosing a consumer guide written by the California department of consumer affairs, acupuncture board, also a copy of "laws and regulations" issued by the acupuncture board article #4937. practice of acupuncture "The licensed acupuncturist will perform or prescribe the use of massage, acupressure Etc" The business owner miss Yao Yu Wang Lic Ac 12379 is board certified in acupuncture, oriental medicine, holistic therapy, and herbal medicine has graduated and possesses BS, MA degrees (documents enclosed), and is currently enrolled at South Baylo university and will obtain her doctorate certification next year specializing in cancer research the business is located at 1727 A oceanside BL oceanside ca 92054 as Ocean health clinic. In 2006 the business was issued a business license permit for this location all permits were issued then by the planning, police, fire and health departments and approved therein. As of today no violations were issued.

The clinic is professionally decorated, and the completed remodel is first class. In turn the city greatly benefits by the addition of a professional establishment this will encourage other business owners in the community to strive to make their businesses better.

The clinic is open 7 days a week. The hours of operation 10:00 am to 7:00 pm.  
After 7:00pm to 9:00pm by appointment only.

All the therapists employed at the location are licensed and permitted to work at the location (copies enclosed).

The location is 1000 sq ft as per city regulation there are over 700 shared parking spaces.

Conditional use permits

RECEIVED  
JUL 21 2008  
Planning Department

1. The owner of the business will follow all the requirements of the City Code as well as any conditions placed for this type of use .
2. This Commercial zone was designed to provide a range of services to the general public, this business is a small scale personal wellness business . That will do that .
3. The location and professional acupuncture and holistic care services to be offered to the public , men and women ,will add to the variety of services in this area . This location is commercially zoned and designed for commercial use on the general plan . It will improve the value of the property in the area .

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 holistic acupuncture clinic . This business will only serve to benefit the City of Oceanside . The purpose of this business is to provide acupuncture and holistic care services the general public in accordance to all rules and regulations set 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 of acupuncture and holistic care services to be offered to 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 acupuncture and holistic 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 see article # 4937 offering of acupuncture service that are allowed within the General Commercial Zone . It will enhance the service and retail offerings in the area .

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 is standards of appearance and maintenance . This business is no way affiliated with any type of adult entertainment . Its sole purpose is to be established as an acupuncture wellness center . It will only recruit licensed professionals that meet or exceed the City's requirement for the health and safety of all patrons .  
( copies of licensed therapists are enclosed )

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 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 .

**CITY OF OCEANSIDE PLANNING DIVISION**

**THE NAME OF THE BUSINESS IS OCEAN HEALTH CLINIC LOCATED AT 1727 A OCEANSIDE BL OCEANSIDE CA 92054 .WE RECIEVED THE ENCLOSED NOTICE ON 02-29-08 AND IT WAS A TOTAL SURPRISE SINCE THE BUSINESS WAS ALREADY APPROVED BY THE CITY ALSO WE HAVE NOT RECIEVED ANY INFORMATION PERTAINING TO THE LETTER DURING THE 2 YEARS IN BUSINESS . 2 YEARS AGO WE APPLIED FOR AND RECIEVED A LICENCE TO OPERATE A HOLISTIC THERAPY CENTER WHICH EMPLOYS LICENCED THERAPISTS WHO PERFORM PHYSICAL THERAPY , ACUPRESSURE AND SHIATZU MASSAGE . ALL PERMITS WERE ISSUED BY THE BUILDING , PLANNING , ZONING DEPARTMENTS POLICE , HEALTH AND FIRE DEPARTMENTS. THERE ARE NO VIOLATIONS FROM ANY DEPARTMENTS AS TO LOCATION OR ANY OTHER CODES IN QUESTION . THERE ARE NO CHURCHES , SCHOOLS , RESIDENCES ETC , WITHIN THE 1000 FT RADIUS , THE BUSINESS IS FLANKED BY THE ( 5 ) FREEWAY ON ONE SIDE . AND COMMERCIAL ZONES AROUND IT . THE BUSINESS HAS PERFORMED WELL IN THE COMMUNITY , WE HAVE TREATED , STROKE PATIENTS PRE NATAL AND POST NATAL MOTHERS , CLIENTS WITH SPORTS RELATED INJURIES , AND HAVE HELPED RETURNING MILITARY PERSONEL PHYSICAL DISABILITIES , WE HAVE AND ARE CONTRIBUTING TO THE CITY OF OCEANSIDE IN A POSITIVE WAY . WE DO HELPFULL THINGS IN THE COMMUNITY , WE PAY OUR SHARE OF TAXES , AND THE 6 FULL/ PARTIME EMPLOYEES ALL RESIDE IN OCEANSIDE AND WE ALL CONTRIBUTE TO THE LOCAL ECONOMY . THE OWNER OF THE BUSINESS HAS A MASTERS DEGREE IN HOLISTIC MEDICINE AND ACUPUNCTURE AND IS CURRENTLY STUDYING FOR HER P.H.D IN CANCER RESEARCH . HER FIANCEE AND PARTNER IS A WAR VETERAN , AND IS A BUSINESSMAN IN THE COMMUNITY .**

**THANK YOU FOR CONSIDERATION .**

**OCEAN HEALTH CLINIC**

**YAO YU WANG 03-03-08**



RECEIVED  
MAY 05 2008  
Planning Department

**SCHEDULE A**

Policy Number: 248360CA26

Date of Policy: December 29, 2006, 2006 at 8:00 AM

- 1. Name of Insured:  
PK II Oceanside Town & Country LP, a Delaware limited partnership
- 2. The estate or interest in the land which is covered by this policy is:  
Fee Simple
- 3. Title to the estate or interest in the land is vested in:  
PK II Oceanside Town & Country LP, a Delaware limited partnership
- 4. The land referred to in this policy is described as follows:  
Real property in the City of Oceanside, County of San Diego, State of California, described as follows:  
PARCELS 1, 2, 3, 4, 6 AND 7, INCLUSIVE, OF PARCEL MAP NO. 5579, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING A PORTION OF TRACT 101 OF SOUTH OCEANSIDE, ACCORDING TO MAP THEREOF NO. 622, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.



## NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 08/26/2008  
Removal: 02/26/2009  
(180 days)

1. **APPLICANT:** Yao Yu Wang
2. **ADDRESS:** 1727A Oceanside Boulevard, Oceanside, CA 92054
3. **PHONE NUMBER:** (818) 212-8153
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Sally Schiffman
6. **PROJECT TITLE:** Oceanside Health Clinic (C-21-08)
7. **DESCRIPTION:** Consideration of a Conditional Use Permit (C-21-08) to permit a regulated use (massage establishment) and a waiver of locational requirements for the subject regulated use.

**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 Facility (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).

---

Sally Schiffman, Planner II

Date: August 26, 2008

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