

AGENDA NO. 4



PLANNING COMMISSION

STAFF REPORT

DATE: July 22, 2013

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/ Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP13-00016) FOR THE ESTABLISHMENT OF A 6,695-SQUARE-FOOT FITNESS TRAINING CENTER AT 1832 ORD WAY, WITHIN THE PEACOCK NEIGHBORHOOD – FITNESS TRAINING CENTER – APPLICANT: PATRICIA WEISMAN**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 1, Categorical Exemption “Existing Facilities;” and,
- (2) Approve Conditional Use Permit (CUP13-00016) by Adopting Planning Commission Resolution No. 2013-P33 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On May 19, 2003, the Planning Commission approved Tentative Parcel Map (P-1-03) and adopted Resolution No. 2003-P30 permitting the subdivision of a 38.35-acre site into six parcels. The subject project site is located within what is identified as Parcel 2 in said parcel map.

On September 20, 2003, the Planning Commission approved a Master Development Plan (D-6-03) and adopted Resolution No. 2003-P53, allowing the construction of industrial shell buildings (Oceanside Gateway Business Park) on multiple parcels including the subject parcel (Parcel 2).

On April 23, 2007, the Planning Commission approved Tentative Parcel Map (P-5-06) and adopted Resolution No. 2007-P22 permitting a 17-unit industrial condominium map over a previously approved industrial complex referred to as the Oceanside Gateway Business Park.

Site Review: The project site (Oceanside Gateway Business Park Parcel 2) encompasses approximately 14.43 acres and is developed with 11 industrial shell buildings ranging in size from 3,500 to 27,000 square feet. The Fitness Training Center would occupy a 6,695-square-foot portion of the southwesterly most building. The property is zoned Limited Industrial (IL) on the City of Oceanside Zoning Map, and is designated Light Industrial (LI) on the General Plan Land Use Map. The establishment of personal improvement facilities within a limited industrial zoned business park requires discretionary review and approval of a Conditional Use Permit.

Surrounding land uses adjacent to Oceanside Gateway Business Park include a mix of light industrial type land uses to the North and West, an entitled but unconstructed industrial pad referred to as Prescott Industrial Park to the east, and the Sprinter Line to the South.

Project Description: The project application is comprised of the following required entitlement:

Conditional Use Permit (CUP13-00016) represents a request for the following:

- (a) To permit the establishment of a Fitness Training Center within a 6,695-square-foot Light Industrial building located at 1832 Ord Way.

The 6,695-square-foot fitness training center would allocate approximately 5,000 square feet of interior space as workout areas, with the remaining 1,695 square feet containing office and meeting areas for fitness trainers and their clients. The proposed training centers workout area would further be broken down into a strength and conditioning area, two wrestling areas with mats, a boxing ring, and an octagon cage to be used for mixed martial arts. No exterior facilities are proposed as part of the operational characteristics of the fitness training center. A detailed Description and Justification narrative that details the day to day operations and management of the fitness center has been attached for consideration.

Signage is not proposed as part of this projects approval. Should signage be proposed in the future for the Fitness Training Center, the signage would be required to meet the stringent criteria established within the Oceanside Gateway Business Park and would need to be approved by the Oceanside Gateway Business Park Association prior to submittal to the City.

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

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

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designation for the subject property is IL (Light Industrial). 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 1.11: Balanced Land Use

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

Policy A: The City shall establish and enforce a balanced distribution of land uses to organize the City in a hierarchy of activity centers and land use so as to foster a sense of neighborhood, community, and regional identity.

Surrounding land uses include a combination of light industrial type land uses such as food and beverage manufacturing, warehousing, fabrication of products from finished materials, and various service/office type uses. Establishment and operation of the specialized fitness training center use has been determined by staff to provide an overall balance of goods and services in close proximity to the residential areas of the Peacock neighborhood, and with an end result of providing a sense of community to the residents in close proximity to the area. Furthermore, the location of the fitness training center in relatively close proximity to commercial retail adjacent to the business park will provide additional synergy necessary to ensure that the local businesses are successful.

Policy C: 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 would not arise. Trip generation for the subject use has been determined by staff to be consistent with the overall intensity of development of the site. It should be further noted that the specialized training that occurs on-site limits the number of clients that can use the facilities at any one given, ensuring that parking issues within the business park do not arise. In order to further ensure that the use does not intensify in a manner that could contribute to an impact on the City's circulation system, appropriate conditions of approval have also been placed upon Conditional Use Permit (CUP13-00016).

2. Zoning Compliance

The proposed project site is within an existing 6,695-square-foot building located within a Limited Industrial zone in the Peacock Planning Neighborhood. Personal Improvement Service type land uses must obtain a Conditional Use Permit in order to operate in industrial areas. Only interior modifications to the existing, permitted building are proposed. The applicant shall be required to obtain a building permit for the proposed changes.

During the entitlement process, city staff reviewed the parking requirements and determined that the proposed parking meets the requirements established within the Oceanside Zoning Ordinance. A parking analysis was submitted with this project application and staff has determined that all uses on site and the proposed fitness use will require 344 parking spaces and this can be met with the existing 438 parking stalls on-site. In addition the proposed training center intends to primarily operate during the off peak and evening hours and therefore there will be no conflict with other uses within the existing business park.

A majority of the uses with the Oceanside Gateway Business Park operate during the week day hours, so the available parking on-site would provide ample parking to cover the needs of clients and instructors on-site at any one given time. In accordance with Article 31 of the Oceanside Zoning Ordinance, parking for personal improvement services calculated at a ratio of 1 per 250 square feet. The proposed fitness training center is required to provide 27 parking spaces which can be accommodated through the 438 reciprocal parking stalls on-site; therefore no impacts related to parking would occur.

3. Land Use Compatibility with Surrounding Developments

The following table identifies land uses on adjacent properties:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Light Industrial (LI)	Limited Industrial (IL)	Warehousing and Manufacturing
North of Subject Property	Light Industrial (LI)	Limited Industrial (IL)	Warehousing, Manufacturing, and Assembly type uses
East of Subject Property:	Light Industrial (LI)	Limited Industrial (IL)	Undeveloped Light Industrial
South of Subject Property:	Estate B – Residential (EB-R)	Residential Estate-B (RE-B)	Sprinter Line/ Single Family Residential Beyond
West of Subject Property:	Light Industrial (LI)	Limited Industrial (IL)	Warehousing, Manufacturing, and Assembly type uses

DISCUSSION

Issue: Project is a non-industrial use within an industrial zone.

Recommendation: The subject project site is located within a fully developed light industrial park that has been subdivided into condominiums, and is referred to as Oceanside Gateway Business Park. The subject business park was subdivided in a manner that intended to provide space for very diverse and smaller start-up type light industrial land uses such as assembly, warehousing, fabrication, and manufacturing. The proposed project would occupy 6,695 square feet of suite 2-Z. The proposed fitness training center intends to provide a needed source of personal improvement services to the City as a whole and will function as an ancillary service to the employees of the surrounding industrial and commercial businesses; as well as, the residents in the surrounding communities.

Ultimate training area size and facility space allocation would restrict the intensity of occupancy at any one given time frame within the fitness facility, and based upon the off-hour nature of the business would ensure compatibility with the surrounding land uses, while providing for a mix of land uses that would not be detrimental to the health, safety, or welfare of persons frequenting Oceanside Gateway Business Park. The subject project would assist in providing for a balanced distribution of land uses necessary to sustain and benefit the local neighborhood and surrounding communities as a whole, and that is consistent with the City's General Plan.

Recommendation: Staff concludes that the establishment of the fitness training center within the limited industrial business park will not negatively impact existing uses within the center, or significantly alter the nature of the industrial land use development in the immediate area and supports the applicant's request.

ENVIRONMENTAL DETERMINATION

Planning Division staff has completed a preliminary review of this project in accordance with the California Environmental Quality Act (CEQA). Based upon that review, staff finds that the proposed project constitutes operations within existing facilities that will not involve expansion beyond what exist on-site at this time. The project qualifies for a categorical exemption, Class 1, "Existing Facilities" (Section 15301).

PUBLIC NOTIFICATION

Pursuant to Article 41 of the Oceanside Zoning Ordinance, Legal notice was published in the North County Times and notices were sent to property owners of record/and occupants within a 300-foot radius of the subject property, to individuals/organizations requesting notification, and to the applicant. Copies of this agenda item have been mailed to the applicant and their representative.

SUMMARY

The request for approval of a Conditional Use Permit to allow the establishment of a Fitness Training Center within a 6,695-square-foot Light Industrial building located at 1832 Ord Way is consistent with the requirements of the Zoning Ordinance, and the land use policies of the General Plan. The project meets all applicable development standards and will not impact existing land uses in the immediate area. As such, staff recommends that the Planning Commission:

- (1) Confirm issuance of a Class 1, Categorical Exemption "Existing Facilities;" and,
- (2) Approve Conditional Use Permit (CUP13-00016) by Adopting Planning Commission Resolution No. 2013-P33 with findings and conditions of approval attached herein.

PREPARED BY:

SUBMITTED BY:


Richard Greenbauer
Senior Planner


Marisa Lundstedt
City Planner

ML/RG/fil

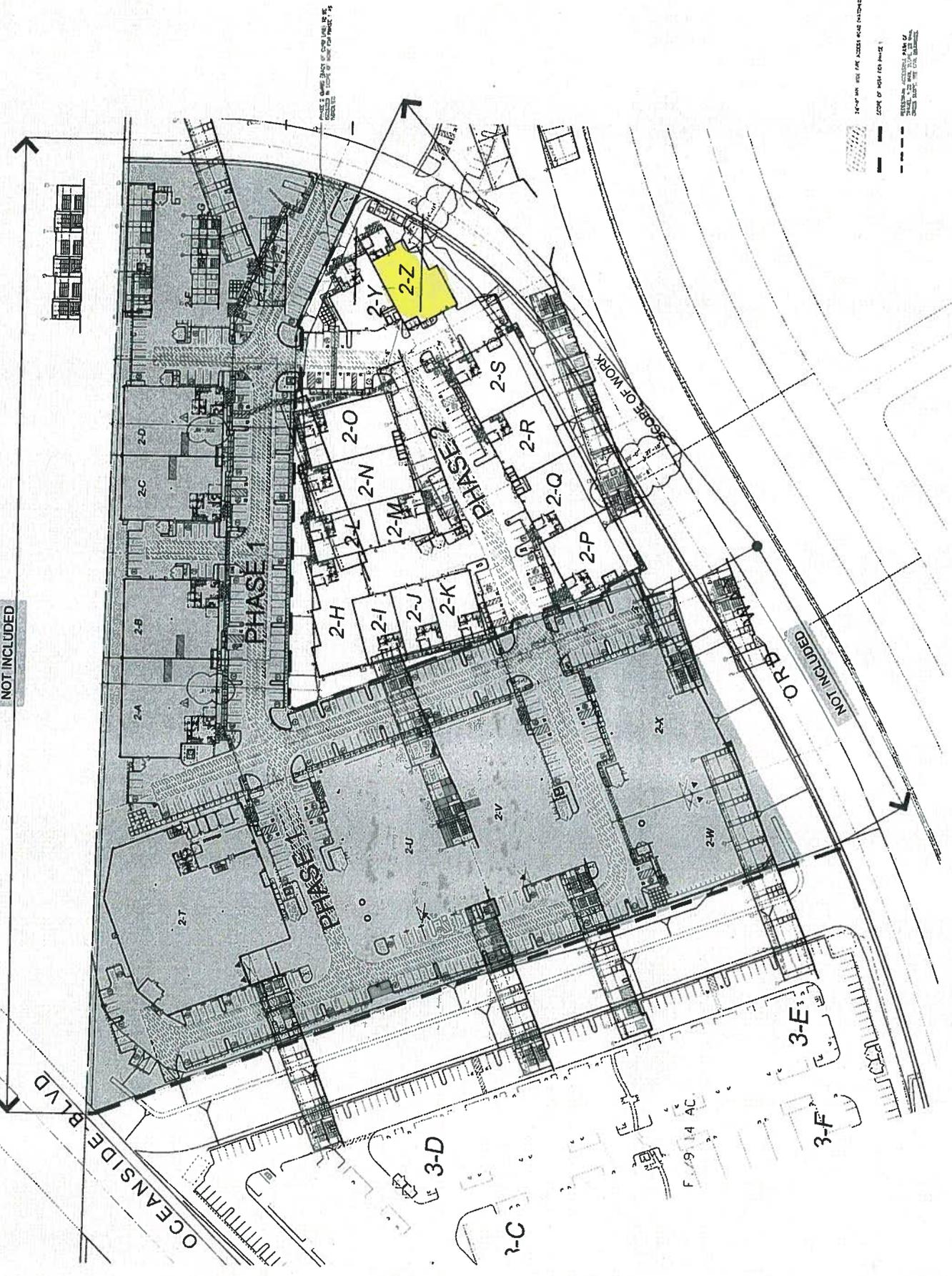
Attachments:

1. Floor/Site Plans
2. Planning Commission Resolution No. 2013-P33
3. Reciprocal Parking Agreement with Center
4. Other Attachments (Application Page, Description and Justification, Legal Description)



NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUED FOR PERMITS	11/15/11	WAL	WAL
2	REVISED PER PERMITS	11/15/11	WAL	WAL
3	REVISED PER PERMITS	11/15/11	WAL	WAL
4	REVISED PER PERMITS	11/15/11	WAL	WAL
5	REVISED PER PERMITS	11/15/11	WAL	WAL
6	REVISED PER PERMITS	11/15/11	WAL	WAL
7	REVISED PER PERMITS	11/15/11	WAL	WAL
8	REVISED PER PERMITS	11/15/11	WAL	WAL
9	REVISED PER PERMITS	11/15/11	WAL	WAL
10	REVISED PER PERMITS	11/15/11	WAL	WAL

REFERENCE SITE PLAN



OVERALL SITE PLAN
SCALE: 1/8" = 1'-0"

NOT INCLUDED

NOT INCLUDED

SCOPE OF WORK

OCEANSIDE BLVD

3-E
3-F

3-D

3-C

F 1.9 1.4 AC

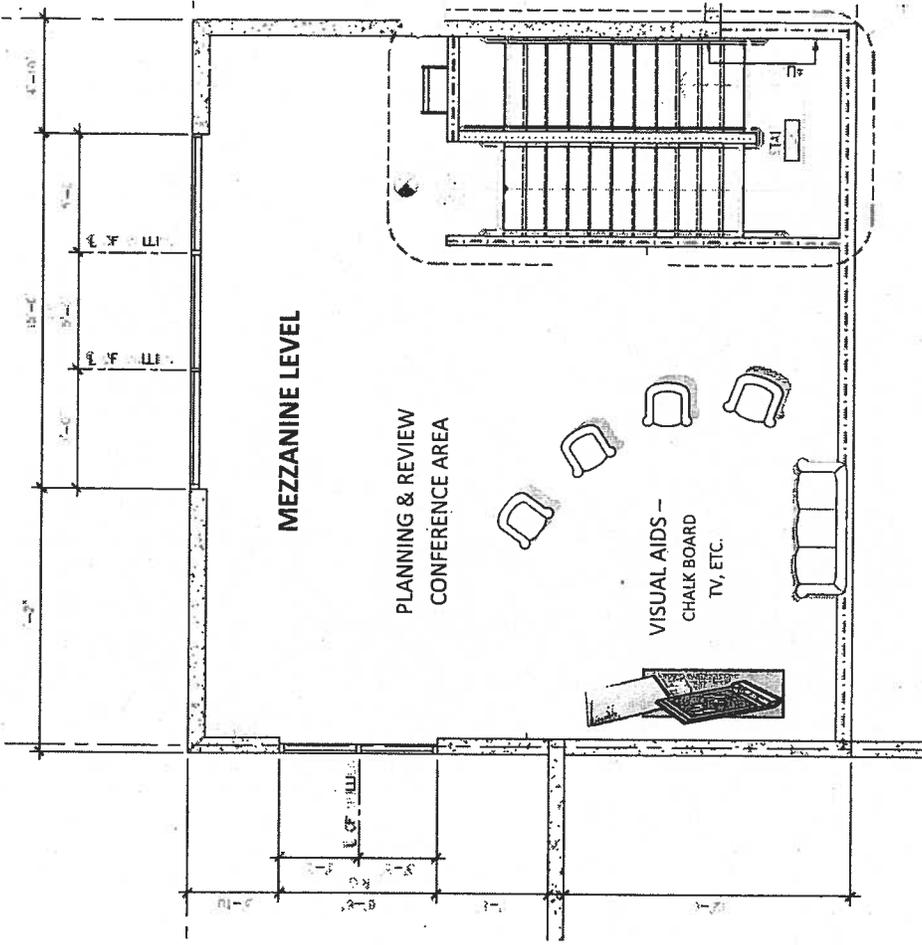
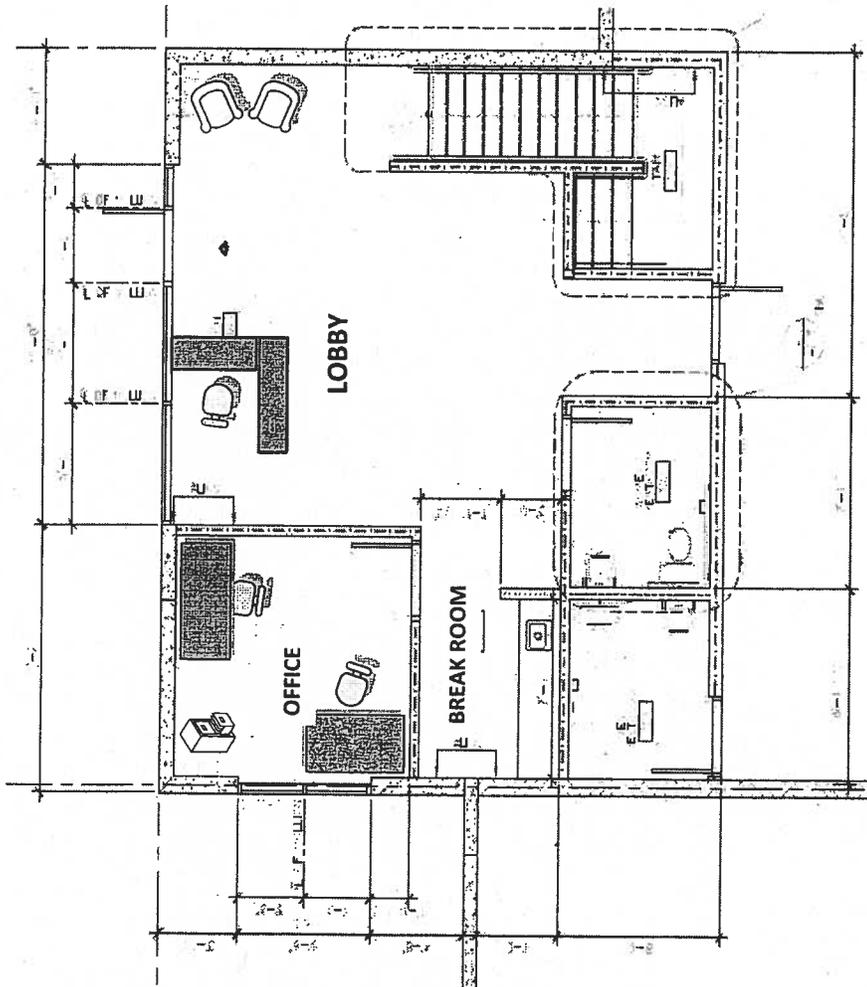
PHASE 1

PHASE 2

ORANGEBURG BLVD

OR.P.

1ST FLOOR LEVEL



LOBBY & MEZZANINE LEVELS LAYOUT

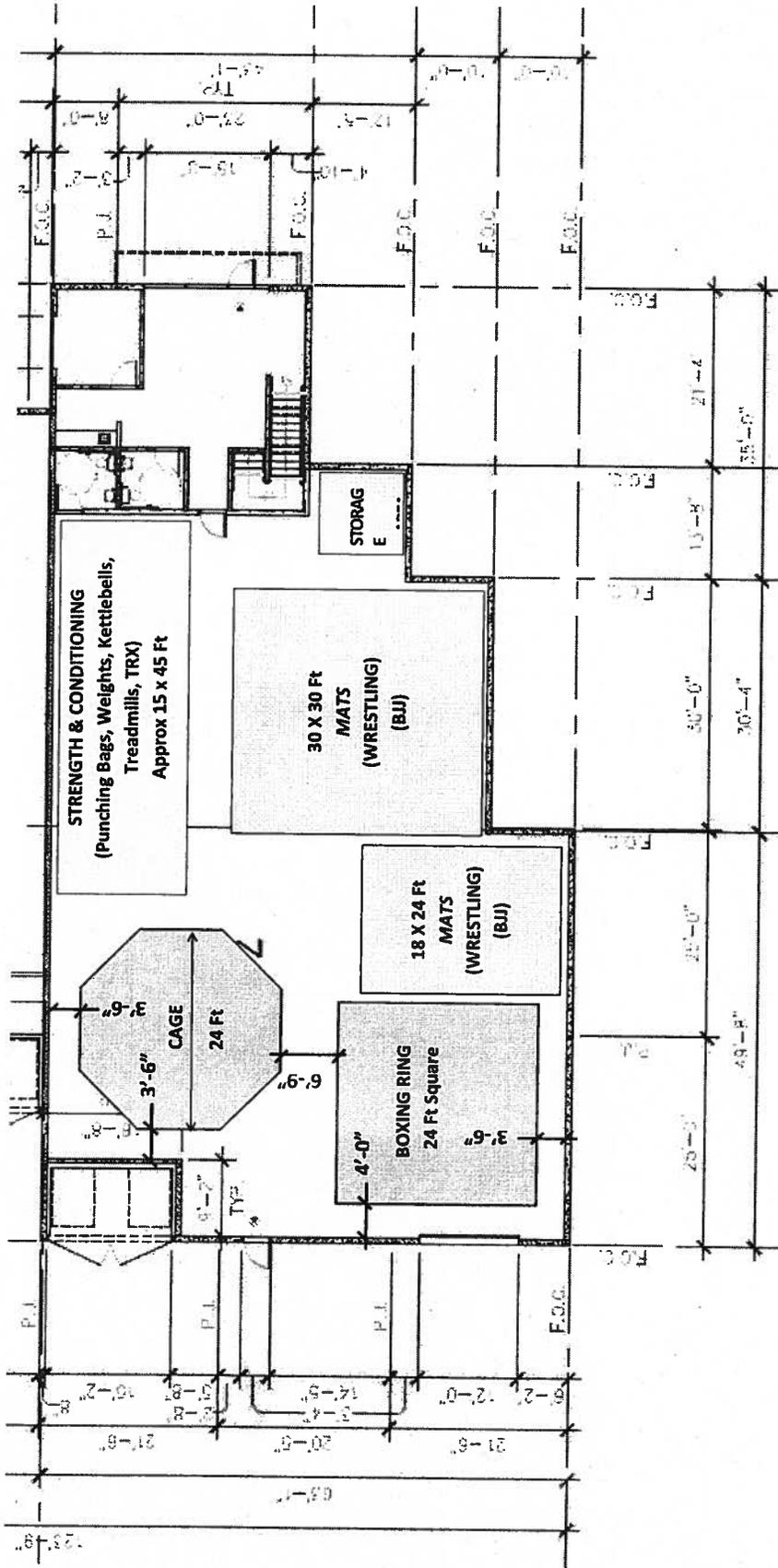
Date Prepared: 4/26/2013

Applicant: Patricia Weisman, 1211 S. Pacific St. Oceanside, CA 92054

Project: Fitness Training Center

Address: 1832 Ord Way, Oceanside, CA 92056

Drawing Scale: 1/4 inch = 1 ft. Sheet 2 of 2



TRAINING AREA FLOOR PLAN & EQUIPMENT LAYOUT
 Date Prepared: 4/26/2013
 Applicant: Patricia Weisman, 1211 S. Pacific St. Oceanside, CA 92054
 Project: Fitness Training Center
 Address: 1832 Ord Way, Oceanside, CA 92056
 Drawing Scale: 0.10 inch = 1 ft. Sheet 1 of 2

1 PLANNING COMMISSION
2 RESOLUTION NO. 2013-P33

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

7 APPLICATION NO: CUP13-00016
8 APPLICANT: Patricia Weisman -- Fitness Training Center
9 LOCATION: 1832 Ord Way

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 under the provisions of
14 Articles 13, 40, and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

15 establishment of a Fitness Training Center within a 6,695-square-foot Light Industrial
16 building located at 1832 Ord Way. The 6,695-square-foot fitness training center would
17 allocate approximately 5,000 square feet of interior space as workout areas, with the
18 remaining 1,695 square feet containing office and meeting areas for fitness trainers and
19 their clients. The proposed training centers workout area would further be broken down
20 into a strength and conditioning area, two wrestling areas with mats, a boxing ring, and an
21 octagon cage to be used for mixed martial arts.;

22 on certain real property described in the project description.

23 WHEREAS, the Planning Commission, after giving the required notice, did on the 22nd
24 day of July, 2013 conduct a duly advertised public hearing as prescribed by law to consider said
25 application;

26 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
27 Guidelines thereto; this project is exempt from environmental review;

28 WHEREAS, there is hereby imposed on the subject development project certain fees,
29 dedications, reservations and other exactions pursuant to state law and city ordinance;

WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN that the
project is subject to certain fees, dedications, reservations and other exactions as provided below:

1 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN that
2 the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction
3 described in this resolution begins on the effective date of this resolution and any such protest must
4 be in a manner that complies with Section 66020;

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

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

9 FINDINGS:

10 For the Conditional Use Permit:

- 11 1. That the proposed location of the use is in accord with the objectives of the Zoning
12 Ordinance and the purposes of the district in which the site is located.
- 13 • Personal Improvement uses are permitted within the Limited Industrial (IL) zone
14 district, subject to approval of a Conditional Use Permit.
- 15 2. That the proposed location of the conditional use and the proposed conditions under
16 which it would be operated or maintained will be consistent with the General Plan; will
17 not be detrimental to the public health, safety or welfare of persons residing or working
18 in or adjacent to the neighborhood of such use; and will not be detrimental to properties
19 or improvements in the vicinity or to the general welfare of the City.
- 20 • Subject to approval of a Conditional Use Permit, a fitness training center is
21 allowed. The request to establish a specialized fitness training center within a
22 legally subdivided light industrial building located at 1832 Ord Way would not
23 physically change or alter the industrial professional office located within the
24 larger Oceanside Gateway Business Park.
 - 25 • The project has been conditioned to implement an and Operational Management
26 Plan in order to ensure that public safety and health is not an issue, and would
27 provide a balanced distribution of land uses in accordance with General Plan
28 Section 1.11, "Balanced Land Use" Policy B by providing a significant benefit in
29 the form of a personal improvement service type land use for the surrounding
communities.

1 3. That the proposed conditional use will comply with the provisions of the Zoning
2 Ordinance, including any specific condition required for the proposed conditional use in
3 the district in which it would be located.

- 4 • The proposed use is consistent with the Oceanside Zoning Ordinance for
5 conditional uses, and subject to operational specific conditions will allow for a
6 fitness training facility to benefit the general public.

7 4. That the fitness training center activities will not interfere with the primary light
8 industrial land uses contained within the larger business park, and there will be no public
9 health and safety issues related to the location of the personal improvement land use.

- 10 • The fitness training center is naturally restricted by size and space allocation
11 within building 2-Z in a manner that limits occupancy, and will be subject to an
12 operations management plan that establishes day to day operational aspects
13 necessary to ensure that parking and traffic impacts do not interfere with the
14 primary daytime land uses in the area.

15 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
16 approve Conditional Use Permit (CUP13-00016) subject to the following conditions:

17 **Building:**

- 18 1. Construction shall comply with the 2010 edition of the California Codes. The granting
19 of approval under this action shall in no way relieve the applicant/project from
20 compliance with all State and local building codes.
- 21 2. The building plans for this project are required by State law to be prepared by a licensed
22 architect or engineer and must be in compliance with this requirement prior to submittal
23 for building plan review.

24 **Fire:**

- 25 3. Project must comply with 2010 California Fire and Building Codes.
- 26 4. Plans for tenant improvement changes must be submitted to the Fire Department for
27 review.

28 **Planning:**

- 29 5. This Conditional Use Permit shall expire on July 22, 2015 unless implemented as required
by the Zoning Ordinance.

- 1 6. This Conditional Use Permit approves only a fitness training center within an existing
2 light industrial building located at 1832 Ord Way, and located within the Oceanside
3 Gateway Business Park as shown on the plans and exhibits presented to the Planning
4 Commission for review and approval. No deviation from these approved plans and
5 exhibits shall occur without the Planning Division approval. Substantial deviations shall
6 require a revision to the Conditional Use Permit or a new Conditional Use Permit.
- 7 7. No additional increase in useable floor area or intensification of uses within the 6,695-
8 square-foot building located at 1832 Ord Way shall be permitted as part of this application
9 for discretionary approval.
- 10 8. A covenant or other recordable document approved by the City Attorney shall be prepared
11 by the applicant and recorded prior to the issuance of building permits. The covenant
12 shall provide that the property is subject to this resolution, and shall generally list the
13 conditions of approval.
- 14 9. Prior to issuance of any building permits for the project, a Final Fitness Training Center
15 Operation Management Plan shall be submitted to the City Planner for review, and prior
16 to issuance of any certificate of occupancy the City Planner shall approve the final
17 version of the Fitness Training Center Operation Management Plan.
- 18 10. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
19 written copy of the applications, staff report and resolutions for the project to the new
20 owner and or operator. This notification's provision shall run with the life of the project
21 and shall be recorded as a covenant on the property.
- 22 11. Failure to meet any conditions of approval for this development shall constitute a
23 violation of the Conditional Use Permit.
- 24 12. Unless expressly waived, all current zoning standards and City ordinances and policies in
25 effect at the time building permits are issued are required to be met by this project. The
26 approval of this project constitutes the applicant's agreement with all statements in the
27 Description and Justification, Management Plan, and other materials and information
28 submitted with this application, unless specifically waived by an adopted condition of
29 approval.

1 13. 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 PASSED AND ADOPTED Resolution No. 2013-P33 on July 22, 2013 by the following

5 vote, to wit:

6 AYES:

7 NAYS:

8 ABSENT:

9 ABSTAIN:

10
11 _____
12 Robert Neal, Chairperson
13 Oceanside Planning Commission

14 ATTEST:

15
16 _____
17 Marisa Lundstedt, Secretary

18 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify
19 that this is a true and correct copy of Resolution No. 2013-P33.

20 Dated: July 22, 2013

21
22 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may
23 be required as stated herein:

24
25 _____
26 Applicant/Representative

25 _____
26 Date

**ADDITIONAL PARKING DATA FOR HIGH PERFORMANCE TRAINING CENTER
CUP1300016**

JULY 11, 2013

INTRODUCTION

As requested by staff, here is additional data about the parking provided at the existing "Oceanside Gateway Business Park" phase one-parcel two. It was prepared for the public hearing for the Conditional Use Permit CUP1300016 for High Performance Training Center.

SUMMARY

The uses in the buildings (including the fitness center, a potential restaurant and the existing brewery) would require the provision of 344 parking spaces based on an analysis of each space's size and use. This would be an overall average ratio of one for every 753 square feet of gross industrial space.

The builders of the center in planning for a mix of uses and sizes provided 438 parking spaces at a ratio of one for every 592 square feet. This exceeds the requirements and continues to provide for the options available for any future tenants.

	REQUIRED BY ORDINANCE	RATIO	PROVIDED	RATIO
Based on analysis of tenants and uses	344 (see list of uses and sizes)	1/753	438	1/592

CONTEXT

The Business Park is in the Limited Industrial Zone and is located on Ord Way just south of Oceanside Boulevard. The park is developed, fully landscaped and nearing full occupancy. It is physically separated from the surrounding industrial uses by streets and a 30-foot tall slope. There are approximately 259,324 (gross) square feet of space in 26 condominium units labeled on the map as A-Z. They range in size from just larger than 3,000 square feet in size to more than 35,000 square feet. They are governed by a set of Covenants which require that the parking (as well as landscaping maintenance design issues etc.) be shared across the project.

The uses in the project range from light industrial to wholesaling and warehouse. Other than these usual "limited industrial uses" there is the Oceanside Ale House and another potential restaurant in the center. This Training Center is proposed for

Building Z which has 6695 gross square feet including the main floor with office and restrooms and a mezzanine.

ZONING REQUIREMENTS

The industrial parking requirements in the Oceanside Zoning Ordinance are:

Industry Custom and General: 1/1,000

Industry Limited: 1/750

Industry Research and Development: 1/500

Wholesaling, Distribution and Storage: 1/1,500

Warehousing: 1:/ 2,000 square feet.

The developers of the center provided 438 parking spaces which results in a ratio of 1 per 592 square feet which is above the mid-range of requirements and which assured future buyers, no matter what the use, would have enough parking.

	Required	Provided
Industry Custom and General	1/1000	1/592
Industry Limited	1/750	
Industry Research and Development	1/500	
Wholesaling, Distribution and Storage	1/1500	
Warehousing	1/2000	

It should be noted that several of the uses are not strictly industrial but are allowed in that zoning designation as part of an overall mixed use business park. By ordinance definition they appear to have a higher parking demand. But because of the amount of parking provided overall and the mix of uses allowed in the business park they do and will fit into the shared parking scheme.

1. The ale house brewery/fire association office. The brewery was an allowed use as a "brewery warehouse". It would technically require 3 spaces based on the size of the building and the "warehouse" definition, but, to be conservative, was calculated on the enclosed chart as limited industrial or 1/750 or 8 spaces. The office shares the brewery's space. Technically speaking the office would require 15 spaces, based on the size of the building. The 15 space calculation was used in the chart and the totals it reflects.

2. The potential restaurant. One building of 11024 square feet has been leased to Ocean Investments. There is an ABC notice to sell beer and wine with an indication that it will be a restaurant in the window. The zoning ordinance, however, would limit the size of the restaurant to 2500 square feet which, under the commercial requirements in the zoning ordinance would require $1/50$ or 50 spaces. This figure was used in the total, although it is probably an unrealistically large requirement for a restaurant in mixed use project.

3. The fitness training center. There is no defined amount in the zoning ordinance for these uses, and staff has used the personal services definition which has a $1/250$ square foot requirement resulting in 27 spaces. The 27 spaces were included in the analysis. See the charts.
This use is a small, specialized training center which will mostly be busy in evenings and on weekends and which will consist of one-on-one personal training, taking elite athletes to their "next level". See the floor plan for the equipment layout which limits the amount of use. The highest occupancy would be a 15-member kickboxing class which would be in an evening.

EXISTING USES BY STREET ADDRESS

ADDRESS	SIZE	USE		LABEL
ON ORD WAY				
1800	5752	brewery/warehouse	Ale House	G
1802	4553	office	Ale House/fire assn.	F
1804	3344	warehouse	All American	E
1806	9384	limited industrial	Pelican Packing	D
1808	8768	limited industrial		C
1808	5707	limited industrial		H
1808	3607	limited industrial	Steico	J
1808	6807	limited industrial	Steico	K
1808	6057	limited industrial	Steico	L
1808	3707	limited industrial	Steico	N
1810	10083	limited industrial		B
1812	11917	limited industrial		A
1814	35430	limited industrial	Steico	T
1816	25758	limited industrial	Marco polo Auto Repair	U
1818	20035	wholesale	Wholesale Beauty	V
1820	11456	wholesale	Wholesale Beauty	W
1822	18008	wholesale	Wholesale Beauty	X
1824	9507	warehouse		P
1826	9757	warehouse		Q
1828	11024	restaurant	Quigley Fine Wine	R
1830	11924	wholesale	ocean Investments	S
1832	6695	fitness	High Performance Fitness	Z
1834	5023	wholesale	Lotus Buddha	Y
1838	3607	vacant		I
1846	5107	vacant		M
1850	6307	vacant		O
	259324			

PARKING REQUIRED BY USE

existing use	size	factor	spaces	
Brewery	5752	1 per 750	8	
Vacant	15021	1 per 750	20	
Wholesale	66446	1 per 1500	44	
Warehouse	22608	1 per 2000	11	
Limited Industrial	127225	1 per 750	169	
Restaurant (potential)	11024	1 per 50	50	lim by zone to 2500 sq. ft
fitness	6695	1 per 250	27	based on personal service
office	4553	1 per 350	15	part of ale house
total	259324		344	

METHODOLOGY

Information on the size of the units is gross and was obtained from parcel maps on file with the City for the approval of the Development Plan. These numbers differ somewhat from those provided by the brokers to buyers because of the differences between gross and what is defined as usable for condominium sales purposes.

Information about the uses was obtained from business license records (with help from the staff.) and from field checks. Existing parking lot calculations are from the underlying site plans in the City's files.

EXISTING USES IN OCEANSIDE GATEWAY BUSINESS PARK PHASE 1 PARCEL 2 BY
 ADDRESS PREPARED FOR HIGH PERFORMANCE TRAINING CENTER CUP1300016

STREET ADDRESS: ON ORD WAY	SIZE	USE	LABEL
1800	5752	brewery/warehouse	Ale House G
1802	4553	office	Ale House/fire assn. F
1804	3344	warehouse	All American E
1806	9384	limited industrial	Pelican Packing D
1808	8768	limited industrial	C
1808	5707	limited industrial	H
1808	3607	limited industrial	Steico J
1808	6807	limited industrial	Steico K
1808	6057	limited industrial	Steico L
1808	3707	limited industrial	Steico N
1810	10083	limited industrial	B
1812	11917	limited industrial	A
1814	35430	limited industrial	T
1816	25758	limited industrial	Steico U
1818	20035	wholesale	Marco polo Auto Repair V
1820	11456	wholesale	Wholesale Beauty W
1822	18008	wholesale	Wholesale Beauty X
1824	9507	warehouse	P
1826	9757	warehouse	Q
1828	11024	restaurant	Quigley Fine Wine R
1830	11924	wholesale	ocean Investments S
1832	6695	fitness	High Performance Fitne: Z
1834	5023	wholesale	Lotus Buddha Y
1838	3607	vacant	I
1846	5107	vacant	M
1850	6307	vacant	O
	259324		

total

PARKING ANALYSIS FOR "OCEANSIDE GATEWAY BUSINESS PARK"
 PARCEL 2 BASED ON USE CLASSIFICATION.
 PREPARED FOR CONDITIONAL USE PERMIT APPLICATION FOR HIGH PERFORMANCE
 TRAINING CENTER CUP130016.

existing use	size	factor	spaces
Brewery	5752	1 per 750	8
Vacant	15021	1 per 750	20
Wholesale	66446	1 per 1500	44
Warehouse	22608	1 per 2000	11
Limited Industrial	127225	1 per 750	169
Restaurant (potenti	11024	1 per 50	50 lim by zone to 2500 sq. ft
fitness	6695	1 per 250	27 based on personal service business
office	4553	1 per 350	15 part of ale house-seldom used
	<u>259324</u>		<u>344</u>
total			

Parking For High Performance Training Center

5495

area of all Units sharing such Common Wall Maintenance Area(s). Subject to the foregoing, all spaces, interior partitions and other fixtures and Improvements within the boundaries of a Unit are part of the Unit. The windows and door(s) opening into any Unit are portions of such Unit, and each Unit also includes the utility installations located within its boundaries that the Owner has exclusive use of, including, without limitation, space heaters, air conditioning units, plumbing and lighting fixtures located entirely within the Unit(s) included in the Condominium which such utility installations serve. In the event of any inconsistency or conflict between the provisions of this Section and the Condominium Plan, this Section shall control. The physical boundaries of a Unit shall be considered to be the proper boundaries regardless of the settling, rising or lateral movement of the Condominium Buildings and regardless of any variances between the boundaries shown on the Condominium Plan and the actual physical boundaries

1.42 Utility Rooms. "Utility Rooms" shall mean the electrical/telephone utility rooms and/or storage closets located on the Covered Property as depicted on Exhibit "C" attached hereto and by this reference incorporated herein.

ARTICLE II EASEMENTS

2.1 Easements for Access, Parking and Other Purposes. Declarant hereby reserves for the benefit of each Condominium, the Owners and their Permittees mutual, reciprocal, nonexclusive appurtenant easements as follows: (i) access, ingress and egress easements for the purpose of vehicular and pedestrian traffic over those portions of the Common Areas which are improved with driveways, walkways and/or sidewalks for the passage of vehicles, for pedestrian traffic and for other uses incidental thereto and which are designed to provide common access for the Parcel on which such Condominium is located; and (ii) subject to Section 8.2 below, parking over those portions of the Common Areas which are designed, intended and made available for use for the Parcel on which such Condominium is located as striped and paved parking areas for passenger vehicles ("Parking Areas") for the Parcel on which such Condominium is located. Notwithstanding the foregoing, such easements over the Common Areas shall be subject to the right of the Condominium Association to reasonably limit the number of Owners and Permittees using such areas, to reasonably restrict access to certain portions of the Common Areas and to establish uniform rules and regulations for the use of such areas.

2.2 Condominium Association Easement Areas. Declarant hereby reserves for itself and for the benefit of the Condominium Association a nonexclusive easement in, over and to the Covered Property, as necessary, to maintain, repair, manage and/or control the Condominium Buildings, Units, Exterior Surface Maintenance Areas and the Common Areas and/or components thereof in accordance with, and to perform all other obligations of the Condominium Association under, this Declaration (the "Condominium Association Easement Areas"). Without limiting the generality of the foregoing, the Condominium Association Easement Areas shall include the following: the Exterior Surface Maintenance Areas, the Cloud Common Areas and those portions of the Condominium Buildings as necessary to install, maintain, repair and/or replace the Condominium Association Property and/or the Condominium

See next page and the one following

7.6 Damage to Shared Maintenance Areas. Subject to Section 7.5 above, any Shared Maintenance Areas shall be maintained jointly by the Owners whose Units are served by the same. Notwithstanding anything to the contrary contained herein and without limiting the generality of the foregoing, but subject to Section 10.1(b) below, in the event that the Owner or a Permittee of a Unit causes damage to a Shared Maintenance Area (whether arising out of or caused by the willful misconduct or negligent act or omission of such Owner and/or his Permittees or otherwise), such Owner shall be responsible, at his sole cost and expense, for promptly repairing such damage and for any increased insurance costs incurred by the other Owner(s) of Units within the Condominium Building served by such Shared Maintenance Areas, or by the Condominium Association with respect to the policy described in Section 10.1(b) below, arising out of such damage.

7.7 Damage to Condominium Buildings. Subject to Section 7.6 above, if all or any portion of any Unit or Improvement thereon or serving the same or Shared Maintenance Area serving the Unit (but excluding Condominium Association Property which shall be governed by Article IX below and damage to Condominium Buildings which is the Condominium Association's obligation to repair pursuant to Section 9.5 below) is damaged or destroyed by fire or other casualty or as a result of condemnation, the Owner of such Unit shall promptly, at his sole cost and expense (i) subject to prior approval by the ARC (or Declarant, if the ARC has not yet been established), rebuild such damaged Improvements with materials substantially equivalent to that initially used in the construction or placement thereof. (ii) clear such area of any debris and maintain such area in a safe, attractive and landscaped condition and/or install a sight barrier surrounding such area, or (iii) take such other action as may be approved by the ARC (or Declarant, if the ARC has not yet been established).

ARTICLE VIII USE RESTRICTIONS

All real property within the Covered Property shall be held, used and enjoyed subject to the following limitations and restrictions, subject to the exemptions of Declarant set forth in this Declaration.

8.1 Signs. Subject to the provisions of Sections 712 and 713 of the California Civil Code, no sign, poster, display, billboard or other advertising device of any kind shall be displayed to the public view on any portion of the Covered Property without the prior written consent of the ARC (or Declarant, if the ARC has not yet been established); provided, however, that the provisions of this Section shall not apply to any sign or notice of customary and reasonable dimension which advertises a Unit for sale or lease, signs installed or displayed by Declarant or the Condominium Association, or signs as may be required by law or pursuant to an order of a court of competent jurisdiction.

8.2 Parking Areas.

(a) Parking Areas shall not be assigned, designated or reserved for the benefit of a particular Owner and/or its Permittees and all Parking Areas shall be available for all

Persons having lawful reason to be at the Covered Property. Subject to the foregoing, the Condominium Association and, so long as Declarant owns any portion of the Covered Property, Declarant shall have the power to establish reasonable rules and regulations governing use of the Parking Areas, including, without limitation, adoption of a vehicle registration program and the regulation of vehicle and truck deliveries, vehicle and truck parking and loading and unloading activities.

(b) It is intended that "Required Parking Spaces" (defined herein) be provided within the Parking Areas for the benefit of the Covered Property. For purposes of this Declaration, the term "Required Parking Spaces" shall mean that number of striped and paved surface parking spaces with respect to the Covered Property as a whole, as may be determined or established from time to time by the City or other applicable governmental agency to be necessary to provide parking for the Condominium Buildings and the uses conducted on the Covered Property. Any change to the uses, square footage of Improvements or parking spaces for a Unit shall be submitted to the Condominium Association and, so long as Declarant owns any portion of the Covered Property, to Declarant for review and approval. The Parking Areas shall be used on a non-exclusive basis by the Owners and their Permittees and no Owner of a Unit or its Permittees shall mark or designate any portion of the Parking Areas, establish signs thereon or chain or block off any portion of the Parking Areas for the exclusive use of any Person. No Owner or its Permittees shall unreasonably overburden the Parking Areas by parking vehicles in the Parking Areas in excess of the Required Parking Spaces allocable to such Owner's Unit. No vehicle shall be parked on any portion of the Covered Property other than within striped parking spaces, except temporarily while loading or unloading and only then strictly in accordance with any posted signs restricting use of such parking spaces. Except for purposes of loading and unloading, and only while loading or unloading, no Person shall store or keep any dump truck, cement mixer truck, oil or gas truck, other large commercial truck, boat, aircraft, mobile home, or any other similar vehicle or any inoperable vehicle anywhere in the Covered Property except on terms approved in advance by the ARC (or Declarant, if the ARC has not yet been established), which may include requirement of a visual barrier, limits on duration, or similar restrictions. No use of the Parking Areas shall be permitted which may obstruct free traffic flow, constitute a nuisance, or otherwise create a safety hazard.

(c) Each Owner shall observe and comply with, and shall be responsible for compliance by its respective Permittees with, the parking provisions contained herein, in the Additional Declaration, in any underlying encumbrances affecting the Covered Property, and in any parking rules and regulations as may from time to time be promulgated by the Condominium Association. Without limiting the generality of the foregoing, the Condominium Association may tow from the Parking Areas any vehicle parked in violation of this Declaration and/or attach violation stickers or notices to such vehicles. Additionally, if an Owner receives more than one (1) notice from the Condominium Association in any twelve (12) month period that such Owner and his respective Permittees are overburdening the Parking Areas, the Condominium Association may assess such Owner a fine in the amount of \$100.00 in Constant Dollars per violation. An adjustment to this fine to reflect Constant Dollars shall occur on January 1 of the sixth (6th) calendar year following the date of this Declaration, and thereafter at five (5)-year intervals. All costs of such towing and any fines will, after Notice and Hearing, be charged as a Special Assessment to the Owner who owns or whose Permittee(s) own(s) the towed vehicle or

vehicle that is in violation of the parking rules and regulations. Any such towing costs must be paid prior to the release of the vehicle to its owner. Each Owner and its respective Permittees shall be solely responsible for the security and safety of their respective vehicles and all contents thereof.

8.3 Trash and Unsightly Items. No rubbish, trash or garbage or other waste material shall be kept or permitted upon the Covered Property, except in sanitary containers located in appropriate areas screened and concealed from view, and no odor shall be permitted to arise therefrom so as to render the Covered Property, or any portion thereof, unsanitary, unsightly, offensive or detrimental to any other property in the vicinity thereof or to its occupants.

8.4 Drainage. There shall be no interference with, or alteration of, the established drainage pattern over any portion of the Covered Property, unless an adequate alternative provision is made for proper drainage with the prior written approval of the ARC (or Declarant, if the ARC has not yet been established). For the purpose hereof, "established" drainage pattern is defined as the drainage which exists at the time that a Condominium is conveyed to an Owner by Declarant. All drainage of water shall drain or flow into adjacent streets or alleys and shall not be allowed to drain or flow upon, across, or under any other portion of the Covered Property unless an easement for such purpose has been reserved or granted under this Declaration or otherwise.

8.5 Outdoor Activities. No items of any kind may be stored, either permanently or temporarily, by Owners outside of any Unit. No work or displays by Owners shall be permitted outside of the Units.

8.6 Maintenance Standard. In addition to the other provisions herein concerning maintenance, all portions of the Covered Property shall be maintained in a manner consistent with other first-class industrial/commercial business parks located in Oceanside, California.

ARTICLE IX DAMAGE AND DESTRUCTION

9.1 Damage to Condominium Association Property or the Common Areas. If any Condominium Association Property or the Common Areas are damaged or destroyed, the Condominium Association shall cause the same to be repaired and reconstructed substantially as such property previously existed or take such other action as may be approved by the Board.

9.2 Cost of Restoration. If the cost of effecting total restoration of the Condominium Association Property or Improvements to the Common Areas exceeds the amount of insurance proceeds, the Condominium Association shall cause such Condominium Association Property or Improvements to the Common Areas to be repaired and reconstructed substantially as it previously existed, and the difference between the insurance proceeds and the actual cost shall be levied as a Reconstruction Assessment against each Condominium and its respective Owner.



Application for Discretionary Permit

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

STAFF USE ONLY

ACCEPTED

RECEIVED
CITY OF OCEANSIDE
DEVELOPMENT SERVICES
MAY 14 2013

BY

DHW
RDS

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT Patricia Weisman	2. STATUS Business Owner
3. ADDRESS 1211 S. Pacific St., Oceanside, CA 92054	4. PHONE/FAX/E-mail 714-981-8555 ldweisman@aol.com
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Elizabeth J. Graff, land use planning consultant	
6. ADDRESS 3528 Sea Ridge Road, Oceanside, CA 92054	7. PHONE/FAX/E-mail 760-231-7459 oceanside.betty@gmail.com

GPA

MASTER/SP.PLAN

ZONE CH.

TENT. MAP

PAR. MAP

DEV. PL.

C.U.P.

CUP 13-00016

VARIANCE

COASTAL

PART II - PROPERTY DESCRIPTION

8. LOCATION 1832 Ord Way, Oceanside, CA 92056		
10. GENERAL PLAN Light Industrial	11. ZONING IL-Light Industrial	12. LAND USE Existing business park
14. LATITUDE 33.211511	15. LONGITUDE 117.272658	

9. SIZE
6,695 sq. ft.

13. ASSESSOR'S PARCEL NUMBER
162-121-11

PART III - PROJECT DESCRIPTION

16. GENERAL PROJECT DESCRIPTION
Conditional Use Permit for a fitness training center in an existing business park.

17. PROPOSED GENERAL PLAN n/a	18. PROPOSED ZONING n/a	19. PROPOSED LAND USE n/a	20. NO. UNITS n/a	21. DENSITY n/a
22. BUILDING SIZE 6,695	23. PARKING SPACES existing business park	24. % LANDSCAPE existing business park	25. % LOT COVERAGE or FAR existing business park	

PART IV - ATTACHMENTS

26. DESCRIPTION/JUSTIFICATION	27. LEGAL DESCRIPTION	28. TITLE REPORT
29. NOTIFICATION MAP & LABELS	30. ENVIRONMENTAL INFO FORM	31. PLOT PLANS
32. FLOOR PLANS AND ELEVATIONS	33. CERTIFICATION OF POSTING	34. OTHER (See attachment for required reports)

PART V - SIGNATURES

SIGNATURES FROM 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).

35. APPLICANT OR REPRESENTATIVE (Print): Patricia Weisman	36. DATE 05/14/13	37. OWNER (Print) bkm Oceanside Associates III & IV, LLC	38. DATE 6/13/13
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Sign: *Patricia Weisman*

Sign: *[Signature]*

- I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. FURTHER, I UNDERSTANDING THAT SUBMITTING FALSE STATEMENTS OR INFORMATION IN THIS APPLICATION MAY CONSTITUTE FRAUD, PUNISHABLE IN CIVIL AND CRIMINAL PROCEEDINGS.
- I HAVE READ AND AGREE TO ABIDE BY THE CITY OF OCEANSIDE DEVELOPMENT SERVICES DEPARTMENT AND ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT POLICY NO. 2011-01/POLICY AND PROCEDURE FOR DEVELOPMENT DEPOSIT ACCOUNT ADMINISTRATION.

LEGAL DESCRIPTION

Real property in the City of Oceanside, County of San Diego, State of California, described as follows:

PARCEL 1:

A CONDOMINIUM COMPRISED OF THE FOLLOWING:

PARCEL A:

BUILDING 2-Z AS SHOWN ON THE OCEANSIDE GATEWAY BUSINESS PARK CONDOMINIUM PLAN RECORDED APRIL 23, 2008 AS INSTRUMENT NO. 2008-0216375 OF OFFICIAL RECORDS.

PARCEL B:

AN UNDIVIDED 8.44% INTEREST IN THE CLOUD COMMON AREA LOCATED WITHIN PARCEL 11 OF PARCEL MAP NO. 20378, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED IN THE OFFICE OF THE COUNTY RECORDER FOR SAN DIEGO COUNTY ON OCTOBER 15, 2007 AS INSTRUMENT NO. 2007-0661549 OF OFFICIAL RECORDS AND FURTHER DESCRIBED IN THE SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENTS FOR OCEANSIDE GATEWAY BUSINESS PARK RECORDED APRIL 23, 2008 INSTRUMENT NO. 2008-0216376 OF OFFICIAL RECORDS.

PARCEL 2:

A NON-EXCLUSIVE EASEMENT FOR VEHICULAR AND PEDESTRIAN ACCESS, INGRESS AND EGRESS PURPOSES, AS GRANTED IN THE ACCESS AND DRAINAGE EASEMENT AGREEMENT RECORDED APRIL 16, 2004 AS DOCUMENT NO. 2004-0333499 OF OFFICIAL RECORDS, OVER, ON AND IN LOT A OF PARCEL MAP NO. 18285, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 15, 1999 AS FILE NO. 1999-0418177 OF OFFICIAL RECORDS

PARCEL 3:

NON-EXCLUSIVE EASEMENTS FOR INGRESS, EGRESS FOR VEHICULAR AND PEDESTRIAN TRAFFIC AND FOR UTILITY PURPOSES, WITHIN AND UPON THE "NON-OWNED COMMON AREAS", AS CONVEYED, SET FORTH AND DESCRIBED IN THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENTS FOR OCEANSIDE GATEWAY BUSINESS PARK, DATED AS OF JANUARY 15, 2005, RECORDED JANUARY 26, 2005 AS FILE NO. 2005-0068872 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, CALIFORNIA.

APN: 162-121-12-14