




STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: March 5, 2014

PLANNER: Adam Atamian, Assistant Planner 

SUBJECT: Conditional Use Permit 14-038, Care4Yoga, a request to consider a group instruction fitness studio in an existing commercial building located at 800 South El Camino Real, Suite 218, within the Neighborhood Commercial (NC2) zoning district.

REQUIRED FINDINGS

Prior to approval of the proposed project, the following findings shall be made. The draft Resolution, provided as Attachment 1, and analysis section of this report provide an assessment of the project's compliance with these findings.

Conditional Use Permit, Section 17.16.060

- a. The proposed use is permitted within the subject zone pursuant to the approval of a Conditional Use Permit and complies with all the applicable provisions of this title, the San Clemente General Plan and the purpose and intent of the zone in which the use is being proposed.
- b. The site is suitable for the type and intensity of use that is proposed.
- c. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity.
- d. The proposed use will not negatively impact surrounding land uses.

BACKGROUND

The applicant, Sahel Anvarinejad, is requesting approval of a Conditional Use Permit (CUP) to locate a yoga fitness studio in the EL Camino Plaza, located at 800 South El Camino Real, Suite 218. The project is located within an 875 square-foot suite on the second floor of a 20,938 square foot commercial building on an 18,790 square-foot lot.

Zoning Ordinance Section 17.36.020 permits group instruction and fitness facilities in the Neighborhood Commercial zone, with the approval of a CUP.

Development Management Team Meeting

The City's Development Management Team (DMT) reviewed the project and determined it

meets requirements, and recommends conditions of approval. The recommended conditions are shown on Attachment 1, Exhibit 1.

Noticing

Public notification was completed in accordance with State Law and Municipal Code regulations. To date, staff has received no input from the public on this request.

PROJECT DESCRIPTION

The applicant proposes a group instruction yoga studio, with classes of up to four people with one instructor offered multiple times throughout the day. The classes will run for 90 minutes each. Classes will be offered seven days a week between the hours of 9:00 a.m. to 8:00 p.m.

PROJECT ANALYSIS

Conditional Use Permit

The proposed project requires a CUP to ensure there are no adverse impacts to the surrounding neighborhood. The group instruction use complies with the required development standards for the subject zone as follows:

1. The proposed use is compatible with existing land uses, in that the surrounding neighborhood has a mix of commercial and residential properties. The development is in a commercial area with the closest residential property located approximately 50 feet from the rear of the subject property, across the alley parking area. The site provides sufficient parking for the proposed use.
2. The site is suitable for the type and intensity of use that is proposed because the project complies with all applicable development standards. The proposed occupancy of one instructor and four students is appropriate for the 400 square foot studio portion of the 875 square foot suite.
3. The proposed use is not anticipated to have negative impacts to neighboring businesses or properties. The applicant is not proposing any amplified sound. The type of yoga proposed for this space does not utilize heated rooms, nor does it involve any types of movements that would disturb business below or next to the subject suite. However, in the event that noise issues arise, Condition of Approval No. 10 requires the applicant to mitigate the problem with soundproofing or other measures as determined by the City Planner.

Parking

El Camino Plaza commercial center provides 43 on-site parking spaces located along the front of the building adjacent to South El Camino Real, and under the building, accessed from the alley that runs behind the building. There are also 18 parking spaces located behind the building on two parcels owned by the building’s owner, however they are not tied to the commercial center through an off-site parking agreement. Including the two rear parcels, the total available parking for the center is 61 spaces. All businesses on-site currently have a combined parking requirement of 70 spaces. Even if the two lots behind the building were tied to the subject property, the site would still be considered nonconforming to parking due to a deficit of nine parking spaces.

The parking requirement for group instruction is one space per two students, plus one space per instructor. Based on the applicant’s business plan, the parking requirements are as follows:

Table 1 - Parking Breakdown

Use	Parking Requirements	Parking Proposed
Students	1 space per 2 students	2 spaces (4 students max)
Instructors	1 space per instructor	1 space (one instructor)
		TOTAL: 3 spaces

The applicant’s proposed use complies with parking standards of the Zoning Ordinance because a use that is nonconforming due to parking requirements may be replaced by another use if the new use does not increase the nonconformity (Section 17.72.060(C)(2)(a)). The previous use in the subject suite was a general office use that required one parking space per 300 square feet of tenant space, and required 3 parking spaces.

Occupancy restrictions for the yoga studio are included in the draft Resolution as condition of approval number seven. Additionally, to mitigate any parking overlap that may occur between separate classes, condition of approval number eight requires that classes be scheduled so that a minimum of 30 minutes elapses between the end of one class and the beginning of the next.

GENERAL PLAN CONSISTENCY

Table 2 summarizes how the proposed use is consistent with adopted policies outlined in the City of San Clemente General Plan.

Table 2 - General Plan Consistency

Policies and Objectives	Consistency Finding
<p><i>1.IV.A.3 Accommodate the continuation of existing and development of a mix of new neighborhood, community, regional, and visitor-serving commercial centers in areas designated respectively as "NC"... (Policy 1.3.2)</i></p>	<p>Consistent. The use proposed provides employment and personal recreation services and is in keeping with this policy.</p>

ENVIRONMENTAL REVIEW/COMPLIANCE (CEQA)

The Planning Division processed and completed an initial environmental assessment for this project in accordance with the California Environmental Quality Act (CEQA). The Planning Division has determined the project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301, because the project consists of the operation of an existing private structure with a negligible expansion of an existing commercial use.

CALIFORNIA COASTAL COMMISSION REVIEW

The project is not located in the Coastal Zone, and therefore it is exempt from California Coastal Commission review.

CONCLUSION

Staff has reviewed the application and determined that Care4Yoga, as conditioned, would be compatible with the existing surrounding uses in that the site is suitable for the type and intensity of the proposed use. The subject request complies with the General Plan and meets all applicable provisions of the Zoning Ordinance. The proposed project will not negatively impact surrounding land uses, in that the number of students and instructors has been limited to reduce parking demand and amplified sound is not a part of the proposal.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and approve CUP 14-038.
This action would allow the owner to operate the proposed use subject to the Conditions of Approval.
2. The Planning Commission can, at its discretion, add, modify or delete provisions of the proposed project or conditions.

The Planning Commission can require additional conditions addressing potential noise concerns. This action would result in any modifications being incorporated accordingly.

3. The Planning Commission can deny CUP 14-038.
This action would not allow the applicant to establish a yoga fitness studio at the proposed location and could result in the applicant filing an appeal with the City Council.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve CUP 14-038, Care4Yoga, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution
Exhibit 1- Conditions of Approval
2. Location Map
Plan

RESOLUTION NO. PC 14-005

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE
PERMIT 14-038, CARE4YOGA, A REQUEST TO ALLOW A GROUP
INSTRUCTION FITNESS STUDIO LOCATED AT
800 SOUTH EL CAMINO REAL, SUITE 218**

WHEREAS, on February 5, 2014, a complete application was submitted by Sahel Anvarinejad, 800 South El Camino Real, Suite 218, San Clemente, CA 92672, to allow a group instruction yoga fitness studio on the second floor of an existing commercial building located at 800 South El Camino Real, Suite 218, San Clemente, CA 92672, the legal description being Lots 1, 2, 60 and 61, of Block 3, of Tract 822, Assessor's Parcel Number 057-156-17; and

WHEREAS, the City's Development Management Team reviewed the subject application on February 6, 2014 and determined its compliance with the General Plan, Zoning Ordinance, and other applicable City ordinances and codes; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301, because the project consists of the operation of an existing private structure with a negligible expansion of an existing commercial use; and

WHEREAS, on March 5, 2014, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

NOW, THEREFORE, the Planning Commission of the City of San Clemente hereby resolves as follows:

Section 1: This project is categorically exempt from CEQA as a Class 1 exemption pursuant to CEQA Guidelines Section 15301, because the project consists of the operation of an existing private structure with a negligible expansion of an existing commercial use.

Section 2: Group instruction and fitness facilities are permitted within the subject zone pursuant to the approval of a Conditional Use Permit, and is consistent with the City of San Clemente General Plan, in that the proposed project complies with the intent of the Neighborhood Commercial land use designation to provide a mix of retail and office uses including personal services. The project also meets all applicable development standards.

Section 3: The site is suitable for the type and intensity of development that is proposed, in that the project complies with applicable development standards, including parking, and is not anticipated to have any adverse negative impacts to the surrounding area.

Section 4: The proposed project will not be detrimental to the public health, safety, or welfare, or be materially injurious to the properties and improvements in the vicinity, in that the applicant shall comply with all conditions of approval and all applicable regulations including the California Building Code and the City's Noise Ordinance.

Section 5: The proposed project will not negatively impact surrounding land uses, in that the fitness studio shall not have more than one instructor and 4 students, or any combination thereof requiring more than 3 parking spaces.

Section 6: The Planning Commission hereby approves CUP 14-038, Care4Yoga, subject to the above Findings, and the conditions of approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of San Clemente on March 5, 2014.

Chair

TO WIT:

I **HEREBY CERTIFY** that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente on March 5, 2014, and carried by the following roll call vote:

- AYES: COMMISSIONERS:**
- NOES: COMMISSIONERS:**
- ABSTAIN: COMMISSIONERS:**
- ABSENT: COMMISSIONERS:**

Secretary of the Planning Commission

EXHIBIT 1**CONDITIONS OF APPROVAL
Conditional Use Permit No. 14-038
Care4Yoga**

1. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)_____
2. Thirty (30) days after project approval, the owner or designee shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)_____
3. CUP 14-038 shall become null and void if the use is not commenced within three (3) years from the date of the approval thereof. Since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development. *[Citation - Section 17.12.150.A.1 of the SCMC]* (PIng.)_____

- A use shall be deemed to have lapsed, and CUP 14-038 shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. *[Citation - Section 17.12.150.C.1 of the SCMC]* (PIng.)_____
4. The owner or designee shall have the right to request an extension of CUP 14-038 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall be subject to review and approval by the final decision making authority that ultimately approved or conditionally approved the original application. *[Citation - Section 17.12.160 of the SCMC]* (PIng.)_____
 5. Signage is not part of this review. Any signage for this proposed development shall require the owner or designee to submit for review and obtain approval of the applicable sign permit in accordance with the City's Sign Ordinance. *[Citation - Section 17.16.240.D& 17.16.250.D of the SCMC]* (PIng.)_____
 6. Prior to the issuance of building permits, the owner or designee shall include within the first four pages of the working drawings a list of all conditions of approval imposed by the final approval for the project. *[Citation - City Quality Insurance Program]* (PIng.)_____(Bldg.)_____
 7. To ensure compliance with the parking requirements and to not have an adverse impact to the surrounding businesses, the applicant shall not have more than 4 students and 1 instructor, or any combination at any given time which would exceed a total parking requirement of 3 parking spaces, based on the following Parking Requirements: 1 space per employee, and 1 space per 2 students. ■■(PIng.)_____
 8. To ensure compliance with the parking requirements, classes shall be scheduled so that there is always a minimum of 30 minutes between the end of one class and the beginning of the next. ■■(PIng.)_____
 9. In the event that noise impacts neighboring properties, the tenant must soundproof the facility, or use other best management practices as determined by the City Planner, to eliminate the problem and comply with the City's noise ordinances. ■■(PIng.)_____
 10. Prior to the issuance of a certificate of occupancy, the project shall be developed in conformance with the site plan, floor plans, elevations, details, and any other applicable submittals approved by the Planning Commission on March 5, 2014, subject to the Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, details, or other approved submittal shall require that the owner or designee submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines that the deviation is significant, the owner or designee shall be required

to apply for review and obtain the approval of the Zoning Administrator. *[Citation - Section 17.12.180 of the SCMC]* (Plng.)_____

- 11. Plans to construct new building, add or alter the existing building configuration, change in use, add or alter structural, mechanical, electrical or plumbing features of the project must be reviewed and approved through a separate building plan check / permit process. *[S.C.M.C – Title 8 – Chapter 8.16- Fire Code, Title 15 Building Construction - Chapters 15.08, 15.12, 15.16, 15.20]* (Bldg.)_____

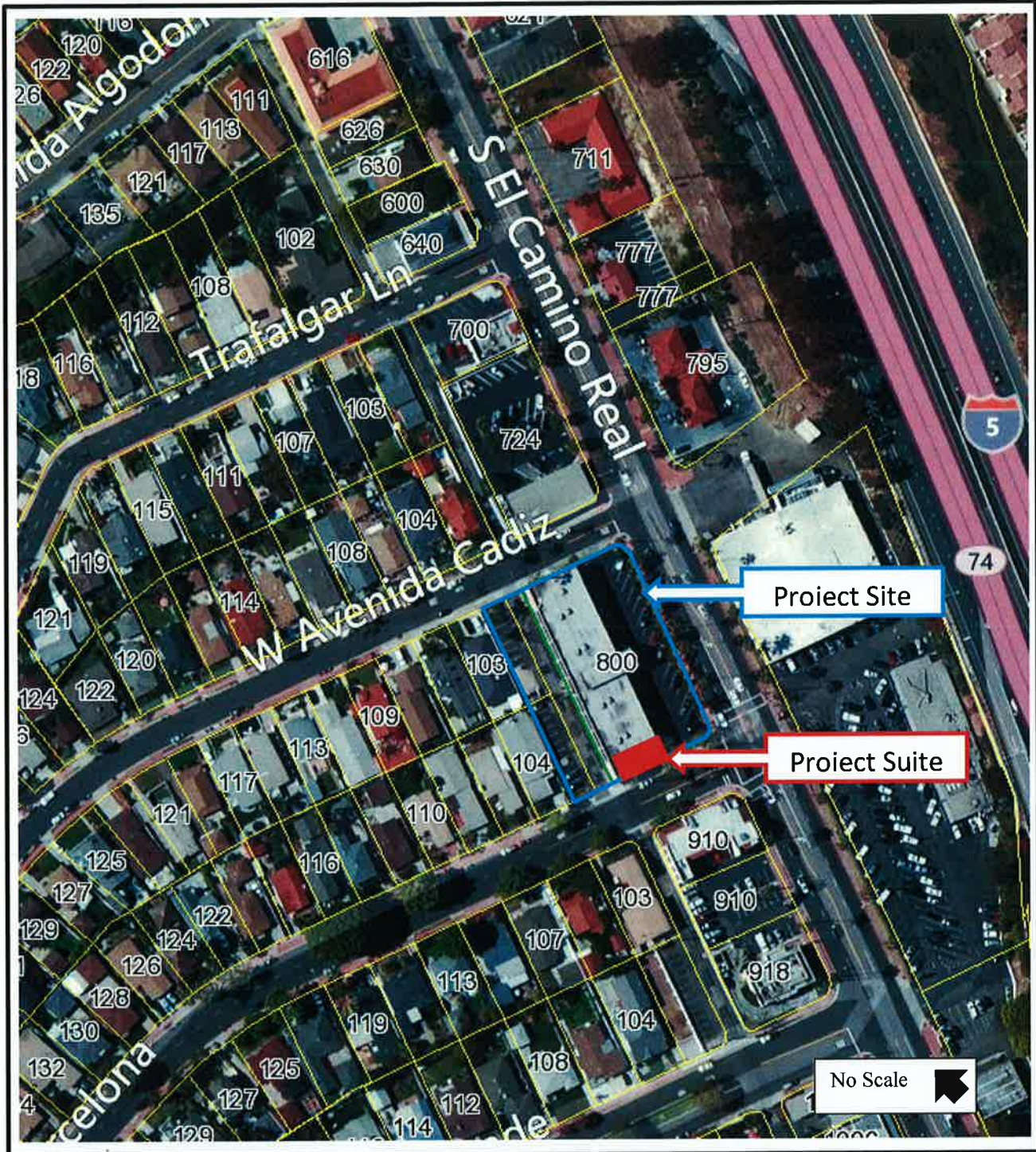
All Conditions of Approval are standard, unless indicated as follows:

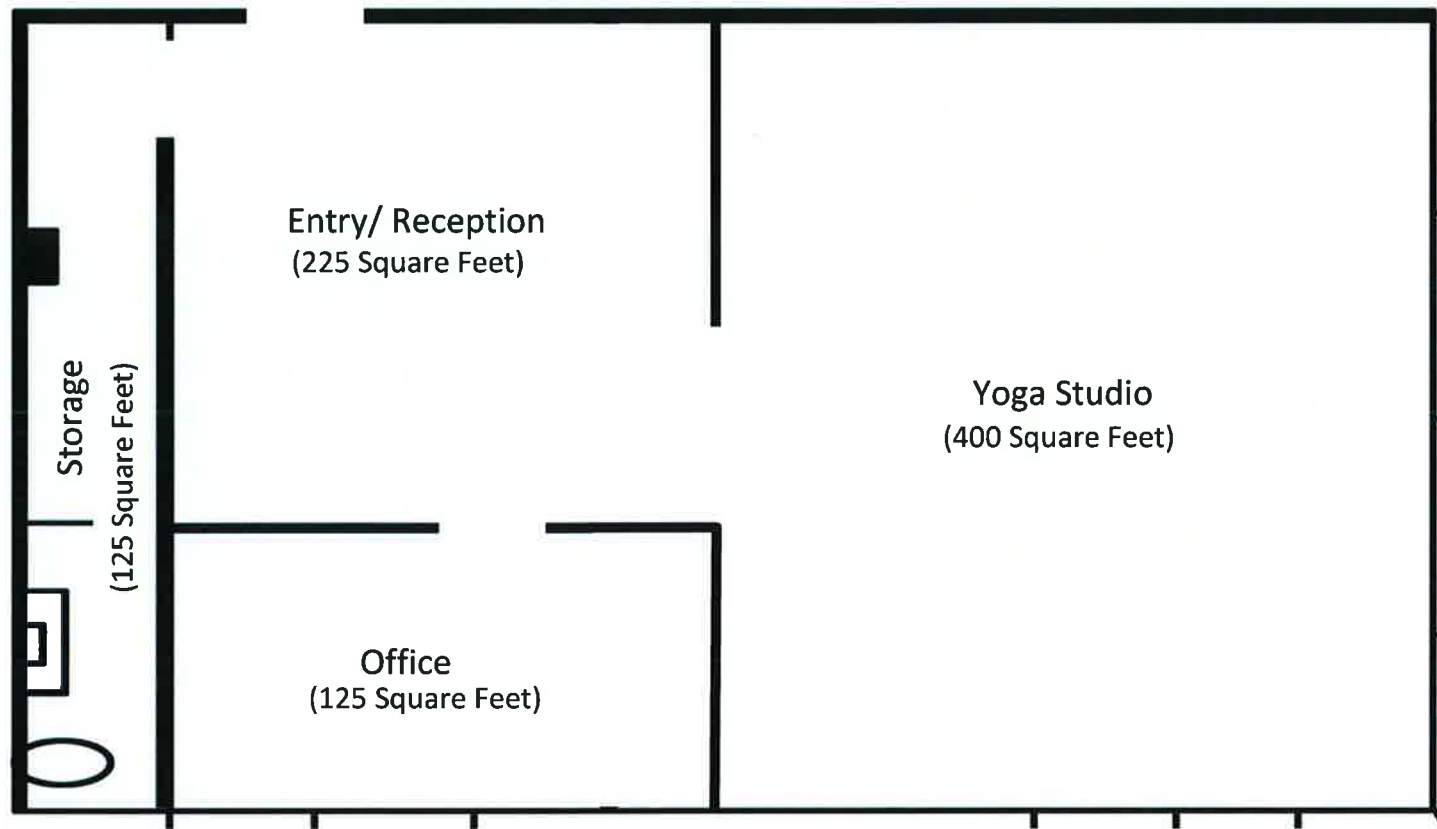
- Denotes modified standard Condition of Approval
- ■ Denotes project specific Condition of Approval



LOCATION MAP

CUP 14-038, Care4Yoga
800 South El Camino Real, Suite 218





FLOOR PLAN

Applicant:

Sahel Anvarinejad
(949) 303-5045

Project Location:

Care4Yoga, CUP 14-038
800 S. El Camino Real, Suite 218
San Clemente, CA 92672

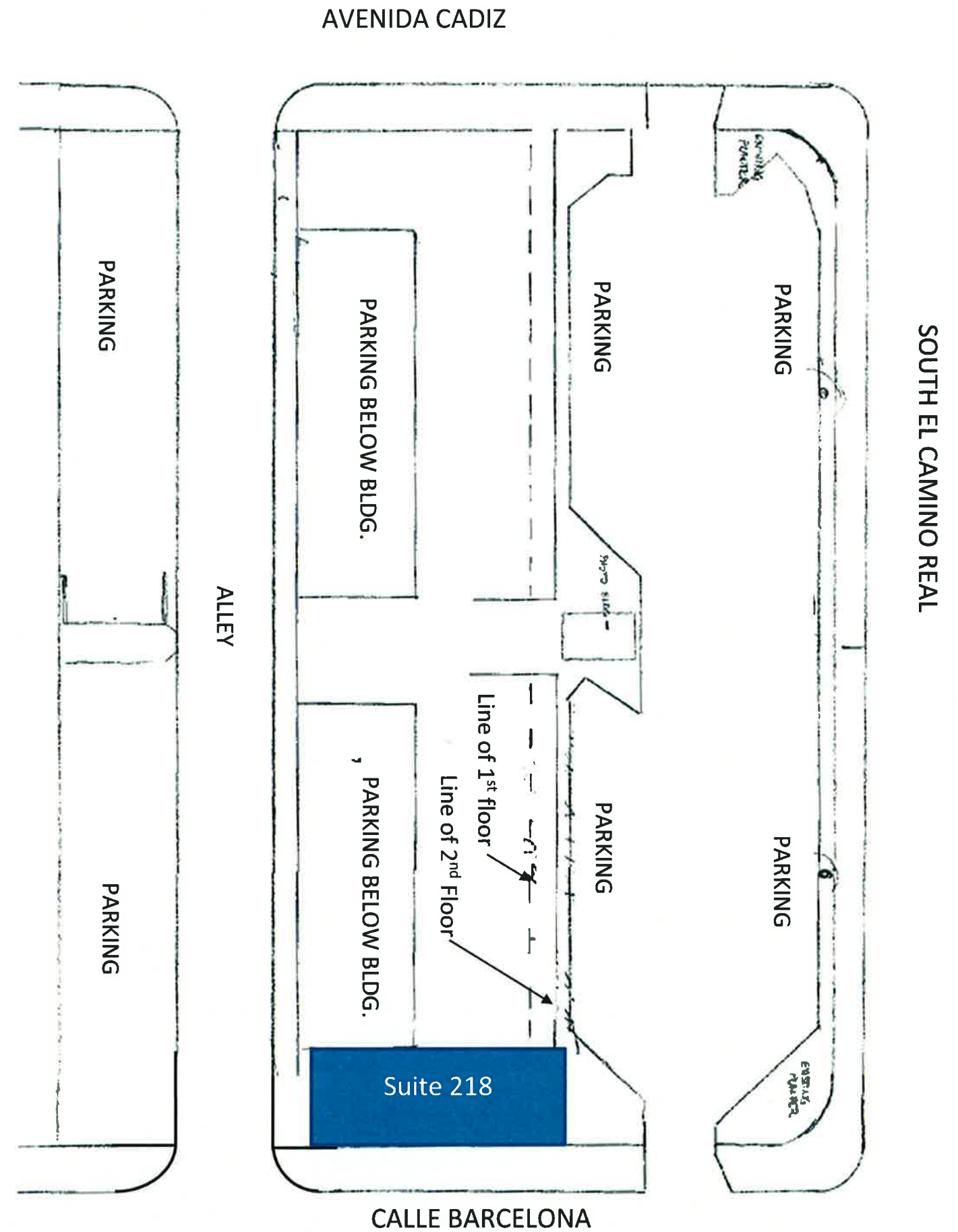
Project Description:

Yoga Studio (not heated, no amplified sound)

875 square foot yoga studio on
2nd Floor of El Camino Plaza.

Max. Occupancy proposed:
1 instructor and 4 students at any time.

Parking Required:
Yoga Studio - 3 spaces (1 per instructor + 1 per 2 students).
Previous Use- General Office @1/300 = 3 Spaces



SITE PLAN