



STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: December 2, 2015

PLANNER: John Ciampa, Associate Planner

SUBJECT: Conditional Use Permit 15-371 – Signature Physical Therapy

A request to consider a Conditional Use Permit for shared parking and a Pilates fitness use at an existing office building located at 1393 Calle Avanzado in the Talega Specific Plan's Business Park zoning designation.

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, to allow shared parking and a fitness use

- 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.
- e. Given the specific conditions of the site and the adjacent area, the shared parking arrangement will not result in inadequate parking; and
- f. The number of parking spaces required for the site, in accordance with Section 17.64.050(B), Number of Parking Spaces Required, is provided through the shared parking arrangement, based on varied hours of operation and/or combinations of peak and off-peak uses

BACKGROUND

The applicant is in the process of purchasing a 4,270 square foot commercial office building in hopes to relocate her physical therapy business from 1329 Calle Avanzado to

1393 Calle Avanzado. The physical therapy business has operated at 1327 Calle Avanzado since 2005 with no issues. The staffing for the business includes five therapists and one administrative staff member. The therapists treat the patients one-on-one in the treatment area located behind the administrative offices and lobby area.

DMT

The City's Development Management Team (DMT) reviewed the project and supports the request, subject to the proposed conditions of approval.

Public Notice

Public notices for this request were posted at the subject property, printed in the news paper, and mailed to the owners of properties located within 300 feet of the project site. To date, staff has received no input from the public on this request.

PROJECT DESCRIPTION

This is a request to allow shared parking between a fitness and physical therapy use. Physical therapy would be the primary use of the building and occupy 1,013 square feet. The remaining space (1,489 sq. ft) would be occupied for the pilates classes and storage. Pilates classes would be conducted during lunch and afternoon hours when the physical therapy use is not operating. The pilates classes will be offered on Tuesday and Thursday mornings from 6:00 a.m.-6:50 a.m., Monday, Wednesday, and Friday from 1:10 p.m.-1:50 p.m. and 6:10 p.m.-7:00 p.m. and Saturday 8 a.m. to 10 p.m. with the maximum attendance being 10 students and one instructor.

PROJECT ANALYSIS

Conditional Use Permit

The proposed project requires two Conditional Use Permits (CUP). One to allow shared parking between the two uses, and the second to allow the fitness use to operate in the Talega Business Park. The physical therapy use is permitted by right under the Talega Specific Plan. The physical therapy and fitness uses comply with the required parking standards for the subject zone as detailed in the discussion that follows. Compatibility with existing land uses is an important consideration in the approval of a CUP and is discussed later in this section.

Signature Physical Therapy has been operating at 1327 Calle Avanzado since 2005 with no code compliance issues. The relocation of the business to the new location, also in the Talega Business Park, should not create any impacts to the adjacent businesses because the physical therapy is a low intensity use and has operated successfully for the last 10 years with no issues. The existing and proposed business locations are surrounded by the same type of office, manufacturing types of uses in the business park so there should be no conflicts with adjacent business for the proposed location. The addition of the proposed fitness use to the business operations should not impact the adjacent uses because it is also a low intensity use and the class times will be at off-peak hours when the physical therapy use is not being conducted. Fitness uses have proven to be a successful and

compatible use in business parks throughout the City and have not create parking shortages.

Shared Parking

The Zoning Ordinance allows mixed-function uses to be applied to each business function individually. If the Zoning Ordinance did not provide this flexibility, properties that include mixed-functions, such as office and warehouse, would either be required to provide much more or much less parking than what they need, depending on whether the primary use is identified as office or warehouse. Office, physical therapy, and pilates are individually evaluated for their use (see Table-1 & 2 below) and it has been verified that the site provides adequate parking for the proposed business operations. Through staffs analysis it became clear that the typical application of the office medical parking ratio (one parking space per 200 sq. ft.) is not an accurate application for the parking demands of this use because physical therapy is operated as one-on-one treatment, whereas typical office medical uses like doctors offices have multiple patients in rooms and one doctor. This being said, the property still provides adequate parking for the proposed mix of uses. The pilates classes are proposed to have 10 participants and one instructor. The class size should not exceed that maximum parking available to the site because the parking standard for this type of use is one parking space for the instructor and one space for every two students. The class sizes would result in a parking demand of six parking spaces out of an available 12 parking stalls. Tables 1 and 2 demonstrate how the project meets the minimum parking standards of the Zoning Ordinance.

Table 1 - Parking Analysis - Physical Therapy

Use	Code Requirements	Square Footage	Parking Spaces Required
Office	1 per 250 sq. ft.	1403	5.6
Physical Therapy	1 per 200 sq. ft.	1013	5.06
Total Required			11
Total Provided			12
Surplus			1

Table 2 - Parking Analysis - Pilates

Use	Code Requirements	Square Footage	Parking Spaces Required
Pilates	1 per instructor/ 1 per 2 students	N/A	6
Total Required			6
Total Provided			12
Surplus			7

The business operations will provide a 10 minute break between uses to ensure adequate parking is available. Conditions of approval have been added to ensure there is adequate parking for both uses and there will never be an overlap in the use by requiring the 10 minute break between uses. This break will ensure there is always an adequate parking supply for the users and parking spaces allocated for other businesses will not be impacted. Staffs position is that the required 10 minute transition area is adequate because the physical therapy use functionally requires less parking than a typical office medical use and the proposed pilates classes only require size spaces so 10 minutes should provide adequate time to ensure there is available parking on-site. Conditions have also been added to regulate the pilates class sizes and the division of space for each use to ensure adequate parking is provided.

GENERAL PLAN CONSISTENCY

Table 3 summarizes how the project is consistent with adopted policies outlined in the City of San Clemente General Plan.

Table 3 - General Plan Consistency

Policies and Objectives	Consistency Finding
ED-2.03. Existing Businesses. We give high priority to initiatives, investments, and the allocation of municipal resources that help businesses remain and prosper in San Clemente.	Consistent. The allowance of shared parking will help the business owner to relocate the business into a new building that can be purchased by the owner.
LU-2.03. Neighborhood Compatibility. We require that commercial projects abutting residential neighborhoods be designed and operated to protect residents from the effects of noise, light, odors, vibration traffic, parking and other operational impacts.	Consistent. The proposed use as condition will not create any negative impacts to the adjacent uses and will be a valuable resource to the community.
LU-8.01. Priorities. Pursuant to the Economic Development Strategy, we assign a high priority to those initiatives, investments, and development approvals that contribute to our vision of the Rancho San Clemente Business Park as a premier office and industrial employment center that capitalizes on San Clemente’s access to the Orange County and San Diego County markets.	Consistent. The proposed business will provide a unique mix of uses that will provide treatment and training to members of the community and nearby areas.

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.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and approve CUP 15-371.
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 parking concerns. This action would result in any modifications being incorporated accordingly.
3. The Planning Commission can deny CUP 15-371.
This action would not allow the shared parking or applicant to establish a fitness use at the proposed location and could result in the applicant filing an appeal with the City Council.

CONCLUSION

It is staff's position that Signature Physical Therapy and Pilates, as conditioned, would be compatible with the surrounding uses in that the site provides adequate parking for the proposed uses, with the approval of shared parking, and they are low intensity that have proven to be compatible throughout the business parks in the City. For these reasons, staff is recommending approval of the project.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve CUP 15-371, Signature Physical Therapy, a request for shared parking and a fitness use located at 1393 Calle Avanzado, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution
Exhibit A- Conditions of Approval
2. Location Map
3. Photographs
Plans

RESOLUTION NO. PC 15-059

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE
PERMIT 15-371, SIGNATURE PHYSICAL THERAPY AND PILATES, A
REQUEST TO ALLOW SHARED PARKING AND FITNESS CLASSES
AT 1393 CALLE AVANZADO**

WHEREAS, on October 19, 2015, an application was submitted and completed on November 5, 2015, by Belinda McDonald, 1327 Calle Avanzado unit B, San Clemente, CA 92673, to allow shared parking and fitness classes in an existing commercial building in the Talega Specific Plan at 1393 Calle Avanzado, the legal description is Tract 13918, Lot 7 and Assessor's Parcel Number 701-035-07; 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 involves only a negligible expansion of a use in an existing commercial development; and

WHEREAS, on October 22, 2015, the City's Development Management Team reviewed the application for compliance with the General Plan, Zoning Ordinance, and other applicable requirements; and

WHEREAS, on December 2, 2015, 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 involves only a negligible expansion of a use in an existing commercial development.

Section 2: With regard to Conditional Use Permit 15-371, the Planning Commission finds as follows:

- A. Shared parking and fitness classes are permitted in the subject zone pursuant to the approval of a Conditional Use Permit. The project complies with all the applicable provisions of the City of San Clemente General Plan, Talega Specific Plan, and the Zoning Ordinance. The proposed project also complies with the intent of the Commercial land use designation to provide a mix of office medical and fitness uses. The project meets all applicable development standards and is conditioned to ensure there are no negative impacts to the adjacent uses.
- B. The site is suitable for the type and intensity of development that is proposed, in that the project complies with applicable development standards, with the conditions

applied to the project for shared parking, and is not anticipated to have adverse impacts to the surrounding area. The physical therapy use will be the primary use and will be operated during normal business hours. The pilates use will be operated at off-peak times during lunch and after normal working hours. The two uses will not overlap to ensure there is adequate parking on-site. The proposed project will not negatively impact surrounding land uses, in that the physical therapy use has operated since 2005 in the Talega Business Park with no issues. Fitness uses have proven to be successful lot intensity uses in the business parks and do not impact parking for adjacent businesses.

- C. 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 codes regulations including the California Building Code and the City's Noise Ordinance. The two uses are sufficiently parked during the condition hours of operation. The pilates use will be restricted to 10 students to ensure that adequate parking is provided on-site. The two uses have proven to be low intensity uses in business parks and do not create impacts to adjacent uses.
- D. The proposed project will not negatively impact surrounding land uses, in that the physical therapy use has operated since 2005 in the Talega Business Park with no issues and the proposed pilates classes will be conditioned to ensure there is adequate parking provided on-site. Fitness uses have proven to be successful lot intensity uses in the business parks and do not impact parking for adjacent businesses. The business operations will provide a 10 minute break between uses to ensure adequate parking is available. This break will ensure there is always an adequate parking supply for the users and parking spaces allocated for other businesses will not be impacted.
- E. Given the specific conditions of the site and the adjacent area, the shared parking arrangement will not result in inadequate parking. The pilates classes would be limited to 10 participants and one instructor. The class size should not exceed the maximum parking available to the site because the parking standard for this type of use is one parking space for the instructor and one for every two students. The class sizes will result in a parking demand of six parking spaces out of an available 12 parking stalls. The business operations will provide a 10 minute break between uses to ensure adequate parking is available. Conditions of approval have been added to ensure there is adequate parking for both uses and there will never be an overlap of the use by requiring the 10 minute break between uses. This break will ensure there is always an adequate supply of parking for the users and they will not be forced to park in spaces allocated for other businesses. Conditions have also been added to regulate the pilates class sizes and the division of space for each use to ensure adequate parking is provided.
- F. The number of parking spaces required for the site, in accordance with Section 17.64.050(B), Number of Parking Spaces Required, is provided through the shared parking arrangement, based on varied hours of operation and/or combinations of

peak and off-peak uses in that the physical therapy treatment will be during normal working hours and the pilates classes will be conducted during lunch and in the late afternoon when the physical therapy use has ended for the day. The business operations uses will provide a 10 minute break between uses to ensure adequate parking is available. Conditions of approval have been added to ensure there is adequate parking for both uses and there will never be an overlap of the use by requiring the 10 minute break between uses. This break will ensure there is always an adequate supply of parking for the users and users will not be forced to park in parking spaces allocated for other uses. Conditions have also been added to regulate the pilates class sizes and the division of space for each use to ensure adequate parking is provided.

Section 3: The Planning Commission hereby approves CUP 15-371, Signature Physical Therapy and Pilates, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of San Clemente on December 2, 2015.

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 December 2, 2015, and carried by the following roll call vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

Secretary of the Planning Commission

EXHIBIT A

CONDITIONS OF APPROVAL
Conditional Use Permit No. 15-371
Signature Physical Therapy and Pilates

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 15-371 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 15-371 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 15-371 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 a Sign Permit or Master Sign Program 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 for the pilates classes and to not have an adverse impact to the surrounding businesses, the applicant shall have a maximum of 10 students and one (1) employee, or any combination at any given time which would exceed a total of 12 parking spaces. In addition there shall be a minimum break/transition of 10 minutes between the commencement of the physical therapy use or physical therapy. At no time shall the physical therapy use and the pilates classes operate at the same time or within the ten minute transition period. ■■(PIng.)_____

8. Prior to issuance of certificate of occupancy, the project shall be develop in conformance with the site plan, floor plans, elevations, details, and any other applicable submittals approved by the Planning Commission on December 2, 2015, 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] (PIng.)_____

9. In the event that noise impacts neighboring businesses, 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 Noise Ordinance. ■■(Plng. & Code Enf.) _____

Building

- 10. A separate Building Permit is required. 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.)_____
- 11. Project has not been reviewed for Building Code compliance. Prior to issuance of building permits, code compliance will be reviewed during building plan check. [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.)_____
- 12. Prior to issuance of building permits, applicant shall secure all utility agencies approvals for the proposed project. (Bldg.)_____ [S.C.M.C – Title 15 Building Construction]
- 13. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to, the Zoning Ordinance, Grading Code, Security Ordinance, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Code of Regulations as adopted by the City including, but not limited to the California Administrative, Building, Electrical, Plumbing, Mechanical, Energy, Green, and Fire Codes. (Bldg.)_____ [S.C.M.C – Title 8 – Chapter 8.16 – Fire Code, Title 15 Building and Construction Chapters 15.08, 15.12, 15.16, 15.20, 15.21, Title 16 Subdivisions, Title 17 Zoning]
- 14. Prior to the issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, Regional Circulation Financing and Phasing Program (RCFPP), park acquisition and development, water and sewer connection, drainage, Public Facility Construction, transportation corridor, Avenida La Pata Supplemental Road Fee and school fees, etc. (Bldg.)_____ [S.C.M.C. – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]

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 15-371, Signature Physical Therapy and Pilates
1393 Calle Avanzado





