



## STAFF REPORT

# SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: April 6, 2016

---

**PLANNER:** John Ciampa, Associate Planner 

**SUBJECT:** Minor Conditional Use Permit (MCUP) 16-071, Costa Chiropractic Shared Parking, a request for a shared parking agreement for a commercial center with multiple office uses to allow a medical office use.

**LOCATION:** 181 Avenida Vaquero, Suite D

**ZONING:** Neighborhood Commercial (NC1.1)

**BACKGROUND:**

- The site is a 19,813 square foot lot improved with a 5,300 square foot multi-tenant (four suites) structure constructed in 1977. The building provides 16 parking spaces that are located at the back of the property. The existing tenants are all medical office uses.
- The applicant requests to occupy 900 square feet for Chiropractic care. The property is non-conforming due to insufficient parking on-site for existing uses. The building was originally approved as a medical office building in 1977 within only 16 parking spaces provided. To occupy the vacant suite with an medical office use a shared parking agreement is necessary to meet parking requirements.
- Zoning Ordinance Section 17.64.120 requires Zoning Administrator approval of a Minor Conditional Use Permit (MCUP) to allow a shared parking agreement to establish a new business at a location with existing non-conforming parking by restricting the hours of operation to off-peak times.
- The applicant is proposing to operate the medical office use on Thursday from 2:00pm to 6:00pm and Friday and Saturday from 8:00am to 5:00pm. During these hours of operation the businesses would comply with the Zoning Ordinance parking standards for the site. The proposed hours are when one or more of the other businesses are closed (see Attachment 3).
- During the proposed hours of operation on Thursday, there will only be one business operating (requiring a total of 12 parking spaces), and on Fridays and Saturdays Costa Chiropractic would be the only active business (requiring 5 parking spaces).
- The applicant prepared a parking survey of the 16 space lot over a two week period (Attachment 4). The survey days were Mondays and Wednesdays, every two hours from 7:00am to 7:00pm. The survey results determined the peak demand was on Wednesday, February 3, 2016 at 11:00am when 62% (10

parking spaces) were occupied. In the afternoon hours, the maximum usage of the parking lot was 56 percent (9 spaces occupied) on Wednesday February 3, 2016 at 3:00pm.

- The proposed businesses would operate during off-peak times to ensure the site complies with the required parking standards and there would be no impacts to the adjacent uses. The parking survey also shows that there is ample parking on-site during off-peak hours for the new business during the proposed operating hours, as well as public on-street parking that can be utilized for overflow parking, if necessary.
- Upon preparation of this report, staff has not received any correspondence associated with the project.

**RECOMMENDATION**

STAFF RECOMMENDS THAT the Zoning Administrator approve MCUP 16-071, Costa Chiropractic Shared Parking, subject to the attached Resolution and Conditions of Approval.

Attachments:

1. Resolution  
Exhibit 1: Conditions of Approval
2. Vicinity Map
3. Businesses Operating Hours
4. Parking Study

RESOLUTION NO. ZA 16-009

**A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, TO APPROVE MINOR CONDITIONAL USE PERMIT 16-071, COSTA CHIROPRACTIC SHARED PARKING, A REQUEST FOR A SHARED PARKING AGREEMENT TO ESTABLISH A MEDICAL OFFICE IN A MULTI-TENANT OFFICE BUILDING LOCATED AT 181 AVENIDA VAQUERO, SUITE D**

**WHEREAS**, on February 17, 2016 an application was submitted and completed on March 13, 2016, by Dr. Cynthia Costa, 304 Avenida Sierra, San Clemente, CA 92672, a request for a request for a shared parking agreement to establish a office medical use within a multi-tenant office building located at 181 Avenida Vaquero, the legal description being Lot 1 of Tract 5764, Assessors Parcel Number 691-072-03; and

**WHEREAS**, 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 that the project is categorically exempt from CEQA in accordance with CEQA Guidelines Section 15301 as a Class 1 exemption because the project will add a new minor use to an existing commercial center; and

**WHEREAS**, on February 25, 2016 the City's Development Management Team reviewed the proposed project for compliance with the General Plan, Zoning Ordinance, and other applicable City ordinances and codes; and

**WHEREAS**, on April 6, 2016, the Zoning Administrator held a duly noticed public hearing on the subject application, and considered evidence presented by the applicant, City Staff, and other interested parties.

**NOW, THEREFORE**, the Zoning Administrator of the City of San Clemente hereby resolves as follows:

**Section 1:** The project is categorically exempt from the California Environmental Quality Act (CEQA) as a Class 1 exemption because the project will add a new minor use to an existing commercial center.

**Section 2:** The proposed shared parking agreement to allow the establishment of a office medical use is permitted within the Neighborhood Commercial (NC1.1) zoning designation pursuant to the approval of a Minor Conditional Use Permit (MCUP) and complies with all the applicable provisions of the Municipal Code, the San Clemente General Plan and the purpose and intent of the zone in which the use is being proposed in that the applicant's business will operate at off-peak times and the site, while nonconforming as to the number of spaces, will only allow the new business to operate when there is sufficient parking available on-site.

**Section 3:** The site is suitable for the type and intensity of the office medical use is a permitted use in the NC1.1 zoning district and the business will only be operating at off-peak times when there is adequate parking provided on-site. The parking survey identified that parking is underutilized, and establishing the new office medical use at off-peak times will not negatively impact the existing office uses or the surrounding area.

**Section 4:** The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties and improvements in the vicinity, in that the use will only be allowed when one or more of the other business have closed and there is sufficient parking to comply with the required parking for the site and the project will be required to obtain any necessary building permits and/or any other applicable permits.

**Section 5:** The proposed use will not negatively impact surrounding land uses in that the office medical use is a permitted use in the NC1.1 zoning district and the business will only be operating at off-peak times when there is adequate parking provided on-site. The parking survey identified that parking is underutilized, and establishing the new office medical use at off-peak times will not negatively impact the existing office uses or the surrounding area. The parking survey also showed public on-street parking is available for overflow, if necessary.

**Section 6:** Given the specific conditions of the site and the adjacent area, the business will only be operating at off-peak times when there is adequate parking provided on-site. The parking survey identified that parking is underutilized, and establishing the new office medical use at off-peak times will not negatively impact the existing office uses or the surrounding area. Overflow parking is also available on the street adjacent to the property.

**Section 7:** The shared parking arrangement does not intensify the nonconformity because the varied hours of operation ensure sufficient parking is provided on-site when there is adequate parking.

**Section 8:** The Zoning Administrator hereby approves the categorical exemption and Minor Conditional Use Permit No. 16-071, Costa Chiropractic Shared Parking, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit 1.

**PASSED AND ADOPTED** at a regular meeting of the Zoning Administrator of the City of San Clemente on April 6, 2016.

SAN CLEMENTE ZONING ADMINISTRATOR

---

Jim Pechous, Zoning Administrator

**CONDITIONS OF APPROVAL\***  
**MINOR CONDITIONAL USE PERMIT NO. 16-071**  
**COSTA CHIROPRACTIC SHARED PARKING**

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]* (PIng.)\_\_\_\_\_
  
2. Thirty days after project approval, the owner or designee shall submit written consent to all of these imposed conditions to the Community Development Director or designee. The owner or designee understands that the resolution will be of no force or effect unless such written consent is submitted to the City. *[Citation – City Attorney Legal Directive]* (PIng.)\_\_\_\_\_
  
3. A separate Building Permit is required for any proposed tenant improvements. 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.)\_\_\_\_\_

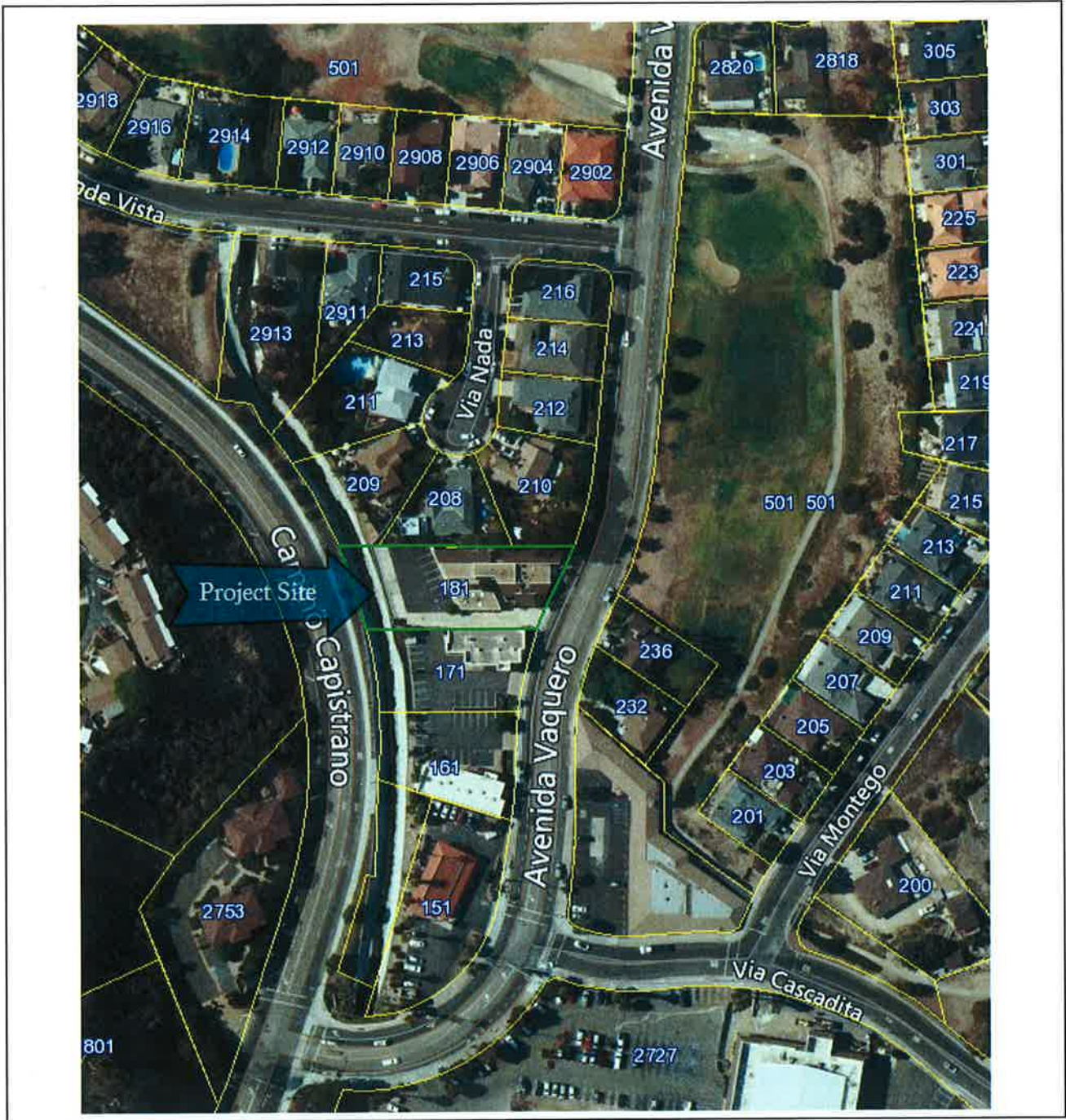
4. At the request of the City, the applicant shall provide an updated parking survey to ensure that the standard threshold of 90% utilization at peak time is not exceeded. Should the 90% utilization threshold be exceeded, the applicant shall be responsible for working with the property owner and other businesses to implement parking management tools to reduce parking demand, or locate and enter into an off-site parking agreement. ■■ (PIng.)\_\_\_\_\_
  5. The applicant shall prepare for review and approval by the City Planner or his designee, a shared parking agreement that shall be recorded on the property. ■■ (PIng.)\_\_\_\_\_
  6. Costa Chiropractic shall be limited to the hours of Thursday from 2:00pm to 6:00pm and Fridays and Saturdays from 8:00am to 5:00pm. ■■ (PIng.)\_\_\_\_\_
- \* All Conditions of Approval are standard, unless indicated as follows:  
■ Denotes modified standard Condition of Approval  
■■ Denotes project specific Condition of Approval






# LOCATION MAP

MCUP 16-071, Costa Chiropractic Shared Parking  
181 Avenida Vaquero, Suite D



No scale 

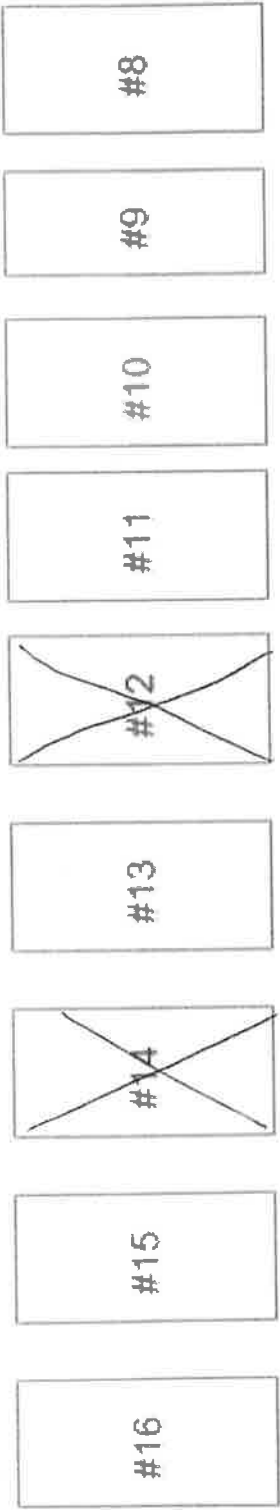
**181 Avenida Vaquero Tenant Business Schedule**

<b>Business/Suite</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>
Dr. Eriñi Papandreas, Suite A	8:00am-2:00pm	8:00am-5:00pm	8:00am-5:00pm	8:00am-2:00pm	Closed	Closed
Dr. Thune Wallace, Unit B	9:30pm-6:00pm	8:00am-6:00pm	7:00am-3:30pm	7:00am-1:00pm	Closed	Closed
Redmond Orthodontics, Unit C	8:00am-5:00pm	8:00am-5:00pm	8:00am-5:00pm	8:00am-5:00pm	Closed	Closed
Dr. Cynthia Costa, Unit D (Proposed)	Closed	Closed	Closed	2:00pm-6:00pm	8:00am-5:00pm	8:00am-5:00pm

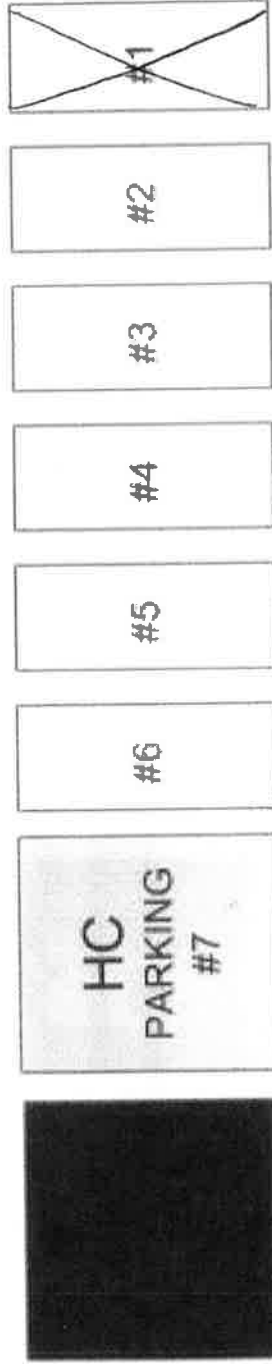


REDMO  
ORTHO

REI



PARKING



SHARED  
COURTYARD

UNIT # D  
900 sq. ft.

WALLACE DDS

← WALKWAY →

← WALKWAY →

DRIVEWAY

1-25-16

1900

X = occupied

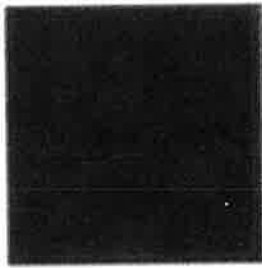
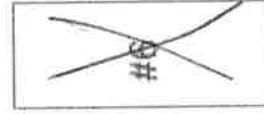
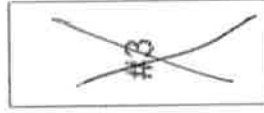
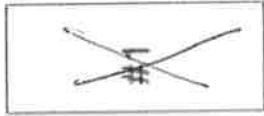
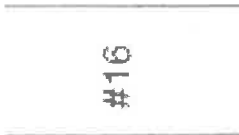
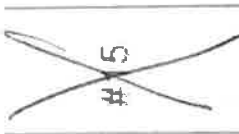
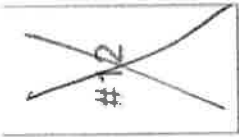
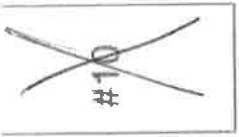
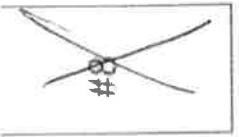
2

2

2

REDMO  
ORTHOI

REDMO



SHARED  
COURTYARD

UNIT # D  
900 sq. ft.

PARKING

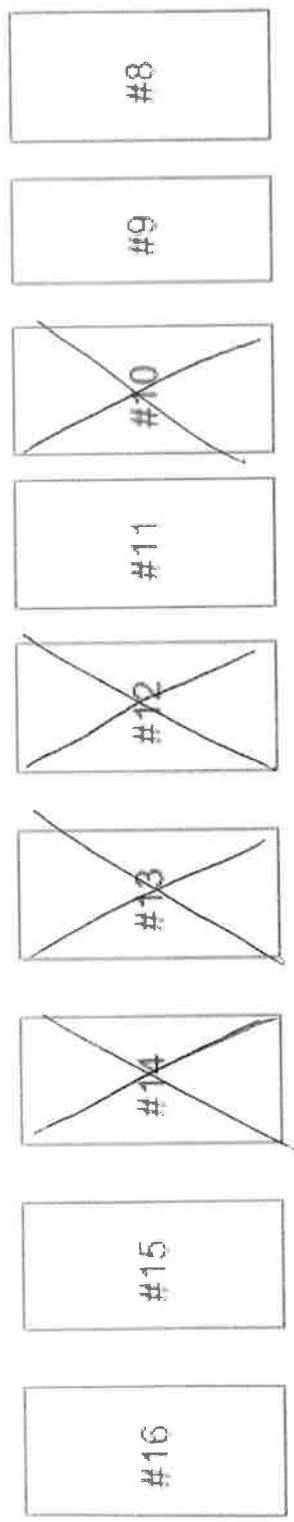
DRIVEWAY

1-25-14  
@ 1700  
X = OCCUPIED

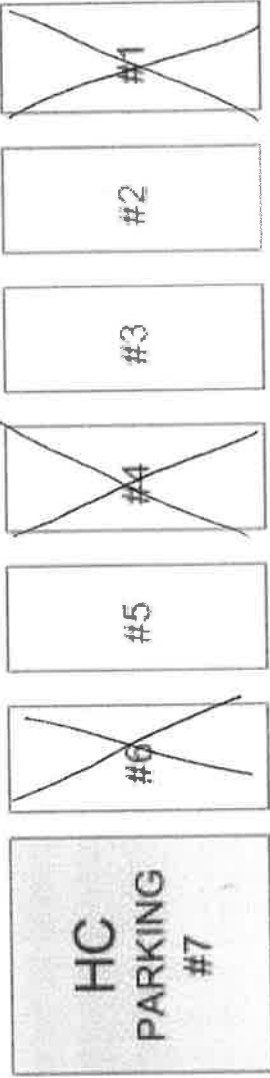
WALLACE DDS

← WALKWAY →

← WALKWAY →



PARKING



REDMO  
ORTHOI

REDMO

SHARED  
COURTYARD

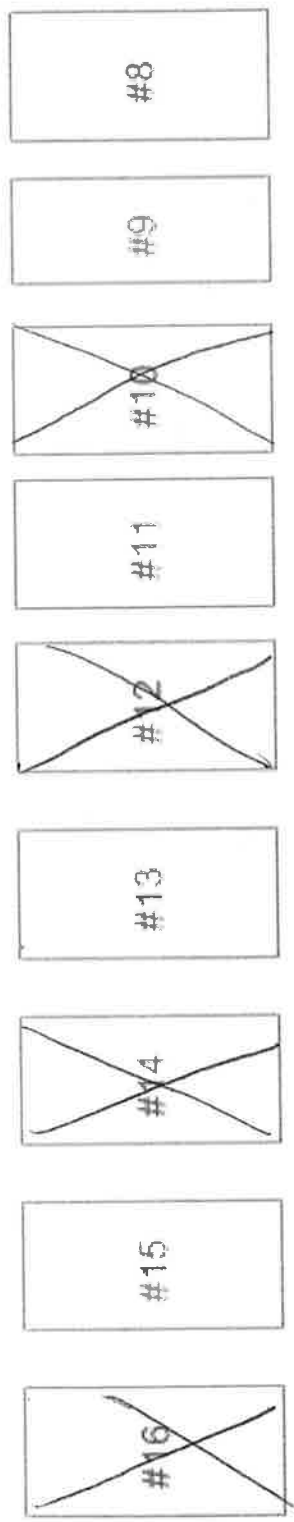
UNIT # D  
900 sq. ft.

WALLACE DDS

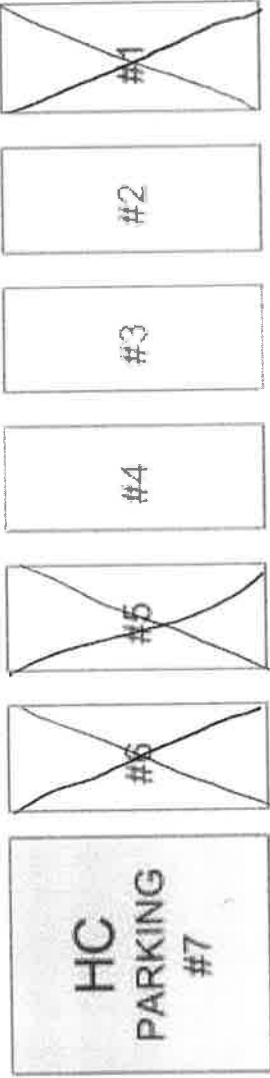
← WALKWAY →

← WALKWAY →

1-25-16  
@ 15.00.  
X = Occupied  
D R I V E W A Y



PARKING



REDMO  
ORTHO

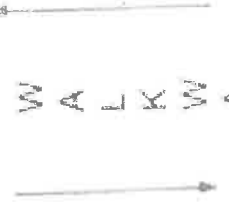
REDMO

SHARED  
COURTYARD

UNIT # D  
900 sq. ft.

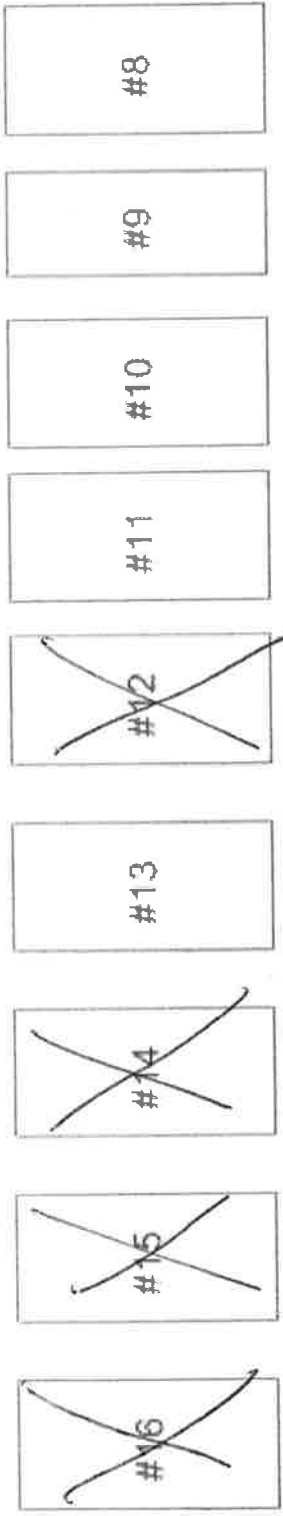
WALLACE DDS

WALKWAY



1-25-16  
© 1300  
X = occupied

DRIVEWAY



PARKING

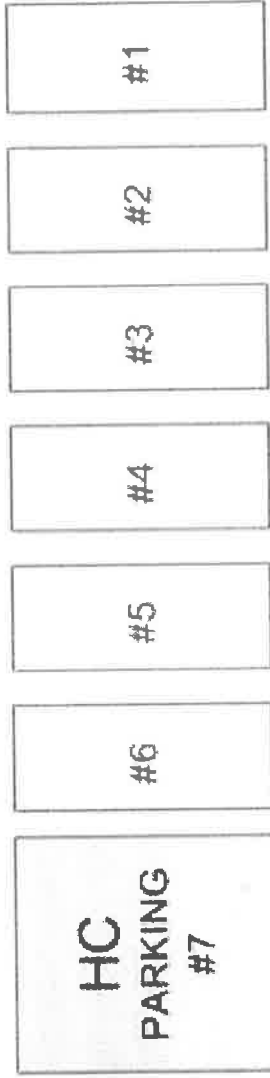
1-25-14

@ 1100

X = OCCUPIED

#12 WALKWAY

R I V E R W A Y



SHARED  
COURTYARD

UNIT # D  
900 sq. ft.

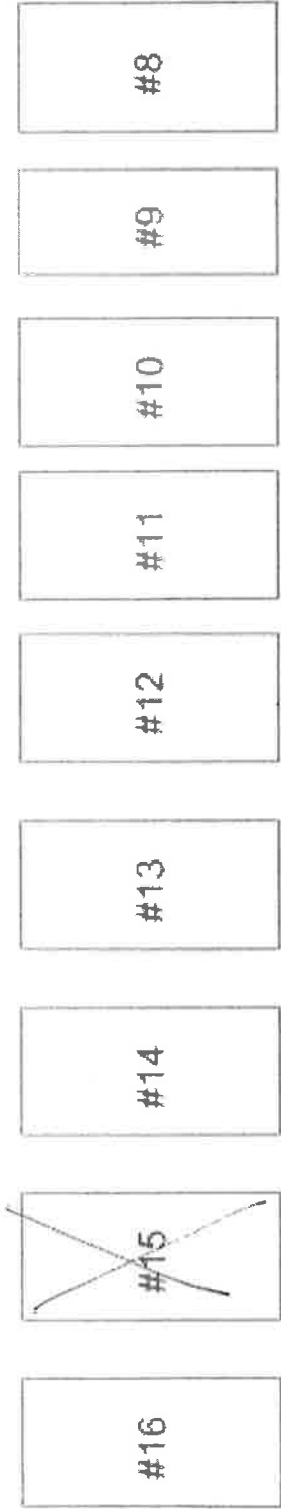
REDMO  
ORTHO

REDMO

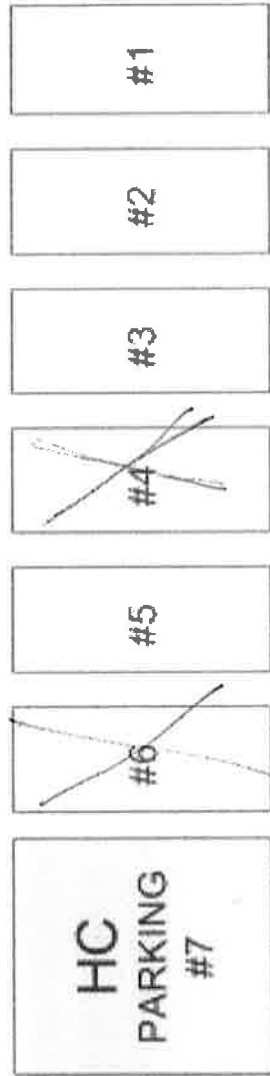
← WALKWAY →

W A L K W A Y

WALLACE DDS



PARKING



REDMO  
ORTHO

SHARED  
COURTYARD

UNIT # D  
900 sq. ft.

REDMO

1-25-14  
0900

X = OCCUPIED  
#4 GARDNER'S  
TRUCK

R I V E R W A Y

← WALKWAY →

W A L K W A Y

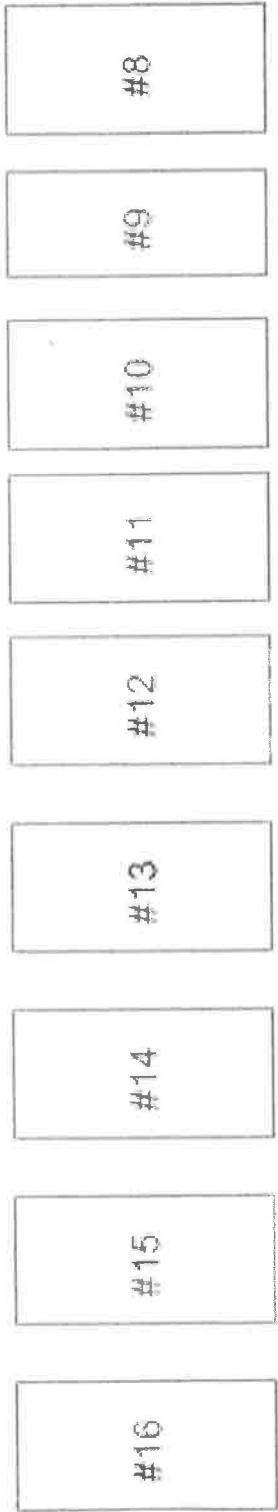
WALLACE DDS



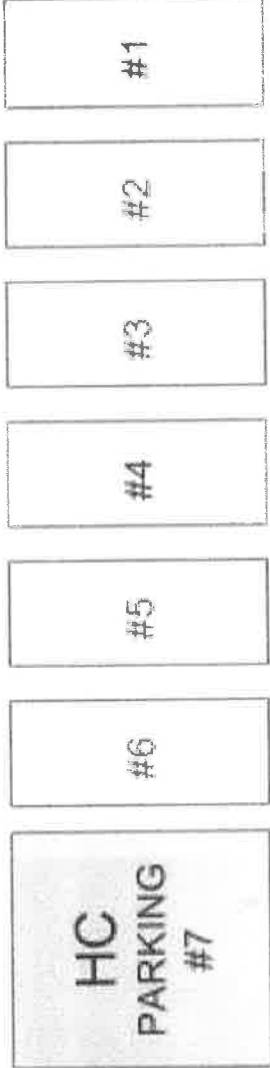


REDMO  
ORTHO

REDMO



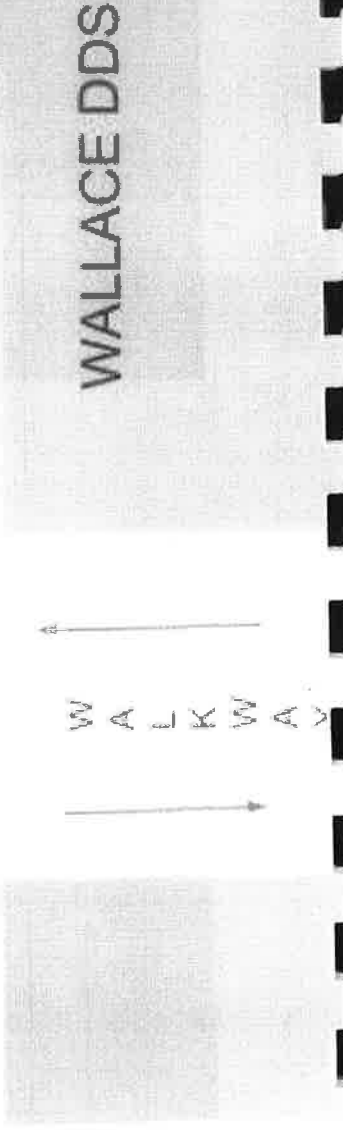
PARKING



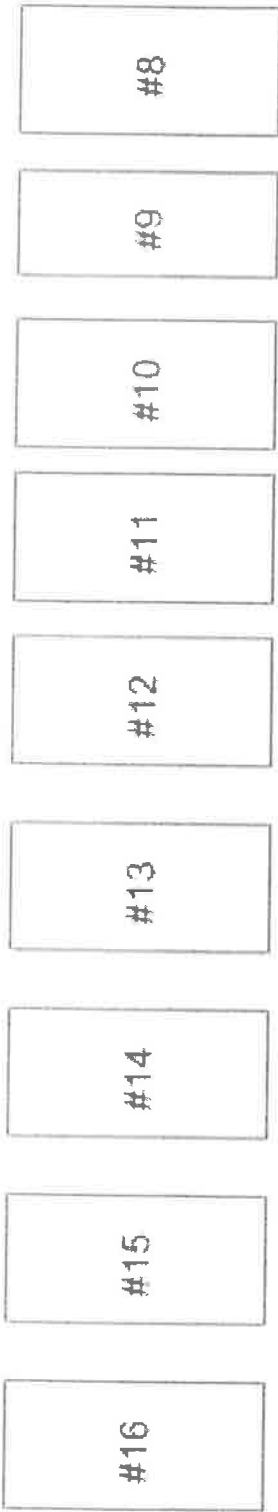
SHARED  
COURTYARD



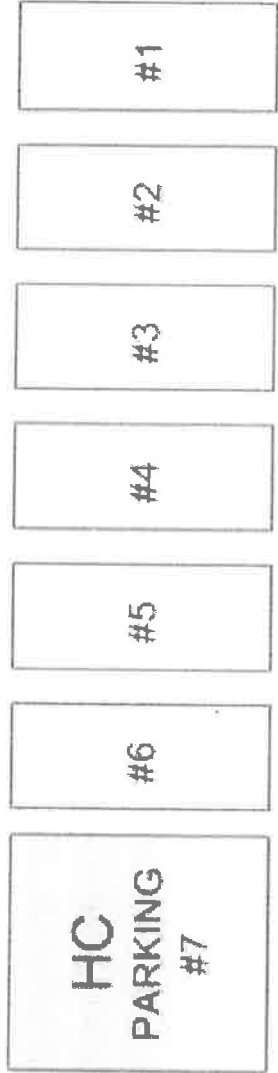
← WALKWAY →



1,250.00  
 0700 AM  
 PARKING LOT  
 FAMILY  
 X = occupied  
 DRIVEWAY



PARKING



1-27-14  
@ 1900  
LOT empty

DRIVEWAY

SHARED  
COURTYARD

UNIT # D  
900 sq. ft.

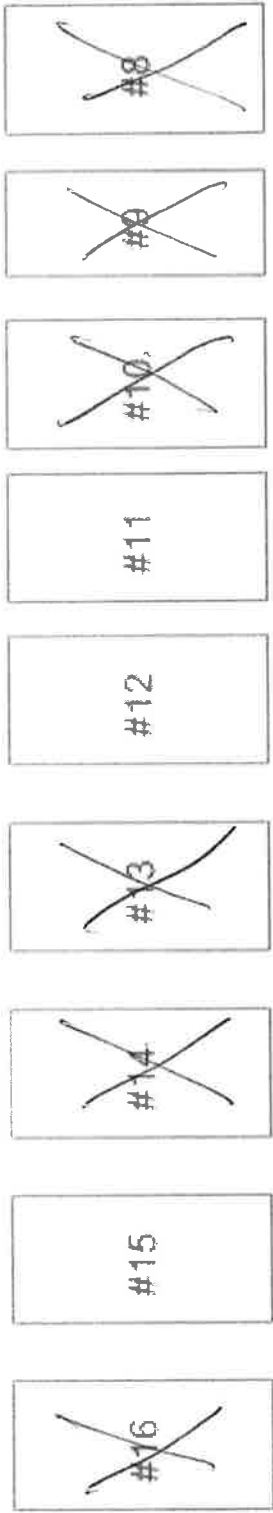
← WALKWAY →

↑ WALKWAY ↓

WALLACE DDS

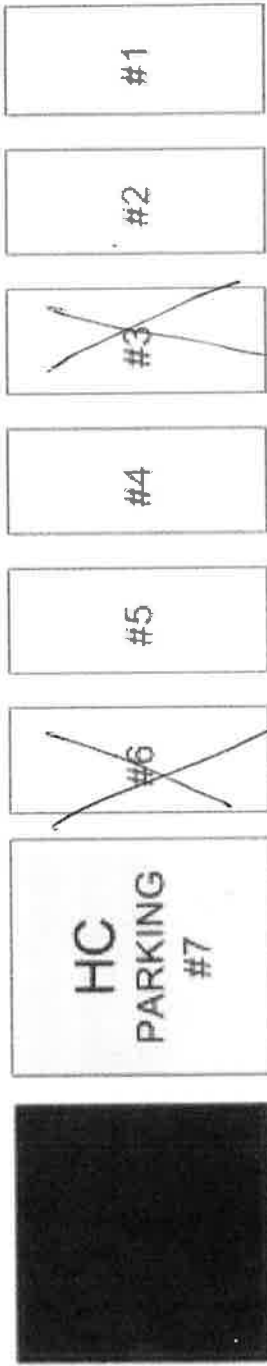
REDMC  
ORTHOC

REDMC



PARKING

1-27-14  
@1700  
X = OCCUPIED



DRIVEWAY

REDMO  
ORTHO

SHARED  
COURTYARD

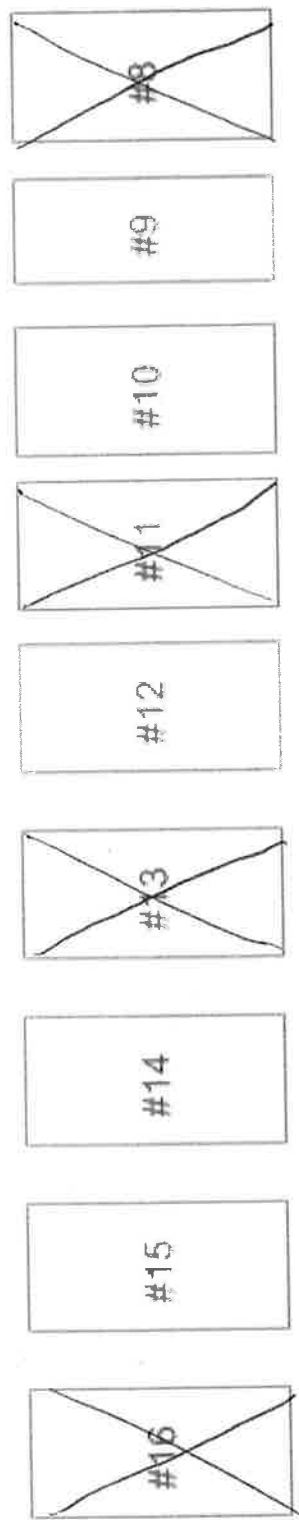
UNIT # D  
900 sq. ft.

REDMO

← WALKWAY →

WALLACE DDS

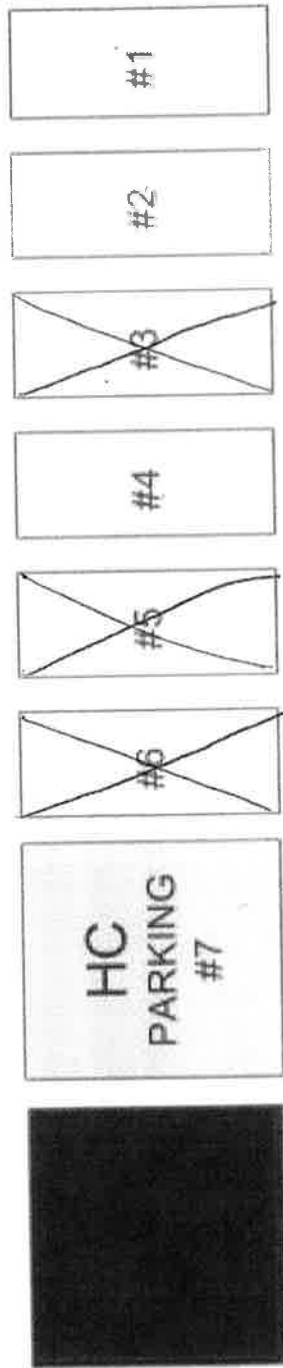
← WALKWAY →



PARKING

01.27.16  
@ 1500

REDMO  
ORTHO



SHARED  
COURTYARD

UNIT # D  
900 sq. ft.

REDMO

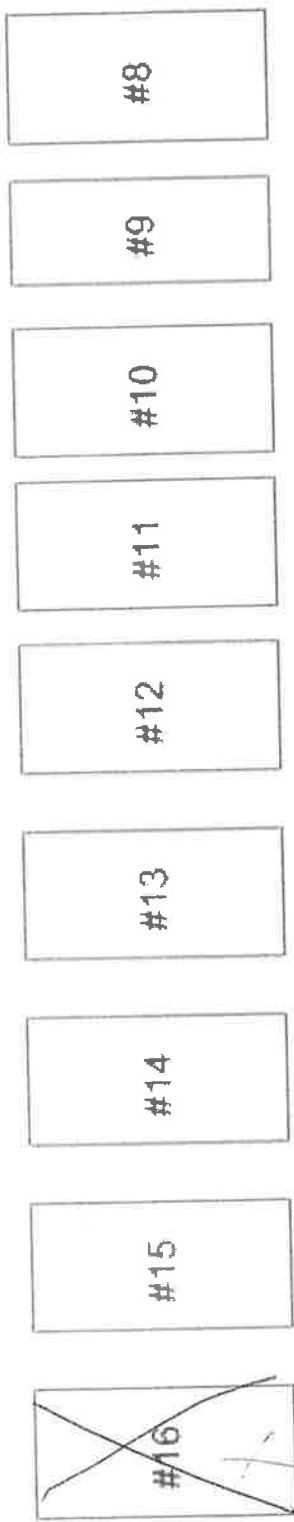
DRIVEWAY

X=occupied

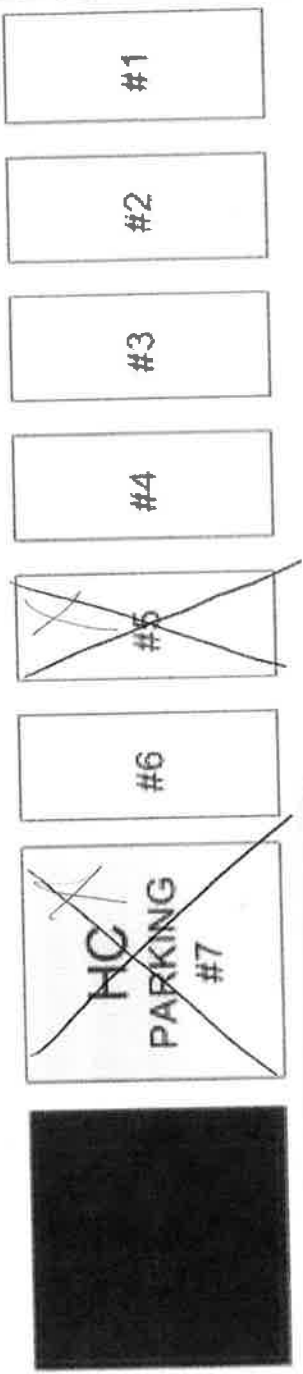
← WALKWAY →

WALKWAY

WALLACE DDS



PARKING



REDMO  
ORTHO

SHARED  
COURTYARD

UNIT # D  
900 sq. ft.

REDMO

← WALKWAY →

← WALKWAY →

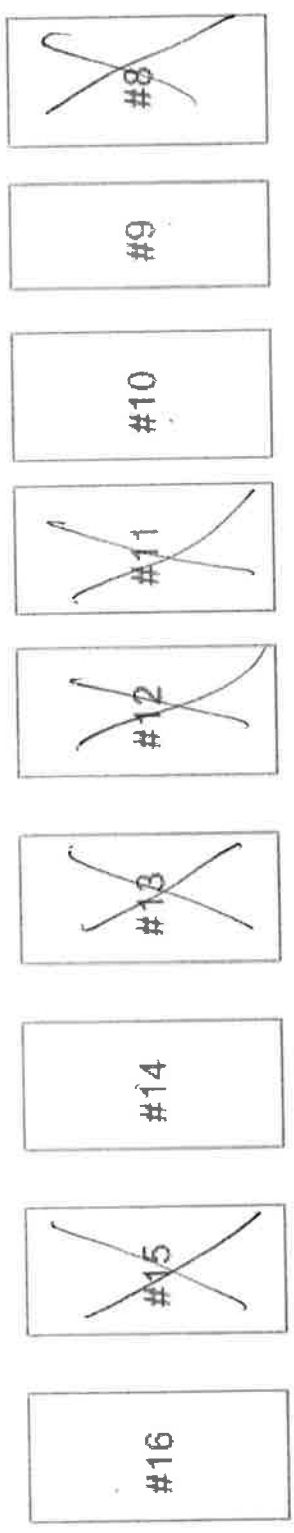
WALLACE DDS

*11/27/11  
13:50 pm  
Scanned  
X*

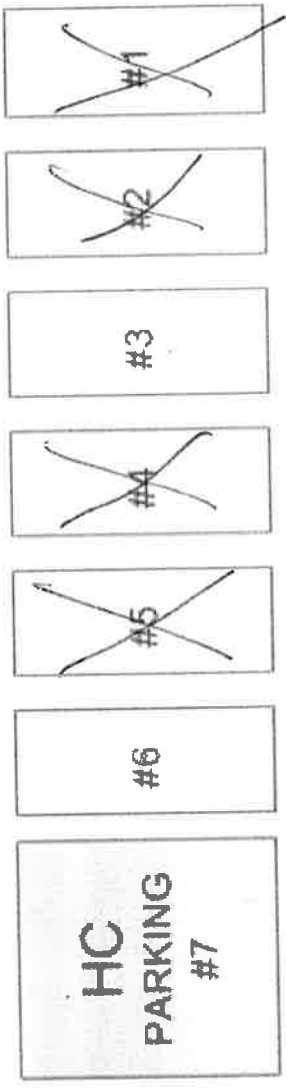
DRIVEWAY

REDMO  
ORTHOI

REDMO



PARKING



SHARED  
COURTYARD



UNIT # D  
900 sq. ft.

1-27-14  
© 1100  
X = OCCUPIED

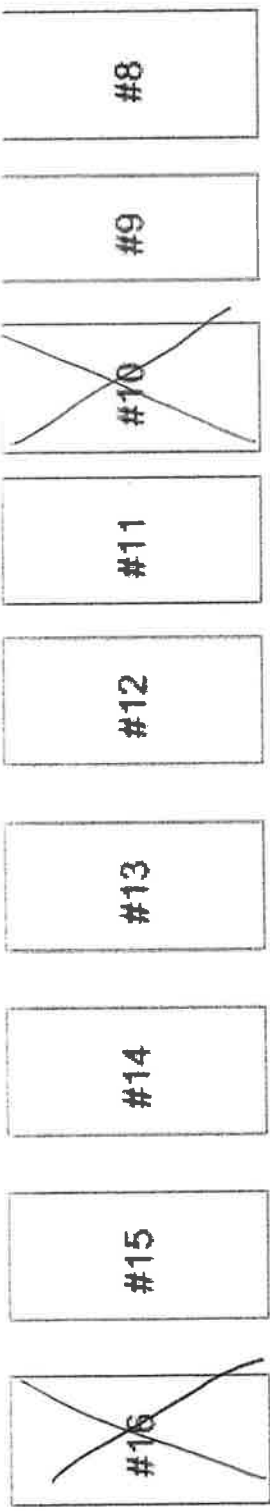
DRIVEWAY

← WALKWAY →

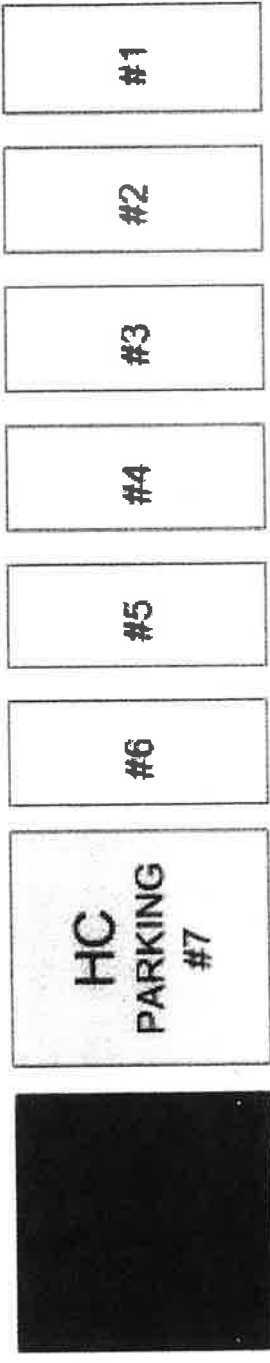
← WALKWAY →

WALLACE DDS





PARKING



UNIT # D  
900 sq. ft.

SHARED  
COURTYARD

REDMC  
ORTHO

REDMC

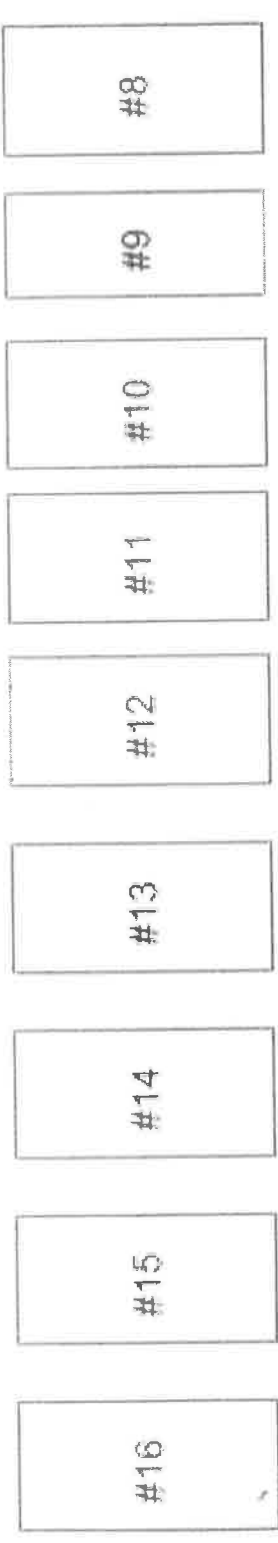
WALLACE DDS

WALKWAY

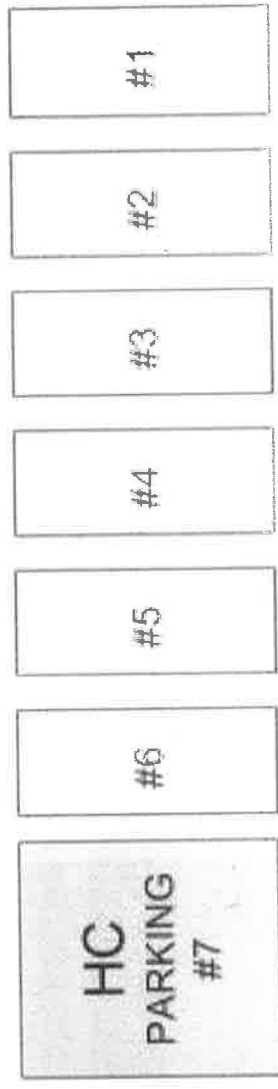
← WALKWAY →

DRIVEWAY

1-27-16  
0700 AM  
ok occupied



PARKING



REDMO  
ORTHO

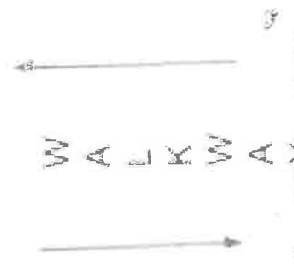
REDMO

SHARED  
COURTYARD

WALLACE DDS



WALKWAY



D R I V E W A Y

02-01-16  
1900pm

9/16

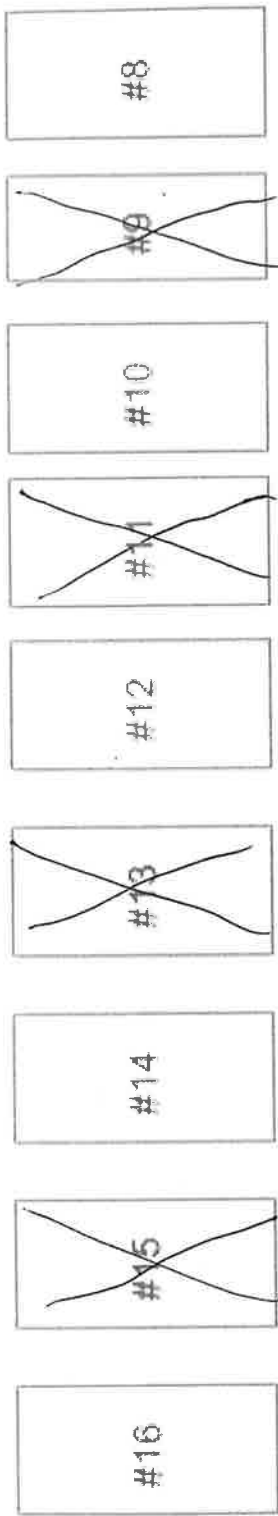
X: occupied

DRIVEWAY

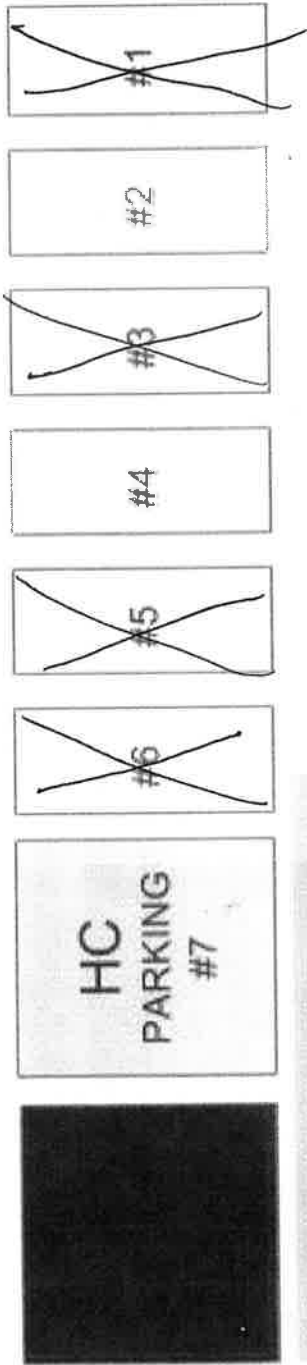
02.01.16  
1700pm

8/16

X = occupied



PARKING



SHARED  
COURTYARD

UNIT # D  
900 sq. ft.

WALKWAY

WALKWAY

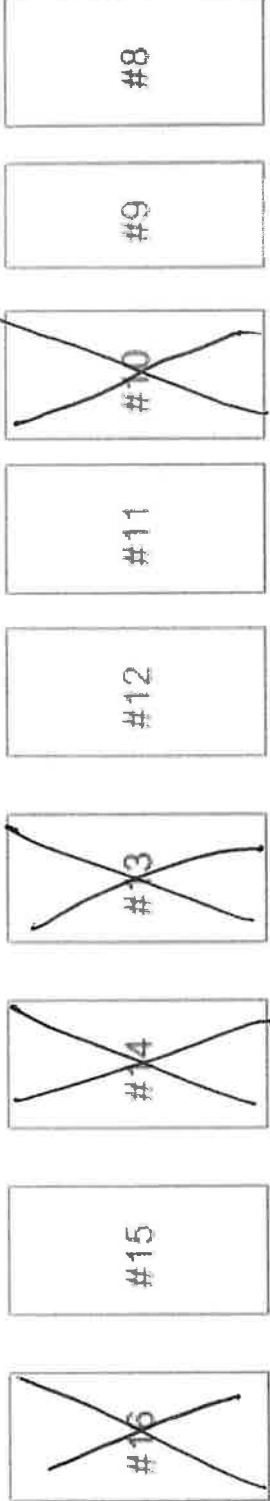
WALLACE DDS

REDMO  
ORTHO

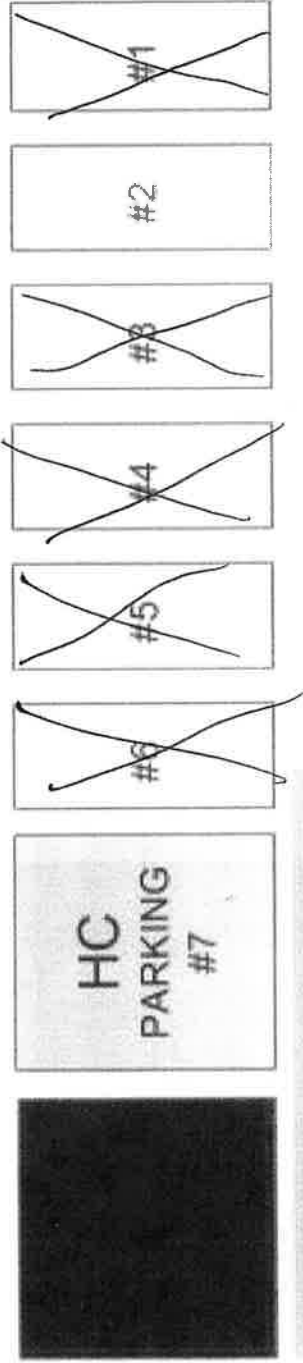
REDMO

REDMO  
ORTHOI

REDMO



PARKING



SHARED  
COURTYARD

UNIT # D  
900 sq. ft.

WALLACE DDS

← WALKWAY →

← WALKWAY →

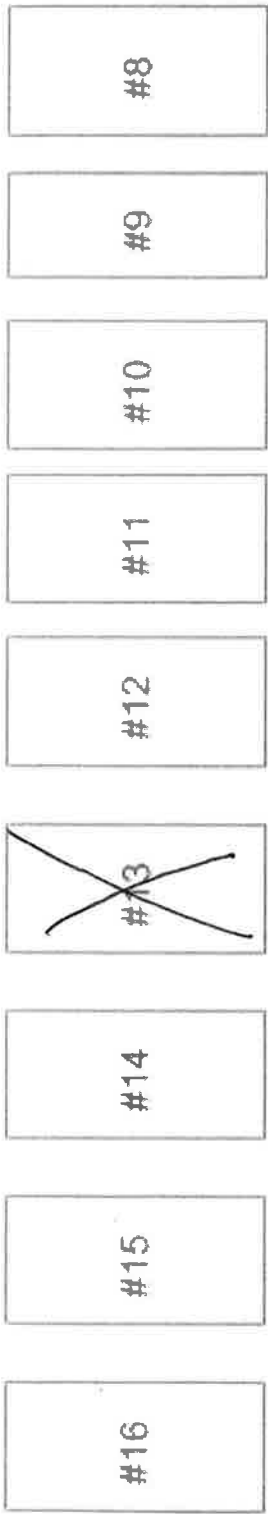
D R I V E W A Y

62-01-16

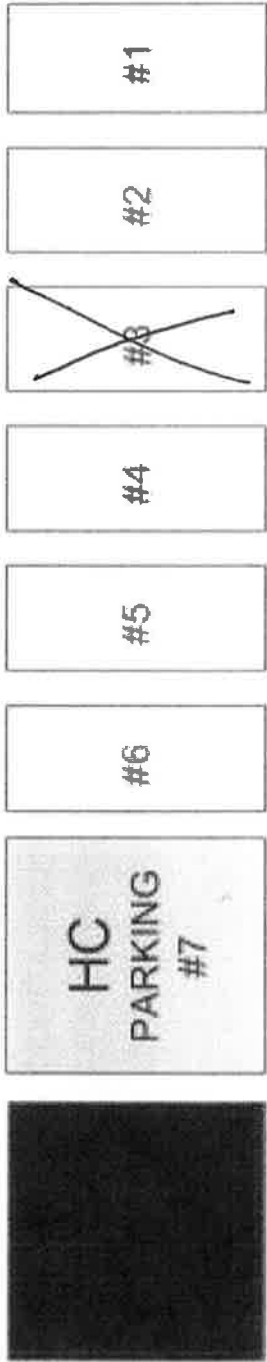
1500 pm

9/16

X=occupied



PARKING



SHARED  
COURTYARD

DRIVEWAY

02-01-16

1300 pm

2/16

X = occupied

REDMO  
ORTHO

REDMO

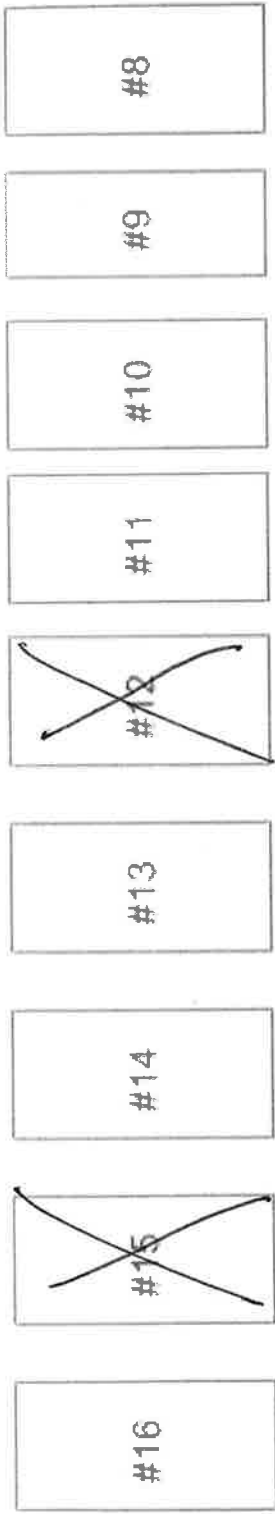
WALLACE DDS

← WALKWAY →

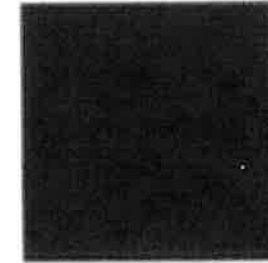
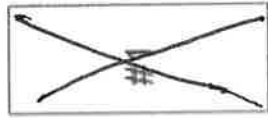
← WALKWAY →

REDMO  
ORTHO

REDMO



PARKING



SHARED  
COURTYARD

UNIT # D  
900 sq. ft.

DRIVEWAY

WALLACE DDS

← WALKWAY →

← WALKWAY →

02.01.16.

1100 AM.

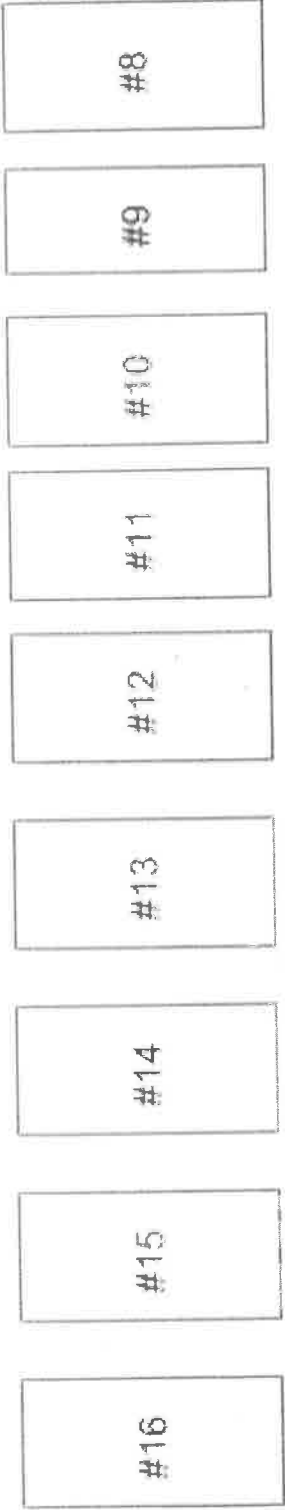
3/16.

X = occupied

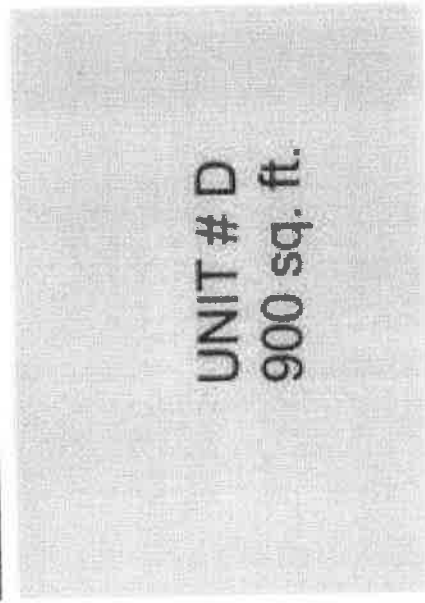
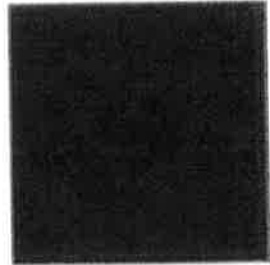
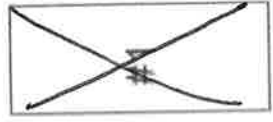


REDMO  
ORTHO

REDMO



PARKING



SHARED  
COURTYARD

DRIVEWAY

02-01-16

0900 AM

1/16

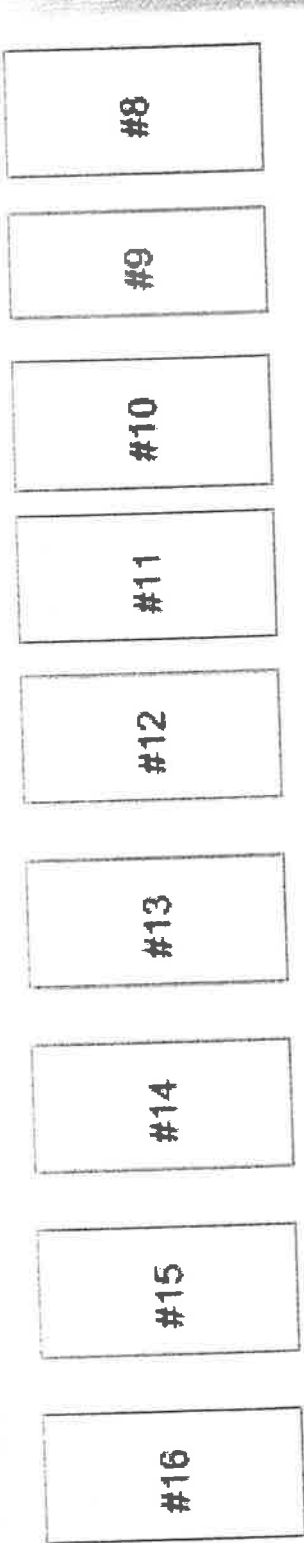
X = occupied

← WALKWAY →

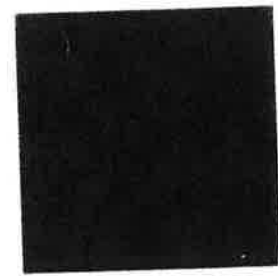
↑ WALKWAY ↓

WALLACE DDS

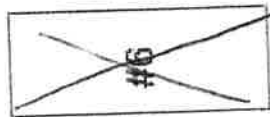
*Ferguson*  
*02/10/16*  
*0700 AM*  
*1/16*  
*K-600 (upside)*



PARKING



HC  
PARKING  
#7



#5

#4

#3

#2

#1

SHARED  
COURTYARD

UNIT # D  
900 sq. ft.

REDMC  
ORTHO

REDMC

← WALKWAY →

← WALKWAY →

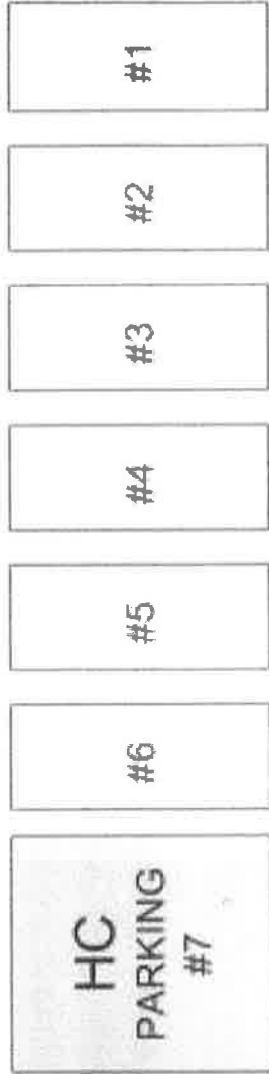
WALLACE DDS

REDMO  
ORTHO

REDMO



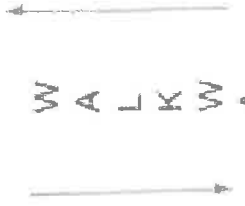
PARKING



SHARED  
COURTYARD



← WALKWAY →



WALLACE DDS

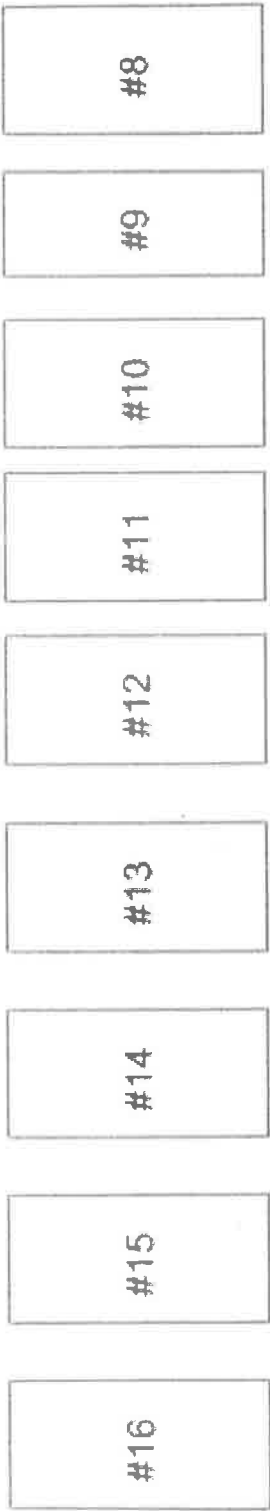
DRIVEWAY

02.03.16.  
1900  
0/16

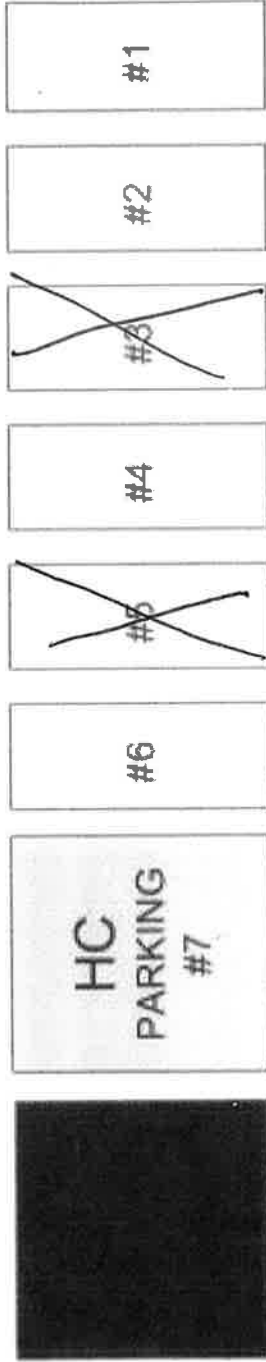
X = occupied

REDMC  
ORTHC

REDMC



PARKING



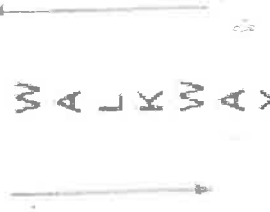
SHARED  
COURTYARD

UNIT # D  
900 sq. ft.

DRIVEWAY

WALLACE DDS

← WALKWAY →

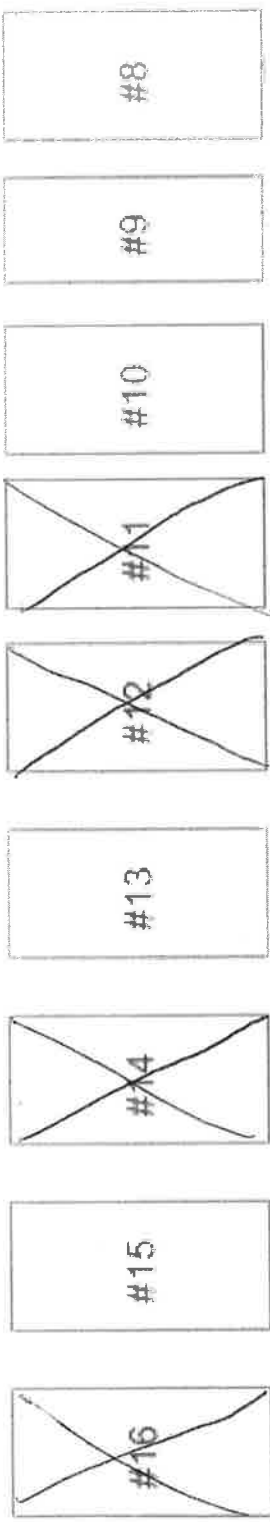


02-03-16

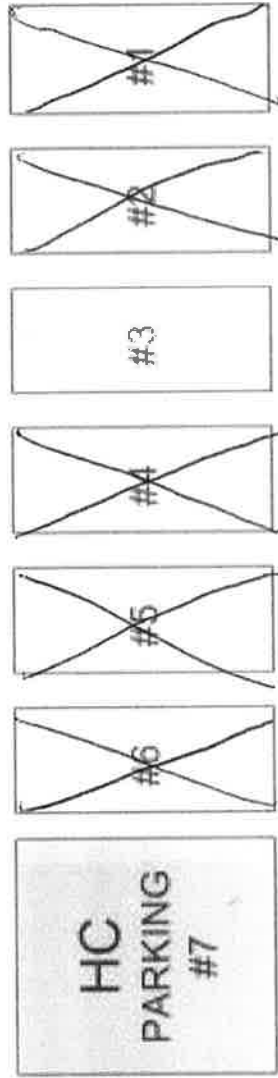
1700

X = occupied

2/16



PARKING



SHARED  
COURTYARD

UNIT # D  
900 sq. ft.

02.03.16

1500

9/16.

X = occupied

D R I V E W A Y

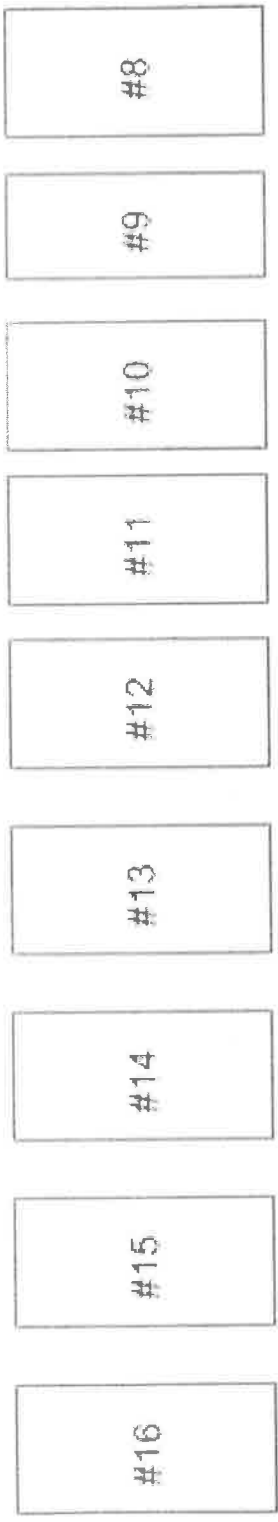
REDMO  
ORTHOI

REDMO

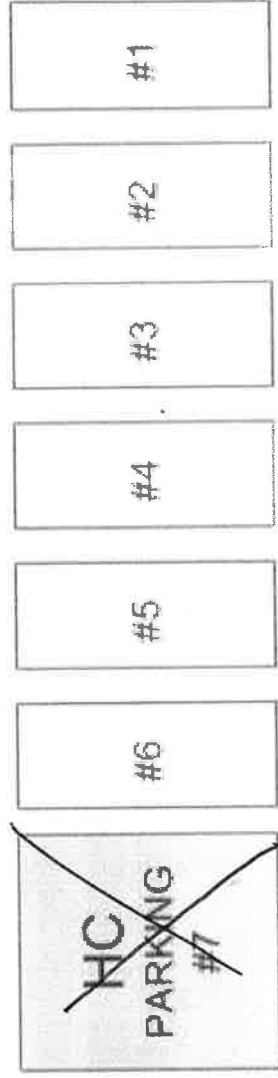
WALKWAY →

W A L K W A Y

WALLACE DDS



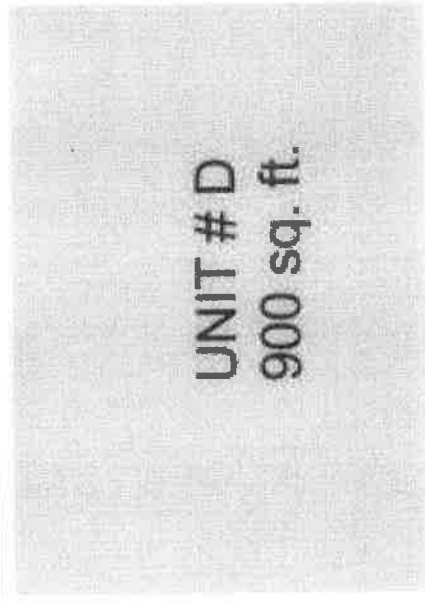
PARKING



REDMO  
ORTHOI

REDMO

SHARED  
COURTYARD



DRIVEWAY

02./03/16  
1300 pm

1/16.

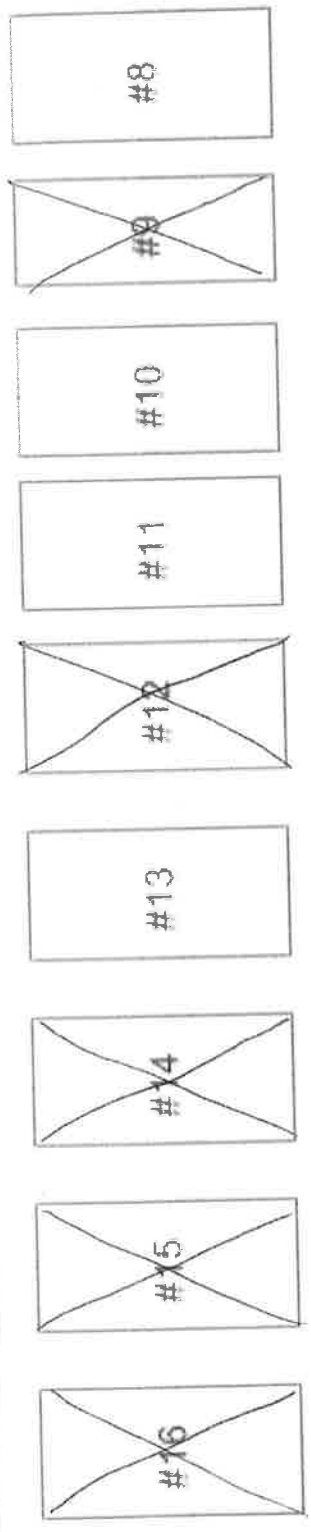
WALKWAY

WALKWAY

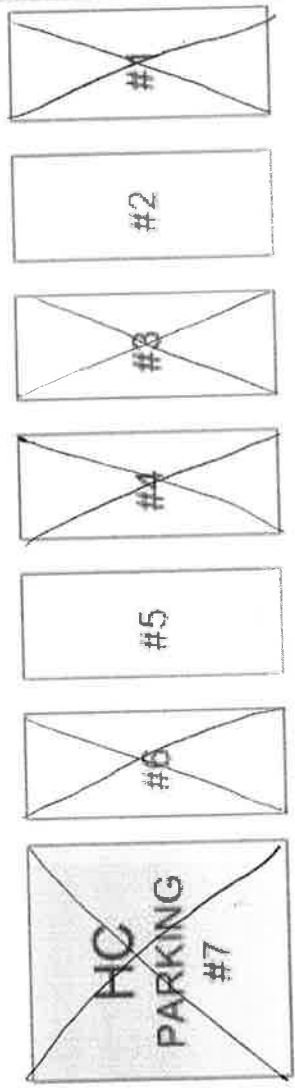
WALLACE DDS

X = occupied





PARKING



REDMO  
ORTHO

REDMO

SHARED  
COURTYARD

UNIT # D  
900 sq. ft.

WALLACE DDS

← WALKWAY →

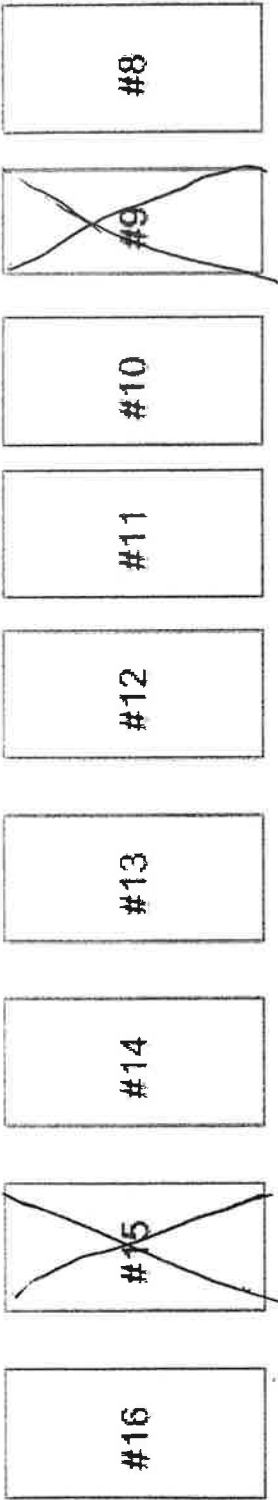
← WALKWAY →

02-03-16

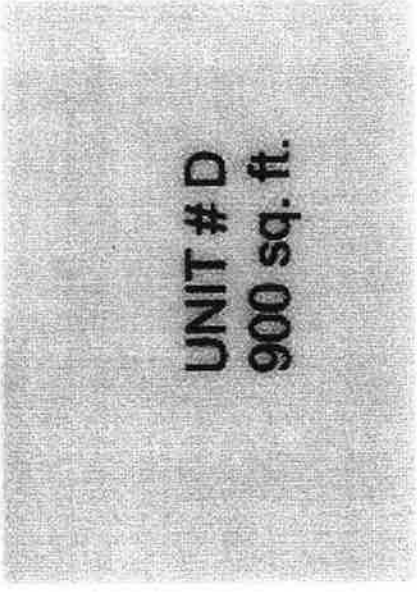
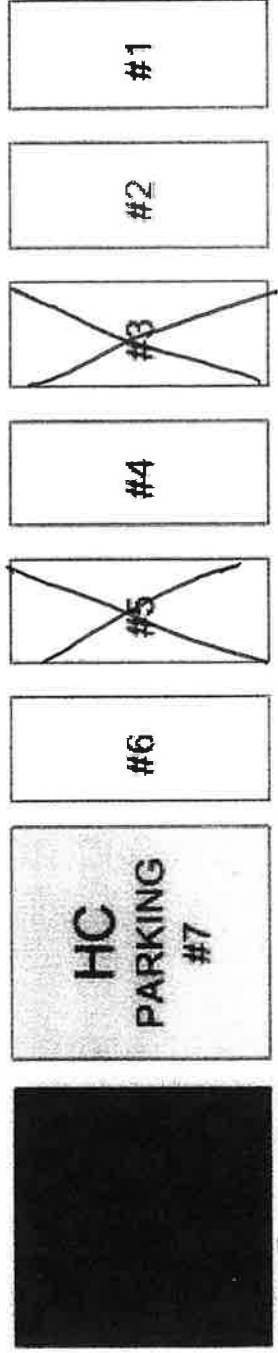
1100

10116

(occupied) DRIVEWAY



PARKING



SHARED  
COURTYARD

WALKWAY

WALKWAY

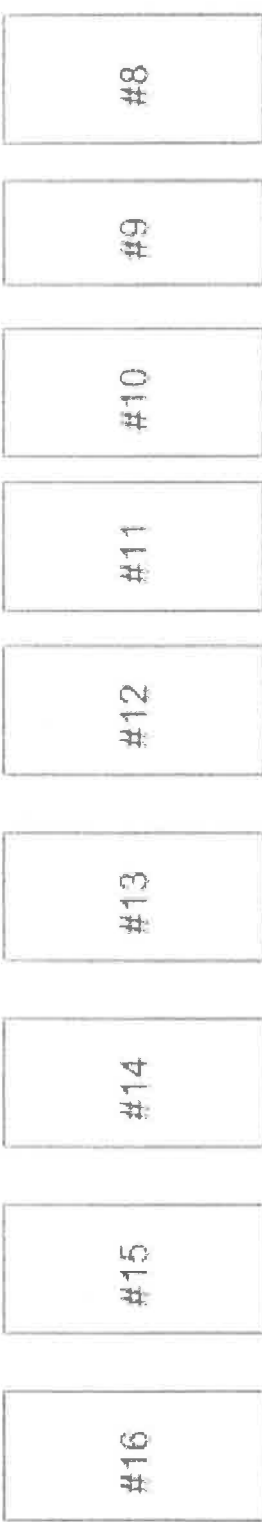
WALLACE DDS

REDMO  
ORTHO

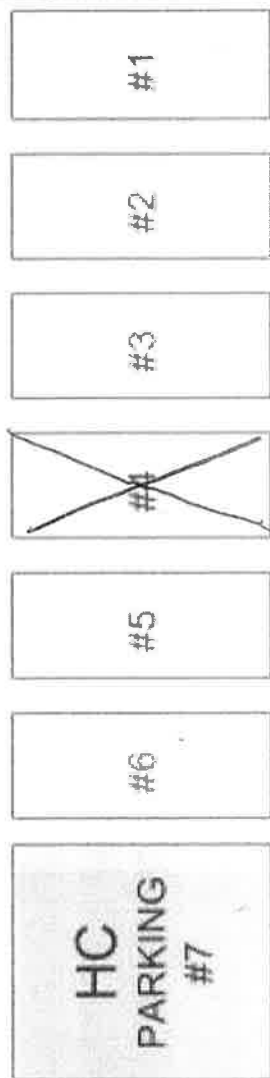
REDMO

DRIVEWAY

02/03/16.  
0900 AM  
4/16  
X=occupied



PARKING



SHARED  
COURTYARD



← WALKWAY →

X = occupied

D R I V E W A Y

02/03/16  
0900 AM

REDMO  
ORTHO

REDMO

WALLACE DDS

← WALKWAY →