




STAFF REPORT SAN CLEMENTE PLANNING COMMISSION

Date: February 8, 2017

PLANNER: Adam Atamian, Interim Code Compliance Supervisor 

SUBJECT: **Conditional Use Permit 16-124, Spencer Recovery Center Group Counseling**, a request to establish a group counseling use, for up to nine clients at a time, in a 680 square-foot commercial-office suite in the Community Commercial (CC4) zone at 665 Camino De Los Mares, Suite 105C.

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, is required to allow a group counseling 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 the Zoning Ordinance, 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 is requesting approval of a Conditional Use Permit (CUP) to allow a group counseling use in a 680 square-foot suite in a commercial building located on Camino de Los Mares, across the street from the San Clemente Villas by the Sea, an assisted living facility for the elderly, and the former San Clemente Hospital site. The group counseling use is proposed as part of an out-patient alcohol and drug treatment program, which also provides individual counseling and other mental health services.

The property, named the San Clemente Medical Building, abuts other commercially-zoned properties to the east, west and south. To the north, the Sea Pointe Estates neighborhood is located approximately 60 feet away from the subject property, separated by a 50-foot tall landscaped slope. The commercial property is composed of two multi-tenant, three-story

commercial buildings currently occupied by a mix of office uses, mostly medical in nature. The proposed suite is located on the first floor. Zoning Ordinance Section 17.36.020 permits group counseling in the Community Commercial (CC4) zone with the approval of a CUP.

Development Management Team Meeting

The City's Development Management Team (DMT) reviewed the project on April 21, 2016. The DMT supports the request with the proposed conditions of approval.

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

Spencer Recovery Center proposes to conduct group counseling sessions in the main office room of the three-office subject suite. The rest of the suite consists of the suite's entry area, restroom, and storage closet.

The business proposes to operate during typical office hours, 8:00 AM to 6:00 PM, providing multiple services as part of its recovery program. One of these services, and the only one requiring approval of a Conditional Use Permit, is group counseling sessions for up to nine clients at a time, which are proposed throughout the week, generally between 8:00 AM and 11:00 AM. These group counseling sessions would be provided within a larger three-hour block of time that clients would be receiving other treatment services as well. Regardless of the specific services provided, whether group counseling or otherwise, the applicant proposes to have no more than nine clients on the premises at any time.

Parking

The subject commercial center is part of a reciprocal parking agreement spanning 4 parcels with four separate multi-tenant commercial buildings. These properties include a total of 228 parking spaces. Several suites are currently vacant in these buildings. To complete a parking analysis for the properties under this parking agreement, staff assumed vacant suites will be occupied by retail or office uses based on how the building has been configured and previously occupied. This parking analysis, included as Attachment 3, demonstrates a parking deficit of 128 spaces, indicating that based on the current Zoning Ordinance parking standards, the uses present require more parking than what is provided on site.

In this type of parking deficient situation, the Zoning Ordinance allows for uses that are nonconforming to parking requirements to be replaced by other nonconforming uses as long as they do not increase the nonconformity (Section 17.72.060.D.1 - Expansion of permitted uses with nonconforming parking). Applied to the subject 680 square-foot suite, the previous medical office use, with a parking requirement based on 1 parking space per 200 square feet of office space, had a parking requirement of 3.4 spaces. Therefore, pursuant to the

Zoning Ordinance, new uses may not require a parking demand higher than 3.4 parking spaces. However, as indicated in Table 1, below, the group counseling use requires more than 3.4 parking spaces, due to the fact that the Zoning Ordinance specifies a parking requirement for that use based on occupancy, rather than suite square footage.

Table 1 –Parking Required

Use	Parking standard	Required spaces
Medical Office	1 space per 200 square feet	3.4 Total
Group Counseling	1 space per 2 clients and 1 space per employee	4.5 spaces (9 clients max) <u>3 spaces (3 employees)</u> 7.5 Total
Difference		- 4.1 spaces

To help overcome this shortfall, the applicant’s proposal includes the provision that group-counseling clients will be transported to the property by a passenger vehicle, such as a van, provided by Spencer Recovery Center. While this will practically reduce the amount of parking needed for the use’s occupants, the Zoning Ordinance typically does not provide exceptions that would allow group transportation to be used to calculate parking demand. However, as required by the Federal Fair Housing Act, the Americans with Disabilities Act and the California Fair Employment and Housing Act, the City is required to provide a process for consideration of reasonable modifications to accommodate the needs of the disabled, as people in recovery from alcohol or substance abuse are classified.

As Table 1 illustrates, the proposed use requires 4.1 more parking spaces than what is allowed per the Zoning Ordinance. However, the reasonable accommodation sought by the applicant is a waiver from the Zoning Ordinance parking requirements due to the site’s pre-existing parking deficiency that precludes the property from reasonably accommodating new uses, in this case those providing services to the disabled. When consideration is made for the actual use of the suite, along with the provision of vanpooling, the anticipated parking demand is demonstrated in Table 2, below.

Table 2 –Reasonable Accommodation Request for Parking

Use	Occupancy	Parking Utilization
Medical Office	1 client, 2 doctors, and 1 receptionist	4 spaces (each person drives their own vehicle)
Group Counseling	9 clients, 3 employees	1 space (clients transported in van) <u>3 spaces (3 employees)</u> 4 Total
Difference		0 spaces

Based on the typical use of commercial office space, it is reasonable to anticipate very little difference in staffing levels between medical office uses and group counseling uses, as shown in the Table 2 scenario. What is different between the uses is the number of patients arriving or departing at any given time. However, in terms of parking impacts, the practical effect of the vanpooling is that the group of multiple patients has the same parking impact

as a single medical office patient, who typically drives him or herself. Thus, the reasonable accommodation allows for a situation where the group counseling use at full capacity would have the same, or potentially less, impact than a comparable medical office with a minimum amount of patients.

PROJECT ANALYSIS

Conditional Use Permit

The Zoning Ordinance requires a CUP for group counseling uses to ensure that the proposed use is compatible with surrounding properties and land uses. There are a mixture of typical commercial business uses on the subject site and on properties to the east, west, and south, such as professional and medical offices, retail, personal services (e.g. beauty salons), and the assisted living facility. Staff has concluded the request meets the required findings in the following ways:

1. The proposed use is in an area intended for a range of uses and the group counseling would primarily occur during typical hours of operation for similar medically-related office uses. The project is consistent with the San Clemente General Plan because the proposed use is in line with the General Plan's goals for the Camino De Los Mares Focus Area to encourage the expansion of medical office-related uses and group counseling service uses that meet needs of the City and are compatible with surrounding properties and neighborhoods. The closest residence is located approximately 60 feet from the subject site up a steep landscaped slope;
2. The site's current parking deficit will not be functionally increased by the proposed use because the use of the group transportation effectively makes the nine clients' impact similar to that of one client. Assuming very little difference in staffing levels between medical office uses and group counseling uses, the project's impact to parking is negligible. Thus, the requested accommodation to waive the strict application of the Zoning Ordinance parking standards is reasonable in this scenario. Further, the project is conditioned to limit total suite occupancy and to require that patients are transported as a group by a passenger vehicle provided by Spencer Recovery Center (conditions of approval nos. 7 and 11);
3. The applicant proposes group counseling sessions conducted during the hours of operation of a typical medical office, with a maximum of nine patients, and two employees at any time. The applicant's proposed schedule accommodates one group at the subject suite per day, so no breaks are necessary as are typically required when there is a potential for groups to overlap. However, to provide flexibility to the business to adjust the proposed schedule in the future, condition of approval nos. 9 and 10 require minimum breaks between group counseling sessions that involve different groups of people.
4. Group counseling sessions are proposed within a commercially-zoned property in a suite that could be used for substantially similar uses by-right, such as medical office, and is not anticipated to negatively impact surrounding businesses. The project is conditioned

to require that all group counseling activities be conducted within the subject suite and that clients not be allowed to loiter on the property more than 15 minutes before or after their treatment program begins or ends (condition of approval no.12). Condition of approval no. 12 also prohibits smoking by the clients until such time as a designated smoking area is provided on-site, and in a location approved by both the building owners' association and the City's Community Development Director.

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

Goals and Objectives	Consistency Finding
<i>Land Use Element Primary Goal No. 2. Provide "distinct and vibrant commercial and industrial areas offering a range of retail, service and employment uses that complement rather than compete with one another."</i>	Consistent. The use proposed provides employment and service uses and is in keeping with this policy.
<i>Land Use Element Camino De Los Mares Focus Area Policy LU-7.01. "Commercial Areas. We support the continuation and enhancement of commercial centers that meet the needs of community residents, are compatible with adjacent residential neighborhoods, and are well-maintained."</i>	Consistent. This use is allowed in the zone with a Conditional Use Permit and meets community needs for health care services in the City.
<i>Land Use Element Camino De Los Mares Focus Area Policy LU-7.02. "Medical Office Uses. We support the expansion of health care facilities and related medical offices that are consistent with the Land Use Plan and Zoning Code and are compatible with surrounding neighborhoods."</i>	Consistent. The proposed use provides rehabilitative and treatment services for people suffering from alcohol and drug addiction. The CC 4 zone is identified as a Hospital-support zone, where this type of use is encouraged as part of a health-services intensive Focus Area.

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 only a negligible expansion of an existing commercial use.

ALTERNATIVES; IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and approve CUP 16-124.

This action would allow the owner to operate the proposed use subject to the conditions of approval. The Commission can take this action if they determine that the request meets all required findings, as described in Attachment 1.

2. The Planning Commission can, at its discretion, add, modify or delete provisions of the proposed project or conditions.

This action would result in any modifications to the conditions of approval such as changes to the number of clients allowed to participate in group counseling services at one time.

3. The Planning Commission can recommend deny CUP 16-124.

This action would result in the proposed use not being allowed. The Commission should cite findings that cannot be met if a decision is made to deny the proposed use. This action is subject to appeal by the Council.

RECOMMENDATION

Based on the information in the staff report and subject to the required Findings and Conditions of Approval, staff recommends that the Planning Commission:

1. Determine the project is Categorical Exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Class No. 1(e) (Existing Facilities); and direct staff to file a Notice of Exemption.
2. Approve Conditional Use Permit 16-124, Spencer Recovery Center Group Counseling, to allow a group counseling use, for up to nine clients at a time, in a 680 square-foot commercial-office suite in the Community Commercial (CC4) zone at 665 Camino De Los Mares, Suite 105C, subject to the attached Resolution and conditions of approval.

Attachments:

1. Resolution No. PC 17-007
Exhibit 1 - Conditions of Approval
2. Location Map

3. Parking Analysis
4. Example Group Counseling Schedule
5. Floor Plan

ATTACHMENT 1

RESOLUTION NO. PC 17-007

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 16-124, SPENCER RECOVERY CENTER GROUP COUNSELING, A REQUEST TO ALLOW A GROUP COUNSELING USE LOCATED AT 665 CAMINO DE LOS MARES, SUITE 105C

WHEREAS, on March 31, 2016, an application was submitted, and on January 18, 2017 completed, by William Kingsbury, Spencer Recovery Center, 665 Camino De Los Mares, Suite 105C, San Clemente, CA 92673, to allow a group counseling use for up to 9 patients at a time, in a 680 square-foot commercial suite, in a professional office center located in the Community Commercial (CC4) zone at 665 Camino De Los Mares, Suite 105C, San Clemente, CA 92673. The legal description being Parcel 1, Unit 5, of Parcel Map 195-12, Assessor's Parcel Number 938-460-50; and

WHEREAS, the City's Development Management Team reviewed the subject application on April 21, 2016, 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 February 8, 2017, 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. CEQA Exemption. Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Planning Commission, and the facts outlined below, the Planning Commission hereby finds and determines that the proposed project is categorically exempt from CEQA pursuant to State CEQA Guidelines section 15301 (Class 1: Existing Facilities).

The Class 1 exemption specifically exempts from further CEQA review the operation, repair, maintenance, and minor repair of existing public or private structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This exemption covers negligible expansions beyond the previous medical office use. Here, the proposed project is to conduct group counseling in an existing commercial building, and will be a negligible expansion of the previous medical office use. Thus, the project qualifies for the Class 1 exemption.

Furthermore, none of the exceptions to the use of the Class 1 categorical exemption

identified in State CEQA Guidelines section 15300.2 apply. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time. There are no unusual circumstances surrounding the project that result in a reasonably possibility of a significant effect on the environment. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources. The project does not include any hazardous waste sites, and the project is not adjacent to a historic structure. Thus, the Class 1 exemption applies, and no further environmental review is required. The proposed use will not create any additional noise or changes to the facility that would have an impact on the adjacent uses.

Section 2: In regards to CUP 16-124, the Planning Commission finds that:

- 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 the Zoning Ordinance, in that the use meets all zoning standards for commercial businesses such as hours of operation, noise limitations, occupancy limits, sign requirements, requirements to maintain all business activities within an enclosed building, and parking requirements, subject to a reasonable accommodation waiving the strict application of the parking standards to facilitate the provision of treatment services to people in recovery from alcohol and substance abuse, as required by the Federal Fair Housing Act, the Americans with Disabilities Act and the California Fair Employment and Housing Act. The project complies with the San Clemente General Plan, in that the proposed use is consistent with the General Plan's goals for the Camino De Los Mares Focus Area to encourage the expansion of medical office-related uses and group counseling service uses that meet needs of the City and are compatible with surrounding properties and neighborhoods, as identified in the following General Plan Goals and Policies:
1. Land Use Element Primary Goal No. 2, which states that the goal of the Land Use Element is to provide "distinct and vibrant commercial and industrial areas offering a range of retail, service and employment uses that complement rather than compete with one another," in that the use proposed provides employment and service uses and is in keeping with this policy.
 2. *Land Use Element Camino De Los Mares Focus Area Policy LU-7.01*, which states, "Commercial Areas. We support the continuation and enhancement of commercial centers that meet the needs of community residents, are compatible with adjacent residential neighborhoods, and are well-maintained," in that this use is allowed in the zone with a Conditional Use Permit and meets community needs for health care services in the City.
 3. *Land Use Element Camino De Los Mares Focus Area Policy LU-7.02*, which states that, "Medical Office Uses. We support the expansion of health care facilities and related medical offices that are consistent with the Land Use Plan and Zoning Code and are compatible with surrounding neighborhoods," in that The proposed use provides rehabilitative and treatment services for people suffering from alcohol and drug addiction. The CC 4 zone is identified as a Hospital-support zone, where this type of use is encouraged as part of a health-services intensive Focus Area.

- B. The site is suitable for the type and intensity of development that is proposed, in that:
1. The site has parking to support the various uses on the property according to the Zoning Ordinance, pursuant to the allowances provided to uses nonconforming to parking requirements and the reasonable accommodation provided in exchange for the use of the business-provided patient van-pooling, and the parking agreements currently recorded against this property and the surrounding properties.
 2. The project is conditioned to ensure that all businesses in the area have sufficient parking available during hours of operation of the proposed use. The site's current parking deficit will not be functionally increased by the proposed use because the use of the group transportation effectively makes the nine clients' impact similar to that of one client. Assuming very little difference in staffing levels between medical office uses and group counseling uses, the project's impact to parking is negligible. Thus, the requested accommodation to waive the strict application of the Zoning Ordinance parking standards is reasonable in this scenario.
 3. The project is conditioned to require that patients are transported as a group by a passenger vehicle provided by Spencer Recovery Center, ensuring that the impact on parking is minimal as patients involved in group counseling are not individually providing their own transportation, and using parking while receiving treatment. Furthermore, the reasonable accommodation exempting the business from the strict adherence to the City's parking standards due to this condition provides a benefit to the center as a whole as this use will use less parking than a similarly sized by-right use, such as medical office, where customers provide their own transportation.
 4. The proposed use is an activity that, as conditioned in Exhibit 1, is compatible with similar commercial uses in terms of noise, vibration, parking and occupancy.
- C. The proposed use 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:
1. The site has parking to support the various uses on the property according to the Zoning Ordinance, pursuant to the allowances provided to uses nonconforming to parking requirements and the reasonable accommodation provided in exchange for the use of the business-provided patient van-pooling, and the parking agreements currently recorded against this property and the surrounding properties, to ensure that all businesses in the area have sufficient parking available during their peak hours of operation.
 2. The proposed use is in an area intended for a range of uses and the group counseling use will not negatively affect the operations of businesses in the surrounding area, such as office, restaurant, and retail uses because the

group counseling use is sufficiently conditioned, as specified in Exhibit 1, to ensure that the operations of the business are of a similar impact to surrounding businesses in terms of noise, vibration, parking and occupancy. The closest residence is located approximately 60 feet from the subject property, separated by a steep landscaped slope, and is not likely to be directly affected by the operations of the proposed use anymore than it would by the existing medical office uses on the site.

3. The group counseling sessions would be conducted during the hours of operation of a typical medical office, with a maximum of nine patients at any time. The applicant's proposed schedule accommodates one group at the subject suite per day, so no breaks are necessary as are typically required when there is a potential for groups to overlap. However, to provide flexibility to the business to adjust the proposed schedule in the future, a condition of approval requiring minimum breaks between group counseling sessions that involve different groups of people is included. This 30-minute separation between different groups' counseling sessions provides sufficient time for one group to leave prior to another group arriving, so that an overlap of patients may be avoided.
 4. The group counseling sessions are to occur indoors and the project is conditioned to require that patients not be allowed to loiter on the property more than 10 minutes before or after their treatment program begins or ends.
- D. The proposed use will not negatively impact surrounding land uses because the proposed use is in an area intended for a range of uses and the group counseling use will not negatively affect the operations of businesses in the surrounding area, such as office, restaurant, and retail uses because the group counseling use is sufficiently conditioned, as specified in Exhibit 1, to ensure that the operations of the business are of a similar impact to surrounding businesses in terms of noise, vibration, parking and occupancy. The closest residence is located approximately 60 feet from the subject site up a steep landscaped slope, and is not likely to be directly affected by the operations of the proposed use.

Section 3: The Planning Commission hereby approves CUP 16-124, Spencer Recovery Center Group Counseling, 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 February 8, 2017.

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 February 8, 2017, 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 16-124,
Spencer Recovery Center Group Counseling**

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. Conditional Use Permit (CUP) 16-124 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.)_____

4. A use shall be deemed to have lapsed, and CUP 16-124 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.)_____
5. The owner or designee shall have the right to request an extension of CUP 16-124 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.)_____
6. 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.)_____
7. Prior to the issuance of any necessary 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 Assurance Program]* (PIng.)_____(Bldg.)_____
8. The 680 square-foot commercial suite (identified as Suite 105C) occupied by Spencer Recovery Center shall be limited to a maximum occupancy of nine (9) patients/clients and three (3) employees at any time. ■■(PIng.)_____
9. All commercial activities, including, but not limited to group counseling and private individual counseling, shall only be permitted indoors within the subject suite, Suite 105C located at 665 Camino De Los Mares. ■■(PIng.)_____
10. For the purposes of this CUP and these conditions of approval, a "block program" shall be defined as a group of recovery/treatment services provided in succession to a group of patients/clients within a three-hour period (such as group counseling and individual counseling). All of the patients/clients shall remain in all of the recovery/treatment services provided in a single block program. No separation shall be required between the recovery/treatment services included in a single block program. ■■(PIng.)_____
11. To ensure compliance with the parking requirements, all group counseling sessions shall be scheduled so that there is always a minimum break of at least 30 minutes between the end of one session and the beginning of the next, except that no minimum separation is required for group counseling sessions within the same block program (as defined in condition of approval No. 9). ■■(PIng.)_____
12. To ensure compatibility with the parking agreements currently recorded on this property, and the City's parking requirements, a reasonable accommodation exempting Spencer Recovery Center from the strict adherence to the parking

standards is provided predicated on the requirement that all patients and clients, up to a maximum of five, participating in any particular group counseling session in Suite 105C at 665 Camino De Los Mares are transported to and from the subject property by a single passenger vehicle provided by Spencer Recovery Center. It is anticipated that this vehicle would be parked at the property during the group counseling sessions, and will thereby represent the only vehicle parked on the subject site used for transporting group counseling patients and clients. No group counseling patients or clients shall be allowed to independently drive themselves and park their vehicles at the subject site. ■■(PIng.)_____

13. To ensure that the group counseling use is compatible with surrounding commercial properties, the applicant shall be responsible to ensure that no patients/clients are allowed to loiter on the property for more than 10 minutes prior to, or after, or anytime during, receiving any treatment services at Spencer Recovery Center. When patients/ clients are transported to and from the site by the company, or a contracted transportation provider, all pick-ups and drop-offs shall occur within 15 minutes of the beginning or end of any treatment program. The applicant shall ensure that patients/clients do not smoke on the property, until such time that a designated smoking area is provided, and in a location approved by both the building owners' association and the Community Development Director. ■■(PIng.)_____

14. The reasonable accommodation provided to Spencer Recovery Center waiving the strict application of the Zoning Ordinance's parking standards is provided, as required by the Federal Fair Housing Act, the Americans with Disabilities Act and the California Fair Employment and Housing Act, to help facilitate rehabilitative and treatment services to people in recovery from alcohol and substance abuse. CUP 16-124, approved in part due to the reasonable accommodation, shall remain valid, running with the land, for such time as the group counseling use remains only for addiction treatment services to people in recovery from alcohol, drug and related substance abuse. CUP 16-124 shall not apply to, nor shall it permit, any change to the type of patients/clients receiving group counseling treatment, such as a change to diet/nutrition counseling, marriage and family counseling, financial counseling, etc., because the reasonable accommodation would no longer apply, and thus the required findings for the approval of CUP 16-124, specified in Resolution PC 17-007, would no longer be met. ■■(PIng.)_____

15. 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 February 8, 2017, 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.)_____

16. Window and banner signage is not part of this review. Window or banner signage shall comply with Zoning Ordinance Table 17.84.030A & Section 17.84.030(H), and any applicable Master Sign Programs. *[Citation - Section 17.16.240.D of the SCMC]* (Code Enforce.)_____ (PIng.)_____
17. 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]* (Build.)_____

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

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



LOCATION MAP

Conditional Use Permit 16-124, Spencer Recovery Center
665 Camino De Los Mares, Suite 105C



ATTACHMENT 3

Parking Analysis

Floor	Suite	Square Footage	Current Business Type	Parking Ratio	Req'd Parking
1		12,600			
	100 B	1215	Medical	200	6.08
	100 C	1676	Medical	200	8.38
	101	1701	General Office	300	5.67
	102	4096	medical	200	20.48
	103	1702	General Office	300	5.67
	104	1400	Medical	200	7.00
	105B	230	Counseling/Medical	200	1.15
	105C	680	Counseling/Medical	200	3.4
2		13,100			
	200	1100	Medical	200	5.50
	201	1150	Medical	200	5.75
	202	900	Medical	200	4.50
	202 A	1800	Medical	200	9.00
	203	1700	Medical	200	8.50
	203B	500	Medical	200	2.50
	204	993	Medical	200	4.97
	205	1605	Medical	200	8.03
	206	850	Medical	200	4.25
	207	950	Medical	200	4.75
	208	850	Medical	200	4.25
	210	702	Medical	200	3.51
3		10,780	Medical	200	
	301	1030	Medical	200	5.15
	302	900	Medical	200	4.50
	303A	3180	Medical	200	15.90
	304	600	Medical	200	3.00
	305	700	Medical	200	3.50
	306	2251	General Office	300	7.50
	309	2120	Medical	200	10.60
	665 Bldg Total				173.48
	653/655/657 Bldgs	48369	Medical	200	241.85
			Total Parking		415.33
			Total Provided		288
			Surplus (deficiency)		(127.33)

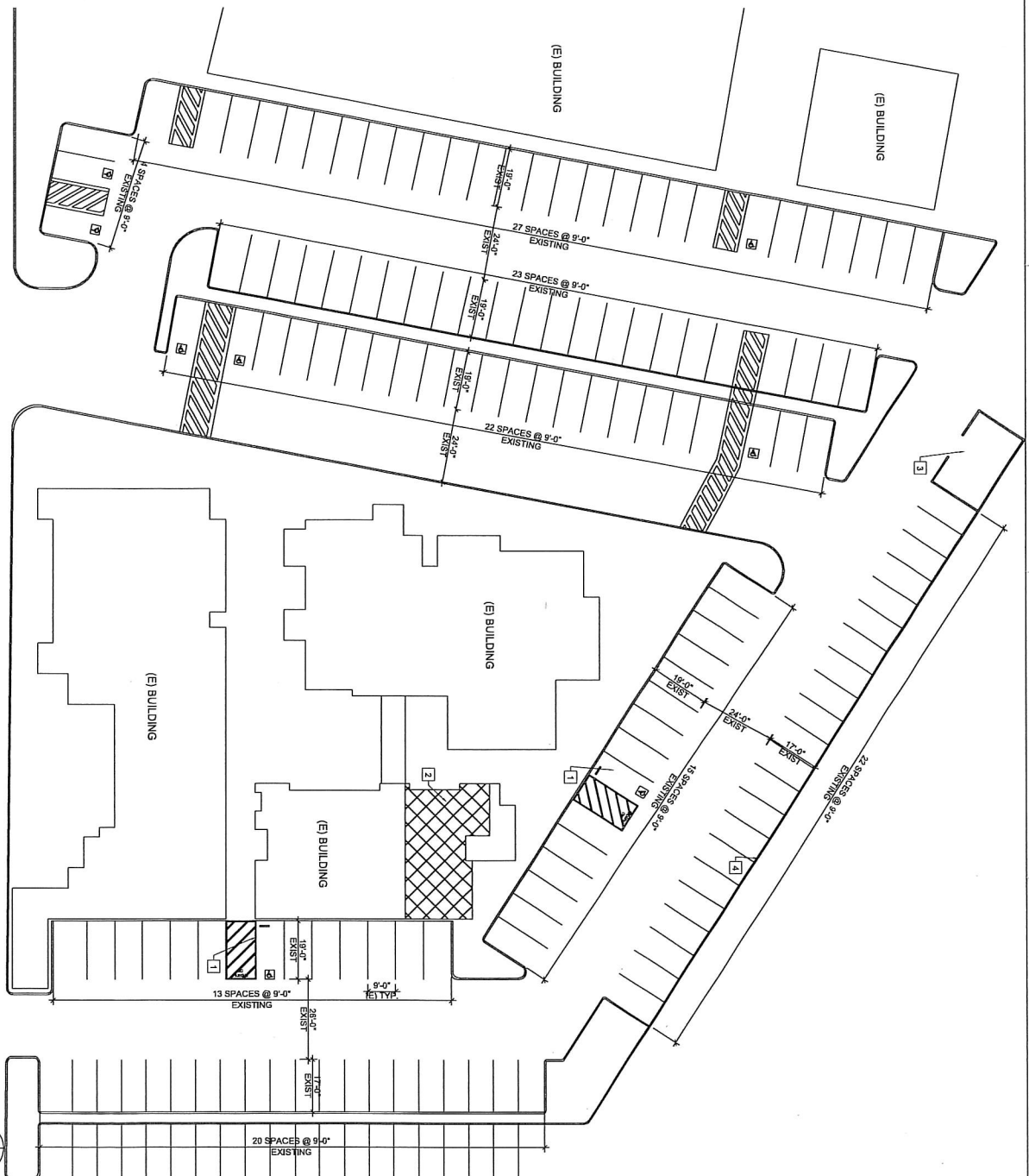
ATTACHMENT 4

Spencer Recovery Centers Client Schedule - IOP

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
8:00 - 9:00 a.m. Daily Check-In / Process						
9:00 - 10:00 a.m. Education Group / 12 Step / Book Study	9:00 - 10:00 a.m. Education Group / 12 Step / Lifeline	9:00 - 10:00 a.m. Education Group / 12 Step	9:00 - 10:00 a.m. Education Group / 12 Step	9:00 - 10:00 a.m. Relapse Prevention	9:00 - 10:00 a.m. Education Group / 12 Step / Book Study	9:00 - 10:00 a.m. Education Group / 12 Step / Step I, II, III
10:00 - 11:00 a.m. Process / Small Group	10:00 - 11:00 a.m. Process / Small Group / Book Study	10:00 - 11:00 a.m. Process / Small Group	10:00 - 11:00 a.m. Process / Small Group	10:00 - 11:00 a.m. Process / Small Group	10:00 - 11:00 a.m. Family Group	10:00 - 11:00 a.m. Process / Small Group

OVERALL SITE PLAN

CAMINO DE LOS MARES



KEY NOTES

- 1 EXISTING ACCESSIBLE PARKING
- 2 EXISTING PRONKER RECOVERY CENTERS - ADJUTING
- 3 EXISTING THRU DRIVEWAY
- 4 EXISTING RETAINING WALL

IDN KNY
architects

15371 Bonanza Way, Ste. 400
Beverly Hills, CA 90216
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PROJECT ARCHITECTS
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Spencer
Recovery Centers

Conditional Use P.

655 Camino De Los Mares
Suite 105 C
San Clemente, CA 92673

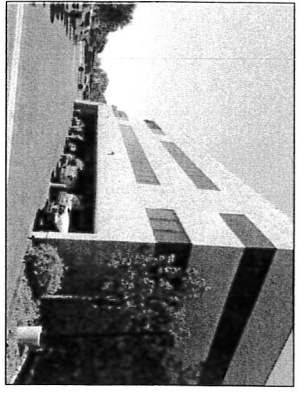
OVERALL SITE PLAN

DATE: 10/1/10
DRAWN BY: J. L. GARDNER
CHECKED BY: J. L. GARDNER
PROJECT NUMBER: 101010

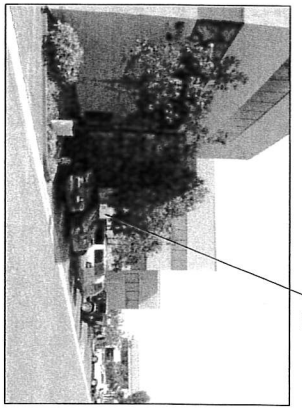
A-0.1

KEY NOTES (PLEASE WRITE PERMANENTLY TO THIS SHEET ONLY)

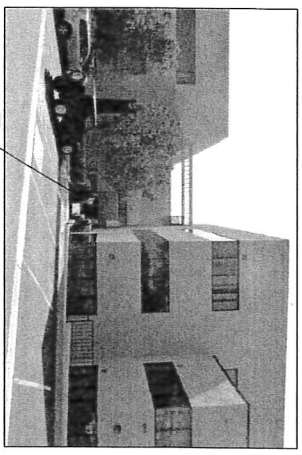
- 1 WALKWAY TO SUITE 105C
- 2 SUITE 105C



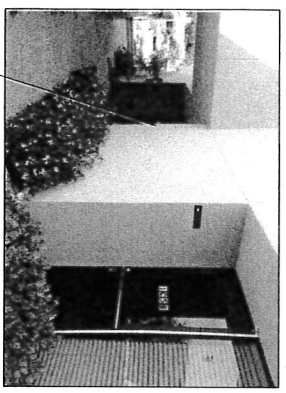
EAST SIDE OF BUILDING



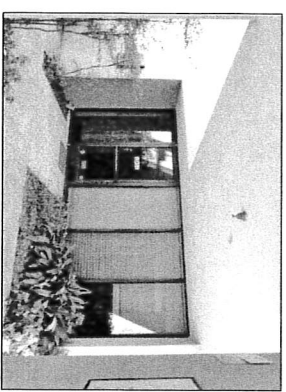
REAR OF BUILDING



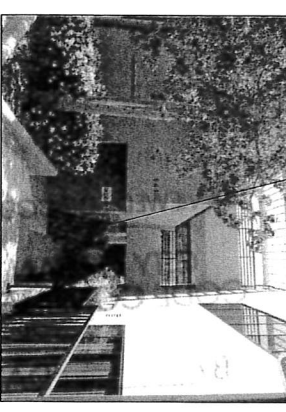
REAR OF BUILDING



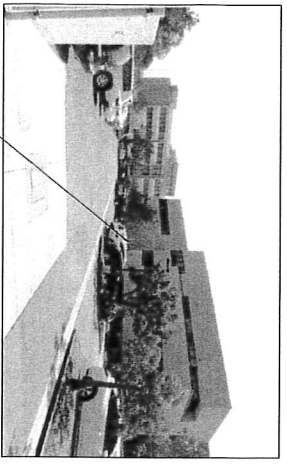
ENTRY TO SUITE 105B



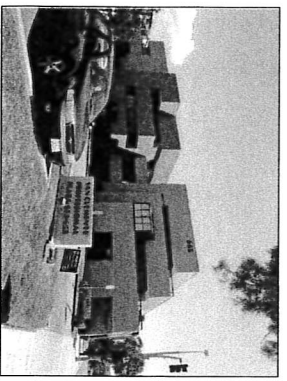
ENTRY TO SUITE 105C



WALKWAY TO SUITE 105C



REAR OF BUILDING



WEST SIDE OF BUILDING



STREET ENTRY TO BUILDING
ON CAMINO DE LOS MARES

Confidential Use Per

665 Camino De Los Mares
Suite 105 C
San Clemente, CA 92673

EXISTING PHOTOS

DATE: 10/14/10
DRAWN BY: JLD
CHECKED BY: JLD
SCALE: AS SHOWN

A-3.0

Spencer
Recovery Centers

ISSUES / REVISIONS
REV. DATE DESCRIPTION
03/11/10 Planning CIP Submitted