Planning Commission
Agenda Item

May 20, 2013

TO: **Chair Steiner and**
Members of the Planning Commission

THRU: **Leslie Aranda Roseberry**
Planning Manager

FROM: **Robert Garcia**
Associate Planner

SUBJECT

PUBLIC HEARING: Conditional Use Permit 2900-13 – Work It Cardio, located at 665 N. Tustin Avenue, Unit T.

SUMMARY

The applicant proposes a fitness studio for instructional group classes in a commercial center. A Conditional Use Permit is required for the instructional use.

RECOMMENDED ACTION

Adopt Planning Commission Resolution No. PC 23-13 entitled:

> **A RESOLUTION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT 2900-13 ALLOWING A 3,000 SQUARE FOOT FITNESS STUDIO AS AN INSTRUCTIONAL USE AT 665 N. TUSTIN AVENUE, UNIT T**

AUTHORIZATION/GUIDELINES

Orange Municipal Code (OMC) Sections 17.10.030.C and Table 17.14.030 authorizes the Planning Commission to review and take final action on requests to establish a private instructional school.

PUBLIC NOTICE

On May 9, 2013, the City sent a Public Hearing Notice to a total of 256 property owners/tenants within a 300-foot radius of the project site, and persons specifically requesting notice. The project site was also posted in two locations with the notification on that same date.

ENVIRONMENTAL REVIEW

Categorical Exemption: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15301 (Class 1 – Existing Facilities) because the project includes no expansion of the existing building. There is no environmental public review required for a Categorical Exemption.

PROJECT BACKGROUND

Applicant:	Work It Cardio – Brandye Bordelon
Property Owner:	Louie A. Lipset - Sutter Tustin LLC
Property Location:	665 N. Tustin Avenue, Unit T
Existing General Plan Land Use Element designation:	GC (General Commercial)
Existing Zoning Classification:	C-1 (Limited Business)
Old Towne:	No
Redevelopment Project Area:	Yes
Specific Plan/PC:	No
Site Size:	30,750 square feet
Circulation:	The site is located on the east side of Tustin Street an Augmented Primary Arterial with an ultimate right-of-way of 100 feet. The site is served by two driveway entrances on Tustin Street.
Existing conditions:	The site is currently improved with a retail shopping center consisting of 30,400 square feet.
Surrounding land uses and Zoning:	North: C-1 (Limited Business) East: R-3-A (Residential Multiple Family Single Story Overlay) South: C-1 (Limited Business) West: C-1 (Limited Business)
Previous Applications/Entitlements:	Initial construction of retail center was permitted by the City of Orange in 1986. On August 6, 1992, the Zoning Administrator approved CUP 1980 to allow the on-site sale of beer and wine in a 4,300 square foot restaurant (currently Taste of Sicily) in unit F. On November 15, 1993, the Planning Commission approved CUP 2041, to allow the upgrade of the alcohol license to on-site general sales and to expand the restaurant by 1,500 square feet for a billiard room. On February 24, 1994, the Planning Commission approved a request which allowed the 1,500 square foot expansion area to be used for billiards or dancing and live entertainment, but not for both. On November 2, 1998, the Planning Commission approved CUP 2255 to allow the expansion of 1,700 square foot

	expansion to the restaurant to include amusement devises and optional banquet facilities. On October 18, 2010, the Planning Commission approved CUP 2796 to allow a 1,800 SF martial arts school in Unit Q.

PROJECT DESCRIPTION

The applicant, Work It Cardio, proposes to open a fitness studio with instructional group classes. The total square footage of the suite is 3,000 SF. Classes will be held Monday through Friday from 5:00 PM to 8:00 PM. On Saturday from 9:00 AM to noon. On Sunday from 9:00 AM to 11:00 AM. Classes will consist of one instructor and a maximum of 20 students. The applicant is proposing 30-minute gaps between classes. Classes would run for one hour.

Development Standards

	Required	**Proposed**	**Code Section**
Building Height	N/A Existing Building	N/A Existing Building	
Distance between structures	N/A Existing Building	N/A Existing Building	
Fence height	N/A	N/A	
Floor Area Ratio (FAR)	N/A Existing Building	N/A Existing Building	
Landscaping (non-residential)	N/A	N/A	
Loading area (non-residential)	N/A	N/A	
Lot frontage	N/A	N/A	
Lot depth	N/A	N/A	
Parking (non-residential)	152	146 (existing)	17.34.060
Setback, Front	N/A Existing Building	N/A Existing Building	
Setback, Rear	N/A Existing Building	N/A Existing Building	
Setback, Side	N/A Existing Building	N/A Existing Building	
Setback, Side	N/A Existing Building	N/A Existing Building	

APPLICATION(S) REQUESTED/ REQUIRED FINDINGS

Conditional Use Permit: The applicant is requesting a Conditional Use Permit for a fitness studio with instructional group classes in a Commercial zone.

Required Findings:

1. A Conditional Use Permit shall be granted upon sound principles of land use and in response to services required by the community.
2. A Conditional Use Permit shall not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.
3. A Conditional Use Permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is located.
4. A Conditional Use Permit, if granted, shall be made subject to those conditions necessary to preserve the general welfare, not the individual welfare of any particular applicant.

ANALYSIS/STATEMENT OF THE ISSUES

Issue 3: Shopping Center Parking

OMC Section 17.34.030 Table B requires parking for a shopping center with more than 25,000 SF on a sliding scale. In this case, the required parking is 5/1,000 of Gross Floor Area (GSF), with the exception of higher parking demand uses such as restaurants with square footage in excess of 15%, gyms, and instructional uses. The required parking spaces for this 30,400 SF shopping center is 152 parking spaces. The shopping center has 142 parking spaces, which is considered under parked by 10 parking spaces. Staff researched the previous entitlements and building permits for the shopping center. Based on the information that staff found the shopping center has constructed with 144 parking spaces and has lost 2 spaces due to required ADA upgrades.

Issue 2: Instructional Use

OMC Section 17.34.060, Table 17.34.060.B does not provide a parking ratio for instructional fitness studios. Section 17.34.070 of the OMC authorizes the Community Development Director (CDD) to determine the parking requirements for a use that is not particularly specified in the parking section of the code. Staff has discussed proposals such as martial arts studios, yoga studios, and fitness studios with the CDD in the past. Because of the nature of the dance schools to other similar type instructional uses, the CDD has determined that the parking standards for colleges and universities are the most applicable and appropriate for the dance school. This standard provides that 4 parking spaces are required for every 10 students, and 1 space is required per employee. Based on this the required number of parking spaces for the instructional fitness studio use 10 parking spaces would be required. If the use were to remain retail in nature, the required number of parking spaces would be 15 parking spaces. The proposed use would reduce the required number of parking spaces; therefore, staff is in support of the requested use.

ADVISORY BOARD RECOMMENDATION

N/A

ATTACHMENTS/EXHIBITS

Attachments:

1. Planning Commission Resolution No. PC 23-13
2. Vicinity map
3. Class schedule (classes subject to change)
4. Parking Analysis

Exhibits:

A. Plans label dated May 20, 2013

Cc: Work It Cardio
c/o Brandye Bordelon
665 N. Tustin Avenue, Unit T
Orange CA 92867