

PC ATTACHMENT 1

RESOLUTION NO. PC 2024-_____

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF LAKE FOREST, CALIFORNIA
APPROVING USE PERMIT 05-24-5702 TO OPERATE A
GOLF TRAINING FACILITY AT 26834 VISTA TERRACE**

WHEREAS, on April 30, 2024, Leslie Bai of Yoyo Golf, filed an application for a Use Permit to operate a baseball training facility in an existing tenant space at 26834 Vista Terrace, Lake Forest, CA; and

WHEREAS, the proposed golf training facility meets the definition of an “indoor athletic facility” in Section 9.04 of the Lake Forest Municipal Code; and

WHEREAS, the property is zoned Light Industrial (M1), and is regulated by the Lake Forest Municipal Code ("LFMC"), which permits indoor athletic facility uses in the Light Industrial zone subject to Planning Commission approval of a Use Permit; and

WHEREAS, the Director of Community Development has reviewed the project's potential effects on the environment and has recommended that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article 19, *Categorical Exemptions*, Sec. 15301, Class 1: *Existing Facilities*, of the CEQA Guidelines; and

WHEREAS, on June 27, 2024, the City gave notice of a Planning Commission public hearing by advertisement in a newspaper of general circulation, and on June 27, 2024, the City mailed notices to owners of all properties located within 300 feet of the project site, and sent notices to all property owners within the Vista Terrace Business Park; and

WHEREAS, on July 11, 2024, the Planning Commission conducted a duly noticed public hearing to consider Use Permit 05-24-5702 for a golf training facility at 26834 Vista Terrace, at which interested persons had an opportunity to testify in support of, or opposition to the request, and at which the Planning Commission considered the application; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LAKE FOREST DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1. FINDINGS. The Lake Forest Planning Commission hereby finds, based on consideration of the whole record before it, as follows:

1. General Plan Consistency: The use or project proposed is consistent with the General Plan.

The subject property is designated Light Industrial by the General Plan Land Use Map. The General Plan designation provides for a variety of light industrial uses that are non-polluting, and which can co-exist with surrounding land uses. Other uses that are determined to be compatible with primary uses may also be allowed. Indoor athletic facilities are allowed, with entitlements, under each of these land use designations. Accordingly, the proposed golf training facility is consistent with the Light Industrial designation. The proposed golf training facility is also consistent with General Plan Policy HW-2.1, which encourages to the City to "Support healthy lifestyles among residents by increasing opportunities for a variety of regular physical activities for people of all ages." Therefore, UP 05-24-5702 is consistent with the City's General Plan.

2. Zoning Code: The use, activity, or improvement(s) proposed by the application is consistent with the provisions of the Zoning Code.

The proposed project site is zoned M1, Light Industrial. Based on the business operation, staff has determined that the golf training facility is considered an "Indoor Athletic Facility" in the City's Zoning Code. Indoor athletic facilities are allowed in this zoning district with Planning Commission approval of a Use Permit. In addition, the applicant is proposing 446 square feet of accessory retail sales (snack bar and golf-related merchandise), which is 6% of the floor area. The proposed retail sales are allowed as an accessory use in the M1 zoning district because it is less than 15% of the total floor area, as required by the Code. With the approval of this Use Permit, the project is in compliance with all applicable zoning code requirements, including parking.

The City's Municipal Code does not have a specific parking requirement for the proposed indoor athletic training facility. However, pursuant to Section 9.168.070 (b) of the City's Municipal Code, if no provisions for the required

number of off-street parking spaces are set forth in these regulations, or the provisions are not clear for any specific use or uses, an appropriate parking standard may be determined. Based on the operational characteristics of the business, staff is proposing a parking ratio of 1 parking space for every student/instructor/employee. This conservative parking ratio assumes every student, instructor and employee at the business drives a separate vehicle. Therefore, based on the 24 allocated parking stalls for the tenant space and the proposed golf training facility parking requirement, the facility would allow 24 students/instructors/employees at the facility at any one time. In addition, conditions of approval have been included with this project to ensure the parking at the site will be adequate. Therefore, with the approval of this Use Permit, as conditioned, the project is in compliance with all applicable Zoning Code requirements.

3. CEQA: The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act.

The proposed project is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Article 19, Categorical Exemptions, Sec. 15301, Class 1: Existing Facilities, of the CEQA Guidelines. This exemption applies to the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures involving negligible or no expansion of use. A Notice of Exemption has been prepared and will be filed with the Orange County Clerk-Recorder in accordance with the provisions of CEQA.

4. Compatibility: The location, size, design, and operating characteristics of the proposed use will not create significant noise, traffic, or other conditions or situations that may be objectionable, detrimental, or incompatible with other permitted uses in the vicinity.

The Vista Terrace Business Park is surrounded by other light industrial buildings and is over 1,000 feet away from any residentially zoned properties. The business park contains various office, light industrial businesses, and an indoor commercial recreation use. The business meets the City's parking requirements and the operation of a golf training facility is not expected to generate traffic, noise, odors or other detrimental impacts at levels inconsistent with surrounding businesses. Additionally, the peak hours of operation of the proposed golf training facility are when some of the office and light industrial businesses are closed in the business park. As such, it is anticipated that the proposed golf training facility will be compatible with the other businesses in the business park. Accordingly, the City's analysis of the

project impacts and operating characteristics, as conditioned, did not identify any other conditions that may be objectionable, detrimental, or incompatible with the surrounding uses.

5. General Welfare: The application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

The use, as conditioned, will comply with all applicable State, County, and City design, building, and other safety-related laws, codes, and regulations, including, but not limited to, the California Building Code and California Fire Code. Furthermore, the proposed use has not been designated as a hazardous or ultra-hazardous use. Accordingly, the project will not result in any conditions or circumstances contrary to the public health and safety, or the general welfare.

6. Development Fees for Provision of Public Facilities:

The proposed use will not provide for development of a project which would contribute to the need for a public facility for which a fee is required. Therefore, no public facilities development fee will be collected in conjunction with the approval of the Use Permit.

7. City Design Guidelines: The project has been reviewed in accordance with the Citywide Design Guidelines and is consistent with the purpose and intent of the Guidelines.

The project does not include any modifications to the site or exterior of the building subject to compliance with the Citywide Design Guidelines.

SECTION 2. PLANNING COMMISSION ACTIONS. The PLANNING COMMISSION hereby takes the following actions:

1. Approves a categorical exemption for the project under CEQA Guidelines Section 15301, Class 1 – Existing Facilities, and directs the Director of Community Development to prepare and file with the Clerk-Recorder for the County of Orange a Notice of Exemption pursuant to the provisions of Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062.

A copy of the exemption notice shall be kept on file and available for public review at Lake Forest City Hall, 100 Civic Center Drive, Lake Forest, CA 92630.

2. Approves Use Permit 05-24-5702 to operate a golf training facility at 26834 Vista Terrace, subject to the following conditions:

CONDITIONS OF APPROVAL:

Use Permit 05-24-5702

The following Conditions of Approval shall apply to the applicant for the permit and/or owner of the property, whichever is appropriate for the condition.

1. **INDEMNIFICATION:** The applicant shall indemnify, protect, defend, and hold the City, and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and other such procedures), judgments, orders, and decisions (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or concerning the project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Community Redevelopment Law, Code of Civil Procedure Sections 1085 or 1094.5, or any other federal, state, or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.
2. **Expiration:** Use Permit 05-24-5702 shall expire 24 months from the date of this approval if either building permits for the project have not been issued or if the use has not been established and an extension of time has not been approved by the Director of Community Development. (PLNG)

The use shall be operated and maintained in substantial conformance with the following:

3. The maximum capacity of the building will be set at 24 students/instructors/employees in the building at any given time.
4. If at any time the Director of Community Development determines that on-site parking does not accommodate the project's parking demand, the applicant shall initiate measures, such as adjusting the facility's schedule, or limiting the number people at the facility to rectify the parking shortage. Any parking measure is subject to approval by the Lake Forest Planning Commission. (PLNG)
5. The applicant shall obtain any applicable building permits for the change of occupancy of the tenant space to accommodate the golf training facility. (BLDG)
6. The business shall comply with City's Noise Ordinance (Chapter 11.16 of the Lake Forest Municipal Code). (PLNG)
7. All business activities shall be conducted within the interior of the building. (PLNG)
8. The doors shall remain closed during golf training. (PLNG)
9. The project shall be operated in substantial conformance with the project description and plans approved by the Lake Forest Planning Commission on July 11, 2024, and on file with the Community Development Department. determined by the Director of Community Development. (PLNG)

PASSED, APPROVED AND ADOPTED this 11th day of July, 2024, by the following vote, to wit:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAINED: COMMISSIONERS

JORDAN VILLWOCK
CHAIR
LAKE FOREST PLANNING COMMISSION

DATE

ATTEST:

GAYLE ACKERMAN, AICP
DIRECTOR OF COMMUNITY DEVELOPMENT

DATE