

# **PC Attachment 1**

**RESOLUTION NO. PC 2020-\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING USE PERMIT 06-20-5360 TO OPERATE A 3,200 SQ.-FT. MEMBER-ONLY GROUP FITNESS-TRAINING FACILITY (TRAIN-X WELLNESS CENTER) IN AN EXISTING TENANT SPACE AT 21088 BAKE PARKWAY, UNIT 108, LAKE FOREST, CALIFORNIA.**

WHEREAS, on June 15, 2020, Andrew Goldstein, Train-X Wellness Center, LLS, filed an application for a Use Permit to operate a 3,200 sq.-ft. fitness-training and chiropractic care facility at 21088 Bake Parkway, Unit 108, Lake Forest, CA; and

WHEREAS, the property is zoned Business Park and regulated by the Lake Forest Municipal Code which permits instructional studios in Business Park zones subject to approval of a Use Permit application; 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 July 16, 2020, the City gave notice of a Planning Commission public hearing by advertisement in a newspaper of general circulation, and on July 16, 2020 the City mailed notices to owners of all properties located within 300 feet of the project site property lines; and

WHEREAS, on August 6, 2020, the Planning Commission conducted a duly-noticed public hearing to consider Use Permit 06-20-5360 for a fitness-training and chiropractic care facility at 21088 Bake Parkway, Unit 108, 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 project site is designated Business Park on the General Plan Land Use Map. This designation provides for provides opportunities for a mixture of all those uses allowed under the Commercial, Professional Office, and Light Industrial land use designations. Approval of the proposed use is also consistent with General Plan Policy HW-2.1: Support healthy lifestyles among residents by increasing opportunities for a variety of regular physical activities for people of all ages. Accordingly, the proposed fitness-training and chiropractic care facility is consistent with the 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 project site is located within the Pacific Commercentre Planned Community (PCPC) – Industrial zone. Instructional studios are a permitted use in this zone with approval of a Use Permit, pursuant to LFMC Section 9.72.090(A). The use, as conditioned, also complies with all other applicable land use regulations and development standards including, but not limited to, off-street parking requirements. Accordingly, the project is consistent with the provisions of the City's Zoning Code.*

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 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 proposed use will be established within an existing building in an existing business park occupied for various uses of similar character and*

*intensity. Additionally, based on a parking assessment, the use will not generate a demand for parking in excess of the off-street parking supply or otherwise result in adverse parking-related impacts. Furthermore, the use will not generate traffic, noise, pollution, or other conditions at levels that may be objectionable or inconsistent with its business park zoning and surrounding land uses. Accordingly, the use will not substantially alter the character of the existing facility or render the subject property incompatible with surrounding properties.*

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 training and chiropractic care facility 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 necessitating 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 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 the City of Lake Forest City Hall, 100 Civic Center Drive, Lake Forest, CA 92630.

2. Approves Use Permit 06-20-5360 to operate a fitness-training and chiropractic care facility at 21088 Bake Parkway, Unit 108, subject to the following conditions:

**CONDITIONS OF APPROVAL:**

**Use Permit 06-20-5360**

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. Prior to tenant improvement at the subject suite, a building permit shall be obtained from the Community Development Department. The tenant space

shall be improved in substantial conformance with the plans approved by the Planning Commission on August 6, 2020 and on file with the Community Development Department. Any modifications deemed substantial by the Director of Community Development may be subject to Planning Commission review and approval.

3. The use shall be operated and maintained in substantial conformance with the applicant's project narrative received and dated July 7, 2020 and the plans received and dated June 30, 2020.
4. The combined number of employees, including chiropractic staff, and students on the premises at any one time shall be limited to 12.
5. A 15-minute minimum interval shall occur between the end of each class and the start of the next class.
6. The chiropractic component of the business shall be operated consistent with the *accessory use* definition in the Lake Forest Municipal Code. Chiropractic care shall be administered only by California-licensed chiropractors, by no more than one chiropractor at time, only to Train-X Wellness Center members, and only on an appointment basis.

PASSED, APPROVED AND ADOPTED this 6<sup>th</sup> day of August, 2020, by the following vote, to wit:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAINED: COMMISSIONERS

\_\_\_\_\_  
FRANCISCO BARAJAS  
CHAIR  
LAKE FOREST PLANNING COMMISSION

ATTEST:

\_\_\_\_\_  
GAYLE ACKERMAN, AICP  
DIRECTOR OF COMMUNITY DEVELOPMENT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE