



## Agenda Report

19-1282

Agenda Date: 12/11/2019

### REPORT TO PLANNING COMMISSION

#### SUBJECT

Public Hearing: Action on a Use Permit for a proposed spa at 2908 El Camino Real

#### REPORT IN BRIEF

Project: Use Permit to allow a spa within an existing commercial building

Applicant: Jimmy Chang

Owner: FCL, Inc.

General Plan: Community Mixed-use

Zoning: Thoroughfare Commercial (CT)

Site Area: 15,820 square foot interior tenant space

#### Surrounding Land Uses:

North: Commercial uses across El Camino Real

South: Single-family residential

East: Commercial uses

West: Commercial uses

Issues: Consistency with the City's General Plan and Zoning Ordinance

Staff Recommendation: Adopt the resolution approving the Use Permit, subject to conditions of approval

#### BACKGROUND

On September 23, 2019, the applicant, Jimmy Chang, on behalf of the property owner, FCL, Inc., applied for a Use Permit for a spa at 2908 El Camino Real. Originally the use permit request included 24-hour operations; however, the application was modified for hours of operation from 6 a.m. - 10 p.m. in accordance with the Police Department review of the use and recommendation.

The property encompasses 1.92 acres and contains two buildings on site with shared parking. The subject building is located on the rear portion of the property with limited visibility from El Camino Real. The existing 22,896 square-foot retail building was constructed in 2017 and includes four tenant spaces. The subject spa would occupy a 4,560 square-foot portion of the first floor and the entire 11,260 square-foot second floor. The other tenant spaces in this building are currently unoccupied.

#### DISCUSSION

The proposed spa (Bay Spa + Health Center) is a communal facility that does not offer personal spa treatments or massage. The co-ed common areas include four self-service rooms (mud room, clay room, salt room, and ice room) on the first floor and lounge and business center areas on the second floor. In the common co-ed areas, patrons are required to wear clothing (shorts and shirt) provided

by the spa. The locker rooms, which include shower facilities and saunas, are separated by sex and located on the second floor. As noted above, hours would be limited to 6 a.m. - 10 p.m. daily.

#### Consistency with the General Plan

The subject property has a General Plan designation of Community Mixed Use, which is a combination of the Community Commercial and Medium Density Residential designations and is intended to encourage a mix of residential and commercial uses along major streets. Under the pending El Camino Real Specific Plan, the land use designation is proposed to remain the same, with residential land uses only required upon redevelopment of the property. The project was also found to be consistent with the following Commercial Land Use Policy:

- 5.3.3 P1: Provide a mix of retail and commercial uses to meet the needs of local customers and draw patrons from the greater region.

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#### Zoning Conformance

The subject site is zoned CT - Thoroughfare Commercial. Pursuant SCCC sections 18.36.040 and 18.38.040, spa uses may be established only by first securing a use permit from the Planning Commission. SCCC Section 18.110.040 specifies the findings required in order for the Planning Commission to grant a use permit.

The proposed spa use is in keeping with the purposes and intent of the City of Santa Clara Zoning Ordinance in that retail business establishments and shops providing services for residents of the surrounding community are permitted in this zoning district. Amusement and recreational enterprises such as the proposed spa are subject to approval of a Use Permit.

#### Circulation and Parking

A Zoning Administrator Minor Modification for reduced parking was granted in conjunction with the Architectural Committee approval of the new building in 2015 (PLN2014-10358). The parking modification allows retail uses on both floors of the 22,896 square foot building with reduced on-site parking supply from 156 spaces to 140 spaces for both on-site buildings.

#### Conclusion

The proposed spa establishment will provide an additional service in a convenient location on a major thoroughfare central to the City. The use will meet the interests of local customers and residents from the greater region. Subject to the hours of operation restrictions specified by the Police Department, and given that no massage is proposed, staff finds that the spa use will be complementary to the mix of existing land uses along El Camino Real.

The proposal is generally consistent with the General Plan designation and zoning of the subject property and will not be detrimental to the surrounding commercial and residential neighborhood, subject to the conditions of approval for operating the spa.

### **ENVIRONMENTAL REVIEW**

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301, Class 1 Existing Facilities, in that the proposed use will occur inside an existing building involving negligible or no expansion of an existing use.

**FISCAL IMPACT**

There is no cost to the City other than administrative staff time and expense which are offset by permit application fees.

**COORDINATION**

This report has been coordinated with the Police Department and the City Attorney's Office.

**PUBLIC CONTACT**

Public notice was posted in three conspicuous locations within 300 feet of the project site and mailed to property owners within 500 feet of the project site.

**ALTERNATIVES**

1. Adopt a Resolution approving a Use Permit to allow a spa located at 2908 El Camino Real, subject to conditions of approval.
2. Deny a Use Permit to allow a spa located at 2908 El Camino Real and direct staff to bring back a resolution of denial.

**RECOMMENDATION**

Alternative:

1. Adopt a Resolution approving a Use Permit to allow a spa located at 2908 El Camino Real, subject to conditions of approval.

Prepared by: Rebecca Bustos, Associate Planner  
Reviewed by: Alexander Abbe, Assistant City Attorney  
Approved by: Reena Brilliot, Planning Manager

**ATTACHMENTS**

1. Project Data Sheet
2. Resolution Approving the Use Permit
3. Conditions of Approval
4. Statement of Justification
5. Development Plans