

PLANNING & REDEVELOPMENT DEPARTMENT STAFF REPORT PLANNING COMMISSION MEETING June 23, 2005

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ITEM IV-D: CONDITIONAL USE PERMIT – 198 CIRBY WAY (LUXE DAY SPA) – FILE# CUP 05-04

REQUEST

The applicant requests approval of a Conditional Use Permit to allow a personal services use (day spa) within a Light Industrial (M1) zone district.

Applicant/Property Owner: Mark Len, Sycamore Gardens

SUMMARY RECOMMENDATION

The Planning Department recommends that the Planning Commission:

- A. Adopt the three (3) findings of fact for the Conditional Use Permit; and
- B. Approve the Conditional Use Permit subject to seven (7) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

Staff does not have any outstanding issues with the proposed Day Spa that have not been addressed by the project design or conditions of approval. The applicant has reviewed the conditions of approval and is in agreement with all conditions.

BACKGROUND

The subject property is located in the Cirby Business Park, on the Southwest corner of Cirby Way and Vernon Street (Attachment 1). The building complex totals 46,176 square feet. There are two (2) office and warehouse buildings within the complex. The Roseville Project Review Commission (PRC) approved the office park on October 2, 1986 (file #UP 86-60). The office buildings contain a mix of office, light industrial, wholesale, and professional services.

The property is zoned Light Industrial (M1) and also has a land use designation of Light Industrial (LI). The applicant is proposing to operate a commercial use type, Personal Services (massage, facial and skin treatments, and nail services) within a Light Industrial zone district. According to the Roseville Zoning Ordinance, Personal Service uses may be permitted in the M1 zone upon approval of a Conditional Use Permit (CUP).

The Luxe Day Spa is currently operating within the Cirby Business Park. Staff was unaware that a new personal services business was operating at this location. Through a complaint, staff was made aware of the day spa and informed the applicant that a Conditional Use Permit was required. Subsequently, the applicant promptly filed a Conditional Use Permit application.

EVALUATION

Conditional Use Permits are evaluated for consistency with the City's General Plan, conformance with the City's Zoning Ordinance, and potential for impacts to the health, safety and welfare of persons who reside or work in the area. Specifically, the Planning Commission must make the three findings listed below in **bold italics** to approve a Conditional Use Permit. An analysis of the project follows each finding:

1. The proposed use is consistent with the City of Roseville General Plan.

The Light Industrial (LI) land use designation is intended to primarily include research and development, manufacturing, warehousing, intensive commercial uses, and associated administrative offices. Limited service commercial uses are encouraged as secondary uses in areas designated as Light Industrial, where they would minimize the need for vehicle travel for convenience trips. The proposed day spa is a commercial use that will provide a personal service beneficial to the employees of the surrounding industrial and commercial businesses.

Use of the property at the Cirby Business Park for purposes of providing massage therapy is consistent with the intent of the General Plan to allow limited commercial services compatible with the surrounding light industrial businesses.

2. The proposed use conforms with all applicable standards and requirements of the City of Roseville Zoning Ordinance.

As was mentioned above, the Cirby Business Park was approved by the PRC in 1986 and constructed in 1988. At the time the center was constructed the project met the City's development standards listed in the Zoning Ordinance with respect to height, setbacks, circulation, and building architecture. During a recent site visit staff noted that the project is still functioning well.

Conditional Use Permits are used to address potential incompatibilities between land uses. The standards and requirements of the Zoning Ordinance are used to evaluate the appropriateness of a use or uses (e.g. parking requirements). For Personal Services uses, the Roseville Zoning Ordinance does not establish any specific development standards except for parking requirements. This requirement is discussed below.

The Zoning Ordinance's parking requirement for Personal Services is one (1) stall per 300 square feet (gross). The proposed use of a fifteen hundred (1,500) square foot office suite is therefore required to provide a minimum of five (5) parking stalls. The following is a table that lists the individual uses within the Cirby Business Park and the number of required parking spaces for each tenant:

Cirby Business Park Parking Table

Suite number	Tenant	Sq ft.	Parking Ratio	# of spaces req.
100 A	Keith & Gene Schrader	2,500	1:250	10
100 B	West Coast Beauty Supply	1,950	1:300	7
105	River City	1,485	1:250	6
120 A	T3 Systems	4,000	1:250	16
120 B	Delta Drywall	1,175	1:1,000	1
125	Brown & Bigelow	1,300	1:250	5
130	Gardner & Associates	1,851	1:250	7
135	LUXE Day Spa	1,500	1:300	5
138	Woodcreek Insurance	1,100	1:250	4
140 A	Finishing Touches	2,000	1:250	8
140 B	Smith Photography	3,005	1:300	10
150 A	Muzak	3,830	1:250	15

150 B	BVA Engineering	6,700	1:250	27
170	Smart Association	3,480	1:250	14
180 A	IRC & Associates	1,600	1:250	6
180 B	Ames	2,949	1:1,000	3
	Totals	40,425		144 spaces
	Vacant tenant space	5,751	1:250	23
	Spaces provided			182 spaces
	Excess spaces			15 spaces

The Cirby Business Park was developed with 182 parking spaces within the center. As evidenced by the table above there is an excess of 15 parking spaces. Currently the center is nearly fully leased with 5,751 square feet of tenant space available. If the remaining space were leased to office tenants, which is one of the greatest parking demands permitted in a Light Industrial zone, there would still be an excess of 15 spaces within the center. Staff will monitor new uses within the center through the tenant improvement process to ensure that adequate parking is available for current and future tenants.

The applicant has submitted a floor plan, and staff did visit the day spa during normal business hours. The day spa has five small treatment rooms, approximately 10 ft. by 10 ft. Currently the spa has about 4 clients per day during weekdays and 8 to 10 clients per day on weekends. It is anticipated that the spa may service up to 4 clients per hour during peak periods. The peak periods would be during evening hours, and on Saturdays. During these peak times the spa would utilize approximately 7 spaces. Given the fact that other business within the center will normally be closed during these times, staff does not anticipate a parking problem would occur between uses. As proposed, the project will conform to the standards established by the Zoning Ordinance.

3. The location, size, design and operating characteristics of the proposed use is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.

The M1 zone district is intended to include offices, light industrial, and research and development uses that generate very limited noise, vibration, odor, dust, smoke, light or other pollutants. The proposed use (day spa) is similar in operations to an office, and would not conflict or be adversely impacted by the surrounding uses.

The majority of the hours of operation of the proposed use will be similar to office uses that might typically locate in a M1 zone district. The hours of operation proposed by the applicant are Tuesday through Friday, 10:00 a.m. to 8:00 p.m., and Saturday 10:00 a.m. to 6:00 p.m. (Exhibit C). The business will only be open on Sunday and Monday by appointment to accomodate a few clients. Business hours have been extended beyond the normal business hours (e.g. 9am-5pm), to 8pm and to include Saturday to accommodate customers after the traditional 9 to 6 workday (see Condition 5).

The usual flow of clients will be one to two clients per hour, with one certified massage therapist, and one aesthetician practicing at the site. The anticipated traffic flows would be similar to other office uses anticipated to locate in the Park. Typically there would be two or three employees in a suite, with clients coming and going without much overlap between client visits. It is anticipated that deliveries will be minimal, and similar in nature to other small office uses. It is therefore felt that the proposed activities are compatible with the operation of the Cirby Business Park.

Massage therapy businesses must also obtain and keep current permits required by the Police Department (Condition 4). Consistent with the requirements of the City of Roseville Municipal Code, Chapter 9.10.150 -.160, massage therapy businesses are required to comply with conditions that address public health issues (Attachment 2).

Based on the information presented above, the Planning Department has not identified any potential adverse effects of this project upon the public health, safety and welfare or upon property or improvements in the vicinity of the project site, and therefore supports approval of the request.

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines, operation of existing private facilities.

RECOMMENDATION

The Planning Department recommends that the Planning Commission take the following actions:

- A. Adopt the three (3) findings of fact listed above for the Conditional Use Permit 198 Cirby Way (LUXE DAY SPA) FILE # CUP 05-04; and
- B. Approve the Conditional Use Permit 198 Cirby Way (LUXE DAY SPA) FILE # CUP 05-04 subject to the seven (7) conditions below.

CONDITIONS OF APPROVAL FOR THE CONDITIONAL USE PERMIT (CUP 05-04):

- The project is approved as shown in Exhibits A, B, C, and as conditioned below. (Planning & Redevelopment)
- 2. The applicant shall obtain a City of Roseville Sign Permit. (Planning & Redevelopment)
- 3. One (1) portable fire extinguisher shall be provided with a minimum rating size of 2A-10B:C. All extinguishers shall comply with the California Health and Safety Code and shall be serviced once a year. (Fire)
- 4. The existing fire sprinkler and alarm systems shall be retrofitted as needed by new additions, partitions, floors and ceilings. Plans and a permit application shall be submitted to the Roseville Fire Department's Bureau of Fire Prevention for review and approval before altering the system as noted in the conditions of approval. A separate inspection will be required before the final fire inspection can be scheduled. Call (916) 774-5800 for more information. (Fire)
- 5. The applicant shall obtain and keep current all permits as required by the Police Department in compliance with Municipal Code Chapter 9.10 relating to Massage Establishments. Required permits include:
 - a. Massage Therapist License,
 - b. Massage Services Permit from City of Roseville Police Department,
 - c. City of Roseville Business License, and
 - d. Establishment approval by Police Department. (Police)
- 6. The approved hours of operation shall be Monday thru Friday (10 a.m. 8 p.m.), and Saturday and Sunday (10 a.m. 6 p.m.). (Police, Planning and Redevelopment)

7. The applicant shall paw applicable sewer fees for the change in occupancy within the suite. (Planning and Redevelopment)

ATTACHMENT:

Vicinity Map

EXHIBITS:

- A. Floor Plan
- B. Site Plan
- C. Description of Proposed Use

Note to Applicant and/or Developer: Please contact the Planning Department staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Director at, or prior to, the public hearing.

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