



STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

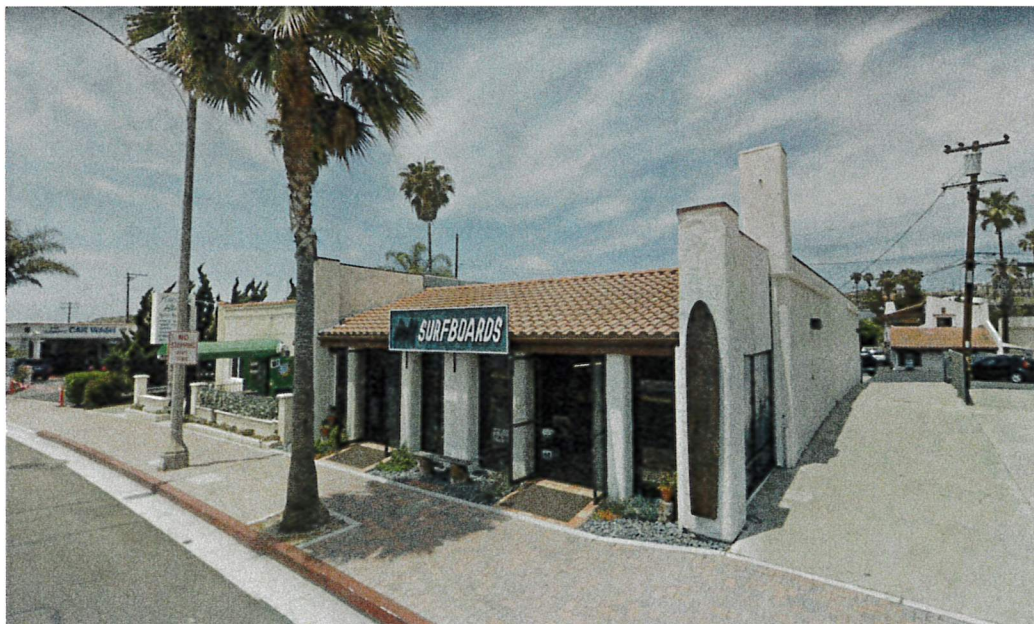
Meeting Date: September 6, 2017

- PLANNER:** Linda Vo, Assistant Planner *LV*
- SUBJECT:** Minor Conditional Use Permit 17-167, EPIC Yoga, a request to allow a group instruction yoga studio located in an existing commercial building.
- LOCATION:** 1709 N. El Camino Real
- ZONING/GP:** North Beach Mixed-Use Zone and the Architectural, Coastal Zone, and Pedestrian Overlays (MU1-A-CZ-P)

PROJECT SUMMARY:

- The site has two commercial buildings built in 1977. The previous use of this building, by Noll Surfboards was retail. The applicant, EPIC Yoga studio, proposes to establish and operate group yoga classes within a 3,600 square foot suite at the front of the two-unit building along North El Camino Real.

Figure 1 – EPIC Yoga Frontage



- The development is in a predominately commercial area where the closest residential property is located approximately 27 feet to the east of the subject property.
- The yoga studio proposes classes of up to 22 students with two instructors offered multiple times throughout the day. The classes will run for 60 minutes each. Classes will be offered Monday through Friday, 7:00 a.m. to 9:00 p.m. and Saturday and Sunday hours from 7:00 a.m. to 7:00 p.m.
- The applicant does not propose any exterior modifications as part of this project.
- The project site provides 24 parking spaces. All other on-site uses, including anticipated uses for vacant suites, currently have a combined parking requirement of 4 spaces. This leaves a surplus of 20 parking spaces on-site. Refer to Table 2 in Attachment 3 for existing parking tabulation.
- The parking requirement for group instruction is one space per two students, plus one space per instructor. Based on the applicant’s business plan, the site provides enough parking for the proposed occupancy:

Table 1 – Parking

Group Instruction Use	Parking Requirements	Parking Proposed
Students	1 space per 2 students	11 spaces (22 students max)
Instructors	1 space per instructor	2 spaces (two instructors max)
		Required: 13 spaces
		Surplus Existing: 20
		Surplus Remaining: 7

- To ensure that the use maintains compliance with the parking requirements, Condition of Approval No. 10 limits the occupancy to be consistent with a parking requirement of 13 spaces.
- The yoga studio proposes amplified sound for class music, and the instructor’s voice, at a low-to-moderate level that meets required indoor noise standards in the City’s noise ordinance. The business is not proposing loud music typically associated with higher intensity fitness classes. In order to minimize any negative adverse impacts related to noise, staff has added a condition of approval requiring the exterior windows and doors be closed when any fitness activity is being conducted. The project has been conditioned to ensure that the project complies with all applicable codes, and incorporates best management practices (see Conditions of Approval Nos. 8 and 9).
- Zoning Ordinance Section 17.36.020 requires Zoning Administrator approval of a Minor Conditional Use Permit (MCUP) to allow for group instruction in the North Beach Mixed-Use zone (MU1).
- This proposal complies with required MCUP findings for a permit for the following reasons:
 - The proposed use will be compatible with the existing land uses, in that the surrounding neighborhood has a mix of commercial, light industrial, and residential uses and the proposed use is consistent with the intent of the zone. The development is in a commercial area with the closest residential property located approximately 27 feet to the east of the subject property.
 - The site is suitable for the type and intensity of use that is proposed because the project complies with all applicable development standards. The proposed

- The site is suitable for the type and intensity of use that is proposed because the project complies with all applicable development standards. The proposed occupancy of two instructors and 22 students is appropriate for the 798 square foot studio portion of the 3,600 square foot suite. The site provides sufficient parking for the proposed use.
- The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity, in that there is ample parking and vehicular access available to accommodate all uses on the site.
- The proposed use will not negatively impact surrounding land uses. The type of fitness activity proposed for this space does not utilize heated rooms, nor does it involve high impact movements that would disturb adjoining businesses. However, in the event that noise issues were to arise, Condition of Approval No. 9 requires the applicant to install soundproofing or other measures determined by the City Planner.
- The project is Categorically Exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15301 (Class 1: Existing Facilities). The Class 1 exemption specifically exempts from further CEQA review the operation, repair, maintenance, and minor repair of existing public or private structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed use is eligible for this exemption because:
 - The project consists of minor interior alterations and operation of a group instruction yoga studio with a negligible expansion of an existing commercial use; and
 - The proposed use will occur in a developed commercial area where there is no risk of impacting sensitive environmental resources; and
 - The proposal will not result in cumulative impacts because there is no alteration to the physical structure or environment.
- To date, staff has not received public comments on this application.

RECOMMENDATION

Based on the information in the staff report and subject to the required Findings and Conditions of Approval, staff recommends that the Zoning Administrator:

1. Determine the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities); and
2. Adopt Resolution ZA 17-029, approving Minor Conditional Use Permit 17-167, EPIC Yoga, subject to attached Resolution and Conditions of Approval.

Attachments:

1. Resolution No. ZA 17-029
Exhibit A - Conditions of Approval
2. Location Map
3. Parking Tabulation
4. Site Plan

ATTACHMENT 1

RESOLUTION NO. ZA 17-029

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CONDITIONAL USE PERMIT 17-167, EPIC YOGA, A REQUEST TO ALLOW A GROUP INSTRUCTION YOGA STUDIO, LOCATED AT 1709 N. EL CAMINO REAL.

WHEREAS, on May 17, 2017, an application was submitted, and completed on June 16, 2017, by Kristin Shively, 202 Avenida Pelayo, Unit A, San Clemente, CA 92672, for Minor Conditional Use Permit 17-167, EPIC Yoga; a request to allow a group instruction yoga studio in an existing commercial building. The site is located in the North Beach Mixed-Use Zone and the Architectural, Coastal Zone and Pedestrian Overlays (MU1.3-A-CZ-P) at 1709 North El Camino Real. The site's legal description is Parcel 1, Page 43 of Assessor's Parcel Book 67, and Assessor's Parcel Number (APN) 057-191-61; and

WHEREAS, the Planning Division has completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) and recommends the Zoning Administrator determine the project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities). This is recommended because the project comprises the operation of a group instruction yoga studio within an existing facility, and will be a negligible expansion of the previous retail use; and

WHEREAS, on June 8, 2017 and June 29, 2017 the City's Development Management Team (DMT) reviewed the proposed project for compliance with the General Plan, Zoning Ordinance, and other applicable City ordinances and codes; and

WHEREAS, on September 6, 2017, the Zoning Administrator of the City of San Clemente held a duly noticed public hearing on the subject application, considered written and oral comments, and facts and evidence presented by the applicant, City staff, and other interested parties.

NOW, THEREFORE, The Zoning Administrator of the City of San Clemente does hereby resolve as follows:

Section 1. Incorporation of Recitals.

The Zoning Administrator hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the Zoning Administrator as fully set forth in this resolution.

Section 2. CEQA Findings.

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Zoning Administrator, and the facts outlined below, the Zoning Administrator hereby finds and determines that the proposed project is

Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities).

The Class 1 exemption specifically exempts from further CEQA review the operation, repair, maintenance, and minor repair of existing public or private structures, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This exemption covers interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. Here, the project consists of minor interior alterations and operation of a group instruction yoga studio with a negligible expansion of an existing commercial use. Thus, the project qualifies for the Class 1 exemption.

Furthermore, none of the exceptions to the use of the Class 1 categorical exemption identified in State CEQA Guidelines section 15300.2 apply. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time. There are no unusual circumstances surrounding the project that result in a reasonable possibility of a significant effect on the environment. There are no sensitive resources on the project site or in the vicinity. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources. The project does not include any hazardous waste sites, and the project will not cause a substantial adverse change in the significance of a historical resource. Thus, the Class 1 exemption applies, and no further environmental review is required.

Section 3. Minor Conditional Use Permit Findings.

With respect to Minor Conditional Use Permit (MCUP) 17-167, the Zoning Administrator finds as follows:

- A. The proposed use is permitted within the subject zone pursuant to the approval of a Minor Conditional Use Permit and complies with all the applicable provisions of the Zoning Ordinance, the San Clemente General Plan and the purpose and intent of the zone in which the use is being proposed, in that this business will promote the pedestrian activity and visitor serving commercial uses in the Mixed-Use Zone. Therefore, the proposed use is consistent with the intent of the zone, per *ED-4.04 El Camino Real: "We require initiatives, investments, and development approvals for North Beach area to contribute to our vision of the area as a mixed-use, multi-modal corridor with historic resources and different commercial nodes that primarily serve the needs of San Clemente residents and businesses"*.
- B. The site is suitable for the type and intensity of use that is proposed, in that required parking is provided and the building's construction is anticipated to attenuate noise. Furthermore, a Condition of Approval requires the doors and windows be shut during group instruction operations to reduce potential noise impacts.

- C. The proposed use will not be detrimental to the public health, safety or welfare, or materially injurious to properties and improvements in the vicinity, in that there is ample parking and vehicular access available to accommodate all uses on the site. The project requires building permits to verify compliance with building and safety regulations.
- D. The proposed use will not negatively impact surrounding land uses in that the site has adequate parking for the use and the use is conditioned to limit potential noise impacts.

Section 4. Zoning Administrator Approval.

Based on the foregoing recitals and findings above, and the written and oral comments, facts, and evidence presented, the City of San Clemente Zoning Administrator approves Minor Conditional Use Permit 17-167, EPIC Yoga, subject to the above Findings, and the Conditions of Approval set forth in Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City of San Clemente Zoning Administrator on September 6, 2017.

Cecilia Gallardo-Daly, Zoning Administrator

CONDITIONS OF APPROVAL
MCUP 17-167, EPIC Yoga

1. The applicant or the property owner or other holder of the right to the development entitlement(s) or permit(s) approved by the City for the project, if different from the applicant (herein, collectively, the "Indemnitor") shall indemnify, defend, and hold harmless the City of San Clemente and its elected city council, its appointed boards, commissions, and committees, and its officials, employees, and agents (herein, collectively, the "Indemnitees") from and against any and all claims, liabilities, losses, fines, penalties, and expenses, including without limitation litigation expenses and attorney's fees, arising out of either (i) the City's approval of the project, including without limitation any judicial or administrative proceeding initiated or maintained by any person or entity challenging the validity or enforceability of any City permit or approval relating to the project, any condition of approval imposed by City on such permit or approval, and any finding or determination made and any other action taken by any of the Indemnitees in conjunction with such permit or approval, including without limitation any action taken pursuant to the California Environmental Quality Act ("CEQA"), or (ii) the acts, omissions, or operations of the Indemnitor and the directors, officers, members, partners, employees, agents, contractors, and subcontractors of each person or entity comprising the Indemnitor with respect to the ownership, planning, design, construction, and maintenance of the project and the property for which the project is being approved. The City shall notify the Indemnitor of any claim, lawsuit, or other judicial or administrative proceeding (herein, an "Action") within the scope of this indemnity obligation and request that the Indemnitor defend such Action with legal counsel reasonably satisfactory to the City. If the Indemnitor fails to so defend the Action, the City shall have the right but not the obligation to do so and, if it does, the Indemnitor shall promptly pay the City's full cost thereof. Notwithstanding the foregoing, the indemnity obligation under clause (ii) of the first sentence of this condition shall not apply to the extent the claim arises out of the willful misconduct or the sole active negligence of the City. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)_____
2. Thirty (30) days after project approval, the owner or designee shall submit written consent to all of these imposed conditions of approval to the Community Development Director or designee. *[Citation – City Attorney Legal Directive/City Council Approval June 1, 2010]* (PIng.)_____
3. Minor Conditional Use Permit 17-167 shall become null and void if the use is not commenced within three (3) years from the date of the approval thereof. Since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development. *[Citation - Section 17.12.150.A.1 of the SCMC]* (PIng.)_____

4. A use shall be deemed to have lapsed, and Minor Conditional Use Permit 17-167 shall be deemed to have expired, when a building permit has been issued and construction has not been completed and the building permit has expired in accordance with applicable sections of the California Building Code, as amended. *[Citation - Section 17.12.150.C.1 of the SCMC]* (PIng.)_____
5. The owner or designee shall have the right to request an extension of MCUP 17-167 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall be subject to review and approval in compliance with section 17.12.160 of the Zoning Ordinance. *[Citation - Section 17.12.160 of the SCMC]* (PIng.)_____
6. Prior to issuance of certificate of occupancy, the project shall be develop in conformance with the site plan, floor plans, elevations, details, and any other applicable submittals approved by the Zoning Administrator on September 6, 2017, subject to the Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, details, or other approved submittal shall require that the owner or designee submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Zoning Administrator. *[Citation - Section 17.12.180 of the SCMC]* (PIng.)_____

7. Prior to the issuance of building permits, the applicant or designee shall include within the first four pages of the working drawings a list of all conditions of approval imposed by the final approval for the project. *[Citation – City Quality Assurance Program]* (PIng.)_____ (Bldg.)_____
8. All fitness activities are to occur indoors. Doors and windows shall remain closed at all times during the operating hours of the commercial recreation use. ■■ (PIng.)_____
9. In the event that noise impacts neighboring properties, the tenant must soundproof the facility, or use other best management practices as determined by the City Planner, to eliminate the problem and comply with the City's noise ordinances. ■■ (PIng.)_____
10. The hours of operation for the fitness use shall be limited to Monday through Friday, 7:00 a.m. to 9:00 p.m. and Saturday and Sunday hours from 7:00 a.m. to 7:00 p.m. ■■ (PIng.)_____
11. The maximum occupancy for the fitness use shall be limited to a maximum of 22 students and two employees/instructors or any combination of instructors and students that requires 13 or fewer parking spaces at a requirement of one space per instructor and one space per two students. ■■ (PIng.)_____

12. Signage is not part of this review. Any signage for this proposed development shall require the owner or designee to submit for review and obtain approval of a Sign Permit or Master Sign Program in accordance with the City's Sign Ordinance *[Citation – Section 17.16.240.D & 17.16.250.D of the SCMC]* (Plng.)_____
13. A separate Building Permit is required. Plans to construct new building, add or alter the existing building configuration, change in use, add or alter structural, mechanical, electrical or plumbing features of the project must be reviewed and approved through a separate building plan check/permit process. *[S.C.M.C. - Title 8, Section 8.16; Fire Code, Title 15, Building and Construction, Sections 15.08, 15.12, 15.16, 15.20]* (Bldg.)_____
14. Prior to the issuance of building permits, the owner or designee shall submit plans that identify the intended use of each building or portion of building and obtain approval of the Building Official. *[S.C.M.C. - Title 15, Chapter 15.08]* (Bldg.)_____
15. Prior to issuance of building permits, applicant shall secure all utility agencies approvals for the proposed project. *[S.C.M.C. - Title 15, Building and Construction]* (Bldg.)_____
16. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to the Zoning Ordinance, Grading Code, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Code of Regulations as adopted by the City including, but not limited to the California Administrative, Building, Electrical, Plumbing, Mechanical, Energy, and Fire Codes. *[Citation - S.C.M.C. Title 8, Section 8.16; Fire Code, Title 15, Building and Construction, Sections 15.08, 15.12, 15.16, 15.20; Title 16, Subdivisions; & Title 17, Zoning]* (Bldg.)_____
17. Prior to the issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, Regional Circulation Financing and Phasing Program (RCFPP), park acquisition and development, water and sewer connection, drainage, Public Facility Construction, transportation corridor, Avenida La Pata Supplemental Road Fee and school fees, etc. *[SCMC – Title 15 Building and Construction, Chapters 15.52, 15.56, 15.60, 15.64, 15.68, 15.72]* (Bldg.)_____

All Conditions of Approval are standard, unless indicated as follows:

- Denotes a modified standard Condition of Approval.
- ■ Denotes a project specific Condition of Approval



City of San Clemente

MCUP 17-167, EPIC Yoga
 1709 N. El Camino Real

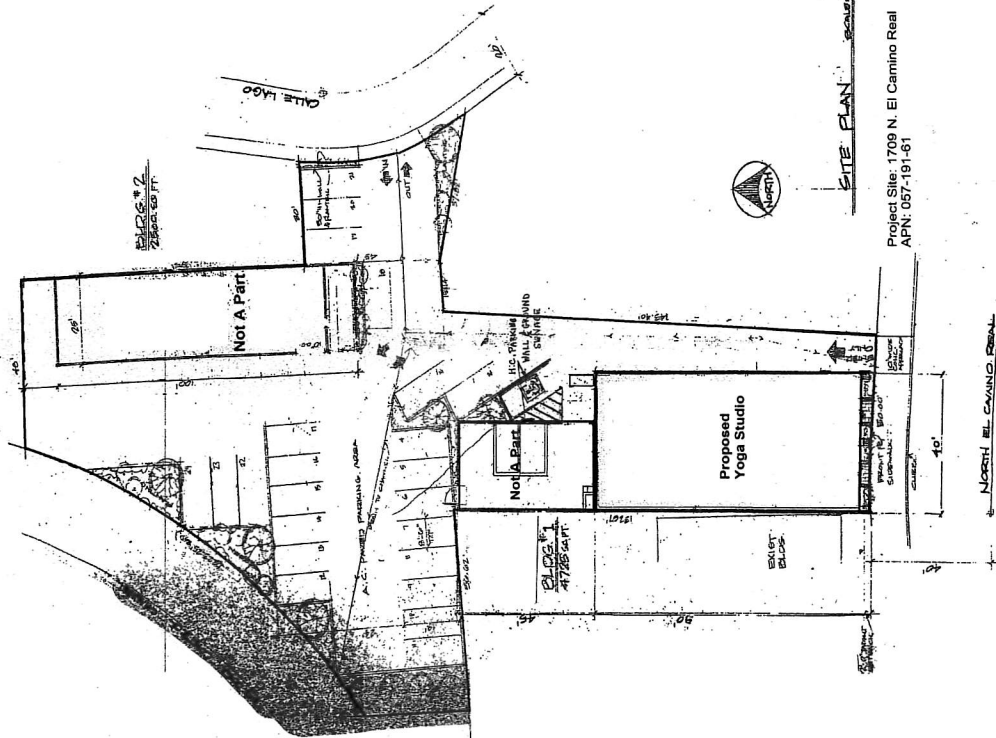
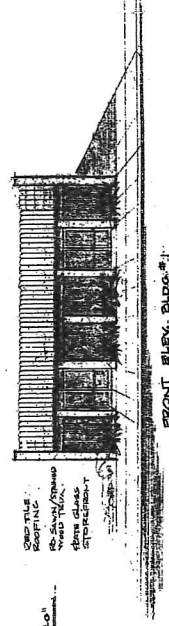
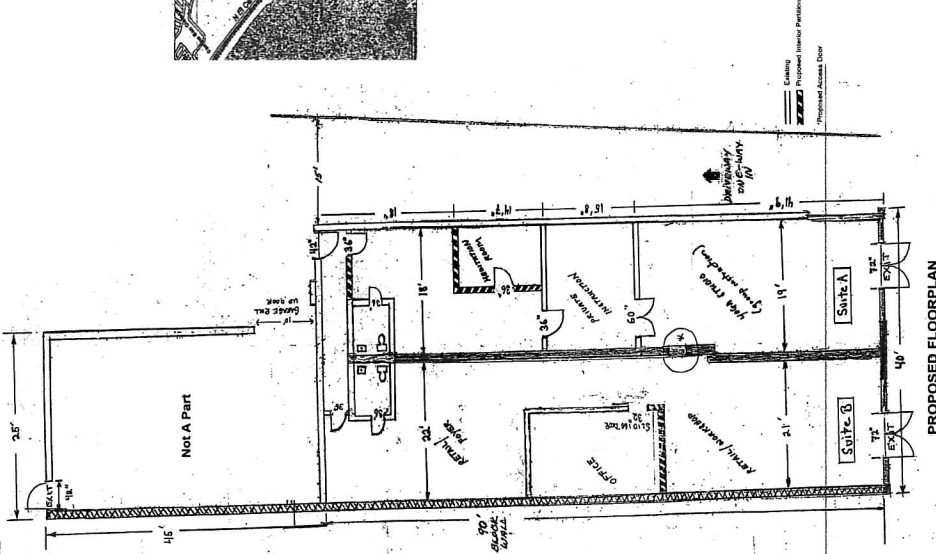
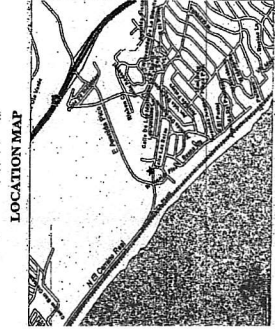


ATTACHMENT 3

Table 2 – Parking Requirements for 1709 N. El Camino Real

Type of Use	Gross Floor Area (sq. ft.) of Occupied Use	Parking Ratio	Number of Parking Spaces Required
Warehouse/Storage	2,500	One per 2000 square feet	1.25
Manufacturing	1,125	One per 500 square feet	2.25
		Parking Required	4
		Total Parking Provided	24
		Surplus Existing	20

ATTACHMENT 4



SITE PLAN SCALE: 1/8" = 1'-0"

Project Site: 1709 N. El Camino Real
APN: 057-191-61

NORTH EL CAMINO REAL