



# STAFF REPORT SAN CLEMENTE ZONING ADMINISTRATOR

Meeting Date: February 9, 2023

**PLANNER:** Kyle Webber, Associate Planner

**SUBJECT:** **Minor Conditional Use Permit 22-403, South County Fitness**, a request to consider a private Pilates studio use within an existing tenant space.

**LOCATION:** 655 Camino De Los Mares, Suite 128

**ZONING/GENERAL PLAN:** Community Commercial 4 (CC4)

**PROJECT SUMMARY:**

- The subject suite is within an existing commercial building at the San Clemente Professional Plaza located in the Community Commercial 4 Zoning District. See **Attachment 2** for project site location. Surrounding land uses include various medical offices to the north and east, the vacant Memorial Care medical clinic to the south, and restaurants and retail uses to the west. **Figure 1** below shows the location of the site.

**Figure 1 – Aerial Image of Site**



- The applicant, Carolyn Anderson, requests approval of a Minor Conditional Use Permit (MCUP) to operate a private Pilates studio, South County Fitness, in a 1,444 square foot suite, previously occupied by a cosmetic dental office.
- Zoning Ordinance Section 17.36.020 requires Zoning Administrator approval of a MCUP to allow group-instruction uses within the Community Commercial 4 Zoning District. Group Instruction is defined by the Zoning Ordinance as an establishment that provides “non-counseling, non-therapy instructional services for groups of five or more persons at a time and include such uses as classes in photography, fine arts, crafts, dance or music, driving schools, as well as yoga or martial-arts studios.”
- South County Fitness will operate as a private Pilates studio seven days a week Monday-Friday 6:00 a.m. to 8:00 p.m. and Saturday-Sunday 7:00 a.m. to 1:00 p.m. with a maximum of six students and three instructors at any given time.
- Zoning Ordinance Section 17.64.040 requires group instruction uses to provide one on-site parking space per employee and one on-site parking space per two students. Therefore, South County Fitness must provide a total of six on-site parking spaces. The proposal does not increase required on-site parking for the subject property, given that the previous medical office use required eight on-site parking spaces at a required ratio of one parking space per 200 sq. ft. (1,444 sq. ft. / 200 sq. ft. = 7.22).

**Table 1 – Parking Ratio Comparison**

Use	Parking Ratio	Required Spaces
Group Instruction (proposed)	1 per employee & 1 per 2 students	6
Medical Office (previous)	1:200 square feet	8

Furthermore, to ensure compatibility of the proposed use in regards to on-site parking availability, Condition of Approval 7.29 in the attached resolution requires South County Fitness to schedule a minimum break of at least 15 minutes between the end of each class and the beginning of the next.

- In addition to the MCUP, the Municipal Code requires a City business license to operate a Pilates studio.
- The project meets required findings for approval because:
  - The proposed use is a conditionally-permitted use within the Community Commercial Zoning District and Conditions of Approval laid forth in the attached resolution ensure that neighboring establishments are not effected by potential noise impacts generated by the intensity of use that is proposed.
  - The proposed hours of operation are consistent with surrounding uses and no exterior or interior building or site changes are required to operate the proposed use.
  - Required parking is provided and the proposed use will not result in inadequate parking for the site.
  - The project is consistent with surrounding uses in the Medical Plaza including yoga and fitness studios.

- The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15301 (Class 1: Existing Facilities). The project involves a negligible change of use to existing facilities in that it permits the operation of a Pilates studio within a Medical Plaza where similar uses are conditionally-permitted.
- Public comments have not been received on this item.

### **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 Categorical Exempt from the requirements of the CEQA pursuant to CEQA Guidelines 15301 (Class 1: Existing Facilities); and
2. Adopt Resolution ZA 23-003, approving Minor Conditional Use Permit 22-403, South County Fitness, subject to the attached conditions of approval.

### ***Attachments:***

1. Resolution ZA 23-003  
Exhibit A - Conditions of Approval
2. Location Map
3. Site Photos
4. Proposed Floor Plan

## RESOLUTION NO. ZA 23-003

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CONDITIONAL USE PERMIT 22-403, SOUTH COUNTY FITNESS, A REQUEST TO CONSIDER A GROUP INSTRUCTION USE AT 655 CAMINO DE LOS MARES, SUITE 128

WHEREAS, on November 15, 2022, an application was submitted, and completed on January 4, 2023, by Carolyn Anderson, 655 Camino de Los Mares, Suite 128, San Clemente, CA 92673, for Minor Conditional Use Permit (MCUP) 22-403, South County Fitness; a request to consider a group instructional use within an existing commercial building and tenant space. The site is located in the Community Commercial (CC4) Zoning District at 655 Camino de Los Mares, Suite 128. The site's legal description is Block 131 of Page 43, Parcel 2, and Assessor's Parcel Number is 675-071-36; 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 involves a negligible change of use to existing facilities in that it permits the operation of a group instructional use within an existing commercial building where similar uses are conditionally-permitted; and

WHEREAS, on December 14, 2022, 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 issued conditions; and

WHEREAS, on February 9, 2023, 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 the operation of Pilates studio with negligible or no expansion of use. The proposed use does not increase required parking for the site. Therefore, 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) 22-403, the Zoning Administrator finds as follows:

- A. The proposed use is permitted within the subject zone 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:
  1. The proposed use provides visitor serving and commercial services among a mix of other commercial uses in the Community Commercial 4 zone, consistent with Primary Goal No. 8 of the Centennial General Plan Land Use Element, that states: *"Provide a diversity of land use areas that complement one another and are characterized by differing functional activities and intensities of use."*; and
  2. The proposed use is located in a zone that allows group instructions as a conditionally-permitted use that must comply with zoning, operational, facility, and licensing requirements in the Municipal Code to ensure the proposed use is compatible with the neighborhood and consistent with the intent of the zone.

- B. The site is suitable for the type and intensity of use that is proposed, in that:
1. Required parking is provided and the proposed use will not result in inadequate parking for the site; and
  2. The proposed hours of operation are consistent with surrounding uses and no exterior building or site changes and tenant improvements are required to operate the proposed use; and
  3. The proposed use is consistent with surrounding uses in the Medical Plaza including a variety of yoga and fitness studios.
- 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:
1. The suite is located on the first floor and visible from pedestrian areas such as the parking lot and walkways throughout the property; and
  2. Required parking is provided and the proposed use does not increase overall parking required for the site; and
  3. The proposed hours of operation are consistent with surrounding uses and no exterior building or site changes and tenant improvements are required to operate the proposed use; and
  4. The proposed use is consistent with surrounding uses in the Medical Plaza including a variety of yoga and fitness studios.
- D. The proposed use will not negatively impact surrounding land uses, in that:
1. The request involves the use of existing commercial space and maintains the floor area intact while accommodating group instructional classes; and
  2. Required parking is provided and the proposed use does not increase overall parking required for the site; and
  3. The proposed use is consistent with surrounding uses in the Medical Plaza including a variety of yoga and fitness studios and the proposed hours of operation are consistent with surrounding uses and no exterior building or site changes and tenant improvements are required to operate the proposed use; and
  4. The Code Compliance Division reviewed the application and does not have concerns given the location's visibility from common area and the conditions of approval ensuring hours of operation are maintained; and
  5. Per City records, there are no open code violations at the subject suite nor with any other establishments currently operated by the applicant.

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 MCUP 22-403, South County Fitness, 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 February 9, 2023.

---

Cecilia Gallardo-Daly, Zoning Administrator

CONDITIONS OF APPROVAL  
MINOR CONDITIONAL USE PERMIT 22-403

**1.0 GENERAL CONDITIONS OF APPROVAL**

- |     |   |               |
|-----|---|---------------|
| 1.1 | Within 30 days of receipt of the signed conditions of approval, the applicant shall submit to the City Planner a signed acknowledgement concurring with all conditions of approval on a form to be provided by the City, unless an extension is granted by the City Planner.  | Planning      |
| 1.2 | The applicant shall defend, indemnify, and hold harmless the City of San Clemente and its officers, employees, and agents from and against any claim, action, proceeding, fines, damages, expenses, and attorneys' fees, against the City, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City concerning this project, including but not limited to any approval or condition of approval of the City Council, Planning Commission, or City Planner. Applicant shall pay all costs. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter. If the applicant fails to so defend the matter, the City shall have the right, at its own option, to do so and, if it does, the applicant shall promptly pay the City's full cost of the defense. | Planning      |
| 1.3 | Use and development of this property shall be in substantial conformance with the approved plans, material boards and other applicable information submitted with this application, and with these conditions of approval. Any modifications to the project shall be reviewed by the City Planner in accordance with Zoning Ordinance Section 17.12.180.  | Planning      |
| 1.4 | The applicant shall comply with all applicable current and future provisions of the San Clemente Municipal Code, adopted ordinances, and state laws.  | All           |
| 1.5 | Use of the subject property shall conform to all occupancy requirements, including posting of signs related to the maximum occupancy limitations.   | Code<br>Comp  |
| 1.6 | Minor Conditional Use Permit 22-403 shall be deemed to have expired if within one year of approval the project is not commenced, or the project permitted by the approved application has lapsed, as defined by Zoning Ordinance Section 17.12.150.   | Planning<br>* |



1.8 The Applicant (including any property owners and managers, and their designees) understands and agrees that no window, banner, or temporary signage is part of this review, nor is any such signage approved or permitted by this permit. Window, banner, and temporary signage shall comply with Zoning Ordinance Table 17.84.030A & Section 17.84.030(H), and any applicable Master Sign Programs. Applicant understands and agrees that as a condition of approval of this permit that Applicant is aware of the City’s window, banner, and temporary sign regulations and that compliance with those regulations is a term of the subject permit’s approval by the City. As such, any violation of the City’s regulations related to window, banner, or temporary signs shall constitute a violation of SCMC Section 8.52.030(Y), as discussed in accompanying conditions of approval. [Citation - Section 17.16.240.D of the SCMC]

Code  
Comp  
\*\*

1.9 If for any reason City Staff determines the Pilates studio is not in compliance with the conditions of approval or intent of the Zoning Code related to the Minor Conditional Use Permit, the permit may be revoked and/or sent to the decision making body for modification. Any request for expansion of the use must be approved by the decision making body as an amendment to Minor Conditional Use Permit 22-403.

Planning  
\*\*

1.10 The Applicant (including any property owners and managers, and their designees) understands and acknowledges that banners and any temporary signage must meet the City’s standards as to placement and time frame displayed according to the City’s Municipal Code 17.84.010. No human, moving, or event-related signs placed off-site are permitted.

Code  
Comp  
\*\*

1.11 These conditions of approval shall be posted in a conspicuous location clearly visible to employees to ensure they are informed of and adhere to requirements and policies for all operations of the business.

Code  
Comp  
\*\*

**4.0 PRIOR TO ISSUANCE OF BUILDING PERMITS**

4.1 In the event a building permit is required to operate the Pilate studio the working drawings shall include within the first four pages a list of all conditions of approval included in this resolution.

Planning

**7.0 OPERATIONAL CONDITIONS OF APPROVAL**

7.17 The Applicant (including any property owners and managers, and their designees) shall use her/his best judgment and best management practices to ensure commercial activities on the

Code  
Comp  
\*\*

premises will be conducted in a manner that will not be disruptive to other tenants. The business owner/property owner shall be responsible for ensuring compliance with the San Clemente Municipal Code (SCMC), and all conditions of approval contained herein. The Applicant (including any property owners and managers, and their designees) hereby understands that noncompliance with regulations and conditions of approval, shall be immediate grounds for citation pursuant to SCMC Section 8.52.030(Y), which states, "It is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this City to maintain such premises in such manner that ... A structure, improvement, property, and/or land use is not in compliance with terms and/or conditions of any City of San Clemente issued permit or approval," and any subsequent revision of this section of the code. [Citation - Section 8.52.030(Y) of the SCMC]

- |      |  |                    |
|------|--|--------------------|
| 7.18 | The Applicant (including any property owners and managers, and their designees) shall be responsible for ensuring that no noise-generating maintenance activities on the subject property are conducted between the hours of ten (10:00) p.m. and seven (7:00) a.m. Such prohibited activities include, but are not limited to, dumping trash into outside trash bins, the use of parking lot sweepers, and the use of high-pressure washers. [Citation - Section 8.48.070(P) of the SCMC] | Code<br>Comp<br>** |
| 7.19 | The Applicant (including any property owners and managers, and their designees) shall be responsible for ensuring that no loud and excessive noise-generating activities on the subject property in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers are conducted between the hours of ten (10:00) p.m. and seven (7:00) a.m. [Citation - Section 8.48.070(O) of the SCMC]  | Code<br>Comp<br>** |
| 7.26 | The Applicant (including any property owners and managers, and their designees) shall abide by all applicable laws, including Orange County Health Department laws.  | Code<br>Comp<br>** |
| 7.27 | The Applicant (including any property owners and managers, and their designees) shall ensure that discharge of washwater and other pollutants is prohibited from entering the storm drain system. Applicant must prevent pollutants (e.g. sediment, trash, food waste etc.) and any washwater used during cleanup from entering the storm drain system.  | Code<br>Comp<br>** |
| 7.28 | A manager of the business shall be on the premises at all times, and available to respond to issues raised by representatives from the Orange County Sheriff's Department, Orange County Fire  | Code<br>Comp<br>** |

Authority, or City of San Clemente Code Compliance, during the hours of operation.

- 7.29 To ensure compliance with the parking requirements, classes shall be scheduled so that there is always a minimum break of at least 15 minutes between the end of one class and the beginning of the next class. Planning \*\*
  
- 7.30 The use of amplified sound (including the electronically amplified sound of live music, human voice, or other sound within a business, restaurant, bar, or other commercial establishment) shall not be permitted. This prohibition does not include televisions, radios, or reasonable background or ambient music. Planning \*\*
  
- 7.31 The Applicant (including any property owners and managers, and their designees) understands and agrees that in the event noise generated by the use approved by this permit impacts neighboring properties, the tenant must soundproof the facility, or use other best management practices as determined by the City Planner and/or City Building Official, to comply with the City's noise standards, as described in SCMC Chapter 8.48. Planning \*\*

\* Denotes a modified Standard Condition of Approval

\*\* Denotes a project-specific Condition of Approval





Project Site



### City of San Clemente - Location Map

MCUP 22-403  
655 Camino de los Mares, Suite 128







655 Camino de los Nemes









