

**CITY OF SAN CLEMENTE
MINUTES OF THE REGULAR MEETING
OF THE ZONING ADMINISTRATOR
DECEMBER 21, 2023**

**San Clemente City Hall
First Floor Community Room
910 Calle Negocio
San Clemente, California 92673**

1. CALL TO ORDER

Zoning Administrator Adam Atamian called the Regular Meeting of the City of San Clemente Zoning Administrator to order on December 21, 2023 at 3:01 p.m. The meeting was held in the First Floor Community Room of City Hall, 910 Calle Negocio, and San Clemente, California.

Staff Present: Adam Atamian, Zoning Administrator
Karla Morales, Community Development Technician
Tamara Tatich, Office Specialist

2. MINUTES

A. Receive and file Minutes from the Zoning Administrator Regular Meeting of November 9, 2023.

3. ORAL AND WRITTEN COMMUNICATION

None.

4. PUBLIC HEARING

A. Public Hearing Project (PHP) 23-417, Smart Fit Method, 223 Ave Del Mar Unit C

A request for a Minor Conditional Use Permit (MCUP) 23-418 to allow the Smart Fit Method, a health and fitness-oriented business with group instruction, to occupy an existing 1,375 square foot tenant space within the Pedestrian Overlay.

Staff recommends that the project be found Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section (14 CCR § 15301, Class 1: Existing Facilities) to allow a commercial use within an existing commercial building.

Community Development Technician Karla Morales summarized her staff report including a change in Condition 7.19 to read: "The

business is limited to serving a maximum of four clients at any one time. SCMC 17.16.070 and SCMC 17.40.030 require approval of a separate Minor Conditional Use Permit to allow for group instruction businesses serving five or more clients concurrently.”

Applicant John DeMaria and his consultant, Daniel “Rock” Rockholt were present. ZA Atamian invited the applicant’s team to make a presentation, at which time Mr. DeMaria stated that the report was thorough and provided a brief background of his history and the project. Mr. Rockholt introduced himself and thanked staff for their work. Mr. Rockholt stressed the compatibility of being a pedestrian-friendly business.

Having no further questions, ZA Atamian opened the public hearing.

Arlon Enmeier, a more than 50-year resident and Smart Fit customer read his letter of support with six signatures, a copy of which is on file.

ZA Atamian acknowledged receipt of one additional letter in support of Smart Fit Method. ZA Atamian thanked Mr. Enmeier for his time to make a presentation and noted that Mr. Enmeier became a customer via a walk-in that supports a pedestrian business.

ZA Atamian asked if there were any concerns with the additional Condition that was added.

ZA Atamian would like to add a Condition 7.19. Mr. Rockholt requested the Condition clarify the intent that only four clients will be exercising at one time in the event a retail customer should walk in. ZA Atamian clarified the parking limitations and percentage of retail space permitted. Mr. Rockholt also suggested an additional Condition regarding the retail space portion. ZA Atamian confirmed that at least the first ten feet of the suite be designated as retail, with fifty percent display area to create an ambiance of a retail establishment at the front, but not only see retail from the windows.

Mr. Rockholt also asked for clarification on new Condition 7.21 with respect to a portable signage permit. ZA Atamian stated that this Condition will help the pedestrian nature of the business by having a pedestrian oriented sign. ZA Atamian stated that the location is perfect for this purpose and that anything under the overhang will meet the standard. Fifty percent of the sign will be retail messaging with the other fifty percent advertising services. ZA Atamian advised that the sign does not need to be hand-made, but should

appear hand-crafted, and the staff can provide direction and inspiration.

Staff highlighted Condition 7.17 regarding the business shall not partition off private area; and 7.18 regarding maintaining visibility from the street. ZA Atamian stated that he was agreeable to the partition that was exhibited in the plans that were submitted; and therefore, will modify the Condition 7.17 to read: "The business shall not partition off private patient areas, with the exception of those areas identified on the plans submitted for this application, which would create a more typical medical office environment that would not qualify as pedestrian-oriented."

ZA Atamian stated that there is typical Condition that requires businesses that potentially could create vibration or noise to address that if it should become an issue. The Resolution as written states that no amplified noise or entertainment is requested as part of this project, but vibration is not addressed. ZA Atamian asked staff to include the standard Condition 7.22 to read: "Should noise or vibration become an issue in the future, the applicant will be required to address such issues to the satisfaction of the City Planner, or their designee."

Messieurs DeMaria and Rockholt agreed to all new Conditions as presented.

ZA Atamian stated that he was present for the interpretation of a pedestrian-oriented business was discussed before the Planning Commission, and understood that the applicant was encouraged to continue through the Zoning Administrator process. ZA Atamian agreed that this was the best process. Mr. DeMaria asked ZA Atamian if they should withdraw their application. ZA Atamian agreed that there would be no reason to pursue the interpretation if this application is to be approved.

ZA Atamian thanked the Mr. DeMaria for choosing San Clemente invest in his business and going through the process.

ZA Atamian stated that he is able to make the Findings for the Minor Cultural Heritage Permit in that the proposed use is permitted within the subject zone. The site is suitable for the type and intensity of the proposed use in that the use involves no more than four persons engaged in exercise activities at any time; the proposed use does not result in an increase of required parking; the proposed hours are consistent with the neighborhood; and no amplified noise or entertainment is not requested as part of this application. The proposed use will not be detrimental to the public

health, safety or welfare. The applicant has demonstrated that the use can be consistent with other pedestrian-focused businesses and has agreed to the Conditions of Approval to create a retail-oriented space towards the front of the space. The proposed use will not negatively impact surrounding land uses. The use does sufficiently generate pedestrian activity to be appropriate in a pedestrian-oriented space due to the retail displays, the business provides walk-in demonstrations of their exercise equipment including equipment that is for sale, walk-in clients are accepted and encouraged, and the portable sign provides additional advertising.

Based on the information in the staff report and subject to the required Findings and Conditions of Approval, ZA Atamian determined the project is Categorical Exempt from CEQA pursuant to the State CEQA Guidelines §15301 (14 CCR §15301, Class 1e: Existing Facilities).

Action: The Zoning Administrator adopted Resolution ZA23-021, approving Minor Conditional Use Permit (MCUP) 23-418 Smart Fit Method, 223 Avenida Del Mar, Suite C, subject to the Conditions of Approval as modified.

5. **NEW BUSINESS**

None

6. **OLD BUSINESS**

None

7. **ADJOURNMENT**

The meeting adjourned at 3:33 p.m. to the Regular Meeting of the Zoning Administrator, which will be held Thursday, January 4, 2023 at 3:00 p.m. at Community Development Department, City Hall, First Floor Community Room, located at 910 Calle Negocio, San Clemente, California.

Respectfully submitted,

SAN CLEMENTE ZONING ADMINISTRATOR



Adam Atamian, Zoning Administrator