
**CITY OF DANA POINT
ADMINISTRATIVE PERMIT**

HEARING DATE: NOVEMBER 13, 2019

TO: KELLY REENDERS, INTERIM DIRECTOR OF COMMUNITY DEVELOPMENT

FROM: DANNY GIOMETTI, ASSOCIATE PLANNER

SUBJECT: MINOR CONDITIONAL USE PERMIT CUP19-0014(M)

APPLICANT: Sheepdog Fitness

PROPERTY OWNER: Third Blessing Partnership

LOCATION: 34207 Pacific Coast Highway (APN: 682-301-11)

REQUEST: A request to expand an existing Recreational Use into an additional, non-connected suite, which is currently located inside of an existing multi-tenant commercial building, located at 34207 Pacific Coast Highway, Suite 102.

NOTICE: Notice of the public hearing was mailed to property owners within a 300-foot radius of the subject site and posted pursuant to Section 9.26.010(f) of Dana Point Town Center Plan (DPTCP) on the City of Dana Point official website, both on October 31, 2019.

ENVIRONMENTAL: Pursuant to the California Environmental Quality Act (CEQA), the project is found to be categorically exempt per Section 15301 (Class 1 – Existing Facilities).

BACKGROUND:

The subject site is a 1,200 square foot suite located within a multi-tenant commercial building, south of the intersection of Golden Lantern and Pacific Coast Highway and within the Dana Point Town Center Plan (DPTCP) area. The 13,802 square foot lot is zoned “Town Center Mixed Use (TC-MU)” as depicted on the City’s Zoning Map and contains one commercial building surrounded by a parking lot along the back and side yards of the site. The two (2) story commercial building contains four (4) suites ranging from 1,000 to 1,200 square feet in floor area and is occupied by a yoga and fitness studio and a professional office (Supporting Document 1). The existing fitness studio operating out of Suite 101 (Sheepdog Fitness) has been growing and has decided to expand their business.

In October of 2019, the project applicant (Sheepdog Fitness) submitted the subject minor Conditional Use Permit CUP(M) application to the City in order to expand their existing fitness studio into an additional, non-connected suite (102) within the existing building. Pursuant to the

Land Use Matrix within the DPTCP, "Recreational Uses" are permitted, subject to review and approval of a minor conditional use permit. Since the applicant is proposing to establish a Recreational Use in a new suite within the subject building, the review and approval of a CUP(M) is required.

DISCUSSION:

Sheepdog Fitness is a gym, which offers a variety of fitness classes including; weight training, mixed martial arts, yoga and other military specialized training. Additionally, the business offers private and group classes, on-site massage therapy, sports nutritionists, and personal trainers. The business proposes to expand their existing health and fitness studio which currently operates out of Suite 101 within the subject building, into a separate, ground floor space (Suite 102). The expansion into the new suite will provide Sheepdog Fitness additional floor area to increase the class size and variety of training and equipment offered. Approval of this permit will establish Suite 102 as a "Recreational Use" and consequently allow Sheepdog Fitness the ability to establish their business within Suite 102.

Pursuant to Section 9.35.080(e) (42) Multi-tenant commercial centers with less than 25,000 square feet shall provide retail parking at a rate of one stall for every 220 square feet of floor area. Furthermore, Section 9.35.080(e)(54) of the Dana Point Zoning Code (DPZC) states that gymnasiums, spas and health clubs are parked at a rate of one stall for every 100 square feet of floor area. Based on the attached commercial center parking analysis (Supporting Document 2), adequate parking is provided on site to satisfy the requirements of the DPZC parking code requirement.

Based on the preceding analysis, findings supporting the project and the associated discretionary permit are described in the following section.

FINDINGS:

Minor Conditional Use Permit CUP19-0014(M)

- A) **The proposed conditional use is consistent with the DPTCP and the City of Dana Point General Plan in that the proposed Recreational Use is identified as a conditionally permitted use in the Land Use Matrix of the DPTCP. The DPTCP contains requirements which implement the City's General Plan through the establishment of permitted uses and development standards for properties within the plan area. The proposed Recreational Use is also consistent with Gneral Plan Land Use Goal, Policy 1.2 which states that the use should "encourage retail businesses and mixtures of land uses that help to generate positive pedestrian activity in the area." With the implementation of the new Recreational Use, the subject commercial building will provide a mixture of businesses that will help to encourage pedestrians to visit the Town Center area.**
- B) **The nature, condition, and development of adjacent uses, buildings, and structures have been considered, and that the proposed, conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures in that he proposed Recreational Use will be established within an existing suite inside of a commercial**

building within the TC-MU district. All activities associated with the Recreational Use will take place within the confines of Suite 102. The use will not impact or increase demand for parking currently onsite. The proposed use is accordingly compatible with and complimentary to existing development within the project's vicinity as conditioned and would not be materially detrimental to adjacent uses, buildings or structures.

- C) The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other land use development features prescribed in the Dana Point Municipal Code in order to integrate the use with existing and planned uses in the vicinity **in that the site is adequate in size and shape to accommodate the proposed use in conformance with the development standards of the DPTCP and DPZC. The proposed Recreational Use will be located within a vacant suite and proposes only minor interior tenant improvements with the exception of exterior signage. The exterior of the site including fences, parking areas, loading facilities and landscaping will remain unchanged with the introduction of the Recreational Use. Additionally, as described in the discussion section, the site provides the required parking to serve the existing and proposed uses.**
- D) The requirements of the California Environmental Quality Act have been satisfied **in that the project qualifies as a Class 1 (Section 15301 Existing Facilities) exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) because the project involves the establishment of a "Recreational Use" within an existing suite with no exterior improvements proposed.**

CONDITIONS OF APPROVAL:

The City of Dana Point hereby approves Minor Conditional Use Permit CUP19-0014(M) for the referenced project. This permit is valid subject to the following conditions of approval:

A. General:

1. Approval of this application permits a request to expand an existing "Recreational Use" into an additional, non-connected suite, which is currently located inside of an existing multi-tenant commercial building, located at 34207 Pacific Coast Highway, Suite 102. Subsequent changes to the approved scope-of-work shall be in substantial compliance with those plans presented to the Community Development Director, and in compliance with applicable provisions of the City of Dana Point General Plan and Municipal and Zoning Codes.
2. The application is approved as a plan for the location and design of the uses, structures, features, and materials shown on the approved plans. Any demolition beyond that described in the approved plans or any relocation, alteration, or addition to any use, structure, feature or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director of Community Development determines that the proposed change complies with the provisions and the spirit and intent of this approval

action, and that the action would have been the same for the amendment as for the approved plot plan, he may approve the amendment without requiring a new public hearing.

3. This discretionary permit(s) will become void two (2) years following the effective date of the approval if the privileges authorized are not implemented or utilized or, if construction work is involved, such work is not commenced within such two (2) year time period or; the Director of Community Development or the Planning Commission, as applicable grants an extension of time. Such time extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the initial two-year approval period, or any subsequently approved time extensions.
4. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.
5. The applicant or any successor-in-interest shall defend, indemnify, and hold harmless the City of Dana Point ("CITY"), its agents, officers, or employees from any claim, action, or proceeding against the CITY, its agents, officers, or employees to attack, set aside, void, or annul an approval or any other action of the CITY, its advisory agencies, appeal boards, or legislative body concerning the project. Applicant's duty to defend, indemnify and hold harmless the city shall include paying the CITY's attorney fees, costs and expenses incurred concerning the claim, action or proceeding.

The applicant or any successor-in-interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from any and all claims, actions or proceedings against the City, its officers, employees, or agents arising out of or resulting from negligence of the applicant or the applicant's agents, employees or contractors. Applicant's duty to defend, indemnify and hold harmless the City shall include paying the CITY's attorney fees, costs and expenses incurred concerning the claim, action, or proceeding.

The applicant shall also reimburse the City for City Attorney fees and costs associated with the review of the proposed project and any other related documentation.

6. The applicant and applicant's successors in interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.
7. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions.
8. The applicant shall obtain all applicable permits for the proposed improvements.
9. The applicant shall be responsible for coordination with water district, sewer district, SDG&E, AT&T California and Cox Communication Services for the provision of water, sewer, electric, telephone and cable television services.
10. All proposed activities shall comply with the provisions of the City's Noise Ordinance at all

times.

11. Any proposed exterior building signage shall be reviewed and approved under a separate permit.
12. The City shall maintain the option to reconsider the Conditional Use Permit (and conditions contained herein), at any time if the Community Development Director finds it necessary to re-evaluate impacts of the use on the surrounding community.

B. Prior to the issuance of a certificate of use and occupancy or during operation of the project the applicant shall meet the following:

13. The subject "Conditions of Approval" section of this permit shall be copied in its entirety, placed directly onto a separate plan sheet in both the City and job plan sets prior to the Planning Division signing off for building final.
14. Verification of all conditions of approval are required by all City Departments.
15. All approvals from outside Departments and Agencies are required.
16. The applicant shall contact the Planning Division to conduct an inspection of the completed project including compliance with all conditions prior to contacting the Building/Safety Division for final project sign-off.
17. Building/Safety division sign off is required to finalize building permits.

DETERMINATION:

The Director of Community Development hereby:

_____ APPROVES

_____ DENIES

the requested Minor Conditional Use Permit described herein subject to the findings and applicable conditions above.

Kelly Reenders, Acting Director
Community Development Department

SUPPORTING DOCUMENTS:

1. Site and Floor Plans
2. Parking Matrix