



COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
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**CITY OF NEWPORT BEACH  
ZONING ADMINISTRATOR STAFF REPORT**

April 10, 2014  
Agenda Item No. 1:

**SUBJECT:** SoulCycle Minor Use Permit - PA2014-030  
1177 Newport Center Drive  
Minor Use Permit No. UP2014-007

**APPLICANT:** Irvine Company

**PLANNER:** Fern Nueno, Associate Planner  
(949) 644-3227, [fnueno@newportbeachca.gov](mailto:fnueno@newportbeachca.gov)

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**ZONING DISTRICT/GENERAL PLAN**

- **Zone:** PC-56 (North Newport Center)
- **General Plan:** CR (Regional Commercial)

**PROJECT SUMMARY**

A Minor Use Permit to allow a health and fitness facility with accessory retail sales. The proposed project would be located in a 3,363-square-foot tenant suite within Fashion Island between Nordstrom and Macy's and across from a parking structure. The proposed project includes an indoor cycling fitness facility for group exercise classes, a locker room, restroom/showers, and a retail sales area. The applicant intends to offer up to 12 classes per day between the hours of 5:30 a.m. and 11:00 p.m., and each class could accommodate a maximum of 58 participants.

**RECOMMENDATION**

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. \_ approving Minor Use Permit No. UP2014-007 (Attachment No. ZA 1).

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## **DISCUSSION**

- The proposed use is located within the Fashion Island Shopping Center. Fashion Island is the primary retail hub within Newport Center and is developed with retail, dining, and commercial entertainment uses.
- The Land Use Element of the General Plan designates the project site as Regional Commercial (CR), which is intended to provide retail, entertainment, service, and supporting uses that serve local and regional residents. The proposed health and fitness facility is a use that serves local and regional residents and is consistent with this land use designation.
- The project site is located within the Fashion Island Sub-Area of the PC-56 Zoning District. Pursuant to Section II.A.1., Table 1 of the PC-56 Development Plan, a personal improvement use, including a health/fitness facility, is an allowed use, subject to the approval of a Minor Use Permit by the Zoning Administrator.
- Fashion Island has a parking requirement of 3 spaces per 1,000 square feet for all commercial uses, and currently excess parking is provided due to agreements with major tenants. The proposed project does not include any additional floor area, and therefore, does not change or increase the parking requirement.
- Health and fitness facilities are commonly located within shopping centers and office developments and provides a service to employees of the surrounding businesses, shoppers, visitors, and nearby residents. The establishment will be compatible with the land uses allowed within the surrounding areas.
- As demonstrated in the attached draft resolution, staff believes the proposed project meets the requirements of the Zoning Code and PC-56 Development Plan, and the findings for approval can be made.

## **ENVIRONMENTAL REVIEW**

The project is categorically exempt under Section 15301, of the State CEQA (California Environmental Quality Act) Guidelines - Class 1 (Existing Facilities), which exempts minor alterations to existing facilities involving negligible expansion of use beyond that existing at the time of the lead agency's determination. The subject project is for a change of use in an existing building.

## **PUBLIC NOTICE**

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least

10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

**APPEAL PERIOD**

An appeal may be filed with the Director of Community Development within 14 days following the date of action. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:



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Fern Nueno, Associate Planner

JC/fn

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|--------------|------|---------------------------------|
| Attachments: | ZA 1 | Draft Resolution                |
|              | ZA 2 | Vicinity Map                    |
|              | ZA 3 | Applicant's Project Description |
|              | ZA 4 | Project Plans                   |

# **Attachment No. ZA 1**

Draft Resolution

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**RESOLUTION NO. ZA2014-0##**

**A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING MINOR USE PERMIT NO. UP2014-007 FOR A PERSONAL IMPROVEMENT USE (HEALTH/FITNESS FACILITY) LOCATED AT 1177 NEWPORT CENTER DRIVE (PA2014-030)**

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Irvine Company, with respect to property located at 1177 Newport Center Drive, and legally described as Parcel 3 of Lot Line Adjustment LLA2009-001, requesting approval of a Minor Use Permit.
2. A Minor Use Permit to allow a health and fitness facility with accessory retail sales. The proposed project would be located in a 3,363-square-foot tenant suite within Fashion Island between Nordstrom and Macy's and across from a parking structure. The proposed project includes an indoor cycling fitness facility for group exercise classes, a locker room, restroom/showers, and a retail sales area. The applicant intends to offer up to 12 classes per day between the hours of 5:30 a.m. and 11:00 p.m., and each class could accommodate a maximum of 58 participants.
3. The subject property is located within the North Newport Center Planned Community (PC-56) Zoning District and is designated as Regional Commercial (CR) within the Land Use Element of the General Plan.
4. The subject property is not located within the coastal zone.
5. A public hearing was held on April 10, 2014, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt pursuant to Title 14 of the California Code of Regulations (Section 15301, Article 19 of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 1 (Existing Facilities).
2. Class 1 exempts minor alterations to existing facilities involving negligible expansion of use beyond that existing at the time of the lead agency's determination. The subject project is for a change of use in an existing commercial building.

### SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020 of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

#### Finding

A. *The use is consistent with the General Plan and any applicable specific plan:*

#### Facts in Support of Finding

1. The Land Use Element of the General Plan designates the project site as Regional Commercial (CR), which is intended to provide retail, entertainment, service, and supporting uses that serve local and regional residents. The proposed health and fitness facility is a use that serves local and regional residents and is consistent with land uses in the CR land use designation.
2. The subject property is not located within a specific plan area.

#### Finding

B. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code:*

#### Facts in Support of Finding

1. The project is located in the Fashion Island Sub-Area of the PC-56 (North Newport Center Planned Community) Zoning District. Fashion Island is intended to be a regional retail and entertainment center and a day/evening destination with a wide variety of uses that will serve visitors, residents, and employees of the area. The health and fitness facility is a commercial use that serves visitors, residents, and employees in the area and, therefore, is consistent with the purposes of the PC-56 District for the Fashion Island Sub-Area.
2. Pursuant to Section II.A.1., Table 1 of the North Newport Center Planned Community District Regulations, a personal improvement use, including a health and fitness facility is an allowed use, subject to the approval of a Minor Use Permit by the Zoning Administrator.
3. Fashion Island has a parking requirement of 3 spaces per 1,000 square feet for all commercial uses, and currently excess parking is provided due to agreements with major tenants. The proposed project does not include any additional floor area, and therefore, does not change or increase the parking requirement.

Finding

- C. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity:*

Facts in Support of Finding

1. The Fashion Island Sub-Area permits a range of retail, dining, personal service, and commercial entertainment uses within the PC-56 (North Newport Center Planned Community) Zoning District. The proposed use is compatible with surrounding allowed commercial uses in the vicinity and there are no sensitive land uses located nearby.
2. The retail and reception areas are visible from the walkway in front of the subject suite and the fitness studio, restrooms, locker rooms, and related facilities are in the rear of the suite. This design ensures compatibility with the nearby retail and restaurant uses.
3. The subject suite on the exterior of the shopping center and faces a parking structure, which minimizes any potential negative effects of a health and fitness facility to nearby uses.
4. The proposed hours of operation are 5:30 a.m. to 11:00 p.m., daily.

Finding

- D. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities:*

Facts in Support of Finding

1. The subject suite fronts a drive aisle and parking structure and has multiple entrances and exits to the suite.
2. The Fashion Island shopping center is contained within the boundaries of Newport Center Drive and is developed with multiple buildings and parking areas. Fashion Island provides adequate parking and circulation within the surface parking lots, parking structures, and drive aisles on site.
3. The Public Works Department, Building Division, and Fire Department have reviewed the application. The project is required to obtain all applicable permits from the City Building and Fire Departments and must comply with the most recent, City-adopted version of the California Building Code. The Fire Department has reviewed the project site to ensure adequate public and emergency vehicle access is provided. Utilities are provided with all applicable requirements.

Finding

- E. *Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, a safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding

1. The proposed use is compatible with other commercial uses in the vicinity, and complements the retail sales and service uses in the immediate area. The use will serve nearby residents, employees, shoppers, and visitors.
2. The project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible.
3. Fashion Island management has historically provided efficient on-site security and cooperation with the Newport Beach Police Department.
4. Fashion Island has a parking requirement of 3 spaces per 1,000 square feet for all commercial uses. The proposed project does not include any additional floor area, and therefore, does not change or increase the parking requirement.
5. Compliance with the Municipal Code is required and will further ensure that the proposed use will not be detrimental.

## SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. UP2014-007, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
2. This action shall become final and effective 14 days after the adoption of this Resolution unless within such time an appeal is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED AND ADOPTED THIS 10<sup>TH</sup> DAY OF APRIL, 2014.**

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Brenda Wisneski, AICP, Zoning Administrator

**EXHIBIT "A"****CONDITIONS OF APPROVAL**

1. The development shall be in substantial conformance with the approved site plan, floor plans and building elevations stamped and dated with the date of this approval, except as modified by applicable conditions of approval.
2. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. The applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Minor Use Permit.
4. This Minor Use Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
5. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Minor Use Permit or the processing of a new Minor Use Permit.
6. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
7. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
8. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.
9. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the SoulCycle Minor Use Permit including, but not limited to, the Minor Use Permit No. UP2014-007. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees,

and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

DRAFT

# **Attachment No. ZA 2**

Vicinity Map

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# VICINITY MAP



Minor Use Permit No. UP2014-007  
PA2014-030

**1177 Newport Center Drive**

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# **Attachment No. ZA 3**

Applicant's Project Description

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# CAA PLANNING

February 27, 2014

**PA2014-030 for UP2014-007**  
1177 Newport Center Drive  
Irvine Company

Ms. Brenda Wisneski  
Deputy Community Development Director  
City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA 92660

Subject: Minor Use Permit Application, 1177 Newport Center Drive, Fashion Island Regional Shopping Center

Dear Ms. Wisneski:

On behalf of Irvine Company, CAA Planning, Inc. (CAA) submits the enclosed Minor Use Permit application to allow a Personal Improvement – Health/Fitness Club with accessory retail sales, doing business as SoulCycle, to be located at 1177 Newport Center Drive within the Fashion Island Regional Shopping Center (Fashion Island). The space located at 1177 Newport Center Drive is a 4,286 square feet lower-level suite located on the south side of Fashion Island and was previously occupied by the Toni & Guy Salon. The suite is currently vacant.

## Proposed Project

The proposed SoulCycle is an indoor cycling fitness facility consisting of a single “studio room,” within which are located stationary bicycles (58 bicycles for customers and one instructor’s bicycle) for group exercise activity commonly referred to as “spinning.” Classes are scheduled to last 45 minutes with a 15-minute break between classes to allow reasonable time for one class to depart prior to the following class arriving. Generally, there will be up to 12 classes per day on weekdays and eight classes per day on weekends. Weekday morning classes will start at 5:30am and weekend classes will start at 7:00am. The last class will begin no later than 8:30pm and the studio will close before 11:00pm on weekdays and before 10:00pm on weekends. It is anticipated that there will be up to five employees on the premises, including a class instructor, during class hours.

SoulCycle intends to lease 3,363 square feet of the existing suite’s 4,286 square feet. A demising wall will separate the unused suite space, depicted by the dashed area on Drawing A110, from the SoulCycle space. In addition to the cycling studio, interior improvements will include an area for the ancillary retail sales of active fashion branded fitness apparel, lockers, men’s and women’s toilet and shower areas. Also included will be laundry facilities, administrative offices, a mechanical room and storage. Exterior improvements will be minor and limited to storefront modification to accommodate new business signage and branding.



Ms. Brenda Wisneski  
February 27, 2014  
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Consistency

The project is located in the Fashion Island Sub-Area of the PC-56 (North Newport Center Planned Community) Zoning District. Pursuant to the Planned Community Text, Health/Fitness Clubs fall beneath the definition of "Personal Improvement" which is a permitted use within the Fashion Island Sub-Area. Pursuant to the Planned Community Text, the proposed fitness club requires minor use permit.

We believe that the Zoning Administrator will be able to make the appropriate findings for approval the SoulCycle. If you have any questions or concerns, please do not hesitate to contact me at 949-581-2888.

Sincerely,

CAA PLANNING, INC.

Shawna L. Schaffner  
Chief Executive Officer

Attachments: Minor Use Permit Application  
Tenant Improvement Plans – 3 standard sets, 4 reduced sets, and CD  
Authorization Letter  
300' Radius Map and Mailing Labels  
Title Report  
Findings

c: Mr. Brandon Mucha, Irvine Company Retail Properties

*Minor Use Permit*

In accordance with Section 20.52.020.F of the Newport Beach Municipal Code, the following findings and facts in support of the findings for a use permit are set forth:

Finding

*A. The use is consistent with the General Plan and any applicable specific plan*

Facts in Support of Finding

A1. The Land Use Element of the General Plan designates the project site as Regional Commercial (CR), which is intended to provide retail, entertainment, service, and support uses that serve local and regional residents. The proposed fitness club is a use that services local and regional residents and is consistent with land uses in the CR land use designation.

Finding

*B. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.*

Facts in Support of Finding

B1. The project is located in the Fashion Island Sub-Area of the PC-56 (North Newport Center Planned Community) Zoning District. Fashion Island is intended to be a regional retail and entertainment center and a day/evening destination with a wide variety of uses that will serve visitors, residents, and employees of the area. The proposed fitness club is a commercial use that will serve visitors, residents, and employees in the area and, therefore, is consistent with the purposes of the North Newport Center Planned Community District for the Fashion Island Sub-Area.

B2. Health/Fitness Clubs are permitted uses within the Fashion Island Sub-Area of the North Newport Center Planned Community District. Pursuant to the Planned Community Text, Health/Fitness Clubs fall beneath the definition of "Personal Improvement" which is a permitted use within the Fashion Island Sub-Area. Pursuant to the Planned Community Text, the proposed fitness club requires minor use permit.

Finding

*C. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding

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- C1. The Fashion Island Sub-Area permits a range of retail, dining, and commercial entertainment uses within the PC-56 (North Newport Center Planned Community) Zoning District. The proposed use is compatible with surrounding permitted commercial uses in the vicinity and there are no sensitive uses in the immediate vicinity of Fashion Island.
- C2. The proposed hours of operation are 5:30 a.m. to 11:00 p.m., weekdays and 7:00 a.m. to 10:00 p.m., weekends. Classes are scheduled to last 45 minutes with a 15-minute break between classes to allow reasonable time for one class to depart prior to the following class arriving. Generally, there will be up to 12 classes per day on weekdays and eight classes per day on weekends with the last class starting not later than 8:30pm. The proposed hours are compatible with surrounding permitted commercial uses.

Finding

*D. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g. fire and medical) access and public services and utilities.*

Facts in Support of Finding

- D1. The Fashion Island Sub-Area provides adequate parking and circulation within the surface parking lots and parking structures on site based on the Fashion Island requirement of 3 spaces per 1,000 square feet of floor area as set forth in the North Newport Center Planned Community Text
- D2. The site will provide adequate public and emergency vehicle and utilities are provided with all applicable requirements.
- D3. The subject tenant space has historically been developed and used as a retail business the proposed tenant will be a retail business.
- D4. Improvements at the project site will comply with all Building, Public Works, and Fire Codes. All ordinances of the City and all conditions of approval will be complied with.

Finding

*E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the city, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding

- E1. The proposed fitness club is an approved use in Fashion Island and will contribute to the harmonious and orderly growth of the city and will not constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the

neighborhood of the proposed use. The project will comply with the Design Regulations for Fashion Island projects as outlined in the North Newport Center Planned Community Text.

# **Attachment No. ZA 4**

Project Plans

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MINOR USE PERMIT  
02.24.2014

**OWNER**

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T : (212) 787-7685  
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CONTACT : ALAN COOKE  
E-MAIL : alan.cooke@soul-cycle.com

**LANDLORD**

IRVINE COMPANY  
105 INNOVATION DRIVE  
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CONTACT : BRANDON MUCHA  
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**ARCHITECT**

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