

**CITY OF NEWPORT BEACH  
PLANNING DEPARTMENT ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION  
FROM: David Lepo, Planning Director  
SUBJECT: Report of actions taken by the Zoning Administrator, Planning Director and/or Planning Department staff for the week ending April 3, 2009

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**ACTIONS TAKEN BY THE PLANNING DIRECTOR OR PLANNING DEPARTMENT STAFF**

Studio Seaside – Planning Director’s Use Permit No. UP2008-008 (PA2009-028)  
3711 East Coast Highway

The Planning Director approved the applicants request for a personal improvement service use pursuant to Chapters 20.15 and 20.91 of the Municipal Code. Studio Seaside will offer fitness classes providing cardio and resistance training influenced by yoga, ballet, and pilates.

Approved – April 3, 2009

Council District 6

On behalf of David Lepo, Planning Director: -



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Patrick Alford, Planning Manager

**APPEAL:**

The applicant or any interested party may appeal the decision of the Planning Director, Zoning Administrator and department staff to the Planning Commission by a written request to the Planning Director within 14 days of the action date. A \$1,810.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired.

c: David Lepo, Planning Director (*e-mail*)  
Sharon Wood, Assistant City Manager (*e-mail*)  
David Keely, Public Works Senior Civil Engineer (*e-mail*)  
Code Enforcement Division (*e-mail*)



**USE PERMIT NO. UP2009-008**  
(PA2009-028)

PLANNING DEPARTMENT  
3300 NEWPORT BOULEVARD  
NEWPORT BEACH, CA 92663  
(949) 644-3200 FAX (949) 644-3229

Staff Person: Fern Nueno  
fnueno@city.newport-beach.ca.us, 644-3227  
Appeal Period: 14 days after approval date

**Application:** Planning Director's Use Permit No. UP2008-008 (PA2009-028)  
**Applicant:** Studio Seaside  
**Site Address:** 3711 East Coast Highway  
**Legal Description:** Lot 1 , Block BB, Tract 0323

**Action:** Approved Modified Request – APRIL 3, 2009

The Planning Director approved an application for a use permit for a personal improvement service use pursuant to Chapters 20.15 and 20.91 of the Municipal Code. Studio Seaside will offer fitness classes providing cardio and resistance training influenced by yoga, ballet, and pilates. The property is located in the RSC (Retail and Service Commercial) District. The approval is based on the following findings and subject to the following conditions:

**FINDINGS**

1. The proposed location of the use is in accord with the objectives of the Zoning Code and the purposes of the district in which the site is located.

Facts in support of finding:

- The site is located in the Retail and Service Commercial (RSC) District. This district is intended to provide areas which are predominantly retail in character but it also allows service and office uses. The proposed health and fitness facility is consistent with the RSC District.
- Health and fitness facilities are considered personal improvement services and are a permitted use in this district upon approval of a use permit. Use permits enable the City to control certain uses which could have detrimental effects if not compatible with uses on adjoining properties and in the surrounding area. A health and fitness facility is complementary to other uses in the commercial building which includes a hair salon, nail salon, tanning salon, and pilates studio because it adds another beneficial service for residents and visitors. Other nearby uses include a hotel, restaurants, and retail sales. The proposed health and fitness facility does not present any conflicts with the purpose and intent of this district.

2. The proposed location of the use permit and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan and the purpose of the district in which the site is located; will not be detrimental to the public health, safety, peace, morals, comfort, or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to the properties or improvements in the vicinity or to the general welfare of the city.

Facts in support of finding:

- The proposed personal improvement service use is consistent with the Corridor Commercial land use designation of the General Plan, which is intended to provide for a range of neighborhood serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. The proposed use would integrate well with existing neighborhood-serving retail uses because it will offer additional services to residents of the area without being a detriment to the community.
- The proposed use is a support use for the residential, office and retail sales uses in the area.
- The anticipated class sizes are approximately 5-12 adults, and only one (1) class can be taught at a time. The suite is approximately 1,400 square feet, but the area devoted to the workouts is approximately 750 square feet, which will effectively limit class sizes thereby avoiding occupancy levels that could increase parking demand.
- The site is multi-tenant and provides two (2) parking spaces. The subject property is nonconforming due to deficient off-street parking; however the nonconforming status is not intensified by the proposed use. Pursuant to Section 20.62.050 (Nonconforming Structures and Uses – Nonconforming Parking) of the Municipal Code, nonconforming uses in nonresidential districts may be continued or changed to a use requiring the same or less on-site parking. The previous retail sales use would require six (6) parking spaces based upon the retail use parking ratio of one (1) parking space per 250 feet of gross floor area required per Chapter 20.66 (Off-street Parking and Loading Regulations) of the Municipal Code. The gross floor area of the subject suite is approximately 1,400 square feet. The proposed use with limited hours of operation and class sizes will not require more parking than the previous retail sales use required. Given the nature of the use and its location, alternate modes of transportation, including walking and carpooling, will likely ensure that actual parking demand will not typically exceed that generated by the prior use.
- The noise impacts on the nearby residential uses have been addressed by the limitation on hours of operation and the requirement that the doors and windows remain closed during the business hours of the establishment.

3. The proposed use will comply with the provisions of this code, including any specific condition required for the proposed use in the district in which it would be located.

Facts in support of finding:

- The health and fitness facility is consistent with the legislative intent of Chapter 20.15 (Commercial Districts) of the Municipal Code. Section 20.15.020 requires approval of a use permit for personal improvement services in the RSC District. No other specific conditions are required in the Zoning Code for the proposed use.
  - The proposed health and fitness facility use is consistent with the parking requirements pursuant to Chapters 20.62 and 20.66 of the Municipal Code. The nonconforming off-street parking status is not exacerbated by the proposed use.
4. The project is categorically exempt from the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities) that exempts the ongoing use of existing commercial buildings where there is negligible or no expansion of use. The use involves no construction other than minor interior alterations or signs and the change in use will not increase parking demand above the prior retail use of the existing building.

### **CONDITIONS**


1. Development shall be in substantial conformance with the approved site plan and floor plan, except as noted in the following conditions.
2. Class size shall be limited to 12 participants. There shall be fifteen minutes provided between the end of one class and the start of the next class.
3. Hours of operation of the facility shall be limited to Sunday through Saturday from 7:00 a.m. to 9:00 p.m. Any increase in the hours of operation or class size shall be subject to the approval of an amendment to this use permit.
4. The doors and windows shall remain closed at all times during periods when noise is generated by the proposed use.
5. The operator of the facility shall be responsible for the control of noise generated by the subject facility, including any music utilized. The noise generated by the use shall comply with the provisions of Chapter 10.26 of the Newport Beach Municipal Code.
6. If this business is sold or otherwise comes under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current business owner, property owner or leasing company.

7. No temporary "sandwich" signs, balloons or similar temporary signs shall be permitted, either on-site or off-site, to advertise the health and fitness facility, unless specifically permitted in accordance with the Sign Ordinance of the Municipal Code. Temporary signs shall be prohibited in the public right-of-way, unless otherwise approved by the Public Works Department in conjunction with the issuance of an encroachment permit or encroachment agreement.
8. All signs shall conform to the provisions of Chapter 20.67 of the Municipal Code and shall only advertise and identify the primary use of the facility.
9. The project shall comply with State Disabled Access requirements.
10. The facility shall be designed to meet exiting and fire protection requirements as specified by the Uniform Building Code and shall be subject to review and approval by the Building Department.
11. The Planning Director may add to or modify conditions of approval to this use permit, or recommend to the Planning Commission the revocation of this permit upon a determination that the operation which is the subject of this approval causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
12. This approval shall expire unless exercised within 24 months from the end of the appeal period, in accordance with Section 20.91.050 of the Newport Beach Municipal Code.

**APPEAL PERIOD**

The decision of the Planning Director may be appealed by the applicant or any interested party to the Planning Commission within 14 days of the decision date. Any appeal filed shall be accompanied by a filing fee of \$1,810.00.

On behalf of Planning Director David Lepo,

 *JW Campbell, FOR*

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Fern Nueno, Assistant Planner

fn/jc

Attachments: Vicinity Map  
Applicant's Project Description  
Project Plans

# VICINITY MAP



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Planning Director's Use Permit No. UP2009-008  
Project No. PA2009-028

*Site Address: 3711 East Coast Highway*

# Studio Seaside

3711 East Coast Highway  
Corona del Mar, CA 92625

Carissa Martin, Owner  
carissamartin@studioseaside.com  
949.300.6427

03.01.2009

## Attention:

The information provided in this business plan is confidential and is being furnished to select individuals in the initial stages of our business to insure all permits and regulations are met. This business plan is a confidential document that contains ideas, concepts, methods and other proprietary information. Readers are to treat the information contained herein as confidential and may not copy any of these materials without the permission of the company.

## **Goals and Objectives**

To create an online community for mothers to connect and provide a support network for each other. Our objectives would be to tailor this online resource to the local community and involve healthcare professionals on topics relating to post partum depression and other sensitive topics

To not only connect the mothers of Corona del Mar with each other, but to connect these families with the many other local businesses in surrounding area. Our objective is to promote community in every sense of the word.

To encourage local moms to get fit with their children. At Studio Seaside we hope to help mothers set a positive example for their children of what it means to be active and healthy. Our objective is to be a part of the movement that is working to help curb the childhood obesity epidemic.

## **Description of Day-to-Day Operations and Logistics**

Studios Seaside plans on opening its first studio in Corona del Mar, CA. The Studio Seaside atmosphere would reflect the lifestyle of a typical Newport Beach family, which would translate into a business place that is bright and beach themed, clean and minimal, welcoming and inclusive.

Studio Seaside's primary clientele is projected to come from the surrounding communities of Corona del Mar and Newport Coast. Focusing on a local client will allow mothers to walk to our studio instead of driving and will have the added benefits of cutting back on traffic and environmental concerns while encouraging moms to get active and moving through the local businesses, which will be an asset to local coffee, retail, beauty and lunch outlets.

The planned hours of operation will be Monday through Friday from 9am-12:00pm, then 3pm- 5pm, and Saturdays from 10am-12pm. We would be closed Sundays. While this schedule works best for the Studio's business model, it also has the added benefit of keeping the area free for the Five Crowns busy Sunday Brunch crowd.

This Schedule was designed with both the needs of our clients and the traffic patterns of the business district in mind. It will ensure that we keep traffic



minimal on the Corona del Mar strip during the lunch rush and keeps surrounding parking free during peak hours. Additionally, as a local owner (I am a Corona del Mar resident) I plan on walking to the Studio each day to free up one more parking space.

Studio Seaside plans on opening with three members of staff. As the owner, I would over see daily operations. Two independent contractors would be hired to run classes at the studio. As the studio can only operate one class per time slot, only one contractor would be at the space with the owner at one time. I have attached a proposed daily schedule for your consideration.

### **Property Description**

The property in consideration is one part of a five unit, single level, commercial building. The total property is approx 5700 square feet and the unit for lease takes up 28% of that space (1600 square feet). Of that 1600 sq ft, 1000 sq ft would be public, or usable space, while 600 sq ft would be private or closed areas (office and storage). The existing layout of the unit would require no changes for this to happen. I have attached a proposed floor plan for your consideration.

## **Statement of purpose**

Our Goal at studio seaside is to offer moms small group personal training classes while simultaneously providing a stimulating environment for their children. Our classes will provide cardio and resistance training influenced by the core strengthening disciplines of yoga, ballet and pilates. Our small group concept (5 -7 people per class) will allow us to provide maximum attention to our clients' specific needs while insuring a calm and peaceful environment for small children to thrive in. Focusing on the pre and post natal necessity of core strength training will allow us to have no gym equipment thus ensuring the safety of everyone involved.

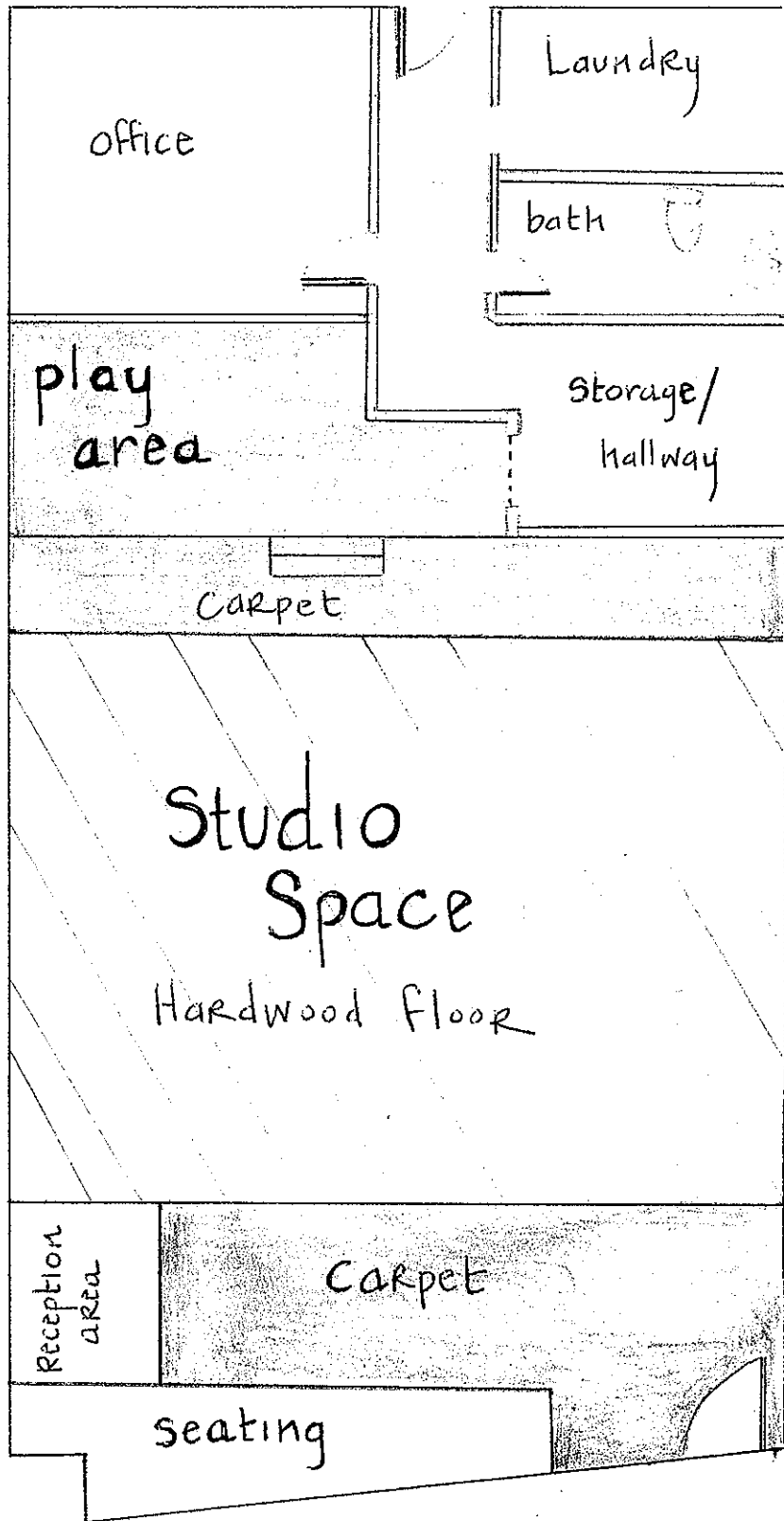
## **Business Concept**

After having two children in three years the founder of Studio Seaside quickly realized the limitations of when and where she could work out. Her fitness goals were that of any new mother; to get back to her normal size and shape after childbirth, to maintain the level of fitness required for a healthy active mother, and to workout in a clean, secure environment with people who have similar values and share the same lifestyle. Her options were limited to either walking outdoors or trusting her children with a babysitter or childcare provider at a crowded gym. None of these options were appealing. Studio Seaside will be that place where a mother's specific fitness goals can be met while an accepting and accommodating environment is created for her children. Nothing like this currently exists.

## **Industry Analysis**

Because Studio Seaside is creating a unique concept I believe there is very little competition in this industry. There are several personal fitness studios in the local areas but none are specifically aiming at the family market. There are several small studios in the local area but none are child friendly. It is for this reasons that I believe Studio Seaside will be meeting a need that is currently unmet in our community.





Not a Wall →

← NOT A WALL

← NOT A WALL

ALLEY

TRASH

PARKING

PARKING

Sante Pilates  
336 Poinsettia

Hair Salon

3707  
BARE TAN  
Tanning Salon

3701  
Lovely Nails

3711  
E. COAST  
HIGHWAY

