



Scenic Pacifica

Incorporated Nov. 22, 1957

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## ZONING ADMINISTRATOR Agenda

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### ***CORONAVIRUS DISEASE (COVID-19) NOTICE***

THIS MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF GOVERNMENT CODE SECTION 54953 (AS AMENDED BY AB 361) WHICH AUTHORIZES TELECONFERENCED MEETINGS UNDER THE BROWN ACT DURING CERTAIN PROCLAIMED STATES OF EMERGENCY. THE GOVERNOR OF CALIFORNIA PROCLAIMED A STATE OF EMERGENCY RELATED TO COVID-19 ON MARCH 4, 2020. THIS TELECONFERENCED MEETING IS NECESSARY SO THAT THE CITY CAN CONDUCT ESSENTIAL BUSINESS AND IS PERMITTED UNDER GOVERNMENT CODE 54953 IN ORDER TO PROTECT PUBLIC HEALTH AND SAFETY OF ATTENDEES.

Consistent with the above-referenced Orders, this Zoning Administrator Meeting will not be physically open to the public and the Zoning Administrator and staff will be video/teleconferencing into the meeting. The meeting will be conducted via Zoom Webinar.

To maximize public safety while still maintaining transparency and public access, members of the public can observe the meeting from home. Below is information on how the public may observe and participate in the meeting.

#### **To Observe the Meeting:**

- To access the meeting by computer / smartphone, go to <https://us06web.zoom.us/j/84254809216>
- To dial-in via phone: +1 (669) 444-9171  
Then enter Webinar ID: 842 5480 9216

#### **To Participate in the Meeting by Providing Public Comment:**

- **During the Meeting:** Live verbal public comments may be made by members of the public joining the meeting via Zoom (computer, smartphone/tablet app, or phone). Zoom access information is provided above. Use the “raise hand” feature (for those joining by phone, **press \*9 to “raise hand”**) during the public comment period for the agenda item you wish to address. City staff will call on people to speak by name provided or last 4 digits of phone number for dial-in attendees. Please clearly state your full name for the record at the start of your public comment. You will have 3 minutes to speak unless modified by the meeting chair.
- **Before the Meeting:** Written public comments for the record may be submitted in advance by 4:00 p.m. on the meeting date by email to: [publiccomment@ci.pacifica.ca.us](mailto:publiccomment@ci.pacifica.ca.us) and will be made part of the written record but will not be read verbally at the meeting. Written public comments submitted by email should adhere to the following:
  - Clearly indicate the Agenda Item No. or specify “Oral Communications” in the Subject Line for items not on the agenda
  - Include the submitter’s full name

Written public comments received by 8:30 a.m. on the meeting date will be provided in their entirety to the Zoning Administrator prior to the meeting and will be made part of the written record but will not be read verbally at the meeting. Written public comments will be posted to the City’s website for review prior to the meeting.

Note: The methods of observing the meeting or providing public comments may be altered or the meeting may be cancelled, if needed. You may check on the status of the meeting by visiting the City’s website at [www.cityofpacifica.org](http://www.cityofpacifica.org) for any updates or changes, should they occur.

**DATE:** August 22, 2022  
**LOCATION:** Zoom Meeting (Online): <https://us06web.zoom.us/j/84254809216> or Dial (669) 444-9171 and enter Webinar ID: 842 5480 9216  
**TIME:** 10:00 AM

**ADMINISTRATIVE BUSINESS:**

1. **Approval of Minutes** August 12, 2020
2. **Oral Communications** This portion of the agenda is available to the public to address the Zoning Administrator on any issue within the subject matter jurisdiction of the Zoning Administrator that is not on the agenda. The time allowed for any speaker will be three minutes.

**PUBLIC HEARINGS:**

3. **UP-132-22** **FILE NO. 2022-022 FOR USE PERMIT UP-132-22, PARKING EXCEPTION PE-193-22** filed by applicant Darlene Estrada on June 13, 2022 to establish a yoga studio in an existing 750 square foot (sf) tenant space at the Adobe Plaza Shopping Center located at 980 Linda Mar Blvd (APN 023-221-210) in Pacifica. The project site is located within the C-1 (Neighborhood Commercial) zoning district. Recommended California Environmental Quality Act (CEQA) status: Class 1 and Class 3 Categorical Exemption, CEQA Guidelines Section 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures).  
*Proposed Action:* Approve as conditioned.

**ADJOURNMENT**

Anyone aggrieved by the action of the Zoning Administrator has 10 calendar days to appeal the decision in writing to the Planning Commission. If any of the above actions are challenged in court, issues which may be raised are limited to those raised at the public hearing or in written correspondence delivered to the City at, or prior to, the public hearing. Judicial review of any City administrative decision may be had only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

The City of Pacifica will provide special assistance for persons with disabilities upon 24 hours advance notice to the City Manager's office at (650) 738-7301, including requests for sign language assistance, written material printed in a larger font, or audio recordings of written material. All meeting rooms are accessible to persons with disabilities.



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## ZONING ADMINISTRATOR Minutes

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**DATE:** August 12, 2020  
**LOCATION:** Zoom Meeting (Online): <https://zoom.us/j/92734126614>, or Dial (669) 900-6833 and enter Webinar ID: 927 3412 6614  
**TIME:** 5:30 PM

Zoning Administrator (ZA) Tina Wehrmeister called the meeting to order at 5:31 PM. ZA Wehrmeister read a statement addressing modified meeting procedures in response to the COVID-19 public health emergency, indicating that the meeting would not be open to the public but that the ZA, City staff, and the public would participate in the meeting as a teleconference meeting.

Senior Planner Christian Murdock and Assistant Planner Helen Gannon were present as City staff. The applicant Judy Hayes was present in relation to Agenda Item No. 3.

### ADMINISTRATIVE BUSINESS:

1. **Approval of Minutes** ZA Wehrmeister approved the minutes from July 8, 2020, as prepared.
2. **Oral Communications** No speakers.

### PUBLIC HEARINGS:

3. **TUP-1-19** **FILE NO. 2019-013 FOR TEMPORARY USE PERMIT TUP-1-19**, filed by applicant Judy Hayes on July 15, 2020, to amend Zoning Administrator Resolution No. 2019-2 and extend the permit for establishment and operation of a temporary outdoor retail coffee service for a period of up to six months on a portion of the Sea Bowl Entertainment & Bowling Center site located at 4625 Coast Highway (APN 022-150-440) in Pacifica. The project site is located within the C-1 (Neighborhood Commercial) zoning district.  
Recommended California Environmental Quality Act (CEQA) status: Class 4 Categorical Exemption, CEQA Guidelines Section 15304 (Minor Alterations to Land).  
*Proposed Action:* Approve as conditioned.

- Assistant Planner Gannon presented the staff report.
- ZA Wehrmeister had no questions and asked the applicant if she had any comments.
- Ms. Judy Hayes had no comments.
- ZA Wehrmeister confirmed with the applicant that she is aware of all conditions found in ZA Resolution No. 2019-2.
- Ms. Hayes confirmed.
- ZA Wehrmeister asked whether the Applicant had a preference to leave Condition No. 6 from ZA Resolution 2019-2 as-is, instead of reducing the allowable hours.
- Ms. Hayes explained that the operation would not be open beyond the allowable hours of 1:30 p.m.
- ZA Wehrmeister opened the public hearing.
- Senior Planner Murdock stated that there were no members of the public who wished to speak.
- ZA Wehrmeister closed the public hearing.
- ZA Wehrmeister asked staff about keeping Condition of Approval No. 6 as-is.
- Assistant Planner Gannon explained that the change in Condition of Approval No. 6 was to remain consistent with the proposed hours of operation, as indicated in the applicant's operations plan. She stated that there would be no issue with keeping Condition of Approval No. 6 the same.

- ZA Wehrmeister found the project exempt from the California Environmental Quality Act and amended ZA Resolution No. 2019-2 without any change to the original Condition of Approval No. 6.

## **ADJOURNMENT**

Zoning Administrator Wehrmeister adjourned the meeting at 5:41 PM.



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## ZONING ADMINISTRATOR Staff Report

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**DATE:** August 22, 2022

**FILE:** UP-132-22  
PE-193-22

**ITEM:** 3

**PUBLIC NOTICE:** Notice of Public Hearing was published in the San Mateo Daily Journal on August 12, 2022 and mailed to 277 surrounding property owners and occupants.

**APPLICANT:** Darlene Estrada  
1016 Anza Drive  
Pacifica, CA 94044  
(310) 483-6365

**OWNER:** Magrin Properties LLC  
8848 Shortline Lane  
Elk Grove, CA 95624

**PROJECT LOCATION:** 980 Linda Mar Boulevard (APN 023-221-210) – West Linda Mar

**PROJECT DESCRIPTION:** File No. 2022-022 – Establish a yoga studio in an existing 750 square foot (sf) tenant space at the Adobe Plaza Shopping Center. A parking exception is requested to address the four off-street parking spaces required for the proposed use.

**SITE DESIGNATIONS:** General Plan: Retail Commercial  
Zoning: C-1 (Neighborhood Commercial)

**RECOMMENDED CEQA STATUS:** Class 1 and Class 3 Categorical Exemptions, CEQA Guidelines Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures).

**ADDITIONAL REQUIRED APPROVALS:** None. Subject to appeal to the Planning Commission and the City Council.

**RECOMMENDED ACTION:** Approve as conditioned.

**PREPARED BY:** Helen Gannon, Associate Planner

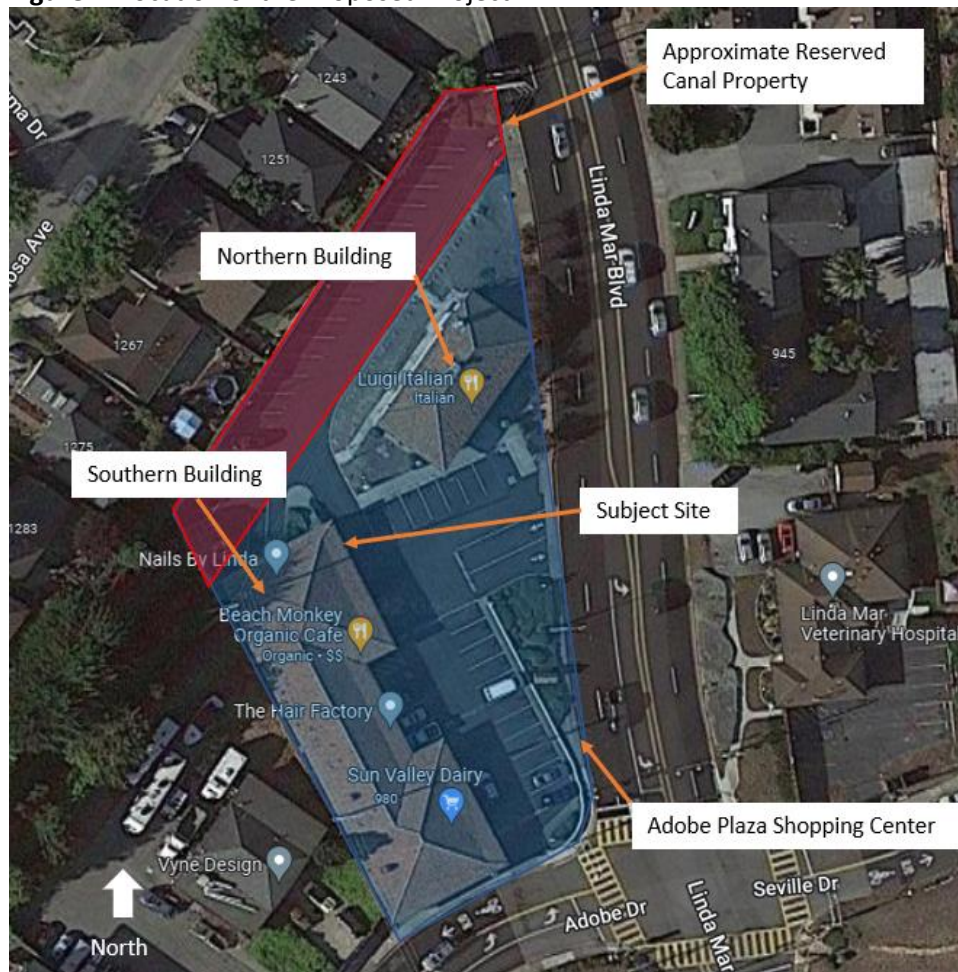
## **PROJECT SUMMARY, RECOMMENDATION, AND FINDINGS**

### **1. Project Description**

The project includes establishment of a yoga studio within an existing vacant tenant space, totaling 750 square feet (sf), located at 980 Linda Mar Boulevard in the Adobe Plaza Shopping Center.

The Adobe Plaza Shopping Center site contains two existing buildings (Figure 1). The northern building (950 Linda Mar Boulevard), which is currently occupied by Luigi's Italian Restaurant, and the southern building, which contains various commercial tenants. The subject tenant space is located on the northern end of the southern building. The space was previously occupied by an acupuncture business.

**Figure 1.** Location of the Proposed Project



No renovations are proposed to the interior or exterior of the tenant space as part of the project. The existing tenant space consists of an open floor plan with a storage closet and restroom, as shown in Attachment B. Furniture, including a desk and shelves would be brought to the space for students to store their belongings and yoga props.

The yoga studio would offer meditation, hatha, vinyasa, yin, and restorative yoga classes. There would be approximately one to five students per class. The proposed hours of operation are 8:00 am to 8:00 pm Monday through Friday and 8:00 am to 1:00 pm Saturday and Sunday. The studio would offer one to three classes each day. Classes range from 40 minutes to 90 minutes in length. The studio would have one employee. Based on the City's parking standards (discussed in further detail in Section 4.B of this staff report) the use would require four off-street parking spaces.

## **2. General Plan, Zoning, and Surrounding Land Uses**

The General Plan (2022) land use designation for the project site is "Retail Commercial" (Attachment C). Retail Commercial land use designation is intended for retail, restaurant, and service uses, typically in single-or two-story buildings within shopping centers or on sites in the Highway 1 corridor. The proposed yoga studio would qualify as a service use.

The subject site is located within the C-1 (Neighborhood Commercial District) zoning district. Uses authorized in the C-1 zoning district include retail stores and shops, personal and business service establishments, and restaurants. The proposed yoga studio use would qualify as a health/fitness club as defined by Pacifica Municipal Code (PMC) Sec. 9-4.242.2. A health/fitness club is a conditional use allowed in the C-1 zoning district, subject to approval of a use permit.

The Adobe Plaza Shopping Center is surrounded by single and multi-family residential use to the north, south, and east. Commercial use is located east and west side of the shopping center. Pacific Bay Christian School is located southeast of the shopping center. Within the shopping center, the subject tenant space is at the northern end of the southern building and abutting only a nail salon (984 Linda Mar Boulevard).

## **3. Municipal Code and Other Development Regulations**

The proposed project requires two approvals under the PMC. The project requires Zoning Administrator approval of the following entitlements:

- Use Permit per PMC Sec. 9-4.1001(b)(14), to allow a Health/Fitness Club use in the C-1 zoning district.
- Parking Exception per PMC Sec. 9-4.2824(a), to address the required four off-street parking spaces for the proposed use on the subject site.

The Zoning Administrator's authority to consider the subject permits is provided in Sec. 9-4.3802(b) of the PMC.

#### **4. Required Findings**

A. *Use Permit.*

A use permit shall be granted only if the Zoning Administrator makes all of the following findings as required by PMC Sec. 9-4.3303(a):

- i. *That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City.*

Discussion

The project includes establishment of a yoga studio within an existing vacant commercial tenant space. The project would result in a negligible change to the general character and intensity of the shopping center and neighborhood due to the limited hours of operation, small class sizes, limited staff, and the general low intensity nature of a yoga studio. Furthermore, establishment of the yoga studio would not include any interior or exterior renovations. Additionally, the existing off-street parking on-site would be sufficient to accommodate the anticipated demand from the proposed use.

For all the reasons provided above, the project would not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or to the general welfare of the City.

- ii. *That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the Local Coastal Plan.*

Discussion

The General Plan land use designation for the project site is "Retail Commercial." As described Section 2 of this Staff Report, the proposed yoga studio use would be consistent with the General Plan land use designation for the site. Additionally, the project is consistent with the following General Plan policies:

- *Land Use Element Policy LU-G-5: Commercial Area Revitalization. Facilitate the revitalization of shopping areas and the creation of distinct commercial districts in Pacifica, resulting in wider shopping and dining opportunities for residents, enhanced attractions for visitors, increased sales tax revenues, and a stronger community image.*
- *Economic Sustainability Element Policy ES-I-8: Shopping Center Performance Improvement. Support existing retail center property owners' and tenants' efforts to improve their sales and occupancy rate performance, as feasible.*

The project would occupy a vacant tenant space and establish a new and unique use to the existing shopping center that would broaden the scope of visitors to the shopping



center. Additionally, the yoga studio would complement the other existing uses on the site and it would be reasonable to assume that some visitors to the proposed yoga studio may patron more than one business during their visit. For these reasons, the proposed project would enhance attractions for visitors, support a stronger community image, improve occupancy rate, and could increase tax revenues.

Approval of the subject use permit and parking exception would address the applicable zoning regulations as described in Section 3 of this Staff Report.

For the reasons provided above, the use is consistent with the applicable provisions of the General Plan and other applicable laws of the City. The subject site is not located in the coastal zone and therefore the Local Coastal Plan is not applicable to this project.

- iii. *Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.*

Discussion

The project proposes no exterior or interior renovations to customize existing space for a yoga studio. The project also does not propose any changes to the site plan, building design, or landscaping of the Adobe Plaza Shopping Center. As such, the Design Guidelines are not applicable in this instance as the proposed use does not impact the site plan or architecture of the site and building where it would be located.

*B. Parking Exception.*

A parking exception shall be granted only if the Zoning Administrator makes the following finding as required by PMC Sec. 9-4.4824(a):

- i. *That the establishment, maintenance, and/or conducting of the off-street parking facilities are as proposed are as nearly in compliance with the requirements set forth in this article as are reasonably possible.*

Discussion

The Adobe Plaza Shopping Center is currently developed with a total of 45 off-street parking spaces. Two parking spaces are designated as Accessible parking spaces and three parking spaces are designated for ten-minute only parking. In 1968, during the original approval of the shopping center, which only included the southern building, the City authorized the property to use a strip of the reserved canal property located along the northern border of the site as off-street parking for the shopping center<sup>1</sup> (See Figure 1). A similar authorization was granted to the northern building when it was approved in 1997.

The 750 sf health/club fitness use is required to have 3.75 parking spaces per PMC Sec. 9-4.2818(e)(5). The other current uses of this shopping center include restaurants, retail

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<sup>1</sup> City Council Resolution No. 42-69, as amended by City Council Resolution No. 122-69

stores, and service establishments. The northern building is 1,800 sf and the exact square footage of the southern building was unavailable. Based on measurement of the building's aerial, the southern building appears to be approximately 7,000 sf. The off-street parking requirement for the current uses of the shopping center are analyzed in Table 1.

**Table 1. Off-street Parking Requirements for Adobe Plaza Shopping Center**

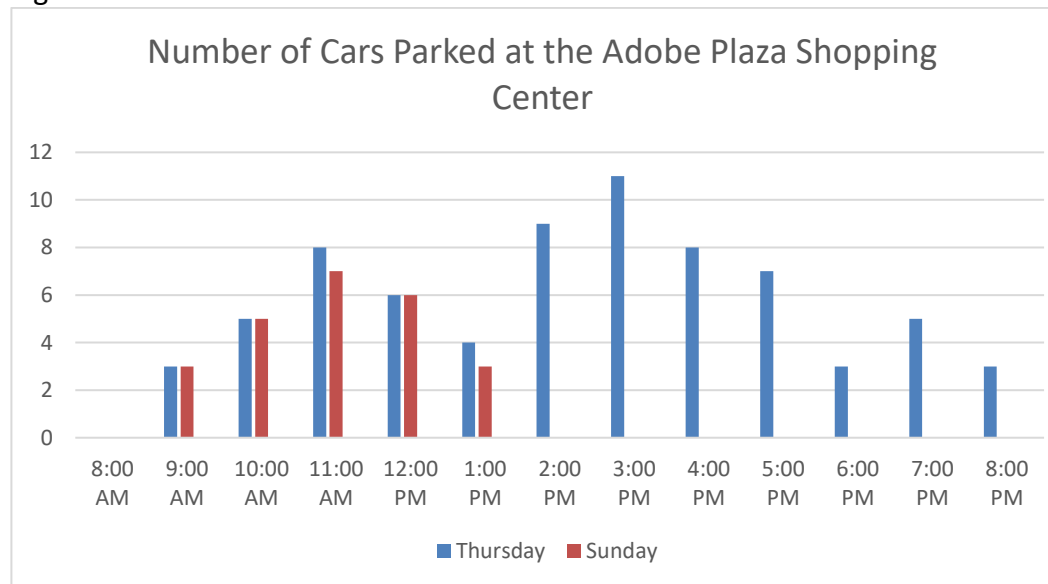
Tenant Space	Current Business Tenant	Parking Use Category	Approximate Square Footage of Use	Off Street Parking Requirement
950 Linda Mar Blvd	Luigi's Italian Restaurant	Restaurant	1,800 sf	25.2 spaces <sup>1</sup>
980 Linda Mar Blvd	Subject Site	Health/fitness club (yoga studio)	750 sf	3.75 spaces
984 Linda Mar Blvd	Nails by Linda	Retail store and service establishment	750 sf	2.50 spaces
986 Linda Mar Blvd	Beach Monkey Cafe	Restaurant	671 sf	8.31 spaces <sup>2</sup>
990 Linda Mar Blvd	Adobe Hairitage	Retail store and service establishment	531 sf	1.77 spaces
992 Linda Mar Blvd	The Hair Factory	Retail store and service establishment	531 sf	1.77 spaces
994 Linda Mar Blvd	Vacant	Assumes retail store and service establishment for purpose of this parking analysis	530 sf	1.77 spaces
996 Linda Mar Blvd	Sun Valley Dairy	Retail store and service establishment	3,233 sf	10.78 spaces
<b>Total Required Parking Onsite</b>				<b>56 Spaces<sup>3</sup></b>
1. Assumes 60 percent floor area as customer area and 40 percent floor area as non-customer area. 2. Assumes 50 percent floor area as customer area and 50 percent floor area as non-customer area. 3. Rounded per PMC Sec. 9-42806				

Based on the analysis of the information available through building permit plans, information submitted by the applicant, and measuring the area of the building on aerials, the shopping center would be required to have 56 off-street parking spaces per PMC sec. 9-4.2818(b)(2), (b)(6), and (e)(5). Since the shopping center only has 45 parking spaces, a parking exception is required to address the four off-street parking spaces (rounded up from 3.75 as detailed in Table 1) necessary for the proposed yoga studio.

To demonstrate the current demand of the shopping center parking lot, the applicant conducted an hourly count of the number of vehicles in the Adobe Plaza Shopping Center parking lot on a week day and weekend day during the applicants proposed business

hours (Figure 2). On Thursday, August 11, 2022, the maximum number of cars parked in the parking lot between the hours of 8:00 am and 8:00 pm was 11 cars at 3:00pm. On Sunday, August 14, 2022, the maximum number of cars parking in the parking lot between the hours of 8:00 am and 1:00 pm was 7 cars at 11:00 am. Therefore, the maximum existing parking demand on the shopping center parking lot is only approximately 20 percent occupied, which provides more than adequate availability for the four off-street parking spaces associated with the proposed use.

Figure 2.



Additionally, the previous tenant of the subject tenant space was an acupuncture business. An acupuncture use would qualify under the “Medical, dental, and veterinary offices and clinic” parking use category, which requires one parking space for each 200 sf of floor area (PMC Sec. 9-4.2818(c)(1)). This parking requirement is the same as the parking requirement for the “Health/fitness club” (PMC Sec. 9-4.2818(e)(5)). Therefore, the proposed use would not negatively impact the parking standards for the site compared to the previous condition as established by the PMC parking requirements.

In staff’s assessment, the parking exception for the four off-street parking spaces for this project can be supported for several reasons, including that the proposed yoga studio has the same parking requirement as the previous tenant, the parking counts submitted by the applicant show that during the highest parking demand for parking onsite, there are still 45 available parking spaces (approximately 80 percent). Furthermore, the limited hours of proposed yoga operation (up to three classes per day), small class sizes (1 to 5 students per class), and limited staff (1 staff member per class) would not generate a parking demand that would exceed the currently available spaces. For all the reasons above, the off-street parking facility is as nearly in compliance with the requirements set forth in Article 28 of Title 9, Chapter 4 of the PMC as is reasonably possible.

## **5. CEQA Recommendation**

Staff analysis of the proposed project supports a Zoning Administrator finding that it qualifies for a categorical exemption from the California Environmental Quality Act (CEQA). The project qualifies as a Class 1, CEQA Guidelines Section 15301 (Existing Facilities) and Class 3, CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) Categorical Exemptions.

The Class 1 exemption provided in Section 15301 (Existing Facilities) of the CEQA Guidelines states in part:

*“Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination... The key consideration is whether the project involves negligible or no expansion of an existing use.”*

The proposed project fits into the scope of the Class 1 exemption in that it includes the establishment of a yoga studio in an existing, developed shopping center, which includes several businesses. The 750 sf tenant space was previously occupied by an acupuncture business and is now proposed for a yoga studio. The project does not include any interior or exterior construction and would not expand an existing use.

The Class 3 exemption provided in Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines states in part:

*“Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure...”*

The proposed project fits within the scope of a Class 3 categorical exemption in that it includes conversion of an existing small structures from one use to another. The 750 sf tenant space was previously occupied by an acupuncture business and is now proposed for a yoga studio. Both are uses are similar in that they promote health, however the yoga studio will provide a more physically active use in the space. The project does not include any interior or exterior construction.

Additionally, none of the exceptions to application of an exemption contained in Section 15300.2 of the CEQA Guidelines apply to the project, as described below:

- Sec. 15300.2(a): Class 1 categorical exemptions are not subject to this exception. Regarding the Class 3 exemption, there is no evidence in the record that the project will impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies. The project site is located within a substantially developed shopping center.

- Sec. 15300.2(b): There is no evidence in the record that successive projects of the same type in the area would have a significant environmental impact. The proposed project is a reuse of existing floor area within a developed commercial building. Therefore, there is no foreseeable cumulative impact from these minor projects which could have a significant environmental impact.
- Sec. 15300.2(c): There is no evidence in the record of any possibility that the project would have a significant effect on the environment due to unusual circumstances. The project site is designated for commercial use and includes renovation of an existing tenant space in an existing, developed shopping center. As such, there are no identifiable unusual circumstances that would have significant effect on the environment.
- Sec. 15300.2(d) through (f): The project is not proposed near a scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this project.

Because the project is consistent with the requirements of Class 1 and Class 3 exemptions and none of the exceptions to applying an exemption in Section 15300.2 apply; therefore, there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA.

## **6. Staff Analysis**

The proposed project would establish a yoga studio in a 750 sf existing tenant space in a developed shopping center. This new use would broaden and complement the existing commercial uses within the existing shopping center. Additionally, the limited hours of operation, small class sizes, limited staff, and the general low intensity nature of a yoga studio would have a minimal impact on the character and intensity of the shopping center as well as the parking demand on-site.

For the reasons set forth in this report, staff recommends approval of the project as conditioned.

## **ZONING ADMINISTRATOR ACTION**

### **MOTION FOR APPROVAL:**

Move that the Zoning Administrator find the project exempt from the California Environmental Quality Act; **APPROVE** Use Permit UP-132-22 and Parking Exception PE-193-22 by adopting the attached resolution, including conditions of approval in Exhibit A; and, incorporate all maps and testimony into the record by reference.

### **Attachments:**

- A. Draft Resolution and Conditions of Approval
- B. Floor Plan
- C. Land Use and Zoning Exhibit

RESOLUTION NO. 2022-\_\_\_

**A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF PACIFICA APPROVING USE PERMIT UP-132-22 AND PARKING EXCEPTION PE-193-22 (FILE NO. 2022-022), SUBJECT TO CONDITIONS, TO ESTABLISH A HEALTH/FITNESS CLUB USE (YOGA STUDIO) IN AN EXISTING 750 SQUARE FOOT TENANT SPACE WITHIN THE ADOBE PLAZA SHOPPING CENTER AT 980 LINDA MAR BOULEVARD (APN 023-221-210), AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

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Initiated by: Darlene Estrada (“Applicant”)

**WHEREAS**, Applicant has submitted an application on behalf of the property owner, Magrin Properties LLC, to establish a yoga studio within an existing vacant tenant space, totaling 750 square feet (sf), located at 980 Linda Mar Boulevard (APN 023-221-210) in the Adobe Plaza Shopping Center (“Project”); and

**WHEREAS**, the Project requires approval of a use permit and for a “Health/Fitness Club” pursuant to Pacifica Municipal Code (PMC) sec. 9-4.1001(b)(14); and

**WHEREAS**, the Project requires approval of a parking exception to address the four required off-street parking spaces in accordance with PMC sec. 9-4.2818(e)(5) for the proposed health/club fitness use pursuant to PMC sec. 9-4.4824; and

**WHEREAS**, Zoning Administrator’s authority to consider the subject permits is provided in section 9-4.3802(b) of the PMC

**WHEREAS**, the Zoning Administrator of the City of Pacifica did hold a duly noticed public hearing on August 22, 2022, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

**NOW, THEREFORE BE IT RESOLVED** by the Zoning Administrator of the City of Pacifica as follows:

- A. The above recitals are true and correct and material to this Resolution.
- B. In making its findings, the Zoning Administrator relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

**BE IT FURTHER RESOLVED** that the Zoning Administrator of the City of Pacifica does hereby make the finding that the project qualifies for Class 1 and Class 3 exemptions under CEQA Guidelines Sections 15301 and 15303, as described below:

The Class 1 exemption provided in Section 15301 (Existing Facilities) of the CEQA Guidelines states in part:

*“Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination... The key consideration is whether the project involves negligible or no expansion of an existing use.”*

The proposed project fits into the scope of the Class 1 exemption in that it includes the establishment of a yoga studio in an existing, developed shopping center, which includes several businesses. The 750 sf tenant space was previously occupied by an acupuncture business and is now proposed for a yoga studio. The project does not include any interior or exterior construction and would not expand an existing use.

The Class 3 exemption provided in Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines states in part:

*Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure...*

The proposed project fits within the scope of a Class 3 categorical exemption in that it includes conversion of an existing small structures from one use to another. The 750 sf tenant space was previously occupied by an acupuncture business and is now proposed for a yoga studio. Both are uses are similar in that they promote health, however the yoga studio will provide a more physically active use in the space. The project does not include any interior or exterior construction.

Additionally, none of the exceptions to application of an exemption contained in Section 15300.2 of the CEQA Guidelines apply to the project, as described below:

- Sec. 15300.2(a): Class 1 categorical exemptions are not subject to this exception. Regarding the Class 3 exemption, there is no evidence in the record that the project will impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies. The project site is located within a substantially developed shopping center.
- Sec. 15300.2(b): There is no evidence in the record that successive projects of the same type in the area would have a significant environmental impact. The proposed project is a reuse of existing floor area within a developed commercial building. Therefore, there is no foreseeable cumulative impact from these minor projects which could have a significant environmental impact.
- Sec. 15300.2(c): There is no evidence in the record of any possibility that the project would have a significant effect on the environment due to unusual circumstances. The project site is designated for commercial use and includes renovation of an existing tenant space in an existing, developed shopping center. As such, there are no identifiable unusual circumstances that would have significant effect on the environment.
- Sec. 15300.2(d) through (f): The project is not proposed near a scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this project.

Because the project is consistent with the requirements of Class 1 and Class 3 exemptions and none of the exceptions to applying an exemption in Section 15300.2 apply; therefore, there is

substantial evidence in the record to support a finding that the project is categorically exempt from CEQA.

**BE IT FURTHER RESOLVED** that the Zoning Administrator of the City of Pacifica does make the following findings pertaining to Use Permit UP-132-22:

A use permit shall be granted only if the Zoning Administrator makes all of the following findings as required by PMC Sec. 9-4.3303(a):

- i. *That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City.*

Finding: The project includes establishment of a yoga studio within an existing vacant commercial tenant space. The project would result in a negligible change to the general character and intensity of the shopping center and neighborhood due to the limited hours of operation, small class sizes, limited staff, and the general low intensity nature of a yoga studio. Furthermore, establishment of the yoga studio would not include any interior or exterior renovations. Additionally, the existing off-street parking on-site would be sufficient to accommodate the anticipated demand from the proposed use.

For all the reasons provided above, the project would not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or to the general welfare of the City.

- ii. *That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the Local Coastal Plan.*

Finding: The General Plan land use designation for the project site is “Retail Commercial.” As described Section 2 of the August 22, 2022 Zoning Administrator staff report, the proposed yoga studio use would be consistent with the General Plan land use designation for the site. Additionally, the project is consistent with the following General Plan policies:

- *Land Use Element Policy LU-G-5: Commercial Area Revitalization. Facilitate the revitalization of shopping areas and the creation of distinct commercial districts in Pacifica, resulting in wider shopping and dining opportunities for residents, enhanced attractions for visitors, increased sales tax revenues, and a stronger community image.*
- *Economic Sustainability Element Policy ES-I-8: Shopping Center Performance Improvement. Support existing retail center property owners’ and tenants’ efforts to improve their sales and occupancy rate performance, as feasible.*

The project would occupy a vacant tenant space and establish a new and unique use to the existing shopping center that would broaden the scope of visitors to the shopping center. Additionally, the yoga studio would complement the other



existing uses on the site and it would be reasonable to assume that some visitors to the proposed yoga studio may patron more than one business during their visit. For these reasons, the proposed project would enhance attractions for visitors, support a stronger community image, improve occupancy rate, and could increase tax revenues.

Approval of the subject use permit and parking exception would address the applicable zoning regulations as described in Section 3 of this Staff Report.

For the reasons provided above, the use is consistent with the applicable provisions of the General Plan and other applicable laws of the City. The subject site is not located in the coastal zone and therefore the Local Coastal Plan is not applicable to this project.

- iii. *Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.*

Finding: The project proposes no exterior or interior renovations to customize existing space for a yoga studio. The project also does not propose any changes to the site plan, building design, or landscaping of the Adobe Plaza Shopping Center. As such, the Design Guidelines are not applicable in this instance as the proposed use does not impact the site plan or architecture of the site and building where it would be located.

**BE IT FURTHER RESOLVED** that the Zoning Administrator of the City of Pacifica does make the following findings pertaining to Parking Exception PE-193-22:

A parking exception shall be granted only if the Zoning Administrator makes the following finding as required by PMC Sec. 9-4.4824(a):

- i. *That the establishment, maintenance, and/or conducting of the off-street parking facilities are as proposed are as nearly in compliance with the requirements set forth in this article as are reasonably possible.*

Discussion

The Adobe Plaza Shopping Center is currently developed with a total of 45 off-street parking spaces. Two parking spaces are designated as Accessible parking spaces and three parking spaces are designated for ten-minute only parking. In 1968, during the original approval of the shopping center, which only included the southern building, the City authorized the property to use a strip of the reserved canal property located along the northern border of the site as off-street parking for the shopping center<sup>1</sup>. A similar authorization was granted to the northern building when it was approved in 1997.

The 750 sf health/club fitness use is required to have 3.75 parking spaces per PMC Sec. 9-4.2818(e)(5). The other current uses of this shopping center include restaurants, retail stores, and service establishments. The northern building is 1,800 sf and the exact square footage of the southern building was unavailable. Based on

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<sup>1</sup> City Council Resolution No. 42-69, as amended by City Council Resolution No. 122-69

measurement of the building’s aerial, the southern building appears to be approximately 7,000 sf.

Based on the analysis of the information available through building permit plans, information submitted by the applicant, and measuring the area of the building on aerials, the shopping center would be required to have 56 off-street parking spaces per PMC sec. 9-4.2818(b)(2), (b)(6), and (e)(5). Since the shopping center only has 45 parking spaces, a parking exception is required to address the four off-street parking spaces (rounded up from 3.75) necessary for the proposed yoga studio.

To demonstrate the current demand of the shopping center parking lot, the applicant conducted an hourly count of the number of vehicles in the Adobe Plaza Shopping Center parking lot on a week day and weekend day during the applicants proposed business hours. On Thursday, August 11, 2022, the maximum number of cars parked in the parking lot between the hours of 8:00 am and 8:00 pm was 11 cars at 3:00pm. On Sunday, August 14, 2022, the maximum number of cars parking in the parking lot between the hours of 8:00 am and 1:00 pm was 7 cars at 11:00 am. Therefore, the maximum existing parking demand on the shopping center parking lot is only approximately 20 percent occupied, which provides more than adequate availability for the four off-street parking spaces associated with the proposed use.

Additionally, the previous tenant of the subject tenant space was an acupuncture business. An acupuncture use would qualify under the “Medical, dental, and veterinary offices and clinic” parking use category, which requires one parking space for each 200 sf of floor area (PMC Sec. 9-4.2818(c)(1)). This parking requirement is the same as the parking requirement for the “Health/fitness club” (PMC Sec. 9-4.2818(e)(5)). Therefore, the proposed use would not negatively impact the parking standards for the site compared to the previous condition as established by the PMC parking requirements.

The parking exception for the four off-street parking spaces for this project can be supported for several reasons, including that the proposed yoga studio has the same parking requirement as the previous tenant, the parking counts submitted by the applicant show that during the highest parking demand for parking onsite, there are still 45 available parking spaces (approximately 80 percent). Furthermore, the limited hours of proposed yoga operation (up to three classes per day), small class sizes (1 to 5 students per class), and limited staff (1 staff member per class) would not generate a parking demand that would exceed the currently available spaces. For all the reasons above, the off-street parking facility is as nearly in compliance with the requirements set forth in Article 28 of Title 9, Chapter 4 of the PMC as is reasonably possible.

**BE IT FURTHER RESOLVED** that the Zoning Administrator of the City of Pacifica approves Use Permit UP-132-22 and Parking Exception PE-193-22 to establish a yoga studio within an existing vacant tenant space, totaling 750 square feet (sf), located at 980 Linda Mar Boulevard (APN 023-221-210), subject to conditions of approval attached as Exhibit A.

\* \* \* \* \*

File No. 2022-022 – Use Permit UP-132-22 and Parking Exception PE-193-22  
Casa Om Yoga Studio  
980 Linda Mar Blvd. (APN 023-221-210)  
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**PASSED AND ADOPTED** at a meeting of the Zoning Administrator of the City of Pacifica, California, held on the 22<sup>nd</sup> day of August, 2022.

ATTEST:

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Christian Murdock, Acting Planning Director

## **Exhibit A**

**Conditions of Approval: File No. 2022-022 – Use Permit UP-132-22 and Parking Exception PE-193-22, to establish a yoga studio within an existing vacant tenant space, totaling 750 square feet (sf), located at 980 Linda Mar Boulevard (APN 023-221-210) in the Adobe Plaza Shopping Center**

### **Zoning Administrator Meeting of August 22, 2022**

#### **Planning Division**

1. Operation of the yoga studio shall be substantially in accord with the plans entitled “Floor Plan” included as Attachment B of the August 22, 2022 Zoning Administrator staff report as well as the description of the project in terms of general use, class size, number of classes per day and hours of operation as detailed Section 1 of the August 22, 2022 Zoning Administrator staff report, except as modified by these conditions of approval.
2. The approval or approvals is/are valid for a period of two years from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Permittee submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director or Planning Commission approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director's sole discretion, the circumstances considered during the initial Project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension. In the event of litigation filed to overturn the City’s determination on the approval or approvals, the Planning Director may toll the expiration of the approval or approvals during the pendency of such litigation.
3. Prior to commencement of use, Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction.
4. Applicant shall maintain its site in a fashion that does not constitute a public nuisance and that does not violate any provision of the Pacifica Municipal Code.
5. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the commencement of use.
6. All uses shall be conducted entirely within the enclosed space of the tenant space. Outdoor uses shall be prohibited unless Applicant obtains City approval of a use permit which explicitly allows for outdoor uses.
7. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter “City”) from any claim, action or proceeding (hereinafter “Proceeding”) brought against the City to attack, set aside, void or annul the City’s actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant’s project (“Challenge”). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant’s sole cost

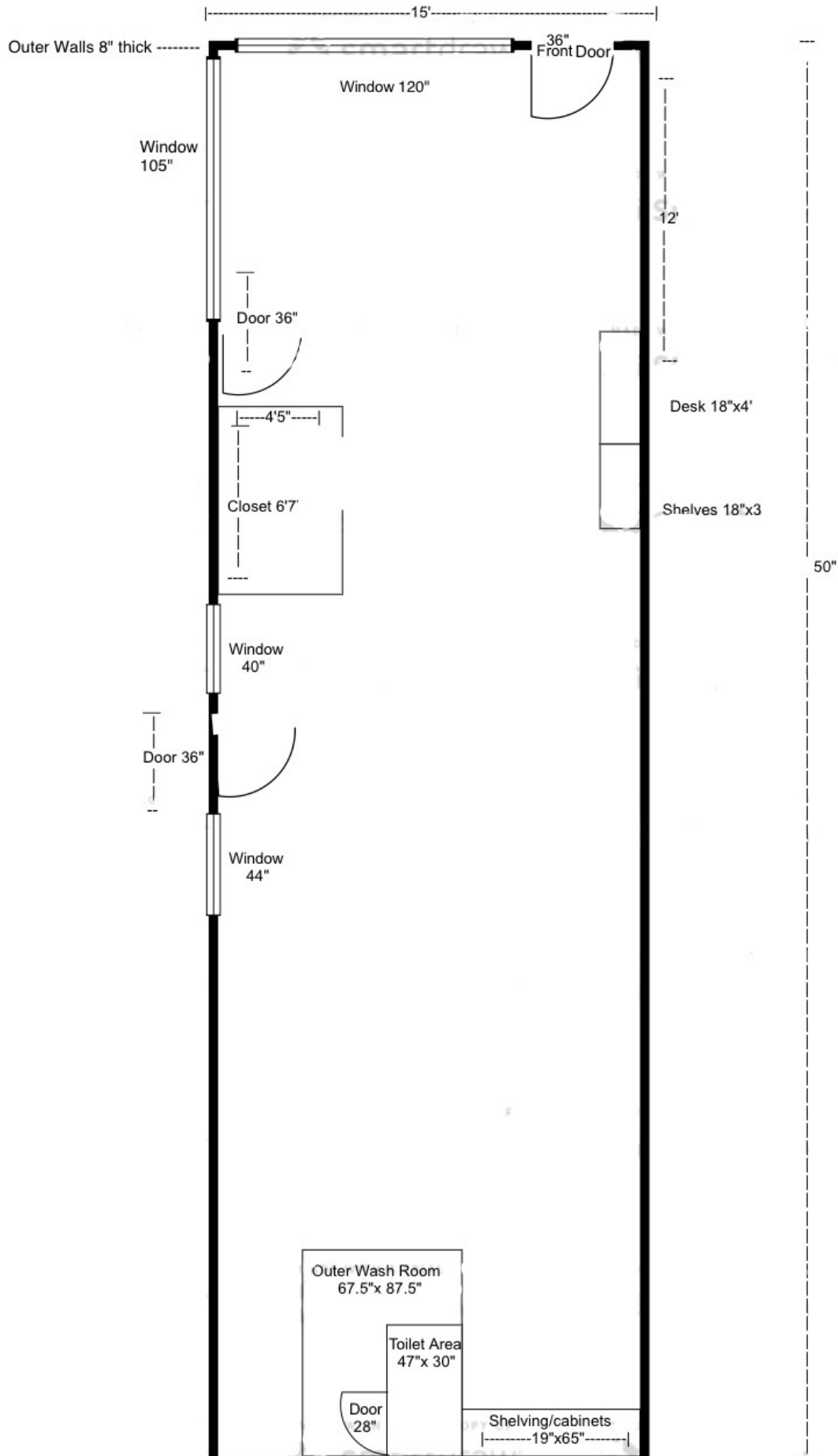
and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. Per Government Code Section 66474.9, the City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.

### **Engineering Division**

8. Construction shall be in conformance with the City of Pacifica Storm Water Management and Discharge Control Ordinance and San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented and the construction BMPs plans sheet from the Countywide program shall be included in the project plans.

\*\*\*END\*\*\*

**Attachment B - Floor Plan**



# Land Use & Zoning Exhibit

City of Pacifica Planning Department

## General Plan Land Use Plan Diagram (2022)

Neighborhood: West Linda Mar

Land Use Designation: Retail Commercial



## Zoning Map Diagram

Zoning District: C-1 (Neighborhood Commercial)

