



November 16, 2021

Yoga Six Studios (Dana Point)  
34135 Pacific Coast Highway, Suite B  
Dana Point, CA. 92629

**CITY OF DANA POINT  
ADMINISTRATIVE PERMIT  
MINOR CONDITIONAL USE PERMIT CUP21-0009(M)**

**PROJECT APPLICANT:** Elizabeth Georges, Yoga Six Studio (Dana Point)

**PROPERTY OWNER:** Raintree Prado East, LLC.

**LOCATION:** 34135 Pacific Coast Highway, Suite B (APN: 682-232-06, 682-232-07, & 682-232-11)

**REQUEST:** A request to establish a Health and Athletic Club use (yoga studio) within an existing, previously unoccupied suite within a multi-tenant, mixed use development (Prado West).

**ENVIRONMENTAL:** The project is categorically exempt per Section 15301 of the CEQA Guidelines (Class 1 – Existing Facilities).

**DETERMINATION:** The Community Development Director hereby  
\_\_\_\_\_ APPROVES  
\_\_\_\_\_ DENIES  
the requested ENTITLEMENT described herein subject to the attached findings and applicable conditions.

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Brenda Wisneski, Director  
Community Development Department

**BACKGROUND/DISCUSSION:**

- The project site is located inside 34135 Pacific Coast Highway, Suite B within the Prado West mixed-use development. Suite B front Pacific Coast Highway and is near the southwest corner of Amber Lantern and Pacific Coast Highway within the Town Center Mixed-Use District (TC-MU).
- Suite B has never been occupied prior to the proposed Health and Athletic Club use (yoga studio).
- The project site is surrounded by TC-MU District zoned properties with a variety of both mixed use development across Amber Lantern, and commercial development to the immediate west and across Pacific Coast Highway, and Del Prado.
- The applicant is requesting to establish a Health and Athletic Club use (Yoga Six Studios) inside of an existing, previously unoccupied suite within the Prado West mixed-use development.
- Yoga Six Studios (Dana Point) offers a variety of yoga classes as well as accessory retail sales of athletic apparel.
- The number of clients attending each yoga class is approximately twelve (12) and it is anticipated that between six and eight classes will be held each day, depending on membership demands.
- The primary use within the suite is a yoga studio, which is approximately 1,172 square feet (includes half of the square footage associated with the service areas). Retail space is also proposed which totals approximately 943 square feet (includes half of the square footage associated with the service areas). Based on the square footage of each use within the suite, the total parking required for Yoga Six is 16 parking stalls (12 for the yoga studio use and four (4) for the retail use).
- Pursuant to the Land Use Matrix within the Dana Point Town Center Plan (DPTCP) a Health and Athletic Club use is permitted, subject to review and approval of a minor Conditional Use Permit.
- Staff recommends approval subject to the attached findings and conditions of approval.

**FINDINGS:**

- A. Based on the evidence presented at the public hearing, the Director of Community Development makes the following findings and approves Minor Conditional Use Permit CUP21-0009(M), subject to conditions of approval:
1. The proposed conditional use is consistent with the City of Dana Point General Plan in that the proposed Health and Athletic Club use (yoga studio) is identified as a conditionally permitted use in the Land Use Matrix of the DPTCP. The DPTCP contains requirements, which implement the City's General Plan through the establishment of permitted uses and development standards for properties within the plan area. The proposed Health and Athletic Club use is also consistent with Goal 6, Policy 6.2 of the Land Use Element of the Dana Point General Plan and Policy 1.2 of the

**Town Center Plan Policy which states that the use should “encourage retail businesses and mixtures of land uses that help to generate positive pedestrian activity in the area.” With the implementation of the new Health and Athletic Club use which also offers retail sales, the subject mixed-use building will provide a mixture of businesses that will help to encourage pedestrians to visit the Lantern District.**

2. **The nature, condition, and development of adjacent uses, buildings, and structures have been considered, and that the proposed, conditional use will not adversely affect or be materially detrimental to the adjacent uses, buildings, or structures in that the proposed Health and Athletic Club use will be established within an existing suite inside of a mixed-use building within the TC-MU District. All activities, including yoga classes, will take place within the confines of Suite B. The proposed use is accordingly compatible with and complimentary to existing development within the projects vicinity and as conditioned would not be materially detrimental to adjacent uses, building or structures.**
3. **The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other land use development features prescribed in the Dana Point Municipal Code in order to integrate the use with existing and planned uses in the in that the site is located in a recently completed mixed-use development built in compliance with the entitlements for the project as well as the other land use development features prescribed by the DPTCP and Dana Point Zoning Code (DPZC). Additionally, the proposed Health and Athletic Club use is proposed in a vacant suite and requires only minor interior tenant improvements (except for any exterior signage) and any existing, exterior site improvements will remain unchanged with the introduction of the use.**
4. **The requirements of the California Environmental Quality Act have been satisfied in that the project qualifies as a Class 1 (Section 15301 Existing Facilities) exemption pursuant to the applicable provisions of the California Environmental Quality Act (CEQA) because the project involves the establishment of a “Health and Athletic Club” use within an existing suite with only minor, interior improvements proposed.**

#### **CONDITIONS OF APPROVAL:**

The City of Dana Point hereby grants approval of Minor Conditional Use Permit CUP21-0009(M) for the referenced project. This permit is valid subject to the following conditions of approval:

##### **A. General:**

1. Approval of this application permits the establishment of a Health and Athletic Club use (yoga studio) inside of an existing, previously unoccupied suite within a multi-tenant, mixed use development (Prado West) located at 34135 Pacific Coast Highway, Suite B. Subsequent changes to the approved scope-of-work shall be in substantial compliance with those plans presented to the Community Development Director, and in compliance with applicable provisions of the City of Dana Point General Plan and Municipal and Zoning Codes.
2. This discretionary permit(s) will become void two (2) years following the effective date of the approval if the privileges authorized are not implemented or utilized or, if construction work is involved, such work is not commenced with such two (2) year time period or; the Director of Community Development or the Planning Commission, as applicable grants an extension of time. Such time extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the initial two-year approval period, or any subsequently approved time extensions.
3. The application is approved as a plan for the location and design of the uses, structures, features, and materials shown on the approved plans. Any demolition beyond that described in the approved plans or any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will nullify this approving action. If any changes are proposed regarding the location or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director of Community Development determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the amendment as for the approved plot plan, he may approve the amendment without requiring a new public hearing.
4. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.
5. The applicant or any successor-in-interest shall defend, indemnify, and hold harmless the City of Dana Point ("CITY"), its agents, officers, or employees from any claim, action, or proceeding against the CITY, its agents, officers, or employees to attack, set aside, void, or annul an approval or any other action of the CITY, its advisory agencies, appeal boards, or legislative body concerning the project. Applicant's duty to defend, indemnify and hold harmless the city shall include paying the CITY's attorney fees, costs and expenses incurred concerning the claim, action or proceeding.

The applicant or any successor-in-interest shall further protect, defend, indemnify and hold harmless the City, its officers, employees, and agents from

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

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

6. The applicant and applicant's successors in interest shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.
7. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees along with reimbursement for all City expense in ensuring compliance with these conditions.
8. The applicant shall obtain all applicable permits for the proposed improvements.
9. The applicant shall be responsible for coordination with water district, sewer district, SDG&E, AT&T California and Cox Communication Services for the provision of water, sewer, electric, telephone and cable television services.
10. All proposed activities shall comply with the provisions of the City's Noise Ordinance at all times.
11. Any proposed exterior building signage shall be reviewed and approved under a separate permit.
12. The City shall maintain the option to reconsider the Conditional Use Permit (and conditions contained herein), at any time if the Community Development Director finds it necessary to re-evaluate impacts of the use on the surrounding community.
13. A minimum of 500 square feet within the lobby area shall be dedicated for retail use to maintain the assumed parking demand explained in the Background/ Discussion section of this permit. If the retail area is reduced below 500 square feet or altogether removed, the parking demand of the health and athletic club use shall be increased equivalently in accordance with Section 9.35.080(e)(54) (Gyms, Spas and Health Clubs) of the Dana Point Zoning Code ,or to 21 spaces in the case of complete removal.

14. Activities associated with the Health and Athletic Club use (yoga studio) shall be limited to the confines of 34135 Pacific Coast Highway, Suite B. Any retail activities conducted outside of 34135 Pacific Coast Highway, Suite B shall conform to the requirements of the Dana Point Town Center Plan.

15. The proposed hours of operation are Monday through Sunday, 6:00 A.M. to 8:30 P.M.

16. The subject "Conditions of Approval" section of this permit shall be copied in its entirety, placed directly onto a separate plan sheet in both the City and job plan sets prior to the Planning Division approval of the Certificate of use and occupancy and/or tenant improvement plans issued for the proposed health and athletic club Use.

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

17. Verification of all conditions of approval are required by all City Departments.

18. All approvals from outside Departments and Agencies are required.

19. The applicant shall contact the Planning Division to conduct an inspection of the completed project including compliance with all conditions prior to contacting the Building/Safety Division for final project sign-off.

20. Building/Safety Division sign off is required to finalize building permits.