

**ORDINANCE NO. 846-C.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING ARTICLES 2, 10, 11, AND 28 OF CHAPTER 4 OF TITLE 9 OF THE PACIFICA MUNICIPAL CODE IN ORDER TO ESTABLISH THE USE OF "HEALTH/FITNESS CLUB" IN COMMERCIAL ZONED AREAS, AND FINDING THE APPROVAL OF TEXT AMENDMENT TA-114-18 (FILE NO. 2018-061) EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**WHEREAS**, current zoning regulations do not define or establish development standards for the establishment and operation of health and fitness facilities within the C-1 (Neighborhood Commercial), C-2 (Community Commercial), or C-3 (Service Commercial) zoning districts of the City of Pacifica; and

**WHEREAS**, the use "Health/Fitness Club" as defined in the proposed Text Amendment TA-114-18 is a desirable land use which is appropriate for commercially-zoned locations in the City of Pacifica, is a use which will provide convenience and amenities to Pacifica's residents and visitors, and is a use which will promote public health by increasing convenient access to a variety of fitness and exercise activities; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on the proposed zoning text amendments contained in Text Amendment TA-114-18 on May 20, 2019 and adopted Resolution No. 2019-018 by a vote of 5-0 initiating and recommending City Council approval of Text Amendment TA-114-18; and

**WHEREAS**, the City Council of the City of Pacifica held a duly noticed public hearing on the proposed ordinance on July 8, 2019, at which time the City Council introduced the ordinance described in Text Amendment TA-114-18.

**NOW, THEREFORE**, the City Council of the City of Pacifica does ordain as follows:

**Section 1. Recitals.** The City Council of the City of Pacifica does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

**Section 2. Amended.** Subsection 2 of Section 9-4.242 of Article 2 "Definitions" of Chapter 4 "Zoning" of Title 9 "Planning and Zoning" of the Pacifica Municipal Code shall be added to read in its entirety as follows:

"Sec. 9-4.242.2. Health/Fitness Club.

"Health/Fitness Club" shall mean a privately owned facility used primarily for the conduct of any one or more of the following uses: exercise classes, tennis, handball, weightlifting, personal training, stationary or non-stationary cycling, boxing, martial arts, gymnastics, wrestling, cross-functional training, indoor rock climbing, yoga, Pilates, swimming, or any other form of exercise or sports use similar in nature as determined by the Planning Director. This land use may also include massage therapy, saunas, and limited retail including but not limited to retail restaurants, as accessory uses to the primary fitness use(s) enumerated above. Any massage therapy use that is associated with Health/Fitness Club uses, as described above, must comply

with the floor area standards contained in Pacifica Municipal Code Section 9-4.1001(a)(2) or 9-4.1001(b)(10), whichever is applicable.”

**Section 3. Amended.** Section 9-4.1001 of Article 10 of Chapter 4 of Title 9 of the Pacifica Municipal Code (C-1 Neighborhood Commercial District) shall be amended to read in its entirety as follows:

“Sec. 9-4.1001 – Permitted and conditional uses.

(a) *Permitted uses.* The following uses shall be permitted in the C-1 District:

- (1) Retail uses, including, but not limited to, food markets, drug stores, liquor stores and retail restaurants, but excluding firearms sales and any marijuana operation as defined in Article 48 of this chapter;
- (2) Personal services, such as professional offices, shoe repair, barber and beauty shops, laundries and dry cleaning establishments, banks and financial institutions, and massage establishments under six hundred forty (640) square feet of treatment floor space (see licensing requirements Title 5, Chapter 19);
- (3) Business and administrative offices when located entirely above the ground floor of any commercial structure;
- (4) Art galleries and instructional studios for dance and arts or crafts and craft production shops; and
- (5) In the Coastal Zone, visitor-serving commercial uses, as defined in Section 9-4.4302(av) of Article 43 of this chapter.

(b) *Conditional uses.* Conditional uses allowed in the C-1 District, subject to obtaining a use permit, shall be as follows:

- (1) Service stations;
- (2) Retail alcohol sales in conjunction with service stations;
- (3) Mini-markets and similar retail uses in conjunction with services stations;
- (4) Conversion of service stations from full service to self-service;
- (5) Motels and drive-in restaurants;
- (6) Veterinary hospitals and clinics (small animals);
- (7) Special care and child care facilities;
- (8) Business and administrative offices, if located on the ground floor;
- (9) Amusement machine arcades as a new or a part of an existing use;
- (10) Massage establishments with six hundred forty (640) square feet or larger of treatment floor space;
- (11) One or more dwelling units in the same building as a commercial use when located entirely above the ground floor. Density shall be controlled by a minimum lot area per dwelling unit of two thousand (2,000) square feet;
- (12) Restaurants and fast food restaurants;
- (13) Pet care and sales establishments, including boarding and grooming; and
- (14) Health/Fitness Clubs”

**Section 4. Amended.** Section 9-4.1101 of Article 11 of Chapter 4 of Title 9 of the Pacifica Municipal Code (C-2 Community Commercial District) shall be amended to read in its entirety as follows:

“Sec. 9-4.1101 – Permitted and conditional uses.

(a) *Permitted uses.* The following uses shall be permitted in the C-2 District:

- (1) Retail stores and shops;
- (2) Personal and business service establishments, including financial institutions;
- (3) Offices;
- (4) Newspaper, printing, and lithography plants not exceeding 5,000 square feet in net usable area;
- (5) Retail restaurants, fast food restaurants, restaurants and bars;
- (6) Household appliance and furniture sales and service in conjunction with sales;
- (7) Veterinary hospitals and clinics;
- (8) In the Coastal Zone, visitor-serving commercial uses, as defined in Section 9-4.4302(av) of Article 43 of this chapter; and

(b) *Conditional uses.* Conditional uses allowed in the C-2 District, subject to obtaining a use permit, shall be as follows:

- (1) Social halls, clubs, theaters, and nightclubs;
- (2) Pet care and sales establishments, including boarding and grooming;
- (3) Vehicle and boat sales and service in conjunction with sales;
- (4) Plumbing, heating, electrical, and appliance repair, service, and supply shops;
- (5) Specialty auto service, such as oil changing facilities, not in conjunction with service stations;
- (6) Car washes;
- (7) Health/Fitness Clubs
- (8) All uses allowed as either a permitted or conditional use in the C-1 District and which are not listed as permitted uses in the C-2 District; and
- (9) Firearms sales, subject to the provisions of Section 9-4.2316.
- (10) Marijuana testing operation, subject to the provisions of Article 48 of this chapter, including without limitation any restriction on the establishment of such use in certain locations.”

**Section 5. Amended.** Subpart (e) of Section 9-4.2818 of Article 28 of Chapter 4 of Title 9 of the Pacifica Municipal Code (Off-Street Parking and Loading) shall be amended to read in its entirety as follows:

“Sec. 9-4.2818 – Number of parking spaces required.

The number of off-street parking spaces required for the uses set forth in this section shall be as follows:

[...]

(e) *Recreational uses.*

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|---|---|
| (1) Auditoriums, clubs and lodges with no sleeping facilities, conference and meeting facilities, and other places of public assembly | One parking space for each five (5) seats and one parking space for each 100 square feet of assembly area without fixed seats. Eighteen (18) linear inches of bench shall be considered a fixed seat. |
| (2) Bowling alleys  | Four (4) spaces for each alley, plus such spaces as may be required for affiliated uses, such as bars and restaurants.  |
| (3) Game and athletic courts  | Two (2) parking spaces for each court, plus one parking space for each employee on a maximum shift.   |
| (4) Gymnasiums and skating rinks  | One parking space for each five (5) seats, plus one parking space for each 200 square feet of recreational floor area.  |
| (5) Health/Fitness Club   | One parking space for each 200 square feet of gross floor area (indoor swimming pools shall count as floor area).   |
| (6) Golf driving ranges and miniature or pitch and putt golf courses  | One parking space for each driving tee or two (2) spaces for each hole.   |
| (7) Swimming pools  | One parking space for each 200 square feet of gross water surface area.   |
| (8) Skateboard parks  | One parking space for each three (3) users, based on maximum capacity.  |
| (9) Beach access  | See Section 9-4.2820 of this article.   |

[...]"

**Section 6. Compliance with CEQA.** The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment. The City Clerk shall file a Notice of Exemption with the San Mateo County Clerk.

**Section 7. Severability.** If any section, subsection, sentence, clause or phase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it

should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentence, clauses or phrases be declared unconstitutional.

**Section 8. Publication.** The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance by the City Council of the City of Pacifica, California, and cause the same to be published once in the Pacifica Tribune, a newspaper of general circulation, published and circulated in the City of Pacifica, California.

**Section 9. Effective Date.** This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law. For areas within the Coastal Zone, this Ordinance shall not become effective until the California Coastal Commission certifies an amendment to the City's local coastal program pursuant to Section 30514 of the Public Resources Code.

**PASSED AND ADOPTED** this 12<sup>th</sup> day of August, 2019 by the following vote:

AYES: Vaterlaus, Martin, O'Neill, Beckmeyer, Bier.

NOES: None.

ABSTAIN: None.


ABSENT: None.

  
Sue Vaterlaus, Mayor

ATTEST:

  
Sarah Coffey, City Clerk

APPROVED AS TO FORM:

  
Michelle Kenyon, City Attorney