

ZONING INTERPRETATION RECORD

Subject of Interpretation:

The intent on the use permit requirement for a health studio

Zoning Ordinance Section Number:

Section 3.100

Title of Section:

Article III, Section 3.100 'General'

Cause for Interpretation:

Should a small-scale health Studio (3,000 s.f. or less) that involves the use of fitness equipments shall be subject to a Conditional Use Permit requirement

Interpretation:

There have been a growing number of small scale (2,500 s.f. gross floor area and less) health studio development applications coming into the City, largely in response to the increasing interest in a more personal level of fitness training and the growing popularity of the Pilates form of exercises. Like most Yoga fitness studios, Pilates most frequent form of exercises are on a padded mat which involves a series of calisthenic motions performed without weight or apparatus; but unlike the Yoga training which involves no equipments, some forms of Pilates exercises involve equipments for strength training. The types of equipments are designed to target internal muscles which would require precise and control movements. Pilates equipments are not designed like the traditional weight training machines used in typical health studios where loud noise could be generated from the release of the weights.

Pursuant to Article III, Section 3.100, a health studio is defined as '.....a place or building where active exercise and related activities are performed utilizing weight control, muscle building equipment or apparatus for the purpose of physical fitness'. A health studio proposal is a permitted use in most zoning districts subject to a Conditional Use Permit approval process.

Pursuant to the same article, a fitness studio by definition, '....may include passive exercise equipment but exclude equipment or apparatus used for weight control or muscle building, and shall exclude massage in any form.'

Based on the straight interpretation of the zoning language, the City has traditionally processed any proposal that involves the use of weight equipments as a Health Studio, which is, by definition, subject to a Conditional Use permit approval process.

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The intent of the use permit is to provide opportunity for the City to impose additional conditions on uses that are intensive and have potential adverse impacts on surrounding uses. The provision of the use permit requirements was intended to mitigate the impacts of health studios that offer high power weight training machines, large aerobic and other types of high impact exercise classes often choreographed to loud music. The traffic generated by a typical health studio is also much more intense.

The design of the Pilates equipments will generate noise level no more than a household treadmill machine and the form of exercises are choreographed to soft music and often in the absence of music, therefore, there will be minimal adverse noise impacts on adjacent uses. The associated traffic volume generated by a small-scale Pilates studio is no more than a typical retail or medical office use. Despite the use of equipments, a typical Pilates studio tends to fit the definition of a fitness studio.

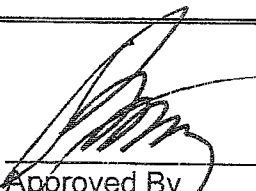
The straight interpretation of the code requirement of a use permit is creating unnecessary administrative burden and the applicants are subject to the onerous processes that seem excessive. The Department has determined a need to make a distinction based on the impacts, the scale and the types of equipments for small, low-impact forms of exercise studios, and the following interpretations will apply:

1. Health studio involves low impact exercise training, with the use of equipments that are low impact, low power output (such as the use of air-compression instead of free weights), and in a studio space of less than 2,500 gross floor area s.f shall be classified as a fitness center which is permitted principal use without a Conditional Use Permit.
2. Health studio involves low impact exercise training, with the use of equipments that are low impact, low power output (such as the use of air-compression instead of free weights), and in a studio space of 2,500 s.f gross floor area to 5,000 s.f. shall be determined based on a case by case study which might include the review of a traffic and parking impact analysis.
3. Health studio involves low impact exercise training, with the use of equipments that are low impact, low power output (such as the use of air-compression instead of free weights), and in a studio space of greater than 5,000 s.f. shall be classified as a Health Studio and shall be subject to a Conditional Use Permit approval process.

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Interpretation By

Jan 4 '06
Date


Approved By