



## Planning Commission Staff Report

June 26, 2013  
Item 5.b.

**SUBJECT:** P13-0998

**APPLICANT:** Crispim BJJ Barra Brothers, LLC

**PROPERTY OWNER:** Craig and Dana Amack

**PURPOSE:** Application for a Conditional Use Permit to operate a martial arts studio in an existing building located at 6668 Owens Drive.

**GENERAL PLAN:** Business Park

**ZONING:** PUD-I/C-O (Planned Unit Development-Industrial/Commercial-Office) District

**LOCATION:** 6668 Owens Drive

**EXHIBITS:**

- A. Draft Conditions of Approval
- B. Written Narrative, Class Schedule, Floor Plan and Site Plan
- C. Location and Notification Map

---

### BACKGROUND

Crispim BJJ Barra Brothers is requesting approval of a conditional use permit to allow a martial arts studio in an existing building located at 6668 Owens Drive. The subject site is located within the Pleasanton Park Planned Unit Development (PUD-80-14 and 82-1). Crispim BJJ Barra Brothers currently operates a smaller martial arts studio located at 7063 Commerce Circle, Unit G for the last four years.

The subject property is zoned PUD-I/C-O and the Planned Unit Development allows an indoor recreation-sports facility to operate with approval of a Conditional Use Permit. Martial arts studios are considered analogous to indoor recreation-sports facilities. Therefore, the applicant has applied for a conditional use permit.

## SITE DESCRIPTION

The proposed martial arts studio will be located on the first floor of an existing two-story, 18,683 square foot, building. The following aerial photo shows the location of the existing building and the surrounding area.

**Figure 1: Vicinity Map**



The second floor is currently occupied by Body Max which operates a physical therapy business for up to 5 clients at a time. Both Body Max and the martial arts studio will share the existing parking lot which contains 64 parking spaces. Two driveways on Owens Drive provide access to the site.

An artificial turf area was constructed in the rear parking area prior to obtaining the required permits from the City. Staff has informed the property owners that the field either needs to be removed or an application needs to be submitted requesting that it be retained. The field will not be used by Crispim BJJ Barra Brothers.

## PROJECT DESCRIPTION

Crispim BJJ Barra Brothers proposes to occupy the entire first floor of the existing building which is approximately 9,670 square feet in size. The martial arts studio will include offices, a large martial arts room, heavy bag room, restrooms, pro-shop and small exercise rooms (for smaller and one on one classes).

The main entrance to the building will be shared by clients of Body Max and students of the martial arts studio. Stairs leading up to the second floor space are located adjacent to the entrance lobby. No exterior modifications are proposed.

Crispim BJJ Barra Brothers proposes to operate between 6:00 am to 9:00 pm, Monday through Friday, from 7:00 am to 3:00 pm on Saturdays and from 8:00 am to 1:00 pm on Sundays. The martial arts studio will offer martial arts training and fitness classes to students ages 4 years and up. The classes offered will be staggered throughout the

day. Please refer to the class schedule, included in Exhibit B, for a list of all classes offered by the studio.

The studio will employ a maximum of 4 employees. Class sizes are based on the type of class offered and are limited to between 13 to 20 people and the maximum number of students in the facility at one time will be 40. No open gym time will be provided on the site; all students located at the facility will be enrolled in or watching a class (parents may stay to watch their child participate in a class).

## **ANALYSIS**

Conditional uses are uses, that by their nature, require individual review to ensure that impacts associated with their use will be minimal. Conditional use permits may be subject to appropriate conditions of ensure that any potential adverse impacts associated with the use will be mitigated. The following is staff's analysis of the proposed use and its impacts, if any.

### Land Use

The Land Use Element of the General Plan designates the subject property as "Business Park." The subject site is zoned PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) and the PUD development plan for Pleasanton Park specifies permitted and conditionally permitted uses for this site. The PUD development plan allows a martial arts studio (indoor recreation-sports facility) to operate with approval of a Conditional Use Permit.

One of the primary concerns in reviewing a conditional use permit application is the effect of the proposed use on surrounding uses. Uses within the Pleasanton Park development include a variety of offices, a dance school, an acupuncturist and a tutoring center. A large shopping center which includes Home Depot, In-N-Out, BevMo and other retail establishments is also located in close proximity to the subject site. Staff believes that the proposed use is similar in nature to the existing uses in Pleasanton Park as well as the surrounding area, and therefore is compatible with the existing uses in Pleasanton Park and the surrounding area.

### Parking

There are 64 available parking spaces on the subject site. The existing building is 18,683 square feet in size. Based on the subject building's floor area and the number of spaces provided on the site, the parking ratio of the subject site is one space for every 290 spaces provided on the site. With the tenant space of approximately 9,670 square feet in floor area, the recreational facility would theoretically be allocated 33 parking spaces. However, there are no assigned parking spaces in this development.

The applicant has indicated that there will be no more than 40 students at the facility at one time and no more than four employees. Section 18.88.030.E.2 of the Pleasanton Municipal Code requires uses of this nature to provide one parking space for each two students age 16 and older and one parking space per employee. If all 40 students attending the two classes offered at one time are over the age of 16, a total of 24 parking spaces would be required by the Code (20 spaces for the students and 4 spaces for the employees) and the 33 “allocated” parking spaces would meet this demand.

Staff notes that the Pleasanton Municipal Code parking requirements do not address parking demands during the drop-off/pick-up times, which would be the most impacted time from a parking standpoint. Staff believes there would be adequate parking available to meet this demand because most classes have at least a 15 minute interval between classes and classes are staggered throughout the day to reduce the possibility of overlap between arriving and departing students.

Body Max has indicated to staff that they have no more than 5 clients at a time and no more than 5 employees on site at one time. Therefore, staff believes that 10 parking spaces are sufficient to meet the needs of the existing use on the site.

Staff has observed the parking lot at several different times during the day. No more than 5 cars were observed on the site at any time. Therefore, staff believes that there is adequate parking available on site to support the proposed use in addition to the existing physical therapy use. However, should parking problems, occur, staff has included a condition of approval which allows the Director of Community development to refer the use permit back to the Planning Commission for possible mitigation measures.

### Traffic

The proposed project has been reviewed by the City Traffic Engineer. The Traffic Engineer has determined that a Traffic Impact Fee will not be required to be paid for the proposed martial arts studio because the total number of students on the site will be limited to no more than 13 people during the hours of 4:00 pm – 6:00 pm. Conditions of approval (Numbers 4 and 5) have been included which prohibit classes from starting between 4:00 pm – 6:00 pm and restrict the total number of students to no more than 13 during these hours.

### Noise

The Pleasanton Municipal Code states that a proposed conditional use must be in accord with the objectives of the Zoning Ordinance. One of those objectives is to “promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful instructions.” Noise would be generated from yelling by students and instructors and music inside the facility. To help ensure that noise is contained indoors, Condition of Approval No. 2 has been included

which requires doors and windows to remain closed during business hours. Additionally, the proposed use will occupy the entire first floor of the building and the building is located approximately 40 feet away from the buildings adjacent to this property. Therefore, as proposed and conditioned, staff does not believe that noise from the facility will be disruptive to the adjacent businesses.

## **Signage**

No signage is proposed for Crispim BJJ Barra Brothers. If the applicant wishes to add signage, the proposed signage would be required to adhere to the Pleasanton Park sign regulations.

## **FINDINGS**

The Planning Commission must make the following findings prior to granting the use permit:

**A. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinances and the purpose of the district in which the site is located.**

Objectives of the zoning ordinance include: fostering a harmonious, convenient, workable relationship among land uses; protecting existing land use from inharmonious influences and harmful intrusions; and insuring that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. As conditioned, staff feels the proposed facility would be consistent with these objectives. The proposed use is an exercise facility and the City has allowed similar uses to be located in office and commercial areas.

The subject business is proposed in Pleasanton Park which is zoned Planned Unit Development – Industrial/Commercial-Office (PUD-I/C-O) which permits a variety of office, industrial and commercial uses. Staff believes the proposed use, as conditioned, will be in accordance with the purposes of the zoning district by providing a service to the residents of Pleasanton as well as the surrounding businesses. The proposed conditions of approval for the project give the City the appropriate controls to ensure that the use does not have any negative impacts on the surrounding businesses and properties. The use permit for Crispim BJJ Barra Brothers is, in staff's opinion, in accordance with the objectives of the zoning district. Therefore, staff believes that this finding may be made.

**B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.**

Staff believes that the use, as conditioned, would not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity. The existing site has adequate parking to support the proposed use and existing use. The applicant would be required to receive all Building and Safety Division permits for any tenant improvements. All instruction will take place within the building and as conditioned, doors and windows will be required to be closed during business hours. Thus, staff does not believe that the proposed use would be disruptive to other businesses in the same building or vicinity. Therefore, staff believes this finding can be made.

**C. That the proposed conditional use will comply with each of the applicable provisions of the Municipal Code which apply to Conditional Uses.**

Staff finds that, as conditioned, the proposed use will comply with all provisions and requirements of the City's zoning ordinance and the approved PUD development. As with any Conditional Use Permit, the use permit may be reviewed and potentially modified if the conditions are not met. Therefore, the proposed use will comply with the provisions of the Zoning Ordinance. Staff believes this finding can be made with the proposed conditions of approval.

## **PUBLIC NOTICE**

Notice regarding the proposed application and related public hearing were mailed to the surrounding property owners within a 1,000-foot radius of the project site. A map showing the noticing area is attached to this report. The public notice was also published in *The Valley Times*. At the time this staff report was printed, staff has received one comment from a neighboring business in support of the proposed project.

## **ENVIRONMENTAL ASSESSMENT**

This project is categorically exempt from environmental review pursuant to the California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1. Therefore, no environmental document accompanies this report.

## **CONCLUSION**

Staff believes that the required use permit findings for the project can be met if the project is approved as conditioned. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area is maintained. Staff is of the opinion that the proposed martial arts studio would provide a service to the community and that the proposed location is appropriate.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve Case P13-0998 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve P13-0998 subject to the conditions listed in Exhibit A,

Staff Planner: Erica Fraser, 925.931.5621, [efraser@cityofpleasantonca.gov](mailto:efraser@cityofpleasantonca.gov)