

Planning Commission Staff Report

August 24, 2011
Item 5.a.

SUBJECT: P11-0051

APPLICANT: Shumei Wu

PROPERTY OWNERS: Tom Siewert and Jennifer Walker

PURPOSE: Application for a Conditional Use Permit to operate a martial arts studio and fitness facility.

GENERAL PLAN: Business Park (Industrial, Commercial, and Office) and Mixed Use

ZONING: Planned Unit Development – Industrial/Commercial-Office District

LOCATION: 4464 Willow Road, Suite 102

EXHIBITS:

- A. Draft Conditions of Approval
- B. Applicant Narrative and Project Plans
- C. Hacienda Owner's Association Approval Letter
- D. Location Map
- E. Noticing Map

BACKGROUND

The applicant proposes to establish a martial arts and fitness facility with up to 30 students at one time at the subject location. The subject site is located within the Hacienda Business Park and is zoned PUD-I/C-O (Planned Unit Development – Industrial/Commercial–Office). The Hacienda Business Park land use designation for this property is IPD (Research and Development/Light Manufacturing Planning District), which generally allows the same uses as the City's I-P, or Industrial Park District. Private recreational facilities with more than 20 students at any one time are subject to Conditional Use Permit approval and thus the applicant has filed the subject application.

The applicant currently operates the business at 5627 Stoneridge Drive and plans to re-locate the business to the subject location.

SITE DESCRIPTION

The subject property is located within Hacienda Business Park, across from Thomas Hart Middle School. The site is bounded by Willow Road to the east, office and industrial uses to the north and south, and Chabot Canal to the west. Figure 1 shows aerial photos of the site.

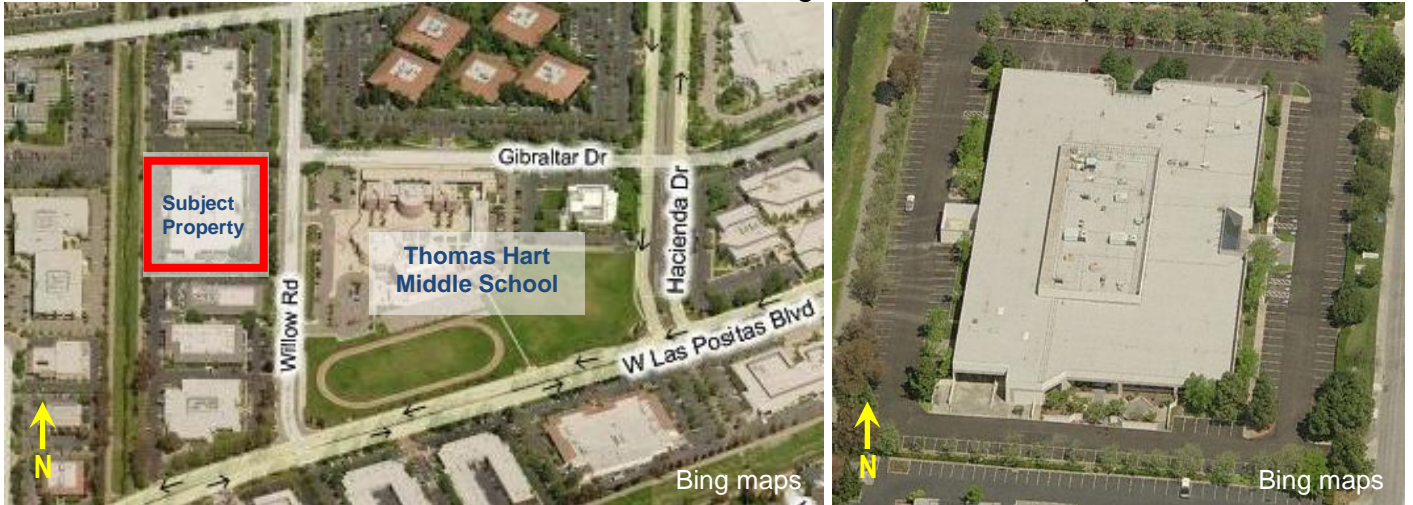


FIGURE 1: Aerial photographs of subject site

The site is accessed from two driveways from Willow Road and is approximately 4.6 acres in area. The subject single-story building is approximately 65,628 square feet in size and the subject suite is approximately 10,029 square feet in size. The building currently consists of 3 suites and serves as locations for companies including Sub-One Technology and Anixter, both research and development companies. The building is surrounded by a parking lot on all sides. Figure 2 is a photograph of the subject building.



FIGURE 2: Photograph of subject building

PROJECT DESCRIPTION

The proposed conditional use permit is to operate a martial arts studio and fitness facility at the subject location. As described in the project narrative, the proposed use would operate Monday through Friday between 8:00 a.m. and 12:00 p.m. and from 4:00 p.m. to 9:00 p.m. and on Saturdays from 8:00 a.m. to 12:00 p.m. The facility is closed on Sundays. Figure 3 below shows a site plan and proposed floor plan of the subject suite. The office spaces in the middle of the suite are to remain and will be used as offices.

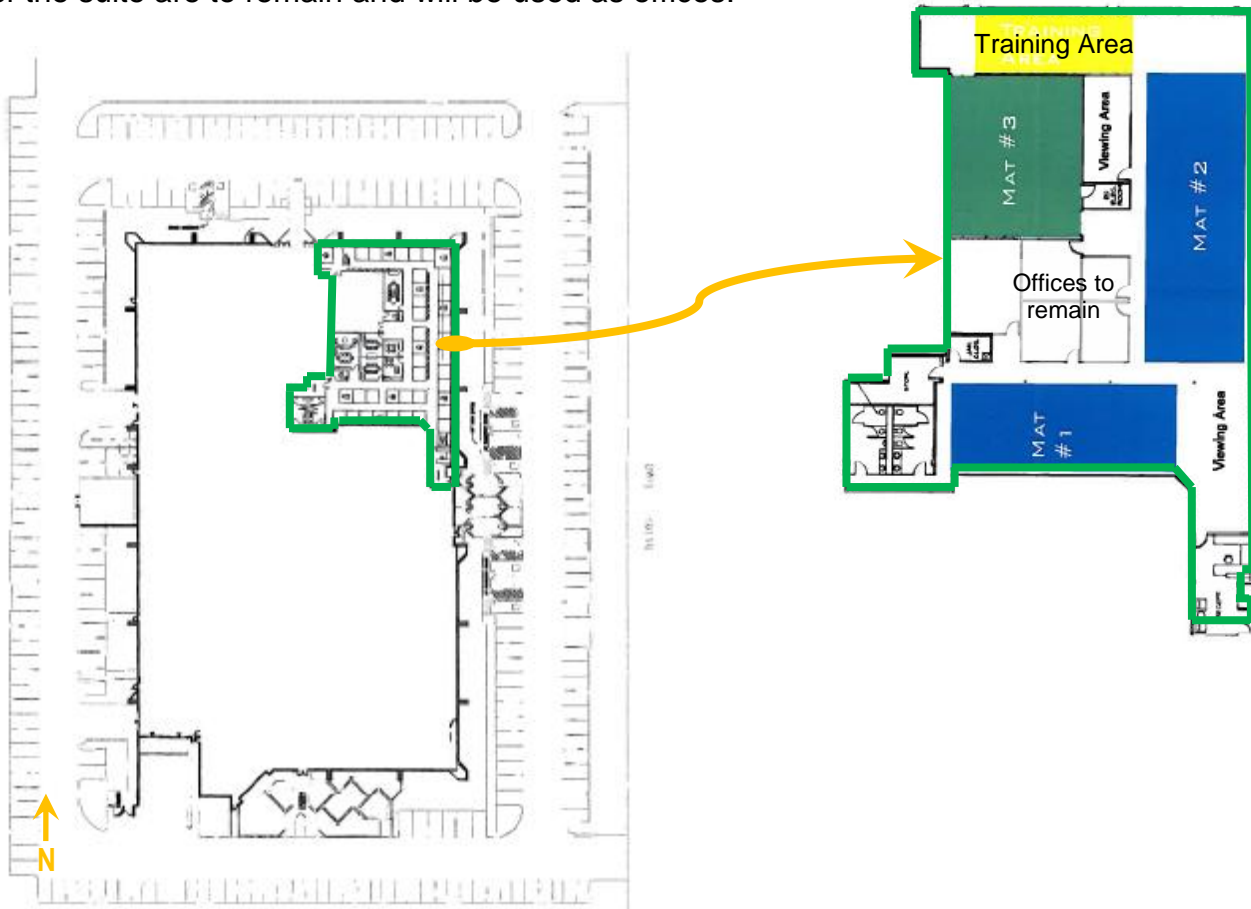


FIGURE 3: Site plan of subject property and proposed floor plan of subject tenant suite

The project narrative provided by the applicant is attached to this staff report as Exhibit B. The narrative outlines the proposed operation and describes the types of classes, students per class, instructors per class, and other operational business details. The narrative indicates that a variety of martial arts and fitness classes are offered for students ages 5 years and older as part of the subject business. The types of classes include CrossFit, Kajukenbo, Jiu-Jitsu, and Cardio Kickboxing and are listed with 1-hour timings in the project narrative, but the applicant has since clarified that they occur in 45-minute durations. Therefore there is a 15-minute break in-between classes. The class sizes range between 1 student (for 1 on 1 training) and 15 students. There are certain class timings where a maximum of 30 students could be at the facility at the same time since more than one type of class (Kids Jiu-Jitsu and Intermediate Adults Jiu-Jitsu) may be occurring concurrently. The number of instructors varies for each class, but ranges from 1 on 1 instruction to a ratio of 2 instructors for every 15 students or 1 instructor for every 10 students.

ANALYSIS

Conditional uses are those uses which, by their nature require special consideration so that they may be located properly with respect to the objectives of the Municipal Code and with respect to their effects on surrounding properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for use permits. The following sections seek to provide analysis of the proposed use with respect to potential impacts to land use, parking, and noise.

Land Use

The subject site has a General Plan designation of Business Park (Industrial, Commercial, and Office) and Mixed Use. The property is zoned Planned Unit Development – Industrial/Commercial–Office (PUD-I/C-O) District and is designated as Research and Development/Light Manufacturing Planning District (IPD) in the Hacienda Business Park. Private recreational facilities, such as martial arts and fitness facilities are subject to Conditional Use Permit approval at the subject site.

One of the primary objectives in reviewing a Conditional Use Permit application is to ensure that impacts to adjacent land uses are minimal. The proposed martial arts studio and fitness facility will be located indoors within an enclosed building. The subject building currently has offices in operation that are generally open during normal business hours (from 8:00 a.m. to 6:00 p.m.). Land uses on surrounding properties include office and industrial to the north and south and across Chabot Canal to the west and a public school (Thomas Hart Middle School) to the east. The nearest residential uses are located across Hopyard Road to the west in the Val Vista neighborhood and across West Las Positas to the south in the Parkside neighborhood.

The proposed martial arts studio and fitness facility will operate between Monday through Friday from 8:00 a.m. to 12:00 p.m. and 4:00 p.m. to 9:00 p.m. and Saturdays from 8:00 a.m. to 12:00 p.m. The facility is closed on Sundays. The operational schedule provided in the applicant's narrative indicates that timings for introductions and individual sessions with adult students will be between 10:00 a.m. to 11:00 a.m. and from 4:00 p.m. to 6:00 p.m. Therefore, these timings will have the least number of people at the subject facility at any one time. The busiest time frame is after normal business hours from 7:00 p.m. to 9:00 p.m. and entails up to 30 students, 6 instructors, and 2 additional staff for a total of 38 people on the site at one time. Staff finds the proposed operation to be reasonable and does not expect issues related to land use.

Parking

A total of 289 parking spaces are on the subject property. Since the building is approximately 65,628 square feet in size, it was constructed at a parking ratio of 1 parking space per 227 square feet, or a ratio of approximately 4 parking stalls for each 1,000 square feet in floor area. The subject suite, Suite 102, is approximately 10,029 square feet in size and therefore approximately 44 spaces are theoretically allocated to the suite.

Pleasanton Municipal Code Section 18.88.030(E)(2) requires "one space for each employee, including teachers and administrators and one additional space for each two students 16 years or older" for uses such as the proposed use. However, since parents are required to stay at

the facility to see their child's progress, parents will not be dropping off and picking up their children. Therefore, based on the business operation during the busiest time with 30 students, 6 instructors, and 2 other employees, a total of 38 parking spaces would be required. This requirement is within the 44 spaces that are theoretically allocated to the suite and since the busiest time will occur when the other businesses in the building are closed, the site is expected to have more than adequate parking to serve the proposed use.

Noise

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 objectionable intrusions." The PMC establishes noise limits for industrial zoned properties. For industrial zoned properties, PMC Section 9.04.050 states that,

No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same on industrial property, a noise level in excess of 75 dBA at any point outside of the property plane, unless otherwise provided in this chapter.

The suite is one of three suites within the building and shares its western and southern walls with the other two businesses. The applicant indicates that the operation of the business does not entail any shouting, music, or other type of noise that could be a disturbance to surrounding businesses. Additionally, a condition of approval requires that none of the doors and windows to the business will be kept open unless they are being used for ingress and egress. The hours of operation for the business overlap with that of the surrounding tenants, but the greatest number of people for the subject business are scheduled for classes later in the evening hours, when surrounding businesses are closed for the day. Therefore, any noise associated with the subject business due to concurrent classes is expected to be nominal and is not expected to negatively impact surrounding businesses.

Given these operational measures, staff does not believe that noise will be of concern to businesses that are tenants of the same building or businesses located on surrounding properties. Also, since other commercial and public institutional uses provide substantial buffer between the site and residential uses, staff believes that the proposed martial arts studio and fitness facility will not be concern to residents. If concerns regarding noise arise in the future, a condition of approval allows the Director of Community Development to refer the Conditional Use Permit back to the Planning Commission for possible mitigation measures.

Tenant Improvements

The applicant proposes to install a new interior door, interior window, enclose electrical panels, remove ceiling tile, and remove a portion of an interior wall. These improvements are subject to review and approval by the Building and Safety Division and by the Livermore-Pleasanton Fire Department.

Signage

No signage is proposed as part of this application. A condition of approval requires the applicant to secure City approval should any signage be desired in the future.

PUBLIC NOTICE

Notices regarding the proposed Conditional Use Permit application and related public hearing were mailed to the surrounding property owners and tenants within a 1,000-foot radius of 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 report was prepared, staff has not received any comments or concerns.

HACIENDA OWNERS ASSOCIATION

The Hacienda Owners Association has reviewed the proposal and provided a letter indicating approval of the martial arts studio and fitness facility. This correspondence is attached to this staff report as Exhibit C.

GENERAL PLAN CONSISTENCY

The Land Use Element of the General Plan states several goals, policies, and programs that support the proposed project.

- Goal 2: Achieve and maintain a complete well-rounded community of desirable neighborhoods, a strong employment base, and a variety of community facilities.
- Program 2.2: Encourage the reuse of vacant and underutilized parcels and buildings within existing urban areas.
- Program 8.2: Use the City's development review procedures to minimize intrusions into existing neighborhoods.
- Program 15.2: Promote the location of business services in Pleasanton to support industrial, commercial, and office complexes.

The proposed martial arts studio and fitness facility will further these goals and programs in that it will provide an amenity to the community in that it will provide a location for private and group martial arts lessons. The tenant space is currently vacant and the martial arts studio and fitness facility will be occupying a suite within an existing building that is not currently utilized. The proposed business would be relocating to the subject location from another location in the city and the subject conditional use permit would allow the business to remain in Pleasanton. Additionally, mitigation measures and conditions of approval are required for the use in order to prevent noise pollution, issues regarding parking and circulation, and other harmful intrusions. The use is compatible with other uses within the building and uses surrounding the property and is located with a substantial distance to residential neighborhoods.

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 ordinance and the purpose of the district in which the site is located.

The objectives of the Zoning Ordinance include fostering a harmonious, convenient, workable relationship among land uses, protecting land uses from inharmonious influences and harmful intrusions, promoting a safe, effective traffic circulation system, and ensuring that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. The subject site is zoned PUD-I/C-O District and is designated as Research and Development/Light Manufacturing Planning District (IPD) in the Hacienda Business Park which generally has the characteristics of the City's I-P (Industrial-Park) District. One purpose of the I-P District is to provide locations for uses that can operate in close proximity to commercial and residential uses with minimum mutual adverse impact.

Staff believes the proposed use as conditioned would be consistent with the objectives of the zoning ordinance and the Industrial-Park District purpose in that it provides a unique recreational activity for residents and visitors of the City. The business is currently in operation in Pleasanton and the approval of the conditional use permit at the subject location would allow the business to remain in Pleasanton. Other private recreational facilities and businesses that offer music, dance, and tutoring classes have been approved in close vicinity to the subject property. Additionally, adequate parking on the site exists for students who drive to the subject location, and students of the martial arts facility who are also students that attend Thomas Hart Middle School across the street will be able to access the subject property by walking or bicycle. The subject site is surrounded by commercial and industrial uses and a substantial buffer exists between the property and residential uses. 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.

The proposed martial arts studio and fitness facility will be operated in a manner such that the public health, safety, and welfare will not be compromised. Staff does not expect significant concerns to arise from the proposed use since the proposed class size, hours of operation, and teacher-to-student ratio will ensure that it operates in harmony with the surrounding uses. Further, the conditions of approval require the applicant to mitigate potential nuisances that may arise with the proposed use or possible future use. Staff believes that this finding may 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.

The PUD zoning of the subject site permits the establishment of private recreational facilities with more than 20 students at one time subject to conditional use permit approval. The proposed use, as conditioned, would comply with applicable provisions of the governing PUD and zoning ordinance. Granting a conditional use permit to the applicant would be consistent with the City's ability to regulate zoning as listed in the Municipal Code. The proposed use, as conditioned, may be integrated as a use within the existing building without a detrimental impact to the surrounding properties or to the City in general. Therefore, staff believes that this finding may be made.

ENVIRONMENTAL ASSESSMENT

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

CONCLUSION

The subject conditional use permit will allow Guerrilla Jiu-Jitsu to locate and operate at the subject facility. The proposed business operation, as conditioned, will be compatible with surrounding land uses and will not create a conflict with respect to parking, noise, or other nuisance and is expected to be compatible with surrounding land uses. Therefore, staff believes the proposal merits approval.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case P11-0051 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve Case P11-0051 subject to the conditions listed in "Exhibit A."

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