



## Planning Commission Staff Report

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October 14, 2009  
Item 5.b.

**SUBJECT:** PCUP-255

**APPLICANT:** Tao He / USA Wu Chi Kung Fu Academy

**PROPERTY OWNER:** Boulder Court Development, LLC / Paul Larson

**PURPOSE:** Application for a Conditional Use Permit to operate a Kung Fu, Tai Chi, Chinese Arts and Dance, and Yoga facility at 425 Boulder Court, Suites 200 and 300.

**GENERAL PLAN:** General and Limited Industrial

**ZONING:** I-G-40 (General Industrial, 40,000-Square-Foot Minimum Lot) District.

**LOCATION:** 425 Boulder Court, Suites 200 and 300

**ATTACHMENTS:** Exhibit A, Draft Conditions of Approval  
Exhibit B, Project Narrative, Site and Floor Plans dated "Received, September 21, 2009"  
Exhibit C, Location Map  
Exhibit D, Noticing Map

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### BACKGROUND

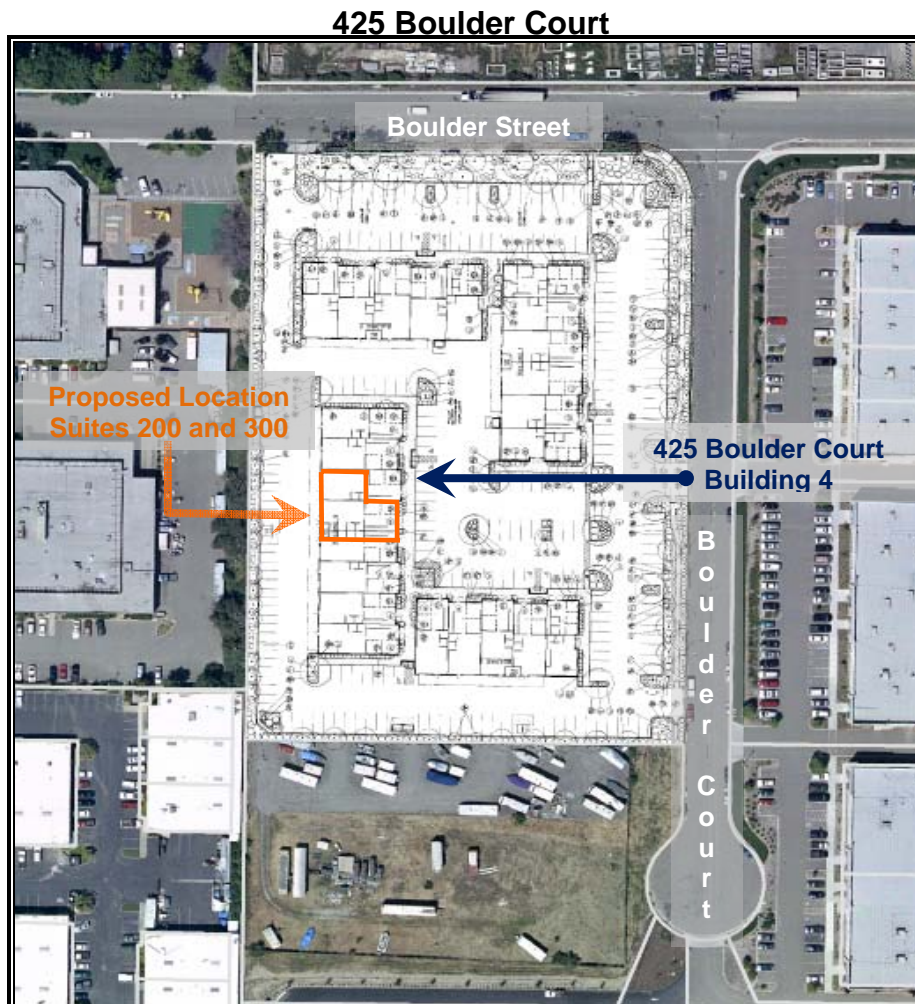
On February 14, 2007, the Planning Commission approved the applicant's Conditional Use Permit (CUP) to operate a martial arts facility for children and adults at 5684 Stoneridge Drive, Suite B, in the Hacienda Business Park. The applicant is now requesting a different CUP to relocate and operate an indoor recreation facility for Kung Fu, Tai Chi, Chinese Arts and Dance, and Yoga for children and adults at 425 Boulder Court, Suites 200 and 300, in the Vision West Commerce Center (VWCC).

The zoning district is I-G-40 and allows both permitted and conditionally permitted uses in accordance with the I-P (Industrial Park) and I-G (General Industrial) zoning districts. Public or private recreational facilities with more than 20 students located in the I-G-40 zoning district require a CUP and, therefore, action by the Planning Commission is necessary.

## SITE DESCRIPTION

The subject site is a 4.6-acre parcel located on the corner of Boulder Street and Boulder Court. The site was recently developed with four, two-story, office-industrial multi-tenant buildings. The four buildings vary in size with Building 4, the subject building, being the largest (21,852 square-feet). Access to and from the site is via three driveways, one on Boulder Street and two on Boulder Court, with the four buildings sharing the 240 on-site parking spaces.

The surrounding uses include: light industrial, office uses to the east and south; utility vault manufacturing to the north; light industrial and office uses to the west; and Quarry Lane School and Valley Business Park to the west.



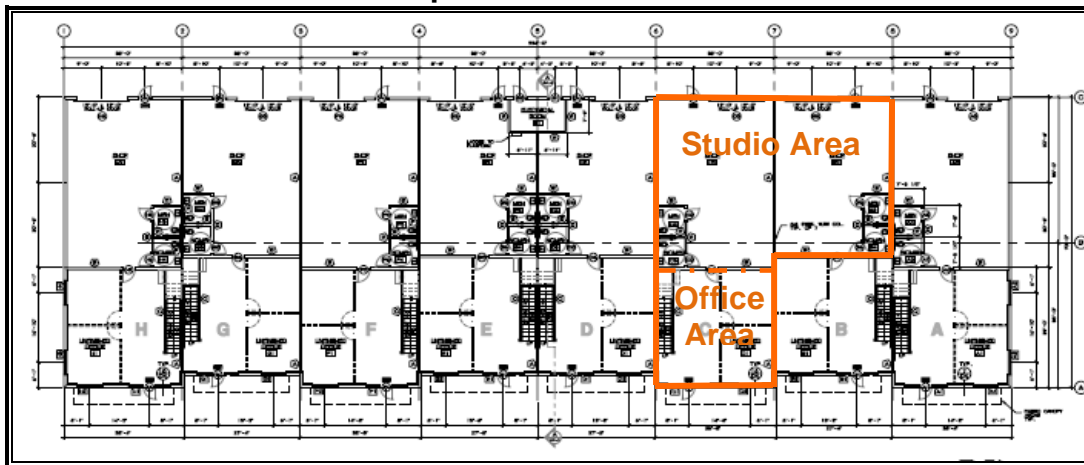
## PROJECT DESCRIPTION

The applicant is proposing to use two tenant suites, totaling 3,866 square-feet, which will consist of an office area, an open studio area for classes, and restroom facilities. The applicant will instruct and coach both children and adults in martial arts, Chinese dance, Chinese arts, and yoga. Instruction is provided through private (1 student), semi-private (2-4 students) and group lessons (5-30 students). Lessons are 45 minutes to an hour in length and although students may enroll in back-to-back sessions, they would not be on site longer than 2 hours a day or more than 10 hours a week. Accordingly, the program would be exempt from State child care licensing requirements.

The facility will be open Monday through Friday from noon to 9:00 p.m. and weekends from 9:00 a.m. to 5:00 p.m. Please refer to Attachment 2, Exhibit B, for the breakdown of classes and respective times.

The applicant does not provide transportation to or from the facility and, as is the applicant's policy with his previous facility, requires that children under the age of 12 be signed in and out of the facility by a parent/guardian. Furthermore, the roll-up doors will not be open during class times or when children are on-site. Recommended condition 2 would ensure that children under the age of 12 will be signed in/out of the facility by a parent/guardian and condition 3 would require that the roll up doors remain closed during class time or when children are present.

**Proposed Tenant Suites**



## ANALYSIS

The I-G-40 zoning permits uses such as offices, light manufacturing, printing shops and requires CUP approval for uses such as gymnasiums and health clubs, indoor recreational and sports facilities, schools/instructional businesses, and trade schools. The proposed use is considered a recreational facility and, therefore, subject to conditional use permit procedures.

The subject site is adjacent to office, light industrial uses, Quarry Lane School, and other indoor recreational facilities (e.g., dance, gymnastic, boxing, and martial arts facilities). In 2007 the Planning Commission approved a CUP application for Pump-It-Up, a children's activity center, located at 530 Boulder Court. Staff is not aware of any issues associated with that facility. Overall, the proposed use is compatible with existing uses adjacent to the site and given the break-up of classes, and the small amount of students in each session, the site is an appropriate location for the use.

As proposed, it is unlikely that the noise generated during one-on-one and larger sessions would impact other tenants. The applicant will place mats on the floor of the practice space but is not otherwise considering any significant tenant improvements. To address noise, staff has recommended the following conditions (Attachment 1, Exhibit A):

- Condition 3: The roll-up door shall remain closed during class sessions and when children are on-site.
- Condition 7: The exterior doors shall remain closed when not being used for ingress/egress purposes and the applicant shall inform all students not to loiter or make loud noises outside the building before or after classes.
- Condition 9: Interior noise levels shall be maintained at 45 dBA Leq or less.

Based on the subject building's floor area (21,852 square-feet) and the number of parking spaces provided on-site (240 spaces), the parking ratio at the subject site is one space for every 91 square feet of floor area. With the tenant space of approximately 3,866 square feet in floor area, the recreational facility would theoretically be allocated 42 parking spaces.

Section 18.88.030(E)(2) of the Pleasanton Municipal Code (PMC) 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 30 students attending the facility are over the age of 16, a total of 17 parking spaces are required (15 for the students and 2 for the employees). As proposed, there is a surplus of 25 parking spaces and, therefore, parking would adequately support the proposed use. Similarly, the existing circulation patterns at the project site would adequately handle students' being picked up and dropped off. Bicycle parking was included in the buildings development plan and, therefore, will be provided on-site.

## **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 can be found in Attachment 4,

Exhibit D. At the time this report was prepared, staff had not received any comments or concerns.

## **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.**

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 business is proposed in an industrial area that is intended to provide locations for light industrial, neighborhood, personal and commercial services, and office uses. The proposed use will provide instruction to children several times a week and in conjunction with adult classes. The roll-up door shall remain closed during classes and when children are present and there is a sufficient amount of parking spaces to support the use. The operation, as proposed, will be a compatible land use to surrounding businesses. Therefore, staff recommends this finding 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.**

A condition of approval requires that children under the age of 12 will be signed in and out of the facility by a parent or supervising adult. The proposed operation is limited in scope and the recommended conditions of approval will ensure that the health, safety, and welfare of the students and surrounding business will be maintained. Staff recommends that this finding 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 Pleasanton Municipal Code conditionally permits the establishment of recreational facilities within existing structures. Granting a Conditional Use Permit would be consistent with the City's ability to regulate the proposed use with the provisions of the applicable zoning regulations. The proposed facility,

with conditions of approval, can be integrated without detrimentally affecting the surrounding properties or the City in general, and, therefore, staff recommends the third finding 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.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve PCUP-255 by taking the following actions:

1. Make the required findings as described in the staff report; and
2. Approve PCUP-255 subject to the conditions listed in Attachment 1, Exhibit A.

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