

Planning Commission Staff Report

September 9, 2009
Item 5.b.

SUBJECT: PCUP-248

APPLICANT: Kevin Butler

PROPERTY OWNER: Big Valley, LP

PURPOSE: Application to operate a recreational facility

GENERAL PLAN: General and Limited Industrial

ZONING: Planned Unit Development – Industrial (PUD-I)

LOCATION: 1040 Serpentine Lane, Suite 203 or 209

ATTACHMENTS: Exhibit A, Draft Conditions of Approval
Exhibit B, Site Plan/Floor Plan and Project Narrative
Exhibit C, Location Map
Exhibit D, Noticing Map

BACKGROUND

The applicant, Kevin Butler, is requesting a Conditional Use Permit (CUP) to operate an indoor recreation and sports facility for Judo instruction. The instruction will follow a limited schedule and will include small class sizes (refer to Table 1, page 3). The subject site is in the Valley Business Park, and would be located in one of two available units. He is seeking approval for both suites as he has not yet signed a lease and is not certain both will be available to him after time of CUP approval. The property owner will not lease to him without a City approval.

SITE DESCRIPTION

The subject site is located on the east side of Serpentine Lane and is surrounded by other industrial uses. The applicant will occupy an approximately 1,736 square foot suite within an existing building 22,308 square feet in size. The property may be accessed from two driveways on either side of the building, which leads to an open parking area available to all tenants.

The building is comprised of ten suites which are occupied by a variety of business including: California Youth Soccer Association, Gorman Roofing Services, RMD Event Marketing Company, DK Building Mechanical and Construction, Gold Electric, and Decal Applications.



Photo of subject building



Photo of Suite 209, showing main entrance and roll-up door

PROJECT DESCRIPTION

The applicant will instruct and coach both children and adults in the sport of Judo. The table below summarizes the proposed operation:

Table 1 – Hours and Frequency of Operation

	Days of Week and Frequency	Ages of Students	Time of Class	Hours/Day	Hours/Week	Total Hours/Week	# Students
Children	Monday – Saturday	5 – 10 years old	4:30 – 5:30 pm (9:00 – 10:00am on Saturdays)	1	2 – 4	5 – 10	Maximum of 20 students/class; 8 – 12 students/class more likely
	Classes will be held 2 – 4 days per week.	11 – 17 years old	6:00 – 7:30 pm (10:30am – 12:00 pm on Saturdays)	1.5	3 – 6		
Adults*	Monday – Friday	18 years old and older	7:00 – 9:00 pm	2	4 – 6	4 – 6	Maximum of 10 students/class
						9 – 16	

*Adults classes will be offered if necessary to supplement operational costs

The applicant requests flexibility in the planning of classes since the schedule for his full time job as a firefighter can vary from week to week. As noted above, he anticipates teaching the classes between 2 and 4 times a week with each class time period lasting between 1 hour and 1.5 hours, yielding a total between 5 and 10 hours a week for children’s classes. A child may be present at the facility between 2 and 6 hours a week, which is exempt from licensing requirements by the State of California. Upon securing the assistance of a second instructor, the applicant hopes to establish routine days and times for the classes while maintaining consistency with the above described operations.

Typically only one suite is granted approval for a conditional use. The applicant is considering one of two available suites (either 203 or 209) and this CUP would allow a Judo club in either of the two suites. The property management company has requested the applicant obtain approval prior to signing a lease for either suite. To accommodate this requirement, a condition of approval requires the applicant to select one of the two suites upon issuance of business license, which staff will memorialize with a letter indicating which one of the two has been chosen. This procedure will ensure future discretionary review is required for conditional uses in the remaining suite at this location. If the applicant chooses not to sign a lease for either of the two spaces, the conditional use permit will be null and void. Since suite 203 currently has conditional use permit approval for a construction related office for Gorman Roofing

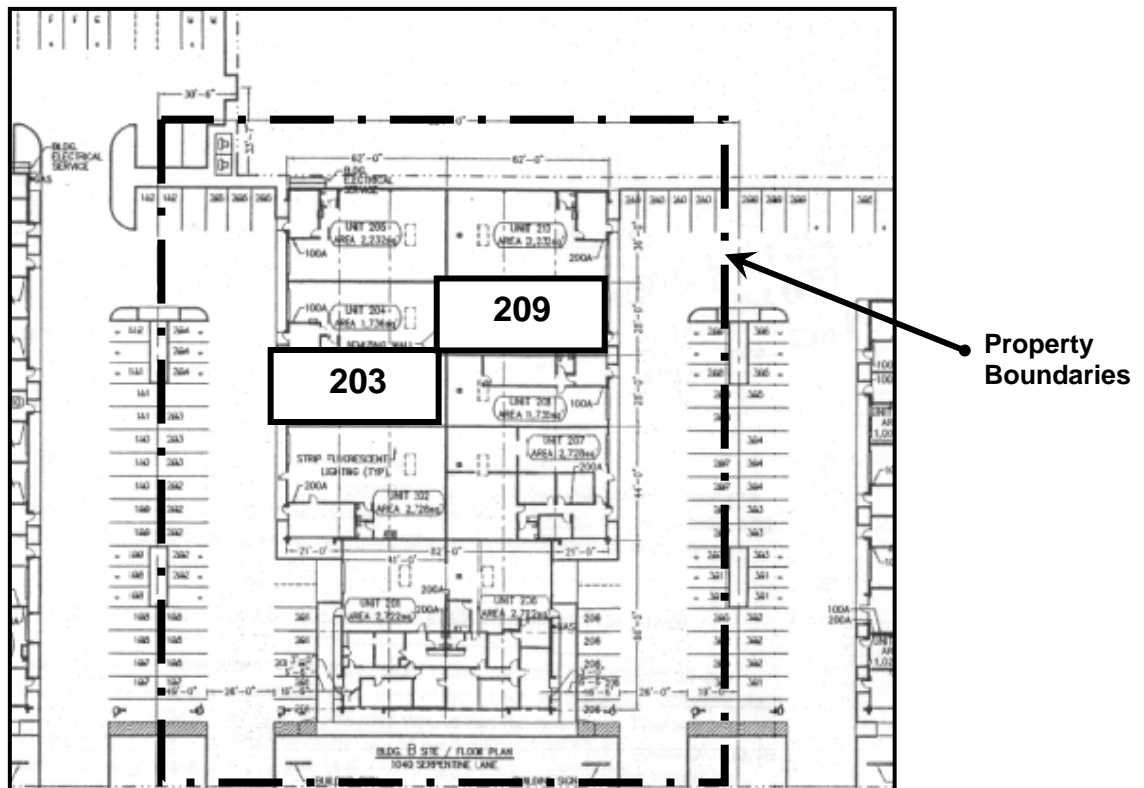
Services, the conditional use permit for the construction office will immediately expire should the applicant choose suite 203.

ANALYSIS

The subject site has a General Plan designation of General and Limited Industrial and is zoned Planned Unit Development – Industrial (PUD-I) District. The current PUD zoning for the Valley Business Park 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 as a recreational facility is thus subject to conditional use permit approval.

The instruction will occur indoors and a condition of approval requires the entry door to remain closed until 5:00pm. The suite is equipped with a heating and ventilation system for temperature control and existing restroom facilities are located inside the tenant space. The applicant will place mats on the floor of the practice space but is not considering any significant tenant improvements. No signage is proposed with this application.

Parking on the site is accessible to all tenants and since the hours of operation for the Judo instruction will primarily take place after regular business hours, more than adequate parking is available on the site.



Site plan showing suites 203 and 209

Overall, the proposed use at either of the two potential suite locations is compatible to existing uses on the site and given the limited hours of operation and number of students, the site is an appropriate location for the use.

Staff recognizes the unusual nature of this application in that it proposes that the use would occur in one of two possible suites. While this is not standard practice, staff has evaluated both sites and has concluded they are equally suitable for the proposed use.

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.

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 Valley Business Park, which is zoned Planned Unit Development – Industrial (PUD-I) and is intended to provide locations for light industrial, neighborhood, commercial, and office uses. The proposed use will provide Judo Club instruction to children between the ages of 5 and 17 several times a week and in conjunction with adult classes, would operate for duration of approximately 9–16 hours a week. Given the limited operation of the proposed business and that it will be in operation when many of the surrounding businesses are closed, the operation as proposed will be a compatible land use to surrounding businesses. Therefore, staff feels this finding can 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 building provides adequate opportunity for both natural and artificial lighting and the building's heating and ventilation system will provide sufficient lighting and ventilation for the students. 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 feels 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 industrial zoning of Valley Business Park conditionally permits the establishment of indoor recreational and sports facilities. The proposed conditions of approval will ensure that the applicable provisions of the PUD-I zoning are met. Therefore, staff feels 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, and Class 1. Therefore, no environmental document accompanies this report.

CONCLUSION

The proposed business will provide a beneficial service to the community by providing a location for children to learn and practice the sport and martial art of Judo. Conditions of approval have been recommended which will ensure that the safety and general welfare of the surrounding area is maintained. The proposed use, as conditioned, will be compatible with the surrounding uses and properties since it is limited in scope and will not result in an impact to adjacent businesses.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case No. PCUP-248 by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and
2. Approve Case No. PCUP-248 subject to the conditions listed in Exhibit A.

Staff Planner: Shweta Bonn, Assistant Planner, (925) 931-5611, sbonn@ci.pleasanton.ca.us