

## Planning Commission Staff Report

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May 11, 2011  
Item 5.a.

**SUBJECT:** PCUP-292

**APPLICANT:** Roman Sheyman and Igor Sheyman / Tornado Acro Gymnastics and Martial Arts Sport Club

**PROPERTY OWNER:** Boulder Court Development, LLC / Mark Barkdull

**PURPOSE:** Application for a Conditional Use Permit to operate a gymnastics and martial arts studio within an existing building.

**GENERAL PLAN:** General and Limited Industrial

**ZONING:** I-G-40,000 (General Industrial) District.

**LOCATION:** 530 Boulder Court, Suite 102

**ATTACHMENTS:** Exhibit A, Draft Conditions of Approval  
Exhibit B, Project Narrative, Site plans, and Floor Plan dated "Received, April 19, 2011"  
Exhibit C, Location Map  
Exhibit D, Noticing Map

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### BACKGROUND

The applicants, brothers Roman and Igor Sheyman, are requesting to operate an indoor recreational facility for gymnastics and martial arts for children and adults at 530 Boulder Court, Suite 102. Both Roman and Igor have experience in training and participating in competitive gymnastics and martial arts. The applicants are currently in negotiations to purchase the subject unit.

The zoning district for the project site is I-G-40,000 District. A public or private indoor recreational facility with 20 or fewer students is a permitted use in this zoning district. Though the proposed facility does not offer classes with more than 20 students, some of the gymnastics sessions occur simultaneously with the martial arts sessions, thus resulting in a combined total of approximately 30 students in the facility at the same time. Public or private indoor recreational facilities with more than 20 students located in the I-G-40,000 zoning district require a Conditional Use Permit (CUP) and, therefore,

the applicants have applied for a Conditional Use Permit. Conditional Use Permits require review and action by the Planning Commission.

## SITE DESCRIPTION

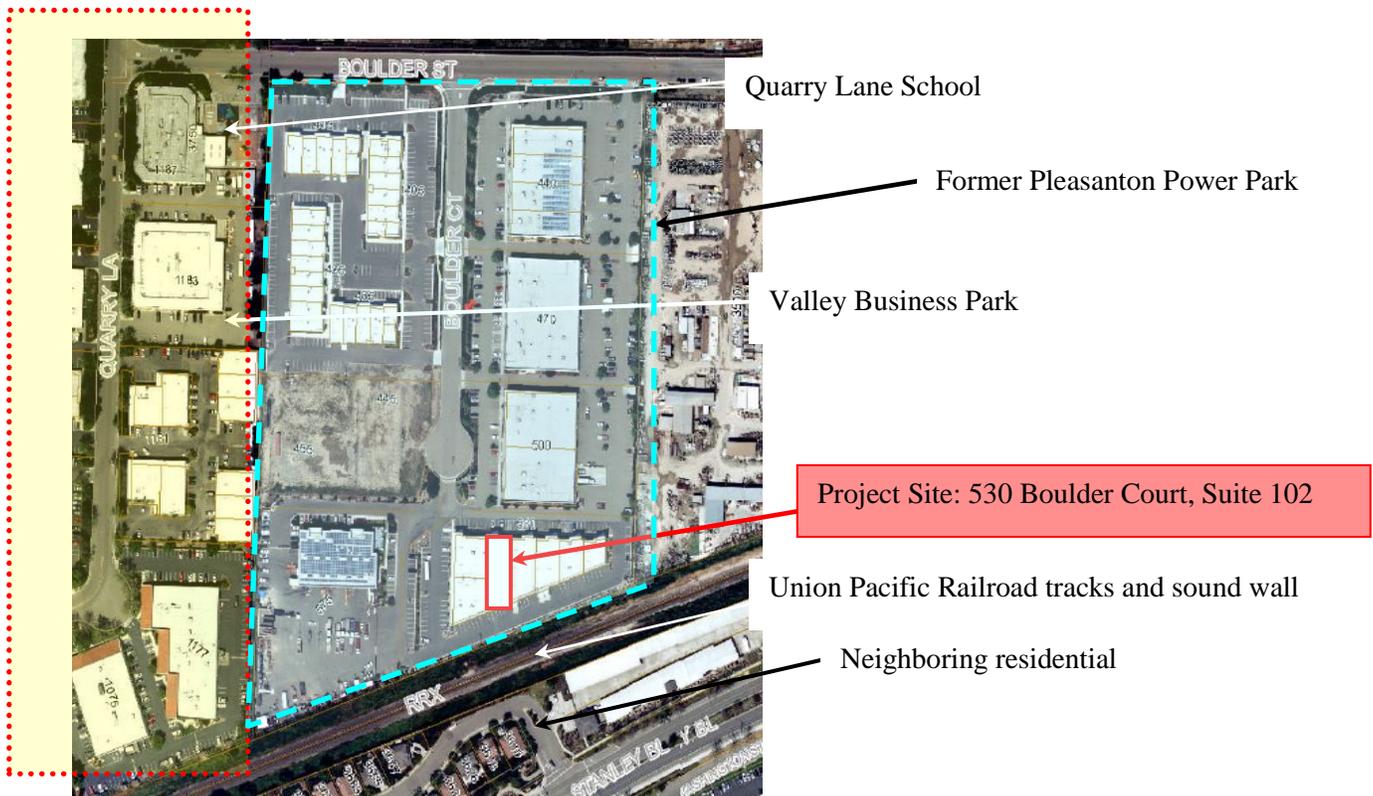
The proposed facility is to be located in a business park (formerly known as Pleasanton Power Park) on Boulder Court, just off of Boulder Street. Boulder Court is approximately 650 ft. easterly of Quarry Lane, where Valley Business Park is located.

Properties adjacent to Boulder Court include light industrial/warehouse uses to the west (Valley Business Park), Union Pacific Railroad and single-family residential uses to the south, and industrial uses to the north and east. A sound wall and the Union Pacific Railroad tracks separate the subject site from the residential neighborhood to the south.

The subject site is approximately 2.5-acres in area and is located at the south end of Boulder Court. Boulder Court has a mix of uses that include, but are not limited to professional offices, light manufacturing, and industrial uses.

Figure 1.1: Location

### 530 Boulder Court



The site was recently developed with a single, one-story, multi-tenant industrial building. The tenant spaces vary in size with the subject suite being approximately 6,200 square-feet of the 33,354 square-foot building. The main access to and from the site is via one

driveway on Boulder Court, with the tenant spaces sharing the 119 on site parking spaces.

The current tenants of the building are Yaya Imports, TechniQuip Corp. (occupies 2 suites), Friedrich Support, and Pump-it-Up. The two (2) remaining tenant spaces are currently vacant. The subject tenant space is adjacent to Pump-it-Up (to the west) and TechniQuip Corp. (to the east). The subject space was formerly used as an indoor volleyball club (with 20 or fewer students).

Photo 1: Proposed Use Location and Adjacent Uses



Photo 2: Existing Interior Improvements for the Volleyball Club

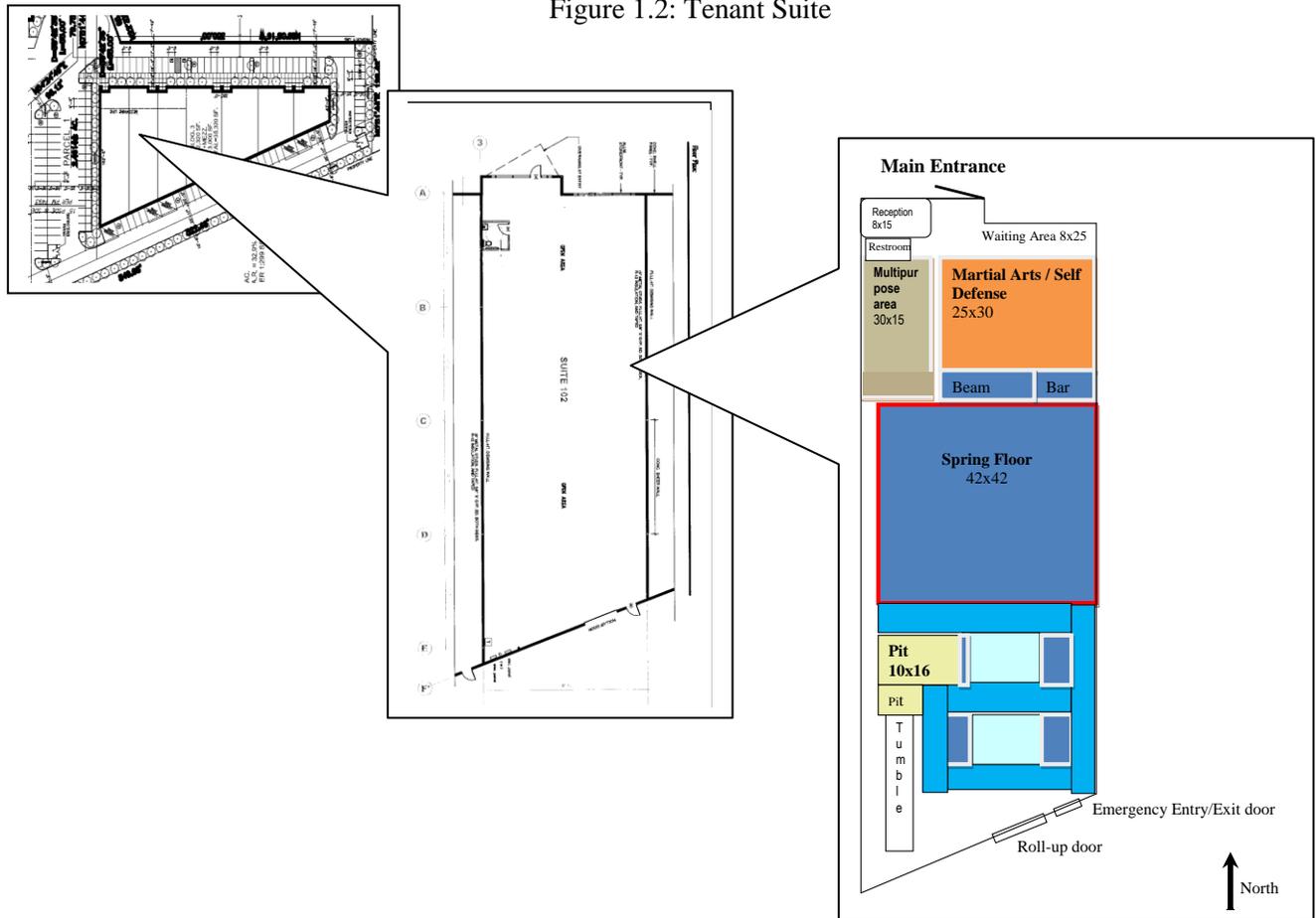


## PROJECT DESCRIPTION

Tornado Acro Gymnastics and Martial Arts Sport Club (AKA Tornado Sport Club) is an indoor recreational facility to be located in a portion of an existing single-story building, with 33,354 square-feet of gross floor area. The proposed facility would occupy approximately 6,200 square-feet of the building. The suite will contain one multi-purpose area, gymnastics equipment and activity areas, martial arts area, waiting area,

and reception area; no areas are divided by permanent walls or partitions. The unit contains an existing restroom.

Figure 1.2: Tenant Suite



The facility will be open Monday through Sunday from 7:00 a.m. to 8:30 p.m. and birthday party rentals will occur only on Saturdays and Sundays between the hours of 10:00 a.m. and 2:30 p.m. Please refer to Exhibit B, for the breakdown of sessions and times. As stated in the recommended condition 2, children under the age of 12 will be signed in/out of the facility by a parent/guardian and condition 7 would require that the roll up door remain closed during class time or when children are present.

The facility would be operated by registration only and would not be open to the public on a drop-in basis. The scheduled classes would begin daily with adult fitness as early as 7:00 a.m. and conclude with competitive level sessions by 8:30 p.m. The age range of the students is between toddler to adult and is dependent on the class in which they are enrolled.

Students arriving for classes would proceed to the activity area of their session and warm up for the upcoming class; students awaiting pick-up will wait in the waiting area. Recommended condition of approval number 7 prohibits any loitering outside the facility.

The applicants will instruct and coach both children and adults in gymnastics and martial arts. Instruction is provided through group lessons (approximately 15 students per session). Sessions range from 45 minutes to one (1) hour and 50 minutes (for competitive sessions only) in length. Although it is conceivable that a student may be enrolled in a session of one activity followed by a session of the other activity, the applicants have expressed that they would not be encouraging this scheduling approach and if they see a trend for parents desiring participation in both activities, they would then adjust the schedule to offer a series with combined activity sessions that is similar to the class duration and pricing of an existing class session. Additionally, the applicants are proposing the longer training sessions for the competitive athletes to accommodate the training needs of the sport. Furthermore, the applicants have explained that competitive students would not divide their training efforts between the different sports. To ensure that children do not attend back-to-back sessions, staff has provided a recommended condition of approval to address this restriction (condition number 3).

No public address (PA) system would be used, but amplified music may be utilized during floor routines. Doors would remain closed (but unlocked) during class sessions and demonstrations to minimize any noise from being heard outside the building. Staff has included the standard noise level condition (condition number 9) in Exhibit A and the subject unit was constructed with sound attenuating measures (see the *Noise* section of this report for more information). It is not anticipated that the noise generated from the music for the floor routines and the other activities would exceed the maximum as allowed by either the health code or noise ordinance.

To ensure the safety of children, there would be only one entrance to the facility, i.e. from the front of the building. Secondary exits are provided for emergencies and are located at the back of the unit with direct access from the gymnastic activity areas.

The facility does not offer care for the students between classes, nor do they provide food or transportation to or from the facility. Thus, the facility is not operating in the capacity of a child care facility as defined by the State child care licensing requirements (Child Care and Supervision activities: Title 22, California Code of Regulations, Division 6, Sections 80001(c)(3)).

The birthday party rental option is a minor portion of the facility's program and is ancillary to the main focus of the facility as a gymnastic and martial arts training facility. Birthday party events will follow a standard program:

- First, the children will participate in a gymnastics or martial arts activity led by a facility staff member (i.e., Roman or Igor).
- After the activity, the children would be directed to the multi-purpose area for refreshments, such as cake, ice cream, drinks, etc. and gifts.
- At the end of the event, children would go to the waiting area to meet their parents/guardians or wait to be picked up.

The birthday parties would have a maximum of 20 participants per event.

## **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 uses and properties. Conditional use permits may be subject to appropriate conditions to ensure that any potential adverse impacts associated with the use will be mitigated. The following is staff's analysis of the proposed indoor recreational facility use and its impacts, if any.

### Land Use

The I-G-40,000 zoning permits uses such as offices, manufacturing, and printing shops and requires CUP approval for uses such as indoor recreational and sports facilities with more than 20 students on site (facilities with fewer than 20 students on site is a permitted use). The proposed use is considered an indoor recreational facility with more than 20 students on site (from 2:45 p.m. to 8:30 p.m.) and, therefore, is subject to conditional use permits procedures.

The subject site is adjacent to office uses, industrial uses, Quarry Lane School, and other indoor recreational facilities (e.g., Pump-It-Up). In 2007 the Planning Commission approved a CUP application for Pump-It-Up, a children's activity center, also located at 530 Boulder Court and in 2009 the USA WU Chi Kung Fu facility was approved at 425 Boulder Court (but has since moved to a location on Stoneridge Drive). Staff is not aware of any issues associated with either facility. Overall, the proposed use is compatible with the existing uses adjacent to the sites and the adult class sessions are an attractive benefit for the working professionals in the adjacent buildings.

Due to the proposed class enrollment limits, staff anticipates that the most active facility time will occur after school or on weekends. Because the most active times associated with the proposed use would take place during non-business hours (on weekends) and during the last few hours of a standard weekday workday, the potential conflicts between the proposed use and the other businesses in the area will be minimized. Additionally, the birthday events would be limited to 20 children between the age 4 and 12; therefore, the number of vehicles arriving and departing from the site would be similar to any other permitted use. Thus, staff finds that the proposed use would be compatible with the surrounding businesses in this area.

### Parking

Based on the subject building's floor area (33,354 square-feet) and the number of parking spaces provided on site (119 spaces), the parking ratio at the subject site is one space for every 280 square feet of floor area. With the tenant space of approximately 6,200 square feet in floor area, the recreational facility would theoretically be allocated 22 parking spaces. However, there are no assigned parking spaces in this development.

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 afternoon classes are over the age of 16, a total of 17 parking spaces would be required by the Code (15 spaces for the students and 2 spaces for the employees), and the 22 “allocated” spaces would meet this demand.

Staff notes that the Pleasanton Municipal Code (PMC) parking requirements does not address parking demands during drop-off/pick-up times, which would be the most impacted time from a parking standpoint. Staff believes that there would be adequate parking for drop-offs/pick-ups given that there would be a 10 to 15 minute break between classes to reduce the possibility of overlap between arriving and departing students. In addition, some of the classes would occur during non-standard (i.e., 8:00 a.m. - 5:00 p.m., M-F) business hours and only the afternoon and evening classes held between 2:45 p.m. to 8:30 p.m. would have the maximum number of students present (up to 30 students), further reducing potential parking demand issues. It should also be noted that adults attending the morning and lunch time fitness classes may be those professionals located in the surrounding professional buildings who would walk to the facility and not create additional parking demand.

Staff has conducted a number of site visits to observe the parking patterns and parking space availability for the site. Staff observed that, on average, 28 of the 32 parking spaces along the front of the building were vacant at various times during the day during the week. Though there are two suites in the building unoccupied, staff believes that the proposed use and availability of parking spaces indicates that future permitted uses in the vacant units would not result in a parking conflict. However, should parking problems occur, staff has recommended a standard condition that allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures.

### 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 leveling excess of 75 dBA at any point outside of the property plane, unless otherwise provided in this chapter.*

The primary noise source from the use would be from the occasional amplified music used during floor routines. Staff believes that the noise generated from this use would be comparable or less than noise levels generated by the existing tenants in this building or by the industrial uses that could locate in this building. Additionally, the subject tenant space was constructed with sound/noise attenuating improvements, including 5/8” gypsum board (sheet rock) on both sides of the dividing tenant walls.

These walls are also insulated with R-13 material. Both measures are typical requirements for providing sound attenuation for noise concerns between tenant spaces. To further mitigate sound pollution from disturbing adjacent tenants or surrounding properties, staff has included a condition requiring that the exterior doors of the facility remain closed except when being used for ingress/egress purposes.

Staff believes that these measures would adequately address potential noise pollution from the proposed use. If concerns regarding noise arise in the future, a condition of approval allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures.

### Tenant Improvements

Tenant improvements would be subject to the review and approval of the Building and Safety Division and the Fire Department. Changes to the exterior of the building would require review and approval from the Planning Division. The applicants have met with a staff member from the Building and Safety Division to discuss the applicable code requirements for this use and they have been told that the current restroom facilities and facility set up does not require any additional improvements at this time. Given that the noise attenuation has already been installed and the proposed facility would only be utilizing floor mats and other moveable equipment, the applicants are not proposing any structural or tenant improvements at this time.

### Signage

No signage has been proposed at this time. If the applicant wishes to install signage the proposed signage would be processed through the standard City procedures for sign design review.

## **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 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 site is zoned I-G-40,000 (General Industrial) District and the site currently has a mix of light manufacturing, recreational, and warehousing uses. The purpose of the I-G District is to provide locations where businesses that are incompatible with most other land uses can operate with minimum restriction and without adverse effects on other uses. In the past, the City has approved similar uses in the same building (Pump-It-Up), on adjacent Boulder Court sites (USA WU Chi Kung Fu facility), and in the other industrial zones throughout the City without any land use conflict with other businesses in the surrounding areas. Staff believes that the proposed indoor gymnastics and martial arts facility would be consistent with the above-cited purpose.

Use of the proposed facility is by registration only and would be conducted within the building. To ensure a harmonious and workable relationship with other tenants in the proximity, the applicant proposes to provide sufficient on site parking for parents dropping-off and picking-up students and employees of the facility. The applicant imposes strict rules and adequate supervising and monitoring to ensure children's safety. The City has allowed similar uses to be located in Industrial Districts. Staff is not aware of any concerns or impacts that these uses have created on surrounding businesses or vies versa. Additionally, the exterior doors are conditioned to remain closed during classes and there is a sufficient amount of parking spaces to support the use.

As conditioned, staff believes that the proposed use would be consistent with these objectives. Therefore, staff finds that the proposed location of the proposed use is in accordance with the object of the zoning ordinance and the purpose of the district in which the site is located.

**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.**

Approximately 25 on site parking spaces at this location would be available for the proposed use, with the use generating an anticipated demand of 17 to 22 spaces (two spaces for the instructors, and 15 to 20 spaces for drop-off and pick-up of students for each scheduled classes). The applicant has scheduled staggered start times for the classes to provide time for student pickups to conclude and allow for the arrival of the next class drop-offs. Therefore, staff finds the proposed parking satisfactory. The City Police, Fire, and Building and Safety Division have no objections to the subject use as conditioned. The applicant would be required to receive all Building and Safety Division permits for any future tenant improvements. The activities would not take place outside of

the tenant suite and all doors would remain closed when classes are taking place. Additionally, staff has recommended a condition of approval requiring that children under the age of 12 be signed in and out of the facility by a parent or supervising adult.

Staff finds that the proposed use would be operated in a manner that would not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.

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

Chapter 18.124 of the Municipal Code states that, because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to their effects on surrounding properties. The industrial zoning of the subject site permits the establishment of “indoor recreational facilities” and similar uses and require a conditional use permit when there are more than 20 students on site at one time. 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.

Staff believes that the recommended conditions of approval will help to integrate the proposed use without detrimentally affecting the surrounding properties and the City in general. As with any use permit, this use can be suspended or revoked if the conditions are not met. As conditioned, the facility would comply with all applicable provisions of the Zoning Ordinance. Therefore, staff believes this finding can be made.

**CONCLUSION**

Staff believes that the required use permit findings for the proposed use 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 Tornado Sport Club would be complementary to the existing businesses and tenants on Boulder Court. Staff believes that the business is providing a beneficial service to the community by providing a place for children to have a safe and fun indoor activity and where working professionals in the vicinity can obtain fitness instruction before work and during their lunch hour.

**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-292 by taking the following actions:

1. Make the required findings as described in the staff report; and
2. Approve PCUP-292 subject to the conditions listed in Exhibit A.

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