



SUBJECT: PCUP-277

APPLICANTS: Jordan Boreman & Debra Casados/Anytime Fitness

PROPERTY OWNERS: Sim & Yoon LLC

PURPOSE: Application for a Conditional Use Permit to operate a fitness facility at 3500 Bernal Avenue, Suite 110, in the Vintage Hills Shopping Center.

GENERAL PLAN: Retail/Highway/Service Commercial/Business and Professional Offices

ZONING: Planned Unit Development – Neighborhood Commercial (PUD-C-N)

LOCATION: 3500 Bernal Avenue, Suite 110

ATTACHMENTS: Exhibit A: Draft Conditions of Approval
Exhibit B: Applicant Narrative and Project Plans
Exhibit C: Public Comments
Exhibit D: Location Map
Exhibit E: Noticing Map

BACKGROUND

The applicant proposes to establish a 24-hour fitness facility for Anytime Fitness in Suite 110 of the building located at 3500 Bernal Avenue in the Vintage Hills Shopping Center. The subject site is located within a PUD – Neighborhood Commercial zoning district. Permitted and conditionally permitted uses for the subject site follow those allowed in the C-N (Neighborhood Commercial) District of the Municipal Code. The proposed use is a conditionally allowed use in the C-N district. Therefore, the current application is required.

The applicants, Mr. Jordan Boreman and Ms. Debra Casados, are representing Anytime Fitness, a franchise company that has 24-hour fitness facilities across the United States and around the world. Anytime Fitness is currently located at 11533

Dublin Canyon Road in Pleasanton and also has locations currently in operation in San Ramon and Livermore. With this conditional use permit application, Anytime Fitness is hoping to locate within the Vintage Hills shopping center.

SITE DESCRIPTION

The Vintage Hills shopping center is located east of Bernal Avenue and south of Tawny Drive. The fitness facility is proposed to be located in Suite 110 of the existing building and will occupy approximately 5,600 square feet. The suite is one of the larger tenant spaces within the building and is currently vacant. Other businesses currently within the shopping center include: a hair cutting salon (Cutt Company), a spa (Nirvana Day Spa), a frozen yogurt shop (Yogoholic), a laundry and dry cleaning shop (Vintage Hills Cleaners), a jewelry store (Gold N Time), a sushi restaurant (Kokoro Sushi), and a dance studio (Spark Dance Studio).

Adjacent land uses consist mainly of residential uses, as multi-family condominium developments are located behind the shopping center to the east and south, a multi-family development is located to the west across Bernal Avenue, and a multi-family condominium development and public park are located across Tawny Drive to the north. Figure 1 below shows a vicinity map with an insert highlighting the subject property.

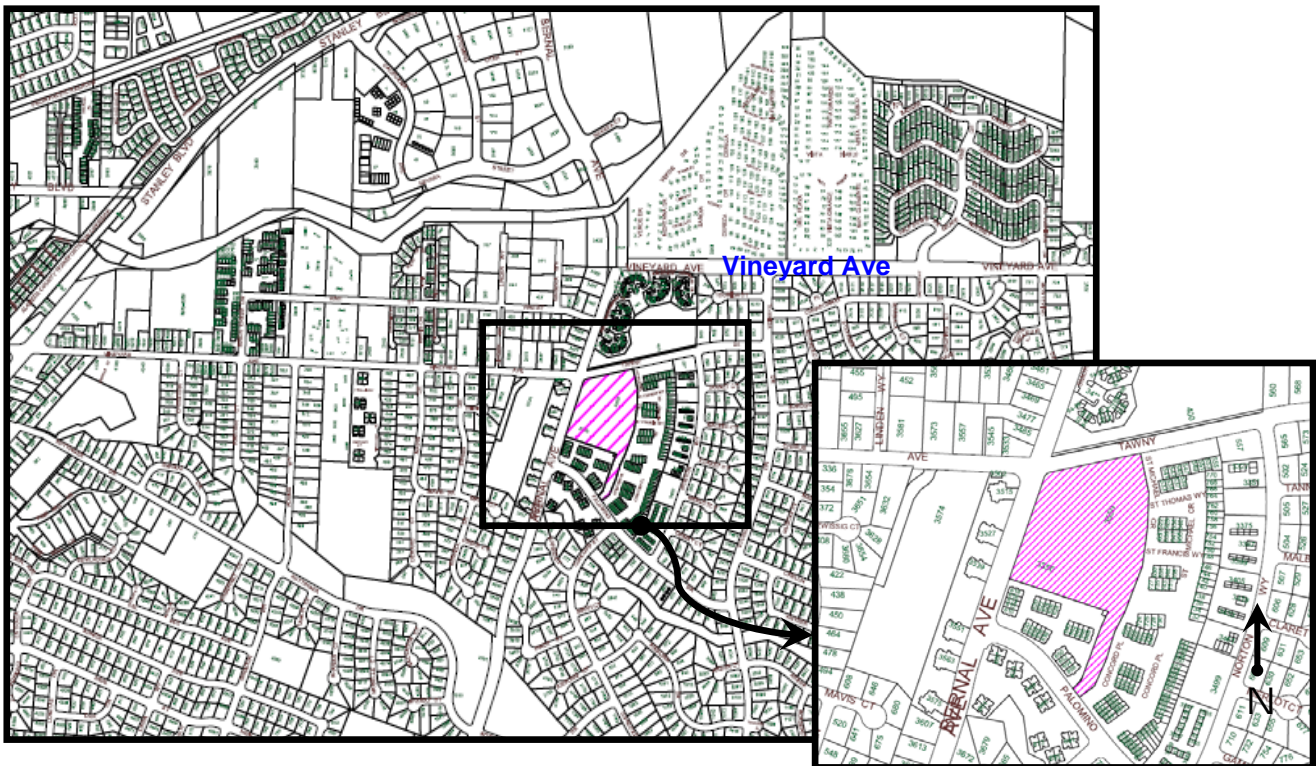


FIGURE 1: VICINITY MAP



FIGURE 2: PHOTOS SHOWING THE SUBJECT TENANT SPACE AND A PARTIAL VIEW OF THE PARKING LOT

The photos in Figure 2 show the tenant space that Anytime Fitness would like to occupy. The site has an expansive parking lot that extends from an entrance off of Tawny Drive to Palomino Drive as can be seen from the photo above and in Figure 3 below. There are two driveways that provide access to the site off of Tawny Drive and an additional driveway that provides access off of Bernal Avenue.

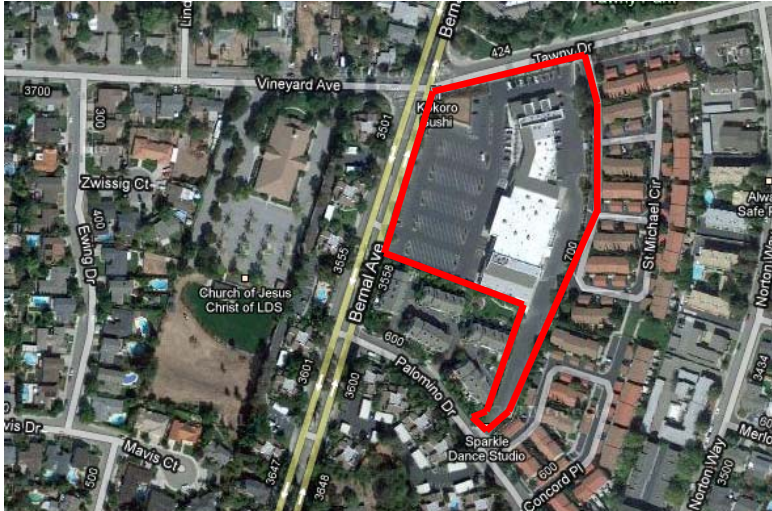


FIGURE 3: AERIAL MAP SHOWING VINTAGE HILLS SHOPPING CENTER (GOOGLE MAPS)

PROJECT DESCRIPTION

The applicant proposes to locate a fitness facility in Suite 110 of the building located at 3500 Bernal Avenue in the Vintage Hills shopping center. The applicant's narrative and description of the business is attached to this staff report as Exhibit B and describes the business plan and operation of the proposal.

As noted in the applicant's narrative, Anytime Fitness provides a convenient, safe, and clean location for people to complete their work-out at any time. The facility would be open on a 24-hour basis and consists of workout machines and weights areas. A small tanning room is proposed as part of the floor plan. The facility would have one employee who is on the site between the hours of 9:00 a.m. to 1:00 p.m. and 4:00 p.m. to 8:00 p.m. Personal trainers are available on the site by an appointment basis between the hours of 9:00 a.m. and 7:00 p.m. The applicant has indicated that at the Anytime Fitness location on Dublin Canyon Road, an average of one personal trainer has been on site, although there are some days where there are no personal trainers. Also, there will be no locker rooms, childcare, or group fitness classes.

At the current location at 11533 Dublin Canyon Road, the applicant has stated that the peak hours are 9:00 to 10:00 a.m. and between 5:00 p.m. and 8:00 p.m. During these times, the peak demand is about 10 to 15 people in the approximately 3,750 square foot facility. The applicant anticipates the same number of people during peak hours at the subject location.

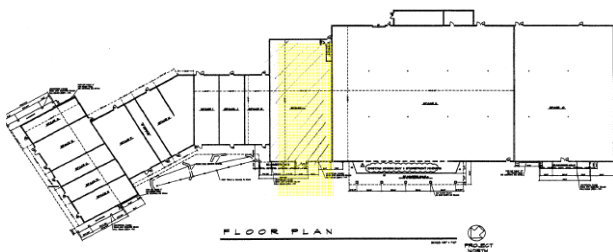


FIGURE 4: FLOOR PLAN

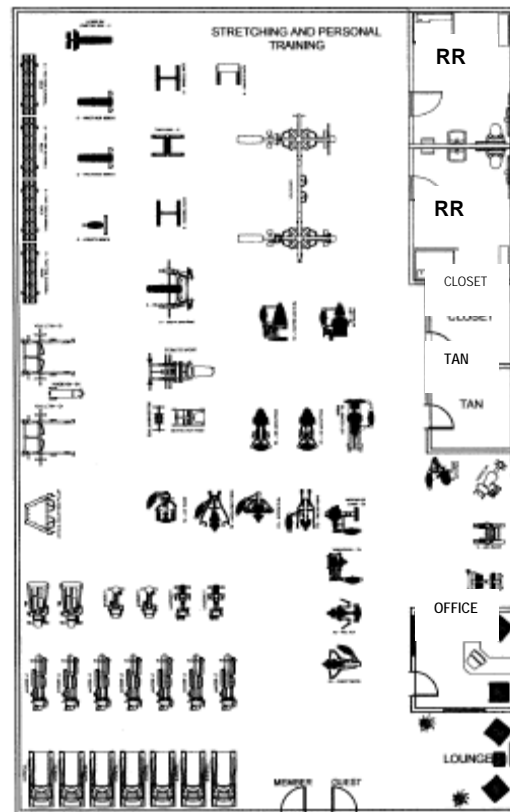


Figure 4 shows the floor plan of the proposed facility. The facility would be monitored by a third party security company with the use of eight cameras inside the gym area and additional cameras outside the gym area that monitor the entrance

and the parking lot. Additionally, two panic buttons would be located inside the facility that will set off an alarm and alert emergency response from the private security company and subsequently the Pleasanton Police Department, in addition to a dedicated 9-1-1 phone line available to gym members for their use. For medical related emergencies, the applicant has indicated that they also provide necklaces for members to wear while exercising. In instances where a person may feel shortness of breath or another type of emergency, the person may push the panic button on the necklace and a distress signal alerts for emergency response. Further, when signing up for membership at Anytime Fitness, a member is required to sign a waiver that s/he acknowledges that s/he is enrolling in a gym where a staff person may not always be present.

ANALYSIS

The project site is zoned PUD-Neighborhood Commercial which permits the uses of the Neighborhood Commercial (C-N) District. Gymnasiums and health clubs are conditionally permitted uses in the C-N District. 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.

Land Use

One of the primary concerns in reviewing a conditional use permit application is the effect of a proposed use on surrounding uses. The proposed use is intended to be a community fitness facility that provides a convenient location for people to exercise. The size of the proposed facility is in keeping with this intent since the size of the tenant space may accommodate a limited number of people at any one time. The facility is in close proximity to a number of different types of residential uses that may find the proposed facility a convenient location to exercise. As proposed, all activities associated with the proposed use would be located within the existing building. Staff does not anticipate that the proposed use would create land use conflicts.

In addition, the applicant's existing business at 11533 Dublin Canyon Road has been operating for the past 3 years without any apparent adverse impacts on surrounding businesses or residents since no complaints have been reported to the City. The proposed fitness facility would be located in a shopping center which contains various commercial uses. Staff believes that the fitness facility would fit well and be supportive of other uses in the shopping center as members and employees may shop in the other businesses in the shopping center.

Should future problems arise, the City would have the ability to bring the application back to the Planning Commission for mitigation, or possible revocation, if necessary. Based on past experience with similar uses, staff believes that this would be unlikely. In addition, staff has included recommended conditions of approval that will ensure that the surround uses are not impacted due to noise, parking, or other objectionable influences. Therefore, from a land use perspective, staff finds the use to be acceptable on the subject property, as conditioned.

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 harmful intrusions.” As proposed, staff believes that noise from the fitness studio would not negatively impact existing or future uses located adjacent to the subject suite. All doors will remain closed during business hours, further limiting noise impacts from and to surrounding tenants and properties. A condition of approval requires that if noise problems arise in the future, that the applicant may be required to install sound attenuating materials subject to the review and approval of the Community Development Director. Therefore, staff does not expect the proposed facility would be disruptive to existing or future neighboring tenants.

Parking

There are 287 shared parking spaces currently available to the subject site. With a combined floor area of 47,401 square-feet for the existing building the parking ratio at the subject site is one space for every 165 square-feet of floor area. With the proposed fitness facility occupying approximately 5,600 square-feet of floor area, 34 parking spaces would, theoretically, be allocated to the proposed use.

The Pleasanton Municipal Code (PMC) does not specify a parking ratio for health clubs or fitness centers. The applicant estimates a peak demand of 15 members. With 1 staff person present, the use would generate a peak parking demand of 16 spaces assuming that all employees and members drive alone. Recent and past parking surveys conducted by staff confirm that parking is more than adequate on the site to accommodate this demand, even when the former supermarket had occupied the shopping center. Therefore, staff believes that the existing parking lot should be able to easily accommodate the proposed use without any adverse effects on parking in the shopping center. However, should parking problems occur in the future, staff has included a condition of approval that allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures.

Signage

The banner shown in the photo in Figure 2 will not be allowed to remain on a permanent basis. The applicant has been in contact with a representative from a local sign company and plans to install permanent wall signage that is in conformance with the approved sign program for the Vintage Hills Shopping Center.

GENERAL PLAN CONSISTENCY

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

- Program 2.2: Encourage the reuse of vacant and underutilized parcels and buildings within existing urban areas.
- Goal 2: Achieve and maintain a complete well-rounded community of desirable neighborhoods, a strong employment base, and a variety of community facilities.
- Policy 13: Ensure that neighborhood, community, and regional commercial centers provide goods and services needed by residents and businesses of Pleasanton and its market area.

Staff finds that the proposed business meets the intent of these goals, policies, and programs in that the proposal is a small-scale, community serving fitness facility. The business will not be an intrusion into the neighborhoods that surround the Vintage Hills Shopping Center and will instead enhance the types of services that are immediately available to these residents. The subject tenant space is currently vacant and approval of the use through the conditional use permit process will provide the business a location within an existing commercial space within the city.

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.** **T**

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. Staff believes the proposed use as conditioned would be consistent with these objectives. The business would be conducted so as to not impact or interfere with the surrounding neighborhood. The anticipated number of employees and customers will not generate any unusual demands on existing parking for the building or generate a large number of vehicle trips.

One of the purposes of the Neighborhood Commercial (C-N) zoning district is to “provide appropriately located areas for retail stores, offices, and personal service establishments patronized primarily by residents of the immediate area.” The subject business is proposed in Vintage Hills Shopping Center will enhance the services available to the residents in immediate vicinity of the space and residents of the city as a whole. Staff believes that this finding may be made.

**B. T
hat 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 business operation as described in the applicant’s narrative is compatible with other businesses in the Vintage Hills Shopping Center. The size and operation of the proposed use will not cause a parking impact since the site has ample parking to serve the expected demand generated by the proposed business. The fitness facility will have between 10 to 15 people exercising at any given time and the site has adequate parking to serve these patrons. Noise is not expected to be an issue given that no group fitness classes are proposed. Adequate surveillance cameras will be located at the facility to ensure that the safety of the customers is monitored and other mechanisms, such as panic necklaces, panic buttons, and phones dedicated to emergencies will be available to members of the fitness facility. 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. T
hat 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 gymnasiums and health clubs 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. Therefore, staff believes that this finding may be made.

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*.

Staff has received two letters of support for Anytime Fitness at the Vintage Hills location. These have been attached to the staff report as Exhibit C.

Staff has also received a voice message from a resident who lives across the street from the Vintage Hills Shopping Center, who said he was concerned about the proposed fitness facility being open 24 hours a day and the potential noise that may result from the facility. Staff has attempted to contact the concerned individual several times but has not received a return phone call. In reply to the concern, the applicants stress that Anytime Fitness is not proposed as a large scale fitness facility and is instead intended to serve as a convenient, neighborhood-serving fitness facility that does not produce noise. As mentioned in this report, the peak demand at the existing facility on Dublin Canyon Road generally occurs in the morning between 9:00 a.m. and 10:00 a.m. and between 5:00 p.m. and 8:00 p.m. in the evenings. In their past experience, the applicants indicate that it is rare for people to exercise after 10:00 p.m. and they average 1 or 2 people visiting the facility during the very early or late hours. Since the exterior doors of the facility will remain closed, staff does not expect the facility to generate unusual noise or disturbances to the adjacent residential areas. Further, if noise, parking, or another issue becomes a concern, a condition of approval allows the Director of Community Development to refer the matter to the Planning Commission for possible mitigation measures.

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 conditional use permit will allow Anytime Fitness to relocate to the Vintage Hills Shopping Center. 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 and will not result in an impact to adjacent businesses.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case PCUP-277 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve Case PCUP-277 subject to the conditions listed in “Exhibit A.”

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