



Planning Commission Staff Report

February 14, 2007
Item 5.a.

- SUBJECT:** PCUP-188
- APPLICANT:** U.S.A. Wu Chi Kung Fu Academy / Tao He
- PROPERTY OWNERS:** James F. Ellis / Ellis Partners, Inc.
- PURPOSE:** Application for a conditional use permit to operate a martial arts school for children and adults Monday through Friday from 3:00 p.m. to 9:00 p.m. and Saturday and Sunday from 8:30 a.m. to 5:00 p.m. in an existing building.
- GENERAL PLAN:** Business Park (Industrial / Commercial and Office)
- ZONING:** PUD-I/C-O (Planned Unit Development – Industrial/Commercial - Office) District
- LOCATION:** 5684 Stoneridge Drive, Suite B (Hacienda Business Park, Hacienda Plaza)
- ATTACHMENTS:**
1. Location Map
 2. Exhibit A, Written Narrative, Floor Plan, and Site Plan dated “Received January 19, 2007”
 3. Exhibit B, Draft Conditions of Approval
 4. Exhibit C, Hacienda Business Park Association Approval Letter

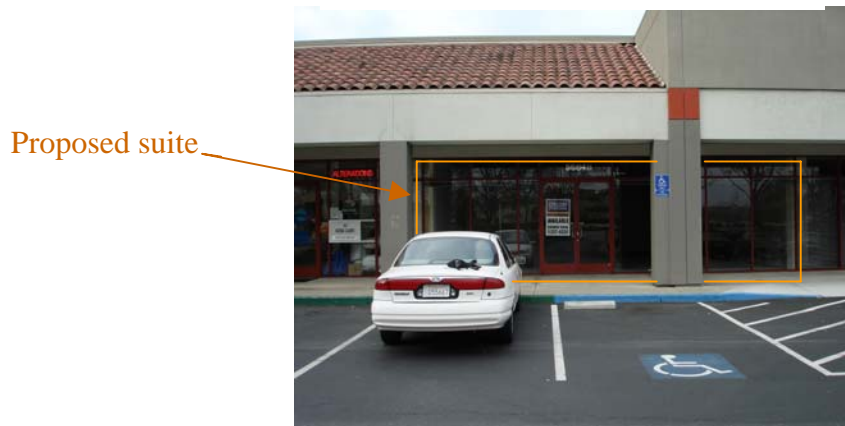
BACKGROUND

Tao He, of U.S.A. Wu Chi Kung Fu Academy, has submitted an application to operate a martial arts school for children and adults at 5684 Stoneridge Drive, Suite B, in Hacienda Business Park (PUD-81-20). The Hacienda Business Park PUD requires a conditional use permit for learning schools and is subject to review and approval by the Planning Commission.

SITE DESCRIPTION

The subject site is an approximately 6.33 acre parcel located at the intersection of Stoneridge and Gibraltar Drives in Hacienda Plaza. There are four entrances to the site, two on Stoneridge Drive and two on Gibraltar Drive, which provide access to the 359 shared parking spaces. The existing single-story building is approximately 19,707 square-feet in floor area and contains multiple tenant suites. U.S.A. Wu Chi Kung Fu Academy proposes to occupy an approximately 2,000 square-foot suite of the existing building, as indicated on the site and floor plan of Exhibit A. Each suite has individual exterior doors that act as direct access to the suites; the glass doors act as the main entrances and the door in the rear of the suites are for employee entrance. There are no interior or common hallways providing interior access to the individual units.

5684 Stoneridge Drive, Suite B



Adjacent uses that immediately surround the subject suite are Dream Dinners, Hacienda Cleaners, and The Mutual Fund Store. The site has a mix of uses that include, but are not limited to; professional offices, medical office, personal service uses, and other uses, such as a daycare (P3 Party Place) and a café. Properties adjacent to the business park include commercial uses from the northwest to the southwest (Gibraltar Drive) and residential uses from the northeast to the southeast (the Avila, Siena, and Valencia developments along Stoneridge Drive).

PROJECT DESCRIPTION

The applicant requests conditional use permit approval to allow the operation of a martial arts school within a suite of the existing building located at 5684 Stoneridge Drive. The subject tenant suite is a large open space which contains two interior bathrooms. As proposed, the Kung fu school would operate during the following days and times:

Monday through Friday: 3:00 p.m. – 9:00 p.m.
Saturday and Sunday: 8:30 a.m. – 5:00 p.m.

The Kung fu school combines Chinese martial arts and tai chi movements with circulation, breathing, and stretching techniques. Equipment for the classes includes punch gloves and pads, kick pads, heavy bags, and floor mats. Each class is approximately 45 minutes and is separated by a 15-minute break to allow clean up and preparation. There are only two instructors that teach each class with approximately 6 to 10 students attending each class with the youngest student age being 4. Staff would like to note that the applicant is exempt from receiving State licensing since children are not, and will not, attend back-to-back classes and that each class is less than an hour and a half (1 ½) in length, and a child is not there more than 15 hours a week. The applicant has stated that classes are reserved for the younger students during the early afternoon and morning classes while the older children and adult classes are reserved during the later evening hours.

ANALYSIS

Conditional uses are uses that, by their nature, require individual review to ensure that impacts associated with their use will be minimal. 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 Kung fu school’s use and its impacts, if any.

Land Use

The Land Use Element of the General Plan designates the subject property as “Industrial/Commercial/Office”. The current PUD zoning permits land uses such as arts and crafts schools, gymnasiums and health clubs, offices, printing shops, and laboratories; however requires conditional use permit approval for uses such as trade schools and schools/instructional business. The proposed use would be similar to “trade schools” and “instructional business. Per the PUD, conditional use permit approval is required for “instructional businesses and similar uses”; therefore conditional use permit approval is required for the proposed use. No rezoning or other land use modification to the property is proposed or necessary to allow the proposed use.

Other uses in Hacienda Plaza are office, medical office, personal service, and daycare, as well as other uses permitted and conditionally permitted in the straight-zoned commercial districts. Staff believes that the proposed use would be compatible with existing uses within Hacienda Plaza. Given the scale of the proposed operation and the hours of the operation (which off set the standard business hours of the other tenants), staff believes that the intensity of the use is compatible with the surrounding uses.

Parking

A total of 359 shared parking spaces are currently available to the subject site. With a combined floor area of 19,707 square feet for the existing building, the parking ratio at the subject site is one space for every 55 square-feet of floor area. With the proposed tutorial school occupying approximately 2,000 square-feet of floor area, 36 parking spaces would be theoretically allocated to the proposed use.

The martial arts studio is similar in nature to those uses listed in section 18.88.030(E)(2) of the Pleasanton Municipal Code: business, professional trade, art, craft, music and dancing schools and colleges. As prescribed by Code, the parking ratio for such uses requires one parking space for each instructor and one parking space for every four (4) students. Each class/session would consist of 2 instructors and a maximum of 10 students. Thus, based on the parking ratio stated above, a total of 5 parking spaces would be needed for the school (two parking spaces for the instructors, and three parking spaces for students and parents who have to drive their children to the classes).

Therefore, based on the parking requirement standards (36 parking spaces), the number of immediate on-site parking spaces (359), staff does not believe that parking would be an issue. In the event that future parking problems do occur, staff has added a condition of approval that would allow the Planning Commission to reevaluate the subject use permit and add conditions necessary to resolve such issues.

Circulation

Staff feels that because of the small number of students attending each day, the amount of time they are there, and the hours of operation, circulation should not be a problem.

Noise

The Pleasanton Municipal Code states that 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, the noise generated by the martial arts studio is mainly from bare feet stomping on the raised hardwood floors underlain with mats, punching and kicking pads, and letting out short shouts while practicing. All doors will remain closed during business hours, further limiting noise impacts to surrounding tenants. Noise impacts to neighboring tenants are further reduced by the offset hours of operations held by the martial art studio. At no time would the noise generated by the studio be in excess of seventy-five (75) dBA at any point outside of the property plane as prescribed by code (P.M.C. §9.040.50). Therefore, staff believes that noise from the martial arts classes would not negatively impact future or existing uses located adjacent to the subject suite.

Tenant Improvements

No tenant improvements are currently proposed with this application. Any future 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 shall not be made without prior approval from the Planning Department.

Signage

No signage currently exists for the tenant suite. If the applicant wishes to add signage, the proposed signage shall adhere to Hacienda Business Park's sign program.

PUBLIC NOTICE

Notice of this application was sent to all property owners and occupants within 1,000 feet of the subject property. At the time this report was prepared, staff had not received any comments or concerns.

HACIENDA BUSINESS PARK ASSOCIATION

James Paxson, General Manager of HBPA, has reviewed the application for the proposed use and found that it is in substantial compliance with Hacienda's guidelines set forth in the CC&R's. Based on the review of the space allocation and business practice, the association believes that the uses parking and traffic impacts will be no greater, and likely much less, than currently approved uses and thereby approved the proposed use.

FINDINGS

The Planning Commission needs to make the following findings prior to granting the conditional use permit for the proposed business:

- 1. 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.**

Objectives of the Zoning Ordinance include: fostering a harmonious, convenient, workable relationship among land uses; protecting existing land use from inharmonious influences and harmful intrusions; and insuring that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. The proposed martial arts school would provide instruction lessons to local children and adults. The City has allowed similar uses to be located in industrial and office areas. Staff is not aware that any of these teaching-oriented businesses has created any impacts on surrounding businesses. As conditioned, staff believes that the proposed use would be consistent with these objectives.

The subject building is located in Hacienda Business Park, which is located in a Planned Unit Development Industrial (PUD-I/C-O) District, and is intended to provide sites for industrial uses, neighborhood and support commercial uses, and office uses. Given the small scale of the operation, and its location, the proposed use would be compatible with surrounding uses.

As proposed there would be 2 employees with up to 10 students attending each class and the majority of the classes are conducted during off peak business hours and after regular business hours. For these reasons, staff does not believe that the use would create parking or circulation impacts.

For the reasons stated above, staff believes that this finding can be made.

2. 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.

Staff believes that the use, as conditioned, would not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The applicant would be required to receive all Building and Safety Division permits for any future tenant improvements. All storage would be located inside the building, activities would not take place outside of the tenant suite, and all doors must remain closed when classes are taking place. Thus, staff does not believe that the proposed use would be disruptive to other businesses/tenants in the same building or on the same site. As proposed, an adequate number of parking spaces would be provided on-site.

For the reasons stated above, staff believes this finding can be made.

3. The proposed conditional use will comply with each of the applicable provisions of the Zoning Ordinance.

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 PUD zoning of the subject building permits the establishment of “trade schools” and “instructional businesses” and similar uses are subject to conditional use permit approval. Staff feels 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 martial arts school would comply with all applicable provisions of the Zoning Ordinance. Therefore, staff believes this finding can be made.

ENVIRONMENTAL ASSESSMENT

Existing facilities consisting of the operation, permitting, licensing, or minor alteration of

structures involving no expansion of use beyond that existing are categorically exempt (Section 15303, Class 1) from the requirements of the California Environmental Quality Act (CEQA). Furthermore, in-fill development projects that can be adequately served by all required utilities and public services, that are consistent with the General Plan and zoning regulations, and would have no significant effects on traffic, noise, air quality, or water quality are also categorically exempt (Class 32) from CEQA. Staff believes that the project meets the conditions of the Class 3 and 32 exemptions. Therefore, no environmental document accompanies this report.

CONCLUSION

Staff believes that the required use permit findings for the project 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 the proposed martial arts school would be complementary to the existing businesses and tenants in Hacienda Business Park. Staff believes that the business is providing a beneficial service to the community by providing a place for creative activities.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case PCUP-188 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve PCUP-188 subject to the conditions listed in Exhibit B.

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