

**CITY OF UNION CITY
AGENDA FOR THE REGULAR PLANNING COMMISSION MEETING
OF THURSDAY, APRIL 7, 2011, 7:00 PM
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

- I. **ROLL CALL:** Chairperson Raymond Gonzales Jr., Vice-Chair Froilan (Roy) Panlilio,
Commissioners Lee Guio, Jo Ann Lew, Gurnam (Gary) Singh
Alternates: Commissioner Angelo Artale, Harpal Mann

II. **APPROVAL OF MINUTES:**

Regular Planning Commission Minutes for March 17, 2011

III. **ORAL COMMUNICATIONS:**

(This is an opportunity for persons to speak on items not listed on the agenda. According to the California Government code the commission is prohibited from taking any immediate action on an item which does not appear on the agenda.)

IV. **WRITTEN COMMUNICATIONS:**

V. **PUBLIC HEARINGS:**

Next PC Res. #03-11

- A. **CONTINUED HEARINGS:** None.

B. **NEW HEARINGS:**

1. **SARITA TRUJILLO, 2821 WHIPPLE ROAD, Use Permit UP-11-002;** the applicant is seeking Use Permit (UP-11-002) approval to establish a dance studio at the Whipple Commerce Center. The site is located at 2821 Whipple Road (APN: 463-0045-026-00), in the MS, Special Industrial District. This project is considered categorically exempt under Section 15301, Class 1, Existing Facilities, of the California Environmental Quality Act (CEQA).
2. **CHERYL LOUIE, 29300 KOHOUTEK WAY, UNIT #8A, Use Permit UP-11-003;** the applicant is seeking Use Permit (UP-11-003) approval to establish a Zumba fitness studio at a site located at 29300 Kohoutek Way, Unit #8A (APN: 463-0103-023-00), in the MS, Special Industrial District. This project is considered categorically exempt under Section 15301, Class 1, Existing Facilities, of the California Environmental Quality Act (CEQA).
3. **JULIE BUGARIN, 29278 UNION CITY BOULEVARD, Use Permit UP-11-004;** the applicant is seeking Use Permit (UP-11-004) approval to establish a dance studio at a site located at 29278 Union City Boulevard (APN: 463-0045-047-00), in the MS, Special Industrial District. This project is considered categorically exempt under Section 15301, Class 1, Existing Facilities, of the California Environmental Quality Act (CEQA).

VI. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS:

1. Review of Planning Commissioner Application.

VII. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS: None.

VIII. COMMISSION MATTERS:

A. Follow-up on Planning Commission referrals to the City Council.

B. Upcoming applications for the Regular Planning Commission meeting for April 21, 2011.

IX. GOOD OF THE ORDER:

X. ADJOURNMENT:

**CITY OF UNION CITY
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING
OF THURSDAY, MARCH 17, 2011, 7:00 PM
IN THE COUNCIL CHAMBERS OF CITY HALL
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

- I. ROLL CALL:** Vice-Chair Froilan (Roy) Panlilio, Commissioners Lee Guio, Jo Ann Lew, Gurnam (Gary) Singh
Absent: Chairperson Raymond Gonzales Jr.

STAFF: Joan Malloy (Economic and Community Development Director); Kit Faubion (City Attorney); Farooq Azim (Principal Civil Engineer); Kris Fitzgerald (Administrative Assistant).

II. APPROVAL OF MINUTES:

The regular Planning Commission Minutes for March 3, 2011 were approved as submitted.

III. ORAL COMMUNICATIONS: None.

IV. WRITTEN COMMUNICATIONS: None.

V. PUBLIC HEARINGS:

A. CONTINUED HEARINGS: None.

B. NEW HEARINGS:

- 1. ARNOLDO HERNANDEZ, 33351 6TH STREET, Administrative Site Development Review ASD-11-002;** the applicant, Arnolde Hernandez, is requesting Administrative Site Development Review (ASD-11-002) approval to construct an approximately 2,240 square-foot single-family residence that consists of 1,815 square feet of living area with an attached 425 square foot garage. The project site is located at 33351 6th Street in the R5000 Zoning District and is identified as APN: 486-0051-116-00. The project is categorically exempt under Section 15303, New Construction or Conversion of Small Structures of the California Environmental Quality Act (CEQA).

Joan Malloy, Economic and Community Director, gave the staff report.

Commissioner Guio asked what is a mullion window.

Ms. Malloy replied that mullioned window is the frame in a window that separates the panes of glass and creates greater architectural detail.

Commissioner Guio asked if it would be inside a double-paned window?

Ms. Malloy replied that it can be manufactured in different ways.

Commissioner Guio referred to condition of approval #3 and stated that it reads “the applicant shall expire...” and asked that it be corrected.

Ms. Malloy replied that it should say “application”.

Commissioner Guio stated that he the project looks very good and will match well with the neighborhood.

Commissioner Singh referred to the utility pole and asked if the undergrounding for the new house will come from the pole or from the house next door.

Farooq Azim, Principle Engineer, replied that it must come from the pole.

Commissioner Singh asked if the applicant is aware of that.

Ms. Malloy replied that he is.

Commissioner Singh referred to condition #8 and asked if the windows on the garage door are required by code or is this an optional requirement.

Ms. Malloy replied that it is required by the conditions of approval.

Commissioner Singh asked if they have to match something.

Ms. Malloy replied that they don't have to match any particular detail, but the requirement is just to raise the architectural detail to the home.

Commissioner Singh asked how far does the water have to travel to get to the storm drain.

Mr. Azim replied that it will come to the existing gutter at the curb.

Commissioner Singh expressed his approval of the project.

Vice-Chair Panlilio noted that there is a fireplace shown on the plans but there isn't a chimney or exhaust for the fireplace shown on the plans.

Ms. Malloy replied that the City only permits specific types of pellet stoves or wood burning stoves that meet air quality standards, so if it is a gas fireplace the venting requirements are very different and do not require chimneys because they can be vented in other ways.

Vice-Chair Panlilio referred to the new wooden six-foot fence in the rear and asked if it is replacing an existing fence.

Man in the audience replied that they are just replacing it.

Vice-Chair Panlilio asked who is paying for the replacement.

Ms. Malloy stated that it is a condition of approval so it is required of this development.

Vice-Chair Panlilio opened the public hearing.

Arnoldo Hernandez, 1386 Thiel Road, Hayward, CA 94544, stated that he is representing the owner of the property.

Commissioner Lew asked if the water, sewer and other utilities are already underground.

Mr. Hernandez replied that there is already a water meter at the sidewalk and they will have to cut into the street to tie into the sewer line.

Commissioner Lew asked about the electrical.

Mr. Hernandez replied that it looks like it will have to come from across the street because it looks like the main pole is across the street.

Commissioner Singh asked if the front of the new house will look like the house next door or will there be a fence of some kind.

Mr. Hernandez replied that they have not designed the landscaping yet. Mr. Hernandez stated that they want to match the neighborhood.

Commissioner Singh noted that a lot of houses in the Decoto neighborhood have a three foot fence in the front.

Mr. Hernandez stated that the owner wants to make it look nice.

Commissioner Panlilio closed the public hearing.

Commissioner Guio noted that in the picture there appears to be a wire going into the existing house next door and asked if it is an electrical, telephone or other wire. Commissioner Guio asked if it will be required to be underground for the new house.

Mr. Azim replied that it is serving another property so it will not be required to be undergrounded.

Commissioner Singh stated his concerns that the existing lines would interfere.

Mr. Azim replied that they are fairly high and should be out of the way.

Commissioner Singh asked if it was safe for the wire to go through the other property.

Mr. Azim replied that they are much higher than the future property and should be out of the way.

Commissioner Singh stated his concerns that the wires are too low.

Vice-Chair Panlilio asked if it would be on the property line.

Commissioner Singh stated that there should be a better way to do that.

Commissioner Guio stated that he was at the property this morning and did not even notice the lines; it is just in the photo that it looks so dominant.

Commissioner Panlilio asked are the lines impinging on the property line.

Mr. Azim replied that he does not have that information but they might be going over the applicant's property.

Commissioner Panlilio asked if there were any consequences if the lines fall on the applicant's property.

Mr. Azim suggested an easement might be required.

Commissioner Panlilio asked if that should be in the conditions of approval.

Mr. Azim replied that it should be investigated and if there is impingement then an easement should be required.

Commissioner Panlilio stated that he doesn't want to see the City sued over this.

Ms. Malloy stated that the City cannot condition the property next door on this application because they are not the applicant, but it does deserve some research to see what the implication is.

Commissioner Panlilio asked if it would affect the application tonight.

Commissioner Lew asked are they power lines or phone lines or what.

Mr. Azim replied that he believes that it is power and phone lines.

Commissioner Lew noted that if that house was built in the last couple of years they would have been required to underground the power.

Ms. Malloy stated they may be cable lines or lines installed after the house was finished. Ms. Malloy stated that staff will have to research the situation.

Commissioner Lew noted that when she visited the property she did not notice the lines.

Commissioner Lew moved to approve Administrative Site Development Review ASD-11-002, making findings 1 – 4, with the modified conditions of approval and adopt a resolution confirming this action.

Commissioner Singh seconded.

AYES	4 (Guio, Lew, Panlilio, Singh)
NOES	0
ABSTAIN	0
ABSENT	1 (Gonzales)

(Note: Commissioner alternates were not available to attend)

VI. SUPPLEMENTAL STAFF REPORTS:

A. CONTINUED REPORTS: None.

B. NEW REPORTS: None.

VII. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS: None.

VIII. COMMISSION MATTERS:

A. Follow-up on Planning Commission referrals to the City Council.

B. Upcoming applications for the Regular Planning Commission meeting for April 7, 2011.

IX. GOOD OF THE ORDER:

Commissioner Guio stated that he attended the Planners Institute in Southern California and it was very beneficial. Commissioner Guio stated that the opening speaker had a very good presentation on what is

going on in California. Commissioner Guio stated that he attended a session on CEQA and several other sessions that were very good.

Commissioner Singh asked if there was an update on the big pothole by the railroad tracks that cross Central Avenue near Atlantic.

Mr. Azim replied that they have a project in the works to fix that and will notify the Streets Supervisor and maybe they can put in a temporary fix.

X. **ADJOURNMENT**: 7:30 p.m.

APPROVED:

RAYMOND GONZALES, JR., CHAIRPERSON

ATTEST:

JOAN MALLOY, SECRETARY



DATE: APRIL 7, 2011

TO: PLANNING COMMISSION

FROM: JOAN MALLOY, ECONOMIC & COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: USE PERMIT, UP-11-002

APPLICANT: SARITA TRUJILLO

LEGAL OWNER: TEACHERS INSURANCE & ANNUITY ASSOCIATION

REQUEST: Use Permit approval for the establishment of a dance studio at the Whipple Business Center in the MS, Special Industrial, Zoning District.

LOCATION: 2821 Whipple Road (APN: 463-0045-026-00)

SIZE OF PARCEL: 5.64 acres

GENERAL PLAN

LAND USE: MS (Special Industrial)

ZONING: MS (Special Industrial)

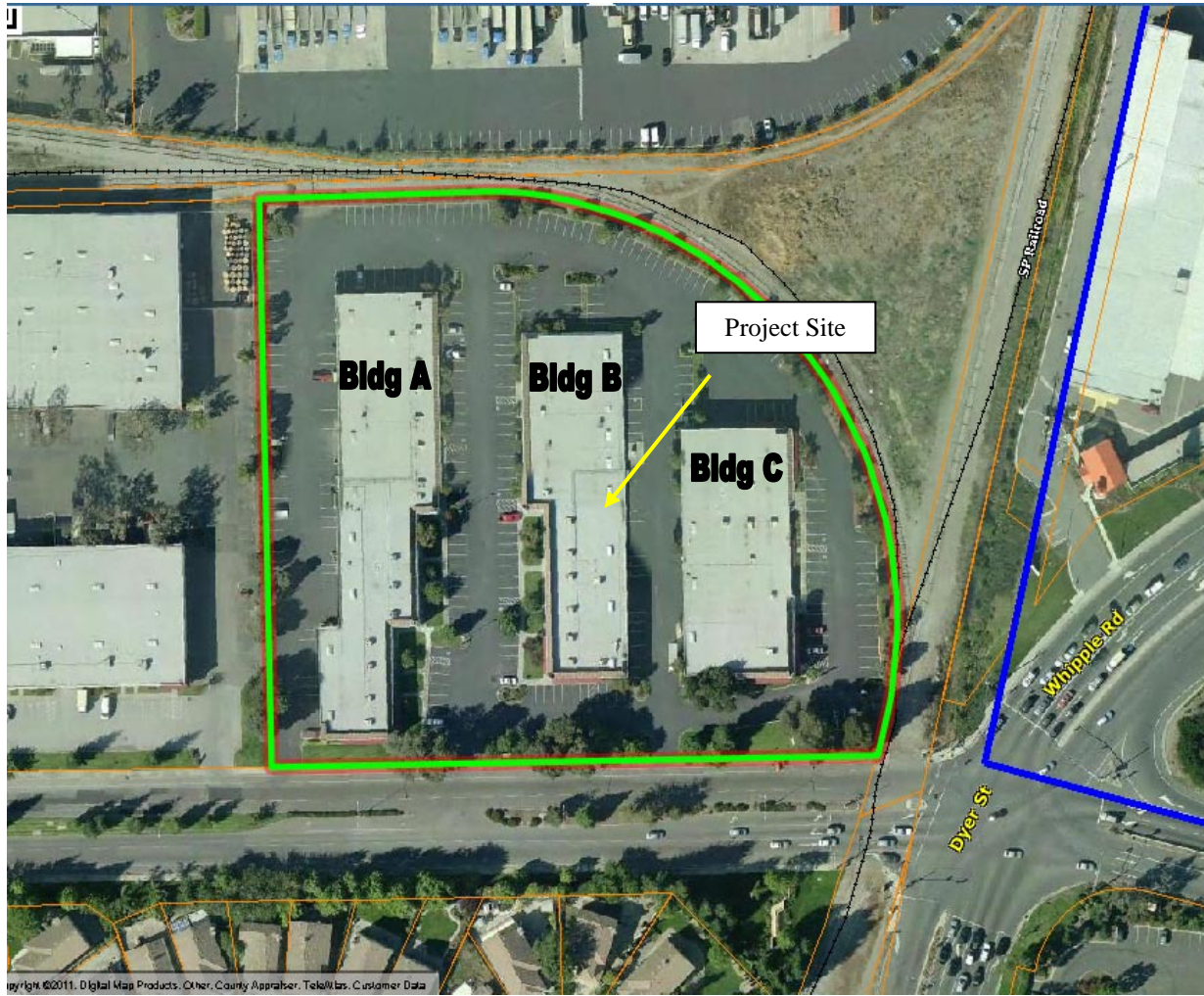
SURROUNDING LAND USES:

Location	General Plan Designation	Zoning Classification	Land Use
North	ML, Light Industrial	ML, Light Industrial	Light industrial uses
South	R 6-10, Residential	RS 4500, Single-Family Residential	Single-family residential neighborhood
East	ML, Light Industrial	ML, Light Industrial	Southern Pacific Railroad
West	MS, Special Industrial	MS, Special Industrial	Special industrial uses

ENVIRONMENTAL ASSESSMENT:

This project is considered categorically exempt per Section 15301, Class 1, *Existing Facilities*, of the California Environmental Quality Act (CEQA) Guidelines.

PROJECT LOCATION:



I. BACKGROUND AND ANALYSIS

A. BACKGROUND AND PROPOSAL

The applicant, Sarita Trujillo, is requesting Use Permit approval to establish TruDance, a dance studio, at the Whipple Business Center at 2821 Whipple Avenue. The subject property is developed with three light industrial buildings constructed in 1985. The buildings provide a total of 76,815 square feet of tenant space. The use is proposed in a 1,728 square foot tenant space located in the 24,535 square foot Building B.

The project site is located in the MS (Special Industrial) Zoning District. The Zoning Ordinance requires a Use Permit in the MS District for recreational facilities. The proposed dance studio is classified as a recreational facility and therefore requires Use Permit approval by the Planning

Commission. On September 4, 2008, the Planning Commission approved Use Permit (UP-09-08) to allow another recreational use, Dragon's Den, a martial arts academy, to locate in Building A.

B. PROJECT ANALYSIS

Details of Operation

As described in the statement of use in Exhibit A, TruDance offers private and group dance instruction in a variety of dance forms such as Ballet, Jazz, and Hip Hop, for children, youth and adults. The average class size for children is 10 students and for adults is 12 students. Each class is approximately 45 minutes to one hour long. The applicant proposes the following hours of operation:

Monday – Friday	10:00 A.M. to 10:00 P.M.
Saturday	8:00 A.M. to 7:00 P.M.
Sunday	10:00 A.M. to 6:00 P.M.

The tenant space is 1,728 square feet with the main dance floor measuring approximately 1,057.5 square feet. The interior layout of the space consists of a reception area, office, viewing area, dance floor, storage room and restroom. The applicant proposes minor tenant improvements such as the installation of fluorescent lighting, a mirror along one wall, and wood flooring on the dance floor. A picture window will be installed in the wall between the viewing area and the dance floor. Additionally, the doorway into the viewing area is proposed to be widened to allow for easier access. The main access to the tenant space is through the front entrance from the parking lot between Buildings A and B.

The building is predominantly occupied by uses that operate Monday through Friday during normal business hours with reduced hours during the weekends. Neighboring uses include a variety of small warehouse, professional office, retail, health service, and recreational uses. The majority of the classes proposed at the dance studio will generally be in the late afternoons when other businesses are closing for the day or in the evenings. However, morning classes are proposed as well and if complaints arise, the installation of sound proofing in the studio area will be required as a condition of approval (Condition # 4).

Parking

As shown on Exhibit A, the existing parking area surrounds each of the three buildings and the perimeter of the subject property. Based on the original approval for the site (SD-12-84), the project site provided a total of 296 parking spaces at a ratio of four spaces per 1,000 square feet of gross floor area. For a tenant space size of 1,728 square feet, 6.9 parking spaces can be attributed. The Zoning Ordinance requires instruction uses to provide a minimum of one parking space for every four students and one parking space for each employee. As outlined in the Statement of Use in Exhibit A, TruDance will have up to 12 students and three employees maximum requiring six parking spaces for the proposed use.

Additionally, the majority of the classes will be held after normal business hours and on the weekends which should offset parking conflicts with neighboring uses. The martial arts academy in Building A operates during overlapping hours as the proposed dance studio. However, the applicant has observed, and staff has verified during day time hours, that there were an average of 30 parking spaces available in the parking lot between Buildings A and B. An additional 30 to 40 parking spaces are available in the parking area in the rear of the property, which more than meets the need for the proposed use and the Zoning Ordinance requirements of six parking spaces. These observations were made during weekday evenings and on weekends and are included as part of the Statement of Use in Exhibit A.

Lighting

The applicant proposes additional exterior lighting near the entrance to the tenant space. The Police Department surveyed the site at night and determined that existing site and parking lot lighting levels are adequate. Staff is recommending Condition # 7 to require that adequate lighting be maintained, per review and approval by the Police Department. This same condition of approval was also applied to the recently approved martial arts academy to provide a safe environment for the patrons.

Signs

The applicant proposes an exterior sign outside of the tenant space. Signs will be required to conform with Chapter 18.30 of the Zoning Ordinance prior to Building Permit submittal (Condition # 6). All signs at the Whipple Business Center have white lettering with a brown background. New signs will be required to match the signs in the center.

Conformance with General Plan and Zoning

According to General Plan Policy ED-C.1.3, non-industrial services should be located strategically within the City's technology centers. The project site is located within a MS zoning district which offers space to the lightest industrial uses, including professional and administrative offices. The subject site currently leases space to a number of small non-industrial businesses with which the proposed dance studio would be compatible.

The proposed facility is an appropriate location for a dance studio due to its compatibility with surrounding businesses and because it would not occupy a significant amount of valuable industrial space. General Plan Goal YFSH-B.1 of the *Youth, Family Seniors, and Health Element* states that "the City shall meet the quality of life needs of Union City's youth and families through recreational ... opportunities."

Staff has determined that the Use Permit findings (listed in Section II of this report) can be made. The proposed use meets the purpose of Title 18 (18.04.020) and the purpose of the MS Zoning District (18.40.210), which is to "provide space for the lightest industrial operations and uses that support nearby manufacturing and that exhibit virtually no nuisance characteristics" including administrative, sales and service activities. The proposed use will not be detrimental to the public

health, safety, or welfare since there will be minimal impacts associated with the use. The proposed use will be fully contained within an enclosed building and therefore will not have any unsightly characteristics. There are no applicable specific plans. As discussed above, the application is in compliance with each of the applicable provisions of Title 18.

Conclusion

The Development Review Committee (DRC) finds the proposed use to be appropriate for the location. The DRC is recommending approval of this project because the use is compatible with surrounding businesses and will not exhibit nuisance characteristics in conflict with the purpose of the Special Industrial District. Therefore, based on the analysis presented, the DRC recommends that the Planning Commission approve the Use Permit (UP-11-002) application.

II. REQUIRED FINDINGS

Use Permit

Section 18.56.060 of the Zoning Ordinance requires that the Planning Commission make the following findings in granting a Use Permit. Below each finding is a discussion of how the project meets the required finding.

1. That the proposed location of the conditional use is in accord with the purposes of Title 18 and the purposes of the district in which the site is located;

Staff has determined that the proposed use is consistent with the purposes of Title 18, listed in Municipal Code Section 18.04.020, and the purpose of the Special Industrial Zoning District, namely because the use will evidence no nuisance characteristics such as noise, odor, traffic congestion, unsightliness, and hazardous materials manufacturing or storage.

2. 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 properties or improvements in the vicinity; and

The proposed use, as conditioned, will not be detrimental to the public health, safety, welfare or materially injurious to properties within the vicinity. As stated previously, the use is not anticipated to exhibit nuisance characteristics, nor does it restrict or conflict with the operations of other businesses in the immediate vicinity.

3. That the proposed conditional use is consistent with the general plan, any applicable specific plans, and will comply with each of the applicable provisions of Title 18.

The proposed use is consistent with the subject property's General Plan designation of MS (Special Industrial) which allows for non-manufacturing uses including recreational activities. The proposed use is specifically consistent with General Plan goal YFSH-B.1, which states that "the City shall meet the quality of life needs of Union City's youth and families through recreational...opportunities." The proposed use, as conditioned, also complies with all applicable provisions of Title 18.

III. ALTERNATIVES

1. Approve the Use Permit, as conditioned;
2. Approve the Use Permit, with modified conditions;
3. Deny the Use Permit, stating reasons for denial;
4. Continue the matter for further consideration.

IV. CONDITIONS

Planning Division:

1. The use and all actual site improvements shall be made with strict adherence to plans and statement of use marked Exhibit A, except as they may be modified by other conditions of approval.
2. The Use Permit approval shall expire one (1) year from the date of Planning Commission approval, unless the use has been established and is active.
3. The applicant or occupant's failure to adhere to any conditions of approval shall be cause for revocation of the Use Permit.
4. If noise complaints are received and noise is not adequately mitigated, insulation may be required, subject to the determination of the Economic and Community Development Department. If insulation is required, it will be installed within 30 days of receipt of written notice from the City.
5. No dance recitals or competitions shall be held in the space.
6. The applicant shall obtain a permit for any proposed signage. All signage shall conform to the requirements of Section 18.30 et seq. of the Zoning Ordinance. Permanent building signs shall be white lettering with a brown background to match existing signs at the Whipple Business Center.

7. The applicant shall maintain adequate exterior lighting in front of the tenant space, subject to review and approval by the Police Department. If deemed necessary by the Police Department, additional lighting shall be required. If additional lighting is required, it shall be installed within 30 days of written notice from the City.
8. The applicant shall inform all clients in writing that double parking is not permitted.
9. The applicant shall designate a minimum of one parking space adjacent to the tenant space for the loading and unloading of students.
10. The applicant shall provide bicycle parking on site consistent with the requirements of Chapter 18.28, subject to review and approval by the Economic and Community Development Department.
11. The City strongly encourages the participation of Union City businesses in the Alameda County Green Business program. Prior to issuance of a Certificate of Occupancy, the applicant shall meet with the Economic & Community Development Department to discuss their participation in the Alameda County Green Business program. For more information regarding the Alameda County Green Business program, please contact Pamela Evans, Alameda County Green Business Coordinator, at pamela.evans@acgov.org
12. Prior to establishment of the use, the applicant shall contact the Planning Division at (510)675-5321 to set up a site visit to verify that all conditions of approval have been satisfied.
13. Prior to establishment of the use, the applicant shall obtain a business license from the City.

Building Department:

14. The maximum occupant load of the tenant space shall be limited to forty nine (49) people. Prior to establishment of the use, signage shall be installed, consistent with the Building Code, which stipulates the maximum occupant load.
15. Any future modifications to the site shall be accessible to persons with physical disabilities in accordance with California State Disabled Access Regulations.
16. The applicant shall maintain the property to be free of litter, weeds, debris, etc., both before and after issuance of building permits. Daily litter and debris collection rounds shall be conducted on the site and an adequate number of trash receptacles shall be provided to minimize litter accumulation.

Fire Department:

17. The applicant shall comply with all applicable Fire Codes and local ordinances.

Public Works Department:

18. Construction activity on-site shall comply with Section 9.40.053 of the Union City Municipal Code, and is limited to the following hours:

Monday through Friday - 8:00 a.m. to 8:00 p.m.

Saturday - 9:00 a.m. to 8:00 p.m.

Sundays & Holidays -10:00 a.m. to 6:00 p.m.

19. The applicant shall not locate construction debris boxes within the public right-of-way (ROW), driveways or on adjacent private properties.

V. RECOMMENDATION:

The Development Review Committee recommends that the Planning Commission approve Use Permit UP-11-002, making the following findings:

1. That the project is considered categorically exempt per Section 15301, Class 1, *Existing Facilities*, of the California Environmental Quality Act (CEQA) Guidelines.
2. That the proposed location of the conditional use is in accord with the purposes of Title 18 and the purposes of the district in which the site is located because the MS District allows for non-industrial uses where appropriate and the use, as conditioned, will evidence no nuisance characteristics such as noise, odor, traffic congestion, unsightliness, and hazardous materials manufacturing or storage.
3. 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 properties or improvements in the vicinity because the use will not exhibit nuisance characteristics, such as noise, odor, traffic congestion, unsightliness, and hazardous materials manufacturing or storage; and
4. That the proposed conditional use is consistent with the general plan, specifically goal YFSH-B.1, and will comply with each of the applicable provisions of Title 18.

It is further recommended that the Planning Commission adopt a resolution confirming this action.

MOMOKO ISHIJIMA
Associate Planner

EXHIBIT A

**Statement of Use
Project Plans**

EXHIBIT A RECEIVED

Statement of Use

MAR 17 2011

TruDance is dedicated to bringing quality and affordable dance instruction to Union City, CA and its surrounding neighbors. There is a very active and dedicated dance community already located in the surrounding areas. Several dancers have expressed a need for a place where they can get strong technical training yet still feel like they are a part of the community. It is our plan to incorporate the existing dance community into our studio to begin with a strong base of supporters. From there we will be able to spread the word that dancing is a fun and an exciting way to exercise and a positive outlet for youth. There are many benefits to dancing that will attract people from many backgrounds and interests.

We will offer private and group dance instruction for social through competitive level dancers.

TruDance will offer its clientele a variety of instructional choices. By offering them several options, we can best serve their individual needs.

Private Lessons offer students the best value for their investment. With a private lesson, the students will work one-on-one with an instructor, receiving personalized instruction and immediate correction. Students benefit from immediate feedback and individualized personal attention. Private lessons offer both a chance for student remediation and also for technical advancement.

Group Classes are both an introduction to movement and rhythm. Group classes help students develop a sense of teamwork and camaraderie. Classes will be offered at every level, from basic beginner through advanced competitive styling. In addition, specialty classes will be offered for children, teens, adults, and those with special needs.

In addition to these main staples, TruDance will go out into the community to offer specialty dancing to schools and anyone wanting a specialized program.

No recitals or competitions will be held on the premises.

Hours of Operation

Monday – Friday: 10:00 am to 10:00 PM

Saturday: 8:00 AM – 7:00 PM

Sunday (Private Lessons): 10:00 AM – 6:00 PM

Number of Private Lessons :8 per week

Number of Children's Classes: 23 per week

Number of Adult Classes: 4 per week

Average size of Children's class: 10 students

Average size of Adult Classes: 12 students

Proposed Changes

- Additional fluorescent lighting in the warehouse area: approximately three rows of three 8 ft. strip florescent lighting, chain hung.
- Mirror installed along one wall approximately 7' X 20'

- Installation of soundproofing along mirrored wall if possible. We will build a false wall along the existing wall, and install soundproof drywall on top of existing drywall. (Material such as QuietRock)
- Picture window installed in wall looking into the warehouse so families can view the classes (approximately 2.5' X 5')
- Widening of the doorway into the viewing area
- Sound System will consist of speakers, receiver, and Ipod
- Paint interior offices as well as on wall of the warehouse (Kelly Moore Green Coat- Zero VOC, neutral tones)
- Exterior Sign (aluminum 0.04, 48" high X 72" wide)

Parking:

- We visited the site several times to count availability of parking during operating hours.
- *Wednesday @ 6:30 P.M.* 33 available spots, 4 handicap spaces, and additional 30-40 spaces along the back of the building
 - *Thursday*
 - @ 4:00 P.M. 29 available spots, 4 handicap spaces, and additional 30-40 spaces along the back of the building
 - @ 7:30 P.M. 30 available spots, 4 handicap spaces, and additional 30-40 spaces along the back of the building
 - *Friday*
 - @ 8:00 P.M. 35 available spots, 4 handicap spaces, and additional 30-40 spaces along the back of the building
 - *Saturday*
 - @ 10:45 A.M. 31 available spots, 4 handicap spaces, and additional 30-40 spaces along the back of the building
 - @ 1:30 P.M. 28 available spots, 4 handicap spaces, and additional 30-40 spaces along the back of the building
 - @ 7:15 P.M. 37 available spots, 4 handicap spaces, and additional 30-40 spaces along the back of the building

Other:

- 1-3 part time workers at any given time. One to two instructors and one person in the office.
- Vehicular traffic: auto only, parents must park to pick up and drop off students
- There are NO hazardous or volatile materials/chemicals involved
- Exterior changes will only be signage and possibly an exterior light over the door
- Parents are welcome to stay, or drop off their students, about 60% stay on average (parents of younger children tend to stay and parents of older children tend to drop off)
- Adjacent businesses are Quorum @ 2823 and Jack Chung @ 2819

The studio will consist of one large wood dance floor estimating at 1300 sq. feet. Music

sound system will be placed in dance area (acoustic sound proof material will be taken into consideration behind mirrors on wall for adjacent neighbors). Unisex bathroom will be provided. An office will be converted into a viewing area that looks out into the dance area. There will be no fixed seating in viewing area. Two removable wood benches would seat 4-6 people. Reception area is located upon entering studio, there will be a desk and four removable chairs. One office unit will be for all administration needs.

TruDance Class Descriptions

Intro to dance (2-3 year olds)

For our littlest dancers, this 45 minute class is an introduction to the art of dancing. This class works on motor skills, following directions, musicality, and just having fun! Styles include tap, jazz, ballet, and creative dance. Students get to use their imagination and creativity with props and learn basic dance terminology and patterns. Both tap shoes and ballet or jazz shoes are required.

Combo (4-5 year olds)

This class begins with a half hour of tap and then continues with a half hour of ballet and jazz. Students at this age are developmentally ready to take on more challenging movement and expand their dance vocabulary. Get ready to learn and have a great time! Both tap and ballet or jazz shoes are required.

Adaptive Dance (all ages)

We are really excited to offer this unique class. The class is specially designed for exceptional students. With two teachers and a small student to teacher ratio, we are able to focus on individual needs and explore many genres of dance. Tap shoes and ballet or jazz shoes suggested.

Beginning Ballet

Students will learn basic positions and terminology. The class will include barre work, across the floor, and center work. Students will learn timing, musicality, and choreography. Student must have tights, leotard, ballet shoes, and hair in a bun.

Intermediate Ballet

This class is an extension of beginning ballet. Placement in this class is contingent on previous experience and teacher recommendation. Barre work, across the floor, and center work is included. Students will learn more complex patterns and ballet terminology. Student must have tights, leotard, ballet shoes, and hair in a bun.

Advanced Ballet

This advanced level class is an extension of intermediate ballet. Placement in this class is contingent on previous experience and teacher recommendation. Barre work, across the floor, and center work is included. Students will learn more complex patterns and ballet terminology. Student must have tights, leotard, shoes, and hair in a bun.

Beginning Jazz

Student will learn the basics of Jazz. This includes stretching, high energy warm

up, isolations, across the floor, and combinations. Dance attire and jazz shoes are required.

Intermediate Jazz

This class is an extension of beginning jazz. Enrollment in this class is contingent on previous experience and teacher recommendation. Intermediate jazz builds on previous skills adding more difficult steps, more complex combinations, and working at a faster pace. Dance attire and jazz shoes are required.

Advanced Jazz

This class is an extension of intermediate jazz. Enrollment in this class is contingent on previous experience and teacher recommendation. Advanced jazz builds on previous skills adding more difficult steps, more complex combinations, and working at a faster pace. Dance attire and jazz shoes are required.

Adult Jazz

All levels and ages welcome! This class offers a variety of jazz styles and combinations. The class begins with a warm up, some center work, and ends with a fun combination.

Tap Classes

This is an upbeat exciting class. Tap class will provide students with a strong understanding of basic tap foundation, terminology, timing and rhythm.

Mini Hop (4-6 years old)

This fun class offers an intro to hip hop for the young ones. They will learn musicality, rhythm, and basic hip hop movements while listening to fun and age appropriate music.

Hip-hop

TruDance hip-hop offers many different styles of hip-hop. You will encounter an energetic class that offers technique, rhythm, and style. Be prepared to have fun while learning exciting and high level dance combinations.

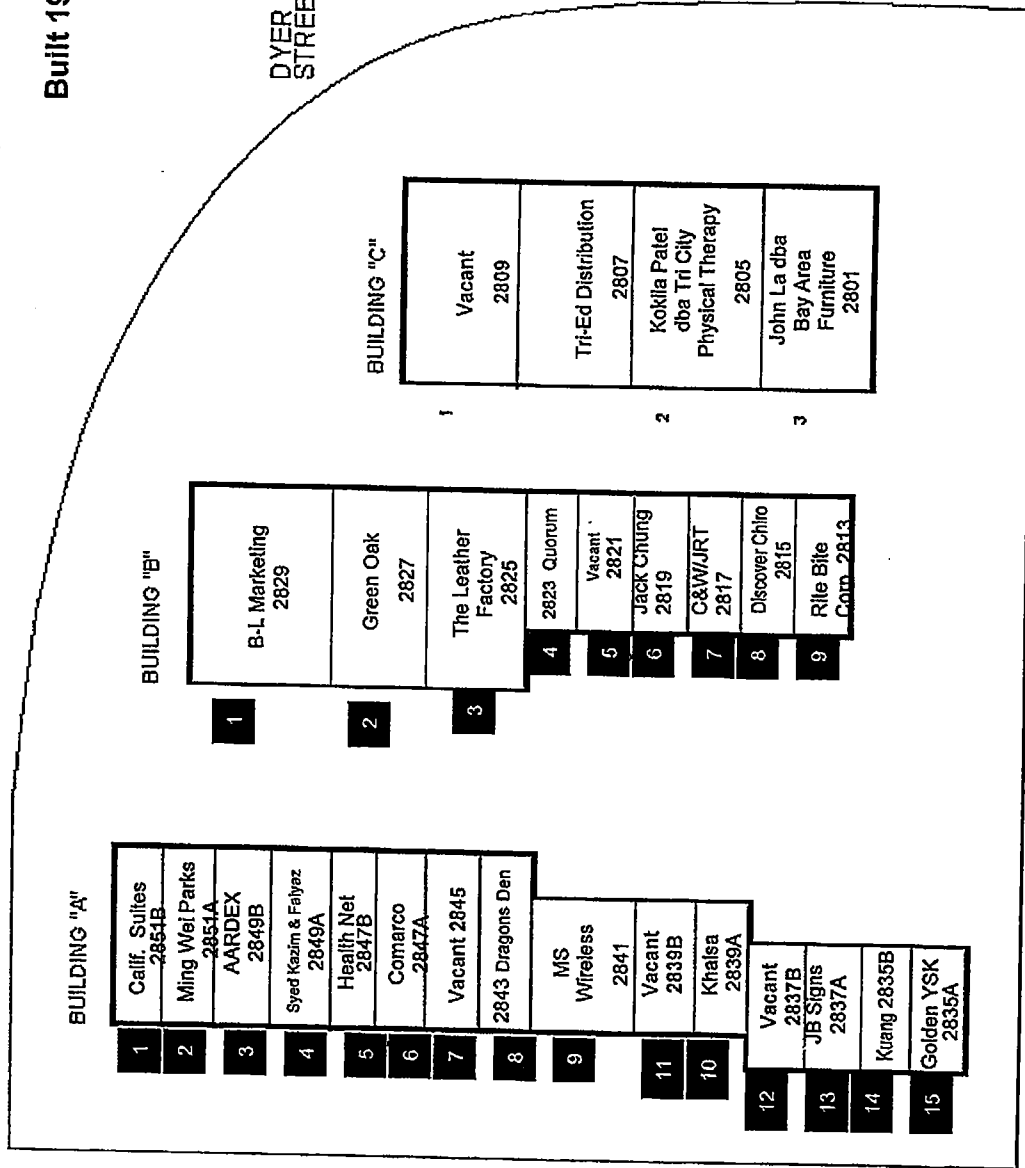
** All classes require students to be dressed in appropriate dance attire. Pink ballet shoes and tan jazz shoes are recommended for ballet and jazz classes, as they will be wearing such for performances. Thank you.*

	<i>Monday</i>	<i>Tuesday</i>	<i>Wednesday</i>	<i>Thursday</i>	<i>Friday</i>	<i>Saturday</i>
			Intro to dance age 2-3 yrs 3:15-4:00pm		Intro to dance age 2-3 yrs 10:15-11:00am	Intro to dance age 2-3 yrs 9:30-10:15
4:00-5:00	Combo Age 4-5	Jr. Tap	Jr. Ballet Intermediate	Jr. Ballet Beginning Age 6-10	Jr. Jazz Advanced	Adaptive Dance All ages
5:00-6:00	Teen Jazz Intermediate Age 11+	Jr. Ballet Advanced	Jr. Jazz Intermediate	Jr. Jazz Beginning Age 6-10	Jr. Hip Hop	Mini Hop Ages 4-6
6:00-7:00	Teen Hip Hop	Teen Ballet Advanced	Combo Age 4-5	Teen Jazz Beg. Age 11+		
7:00-8:00	Teen Tap	Teen Jazz Advanced	Teen Ballet Intermediate	Teen Ballet Beg. Age 11+		
8:00-9:00		Adult Jazz		Adult Hip Hop		

TIAA-CREF - Whipple Business Center -

Whipple III Union City, CA 94587 - 76,782 SF

Built 1984



BUILDING A (ca)

1. 2851B Whipple Road: 2,208 s.f. L.E. 12/31/11
2. 2851A Whipple Road: 2,208 s.f. L.E. 7/31/11
3. 2849B Whipple Road: 2,208 s.f. L.E. 8/31/09
4. 2849A Whipple Road: 2,208 s.f. L.E. 6/30/09
5. 2847B Whipple Road: 2,208 s.f. L.E. 2/28/11
6. 2847A Whipple Road: 2,208 s.f. L.E. 10/31/09
7. 2845 Whipple Road: 2,208 s.f. L.E. N/A
8. 2843 Whipple Road: 2,208 s.f. L.E. 10/31/11
9. 2841 Whipple Road: 3,420 s.f. L.E. 5/31/11
10. 2839B Whipple Road: 1,728 s.f. L.E. N/A
11. 2839A Whipple Road: 1,728 s.f. L.E. 4/14/11
12. 2837B Whipple Road: 1,632 s.f. L.E. N/A
13. 2837A Whipple Road: 1,632 s.f. L.E. 11/30/09
14. 2835B Whipple Road: 1,632 s.f. L.E. 7/31/11
15. 2835A Whipple Road: 1,632 s.f. L.E. 10/31/10

31,068 total sq ft

BUILDING B (cb)

1. 2829 Whipple Road: 5,336 s.f. L.E. 12/31/11
2. 2827 Whipple Road: 4,416 s.f. L.E. 4/30/12
3. 2825 Whipple Road: 4,416 s.f. L.E. 12/31/11
4. 2823 Whipple Road: 1,728 s.f. L.E. 5/31/11
5. 2821 Whipple Road: 1,728 s.f. L.E. N/A
6. 2817 Whipple Road: 1,728 s.f. L.E. 12/31/09
7. 2819 Whipple Road: 1,728 s.f. L.E. N/A
8. 2815 Whipple Road: 1,728 s.f. L.E. 4/14/10
9. 2813 Whipple Road: 1,728 s.f. L.E. 3/14/10

24,536 total sq ft

BUILDING C (cc)

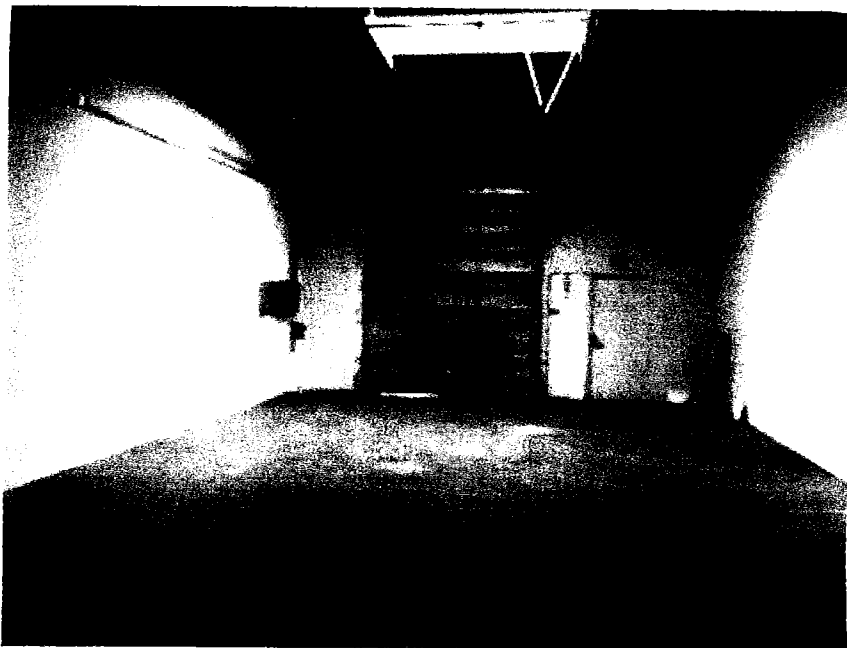
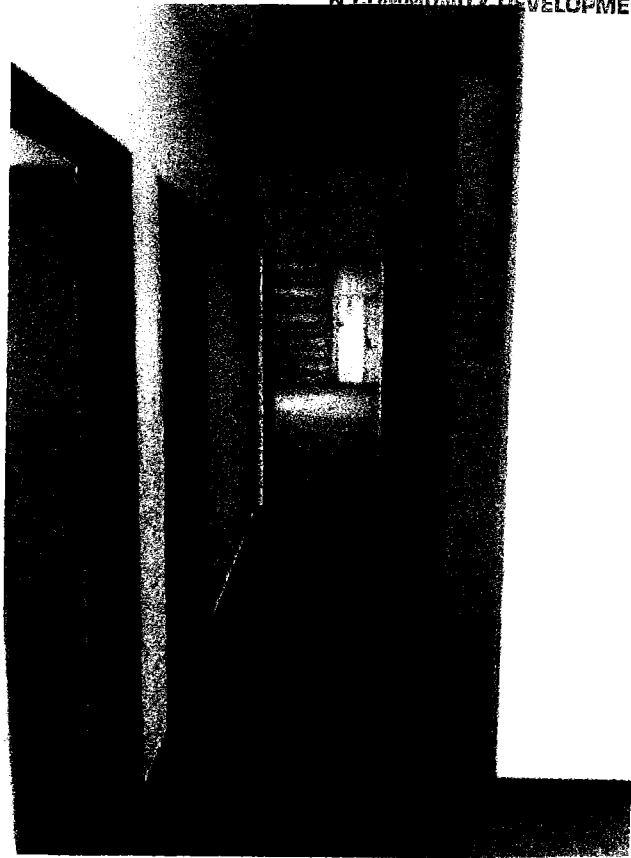
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2. 2807 Whipple Road: 5,286 s.f. L.E. 5/30/14
3. 2805 Whipple Road: 5,307 s.f. L.E. 6/30/14
4. 2801 Whipple Road: 5,300 s.f. L.E. 4/30/10

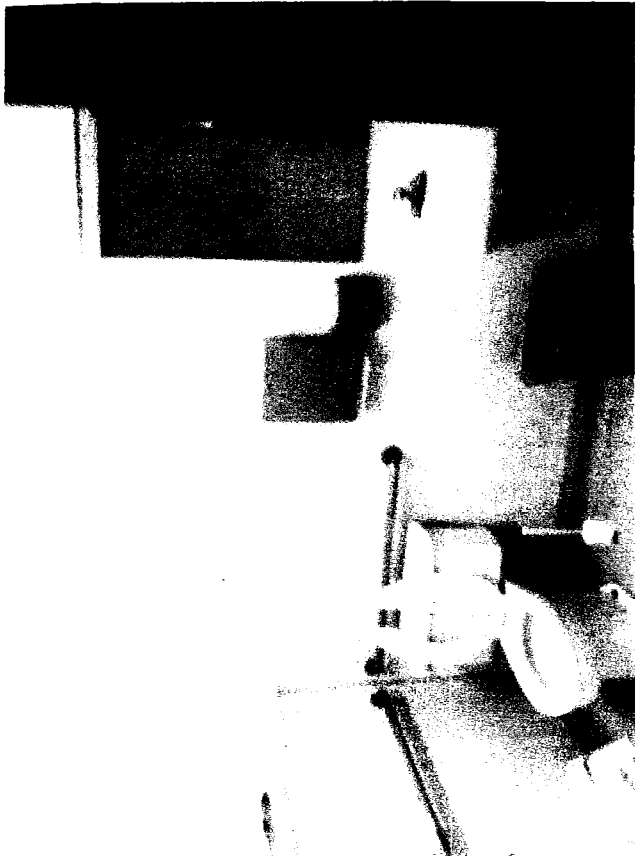
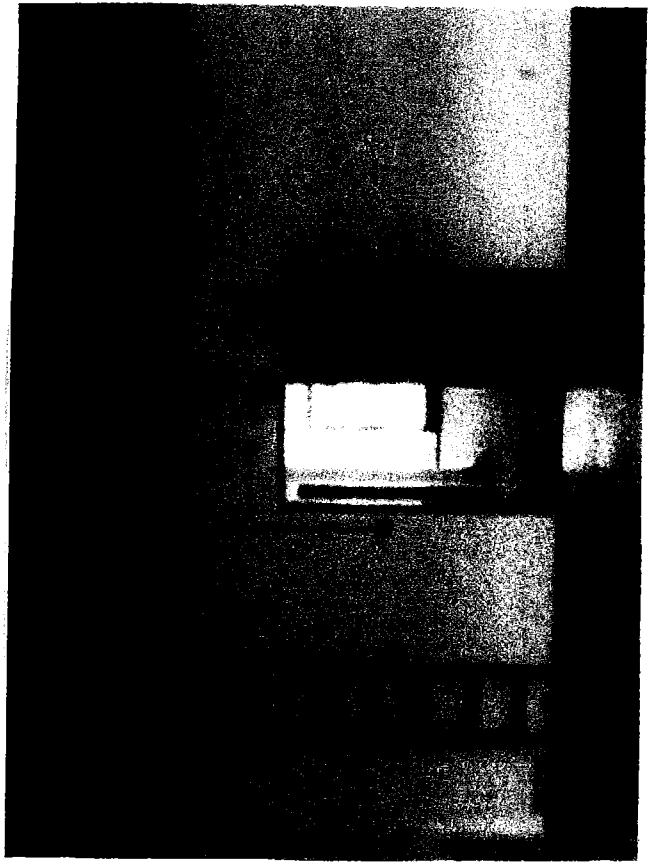
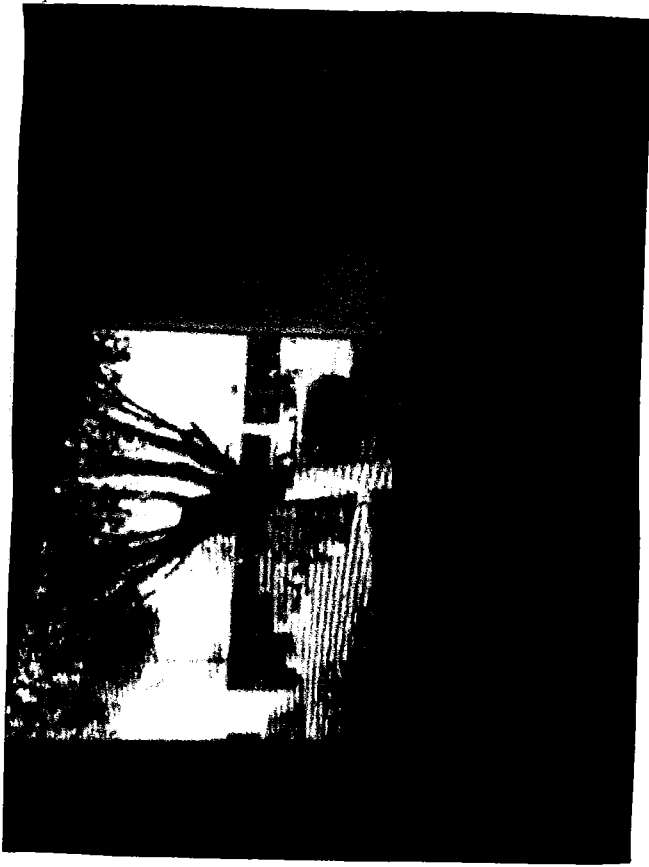
Built 1984 21,178 sq ft

RECEIVED

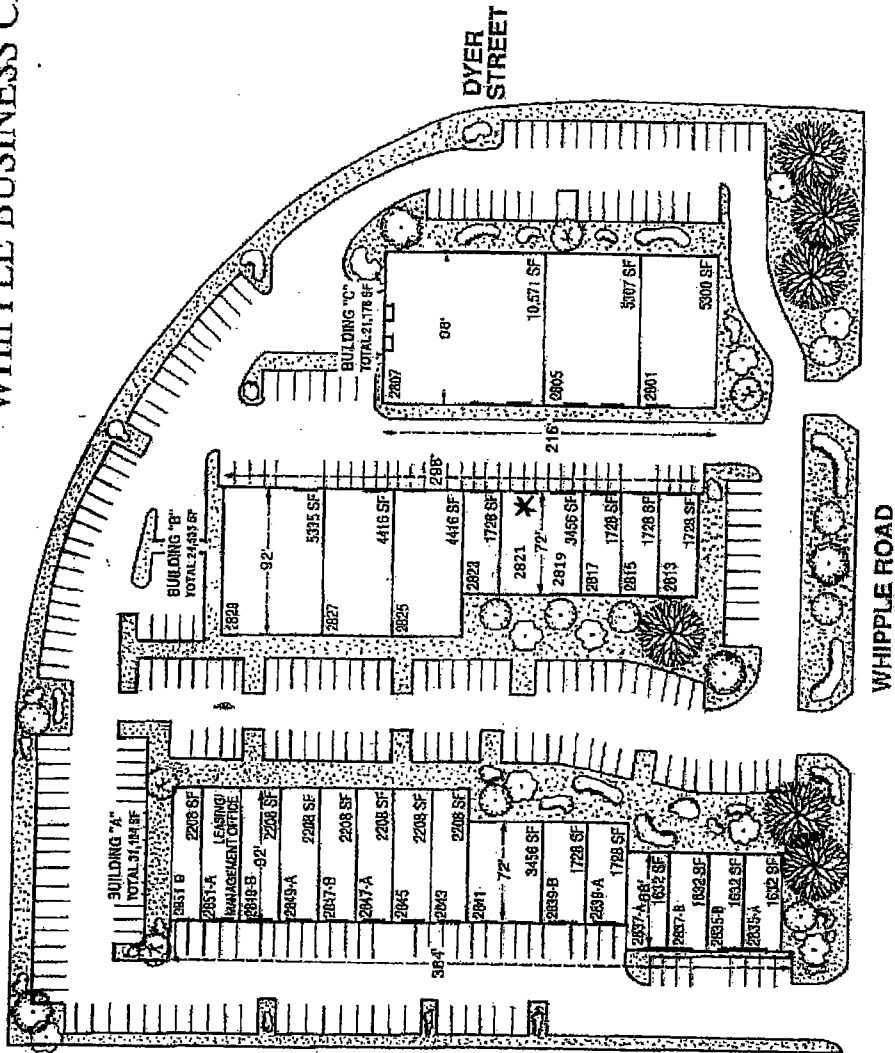
MAR 17 2011

**UNION CITY ECONOMIC
& COMMUNITY DEVELOPMENT**



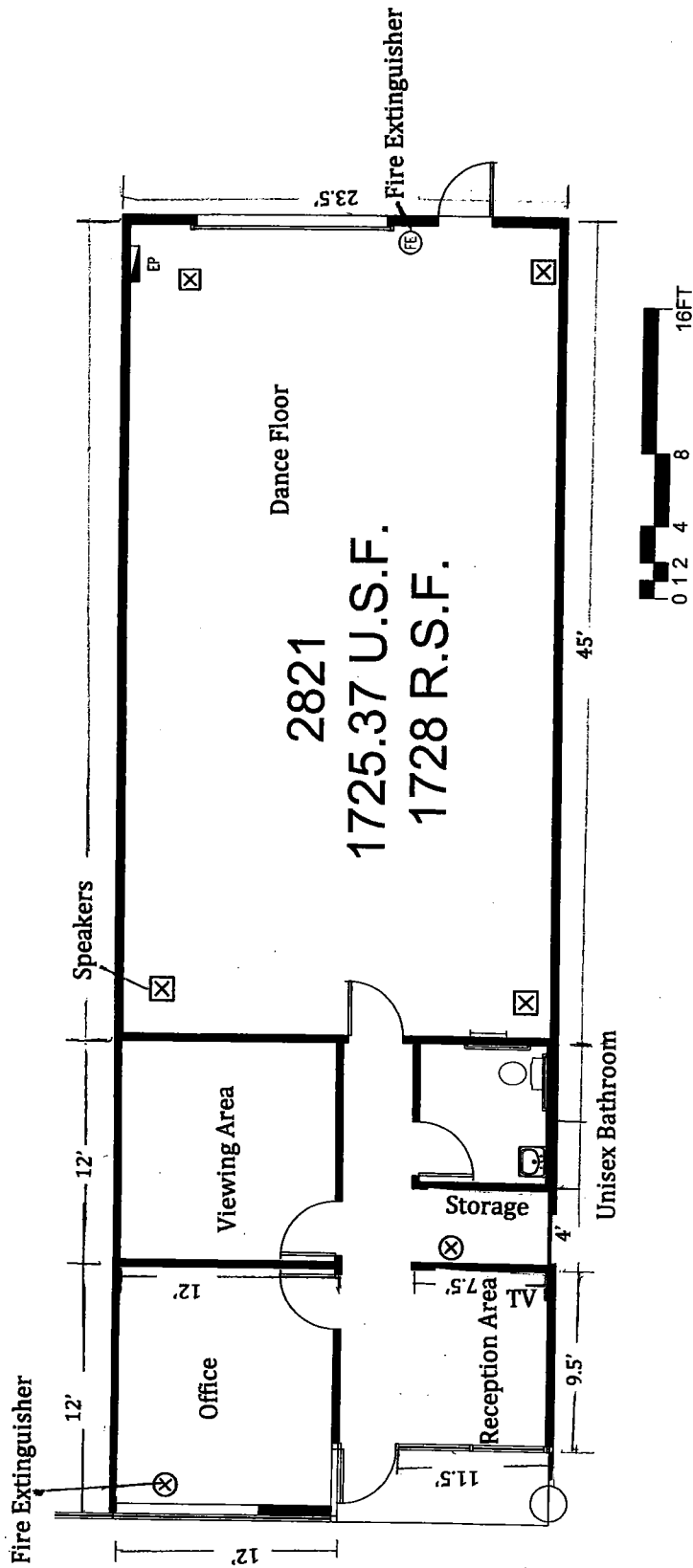


WHIPPLE BUSINESS CENTER



Site Plan
 Tru Dance
 2821 Whipple Road
 Union City, CA 94587

RECEIVED
 MAR 17 2011
 UNION CITY ECONOMIC
 & COMMUNITY DEVELOPMENT



2821 Whipple Road

Whipple III
Whipple Business Center
Union City, CA 94587

ID/Architecture
6700 Koll Center Parkway, Suite 110
Pleasanton, California 94566
Tel. 925.484.5245 Fax 925.484.5206

Cushman & Wakefield
2817 Whipple Road
Union City, CA 94587
Tel. 510-566-3765
Fax 510-566-9789



DATE: APRIL 7, 2011

TO: PLANNING COMMISSION

FROM: JOAN MALLOY, ECONOMIC & COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: USE PERMIT, UP-11-003

APPLICANT: CHERYL LOUIE

LEGAL OWNER: MARK APELIN

REQUEST: Use Permit approval for the establishment of a Zumba fitness studio at the Chess Commerce Center in the MS, Special Industrial, Zoning District.

LOCATION: 29300 Kohoutek Way, Suite 170 (APN: 463-0103-009-00)

SIZE OF PARCEL: 3.11 acres

GENERAL PLAN

LAND USE: MS (Special Industrial)

ZONING: MS (Special Industrial)

SURROUNDING LAND USES:

Location	General Plan Designation	Zoning Classification	Land Use
North	OS, Open Space	OS, Open Space	Alameda Creek
South	MS, Special Industrial	MS, Special Industrial	Special industrial uses
East	MS, Special Industrial	MS, Special Industrial	Special industrial uses
West	MS, Special Industrial	MS, Special Industrial	Special industrial uses

ENVIRONMENTAL ASSESSMENT:

This project is considered categorically exempt per Section 15301, Class 1, *Existing Facilities*, of the California Environmental Quality Act (CEQA) Guidelines.

PROJECT LOCATION:



I. BACKGROUND AND ANALYSIS

A. BACKGROUND AND PROPOSAL

The applicant, Cheryl Louie, is requesting Use Permit approval to establish a Zumba fitness studio at the Chess Commerce Center at 29300 Kohoutek Way. The subject property is developed with two light industrial buildings constructed in 2005. The buildings provide a total of 43,602 square feet of tenant space. The use is proposed in a 2,619 square foot tenant space located in Building A.

The project site is zoned MS (Special Industrial) zoning district. The Zoning Ordinance requires a Use Permit in the MS zoning district for recreational facilities. The proposed fitness studio is classified as a recreational facility and therefore requires Use Permit approval by the Planning Commission.

B. PROJECT ANALYSIS

Details of Operation

As described in the statement of use in Exhibit A, the applicant will offer group Zumba fitness instruction to adults. Zumba is a dance fitness program combining Latin and international music. Each class is approximately 45 minutes to one hour long. The applicant proposes the following hours of operation:

Monday – Friday	5:00 P.M. to 8:30 P.M.
Saturday	9:00 A.M. to 12:15 P.M.
Sunday	9:00 A.M. to 12:15 P.M.

As shown in Exhibit A, the tenant space is 2,610 square feet. The fitness studio, located in the back of the tenant space, measures approximately 1,300 square feet. The interior layout of the space consists of a small lobby area, offices, fitness studio, restrooms and a second floor office. The applicant will be sharing the tenant space with Diamond Realty, which occupies the office space in the front of the tenant space. The real estate office operates 8:00 A.M. to 5:00 P.M. during weekdays and will not conflict with the Zumba fitness studio use. The office adjacent to the fitness studio and the office on the second floor are currently vacant. The applicant does not propose to use the vacant offices for the Zumba fitness studio use.

A condition has been included requiring the applicant to adhere to the occupancy restriction of no more than 49 persons at any one time (Condition # 12). Additionally, no recitals or competitions will be held in the Zumba fitness studio space (Condition # 5). These conditions are to ensure continued compliance with the Building and Fire code requirements for the building.

The applicant is proposing minor tenant improvements, including the installation of a 45-foot mirror along one wall and wood flooring on the studio floor. Access to the studio will be provided through both the front entrance and rear door.

The building is predominantly occupied by uses that operate Monday through Friday during normal business hours with reduced hours during the weekends. Neighboring uses include a variety of small warehouse, professional office, and health service uses. The classes proposed at the fitness studio will take place in the late afternoons and on weekends when other businesses are closed. However, if complaints arise, the installation of sound proofing in the studio area will be required as a condition of approval (Condition # 4).

Parking

As shown on Exhibit A, the existing parking area surrounds each of the two buildings and the perimeter of the subject property. Based on the original approval for the site (SD-14-03), the project site provided a total of 121 parking spaces with 76% of the parking provided at one parking space per 300 square feet for office use and 24% of the parking provided at one parking space per 1,000 square feet for warehouse use. Applying the same ratio, 7.2 spaces can be

attributed for a tenant space size of 2,610 square feet. The Zoning Ordinance requires instruction uses to provide a minimum of one parking space for every four students and one parking space for each employee. As stated above in the Details of Operation section, the Zumba fitness studio will be restricted to a maximum of 49 persons including the instructor requiring 13 parking spaces for the proposed use which is six more parking spaces than the tenant space is allotted. However, the classes will be held after normal business hours and on the weekends which should offset parking conflicts with neighboring uses.

Lighting

The Police Department recently visited the site at night and determined that the existing exterior lighting is sufficient for the proposed use. Staff is recommending Condition # 7 to require that adequate lighting be maintained to provide a safe environment for the patron, per review and approval by the Police Department.

Signs

Signs are required to comply with Chapter 18.30 of the Zoning Ordinance. The proposed use is a second tenant in the tenant space and therefore, will be restricted to accessory signage on the door to identify the business (Condition # 6).

Conformance with General Plan and Zoning

According to General Plan Policy ED-C.1.3, non-industrial services should be located strategically within the City's technology centers. The project site is located within a MS zoning district which offers space to the lightest industrial uses, including professional and administrative offices. The subject site currently leases space to a number of small non-industrial businesses with which the proposed fitness studio would be compatible.

The proposed facility is an appropriate location for a fitness studio due to its compatibility with surrounding businesses and because it would not occupy a significant amount of valuable industrial space. General Plan Goal YFSH-B.1 of the *Youth, Family Seniors, and Health Element* states that "the City shall meet the quality of life needs of Union City's youth and families through recreational ... opportunities."

Staff has determined that the Use Permit findings (listed in Section II of this report) can be made. The proposed use meets the purpose of Title 18 (18.04.020) and the purpose of the MS Zoning District (18.40.210), which is to "provide space for the lightest industrial operations and uses that support nearby manufacturing and that exhibit virtually no nuisance characteristics" including administrative, sales and service activities. The proposed use will not be detrimental to the public health, safety, or welfare since there will be minimal impacts associated with the use. The proposed use will be fully contained within an enclosed building and therefore will not have any unsightly characteristics. There are no applicable specific plans. As discussed above, the application is in compliance with each of the applicable provisions of Title 18.

Conclusion

The Development Review Committee (DRC) finds the proposed use to be appropriate for the location. The DRC is recommending approval of this project because the use is compatible with surrounding businesses and will not exhibit nuisance characteristics in conflict with the purpose of the Special Industrial District. Therefore, based on the analysis presented, the DRC recommends that the Planning Commission approve the Use Permit (UP-11-003) application.

II. REQUIRED FINDINGS

Use Permit

Section 18.56.060 of the Zoning Ordinance requires that the Planning Commission make the following findings in granting a Use Permit. Below each finding is a discussion of how the project meets the required finding.

1. That the proposed location of the conditional use is in accord with the purposes of Title 18 and the purposes of the district in which the site is located;

Staff has determined that the proposed use is consistent with the purposes of Title 18, listed in Municipal Code Section 18.04.020, and the purpose of the Special Industrial Zoning District, namely because the use will evidence no nuisance characteristics such as noise, odor, traffic congestion, unsightliness, and hazardous materials manufacturing or storage.

2. 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 properties or improvements in the vicinity; and

The proposed use, as conditioned, will not be detrimental to the public health, safety, welfare or materially injurious to properties within the vicinity. As stated previously, the use is not anticipated to exhibit nuisance characteristics, nor does it restrict or conflict with the operations of other businesses in the immediate vicinity.

3. That the proposed conditional use is consistent with the general plan, any applicable specific plans, and will comply with each of the applicable provisions of Title 18.

The proposed use is consistent with the subject property's General Plan designation of MS (Special Industrial) which allows for non-manufacturing uses including recreational activities. The proposed use is specifically consistent with General Plan goal YFSH-B.1, which states that "the City shall meet the quality of life needs of Union City's youth and families through

recreational...opportunities.” The proposed use, as conditioned, also complies with all applicable provisions of Title 18.

III. ALTERNATIVES

1. Approve the Use Permit, as conditioned;
2. Approve the Use Permit, with modified conditions;
3. Deny the Use Permit, stating reasons for denial;
4. Continue the matter for further consideration.

IV. CONDITIONS

1. The use and all actual site improvements shall be made with strict adherence to plans and statement of use marked Exhibit A, except as they may be modified by other conditions of approval.
2. The Use Permit approval shall expire one (1) year from the date of Planning Commission approval, unless the use has been established and is active.
3. The applicant or occupant’s failure to adhere to any conditions of approval shall be cause for revocation of the Use Permit.
4. If noise complaints are received and noise is not adequately mitigated, insulation may be required, subject to the determination of the Economic and Community Development Department. If insulation is required, it will be installed within 30 days of receipt of written notice from the City.
5. No dance recitals or competitions shall be held in the space.
6. The applicant shall obtain a permit for any proposed signage. As a second sign on the rear door, the business sign shall be restricted as an accessory sign. All signage shall conform to the requirements of Section 18.30 et seq. of the Zoning Ordinance.
7. The applicant shall maintain adequate exterior lighting in front of the tenant space, subject to review and approval by the Police Department. If deemed necessary by the Police Department, additional lighting shall be required. If additional lighting is required, it shall be installed within 30 days of written notice from the City.
8. The applicant shall inform all clients in writing that double parking is not permitted.

9. The applicant shall provide bicycle parking on site consistent with the requirements of Chapter 18.28, subject to review and approval by the Economic and Community Development Department.
10. The City strongly encourages the participation of Union City businesses in the Alameda County Green Business program. Prior to issuance of a Certificate of Occupancy, the applicant shall meet with the Economic & Community Development Department to discuss their participation in the Alameda County Green Business program. For more information regarding the Alameda County Green Business program, please contact Pamela Evans, Alameda County Green Business Coordinator, at pamela.evans@acgov.org
11. Prior to establishment of the use, the applicant shall contact the Planning Division at (510)675-5321 to set up a site visit to verify that all conditions of approval have been satisfied.
12. Prior to establishment of the use, the applicant shall obtain a business license from the City.

Building Department:

13. The maximum occupant load of the tenant space shall be limited to forty nine (49) people. Prior to establishment of the use, signage shall be installed, consistent with the Building Code, which stipulates the maximum occupant load.
14. Any future modifications to the site shall be accessible to persons with physical disabilities in accordance with California State Disabled Access Regulations.
15. The applicant shall maintain the property to be free of litter, weeds, debris, etc., both before and after issuance of building permits. Daily litter and debris collection rounds shall be conducted on the site and an adequate number of trash receptacles shall be provided to minimize litter accumulation.

Fire Department:

16. The applicant shall comply with all applicable Fire Codes and local ordinances.

Public Works Department:

17. Construction activity on-site shall comply with Section 9.40.053 of the Union City Municipal Code, and is limited to the following hours:

Monday through Friday - 8:00 a.m. to 8:00 p.m.

Saturday - 9:00 a.m. to 8:00 p.m.

Sundays & Holidays -10:00 a.m. to 6:00 p.m.

18. The applicant shall not locate construction debris boxes within the public right-of-way (ROW), driveways or on adjacent private properties.

V. RECOMMENDATION:

The Development Review Committee recommends that the Planning Commission approve Use Permit UP-11-003, making the following findings:

1. That the project is considered categorically exempt per Section 15301, Class 1, *Existing Facilities*, of the California Environmental Quality Act (CEQA) Guidelines.
2. That the proposed location of the conditional use is in accord with the purposes of Title 18 and the purposes of the district in which the site is located because the MS District allows for non-industrial uses where appropriate and the use, as conditioned, will evidence no nuisance characteristics such as noise, odor, traffic congestion, unsightliness, and hazardous materials manufacturing or storage.
3. 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 properties or improvements in the vicinity because the use will not exhibit nuisance characteristics, such as noise, odor, traffic congestion, unsightliness, and hazardous materials manufacturing or storage; and
4. That the proposed conditional use is consistent with the general plan, specifically goal YFSH-B.1, and will comply with each of the applicable provisions of Title 18.

It is further recommended that the Planning Commission adopt a resolution confirming this action.

MOMOKO ISHIJIMA
Associate Planner

Exhibit A Statement of Use, Project Plans

EXHIBIT A

**Statement of Use
Project Plans**

EXHIBIT A

Applicant: Cheryl Louie

Phone number: 510-325-9674

Site: 29300 Kouhoutek Way Suite 170, Union City, CA 94587

RECEIVED

MAR 21 2011

UNION CITY ECONOMIC
& COMMUNITY DEVELOPMENT

Statement of Use

Description of proposed business:

I am a certified Zumba instructor with the passion to teach fitness in a fun way. Currently I have classes at a local dance studio and I teach through the Union City Leisure Services at the Ruggieri Center. I have been donating my time to local elementary schools and high schools for fundraising projects. Recently I held a fundraiser at Searles Elementary School's 4th and 5th grade classes and at James Logan High. Zumba is a wonderful way to show fitness through Latin, Indian, and other international inspired dance moves. I would like to use this facility as a place to teach my Zumba classes and expand my business.

The front area of this site is used by Diamond Realty. Their office hours are Monday through Friday 8:00am – 5:00pm. I will have access to both the front door and the back door of the site.

Hours of Operation:

Monday through Friday: 5:00pm – 5:45pm; 6:00pm – 7:00pm; 7:30pm – 8:30pm

Saturday: 9:00am – 10:00am; 10:15am – 11:15am; 11:15am – 12:15pm

Sunday: 9:00am – 10:00am; 10:15am -11:00am; 11:15am – 12:15pm

Length of Class: 45 minutes to 1 hour per class

There are no recitals or dance parties; these are exercise/fitness classes

Employment: I do not have any employees.

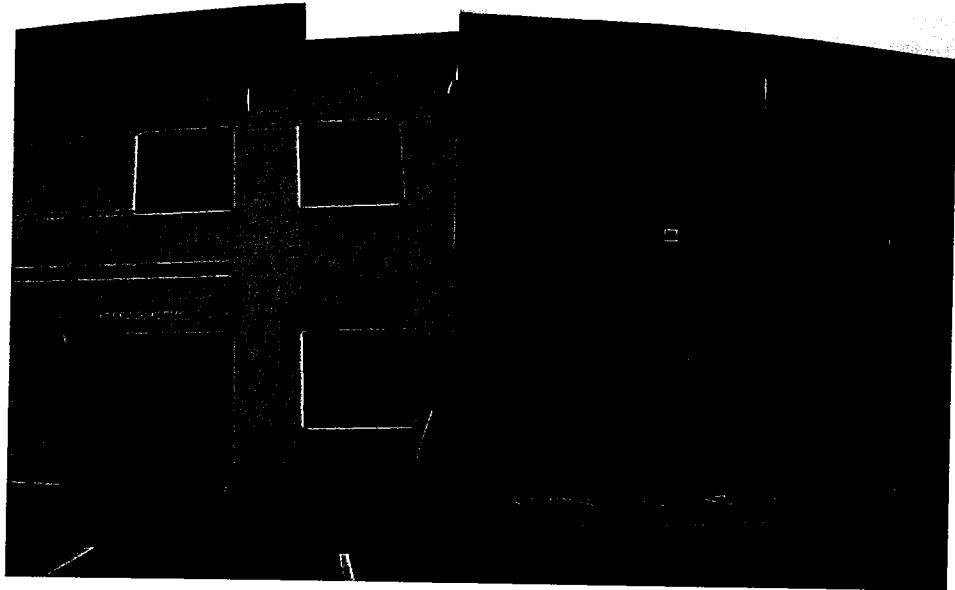
Hazardous materials: None

Operation materials: In order for me to operate, I will install 45 feet mirrors (each of the 9 panels is 84" x 60") and a 25ft x 45ft hard wood floor. For more information on the flooring, please visit this website:

http://www.lumberliquidators.com/brands/brands.jsp?brandName=duradancefloors&WT.ad=GLOBAL_FOOTER_DuraDance

Neighboring businesses: Shrader Vacuum Services Suite#160; Monday – Friday

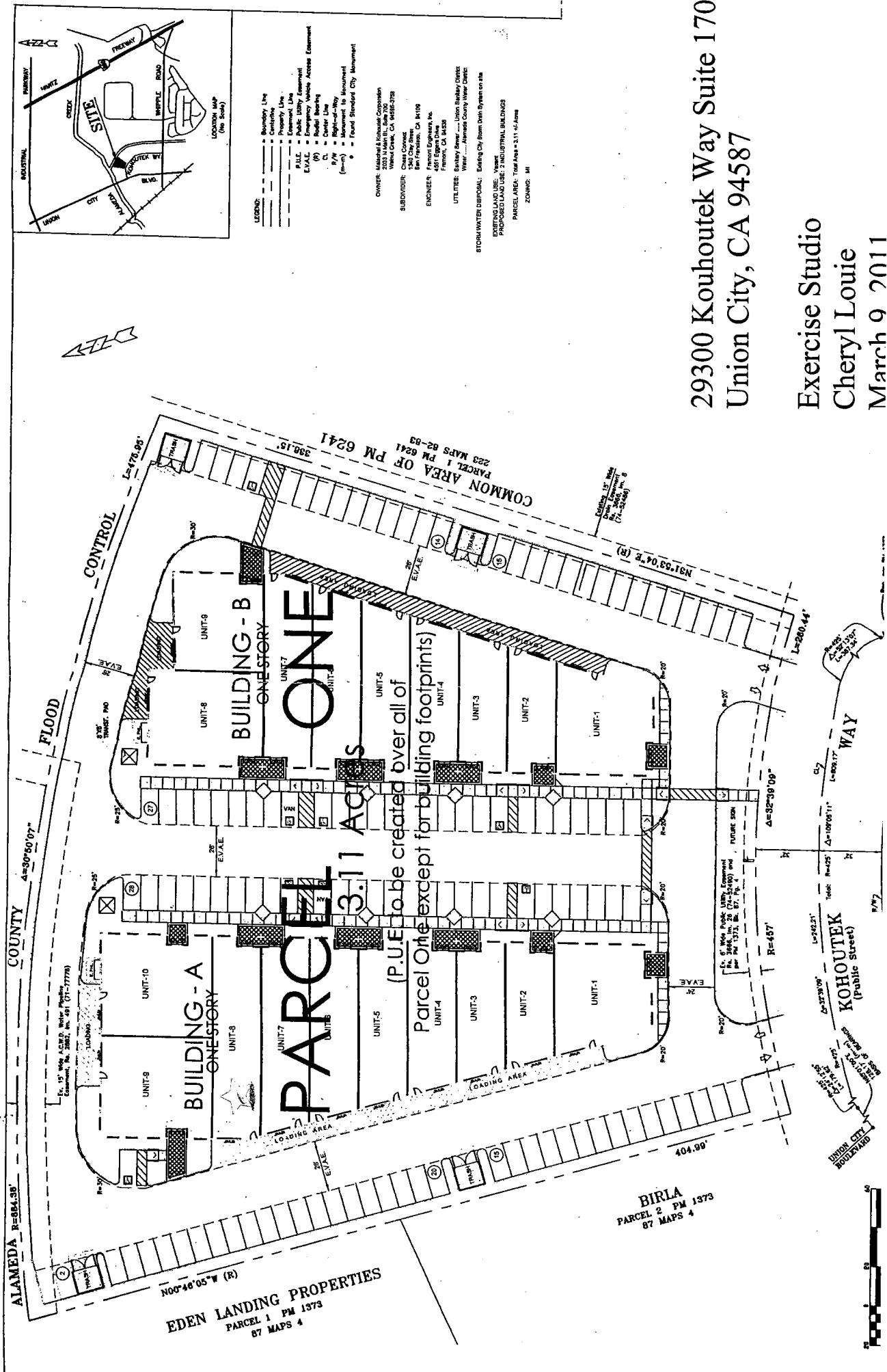
8:00 – 4:00pm and Chinese Tutoring Suite #180; Monday -Friday 9:00am – 5:00pm; Neighbors have been contacted and they support having the exercise classes located there.





29300 Kouhoutek Way Suite 170
 Union City, CA 94587

Exercise Studio
 Cheryl Louie
 March 9 2011



LEGEND:

- Boundary Line
- Centricity Line
- Property Line
- Easement Line
- Public Utility Easement
- Right-of-Way
- Right-of-Way (Implied)
- Monument to Monument
- Found Standard City Monument

OWNER: Maitland & International Corporation
 10000 Wilshire Blvd., Suite 1000
 West Century, CA 90048-2708

SUBDIVIDER: Chest Coveted
 1540 City Street
 San Francisco, CA 94109

ENGINEER: Maitland & International, Inc.
 4811 Espana Drive
 Fremont, CA 94538

UTILITIES: Electricity - Union Railway District
 Water - Alameda County Water District
 Storm Water Disposal - Existing City Storm Drain System on the West

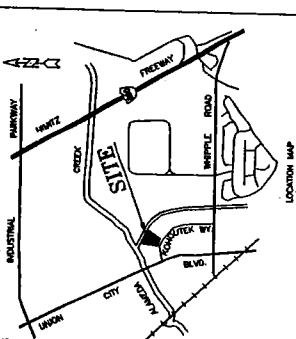
PREPARED BY: Maitland & International Corporation
 10000 Wilshire Blvd., Suite 1000
 West Century, CA 90048-2708

DATE: 03/09/11

PROJECT: EXERCISE STUDIO

PARCEL AREA: Total Area = 3.11 Acre

ZONING: M-1



BIRLA
 PARCEL 2 PM 1373
 87 MAPS 4

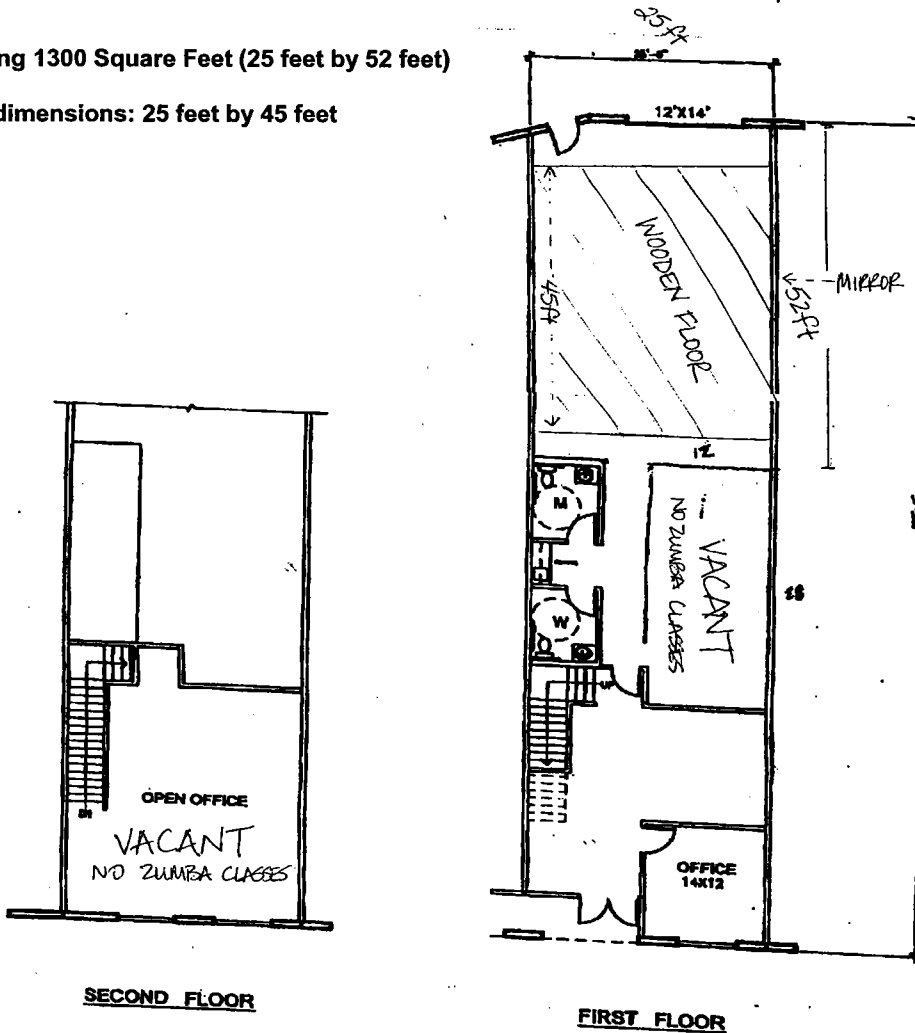
EDEN LANDING PROPERTIES
 PARCEL 1 PM 1373
 87 MAPS 4



Space Occupying 1300 Square Feet (25 feet by 52 feet)

Wooden Floor dimensions: 25 feet by 45 feet

Mirror: 45 feet



SECOND FLOOR

FIRST FLOOR

1ST FLOOR OFFICE	788 SQ.FT.
2ND FLOOR OFFICE	673 SQ.FT.
TOTAL OFFICE	1,461 SQ.FT.
OFFICE RATIO	65%
WAREHOUSE	1,851 SQ.FT.
FOOT PRINT	2,618 SQ.FT.
TOTAL AREA	3,282 SQ.FT.

FLOOR PLAN UNIT 8-A / STE. 170

SCALE : 1/16" = 1'-0"

29300 Kouhoutek Way Suite 170
Union City, CA 94587

Exercise Studio
Cheryl Louie
March 9, 2011



DATE: APRIL 7, 2011

TO: PLANNING COMMISSION

FROM: JOAN MALLOY, ECONOMIC & COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: USE PERMIT, UP-11-004

APPLICANT: JULIE BUGARIN, TEHANI DANCE STUDIO

LEGAL OWNER: SUDESH AND BALWANT BIRLA

REQUEST: Proposal to locate a dance studio in the MS, Special Industrial, Zoning District.

LOCATION: 29282 Union City Boulevard (APN: 463-0045-047-00)

SIZE OF PARCEL: 1.49 acres

GENERAL PLAN

LAND USE: MS (Special Industrial)

ZONING: MS (Special Industrial)

SURROUNDING LAND USES:

Location	General Plan Designation	Zoning Classification	Land Use
North	MS, Special Industrial	MS, Special Industrial	Miscellaneous Industrial Uses
South	MS, Special Industrial	MS, Special Industrial	Clocktower Industrial Center
East	MS, Special Industrial	MS, Special Industrial	Chess Industrial Center
West	CPA, Professional and Administrative Commercial	CO, Office Commercial	Kaiser Hospital

ENVIRONMENTAL ASSESSMENT:

This project is considered categorically exempt per Section 15301, Class 1, *Existing Facilities*, of the California Environmental Quality Act (CEQA) Guidelines.

PROJECT LOCATION:



I. BACKGROUND AND ANALYSIS

A. BACKGROUND AND PROPOSAL

The applicant, Julie Bugarin, is requesting Use Permit approval to locate Tehani Dance Studio in a tenant space located at 29278 Union City Boulevard. The project site is an approximately 2,100 square foot tenant space located in a multi-tenant building, which fronts onto Union City Boulevard. The site is located at the corner of Union City Boulevard and Kohoutek Way.

The project site is zoned MS (Special Industrial) zoning district. The Zoning Ordinance requires a Use Permit in the MS zoning district for recreational facilities. On January 7, 2010, the Planning Commission approved a Use Permit (UP-09-09) for another recreational facility – a martial arts studio – to locate in the same building.

B. PROJECT ANALYSIS

Details of Operation

As described in the statement of use in Exhibit A, Tehani Dance Studio will offer dance lessons for children, youth and adults. Classes in Hula, Jazz, Ballet, and Hip Hop will be offered, among others. Class sizes are restricted to 20 students and each class is approximately 45 minutes to one hour long. The applicant proposes the following hours of operation:

Monday – Friday	10:00 a.m. to 8:00 p.m.
Saturday and Sunday	9:00 a.m. to 2:00 p.m.

Tehani Dance Studio is currently located at 30987 Watkins Street near Smith Street across the street from Alvarado Park. Tehani Dance Studio's website (<http://www.hulamom.com>) includes a video clip from Union City Patch (an online news source) with footage of dance classes in session.

As shown in Exhibit A, the proposed tenant space is approximately 29 feet wide by 69 feet deep. The proposed tenant space is 2,100 square feet with the main dance studio measuring approximately 1,200 square feet. The tenant space can be accessed from Union City Boulevard or the parking lot behind the building, which will serve as the primary entrance. A new partition wall is proposed to be added to separate a waiting area from the classroom. There is an office and restroom on the ground floor and a partial mezzanine that will be used by staff and for storage. The tenant space meets the minimum code requirements for the use. To prepare the space for the dance studio use, the applicant will add a floor mat and new furniture.

Neighboring uses include including Lens and Frames Optical, Monish Music, West Coast Martial Arts, and Kabila Restaurant. The surrounding businesses are open during normal business hours, with the exception of Kabila Restaurant and the Martial Arts studio, which are open until 9:30 and 9:15 respectively Monday through Thursday. Due to the nature and hours of operation of the surrounding businesses, it is not anticipated that noise will be an issue; however, a condition of approval has been included requiring the applicant to install insulation should any noise complaints arise (Condition 4)

Parking

There are two buildings on site with a central parking lot that has 57 shared parking spaces. The Zoning Ordinance requires instructional uses to provide one parking space for each instructor and one parking space for every four students. The applicant anticipates class sizes of up to 20 students with one to two instructors. The parking demand for 20 students with two instructors is seven parking spaces.

Staff has made several site visits during the late afternoon and early evening and has confirmed that there is available parking on site to accommodate the proposed use. Additionally, the

majority of weekday classes will take place in the evening, after regular business hours. Based on staff's observations and the shared parking provided on site, it is not anticipated that the use would result in parking impacts at this center.

To facilitate drop-offs and pick-ups, staff recommends that Condition 8 be adopted, which would require a designated loading space to be provided adjacent to the proposed use. This is particularly important where children are attending because of the high frequency of drop offs and pick-ups by parents. Staff believes that the center is capable of accommodating the parking demand for this use.

Staff observed a large storage trailer in the parking lot on multiple site visits. The location of the trailer impedes access to parking stalls and is inconsistent with the City's requirements that limit outdoor storage. As such, staff is including a condition of approval that requires the property owner to have the trailer and any outdoor storage removed immediately (Condition 10).

Lighting

The Police Department recently surveyed the site at night and determined that there is sufficient exterior lighting outside of the tenant space. Staff is recommending Condition 7 to require that adequate lighting be maintained to provide a safe environment for the patrons, subject to review and approval by the Police Department.

Signs

Signs are required to comply with Chapter 18.30 of the Union City Municipal Code as well as the approved sign program for the center. With the exception of the corner restaurant tenant, Kabila, signs in the center consist of white lettering on a burgundy background. A condition has been included requiring the business signage to be consistent with the other signs in the center. Staff has observed that several tenants have installed additional unpermitted signs facing Union City Boulevard. Condition 11 requires the property owner to have tenants remove illegal signage.

Conformance with General Plan and Zoning

According to General Plan Policy ED-C.1.3, non-industrial services should be located strategically within the City's technology centers. The project site is located within a MS zoning district which offers space to the lightest industrial uses, including professional and administrative offices. The subject site currently leases space to a number of small non-industrial businesses with which the proposed dance studio would be compatible.

Staff believes the proposed facility is an appropriate location for dance studio due to its compatibility with surrounding businesses and because it would not occupy a significant amount of valuable industrial space. Goal YFSH-B.1 of the *Youth, Family, Seniors, and Health Element* states that "the City shall meet the quality of life needs of Union City's youth and families

through recreational...opportunities.” There are no applicable specific plans. As discussed above, the application is in compliance with each of the applicable provisions of Title 18.

Staff has determined that the Use Permit findings (listed in Section II of this report) can be made. The proposed use meets the purpose of Title 18 (18.04.020) and the purpose of the MS Zoning District (18.40.210), which is to “provide space for the lightest industrial operations and uses that support nearby manufacturing and that exhibit virtually no nuisance characteristics” including administrative, sales and service activities. The proposed use will not be detrimental to the public health, safety, or welfare since there will be minimal impacts associated with the use. The proposed use will be fully contained within an enclosed building and will not have any unsightly characteristics.

Conclusion

The Development Review Committee (DRC) finds the proposed use to be appropriate for the location. Staff is recommending approval of this project because the use is compatible with surrounding businesses and will not exhibit nuisance characteristics in conflict with the purpose of the Special Industrial District. Therefore, based on the analysis presented, the DRC recommends that the Planning Commission approve the Use Permit (UP-11-004) application.

II. REQUIRED FINDINGS

Use Permit

Section 18.56.060 of the Zoning Ordinance requires that the Planning Commission make the following findings in granting a Use Permit. Below each finding is a discussion of how the project meets the required finding.

1. That the proposed location of the conditional use is in accord with the purposes of Title 18 and the purposes of the district in which the site is located;

Staff has determined that the proposed use is consistent with the purposes of Title 18, listed in Municipal Code Section 18.04.020, and the purpose of the Special Industrial Zoning District, namely because the use will evidence no nuisance characteristics such as noise, odor, traffic congestion, unsightliness, and hazardous materials manufacturing or storage.

2. 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 properties or improvements in the vicinity; and

The proposed use, as conditioned, will not be detrimental to the public health, safety, welfare or materially injurious to properties within the vicinity. As stated previously, the use is not anticipated to exhibit nuisance characteristics, nor does

it restrict or conflict with the operations of other businesses in the immediate vicinity.

3. That the proposed conditional use is consistent with the general plan, any applicable specific plans, and will comply with each of the applicable provisions of Title 18.

The proposed use is consistent with the subject property's General Plan designation of MS (Special Industrial) which allows for non-manufacturing uses including educational, administrative, sales and service activities. The proposed use is specifically consistent with General Plan goal YFSH-B.1, which states that "the City shall meet the quality of life needs of Union City's youth and families through recreational...opportunities." The proposed use, as conditioned, also complies with all applicable provisions of Title 18.

III. ALTERNATIVES

1. Approve the Use Permit, as conditioned;
2. Approve the Use Permit, with modified conditions;
3. Deny the Use Permit, stating reasons for denial;
4. Continue the matter for further consideration.

IV. CONDITIONS

Planning Division:

1. The use and all actual site improvements shall be made with strict adherence to plans and statement of use marked Exhibit A, except as they may be modified by other conditions of approval.
2. The Use Permit approval shall expire one (1) year from the date of Planning Commission approval, unless the use has been established and is active.
3. The applicant or occupant's failure to adhere to any conditions of approval shall be cause for revocation of the Use Permit.
4. If noise complaints are received and noise is not adequately mitigated, insulation may be required, subject to the determination of the Economic and Community Development Department. If insulation is required, it will be installed within 30 days of receipt of written notice from the City.
5. No dance recitals or competitions shall be held in the space.

6. The applicant shall obtain a permit for any proposed signage. All signage shall conform to the requirements of Section 18.30 et seq. of the Zoning Ordinance. Permanent building signs shall be white lettering with a burgundy background to match existing signs at the center.
7. The applicant shall maintain adequate exterior lighting in front of the tenant space, subject to review and approval by the Police Department. If deemed necessary by the Police Department, additional lighting shall be required. If additional lighting is required, it shall be installed within 30 days of written notice from the City.
8. The applicant shall designate a minimum of one parking space adjacent to the tenant space for the loading and unloading of students.
9. The applicant shall inform all clients in writing that double parking is not permitted.
10. The property owner shall have the storage trailer in the parking lot and any outdoor storage removed from the site immediately.
11. The property owner shall have tenants remove illegal signage facing Union City Boulevard immediately.
12. The applicant shall provide bicycle parking on site consistent with the requirements of Chapter 18.28, subject to review and approval by the Economic and Community Development Department.
13. The City strongly encourages the participation of Union City businesses in the Alameda County Green Business program. Prior to issuance of a Certificate of Occupancy, the applicant shall meet with the Economic & Community Development Department to discuss their participation in the Alameda County Green Business program. For more information regarding the Alameda County Green Business program, please contact Pamela Evans, Alameda County Green Business Coordinator, at pamela.evans@acgov.org
14. Prior to establishment of the use, the applicant shall contact the Planning Division at (510) 675-5321 to set up a site visit to verify that all conditions of approval have been satisfied.
15. Prior to establishment of the use, the applicant shall obtain a business license from the City.

Building Department:

16. The maximum occupant load of the tenant space shall be limited to forty nine (49) people. Prior to establishment of the use, signage shall be installed, consistent with the Building Code, which stipulates the maximum occupant load.
17. Any future modifications to the site shall be accessible to persons with physical disabilities in accordance with California State Disabled Access Regulations.
18. The applicant shall maintain the property to be free of litter, weeds, debris, etc., both before and after issuance of building permits. Daily litter and debris collection rounds shall be conducted on the site and an adequate number of trash receptacles shall be provided to minimize litter accumulation.

Fire Department:

19. The applicant shall comply with all applicable Fire Codes and current local ordinances.

Public Works Department:

20. Construction activity on-site shall comply with Section 9.40.053 of the Union City Municipal Code, and is limited to the following hours:

Monday through Friday - 8:00 a.m. to 8:00 p.m.
Saturday - 9:00 a.m. to 8:00 p.m.
Sundays & Holidays -10:00 a.m. to 6:00 p.m.
21. The applicant shall not locate construction debris boxes within the public right-of-way (ROW), driveways or on adjacent private properties.

V. RECOMMENDATION:

The Development Review Committee recommends that the Planning Commission approve Use Permit UP-11-004, making the following findings:

1. That the project is considered categorically exempt per Section 15301, Class 1, *Existing Facilities*, of the California Environmental Quality Act (CEQA) Guidelines.
2. That the proposed location of the conditional use is in accord with the purposes of Title 18 and the purposes of the district in which the site is located because the MS District allows for non-industrial uses where appropriate and the use, as conditioned, will evidence no nuisance characteristics such as noise, odor, traffic congestion, unsightliness, and hazardous materials manufacturing or storage.

3. 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 properties or improvements in the vicinity because the use will not exhibit nuisance characteristics, such as noise, odor, traffic congestion, unsightliness, and hazardous materials manufacturing or storage; and
4. That the proposed conditional use is consistent with the general plan, specifically goal YFSH-B.1, and will comply with each of the applicable provisions of Title 18.

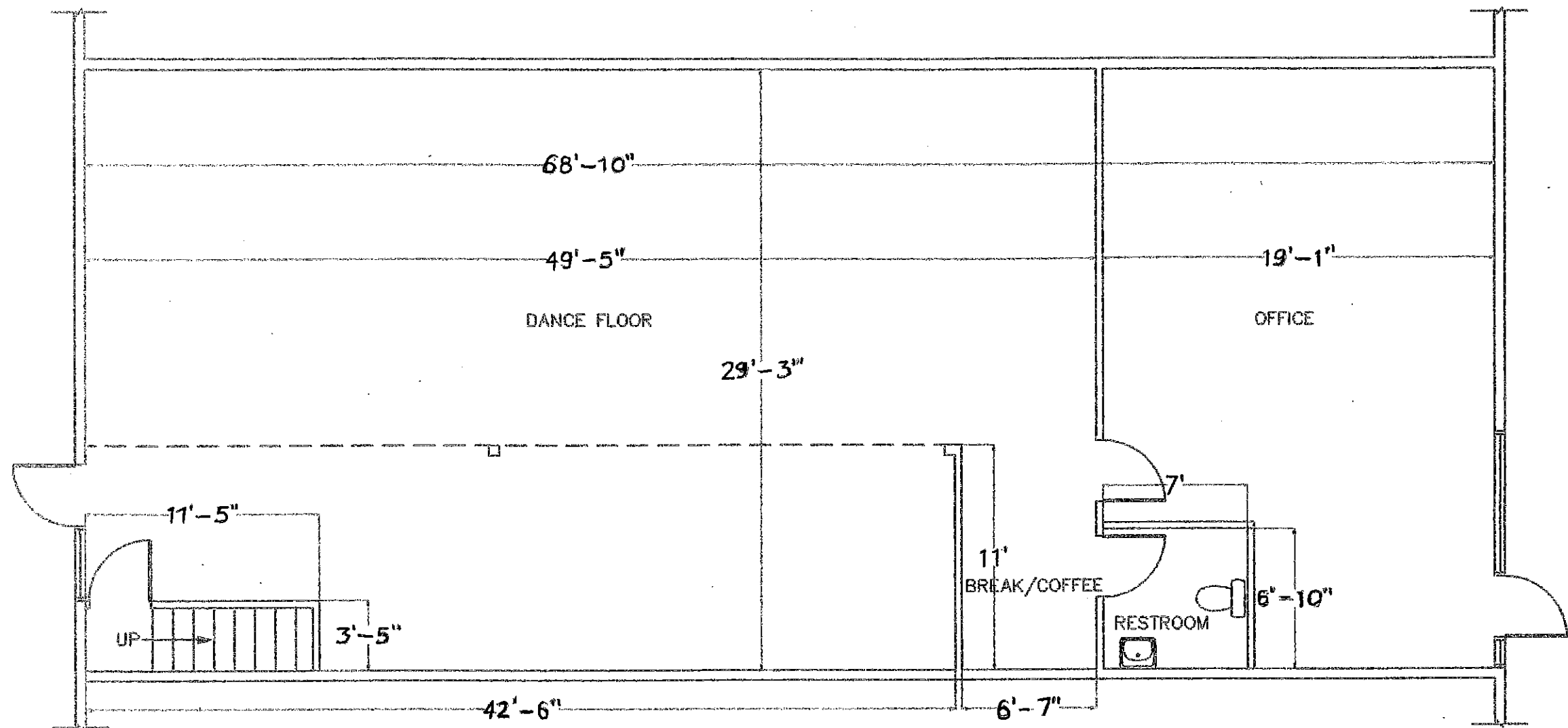
It is further recommended that the Planning Commission adopt a resolution confirming this action.

AVALON SCHULTZ
Associate Planner

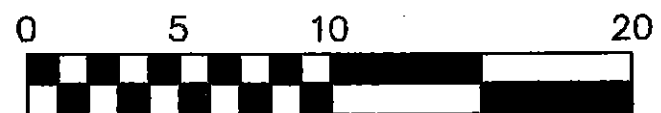
Exhibit A Statement of Use, Project Plans

EXHIBIT A

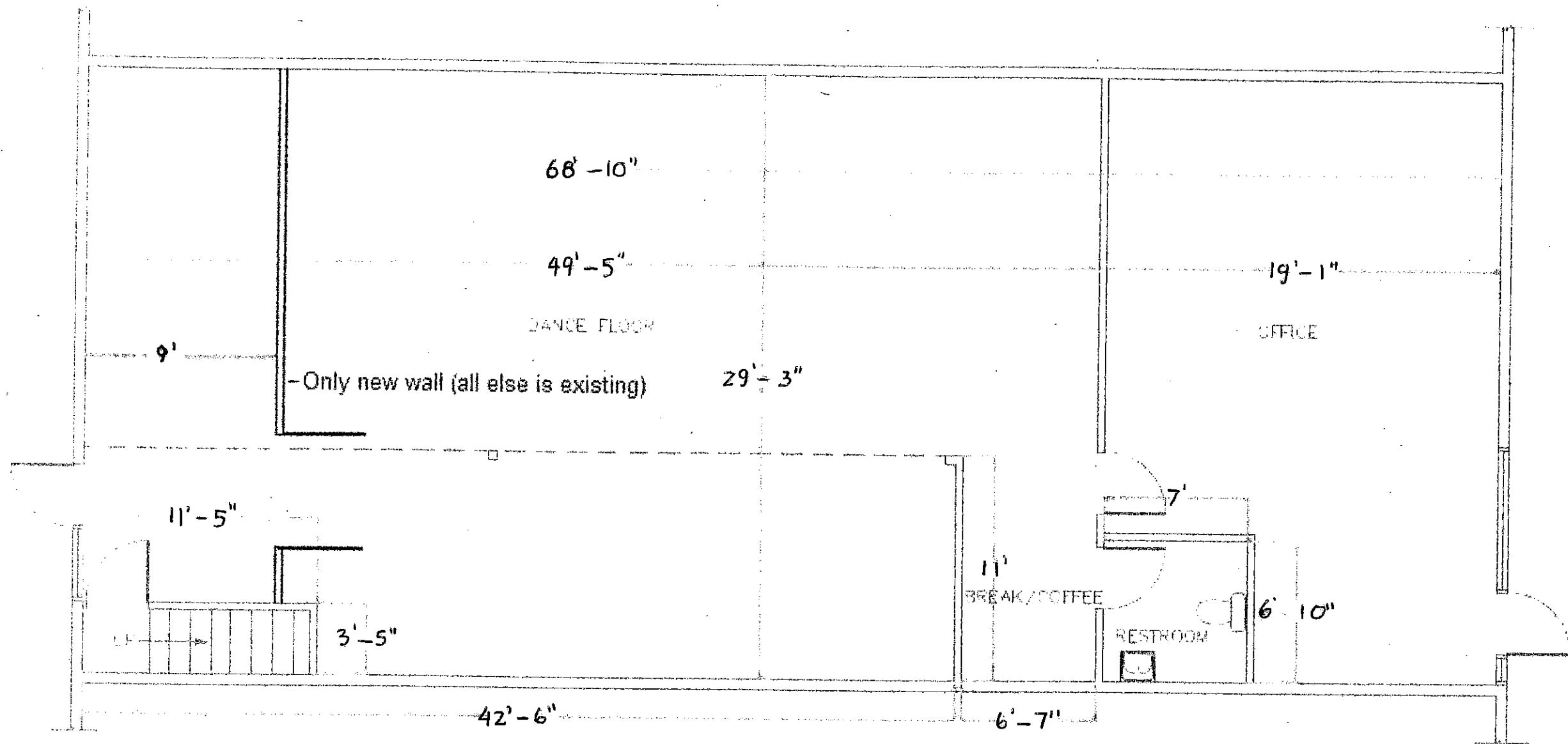
**Statement of Use
Project Plans**



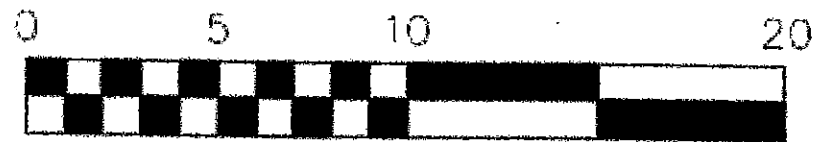
FIRST FLOOR PLAN



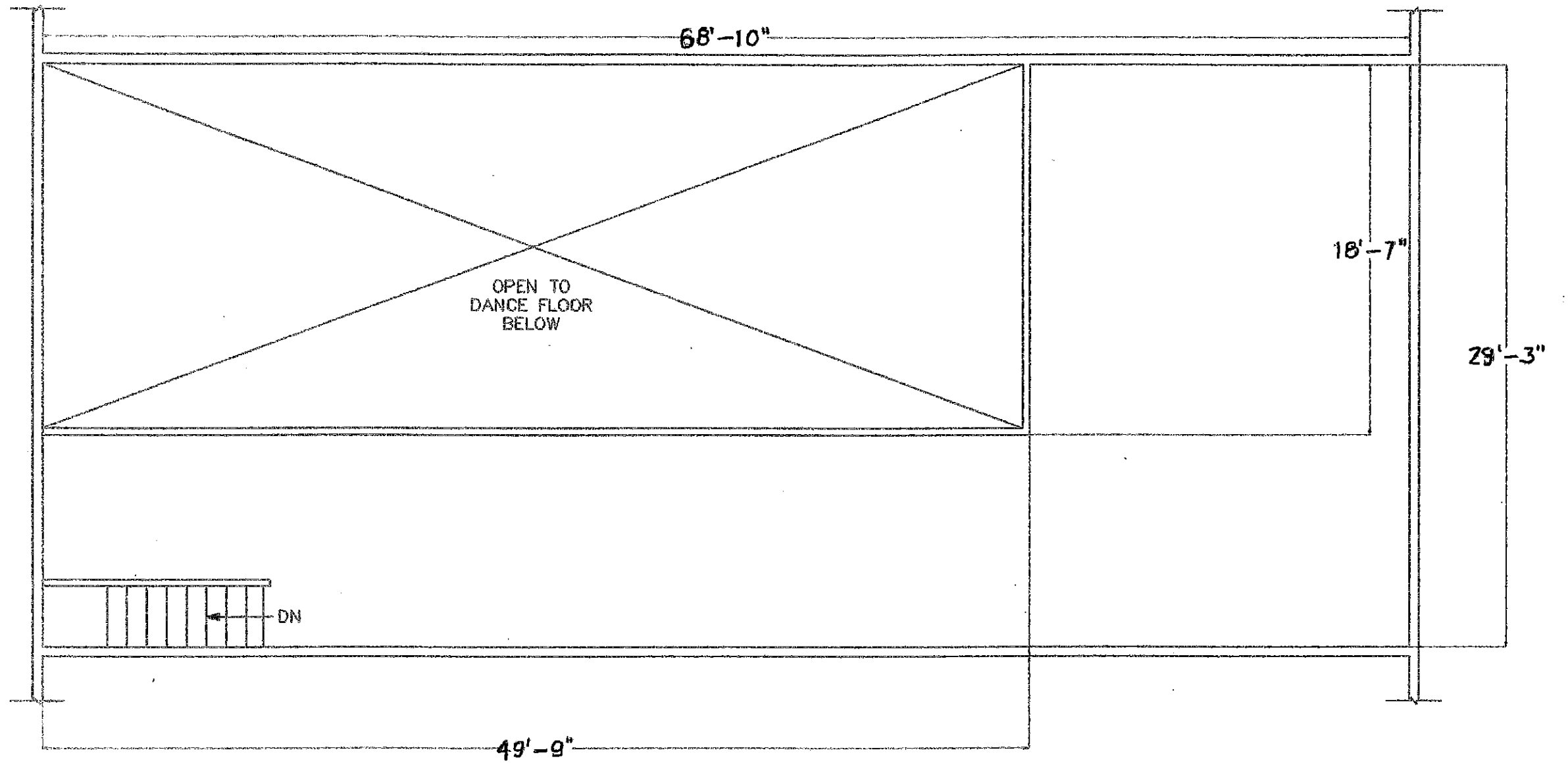
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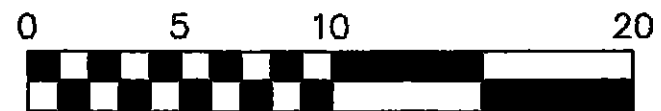
FIRST FLOOR PLAN



SCALE : 1/8" = 1'-0"



MEZZANINE FLOOR PLAN



SCALE : 1/8" = 1'-0"



Agenda Item

DATE: **APRIL 7, 2011**

TO: **PLANNING COMMISSION**

FROM: **JOAN MALLOY, ECONOMIC & COMMUNITY
DEVELOPMENT DIRECTOR**

SUBJECT: **REVIEW OF PLANNING COMMISSION APPLICATION**

The City Council has requested that all of the City commission applications be reviewed and updated, as needed. As part of this effort, staff is requesting that the Planning Commission review and provide comments and suggestions on the Planning Commission application, including the content of the questions. The Commission is not compelled to make changes; this is just an opportunity for review and to recommend modifications, if warranted. Attached is the application for your consideration.

JOAN MALLOY
Economic and Community Development Director

As land values continue to increase, “affordable housing” becomes more and more scarce. What are your thoughts on the City’s responsibility to plan for and provide affordable housing?

What do you feel are some of the factors which go into making a residential neighborhood a “good place to live?”

What role should the economics of the development (City taxes received and the project costs) play in planning decisions?

What types of businesses should Union City seek and why?

In 1996 the voters approved Measure ii enacting very stringent development policies in the hillside area. Pressure is mounting to allow some development in the hills. If Measure ii were proposed for amendment, under what conditions, if any, would you favor relaxing the policies?

Please name five persons you know who live in Union City. Do we have your permission to contact these individuals? Yes _____ No _____

Name

Address

Daytime Telephone Number

1. _____
2. _____
3. _____
4. _____
5. _____

Signature: _____ Date: _____

ONCE APPLICATION HAS BEEN COMPLETED, PRINT AND MAIL TO:
CITY OF UNION CITY
CITY CLERK'S OFFICE
34009 ALVARADO NILES ROAD
UNION CITY CA 94587
FOR MORE INFORMATION, CALL 510-675-5348