

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 7/25/13

FROM: Ken Johnson, Senior Planner, via John A. Swiecki, Community Development Director

SUBJECT: 108 Old County Road; Use Permit UP-3-13; Use Permit for a Commercial Gym/Educational Facility for a Martial Arts Training Facility; Mark A. K. Dee, applicant; United Ng's Limited Partnership, owner; APN 005-212-110

Request: The applicant, Mark A. K. Dee, requests approval of the above referenced Use Permit application for a commercial gym/educational facility for martial arts training. The use would occupy 1,456 square feet (sq ft), including an 866 sq ft training area, a 59 sq ft office and a 531 sq ft equipment storage area. The facility would be located on the second floor at the east end of the Brisbane Village Shopping Center.

The total floor area of the shopping center is approximately 30,672 sq ft +/- (excluding common areas, such as the arcade, elevators, bathrooms, storage, etc.). The proposed use would occupy approximately 3% of the potential shopping center's leasable floor area.

As indicated in the applicant's description, attached, the facility would be used for martial arts training for children and adults. The applicant has proposed that each class would include up to 15 student and 2 instructors. The proposed hours are as follows:

Daily Office Hours: Not currently planned. Management and Instructors are based out of the Teriyaki House and House of Thai restaurants.

Monday – Friday Classes: Kids Development Program (ages 4 to 6) 3:30 to 4:15 pm
Youth Karate Program 4:30 to 5:15 pm
Adult Karate Program 5:30 – 6:30 pm

Potential Additional Classes: Depending on the need, additional classes for adults may be offered from 9 to 10 am, Monday – Friday, and/or 3:30 to 6:30 pm on Saturdays for kids or adults.

Recommendation: Conditionally approve Use Permit UP-3-13 via adoption of Resolution UP-3-13 with Exhibit A containing the findings and conditions of approval.

Environmental Determination: The conversion of up to 10,000 sq. ft. in floor area on sites zoned for commercial use in urbanized areas is categorically exempt from the provisions of the California Environmental Quality Act per Section 15303(c) of the State CEQA Guidelines, if not involving the use of significant amounts of hazardous substances where all necessary public

services and facilities are available and the surrounding area is not environmentally sensitive. The exceptions to this categorical exemption referenced in Section 15300.2 do not apply.

Applicable Code Sections: Commercial Gyms and Educational Facilities are conditionally allowed in the NCRO-1 District, subject to Use Permit approval per Brisbane Municipal Code Section 17.14.030.B & D. The findings required for approval of Use Permits are contained in BMC Section 17.40.060. BMC Section 17.34.010 contains the parking requirements.

Note that granting of a Use Permit is based on descriptions provided by the applicant and by staff analysis. Should circumstances be found to be substantially different, whether in the descriptions, analysis or with future changes in circumstances, the Use Permit is subject to revocation per BMC Chapter 17.48.

Analysis and Findings: There are two required findings for a conditional use permit, per BMC Section 17.40.060, which this application meets. These findings are addressed as follows:

“In considering an application, the planning commission shall consider and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question.”

The use is consistent with the General Plan’s Neighborhood Commercial, Retail, Office land use designation for this area of Central Brisbane, which “...designates a subarea devoted to a range of local and service uses, including shops, restaurants, medical, professional and administrative offices and other uses of the same general character...” The training facility would be considered as being of the same general character as the other specifically listed uses. There is no specific plan for this area of Brisbane.

Policy 12 of the General Plan states, “Establish a mix of land uses that best serves the needs of the community.” This proposal is consistent with the General Plan in that it provides an opportunity for people to have an alternative place of for physical and mental development and fitness, through martial arts. General Plan Policy 97 encourages the development of private sector recreational facilities and services should be located in Brisbane. “so as to encourage a broad spectrum of Brisbane residents and businesses.”

“The planning commission shall determine whether or not the establishment, maintenance or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. If the planning commission finds that the aforementioned conditions will not result from the particular use applied for, it may grant the use permit.”

It is not found that the proposed use would have any detrimental effects; but rather, it would be beneficial for the shopping center as a whole to reduce the existing vacancy rate while providing a use that would be beneficial to the community. It would be beneficial in that it would provide a place to learn karate and for fitness and personal development.

Assuming the recently approved church (use permit UP-1-13) proceeds with their plans and occupies the northern corner of the shopping center the vacancy rate for the Shopping Center will go from 48% to 36% and approval of this use would further reduce the vacancy rate to 33%. The remaining vacant space would be 10,269 sq ft on the ground floor.

The current and anticipated future uses in the shopping center are not anticipated to conflict with the martial arts training gym. As indicated in the applicant's request, their hours would be weekdays from 3:30 to 6:30 pm, with potential additional class offerings in the mornings from 9 to 10 am and/or Saturdays from 3:30 to 6:30 pm if needed based on demand. Whereas, weekday lunch hours are key business hours for the existing uses, primarily restaurants serving local business. Also, the recently approved church uses would be Sundays, to a lesser degree Friday evenings (after 7 pm) and Saturdays. It is anticipated that since the proposed martial arts training use is not during the peak times it will not conflict with parking demands on the shopping center. The proposed use could provide some additional patrons to the existing businesses by contributing to the mix of uses in the shopping center.

The shopping center, excluding the separate parcel of Bank of America, has a total of 126 parking spaces and the proposal is in compliance with the Brisbane Municipal Code for parking. While the City has no specific parking standard for the type of facility proposed, BMC Section 17.34.010 calls for 1 parking space per 4 person capacity for commercial recreation uses. The maximum occupant load for "exercise rooms" provided in the 2010 State Building Code, Table 1004.1.1 is 1 person per 50 sq ft (ie: 17 people for the proposed training room). Applying this would translate to 5 parking spaces. The applicant estimated a parking demand of up to 7 vehicles at any one time and this is taken as a reasonable estimate of the demand for this use.

Parking surveys were taken at various times and days. Added to these surveys of current use is the projected demand for this proposed use, as well as the projections from the recently approved church use. The results show that the demand would be well below the total parking supply for the shopping center. Staff concludes that the use will not adversely impact the parking supply, but rather, given the off-peak times of the karate classes, will help to keep parking demand more evenly distributed throughout the day. The site specific analysis of the parking is provided in Table 1, attached.

The application was submitted to the Public Works, Police, Fire and Building Departments for comments. The Fire Department has requested condition of approval #2 which may require a building permit, to bring the unit into compliance with the current applicable fire codes for conversion of the space to the proposed use.

Attachments:

- Project Description
- Table 1 – Parking Survey/Analysis
- Draft Resolution with Findings and Conditions of Approval
- Site Location Map
- Applicant's Project Description and Plans

Project Description:

108 Old County Road, Conditional Use Permit Application UP-3-13, for a Commercial Gym/Educational Facility for a Martial Arts Training Facility

General Plan:	NCRO Neighborhood Commercial Retail Office Land Use Designation
Zoning:	NCRO-1 Neighborhood Commercial District, Brisbane Village
Lot Area:	89,029 sq ft +/- (2.044 acres)
Floor Area —	
Building total:	45,960 sq ft (includes common areas: arcade, elevators, storage, etc.) 30,672 sq ft for leasable units
Proposed area of use:	A total of 1,456 square feet (sq ft), including an 866 sq ft training area, a 59 sq ft office and a 531 sq ft equipment storage area. The facility would be located on the second floor of the Shopping Center.
Other uses:	Various restaurant, retail and office uses.

Parking -- Primarily Evenings and Weekends

Required:
 For Proposed Use: 58 spaces (1 space per 15 sq ft of the largest meeting hall); See Table 1 for survey/analysis.

Existing: 126 spaces

**Table 1
Parking Survey/Analysis**

Description	Weekday Morning		Weekday Afternoon			Weekday Evening		Saturday		Sunday
	Tuesday - Morning 7/16/13 (a) 9:35 am	126	Wednesday- Lunchtime 5/29/13 (a) 12:40 pm	Tuesday - Afternoon 7/9/13 (a) 3:30 pm	Monday- Afternoon 7/15/13 (a) 3:45 pm	Friday- Evening 5/31/13 (a) 7:30 pm	Saturday - Lunchtime 6/1/13 (a) 12:40 pm	Saturday - Evening 6/1/13 (a) 6:40 pm	Sunday - Evening 6/2/13 (a) 5:20 pm	126
a. Total Existing Parking Spaces		126	126	126	126	126	126	126	126	126
b. Occupied Parking Spaces (survey by staff)		28	80	46	45	38	34	21	13	
c. Vacant Parking Spaces		98	46	80	81	88	92	105	113	
d. Church Projected Parking Demand (Units 120 and 126 only)		2	2	2	2	12	6	10	25 - 30	
e. Martial Arts Projected Parking Demand (Unit 108)		7	0	7	7	0	0	7	0	
f. Total Projected Demand (b + d + f = ___)*		37	82	55	54	50	40	38	38 - 43	
g. Future Projection of Demand at 100% Occupancy**		55	134***	85	85	75	62	52	47 - 52	

Notes:

* "Total Projected Demand" provides an estimate of the parking demand assuming current use plus the recently approved church use and the proposed martial arts use.

** "Future projection at 100% occupancy" is an estimate assuming the same parking demand proportions (floor area vs. spaces used) as current businesses, but with all currently vacant units occupied by tenants. The total floor area of all units is 30,672 sq ft and deducting the church and martial arts portions yields 26,339 sq ft. That portion currently occupied by tenants is 16,070 sq ft.

The Future projection at 100% occupancy was derived as a proportion of occupied business floor area vs. total floor area:

$$(16,070 \text{ sq ft of floor area occupied}) / X = 26,339 \text{ sq ft of total floor area.}$$

$$\text{So that } X = 1,639;$$

Then,

$$(\text{Occupied Spaces}) \times (1,639) + \text{Church Projected Parking Demand} + \text{Martial Arts Projected Parking Demand} = \text{Future Projection of Spaces at 100\% Occupancy}$$

***Note that the projection of 134 spaces exceeds the number of spaces available. However, this projected deficit of parking, assuming 100% occupancy, is based on a current count for the weekday lunchtime use. The martial arts use would not result in any parking demand this time of day and would therefore serve to reduce the parking demand that other potential daytime uses would impose.

Reference: May and June 2013 data were originally compiled for Use Permit File UP-1-13 for 120-126 Old County Road and are included herein since there were no changes in Shopping Center uses since that time.

RESOLUTION UP-1-13

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING USE PERMIT UP-3-13
TO PERMIT A COMMERCIAL GYM / EDUCATIONAL FACILITY
FOR MARTIAL ARTS TRAINING
AT 108 OLD COUNTY ROAD

WHEREAS, Mark A. K. Dee applied to the City of Brisbane for Use Permit approval to use a portion of the existing Brisbane Village Shopping Center as a commercial gym / educational facility for martial arts training, such application being identified as Use Permit UP-3-13; and

WHEREAS, on July 25, 2013, the Planning Commission conducted a public hearing of the application, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said applications, the plans and photographs, the written and oral evidence presented to the Planning Commission in support of and in opposition to the applications; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein as Exhibit A in connection with the Use Permit.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of July 25, 2013, did resolve as follows:

Use Permit UP-3-13 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this twenty-fifth day of July, 2013, by the following vote:

AYES:
NOES:
ABSENT:

Carolyn Parker
Chairperson

ATTEST:

John A. Swiecki, Community Development Director

**DRAFT
EXHIBIT A**

Action Taken: Conditionally approve Use Permit UP-3-13 per the staff memorandum with attachments, via adoption of Resolution UP-3-13.

Findings:

1. The proposed development, subject to the conditions of approval, is consistent with the General Plan and any applicable specific plan, including the General Plan's land use designation for the site and 1994 General Plan Policy 12.
2. The establishment, maintenance and operation of the use applied for, under the circumstances, will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the neighborhood, nor will it be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the City, in that the schedule for the place of worship will be such that it will avoid conflicts with surrounding uses.

Conditions of Approval:

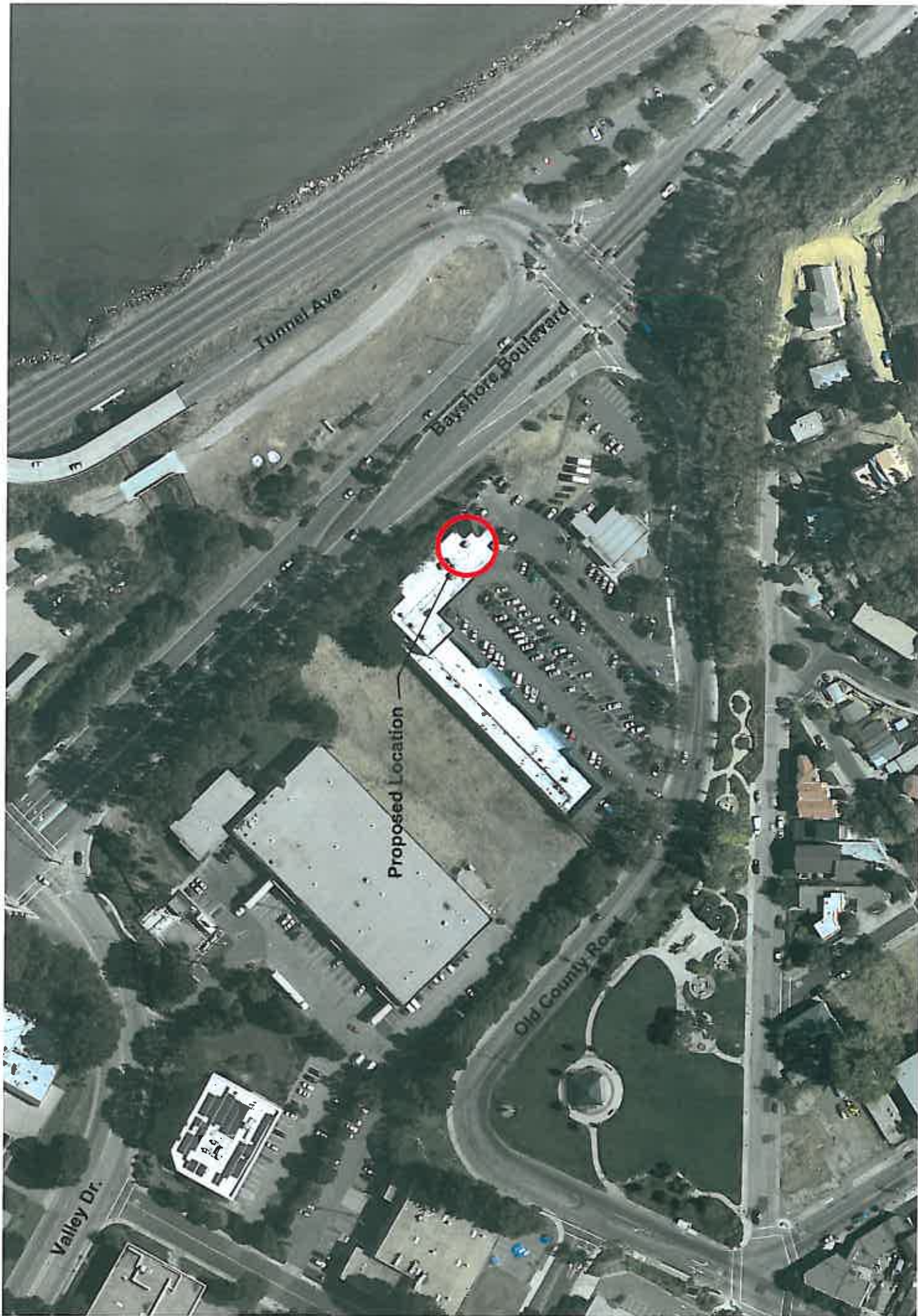
Prior to Occupancy :

1. The applicant shall file for a Business License through the Finance Department.
2. Prior to occupancy, the applicant shall obtain a building permit to bring the facility into compliance with current applicable building and fire codes for the proposed type of use. The City may waive this requirement upon further review by the Building Dept. and Fire Dept. regarding the type of use, number of occupants and exiting.
3. As proposed by the applicant, rubber tatami mats shall be placed on the floor in training room for the safety of the participants and to reduce the potential for vibration/noise impacts to the ground floor unit below.

Ongoing:

4. Martial arts training classes shall be limited to the hours from 9 am to 10 am and 3:30 pm to 6:30 pm, Monday through Saturday. Minor changes in schedule may be approved by the Planning Director, upon written request, or may be referred by the Director to the Planning Commission.
5. Expansion to other areas of the shopping center shall be subject to re-application for a use permit and approval by the Planning Commission.
6. No signage is approved as part of this permit. Signage shall be subject to separate permit in accordance with the Brisbane Village Sign Program.

7. Minor modifications to this Use Permit may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
8. The use permit may be revoked subject to BMC Chapter 17.48.
9. The Use Permit shall expire two years from its effective date (at the end of the appeal period) if a building permit has not yet been issued for the approved project and construction commenced per Brisbane Municipal Code Section 17.42.060(a), or if upon further review, the condition requiring a Building Permit has been waived by the City, it shall expire two years from the effective date if the applicant has not obtained a Business License and occupied the unit with the proposed use.



108 Old County Road
Brisbane, CA

G.1.9



G.1.10

Brisbane Martial Arts Development

TO: City of Brisbane

Date: 20 Jun 2013

FROM: Mark A. K. Dee, MSgt, Retired USAF (Combat Medic)
Joe Moreno, SSgt, Retired US Army (3rd Degree Kenpo)
Mike A. Dee, Kenpo Assistant Instructor

SUBJECT: Request for New Business License (Martial Arts Training Provider)

This letter is to request approval for business license/use permit to conduct Martial Arts Training at 108 Old County Road, Brisbane CA. 94005.

- (A) Our goal is to instill positive personal character development, focusing in discipline by providing physical and mental conditioning using martial arts. Our primary target market is the 19.5% of Brisbane population that are the age of 4 ½ to 19 years old. We will also provide one training session to accommodate adults, each session is specially designed for each age group. Each class will consist of 12-15 students lasting 45-60 minutes per session (see schedule).
- (B) The location is located at the Brisbane shopping center suite 108 second floor. The location has three space or rooms available to conduct training classes. Included is the main floor space, separate office, separate equipment storage area, and has two exits available (see floor plan). An 800 square feet ½ inched thick martial arts floor tile matts will be in-placed on the main training area (see floor matt sample).
- (C) Restrooms are also available in the main hallway inside and outside of the building. All rooms have a sprinkler system installed and a fire extinguisher is also available at the main hallway inside the building. The building facility has substantial parking available for 120 vehicles. Training sessions starts at 3:30PM, 4:30PM, 5:30PM each 60 minutes long; schedule coincides with the least peak times for parking usage. This is an after

school program and the common practice by parents are to drop off their kids and do other errands.

(D) We have conducted surveys during the Brisbane farmer's market event and from the local Brisbane schools; to see if the community will support our business initiative and if we can provide a positive influence to the youths and adults here in Brisbane (see surveys).

(E) We are also committed in supporting the schools here in Brisbane and their after school programs; that we will be donating \$5.00/month for each student enrolled in our program. Students must be from Lipan Middle School or Brisbane Elementary School to receive this school donation.

Please approve our request, as we see ourselves as a positive influence to the Brisbane community and as a registered veteran owned business.

Sincerely,



Mark A. K. Dee, CEO
Brisbane Martial Arts Development
(415) 722-6367

MARK.DEE@MARTIALARTSDEV.COM

Also Owner of:
Brisbane Teriyaki House & House of Thai
Brisbane Magellan Solutions USA

G. 1. 12

Brisbane Martial Arts Development
Class Kenpo Schedule
(Mon-Fri)

Kids Development Program 3:30pm - 4:15pm

Ages 4-6 with evaluation

This Karate program is pre-school teaching of basic life skills development, such as focus, teamwork, balance, physical fitness, stranger awareness, and more.

Youth karate program 4:30 – 5:15

This program teaches basic self-defense and preparation for our Students to become role models amongst their peers.

Adult Karate Program 5:30 – 6:30

This program teaches self-defense techniques with physical and mental training helping adults to become healthier in there life styles.

From: mark.dee@martialartsdev.com
Sent: Tuesday, July 09, 2013 1:27 PM
To: Johnson, Kenneth
Subject: RE: Martial Arts Use Permit Application

Hi Ken,

We would probably add more class to accommodate adults, looking at one early morning class at 9AM-10AM Mon-Fri and adding Saturdays normal PM times 3:30PM-6:30PM for make up/missed class for the kids and adults. This growth plan will depend on the participation and attendance of the local community. Our plan is to stick with <15 students per class due to the limited main floor size and having a good ratio of students against one senior instructor and assistant instructor would be our standard ratio 1:7. Our office hours and admin time will be done before the first class at 3:30PM, looking at 2PM-3PM with one instructor doing this duty. In regards to the parking, based on the number of students which <15 per class; will just assumed that 50% of them/parents will stay and park their cars and wait for the class to end. So, were looking at 7 cars rotating for parking every hour starting at 3:30-7:30, the rest of the students will be carpooling, walking, or drop-off. The 2 instructors we have actually work part time at Teriyaki House and House of Thai restaurants both of them has already been accounted for parking usage for the restaurants. We also made sure that our schedule does not affect the lunch parking peak times usage of the shopping center (we have no classes from 10AM-3:30PM) and the same time our afternoon schedule will help promote more business activities 3:30PM-6:30PM, which is the least peak time business activity for the shopping center. I hope I answered all your questions, let me know if you need any other information. Thank you!

Sincerely,

Mark A. K. Dee
CEO, MAD Inc.
100 Old County Road, Ste. H
Brisbane, CA 94005
(415) 722-6367

-----Original Message-----

From: "Johnson, Kenneth" <kjohnson@ci.brisbane.ca.us>
Sent: Tuesday, July 9, 2013 1:15pm
To: "mark.dee@martialartsdev.com" <mark.dee@martialartsdev.com>
Subject: Martial Arts Use Permit Application

Hi Mark,

I just had a few questions at this point in time.

I understand from your description that the hours of instruction will be from 3:30 to 6:30 pm. Do you anticipate adding classes later if the program grows and if so when do you think you might add them? Or would you add to the size of the class, beyond 15 students?

Will you have office hours at this facility outside the instruction times? If so, what hours and how many people?

I understand that you anticipate most parents will drop off their kids. Do you have an estimate of the parking demand, both peak (during drop off/pick up times) and during the classes? I would imagine you will have instructors parked and maybe some parents stay and then the rest are in and out. Do some parents tend to carpool the kids from school?

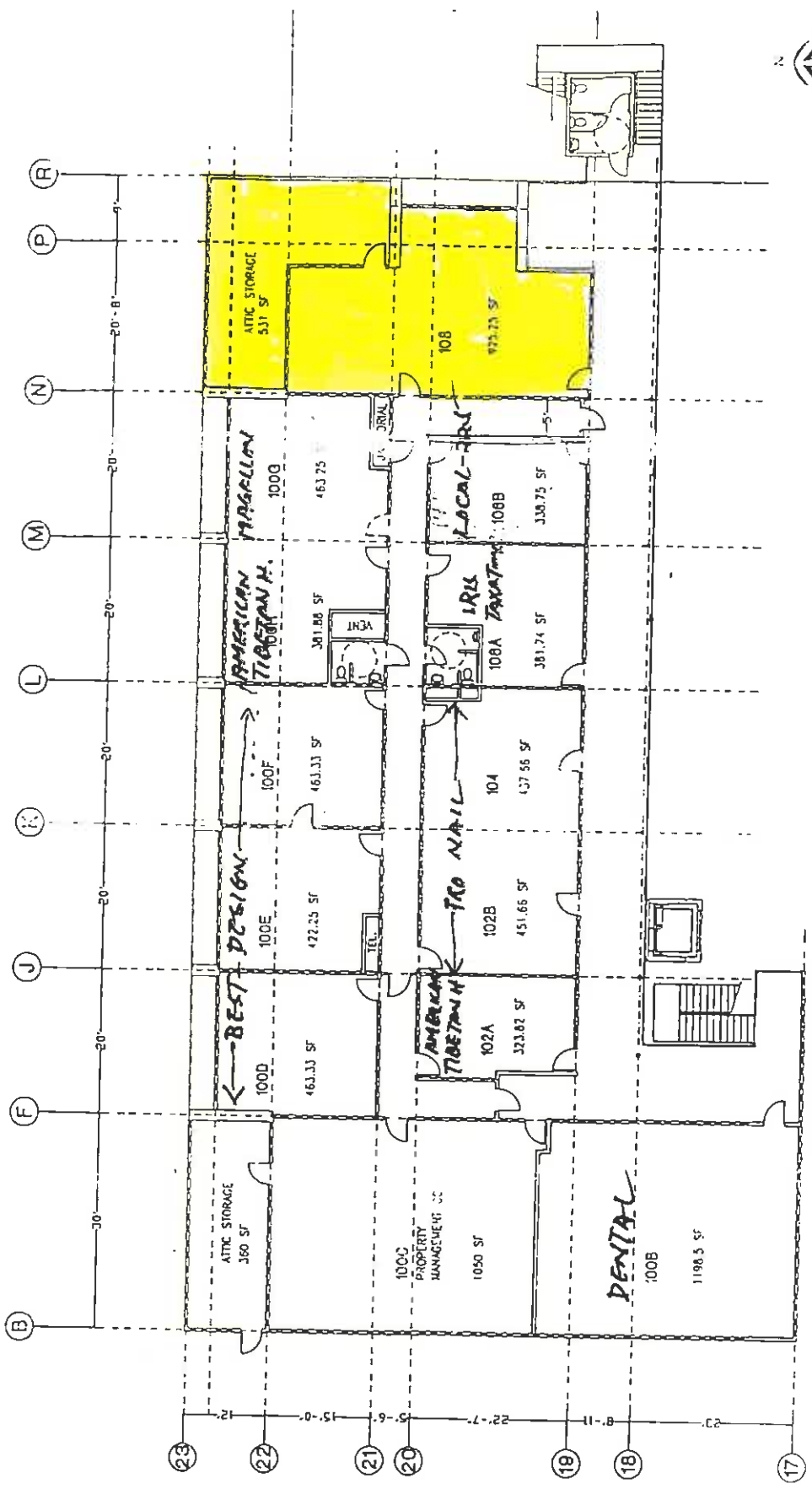
Thanks.

Ken Johnson
Senior Planner

7/9/2013

G. L. 14

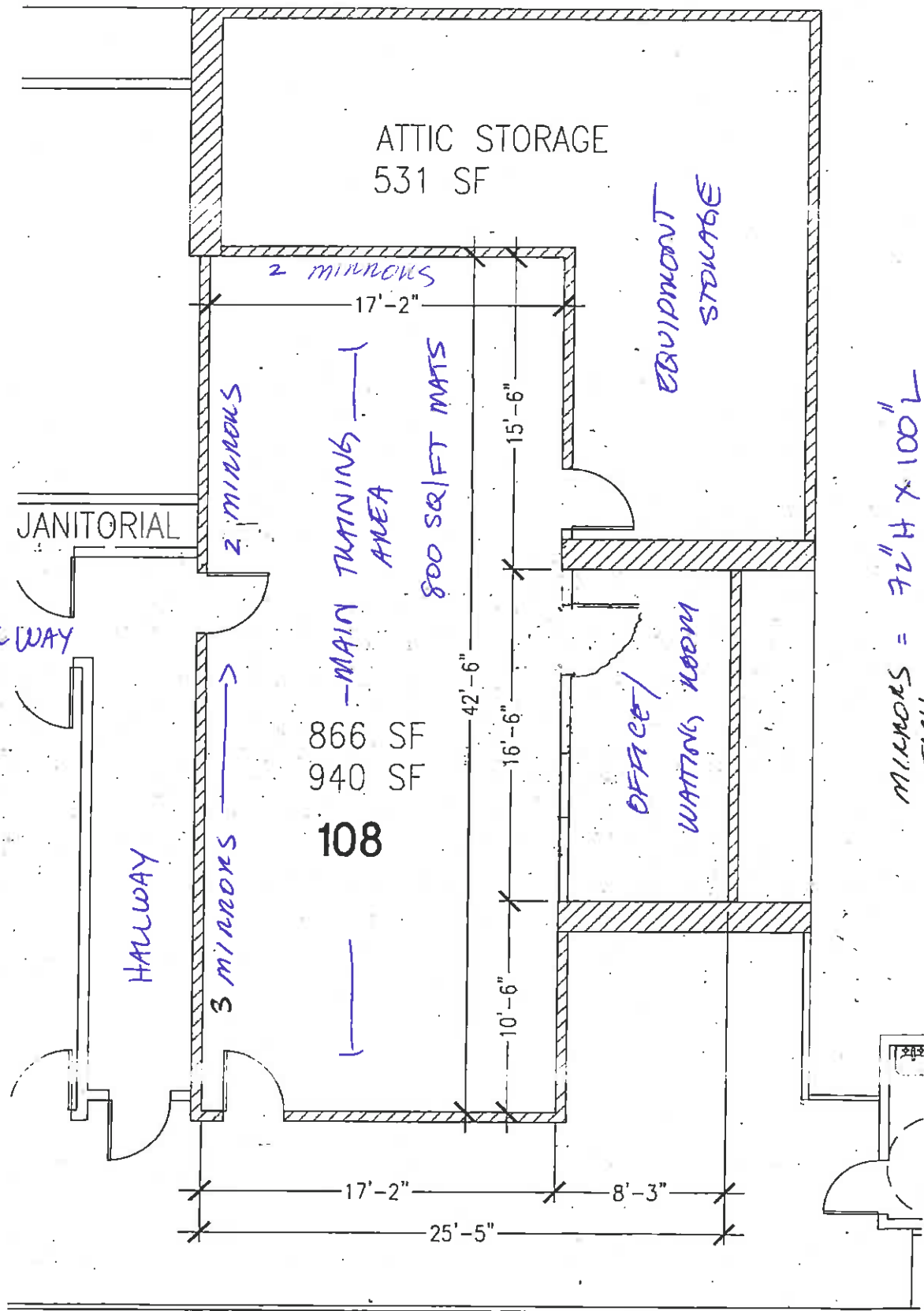
BRISBANE VILLAGE SHOPPING CENTER



SECOND FLOOR RETAIL/ OFFICE LAYOUT

G.1.15

Site Plan - 108 Old County Rd.



MIRRORS = 72" H x 100" L
EACH
PER CUT 6 FEET
8.3 FEET

G.1.16

Kenpo School In Brisbane

Survey Report

Number of surveys responded to: 44

How important is self defense for yourself or for your family?

1	2	3	4	5
0	0	1	3	40

How important is an after school program for you and your family?

1	2	3	4	5
0	0	0	0	44

How important is an early morning program for you and your family?

1	2	3	4	5
0	4	29	3	8

Are any of your family members taking martial arts? Or have they in the past?

YES	NO
11	33

If enrolling children, how interested would you be in taking self defense classes for yourself?

1	2	3	4	5
3	14	21	2	4

How interested would you be in a karate school that supported its city's schools

Interested	Not interested
44	0

If a kenpo school opened in brisbane, would you be interested in finding out more information?

Interested	Not interested
44	0

Kenpo Karate in Brisbane.

Name	#of kids	Resident y/n:	Phone*	E-mail*	Answers
IRJA TANNLUND	2			IRJAELISA@GMAIL	
KELLY McGUINNESS	2			K9KFM@YAHOO	
LADONA SPANELL	1				
JESSICA HANHAN	2			MDT1024@GMAIL	
MIKE MA	1				
Shirley Waterkamp	1			She2@AOL.COM	
STEFANNY LUKEZIC	2			SADL721@GMAIL.COM	
Rachel Ennis	3			rhenais1999@yahoo.com	
KY CALDWELL	1			KyrusCaldwell@yahoo.com	
(NO NAME)	—			NO EMAIL	YES.
DARRYL WESLEY	4			D.WES415 YAHOO	
Ramona Burke	2			monapatburke@sbclglobal.net	
JULIO GARCIA	1			YEILLI@YAHOO	
BARB BOUCHARD	1			Darbrahouchard@gmail.com	
Sherry Harrington	2			euphorica@prodigy.net	
EVA REDPATH	1			EVA REDPATH@GMAIL	
VINCE BRANNAN	2			NO EM	YES 1408 627-5369
ben Oh	0			benyoh@yahoo.com	
MIKE PARYO	1				YES
Fatima Gonzalez				fatima.94gon@gmail.com	
BEN SUNGA	2				YES
Jaime Padilla	1			jaimepadilla2004@yahoo.com	
Arlene Iugo	3			alugo@pyramid.org	
LORI LIU	2			LORILIU3@YAHOO	
Wei Chen	2			weichen221@gmail.com	
Somer Aburish				moonopal@prodigy.net	
TRACY DUNBAR				MIMZ12@GMAIL	
Regina Sid	2			reginas10@gmail.com	
Nathan Iran	2			Nathan.Pearson@yahoo	
Ariano Miguel	2			Soccer love@yahoo	
Ciclo Recosina	2			e-ermano@gmail.com	
Jece Himaniban				jece.himaniban@gmail.com	
Monica Ly	2			monibhs@gmail.com	
Elizabeth Pons				segura292@gmail.com	
CRISKY MESTRILE	3		(650) 867-2799		
RANDY VO	2				
RON COLLERS	3			RONC@GMAIL	
NAT VALDEZ	3			NATILEV@YAHOO	
JASOD QUE	1			JQUE@YAHOO	
ANDREW WONG	0			ANDWONG@GMAIL	
PARESH PATEL	(2)		1650-255-1542		
MIKE	2		(415) 940-2730		
Alex	0		(415) 867-0875		21
JESSICA JAJEH	2			joyjajeh@yahoo.com	453

SCALES OF 1-5 for answers
 1 How important is it for you to attend?
 2 How important is it for your family?
 3 How important is it as an evening activity for your family?
 4 How important is it as a social activity for your family?
 5 If a Kenpo Karate School opened how interested would you be to find out more?

Wesley

G.1.18