

STAFF REPORT

SAUSALITO PLANNING COMMISSION

PROJECT: Integrated Fitness & Martial Arts/1907 Bridgeway
Conditional Use Permit
CUP 09-109

MEETING DATE: September 2, 2009

PROPERTY OWNERS: Ken Niles and Jerry Needleman

APPLICANTS: Kris and Lyle Christie

STAFF: Alison Thornberry, Assistant Planner 

REQUEST

The applicant, Kris and Lyle Christie requests Planning Commission approval of a Conditional Use Permit to convert a portion of an existing commercial retail building at 1907 Bridgeway (APN 064-141-05) into the Integrated Fitness & Martial Arts school.

REGULATORY FRAMEWORK

General Plan: Neighborhood Commercial

Zoning: Neighborhood Commercial (CN) District

Required Approval: Conditional Use Permit (per Zoning Ordinance Section 10.24.030)

EXISTING SETTING

Subject Parcel:

The property is located on the west side of Bridgeway at its intersection with Easterby Street. The subject parcel is 12,000 square feet in area and contains one commercial structure. The 5,120-square foot structure currently contains 7-Eleven (1901 Bridgeway), Coin Laundry / Village Cleaners (1905 Bridgeway), and a vacant unit (1907 Bridgeway). The proposed project would convert approximately 1,243 square feet of tenant space in the northern portion of the building into a martial arts school.

ENVIRONMENTAL REVIEW

The subject application is Categorically Exempt from the California Environmental Quality Act (CEQA), in accordance with Section 15303(e) of the CEQA Guidelines. The project is a conversion of a small structure.

PROJECT HISTORY AND BACKGROUND

The project site was approved in 1966 for a 5,000 square feet commercial building with three tenant spaces. The original uses located in the building consisted of the 7-11 Food Store, a Launderette, and Orchid Dry Cleaners. Throughout time many commercial tenants ranging from beauty salons to dry cleaners have been located within the neighborhood commercially zoned building. The previous tenant of the subject tenant space was a beauty salon (leased for five years). The space has been vacant for approximately two years since the beauty salon ceased its operation. The project site was the location for the proposed Subway restaurant that was denied by the Planning Commission in January of 2009.

PROJECT DESCRIPTION
Structures and Land Use

On July 15, 2009, the applicants, Kris and Lyle Christie, submitted an application for a Conditional Use Permit to allow a fitness and martial arts school within the CN Zoning District. The applicants have been teaching martial arts in Marin County since 1997 and have operated a martial arts school at 3001 Bridgeway for a number of years. The company has a core group of 75 active members in the club at this time. Since 2005 the applicants saw a growing community need and have began adding more children’s classes to the program, and have established an age appropriate kid’s karate program. The applicants have worked with the Sausalito Parks and Recreation Department teaching classes and created a growing community of children in town and have drawn in children from surrounding areas.

The applicants would offer private and semi-private fitness and martial arts training in the late mornings between 9:00 AM and 11:00 AM and in the afternoons between 3:00 PM and 5:00 PM. The classes occur between 5:00 PM and 9:00 PM Monday through Thursday. Saturday’s classes are offered between 9:30 AM and 12:30 PM and Sundays offered from 12:00PM to 1:30PM. Additionally the facility would be open between the hours of 4:00 PM and 9:00 PM during the week for a small number of clients.

Currently there are 11 parking spaces at the shopping center located at 1907 Bridgeway. When the existing commercial center was approved in 1966 the parking was non-conforming at the time it was built, and was designated as such; seven spaces for 7-11, four spaces for a Launderette, and four spaces for Orchid Dry Cleaners. The parking is still legal non-conforming for the previous and existing uses in the center, per Zoning Ordinance Section 10.40.110.5 (Existing Structures and Uses);

“No part of this section shall be construed as requiring additional off-street parking for authorized structures and uses legally existing at the time of the effective date of the title. Where any or all required off-street parking is not provided for such a use, that use may be replaced by a use requiring the same or less off-street parking.”

Staff has determined, since the proposed martial arts school requires the same amount of parking spaces (four) as the original tenant, Orchid Dry Cleaner, then no additional parking is required for the site by the applicant.

Project Summary Table

	Existing	Required	Proposed	Compliance
Land Use:	Vacant tenant space	Martial arts school requires CUP ¹	Fitness and martial arts school	Yes, with approval of a CUP.
Parking:	11 off-street spaces including one ADA compliant parking space.	Martial Arts School required spaces (1 space per 300sq.ft. of floor area)	No Change	Yes, The proposed project requires 4 parking spaces.

Design and Materials

The applicant is currently not proposing any exterior modifications to the shopping center. A Sign Permit is required to be obtained prior to installation of store front signage.

ANALYSIS

General Plan Consistency

To approve the proposed project the Planning Commission must determine that the project is consistent with all applicable General Plan policies. Staff has identified the following and policy as most relevant to the proposed project:

Policy LU-2.13 Neighborhood Commercial Uses. Promote only those uses that will increase the diversity and economic viability of local neighborhood commercial areas that serve immediate neighborhoods.

The proposed fitness and martial arts school would be compatible with and appropriately located within existing commercial uses in the Commercial Neighborhood District in the Spring Street Valley Planning Area. The subject parcel is located on Bridgeway is close to mass transit, pedestrian and bicycle corridors. The Integrated Fitness and Martial Arts school is already an advocate for community and neighborhood involvement, and have worked with the community and continue to do so in their new location.

Zoning

The project is located in the CN Zoning District, which is intended to provide local-serving retail and service businesses in a location and manner that serves nearby commercial and residential areas as well as one-stop convenience services in the three distinct neighborhood commercial centers. Martial arts schools require a Conditional Use Permit as specified in Zoning Ordinance Section 10.24 and Table 10.24-1.

Conditional Use Permit

In order to approve a conditional use permit, the Planning Commission must determine whether the proposed project is in conformance with the findings listed in Section 10.60.050 of the Zoning Ordinance. Staff finds that the fitness and martial arts school is an appropriate use for a tenant space in this commercial building that was designed for small-scale strip commercial uses. Staff also determines that the purpose of the Neighborhood Commercial District is to "provide for local-serving retail and service business in a location and manner that serve nearby commercial and residential areas" and, "provide one-stop convenience services in the three distinct neighborhood commercial centers" (Zoning Ordinance Section 10.24.020). In the case of the proposed use, the martial arts school would be an institution to keep Sausalito's children in town and allow the center to continue a program in martial arts and fitness to be a valuable resource for active Sausalito community members.

The Conditional Use Permit is for 1,290 square feet of use for a martial arts school. To give the applicants flexibility in their size of operation, a Condition of Approval has been provided, stating that any expansion of the use or square footage maybe authorized by the Zoning Administrator. The Zoning Administrator is authorized to approve amendments of Conditional Use Permits that do not alter the general intent of the original approval granted by the Planning Commission, per Zoning Ordinance Section 10.80.040.3.

Staff concludes that all Conditional Use Permit Findings listed in 10.60.050 can be made as listed in Attachment 1 of the attached Resolution.

PUBLIC NOTICE AND COMMENT

Notice: At least 10 days prior to the hearing date, notice of this proposal was posted and was mailed to all residents and property owners within 300 feet of the subject parcel.

Comment: No comments have been received on the project as of August 28, 2009.

RECOMMENDATION

Staff recommends the Planning Commission approve the attached draft resolution (**Exhibit B**) which approves a Conditional Use Permit (CUP 09-109) to convert a portion of an existing commercial retail building at 1907 Bridgeway into the Integrated Fitness & Martial Arts school.

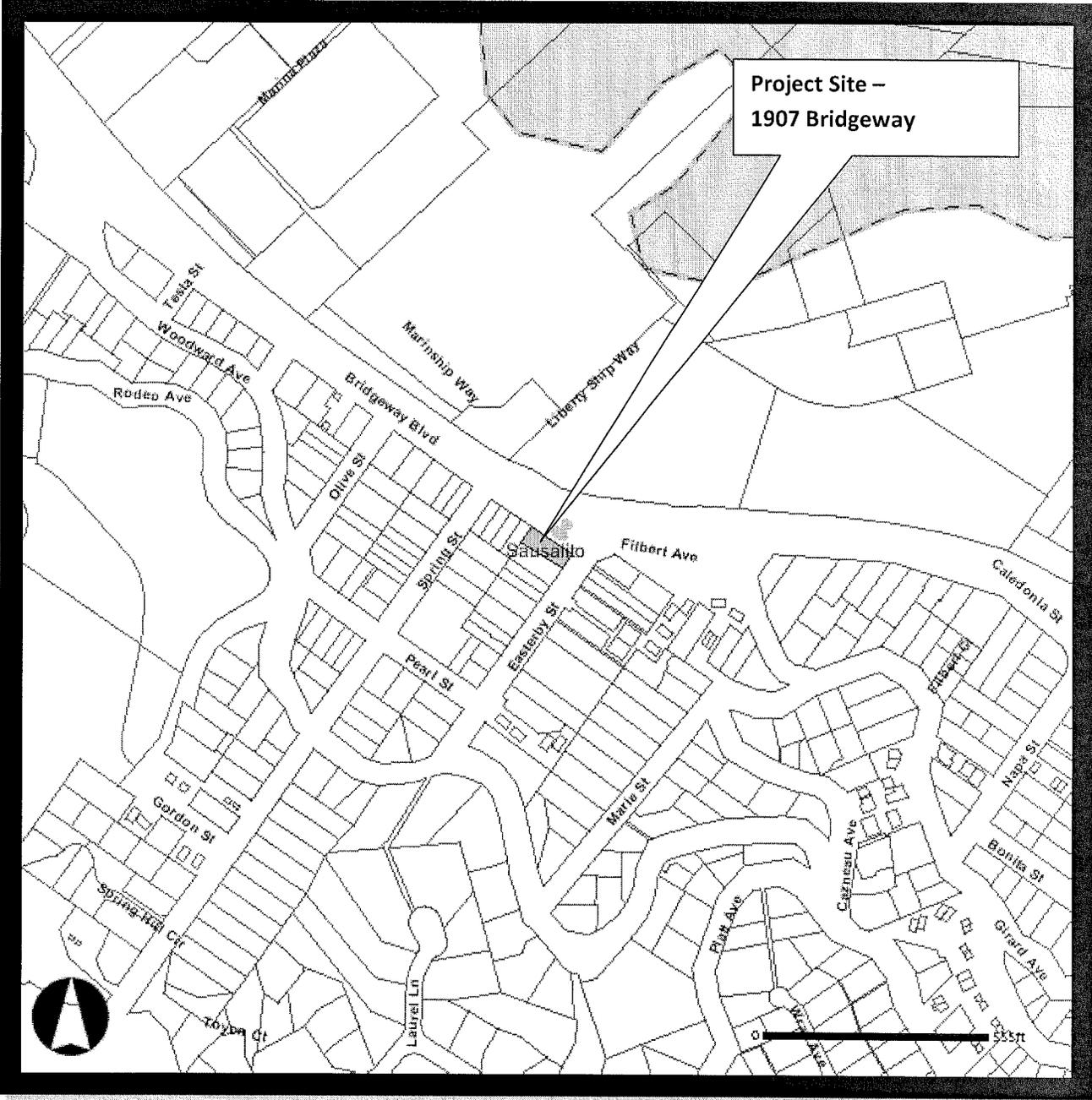
Alternatively, the Planning Commission may:

- Approve the Conditional Use Permit with modifications;
- Continue the hearing for additional information and/or project revisions; or
- Deny the Conditional Use Permit and direct Staff to return with a Resolution of Denial.

EXHIBITS

- A. Vicinity Map
- B. Draft Resolution

Vicinity Map



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**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2009-XX**

**APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A
MARTIAL ARTS SCHOOL IN AN EXISTING COMMERCIAL
TENANT SPACE LOCATED AT 1907 BRIDGEWAY
(CUP 09-109)**

WHEREAS, an application has been filed by the applicant, Kris and Lyle Christie, on behalf of property owners, Ken Niles and Jerry Needleman represented by Gail Johnson, requesting Planning Commission approval of a Conditional Use Permit to convert a portion of an existing commercial retail use at 1907 Bridgeway into a fitness and martial arts school in the structure located at 1907 Bridgeway (APN 065-141-05); and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on September 2, 2009 at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 (a); and

WHEREAS, the Planning Commission has reviewed and considered the project information titled "Integrated Fitness & Martial Arts, 1907 Bridgeway" date stamped received July 15, 2009; and

WHEREAS, the Planning Commission has received and considered oral and written testimony on the subject application and obtained evidence from site visits; and

WHEREAS, the Planning Commission has reviewed and considered the information contained in the September 2, 2009 staff report for the proposed project; and

WHEREAS, the Planning Commission finds that, as conditioned herein, the proposed project complies with the requirements of the General Plan and Zoning Ordinance as described in the staff report; and

NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVE AS FOLLOWS:

Conditional Use Permit to convert a portion of an existing commercial retail use at 1907 Bridgeway into a fitness and martial arts school known as "Integrated Fitness & Martial Arts" is approved based upon the findings provided in Attachment 1, and subject to the conditions of approval provided in Attachment 2.

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Planning Commission on the ___ day of _____ 2009, by the following vote:

AYES: Commissioner:
NOES: Commissioner:
ABSENT: Commissioner:
ABSTAIN: Commissioner:

JEREMY GRAVES, AICP
SECRETARY TO THE PLANNING COMMISSION

Attachments:

1. Findings
2. Conditions of Approval

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PLANNING COMMISSION RESOLUTION
September 2, 2009
CUP 09-109
INTEGRATED FITNESS & MARTIAL ARTS/1907 BRIDGEWAY

ATTACHMENT 1: FINDINGS
FINDINGS FOR APPROVAL OF A CONDITIONAL USE PERMIT

CONDITIONAL USE PERMIT FINDINGS

Pursuant to Sausalito Municipal Code Section 10.60 (Conditional Use Permits), the Planning Commission finds:

- A. The proposed use is allowed with issuance of a Conditional Use Permit, pursuant to Chapters 10.20 through 10.28 (Zoning District Regulations), or Section 10.60.050 (Conditional Uses), Chapter 10.44 (Specific Use Requirements) or any other applicable section of this Title 10.

Fitness centers and martial arts schools are permitted in the Neighborhood Commercial (CN) Zoning District with approval of a Conditional Use Permit by the Planning Commission (Zoning Ordinance Section 10.24.030).

- B. The proposed use is consistent with the General Plan, the purposes of the Zoning Ordinance, and the purposes of the applicable zoning district.

The fitness and martial arts school is consistent with General Plan policies to enhance the economic diversity of the neighborhood commercial areas and locate residential serving retail there (Sausalito General Plan Policy LU-2.13).

- C. The proposed use, together with the applicable conditions, will not be detrimental to the public health, safety, or general welfare of the City

The use will operate in a location suitable for this type of low-impact use and will not adversely impact the public health, safety, and welfare of the City. The martial arts school will be located in a vacant tenant space. The use would not create excessive impacts in terms of parking and number of visitors.

- D. The proposed use complies with all of the applicable provisions of the Zoning Ordinance.

With approval of the Conditional Use Permit, the use will comply with all applicable provisions of the Zoning Ordinance for the Neighborhood Commercial District (Section 10.24.030).

- E. The proposed use or facility is properly located relative to the community as a whole and to land uses and transportation and service facilities in the vicinity.

The fitness and martial arts school is an appropriate use for a tenant space in this commercial building that was designed for small-scale strip commercial uses.

- F. The size and shape of the subject property is adequate to provide features needed to ensure reasonable compatibility with land uses normally permitted in the surrounding area. Features may include but not be limited to yards, open spaces, walls and fences, parking, loading, landscaping, and such features as may be required by this Title or the Commission.

The addition of the this use will not alter the open spaces, footprint, parking, or landscaping of the site, which is currently adequately designed to provide features necessary to ensure compatibility with normally permitted land uses in the surrounding area.

- G. Public utilities and facilities are or will be adequate to serve the proposed use, including streets and highways paved (and of adequate width) for the quantity and type of traffic it will generate.

All public utilities and facilities are adequate for the use. The use will not generate additional traffic impacts to Bridgeway, as the use is small in scale with club members coming at different hours and days for private and semi-private training classes.

- H. The proposed use will not materially adversely affect nearby properties or their permitted uses.

The purpose of the Neighborhood Commercial District is to “provide for local-serving retail and service business in a location and manner that serve nearby commercial and residential areas” and, “provide one-stop convenience services in the three distinct neighborhood commercial centers” (Zoning Ordinance Section 10.24.020). In the case of the proposed use, the martial arts school would be an institution to keep Sausalito’s children in town and allow the school to continue a program in martial arts and fitness to be a valuable resource for active Sausalito community members.

- I. Findings required by Chapter 10.44 (Specific Use Requirements) for the approval of specific uses are made.

No specific use findings are required for the proposed restaurant use under (10.44.210 or 10.44.220).

PLANNING COMMISSION RESOLUTION
September 2, 2009
CUP 09-109
INTEGRATED FITNESS & MARTIAL ARTS/1907 BRIDGEWAY

ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions apply to the project submittal prepared by Kris and Lyle Christie and entitled "Integrated Fitness & Martial Arts, 1907 Bridgeway" and date-stamped received on July 15, 2009.

General Conditions

1. Upon building permit submittal the Conditions of Approval shall be shown on all construction drawings.
2. Upon building permit submittal the applicant shall provide a written response demonstrating compliance with each Condition of Approval.
3. No alternative or unrelated construction, site improvements, tree removal and/or alteration, exterior alterations, interior alterations, and/or renovations not specified in the project plans, may be performed on the project site. In such cases, this approval shall be rendered null and void unless approved by the Community Development Department as a modification to this approval.
4. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided by law, this approval shall be suspended pending dismissal or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.
5. The applicant shall indemnify the City for any and all costs, including without limitation attorneys' fees, in defending this project or any portion of this project and shall reimburse the City for any costs incurred by the City's defense of the approval of the project.
6. The Community Development Department is authorized to administratively approve minor modifications to the approved plans. Major design modifications to the approved project will require further review and approval by the Planning Commission.
7. This approval does not authorize the installation of any signage or exterior lighting. A request for approval for lighting and signage shall be forwarded to the Community Development Department if the applicant would like pursue such approvals.
8. The approval is for 1,290 square feet of tenant space for a martial arts school. Any expansion of use or square footage may be authorized by the Zoning Administrator per Zoning Ordinance Section 10.80.040.3.

Advisory Notes:

Advisory notes are provided to inform the applicant of Sausalito Municipal Code requirements, and requirements imposed by other agencies. These requirements include, but are not limited to, the items listed below.

1. This approval will expire in one (1) year from the date of adoption of this resolution if the property owner has not exercised the entitlements hereby granted. A one-year extension may be granted by the Community Development Department if a request is submitted prior to the expiration date.
2. An approval granted by the Planning Commission does not constitute a building permit or authorization for construction. Appropriate construction permit(s) issued by the Building Division must be obtained prior to construction.
3. All applicable City fees as established by City Council resolutions and ordinances shall be paid.
4. Construction Impact Fees shall be paid in accordance with the Construction Impact Fee Ordinance. The fee is due prior to issuance of Building Permit.
5. Encroachment permit, grading permit, third party review fees (cost plus 10%) fees shall be paid.
6. An encroachment permit shall be obtained from the Public Works Department prior to using the public right of way for non-public purposes (e.g., material storage, sidewalk construction or demolition) including any and all construction and demolition activities.
7. Pursuant to Municipal Code Chapter 8.54, applicants shall submit a Recycling Management Plan to the Community Development Department prior to the issuance of any construction permits, unless the requirement is waived pursuant to Section 8.54.050.
8. Pursuant to Municipal Code Chapter 11.17, dumping of residues from washing of painting tools, concrete trucks and pumps, rock, sand, dirt, agricultural waste, or any other materials discharged into the City storm drain system that is not composed entirely of storm water is prohibited. Liability for any such discharge shall be the responsibility of person(s) causing or responsible for the discharge. Violations constitute a misdemeanor in accordance with Section 11.17.060.B.
9. Pursuant to Municipal Code Section 12.16.140, the operation of construction, demolition, excavation, alteration, or repair devices and equipment within all residential zones and areas within a 500 foot radius of residential zones shall only take place during the following hours:
Weekdays – Between 8:00 a.m. and 7:00 p.m.
Saturdays – Between 9:00 a.m. and 5:00 p.m.
Sundays – Prohibited
Holidays recognized by the City – Between 9:00 a.m. and 7:00 p.m.

Homeowners currently residing on the property and other legal residents may operate the equipment themselves on Sundays between 9:00 a.m. and 7:00 p.m.

10. Pursuant to Municipal Code Section 18.08.020, overhead electrical and communication service laterals shall be placed underground when the main electrical service equipment is relocated or replaced.
11. Permits required by other agencies having jurisdiction within the construction area must be obtained in accordance with the respective agency's regulations.
 - a. Marin Municipal Water District -- (415-945-1400), including landscaping and irrigation regulations;
 - b. Southern Marin Fire Protection District -- (415-388-8182); and
 - c. Bay Conservation and Development Commission -- (415-352-3600).

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