ZONING ADMINISTRATOR AGENDA

May 13, 2015
CITY HALL, CONFERENCE ROOM 2B
3:00 PM

1. 3150 Spring Street
   Use Permit application to establish an indoor recreation facility, and for non-conforming parking located at 3150 Spring Street, within the Industrial Restricted (IR) Zoning District, pursuant to Article 17, 33 & 42 of the Zoning Ordinance. (UP2014-17)

   CEQA Status: Categorically exempt, pursuant to Section 15332 Class 32 “In-Fill Development Projects.”

   Project Planner: Christopher Rogers, 650.780.5939
May 13, 2015

SUBJECT
Application for a Use Permit to establish an indoor recreation facility (Zumba/Oasis Dance Studio), and for nonconforming parking at 3150 Spring Street in the Industrial Restricted (IR) Zoning District

BACKGROUND
The City received a Code Enforcement complaint March 24, 2014 regarding an unpermitted use in the IR Zoning District. City staff investigated the property at 3150 Spring Street and found that a Zumba dance studio was operating without a Use Permit, and gave notice to contact Planning Services to obtain proper permits. The operator of the Zumba/Oasis Dance Studio spoke with Planning Services, and City staff informed the operator that a Use Permit is required for the operation of the business. On August 27, 2014, the operator submitted an application for a Use Permit to operate an indoor recreation facility.

The applicants, Rosivel Gomez and Nancy Nolasco, propose to operate an indoor recreation facility at 3150 Spring Street (see Figure 1). The property is located on the southeast corner of Spring Street and 4th Avenue, in the Friendly Acres Neighborhood, and within the IR Zoning District. The subject property is comprised of approximately 25,000 square feet with 19 on-site parking stalls and on-site landscaping.

![Figure 1 – Aerial of Project Site and Immediate Vicinity](image)

Please note that property lines are approximate.
As proposed, the indoor recreational facility would operate within tenant space D (see Table 1 below). The indoor recreational facility would share the tenant space with a cleaning business, with the dance studio occupying approximately 1,500 square feet, and the cleaning business occupying approximately 1,000 square feet. The indoor recreational facility would operate Monday through Saturday during the hours of 8:30AM to 7:30 PM with two employees instructing a class of 10-15 students with amplified music. The cleaning business utilizes the space for scheduling appointments, and storage of cleaning supplies and equipment.

<table>
<thead>
<tr>
<th>Tenant Space</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>New Warehouse Bld.</th>
<th>Hair/Nail Salon</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Square Footage</td>
<td>3,211</td>
<td>1,940</td>
<td>1,940</td>
<td>2,500</td>
<td>1,940</td>
<td>1,212</td>
<td>1,212</td>
<td>13,955</td>
</tr>
</tbody>
</table>

Table 1

The indoor recreational facility would operate as a neighborhood serving business, where most of the clientele patronizing the establishment walk to the facility. The applicant has indicated that their facility operates, “...in an area of relative economic hardship and provides a service to family in the neighborhood, who cannot afford to join gyms or pay high prices for workout classes.”

**ANALYSIS**

The project site is located within the IR Zoning District. While the IR Zoning District does not permit or conditionally permit indoor recreational facilities, it does conditionally permit “outdoor commercial recreation facilities” pursuant to Section 17.4A of the Zoning Ordinance.

There are two use definitions that relate to the proposal. Pursuant to Article 2 of the Redwood City Zoning Ordinance, an

- Outdoor commercial recreational facility is: A use providing recreation or amusement services, including golf, tennis, swimming, riding, or similar services, operated on a private basis, primarily outdoors, except for accessory enclosed services or facilities; and an

- Indoor commercial recreational facility is: A use providing recreation, amusement, or exercise services, including bowling lanes, billiard parlors, skating arenas, gymnasiums, exercise studios or facilities, fitness centers, health clubs or spas, martial arts studios, group movement instruction, and similar services, operated on a private basis, within a building or buildings.

Both indoor and outdoor recreational facilities operate as private recreation or amusement service for the general public’s personal enjoyment. The only difference is the types of recreational activities that can only be conducted in an outdoor setting, as well as some of the indoor recreational activities are best suited for indoor purposes. Throughout the Zoning Ordinance, outdoor uses consistently require a Use Permit for the operation of outdoor uses, which have the potential for greater impacts on surrounding properties, as the use relates to noise, odors, visual, etc. Therefore, indoor recreational facilities shall also be permitted with
a Use Permit because the use has less of an impact on the surrounding community as it relates to noise, odors, visual, etc. than an outdoor commercial recreation facility.

The City has recently approved indoor recreational facilities in the IR Zoning District, and other industrial Zoning Districts as indicated in Table 2 below.

<table>
<thead>
<tr>
<th>Address</th>
<th>Type of facility</th>
<th>Distance from 3150 Spring St.</th>
<th>Approval date</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>1050 Broadway</td>
<td>24 Hour Fitness</td>
<td>3916 feet</td>
<td>May 2013</td>
<td>IR</td>
</tr>
<tr>
<td>3140 Bay Road</td>
<td>Ice Oasis (Ice skating Rink)</td>
<td>489 feet</td>
<td>August 2003(^1)</td>
<td>IR</td>
</tr>
<tr>
<td>2575 E. Bayshore</td>
<td>Indoor Volleyball</td>
<td>3/4 of a mile</td>
<td>June 2011</td>
<td>IR-T</td>
</tr>
<tr>
<td>1020 Hansen</td>
<td>Indoor Volleyball</td>
<td>1.1 miles</td>
<td>July 2010</td>
<td>IP</td>
</tr>
<tr>
<td>647 Veterans</td>
<td>Alive Fitness</td>
<td>2.2 miles</td>
<td>December 2007</td>
<td>IP</td>
</tr>
<tr>
<td>515 Veterans</td>
<td>Gold's Gym/Crunch</td>
<td>2.4 miles</td>
<td>April 1965(^2)</td>
<td>IP</td>
</tr>
</tbody>
</table>

Table 2

Consistent with past practice, the City has considered indoor recreational facilities to be a private recreation facility and amusement service to be a similar and compatible use with outdoor recreational facilities located in the IR Zoning District.

Article 30 of the Zoning Ordinance outlines parking requirements for the various uses operating on the project site. Table 3 below outlines the uses, parking ratio, and the required number of parking stalls required for the operation of the uses on the project site.

<table>
<thead>
<tr>
<th>Tenant Space</th>
<th>Use</th>
<th>Employees(^3)</th>
<th>Square Footage</th>
<th>Parking Ratio</th>
<th>Sub. Total Parking</th>
<th>Total Parking required (Subtotal parking + Employees)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Warehouse</td>
<td>4</td>
<td>3,211</td>
<td>1/1000</td>
<td>3.2</td>
<td>7.2</td>
</tr>
<tr>
<td>B</td>
<td>Warehouse</td>
<td>3</td>
<td>1,940</td>
<td>1/1000</td>
<td>1.9</td>
<td>4.9</td>
</tr>
<tr>
<td>C</td>
<td>Warehouse</td>
<td>2</td>
<td>1,940</td>
<td>1/1000</td>
<td>1.9</td>
<td>3.9</td>
</tr>
<tr>
<td>D (Zumba)</td>
<td>Warehouse</td>
<td>1</td>
<td>1,000</td>
<td>1/1000</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Health/fitness</td>
<td>n/a</td>
<td>1,500</td>
<td>1/250</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>E</td>
<td>Warehouse</td>
<td>2</td>
<td>1,940</td>
<td>1/1000</td>
<td>1.9</td>
<td>3.9</td>
</tr>
<tr>
<td>New warehouse</td>
<td>Warehouse</td>
<td>1</td>
<td>1,212</td>
<td>1/1000</td>
<td>1.2</td>
<td>2.2</td>
</tr>
<tr>
<td>Hair/nail saloon</td>
<td>Personal Srv.</td>
<td>n/a</td>
<td>1,212</td>
<td>1/250</td>
<td>4.8</td>
<td>4.8</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>13,955</td>
<td></td>
<td>22.9</td>
<td>34.9</td>
</tr>
</tbody>
</table>

Table 3

35 Parking stalls are required for the operation of the uses on the project site. The project site, however, only provides 19 on-site parking stall. With only 19 of 35 required parking spaces provided on-site, the project site would be considered non-conforming, and the project would have to comply with the following findings indicated in Section 33.19 of the Zoning Ordinance (Non-conforming Parking – Nonresidential) for processing of the

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\(^1\) Use Permit for outdoor roof deck approved August 2003. Original Use Permit approved February 1975, and amended in 1977 to stay open until midnight.

\(^2\) Original Use Permit was approved for Dennis Nelson Health Club, which changed names over the years.

\(^3\) Maximum number of employees is required in the calculation of warehouse parking requirement.
application. In reviewing the non-conforming parking, Staff conducted a site survey at three
different times, as indicated in Table 4 below, and determined that there was never a time
when all of the on-site parking was occupied. The applicant has also indicated that most of
the clients walk to the facility because they live in the neighborhood.

<table>
<thead>
<tr>
<th>Date</th>
<th>Day</th>
<th>Time</th>
<th>Total Spots On-site</th>
<th>Spots Taken</th>
<th>Surplus</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/9/2015</td>
<td>Thursday</td>
<td>8:40 AM</td>
<td>19</td>
<td>16</td>
<td>3</td>
</tr>
<tr>
<td>4/15/2015</td>
<td>Wednesday</td>
<td>2:00 PM</td>
<td></td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>4/16/2015</td>
<td>Thursday</td>
<td>4:52 PM</td>
<td></td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>4/16/2015</td>
<td>Thursday</td>
<td>4:10 PM</td>
<td></td>
<td>10</td>
<td>9</td>
</tr>
</tbody>
</table>

Table 4

**USE PERMIT FINDINGS**

Pursuant to Section 42.3 of the Zoning Ordinance, the Zoning Administrator's Action on the
Use Permit shall be granted only if the Zoning Administrator is also able to make the following
findings:

- That the proposed use will be consistent with the various elements and
  objectives of the General Plan and any applicable Specific and Precise Plans,
  and Zoning Regulations for the subject location.

The proposed indoor recreational facility is not a permitted or conditionally permitted
use (not mentioned) in the Industrial Restricted Zoning District (IR). However, the
purpose of the IR Zoning District is to, "promote viable industrial areas by providing a
district for the location of selected industries, wholesale establishments, specified retail
establishments, and heavy commercial uses which can congregate together without
offense to each other or to neighboring districts, yet which, because of the nature of
their operations, cannot maintain standards as high as those required in the IP District.
The zoning district is intended to preserve land for a wide range of industrial uses by
limiting office uses." The proposed use would be consistent with the purpose and
intent of the Zoning Ordinance by allowing an indoor commercial recreational facility in
an area/Zoning District where other indoor commercial recreational facilities are also
operating and congregating together to not create offense to each other or neighboring
districts.

Pursuant to Section 17.4H of the Zoning Ordinance, the following structures and uses
are permitted in the IR District subject to first securing a use permit: "Any other use not
otherwise listed in this article which is determined by the Zoning Administrator, after a
public hearing, to be of the same general character as the uses permitted by this
article and is not inconsistent with the purpose of this article." Staff would consider an
indoor recreational use to be of the same general character of an outdoor commercial
recreational facility, in that the use would provide similar services with less impacts on
adjacent uses due to the enclosure of the use. The proposed indoor recreational
facility would be of the same general character as 24 Hour Fitness and other approved
indoor recreational facilities recently approved within the IR district.
The indoor recreational facility is also consistent with the Light Industrial (LI) General Plan designation by providing an activity that does not involve substantial truck traffic or outdoor fabrication or assembly, does not produce odors, generally operates only during typical weekday hours, and do not involve any operations normally considered hazardous within an urban environment.

- **That the proposed use is compatible with surrounding uses.**
The proposed indoor recreational facility is compatible with surrounding uses, which would include other small indoor warehouse uses that do not involve any hazardous operation and operate typically weekday hours. The proposed use will typically operate in the early morning hours and evening hours, which would allow for patrons of the facility to go to the facility before they go to work and after they get off work. Most of the patrons that frequent the facility live in the neighborhood, and typically walk to the establishment, decreasing the need for on-site parking. The operation of the establishment will operate completely within the building.

- **That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.**
The use will be conducted within the confines of the building to attenuate any noise-related concerns at the facility. With the proposed use operating within the confines of the building, the establishment and operation of the proposed use will also not create any public health issues or safety concerns for the general welfare or the environment.

- **That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.**
The proposed indoor recreational facility will be compatible with the nearby uses and not adversely affect or conflict with adjacent uses or impede the normal development of surrounding properties, because the use will be conducted within the confines of the building. The operations associated with the proposed use are consistent with the purpose of the IR Zoning District. Such uses can be allowed in the IR Zoning District in order to minimize land use impacts to residential or commercial uses.

- **That adequate public and private facilities, such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.**
The site is fully serviced by public utilities, infrastructure, and landscaping. However, 19 parking spaces are provided on-site for parking, where 35 parking stalls are required. Staff reviewed the adequacy of the parking through the findings below for nonconforming parking.

- **Other findings required to be made in specific zoning districts as set forth in the Zoning Code.**

  **Nonconforming parking findings pursuant to Section 33.19 of the Zoning Ordinance.**
  1. Additional floor area or other site development does not occupy existing available parking area:
The proposed indoor recreational facility will not occupy existing available parking area, because the use will be conducted within the confines of the building.

2. Adverse parking impacts on adjacent properties will not result:

The proposed indoor recreational facility will not result in any adverse parking impacts on adjacent properties based on City staff's three-day evaluation of the proposed use and existing uses on-site. City staff's observation of on-site parking conditions demonstrated that ample parking is provided on-site for the proposed use and existing uses. With most of the patrons of the facility who live in the neighborhood and walk to the establishment, will assisting in managing the parking on-site.

3. Parking is provided for any additional floor area or other expansion in compliance with this article:

No expansion is proposed with the associated project.

CEQA Status:

The proposed project is considered categorically exempt from the requirements of the California Environmental Quality Act Guidelines, pursuant to Section 15332 Class 32 “In-fill Development Projects,” meeting the following conditions:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The site is within the IR Zoning District, and the Planning Manager has determined that an indoor recreational facility is a similar and compatible use with the purpose and intent of the IR Zoning District, by operating as a less intense use than an outdoor commercial recreation facility. The site has a Light Industrial (LI) General Plan designation, which allows for uses that do not produce odors, generally operate only during typical weekday hours, and do not involve any operations normally considered hazardous within an urban environment. The proposed indoor commercial recreational facility is consistent with all aspects of the City's Zoning Ordinance and applicable General Plan policies.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The project site is approximately 25,000 square feet, and located within city limits, surrounded by commercial, industrial, and residential lots fronting onto a public street. Nearby uses include other industrial warehouse uses, and neighborhood serving commercial and residential uses.
(c) The project site has no value as habitat for endangered, rare or threatened species.

Due to its location in a highly urbanized area, the site has no value as habitat.

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Due to its size and location, the indoor commercial recreational facility is similar to and compatible with uses within the area and Zoning District. The site is located on a corner and is accessible from the three street frontages (Spring Street, 4th avenue and 5th avenue), thus allowing for ease of traffic ingress and egress. No significant noise impacts are expected, as all of the uses will operate within the existing building. No air or water quality impacts are expected in association with the proposed indoor commercial recreational facility use.

(e) The site can be adequately served by all required utilities and public services.

The site is fully surrounded by urbanized uses and is fully supported by public roadways, utilities, and infrastructure.

Staff Recommendation:
Use Permit UP2014-19

Staff recommends that the Zoning Administrator Approve the Use Permit based on the findings listed above, and subject to the attached proposed conditions of approval or;

Alternatives:
Staff recommends that if the Zoning Administrator does not approve the project based on the findings listed above, that the Use Permit be approved based on one of the following alternatives, or a combination thereof:

1. Subject to reducing and limiting the hours of operation to a time consistent with the adjacent industrial uses, and conditions of approval; or
2. Subject to reducing and limiting the number of students allowed within the facility, and conditions of approval; or
3. Require the facility to operate during the off hours of the adjacent industrial uses, to reduce the demand of parking needed for the operation of the facility.

Christopher Rogers
Associate Planner

ATTACHMENTS
1) Draft Conditions of Approval
The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to this project. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The SDRs are not intended as a comprehensive list. The COAs and SDRs are grouped under specific headings that relate to the subject matter.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

**Operations**

1. **Hours of Operation** - The hours of operation are between 8:30AM-9PM six (6) days a week (Monday through Saturday). In the event that deviations from the approved hours of operation are reported and verified, the Zoning Administrator may hold an additional public hearing to review schedule amendments, and/or may enact Code Enforcement as a remedy. [COA][PLANNING]

2. **Noise** - Sound levels such as amplified music associated with the business shall not exceed the ambient sound level by more than 5dBA at the nearest property lines on any side of the building. This condition necessitates that the door remain closed in the evening hours after 8:00 PM to ensure that the adjacent residential uses are not adversely impacted by noise. [COA][PLANNING]

3. **Live Radio Broadcast** - No live broadcast radio shows shall not take place on the premises unless the Planning, Housing and Economic Development Department has reviewed an application and granted such approval for the event. [COA][PLANNING]

4. **Outdoor Uses** – Outdoor uses are not identified with this project, and would require separate review and approval by the City. [SDR][PLANNING]

5. **Parking** – In the event parking becomes an issues and parking of vehicles impact the neighborhood, Staff may require the applicant to submit a new application for the Zoning Administrator to evaluate the on-site parking and reduce the operations of the facility. [COA][PLANNING]
Interior/exterior Improvements

6. **Exterior upgrades** - Any changes to the exterior to the building including, but not limited to, façade treatments, changes in paint color, signage, etc. shall require approval of an Architectural Permit/ Sign Permit prior to said changes. [COA][PLANNING]

7. **Signage** - The applicant shall apply for a Temporary Sign Permit for any “Grand Opening” or “Special Event” banners, or other temporary banners prior to installation. [COA][PLANNING]

8. **Signage** – Any exterior building signage requires review and approval by the Zoning Administrator. [SDR][PLANNING]

General Requirements

9. **Compliance with Codes** - The applicant shall comply with all applicable local, state, and federal rules and regulations at all times, which includes applicable Fire and Building and Zoning codes. [COA][PLANNING]

10. **Substantial Conformity** - Applicant shall ensure that all improvements substantially conform to the project plans submitted by Rosivel Gomez/Nancy Nolasco August 27, 2014, and related information submitted by the Applicant, on file with Planning Services. [COA][PLANNING]

11. **Review of Modifications** - All modifications to the approved plans/ use shall be submitted to Planning for review and approval prior to the issuance of a Building Permit or operation. Substantial modification of approved plans, as determined by the Zoning Administrator, may be subject to an amendment or a new Permit. [COA][PLANNING]

12. **Indemnification** – Per to Redwood City Municipal Code Section 1.54, Applicant shall defend (with counsel approved by City), indemnify, and hold harmless the City, its agents, officers, and employees from and against any claim, action, or proceeding against the City or its agents, officers or employees, to attack, set aside, void, or annul an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods (“Challenge”). If Applicant does not promptly defend any Challenge, City may (but is not obligated to) defend such Challenge as City, in its sole discretion, determines appropriate, all at applicant's sole cost and expense. Applicant shall bear any and all losses, damages, injuries, liabilities, costs, and expenses (including, without limitation, staff time and in-house attorney's fees on a fully-loaded basis, attorney's fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether incurred by Developer, City, or awarded to any third party, and shall pay to the City
upon demand any Costs incurred by the City. No modification of the project, any application, permit, certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant's indemnity obligation. Per to Government Code Section 66474.9, Applicant's indemnification obligation with respect to any claim, action or proceeding to attack, set aside, void, or annul an approval of City concerning a subdivision (tentative, parcel, or final map application or approval) shall be limited to actions brought within the time period provided for in Government Code Section 66499.37, unless such time period is extended for any reason. The City shall promptly notify Applicant of any such claim, action or proceeding and shall cooperate fully in the defense. [COA][OFFICE OF THE CITY ATTORNEY]