



CITY OF SAN MATEO

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Agenda Report

Agenda Number: 1	Section Name: {{section.name}}	Account Number:	File ID: {{item.tracking_number}}
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TO: Planning Commission
FROM: Christina Horrisberger
PREPARED BY: Community Development Department
MEETING DATE: June 28, 2022

SUBJECT:
1701 Leslie Street – Special Use Permit and Parking Variance for a New Commercial Recreation Use (PA-2021-058)

RECOMMENDATION:

Adopt a Resolution approving a Special Use Permit and Parking Variance to allow a commercial recreation use to occupy an existing building in the Transit-Oriented Development (TOD) zone and allow shared parking facilities located at 1701 Leslie Street, and determine the project qualifies for a Categorical Exemption under Class 3, Section 15303 from further environmental review under the California Environmental Quality Act (CEQA) based on the Findings for Approval and as conditioned in the Conditions of Approval.

BACKGROUND:

The applicant, California Ninja Academy, LLC, submitted a formal Planning Application on September 1, 2021 to convert an existing dance studio into a commercial recreation use called “California Ninja Academy” (Ninja Academy) that involves physical fitness activities, games, and obstacles on specialized equipment for all age groups. As proposed, the project would require a Special Use Permit (SUP) to allow the proposed use in the Transit-Oriented Development zone and a Parking Variance to allow the same off-street parking facilities to satisfy required parking for the existing office use and the proposed commercial recreation use.

Prior to submission of the formal Planning Application, the applicant held a neighborhood meeting on July 8, 2021, which was attended by two members of the public. A Preliminary Application and Planning Commission Study Session were not required for this project as the proposed project area is less than 10,000 square feet.

Site Description

The project site consists of a 1.02-acre (44,363 square feet) parcel at the corner of Leslie St. and 17th Ave. The site’s General Plan Land Use Designation is Transit-Oriented Development (TOD), consistent with its zoning designation of TOD. The site is also within the Hayward Park Station Overlay Zone of the San Mateo Rail Corridor Transit-Oriented Development Plan (Rail Corridor Plan). The project site is adjacent to the Hayward Park Caltrain Station to the east, service commercial and wholesale uses to the south and west, and service commercial and office uses to the north across 17th Avenue.

The site is currently developed with one 26,077 square-foot commercial building and a surface parking lot with a total of 46 off-street parking spaces. The existing architectural style is best characterized as industrial based on the rectangular massing of the building, uniform building height, and its composition of concrete blocks along Leslie St. and concrete walls along 17th Ave. The building provides two tenant spaces: 1) a 7,570 square-foot space formerly occupied by the Kirkpatrick’s School of Dance and 2) a 18,507 square-foot space currently occupied by the International Brotherhood of Electrical Workers (IBEW) Local Union 617 (office use). A location map showing the project site’s vicinity is included in Attachment 2.

Project Description

The applicant proposes to locate a commercial recreation use in the 7,570 square-foot space that was previously occupied by the Kirkpatrick's School of Dance. The proposed business, Ninja Academy, will incorporate physical fitness activities, games, and obstacles on specialized equipment and involve a variety of classes and activities to patrons of all age groups including:

- "Junior Gym" for pre-school children and Home School P.E. for home-schooled students;
- "Ninja Warrior" Classes for youth, adult beginners, and professional competitors;
- Discounted Neighborhood Hour for residents within a 10 to 15-minute walking distance; and,
- Birthday parties (weekends only)

In addition to the classes and activities above, Ninja Academy will have a daily schedule of classes led by trained instructors and open gym periods for unstructured training. The facility will operate from 11:00am to 8:00pm, Monday through Friday, and from 10:00am to 8:00pm on Saturday and Sunday. Scheduling information, including staffing and guest capacity, can be found on pages 9 through 15 of Ninja Academy's business plan, included as [Attachment 3](#). The applicant does not propose any exterior changes of the existing building and site layout; however, interior modifications include removing partitions that separated the space into dance studios and installing two truss systems and specialized equipment such as hanging rings, monkey bars, rope swings, and unstable bridges. The interior improvements will also include warped walls and floor equipment such as balance beams and angled steps. The project plans showing the proposed improvements are included as [Attachment 4](#).

To satisfy the City's parking requirements, the applicant proposes to enter into a shared parking agreement with IBEW that provides Ninja Academy access to 22 of the existing 46 off-street parking spaces at all times. In addition, Ninja Academy would have access to an additional 20 spaces (for a total of 42 spaces) on weekdays after 5:00pm, weekends, holidays, and any other time the IBEW offices are closed, which allows for larger class sizes during these times.

Applicable Code and Policy Review

General Plan and Zoning Code

The General Plan Land Use Map designates the site as Transit Oriented Development (TOD). The TOD land use category, as defined in Appendix B of the General Plan, allows for transit-supportive, convenience-oriented uses, including specialized services. A goal of the General Plan is to promote transit-oriented development in designated areas adjacent to Caltrain stations, such as the Hayward Park Station.

The project site is zoned TOD, consistent with its General Plan Land Use designation. Pursuant to Municipal Code Section 27.90.010, the purpose of the TOD zoning district is to implement the Rail Corridor Plan. As provided below, the Rail Corridor Plan specifies all permitted uses, development standards, and off-street parking and transportation policies for the TOD district. The project's required and proposed development standards are listed in the Factual Data Sheet in [Attachment 5](#), many of which remain unchanged because the project does not involve exterior building or site improvements. Therefore, the project is consistent with all City policies and remains in conformance with the applicable development standards.

San Mateo Rail Corridor Transit-Oriented Development Plan (Rail Corridor Plan)

The San Mateo Rail Corridor Transit-Oriented Development Plan (Rail Corridor Plan), adopted in 2005, was developed with the intent to encourage and provide guidance for development within a half-mile radius of the Hillsdale and Hayward Park Caltrain Station areas. Policies and Objectives of the Rail Corridor Plan include provision of neighborhood and commuter serving uses, including specialty services that would enhance neighborhood services, encouragement of shared parking, and utilization of horizontal and vertical mixed-use developments.

The Rail Corridor Plan also provides guidance on permitted or recommended uses; however, unlike other zoning districts, it does not provide a specific list of permitted or special uses in the TOD district. Rather, the Rail Corridor Plan provides use categories deemed to be transit-supportive, or convenience/commuter-oriented. Examples of transit supportive uses

include multi-family housing and major employment centers. Convenience/commuter-oriented uses include retail uses which carry smaller goods, cafes, and specialty uses that would enhance neighborhood services such as daycares, art stores, and other similar uses.

Specific to the subject project site, Objective (K) of the plan, “encourages smaller-scale, ground-floor retail within designated portions of the Corridor Plan area as an important component of new TOD,” while the Hayward Park Station TOD Overlay Zone incorporates Policy 5.12, which provides for “the inclusion of neighborhood and commuter serving retail uses and services, including specialty uses that would enhance neighborhood services, within the Hayward Park Station TOD zone.” Additionally, the *Ground Floor Retail Use* section of the Hayward Park Station TOD Overlay Zone states:

“Ground floor retail uses are permitted along... both sides of Leslie Street between 17th Avenue and the SR 92 over crossing.... These uses should only be neighborhood and commuter serving (such as small grocery stores, personal services, shops or restaurants), not those which may function as regional or city-wide consumer destinations. These uses should be, for the most part, convenience oriented, providing goods and services within easy walking distance for residents and commuters alike.”

At the project site, the Rail Corridor Plan only recommends transit-supportive uses, without providing an explicit list of permitted and special uses. As such, ground floor retail is only a recommendation at the project site and is not a requirement, unlike in other areas of the City, such as Downtown, where ground floor retail is required.

While Ninja Academy is not a retail use and may appear to be a regional destination because of the unique nature of activities offered, the applicant proposes incentives for local residents and commuters (that work in the surrounding area) so that the use functions like a neighborhood and commuter-serving business as recommended in the Rail Corridor Plan. These incentives include a discounted neighborhood hour on weekdays, proactively recruiting staff from the Hayward Park neighborhood, and marketing to commuters as a convenient way to integrate exercise before or after commuting. In addition, while not formally a part of its business plan, Ninja Academy could attract a variety of visitors that patronize nearby existing shops or restaurants before or after classes.

A list of applicable General Plan policies and Rail Corridor Plan policies is included within the Resolution ([Attachment 1](#)). Based on Ninja Academy’s business plan ([Attachment 3](#)), the project is in conformance with applicable policies of the General Plan and the Rail Corridor Plan.

Special Use Permit

Locating a commercial recreation facility at 1701 Leslie Street requires a Special Use Permit (SUP) given that commercial recreation uses are not explicitly designated as recommended land uses in the Rail Corridor Plan. Municipal Code Section 27.90.040 authorizes the Planning Commission to grant a SUP for non-designated uses in the TOD zone that are “so similar to any specifically permitted use so as to be virtually identical thereto in terms of impact and land use requirements”. Additionally, Municipal Code Section 27.74.020 authorizes the Planning Commission to grant a SUP if the proposed use will not “adversely affect the general health, safety and/or welfare of the community nor will it cause injury or disturbance to adjacent property by traffic or by excessive noise, smoke, odor, noxious gas, dust, glare, heat, fumes or industrial waste.”

The use of this site as a commercial recreation facility would be similar in operation and impact to the recommended uses of “neighborhood and commuter serving retail uses and services, including specialty uses that enhance neighborhood services” given its unique class offerings, the inclusion of benefits specifically meant for neighboring residents, and proximity to the Hayward Park Caltrain Station to serve commuters that live/work in the surrounding area. Additionally, the use will not adversely affect the general health, safety, and welfare of the community nor will it cause injury or disturbance to adjacent property because the use and operations of the site are required to be in compliance with all applicable Building Codes, Fire Codes, and the Municipal Code. Because Ninja Academy is a specialty use that would serve both local residents and commuters that live/work in the surrounding area, the SUP findings for approval can be made, which are discussed in greater detail within the Resolution ([Attachment 1](#)).

Parking Variance and Transportation Analysis

Pursuant to Municipal Code Section 27.78.040(g), a variance is required to permit the same off-street parking facilities to qualify as a required facility for two or more uses, provided the substantial use of such facility by each use does not take place at approximately the same hours of the same days of the week. As noted previously, Ninja Academy has access to 22 off-street parking spaces at all times and would have access to an additional 20 spaces shared with the existing IBEW offices. As the project only has access to these shared parking spaces when the IBEW offices are closed (after 5:00pm on weekdays, on weekends, and on holidays), the Planning Commission is authorized by Municipal Code Section 27.78.020(a) to grant such a variance and determine that there is a hardship if the following conditions pertain:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property that do not apply generally to property in the same zone or neighborhood including buildings of architectural or historical significance or of architectural interest as recognized by action of the City Council or another government agency.
2. A variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property owners in the same zone or neighborhood;
3. Granting of the variance will not be materially detrimental to the public health, safety or welfare or materially injurious to other property or improvements in the neighborhood in which the property is located; and
4. Granting of the variance will not adversely affect or be inconsistent with the general plan.

To evaluate the requested parking variance, staff conducted a transportation analysis and a parking demand study, which is also required in the Rail Corridor Plan area. The City's transportation consultant, Kittelson & Associates, prepared a Traffic and Parking Statement Memo to assess Ninja Academy's traffic impacts and parking demand (included as Attachment 6). The Memo evaluated the project's shared parking agreement and found that with the utilization of the 22 dedicated parking spaces, the proposed facility is allotted a maximum capacity of 14 occupants, inclusive of staff and patrons, in the facility per session between 11:00am-5:00pm on weekdays. With the utilization of the additional 20 shared parking spaces (42 spaces in total), the proposed facility is allotted a maximum capacity of 27 occupants, inclusive of staff and patrons, in the facility per session after 5:00pm on weekdays, weekends, and holidays. The maximum capacity was calculated based on class times and sizes as well as the number of parking spaces available to Ninja Academy. The capacity is also dependent on ten minute breaks in between classes to allow parking spaces to become available before new patrons arrive. The Memo also found that the project is exempt from Vehicle Miles Traveled (VMT) and will not have a significant impact on traffic operations in the surrounding neighborhood.

Despite the lack of a VMT or traffic impact, the applicant has proposed several Transportation Demand Management (TDM) measures that are altogether estimated to reduce its vehicle trips by at least 25%. Conditions of Approval applicable for the life of the project have also been integrated to regulate the shared parking agreement, hours of operation, maximum capacity of the facility, and trip-reduction measures. Any proposed modification to the maximum capacity shall be based on the equation established in the Traffic and Parking Statement Memo, which is as follows: the maximum capacity of the facility shall be equal to the number of available parking spaces, excluding accessible stalls, multiplied by 0.67.

As proposed and conditioned, the findings to grant the parking variance as outlined above can be made. In addition, it should be noted that the Rail Corridor Plan specifically encourages shared parking between uses to reduce the amount of land that is dedicated solely to parking. This recommendation of shared parking does not apply to other uses within the Hayward Park neighborhood.

Additionally, the project will not cause public health, safety, or welfare impacts to other property or improvements in the neighborhood because it utilizes an existing parking facility, will not cause a substantial increase in traffic, and will not result in any exterior changes to the existing building or site layout. Lastly, granting the parking variance will not adversely affect or be inconsistent with the General Plan because the project will be in compliance with the Rail Corridor's policies of encouraging shared parking, providing trip-reduction measures, and locating a transit-oriented use adjacent to the Hayward Park Station.

PUBLIC COMMENTS:

No public comments were submitted to staff during the formal planning application review. Public comments received

after publication of this report will be forwarded to the Planning Commission for review and consideration at the public hearing and posted to this item on the City's Agendas & Minutes Public Meeting Portal as "Post Packet Public Comments."

ENVIRONMENTAL DETERMINATION:

A Categorical Exemption, Class 3, Section 15303 (New Construction and Conversion of Small Structures), is recommended for the project pursuant to the California Environmental Quality Act (CEQA) Guidelines. Qualification for the exemption requires that the project is located in an urban area and does not exceed 10,000 square feet in floor area on sites zoned for such use, is 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. Since the proposed use will be in an urban area where all necessary public services and facilities are available; consists of less than 10,000 square-feet; and involves the conversion of an existing building from a dance studio to a commercial recreation use, without including the use of significant amounts of hazardous substances, the project meets the qualifications for this categorical exemption.

NOTICE PROVIDED:

In accordance with Government Code Section 65091 and the City's Municipal Code noticing requirements, this public hearing was noticed to the following parties more than ten days in advance of this Planning Commission meeting:

- Property owners, residential tenants and business tenants within 500 feet of the project site;
- The City's "900 List" which contains nearly 100 Homeowner Associations, Neighborhood Associations, local utilities, media, and other organizations interested in citywide planning projects;
- The City's Planning "Notify Me" email list; and,
- The interested parties list, which includes interested individuals who contacted the City and requested to be added to the project notification list.

ATTACHMENTS

Att 1 – Resolution

Exhibit A – Conditions of Approval

Att 2 – Location Map

Att 3 – Ninja Academy Business Plan

Att 4 – Project Plans

Att 5 – Factual Data Sheet

Att 6 – Traffic and Parking Statement Memo

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