



**ZONING ADMINISTRATOR PERMIT  
STAFF REPORT  
OCTOBER 15, 2018**

**Proposal:** **YUE YAO DANCE STUDIO – (PLN2019-00033)** - To consider a Zoning Administrator Permit to allow the establishment of a dance studio in the Bayside Industrial Community Plan Area, and to consider a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.

**Recommendation:** Approve, based on findings and subject to conditions.

**Location:** 43216 Christy Street in the Bayside Industrial Community Plan Area  
APN 525 129600603  
(See aerial photo next page)

**Area:** 1,210 square-foot tenant space within an existing 30,280 square foot light industrial building

**People:** Cheng Lu, Applicant  
Dennis Baca, Baca Properties, Property Owner  
Spencer Shafsky, Staff Planner, (510) 494-4452, sshafsky@fremont.gov

**General Plan:** Industrial - Service

**Zoning:** Industrial – Service (I-S)

**EXECUTIVE SUMMARY:**

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The applicant is requesting approval of a Zoning Administrator Permit to allow the establishment of a dance studio within a 1,210 square foot tenant space in an existing 30,280 square foot industrial building in the Lincoln Executive Center. According to the applicant's statement of operation (see Informational Item #2), the dance studio would provide dance lessons for both children and adults. The business would be operated by up to two instructors and allow a maximum of 12 students. The proposed business hours are Tuesday through Friday from 2:00 p.m. to 5:00 p.m. and Saturday and Sunday with two sessions, 9:30 a.m. to 11:30 a.m. and 3:00 p.m. to 7:30 p.m. Staff recommends approval of the Zoning Administrator Permit based on findings and subject to conditions of approval in Exhibit "B".

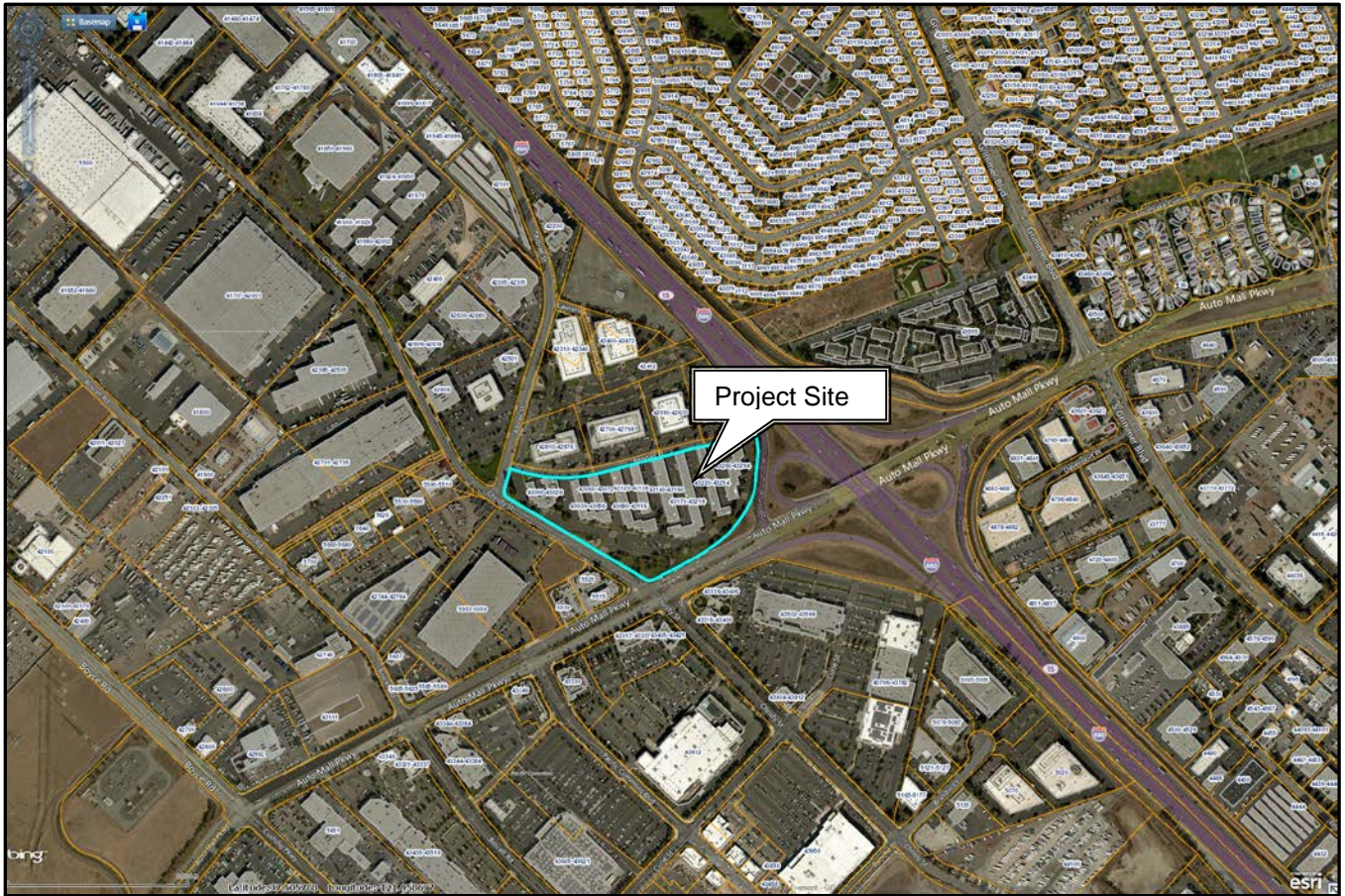


Figure 1: Aerial Photo (2016) of Project Site and Surrounding Area.



### **SURROUNDING LAND USES:**

- North: Service Industrial and single family residential uses across Highway 880
- East: Highway 880 and Auto Mall Pkwy intersection
- Southeast: Regional Commercial
- Southwest: Regional Commercial and Tech Industrial

## **BACKGROUND AND PREVIOUS ACTIONS:**

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The proposed use would be located in an industrial park, originally known as the Lincoln Durham Business Park, which was built in 1986, and approved as part of Planned District P-84-6. On December 11, 2007, the City Council rezoned the property to Planned District P-2008-122. It was again rezoned to Industrial – Service (I-S) in September 2016 as part of a comprehensive industrial zoning update.

The industrial park, now named Lincoln Executive Center, consists of nine buildings with 140 units in total. The center is primarily used for offices, auto services, and electronics retail uses. The subject tenant space is located in Building #7, which is approximately 30,280 square feet in size with 24 units. There is no history of planning entitlements associated with the subject tenant space.

## **PROJECT DESCRIPTION:**

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The applicant is requesting approval to operate a dance studio for children and adults of all ages. The style of dance lessons would include ballet, jazz, Asian traditional dances, etc. The applicant intends to operate the business Tuesday through Friday, from 2:00 p.m. to 5:00 p.m. and weekends from 9:30 a.m. to 11:30 a.m. and 3:00 p.m. to 7:30 p.m. The center would employ multiple instructors depending on the dance styles being offered, with no more than two instructors teaching at any one time.

The dance classes would be split into different age groups as well as different skill levels. Most children's classes would take place weekday afternoons from 2:00 p.m. to 5:00 p.m. and weekend mornings from 9:30 a.m. to 11:30 a.m. with weekend afternoons reserved for all ages from 3:00 p.m. to 7:30 p.m.

The proposed floor plan shows a 108 square-foot reception area at the entry; an 864 square-foot dance floor; a restroom, and a 168 square-foot administrative office. No exterior improvements are proposed to be made in conjunction with the establishment of the proposed business.

## **PROJECT ANALYSIS:**

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### ***General Plan Conformance:***

The General Plan land use designation for the project site is Industrial – Service, which allows a limited number of office, commercial recreation, and group assembly uses. The proposed project would be consistent with the following policies which are contained in the General Plan:

### **Policy 2-1.2: A Complete City**

Plan and develop Fremont's available land supply in a way that achieves a balance between jobs and housing, matches future jobs to the capabilities of the local workforce, and provides an array of shopping choices, recreational choices, and entertainment and cultural facilities, thereby reducing the need for residents to travel outside the City.

## Policy 2-5.2: Range of Employment Districts

Plan for a range of workplace environments outside the City Center, accommodating many different kinds of businesses. Zoning should be used to differentiate areas which are reserved exclusively for industry and areas where other compatible uses may be permitted or conditionally permitted.

## Policy 2-5.8: Industrial Land Use Compatibility

Achieve compatibility between industrial uses and adjacent land uses through the regulation of industrial activities, limits on operations, and standards for buffering.

Analysis: The proposed dance studio would be located in an existing industrial park with other tenants, including auto-related services, offices, and electronic retail uses. It is a compatible use with the service industrial and retail uses in the surrounding area. The General Plan calls for allowing a diverse range of businesses and services outside the City Center. The proposed dance studio would be beneficial as a recreational use that would contribute to the range of uses and activities available in the City for residents.

### ***Zoning Compliance:***

The proposed dance studio is an educational service serving all age groups. Educational Services, which include dance instruction, are permitted within the I-S Zoning District subject to the approval of a Zoning Administrator Permit.

### ***Parking:***

The proposed project is located within an industrial park that shares parking amongst all of the tenants within the park. There are a total of 561 existing on-site parking spaces serving 140 tenants in nine buildings totaling 643,887 square feet in size. The parking requirement for the dance studio would be a minimum of 5 plus 6.6 per KSF of dance floor area in excess of 500 square feet. This would result in a requirement of 12 parking spaces for the proposed project.

As the summary table for parking spaces shows below, approximately 302 parking spaces are allocated to 71 existing tenants in nine buildings. There are 259 parking spaces left to serve the 69 currently vacant tenant spaces. Based on the 3.3 per KSF general parking requirement for industrial uses, it is estimated that approximately 301 parking spaces would be required to accommodate future incoming tenants including the proposed dance studio. Informational Item#1 provides a detailed parking analysis, which examined required parking for both existing and future tenants in relation to available parking on-site.

Although the parking analysis shows that the Lincoln Executive Center, if fully occupied, would be short approximately 42 parking spaces for all tenants, the proposed dance studio would not adversely impact parking availability for the overall industrial park as there are currently 259 unused parking spaces on site.

Building #	Allocated Parking Spaces		Total Allocated Parking Spaces	Total Parking Spaces Provided On-site
	For Existing Tenants	For Vacant Tenant Spaces		
I	33.3	24.9	58.2	
II	40.8	16.5	57.3	

III	20.0	8.7	28.7	
IV	32.1	46.0	78.1	
V	16.0	32.0	48.0	
VI	30.0	45.0	75.0	
VII	41.4	67.0	108.4	
VIII	54.7	16.6	71.3	
IX	33.3	44.9	78.2	
<b>Totals:</b>	<b>301.6</b>	<b>301.6</b>	<b>603.2</b>	<b>561</b>

*Circulation:*

The proposed development is located at the intersection of Auto Mall Parkway and Christy Street. Auto Mall Parkway is a primary arterial street and Christy Street provides full street improvements along the project's frontage and provides direct access to the site. The proposed dance studio would be located in an improved lot with adequate access and circulation.

*Environmental Review:*

The proposed project would be exempt from the California Environmental Quality Act (CEQA) Guidelines per CEQA Guidelines Section 15301, Existing Facilities because the proposed use would be located in an existing industrial building designed to accommodate the proposed use and would not involve any alterations to the building.

**FINDINGS FOR APPROVAL:**

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Pursuant to FMC Section 18.275.060, in order to approve a Zoning Administrator Permit, the Zoning Administrator must make the following findings:

- a) **The proposed project is consistent with the General Plan, and any applicable community or specific plan;**

Analysis: The General Plan land use designation for the project site is Industrial - Service and the corresponding zoning designation is Industrial - Service. The proposed dance studio is consistent with the City's General Plan and zoning as an educational service in accordance with General Plan Policies 2-1.2 (A Complete City), 2-5.2 (Range of Employment Districts), and 2-5.8 (Industrial Land Use Compatibility) related to providing a variety of services for the community and compatibility with adjacent land uses.

- b) **The site is physically suitable for the type, density, and intensity of the proposed use;**

Analysis: The proposed dance studio would be located in a 1,210 square-foot tenant space within an existing 30,280 square foot building in an industrial park (Lincoln Executive Park). The proposed use would entail no more than 12 students and two instructors at any one time. The industrial park has sufficient parking for the proposed use.

- c) **The design, location, size, and operating characteristics of the proposed use are compatible with development in the vicinity;**

Analysis: The proposed dance studio would be located within an existing tenant space within the industrial park and would not require exterior changes to the building or tenant frontage. The proposed use would not generate any negative impacts on the surrounding businesses and properties. The parking lot would be large enough to accommodate parking demands and the existing public improvements and onsite improvements can accommodate the proposed use without modifications. Therefore, the proposed project would be compatible with the adjacent light industrial, office, and service uses in the industrial park, and with the surrounding residential neighborhood.

- d) **The proposed use will not be detrimental to the public health, safety, or welfare of persons or property in the vicinity;**

Analysis: The proposed dance studio would not entail the use of any hazardous materials, and therefore, would not expose any persons in the center or the industrial park to risk of accidental releases, spills or explosions from such hazardous materials.

#### **PUBLIC NOTICE AND COMMENT:**

Public hearing notification is applicable. A total of 256 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on October 5, 2018. A Public Hearing Notice was published by *The Tri-City Voice* on October 2, 2018.

#### **ENCLOSURES:**

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##### ***Exhibits:***

Exhibit "A" ["Project Plans \(Site Plan, Floor Plan\)"](#)  
Exhibit "B" ["Findings and Conditions of Approval"](#)

##### ***Informational Items:***

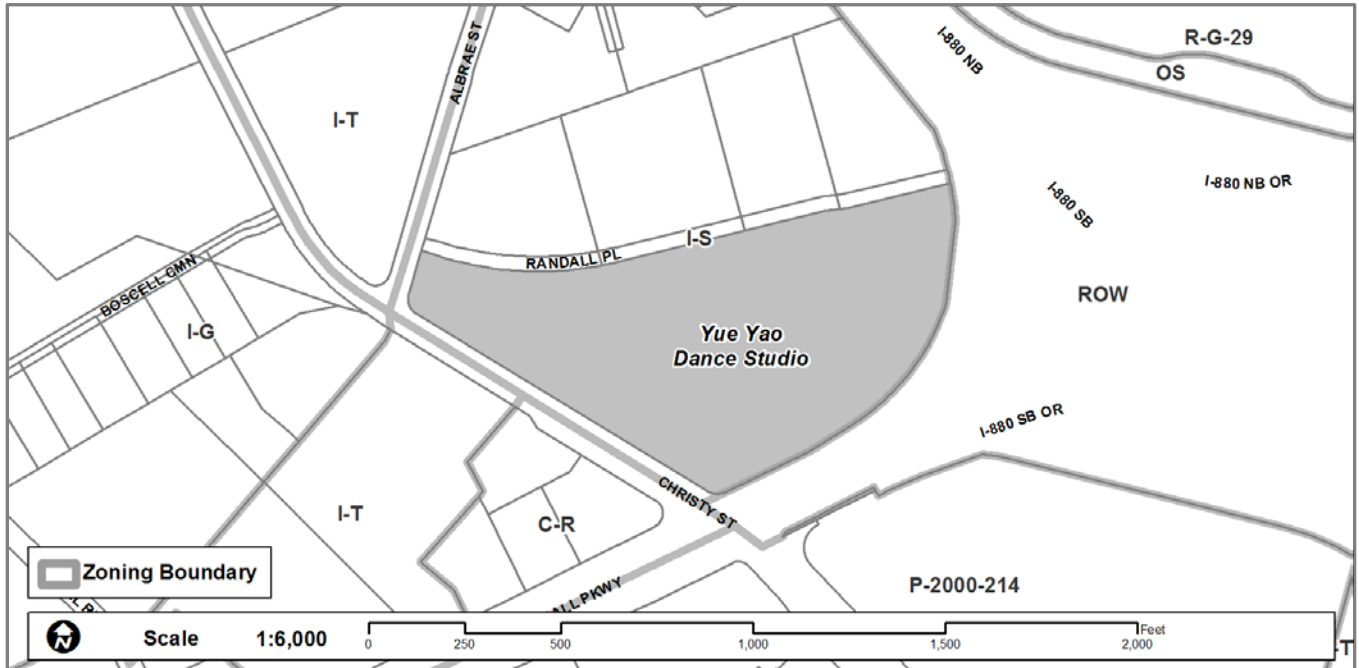
Informational Item#1 [Parking Analysis](#)  
Informational Item#2 [Statement of Proposed Operation](#)

#### **RECOMMENDATION:**

1. Hold public hearing.
2. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities, because the proposed use would take place wholly within the existing tenant space and no modifications to the exterior of the building or site are proposed.
3. Find that Zoning Administrator Permit PLN2019-00033, is consistent with the City's existing General Plan, that the proposed site is physically suitable for the type, density, and intensity of the proposed use, would be compatible with development in the vicinity, and that the proposed use would not be detrimental to the public health, safety, or welfare of persons or property in the vicinity as enumerated within the staff report.
4. Approve PLN2019-00033, as shown in Exhibit "A", subject to the findings and conditions in Exhibit "B".

## Existing Zoning

(Shaded Area represents the Project Site)



## Existing General Plan

