



Legislation Details (With Text)

File #: 18-081 **Version:** 1 **Name:**

Type: Public Hearing/General Business **Status:** Passed

File created: 2/2/2018 **In control:** Planning Commission

On agenda: 3/14/2018 **Final action:** 3/14/2018

Title: Amendment of Existing Use Permit and Modification of Conditions of Approval for 2925 Mead Avenue

Sponsors:

Indexes:

Code sections:

Attachments: 1. Project Data and Maps, 2. Planning Commission Resolution Approving the Use Permit, 3. Conditions of Approval, 4. Applicant's Project Description, 5. Development Plans

Date	Ver.	Action By	Action	Result
3/14/2018	1	Planning Commission	Approved	
3/14/2018	1	Planning Commission	Approved with conditions	Pass

REPORT TO PLANNING COMMISSION

SUBJECT

Amendment of Existing Use Permit and Modification of Conditions of Approval for 2925 Mead Avenue

File: PLN2017-12620 (PLN2011-08641)

Location: 2925 Mead Avenue (formerly 2905 Mead Avenue), a 63,087 square foot portion of a 116,096 square foot industrial building, located on a 5.91 acre lot on the north side of Mead Avenue, approximately 650 feet west of Bowers Avenue: APN: 216-28-089; property is zoned Light Industrial (ML) with a General Plan designation of Low Intensity Office Research and Development, Exception Area for Places of Assembly and Entertainment Uses.

Applicant: K1 Speed

Owner: LBA RV-Company I, LLC

CEQA Determination: Categorically Exempt per Section 15301, Class I Existing Facilities (A Mitigated Negative Declaration and MMRP were previously adopted August 3, 2011).

Project Planner: Yen Han Chen, Associate Planner

EXECUTIVE SUMMARY

The applicant is requesting amendment of an existing Use Permit (PLN2011-08641) that allows for operation of an indoor recreational kart racing facility within approximately half of an existing 116,096 square foot industrial building, located in the Light Industrial (ML) Zoning District. K1 Speed has operated the indoor electric kart racing facility on this property since early 2012. The requested amendments would modify the operation to allow for the sale and consumption of beer and wine (ABC License Type 41) in the concession area café of the facility and would allow for extended

business hours throughout the week.

The applicant has provided within the Statement of Justification a business operational program that ensures onsite drinking does not take place prior to kart racing. The purchase and consumption of beer and will be confined to the concession area café portion of the K1 Speed facility. Drivers are issued bracelets which allow them to race. Upon completion of their racing, if they are of age and purchase beer or wine in the concession area café, the bracelet will be cut and removed, and replaced with a fluorescent hand stamp. The handstamp will identify customers as having consumed beer or wine. Customers without bracelets and customers with handstamps will not be able to race.

The Police Department noted that there were no calls for service that reflect negatively on the establishment or its customers. No code enforcement cases were found to be associated with the tenant space. The applicant, working with Planning Division and Fire Department staff, has brought the business into general compliance with the existing Use Permit (PLN2011-08641) conditions of approval.

BACKGROUND

Previous Permits:

K1 indoor kart racing facility has occupied a 63,087 square foot tenant space formerly leased as a furniture warehouse since 2012. The remainder of the building is currently occupied by an indoor recreational volleyball club facility (City Beach), a children's recreational gymnastics facility (Pump-It-Up) and a baseball/softball training facility (All-Star Academy). These other existing recreational uses were also entitled through separate Use Permits for this property.

PROJECT ANALYSIS

Project Description:

Most of the floor area of the existing indoor cart racing facility is devoted to the 1/3 mile winding race course that can handle up to 12 electric race karts at a time. The rest of the floor area contains a driver loading/unloading zone, a kart charging area, a maintenance repair shop, a game zone, a concession area café, and related support areas. The karts operate by gel sealed batteries and can run up to 30 mph. The karts are also computerized and include radio control that can be remotely controlled by the track operator to manage conditions. The karts do not generate emissions and are equipped with brakes and safety features such as seat belts, roll bars and automatic shutoff in the event of an emergency.

The requested amendment of the Use Permit (PLN2011-08641) would modify the operation to allow for the sale and consumption of beer and wine (ABC License Type 41) in the concession area café of the facility, and would allow for extended business hours throughout the week. A business operation program will be implemented which will ensure onsite drinking does not take place prior to kart racing.

The existing approved and proposed hours of operation are as follows:

	Existing Approved	Proposed
Monday:	11:00 A.M. to 9:00 P.M.	Noon to 10:00 PM
Tuesday through Thursday:	11:00 A.M. to 10:00 P.M.	Noon to 10:00 PM
Friday:	11:00 A.M. to 11:00 P.M.	11:00 A.M. to 11:00 P.M.
Saturday:	9:00 A.M. to 11:00 P.M.	10:00 A.M. to Midnight
Sunday:	9:00 A.M. to 6:00 P.M	10:00 A.M. to 9:00 P.M.

Environmental Determination:

The proposed beer and wine service and extended business hours are categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301, Class 1 Existing Facilities, in that the proposed tenant improvements and use will make use of an existing developed property, and will not add additional building floor area.

A Mitigated Negative Declaration (MND) and Mitigation Monitoring or Reporting Program (MMRP) was prepared and adopted under the original Use Permit that was approved by Planning Commission on August 3, 2011. The Use Permit and conditions approval numbers' P9, P10 and P12 (and MMRP Mitigations' MM AQ-2 and MM AQ-3) requiring the installation and maintenance of roof-mounted toxic gas sensors as part of the alert system and the facility's shelter-in-place plan are no longer required by the Fire Department for a recreational facility in an industrial area. Through review of the business operation with the Fire Department, it has been determined that the roof-mounted toxic gas sensors are no longer required, and may be removed as a requirement for the business operation. Therefore, the Conditions of Approval noted above will be deleted from the Use Permit requirements.

Neighborhood Compatibility:

The use has operated at this location for more than 5 years without issue to nearby businesses. As no new exterior building or site modifications are proposed for this indoor recreational facility, it remains compatible with the Light Industrial zoning district context of the surrounding industrial buildings on Mead Avenue and Kifer Road.

General Plan and Zoning Conformance:

The project site and neighboring properties to the northwest, west and south have a General Plan land use designation of Low Intensity Office R&D and are located in an Exception Area for Places of Assembly and Entertainment. The Low Intensity Office R&D designation is intended for campus-like office development. Properties to the northeast, east and south are designated High Intensity Office R&D and are intended for high-rise or campus-like developments and are also located in an Exception Area for Places of Assembly and Entertainment. Exception Areas are identified on the General Plan Land Use Map for the location of entertainment, recreation and assembly activities that include use by sensitive receptors (i.e. children and the aged) and preservation of industrial activities permitted by right outside the Exception Area. Through the Use Permit process, entertainment, recreation and assembly activities may be allowed in an Exception Area for Places of Assembly and Entertainment Uses. The project site and surrounding properties are zoned ML, which allow general industrial activities such as manufacturing, assembly warehouse storage and wholesale distribution.

Circulation and Parking:

A total of 152 vehicle parking spaces are provided for shared use by all of the tenants the existing warehouse building and are sufficient to meet the parking demand of existing and proposed tenant use. One Class I bicycle locker and four Class II bicycle rack parking spaces also exist on site.

Architecture:

No new exterior modifications are proposed with this application for the existing light industrial building.

Landscaping:

The business constructed exterior site and building improvements when it first occupied a portion of the building more than 5 years ago, including signage, parking lot striping for ADA access, installation of four 24-inch box trees in the front landscape setback, and the construction of a five-foot sidewalk fronting the property.

PUBLIC NOTICES AND COMMENTS

The notice of public hearing for this item was posted within 300 feet of the site and was mailed to property owners within 300 feet of the project site. At the time of this staff report there has been no public input submitted in support or opposition to the proposed project.

ADVANTAGES AND DISADVANTAGES OF ISSUE

The proposal is consistent with General Plan policies and zoning ordinance requirements. The proposed extended business hours and addition of beer and wine service (ABC Type 41 License) would complement the existing food service and enhance the experience offered to customers of the existing recreational use under the proposed plan for managing the business operation, and would not be detrimental to the other businesses on the property or uses on adjacent industrial properties.

RECOMMENDATION

Adopt a Resolution approving amendment of the Use Permit (PLN2011-08641) to allow the requested extension of business hours and the on-site sale and service of alcoholic beverages (ABC License Type 41) in the existing electric kart racing facility located in the ML Zoning District, at 2925 Mead Avenue, subject to modified conditions with the removal of the requirement for the maintenance of roof-mounted toxic gas sensors (Conditions of approval numbers' P9, P10 and P12 and MMRP Mitigations' MM AQ-2 and MM AQ-3) .

Prepared by: Yen Han Chen, Associate Planner
Reviewed by: Gloria Sciara, Development Review Officer
Reviewed by: Diana Fazely, Deputy City Attorney
Approved by: Kevin Riley, Acting Planning Manager

ATTACHMENTS

1. Project Data and Maps
2. Planning Commission Resolution Approving the Use Permit
3. Conditions of Approval
4. Applicant's Project Description
5. Development Plans