



Agenda
Planning Commission Meeting
7:00 P.M. on Tuesday, February 10, 2009
Clayton Community Library Meeting Room
6125 Clayton Road, Clayton

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

- 1A. Review of agenda items.
- 1B. Commissioner Johnson to report at the February 17, 2009 City Council meeting.

Public Comment

Approval of Minutes

- 2. Approval of minutes from the meeting of January 27, 2009.

Public Hearings

- 3. **UP 01-09, Use Permit, Snap Fitness**, 6200 Center Street, Suite G, APN 119-620-060. A Use Permit to allow Snap Fitness representatives to amend their Use Permit to allow the following:
 - Amend their previously-approved 5:00 a.m. opening time one hour earlier to the newly-proposed 4:00 a.m. opening time; and
 - Amend their previously-approved 11:00 p.m. closing time one hour later to the newly-proposed 12:00 a.m. closing time.Proposed Action: Approval, with conditions.

Old Business

- 4. None.

New Business

- 5. None.

Communications

- 6A. Staff.
- 6B. Commission.

Adjournment

- 7. The next meeting of the Planning Commission is scheduled for **Tuesday, February 24, 2009**.

Most Planning Commission decisions are appealable to the City Council within ten (10) calendar days of the decision. Please contact Community Development Department staff for further information immediately following the decision. If the decision is appealed, the City Council will hold a public hearing and make a final decision. If you challenge a final decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s), either in oral testimony at the hearing(s) or in written correspondence delivered to the Community Development Department at or prior to the public hearing(s). Further, any court challenge must be made within 90 days of the final decision on the noticed matter. If you have a physical impairment that requires special accommodations to participate, please contact the Community Development Department at least 72 hours in advance of the meeting at 925-673-7340. An affirmative vote of the Planning Commission is required for approval. A tie vote (e.g., 2-2) is considered a denial. Therefore, applicants may wish to request a continuance to a later Commission meeting if only four Planning Commissioners are present. Any writing or documents provided to the majority of the Planning Commission after distribution of the agenda packet regarding any item on this agenda will be made available for public inspection in the Community Development Department located at 6000 Heritage Trail during normal business hours.

Minutes
City of Clayton Planning Commission Meeting
Thursday, January 27, 2009

Call to Order

Chair Catalano called the meeting to order at 7:00 p.m. at the Library Meeting Room, Clayton Community Library, 6125 Clayton Road, Clayton.

Present: Chair Tuija Catalano, Vice Chair Ed Hartley, Commissioner Bob Armstrong, Commissioner Keith Haydon, Commissioner Sandra Johnson

Absent: None

Staff: Community Development Director David Woltering
Assistant Planner Milan Sikela, Jr.

Administrative

1A. Review of agenda items.

By consensus, the Planning Commission moved Item 3B ahead of Item 3A.

1B. Chair Catalano to report at the February 3, 2009 City Council meeting.

Approval of Minutes

2. Approval of minutes from the meeting of January 13, 2009.

Chair Catalano moved and Commissioner Haydon seconded a motion to approve the minutes from the meeting of December 18, 2008, as amended. The motion passed 5-0.

Public Hearings

3B. **ZOA 02-08, Municipal Code Amendment, City of Clayton.** An amendment of Chapter 17.44 (Site Plan Review Permits) of the Clayton Municipal Code to allow for administrative review and approval of specified minor single-story additions to multi-story single family residences.

The public hearing was opened. Director Woltering presented the staff report.

Vice Chair Hartley inquired about the proposed clarification wording.

Commissioner Armstrong indicated that the clarification wording conveys what the Commission initially intended.

Chair Catalano moved and Commissioner Haydon seconded a motion to recommend City Council adoption of the proposed replacement ordinance to Ordinance No. 419. The motion passed 5-0.

Chair Haydon recused himself from the meeting because he resides within 500 feet of the location of the Site Plan Review being considered under Item 3A.

- 3A. **SPR 01-09, Site Plan Review Permit, Pete Wiesendanger**, 5511 Southbrook Drive, APN 118-102-002. A Site Plan Review Permit permit to allow the construction of a two-story addition on a single-story residence. The entire project measures approximately 1,486 square feet in area. The height of the two-story great room/master bedroom portion of the project measures approximately 23 feet and the height of the two-story “tower” component of the project measures approximately 34 feet.

The public hearing was opened. Assistant Planner Sikela presented the staff report.

Commission questions of clarification to staff pertained to the type of exterior materials being used.

The public testimony period was opened.

Pete Wiesendanger, the applicant, indicated the following:

- Prefers the vertical windows on the addition.
- Built the subject shed before the City’s existing accessory structure regulations were established.
- Wants to leave the shed where it is.
- The shed is not three feet from the fence.

Bill Gehring, 5509 Southbrook, indicated that an existing trellis and rose bush screens the shed from public areas.

Commission questions and comments included:

- Would the existing regulations apply to the shed? Director Woltering indicated that staff would research when the shed was built to see if it was a legal non-conforming structure.
- Could a variance be used? Director Woltering indicated that the shed would not meet the findings for approval of a variance.
- Determination whether the shed complies with City standards is a separate issue from the addition. The two should not be linked.

Director Woltering indicated the following:

- If the shed was constructed in compliance with the codes in place at that time of construction, it would be a legal non-conforming structure.
- Since the shed issue is not specifically related to the project, staff will work with the applicant separately on this issue.

Commission questions to the applicant included:

- Will you be removing any trees? Mr. Wiesendanger indicated that no trees would be removed.
- Will anything be done to address the slope at the rear of the addition? Mr. Wiesendanger indicated that engineering will be done on the project to ensure slope stability.
- Why did you choose the synthetic slate as the roof material for the tower? Mr. Wiesendanger indicated that this slate material is a safer, stronger, more durable material and would not be as likely to cause hazards by falling to the ground. It also has a higher quality appearance.

Mark Apodaca, 5518 Southbrook Drive, expressed support for the project.

There being no further public comments, the public testimony period was closed. Commission comments included:

- Have no objection to the mixture of roof materials being proposed.
- Like the tower element.
- Many residences in the vicinity of the project site use a mixture of different exterior colors and materials.

Commissioner Armstrong moved and Commissioner Johnson seconded a motion to approve Site Plan Review SPR 01-09, with the findings and conditions recommended by staff. The motion passed 4-0.

Old Business

4. None.

New Business

5. None.

Communications

- 6A. Staff.

Director Woltering indicated that City Attorney Dan Adams could attend the February 24, 2009 Planning Commission meeting to discuss conflict-of-interest issues.

- 6B. Commission.

The Commission asked the following questions:

- What is the status of the Rivulet project? Director Woltering indicated that the applicants have not produced the maps needed to finish the public review draft mitigated negative declaration. When that information is received, the public review draft will be completed and brought forward to the Planning Commission.
- What is the status of Flora Square? Director Woltering responded that construction is almost complete.
- Any tenants proposed for Flora Square? Director Woltering indicated that tenant improvements are underway for Remax Realty.
- Has an application been submitted yet for the Clayton Community Church proposal? Director Woltering indicated that an application has not yet been received. He stated further, though, that staff had met to review a pre-application submittal for the purpose of preparing pre-application comments for the representatives of the Church. These comments would be useful for preparing a formal application.

Adjournment

7. The meeting was adjourned at 8:10 p.m.

Submitted by
David Woltering, AICP
Community Development Director

Approved by
Tuija Catalano
Chair

Plng Comm 2009 Minutes 0127

PLANNING COMMISSION STAFF REPORT

Meeting Date: February 10, 2009

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Snap Fitness
Use Permit (UP 01-09)

REQUEST

A Use Permit to allow Snap Fitness representatives to amend their Use Permit to allow the following:

- Amend their previously-approved 5:00 a.m. opening time one hour earlier to the newly-proposed 4:00 a.m. opening time; and
- Amend their previously-approved 11:00 p.m. closing time one hour later to the newly-proposed 12:00 a.m. closing time.

PROJECT INFORMATION

Applicant / Location: Michael Monahan
Snap Fitness
6200 Center Street, Suite G
Clayton, CA 94517
APN 119-620-060 (See **Attachment 1** for Vicinity Map)

Property Owner: Stephen J. Coates
Coates & Sowards, Inc.
1725 South Bascom Avenue #104
Campbell, CA 95008

General Plan Designation: Town Center Commercial.

**Town Center Specific
Plan Designation:** Town Center Commercial.

Zoning: Limited Commercial (L-C) District.

Environmental Review: Categorically exempt per Sections 15303(c) of the State CEQA Guidelines.

Public Notice: On January 30, 2009, a public hearing notice was posted at the notice boards, mailed to property owners within 300 feet of the site, and faxed to the newspapers. To date, no comments have been received by staff.

Agency Referrals: Comments received from the Police Department have been incorporated into the text of the staff report.

Authority: Section 17.60.030.C.7 of the Municipal Code authorizes the Planning Commission to approve a Use Permit for non-retail commercial uses in ground-floor commercial locations within the Town Center.

ANALYSIS

On July 30, 2008, the Planning Commission approved a Use Permit (UP 03-08) for Snap Fitness to operate a ground-floor retail tenant space within the Town Center (see **Attachment 2** for the July 30, 2008 staff report and **Attachment 3** for the July 30, 2008 Planning Commission Notice of Decision). Since that time, Snap Fitness had received requests by their members to access the facility both earlier and later than the current opening and closing times allow for (see **Attachment 4** for a letter from Snap Fitness). As a result of the increased demand for earlier/later access times, Snap Fitness representatives are now proposing to open the facility one hour earlier—at 4:00 a.m.—than the originally approved opening time of 5:00 a.m. Likewise, Snap Fitness representatives are also proposing to close the facility one hour later—at 12:00 a.m. midnight—than the originally approved closing time of 11:00 p.m.

Personal trainers will be at the facility at 4:00 a.m. to accommodate the needs of Snap Fitness members. Currently, no personnel are on site from 8:00 p.m. to 11:00 p.m. This would continue to be the practice during the extra hour between 11:00 p.m. to midnight. As a result, there would be no personnel on site from 8:00 p.m. to midnight.

Staff contacted the Police Chief who explained that there have been no problems with the current hours of operation. As a result, the Police Chief was not opposed to the requested extension of hours.

RECOMMENDATION

Staff recommends that the Planning Commission approve Use Permit UP 01-09 to allow Snap Fitness representatives to amend their Use Permit to allow the following:

- Amend their previously-approved 5:00 a.m. opening time one hour earlier to the newly-proposed 4:00 a.m. opening time; and
- Amend their previously-approved 11:00 p.m. closing time one hour later to the newly-proposed 12:00 a.m. closing time;

subject to the findings of approval, conditions of approval, and advisory notes listed below.

Proposed Findings for Approval

Based on the evidence in the staff report and project file, as well as testimony at the hearing, the Planning Commission finds the project, as conditioned:

1. Is consistent with the General Plan designation and policies and Town Center Specific Plan designation and policies.
2. Meets the standards and requirements of the Zoning Ordinance.
3. Preserves general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards.
4. Imposes no significant negative impacts upon the health or general welfare of residents or employees of the City.
5. Incorporates a permit that will be in accord with the purpose of Use Permits as stated herein.
6. Is not negatively influential to minors.
7. Will not present any impacts upon the Town Center with regards to increased crime, loitering, or large concentrations of people.

Proposed Conditions of Approval

1. The hours of operation shall be 4:00 a.m. to 12:00 a.m.
2. The applicant agrees to indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgements, liens, levies, costs, and expenses of whatever nature, including attorney's fees and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, or the environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.

Advisory Notes

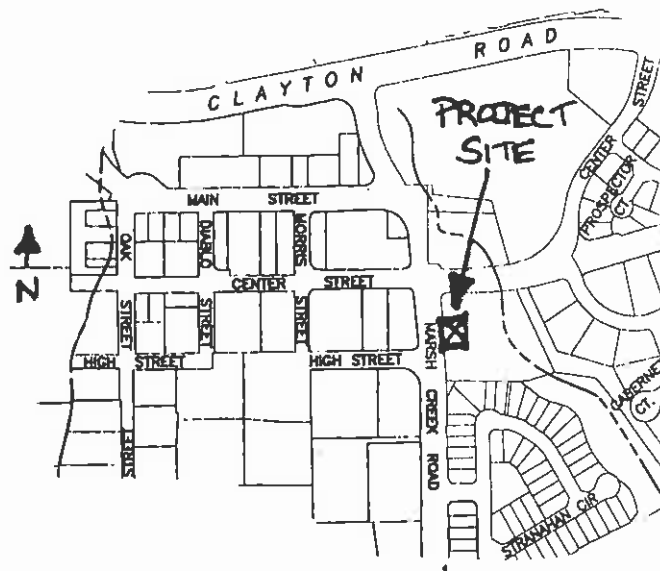
Advisory notes are provided to inform the applicant of: (a) Clayton Municipal Code requirements; or (b) requirements imposed by other agencies. The advisory notes state requirements that may be in addition to the conditions of approval.

1. Comply with all applicable State, County, City, and fitness center codes, regulations, and adopted standards.
2. This permit shall be used, exercised, or established within twelve months after granting of the permit or a time extension must be obtained from the Planning Commission otherwise the permit shall be null and void (CMC § 17.64.010-030).

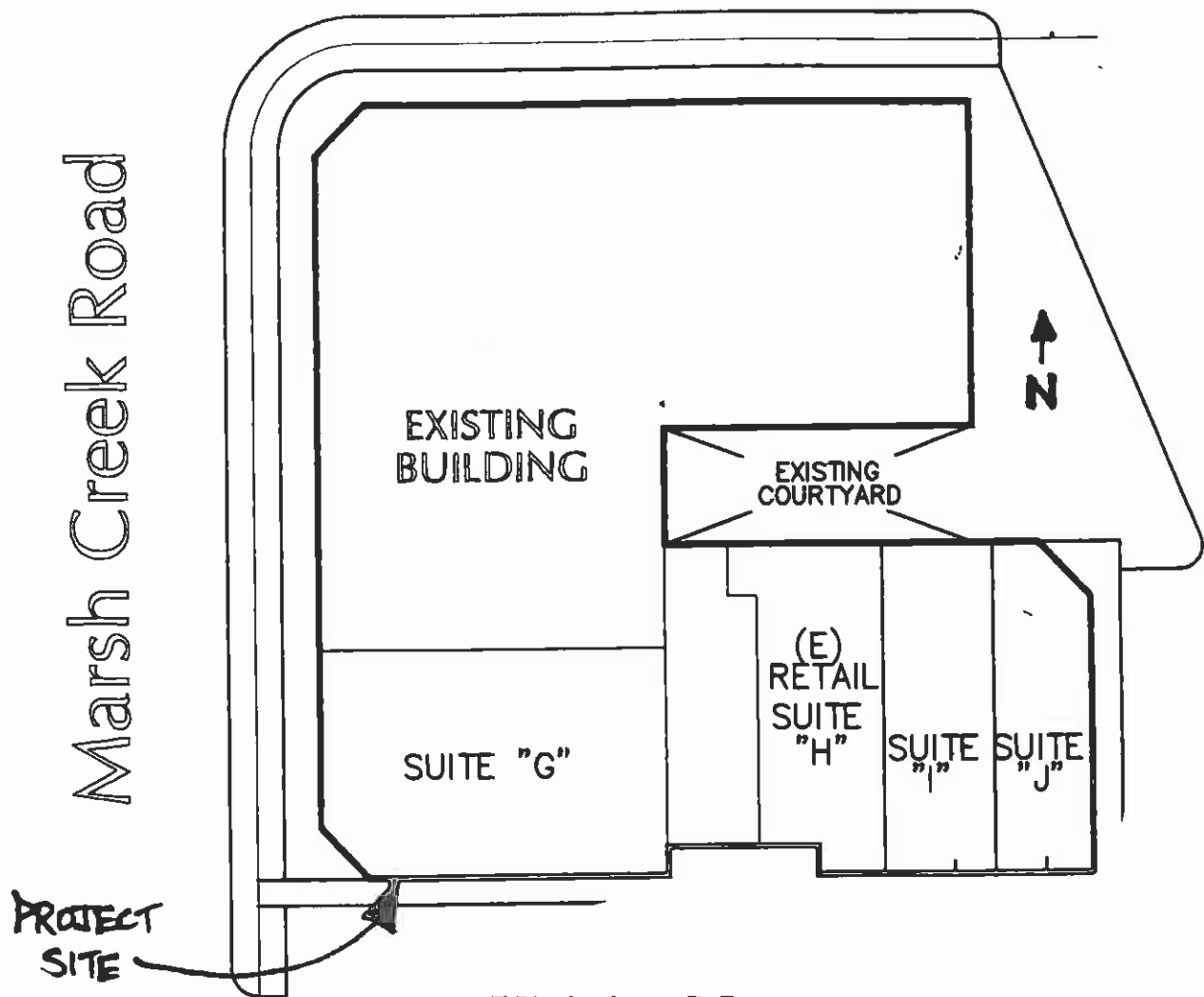
ATTACHMENTS

- 1 Location Map
- 2 July 30, 2008 Staff Report
- 3 July 30, 2008 Notice of Decision
- 4 Letter from Snap Fitness, date stamped January 30, 2009

UP\2009\01-09.sr1



Center Street



Vicinity Map

6200 Center Street, Suite G

APN 119-620-060

**PLANNING COMMISSION
STAFF REPORT**

Meeting Date: July 29, 2008

From: Milan J. Sikela, Jr. *MS*
Assistant Planner

Subject: Snap Fitness
Use Permit (UP 03-08)

REQUEST

A Use Permit to allow the operation of a fitness center in a ground-floor retail tenant space within the Town Center.

PROJECT INFORMATION

Applicant / Location: Michael Monahan
Snap Fitness
6200 Center Street, Suite G
Clayton, CA 94517
APN 119-620-060 (See **Exhibit A** for Vicinity Map)

Property Owner: Stephen J. Coates
Coates & Sowards, Inc.
1725 South Bascom Avenue #104
Campbell, CA 95008

General Plan Designation: Town Center Commercial.

**Town Center Specific
Plan Designation:** Town Center Commercial.

Zoning: Limited Commercial (L-C) District.

Environmental Review: Categorically exempt per Sections 15303(c) of the State CEQA Guidelines.

Public Notice: On July 21, 2008, a public hearing notice was posted at the notice boards, mailed to property owners within 300 feet of the site, and faxed to the newspapers. To date, no comments have been received by staff.

Agency Referrals:	Comments received from the Police Department have been incorporated into the text of the staff report.
Authority:	Section 17.60.030.C.7 of the Municipal Code authorizes the Planning Commission to approve a Use Permit for non-retail commercial uses in ground-floor commercial locations within the Town Center.

ANALYSIS

Snap Fitness is proposing to operate a fitness center in an existing 2,100 square-foot ground-floor commercial space within the Village Oaks commercial building. According to Section 2.3 of the Town Center Specific Plan, any non-retail commercial use proposed for a ground-floor location within the Town Center requires approval of a Use Permit. This Use Permit requirement for non-retail ground-floor commercial uses in the Town Center was implemented in order to encourage retail uses in ground-floor commercial spaces and, thereby, support the establishment of a strong retail district in the Town Center. The property owner has provided a letter describing the difficulties in leasing the subject ground-floor tenant space to retail businesses (see **Exhibit B**). Staff concurs that, given the current economic conditions and the challenges with leasing the subject commercial space to a retail business, leasing the tenant space to a non-retail business would be a greater benefit to the City than a vacant tenant space or leasing to a retail tenant that would be unsuccessful at that location.

The fitness center is proposed to operate from 5:00 a.m. to 11 p.m. seven days a week. Initially, the center was proposed as a 24-hour operation. Staff had indicated concerns to the applicant related to land use compatibility, public nuisance, and public safety issues associated with the proposed 24-hour operation. The concerns related to the impacts of lighting and noise upon the Stranahan residential subdivision located adjacent to and south of the project site. Given the absence of on-site staff during late evening and early morning hours, staff also had concerns regarding public safety. The Police Chief provided comments regarding these issues (see **Exhibit C**). In response to these preliminary concerns, the applicant agreed to revise the hours of operation to 5:00 a.m. to 11:00 p.m. for which a condition has been provided to clarify and confirm this understanding.

The conversion of the ground-floor tenant space will involve installation of standard fitness center items such as exercise equipment and television monitors as well as construction of two changing rooms/bathrooms. On-site security will be provided from approximately 9:00 a.m. to 7:00 p.m. by two owners, two personal trainers, and a front-desk employee. Supplemental security devices such as surveillance cameras and “panic” button systems (both wall-mounted and installed on necklaces worn by members) will also be provided. The applicant has submitted a Statement of Operation describing the parameters of the project (see **Exhibit D**).

Parking impacts are anticipated to be minimal as a maximum of about 12 members are expected during peak hours (5:00 a.m. to 7:00 a.m. and 5:00 p.m. to 7:00 p.m.) with a maximum of approximately four to six members expected during off-peak hours. It should be noted that the City’s off-street parking space requirements in Chapter 17 of the Municipal Code are the same for “retail” and “fitness studio” at one space per 250 square feet of floor area. The parking lot at the Village Oaks commercial center has adequate parking to accommodate the anticipated demand for project-related parking spaces.

RECOMMENDATION

Staff recommends that the Planning Commission approve Use Permit UP 03-08 to allow the operation of a fitness center in a ground-floor retail tenant space within the Town Center.

Proposed Findings for Approval

Based on the evidence in the staff report and project file, as well as testimony at the hearing, the Planning Commission finds the project, as conditioned:

1. Is consistent with the General Plan designation and policies and Town Center Specific Plan designation and policies.
2. Meets the standards and requirements of the Zoning Ordinance.
3. Preserves general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards.
4. Imposes no significant negative impacts upon the health or general welfare of residents or employees of the City.
5. Incorporates a permit that will be in accord with the purpose of Use Permits as stated herein.
6. Is not negatively influential to minors.
7. Will not present any impacts upon the Town Center with regards to increased crime, loitering, or large concentrations of people.

Proposed Conditions of Approval

1. The hours of operation shall be 5:00 a.m. to 11:00 p.m.
2. The project shall be operated in accordance with the submitted "Statement of Operation" dated July 18, 2008 (Exhibit D of this staff report).
3. The applicant agrees to indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgements, liens, levies, costs, and expenses of whatever nature, including attorney's fees and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, or the environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.

Advisory Notes

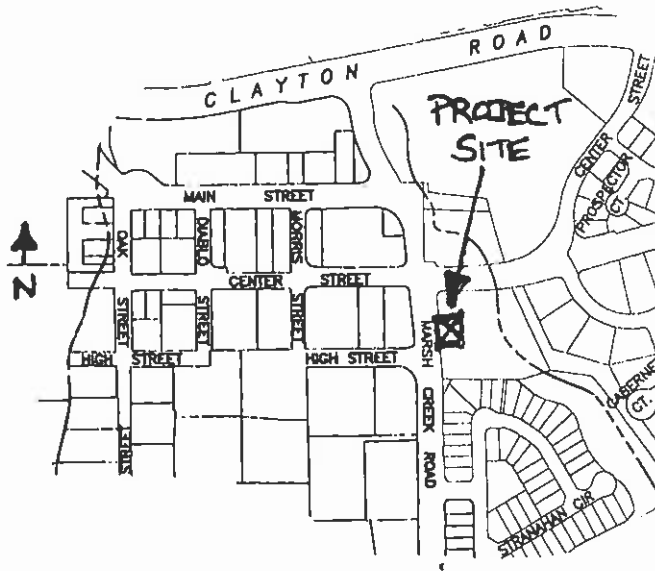
Advisory notes are provided to inform the applicant of: (a) Clayton Municipal Code requirements; or (b) requirements imposed by other agencies. The advisory notes state requirements that may be in addition to the conditions of approval.

1. Comply with all applicable State, County, City, and fitness center codes, regulations, and adopted standards.
2. This permit shall be used, exercised, or established within twelve months after granting of the permit or a time extension must be obtained from the Planning Commission otherwise the permit shall be null and void (CMC § 17.64.010-030).

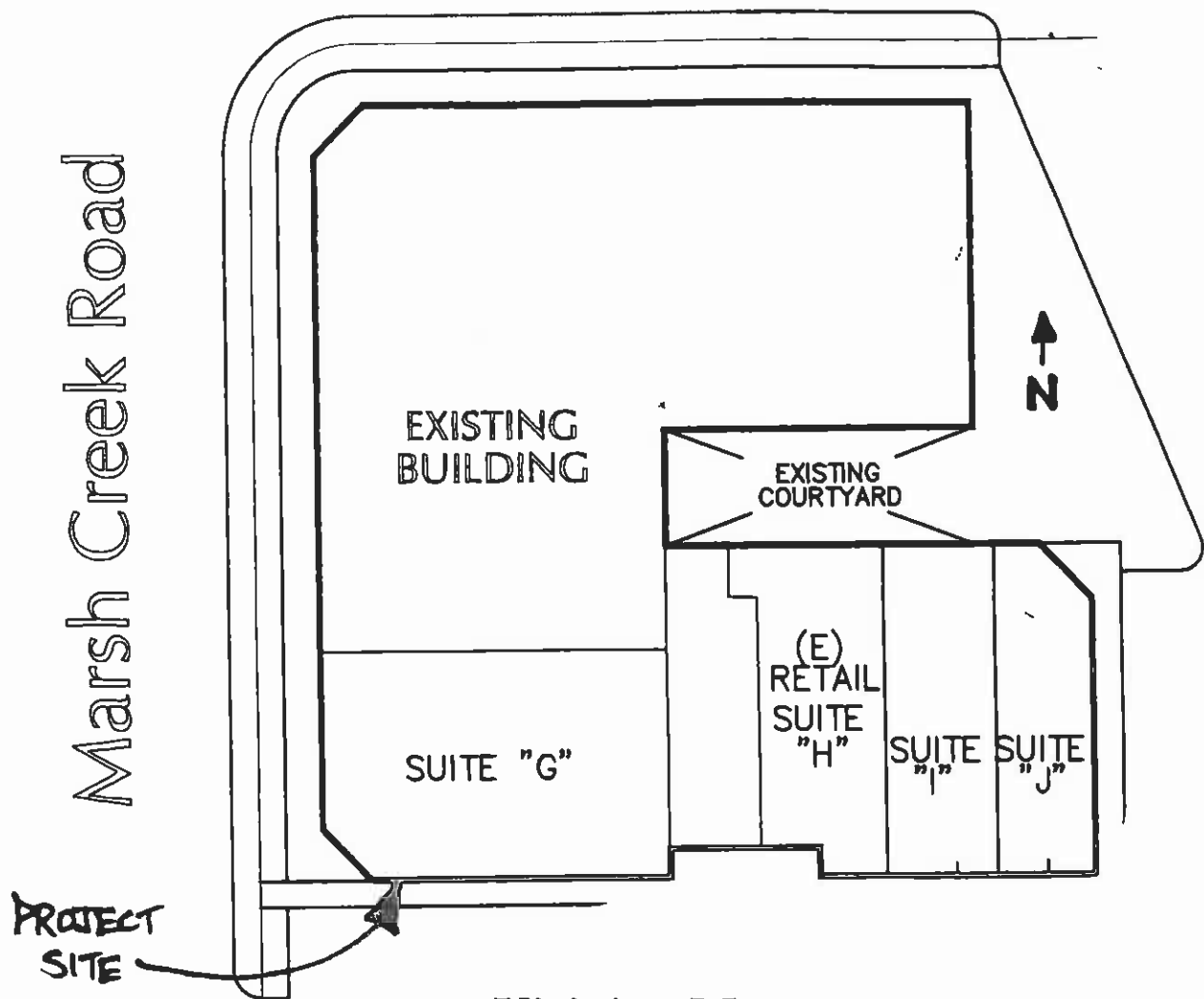
EXHIBITS

- A Location Map
- B Letter from Stephen J. Coates, date stamped July 11, 2008
- C Clayton Police Department Memorandum, provided by the Police Chief, date stamped July 11, 2008
- D Statement of Operation, submitted by the applicant, date stamped July 18, 2008
- E Snap Fitness Floor Plan and Fact Sheet, submitted by the applicant, date stamped June 24, 2008

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Center Street



Vicinity Map
 6200 Center Street, Suite G
 APN 119-620-060

EXHIBIT A

RECEIVED

JUL 11 2008

**CLAYTON COMMUNITY
DEVELOPMENT DEPT.**

July 11, 2008

Mr. Milan Sikela
Assistant Planner
City of Clayton
6000 Heritage Trail
Clayton, California 94517-1250

Re: Current Leasing Status Report
Village Oaks, 6200 Center Street

Dear Milan:

I thought it would be a good idea to keep you informed about how we are doing with leasing our vacant spaces at Village Oaks. I have been Managing and Leasing this property for over five years. Almost all our tenants live in Clayton and that is the primary reason that they have leased space in our building. We rarely have a request for retail tenants. I believe the primary reason for this is that there are not enough customers in the surrounding community to support a retail business. This may change over time but right now all requests for space seems to be for office or service uses.

The retail tenants that we have had in our building have not been successful. During the past five years a toy store vacated, a quilt shop has come and gone, and the western wear shop has had four different owners in five years and finally closed up. We worked with each of the businesses to succeed by providing attractive rental rates, and free rent to get started. We understand that the City of Clayton would like to see additional retail tenants to obtain sales tax revenues and we have no problem with leasing to retail tenants if they are available.

I have contacted the Broker handling the new building at 1026 Oak Street to keep her informed of our spaces available. Our rental rates would be considerably less than a new building so there is a real incentive to locate at Village Oaks. We have also had our spaces listed on LoopNet which is the largest electronic listing service in the nation. I can no remember a single call from a retailer. Almost all our calls for space have come from people living in Clayton who want to relocate or open a business in our building. Right now our only possible tenant is Snap Fitness who would take one of five spaces that we currently have available. If we are unable to finalize a Lease with this business then we may be sitting with a vacant space for some time. This business would be paying us several thousand dollars per month so we are quite concerned about not being able to lease Snap Fitness.

**EXHIBIT B
(2 PAGES)**

We will continue to seek out and work with retail tenants should they show any interest in our building.

Sincerely yours,
Coates & Sowards, Inc.
Managing Agent for Village Oaks

Stephen J. Coates, Manager

**CLAYTON POLICE DEPARTMENT
MEMORANDUM**

RECEIVED

DATE: July 13, 2008

TO: David Woltering,
Community Development Director

FROM: Dan Lawrence,
Police Chief

SUBJECT: Snap Fitness Proposal

JUL 11 2008
CLAYTON COMMUNITY
DEVELOPMENT DEPT.

Although I'm happy to hear that Snap Fitness has a proposal to open a fitness center in the downtown area, I have some concerns if the hours of operation are approved for 24/7. I feel that a business that operates 24/7 may not be a compatible operation when compared to the other businesses that are already established in the downtown area. In addition, there are several residential areas located nearby. The potential for excessive lighting and noise emanating from the operation could pose nuisance issues and annoy neighbors living in close proximity to the fitness center.

In addition, I feel that this proposed operation could pose a public safety issue for several reasons. An unsupervised fitness operation during the night hours could place a person at risk if a medical emergency or criminal situation arose. For example, if the only person working out had a medical emergency he/she might not be able to call for help. When this operation (if approved) became well known to the regional area, there might be an unwanted attraction to the area when police staffing is reduced to its lowest level. The City of Clayton enjoys a low crime rate, especially during the night hours when all businesses are closed and residents are asleep.

With that being said, I would not oppose this applicant from opening a fitness operation in the downtown area where the hours of operation were similar to what other business offer nearby. I would support 5am to 11pm hours as a time frame for the applicant's hours of operation.

EXHIBIT C



RECEIVED

JUL 18 2006

CLAYTON COMMUNITY
DEVELOPMENT DEPT.

**Statement of Operation
Snap Fitness—Clayton California**

Type of Activity: SNAP Fitness operates state-of-the-art fitness centers in neighborhood settings. It provides a convenient and affordable exercise alternative to the “big box” fitness centers, without the burden of contracts. The center is intended to appeal to those looking for a friendly, non-competitive environment in which to improve their health.

Hours of Operation: The center will be open to its members from 5:00 a.m. to 11:00 p.m., 365 days/year. During unstaffed hours, members access the center via a card-lock system.

Staffing: In addition to the two owners, the center will typically have a front-desk employee and two personal trainers. It is anticipated that the center will be staffed from 9:00 a.m. to 7:00 p.m. daily. These hours may vary based on membership levels and member requirements(personal training appointments, etc).

Parking: As there are no fitness classes at this facility, parking impact is minimal. Based on activity at other clubs, one could expect 4-6 members on site throughout the day with two peak periods—very early morning(5:00 to 7:00 a.m.) and early evening (5:00 – 7:00 p.m).—where this number may rise to 10 or 12 members. The members arrive/depart at staggered times, so the number of parking spaces affected is even lower.

Security: The facility is monitored by 4-6 surveillance cameras. A panic button system (wall buttons and necklaces) is also installed that provides a direct connection to a monitoring company in the event of a health or security concern. As it is a private club, experience has shown that the members also monitor the facility and report any issues.

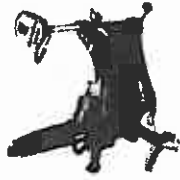
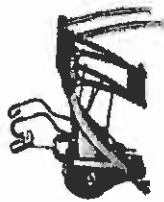
Other Services: Snap Fitness also sells nutritional products and apparel through its centers. The center also maintains a vending system to provide its members with beverages and light food items(protein bars, etc).

Benefit to the Community: The benefits to Clayton make SNAP Fitness a great fit for the community. These benefits include:

- Customer Attraction to Downtown Area: Members are likely to include a visit to the Village Market, the Coffee Shop, and other downtown merchants as part of their visit to the gym.

- Discount Cards: SNAP has a program to create a discount card for use at businesses in the immediate area of the center. The intent is to provide increased customer traffic for SNAP's neighbors.
- Reciprocity With Other SNAP Centers: While the members feel like they are a part of a local, private fitness club, their membership entitles them to use any of the more than 900 centers across the country (with 700 more on the way!). This is an outstanding benefit for the business traveler or even the long commuter, as they can continue their fitness program when away from home.
- Promotion of Clayton as A Healthy Community: The fitness center, when added to the YMCA programs, parks, and trails, further establishes Clayton's reputation as a healthy, active community.
- Attraction of Other Successful Merchants: SNAP's success in Clayton will attract the attention of other retail/commercial prospects. While giving the appearance of a local gym, it is backed by a solid corporate entity operating in 43 states, a fact that will not go unnoticed by other potential tenants. The increased foot traffic in the downtown area along with the existing household income/density demographics will make the center area more attractive as a profit-producing location.

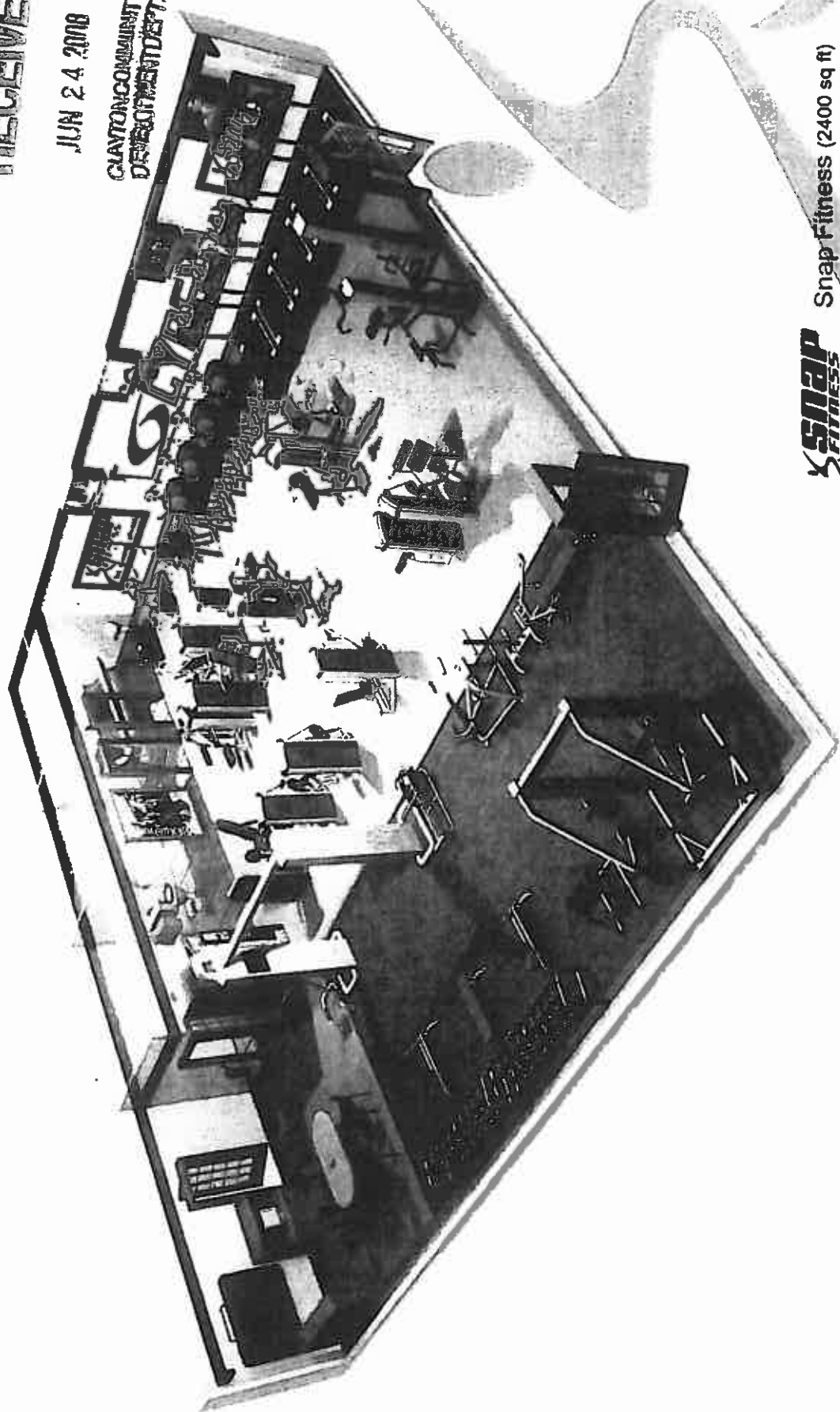
CLYBEX®



RECEIVED

JUN 24 2008

CLAYTON COMMUNITY
DEVELOPMENT DEPT.



SNAP
FITNESS

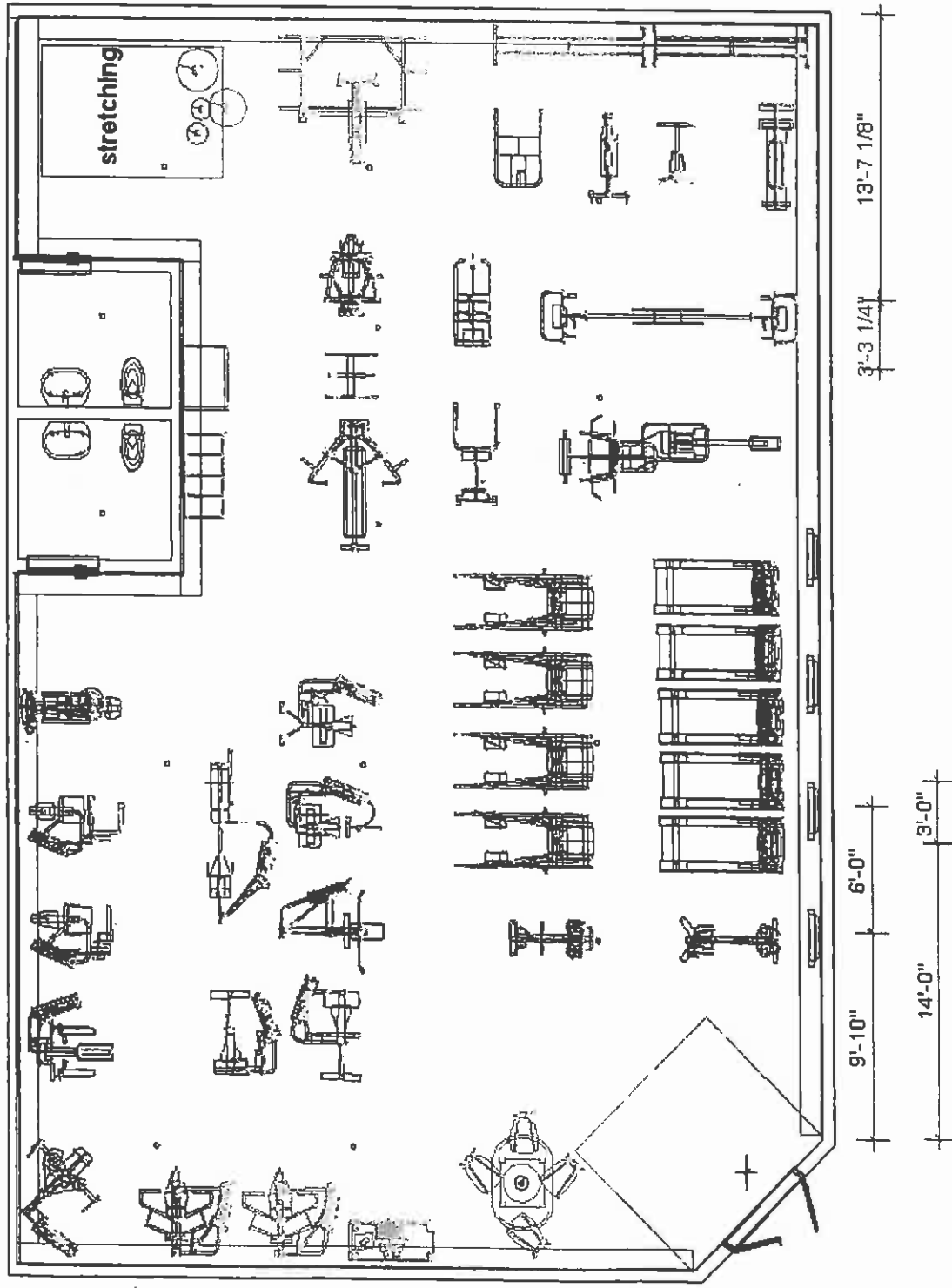
Snap Fitness (2400 sq ft)

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Designed By Roxanne Ahmadinejad Clybex International UK

CLYBEX

**EXHIBIT E
(3 PAGES)**



SNAP- Clayton, CA

2400 Standard

Five Treadmill outlets

3' O.C. 14' from coner wall

NEMA-5 Plug Dedicated

110V 20 AMP

Four 32" flat screen TVs

7' from floor, 9'10" from Corner wall, 6' OC

Rubber Flooring Throughout

2132.2 ft²



FACT SHEET

Contact:

MIKE MONAHAN
925-349-9335

The Snap Fitness System

Compact in stature, yet full of everything an active individual needs to get fit, all Snap Fitness facilities are open for member access anytime 24 hours a day, 365 days a year. Memberships start at [REDACTED] and provide a convenient, affordable exercise alternative in a neighborhood setting.

Security

Often the first concern in considering a 24/7 health club, security is one of the most important features of all Snap Fitness facilities. Locations are not only convenient, but also safe. All Snap Fitness clubs operate on a 24-hour card-key locking system that ensures safety and allows members and owners to supervise club usage. In addition, there are surveillance cameras continuously monitoring facilities and providing added security to the club.

Equipment

A variety of state-of-the-art exercise equipment is used in all Snap Fitness facilities and provides members with the latest in fitness advances, including:

- Treadmills
- Stair climbers
- Exercise bikes
- Elliptical machines
- Arc trainers
- Cardio theater – watch TV during workouts
- Free weights
- Strength equipment
- Personal trainers (for additional cost)

In addition, all Snap Fitness facilities contain:

- Tanning bed for members (provided at additional membership cost) (N/A CLAYTON)
- Electronic exercise program aids
- Large restroom/changing facilities
- Free equipment orientation

Membership

Members of all ages enjoy Snap Fitness clubs due to their friendly, non-competitive atmosphere.

Additional membership benefits include:

- No contracts
- 30-day risk-free guarantee
- "Freeze" membership at anytime (put on hold if not used)
- Membership discount with accepted health insurance programs
- Snap Rewards Program allowing members to exercise and win prizes
- Discount card for use at local businesses



6000 Heritage Trail • Clayton, California 94517
925-673-7300 • Fax 925-672-4917

PLANNING COMMISSION NOTICE OF DECISION

DATE: July 30, 2008

TO: Michael Monahan
Snap Fitness
6200 Center Street, Suite G
Clayton, CA 94517

Stephen J. Coates
Coates & Sowards, Inc
1725 South Bascom Avenue #104
Campbell, CA 95008

RE: Use Permit (UP 03-08)

Following a public hearing, the Clayton Planning Commission approved the following project on July 29, 2008. The project was approved based on the findings and conditions listed below.

Project Description

Approval of a Use Permit to allow the operation of a fitness center in a ground-floor retail tenant space within the Town Center at 6200 Center Street, Suite G (APN 119-581-008).

Findings for Approval

Based on the evidence in the staff report and project file, as well as testimony at the hearing, the Planning Commission finds the project, as conditioned:

1. Is consistent with the General Plan designation and policies and Town Center Specific Plan designation and policies.
2. Meets the standards and requirements of the Zoning Ordinance.
3. Preserves general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards.
4. Imposes no significant negative impacts upon the health or general welfare of residents or employees of the City.
5. Incorporates a permit that will be in accord with the purpose of Use Permits as stated herein.
6. Is not negatively influential to minors.
7. Will not present any impacts upon the Town Center with regards to increased crime, loitering, or large concentrations of people.

The above-stated findings assume acceptance and approval of the proposed conditions of approval listed below.

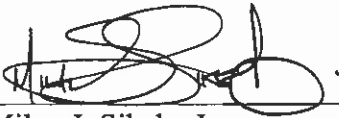
Conditions of Approval

1. The hours of operation shall be 5:00 a.m. to 11:00 p.m.
2. The project shall be operated in accordance with the submitted "Statement of Operation" dated July 18, 2008 (Exhibit D of the July 29, 2008 staff report).
3. The applicant agrees to indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgements, liens, levies, costs, and expenses of whatever nature, including attorney's fees and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, or the environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.

Advisory Notes

Advisory notes are provided to inform the applicant of: (a) Clayton Municipal Code requirements; or (b) requirements imposed by other agencies. The advisory notes state requirements that may be in addition to the conditions of approval.

1. Comply with all applicable State, County, City, and fitness center codes, regulations, and adopted standards.
2. This permit shall be used, exercised, or established within twelve months after granting of the permit or a time extension must be obtained from the Planning Commission otherwise the permit shall be null and void (CMC § 17.64.010-030).



Milan J. Sikela, Jr.
Assistant Planner

July 30, 2008

Date

INSTRUCTIONS TO APPLICANT: Please sign and return one copy of this Notice of Decision to the Community Development Department, 6000 Heritage Trail, Clayton, 94517; and retain the other copy for your files. If you have any questions, please call 925/673-7340.

I (We) agree to comply with the above conditions.

_____, this ____ day of _____, 20 ____
Applicant's Signature

All actions of the Planning Commission are subject to appeal to the City Council as provided in Chapter 17.68 of the *Clayton Municipal Code*. Any appeal must be made in writing to the City Clerk within 10 days from the date of this Notice of Decision and must be accompanied by an appeal fee. An appeal form is available at the Community Development Department.

cc: Clayton Police Department

UP\2008\03-08.nod1



RECEIVED

January 28, 2009

JAN 30 2009

City of Clayton
Community Development Department
6000 Heritage Trail
Clayton, CA 94517

CLAYTON COMMUNITY
DEVELOPMENT DEPT.

RE: Snap Fitness Use Permit UP 03-08

This letter serves as our request to amend our use permit as follows:

- Change the opening time of the SNAP Fitness Clayton facility at 6200 Center Street Suite G from 5:00 a.m. to 4:00 a.m.
- Change the closing time of the facility from 11:00 p.m. to 12:00 a.m.

This modification is requested in response to the need of many of our members to access the facility earlier/later than the current opening time. Additionally, we have Personal Trainers who require the ability to train their clients prior to 5:00 a.m. Most of these requests are related to the commute patterns of our members. Approval of this modification would only benefit the city residents and no adverse impact on noise or traffic is anticipated.

Examples of member requests include:

- Several members who commute to the lower peninsula/San Francisco and need to leave their homes by 5:00 a.m.
- Two members from law enforcement agencies who have shifts ending at 3:00 a.m. that would like to work out on the way home.
- Members in the hospitality industry that find it difficult to arrive at the gym by 11:00 p.m. and therefore have maintained a second membership at another facility that operates 24 hours/day.

Thank you for your consideration of this request.

A handwritten signature in black ink, appearing to read "Mike Monahan".

Mike Monahan
Vice-President
SL Ventures, dba SNAP Fitness Clayton CA
6200 Center Street Suite G
Clayton, CA 94517
925-349-9335