



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

January 30, 2008

SUBJECT: **2007-1338 - American Kickboxing Academy** [Applicant]
Garnet Murray Trustee [Owner]: Application located at **168
E. Fremont Ave** (near Sunnyvale-Saratoga Rd.) in a C-1/PD
(Neighborhood Business/Planned Development) Zoning
District.

Motion Special Development Permit to allow a recreational use at
the Fremont Corners Shopping Center.

REPORT IN BRIEF

**Existing Site
Conditions** Vacant retail space in a retail shopping center

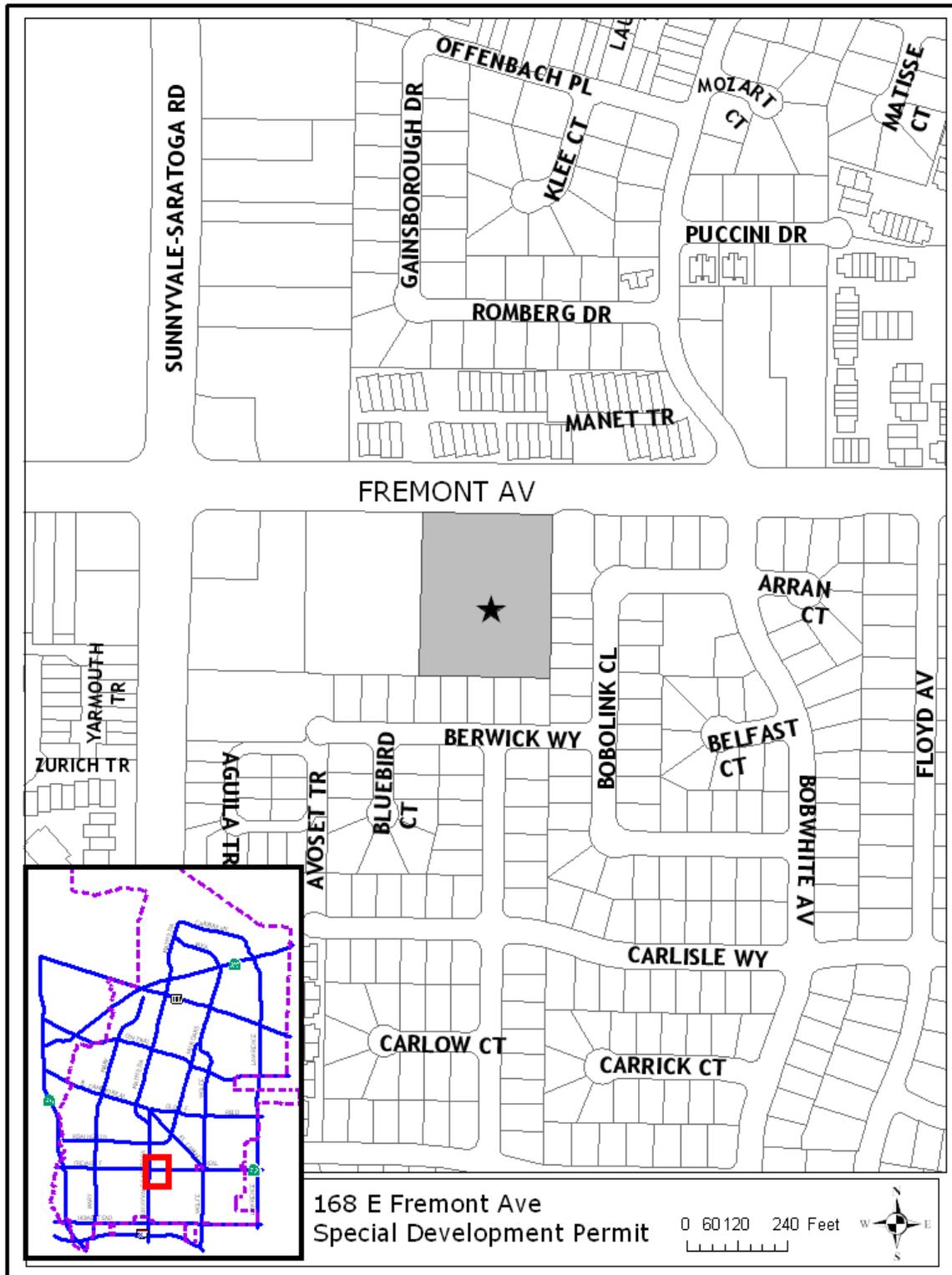
Surrounding Land Uses

North	Multi-Family Residential (Manet Terrace)
South	Single-Family Residential
East	Single-Family Residential
West	Retail Shopping Center (24-Hour Fitness)

Issues Parking

**Environmental
Status** A Class 1 Categorical Exemption relieves this project
from California Environmental Quality Act provisions
and City Guidelines.

**Staff
Recommendation** Approve with conditions.



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Commercial Neighborhood	Same	Commercial Neighborhood
Zoning District	C-1/PD	Same	C-1/PD
Lot Size (s.f.)	122,000	Same	None
Gross Floor Area (s.f.)	18,000	Same	None
Gross Floor Area of Tenant	5,000	Same	None
Parking			
Total Spaces	225	Same	Per SDP
Standard Spaces	225	Same	Per SDP
Compact Spaces/ % of Total	0	0	Per SDP
Accessible Spaces	4	Per Building Code Requirements	7 min.

ANALYSIS**Description of Proposed Project**

The application is for a Kickboxing instructional use facility (American Kickboxing Academy) to be located within a 5,000 square foot tenant space in an existing shopping center. The proposed tenant space is currently vacant and was previously occupied by a furniture store (retail use).

The proposed floor plan includes a front desk, an open workout/instructional area for students, and two sparring rings. The open workout area will include mats, with no workout equipment or fixed seats proposed. While the proposal does not include any exterior modifications to the site or building, a Special Development Permit is required for recreational and athletic facilities located within the C-1 zoning district.

Background

Previous Actions on the Site: There are no previous Planning Division related permits at this site.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include use of existing facilities.

Special Development Permit

Site Layout: The project site contains two commercial buildings with parking in front and behind the buildings. The commercial buildings total 18,000 square feet and contain the following three uses: Jake's Pizza, a postal packaging store, and a liquor store. There are three points of access to the site, including two from Fremont Avenue and one from the adjacent parcel (24-Hour Fitness).

The applicant proposes to occupy a 5,000 square foot tenant space. The floor plan would include a 360 square foot front desk and pro shop, a 290 square foot area for seating, a 3,750 square foot open area for mats and sparring rings, and a 600 square foot area for bathrooms and locker rooms. No fixed seats or work-out machines are proposed. No exterior modifications to the tenant space are being requested with this application.

Use: The proposed use is for a kickboxing instructional facility currently located in San Jose. The use would operate six days a week (Monday through Saturday) from approximately 10:00am to 9:00pm (see Applicant's Business Description in Attachment D for a complete schedule of the hours of operation). Based on the applicant's current business, there will be approximately 15 students per class with a maximum of 30 students on site at one time. Group classes will last approximately one hour and private lessons typically last one to two hours. Per the applicant's letter, there will be two full-time instructors always on site and up to five private lesson instructors who will work as needed. Changes to the hours of operation may be considered through a Miscellaneous Plan Permit (Conditions of Approval, Attachment B).

Parking/Circulation: The site currently has 144 parking spaces with no compact spaces. The proposed use would require approximately 28 parking spaces under Sunnyvale Municipal Code (SMC) 19.46.050 as a use in a shopping center with less than 20,000 square feet. The total 18,000 square feet of the site will require 100 spaces, using the SMC shopping center rate of one space per 180 square feet.

Historically this site, as well as the entire Fremont Corners Shopping Center, has had a perceived parking shortage during evening peak hours. This perceived shortage is primarily the result of 24-Hour Fitness patrons parking

only in the front parking lot. Staff visited the site on three occasions during evening peak hours to observe the parking situation and found that the front lot was entirely full but the rear and side parking lots were mostly empty. These lots are not well lit and are difficult to access on foot, which is likely the cause of their underutilization. Staff has added several conditions of approval relating to management of available parking including: employee parking in the rear lot; lighting the parking areas; patron access through the rear entrance; and a five minute time delay between classes. See Conditions of Approval in Attachment B for details.

The Fremont Corners Shopping Center is comprised of three separate parcels under two different ownerships and there is a cross easement for shared parking between the sites. Using SMC parking ratios, the Fremont Corners Shopping Center is compliant with current parking regulations. The following table shows the three properties and their required parking:

Parking Required				
Property	Square Footage	Parking Ratio	Number of Spaces Required	Total Parking Provided
West (Longhorn)	20,000	1/180	111	144
Middle (24-HR)	33,360	1/200	167	198
East (Jake's)	18,000	1/180	100	225
Totals	71,360		378	567

The subject tenant space is 5,000 square feet and is zoned C-1, which allows retail uses by right. If a retail use were to reoccupy the site, the required parking would be 28 spaces (1/180). Using SMC parking standards for recreational facilities, the Kickboxing use would require only 27 spaces. Therefore, the proposed use will generate the same number of required parking spaces as a use allowed by right.

During staff's site visits it was found that the parking lot striping is badly worn and no longer adequate. Staff has included several conditions of approval requiring all parking lots to be restriped and total number of accessible spaces to be compliant with current requirements.

Compliance with Development Standards/Guidelines: The proposed project complies with all current development standards. No further improvements are required at this time.

Expected Impact on the Surroundings: The proposed use will not cause a negative impact to the site or surrounding neighborhood. Staff has not received any negative feedback from the immediate area concerning the proposed use.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

At the time of the staff report, no comment letters have been received.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 52 notices mailed to property owners and residents adjacent to the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Special Development Permit with attached conditions of approval.
2. Approve the Special Development Permit with modified conditions of approval.
3. Deny the Special Development Permit.

Recommendation

Recommend Alternative 1.

Prepared by:

Steve Lynch
Project Planner

Reviewed by:

Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Applicant's Proposed Business Description

Recommended Findings – Special Development Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element

Policy N1.1 *Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.*

N1.1.1 *Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.*

N1.1.4 *Anticipate and avoid whenever practical the incompatibility that can arise between dissimilar uses.*

Policy N1.14 *Support the provision of a full spectrum of public and quasi-public services that are appropriately located.*

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project (*Finding met with Conditions*).

The change of use will provide a recreational and education use for the neighboring residents.

2. The proposed use ensures that the general appearance of structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties.

The applicant does not request any exterior modifications to the existing structure. The proposed use should not cause a significant increase in noise and odor as the use will occur within an enclosed tenant space.

Recommended Conditions of Approval - Special Development Permit

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 of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Execute a Special Development Permit document prior to issuance of the building permit.
- B. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- C. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- D. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- E. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- F. Any expansion or modification of the approved use shall be approved by separate application.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain the necessary Building permits for all tenant improvements related to this use.

3. OPERATIONS

- A. Hours of operation shall be limited to the following hours:
 - Monday - Thursday: 10:00am to 10:00pm
 - Friday - Saturday : 10:00am to 8:00pm
 - Sunday: Closed
- B. Changes to the hours of operation may be considered through a Miscellaneous Plan Permit or equivalent staff level permit.
- C. Classes shall be scheduled so there is at least 5 minutes between classes. The intent is to allow a natural turnover of parking spaces.
- D. The rear door of this tenant space shall be kept unlocked and/or open during evening business hours so that patrons can easily and

efficiently use this entrance/egress. The rear door shall also be well lit during nighttime hours.

- E. A sign shall be placed next to the rear door identifying the business and the entrance door. Business hours and contact information may also be posted on the sign. The sign shall be a maximum size of six square feet.
- F. No outside event promoters are allowed to operate at this location.
- G. Special events (operated by American Kickboxing Academy only) involving greater than 30 participants and/or attendees shall be submitted for approval of a Miscellaneous Plan Permit.
- H. The business operator shall be responsible for monitoring any patrons loitering outside of the building.
- I. The business operator shall ensure that any noise generated by patrons loitering outside of the building shall not be audible at the property line of the residential development to the south of this site.
- J. The rear entrance door shall be kept shut during high noise generating activities (i.e. large classes, noisy classes).

4. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain the necessary Building permits for all tenant improvements related to this use.
- B. As applicable, comply with the requirements contained in Sunnyvale Municipal Code Chapter 16.52, 16.53 and 16.54; California Fire Code, and Title 19 California Code of Regulations.

5. TRANSPORTATION AND TRAFFIC

- A. Remove and replace any damaged, cracked, or lifted asphalt in the parking lot area. Obtain the necessary Building permits for these.
- B. The parking lots (all front, rear, and side areas) shall be restriped within 60-days of the opening day of this business. The parking lot restriping requires submission and approval of a Miscellaneous Plan Permit (MPP) and any applicable building permits. The restriping plan will be reviewed by City Transportation and Traffic staff.

6. LANDSCAPING

- A. The two solid waste enclosures shall be repaired and made to be operable, secured, and aesthetically compatible with the existing buildings.
- B. All landscaping shall be maintained in a neat, clean, and healthful condition.

7. LIGHTING

- A. Flood lights shall be added to the rear elevation of this building so that patrons can easily use the parking during nighttime hours.

- B. The flood lights shall be shielded (street-side shields or lower height lights) so no lights casts onto adjacent residential properties.
- C. The flood lights shall installed so they are on a controlled switch operable from inside the subject tenant space.

8. PARKING

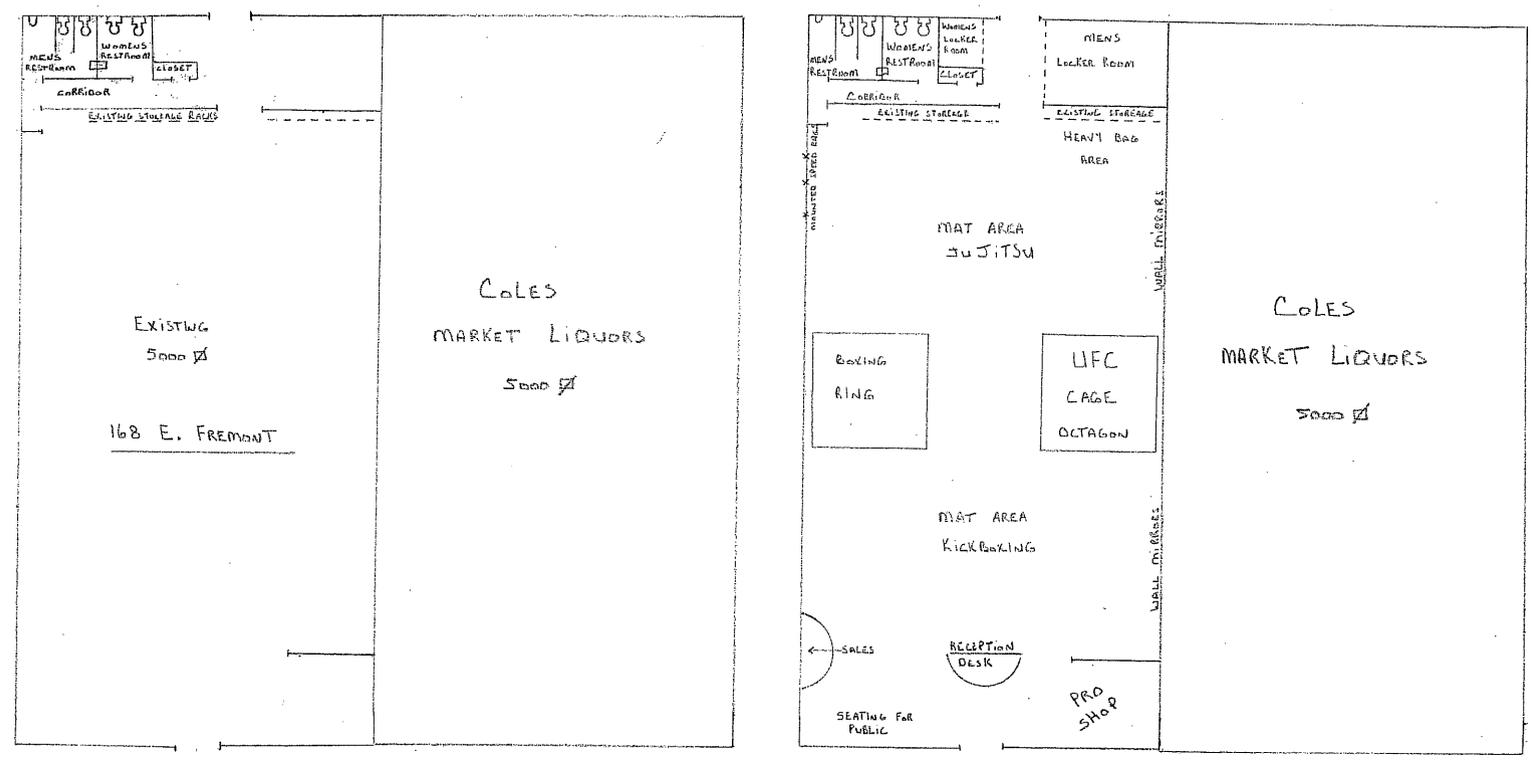
- A. Employees shall be required to park in the rear or east parking areas.
- B. At no time shall this use exceed the total available parking at the site, as calculated using the City's parking ratios.

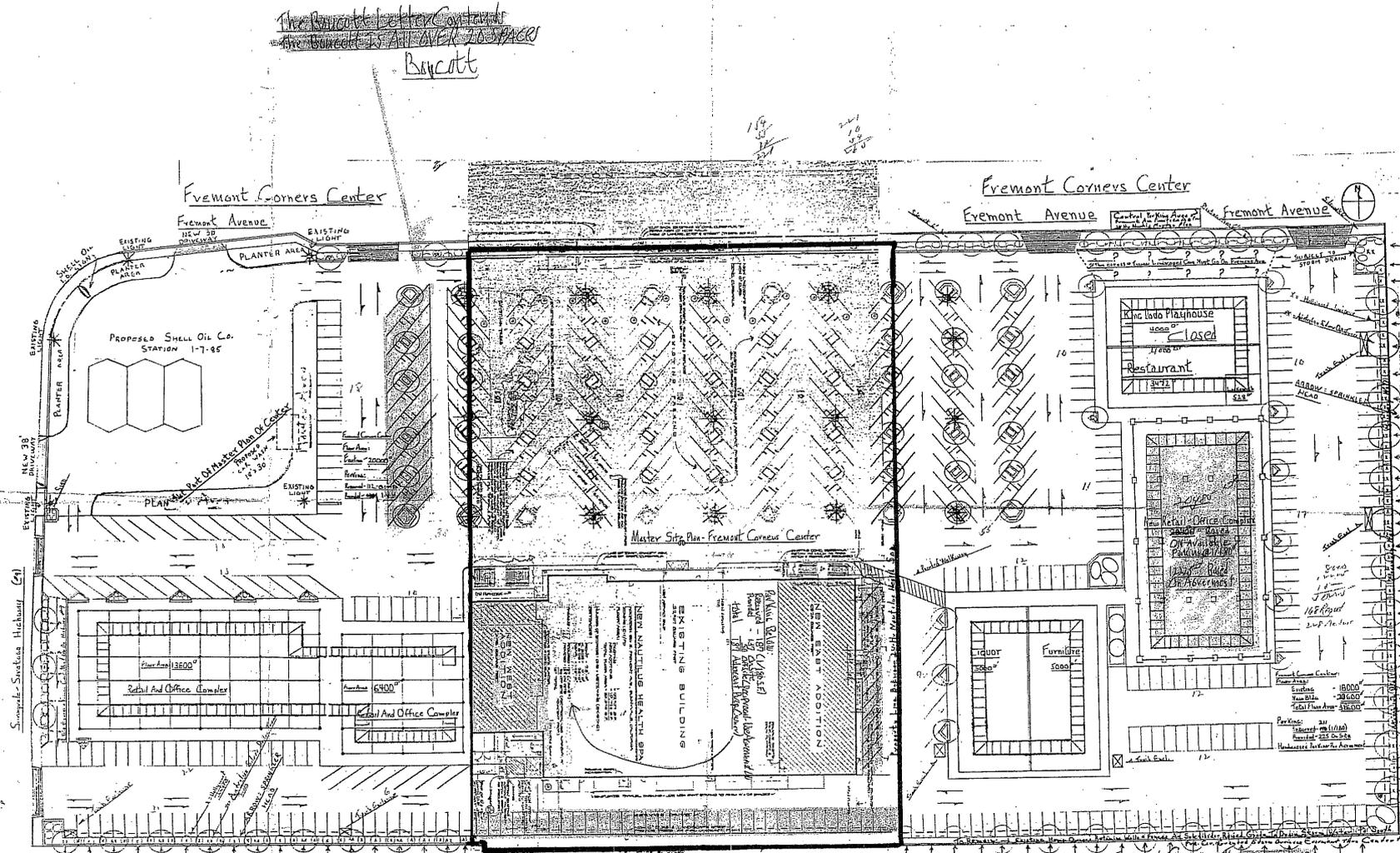
9. RECYCLING AND SOLID WASTE

- A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.

REVISIONS	D

PROPOSED FLOOR PLAN
 AMERICAN KICKBOXING ACADEMY
 SUNNYVALE





~~The Burrell Letter Contract~~
~~from Burrell to AT&T AVE 7-8-83~~
 Burrell

Parcel 2 - ~~Fremont Corners Center~~
 Agreement Allows 20000^{sq} Built Out No Expansion 33360^{sq} Bldg
 Parking Required:
 20000^{sq} - 1180^{sq} = 1122 REMAINED
 Provided = 1444
 Traces Over 32

Parcel One
 Parking Represented On Plan Above
 Parking Required = 187 @ 1/180 SF
 Provided = 137 On Site
 Off Site = A-50 On Site (Per Agreement) 187 - Total Adjacent Property Owner
 * Using the Agreement to increase the size of the Bldg by stating they had a Mechanical Use Agreement with the Adjacent Property Owner WHICH IS NOT THE CASE
 Actual Parking Upon Opening:
 Provided = 160
 Off Site = 27 On Fire Corps Property
 Total = 187

North Side Parking Today 2 Acres
 Spaces Currently Available 34
 Central Area 154
 148
 186
 18
 TOTAL = NOW
 23360 Bldg
 Space Over 30000 Cannot
 The Sun Office @ 1/180 Then
 We 16 Spaces Short
 32360 @ 1/180 = 214 Spaces Required
 Agreement Allows 21120^{sq} Bldg

Parcel 3 - Fremont Corners Center
 Agreement Allows 30225^{sq} Built 18000^{sq} = 12225 Allowed By Agreement
 Based on 1/180 + 215 Parking Spaces Could Be
 Parking Parcel One - Fire Cor = 1444
 2X = 2225
 total = 3669
 Parking Parcel One 198
 3669 - Total Parking in Center



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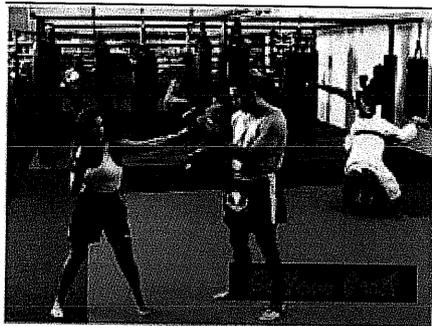
WELCOME TO AKA

The American Kickboxing Academy offers top-level public instruction for men, women, and children. In addition to providing top-level public instruction, AKA also provides private professional training as well as professional fighter management.

The American Kickboxing Academy specializes in the following:

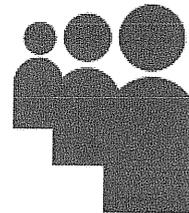
- ▣ Brazilian Jiu-Jitsu
- ▣ Children's Mixed
- ▣ Martial Arts
- ▣ Kickboxing and Muay Thai

Each discipline is taught by world-class instructors in our professional-grade facility located in beautiful San Jose, California. AKA has a wide range of class offerings, including Saturday and Sunday classes, tailored to fit your schedule.

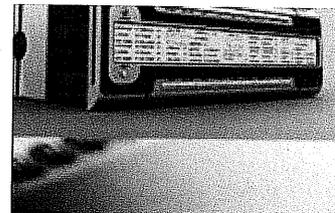


News

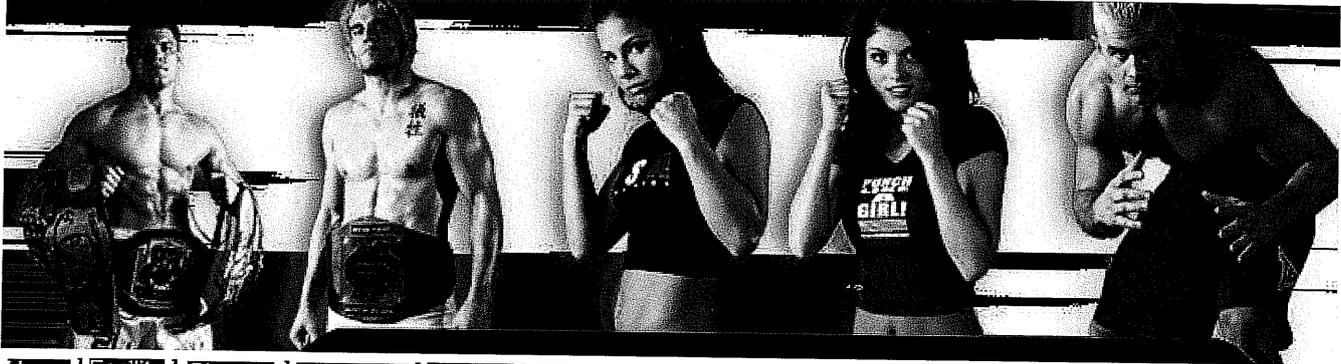
AKA joins Myspace.com
AKA news page gets redesigned.



[Click here for more info](#)



**6 Months
Membership
FREE
at AKA**



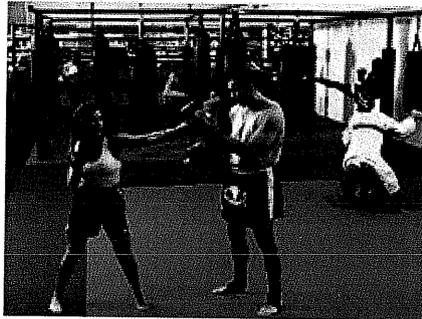
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FACILITIES AT AMERICAN KICKBOXING ACADEMY

Training at the American Kickboxing Academy definitely has its advantages; we boast a 6,300 sq. ft. facility including:

- ▣ A variety of heavy bags
- ▣ A variety of speed bags
- ▣ Olympic-grade matted areas
- ▣ A professional sized boxing ring
- ▣ Self defense training equipment
- ▣ 15 World class instructors

Please come in for a full tour of our facility, you can even watch a class in action. We offer you the opportunity to try a class out for free to see exactly what you will get from training at AKA. If you would like directions to our facility please click on the "Contact" link at the top of the page.



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AKA AMERICAN KICKBOXING ACADEMY



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SCHEDULE

KickBoxing & Boxing Schedule

Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
9:00 to 10:00	Closed	Closed	Closed	Closed	Closed	Closed	
10:00 to 11:00	Open Gym	Open Gym	Open Gym	Open Gym	Open Gym	High Energy Kickboxing	
11:00 to 12:00	Kickboxing/ Thai Boxing	Open Gym	Kickboxing/ Thai Boxing	Open Gym	Kickboxing/ Thai Boxing	High Energy Kickboxing	
12:00 to 1:00	Closed	Closed	Closed	Closed	Closed	Closed	
1:00 to 4:00	Closed	Closed	Closed	Closed	Closed		
4:30 to 5:30	Kickboxing/ Thai Boxing	High Energy Kickboxing	Kickboxing/ Thai Boxing	Boxing	Kickboxing/ Thai Boxing		
5:30 to 6:30	Boxing	Boxing	Kickboxing/ Thai Boxing	Kickboxing/ Thai Boxing	Kickboxing/ Thai Boxing		
6:30 to 7:30	Kickboxing/ Thai Boxing All Levels	Kickboxing/ Thai Boxing	Kickboxing/ Thai Boxing All Levels	Kickboxing/ Thai Boxing	Sparring Class (Light Contact Only)		
7:30 to 8:30	Kickboxing/ Thai Boxing	Kickboxing/ Thai Boxing	Boxing	Kickboxing/ Thai Boxing			
8:30 to 9:30	High Energy Kickboxing	High Energy Kickboxing	High Energy Kickboxing	Kickboxing/ Thai Boxing			

Brazilian Jiu-Jitsu

Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
10:30 to	All levels Jiu-Jitsu		All levels Jiu-Jitsu		All levels Jiu-Jitsu	All levels Jiu-Jitsu	

12:00 PM						
6:30 to 8:00 PM	Judo	Basic-Intermediate Jiu-Jitsu				
8:00 to 9:00 PM	Basic Jiu-Jitsu	Gi-Less Training	Open Mat All Levels	Gi-Less Training	Q&A 6:30 to 8:30	

Mixed Martial Arts Schedule

Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
8:30 to 9:30 PM		All Levels Mixed Martial Arts	All Levels Mixed Martial Arts	All Levels Mixed Martial Arts			

Children's Mixed Martial Arts Schedule

Time	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
4:00 to 4:45 PM	5-12 YRS Boxing / Kickboxing	5-12 YRS Jiu-Jitsu, Wrestling and Judo	5-12 YRS Boxing / Kickboxing	5-12 YRS Jiu-Jitsu, Wrestling and Judo	5-12 YRS Jiu-Jitsu		
4:45 to 5:30 PM	11-18 YRS Boxing, Muay Thai, Kickboxing	9-15 YRS Jiu-Jitsu Wrestling	9-15 YRS Jiu-Jitsu	9-15 YRS Jiu-Jitsu Wrestling	9-15 YRS Boxing Muay Thai Kickboxing		

Employees : initially 3, later grow to 7 (2 remain on-site, others are instructors that show up for classes only)