



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

February 13, 2008

SUBJECT: **2007-1341- Whispering Wind Center** [Applicant] **Tasman V LLC** [Owner]: The property is located at **1237 Reamwood Avenue** (at Tasman Dr.) in an M-S/POA (Industrial & Service/Place of Assembly) Zoning District (APN: 104-58-007)

Motion Use Permit to allow a recreational use (spa and fitness center) in a 10,000 square foot tenant space and to establish a revised parking plan for the site.

REPORT IN BRIEF

Existing Site Conditions Two industrial buildings

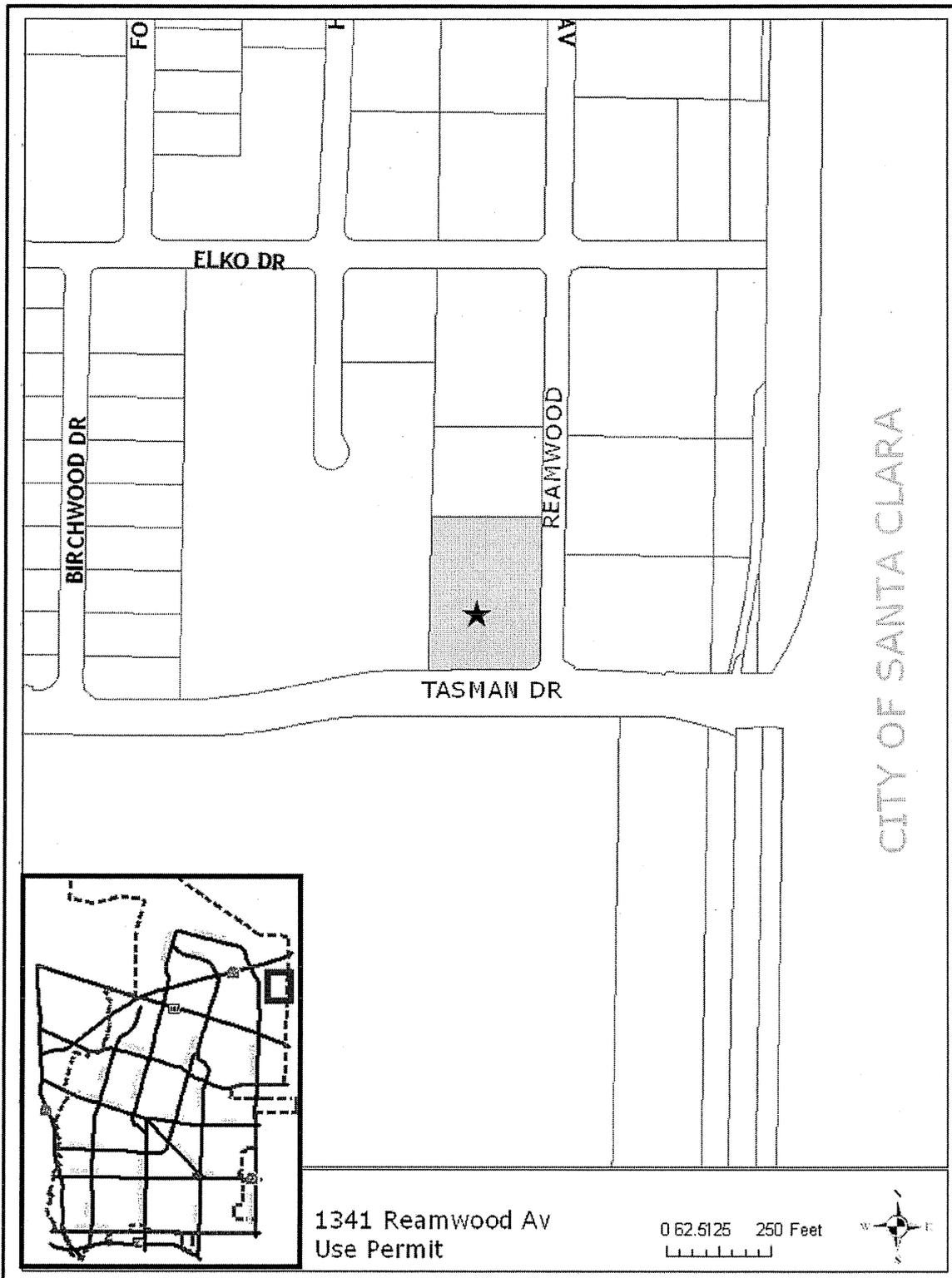
Surrounding Land Uses

North Light Industrial and R&D use
South Across Tasman and Light Rail, Mobile Homes
East Across Reamwood, Light Industrial and Restaurant
West Shipping Hub for Delivery Service (UPS)

Issues Use
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	Industrial	Same	Industrial
Zoning District	MS-POA	Same	MS-POA
Lot Size (s.f.)	95,556	Same	22,500 min.
Gross Floor Area (s.f.)	37,447	Same	37,447 max. per approved UP
Tenant Space Area (s.f.)	10,080	Same	---
Lot Coverage (%)	39.2%	Same	45% max.
Floor Area Ratio (FAR)	39.2%	Same	35% max. per approved UP
No. of Buildings On-Site	2	Same	---
No. of Stories	1	Same	8 max.
Building Height	17	Same	75 max.
Setbacks (Facing Property)			
Front	25	Same	25 min.
Left Side	5	Same	No min., 20 total
Right Side	30	Same	No min., 20 total
Rear	65	Same	No min.
Landscaping (sq. ft.)			
Total Landscaping	10,319	Same	10,319 min. per approved UP
Frontage Width (ft.)	28	Same	15 ft. min.
Parking Lot Area Shading (%)	21.6%	Same	21.6% min. per approved UP
Parking			
Total Spaces	119	Same	119 min. per approved UP
Standard Spaces	115	Same	115 min. per approved UP
Accessible Spaces	4	4	5 min.
Aisle Width (ft.)	26	Same	26 min.
Bicycle Parking	3 lockers & 3 racks	Same	3 lockers & 3 racks min.



Starred items indicate a deviation from Municipal Code requirements.

ANALYSIS

Description of Proposed Project

The project establishes new or modified uses for the two existing buildings on the site. The two components of the project include:

1. Multiple use spa and fitness center in a 10,000 square foot tenant space, and
2. Establishment of a revised parking plan for the entire site which will modify previously approved Use Permits.

The multiple use spa and fitness center includes:

- a) Fitness center with opportunities for physical and meditative experiences, including a gym, stationary bicycles, yoga, meditation hall and water therapy (place of assembly use);
- b) Bookstore and gift shop (retail use, proposed 560 square feet);
- c) Tea house (restaurant use, proposed 582 square feet), and
- d) Nursery available only to children of on-site customers using the facilities (temporary child monitoring services, proposed 277 square feet).

The parking plan will apply to all of the tenant spaces on the site. It will modify their previously approved Use Permits by restricting the number of parking spaces they can use and their hours of operation. This plan will result in a reduction in the number of customers allowed on the site at any given time.

Background

The two existing one-story industrial buildings located on the site were constructed in 1974 and total 37,302 square feet. The frontage along Tasman Drive was reduced in the 1990s when the public right-of-way was renegotiated for installation of the Light Rail.

In October 2006, the site was part of a condominium conversion project that was approved for the three parcels on the west side of Reamwood Avenue between Tasman Drive and Elko Drive. The conditions of approval included a modification of the parking, landscaping, and site upgrade requirements. The conversion project is in the early stages of the Building Permit process and the modifications have not yet been completed.

Approved uses on the site include a recreational (martial arts) studio and a counseling center. An existing printing company is allowed by right on the Industrial zoning district.

Other planning applications for this site are summarized in the following table.

File Number	Brief Description	Hearing/Decision	Date
2006-0626	Use Permit and Parcel Map to subdivide the property into industrial condominium units	Planning Commission / Approved	3/26/07
2006-1213	Use Permit for a Place of Assembly (counseling center)	Administrative Hearing / Approved	1/10/07
2006-0876	Council Study Issue to Re-Zone from Industrial to Industrial / Place of Assembly	City Council / Approved	10/24/06
2005-0864	Use Permit to allow a recreational club	Planning Commission / Approved	11/14/05
2002-0775	Use Permit to allow a vocational trade school	Administrative Hearing / Approved	11/13/02
1986-0217	Use Permit for Temporary Storage of Explosive Material	Planning Commission / Approved	9/3/86

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 includes minor changes to land use.

Use Permit

Site Layout: The subject site is located on the northwest corner of the intersection of Reamwood Avenue and Tasman Drive. The site contains two one-story industrial buildings with parking on the north, west and south sides, and between the buildings. There is a shared access easement that runs along the western boundary of the property linking it to the two parcels north of the site. The easement allows access to and from the site through a parking lot that extends to Elko Drive. The boundaries between the properties are not very distinct, so a well designed and managed parking plan is important to avoid any conflict that might result from spillage onto neighboring parking areas.

There is landscaping along the street frontages, with limited landscaping along Tasman Drive, given the additional right-of-way required for the Light Rail. The approved Parcel Map included an increase in landscaping, modification to solid waste enclosures, and slight reduction in parking to strike a better balance to address the large deficiency in landscaping that was a pre-existing condition on the site.

The existing gross floor area and Floor Area Ratio (FAR) exceed the allowable standards for the site; however, the buildings met city standards when originally approved and thus are considered legal non-conforming. New development in excess of 35% FAR is required to meet specific review criteria and must be approved by the City Council.

The proposed multiple use spa and fitness center would be located in the northern building on the site, consisting of half of the 20,000 square foot building.

The proposed parking plan applies to the parking for the entire site, including the parking for previously approved uses.

Uses: The following table indicates the current and proposed uses on the site.

Address	Use - Tenant	Area (sq. ft.)
1257 Tasman Dr, #A	POA (Tai Kwon Do) – Hong Dao Wushu Studio	4,500
1257 Tasman Dr, #B	<i>POA - Bay Area Cultural Center</i>	5,535
1257 Tasman Dr, #C	POA (counseling center) – Resources for Battered Women	7,267
1233 Reamwood Ave.	<i>Vacant</i>	5,000
1235 Reamwood Ave.	Manu./R&D - Squirt Printing	5,000
1237-9 Reamwood Ave.	<i>POA (proposed) – Whispering Wind Center</i>	10,000

The description of uses in the application includes the Bay Area Cultural Center for 1257 Tasman Drive #B, which would be a place of assembly use. However, the City has no record of a Use Permit approving such a use for that tenant space. The tenant space was not listed as a place of assembly use in the January 2007 Use Permit application for the counseling center.

The multiple uses for the proposed spa and fitness center generate unique issues and concerns:

- Place of assembly use – per the Municipal Code (SMC 19.98.020(h)), the fitness center triggers three requirements:
 - For a multi-tenant building, an Agreement between the property owner and the City to the limitation of hazardous material users on the same site (*provided*);
 - A letter from the applicant/proposed tenant acknowledging that locating in an industrial area may result in higher levels of noise, traffic, and exposure to hazardous materials than would normally be encountered in non-industrial areas (*draft provided, modified letter requested to incorporate all language detailed in Municipal Code*); and
 - Applicant shall adopt and submit for the approval of the City a safety plan designed to protect sensitive populations in the event of a nearby release of hazardous materials; the plans shall be prepared by a certified safety professional (*draft provided, need to revise to include proposed nursery in scope*).
- Retail use – the bookstore and gift shop could result in a higher parking demand if the target audience made it a stand-alone rather than an ancillary use to the site and it was calculated separately. The extent of the impact may be controlled by restricting what may be sold and the extent to which the retail use may be advertised.
- Restaurant use – similar to the retail use, the potential for impact to the parking demand depends on the extent of the menu and whether the café is designed for the on-site users of the spa and fitness center, or whether it will be promoted to other potential users and would therefore be calculated separately.
- Temporary child monitoring services – child care centers are not permitted in Industrial zoned areas, and business sponsored child care places several restriction on the business and neighboring uses within 1,000 feet of the site. The proposed use may be considered as part of this application only under the following conditions:
 - An incidental use to the spa (maximum 300 square feet),
 - For exclusive use of the charges of customers who are on-site,
 - May not be used as a regular child care center (by customers, non-customers, or employees),
 - No separate signage is permitted.

The proposed Conditions of Approval (attachment B) include the restrictions to limit the potential impacts from the proposed uses.

Parking: The Municipal Code parking requirement for General Industrial and R&D uses ranges between 1 space per 250 square feet and 1 space per 500 square feet of building area (SMC 19.46.050). Parking requirements for education or place of assembly uses are typically much higher, but may be reduced by limited the maximum number of customers on site at any given time.

The Tasman Drive parcel was approved for two Use Permits that involve place of assembly uses requiring 60 parking spaces for 8,500 square feet of the 37,447 square feet building. The requirements for each site are based on an average of the required range, take into account existing permits, and are listed in the table below.

A previously approved Use Permit and Parcel Map for the site established a total of 119 available parking spaces. The allocation includes the required parking for previously approved Use Permits.

Address / Unit	Type of Use	Min. Parking	~Area (sq. ft.)	Parking Ratio
1257 Tasman Dr, #A	POA	20	4,500	per UP
1257 Tasman Dr, #B	R&D (POA*)	12	5,535	1/500
1257 Tasman Dr, #C	POA	40	7,267	per UP
1233 Reamwood Ave.	<i>vacant</i>	10	5,000	1/500
1235 Reamwood Ave.	R&D	10	5,000	1/500
1237-39 Reamwood Ave.	POA (proposed)	40**	10,000	per UP
TOTAL (119)		132	37,302	

* No Use Permit has been approved for a POA use at 1257 Tasman Drive #B.

** The forty spaces are per the applicant's request for this tenant space.

As proposed, the parking demand exceeds the available parking spaces. The applicant has therefore submitted a parking plan to stagger the demand during different days of the week and times of the day.

This proposed Parking Program would modify the conditions of the previously approved Use Permits, reducing the number of allowable customers and/or the hours of operation. The Program proposes staggering peak use times to address the fact that the site does not provide adequate parking for all uses during peak use hours.

Address / Unit	Mon.-Fri. 6:00 am - 7:30 am	Mon.-Fri. 8:00 am - 5:30 pm	Mon.-Fri. 6:00 pm - 9:00 pm	Sat. - Sun.
1257 Tasman Dr, #A*	5	20	25	20
1257 Tasman Dr, #B**	12	15	15	30
1257 Tasman Dr, #C*	5	20	20	5
1233 Reamwood Ave.	10	17	12	20
1235 Reamwood Ave.	10	15	2	5
1237-39 Reamwood Ave.*	40	30	40	30
TOTAL (119)	82	117	114	110

* These POA tenants have Use Permits which allow for reducing their parking.

** The proposed number of parking spaces was provided by the applicant; a POA use has not been approved for this tenant space.

A copy of the letter from each of the tenants was provided, recognizing that restricted parking would result from this project. However, the letter did not clearly acknowledge that the commitment to the reduced parking would include a modification to the allowable hours of operation and number of customers on site at any given time.

The following Guidelines were considered in analysis of the project parking and circulation.

City-Wide Design Guidelines (Parking)	Comments
<i>Project site shall be conveniently accessible to both pedestrians and automobiles. Sufficient off-street parking shall be provided for every project. On-site circulation patterns shall be designed to adequately accommodate traffic. Potential negative impacts of parking areas on adjacent uses shall be minimized.</i>	As conditioned, the site provides adequate on-site parking to prevent spillover parking onto the adjacent sites. A nearby light-rail stop provides additional public transportation access to the site.

The applicant has recommended installing fewer accessible parking spaces than required by the Building Code. As this is a non-negotiable item, staff notes the sites shall be required to meet the full number of required accessible parking spaces.

Circulation: The design of three parcels includes shared access along the rear parking area. Adequate flow on the site requires a shared ingress/egress easement along the west side of the three sites.

Landscaping: The approved condominium conversion project included modifications to increase the percentage of landscaping on the subject site to a total of 10,319 square feet. While this does not meet the minimum required by the Municipal Code, it was a compromise amount given the restrictions of the existing site configuration. No trees would be removed as part of this application.

Site Improvements: The approved condominium conversion project which included the subject site called for improvements to the facade, landscaping, solid waste enclosures, uncovered enclosures, undergrounding and sidewalks. The site improvements include a bus stop and bus pad retrofit along Tasman Drive. The applicant for the condominium project is in the process of submitting building permits which will include the improvements.

Fiscal Impact

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

Public Contact

No letters were received from the public.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 660 notices mailed to the property owners and residents within 1,000 ft. of 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

Discussion:

Multiple use spa and fitness center. The multiple uses incorporated into the spa result in several potential issues. These may be addressed by considering all uses ancillary to the spa and conditioning them to function only as incidental services in a support capacity to the spa by restricting the area and conditions for use.

Parking Program. While it would be difficult to monitor, the proposed plan to allocate access to parking spaces based on day and time can work. It does,

however, modify the permitted hours of operation and number of customers allowed on site at different days and times. The letters provided by the current tenants would need to be more detailed to reflect their recognition that the change restricts not just to their access to parking, but also to their hours of operation and/or number of customers allowed during certain times.

The previously approved condominium conversion project included conditions to make improvements to the facade, landscaping, solid waste enclosures, uncovered enclosures, undergrounding and sidewalks. The proposed use requires some of the facilities to be in place prior to use and some of the proposed uses may impact the design of the improvements, such as the café on the sizing of the solid waste enclosure.

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

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

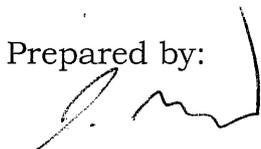
Alternatives

1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

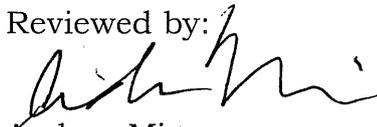
Recommendation

Alternative 1

Prepared by:


Jamie McLeod
Project Planner

Reviewed by:


Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter from the Applicant with Project Description and Justifications
- E. Place of Assembly Requirements
- F. Proposed Parking Program

Attachment A

Recommended Findings - Use 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.*

N1.1.4 *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.

Finding Met: The proposed use is not disruptive to the existing uses on the site or within the surrounding areas. Further, the proposed use provides a community resource.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District.

Finding Met: This type of use was considered through the October Place of Assembly Study Issue and approved by the City Council. The proposed Conditions of Approval limit the maximum number of people who may use the site at any given time and amount of ancillary uses, addressing potential impacts on available on-site parking spaces.

Attachment B

Recommended Conditions of Approval - Use Permit

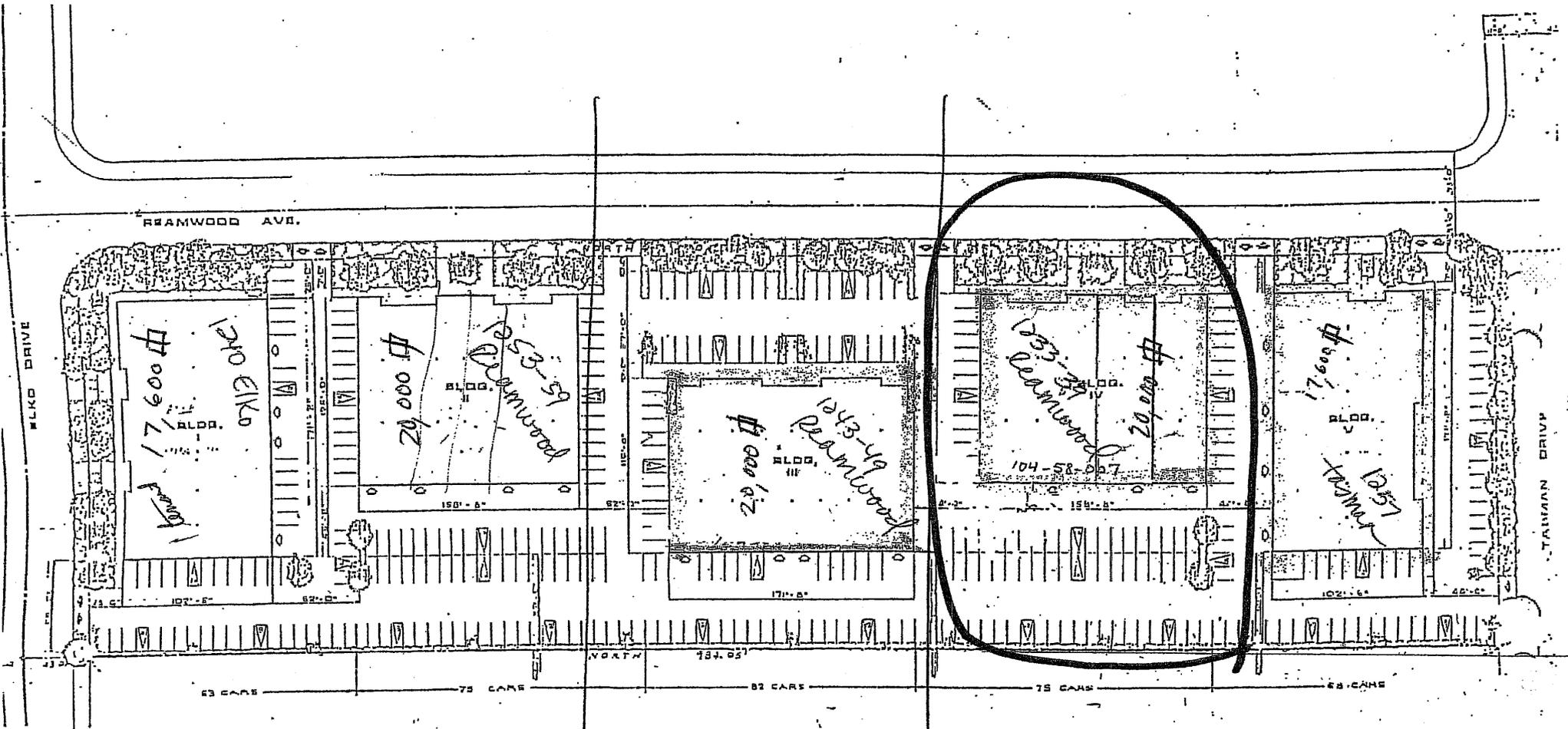
In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit. Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

- A. Project shall be in conformance with the plans and uses approved at the public hearing. Any major site or use modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- B. The Use 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 and approved prior to expiration date.
- C. Execute a Use Permit document prior to issuance of the building permit.
- D. Any expansion or modification of the approved use shall be approved by separate application at a public hearing by the Planning Commission.
- E. Either obtain a Use Permit for the Bay Area Cultural Center or cease operations of the Center prior to issuance of Building Permits or occupancy of the site.
- F. This Use Permit supersedes the permitted hours of operation, number of clients onsite and number of allocated parking spaces for two previous Use Permits for place of assembly uses on the site, namely 2006-1213 for Resources for Battered Women (counseling center) and 2005-0864 for Hong Dao Wushu Studio (recreational Tai Kwon Do). (Use Permit 2002-0775 for a vocational trade school has expired.)
- G. All services other than the spa and fitness components shall be incidental to the spa use and shall not exceed a total of 1,500 square feet, with the following breakdown: tea room (600 square feet), gift store (600 square feet), and temporary child monitoring services (300 square feet). Any changes to the size of any of these services require the review and approval of the Director of Community Development. Expanding the area of the incidental services beyond 1,500 square feet or 15%, which ever is less, shall require approval through a public hearing.
- H. This Use Permit only authorizes temporary child monitoring services for the exclusive use of children in the charge of clients in the process of using the spa or incidental services. The permit does not authorize regular child care for customers, non-customers, or employees. Any

modification or expansion of this permit shall be approved through a public hearing process.

- I. Current tenants required to submit revised letters that acknowledge their restricted hours of operation and number of customers allowed to use their business/service during the modified times.
- J. Revised wet-stamped Safety Plan required that references the full scope of the project, including the temporary child monitoring services.
- K. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval prior to issuance of Building permits. Include full scope of proposed uses, including the café. Improvements to recycling and solid waste shall be completed prior to issuance of any occupancy permits or sign-off on Building Permits.
- L. Provide Class I and Class II Bicycle Parking, or the equivalent, per VTA Bicycle Technical Guidelines.
- M. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure.
- N. Obtain necessary Building Permits for site improvements.
- O. A Master Sign Program shall be required for the site. All signs shall be in conformance with and approved Master Sign Program.
- P. No separate signage is permitted for the incidental uses (tea room, gift store, temporary child monitoring services).

Attachment C



63 CARS 75 CARS 82 CARS 75 CARS 68 CARS

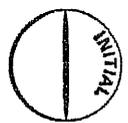


EXHIBIT A

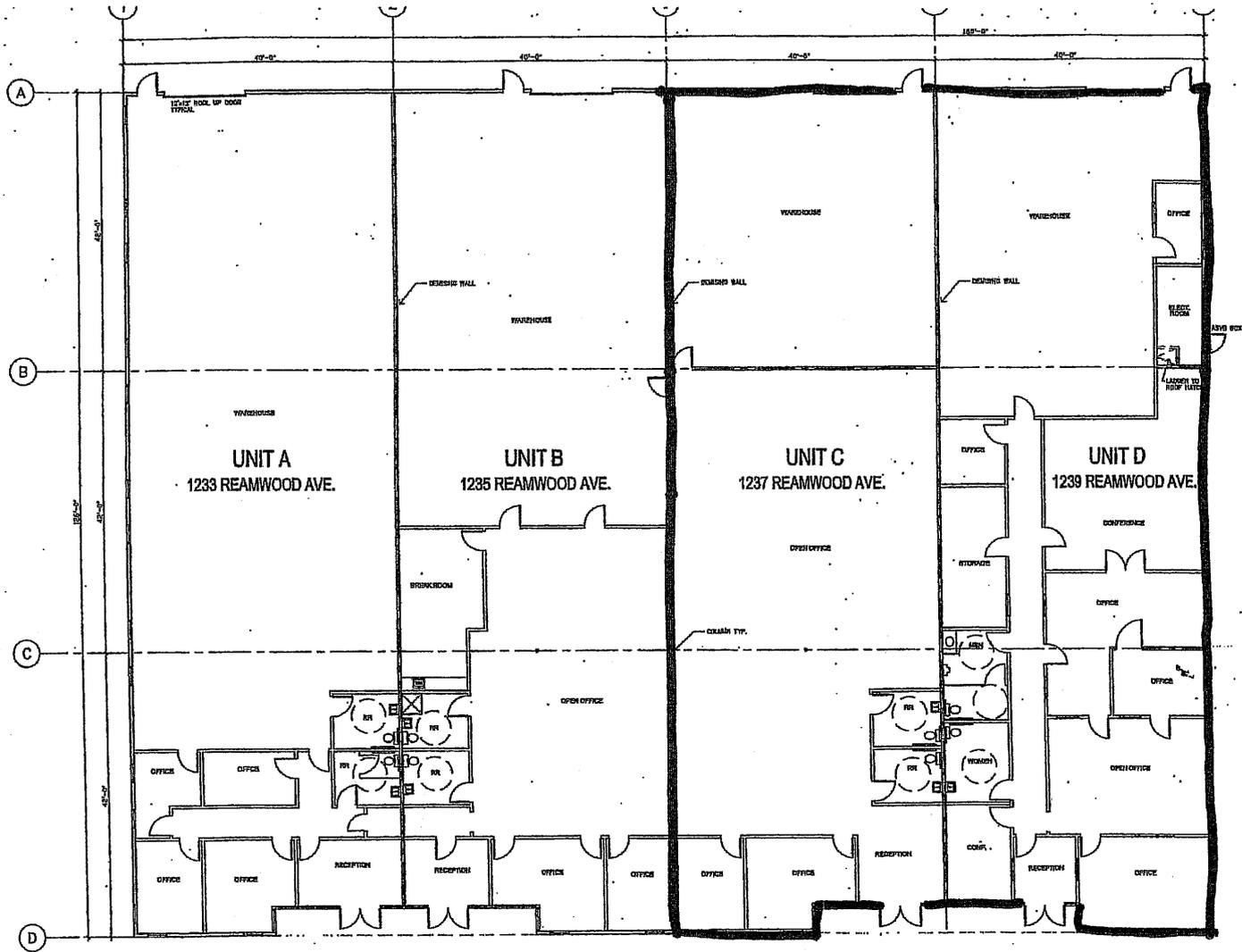
12

MASTER PLAN

11.10.01

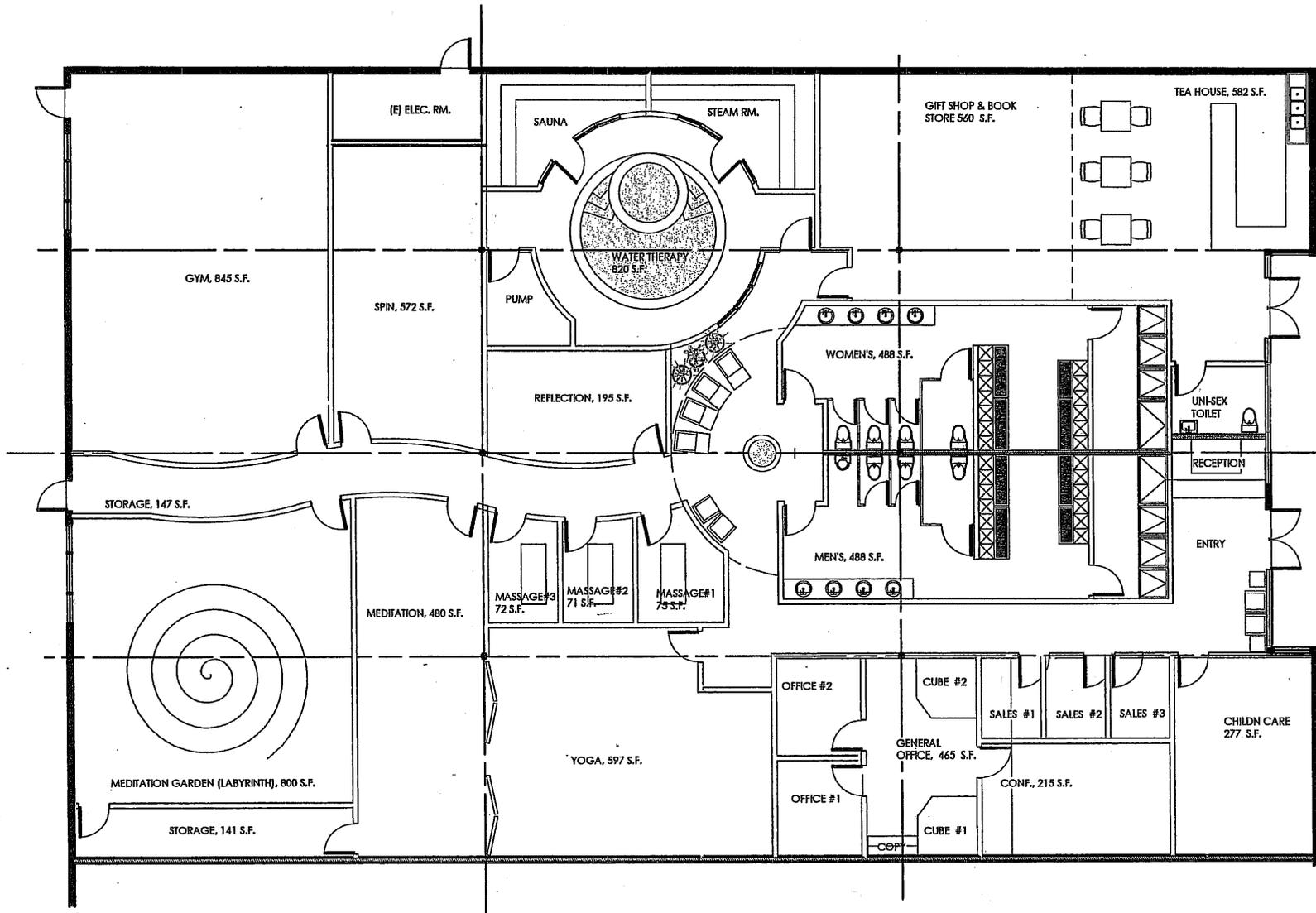
BLOCK	AREA	PARKING	PARKING RATIO
I	17,600	63	1/284
II	19,990	75	1/277
III	19,970	82	1/244
IV	19,990	75	1/277
V	17,600	68	1/257
TOTAL	85,150	363	1/404

EXHIBIT B



1 EXISTING FLOOR PLAN BLDG.2
SCALE: 1/8" = 1'-0"





1 PARTIAL FLOOR PLAN
Scale: 1/16"=1'

ATTACHMENT C
Page 3 of 4

Attachment D

Whispering Wind Center Project Description

Proposed Use

The proposed project is to locate in an existing building that has one other occupant at the time of this paper (a printing press company). The 10,000 sq. ft. tenant space will combine two existing spaces (1237 and 1239) to create a fitness center for body, mind and spirit.

Whispering Wind Center will be an unparalleled spa experience, right in here in Sunnyvale, in the heart of the valley. A serene and comfortable environment, that allows escape from the stresses of everyday life into a world of relaxation and tranquility. As you enter the center, you are instantly transported into an oasis of calm and peacefulness. There is a sense of warmth and relief. The therapeutic scents of aromatherapy, the sounds of a soothing waterfall and calming music will touch the soul.

Our vision is to provide a nurturing environment that supports awakening of the body, mind and spirit to enhance health, harmony and peace in customers' lives, the lives of those around them and ultimately the world.

Our mission is to assist customers in attaining true fitness – fitness of the body, mind and soul in tandem, by providing programs that have a balanced integrated approach to fitness.

Surrounding Uses

There are two buildings on the site and the following tenants are occupying the spaces:

Building One:

- Resource Center for Battered Women
- Bay Area Cultural Center
- Hong Dao Wushu (Tai Kwon Do) Studio

Building Two:

- Vacant
- Squirt Printing
- Whispering Wind Center

Whispering Wind Center will occupy 10,000 SF of the total 20,000 SF available in building two. The proposed use is consistent and in line with the adjacent businesses.

Site Layout

The Center will have 2 points of entry from the front and two emergency exits from the back. The Center will operate everyday from 6 AM to 11 PM. The café and bookstore will be open to public but the rest of the facility will be open to members and their guests only.

There will be no physical improvements to the exterior of the building. However, the interior of the building will be remodeled to include the following rooms:

Gym

This room will provide fitness equipment such as Elliptical trainers, treadmills and recumbent bikes.

Yoga/Pilates Studio

This is a studio for Yoga and Pilates mat classes which aim towards harmonizing the mind, body and soul.

Labyrinth Garden

This is a meditation and contemplative indoor garden. This room will have a labyrinth on the floor designed by a specialist and will have movable plants and flower pots.

Locker Rooms

There will be Locker room for men & women including showers, lockers, toilets and sinks.

Meditation Hall

It is utilized for a broad range of purposes including group meditations, spiritual events and talks and sacred dance classes.

Reflection Hall

This is a tranquil space for quiet reflection and meditation.

Spinning Studio

This room will have 30 stationary bicycles in a group, with a leader who says what to do and plays music to set the tempo.

Tea Shop and Cafe

The Tea Room offers teas and juices and a cold lunch menu. There will be a small kitchen in the back to help prepare the food and drinks. The kitchen will be equipped with a refrigerator, dishwasher, prep sink and counter.

Bookstore & Gift Shop

It will have a collection of sacred texts, spiritual books and supplies such as candles, incense, music, statues, paintings, crystals, affirmation and inspirational cards.

Nursery

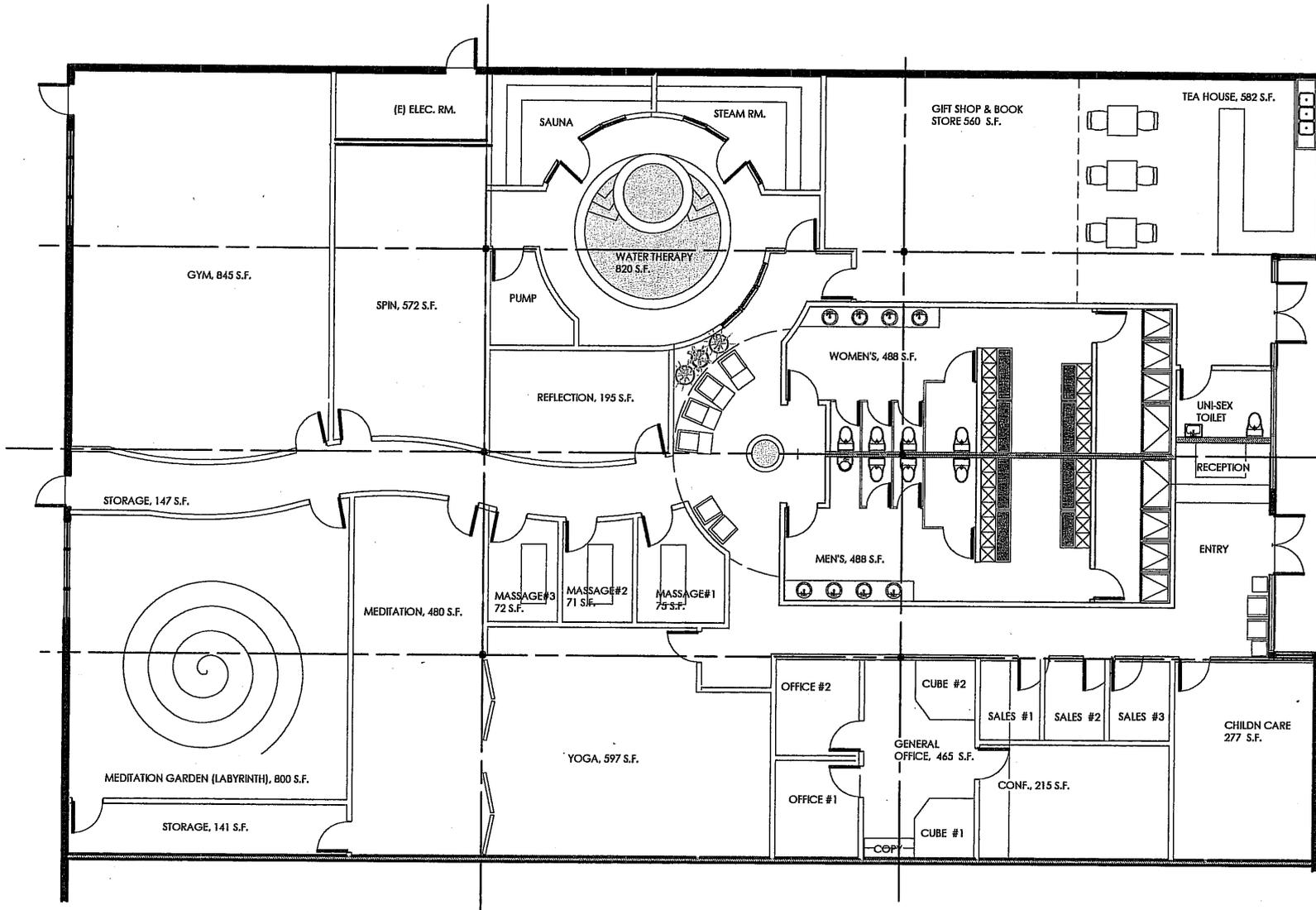
Nursery will be available to members using the facility only. This will be a safe and creative environment for children while parents are using the facilities. It will have small play structures, toys and educational material.

Water Therapy

Hot and cold baths as well as a sauna and steam room. It will have benches along the side for relaxation. Baths are in the ground designed tiled pools.

Other

- 3 Massage Rooms
- 3 sales offices/cubicles
- 1 General Office
- 1 Conference room
- 1 employee break room



1 PARTIAL FLOOR PLAN
Scale: 1/16"=1'

ATTACHMENT D
Page 1 of 5

A REMODEL FOR THE
Whispering Wind Center
1237, 1239 REAMWOOD AVE, SUNNYVALE, CA

DATE	12-3-07
DRAWN	sassan
JOB NO	0709

Use Permit/Special Development Permit Justification

The proposed use ensures that the general appearance of proposed 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 as....

The 1237-1239 Reamwood Ave space will be used as a spa, meditation and fitness center for the body, mind and spirit.

The presences of a fitness center for body, mind and spirit will greatly benefit the rich and diverse organization, culture, and population that exist in the City of Sunnyvale. Whispering Wind Center will inspire and educate people in the rejuvenation of their bodies, enrichment of their minds, and nourishment of their soul and to encourage them to live a healthy life through holistic/integrated fitness programs for the body-mind-spirit. An urban retreat/fitness center that provides a peaceful, harmonious approach to fitness and well-being will provide the much needed relief for today's stress oriented society in Sunnyvale and the Valley.

The proposed use will not cause a negative impact to the site or neighboring businesses. The activity inside the center should have no noise impact on the adjacent properties as most of the activities should be quiet and reflective.

In addition, the proposed use is consistent and in line with the adjacent businesses which are:

Building 1

- Resource Center for Battered Women
- Bay Area Cultural Center
- Hong Dao Wushu (Tai Kwon Do) Studio

Building 2

- Vacant
- Squirt Printing
- Proposed Whispering Wind Center

Attachment E

AGREEMENT

THIS AGREEMENT, made and entered into this eleventh day of January, 2008, by and between City of Sunnyvale, a municipal corporation of the State of California (hereinafter referred to as "City"), and Tasman V, LLC, Owner of certain real property (hereinafter referred to as "Owner" of the property located at 1237-1239 Reamwood Avenue, Sunnyvale, California ("Premises") and Whispering Wind Center, which intends to occupy the Premises ("Applicant").

WITNESSETH:

WHEREAS, the City has enacted an ordinance allowing for the location and operation of Places of Assembly (POA) in certain combined zoning districts pursuant to Sunnyvale Municipal Code 19.26.210 and enters into this Agreement in fulfillment of requirements set forth in 19.98.020(h); and

WHEREAS, in consideration of the City's approval of an application for the permit allowing uses in the POA combining district, Owner and Applicant are willing to enter into this Agreement to limit and restrict hazardous material users on the Premises; and

WHEREAS, the Parties acknowledge that the purpose of this Declaration is to provide protection to sensitive populations who may use the facilities and programs offered by Owner and Applicant, to include children under the age of eighteen years, adults with mental or physical disabilities, adults over the age of sixty-five years, or persons who have mobility limitations, difficulty understanding and executing directions or orders, or increased sensitivity to hazardous materials.

NOW THEREFORE, IT IS AGREED among City, Applicant and Owner as follows:

1. The Owner and Applicant acknowledge that Places of Assembly are allowed to be located in zoning districts which may also permit industrial and other uses.
2. The owner and Applicant wish to limit the exposure of sensitive populations to hazardous materials, including but not limited to asbestos, formaldehyde, radon gas, lead-based paint, mold, fuel or chemical storage tanks and contaminated soil or water.
3. The Owner and Applicant declare that they will not permit users of hazardous materials to occupy the same Premises as users of Places of Assembly which provide services to sensitive populations.
4. The Owner's obligations under this agreement shall apply regardless of whether any other permits or entitlements are issued. These obligations shall be binding on successors and assigns of the real property benefited by approval of the project, and City shall so obligate all transferees and assigns.
5. All notices to Owner and Applicant under this Agreement shall be promptly delivered concerning notice of any claim, action or proceeding and that the City will fully cooperate in the defense, deemed valid and effective five (5) calendar days following deposit in the United States mail, postage prepaid, by certified and/or registered mail, addressed to:

Director of Community Development
456 W. Olive Avenue
Sunnyvale, CA 94087

All notices to City under this Agreement shall be deemed valid and effective when personally served upon the Planning Department Director or upon deposit in the United States mail, postage prepaid, by certified and/or registered mail, addressed to the Director, City of Sunnyvale. If City fails to promptly notify Owner of any claim, action or proceeding, or if City fails to cooperate fully in the defense, Owner shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

6. This Agreement is entered into pursuant to Sunnyvale Municipal Code Section 19.98.020(h) which requires that this Agreement shall be recorded.

IN WITNESS WHEREOF, parties hereto have duly caused this Agreement to be executed on the date hereinabove first written.

By *Gary J. King, Agent*
Agent for Owner and Applicant

By *[Signature]*
City of Sunnyvale
Director, Planning Dept
Planning Officer

Whispering Wind Center, LLC
1237-1239 Reamwood
Sunnyvale, CA
408 480-1133

January 9, 2008

I, Niloofar Soleimani as the business owner and CEO of the Whispering Wind Center, am aware that the 1237-1239 Reamwood, Sunnyvale is in an industrial zone and there is a possibility that the surrounding tenants may have industrial businesses that might provide a potential safety hazard to my clients, volunteers and staff.

A handwritten signature in black ink, appearing to read "Niloofar Soleimani", followed by a long horizontal line extending to the right.

Niloofar M. Soleimani
Owner & CEO



Fitness for Body, Mind & Soul
1237-1239 Tasman Drive
Sunnyvale, CA 94089
(408) 480-1133

Emergency Evacuation Plan

Introduction

Emergencies and disasters can happen at any moment—usually without warning. When an emergency strikes, our immediate safety and prompt recovery will depend on the existing levels of preparedness among employees, volunteers and clients.

Each department has an important role to play in maintaining Support Network for the Whispering Wind Center's (WWC) emergency preparedness and safety. During a major emergency or disaster, the Emergency Response Team (ERT) will rely on effective communication between team members. Emergency plans for fire safety, earthquake preparedness and building evacuation are part of WWC basic health and safety responsibilities and business continuity planning. Emergency plans outline how WWC will protect the safety of employees, volunteers and clients. Details for all safety-related policies and procedures are found in the center's Safety Manual.

The **Emergency Evacuation Plan** is divided into three sections: PREPAREDNESS, RESPONSE & RECOVERY. The Plan includes procedures relating to the emergency "chain of command," a definition of essential personnel and mission-critical functions, and emergency communications procedures.

The Emergency Evacuation Plan must be known and understood before an emergency occurs. Emergency Response Team members should take immediate steps to:

- Share this important safety information with all staff and volunteers at least annually.
- Brief all new personnel as they join the organization, or if the plan changes.
- Keep multiple copies of the Plan in accessible locations throughout the organization.

PREPAREDNESS

Getting Organized

Emergency Coordinators are appointed to lead necessary actions during an emergency situation. Emergency Coordinators will consist of the Executive Director and department managers. Together, they will be the center's Emergency Response Team

(ERT). These individuals must be familiar with the organization's programs and physical facilities, and have management experience and the financial authority to:

- Collaborate with other managers to develop and maintain the Emergency Evacuation Plan
- Arrange related staff safety education and training
- Be ready to support the city's Emergency Response Team during an incident.
- Be ready to help prepare post-disaster impact summaries and insurance claims

The ERT will be trained to help disseminate emergency instructions, assist evacuations and security, and provide first aid if necessary. Also, they should be prepared to document the effects of the emergency and coordinate facility restoration, according to priorities identified by the Executive Director.

Supplies and Equipment

WWC will need basic emergency supplies and equipment to be as self-sufficient as possible after an emergency. Emergency supplies will be inspected on a regular basis (no less than quarterly) to ensure they are serviceable. The following supplies should be in an accessible location:

- First aid supplies, with instructions
- Flashlights/batteries, approved power strips and extension cords
- Portable AM/FM radios/batteries
- Employee/group rosters and/or list with number of meeting attendees

We will encourage employees to keep a personal emergency kit in their work area. These kits should contain the employee's flashlight, back-up eyeglasses and medications, sturdy shoes, a sweater, a wrapped snack and water packet, and personal emergency contact numbers.

The center will maintain a three-day supply of food, water, first aid and sanitary supplies at all times to support at a minimum the total number of center employees.

Site maps with exit routes will be posted throughout the building. Employees and regular visitors will receive instructions to familiarize them with exit routes.

RESPONSE

Everyone in the facility—employees, volunteers, clients, and visitors—must take appropriate and deliberate action when an emergency strikes the building. Decisive leadership is essential. All center staff members are responsible for ensuring the orderly and safe evacuation of center's clients and volunteers, following the lead of the ERT.

Follow these important steps when there is an emergency:

- Confirm and evaluate conditions.
- Report the incident immediately to the department ERT
- Follow instructions from the ERT.
- Issue clear and consistent emergency notifications. Use all available communication tools.
 - If there is no power or telephone systems are not functioning, emergency communications will be profoundly restricted.

- Use cell phones or pay phones. The nearest pay phone is located across the street at Nicolino's Garden Restaurant.
- Other businesses in the immediate area may have functioning telephones.
- Request for information from public safety agencies, the media and others will be referred to:
 - Executive Director: Niloo Soleimani (408) 480-1133
 - Assistant Center Manager, (408) _____
- Saratoga Management Company, the property manager, will be notified of any emergency by calling (408) 472-4363.
- In the event of a prolonged building closure, managers will be responsible for contacting their direct reports to provide information on when people may report back to work. Managers should provide their employees with a home or cell phone number to use in the event of an emergency, and keep home phone numbers of their employees at all times.

A building evacuation is mandatory whenever a fire alarm sounds (rapid beeping sound), or evacuation is ordered by public safety officers, and building occupants must exit immediately. Building evacuations also follow severe earthquakes, after the shaking stops, and may be required for other types of emergencies. After a building has been evacuated, occupants must wait for a safety inspection before re-entry.

The ERT will ensure that evacuation drills are conducted at least annually. Special attention will be placed on evacuation needs for persons with disabilities. They will plan where to go during an evacuation, and know the routes to get there.

Emergency Assembly Point (EAP) and Relocation Area

Building evacuees will be directed to the EAP, which, unless not accessible, will be the parking area next to the fence between WWC and UPS. A secondary EAP could be the parking lot of the restaurant across Reamwood Avenue.

For safe relocation away from the building, evacuees will be directed to the open west side of the parking lot area. ERT members will hold signs that identify the EAP and guide evacuees. For added identification, concrete parking space stops in the evacuation area will be painted yellow.

To implement an evacuation, follow these directions to make the process effective and safe:

1. Keep calm. Evaluate the situation carefully.
2. Alert the other ERT members to assist the evacuation.
3. Use communication tools that are appropriate.
4. Communicate clearly and succinctly: For example, announce "We have a _____ emergency. Evacuate immediately to the Emergency Assembly Point and take your belongings."
5. Check offices and restrooms.
6. Turn equipment off, if possible.
7. Take emergency supplies and staff rosters, if possible.
8. Account for personnel
9. Instruct personnel to wait at the EAP for further instructions.

Following evacuation, each ERT member will conduct an attendance count of their staff and ensure that all persons are accounted for. The Center Manager will be responsible for providing a clipboard with all lists of building occupants to the relocation area for headcount purposes. Injuries and need for medical attention will be assessed, and emergency services called if necessary. The ERT members first aid training will assist persons as appropriate.

Following are response actions in the event of accident, fire, and earthquake or power outage:

ACCIDENT: Call 9-911 for help.

- Notify Supervisor.
- Administer first aid if you are trained to do so.
- Do not attempt to move a seriously injured person.

FIRE: Call 9-911 for help.

- Activate nearest alarm.
- Notify supervisor and staff.
- Feel doors for heat. If cool, exit carefully. If hot, do not open the door.
- If you see smoke, crouch near floor as you exit.
- If you see fire, confine it by closing doors and windows.
- Use extinguishers on small fires only if safe to do so.
- Go to the Emergency Assembly Point (EAP)

POWER OUTAGE

- Assess the extent of the outage in your area
- Help co-workers in darkened work areas move to safe locations
- Unplug personal computers, non-essential electrical equipment & appliances.
- Open windows for additional light and ventilation.
- If you are asked to evacuate, leave the building.

EARTHQUAKE

- Take cover immediately under a desk, table or chair
- Take cover against a wall (cover neck & head)
- Outdoors – stay in open areas, away from buildings.
- Be alert for aftershocks, avoid potential falling hazards
- MINOR QUAKE (brief rolling motion)
 - Restore calm. Examine your area for damage.
 - Report damage
 - Await instructions, evacuations are unlikely.
- MAJOR QUAKE (violent shaking)
 - Restore calm. Assist others.
 - Report injuries to 911
 - Evacuate carefully, be alert for aftershocks.
 - Take emergency supplies.
 - Meet at Emergency Assembly Point (EAP).
 - Do not enter building until examined.
 - Await instructions, be patient, help others.

HOW TO ASSIST PEOPLE WITH DISABILITIES DURING AN EVACUATION

TO ALERT VISUALLY IMPAIRED PERSONS:

- Announce the type of emergency.
- Offer your arm for guidance.
- Tell the person where you are going and describe obstacles you encounter.
- When you reach safety, ask if further help is needed.

TO ALERT PEOPLE WITH HEARING LIMITATIONS:

- Turn lights on/off to gain the person's attention, or
- Indicate directions with gestures, or
- Write a note with evacuation directions.

TO EVACUATE PEOPLE USING CRUTCHES, CANES, OR WALKERS:

- Evacuate these individuals as injured persons.
- Assist and accompany to evacuation site if possible, or
- Use a sturdy chair (or one with wheels) to move person, or Help carry individual to safety.

TO EVACUATE WHEELCHAIR USERS:

Non-ambulatory persons' needs and preferences vary.

- Individuals at ground floor locations may exit without help. Others have minimal ability to move, and lifting may be dangerous.
- Some non-ambulatory persons have respiratory complications. Remove them from smoke and vapors immediately.
- Wheelchair users with electrical respirators get priority assistance.
 - Consult with the person to determine best carry options.
 - Reunite the person with the chair as soon as it is safe to do so.

RECOVERY

- Once the safety and status of evacuees has been assured, and emergency conditions have abated, ERT will assemble to begin the restoration of operations.
- See that all center clients and volunteers have been given proper attention and assistance. Center staff should assist them in contacting family members or securing transportation if necessary.
- It will be important to begin a timely and comprehensive assessment of the emergency's physical and operational effects. Plan ahead for how this important impact information will be collected. For example, who will be responsible for determining the status of computer equipment, business machines and telephones.
- All documentation on emergency impacts should be coordinated with the Executive Director. The Executive Director will need status reports of the emergency to estimate when the organization can be fully operational and to identify issues and needed resources that will speed business resumption.
- Most insurance and FEMA assistance claims will require extensive documentation of damaged facilities, lost equipment and resources, and special personnel expenses. Worker's Compensation Insurance claims may arise if there are injuries among employees. The agency carries special liability insurance to cover losses and injuries to volunteers.

- It is very important to record the emergency's physical effects before any clean up or repair work is done. If possible, plan to photograph or videotape facility or equipment damage to provide visual supplement for the written impact data.

PLAN REVIEWED AND APPROVED BY:

Jeremy Mott, CIH 
Sterling & Associates, Inc.

Niloo Soleimani 
CEO and Owner

January 11, 2008
Date



Attachment F



SARATOGA MANAGEMENT COMPANY, INC.
Investment Real Estate Services

December 20, 2007

City of Sunnyvale
Planning Commission
456 Olive Avenue
Sunnyvale, CA 94086-3707

Attn: Administrative Staff

RE: Tasman V, LLC Parking Plan
Parcel # 104-58-007

To Whom It May Concern:

Due to the current Condo Conversion and the City of Sunnyvale to add additional landscaping to the above referenced parcel parking lot, the current parking of 130 spaces will be reduced to 118 spaces.

Attached is the proposed parking plan showing allocations for all tenants by day-parts. You will also find letters from all 6 affected tenants with their approvals of our proposed parking allocations.

These approvals include two prospective tenants, Whispering Wind Spa and California Ezra Bible Academy, both of whom are currently under review for Conditional Use Permits.

If you have any questions, please feel free to contact me as the Property Manager and agent for the owner.

Yours truly,

A handwritten signature in cursive script that reads "Gary L. Wimp".

Gary L. Wimp
Property Manager and Agent for Owner



Hong Dao Wushu Academy
美國弘道武術學院

December 18, 2007

City of Sunnyvale
Planning Commission
456 Olive Avenue
Sunnyvale, CA 94086-3707

Attn: Administrative Staff

RE: Tasman V, LLC
Parcel # 104-58-007

To Whom It May Concern:

This letter will verify that we, as a tenant of the above referenced parcel, have agreed to the parking plan below as part of the newly configured plan for the parcel based on the various day-parts described:

Hong Dao Wushu--Tai Kwon Do Academy

Maximum Parking Per Day Part

6:30am - 8:30am	9am - 5:30pm	6pm - 9pm	Sat - Sun
5	20	25	20

We agree that the above parking is adequate to meet the needs of our business use for the leased premises at 1257-A Tasman and we agree to comply with these parking guidelines as per the provisions of our Lease.

Yours truly,

Ernest Lee
For Hong Dao Wushu, Tenant
1257-A Tasman

1257A Tasman Drive - Sunnyvale, CA 94089
Phone: (408) 747-0838 or (408) 297-2153
E-mail: ernie@eglee.net
www.hongdaowushu.com

December 18, 2007

City of Sunnyvale
Planning Commission
456 Olive Avenue
Sunnyvale, CA 94086-3707

Attn: Administrative Staff

RE: Tasman V, LLC
Parcel # 104-58-007

To Whom It May Concern:

This letter will verify that we, as a tenant of the above referenced parcel, have agreed to the parking plan below as part of the newly configured plan for the parcel based on the various day-parts described:

Bay Area Cultural Center

Maximum Parking Per Day Part

<u>6:30am - 8:30am</u>	<u>9am - 5:30pm</u>	<u>6pm - 9pm</u>	<u>Sat - Sun</u>
5	15	15	30

We agree that the above parking is adequate to meet the needs of our business use for the leased premises at 1257-B Tasman and we agree to comply with these parking guidelines as per the provisions of our Lease.

Yours truly,

Ibrahim Okuyucu
For Bay Area Cultural Center, Tenant
1257-B Tasman



ATTACHMENT F
Page 0 of 8

December 18, 2007

City of Sunnyvale
Planning Commission
456 Olive Avenue
Sunnyvale, CA 94086-3707

Attn: Administrative Staff

RE: Tasman V, LLC
Parcel # 104-58-007

To Whom It May Concern:

This letter will verify that we, as a tenant of the above referenced parcel, have agreed to the parking plan below as part of the newly configured plan for the parcel based on the various day-parts described:

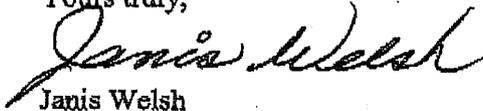
Resource Center for Battered Women

Maximum Parking Per Day Part

6:30am - 8:30am	9am - 5:30pm	6pm - 9pm	Sat - Sun
5	20	20	5

We agree that the above parking is adequate to meet the needs of our business use for the leased premises at 1257-C Tasman and we agree to comply with these parking guidelines as per the provisions of our Lease.

Yours truly,



Janis Welsh
For the Resource Center for Battered Women, Tenant
1257-C Tasman

December 20, 2007

City of Sunnyvale
Planning Commission
456 Olive Avenue
Sunnyvale, CA 94086-3707

Attn: Administrative Staff

RE: Tasman V, LLC
Parcel # 104-58-007

To Whom It May Concern:

This letter will verify that we, as a tenant of the above referenced parcel, have agreed to the parking plan below as part of the newly configured plan for the parcel based on the various day-parts described:

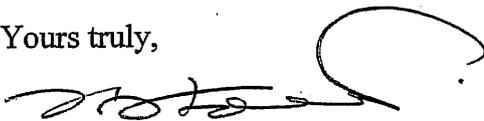
California Ezra Bible Academy

Maximum Parking Per Day Part

<u>6:30am – 8:30am</u>	<u>9am – 5:30pm</u>	<u>6pm – 9pm</u>	<u>Sat - Sun</u>
5	17	12	20

We agree that the above parking is adequate to meet the needs of our business use for the leased premises at 1233 Reamwood Avenue and we agree to comply with these parking guidelines as per the provisions of our Lease.

Yours truly,



Jong In Kim
For the California Ezra Bible Academy, Tenant
1233 Reamwood Avenue

December 18, 2007

City of Sunnyvale
Planning Commission
456 Olive Avenue
Sunnyvale, CA 94086-3707

Attn: Administrative Staff

RE: Tasman V, LLC
Parcel # 104-58-007

To Whom It May Concern:

This letter will verify that we, as a tenant of the above referenced parcel, have agreed to the parking plan below as part of the newly configured plan for the parcel based on the various day-parts described:

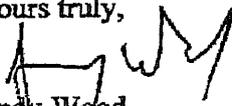
Squirt Printing

Maximum Parking Per Day Part

6:30am - 8:30am	9am - 5:30pm	6pm - 9pm	Sat - Sun
5	15	2	5

We agree that the above parking is adequate to meet the needs of our business use for the leased premises at 1235 Reamwood and we agree to comply with these parking guidelines as per the provisions of our Lease.

Yours truly,



Andy Wood
For Squirt Printing, Tenant
1235 Reamwood

December 18, 2007

City of Sunnyvale
Planning Commission
456 Olive Avenue
Sunnyvale, CA 94086-3707

Attn: Administrative Staff

RE: Tasman V, LLC
Parcel # 104-58-007

To Whom It May Concern:

This letter will verify that I, as a tenant of the above referenced parcel, have agreed to the parking plan below as part of the newly configured plan for the parcel based on the various day-parts described:

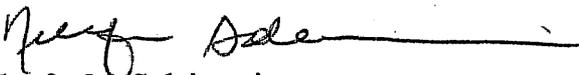
Whispering Wind Center--Spa

Maximum Parking Per Day Part

<u>6:30am – 8:30am</u>	<u>9am – 5:30pm</u>	<u>6pm – 9pm</u>	<u>Sat - Sun</u>
40	30	40	30

I agree that the above parking is adequate to meet the needs of my business use for the leased premises at 1237 – 1239 Reamwood and I agree to comply with these parking guidelines as per the provisions of my Lease.

Yours truly,



Niloofar M. Soleimani
Tenant
1237 – 1239 Reamwood Avenue