



CITY OF SUNNYVALE REPORT ADMINISTRATIVE HEARING

April 29, 2009

File Number: 2009-0212

Permit Type: Special Development Permit

Location: 413 E. El Camino Real (near Cezanne Drive) (211-01-029)

Applicant/Owner: AllStar Kung Fu / David Farley Trustee

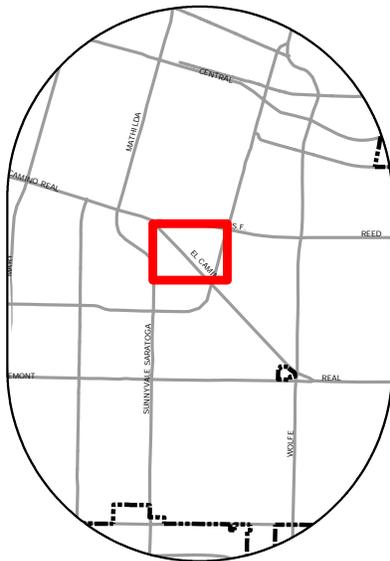
Staff Contact: Ryan Kuchenig, Associate Planner, (408) 730-7431

Project Description: Special Development Permit to allow a martial arts studio in an approximately 2,200 square foot tenant space within a multi-tenant building (Spalding Square).

Reason for Permit: A Special Development Permit is required for new place of assembly uses within the C-2/ECR Zoning District

Issues: Parking

Recommendation: Approve with Conditions



500

Feet

PROJECT DESCRIPTION

	Existing	Proposed
Site Conditions:	Shopping Center	Same
General Plan:	Highway Business	Same
Zoning District:	C-2/ECR	Same
Total Sq. Ft. on Site:	28,950	Same
Tenant Sq. Ft.:	2,200	Same
Parking:	205	Same

Previous Planning Projects related to Subject Application: There have been various Special Development Permits for changes of use considered for the shopping center over the past several years. The shopping center was developed in 1978.

Use Description: The proposal is to convert a portion of a building within an existing shopping center into a martial arts studio (AllStar Kung Fu Inc.). Instruction of martial arts will be given to children and adults.

Hours of Operation: Hours of operation for the weekdays (Monday-Friday) will be from 3pm to 9pm and for the weekend (Saturday & Sunday), hours will be from 10am to 6:30 pm. Each class will be approximately 45 – 50 minutes long.

Expected Students / Customers: Approximately six to eight students with one to two instructors will be present at any given time at the site.

Floor Plan: The existing floor plan will be largely unchanged. A small office and two storage areas are positioned at the northeast portion of the building. A bathroom is also located here. Most of the tenant space is open area used for instruction. The proposed tenant currently shares the building with the “Massage Envy” business.

Exterior Changes: There are no proposed modifications to the exterior of the building. Proposed signs will require compliance with the established Master Sign Program.

Parking: The shopping center is comprised of a mix of retail, restaurant, office, education and personal service businesses. Spalding Square is approximately 28,950 s.f. Shopping centers greater than 20,000 s.f. and less than 50,000 s.f. require one space per 200 square feet. A total of 145 spaces are required. The center provides 205 parking spaces. Therefore, the site provides adequate parking based on this rate. Current policy is to use the flat rate for parking requirements, unless the specific shopping center has a high concentration of uses with similar peak hours of operation. The site has

approximately 30% restaurant uses. The following table indicates parking rates based on the individual types of use.

Type of Use	Square Footage	Required Parking per SMC 19.46.050 (space/s.f.)	Required Number of Spaces
Restaurants	8,700	1/110	80
Existing Educational Use (Kumon)**	1,200	Per SDP	12
Retail, office, personal service and vacant	19,050	1/180	106
Proposed martial arts studio	1,983 s.f. open area + 217 additional floor area	1/21 s.f. for open area seating plus 1/400 s.f. of additional floor area	95+1 = 96
			294
Shopping Center Totals	28,950	1/200	145
Spaces Provided			205

**The educational use at 421 E. El Camino Real was approved in 1983. A specific rate was not noted in records; however conditions of approval had limited the number of students to 12.

Sunnyvale Municipal Code Section 19.46.020 (b) states that any one use occupying 10% or less of the total floor area shall be treated as though it were part of the major uses of the property. In the subject application, the space represents 7.5% of the total space, so the standard shopping center rate can be used to calculate parking for the use.

The proposed use occurs partly during non-peak hours of the center during the week (after 5pm) and on weekends where many retail and office uses are not in operation. Although a surplus of parking exists at the site based on the shopping center rate, staff has included Condition of Approval #3C to limit the number of students plus employees for the use to 20 (18 students plus two instructors/employees). An expansion of the use can be considered through a modification of the Parking Management Plan through a Miscellaneous Plan Permit per Condition of Approval #3D.

The site does not provide the adequate number of handicap accessible parking spaces based on the total number of provided parking. The provided site plan indicates five spaces where seven spaces are required. Condition of Approval #3E requires that a total of seven spaces shall be provided.

Public Contact: 21 notices were sent to surrounding property owners and residents adjacent to subject site in addition to standard noticing practice. No letters were received.

Environmental Determination: A Categorical Exemption Class 1 (minor changes in use) relieves this project from CEQA provisions.

FINDINGS

In order to approve the Special Development Permit the following findings must be made:

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. *(Finding Met)*

The proposed use is compatible with the other uses on-site as well as those on nearby properties along El Camino Real. The use will offer an additional recreational service at a commercial center that is convenient to public transit.

2. 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 the orderly development of, or the existing uses being made of, adjacent properties. *(Finding Met)*

The project is expected to have minimal impacts on surrounding properties. No exterior modifications are proposed and, as conditioned, parking at the site is adequate. Future expansion of the use will be considered through the appropriate review process to ensure parking requirements are met.

ALTERNATIVES:

1. Approve the Special Development Permit with recommended Conditions in Attachment A.
2. Approve the Special Development Permit with modifications.
3. Deny the Special Development Permit.

RECOMMENDATION

Alternative 1. Approve the Special Development Permit with recommended Conditions in Attachment A.

Reviewed by:

Steve Lynch

Senior Planner

Prepared By: ***Ryan Kuchenig, Associate Planner***

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Architectural Plans
- C. Letter from the Applicant
- D. List of Existing Uses at Spalding Square

Standard Requirements

The following is a list of standard requirements. This list is intended to assist the applicant and public in understanding basic related requirements, and is not intended as an exhaustive list. These requirements cannot be waived or modified.

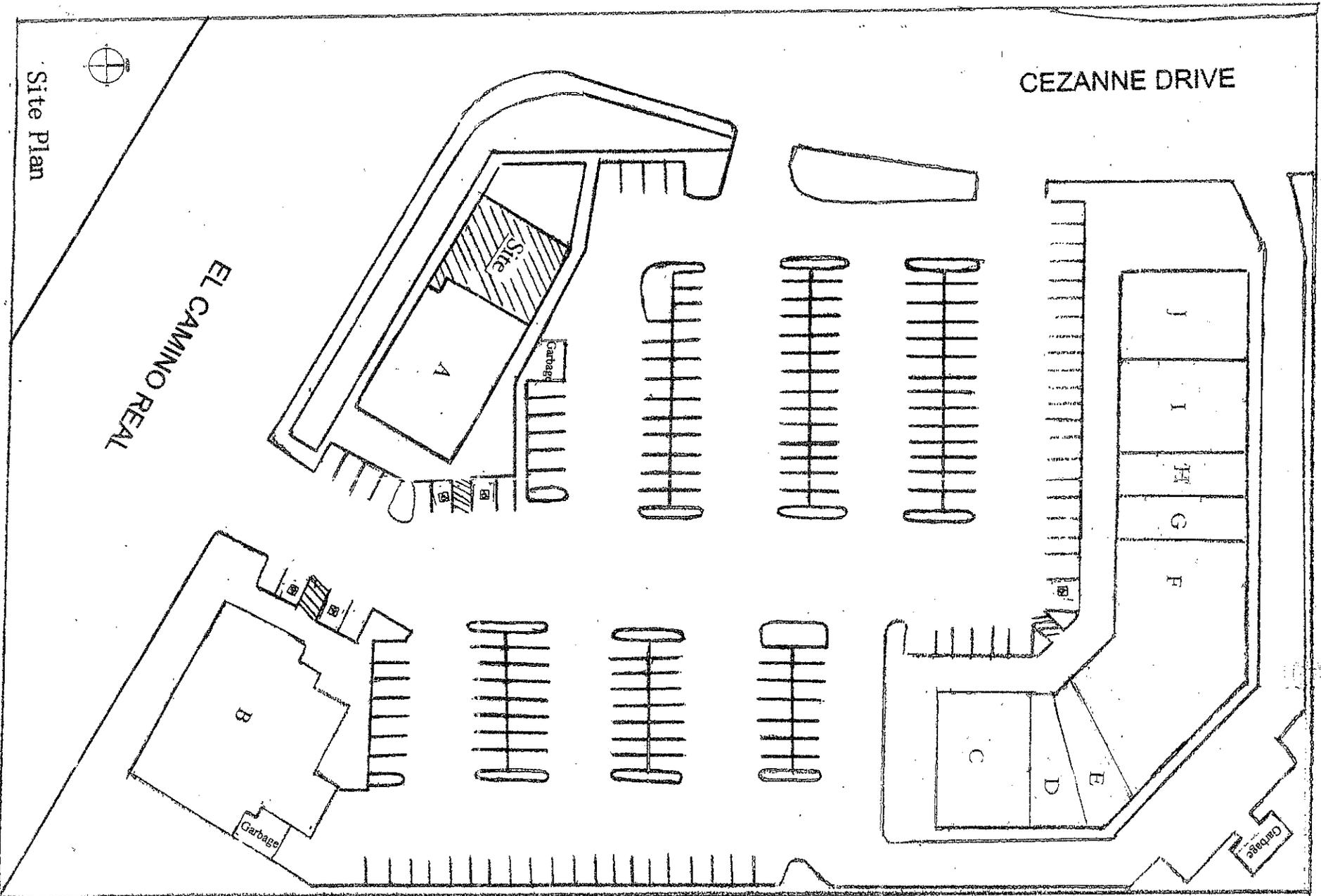
- A. **Permit Expiration:** The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- B. **Permit Lapse if not Exercised:** The Special Development Permit shall be valid for three (3) years from the date of approval by the final review authority (as adopted by City Council on April 21, 2009, RTC 09-094). Extensions of time may be considered, for a maximum of two one year extensions, if applied for and approved prior to the expiration of the permit approval. If the approval is not exercised within this time frame, the permit is null and void.
- C. **Building Permits:** Obtain Building Permits for interior improvements as required by the Building Safety Division.
- D. **Signs:** All new signs shall be in conformance with Sunnyvale Municipal Code and any existing Master Sign Program.
- E. **Clean Site:** All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.

Recommended Conditions of Approval

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:

- 1. **Project Conformance:** 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.
- 2. **Conditions of Approval on Plans:** The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- 3. **Parking Management Plan:** A Parking Management Plan must be submitted to the Director of Community Development prior to issuance of a building permit. The Parking Management Plan shall include the following:

- a. Employee parking locations shall be away from the building, in parking spaces that are the least used.
 - b. Employees shall be required to park on the site.
 - c. A maximum of 20 students/employees shall be allowed.
 - d. Any proposed expansion of the number of students/employees for the recreational assembly use shall be subject to approval of the Director of Community Development through a Miscellaneous Plan Permit.
 - e. A total of seven handicap accessible spaces shall be provided for the shopping center.
4. **Hour of Operation:** Hours of operation for the recreational assembly use shall be limited to 9am to 9pm daily.

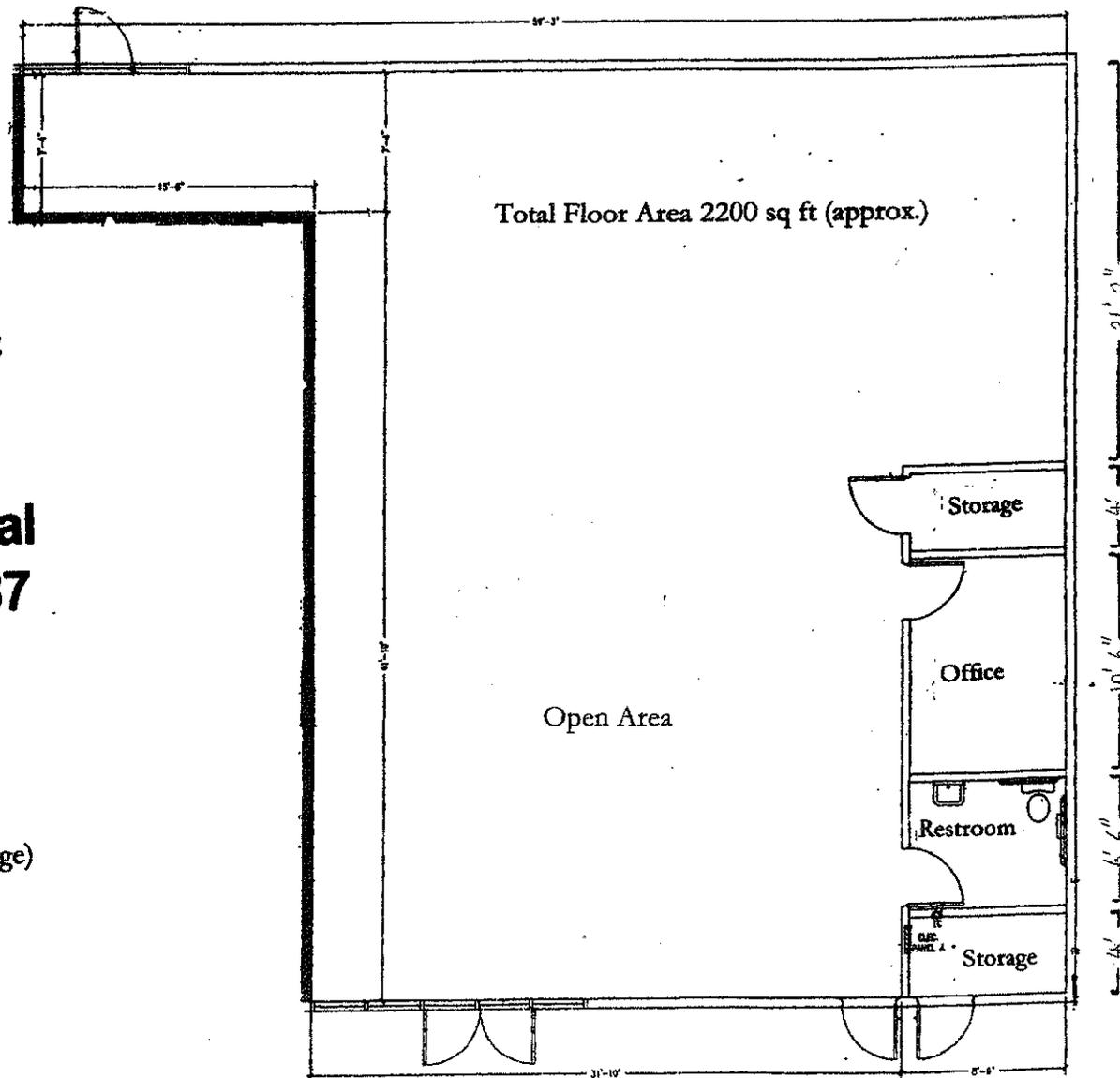


Site Plan

AllStar Kung Fu Inc

413 E El Camino Real
Sunnyvale, CA 94087

Floor Plan (No Change)



Description of Proposed Use

The proposed use is for a martial arts studio, occupying approximately 2200 square feet of the building's floor area. There will be no change to the existing floor plan and site plan.

Currently the building has one other tenant (business name: Massage Envy) that provides massage therapy services. According to their information, they have an average number of 4 to 5 customers at any time frame and their customers can be walk-in or by appointment.

Below is brief description of the proposed business use:

Business name:

AllStar Kung Fu Inc.

Nature of business:

Martial arts studio

Provides martial arts instructions to children and adults

Hours of operation:

Weekdays: 3 pm – 9 pm

Weekends: 10 am – 6:30 pm

Class size:

6 to 8 students, 1 to 2 instructors

Class duration:

45 to 50 minutes per class

10 to 15 minute interval between classes

Tenants Information (Spalding Square, 411-431 E El Camino Real)

Tenant	Business Name	Floor Area	Business
A 413 El Camino Real	Massage Envy	3300 sq ft	Massage therapy service
B 415 El Camino Real	American Diner	6300 sq ft	Restaurant
C 433 El Camino Real	Skylawn	2400 sq ft	Office (real estate)
D 431 El Camino Real	Purewater	1100 sq ft	Water retail
E 429 El Camino Real	Allstate	1050 sq ft	Office (insurance)
F 423-427 El Camino Real	Kings Seafood	5400 sq ft	Food market
G 421 El Camino Real	Kumon	1200 sq ft	Academic tutoring service
H 419 El Camino Real	Forever Beauty	1200 sq ft	Hair Salon
I 417 El Camino Real	Wash N Dry	2400 sq ft	Laundry store
J 411 El Camino Real	Katana	2400 sq ft	Japanese Restaurant
K 413 El Camino Real - Proposed Use, (Suite B)	(AllStar Kung Fu)	2200 sq ft	Martial Arts Instruction