



CITY OF SUNNYVALE REPORT ADMINISTRATIVE HEARING

June 24, 2009

File Number: 2009-0393

Permit Type: Use Permit

Location: 1237 Reamwood Avenue (near Tasman Dr.) (104-58-007)

Applicant/Owner: International Fencing Academy / Tasman Drive LLC

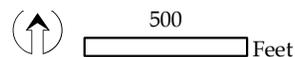
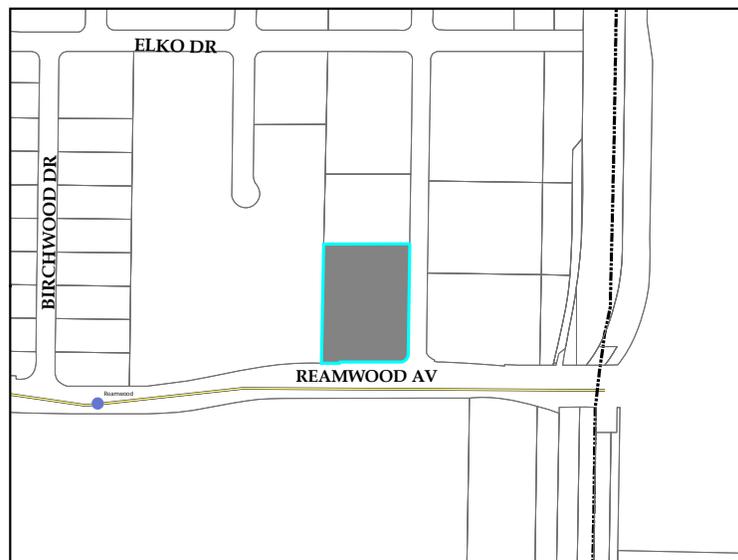
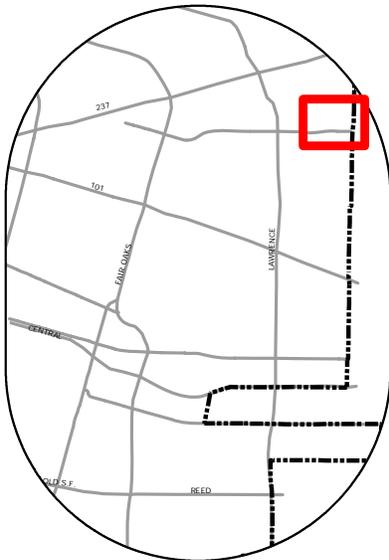
Staff Contact: Ryan Kuchenig, Associate Planner, (408) 730-7431

Project Description: To allow a recreational use (fencing club) within an approximately existing 5,000 square foot tenant space of an existing industrial building.

Reason for Permit: A Use Permit is required for recreational uses within the M-S/POA Zoning District

Issues: Use, Parking

Recommendation: Approve with Conditions



PROJECT DESCRIPTION

| | Existing | Proposed |
|------------------------|-----------------|-----------------|
| General Plan: | Industrial | Same |
| Zoning District: | MS/POA | Same |
| Total Sq. Ft. on Site: | 37,447 | Same |
| Tenant Sq. Ft.: | 5,000 | Same |
| Parking: | 119 | 119 |

Previous Planning Projects related to Subject Application: 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 increased for installation of the VTA Light Rail.

Since 2006 when the site was rezoned to M-S/POA, four places of assembly or recreational uses have located at this site. The site was also approved to be subdivided into industrial condominium units in 2007. The conditions of approval included a modification of the parking, landscaping, as well as other upgrades to the site. Most of these improvements have been completed.

Other uses on the site include a counseling center (*Resource Center for Battered Women*), a cultural center (*Bay Area Cultural Center*), and a children’s play center (*Swaray*). A recreational use (*Catalyst Athletics*) has recently submitted a Use Permit application for the site which is under review. Also, a printing company is located in a tenant space, which is allowed by right in the Industrial zoning district. Another 5,000 s.f. space is currently unoccupied. Table 1 provides a breakdown of current and proposed uses.

Use Description: The proposed use is for a fencing club (International Fencing Academy) within an approximately 5,000 s.f. vacant industrial office tenant space. The applicant has submitted a business description noted in Attachment C.

Hours of Operation: The proposed use would operate six days a week and maintain the following hours of operation:

- Monday through Friday: 3:30 pm – 9:30 pm
- Saturday: 9:00 am – 3:30 pm
- Sunday: Closed

Expected Students / Customers: The applicant expects up to 12 students and 3 employees to occupy the site at a given time. Students of all ages may participate. Per Condition of Approval #4h, staff is requiring a 5 minute

separation between classes to ensure that when spillover of students occurs, capacity for the site is not exceeded.

Floor Plan: The floor plan is to be predominantly left open and unchanged from its current condition. A small reception area will be located near the entrance. Two bathrooms and a locker room are positioned near the front of the building as well. The floor plan notes 10 rows which are not physically divided area, but rather these are designated rows intended to illustrate where the main instruction area will take place.

Exterior Changes: There are no proposed exterior changes to the building at this time.

Shared Uses On-Site: The following table lists current uses that share parking at the site:

Table 1: Current uses at 1233-39 Reamwood and 1257 Tasman Drive

| Address | Use - Tenant | Approximate Area (s.f.) |
|---------------------------|---|--------------------------------|
| 1257 Tasman Dr, #A | Proposed POA under separate Use Permit (2009-0452) – Catalyst Athletics | 4,500 |
| 1257 Tasman Dr, #B | POA - Bay Area Cultural Center | 5,535 |
| 1257 Tasman Dr, #C | POA – Resources for Battered Women | 7,267 |
| 1233 Reamwood Ave. | POA – Swaray | 5,000 |
| 1235 Reamwood Ave. | Manufacturing/R&D - Squirt Printing | 5,000 |
| 1237 Reamwood Ave. | Proposed POA – International Fencing Academy | 5,000 |
| 1239 Reamwood Ave. | Vacant | 5,000 |

Parking: The multi-tenant industrial building shares a parking lot that contains 119 spaces. The parking requirements for recreational assembly areas outlined in Sunnyvale Municipal Code Section 19.46.050 is noted as:

- 1 space per every 3 fixed seats, plus
- 1 space per 21 sq. ft. of open area or seating space, plus
- 1 space per 400 sq. ft. of additional floor area

According to the above criteria, the recreation center would require approximately 120 spaces for the open party and play areas and storage, reception/office areas. As a result, there would be no left over parking area for the remaining uses.

Per the most recent Use Permit approvals for place of assembly uses at the site, a parking management plan that restricts occupancy for each tenant has been considered as appropriate. A total of 15 spaces have been allocated for the proposed use based on the maximum number of employees and students at the site at a given time. The following chart notes the maximum occupancy for the shared uses of the site:

| Address / Unit | Use - Tenant | Type of Use | Maximum occupancy | Area (s. f.) | Parking Ratio |
|-----------------------|---|--------------------------|--------------------------|---------------------|---|
| 1257 Tasman Dr, #A | <i>Catalyst Athletics (under consideration – UP2009-0452)</i> | POA by Use Permit | 20 | 4,500 | Per UP 2005-0864 (expired – new U.P. under consideration) |
| 1257 Tasman Dr, #B | <i>Bay Area Cultural Center (POA use)</i> | R&D | 12 | 5,535 | Per UP 2008-0431 |
| 1257 Tasman Dr, #C | <i>Resources for Battered Women (POA use)</i> | POA by Use Permit | 20 | 7,267 | Per UP 2006-1213 |
| 1233 Reamwood Ave. | <i>Swaray (POA use)</i> | POA by Use Permit | 25 | 5,000 | Per UP – 2009-0075 |
| 1235 Reamwood Ave. | <i>Squirt Printing (R&D/Manuf.)</i> | R&D | 10 | 5,000 | 1/500 |
| 1237 Reamwood Ave | Proposed POA – International Fencing Academy | POA by Use Permit | 15 | 5,000 | Per UP - parking management plan |
| 1239 Reamwood Ave. | <i>Vacant</i> | Approved POA use | 22 | 5,000 | 1/500 |

The applicant has submitted a proposed parking plan that would stagger the demand during different days of the week and times of the day. Similar to previously required permits, this proposed program would modify the conditions of previous approvals which limited the allowable occupancy (customers/employees) and/or the hours of operation for existing uses. 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. The following chart notes the peak parking demands for the site, as part of the required Parking Management Plan, per Condition of Approval 4A.1.

| Address / Unit | Weekday 8:00 am – 5:30 pm | Weekday 5:30 pm – 9:00 pm | Weekend |
|--|--|--|---------------------------|
| 1257 Tasman Dr, #A* <i>Catalyst Athletics (POA use- under consideration through UP2009-0452)</i> | 15 | 20 | 20 |
| 1257 Tasman Dr, #B** <i>(Bay Area Cultural Center (POA use)</i> | 12 | 20 | 20 |
| 1257 Tasman Dr, #C* <i>Resources for Battered Women (POA use)</i> | 20 | 15 | 5 |
| 1233 Reamwood Ave. <i>Swaray POA use</i> | 25 | 25 | 25 |
| 1235 Reamwood Ave. <i>Squirt Printing (R&D/Manuf.)</i> | 10 | 2 | 0 |
| 1237 Reamwood Ave. Proposed POA – Intrn’l Fencing Academy | 15 | 15 | 10 (closed Sunday) |
| 1239 Reamwood Ave.* <i>Vacant</i> | 22 | 22 | 37 |
| TOTAL (119) | 119 | 119 | 119 |

The tenant space at 1239 Reamwood was occupied by Whispering Wind Center which no longer occupies the site; however, the Use Permit has not expired. The applicant has submitted a revised parking plan that indicates a maximum 22 (weekday) - 37 (weekend) spaces to be allocated to this currently vacated use. This number does not exceed the approved amount of spaces that were originally enabled under the previously approved parking plan. If this POA use ultimately expires and a typical industrial use occupies the site, additional spaces could be opened up for the remaining uses. A revised parking plan would be necessary if such future consideration is requested. Such a modification could be considered through a Miscellaneous Plan permit application, per Condition of Approval 4A.2.

Place of Assembly (POA): Sunnyvale Municipal Code (SMC) requires that any proposed Place of Assembly use be evaluated on a case by case basis. The POA Zoning regulations specify additional requirements and procedures if a space is used by sensitive populations such as children or adults over the age of 65. Since the subject site and the surrounding area were originally zoned for industrial uses, staff looked at the possibility of the presence of hazardous materials in the vicinity of the site. Staff found that while there are other industrial facilities with hazardous materials in the area, none currently have large quantities of high risk materials. However, these industrial uses have the ability to change their inventories in the future to increase the use of hazardous materials, which might present a safety issue to the users of the subject tenant space. Per the Municipal Code (SMC 19.98.020(h)), as a Place of Assembly use, the children’s recreation 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 (*draft 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*); 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*).

The above noted documentation is provided in Attachment E.

Public Contact: 315 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 Use Permit the following findings must be made:

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 attains the objectives of the General Plan by providing a recreational opportunity for the community at an appropriate location. Through conditions of approval, the use will have a limited impact to the uses on-site and surrounding properties.

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.

The proposed use will not impair existing uses or those on adjacent properties through the limited scope of the use and required parking management for the site. Further expansion requires re-examination of the use and possible resulting impacts. Required conditions of approval for places of assembly uses with sensitive receptors further ensure the safety and protection of users on-site as well as the liability of those industrial uses located nearby.

ALTERNATIVES:

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

RECOMMENDATION

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

Reviewed by:

Shaunn Mendrin

Senior Planner

Prepared By: Ryan Kuchenig, Associate Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Architectural Plans
- C. Business Description provided by the Applicant

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 Use 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** (Ordinance 2895-09): The Use Permit shall be null and void three 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. Tenants that have previously approved Use Permits i.e. Bay Area Cultural Center and Center for Battered Women, Swaray shall not exceed the maximum occupancy listed in the table below.

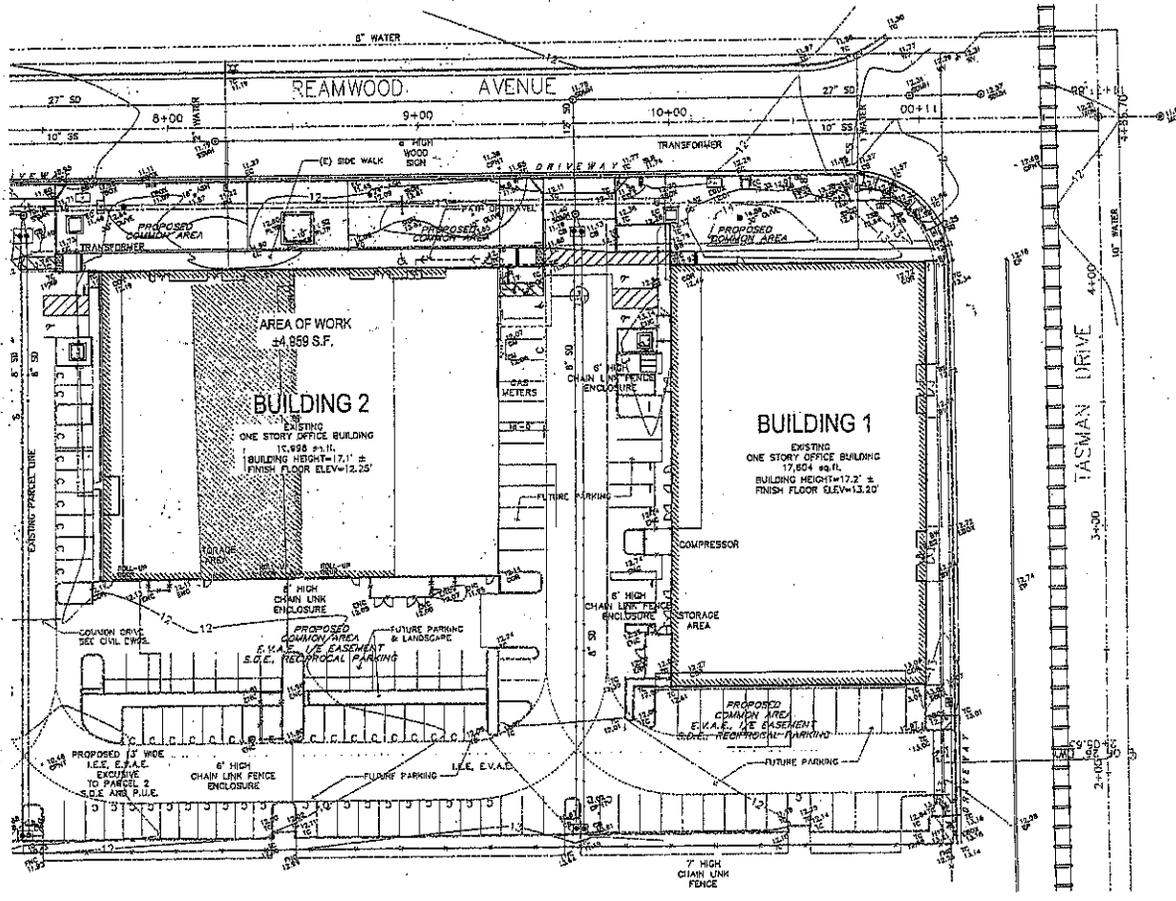
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| 1239 Reamwood Ave. | <i>Vacant</i> | Approved POA use | | 5,000 | 1/500 |

3. **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.
4. **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. The following parking table applies to the site:

| Address / Unit | Weekday 8:00 am – 5:30 pm | Weekday 5:30 pm – 9:00 pm | Weekend |
|--|---------------------------------|---------------------------------|---------------------------|
| 1257 Tasman Dr, #A* <i>Catalyst Athletics (POA use- under consideration through UP2009-0452)</i> | 15 | 20 | 20 |
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| TOTAL (119) | 119 | 119 | 119 |

- b. Modifications to the Parking Management Plan shall be considered through a Miscellaneous Plan Permit.
 - c. Employee parking locations shall be away from the building, in parking spaces that are the least used.
 - d. Specify the location and term of short-term parking.
 - e. Allow the use of valet parking when appropriate on sites with limited parking.
 - f. Employees shall be required to park on the site.
 - g. A maximum of 15 students/employees shall be allowed.
 - h. Classes shall be scheduled so there is at least 5 minutes between parties
 - i. 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.
5. **Parking Lot Maintenance:** The parking lot shall be maintained as follows:
- a. Clearly mark all employee, customer, and compact spaces. Employee parking locations shall be away from the building, in parking spaces that are the least used.

- b. Maintain all parking lot striping and marking.
 - c. Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.
 - d. Require signs to direct vehicles to additional parking spaces on-site, as needed.
7. **Hour of Operation:** Hours of operation for the recreational assembly use shall be limited to 9am to 10pm daily. Changes to the hours of operation may be considered through a Miscellaneous Plan Permit.



1 SITE PLAN
SCALE: 1"=40'-0"



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| REVISION 1 | REVISION 4 |
| REVISION 2 | REVISION 5 |
| REVISION 3 | REVISION 6 |

TENANT IMPROVEMENTS FOR:
INTERNATIONAL FENCING ACADEMY
1317 REAMWOOD AVE. SUNNYVALE, CA
SHEET TITLE: **SITE PLAN**

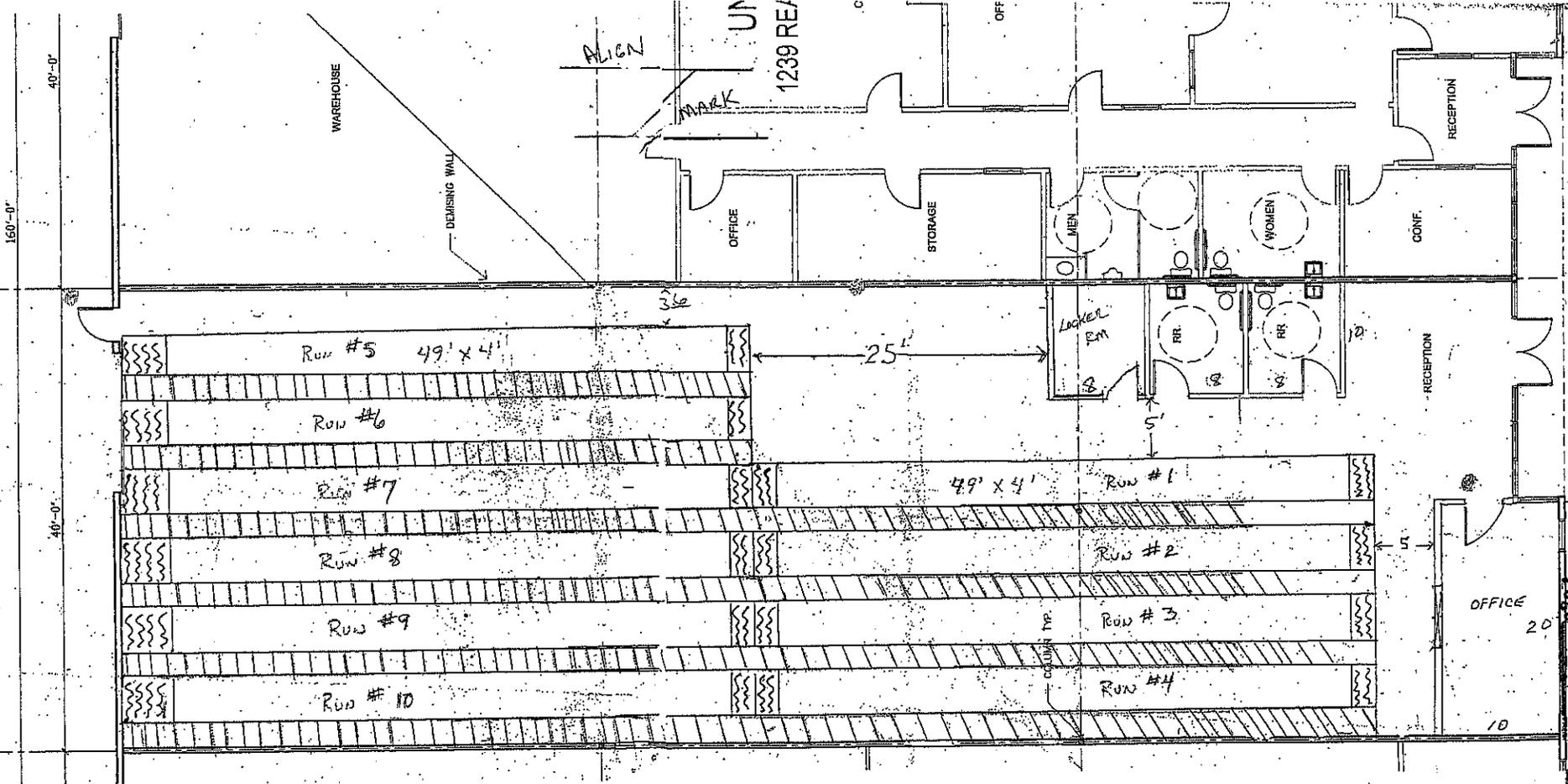
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| JOB NO. 007188 | SHEET NO. A-1 |
| DATE 06/2008 | SCALE AS SHOWN |

SHEET NO.
A-1

ATTACH
 1
 B

4

3



SCALE
1/8" = 1'
Page 2 of 2
ATTACHMENT B

International Fencing Academy
Business Summary

1. Business Description:

A modern, fully equipped facility where the Art of fencing skills are developed for all ages, whether for recreational/fitness, or competitive levels. A club where parents drop off their fencers for a certain practice time and pick them at the end of the practice.

2. Number of employees:

At any hour during business hours 1-3 employees.

3. Hours of operation:

Monday through Friday: From 3:30 pm to 9:30 pm.

Saturday: From 9:00 am to 3:30 pm.

Sunday: Closed.

4. Number of Fencers:

During a 1 hour practice: 4-6 fencers.

During a 1&1/2 practice: 6-8 fencers.

During a 2 hour practice: 8-12 fencers.

5. Number of students per hours of operation

The number of fencers during business hours averages about 5-8 fencers/per hour.

6. Parking

Since the nature of the business allows parents to drop off their fencers and pick them up at the end of the practice, 10-12 parking spaces are recommended during hours of operation. International Fencing Academy has allocated 15 parking spaces.

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