



CITY OF SUNNYVALE REPORT ADMINISTRATIVE HEARING

July 15, 2009

File Number: 2009-0452

Permit Type: Use Permit

Location: 1257 Tasman Drive (near Reamwood Ave.) (APN: 104-58-007)

Applicant/Owner: Catalyst Athletics / Tasman Drive LLC

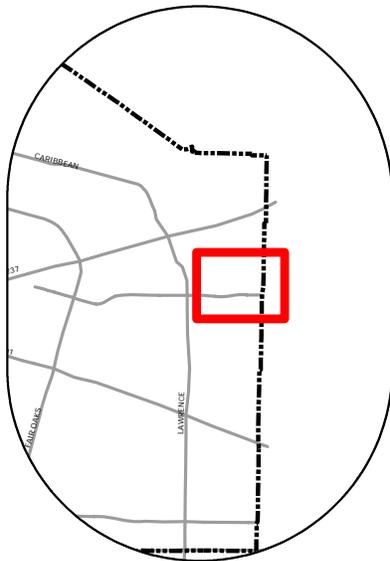
Staff Contact: Ryan Kuchenig, Associate Planner, (408) 730-7431

Project Description: Application for a Use Permit to allow a recreational use (fitness training studio).

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



500

Feet

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.

In 2006, the site was rezoned to M-S/POA (Industrial & Service/Place of Assembly). 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.

The subject tenant space was previously occupied by a place of assembly use (martial arts) which had attained a Use Permit in 2005. A Condition of Approval for that use limited the approval for three years. Since three years has elapsed, a new Use Permit application was required.

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 (*International Fencing Academy*) was recently approved in June of this year at the site. 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 but had been approved for a Place of Assembly (*Whispering Wind Center*) and was in operation less than a year ago; therefore, the permit has not expired (more discussion is noted in the “Parking” section of this report). Table 1, on page 3, provides a breakdown of current and proposed uses.

Use Description: The proposed use is for a personal fitness studio (Catalyst Athletics) within an approximately 4,500 s.f. industrial office tenant space. The business publishes digital and print media as well as a private athletic training studio. As described in the business description, located in Attachment C, the publishing operation involves primarily computer work, with storage of books and DVDs. The fitness training studio does not operate as a gym or open athletic facility

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

- Monday through Friday: 8:00 am – 8:00 pm
- Saturday: 10:00 am – 2:00 pm
- Sunday: Closed

Individual training sessions are occasionally scheduled outside of these hours.

Expected Students / Customers: The training operation involves personal and small group training involving one to eight clients and one to two coaches during a single session, and not exceeding two sessions concurrently (maximum 16 clients and two trainers at a given time).

Floor Plan: The floor plan is mostly left open with three small offices, a lobby and two bathrooms. No additional changes are proposed.

Exterior Changes: There are no exterior changes proposed 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.)
<i>1257 Tasman Dr, #A</i>	<i>Proposed POA – Catalyst Athletics</i>	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
<i>1237 Reamwood Ave.</i>	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 fitness studio would require approximately 50 spaces for the open training area and lobby/office areas.

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 20 spaces have been allocated for the proposed use based on the maximum number of employees and clients 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	Catalyst Athletics	POA by Use Permit	20	4,500	Per UP - parking management plan
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	<i>Proposed POA – International Fencing Academy</i>	POA by Use Permit	15	5,000	Per UP 2009-0393
1239 Reamwood Ave.	<i>Vacant</i>	Approved POA use	22	5,000	Per UP 2007-1341

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* - Proposed POA - Catalyst Athletics	15	20	20 (closed Sunday)
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. <i>Intrn'l Fencing Academy (POA use)</i>	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. It is not expected that many occupants of this tenant space will be sensitive populations; however, staff requested that the applicant provide information to meet this requirement. 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 fitness studio 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: 17 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 athletic training facility meets the objectives and purposes of the General Plan as the use meets the intent of the POA zoning and is compatible with nearby uses. The proposed use will have minimal impact to the remaining 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. (*Finding Met*)

As proposed as a private training facility, the proposed use should not impair the existing uses or surrounding properties. The recommended Conditions of Approval require parking management for the site and require further review if expansion occurs at a future date.

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. Letter from 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, and International Fencing Academy shall not exceed the maximum occupancy listed in the table below.

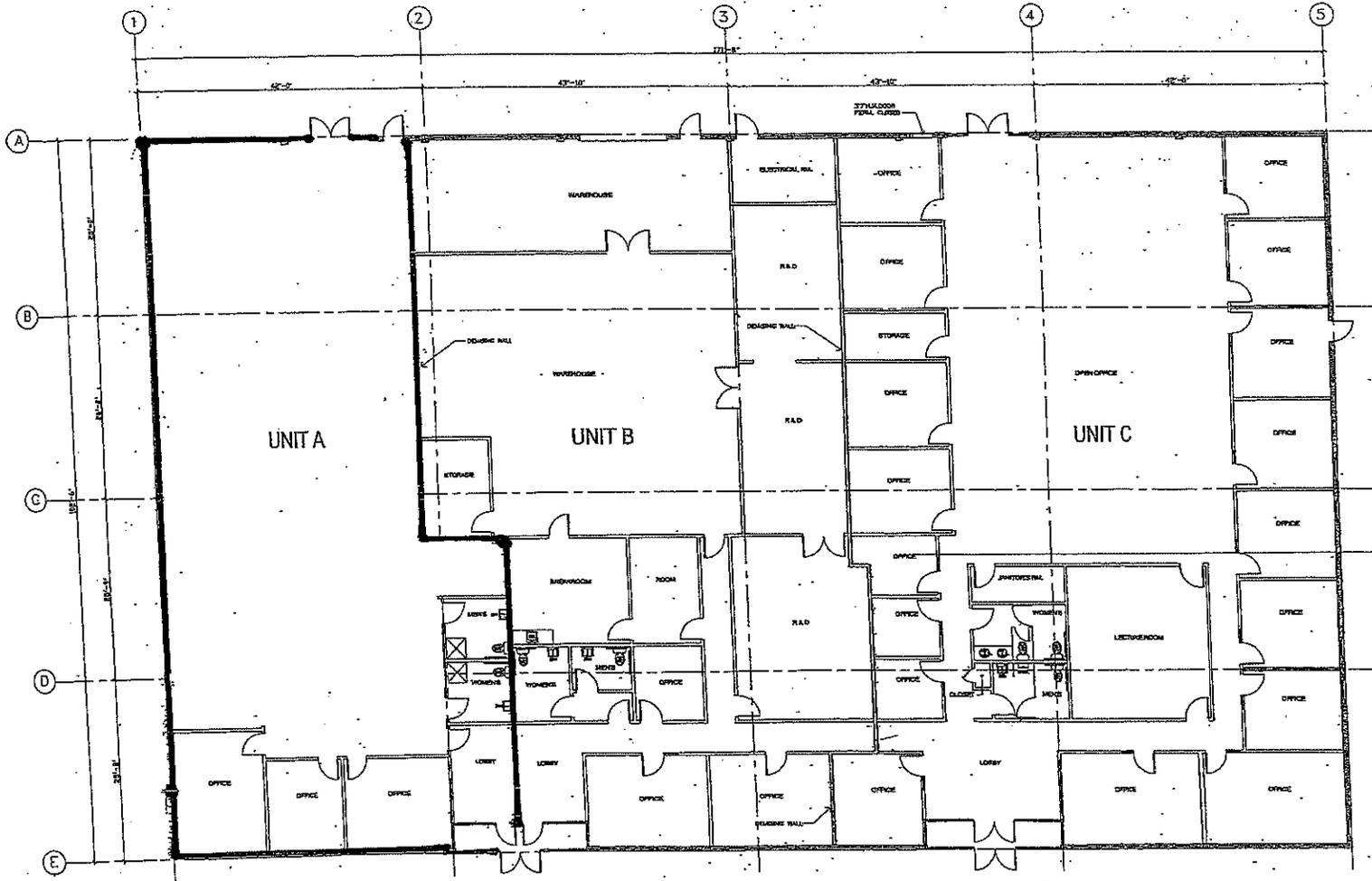
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3. **Conditions of Approval on Plans:** The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
4. **Parking Management Plan:** A Parking Management Plan must be submitted to the Director 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* - Proposed POA - Catalyst Athletics	15	20	20 (closed Sunday)
1257 Tasman Dr, #B** (Bay Area Cultural Center (POA use))	12	20	20
1257 Tasman Dr, #C* Resources for Battered Women (POA use)	20	15	5
1233 Reamwood Ave. Swaray (POA use)	25	25	25
1235 Reamwood Ave. Squirt Printing (R&D/Manuf.)	10	2	0
1237 Reamwood Ave. Intrn'l Fencing Academy (POA use)	15	15	10 (closed Sunday)
1239 Reamwood Ave.* Vacant	22	22	37
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 20 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.
6. **Hour of Operation:** Hours of operation for the recreational assembly use shall be limited to 8am to 10pm daily. Changes to the hours of operation may be considered through a Miscellaneous Plan Permit.
 7. A separate Miscellaneous Plan Permit application is required for special events that would result in increased parking demand greater than what is noted in the Parking Management Plan table listed in Condition of Approval #4a.



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



Project Description: Catalyst Athletics, LLC

Operations Summary Catalyst Athletics is a publisher of both digital and print media (books, DVDs, digital periodical, website content), and a private athletic and fitness training studio. Our publishing operation involves primarily computer work, storage of limited hard goods such as books and DVDs, and packing and shipping of these hard goods. Our training operation involves personal and small group training involving one to eight (1-8) clients and one to two (1-2) coaches during a single session, and not exceeding two (2) sessions simultaneously (16 client and 2 trainer maximum at any given time).

Hours of Operation General hours are from 8:00 AM to 8:00 PM Monday through Friday and 10:00 AM to 2:00 PM Saturday. Individual private training sessions may occasionally be scheduled outside of these hours.

Employees Catalyst Athletics is operated by only two (2) employees, including the owner.

Parking With our maximum number of concurrent clients and both employees, we have need for eighteen (18) parking spaces; we have been allotted twenty (20) parking spaces in the parcel lot by the building owner.