



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

June 16, 2011

File Number: 2011-7294

Permit Type: Use Permit

Location: 1235 Reamwood Ave (near Tasman Dr.) (104-58-007)

Applicant/Owner: India Heritage Foundation / Tasman Drive LLC

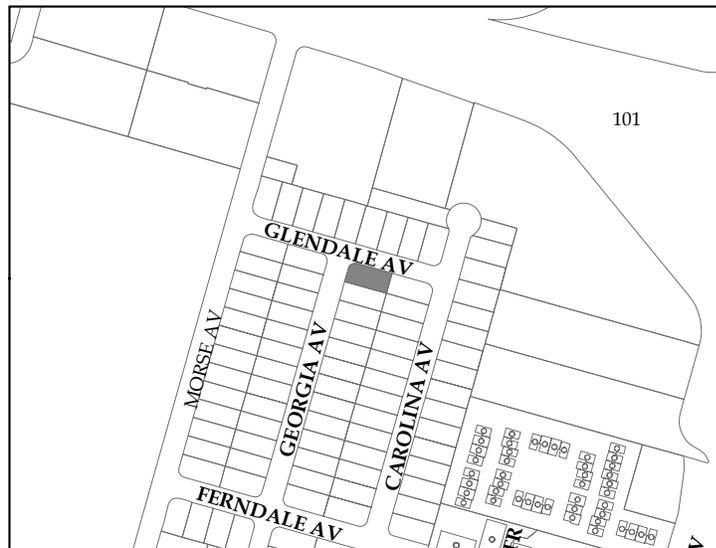
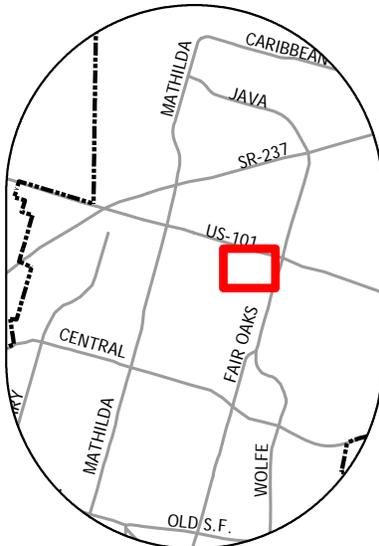
Staff Contact: Ryan M. Kuchenig, Associate Planner, (408) 730-7431

Project Description: To allow a place of assembly use (cultural center) within a vacant tenant space of an industrial building.

Reason for Permit: A Use Permit is required for places of assembly within the M-S/POA Zoning District.

Issues: Parking, Compatibility of Use

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	Same

Previous Planning Projects related to Subject Application: Several place of assembly and recreational uses have been considered through Use Permits within the industrial building shared by the proposed use. Many site improvements related to the building, landscaping and parking have occurred at the site in the past few years as a result of an approved condominium conversion in 2006.	Yes
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Use Description: The proposed use is for a cultural center (India Heritage Foundation) which provides community services such as yoga, meditation, worship, and administrative services. The applicant has provided a use description, included in Attachment C.

Hours of Operation: The business would be open weeknights (Monday through Friday) between 6:00 P.M. and 10:00 P.M. and on weekends (Saturday and Sunday) between 6:00 A.M. and 10:00 P.M.

Expected Students / Customers: The patrons of the site will consist of children and adults of all ages. The peak use of the site will occur on Sunday evenings and with a maximum of 30 people. More information regarding the limitations of occupancy is noted in the following sections of the report.

Floor Plan: The applicant has provided a floor plan for the proposed use in Attachment D. The floor plan consists of a reception area, several offices, a conference room, two restrooms, a cultural exhibit room, kitchen, and a large meditation room. The project is subject to building permits for planned interior tenant improvements.

Exterior Changes: No exterior changes are planned as part of this proposal. Proposed signs will require a separate permit.

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	Catalyst Athletics	4,500
1257 Tasman Dr, #B	Bay Area Cultural Center	5,535
1257 Tasman Dr, #C	Vacant	7,267
1233 Reamwood Ave.	Swaray	5,000
1235 Reamwood Ave.	Proposed POA – India Heritage Foundation	5,000
1237 Reamwood Ave.	International Fencing Academy	5,000
1239 Reamwood Ave.	Smash Gyms	4,900

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 cultural center would require approximately 50 spaces due to large portions of the space being designated as open floor area for meditation activities and exhibits.

For each of the 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. A total of 35 spaces have been allocated for the proposed use based on the maximum number of people of the site at the peak 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</i>	POA by Use Permit	20	4,500	Per UP -2009-0452
1257 Tasman Dr, #B	<i>Bay Area Cultural Center (POA use)</i>	POA by Use Permit	12	5,535	Per UP 2008-0431

Address / Unit	Use - Tenant	Type of Use	Maximum occupancy	Area (s. f.)	Parking Ratio
1257 Tasman Dr, #C	Vacant	Vacant	20	7,267	UP 2006-1213 (unoccupied but UP still valid)
1233 Reamwood Ave.	<i>Swaray (POA use)</i>	POA by Use Permit	25	5,000	Per UP 2009-0075
1235 Reamwood Ave.	India Heritage Foundation	POA by Use Permit	35	5,000	Per UP - parking management plan
1237 Reamwood Ave	<i>International Fencing Academy</i>	POA by Use Permit	15	5,000	Per UP 2009-0393
1239 Reamwood Ave.	<i>Smash Gyms</i>	POA by Use Permit	22	4,900	Per UP 2010-7730

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 GC-5A.

Address / Unit	Weekday 8:00 am – 5:30 pm	Weekday 5:30 pm – 9:00 pm	Saturday	Sunday
1257 Tasman Dr, #A* - <i>Catalyst Athletics</i>	15	10	10	5
1257 Tasman Dr, #B** (<i>Bay Area Cultural Center (POA use)</i>)	12	20	20	20
1257 Tasman Dr, #C* <i>Vacant (Approved POA use)</i>	20	12	12	20
1233 Reamwood Ave. <i>Swaray (POA use)</i>	25	25	25	25
1235 Reamwood Ave. India Heritage Foundation (POA use)	10	20	20	35
1237 Reamwood Ave. <i>Intrnl Fencing Academy (POA use)</i>	15	10	10	10
1239 Reamwood Ave.* <i>Proposed POA – Smash Gyms</i>	22	22	22	0
TOTAL (119)	119	119	119	115

Based on the information provided by the applicant, weekday activities (morning & afternoon) are not expected to have a higher peak demand than weekends. A revised parking plan would be necessary if the proposed use or other tenants plan to increase capacity during hours of operation. Such a modification could be considered through a Miscellaneous Plan permit application, per Condition of Approval GC-5B.

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 community 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;
- 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 D.

Public Contact: 18 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 facility that supports the local community at a convenient 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 approved parking management plan for the site. Further expansion will require a separate permit to review capacity and any other possible resulting impacts.

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 M. Kuchenig, Associate Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Architectural Plans
- C. Use Description from the Applicant
- D. Place of Assembly Documentation provided by Applicant

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
JUNE 16, 2011**

Planning Application 2011-7294

1235 Reamwood Avenue

Use Permit for a place of assembly use (cultural center) within a vacant tenant space of an industrial building.

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

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 and Standard Development Requirements of this Permit:

<p>GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.</p>

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

GC-2. USE EXPIRATION:

The approved use Permit for the use shall expire if the use is discontinued for a period of one year or more. [SDR] (PLANNING)

GC-3. PERMIT EXPIRATION:

The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development. [SDR] (PLANNING)

GC-4. MAXIMUM OCCUPANCY BY USE (LIMITATIONS):

Tenants that have previously approved Use Permits, i.e. Bay Area Cultural Center, Swaray, International Fencing Academy, Catalyst Athletics, and Smash Gyms shall not exceed the maximum occupancy listed in the table below. [COA] (PLANNING)

Address / Unit	Use - Tenant	Type of Use	Maximum occupancy	Area (s. f.)	Parking Ratio
1257 Tasman Dr, #A	<i>Catalyst Athletics</i>	POA by Use Permit	20	4,500	Per UP - 2009-0452
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1257 Tasman Dr, #C	<i>Vacant</i>	Vacant	20	7,267	UP 2006-1213 (unoccupied but UP still valid)
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1239 Reamwood Ave.	<i>Smash Gyms</i>	POA by Use Permit	22	4,900	Per UP 2010-7730

GC-5 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 this site:

Address / Unit	Weekday 8:00 am – 5:30 pm	Weekday 5:30 pm – 9:00 pm	Saturday	Sunday
1257 Tasman Dr, #A* - <i>Catalyst Athletics</i>	15	10	10	5
1257 Tasman Dr, #B** (<i>Bay Area Cultural Center (POA use)</i>)	12	20	20	20
1257 Tasman Dr, #C* <i>Vacant (Approved POA use)</i>	20	12	12	20
1233 Reamwood Ave. <i>Swaray (POA use)</i>	25	25	25	25
1235 Reamwood Ave. India Heritage Foundation (POA use)	10	20	20	35
1237 Reamwood Ave. <i>Intrn'l Fencing Academy (POA use)</i>	15	10	10	10
1239 Reamwood Ave.* <i>Proposed POA – Smash Gyms</i>	22	22	22	0
TOTAL (119)	119	119	119	115

- 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. The maximum of occupants for the approved uses of the site are allowed are listed in the above table. For special event, see Condition of Approval AT-2.
- f. 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.

GC-6 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.

PC: THE FOLLOWING SHALL BE ADDRESSED PRIOR TO COMMENCEMENT (OR AS NOTED IN THE CONDITION) OF THE APPROVED USE.

PC-1. NOTICE OF CONDITIONS OF APPROVAL:

A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

For purposes of determining the record owner of the property, the applicant shall provide the City with evidence in the form of a report from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Conditions of Approval. [COA] [PLANNING]

AT: THE FOLLOWING CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.

AT-1 HOURS OF OPERATION:

The use permitted as part of this application shall comply with the following hours of operation at all times:

- a. The hours of operation are limited to 6 a.m. to 10 p.m. for standard hours of operation, excluding events which may have extended hours.
- b. Hours extending beyond 10pm shall require approval of the Director of Community Development through a Miscellaneous Plan Permit. [COA] [PLANNING]

AT-2 SPECIAL EVENTS (PLANNING APPLICATION REQUIRED):

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 #GC-5a.

- AT-3 RECYCLING AND SOLID WASTE:
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]
- AT-4. LOUDSPEAKERS PROHIBITED:
Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]
- AT-5. EXTERIOR EQUIPMENT:
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. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]
- AT-6. PARKING MANAGEMENT:
On-Site parking management shall conform with the approved parking management plan. [COA] [PLANNING]