



CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

December 14, 2011

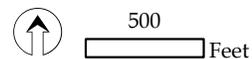
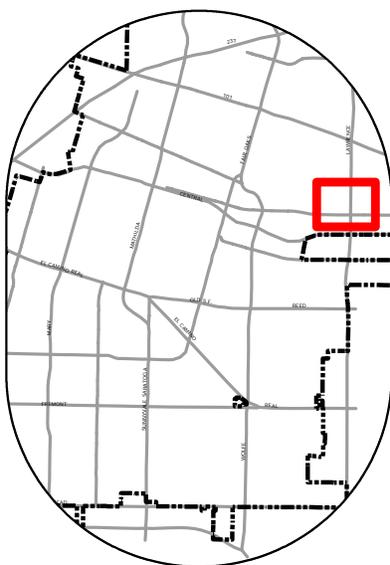
File Number: 2011-7827 **Permit Type:** Use Permit
Location: 1170 Kern Ave. (near Lawrence Expwy.) (APN: 205-24-012)
Applicant/Owner: Safari Run / Kerav LLC
Staff Contact: Steve Lynch, Senior Planner, (408) 730-2723

Project Description: To allow a children's recreational and enrichment use located in an M-S/POA site

Reason for Permit: A Use Permit is required for recreation uses in Place of Assembly (POA) zoning districts.

Issues: Compatibility with adjacent industrial zone uses.

Recommendation: Approval with conditions.



PROJECT DESCRIPTION

	Existing	Proposed
General Plan:	Industrial	Same
Zoning District:	M-S/POA	Same
Total Sq. Ft. on Site:	38,150	Same
Tenant Sq. Ft.:	6,900	Same
Parking:	148	Same

Previous Planning Projects related to Subject Application	No
Neighborhood Preservation Complaints	No
Deviations from Standard Zoning Requirements	No

Use Description: The proposed use (Safari Run) is for a children's wellness and fitness center. Safari Run offers classes centered on fitness and nutrition. Children ages will be between 5 and 13 and classes will have up to 15 children at any one time. Classes are open to the general public and through Sunnyvale's Parks and Recreation program.

Hours of Operation: Monday to Friday 10:00am to 6:00pm, and Saturday to Sunday 10:00am to 9:30pm. When classes are not held, Safari Run will be open to the public (children) for drop in exercise on an hourly basis. The facility will also have occasional parties or gatherings of up to 20 children.

Floor Plan: The floor plan will be open, with large mats and exercise equipment typical of a gymnasium. There will also be restrooms, a new office, and one party room.

Exterior Changes: No exterior changes are expected with this project.

Neighborhood Compatibility: The proposed use is in a multi tenant building with two other uses. One is Heartland Society which is a nonprofit food distribution organization. The space is about 40% office and 60% warehouse with five full time employees. The other tenant in the building is Granger Industrial Supply. They are typical of a hardware store for building or facility maintenance needs.

The City's hazardous material specialist was consulted about this use in the area and in the building. He stated that there are no hazardous materials of concern being stored in the adjacent business (Granger) or being used in the immediate area.

Parking: The site has a total of 148 parking spaces. Per Sunnyvale Municipal Code, only 142 are required. Therefore the site has sufficient parking for the proposed use.

Public Contact: 136 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:

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

City Council Policy

H.10 Encourage adequate provision of health care services to Sunnyvale residents.

Safari Run will provide a social service for children in Sunnyvale, which is currently an unmet need for the residents.

Land Use and Transportation Element

Policy N1.14 Support the provision of a full spectrum of public and quasi-public services (e.g., parks, day care, group living, recreation centers, religious institutions) that are appropriately located in residential, commercial, and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.

Safari Run is a unique and desirable use for the City that will provide a service to the youth population that cannot be provided by any other similar business. In addition, the project is appropriately located in a zone where the business will be compatible with the surrounding uses.

Staff was able to make the findings as the use meets the guidelines described above.

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 project is expected to have no impacts on surrounding properties as the project does not propose any significant site or building improvements that would be noticeable to the surrounding neighborhood.

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: Steve Lynch, Senior Planner

Attachments:

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Architectural Plans
- C. Letter from the Applicant

ATTACHMENT A

RECOMMENDED CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS

December 14, 2011

Planning Application 2011-7827

1170 Kern Avenue

Use Permit to allow a children's recreational and enrichment use located in an M-S/POA site.

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:

GC: THE FOLLOWING GENERAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.

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. NUMBER OF CHILDREN AND EMPLOYEES:

The maximum number of children and employees at any given time shall not exceed 50. [COA] [PLANNING]

GC-5. MASTER SIGN PROGRAM:

The site shall have a new master sign program submitted and approved prior to the issuance of any new signs on-site. [COA] [PLANNING]

GC-6. EVENT PROMOTERS:

No outside event promoters are allowed to operate at this location. [COA] [PLANNING]

GC-7. LOITERING:

The business operator shall be responsible for monitoring any patrons loitering outside of the building. [COA] [PLANNING]

GC-8. NOISE:

The business operator shall ensure that any noise generated by patrons loitering outside of the building shall not be audible at the property line of the residential development across Arques Avenue. [COA] [PLANNING]

BP: THE FOLLOWING SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).

BP-1. CONDITIONS OF APPROVAL:

Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. PLACE OF ASSEMBLY CONDITIONS:

For any use in a POA combining district serving sensitive populations as defined in Section 19.12.200, the following additional application requirements and procedures shall be met:

(1) If the use is proposed within a multi-tenant building, the applicant shall obtain an agreement providing for the limitation of hazardous material users on the same site, which agreement shall be recorded between the property owner, applicant, and city.

(2) The applicant shall acknowledge in writing that it is locating in an industrial area that may result in higher levels of noise, traffic, and

exposure to hazardous materials than would normally be encountered in non-industrial areas.

(3) The applicant shall adopt and submit for the approval of city a safety plan designed to protect sensitive populations in the event of a nearby release of hazardous materials. [SDR] [PLANNING]

BP-3. RESPONSE TO CONDITIONS OF APPROVAL:

A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

BP-4. BLUEPRINT FOR A CLEAN BAY:

The building permit plans shall include a "Blueprint for a Clean Bay" on one full sized sheet of the plans. [SDR] [PLANNING]

BP-5. RECYCLING AND SOLID WASTE CONTAINER:

All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]

BP-6. ROOF EQUIPMENT

Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [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. AVAILABLE PARKING:

At no time shall the number of students, employees, and teachers exceed the total number of available parking spaces on site. [COA] [PLANNING]

AT-2. RECYCLING AND SOLID WASTE:

All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]

AT-3. LOUDSPEAKERS PROHIBITED:

Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]

AT-4. 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]

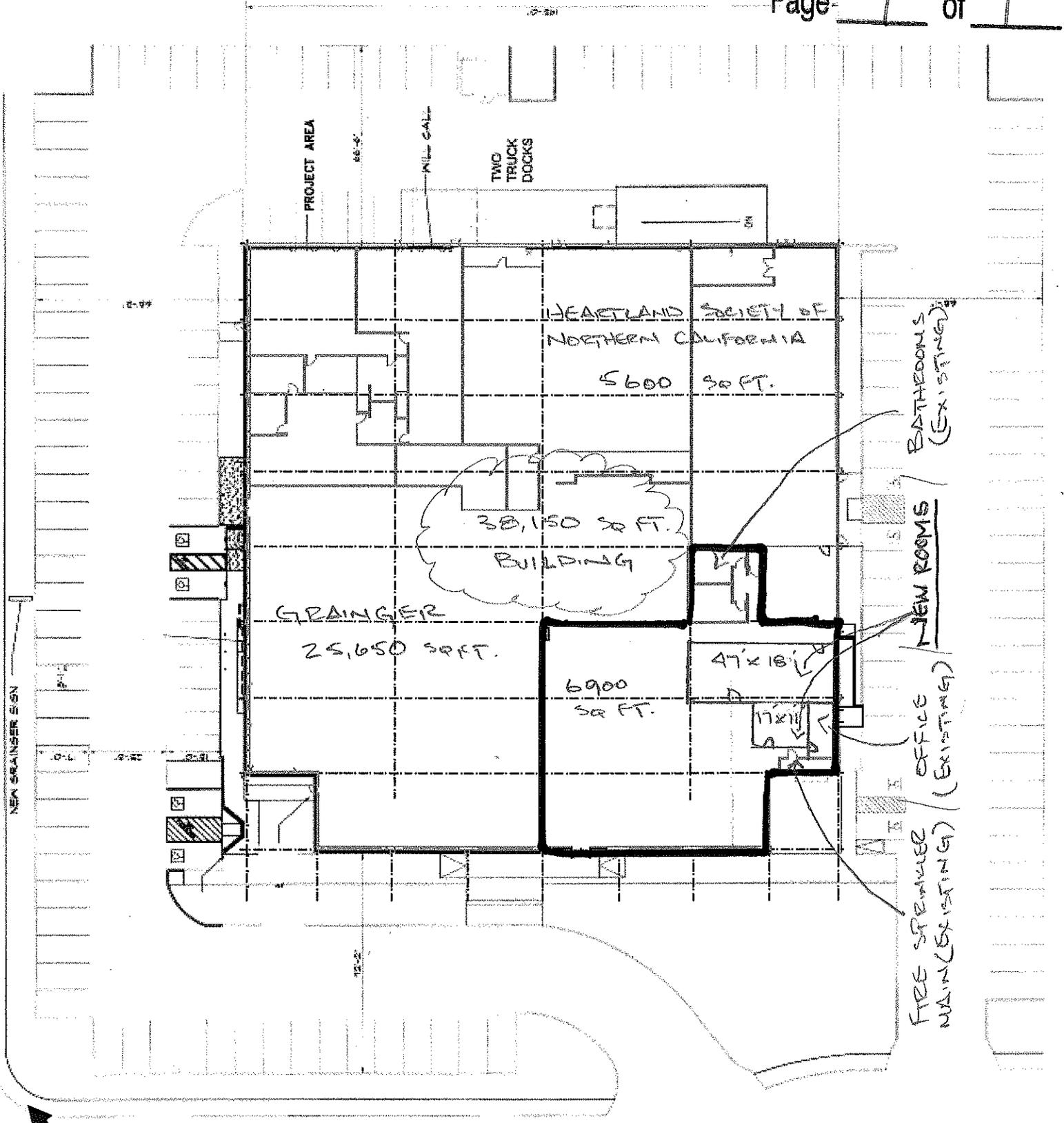
AT-5. LANDSCAPE MAINTENANCE:

All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]

AT-6. PARKING LOT MAINTENANCE:

The parking lot shall be maintained in accordance with the approved plans and as follows:

- a) Clearly mark all employee, customer, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
- b) Maintain all parking lot striping and marking.
- c) Require signs to direct vehicles to additional parking spaces on-site, as needed.
- d) Clearly mark all compact spaces as per approved plans. [COA] [PLANNING]

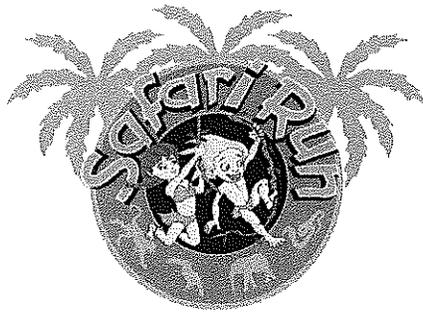


KERN AVE.

LAWRENCE EXPWY

1 SITE PLAN
N15





Project Description

Safari Run is a children's fitness and wellness center. Our hours will be Monday thru Friday 10am to 6pm and Saturday & Sunday from 10am to 9:30pm. We will have 2 employees Monday thru Friday and approximately 6 employees on Saturday and Sunday. All employees will be part time employees with most of them being high school students. Because of their age most employees will be dropped off and picked up for work.

Safari Run will offer fitness and wellness classes for children that are between the ages of 5 and 13. These classes will have between 5 to 15 students in each class. Safari Run will offer these classes to the public and will also offer them through the local recreation departments. This will bring additional revenue to the local recreation departments. We will also offer financial aid to parties that qualify for our program. Safari Run will also offer a scholarship program for middle school students that cannot meet the States Physical Education Requirements.

Safari Run will have certain hours open to the public when classes are not being held where children can integrate and exercise in a safe and clean environment. We will also open the facility for occasional parties or gatherings. These venues will be limited to 20 children per party or gathering.

Safari Run will also donate the use of their facility to support local school fundraisers, mothers groups and local churches.

Due to the length of services offered at Safari Run, most children will be dropped off and picked up after their session.

Since Safari Run is a business that caters to families, it will help draw people to the local businesses surrounding Safari Run.

Because of the obesity and overweight epidemic in today's youth, Safari Run hopes to educate children the importance of leading a healthy lifestyle through fitness and nutrition.

The previous use of this space was a patio furniture store.