



# CITY OF SUNNYVALE REPORT ZONING ADMINISTRATOR HEARING

July 11, 2012

**File Number:** 2012-7413

**Permit Type:** Use Permit

**Location:** 743 S. Wolfe Rd. (near Old San Francisco Rd.) (APN: 211-05-033)

**Applicant/Owner:** Kim's Martial Arts and Learning Center / Wolfe Reed Properties LLC et al

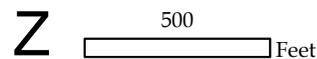
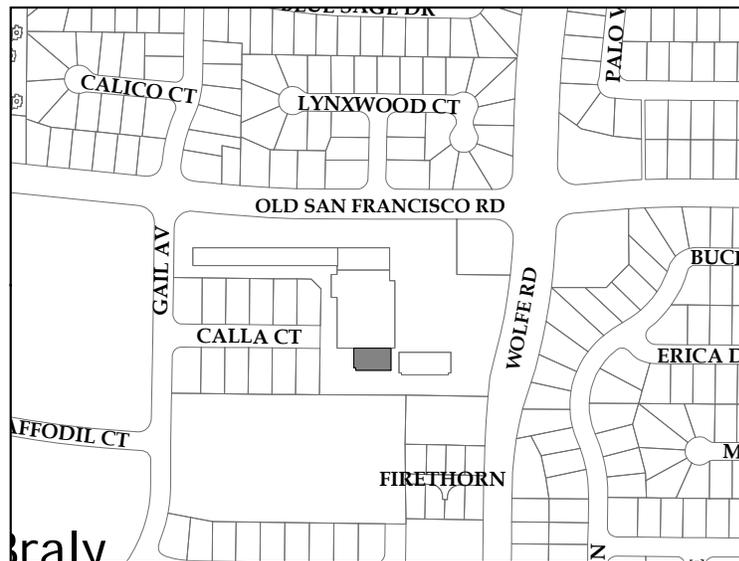
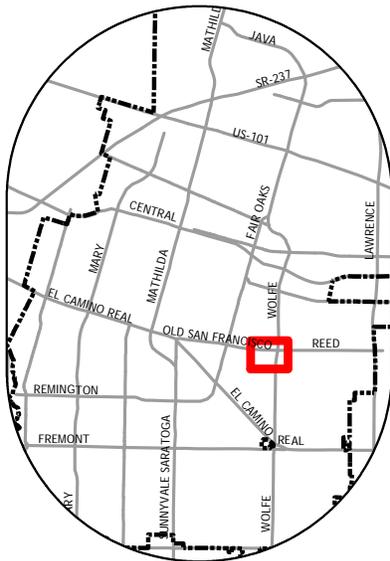
**Staff Contact:** Mariya Hodge, Associate Planner, (408) 730-7659

**Project Description:** To allow a child care center (martial arts school) within a tenant space in a shopping center.

**Reason for Permit:** A Use Permit is required for a child care center in a C-1 Zoning District with an expected occupancy of 31 persons or greater.

**Issues:** Noise, neighborhood compatibility

**Recommendation:** Approve with Conditions



**PROJECT DESCRIPTION**

	<b>Existing</b>	<b>Proposed</b>
General Plan:	Commercial Neighborhood Shopping	Same
Zoning District:	C-1	Same
Total Floor Area on Site (sq. ft.):	75,327	Same
Tenant Floor Area (sq. ft.):	5,915 (5,510 enclosed, 405 covered unenclosed patio)	5,915 (enclosed)
Parking:	438	432

<b>Previous Planning Projects Related to Subject Application</b>	<b>No</b>
<b>Neighborhood Preservation Complaints</b>	<b>No</b>
<b>Deviations from Standard Zoning Requirements</b>	<b>No</b>

**Background:** The applicant is involved in an enforcement process with the State’s Community Care Licensing Division (CCLD). Kim’s Martial Arts is currently located at 106 South Sunnyvale Avenue, where a business license was issued for an after-school tutoring center. However, CCLD characterizes the program as a child care center based on the number of hours students may spend at the center. As a result, State licensing by CCLD is required. To obtain a license the program must provide an outdoor play area as required for all child care centers. The applicant’s current business location at 106 South Sunnyvale Avenue does not have any outdoor area available to serve this purpose; therefore Kim’s Martial Arts must relocate to comply with CCLD requirements.

**Use Description:** Kim’s Martial Arts and Learning Center proposes to relocate to the Wolfe-Reed Shopping Center in a tenant space which is currently occupied by a catering business. The proposed use is primarily an after-school program for school aged children which includes tutoring, homework assistance, and martial arts instruction. During school holidays and summer months, the program proposes to offer all-day child care. Family martial arts classes are proposed during early evening hours; these are intended to provide a shared activity for parents while picking up their children. Attachment C provides a detailed description of the proposed activities. In addition to the activities listed in the project description, the applicant has informed staff that they would like the flexibility to teach evening martial arts classes to adults. See below for additional details on proposed operating hours and number of students.

**Hours of Operation:** Proposed hours of operation are Monday through Friday from 8:00 a.m. to 9:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. The

center will be closed Sundays. The applicant has indicated these hours include all proposed activities (after-school care, all-day summer program, and evening adult classes) as well as office hours and clean-up time. Evening martial arts classes for adults, which are not specifically described in Attachment C, would take place weeknights from 7:30 p.m. to 8:30 p.m. allowing the center to close by 9:00 p.m.

**Expected Number of Students and Employees:** Kim's Martial Arts and Learning Center proposes to serve a maximum of 112 children at any given time. Some children are expected to remain at the center all afternoon (or all day during summers/holidays) while others may visit for a single martial arts class in the early evening. The applicant has indicated the expected occupancy of 112 applies only to children based on their proposal to CCLD. Adults visiting the center for family martial arts classes or evening adult classes are not included in this number. The number of adults taking these classes daily is estimated at 20 to 30; however, the applicant still does not anticipate the total number of students to exceed 112 at any time since many children will have been picked up before the evening classes begin. The maximum number of employees is 15.

**Parking and Circulation:** Kim's Martial Arts and Learning Center operates four vans for transporting students. The vans will pick up students from area schools and drop them off for the after-school program. Some students will also be dropped off individually by parents. When not in use, the vans will be stored in the shopping center parking lot. Staff recommends Condition of Approval AT-9 limiting the number of vans stored on-site to five; storage of more than five commercial vehicles is not permitted in a C-1 Zoning District.

Wolfe-Reed Center has a total of 438 parking spaces. The proposed project would reduce this to 432 spaces (see discussion of site modifications on the following page). Child care centers require parking at a rate of one space per employee during the maximum shift and one space per 14 students. With 15 employees and 112 students, the proposed use would require 23 parking spaces. This is fewer than the number of parking spaces which would be required for a retail use in the same tenant space. Even if additional parking spaces are used by students during evening hours when family and adult classes are occurring, Wolfe-Reed center has ample parking to support the proposed use. At approximately 75,327 square feet, the center requires only 335 parking spaces when calculated at the shopping center rate, leaving an excess of 97 spaces. Applying specific rates to the individual uses in the center would result in a requirement of 417 spaces, leaving an excess of 15 spaces. The actual number of available spaces is likely to be higher, since the peak hours for the existing banquet use are weekend evenings when the majority of other uses in the shopping center are not operating. The table below provides detailed parking requirements for the center including the proposed use.

<b>Use</b>	<b>Floor Area (sq. ft.)</b>	<b>Shopping Center Requirement</b>	<b>Individual Requirement</b>
Retail, personal service, vacant (68%)	51,197	228	228
Restaurant & banquet (24%)	18,215	81	166
Child care (8%)	5,915	26	23
<b>Total</b>	<b>75,327</b>	<b>335</b>	<b>417</b>

As a result, staff finds parking is sufficient to support the proposed use with 15 employees and 112 children. As noted above, the estimated 20 to 30 adult students during evening hours are not included in the requested occupancy of 112 children; however, at least 20 to 30 children are expected to have left the center before adult classes begin. To ensure parking does not become an issue, staff recommends Condition of Approval AT-2 limiting the total occupancy by children and adults to no more than 112 students at a time, and Condition of Approval AT-3 requiring at least 15 minutes between the end of one martial arts class and the start of the next class to reduce overlap of students in the parking lot. Staff also recommends Condition of Approval BP-5 requiring a Parking Management Plan be submitted for review and approval by staff. Specific requirements for the Parking Management Plan include instructing parents and employees to park in the area behind the building, near the south side property line. The Parking Management Plan may be required to be updated periodically to address changing parking conditions in the center.

Parking lot striping in the area behind the building has not been well-maintained and is faded; Condition of Approval BP-6 requires the parking area to the west and south of the subject tenant space (approximately 44 spaces) be restriped. In addition, a photometric lighting plan for this parking area shall be submitted prior to issuance of building permits; additional lighting will be required as needed to ensure safety of students and employees leaving the center (Condition of Approval PS-1).

**Interior and Exterior Changes:** The proposed project includes a minor modification to the building façade. Currently the subject tenant space is composed of a 5,510 square foot enclosed interior area and a 405 square foot covered front patio area which is beneath the shopping center's roofline but is not enclosed. The applicant proposes to enclose the front patio area by moving the storefront windows forward (see project plans in Attachment B). This proposed modification is consistent with the appearance of the commercial shopping center and staff recommends approval as proposed. Since the area to be enclosed is beneath the existing roofline, it is not considered an addition of floor area or lot coverage to the center. The proposed project also includes interior floor plan modifications.

The applicant also proposes to add an approximately 2,000 square foot fenced outdoor area at the rear of the shopping center to meet CCLD requirements. The area will be enclosed with a five-foot tall wrought iron fence and will require removal of four existing parking spaces. A 225 square foot sail shade is proposed in the play area to provide shading as required by CCLD. Fence and shade details are provided in Attachment B.

The proposed outdoor area is located directly across from a solid waste enclosure and near the loading dock for the adjacent anchor tenant space (formerly occupied by Safeway, currently vacant). Solid waste collection and truck deliveries to the loading dock have the potential for a negative impact on children playing in the outdoor area. As a result, staff recommends Condition of Approval AT-6 requiring the applicant to work with the solid waste collection contractor and any future adjacent tenants to ensure solid waste collection and truck deliveries do not coincide with outdoor play time.

**Neighborhood Compatibility:** Wolfe-Reed Center is surrounded by residential uses. Several apartment buildings are located to the rear of the center on Calla Drive, adjacent to the subject tenant space and proposed outdoor area. Children's play activities in the outdoor area may result in some noise, but these activities are expected to occur during daytime hours and therefore are unlikely to have a significant impact on adjacent residents. Martial arts activities are proposed in the evening and may be accompanied by loud vocalizations which could disturb neighbors. As a result, staff recommends Condition of Approval AT-5 requiring all martial arts instruction to occur within the enclosed building with windows and doors closed to reduce noise impacts.

**Public Contact:** 192 notices were sent to surrounding property owners, residents, and tenants adjacent to the subject site in addition to standard noticing practice. Staff has not been contacted by any interested parties regarding this project. Staff notes the project was incorrectly advertised as a Special Development Permit, which would be the applicable permit type in a Planned Development Combining District (C-1/PD). The correct permit type for this project (in a C-1 Zoning District with no Planned Development Combining District) is a Use Permit. This modification should not have an adverse effect on public notification as the project was accurately described, and a Special Development Permit and Use Permit have the same processing requirements and findings.

**Environmental Determination:** A Categorical Exemption Class 3 (minor changes in use and minor building modifications) relieves this project from CEQA provisions.

## **FINDINGS**

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The following General Plan goals and policies relate to the proposed project:

### *Land Use and Transportation Element*

*Policy LT-2.1 – Recognize that the City is composed of residential, industrial, and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.*

*Policy LT.4.3 – Support a full spectrum of conveniently located commercial, public, and quasi-public uses that add to the positive image of the City.*

*Policy LT-4.13 – Promote an attractive and functional commercial environment.*

### **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.
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 is compatible with the mix of tenants within the shopping center and is not expected to disrupt the pattern of commerce nor reduce the functionality of the shopping center. Sufficient parking is available to support the proposed use, and the project as conditioned will include a Parking Management Plan to ensure effective circulation. The proposed use will provide child care and recreational services to neighboring residents and, as conditioned, is not expected to generate significant noise or other negative impacts. The proposed modifications to the building are consistent with the existing site design and architecture, and as proposed the project will be required to make lighting and striping improvements in the parking area which will improve the appearance of the site. As a result, staff is able to make the above findings.

**ALTERNATIVES:**

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

**RECOMMENDATION**

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

Reviewed by:

Gerri Caruso  
Principal Planner

Prepared By: Mariya Hodge, Associate Planner

**Attachments:**

- A. Standard Requirements and Recommended Conditions of Approval
- B. Site and Architectural Plans
- C. Applicant's Letter and Project Description
- D. Project Justifications

**RECOMMENDED  
CONDITIONS OF APPROVAL AND  
STANDARD DEVELOPMENT REQUIREMENTS  
JULY 11, 2012**

**Planning Application 2012-7413**

743 South Wolfe Road

Use Permit to allow to a child care center (martial arts school) within a tenant space in a shopping center.

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 to 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 shall expire if the use is discontinued for a period of one year or more. [SDR] [PLANNING]

GC-3. PERMIT EXPIRATION:

The Use 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]

**PS: THE FOLLOWING SHALL BE MET PRIOR TO SUBMITTAL OF BUILDING PERMIT, AND/OR GRADING PERMIT.**

PS-1. PHOTOMETRIC PLAN:

Provide a contour photometric plan showing existing light fixtures and demonstrating lighting levels in the portion of the parking lot located to the west and south of the subject tenant space, extending to the end of the adjacent building housing the convenience store (approximately 52 parking spaces). The photometric plan is subject to review and approval by the Director of Community Development prior to submittal of a building permit. Additional lighting fixtures shall be required in the parking area if determined necessary by the Director of Community Development to achieve safe and comfortable lighting levels for students and employees. Any additional required lighting shall meet the following requirements:

- a) Use sodium vapor or illumination with an equivalent energy savings.
- b) Pole heights to be uniform and compatible with the area, including adjacent residential areas. Light standards shall not exceed 8 feet in height on the periphery of the project near residential uses.
- c) Provide photocells for on/off control of all security and area lights.
- d) All exterior security lights shall be equipped with vandal resistant covers.
- e) Wall packs shall not extend above the roof of the building.
- f) Lights shall have shields to prevent glare onto adjacent residential properties. [COA] [PLANNING]

PS-2. EXTERIOR MATERIALS REVIEW:

Final exterior building materials and color scheme are subject to review and approval by the Planning Commission/Director of Community Development prior to submittal of a building permit. [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. 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-3. 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-4. BEST MANAGEMENT PRACTICES - STORMWATER:

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. Best management practices shall be identified on the building permit set of plans and shall be subject to review and approval by the Director of Public Works:

- a) Storm drain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.
- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
  - i) Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.

- ii) Dumpster drips from covered trash and food compactor enclosures.
- iii) Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
- iv) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-5. PARKING MANAGEMENT PLAN (NONRESIDENTIAL)

A Parking Management Plan shall be submitted for review and approval by the Director of Community Development prior to issuance of a building permit. The Parking Management Plan shall include the following:

- a) Parents shall be instructed to drop off and pick up students in the parking area located to the south of the building.
- b) Vans used by the center to transport students shall drop off in the parking area located to the south of the building.
- c) Employees shall be instructed to use parking locations further from the building, in parking spaces that are less frequently used by center patrons. Employees shall be required to park on the site rather than in adjacent residential areas.
- d) Specify the location for storing vans. The van parking location shall be located in outlying parking spaces less frequently used by center patrons.
- e) The Director of Community Development may require the Parking Management Plan to be updated periodically to address changing parking conditions on the site. [COA] [PLANNING]

BP-6. PARKING RESTRIPIING:

Specify restriping of existing parking spaces on the Building Permit plans. The parking spaces located directly to the west and south of the subject tenant space (approximately 44 spaces) shall be restriped in accordance with Title 19 of the Sunnyvale Municipal Code. [COA] [PLANNING]

BP-7. COMPACT SPACES:

Specify compact parking spaces in the area to be restriped on the Building Permit plans. All such areas shall be clearly marked prior to occupancy, in accordance with Title 19 of the Sunnyvale Municipal Code. [SDR] [PLANNING]

BP-8. BICYCLE SPACES:

Provide a minimum of one Class I and four Class II bicycle parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development. Bicycle spaces may consist of a secured area within the building where bicycle parking is permitted. [COA] [PLANNING]

BP-9. FIRE PROTECTION:

Comply with all fire protection requirements of the Department of Public Safety including:

- a) The water supply for fire protection and firefighting shall be approved by the Department of Public Safety.
- b) A fully automatic fire sprinkler system and fire alarm are required.
- c) Provide Knox (key) boxes in accordance with Sunnyvale Fire Prevention guidelines.
- d) Exiting and firefighter entry for the fenced outdoor play area must be approved by the Department of Public Safety.
- e) A fire operations permit approved by the Department of Public Safety is required.
- f) Emergency responder radio coverage is required throughout the interior tenant space. If the Department of Public Safety determines emergency responder radio coverage is insufficient, radio retransmission equipment will be required. [COA] [PUBLIC SAFETY]

**PF: THE FOLLOWING SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS AND/OR SHALL BE MET PRIOR TO RELEASE OF UTILITIES OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**

PF-1. PARKING LOT STRIPING:

All parking lot striping including compact spaces shall be clearly marked prior to occupancy as per the approved plans and Public Works standards. [COA] [PLANNING/ENGINEERING]

**DC: THE FOLLOWING SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.**

DC-1. BLUEPRINT FOR A CLEAN BAY:

The project shall be in compliance with stormwater best management practices for general construction activity until the project is

completed and either final occupancy has been granted. [SDR]  
[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. DELIVERY HOURS:

Delivery hours for the approved use shall comply with SMC 19.42.030:

- a) Delivery hours are limited to daytime (from 7:00 a.m. to 10:00 p.m. daily) only.
- b) Nighttime delivery (from 10 p.m. to 7:00 a.m. daily) is prohibited. [SDR] [PLANNING]

AT-2. HOURS OF OPERATION:

The use permitted as part of this application shall comply with the following hours of operation at all times. Any proposed modification to these hours of operation shall be subject to review by the Director of Community Development:

- a) Monday through Friday hours of operation are limited to 8:00 a.m. to 9:00 p.m.
- b) Saturday and Sunday hours of operation are limited to 8:00 a.m. to 5:00 p.m. [COA] [PLANNING]

AT-3. OCCUPANCY/CLASS SIZES:

The following limitations on occupancy and class sizes shall be complied with at all times:

- a) The total number of students at the center for child care and class purposes, including children and adult students, shall not exceed 112 at any time.
- b) The number of employees at the center shall not exceed 15 at any time. [COA] [PLANNING]

AT-4. CLASS SCHEDULES:

Afternoon and evening classes shall be scheduled to provide a minimum of 15 minutes between the end of one class and the start of the next class to reduce parking conflicts between students. [COA] [PLANNING]

- AT-5. MARTIAL ARTS INSTRUCTION - NOISE:  
All martial arts instruction shall occur within the interior of the building, with doors and windows closed, to reduce noise impacts. [COA] [PLANNING]
- AT-6. OUTDOOR PLAY AREA:  
Comply with the following measures to reduce noise impacts on students in the outdoor play area:
- a) Coordinate with the City's solid waste collection contractor and schedule outdoor play time to ensure children are not playing in the outdoor area when solid waste collection occurs from the adjacent enclosure.
  - b) Coordinate with any future tenants of the adjacent anchor tenant space and schedule outdoor play time to ensure children are not playing in the outdoor area when truck deliveries are made in the adjacent loading dock area. [COA] [PLANNING]
- AT-7. RECYCLING AND SOLID WASTE:  
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. Receptacles shall be stored with their lids closed, within the approved enclosures, and with enclosure doors closed. [COA] [PLANNING]
- AT-8. LOUDSPEAKERS PROHIBITED:  
Out-of-door loudspeakers shall be prohibited at all times. [COA] [PLANNING]
- AT-9. COMMERCIAL VEHICLE STORAGE:  
Vans used by the center to transport students, and any other special purpose or commercial vehicles, shall be stored in compliance with SMC 19.20.030(G). No more than five commercial vehicles associated with this use may be stored on the site. [COA] [PLANNING]
- AT-10. PARKING MANAGEMENT:  
On-site parking management shall conform to the approved parking management plan at all times. [COA] [PLANNING]
- AT-11. 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) 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.
- e) Clearly mark all compact spaces as per approved plans. [COA]  
[PLANNING]



JC DESIGN  
 2767 MAURICIA AVENUE #A  
 SANTA CLARA, CA 95051  
 TEL 408 366-6393  
 FAX 408 246-3595

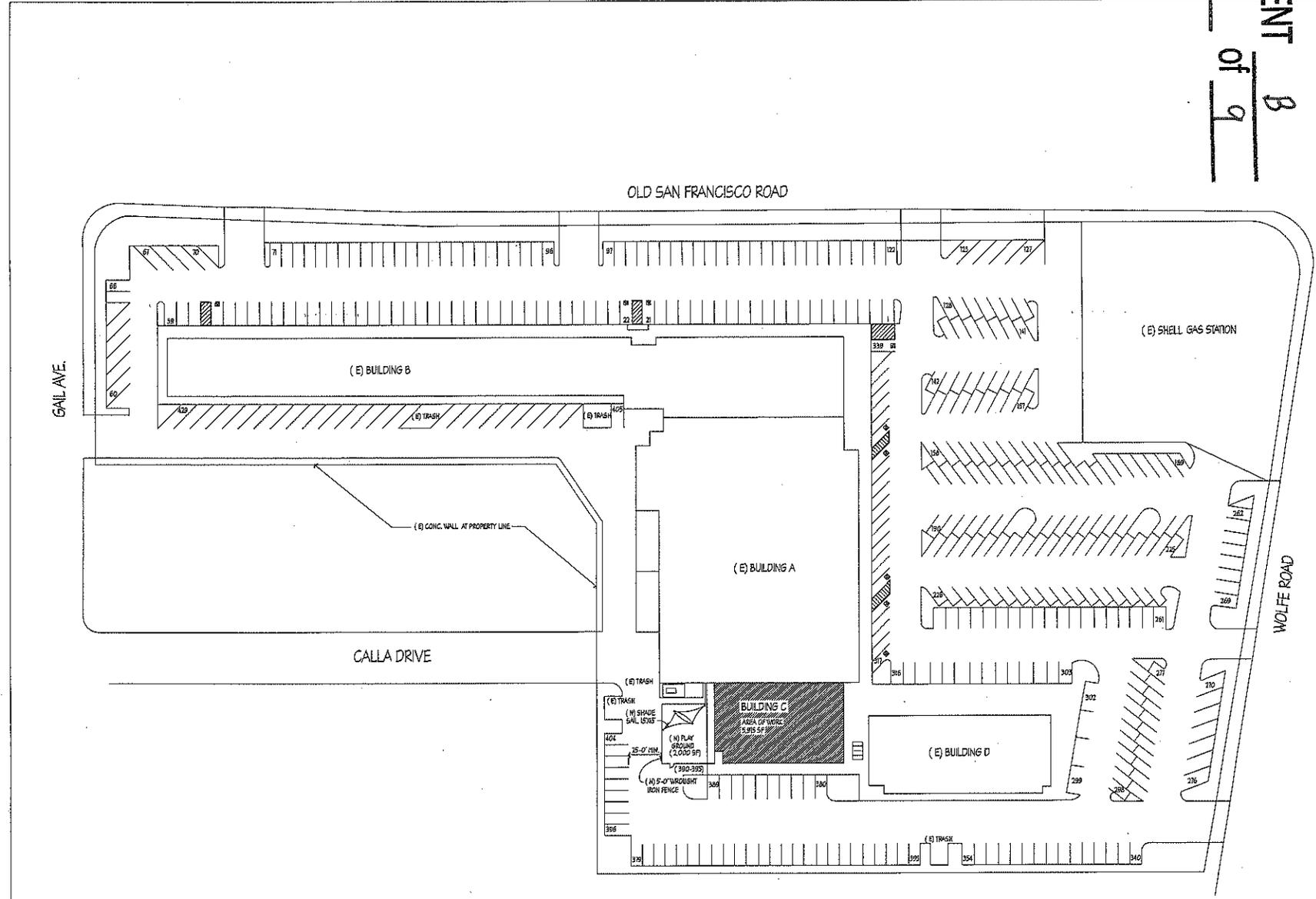
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TEENANT IMPROVEMENTS FOR:  
**KIM'S MARTIAL ARTS AND LEARNING CENTER**  
 743 S. WOLFE ROAD  
 SUNNYVALE, CALIFORNIA 94086

REVISIONS	DATE

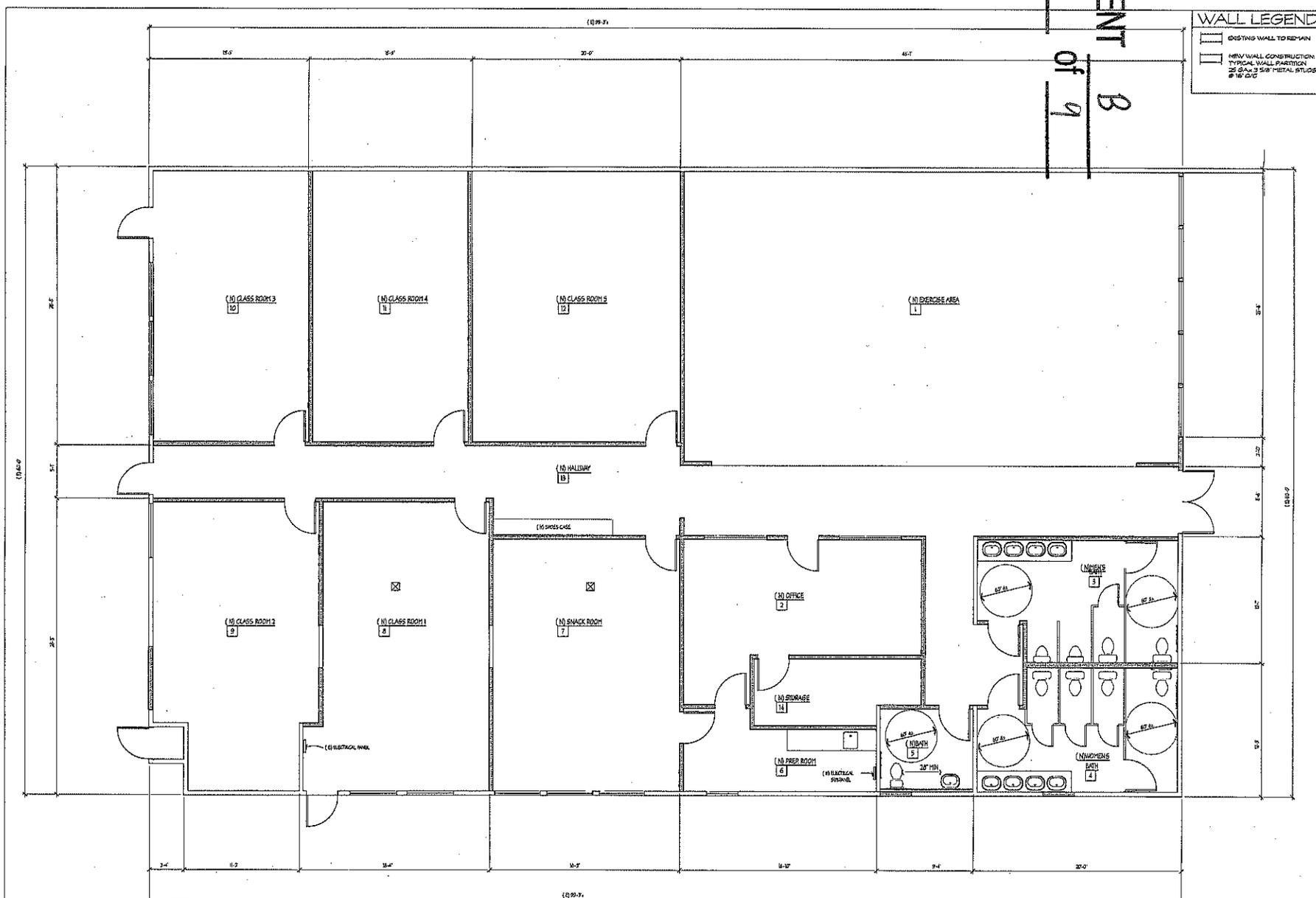
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Sheet Title	SITE PLAN

Sheet No  
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1 SITE PLAN  
 SCALE: 1/8" = 1'-0"





**WALL LEGEND**

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[Symbol: Solid line]	NEW WALL CONSTRUCTION TYPICAL WALL PARTITION # 1/2" GYP # 5/8" METAL STUDS # 1/2" G.C.

JC DESIGN  
2767 MAURICIA AVENUE #A  
SANTA CLARA, CA 95051  
TEL: (408) 346-6782  
FAX: (408) 346-5585

ALL DIMENSIONS AND BLANKS  
SHOWN ARE APPROXIMATE AND  
FOR INFORMATION ONLY. THE  
ACTUAL DIMENSIONS AND  
BLANKS SHALL BE AS SHOWN  
ON THE CONSTRUCTION  
DOCUMENTS. THE CONTRACTOR  
SHALL BE RESPONSIBLE FOR  
VERIFYING ALL DIMENSIONS  
AND BLANKS BEFORE  
PROCEEDING WITH CONSTRUCTION.

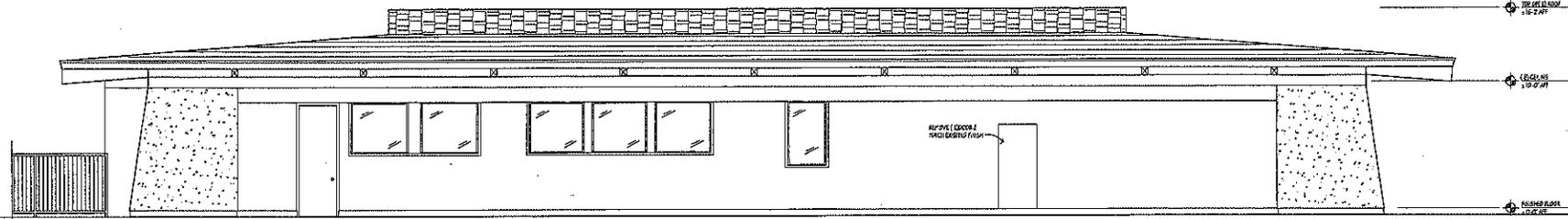
TENANT IMPROVEMENTS FOR:  
**KIM'S MARTIAL ARTS AND LEARNING CENTER**  
743 S. WOLFE ROAD  
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REVISIONS

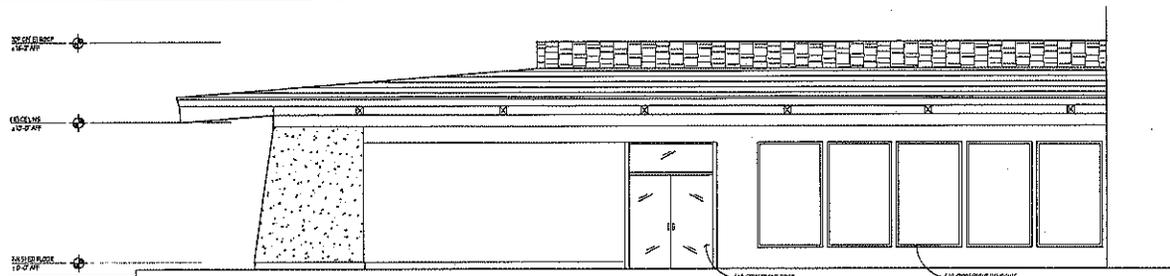
1	PROPOSED FLOOR PLAN
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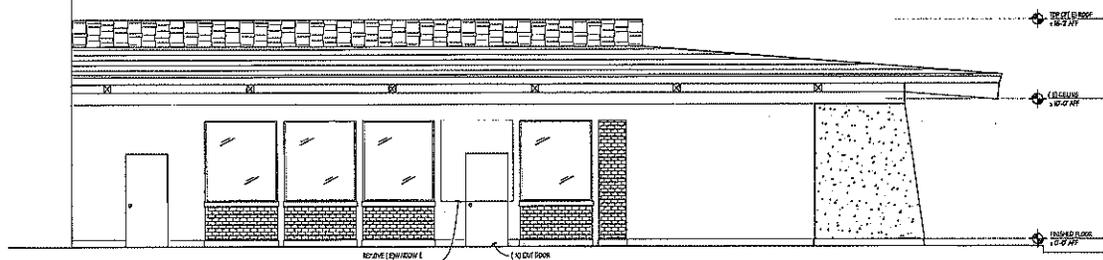
1 PROPOSED FLOOR PLAN  
SCALE: 1/4" = 1'-0"



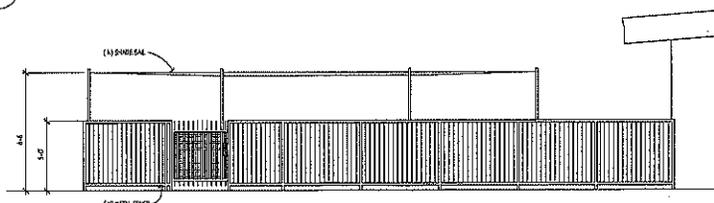
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SCALE: 1/4" = 1'-0"



2 EAST ELEVATION  
SCALE: 1/4" = 1'-0"



3 WEST ELEVATION  
SCALE: 1/4" = 1'-0"



4 PROPOSED SHADE SAIL AND FENCE ELEVATION  
SCALE: 1/4" = 1'-0"

ATTACHMENT B  
 Page 5 of 9

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 TEL: (408) 365-6929  
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REVISIONS FOR:  
 KIM'S MARTIAL ARTS AND LEARNING CENTER  
 743 S. WOLFE ROAD  
 SUNNYVALE, CALIFORNIA 94086

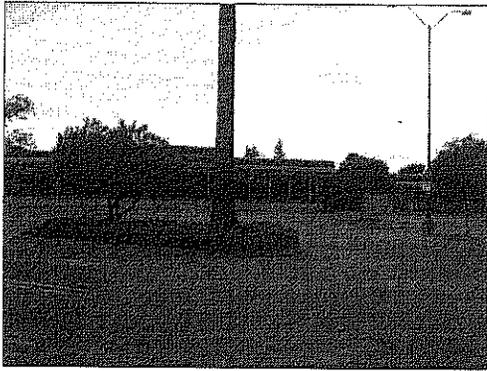
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Scale	JC
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Sheet Title  
 INTERIOR ELEVATIONS

Sheet No.  
**A2.2**

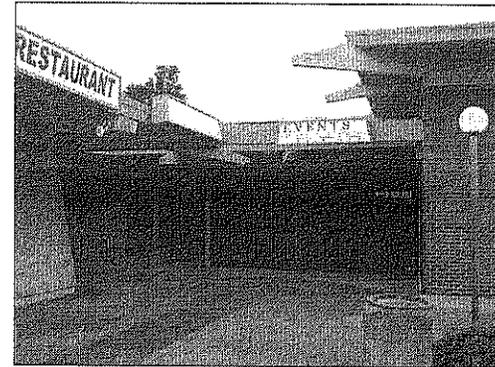




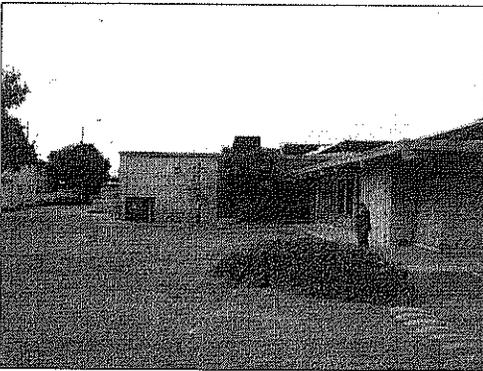
1 VIEW FROM S. WOLFE ROAD



2 VIEW FROM S. WOLFE ROAD



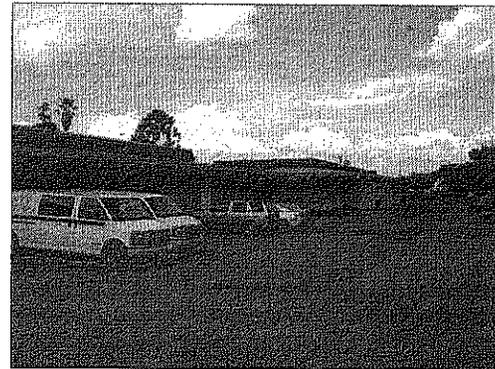
3 VIEW OF (E) TENANT FRONT ENTRY



4 VIEW OF WEST DRIVE AISLE



5 VIEW OF EAST ELEVATION



6 VIEW OF EAST DRIVE AISLE  
SCALE: 1/4" = 1'-0"

ATTACHMENT B  
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JC DESIGN  
 2787 MAURICIA AVENUE #A  
 SANTA CLARA, CA 95051  
 TEL: 408 316-6762  
 FAX: 408 316-6565

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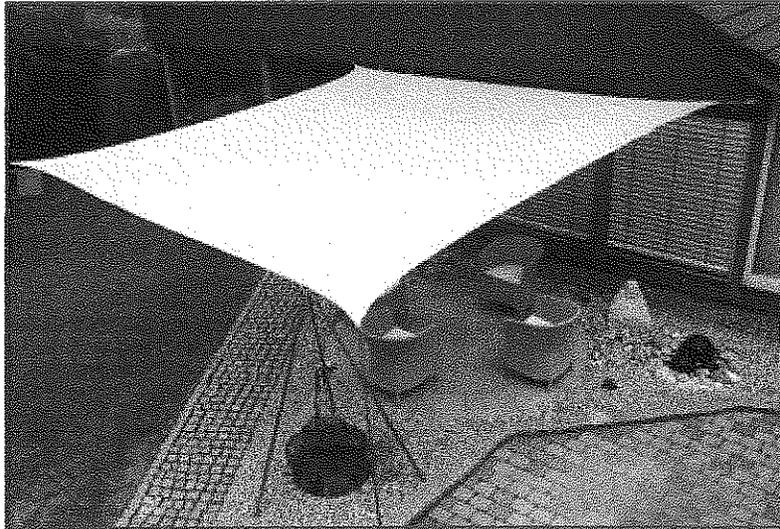
TENANT IMPROVEMENTS FOR  
 KIM'S MARTIAL ARTS AND LEARNING CENTER  
 745 S. WOLFE ROAD  
 SUNNYVALE, CALIFORNIA 94086

REVISIONS	
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Sheet No.  
 PHOTO

**Project:** 2012-7413  
**Submittal:** 1  
**PRC Date:** 06/11/12  
**Address:** 743 S WOLFE RD

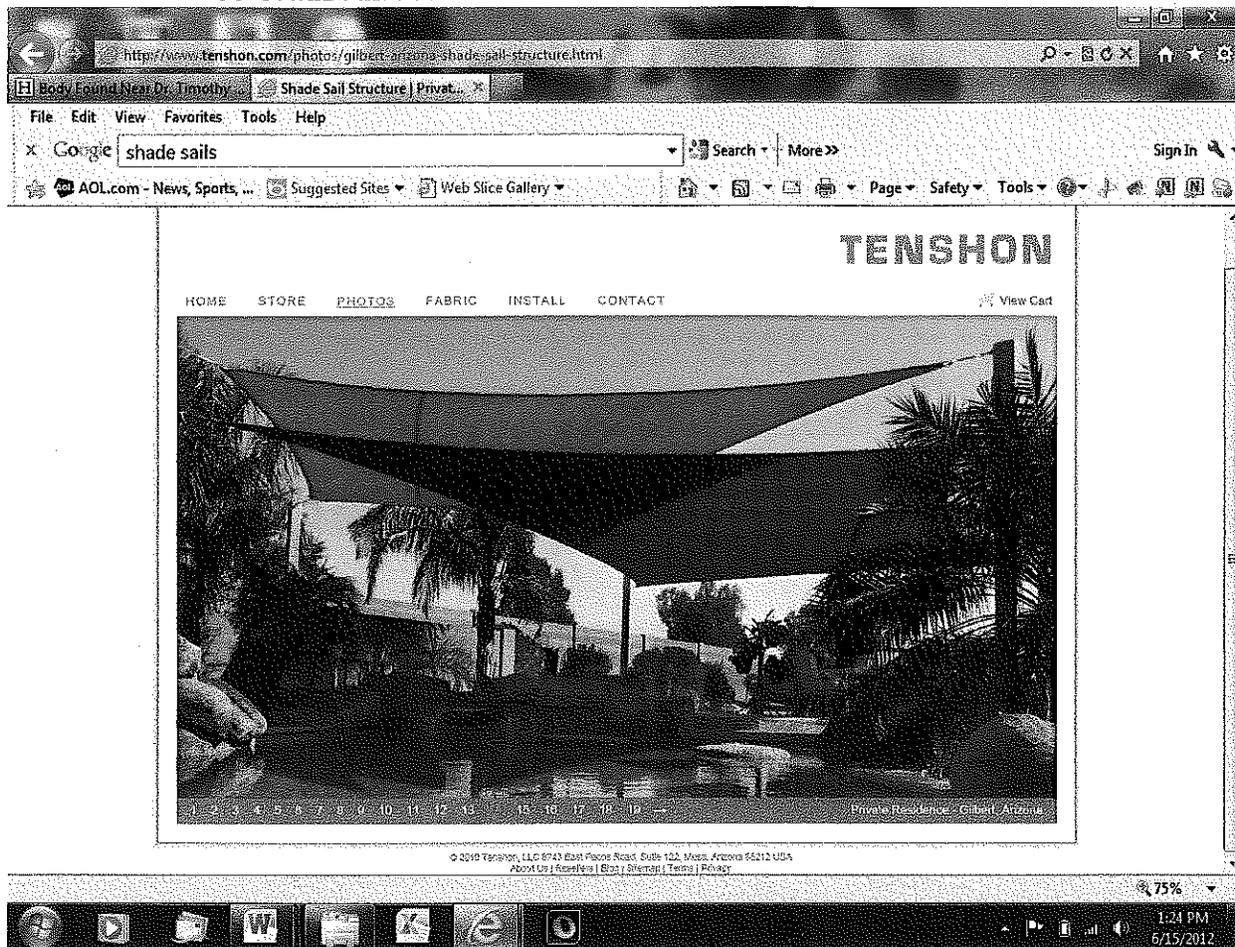
**Description:** TO ALLOW A CHILD CARE CENTER (MARTIAL ARTS SCHOOL) FOR UP TO 100 CHILDREN WITHIN A TENANT SPACE IN A SHOPPING CENTER



**Project:** 2012-7413  
**Submittal:** 1  
**PRC Date:** 06/11/12  
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ATTACHMENT B  
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**Description:** TO ALLOW A CHILD CARE CENTER (MARTIAL ARTS SCHOOL) FOR UP TO 100 CHILDREN WITHIN A TENANT SPACE IN A SHOPPING CENTER



Kim's Martial Arts and Learning Center

Kim's Martial Arts and Learning Center

May 25, 2012

**Project Description**

	Existing	Proposed
General Plan:	Commercial neighborhood shop	same
Zoning District:	C-1	same
Lot Size:	7,968 s.Ft	same
Total Sq. Ft. on Site:	5,510 s.Ft.	5,915 s.Ft
Tenant Sq. Ft.:	5,510 s.Ft	5,915 s.Ft
Parking:	438	432

**Previous Use:** The property is currently in use as an event and catering center.

**Use Description:** The applicant proposes to convert the event center into a school age learning center and martial arts academy. Plans have been drawn and provided to describe what changes will be made to the property. To fulfill the guidelines of a school age child care center, the current property will need to have its interior demolished to make way for the current plans.

Patrons of the center will be picked up from schools in the surrounding area and dropped off at the front entrance between 1:00 and 4:00 PM by the center's vans. The students will receive tutoring and homework help in classrooms overseen by teachers. Students will also have the option of being enrolled in martial arts class for one hour per day. These classes will be held in the large room in the front of the building between 4:00 and 8:00 PM. Students will be released to their parents throughout hours of operation when parents arrive to pick them up from the center.

The building will be brought up to the safety standards and guidelines given by the Child Care Licensing office and City and State regulations. These guidelines include: outdoor fenced play area in the rear of the building, shaded area for outdoor play area, bathrooms to accommodate our expected occupancy of children, and other modifications.

**Hours of Operation:** The center will be open between 8:00 AM and ~~8:00~~ 9:00 PM, Monday through Friday and occasionally Saturday.

**Employees:** Staff will include teachers, aides, drivers and administrative staff numbering between 10 and 15 individuals.

**Number of Patrons:** ~~75-100~~ school age children  
 112

**Project:** 2012-7413  
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Please note that we are requesting the following changes to our application:

1. The change in the number of students is based upon a multiple of 14 students and reflects less than the maximum number of students allowed based upon the square footage of the building space.  
Maximum  
Employees: 15  
Students: 112
2. At this time we do not have any center activities after 7:30 pm Monday-Friday and on Saturdays. The KM2A application hours reflect plans to for additional evening and Saturday Tae Kwon Do classes based upon demand. Based upon historical data either class size would not exceed 30 students.

Center will be open:  
Monday – Friday  
8:00 am – 9:00 pm

Saturday  
8:00 am – 5:00 pm  
Every Saturday

Center will be closed:  
Sundays  
and  
Major holidays

**- The center is open from 8 am to 8 pm but the description talks about student drop-offs occurring at 1:00. What's going on between 8:00 and 1:00?**

1. During the school day the center is open from 8:00 am to 1:00 pm for office work and cleaning.
2. KM2A vans will drop off students on the side of the building.
3. KM2A will request that parents use the side parking area to drop off and pick up students.

Below is the estimated activity based upon historical data for the **school year regular school day**.

1. For PRC application and center hours will be 8 am to 9 pm to allow for future Tae Kwon Do classes based upon market demands.
2. KM2A van pick up follows the dismissal schedules of Cupertino Union, Santa Clara Unified School, and Sunnyvale School Districts, and includes adjustments for early release times.
3. The school year varies for each district in terms of the start and end, holidays, staff development, and vacations. The combined school year is mid-August to mid- June.
4. KM2A has van pick up for a few private schools within the cities of Cupertino, Santa Clara, and Sunnyvale.
5. The parent pick up is varied and includes pick up of multiple children.
6. If KM2A becomes licensed for 112 students, then the maximum of employees is 15.

Clarifications for Public Works and Traffic per 06/16/12 email from [MHodge@ci.sunnyvale.ca.us](mailto:MHodge@ci.sunnyvale.ca.us)

Project: 2012-7413  
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Description: TO ALLOW A CHILD CARE CENTER (MARTIAL ARTS SCHOOL) FOR UP TO 100 CHILDREN WITHIN A TENANT SPACE IN A SHOPPING CENTER

- Are there children who will be there all day, some who will morning only, and some who will be afternoon only? If so, can you estimate how many of each?

**KM2A Summer Program Daily Activities**

Tuesday and Thursday KM2A field trip via 2-3 vans.

1. KM2A vans will drop off students on the side of the building.
2. KM2A will request that parents use the side parking area to drop off and pick up students.

**KM2A Summer Program Daily Activities**

Hours	Time of year	Activity	Owners And/or Employees	Students Via 4 van drop off	Students Via parent drop off	Parents pick up
8:00 am To 10:00 am	Summer	See KM2A Sample Summer Program Daily Schedule	2-5	Not Applicable	8-40	Not Applicable
4:00 pm To 4:15 pm	Summer	Tae Kwon Do (school-age only)	2-5	Not Applicable	4-5	Not Applicable
5:45 pm To 6:15 pm	Summer	Student Pick up	2-5	Not Applicable	Not Applicable	Summer Program students and Tae Kwon Do only students
5:45 pm To 6:00 pm	Summer	Tae Kwon Do (family and adult)	2-5	Not Applicable	30	Adults and family 10-15
7:30 pm	Summer	Center is closed	Not Applicable	Not Applicable	Not Applicable	Not Applicable

Project: 2012-7413  
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Description: TO ALLOW A CHILD CARE CENTER (MARTIAL ARTS SCHOOL) FOR UP TO 100 CHILDREN WITHIN A TENANT SPACE IN A SHOPPING CENTER

- Are there children who will be there all day, some who will morning only, and some who will be afternoon only? If so, can you estimate how many of each?

1. During the school year KM2A offers Extended Day services from 8:00 am to 6:15 pm.
2. During certain one day school holidays (8-10 days), staff development days (8-10 days), long breaks: winter, Presidents' week, and spring (60 days)
3. 8-20 students will be dropped off by parents to attend Extended Day activities.
4. Some afterschool students who have a day off will attend Tae Kwon Do only and some will not.
4. The remaining after school students will be picked up by KM2A vans.
5. KM2A vans will drop off students on the side of the building.
6. KM2A will request that parents use the side parking area to drop off and pick up students.

**KM2A School year: Extended Day (holidays, staff development days, vacations) Activities**

Hours	Time of year	Activity	Owners And/or Employee s	Students Via 4 van drop off	Students Via parent drop off	Parents pick up
8:00 am To 6:00 pm	School year Non-school day	See Sample Extended Day Activities	2-5	Not Applicable	8-20	Not Applicable
3:45 pm To 4:00 pm	School year Non-school day	Tae Kwon Do (school-age only)	2-5	Not Applicable	4-10	Not Applicable
5:15 pm To 6:15 pm	School year Non-school day	Student Pick up	2-5	Not Applicable	Not Applicable	8-20
4:45 pm To 5:00 pm	School year Non-school day	Tae Kwon Do (school-age only)	2-5	Not Applicable	5-15	Not Applicable
5:15 pm To 6:15 pm	School year Non-school day	Student Pick up	2-5	Not Applicable	Not Applicable	Remainder of extended day students and Tae Kwon Do only students
5:45 pm To 6:00 pm	School year Non-school day	Tae Kwon Do (family and adult)	2-5	Not Applicable	30	Adults and family 10-15
7:30 pm	School year Non-school day	Center is closed	Not Applicable	Not Applicable	Not Applicable	Not Applicable

Project: 2012-7413  
 Submittal: 1  
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Description: TO ALLOW A CHILD CARE CENTER (MARTIAL ARTS SCHOOL) FOR UP TO 100 CHILDREN WITHIN A TENANT SPACE IN A SHOPPING CENTER

**KM2A School year: After-School Daily Activities**

Hours	Time of year	Activity	Owners And/or Employees	Students Via 4 van drop off	Students Via parent drop off	Parents pick up
8:00 am To 1:00 pm	School year Regular school day	Office work Open to walk-in inquiries	2-4	0	0	Not Applicable
2:00 pm To 3:30 pm	School year Regular school day	After-school learning (school-age only)	2-5	50-60	3-5	Not Applicable
3:45 pm To 4:00pm	School year Regular school day	Tae Kwon Do (school-age only)	2-5	Not Applicable	4-5	Not Applicable
5:15 pm To 6:15 pm	School year Regular school day	Student Pick up	2-5	Not Applicable	Not Applicable	5-15
4:45 pm To 5:00 pm	School year Regular school day	Tae Kwon Do (school-age only)	2-5	Not Applicable	5-10	Not Applicable
5:15 pm To 6:15 pm	School year Regular school day	Student Pick up	2-5	Not Applicable	Not Applicable	Remainder of after school students and Tae Kwon Do only students
5:45 pm To 6:00 pm	School year Regular school day	Tae Kwon Do (family and adult)	2-5	Not Applicable	30	Adults and family 10-15
7:30 pm	School year Regular school day	Center is closed	Not Applicable	Not Applicable	Not Applicable	Not Applicable

**Project:** 2012-7413  
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**Description:** TO ALLOW A CHILD CARE CENTER (MARTIAL ARTS SCHOOL) FOR UP TO 100 CHILDREN WITHIN A TENANT SPACE IN A SHOPPING CENTER

**Planning INCOMPLETE ITEMS**

2. Additional details are needed on project plans as indicated below. Provide a more detailed view of the outdoor play space including the location/size of any proposed shade structures and play structures.

–Provide an elevation drawing (side view) of any proposed shade structures and play structures including height, materials, and colors.

–Provide an elevation drawing (side view) of proposed fencing including height, colors, and materials. Note the project plans indicate a proposed 6-foot tall wrought iron fence while the project description indicates a 4-foot fence. Update documents to present consistent information.

**Shade structure:**

**One or two shade sails**

See attached

**Height:** Lower than the building and high enough to provide shade.

**Materials:** Wood or metal support poles.

**Mass and UV Block**

10.3 oz per sq. yd. (340gsm) - Commercial Grade

93.5% to 97.6% (color discrepancy)

**Surface Burning Classification (ASTM E84) - Class I/A Fire Retardant**

Flame Spread Index (FSI) - 25

Smoke Developed Index (SDI) - 105

**Color:** To coordinate with the color of the building exterior

**Play structure:**

No play to install a play structure.

**Fencing**

5-foot tall wrought iron fence

**Project:** 2012-7413  
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**Description:** TO ALLOW A CHILD CARE CENTER (MARTIAL ARTS SCHOOL) FOR UP TO 100 CHILDREN WITHIN A TENANT SPACE IN A SHOPPING CENTER

5. The project description indicates the center will occasionally be open on Saturdays. Please provide the Saturday hours of operation and indicate how often (monthly, twice yearly, etc.) the Saturday operations are expected.

Center will be open:

Monday – Friday  
8:00 am – 9:00 pm

Saturday  
8:00 am – 5:00 pm  
Every Saturday

Center will be closed:

Sundays  
and  
Major holidays

6. Additional detail on daily activities is needed. Please provide a sample schedule of typical daily activities including specific hours for each. Include Saturday activities.

See attached

7. The project description indicates students will be picked up from surrounding schools using the center's vans. Do all students arrive in this manner, or are some dropped off by parents? Also, please indicate how many vans are used by the center and where they will be stored when not in use.

Most students will arrive in our vans. A few students will opt out of the van pickup option and they will be dropped off by their parents between 2:00 and 3:30 PM. Some students will be picked up because of appointments and later dropped off by their parents. Another group of our students are only enrolled in Martial Arts classes and not the after-school program. Those students are dropped off by their parents during their designated class time at 4:00, 5:00 or 6:00 PM.

We have four 15 seat passenger vans with company logos prominently displayed. We intend to keep them where the current tenants Event/Catering vans are currently parked. This is on the Wolfe Rd side of the parking lot where the vans will be easily seen on the main street.

**Project:** 2012-7413  
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**Description:** TO ALLOW A CHILD CARE CENTER (MARTIAL ARTS SCHOOL) FOR UP TO 100 CHILDREN WITHIN A TENANT SPACE IN A SHOPPING CENTER

8. Please provide the age range of the students served by the center.

Student served by the center:

School-age:  
4 yr. 9 mo. to 17

Tae Kwon Do:  
4 yr. to adults

**Project:** 2012-7413  
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**Description:** TO ALLOW A CHILD CARE CENTER (MARTIAL ARTS SCHOOL) FOR UP TO 100 CHILDREN WITHIN A TENANT SPACE IN A SHOPPING CENTER

**Planning:** INCOMPLETE ITEM

7. Detail on daily activities

1. At this KM2A does not have activities in the center during the times school-age children attend school.
2. In addition to the schedules below KM2A has a Tae Kwon Do class Monday through Friday 6:00 pm to 7:00 pm.

KM2A serves children between the ages of 4 years and 9 months and 17 years old. A typical day at KM2A proceeds as follows:

**Sample After School Day (pick up at school site)**

Arrive at KM2A	Change into uniform and gather homework, supplemental work, and reading books
arrival-3:00	Work independently and/or with some assistance
3:00-3:30	Snack
3:35-3:40	Clean up and line up for Tae Kwon Do
3:50-5:00	First session of Tae Kwon Do
4:35-4:40	Clean up and line up for Tae Kwon Do
4:50-6:00	Second session of Tae Kwon Do
5:15-6:15	Parent pickup

**Sample Extended Day (Parent/guardian drop off)**

Arrive at KM2A	
8:00-8:45	Silent sustained reading or phonics
8:45-9:30	Supplemental language art and math
9:30-10:15	Snack and break time
10:15-10:45	Review of skills and concepts
10:45-11:30	Free reading and writing
11:30-12:00	Lunch
12:00-12:45	Physical activity and/or quiet time
12:45-1:30	Art
1:30-2:15	Independent study
2:15-3:45	Projects with other students
3:00-3:30	Snack
3:35-3:40	Clean up and line up for Tae Kwon Do
3:50-5:00	First session of Tae Kwon Do
4:35-4:40	Clean up and line up for Tae Kwon Do
4:50-6:00	Second session of Tae Kwon Do
5:15-6:15	Parent pickup

**Planning:** INCOMPLETE ITEM 7

Project: 2012-7413  
 Submittal: 1  
 PRC Date: 06/11/12  
 Address: 743 S WOLFE RD

Description: TO ALLOW A CHILD CARE CENTER (MARTIAL ARTS SCHOOL) FOR UP TO 100 CHILDREN WITHIN A TENANT SPACE IN A SHOPPING CENTER

**KM2A Sample Summer Program Daily Schedule**

TIME	Monday	Tuesday	Wednesday	Thursday	Friday
8:30-9:00	Check In, etc.	Check In, etc.	Check In, etc.	Check In, etc.	Check In, etc.
9:00-9:45	Silent reading Phonics	Silent reading Phonics	Silent reading Phonics	Silent reading Phonics	Silent reading Phonics
9:50	Break, Snacks	Break, Snacks	Break, Snacks	Break, Snacks	Break, Snacks
10:00-10:45	English	Writing	Math	Field trip	English
10:50-11:35	Math	Travel to Off site	English	Field trip	Math
11:40-12:40	Lunch	Lunch	Lunch	Lunch	Lunch
12:40-1:00	Recess Time	Recess Time	Recess Time	Recess Time	Recess Time
1:00-1:45	Arts & Crafts	Projects w/other students	Arts & Crafts	Field trip	Arts & Crafts
1:50-2:45	Independent Study	Reading	Independent Study	Field trip	Independent Study
2:10-3:55	Projects w/other students	Educational Movie/Board Games	Projects w/other students	Reading	Projects w/other students
3:00-3:15	Break, Snacks	Break, Snacks	Break, Snacks	Break, Snacks	Break, Snacks
3:15-3:55	Educational Movie/Board Games	Projects w/other students	Educational Movie/Board Games	Arts & Crafts	Educational Movie/Board Games
4:00-5:30	Tae Kwon Do	Tae Kwon Do	Tae Kwon Do	Tae Kwon Do	Tae Kwon Do
5:30-6:00	Free Time/Pick-Up	Free Time/Pick-Up	Free Time/Pick-Up	Free Time/Pick-Up	Free Time/Pick-Up

Planning: INCOMPLETE ITEM 7



# USE PERMIT/SPECIAL DEVELOPMENT PERMIT JUSTIFICATIONS

One of the two following findings must be made in order to approve a Use Permit or Special Development Permit application.

---

The Sunnyvale Municipal code states that at least one of the following two justifications must be met before granting the Use Permit or Special Development Permit. Please provide us information on how your project meets at least one of the following criteria.

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

**Kim's Martial Arts and Learning Center would like to obtain a Special Development Permit to develop the property into a school-age learning center and martial arts academy. We are already operating a center nearby, in Sunnyvale, and would like to move to this new location. The use of the property will bring many benefits to the area. The center will provide a safe after school and summer learning environment for students in the area. Our program combines childhood education, physical exercise, and martial arts discipline to enhance the lives of our students. Dedication to the development of our children is of the utmost importance. We believe this new center will provide valuable services to families in the surrounding area**

OR

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 either the orderly development of, or the existing uses being made of, adjacent properties as ..

If you need assistance in answering either of these justifications, contact the Planning Division staff at the One-Stop Permit Center.