
**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
SEPTEMBER 8, 2025**

Planning Application **PLNG-2024-0441**

721 – 727 Sunnyvale-Saratoga Road

Special Development Permit to allow expansion of an existing Recreational and Athletic Facility use (“Gold Star Gymnasium”) into an adjacent tenant space within an existing 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 AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.
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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]

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- GC-2. ENTITLEMENTS—EXERCISE AND EXPIRATION:
The approved entitlements shall be null and void two years from the date of approval by the final review authority if the approval is not exercised, unless a written request for an extension is received prior to the expiration date and is approved by the Director of Community Development. [SDR] (PLANNING)
- GC-3. ENTITLEMENTS—DISCONTINUANCE AND EXPIRATION:
The entitlements shall expire if discontinued for a period of one year or more. [SDR] (PLANNING)
- GC-4. GROUND FLOOR USES-GLAZING AND VISIBILITY:
All glazing into the ground floor uses shall maintain clear visibility into the uses. Any dropped ceilings shall be recessed 3-4 feet from the front façade to maintain visibility into the use and to keep any transom windows open and clear. Changes from this requirement are subject to review and approval by the director of community development. [COA] [PLANNING]
- GC-5. INDEMNITY:
The applicant/developer shall defend, indemnify, and hold harmless the City, or any of its boards, commissions, agents, officers, and employees (collectively, "City") from any claim, action, or proceeding against the City to attack, set aside, void, or annul, the approval of the project when such claim, action, or proceeding is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the developer of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. [COA] [OFFICE OF THE CITY ATTORNEY]
- GC-6. NOTICE OF FEES PROTEST:
As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the city as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city impact fee schedule. [SDR] [PLANNING/OCA]

GC-7. ENCROACHMENT PERMIT:

Prior to any work in the public right-of-way, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Department of Public Works. [COA] [PUBLIC WORKS]

BP: THE FOLLOWING CONDITIONS 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. 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]

BP-4. PARKING AND BIKE PARKING:

The plans submitted for Building Permit shall clearly label all existing and proposed parking and bike parking spaces; and demonstrate

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- compliance with SMC 19.46 Parking ordinance including provision of Class I bicycle facility and Class II bicycle racks. [COA][PLANNING]
- BP-5. 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-6. DEMOLITION/CONSTRUCTION/RECYCLING WASTE REPORT FORM:
To mitigate the impacts of large projects on local waste disposal, recycling levels and the migration of PCBs, demolition waste weights/volumes including hazardous waste manifests for applicable structures with PCB concentrations greater than 50 ppm, construction weights/volumes, and recycling weights/volumes are to be reported to the City using Sunnyvale.wastetracking.com hosted by Green Halo. As part of the project’s construction specifications, the developer shall track the type, quantity, and disposition of materials generated, and submit these records through the website both periodically and at project completion. [COA] [ENVIRONMENTAL SERVICES]
- BP-7. 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-8. SOLID WASTE AND RECYCLING DISPOSAL PLAN:
A detailed solid waste and recycling disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste and recycling disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for non-residential projects. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- BP-9. EXHAUST AND OPENINGS:
No exhaust fans, doors, windows, or openings, of any kind shall be placed on the wall to the rear or where residential use is located, except as may be required by the City, nor shall any machines or fans be placed on the roof of the building which exhaust dust or odors. The building permit plans shall clearly indicate the location of all exhaust equipment, doors and window and shall be subject to review and approval by the Community Development Director. [COA] [PLANNING]
- BP-10. BEST MANAGEMENT PRACTICES - STORMWATER:
The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.230. 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 Services Department, which may be reached by calling (408) 730-7717.
- 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. Swimming pool water, spa/hot tub, water feature and fountain discharges if discharged to onsite vegetated areas is not a feasible option.
 - v. Fire sprinkler test water, if discharged to onsite vegetated areas is not a feasible option.

[SDR] [PLANNING]

BP-11. EXTERIOR LIGHTING PLAN:

Any modification to the exterior lighting plan, including fixture and pole designs, requires review and approval by the Director of Community Development. Driveway and parking area lights shall include the following:

- a) Sodium vapor (or illumination with an equivalent energy savings).
- b) Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 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 properties.

[COA] [PLANNING]

BP-12. PHOTOMETRIC PLAN:

Any modification to the exterior lighting plan requires a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements. [COA] [PLANNING]

BP-13. 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) Specify the location of the required drop-off/pick-up spaces, continue to operate the drop-off/pick-up functions in separate areas.
- b) Employees shall be required to park on the site.
- c) Provide adequate signage to direct traffic and pedestrians.
- d) Encourage gym patrons and employees to park on the south side of the shopping center to enable parking for patrons to other businesses on the north side of the shopping center.
- e) Factor in requirements in COA#AT-1 including the requirement to stagger class starting times to reduce potential overlap of patrons/students on-site.

[COA] [PLANNING]

BP-14. BUILDING PERMIT REQUIREMENTS – OCCUPANT LOAD, PLAN SUBMITTAL AND CODE COMPLIANCE:

The project shall comply with the following requirements prior to issuance of a Building Permit. All items shall be shown on the building permit set of plans and are subject to review and approval by the Building Official:

- a) Building Permits are required prior to the start of any construction. Submit plans signed and stamped by a licensed professional, along with two copies of structural calculations and all supporting documentation, to the One-Stop Permit Center. Contact the One-Stop Permit Center for electronic submittal requirements.
- b) Building Permit plans shall comply with the Sunnyvale Municipal Code and all applicable provisions of the California Building, Electrical, Plumbing, Mechanical, Green Building, and Energy Codes in effect at the time of permit submittal. The currently adopted code cycle is the 2022 edition.

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- c) Provide the allowable building area calculation to confirm the building size complies with CBC requirements based on the proposed construction type and occupancy classification.
 - d) Provide complete floor plans that clearly identify the size, use, and occupancy classification of each room or area within the building.
 - e) Provide an egress plan for the entire building, indicating egress paths from all rooms and spaces to a point of exit at the public right-of-way, per CBC requirements.
 - f) Provide a complete accessibility plan for both the site and building, in compliance with CBC Chapter 11B. The site plan shall show all accessible paths of travel throughout the site and from the public way to the building entrance(s).

EP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED AS PART OF AN ENCROACHMENT PERMIT APPLICATION.

EP-1. DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:

Developer shall be responsible to rectify any damage to the existing public improvements fronting and adjacent to the project site as a result of project construction, to City's satisfaction by the Public Works Department. All existing streetlight conduits, streetlight wires, streetlight pull boxes, traffic detector loops, and traffic signal conduits shall be protected in place during construction. Any damaged streetlight conduits, streetlight wires, streetlight pull boxes, traffic detector loops, and traffic signal conduits shall be replaced within 7 days at the expense of the developer. [COA] [PUBLIC WORKS]

DC: THE FOLLOWING CONDITIONS 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]

DC-2. TREE PROTECTION:

All tree protection shall be installed and maintained to protect nearby trees, including any street trees, until construction has been completed. [COA] [PLANNING]

- DC-3. CLIMATE ACTION PLAN – OFF ROAD EQUIPMENT REQUIREMENT:
- OR 2.1: Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]), or less. Clear signage will be provided at all access points to remind construction workers of idling restrictions.
- OR 2.2: Construction equipment must be maintained per manufacturer’s specifications.
- OR 2.3: Planning and Building staff will work with project applicants to limit GHG emissions from construction equipment by selecting one of the following measures, at a minimum, as appropriate to the construction project:
- a) Substitute electrified or hybrid equipment for diesel- and gasoline-powered equipment where practical.
 - b) Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
 - c) Avoid the use of on-site generators by connecting to grid electricity or utilizing solar-powered equipment.
 - d) Limit heavy-duty equipment idling time to a period of 3 minutes or less, exceeding CARB regulation minimum requirements of 5 minutes.

[COA] [PLANNING]

- DC-4. DUST CONTROL:
- At all times, the Bay Area Air Quality Management District’s CEQA Guidelines and “Basic Construction Mitigation Measures Recommended for All Proposed Projects”, shall be implemented. [COA] [PLANNING]

AT: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.

- AT-1. PLACES OF ASSEMBLY:
- The approved land use is for a Recreation and Athletic Facility use – specifically, a fitness gym. The business operator(s) shall be subject to the following restrictions:
- a) The business shall comply with the city’s Noise ordinance given its proximity to nearby multifamily residential and office uses.

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- b) The business may include fitness classes, such as gymnastics classes.
 - c) All fitness class starting times shall be staggered by a minimum of **5** minutes to reduce potential overlap of students on-site, if the Recreation and Athletic Facility business is open to the general public. If the business is not open to the general public, then classes do not need to be staggered.

d) Mass assemblies of non-enrolled students are prohibited on-site. The restrictions noted above are general and apply to the approved use or any similar use as deemed by the Director of Community Development. A future operator may request to amend the Condition of Approval days, hours of operation or other aspects of the business operation through a Miscellaneous Plan Permit which would be subject to review by the Director of Community Development, or their designee.
[COA] [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:

- a) The hours of operation are limited to Mondays to Fridays from 9:00 a.m. to 9:30 p.m.; and Saturdays to Sundays from 9:00 a.m. to 6:30 p.m.
- b) Hours extending beyond 9:30 p.m. and before 9:00 a.m. on weekdays and beyond 6:30 p.m. and before 9:00 a.m. on weekends shall require approval of the Director of Community Development through a Miscellaneous Plan Permit given its proximity to residential use. This would also apply to special events on weekends and evenings. A future operator may request to amend the Condition of Approval for evening and weekend classes, and special events through a Miscellaneous Plan Permit which would be subject to review by the Director of Community Development.

[COA] [PLANNING]

AT-3. BUILDING CONDITION OF APPROVAL:

As a condition of approval for the expansion of gold star gymnastics, located at 727 Sunnyvale-Saratoga Road, into the adjacent vacant space at 721 Sunnyvale-Saratoga road formerly occupied by big five sporting goods (721 and 727 Sunnyvale-Saratoga Road are referred to together as the "Combined Premises"), the property owner shall record a Deed Restriction at the time of building permit application and prior to building permit issuance, limiting the total number of occupants within the Combined Premises. Occupancy shall not exceed three hundred (300) individuals at any time. The Deed Restriction shall be in a form approved by the City Attorney and Chief Building Official.

The Combined Premises shall be used exclusively for activities associated with the operation of Gold Star Gymnastics as a gymnastics school. Upon expiration or other termination of Gold Star Gymnastics' lease of the Combined Premises, any future tenant uses shall be subject to reassessment by City's Building Division in accordance with the applicable occupancy classifications outlined in Chapter 3 of the California Building Code, with updated occupant loads determined per Chapter 10 of the California Building Code. (COA)[PLANNING, BUILDING, CITY ATTORNEY]

AT-4. DELIVERY HOURS:

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

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

[SDR] [PLANNING]

AT-5. RECYCLING AND SOLID WASTE:

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

AT-6. STANDARD OPERATING PROCEDURE MANUAL:

Future business operators shall provide Standard Operating Procedures that establish enforceable policies for students and staff including business hours, check in and check out procedures, staggered classes for Community Development Director, or their designee, review to ensure consistency with this application. [COA] [PLANNING]

AT-7. LOUDSPEAKERS PROHIBITED:

Out-of-door loudspeakers shall be prohibited at all times except for emergency notification use. [COA] [PLANNING]

AT-8. UNENCLOSED STORAGE (PROHIBITED):

Unenclosed storage of any kind shall be prohibited on the premises. [COA] [PLANNING]

AT-9. PARKING LOT MAINTENANCE:

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

- a) Maintain all parking lot striping and marking.

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- b) Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.
 - c) Require signs to direct vehicles to additional parking spaces on-site, as needed.

[COA] [PLANNING]